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## HOUSE OF REPRESENTATIVES—*Thursday, June 24, 1971*

The House met at 12 o'clock noon.

Reverend Charles B. Nunn, Jr., First Baptist Church, Bluefield, W. Va., offered the following prayer:

O Lord, our God, as we pray for the Members of this distinguished legislative body and all those who share in its labors, we pause to give Thee thanks, that Thou hast given to us another day of opportunity to serve Thee and the cause of our fellow man.

We would confess our need for Thee. The world is so big, our problems so immense, that we are often frightened by the burdens placed upon us.

We pray for the corrective power of faith that will make distinct our finest thoughts and make possible our most urgent hopes. In these days of darkness and doubts, may the light from Thee shine on us all.

We ask it in the blessed name of the One who has said: "As thy days, so shall thy strength be." Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired; and

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 414. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home.

S. 1206. An act to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States; and

S. 2133. An act to extend the Federal Water Pollution Control Act, as amended, for 3 months.

### REV. CHARLES B. NUNN, JR.

(Mr. KEE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, it is indeed with a deep feeling of humility to welcome our most capable and illustrious Rev. Charles B. Nunn, Jr. of my home city of Bluefield and especially his prayer delivered in the House of Representatives today which was most appropriate during this most critical period in the history of our Nation.

It was my distinct pleasure to know Reverend Nunn while he served his church faithfully in the city of Alexandria, Va., prior to his acceptance of his present assignment in southern West Virginia, which has resulted most beneficially from his dynamic leadership.

During the 3 years he has been in Bluefield he has served as secretary of the mayors committee on annexation; served as cochairman of the Bluefield Beautification Commission; a commissioner on the Bluefield Urban Renewal Authority; served on the board of directors, Mercer County Mental Health Association; board of directors, Bluefield United Fund; board of governors, Golden Age Center. He has likewise been secretary of the Bluefield Ministerial Association; vice chairman of the recent Police Recognition Week, in charge of the speakers bureau; recently appointed to the committee to assist trustees of Bluefield College in the selection of a new president.

He has previously served as "chaplain of the day" in the West Virginia Senate, West Virginia House of Delegates, the U.S. Senate, and today in the U.S. House of Representatives.

As a further recognition he attended the 1970 White House Conference on Children at the invitation of the President. On this coming July 7, he will receive from the city of Bluefield the very first distinguished service award ever given by the city board of directors. The public announcement of this forthcoming award was announced last Tuesday.

### PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

### THE PEOPLE ARE ENTITLED TO THE WHOLE TRUTH

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, I have often been outspoken and critical of decisions of the Federal judiciary. Today I would like to applaud a recent decision of the Federal judiciary, and I refer to the decision rendered yesterday by the U.S. court of appeals permitting the publication of the McNamara study papers relative to our involvement in Vietnam.

The release of these papers and the publication of the truth of our involvement in Southeast Asia is like a fresh breeze blowing away stale and stagnant air.

The American people have a right to know the truth. Who got us into this mess? What officials—in and out of government—are responsible? I say, tell the truth, all of the truth, let the chips fall where they may and let the guilty be damned.

I suspect the main result in suppressing these papers will not be to protect our national security, but an effort to keep certain individuals from being embarrassed.

A point is made that we are causing a strain with our relations with other friendly countries who have been involved in the past. I submit that to suppress publication now is like waiting for the other shoe to drop and would be worse in the long run than letting all the truth come out now.

The American people who have suffered so much, parents, wives, children, are entitled to the truth, the whole truth, and nothing but the truth in this matter.

### PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 19, COORDINATED NATIONAL BOATING SAFETY PROGRAM

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on H.R. 19, to provide for a coordinated national boating safety program.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Monday last, I call up the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

### H.J. RES. 742

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1972, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1971 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1972:

Office of Education and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Agriculture-Environmental and Consumer Protection Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Treasury, Postal Service, and General Government Appropriation Act;

Department of Interior and Related Agencies Appropriation Act; and

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1971, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1971 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1971;

activities for which provision was made in the District of Columbia Appropriation Act, 1971;

activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971, notwithstanding section 10 of Public Law 91-672;

activities for which provision was made in the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1971;

activities for which provision was made in the Military Construction Appropriation Act, 1971;

activities for which provision was made in the Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971;

activities for which provision was made in Public Law 92-7, approved March 30, 1971, for the Department of Transportation and Related Agencies;

activities and allocations in accordance with previous eligibility criteria for waste treatment construction grants and water quality activities of the Environment Protection Agency; for child nutrition programs of the Department of Agriculture; and for activities provided for under the Act of August 1, 1958 (relating to studies of effects of insecticides and other chemicals on fish and wildlife);

activities of the Commission on Railroad Retirement;

activities of the Office of Saline Water, Department of the Interior;

activities of the American Revolution Bicentennial Commission; and

activities of the Appalachian Regional Commission.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1972.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities relating to military credit sales to Israel;

activities for (1) civil rights education, and (2) emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971;

operation of hospitals, institutions, and stations of the Public Health Service;

activities relating to payments to air carriers, Civil Aeronautics Board;

activities of the National Commission on Fire Prevention and Control;

activities of the National Tourism Resources Review Commission; and

activities transferred to the Action agency by Reorganization Plan Numbered 1 of 1971.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 6, 1971, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1971.

SEC. 107. Any appropriation for the fiscal year 1972 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this continuing resolution is necessary as the result of the fact that the appropriation bills for fiscal year 1972, which begins next week, have not been enacted into law.

We have passed through the House several of the bills. According to the present schedule, we shall have passed half the annual appropriation bills for 1972 through the House by the end of this fiscal year—by June 30—of this year—but of course not all of those will have passed the other body by that time. Then there are seven additional appropriation bills for 1972 which we hope to pass through the House in July.

So, this is a "stopgap" measure to provide the departments and agencies of the Government with operating funds from July 1 until August 6, at which time Congress is expected to take a summer recess, or such earlier date as the regular appropriation bills are signed into law. Prior to August 6 we shall have to take a reading of the status of the appropriation bills and, if necessary, pass another continuing resolution. But by August 6 we are hopeful that most of the appropriation bills for fiscal 1972 will have been enacted into law.

Let me say that this continuing resolution is, generally speaking identical with initial continuing resolutions of past years. I would hope, in view of the fact that it is in the standard form and that it is for only 1 month plus, that we could promptly send this measure to the other body so that they may promptly get and thus assure the departments and agencies that they will not have payless paydays or be unable to operate because of lack of funds.

We are especially anxious to pass this measure in this conventional, time-tested form, because if it should be modified or changed or amended in some way different from the standard procedure of the past, we could encounter all manner of delay in the House and in the other body.

That, briefly, is about all I think I need to say in regard to this matter.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman of the committee yielding, especially in view of our colloquy on the floor earlier in the week when the gentleman obtained permission to bring this joint resolution up. He and his very excellent staff have provided me a copy of the joint resolution and of the report. I have reviewed them. This meets every requirement I have. Certainly we must act with fiscal responsibility, and I certainly have no objection, in view of the inherent and customary limitations.

Mr. MAHON. I appreciate the gentleman's comments.

Mr. Speaker, under leave to extend, I include exploratory excerpts from the committee report, No. 92–302:

### CONCEPT AND TIME PERIOD OF THE RESOLUTION

The resolution follows the basic form and concept of similar resolutions of past years. Last year's initial continuing resolution—for fiscal 1971—became Public Law 91–294, approved June 29, 1970.

The time period covered by the accompanying resolution is the month of July and 6 days of August—in other words, to the scheduled summer recess. Judged by comparison with some earlier years this is a very limited time extension of funding authority for the new fiscal year, but it is not inconsistent with the situation of the moment. It is expected that seven of the regular 1972 appropriation bills will have passed the House by July 1; two have passed both bodies. Barring major authorization bill hang-ups, the announced goal is to pass all the bills through the House before August 6. There are high hopes that many of these will be legislatively finalized by that date.

Of course, if any appropriation business is pending final legislative disposition when this continuing resolution expires, it would be necessary to make appropriate interim provision for maintaining necessary functions of government.

### STATUS OF THE APPROPRIATION BILLS

The following is the best current estimate of the status of the 14 regular appropriation bills for the fiscal year 1972:

TENTATIVE SCHEDULE—FISCAL YEAR 1972 REGULAR APPROPRIATION BILLS

| Bill | Reported | House Floor |
|---|---|---|
| 1. Education | March 30 | April 7 |
| 2. Legislative | Tues., June 1 | Fri., June 4 |
| 3. Agric.-EPA, etc | Fri., June 18 | Wed., June 23 |
| 4. Tr.-P.O.-Gen. Govt | Fri., June 18 | Mon., June 28[1] |
| 5. S.J.C.J | Mon., June 21 | Thurs., June 24 |
| 6. HUD-Space-Science-Veterans. | Wed., June 23 | Wed., June 30[1] |
| 7. Interior | Thurs., June 24 | Tues., June 29[1] |
| 8. Transportation | Thurs., July 8 | Tues., July 13[1] |
| 9. Public Works-AEC | Hearings concluded. Report about mid-July or so. Plan to clear House before August 6 recess. | |
| 10. District of Columbia | Hearings conclude about end of June. Reporting depends partly on revenue legislation. Plan to clear House before August 6 recess. | |
| 11. Defense | Hearings concluded. Reporting depends significantly on authorization bill developments, but plan to clear House before August 6 recess. | |
| 12. Military Construction | Hearings conclude about June 28. Reporting depends on authorization bill, but plan to report and clear House before August 6 recess. | |
| 13. Labor-HEW | Hearings concluded June 17. Report about mid-July (OEO; health manpower; juvenile delinquency; etc. not yet authorized). Plan to clear House before August 6 recess. | |
| 14. Foreign Aid | Hearings conclude end of June. Reporting depends on authorization bill, but plan to report and clear House before August 6 recess. | |
| 15. Supplemental, 1972 | Latter part of session. | |

[1] Exact floor dates to be worked out in cooperation with Leadership.

### DETAIL ABOUT THE RESOLUTION

Comporting with continuing resolutions over a period of many years, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the current (fiscal year 1971) rate; the budget request for 1972, where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses. The whole thrust of the resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon.

In this latter connection, last year the Committee became aware that the Department of Defense, under the authority of the continuing resolution for fiscal 1971, had obligated funds for certain programs—programs which were undergoing considerable questioning and criticism by the Congress—at rates which to some considerable extent effectively precluded later action by the Congress to reduce funds for the programs. For many years, it has been necessary to provide stop-gap appropriations through continuing resolutions for the several departments and agencies. Officials having responsibility for managing programs during such interim periods are not—certainly should not be—unaware of the fact that the whole thrust behind these measures is to do *only* the minimum necessary for orderly continuation of activities, preserving to the maximum extent reasonably possible the flexibility of Congress in arriving at final decisions in the regular annual bills. Recognizing the almost countless differing situations involved in operating the far-flung activities of government, continuing resolutions have by design always been drawn rather broadly, counting heavily on administrators to follow a prudent and cautious course in respect to a particular program encompassed within an overall appropriation item.

Without laying down any hard and fast rules and short of encumbering administrative processes with detailed fiscal controls, the Committee nonetheless thinks that to the extent reasonably possible, departments and agencies should avoid the obligation of funds for specific budget line items or program allocations, on which congressional committees have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress. Otherwise, it may become necessary to curtail the interim flexibility now provided in continuing resolutions—a procedure which over the years has generally served its purpose rather satisfactorily.

The general basis of operation is this:

*If the applicable 1972 appropriation bill has passed both Houses* but not cleared conference, and the particular amount or authority therein differs, the pertinent project or activity continues under the lesser of the two amounts and under the more restrictive authority. Section 101(a)(3) deals with this.

*Where a bill has passed only one House, or where an appropriation for a project or activity is included in only one version of a bill as passed by both Houses,* the pertinent project or activity continues under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current fiscal year 1971 rate or the rate permitted by the one House, whichever is the lower. Section 101(a)(4) deals with this.

*Where neither House has passed the applicable appropriation bill for the fiscal year 1972*—and that will, as things now look, be the case for 7 of the 14 scheduled annual bills for 1972—appropriations are provided for *continuing* projects or activities conducted during fiscal year 1971 at the current rate or the rate provided for in the budget estimate for 1972, whichever is lower, and under the more restrictive authority. Section 101(b) deals with this. If there is no budget estimate, special provision is made for continuation until the question is disposed of in the course of processing the applicable regular bill. Section 101(d) deals with this.

*The resolution does not in any way augment the appropriation* for a given project or activity in the regular bills for the fiscal year 1972. In the words of section 105 of the resolution itself:

"SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law."

In other words, while this resolution—as in the case of similar resolutions of previous years—does not enumerate *specific* amounts that may be obligated and expended for the countless activities of government during the period of the resolution (or such shorter period as the resolution may operate as to particular departments or agencies), the controlling factor, known to all who have any responsibility for the management of the programs or the obligation of the funds, is that whatever is used during this interim must be taken out of, or charged against, whatever amount is finally appropriated, or otherwise made available, for the whole year.

*Section 101(a)* and following subsections of that section of the resolution are drawn along conventional lines of similar past resolutions and deal with appropriation bills that, according to the present schedule, will have passed at least one House before July 1.

*Section 101(b)* and following subsections of that section of the resolution are drawn along the conventional lines of similar past resolutions and, generally, encompass those activities to be considered in connection with appropriation bills not yet reported from the Committee on Appropriations or which are otherwise not presently included in a bill.

*Section 101(c)* relates to Senate housekeeping operations and is identical in substance to previous resolutions.

*Section 101(d)*, also drawn along conventional lines, generally deals with activities being conducted in the fiscal year 1971 for which at the moment there is no fiscal 1972 budget estimate or authorizing legislation, and such items are not effectively covered by previous subsections of Section 101.

*Section 102 provides that the resolution ceases to apply* to an agency or activity concurrent with approval by the President of the applicable appropriation bill in which provision for such agency or activity is made. Thus *the scope of the continuing resolution constricts as each bill is enacted; the resolution will be wholly inoperative after the last bill for 1972 is approved, or August 6, whichever first occurs.* Any bills not legislatively finalized by August 6 will have to be covered by another continuing resolution.

*Section 103* is standard, and obviates a lot of unproductive paperwork that would otherwise be necessary.

*Section 104* is standard in continuing resolutions, and is self-explanatory.

*Section 105* is also standard and self-explanatory.

*Section 106* is also standard in continuing resolutions, *forbidding* the use of funds provided in the joint resolution to *initiate any new project or activity or to resume any which was not being conducted in fiscal* 1971.

*Section 107* is a standard-type provision made necessary when general civilian or military pay raises, which are mandatory insofar as administrative discretion is concerned, have not been specifically appropriated for or were not in effect for the full period of the prior fiscal year but which by their operation will be annualized in the fiscal year to which the resolution relates. The going salary rates authorized by any pay raise legislation must be continued uninterrupted at the higher rates even though the related specific appropriation increases have not been enacted.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DEPARTMENT OF AGRICULTURE APPROPRIATION, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 744) making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

### H.J. RES. 744

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, namely:

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For the summer programs of the nonschool feeding program for children, as provided for in H.R. 9270, Ninety-second Congress (as passed by the House of Representatives), to be immediately available, $17,000,000.

Mr. MAHON. Mr. Speaker, this is a resolution which provides $17 million for the summer programs of the nonschool feeding program for children. I would like to read it to the House:

DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE—CHILD NUTRITION PROGRAMS

For the summer programs of the nonschool feeding program for children, as provided for in H.R. 9270, Ninety-second Congress (as passed by the House of Representatives), to be immediately available, $17,000,000.

The regular appropriation bill handled by the distinguished gentleman from Mississippi (Mr. WHITTEN), H.R. 9270, passed in the House last night, will not be enacted into law within the next week or so. We do not want to hinder the summer feeding program for children for which about $17 million was included in H.R. 9270. The whole object of this special resolution is to make funds available immediately.

Mr. BOW. Mr. Speaker, will the gentleman yield to me?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. I thank the distinguished chairman for yielding to me.

I am in full agreement with the joint resolution. These funds were contained in the bill that was passed yesterday, and unless they are made immediately available, this is an exercise in frustration, because the program starts now. If we have to wait until the regular bill clears all of the legislative hurdles, we will deprive these children of the nutrition that we are trying to provide for them. It seems to me to be proper to do this.

I would like to ask this one question for clarification. It is true, is it not, that the $17 million will come out of the appropriation which was passed yesterday?

Mr. MAHON. This is my understanding.

Mr. BOW. This is not an additional $17 million but is $17 million that was included in the bill?

Mr. MAHON. I yield to the gentleman from Mississippi who managed the regular bill on the House floor yesterday for a response to the gentleman.

Mr. WHITTEN. We wanted to handle it separately and not get it involved in the other bill. It is handled as a separate item here.

Mr. BOW. This will be made immediately available and it is included in the bill that was passed yesterday?

Mr. WHITTEN. A similar amount is included in that bill. I would contemplate that they will balance each other off, but rather than get complicated here and have some trouble getting this approved, we did not do so at this point.

Mr. BOW. I understand that, but do I understand that when we do go to conference on the Agriculture bill this will be considered as being in that bill and this is not an additional appropriation?

Mr. WHITTEN. I would be willing so to act myself.

Mr. BOW. I hope that is right, because if we were appropriating an additional $17 million, then it seems to me it would take a great deal of more debate and substantiation. I would hope we are.

Mr. WHITTEN. I say I would certainly be of that mind. The reason why we have not done it the other way at this time is to keep from getting the whole bill involved in this one. That might result in not getting this through.

Mr. MAHON. I agree with the gentleman that we should keep this whole matter connected with the regular bill when we go to conference with the other body on it.

Mr. BOW. And, the gentleman does not expect it to be an additional appropriation of $17 million.

Mr. MAHON. We would certainly hope not.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding, and just to further drive home the point that my distinguished colleague, the ranking minority member on the Appropriations Committee has made, is it not obvious, as stated in the Joint Resolution 744 that this is "a summer program for nonschool feeding of children"—the feeding of nonschool children is the way I would express that—"as provided for in H.R. 9270, 92d Congress," which was the agricultural appropriation bill that we passed last evening. Therefore, this additional $17 million, which was the amendment of the gentleman from Mississippi for $11.2 million, as I recall it and the $5 million some odd, that was already in the bill, has to be only those funds included in that appropriation.

I think we need to really wrap up this legislative record or else I shall be constrained to vote against this joint resolution, if there is any possibility that this is an additional $17 million.

Mr. MAHON. As the author of the joint resolution now pending before us, it is not my intention that it be an additional appropriation.

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Texas has expired.

Mr. HALL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I shall be glad to yield further to the distinguished chairman of the Committee on Appropriations, the author of this resolution.

Mr. MAHON. The purpose of this resolution, of course, is to make funds immediately available for these summer feeding programs. They are programs for children who would be in school during their regular school year but the facilities of the schools and the recreational facilities will be used to try to give them recreation during the summer months.

The cities are very much interested in the program. I think the program is an excellent one. It is an authorized program. It is contained in the budget. What this resolution does is to provide the funds immediately.

That is the purpose of this resolution and if it were otherwise I would be inclined to follow the reasoning which has been pointed out by the gentleman from Missouri.

Mr. HALL. I appreciate that and that is the legislative record that I wanted to make.

Mr. Speaker, I believe no one can object to the purpose as stated here on the floor and as written into this joint resolution that the funds be made immediately available. However, we want to be sure that (a) they are not duplicating those passed in the Subcommittee on Appropriations Agricultural Act last evening and, indeed, are those self-same funds and they will be taken out of that appropriation when it finally becomes law either directly or via conference, as stated by the gentleman from Ohio and agreed to by the chairman of the Subcommittee on Agricultural Appropriations, the gentleman from Mississippi (Mr. WHITTEN).

The second point is there has been much colloquy on the floor recently about breakfast funds to the added extent of about $35 million for schoolchildren, authorized by the Committee on Education and Labor. These funds we are now talking about that were considered in the Subcommittee on Appropriations for Agriculture are made to those nonschoolchildren; is that a correct statement?

Mr. MAHON. My understanding is that the gentleman's statement is absolutely correct.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The origin of this resolution was an article that appeared in the Washington Post which I called to the attention of the distinguished gentleman from Mississippi (Mr. WHITTEN) and that article read in part as follows:

> The Agriculture Department has informed big cities throughout the country that they will not receive expected funds to feed hundreds of thousands of poor children this summer.

Mr. HALL. I think the gentleman ought to quit while he is ahead.

Mr. YATES. I just wanted to finish my statement, if the gentleman will yield further. If not, I will get my own time.

Mr. HALL. I would be glad to yield further to the gentleman from Illinois.

Mr. YATES. The gentleman from Mississippi was kind enough to start the machinery for making this money available. That was the purpose of this emergency resolution.

Mr. HALL. The gentleman agrees with the last response, that it is not duplicative?

Mr. YATES. Yes. This resolution will provide needed funds this summer for needy children.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. I regret that I was not here when this dialog started, but is this purely for lunch programs, for the feeding of schoolchildren? Is this $17 million solely for the purpose of furnishing nourishment to them?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished chairman for an answer.

Mr. MAHON. This is for these day-care programs in the summer for the children, and for their lunches in connection with the recreational programs. This is what these funds will be expended for. This is the amount it is estimated will be required to carry on the program.

Mr. GROSS. I just want to make certain, if the gentleman will yield further——

Mr. HALL. I will be glad to yield further to the gentleman from Iowa.

Mr. GROSS. I just want to be sure that this in no way finances the $40 a week each for some 1,000 elementary pupils in the District of Columbia to go to school this summer for 2 or 3 or 4 hours a day because of failures in classwork during the past school year.

Mr. MAHON. It does not do so at all.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wonder if I might have the attention of the distinguished gentleman from Texas (Mr. MAHON) the chairman of the committee.

The chairman yesterday mentioned cities and again today he mentioned cities in relation to this amendment. All I want to ask is whether these funds are specifically designated for the cities only, and not for the rural areas also?

Mr. MAHON. If the gentleman will yield, the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor which handles the basic legislation, is here, but I am sure I can speak with authority and say that the funds are not just for the cities, but rather for communities generally.

Mr. PERKINS. If the gentleman will yield, it is allocated under section 13 in the school lunch program.

Mr. DE LA GARZA. Mr. Speaker, I will be glad to yield to the gentleman from Kentucky in just a second. I am concerned that the rural areas such as the one that I represent might not be included. These rural areas have the same problems, although smaller in nature, but nonetheless they are the same problems as those of the larger cities. I believe that too much emphasis has been placed lately upon the plight of the cities, at least, in the colloquies here, but I am concerned with the plight of the rural areas that basically, as the distinguished chairman, the gentleman from Texas (Mr. MAHON) and I represent.

I yield to the gentleman from Kentucky, the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, this program is for the nonschool food programs throughout the country, both rural and city, under section 13 of the National School Lunch Act. When the administration made a check, they checked and found a great demand from several of the large cities. I know the Department did not make a check of the rural areas, but the authorization under section 13 is $32 million which is allocated to all the States on an equitable formula under the appropriation you can provide food for the nonschoolchildren in day-care centers. You can feed them breakfast, and you can feed them dinner, and you can feed them supper, just so they are not in school, and as long as the children are in day-care centers.

The summertime programs are outstanding. The demand is there, and this will permit the funding of the nonschool food programs in both rural and urban areas.

Mr. DE LA GARZA. I think the chairman and I agree with the intent of the amendment, and the purpose, but I want to be perfectly clear that it is understood in the legislative history that this is for all children, regardless of whether they are in rural America, or in the large cities. We must not disregard the plight of rural America.

Mr. Speaker, I yield back the balance of my time.

Mr. COLLINS of Illinois. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would just like to thank the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) for this timely amendment. I have received many calls from Chicago from people who are concerned with this program, particularly referring to the amount that the State of Illinois received last year.

I wonder if the distinguished chairman would address himself to that point, as to whether or not the State of Illinois will receive the same funds as it did last year?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, I do not have here a breakdown of just how much each area or State will receive, but the funds I would think would be at least equivalent to what the funds were last year for the areas generally.

The gentleman from Mississippi (Mr. WHITTEN) might wish to add to this.

Mr. WHITTEN. May I say that I understand that the Secretary of Agriculture, in a press release, has indicated that the additional $11.2 million, which the House has now approved, will assure that every city will receive at least as much money as they had last year. It would be hoped that it would be larger, but we have been given the assurance that it at least would reach the level they had last year.

Mr. COLLINS of Illinois. I would like to say to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) on behalf of Dr. Deton Brooks, the administrator of our program in the city of Chicago, that we are grateful to you for your timeliness.

Mr. MAHON. We thought we ought to do something quickly about the situation because we felt it was an emergency. I thank the gentleman.

Mr. COLLINS of Illinois. If I may ask the gentleman one further question. Is my understanding correct with reference to this amendment that immediately on the passage of this amendment, the funds would be available for this program?

Mr. MAHON. The gentleman is correct; when the joint resolution is enacted into law, the funds would be immediately available.

Mr. COLLINS of Illinois. I thank the gentleman very much.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous material in connection with both resolutions that have been considered by the House and that other Members speaking on the resolution may be permitted to revise and extend their remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the distinguished gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9272, with Mr. Abernethy in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from New York (Mr. ROONEY) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Bow) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this bill, H.R. 9272, making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies carries a total of $4,036,898 in new obligational authority and is $168,099,000 below the total request presented to the committee. It is $213,545,700 over the total appropriated for the current fiscal year.

Of this increase, about $80 million is required for increased pay costs submitted in House Document No. 92-93.

The following table summarizes the amounts recommended in the bill in comparison with the budget estimates for fiscal year 1972 and the appropriations for fiscal year 1971:

| | | | | Bill compared with— | |
|---|---|---|---|---|---|
| Department or agency (1) | New budget (obligational) authority, fiscal year 1971 (enacted to date) (2) | Budget estimates of new (obligational) authority, fiscal year 1972 (3) | New budget (obligational) authority recommended in bill (4) | New budget (obligational) authority, fiscal year 1971 (5) | Budget estimates of new (obligational) authority, fiscal year 1972 (6) |
| Department of State | $462,234,800 | $509,598,000 | $491,673,000 | +$29,438,200 | −$17,925,000 |
| Department of Justice | 1,250,862,000 | 1,577,471,000 | 1,552,696,000 | +301,834,000 | −24,775,000 |
| Department of Commerce | 1,054,976,000 | 1,258,020,000 | 1,176,772,000 | +121,796,000 | −81,248,000 |
| The judiciary | 153,665,100 | 178,679,000 | 169,531,000 | +15,865,900 | −9,148,000 |
| Related agencies | 901,614,400 | 681,229,000 | 646,226,000 | −255,388,400 | −35,003,000 |
| Total | 3,823,352,300 | 4,204,997,000 | 4,036,898,000 | +213,545,700 | −168,099,000 |

The first of the agencies with which we shall concern ourselves in this bill is the Department of State. The budget estimates for the Department of State for the fiscal year 1972 total $509,598,000. The committee has included in the accompanying bill $491,673,000, which is a reduction of $17,925,000 in the total amount of the budget estimates and is an increase of $29,438,200 over the total appropriations for the current fiscal year.

I might say with regard to the Department of State appropriations that the largest item, and the lifeblood of the Department of State as well as the Foreign Service, is the appropriation entitled "Salaries and expenses." There is included herewith for salaries and expenses $244,750,000. This total amount will provide for 13,560 positions, of which 8,469 are American, and 5,091 are local or foreign employees. The total number of positions is 1,263 less than the total of 10 years ago.

At this point I should say that the American taxpayer owes thanks for this situation, whereby the number of positions is 1,263 less than it was 10 years ago, to former Secretary of State Dean Rusk and the present Secretary of State William P. Rogers.

I shall skip the portion of the report entitled "Representation allowances" for the reason that that item is in the same amount as it has been for a number of years now.

Next, we get to the item "Contributions to international organizations." There is included in the bill a total of $152,774,000 for payment of the annual obligations of membership in certain international multilateral organizations pursuant to treaties, conventions, or specific acts of Congress. This amount is an increase of $11,455,000 over the total appropriated for the current fiscal year. The major portion of the increase is for the United Nations and specialized agencies, even though the committee has included no funds for the International Labor Organization.

Much misinformation has been published concerning the withholding of ILO funds by the Congress. In fact, we expect an amendment will be offered here in the Committee of the Whole to restore the ILO money. It would appear that the amendment that is going to be offered will be offered by Members who cannot say that they are thereby representing the thoughts of the top people in the Government of the United States.

As I have said, much misinformation has been published in this regard, alleging that it was done because of a single undesirable appointment. That was but a catalyst. According to the testimony, the deterioration of the ILO has been going on for many years.

The following is an excerpt from the testimony of President George Meany, AFL-CIO, before the subcommittee on July 31, 1970:

> Mr. MEANY. What has happened since the Soviets came into the ILO is that the ILO has become a sounding board more and more each year for political discussions. Those of us who have attended ILO meetings in the last few years have been subjected to the indignity of listening to speaker after speaker on the resolutions committee denouncing the United States of America. This has become a forum for Russian political propaganda, and there is no effort made by the Office of the ILO to stop this.
>
> Since no other effective means had been used, the Congress cut off funds last year. What were the results?
>
> This is what Hon. George H. Hildebrand, Deputy Under Secretary for International Affairs, Department of Labor, testified on March 10, 1971:
>
> Mr. ROONEY. Mr. Secretary, would you say that in the past 6 months, you have made more progress than you did heretofore in the ILO?
>
> Mr. HILDEBRAND. Well, within the period I have served in this job, yes. I have been in the post only a little less than 2 years.
>
> Mr. ROONEY. Taking the 2 years, you have made more progress in the ILO in the last 6 months than you did in the previous year and a half?
>
> Mr. HILDEBRAND. Exactly.
>
> Mr. ROONEY. Thank you very much, Mr. Secretary.
>
> Mr. HILDEBRAND. Thank you, sir.

I want to point out that the ILO is not a U.N. organization in the full sense of the word. The ILO is an American organization which was founded in 1920, following World War I, by Samuel Gompers, the head of the American Federation of Labor. It can be a very, very good organization, and there is not a single member of the committee who feels that we should at any time, abandon our membership in this organization.

Do Members know that the Soviet Union has never contributed a ruble to the $100 million loan that was made to the U.N. some years back when they were strapped for money? Do Members know they never contributed a ruble to the Congo operation, which was very expensive, and that they never contributed a ruble to the Middle East police force, either?

If they can do these things and let their arrearages go on and then come in just before the 2-year period is up and pay 6 months' dues, I say we can do the same. We do not need anybody pussyfooting around this place talking about the sanctity of the United Nations. We do not intend to withdraw from the United Nations and we do not intend to withdraw from the ILO. But we want to have the say we are entitled to in the ILO when we contribute 25 percent of its funds.

This organization has become drunk with power under an Englishman named Jenks. I will give an example of this. I was in Geneva in January on this very matter. I was utterly amazed to find out that there was then and there under construction a $25 million new building for ILO. I had never heard of this building before. The State Department has admitted in testimony, by Assistant Secretary De Palma, that neither the Senate nor the House was notified of such a project. They were already digging the foundations, if you please, and inserting the basic steel work for the new $25 million ILO building.

The American taxpayers will have to pay 25 percent of that. But there was no notice to the taxpayers of America, no notice either to the Senate Committee on Appropriations or to the House Committee on Appropriations.

This is the kind of fiscal irresponsibility that we are not going to permit any longer.

The U.N. and the State Department had the effrontery to come before us twice with a project for a $92 million building complex in New York City. I am a New Yorker, and I pay taxes in New York City. Under that proposal of the United Nations they planned to have the American taxpayers who live in New York City contribute to a total, by way of Federal taxes and by way of city taxes, of $65 million out of the $92 million, or 70 percent.

Now, this is utter fiscal irresponsibility, and we do not intend to permit it. We will have more to say upon this if and when an amendment is offered today.

We shall now proceed to the Department of Justice. The budget estimates for the fiscal year 1972 for the Department of Justice total $1,577,471,000. The committee in the accompanying bill recommends $1,552,696,000. The amount recommended is an increase of $301,834,000 over the total of the appropriations for this Department for the current fiscal year.

There is, as Members must have noticed, included in the bill the full amount requested for the Federal Bureau of Investigation. This would provide for a total of 20,727 full-year employees, of which 8,873 are special agents and 11,854 are clerks.

The full amount has also been allowed for the Immigration and Naturalization Service, which includes the Border Patrol.

With respect to the Federal prison system, the bill contains $174,342,000.

In connection with buildings and facilities, there is set forth at page 11 of the committee report the facilities for which funds are being appropriated in order of priority as given to the committee by the Bureau of Prisons of the Department of Justice.

With regard to the Law Enforcement Assistance Administration, the committee has included in the bill the sum of $698,919,000, which is the full amount of the budget estimate for grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

There is included in this bill the full amount requested, to wit, $57,089,000, for the Bureau of Narcotics and Dangerous Drugs.

Now we refer to the Department of Commerce.

The revised budget estimates for this department for fiscal year 1972 amounted to a total of $1,258,020,000 in new budget authority plus $240,544,000 for liquidation of contract authorization. The committee recommends the full amount requested for liquidation of contract authority. There is an increase of $121,796,000 in new budget authority over the comparable amounts appropriated for fiscal year 1971, but there is a reduction of $81,248,000 from the total funds requested for fiscal year 1972.

As we get to this point in the bill, and also with regard to certain items in the related agencies as well as in the Department of Justice, I want to point out that the bill represents the thinking of a majority of the committee. It does not represent the judgment or the thinking of the chairman of the subcommittee in every instance, particularly in the instances where appropriations were cut for enforcement of civil rights. However, the overwhelming majority of the committee wrote the amounts included for the enforcement of civil rights, and I must present them to the Committee of the Whole.

With regard to trade adjustment assistance, which is an item that has been on the statute books since 1962, to wit, the Trade Expansion Act of 1962, there is included in the bill the huge sum of $65 million for financial assistance to firms that are injured and threatened by increased imports under the provisions of that act.

With regard to the item for the Maritime Administration, the bill includes a total of $524,505,000, for the six items which make up appropriations for this Administration. This amount includes $283,961,000 in new budget authority and $240,544,000 for the liquidation of contract authority. There is included for ship construction the amount of $229,687,000. These figures represent the amount authorized by the House in the bill authorizing apppropriations for the Maritime Administration.

Now we get to the Federal judiciary. This includes all of the courts in the land from the Supreme Court of the United States down, with the exception of the Tax Court. The total amount of the estimates for fiscal year 1972 as prepared and presented by the judicial branch of the Government is $178,679,000.

The committee has allowed a total of $169,531,000, which is a reduction of $9,148,000 in the total amount requested and is an increase of $15,865,900 over the appropriation for fiscal year 1971.

The amounts allowed for the Supreme Court of the United States are set forth in detail at page 19 of the committee report.

Now, with regard to the related agencies included in this bill, if my memory serves me right, there are 12 such agencies, some of them quite large, such as the Small Business Administration and the U.S. Information Agency. A total of $646,226,000 is included in this bill for the 12 different agencies. This represents a reduction of $35,003,000 and is $255,388,400 below the total appropriated for the current fiscal year.

Supplemental appropriations of $365 million for the disaster loan fund for the Small Business Administration were necessary in the current fiscal year, which accounts for the substantial decrease in the overall comparative figures for this title in the bill.

There is included in the bill for the Small Business Administration a total of $398,787,000 in four separate appropriation items.

In connection with the business loan and investment fund, the committee was requested for an allowance of $25 million to be made available to increase the number of direct loans. The committee doubled the amount and made the amount available out of the total for direct loans $50 million. This may be found at page 601 of part 4 of the hearings.

Now, Mr. Chairman, this generally accounts for many of the important items contained in this large appropriation bill and at this point I shall conclude. I shall be glad to yield to any Member who desires to direct a question at this time. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from New York (Mr. ROONEY), chairman of the subcommittee, and the ranking minority member, the gentleman from Ohio (Mr. BOW), and other members of the subcommittee for refusing to put into the bill any money for the International Labor Organization.

It was my privilege to serve on a subcommittee some 5 or 6 years ago which went into the ILO situation then and anyone could see then that it was almost inevitable that the ILO, insofar as we were concerned, was becoming a meaningless organization, insofar as the U.S. voice in this organization was concerned.

So, I compliment the gentleman and the subcommittee for refusing to put money in this organization until the organization——

Mr. ROONEY of New York. We intend to let payments go until the last minute.

I must remind the gentleman that there is no interest on any arrearages that we owe or will owe. But we will wait until the last minute.

Mr. GROSS. I doubt that I would pay anything at all unti the 2 years expire.

Mr. ROONEY of New York. Oh, we have no intention of doing it before then. I said, "At the last minute."

Mr. GROSS. I thought, perhaps, that would be sometime this year.

Mr. ROONEY of New York. Not so soon.

Mr. GROSS. Is there any money in this bill for any building expansion of the Tower of Babel in New York, otherwise known as the United Nations?

Mr. ROONEY of New York. No; there is not. I might remind the gentleman from Iowa that a $20 million request was before the House of Representatives and the Senate on two separate occasions, and was defeated each time.

Mr. GROSS. But we are still putting up some $52 million a year for the upkeep of that outfit?

Mr. ROONEY of New York. I think the regular share at the U.N. comes to a much larger amount than that.

Mr. GROSS. I am speaking of the money in this bill.

Mr. ROONEY of New York. Yes; that is what I am thinking of.

Mr. GROSS. What are the arrearages to date, the unpaid dues to this club?

Mr. ROONEY of New York. The gentleman is correct insofar as the U.N. itself is concerned, but I do want the committee to understand that, as set forth at page 55 of the report, there are also contributions to UNESCO, the International Civil Aviation Organization, the World Health Organization, and so forth, and they come to a total of $107,888.041.

Mr. GROSS. I thank the gentleman from New York for that figure. I was alluding, as the gentleman knows, to the U.N. itself.

What are the arrearages, the delinquencies in the payment of dues to the organization?

Mr. ROONEY of New York. They are listed in the printed hearings, and if the gentleman will permit me I will find the page number. We always set forth and include in the printed RECORD a statement of the various nations and the amount of money that they are in arrears.

Mr. GROSS. Our contribution of $5 million is almost the amount of the debts owed to the United Nations by other member countries, is that not a gospel fact?

Mr. ROONEY of New York. That may be true.

Mr. GROSS. I wonder how much longer we are going to contribute to this dead-beat organization?

Mr. ROONEY of New York. I am hopeful that the committee will be supported today when we get to the vote on the ILO. That will have a great bearing on this very thing. We think that they are not fair to us in agreeing to pay the amount that we do to UNESCO. I know that they are not fair to us in the regular U.N. budget.

Does the gentleman know that these international organizations, without notice to us at all, are in the construction business, I might say, all over the world? There is presently under construction in Addis Ababa, Ethiopia, a new building. I think there is another one in Karachi—no, in Bangkok, Thailand.

Mr. GROSS. Yes; and we are putting up at least a third of the cost of that U.N. building in Thailand.

Mr. ROONEY of New York. That is correct. Right now there are two huge buildings being constructed by ILO and the U.N. in the city of Geneva, Switzerland. The United Nations is presently constructing, at a cost of 27-plus millions of dollars, an addition to the Palace of Nations in Geneva, so that it can seat 2,700 delegates in it and hold U.N. meetings there. They are not fair with us at all. It is unfortunate that we have had some people in the State Department in this area who do not report these sorts of things to the Congress of the United States or the taxpayers.

Mr. GROSS. If the gentleman will yield further, what is more important to me is that they are not being fair to the taxpayers of the United States.

Mr. ROONEY of New York. That is exactly so.

Mr. GROSS. The American taxpayers who are staggering under a terrific load these days—they are not being fair to this country and, as the gentleman says, they are not being fair to the Congress of the United States.

A few years ago there were some 74 or 76 members of the U.N., and at that time we put up, as I recall, 33⅓ percent. In recent years we have put up 31.5 percent as this bill provides although the membership in this club known as the United Nations has increased to 126. How in all conscience——

Mr. ROONEY of New York. It is in the 120's.

Mr. GROSS. Yes; and why in all conscience should we be loaded with this high appropriation for the United Nations in view of the tremendous increase in the membership?

Mr. ROONEY of New York. I just think we are not competently represented at the budget meetings of the U.N. and the U.N. organizations.

Of course, we have had Members of this body and of the other body attend the U.N. as observers—but nobody who was doing any such observing ever came back and reported anything to the Committee on Appropriations except that they were complaining about not having a sufficient per diem allowance.

Mr. GROSS. The gentleman a few moments ago mentioned the representation allowance for the State Department and I believe he said that is static or being held at the level of last year at some $900,000. This causes me to ask the gentleman a question—whether the price of liquor has gone down or whether the striped pants crowd are drinking less?

Mr. ROONEY of New York. The committee has no information to the effect that the price has gone down. It is claimed that prices and wages all over the world have gone up.

Mr. GROSS. Then they must be drinking less—is that the gentleman's conclusion?

Mr. ROONEY of New York. That might be one conclusion, but I am not sure I would rush to it. They may be using different brands.

Mr. GROSS. Or using contingency funds or something of that nature?

Mr. ROONEY of New York. I do not think so. I think they would be afraid to do that.

Mr. GROSS. I hope the gentleman is right.

Mr. ROONEY of New York. I hope so too.

Mr. GROSS. It is hard to understand why there is all this increase.

Mr. ROONEY of New York. In connection with this bill, I was very much amazed to find out that the lady running the passport office had been collecting an extra $2 fee to "expedite the issuance" of passports. That is utterly illegal, not authorized by law. The fee for the passport was $10 and there were signs in the passport agencies saying that if the public wanted the issuance of a passport expedited, they should pay $2 extra.

Now do you know this fund reached the total of well over a half million dollars in a year, and that over a period of years the State Department did not know about it and that the appropriations comittees of the House and Senate did not know about it. What do you think happened to this money collected over those years? The lady spent it as she pleased. She decided to spend so much for printing and so much for personnel and for this, that and the other thing. She never appeared before the Congress to request an appropriation nor was there ever deposited any of the money in miscellaneous receipts of the Treasury as required by law.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I wonder what will happen to the $2 now being collected for the issuance of passport applications in the post offices of the country. Do you suppose that revenue will go for knickknacks?

Mr. ROONEY of New York. No, I do not think so. That goes directly to the Post Office.

Mr. GROSS. To the funds for the operation of the new postal corporation?

Mr. ROONEY of New York. Yes, that is correct.

Mr. GROSS. I wonder if the gentleman is going to be able to keep tabs on that.

Mr. ROONEY of New York. We will look it over as best we can.

Mr. GROSS. Does the gentleman's subcommittee handle that?

Mr. ROONEY of New York. We shall look it over. As a matter of fact we were surprised to learn during the hearings that the employees of the Post Office in a number of areas in these United States did as good a job as clerks of courts who had been accepting passport applications for many years.

Mr. GROSS. I doubt that the gentleman can say that with respect to security. Moreover, the rate of error, I am told, has been substantially more than that of the passport offices and trained employees.

Mr. ROONEY of New York. I do not think that is the case.

Mr. GROSS. Well, I disagree with the gentleman on that, and I will be interested to see where the $2 goes. Does the gentleman know who fixed the $2 fee to be paid for the issuance of an application through the post offices? Does he know where the $2 fee was set up?

Mr. ROONEY of New York. That was done by legislation that was passed by both Houses of the Congress and signed by the President.

Mr. GROSS. I think the gentleman will find the fee was arbitrarily fixed in the beginning. Mr. Chairman, I thank the gentleman for yielding

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I commend the chairman, the ranking member, and the other members of the subcommittee on the excellent work which, as usual, they have done on this legislation. I do have one question, however, related to the Department of State and the International Boundary and Water Commission between the United States and Mexico.

It appears from the report that construction funds for the next year have been put in one lump sum. We have in my area the Lower Rio Grande Valley flood control project, and I wonder if the distinguished chairman could shed some light as to the prospects for funds for the next fiscal year.

Mr. ROONEY of New York. As the gentleman knows, the committee has always been more or less quite favorable to the Lower Rio Grande River flood control project. We can assure the gentleman that the amount allowed in the present bill will provide sufficient funds, not less than $3.8 million to proceed with construction in the coming year.

Mr. DE LA GARZA. I appreciate the reassurance of the Chairman in this respect. We are approximating the hurricane season. We must continue with the project as fast as possible, and I feel that if we continue, at least at the present rate of construction, it would serve the purpose under the circumstances.

Again I thank the gentleman for his cooperation, as always.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman. I would like to get an indication of whether or not the United States is presently delinquent with respect to its dues to the International Labor Organization. If it is delinquent, I wonder if the committee could be provided with the dollar amounts in which we are presently in arrears.

Mr. ROONEY of New York. We are not in arrears to the point where we have lost any of our rights and privileges, I will say to the gentleman.

Mr. FRELINGHUYSEN. I recognize that. I wonder if the gentleman would be good enough to tell us the amount of the delinquency, and also when we will be delinquent for long enough to be no longer considered a voting member of the ILO?

Mr. ROONEY of New York. Two years.

Mr. FRELINGHUYSEN. When would that deadline be? January 4, 1972?

Mr. ROONEY of New York. No. We are going to watch the deadline very carefully, I would say to the gentleman.

Mr. FRELINGHUYSEN. Would the gentleman inform the committee what the present arrearages are?

Mr. ROONEY of New York. The gentleman is an outstanding member of the Committee on Foreign Affairs. I thought we might get that sort of information from him.

Mr. FRELINGHUYSEN. I would be glad to provide it to the gentleman from New York, but I assumed he must know. And I would assume it is quite possible that members who are not on the Foreign Affairs Committee do not know that we are presently delinquent almost $4 million, and that this delinquency will increase by some $8 million more this year if we do not pay our dues. I think this is of sufficient importance to be called to our attention.

Mr. ROONEY of New York. Does the gentleman know how much interest we must pay on these dues as the result of the pathetic situation he is painting?

Mr. FRELINGHUYSEN. I am not sure to what pathetic situation the gentleman refers.

Mr. ROONEY of New York. The one which was just described by the gentleman.

Mr. FRELINGHUYSEN. I think it is pathetic that we should be in arrears in our obligations to an international organization.

Mr. ROONEY of New York. The gentleman is evading the question. The question was: Does the gentleman know how much interest has accrued as the result of the situation to which he referred?

Mr. FRELINGHUYSEN. Interest owed to whom and by whom, may I ask the gentleman?

Mr. ROONEY of New York. Interest to either the ILO or anybody else as the result of not paying the dues on time.

Mr. FRELINGHUYSEN. I think it is a humiliating spectacle——

Mr. ROONEY of New York. If the gentleman does not wish to answer this simple question, it is all right with the gentleman from New York.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I intend to offer an amendment at the proper time. Meanwhile, I have some questions I would like to direct to the very distinguished chairman of the subcommittee. It has to do with the so-called community relations services. In your committee print, on page 9, it is stated that this resulted from title X of the Civil Rights Act of 1964.

Was this community relations service set up since then, or was it not a service that was quite substantially put into being, into essence, after 1967?

Mr. ROONEY of New York. I must say to the distinguished gentleman that the service was established by title X of the Civil Rights Act of 1964, to provide assistance to communities in resolving disputes, disagreements and difficulties arising from discriminatory practices which disrupt or threaten to disrupt peaceful relations among citizens and also, where efforts are being made to eliminate disparities between groups, to achieve compliance with the act and to reduce and prevent racial disorders.

Mr. GONZALEZ. Yes. I know that is the intent or professed purpose of this Bureau. The question I had is, is it not true it was not until about 1968 or 1967.

Mr. ROONEY of New York. No, no. The Congress appropriated $1.1 million in the Supplemental Appropriation Act for fiscal year 1965, and appropriated $1.3 million in fiscal year 1966.

Mr. GONZALEZ. That is right.

Mr. ROONEY of New York. And $1.5 million in fiscal year 1967.

Mr. GONZALEZ. That is right. But they are now asking for five times that amount, Mr. Chairman.

Mr. ROONEY of New York. That is correct.

Mr. GONZALEZ. So I think I am correct when I say that.

Mr. ROONEY of New York. The gentleman understands the committee cut this request; does he not?

Mr. GONZALEZ. I understand.

Mr. ROONEY of New York. That was the judgment of the majority of the members of the committee. It was not my judgment. My judgment was to allow the full amount.

Mr. GONZALEZ. I am going to try to develop later, when I present my amendment, another point, if given an opportunity to develop it, an essential thesis which the committee may not be in full possession of all the facts about concerning the activities of this division, and, if it were to have this, would seriously revise the budgetary allocations for this particular activity.

I am sorry to report that the experience in my particular area is the very opposite of what was intended by law and by administrative fiat should be the basic purpose of this Service. If so, I believe the committee should be aware of it.

I wrote a letter on May 20. I addressed it to the overall chairman, the illustrious GEORGE MAHON. To my knowledge I have not had any acknowledgment. This letter concerns a matter of vital concern to me and the community I represent. I will offer it later as a part of the RECORD, because it indicates there are serious miscarriages of the intended purpose of this Community Relations Service.

I believe every one of us in the Congress, not only on the committee, ought to know and ought to take appropriate action. If the intended purpose as set forth beautifully in the committee report is to alleviate the tensions and discrepancies that exist between our social entities—if that is the intended purpose—my experience and the facts I have garnered in my district indicate that they are doing the very opposite. They are bringing about cleavages. They are bringing about the very things the law says they are set up to try to prevent. This is very disturbing to me.

I will not take time further now. I just wanted to ask if this had not been the history. I believe the gentleman's answer corroborates that this agency has been multiplied 500 percent since 1968. I thank the gentleman.

Mr. ROONEY of New York. I might point out to my distinguished friend from Texas—and I did know him before he became a Member of this body, for I met him on one memorable day down at the Alamo——

Mr. GONZALEZ. That is right.

Mr. ROONEY of New York. I must say his complaint is not singular. We have a member of the Appropriations Committee who makes a similar complaint. But the same sort of complaint is made with regard to all the civil rights items in this bill, and there are a number of them—the Civil Rights Commission, the Office of Minority Business Enterprise in the Department of Commerce, and the Equal Employment Opportunity Commission. But it is not my intention, so far as I am concerned, to burn down these houses because of these complaints.

I think the matter of fairness to minority peoples is too important to take such a drastic step. However, that merely represents my own thinking.

Mr. GONZALEZ. The chairman I think expresses a very sound philosophy. In fact, it is my thought that he is quite correct when he says our acquaintance antedates my coming to this very important body. We did meet at the Alamo in San Antonio. It was a very, very happy occasion and one that I still cherish, because I have always looked up to this distinguished Member of Congress and share his sentiments. In fact, I think I have been identified in earlier and harsher days, when I was in the State senate in Texas in 1957 and fought vigorously against prejudicial legislation.

However, that is not the point here. Two wrongs do not make a right. I agree that even though the stated purpose for which this service has come into being is correct, and I am for it, I still think we should look into its activities and see how it is being administered and what is happening under it, because if what is happening is what is reflected in my section of the country and if that is generally true in other sections of the country, then I believe it behooves the chairman and the committee to revise its oversight of this particular activity in this particular part of its function.

Mr. ROONEY of New York. Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, the gentleman from New York may recall that I spoke to him at one time in the early spring about a matter of failure of service on the part of our consular office at Guadalajara, Mexico.

Before the Congress convened in January we happened to be in Mexico for a few days. We were in the city of Guadalajara on a Saturday. I made a diligent effort but no one connected with the office of our consul could be located. After several calls I learned several of our consular staff were on the golf course. Now I needed to mail an important, official document back to the States through the diplomatic pouch. When I was finally able to reach some of these people, and they said, "Oh, no. We are never available on Saturday." Remember there was not even a duty officer on duty.

Remember, too, Guadalajara is a city of 1 million people. I notice at the bottom of page 3 of the report you have an item for emergencies which is in the sum of $2.1 million. Now the people in our consular office suggested there was no money for overtime there. They work only 5 days a week with no one covering the office on Saturday or Sunday. There is no answering service when you call the listed number. Finally with the help of the manager of the hotel I was able to reach the home of one of the consul's staff.

Now Mr. Chairman, if this kind of thing can happen to a Member of Congress how could an ordinary American citizen ever expect to get any weekend service from our consular office in the city of Guadalajara? I think if we do not have enough money for a duty officer to serve on weekends, then perhaps I will offer an amendment when the time comes to provide some funds.

Mr. ROONEY of New York. The gentleman's proposed amendment would have no effect if it were offered to the item that the gentleman refers to. Any such amendment, if offered at all, should properly be addressed to the item at the top of page 3, "Salaries and expenses."

Mr. RANDALL. Maybe it is a matter for the Committee on Foreign Affairs. I do not know. However, I feel this thing should be remedied somewhere along the line.

Mr. ROONEY of New York. I must say to the gentleman from Missouri that I work 7 days a week. I have worked 7 days a week for at least the last 40 years. If I am darned fool enough to do that, that does not mean that everybody else has to work 7 days a week. You know, I assume the gentleman from Missouri works 6 days a week.

Mr. RANDALL. Yes, we do.

Mr. ROONEY of New York. But there are a lot of people who do not like to work more than 5 days a week.

Mr. RANDALL. Does not the gentleman agree with me, though, that in a city of that size somebody should be there on duty.

Let me finish telling you the full story. We finally got ahold of some lady, the wife of one of the employees there. I said, "How do you spell your name? It is a little difficult." She said, "Are you going to make a complaint?" I said, "I certainly am when the appropriate time comes." She said, "I want to be sure you spell my name right, because we have no intention of doing anything on Saturday."

Mr. ROONEY of New York. The gentleman is not accusing me of some misfeasance of office as a result of that; is he?

Mr. RANDALL. Oh, no.

Mr. ROONEY of New York. Maybe the gentleman did not feel good that day.

Mr. RANDALL. The gentleman was feeling very good. However, the gentleman had a matter of official business that should have been attended to by the consular office.

Mr. ROONEY of New York. It may be that the lady was not feeling well that day.

Mr. RANDALL. Well, maybe it was the Saturday morning after a Friday night.

Mr. ROONEY of New York. I was not thinking so much of Friday night as Saturday morning.

Mr. RANDALL. Certainly the gentleman will agree that someone should have been available for emergency service.

Mr. ROONEY of New York. I have never failed to find someone who was available for emergency service at consulates and embassies all over the world. That has been my experience. However, it apparently was not the experience of the gentleman from Missouri.

Mr. RANDALL. I submit to the gentleman that it is a true incident that actually happened.

Mr. ROONEY of New York. I have no doubt about it.

Mr. RANDALL. Mr. Chairman, if the gentleman will yield further, the gentleman is saying that it is a question of good management and that there is enough money to run this consular office?

Mr. ROONEY of New York. That is right.

Mr. RANDALL. They said they do not have enough money to keep these people on duty on Saturday.

Mr. ROONEY of New York. You can listen to the same sort of thing from every branch of government. The gentleman knows that when you refer a constituent downtown for a job they tell you that they have budgetary problems.

Mr. RANDALL. Well, that may be the case, but in this instance it should be remedied.

Maybe there are budgetary problems but the problem it seems to me is someone willing to serve our citizens when they are in a foreign country and need the service of our consular service.

Mr. ROONEY of New York. Mr. Chairman, I reserve the balance of my time.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall consume very little time, I think there are some important amendments going to be offered to this bill and therefore I think much of the debate should be done under the 5-minute rule.

The distinguished chairman of the subcommittee, the gentleman from New York (Mr. ROONEY) has well explained this bill. I can see no reason for any lengthy further debate.

So at this time I will reserve the balance of my time.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a question?

Mr. BOW. I would be glad to yield to the gentleman from Iowa.

Mr. GROSS. Am I correct in that there is $38,000 going to the State Department for the Arts and Humanities or was that allowed?

Does the gentleman happen to know?

Mr. BOW. I will have to ask someone on the staff. I do not recall any $38,000 for the Arts and Humanities to the State Department.

Mr. GROSS. The hearings indicate that a request was made for $38,000 for the Arts and Humanities and $400,000 for the Smithsonian Institution.

I am curious to know why the State Department would be requesting those sums.

Mr. BOW. I would say to the gentleman that I am not familiar with the state the gentleman is making.

Mr. ROONEY of New York. I am advised by the distinguished gentleman from New Jersey that the item to which the gentleman refers is in the Department of the Interior budget and they had a full committee meeting on it this morning.

Mr. BOW. The Smithsonian is in the Interior Department and the Arts and Humanities in the amount of $7 million is in the Interior bill. I do not recall the details.

Mr. GROSS. Let me see if I can find it in the hearings.

Mr. BOW. I do not recall any funds that went into this bill for the Arts and Humanities.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. WALDIE. Would the distinguished gentleman tell me whether or not to his knowledge there are in this appropriation bill any funds for the Central Intelligence Agency?

Mr. BOW. In this bill as far as I know there is none.

Mr. WALDIE. Does the gentleman have any knowledge or is the gentleman made privy to that information?

Mr. BOW. I will say that there are no funds in this bill for the CIA.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield further to the gentleman from Iowa.

Mr. GROSS. On page 1012 of your hearings, under the subhead "National Endowment for the Humanities," Mr. ROONEY of New York asks this question:

> Can you tell us what this last item is—National Endowment for the Humanities, $38,000? Their total appropriation is a round $30 million.

And, on page 1013, at the top of the page, we find the Smithsonian Institution asking for $406,000.

I cannot tell whether these amounts are in this bill.

Mr. BOW. I would be perfectly frank with the gentleman in saying I do not believe that there is any money for an appropriation for the National Endowment for the Humanities or the Woodrow Wilson International Center for Scholars. There are funds in the Interior bill for both of them.

Mr. GROSS. The request was made, however.

Mr. BOW. I see it was, but I am not familiar with it.

Mr. GROSS. I am just curious to know what the State Department would be doing in this field.

Mr. BOW. After the things that have happened in the international organizations, I would not be surprised at all at what we find here. I agree with the gentleman from Iowa that it is time we cut down on these international organizations, and try to get somebody on the budget committee up there to cut it down. We are spending altogether too much money in these areas.

Mr. Chairman, if no one else has any questions, I will reserve the balance of my time.

Mr. ROONEY of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to ask, as chairman of the Subcommittee on Fisheries and Wildlife Conservation, which has general legislative jurisdiction over commercial fishery programs and sport fishing programs—and I would very much appreciate it if the gentleman from New York would refer to page 15 of the report, and to the words, "Salaries and expenses" in the report—and I would like to ask the gentleman exactly what the amounts are, that are set out for the offices which are listed underneath there.

I have no concern about the gentleman doing so at this time, but I would appreciate it if the gentleman will do so by extension of his remarks, so we can understand precisely the amounts that are being made available.

I note, and it does trouble me, it says:

> The amount is less than the budget request, but it will permit continuation of programs at the current level plus $5,549,000 for program expansion. The distribution of these additional funds is left to the discretion of the Secretary of Commerce for items of highest priority.

Then appear the words:

> Salaries and expenses, Environmental Science Services Administration, Commerce.
>
> Salaries and expenses, Office of the Solicitor, Interior.
>
> Salaries and expenses, Office of the Secretary, Interior.
>
> Management and investigations of resources, Bureau of Commercial Fisheries, Interior.

Then on top of page 16 it says:

> General administrative expenses, Bureau of Commercial Fisheries, Interior.

Can the gentleman give us an understanding of what amount that would be that is set aside for each of these programs?

Frankly, I dislike very much giving that much discretion to the agencies.

Mr. ROONEY of New York. This is a typical example of what happens when we have a reorganization.

Pages 15 and 16 of the report list the various items which have been placed under NOAA as a result of the reorganization. The reports sets them forth by name, but not by amount. It becomes practically impossible to tell the amounts.

Mr. DINGELL. That is the major problem that I have: what is the amount?

Mr. ROONEY of New York. This is the problem we always have with reorganizations. This very outfit, as the gentleman knows, was originally, the Weather Bureau, the Coast & Geodetic Survey, and part of the Bureau of Standards. When Secretary Connor was Secretary of Commerce he took the advice of a Professor Hollomon, who was his science adviser who later became President of the University of Oklahoma—but is no longer there, he did not last too long.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROONEY of New York. Mr. Chairman, I yield myself 2 additional minutes.

I can remember specifically asking Professor Holloman and Secretary Connor if they could guarantee that the following year under this amalgamation, there would not be an increase by including them in an organization which became known as ESSA—Environmental Science Services Administration. Of course what we suspected would happen did happen. The increase the following year was tremendous. And that is what has happened with regard to NOAA. They have discontinued ESSA, it is now called NOAA. Lord knows what they will do with this in the future.

Mr. DINGELL. I very much opposed the reorganizations to which the gentleman alludes. I think it is bad. I think what is happening here today tends to buttress that statement.

I wonder—will it be possible for the gentleman to tell us whether or not next year we are going to have these functions broken down by dollar amounts.

These are programs under the jurisdiction of my subcommittee and, therefore, I am very anxious and very much interested to know precisely how these funds will be allocated in the future, even though I cannot find out at this time.

Mr. ROONEY of New York. We would only be able to set them forth by activity.

Mr. DINGELL. If the gentleman would permit me, I would call the gentleman's attention to page 16 of the report where we find this language.

> *Research, development and facilities.*—The Committee has included $100,000,000 for research and development and for acquisition of facilities to support the operational programs of the National Oceanic and Atmospheric Administration. This amount is $13,460,000 less than the total requested for 1972 but it is sufficient to fund programs at the current year level in the amount of $89,284,000 plus $10,716,000 to fund increases of the highest priority.

Then further on the report mentions matters which are of particular concern to me such as:

Management and investigations of resources, Bureau of Sport Fisheries and Wildlife, Interior.

General administrative expenses, Bureau of Commercial Fisheries, Interior.

Federal aid for commercial fisheries, research and development, Bureau of Commercial Fisheries, Interior.

Anadromous and Great Lakes fisheries conservation, Bureau of * * *

Then, finally, at the bottom of the page, there are these items:

Construction, Bureau of Sport Fisheries and Wildlife, Interior.

Construction of fishing vessels, Bureau of Commercial Fisheries.

Can the gentleman give me any understanding as to how the funds are going to be allocated among those?

Mr. ROONEY of New York. No, but they have indicated that they would proceed at the current level, as they were in Mrs. HANSEN's bill.

Mr. DINGELL. I do not like to get into the business of having to authorize these programs, but I am troubled by the fact that I am really not able to get a full understanding of these matters that come under the jurisdiction of the legislative subcommittee which I chair.

I ask my good friend, the gentleman from New York, to assist me by advising me what is happening in the dark on these matters.

I think that NOAA did a poor job and the Bureau of the Budget did a poor job.

Certainly, I make no charge that my friend, the gentleman from New York, has done a poor job because I think he is as much a victim on this bill as I am.

Mr. ROONEY of New York. I assure my distinguished friend, the gentleman from Michigan, that no member of my subcommittee sought to have these items transferred to our subcommittee. We already had enough trouble with ESSA.

Mr. DINGELL. I am aware of that.

Mr. ROONEY of New York. The same gentleman who is head of ESSA is now head of NOAH.

Mr. DINGELL. And I am sure he will perform the same with NOAH as he did on ESSA.

Mr. ROONEY of New York. We do the best we can but it looks like a whale of a job.

Mr. DINGELL. I would appreciate it if the gentleman from New York would inform me in his extension of remarks the amount of these authorizations and it would be my hope that next year my good friend, the gentleman from New York, will give us some assistance by making the agencies give a precise breakdown on these programs so that we will have an opportunity to find out how the programs are funded and whether they are going forward or whether they are going back or how they are being administered. We have to come to my good friend, the gentleman from New York, because this is again his responsibility. I hope the gentleman will help me next year in getting that kind of understanding in the report because I think, frankly, this administration's reorganization is very poor and has led to some very bad and undesirable results, not the least of which is this miserable situation we have before us today.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the pending amendment to H.R. 9272, the State Department appropriation bill, that will add $11,600,749 in contributions to international organizations. This additional appropriation will be earmarked for the U.S. contribution, already authorized by Congress, to the International Labor Organization.

Mr. Chairman, in past years the United States has vigorously urged other nations of the world to pay promptly assessed contributions for the United Nations and its constituent agencies like the International Labor Organization. The fact that the United States is now in arrears on its calendar year 1970 contribution to the ILO makes a mockery of this position that has been supported by all postwar administrations. The prospect of congressional failure to fund the calendar year 1971 assessment of $7.8 million further compounds the embarrassment.

In recommending that the administration's request for funds to support the ILO be deleted from the State Department appropriation bill, the Committee on Appropriations asserts that this action does not constitute formal withdrawal from the ILO. I would like to point out, however, that failure to pay our assessed contributions places in severe jeopardy America's influence in the world's most important labor organization. This is because under the ILO Constitution, nations that are in arrears in an amount exceeding their contribution for the preceding full 2 years, lose their voting rights. In the case of the United States, we would lose our vote not only in the conference, but in the ILO's governing body.

Mr. Chairman, I think it should be emphasized that a broad spectrum of American opinion supports the International Labor Organization and the constructive role America has traditionally played in it. In part this is a result of the unique system of tripartite representation that is characteristic of the International Labor Organization. American labor, business, and government are all represented in the ILO, and all have participated vigorously in its discussions over the years.

Mr. Chairman, payment of the U.S. contribution is supported not only by the Nixon administration, but also by the U.S. employer delegate, Edwin P. Neilen, representing the Chamber of Commerce of the United States, and by George Meany, president of the AFL-CIO, who has at times been critical of some aspects of the ILO but who recognizes the folly of an abrupt American withdrawal from the organization.

In a background statement on the American role in the ILO, Mr. Chairman, the administration makes some points in support of continued American support of the ILO and leadership in it. This background paper, which was printed in full in yesterday's RECORD, argues that American withdrawal would leave the Soviet Union as the dominant power in the Organization, and afford it a valuable opportunity to exploit the ILO for its own purposes. In view of the particularly helpful role of the ILO in the less developed countries of the world, especially in the critical field of manpower development, this advantage handed to the Soviet Union would be unconscionable.

The administration also argues that American withdrawal would work against President Nixon's announced objective, supported, I believe, by providing more and more Members of Congress, a greater proportion of U.S. aid and technical assistance through international agencies.

And finally, Mr. Chairman, American withdrawal from the ILO would raise the prospect of our withdrawal from other international agencies with which we can expect from time to time to have disagreements, but which contribute much to economic development and international understanding.

Mr. Chairman, although many thoughtful people have criticized the ILO, surely the way to press the improvements that will make the ILO a more effective force is not to cut and run from our obligations and opportunities. Rather the United States should participate fully in the work of the organization, with full and unprejudiced rights as a voting member.

I urge my colleagues to vote for the funds necessary to pay the valid American assessment for the International Labor Organization.

Mr. McCLORY. Mr. Chairman, I am pleased to observe that the committee has included in the appropriation for the National Institute on Law Enforcement and Criminal Justice the full amount requested, namely $13,500,000.

The National Institute affords an opportunity for the Federal Government to display leadership and direction in various aspects of the fight against crime. This vital research arm of the Department of Justice has the potential of revealing new techniques, equipment and systems for investigating criminal activities and for apprehending the perpetrators of crimes.

Mr. Chairman, as the author in the House of the amendment to the omnibus crime bill which resulted in the establishment of the National Institute, I am most pleased that the Appropriations Committee has seen fit to recommend the full amount of funds requested by the Director of LEAA and by the President.

Mr. Chairman, the National Institute should be capable of attaining its real potential during the next year—and the goal of this important new agency in the comprehensive attack against crime in America—should appear.

Mr. Chairman, I am hoping that the other body will retain the sum of $13½ million in this bill, and that the basic value of the National Institute will be recognized throughout the Nation—as it is already by most law enforcement agencies.

Again, I commend the chairman and the members of the Appropriations Committee for including in this bill the full amount budgeted for the National Institute.

Mr. SCHEUER. Mr. Chairman, I rise to highlight just one of the agencies within the Department of Justice, whose funds are included in this bill, the National Institute of Law Enforcement and Criminal Justice.

Established within the Law Enforcement Assistance Administration in 1968, the institute was designed to give the Department of Justice a research and development capability to improve the effectiveness of law enforcement and criminal justice agencies in combating crime. In the 3 years of its operations, the Institute has started to provide answers to immediate problems and to indicate long-range solutions to the problems of crime in society. It has attacked many of the unanswered questions and the unquestioned assumptions about the causes of crime and how to prevent it. Its research projects range across the entire field of criminal justice, from improving police communications, recruitment, and management to developing new controls over organized crime and white collar crime.

The National Institute is budgeted for $21 million for fiscal year 1972, only 3 percent of the budget for the Law Enforcement Assistance Administration. This relatively small sum is an investment in the future effectiveness of our society's crime control programs. The Institute could spend 10 times as much effectively. It is actively seeking new methods and increased understanding of the causes and prevention of all types of crime and is disseminating the results throughout the country.

I urge my colleagues to support this appropriation. While other agencies which are funded in this bill provide support to operational programs in the war on crime, the National Institute is developing the technology, the knowledge, and the new systems of approach to reduce the impact of crime in our society, and increase our capacity to deter or prevent crime, to apprehend the criminal to expedite a fair and just trial process, and to provide corrections, rehabilitation and parole programs which work. We have starved the Institute for funds until this year and it is encouraging to me that at long last the Institute is being given sufficient funds to enable it to proceed with its research and development work on a business-like serious basis. I believe that within a year or two we will see new techniques, new technology, new systems of crime control which will repay this modest $21 million appropriation for research and development a hundred fold.

Mr. KEATING. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois.

As a former member of the bench and presently serving on the Judiciary and Crime Committees, I am very concerned over the need to improve our Nation's penal institutions.

If we are to develop creative programs of rehabilitation for prisoners in the U.S. Federal penal facilities, we should have complete funding of recommended programs.

The Office of Budget and Management has proposed to Congress a very tight budget.

However, in many areas, we have increased the proposed allocations. I do not feel that we can afford to reduce recommended amounts in this critical area.

I urge my colleagues to support this amendment to bring up to the recommended amount the money for fiscal year 1972 for the Federal prison system.

Mrs. ABZUG. Mr. Chairman, the proposed budget for the Federal Bureau of Investigation, $334 million, represents a 13-percent increase over the current fiscal year's level. Among the causes of this increase is the hiring of almost 1,400 new employees.

No one doubts the need for strong responses to criminal behavior. If I thought that the FBI was devoting its efforts to fighting crime—real crime—I would be giving this portion of the bill my full support.

Unfortunately, the FBI takes an incredibly broad, disturbingly political view of its responsibilities to the Nation, to the individual members of the public, and even to its own employees.

Thus, the FBI's idea of possibly criminal activity includes participation by Members of Congress and other concerned citizens in Earth Day rallies.

The FBI's concept of its responsibilities includes the warrantless tapping of the phones of Members of Congress. I note in this connection that any time Mr. Hoover wants to listen in on my line, I will be more than happy to give him an earful.

The FBI, as a law-enforcement body, should be the last Government agency to infringe constitutional rights. Regrettably, however, we find it in the forefront of those who would destroy our hard-won civil liberties.

Recently, the FBI's Director made grave charges against leaders of the Catholic movement against the Vietnam war before a congressional committee considering the Bureau's appropriations. These charges had not then been brought before any grand jury, and apparently were only brought before a grand jury later in an effort to justify the reckless behavior of Mr. Hoover. To make matters even more ridiculous, the investigation of the case by the FBI appears to have taken place after the grand jury handed down its original indictments. This process of conviction, followed by indictment, followed by investigation, would be fine as a part of "Alice in Wonderland," but it is unacceptable as the policy of a law-enforcement agency.

We have, as another glaring example of the Bureau's gross and callous disregard for personal rights, the case of Agent Shaw. This FBI agent was fired "with prejudice" for having the temerity to write a letter which, in part, suggested that there were certain shortcomings in Mr. Hoover's administration of the Bureau. All Americans owe Mr. Shaw a debt of gratitude for refusing to let a petty bully deprive him of his liberties and his livelihood by mounting a successful lawsuit to have his record cleared.

I think that it is high time that we took a very close look at these and other examples of the FBI's constitutional bad manners. House Resolution 410, which I and 11 other Members introduced a number of weeks ago, would authorize the Judiciary Committee to investigate the overall quality of administration within the FBI, including the administrative ability of the Director; the manner of the Bureau's publicizing of certain cases; the FBI's maintenance of massive dossiers on countless Americans who have never been convicted of any crime; and the FBI's personnel practices.

As the people's representatives, we have a duty to see to it that the Federal Government and its agencies respect their rights as individuals. We must demand that the FBI shape up and begin to demonstrate that it, too, is subject to the requirements of our Constitution.

Mr. Chairman, I oppose the inclusion in H.R. 9272 of sections 704 and 705, which together would prohibit these agencies of the Federal Government, one, from paying salaries to any employee convicted of: "inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of . . . laws designed to protect persons or property in the community concerned," and two, from making or guaranteeing loans, grants or salaries to anyone applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who: "has engaged in conduct on or after August 1, 1969 which involved the use of—or the assistance to others in the use of—force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

### FEDERAL EMPLOYEE "ANTIRIOT" RIDER

I would first like to speak about the provision involving Federal employees, which, I understand, was first enacted in the wake of the April 1968 disorders in Washington after the death of Dr. Martin Luther King. Current Civil Service Commission regulations provide that convictions are one of the factors to be taken into account in evaluating the suitability of an employee or applicant for a Federal job. Each case is evaluated on the merits. There is no absolute bar. The circumstances under which individuals might come within the scope of this provision, as with any other kind of conviction, can vary greatly. I see no reason to treat employees under this provision any differently from other Federal employees whose individual records must be examined.

At the same time this provision does not appear to be as troublesome to me as the student riders which I will discuss in a moment. Unlike section 705, at least one part of section 704 requires a conviction by a court before any action can be taken against the individual. If such riders must exist at all, this minimum safeguard is essential. Even section 704 is ambiguous, however, because the last clause, "found to be in violation of—laws designed to protect persons or property," does not clearly require a conviction. In light of the vast numbers of innocent people illegally arrested just recently in the May Day disturbances, we have no business enacting a provision which could be read by the CSC as giving them the duty to determine for themselves whether people arrested, whose charges were dismissed, nevertheless can be "found to be in violation" of certain laws.

### STUDENT ANTICAMPUS DISORDER RIDER

My most serious objections are reserved for section 705. I find it both totally unjustifiable and fundamentally unwise for the Congress of the United States to interfere with the internal disciplinary structure of a university. Such an act is contrary to the twin principles of local autonomy and academic freedom central to our system of education. If the university determines that an individual charged with this kind of conduct should, nevertheless, remain in school, the Congress should not second-guess this judgment by cutting off the funds which make that education possible. My opposition to this kind of Federal interference is shared in many quarters. Even the present administration shares this view, as reflected in the fact that both Attorney General Mitchell and Robert Finch have officially opposed such student riders.

Moreover, this provision, which nowhere contains the word "conviction," would permit the denial of funds to students and faculty members in the total absence of any kind of due process of law. The student is guaranteed no right to a hearing to determine "whether he has engaged" in the proscribed conduct, nor is he assured any other procedural safeguards. Intended to discourage campus violence, this law may indeed contribute to it by further alienating students and faculty taught to believe that our society exists on due process and fairness.

In a single move, then, enactment of this law would threaten the independence of the American college and university which has been carefully nurtured throughout our history and jeopardize the already tenuous and battered respect for our institutions held by many of our students and young people.

American society, off as well as on our college campuses, is passing through a difficult and often turbulent period. The role of the Congress in such a time is to provide leadership to insure that overzealous persons, in the name of protecting our institutions, do not destroy them instead. In contrast, enactment of this legislation would be just such an act of destruction.

Mr. Chairman, the Subversive Activities Control Board is the embodiment of the evil now tearing our country apart. To renew its appropriation would deepen the cynicism among our citizens.

Reasonable men and women can differ without destroying each other. But the SACB substitutes hysteria for reason and attempts to destroy dissent by innuendo. Deplored and mocked in private as a pasture for old bloodhounds, it is still continued and refunded year after year. Why?

Our constituents ask—as they should—why we give the nearly half a million dollars provided for in title V of H.R. 9272 to a body that violates the most basic American principles of free speech—while thousands of Americans go hungry and homeless and jobless. They ask, what has this group done? and the answer is "nothing."

Tradition, it is said, carries the Board along. But it is precisely this kind of outworn tradition that our constituents demand that we break. If our institutions are to serve the needs of this decade, we must understand those needs. We must realize that the security of the United States in 1971 is most threatened by the alienation of citizens from Government, and their growing cynicism about the ability of Government to meet their needs.

They have put us on notice that they will tolerate no more of big brother: His invasion of public and private lives, his secret wheeling-dealings. Regardless of party, the people have had it with this kind of "protection." As the shocking story of high-level duplicity unfolds, disbelief becomes despair, and then determination: no more.

The funding of this useless and dangerous Board will no longer slip by unnoticed. No young person and no woman, black or white, would vote for its continuance. New constituencies are aware as never before—and in every community, are challenging the "buddy" system that our Congress has become.

Nor need representatives fear, now, that opposition to this committee will bring them "into the files." We are already in the files and on the computer tapes. Every voice of dissent, whether in the streets, in business, or in the Halls of Congress, has a dossier—as Senators, Governors, and elected officials at all levels are aware.

We cannot contribute our votes, and commit our country's money, to continue surveillance, repression, blackmail, and intimidation. We cannot allow ourselves to be pressured or intimidated into approving what we know is evil.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 9272, but wish at the same time to register my deep disappointment that the Committee on Appropriations did not see fit to provide in the bill the sum of $6 million that the State Department had strongly recommended for the Center for Cultural and Technical Interchange Between East and West in Hawaii, better known as the East-West Center.

The $5.26 million which is actually provided in the bill, even if it is described in the committee report as "the same amount as has been provided for the past 3 years," in effect carries a hidden mandate to curtail this program. The requested $740,000 additional amount would in fact enable the East-West Center to maintain most of its current operations in status quo.

I have been informed that the $740,000 represents a "bare-bones" addition involving the following budgetary items: First, $490,000 for much needed, very modest increases in student stipends; for example, the married grantee's rental allowance would be raised from $80 per month—an unrealistic figure in view of the high cost of real estate and building construction in Hawaii—to $120 per month—still a very modest allowance; and second, $250,000 for mandated salary increases, necessary repairs to buildings, cost-price increases, within-grade pay increments, higher costs on such things as social security payments, air fares, and so forth.

The East-West Center was founded in 1960 as a means of promoting cultural and technical interchange between East and West. At that time, it was anticipated that Federal support for the center would increase along with our steadily growing relations with the nations of Asia. Regrettably, however, Federal appropriations to the Center have not kept pace with the growing demands which have been made on the Center. In recent years, the East-West Center has been compelled to reduce its staff, abandon plans for the development of new programs, and forego much-needed expansion of its physical plant. I am fearful that the amount the committee has provided the Center to carry on its operations during fiscal year 1972 will result in further curtailment of the Center's operations and prevent it from achieving its goals.

Sensing the mood of the House, I will not even attempt to offer any amendment to restore the reduced amount, for such an effort will be futile. But I hope that the Senate will see fit to increase the East-West Center funds to the $6 million figure that the State Department has recommended. If this should happen, I do hope then that this House will agree to the Senate amendment, for certainly the East-West Center is proving to be America's greatest bargain investment in peace.

Mr. RARICK. Mr. Chairman, once again we Members are presented with a money bill whose actual impact on the country is veiled by innocuous language.

H.R. 9272, the bill currently under consideration by the House, seems at first glance to be free of controversy—if one would believe its title, "Making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes." The joker is concealed behind that legislative catch-all, "for other purposes."

In reality, H.R. 9272 is another proposal to entangle us in a foreign web and continue to pump the wealth of this country into foreign and alien programs that can only end when the United States has either lost its identity, its character, its traditions and becomes a member of a world government or has gone completely bankrupt.

This Congress is not being honest with the people of this country. The citizens will not be told that while $274,651,000 is budgeted to the State Department for "Administration of Foreign Affairs," over one-half of this amount, or $159,692,000, is delegated to "International Organizations and Conferences."

The following table listing this is very revealing and shocking:

| | |
|---|---|
| United Nations and Specialized Agencies: | |
| United Nations | $52,437,700 |
| United Nations Educational, Scientific and Cultural Organization | 12,018,330 |
| International Civil Aviation Organization | 3,972,383 |
| World Health Organization | 23,741,250 |
| Food and Agriculture Organization | 10,083,458 |
| International Telecommunication Union | 752,175 |
| World Meteorological Organization | 774,477 |
| Intergovernmental Maritime Consultative Organization | 131,120 |
| International Atomic Energy Agency | 3,977,148 |
| Subtotal | 107,888,041 |
| Inter-American Organizations: | |
| Inter-American Indian Institute | 61,561 |
| Inter-American Institute of Agricultural Sciences | 2,909,280 |
| Pan American Institute of Geography and History | 151,300 |
| Pan American Railway Congress Association | 15,000 |
| Pan American Health Organization | 10,436,513 |
| Organization of American States | 19,317,540 |
| Subtotal | 32,891,194 |
| Regional Organizations: | |
| South Pacific Commission | 215,309 |
| North Atlantic Treaty Organization | 5,205,634 |
| North Atlantic Assembly | 67,760 |
| Southeast Asia Treaty Organization | 393,000 |
| Colombo Plan Council for Technical Cooperation | 9,045 |
| Organization for Economic Cooperation and Development | 5,352,123 |
| Subtotal | 11,242,871 |
| Other International Organizations: | |
| Interparliamentary Union | 29,350 |
| International Bureau of the Permanent Court of Arbitration | 1,491 |
| International Bureau for the Protection of Industrial Property | 15,000 |
| International Bureau for the Publication of Customs Tariffs | 17,316 |
| International Bureau of Weights and Measures | 86,460 |
| International Hydrographic Bureau | 17,642 |
| International Coffee Organization | 280,000 |
| International Institute for the Unification of Private International Law | 8,529 |
| Hague Conference on Private International Law | 11,451 |
| Maintenance of Certain Lights in the Red Sea | 3,540 |
| International Bureau of Exhibitions | 6,820 |
| Customs Cooperation Council | $274,295 |
| Subtotal | 751,894 |
| Total | 152,774,000 |

Most interestingly, this table does not appear in the bill H.R. 9272, which is what most Members read. The United Nations is not even mentioned.

For simplicity's sake and quick legislative passage, the funding paragraph that gave away $152,774,000 reads:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $152,774,000, of which not less than $2,100,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

And this list does not tell the full international cost. Additional funds for U.S. missions, congressional expenses, and contributions for international conferences and contingencies are listed in the following table:

| | |
|---|---|
| United States Mission to: | |
| United Nations | $2,106,300 |
| International Organizations, Geneva | 1,445,300 |
| International Organizations, Vienna | 516,900 |
| International Civil Aviation Organization | 140,600 |
| Organization of American States | 173,100 |
| United Nations Educational, Scientific, and Cultural Organization | 200,900 |
| The Food and Agriculture Organization | 93,000 |
| Subtotal | 4,676,100 |
| United States Congressional Groups to: | |
| Interparliamentary Union | 26,900 |
| NATO Parliamentary Conference | 30,000 |
| Canada-United States Interparliamentary Group | 30,000 |
| Mexico-United States Interparliamentary Group | 30,000 |
| Subtotal | 116,900 |
| Total | 4,793,000 |

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The sum of $2,125,000, a decrease of $200,000 below the budget estimate, is provided for the necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special acts of Congress.

And furthermore, $5,260,000 of the State Department budget is allocated for cultural and technical interchange between East and West, I suppose to complete the bridges between this country and Communist Russia and Red China.

Second, the people of this country will never be told that of the $1,552,696,000 budgeted for the Department of Justice, $5,250,000 is allocated for "Community Relations Service," the program designed to implement the Civil Rights Act of 1964 and further deteriorate race relations in this country.

The public has noticed the increased incidence of riots, but few have yet learned of the activist support given in many instances by these civil rights fronts, under high sounding names like Community Relations Service.

Also included in the budget allocation for the Department of Justice is $698,919,000 for the law enforcement assistance program—the "ongoing" Federal agency that will establish an interdependency between the Federal Government and the State judiciary systems. I have previously remarked on the dangers of this policy in the CONGRESSIONAL RECORD of June 4 at page 18343, June 14 at page 19775, June 16 at page 20390 and June 23 at page 21856.

Many Members are still persuaded that this money is to be used to "upgrade" police officers, while in increasing instances its use results in financing obstructions to police action. Thus working adversely to the very purpose for which this money was originally intended—to control crime and make the streets safe.

What these figures mean, Mr. Chairman, is that of the $1,552,696,000 budgeted for the Department of Justice, $704,169,000—or almost half—is delegated to agencies designed to create a totally controlled environment for the American people—all under the supervision of the "moralists" in Washington who seek to do what God Himself would not—or could not—make men equal. And this immoral program is being sold to the people in the name of justice.

The people of this country are not told that of the $1,176,772,000 allocated to the Department of Commerce, $32,261,000 is designated for "International Activities" and "Foreign Direct Investment Regulation." All of this is designed, to borrow William Faulkner's phrase, as an attempt to unite the people of the world in "the communal anonymity of brotherhood." I cannot believe that the informed people of this country would support this, let alone feel that this is a legitimate use of their hard-earned tax dollars under the guise of advancing commerce.

My people would not approve of the $1,255,000 designated for the Federal Judicial Center in the budget allocation for the Judiciary. And I feel most people would object to underwriting a Federal agency specifically committed to work toward a uniform judicial process. I have warned time and again against attempts to create a uniform national code of laws or a national judiciary. People just are not uniform. The Constitution provides for but one Supreme Court. Why use our people's money to advance a "Ministry of Justice" similar to the one in Soviet Russia that controls, supervises, and disciplines the various judges?

Mr. Chairman, the joker runs wild in title V of this bill. Under the heading "Related Agencies," we find that this House is asked to allocate $9,000,000 for "Arms Control and Disarmament." It seems absurd that we allocate money for arms and defense through one Government agency and turn around and allocate additional millions to control and disarm the military. And on the disarmament appropriation the usual priority crowd are silent.

This section also includes a $3,500,000 grant to the "Commission on Civil Rights" and $22,000,000 to the "Equal Employment Opportunity Commission." I cannot find a single penny specifically allocated for the rights and job opportunities of the poor, unfortunate people who happen to be in the majority. Those in the majority have become aware that equal employment opportunity is a misnomer. What is really meant is that preference will be given to the blacks. In other words, the program is a fake and a coverup operation of compensatory racism that attempts to achieve some sort of mystical solution through racial proportions. And this at a cost of $22 million.

Perhaps most shocking is that the House intends to allocate only $450,000 for the "Subversive Activities Control Board." This is an absurdly small figure—$450,000—compared to the $25,500,000 allocated to the causes of civil rights and equal employment opportunity. It is little wonder that we are losing our country to subversive actions and Communist causes when this Congress indicates by our appropriations that we discriminate against America by failing to protect its ideals and system of government.

Mr. Chairman, in light of the facts that I have just mentioned, it seems that this bill should have been referred to the Foreign Affairs Committee, instead of the Appropriations Committee. It contains more foreign aid than it does essential constitutional programs. If passed as written, a large percentage of the wealth of this country will continue to go to support organizations and activities that seem bent on changing everything we hold dear.

This bill contains the appropriations for the FBI. To vote for the bill to support the FBI, one must also vote to support the United Nations—the antithesis of law and order and justice. A vote against the United Nations is also a vote against the FBI. This is precisely the reason for the massing of so many unsavory programs under this one bill—the hope that no one could oppose the United Nations and the internationalist programs because to do so would seem to be voting against the FBI.

The only way the Members of this body can protect themselves against such a stacked deck is by voting down some of these appropriations. Then, we would find cleaner bills being presented to the House. It is absurd to think that in order to support the FBI, one must vote for the U.N., a myriad of foreign aid, civil rights agitation, equal employment opportunity and disarmament of our own country.

I am satisfied I know what the overwhelming majority of my people would want me to do. I am casting their vote accordingly. I am voting "No."

Mr. BOW. Mr. Chairman, I have no further requests for time.

Mr. ROONEY of New York. Mr. Chairman, I have no further requests for time.

Mr. YATES. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 162]

Abourezk
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Baker
Baring
Biaggi
Blanton
Blatnik
Bray
Broyhill, Va.
Buchanan
Cabell
Clark
Clawson, Del
Clay
Conable
Culver
Davis, Wis.
Dent
Devine
Diggs
Donohue
Dulski
Edwards, La.
Fascell
Fish
Flowers
Ford, Gerald R.
Ford, William D.
Griffin
Gubser
Hansen, Wash.
Harsha
Hathaway
Hicks, Mass.
Hogan
Howard
Latta
Leggett
Long, La.
Lujan
McCulloch
McKevitt
McKinney
Madden
Martin
Murphy, N.Y.
Nedzi
Patman
Pepper
Podell
Purcell
Rangel
Reid, N.Y.
Rhodes
Runnels
Schneebeli
Smith, Calif.
Springer
Staggers
Stuckey
Taylor
Thompson, N.J.
Tiernan
Ullman
Watts
Widnall
Wiggins
Wilson, Bob
Wright
Young, Tex.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9272, and finding itself without a quorum, he had directed the roll to be called, when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $152,774,000, of which not less than $2,100,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

### AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 5, line 21, strike out "$152,774,000" and insert "$164,374,749."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. YATES. Mr. Chairman, this amendment seeks to restore the funds for the payment of the dues of the United States to the International Labor Organization, the ILO. This is a most emotional issue. As the gentleman from New York pointed out during general debate, the ILO was funded——

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. YATES. I yield to the chairman of the subcommittee.

Mr. ROONEY of New York. Mr. Chairman, since I have had many inquiries as to how long we are going to take today, I am prompted to ask the gentleman how much time he thinks would be needed on his amendment.

Mr. YATES. I would say to the gentleman I do not know how many Members wish to speak on my amendment.

Mr. ROONEY of New York. I am sure the gentleman would not mind if I sought to ascertain by asking unanimous consent that all debate on the pending amendment——

Mr. YATES. I would appreciate it if the gentleman would permit me to finish my statement and then asking permission after I have concluded.

Mr. ROONEY of New York. I shall be glad to do so.

Mr. YATES. As I indicated, as the gentleman from New York pointed out so well during general debate, the ILO was begun in 1920 under the sponsorship of Samuel Gompers, who was then president of the American Federation of Labor. It has always been an organization in which the United States has played a most prominent part.

Then in 1954, the Soviet Union was admitted to membership. Over the years the Soviet Union has become increasingly more aggressive in its activities in the ILO until today the ILO has been considered by some, has been branded by some, as a sounding board for Soviet propaganda.

In his testimony before the Rooney subcommittee last year, Mr. George Meany, who is the president of the AFL–CIO, expressed indignation at having to sit before the resolutions committee at its annual conferences and to hear speech after speech by the Soviet Union and all its bloc satellites directed against the United States. I know well his feelings. As the U.S. Representative to the U.N. Trusteeship Council, I became furious with the speeches of the Soviet representatives.

Secondly, the objection has been made over the propriety of the appointment of a representative of the Soviet Union to the official hierachy of the ILO.

The third objection that appears in the hearings is that the ILO has permitted to be printed certain articles which are by Soviet authors and which relate the glories of Lenin and the "free trade movement" of the Soviet Union.

Acting upon the testimony of Mr. Meany, of Mr. Ed Neilan who was president of the International Organization of Employees, and the ILO adviser to the U.S. Chamber of Commerce, the Congress last year, upon the recommendation of the subcommittees of the Senate and the House on the State Department, refused to appropriate the funds to pay the last half of the annual dues of the United States to the ILO.

When one reads last year's hearings one gains the impression that the committees' action had the approval of the witnesses who appeared before them. One gains that impression.

Assuming that was true, and if in fact those witnesses did approve the committee action last year, this is another year and they have changed their minds.

This year it is clear that the witnesses who appeared before the subcommittee last year no longer have that opinion.

Mr. George Meany, for example, no longer has that opinion. I shall read from his press conference dated May 11, 1971, when he was asked by a reporter as to what his attitude was on the payment of dues by the United States to the ILO. He said this:

> Well, I want to make it clear that the AFL–CIO, along with the employers and certainly with the State Department and Labor Department, has been unhappy for a number of years about the way the ILO has been diverted from its original purpose into a political sounding board, political debating society, where our country is pilloried by representatives of the bloc countries at every conference.
>
> Now, as far as the appropriations are concerned, our position is quite simple—

This is Mr. Meany speaking—

> We owe the money and we should pay it.

Later on in the same press conference he said this:

> Insofar as the money is concerned, we have consistently taken the position that sooner or later we had to pay the money. We owe it and it is a legal obligation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HALL. Mr. Chairman, reserving the right to object, may I ask if the original colloquy, wherein the gentleman in the well yielded to another Member, came out of his time?

The CHAIRMAN. Yes; it came out of the gentleman's time.

Mr. HALL. If it did, I shall not object to the unanimous-consent request at this time. Since the Chair has so advised, I will withdraw my reservation, but I do not expect to grant unanimous consent for extended debate hereafter.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, that was the statement by George Meany, to the effect that the dues which are owed by the United States to the ILO should be paid, paid now.

The representative of the employers as well appeared before the Rooney subcommittee and stated that he believed those dues should be paid.

Third, Mr. Hildebrand, who is Deputy Under Secretary of Labor, appeared before the committee and stated that the dues owed by the United States should be paid, as well.

So the question before the House, posed by my amendment, is whether nonpayment of dues is the way to overcome the so-called Soviet strength in the ILO, or whether we should stand and fight on that ground and win on the strength of our ideas.

That was advocated, for example, by one person who has been a representative of the United States to the ILO many times.

In response to a question by Mr. Bow, he said:

> Mr. Bow. It isn't so much the question of the amount we pay as it is the activities within the organization itself against the United States.

Mr. Reuther—Victor Reuther of the UAW—said:

> Well, I am familiar with the fact that on occasions in meetings of the ILO some delegates engage in polemics against the United States. I face this many times in international trade union gatherings. I think the way to answer that and deal with it is not to run away from it but to take it on.
>
> Where falsehoods are stated, where unfounded charges are lodged against the United States or against American employers and American trade unions, they should be answered. But to leave the field free to those who engage in those kinds of polemics does not help us.

I think we ought to pay our dues. I think we ought to continue to belong to the ILO and not handicap our delegates by the charge that will be made by other delegates to the ILO that the United States has not paid its dues. The ILO is still a predominantly American organization and will remain an American organization through the strength of our representation at the ILO and our willingness to fight for the ideas that we think are right.

Mr. Chairman, I urge adoption of my amendment.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CARNEY. Mr. Chairman, reserving the right to object——

### MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 3 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

It is my judgment that as meritorious as the position is for those who have suggested that we withhold dues, in the long span of time, we cannot disassociate ourselves from an organization that we hope some day will give greater expression and meaning to those principles of human dignity that we as Americans stand for. I cannot see us making our point in persuading this important world labor organization to alter its course if we are going to be on the outside looking in.

We belong to many international organizations. I regret that I was unable to attend the conference in Geneva even though the House was good enough to pass the resolution authorizing such travel because of the vote on the welfare reform bill and social security amendments.

But I do believe if there is any criticism of our participation and if there is any criticism of the ILO itself, perhaps we ought to accept and assume some of that criticism because, perhaps we have failed in providing the kind of leadership to the ILO that we ought to have had. The way to redirect ILO to espouse our views and our cause is to take a more vigorous role in formulating ILO policy.

So, it seems to me that the way to correct the situation is not to walk away from it but, rather than walking away, stay and make our point. This organization can be a formidable force in helping eliminate poverty in the world. It can also be a strong force in fighting communism and for that reason I do not believe we should withdraw by not paying our dues.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

### AMENDMENT OFFERED BY MR. GROSS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. YATES

Mr. GROSS. Mr. Chairman, I offer a substitute amendment for the Yates amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS as a substitute for the amendment offered by Mr. YATES: On page 5, line 21, strike out "$152,774,000" and substitute "$141,319,000".

Mr. GROSS. Mr. Chairman, my amendment would simply put the appropriation for international organizations back to where it was last year $141,319,000. In other words, it would take out the $11,455,000 increase that is in this bill.

We have absolutely no business, in the light of the desperate financial situation that faces this country and its taxpayers, of increasing the U.S. contribution to international organizations by that amount. It ought to be drastically cut, not increased.

I am opposed to the Yates amendment not only because it would provide for buckling down to the International Labor Organization, but because it would add millions of dollars to the committee increase of $11.5 million.

Mr. Chairman, with the staggering debt and deficit with which we are confronted, I urge and plead with the Members of the House to support my substitute amendment and put this appropriation back to where it was last year. This is a simple plea for just a little economy in this $4 billion bill and I can think of no better place than in these international handouts through which Americans have been milked and bilked for far too many years.

I would remind you that foreign countries are at least $100 million in arrears on their dues and assessments to international organizations and the citizens of this country should no longer be called upon to foot the bills for these deadbeats.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I suffer from as much irritation as any Member of this body in the fact that the Soviet Union all too often converts the forum in which they find themselves, converts it into a propaganda sounding board instead of serving the uses to which the organization ought to be put.

Nevertheless, it seems to me that the record is clear in this case as to what we in the House of Representatives ought to do on this amendment. The former president of the U.S. Chamber of Commerce and the employer representative testified at the hearings that he was in favor of making this dues contribution and did not believe we use this means to withdraw from the ILO, that is, to withhold the payment of the dues that we are legally bound to pay.

Mr. Chairman, we have the testimony of distinguished representatives of labor that they are in favor of continuing our membership in the ILO and do not believe we should act to withhold the payment of dues at this time.

The President of the United States was asked at a press conference whether or not he favored a continuation of our membership in the ILO and he responded in the affirmative.

So, Mr. Chairman, here you have the responsible representatives of government, business, and labor united in their opinion that we ought not to adopt this means of expressing our disapproval—and I disapprove along with many others of some of these things that the Soviets have done in the ILO. The Soviets did not pay their dues to the United Nations because they disagreed with certain policies of that organization and we took them to task, and rightfully so at that time for their conduct.

I think it would ill behoove us to set the example in the eyes of the world that we are going to engage in what is manifestly illegal conduct in not meeting a legal obligation.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Anderson) has expired.

(By unanimous consent, Mr. Jacobs yielded his time to Mr. Anderson of Illinois.)

Mr. ANDERSON of Illinois. I thank the gentleman from Indiana for yielding me his time.

Mr. Chairman, I doubt very much that I can say anything that has not already been said by the gentleman from Illinois (Mr. Yates) the author of the amendment. I think again, at the risk of being repetitious, that a clear reading of the record of the testimony that was taken in the hearings, and I took the pains this morning to go over it, as did the gentleman from Illinois (Mr. Yates) that it indicates that notwithstanding the attitudes expressed in 1970 at the time the decision was made to cut off half a year dues to the ILO, that these same people expressed a different opinion, as I read the record this year.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for a question?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. ICHORD. Is the distinguished gentleman in the well, the gentleman from Illinois, (Mr. Anderson) familiar with the way labor unions operate in Soviet Russia?

Mr. ANDERSON of Illinois. I certainly do not think that by remaining in that organization and by paying our dues which we are legally committed to do, that we are expressing approbation in any form of the manner in which labor unions operate in the Soviet Union. I disagree thoroughly, and as thoroughly as the gentleman from Missouri, as to the way in which they operate.

Mr. ICHORD. That is not the question I asked the gentleman. I do not see how one can speak effectively on this question unless he knows how labor unions operate in Russia.

Mr. ANDERSON of Illinois. I do not profess to be the great student on communism that the gentleman from Missouri is, but however I did live——

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. Scheuer yielded his time to Mr. Anderson of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman from New York for yielding me his time.

Mr. Chairman, I would merely like to say, in further response to the gentleman from Missouri (Mr. Ichord) that at the risk of indulging in some personal reminiscences this afternoon, I did for 2½ years of my life live in West Berlin. At the time I was a member of the U.S. Foreign Service. One of my assigned tasks was to report periodically to the Department of State on the Communist federation of trade unions in the Soviet-occupied portion of Germany, so I have some small knowledge of the fact that trade unions in Communist countries do not function freely as they do in our country.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Chairman, I think it is beneath the dignity of our great Nation to renege and welsh on its dues. There are many gentlemen in this Chamber who have had more experience with international organizations than I, but I have had some. Before I was a Congressman, I attended international organization meetings as a delegate on housing and planning——

Mr. GROSS. Mr. Chairman, I make the point of order that the gentleman from New York (Mr. Scheuer) is out of order at this time.

The gentleman from New York (Mr. Scheuer) yielded his time to the gentleman from Illinois (Mr. Anderson).

The CHAIRMAN. The Chair will state that what happened was that the gentleman from New York (Mr. Scheuer) yielded his time to the gentleman from Illinois (Mr. Anderson). Therefore the gentleman from Illionis (Mr. Anderson) has control of the time.

The gentleman is now standing, and therefore the Chair believes that the gentleman is in order. However, the Chair will further announce that the additional time yielded to the gentleman from Illinois (Mr. Anderson) by the gentleman from New York (Mr. Scheuer) has expired.

The Chair recognizes the gentleman from Massachusetts (Mr. Drinan).

Mr. DRINAN. Mr. Chairman, I rise in support of this amendment. For the past several months I have been following the developments relating to our obligations as members of the International Labor Organization with increasing dismay and frustration.

The ILO originated as a direct result of American initiatives. Its founding and goals reflected our conviction, which I believe we still maintain, that whatever we could achieve in stimulating growth of more viable economies in the world's developing nations would contribute measurably toward world peace and stability. The paramount importance, in this framework, of the labor movement and labor economics is obvious. The problems of unemployment in nations which are experiencing recent and rapid growth of industry at the expense of old patterns of labor, the problems of industrial relations in societies where old social bonds are being replaced by new types of relationships—these are the inescapable challenges which will face us now and in the foreseeable future as we deal with the developing nations. They are difficult tasks, sometimes apparently intractable.

As the wealthiest Nation on earth, we know that we will be the object of impatience, frustration and envy on the part of less abundantly endowed nations. Proceedings in the ILO have not proved an exception to this proposition. We have been assailed there by the Communist bloc. Their labor representation is frequently a mere shadow of the independent labor voice which the ILO tripartite structure was intended to foster.

But now how shall the United States respond to this situation? As a matter of international law there can be no uncertainty about our status. As long as we do not pay our assessed contribution to this organization to which we voluntarily subscribed and whose charter we are bound to observe, we are in violation of international law. The assessment itself was certainly valid. Nobody disputes that. It is a treaty obligation. Second, the principal purpose of our withholding our contribution has been to seek to influence the organization through its new director general toward policies and practices more suited to our position. This attempt contravenes the ILO charter's specific command that members not seek to influence the director general, an international civil servant, in the discharge of his responsibilities. It is also clear that the appointment of the Soviet national which has been objected to is in complete conformity with regulations approved by the ILO governing body granting the director the prerogative of appointing his own staff.

It does seem ironic to me that while on the one hand the ILO's critics charge it with having too often deferred to Soviet and Communist bloc pressures, we now seek to further attack the organization's independence by unlawfully withholding our dues. We cannot have it both ways. We cannot insist that the ILO show a greater independence in the face of Soviet polemics while we ourselves assault that independence. Our best bet for an effective ILO is to have a determined leadership there. The new director has shown that he can be that kind of leader and will assemble a competent staff that will not accept continued political attacks by the Soviet delegates. Edward Neilan, the leader of the employer delegation to the ILO conference, has reported to the subcommittee examples of recent meetings where ILO officials had cut off gratuitous attacks on the United States. His positive view was shared by a representative of the Labor Department and by a spokesman from the AFL–CIO maritime committee and by Leonard Woodcock of the UAW.

Mr. Meany has stated he feels the United States must pay its dues. The State Department told the subcommittee the United States should pay up, that we should not admit defeat and say we cannot do anything but withhold funds.

The proposed amendment puts the question to the Congress in the clearest possible terms: Shall we pay our dues or shall we be in default? If we do not appropriate our contribution, this will be the first time, as far as I am aware, that the Congress has deliberately determined to put the United States in violation of clear norms of international law.

Now I too am disturbed by the roadblocks we have experienced with the ILO. But I am confident that by working inside the organization and abiding by its rules we can move the ILO to stop these attacks on the United States and at the same time increase the effectiveness of our delegation.

If we really want to make the ILO more effective we are badly damaging our own cause by not contributing our share of its expenses. The organization is now operating at a level $5 million below that authorized for the current calendar year. If the ILO does not get any U.S. payment by October, it will be forced to release its personnel—and the first to go will be the newer, younger, and presumably more progressive and responsive staff.

To go into default would be an admission that when it comes to the skillful use of the available instruments of international law and international organization we cannot compete with the Soviet Union. Surely all of us can imagine that our deliberate default will be used by our enemies for even more bitter and more justified attacks against us within the ILO, and probably within the United Nations as well.

Six weeks ago most of us were firmly and confidently assuring the potential May Day demonstrators that the way to change a system is to persist in employing all lawful means to turn it around. Now I think we have to pause and ask ourselves what kind of example we are going to set today. I do not see how we can tell those who disagree with some aspects of American society not to violate its norms when we, in dissatisfaction with an international society, violate international norms. It is also difficult to perceive how we can insist that our allies or our foes meet their international obligations—whether in NATO or the U.N. or in multilateral negotiation—if we do not meet ours.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I think all of us know there have been frustrations and difficulties with the ILO. Its tripartite composition makes it difficult to understand how the Soviet Union or any of the Communist countries can participate in the ILO.

However, that question was resolved when the United States joined with other members of the ILO in agreeing to the membership of the Soviet Union.

It seems to me that all of these questions can certainly be debated and good arguments made on both sides. But we are in a position now of having really three choices.

We have one choice of opting out of the ILO—of getting out and being through with that organization. I would say as to that choice that the withdrawal of the United States would leave the Soviet Union as the dominant power in the ILO. Much of its work is done in the underdeveloped nations like Africa and South America and we would be leaving the Soviet Union in the position of dominating the organization that is doing this good work in those areas.

Another option is to pay our dues and fight in the ILO. That is what is suggested that we do here today by the Yates amendment.

The third option is the very poorest option of all and that is the one that apparently the committee is leading us into and that is to not pay our dues but to stay in the organization. This, to me, makes very little sense at all. We would lose our influence in the organization and, yet, we would be there and subject to attack. We will lose our voice in the organization as of January of next year. So of these three options facing you, do not choose the worst of the three options—please. Support the Yates amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I would like to call the attention of the Members of the Committee to some documents that I inserted in the CONGRESSIONAL RECORD yesterday at page 21695 and the following pages of the RECORD.

These documents include a background memorandum issued by the Nixon administration in support of the payment of the ILO dues, and two items from the AFL–CIO news of this month. One of them is dated June 19, 1971, and the headline reads:

> Free Workers Win Agenda Battle at Start of ILO World Conference.

The article goes on to describe how well the workers of the free world are doing at the ILO at this time.

Then there is also included a joint statement of Rev. Msgr. Marvin Bordelon, director of International Affairs and Reverend Msgr. George G. Higgins, director, Division for Urban Life, U.S. Catholic Conference, in which joint statement they argue in favor of the payment of the United States dues.

Mr. Chairman, in support of what the gentleman from Illinois (Mr. ANDERSON) said about the position of the administration, and just to leave no doubt about that, here is the answer given in a White House statement dated May 27, 1971, as to the attitudes of the administration.

Mr. Ziegler said in part:

> We are asking Congress for the funds to pay our dues for this year and our arrearage for last year so that we will not continue to be in default on our International Obligations.

On June 1 the President at his news conference said the same thing in effect.

The principal argument made in support of the committee's action is, in effect, that this is what the Russians did and we should follow their example. What a remarkable argument that is.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I rise in support of the Yates amendment.

I think what we have before us today is a little different situation than we had a year ago because it is the beginning of next year, the 2-year expiration date comes and then if we do not pay our dues, we will be out of ILO.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield for a correction?

Mr. QUIE. I yield to the gentleman.

Mr. ROONEY of New York. We would not be out of the ILO until January 1, 1973.

Mr. QUIE. I thank the gentleman for the correction of date.

I would say there is a good understanding why there is a difference of opinion because the National Association of Manufacturers decided not to take part in the ILO and do not send delegates, but the Chamber of Commerce has decided to do it and they still do. They want us to pay our dues.

Organized labor, although they are critical of the way the Russians and other Communists operate, have still participated in it and continue to participate. So our decision really has to be whether we are going to pay our dues and stay in, and whether our delegates will stand up to the Communists and give it back to them as hard as they give it to us.

I think what was stated in the letter from the gentleman from New York, quoting Mr. Meany that we are constantly abused by the Communists, is true. However, that does not mean that we have to sit quietly and take it. It is just like someone saying something derogatory of any of you. You do not have to sit there quietly and take it. Nor would you leave Congress because of it. I think we are better off being a part of the organization and active in it, rebutting any accusations and condemning the wrong doing of the Communists. Lets not drop out of the ILO, but send delegates with guts.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Illinois (Mr. YATES).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

### PARLIAMENTARY INQUIRY

Mr. BOW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOW. Has not the gentleman from Illinois (Mr. YATES) already addressed the committee on the amendment?

Mr. YATES. There is now a limitation on the time.

Mr. BOW. I object to the request of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, may my time be delayed to a later time in the debate than that of the gentleman in the well?

The CHAIRMAN. The Chair will recognize the gentleman.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. FRELINGHUYSEN. I regret that I have no time to yield. The time limitation is so restrictive that I shall have no opportunity to yield to the gentleman, much as I would like to oblige him. It seems unfortunate in a matter of this consequence that we are not given an adequate time to discuss the serious situation that exists.

I rise in strong support of the Yates amendment. I agree with George Meany—and I find it difficult to feel that there are many who do not—that we owe this money, and that we should pay this money. In fact, the chairman of the subcommittee himself has indicated that there will be a payment eventually. His argument is that we should wait until the last minute, and then pay only 6 months of our dues.

This makes no sense to me, Mr. Chairman. How can we say, "We want more say in an international organization," "yet at the same time attempt to cripple it by withholding funds which we owe under a legal obligation? If we want to have more influence in the ILO, we should pay up. Surely we should not put ourselves in the same status as those who have failed to pay and who thus no longer have voting rights. It would make more sense to withhold if this were a part of a move to pull out of the ILO. But we have had a frank recognition from the appropriations committee that within the next 6 months we should pay some of the back money. It is asserted that by doing this, we shall in some way increase our influence in the ILO.

I would suggest that the simplest way to increase our influence is to strengthen our own leadership by sending delegations that can represent us well.

I would not suggest for one moment that we do not have a problem with the ILO, but it should be self-evident that this suggestion of the committee makes no sense at all. I do hope that the Yates amendment is accepted.

The President has said we should pay up our assessment; the employer representatives also believe we should pay up, and so too does Mr. Meany. Nothing can be accomplished by refusing or delaying payment, or making only partial payment, except to give the United States an unnecessary black eye in the world community.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. FRASER. I am glad to yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I rise in support of the amendment to restore funds for the payment of the dues owed by the United States to the International Labor Organization. Others have already discussed some of the principal reasons why it would be very wrong for the United States to attempt to withhold its dues. I would like to cite some supplementary evidence to those arguments.

It seems to me that the International Labor Organization is still deeply involved in the cold war. This is not surprising. We are all heirs of the policies and the rhetoric of the past.

The Subcommittee on Europe, which I am privileged to chair, recently completed 2 weeks of hearings on the origins and development of the cold war. Several of the distinguished historians who testified stated that the cold war—the most enduring foreign policy doctrine in our history except for the Monroe Doctrine—developed into a system of absolutes within both our Government and our society. We ceased slowly to question the assumptions of the cold war; we merely wandered from room to room in the cold war palaces we built.

The International Labor Organization is the oldest international body. It was founded in 1919 as one of the few enduring results of the Versailles Peace Treaty. The ILO certainly predates the cold war; how did it become involved in the antagonisms between the United States and the Soviet Union?

For 15 years after its founding, the ILO proceeded without American membership although we had encouraged and participated in its foundation.

Since we joined in 1934, American delegates and American citizens have played key roles within the organization. Since 1935, an American has served, for example, as either Director General—the top position—or Assistant Director General in almost unbroken succession in Geneva, the headquarters city. An American, David Morse, who retired as Director General 2 years ago, served for 21 years in that position.

We are now threatening to withdraw from the ILO by withholding our dues—an illegal step, incidentally—because Morse's successor named a Soviet citizen as one of the five Assistant Directors General. Our irritation cannot, in my judgment, be attributed ultimately to anything but a continuation of the Cold War rhetoric.

Criticis of the ILO cite many examples of alleged hostility toward the United States either through the use of ILO meetings for anti-American tirades or through an increase in Communist participation, dating from the Soviet Union's resumption of ILO membership in 1954. I will not comment on the details of those charges which are well ventilated.

I must say that I believe the United States, and its employer and union delegates to ILO, developed a proprietary and even a paternalistic view of the international organization over the past 37 years. Disbelief and anger that we no longer control ILO is behind much of the antagonism today toward Director General Jenks.

Perhaps David Morse, a distinguished public servant, served too long as ILO chief officer. His tenure, during the heart of the cold war years, tended to make some Americans think that ILO should be a bastion of anticommunism. Mr. Morse himself, to my knowledge, never proclaimed this view but American delegates to ILO did.

How one can proclaim the virtues of international organization and maintain, simultaneously, that one side should dominate that organization in the midst of the cold war is difficult for me to comprehend. We must either accept the fact that the ILO, in a mixed world, must itself be mixed or we revert to a petty form of petulance of which this dues controversy is an excellent example.

I do not deny that the Communist delegates to ILO have caused a generous share of trouble. Perhaps many of them think the Communist countries should control the ILO and other international organizations. That is an equally wrong view but it is not the issue today.

We must decide whether we as a country of immense power and influence in the world will support the principle of international organization. We must decide if we can accept the need to work with other people with whom we may regularly disagree on quite profound questions of value and yet still work with them for common goals.

For the ILO these common goals are the development of better social institutions to improve labor-management relations, to foster cooperative associations and other institutions to aid rural communities; to assist in improving working and living conditions and to defend and improve the human rights of all workers.

These are worthy goals toward which the United States should work within the ILO even when the delegates cannot agree on ultimate principles. We should stay in the ILO and not take home our marbles just because we cannot win every game.

Mr. FRASER. Mr. Chairman, one of the strange things about the failure to pay dues is that we spend some $70 or $80 billion a year to defend ourselves against communism, and many billions more to fight wars against communism, and yet in a peaceful forum the Russians drive us out without firing a shot. It is one of the most effective devices the Soviets have ever developed. They have found ways to discourage the United States from continuing to participate in forums which are important to the world community. I think the tradition of the United States is one of toughness, one which says when we do not like what is going on in an international organization, we hang in there. We battle and slug it out, because we believe what we stand for is more real, more honest, and more fundamentally right than that of any other system. It seems really strange that we should have complained about France and the Soviet Union defaulting on their assessments, and then we turn around and default on ours. What hypocrisy we could be charged with any time we go back to the Soviets, to France, or other countries, and say, "Why don't you pay your assessments?"

They will say, "Why did you not pay your dues? You admitted you owed yours, but we disputed whether ours was a legal obligation."

I hope, Mr. Chairman, in the light of the fact that Mr. Meany says we owe the money and ought to pay it, the President says we owe the money and ought to pay it, the chamber of commerce says we owe the money and ought to pay it, we will vote for this amendment.

The amendment offered by the gentleman from Illinois (Mr. Yates) will increase the funds going to international organizations in the State Department appropriation from $152,744,000 to $164,374,749. This increase of $11,600,749 will provide the funds for the American legal obligation to the International Labor Organization. Without these funds the United States will be unable to pay, first, the $3,784,412 it owes to the organization as part of its 1970 dues. The remaining $7,816,337 will permit the United States to pay its dues for this calendar year. Failure to pay both of these obligations could result in the United States losing its vote in both the governing body or the conference since our arrears will exceed our contribution for the preceding 2 years.

The United States has always played a preeminent role in the activities of the United Nations. However, our honest leadership in just and peaceful causes will be challenged and placed in serious jeopardy by our failure to appropriate these funds. It is not the time for the United States to be forced into what amounts to self-imposed isolation by its refusal to pay its dues.

Under the charter of this organization a country's right to vote may be challenged when it becomes 2 years in arrears in its obligations. This point, technically, may be raised in the February 1972 meeting of the International Labor Organization. An objection by one member of the organization to our continued voting would be sufficient grounds for the United States to lose its vote. It is within the power of the House of Representatives to avoid this embarrassing and degrading possibility.

I urge all Members to support the funding for the International Labor Organization.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Morse).

Mr. MORSE. Mr. Chairman, I suppose two uniquely American characteristics are paying our bills and walking away from fights. In the adoption of the committee position I believe we would violate both those precepts. I rise in enthusiastic support of the Yates amendment.

There can be no doubt as the unanimity of those concerned in support of this; the President, the business community, and the labor community.

There can be no doubt that this body time and again has criticized the Soviet Union for its failure to pay its bills to international organizations.

It seems to me the least likely way to gain influence is to pick up the marbles, walk away, and become a delinquent contributor.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Illinois.

Mr. FINDLEY. I commend the gentleman for his statement and express my enthusiastic support for the Yates amendment.

Mr. MORSE. I thank the gentleman very much.

I urge adoption of the amendment. It is a serious question before us, and I hope that we will adopt the Yates amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Chairman and members of the committee, the point I wanted to make in the exchange between myself and the gentleman from Illinois is that unlike labor unions in the United States, where labor organizations serve as the voice of labor to the Government and the employers, labor unions in the Soviet Union are the voice of the government to the workers.

So I would say to my distinguished friend from Minnesota, insofar as the Russian Government is concerned, it is not a forum of the people. It is quite simple why Mr. Meany was moved to testify before the committee—and I quote:

> This has become a forum for Russian political propaganda, and there is no effort made by the Office of ILO to stop this.

I direct the attention of the members of the committee to the question asked by the gentleman from New York (Mr. Rooney) the distinguished chairman of the subcommittee, shown at page 4 of the report:

> Mr. Rooney. Taking the 2 years, you have made more progress in the ILO in the last 6 months than you did in the previous year and a half.
>
> Mr. Hildebrand. Exactly.

The gentleman from New York has corrected the error that has been made. The question is not now before the House whether to continue in the ILO or to pull out of the ILO. Our membership in the ILO cannot possibly expire until January 1, 1973.

I will yield to the distinguished chairman of the subcommittee, who I submit does make some commonsense. At least he has accomplished something in the 6 months that we have withheld our contributions to ILO.

Mr. ROONEY of New York. I should like to say that Mr. Meany testified before the committee that President Kennedy told him that when he was in Vienna with Khrushchev, Khrushchev said, "You pay too much attention to your labor leaders. We solved our labor problem many years ago." Kennedy asked how he solved it. Khrushchev said, "We shot the leaders."

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, this indeed is a perverse kind of dollar diplomacy that will win us no friends and win us no additional influence within the ILO.

The committee says we have no intention of getting out of the ILO, yet the only way the United States can stay in the ILO is by paying its dues. It will have to pay its dues either now or in a few months. If the committee has no intention of getting out of the ILO no matter what happens, and that is the impression the committee attempts to give, we might as well pay our dues at the present time.

It is a strange kind of a report that the committee issued, also. It quotes two prominent witnesses in support of its position against payment of the dues, witnesses have an opposite point of view to that which the committee took. It quotes George Meany's testimony of last year. That is not in point today. George Meany today says that we should pay our dues to the ILO. He says we owe it, it is our legal obligation and we should pay it. The committee's quote to the contrary is contrary to the fact today. The committee also quotes Mr. Hildebrand of the Department of Labor. In the hearings on page 701, Mr. Hildebrand said:

> But the Department also is convinced that if our efforts are to be effective, payment must be made of the remainder of our 1970 assessment as well as all of that for 1971. Delay in meeting these legal obligations would destroy our influence as a member state, and foredoom to failure the efforts we are now making to restore the ILO to its original purpose—the Gompers' conception—to improve the welfare of workers in every country.

That is contrary to the position of the committee, I submit the committee position should be overridden and my amendment approved.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois (Mr. Yates). Undoubtedly all of my colleagues join the gentleman in the well in expressing displeasure over recent trends in the ILO. Nonetheless, as I see it, we have only one choice. If the United States hopes to maintain its influence in that organization, we must remain a member in good standing and pay our dues.

On the other hand, if the United States withdraws, we will be literally handing over to the Soviet Union the very influence and leadership that they have been seeking for years. The Soviet Union will become the dominant power in the ILO, and our voice will not even be there.

I believe it is important therefore that we understand the consequences of our actions here today. If the United States withdraws from the ILO we are not likely to gain either friendship or understanding abroad. Instead, the United States would be condemned for attacking an organization which renders a service to working people everywhere.

In the final analysis the question actually comes down to a decision on whether we are going to give up by default. To vote against this amendment I submit will be to do just that—to default, to make it impossible for the free labor movement to develop abroad.

Mr. Chairman, I believe one other point raised here a moment ago deserves clarification. I refer to the statement of the gentleman from New York (Mr. Rooney), regarding Khrushchev's comments to President Kennedy on the question of labor's influence on government. It is indeed ironical to hear the advice of a dictator to the leader of the free world on the question of free and democratic action. For someone who never had to listen seriously to any free-acting special interest group it is difficult to understand where he acquired his expertise.

However, the main point is that Mr. Khrushchev's statement was made many years ago—I might add, long before he was himself deposed.

The fact of the matter is that there is more than ample evidence reflecting the positive influence of labor and peasants in countries throughout the world. I cite, for example, the recent dramatic impact of labor unions in Poland resulting in a change of government.

The meaning of such events for us is clear. We must be prepared to assist the development of labor movements throughout the world. And what better way to do so than by continuing our membership in the ILO.

As you know, Mr. Chairman, the payment of our arrears as well as our current assessment is supported by AFL-CIO President George Meany, the business community in the form of the U.S. Chamber of Commerce, and by the executive branch. Considering this broad-based support, I submit it is incumbent upon us to vote in favor of this amendment and I urge my colleagues to do so.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Chairman, I rise in support of the Yates amendment and associate myself with much of what the others have said who are in support of the amendment.

I would like to add one point; that this is a moment in history when we should be seeking for the United States to have its influence felt in all international organizations and bodies where we can exchange ideas and where we can move countries of the world closer together. This is a moment when we should be seeking closer ties with other countries regardless of their opinions and differences in system so that we can influence each other in terms of the common good. This is not a moment to refuse to pay our dues and withdraw our influence from the ILO.

Mr. BINGHAM. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I applaud the gentlewoman's statement in speaking of our position in other organizations. I would point out that what Mr. Hildebrand said about the damage that a refusal to pay dues does to us in the ILO also applies to all the other international organizations and to our reputation as a member of the international community.

I think the gentlelady will agree.

Mrs. ABZUG. I do, sir.

Mr. Chairman, I think we ought to seek international cooperation in our concerns for peace, our concerns for the working people in our concerns for health and the combating of disease and hunger all over the world. We must play a major role in international organizations in order to do this. This is therefore no time to withdraw our membership from the ILO, an important international organization.

The example we set here by the action we take will have important reverberations and influence over our effectiveness in all international organizations and endeavors.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I am a bit surprised to see the number of people who have paraded here today complaining about the lack of payment to the ILO, and saying what a great disgrace it is not to use all of your power and influence.

I would point out to the members of the Committee that probably one of the most influential participants not only in the ILO but in the United Nations is the Soviet Union. But if you look on page 619 of the hearings you will find that the Soviet Union is in arrears, not to the ILO, but to the United Nations, to the tune of $19,776,000.

Mr. Chairman, I have not heard anyone from that great committee who has been parading here today ever come on this floor and complain about the delinquencies of these other countries. There is a whole list of them in these hearings, a list showing the delinquencies not only of the Soviet Union but of other nations. This is the first instance and is the first time we have done that, and it has been advantageous to us. It is understood now that because of the denial of the payment last year attention has been directed to it.

I would urge the members of the Committee to vote against the Yates amendment. Let us have another year. Let us find out if we cannot straighten this out and do our best to remain in the Organization.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Smith).

Mr. SMITH of Iowa. Mr. Chairman, I just want to state what I believe to be the facts and to say that I think that 95 percent of what you have heard here has been irrelevant, incompetent, and immaterial.

The fact of the matter is that we are 6 months behind on our dues. The only question is, Shall we become 1½ years delinquent before paying up? That is the question. All the other talk is immaterial.

Mr. Chairman, I get the feeling as a member of the committee, from time to time, that we are sort of taken for granted by other countries. They are often in arrears but we never are. I sometimes feel they believe we are a sort of soft touch and will automatically pay the lions share on time no matter what.

While I favor paying before it would affect our membership, I think, perhaps, once in awhile we ought to also become as delinquent as others or do something a little bit different just to show them that they cannot always take us for granted.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I wish to associate myself with the gentleman's remarks.

We are not leaving the ILO, but we think this is one way of getting that organization's attention directed to some of the problems that we feel exist and, perhaps, we can get some attention directed to those problems by this action.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Rooney) to close debate.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment. The Yates amendment proposes to appropriate the $7.8 million requested in the budget for fiscal 1972 but also the $3.7 million deleted by the Senate last year and agreed to by the House.

Mr. Chairman, someone of the previous speakers said we should not do anything to criticize or interfere with the Director General, Mr. Jenks. I guess we should just sit by while Mr. Jenks in conjunction with his Soviet confederates spend our money to put out a publication called International Labour Review, vol. 101, April 1970, No. 4 entitled "Lenin and Social Progress," including how Lenin's ideas are embodied in Soviet social policies.

I already noted in general debate that this is the organization that without any notice to the House or the Senate, without any notice to anyone in the Congress, had gone ahead and started to construct a $25 million building in Geneva, Switzerland.

Finally, the committee has no intention at all of getting out of this organization. We do not contemplate that.

The CHAIRMAN. The time of the gentleman from New York (Mr. Rooney), has expired.

### PREFERENTIAL MOTION OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Thompson of New Jersey moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. THOMPSON of New Jersey. Mr. Chairman, as a Member who has served as a congressional adviser to the U.S. delegation at four ILO conferences, I am well aware of the criticisms leveled at the ILO, and I share some of them myself.

I am nonetheless convinced that the advantages we gain from ILO membership far outweigh whatever dissatisfactions we may have with its procedures.

I always make it a point to spend some time visiting the delegations from the developing countries when I am over there. They are always struck by the differences between the delegations of the Western countries and those of the Communist bloc.

Our freely selected and independent delegation of workers, employers, and Government officials stands in sharp contrast to the so-called worker and employer delegations of the Communist countries. We do not have very many forums in which our two systems can be compared at close quarters like this, and I might say compared to our great advantage.

I and other members of the delegation also make it a point to spend some time informally discussing issues with the Communist delegates outside of the regular sessions. I do not recall that we have made wholesale conversions to our point of view during these discussions, but I think we have opened up a lot of minds and cleared up a lot of misconceptions about our system.

So I think the annual convening of the ILO gives us a great opportunity to make points for our free enterprise system while at the same time we try to contribute to the solution of the social problems the ILO addresses during the conferences.

I might point out that the ILO does not go into hibernation in between conferences. It carries out a large number of manpower training and development programs around the world, to which we contribute separately. These technical assistance programs are aimed mainly at underdeveloped countries and have been highly praised on all sides.

We should also remember that the ILO has made a substantial contribution to the passage of legislation affecting workers around the world since its inception in 1919. Its conventions and recommendations on human rights and labor standards have had a gradual but far-reaching effect for the good in the lives of millions of workers.

But I would like to go directly to the issue at hand. Here is the situation.

We did not pay our dues to the ILO for the last 6 months of 1970. Since ILO dues are payable on January 1, we are already in arrears for 1971, making a total arrearage of 1½ years. If we have not paid up on January 1, 1972, we will be 2½ years in arrears, and stand to lose our right to vote.

Thus, unless the ILO funds are restored today, we are going to lose our right to vote 6 months from now.

Further, spokesmen for the administration which supports the restoration of the funds, have told me that the ILO is going to be in such financial straits by this fall that they will either have to borrow money or cut back sharply on their ongoing manpower training and development programs.

I think we are already in a very embarrassing position from the standpoint of world opinion. We admit that we owe the dues, but we say that we are not going to pay them until the ILO changes to our satisfaction.

Now we are in danger not only of losing our right to vote in 6 months, but of being cast as the villain when these technical assistance programs for underdeveloped countries are cut back or closed down.

I submit that the actions of the Congress last year have already had a salutory effect on the ILO. In particular, the ILO has come down hard in the last year, and in the main successfully, against the use of its forums for nongermane propaganda diatribes.

Now the proposition has become a losing one. Our reliability and sense of fairness in the international community is being increasingly questioned because of the episode, and I think the time has come to cut our losses.

The administration and the AFL–CIO have urged that these funds be restored, and have indicated that they are pursuing other avenues for reform of the ILO. I would likewise urge my colleagues to see to it that these funds are restored by voting for the pending amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman and members of the committee, I would like to straighten out a couple of things, if I can. It is a bit painful, but there are obviously some misunderstandings.

In the first place, the distinguished gentleman from New York (Mr. Rooney) my good friend, says that we have until January 1973, when in fact we have until January 1972. And if we are not paid up by then, under the rules of the International Labor Organization, and under the determination as expressed by the director general in recent days, we could lose our voting rights in January 1972.

In the second place, I do not have the honor to be a member of the Committee on Appropriations, but with respect to notice of the building under construction in Geneva of the ILO referred to by the gentleman from New York (Mr. Rooney) I might say I did not consider that it was official notice to this body, or to the House of Representatives, but 3 years ago when I was an observer at the International Labor Organization I was taken to the site of, informed of the plans for, and was informed of the participation of an American architect in the prospective construction of the building to which the gentleman from New York (Mr. Rooney) alludes.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will be glad to yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, a while ago the gentleman from New Jersey made the statement that the 2 years would be up in January of 1972.

Mr. THOMPSON of New Jersey. That is right.

Mr. ROONEY of New York. I would like to tell the gentleman that the State Department tells us that the 2 years will be up by January 1, 1973.

Mr. THOMPSON of New Jersey. But I respectfully state that I think the State Department is wrong in this instance. I know that you rely on that information, and I say to you, respectfully, sir, that you are wrong about it. My interpretation of the law, as one who has observed it, as one who has studied it, is that in January 1972 the 2 years will expire and the United States will be in default. They do not work on a fiscal year basis; they work on a calendar year basis.

Now, with respect to the International Labor Organization being a forum for the Communists, I say that is so. It has also, I might submit, been a great forum for us. Following the Hungarian incident in 1956, and the Czechoslovakian incident, the very things happened about which our Government is now complaining; namely, that the bloc countries and others have compained about, have made speeches during the discussion of the Director General's report, derogatory of the United States. I have witnessed them, and I have witnessed them being shot down by the Chairman of the Assembly. I might say that, following the Hungarian incident and the Czechoslovakian incident that this country, and this country's delegates, employers, Government and workers, all complained in the International Labor Organization of the activities of the Soviet Union. In a word, the representatives of the United States have attacked the Soviet Union on political issues. I feel strongly that the ILO should not be used for debate on matters properly belonging in the U.N. The facts are, however, that both the United States and the Soviet Union have been at fault. Is this reason for us to quit? I say "no."

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. I know that the gentleman from New Jersey has been an appointed delegate of the House to the ILO.

Mr. THOMPSON of New Jersey. I have been an appointed observer, as is the gentleman from Ohio (Mr. Ashbrook) at this moment.

Mr. GERALD R. FORD. I gather from what the gentleman has said that while he was there on one or more occasions, he had seen this building in the process of construction?

Mr. THOMPSON of New Jersey. No, no. I was shown the site of it and I was informed as an observer of its potential. The chairman of the building committee of the ILO at that time was an American by the name of Stillman who just recently retired from the Department of Commerce.

This is no news to us.

Mr. GERALD R. FORD. Let me ask, did the gentleman as an official observer of the House of Representatives to one or more ILO conferences see the plans or talk to the architect and did he not see the site?

Mr. THOMPSON of New Jersey. No.

Mr. GERALD R. FORD. Did the gentleman ever report to the Committee on Appropriations or to the House of Representatives that a $25 million building was to be built?

Mr. THOMPSON of New Jersey. No, the gentleman did not. The gentleman did not see the plans and did not consult with the architect but was simply told of the prospectus and he was shown the prospective site.

Mr. GERALD R. FORD. But the gentleman from New Jersey knew the building was to be built?

Mr. THOMPSON of New Jersey. Yes, I did know. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from New York (Mr. Rooney) is recognized.

Mr. FRASER. Mr. Chairman, a point of order.

I thought we were voting at 3 o'clock.

The CHAIRMAN. This is a preferential motion.

The gentleman from New York (Mr. Rooney) is recognized.

Mr. ROONEY of New York. Mr. Chairman, I should like to call to the attention of the Committee of the Whole the following information with regard to the building mentioned in the colloquy that has just taken place. The printed hearings held on March 10, 1971, pages 689–690 contain the following colloquy with Assistant Secretary of State De Palma:

> Mr. Rooney. When were funds requested of the Congress for the construction of that building?
>
> Mr. De Palma. They will appear in the calendar 1974 ILO budget.
>
> Mr. Rooney. Let me repeat that question. When were funds requested of the U.S. Congress for the construction of that building?
>
> Mr. De Palma. In fiscal 1974, sir.
>
> Mr. Rooney. Evidently you think I asked "will be" instead of "were." When were funds requested of the Congress for the construction of that building?
>
> Mr. De Palma. They were not as far as I know, sir.
>
> Mr. Rooney. Of course not. This organization just goes ahead and decides on a building at a cost of how much, $25 million?
>
> Mr. De Palma. That is right.
>
> Mr. Rooney. And the United States Congress has no voice in whether we will pay how much of that $25 million?
>
> Mr. De Palma. We don't know yet, sir.
>
> Mr. Rooney. Give us an approximation.
>
> Mr. De Palma. About $5.25 million I would say.
>
> Mr. Rooney. So this organization can go ahead and start a construction in 1969 of a $25 million building to which we are required to pay approximately $5.25 million and do this without any notice to the U.S. Congress or to the taxpayer or any request of him at all. Is that right?
>
> Mr. De Palma. Sir, notice was not given as far as I have been able to discover.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, for 6 years I have had the opportunity of appointing or recommending for appointment individuals who would be observer appointees on the part of the House to the ILO. These House Members who have gone, I think, owe an obligation to come back and report to the House of Representatives what they observed.

Let me ask the distinguished gentleman from New York—have any of these appointees ever reported to the House Committee on Appropriations that there was a prospective obligation of $5 million plus for the building of a building by the ILO in Geneva, Switzerland?

Mr. ROONEY of New York. For over a quarter of a century, I cannot recall one such instance.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to my distinguished friend, the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. There is an apparent confusion, I might say to the minority leader. My distinguished friend must have been terribly busy because in the last 6 years Members who have represented us as observers, including myself——

Mr. ROONEY of New York. Please do not take my 5 minutes. I yielded only for a question.

Mr. THOMPSON of New Jersey. My question is, "Have not you heard of this before?"

Mr. ROONEY of New York. Have I heard of what? You?

Mr. THOMPSON of New Jersey. No, the building. You saw it.

Mr. ROONEY of New York. I was amazed when I saw the construction going on in January just past in Geneva. I could not believe it.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Have any of the observers appointed by the House ever come back and reported to the House officially that the $25 million building was in prospect?

Mr. ROONEY of New York. Never.

Mr. GERALD R. FORD. To cost $6 million of American money?

Mr. ROONEY of New York. Never. I think they go over there to smell chestnuts.

Mr. THOMPSON of New Jersey. We went over there to have it named after you.

Mr. ROONEY of New York. Mr. Chairman, let me read what Mr. Meany, president of the AFL–CIO, said before the subcommittee on July 31, 1970:

> Mr. Meany. What has happened since the Soviets came into the ILO is that the ILO has become a sounding board more and more each year for political discussions. Those of us who have attended ILO meetings in the last few years have been subjected to the indignity of listening to speaker after speaker on the resolutions committee denouncing the United States of America. This has become a forum for Russian political propaganda, and there is no effort made by the Office of the ILO to stop this.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROONEY of New York. Mr. Chairman, I urge that the pending motion be defeated.

Mr. DOW. Mr. Chairman, I rise in support of the amendment offered by Mr. Yates to provide funds to pay the U.S. dues and arrearage to the International Labor Organization.

I strongly favor the U.S. continuation as a viable member in good standing of this organization. It is my view that any further weakening of our delegation to the ILO is a disservice to U.S. interests and in very real terms strengthens the hands of the Soviets who receive an added bonus with no additional cost.

While I do not support the previous action of the Congress in cutting off dues payments, I submit that any advantage which may have been given to us by making the Organization aware of the Congress displeasure has been served.

There is no wisdom in attempting to bring this agency to heel. Our international responsibility is to strengthen the ties of national trade unions and assist them in the establishment of fair labor standards to improve and protect the living standards of peoples everywhere.

I do not know of a single trade union which believes that its interest or ours is improved by withholding these funds. Mr. Meany himself, in comments reported by the press from Atlanta, Ga., on Tuesday, May 11, of this year, said:

> As far as the appropriations are concerned, our position is quite simple. We owe the money and we should pay it.

Mr. Chairman, as President Truman used to say—the issue is a red herring. No Member of this body who truly believes in the U.S. responsibility to continue its important role in the international labor movement will want us to be deterred merely because a gentleman from the U.S.S.R. was appointed to a third-level position within the ILO.

For these reasons I urge the passage of this amendment.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 9, noes 80.

So the preferential motion was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. Gross), for the amendment offered by the gentleman from Illinois (Mr. Yates).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The question was taken; and on a division (demanded by Mr. Yates) there were—ayes 51, noes 70.

### TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers

Messrs. ROONEY of New York, BOW, YATES, and ANDERSON of Illinois.

The Committee divided, and the tellers reported that there were—ayes 147, noes 227, not voting 59, as follows:

[Roll No. 163]

[Recorded Teller Vote]

AYES—147

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Bingham
Blatnik
Boland
Bolling
Brademas
Broomfield
Burke, Mass.
Burton
Carey, N.Y.
Carney
Celler
Chisholm
Collins, Ill.
Conte
Conyers
Corman
Daniels, N.J.
Danielson
Dellenback
Dellums
Diggs
Dingell
Dow
Drinan
Dwyer
Eckhardt
Erlenborn
Esch
Evans, Colo.
Findley
Foley
Forsythe
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Garmatz

Gaydos
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Wash.
Hungate
Jacobs
Karth
Kastenmeier
Keith
Kluczynski
Koch
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McFall
McKay
Mailliard
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Obey

O'Hara
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roncalio
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Smith, N.Y.
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Sullivan
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wolff
Wright
Yates
Yatron
Zablocki

NOES—227

Abbitt
Abernethy
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baring
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Boggs
Bow
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell

Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Cotter
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dennis
Derwinski
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Evins, Tenn.
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gettys
Giaimo
Goodling

Grasso
Gross
Grover
Gude
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hébert
Heckler, Mass.
Henderson
Hillis
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Long, Md.
Lujan
McClure

McCollister
McDade
McDonald, Mich.
McEwen
McKinney
McMillan
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Patten
Pelly
Pettis
Peyser
Pirnie
Poage
Poff
Powell
Price, Tex.

Pryor, Ark.
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rousselot
Roy
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers

Stanton, J. William
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Tex.
Zion
Zwach

NOT VOTING—59

Anderson, Tenn.
Ashbrook
Baker
Biaggi
Blanton
Bray
Cabell
Clark
Clawson, Del
Clay
Conable
Culver
Davis, Wis.
Denholm
Dent
Devine
Donohue
Dulski
Edwards, Calif.
Edwards, La.
Fascell

Flowers
Ford, William D.
Goldwater
Gray
Griffin
Gubser
Halpern
Hansen, Wash.
Hastings
Hays
Hicks, Mass.
Hogan
Howard
Landrum
Lennon
Long, La.
McCulloch
McKevitt
Macdonald, Mass.
Madden

Martin
Mollohan
Murphy, N.Y.
Nedzi
O'Neill
Patman
Pickle
Purcell
Rangel
Rhodes
Runnels
Schneebeli
Taylor
Teague, Tex.
Tiernan
Watts
Wilson, Bob
Young, Fla.

So the amendment was rejected.

Mr. FRENZEL. Mr. Chairman, I ask unanimous consent to change my vote from "aye" to "no."

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, $2,900,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

Mr. PELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in connection with the International Fisheries I think the Members of this body would be shocked if they knew that our State Department deliberately was failing to carry out the will of the Congress in these various laws which have been designed to protect our fishermen.

Historically, Chile, Ecuador, and Peru entered into an agreement among themselves in the mid-1950's under which they claimed a 200-mile territorial sea off their coasts. This was an unprecedented move, but not one which caused great trouble initially.

However, in the ensuing years, especially early in 1971, more and more seizures of American fishing vessels have taken place, sometimes involving shooting incidents in which American citizens have been wounded.

Our American fishermen pioneered this fishery back in the late 1920's and early 1930's, yet when we enter these waters now, we are made out to be pirates by the Central and South American press, by Radio Havana and lately by Radio Peking which called us "gangsters." We are labeled "an imperialistic aggressor."

At the center of this issue is the fact that Ecuador and Peru have refused to sincerely meet to resolve the issue. They have refused to go to the International Court of Justice to reach a determination on the legality of their claim of 200-mile jurisdiction off their coasts.

I have authored, along with others in this House, and this Congress has passed, numerous bills designed to get our countries into serious negotiations, but these efforts have been circumvented by our own State Department which has refused to enforce, for one thing, the Pelly amendment to the Fishermen's Protective Act which requires that the amount of illegal fines be deducted from foreign aid. The act provides that in any case when a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew and to secure the release of such vessel and crew. Where a fine must be paid, the owners of the vessel shall be reimbursed and the Secretary of State shall take such action as he may deem appropriate to make and collect any claims against the foreign country for amounts expended to obtain release of vessel. Then the law provides that if such country fails or refuses to reimburse the United States an amount of the unpaid claim shall be withheld from foreign assistance funds programs for that country.

Mr. Chairman, since that law was enacted our State Department has never made any claims to a foreign country, thus they avoid deducting such sums from foreign aid allocations.

With other laws, the policy is similar. For example, in the Foreign Assistance Act there is a provision saying that in determining whether or not to furnish assistance, consideration shall be given to excluding any country which seizes or imposes any penalty against any U.S. fishing vessel on account of its fishing activities in international waters.

Has the Department of State followed this law? The answer seems obvious.

There are the Hickenlooper and the Kuchel amendments to the Foreign Assistance Act and the Belcher amendment to the Sugar Act, all designed to resolve this dispute over fishing rights; yet, the State Department has steadfastly refused to carry out the intent of the Congress because the laws were written with permissive language making enforcement discretionary.

Mr. Chairman, we even have treaties with Ecuador, Chile, and Peru which lay the groundwork for establishing an international commission to settle disputes, but the State Department has rejected this avenue of settlement to this problem.

Mr. Chairman, the 200-mile sovereignty is a serious matter. Yet, our State Department has done nothing with the legislative tools we have given it to resolve the differences between our country and these Latin Americans.

Again, Mr. Chairman, I bring this matter to the floor as a point of information. To me, the State Department's attitude toward the American fishermen is disgraceful. Only the other day a Soviet fishing trawler did severe damage, and deliberately so, to the lobster pots of a Boston company. When the American company liabled a Soviet vessel in an American port, the Department of State interceded on behalf of the Russians.

The reason I am speaking today is to enlist the support of my colleagues because I am hopeful when the opportunity arises, I can offer amendments to these various laws making the provisions to protect our fishing industry mandatory.

Mr. Chairman, later on when the Foreign Assistance Act comes before this House I hope that the Members will support provisions making the will of the Congress mandatory, and not allowing the State Department discretion under which they have definitely shown that they do not intend to do anything that is for the good of our fishing industry.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I am happy to yield to the gentleman.

Mr. WYATT. Mr. Chairman, I commend the gentleman for his aggressive leadership in this battle to protect our fisheries that have had such difficult times here over the past few years.

Mr. Chairman, I would associate myself with the gentleman's remarks and I certainly support his efforts.

Mr. PELLY. I thank the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, I also want to express the appreciation of fishermen everywhere for the gentleman's leadership in this direction.

I, too, wish to applaud the leadership the gentleman from Washington has provided toward obtaining justice for American fishermen in all waters.

By its own testimony before the Merchant Marine and Fisheries Subcommittee on which the gentleman serves, the State Department has shown the dimension of our problem. It is that whenever the wording of a law leaves any discretion in the matter, the Department has no intention of moving against the repeated illegal seizure of American fishing boats off South America.

Section 620(o) of the Foreign Assistance Act states that "consideration should be given" to cutting off aid to nations which "impose any penalty or sanction against any U.S. fishing boat on account of its activities in international waters."

The provision has been on the books since 1965—yet it has never been implemented.

A number of other possible avenues exist for redress of these abuses, but the repeatedly stated will of Congress has always been ignored or thwarted. It is clear from dreary evidence over the years that State Department officials will do nothing in the matter unless specifically mandated by law.

It is time to stop using the money of American taxpayers to subsidize piracy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

### POINT OF ORDER

Mr. YATES. Mr. Chairman, I make the point of order against section 105, lines 20 through 22, as being legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York (Mr. ROONEY) desire to be heard on the point of order?

Mr. ROONEY of New York. Yes, Mr. Chairman.

Mr. Chairman, this provision has been in this bill for many, many years. It goes back to the time that the late Senator from Nevada, Pat McCarran, was chairman of Senate appropriations for this bill.

However, I am constrained to have to concede that the point of order has merit.

The CHAIRMAN (Mr. ABERNETHY). The gentleman from New York concedes the point of order.

The point of order is sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g–2000g–2), $5,250,000.

### AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 16, line 5, change the figure "$5,250,000" to "$1,000,000."

Mr. GONZALEZ. Mr. Chairman, this amendment reduces the figure that the committee has recommended which is $5,250,000 to an even $1 million which represents the figure more or less that the Congress appropriated from the beginning of this service until about 1968.

Mr. Chairman, the reason I offer this amendment is because the experience of this service shows that this Congress and this committee has approved a needless expenditure of thousands of dollars.

In the hearings, as printed, on page 1,300 you will see a table there of some of the expenditures that the administrator of this division admits to having spent.

It lists expenditures, for example, made to one individual, Ernest Bernal, San Antonio, Tex., who got paid a fairly substantial amount of money for some study, so it says.

There is also another one, Jesse Rios. My contention is that this money has been used politically. The money spent on this one particular individual, who happens to be an instructor in one of the local colleges in San Antonio, is a complete misspending of money. In other words, there is nothing that the U.S. Government, the Community Relations Service, or the carrying out of the intention of the provisions of the Civil Rights Act of 1964 hoped to bring about.

On May 20, in connection with another activity, I wrote to the chairman of this committee, the Honorable GEORGE MAHON. I said:

MAY 20, 1971.

Hon. GEORGE MAHON,
*Chairman, Committee on Appropriations, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: The San Antonio Housing Authority has just informed me of a situation that is absolutely incredible, and it is a matter I believe you will be interested in.

I understand that the Community Relations Service has agreed, or at least is considering, paying for the traveling expenses and other incidentals for rent strike organizers to hold a meeting in San Antonio, evidently for the purpose of trying to set up a rent strike in public housing in San Antonio.

I do not believe that any agency of our government has any business in financing the organizers of an attempt to bankrupt another agency. Your Committee has heard complaints from me about the Community Relations Service attempting to build fires in San Antonio. Our city has enough troubles without this kind of Federal "help".

At this point I include in the RECORD a copy of a Wall Street Journal article of March 1970, in which, in a front page scare article, bylined by Richard A. Shaffer, who never visited Texas, much less San Antonio, until he was led there by agents of the service, was predicting that there would be a revolution in San Antonio, that it was imminent. What he calls "the Mexicans" were going on and killing all the "gringos." He scared the wits out of businessmen in the north and east who have insurance policies on public buildings in that area. So they gave a hard time and a bad name to the business leadership of my community. The article is as follows:

### THE ANGRY CHICANOS: DEEPENING FRUSTRATION OF MEXICAN-AMERICANS STIRS FEARS OF VIOLENCE—SAN ANTONIO DEEMED LIKELY TO HAVE TROUBLE; POVERTY, BAD HOUSING CAUSE UNREST—"IT'S TOO LATE FOR THE GRINGO"

(By Richard A. Shaffer)

SAN ANTONIO.—Every Texan remembers the Alamo, and Beto Martinez is no exception. But the man he admires is Santa Anna, the Mexican commander who massacred 187 defenders of the old mission here.

"He had the right idea of what to do with white men," says Martinez, who predicts: "The day will come again when any gringo in this part of the country will be shot on sight."

Martinez, 32, is an unemployed high school dropout who wears a goatee and shabby clothes, and rarely takes off his sunglasses even in the darkest bars. He is minister of war for the Mexican-American Nationalist Organization (MANO), a clandestine group that insists all "whites" are racist enemies who should be driven out of the Southwest, by force if necessary. Martinez, who has served time in Texas prisons for possession of marijuana and for sodomy, says most members of MANO are ex-convicts like himself and that others are Vietnam veterans with experience in demolition techniques and guerrilla warfare.

### "WE'LL BE READY"

"Right now, we're strictly for self-defense. We're just waiting," he calmly tells an interviewer while rolling his own cigaret. "But when something starts, we'll be ready."

It's hard to say just how much of a threat MANO really poses to law and order in San Antonio. Martinez claims his group has 300 members. But police in this seemingly tranquil city, where historical monuments draw a constant stream of tourists, say MANO is "nothing to be afraid of—just Beto and a few crazy kids."

Whatever MANO's numerical strength, many knowledgeable observers say the belligerence displayed by Martinez is all too typical of a deepening undercurrent of anger and frustration among the nation's Mexican-Americans. To some, it seems inevitable that violence will result, and they believe it may well come this summer.

One Federal official responsible for gauging the mood of minority groups puts it this way: "There's an awful lot of ferment among the Mexican-Americans, a rising level of militancy among the young, with more demonstrations and more challenging of authority—all the preliminary stages of outright violence."

### UNUSUALLY LARGE PROPORTION

If trouble comes, many experts believe, it could well occur here in South Texas. Many areas of the Southwest have large concentrations of Mexican-Americans, but the proportion is unusually large here. San Antonio counts 300,000 Mexican-Americans in its total population of 650,000, making it second only to Los Angeles in the number of Mexican-Americans.

Many Mexican-Americans, to be sure, have little cause for unhappiness. Throughout the Southwest, Mexican-Americans are prominent in business and various professions, including politics, and the number of well-educated Mexican-Americans moving into middle-class society is growing.

But vast numbers remain mired in seemingly hopeless poverty. Cut off from the society at large by language and cultural barriers, poorly educated, lacking job skills, often discriminated against on an ethnic basis, these people cluster in the Mexican-American slums—or barrios—found in practically every Southwestern city.

In San Antonio the Barrio is a sprawling collection of dilapidated wooden houses on the wrong side of town. Many of the barrio's streets remain unpaved, and many of the houses are jammed with big families—or sometimes several families. The yards are tiny, often surrounded by fences and decorated with birdbaths and plaster religious statues.

### MANY MIGRANT WORKERS

Many of those who live in the San Antonio barrio and in other areas of South Texas are migrant farm workers, usually spending months in the Midwest during the growing and harvest seasons and returning here for the winter.

Those who fear violence here this summer say it could well be triggered by the impact of growing mechanization on the jobs of such migrant workers. In the Midwest alone, one Federal report estimates, 40,000 migrant farm laborers will be displaced this year—and a large percentage of these will be Texans. Luis Le Leon, who works in the Laredo, Tex., office of an eight-state migrant-assistance group known as the Colorado Migrant Council, predicts: "There's going to be a lot of frustration and anger."

Jose Angel Gutierrez, a youthful activist who works with migrants and holds a master's degree in political science, says he is convinced that "after this summer, a farm laborer won't even have enough money to get drunk on. Things may not explode completely this summer. But that's when it's going to begin."

When he wrote his master's thesis two years ago, Mr. Gutierrez concluded that "the empirical conditions for revolution" exist in South Texas. Today, he says, "the chances for violence are better than ever."

There have, of course, been a number of manifestations of Mexican-American unrest already in various parts of the nation. The campaign led by Cesar Chavez to unionize the grape-field workers in Delano, Calif., has largely been a "chicano"—or Mexican-American—movement, and confrontations of various sorts have occurred with less publicity in Lansing, Mich., Kansas City, Denver, Chicago, and other places where the Spanish-speaking have settled after fleeing the poverty along the Mexican border.

But much of the agitation has remained beneath the surface. Most Mexican-American groups in San Antonio, for example, publicly deplore even nonviolent demonstrations. During two boycotts of public schools by Chicano students and a strike by city garbage collectors (nearly all Mexican-Americans) there was not a single arrest. As a result, city leaders are confident things will remain calm.

"This has always been a liberal town," says Walter W. McAllister, the 81-year-old mayor, who has an autographed picture of Herbert Hoover in his office. "I don't expect trouble. Americans of Mexican descent here have made real progress in recent years."

But a Federal observer here warns, "There are 'brown power' militants who are as full of hate and violence as anything the black power movement ever saw. It wouldn't surprise me to see things really come to a head in San Antonio. Maybe here before anywhere else."

One reason for the peaceful facade, as MANO's Beto Martinez sees it, is that the radicals have learned a lesson from those who have gone before. For example, when a supposedly nonviolent group headed by Mr. Gutierrez and known as the Mexican-American Youth Organization (MAYO) began making such public statements as "We must eliminate the gringo. . . . We have to be revolutionary in our demands," it was widely accused of racism.

U.S. Rep. Henry B. Gonzalez of San Antonio, a Mexican-American with a consistently liberal voting record in Congress, blasted MAYO as drawing "fire from the deepest wellsprings of hate." The Ford Foundation refused to renew a grant to MAYO, and Mr. Gutierrez was fired from another Ford Foundation-sponsored project.

"We're not so stupid," says Martinez. "We went underground right after the cops murdered all those Black Panthers." Now, he says, no more than four or five members of MANO meet at one time. Membership lists have been destroyed.

Martinez tells his recruits: "Get guns wherever you can, preferably from addicts who steal them. Don't buy them if you can help it. And don't carry them. Stay off dope. Don't use the telephone. Don't make public speeches. Get a job, if you can, and try to look harmless. This is how the Minutemen have survived. We will, too." (The Minutemen is a secret paramilitary group on the extreme right.)

### NO RAMPAGES EXPECTED

On the basis of detailed reports on MANO and the mood of the Mexican-American populace here, Federal observers don't expect a riot like those that occurred in the Watts section of Los Angeles and in some other cities, with rampages of looting and burning.

Instead, they fear a shootout between militants and police, a replay of the Cleveland battle between blacks and police that took 11 lives in the summer of 1968. In maintaining that the chances for such violence are high here, sources cite the conclusion by Cleveland Mayor Carl B. Stokes and a county grand jury that the outbreak there was not the result of a revolutionary plot or conspiracy but rather represented "spontaneous action taken by a group who were armed and emotionally prepared to do violence."

If there is such "emotional preparation" in Texas, it is not hard to trace its roots. Sen. Joseph M. Montoya (D., N.M.) told a Senate subcommittee last summer that Mexican-American poverty is worse in Texas than in any other area for which statistics are available.

In Texas 46.5% of the Mexican-Americans live in housing regarded as overcrowded or dilapidated, while only 9.4% of the "white" population lives in such conditions. The median annual family income for Mexican-Americans is $2,914, compared with $4,884 for whites. The average educational level is 6.2 years for Mexican-Americans but 11.4 years for whites. Of the total population in Texas, 3.4% has no schooling at all. This compares with 5.3% among Negroes in Texas and 16% among Mexican-Americans.

The Mexican-American also suffers more severely at the hands of official justice in South Texas than in any other area in five Southeastern states, according to studies made by the U.S. Commission on Civil Rights, in 1968.

The commission said it found that "Mexican-American citizens are subject to unduly harsh treatment by law enforcement officers, that they are often arrested on insufficient grounds, receive physical and verbal abuse and penalties which are disproportionately severe. We have found them to be deprived of proper use of bail and of adequate representation by counsel. They are substantially underrepresented on grand and petit juries and excluded from full participation in law enforcement agencies, especially in supervisory positions."

Government efforts to improve the plight of Mexican-Americans have caused some disillusionment. "People are beginning to realize that these programs have promised more than they can deliver," says Richard Avena, field director for the Civil Rights Commission here.

### HIGH JOBLESS RATE

Unemployment remains high—nearly 30% on the Mexican-American West Side of San Antonio—despite a Labor Department "concentrated employment program" that has been underway for three years, and the city Urban Renewal Authority is prevented by state law from using its land for badly needed public housing. The only two projects the authority has completed in 13 years were devoted to commercial interests and headquarters for local government.

There's some hope political successes will offset the forces for strife in the streets.

Mexican-Americans in some nearby rural communities have been fashioning their own political machine, the Raza Unida (United People) Party, which has either sponsored or supported more than a dozen candidates and not lost an election. Even in San Antonio, where city government has been controlled since the mid-1950s by the conservative Good Government League and where the Spanish-speaking vote is largely restricted to a single county commissioner district, candidates with militant support have won in at least five elections.

Even so, Mr. Gutierrez, chief strategist of the Raza Unida victories, says, "It's too late for the gringo to make amends. Violence has got to come."

In concluding my letter to the chairman of the committee, I said—

> Mr. Chairman, I sincerely hope that you will endeavor to prevent any Federal agency from undertaking this kind of frivolous, even dangerous kind of activity. We should not be in the business of subsidizing irresponsible people—and believe me, I know whereof I speak in this case.
>
> Sincerely,
>
> HENRY B. GONZALEZ,
> *Member of Congress.*

I take this means of bringing to the attention of the House what I consider to be a very serious diversion, distortion, and miscarriage of the intentions that the Congress had in setting up this provision in the 1964 Civil Rights Act.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Chairman, I object.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for 3 additional minutes.)

Mr. GONZALEZ. Mr. Chairman, in connection with this evidence, and because of the salaries paid beyond the needs of this service to agents in the pay of the Government, who, in order to justify their job, which is supposed to be to prevent community disturbances, but who are actually fostering, stimulating and inciting distrust and unrest in communities, I think the committee has a serious responsibility to correct this, and I think it is tragic that this amount of money, which has multiplied 500 percent in a matter of 3 years, should be spent so indiscriminately while we pass this as a matter of procedure, pro forma, without any questions. I make that statement in view of the serious instances I have cited on a grassroot level, incidents which are steering us as Representatives who are asked to vote on these appropriations.

I ask for a favorable vote on my motion to restore the amount of the appropriation to its original pristine amount.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to the gentleman from Michigan.

Mr. CONYERS. I take it you are against the Community Relations Commission as it is operating in your area?

Mr. GONZALEZ. I do not know what the gentleman heard.

Mr. CONYERS. I have been listening to what you said.

Mr. GONZALEZ. Then I think the gentleman is intelligent enough to form his own conclusion about what I said.

Mr. CONYERS. I just want to get it on the record.

Mr. GONZALEZ. I am speaking for the RECORD.

Mr. CONYERS. Because there are a number of people who have been supporting the Community Relations Commission. It has done a good job in other communities in this country. I just wanted to understand the gentleman's point that he has been making in the Well.

Mr. GONZALEZ. I appreciate the concern of the gentleman. I have spoken specifically. I have given specific instances. I offer for the gentleman's reading tomorrow's copy of the printed RECORD, with specific letters, specific incidents, and specific articles.

I say, whatever the experience may be elsewhere, I am charged with the responsibility of reporting my experience.

Mr. CONYERS. Mr. Chairman, will the gentleman yield further?

Mr. GONZALEZ. I am delighted to yield further.

Mr. CONYERS. The Community Relations Commission works throughout the United States of America.

Mr. GONZALEZ. I am well aware of that.

Mr. CONYERS. Does the gentleman have any information on its operations anywhere else?

Mr. GONZALEZ. I have information—of course, I do not have time to check it as I have with respect to my own district, about its role in other communities—as far away as California.

Mr. CONYERS. What information is that?

Mr. GONZALEZ. I do not know if my time will permit, but I will have to bring that out in documented form later on. What I report today is documented. It is specific. It is disturbing to me because it is happening in my own backyard.

Mr. CONYERS. I thank the gentleman.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment offered by the distinguished gentleman from Texas.

Even I, Mr. Chairman, suspected the distinguished gentleman from Texas was against this Community Relations Service. All he wants to do is reduce the appropriation from $5,250,000 to an even million dollars. He just wants to put them out of business.

But, Mr. Chairman, let us be fair about this. There have been some unfounded statements made with regard to this service.

As I pointed out during general debate, this agency was created long before 1968, because in 1965 in the supplemental appropriation bill there was an appropriation for it, and in 1966, as well as in 1967. So we have here an agency which does provide assistance to communities in resolving disputes, disagreements, and difficulties. They send people into these communities where trouble might rise who seek under the powers of the Department of Justice to do what they can to alleviate conditions which might become dangerous and cause riots and substantial property damage and loss of life.

As far as this appropriation itself is concerned, the committee saw fit to very substantially reduce it. I did not agree to that; that is to say, that was not my judgment. I thought we should have allowed the full amount.

The fact is that they asked for $5,850,000, and the majority of the subcommittee—I have to respect the majority of the subcommittee, and I represent them here on this floor today—allowed $5,250,000, which is a cut of $600,000.

I do not believe there is merit to the pending amendment, and it should be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I wonder how we got along for 175 years in this country without a Community Relations bureaucrat?

Mr. ROONEY of New York. Well, we got along with "Chick sales" and we got along without telephones.

Also, we got along without television. Times change. We did not have riots such as we have had in recent years in major cities of the country. We did not have property damage and arson such as we had here in the District of Columbia a few years back. I am sure the gentleman would be the first to want to do something to alleviate these sorts of situations.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. Surely, I yield to the distinguished gentleman.

Mr. GROSS. Which comes first, the chicken or the egg?

Mr. ROONEY of New York. Well, the gentleman from Iowa is more acquainted with that situation by virtue of the part of the country from whence he comes. I know he has been further back under the barn hunting eggs than I have ever been. That is a cinch.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. Since the distinguished chairman made allusion to those who made charges that are not founded—and I do not know whether he made that allusion or not——

Mr. ROONEY of New York. No. I certainly did not mean to use that word with regard to the distinguished gentleman from Texas at all. I should have used the word "mistaken."

Mr. GONZALEZ. Then, it is incumbent on the chairman to be specific about those specific points that I presented to the committee by letter dated May 20, in which I stated that we were confronted in San Antonio with the possible destruction of the peace and order, all brought about by moneys possibly coming from this agency without any kind of accountability from the Congress, and here we are appropriating more money to them.

Mr. ROONEY of New York. I did not ask that of the distinguished gentleman. It was the gentleman from Michigan (Mr. CONYERS) who stood here and inquired with regard to that. I have always found the gentleman from Texas (Mr. GONZALEZ) to be highly trustworthy, a gentleman, and a commendable Member of this body.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have an opportunity to expand and to revise on that statement.

Mr. Chairman, I have just one other question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry that I was not here to hear all of the remarks of the gentleman from Texas (Mr. GONZALEZ), but apparently the gentleman from Texas has offered an amendment to delete the funds for the Community Relations Service. I must object most strongly to that.

The Civil Rights Oversight Committee, which is Subcommittee No. 4 of the Committee on the Judiciary, has had quite a lot to do in its short lifetime with this particular service of the Department of Justice. It was authorized and begun in 1964. As far as the Omnibus Civil Rights Act is concerned, that great bill did more to help race relations in this country than any other piece of legislation we have ever enacted. If the gentleman from Texas (Mr. GONZALEZ), my distinguished friend of many years, has had problems with the operation of this part of the Department of Justice, this division, then it would really have been very nice if Mr. GONZALEZ had come to us as the oversight committee, and we would have made a prompt investigation of it. However, I can assure my colleagues that this is a good operation. It is done quietly. These people live in the community. They work very hard on such difficult problems as the community-police relationships. They have probably stopped more riots and more internal disturbances—

Mr. GONZALEZ. Will the gentleman yield?

Mr. EDWARDS of California. Yes. Of course.

Mr. GONZALEZ. Will you specify where they have prevented one riot? One riot.

Mr. EDWARDS of California. If the gentleman will come to my office, I will go into great detail, but generally speaking the work is done quietly and with no publicity. I assure the gentleman from Texas that it is very valuable work.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to share the comments made by the gentleman from California—and I am sorry that at this point we had to get into this kind of discussion as to where riots have been stopped by a commission. I think it is rather difficult, I would say to my friend from Texas, to show where a riot would have occurred in the United States if a commission had not acted.

I asked him earlier if had any intelligence about the Commission and its activities and functions across the United States of America, and he did not have any.

I think we should make clear now the fact that the gentleman objects to this Commission because of the activities going on in San Antonio, Tex., but that he more properly should come before Subcommittee No. 4 of the Committee on the Judiciary, because that subcommittee chairman and its members would be delighted to hear of any misconduct that is going on and that should be corrected by that committee. I, as a member of that subcommittee, would encourage my friend not only to send such complaints directly to the chairman of the Finance Subcommittee but also to the Judiciary Committee where these matters are more properly investigated.

Mr. EDWARDS of California. If the gentleman from Texas is an adherent to civil rights and has some problem to discuss with reference to the Community Relations Commission, I would suggest that the gentleman bring them to Subcommittee No. 4 in order that they will receive prompt attention.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Maryland.

Mr. MITCHELL. As the former director of the Maryland Human Relations Commission, under Governor Tawes, and as one who worked in frequent contact with the former Governor of the State of Maryland, Mr. AGNEW, I can attest personally to the effective use of the Community Relations Commission in the State of Maryland from June 1963 to 1965.

In my official capacity as a director of a State agency, I called upon the Community Relations Commission time and time again to render its effective services to the State of Maryland. As the director of the Baltimore Community Action Agency from 1965 until 1968, during that period of time operating first under Mayor McKeldin and second under the present Mayor Thomas D'Alesandro III, I personally had the opportunity to witness the effective work of the Community Relations Commission and the services which it has rendered. I have had first-hand opportunities to evaluate the effectiveness of the contributions of this particular service to my city and to my State.

Admitting that the service may not be equally good in all cities and States across the Nation, I think it would be absolutely nonsensical to throw the baby out the window with the bath water. I urge the defeat of the Gonzalez amendment.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe that the gentleman from Texas had an opportunity to respond to the question. I would like to yield to him now for that purpose.

Mr. GONZALEZ. I very deeply appreciate the consideration of the gentleman from Iowa and I do want to take advantage of this opportunity, although I may not have to use the full 5 minutes.

First, let us keep first things first. I happen to have been a Member of this body when we debated and considered the 1964 Civil Rights Act for 10 consecutive days. I supported it and the RECORD shows it and I am glad I did. So, let us not distort the RECORD in that respect.

Second, the gentleman from Maryland (Mr. MITCHELL) talks about the Human Relations Commission of Maryland and of Baltimore. I am not talking about the human relations commission in the city of Baltimore. I am not talking about the human relations commission in the city of San Antonio in the State of Texas or Maryland. I am talking about the Federal Community Relations Services and with particular reference to the region now located in Dallas, out of which emissaries have gone into San Antonio and have been assigned to San Antonio.

When I asked specifically as to what records and what rights have been violated, I asked that with the intention of showing that insofar as we can tell in the Dallas region which covers several States, rather than preventing, they have been fomenting and have been crystallizing community sentiment along racial lines, along social lines, through articles which have appeared on the front pages of the paper and which fact has been admitted by the writers that it has not been happenstance. The journalists told us that the Federal representatives were the source of this information.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I beg the pardon of the gentleman. I am really a guest here on the time of the gentleman from Iowa.

I want to make two points. First, I think the record will show that as far as my position in particular is concerned, that I have supported civil rights efforts, I am for equality, I am for fair and impartial treatment, and my record is unassailable in that respect, and was unassailable long before I came to the Congress. But I am also for fair play. I am also for having a man earn the money that he is to receive when he is hired for a job. I am also for carrying out the intentions that Congress had when it enacted this section of the Civil Rights Act. And my contention is that I did the correct thing through my correspondence and through my contacting of these people, and that I secured no results. And if I have to go before the substantive committees on authorization, then that is something else also.

Mr. KYL. The gentleman from Texas would agree with me, I believe, that when it comes to the question of preventing riots and preventing the fomenting of riots, that that is one thing that we cannot prove as to what riots were prevented any more than we could prove that the State Safety Patrol has prevented accidents—name one.

Mr. GONZALEZ. If the gentleman will yield further, I can personally testify to one that we prevented in my hometown 2 years ago, not because of the service, but in spite of it, and because I happened to bring them to the public view.

The gentleman talks about how quietly they work, and that is an unfortunate thing, that is the thing I am talking about, they are working so quietly that the jobs have multiplied in this division so fast, and the salaries have grown so greatly that they just sit around trying to figure out what to think of in order to justify those jobs.

That is what I am saying. And we cannot wash our hands on this, and say how well they are working because they are working so quietly. We have a direct responsibility in this matter. I know in my case, regardless of the position it puts me in, regardless of the political impact, I have the responsibility of bringing this to the attention of this committee, and if the committee does not listen to me then the Congress, as I am, on the specifics, and I have the documentation on it.

Mr. Chairman, I am extremely grateful to the gentleman from Iowa (Mr. Kyl) for yielding me this additional time, because I did feel that these points should be made.

**Mr. GROSS.** Mr. Chairman, if the gentleman will yield, I suggest that this is probably one of the best times and one of the best opportunities the House will ever have to strike a blow for the Alamo.

**The CHAIRMAN.** The time of the gentleman from Iowa has expired.

**Mr. ROYBAL.** Mr. Chairman, I move to strike the requisite number of words.

**Mr. ROONEY of New York.** Mr. Chairman, will the distinguished gentleman from California yield?

**Mr. ROYBAL.** I yield to the gentleman from New York.

**Mr. ROONEY of New York.** Mr. Chairman, the gentleman is far too kind to me in yielding, because I suspect that the gentleman may take a position opposite to the position that I take. But I do want to point out, in requesting the Members to vote down the pending amendment reducing a $5 million appropriation to $1 million, that the committee recommendation would merely add 13 positions, making a total of 250 employees in this office.

I thank the distinguished gentleman for yielding.

And please do not strike a blow for the Alamo with this item.

**Mr. ROYBAL.** Mr. Chairman, I am somewhat in a dilemma as to what to do with regard to the amendment pending before us. On one hand, I must say that I understand the position the gentleman from Texas (Mr. Gonzalez) has taken. I understand it because I know that he speaks the truth.

I also look at the other side of the coin, and see the good work that has been done in other sections of the country. I do not believe that striking out or reducing an appropriation is the proper way of registering a grievance against a particular group.

In this instance I believe that the gentleman from Texas is correct in saying that something has to be done to change the attitude of individuals who run this agency here in Washington. Those who go out into a Congressman's district—to actually incite people to riot, must be stopped. On the other hand, I compliment most segments of the organization. Those who work in various communities throughout the United States. Those who work in Los Angeles, Calif., and in other sections of the country, where the local committees on Human Relations are actually doing a tremendous job, because they have within those organizations men and women who are active in the community in which they live, and as citizens of that area are participating through the Committee on Human Relations in the affairs of their community.

I do not know at this moment just exactly what to do about the inequities that I see. I do know one thing however and that is that most agencies that are recipients of money from this appropriation of $5,250,000 are doing a good job in various sections of the country. I believe that this debate should serve as notice not only to those individuals who operate this service, but also to the staff of the Civil Rights Commission that we are dissatisfied with their attitude, dissatisfied also with some of the things that they are not doing for some minorities and that it is high time that they realize that there are many minorities in the United States not just one and that these minorities must be served on an equal basis. If they are not served on an equal basis, then the funding should not be made to groups who operate in an unequal way perpetuating discrimination under the guise of promoting equal opportunity for all.

**Mr. CONYERS.** Mr. Chairman, will the gentleman yield?

**Mr. ROYBAL.** I yield to the gentleman.

**Mr. CONYERS.** The gentleman now extends his warning, I take it, to the Civil Rights Commission, which has not been named previously; is that correct?

**Mr. ROYBAL.** Yes. I did mention the Civil Rights Commission.

**Mr. CONYERS.** What has the Civil Rights Commission done that offends the gentleman from California?

**Mr. ROYBAL.** If the gentleman would really be interested I can make that explanation when that subject matter is before us. I had decided not to say anything about the Civil Rights Commission. Even though I am dissatisfied with the attitude of some of those who run it. I still believe that to reduce an appropriation is not the way to correct the situation. I think this will serve as sufficient warning to those individuals involved that they have to reexamine their operation once again and that they have to readjust their position and steer a better course.

I use this time to notify them that we expect a lot better performance from them in the coming year. As I said before I am not in favor of this reduction. I will even vote in favor of increasing the appropriation for the Civil Rights Commission but they should also know that they have to correct their ways.

**Mr. CONYERS.** I agree with the gentleman's last thinking on this subject. I suppose the gentleman had to talk his way into that decision.

But what are the names of the members of the Community Relations Commission who sit in soft plush chairs in Washington and incite riots in Members' districts?

**The CHAIRMAN.** The question is on the amendment offered by the gentleman from Texas (Mr. Gonzalez).

The question was taken; and on a division (demanded by Mr. Gonzalez) there were—ayes 68, noes 64.

### TELLER VOTE WITH CLERKS

**Mr. CONYERS.** Mr. Chairman, I demand tellers.

Tellers were ordered.

**Mr. CONYERS.** Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; the Chairman appointed as tellers, Messrs. Rooney of New York, Bow, Gonzalez, and Kyl.

The Committee divided, and the tellers reported that there were—ayes 127, noes 233, not voting 73, as follows:

[Roll No. 164]

[Recorded Teller Vote]

AYES—127

Abbitt
Abernethy
Andrews, Ala.
Archer
Arends
Baring
Bennett
Betts
Bevill
Blackburn
Bow
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Caffery
Camp
Carter
Casey, Tex.
Chappell
Clancy
Clausen, Don H.
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
de la Garza
Dickinson
Dorn
Dowdy
Downing
Duncan
Dwyer
Edwards, Ala.
Eshleman
Evins, Tenn.
Fisher
Flynt
Fountain
Frey
Fuqua
Gettys
Gibbons
Gonzalez
Green, Oreg.
Gross
Hagan
Haley
Hall
Hammerschmidt
Hastings
Hull
Hunt
Jarman
Jones, N.C.
Kazen
Keating
Kee
King
Kuykendall
Kyl
Landgrebe
Latta
Lloyd
Long, Md.
McClory
McClure
McCollister
McMillan
Mann
Mathias, Calif.
Mathis, Ga.
Miller, Calif.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Myers
Nichols
O'Konski
Passman
Pelly
Pettis
Poage
Poff
Powell
Price, Tex.
Rarick
Reid, Ill.
Roberts
Rogers
Rousselot
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Springer
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Veysey
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Williams
Winn
Wright
Zion

NOES—233

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Biester
Bingham
Boggs
Boland
Brademas
Brasco
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain
Chisholm
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Diggs
Dingell
Dow
Drinan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hosmer
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Keith
Kemp
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Lujan
McCloskey
McDade
McDonald, Mich.

McEwen
McFall
McKay
Macdonald, Mass.
Mahon
Mailliard
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Thone
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Whalley
White
Widnall
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Zablocki
Zwach

NOT VOTING—73

Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Baker
Belcher
Biaggi
Blanton
Blatnik
Bolling
Bray
Brotzman
Cabell
Clark
Clawson, Del
Clay
Conable
Culver
Davis, Wis.
Dent
Devine
Donohue
Dulski
Edwards, La.
Fascell
Flowers
Ford, William D.
Fulton, Tenn.
Goldwater
Goodling
Griffin
Gubser
Halpern
Hays
Hébert
Hicks, Mass.
Hogan
Holifield
Horton
Howard
Ichord
Landrum
Lennon
Long, La.
McCormack
McCulloch
McKevitt
McKinney
Madden
Martin
Michel
Mills, Ark.
Mollohan
Nedzi
Patman
Peyser
Purcell
Rangel
Rhodes
Runnels
Ruth
Schneebeli
Steele
Taylor
Teague, Tex.
Tiernan
Ullman
Ware
Watts
Wilson, Bob
Wylie
Young, Fla.
Young, Tex.

So the amendment was rejected.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent to change my vote from "no" to "aye."

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of (not to exceed twenty-six for replacement only), and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, $103,500,000: *Provided*, That there may be transferred to the Health Services and Mental Health Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Administration for medical relief for inmates of Federal penal and correctional institutions.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: Page 19, line 15, after the word "Code" strike out "103,500,000" and insert "$105,225,000."

Mr. MIKVA. Mr. Chairman and members of the committee, I have a series of three amendments which seek to restore the cuts that were made by the Appropriations Committee in the budget sought for the Bureau of Prisons.

Now, the Bureau of Prisons has received one of the largest increases in its history, and some have asked me not to raise these points at this time; because even with the cuts, they are still getting a substantial increase over the last fiscal year.

Unfortunately, Mr. Chairman, crime has been increasing also. If any of you have been reading your mail you will find that the one single issue that bothers the people the most is the problem of crime. Certainly, we are not doing what we ought to do with reference to the crime problem.

Mr. Chairman, I am aware of a professor who drowned in a river that averaged 6 inches in depth. I suggest that these cuts which "average" less than 10 percent will affect some very substantial and important programs—programs which seek to do something about the rising crime problem and the problem of recidivism—that is the number of prisoners who go to prison but who come back upon release to a life of crime.

The chairman of the Appropriations Subcommittee said during the hearings, according to the transcript, that the Federal Bureau of Prisons runs the finest system in the country.

I think he is correct. But it will not continue to be the finest and it is not adequate to meet the task given it. Based upon the kind of statistics that show what is happening to the prisoners that are turned loose, the system is not making it.

Mr. Chairman, the Appropriations Committee recommended a total cut of some $19 million. Of that some $16.3 million is for building and facilities; $1,725,000 is for salaries and expenses for the Bureau of Prisons; and there is another $1,250,000 to support prisoners.

Mr. Chairman, these cuts are going to hurt. These are not cuts that have to do with the building of new institutions as such. It is true that some of the building facilities will be affected because a piece of the cut is in that category, but the bulk of the cut has to do with custodial programs and innovative programs—programs seeking to try to turn the corner and determine why people come out worse than when they go in.

Mr. Chairman, we are spending a lot of money on law and order in this country. It seems to me that we are being pennywise and pound foolish to deny to the Bureau of Prisons the money that is sought, the money which has been approved by the administration, the money which has been approved by the Office of Management and Budget. We need a better situation in our prisons than we have had heretofore to be able to return to society criminals who have been rehabilitated rather than to return criminals who are likely to continue their life of crime.

Mr. Chairman, I am aware of the fact that the Appropriations Committee is supposed to be the watchdog for the people. But I suspect in this instance that the watchdog has jumped up and bitten the people, letting the burglar go free.

Mr. BELL. Mr. Chairman, I rise in support of the amendment to H.R. 9272 offered by my distinguished colleague, the gentleman from Illinois (Mr. MIKVA).

It is a deep disappointment to me to see that the committee wants to cut nearly $20 million from the President's budget request for the Federal prison system. A cut in prison funds at this time is false economy. The cut indicates a distorted sense of priorities at a time when the crime rate is rising rapidly.

Yet, of all the activities within the criminal justice system, the correctional system has perhaps the greatest potential for reducing crime committed by repeating offenders. And 80 percent of the serious crimes of this Nation are committed by repeaters.

We have been talking about law and order, and we did so during the last campaign, and the main part of the campaign dialog on domestic issues was law and order, and how to fight crime.

When you analyze that 80 percent of the serious crimes of this Nation are committed by repeaters, I submit that the best way to fight crime is to improve our correctional systems instead of having them be just a school of crime, and make them really true rehabilitative centers.

We are not talking about pampering criminals or making country clubs out of the penal institutions; we are talking about investing in the improvement of a correctional system which is the most severely neglected part of our woefully inadequate criminal justice system.

As the crime rate continues to catapult upward, we have an ever more critical need for planning new facilities in our Federal system.

Crime has been estimated to cost this Nation between $50 and $100 billion every year. Yet in the name of economy we are asked to cut the President's modest request by $20 million.

Recently I have been telling the public, as well as prison officials and inmates, that Congressmen are taking a new direction concerning the way to attack the crime problem.

In the past, we had a wealth of excellent suggestions for making our correctional institutions true instruments of rehabilitation to help stop the rising crime rate. But our priorities were twisted in the wrong direction in favor of simplistic but ineffective solutions.

During this session of Congress, however, it appeared to me that my colleagues were at last ready to move on to more complex and more effective methods, such as modernized corrections, speedy trials, and narcotics treatment.

A vote today in favor of the amendment proposed by my distinguished colleague, the gentleman from Illinois (Mr. Mikva) will be a first step toward indicating to the public that we are sincere about attacking the crime problem through the best and most effective method, the improvement of our correctional institutions. This has the greatest potential for crime reduction.

As I have seen through a series of tours of penal institutions, the Federal system at least offers a ray of hope in an otherwise bleak and horrible correctional setup.

Mr. Chairman, I urge my colleagues to indicate a real commitment to attacking crime through prison improvement by supporting the amendment before us today.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I commend the gentleman from California (Mr. Bell) for his excellent statement, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. Mikva).

We in the Congress should pay attention to what the gentleman from California has just said because it points the way to progress in this particular area, an area which most critically needs attention now.

I mentioned that police and courts had been given much attention, but rehabilitation was the critical need—just a general statement.

The President and the Chief Justice of the United States have both spoken out strongly for correctional reform. It is up to us in the Congress to provide the means to make the Federal correctional system a model for the States. We have a long way to go at every level of government.

I have visited the Federal Women's Detention Center at Alderson, W. Va.; and recently spent the better part of a day touring the Lorton correctional complex operated by the District of Columbia. One of the major problems at these facilities is the enforced idleness of most of the inmates. More educational and vocational training programs are essential, not only to occupy the time of those in prison, but also to prepare these individuals for their return to the community. At Lorton, I visited a class in library science conducted by an instructor from Federal City College. Many of the men enroll at the college or at the Washington Technical Institute when they leave prison. The vocational programs at Lorton can accommodate only about 400 of the 2,000 inmates at the reformatory. Many of the jobs, such as the manufacture of clothing and furniture do not easily lead to outside jobs, at least not in the Washington area to which the men return.

A first-class court system and first-class police are vital to effective law enforcement. But if arrest, conviction, and sentence are not followed by rehabilitation of offenders, the cycle of crime will begin again. Both the individual and the community are the losers so long as we in Congress give short shrift to reform of our correctional system.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amount recommended by the committee, $103,500,000, is $12,655,000 over the appropriation for this item the current fiscal year. This cut is only in the amount $1,725,000 and the gentleman's amendment seeks to restore that $1,725,000.

I should point out that this cut is not even being appealed to the other body—and as you know under the appropriation procedure, the other body generally only listens to appeals of items in which the administration or the executive agency disagrees with the House appropriation action.

In this case, the Department of Justice is not even appealing it.

In the money allowed by the subcommittee, how many new positions do you think are being allowed? I almost hate to tell you, but the situation requires it—there are over 600 new positions provided under the committee figure. I submit, gentlemen, that this cut is not going to hurt the Federal prison system in the slightest and I ask that the pending amendment be voted down.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. Mikva).

Mr. Chairman and colleagues, I visited my first prison as a Member of Congress in January 1970, to see what was taking place within those institutions. I had been inside prisons before when I practiced law and represented clients, but it is not quite the same when you are making an inspection. I have since visited six correctional facilities, some were Federal and four were city institutions.

What I have found is that our prisons are turning out hardened convicts who perhaps could have been rehabilitated had some attention been given to them when they were in jail and time was hanging heavy on their hands and when their minds were open to change. But, we do not rehabilitate, and in the case of the narcotic addict we do not provide any drug therapy. We simply detoxify the addict—most often through cold turkey—and at the end of his sentence we throw him out on the street and he again becomes addicted and again assaults you, your wife, and your children in the streets.

In reviewing this part of the budget an effort has been made to save money—to cut down on expenditures. And where is the easiest place to do that? It is with the prisoners because there is no constituency involved here. You are not going to get a letter from some prisoner saying that he is going to vote against you because you cut money from the budget. But, more important you are losing the opportunity to treat and rehabilitate the man who will eventually be put back out on the streets to be either a good citizen or a thief.

You do not have to be a do-gooder to be in favor of increasing this bill—not at all. You only have to be interested in society. I think you ought to be interested in the individual and in rehabilitating him. But, just as important here is the need of society and you are turning your back on society when you cut this budget.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman.

Mr. MIKVA. Mr. Chairman, I would repeat that it is not a question of do-gooders and liberals against conservatives. This is a question, as the gentleman has well stated, of what must be done to really help solve a problem which so acutely effects all our citizens—how best we can deal with prisoners who are going to return to the free world.

My distinguished colleague, the gentleman from New York (Mr. Rooney) said that there will be 600 positions added to the number of personnel. Unfortunately, the prison or jail population in the federal system is projected to increase by some 10 percent—or some 2,000. So at least we are standing still, as the gentleman from New York pointed out—and I say that is the wrong way to stand.

Mr. KOCH. Mr. Chairman, I recommend to everyone here, if they cannot make a visit to a prison, to go and see "Fortune and Men's Eyes" which is playing right here in Washington and it gives you a picture of what is taking place in prisons across the country.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. BELL. Mr Chairman, the gentleman from New York (Mr. Rooney) indicated that there was an increase over the last year. That is true. However, it is $19 million below what the President requested.

Mr. ROONEY of New York. That is not a fact at all. The cut by the committee with regard to this item comes to merely $1,725,000. The gentleman is talking about a figure which refers to three items.

Mr. KOCH. Mr. Chairman, may I give you one salient fact: 400 drug addicts who have been released from prison in the city of New York live in a hotel in my district. It is estimated that they steal $35 million a year to support their habit, which costs each of them $50 a day.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to my colleague from New York.

Mr. ROONEY of New York. Does not the gentleman realize that this matter does not have very much to do with the city of New York? The gentleman is talking of mere whimsy in respect to the situation in the city of New York. Do you not know that the Federal prisons are the finest in the world?

Mr. KOCH. Mr. Chairman, the problems of the city of New York apply to the whole country. Prisons throughout the country have drug addicts in their cells and are releasing men and women who immediately return to their drug habits. We are not treating these people while they are committed to our prisons—and while we cut the budget today, we ask society to pay a tremendous price for our inaction.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. This amendment is addressed to the question of the Bureau of Prisons, salaries and expenses. It is a cut of $1,725,000. But may I point out that what the committee is recommending in this bill is $103,500,000. As the gentleman from New York has said, this is an increase of 600 and some-odd positions. This is not any meat-ax cut. This was done very carefully. We have discussed it with the Bureau of Prisons. I can say to my colleagues here that when we are now appropriating $103,500,000, I think that is all they can use this year, and it is not going to affect crime on the streets. If we would give them $200 million, and we still had the kind of enforcement and things going on that we have, we would not change the population of the prisons.

It has been said here, "Go look at the prisons, how bad off these people are."

Our committee not long ago arranged for a swimming pool in one of these correctional institutions. In the last couple of years new gymnasiums have been built for regulation basketball courts.

There was a recommendation a year ago in respect to food. The prisoners were objecting to canned orange juice. The budget was increased to bring in fresh orange juice.

We go on down. Let us talk about the increase in the budget last year, so that every inmate would have an amount of fresh meat equal to the average in the United States. I asked the question then how many law-abiding citizens, how many people who have never come in contact with the law or prisons were getting the average of the country. Of course, they could not tell us.

We have been very liberal in the prison system. I think the gentleman from New York has made investigations. He has gone out and studied the prison system. I believe this recommendation is fair and the committee is in full accord with it.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. CORMAN. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

Mr. DENNIS. I object.

Mr. ROONEY of New York. Mr. Chairman, I make the same request with a 10-minute limitation.

The CHAIRMAN. The gentleman from New York has asked unanimous consent that all debate on the amendment and all amendments thereto close in 10 minutes.

Is there objection to the request of the gentleman from New York?

Mr. DENNIS. Mr. Chairman, reserving the right to object, I was on my feet when the Chair recognized the gentleman in the well, and I want 5 minutes on this amendment. If I am not going to get it, I will object.

### MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The gentleman from California is recognized.

Mr. CORMAN. Mr. Chairman, I shall not use the full 5 minutes, because I do not want to hog this very brief time that is available, but I wish to call attention to the plight of the man who sits in judgment of one who has been convicted of crime. I have some friends in the Federal District Court in Los Angeles. They are competent concerned public servants who are frequently criticized because they sometimes give what appear to be too lenient sentences to young offenders who have committed serious crimes. But they are faced with this very difficult problem. Everyone in the system understands that when a young man is sent to a Federal prison for a long period of time, his life is sacrificed. There is little hope he will ever return to society as a responsible, contributing member. I cannot really believe that the Appropriations Committee is satisfied with the capacity of our penal system to rehabilitate these young people.

I understand that the three amendments together amount to the $14 million. That is a significant amount of money.

I do not believe it is time to decide whether or not we are hurting the prison system. It seems to me we must give to the Federal judges, who sit in judgment over criminals, some alternative other than turning them back on the streets, where they may again offend society, or sending them to prison, knowing they will be morally destroyed.

I hope we can support the amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Illinois.

Mr. MIKVA. While this is a single amendment, dealing with $1.5 million, I have tried to discuss the three together. I do not propose to take additional time on the other two.

The three together all seek to do the same thing, to restore the figures to the amounts requested by the Bureau of Prisons, and approved by the administration through the Office of Management and Budget before being submitted to the Appropriations Committee.

In other instances the Appropriations Committee gave various other agencies the full amount sought by them. In this instance they saw fit to cut.

In consideration of the seriousness of crime problems and the problems of recidivism we ought not to be cutting this amount.

The CHAIRMAN. Members standing at the time of the limitation of debate will be recognized for approximately three-quarters of a minute each.

The Chair recognizes the gentleman from Indiana (Mr. Dennis).

(By unanimous consent, Messrs. Rooney of New York, Hungate and Jacobs yielded their time to Mr. Dennis.)

Mr. DENNIS. Mr. Chairman, I thank my colleagues, particularly the distinguished chairman of the subcommittee, and also the other gentlemen.

I have no desire to address the House for any extended period. The reason I got to my feet is that I feel that this type of amendment is too often considered as one between conservatives and liberals, between "bleeding hearts" and "hard noses," and that sort of thing.

I should like to look at it, for just a minute, from another point of view. I do not believe I am known in the House as a liberal or as a big spender, but I do not have to come to the Congress to find out what the inside of a penitentiary looked like, because I have practiced criminal law in my time, and I sometimes had clients who were put in the penitentiary, although I tried to keep them out.

Penitentiaries are not very pleasant places, either Federal or State. The Federal prison is usually a little better of the two. Their products are less pleasant than the places. Most of the people in them have been there before, and a good many of them learned much of what got them there as a result of their first trip.

I commenced my public life as a prosecuting attorney and, if I do say so, I was a fairly vigorous one. Later on I preferred to defend clients. One of the reasons was that I came to realize that I really was not doing anything much very constructive for society when I sent people to jail, so I thought that if I could keep them out it might be a little more constructive for society as a whole.

For these reasons it seems to me to keep the budget at what the people who made up the budget asked for, for the purpose of starting to reform the penal system, is not being a bleeding heart at all, but is just being realistic and doing a little overdue justice.

Therefore, I support the gentleman from Illinois.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Symington).

(By unanimous consent, Mr. Obey yielded his time to Mr. Symington.)

Mr. SYMINGTON. Mr. Chairman, I have a tremendous respect for the chairman of the subcommittee, the gentleman from New York (Mr. Rooney). In fact, when I was in the Justice Department working as Executive Director of the President's Juvenile Delinquency Committee, the first appearance I had before the Congress was to try to defend our budget before the chairman. He was very fair and asked tough questions. All I can say is that getting to know Jim Bennett, as many of you did, and Myrl Alexander, who were the Bureau of Prisons directors, was a great experience for me.

I was told by them that less than 5 percent of the Federal judges had seen the inside of the prisons to which they send these fellows. I myself saw only the juvenile institutions in this country, and talked to the social workers who were trying to get something done with these people when they got out, and also talked with the teachers and saw the conditions under which these people live. I realized then that it would take a tremendous and massive effort by this country of ours to pull our prison system up to the point where we could really expect it to do the job that it was intended to do. We want these prisoners back, too, Mr. Chairman, back home, not back in prison.

For that reason, Mr. Chairman, I support the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, the total amount for prisons under this bill is $19,286,000 under the President's request.

I have also spent considerable time visiting prisons, and I can tell you they are not adequate and not correct. They do not improve but, rather, they bring the prisoners, the inmates, out into society in a condition where they are worse than they were when they went in.

I would like to repeat what I said earlier. We talk about law and order here and the idea behind winning the election was to obtain better law and order. If we want to put our money where our mouth is, then let us put the money here. Let us correct these institutions in which they breed crime and let us try to improve this terrible situation, because 80 percent of the people who commit crimes are recidivists.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 58, noes 70.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, $310,000.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. DINGELL. Mr. Chairman, I have two amendments at the Clerk's desk which I ask unanimous consent be read and considered en bloc, notwithstanding the fact that the second amendment appears at page 57 of the bill.

Mr. ROONEY of New York. Mr. Chairman, we do not have a copy of these amendments and therefore must object to the unanimous-consent request.

The CHAIRMAN. Objection is heard.

### AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 27, strike out line 15 and all that follows down through line 18.

Mr. DINGELL. Mr. Chairman, the function of this amendment is very simple. It is to save $310,000.

As everyone knows the Federal Government is proliferated with advisory bodies in many instances composed of those who are supposed to be regulated under the law in advising the Federal Government and its agencies on the law as it should be enforced insofar as it affects them.

Mr. Chairman, a classic example of this appeared in the Washington Post wherein it was stated that we were sending the goats to guard the cabbage patch. Such is the National Industrial Pollution Control Council which appears at page 27 of the bill and to which this amendment is directed.

The chairman is one who is well qualified to advise the agencies of the Federal Government on industrial pollution control but instead to advise how the polluter's interest should be protected. He is the chairman of a large corporation which produces a product which is loaded with such heavy quantities of highly toxic acid wastes that they corroded the steel lids of the manhole covers so as to cause them to collapse into the system. One of its members has complained consistently about the environmentalists and conservationists and the amount of money he was being compelled to spend for his corporation on pollution abatement and things of that kind, yet we find that his firm spent 50 times as much on advertising as it spent on research and on pollution abatement.

Mr. Chairman, there are a number of reasons why the National Industrial Pollution Control Council should be abolished. First of all, it is not needed. It is a broadly based body which is set up by statute and not by Executive order, charged with carrying out this responsibility.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I would love to yield to the gentleman from New York but I do not have the time.

Mr. ROONEY of New York. I only want the name of the chairman to whom you are referring.

Mr. DINGELL. The name of the chairman is Cross. He is the chairman of the 3-M Co. He is one of the big polluters of the country, too, I might add.

There are a number of reasons why this organization should not be funded. First of all, it is composed solely and execlusively of major industrial polluters, not technical people, but the heads of corporations. Indeed, its roster reads like the roster of outstanding polluters and of those against whom the Federal Government has initiated water pollution abatement suits.

Second, it has withheld the availability of its minutes to the public. It has denied repeatedly public participation in and public appearances at meetings which it has held. Indeed, it is fair to say that its published documents appear to be and purport to be public documents, when they are in fact not so. Indeed, these documents are utilized principally to justify and sanctify the position of polluters instead of setting out the Government's position of concern of the people of the Nation on the environment.

Indeed, not long back one of the agents of one of the polluters, one of the members of the NIPCC was circulating Government agencies and the public at large with copies of one of the documents which this agency had put together, and calling it a government document, and it spoke on behalf of something known as NTA, which happens, among other things, to be a cancer producer which has been abolished as a substitute for phosphates.

As I mentioned, it conducts its work in secret, it has no representatives in schools, educational institutions, colleges, universities, or conservation groups. At least, it has no representatives that are identifiable as representatives of small business.

As I mentioned, its meetings are carefully held in secret, and the public is absolutely and persistently excluded from its deliberations.

And, last, also it is the kind of Commission that the Federal Government does not need.

One of the things this Nation has strived for has been to be a working democracy of the elected representatives of the people. This constitutes a third and very dangerous layer of the Government whose purpose is to interfere with governmental decisionmaking which will be exempt from the elective process, and from the accountability to which we as elected representatives of the people are subjected, who serve the Government and are truly responsible and are accountable to the people at large.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know how hard the distinguished gentleman in the well, the gentleman from Michigan, (Mr. DINGELL) has worked on this entire field, and how important his contributions have been. I think the gentleman should be heard further, and I will yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank my good friend for yielding to me. I had been prepared to yield to the gentleman, but my time had expired.

Mr. Chairman, I feel very strongly that this kind of an institution is something which is very dangerous to the fundamental fabric of this Nation. I am indeed troubled, and I would have my colleagues to know that if this institution is to be composed entirely of polluters, who deal in darkness and in secrecy, which does not make its deliberations available to the public, then I think the only way this Congress, this body can bring a halt to these kinds of polluters, is by striking the appropriation of that institution. I believe that this would be taking a step which will lead us toward a more responsive kind of advisory panel. I would have no objection to a panel such as this, if it is run the right way, if it permitted public participation, or if its deliberations were open to the public, or indeed if its minutes were published in full and were in correct and true form, and were available to the people of the United States.

I believe that its documents ought not to be identified as quasi-public documents. I do not believe that its documents should be used for the purpose of influencing governmental action, and as documents of a governmental agency. I believe that this is extremely bad.

It is my hope, Mr. Chairman, that this amendment, a modest savings of $310,000 of the taxpayers' money, will be adopted, and will carry with it the broad and clear disapproval of this body toward the actions of that kind of an agency.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman and members of the Committee of the Whole, this is a comparatively small item of 300 and some thousand dollars.

The testimony in regard thereto is to be found in the testimony of Secretary of Commerce Stans at page 11 of the printed hearings:

> Secretary Stans. * * * The purpose of it is to bring industry together in industry groups, top executives to discuss the problems of pollution and what they are doing about them and to induce them to take on voluntarily increased programs to eliminate the extent of pollution, and clean up the environment.
>
> It has been a very successful enterprise, Mr. Chairman. If the Government got as much for its money——
>
> Mr. Rooney. What if anything has it accomplished up to now? All I read is about firms being indicted in connection with pollution. Is this coordinated with the Department of Justice?
>
> Secretary Stans. It is coordinated with the Department of Justice, the Environmental Protection Agency, and the Council on Environmental Quality. They rely upon the Council to bring industry knowledge and views to bear on these various problems. There have been approximately 20 reports issued by the sub-councils dealing with the various aspects of pollution caused by paper mills, detergents, utilities, and so on. The members of the Council have produced several hundred actions which have been taken voluntarily and have made several hundred more commitments as to how they are going to deal with these problems, very largely at their own expense, in order to clear up environmental difficulties.

Mr. Chairman, beginning at page 906 of these printed hearings there is a list of the council and subcouncil members. It is a lengthy list. Included therein we find such Detroit people as the Automotive Subcouncil.

> Chairman: Edward N. Cole, General Motors Corporation.
>
> Vice Chairman: L. (Lee) Iacocca, Ford Motor Company.
>
> Members: V. E. Boyd, Chrysler Corporation; William E. Callahan, International Harvester Company; W. H. Franklin, Caterpillar Tractor Company; William V. Luneburg, American Motors Corporation; W. D. MacDonnell, Kelsey-Hayes Company; Henry J. Nave, White Motor Corporation; Gerald H. Trautman, Greyhound Corporation.

Mr. Chairman, I read these names because these are the type of people who have been enlisted to try to do something about the various serious pollution problems. I think it would be pennywise and pound foolish to cut this small appropriation out of this bill. The committee went into it in some detail and obtained all the information it could and it became convinced that the request merited consideration by this body as well as by the other body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Dingell).

The question was taken; and on a division (demanded by Mr. Dingell), there were—ayes 24, noes 49.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### Maritime Administration

### SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $229,687,000.

### POINT OF ORDER

Mr. HALL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HALL. I make the point of order to that portion of the bill which starts at line 4 on page 32 through line 25 on page 33; line 1 through line 25 on page 34, and lines 1 through 22 on page 35. The point of order lies on the entire section concerning the Maritime Administration. It is predicated on the fact that there is no authorization for this portion of the appropriation bill.

The CHAIRMAN. The Clerk has read only through line 14, page 32. It would appear to the Chair that the gentleman should limit his point of order to that portion of the bill.

Mr. HALL. Mr. Chairman, I make a point of order against that portion of the bill between line 5 and line 14 on page 32 on the basis that the conference report has not even been submitted, and there is no authorization on this portion of the bill.

Mr. ROONEY of New York. Mr. Chairman, it is with great reluctance that I have to say what I am going to say. I have to admit that the point of order is well taken, because the authorizing legislation, once again, has not reached the President and been signed. In fact, I believe the bill has been pending over in the other body in the Commerce Committee for some time. The figures contained in this bill include the amounts that were approved in the House, but under the circumstances, I am constrained to concede the point of order.

The CHAIRMAN (Mr. Abernethy). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

### OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $239,145,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

Mr. HALL. Mr. Chairman, I make the same point of order against this portion of the bill on exactly the same basis. The gentleman from New York is exactly correct. The bill was held up in the other body for 58 days. It is not only a question of the President not signing the bill into law, but we have not even had the final conference with this body concerning this subject, and I repeat my point of order.

Mr. ROONEY of New York. Mr. Chairman, I must make the same statement with regard to the point of order.

The CHAIRMAN (Mr. Abernethy). The point of order is conceded and is sustained.

The Clerk will read.

The Clerk read as follows:

### RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; $23,750,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

Mr. HALL. Mr. Chairman, I make exactly the same point of order to this portion of the appropriation bill, that it is an appropriation without an authorization. I shall not repeat the details. It is exactly the same situation.

Mr. ROONEY of New York. Mr. Chairman, I must reluctantly take the same position.

The CHAIRMAN (Mr. Abernethy). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

### SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; $22,210,000.

Mr. HALL. Mr. Chairman, I repeat the same point of order against that portion of the bill on page 33 between lines 13 and 20.

Mr. ROONEY of New York. Mr. Chairman, I make the same statement.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

### MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed $475 per cadet; $7,513,000: *Provided,* That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further,* That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development", "Ship construction", and "Salaries and expenses".

Mr. HALL. Mr. Chairman, I make the same point of order to that portion of the bill under the section entitled "Maritime Training", between lines 21 on page 33 and line 10 on page 34.

Mr. ROONEY of New York. I make the same reluctant admission.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded and is sustained.

The Clerk will read.

The Clerk read as follows:

### STATE MARINE SCHOOLS

For financial assistance to State marine schools and the sutdents thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $2,200,000, to remain available until expended, of which $801,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,399,000, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

Mr. HALL. Mr. Chairman, I make the same point of order to the language of the bill on page 34, between lines 11 and 22.

Mr. ROONEY of New York. Mr. Chairman, this is what happens when committees such as in this instance—this started in the House—get into this business of authorizing. We did not need this for all the years, and we had a good merchant marine, but we are in bad shape today.

Mr. Chairman, I must make the same concession with regard to the validity of the point of order.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

### SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $68,654,000: *Provided,* That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the provisions of chapter 51 of title 5, United States Code, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further,* That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $39,172 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $50,689 and $38,671 per annum, respectively.

### POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found beginning on line 21 of page 39 and extending through line 23 of page 40 as legislation on an appropriation bill.

Mr. ROONEY of New York. Mr. Chairman, I would appreciate it if the distinguished gentleman from Iowa would withhold his point of order until I make an explanation as to why we did what we did.

Mr. GROSS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Iowa reserves a point of order.

Mr. ROONEY of New York. This is a pure and simple limitation. Without this there is no limitation.

Mr. GROSS. Mr. Chairman, I submit that it is legislation on an appropriation bill.

Mr. ROONEY of New York. We will agree to that, but it is legislation on an appropriation bill intended to do something in good sense and to save money for the taxpayers. That is all it is.

Will the gentleman withdraw his point of order?

Mr. GROSS. No. I insist on the point of order because I do not believe the Appropriations Committee ought to be in the business of writing legislation.

Mr. ROONEY of New York. I am sure the gentleman knows what he is doing.

Mr. GROSS. Legislative committees are for that purpose.

Mr. ROONEY of New York. When these courts get together and decide to do what they please it is going to cost the taxpayers a lot of money. And it might take quite some time to get this straightened out before it is put back in the bill by the other body.

Mr. GROSS. We do have legislative committees to which matters of this kind ought to be referred.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. ROONEY of New York. Mr. Chairman, I yield to the distinguished chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER).

The CHAIRMAN. Does the gentleman from New York (Mr. CELLER) wish to be heard on the point of order?

Mr. CELLER. Do I correctly understand that the point of order is made on the ground that the appropriation was not authorized?

Mr. ROONEY of New York. No. The appropriations are authorized. This is a limitation.

The CHAIRMAN. If the gentleman wishes to be heard on the point of order he should address himself to the Chair.

Mr. CELLER. Does the gentleman believe that this is legislation on an appropriation bill?

Mr. ROONEY of New York. Yes, I am constrained to admit that. It has been in there for 20 or more years, to my knowledge, but there is nothing I can do about it as I stand here. I am sure the gentleman from Iowa does not mean to do what is called for here.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

### COMMISSION ON CIVIL RIGHTS

### SALARIES AND EXPENSES

For expenses necessary for the commission on Civil Rights, including hire of passenger motor vehicles, $3,500,000.

Mr. SIKES. Mr. Chairman, I make a point of order against the language beginning on line 1, page 45, Commission on Civil Rights, extending through line 5 on page 45, in that this is an appropriation without authorization.

Mr. ROONEY of New York. Mr. Chairman, I must concede the point of order. I have no alternative, because the authority presently in the law for appropriations for the U.S. Civil Rights Commission comes to only $3.4 million. Therefore I concede the point of order.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded and sustained.

### AMENDMENT OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of New York: Page 45, line 1, insert:

"COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

"For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $3,400,000."

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. ROONEY of New York. Mr. Chairman, I ask for a vote. This would merely reinstate the amount authorized for the U.S. Civil Rights Commission. I ask that the amendment be adopted.

(Mr. CELLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CELLER. Mr. Chairman, I speak in support of restoration of funds to the U.S. Commission on Civil Rights.

The Appropriations Committee has reported out an appropriation that is $460,000 less than the request of the administration. It is $57,000 less than the amount needed to keep the Commission at its present operating level.

The Commission on Civil Rights under the leadership of Father Theodore M. Hesburgh, president of the University of Notre Dame, has compiled an outstanding record of accomplishment. This year spokesmen for the administration have credited the Commission's study of the Federal civil rights enforcement effort as being responsible for many constructive steps recently taken by departments and agencies to put their civil rights programs in order. Over the years the Commission has seen better than 60 percent of its recommendations carried out—no mean achievement. One which cannot be disregarded.

What is being asked for the Commission on Civil Rights is not an inflated request; it has been carefully reviewed by my own Judiciary Committee when we reported favorably H.R. 7271 to increase the authorization for the Commission to $4 million. As you know, H.R. 7271 was passed by this body on May 17, 1971, by a vote of 262 to 67.

The additional $460,000 being requested would enable the Commission to expand its program to cover American Indian rights, a study of administration of justice in prisons and expansion of ongoing programs dealing with problems of Spanish-speaking citizens, as well as other useful activities and studies.

Only yesterday, Father Hesburgh testified that four Presidents personally have told him that civil rights is the Nation's No. 1 domestic priority. Yet the money spent on the one agency of Government charged with the responsibility of pointing out the problems and appraising the national effort has been funded at a miniscule rate.

The Commission deserves the support of Congress and I urge the restoration of funds to the Commission in the amount of $3,960,000. We should not be pennywise and pound foolish. We dare not be stingy. Remember the stingy are always poor. We dare not be poor in forsight for the Nation's well-being.

If we are ever to achieve integration, it is through the Commission on Civil Rights. It is the gadfly that develops public opinion against discrimination and thus compels appropriate action. It is also the sparkplug of reform in civil rights. Without it, the evils of segregation remain uncovered. The Commission removes scabs over festering sores. Excesses would exist and persist. We would be thrown back into the abysmal depths of the past. Most of our Nation wish to respect civil rights, but there are segments of our population, North and South, which still are purblind and sometimes seek to feather their nests by discrimination—even the Federal, State, and municipal governments at times are guilty.

The Commission focuses the pitiless light of publicity upon the derelictions. There is no other agency to do this. Congress, busily engaged in multifarious affairs, cannot do this essential work.

The Commission on Civil Rights has performed unique and valuable functions since its establishment in 1957. Its reports and recommendations have provided an essential basis for legislation and executive action undertaken during the past decade to assure equal rights. The House Committee on the Judiciary in particular has relied heavily on the outstanding and vigorous program of fact gathering which the Commission has performed. Its contributions in connection with the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and, most recently, the extension of the Voting Rights Act of 1965, deserve special commendation. There is a continuing need for an independent agency objectively to appraise and report on the changing status of civil rights, to assess the progress that has been made, and to indicate the areas where the denial of equal rights persists.

We dare not hamper its work for parsimonious considerations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROONEY).

The amendment was agreed to.

### PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, is it in order at this time to seek information regarding the section starting on page 44, line 17?

The CHAIRMAN. The Chair will say to the gentleman that the Clerk has passed that point in reading. However, if the gentleman would like to strike the last word and ask some questions about it, he can do that.

Mr. COLLIER. Mr. Chairman, accepting the sagacious suggestion, I move to strike the last word.

Mr. Chairman, I take this time only for the purpose of asking the distinguished chairman whether this figure of $9 million for the Arms Control and Disarmament Agency is an increase over the previous year.

Mr. ROONEY of New York. I will say to my distinguished friend that it is an increase. Most of the items contained in the bill, with few exceptions, have increases because of the pay raise that was granted by the Congress.

In this instance the budget request was in the amount of $9,064,000. The committee allowed $9 million which represents an increase of $355,000 over the appropriation for the current fiscal year, but $64,000 less than they asked for. This will carry them at about the same rate as during the past fiscal year.

Mr. COLLIER. Has there been any report to indicate whether this agency since its establishment in 1926 has accomplished anything in terms of arms control or disarmament?

Mr. ROONEY of New York. Yes. At the present time they are engaged in the so-called SALT talks.

Mr. COLLIER. That I understand, but it seems to me in a previous bill 2 years ago when we were considering the sale of some $2 billion worth of arms to several foreign nations, the Arms Control Agency had no position and had not, in fact even testified on a matter so directly related to its prime function; that is the distribution of surplus arms around the world.

I just wondered if they are getting into that field after 9 years.

Mr. ROONEY of New York. I cannot say to the gentleman that it is. This is to continue the Commission. We certainly do not wish to break up the SALT talks.

Mr. COLLIER. No, and I do not suggest that we do so but at least at the moment the prime function is the work on the SALT talks?

Mr. ROONEY of New York. That is it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Iowa.

Mr. GROSS. We have spent a good many millions of dollars on alleged disarmament and there is no disarmament. As a matter of fact we are selling more nearly $6 billion worth of arms around the world than we are $2 billion when you get into the every facet by which arms are being bought and sold.

Mr. COLLIER. It is indeed that situation that prompted my question.

Mr. GROSS. This is the most ludicrous operation, this disarmament agency business, at a cost of $9 million a year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefore has not been made.

### AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO: on page 57, after line 21, add:

"SEC. 706. No part of any appropriation contained in this act shall be used for plans or studies for the construction of any public building within the District of Columbia or a 75 mile radius therefrom."

Mr. RONCALIO. Mr. Chairman, the history of the environmental destruction of Washington is being recorded daily in the newspapers of this city. I note for the RECORD the article in the Washington Star on May 13 which records the necessity to effect a 10-week freeze on some $100 million of construction because of the pollution from the District's Blue Plains sewage treatment plant. In response to an existing crisis, the Department of Sanitary Engineering stopped issuing approval for builders to hook on to the city's sewer system.

On June 13, the Washington Post reported troubles at the Grosvenor Lane Nursing Home in Bethesda where the kitchen had a 3-day sewage backup.

In the same issue of the Post the Arlington County planners proposed considerable reductions in future commercial development along the county's Jefferson Davis Highway corridor, where a decade of growth—with the Federal Government playing a major part—has brought a string of high-rise mini cities and enriched county tax coffers.

Four days later, the Capitol Hill newspaper, the Roll Call, reported on the demise of the Plaza Hotel and the plans to add yet another building to Capitol Hill, whose grassy park areas is already being crowded to make way for the James Madison Annex of the Library of Congress.

The problem is not being recognized. During the same week these items were being published, Washington Post columnist John B. Willmann decries the antiquated regulations prohibiting the construction of skyscrapers in the Capital. Without fairly commenting on the effect of high-rise office buildings on the city's beauty, or the consequences of the added congestion, he asked, "Why not higher buildings?"

Noting the experiment of floating balloons over Washington to assess the effect of skyscrapers, he asked:

> Putting ballons in the sky as indicators of the effect of taller buildings leaves something to be desired. Why not just take a quick trip to Baltimore and appraise the tall new buildings in that downtown?

I could not agree more completely. If you want to get a preview of what is happening to Washington, take a drive to Baltimore or New York and ask yourself if this is what you want happening to the Nation's Capital.

The relentless onslaught of construction will seemingly never end. Even the historic grounds of Antietam are threatended by proposed housing development. The effort is being resisted, as reported in the April 15 Washington Post story titled, "Developers Wage a War at Antietam."

The holding action in the outlying areas is even better described in the May 10 Washington Star article titled "The Day Loudoun County Said Whoa."

I think it is time for the House of Representatives to cry "Whoa" to any more Federal office construction in the Washington area.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. RONCALIO. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I was under the impression that the gentleman from Wyoming was a member of the Committee on Public Works.

Mr. RONCALIO. I am a member of the Committee on Public Works.

Mr. ROONEY of New York. That is the committee that should be handling his amendment. Why does the gentleman from Wyoming offer this amendment to this bill? The gentleman seems to be offering the same amendment to other appropriation bills. This matter has been heard and rejected, and has been rejected each time by a considerable margin. Why does the gentleman insist on offering the same amendment again? His amendment has nothing to do with this bill.

Mr. RONCALIO. It has everything to do with this bill, I will say to the esteemed chairman, and if it did not then it would have been subject to a point of order at the proper time.

Mr. ROONEY of New York. Not at all.

Mr. RONCALIO. This is merely the same limitation that I proposed before.

Mr. ROONEY of New York. I might say to the gentleman from Wyoming that I considered it a limitation, but the point is that the amendment belongs before his own Committee on Public Works.

Again I say that this same amendment was introduced only a few days ago when a bill was being handled by the distinquished gentleman from Illinois (Mr. GRAY). Is that no so?

Mr. RONCALIO. My reply to the gentleman from New York is that the gentleman from Illinois (Mr. GRAY), is not opposed to the amendment, to the best of my knowledge.

Mr. ROONEY of New York. Mr. Chairman, I trust the funding amendment be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I think we all understand this. I suggest that we vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

One hundred and sixty-five Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 10, not voting 84, as follows:

[Roll No. 165]

YEAS—337

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conte
Conyers
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Dickinson
Dingell
Dow
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski

Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—10

Bennett
Dorn
Gross
Hall
Kyl
Mathis, Ga.
Rarick
Roncalio
Saylor
Schmitz

NOT VOTING—84

Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baker
Bell
Biaggi
Blanton
Bray
Cabell
Clark
Clawson, Del
Clay
Conable
Crane
Culver
Davis, Wis.
Dellums
Dent
Devine
Diggs
Donohue
Dowdy
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evans, Colo.
Fascell
Flowers
Ford, William D.
Fraser
Fulton, Tenn.
Goldwater
Goodling
Griffin
Griffiths
Grover
Gubser
Halpern
Hawkins
Hays
Hicks, Mass.
Hogan
Holifield
Horton
Howard
Kemp
Long, La.
McCormack
McCulloch
McKevitt
McKinney
Madden
Martin
Mayne
Metcalfe
Mills, Md.
Mollohan
Nedzi
Patman
Pettis
Peyser
Pickle
Podell
Purcell
Rangel
Rhodes
Rousselot
Runnels
Ruth
Scherle
Schneebeli
Steiger, Ariz.
Taylor
Thompson, Ga.
Tiernan
Ullman
Waldie
Ware
Watts
Wilson, Bob
Wylie
Young, Fla.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mrs. Hicks of Massachusetts with Mr. Andrews of North Dakota.
Mr. Dent with Mr. Hogan.
Mr. Hays with Mr. Bob Wilson.
Mr. Purcell with Mr. Wylie.
Mr. Long of Louisiana with Mr. Conable.
Mr. Edwards of Louisiana with Mr. Ashbrook.
Mr. Blanton with Mr. Mayne.
Mr. Biaggi with Mr. Halpern.
Mr. Runnels with Mr. Scherle.
Mr. Fulton of Tennessee with Mr. Baker.
Mr. Holifield with Mr. Horton.
Mr. Ullman with Mr. Pettis.
Mr. Mollohan with Mr Peyser.
Mr. Anderson of California with Mr. McKinney.
Mr. Anderson of Tennessee with Mr. McKevitt.
Mr. Fascell with Mr. Davis of Wisconsin.
Mr. Taylor with Mr. Thompson of Georgia.
Mr. Tiernan with Mr. Kemp.
Mr. Howard with Mr. Bell.
Mr. Madden with Mr. Bray.
Mr. Griffin with Mr. Crane.
Mrs. Griffiths with Mr. Rhodes.
Mr. Edmondson with Mr. Grover.
Mr. Clark with Mr. Ware.
Mr. Cabell with Mr. Young of Florida.
Mr. Watts with Mr. Devine.
Mr. Pickle with Del Clawson.
Mr. Dowdy with Mr. Ruth.
Mr. Culver with Mr. Martin.
Mr. Rangel with Mr. Zwach.
Mr. Edwards of California with Mr. Goldwater.
Mr. Dulski with Mr. Esch.
Mr. Flowers with Mr. Schneebeli.
Mr. Evans of Colorado with Mr. Goodling.
Mr. William D. Ford with Mr. Steiger of Arizona.
Mr. Podell with Mr. Mills of Maryland.
Mr. Nedzi with Mr. Delluns.
Mr. Waldie with Mr. Clay.
Mr. Fraser with Mr. Metcalfe.
Mr. Donohue with Mr. Diggs.
Mr. McCormack with Mr. Hawkins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

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## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7016, OFFICE OF EDUCATION APPROPRIATIONS, 1972, AND PROVIDING FOR ITS CONSIDERATION

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House on the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes, may have until midnight Monday next to file the conference report and that it may be in order on Wednesday next to consider the conference report in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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## CONFERENCE REPORT ON H.R. 5257, CHILD NUTRITION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5257) to extend the school breakfast and special food programs.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object, I do so not for the purpose of objecting, which I shall not, but I must admit my concern over the continued use of unanimous consent to bring up conference reports in violation of the rules of the House which were passed last year.

I take this particular reservation at this time, merely to state my own very real reservations about this particular type of procedure being used as a means of bypassing the ability of the House to have the 3 legislative days for the purpose of considering conference reports. I shall not object, and shall, in fact, withdraw my reservation of objection, but I want to put the House on notice that I think it does a disservice to all of us as Members of the House who are not then given as full an opportunity as the rules envision by having conference reports lay over for a period of time so that we might give them further consideration. I withdraw my reservation.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 22, 1971.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, the conference report on H.R. 5257 contains in essence the text contained in H.R. 5257 as it passed the House by a vote of 331 to 0 on May 17 and the text of H.R. 9098 as it passed the House without a dissenting vote last Monday.

I say substantially the text of those two bills because I feel that the conference has sustained the major thrust of the House position on these two measures.

The conference report provides only $35 million from section 32 funds to be used for the fiscal year ending June 30, 1971, as contrasted with the $50 million provided in H.R. 5257 as it passed the House. As it passed the House these funds were to be expended only for free and reduced price meals to needy children in schools and service institutions. With respect to the use of these funds the Senate language was employed and they may be used for any purpose authorized by the National School Lunch Act.

There are varying estimates on the amount of money that will be necessary to meet the needs in the current fiscal year of school systems who have developed a shortage of funds in meeting school lunch program costs. The direct communication that we have had with school systems indicates that the shortage in 12 States amounts to approximately $22 million. It was the collective judgment of the conference that the $35 million would meet the most pressing needs at this time.

And I should say at this time that the conference report we bring back is a unanimous one.

The $100 million provided for fiscal year 1972 in H.R. 5257 from section 32 funds was retained in the conference report as well as the major purpose for which such funds may be expended—that is to carry out those provisions of the National School Lunch Act specifically relating to the service of free and reduced price meals to needy children in schools and service institutions.

The conference report retains the provisions of the House bill which authorized the carryover of the funds into suceeding fiscal years.

It will be recalled that the House amendment to the Senate amendment to H.R. 5257 extended section 13 providing for special food service programs for 2 years. Section 13 was due to expire on June 30 of this year. The conference report retains the 2-year extension.

It will be recalled that the House amendment to the Senate amendment to H.R. 5257 extended permanently the authorization for the school breakfast program contained in the Child Nutrition Act. That program was also scheduled to expire on June 30 of this year. The conference report eliminates the permanent authorization but extends the breakfast program for 2 years. Thus, its authorization will coincide with section 13 of the National School Lunch Act and will be authorized until June 30, 1973.

The authorization in the House amendment to the Senate amendment for the breakfast program was $25 million for each fiscal year and the authorization for the special food service program under section 13 of the National School Lunch Act was $32 million for each year. These authorization ceilings have been retained in the conference report.

The school breakfast program was first authorized in the Child Nutrition Act in 1966. The Congress extended it in 1968. Mr. Speaker, this program was conceived and developed in the face of growing evidence that millions of children were attending school hungry—hungry because families lacked the income to furnish children a breakfast.

The evidence disclosed to the Congress at that time clearly illustrated that malnutrition and the undernourishment of children impeded their educational progress. Hunger was just another of the several impediments to the disadvantaged child's being able to successfully enter into a learning situation in the classroom. The success of the breakfast program has been demonstrated time and time again in testimony provided the committee in hearings conducted by it when the program was extended in 1968 and in hearings conducted currently by the General Subcommittee on Education.

With respect to the breakfast program the Senate amendment provided in effect that the Secretary of Agriculture could authorize financial assistance up to 100 percent of the operating costs of a program—instead of the 80 percent now specified in the law.

Contrasted with this the House amendment to the Senate amendment repealed existing provisions for the special treatment in circumstances of severe need as well as the provision that funds would be used to reimburse schools for the cost of obtaining foods and provided instead for advanced payments at such rates per meal as the Secretary shall prescribe based on the type and cost of the meals provided including the cost of labor used in preparation of the meals.

The conference report adopts the Senate provision but modifies it in line with the House language providing for prepayment to schools in lieu of reimbursements.

I want to stress at this point that the conferees unanimously felt that the Secretary of Agriculture has been unduly restrictive in using his authority to pay up to 80 percent of the operating costs. It is the intent of the conference that the Secretary will be more liberal in recognizing circumstances of need and fully utilizing his authority to pay all of the operating costs in such cases.

In stressing this point our objective is to eliminate those cases of millions of needy children not being reached because of the lack of any lunch facilities or lunch program in the schools.

The conferees adopted a provision in the Senate amendment not contained in the House amendment to the Senate amendment prescribing the same eligibility requirements for free and reduced price meals in the breakfast program as in the school lunch program. The conference report also adopts a Senate provision authorizing the Secretary to use up to $20 million of section 32 funds for a supplemental feeding program in fiscal year 1972.

In the House amendment to the Senate amendment a third criterion was added to provisions of the school breakfast program to be used in the selection of schools for participation. This criterion would bring in those schools in which there is a special need for improving the nutrition and dietary practices of the children attending. While the Senate accepted this additional criterion it limited the application of the criterion to those children of working mothers and children from low-income families having such special needs.

The House amendment to the Senate amendment which amended section 13 of the National School Lunch Act providing the local matching requirements for the special feeding program could be made up in "cash or kind fairly evaluated, including but not limited to plant, equipment, and services" was modified by deleting the word plant but otherwise is carried in the conference report.

In essence these are the differences between the Senate amendments to H.R. 5257 and the House amendment to the Senate amendment.

In summary I would urge my colleagues to approve the conference report so that the school breakfast program due to expire on June 30 may be continued; so that urgently needed funds for the National School Lunch Act for the current fiscal year may be provided; and so that the expiring special food service program due also to expire on June 30 may be extended.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of the report of the conference committee on the bill to amend the National School Lunch Act. I would particularly commend the members of the conference from both houses for recognizing the urgent need to provide funds for this years summer lunch program. The report authorizes the expenditure by the Secretary of Agriculture of 35 million dollars of section 32 funds in fiscal 1971. This provision will, thus, make available, immediately, adequate funds to support the summer lunch program which is to begin next week. The report is most gratifying in light of the shocking decision by the Department of Agriculture to virtually eliminate these programs by refusing to provide sufficient funds. In my city of Chicago, which plans to feed more than 50,000 children per day, the Department announced a cut of 90 percent. About $26 million is necessary to provide nutritious lunches for hundreds of thousands of needy youngsters and this bill will now authorize such an expenditure. The need is immediate. Many cities have planned complete summer youth activities while continually being assured that the money for lunches would be available. The citizens of these communties depend on this program to provide sorely needed nutrition for children who would otherwise be deprived.

America cannot, in good conscience, deny any of its people, especially its children, the right to such a basic need as good nutrition.

I therefore, urge speedy approval of the conference report so that there will be no further delay in assuring the full operation of the summer lunch program. I trust the Department of Agriculture will then see fit to restore the necessary funds to maintain this important program.

Mr. SCHEUER. Mr. Speaker, I take this opportunity to give my strongest support to passage of H.R. 5257, which provides funds and authority to extend the school breakfast and special food programs for needy children throughout this country.

Many feeding programs are well established and await only these funds to continue the work of feeding the hungry children in our Nation. For example, New York State has applied for $4 million, $3.5 million of which would go directly into New York City programs. In human terms, this $3.5 million means that 100,000 children will be fed through day care centers, special recreation programs, and settlement houses. It also means jobs for the 150 people employed to run these programs. We cannot afford to let these people down.

I am greatly disturbed by the fact that there has been some suggestion that the Secretary of Agriculture is willing to spend only $32 million of the $35 million that the Congress is willing to appropriate. For that $3 million of available funds, enough to feed almost all of New York City's hungry children, should go unspent seems to me unconscionable. I deplore this insensitivity on the part of the Department of Agriculture and urge that all the available money be used to assist our hungry children.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## CORRECTING ENROLLMENT OF H.R. 5257, NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 346) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 346

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 5257) to extend the school breakfast and special food programs, the Clerk of the House be, and he is hereby, authorized and directed to make the following correction, namely, after the enacting clause insert the following: "That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:"

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the subject of the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## AMENDING THE RAILROAD RETIREMENT ACT OF 1937

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6444) to amend the Railroad Retirement Act of 1937, to provide a 10-percent increase in annuities, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 2, strike out "section (a)" and insert "section 5(a)".

Page 4, line 14, strike out " " December 31, 1971,"." and insert " "June 30, 1972,";".

Page 4, line 22, strike out " "December 31, 1971,";" and insert " "June 30, 1972,";".

Page 5, line 12, strike out "1972." and insert "1973,".

Page 5, line 13, strike out "1972" and insert "1973.".

Page 5, line 14, strike out "1972," and insert "1973,".

Page 5, after line 18, insert:

"(c) Section 6 of Public Law 91-377 is amended by striking out 'June 30, 1972' each time that date appears and inserting in lieu thereof 'June 30, 1973'."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if he will explain the meaning of what the Senate amendments would do.

Mr. STAGGERS. I shall be glad to do so.

Mr. Speaker, the House bill provided a 10 percent increase in railroad retirement benefits, expiring June 30, 1971, the same date previously set for the 15 percent increase to expire.

The House bill also extended for 6 months—until December 31, 1971—the date for filing a final report by the Commission on Railroad Retirement.

The Senate bill extends the date for filing the report to June 30, 1972, and also extends the duration of the 15 and 10 percent increases to June 30, 1973.

Mr. SPRINGER. The purpose, first, is to extend the time for the Commission to make the study. The second purpose is to increase the percentage, which we considered previously on the floor, and to come out at the same time.

Mr. STAGGERS. The gentleman is correct.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## AMENDING PUBLIC HEALTH SERVICE ACT TO EXTEND STUDENT LOAN AND SCHOLARSHIP PROVISIONS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7736) to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, after line 6, insert:

"TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

"SEC. 5. Section 821(a) of the Public Health Service Act is amended by striking out 'for the fiscal year ending June 30, 1971' and inserting in lieu thereof 'each for the fiscal year ending June 30, 1971, and the next' fiscal year'."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, would the chairman explain what the amendment will do?

Mr. STAGGERS. I shall be happy to explain.

The House bill contains a straight 1-year extension of all provisions relating to student loans and scholarships under the Health Professions Educational Assistance Act and the Nurse Training Act.

The Senate adopted all features of the House bill, and added a straight 1-year extension of existing authority for traineeships for training teachers of nursing and nurse specialists.

Mr. SPRINGER. That is the only addition by the Senate amendment?

Mr. STAGGERS. That is right. This is the only change in the House bill.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip for the program for next week, and any additional program for this week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, there is no further legislative business for today. Upon conclusion of reading the program I will ask unanimous consent that the House go over until Monday.

The program for next week is as follows:

Monday is District Day. There are no bills.

For consideration on Monday there is H.R. 9271, the Treasury-Postal Service appropriation bill for fiscal year 1972.

On Tuesday there is scheduled for consideration the Interior Department appropriation bill for fiscal year 1972.

On Wednesday there are scheduled for consideration S. 1700, Treasury borrowing from Federal Reserve, subject to a rule being granted; and H.R. 9382, the HUD, space, science, veterans appropriation bill for fiscal year 1972.

On Thursday there are scheduled H.R. 8629, the Health Manpower Training Act, under an open rule with 1 hour of debate; and H.R. 8630, Nurses Training Act, under an open rule with 1 hour of debate.

The Fourth of July recess will be from the conclusion of business on Thursday, July 1, until noon on Tuesday, July 6.

Conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Would the distinguished acting majority leader respond to one or two questions?

It is possible there could be some controversial matters, aside from the appropriation bill, coming to the floor on Monday; is that correct?

Mr. O'NEILL. The draft bill, as I understand it, is in the engrossment stage in the Senate. It is also my understanding that the Committee on Armed Services is going to meet tomorrow, to ask on Monday that it be sent to conference. There is a possibility, I suppose, that action could be offered with respect to the draft bill on Monday, and that is very controversial.

Mr. GERALD R. FORD. One other question. I note on Thursday there are two bills from the Committee on Interstate and Foreign Commerce listed. I have been asked by some Members whether there would be any business on Thursday.

I gather from the whip notice in the program as announced by the gentleman from Massachusetts that there will be business and those will be the bills before the House on that day.

Mr. O'NEILL. The gentleman is correct.

Mr. SPRINGER. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. SPRINGER. May I ask the distinguished minority whip this question: H.R. 8629 and H.R. 8630 are very important bills. I will concede that. However, I believe that our committee brought those two bills out unanimously. I take it that there is one who did not vote for them, I hate to say, for which I apologize, but we could dispose of both of those bills, I believe, provided we did not have rollcalls on them, although we may have them. I think we could dispose of both of those bills in an hour. It is my understanding from talking to some of the Members that the original calendar had said that at the close of business on Wednesday there would be no further business until the following Tuesday. This is a change in the schedule.

Now, I am personally willing to be here on Thursday, as far as I am concerned, but a lot of people have made plans, apparently, to leave Wednesday evening. I can tell you that if you want to schedule these bills on Tuesday or Wednesday and, let us say, come in at 11 o'clock, I will guarantee to the gentleman that we can dispose of both of those bills in an hour. I am just asking the majority whip at this time if it is not possible to schedule those two bills on one or the other of those two days.

Mr. O'NEILL. Mr. Speaker, I would have to question the accuracy of the statement that we originally planned to recess for the Fourth of July weekend on Wednesday next.

Mr. SPRINGER. I apologize if that is not true, but that was my understanding.

Mr. O'NEILL. The program is as announced with the provision that any further program will be announced later. In the event that we would be able to conclude our business on Wednesday night, I am sure that everybody would be happy.

Mr. SPRINGER. May I ask the majority whip, is it not possible, if we came in at 11 o'clock on Tuesday, which would give us an extra hour, if we cannot do it on Wednesday?

Mr. O'NEILL. I am sure the leadership on both sides of the House will be happy to discuss the matter on Monday.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. SCHMITZ. Is it the intention of the leadership to reschedule the health manpower bill on Tuesday or Wednesday? Because I do not want anyone to be under the illusion that there will not be a rollcall vote on that one.

Mr. O'NEILL. I have read the program for next week, and that is how it stands at the present time.

Mr. SCHMITZ. I just want everyone to be on notice that there will be a vote on that bill.

Mr. SPRINGER. I would anticipate that, and I am sure, in view of the gentleman's views on it, we would expect it.

Mr. O'NEILL. Let me say this. I have given the program for the week, but as it is subject to change as I announced.

Mr. GERALD R. FORD. Mr. Speaker, I only raised this question because I think we ought to be as clear as possible on the prospect of finishing this business as it is scheduled. I am agreeable either way, but the sooner we can clarify it—and Monday would be ample time—the better. However, this schedule is fine with me. I think we ought to live by it until it is clarified.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## ADJOURNMENT OVER TO MONDAY, JUNE 28, 1971

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday, June 28.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILL AND JOINT RESOLUTIONS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, is that for the Independence Day holiday?

Mr. O'NEILL. No; that is for next week. I asked unanimous consent that notwithstanding the adjournment of the House until Monday next——

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROVIDING FOR CALL OF THE CONSENT CALENDAR AND FOR MOTIONS TO SUSPEND THE RULES ON TUESDAY, JULY 6, 1971

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that on Tuesday, July 6, 1971, it shall be in order to consider business under clause 4, rule XIII, the consent calendar rule, and that it shall also be on order on that date for the speaker to entertain motions to suspend the rules notwithstanding the provisions of clause I, rule XXVII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is this all about?

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, the call of the consent calendar and suspensions would normally fall on Monday of that week. This unanimous-consent request is only to put them over until the following day.

Mr. GROSS. Until July 5?

Mr. O'NEILL. Yes.

Mr. GROSS. Consent and suspensions?

Mr. O'NEILL. Yes. To put them over from the 5th to the 6th. Tuesday is the 6th. This is to make them in order on the first Tuesday instead of the first Monday, as the rule provides. The rule provides that they be considered on the first Monday and we are asking that they be put over until Tuesday of that week.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## DEDICATION OF NEW SYNAGOGUE IN SYRACUSE, N.Y.

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this past Sunday, I had the great privilege of attending the dedication of a new synagogue in Syracuse, N.Y., Temple Adath Yeshurun. It was a beautiful, moving ceremony, rich in the tradition of the ancient Hebrew faith, and alive with the spirit that is American Jewry in 1971.

The temple itself is a magnificent edifice. But what it represents is more imposing than all the bricks and mortar in the world; it represents the continuity of a religious heritage.

Mr. Speaker, my good friend, Rabbi Irwin Hyman, delivered the dedication message to his congregation and to the others of us assembled for the occasion. It was a simple and eloquent message, which I would like to share with my colleagues today.

### DEDICATION OF NEW TEMPLE ADATH YESHURUN

(By Rabbi Irwin Hyman)

It is with a feeling of great joy and exhaltation that we assemble here today marking the first realization and fulfillment of our dream. It is a moment of great thanksgiving as we offer our thanks to the Almighty for having enabled us to reach this moment.

We are thankful for the legacy of freedom in this our beloved land, the United States of America, where men may worship as their conscience prompts them in contrast to the lot of our brethren in the Soviet Union where spiritual oppression is rampant. Here we build synagogues; there synagogues are being forceably closed. We associate ourselves with our co-religionists behind the iron curtain, and affirm our solidarity with them in their yearning to leave the land of intolerance for the state of Israel, where they can live as free men and women. Every synagogue built on these shores is in ten-fold compensation for the synagogues destroyed in our generation by the totalitarian regimes in Europe.

We offer our gratitude for the good fortune of having been blessed with men and women of vision, dedication and faith who served as lay leaders and workers both in the past and in the present, and for the sensitive, energetic youth which comprise a large part of our congregation, and who are the guarantors of a creative and fruitful future.

Our large membership have demonstrated that where a sacred fire and eternal flame reside in the hearts of selfless people, determination and will, dedication and sacrifice can triumph over seemingly insurmountable obstacles, and make the impossible seem possible and fulfillment of dreams a reality.

Our House of God is a reservoir of idealism—a citadel of faith, performing the task of awakening the soul of our people in this community. It will be a tower of strength; it will be an armory of the spirit, the source of religious inspiration against the invasion of anxiety and chaos from the outside world, a schoolhouse for all ages and all persons.

Our synagogue sanctuary with its unique blending of material, design, and art, now takes a place of honor among the other houses of worship in our city, and speaks to the larger society of men of all creed and races in the affirmation of faith. We therefore welcome wholeheartedly our honored guests from all walks of life, all faiths and creeds, who grace this occasion by their presence, and with whom I have had the privilege of working shoulder to shoulder in civic and religious causes in our community. It has been the Judeo-Christian tradition and the mutual understanding and friendship that has obtained among all of us that has made this city great and a desirable place for ourselves and our children. On behalf of the temple, I pledge continued cooperation among us in the years and decades ahead.

We have taken a parcel of earth and made it hallowed ground; we have used common space and transformed it into a sanctuary. This affirms that man's role is to sanctify every corner of life. I recall the biblical strip of barren earth where our ancestor Jacob slept one night with a rock for a pillow. Alone, facing an unknown future, he dreamed of a ladder which linked heaven and earth. And in his dreams the Lord promised him: Behold I am with you and will protect you wherever you go. This dream and this promise added a new dimension to Jacob's life. Awakening, he said: Surely the Lord is in this place. This is none other than the House of God.

In the spirit of Jacob's dream of a link between heaven and earth, on another strip of ground and in another land, we too have built this our sanctuary, a House of God for all people. Through our lives, as individuals or as a corporate group, may we pledge to make this site sacred soil, so that all who pass may say: Surely the Lord is in this place; this is a House of God.

The dedication today is of singular importance because it presents us with the experience of a heightened spiritual consciousness. It will remind us of a divine dimension of ourselves, of a feeling to strive continually to become something more than we are. It will confer upon us new impetus of becoming a blessing and a light unto all people.

Our new facilities afford our members and their families the opportunity for educational, religious, and social enrichment, a strengthened commitment to our hallowed religious heritage, so that it may continue to be a guiding influence for us, for our children, and for all generations yet to be enriched as we have been.

May God grant us all good health that we may use our new temple for satisfying personal fulfillment and for the greater glory of His holy name. Thus we can proudly proclaim as did the psalmist: This is the day the Lord has made; let us rejoice and be glad in it!

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## ADMINISTRATION HOLDS UP PUBLIC WORKS PROGRAM AS UNEMPLOYMENT RATE RISES

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

**Mr. JAMES V. STANTON.** Mr. Speaker, to millions of families throughout the United States, the most important news today is very personal. Their breadwinner is out of work.

The Bureau of Labor Statistics reports that last month unemployment rate was 6.2 percent—the highest it has been in 9 years. Translated from percentages, the figure means that 5,217,000 would-be workers are without jobs in this country.

The statistics do not begin to tell the story of the personal impact and hardship imposed on these men and women and their families. The statistics give only a broad hint of the great damage and harm inflicted upon our economy, upon our entire society, and on each and every American citizen as an individual.

And yet, much of this individual and national suffering from the plague of unemployment is totally unnecessary.

Hundreds of thousands of new jobs—possibly millions—would be created in a chain reaction if our national administration would only listen to the voice of the American people, speaking through their representatives in Congress.

Congress has authorized the expenditure of $12.8 billion for various Public Works throughout the country. President Richard Nixon, for some mysterious reason, has seen fit to freeze these funds.

While these funds remain frozen, the life savings of the unemployed are melting away. Jobless skilled craftsmen without work find themselves unable to meet their mortage payments or buy shoes for their children. Young people grow bitter against our American system because they cannot find jobs. Merchants complain about falling sales because millions of people have no money to spend even for necessities.

The Cleveland AFL–CIO Federation of Labor, which speaks for 150,000 members and their families, has adopted a resolution accusing our national administration of political chicanery in the freezing of the $12.8 billion. The organization charges that the administration is scheming to release these funds somewhat closer to the 1972 election, so that an atmosphere of prosperity would prevail as the November election date approaches.

I hope this labor organization is mistaken. I hope that our national administration is too dedicated to the best interests of the American people to even think of playing politics with such a serious matter as employment, unemployment, the health and vigor of our economy, and the well-being of our people.

I sincerely hope that the White House, within the next few days, will begin releasing these frozen funds so that millions of Americans go to work, building projects which will increase our real national wealth.

I also hope that President Nixon will decide to sign the $2 billion accelerated public works bill passed by both Houses of Congress. The bill was adopted in response to popular demand that immediate action be taken to end the costly blight of unemployment.

The American people expect, and have a right to expect, that they can depend on their Government to do what is necessary to maintain a strong national economy.

The 5,217,000 unemployed—including 42,000 in my own Cleveland area—would rather have jobs than welfare payments.

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## THE ECONOMY

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

**Mr. MYERS.** Mr. Speaker, a moment ago the gentleman from Ohio made reference to the fact that unemployment is very high in this country, and we all acknowledge that it is. But he assessed the blame on the President of the United States for contributing to it, which I think is very unfair. No administration, regardless of which political party, condones or wants to see a high unemployment.

There are some facts which have gone ignored here. I include in the Record at this point an article that appeared in the Indianapolis Star sometime ago:

### JOBLESS MEN OFFERED $120-A-WEEK WORK—THEY TURN IT DOWN

(By Thomas R. Keating)

One morning last week, a dozen men were offered jobs while they stood in line to draw unemployment compensation checks from the state unemployment office—and all refused the work.

The job they were offered—as a concrete worker—promised to be a hard one, much harder than doing nothing. But then the pay was approximately triple what one can make doing nothing these days.

The concrete job would have paid $3 an hour—$120 for a 40-hour week.

The maximum for state unemployment checks is only $40 a week, with $3 extra for every dependent up to four.

Yet, no one wanted the job.

Why?

The reasons varied, but basically most of the men admitted the work was just plain too hard and they weren't that hungry yet.

No one seemed too excited about the fact they were out of work and no one saw any particular logic in accepting a job, even at triple the unemployment money, when they could get by doing nothing.

Many of the men offered jobs said they were "only temporarily laid off." To many, who were skilled laborers or white collar workers, the prospect of a concrete job obviously was distasteful.

Some of the men explained their reluctance to take the concrete job by saying that they had "nesteggs" or supplemental income from unions or employers.

A husky 28-year-old father of three, who was laid off recently at Detroit Diesel, Division of General Motors, said his family could "get along real well for a while."

He said he expected to be back at work long before the unemployment checks ran out. The checks can be drawn for a maximum of 26 weeks.

"This is kind of like a vacation for me" he said with a sad smile. "My wife has all kinds of plans for me to get some work done around the house that I've put off for a long time."

Another man in his late 40s said he didn't really feel up to the heavy work involved in the concrete job.

"What if I had a hernia or a heart attack," he asked. "Then what? I'd be out of work even longer."

"You gotta be kidding, man. That concrete work is for the grunts," said a young man who measured about 6-feet, 3-inches to the top of his be-bop cap.

"I done that stuff in the summers when I was a kid. Not again. Come home all dirty at nights and too tired for my women. No thanks, man, no thanks."

Another man, in his middle 30s, said he had always been an office worker and that concrete work would be too much of a comedown.

"I don't mean that I look down on men who have that kind of job," he added hurriedly. "But it's just not for me, even on a temporary basis.

"I have more training than to do something like that. I mean, I guess it sounds like I'm afraid to get my hands dirty," he said holding up clean hands. "But, that's not it entirely. Maybe that's part of it, but pouring concrete is tough work and I feel like I deserve better."

A gaunt man, who admitted only to being "over 40," said he had tried hard to find work for five weeks before filing for unemployment compensation.

"I suppose there is still some stigma attached to taking money for not working," he said. "But it's not easy for a man my age to pick up a good job. I can't do that concrete work. I wouldn't last a day."

"I don't think times are all that bad, even though I have been laid off," said a well dressed man, about 30 years old.

"I'm just going to take it easy for a while and play some golf and watch a lot of football games. I'm pretty sure to get my job back when things pick up, so I'm not worrying. Life's too short.

"Times have been pretty good and I've got some money in the bank and no big bills or wife to worry about.

"So what the hell, why sweat it?"

The article refers to men, standing in the unemployment line to receive unemployment checks, who turned down an opportunity to work for three times the amount that they would receive through the unemployment process. They were able, capable men who did not want to work and who would rather receive unemployment. Inland Steel Co., in the Calumet region of Indiana, has advised me they would like to employ 1,000 men today. They will pay them their transportation from any place in the United States to Gary, Ind., for employment, and there would be good jobs that do not require any special skills or experiences. But they cannot hire the 1,000 people they would like to employ. Other steel mills have similar situations. I realize that there are some in the Nation that will work, but cannot find a job of their choosing. At the same time, there are many unfilled job opportunities available to those that would rather work than live from unemployment checks.

Massive public works programs, at this time, are not the solution. That is only temporary relief similar to giving aspirin for a headache. It leaves the real basic problem unsolved.

Blaming the President or anyone for not wasting large public works programs does nothing toward solving the unemployment situation in our country.

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## THE SHARPSTOWN FOLLIES—ACT V

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I have told the House about the incredible handling of the case of Frank W. Sharp by the Department of Justice.

Mr. Speaker, I accuse the Justice Department of deliberate, conscious and gross mishandling of this entire case.

I shall show this afternoon that while the Assistant Attorney General, Will Wilson, may be a personally honest man, his superiors at the Department of Justice handled the Sharp case in a manner deliberately calculated to assure that Sharp never came to a genuine trial, for fear that this would embarrass Mr. Wilson, who had known Frank Sharp well, and who had a very substantial interest in a company he arranged for Sharp to acquire.

I shall show how the U.S. attorney for the Houston district inexplicably brought the case of Mr. Sharp before a judge who also had known and worked for Mr. Sharp, and who inexplicably failed to disqualify himself from passing sentence on the case. The U.S. attorney knew, and it is incredible to think that he did not know, or that Deputy Attorney General Kleindeinst did not know, that the judge hearing the Sharp case had, in fact once been an attorney representing Sharp, just as Will Wilson had once been an attorney representing Sharp.

The U.S. attorney accuses me of having no knowledge of the case, and says I have no right to speak. Well, the Justice Department seems to be telling everybody in the country what to say or not to say these days. If anybody is ignorant, it is Mr. Farris, the prosecuting attorney.

I accuse him, and I accuse the Justice Department, of incompetence, deliberate deception, and outright fraud. Mr. Sharp has been exposed, and now I propose to expose to the House the machinations, the falsehoods, the conscious malfeasance, and the calculated mishandling of this entire matter.

I know that my colleagues are aware that bungling is not new to this particular Justice Department administration. Mediocrity and stupidity are explainable and understandable. Fraud is not either explainable or pardonable. And I accuse the Justice Department of just that—plain, outright, deliberate fraud.

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## U.S. ATTORNEY GENERAL IGNORES NARCOTICS VIOLATIONS

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, reports that I am receiving from the dope festival at McCrea, La., indicate a showing of 25,000 to 30,000 vehicles and a crowd of possibly 70,000, with even more expected over this weekend.

It is common knowledge to all that every caliber of dope and narcotics is being sold, distributed, and used openly. Yet, the Federal narcotics officers and law enforcement people on the spot are doing nothing to enforce the narcotics laws of our Nation. Perhaps they intend to sit back and let the situation get worse so they can scream for more tax money and additional personnel.

The Southern States are literally crawling with lawyers and race experts from the Attorney General's office. We in the South are constantly harassed and investigated for every kind of two-bit civil rights charge, but we cannot find one Federal official who will take the bull by the horns and enforce the narcotics laws of our Nation to put a stop to the McCrea narcotics traffic.

I use this forum to demand that Attorney General Mitchell immediately issue orders to enforce the narcotics laws of our Nation. If he needs any factual data, all he needs to do is to look at the detailed reporting in the Baton Rouge States Times, the Morning Advocate of Baton Rouge, the New Orleans Times-Picayune, or even the Memphis Commercial Appeal.

How many more young people must be destroyed before Federal action is taken against narcotics by using the laws on the books and men on the taxpayers' payroll?

I include a copy of my letter to Attorney General Mitchell and Mr. Ingersoll of the Bureau of Narcotics and Dangerous Drugs following my remarks at this point:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 24, 1971.*

Re "Celebration of Life" Rock Festival, McCrea, La., Pointe Coupee Parish.

Hon. JOHN N. MITCHELL,
*Attorney General,*
*Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: The reports I have received from Louisiana on this so-called "rock and roll festival" indicate that a crowd of over seventy thousand have already congregated and the "big" festivities are not scheduled until this weekend.

My reason for writing is to advise you that narcotics of every description are reportedly being sold, distributed, and used by these young people. To date, I am advised that there has been no action by any federal law enforcement authorities to enforce the narcotics laws of the United States. If you are wanting on facts and details, you need only read the detailed accounts in this morning's New Orleans Times-Picayune or the Memphis Commercial Appeal.

I am not persuaded by excuses that you do not have the funds and manpower to enforce narcotics laws. This area is literally crawling with federal men who claim to be with the Justice Department, but are doing nothing because they profess to be racial experts and not interested in narcotics violations. If the Administration is concerned about the racial proportion of students in Southern schools, they certainly should be interested in protecting our young people from the threat of drugs.

I urge use of the laws on the books and the men now in your service before more young people are infected and contaminated by this threat to their generation.

I demand that you as the Attorney General immediately order a shut down of all narcotics traffic and sales at the McCrea, Louisiana shindig.

I am not interested in explanations as to why your office hasn't acted. I only ask that your office take action . . . . and now.

Sincerely,

JOHN R. RARICK,
*Member of Congress.*

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## THE SHARPSTOWN FOLLIES—ACT V

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, if the great Sharpstown scandal were merely a State or local problem, I would not dwell upon it at such great length. If it were a simple matter, I would not report to you on it in any great detail. But Sharpstown is a scandal that reaches far beyond anything I had ever imagined. This case grows curiouser and curioser, and I feel compelled to report all I know about it.

On the surface, Sharpstown is just an ordinary scandal, though of magnificent proportions. But it is far more than that.

I will not go into all the ramifications, because it would take any arm of accountants and lawers to unravel all the great scheme, and its component parts. In its essentials, however, it will help you understand the case if I provide you some background.

Frank Sharp made a fortune in real estate development in the rapidly growing city of Houston; he eventually built a subdivision big enough to be called a town, and in typical Texas style he called it Sharpstown.

Sharp also set up a bank in Sharpstown, appropriately enough called the Sharpstown State Bank.

Later on Sharp acquired other companies, most notably National Bankers Life Insurance Co. In the meanwhile he gained a considerable reputation for philanthropy, and even was made an honorary member of the Jesuit order; this was extraordinary for the Jesuits, and even more extraordinary that the high tribute was made to Sharp, a Protestant.

But all this magnificence vanished during the past winter.

Frank Sharp, it was said, had caused loans to be made to State officials, who used the loans to buy stock in Sharp's insurance company, National Bankers Life.

Allegedly, the high State officials who received the loans and who bought the stock later pushed through a piece of legislation that would have exempted Sharp's banks from the prying eyes of the Federal Deposit Insurance Corporation, which had been unhappy with many of the practices they found at Sharp's bank.

It was said, too, that the quick stock profits earned by many of the State officials involved, came about because of some fantastic manipulations by Sharp and others, which had caused the value of the stock to appreciate in value very rapidly.

As the financial web became exposed, depositors lost confidence in Sharp's bank, and it was forced to close; it was probably the biggest bank collapse in Texas in recent years, and the FDIC had to send $50 million to Texas to cover the losses. No one knows yet just how much money FDIC will ultimately lose, or how much might be lost by depositors who had more money in the bank than FDIC covered.

Thus far, it seems to be only a typical scandal, though of gargantuan proportions. But then new events have unfolded, events which make this case a matter of immense importance.

In the first place, the Justice Department has arranged matters so that Sharp will never go to trial; he has entered a guilty plea to certain violations, and has gained immunity from all other criminal liability. This seems incredible; at first I considered that this was only the sort of bungling that we have come to expect from this administration's Justice Department. But then certain facts came to mind, and as I exposed those facts, more came forward, so that the whole tangled—and yes, incredible—tale becomes even more tangled and incredible.

A few days ago a Federal judge in Houston fined Sharp $5,000 and assessed a 3-year suspended sentence. Then Sharp was granted immunity from all other charges, a decision that had the full approval of none other than the Deputy Attorney General, Mr. Kleindeinst.

I charge that the Justice Department has deliberately mishandled this case for political reasons. They have declined to prosecute Sharp vigorously because to do so would expose the very close relationship that existed between Sharp and the Assistant Attorney General, Will Wilson, for many years. If that were to happen it would embarrass an already red-faced Department of Justice. In order to cover their tracks, the Department then aimed to enter into a series of prosecutions of high State officials in Texas. This will pay the administration rich political dividends, and at the same time cover up their deliberate shelving of the Sharp case, and their potentially embarrassing problems in the Assistant Attorney General's office.

I charge that the Department of Justice not only assured that they would never try Sharp through plea bargaining, but that they deliberately took his case before the court of a judge who was biased, and who could be expected to view Sharp through anything but neutral eyes—a judge who in fact has once been in the employ of Frank Sharp, just as Will Wilson had been.

It is incredible to think that the Justice Department was unaware of what it was doing.

Why would it have been embarrassing to the Department to have the relationship between Wilson and Sharp discussed? For one thing, Wilson was under consideration for a higher level job. It would have been ruinous to have it brought out in court that he had been so intimate an associate of Sharp's. This would not only have embarrassed Wilson, but also his boss, Mr. Kleindienst, who wants to become Attorney General himself when the present incumbent of that office resumes full-time politicking.

I do not presently believe that Wilson himself is a dishonest man; he might not have even known about the way the Sharp case was being handled. But regardless of his personal role it is plain that both his boss, Kleindienst, and the local U.S. attorney in Houston, Mr. Farris, knew of Wilson's relationship with Sharp, and how embarrassing it might be if in the course of prosecuting Sharp all this were to come out. Accordingly, it was arranged to let Sharp plead guilty to a few charges, and take him before a friendly judge. That way Sharp would be gotten neatly out of the way, Wilson would never be embarrassed, and politically productive prosecutions of high Texas officials would cover up the whole thing.

What was Wilson's relationship with Frank Sharp?

Well, as a member of the Texas State Banking Commission in 1960, Wilson had voted to approve the formation of the Sharpstown State Bank. Wilson says that he favored the application on the merits, and I have no way to dispute his word on this point.

Later on, Wilson left politics and entered law practice. He was employed by Sharp, and I believe that Sharp was one of the best clients Wilson had.

When Sharp decided to enter the insurance business, Wilson handled the negotiations that brought Sharp 518,000 shares of the National Bankers Life Insurance Co. Although Wilson told me that he had advised Sharp against this move, he did buy 7,500 shares of the stock for himself.

Wilson was in a position to know a great deal about Frank Sharp; he had seen Sharp's business dealings both from the point of view of lawyer and regulatory commissioner, he had been Sharp's adviser and negotiator. There may have been an even closer relationship than that. Whatever the case may be, and even if Wilson's relationship with Sharp were wholly innocent, it is clear that Kleindienst thought that it should be hidden—and hence he arranged the plea bargainings that kept Sharp from ever coming to trial.

The local U.S. attorney, on arranging the plea bargaining, took Sharp's case before the local judge in Houston—a normal enough thing on the surface. But incredibly, the judge in question had once been in the employ of Sharp, just as Wilson had been. And even more incredibly, the judge did not disqualify himself. And so in one of the most celebrated cases in all of Texas history there was no trial. On accepting the pleas of guilty, the judge assessed a 3-year suspended sentence and a $5,000 fine. Sharp could have gotten 10 years.

It is not that the judge has any excess of heart. Indeed he has been known for his hard-bitten attitude. Witness the recent case of a sailor who came to the judge pressing a claim for injury against a shipping company. The judge said, "You mean all we're concerned with is how much money you'll get?" the judge asked. The sailor said that this was the case. The judge then asked, "How much did they offer you to settle?"

The sailor replied $5,000 was the offer and the judge ruled instantly that the case would be settled for that amount. He refused to hear objections, saying to the attorney, "When you're hot you're hot. When you're not, you're not." Case closed. I think that you will have to agree with me that this is not a judge with excessive heart. No, indeed he is not. And I doubt that the local U.S. attorney chose his forum carelessly. I think that he chose carefully and deliberately the court to bury Mr. Sharp's case, and with it the possibility of embarrassing his boss, Assistant Attorney General Wilson.

Mr. Farris, the local attorney, knew his judge well, if he was any kind of attorney at all. It is inconceivable that he did not know the relationship that existed between the defendant Sharp and the judge who would sentence him. It is inconceivable that the judge failed to disqualify himself—but then I have just told a story that reveals the kind of judge he is.

We cannot tolerate this kind of scandal in silence.

We cannot stand by while this kind of thing goes on, and fail to protest.

I am protesting.

I do not want any man guilty of a crime to escape, and I do not want any man accused of a crime not to have his fair day in court. But as each day goes by it becomes more clear that the Sharp case is being handled as a political case through and through, and that the strategy is being directed by the Deputy Attorney General himself.

It may not be a scandal that Will Wilson knew Frank Sharp and was such a close associate of his. Mr. Wilson says he is an honest man, and I do not say otherwise, at least based on what I know now. But I am saying that the Justice Department deliberately attempted to shelve the Sharp case in the darkest of corners, because prosecution would have probably embarrassed Wilson. I am saying that they hoped to cover this up by prosecuting the public officials Sharp is said to have tried to influence or corrupt. And I am saying that they deliberately tried to insure that Sharp would get special treatment by taking him before a judge who was as much a former employee of Sharp as Will Wilson himself, and who for reasons that no man can fathom did not disqualify himself. The Justice Department picked its judge well.

The local U.S. attorney in Houston says I know nothing of this case, and have no right to speak of it. Well, he is the one who is ignorant. He is the one who does not know whereof he speaks. For if he did not know the history of the judge, he is hopelessly incompetent, and there is nothing I can do to rescue him from that.

Do I have a right to speak? I have a responsibility. All of us do.

We have not heard the last of the Sharpstown follies yet. I expect to have more, and I believe that the case will become even more shocking as time goes on. It is a shame to have to recite all this to the House. I regret it. But I have a duty, and I will fulfill it.

Mr. Speaker, I wish to express my gratitude to the Speaker for allowing me to address the House at this time. I do so because of the fact that the matter I wish to speak on is of importance that is far beyond any particular individual issue that I could find a personal involvement in because it involves, not only my native State of Texas, but it involves the prestige of the name of impartial law enforcement on the part of the Federal agency charged with that responsibility, the Federal Department of Justice.

Mr. Speaker, I have spoken out four other specific times here within a period of less than 2 weeks, and I have specifically charged that in the handling of the immunity granted Frank W. Sharp of Houston—a man who had caused the Federal Deposit Insurance Corporation to pay out $50 million worth of money, who has mulcted thousands of innocent depositors, who has perpetrated one of the most scandalous frauds in the history of Texas, or our Nation—by virtue of this immunity he is permitted to go literally scot free with a $5,000 fine and a so-called probation period of 3 years.

Now, the charges to which he pled guilty, quite surreptitiously and secretly, as far as I know, because no member of the public and no member of the press knew that Frank Sharp had been accused and charged on an indictment of two felony counts, although he is susceptible to a plethora of charges ranging from conspiracy to swindling, to giving false testimony, to fraud, et cetera, et cetera.

Now, it is no mere happenstance that a certain combination of events evolved so that the Chief Prosecutor in the Federal Department of Justice happens to be a former attorney general of the State of Texas, and who is now the assistant attorney general in charge of the criminal division. But he, who himself has been heavily involved, by his own admission to me in a telephonic conversation yesterday, to the extent of in excess of at least $75,000 in the very company that formed the basis of the fraud, of the swindle, and the scandal, the National Bankers Life Insurance Co.

That in itself does not necessarily mean, nor do I charge now or imply, that the former attorney general, the present chief prosecutor, the assistant attorney general in charge of criminal division, is personally guilty of being associated in the fraudulent transactions by virtue of which Frank Sharp has pled guilty, and who is further and additionally charged, and it is imputed to Frank Sharp that he has corrupted some of the chief highest officeholders in the State of Texas from the Governor to the speaker of the Texas House, to the chairman of the State Democratic executive committee, and to a variety of other members of the State legislature, some former and some present official officeholders of agencies and subdivisions of the State of Texas.

In light of that, what American and, for that matter, what Texan can remain silent if he then is notified and factually informed that there are more happenstances and coincidences?

As of today I have brought out and I now charge in effect that not only was the plea of immunity granted upon the recommendation of the Department of Justice and honored by the trial judge, who entertained the kookie plea of guilty under semisecret circumstances, but that the judge himself is a former attorney for Frank Sharp himself and has been a beneficiary of Sharp's largesse in the past. By all the basic canons of judicial ethics, he should have disqualified himself from handling the case much less pass judgment—and such a lenient one on Frank Sharp.

So I charge soberly and regretfully but affirmatively, positively and unequivocally that it is a shoddy deal, which has led the highest office of the Attorney General to go into a shoddy handling of the case and granting immunity only, that they can get at some other public officials in the State of Texas.

It was not necessary.

Every one of the individuals involved in this malodorous transaction could and should be prosecuted whether he is a Governor or not or a Speaker or not or a Congressman or not. Let us have evenhanded justice. Let us not let the big fish go. This, in effect, is what the Department of Justice has done. Why? Why would the district attorney of the entity who has shown great zeal by traveling to that far, remote, sparsely populated community in southwest Texas in order to indict only two persons some minor officials, say so abjectly I cannot do anything about Frank Sharp because in order to get some other information, we have to make, this is the best we could do with these charges.

The whole transaction smells from beginning to end, and there is no question in my mind when this whole thing was routed to the Deputy Attorney General himself, Mr. Kleindienst, that the motivating reason of why he was willing to grant people immunity and to recommend it was in order to protect his Assistant Attorney General, Mr. Will Wilson, and not because Will Wilson was necessarily a part of the fraudulent transaction, but because of the implications that would arise by the publicity that would be attached to a very high official of the Department of Justice.

Mr. Kleindienst certainly cannot profess ignorance to that because he knew Wilson had disqualified himself from any handling of the case because of his prior association with Sharp.

But until yesterday's telephone conversation with me, not one time had an explanation ever been given that it was more than just a casual attorney-client relationship in the past. It was more. It was substantial ownership of the very company in question.

Then the plot thickens when the very judge himself in passing judgment—the Assistant Attorney General tells me that the Department of Justice had nothing to do with the case, because the Houston jurisdiction happens to be one of those areas where the Federal practices and procedures do not permit the Department of Justice in that area to offer a recommendation to the judge. The judge did not request a recommendation. So of his own volition, he imposed a lighter sentence. He could have sentenced the man because there were two felony counts, to jail for as long as 10 years. But instead there was only a $5,000 fine which to a man like Frank Sharp is like a nickel or a dime to you or to me—and what is called a 3-year probation.

But exchange for that, he entered upon this time the recommendation of the Department of Justice a plea of immunity or a grant or order of immunity. So we will never really be able to find in the due process in a court of law the exact relationships that have existed between Sharp and Assistant Attorney General Short and the very judge who sat in judgment on him.

So I have charged that with malice of aforethought and premeditation and to all intents and purposes, Frank Sharp has been given a slap on the wrist only because of two factors—first, a zeal to protect a highly placed Justice official and, second, a zeal to get at these other highly placed officials in Texas for, I guess and assume, purely political motivations.

On all of these counts the matter speaks. It is bad, it is abominable to the name of the Federal Justice Department of the United States of America.

Everyone of us sitting and standing here has a responsibility. We all partake in the faith or lack of faith, in the trust or lack of trust, and in these critical times in which Governors, leaders, Presidents, past and present, are said to have credibility gaps, and we have confessions by some of our colleagues here during the disputations and debates saying, "Oh, I used to believe, but now I do not"—we heard one Congressman say the other day quite pathetically, "I do not believe anything a President would say." I do not agree with that, and I am not in that circumstance. I still have pride and honor in America.

I am still eternally and will be eternally grateful for the chance to have been an American. But at the same time we have a serious and solemn responsibility to stand up and shout and point the accusing finger when we see so much shoddy business as a Frank Sharp immunity grant order that has been given on the recommendation and express indications of the highest officials of the Justice Department and with the connivance of a judge. And I defy that judge to have the basic judicial ethic to come out and reveal his full and intimate associations in the past and the present with Frank W. Sharp. How can we ever stand up here in this forum or, for that matter, in any executive branch of the government, and say, "We want law and order, we want respect for law and order, we want the dignity of even-handed, fair and impartial justice," as long as we persist in this thing, and say it is all right to have the Frank Sharp deals?

Yesterday, I expressed my gratitude to the Assistant Attorney General. I had made serious charges, and I am repeating them. I am making them today. These charges are serious. I would consider them serious. I would say that if such a thing were implied or imputed, I would be living in a living hell. And if the charge were unjust, I would be stoutly defending. So I appreciate the fact that the Assistant Attorney General called and said:

> My involvement was innocent. Yes, I am an attorney for Frank Sharp, and I am grateful to him, because he gave me good legal business in the past. But I dispossessed myself and I divested myself of all these shares of stock before I came to assume the office. As to the amount of stock, I bought, first, 5,000 shares at rates varying from 8 and 8½, to 10, to 11½ dollars a share. Then subsequent to that original acquisition in 1968, a vice president of the insurance company put up for sale through a bank 2,500 additional shares, which I bought at $10 a share.

That is a substantial involvement. I am not saying that because he did that, that he was part and parcel of the fraud Frank Sharp perpetrated by and through this insurance company. What I am saying is that Kleindeinst, in recommending that a plea of immunity be granted, was doing it because he knew the only man who could ever bring out the full scale on the transactions—because some questions are still unanswered—was Frank Sharp, and that since he has immunity, he will have no chance to be asked those questions in a forum of proper jurisdiction.

I am assured that at this time the grand jury which was convened in Houston, and which nobody knew about until I started to talk about it last week—and I charged last week that exactly a week ago, it was the hope, expectation, and desire of the district attorney to bring indictments against the Governor, the speaker of the Texas House, the chairman of the Democratic State Executive Committee, and two or more other individuals. Nobody had known them. Nobody apparently had set it. When the district attorney in Houston was confronted with the fact, he said:

> Oh, no, the indictment will not be brought today. It will take about three weeks.

But up to then there had been no mention of this intention. But the reason why it was expected these indictments would be returned last week was because Mr. Frank Sharp had just entered his plea, had gotten his order of immunity, and was ready to testify in order to make a case. My contention is that there is a lot here that demands the most scrupulous redress on the part of these high officials. If, indeed, the judge in Houston is, as I live, a former recipient of benefits of Frank Sharp, he had no right to sit in judgment and give him this lenient treatment.

This judge has a reputation for being hard, if not harsh. Why suddenly all this leniency?

These are questions I am raising. I intend to persist in raising these questions because this is a matter of public concern. I believe it transcends any kind of partisan politics. I believe it transcends any kind of State allegiance. It is a national question. It involves the good name, the role, and the confidence we should have and pride ourselves in having in the Federal Department of Justice.

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## BATTERY PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 10 minutes.

Mr. ICHORD. Mr. Speaker, the Statue of Liberty has long symbolized the freedom which the heart of man has desired since time began. American fighting men returning from foreign wars have waited for hours with longing eyes to get a glimpse of this lovely lady with the torch of liberty held high. People from all over the world have traveled thousands of miles to see this monument which towers over the entrance into the greatest civilization in history.

People are still coming by the thousands today to see the Statue of Liberty, but there is now a shocking and inexcusable difference—on the way they must pass through the valley of a garbage dump. Now I am aware that the mayor of New York City has been plagued with garbage problems during most of his reign and I am sure that he is sick of the whole mess. However, Mr. Speaker, it is a national disgrace for people to have to pass through the garbage dump in Battery Park to board a ship to go out to the Statue of Liberty. A few weeks ago I took my young daughter on this trip and I must say that she was shocked by the sight of the mess in Battery Park, and I was embarrassed to let her see that our country does not think any more of our national shrines.

What about the impression it gives the foreign visitor about the way we do things in this country? The day we made our visit most of the people waiting to visit the statue were from foreign lands. I suggest that this is not only poor public relations but it is disrespectful to our guests and gives the impression of a total lack of pride in our heritage.

Mr. Speaker, something must be done about this shameful mess. Therefore, I am today writing a letter to Mr. George Hartzog, Director of the National Park Service, urging him to make the necessary contacts with Mayor Lindsay and/or Governor Rockefeller to get this garbage removed from the entrance into this national shrine. It would seem to me that the mayor is the proper person to clean up this mess but since I am aware of the political situation in New York and remember that the mayor and the Governor were involved in a jurisdictional dispute over New York City's garbage in time past, I will leave it up to Mr. Hartzog to determine the proper person to contact. All I want is the garbage removed and the place cleaned up.

Mr. Speaker, I would like to introduce a copy of my letter to Mr. Hartzog into the Record:

House of Representatives,
*Washington, D.C., June 24, 1971.*

Mr. George B. Hartzog,
*Director, National Park Service,*
*Department of the Interior,*
*Washington, D.C.*

Dear George: It came to my attention in a most forceful way on a recent visit to Battery Park in New York City that this park, for all practical purposes, is being used as a garbage dump. The fact that I had taken my young daughter along with me to see the Statue of Liberty caused me considerable embarrassment since I did not want her to have the impression that we have so little concern about preserving symbolic elements of our heritage.

As you know, thousands of visitors—most of them foreigners—come every day to see this monument that symbolizes the freedom that we all enjoy in this country. It is my opinion that it is a national disgrace for these people to be forced to walk through these heaps of garbage to get aboard the boat. What kind of impression does this sight leave with a foreign visitor about our hospitality and our national pride?

Therefore, I suggest that you contact the proper officials in New York and urge them to get this situation cleaned up without further delay. I say "proper officials" because I am aware of the political situation that exists between the offices of the Mayor of New York City and the Governor of New York state. I am also aware that Mayor Lindsay and Governor Rockefeller were involved in a jurisdictional dispute over New York City's garbage a few years ago. Rest assured that I do not want to open up old political wounds between the mayor and the governor, but I do want the garbage cleaned up.

Let me thank you in advance for what you can do to clean up this bad situation.

Sincerely,
Richard H. Ichord,
*Member of Congress.*

## CONGRESS AND THE INDOCHINA WAR

The SPEAKER. pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing, for appropriate reference, a sense of Congress resolution on the Indochina war. My resolution declares that it is the national policy to withdraw American military forces from Vietnam on an irreversible basis and to complete such withdrawal at the earliest practicable date. It further states as a matter of national policy our willingness to accelerate and complete that withdrawal by a date certain provided there is a negotiated agreement to release all American prisoners of war in Indochina by a date 60 days prior to that date certain.

It seems to me, Mr. Speaker, that a sense of Congress resolution of this nature is the proper manner for the Congress to express itself on this issue and not through misleading funds limitation riders billed as "end of war" amendments, or by actually cutting off funds. I commend the majority leader of the other body for recognizing that a national policy declaration of this sort is the proper approach to the problem, even though I differ with some of the specific provisions of the Mansfield amendment adopted on Tuesday of this week. My own resolution does not specify a date certain, leaving this a matter to be negotiated concurrently with the POW question. Obviously, though, this would have to be within a reasonable time frame to have any appeal at the bargaining table. My resolution also differs from the Mansfield amendment in that it does not specify that the release of prisoners should be phased or geared to our withdrawal rate.

Again, this should be a question left to our negotiating team. My resolution simply says that all our prisoners should be released at least 60 days prior to the withdrawal of our final troop. I think it is important that the Congress does give the President some policy guidance at this time, while at the same time reserving for our negotiators a maximum amount of flexibility with which to work out a final settlement. The significant similarities between my resolution and the Mansfield amendment are that we make a national policy declaration and that it emphasizes linking the POW question and our final withdrawal in a negotiated agreement. My resolution differs from the Mansfield amendment in that it allows more latitude so far as the specific terms of that agreement are concerned. I think we owe this much in confidence and flexibility to our negotiators and the President, as appealing from a popular and political standpoint setting a specific date or time frame might be.

At this point in the Record, Mr. Speaker, I would like to include the full text of my testimony before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs today, along with a copy of my resolutions:

### Congress and the Indochina War

Mr. Chairman and members of the subcommittee, I am most grateful for this opportunity to appear before you today to discuss the issue of the Indochina War, and more specifically, American policy and the role of the Congress. I want to commend you on calling these most valuable hearings, not only to hear testimony on the many resolutions and bills pending before you, but to further educate the American public, and hopefully, to give this Congress the guidance it needs to redefine and reassert its legitimate role in the foreign policy process. At the outset, let me say that the views I present here today are my own, and not those of the Republican Conference of which I am chairman nor of the Administration.

Last week the House of Representatives rejected what had been billed by some as an "end the war amendment." I cast my vote against that amendment because I felt it would only serve to mislead the American people and raise false hopes. For while the authors of that amendment took pains to point out that their amendment would not in fact do what it said it would do—that is, cut off funds for the further deployment of American forces in or over Indochina after December 31st of this year—the fact remains that to a large segment of the American public this was an end the war amendment that was supposed to do just that. My mail reflected that perception as I'm sure much of yours did.

I think we all have to be especially mindful at this time of what Max Weber has called the "ethic of responsibility" which has to do with the *consequences* of our moral actions; for it is every bit as important as the other ethic mentioned by Weber—the "ethic of ultimate values and ends." I do not see how I as a legislator could discharge my ethic of responsibility by voting for an amendment wrapped only symbolically in the ethic of ultimate values and ends. It seems to me it would only be compounding the tragedy to mislead the American public on our disengagement from Vietnam after our experience of being misled into that tragic war in the first place.

And without becoming embroiled in a discussion of the historical roots of our involvement, I think brief mention should be made here of how we were misled into South Vietnam. I do not do so for the purpose of pointing the finger, but rather for the purpose of pointing the way—the way out, and the way to conduct ourselves in the future with respect to our foreign commitments.

As I mentioned during the debate on Nedzi-Whalen last week, I think part of the tragedy of Vietnam was the manner in which, by calculated deception and deliberate withholding of information in a prior administration, Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility of our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither Constitutionally warranted nor wise.

I think there is widespread consensus among hawks and doves alike in the Congress that the legislative branch must play a larger role in decisions of war and peace, in accordance with the powers delegated to us by the Constitution. Last summer I was privileged to testify before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments on the war powers of the President and Congress. And without specifically endorsing any of the pending war powers bills, I made several suggestions for strengthening the hand of Congress in this area. While I realize that this subcommittee does not have jurisdiction in this area, your full committee does, and I think it does have at least an indirect bearing on the subject you are considering today—the Indochina War.

First, there should be prior consultation between the Congress and the Executive in all situations involving the deployment or possible deployment of American military forces. By this I do not necessarily mean the entire Congress would have to be consulted in all situations. Obviously, for the purposes of secrecy and expedition in a crisis, this may have to be confined to the key Congressional leaders. And by consultation, I mean to imply more than just presenting these leaders with a *fait accompli;* there should be some opportunity for prior Congressional input in the decision itself, as limited as this might be in a crisis or emergency situation.

Secondly, once the President has committed American forces on an emergency basis, it should be required that he deliver a full and formal report to the Congress conveying all the essential facts and rationale for his actions. This report should be submitted within a specified period of time. I cannot overemphasize the need for Congress to be *fully* informed in such situations so that it can proceed to make intelligent and responsible judgments and decisions based on *all* the facts. Recent evidence which has come to light seems to indicate that we have not been so apprised in the past, and this has certainly impaired our ability to act in an informed and prudent manner.

Third, if the Executive deployment of forces in a crisis situation threatens to balloon into a major national commitment, the Congress must have the decisive role in making the extended commitment. I have suggested as a working rule of thumb that if, 30 days after the deployment of these forces they have not been withdrawn, then it should be assumed that a major commitment is in the making, and the Congress should then step in to make a clear determination of the policy course to be pursued—that is, whether to extend or terminate that commitment.

Finally, if the Congress does decide to extend that commitment by joint resolution or other means, its authorization should be very precise and circumspect, and not of the open-ended, blank check Tonkin Gulf variety.

To quote from my concluding statement to the subcommittee last year:

"Our primary concern . . . must be to insure that Congress plays a decisive role in any future decision to undertake major commitments of American armed forces abroad; in the process, however, we must be careful not to circumscribe the President's capacity to respond in crisis situations."

I think it is especially important that the President have a wide range of options and flexibility with which to respond in a crisis situation. Our new posture of relative nuclear parity coupled with the Nixon Doctrine of low profile and regional self-sufficiency is bound to be tested by the two major Communist powers to determine whether these new doctrines will give them an additional margin for expansionist activities. It would therefore be a grave mistake, in my opinion, to limit the options of the Commander-in-Chief during this delicate transition period when our initial response to provocative probes is of critical importance. I think we can retain this necessary element of flexibility for the Executive while at the same time insuring a larger role for the Congress through prior consultation, full information, and final determination with regard to sustained commitments.

So let me say in concluding this portion of my testimony that it is my hope that the House Foreign Affairs Committee will report out a responsible war powers resolution which incorporates guidelines and requirements similar to those I have suggested.

I want to move on now to a matter of more immediate and direct concern to this subcommittee, and that is the subject of the Indochina War at this point in time, our current policy with respect to that war, and what initiatives this Congress might take to influence that policy. I know this subcommittee has a large number of bills and resolutions pending before it on this subject, and I have today introduced my own concurrent resolution for your consideration. I strongly feel that what is needed at this time is a clear Congressional declaration of national policy on Indochina to fill the vacuum left by the repeal of the Gulf of Tonkin resolution. And the proper vehicle for this, it seems to me, is a sense of Congress resolution, as opposed to a meaningless funds limitation rider like Nedzi-Whalen or an actual funds cut-off amendment that would tie the hands of the Commander-in-Chief.

When I suggested such a sense of Congress resolution during the debate on Nedzi-Whalen last week, one of my good friends and colleagues got up on the House floor and mildly rebuked me by saying, and I quote:

"I have had one of those 'sense of Congress' resolutions about ending the war, one which I introduced last year and another which I introduced this year. And all they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs."

I think his point is well-taken. Such resolutions are meaningless so long as they go nowhere. So it is my earnest hope that this subcommittee will not only provide a valuable forum for discussing our policy and the various resolutions, but that it will report out a meaningful measure and give the full House an opportunity to officially offer its policy guidance on Indochina.

I know there are some who will still say that even if a sense of Congress resolution is reported and passed by both Houses, it will be virtually meaningless. I cannot agree with that view. Granted, such a resolution would not have the force of law or in any way bind the President. But at the same time, it must be conceded that a forceful and substantive Congressional declaration of policy would have a profound influence on the Executive, to be ignored at its own peril.

I would now like to discuss the specific provisions of the resolution which I introduced today, a copy of which is appended to this testimony. The "resolved" sections are prefaced by three "whereas" clauses which recognize the President's policy to bring to an end the war through the withdrawal of our troops, through a reduction in the level of hostilities, and through negotiations. It further recognizes that he has already withdrawn over half our troops since taking office and will have withdrawn over two-thirds by this December 1st. And it finally recognizes that the President has stated our goal to be "a total American withdrawal from Vietnam."

At the heart of my resolution are three Congressional declarations of national policy on Indochina. First, "that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such troops at the earliest practicable date."

Secondly, that it is the national policy "to accelerate and complete such withdrawal by a date certain," provided there is a negotiated agreement to release and repatriate all American prisoners of war being held in Indochina 60 days prior to that date certain, and to guarantee the safe and orderly withdrawal of our remaining forces from South Vietnam.

And third, that it is the national policy "to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July, 1969, and to "arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American Armed Forces."

I want to make several points about this resolution and how it relates to our present policy, and then I will be happy to answer any questions you might have. First, I think it is important that this Congress affirm that our primary goal in Vietnam should be to get out of Vietnam as soon as practicable, and to bring our prisoners of war home with us. I do not think this represents any radical departure from the goals enunciated by the President on numerous occasions. In his press conference of March 4, 1971, the President said, and I quote:

"As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can by negotiation if possible and through our withdrawal program and Vietnamization program if necessary."

Again, in his Vietnam report of April 7, 1971, the President said:

"Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary. But we would infinitely prefer to reach it even sooner—through negotiations."

Now, in the past, our negotiating position has centered on the possibility of an all-Indochina settlement. In his report of October 7, 1970, the President outlined a five-point peace initiative to include an Indochina cease-fire, an all-Indochina peace conference, a mutual withdrawal of all outside forces from South Vietnam on a 12-month timetable, a release of all prisoners of war being held in Indochina, and a political settlement in South Vietnam.

While we have not completely abandoned hope, I think it has become increasingly apparent that the chance for such a comprehensive settlement has grown more remote with the passage of time. In his press conference of February 17, 1971, the President expressed disappointment that no progress had been made at the Paris peace table, but added, and I quote:

"We will continue to pursue the diplomacy for a primary reason, the primary reason being to negotiate some settlement of the POW issue. As we have to realize as far as a negotiation affecting a political settlement for South Vietnam is concerned, time is running out for the North Vietnamese if they expect to negotiate with the United States. Because as our forces come out of South Vietnam, it means that the responsibility for the negotiation, increasingly, then becomes that of South Vietnam."

Again, in his question-answer session with the American Society of Newspaper Editors on April 16, 1971, the President said:

"We haven't given up on the Paris talks. I would suggest that the moment of truth is arriving with regard to the Paris talks because time will soon run out. As the number of our forces goes down, our stroke at the negotiating table recedes and the South Vietnamese' greatly increases. So, if they want to negotiate with the United States, the time for negotiation, except for the prisoner of war issue, of course, is rapidly drawing to a close."

In his press conference of April 29, 1971, the President rejected setting a deadline or date certain for the total withdrawal of our forces, saying the North Vietnamese have only promised to "discuss" the POW question if we did so. In his words:

"We need action on their part and a commitment on their part with regard to the prisoners. Consequently, as far as any action on our part of ending American involvement is concerned—and that means a total withdrawal—that will have to be delayed until we get not just the promise to discuss the release of our prisoners, but a commitment to release our prisoners, because a discussion promise means nothing where the North Vietnamese are concerned."

And finally, in his press conference of June 1, 1971, the President was asked the question: "What is there to lose by setting a date contingent upon release of all prisoners?" The President responded:

"According to Ambassador Bruce, the position taken by the North Vietnamese has been, 'If we end our involvement in Vietnam and set a date, they will agree to discuss prisoners, not release them . . .' Now, as far as we're concerned, we at this time are not going to make any kind of agreement with regard to prisoners that is not going to be followed by action or concurrent action; and from the standpoint of the North Vietnamese, we have yet no indication whatever that they would be willing to release prisoners in the event we took certain steps."

I have drawn upon these Presidential statements because I think they do point to an evolving American policy vis-a-vis the negotiations and conditions for the total withdrawal of American forces. As our force levels decrease, our bargaining 'stroke' at Paris is reduced so far as an Indochina settlement is concerned, and eventually, the only point to be negotiated between us and the North Vietnamese will be the prisoner of war issue and the date of our final withdrawal. I do not mean to imply here that the President has taken the position that the only condition for our final withdrawal is the release of our prisoners, though there are indications from the statements I have quoted that we are moving in that direction. The fact is that the President has stated another condition for the final withdrawal of American forces, and that is "the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover," in other words, the completion of the Vietnamization program.

My resolution, on the other hand, goes back to the President's statement on April 7th of this year to the effect that our goal is a total withdrawal through the Vietnamization program if necessary, "but we would infinitely prefer to reach it even sooner—through negotiations"; and the President's statement on April 26th of this year to the effect that as our force levels diminish, the only point left to be negotiated between us and Hanoi is the prisoner of war question. Under the policy suggested by my resolution, we would express to the North Vietnamese our willingness to accelerate our withdrawals and complete them by a date certain if they in turn agree to release all American prisoners being held in Indochina 60 days prior to that date, and guarantee the safe and orderly withdrawal of our remaining forces.

My resolution does not specify a date, leaving this a matter to be negotiated concurrently with the prisoner of war question. But obviously, it would have to be within a reasonable time frame to have any appeal at the bargaining table. It seems to me that the value of this approach is that rather than having each side waiting for the other to make a move on either the matter of setting a date or the matter of releasing prisoners, both would have to agree to discuss these issues simultaneously, and the resolution of one would be contingent upon the other.

While suggesting a specific date in such a resolution is appealing from a political standpoint, or from the standpoint of reassuring the American public, I think from a practical negotiating standpoint this is something best left to be worked out in the secret sessions at Paris and not publicly announced until an agreement has been reached.

To get back to the question of what effect an accelerated withdrawal and date certain for its completion would have on the Vietnamization program, let me say that while an earlier withdrawal date would reduce the amount of final preparation we could give the South Vietnamese to defend themselves, it would not be fair to suggest that we haven't already given them a reasonable capability for survival. You will recall that on April 7th of this year, shortly after the Laotian operations, the President announced that, "Vietnamization has succeeded."

A report released by the Department of Defense last week points out that ground combat responsibility will be completely turned over to the South Vietnamese by this summer, thus completing phase one of the Vietnamization program; and phase two—developing South Vietnamese air, naval, artillery, logistics and other support capabilities—has been proceeding concurrently with phase one, though it will take a little longer.

Over the last year, according to the DOD report, American air sorties have decreased 46% while South Vietnamese attack sorties have increased 65%. The pacification program has likewise been proceeding with marked success. Regional Forces have increased 48% since June of 1968 and have thus relieved the ARVN for combat duties, while Popular Forces have increased 51% since June of 1969, and over 95% of the Popular Force platoons are now fully trained and equipped with modern radios and armed with M-16 rifles.

And so, Mr. Chairman, I hardly think an accelerated withdrawal, contingent upon the prior release of our prisoners, could in any way be considered precipitous in terms of the Vietnamization program since the South Vietnamese have developed an impressive capacity to shoulder the burden themselves, all the way down to the hamlet level.

Finally, Mr. Chairman, I want to briefly address myself to Section 3 of my resolution which states as a further matter of national policy our intention to provide continued military and economic assistance to the nations of Indochina, in amounts approved by Congress, and consistent with the objectives of the Guam Doctrine; and to arrange asylum for those who might be endangered by our withdrawal.

As the members of this subcommittee are well aware, the United States cannot legally or morally turn its back on Southeast Asia after the last troop has been withdrawn from South Vietnam. We will continue to be a Pacific power and we will continue to have certain obligations and responsibilities to the people of that part of the world. In July of 1969, the President issued the Guam Doctrine which said in effect that the United States will honor its treaty commitments, extend its shield to any nation allied with us which is threatened by a nuclear power, and, in cases involving other types of aggression, we will furnish military and economic assistance but look to the nation directly threatened to assume the primary responsibility of providing manpower for its defense. I think the Congress should officially endorse this policy of encouraging self-sufficiency on the part of our allies, and at the same time help formulate specific programs for its implementation.

In summary, Mr. Chairman, I am interested in seeing that the Congress reassumes its Constitutional role in matters of war and peace. I think we can and should play a role in extricating the United States from Vietnam and in preventing future Vietnam-type involvements. If this is to happen it must begin right here in this committee. I commend this committee on its war powers hearings and its Indochina hearings, and I urge you to follow through in such a way that the full House will have an opportunity to express itself on these issues of crucial importance to our country and our Constitutional form of government.

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### H. Con. Res. 347

Whereas, the President of the United States is pursuing a policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American Armed Forces from that country, through a reduction in the level of hostilities, and through negotiations; and

Whereas, the President has withdrawn over half of the American Armed Forces from Vietnam since taking office, and has further announced that two-thirds of all such forces will have been withdrawn by December 1, 1971; and

Whereas, the President has announced that, "Our goal is a total American withdrawal from Vietnam"; Now, therefore be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress hereby declares that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such forces at the earliest practicable date.

Sec. 2. It is the national policy to accelerate and complete such withdrawal by a date certain provided that there is a negotiated agreement to: (a) release and repatriate all American prisoners of war being held in Indochina by a date 60 days prior to such date certain, under the supervision of the International Red Cross or other such organization; and (b) guarantee the safe and orderly withdrawal of all remaining American Armed Forces from South Vietnam by such date certain.

Sec. 3. It is the national policy to: (a) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July, 1969; and (b) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

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## AMERICAN COUNCIL FOR PRIVATE INTERNATIONAL COMMUNICATIONS, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, on June 22, 1971, a bill, H.R. 9330, was introduced in the House by Mr. REID of New York to provide for creation of an American Council for Private International Communications, Inc. The primary purpose of the council would be to receive congressional appropriations and make grants to Radio Liberty for broadcasts to the Soviet Union and to Radio Free Europe for broadcasts to Eastern Europe.

Because of my own interest in Soviet affairs, I wish to speak today about Radio Liberty. It appears that unless Congress acts on H.R. 9330, Radio Liberty will have no other source of support and will have to end its broadcasts to the Soviet Union. Indeed, I am informed that Radio Liberty's present funding does not extend beyond the end of this month, and that unless an interim arrangement can be made pending passage of H.R. 9330, the station will have to go off the air very shortly.

I urge the Congress to take action to prevent this emergency, which would seriously damage the foreign-policy interests of the American people and the cause of international understanding.

In more than 18 years of continuous broadcasting, Radio Liberty has built up a specialized following of concerned Soviet citizens. Unlike other radios beamed to the Soviet Union from outside, Radio Liberty speaks as the voice of former Soviet citizens and focuses primarily on the country's internal political, economic, and social life. The station has approached Soviet problems constructively, in terms of moderate and nonviolent solutions. It issues no appeals to action, but concentrates on dissemination of news and diverse opinions.

Ever since 1960, when I visited the Soviet Union with one of the first groups of American students to go there, I have been keenly aware of the role of information in the development of Soviet society. It is ironic that today, as the Soviet Union rises to the challenge of the space and nuclear age and the number of citizens with professional training at the university level is growing by leaps and bounds, the dead hand of the censor lies ever more heavily on Soviet life. This contradiction between progress and backwardness has given rise to a dissent movement which, although small in visible size, cuts deeply into the fabric of its society.

Radio Liberty's audience includes important segments of the Soviet cultural and scientific elites, those pressing hardest for positive change in their society. If the Soviet system yields to pressures for modernization, decentralization and liberalization, as someday it can hardly fail to do, these people will be in the forefront of the country's leadership. From our standpoint as Americans, they will be more important in our relations with their country than the aging bureaucrats at the top level with whom we now must deal.

Resistance to censorship among thinking members of Soviet society has given rise in recent years to a movement unprecedented in the Soviet period. I refer to so-called samizdat, an abbreviation of two Russian words meaning "self" and "publishing." Samizdat consists of literally hundreds of unpublished works—fiction, criticism, political essays, protest documents, appeals for human rights—now circulating throughout the Soviet Union in manuscript form. In a country where even the use of mimeograph machines is controlled by the regime, samizdat manuscripts must be painstakingly copied on typewriters, a few carbons at a time.

Samizdat has been a major source for Radio Liberty. More than one-sixth of the station's Russian-language programing in the first half of this year has consisted of broadcasts of samizdat items which have filtered out of the Soviet Union. Thus, Radio Liberty is able to provide its audience with their own uncensored medium of mass information, a unique forum for the exchange of ideas. The meaning of this to Soviet intellectuals chafing under censorship is expressed in a recent comment by one of them:

> If I want to say something to the people, to the country, then the only way I can say it is through Western radio.

A major samizdat item now being readied for broadcast by Radio Liberty is the new novel "August 1914" by the Nobel Prize-winning Russian writer, Alexander Solzhenitsyn, whose work has been suppressed in his own country. A Washington Post reviewer, the newspaper's former Moscow correspondent, Anatole Shub, has written of "August 1914":

> Millions of Soviet citizens, spiritually demeaned by the official mendacity and pap, would surely queue up instantly, as a breadline in a siege, to read even a few pages of a book of such shining merits.

Radio Liberty has also acquainted its audience with the iconoclastic writing of the Russian physicist Andrei Sakharov, called the "father" of his country's hydrogen bomb, who has warned:

> The division of mankind faces it with destruction . . . In the face of these perils, any action increasing the division of mankind, any preaching of the incompatibility of world ideologies and nations is madness and a crime.

Especially since the post-Khrushchev leadership came to power, a relatively small but important number of Soviet citizens, prominent in various professions, have managed to seek asylum in the West. Many of these are now contributing to Radio Liberty programs: writers, journalists, social scientists, natural scientists, and others. On several occasions Svetlana Alliluyeva has gone to Radio Liberty studios to read from her own writings on the air. Such broadcasts are virtually the only link through which such former citizens, who have given up their citizenship in order to work for reform from abroad, can communicate with the public in their homeland.

In addition to its Russian broadcasts, Radio Liberty speaks to Ukrainians, Uzbeks, and other Central Asian and Siberian Moslems, to Belorussians, and to the peoples of the Caucasus, using a total of 16 languages of Soviet non-Russian nationalities. A proposal to add Lithuanina, Latvian, and Estonian is now pending. The non-Russian nationalities, which the recent census shows are on their way to outnumbering the Russians themselves, remain for the most part linguistically and culturally distinct and buoyed by a soaring rate of elite formation. In thinking of the future of our relations with the Soviet Union, we Americans must consider our links with these peoples as well as with the Russians.

An important component of Radio Liberty's Russian broadcasts has been programs in behalf of Soviet Jews. This has included scores of separate appeals by individual Soviet Jews and groups of Jews protesting discriminatory practices and demanding in many cases the right to emigrate to Israel. I understand that the station also tries in other ways to keep alive for its Jewish listeners an awareness of their ethnic and cultural identity in the face of regime efforts to efface traditional values. Jewish high holidays have been celebrated in Radio Liberty broadcasts with Hebrew prayers and songs. A regular feature of Russian broadcasts has been material dealing with condemnations of anti-Semitism and other forms of intolerance by revered Russian humanists of the past, and by persons abroad whose names are respected in the U.S.S.R. A recent immigrant to Israel, the physicist Boris Tsukerman who was associated with Academician Sakharov, Alexander Solzhenitsyn, and others in creating an unofficial "Committee on Human Rights" in the Soviet Union, commented after leaving the country:

> Special hopes have been placed, of course, on a radio station which has paid special heed to the requirements of various categories of Soviet radio listeners and has had the mission of satisfying these requirements.

Radio Liberty's value as a world asset is recognized internationally. In the past few months, as word has reached the press of the station's difficulties, public statements of support have been issued by leading Soviet specialists at centers of learning like Oxford, Cambridge, London University, and the Sorbonne. Such influential newspapers as the London Daily Telegraph, the Paris Figaro, and the Neue Zuercher Zeitung of Switzerland have written favorable articles.

In the United States, Radio Liberty's support is bipartisan. The station has friends among liberals and conservatives, among hawks and doves. Some of its most vigorous support comes from academic specialists. I understand that in recent weeks those sending messages to Members of Congress in behalf of Radio Liberty have included such distinguished scholars as Philip Mosely and Zbigniew Brzezinski of Columbia, Hans Morgenthau of the University of Chicago, Frederick Barghoorn of Yale, Richard Pipes of the Russian Research Center at Harvard, Robert V. Daniels of the University of Vermont, and Foy Kohler of the University of Miami, a former Ambassador to the Soviet Union. I might add that hundreds of specialists in the United States and abroad rely on Radio Liberty's research analyses of Soviet affairs.

Radio Liberty is less well known to the United States public at large. It has never conducted mass public relations or advertising campaigns, largely because it has not solicited donations from the general public.

What would be our loss if Radio Liberty ceased broadcasting?

Radio Liberty performs a function that is not feasible for official radios like the Voice of America. If its unique role were to end, the United States and its friends abroad would relinquish an important medium of international understanding. They would rebuff an audience which has been built up over the years through investment of time, money and dedication.

If once dispersed, Radio Liberty's human resources including many persons with rare linquistic skills and cultural backgrounds would be lost beyond recovery. The station's technical facilities, once dismantled, would require years to replace. Its frequencies would be yielded permanently to other broadcasters in the crowded shortwave spectrum. Above all, notice would be served on important, friendly segments of Soviet society that they have been downgraded by the people of the United States.

Mr. Speaker, Radio Liberty is not an outmoded instrument of the "cold war." It is an institution involved in the vital work of establishing links with those in the Soviet Union working for peace and a better life. In terms of money, its total annual operating budget is little more than the price of a single F–111 jet fighter. At that cost, it must be preserved.

Today I join Mr. Reid as a cosponsor of H.R. 9330.

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## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The United States is the location for the largest medical center in the world. The District Medical Center in Chicago covers 478 acres and includes five hospitals, with a total of 5,600 beds and eight professional schools with more than 3,000 students.

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## NEED FOR AMERICAN-ISRAEL TREATY OF FRIENDSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I am today reintroducing a House resolution urging the negotiation of an American-Israeli treaty of friendship as a timely move to stabilize the Middle Eastern situation and prevent further deterioration of the tenuous cease-fire. It is cosponsored by, Hon. Joshua Eilberg, Hon. John Duncan, Hon. Joseph Addabbo, Hon. Sam Stratton, Hon. Robert McClory, Hon. Robert Drinan, Hon. George Collins, Hon. John Dow, Hon. Gus Yatron, Hon. James Scheuer, and Hon. Benjamin Rosenthal.

My proposal is prompted by the recent grave events in the Middle East. These events took place at a time when our attention was preoccupied by Vietnam and the disclosure of sensational information related to our involvement there. Our preoccupation with Vietnam was cynically exploited by the Soviet Union to sabotage American efforts to promote peace between Egypt and Israel.

Moscow entered into a 15-year friendship treaty with Egypt that advanced Soviet military involvement in Egypt and transformed that country into a virtual Russian satellite. The Soviet President, Nikolai V. Podgorny, expressed Moscow's belligerent new views on the Middle East on May 27 after signing the new treaty of friendship and cooperation with Egypt. He condemned "the imperialists in the United States" and denounced American efforts to mediate the conflict.

President Anwar el-Sadat of Egypt subsequently denounced the United States and said that even if Israel withdrew from all territories occupied in June 1967, the Arabs would not make peace.

Soviet-built Sukhoi jets have resumed flights over the Suez Canal to spy on Israeli positions. They have been driven off by antiaircraft fire on a number of very recent occasions. The cease-fire is in danger.

With possible collaboration by the Soviet Union, the leftist Arab regime in Yemen permitted extremist Arab elements to use a seaport over 1,000 miles from Suez as a base for a sneak attack by sea on an oil tanker bound for an Israeli seaport. The tanker narrowly escaped destruction. Credit for the attack was claimed by the Marxist Popular Front for the Liberation of Palestine, the group that last year hijacked and destroyed American aircraft.

My resolution envisages a 15-year American-Israeli friendship pact that would serve as an effective answer to the mounting crisis created by the new 15-year Soviet-Egyptian friendship treaty and the resulting escalation of tensions. The threat to world peace has been increased. Massive new Soviet arms shipments are arriving in Egypt. Soviet air and naval bases in that country are being expanded. Soviet officials have just visited new Russian naval units concentrating in the Mediterranean in a bid to neutralize the U.S. 6th Fleet. The Soviet Navy is now manning submarines and missile ships as well as jet bombers displaying the insignia and colors of Egypt.

It is my conviction that we have not taken the Soviet-Egyptian pact seriously enough. My resolution would serve the national security interests of the United States by providing a dramatic notice to potential aggressors. We would indicate that our country will not be moved from its commitments to Israel. We would show the futility of efforts to drive a wedge between our Nation and the State of Israel.

My resolution would give added strength to the existing understandings between the United States and Israel. It would serve notice to the Russians that they do not have an "open sesame" to the Middle East.

My resolution provides that "the President should give favorable consideration to the negotiation by the Department of State of a 15-year American-Israel Treaty of Friendship." Enactment would give added prestige and strength to the existing relations linking the two countries. It would provide, in the words of the resolution, "a formal basis for the existing close relations between the two nations relating to economic cooperation and the supply of military and defense material."

It appears to me that the United States has taken the new pact between Russia and Egypt too lightly. There is already evidence that the treaty is calculated to prevent a just peace settlement and to cover the shipment of additional arms to Egypt.

The new treaty made Egypt almost completely subservient to the Soviet Union and made the Cairo regime a virtual satellite of Moscow. The most effective American answer, serving the national security interest of the United States, is to stabilize the now unbalanced situation by a treaty formalizing American-Israel friendship.

The Soviet Union entered an arms accord with Egypt in 1955 with tacit undertakings that led to the war of 1956. Soviet-Egyptian accommodations were further expanded in 1967, leading to the outbreak of war in that year.

There have been some reports that the United States is withholding new contracts for arms to Israel although Egypt has become more bellicose following her new pact with Russia. The United States is pressured by Egypt and the Soviet Union to withhold arms required by Israel.

A new Soviet strategy has emerged to keep tensions broiling in the Middle East over Israel which is not protected by NATO. The Russian aim is to isolate the United States from its allies, to undermine the credibility of our defensive capacities, and to test our resolve. Russia is consolidating air and naval bases in Egypt to dominate the Mediterranean.

As a member of the Near East Subcommittee of the Foreign Affairs Committee, I recently visited Israel and Lebanon to study the developing situation. The Soviet-Egyptian pact has not been taken seriously enough by our own Government; not only did it forge a tie between Russia and Egypt as States but also links the two peoples and their only legal political parties.

The Communist bloc provided the only parallel in existence for a pact of this sort. Egypt can be considered from now on as virtually a Russian satellite in the Middle East.

The imbalance of arms between Egypt and Israel is reaching dangerous proportions as the United States defers new Phantom Jet contracts. Russia, meanwhile, ships MIG-23's and its finest ultramodern firepower into Egypt in a shocking escalation of weapons systems. American preoccupation with peace and withdrawal from military commitments is being cynically exploited by the Russians in the Middle East.

The danger of the new pact linking Moscow with Cairo lies in the prospect of new fighting. To deter such a possibility, the United States must act now to clarify its relationship to Israel and determination to keep faith with an outpost of freedom.

The United States-Israeli treaty would not obligate the United States to automatically go to war in defense of Israel or vice versa. It would nevertheless dramatize to potential aggressors that we are willing to formalize the existing commitments and contractual arrangements, including the provision of arms, linking the United States with Israel. Our relations with all concerned governments—Israeli, Egyptian, and Russian—would be strengthened. Our policies would be made clear to friend and foe alike.

My resolution, if adopted, would serve as an insurance policy for peace.

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## STANDARDS FOR OPERATION OF NUCLEAR POWERPLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, recently I had the privilege to appear before the Joint Committee on Atomic Energy to discuss the issue of State versus Federal standards for the operation of nuclear powerplants.

The committee is currently receiving testimony from sponsors of legislation which would permit States to set more stringent standards for nuclear powerplants than is currently required by the Atomic Energy Commission.

I suspect that this is a growing problem in States other than Minnesota. Hopefully other concerned Members will make their views known to the Joint Committee on Atomic Energy. I insert my statement at this point in the Record.

### Statement by Bill Frenzel Before the Joint Committee on Atomic Energy

Mr. Chairman, I am grateful for this opportunity to discuss for a few minutes this morning the question of state versus federal standards for the operation of nuclear power plants.

I am sure this committee is aware that the State of Minnesota is seeking through the courts to establish its right to set more stringent standards for the operation of nuclear power plants than is currently required by the Atomic Energy Commission.

My bill, H.R. 7539, which is currently pending before this committee, seeks to establish this right by amending the Atomic Energy

Act of 1954. As presently drawn, my bill would permit the States to impose more restrictive standards only in the area of water pollution. Mr. Grant Merritt, director of Minnesota's Pollution Control Agency, has indicated he would like to see the states' prerogatives extended to include standards for air and solid waste pollution. I agree with this suggestion and would therefore favor an amendment to my bill which would make available to the states this additional authority.

I, of course, make no pretense of being an expert on the subject of nuclear power, nor am I prepared to present and defend the legal arguments which have been advanced in the support of states' rights argument. This kind of technical presentation is better left to the experts.

But, in that regard I would hope that this committee would hold additional hearings for the purpose of receiving testimony from the staff of Minnesota's Pollution Control Agency and other outside state and private interest groups. I am indebted, however, to the people at the Minnesota Pollution Control Agency for their assistance in preparing this statement.

What I would like to do this morning, is to try to convey to this committee the intensity of feeling on this subject in Minnesota and some of the steps which have been taken as an outgrowth of this concern. For some time now, the State of Minnesota, conservation groups, and many private citizens have attempted through a variety of means to obtain needed additional protection against all possible hazards from nuclear power plants.

When Northern States Power Company proposed a nuclear plant at Monticello, the Minnesota Pollution Control Agency concluded that federal guidelines were not adequate for public protection. The Minnesota PCA then directed its consultant, Dr. Ernest C. Tsivoglou, to prepare standards more restrictive than those of the AEC. NSP took the State to court. NSP charged that PCA standards were unreasonable, and claimed that Congress had pre-empted the State from establishing such standards, and further, that such standards could only be set by the federal government. The Federal District Court has already ruled against the State and the State is presently appealing that decision.

Recently the power company announced the proposal to make modifications to reduce the amount of radioactive wastes released, allowing the plant to meet the gross emission standards and most of the individual isotope limits as well. These welcome activities by the company would seem to give less weight to arguments that such systems are too costly. NSP, by the way, has been most cooperative through this whole difficult process, and should be commended for its willingness to work with the MPCA.

The Pollution Control Agency informs me that the Atomic Energy Commission recently announced changes in regulations for light water reactors. The new regulations apparently set numerical guidelines one hundred times lower than present standards but the AEC will withhold action until the new lower than present standards are exceeded by 4–8 times. In addition, the new guidelines do not cover all types of nuclear facilities.

I think the pattern of developments reflected in this chain of events is instructive. Following Minnesota's moves to restrict emissions, the company responded with its own voluntarily imposed standards. Finally, AEC-initiated actions were announced which indicates a belated sensitivity to the concerns of the people at the local level. The States have looked to the AEC for leadership but feel they are not getting it.

Public concern for health and environmental safety regarding nuclear plants surfaced most recently in Minnesota in the form of a local bill calling for a moratorium on the construction of nuclear power plants in Minnesota. The bill did not pass, but this is just one more strong indication that many Minnesotans feel a safety cushion for people is far more important than an operating cushion for a nuclear facility. If we are to err, let it be in favor of health and safety.

My bill, modified as I have suggested, could have the salutory effect of creating a healthy competition between federal and state agencies to adequately protect the public health and safety. We in Minnesota do not mean to exclude the development of nuclear power facilities in our state. But we are determined to have it on our terms.

## ECONOMIC INCENTIVES TO CURB AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing my third bill incorporating economic incentives to attack environmental pollution. This bill places a 5 cent per pound tax on sulfur oxides and particulate matter emitting into the atmosphere from stationary sources. The Environmental Protection Agency reports in "The Economics of Clean Air," March 1971, that in 1967 over 15,850,000 tons of particulate matter, and 28,825,000 tons of sulfur oxides were dumped into the air over the United States from stationary sources. This equals 160 pounds per person of particulate matter, and 290 pounds per person of sulfur oxides every year. If we decide to do nothing, the EPA reports, we can expect these emissions to be 25 percent over the 1967 level by the year 1974.

The passage of this bill would insure a major breakthrough in curbing air pollution. It will reverse the entire incentive process, by making it more profitable not to pollute—a polar opposite from the present system where it is more profitable to contaminate the environment than not.

My bill places a charge for polluting: a tax based on the amounts of particulate matter and sulfur oxides the polluter emits. If he emits very little, he pays little or no tax; if he pollutes a lot, he pays a large tax. Simply put, the tax insures equity.

The host of legislation being passed by the city, State, and Federal Government normally has a provision forcing new industries to install pollution abatement equipment before they commence production. This, of course, puts new industry and new plant expansion at a competitive disadvantage in relation to already existing manufacturers who are either not required to install abatement equipment or have 4 to 5 years before they must do so. Thus new firms which are required to be nonpolluters may not be able to compete costwise with existing manufacturers who are allowed to continue polluting.

In addition, States and municipalities which desire to protect the environment from degradation have to compete with other municipalities which may value other factors such as new job creation, expanded tax base, and so forth, above environmental consideration. Also, the threat of industrial relocation is a very real problem, given the present state of the economy. The threat to pull up roots and move to a more favorable environmental climate can be very persuasive when a municipality is faced with high unemployment and shrinking tax revenues.

The passage of this bill will eliminate these three bottlenecks by providing equity for all manufacturers; new and existing industry will be treated equally. It will allow new industry to move to areas most suited to profitable operation, not where they can get away with contaminating the atmosphere. Existing firms will not pull up roots heading for new places where the air pollution laws are less stringent.

Some people would say we should outlaw or tax high-sulfur fuels if we want to reduce the emission of sulfur oxides. Such legislation would restrict the abatement options available to present polluters. There are two ways to reduce sulfur oxide emissions: First, by using low-sulfur fuels, or, second, by removing the sulfur oxides as they come out of the stacks. This bill will allow either, and the polluter will choose the method least costly. That is the advantage of using economic incentives rather than prohibiting laws to attack environmental pollution: it provides the incentive to the polluter to find the least costly way of reducing his harmful emissions.

It is important to point out that the abatement programs will cost money and these additional costs will cause prices to rise somewhat. The question is how much it will cost, and how much prices will rise. I strongly suggest that my colleagues obtain a copy of "The Economics of Clean Air," the recent publication from the Environmental Protection Agency. This excellent report reveals how small the costs of abatement actually are. Cost figures for most industries are given in the report; there is sufficient data provided for one to analyze how this proposed tax will work.

A good example is fossil fuel electric powerplants. The report states that the average steam-electric powerplant emits 10,800 tons of particulates and 29,000 tons of sulfur oxides annually. If my bill is passed and if these plants decide to continue to pollute at their present level they would pay an annual tax of $3,980,000—39,800 tons times 2,000 times $0.05. The main point of emphasis here, though, is that it will not be profitable for them to continue to pollute at their present level.

The initial investment cost per plant averages less than $3.5 million with a total annual cost of $1.1 million. Even if we depreciate the initial investment at 10 percent, our annual costs, including depreciation, would be only $1.45 million—$1.1 million plus 10 percent of $3.5 million. EPA reports that such conversion would only increase electric energy costs by 2 percent to the average consumer. Most people pay around $8 for electricity. This means their electric bill would increase 16 cents per month—$8 times

0.02—a very small price indeed to pay for cleaner air.

What about the total costs for all polluters. These costs may at first appear large in absolute amounts, but one must relate them to other costs and expenditures manufacturers annually undertake. The initial investment costs for abatement equipment is estimated at $6.51 billion. Gross private domestic investment was over $130 billion last year. The $6.51 billion thus represents only 5 percent of what the private sector spends on new plant and equipment every year. The EPA estimates that the total annual costs of these controls, including depreciation, finance, and operating expenses, would amount to approximately $2.2 billion per year. This represents only about 0.2 percent of our gross national output—surely the costs of clean air are not very high.

The EPA also reports that the installation and operation of the abatement devices will cause consumer prices to rise by only 0.14 percent per year. This is currently less than one-third of the average monthly increase. It must be remembered that this small increase in consumer prices is actually not a real increase, because the output prices presently do not place any value on the amount of damage done by environmental pollution. The reduction in damage resulting from the installation of abatement devices will offset any increase in prices.

I believe that the use of economic incentives to combat pollution, which this legislation utilizes, is a potentially effective one. I urge my colleagues to give this approach, and this bill, their careful study.

## SENATOR HAROLD HUGHES URGES TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, Senator HAROLD HUGHES, in an excellent speech last week, called attention to the glaring inequities that remain in our tax system despite the modest reforms in the 1969 Tax Reform Act. In his speech, delivered at a June 17 dinner honoring former Senator Albert Gore, Senator HUGHES paid tribute to Senator Gore's long fight for tax reform and called for a continuation of the struggle for real tax reform. I commend Senator HUGHES' remarks to my colleagues:

REMARKS OF SENATOR HAROLD E. HUGHES, DEMOCRATIC DINNER FOR SENATOR ALBERT GORE, MEMPHIS, TENN.—JUNE 17, 1971

If you picked up the paper tomorrow and read a headline saying: U.S. Government Gives Away 50 Billion Dollars to the Privileged, you'd be justifiably outraged. You'd probably be so angry that you would sit down and write your Congressmen and Senators demanding an explanation. And if they couldn't provide a very good one, you'd probably vote them out of office.

Ladies and gentlemen, it happens every year, and hardly a voice is raised in protest in the halls of Congress. And when Albert Gore left the Senate, the ranks of those who *have* stood up on their hind legs and screamed bloody murder, lost one of its leading and most eloquent voices.

I am talking about our monstrous and distorted federal income tax system, honeycombed with inequities and special privileges for the wealthy, the vested interests, the powerful, and the giant corporation. I am talking about an unjust tax system in this country that results in 80 percent of Federal income taxes being paid by people who make less than $15,000 a year. I am talking about a system that patently discriminates *against* those who earn between $4,000 and $20,000 a year, and in favor of those who are *most* able to pay.

They don't have to build a monument to Albert Gore in Washington. He built his own. It is reflected in whatever progress we have made toward tax reform over the last decade:

Increasing the personal exemption allowed for each member of the family from $600 to $750, so that the middle-income taxpayer can have some tax relief;

Providing the low income allowance, so that the poorest in our Nation do not have to support the richest through the tax system;

Curtailing the activities of private foundations that were utilized to collect wealth and protect it from taxation;

Getting the first cutback in the special loophole for oil and gas companies—the percentage oil depletion allowance.

Each of these measures enacted in 1969 bore the deep imprint of Albert Gore.

Let me tell you a little story about Albert Gore's role in that Tax Reform Act. As the tax reform bill emerged from the House of Representatives in August of 1969, *one-third* of the tax relief in that bill went to 10 percent of the American taxpayers who earn more than $20,000. In September, the Administration recommended that the tax relief for the middle-income taxpayer be reduced even *below* the level of the House bill in order to allow a 2 percent cut in corporate tax rates and to lower from 70 to 50 percent the top rate payable by the rich.

Then Albert Gore stepped in. He demanded instead that the tax relief granted to the middle-income taxpayer be increased, that further benefits to the privileged be eliminated.

The forces of wealth and power allied themselves against him. Relief for the *average* taxpayer meant that the *coddled* taxpayers would have to pay more of their fair share.

In the end, the bill that Congress passed was more nearly true tax reform than before Albert Gore started on it.

But Albert would be the first to agree that the Tax Reform Act of 1969 was only a small step toward creating a truly equitable tax system, one that fairly takes from people according to their ability to pay, instead of what we have now—a reverse Robin Hood that takes from the poor and middle-income taxpayer and gives to the rich.

Now we are engaged in a national debate about the pros and cons of revenue sharing with the states and cities. Some in Congress propose that federal aid to local governments be conditioned upon reforming their antiquated property tax systems. Certainly the property tax needs a thorough overhaul. Three million households in the United States pay more than 10 percent of their income in property taxes, an insufferable burden on lower and middle income families and one that has them crying out in pain.

But can the federal government in Washington be terribly self-righteous about the inequities and unequal burdens of the *property tax*, while the federal income tax is such a haven for the powerful and the privileged and the vested interest? What is needed is not property tax reform, or even income tax reform in a vacuum, but comprehensive tax reform to design a total tax system in which everyone is paying their fair share.

Unfortunately, for every Albert Gore who blows the whistle on special privilege, there are a thousand talented and well-paid tax lawyers straining to save their wealthy clients money by finding them loopholes and umbrellas to shelter them from taxation.

And it is not the lawyers or even the wealthy clients who are at fault. They are simply taking advantage of what a poorly devised system permits them. How many of us could truly say we would not do the same?

It is the fault of Congress who wrote the Internal Revenue Code and of the millions of victimized taxpayers who have remained silent under the strain.

The American people are not afraid of sacrifice. Time and again in our history we have clearly demonstrated that we will, in President John Kennedy's words, "bear any burden," if the cause is just and if each is called upon to bear his fair share. We can do the things that must be done in this country—we can rebuild our ailing cities, we can provide efficient and adequate health care to all those who need it, we can build a decent home for every American who is without one—and we will meet whatever it costs to do those things, if . . . if the costs are shared proportionately among all Americans.

The tradition of sacrifice is deep within the American character. But so is the tradition of fair play. And when the average taxpayer sees 301 Americans with incomes of more than $200,000, pay no income taxes at all in 1969, he resists. And despite a "minimum tax" enacted in 1969, the figures for 1970 are likely to show the same pattern.

An even more important figure than the number of taxpayers who get off scot-free is the distribution of the total tax burden of this country.

Americans have many myths. And those myths die hard. One of them is that the tax system in America is progressive, that as your income increases, the percentage of that income that you pay in taxes also increases, so that the wealthy pay a larger part of their income to support the services of government than the not-so-wealthy.

It is a myth. A study recently released by the United States Census Department reveals that a family earning $50,000 a year pays the same percentage of its income in taxes (income tax, property tax, sales tax, excise tax, and payroll tax) as the family earning only $2,000—about 30 percent.

How does this happen? It happens partly because taxes like the sales tax and the property tax and the excise tax are regressive taxes; they cause a poor or middle income taxpayer to pay a far larger share of his income in these taxes than the rich. But it also happens because the income tax in America, which is supposed to take more from the wealthy, also gives the wealthy enough tax loopholes so that they can reduce their burden, while the not-so-rich take up the slack. Former Senator Paul Douglas used to call them "truckholes" rather than "loopholes," because they are big enough to drive a truck through.

The list of these loopholes is distressingly long. There is the highly discriminatory special treatment for those who can afford to invest their savings in stocks and bonds. The profit that they realize from selling those stocks is taxed at half the rate that we tax the income from salaries and wages. And if the stockholder holds on to the stock until he dies and passes them to his children, none of the growth in the value of that stock is taxed. It has been estimated that the Federal Treasury loses $3½ billion in tax revenues each year from the untaxed growth in the value of property passed on to heirs or given away in the form of lifetime gifts.

Another loophole that provides for the enrichment of the few at the expense of the many is the oil depletion allowance. Although we succeeded in cutting it back somewhat in 1969, it still permits the oil titans to get back their costs many times over without paying taxes, while other businessmen can only recover their initial costs. This gimmick is said to cost us $1.2 billion a year—lost revenue that the middle-income taxpayer must make up.

There are a host of other inequities: the favored treatment afforded to the stock options granted to top executives; the *encouragement* provided by the tax laws for American business to build its factories abroad and hire foreign workers at a time when our balance of payments is precarious and unemployment in this country is intolerable; the scheme that was designed for tax-exempt organizations, which has not been thoroughly re-examined in the nearly 60 years of the federal income tax.

The Tax Reform Act of 1969—which Albert Gore was so instrumental in molding—afforded tax relief for the very poorest in our nation. But powerful forces kept it from correcting the unequal burdens imposed upon the middle-income taxpayer. The man who is working, raising a family, educating his children, and perhaps paying off the mortgage on his home, has a double-barrelled problem. Inflation eats away at his paycheck each week, so that it buys him less and less, but at the end of the year, Uncle Sam comes along and slaps him with an unfair share of the tax load. You might say the dollar he earns is worth less but costing him more.

Those us who have been calling for a change in our national priorities, a redirection of American energy to the tasks we face in this country, are often asked: Where do you plan to get the money? Much of it, I am convinced, must come from the fat in our defense budget. But there is another source: Recouping some of the estimated $50 billion a year of tax revenues now lost to special interests. It may be that some of the activities, which we now subsidize through the tax system, we shall want to continue to subsidize, because they are important to the general welfare.

But let us "search out and destroy" the special privilege that benefits only those who are especially privileged at the expense of those who, for too long, have been asked to quietly carry more than their fair share of the load.

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## GOVERNOR DOCKING WRITES THE PRESIDENT OPPOSING ATOMIC WASTE REPOSITORY NEAR LYONS, KANS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Roy), is recognized for 5 minutes.

Mr. ROY. Mr. Speaker, many of my fellow Kansans are very concerned about the insistence of the Atomic Energy Commission to proceed with development of an atomic repository near Lyons, Kans., over the objections of elected public officials and distinguished members of the Kansas scientific community.

The distinguished Governor of Kansas, Robert Docking, has fought valiantly at every level to insure that the safety of Kansas' citizens be guaranteed before the site is acquired by the AEC and development begins. The AEC apparently has chosen to ignore the Governor's clear and forceful statements. Because of this, the Governor has seen fit to write the President of the United States expressing his opposition to the AEC procedures.

I strongly endorse and support Governor Docking's position in this regard, and insert at this time Governor Docking's letter to the President of June 22, 1971, along with the Governor's cover letter to me:

STATE OF KANSAS,
*June 24, 1971.*

Hon. WILLIAM ROY,
*U.S. Representative,*
*House Office Building,*
*Washington, D.C.*

DEAR BILL: Kansans are most concerned about the potential danger in the Atomic Energy Commission's proposed radioactive atomic waste repository near Lyons, Kansas. The AEC does not have the scientific evidence to prove the safety of the proposed project.

As Governor, I have asked that the repository project be delayed until scientific tests are completed to determine whether the project is safe or unsafe. Despite objections from many Kansas citizens and scientists, the AEC has announced its intentions to seek funds to move ahead with the project. The AEC plans to enter into an unknown area of atomic waste disposal and attempt to solve problems as they occur. In Kansas, we ask to assure safety, studies be undertaken to solve the anticipated problems before they occur.

I have written a letter to President Nixon (which I am enclosing) asking him to intervene with AEC to restrain the AEC from pursuing the Lyons project until further scientific tests are completed and the safety of the project can be assured the people of Kansas.

I have written to the President because the AEC has treated as trivial the concern of many Kansans.

To halt the AEC's march toward establishing this respository in Kansas against the wishes of many Kansans, we need your support and the support of the entire Kansas congressional delegation.

With every good wish.

Yours sincerely,
ROBERT DOCKING,
*Governor of Kansas.*

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STATE OF KANSAS,
*June 21, 1971.*

Hon. RICHARD M. NIXON,
*President of the United States,*
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: This letter is an appeal to you to intervene with a federal agency under your supervision—the Atomic Energy Commission—to restrain the AEC from pursuing its announced intentions to seek funds from Congress to purchase land near Lyons, Kansas, and proceed to design and construct an atomic waste repository—despite objections from many Kansas citizens, scientists and elected officials.

The AEC proposes to bury radioactive atomic wastes in salt beds in the vicinity of Lyons, Kansas, first for what is termed a demonstration project, and then permanently. There are many, many unanswered questions regarding the safety of this project. The questions concern shipping the wastes safely by rail to the proposed burial site, safety of the types of containers used in shipment and storage, and safety in the methods used to store the radioactive material. The AEC plans to enter into an unknown area of atomic waste disposal and attempt to solve problems after they occur. In Kansas, we ask that to assure safety, studies be undertaken to solve the anticipated problems before they occur.

It will take 250,000 to 500,000 years for the radioactive wastes to decay. It is difficult to comprehend these figures; 500,000 years for radioactive wastes to decay is 10 times longer than the history of man on earth. An important question bearing upon the health and safety of generations is whether these radioactive wastes can be stored for even a few years—not to mention hundreds of years—without dangerous leakage into our water supply or into the atmosphere.

The concerns of some of the best scientific minds in Kansas and the nation have been documented by the Kansas Geological Survey at the University of Kansas, directed by Dr. William Hambleton.

Dr. Hambleton and his colleagues are not satisfied with many conclusions asserted by the AEC regarding the depository. Dr. Hambleton is not satisfied with the AEC analyses of heat flow from the buried wastes and its geologic effects on the salt beds and the rock structures which seal the salt above and below. The AEC cannot assure Kansans that the dangerous radiation emitted by the radioactive wastes can be kept away from man.

In the past few months, I have contacted Senator John Pastore, chairman of the Joint Committee on Atomic Energy, and Representative Joe L. Evins, chairman of the House Appropriations Subcommittee on Public Works. I have requested that Congress defer funds for the Lyons project until adequate scientific studies are completed to determine the site's safety to the satisfaction of the people of Kansas, scientists and elected officials. I believe this to be a reasonable request, but the AEC has announced it will pursue the Lyons project despite our objections.

To date, AEC officials, for the most part, have treated concerns of Kansans in a patronizing manner. They have attempted to dismiss our concerns as trivial, offering only fatherly phrases of "have faith in us." Our experiences with the officials of the AEC in the past few months have given us ample reasons *not* to have faith in the AEC. The attitude of most AEC officials has been one of arrogance.

The AEC has treated as trivial the concerns of Kansans for a potentially dangerous project which could affect thousands of Kansans—and all Americans. They have treated our concerns as trivial when placed before members of Congress. It is for this reason I am appealing to you, Mr. President, for you to examine the facts in this matter. I ask that you intervene with the AEC to restrain the AEC from pursuing the Lyons project and that the AEC withdraw its requests for funds to purchase land and design the repository at Lyons until further scientific tests are completed and the safety of the project can be assured the people of Kansas.

Yours sincerely,
ROBERT DOCKING,
*Governor of Kansas.*

Mr. Speaker, I yield the balance of my time to Mr. SKUBITZ.

### KANSAS ATOMIC WASTE DISPOSAL PROJECT LETTER TO THE PRESIDENT

Mr. SKUBITZ. Mr. Speaker, I am gratified to learn that the Governor of Kansas, the Honorable Robert Docking has written the President of his concern about—and opposition to—the Atomic Energy Commission's proposed atomic-waste repository in Kansas. I am pleased that my colleague Mr. ROY has called attention to it by asking that it be reprinted in the CONGRESSIONAL RECORD.

I only hope that Governor Docking's request that the President rescind funds for land acquisition in Kansas for the waste dump will be accorded more favorable consideration than my similar letter.

I too wrote my President almost 2 months ago, calling his attention to the problem and asking for his personal intercession in a matter of such grave importance to the people of Kansas. I must admit that some 2 weeks later a Mr. Bill Timmons of the White House staff acknowledged receipt of my letter, which at least gave me assurance that mail delivery between the Capitol and the White House was still functioning. But to this good day, I have yet to be advised by the President, by our former colleague, Mr. Clark McGregor, to whom I arranged to have a copy delivered so that he would be personally informed of my concern, by any other member of the White House staff, or by my leaders here in the House of what decision, if any, has been or will be taken on this issue.

It is quite possible, of course, in due deference to the President, that he knows nothing of this matter. After all, his staff obviously believes it their duty to shield him from these mundane affairs which he, in his days here, did not regard as inconsequential. So, in the hope and belief that the President still reads the CONGRESSIONAL RECORD, I ask that the text of my letter of April 29 be reprinted in the RECORD at this point.

APRIL 29, 1971.

DEAR MR. PRESIDENT: I write you on a matter of the utmost concern to Kansas and of great personal importance to me as a Kansas Congressman and a Republican who, like you, believes in the rights of the states.

It relates to a recommended item in your Budget for the Atomic Energy Commission of "partial funding of $3.5 million for initiation of design and land acquisition for a national radioactive waste repository at Lyons, Kans., for the storage of radioactive waste in an abandoned salt mine (total estimated cost $25 million)." (page 801—The Budget of the United States Government, Appendix Fiscal Year 1972).

My request to you is that you withdraw the recommendation for this item and propose its deletion. May I cite the reasons, in brief and obviously condensed form.

1. Neither the $3.5 million budgeted amount of the $25 million expenditure proposed to be authorized by H.R. 5522 is now required to permit the AEC to continue the reasearch it has been carrying on at Lyons. The AEC has been leasing the salt beds and adjacent lands for a nominal sum; such leasing can and should continue until such time as safety and health questions relating to the burial of highly lethal nuclear wastes have been satisfactorily answered by currently-carried on scientific investigations.

2. Scientific consultants to the AEC have raised a number of questions that invoke the integrity of the site for the permanent burial of "high-level" (which means highly lethal), hot (above 600 degrees), long-lived (50,000 years to half million years), atomic wastes. These questions concern corrosion of the containers; permeability of the salt; rock fractures due to heat and consequent atomic pollution of subterranean water levels involving the Arkansas river basin (in my Congressional District); escape of lethal radon gas and consequent danger to plant and animal life; lack of any planning for retrieval of wastes in case of accident or other emergency; lack of any planning for safe carriage of atomic wastes from distant points by rail, truck, or aircraft; and no planning for quick recovery of poisonous wastes in the event of train or other accident.

(a) These unresolved questions concurred in part by the AEC itself, will take at least two years of further research, according to AEC estimates. Until the issues of public safety are satisfactorily resolved, including to the satisfaction of the Kansas scientific community under the aegis of the State Geologic Survey which is a paid AEC scientific consultant, it would be a waste of public moneys for AEC to acquire the lands. Moreover, there is some reason to believe that if acquisition takes place, the AEC would move ahead promptly with the project prior to final resolution of safety factors.

3. The projected waste depository has aroused wide controversy in Kansas and considerable opposition.

(a) The Kansas Legislature has pending before it resolutions praying your deferral of the project that were sponsored by 48 Members of the House and 8 Members of the Senate.

(b) The Governor is opposed to site acquisition and even experimental burial of wastes until and when his Kansas scientific advisers (the State Geologic Survey—an AEC consultant) are satisfied beyond a reasonable doubt (since peoples' lives are at stake the 'reasonable doubt' rule is logical) that such highly dangerous materials may be safely buried in Kansas salt. The Governor has threatened legal action to protect Kansas citizens if it becomes necessary. The Governor, who less than a year ago expressed no opposition to the project, now accuses the AEC of being "high handed." He is quoted in press dispatches as saying: "I thought the AEC officials were nothing less than downright shabby in the way they reacted to the testimony of Kansas public officials during the recent congressional hearings. . . ." The Kansas press quotes the Governor further: "They (AEC) were insinuating in the way they questioned Kansas officials who were testifying in opposition to the project. They apparently thought they could just throw their weight around and make us all play dead for them on this thing. . . . I am not sure they are ever going to be able to provide us with sufficient certain answers as to the results of such testing to get us to be willing to accept this project."

(c) Scores of editorials have appeared in newspapers throughout the State that question the project, question its safety, or oppose it outright. Resolutions in opposition, petitions opposing and meetings opposing have been adopted by and held by the Kansas State League of Women Voters, environmental and ecological organizations led by the Sierra clubs, college students at four of the state institutions of higher learning at Lawrence, Hutchinson, Topeka, and Pittsburg. They and many newspaper editorials have uniformly questioned the responsibility and duty of Kansas to become a national nuclear waste dump for the refuse of privately owned nuclear power plants located in other States.

4. The State as a sovereign has, as I am sure you will agree, certain inalienable rights to protect itself from intrusion, even from a Federal agency. Kansas is not shunning a responsibility to the Federal Government but rather to investor-owned utility companies located and operating in other states who find it dangerous to bury their own wastes in their own backyards. State officials would have, in my judgment, strong statewide support if they found it necessary to seek injunctive relief against a Federal agency's attempt to install a facility the State regarded as dangerous to its own citizens. No useful purpose would be served if a public, legal controversy developed between Kansas and this Administration. On the contrary, substantial harm, including political harm, could flow from such a confrontation.

I would be pleased, if you deemed it useful or necessary, to deal in greater detail with these matters. It is my feeling that you could not have heretofore known any of the facts cited in this letter. I felt that I owed you the duty of personally apprising you of them before irrevocable action is taken. The deletion of the proposed appropriation and perhaps some admonition to an agency that has become excessively arrogant would do much to alleviate currently bitter feelings in many quarters.

With expressions of highest esteem, I am,

Respectfully,

JOE SKUBITZ,
*Member of Congress.*

## GENERAL LEAVE

Mr. ROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

## JOINT COMMITTEE TO REVIEW DECISIONS THAT LED TO WAR IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 20 minutes.

Mr. BOLAND. Mr. Speaker, the public's right to know—the very keystone of any democracy—has been slowly eroded over the past decades. Administration after administration has been less than frank with the people. The startling revelations of the McNamara study laid bare that attitude. Granted, Mr. Speaker, the study is not an outright indictment of the executive branch. Perhaps it is a hasty and superficial analysis of contingency plans, as the Government contends, or a thesis tainted by antiwar bias. What is plain beyond dispute, however, is that the people were denied access to total honesty on some of the major policy decisions revealed in that study—the decisions that mired us deep in Southeast Asia.

It is a sobering situation, Mr. Speaker.

Even the Justice Department—the steward of our constiutional rights—contends only high-ranking administration officials should be privy to the McNamara study. Yielding grudgingly to protests from everywhere in our society, the administration now says it will make the study available to the Congress—and, eventually, to the people themselves.

But what about the people's rights now?

What about their rights over the past 10 years?

The newspapers that have published the McNamara study—the New York Times, the Washington Post, now the Boston Globe—have been delayed in exercising their responsibility to inform. Justice Department suits demand censorship of a report that is nothing short of vital to the people's interests. Nothing published to date has threatened national security. Outlining decisions long since past, the bulk of the study has been idly gathering dust for years now. True, it might embarrass Government officials.

But the study—at least the parts revealed to date—does not compromise the security of the United States. North Vietnam itself appears to be aware of many policy decisions cited in the study.

We have had enough debate and dithering about the war.

It is time to clear the air.

This week I introduced a resolution to create a new joint House-Senate Committee—a committee charged with carrying out a thorough and searching investigation into the history of the Vietnam war. Empowered to subpena witnesses and documents, the committee would unearth the facts and put them before the American people.

It would not be a tribunal to expose villainy, nor a forum to launch attacks against the war.

Its goal would be this alone: A sober and evenhanded evaluation of the policies that led us into Vietnam and recommendations for legislative proposals that would enable the Congress to keep abreast of changing developments of the time.

Certainly, Mr Speaker, this committee would answer a need that grows more pressing day by day.

We have already paid dearly for Vietnam: 50,000 Americans killed, hundreds of thousands more lamed and mutilated, $250 billion squandered.

It is time to get out.

Just this week the Senate passed an amendment that is a stinging rebuke to the Nixon administration's policy of withdrawal—withdrawal so slow it seems almost glacial. Calling for total withdrawal within 9 months if our POW's are freed, the amendment would hasten an end to the war. The people have already spoken. Public opinion polls—poll after poll, year after year—show that the vast majority of Americans want to quit Vietnam.

The war is a mistake—a monumental mistake.

Still, Mr. Speaker, I think we are capable of learning from our errors.

If we can identify those errors, we can prevent them from ever leading us astray again.

The committee I suggest would be vital to that goal.

I want to emphasize, as strongly as I can, that it would be a joint committee—composed of House and Senate Members alike. Largely inspired by the McNamara papers, resolutions calling for committee investigations are proliferating wildly in both Chambers of Congress. Most seek committees narrowly limited to one body alone—the Senate in many cases, the House less frequently.

If I may speak bluntly, Mr. Speaker, this is foolish.

A single Senate committee would shunt aside the legitimate interests of the House, just as a single House committee would ignore the Senate's interests.

And two separate committees—one in the House, and one in the Senate—would waste time and money in needless duplication of effort.

Here is the text of my resolution.

### H. Con. Res. 342

*Resolved by the House of Representatives (the Senate concurring)*, That (a) there is hereby created a select joint committee (hereafter in this resolution referred to as the "committee") to be composed of—

(1) the chairman and ranking minority member of the Senate Appropriations Committee and the House Appropriations Committee;

(2) the chairman and ranking minority member of the Senate Foreign Relations Committee and the House Foreign Affairs Committee;

(3) two other Members of the Senate appointed by the President pro tempore of the Senate; and

(4) two other Members of the House of Representatives appointed by the Speaker.

The committee shall elect a chairman from among its members. Any vacancy in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) The members shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia during such times as Congress is in session.

(c) Except as otherwise provided by law, the committee shall have power to appoint and fix the compensation of a clerk and such experts and clerical, stenographic, and other assistants as it deems advisable.

(d) The expenses of the committee shall be paid from the contingent fund of the House of Representatives.

SEC. 2. The committee is authorized and directed to conduct a full and complete investigation and study into the reasons for, and the course of, the involvement of the United States in the war in Vietnam. The committee shall report to each House of Congress the results of its investigation and study together with recommendations for such further legislative action as it deems appropriate. Such report shall be made as soon as practicable during the present Congress, but not later than June 30, 1972. Any such report which is made when the House or the Senate is not in session shall be filed with the Clerk of the House and the Secretary of the Senate. The committee shall cease to exist at the close of the Ninety-second Congress.

SEC. 3. (a) The committee, or any subcommittee thereof, is authorized—

(1) to hold hearings and to sit at such places and times;

(2) to require by subpena (to be issued under the signature of the chairman) or otherwise the attendance of such witnesses and the production of such books, papers, and documents;

(3) to administer such oaths; and

(4) to take such testimony;

as it deems advisable.

(b) The committee, upon approval of the chairman, is authorized to secure directly from any executive department, board, bureau, agency, independent establishment, or instrumentality of the Government, information, data, and statistics for the purpose of making its investigation and study; and each such department, board, bureau, agency, independent establishment, or instrumentality is authorized and directed to furnish such information, data, and statistics directly to the committee upon request made pursuant to this subsection.

## THE SHAMEFUL PLIGHT OF POVERTY AMONG MILITARY FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, this week the House approved reform legislation, the stated purpose of which is to slow the growth of, and eventually reduce, the number of people forced onto welfare rolls.

At the same time, however, too little attention is paid to the plight of the first-term servicemen, whose meager pay scale permits his family and 50,000 other service families to be eligible for food stamps and other welfare benefits.

That is why, with the distinguished gentleman from Wisconsin (Mr. STEIGER), I assumed the principal sponsorship of legislation to alleviate this tragic situation. Our bill, H.R. 4450, in which we were joined by nearly a hundred of our colleagues, proposed an increase in the pay of an E–1 recruit from $134 a month to $301 a month. These raises were originally discussed in the context of creating an all-volunteer armed force. But, as the Honolulu Advertiser pointed out in an editorial recently—

> [N]o matter what Congress finally decides on the volunteer Army issue, something should be done immediately to ease the bind these men are in. America should not ask young men to serve, then subject them to such financial hardship.

Mr. Speaker, the Senate has approved, as a part of the draft legislation now under consideration, the full pay increases set forth in H.R. 4450; the House-passed version is less generous. I trust that the two Houses will eventually agree on legislation that will eliminate the present disgraceful situation.

At this point, Mr. Speaker, for the benefit of our colleagues and other readers of the RECORD, I include the full text of the Advertiser editorial, along with a series of articles from the same newspaper on poverty in the military, which describe vividly the problem with which we must deal:

### MILITARY POVERTY

The best way to describe the treatment of low-ranking married enlisted men in the nation's armed services is to say it is deplorable, outdated, and insensitive to problems facing the military today.

Advertiser staff writer Richard Hoyt has documented this treatment in a series of articles, stressing the low pay and the callous manner in which government regulations virtually ignore the plight of a first-term enlisted man if he is a family man.

For this young man, often a draftee or someone who has enlisted to avoid the draft, life resembles the poverty cycle familiar to persons on welfare. But in Hawaii even welfare is denied because of the assumption the military takes care of its own.

And in Hawaii financial difficulties are made even worse by the unusually high cost of living and the shortage of housing.

This disgraceful situation is rooted in the belief that a young man should donate several years of his life to national defense in peacetime as well as war. This concept is being assailed by those who want well-paid volunteer military forces. In fact, better pay and benefits for such men seem essential to that concept.

But no matter what Congress finally decides on the volunteer Army issue, something should be done immediately to ease the bind these men are in.

America should not ask young men to serve, then subject them to such financial hardship.

[From the Honolulu Advertiser, May 27, 1971]

## BELOW THE POVERTY LEVEL—MILITARY IGNORES WIVES OF FIRST-TERMERS

(By Richard Hoyt)

If the military services wanted a first-term serviceman to have a wife they would presumably issue him one with neatly stenciled letters on her forehead: Spouse, Female, One Each.

The serviceman would carry on from there.

In basic training he would be herded onto a bleacher with 50 others in his plight for a one hour block of instruction, by a bachelor NCO, on wife maintenance.

But Federal regulations do not authorize wives for first-term servicemen. The results for these "non-command sponsored" families, as they are called, are not only very unfunny, they are tragic.

Roughly 33,000 American servicemen on their first tour of duty, 23 per cent of all active duty soldiers, sailors, airmen and marines are married.

Probably most of these men were either drafted or forced by the draft to enlist in a system that does not acknowledge the need to support the families of the four lowest enlisted ranks.

The result has been described by Rep. William R. Steiger, Republican of Wisconsin, as a virtual "poverty cycle" for low ranking enlisted men.

"The draft survives as a last vestige of the ancient custom whereby the rich and powerful forced the poor and weak to provide services at subsistence wages," Steiger concluded after a recent tour of Mainland military bases.

"Conscription has been justified by the Supreme Court as a valid power of the state in times of 'grave emergency or national peril.' But the recent legislative history of military pay makes it plain that the primary function of conscription has been to depress military compensation to a point where a disenfranchised minority of the citizenry has been compelled to bear a grossly disproportionate share of the costs of defense."

What would Steiger have said had he toured Oahu where the cost of living is 20 per cent higher than on the Mainland? The housing pinch is also tougher on Oahu which last year accommodated 42,000 officers and enlisted men plus another 15,700 aboard ships homeported at Pearl Harbor.

The military discourages the first-termer from bringing his family with him to Hawaii. Lacking appropriate regulations, the services cannot prohibit "non-command sponsored" families.

The Federal regulation that all services must follow is simple: "A member in pay grade E–5 (less than four years of service), E–3, E–2, or E–1 is considered at all times to be without dependents."

A married recruit with two children assigned to a Mainland post, according to Steiger, receives $3,500 per year including allowances for quarters, subsistence, child support and tax advantages.

First termers assigned on Oahu are eligible for cost of living allowances intended to help with the cost of living here, but Federal regulations deny them these benefits which are allowed the career soldier:

Free travel of dependents.

Transportation of household effects.

Dislocation allowance.

Family separation allowance.

Such non-command sponsored families, with the exception of one block of military housing at Schofield Barracks, are denied on post housing.

Hawaii, second to Alaska in cost of living, is one of 29 states that do not allow welfare payments to service families.

Government standards for low income budgets allow a family of four a minimum of $1,905 a year for an adequate diet. On the basis of interviews conducted by The Advertiser it appears that some non-command families here may not have that much to spend after rent and transportation.

Servicemen are eligible for food stamps here. But a married serviceman with a family of four, according to Steiger's statistics, is allowed subsistence payments of only $554 a year. He is eligible for $846 a year in food stamps.

He is eligible for commissary purchases, which the military estimates carries a 20 per cent savings, but commissaries are located on military reservations.

Virtually all non-sponsored servicemen on Oahu live "on the economy," which means in off-post housing.

Higher rents near the posts force them away from the commissaries.

A 1970 Defense Department survey revealed that more than one half the wives of first-termers worked to supplement their incomes.

The necessity of having a working wife may be no news to an Island man. But look at what the serviceman faces:

There are fewer jobs available to the service wife because of City and State residency requirements which discriminate against those new to the Island.

He is not eligible for the $30 a month separation allowance should he leave his wife at home to live with her parents or mother-in-law. Of course she doesn't want that.

She wants to come to Hawaii. She does but is forced to live under poverty conditions. She feels unwanted and complains about the State which doesn't bring much aloha from local residents.

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## FOR SOME GIs, "IT'S TOUGH" HERE

(By Richard Hoyt)

If a soldier is 19 years old, married, and on his first tour of duty, life in Hawaii is no paradise. It's an unending round of high rent, food bills and telephone bills.

There are approximately 568 such soldiers on Oahu—of pay rate E–4 or below and with less than four years of service—trying to buck the high cost of living with a family.

The Army calls them "non-command sponsored" families. That term has nothing to do with the preferences of local commanders. It is a service-wide term for first tour servicemen who have yet to commit themselves to a career in the military.

It is a product of a system which relies on the draft to provide an adequate supply of soldiers.

If a married young enlisted man cannot wangle an assignment near his home town he can get into trouble. It is especially bad to be assigned to Oahu—2,500 miles from the Mainland.

Maj. George D. Bennet, commander of Headquarters Company Troop Command, Schofield Barracks, has had to counsel a number of these men in assignments both here and on the Mainland.

Bennet said it is usually the volunteers rather than the draftees who get into trouble.

He described draftees as older and more mature. Those who enlist, he said, tend to be younger and less stable.

"In many cases the individual is just immature. He can't handle his finances," Bennet said.

"These girls (the wives) are 18 or 19, many of them, and this is their first trip from home.

"It's the first term RA's (regular Army) usually. The draftees are usually older.

"Some of these girls run up phone bills of $300 to $400," he said.

In the mid-1960s, Bennet was a company commander at Ft. Carson, Colo. "It wasn't too much of a problem over there.

"Over here I can appreciate the fact that they want their families with them. It isn't easy to visit home like it is on the Mainland.

"But they have to pay for them. When they first get here trying to find an apartment, why, it's tough. It's hard finding one they can afford."

A recent survey by Tom Zoller, chief of family housing and billeting at Schofield, found an approximate total of 568 non-command sponsored Army families on Oahu.

Some 149 of those families enjoy the rare privilege—for them—of on post housing.

Spec. 4 Gary L. Lindsay and his wife live in one of the units in the GG Housing Area at Schofield.

Lindsay's one-bedroom apartment at GG is neat, clean and comfortable.

"I can do anything with the place I want to but I have to do it myself," said Lindsay. "They will give me two gallons of paint and a brush and say have at it.

"The paint, incidentally, is white, so you have to tint it. But that only costs 50 cents. For an inexpensive place to live in Hawaii, I'm willing to do a little painting."

The quartermaster at Schofield will issue furniture to residents of GG or to servicemen "living on the economy" (renting an apartment in Wahiawa or elsewhere).

Lindsay has a good deal but it could come to an end both for him and the other non-sponsored families if the Army should experience a sudden influx of troops. Command sponsored families would have preference for GG apartments.

There is at least one G.I. rumor that GG will soon be closed to non-sponsored families. It may not be true but it fosters an insecurity which is unnerving.

And some young servicemen, including Spec. 4 Jerome Rogers, feels even living in GG has its drawbacks. If you live in GG your rent of $65 a month is deducted from your paycheck and you lose your housing allowance.

"If I could find an apartment on the outside at $130 or $140 a month, I'd come out even," said Rogers.

Spec. 4 Russ Stanford agreed but added, "Most of the places in Wahiawa are $160 or more. If you get a place for $130 it's a rat hole."

GG is good by Wahiawa standards. "If I was to find something like that on the outside it would cost me $160 a month," said Rogers.

Stanford had his wife and child with him once before but could not support her. She returned to the Mainland but will be coming back soon.

"Getting started here is what's hard," he said. "But I couldn't make it out here another year without my family."

Spec. 4 Brian Davitt, a photographer with the Signal Corps, unlike Rogers and Stanford, was drafted.

Davitt also is a sculptor; his wife is a potter. She made their dishes and found work in a pottery shop. He made their furniture and some of their cookware.

"We've had a pretty good time of it," Davitt said. "I can't complain at all. We like it out here."

Davitt, in fact, would like to stay in Hawaii and is looking for a job here as a photographer.

The big difference between a non-sponsored and a sponsored family is that the non-sponsored families are ineligible for on post housing and they cannot travel or have their household goods shipped at government expense.

Lt. Col. William L. Nichols, chief of the military personnel division at Schofield, feels some servicemen exaggerate the disadvantage they suffer at not having all their household goods shipped at government expense. He said they are allowed a shipment of 250 pounds.

"He can bring lots of things with 250 pounds. This is in addition to the 66 pounds he brought with him on the airplane."

Also, Nichols said, the non-sponsored servicemen know in advance they cannot support a wife here.

"Normally they come alone and then they have their wives follow. So they usually have an idea of what the problems are before they bring their wives with them."

Furthermore the Red Cross and the Army Emergency Relief Fund, supported by servicemen's donations, stand ready to help them should they get into trouble, he said.

The Red Cross will offer a loan first and then a grant if necessary, he said.

### IT IS A 42-MONTH WAIT FOR HOUSING AT HICKAM

(By Richard Hoyt)

The G.I.'s say life in the military is always hurry up and wait. If you're an Air Force sergeant (pay rate E–4) committed to a six-year tour of duty you have to wait 42 months for on-post housing at Hickam Field.

At first blush, it looks like such a sergeant might get to live on post the last six months of his 48-month tour here—if he's lucky.

Of course not all enlisted men have to wait that long. Senior enlisted men and those with long service in the Air Force are moved to the top of the list.

There are 1,300 currently on the list.

The enlisted men who most need on-post housing are not eligible for the list. Some 500 of these men, pay rate E–1 through E–4, are thrown with their families onto the murderous Oahu housing market.

The local Air Force command doesn't like the situation. The commanders here try to be as fair as they can. But there is a limited number of housing units available.

Air Force officers don't like the low pay scales for the bottom four enlisted ranks either. And that isn't their fault. Congress writes the paycheck.

Also, people are too quick to compare military paychecks with civilian paychecks. Such comparisons are rarely fair to the military.

They almost never take into account the hidden but real benefits of such things as PX privileges and free medical and dental care. But you have to enjoy life segregated on a military base to enjoy all those services.

And it doesn't help the very real plight of the married man trying to live on E–3 or E–4 pay. If he is assigned to Oahu, his wife will have to work in order for his family to subsist.

If he has a child or his wife can't work, he has to have a lot of imagination to keep his family together.

"I pay $200 a month out in Waipahu and I have to come in and out every day," said Sgt. (E–4) Carl Barone.

"If my wife didn't work I'd be stuck. The transportation costs money but I can't get any closer to base. The closer you are to base, the higher the rents are."

Barone said he has a sergeant friend who was lucky enough to get into housing leased by the government. He said the sergeant had to give up $195 a month in housing and other benefits to live in the apartment which was far smaller than his Waipahu unit.

"You don't win in that case, really," he said.

Sgt. Randy Sharpe agreed.

"Most of the places I can afford to live in are sub-par. You can't afford anything better.

"My wife works so I can afford a $200 apartment. But I had a hell of a time finding it."

Barone said Oahu landlords keep a close eye on military pay hikes.

"As soon as the landlord finds we get a raise they raise our rent. It's happened to me twice, once for $15, once for $10."

Barone said he has been tempted to send his bride of six months to the Mainland so he can save some money.

"We are planning on going home in September. To do that means cutting back to zero and you can't live on zero."

He said life on the housing list is terribly frustrating for the low ranking enlisted man.

"The guy (on the list) is going to think about going AWOL, divorcing his old lady or killing himself. He can't live here on what he's getting."

Airman 1.C. Stephen Bennett, said his situation is "very discouraging."

"After I get through with the rent and bills, I don't have anything left. I really have to scrape to make it.

"I can't afford the rent I'm paying now and I've got two years to go."

Barone re-enlisted recently; he received a $3,000 re-up bonus.

"Yeah, $3,000 and bang! Just gone. The $3,000 paid all my bills and now I'm back into the same rut."

Sharpe said, "You can't get enough money in the bank to meet emergencies. You have to go down to the loan company and pay those interest rates."

"Unless they do something to increase the benefits, I'm getting out. They will have to pay me more money or I'm shipping out," said Barone.

Sgt. Carl Jones agreed: "That's it."

Jones, married and with a seven-month-old child, pays $235 a month rent for an apartment.

"The young airman says 'it will take me forever to make it to base (housing). I'm not going to wait that long.' You can't get the guy to re-enlist under those conditions," Barone said.

The airmen The Advertiser interviewed didn't like Oahu or life on it. Similar feelings were expressed by 14 of 17 soldiers and sailors interviewed.

A frequent complaint was that local firms won't extend credit to enlisted men. And some alleged that prices in local stores go up for servicemen.

"As soon as they find out you're military, everything goes up," said Barone.

Bennett claimed a local policeman discriminated against him in the investigation of an automoble accident.

He said a car drven by a local man forced him to the side of the road by cutting sharply in front of him. Bennett's bumper struck the other man's rear fender.

"The policeman took the other guy aside. He didn't even talk to me. He came back and asked me if I would like to pay for the damage out of court."

### THE MILITARY'S TOP SECRET IS—HOW EM'S MAKE ENDS MEET

(By Richard Hoyt)

An enlisted sailor struggling up through the bottom four levels of pay is not married when he arrives for duty at Pearl Harbor. From the Navy's point of view it doesn't matter if he happens to have a wife or not.

He is not married because the military services do not consider marriage appropriate for low ranking enlisted men. Proper support for these families would be expensive. And for those who stick with the Navy, life becomes better.

The Navy discourages—but cannot prohibit—a seaman from bringing his wife with him to Oahu.

But the seaman must pay for his wife's air fare and support her on pay intended for a single man and modified only slightly to accommodate his new circumstance.

He is not eligible for Navy housing. Neither is he eligible for a number of other benfits intended to help the married sailor who has made it past what is known in Navy slang as the "P-Line" (peon line). The P–Line is a four-year enlistment term.

In order to qualify for government-paid shipment of his household belongings and for Navy housing he must achieve an E–4 pay scale (Petty Officer Third Class) with at least four years of service or he must have enlisted for a six-year term.

"Otherwise you are just words," said PO 3.C. Vincent J. Dostaler.

Dostaler is lucky. His wife, a registered nurse, is employed at Queen's Medical Center.

"If my wife wasn't working, I'd be living by the skin of my teeth, from pay day to pay day. Others aren't so lucky as me. They have to scrimp like hell to buy a $3 case of beer once a month."

Young sailors are warned before they leave the Mainland—and after they arrive here—not to bring their wives to Hawaii.

But it's asking a lot of a young wife for her not to see what Hawaii is all about.

Navy Chaplain Charles Shaw would agree with Dostaler. "I know you may say this is easy for me to say (Shaw is a commander) but I think a man and a wife ought to be together.

"I think we're suffering from antiquated thinking that has been gathering dust for years."

And it's not that the married men have all the problems. Even a single sailor in Hawaii is hard-pressed to afford basic amenities he enjoyed as a civilian.

Seaman Apprentice (E–2) Robert Hill, a young South Carolinian, has one disastrous vice for a man of his rank—he makes car payments of $73 per month. He said as a civilian such payments would be within his means.

But with the $113 a month remaining, "even getting stuff like shaving cream and razor blades at the PX is a hassle," he said.

Of the $113, he sends $30 or $40 home to help his mother. "Once, after I got the allotment sealed in the envelope, I didn't have enough money for stamps."

If Hill resents his situation, look at the cases of two pretty young WAVES, Seaman (E–3) Michele F. Preston and Seaman Terry L. DeWeese. Miss Preston is engaged to be married to a sailor. Mrs. DeWeese is married to a sailor serving in Vietnam.

If Mrs. DeWeese was not a WAVE, say if she waited tables in a Pearl City restaurant, her husband could receive an allotment for her support and a quarters allowance—a total sum of about $190 a month.

"I can't get any of the benefits a dependent wife can get. We even had to fight for separation pay because he's in Vietnam.

"They say he has a place to sleep—on the ship—and I have a room—in the barracks. But I can't live on ship and he can't live in the barracks."

Miss Preston said her fiance is shore-stationed, yet the Navy won't consider her a dependent after she is married, "simply because I'm in the Navy."

So both women are forced to live in a crowded barracks.

The Navy does not deliberately persecute its enlisted personnel. Pay and allowances for all services are set by the same Department of Defense scale.

Senior Chief Petty Officer (E–8) D. L. Kramer, a personnel specialist at Pearl Harbor, said it is Navy policy that an enlisted man below the P-Line "is not considered to have dependents even if he does."

A married sailor must have shore duty to qualify for a housing allowance and then must get the command's permission.

"The base pay (for E–1 through E–4) is so low we have to run very fast just to stand still," said M. L. Ornelles, director of the finance center.

Ornelles said recent across-the-board pay raises did nothing to close the gap between high and low ranking enlisted men.

A Navy family is not eligible for welfare because the State assumes that it is cared for by the military—even though the family income may fall below the poverty line.

Navy families are eligible for public housing supported by Federal money—such as The Hawaii Housing Authority. But they are frequently on the bottom of long waiting lists.

Furthermore, Navy families who do make it into public housing such as Kuhio Park Terrace are likely to encounter resentment from those who feel such housing should be reserved for local people.

Also young wives with talents they could have sold on the Mainland labor market must buck City and State residency requirements of up to three years before they can be hired.

Those are just some of the obstacles. Yet young sailors still want to have their wives with them.

Dostaler is working hard to make E-5 before he leaves so his household belongings may be moved at government expense.

P.O. 3.C. Peter G. Menihan, married and with a B.A. in psychology, drives a truck for the Navy. He had to go to Wahiawa to find an apartment he could afford.

But he can't buy appliances he needs at the PX because he can't afford to have them shipped to the Mainland. And the Navy refused him a 30-day early release so he could accept a job offer in a tight Mainland labor market.

"We just make ends meet," he said. "We have to budget like hell to do it."

"If my wife didn't work we would starve," said Dostaler.

"I have about $3 from every paycheck to last me to next pay day," said Hill. "What kind of life is that?"

## POSTAL WORKERS' RIGHTS TO COMMUNICATE WITH CONGRESS MUST BE PROTECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am introducing legislation to guarantee the right of Postal Service employees to communicate with Members of Congress, and to assure Congress that it will have direct access to the information it needs to evaluate the operation of the Postal Service.

This bill would prohibit anyone from interfering with the postal employee's right to communicate freely and openly with Congress. It contains a penalty provision which is exactly the same as the penalty provision contained in the Hatch Act, passed by Congress in 1939 to prevent pernicious political activities.

My proposal provides for a maximum $1,000 fine and up to a year in prison for any Federal officer or employee who discriminates in any manner against any postal employee for communicating with a Member of Congress or a congressional committee.

It is unfortunate that legislation of this nature has become necessary. However, in view of the policies being implemented by the Postmaster General, I can see no other way to guarantee the postal employees' right to communicate with their elected Representatives in Congress.

There can be no doubt about the Postmaster General's attitude in this matter. In his now infamous memorandum of last January 12, he stated in part:

> It is mandatory that postal employees immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service.

He later attempted to clarify this "gag rule," but his intention remains obvious. In his "clarifying" directive, the Postmaster General stated:

> In the event that a direct contact with a Congressional office becomes necessary, it is to be coordinated in advance with the (new) Congressional Liaison Office.

Perhaps the Postmaster General simply does not realize that the enforcement of this policy would contravene the laws of the United States. Perhaps it has not occurred to him that enforcement of the "gag rule" would interfere with a basic constitutional right to which every American citizen is entitled—the right to petition his Government.

But there can be little doubt that the policy presently advocated by the Postmaster General does interfere, both directly and indirectly, with the postal employee's right to communicate with his Representative in Congress. There can be little doubt that present policy unnecessarily inhibits the free and open communication which has traditionally existed between postal employees and Congress.

The bill which I am introducing today, rather than creating any new rights, would simply provide for the protection of presently existing legal rights. The specific language setting forth the postal employee's right to communicate with his Congressman was written into law in 1912. Section 7102 of title 5 of the United States Code states:

> The right of [postal] employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

My bill would simply make the existing law something more than a hollow pronouncement of this right. It would assure that this right could actually be enforced. Under my proposal, the postal employee would have the assurance that his right to communicate freely with his Congressman would not be violated, and Congress would have the assurance that it would always have access to the information it needs to evaluate the operation of the Postal Service.

I would like to emphasize that the penalties provided under this legislation are the same as those provided under the Hatch Act. The Hatch Act, as we are well aware, forbids the employees of the executive branch of the Federal Government from using their official authority or influence for the purpose of interfering with an election or affecting the result thereof.

It would seem to me that the activities Congress has attempted to prevent by enacting the Hatch Act—interfering with or affecting the result of an election—are certainly no less pernicious than the activities which could and would be prevented by the enactment of this bill—interfering with a Federal employee's right to communicate with his Representative in Congress. For these reasons, I feel that enactment of this bill is vital.

Mr. Speaker, I would hope that my colleagues will give this bill the prompt and favorable consideration it deserves, and at this point, I would like to insert the text of the bill into the RECORD.

H.R. —

A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the United States Postal Service and Members of Congress, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 4 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 722–727; Public Law 91–375), is amended by adding at the end thereof the following new section:

"§ 413. Communications between Postal Service personnel and committees and Members of Congress

"(a) Notwithstanding any other provision of this title or of any other law, or any rule, regulation, order, or directive of, or applicable to, the Postal Service, neither the Postal Service nor any officer or employee of the Government of the United States outside the Postal Service shall prohibit or prevent any officer or employee of the Postal Service from having any direct oral or written communication or contact with any Member of Congress or with any committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of any such Member or committee.

"(b) The preceding provisions of this section shall not be construed to affect in any way the authority of the Postal Service to establish, operate, and maintain any office or other organizational unit within the Postal Service to maintain liaison with the Congress and process all inquiries, requests, and other communications from the Congress to the Postal Service on an official basis; but such office or other organizational unit shall not be operated and maintained in any manner, or in accordance with any rule, regulation, order, or directive which is in violation of subsection (a) of this section.".

(b) The table of sections of chapter 4 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 722; Public Law 91–375), is amended by adding at the end thereof—

"413. Communications between Postal Service personnel and committees and Members of Congress.".

SEC. 2. (a) Chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1924. Interference with communications by Postal Service personnel to Congress

"Whoever, being an officer or employee of the Postal Service or any officer or employee of the Government of the United States outside the Postal Service, removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the Postal Service, or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member of Congress or any committee of Congress as described in section 413(a) of title 39, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

(b) The table of sections of chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Interference with communications by Postal Service personnel to Congress.".

Sec. 3. The amendments made by this Act shall become effective at the beginning of the second calendar month following the date of enactment of this Act.

## MATERNAL AND INFANT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, in 1963, a new program of maternity and infant care focused on high risk maternity patients was established to help reduce the incidence of infant and maternal mortality, and other crippling conditions caused by complications associated with pregnancy. The Child Health Act of 1967—title V of the Social Security Act—extended this authorization for the Maternity and Infant Care projects to June 30, 1972. I would like to bring to the attention of my colleagues, the valuable service the Maternity and Infant Care special projects are providing to the newborn infants of low-income mothers.

In 1962, data gathered by the President's Panel on Mental Retardation, indicated that thousands of low-income women, especially those in inner-city ghetto areas, were giving birth to premature and low-birth weight babies at two and one-half times the expected rate and that these low-birth weight babies were likely to have brain damage. A baby born to a poor family has one-half the chance of reaching the age of one that a middle class baby has, and a similar proportion exists for black babies as compared to white babies. Infants born in Mississippi are much less likely to reach healthy adulthood than those born in Utah.

Similar data revealed the desperate need for adequate care of newborn infants from low-income families. The Maternity and Infant Care projects, responding to this need, began operation in 1964. Today, there are 55 project centers in 35 States. The projects are located in rural areas as well as urban, although the emphasis has been on inner-city ghetto areas. Maternity and Infant Care projects are providing prenatal care, hospital in-patient service, delivery and postpartum care to about 125,000 women yearly. Maternity and Infant projects also provide comprehensive care to newborn infants. In the first three quarters of 1970, 30,761 infants were admitted to the project clinics, 86 percent—26,443—were born to project mothers. Primary diagnosis of the infants admitted revealed 780 with congenital defects, 115 with birth injuries, 12 percent—3,703—exhibiting either prematurity or immaturity, 15 percent—4,865—with various other conditions, and 65 percent—20,209—were found to be perfectly normal. Maternity and Infant projects also provided for the hospitalization of over 14,000 newborns and over 2,500 infants. This care provided to newborns and infants by the Maternity and Infant projects is responsible for the reduction of preventable deaths, illnesses and many handicapping conditions among the poor. The earlier the detection and treatment of possible crippling conditions, the less likely they are to have permanently adverse effects on the child in later life.

The principal cause of infant death during the first year of life is prematurity, or the birth of infants weighing less than 5½ pounds. Premature births occur twice as frequently among black women as white, and they are much more common in women exhibiting maternal high-risk factors. Women served by these projects are frequently plagued by pregnancy complications, give birth to more than the usual amount of premature babies, and these babies need special care. Maternal and infant programs have provided for early recognition of high-risk infants not identified during the prenatal period, and have arranged for the immediate transfer of distressed infants to better equipped facilities when necessary. The programs have shown that intensive-care management of high-risk newborn infants results in the reduction of infant mortality.

Maternal and infant care projects are providing an invaluable service to high-risk pregnant women and the infants of low-income mothers. These programs are assuring that babies born to poor mothers have a chance of reaching a healthy and productive adulthood.

Mr. Speaker, because the authorization for these worthwhile projects is scheduled to terminate in fiscal year 1972, I have today introduced legislation to extend this authorization until 1977. Because of the importance of this legislation to Chicago and other major urban areas, I have been joined by seven of my Chicago colleagues in the introduction of this measure: Ralph Metcalfe, Abner Mikva, Morgan Murphy, John Kluczynski, George Collins, Frank Annunzio, and Sidney Yates.

Mr. Speaker, the value of these programs has been amply demonstrated since their inception in 1965. They need to be continued.

At this time, Mr. Speaker, I would be grossly negligent if I failed to mention the efforts of my good friend, the distinguished Representative from New York, Mr. Koch, whose efforts in this area have been outstanding. His concern for the continuation of these programs has led to the endorsement of this extension by more than 64 Members of this House. We, in the Chicago delegation, are united in our strong support of the efforts of the gentleman from New York.

## SUPPORT FOR SHORTER CAMPAIGNS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 20 I introduced legislation to shorten presidential campaigns to 2 months by making impossible the nomination of candidates for President more than 60 days prior to election.

Recent efforts by several States to hold the earliest presidential primary make this legislation imperative. Candidates and voters now face the possibility of another half year of jockeying for position, an extended primary period, and finally a 4-month presidential campaign.

While the Congress would find it difficult to regulate the preprimary and primary periods, it can control the length of time between national conventions and election day. My bill, H.R. 8606, would reduce this time to 60 days, a reasonable and adequate period in this age of mass media and transit.

The short campaign makes sense in several ways. It would exert an indirect control over campaign expenses, avoid the tedious over-exposure of our candidates, and by sparing the electorate of drawn-out boredom, possibly increase the voter turnout.

In recent testimony before the House Subcommittee on Communications and Power, I pointed out that genuine campaign reform is bogging down in the variety, complexity, and party politics of the many proposals now before Congress. My bill offers a simple, direct approach to campaign reform, that is, at least for presidential campaigns, both workable and enforceable, and avoids the complexities that Congress is now struggling with.

I am pleased to have grassroots support for this position. I would like to offer for the consideration of my colleagues an excellent editorial from the Meriden, Conn., Record of June 19, 1971. I will be reintroducing my shorter campaign bill with cosponsors on Monday, June 28. I urge my colleagues to join me in working for passage of this vital reform.

The editorial follows:

### An Unwarranted Drain

Eighteen months from now there will be millions of election-weary Americans who will be wondering why it was necessary to go through a long, tedious, expensive presidential election campaign when it would have been possible to cut campaign time and spending to reasonable limits.

Congressman John Monagan, who represents Meriden and other towns in the Fifth District, in appearing before the House Subcommittee on Communications and Power in Washington on Wednesday, pressed his proposal to limit presidential campaigns to two months, making it illegal to nominate presidential candidates earlier than 60 days before the election.

Monagan's proposal to limit campaign time and spending is not the only such measure before Congress. There are myriad reform proposals, he said. "Each person is pushing the merits of his particular remedy, of his particular limits, while unfortunately genuine campaign reform is bogging down in the variety, complexity, and technicality of the proposals." Monagan claimed his own proposal was "simple, direct, workable, and enforceable."

By this time next year, the presidential campaign will be in full swing with the nominating convention for the Republicans in June and that of the Democrats later. By the time the election comes in November the candidates will be exhausted and the electorate bored, and millions of dollars in money spent.

As for spending money, a report issued

Thursday by the Federal Communications Commission reveals that in the 1970 off-year political campaigns at Congressional, state, and local levels the Democrats outspent the Republicans in television and radio advertising; $26 million spent by the Democrats, $21.7 million by the Republicans.

All told, political advertising spent on radio and television last year amounted to $50.3 million, including $2.7 million by minor parties. This was an increase of 57 per cent over 1966, the last comparable off-year figure when the radio-tv spending reached $32 million.

Traditional Democratic contentiousness, which involved a number of primary fights, increased the total spending by the Democrats last year. In the general election itself, Republicans outspent the Democrats. Gov. Rockefeller, New York Republican, spent $1.2 million to get re-elected as compared with $364,500 spent by Arthur J. Goldberg, his Democratic opponent.

These figures from an off-year election bolster Congressman Monagan's proposal for restricting both the money and time spent on elections in the interest of both the electorate and the candidates. Congressman Monagan's colleagues will be well advised to adopt his proposals.

## MILITARY DRUG ADDICTION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, since my introduction of "The Armed Forces Drug Abuse Control Act of 1971," on May 10, 50 of my colleagues in the House have joined with me in cosponsoring this bill.

Two weeks ago, when President Nixon announced his comprehensive program for combating drug abuse problems, both in the military and among civilians, and incorporated many of my ideas in his plan, my proposal was strengthened considerably. Yesterday, Mr. John E. Ingersoll, the active Director of the Bureau of Narcotics and Dangerous Drugs, assured me that the President had been particularly interested in the provision in my bill that would retain addicted servicemen beyond their normal term of duty for the purpose of rehabilitation and treatment and a form of this provision is included in the President's proposal. The President's plan does not carry the retention proposal as far as my own bill, but I welcome its advancement as a contribution to the ultimate solution.

I am including for the Record an editorial that appeared in the Trumbull Times for June 17. Although the editorial does not fully agree with my own suggestions for rehabilitating addicted servicemen, I am pleased that it focuses attention on the general problems and on my proposal and I appreciate the suggestions that it sets forth.

I am also including for the Record a letter which I wrote to the New Republic, which was printed in the June 26, 1971 issue of that magazine.

The articles follow:

[From The New Republic, June 26, 1971]

### MILITARY DRUG USE

Sirs: I was interested to see the article, "Hard Drugs in the Military," by Senator Harold E. Hughes in the June 12 issue. His proposal exactly parallels my own bill, H.R. 8216. "The Armed Forces Drug Abuse Control Act of 1971," which now has 49 co-sponsors of both parties in the House. I am delighted that Senator Hughes is following my proposal on the Senate side.

Under the terms of my bill, a Drug Abuse Control Corps would be established in each branch of the Armed Forces to carry out comprehensive treatment-rehabilitation programs and to cut off the illegal traffic in drugs; a uniform amnesty-treatment program would be established in each of the Armed Forces; and the key provision of the bill states that "no member of an armed force who is adjudged by competent medical authority during his active duty to be addicted to a narcotic drug may be separated from service until such time as he is adjudged by competent medical authority to be free of any habitual dependence on narcotic drugs."

In outlining solutions to the drug abuse problem in the military, Senator Hughes proposed, "Universal drug treatment, rehabilitation, and preventive education programs throughout the armed services. Universal amnesty policies for drug addicts seeking help that are set forth and backed up by the highest levels in DOD. No GI with a drug problem should be discharged to return to society until his addiction is under control." I agree and I think it essential that favorable action be taken on our proposal at an early date.

John S. Monagan,  
*Member of Congress.*

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[From the Trumbull Times, June 17, 1971]

### UNANSWERED QUESTIONS

U.S. Representative John S. Monagan (D-Waterbury) is still grappling valiantly with the problem of what to do with some 50,000 Vietnam War veterans who are reported to be addicted to hard drugs.

At the moment, there are more than 50 co-sponsors of his proposed bill in the House hopper which would force each separate branch of the service to provide educational and rehabilitative treatment by means of a Drug Abuse Control Corps.

Rep. Monagan's bill is designed to prevent any person being tried for an offense involving the possession of a narcotic drug if, before his court martial is convened, he voluntarily agrees to under-go treatment and rehabilitation via the Drug Corps. It also will prevent any drug-addicted serviceman from being discharged from the armed services until he is free from active addiction.

The sincerity and tenacity of Rep. Monagan, in tackling the GI drug problem, are not to be questioned. Yet nagging questions still need answers.

Let us suppose that Rep. Monagan's bill were passed tomorrow, an absurd premise since the House Armed Services Committee hasn't even held hearings on it yet. But let us pretend the bill has become law. What happens now?

The Pentagon says it simply does not have the facilities, physicians and supportive staff to handle the problem.

Rep. Monagan himself has said that the Veterans Administration hospitals are, at least at this point, unable to handle 5,000 drug addicts, let alone 50,000.

So this means that special facilities will have to be constructed by and for each branch of the service. Doctors must be found who are willing to work in these facilities, yet even in civilian life there aren't nearly enough doctors who are willing to undergo the special training needed to acquire the expertise to treat addicts.

How long would it take, and how much money will be required to build the physical plants?

Once the plants are built, how long will it take to staff them with the kind of technical experts, administrators and nurses who will be required?

What will happen to the GI addicts while they are waiting for these curative measures to be provided?

Wouldn't it be better, or at least faster, to try to expand already existing facilities, such as the VA hospitals?

These are just a few of the questions that, hopefully, will receive answers from the committee hearings.

Until then, one can only be pessimistic about the prospect that 50,000 GI addicts face as they are withdrawn from Vietnam.

## CHAPTER III—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the third in a series of articles on children and youth and maternal and infant care programs. Support of H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 65 cosponsors.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record each day descriptions of three maternal and infant care and three children and youth programs.

The material follows:

### MATERNITY AND INFANT CARE PROJECT, MOBILE, ALA.

The Mobile County Maternity and Infant Care Project number 04–H–000,011–01–0, formerely Project number 551, since its inception in September, 1966 has delivered 8,312 infants.

During the period April 1, 1970 to March 31, 1971, 1,621 new patients were admitted to the project; 476 maternity clinics were held; 10,936 ante-partum visits; 1,089 post-partum visits; 266 infant clinics were held; 7,674 infant visits; 1,299 hospital deliveries; 9,828 family planning clinic visits; and 3,393 dental clinic visits.

One of our original objectives, when the Project was initiated, was to reduce the infant death rate in Mobile County. Substantial progress has been made in this area with a reduction in the non-white infant death rate of 35.3 per 1,000 live births in 1966 to 22.0 in 1970.

Project objectives for the coming fiscal year include increasing the percentage of patients admitted to the program during the first trimester of pregnancy; increasing the percentage of live births weighing over 2500 grams; significantly increasing the number of patients for which dental care is completed; increasing the number of patient deliveries returning for the post-partum clinic visit; and increasing the number of patients receiving family planning services.

### Maternity and Infant Care Project, Houston, Tex.

The following is a summary of the services rendered, with particular reference to minority populations by the Houston M&IC Project.

Unfortunately, Houston has not been funded for a Children and Youth Project to operate in conjunction with its Maternity and Infant Care and Family Planning Projects. An acceptable project has been submitted, but the funds which the Congress has made available have not yet permitted funding of this important adjunct to health care for Children and Youth.

For the five years during which the Houston M&IC Project has been in operation, a total of 26,168 patients were admitted to the Project for prenatal care. 17,849 of these (or 68%) were black, and 17% of the remainder were Spanish Surname.

During this same period, 3,035 mothers at risk, and their infants, had their medical care, including in-patient care, paid from Project funds. An additional 3,958 infants at risk, born to mothers not at risk, had their medical care, including a follow-up period of one year, paid from Project funds.

Family Planning services were an integral part of the M&IC Project, and later augmented by a separate Family Planning Project. A total of 29,671 new patients have received Family Planning services during this five year period. Additionally, 3,991 tubal litigations were performed at Jefferson Davis Hospital, where approximately 99% of patients receiving Project prenatal care, are delivered.

Using 1965, the year prior to the beginning operation of the M&IC Project, as the reference year, the impact on the black minority population is as follows:

1. Infant mortality for blacks in 1965 was 32.09/1000 live births. This declined by 21.6% in 1970 to 25.16/1000 live births. Among whites, including Spanish Surname patients the rate declined from 22.26 in 1965 to 18.98 in 1970, a reduction of 14.3%.

The lowest rate yet recorded for Houston residents was 20.99 in 1970, a reduction of 17.8% from the rate of 25.53 in 1965.

2. The perinatal mortality rate for blacks fell from 40.96 in 1965 to 36.39 in 1970, a reduction of 11.2%. The rate for whites showed a slight increase of 1.4% from 26.12 in 1965 to 26.50 in 1970.

3. The maternal mortality rate of 10.61 for blacks in 1965 declined by 30.1% to 7.33 in 1970. For whites the 1965 rate of 5.27 fell to 2.36 in 1970, a decline of 55.2%. However, the rate at Jefferson Davis Hospital where almost all Project patients are delivered showed a decline of 73.3%, from 4.5/10,000 live births in 1965 to 1.2/10,000 live births in 1970.

4. The birth rate in the black population was 32.49/1000 population in 1965, declining by 9.7% to 29.35 in 1970. For whites a slight increase of 0.2% from 18.12 in 1965 to 18.16 in 1970 occurred.

Local funds available for maternal and infant care are inadequate to maintain the upgraded care available to poor and minority groups, made possible by the federal funds for this purpose which have allowed improvement over the past five years, and it would seem imperative to extend the legislation funding these life saving health programs, and to increase the funds available so that present projects may be more adequately funded and additional projects established.

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### Maternity and Infant Care Project, Orange County, Fla.

Maternity and Infant Care Project (MIC) of Orange County, Florida, was funded by a grant from the Department of Health Education and Welfare under provisions of Title V of the Social Security Act late in 1966 through the State of Florida's Department of Health and Rehabilitative Services. The grant is locally administered by the Orange County Health Department for indigent and/or medically indigent women and infants. Comprehensive obstetrical, pediatric and family planning services are provided through Health Department Centers in Orlando, Apopka, Winter Garden, Winter Park and Eatonville (population of Orange County, 1970—346,300).

MIC Project Medical Services are directed and provided by diplomats of the American Board of Obstetrics and Gynecology and the American Board of Pediatrics in 18 clinic sessions per week. From the project's inception late in 1966 to May 30, 1971, 16,162 patients received service in the following categories.

| | |
|---|---|
| Maternity admissions | 5,783 |
| Infant admissions | 2,800 |
| Family planning admissions | 7,579 |

Fifty-six percent of project patients served are non white (2/3rds of *all non white* deliveries in Orange County each year receive maternity and infant care services from the project).

Maternal and infant mortality in Orange County have declined since 1966 especially in the non white group. In 1970 maternal and infant mortality in Orange County were the *lowest* ever recorded! The birth rate in Orange County has declined despite a general population increase from 302,200 in 1960 to 346,300 in 1970. Premature birth rate and stillbirth rate have declined in Orange County and in the project populations.

Despite increased maternity, infant and family planning caseload*, and increased project costs, federal funds available to Orange County's MIC Project have declined from $392,990 in 1966–67 to $283,000 in 1970–71. Some additional local matching funds are available if additional federal funds become available. Anticipated growth in Orange County is expected to accelerate with the opening of Florida Technological University, U.S. Naval Training Center and Disney World in 1971. These events will no doubt bring an increase in project activities and the need for additional funds!

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### Children and Youth Project No. 651, New Haven, Conn.

This communication is to inform you of my concern that the C & Y programs require funding through 1977. The Hill Health Center (C & Y Project No. 651) is the first community health center for infants, children, and youth in the state of Connecticut. The Hill Health Center (HHC) provides comprehensive health services to 5,000 of the 8,000 residents of the neighborhood under 21 years of age. This service includes medical (physical) services in the Health Center, hospital, and home. These medical services are combined with nursing services in the home and Health Center.

In addition, the Health Center provides mental health, nutrition, dental, and health education services to the same families. During the past year the Health Center provided 25,000 units of service to the population of the Hill neighborhood.

These services included much needed preventive and health promotion services as well as treatment and rehabilitative services for acute and chronic conditions. Equally important are the mental health services to school-age children which were virtually absent prior to the opening of the Health Center. There has been an increase of tenfold in the amount of mental health services to children since the Health Center first opened its doors.

There cannot be a measure of the number of school days attended or serious illnesses averted due to the fact that adequate health services are immediately available to families. The Health Center maintains a 24-hour seven day a week on call schedule so that when the Center is officially closed families can contact a doctor to advise and if necessary see their sick child.

Unless there is continued funding, these services will not be available to the Hill neighborhood. It is imperative that legislation be introduced and passed to continue the C & Y program for another five years.

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### Children and Youth Project No. 611, Englewood, Colo.

We are a semi-rural two-County area surrounding the City of Denver.

We serve 3,800 children, 1,396 families: 44% Spanish-American, 1% Black, and 55% White.

The mean age of our population in these counties is 19 years, compared to 26 years for the State of Colorado.

Our major problem is that we have no public transportation and the nearest outpatient services available are approximately 20 miles, located at Colorado General Hospital, where a fee is charged according to income. The only other resource is private M.D.'s and dentist, and a dire lack of both exists in our area: many exclude Medicaid patients from their care. There are no County hospitals in the area.

The median income for our area is $3,296, and 80% of our C & Y patients are the working poor who subsist without welfare and who, even, if medical care were available, could not afford to pay for it.

Our program is preventively oriented and comprehensive in scope:

1. We stress the social, emotional, as well as the physical aspects of daily living.

2. This is accomplished by input in the areas of mental health, home management, ecology and job improvement.

3. By this kind of stimulation some of our consumers have become employees.

Via the use of a comprehensive health team consisting of: pediatricians, clinic and field nurses, social work, audiology and speech pathology, ecology, dentistry, nutrition, we invest our resources in prevention and early casefinding, thus less expenditures are needed for costly cures.

Because of our philosophy of care:

1. Number of days of hospitalization have been radically decreased, making our project the fourth lowest in hospital costs (10.72 per 1,000 patients per quarter).

2. Fifty-three percent of our total C & Y population (3800) have remained on the project for two years or more.

3. Ninety-four percent of patients on the project two years or more have had services a minimum of once yearly and many, more frequently.

4. Via health teaching, patients have learned to cope with minor crisis, learned something about prevention and are thus using our facilities more constructively.

5. Seventy-three percent of our population (3800) have reached health supervision; of the latter, many developed upward mobility and moved into the private sector for medical care.

In teaching a value for health we hope to reduce the high incidence of chronic disease in our adults of tomorrow, thus reducing substantially the need for welfare.

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### Children and Youth Project No. 617, Dayton, Ohio

The Children and Youth Project of Children's Medical Center, Dayton, Ohio, provides the children from low-income families in a wide geographic area in Southwestern Ohio a facility for the delivery of health care of the highest quality. There is no comparable service available to these children. It is probably needless in this report to reiterate the facts relating to this poor health, for the current literature, as well as supporting evidence in favor of the legislation which gave birth to the Children and Youth Projects, is replete with such information. The project, now in its fifth year, has become a highly significant influence in facing the problem of poor health among medically indigent children. This report constitutes a resume of the activity of Project.

The Children and Youth Project is considered principally an Out-patient service. We have defined a family as indigent if the gross annual family income is below $4,500 for a family of four. The income may be greater in increments of $500 for each additional member dependent upon that income.

The project has also developed a wide array of affiliations with community agencies and their programs. *It has become the principal medical resource for most of these agencies,* which include Children's Services Boards of several counties, Early Childhood Education, local health departments, Family and Children's Service, Summer Head Start, Planned Parenthood Association, Children's Psychiatric Hospital, Project Search, Project Follow Through, Dakota Street Center, Model Cities, West Dayton Self-Help Center, Hearing and Speech Center of Dayton and Montgomery County, United Cerebral Palsy of Metropolitan Dayton, and local Boards of Education.

By the end of 1970 over 15,000 indigent children considered the Children's Medical Center their "family doctor" and were enrolled in the Children and Youth Project. In addition, the Children and Youth Project organized the medical program, examined and made appropriate referrals for 4,600 children in the year-round and summer Head Start programs.

The relationships developed between the Children and Youth Project and the community are far-reaching and have permitted it to become in many cases the only health resource available. It would be as untenable to end this service as it would be to close our public schools. Programs of this nature are of such vital importance in an age when the cost of medical care is becoming prohibitive for millions of people that their continuance and expansion would seem to be not only logical but imperative.

## AN INTERVIEW WITH DANIEL ELLSBERG

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last night the Columbia Broadcasting System featured an exclusive interview with Daniel Ellsberg, a former State Department and Pentagon aide whose name is mentioned frequently in connection with the "Pentagon papers." A 7-minute portion of the interview with Mr. Ellsberg was broadcast on the "CBS Evening News" at 7 p.m., EDT, and a 30-minute telecast of the interview was presented in a special news broadcast at 10:30 p.m.

I have obtained copies of both telecasts from CBS, and I am today inserting them in the Congressional Record for the benefit of our colleagues who might have missed them.

Our Government is quite unique. It has three separate, independent and equal branches. In performing their functions properly they operate as checks and balances, preventing any one branch from assuming or asserting undue power. Sometimes we fail in that respect—and I believe that the Congress has been remiss and has permitted the President to assume war powers which he does not have—and we deprive ourselves of the information needed to make rational decisions.

In the history of our Government, one nongovernmental institution that has come to the aid of the people when any branch of government has been remiss has been the free press of this country. All of us in this House owe a great debt of gratitude to that free press, the foremost among them being the New York Times, Washington Post, Boston Globe, the Chicago Sun-Times, and the Knight newspapers for publishing the Pentagon papers. I agree completely with Mr. Ellsberg when he says:

> We cannot at all let the officials of the Executive Branch determine for us what it is that the public needs to know about how well and how they are discharging their functions.

If both the public and the Congress are to fulfill their obligations under the Constitution to participate in government, they must have access to all information necessary to make intelligent decisions. To date, neither the public nor the Congress has been receiving that kind of information regarding Vietnam.

As Mr. Ellsberg points out, the Pentagon papers are especially revealing regarding the United States lack of concern for the Vietnamese people. The documents indicate that the successive managers of U.S. activities in Vietnam looked upon the situation solely from an American military point of view. Vietnamese leaders—both popular heroes and American-picked figureheads—were regarded contemptuously and seldom consulted. Civilian casualties, defoliation, and saturation bombing were looked upon as military questions, and their effect upon the Vietnamese people was never seriously weighed in the decisionmaking.

In closing his interview, I think Mr. Ellsberg summed up the real effect of the disclosure of the Pentagon papers:

> My father had a favorite line from the Bible which I used to hear a great deal when I was a kid. "The truth shall make you free." And I hope that the truth that's out now, it's out in the press, it's out in homes where it should be, where voters can discuss it. It's out of the safe and there is no way, no way, to get it back into the safe. I hope that truth will free us of this war. I hope that we will put this war behind us. And we will learn from it in such a way that the history of the next 20 years will read nothing like the history of the last 20 years.

The transcripts of the interviews appear below.

### Exclusive Interview With Daniel Ellserg

### CBS Evening News With Walter Cronkite

Announcer. Direct from our newsroom in New York, this is the CBS Evening News with Walter Cronkite and Dan Rather at the White House, Robert Schackne in New York, Ike Pappas in Pittsburg and tonight an exclusive interview with Daniel Ellsberg, the mystery man of the Pentagon papers, conducted by Walter Cronkite at a secret location.

Cronkite. Good evening. Publication of parts of the 47-volume top-secret history of American involvement in Vietnam has triggered a major constitutional legal battle over government secrecy and freedom of the press. The man most frequently suggested as the source for the Pentagon documents is Daniel Ellsberg, 40, Ph. D. with honors, one-time Marine, now a researcher at Massachusetts Institute of Technology. Ellsberg was a Pentagon and State Department analyst during the Vietnam buildup. Later he worked on the now-controversial Pentagon study of the war. Perhaps because of his clearly delicate legal position, he will not talk right now of whatever part he played in the release of the secret documents. But he talks freely of what he hopes their release will accomplish, and what turned him from hawk to dove. Such as what he believes was official cold-heartedness toward the civilian casualties of war.

Daniel Ellsberg. The fact here is that in the seven to ten thousand pages of this study, I don't think there was a line in them that contains an estimate of the likely impact of our policy on the overall casualties among the Vietnamese, or the refugees to be caused, the effects of defoliation in an ecological sense. There is neither an estimate nor a calculation of past effects, ever. And the documents simply concern the internal concerns—reflect the internal concerns of our officials. That says nothing more nor less than our officials never did concern themselves, certainly in any formal way or in writing, and I think in no informal way either, with the effect of our policies on the Vietnamese.

I'm so struck by the cover of Newsweek here, if I can refer to this. The secret history of Vietnam. Map of Vietnam. With the faces of the important people who perfected that secret history of Vietnam, and you'll notice they're all American. Every one of them. Now that reflects accurately the way the history of Vietnam emerges from those studies. That is from the internal documents of the United States. It reflects the way the Vietnam war is seen from Washington, as to who matters and who doesn't. And there's great realism to that, actually. As I say, I'm familiar. I was part of that system. I know how that's looked at. There's realism to that.

The war has been an American war. And there's certainly realism to the way that it's reflecting the actual attitudes of the people making the decisions. Never in those cables or estimates, I think, outside of memos by a few people, General Lansdale being one, I think will the public find when they read these, a Vietnamese leader described with concern, friendship, respect, or evaluated in any terms other than as an instrument of American policy.

The Vietnamese leaders with whom we've been dealing, unfortunately have the character that they tend to see themselves that way. And the other Vietnamese know it. As for Vietnamese who weren't leaders, they're not in the study at all. They're just not there, on either side. And that's a large part of what's been wrong.

I came back then with a sense—an additional sense of concern, and about what we were doing to the people of Vietnam as well as what was happening in this country. A concern that many people shared by '67 and '68. By '68, I had read most of the study, written a draft for one volume of it. And, well, can you imagine yourself what you'd feel like to have read those 7000 pages, judging from the thousand or so you've seen summaries of so far? And reading the news to the public every night, not able to tell them the existence of the study or what it was you had read?

Suddenly I've been reading about myself obviously, in these accounts, and it's—some of it is almost amusing. The inferences, as my being very tortured by guilt. Actually, I had to say I didn't feel guilty for the things I'd done in Vietnam. I felt very concerned. I felt that the knowledge gave me a kind of a responsibility that I otherwise didn't have. But the very simple explanation came to me as to the impression I apparently had been giving to people over the last year, was that I'd read this history. I've read all of it. I've read it several times. I think it obviously led me to kinds of activity against the war, publicly. But it was simply very baffling to my colleagues, none of whom had read the study. Almost none of whom knew of its existence or the fact that I had read it.

I think maybe they'll understand there are some strange things about my intensity that they described, a month from now. I hope we'll see some more intense involvement in ending this war. I'm sure this story is more painful for many people at this moment than for me because, of course, it is familiar to me, having read it several times. But it must be painful for the American people now to read these papers, and there's a lot more to come, and to discover that the men who they gave so much respect and trust, as well as power, regarded them as contemptously as they regarded our Vietnamese allies.

IKE PAPPAS. It's a black history as it's been drawn so far. Are there any heroes in it?

ELLSBERG. I think of the man I read about, I think Bernhardt, who put his rifle down to the ground the rest of his life and refused the order of his superior commander to fire at civilians in My Lai. He's a hero.

PAPPAS. You don't find them on a higher level than this?

ELLSBERG. That's a hard question you've asked me. I should not find it easy to answer. I should as an American not find it easy to answer. Looking at the record, it seems hard to me to find men who have lived up to their responsibilities of their office, in terms not only of what they did, but of what they could have done, what they should have done given their feelings.

PAPPAS. What would you expect to be revealed from the documents that might come out in future days or weeks? What's still back there that we can look forward to?

ELLSBERG. Well I think that the real lessons to be drawn are yet to be seen by the public. And they're not from any one period or any one episode. They really come from seeing the whole sweep of the history. There has never been any year when there would have been a war in Indo-China without American money shoring it.

The perception that I had, just like I think most people in the country, that this was in some sense an on-going war which we had joined for good or bad, screened out many of the moral aspects of the conflict. And to discover on the contrary, that in Indo-China, if we had not been supplying the money and the napalm, and buying soldiers, paying for equipment, and finally supplying our own soldiers, there would have been violence. There would have been violence among non-Communists, among sects. Political violence. There would have been assassinations, raids, some degree of guerrilla action. Communists against other Communists. The Trotskyists were wiped out by other Communists in Saigon in '45. There wouldn't have been anything that looked like a war, and to say that, is to say that Americans may bear the major responsibility, as I read this history, for every death in combat in Indo-China in the last 25 years. And that's one to two million people.

CRONKITE. An expanded version of that interview will be broadcast over many of these stations at ten-thirty tonight Eastern Time.

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### CBS SPECIAL—DANIEL ELLSBERG

ANNOUNCER. The Pentagon Papers: A Conversation With Daniel Ellsberg. Correspondent Walter Cronkite talks to the Pentagon papers mystery man in an exclusive interview. Next on CBS.

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ANNOUNCER. This is a CBS News Special Report. The Pentagon Papers: A Conversation With Daniel Ellsberg. Here is CBS News Correspondent, Walter Cronkite.

WALTER CRONKITE. Good evening. In recent hours there have been two important decisions in the courtroom battles between the government and the press over publication of those secret papers, documenting the causes and conduct of the Vietnam war. An appellate court tonight granted the Washington Post permission to continue its series of articles after 6 PM Friday. That time to permit the government to appeal to the Supreme Court.

The New York Times, which began the scenario eleven days ago by publishing lengthy excerpts from the documents also won a courtroom skirmish of sorts. In a split decision, another appeals court said the Times on Friday may begin publishing some remaining parts of its series. Other material, however, must be withheld while a judge decides whether publication would affect national security. The Times says it will appeal that decision to the Supreme Court.

During the controversy a single name has been mentioned most prominently as to the possible source of the Times' documents. Daniel Ellsberg, a former State Department and Pentagon planner, and of late something of a phantom figure, agreed today to be interviewed at a secret location. But he refused to discuss his role, if any, in the release of the documents.

I asked him what he considers the most important revelations to date from the Pentagon documents.

DANIEL ELLSBERG. So far, I think both from the papers themselves, and the reaction to them in the public and from the Administration, I think the lesson is that the people of this country can't afford to let the President run the country by himself. Even foreign affairs any more than domestic affairs, without the help of the Congress, without the help of the public. Obviously the public needs more information than it's gotten from the past four presidents in the area of Vietnam, if they're to discharge their responsibilities, I think.

CRONKITE. Isn't this correcting of this problem of public information more in the character of the leaders in Washington than it is in anything that can be legislated? If the leadership wishes to be candid with the American people, presumably it will be. If it does not wish to there's almost nothing that the press can do other than attempt to expose the truth. But getting to documents is another problem.

ELLSBERG. I would disagree with that. It seems to me that, again, the leaders, by whom I think you're referring, to the executive officials, to the Executive Branch of government, have fostered an impression that I think the rest of us have been too willing to accept over the last generation. And that is that the Executive Branch is the government. And that indeed they are leaders in a sense that may not be entirely healthy if we're to still think of ourselves as a democracy.

I was struck in fact by President Johnson's reaction to these revelations as close to treason. Because it reflected to me the sense of—that what was damaging to the reputation of the particular administration or particular individual, was in effect treason, which is in effect very close to saying, I am the state. And I think that quite sincerely many presidents, not only Lyndon Johnson, have come to feel that.

What these studies tell me is we must remember this is a self-governing country. We are the government. And in terms of institutions, the Constitution provides for a separation of powers, for Congress, for the Courts, informally for the press, protected by the First Amendment. We're seeing all of those branches—if we call them branches of the government—alive and functioning, and I think very well this last week. It hasn't always been the case. I think we cannot at all let the officials of the Executive Branch determine for us what it is that the public needs to know about how well and how they are discharging their functions.

CRONKITE. Speaking of Mr. Johnson's words that this is treasonous, or whatever that exact quote was, there is a question here though, isn't there, of an individual setting up his own moral judgment over that of the law in the question of revealing these documents, for instance? I mean when we talk about public responsibility and private morality, and government responsibility, there's a crossroads there. And what about this question of individual moral responsibility and the law?

ELLSBERG. I think you're right in describing it as a moral choice. A very difficult one. Very similar, I would take it to be responsibility, the choice that the New York Times and the Washington Post, and now the Globe, sometimes I believe have faced, having been informed by the Justice Department that in the interpretation of the law by the Justice Department, James Reston, Sulzburger, or Bradlee and Catherine Graham would be in violation. They went ahead at their jeopardy, I think, feeling that their obligation to the people of the country, and their rights under the First Amendment, came above the interpretation by the Justice Department or the Defense Department. Now that's basically an analogy.

CRONKITE. Mr. Ellsberg, could a government function however if there was not a loyalty to the system? Now the system maybe should be changed. I think that's a comparatively good point to be made. But, if the system is not changed, then how does the government sort of protect its own operations if each man makes his own decision on security?

ELLSBERG. The system should be changed I think, to begin with. One way that it should be changed is to—and I think Congress has an interest in this, as does the public, as does the press—is in some way to protect the honest man in that system. I know people who have spoken out. Individuals. Any official does. If that official stays silent it's because he has seen what happened to the ones who went before him who spoke out too frankly. It's very hard really, the way our system operates now, for a truly frank, honest man, to stay in that system indefinitely, without being weeded out, or fired, or made apathetic, or in fact, corrupted in the end.

That has to change. And the government—you ask how can the government function. I have to say the government is not functioning well with the odds weighted as they are now towards concealment, towards fright, in effect, fear. Fear of the consequences of obeying the constitutional obligation to inform the people.

CRONKITE. Now concerning the documents that we have seen in the Times, Post, sometimes the Globe, so far. These documents as released, it has been pointed out, are incomplete history, for example. They do not include the State Department documentation, the White House documentation, except as that across the Pentagon areas, and the individuals were not available, I gather, to you drawing up these innocent investigations.

ELLSBERG. It was simply existence of the study that was a secret. And that was why we were forbidden to interview . . .

CRONKITE. Let me ask about that. How was it kept a secret from the White House?

ELLSBERG. How was it kept a secret from the New York Times? The fact is that secrets can be held by men in the government whose careers have been spent learning how to keep their mouths shut. I was one of those.

CRONKITE. The documentation, being somewhat incompleted—flawed history is what some have said about it.

ELLSBERG. Incomplete. Like all history it is flawed. It's certainly very incomplete. It's a start. It's a beginning towards history. I would say it's an essential beginning. But it's only a beginning.

Cronkite. Well then it is possible to draw conclusions, Mr. Ellsberg, from what we have read so far in this documentation? And I ask that with a couple of specifics in mind. I mean, let's just take some cases. Assistant Secretary of Defense McNaughton, I think in 1964 I believe it was, came up with a paper that was in there, suggesting possible provocation of North Vietnam as an excuse for escalation of the bombing. There is really no evidence at all that President Johnson approved such a program or a thought or would have entertained it if it had been brought to him, is there?

Ellsberg. When you say there's no evidence on President Johnson you are correct. The record, the documentary record available for this study is fairly complete on the record of presidential decisions. But on the thinking that the President may have brought to bear on those decisions are not on the internal memoranda that I'm sure flowed within the White House. As a matter of fact, my impression is that presidential opinion on such matters is less committed to paper than that of almost any other official. More on the telephone, more in private conversation. It doesn't leave a documentary trail.

So it would certainly be right from an historical point of view to say that conclusions about presidential motive are least accessible from this particular documentary record.

Cronkite. So all we really do have here, except where the presidential documentary trail, as you say, crosses the Pentagon area—what we have here then is the thinking of lower echelons on the contingency planning basis primarily, isn't it?

Ellsberg. For more than contingency planning. That is a quite deceptive description being given to this by former officials and current ones. Were talking in most cases about plans that were called for by the President because of the recommendation by a high official, one or another, that they might well be used in the future. They were done in most cases in the period you're talking about, with the expectation that one of several of a small group of plans would be used.

In many cases we're talking about a plan that was used, or a plan that was recommended. The fact that it was recommended, the fact that it had the character that it did, and the kind of argument that it did, is information that I would say is very much needed to know by the public. The quality of thinking, the kinds of alternatives that are presented to the public—to the President.

I certainly agree that one of the limitations to this is that it would be a mistake to infer too much from it as to what the President's own thinking was. For example it's quite possible that he was not getting at all alternatives that he would have been very receptive to. But it seems absurd to say that the public has no need to know, let alone a right to know, the nature of the recommendations ultimately that have been made by the appointed officials. And as a matter of fact, the President's judgment in choosing his appointed officials, and in staying with him year after year of experience, is again a (sic) aspect of presidential decision making. How much the President can be judged only if we know the kind of service he was getting from those subordinates.

Cronkite. Why now, why today, when President Nixon has a policy of withdrawal from Vietnam and seems to be proceeding along in that plan, should this be thrown up to the—for the American people? Wouldn't it be better to let this war get over with and then take a look at how decisions were made and see how we can improve that process in the future?

Ellsberg. The impression of the public, the voters, in 1964 was not unlike the impression you've just described right now. But they were wrong. They were mistaken as to where their president meant to take the war. As a matter of fact we have the ironic news which we now learn, and I think again it is worth having learned this, that his opponent in that election knew more than the public did and more than he chose to tell the public about the nature of that planning.

I've been very concerned for the last two years—almost two years now, since the fall of '69—based on some information that I had from people that I trusted and respected within the Administration, that we were in for a replay of the year 1964. If that were—if not evident to the public, that in itself didn't prove it was not possible because it hadn't been evident in 1964. That's one of the . . .

Cronkite. What do you mean by a replay of '64? In what specifics?

Ellsberg. In 1964, the officials who were my colleagues at that time in the Department of Defense had come to believe that it was essential that the United States be bombing North Vietnam, with whom they were not then at war, shortly. They did not wish the public to have really any inkling of this necessity, even whether there was a possibility or a contingency, or as they saw it, a high probability, because an election was coming up, and they were going against an opponent that—this is the sort of thing, by the way, that is not written down in those documents, are not accessible to the study. It is accessible to special assistants. This is the kind of thing that is discussed with special assistants as a matter of fact. It's the sort of thing that can't be put down on paper.

All right, going then against an opponent who was to be portrayed as irresponsible, reckless, and a war monger, it did not seem a suitable time to share with the public the knowledge that the highest advisers of the public—of the President, if not the President—and I've never been certain in my own mind what the President's attitude was at that time—felt that it was essential for us to be bombing sooner, rather than later, North Vietnam.

Now, I came to believe in late '69, on the basis of information from the Administration, that again we had an administration, of which at least two high officials, President Nixon and Henry Kissinger, believed that it was essential to their purposes, their understanding of American interests, that the President have again a credible threat of bombing. This came in conflict, of course, with the cutoff of bombing in the—November, 1968. In effect, we had set conditions in which we would restore bombing, and could not really make a threat credible unless those conditions were violated.

Apparently it seemed essential that the President, in his eyes—I am told to understand—again be ready to threaten bombing. And he understood that to do this would require demonstrations which would require the actual practice of bombing, to achieve again either an acceptable settlement, acceptable to him in terms defined very similarly to those of the past, or an acceptable stalemate, which by now would have to mean one with less U.S. ground troops involved.

The evidence, as time went on, in '69 and then Cambodia in '70, Sontay and the bombing of North Vietnam in the fall of 1970. The bombing, almost very frequently after that, in the operation into Laos. All convinced me, and I think ultimately, began to suggest to a larger number of the public, that this was the direction we were going. A direction in which the threat of escalation and the practice of escalation was once again part of U.S. policy.

In this sense, it did come to seem to me, especially in the spring of 1970, after Laos, that suddenly the history of 1964, '65, had become of extremely urgent relevance to the people of this country. To the Congress. And to the officials.

Cronkite. Clearly, the impact of the Pentagon papers reaches beyond military security, and encroaches on the world of politics. I asked Ellsberg what political effect he thought the documents would have.

Ellsberg. Well, the—actually all the questions so far have been based I think on a slightly wrong premise, and that is that the heart of the study is out, which has been stated by, I think, Newsweek and a couple of people. And that thus the study involves mainly the Johnson Administration. That's far from true. In my own case, actually, the greatest impact of the study by far came from the very earliest periods, to learn much more about the Truman Administration. The period from '45 to '50. The period from '50 to '52, '54. That had I think more effect on my thinking about the war than almost any other thing that I've ever read.

Those revelations it so happens are in the study, had not on the whole come out. Again the period '54 to '56 is I think almost more significant than what comes later. The Kennedy period is just beginning to come out. I think the notion that this study was designed, that the revelations were designed, to embarrass Johnson versus Kennedy, I think will be quickly allayed within the days, given what I find coming out in the papers right now.

We're talking now about a history that covered four administrations. Three Democrat, one Republican. One of the striking aspects of it I think is the sameness of policy throughout those four administrations. If there are implications for the current administration, I think it's because it's really difficult to read those studies from the beginning and consecutively, and conclude that any one of them, any one of those administrations, would have behaved very differently than Lyndon Johnson did. It may be that they would, but you can't have much confidence that they would, in 1965 and the circumstances in 1965. And that's not reassuring at all.

It does in effect take the issue out of politics as you defined it, I think, and raise much more questions of whether we have been playing follow-the-leader a little too long, and whether we should not look very hard at the question of the Congressional role in foreign policy. The role of the courts in passing upon relations between the President and Congress. And the relation of our policies to our international obligations. And the need for the public to take a much more active and informed role.

So I think ultimately the effect will be far more on our institutions under the Constitution than it will be on the fate of any one party.

Cronkite. But a point that you made in some of your writings is that throughout all of the deliberations, all the papers, all of the accounting of the costs in dollars and of expenditures and the inputs and the outputs as you mentioned it, there was never any mention of consideration of civilian casualties. And does that apply to the John Kennedy Administration as well?

Ellsberg. Oh it certainly does. I made that a very general statement that this had never been looked at. At that time I did not allude to these studies. Nor had I publicly, however, at that time. But the fact is that in the seven to ten thousand pages of this study I don't think there is a line in them that contains an estimate of the likely impact of our policy on the overall casualties among the

Vietnamese, or the refugees to be caused, the effects of defoliation in an ecological sense. There is neither an estimate nor a calculation of past effects, ever. And the documents simply concern the internal concerns—reflect the internal concerns of our officials. That says nothing more nor less than our officials never did concern themselves, certainly in any formal way or in writing, and I think in no informal way either with the effect of our policies on the Vietnamese.

**Cronkite.** How would you describe the men who do not have the same emotional reaction to reading this, in knowing these—being privy to these secrets as you? Are they cold? Are they heartless? Are they villainous?

**Ellsberg.** The usual assumption, of course, the usual description of them is, that they are among the most decent and respectable and responsible men that our society has to offer. That's a very plausible judgment in terms of their background. And yet having read the history, and I think others will join this, I can't help but feel that their decency, their humane feelings are to be judged in part of the decisions they brought themselves to make. The reasons for which they did them and the consequences.

Now I'm not going to judge them. The evidence is here. I'm sure this story is more painful for many people at this moment than for me because of course it is familiar to me having read it several times. But it must be painful for the American people now to read these papers, and there's a lot more to come, and to discover that the men who they gave so much respect and trust, as well as power, regarded them as contemptuously as they regarded our Vietnamese allies.

**Cronkite.** We've talked mostly about long-range effects of these revelations in changing the relationship of the government to the people. But what about the immediate affect on the war as of these days in June, 1971?

**Ellsberg.** Yes the war is going on. I was of course delighted by the vote that I read of this morning, the headline this morning, that the Senate had taken affirmative action to bring this war to an end, and of course I hope they will go much further. I'll hope that they discover that their responsibilities to their citizens, the citizens of this country and to the voters, do go beyond getting re-elected, and that they're men, they're free men who can accept the responsibility of ending this war.

My father had a favorite line from the Bible which I used to hear a great deal when I was a kid. "The truth shall make you free." And I hope that the truth that's out now, it's out in the press, it's out in homes where it should be, where voters can discuss it. It's out of the safe and there is no way, no way, to get it back into the safe. I hope that truth will free us of this war. I hope that we will put this war behind us. And we will learn from it in such a way that the history of the next 20 years will read nothing like the history of the last 20 years.

**Cronkite.** And so the epilogue has begun before the curtain has fallen on the last act of this long-running drama called Vietnam. Even before American involvement or the war itself has ended, the inquiry has opened on how it all began. Ellsberg speaks eloquently, with conviction, and clearly with a point of view. But only one side of the continuing debate.

The Pentagon report is only the beginning in itself. The incomplete history. There will be much more. And temptation will be great for a witch hunt, the unmasking of villains, and the manufacture of scapegoats. Should this happen, it would divert our attention and energy from a far more serious and urgent task made clear, if nothing else has been, by the Pentagon study. And that is the reestablishment of that cornerstone of democracy. Mutual trust between the branches of government, and more importantly, between the government and the people. Good night.

## HOUSE SHOULD ADOPT MANSFIELD AMENDMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have today introduced as a House resolution the Mansfield amendment to declare it the policy of the United States to terminate the war in Indochina at the earliest practicable date.

I believe we should join the other body promptly in an expression of what I believe is the majority sentiment in the Congress against the continuation of U.S. involvement in this tragic conflict.

We cannot simply say that this is the President's war. The Congress has been involved as a supporter of the venture because we have provided the means for our involvement to be carried forward under a succession of Presidents.

Now the time has come to make it clear that we disassociate ourselves from further involvement, that we no longer support the maintenance of U.S. military forces in Indochina and that we insist that they be withdrawn as quickly as possible subject to the release of all American prisoners of war held by North Vietnam and its allies.

The text of my resolution is as follows:

H. Res. 510

*Resolved*, That it is the sense of the House of Representatives that the United States should terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of the adoption of this resolution subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The House of Representatives hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of the adoption of this resolution.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

My resolution differs from the Mansfield amendment, which was added to the draft extension bill by a vote of 57 to 42 on Tuesday, only in expressing the sense of the House rather than directly declaring it to be the policy of the United States to terminate the war. I was advised by the Legislative Counsel's Office that this change in form was necessary in a House resolution. But there is no difference in substance and I believe there would be no difference in moral effect if we acted promptly to record the House of Representatives alongside the Senate in opposition to the continuation of the war.

I am moved to act because the distinguished chairman of our Committee on the Armed Forces has indicated publicly that he does not look with favor on the retention of the Mansfield amendment in the draft bill when it comes from the conference committee, and because the White House has said through its spokesmen that it rejects the amendment as being only the expression of the sentiments of 57 Senators, not the views of the entire Congress.

I think the world and the country should know that the Congress does support an early withdrawal of all U.S. forces from Indochina, and I believe adoption of this resolution by the House would make it clear that we disassociate ourselves from an indefinite prolongation of this war.

I have therefore urged the House Foreign Affairs Committee in my testimony before its subcommittee headed by our able colleague, Congressman Gallagher, to report out this sense of the House resolution to provide a vehicle for an early vote. It is imperative, I think, that we let the country know where the House stands on this vital issue.

## CENSURE SOVIET PERSECUTION OF JEWS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have introduced today a House concurrent resolution calling upon our Government to instruct the U.S. delegation to the United Nations to move for a censure of the Soviet Union for its persecution of Soviet Jews.

The Soviet Union stands in violation of the United Nations Declaration on Human Rights and, as a member of the United Nations, we have an obligation to call attention to this flagrant violation before the bar of world opinion.

I have previously supported legislation to call upon our Government to use its direct diplomatic procedures to lessen the burdens imposed on Soviet Jewry. I have also joined many of my colleagues in letters to the President and the Secretary of State urging their utmost efforts to end this persecution. I feel we now need to go further and take this matter to the United Nations General Assembly.

The text of my resolution is as follows:

Whereas, the Russian Jews are forced to remain in a country that in practice, if not in law, compels them to abandon their very identity; and

Whereas, in the name of abstract political—economic theory, of cynical geopolitics, human beings are denied a freedom recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas, the Jews of Russia, who, through a history of persecution and oppression, were able, as a distinct and identifiable group, to contribute to the spiritual and cultural advancement of the human race; and

Whereas, they (the Jews of Russia) are now systematically and efficiently being denied the means to sustain their identity as Jews inside Russia and the opportunity to maintain that identity by moving elsewhere; and

Whereas, the right to emigrate, which is denied the Jews, is a right guaranteed by the United Nations Declaration on Human Rights, to which the Soviet Union is a signatory; Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring,* That: the President of the United States is authorized and requested, to issue a proclamation calling upon the Soviet Government to permit the free expression of ideas and the exercise of religion by its Jewish citizens in accordance with the Soviet Constitution and

To utilize formal and internal contracts with Soviet officials in an effort to secure a lessening of the domestic burdens of the Russian Jews and

To demand of the Soviet Government that it permit its Jewish citizens the right to emigrate from the Soviet Union to the countries of their choice as guaranteed by the United Nations Declaration on Human Rights, and

To instruct the United States delegation to the United Nations to move to censure the Soviet Union from the floor of the General Assembly for violation of the Declaration on Human Rights.

## LOUIS WOLFSON ON PRISON REFORM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, as chairman of the Select Committee on Crime and as one who is vitally interested in recommendations to improve this Nation's archaic prison system, I commend the following short article written by financier Louis Wolfson which appeared in the April edition of Signature, a magazine published by Diners Club of New York.

Entitled "The Urgent Need for Prison Reform," Mr. Wolfson's article presents many of the stark realities of life in today's prisons and suggests a determined Federal, State, and local assault on a prison system that makes repeaters of offenders.

The article follows:

Serving nine months and one day in Federal prison at Eglin Air Force Base does not necessarily qualify anyone as an expert in penal reform or parole procedures. But this experience, substantiated by the research of my staff, has convinced me that the policy of punishment in our penal system has resulted in virtually total failure to accomplish its most vital and basic mission: rehabilitation.

The United States has the largest prison population of any nation in the world, with more than 400,000 people actually locked up every day. About 70 percent of today's inmates have had prior convictions and 19 out of every 20 eventually return to society—hypersensitive and insecure. Bold and imaginative programs must be developed so that they can be rehabilitated as human beings able to make some contribution to society.

I have learned from many inmates that two major factors trigger their hatred toward authority and block them from responding favorably to such efforts. One is the lack of uniform court sentencing for identical or similar crimes, and the other is the failure of parole boards to give prisoners reasons for denial of paroles so that they know precisely how they have failed to meet the board's approval.

When an inmate is able to obtain parole, he receives as little as $10, rarely more than $40, a bus ticket and a "civilian" suit of clothes. He seldom has any job prospects and as soon as his money is spent he usually returns to crime as his only means of survival. As citizens it is our responsibility to correct this deplorable situation, even if it requires providing business and industry with tax incentives in order to provide jobs for these lost souls.

Top authorties in this field are convinced that more severe sentences—even to the extent of life imprisonment or death—will not deter crime. We spent hundreds of billions of dollars for wars and after we defeat our enemies we rehabilitate them. Yet we find it impossible to appropriate a small portion of this amount to rehabilitate our own people.

Rehabilitation—or lack of it—is only one of our national horrors. A complete revamping of our archaic and, in my view, sadistic penal system should be instituted immediately. A prison ombudsman appointed to investigate irregularities or corruption would help to correct many of these problems. In practically every prison, for the right amount of money, narcotics or liquor and virtually every other type of contraband become available. Strong laws might aid in reducing the corruption among prison authorities—including the guards—who allow this black market to flourish. And persons proven guilty of violating such laws should be criminally prosecuted and, whenever applicable, lose their pension rights and other benefits.

Prisoners would benefit greatly—in psychological terms—if a sex program were instituted in our prison system as indeed it already is in many others, notably in Mexico. A married person confined to prison should be allowed to *earn* the right to engage in marital relations at certain intervals.

To achieve progress and efficiency, a new and separate Cabinet-level post should be considered that would have under its jurisdiction some or all of the following: The Bureau of Prisons, the Parole Board and all Federal judges—thus removing them from the jurisdiction of the Justice Department. I firmly believe that there should be some division of responsibility between the branch of government concerned with law enforcement and that governmental branch involved in our correction system.

It is impossible to outline even sketchily my personal recommendations on this single page. I can only say that our President and other elected officials should give top priority to reforming our penal and parole systems. As recent events have shown, the deplorable condition of our prisons is one of America's gravest domesitc problems. Let your Senators, your Congressman, your President know of your concern, and insist that they act aggressively and immediately to alleviate this great need.

## LEAVE OF ABSENCE

Mrs. HICKS of Massachusetts (at the the request of Mr. BOLAND), for today, on account of official business.

Mr. MAYNE (at the request of Mr. GERALD R. FORD), for today, on account of official business as a member of the Committee on the Judiciary.

Mr. GRIFFIN (at the request of Mr. BOGGS), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. GONZALEZ, for 60 minutes, on Monday, June 28; to revise and extend his remarks and to include extraneous matter.

Mr. ICHORD, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. VEYSEY) and to revise and extend their remarks, and include therein extraneous matter:)

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mr. STEELE, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. ROY) to revise and extend their remarks, and include extraneous material:)

Mr. ASPIN, for 20 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. ROY, for 15 minutes, today.

Mr. BOLAND, for 20 minutes, today.

Mr. MATSUNAGA, for 15 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOCH.

Mr. DOW prior to the teller vote on the Yates amendment to H.R. 9272.

Mr. ROONEY of New York to include tables and extraneous matter.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous matter:)

Mr. PRICE of Texas in two instances.

Mr. MILLER of Ohio.

Mr. ASHBROOK in two instances.

Mr. BROYHILL of Virginia in three instances.

Mr. FINDLEY.

Mr. COUGHLIN.

Mr. SPENCE.

Mr. KING in two instances.

Mr. DICKINSON.

Mr. MCDADE.

Mr. HARSHA.

Mr. MCCLORY.

Mr. LANDGREBE.

Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. ROY) and to include extraneous material:)

Mr. CELLER.

Mr. William D. Ford in three instances.

Mr. Mitchell.

Mr. O'Neill.

Mr. Fraser in three instances.

Mr. Harrington in two instances.

Mr. Roe in two instances.

Mr. Gonzalez in two instances.

Mr. Hathaway in two instances.

Mr. Fuqua in two instances.

Mr. Brasco.

Mr. Evins of Tennessee in two instances.

Mr. Pryor of Arkansas.

Mr. Rarick in five instances.

Mr. Jacobs.

Mr. Daniels of New Jersey.

Mr. Barrett.

Mr. Pike in three instances.

Mr. Hagan in three instances.

Mr. Udall in two instances.

Mr. Vanik in two instances.

Mrs. Sullivan.

Mr. Rosenthal in two instances.

Mr. Aspin in four instances.

Mr. Mazzoli.

Mr. Scheuer in five instances.

Mr. Denholm in two instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 414. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; to the Committee on Interior and Insular Affairs.

S. 1206. An act to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States; to the Committee on Interstate and Foreign Commerce.

## ADJOURNMENT

Mr. ROY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, June 28, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

891. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces; to the Committee on Armed Services.

892. A letter from the Assistant Secretary of Defense, transmitting a report of the Department of Defense procurement from small and other business firms, July 1970–March 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

893. A letter from the Secretary of the Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees, issued in March and April 1971, in connection with U.S. exports to Yugoslavia; to the Committee on Foreign Affairs.

894. A letter from the Director, National Park Service, Department of the Interior, transmitting notification of properties added to the National Register of Historic Places; to the Committee on Interior and Insular Affairs.

895. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report on a proposed transfer of research and development funds to the Construction of facilities appropriation, fiscal year 1971, pursuant to section 3 of the National Aeronautics and Space Administration Act, 1971; to the Committee on Science and Astronautics.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 3344. A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortagage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; with an amendment (Rept. No. 92–306). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 4762. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information (Rept. No. 92–307). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 9417. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–308). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 9393. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on emissions of sulfur oxides and particulate matter; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 9394. A bill to provide for the establishment of the Thaddeus Kosciusko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 9395. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts; to the Committee on the District of Columbia.

By Mr. FOLEY (for himself, Mr. Burlison of Missouri, Mr. Halpern, Mr. Harrington, Mr. Mikva, Mr. Rosenthal, and Mr. Seiberling):

H.R. 9396. A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices; to the Committee on House Administration.

By Mr. FOLEY (for himself, Mr. Burlison of Missouri, Mr. Halpern, Mr. Harrington, Mr. Mikva, and Mr. Rosenthal):

H.R. 9397. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit for individuals for certain political campaign contributions; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 9398. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9399. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 9400. A bill to amend the Internal Revnue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. GRIFFIN (for himself, Mr. Pickle, Mr. Abernethy, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Andrews of Alabama, Mr. Baker, Mr. Bevill, Mr. Blanton, Mr. Boggs, Mr. Broyhill of North Carolina, Mr. Don H. Clausen, Mr. Davis of Georgia, Mr. Duncan, Mr. Edwards of Louisiana, Mr. Flowers, Mr. Flynt and Mr. Hagan):

H.R. 9401. A bill to authorize the Secretary of Agriculture to establish a program to promote the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance, and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN (for himself, Mr. Pickle, Mr. Hammerschmidt, Mr. Hanna, Mr. Henderson, Mr. Hungate, Mr. Johnson of California, Mr. Long of Louisiana, Mr. Montgomery, Mr. Passman, Mr. Perkins, Mr. Preyer of North Carolina, Mr. Pryor of Arkansas, Mr. Sebelius, Mr. Skubitz, Mr. Steed, Mr. Stephens, Mr. Stubblefield, and Mr. Wright):

H.R. 9402. A bill to authorize the Secretary of Agriculture to establish a program to promote the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance, and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HILLIS:

H.R. 9403. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 9404. A bill to allow a credit against Federal income tax for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and means.

By Mr. KEATING:

H.R. 9405. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Eilberg, Mr. Moorhead, Mr. Waldie, Mr. O'Neill, Mr. Boland, Mr. Danielson, Mr. Corman, Mr. Howard, Mr. Stokes, Mr. Rodino, and Mr. Bergland):

H.R. 9406. A bill to amend title V of the

Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 9407. A bill to require the establishment on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 9408. A bill to provide for the striking of medals and $1 pieces in commemoration of the bicentennial of the American Revolution; to the Committee on Banking and Currency.

By Mr. O'KONSKI:

H.R. 9409. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI (for himself, Mr. ANNUNZIO, Mr. COLLINS of Illinois, Mr. KLUCZYNSKI, Mr. METCALFE, Mr. MIKVA, Mr. MURPHY of Illinois, and Mr. YATES):

H.R. 9410. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 9411. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 9412. A bill to amend the Internal Revenue Code of 1954 to allow carryovers and carrybacks of unused medical expense deductions; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. FULTON of Tennessee, Mr. CORMAN, and Mr. GIBBONS):

H.R. 9413. A bill to provide localities with financial assistance to meet their responsibilities and increasing fiscal problems by providing for a general grant of Federal revenue which shall be allocated on the basis of need; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 9414. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9415. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9416. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mrs. HANSEN of Washington:

H.R. 9417. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. EDMONDSON (for himself, Mr. JARMAN, Mr. CAMP, and Mr. BELCHER):

H.R. 9418. A bill to designate the Mountain Park Reservoir, Okla., as the Tom Steed Reservoir; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of California:

H.R. 9419. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 9420. A bill to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 9421. A bill relating to the withdrawal of U.S. Armed Forces from Indochina; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H.R. 9422. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS:

H.R. 9423. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 9424. A bill to amend title II of the Social Security Act to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 9425. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. COLLINS of Illinois, Mr. COLLINS of Texas, Mr. DANIELSON, Mr. DENHOLM, Mr. DONOHUE, Mr. DULSKI, Mr. FLOOD, Mr. FORSYTHE, Mr. FRENZEL, Mr. FULTON of Tennessee, Mr. GUDE, Mr. HALEY, Mr. HANNA, Mr. HATHAWAY, Mr. HAWKINS, Mr. HENDERSON, Mr. HOGAN, Mr. HORTON, Mr. KEE, Mr. KLUCZYNSKI, Mr. KYROS, Mr. LANDGREBE, and Mr. MADDEN):

H.R. 9426. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on the District of Columbia.

By Mr. PEPPER (for himself, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WALDIE, Mr. KEATING, Mr. SANDMAN, Mr. STEIGER of Arizona, Mr. WIGGINS, Mr. WINN, Mr. McMILLAN, Mr. GERALD R. FORD, Mr. ANDREWS of North Dakota, Mr. BARING, Mr. BROOMFIELD, Mr. BRINKLEY, Mr. BROYHILL of Virginia, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. CHAPPELL, Mr. CLEVELAND, and Mr. COLLIER):

H.R. 9427. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on the District of Columbia.

By Mr. PEPPER (for himself, Mr. MATHIAS of California, Mr. MAZZOLI, Mr. MELCHER, Mr. MINSHALL, Mr. NIX, Mr. O'KONSKI, Mr. REES, Mr. ROBINSON of Virginia, Mr. ROBISON of New York, Mr. ROSTENKOWSKI, Mr. ST GERMAIN, Mr. SCHMITZ, Mr. SMITH of Iowa, Mr. SYMINGTON, Mr. VAN DEERLIN, Mr. VIGORITO, Mr. WIDNALL, Mr. WILLIAMS, Mr. BOB WILSON, Mr. CHARLES H. WILSON, Mr. YATRON, Mr. ZWACH, and Mr. PASSMAN):

H.R. 9428. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on the District of Columbia.

By Mr. PRICE of Texas (for himself, Mrs. ABZUG, Mr. COUGHLIN, Mr. DENHOLM, Mr. DUNCAN, Mr. HORTON, Mr. LEGGETT, Mr. MELCHER, Mr. MILLER of Ohio, Mr. MORSE, Mr. WYDLER, and Mr. ZWACH):

H.R. 9429. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 9430. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SYMINGTON:

H.R. 9431. A bill to amend title I of the Housing Act of 1949 to permit a city whose population falls to below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 9432. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section; to the Committee on Agriculture.

By Mr. YATES:

H.R. 9433. A bill to designate the Indiana Dunes National Lakeshore as the "Paul H. Douglas National Lakeshore"; to the Committee on Interior and Insular Affairs.

By Mr. YATRON:

H.R. 9434. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 744. Joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes; to the Committee on Appropriations.

By Mr. ADDABBO:

H.J. Res. 745. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. COLLIER:

H.J. Res. 746. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. GIBBONS:

H.J. Res. 747. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself, Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mr. Hammerschmidt, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Satterfield, Mr. Saylor, Mr. Scott, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.J. Res. 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Illinois:

H. Con. Res. 347. Concurrent resolution to declare congressional policy regarding Vietnam; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mrs. Abzug, Mr. Badillo, Mr. Burton, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mrs. Grasso, Mr. Gibbons, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Mitchell, Mr. Pike, Mr. Rees, Mr. Roybal, Mr. Ryan, Mr. Schwengel, Mr. Stokes, and Mr. Udall):

H. Con. Res. 348. Concurrent resolution to establish a select joint committee to be known as the Committee on Freedom of Information; to the Committee on Rules.

By Mr. PEPPER:

H. Con. Res. 349. Concurrent resolution expressing the sense of the Congress respecting the treatment of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress toward ending the war in Indochina; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mr. Eilberg, Mr. Duncan, Mr. Addabbo, Mr. Stratton, Mr. McClory, Mr. Drinan, Mr. Collins of Illinois, Mr. Dow, Mr. Yatron, Mr. Scheuer, and Mr. Rosenthal):

H. Res. 509. Resolution expressing the sense of the House with respect to the negotiation of an American-Israeli Treaty of Friendship; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res. 510. Resolution relating to the withdrawal of the United States from Vietnam; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 9435. A bill for the relief of certain individuals and organizations; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 9436. A bill for the relief of Mario Auciello, his wife and child; to the Committee on the Judiciary.

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# SENATE—*Thursday, June 24, 1971*

*(Legislative day of Wednesday, June 23, 1971)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, amid the tensions of our times, unite all elements of the Nation in a firm spiritual alliance, that we may remain "one nation under God." Fortify us against all evil forces. May our armament be the arms of righteousness and our strength be in the sinews of the spirit. May the Nation achieve her greatest eminence in the everlasting verities which endure all change. May our supremacy be in the morality and virtue of the people, that we falter not in the things that matter most. Make us each ready to share the blame and the fame of our country, and may our frame rest in that righteousness which exalts a nation. Fire our spirits with a new determination to achieve justice and a full life for all men. Finally, so assure us of Thy presence working in us that we may live in peace with all men and be at peace with them. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 23, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of Health, Education, and Welfare.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## U.S. TARIFF COMMISSION

The assistant legislative clerk read the nominations in the U.S. Tariff Commission, as follows:

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974.

Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1977.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## EXTENSION OF THE DATE ON WHICH THE COMMISSION ON GOVERNMENT PROCUREMENT SHALL SUBMIT ITS FINAL REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 225, H.R. 4848.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 4848, to amend the Act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report.

The PRESIDENT pro tempore. Is there objection to consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–231), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of this bill is to provide the Commission on Government Procurement with additional time to enable it to complete its assigned mission, by extending its final reporting date until December 31, 1972. Under the statute which established the Commission and defined its duties, the Commission is required to make a final report to the Congress, together with its findings and recommendations, within 2 years after the date of enactment (Nov. 26, 1971). During consideration of that legislation, it was generally agreed that, although a 2-year period was expected to be sufficient to enable the Commission to complete its work, a limited extension could be provided, if later justified (H. Rept. 91–468).

For reasons which are detailed below, the Commission will be unable to complete its mission by the terminal date provided for in the enabling legislation, and, with the concurrence of the Office of Management and Budget and the Comptroller General, has requested the extension of time provided for in H.R. 4848.

### REASONS FOR REQUESTED EXTENSION

According to the Chairman of the Commission, the principal bases for the requested extension are (1) a long delay in organizing the Commission; (2) an increased awareness and understanding of the complexity of the Commission's work; and (3) unanticipated difficulties in identifying and obtaining the services of large numbers of individuals to carry on and complete its mission.

With respect to the organization of the Commission, the enabling statute provided for the appointment of three members of the Commission by the Speaker of the House of Representatives, three by the President of the Senate and three by the President of the United States. The Speaker made his appointments in December 1969; the President of the Senate, in March 1970; and the President of the United States, in April 1970.

Thus, although the Commission was established in November 1969, its organization was not completed until April 3, 1970—approximately 5 months later—and its first organizational meeting was held on April 22, 1970. The Commission then proceeded to select the nucleus of a full-time staff, with special attention to key positions, and completed the selection of principal staff members and the core of its basic full-time staff by the summer of 1970.

With respect to the complexity of its work, the Commission proceeded to review the testimony in the Senate and House hearings and to discuss various procurement matters with experts in the field. These activities resulted in the identification of some 450 problem areas which were consolidated into 325 study topics. Thereafter the Commission found that the most effective manner of proceeding would be through the formation of study groups, each with defined areas of study, and to staff these groups with people from government, industry, and other parts of the private sector in order to enable it to obtain all possible viewpoints.

At this point, the Commission divided its work into two phases: a study group phase devoted to study group and special staff studies, and a commission study and deliberation phase, leading to its final report. The Commission realized that, if this plan of action was to be meaningful and effective, more time would be required to enable thorough study by the study groups and full and careful consideration by the full Commission. Since the study groups were not expected to be able to complete their work until the fall of 1971, it would be necessary to request an extension from the Congress, in order to afford the Commission adequate opportunity for careful study and analysis of the reports of its study groups. Thereafter, the Commission established 13 study groups to review defined areas over a 9-to-12-month period and to submit their findings and conclusions to the Commission. A list of the study groups and a summary of their defined areas is set forth in the appendix to this report.

With respect to the assembly of its study groups, it was the Commission's plan to build balance into the groups by recruiting for each of them, from within Government and without, persons with differing backgrounds and viewpoints. Defining the area of effort for these groups, locating experienced persons who could be made available to the Commission to staff the groups, and getting the groups underway involved a considerably longer period of time than originally anticipated. Thus, although the Commission had originally planned to have all groups formed and underway by the end of 1970, the last group was not assembled and operational until March of 1971.

In his testimony before a subcommittee of the House Committee on Government Operations, in which he detailed the problems encountered, as summarized above, the Chairman of the Commission stated that "the delay encountered in getting these study groups assembled contributes significantly to the need for extension of the life of the Commission." He stated further that he was "convinced that the basic objectives of Congress will be met by this Commission and that it will be able to submit a significant and informative report to the Congress for its consideration."

### CONCLUSION

This committee, in approving the legislation which established the Commission on Government Procurement and prescribed its duties and responsibilities, pointed out that the Armed Services Procurement Act and the Federal Property and Administrative Services Act—the two basic statutes which govern military and nonmilitary procurement—were enacted more than 20 years ago; and that during the intervening period, there has been a phenomenal growth and expansion of Government responsibilities, activities, and expenditures. Thus, the Federal budget rose from $40 billion in fiscal year 1949 to $186 billion in fiscal year 1969; new departments and agencies have been created and numerous new Federal programs have been undertaken in an effort to cope with social and economic needs; and the military arsenal now requires multibillion-dollar weapon systems. Reflecting this rapid expansion, the dollar value of procurement awards for supplies, equipment, and services has increased from $9 billion to $55 billion during the same period. Furthermore, it appears that Federal procurement now involves a veritable army of procurement officers engaged in a highly escalating battle of paperwork, resulting in a situation which is often as baffling to the suppliers of goods and services as it is expensive to the Federal Government.

Noting that despite this phenomenal increase in Federal procurement and the magnitude of the expenditures involved, the committee observed that no comprehensive review of Federal procurement policies and practice had been undertaken since the first Hoover Commission filed its report in 1949. The committee concluded that the time had come for a close, hard look at the statutes, regulations, policies, procedures, and practices governing Federal procurement, and that a broad-scale, sweeping study is urgently needed if these pressing problems are to be resolved. (S. Rept. 91–427, pp. 4, 5.)

In the judgment of the committee, the Commission, whose membership includes two members of this committee, is making good progress and is well on its way toward the accomplishment of its mission.

Valid reasons have been advanced for the delays and a good case has been made for the proposed extension, which is supported by the Commission, the Office of Management and Budget, and the Comptroller General. It appears clear that, in an undertaking of this magnitude, the Commission should be given every reasonable opportunity to complete its vital mission and to furnish the Congress and the President with a blueprint for future Federal procurement policies and practices.

### ESTIMATED COST OF LEGISLATION

The Commission estimates that the expenditure which can be attributed to the extension will be $1.4 million. Of this amount, approximately $400,000 will be incurred in fiscal year 1972 and the balance of $1 million in fiscal year 1973. The total cost of the Commission's operations, including the period of the extension, is estimated at $7 million. These estimates have been examined and concurred in by the House Committee on Government Operations (H. Rept. 92–145, p. 7).

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## THE MILITARY SELECTIVE SERVICE ACT

The PRESIDENT pro tempore. The Chair now lays before the Senate the pending business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate continued with the consideration of the bill.

### AMENDMENT NO. 232

The PRESIDENT pro tempore. The pending question is on amendment No. 232 of the distinguished Senator from Indiana (Mr. BAYH).

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, last session during consideration of the military procurement bill, I introduced—and the Congress passed—an amendment that required authorizations for the average annual active duty strength levels of the Armed Forces.

My amendment grew out of a successful effort by the distinguished Senator from Kentucky (Mr. COOK) and myself in 1969 to replace the outdated 5-million-man ceiling on the Armed Forces with what we then considered a more realistic overall limit of 3.2 million men. Continued attention to the question of congressional responsibility to raise and maintain armies had led me to the conclusion that the most effective way to meet that constitutional duty was to require annual congressional authorizations for manpower. In recent years, Congress has exercised tighter control over spending for military hardware by requiring annual authorizations for major weapons systems. Manpower is our most precious resource. It is also the most essential and most expensive portion of the defense budget. It should require the same—if not more—scrutiny than hardware items.

In an attempt to provide Congress with the information required to determine whether 2 million men, or 2.25 million, or 2.5 million men is a necessary general purpose force, my amendment required the President not merely to submit to Congress a written report recommending active duty strength levels, but specifically required "justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended, and the national security policies of the United States in effect at the time."

In compliance with this law, I had expected to see a detailed report showing the relationship between force levels and the contingencies outlined under our national security policy. I felt that if Congress could see where American forces were to be deployed, with what capability, in response to what threat, within the context of a total defense policy, we make a well reasoned choice from among alternative force levels, being careful as to balance such an authorization against competing domestic needs.

But in fact, Congress was directed to an abbreviated column of overall service force level figures in the shortened budget statement and referred to the traditional defense posture statement—with no effort made, let me emphasize, to relate the two.

I, for one, was not satisfied with this kind of an answer. To think that this obligation under public law could be fulfilled in a brief footnote on page 88 of the shortened budget is, in my judgment, pure fantasy, if one cares to be charitable about its description. The distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis) also expressed to me that he was dissatisfied and that the entire Armed Services Committee was dissatisfied with this nonresponse. They have continued to request more complete information from Secretary Laird. Again, the answers to these congressional queries on projected manpower strength and deployment were incomplete.

On April 5, 1971, I myself wrote to Secretary Laird requesting unclassified information concerning the large increases made since 1964 in American forces in Southeast Asian countries other than Vietnam and on Okinawa. My questions were posed in the sincere hope that their answers might clarify the contingencies of the Nixon doctrine and better define the residual American commitment in Asia.

I ask unanimous consent that my letter to Secretary Laird and the Secretary's response be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

April 5, 1971.

Hon. Melvin Laird,
*Secretary of Defense,*
*Washington, D.C.*

Dear Mr. Secretary: President Nixon's strategic posture statement indicated a declining level of American forces in Vietnam. We in the Senate applaud this development, though we seriously question both the pace, the mechanism, and the circumstances of withdrawal. While the number of American military personnel in South Vietnam has visibly diminished, there is some doubt as to the future status of the large increments made to our forces elsewhere in Southeast Asia since 1964.

Any true modification of American policy in Southeast Asia should be accompanied by corresponding shifts in American force levels throughout the area. In the interest of seeing a decisive and substantive revision of American policy, I would like to request unclassified information concerning the number of American forces committed to Vietnam, deployed both within and outside of Vietnam itself.

I would like a determination of the current figures and 1964 figures for:

1. The number of Navy and Marine Corps personnel assigned to naval units operating in the South China Sea.
2. The number of Air Force, Army, Navy, and Marine Corps personnel based in Thailand.
3. The number of Air Force personnel assigned to B-52 squadrons and supporting units in Guam.

I would appreciate your cooperation in this important matter. Thank you.

Sincerely,

Birch Bayh.

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Assistant Secretary of Defense,
*Washington, D.C., April 22, 1971.*

Hon. Birch Bayh,
*U.S. Senate.*

Dear Senator Bayh: This is in reply to your letter of April 5, 1971 to the Secretary of Defense requesting unclassified information pertaining to Vietnam.

The enclosed table provides U.S. military strength in South Vietnam, by service, from the end of 1960 through March 1971.

In answer to your questions concerning U.S. forces committed to Vietnam, but deployed in other areas, at the end of 1964 and the most recent period, the following information is provided:

*Question 1.* "The number of Navy and Marine Corps personnel assigned to naval units operating in the South China Sea."

*Answer*. In 1964, there were no U.S. naval forces solely committed to South Vietnam. Those naval elements that were in the South China Sea did make certain reconnaissance flights in the area of the Associated States of Indo-China, but it cannot be said these forces were committed to Vietnam. The current strength of the U.S. naval forces offshore Vietnam was approxmately 18,000 on April 15, 1971.

*Question 2.* "The number of Air Force, Army, Navy and Marine Corps personnel based in Thailand."

*Answer*. The United States military personnel based in Thailand, at the end of 1964, were engaged in the operations of the Military Assistance Advisory Group, in administering the Military Assistance Program, and in connection with the Southeast Asia Treaty Organization's Defense Plans. There were none committed to Vietnam. The total U.S. military personnel stationed in Thailand on December 31, 1970 were about 36,000 and are scheduled to drop, by July 1, 1971, to approximately 32,000.

*Question 3.* "The number of Air Force personnel assigned to B-52 squadrons and supporting units in Guam."

*Answer*. In 1964, there were no B-52 squadrons or supporting units stationed on Guam that were committed to Vietnam and this same situation is true today.

It is hoped this information will be of assistance to you.

Sincerely,

Robert C. Moot,
*Assistant Secretary of Defense.*

Mr. BAYH. Mr. President, as is clearly evident, the way in which the Defense Department has complied with the provisions of this amendment stands in violation of the spirit if not the letter of the law. Once, again, as Senator Symington's forceful presentation on Laos has demonstrated, Congress finds itself without meaningful knowledge of our past or present Asia policy. When questioned as to the number of Air Force personnel assigned to B-52 squadrons or supporting units stationed on Guam, the Defense Department replied:

> In 1964, there were no B-52 squadrons or supporting units stationed on Guam that were committed to Vietnam and this same situation is true today.

But what do they mean by "not committed"? Is this the same kind of commitment that we do not have in Laos? Is not this the same kind of dissimulation that has been detailed in the New York Times publication of Pentagon documents concerning an earlier stage in the American involvement in Vietnam?

Not only does the failure to answer congressional inquiries on each level of American activity abroad damage the already-strained fibers of the delicate relationship between Congress and the Pentagon, but it also tends to undermine confidence in civilian and congressional control of the military.

Despite these recurring problems, Congress must continue in its efforts to determine how much military manpower is enough. In the face of urgent domestic needs, America can no longer afford to pour Federal dollars indiscriminately into the military budget—and over 50 percent of that budget goes for manpower costs.

But there are considerations involved which go beyond mere budgetary costs. There is the even heavier price which must be paid when young men's lives are risked and lost in a war which neither their own conscience nor that of the Nation can sustain. The anguish of Vietnam compels the Congress to consider with a new sense of responsibility all of the issues related to the role and posture of the United States in the world. As part of this process, we seek today to determine what force levels are genuinely necessary and most efficient in providing national security.

With this in mind, I would like to refer to the incisive Brookings Institution analysis of the 1972 Federal budget which poses serious questions about the cost-effectiveness of Secretary Laird's manpower proposals. The Brookings report, as the Fitzhugh Commission findings did, identifies a rising trend of inefficiency within the Defense Establishment. If the promised economies in military manpower and overall defense spending have been realized, they are not visible in the fiscal 1972 budget. Unit costs for manpower—when compared to baseline 1964 levels—have risen sharply. I ask unanimous consent that the following table from the Brookings analysis of the 1972 Federal budget be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARISON OF MANPOWER AND BUDGET COSTS PER ACTIVE MILITARY UNIT, BY SERVICE, FISCAL YEARS 1964 AND 1972

| | 1964 | 1972 | Change (percent) |
|---|---|---|---|
| Army: | | | |
| Total manpower per active division | 59,632 | 70,827 | +19 |
| Total budget per active division | [1] $1,130,000,000 | $1,610,000,000 | +42 |
| Navy: | | | |
| Total manpower per active ship | 716 | 918 | +28 |
| Total budget per active ship | [1] $23,300,000,000 | $35,500,000,000 | +52 |
| Air Force: | | | |
| Total manpower per active aircraft | 67 | 78 | +16 |
| Total budget per active aircraft | [1] $2,200,000 | $2,400,000 | +9 |

[1] Measured in constant 1972 dollars.

Mr. BAYH. Mr. President, it is clear from the figures in the table that today's forces, manned and supported at 1964 levels—the baseline of Secretary Laird's proposals—would cost $10 to $15 billion less than the current budget prescribes. While this is obviously an informal estimate, it raises grave questions about the management of our military. It seems to indicate that the "peace dividend," the incremental savings from deescalation in Southeast Asia, has been absorbed by a general purpose force grown fat on extensions of the power to draft.

Where are the economies that were supposed to be realized from deactivated divisions? What has happened to the reductions of maintenance costs that should have logically occurred as the Air Force switched from manned bombers to missiles? What are the savings that should have resulted from increases in the number of submarines relative to carriers in the Navy and the dismantling of the massive support base required for Vietnam?

These questions have not even been addressed, much less answered, by the Department of Defense. With the only available data suggesting that American taxpayers are getting less than their full dollar's worth for defense, it is no wonder that the credibility of the military has deteriorated in the public eye.

While the Defense Department presents 13⅓ Army divisions as active, general purpose force combat units, less than 1 in 4 of the men belonging to these units would actually bear arms in combat situation. The other three men find themselves occupied in maintenance tasks related to expensive and complex hardware—equipment ostensibly designed to amplify the combat impact of the individual soldier and thereby reduce overall manpower needs. The complexity of this system has reached such a level that one field officer was quoted in a recent newspaper interview as saying:

> The Army has gotten so heavy that we could never go to a place like Vietnam again without sending the engineers in two years ahead of the combat troops to build a base. And every time you put a fancy piece of equipment on the ground it takes two men to guard it and another three to maintain it

The more realistic manpower needs of these 13⅓ Army divisions has been estimated to be as much as 200,000 men less than Secretary Laird has requested. Statistics provided by Col. Edward King and corroborated by a recent Institute for Strategic Studies publication describe U.S. forces as having an inordinately large officer corps, a top-heavy hierarchy. In raw numbers, we now have one officer or one noncommissioned officer on active duty for every two enlisted men.

But beneath the questionable management and inefficient use of personnel are more basic problems still. Up to now, Congress has accepted—always on good faith—the definition of threat and commitment presented by the Department of Defense as justification for given force levels. Until this year the Congress has passively ratified force level requests based on long-standing commitments and attitudes some of which are the residue of a world war 25 years past or the vestiges of a brand of containment long outdated.

The former Assistant Secretary of Defense for International Security Affairs, Paul Warnke, tells us these commitments:

> Have acquired an independent life transcending the U.S. security interests that brought them into being. Collectively, our commitments remain what they have tended to become: an undifferentiated mass which defies discriminating analysis for defense planning purposes.

Herein lies the cardinal error, the continuing propensity of America to allow unexamined commitments to dictate defense policy rather than rational consideration of the national interest.

Despite the urgent need to revise the process by which we determine defense policy and the manpower levels necessary to implement that policy, congressional committee action in this session made little headway. House and Senate Armed Services Committee reports on military manpower legislation do not deal in detail with possible threats and contingencies to which American and allied armed forces might have to respond. Yet the only rational basis for decisions on force levels is a sober, reasoned consideration of such possibilities and the kinds of responses they might require. The absence of such data from the committee reports is a direct result of the difficulties encountered in obtaining applicable information from the Defense Department.

President Nixon and Secretary Laird have indicated recognition of this problem. They have done this by stating that they have evolved a new policy of decreasing commitments. The President has even given this policy a name. He calls it the Nixon doctrine. But despite the new name, the old politics persist. The alleged reductions in commitments have not led to commensurate reductions in military spending or manpower. Instead we are presented with an expanded defense budget, a budget clearly out of line when measured against a realistic assessment of genuine military threats and the urgent domestic priorities with which this expense must be balanced.

And even the supposed reduction of commitments is in serious doubt. Since the enunciation of the Nixon doctrine we have apparently taken on a new commitment to the Cambodian Government, a commitment that has thus far cost us $250 million, taking the Defense Department at its word.

It has taken us to the point of financing mercenary forces in northern Laos and the expenditure of over a billion dollars a year for bombing sorties, all conducted without the knowledge or assent of Congress.

Thus the Nixon administration now endeavors to pursue elsewhere in Asia, under a more indirect policy of intervention, the same political and military ends that another administration sought in Vietnam.

Beyond that, as Averell Harriman has noted, the Nixon doctrine has been like an accordion—contracted here at home but expanded when the President or Vice President travel abroad. In its expanded configuration it bears a remarkable likeness to what we had before. This year the amount of arms and military equipment we sold or gave mostly to less developed countries, rose by 25 percent.

But what does it say about us, when we arm reluctant Asian nations to fight a war we no longer want? What American interest is served when one friendly power uses the arms we have given it to subjugate or destroy another?

Moreover, as shipments of arms flow candestinely, backed by American air power, the ominous shadows of other potential Vietnams lurk in the background. Certainly recent revelations by Senator SYMINGTON cannot be disregarded. As Secretary Laird himself said in testimony before the House Armed Services Committee:

> Under the Nixon Doctrine, as exemplified by the Vietnamization Program, we believe that our allies can and must increasingly bear the primary burden . . .
>
> However, as we move in this direction under President Nixon's Strategy for Peace, there may be situations where only U.S. capabilities would provide flexibility of action which may be necessary in the future.

No responsible American questions the need for flexibility of military response. In an area of relative nuclear parity, the flexibility remains important. But I do question the nature of commitments that demand open-ended and unqualified military assistance and commitments that are construed so as to justify covert expenditures far in excess of the authority delegated by Congress. Secretary Laird has repeatedly spoken about our need to maintain a capability to deal with insurgencies in Asia which have neither Chinese nor Soviet support. What kind of contingencies are these? Such commitments and such statements give disturbingly little assurance that the Nixon administration is, in fact, moving to rationalize American defense policies. If the executive branch does not choose to do this, we in Congress must act.

If the true significance of the Nixon doctrine, particularly for Asia, is shrouded in mystery, the number of general purpose forces dedicated to its implementation is more ill defined still, just as is the real amount of our military assistance. While the Defense Department will do no more than give an aggregate total for troops designated for the defense of the continental United States and Asia togther, an educated guess by Brookings analysts place the number of divisions assigned Asian responsibilities at four. Without adequate information from the Pentagon, it is difficult for the Congress to make a realistic and responsible judgment of the kinds of military problems we might face and the conventional forces appropriate to meet them.

The administration says it has adopted what it calls a one and a half war posture. They say that we will now have the capability to fight one major war and one minor war at the same time. The previous approach had been to prepare for "two and a half" wars—simultaneous major conflicts in both Europe and Asia and another, minor contingency.

But assuming that 1½ war posture—why do we now need more manpower for 1½ wars than we used to need for 2½?

The manpower levels recommended by the Defense Department signal a reduction to a baseline total beneath the levels maintained in fiscal 1970. But under the Nixon one and a half war strategy, more active divisions would be made available for European service in fiscal 1972 than at any time in the previous 5 years—under a 2½-war strategy. Today, with increased sealift and airlift capacity—developed at no small public expense through such projects as the C–5A—the United States has the capability of deploring more troops to meet a crisis in Europe—or elsewhere—than at any time since 1964. Counting reserve divisions, the President may draw upon 17⅔ complete divisions now deployed in the continental United States for reinforcement of our NATO commitment. He can do that without taking any troops out of another theater. As one Brookings expert, Charles Shirkey, demonstrated in his House testimony, this represents an increase of four full divisions over the previous highwater mark of our capability—13⅔ divisions in 1970.

I believe it is important that an American commitment to NATO be maintained, though with less than 300,000 men NATO continues to play a vital role as a deterrent. However, as the cost of maintaining NATO forces in Europe rises and the economic capability of our allies increases, it is important that the burden of this defense be more equally shared. Hopefully, our action this session will encourage such a redistribution of the defense burden, although the recent meeting in Lisbon has not yet yielded conclusive results. While we have encouraged greater European efforts in maintaining this alliance, continuing our own, Congress has been given no evidence to show that the number of American forces with NATO responsibilities needs to be increased. We have seen no justification for more divisions, only substantial evidence that the divisions now available are overmanned and do not use the manpower they have efficiently.

Yet the Department of Defense has insisted that a reduction from 13⅓ active divisions available in the United States for use in Europe is not acceptable. They say that the 9⅓ active divisions available in the United States for such use are not adequate now nor were they in 1970 when the same number existed. The Defense Department contends that with such U.S.-based units on call for use in Asia as well as Europe, our capability to respond to conventional threats in Europe was unacceptably weakened. But with the President's avowed policy in Vietnam being one of disengagement, what is the nature of the commitment to which these men are dedicated?

In effect, the military manpower proposals submitted by Secretary Laird request an additional four Active Army divisions to be held in reserve in the United States, capable of either European or Asian forward deployment. The Department of Defense has defended this increment of force, arguing that the certain ability to deploy these additional troops within a decisive period of time would contribute significantly to the maintenance of European security.

But let us look at this reasoning. First, can we really deploy these forces promptly? Do we have the requisite air- and sealift capability? Several experts have testified or written that our capability has not been clearly established. If that is so, what is the basis for keeping 240,000 possibly extraneous troops under arms?

Moreover, if we have in fact adopted a one-and-a-half war posture, why will we need an extra four divisions—an extra 250,000 to 300,000 men—for Asian contingencies? That is as many men as we have in Vietnam now. Would the Nixon administration seriously consider sending these men back to Southeast Asia once they were brought home? I find it hard to believe they have not learned—as the Congress has—the hard lessons of our Vietnam involvement.

If these four divisions are not to be returned to Southeast Asia, for what purpose are they intended? Where is the budgetary saving in bringing them home and keeping them in being here in the United States? What new kinds of Asian contingencies does the Pentagon have in mind for them?

Until the Department of Defense has made clear its intentions for these 16⅓ active general purpose force divisions, I see little basis to extend to it this new authority.

So long as these questions remain unanswered, I wonder whether any of us can make a well-reasoned judgment on whether or not a particular force level is appropriate to our changing national security requirements. Chairman STENNIS and the Armed Services Committee have apparently seen some of these same inadequacies in Department of Defense justifications and have uncovered inefficiencies in the manner in which the military allocates its manpower resources.

Additionally, when the committee measured the personnel levels that my amendment required the Department of Defense to submit against an accelerated rate of troop withdrawal from Vietnam—as the distinguished Senator from Kentucky (Mr. COOK) and I had suggested last year—Chairman STENNIS saw fit to reduce manpower levels by 56,000 men. But as these comparisons of manpower levels with withdrawal rates, the evidence of inefficiency in our Armed Forces and the revision of our defense posture would seem to indicate, this year's investigation has exposed only the tip of the iceberg.

I do not think then, that it is the intention of either the committee or the Congress to lay the issue of military manpower aside, once we have acted on this particular bill. The time has come when we must measure more carefully our military manpower needs, weighing them against both the requirements of our national defense and critical domestic problems crying out for solution.

To make this measurement, to fulfill our responsibility to the American people, we must have available far more information concerning alternative defense postures, the number of men required to implement them, and the way in which they should be organized and deployed. Clearly, my amendment last session to Public Law 91–441 did not evoke the specific data necessary to this task.

In order to elicit this information, I am now proposing a new amendment. Its first section would call on the Department of Defense to state, in justifying the force levels it recommends:

> In detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

With this additional data, the Congress will be better able to meet its responsibilities in reviewing the Department's request for force level authorization.

More importantly, section (b) of this amendment would authorize and require a survey of the relationship between long range defense posture and force levels. Various proposals for manpower reductions have been made, some of which will eventually take legislative form. It is the Congress' constitutional responsibility to exercise independent judgment on these matters. Yet the limited information now available on the specific deployment and possible applications of our military personnel makes consideration of what forces our national security requires most difficult.

To overcome these difficulties and accurately gauge the cost of maintaining alternative defense postures, as our national security policy changes to meet the needs of a changing international environment, I am proposing that the Department of Defense submit annually a detailed analysis of those changes in the posture and organization of our Armed Forces—as well as the support and overhead costs entailed—that would be necessary if the manpower levels for each service that year would be reduced by 10 percent.

This analysis will enable Congress for the first time to project the cost and level of American Armed Forces against the defense policy these forces are intended to implement. Such an investigation can only serve, in this time of changing national priorities, to enhance our capability to provide for the national security and, at the same time, address the many problems that challenge America from within.

With this in mind, Mr. President, I have had a prolonged discussion with the chairman of the committee over the past several days, and with the efforts of our combined staffs have arrived at an understanding with him. This agreement merged an amendment that he has introduced with an amendment that I have introduced, and would require a more detailed implementation of the law enacted last year as a result of the amendment that the Senator from Kentucky (Mr. Cook) and I introduced.

Mr. President, at this time I ask unanimous consent that the language contained in this amendment be read in its entirety and I also ask unanimous consent that it be considered pursuant to the rules under which we are operating after a cloture motion.

The **PRESIDENT** pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. **BAYH**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDENT** pro tempore. Since the amendment has not been read under the requirements of rule XXII——

Mr. **BAYH**. Mr. President, I ask unanimous consent that the amendment may qualify under the rule.

Mr. **STENNIS**. Mr. President, I am sorry, but will the Senator from Indiana please restate his unanimous-consent request.

Mr. **BAYH**. I ask unanimous consent that the amendment which I have sent to the desk, pursuant to the discussion that I had with the Senator from Mississippi, be considered as having been read and thus qualify under the rules of cloture.

Mr. **STENNIS**. I have no objection.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

The substitute amendment reads as follows:

> TITLE VI—MISCELLANEOUS PROVISIONS
>
> SEC. 601. Section 412(d)(2) of Public Law 86–149, as amended, is amended by (1) striking out "the President" and substituting in lieu thereof "the Secretary of Defense", (2) striking out "January 31" and substituting in lieu thereof "March 1", and (3) adding at the end thereof the following: "Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services. Such justification and explanation shall also include a detailed statement of the way in which the above missions, capabilities, strategies, and deployments would be affected by a 10-percent reduction in authorized strength for each service below that recommended in the budget for the next fiscal year."

Mr. **STENNIS**. Is the amendment in its modified form now?

Mr. **BAYH**. The amendment stands as we discussed it yesterday, and as our staffs worked it out. For brevity's sake, rather than read the detailed explanation, I would like to read directly from the amendment, stating specifically its aims:

> Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services. Such justification and explanation shall also include a detailed statement of the way in which the above missions, capabilities, strategies, and deployments would be affected by a ten-percent reduction in authorized strength for each service below that recommended in the budget for the next fiscal year.

Mr. President, I would like to thank the Senator from Pennsylvania (Mr. Schweiker) for his enthusiastic cosponsorship of this amendment. Together we are trying to fulfill the constitutional obligation of Congress to raise and support our armies. For far too long we have really given the entire responsibility of making this decision to the executive branch. I wish to commend also the Senator from Mississippi for his attention to this obligation over the past 8 weeks. We know that in this particular area of the Defense budget—military manpower—a thorough job has been done. However, in discussing the matter with him and looking at the committee report on military manpower levels, it seems that the Senator from Mississippi and his colleagues have operated largely in the dark, because the Secretary of Defense and the Pentagon have not made all of the pertinent figures available to Congress, as we asked them to do last year. Today we are merely asking that they make this information available as required by law so that Congress might work with the Department of Defense and the President to fulfill our responsibilities regarding the national defense.

Mr. **STENNIS**. Mr. President, will the Senator yield?

Mr. **BAYH**. I yield.

Mr. **STENNIS**. Mr. President, I am ready to debate the amendment and will not use much time. However, someone is outside the Chamber whom I must see. Will the Senator ask for a brief quorum call on his time?

Mr. **BAYH**. Yes. I would be glad to do so.

I might point out that there has been a great deal of discussion about our future defense policies as national sentiments against the Vietnam war become more intensified. While future American defense policy and security needs must reflect the lessons of our Vietnam involvement, the manner in which this policy is determined must not be irrational or hasty. As much as I have taken the contrary position to that of the Senator from Mississippi on the timing and character of our Asian policies, I know that we do agree in the recognition of vital American interest in other areas of the world, and that America will still have to maintain a credible and strong defense.

I think, however, that most of us realize that there is a deep need to examine the ways in which we can organize and deploy our military force, and examine our entire military posture as it relates to the overall foreign policy.

Looking at some of the dramatic evidence that was presented to the Senate by the Senator from Missouri (Mr. Symington), as he disclosed the number of bases, and the American commitments which they are meant to fulfill, we see how our defense posture relates to our foreign policy, and how, indeed, our defensive posture and the way in which we deploy our forces throughout the world are directly related to our foreign policy. If we give careful attention to this matter now, we might avoid the same kind of mistake which once led to the Vietnam entanglement.

Though little is to be gained in second guessing the decisions made long ago, we must heed past error. Thus we clearly need to have this information made available to Congress and to the country to see how the air wings, the carriers, and other types of ships are needed, and to see how they can be operated more efficiently and more in concert with true national interest.

I have been alarmed at some of the reports that have disclosed that our manpower in many areas of the world is not very cost effective. We have an inordinately large number of men involved in support operations in relation to the number of men who actually bear weapons. We have a tremendous number of generals in relation to enlisted men.

I hope that the Secretary of Defense and the Pentagon will come forward and make this information available so that Congress can make an effective defense and at the same time make more resources available to devote to the critical domestic needs which now exist.

### QUORUM CALL

Mr. **BAYH**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Allen). Without objection, it is so ordered.

Mr. **ERVIN**. Mr. President, I would like to ask the distinguished Senator from Mississippi a question on my time.

**Mr. STENNIS.** I am glad to yield for a question.

**Mr. ERVIN.** I am impressed with the argument of the distinguished Senator from Indiana in respect to his amendment. I would like to know the attitude of the distinguished Senator from Mississippi with respect to this amendment.

**Mr. STENNIS.** Mr. President, I will give my reasons later, but very briefly I am for the amendment offered by the Senator from Indiana. The amendment covers a subject matter he has worked on and one that I have also worked on. The Senator from Maine and I asked the staff to draw up an amendment along this line.

The Senator from Indiana had an amendment he had worked on for a long time which went further than the amendment in its present form, but he has now modified his amendment to substantially agree with the amendment prepared for the Senator from Maine and me. I am supporting the amendment and I will give my detailed reasons for doing so within a few minutes. If the Senator wishes me to do so, I can give them now.

**Mr. ERVIN.** That is what I would like to have.

**Mr. STENNIS.** I will try to be brief. The matter of manpower is highly important. It is the key to the situation of having the right kind of defense shrinkage—if we get this shooting war over—to reduce the numerical strength of our services and to be able to spend every effort to increase the quality of our services.

I am willing to spend more money on the individual and provide support, housing, and items of that kind, but we have to call a halt to the massive numbers that are requested here year after year.

For the first time this bill places a legislative ceiling on the number of men that could be required in each of the services. Our committee amendment reduced that level. Although it is a modest reduction, it is a start. This amendment places a ceiling on the number of men that can be inducted each fiscal year, and that comes up again. There are two fields where there has been legislative innovation in this manpower problem.

Last year the amendment of the Senator from Indiana required certain reports as to manpower levels and certain other information. I was disappointed that the report which came in was not considered adequate. It was a new matter and the legislative branch of the Pentagon was not accustomed to making these preparations.

We received enough facts to have hearings, and they were hurried, but we made these innovations.

It is much more in order to have an explicit amendment of this kind to require in advance in the next fiscal year for the forthcoming information with reference to manpower.

I want to get this matter to a point where they give us not only their requirements overall but also how many they are going to use in mission X and why they need that many. We have to get it broken down some.

This would be valuable for the Committee on Appropriations. This is a problem that must be tackled by the legislative branch and successfully handled. It cannot be done with a meat ax, and it cannot all be done in 1 year.

Mr. President, that is the explanation of the amendment.

**Mr. ERVIN.** I thank the Senator. I yield the floor.

**Mr. BAYH.** Mr. President, I wish to express my appreciation to the distinguished chairman of the Committee on Armed Services for the detailed explanation he just gave in response to the question of the Senator from North Carolina.

As I pointed out earlier, the distinguished chairman of this committee has been debating this bill for about 8 weeks now. He and his committee have done their best to try to scrutinize the manpower features of this legislation and he is in a better position to point out the inadequacies of the present reporting provisions or practices of the Pentagon. To have his support lends great prestige and merit to this proposal, and I appreciate very much his willingness to lend his effort and am glad to have an opportunity to work with him in this matter.

**Mr. STENNIS.** Mr. President, I yield myself 2 minutes.

In reference to the statement a few minutes ago about the testimony we finally got from the Department of Defense, it was good testimony when it came in, and was well handled by Secretary Kelley, but it was a new method and it was a little late and it did not cover all the matters that we find now are necessary. So once again I thank the Senator from Indiana for his work, and I am wholeheartedly in accord with the amendment and shall support it.

I yield the floor.

**The PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Indiana as modified.

The amendment, as modified, was agreed to.

**The PRESIDING OFFICER.** What is the pleasure of the Senate?

**Mr. BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. CRANSTON.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

### AMENDMENT NO. 211

**Mr. CRANSTON.** Mr. President, I call up my amendment No. 211 and ask that it be read.

**The PRESIDING OFFICER.** The clerk will please state the amendment.

The assistant legislative clerk read the amendment (No. 211) as follows:

At the end of the bill add a new title as follows:

### TITLE VI—STUDY REGARDING THE UTILIZATION OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

SEC. 501. (a) There is hereby established a commission to be known as the Commission on Women and the Armed Forces (hereinafter referred to as the "Commission"). The men and women of the Commission shall be appointed by the President by and with the advise and consent of the Senate.

(b) It shall be the function of the Commission to conduct a comprehensive study regarding the status of women in the Armed Forces of the United States and the feasibility and desirability of increasing their participation in such Armed Forces. In carrying out such study the Commission shall specifically consider, but shall not be limited to, the following:

(1) The present status of women in the Armed Forces of the United States, the services they perform, the effectiveness with which they perform such services, a comparison of the performance effectiveness between women members and men members in performing the same job, and a comparison between promotions and pay received by men and women members.

(2) The use of women in the armed forces of other countries and the proficiency with which they perform duties which women do not perform in the Armed Forces of the United States.

(3) Duties which women could be effectively utilized to perform in the Armed Forces of the United States, and the extent to which an increase in the use of women in the Armed Forces would free male members to perform other types of duty.

(4) Problems which might be created as a result of an increase in women members of the Armed Forces, and how such problems could be solved.

(5) The desirability and feasibility of providing increased opportunities for women in the Reserve Forces and the National Guard.

(6) The desirability and feasibility of conscripting women into the Armed Forces, especially during periods of national emergency.

(c) The Commission shall submit to the President and to the Congress a report containing the results of its study, together with such recommendations as it deems appropriate, not later than eighteen months after the date of enactment of this title.

(d) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmation to witnesses appearing before the Commission, or any subcommittee or member thereof.

(e) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(g) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.

(j) The Commission shall cease to exist sixty days after the submission of its report.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, there is currently little information concerning the status of women in the military.

As with most other professional careers, however, it appears that women do not occupy the higher levels of the military hierarchy. Most of the women in the military appear to be clerks and nurses. With all the women who do serve—in 1970 there were 29,454 women in the military—only two women have the rank of general.

We must reexamine the role of the woman in the Armed Forces with an eye toward bettering her position and eliminating the discrimination which confronts her.

We must, for example, determine statistically exactly what roles women currently occupy and how these roles compare with men. Additional comparisons should be made concerning the effectiveness with which women perform the duties currently assigned to them. Promotion and pay policies should also be studied carefully.

That is particularly appropriate now that we have a proposal in both the House version and the Senate version of the bill for significant pay increases.

There are evidences of discrimination against women concerning the question of promotions. A U.S. Navy nurse who had been commended by President Nixon for her intense dedication, who had received the Navy Achievement Award, and who was credited with saving 110,000 man-hours of labor and $586,000 in tax dollars during an 18-month period was passed over for promotion twice and must, by law, be separated from the service.

This example is certainly cause for concern, and I expect there are similiar examples one can find concerning the discrimination women confront.

In most sectors of our society we have been reluctant to deal with the basic question of true equality of opportunity for women as well as the question of equal pay for equal work. From some of the evidence that exists it appears that such is true in the military as well. The study will hopefully document or refute this assumption.

In addition, the study should also look into the roles that women assume in the military in other countries. Women, for example, occupy a far different role in Israel than they do here in the Armed Forces.

I must make it clear, however, that I am not advocating the drafting of women. I am not advocating the drafting of men, either, for that matter.

As Senators know, I am opposed to the concept of conscription for men or women since I consider that concept to be antithetical to our democratic system.

Concerning the conscription of women, furthermore, it would be well to keep in mind the words of Dr. Martha Horner of Harvard University. Dr. Horner, when commenting upon the possibility of inducting women stated that—

> Whatever needs to be done, women can do, and it is wrong to hold them back. Still, in my mind, it is as silly for a woman to put on a uniform and fight as it is a man.

The overall goal of the study will be to provide the most effective manpower—and womanpower—for this country while we continue to move toward the eventual goal of an all-volunteer military.

In testimony before the House Armed Services Committee on this subject it was stated that women could probably be utilized effectively in such areas as administration, medicine, and logistics among others. Let us study such possibilities and recommend ways of implementing them if they are feasible.

One of the major arguments in favor of a volunteer army is that we must provide increased incentives and inducements so that the military will attract trained and talented women and men to its services. We must therefore recommend ways of achieving this goal and improving the status of women for this reason as well as in the interests of equity and women's rights.

Mr. President, if this study leads to more effective use of womanpower in the armed services, plainly there will be, then more women volunteering if there are greater opportunities for promotion and for better pay, and that will reduce the reliance upon the draft to conscript men when there are alleged manpower needs. That makes this matter very relevant to the bill we are considering.

Mr. STENNIS. Mr. President, on my own time, I first wish to express my appreciation to the Senator from California for his work on this amendment. I do not discount some of the points he makes.

However, we are operating now under rule XXII of the Senate, and as far as this amendment, relating to womanpower or to women, is concerned, the bill itself does not include women in any way, Mr. President.

I refer to section 2 of rule XXII, particularly that sentence which reads:

> No dilatory motion, or dilatory amendment, not germane shall be in order.

I make the point of order, Mr. President, that under rule XXII, and especially its strict interpretation, this amendment is really not germane to the bill.

The PRESIDING OFFICER (Mr. ALLEN). The point made by the Senator from Mississippi is well taken. The amendment is not in order. The Chair will state to the Senator from California that had the amendment been called up prior to the application of cloture, it would have been in order, but, operating as we now are under rule XXII, cloture having been applied, all amendments must be germane. That rule did not apply prior to the application of cloture.

The amendment is not in order.

Mr. CRANSTON. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. Very well.

Mr. CRANSTON. Mr. President, is a brief statement of my reasons for appealing in order?

The PRESIDING OFFICER. Does the Senator wish to use his time for the appeal from the ruling of the Chair?

Mr. CRANSTON. Very briefly, yes.

The PRESIDING OFFICER. Very well.

Mr. CRANSTON. I call the attention of the Chair to page 34, line 19 of the bill, which states:

> Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof—

et cetera.

The purpose of my amendment is to explore the matter of discrimination against women in the Armed Forces, to ascertain whether or not that is occurring, and there is considerable evidence that it is—I have already cited some—and then to deal with that problem in its exact state, as we discover that state.

I call the attention of the Chair also to page 30, line 21, where there is a reference to the matter of sex in connection with the Armed Forces, which makes it plain that this does relate to a matter that is contained in the bill.

The PRESIDING OFFICER. The Chair will state to the Members of the Senate the ruling that has been made.

The Senator from California has called up at this time amendment No. 211, having to do with a study regarding to the utilization of women in the Armed Forces of the United States. The Senator from Mississippi has made the point of order that this amendment is not in order because it is not germane to the provisions of the bill, inasmuch as the bill makes no reference to the use of women in the Armed Forces.

The Senator from Mississippi called attention to that fact, and quoted from rule 22.2, and the Chair used that rule as the basis of his ruling that after the application of cloture, all amendments must be germane under rule 22.

The Chair, therefore, has ruled that the amendment is not in order, and the Senator from California has appealed the ruling of the Chair.

The question, then, is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CRANSTON. Mr. President, the Senator from California requests the Chair, he having summarized the argument of the Senator from Mississippi, to restate also my comment citing applicable provisions of the bill.

The PRESIDING OFFICER. What is the Senator's request?

Mr. CRANSTON. I simply request the Chair, if I may, to comment on the provisions in the bill, which, as I have pointed out, relate to the very matter that the Chair stated is not in the bill.

The PRESIDING OFFICER. The Chair has stated the point of order involved. The Senator from California made his argument, and the question, then, is, Shall the decision of the Chair stand as the judgment of the Senate (putting the question)?

It appears to the Chair that the "yeas" have it. The "yeas" do have it, and the ruling of the Chair shall stand as the ruling of the Senate.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time consumed with respect to the unanimous-consent request I am about to propose not be charged to any Senator, under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONTINUING APPROPRIATIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader—after consultations with the distinguished assistant Republican leader, the distinguished chairman of the Appropriations Committee, and the distinguished ranking minority member of that committee—to propound the following unanimous-consent request:

That debate on the resolution continuing appropriations beyond the end of the fiscal year be limited to 4 hours, the time to be equally divided between the chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), and the ranking minority member of that committee, the Senator from North Dakota (Mr. YOUNG); provided further, that time on each amendment thereto be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the resolution, Mr. ELLENDER; provided further, that time on any amendment to an amendment be limited to 30 minutes, equally divided between and controlled by the mover of the amendment in the second degree and the manager of the resolution, Mr. ELLENDER; ordered further, that the continuing resolution be considered on Tuesday next, and that rule XXII be waived.

The PRESIDING OFFICER. Would the Senator request also the time for the start of the limitation of time? The Chair does not believe that was included in the request.

Mr. BYRD of West Virginia. I thank the Chair, but it is not the intention at this time to schedule a particular hour on Tuesday.

The PRESIDING OFFICER. Would it be, then, on the laying before the Senate of the resolution as the pending business?

Mr. BYRD of West Virginia. Yes. Time would begin to run upon the laying before the Senate of the resolution by the Chair.

The PRESIDING OFFICER (Mr. ALLEN). Will the time for amendments to amendments come out of the 4 hours or would that be in addition?

Mr. BYRD of West Virginia. Again I thank the Chair. It was the intent of the Senator from West Virginia to ask that time on amendments come out of the time allotted on the continuing resolution. Moreover, that Senators in control of the time on the continuing resolution may allot time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table. I so request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair and I thank the assistant Republican leader.

The unanimous-consent agreement reads as follows:

*Ordered*, That during the consideration of the continuing resolution on appropriations for 1972 (H.J. Res. 742), on Tuesday, June 29, 1971, time for debate thereon shall be limited to 4 hours to be equally divided and controlled by the Senator from Louisiana (Mr. Ellender) and the Senator from North Dakota (Mr. Young). Provided, however, that any amendment to the joint resolution shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the resolution (Mr. Ellender) and time for debate on amendments to amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the joint resolution. But, time for debate on all amendments shall come out of the 4 hours.

*Provided further*, That the Senators in control of the time on the joint resolution may allot time therefrom to any Senator or any amendment, motion, or appeal with the exception of a motion to lay on the table.

## SENATE TREATMENT OF DOCUMENTS TO BE RECEIVED FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, with respect to the volumes to be sent to the Senate by the President of the United States directed to the distinguished President pro tempore, the senior Senator from Louisiana (Mr. ELLENDER), to be turned over to the joint leadership at the appropriate time, I ask unanimous consent that when that message, in whatever form it may be, is received, it be held at the desk, and that pending the final disposition of the Senate and under the joint jurisdiction of the joint leadership and the President pro tempore of the Senate, the senior Senator from Louisiana, the documents be stored in a place considered appropriate by the aforementioned officers of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, as chairman of one of the committees that is involved with respect to the subject matter of these papers, the Senator from Montana conferred with the Senator from Maine and me about this matter yesterday and we have had conversations this morning, and I have conferred again with the Senator from Maine. Even though we have not had a chance to talk to the full committee I understand that these papers that are coming to the President pro tempore are classified in the present state and will be available to be seen only by the membership. As chairman of that committee I would welcome the chance for the joint leadership to be responsible for them and to take over custodianship for the Senate.

As I understand, the membership would have access to them if they wish.

Mr. MANSFIELD. That is correct, on a confidential basis, wherever they may be, without the taking of notes, and without taking any of the documents out of the place in which they happen to be in custody.

Mr. STENNIS. Yes. That applies to the membership of the Committee on Armed Services. I think it is better to have them in a central location and that someone else be responsible for the care and custody.

Mr. MANSFIELD. That would be pending final disposition of the Senate; and all Senators will be treated on the same basis—all Senators.

Mr. STENNIS. I thank the leadership for being willing to assume this responsibility.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

### AMENDMENT NO. 224

Mr. CRANSTON. Mr. President, on behalf of myself and my good friend, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), I call up amendment No. 224 and ask that it be stated.

The PRESIDING OFFICER (Mr. CHILES). The amendment will be stated.

The legislative clerk read as follows:

H.R. 6531

On page 27, between lines 21 and 22, insert the following:

"(21) The first sentence of section 6(j) is amended by inserting 'induction or to' immediately after 'subject to'."

Renumber the succeeding paragraphs of section 1(a) of the bill accordingly.

Mr. SCHWEIKER. Mr. President, as principal cosponsor of this amendment, along with the distinguished Senator from California (Mr. CRANSTON), I am very much concerned about the implications of the recent Supreme Court decision that affects this area.

In fact, as many as 6,000 men may be facing imprisonment because of a recent Supreme Court misinterpretation of Congressional intent. On April 12, 1971, the Supreme Court decided by a 6 to 3 vote the case of Ehlert against United States. The Court held that conscientious objectors may be denied consideration of their claims to exemption from military services unless they filed their claims before they are ordered to report for induction into the Armed Forces. According to the Court, men who do not realize that they are conscientious objectors until they receive induction orders must accept induction and should then apply to the Armed Forces for discharges as conscientious objectors. The Selective Service System is carrying out this new policy: National Headquarters has informed all local boards that—

> Claims for (conscientious objector status) received by the local board after mailing of the Order to Report for Induction . . . may not be considered.

The Congress has provided, in section 6(j) of the Military Selective Service Act, for two types of exemptions for conscientious objectors to war. The I–A–O classification exempts a man from combatant military training and service, but requires him to serve 2 years in the military without weapons—usually in the Army Medical Corps. The I–O classification exempts a man from all military service, but requires him to perform 2 years of approved civilian service—usually in a hospital—as an alternative to induction. About 4,000 I–A–O conscientious objectors are now serving in the Army Medical Corps, and about 10,000 I–O conscientious objectors are now performing civilian service.

Each month, about 10,000 men apply for conscientious objector status. Several hundred of these men file their claims after they are ordered to report for induction. Obviously, a man is better off if he can apply earlier, since draft boards now cannot consider post-induction-order CO claims.

But few young men know what the draft law says about conscientious objection. Many draft-age men, especially those without college educations, wrongly believe that conscientious objection is never legal, or that only Quakers can qualify, or that the proper way to apply for CO status is to present the claim to the Army at the induction center. Many men—especially poorly educated CO's and those from minority groups—wait and file so-called "late" claims, which the Supreme Court has now decided need not be considered by Selective Service.

The Supreme Court based its ruling on a singular interpretation of the Selective Service Act. The majority held that—

> the only unconditional right conferred by statute upon conscientious objectors is (I–A–O) exemption from *combatant* training and service.

They decided that Congress did not confer an equal right to I–O exemption from noncombatant service in the Armed Forces, because:

> The right to civilian service "in lieu of . . . induction" arises only if a registrant's "claim is sustained by the local board."

According to this interpretation of the law, a CO may be required to accept induction and submit his claim to military noncombatant military duty while the authorities since he is to be placed in claim is pending. Since many men profess beliefs which preclude any participation in the Armed Forces, this requirement makes men violate their beliefs in order to get a ruling on their sincerity. That was not the intent of Congress.

I am deeply disturbed by the second-class status which the Supreme Court has accorded to I–O conscientious objectors. The Congress must clarify and preserve what has always been its intent—equality of I–A–O and I–O rights. A simple change in the language of the first sentence of section 6(j) of the act will suffice. The pending amendment adds the words "to induction or" in the first sentence so that it reads:

> Nothing contained in this title shall be construed to require any person to be subject *to induction or* to combatant training and service in the Armed Forces of the United States who, by reason of religious training, and belief, is conscientiously opposed to participation in war in any form.

The Supreme Court opinion, unfortunately, overlooked and consequently distorted the long-standing intent of Congress that I–O conscientious objectors must be treated as civilians and are not to be subjected to military jurisdiction. The history of this policy of civilian treatment is impressive.

Congress has long respected the right of conscientious objection to all military service. The present language of the draft act, providing for exemption of conscientious objectors from even noncombatant duty in the Armed Forces, was proposed by the Quakers in 1940 precisely to prohibit their induction under military authority as had been tried in World War I. In that war, all CO's had been inducted—a man was considered inducted automatically when the order was issued—and many were court-martialed and imprisoned for refusing to perform noncombatant military duties. Provisions for civilian conscientious objection under the law in the Second World War worked far better than the earlier system of inducting all CO's.

As the legislative history reveals, the decision to guarantee civilian treatment of I–O conscientious objectors was reaffirmed in 1948 when Congress specifically rejected a proposal that such objectors be inducted as noncombatants should they not cooperate in civilian duties. Furthermore, in 1967, the House Armed Services Committee—of which I was then a member when I served in the other body—proposed an amendment to the CO provision of the draft act which would have required the induction of all conscientious objectors into the Armed Forces and their subsequent furlough into civilian work—the very thing that the Supreme Court by its ruling is now saying—if they were opposed to noncombatant training and service. This proposal was rejected on the floor of the House when I pointed out that Quakers, Mennonites, Brethren, and others sincerely opposed to noncombatant as well as combatant service in the Armed Forces would be forced to refuse such induction under military authority. Thus the present language of section 6(j) was an amendment offered by Congressman L. Mendel Rivers, as a result of my consultation with him, in order to insure the continued exemption of conscientious objectors from induction if they were opposed to noncombatant military service.

In essence, the Court ruling reverses this clear intent of Congress. In essence it forces historic peace churches such as Mennonites, Amish, and Brethren to go to jail rather than to submit to the late procedure that will now be brought by the draft boards because the Supreme Court misinterpreted our very clear intent.

The Ehlert decision not only neglected congressional intent, but decreed a new administrative procedure by which the military takes over the classification function of the Selective Service System. Although the Supreme Court may not have been informed of this fact, the historical administrative practice of the Selective Service System—undoubtedly following legislative intent—had been to permit a post-induction-order CO at least a hearing on his claim by the members of his civilian local board. Now, for the first time, he is precluded from any consideration by Selective Service.

Organizations with long histories of providing counseling for conscientious objectors, can predict certain results of the Ehlert decision if Congress does not act.

Noncooperation among sincere conscientious objectors, many from "peace churches," will surely spread if the injustices of the draft stand—especially when relatively well-educated, more privileged, traditional CO's see less educated, often confused, "late" CO's denied any consideration.

If many post-induction-order CO's use the Supreme Court's procedure, Ehlert will shift much of the burden of deciding CO claims to the Army, since according to the Supreme Court, "the late crystallizer—must have—a full opportunity to obtain a determination on the merits of his claim." In the military, men with CO discharge applications pending must be trained separately, given special duties not involving weapons, provided hearings and interviews. During this process, lasting weeks or months, the Army will hardly benefit from these men, many of whom will be discharged before their training is over. And if past experience is a guide, those denied discharge will eventually refuse orders and face courts martial and stockades—so from these also the Army will gain little for its trouble and expense.

Likewise, the Justice Department and the courts will be burdened by large numbers of petitions of writs of habeas corpus filed by CO's in the military.

The "late" CO's themselves will be most burdened. Many must face three choices: Refusal of induction with a high chance of imprisonment, permanent emigration, or acceptance of induction. I might say that the Amish men, the Mennonites, and the Quakers have no choice, if they are put into this position, other than to violate the basic tenet of their faith. Though most late applicants for I–A–O status will accept induction and pursue their claims in the Army, many late applicants for I–O status believe accepting induction—even solely to file a discharge application—would be a violation of their conscientious convictions. If induction is unacceptable to these men, they must face either prison or expatriation. We estimate that some 6,000 men with pending claims are now in this position, and a few hundred more join the group each month. This is a small number compared to the size of the military or of draft calls.

If Congress accepts the proposed amendment, these "late" CO's would again be allowed hearings and appeals through their draft boards. Those judged sincere could perform the required civilian service, while those judged insincere, after completing Selective Service procedures—which usually only take a few months, but which could even be designed by Selective Service to take only a few weeks—would again face the choice of accepting or refusing induction. However, those who then accepted induction could not trouble the military by seeking discharge as CO's, since they would already have received the required consideration of their claims. Approval of the amendment would relieve the Defense Department of a heavy burden, imposing a modest burden on the Nation's 4,100 draft boards, one which they can easily handle using normal procedures. Even if there is some increase in such claims, the expectation of lowered draft calls should make the task bearable. I urge my colleagues to adopt this amendment.

Mr. STENNIS. Mr. President, I yield myself 5 minutes or so much thereof as I may use.

Mr. President, if I may have the attention of the Senate, quite briefly the committee went into the whole question of conscientious objectors very fully. We reviewed the present law, and we reviewed the present Supreme Court decisions and the various motions before the committee and amendments and so forth. Only after the utmost consideration did we decide that we would leave the law as it was. We would not try to change the Supreme Court decision. We would not try to interpret it in an amendment, but would just leave the established legislative part and the established judicial part alone. This is only a 2-year bill anyway. One of the recent court decisions was on April 27, I believe, and this amendment was not before the committee. However, no one caught this. This decision had not been rendered. So, if we go into this amendment on a bill that will last only 2 years, according to its terms, there is hardly time to get a reinterpretation or an interpretation of new legislative language.

The effect of this language, though, could be to reverse the recent Supreme Court decision of Elliott against the United States. That is the one that I just referred to. That decision held that claims for conscientious objector which were stated only after an induction order was received—and I repeat that for emphasis with all deference—that claims of conscientious objectors which were stated only after an induction order was received need not be heard by the Selective Service Board. Those claims may be heard within the armed services.

That is the Court holding, not mine. But I do think that under the facts that opinion is sound and should not be reversed and should not be disturbed here by this amendment.

There is some dictum in that opinion to the effect that some conscientious objectors who proceed to go into the armed services as medical personnel have a higher status than other conscientious objectors who work in civilian hospitals and similar institutions.

I believe that once a man is found to be a conscientious objector, there are proper procedures. That is the end of the matter.

The statute in section 6(j) states that a conscientious objector who is opposed to noncombatant service "shall be ordered to perform civilian work."

This is not a weaker right than the right given to those who proceed to serve in the Armed Forces as medics, for instance. But this Congress cannot really stop to reverse every dictum—not the decision, but the dictum—that the judge who wrote the opinion might put in it in passing. It is no sin to have some dictum in there. I am not attacking that. But it is not law. It is not controlling. It is not binding. I refer to the point the dictum covers. We cannot go around and reverse all the dicta.

Mr. President, this law will receive only 2 years of life. I do not speak of conscientious objectors in any disparaging way, if they are honest; I am in sympathy with them. But we cannot reverse all of this dictum and especially we should not allow some men to discover after they receive their induction notice that they are conscientious objectors. I say that with all deference.

Mr. President, I hope the amendment is rejected.

Mr. ERVIN. Mr. President, will the Senator yield for a question on my time?

Mr. STENNIS. I yield.

Mr. ERVIN. Mr. President, I wish to ask the Senator if it would not be impossible to operate the Government of the United States or the government of any State or the government of any political subdivision in a State without having certain specified time limits for certain claims.

Mr. STENNIS. The Senator is correct. This is a very fair method and it is extremely liberal.

Mr. ERVIN. Does the Senator from Mississippi agree with the Senator from North Carolina that it would not be an exaggeration to say we have literally thousands of time limits for the assertions of claims?

Mr. STENNIS. Yes.

Mr. ERVIN. In other words, we have statutes of limitations within which a suit can be brought.

Mr. STENNIS. Yes.

Mr. ERVIN. We have provisions of law fixing the time for filing complaints, answering complaints, the time for the trial of cases; and it would be impossible for society to function without having time limitations within which claims must be filed.

Mr. STENNIS. The Senator is correct. Life is filled with limitations on time.

Mr. ERVIN. Does the Senator agree that during all this agitation we had about conscientious objectors and the draft, it is highly improbable that a single human being who exists anywhere in the United States is so deprived of intelligence that he does not know of the right of the conscientious objector to file his claim, or does not have the means to determine when that claim should be filed?

Mr. STENNIS. I agree with the Senator. It is so much a part of our life now that it is on the minds of parents, sisters, and brothers of the person in question. It can hardly happen.

Mr. ERVIN. Would not this amendment open the door to permit a man who had claimed an exemption on other grounds, after his claims are denied, to discover for the first time, perhaps, that he has a conscientious objection to serving in the military forces? It would open that door, would it not?

Mr. STENNIS. The Senator is correct. The rule we are adopting here would apply to the just and the unjust.

Mr. ERVIN. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator on his time.

Mr. GOLDWATER. Mr. President, this year the Committee on Armed Services held very extensive hearings on the question of the draft. There were over 75 individuals representing over 50 organizations who testified, and that testimony filled a rather thick volume of 750 pages.

I was impressed during the course of these hearings with the fact that the biggest complaint against the draft law was in the field of the conscientious objector. I am sure the chairman of the committee will remember that we discussed this subject at great length. We tried to devise language that would be satisfactory in defining what a conscientious objection is and in laying some ground rules.

We even invited a number of highly competent witnesses—I remember one Lutheran minister who I thought was most knowledgeable in that field—to submit language, but to my knowledge we were never able to get language that would satisfactorily solve this very vexing problem.

My personal feeling in this matter, with all respect to my friend, the distinguished Senator from Pennsylvania, is that there is no way we can legislate the problem of the conscientious objector. I feel this for personal reasons. On a number of occasions I have had to present testimony to draft boards concerning young men whom I knew, and knew to be conscientiously objecting to war, whose families before them had done so, and I was rather amazed to find that the weakness in this whole subject of the conscientious objector is to be found in the draft board itself.

I found men who really did not know what conscientious meant. I found men conscientiously opposed to conscientious objectors.

I think the way to attack this problem and to solve it satisfactorily so that the young man who honestly opposes war—and I think his feelings have to be respected; and there are people in this country who oppose war on religious and moral grounds—is through more careful use of draft boards. I do not like to lay down rules for draft boards, but certainly they should be men who understand there are people in this country who conscientiously oppose war for religious or moral reasons, and that these people should be granted deferments; and they should be able to detect a person who is a phony.

I think the failure of the committee to reach any language in this bill on this matter which, by far, received the greatest amount of testimony indicates this amendment would not solve the problem and probably would get us into more trouble.

Mr. STENNIS. I thank the Senator for his comments.

Mr. GOLDWATER. Mr. President, I yield the floor.

Mr. SCHWEIKER. Mr. President, I would like to focus on the issue. I do not think the Senator from Arizona really has clearly understood exactly what the issue here is. The issue here is not to broaden the CO definition in any way. My amendment does not say we will have *x* amount or more CO's allowed to be CO's under our system. It does not, in essence, change the earlier Supreme Court interpretation of just what a CO is. So there is no broadening of CO's. There is no opening of the door as to who is qualified to be a CO and who is not qualified to be a CO.

The issue here is simply this: The latest Supreme Court decision which, as the distinguished chairman of the committee pointed out, was not available when we discussed this in committee or we would have brought it up in committee, reverses what Congress has been saying, in effect, since World War II.

The Supreme Court ruled in April of this year by dictum, but the effect is the same because selective service follows this policy. By dictum the Supreme Court has reversed the intent of Congress of when a CO is a CO, ever since World War II.

In World War II we sent a lot of Mennonites and Amish to jail, and now we are going to do it again. We made a mistake in World War I and we are about to jump into that pool again and bring in members of church groups who are obviously conscientious objectors. They were degraded and sent to jail in World War I. We are turning the clock back to 1917. We are totally reversing the intent of Congress.

I would like to repeat what the intent of Congress was in 1948. We made it very clear we would not do this kind of thing; that they would be given a judgment before they were inducted. That was the intent of the law in 1948 and that is what was practiced in World War II.

Then, through inadvertence, the issue came up in 1967 when I was a member of the Committee on Armed Forces in the other body. At that time I pointed out the same situation. Chairman Mendel Rivers agreed and offered an amendment on the floor that would do exactly what my amendment would do now, which the Supreme Court has undone.

All we are saying is that a man has a right to be judged as a conscientious objector before he gets into the service instead of after he gets into the service.

That is the issue: Shall he be adjudged before or after? It makes a tremendous difference to a Pennsylvania Dutchman who belongs to the Amish, Mennonite, or Brethren sect who believes that he cannot be inducted under any circumstances and therefore his only recourse to conscience is that he has to go to jail, because as soon as he steps forward, as they do in the induction procedure, and raises his hand to take an oath, he is violating his religion. That is the issue.

Do we make the Mennonite or Amish or Brethren choose between his religion and his country? Why put him through that? Why do that? We are talking about a handful of men. We are talking about a few thousand. We learned the hard way in World War I, when some of our good Pennsylvania Dutch citizens went to jail. Why do this for the sake of a few thousand men? That is the course we are embarked upon because the Supreme Court has reversed the will of the Congress by its dictum, so it has the effect of law.

We are turning the clock back to 1917. The issue is not, Do we open up the CO status to thousands and hundreds of others who will take advantage of it? That is not the issue at all. All we are saying is, Does the CO have a right to be adjudged a CO before or after he is inducted?

It makes a tremendous difference to a Pennsylvania Dutchman or to any person who is a member of the Amish, Mennonite, or Brethern faith when that decision is made. It makes the difference between living with his faith and going to jail. In essence, if we do not correct that inequity, we are going back to World War I status and making such an individual go to jail until his case is heard.

Why in the world go through that when we learned in World War I that that was what we were doing, when in 1948 Congress reversed that course, and again, in 1967 through an amendment introduced by the late L. Mendel Rivers, and which has been the practice up to April 1 of this year,

If I had had an opportunity to appear before the committee, I would gladly have offered this proposal, and I think, frankly, under the circumstances, the committee would have favorably considered it. So let us not exclude it now because it is a little late. We have no control over when the Supreme Court decides an issue, but it has clearly reversed the intent of Congress.

I hope we will remember the issue is not broadening the CO objection; it simply is saying when a CO has the right to determined whether he is a CO. We would be making people who came to this country for religious reasons criminals when we say they have to be inducted. That is the issue. I hope Senators will keep it in mind.

I yield the floor.

Mr. CRANSTON. Mr. President, usually I can understand the basis of opposition to various proposals that are made in this Chamber. Frankly, I simply cannot understand the opposition to this amendment, given the history, the efforts in the House over many years to establish the principle that this amendment would reestablish, the position taken in writing the draft way back in 1940, which is totally consistent with what we are proposing here. It is totally consistent with the amendment offered by L. Mendel Rivers in the House more recently.

It is completely consistent with the position that this amendment would place back into the law after the incredible ruling of the Supreme Court. It is totally consistent with the concept that there is no belief in this Chamber or in the country that those whose religious principles persuade them that they should not engage in the Armed Forces in any way, shape, or manner should not be exempt from service in the Armed Forces.

There are differences in this Chamber and in the other Chamber and in the country over the right of individuals to claim conscientious objector status for reasons that are not based upon religious beliefs, concepts, and principles; but to insist that a young man whose religious training tells him that he should not serve in the Armed Forces, must first accept induction in the Armed Forces before he can find out whether he is entitled to a conscientious objector status, is totally contrary to all the principles upon which this country has been founded and which have guided this country until only quite recently.

It is not a few people we are talking about. As many as 6,000 young men, including somewhere between 1,500 and 2,000 who reside in my State of California, may very well be facing imprisonment right now because of a recent Supreme Court decision, the decision described by my good friend from Pennsylvania, holding that conscientious objectors may be denied consideration of their claims for exemption from military service unless they file their claims before they are ordered to report for induction into the Armed Forces.

Each month about 10,000 men apply for CO status. Several hundred of them file their claims after they are ordered to report for induction. They do so very often because they misunderstand the regulations applicable to a CO status. Many of them believe they cannot claim a CO status until they report for induction. They believe they can go down to the local draft board and say when they go there, "I, for religious principles or for other reasons, believe that I am entitled to a conscientious objector status."

To ask those men to report for induction, to be inducted, and thus to participate in a system which is anathema to many of them, based upon religious principles, and then to have to go before a military board, is totally unfair and totally unjust.

I believe we should afford these young men the same rights that are provided to those who claim conscientious objector status prior to induction, those who recognize exactly how the present law works and who are aware of it and take that step before the time when they are called.

There are many who simply have not thought it through, who are misinformed, or who do not understand they can only do it before they are called.

I do not believe we should penalize them to the extent of placing them in prisons, in so many cases, and prejudging and prejudicing their claims simply because they applied after receiving their notice.

I would like to describe one case that has just come to my attention that dramatizes in a heartbreaking way how the present system works and the way it will continue to work unless we are successful with this amendment.

I am informed of a case of a young man who claimed conscientious objector status after receiving notice to report for induction. His local board had refused to consider his claim. He refused induction, and so he could not appeal to the military board.

The Supreme Court refused to hear his case. This young man is currently serving an unusually stiff sentence of 3 years in a Federal penitentiary. That, to me, is shocking and outrageous.

The congressional background of action in the House on this matter, of action in the entire Congress on this matter, the understanding of Congress when it wrote the present law, the leadership which the late Mendel Rivers provided in the direction this amendment would carry us once again, his willingness to take the time to consider this matter, I believe point up a crucial concept which our amendment would clarify. In the interest of justice, the Senate should agree to this amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to yield 5 minutes of my time to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, this is a very complicated matter. There is no "yes" or "no" answer perhaps anywhere to this problem. Certainly, it is a very difficult matter to work out on the floor of the Senate and then have Senators come in, not fully advised of what the situation is, and vote.

So, after conference with other Senators, I am willing that we take this amendment to conference to see what can be worked out to take care of an honest case such as the Senators from Pennsylvania and California have described, but, at the same time, not just open the doors and let everyone go through the gap.

If we can work out something on that basis, I would support it in conference to that end and to that extent—and gladly. But I would not want to be mandated or hidebound to push for this and nothing else with nothing left. And so, in that spirit and with that understanding, I am willing that we pass this by a voice vote and try to follow it in conference along those lines.

Mr. CRANSTON. I thank the distinguished chairman of the committee for his approach to the delicate problem. It is most gracious of him. I am grateful to him for his willingness to consider what can be done to ensure that justice is provided for our young men, that concerns Senators, including myself, in a way that will not, as the Senator from Mississippi says, open the doors. We do not intend to open the doors.

With the understanding that that will be his position in conference on this matter, I ask unanimous consent that the request for the yeas and nays on this amendment be withdrawn.

The PRESIDING OFFICER (Mr. CHILES). Without objection it is so ordered.

Mr. SCHWEIKER. Mr. President, I want to thank the distinguished chairman of the committee for his fair-minded approach. This is a fair way to proceed. Equity will be served by considering this matter in conference.

Mr. STENNIS. I thank each Senator for his comments.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment No. 224 of the Senator from California (Mr. CRANSTON).

The amendment was agreed to.

AMENDMENT NO. 99

Mr. CRANSTON. Mr. President, I call up my amendment 99 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> On page 33, between lines 13 and 14, insert the following:
>
> (33) Section 17(c) is further amended by striking out ", except persons now or hereafter deferred under section 6 of this title after the basis for such deferment ceases to exist".

Mr. CRANSTON. Mr. President, countless Americans of draft age, and a few Senators and Representatives, have assumed that when the draft law expires, the power to draft young men will end.

Frankly, when this debate began, I labored under that impression. Then I found out otherwise, that that is not the case.

If, as the pending measure provides, the draft law is extended until June 30, 1973, but is not renewed at that time, the President will still have authority to draft millions of Americans for many, many years.

The President, under present law, no matter who the President is at that time, would have broad powers to terminate deferments held then by millions of young Americans. He would have the power to proceed to induct them. He would be able, also, merely to wait until their deferments expired—student deferments, for example, 400,000 of which expire every June when they graduate from college.

I believe that the decision: to draft or not to draft, should rest with Congress.

I believe that there are many Members of Congress who share that feeling, that this is not something, which has been abdicated for so long a period of time, in which the fate of so many millions of young Americans is left to the Chief Executive.

If, 2 years from now we are—God forbid—still fighting in Vietnam, and we can extend this right to draft, if that is the will of Congress, the pending amendment, however, which I have just called up, would end the blank check authority that presently is in the hands of the President.

This amendment relates to men who hold deferments for all sorts of reasons—educational, dependency, and otherwise—who can be classified and inducted at any time their deferments run out, or at any time the President chooses to exercise the authority that would be in his hands to cancel a great many of these deferments. If this were applied at the present time, it would relate to 1,378,000 deferred students, and this June there would be 400,000 whose deferments would run out.

However, my amendment, obviously, in the present bill with its present language, is something that would take effect 2 years from now, under this law, when the draft law would terminate unless renewed at that time.

Section 17 (c) of the draft law states:

> No person shall be inducted for training and service in the Armed Forces after July 1, 1971—

Now extended to July 1, 1973—

> Except persons now or hereafter deferred under section 6 of the title if the basis for such deferment ceases to exist.

It is that section in particular, which

reaches those people, that this amendment is designed to change, as of the time when the draft law expires under present law, July 1, 2 years hence.

Just to give the figures of the number of young Americans who will be affected presently—and the number would be roughly the same 2 years hence, when this amendment would take effect—5,724,000 men hold deferments under section 6 and would still be vulnerable to the draft, were it not renewed.

This does not include those raising families and others with hardship deferments—1,378,000 students, 327,000 men who still hold occupational deferments, and 19,000 with agricultural deferments.

If we do not take this authority away from the President, we will leave future Presidents with a vast pool of manpower that they can ship to Southeast Asia or anywhere else in the world without asking for that approval from Congress.

That unlimited presidential power has been a source of much of the present problems we face. I believe that we would not be in Vietnam today if the President some years back had had to come to Congress to get the power to draft young men and get a man pool so readily available to him under the draft law. There also would not have been any Gulf of Tonkin resolution.

Mr. DOMINICK. Mr. President, will the Senator from California yield for a question?

Mr. CRANSTON. I am delighted to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, it is my understanding that if we are lucky, we might get a bill on this sometime around July 15, according to the rumors I have heard around here, which means that the draft already expires June 30, something which I forecast last year.

My question is this: If this amendment is put in, this means between the time the draft will expire and the time we might possibly pass a bill of some kind, that the existing people who are under deferments will be subject to the draft, because under the terms of the deferments, they are eligible until 36. Under this amendment, is it not true, therefore, that we would only be applying to the elimination of that obligation those that have been undertaken after 1973, thereby creating a class distinction between those who will be subject to the draft by virtue of the filibuster that has been going on in this body and those who would ordinarily be subject to the draft even after it expired in 1973, which you would not now cut off? Is that correct?

Mr. CRANSTON. I do not quite understand the Senator's question. The Senator knows that my amendment would not become law, if it is adopted, until the pending measure becomes law. Therefore, if the draft law is not renewed after June 30 next week, the President will have the power to grab people whose deferments have run out after July 1, so that people who already hold deferments could be drafted.

Therefore, this amendment has no effect on the present power of the President to draft after next Wednesday at midnight. This is actually where he could get some manpower, if he wishes, from the presently deferred people, until and if the draft law is reconstituted.

Mr. DOMINICK. I thank the Senator from California very much. That would create two classes.

Mr. CRANSTON. At the present time there are two classes—those who are deferred and those who are not. This would mean that from 1973 on, for perhaps 15 years, there would be a class of Americans to whom the draft law would pertain. They could be called from their schools, their homes, or their jobs by the President without any necessity for him to come to Congress for authority. To give that blanket authority to have a manpower pool with which to fight undeclared wars is the very situation that caused Congress to focus its attention on the draft laws that we are now seeking to focus on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, this is not a simple matter. It seems to me that the very justice of the situation is apparent.

The present draft law expires June 30 as to inductions. Those people who have been deferred under the Federal law will nevertheless still be subject to being called. There is nothing unfair about that, because they will already have been called, some of those that have not been deferred. However, they were given preferential treatment to some degree, while all the others stood in line and took their chances. There is no reflection on anyone in being deferred.

If the amendment is agreed to and the bill never becomes law, the amendment would never be effective. So, to that extent it would be a nullity.

Does the Senator from California propose if this amendment becomes law to excuse those who have been deferred, the men who are finishing college this year and have used up their college deferment? Would they be exempt under the amendment if the bill becomes law?

Mr. CRANSTON. They would not be.

Mr. STENNIS. Who would be then?

Mr. CRANSTON. Under the present law, and if the bill we are working on becomes law, any young Americans eligible for the draft can be drafted by the President and inducted by the draft board. If they do not have a deferment, it is automatic. If they do have deferments, when they lose the deferments, those either who leave school, graduate from college, their job situation changes, or their hardship situation changes, they can then be drafted if the President feels that he needs more men.

He has the authority under the present law to cancel millions of these deferments. All of that power would remain as it is until June 30, 1973, under this law. But under the law, if my amendment is adopted, when the draft law expires June 30, 1973, if it is not amended, the power to reach out into the future of the particular President at the time to draft any other Americans without asking Congress would die.

Mr. STENNIS. Mr. President, the Senator has made that clear. The amendment, if it becomes law, would not become effective until June 30, 1973.

Mr. CRANSTON. The Senator is correct.

Mr. STENNIS. Mr. President, my point is that there will be plenty of time to make the decision before then as to what to do with these deferees. The only fair thing to do is to treat them all alike and keep that same equality. Then, the next time the Selective Service extension is decided, that will be the time to decide what should be done to those who are left over.

I do not have any doubt that if they are not used, they will be excused from the possibility of service. I do not have any doubt about that. However, if we assume a lot of facts that have not as yet developed, and we do not know what they are, I submit that we are getting the cart before the horse.

I think we ought to continue to keep them all under the same law and have the same operation apply without dividing them up and classifying them and excusing them automatically.

Mr. CRANSTON. Mr. President, the Senator from California does not believe any draft law can be made fair. The draft law is inherently unfair. We have sought to make the draft laws more fair in some ways. However, the draft law cannot work fairly. I think that every Senator recognizes that.

The only issue is, Shall the President have the power everlasting, down through the years, to draft Americans without consulting Congress as to the international situation that he deems makes it necessary to draft those young men and send them to fight in foreign places.

If the Senator from Mississippi doubts that this authority should ever be used, why do we not make sure that he cannot do that without consulting Congress by agreeing to the amendment?

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending amendment, No. 99, offered by the distinguished Senator from California, Mr. CRANSTON, should be defeated.

It is designed to prevent the Government from calling to military service those persons who may have been deferred previously.

If the pending Selective Service Act should expire, the only way manpower needs could be met would be through the callup of men previously deferred.

Mr. President, I oppose this amendment on the grounds it would deny our Government the means to provide for the minimum manpower resources required to insure our Nation's security.

I urge the Senate to reject this amendment on the basis that it would serve as a device to strengthen the hand of those who favor the elimination of the draft for the next 2 years, and deny our Nation the needed manpower for the services.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? [Putting the question.]

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 99) of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, may we now have good order in the Senate so Senators can hear their names?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The assistant legislative clerk continued the call of the roll.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The clerk will not proceed until the Senate is in order.

The clerk may proceed.

The assistant legislative clerk continued the call of the roll.

Mr. BYRD of West Virginia. Mr. President, speaking for myself only, I cannot clearly hear the names called. I do not know whether I voted yet or not. I cannot ascertain it.

The PRESIDING OFFICER. The Senate will be in order. The well will be cleared.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Missouri (Mr. EAGLETON), the Senator from Montana (Mr. METCALF), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "yea."

Mr. GRIFFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. PROUTY) is detailed on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 29, nays 61, as follows:

[No. 123 Leg.]

YEAS—29

Bentsen
Burdick
Case
Church
Cooper
Cranston
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Mansfield
McGovern
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Schweiker
Stevenson
Williams

NAYS—61

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Packwood
Pearson
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—10

Bayh
Brooke
Byrd, Va.
Eagleton
Metcalf
Mundt
Prouty
Ribicoff
Saxbe
Scott

So Mr. CRANSTON's amendment (No. 99) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was not agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Is not that motion out of order under the cloture rule?

The PRESIDING OFFICER. No; the motion is in order.

Mr. THURMOND. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

### ENDING THE JOHNSON-M'NAMARA WAR

Mr. GOLDWATER. Mr. President, under the cloture rule voted by this body I am entitled to 1 hour's speaking time in which to make known my views on the various subjects raised in connection with the draft extension bill. I do not expect to use my full time but only so much of it as I feel is necessary to draw this complicated situation into its power perspective.

It all began, I am sure Senators know, with an attempt to use this bill as a vehicle for bringing about, or forcing I should say, the fixing of a date for the President for our complete and total withdrawal from Indochina.

I believe the whole effort was conceived politically and dedicated to the proposition that Richard M. Nixon should not receive the credit he deserves for winding down and moving to end the war in Vietnam.

Mr. President, I think it is time to say what we think on this issue. The fact of the matter is that President Nixon, with his Vietnamization policy and troop withdrawal rate, has undone about three-quarters of the military escalation that began with President Kennedy and hit its high mark under President Lyndon B. Johnson.

The fact of the matter is that our friends on the other side of the aisle would clearly like to make it appear that they have forced President Nixon to bring about an end of America's participation in Indochina. There is no other construction that we can place on the actions of the so-called doves in this Congress. If there ever was any doubt as to how and when the military escalation began in Vietnam it was ended with the theft, the peddling, and the subsequent publication of secret documents compiled under Defense Secretary Robert McNamara while he was in office.

These papers show that the first sizable number of troops were sent to Vietnam—I believe the precise number was 16,000—during the administration of the late President John F. Kennedy. What is not generally known is that although those troops were described as "advisers" they carried with them orders to shoot back if fired upon in the Vietnam theater of war. Jungle war being what it is, it was inevitable that these troops would become involved in fire fights with the enemy and that America's direct participation with ground forces would have begun.

Mr. President, perhaps I might be pardoned for pointing out that the papers printed by the New York Times and other newspapers disclose that the Johnson administration was busily planning a massive and costly buildup of military men and machines in Vietnam even during the political campaign during which I was cast in the dubious role as the only candidate that might want to escalate the war in Vietnam in order to produce a quick victory for the forces of freedom.

Mr. President, I realize that these papers further prove that administrations as far back as that of Harry Truman can be blamed for some degree of guilt, if such is the name for it, for getting us involved in the dirty, frustrating, heartbreaking conflict in Indochina. But I think we have to, when names are applied, call this one "The Johnson-McNamara War" even though hostilities had begun in the prior administration of President Kennedy, the amount of American forces committed were still small enough to make it nothing much more than a—you will pardon the expression—"police action." In addition, in the Kennedy administration the myth that our troops in Vietnam were advisers still held good. Therefore, we could have easily withdrawn those advisers on the pretext that nobody would take their advice.

This brings us down to the Johnson administration and the clever manipulations—the covert war and all the rest—that were cooked up by McNamara and approved by President Johnson. In these years began the longest, the costliest, the most unpopular and the least successful war in American history.

And of all the Presidents involved, only one—let me repeat and underscore only one—Richard M. Nixon—did anything but escalate; did anything but increase our commitment of men, money and machines to the war in Indochina. Only one President took it upon himself to reverse, to directly change the course of American participation in the Southeast Asian hostilities. Only one President began to get our men back from that useless conflict. Only one President succeeded in reducing rather than increasing the casualty rate among American fighting men. Only one President, in brief, has taken direct, deliberate and meaningful action to end the war and end the killings and end the expense of Vietnam.

Given this situation, Mr. President, is it any wonder that legislators of the dove variety—particularly those who belong to the political party that can claim credit for turning a police action into a full-scale, all-out war—are determined to make things appear different from what they are. Just recently, for example, the man widely credited with distributing Government secrets to which he had no right is quoted as charging that President Nixon is following the old pattern of escalation. Other anti-Nixon and anti-Defense lobbyists in this country have done their best to try and make people believe that a withdrawal of hundreds of thousands of American troops constitutes a widening of the war, just because some of those troops remaining were used to advise the South Vietnamese on operations in Laos and Cambodia.

I said it is time to call the shots the way they are. And I say this whole business in the Senate right now can be put down to an exercise in political gamesmanship aimed at the 1972 Presidential election. Our leftist friends, especially those who aspire to the position of Chief Executive on the Democratic ticket, are in this exercise right up to their necks. If this is not true, it is about time we ask—in light of the Pentagon papers recently published—just where were the doves when it really counted; where were the doves when President Kennedy was sending the first contingents of troops to Indochina; where were the doves when the Johnson administration was conducting a covert war and planning and executing a massive military escalation in Vietnam? The answer to that question and to many more cannot help but show that the majority of those bent on making President Nixon fix a date for total withdrawal from Vietnam are using the war, the prisoners of war and all the ramifications of that war for political purposes.

Mr. President, if this is not true, perhaps it is time to pose a number of questions such as:

Why did not the doves sponsor and publicize and push for the enactment of a resolution setting a deadline for President Johnson to halt the shipment of troops to Vietnam? Why did not the doves try to limit the President's war powers when they had a President who was using those war powers to arrange an excuse—the Gulf of Tonkin—to obtain congressional approval for unlimited military action in Vietnam? Why did not the doves hold up or attempt to erase the military draft in those days when a Democrat President was using the conscription law for purposes of escalation?

We might ask why the Senator from Massachusetts (Mr. KENNEDY) failed to denounce a Johnsonian policy leading to "war and more war" rather than reserving his charge for President Nixon's deescalating policy of Vietnamization. One wonders where Senator KENNEDY stood on the question of sending 16,000 military "advisers" to Vietnam when his brother held the position of Commander in Chief.

Mr. President, the questions along these lines are indeed endless if we are to be fair to the man the American people chose in 1968 to lead them out of this war—and if we are to be fair to the people of this country, especially those who made the heartbreaking sacrifice of sons killed in action—and if we are to be fair to our allies and to ourselves and to the honor of our Nation we have to ask questions. Some of them are embarrassing questions but they have a direct bearing. They are designed, at least in this instance, to unmask the propaganda campaign being pushed on many levels to make President Nixon look like a man determined to prolong this war. Let us get on to a few of these additional questions.

Why did not Clark Clifford, who served as General Counsel to President Truman, as President Johnson's closest personal adviser and later as President Johnson's Secretary of Defense, offer suggestions for obtaining the release of American prisoners when he held a position of authority or influence? Instead, Mr. Clifford seems to have waited until his personal as well as his official credentials had lapsed before suggesting that he had secret information that American POW's would be released if a deadline was set for Americans total withdrawal from Vietnam. It seems Mr. Clifford obtained his information at a time, at the exact time, when it could do the most to pressure a Republican President; as a matter of fact, subsequent revelations including interviews with enemy negotiators at the Paris Peace Talks indicate that Mr. Clifford either misunderstood the attitude of the Communists or deliberately misrepsented it at a time of important political advantage.

And then, Mr. President, in all fairness, we have to ask why did not John Gardner use his considerable influence as a member of the Johnson Cabinet to work for a withdrawal of troops from Vietnam? In fact, we have no indication that Mr. Gardner opened his mouth, much less raised his voice while a member of L. B. J.'s "official family" to protest the mass escalation of the war and its attendant expense and attendant death rate on all sides of the conflict. No, Mr. President, we never heard those things Mr. Gardner speaks of in any important fashion until recently, after he had formed a direct mail organization called Common Cause and began enlisting money and members in the name of a campaign to withdraw the United States and all its forces from participation in the struggle for the freedom of South Vietnam. It is strange—it is strange indeed, Mr. President—that men like Gardner and Clifford withheld their important propaganda attempts to end the war until the job was three-quarters done by our Republican President with whom they disagreed politically.

And while we are marveling at the fact that allegedly conscientious doves failed to flutter their wings until the Republican process of deescalation had replaced a Democratic process of escalation. But I doubt whether it would be fair to those leaders who have taken part in the massive attempt to discredit our President and in so doing downgrade our country unless we ask a few more pertinent questions to get on with it:

Why did not the PROXMIRES and the McGOVERNS plague the Johnson administration with demands for an immediate and drastic reordering of national priorities so that money spent in Vientam could more quickly be spent on their pet social welfare projects? Why did not the Senate liberals start demanding an end to the waste, the inefficiency, the extravagance and the scandal in the Department of Defense when their fellow liberal, Robert McNamara, was busily arranging the costly mess that the Nixon administration found waiting for it in the Pentagon? And why did not Senator McGovern insist on 40–50 percent reduction in defense expenditures when his friend McNamara was in charge of what can only be called a useless squandering of the taxpayers' money on esoteric but thoroughly impractical projects?

By the same token, we might ask why Senator PROXMIRE and his Subcommittee on Government Economy waited until a Republican President was in office to declare war on the U.S. supersonic transport program and all that that means to America's technological leadership, and to the prosperity of the aviation industry and the jobs of thousands of Americans. After all, the SST program had been underway in the United States for 10 years and it had been funded in each session of Congress without any major controversy until the recommendation came up from a White House which was held by a Republican President.

The fact is that many of those people and organizations which are now joining in the assault on the war in Vietnam are, in fact, assaulting the Nixon administration. The fact also is that many of the people now participating in a "holy war" for total withdrawal from Vietnam are many of the same people who either supported, helped promote, or at least acquiesced in the prosecution of that war during Democratic administrations.

Not long ago some of these same so-called lovers of peace were demanding the withdrawal of American troops along the lines on which President Nixon is now proceeding. But it seems that nothing in the way of deescalation counts so long as it is done by a Republican administration.

Mr. President, I do not mean to foreclose the idea here that men in public life are entitled to change their views, especially on an issue as important to the Nation and to its people and to freedom throughout the world as is the war in Vietnam. But I believe that the mob attack on the deescalation policies of President Nixon which were nonexistent except in a very minor degree when President Johnson was in the process of escalation is strictly political in the main.

When Clark Clifford, for example, comes forth with an idea for withdrawing all U.S. forces from Indochina by December 31 as a move to obtain a release of American POW's, one is bound to wonder why he did not suggest—or sound the enemy negotiators out on—such a proposal when he was a part of the U.S. Government. And where Clifford is concerned, Mr. President, I think it would be derelict of me not to point out that in October 1969, Mr. Clifford denounced former Senator Charles Goodell's plan for fixing an end-of-the-war date as "unrealistic and impractical." Mr. Clifford, at that time, insisted that such a plan would result in the collapse of the military and the collapse of the Government in South Vietnam and said that the resulting "bloodbath" would be on the American conscience for a long time.

Mr. Clifford may have changed his mind. But those much closer to the picture and those in a position to know many more facts than Mr. Clifford believe that the plan he is now proposing could also result in a bloodbath. Perhaps the important question is whose administration is in power when the bloodbath takes place and has a long-range effect on the American conscience.

Mr. President, I am struck with one important thing in all of this wide-range debate and that is the enormous amount of time that the U.S. Senate has spent since President Nixon took office in talking about issues near and dear to the heart of our Communist adversaries. Think it over. If you were boss of the Kremlin, would you be chuckling over an extended filibuster to force an end to the military draft for the specific purpose of making it impossible to continue upholding the forces of freedom against Communist aggression in Vietnam? If you were boss in the Kremlin, how would you feel about legislation to cut off all funds for the war in Vietnam, to reduce our defense budget far below the point of adequate security, about the passage of legislation to take us out of the competition for the future aviation market represented by the supersonic transport? How would you feel, do you suppose, about uninformed attempts by organized Americans to cut all military preparedness right across the board? How would you feel about the repeated attempts to prevent this country from developing new weapon systems or of even developing a missile defense system comparable to the one in the Soviet Union?

Mr. President, I think it is time for us to take a good long look at where we have been, and where we are and where we are going in a world that is changing so fast that the very thought of American isolation is downright ludicrous. It would be laudable if it were not so tragic. After all the years we have spent putting our technical knowledge and economic assistance to strengthen the forces of freedom throughout the world, our withdrawal, our pulling back even a little bit is to court disaster. We are today, in most categories of military defense, a second-rate world power. The question now becomes, Will we remain a second-rate world power or will we let the wishful thinkers and the deliberate disarmers and the isolationist dreamers move us down to a third- or fourth- or fifth-rate power?

In conclusion, Mr. President, let me say that President Nixon is winding down this war and withdrawing our troops as quickly as he possibly can. I am inclined to believe he knows the need far better than anyone else in this country. And the rate of withdrawal will not be stepped up no matter how many resolutions are passed incorporating a sense of the Senate or incorporating a flat-out order to withdraw. The reason at this point is very simple: It is logistically impossible to hasten the rate of withdrawal by any appreciable degree. Secretary of Defense Melvin Laird estimates that it would take at least 9 months to withdraw all military personnel and an additional 3 months to withdraw or dispose of the equipment we have in depots in Indochina.

So what we get down to, Mr. President, is strictly a matter of political gimickry called "the date debate."

Given the importance of this issue to the free world, to our national strategic interests, to our fighting men, to our individual hard-working taxpaying American citizens, this kind of gimickry is not only undignified but it is indefensible.

The Senate of the United States should be big enough to cheer on and encourage a President when he is doing his best on behalf of all our people just as it should be big enough and courageous enough to condemn a President when he is not striving in the best interests of all Americans.

The way I see it the Senate was not in a frame of mind to be courageous about the escalation of the war when it was taking place but now all kinds of courage is springing up to claim the rate of deescalation is not rapid enough. This is a shoddy performance at the very best.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 23, 1971 the President had approved and signed the act (S. 557) to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

### AMENDMENT NO. 225

Mr. KENNEDY. Mr. President, I call up amendment No. 225, offered by Mr. JAVITS, Mr. BAKER, and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be waived, and that, to help distinguish it from the amendment voted on last week, the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY's amendment (No. 225) is, as follows:

On page 33, between lines 13 and 14, insert the following:

(33) At the end of the act add a new section as follows:

"PROCEDURAL RIGHTS

"SEC. 22. (a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

"(b) Pursuant to such rules and regulations as the President may prescribe—

"(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

"(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

"(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

"(5) Each registrant shall have the right to be accompanied and advised by private counsel before any local or appeal board. Unless otherwise ordered by the board, such counsel shall not be permitted to participate in the proceedings except to advise his client."

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the information of Senators, I do not think this will take a great deal of time; I expect to speak on it for only 6 or 7 minutes. I know that the Senator from Tennessee (Mr. BAKER) wishes to speak likewise, and the Senator from New York (Mr. JAVITS) rather briefly; and then I think, unless there are some other overriding questions brought up, we will be prepared to put the matter to a vote. I do not think more than perhaps 40 or 45 minutes will be required for the disposition of this amendment.

Mr. President, last week the Senator from New York (Mr. JAVITS) and I offered an amendment to guarantee some rather basic and fundamental rights to the registrant when he appears before the local draft board, and to guarantee certain rights to him as he carries the decision of the local draft board up to the appeal board.

The Senate voted on that amendment, and we were defeated. I think many of the reasons that we lost have been met by this revised amendment. In drafting it, we have tried to take into consideration a number of the points that have been raised by the chairman of the Committee on Armed Services.

I believe that this amendment would accomplish what we had hoped to achieve with the amendment we offered last week, but it does meet many of the objections which were mentioned on this floor prior to the vote last week.

Mr. President, I should like to explain briefly what this amendment would do.

First, we have attached a new statement of purpose specifically outlining our intent to assure a fair hearing but a fair hearing consistent with the informal and expeditious processing required by selective service cases.

Also, all of the new guarantees are specifically controlled by rules and regulations to be prescribed by the President. Thus each registrant shall have the right to a personal appearance at the local and appellate level but only under rules and regulations prescribed by the President.

The right to present witnesses has been limited by providing that they may be authorized to appear only at the local board level. The previous amendment gave registrants the right to present witnesses at both local and appeal board hearings.

In addition, we have specifically included language indicating that the right to present witnesses shall be subject to reasonable limitations as to the number of witnesses and the time allotted to those witnesses.

Again, although we provide that a quorum of local and appeal boards shall be present during a registrant's personal appearance, even this is now specifically prescribed by the rules and regulations as the President may issue.

So it is that in providing under subsection (4) for registrants to be entitled to written decisions, we also have established exact parameters to that right.

Thus, only when there is a decision adverse to the claim of a registrant and only when the registrant specifically requests such a written statement must the board issue one.

In addition, we have specified that the written statement of reasons shall be brief.

Finally, although we extend the right of counsel before local or appeal boards, that right is much more narrowly described than in the previous proposal. Thus, counsel may only accompany and advise registrants but there is no right or authority for them to participate actively in the proceedings in any other way.

Mr. President, the Selective Service System as it exists today denies fundamental rights of due process, rights traditionally protected by both the fifth and 14th amendments of the Constitution.

As a result, an individual registrant may lose a deferment to which he is entitled, a deferment which might allow him to remain with his family or to avoid jail. In short, he is faced with the loss of his liberty and, whatever his obligation to his country, he is entitled to a fair hearing of whatever facts bear on his status.

That fair hearing is now denied him.

At a time when the youth of America are becoming more and more disillusioned with the American system, it is imperative that the 19-year-old receive the same guarantees of due process that are afforded to others with more power and influence within our society.

These rights are now given to corporations seeking broadcast licenses. They are given to companies seeking exemptions from FDA or FTC regulations. They are given even to the polluter who seeks a permit to expand his plant. Yet we deny those same rights—to witnesses, to written statements of decisions, to quorums of the deciding bodies, to appearance at appellate levels, to counsel—we deny those rights to the 19-year-old.

Perhaps the irony was best expressed in a letter from Villanova law professor Howard R. Lurie:

He wrote:

> Suppose a Member of the House of Representatives introduces legislation to put taxation on the same basis as conscription. Incomes are to be taxed at 100 percent subject to such credits, exemptions, and deductions as the statute or the President by rules and regulations, shall provide.
>
> The individual taxpayer must prove to the satisfaction of his local tax board that he is entitled to any particular credit, exemption or deduction, but he is not allowed to be represented by an attorney or accountant when he appears before it.
>
> The board is not required to issue any written opinion regarding its determination of the taxes due from the taxpayer; no judicial review of its decisions is available, except as a defense to a criminal prosecution instituted against the taxpayer for failure to pay the taxes due; and the decision of the tax board is reversible only if there is no basis in face for the tax assessment.
>
> No reasonable Member of the Congress would take such legislation seriously. It would be outrageous to treat taxpayers in such a fashion.

But in fact is it not equally outrageous to treat your young men in precisely the same manner? How can we justify calling these men to duty and at the same time treat them as second class citizens compared to other groups within our society. Surely, we should give the same protection of due process that we afford to others who face a threat to their property rather than to their lives.

Yet, we know that the very lives of the young men are at stake when they deal with the draft board.

I think the time is long overdue for the Congress to right the wrong that we have permitted to exist for two decades.

If we are convinced that fundamental standards of due process are guaranteed to all Americans, then let us apply these same standards to those whom we would ask to serve and honor our country.

I believe the passage of this amendment would help to insure basic and procedural rights, many of which have been recommended by the Marshall Commission. I believe the amendment would guarantee a sense of fairplay to the registrants, and would also be consistent with expeditious action by the board.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. ERVIN. Would the rulings of the draft board be subject to review under the Administrative Procedure Act?

Mr. KENNEDY. Proceedings under the Selective Service Act are not included under the Administrative Procedure Act as a result of section 13(b) of the Selective Service Law.

Mr. ERVIN. I am not an expert on the Administrative Procedure Act. I ask this question solely for information.

Mr. KENNEDY. This is an important point, because under the Administrative Procedure Act, most of the guarantees mentioned here would have been included.

What we are attempting to do here is to provide at least some of the rights that would go to a tax delinquent who might appear before the Internal Revenue Service or to a company or corporation that wants to get an FCC license. All these rights are guaranteed to them, but we do not guarantee these rights to those who can be inducted into the Armed Forces and might be asked to serve their country and die for it.

Mr. ERVIN. I accept as valid the assurance of the able Senator that proceedings under the Selective Service System are not reviewable under the Administrative Procedure Act.

Mr. KENNEDY. The Selective Service Act has been specifically exempted from the Administrative Procedure Act. Therefore, as the Senator has suggested by his question, the kinds of rights and guarantees that would have been under the Administrative Procedure Act are not now provided to registrants.

The chairman of the Armed Services Committee has stated some rather important reasons for so exempting the Selective Service System. Thus, we have tried to provide these rights without including all of the requirements of the APA.

Mr. ERVIN. I thank the Senator. I do not profess to have any great knowledge of the Administrative Procedure Act. The administrative law has changed considerably since I stopped practicing, and I have had very little experience with administrative law.

I am very much troubled, however, by the procedure which approximates the induction manual of the Army with trial before a court.

I think it is unfortunate to approximate a man being called on to serve his country with a man being prosecuted for a criminal offense in the courts. I cannot see the similarity between a man being called to serve his country and a man being prosecuted for a crime against his country.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BAKER. Mr. President, I speak on my own time.

I wish to join the distinguished senior Senator from Massachusetts in urging that the Senate adopt this amendment. I do so as one who voted against amendment No. 139, a similar amendment, which would have authorized counsel for inductees during their appearance before their draft board.

I commend the Senator from Massachusetts for making a substantial and meaningful distinction between that proposal and this one. Indeed, I think they are very different. I believe the key provisions of this amendment appear in section 5, page 2, and they are as follows:

> (5) Each registrant shall have the right to be accompanied and advised by private counsel before any local or appeal board. Unless otherwise ordered by the board, such counsel shall not be permitted to participate in the proceeding except to advise his client.

It seems to me that it is difficult, in the general scheme of our constitutional protection of individual integrity and individual rights, to say that any person, at any point in the governing process, would not have the right at least to advise with counsel or to have counsel present so that he can advise with him.

If we were providing here for the full, unrestrained right of cross-examination, it might be—indeed, I think it would be—an entirely different situation. But it is extraordinarily difficult for me to reconcile in my own mind how we, by implication or otherwise, can prevent anyone from having counsel present—not as a participant, except by leave of the court—for his own private consultation on matters of extraordinary urgency and importance to the man who is about to be inducted.

The distinguished Senator from North Carolina made a very good and a very telling point when he suggested that there is a real difference in the case of a man being tried for a crime versus a man being considered for induction for service to his country. They are, in fact, different things.

The right to counsel is not just accorded to those who are tried for crime. Clearly, the Constitution guarantees that right.

But the traditions of equity and justice in this country and the procedures that have been extended to the public for so long clearly imply in their very aspect that each man should be entitled to counsel at every proceeding in which his interests are materially involved. I think it would be difficult to challenge the contention that a young man's interests are not materially involved when he appears before his local draft board.

To reiterate, I voted against amendment No. 139. I thought it went too far. I have cosponsored this amendment, and I urge Senators to adopt it as an amendment to the Selective Service Act. I do that in view of the fact that, as I previously announced to the Senate and publicly, I intend to vote against the extension of the Selective Service Act. But I have an idea that my view in this respect will be in the minority and that the Selective Service Act will be extended. If that is the case, I think this is an important judicial right, not constitutionally protected, but highly desirable, on the part of young men who are about to pay the tax which is the burden of the Selective Service System.

Mr. ERVIN. Mr. President, I think that the most patriotic people in the United States are those who now serve upon the selective service boards. They serve without compensation. They serve as a patriotic duty. I think that they now, by informal administrative procedure, give protection to all those with whom they deal as registrants.

I cannot conceive of any good purpose that could be served by this amendment. It seems to me that it would have a deterrent effect upon the willingness of persons to serve on selective service boards.

In the first place, the procedure would be of advantage to those who are highly advantaged and who have enough of this world's goods to retain lawyers to represent them. It would convert the Selective Service boards into something in the nature of judicial tribunals. It would require them to grant a hearing at length, because there is no limit upon the number of counsel a person can have to advise him.

From my experience in the practice of law, I can assure the Senate that lawyers can advise a client a long, long, long time, especially if the person is so fortunately situated as to be able to pay them a handsome recompense for so doing.

This amendment provides that the board sits as a court. A quorum would have to be in attendance to hear the registrar testify regarding his status. He could be accompanied by an attorney.

In addition, the amendment reads: "Subject to reasonable limitations on the number of witnesses." I do not know what is a reasonable number of witnesses. This amendment does not specify. But I once knew of an accused who subpenaed approximately 260 witnesses in a blockading case to testify that they did not see him at a still. Under this provision, witnesses can be multiplied world without end, with no way to determine when the limit of a reasonable number of witnesses is reached. What is a reasonable number of witnesses in one case might be quite unreasonable in another.

We have seen trials such as the Manson trial, which started in June, I believe, and wound up about the following March.

The amendment also contains a provision—which cannot be dispensed with by the President—that "a quorum of any local board or appeal board shall be present during the registrant's personal appearance."

Of course, they have to be present to make any decision, because it takes a quorum to make a valid decision. Who will be willing to serve for nothing upon a draft board when he is confronted by the possibility that instead of merely discharging his present duties as a member of the draft board, he has to act in the capacity of judge and jury, not only to hear the registrant but also to hear a number of witnesses that he or his adviser can claim are reasonable in number? Then, in addition after they get through with the hearing, the draft board members have to write a written judgment and deliver it to the registrant.

Mr. President, it seems to me that this amendment would create this situation: If we needed to draft men for our defense, before we got through with this kind of proceeding, the war would be over and if we could not get some volunteers to fight for America, America could be defeated.

Although I am one who believes strongly in due process, and the rule of law, I submit that the pending amendment would create a serious impediment to the enforcement of the draft law.

It could be used to prevent for an interminable period of time the induction of a person who should be inducted, which would greatly handicap the capacity of the United States to defend itself in situations where it required a military force for its defense.

I, therefore, hope that the Senate will defeat the pending amendment.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I am a cosponsor of the amendment. It is an amendment which I believe is very important. Indeed, one of my reasons, if not the prime reason for voting against cloture—as I favor the bill and will vote for it—is attributable to the fact that this particular amendment had not been heard.

It is so interesting to me that we throw constitutional protections around criminals, or those accused of serious crimes, felonies, and so forth—which is quite proper, of course—yet there is a loud outcry against doing it for draftees.

I might say to the Senator that my office has received a call from the selective service director in my State saying that we will wreck the Selective System if the pending amendment is agreed to. But when we question him as to what is in the amendment, he did not know, but told us he had been informed such a complex and legal procedure is involved in the amendment it would cause the Selective Service System to collapse.

There was a famous New Yorker named Al Smith who used to say, "Let us look at the record."

I would suggest to the Senate that, in elementary justice, the thing to do is to look at the terms of the pending amendment. That is what the Senate will be voting on, not on a generalization about due process.

I have done my utmost to work with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Tennessee (Mr. BAKER) to draft a lawyer-like document fully cognizant of what due process requires and what we can and cannot do in regard to Selective Service.

I would wish to represent the Senate, for myself, that I cannot, for the life of me, see how the amendment will, in any way, hamper, interfere with, or delay the selective service process. Yet, it will, to some extent—certainly not entirely—it is not a trial—give some feeling to the draftee that he has an opportunity to have his say, whatever that may be, and at least that he will have the opportunity to make his own defense if he feels he should not be called upon to serve.

Looking at the record, Mr. President, here it is: he is to have a fair hearing, but:

> Consistent with the informal and expeditious processing which is required by selective service cases.

Then, at my insistence, the distinguished Senator from Massachusetts (Mr. KENNEDY) was gracious enough to make everything that is detailed subject to such rules and regulations as the President may prescribe.

That heads the list before we get into the details.

When we go down the list, what do we find?

That he is to appear in person. He does now.

That he is to testify and present evidence. He does now.

The rules and regulations put a reasonable limit, whatever the President decides is fair, on the number of witnesses and what time will be allotted to each registrant. Within that limit, he will have the right in a formal way to present witnesses.

The amendment provides that—

> A quorum of any local board or appeal board shall be present.

Mr. President, a quorum does not mean a majority. It means what the rules and regulations say. For instance, in many subcommittees of Senate and House a minority of the committee is an adequate quorum, often just one member of the majority party and one member of the minority party.

> In the event of a decision adverse to the claim of the registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

That does not mean a legal opinion. It could be eight words, in accordance with what the rules and regulations of the President mean, so that the draftee knows why he will have to accept the fate which is his.

Finally, on the question of appearance by counsel, counsel is not to be paid, and not to be assigned or permitted to argue or even to participate in the proceedings. But he certainly has the right to sit next to his client and tell him what his rights are. That is all we ask for.

Mr. President, the amendment is as spartan, as bare bones a set of rights as any man could ever be given in the most elementary fairness.

It seems to me that we have really exceeded ourselves as lawyers in trying to give some codification to what is fair in terms of a hearing and in no way interfering with the system of selective service; and if we have, the President can handle it because we give him full authority. There is not a single right given that is not subject to the regulatory power of the President.

I respectfully submit that we have done a good job, not a bad job, and that this is an elementary code of fairness which should be extended to every draftee.

I, therefore, hope very much that the Senate will adopt this amendment.

Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER (Mr. NELSON). The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, one other point which is critically important, and that is morale. That is a big factor in this country today. We are having deep problems with the motivation of workers and the motivation of draftees—even with the motivation of Members of the House and Senate. I deeply feel that anything we can do to buttress the feeling of the individual dealing with this overwhelmingly powerful machinery which is called government, that he is getting some kind of decent break, we should do.

I would welcome the suggestions of anyone to simplify and expedite this procedure even more, to see that it in no way interferes more than we already do in this amendment.

I deeply feel that we have done a good job here and I hope that the Senate will agree to the amendment.

Mr. ERVIN. Mr. President, one observation: except where the law expressly provides to the contrary, it requires a majority of any governmental body to constitute a quorum.

Mr. ALLOTT and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. NELSON). The Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, I yield to the Senator from South Carolina first.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, the pending amendment involving procedural rights for draft registrants is a weaker version of an earlier amendment on this subject offered by the distinguished Senator from Massachusetts (Mr. KENNEDY).

This amendment, however, would still make draft board procedures similar to courtroom procedures. It would be a bonanza for draft lawyers who are presently pulling down fees ranging up to $5,000 per case to delay or prevent induction of young men. Legal aid to young men who wish to evade the draft has become a full-time job for many lawyers and this amendment would give them a new tool in this effort.

As under the previous amendment, these provisions would favor the rich who could afford private counsel to assist them in fighting an induction call. The registrant is still considered to be the "client" and the result will be a courtroom-type procedure. The amendment approaches the draft situation as a matter of punishment rather than privilege. The draft has never been known to induct men who have a strong basis for exemption.

Section 1 of the amendment would permit the registrant to appear in person before the local or any appeal board to present evidence regarding his status. This provision alone could stretch out board actions for months since board members give their time without pay and would be unable to attend numerous meetings to meet the demands of scores of registrants trying to avoid the draft.

Section 2 allows for "reasonable limitations on the numbers of witnesses" for each registrant. Here again the amendment offers a classic delaying tactic.

Section 4 requires that in the event of an adverse decision to the claim of the registrant, a brief written statement on the board decision is required. This would mean that any young man who protests induction would have to receive a written statement on the basis of the board's action. Thus, many of those classified 1-A would have to receive statements and again draft processes would be slowed and impeded as boards do not have the administrative personnel to handle the amount of paperwork which would ensue.

Section 5 provides for a "private counsel" who under such a broad interpretation could certainly be a lawyer. While the lawyer could not speak he could advise his client and long delays in the work of the board would surely follow.

Mr. President, the great majority of local board members are not attorneys by profession and would therefore not be well versed on all the legal technicalities which might be presented by the registrant on advice of his counsel.

Thus, it is believed that local board members would have to be represented and advised by legal counsel if the registrant were advised by counsel. This, along with the presentation of witnesses by the registrant, would greatly prolong the proceedings as legal points were discussed.

Mr. President, I am opposed to this amendment on the grounds that our present system is working fairly and the judicial elements of the courtroom are not needed at the draft board.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I rise to oppose the amendment. I can explain in a few words the reasons why I do so and why I believe it would not be to the best interest of the United States to agree to the amendment.

Mr. President, I have listened to the remarks of the distinguished Senator from North Carolina and just now to the remarks of the distinguished Senator from South Carolina. I agree with those remarks.

First of all, I find no compelling evidence that the current procedures are not adequate. Every Member of the Senate in the time he has been here has had, not one, but dozens and even hundreds of people who have appealed to him upon the basis of action that has been taken concerning them before a draft board.

I might say that in all of those situations that I have personally investigated, I cannot recall one instance in which I thought the local draft board or appeals board had acted in an unfair or in an unjust way to the draftee. Of course, the inductee does have an appeal now.

I have found in my own experience that that appeal procedure is generally just and speedy, and takes into consideration all of the elements involved in the man's induction plus, I might say, the humanitarian reasons which the inductee has set forth.

In addition, Mr. President, it seems to me that there is no reason to graft the procedures involved in the amendment onto what is a nonjudicial process. One of the reasons I oppose the amendment is that it creates an adversary atmosphere for the induction process. It makes an adversary proceeding out of what is not now an adversary proceeding and I do not believe we should ever have an adversary proceeding when we are considering the induction of a young man into the service.

We would require by the amendment that the young man be permitted to bring his attorney with him. It is true that the original amendment has been watered down in this respect. However, by the time the attorney advises his client and by the time the client says to the draft board what his attorney has told him to say, I can imagine that we will be experiencing something like one of these abortive trials around the country which have received so much publicity in the last few years.

This is not a judicial process about which we are legislating. To put the inductee in the position of being an adversary to the Government is a wrong position in which to put him. The purpose of the process we are talking about is merely to find out whether a young man is qualified to be an inductee and how he should be classified.

The next point I would like to make is that these boards, as everyone knows, are composed of volunteers.

Yesterday we had an amendment before the Senate that would have required that these people who wished to be board members would have to take a special civil service examination and pass that examination with a certain grade before they would be permitted to serve on the board.

Mr. President, if we did something like that, we would not get a handful of draft boards in this country staffed. The amendment we are now considering is a movement along the same line in that it will make life terribly difficult for local boards.

What would we do if a draftee, or an inductee, as I prefer to call them, were to appear before the board with his attorney and then start in on a long adversary matter? By force of the facts and circumstances, the inductee would be put in the position of a defendant. There is no reason why any young man who is called upon to serve his country through the draft laws should be put in the position of a defendant. And that is what the insertion of the counsel would do.

More than that, it would require by force of facts in every case that where an inductee appeared with his attorney, the board itself would have to go out and hire another attorney. Would the additional cost, the additional trouble, the additional governmental machinery we would have to build up justify what would be accomplished? I think it is a mistake to move these proceedings into an adversary process. And that is what it does.

Mr. President, it seems to me that this will surely encourage a poor man's army, because the people who can afford counsel—and as the distinguished Senator from South Carolina stated a few minutes ago, there are those who now are receiving vast sums for representing people and advising them with respect to the draft laws and advising them how to avoid the draft—will not be the poor men. It seems to me that it is a serious mistake. We do not want a poor man's army.

This country took a great step forward in the recent reformation of the draft laws. For the first time since we have had a draft in the last 20 years, we have finally gotten to the place where a young man would find out with certainty if he was going to serve when he reached the age of 18 and registered and, perhaps, when he was going to serve.

I know of no two things—and I have said this in a hundred speeches—that have bothered the young men of this country more than the fact that they could not find out if they were going to serve and, if so, when. They had to simply sit and wait until they reached the age of 26. But we will take a step back from equity if we create a situation which works to the advantage of the effluent. Every Senator knows and everyone else knows that the poor will not have the lawyers and the rich will have lawyers. That is what it amounts to.

Finally, Mr. President, I am one of those who believe in a volunteer army. I would like to see a volunteer army. The Allott amendment, which was agreed to on the floor of the Senate recently, has put the remuneration of young people in the Army at a pay level on which they could afford to live.

Mr. President, as I have said before, I had this matter of inadequate military pay called to my attention when my son was in service. He called my attention to the situation of some of the enlisted men who were under his command. I feel very strongly about it and I am pleased that the Senate has now reformed the situation.

I believe in a volunteer army and I believe we are moving that way. But I am not going to vote, and I hope other Senators do not vote for something that sets up a semijudicial machinery that can only add to endless, endless litigation which will not speed up the process or relieve the anxieties of young men as to whether or not they will serve. I am not for building a quasi-judicial monstrosity, and that is what I think this is, which will make the draft unworkable. Instead let us work together reasonably for a volunteer army.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized

Mr. STENNIS. Mr. President, we had this entire subject matter before us in what I thought was an excellent discussion on June 17 in connection with an amendment that was very similar but somewhat broader than this one. That vote was 44 against the amendment and 32 for it.

This amendment has laudable purposes and it looks good on paper. But say what you will, Mr. President, this amendment creates a judicial procedure for a nonjudicial body of laymen to try to follow—a judicial procedure for a nonjudicial court, or the nonjudicial membership of a board to try to follow.

My argument, primarily, is that if we are going to change the system then we should change the nature of the boards and pay men that are trained in these fields of procedure, with some knowledge of the law, and have a good lawyer for them to rely on and a paid staff, more than just a clerk.

But the whole concept of the Selective Service board that acts at the local level is that their services are gratuitous. They are selected because of their commonsense and respectability in the community. They are asked to perform a civic and governmental chore that no one finds pleasant. Often they are at cross-purposes with their personal friends and their neighbors, and maybe with the sentiment of the community for the time being. But by and large they have rendered a fine service, a splendid service.

I remember these boards created first in 1917. Like it or not, talking about the presence of a lawyer there in this day and time, anyone can get legal advice when it is needed. But with reference to going before these lay boards, with members who are untrained and untutored in the law, with the lawyer, and I am a lawyer and I know how this works, I know that with that little board, as defenseless as they are, it would get their dander up many times just to walk in there with a lawyer.

I think they have a better chance when they go in there without a lawyer. In fact, I know they do. They have a far better chance. The board is rendering what I call plain, common justice rather than legal justice, which is plain, common justice based on commonsense, in making judgments on their neighbor's son and young men who are their neighbors. That is the effort they are trying to make; they are trying to make a judgment with reference to various classifications. That is the main thing. They are trying to make a judgment with respect to the sincerity of conscientious objectors and the insincerity of alleged conscientious objectors, and a host of other things that come before them.

These men have to make hundreds of decisions each week and each month. It varies a great deal but there are over 16,000 to 18,000 members of these boards scattered throughout the country and they have to pass on thousands and thousands of cases.

I have learned that there are advisers in many areas who are available to the registrants and board members. They serve without pay. In some areas it does not seem to be needed and they do not have them. However, they are available in some places. They are called appeals agents and they are supposed to be lawyers, always available for counsel to registrants and to the board. That is just a community service. As I said, in some places they do not have them, but the point is that this system is run in a reasonable, down-to-earth, commonsense way.

There was talk about the "death sentence."

Mr. ERVIN. Mr. President, will the Senator yield for a question on my time?

Mr. STENNIS. I yield.

Mr. ERVIN. The amendment is absolutely unnecessary. During World War II I had the privilege to serve as an appeal attorney for appeals from local boards for a great many months, and during all that time I did not have a single person in my county making an appeal. In other words, the inductees felt the draft boards had been so fair to them there was no necessity to contest their rulings.

Mr. STENNIS. That is a fine evidentiary fact the Senator has given us and I thank the distinguished Senator from North Carolina.

With all deference, I am not referring to any particular Senator, I do not believe many Senators have the feel for the operation of these boards and the problems that go with the boards or the enormous load they carry. I have never heard of anyone applying to be a board member, but some of them have served for 15 or 20 years in their communities, performing this thankless task.

To say now they will have to try to answer in their way all these legal questions that can be brought up by a lawyer, and to permit all those who wish to do so to bring in a lawyer, the members of the boards already have the hearing room full on some nights and there would be no one to advise them or to help them think up answers to questions, if answers would require them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

Mr. President, in the broad base of commonsense, homemade local justice. I do not believe one could improve on this program. I know the good faith of the Senator from Massachusetts. He has worked on this subject matter for years, not just this part of it, but many parts of it, and has made a contribution to this subject, and I am glad to say so. Some of the conferences he and I have had certainly have been helpful to me. So I know he believes in this amendment.

But, Mr. President, this amendment overstates itself. It just has too much in it. It sets up all these procedures that we find in the criminal courts and the civil courts, and it calls for rules and regulations as the President may prescribe. That will not save these boards from having to go through all the matters provided for in the five paragraphs that follow, because no regulation would be valid that conflicted the least bit with the mandates in the five different paragraphs that follow. It says that each registrant shall so and so. It sets out what the board shall do. The President of the United States is not great enough to change these things once we put this into the chiseled stone of law.

This subject has been debated before. It has been understood by the Members of this body who have voted here that they reached a decision in keeping with the practices since 1917. I just do not believe we have been making great error all those years and discovered them just a few days or weeks ago.

Let us either totally change the system or give the local neighborhood people a chance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I think a couple of points should be made.

First of all, in terms of the extension of the selective system that has already been acted on, there will be only two grounds for deferment. That will be hardship and conscientious objection. We have eliminated the grounds of education and the other grounds. We are asking the boards to make a determination on the grounds of hardship and conscientious objection.

On the question of conscientious objection, one of the most important elements is the individual's sincerity and his deep feelings on the question as spelled out not only in the law but in the Supreme Court decision. These are the areas in which we are asking the draft board to make judgments. Therefore, as the New York Times noted in its editorial Sunday, the number of areas of contention has been reduced. Mr. President, I ask unanimous consent to include the excellent editorial which appeared in the Times, at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### FAIR PLAY FOR DRAFTEES

"A registrant," former Selective Service Chief Lewis B. Hershey once said, "is not an ordinary citizen."

The Senate apparently shares General Hershey's demeaning view of the status of the nation's draft-age young men. Once more the upper House has rejected proposals to extend to potential draftees what should be regarded under the American system of laws as minimal procedural safeguards to which every citizen is entitled: the right to be accompanied by a lawyer when ordered to appear before a draft board; the right to a hearing before a quorum of draft board members; the right to call witnesses and the right to receive a written statement listing the reasons for the rejection of a claim.

Senator Stennis argued that these reforms, introduced by Senator Kennedy would inflict an "impossible burden" on the Selective Service system. Whatever merit this argument may have had in the past has been undercut by the reduction in deferments and would be further diminished by more sensible provisions for conscientious objectors. At any rate, any inconvenience that such a basic reform might impose on the system is more than outweighed by the need to eliminate a serious injustice.

A committee of the New York Bar Association said two years ago in endorsing the Kennedy proposals: "There are few areas where strict standards of fairness and due process of law are more deserving of recognition than in the draft selection system, where matters of life and death are determined under a compulsory process which represent an uncharacteristic restraint on personal freedom and choice."

Mr. KENNEDY. Second, it is a myth not to think that we have thousands of cases now on various appeals because of mistakes or incorrect actions of local and appellate boards. The Justice Department had 23,000 cases submitted to them. The Department says that 60 percent or 80 percent of them will be dismissed for administrative reasons. The Department also indicated that in the last fiscal year they had 2,800 prosecutions and 1,800 dismissals. The primary reason for the dismissals was that the local boards were not following the rules and regulations of the Selective Service System.

This procedure by reducing the likelihood of misinterpretation at the local level would eliminate much of the burden on the courts of this country.

A part of the reason why we did not hear of individuals taking advantage of appellate procedures 7 years ago is that young people, for the most part, did not know about those opportunities. We have scores of examples of that ignorance. A boy 18½ years old was actually drafted, despite the law that no one under the age of 18 years and 6 months shall be inducted. There was a complete violation of the law in this case.

What about another boy who was 19 years old and who was in high school? We know that under the Selective Service System we permit boys to finish high school. Yet he was drafted out of high school, even though he was managing editor of the school paper and was to graduate that year. They told him at the draft board that there was nothing he could do about it, even though that violated the law itself.

So there are two individuals whose rights should have been protected.

I yield myself another 2 minutes.

All we are saying is that if we are going to extend the Selective Service System, then we are going to provide a procedure which not only is going to be fair to the individual but in which the young people will have some degree of confidence.

This amendment has the endorsement of a Committee of the American Bar Association, as the Senator from New York (Mr. Javits) and the Senator from Tennessee (Mr. Baker) have pointed out.

This is really a bare bones kind of amendment. We know we provide many procedural guarantees to individuals who appear before various administrative agencies, and to young persons who may be arrested for the most petty crime. Those individuals are guaranteed at least some representation when they appear before a court. In any of the administrative agencies, whether a person has been accused of a tax violation or any other violation, he is entitled to due process rights.

All we are saying is that, if young people are going to be selected for service in the Armed Forces, many of whom may die in Southeast Asia, we owe them the protection of these basic rights.

Mr. BAKER. Mr. President, I yield myself 1 minute.

In further support of this measure, I respectfully submit that any argument that it will be expensive or inconvenient to implement into the draft system the right of counsel is not a sound argument, and it certainly would not be a sound argument in the view of an 18-, 19-, or 20-year-old boy who was going to be inducted.

It seems to me the argument that if we do this it is tantamount to changing the system is an eloquent argument against the draft. I shall vote to terminate the draft, but I suspect I shall lose. In the meantime, it seems to me the very least we can do is to assure that every person who appears before a draft board is entitled to confer with his attorney on the extent of his rights. We have not injected the right of attorney into the proceeding itself, although I think that would be highly desirable.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I yield myself one-half minute.

I think the Senator from New York (Mr. Javits) is entirely correct when he says this is a bare bones protection to men facing induction under these circumstances. There will be no injustice to the draft boards, or the fine people who serve on them, and it certainly enhances the protection of the rights of the young people about to be inducted.

Mr. JAVITS. Mr. President, I yield myself 1 minute. I am brought to my feet because my position is juxtaposed to that of the Senator from Tennessee. I shall vote for the bill. I feel the justification I have in voting for the bill is in assuring that those who are inducted under the bill shall have a fair break.

The Senator from North Carolina (Mr. Ervin) is a fine lawyer. He says a quorum must mean a majority, but I do not agree. The President, by rules and regulations can change that. I hope the Senator from Massachusetts will contradict me if that is not the fact, and in any event we expect the conferees to make that clear when they come out with their version of the amendment. This was defeated before, but we have made substantial changes in the amendment; the major change is the fact that we have taken into consideration the delays and have placed the whole power in the hands of the President.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

I never heard it seriously argued before, although I respect the Senator from New York very much, that rules and regulations could contradict the very words of the statute or substantially change, or even moderately change, the mandates of the statutes themselves.

Sometimes we grant authority here in a very broad way with reference to a massive department of the Government, and let its rules and regulations become law of themselves, but we are not doing that with this amendment. We are using those words, and then we go on and write law, and those rules and regulations cannot possibly modify in any substantial or even moderate way what we have written out here as the basic requirements imposed on these voluntary boards.

I hope the amendment will be rejected.

The PRESIDING OFFICER (Mr. Nelson). The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Missouri (Mr. Eagleton), the Senator from Montana (Mr. Metcalf), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senators from Ohio (Mr. Taft and Mr. Saxbe) are necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Utah (Mr. Bennett), the Senators from Kentucky (Mr. Cooper and Mr. Cook) and the Senator from Vermont (Mr. Prouty) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Pennsylvania (Mr. Scott). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 46, nays 41, as follows:

[No. 124 Leg.]

YEAS—46

Anderson
Baker
Bayh
Bentsen
Burdick
Case
Chiles
Church
Cranston
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—41

Aiken
Allen
Allott
Beall
Bellmon
Bible
Boggs
Brock
Buckley
Byrd, W. Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Pearson
Roth
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—13

Bennett
Brooke
Byrd, Va.
Cook
Cooper
Eagleton
Metcalf
Mundt
Prouty
Ribicoff
Saxbe
Scott
Taft

So Mr. Kennedy's amendment (No. 225) was agreed to.

Mr. KENNEDY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JAVITS. I move to lay that motion on the table.

The motion was agreed to.

Mr. PEARSON. Mr. President, during the past 2 years, the United States Senate has voted on at least eight separate proposals intended to bring an end to our involvement in the Indochina war. The continuing national debate has made it increasingly clear that a majority of Americans are weary of the conflict and share a genuine desire to terminate it and to negotiate an agreement to free the U.S. prisoners held by North Vietnam.

In my judgment, Mr. President, the President has been sincere in his efforts to withdraw our troops and allow the South Vietnamese a measure of time to develop their own military capabilities. Furthermore, I have been assured by the highest administration officials that President Nixon fully intends to withdraw all U.S. troops from Vietnam. For these reasons, I have supported the President and his plan to end the war. However, I do feel that in voting against the various "date certain" proposals, the Senate has not been able to express positively its very sincere and urgent desire to see the war ended and all U.S. prisoners released.

Consequently, I was willing to support an amendment, offered by some of my colleagues, which declared that the policy of the United States would be to terminate, at the earliest possible date, all U.S. military operations in Indochina. In addition, it would be the policy of the United States to negotiate an agreement with North Vietnam which would provide for a series of phased and rapid withdrawals of U.S. troops from Indochina in exchange for a corresponding series of phased releases of U.S. prisoners of war. Finally, these releases would be completed no later than 9 months after agreement on negotiations had been reached.

Mr. President, I believe that this amendment expresses the will of the majority of Americans, and that it is in accordance with the best interests of the Nation. It is my hope that passage of this amendment will help heal the divisiveness and anguish which has plagued this Nation for so many years.

### AMENDMENT NO. 229

Mr. HUMPHREY. Mr. President, I call up my amendment No. 229 and ask that it be stated.

The PRESIDING OFFICER (Mr. WEICKER). The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 33, between lines 13 and 14, insert the following:

(33) At the end of the Act add a new section as follows:

"PROHIBITION AGAINST THE ASSIGNMENT OF INDUCTEES TO COMBAT AREAS

"SEC. 22. Notwithstanding any other provision of law, persons inducted into the Armed Forces under the provisions of this Act may not be assigned to duty in any combat area outside the United States after June 30, 1972, unless (1) they volunteer in writing for assignment to duty in such combat area, or (2) the President determines that it is essential to the national security of the United States, to assign such persons to duty in any such area and notifies the Congress of that determination, and the justification therefor, within forty-eight hours after the making of such determination. The authority of the President under clause (2) above to assign such persons to duty in any combat area shall expire thirty days after notification to the Congress of such determination unless within such thirty days the Congress authorizes the President by law to continue the assignment of such persons to such combat areas. Upon expiration of such authority the persons previously assigned (and still serving) under the authority of clause (2) above to such combat area may be retained during their normal term of service if the President determines that such assignment is necessary for the protection of the lives and safety of American troops in such combat zones."

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, at the time this amendment was introduced the Senator from California (Mr. CRANSTON) and I placed in the RECORD a brief explanation of its purpose.

Let me once again remind the Senate that the crucial issue which we have been debating here these past weeks, indeed, months, is the power of Congress to assume its rightful role under the Constitution in the conduct of foreign affairs and the formulation and implementation measures affecting our national security.

It is my judgment that while we may not have planned it that way, the entire Congress is now engaged in an historic debate and discussion as to the proper relationship between Congress and the President in matters of national security.

The tragic war in Southeast Asia has precipitated this question for immediate consideration.

Following World War II, there was a tendency on the part of Congress to place almost unlimited authority in the hands of the President in the conduct not only of foreign affairs, but also in the use of the Armed Forces of the United States.

We were, of course, mindful of the sudden and unprovoked attacks which had taken place in Europe in the late 1930's just before the beginning of World War II. We were also mindful of the attack upon Pearl Harbor and the attack of the North Koreans across the border of the 38th Parallel in Korea. Because of these experiences, Congress tended, year after year, to give ever wider latitude to the President in the use of the Armed Forces. The rationale was that we needed to be able to respond quickly, that the American Nation had a unique responsibility for maintaining the peace, that we were a strong Nation and one of the few that had come out of World War II stronger than when we went in.

Then Congress continued to give greater latitude or authority to the President, always with the feeling that there was a need on the part of the President to respond quickly and promptly in case of a threat to what we considered to be our vital interests.

Like many other things, this power tended to grow and it tended to erode the constitutional powers and responsibilities of Congress.

So, here we are now, in a heated discussion—and I hope that it will also shed some light as well as heat—on the whole subject of the relationship of the Presidency to Congress in what we call the national security powers or the warmaking powers as outlined in article I, section 8 of the Constitution.

The article in the Constitution clearly provides that Congress shall have the power to declare war, to raise and support armies, to provide and maintain a navy, to make the rules for the Government and regulation of the land and naval forces, and to provide for the calling up of an organized militia, and so forth.

I doubt that anyone questions that these powers are granted under the Constitution. The problem has been, rather, on the interpretation of those provisions.

The general interpretation in most recent years has been that Congress could provide for the raising of armies, but the President would decide entirely as to how they would be used.

Once we come to the matter of conscription or selective service which, by the way, did not exist at the time the Constitution was written we have new considerations to ponder and evaluate.

Mr. President, Thomas Jefferson gave us an indication of what the presidential powers might be during the period of the dispute with Spain in 1805.

He told Congress in these words:

> Considering that Congress alone is constitutionally invested with the power of changing position from peace to war, I thought it my duty to await their authority before using force in any degree which could be avoided.

Now, of course, that admonition by Thomas Jefferson has been lost, in a sense, with the passage of history.

I am not here to say that times have not changed, because surely they have. We have learned in this century that nations do not always declare war, or issue a formal declaration of war, before their armies are let loose upon their neighbors.

To the contrary, we have seen the sudden and preemptive attack as a part of military policy or a policy of aggression, in many instances. It is because of what we learned and the experiences we have had, that I believe we have gone "overboard" in permitting presidential powers to be almost absolute when it comes to the use of the Armed Forces—not merely Armed Forces made up of volunteers, but also some branches of our Armed Forces whose ranks are in large measure, filled by conscripts.

I address the Senate today on this whole subject of the inductee, and the assignment of that man to military combat duty.

It is important to state, therefore, that the proposed amendment offered by the Senator from California (Mr. CRANSTON) and myself does not refer to enlisted men who are volunteers. And I should also add that it does not refer to those currently serving in the Armed Forces.

There have been amendments up for consideration on this matter. Those amendments have been disposed of, regrettably, in a negative fashion.

The intent of this legislation is to prohibit the futher use of inductees into the Armed Forces for combat unless the President determines that such persons should be assigned to a combat area in the national interest.

The President of the United States does have a responsibility for our security. He is the Commander in Chief and, therefore, we do not wish to tie his hands as he weighs his decisions and responsibilities.

The amendment provides that after June 30, 1972, an inductee into the Armed Forces could not be sent into a combat zone outside of the United States unless he volunteers in writing for such duties, or unless the President of the United States determines it is in the national security to make such assignments. Then, if the President makes such determination, under the language of this amendment, the President would have to notify and justify that action of his to the Congress within 48 hours. The President's authority to assign inductees to combat zones would expire within 30 days unless Congress authorizes by law or by resolution the continuation of such actions.

If the President declares that inductees located in a combat area at the outbreak of military hostilities are necessary to protect the lives and safety of the men in the area, such inductees may be retained during their normal term of service, but no longer.

If the situation developed where some inductees were in an area that turned out to be a combat zone we would not want transport planes to be sent in to lift those inductees out and separate them from the others who were there. They would have to remain there during a period of time. But before we escalated, through the use of conscription, or in other words, before we added additional manpower through the Selective Service System, before we added combat manpower by conscription, the President would have to come before Congress to make a case. He would have to be able to convince Congress that the inductees or conscriptees were needed for our national security.

I think this is exactly what the bone of contention has been about in Vietnam. The argument with the executive branch has been that we started out with just a few people in Vietnam and quickly escalated to the level of one-half million men.

We can take the case all the way back to the days of the military advisory group—MAG—next the Special Forces and then the first pilots and marines, and pretty soon, Mr. President, the policy of large-scale involvement that was finally adopted. I happen to be one who believes that it was not by accident. It was a policy that was considered and adopted. That policy then began to require more manpower, and the manpower was taken out of the Selective Service without coming to Congress to justify the use of the additional manpower.

This amendment, Mr. President, would put a halt to that practice. It would mean, in other words, that if additional inductees were to be sent to a combat area, the Congress would have to legislate and authorize it at the time. An escalation or the use of increased manpower without definite legislative authority would not be permitted.

A number of Senators have introduced amendments relating to this fundamental constitutional issue. The Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. EAGLETON), and the Senator from New York (Mr. JAVITS) have taken an active interest in this matter and are to be congratulated on the foresight which they have shown on the subject.

This amendment relates to the President's power to use conscripts for purposes of national security, in combat areas.

Previously in the Senate, the Senator from Wisconsin (Mr. NELSON) and I introduced an amendment which would have prohibited the nonvoluntary use of draftees in combat units in Vietnam after December 31, 1971. That amendment was directed primarily at the ongoing struggle in Indochina.

Frankly, I think this is the best amendment I have had a chance to vote for. I deeply regret that the Senate did not see fit to accept it, because it would have helped to defuse much of the bitterness in this country, particularly among our young people.

The purpose of the Nelson-Humphrey amendment was to say that men called up under the Selective Service would not be assigned to a combat zone in Vietnam after December 31, 1971. This would have surely increased the pace of withdrawal. It would not have jeopardized our position or the safety of our remaining men in Vietnam.

I think it would have again restored some constitutional balance between the executive branch and the Congress.

The pending amendment, amendment No. 229, to which we are now directing our attention relates specifically to combat units in Vietnam, and generally to any combat area. The date of June 30, 1972, is less restrictive than December 31, 1971. The Mansfield amendment, which the Senate just passed, expresses the desire to end our involvement in Indochina, at least by June 30, 1972.

Amendment No. 229 is, therefore, tied in with the sense of the Senate as adopted in the Mansfield amendment. In other words, if we are going to be out of Vietnam by June 30, 1972, which this Senate urged as a matter of policy decision by the Senate of the United States, we ought not to assign into combat areas inductees against their will.

Furthermore, since a major aspect of my legislation is to allow enough time to have increased volunteers in the Armed Forces, I believe June 1972 is a feasible date for the accomplishment of this goal. Also, my amendment is related to basic congressional war powers rather than just the case of Indochina or any one military involvement.

We in Congress advocate the maintenance of adequate military strength. There is no attempt here being made to unilaterally disarm our country. We know our country must be able to respond to threats to its security. We know in the troubled and ugly world in which we live it is necessary for us at this time to have a military force. We call it a force for deterrence. The hope is that our strength will act as a protection of the peace.

Our military makes quite a point of what they must have in the way of power to maintain peace. This amendment would do nothing to diminish that power.

All this amendment would do would be to say that if the President assigns inductees into a combat area or seeks to maintain inductees in a combat area he must come to Congress at an appropriate time. First, he must notify within 48 hours that inductees are being sent into a combat area or are present in a combat area. Then Congress has 30 days to decide if inductees can be sent into a combat area or not sent to a combat area.

In other words, what it does is to restore some balance relating to the protection of this Republic between the Presidency on the one hand and Congress on the other hand.

Obviously, this amendment does not deal with the total picture of the constitutional crisis that we have in this country. This crisis is not the work of any one President, or the product of any one Congress. It has gradually developed, almost in direct relationship to the crisis in Indochina.

The almost unlimited power of the Presidency enabled Presidents to commit this country to a total manpower policy, with selective service at the base. Congress permitted this to happen. Congress did so, not by accident, or even by default. It did so by decision. I think the time is at hand for Congress to take a look at that decision.

One of the lessons of Vietnam is that we have seen how we can overextend ourselves and become involved beyond the legitimate interests of this country. One of the lessons is that we can see how Presidents, not one President, but several Presidents, can design policy and implement that policy which, unless there is some limitation set by Congress, can draw upon the financial, fiscal, and manpower resources of this country, almost to an unlimited amount.

Fortunately, Congress is now taking a good hard look at this situation and saying it is time to deescalate, that it is time to trim the almost unlimited authority of the President.

But this amendment would not do this irresponsibly. It requires the President to consult with Congress, and that Congress not only be consulted, but that Congress also give its advice and consent.

I know of no provision of the Constitution that requires consultation, but I know of the words in the Constitution relating to foreign policy and national security where the President must seek the advice and consent of Congress, the advice and consent particularly of the Senate. This amendment is an advice and consent amendment in the framework of our Constitution.

The amendment says to the President, "Mr. President, if you take an action that you believe is in the national interest, if you believe you have to assign American forces, because you believe the national security is threatened, we do not deny you that right because as Commander in Chief you are required to protect the public." But we do say, "Before you become totally involved, before decisions are beyond recall, before you have precipitated this country into a position where it cannot have an opportunity for options, we are asking that Congress be brought in to determine those options and to make a judgment. The Constitution does say beyond a shadow of a doubt that the powers of Congress include, under article I, section 8, the power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces and so forth."

So I would hope our distinguished friend and colleague, the Senator from Mississippi who, by the way, has so ably handled this very difficult measure would accept this amendment. I wish to compliment him. Even though on a number of occasions I have cast my vote contrary to the present bill, nevertheless, I think he has exhibited not only a great understanding of the issues before us, but he has also demonstrated the qualities of a fine Senator in encouraging debate, not only permitting but encouraging the widest discussion and most meticulous discussion of these controversial matters.

Mr. President, in conclusion we should note that aside from Indochina, the major potential combat area where our troops are stationed is in Europe. Here we have a commitment—at least I would hope we have one—by the President, to begin serious negotiations on mutual balanced force reduction. At the same time, there is a current feeling that some reductions can be made before a formal agreement on mutual balanced force reductions is made. Thus, we can expect substantial force reductions from Europe as well as Indochina by July 1972. There would, therefore, be less need for large draft calls and we could expect the need to diminish.

Naturally, we have to plan for contingencies. I know this is a subject of considerable discussion today, but I hope our Government, despite recent revelations, would have the good sense to look ahead at what might happen to us.

There are a number of serious questions we will have to ask ourselves in the coming months: Whether or not a government can plan for contingencies; whether or not there can be any privacy in Government; whether or not we can conduct foreign policy and serious and sensible negotiations before the total view, the day-by-day and hour-by-hour view of the public. I am not drawing conclusions but asking questions which I plan to ask in much more detail early next month, because as we approach the crisis between the President and Congress on national security we have serious questions to ask for which we need answers.

We are dealing with the life and death of this country and its whole future; we are dealing with the spirit of this Nation as well as the physical and human resources of this country. And we must have some plans.

We must plan for contingencies where armed forces would be required to take a combat role affecting our national security.

If the Defense Department figures of 1971 are accurate, our total end strength would be more than sufficient to meet any outbreak of hostilities which require immediate action without the draft.

That is the issue. Do we have enough men in the military service without the draft to meet any immediate danger or emergency? This amendment goes even beyond that. It states that the President may indeed assign men or at least make the decision to assign inductees to the combat area, but he must come to Congress in 48 hours and justify his decision.

And within 30 days the Congress of the United States must give him an answer one way or the other.

If you look at the manpower projections of the Department of Defense, you will find that the number that will be needed under Selective Service will be minimal, and if we can wind down the war in Vietnam, as we hope and pray it will be, the number of draftees needed will be zero.

At a time when military and foreign policy changes point out the change in our manpower defense requirements, I think it most appropriate and responsible that we take one more step in the direction of a volunteer army. The discussion which has taken place in the Senate on the implementation of a volunteer army, the analysis of the Gates Commission, and other reports prove very solidly that the need for draftees in combat is nonexistent. They went so far as to say that a total volunteer force could be implemented at any time. Accepting the Senate's and the President's reluctance to move too quickly in this direction, we are, therefore, proposing a much more limited version of the volunteer idea. We propose that we have volunteers for combat areas by July 1972. Right now our ground combat accession requirements for fiscal year 1972 are computed to be 75,000. According to the DOD estimates, 57,600 men are true volunteers.

Surely, with the added pay incentives in the amendment of the Senator from Colorado which the Senate has voted onto the original draft bill, the accession rate can be expected to remain the same and possibly rise while our requirements, as I have already pointed out, can be expected to diminish by July 1972.

The requirement to make the President report to the Congress within 48 hours after the President determines the need of using draftees in combat areas is one which the President should be required to do in any case.

May I say that if that had been the case in the past, some of the trouble we have with us today would not be with us, or if it was, Congress would have shared in it.

If the Congress is called upon to institute the draft, surely it should be called upon to approve what use is made of men who are drafted, especially when their use affects the U.S. national security.

The President is merely asked to report to Congress on the reasons for his determination and the Congress will then be able to decide whether his authority for the use of draftees, not enlisted men, in combat should be continued.

Even if after 30 days Congress did not find sufficient reason for the use of draftees, the President would still have the authority to maintain those draftees already assigned to the combat area at the time of an outbreak in military hostilities until their normal term of service expired. The intent here is to minimize the logistical difficulty of pulling out troops in the middle of combat. At the same time the injustice involved of leaving those who did not volunteer to be assigned to a combat area in the combat zone would be minimized since their right to be removed from the zone would be guaranteed upon the expiration of their term of service.

What we hope to do by this amendment is twofold:

First, to move to a volunteer army within the timetable set by the President; and

Second, to guarantee the constitutional right of Congress to control the military actions of the President.

I believe this is sound public policy.

I want to say that we have attempted in this amendment to consolidate some of the very worthwhile suggestions that have been made by distinguished Members of this body, Senators STENNIS, JAVITS, and EAGLETON, just to name a few.

We have also tried to take the purpose of the Nelson-Humphrey amendment, to see that draftees no longer would be used for combat purposes in Vietnam. We have taken those general thoughts and put them in a time frame which we believe is responsible and could be helpful in the situation—a time frame; namely, that this amendment would take effect after June 30, 1972.

Mr. President, after June 30, 1972, unless we have been misled, we should have very few, and hopefully, no troops in Indochina.

Second, we should have some reduction of our forces in Europe. I believe it was the desire of the Senate that those reductions be made; it was only a question of how. We should be very much on the road toward getting the military manpower of this country at a reasonable level.

I believe there has been no justification made even for the present manpower levels. There have been some moving and telling arguments made about the waste of manpower resources in the military.

Therefore, this amendment is an amendment which is essential to the constitutional provision of the relationship of the President to the Congress in the use of manpower, called up by the action of the Congress under selective service.

It is the view of the sponsors of the amendment that if Congress calls up men under selective service for involuntary service, before the President can commit them to combat over any extended period of time, and thereby enter into an escalation both of combat and the use of manpower, that this Congress shall have the final word. It is the Congress which should determine whether or not the manpower that it has authorized, that it has called up under law under terms of the Selective Service Act, shall be used for combat or whether they shall not be used for combat.

I think this falls completely within the intent and the purpose of the Constitution of the United States and, furthermore, I believe that if this amendment is adopted it will be a significant step toward redressing the imbalance which exists today between the powers of the President and the powers of the Congress in the matter of national security.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. I refer to line 7, page 1, of the Senator's amendment, wherein these words are used: "any combat area outside the United States."

Mr. HUMPHREY. Yes.

Mr. STENNIS. I refer especially to, "any combat area." Does that include any area where combat is going on, say, in some other country, and I use the Jordanian incident of not too long ago. We had some nationals there. Is that included in the Senator's amendment? I would say it would be.

Mr. HUMPHREY. Yes; I would say the proper interpretation would be that it would be included, but that language does not prohibit the President from sending in what we call enlisted manpower.

Mr. STENNIS. I understand. I wanted

to get a definition of that phrase "any combat area."

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. May I finish?

Mr. GOLDWATER. I wanted to ask a question on that point.

Mr. STENNIS. The Senator from Minnesota has the floor.

Mr. HUMPHREY. I yield to the Senator from Arizona.

Mr. GOLDWATER. I would like to amplify the question asked by the Senator from Mississippi. Would the Senator's amendment, for example, include the 6th Fleet in the Mediterranean?

Mr. HUMPHREY. No, I would not think it would.

Mr. GOLDWATER. All right. Let us look at the combat area in the far reaches of the Mediterranean, where the Israelis and the Egyptians are concerned.

Mr. HUMPHREY. Yes; in the immediate area where hostile forces are deployed, I would call that a combat area.

Mr. GOLDWATER. In spite of the promises made to Israel by this country and in spite of the fact that we do not have a treaty, the President would have to come to Congress.

Mr. HUMPHREY. May I say to the Senator that, of course, this is one of the problems we are going to have to face as we begin to ask ourselves what plans this country has for certain areas like the Mideast.

For example, this particular amendment would provide that before any drafted manpower could be assigned to a combat role in a combat area such as in the Mideast, the President of the United States would have to come to the Congress of the United States to get the authority to do it. In other words, I think this is an amendment that does look to the future. I think it does put up a warning sign because, in my book, the most dangerous area in the world is not in Southeast Asia; the area of the world which might well result in a conflagration is in the Middle East—North Africa and the Mediterranean area.

But before we would assign forces for combat purposes in a combat area—the President of the United States would have to come back to Congress within the 48 hours provided in the amendment, to get his authority to do so.

Mr. GOLDWATER. I might point out that this amendment does not do that. It just says "may not be assigned to duty." It does not refer to combat duty or a combat role.

My interpretation of the amendment, if enacted, would be that the 6th Fleet would have to vacate the Mediterranean.

Mr. HUMPHREY. I do not believe there is any cause for concern. There are virtually no draftees in the 6th Fleet. There are virtually no draftees in the Navy.

Mr. GOLDWATER. But there are draftees.

Mr. HUMPHREY. But virtually none, and, with the pay increases we have provided, I do not think the Navy will require draftees hereafter for its purposes.

Mr. GOLDWATER. The same might be said about the Air Force. The Air Force includes some draftees. I am afraid that the enactment of this amendment would require us to withdraw any help from Israel.

Mr. HUMPHREY. Not a bit, but it would require that before forces of the United States are permitted into that area for combat purposes, the President would have to come here, to Congress, for authority.

Mr. GOLDWATER. The Senator does not spell that out. He merely says "assigned to duty." The duty could be 100 miles behind the lines, in a noncombat role. I think the Senator would have to spell that out, and say "in any combat role."

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to my colleague from California.

Mr. CRANSTON. I would like to point out that it was totally noncombat purposes, originally, that drew us into the conflict in Vietnam, because our forces were deployed in a combat zone. That was done without the knowledge or consent of Congress, and revelations in the press of the last few days show that it was done secretly and purposely, with intent, despite the protestations to the contrary in the 1964 campaign for the Presidency, of which the Senator from Arizona is well aware.

This amendment was deliberately drawn to prevent that sort of action, and deliberately not drawn to specify "for combat purposes in a combat zone."

Mr. GOLDWATER. I think the difference should be made clear on this, because, as it is written now, I do not think we are going to correct the mistakes we have made in the past by sending in people as advisers and assigning them to forward posts. If you are not permitting them to go into combat unless they volunteer, I think you have to spell it out, and this amendment does not do that.

Mr. HUMPHREY. The principle upon which this amendment is based is that the volunteer forces, by June 30, 1972, will be more than adequate for the military manpower levels of this country unless we find ourselves in a situation that deeply or directly affects our national security. And if that is the case, and the President determines that he must send others than enlistees into a combat area, he must come to Congress and say, after the first 48 hours, "Look, Members of Congress, I have to send manpower into a combat area, and before I do so, I want you to know what I am going to do, and I ask your authority."

The whole purpose of this proposal is to profit by what we have learned from the mistakes of history. That is what it is all about. I would hope, after studying what has happened in these postwar years since 1945, without trying to lay blame or find scapegoats, one thing we would have learned from our mistakes is the importance of consultation by the President with Congress, and not only consultation, but seeking direct authorization, one way or another.

Mr. President, this is a post-Vietnam amendment. This is an amendment that tells us things happened in Southeast Asia that should not have happened. Many Members of Congress have said they did not know what was happening. All right; if we did not know what was happening, and it should not have happened, let us put a stop to it now. We cannot relieve what took place. There is an awful lot of argument going on about what happened in 1966. I would like to have a little argument about what could go on in 1976, and some affirmative action taken now to prevent it from happening. This amendment ties directly with the congressional responsibility for national security.

Mr. STENNIS and Mr. PASTORE addressed the Chair.

Mr. HUMPHREY. I yield first to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I ask the Senator, what if Congress does not act within the 48 hours? What happens?

Mr. HUMPHREY. Within 48 hours the President must notify Congress.

Mr. PASTORE. And how long, then, does Congress have?

Mr. HUMPHREY. Thirty days.

Mr. PASTORE. What if it does not act?

Mr. HUMPHREY. If Congress does not act within 30 days, then there is no authorization for the President to use such combat forces, and it would be a violation of the law for him to put inductees into the combat area.

I yield now to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if the Senator has finished, I was going to take the floor. He has answered my question.

Mr. HUMPHREY. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I think this is a very vital amendment to almost all of our services, and the units within those services.

For instances, we have used inductees as marines several times since World War II. I do not think we have any now that are inductees, but they are, or many of them are, members of the companies of our naval ships at sea, and they are the men we send to the trouble spots.

Think of Lebanon a few years ago. Some of the marines in that company would have been inductees, if we were using them at all, and some would have been volunteers.

Under this amendment, before the President could send in that unit, he would have to pull out those who happen to be inductees. The same thing would be true with the Army, because that is where we have the most inductees. We could not send as small a unit as a company to any kind of place that could be called a combat area unless we first stripped them of those who were inductees, and then very likely we would not have a unit left, because we would have taken out some of our key men.

This deals with individuals, and it is just impossible—that is what it is, just impossible—to have the units of these services left in a position where we would have to strip them down before we could act.

This amendment, with all deference, was introduced yesterday at noon. There was no copy of it available for me, at least, this morning, a little after 8 o'clock, that we could find. I do not blame the Senator from Minnesota for that; I am talking about the enormity of the application of the amendment, with such little notice. I remember asking someone to call the Senator's office, or go around there, and see if we could get a copy for a few fleeting minutes before 10 o'clock, to look at it. I have not had a chance to have one single word from the services themselves as to how it would affect them. I do not need their counsel and advice as to how it would affect them.

In my opinion, it is just almost impossible to live under this amendment, if it is going to be taken seriously.

Let me give another illustration: The Jordanian emergency we had here just a year or so ago. There was a carrier or other vessel out there just a few miles away. The doctors on it were under the draft; and under the provisions of this amendment, we could not even send a doctor in there to aid our own people, such as those American nationals who were there in Greece.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I asked the Senator from Mississippi to yield because I know of his eminent fairness, and I know he would not want the RECORD to contain misinformation on this point. But, to use his example, if an aircraft carrier in the 6th Fleet were in a very dangerous and troubled area in the Middle East, and the said aircraft carrier had inductees on it now, this amendment would not prevent the use of those inductees. What the amendment says is that after June 30, 1972, even those left there are not touched, but we do say to the President, "If you are going to send in 10,000, 5,000, or 2,000 more inductees, then you have to come back to Congress."

But let me make it clear that if that carrier, out of a manpower component, let us say, of 5,000, had on there presently a thousand inductees, those thousand would not be removed. This amendment specifically states that those thousand would remain in the area. At the end of their term, however, they would not be required to stay. This would mean the Government had plenty of time for its replacements.

In a sense, we do not cripple the power of the President here. For example, if a Marine unit had to be used which had 90-percent enlistees and 10-percent draftees between June 30, 1972, or thereafter, we do not say that they would have to take out the 10 percent. On the contrary, it says that if they are going to add any more, they would not add any more inductees without coming back to Congress.

So it does not denude our Military Establishment.

I say to the Senator from Arizona that with respect to the Middle East situation now, where the 6th Fleet is, it has no effect on that operation, with one exception: If there were a breakout of hostilities and we needed more manpower, before inductees could be sent into that area, the President would have to come back to Congress to get it; that is, additional inductees, not inductees presently in the Armed Forces.

Mr. STENNIS. Mr. President, I think the illustration I gave still applies. I suppose the Senator is referring to language beginning on line 12, page 2. There is an addendum talking about such authority. It is not clear which authority the Senator is speaking about—the word "authority" on line 11 or the "authority" on line 7. It is just another illustration.

This matter has been put together in good faith, but it is absolutely impossible to tell exactly what it means or what will be the application of it. When we put law in hard language, what we say on the floor does not count for anything as to what it means. It is only when there is serious doubt. There is more than doubt here.

I say, on my own responsibility, that this is the most crippling amendment that could be conceived for the units of our military anywhere.

Presently, the Air Force consists of volunteers. The draft induced a large number of them, but they are volunteers. So I would not think that it would apply. I think that the military would be so cramped and curtailed and restrained that it would be highly uncertain as to what the units could do and what they were eligible for. It would be impossible to plan a quick military action. It just could not happen.

We can imagine many situations. They might be considered extreme. But if this amendment should become effective on June 30, what would be done about having units, say, in a Pearl Harbor situation, where some of the units were filled with men who had been inducted. Pearl Harbor now is within one of the States of the United States, but I am referring to some area outside the United States, with an attack such as the one on Pearl Harbor.

We just cannot work out this situation. If they are not going to be able to use these men, they should not be put in the military, in responsible positions. That is my argument.

Anyone who is going to vote for the bill ought to vote against this amendment, because the amendment would largely nullify the effectiveness of the bill for the last year of its 2-year life.

Other Senators wish to speak. I am going to yield at this time.

I believe this amendment would be permanent law. Does the Senator intend that the amendment be permanent law?

Mr. HUMPHREY. Indeed. It would be an addition to the Selective Service Act.

Mr. STENNIS. The act would expire in 2 years.

Mr. HUMPHREY. It would apply to the Selective Service Act.

Mr. STENNIS. I believe it is written in such a way as to be permanent law and that it would not expire when the power of induction applied. But that is a question that shows how uncertain it is.

Another feature is this: Consider the situation of a young fellow who came in through this act and later became a sergeant or a lieutenant and stayed in the service several years. What about him? He was inducted under the authority of this law. Would he be permitted to go to a combat zone? That is highly uncertain. I think that a literal, strict interpretation would rule him out of being eligible.

I use this as an illustration that this is a matter that should be given the most analytical examination by military men who know what it means.

I yield the floor.

Mr. HUMPHREY. Mr. President, just to try to give some balance to this record, let me say, most respectfully, the following to the Senator from Mississippi:

No. 1, this in no way cripples the President's capacity or ability to respond to a threat to our national security.

Let us take the situation as of today or, let us say, 6 months from now. Let us assume that this act is extended and that inductees are in the military units of the United States. This part of the act does not become effective until June 30, 1972. There is no change in the powers of the President or in what the President considers to be his powers or how he has used those powers.

After June 30, 1972, if there is an emergency in which the Armed Forces of the United States are called upon by the President to participate, to move into combat, and if inductees are in some of the units sent into combat, it does not mean that those inductees are lifted out and sent home. It simply means that before new inductees may be called upon—if the war escalates—to be put into combat, the President will come to Congress and ask for the authority.

In other words, if a regimental unit in which there were a thousand inductees, were sent into a particular area, those thousand inductees would not be separated from the service. They would be used as the language of this amendment specifically states:

> . . . The authority of the President . . . to assign such persons to duty in any combat area shall expire thirty days after notification to the Congress of such determination unless within such thirty days the Congress authorizes the President by law to continue the assignment of such persons to such combat area. Upon expiration of such authority the persons previously assigned (and still serving) under the authority of clause (2) above to such combat area may be retained during their normal term of service if the President determines that such assignment is necessary for the protection of the lives and safety of American troops in such combat zones.

So it would not cripple the President's authority. It would give Congress some authority if the use of manpower is going to be escalated or if we become involved in a situation in which the war itself escalates.

I submit that that is what the argument has been all along here: whether or not the President of the United States is going to be given unlimited authority to commit manpower under selective service, without coming back to Congress as to how that manpower will be used. But this amendment is drawn from some experience. I do not say we should cripple the President's power. I do not think we should deny the President the opportunity to fulfill his obligation under the Constitution as Commander in Chief and as one of the guardians of our safety. I think the President must have the resources and the troops, and under this amendment, he does have them. What he does not have, however, is the unlimited right to continue to draw on selective service for men in combat areas and combat activity. He has to come back to Congress if he seeks to do that, to seek the authority.

One other question was raised: What about a man who is inducted and decides to stay in and becomes a sergeant or a captain? That is a voluntary action on his part. He is entitled to stay in, and he is subject to the command of the Commander in Chief. This amendment does not apply to him at all.

What about a situation such as Pearl Harbor? It took only 6 hours for Congress to declare war. It did not take 30 days. If the national interest of this country or its national security is severely threatened, Congress is not going to turn its back on the request of the President.

What the amendment really says is that before we become deeply involved in what may become an escalating struggle, Congress shall not only be asked to come down to the White House—as we have in the past—to be talked to. Look at the trouble that has been caused about the Gulf of Tonkin resolution, that we did not know enough about. This amendment says that before he moves draftees into a combat area, or after he has put those men into a combat activity, the President will come back to Congress.

I think that this is a sensible amendment. I do not think it cripples anyone. It gives the public the assurance that we will not become involved in a struggle that Congress says it does not know enough about, that we will have the authority vested in Congress for the use of manpower.

Mr. GOLDWATER. Mr. President, I yield myself such time as I may need out of my 1 hour.

The PRESIDING OFFICER (Mr. PEARSON). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, this question that the Senator from Minnesota is addressing himself to is one that is beginning to divide the country. It is a question that is understandable and I am in sympathy with what the Senator is trying to do; but for the life of me, I cannot believe that, by legislation, we can change the Constitution. In my opinion, this is supported by a great many Supreme Court decisions. This approach would therefore be unconstitutional and the President would not have to pay any attention to it.

I have proposed to the Committee on Foreign Relations, even though I would vote against such an amendment, that an attempt be made to frame an amendment that would be a fence around the war powers of the President. I would hate to be given the job of forming the words of such an amendment, frankly. I believe that our Founding Fathers were very wise when they gave up on the idea of Congress having the war making powers and confined it in the hands of one man.

I would much rather put my faith and confidence in one man in these situations, rather than in over 500 men representing the whole, broad spectrum of America with all our national interests involved.

That is my constitutional stand on this. As I say, I placed a study in the RECORD on April 26, 1971, beginning on page 11913, which gives a complete history and record for any interested Senator, which indicates that the Supreme Court has constantly ruled that the Commander in Chief power of the President is complete and it cannot be infringed upon by Congress; leaving the question, of course, whether we want to amend the Constitution.

One thing I oppose in the language of the amendment and opposed in the language of other bills on this subject which have been introduced in order to accomplish the same thing, is the 30-day clause.

If I were the commanding officer of the enemy, I would like nothing better than to have open debate on the floor of the House and Senate about whether we were going to send men into combat, whether enlisted or volunteers.

If I were the commander of the enemy, I would like nothing better than to wait every 30 days for this to come up again.

Of course, this is not implied directly in the pending amendment, but it was implied in other bills which came up for action before the Foreign Policy Committee.

Mr. President, let us look at what has transpired in the history of this country. Let me read the 31 military operations for broad strategic purposes which have been carried on by this country since 1844:

### C. THIRTY-ONE MILITARY OPERATIONS FOR BROAD STRATEGIC PURPOSES

1844: Mexico. President Tyler deployed our troops to protect Texas one year before annexation.

1846: Mexico. President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.

1853–1854: Japan. Commodore Perry's expedition of 2000 men and ten ships advanced American commercial interests.

1864: Japan. U.S. Naval units participated in a joint effort to force open the Straits of Shimonoseki for commercial operations.

1865–1866: Mexican border. General Sheridan and 50,000 U.S. troops backed up a demand from Secretary of State Seward that French forces withdraw from Mexico.

1888–1889: Samoan Islands. Germany and the United States were close to warfare due to their rivalry over naval privileges in the Samoans.

1899–1901: Philippine Islands. The United States used 126,468 troops against the Philippine Insurrection in order to preserve and foster any rights it had acquired from Spain.

1900–1901: Boxer Rebellion (Peking). The Boxer uprising in China created a demand for troops and marines to relieve foreign legations in Peking and to keep open communication between Peking and the sea.

1906: Cuba. Army units took up quarters in many Cuba towns to preserve order.

1912: Panama. American troops supervised elections outside the Canal Zone.

1912: Cuba. American troops landed to preserve order.

1914: Dominican Republic. U.S. naval forces fired at revolutionaries in order to stop the fighting.

1915: Haiti. By force of arms U.S. troops took over Haiti in part to forestall European intervention.

1916: Dominican Republic. U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.

1917: Cuba. American troops landed because of unsettled political conditions.

1918–1920: Expeditions to Russia. The U.S. contributed some 14,000 men to aid the anti-Bolsheviks and to forestall Japanese expansionist plans in Siberia.

1919–1920: Panama. American troops went outside the Canal Zone to supervise elections.

1919: Honduras. A small American force went ashore to maintain order in a neutral zone during an attempted revolt.

1940: British possessions in Western Atlantic. U.S. occupied military bases on British soil to protect long-range national security interests.

1941: Greenland. The U.S. Army occupied Greenland for the same reason as above.

1941: Iceland. U.S. troops occupied Iceland for the same reason as above.

1941: Dutch Guiana. American troops occupied Dutch Guiana for the same reason as above.

1950–1953: Korean War. U.S. forces acted to assist the Republic of Korea in order "to restore international peace and security in the area."

I do not believe that anyone has satisfactorily condemned President Truman for interfering in that conflict.

1958: Lebanon. Though an important purpose of using U.S. armed forces in Lebanon was to protect American lives, a primary purpose also was to assist Lebanon in preserving its political independence.

That was a decision made by President Eisenhower which, if he had had to depend upon Congress for a decision, we may never have been able to make it, and we would have thereby lost a valuable strategic part of what still can be, as the Senator from Minnesota so aptly describes, the most troublesome spot in the world.

1961: Dominican Waters. U.S. Navy ships took up position three miles off the Dominican coast and Navy jet planes patrolled the shoreline to prevent a revolution in the Dominican Republic.

This is the example the Senator from Minnesota has been talking about and what I have been defending concerning the rights of the President.

1962: Cuban Naval Quarantine. President Kennedy ordered a naval quarantine of Cuba to prevent delivery of additional Russian missiles and to obtain the removal of those already in Cuba.

I cannot imagine what might have happened had we had to debate the question. I remember the trouble we had getting the intelligence. I remember a briefing, as a member of the Preparedness Subcommittee, behind closed doors, with armed guards outside, while Secretary of Defense McNamara was on national television telling the American people the same thing we were learning under the guardianship of the Secret Service.

I do not believe anyone would argue with the rightness of President Kennedy in making the decision he did. He would never have been able to make it if he had to depend upon Congress.

The remainder of the action follows:

1964: Congo. A task force of four U.S. C–130 transport planes with about 100 crew members and paratrooper guards were sent to the Congo to provide airlift for the regular Congolese troops during a Communist-assisted rebellion. Also, the United States had 68 military advisers in Leopoldville.

1964–1971: Vietnam. American forces have acted to support freedom and protect peace in Southeast Asia.

1964–1965: Laos. At the request of the Laotian Government, unarmed U.S. planes flew reconnaissance missions over the Plaine des Jarres. After two jets were shot down, President Johnson carried out a limited reprisal.

1965: Dominican Republic. Though the protection of the lives of U.S. citizens was an important function of U.S. troops sent to the Dominican Republic, the threat of a Communist takeover and the need to provide humanitarian assistance to the Dominican people also were major reasons for the American landings.

1967: Congo. A task force of three U.S. C–130 transports and 150 men ferried Congolese paratroopers in order to crush a revolt against Mobutu's government.

Mr. President, that is just a part of a review of the military operations the United States has been engaged in. My study shows that 155 actions have been engaged in by this country during its nearly 200 years of history.

We have engaged in five declared wars, with two of those declarations being in one war, World War II.

Now while I have considerable faith in Congress, of course, I certainly do not have as much faith in Congress to be the strategic determinant of war, or the tactical determinant of war as I have faith in the Joint Chiefs of Staff, the President, and the National Security Council.

In closing, Mr. President, I do not believe that the language in section 8 of the Constitution gives this body the power that the Senator from Minnesota seems to think it does.

We can declare war. We can declare war every 5 minutes, but only the President can send troops, unless it is to protect our own country, when this body can do that. It can, I believe, order up the Reserves and the National Guard.

Let me read from article I, section 8 of the Constitution:

Article I, section 8 of the Constitution states, "To raise and support armies. . . ." That does not imply that raising and supporting armies means we can determine where the men will be used or how they will be used. Under an act passed last year, the Senate and House Armed Services Committees have been charged with the power of saying what the troop levels shall be, and I think that is, probably, a good move.

"To provide and maintain a Navy:" That does not say anything about the Air Force. That hurts me quite a bit. We should be able to get around that. Right now, I guess, the Air Force is just operating, a right or a left arm, without anyone controlling it. We should take care of that.

"To make rules for the government and regulation of the land and naval forces; . . ." This applies to things like courts martial and other regulations about sending our armed services anywhere and who shall have control over that, but not the use of troops to this theater or that theater or some other theater. That is the President's business.

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;" Congress has done that. We have used that power and will continue to use it.

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States." Now, Mr. President, to me, article II, section 2 of the Constitution which says, "The President shall be Commander in Chief of the Army, Navy, of the United States"—I assume he is not Commander in Chief of the Air Force by the Constitution—"and of the militia of the several States," Now, Mr. President, to me it is clear that if we want to accomplish what the Senator from Minnesota wants to accomplish and what others want to accomplish, to me the only way to do it is by a constitutional amendment.

I have been engaged in a deep study on this. I have some surprising correspondence from a large group of men that some day I hope to be able to make public as to their feelings on this matter.

I have not had the advice of one single man—Democrat, Republican, liberal, or conservative—in the field of law and international law who has advised amending the Constitution to change the warmaking powers of the President.

This is a terrible subject to get into. It would take years for us to prepare language that we could find any agreement on at all. To attempt to do this by this amendment or by the several bills that have been introduced in the Foreign Relations Committee, against which I have testified and against which the Secretary of State has testified, I think is very wrong and very dangerous.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. PEARSON). The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment by the distinguished Senator from Minnesota, Mr. HUMPHREY.

This amendment would prohibit the sending of draftees to a combat zone such as Vietnam after June 30, 1972, unless further authority for such action was given by the Congress. Similar amendments have already been rejected by the Senate.

Mr. President, this amendment would place an unnecessary restriction on the constitutional authority of the President of the United States as Commander in Chief.

It could easily jeopardize the safety of military advisers or instructors who might still be serving in Vietnam this time next year.

It is my hope, and I am sure the hope of the President, that draftees will not be needed in Vietnam after June of next year. However, whether or not they are sent there is a decision which must rest with the Commander in Chief.

Mr. President, under this amendment no assignment of draftees to a combat area can be sustained by the President for more than 30 days without approval of the Congress.

The Senate should consider that the rules of this body would enable a minority to deny the President by simply delaying action for 30 days. Any troop commitment could not stand long without inductees.

Further, the safety of those troops committed by the President would be in jeopardy if the military actions involving them rest in the hands of the legislative branch of Government as opposed to the executive branch of Government. The enemy would be at a great disadvantage as he would only have to read the newspapers to determine the future status of our forces.

It appears this amendment is aimed at our involvement in South Vietnam. Unfortunately, its authority would involve troop commitments to combat zones in the Middle East, Europe or anywhere hostilities might break out.

There is some question as to whether or not U.S. troops would have remained in South Korea had an amendment of this type been in effect. President Truman was correct in sending U.S. forces into Korea, but it took more than 30 days for the wisdom of this move to be realized. Although his actions should have been followed by a request to Congress to declare war.

In such circumstances isolationist advocates would descend upon our Capitol to sway the Congress to overturn the actions of the President, whether or not it was wise.

The Congress must not destroy in the minds of the people of this great country the attitude of trust which we must place in our President. He is faced with difficult decisions and should be supported whenever possible.

Mr. President, I urge the Senate to reject this amendment as a restriction of the President's constitutional powers.

Mr. HUMPHREY. Mr. President, I yield such time as I may need.

If I believed the arguments which have been made by the able Senator from Arizona (Mr. GOLDWATER) and the able Senator from South Carolina (Mr. THURMOND), I would not have this amendment before the Senate. I certainly do not believe that we should restrain the President of the United States in the responsibility he has as Commander in Chief.

I believe I have some acquaintanceship with the burdens and responsibilities which the President has to shoulder as Commander in Chief of the Armed Forces of the United States.

I believe in national defense. I believe in national security. I believe that in the world in which we live today, we need a strong military force. I wish we did not need it, but I am afraid that we do.

I believe that we need an effective defense policy in order to preserve the peace. I do not advocate unilateral disarmament. I do not believe that we should cripple this country in the face of a hostile force or in any way weaken it.

This amendment does none of these things. This amendment does not in any way restrict the President of the United States from taking those steps necessary to protect our national interests, our vital interests, and our national security.

We must get the record clear on that, regardless of how this vote comes out.

First, if the President of the United States is required, as he sees it, to send the American forces into a particular area and these forces include some inductees, this amendment does not prevent him from doing so. Nor does it require that they be removed. This amendment does say that if the President takes any initial action and if he thinks he will have to send in more men, and those men must be inductees, he then must come to the Congress to get authority for that action.

It has been said here that the enemy would enjoy nothing more than having 30 days to listen to us argue in the Congress as to what we will do.

We can have 2½ million men in the Armed Forces under regular enlistment programs.

We have strengthened the possibilities of a volunteer army here by substantial pay increases and bonuses. We have the recommendations of the Gates Commission Report to accomplish this goal. We have the President's own word that he hopes and plans to have a volunteer army by 1972, basing that estimate on the facts which he already has available.

Furthermore, the Air Force, the Marines, and the Navy are basically volunteer units. The President in no way is restricted under this amendment.

The Senator from South Carolina says that our troops may be endangered if we depend on legislative action. This amendment specifically says that inductees will remain in order that our troops may be protected. It says that those inductees who may be in an area of combat will not be withdrawn because our forces must be protected.

This amendment was drawn by Senators who are conscious of the responsibilities the President has. This amendment was drawn in the full light of history. I note that the Senator from Arizona has told us that the President of the United States has had United States forces engaged in military actions over 30 times. Of all of those 30 times, with the exception of World War I, World War II, and Korea and Vietnam, these forces have consisted entirely of volunteers. There have not been any inductees when we have used our forces in other parts of the world, as we have had to do at times throughout our history.

In most examples—and I say in most examples that can be cited—they have been volunteers.

The point I am presenting here is that because of some of the sad lessons of history that we have experienced, it might be well to involve the Congress not only in after-the-fact decisions but also during the time the decisions are being made.

I have to say most respectfully that Senate Joint Resolution 95, sponsored by the distinguished Senator from Mississippi, also applies this lesson of history. The resolution states on page 3:

> Whenever the Armed Forces of the United States are used in armed conflict under any of the circumstances described in section 2 of this joint resolution, the President shall promptly report that fact to the Congress and shall include in such report a detailed account of the reasons for so using the Armed Forces of the United States, his estimate of the scope of the armed conflict, and the justification for the use of such forces under section 2 of this joint resolution. Upon receiving any such report, the Congress shall decide, within thirty days after the first day on which Armed Forces of the United States were committed to armed conflict, whether the authority to so use the Armed Forces shall be extended or terminated.

Mr. President, I say to Senators that this particular provision goes beyond what we have in this amendment because our amendment does not require that the use of armed forces be terminated. It requires only that inductees shall not be used against their will or against the authority of Congress.

I submit that the distinguished Senator from Mississippi in his own resolution has practically the same language as we have, except that he goes further. In his resolution it is stated:

> Upon receiving any such report, the Congress shall decide, within 30 days after the first day on which Armed Forces of the United States were committed to armed conflict, whether the authority to so use the Armed Forces shall be extended or terminated.

That would include Volunteers and inductees; the Humphrey-Cranston proposal covers only inductees. I submit that our amendment is carefully drawn. Let it be said that I am not one who wants to see the President, whoever he may be, without the right to exercise his constitutional power as Commander in Chief, but I do not want those powers so interpreted as to erase and completely destroy the constitutional power of Congress.

Congress, which calls up the men, should have something to say about how they will be used. We would do this without crippling the Executive. We would do this by having the force limit under this bill of 2.4 million men. We would do this by having a force level of American Armed Forces which can be almost totally recruited under the total volunteer program.

Our amendment would not be applied immediately or to men presently in the Armed Forces, whether they are inductees or enlistees. It would become effective after June 30, 1972, and it is at that time that the President himself said we should be at the status of a full volunteer army.

Mr. President, I think this is a necessary amendment and I hope it will be judged on its merits and not on fiction or doomsday rumors. This amendment would not cripple the President's power to protect the national interest or have us stand helpless before the enemy.

I do not believe the legislative branch is so helpless that if our national interest were affected, or if the President reported our national interest to be in jeopardy, that Congress would turn him down. I believe there is enough respect for Presidential determination and judgment that if he has a case he can make, Congress will not only back him but do it enthusiastically.

I might mention that what has happened of late is that Congress has been too willing to back up anything that came here. That is why we are in our present difficult situation. After having been in the other branch of Government, I am back in the Senate where I started, and I wish to state that the Senate had better reassert its constitutional power. If we do not, we will find ourselves being asked to give consent without ever having any chance to advise.

Mr. TOWER. Mr. President, I yield myself 2 minutes on my time.

The PRESIDING OFFICER (Mr. WEICKER). The Senator is recognized.

Mr. TOWER. Mr. President, the rationale of the distinguished Senator from Mississippi overlooks two facts. He said we can have a quick reaction force with the Air Force, Navy, and the Marines, made up largely of volunteers. What has not been said is that a number of these volunteers, men who volunteer for these services, do so because they did not want to be drafted into the Army. Many young men chose to volunteer in the Marine Corps, Navy, and Air Force because they preferred one of those branches of service when they were liable to be drafted into the Army. They have that choice. Therefore, we would be picking these young men who avoided the draft by volunteering for a particular service and who said they would rather go into a particular service, while the ones who sat around and took their chances on being drafted into the Army, would never have to go into combat.

Another factor is that as of June 30, 1972, next year, we would have to create separate units for draftees and Regulars so that a draftee could never be placed in a quick-reaction unit.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. TOWER. That would mean the draftees would be in units by themselves and not in the elite or crack units, and not serving with the Regulars or with the seasoned men; and if called upon to go into a combat situation we would be sending in a bunch of fairly green people that had not had the benefit of being a part of a Regular fighting unit.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator on his own time.

Mr. HUMPHREY. Mr. President, to keep the record reasonably accurate, what the Senator has just said is just not true. If the inductees were in a unit and the President called up that unit, this proposal does not provide that that unit cannot go into action. It says if he is going to call up a unit then he must come back to Congress. It does not mean the inductees would be separated from the enlistees. It provides that the President may use the units we have—Army, Navy, Air Force, Coast Guard, whatever we have, but if he uses them, within 48 hours he must report to Congress and within 30 days Congress would decide if he can use inductees for combat.

It does not remove those inductees being used and it does not affect the present constituency of the Armed Forces.

This amendment may have limitations. But it has a real purpose and that purpose has been embodied in several resolutions, one of which I have just mentioned.

It is not an amendment to deny immediate reaction on the part of the President or to keep the Armed Forces at an unhealthy level. It does not interfere with selective service. But it does provide that once the President has taken a step in the interests of national security, before he commits another 100,000 or 50,000 inductees to combat after he has made an initial effort, he must come back to Congress for justification. That is what the Senator from Mississippi recommended in Senate Joint Resolution 95, but he went further and said that if the President came in with his report Congress could terminate or extend his authority. We do not go that far. We say only that Congress can regulate the use of inductees.

Mr. TOWER. Mr. President, I yield myself 30 seconds on my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. I think that the point raised by the distinguished Senator from South Carolina (Mr. Thurmond) is still valid; and that is that a determined minority could preclude the kind of formalized action that would allow the President, after 30 days, to send inductees into action, and at the end of the 30 days you would have to remove all inductees from that unit and this would cause a serious problem in manpower.

Mr. HUMPHREY. That is not the case. Those inductees are not removed and the amendment specifically says so.

Because of my respect for the Senator and since I know he was not here for all of the debate, I wish to state again that those men are not removed but if additional men are sent he has to get the authority.

Mr. TOWER. Then you have to get them from the unit?

Mr. HUMPHREY. Not from the unit presently committed.

Mr. TOWER. I mean, committed after 30 days.

Mr. HUMPHREY. The Senator is correct in that.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, this is an important amendment and we should have a chance to have our say.

I rise in opposition to the amendment. I must say, as the distinguished Senator from Minnesota said, that I do so because I objected strenuously when he was in the executive department and the executive department in the White House was trying to determine what the tactical maneuvers should be overseas. Now, he is going one step further and saying that Congress should determine the makeup of our troops in any tactical area.

I can think of nothing worse than having the Congress of the United States be the one that has to determine how tactical forces of the United States are going to be moved in a time of hostilities. It seems to me that is about as bad as anything I can think of.

One of the things we do around here is try to provide the Armed Forces of the United States for the defense of this country, but when they have to be used, we want them used in the most efficient way, so we can get it over with and get them out as soon as possible. To the extent that Congress assumes the responsibility for the makeup and the tactical movement of those troops, we are going to find ourselves in increasing difficulty.

Let me point out an analogy. When we federalize the National Guard in an emergency, that National Guard can be sent by the President of the United States anywhere he wants to. The same thing is true when we call up the Reserves. The Reserves are permitted to be sent anywhere. If we take this action with regard to inductees, why should we not take the same action and say Congress has the right to say when and where to send the National Guard or the Reserves?

I have said for a long time that one of the difficult questions we have before this body is to try to have Congress have a part in decisionmaking in future hostilities. But we are not in future hostilities; we are in present hostilities. Whenever we try to take a responsibility to apply the tactical situation to present hostilities, the Congress of the United States will find itself in a morass out of which it will never be able to crawl.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota (Mr. Humphrey), for himself and the Senator from California (Mr. Cranston). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Hart), the Senator from Montana (Mr. Metcalf) and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senators from Ohio (Mr. Taft and Saxbe), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Alaska (Mr. Stevens) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Alaska (Mr. Stevens). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Alaska would vote "nay."

The result was announced—yeas 23, nays 66, as follows:

[No. 125 Leg.]

YEAS—23

Bayh
Church
Cranston
Fulbright
Gravel
Hartke
Hatfield
Hughes
Humphrey
Inouye
Mansfield
McGovern
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Stevenson
Tunney
Williams

NAYS—66

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Moss
Pearson
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—11

Brooke
Eagleton
Hart
Metcalf
Mundt
Prouty
Ribicoff
Saxbe
Scott
Stevens
Taft

So Mr. Humphrey's amendment (No. 229) was rejected.

Mr. GRAVEL obtained the floor.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

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## PROGRAM

Mr. GRIFFIN. Mr. President, for the benefit of the Senate, I rise to inquire of the distinguished majority leader what the program might be for the rest of the day, for the rest of the week, and as far into the future as he may care to indicate.

Mr. MANSFIELD. I am delighted that the distinguished acting minority leader has raised that question, with so many Senators in attendance.

It is my understanding that there will be one more amendment to be offered by the distinguished Senator from Alaska (Mr. Gravel); that if this amendment is accepted—I do not know what it is—that will be the end of it. If it is not accepted, the debate will be very brief. That will be followed by a rollcall vote, and then it is anticipated that the next step will be third reading and final passage of the bill.

If we complete that this afternoon, the Senate will then adjourn until Monday, at which time we will take up the authorization for NASA, which will take all day. There will be votes on amendments, but the final vote will not occur until sometime Tuesday.

That will be followed by the saline water conversion measure. We think that can be worked out on a time limitation basis.

The authorization for the National Science Foundation and the resolution continuing appropriations beyond the end of the fiscal year will be brought up on Tuesday next, in which an agreement already has been entered.

Other items on the calendar will be taken up at that time, including the two Idaho bills, I must say to the Senators from Idaho.

If we can complete all that, and perhaps the Treasury and Post Office appropriations bill by Wednesday evening, even if it is late, we might get an extra day off over the Fourth of July weekend.

This is not a carrot, not a stick; it is just the best we can do at this time to let the Senate know what the situation is.

Mr. GRIFFIN. I thank the Senator.

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## THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

### AMENDMENT NO. 203

Mr. GRAVEL. Mr. President, I will be very brief. I call up amendment No. 203.

The PRESIDING OFFICER. The amendment offered by the Senator from Alaska will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 29, line 16, strike out "seven" and insert in lieu thereof "nine".

On page 31, line 20, insert immediately after the period the following new language: "Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be conclusive when supported by substantial evidence in a written record considered as a whole, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. It shall be the right of every individual who requests a hearing before such local board with respect to inclusion for, or exemption from, training and service under this title, or who takes an appeal to the appeal boards herein authorized, to be represented at such hearing or appeal by counsel of his own choosing."

On page 31, between lines 20 and 21, insert the following new paragraph:

"(26) Section 10(b)(3) is further amended by striking out the last proviso."

Renumber paragraphs (26) through (32) as paragraphs (27) through (33), respectively.

Mr. GRAVEL. Mr. President, I should like to modify the amendment.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, earlier this afternoon, the amendment by Senator KENNEDY was adopted on a rollcall vote. That amendment would permit an inductee to go before the draft board, on an appeal, with an attorney, so that the attorney would be allowed in the room with the young man. This amendment does the same thing, and I am willing to modify this amendment so that there will be no redundancy. All it does then is require that there be a written record.

The situation at present is that a person would go before the hearing with an attorney; there would be no written record; and everybody would walk away with a difference of opinion later, if there were litigation in court.

It would seem logical that if an attorney were to be present, the least we could do would be to have a written record, which would mean a stenographer would be there, as at our hearings, who would record what takes place, and that record could be used later.

There have been cases in the past in which the interpretation of the records has been altered. There have been cases in Florida. I do not know how extensive that practice is. In my mind, it is a very simple issue, and I hope the manager of the bill, the Senator from Mississippi, will accept this amendment without a rollcall vote.

Mr. STENNIS. Mr. President, I yield myself such time as I may use.

The Senator's amendment brings in the very matter we debated a week ago in the first Kennedy amendment, and it was rejected at that time. The reason it was rejected was described by a proponent of the second amendment by saying that it gave too much leeway to the counsel. This amendment refers to the right "to be represented at such hearing or appeal by counsel of his own choosing." The same matter was covered a few moments ago, when the Senate voted to approve——

Mr. GRAVEL. Mr. President, I would be prepared to modify my amendment to take away the redundancy the Senator speaks of. I would be prepared to modify it by striking, on line 8, page 2, from "it shall" all the way to the end of the paragraph, line 13. So that would omit the language of the Kennedy amendment that was adopted today. The only thing that would be left in this amendment would be that a written record be kept of the proceedings; that is all.

Mr. STENNIS. In reference to the Senator's modification of his amendment, I point out that there are two pages with references to other matters, with all kinds of demands on the local boards, and rules and regulations by the President.

We have been all over this twice, in two votes, and we just adopted an amendment by the Senator from Massachusetts which included all the provisions in behalf of the registrant—counsel being present and a great number of other things.

I respectfully say that the subject matter has been covered. The question about a record was debated the other day. Objection was had on the floor, and I understand that some of the votes against the amendment at that time were because of the requirement about the record in every case. This goes back to the same proposition about support by substantial evidence in a written record. I do not know what else may be in this language.

But the basic principles of it have already been adopted, except for the written record. Again, we have thousands of boards who have no adequate member of employees to help them. The lawyer is already allowed to make up the record, so that there will not be any question about that. The Kennedy amendment provides that when there is an adverse ruling:

> In the event of a decision adverse to the claim of the registrant, the local board or appeals board making the decision shall, upon request, furnish such registrant with a brief written statement of the reasons for its decision.

So the record is already there with reference to the file. The registrant already has many rights in filling up the record of what he wants as evidence. His attorney will be there at the hearing to get the benefit of all this, and he can get things put into the record.

We are piling up matters on the local boards which will place such heavy loads upon them, they will not be able to carry them.

Mr. GRAVEL. Mr. President, there is not too much more than I can add. Senators understand it. I want to assure the Senator from Mississippi that if there is any new language in this amendment other than what I have seen on the floor, he is authorized on my behalf to strike it out in conference and that would give him the time there. But there is no new language in the bill or the law. There is no change.

I am prepared to knock out the redundancy. It will not do any harm. It will provide for a written record of the hearing where there is an attorney, which to my mind is basic jurisprudence.

Mr. President, I am prepared to vote.

The PRESIDING OFFICER (Mr. WEICKER). The Chair asks the Senator from Alaska whether he seeks to modify his amendment now.

Mr. GRAVEL. Yes, Mr. President; I ask unanimous consent to modify my amendment by striking out the language on page 2, line 8, where it begins "It shall be the right of" down through the end of line 13, "counsel of his own choosing."

The PRESIDING OFFICER. The amendment will be so modified.

The text of the amendment as modified is as follows:

On page 29, line 16, strike out "seven" and insert in lieu thereof "nine".

On page 31, line 20, insert immediately after the period the following new language: "Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be conclusive when supported by substantial evidence in a written record considered as a whole, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe.

On page 31, between lines 20 and 21, insert the following new paragraph:

"(26) Section 10(b) (3) is further amended by striking out the last proviso."

Renumber paragraphs (26) through (32) as paragraphs (27) through (33), respectively.

Mr. ERVIN. Mr. President, I trust that the Senate will not adopt the pending amendment. Its underlying theory is that when the Government of the United States undertakes to secure military personnel through the draft, it is imposing punishment on those who are called upon to serve their Nation.

I see no purpose to be served by this amendment. It would require a court reporter to be employed in every draft area of the United States.

Mind you, Mr. President, the written record would be of no great advantage after it had been made, because in so many areas of the country, particularly in my area, draft boards usually know the registrants and rely on their own personal knowledge, and information which is of common knowledge in the community when they discharge their duties under the draft act. They ought not to be required to act on the theory that determining who should be drafted is an adversary proceeding between the U.S. Government and the registrants. And we ought not to legislate on the theory that the Government punishes a man when it calls upon him to serve in the Armed Forces of the Nation in time of peril.

Quite the contrary. I think that the Government of the United States is paying a distinct honor to any man when it asks him to serve i nthe Armed Forces of the United States in time of danger.

There is a provision in another amendment adopted a moment ago that the registrant can bring in witnesses before the draft boards so that they may testify. But there is no provision to bring in witnesses before draft boards to testify against the claim of the registrant. The law does not contemplate that. Since the written record is not to be complete, it would be a useless gesture to require it.

Manifestly the knowledge of the members of draft boards would not be in the record. Moreover, they would not have any power to bring witnesses to testify contrary to the claim of the registrant. Hence, the record would be incomplete in any event. Passing upon the claims of a registrant is not like trying a man for a crime.

As I say, Mr. President, when the Government of the United States calls upon a man to serve in the Armed Forces of the United States, it is paying him a distinct honor. It is not proposing to disgrace him or to punish him.

I do not believe that we need court reporters in hearings before a draft board.

I sincerely trust that the Senate will reject the pending amendment.

Mr. STENNIS. Mr. President, I yield myself 1 minute and I will then be ready to vote.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. I have before me the law on the books and brought forward in the bill. The amendment would strike out five lines on page 2, on page 8, and four and a half more lines down at the top of the next page, and then there is the proviso down here that is 10 or 12 lines long, which goes into considerable explanation to try to explain it all.

I am willing to take the verdict of the Senate, since we have just passed an amendment that covers the rights of registrants.

Mr. TOWER. Mr. President, I move to table the amendment offered by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER (Mr. WEICKER). The question is on agreeing to the motion to table the amendment of the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Alaska (Mr. GRAVEL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. METCALF), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senators from Ohio (Mr. SAXBE and Mr. TAFT) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 67, nays 20, as follows:

[No. 126 Leg.]

YEAS—67

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Pastore
Pearson
Pell
Percy
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Tower
Weicker
Young

NAYS—20

Bayh
Byrd, W. Va.
Church
Cranston
Gravel
Harris
Hartke
Hatfield
Humphrey
Mansfield
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Proxmire
Stevenson
Tunney
Williams

NOT VOTING—13

Baker
Brooke
Eagleton
Fulbright
Hart
Metcalf
Mundt
Prouty
Ribicoff
Saxbe
Scott
Taft
Talmadge

So the motion to table Mr. GRAVEL's amendment was agreed to.

The PRESIDING OFFICER. The Senate having previously agreed to the committee amendment in the nature of a substitute, and the bill as thus amended being treated as original text for the purpose of further amendment, therefore, if there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

### ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, JUNE 28, 1971, FROM MONDAY TO 9 A.M. ON TUESDAY, JUNE 29, 1971, AND FROM TUESDAY TO 9 A.M. ON WEDNESDAY, JUNE 30, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Monday next; from Monday until Tuesday at 9 a.m., and from Tuesday to Wednesday at 9 a.m. With respect to Thursday, we will have to wait and see.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BAYH. Mr. President, those of us who believe that the war in Indochina should be ended—ended now—are faced with a difficult question in voting on final passage of the Selective Service Act. As I have said before, the Senate cannot, the Senate should not, seek to avoid the implications of our actions here today on the war that hangs over us. I believe that continuation of this war is illegal, immoral, and senseless. And I am prepared to take whatever steps I can to bring it to a halt.

That is why I supported the amendment of Senator NELSON to prevent the President from assigning draftees to combat in Vietnam.

That is why I supported the amendment of Senator HATFIELD to end the draft altogether when the present act expires.

That is why I joined with Senator SCHWEIKER to limit any draft extension to 1 year, rather than the 2 years the President requested.

That is why I supported the amendment of Senator GRAVEL to limit the draft to times when Congress has declared a state of war.

That is why I supported the amendments of Senators KENNEDY and TAFT to limit the number of men the President could draft under any circumstances.

That is why I supported the amendment of Senator CRANSTON to prevent the President from drafting men out of the vast secondary manpower pool—13 million Americans who have been deferred under earlier law.

The most important objective before us is to stop this terrible war. And if I felt that the defeat of this bill would clearly further this objective, I would be prepared to oppose final passage of the Selective Service Act.

But Mr. President it should be unfortunately clear to all of us that the failure to pass this bill will not bring a speedier end to the war in Indochina. Indeed, even if the Senate had accepted Senator CRANSTON's amendment, the President would, until this act were signed into law, retain the power to draft out of a vast pool of 13 million men previously deferred, a level 10 times greater than the draft authority contained in this bill.

Moreover, every day we delay passage of this bill, we delay the implementation of healthy reforms, of new provisions which the Senate has adopted.

We have taken action to insure that families that have lost a son in combat need not sacrifice another to war.

We have insured that selective service regulations will be published and made available before they go into effect.

We have enacted significant pay increases that will be a considerable aid in reestablishing the dignity of military service.

We have established firm congressional guidance for dealing with the tragic crisis of drug abuse in the military.

We have provided for the use of draft registration machinery to assist in the important work of registering new voters 18 years of age.

We have guaranteed that those drafted out of colleges and universities will be treated fairly in seeking readmission and retention of their academic standing.

We have created a national draft pool rather than a fragmented system of separate pools and provided for full random selection of draftees.

We have established a national policy of creating draft boards truly reflective of the constituency that will come before them.

We have adopted my amendment requiring more detailed justification of military manpower levels and their relationship to national security requirements—including an annual report of the impact of a 10-percent reduction in force levels.

Many of these important matters have been resolved in the short period since we invoked cloture.

As important as these and other significant features of the bill may be, Mr. President, the most important provisions of this bill are those which affect the central objective I would endorse for this body and for all those who make American policy, the prompt termination of the war in Vietnam. This bill contains several provisions which I believe will help us toward attaining that objective.

The bill contains an overall limit on Armed Forces manpower—a reduction of 56,000 men below the level sought by the Secretary of Defense.

The bill contains a limit on the number of men that may be drafted by the President over each of the next 2 years, and requires that he obtain new congressional authority if he seeks to exceed these limits, under any circumstances.

And most important of all, the bill for the first time declares as national policy the setting of a date for complete withdrawal of our forces from Indochina. Mr. President, the Mansfield amendment is the most significant step the Senate has taken in this session. We are in debt to the distinguished Senator from Montana for his leadership in drafting and securing passage of this landmark declaration. It is the most significant step we have yet taken to bring the war to an end.

I am not prepared to delay any longer in moving toward final passage and signing into law of the Mansfield amendment and the other important measures I have discussed. I will vote for the Senate's passage of this measure.

Mr. President, I support the bill as it now stands and I hope it will emerge whole from conference, promptly and successfully. I have the gravest doubts whether I could support—and whether many of my colleagues would support—a conference bill that deleted the Mansfield amendment or other major and vitally needed provisions which we have added. I urge the Senator from Mississippi and his colleagues to uphold these provisions.

Mr. ALLOTT. Mr. President, I would like to make a prediction—a prediction that I hope will be proved wrong.

I predict that those Senators who voted for the Mansfield amendment are in for nine disappointing and embarrassing months. These men have given themselves as hostages, not to fortune, but to something more dangerous and sinister than fortune. They have given themselves as hostages to the Government of North Vietnam.

The Mansfield amendment records the opinion of the majority of Senators that the United States should leave Vietnam in 9 months if and only if all American prisoners of war are released by then.

The assumption is that we have now told Hanoi to test our good faith. The assumption is that the Mansfield amendment will give Hanoi an opportunity to secure American withdrawal by releasing our prisoners. According to the supporters of the Mansfield amendment, an expression of opinion such as that contained in the amendment will give Hanoi the opportunity and the motive to release our prisoners.

Now the Hanoi Government has 9 months in which to justify the judgment of those who supported the Mansfield amendment.

Regardless of the fate of the Mansfield amendment in the House-Senate conference, the passage of the amendment puts a majority of Senators on record with the clearly implied belief that Hanoi will release our prisoners to insure American withdrawal.

I do not question the motives of the Senators who voted for this amendment. But for reasons which, unfortunately, may well become clear in the next 9 months, I do question their judgment.

Those of us who opposed the amendment warned that the amendment would undercut our bargaining position with the Hanoi Government. Those who supported the amendment argued that passage of the amendment would facilitate prisoner release. They reasoned that Hanoi would have a strong incentive to release the prisoners if they understand that release would encourage total American withdrawal.

We who opposed the amendment countered by arguing that the Hanoi Government already knows that we are withdrawing our forces. That is clearly U.S. policy. We argued that the Mansfield amendment would only complicate the process of obtaining prisoner release because Hanoi would interpret the amendment as a sign of American desire to get out with maximum speed regardless of the consequences. Thus Hanoi will feel little incentive to facilitate prisoner release.

In fact, Hanoi may decide to up the ante. For example, Hanoi may decide to make prisoner release contingent not merely on complete American withdrawal, but also on American willingness to topple the Government of South Vietnam as our forces leave.

And why should Hanoi stop there? They can up the ante again, and insist that prisoners will be released only if we pay some huge ransom while toppling the South Vietnam Government and withdrawing our troops.

In short, Mr. President, Hanoi may well interpret the Mansfield amendment as a license to up the ante indefinitely.

I fervently hope that this will not happen. I hope that the supporters of the Mansfield amendment are correct and that Hanoi will make of the amendment an opportunity for progress and not mischief.

I hope this for the sake of our prisoners of war. And I hope this for the sake of those Senators who have wagered so much on their ability to predict an unprecedented act of humaneness and reasonableness on the part of the Hanoi Government.

Mr. President, so that all Senators can consider an interesting report on the vagaries of Hanoi's prisoner-of-war policy, I ask unanimous consent that the column by Messrs. Evans and Novak from this morning's Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Hanoi Doubletalk on POWs

(By Rowland Evans and Robert Novak)

The skill and audacity with which the Vietnamese Communists manipulate American public opinion on the emotion-charged prisoner-of-war issue is illustrated by a diplomatic cable transmitted back to Hanoi June 11 by the North Vietnamese negotiating team in Paris.

That cable contained the official Communist transcript of an interview in Paris three days earlier between Xuan Thuy, chief North Vietnamese negotiator, and Chalmers M. Roberts of The Washington Post. The transcript quoted Xuan Thuy as saying that "if the United States sets a reasonable deadline for the complete withdrawal of troops, we could discuss the settlement of the prisoner of war question"—precisely the Hanoi line.

In truth, however, that is not what the Communist negotiator said at all. Roberts, a respected diplomatic correspondent, reported Xuan Thuy as telling him, "if a reasonable date is set, the question of prisoners may be settled." In response to another question, he amended that to *"will* be settled."

The discrepancy reveals the POW game played by the Hanoi Politburo. The soft line actually given in the interview with Roberts is intended to convince Americans that the POWs will come home just as soon as President Nixon sets a troop withdrawal deadline. The altered transcript cabled to Hanoi reiterated the hard line that is the Vietnamese reality: Hanoi promises nothing whatever in return for a troop withdrawal deadline.

This audacious game has worked, feeding demands in the United States for quick withdrawal. Two antiwar Democrats, Sen. Vance Hartke of Indiana and Rep. Robert Leggett of California, returned from talks with the Communists in Paris indicating that the Americans were to blame for the negotiations deadlock. Clark Clifford, former Secretary of Defense, has predicted release of the prisoners 30 days after agreement to withdraw. In a climate further soured by the Pentagon papers, many Americans believe the worst of their own country's leaders while exercising complete gullibility about Communist promises.

When not talking to American politicians and journalists, the Communists revert in formal Paris sessions to the hard line of their official statements. Based on those statements, there is every reason to believe that the Communists plan to use the POWs as hostages to steadily up the ante in fulfilling all goals in Vietnam.

The basic position is point one of the South Vietnamese Communist eight-point "elaboration" of last Sept. 17. It not only links prisoner releases with a fixed date for U.S. troops withdrawals but also talks about taking all U.S. weapons and war materials from South Vietnamese troops and dismantling U.S. bases in Vietnam. Thus, the troop withdrawal deadline accompilshes nothing.

Consistently, the official Communist line in Paris has been that such a deadline set by Mr. Nixon would win him merely the right to *discuss* prisoner releases. Mme. Nguyen Thi Binh, chief South Vietnamese Communist negotiator, deviated from this only once. On April 15, an article by her in the French newspaper Le Monde suggested that Mr. Nixon need only fix a deadline "for GIs and American prisoners to be rapidly and safely returned."

But on the very day that article appeared, Mme. Binh was her usual intractable self at the negotiations session. Prisoners would return home, she said, only after the war had "come to an end"—that is, after a political settlement along Communist lines.

Rep. Leggett's visit to Paris on May 31 again showed the two faces Nguyen Van Tien, Mme. Binh's deputy, told the congressman that POWs could be released as soon as Mr. Nixon set a "reasonable date" for withdrawal. But when reporters queried Communist spokesmen about Leggett's visit, they were told repatriation of prisoners would be merely *discussed* once the withdrawal of troops was announced.

Still another example occurred when Anthony Lewis of The New York Times interviewed Xuan Thuy May 21. Lewis reported the North Vietnamese negotiator "understood the concern about the American prisoners and was ready to do something immediately . . . if Mr. Nixon set a withdrawal date." But the official Communist "transcript" cabled to Hanoi said only the Communists will "be ready to talk to Mr. Nixon on the POW issue" after a troop withdrawal.

The pattern is unmistakable. The ransom for American POWs will be much dearer than the Democratic-sponsored troop withdrawal deadline. To get them home, the U.S. must agree to humiliating concessions ending with a Communist regime in Saigon. Such is the iron *realpolitik* behind the Oriental smiles exhibited in Paris for American politicians.

Mr. THURMOND. Mr. President, I support the final passage of the Selective Service bill as amended by the Senate.

The bill would provide for the extension of the present Selective Service Act and thereby insure that minimum military manpower requirements would be met for the next few years.

The limited draft calls under the ceilings imposed by the Senate for the next 2 years will provide the means to insure our national security. Necessary manpower provided by the draft will enable our ground forces to remain strong and the continuance of the draft will insure the necessary volunteers needed to maintain our strategic forces.

Since May 6 the Senate has debated the pending bill, many amendments have been rejected while others have been accepted. I am confident the Senate conferees will vigorously fight for the Senate position as reflected by the amendments affixed to this bill during this long deliberation.

In conclusion, I urge Senators to support this bill on final passage.

I wish to commend the distinguished Senator from Mississippi (Mr. Stennis) for the excellent manner in which he has handled the bill, and the distinguished ranking minority member of the Senate Armed Services Committee (Mrs. Smith), for her outstanding leadership in the committee and on the floor of the Senate.

Mrs. SMITH. Mr. President, I want to commend the distinguished chairman of the Committee on Armed Services, Mr. Stennis, for his outstanding performance in the management of the passage of the draft extension bill. I have never seen a Member of this legislative body work so hard and diligently on a bill and more effectively than has the Senator from Mississippi.

More than that, he has performed so admirably in his patience and tolerance and understanding in one of the more difficult legislative environments of this body. Yet, he has done so without any dilution of his dedication to his country or the firmness of his resolution for a realistic and strong bill.

He has rendered a great service to his country and to the people of the United States and I salute him.

I also wish to commend the chief of staff of the Committee on Armed Services, Mr. T. Edward Braswell, Jr., and his associates for their diligence and assistance, beginning with the preparation for the committee hearings, the weeks of hearings and markup of the bill, and their constant attention and help during these weeks of debate in the Senate Chamber.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll:

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Hart), the Senator from Montana (Mr. Metcalf), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Georgia (Mr. Talmadge) is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senators from Ohio (Mr. Taft and Mr. Saxbe), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Illinois (Mr. Percy) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy), and the

Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 72, nays 16, as follows:

[No. 127 Leg.]

YEAS—72

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Harris
Hollings
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—16

Baker
Church
Cranston
Fulbright
Goldwater
Gravel
Hartke
Hatfield
Hughes
Inouye
Magnuson
Mansfield
McGovern
Nelson
Proxmire
Schweiker

NOT VOTING—12

Brooke
Eagleton
Hart
Metcalf
Mundt
Percy
Prouty
Ribicoff
Saxbe
Scott
Taft
Talmadge

So the bill (H.R. 6531) was passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the bill be reprinted, with all amendments, as finally passed by the Senate, and that the Secretary be authorized to make purely technical corrections, such as renumbering sections.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I move that the Senate request a conference with the House on the bill and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. WEICKER) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. STENNIS. Mr. President, I wish to express the special thanks of the committee—especially myself, if I may—for the splendid work done on this bill by our staff director, Mr. T. Edward Braswell, Jr., who I think is one of the most valuable men we have found on the Hill; also to Mr. R. James Woolsey, who is a new member of our staff. He has been here since January and has done an amazing job of getting a grasp on this matter. Unfortunately, he is ill at this time. He rendered very fine service.

I wish to thank and commend Mrs. Maurine Dantzic, one of our fine secretaries, for the tremendous amount of work of the highest order that she performed.

I extend special thanks to the senior Senator from Maine (Mrs. SMITH) for her unfaltering efforts, attendance, work, and counsel in connection with this bill. I appreciate the cooperation of the members of the committee and the Members of the Senate.

I yield the floor.

## TRIBUTE TO SENATOR STENNIS AND OTHERS ON PASSAGE OF DRAFT EXTENSION

Mr. MANSFIELD. Mr. President, commending the distinguished Senator from Mississippi (Mr. STENNIS) with any words at this time would be most inadequate. He understands, I am confident just how deeply the Senate appreciates the magnificent task he has performed in connection with this bill. Few times in the past has an issue undergone such close and prolonged examination in this body. In this instance, that examination was probably well worthwhile. I believe the able chairman of the Committee on Armed Services would agree. He handled this bill exceedingly well. His understanding of every facet of each issue presented was outstanding. His advocacy was remarkable. Senator STENNIS has once again demonstrated to the Senate and to the Nation the type of legislative genius and endurance that has marked him for now and for all time.

Others, too, made notable contributions. The distinguished senior Senator from Maine (Mrs. SMITH), extended her always gracious and always splendid cooperation. She again served magnificently as the ranking minority member of the committee. The other members of the committee deserve equally high praise.

To the other side of so many issues raised, the Senator from Alaska (Mr. GRAVEL) contributes with great competence. The distinguished Senators from Oregon (Mr. HATFIELD) and South Dakota deserves high praise as well. The Senator from California (Mr. CRANSTON) and the Senator from Massachusetts (Mr. KENNEDY) are also to be singled out. Actually the list seems endless.

May I say, to all of those Senators joining the debate, offering amendments, and submitting recommendations on the matter of Selective Service, the war, and all of the issues which in turn arise, I extend the grateful thanks of the leadership. All in all, the consideration of this issue was in the best traditions of the Senate. I think we can all share the credit.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 9270. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 742. A joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 744. A joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

## ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 556) providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971.

The PRESIDENT pro tempore subsequently signed the enrolled joint resolution.

## HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred to the Committee on Appropriations:

H.R. 9270. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 742. A joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 744. A joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

## AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be permitted to file reports until midnight tonight.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 142, H.R. 7109. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment, to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development", for the following programs:

(1) Apollo, $612,200,000;

(2) Space flight operations, $672,775,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $110,300,000;

(5) Lunar and planetary exploration, $291,500,000;

(6) Space applications, $185,000,000;

(7) Launch vehicle procurement, $146,100,000;

(8) Aeronautical research and technology, $110,000,000;

(9) Space research and technology, $75,105,000;

(10) Nuclear power and propulsion, $70,720,000 of which $58,000,000 is to be used only for NERVA engine development and related nuclear propulsion activities;

(11) Tracking and data acquisition, $264,000,000;

(12) Technology utilization, $4,000,000;

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Modernization of the 40 x 80-foot Wind Tunnel, Ames Research Center, $6,500,000;

(2) Centaur Modifications to Titan III launch area, John F. Kennedy Space Center, $10,700,000;

(3) Alterations to Launch Complex 17, John F. Kennedy Space Center, $4,500,000;

(4) Space Shuttle Facilities, as follows:

Main engine sea level test stands (2), Mississippi Test Facility, $11.000,000.

Main engine altitude test facility, Air Force Arnold Engineering Development Center, $2,000,000.

Auxiliary propulsion test facilities, undesignated location, $1,500,000.

Thermal protection system development facilities, Ames Research Center, $3,000,000, Langley Research Center, $500,000, Manned Spacecraft Center, $1,200,000, Undesignated location, $800,000;

(5) Power Plant Replacements, Goldstone, Calif., $370,000 and Santiago, Chile, $230,000;

(6) ATS Ground Station, Western Europe, $500,000;

(7) Facility rehabilitations and modifications, various locations, $10,000,000;

(8) Facility Planning and Design, $3,500,000.

(c) For "Research and program management," $681,350,000, of which not to exceed $517,916,000 to be available for personnel and related costs.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Sec. 2. Authorization is hereby granted whereby the total of any of the amounts prescribed by paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward of 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. (a) Notwithstanding any other provision of the Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 7. Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), is amended as follows: (1) subsection (a) is hereby repealed, and (2) subsections (b), (c), and (d) are renumbered as subsections (a), (b), and (c), respectively.

Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972".

## MARITIME PROGRAMS AUTHORIZATION, 1972—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of June 23, 1971, p. 21604, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, the conference report presented by the distinguished Senator from Louisiana is of special interest to the junior Senator from Michigan.

One of the amendments to the House bill, retained in conference, authorizes the Secretary of Commerce to repair, recondition, equip as necessary, and maintain in good repair, a vessel, the *Allegheny*. This vessel was turned over as Navy surplus property to the Great Lakes Maritime Academy, a division of the Northwestern Michigan College, for training purposes.

Mr. President, I am pleased that the conference agreement not only authorizes $170,000 to rehabilitate the vessel, but also contemplates that the vessel will hereafter be maintained in good repair.

The conference report should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

## SENATE JOINT RESOLUTION 118—TEMPORARY EXTENSION OF THE AUTHORITY CONFERRED BY THE EXPORT ADMINISTRATION ACT OF 1969

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution and ask unanimous consent for its immediate consideration. It has been cleared all around.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection?

There being no objection, the joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969 was read the first time by title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 14 of the Export Administration Act of 1969 is amended by striking out "June 30, 1971" and inserting "October 31, 1971".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, the reason for this is that it expires on June 30. Therefore, it is necessary to have this temporary extension at this time. I repeat that, to the best of my knowledge, it has been cleared all around.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, the distinguished assistant majority leader, the Senator from West Virginia, will shortly make some unanimous-consent requests relative to measures which will be brought up next week. This has been cleared all around. We did not do so during the course of the discussion of the bill just passed because we did not want to delay the efforts of the Senate as a whole.

## SHARE-THE-POVERTY BILL

Mr. LONG. Mr. President, an editorial published in the Augusta Chronicle of Friday, June 18, 1971, pointed out some of the dangers involved in H.R. 1, the so-called family assistance plan. The general theory of the editorial is that we should be trying to put people to work rather than encouraging more and more people to go on welfare. It is a very thoughtful editorial, and I think the Senators would be well advised to consider it carefully.

I ask unanimous consent that the editorial entitled "Share-the-Poverty Bill," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### SHARE-THE-POVERTY BILL

Action by the House Ways and Means Committee to raise the minimum income for a family of four, under the President's welfare reform proposal, from $1,600 to $2,400, demonstrates dramatically a basic objection made by opponents of that proposal.

Start giving people minimum incomes as a matter of legal right and at the expense of the taxpayers, and you make private access to the Treasury of the United States potentially uncontrollable. When congressmen can increase the amount 50 per cent—from $1,600 to $2,400—they pave the way for further increases at some later date by another 50 per cent to $3,600, by a second 50 per cent to $5,400, and a third 50 per cent to $8,100. Where does it end?

And if you think for a moment congressmen would resist the pressure from people who want more spending money and who use the threat of their voting strength to force passage of ever-larger give-away bills, then you haven't taken a recent look at what has happened to the federal budget, deficit spending and debt in the past few years.

Examine impartially, for a moment, what happens when federal deficit financing puts billions of dollars more in circulation by just issuing money, not representing any increased production in the fields, ranches, the forests, mills, shops, stores, laboratories and service organizations of this country.

Inflation, already a problem, would roar ahead on an unprecedented scale. Millions of Americans now barely above the poverty line would, as a direct and inevitable result, became a part of the deprived sector. The surging inflation also would make minimum incomes themselves, no matter at what level, inadequate. So, as night follows day, political pressure would make irresistible a continuing series of successive moves to raise the tax-paid minimum incomes, over and over and over.

As the juggernaut of inflation moved on relentlessly, savings would be destroyed, people on fixed retirement income would become virtual paupers and the entire structure of our government could be forced into a totalitarian socialistic straitjacket.

This is not to say that poor families do not need higher income. They do, and recognition that they need something better than the present hopeless welfare system is something The Chronicle has repeatedly emphasized.

What is needed is jobs at adequate wages. This goal is not reached, but is defeated, by pouring billions of dollars into ever-mounting doles. It is reached by strengthening the economy—setting up favorable conditions for business, industry, agriculture, the professions and the services, so that as they raise their productiveness they need and will train more and more employes.

Such an approach to the economy affects government policies on taxation, excessive regulation, labor, bureaucratic dictatorship and tariffs. On many of these issues, large numbers of Americans have been persuaded by subtle appeal to humanitarian instincts to close their eyes to the total picture, and adopt socialistic positions.

The fact remains, however, that the way to attack poverty, for persons capable of productive work—no matter how humble—is to make it possible for them to get jobs. Tax-paid welfare should be reserved for those incapable of performing, or unable to find, useful work of any kind.

(The remarks of Mr. Roth when he introduced Senate Joint Resolution 119 and the ensuing colloquy are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks of Mr. Byrd of Virginia when he introduced S. 2158 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

## TRIBUTE TO SENATOR STENNIS OF MISSISSIPPI

Mr. ALLEN. Mr. President, there is no more lofty word in the English language than the word "patriot."

I know of no person in the Senate or in the entire country who better deserves to be called patriot than the distinguished Senator from Mississippi (Mr. Stennis).

The draft extension bill has been before the Senate since May 6, 1971. It has been subjected to a barrage of amendments, germane and nongermane. Each day that the bill has been before the Senate, the distinguished Senator from Mississippi (Mr. Stennis), has stood on this floor and has either approved and accepted amendments or has taken issue with them and engaged in high-level debate with respect to those amendments. Always he treated opposition Senators with the greatest of courtesy and patience.

It has been a herculean feat which has been performed by the distinguished Senator from Mississippi (Mr. Stennis). He is entitled to the thanks of a grateful Nation for the work that he has done with respect to the bill.

He took the position—a position with which the junior Senator from Alabama is in complete agreement—that the draft affords the best method of placing upon the young men of this country the duty and the obligation to defend their country. He felt, as the junior Senator from Alabama feels, that the draft is necessary for the security of this Nation.

The distinguished Senator from Mississippi (Mr. Stennis) stood like a stone wall against the onslaughts that were made against the bill, either by amendment, by extended debate, or by a filibuster, if you please, Mr. President.

He thought this bill was necessary for the defense of this country. He was so anxious to see it enacted into law by July 1, the date of the expiration of the draft, that he was willing to abandon a tradition of 25 years standing to vote to bring debate on this bill to a close. Above all else he placed the security of the Nation.

Men like this great Senator are the men who have made the U.S. Senate the greatest deliberative body in the world. Through membership in such a body, Senators stand in the reflected luster of this great Senator.

So, the junior Senator from Alabama feels that he would be remiss in his duty as a Senator from the State of Alabama and as a Senator of this great Nation if he did not on behalf of the people of Alabama and the people of this Nation commend the distinguished Senator from Mississippi (Mr. Stennis) for the patriotism, the dedication, and the devotion to duty that he has shown throughout the consideration of this bill.

Incidentally, it was a great feat and a great task that he entered upon, and today saw it move further along toward final enactment. So, on behalf of the people of the State that I have the privilege of representing, I salute the distinguished Senator from Mississippi (Mr. Stennis) for the great work he has done for the Nation in the passage of the draft extension bill.

Mr. BYRD of Virginia. Mr. President, I join with the distinguished Senator from Alabama in his comments in regard to the chairman of the Committee on Armed Services.

It was 7 weeks ago today that debate began on the extension of the Selective Service Act.

During those 7 weeks, the Senator from Mississippi (Mr. Stennis) has been on the floor almost constantly during that entire period of time.

More than 230 amendments were offered to the bill under consideration. The Senator from Mississippi found it necessary to discuss in some detail all of the amendments which were called up. While all of the 230 amendments were not called up, a great many were. They were detailed and difficult amendments in many cases.

The Senator from Mississippi did a masterful job in floor managing this legislation.

I join with the distinguished Senator from Alabama in paying tribute to the distinguished chairman of the Committee on Armed Services.

I feel that he did an outstanding job. I think that he displayed not only great diligence and great ability but I also feel that he displayed great physical stamina to have devoted as much time and energy as he did in the handling of this legislation.

I salute him. He is a great Senator.

## COMMENDATION OF SENATOR STENNIS AND EXPLANATION OF VOTE FOR CLOTURE BY SENATOR ERVIN

Mr. ERVIN. Mr. President, I would like to say that during my 17 years in the Senate I have never seen such a magnificent job done by any floor manager of a bill as has been done by the able and distinguished Senator from Mississippi (Mr. Stennis).

Throughout the 8 weeks the Senate has had the proposal before it to extend the draft, he has demonstrated the greatest intellectual stature and the greatest physical stature that can be found, a spirit of tact and diplomacy, and he has demonstrated as profound wisdom as any individual could display. The entire Nation is his debtor.

Also I would like to say that I marked my 17th year in the Senate the 11th day of this month, and on the vote to bring to an end debate on the measure the Senate just passed I succumbed for the first time to the temptation to vote for cloture. I did so in my honest judgment that the security of this Nation was at stake in the consideration and enactment of this bill.

I think that we live in a precarious world and for sometime we will have to maintain a fairly large armed force if we are going to protect our freedom and our independence.

I trust, however, I will not be tempted at any time in the future to ever vote for cloture again. I have steadfastly refused to vote for cloture where mere temporary policies of a domestic nature are involved, and I do not anticipate we are going to have another situation at any time in the near future where I am going to feel national security is at stake.

I have been confronted with a problem as the distinguished Senator from California (Mr. Tunney), who is now presiding over the Senate, knows, in the effort of our Subcommittee on Constitutional Rights to determine the extent of Army surveillance of civilians.

I have found a great reluctance on the part of the Department of the Army to inform the committee on anything that the committee has not already established by other testimony.

A few years ago we had a great controversy in this country about who promoted Major Perez. I happened to sit on the Armed Services Committee that conducted three separate investigations of that question. The counsel for the Army who had charge of presenting the Government's case in the investigations did not believe the American people, or the Congress for that matter, were entitled to know much about what was going on in the executive branch of the Government, and would not cooperate or disclose anything in the first two hearings.

The third hearing took place after former Governor Brucker of Michigan became counsel. He was a very wise and knowledgeable defense attorney and he came in and laid all the cards facing upward on the table and made clear that the question of the promotion of Major

Perez, which had convulsed the country for several years, had been the result not of any disloyalty to our Government on the part of any official, but, on the contrary, was the result of having no regulations to govern the situation in which Major Perez found himself.

I think we need a little more cooperation on the part of the executive branch of the Government in the disclosure of information.

The Subcommittee on Separation of Powers is going to begin hearings in the latter part of next month on a bill introduced by the able Senator from Arkansas (Mr. FULBRIGHT) which would regulate the use of executive privilege and restrict the claim of executive privilege to the President himself.

I have seen instances in committees where even file clerks in the executive branch of the Government plead executive privilege. I do not think that kind of practice should be tolerated in a free society which is based upon the theory that the people are entitled to know what their Government is doing.

I yield the floor.

### TRIBUTE TO SENATOR STENNIS AND MEMBERS OF THE ARMED SERVICES COMMITTEE

Mr. GRIFFIN. Mr. President, I speak not only for myself but for all the Members of the Senate on this side of the aisle in joining in the tributes that have been paid to the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), for the great leadership that he has provided through these long 7 weeks. His leadership certainly has been in the finest tradition of the Senate, and he has set an example for each and every Senator in the way he has conducted himself throughout this long ordeal.

He is a master of the subject area of the legislation. He demonstrated that he was a master of this particular bill. Throughout the deliberations, he was fair and patient, persuasive and logical, as well as very skillful in presenting the arguments of the majority of the committee.

The Senate and the country are greatly indebted to him for his great sacrifice and his great leadership in managing the bill, and I join in the salute that has been extended to him.

Also I want to pay respects and extend appreciation for the contributions of the ranking minority member of the committee, the Senator from Maine (Mrs. SMITH), and all the other members of the committee, both on the majority and minority sides, who contributed a great deal during this long debate.

### TRIBUTE TO SENATOR STENNIS OF MISSISSIPPI

Mr. CRANSTON. Mr. President, the hour is late and I shall not, by my words or acts, detain the Senate, but I did not want this day to pass without joining in the comments other Senators have made about the tremendous leadership displayed by the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee, through the many weeks that we have been wrestling with the draft bill.

The Senator's tremendous parliamentary skill, his marvelous patience, and his constant courtesy have been of great benefit to all Senators as we have considered the bill.

Mr. President, I have been on the opposite side from the distinguished Senator throughout a great portion of the debate and the actions taken thereon during recent weeks, but he was always pleasant, always helpful, always totally knowledgeable, always a skillful adversary but always a very helpful one. There were many times when he sought accommodation. There were many times when he helped work things out. He was always looking for a way to achieve the objectives of whatever Senator was offering an amendment—myself, or someone else—in a way if possible that would achieve the objectives without violating what the distinguished Senator from Mississippi thought should be in the bill. Many provisions are in there now that would not have been there, had he not found a way to accommodate his own views with those who brought up amendments that at first he did not particularly appreciate.

Mr. President, in closing, I want to say what a great pleasure it has been to work with the Senator from Mississippi on this bill as well as on so many other matters that have come before the Senate.

### TRIBUTE TO SENATOR STENNIS

Mr. TUNNEY. Mr. President, I would like to join in the encomiums that have been expressed this afternoon regarding the way in which the Senator from Mississippi handled the selective service legislation that the Senate has just voted on.

I myself had an opportunity to offer two amendments, one of which the Senator from Mississippi opposed, and one of which he accepted. On the one which he opposed, I recall that I got eight votes, and on the one he accepted I recall I received a unanimous vote. So I recognize him as being a master legislator but one also who understood thoroughly the subject matter of the legislation better than any other Senator.

I think it is a great tribute to the Senate of the United States to have such a person in a position where he can handle legislation as the Senator from Mississippi has over the past several weeks.

### TRIBUTE TO SENATOR STENNIS

Mr. BYRD of West Virginia. Mr. President, I would like to join with my colleagues who have very properly taken the floor this afternoon to compliment the distinguished junior Senator from Mississippi (Mr. STENNIS) on his handling of a very, very difficult piece of legislation, H.R. 6531, to extend the Military Selective Service Act.

The able junior Senator from Alabama, in his statement commending the Senator from Mississippi (Mr. STENNIS), aptly referred to the word "patriot." Mr. President, I would like to suggest another good word in this context as we offer our encomiums to the Senator from Mississippi. Many times I have heard a man—whom I considered the greatest Senator in my time, a man whom I would like to think of as my mentor in the Senate, the late departed and beloved Senator Richard B. Russell—refer to the words of one of the greatest of Americans—certainly the greatest in the minds of many people—Robert E. Lee, when he said "duty is the sublimest word in the English language."

I believe that Senators would join unanimously with me in saying that we, for the past several weeks, beginning with the date of May 6, 1971, have witnessed an outstanding example of dedication to duty as we have observed the extraordinary skill and effort displayed by the junior Senator from Mississippi (Mr. STENNIS). Throughout these many weeks, he has carried the burden, not only during the "heat of the day" but also from early morning until late evening, day after day, week after week, and he has carried that burden, I think I should say, singlehandedly.

I have marveled at his patience under extremely difficult circumstances—trying, grueling, sometimes cruel circumstances—through the long hours, under the great tensions. I have admired his courtesy, his equanimity, his firmness, and his complete grasp of the subject matter, and I am grateful that we have in the U.S. Senate this outstanding man from the State of Mississippi. I have always respected him for his character, his integrity, his honesty, his forthrightness, his patience, and his charitableness, and all these attributes came shining through as he carried the heavy and onerous load from week to week until the final vote came. The Senate owes him a debt; the Nation owes him a debt; and I am privileged to join with my colleagues in their tributes to him this afternoon.

May I say, too, that those Senators who have opposed the Senator from Mississippi from time to time with their amendments are likewise to be congratulated on their courtesy and on their cooperation. The leadership on this side of the aisle—and I join with the majority leader; the assistant Republican leader has already spoken—in expressing gratitude, not only to the Senator from Mississippi, the manager of the bill, but also to all Senators who have cooperated in such a fine way, as we have from time to time sought to work out agreements and expedite the business of the Senate with regard not only to the selective service bill, but also with respect to the other measures which have been acted upon from day to day.

So, Mr. President, we have seen this exceedingly fine demonstration on the part of a distinguished Senator—a demonstration of superb tactics, courage, and expertise which will continue to be an inspiration for me and others to try to live up to.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

## PETITIONS

Petitions were laid before the Senate by the President pro tempore and referred as indicated:

A joint resolution of the Legislature of the State of Maine; to the Committee on Foreign Relations:

"Joint Resolution Memorializing Congress in Respect to Prisoners of the Vietnam War

"We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

"Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

"Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

"Whereas, the Government of North Vietnam has not conformed to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

"*Resolved,* That we, your Memorialists, speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

"*Resolved,* That copies of this resolution, duly authenicated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

"*Resolved,* That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

"House of Representatives, Read and Adopted, June 8, 1971.

"In Senate Chamber, Read and Adopted in Concurrence, June 9, 1971."

A joint resolution of the Legislature of the State of Florida; to the Committee on Labor and Public Welfare:

"Senate Memorial No. 1357

"A memorial to the United States Senate expressing the interest of the legislature in the establishment of a National Cancer Authority

"Whereas, more Americans died, the victims of cancer, in 1969 than did in the 4 years of World War II, and

"Whereas, of the 200 million Americans alive today, 50 million will develop cancer and approximately 34 million will die of it, and

"Whereas, cancer claims the lives of more children under 15 years of age than any other illness, and

"Whereas, in 1969, for every man, woman, and child in the United States, our federal government spent only 89c on cancer research as compared to $19 on foreign aid, $19 on the space program, and $125 on the war in Vietnam, and

"Whereas, the tragedy of the disease of cancer has either directly or indirectly affected millions of Americans, and

"Whereas, a nation as great as the United States cannot afford to lose such a large portion of its population to any disease without an all out effort to conquer that disease; Now Therefore Be It Resolved by the Legislature of the State of Florida:

"That the United States Senate is hereby notified of the great interest and concern felt by the citizens of Florida for the need for an all out war in cancer.

"Be It Further Resolved that the United States Senate is respectfully urged to regard the establishment of a National Cancer Authority as a priority measure, and further, to provide adequate funding for an "all out war" on cancer.

"Be It Further Resolved that copies of this Memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Florida's Congressional Delegation."

A resolution adopted by the Iowa Development Commission, Des Moines, Iowa, praying for the enactment of legislation relating to the sharing of tax revenues; to the Committee on Finance.

A resolution adopted by the Marine Corps Reserve Officers' Association, Washington, D.C., in opposition to proposed legislation relating to the commitment of Armed Forces of the United States; to the Committee on Foreign Relations.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

### Proposed Amendment to the Budget for the Veterans Administration (S. Doc. No. 92–24)

A communication from the President of the United States submitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 in the amount of $5,660,000 for the Veterans Administration (with accompanying papers); to the Committee on Appropriations.

### Report of Proposed Transfer of Research and Development Fund

A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed transfer of $1,500,000 of "Research and Development" funds appropriated to that Administration (with an accompanying paper); to the Committee on Aeronautical and Space Sciences.

### Report on Approval of Loan to Construct Certain Transmission Facilities

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on approval of a loan to Alabama Electric Cooperative, Inc., of Andalusia, Ala., to construct certain transimssion and generation facilities (with accompanying papers); to the Committee on Appropriations.

### Report on National Atmospheric Sciences Program

A letter from the Director, Office of Science and Technology, transmitting, pursuant to law, a report on the national atmospheric sciences program, fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

### Report on Proposed Action Relating to Cigarette Advertising

A letter from the Chairman, Federal Trade Commission, reporting, pursuant to law, that, on or after July 1, 1971, that Commission proposes to take certain action relating to cigarette advertising (with accompanying papers); to the Committee on Commerce.

### Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on lengthy delays in settling the costs of health services furnished under medicare, Social Security Administration, Department of Health, Education, and Welfare, dated June 23, 1971 (with an accompanying report); to the Committee on Government Operations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, unfavorably, without amendment:

S. 390. A bill to amend the Higher Education Act of 1965, in order to provide for a U.S. Foreign Service scholarship program (Rept. No. 92–236).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Res. 140. A resolution authorizing special supplementary expenditures by the Committee on Foreign Relations for an inquiry and investigation pertaining to the making of policy relating to U.S. involvement in Southeast Asia. Referred to the Committee on Rules and Administration.

By Mr. BYRD of West Virginia, for Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. J. Res. 115. A joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales (Rept. No. 92–239).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. Con. Res. 6. A concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service Hospitals and outpatient clinics (Rept. No. 92–238).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

James R. Laffoon, of California, to be U.S. marshal for the southern district of California; and

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office.

## MARITIME PROGRAMS AUTHORIZATION, FISCAL YEAR 1972—CONFERENCE REPORT (S. REPT. NO. 92-237)

Mr. LONG, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, submitted a report, which was ordered to be printed.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mrs. SMITH (for herself and Mr. Stennis) by request:

S. 2139. A bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces. Referred to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. Griffin, and Mr. Hruska):

S. 2140. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Harris, Mr. Nelson, and Mr. Tunney):

S. 2141. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 2142. A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farm workers, and for other purposes. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 2143. A bill to amend the District of Columbia Traffic Act, 1925, to provide for the removal, impoundment, or immobilization of motor vehicles. Referred to the Committee on the District of Columbia.

S. 2144. A bill to prohibit the withdrawal of merchandise from a customs bonded warehouse for exportation pursuant to retail sales unless such warehouse is located in close proximity to a port, airport, or border crossing station. Referred to the Committee on Finance.

S. 2145. A bill to amend chapter 19 of title 38, United States Code, to require that members of the uniformed services be covered by Servicemen's Group Life Insurance during any period they are assigned to duty in a combat zone. Referred to the Committee on Veterans' Affairs.

By Mr. HUMPHREY:

S. 2146. A bill to require community mental health centers and hospitals and other medical facilities of the Public Health Service to provide needed treatment and rehabilitation programs for drug addicts and other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 2147. A bill for the relief of Marie M. Ridgely. Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Cook, Mr. Beall, Mr. Brooke, Mr. Cannon, Mr. Case, Mr. Cooper, Mr. Cranston, Mr. Eagleton, Mr. Ervin, Mr. Fong, Mr. Gambrell, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. McIntyre, Mr. Moss, Mr. Muskie, Mr. Percy, Mr. Stevens, Mr. Taft, Mr. Tower, Mr. Tunney, and Mr. Williams):

S. 2148. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for a comprehensive grant program for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 2149. A bill to authorize the establishment of the Tallgrass Prairie National Park, in the State of Kansas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PASTORE:

S. 2150. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. PASTORE (for himself and Mr. Bennett) by request:

S. 2151. A bill to amend section 182 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

S. 2152. A bill to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a site authorization from the Atomic Energy Commission and to provide for a public hearing to be held in proceedings for site authorizations, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. ANDERSON (for himself, Mr. Scott, and Mr. Bible):

S. 2153. A bill to establish a National Historical Museum Park, to designate the study center authorized under section 2(a) of the act of August 30, 1961, as the Dwight D. Eisenhower Institute for Historical Research. Referred to the Committee on Rules and Administration.

By Mr. BEALL (for himself and Mr. Dominick):

S. 2154. A bill to establish a program of interim emergency financial assistance to institutions of higher education having the greatest need for such assistance, and to determine means of improving the financial position of all such institutions and their future needs for assistance. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 2155. A bill to establish a Drug Cure and Control Authority to coordinate Federal agency programs relating to drug abuse treatment, education, rehabilitation and law enforcement. Referred to the Committee on Labor and Public Welfare.

By Mr. ERVIN:

S. 2156. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 2157. A bill to authorize the appropriation of $1,300,000 as an ex gratia payment to the City of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 25th General Assembly of the United Nations. Referred to the Committee on Foreign Relations.

By Mr. BYRD of Virginia:

S. 2158. A bill to designate certain lands in the Shenandoah National Park, Virginia, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. McINTYRE:

S.J. Res. 117. A joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself, Mr. Mondale and Mr. Packwood):

S.J. Res. 118. A joint resolution to provide a temporary extension of the authority conferred by the Export Administration Act of 1969. Considered and passed today.

By Mr. ROTH (for himself, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Boggs, Mr. Brock, Mr. Buckley, Mr. Byrd of Virginia, Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Ervin, Mr. Fannin, and Mr. Mathias):

S.J. Res. 119. A joint resolution to establish the National Commission on Executive Secrecy. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS and JOINT RESOLUTIONS

By Mrs. SMITH (for herself and Mr. Stennis) by request:

S. 2139. A bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces. Referred to the Committee on Armed Services.

### ARMED FORCES DRUG DEPENDENCY TREATMENT AND REHABILITATION ACT OF 1971

Mrs. SMITH. Mr. President, I send to the desk a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces and request that it be referred to the appropriate committee for consideration.

I introduce this bill on behalf of myself and the Senator from Mississippi (Mr. Stennis). The purpose of the proposed legislation is to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces and to permit treatment of former service members who are drug dependents by the Veterans' Administration or other responsible agencies.

Under the proposed legislation, the Secretary of Defense may require each member of the Armed Forces on active duty or on active duty for training to be examined to determine whether he is drug dependent. "Drug dependent" is defined to mean a state of physical or psychic dependency, or both, arising from the use of a controlled substance—as defined in section 102 of the Controlled Substances Act.

Any member identified as drug dependent will be required to undergo 30 days of treatment and rehabilitation unless medical authority determines in the interim that he is rehabilitated. Rehabilitation and treatment include hospitalization, inpatient and outpatient medical services, psychiatric treatment, counseling, vocational training, or other rehabilitation services. In this connection, the proposed legislation authorizes the Secretary of Defense to enter into agreements with the heads of other agencies for the provision of rehabilitation and treatment services and thus augments the treatment and rehabilitation resources available to the Armed Forces.

Specific statutory authority is provided for the involuntary retention of drug dependent members of the Armed Forces, if necessary, beyond the expiration of their terms of service for the purpose of providing treatment during this 30-day period and for further treatment thereafter, with their consent. Retaining them for a 30-day period will insure that such service members are detoxified, if physically addicted, and provided treatment and rehabilitation services designed to assist in eliminating their psychic dependency on drugs. Those members whose terms of service have expired and who remain drug dependent at the end of this 30-day period will be discharged and referred to civilian agencies such as the Department of Health, Education, and Welfare and the Veterans' Administration to facilitate their further treatment, except that under regulations to be prescribed by the Secretary of Defense such members may consent to remain in the service for further treatment. Such referral is deemed desirable to permit agencies with long-term treatment facilities and capabilities to continue to rehabilitate the former member who remains drug dependent upon discharge.

Under the proposed legislation, the Secretary of Defense shall prescribe policies to encourage members of the Armed Forces who are drug dependent to voluntarily seek assistance for their dependency. For example, it is provided that such members, in addition to those identified as drug dependent through examination, shall not be subject to any disciplinary action under the Uniform Code of Military Justice, or be discharged under other than honorable conditions, solely on the basis of their having been examined and identified as drug dependent or having volunteered for treatment. However, it is provided that such members shall otherwise remain subject to the laws and regulations governing the conduct of members of the Armed Forces, and the proposed legislation does not otherwise alter the criteria for entitlement to benefits such as disability retirement.

The proposed legislation also provides that under regulations to be prescribed by the Secretary of Defense, section 802 of title 37, United States Code, concerning forfeiture of pay, need not apply to those members receiving treatment under this act.

Under the proposed legislation, former members of the Armed Forces now ineligible to receive treatment by the Veterans' Administration, because they have received an undesirable or punitive discharge will also be afforded the opportunity to obtain treatment for their drug dependency.

The proposed legislation also provides that members on active duty receiving treatment as drug dependent persons shall not be included in the computation of authorized military strengths. This will insure that authorized military strengths do not fall below levels required to maintain the national defense.

### COST AND BUDGET DATA

The major expansion of Department of Defense programs for the prevention of drug abuse and for the identification and treatment of drug dependent members is estimated to cost $48 million annually, of which $14 million is available in the fiscal year 1972 budget. The costs of this proposed legislation are included in the costs of the overall defense program.

By Mr. BAYH (for himself, Mr. GRIFFIN, and Mr. HRUSKA):

S. 2140. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes. Referred to the Committee on the Judiciary.

### NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1971

Mr. BAYH. Mr. President, on behalf of myself and Senators GRIFFIN and HRUSKA I am introducing for appropriate reference, an administration bill which would expand treatment to include methadone maintenance for narcotic addicts committed for hospitalization and aftercare under the Narcotic Addict Rehabilitation Act of 1966. This proposal is entitled to a fair and impartial hearing to determine its efficacy. It is with this purpose in mind that we are pleased to introduce the bill, "Narcotic Addict Rehabilitation Amendments of 1971." I ask unanimous consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks along with the accompanying letter from the Attorney General to the Vice President and a section-by-section analysis.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. BAYH. Mr. President, this amendment would permit persons committed under the act, who meet certain criteria, to be enrolled in methadone maintenance programs during the duration of their commitment. Thus, it will make available an additional component which could arguably enhance the quality of the comprehensive individualized program which currently includes: Detoxification, withdrawal and abstinence, therapeutic community programs as well as individual psychotherapy, counseling, vocational guidance, job training, and other essential supportive services.

The Narcotic Addict Rehabilitation Act was enacted by the 89th Congress in response to the serious narcotic problem in this Nation during the mid-1960's. This act embraces the view that narcotic addiction is a disease that should be treated rather than viewed as a matter for punitive penal action. Its declaration of purpose in favor of civil commitment for treatment, in lieu of prosecution or sentencing, was a legislative landmark—a turning point in the Federal approach to drug addiction.

The act provides an alternative to imprisonment for narcotic addicts either charged with or convicted of specific Federal offenses. It provides for their commitment to treatment and rehabilitation for a certain period of time.

The amendment to the act which we are introducing today would expand the treatment modalities under this landmark program to include methadone maintenance. This would be accomplished by amending the definition of the word "treatment" wherever it appears in the act to include treatment which not only aims at terminating addiction, but that which seeks to control addiction.

There are no simple solutions to the epidemic of narcotic addiction that this Nation is experiencing. There are no panaceas—no magic wands. But when it comes to treatment for addicts many suggest that the least we should require is that a Federal program be truly comprehensive; namely, that it meets the needs of all addicts, including those who meet the criteria for methadone maintenance.

Although there has been no one satisfactory method developed for treating all narcotic addicts, methadone maintenance has been established as a relatively effective means of treatment for selected groups. It should be clear, however, that it is not a solution to every or even most forms of narcotic addiction.

Methadone is a narcotic similar to heroin and morphine. Methadone maintenance does substitute one form of addiction for another. Methadone may be abused. Therefore, under any circumstance, it should be rigidly controlled and its distribution limited to chronic addicts: Those who have had primary addiction to heroin for a number of years; who have had previous failures with other modes of treatment; and who are willing to consent to long-term participation in a program. This is not a program for young people only marginally involved with narcotics, or those addicts who succeed under the more traditional programs.

It is methadone blockage of the craving for heroin and the subsequent stabilization of the chronic addict which permits him to concentrate on rehabilitative efforts which other addicts pursue without maintenance. Perhaps for this group methadone may be the only feasible alternative. It is this proposition that I feel deserves considerable attention.

But methadone maintenance should not block or "smoke-screen" the effects of drug addiction on our society and the social conditions, such as racism and poverty, that spawn drug addiction. Methadone maintenance should not provide a "fix" for a complex social, political, medical, and psychological problem.

This amendment would establish methadone maintenance as a complement to other facets of treatment under NARA. Although its role should be a limited one, it could provide a useful tool in the arsenal of weapons in our offensive against this pestilence—narcotic addiction.

Although I am introducing this bill with Senator HRUSKA, I wish to make it clear that I may find changes in the bill which will appear to be desirable, both as to scope and language. However, I believe this bill deserves and will receive careful analysis and consideration from my colleagues.

### EXHIBIT 1

### S. 2140

A bill to amend the Narcotic Addict Rehabilitation Act of 1966 in order to increase treatment options available through judicial disposition of addicts, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Narcotic Addict Rehabilitation Amendments of 1971."

SEC. 2. Section 2901(d) of title 28, United States Code, Judiciary and Judicial Procedure, is amended to read as follows:

"(d) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 3. Section 4251(c) of title 18, United States Code, is amended to read as follows:

"(c) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 4. Section 301(b) of the Narcotic Addict Rehabilitation Act of 1966, 80 Stat. 1444, 42 U.S.C. 3411(b), is amended to read as follows:

"(b) 'Treatment' includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 5. This Act shall take effect immediately upon enactment. Sections 2 and 3 shall apply to any case pending in a district court of the United States in which an appearance has not been made prior to the effective date.

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EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D.C., June 21, 1971.*

The VICE PRESIDENT,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Narcotic Addict Rehabilitation Act of 1966.

That Act was a reflection of the congressional policy that narcotic addicts should be afforded the opportunity to be rehabilitated and restored to health for the benefit of both the individuals and society. To achieve that goal, the Narcotic Addict Rehabilitation Act provides for treatment of addicts who are charged with Federal crimes, and for those who are not so charged upon petition by the addict or a relative.

This legislative proposal would amend the definition of the word "treatment" where it is used in the Act to provide for a more comprehensive effort toward solving the problem of drug addiction. This would be achieved by providing for treatment which controls, as well as that which terminates, addiction. Essentially, the use of methadone would be authorized.

Complete recovery of an addict is not always achieved by complete withdrawal from addictive drugs. The underlying cause of such dependence must be eliminated if one who has ceased to rely on drugs is to be able to retain his independence. When a patient is on a methadone maintenance program, his activities no longer must be centered on the attainment of illicit drugs to support his habit, rather he can channel his energies in a more constructive manner and lead a more normal life while the basic reason for his drug needs are being explored.

We believe that this change in the Act will be of great assistance in our efforts in this important area of national concern.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

_____ _____,
*Attorney General.*

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EXHIBIT 3

SECTION-BY-SECTION ANALYSIS

SEC. 2. Amends Section 2901(d) of title 28, United States Code by revising the definition of the term "treatment" to provide the Surgeon General of the Public Health Service with the authority to control the dependence on addicting drugs of an addict who is an eligible individual under Title I of the Narcotic Addict Rehabilitation Act.

SEC. 3. Amends Section 4251(c) of title 18, United States Code by revising the definition of the term "treatment" to provide the Attorney General of the United States with authority to control the dependence on addicting drugs of an addict, who is an eligible offender under title II of the Narcotic Addict Rehabilitation Act.

SEC. 4. Amends Section 301(b) of the Narcotic Addict Rehabilitation Act by revising the definition of the term "treatment" to provide the Surgeon General of the Public Health Service with the authority to control the dependence on addicting drugs of an addict, who is eligible for Civil Commitment under title III of the Act.

SEC. 5. Provides that the Act shall take effect upon enactment and that Sections 2 and 3 of the Act shall apply to any case pending in a District Court of the United States in which an appearance has not been made prior to the effective date of the Act.

Mr. HRUSKA. Mr. President, on June 17, President Nixon sent to the Congress an historic message on drug abuse. This was a message of great significance in several respects. It was notable for the new Special Action Office for Drug Abuse Prevention which it proposed. At the same time, it was candid in its recognition of how far we still need to go in controlling a problem which, as the President put it, "has assumed the dimensions of a national emergency."

In this message President Nixon proposed a coordinated Federal response to the problem of drug abuse. He indicated that new legislation would be asked for in order to implement this plan. One of these has been introduced as S. 2097, which would establish the new Special Action Office for Drug Prevention. It is before the Committee on Government Operations.

Mr. President, I rise in support of the measure just introduced by the Senator from Indiana. It is one of the additional measures called for in President Nixon's message. This proposal was drafted in recognition of the role of methadone in the treatment of narcotic addiction. Although they must still be regarded as interim steps requiring close supervision, methadone maintenance programs have indicated that they have a definite place in controlling the narcotic addict's craving for heroin. Addicts involved in such programs have in many instances been able to lead productive lives in their communities, rather than making it their sole purpose in life to secure illegal drugs to support their habits.

When the Narcotic Addict Rehabilitation Act was enacted in 1966 the utility of programs which control, rather than terminate, addiction was not contemplated. As a consequence the word "treatment" as it is used in the act does not include maintenance programs like those relying on methadone.

This bill would amend the definition of the word "treatment" in the Narcotic Addict Rehabilitation Act to include services which control as well as eliminate addiction to narcotics. This means that Federal courts would be able to use the authority of the act to place addicts into methadone maintenance programs in appropriate cases, something which they now cannot do. In the words of President Nixon:

> The evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Mr. President, I commend the chairman of the Judiciary Subcommittee on Juvenile Delinquency for introducing this bill on behalf of the administration. It is a reflection of his desire to approach the national problem of drug abuse in a spirit of bipartisan cooperation. This bill has merit. I am hopeful that we may have early consideration of and action on this proposal.

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By Mr. CRANSTON (for himself, Mr. HARRIS, Mr. NELSON, and Mr. TUNNEY):

S. 2141. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### DESERT PUPFISH NATIONAL MONUMENT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a Desert Pupfish National Monument in California and Nevada. I am joined in this effort by Senators HARRIS, NELSON, and my colleague from California, Senator TUNNEY.

In a desert region of Nevada and California called Ash Meadows, some 70 miles west of Las Vegas, there is a 40-acre parcel of hillside which is part of Death Valley National Monument, but separated by almost 20 miles of desert from the main body of the monument. The 40 acres was included in the national monument in 1952, because of a deep limestone chasm in the side of the hill at the bottom of which is a small warm-water spring.

It is called Devils Hole, and is surrounded by two chain link fences.

Outside of the fences the Park Service has erected a sign which reads as follows:

> DEVILS HOLE
>
> In the small pool at the bottom of this limestone cavern lives the entire population of *Cyprinodon diabolis,* one type of desert pupfish. These fish live in what is probably the most restricted environment of any animal in the world.

Down inside the hole, some 50 feet below the surface, the pool is about 10 feet wide and 40 feet long. As you reach the water level, you stand on a ledge less than

20 feet long, half of which is covered by what you learn is a slowly receding water line. Where the ledge abruptly ends, the water drops off into a dark cavern, over 250 feet deep.

It is on that small 10- by 10-foot ledge that the Devils Hole pupfish survive. They are a small dark fish, about an inch long with flashing blue highlights where the sun hits their sides. For reasons still unknown, they seem incapable of perpetuating the species outside of Devils Hole. While they have been spawned successfully elsewhere, the fry have never grown to maturity.

Devils Hole is aptly named—high mineral content, low oxygen, and 92-degree temperature. Just enough sunlight hits the water to encourage the algae growth which provides food for the pupfish.

That these fish have adapted to so inhospitable an environment is even more extraordinary, because they are the survivors of the cold water post glacial lakes which covered the Western United States following the last ice age.

Yet the pupfish have survived there for thousands of years.

As a resource for the geneticists developing new knowledge of survival capacities, the pupfish can be scientifically invaluable.

Yet the Devils Hole pupfish may fail to survive another year. A drop of less than 2 feet in the water level of Devils Hole will expose all of the ledge to the atmosphere, leaving no place for the pupfish food to grow and no place for the pupfish eggs to survive. Concerned Federal officials and university scientists have rigged up an emergency floating ledge with artificial lighting to encourage algae growth. But commendable as this effort is, it is a stopgap measure at best which can offer no permanent security to the pupfish.

If the pupfish becomes extinct, it will be because of man's activities. On the southern slope below Devils Hole a ranching operation has been pumping to irrigate about 3,000 acres of land to grow fodder for 2,500 head of cattle. The land is not very productive—the fields are pockmarked with alkaline sections where nothing grows—and the cattle must rely on imported feed to supplement the Ash Meadows crop. Yet it is to provide some feed for these few head of cattle that we are about to destroy the Devils Hole pupfish.

Recently, the Wall Street Journal carried an article regarding the plight of the pupfish. I ask unanimous consent that the June 8, 1917, article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Adaptable Little Fish in a Desert Waterhole May Die at Age 20,000; Devil's Hole Pupfish Imperiled by Lowering of Water Level After It Survives All Else

(By P. F. Kluge)

Ash Meadows, Nev.—Devil's Hole National Monument is a deep, narrow pool of water located in a cleft at the base of a mountain in the desert near here. As scenic wonders go, it isn't much.

To get here, you travel over miles of dusty roads, many of them unmarked. Once at the monument, you are greeted by a buckshot-riddled garbage can, a gravel parking lot and a sign. Around the spring is a chain link fence garlanded with barbed wire. Clearly, this is no Yosemite.

But Devil's Hole is at the center of an intense ecological battle that participants see as a test of the national will to save the growing number of animals on the Department of Interior's list of endangered species. "If we can't win this one," remarks a Devil's Hole campaigner, "we won't be able to save anything."

Devil's Hole is the only home—and by the end of this year, quite possibly the tomb—of Cyprinodon diabolis, the Devil's Hole pupfish. The inch-long creature has slight aesthetic appeal, and its commercial value is nil. One defender, U.C.L.A. zoology professor James Brown, readily concedes that "the pupfish isn't the California condor, the whooping crane or the tule elk."

But scientists agree that in some ways the pupfish is more remarkable than any of these, for it has been able to adapt and survive in one of the most widely fluctuating and hostile extremes of environment on earth. It's hoped that studies of this little fish may someday yield information that could help man survive the hostile environments he is creating.

#### IN AREA FOR 20,000 YEARS

Pupfish have been in the Ash Meadows-Death Valley area for 20,000 years. The area used to be one vast lake, and as it dried out and the desert emerged the pupfish were left behind, stranded in inches-deep streams, bathtub-sized pools and larger bodies of water scattered across the desert.

They adapted to a bewildering variety of environments. They could live in fresh water or in brakish pools six times as saline as the ocean. They survived in ice-covered ponds or in water of 104 degrees. And, with a speed and facility that astonish the scientists who have studied them, the pupfish mutated quickly. Species and subspecies proliferated, each evolving in response to its environment. So, for instance, the Devil's Hole pupfish differs in looks and character from the pupfish in School Springs, less than a mile away across the desert.

These colonies of pupfish, isolated in desert springs for millenia, offer a priceless opportunity to study the processes of evolution, scientists say. "I don't think they've attracted anywhere near as much attention as they deserve," says Mr. Brown of U.C.L.A. "These pupfish springs are like islands in a sea of desert. It's the same situation that Darwin found on land in the Galapagos Islands, only in reverse. And all of this is just six hours from Los Angeles, three hours from Las Vegas."

Whether scientists will have much more time to study the pupfish is doubtful, however. The desert fastness that stranded but also protected the pupfish is being penetrated. The prime threat is agriculture. Pumping and related activity has already destroyed several springs, and by gradually lowering the water table, threatens several others. The most threatened spring is Devil's Hole.

#### CANNOT LIVE OUT OF WATER

"The pupfish have been out in the desert for thousands of years, and they've evolved a lot," says Pete Sanchez, chief naturalist at Death Valley National Monument. "But they haven't evolved to the point where they can live out of water."

Mr. Sanchez says water levels in Devil's Hole have been dropping since 1968. That was when a large agricultural concern, Spring Meadows Inc., began raising cattle—and pumping irrigation water—in the Ash Meadows area.

Devil's Hole is deep—several hundred feet, at least—and ordinarily the drop of three feet in water level that has occurred might not mean much. But the diabolis spawns and feeds off a rock shelf just under the surface of the water. By late this year, Mr. Sanchez estimates, all of the shelf will be above the surface of the water—and out of reach of the Cyprinodon diabolis.

Since the diabolis declines to breed in captivity, concerned agencies have constructed an artificial shelf that floats in the lowered water. Officials concede that the device is at best an uncertain stopgap. A storm, an accident, a vandal, could destroy the shelf and exterminate the Cyprinodon diabolis.

"Once the natural shelf is dry," Mr. Sanchez says, "the fate of a whole species is hanging by a very thin thread."

Many agencies have joined in a Department of Interior Pupfish Task Force, which is coordinating rescue activities. Another group, the Desert Fishes Council, is campaigning for the pupfish. And Spring Meadows Inc., the agricultural firm whose pumping precipitated the current crisis, gets passing grades from conservationists for its cooperation. (The company has abandoned some wells, suspended drilling of others, and is participating in hydrological studies of the area.)

All of this doesn't save the pupfish, however. At least five pupfish populations have already been exterminated. Perhaps a dozen more pockets of pupfish remain in the Ash Meadows area, and frustration mounts as time shortens and water levels continue to drop.

"As cases of endangerment go, this is a relatively simple situation," says Mr. Sanchez. "It's one valley, one drainage system, one government, and one user of the water. It isn't like trying to save the polar bear. If we can't resolve this one, how can we hope to solve any of the bigger ones?"

Mr. CRANSTON. Mr. President, the bill I introduce today would authorize the Secretary of the Interior to establish a 35,000-acre area so as to preserve and protect the three distinct species or subspecies of pupfish now found in Ash Meadows: The Devils Hole pupfish—Cyprinodon diabolis—the Ash Meadows pupfish—Cyprinodon nevadensis mionectes—and the Schoolhouse pupfish—Cyprinodon nevadensis pectoralis. Those property owners who would use their land to lower the water level could be bought out and justly compensated. Others, like the old hermit who lives near Big Spring, can continue their desert ways.

The springs—there are at least a dozen—can be protected and the water level kept at its natural level.

As a national monument, Ash Meadows should never attract a large recreation-seeking crowd. These desert pools and marshes are fragile ecosystems where man is the greatest enemy. Instead, it is the purpose of this bill to prevent man's further uncontrolled intrusions into this strange and unique habitat.

Furthermore, until Congress has had an opportunity to act upon this legislation, I believe the Secretary of the Interior should protect Devils Hole National Monument by taking action to stop the pumping of irrigation water. I call on the Secretary to negotiate for a moratorium on pumping, and if that fails to take appropriate legal steps.

Except for their potential scientific

value, the desert pupfish are useless to man. They are too small to eat. They do not make good pets. They will not survive in home aquariums. They are almost impossible to sight in nature. They attract neither compassion nor admiration. Almost no one has ever seen a pupfish; few have heard of them.

Our saving the pupfish must be motivated by the knowledge that we do not understand the biosphere, the reasons for its diversity, the qualities which hold it together in the interaction of life forms. I think that saving the pupfish will be a most significant symbol that we are beginning to achieve some maturity in our understanding of ecology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2141

A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to preserve and protect several species of desert pupfish, and to interpret their evolution in areas of their natural environment, for the benefit and education of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Desert Pupfish National Monument (hereinafter referred to as the "national monument") in the States of California and Nevada. The boundary of the national monument shall be as generally depicted on the drawing entitled "Desert Pupfish National Monument," numbered NM-DP-91,000, and dated January 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. Within the boundary of the national monument, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Lands, waters, and interests therein owned by the States of California or Nevada, or any political subdivision thereof, may be acquired only with the consent of such owner. When the Secretary determines that lands, waters, and interests therein have been acquired sufficient to constitute an efficiently administrable unit for the purposes of this Act, he shall establish the national monument by publication of notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands waters, and interests therein within the boundary of the national monument in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. Effective upon establishment of the national monument pursuant to section 2, the Devil's Hole portion of Death Valley National Monument, which was added to the Death Valley National Monument by Proclamation No. 2961 of January 17, 1952 (66 Stat. c 18), is abolished, as such, and the lands, waters, and interests therein are made a part of the national monument established pursuant to this Act. Any funds available for the Devil's Hole portion of Death Valley National Monument on the date of such establishment shall be available for the purposes of the national monument established pursuant to this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. STEVENSON:

S. 2142. A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farm workers, and for other purposes. Referred to the Committee on Finance.

### EQUITABLE BENEFITS AMENDMENTS TO THE SUGAR ACT OF 1948

Mr. STEVENSON. Mr. President, the Senate Finance Committee will soon begin marking up a bill to extend the Sugar Act for 3 years.

The Sugar Act has a unique aspect. To the best of my knowledge, it is the only Federal law that so completely controls, regulates, and subsidizes an industry while at the same time makes a condition of that assistance the fair and reasonable treatment of the employees of the industry.

The Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, of which I am chairman, is vitally concerned about the living and working conditions of these employees. About 67,000 work in sugarcane—23,000 in Florida and Louisiana, 6,000 in Hawaii, and 38,000 in Puerto Rico—and 80,000 in sugar beets—primarily in the Midwest and West. I have learned something of the existing working and living conditions of farmworkers in sugar and the effects of the worker protection provisions of the Sugar Act.

I commend the Finance Committee for its concern for the industry's workers and for hearing testimony from farmworker organizations. These witnesses have emphasized that workers are not adequately covered by the protective benefit scheme established by Congress. Those who work the fields must not be exploited, and must not be left to work under substandard conditions for earnings that are less than a subsistence poverty income. Yet it appears that such might be the case, and that the law can be improved.

There are many examples of abuse, injustice, exploitation and neglect of farm labor that have been documented in our subcommittee's hearings. Some enlightened and well meaning sugar producers have taken great strides to assure decent treatment of their workers, and I believe that all producers could operate more effectively and efficiently with improved legislation.

I hope we can act now to improve the farmworker benefit provisions of the Sugar Act in the following ways:

Low wages and incomes below poverty levels can be raised. Sugarcane workers average $1.50 to $1.65 an hour in Louisiana and from $1.75 to $2 in Florida. The minimum wage in sugarbeets is $1.85. These low hourly rates do not reflect even lower earnings on an annual basis, a result of the part-time, seasonal nature of farmwork. Low wages earned by foreign workers in Florida are a result of an absence of competition from the domestic work force to the detriment of both foreign and domestic workers. In Hawaii, however, where labor and management collectively make decisions, wages are higher and fringe benefits are provided, all showing that a better situation can exist under the Sugar Act.

The piece rate system of pay and the "fake" bonus conceal low wages that in reality prevail and should be corrected by providing for the full and prompt payment of wages. Additionally, workers' incomes are frequently reduced by excessive charges for housing, food, purchases in the company store and other services or facilities, and this practice should be regulated.

Housing for workers is too often substandard, decrepit and dilapidated. Minimum housing standards are essential.

Domestic workers often have to compete for jobs and pay with aliens illegally working in this country, particularly in Midwest and Western sugar beet production States.

Workers who feel they have been shortchanged on wages have little recourse except appeal to the local ASCS committee which by law is composed only of farmers. Such unfair appeals procedures could be corrected by permitting farmworkers to also have a voice in the appeal process.

To correct these problems, I urge the Finance Committee to consider the equitable benefits amendments to the Sugar Act which I propose today. These amendments would, if enacted, bring about important reforms of existing farmworker protection provisions of the Sugar Act.

These amendments, by establishing criteria and guidelines to be used by the Secretary of Agriculture for setting wages, will permit sugar workers to better keep up with the cost of living and improve their real income as agricultural productivity rises.

They would require the same standards of housing from growers receiving payments as the Federal Government currently demands from farmers who seek the recruitment of workers through the U.S. Employment Service.

They would require that deductions taken from workers' wages for board, lodging, or other facilities or services be reasonable and be liable to adjudication if abuses are discovered.

They would require the grower to attempt to assure himself that he is not hiring illegal aliens to work in his fields.

They would prevent the firing or blacklisting of employees because they brought a wage or benefits dispute against a grower or participated in judging one.

And finally, they would establish a simple and fair system for adjudicating wage or benefit disputes in a local area.

The equitable benefits amendments which I propose today are not pie in the sky. They are not way out. They are reasonable. In fact, they are modest. I urge the Senate to give serious consideration to these amendments.

Mr. President, I ask unanimous consent that the text of these amendments, together with a section-by-section analysis, be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

## S. 2142

A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farm workers, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act be cited as the "Equitable Benefits Amendments to the Sugar Act of 1948."

SEC. 2. Section 301(c) of the Sugar Act of 1948, as amended, is amended by renumbering paragraph (2) as paragraph (6), and by striking out paragraph (1) and inserting in lieu thereof the following:

"(c)(1) That all persons employed on the farm in the production, cultivation or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid wages therefor at not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice to growers and farm workers and their bona fide representatives and opportunity for public hearing to be held such places and at such times as to afford maximum participation by all interested persons. In making such determinations, the Secretary shall consider the sporadic and seasonal nature of the work; the extra expenses occasioned by travel and living away from home; wage rates in comparable manufacturing and agricultural production, provided that the per annum rates do not fall below the accepted definition of poverty; and a cost of living and productivity factor annually determined by: (1) calculating the sum of the percentage increase in the cost of living during the immediately preceding year and the percentage increase in the average annual output per manhour during the most recent five years, as reported in the Economic Report of the President, and (2) applying that total percentage increase to the minimum wage of the immediately preceding year. The Secretary shall also increase piece rate compensation for farm workers employed in sugar production accordingly and so that the hourly rate or the piece-rate, whichever is higher, shall be paid. The Secretary may also take into consideration the standards therefore formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas. Provided, however, that any payment which would be payable except for the foregoing provisions of this subparagraph may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to triple the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

"(2) That the producer shall have complied with the regulations in effect under the Act of June 6, 1933, as amended (commonly known as the Wagner-Peyser Act, 29 U.S.C. 49 et seq.), pertaining to adequate housing facilities and to adequate water and sanitary facilities in the fields which he provides or causes to be provided.

"(3) That the producer shall have determined to his knowledge that his employees engaged as sugarworkers are citizens of the United States or are aliens lawfully admitted to the United States whose employment does not violate the terms or conditions of their admission.

"(4) That the producer shall not have charged, or permitted to be charged, directly or indirectly, any amount in excess of the reasonable cost for the furnishing to any employee board, lodging, or other facilities or services customarily furnished by such producer or producers in the area or by a crew leader or labor contractor under the producer's control.

"(5) That the producer shall not have discharged or in any other manner discriminated against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on a committee or panel under section 305 of this Act."

SEC. 3. Section 305 of the Sugar Act of 1948, as amended, is amended to read as follows:

"Use of Local Committees and Other Agencies

"(a) In carrying out the provisions of titles II and III of this Act, the Secretary is authorized to utilize local committees of sugar beet or sugarcane producers, farm worker organizations and representative groups, State and county agricultural conservation committees, the Agricultural Extension Service, and other agencies, and the Secretary may prescribe that all or a part of the expenses of such committees, agencies, associations or other groups may be deducted from the payments herein authorized.

"(b) The Secretary shall establish for each locality a panel consisting of equal representatives of (1) producers of sugar beets or sugarcane; (2) persons employed on the farm as sugar workers, and (3) the general public. Any dispute between a producer and persons so employed on the farm concerning wages or conditions of work (including the reasonable cost of board, lodging, or other facilities or services which the producer provides or causes to be provided) shall be referred to the appropriate panel for resolution in an impartial manner. The decision of any panel shall be subject to review by the Secretary for a period of twenty days after such decision is made.

## SECTION-BY-SECTION ANALYSIS OF THE EQUITABLE BENEFITS AMENDMENTS TO THE SUGAR ACT OF 1948

In summary, *Section 1* provides that the Bill may be cited as the "Equitable Benefits Amendments to the Sugar Act of 1948." *Section 2* would amend Section 301(c) of the present Sugar Act by providing additional equitable benefits and protections for sugar workers in the area of wages, housing, illegal aliens, deductions, and retaliation. Certain worker protection provisions which were initially in the Act of 1948 are retained. *Section 3* authorizes a more effective mechanism for settling disputes under the Act.

The following is an analysis of the new benefits and protections proposed in the Amendments.

### WAGES

Section 301(c)(1) would establish specific guidelines to be used by the Secretary of Agriculture to determine the minimum wages for workers employed on the farm in the production, cultivation or harvesting of sugar cane or sugar beets. It would supplement the current procedures of hearings and criteria used by the Secretary of Agriculture.

Criteria for use by the Secretary in determining wages would include a cost of living and agricultural productivity factor; adjustments for the sporadic and seasonal nature of the work; the extra expenses occasioned by the travel and living away from home; wage rates comparable to agricultural and manufacturing operations.

The amendment would permit sugar workers to keep up with the cost of living. But if it provided no other increase, then these workers would never be able to improve their real income. The amendment therefore also gives them a share in the benefits of productivity increases in agriculture. This is only fair and just since the workers share in the responsibility and effort to create our ever-increasing agricultural efficiency. Piece rates would increase accordingly.

The amendment requires growers to pay the applicable minimum wage "in full as earned." This provision would end the current practice whereby some sugar beet growers withhold earned wages from workers until the end of the season to be paid then if they remain when the harvest is lean and when they could earn more in work on other commodities.

### HOUSING

Section 301(c)(2) would require that producers furnishing housing or causing housing to be furnished must provide or cause to be provided facilities which meet the existing Wagner-Peyser Act regulations of the U.S. Labor Department. The same requirements would be established for water and sanitary facilities in the fields.

Currently, the Wagner-Peyser Act regulations apply to those producers who recruit workers through the U.S. Employment Service. But if a producer recruits workers without USES aid or if his State or locality enforces no farm labor housing codes, then the producer's housing for workers can be as decrepit as he likes.

The Wagner-Peyser Act regulations provide that where local or State housing standards are more stringent than the minimum standards specified in the regulations, the local or State requirements must be complied with. Section 301(c)(2) would continue this provision for sugar production, cultivation or harvesting.

### ILLEGAL ALIENS

Section 301(c)(3) requires that the producer determine to his knowledge that his employees engaged in sugar production, cultivation or harvesting are either U.S. citizens or aliens legally employed in the U.S.

Currently, some 1,000,000 aliens who entered the U.S. illegally and/or are working illegally are estimated to be employed in the country. Employers face no penalties now for hiring them. These workers are easily exploited since one call to the U.S. Immigration and Naturalization Service results in their jailing and expulsion from the U.S. They are often paid less than the minimum wage and have a harmful effect on the labor conditions of U.S. citizens and legally-working aliens. The employment of illegals in sugar production hurts not only other workers but also conscientious employers who hire only U.S. citizens and legal aliens.

### DEDUCTIONS

Section 301(c)(4) would permit only reasonable charges to be made for furnishing workers' board, lodging or other facilities or services. A dispute over whether the charges are reasonable would be considered a wage dispute and be resolved by the procedure outlined under the heading "Disputes Settlement" below.

Numerous complaints exist that sugar workers are cheated in the deductions taken from their pay for the cost of facilities or services provided by producers or crew leaders and labor contractors. In fact, some workers argue that requiring deductions to reflect reasonable costs is more important than increasing wages because they often do not get the benefit of wage increases.

### RETALIATION

Section 301(c)(5)) forbids the discharge or any other discrimination against an employee because he was involved in the filing of a complaint under these Amendments, testified in a dispute or served on a committee to adjudicate disputes under these Amendments.

Sugar workers are so poverty-stricken that fear of losing work is a powerful deterrent to their seeking their rights. They have been easily intimidated in the past against asserting the few rights they do possess.

### PENALTIES

Certain language in the currently existing Section 301(c)(1) of the Sugar Act is dropped. As a result, the penalty for violating the requirements of Section 301(c), as prescribed by the Amendments, would be the forfeiture of sugar payments.

### DISPUTES SETTLEMENT

Section 3 of the Amendments would amend Section 305(a) of the Sugar Act of 1948 to authorize the Secretary of Agriculture to utilize farmworkers organizations and representative groups in carrying out the applicable provisions of the Act.

Section 3 would also add a Subsection (b) to Section 305 of the Sugar Act. It would require the Secretary to establish in each locality a panel composed of equal representatives of sugar producers, fieldworkers and the general public to consider any dispute between a producer and a worker concerning wages or conditions of work. The conditions include the reasonable cost of board, lodging or other facilities or services which the producer provides or causes to be provided. The panel shall resolve these disputes in an impartial manner. The decisions are subject to the Secretary of Agriculture's review within 20 days after they have been made.

Currently, there is no fair and unprejudiced way for fieldworkers to have their disputes with a grower over wages or deductions resolved. Their complaints are considered by the local Agricultural Stabilization and Conservation Service Committee, which according to Department regulations, is composed solely of growers.

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By Mr. INOUYE:

S. 2143. A bill to amend the District of Columbia Traffic Act, 1925, to provide for the removal, impoundment, or immobilization of motor vehicles. Referred to the Committee on the District of Columbia.

Mr. INOUYE. Mr. President, today I am introducing a bill which had its genesis in an archtype legislative situation. Inadequacies in the enforcement of the law and the prosecution of scofflaws was a matter in issue during the recently completed appropriations hearings on the fiscal year 1972 District of Columbia budget. The matter was meaningfully brought to the attention of the committee and the issue resolved, to the extent possible, under present law by citizens of the community.

In a city of citizens without the right to vote, there are, of necessity, many concerned neighborhood groups performing the functions of the electors and the elected. One of the most stalwart groups is the Citizens Association of Georgetown. In this instance, as a result of their concern over illegally parked vehicles, they conducted a study analyzing the one-half million unpaid parking tickets issued within the District of Columbia during 1970. This was almost half of the total tickets issued. Their findings showed some $2.5 to $4.0 million less in the city coffers as a result of unpaid parking tickets. This startling fact, in a city which annually must seek fiscal support from the Congress, was brought to the city's attention by Martha Angle, a reporter for the Washington Evening Star. This reporter investigated the findings, authenticated the facts, and did a further analysis of the causes of this shocking situation. An informed public demonstrated its disapproval. My concern over revenues lost, and the disregard for the law demonstrated, resulted in the legislation I am introducing today. I am pleased to have had the cooperation and assistance of the District of Columbia's Corporation Counsel, C. Francis Murphy, newly appointed to one of the most important city offices during one of the city's most trying times.

Mr. President, I cite the above instances to show not only that the District has a concerned citizenry, a community service-oriented press, and competent civil servants, but also to reemphasize that the citizens of this city can tend to their municipal matters much more promptly, aptly, and appropriately than any U.S. Senator. It is my sincere hope that this is the last piece of legislation that this Senator, or any of my colleagues is called upon to introduce to this Chamber on District of Columbia parking violations.

Mr. President, this legislation is not the only possible approach to dealing with the scofflaw problem in the District of Columbia. A reciprocal agreement with the governments of Virginia and Maryland, providing an opportunity for those States to deny licensing to scofflaws as the District is presently able to do for its own scofflaw drivers would also be most helpful and save much police time as well. I understand the District government already has such authority as is necessary for the Mayor to enter into such agreement. The Council of Governments is actively pursuing and promoting an early agreement. I hope it may soon be achieved. However, such an agreement will not deal effectively with the substantial number of automobiles registered outside these three jurisdictions which operate on the streets of our city and which today are beyond the authority of the city to deal with in an effective manner. The proposed legislation hereby introduced will close that loophole as well.

Mr. President, I ask unanimous consent that the two newspaper articles by Martha Angle, and the attached bill be printed in the Record at this point. I further request that this measure be assigned to the appropriate committee for early consideration and favorable action.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

### S. 2143

A bill to amend the District of Columbia Traffic Act, 1925, to provide for the removal, impoundment, or immobilization of motor vehicles

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the District of Columbia Traffic Act, 1925 (43 Stat. 1119; D. C. Code, sec. 40–603 (is amended by adding at the end thereof the following new subsection:

"(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are two or more outstanding or otherwise unsettled traffic violation notices or against which there have been issued two or more warrants, may, by or under the direction of an officer or member of the Metropolitan Police force or the United States Park Police force, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Commissioner, or immobilized in such a manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

"(2) It shall be the duty of the officer or member of the police force removing or immobilizing such motor vehicle, or under whose directions such vehicle is removed or immobilized, to inform as soon as practicable the owner of an impounded or immobilized vehicle of the nature and circumstances of the prior unsettled traffic violation notices or warrants, for which or on account of which, such vehicle was impounded or immobilized. In any case involving the immobilization of a vehicle pursuant to this subsection, such member or officer shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

"(3) The owner of such impounded or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon the depositing of the collateral required for his appearance in the Superior Court of the District of Columbia to answer for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant."

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[From the Washington Evening Star, April 22, 1971]

### INOUYE HITS MAYOR ON SCOFFLAW DELAY

(By Martha Angle)

Sen. Daniel K. Inouye, D-Hawaii, has chided Mayor Walter E. Washington for failing to move against parking scofflaws or provide other "leadership in austerity" at a time when the District faces a massive revenue crisis . . .

* * * * *

On the parking subject, Inouye referred to Star articles pointing out that half of the 1,005,100 parking tickets issued last year were unpaid at the end of the year and that city police have been seeking authority for more than a year to impound cars with outstanding parking violations.

"If you're not going to follow up, you've wasted the valuable time of policemen who issued those half-million tickets," Inouye told Mayor Washington.

### AUTHORIZATION NEEDED

C. Francis Murphy, the city's newly named Corporation Counsel, said the District would need congressional authorization to impound legally parked cars that have outstanding parking tickets, although it could move against illegally parked vehicles with unpaid tickets.

Inouye promptly responded that "I will introduce such legislation forthwith and see to it that it at least passes the Senate."

The Citizens Association of Georgetown recently did a study indicating the District is losing $2.5 million to $4 million per year from unpaid parking tickets, many of which were issued to Maryland and Virginia cars.

The mayor said yesterday the most effective way to recoup parking fines from cars belonging to suburbanites would be a reciprocal agreement with Maryland and Virginia for withholding of license tags until all outstanding parking tickets are paid.

City officials have made no attempt to date to negotiate such an agreement, however, Francis B. Francois, president of the Metropolitan Washington Council of Governments, said last weekend the idea is "very interesting" and "well worth pursuing."

And State Sen. Meyer M. Emanuel, D-Prince Georges County, has written to Francois offering to sponsor such legislation in the Maryland General Assembly if COG wishes to pursue the matter.

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[From the Washington Evening Star, Apr. 21, 1971]

### DISTRICT LAGGING ON ACTION AGAINST SCOFFLAWS

(By Martha Angle)

Although the District loses millions of dollars annually from unpaid parking tickets, the city has taken no action for more than a year on proposals to authorize police to impound cars of scofflaws until tickets are paid.

The Metropolitan Police Department has been seeking such authority, which would require City Council action, for well over a year, but its proposal repeatedly has been caught in the bureaucratic switches.

Sen. Daniel K. Inouye, D-Hawaii, chairman of the Senate District appropriations subcommittee, planned to question Mayor Walter E. Washington today about the city's failure to move against parking violators.

City Council Chairman Gilbert Hahn Jr. admitted yesterday that "we're not right on top of" the parking scofflaw problem.

"There's no doubt it's one of those things we ought to have gotten to sooner," Hahn said. The council will consider the situation next month when it takes up a whole series of parking problems, he said.

A recent study by the Citizens Association of Georgetown showed that half the 1,005,100 parking tickets issued by the District last year were unpaid at the end of the year.

The association estimated the unpaid tickets cost the city from $2.5 million to $4 million in revenue. It blamed a large part of the loss on the absence of any reciprocal agreement between Maryland, Virginia and the District to force payment of parking tickets by withholding license tags from scofflaws.

The study by the Georgetown association showed about one-third of the unpaid tickets were issued to Maryland and Virginia cars, 40 percent to cars from other states and the rest in District residents.

The District can withhold license tags from its own residents who fail to pay their parking tickets, but has no power to collect from suburbanites unless police catch them in the act.

Through use of a computer shared with the Central Violations Bureau, the police can identify the license tag numbers of all cars with outstanding parking violations.

They also can identify the names of District offenders, their addresses, the type of parking violation and the time and place of all parking violations incurred by each individual.

#### NO LEGAL BARRIER SEEN

At least two of the last three corporation counsels for the District have said there is no legal barrier to authorizing police to impound any car illegally parked in the city which has outstanding parking violations.

The situation is somewhat murkier, legally speaking, for authorizing impoundment of legally parked vehicles whose owners have failed to pay past parking tickets, the lawyers have said.

"Quite frankly, we just haven't been able to resolve that issue. It's hard to come to a consensus," one District official said yesterday.

District officials admit no effort has been made to reach a reciprocal agreement with Maryland and Virginia to withhold license tags of parking scofflaws until all tickets are paid up.

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By Mr. INOUYE:

S. 2145. A bill to amend chapter 19 of title 38, United States Code, to require that members of the uniformed services be covered by Servicemen's Group Life Insurance during any period they are assigned to duty in a combat zone. Referred to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am introducing today for appropriate reference a bill to make mandatory life insurance coverage of military personnel assigned to a combat zone.

Under present rules and regulations, Servicemen's Group Life Insurance is made available to members of the uniformed services at the rate of $3 per $15,000 coverage, $2 per $10,000 and $1 per $5,000. Unless otherwise informed by the serviceman insured, the policy automatically remains in effect throughout his service obligation.

The current act, however, allows the insured to cancel or reduce his coverage. In some cases, this option can have adverse consequences for his beneficiaries. A serviceman assigned to a combat zone faces a high risk of injury or death, and to authorize him to cancel his coverage or go on duty without coverage during his tour might very easly deprive his family or relatives of any monetary assistance resulting from his death. There has been a case in my home State of Hawaii in which a serviceman cancelled his insurance only to die shortly thereafter from hostile fire. Mandatory insurance for this limited class of servicemen and servicewomen could alleviate some of the financial problems caused by their deaths. My bill would authorize reduced coverage if the soldier so wishes it but establishes a mandatory floor of $10,000.

The sum of money involved is small and will impose no financial constraints on the Department of Defense. As our involvement in Indochina declines, the requirement for such legislation will ease. However, as long as we have forces in Indochina, the need for remedial legislation will exist.

Therefore, I hope that the Congress will give the bill its expeditious and favorable consideration.

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By Mr. HUMPHREY:

S. 2146. A bill to require community mental health centers and hospitals and other medical facilities of the Public Health Service to provide needed treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems, and for other purposes. Referred to the Committee on Labor and Public Welfare.

#### EXPANSION OF COMMUNITY MENTAL HEALTH CENTERS FOR TREATMENT OF DRUG ADDICTS

Mr. HUMPHREY. Mr. President, at last we seem to be mobilizing a vigorous effort for the rehabilitation and treatment of drug addicts.

The administration announced last week a catchup effort, directing much of its fire at improving drug treatment for Vietnam veterans and the creation of an emergency drug program office in the White House. I am pleased to see this action.

I regret, however, that the President apparently has overlooked the use of a very effective tool in his new crash program against drugs, the use of community mental health centers to treat drug addicts.

While community mental health centers have offered some drug rehabilitation treatment in the past, we need to give much greater attention to expanding this resource.

I, therefore, am introducing legislation today which will authorize $160 million for staffing grants at community mental health centers.

The purpose of the staffing grants is to guarantee treatment and rehabilitation programs for addicts at neighborhood community mental health centers.

No grant would be made available unless the centers provide treatment and rehabilitation programs for drug addicts.

Under the proposal the centers could also enter into agreements with the Veterans' Administration and the Armed Forces to treat ex-servicemen or servicemen suffering from drug addiction.

This proposal is a companion measure to the bill introduced by Representative PAUL ROGERS of Florida, whose Subcommittee on Public Health and Environment will begin hearings next week on the treatment of drug addicts at community mental health centers.

The campaign against drug abuse and to help drug victims is one for all levels of government. Surely one area where the Federal Government can help is at the neighborhood level through federally funded community mental health centers.

Reportedly one of the greatest obstacles to a permanent cure for the drug addict is his inability to achieve psychological divorce from a drug once withdrawal procedures have run their course. A recent report on drugs said that "there are countless thousands of cases where the physical addiction has been broken by withdrawal only to find the addict returning to drugs once he is back in an old and familiar environment."

Community mental health centers may be one of our best hopes for quickly establishing effective drug rehabilitation programs. But they need much greater support.

In fiscal year 1971 the community mental health centers had a staffing and operational budget of $90.1 million. The administration's budget request for the next fiscal year asks for only $15 million more. The increase will go toward supporting an estimated 42 new centers. None of this money is for expansion of any drug treatment operations at the centers.

The budget allocates to special staffing under the narcotics addicts treatment program of the community mental health centers only $14.6 million. All of this money will be required for continuation of current projects relating to drug treatment.

As of April 30, 1971, the 23 drug treatment centers at community mental health centers had treated more than 8,000 patients. Because of the widespread use of drugs, such treatment hardly makes a dent in assisting the tens of thousands more persons now afflicted.

I believe the budget request is also too low for special projects under Public Law 91–513 which would treat drug addicts at community mental health centers in areas where there is a high rate of drug use.

The current budget of the Nixon administration asks $9 million for detoxification, institutional services and after care services. However, this amount will only maintain the treatment at 1971 levels.

Of the $9 million in special project moneys, $4 million worth of projects are being transferred from the Office of Equal Opportunity to the community mental health centers. Therefore, there is no real gain in funds.

If suitably strengthened, the community mental health program could prove a most effective instrument in helping combat the drug problem.

At this point, it goes without saying that the community mental health centers represent a unique model in the delivery of mental health services. They can reach those in need of treatment much more quickly than the traditional mental health institutions.

The centers already have established working rapport with the leading segments of the community—educators, clergy, physicians, psychiatrists, and other community leaders.

These are all elements which must be brought together and work together to fight drug abuse.

Drug abuse is a community health problem.

We should attack it at the local level where the facilities are available.

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By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Cook, Mr. Beall, Mr. Brooke, Mr. Cannon, Mr. Case, Mr. Cooper, Mr. Cranston, Mr. Eagleton, Mr. Ervin, Mr. Fong, Mr. Gambrell, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. McIntyre, Mr. Moss, Mr. Muskie, Mr. Percy, Mr. Stevens, Mr. Taft, Mr. Tower, Mr. Tunney, and Mr. Williams):

S. 2148. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for a comprehensive grant program for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, the solution to our growing crime problem is the greatest challenge to this country. It is the ultimate challenge for if it is not overcome, it will surely destroy the Nation. And it is for this reason all of America must partake in its solution. Crime is literally draining our Nation of billions of dollars, causing anxiety and uncertainty for millions of Americans and suffering for its untold victims.

It is all-pervasive. There are few people in the United States who either personally or through ties of family or friends have not been affected by crime. There is not a day gone by that we fail to read or hear about some terrible tale of criminal conduct.

We are beginning to know more and more about crime. We know that crime is a reflection of the anger and frustration of the inner city. We know the congestion of the ghetto, poor housing, and poor education do much to aggravate the problem. We know that the ineffectiveness of prosecutorial efforts create a lack of needed predictability in the enforcement of our laws.

We know that many of our established institutions are aiding and abetting the problem, rather than contributing to its solution. Our prisons, for instance, are creating an environment for reenforcing criminal conduct, rather than changing the attitudes of the criminals. Our entire judicial and law enforcement system has become a system of revolving doors. Our courts and prisons have been putting rapists and murderers in the same cell with the college pot smoker and the juvenile runaways. These institutions are grouping for renewal.

We are now starting to learn about the important who's, how's, and why's of crime. We know at least that these problems are institutional as well as human. We have a great deal more to learn. But I must compliment our governments in responding to this once great and immeasurable void. We have begun to fill in the empty spaces with the needed facts and figures.

We must approach our crime problem as we approach a business venture. If we are to put billions and billions each year into courts, police, corrections and so on, and expect productive and responsive results, we must know about the successes and failures of our previous efforts. We must know the causes of crime as well as the likely remedies.

The economics of crime, if operated effectively, will dictate a proper balance between demand for action and supply of resources. We simply cannot afford to waste money and time in this ever-increasing social menace.

However, at the present time, the economics of crime are not working. If a certain segment of our population is causing a declared percentage of the overall crime, our resources should be flexible enough to respond in a like proportion.

The case in point is juvenile delinquency.

Although juveniles make up around 17 percent of our population, juvenile delinquency is responsible for close to half our arrests and more than one-third of the Nation's crime. The disproportionate share of crime committed by juveniles is abundantly documented by the President's Commission on Law Enforcement and the Administration of Justice, the Annual Report of the Youth Development and Delinquency Prevention Administration and numerous other studies and reports.

For further proof of the juvenile's involvement in the law enforcement, judicial and correctional processes, all one has to do is visit our jails and prisons, the courts and lock-ups. Look inside the flashing police car as it speeds its way to the police station. Look and you will see mostly juveniles; you will see young, angry—and scared faces.

The President's Commission unequivocally pronounced that "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime." Reducing juvenile delinquency will also save time and money. Last year there were close to a million court cases involving juvenile delinquents. In Baltimore City, which has a juvenile population of one-third the total population, there were almost 9,000 juvenile delinquency cases processed through its courts.

When we look to the future, the juvenile's involvement in the criminal process becomes even more pronounced. During the last decade, juvenile arrests for violent crimes increased 148 percent, while arrests for property offenses increased 85 percent. Again in Baltimore City, 50 percent of the breaking and entering and auto thefts were committed by the city's juveniles.

With our juvenile population now growing and making up a greater proportion of the total population, we can expect in the years ahead an even greater increase in youth crime.

How has the Federal Government responded, knowing these facts—realizing the impact of juvenile delinquency upon our Nation's stability. Quite frankly, I must say not very well.

In recent testimony before the Subcommittee on Juvenile Delinquency, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration—LEAA—stated that only 19 percent of LEAA funds are now going toward the prevention of juvenile delinquency and the rehabilitation of juvenile delinquents.

LEAA, as you all know, is the major crime fighting vehicle of the Federal Government—created in title I of the Safe Streets Act of 1968. I am proud of its accomplishments—and have become one of the agency's most aggressive supporters. And it is for this reason I believe that the agency should get more involved in juvenile delinquency; it has given too little direction to this vital area.

It is with these objectives that today I introduce the Juvenile Delinquency Prevention and Rehabilitation Act of 1971. Senators Cook and Bayh are the principal cosponsors and are joined by Senators Ervin, Beall, Tunney, McGovern, Stevens, Eagleton, Case, Tower, Gambrell, Cannon, Humphrey, Brooke, Percy, Cranston, Muskie, Cooper, Inouye, Moss, Javits, Fong, Taft, McIntyre, Hollings, and Williams. I am pleased to have as many as 26 cosponsors. I think this reflects a recognized sense of urgency in the Senate.

I ask unanimous consent that the bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2148

A bill to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for a comprehensive grant program for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Juvenile Delinquency Prevention and Rehabilitation Act of 1971."

SEC. 2. Section 303 of Part C of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of part F of this Act, no State plan shall be approved as comprehensive, unless it includes a juvenile justice component, as provided for in part F, and providing that at least 40 per centum of Federal assistance granted to the respective State planning agency for any fiscal year be allocated to the juvenile justice component of the State plan as provided for in part F."

SEC. 3. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting immediately after Part E the following new part:

"PART F—GRANTS FOR JUVENILE DELINQUENCY PREVENTION AND REHABILITATION

"SEC. 471. It is the purpose of this part to assist States and units of general local government to develop and implement programs and projects for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents.

"SEC. 472. The Administration is authorized to make grants under this part to a State planning agency; provided the application sets forth a comprehensive statewide program for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents which contains and meets the following requirements:

"(a) provides that no less than 50 per centum of the funds available to such State pursuant to section 474(a)(1) will be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers, and other similar facilities as the Administration shall designate as prohibited pursuant to its authority contained in section 473 of this Act.

"(b) provides that the applicant State will treat juveniles who have committed offenses that would be criminal offenses if committed by an adult in separate facilities with separate and distinct programs;

"(c) provides for advanced techniques in the design of services and facilities, such as, but not limited to the following:

"(1) community-based services and facilities for the prevention of juvenile delinquency and for the rehabilitation of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential, community-based treatment or rehabilitative facility or service;

"(2) diagnostic facilities and services on a statewide, regional, or local basis;

"(3) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel according to standards promulgated by the Administration pursuant to section 474 of this Act, and community-oriented programs for the supervision of juvenile probationers and parolees;

"(4) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug dependent youth (as defined in section 2 of the Public Health Services Act, 42 USC 201, as amended);

"(5) delinquency prevention programs, including individual and family counseling, use and training of professionals and paraprofessionals and other supportive services within the elementary and secondary education systems to detect, work with, and divert from the juvenile justice system delinquent and potentially delinquent youth;

"(d) provides for special training and other qualifications in order to meet personnel standards required in dealing effectively with juvenile delinquents and pre-delinquents;

"(e) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 473. The Administration shall by regulation prescribe basic criteria for applicants, grantees, facilities and services; and shall promulgate such rules and regulations as are necessary to effectuate the provisions of this part.

"SEC. 474. (a) The funds appropriated for each fiscal year for grants under this part shall be allocated by the Administration as follows—

"(1) 85 per centum of the funds shall be available for grants to State planning agencies on the basis of the respective populations of juveniles aged 11 through 17, inclusive, of eligible States.

"(2) The remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. Funds awarded under this part may be used for real estate acquisition, provided that a specific comprehensive audit by the Administration is made at the time of purchase and at the time of selling of said property.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for the fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"SEC. 475. There are authorized to be appropriated 500 million dollars for the fiscal year ending June 30, 1972, and 500 million dollars for the succeeding fiscal year."

SEC. 4. Paragraph 4 of section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking the word "delinquents,".

SEC. 5. (a) Subsection 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking out the word "There" and inserting in lieu thereof "Except as provided in part F, there".

(b) Parts F, G, H, and I of title I of such Act are redesignated as part G, H, I, and J.

Mr. MATHIAS. Mr. President, in the time remaining, I will chronologically go through the bill and explain its major provisions.

The legislation creates a new title to the Law Enforcement Assistance Administration—title F—similar to the recently established part E on corrections. Besides those moneys going through part C—the block grants to the States—part F will contain all the enabling legislation and funds for the prevention of juvenile delinquency and the rehabilitation of juvenile delinquents. In other words, this bill takes out of part E all reference to juveniles, leaving it an adult oriented title.

Like part E, part F will not deprive any State of its part C funds. Funds will be authorized as a line item—independent of the block grant money.

Within 2 years after the enactment of this new part F, in order to have a State plan approved as "comprehensive" within the meaning of existing guidelines, two prerequisites must be fulfilled: First, the comprehensive plan must include a juvenile justice component, and second at least 40 percent of the entire LEAA money must be devoted to the area of juvenile delinquency.

At present, the statewide comprehensive law enforcement plan submitted to LEAA does not have to contain a juvenile justice component. A good number of States—including the State of Maryland—have such a component; however, too many do not. And those which do not endanger the law enforcement efforts of the entire Nation. It just makes no sense for most States to fail to program and plan their fight against juvenile delinquency, realizing the great proportion of crime committed by this group. You cannot expect to alleviate the problem when you make no provision to recognize it, nor plan for its ultimate solution. Some States can spend pennies on juvenile delinquency with legislative impunity and Federal acquiescence. This provision would assure that each State will be responsive to the need.

The 40 percent allocation for juvenile delinquency I imagine will be somewhat controversial. Let me say quite frankly that the figure might be too high—perhaps a slightly lower figure would be more equitable and timely. But the point has to be made that the States must devote more money and resources to combat juvenile delinquency.

In setting forth a percentage requirement, you do not take money away from the rest of the LEAA program. This is so because the $500 million authorized in the bill for this new part F is an amount which slightly exceeds the present total appropriation for the administration. Thus the percentage figure merely assures that the State will use this new money—and not allow it to go unspent. We simply have got to make sure that the States will respond to the problem of juvenile delinquency—it is the concern of not just one State—but the concern of all our States—the concern of the Federal Government.

To further assure that the States are responding in a sophisticated and appropriate manner, the legislation contains what I believe to be the most progressive guidelines for any law enforcement bill ever introduced in the Senate.

It is well recognized and documented that prisons have become a negative experience; an experience which should be avoided. In the interests of society and for the betterment of the individual, most agree that we must find alternative methods of incarceration. To accomplish this objective, most have suggested massive efforts to establish halfway houses, community centers, and other diversion-type programs.

Section 472(a) contains the novel requirement that at least 50 percent of the funds devoted to part F must be allocated to alternative methods of incarceration. Money must be spent on institutions of confinement and rehabilitation other than traditional jails, reform schools, and other cold and inhuman correctional institutions. LEAA is given the authority to promulgate rules and regulations as to what qualifies as an approved alternative.

It is absolutely essential that we take young kids away from institutions which only hardens their anger and increase their criminal propensities. When one travels about our Nation and looks at the juvenile institutions—often called detention centers—one can clearly understand why most of the kids graduate into an adult prison. If we are to ever stop the costly process of recidivism, we must make the first step with the juveniles—the group which, if not guided properly, will become the biggest burden, cost, and detriment to society.

Section 472(c) contains another guideline which is much needed in the area of rehabilitation of juvenile delinquents. Too often, for lack of a better alternative—an alternative which will hopefully be provided by 472(a)—a court will send a youngster, who has acted in a way which is repugnant to either his family or his school, to a detention center where he is put in the same facility with an experienced criminal. For instance, it is common for parents or schools to go to the court, and evenutally to our prisons, for relief, when they find a child "hard to handle," "a runaway," or a "truant."

Section 472(b) guarantees that a child who has not committed an offense which would be punishable if committed by an adult will not be put in the same facility, nor treated like the juvenile who has committed the adult offense.

Section 472 (a) and (b) give the judge an opportunity to choose other alternatives while giving the juvenile a realistic chance for rehabilitation.

It is well recognized in the law enforcement community that one lasting solution to crime and the burdens of crime to society is to decriminalize certain behavior. Section 472(b) is an attempt to start this long and difficult road. In the case of the juvenile, it is an appropriate place to start, for a criminal record is most damaging to the one who must wear the label the longest.

Section 472(c) requires advanced techniques in the design of services and facilities and sets forth some suggested criteria. They are all self-explanatory and reflect the spirit of the prior language and are in keeping with the contemporary approaches to the correction of juvenile delinquency.

In order to assure that money will go to the needed areas throughout the respective States, it is specifically provided in section 474 that the Federal Government allocate 85 percent of the appropriated money to the respective State planning agencies, on the basis of their juvenile population—ages 11 to 17. It is understood that the State planning agencies, in turn, will pass on the money to the sections of the State in proportion to its juvenile population. The remaining 15 percent is discretionary money to be allocated on the basis of need according to the criteria, terms and conditions set forth by the LEAA.

Mr. President, I hope this bill will receive the Senate's full consideration and attention. It is a subject matter which underlines the Nation's stability and, more importantly, its future.

Mr. TOWER. Mr. President, I am pleased to cosponsor today an amendment to the Omnibus Crime Control and Safe Streets Act of 1968 which deals specifically with the problems of juvenile delinquency. It is imperative that decisive action be taken in this field of crime control and prevention, for today more than 50 percent of all major crimes are committed by juveniles. It is, therefore, to our great advantage to support efforts toward this end not only to decrease the rate of crime, but also to salvage those young people who have the potential for making positive contributions to society.

With the increasing awareness of the problem of youthful offenders, there has been an upsurge in efforts to control such crime both on the State and Federal level. Yet there is still much to be done. An integral facet of crime control is the treatment and rehabilitation of the offenders, since the great majority of juvenile crimes are committed by those who have been previous offenders. Thus, if more energies are exerted to rehabilitate delinquents, there would obviously be a tremendous decrease in the crime rate throughout the Nation.

Our society has too long tended to forget about juvenile delinquents and the progress which could be made toward rehabilitation with adequate facilities, trained personnel and a degree of interest and attention. We have too often allowed our juvenile detention centers to lapse into conditions which only convert juvenile delinquents into hardened adult criminals.

Many have seen recently the television documentary. "This Child Is Rated X". The sometime wretched conditions which were portrayed in that program give a good indication of why we must move quickly in this field. While we here in America are spending millions of dollars to go to the moon and to fight various diseases, which I certainly support, I believe that we can likewise afford to attack the problems of how to deal with and help our youth who have run afoul of the law.

Mr. President, what we are proposing today is a crash program designed to deal with immediate problems of juvenile delinquency now confronting our society, with continued long-range assistance. It is most important to give those currently residing in juvenile detention centers a chance for rehabilitation and to embark upon a program of juvenile crime prevention at the same time.

The measure would empower the Law Enforcement Assistance Administration to make direct grants to the States so that the States may undertake new programs in the field of treatment and prevention of crime by juveniles. The LEAA would be authorized to make grants to a State planning agency which would then devise a comprehensive program for the prevention of juvenile delinquency and the rehabilitation of the offenders. I think this type of Federal-State cooperation is the best means to achieve workable solutions. The Federal Government has financial resources and experienced professionals capable of helping the States to find solutions to existing and potential problems. Yet the States must have the privilege and responsibility of devising a program specifically tailored to the needs of the State itself.

To help in detecting and treating actual and potential juvenile delinquents outside of secure institutions, the legislation would establish community-based facilities, foster care and shelter homes. It would additionally provide for individual and family counseling, use and training of professional and paraprofessionals, and services within the public school system.

We all know that one of the truly great tragedies today is the growing drug problem among our Nation's youth. The increase in drug-related crimes among this segment of our society is well known. In this measure, we have clearly recognized the facts of this situation and designed a program to specifically deal with drug problems. Section 572(c)(1) encourages the use of advanced techniques in the design of services and facilities in a comprehensive program of drug abuse education and prevention. It also provides programs for the treatment and rehabilitation of drug-dependent youth. The creation of such a partnership between the States and the Federal Government will help correct one of the most serious problems we face in America today. I realize that the drug situation cannot be changed overnight, but this legislation would make a necessary commitment and involve the sharing of the expertise of the 50 States and the Federal Government. I hope that we will soon see results.

The Law Enforcement Assistance Administration, created by a measure which I likewise cosponsored in 1968, has an excellent record in getting new programs off the ground and making them effective. I know that LEAA is ready and willing to do the same with the program to bring aid to our Nation's youth who have turned to drugs for answers they felt they could not find elsewhere. I truthfully believe that this will go a long way toward helping to find a method for assisting the drug user and for keeping those young people who do not use drugs, far and away the greatest majority, from ever wanting to start.

Mr. President, in conclusion, I believe that this problem of crime and crime prevention among the youth of America should be treated with the highest priority. The youth of today are the leaders of tomorrow, and it is up to our generation to do everything that we can to alleviate the current situation. Bleak and hopeless incarceration of rehabilitative youngsters must no longer be allowed to continue. Pilot projects in the area of rehabilitation of youthful offenders have demonstrated they respond very well to treatment and understanding. The rate of repeaters is considerably lower among those treated with modern techniques. There are many problems facing the Nation today, but there is none that is more deserving of our attention than the problem of juvenile delinquency. We are making a hopeful start here today with the introduction of this most important bill. I urge the Senate to follow this beginning with expeditious handling of this legislation.

Mr. BAYH. Mr. President, we are all aware of the alarming acceleration of juvenile crime during the past decade. We know that during the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent. We know, too, that persons under 25 now account for 59 percent of the crimes of violence and for 81 percent of the property crimes each year. Half of the arrests for major serious crimes are of young people under the age of 18. But what have we in the Congress done to meet this crisis?

The Subcommittee To Investigate Juvenile Delinquency, of which I am chairman, recently conducted hearings to examine the effectiveness of the Federal effort to prevent and control juvenile delinquency. The testimony of both Government and non-Government witnesses clearly indicated that there is little sense of the urgency and magnitude of the problem among those agencies that have some role in this effort.

Several months ago, as the first step in a program to restructure the Federal role in the prevention and control of delinquency, I introduced a bill to extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968, which is administered by the Department of Health, Education, and Welfare. It must be conceded that the record of HEW in administering the act has been dismal. Yet, it does have, or should have, a unique role to play in the juvenile delinquency field. It should be able to marshal an interdisciplinary approach with a primary focus aimed at prevention of juvenile delinquency.

Juvenile delinquency is not, and cannot be, the exclusive concern of a law enforcement body. Therefore, I was unwilling to let the responsibility of HEW end by the expiration of the 1968 Juvenile Delinquency Prevention and Control Act.

On Monday of this week, both the Senate and the House passed S. 1732 extending the life of Juvenile Delinquency Prevention and Control Act of 1968 for 1 year. The bill contained several amendments which will give HEW a better chance to improve its administration of the act and to coordinate its program with all other Federal agencies in the juvenile delinquency field.

By extending the life of the act for 1 year, we will have time to review the reasons for HEW's inadequate performance in the past and to develop ways to insure that the act will operate as an effective instrument in this vital and crucial area. S. 1732 is presently on President Nixon's desk awaiting his signature to become law.

The bill which I am cosponsoring today does not undercut, in any way, the necessity for the extension of the 1968 Juvenile Deliquency Act. Although HEW has failed to live up to its responsibilities in the juvenile delinquency field in the past, the same can also be said about the Department of Justice and its Law Enforcement Assistance Administration.

The hearings which my subcommittee recently conducted also clearly revealed certain shortcomings in the present approach of LEAA to juvenile delinquency prevention and control. The representatives of LEAA who testified before the subcommittee indicated that they did not feel that juvenile delinquency prevention and rehabilitation was one of their primary responsibilities. This is also reflected in the composition of the State planning agencies which are heavily weighted with law enforcement representatives who are more concerned with providing funds and equipment for law enforcement agencies.

At the time of the hearings, no specific unit within LEAA had been established to review the content and quality of the juvenile delinquency components of State plans. Further, it was explained that the relatively low proportion of LEAA funds being allocated to juvenile delinquency—14 percent in fiscal 1971—resulted from the general inadequacy of resources and from the allocation decisions of the individual State under bloc grants.

With at least half of the major crimes being committed by those under 18, it is apparent that LEAA is not insuring that anywhere near the proportion of its moneys are being spent where the need is greatest. Although LEAA exercises some review over the content of State plans, it does not feel that it should recommend a reordering of priorities to reflect a greater emphasis on juvenile delinquency prevention and control.

Today, I am introducing with Senators MATHIAS, COOK and 24 other Senators, a bill—the Juvenile Delinquency Prevention and Rehabilitation Act of 1971—which I believe will start improving LEAA's woefully inadequate performance in this area.

This bill will add a new part to the Omnibus Crime Control and Safe Streets Act of 1968, part F, designed specifically to provide massive assistance to State and local governments in developing and implementing delinquency prevention and rehabilitation programs. The thrust of the bill is to make the efforts of the Law Enforcement Assistance Administration more effective in meeting the special problems of juvenile delinquency and in authorizing adequate resources for getting the job done.

The bill which we are introducing today is designed to provide LEAA both with the authority and with the resources to launch a full-scale attack on juvenile crime. First, the bill adds an entirely new part to the Omnibus Crime Control Act, one which deals exclusively with juvenile delinquency. It authorizes an appropriation of $500 million for each of the next 2 fiscal years. Further, it requires that within 2 years, all state plans approved by LEAA must allocate 40 percent of their crime control money to juvenile delinquency programs. This will give the prevention and control of juvenile delinquency the same importance as LEAA's present focus on the problems of adult offenders.

The bill establishes broad guidelines for the expenditure of juvenile delinquency funds which reflect the views of people who have long worked in the field. For example, the bill requires that at least half of the funds a State receives under this part must be spent on the development and use of facilities designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in traditional training schools, reformatories, and detention centers. Witnesses who have appeared before my subcommittee have testified again and again that the large, custodial institutions generally used for the confinement of juveniles rarely succeed in rehabilitating their inmates. Rather, the conditions in these institutions usually produce physical and psychological damage which is permanent. The statistics confirm this tragic picture: the recidivism rate of institutionalized delinquents is the highest of any age group—74 percent.

The bill which we are introducing today will provide States with the incentive and with the resources to develop alternatives to these large institutions, such as group homes, halfway houses and research centers. Through the use of community-based services and facilities, juveniles will be able to receive the help they need while remaining in their communities, close to the families and friends so necessary to rehabilitative efforts.

The bill also provides for the separate treatment of children, who have engaged in conduct that would not be criminal if committed by adults, from those who have committed such offenses. Witnesses have told us repeatedly that approximately one-half of the children presently confined in large institutions for juvenile delinquents are there because they are runaways, truants, or who have destructive home situations. These children are victims of societal and parental neglect, and should not be treated in the same way as juveniles who have a history of criminal activity.

In order to provide the kind of care needed for a particular child, it is crucial to have adequate diagnostic facilities. Many localities do not have such facilities, and thus are unable to differentiate among the children sent to institutions in any meaningful way. The bill includes the development of diagnostic services on a statewide, regional, or local basis as a requisite part of the State plans submitted to LEAA.

One of the most successful alternatives to institutionalization has been the probation subsidy program, which is now operating in several States. Under this program, a county or unit of local jurisdiction is reimbursed for every juvenile it retains in the community rather than sending to a State correctional institution. This program allows a child to stay at home while receiving intensive probation services, and, in fact, costs far less than institutionalization. Our bill provides for the development of these and similar probation programs, for the expansion and improvement of probation services in local communities, and for the training of probation officers.

One of the best documented problems facing our youth today is that of drug abuse. Not only do drugs destroy the lives of many young people, they are also the direct cause of serious delinquent behavior. Our bill provides for comprehensive programs of drug abuse education and prevention which will reach even the youngest children before they become hopelessly enmeshed in the destructive cycle of drug addiction and criminal activity. For those children who are already involved with drugs, our bill provides for rehabilitation and treatment programs. As many correctional authorities have indicated, drug abuse is a grave problem both within juvenile correctional institutions and in the communities in which the juveniles live. We must make a concerted attack on this evil if we are ever going to reduce the numbers of children for whom crime becomes a necessary way of life. And we in Congress must provide the resources and the authority to make such an attack successful.

Many of the early signs of delinquent behavior, or of problems at home, first show up in the schools. Any approach to delinquency prevention must include intensive services within the elementary and secondary education systems which will detect and divert from the juvenile justice system delinquent and potentially delinquent youth. Our bill emphasizes the need to develop such programs through the use of individual and family counseling, and other supportive services within the structure of the schools. Provision is also made for training professionals and paraprofessionals working with juvenile delinquents and predelinquents in all aspects of the problem.

Mr. President, we have reached a point of crisis in our juvenile corrections system. While we have enacted programs in the past, we have failed to followup on their actual performance. We have permitted the Federal agencies, such as LEAA, to treat juvenile delinquency prevention and rehabilitation as problems of secondary importance. The bill, will, we believe, make certain that this crucial problem is not given short shrift, but will be given the primary attention it deserves. Nothing is more important than saving our young people from a life of crime.

[This Act is Administered by the Law Enforcement Assistance Administration (LEAA), United States Department of Justice]

BRIEF ANALYSIS OF THE PROVISIONS OF THE JUVENILE DELINQUENCY PREVENTION AND REHABILITATION ACT OF 1971

(A Bill To Amend the Omnibus Crime Control and Safe Streets Act of 1968, as Amended (Public Law 90–351))

SECTION 1. This section of the bill contains the short title.

SEC. 2. This section amends section 303 of the Act. It provides (1) that a state planning agency must submit a juvenile justice component as a part of such state's comprehensive state criminal justice plan, and (2) an allocation of 40 percent of the Federal assistance funds for which the state is eligible to the juvenile justice component. States which do not comply with these two requirements would not receive their share of Federal LEAA funds. The effective date of these provisions is two years after their enactment.

SEC. 3. This section adds a new Part F to the Act entitled: "Grants For Juvenile Delinquency Prevention and Rehabilitation." This section provides for the funding of programs and projects in the field of juvenile justice, including prevention of delinquency and rehabilitation of delinquent youth. The requirements of the juvenile justice component are set forth in this section and include the following:

SEC. 3(a). This subsection limits funding of construction of traditional juvenile detention and correctional institutions to 50 percent of available monies under Part F. [Sec. 474(a)(1).]

SECTION 2. This section amends section 303.

SECTION 3.This section adds a new Part F.

SEC. 3(b). This subsection provides that juveniles who have not committed substantive, criminal offenses be treated under separate programs and in separate facilities. This would include runaways, truants, neglected children, person in need of supervision (PINS) and incorrigibles.

SEC. 3(c). This subsection provides for community-based prevention and rehabilitation efforts, including development of foster-care and shelter care facilities, group homes, halfway houses, and additional community-based residential facilities and services. The subsection provides further for diagnostic services and facilities and the expanded use of probation, the funding of probation subsidy programs, the recruitment and training of probation personnel, and community-oriented programs for probationers and parolees.

This subsection provides further for comprehensive drug abuse prevention and education programs and programs for the treatment and rehabilitation of drug dependent youngsters. It further requires a juvenile delinquency prevention effort which includes family and individual counseling, use and training of professional and paraprofessional personnel for work within the schools in order to detect, work with and divert youngsters who are either delinquent or potentially delinquent from the juvenile justice system.

SEC. 3(d). This subsection requires that personnel standards for work with delinquent and pre-delinquent youth include special training and qualifications to work effectively with such youth.

Additional sections of the Act provide for the promulgating of regulations; for the allocation of funds among the states according to the youth population 11–17 years (85 percent) and by discretion of LEAA (15 percent).

The Federal share of funding under this Act is 75 percent of the cost of any program or project.

The Act authorizes the expenditure of $500 million for each of two fiscal years, beginning on July 1, 1971.

By Mr. PEARSON:

S. 2149. A bill to authorize the establishment of the Tallgrass Prairie National Park, in the State of Kansas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### TALLGRASS PRAIRIE NATIONAL PARK

Mr. PEARSON. Mr. President, I introduce, for appropriate reference, a bill to establish a Tallgrass Prairie National Park in Kansas. This proposed park will be a fitting and nationally significant preservation of the last remaining vestige of tallgrass prairie that once existed in a wide region of the Midwestern United States.

The concept of a prairie national park is not novel. There has been an interest in the preservation of significant samples of our grassland heritage for more than 40 years, with a wide variety of groups moving toward that end. In the early 1960's, a vigorous proposal for a prairie national park was launched. The interest generated then remains a strong influence favoring the proposed park.

It is particularly appropriate, however, that at this time we call once again for the preservation of what indeed may be termed the "vanishing prairie." While the park reflects the interests of conservationists and naturalists who antedate current environmental awareness, the establishment of this park also would be an integral part of that present movement. Let me briefly outline the rationale supporting the establishment of this park.

First, as a Senator from Kansas, I am conscious that in the vast expanse of land in the heartland of this Nation, there are acres of natural prairie which today face extinction unless they are preserved. I am in agreement with the program of the National Park Service, that we must do our utmost to preserve such latent natural areas as the Midwestern prairie. Today, little of the tall grass prairie, originally 400,000 square miles in extent, is left in its original condition.

In parts of eastern Kansas, however, one may still find tracts sufficient in size, 30,000 acres or more, to qualify as possible sites for a proposed Tallgrass Prairie National Park. While damage to these hilly, Kansas prairies has occurred from overgrazing, the land has never known a plow and only the erosion of some of the more precipitous escarpments mars the subtle beauty of the landscape, a defect that sufficient time will cure if the land is protected from further overgrazing.

In moist, rich bottom lands, ungrazed big bluestem and Indian grass once attained 8 or 9 feet in height along the eastern slope of the Flint Hills and the flat low plains eastward of it. To the west of the eastern edge of the Flint Hills and their northerly and southerly projections the dominant flora is the midgrass and farther west the short grasses predominate. There is still much good midgrass land remaining and many millions of acres of virtually unspoiled short-grass country in the high plains but the few remaining large tracts of the tall grasslands are in danger of being parceled into small tracts by highways, power transmission lines, and impoundments. Time is growing nigh if we are to save a representatively large tract of the great, tall grasslands.

In addition to preserving this natural grassland, such a park would preserve a significant slice of American heritage. In the early days of this Nation, the way of life which this area represents extended uninterrupted from the Canadian border to Texas and from Indiana to western Kansas.

This vast, rich grassland which became known as the North American Prairie represented one of the richest resources of this Nation. It became a symbol of one of the most colorful and challenging eras in American history.

In this vast area there existed the essential environment to sustain a balance of native plant and animal life. It offered to all Americans the challenge of the frontier, the best of nature and an appreciation of the vastness of our country. Certainly this element of our Nation's greatness, this facet of our life and history should be included with others in our national park system.

Another factor, significant to Kansas at this time, is the economic impact of a park of this nature upon our State. Cost-benefit studies, to which we are accustomed in measuring the feasibility of water projects, are not easily applied to a project of this kind. Yet it is possible to devise some measure of benefits and cost by taking into account tourist visits and expenditures, investment and maintenance costs of the park facilities, loss of tax revenues, savings to local governments and other related factors.

Studies of earlier proposals suggested that Kansas' economy could expect a net increase in income from the existence of such a park in excess of $10 million a year. The diversification and expansion of the Kansas economy represented by the creation of this park is certainly a matter for the most serious study by all Kansans.

In a final perspective, it would be difficult to place the value that a tallgrass prairie park would have for countless generations in this country's future. How many people in this country have seen elk grazing in lowland prairies? How does one count out in coin a small boy's wonder at a mother buffalo, shaggy and dark, with her infant calf? Can these things be left to perish because we cared not enough to protect them? Is the last generation now alive whose members can stand on a prairie hilltop and view the horizon without seeing a powerline, a highway, a microwave station or some other reminder of the incessant hand of man?

People who love the prairie know it as a thing of wonder and beauty. They believe that future generations of Americans should have the opportunity of knowing what this land once was.

Mr. President, since the concept of the Prairie National Park has been approved by the National Park Service, congressional endorsement would add another chapter to our park, monument, and historic site program and would fill a void in this system of natural showplaces.

Mr. President, I ask unanimous consent that this bill providing for the establishment of a Tallgrass Prairie National Park in Kansas be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 2149

A bill to authorize the establishment of the Tallgrass Prairie National Park, in the State of Kansas, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the influence of grasslands upon the progress and economic development of our country, and to preserve the scenic, scientific, and educational values of a representative portion of such lands for the inspiration and enjoyment of this and future generations, there is hereby authorized to be established in the manner hereinafter provided, the Tallgrass Prairie National Park, in the State of Kansas.

Sec. 2. The Secretary of the Interior is authorized to designate such land and interests in land in the State of Kansas as he determines are necessary and desirable to preserve representative portions of the tallgrass prairie lands and the native wildlife: *Provided,* That the area as designated shall not exceed sixty thousand acres.

Sec. 3. Within the area designated as the Tallgrass Prairie National Park pursuant to section 2 hereof, the Secretary of the Interior is authorized to procure land and interests in land through donation, purchase with donated or appropriated funds, or exchange.

Sec. 4 (a) The Secretary of the Interior shall administer the Tallgrass Prairie National Park, pursuant to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

(b) The Secretary shall insure that public resources adjoining the park are adequately protected from fire, insects and other natural hazards; such protection to be commensurate with existing policies of the National Park Service.

(c) The Secretary shall provide trailways and roadways adequate to insure public use and enjoyment of the park area. These roadways shall not destroy the natural purposes of the park as set forth by the Secretary and the National Park Service.

(d) The Secretary is authorized to enter into cooperative agreements with the State of Kansas and its political subdivisions which will enhance or insure preservation of the park and promote the use thereof in accordance with the purposes of this Act.

Sec. 5. When the Secretary of the Interior has designated a boundary for the Tallgrass Prairie National Park pursuant to section 2 of this Act and has determined that sufficient land and interests in land have been procured by the United States to provide an administrable unit within such boundary, he shall declare the establishment of the Tallgrass Prairie National Park by publication of notice thereof in the Federal Register. Following such establishment, and subject to the aforesaid acreage limitation, the Secretary may continue to acquire lands and interests in land for the park as authorized in this Act.

Sec. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. BEALL (for himself and Mr. Dominick):

S. 2154. A bill to establish a program of interim emergency financial assistance to institutions of higher education having the greatest need for such assistance, and to determine means of improving the financial position of all such institutions and their future needs for assistance. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, on behalf on myself and Senator Dominick, I introduce today the "Emergency Higher Education Assistance Act of 1971." There has been considerable concern in the Congress and the country regarding the financial difficulties facing many of the Nation's colleges and universities.

In its December 1970 report, the Carnegie Commission on Higher Education warned that—

> American colleges and universities are in the midst of a financial crisis, unmatched in its impact in any previous period of history.

Maryland's institutions of higher learning have not escaped these financial difficulties as can be seen from the following:

St. Joseph's, a private institution, has already announced that it will have to close.

Johns Hopkins, one of the Nation's most prestigious institutions, faces severe and major financial problems.

The Maryland Legislature, in the last session, recognized these financial problems and passed legislation authorizing $500,000 for its hard-pressed private institutions.

In addition, I have corresponded with and have personally talked to many of Maryland's leaders in higher education. Many have emphasized to me the very serious financial problems that they face.

There are various pending proposals in the Congress. Congressman Quie's bill, for example, which would provide general assistance to institutions of higher learning based on the number of degrees granted by such institutions. Congresswoman Green's bill would provide general aid based on credits earned. The administration recently also proposed institutional aid which would provide for an add-on based on certain federally assisted student aid programs. I personally have considered introducing similar measures or variations thereon, but I was not really satisfied with any of the formulas that I considered. I believe it important that we make the right decision on the higher education aid question for such decision will probably significantly shape higher education programs for the next decade.

During recent hearings on institutional aid, I outlined to Secretary Richardson my proposal. The Secretary encouraged me to pursue this approach, feeling that it was important, as we search for the best approach to the problems of higher education, that we consider all the various alternatives and possibilities. It is in that spirit that I today introduce the Emergency Higher Education Assistance Act of 1971.

This bill will authorize $150 million for interim emergency assistance to the Nation's institutions of higher learning which are in "serious financial distress" and in need of additional assistance either to continue its operation of the institution or to prevent "substantial curtailment" of its academic program to the detriment of the quality of education available to its students. In the case of public institutions, the appropriate State agency would have to make a finding that such institutions were in need of emergency financial assistance. In the case of private institutions, such findings could be made by either the appropriate State agency or by the Commissioner of Education.

Institutions receiving such assistance would be required to disclose certain financial information to enable the Commissioner to determine the causes and sources of their financial distress and agree to conduct cost analysis studies and to implement any needed financial or operational reform as indicated by such studies, or to give reasons in writing for not implementing such recommended reforms.

Our hearings have indicated that present accounting procedures in higher education are greatly inadequate. Our Education Subcommittee simply could not get adequate answers as we attempted to secure basic information with respect to higher education. Indications are that universities and colleges are becoming aware of these shortcomings and some are indeed attempting to secure the basic date and to experiment with financial innovation and reform.

For example, George Washington University is now requiring an income-cost-comparison and cost-per-credit hour for each of the school's departments. We know that programs at the college level have proliferated in recent years and certainly an examination of such programs, including their costs, would be useful information to the institution, and valuable in making cost comparisons among similar schools. As the president of George Washington University commented with respect to that institution's new budget procedures:

> We will know more about our actual cost and our income than 90% of the colleges and universities of the country.

Not "all of our decisions, or even half of our decisions ought to follow the financial lines revealed by this information. But, without this information, you are still flying by the seat of your pants." Similarly, on the West Coast the University of Southern California has implemented strict cost accounting procedures which I understand have paid off. According to the University of Southern California's Business Office, operation and maintenance costs have declined from 11 percent of their operating budget in 1959 to 5 percent at the present. I ask unanimous consent that the article entitled "Cost Accounting at George Washington and USC" which appeared in the Editorial Research Reports on February 24, 1971, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, both the financial crisis facing many schools plus the need to use our resources wisely demand that we stop this "flying by the seat of our pants."

Second, the measure authorizes a study or studies of higher education financing. Through this study, it is hoped that the Nation will be given the additional information that will better enable us to determine the dimensions and causes of the financial distress and the formula we should employ in response to such financial problems. Furthermore, the studies would recommend the optimum roles for the Federal, State, and local governments as well as private donors in response to these dire financial problems. Authority is given for the contracting out of all or part of such studies as the Commissioner deems necessary.

Finally, the measure authorizes grants to institutions of higher learning to improve their planning and management capabilities. This suggestion generally follows that suggested by Dr. Ben Lawrence of the Western Interstate Commission for Higher Education who has done some of the most creative thinking on the subject of institutional aid that I have examined.

I intend to examine all of the pending institutional aid proposals. I offer this measure today in the hope that it might further the discusison and interest in this subject. I realize that the measure I propose is not perfect and if the Congress desires to go this route, we will need to add a maintenance of effort provision. Also, I am aware of the number of higher education institutions that we have and the difficulties the Commissioner may have with respect to determining which institution should receive the emergency assistance. We would have to explore this problem in detail. We could, for example, employ the peer review mechanism used successfully by the National Institutes of Health. It might also be useful to establish an advisory committee to frame criteria for assistance under this title.

There is general agreement in the country that no capable youth interested in higher education should be denied the opportunity to receive such education because of financial reasons. The President repeated this pledge in his message of February 22, 1971:

> No qualified student who wants to go to college should be barred by lack of money.

Congress in recent years has instituted various forms of student aid to accomplish this objective and the Education Subcommittee is now in executive sessions studying even more complete and extensive legislation, including bills submitted by the President to carry out this commitment. It is an impressive record for according to the Office of Education figures—in 1968 this Nation appropriated $538 million to aid students in higher education. This appropriation was increased to $568 million in 1969, $633 million in 1970, and $784 million in 1971. As many as 1 million additional students could receive assistance under pending proposals. This is very commendable and it would seem that we are taking the necessary steps to meet our obligations and needs. I certainly endorse the President's historic commitment to assure that financial barriers do not exclude capable and interested students from pursuing their education.

I am concerned that our best intentions may fall short of the mark if we do not assist the Nation's institutions through this period of financial difficulty. All the forms of student aid will not assure the opportunity for higher education to those who merit it if the institutions are not available to them or if the colleges and universities cannot provide the services they seek. The facts are that many institutions of higher education are in a serious predicament, some even in desperate financial circumstances.

There are many reasons for the financial difficulties facing our colleges and universities. First, enrollment at our higher educational institutions has doubled during the last decade reaching 7 million last year. It is estimated by 1978 an additional 3 million students will be added raising the total enrollment to 10.3 million. Our colleges and universities are caught in a squeeze between increasing costs and declining revenues. Inflation has taken its toll on the colleges and universities as it has on other sectors of society. At the same time, the war babies were producing an unprecedented number in our college-age population. In addition, the trend toward a greater proportion of our population taking advantage of higher education continued. While I believe that the Nation's higher educational institutions have not given proper attention to cost effectiveness and I am convinced that greater productivity can indeed result in some areas, I am also aware that higher education is not an automobile for which mass production necessarily reduces the unit of costs. Then too, in recent years we have seen rather dramatic increases in faculty salaries as they became more competitive. Finally, with an increasing sense of responsibility higher education institutions have made extra efforts to attract and support disadvantaged and minority students.

Tuition fees have never paid for the whole cost of education. Federal and State and, private gifts, and endowment income must make up the difference. For a time the heightened appreciation of the importance of higher education to our national growth, especially to our scientific development, led to increases in these additional sources of revenue and enable the colleges and universities to absorb growing enrollment. But the need to cut expenditures and control inflation plus a decline in investment income brought a decrease in funds from these sources. The regular and rapid tuition fee increases have approached, particularly for the private schools, the saturation point and substantial further increases might price these colleges and universities out of the market.

Diversity among higher institutions of learning has always been valued in America and the recent Newman report expressed grave concern over the fact that our schools of higher learning had become "extraordinarily similar." Because private schools do offer independence and diversity and creativity, one must be concerned with developments taking place in this century which have been accelerating in recent years. For example, between 1900 and 1950, an equal number of students were attending public as private institutions. Since 1950, the balance in enrollment between private and public schools has almost disappeared and today five out of every seven college students are enrolled in public institutions.

The percentage will continue to grow. Yet, our private institutions are vital to our whole system of higher education, without them our system of higher education could become stagnant and stale. They provide an important competition which improves the quality for all institutions of higher learning and I believe that we should insure their survival.

The measure I introduced today is designed to help the colleges and universities through this immediate period of difficulty and at the same time seek the information and support for a longer range policy.

Our institutions of higher education are a natural resource of immeasurable value. Despite higher education's problems, our colleges and universities have served the Nation well and have provided us with the leadership and talent absolutely essential for a leading nation in the world. As a member of the Education Subcommittee, I certainly will work with the administration, the committee, and educational leaders throughout the country in shaping a measure responsive to the financial needs of the education community and the educational needs of the country. It is my belief that the bill I introduced today will help contribute to the discussion that is taking place in the country with respect to institutional aid. The bill does address itself to the short term problem by providing immediate emergency aid, while requiring a study to find the long term answer to the financial plight of the Nation's colleges and universities. I am hopeful that this measure, perhaps in combination with some of the other proposals, might contribute to the finding of the proper approach. I ask unanimous consent that the text of this measure be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2154

A bill to establish a program of interim emergency financial assistance to institutions of higher education having the greatest need for such assistance, and to determine means of improving the financial position of all such institutions and their future needs for assistance

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Emergency Higher Education Assistance Act of 1971".

### FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the Nation's institutions of higher education are a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(2) considerable evidence has been advanced indicating that many institutions of higher education are in financial distress, some even on the brink of disaster, resulting from many factors, but including the institutions' efforts to enlarge enrollments, to improve the quality of education and training, and to enlarge educational opportunities, especially for the disadvantaged;

(3) various proposals have been presented to the Congress in response to this situation providing institutional or general assistance for the Nation's institutions of higher education, but insufficient information exists from which Congress or the Nation may determine either the extent, depth, size, or cause of the financial distress, the method or formula that should be employed in response to such financial distress, and the optimum roles of the Federal, State, and local governments and private organizations and individuals in response to these dire financial problems.

(b) It is therefore the purpose of this Act to provide institutions of higher education with interim emergency financial assistance, to determine the dimension of the financial crisis, means by which such institutions may improve their capabilities to deal with financial problems, and to secure the information from which the Nation may determine the need, desirability, and methods for providing additional necessary assistance to such institutions.

### DEFINITIONS

SEC. 3. As used in this Act—

(a) the term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effect it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, and for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(b) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands;

(c) the term "nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(d) the term "Commissioner" means the Commissioner of Education.

## TITLE I—PROGRAM OF FINANCIAL ASSISTANCE APPROPRIATION AUTHORIZATIONS

SEC. 101. There is authorized to be appropriated for the purpose of making grants pursuant to this title not to exceed $150,000,000 for the period ending June 30, 1973. Sums appropriated pursuant to this section shall remain available until expended.

### GRANT AUTHORIZATIONS

SEC. 102. Upon application therefor, containing such information and filed at such time, as the Commissioner deems appropriate for the purpose of this Act, the Commissioner is authorized to make grants to institutions of higher education for the purpose of this Act, giving priority to such institutions which are in greatest financial need.

### APPROVAL OF APPLICATIONS AND CONDITIONS

SEC. 103. (a) The Commissioner shall not approve any application for a grant under this title unless he finds that—

(1) in the case of a public institution, the institution has submitted its application for emergency assistance to the appropriate State agency and such State agency has made a finding that such institution is in serious financial distress and is in need of assistance in order to continue its operation or that such institution, without additional financial assistance, will have to discontinue or substantially curtail its economic programs to the detriment of the quality of education available to its students;

(2) in the case of a non-public institution, the institution (A) has complied with clause (1), or (B) has submitted its application for emergency financial assistance directly to the Commissioner demonstrating that such institution is in serious financial condition and is in immediate need of assistance in order to continue its operation or that such institution without financial assistance will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students, and has submitted a copy of such application to the appropriate State agency for comments, unless there is a Constitutional or other problem in which case the Secretary may waive the requirement for such submission; and

(3) such institution has a plan (and submits such plan with or as a part of its application) which provides a reasonable assurance that, if such grant is made, such institution will be able, during and after the period with respect to which the grant is made, to continue the educational services, programs and activities with respect to which a grant is sought in such application.

(b) Grants under this title shall be in such amounts and subject to such terms and conditions as the Commissioner determines to be reasonable and necessary, including requirements that the institution agrees (1) to disclose financial information determined by the Commissioner to be necessary to determine the sources of causes of the schools financial distress, (2) to conduct a comprehensive cost analysis study, including income cost comparisons and cost-per-credit hour for each department, in cooperation with the Commissioner, and (3) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the purpose of improving its financial position.

(c) Amounts paid by the Commissioner to an institution under this title shall be used only for the purpose for which paid, and may be paid in advance or by way of reimbursement, and in such installments as the Commissioner may determine.

## TITLE II—HIGHER EDUCATION FINANCIAL INFORMATION PROGRAM

### HIGHER EDUCATION FINANCING STUDY

SEC. 201. In order to give the States and Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (1) an analysis of the various proposals presented to the Congress that provide general assistance to institutions of higher education, as well as other viable alternatives which in the judgment of the Commissioner merit inclusion in such study, (2) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions, and (3) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education. The Commissioner shall report the results of such study to the President and the Congress not later than December 1, 1972.

### HIGHER EDUCATION PLANNING AND MANAGEMENT GRANTS

SEC. 202. (a) The Commissioner is authorized to make grants to (1) institutions of higher education receiving financial assistance under title I for the purpose of improving their planning and managing capabilities and to (2) other institutions of higher education for research and demonstration projects having national significance in improving the planning and managing capabilities of the Nation's institutions of higher education.

(b) No grant under this section shall be in an amount less than $15,000 nor more than an amount equal to the product of the full time enrollment of the institution (including the part-time equivalent in full time) times $5.

(c) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the two succeeding fiscal years, such amounts as may be necessary for the purpose of this section.

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### EXHIBIT 1

### FINANCIAL INNOVATION AND REFORM IDEAS

Universities are notoriously inefficient in their accounting procedures. In an effort to help them make necessary financial reforms, the Ford Foundation has made grants to several institutions around the country, including a grant of $163,000 to George Washington University. It is a large urban university enrolling 15,000 students and embracing a complex of buildings in downtown Washington that includes a college of liberal arts, schools of law, engineering and medicine, plus a hospital and clinics. As recently as 1967–68, the university was able to live within its budget, then based on the collection of $16.7 million in student fees. But in 1970–71, in spite of enrollment growth and a rise in tuition, George Washington exists, in common with most other schools, on the borders of financial panic.

As director of the university budget, William D. Johnson is relying heavily on detailed cost accounting procedures to lead the school out of the financial wilderness. "As far as I know," Johnson told Editorial Research Reports, "we are unique in that we are concentrating on allocating the tuition dollar. We cannot run a deficit because we have no endowment to fall back on." The university has been able to keep its hospital, medical school and clinics open only with the aid of emergency federal funds. "Whether we considered the good of the community or the national shortage of medical personnel, it was not feasible to close the doors of the hospital, the medical school and the clinics," Johnson said. "Yet we had no money to operate, and it is impossible to finance this complex out of the tuition of the average student."

Apart from the problem of the medical center, the university is trying to survive by finding out just which academic departments are financially productive. "We can tell each department how much it 'earns'," Johnson said. "We are providing the faculty with the necessary information. They will have to make decisions about where to allocate funds." The university's budget office uses a formula to show an income-cost comparison and cost-per-credit-hour for each department.

By comparing a department's tuition and fee income with its direct expenses, it was discovered that in 1969–70, anthropology spent less than 20 percent of its "earnings" while chemistry spent 122 percent. Costs to the university per credit hour ranged from $12.32 for anthropology and $14.16 for political science up to $63.22 for physics and $83.11 for chemistry. Departments such as English are consistent money makers while those in the hard sciences are consistent losers. Accounting disclosures such as these will invariably raise questions of whether a university is willing to lop off some of its uneconomical courses—and to what extent it can do so without impairing its service to students and the community.

Administrators are frequently accused of viewing education through a haze of dollar signs. Yet many faculty members acknowledge that survival of the university depends on judgments about which departments and programs deserve subsidies and which do not. The president of George Washington University, Lloyd Elliott, is enthusiastic about the new budget procedures. "I think," he said, "that we will know more about our actual costs and, on the other side, our income, than 90 percent of the colleges and universities in the country." Not "all our decisions, or even half our decisions, ought to follow the financial lines revealed by this information. But, without this information, you're still flying by the seat of our pants."[1]

Strict cost accounting has paid off for the University of Southern California at Los Angeles, a private university which enrolls more than 20,000 full-time and part-time students. USC has actually managed to run modest surpluses within the past few years, a remarkable feat which is only partly attributable to its cost consciousness. Another part of its success depends on the fact that only 2,000 of its students live in campus residential halls. Basically a commuter school, it has few duties as foster parent and hotelkeeper—duties which are expensive. In addition, it has been highly selective in its programs—attempting to avoid duplicating those that exist at neighboring schools—and "until quite recently it has done little to build up its undergraduate College of Letters, Arts and Sciences."[2]

Nevertheless, the university is proud of its efficient business procedures. Each school and department is expected to be largely self-supporting and to live within its budget, which includes a regular assessment for university overhead. According to the USC business office, operation and maintenance costs have declined from 11 per cent of the operating budget in 1949 to 5 per cent at present. The internal auditing system checks any department which veers away from its budget; each department gets a monthly balance slip which indicates what funds are left for the remainder of the year. Critics of this business approach are pressuring the administration to improve the school's liberal arts program. But in the face of rising costs it seems unlikely that USC will relax the efficient business procedures which have made it solvent in an academic world filled with red ink.

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By Mr. HUMPHREY:

S. 2155. A bill to establish a Drug Cure and Control Authority to coordinate Federal agency programs relating to drug abuse treatment, education, rehabilitation and law enforcement. Referred to the Committee on Labor and Public Welfare.

### DRUG CURE AND CONTROL AUTHORITY ACT

Mr. HUMPHREY. Mr. President, in recent weeks the people of this country have been alerted again to the rising epidemic of drug abuse. The message comes from not only our cities and towns, but from thousands of miles away—in Vietnam where an estimated 30,000 to 40,000 of our servicemen may be addicted to heroin.

In my own home State in Minneapolis and St. Paul, heroin addiction has increased more than 25 percent in the last year. Public officials estimate that about 400 persons in the Twin Cities are taking hard drugs.

The increase of drug abuse by young people in Minnesota and elsewhere is particularly alarming. In New York City alone, there are more than 125,000 heroin addicts.

What I have attempted to do here briefly is to indicate that we have a drug problem both at home and abroad.

I make no proposal for achieving instant victory in any new war against drugs.

But much greater efforts are needed than current activities.

I believe we must mount an immediate major offensive to wipe out the growing meanace at its source. I mean stop the flow of drugs into this country and pick up the pushers.

Those who trade in drugs are murderers on the installment plan. They are killers who must be caught and penalized severely for trying to infect our society.

We must mobilize now, just as we would against cholera, or any epidemic that threatens our health and our lives.

I am introducing in the Senate today a bill to create a Drug Cure and Control Authority as an independent agency whithin the executive branch of the Federal Government.

I commend the administration for its concern in this area. But I believe the effort needs more coordination and high-level authority than what the President is suggesting in his program.

We must bring all enforcement agencies into the battle against the dope smugglers and the pushers, That means the FBI, CIA, the Customs Bureau, State and local law enforcement and many other agencies.

I believe if the CIA can ferret out subversives, it can find the drug smuggler. If the FBI can find saboteurs, it can find the pushers—and put them out of business.

I am proposing that there be established permanently two advisory councils, one on drug abuse control through education, treatment and rehabilitation and the other on law enforcement. This provision clearly recognizes the equal importance of both these approaches to solving the critical problem of drug abuse in America.

These advisory councils would be made up of officials from each Federal agency involved in drug education, treatment, rehabilitation, and law enforcement programs.

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[1] Quoted in *The Washington Post*, Nov. 23, 1970.

[2] Ernest Holsendolph, "A Tale of Two Universities, *Fortune*, February 1971, p. 136.

Five persons from the civilian sector also would be appointed to each of these panels to assure greater public participation in the fight against drug abuse and trafficking in narcotics.

The administrator of the Drug Cure and Control Authority would coordinate the efforts of these two advisory councils and assure that there are adequate programs for preventing the widespread abuse of drugs in our society.

He also would guide all special research and drug education programs.

Such a program aimed at coordinating all Federal efforts is absolutely essential today.

Finally, we need to serve notice on other nations that we will take strong action if they continue to be a source for illegal narcotics coming into this country.

If necessary, we should apply strong sanctions, including the cutting off of all of our assistance.

No nation is a true friend or ally if it fails to take action against narcotics traffic that poisons and kills our people.

Mr. President, the Drug Cure and Control Authority Act incorporates certain important provisions in other legislation before the Senate, directed at the major problem of drug abuse confronting our Nation today. Emphasis is placed in this act, however, upon the establishment of an independent authority with high-level advisory councils, within the Federal Government, to assure the employment of our total national resources to stop this widespread illness at its source and undertake its effective treatment and prevention.

I urge the Senate to act upon this vital national issue without delay.

Mr. President, I ask unanimous consent that the text of the Drug Cure and Control Authority Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2155

A bill to establish a Drug Care and Control Authority to coordinate Federal agency programs relating to drug abuse treatment, education, rehabilitation and law enforcement

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the "Drug Cure and Control Authority Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that there has been less than adequate information exchanged among Federal agencies necessary to mobilize and sustain an all-out campaign against drug abuse; that because of this lack of information and effort by several Federal agencies, it has been difficult to coordinate major efforts against drug abuse; that the effectiveness and efficiency of efforts to protect against further widespread abuse of drugs requires the full coordination of all Federal agency programs relating to drug abuse treatment, education, rehabilitation and law enforcement.

(b) It is the purpose of this Act to establish a Drug Cure and Control Authority that would implement recommendations from advisory panels to undertake a comprehensive Federal effort directed at the control of drug abuse and the elimination of illegal trafficking in narcotics.

DRUG CURE AND CONTROL AUTHORITY

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the "Drug Cure and Control Authority" (hereinafter referred to as the "Authority"), having as its objective the control and cure of drug abuse.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority two Deputy Administrators who shall be appointed by the President, by and with the advice and consent of the Senate, for terms of five years. At the time of his appointment by the President, one Deputy Administrator shall be designated by the President to serve as Chairman of the Advisory Council on Drug Abuse Control Through Drug Education, Treatment, and Rehabilitation, and the other shall be designated as the Chairman of the Advisory Council on Drug Abuse Control Through Law Enforcement. Each Deputy Administrator shall perform such additional functions as the Administrator may prescribe and shall, if designated by the Administrator, be the acting Administrator during the absence or disability of the Administrator. Upon the expiration of his term, the Administrator or any Deputy Administrator, as the case may be, shall continue to serve until his successor has been appointed and has qualified.

COMPENSATION OF THE ADMINISTRATOR AND DEPUTY ADMINISTRATORS

SEC. 4. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, Drug Cure and Control Authority."

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrators, Drug Cure and Control Authority (2)."

STAFF

SEC. 5. (a) The Administrator may appoint such personnel as he deems desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may fix their compensation without regard to the provisions of Chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive compensation in excess of the annual rate for grade GS–18 of the General Schedule.

(b) The Administrator may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule.

(c) Upon request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist him in carrying out his duties under this Act.

(d) The Administrator may secure directly from any Federal agency information necessary to enable him to carry out the provisions of this Act, and upon the request of the Administrator, any such Federal agency shall furnish such information to the Administrator.

DUTIES AND FUNCTIONS OF ADMINISTRATOR

SEC. 6. (a) The Administrator shall, in consultation with the appropriate advisory council established pursuant to Sections 7 and 8 of this Act, carry out the following functions and duties—

(1) INTERGOVERNMENTAL DRUG ABUSE PREVENTION, TREATMENT, AND REHABILITATION PROGRAM.—The Administrator shall prepare for the President a comprehensive program for the cure of drug abuse in the United States, including a program for coordination of Federal programs with those of State and local governments. Such programs may provide for—

(A) stimulation of an expanded research program to create a synthetic analgesic to replace opium and its derivatives in medical use;

(B) stimulation of an expanded research program into the development and dessemination of a long-lasting blocking or antagonistic drug for treatment of drug addiction;

(C) stimulation of expanded research into the development of a detoxification agent, which, when administered, will ease the physical effects of withdrawal from heroin addiction;

(D) development of programs of methadone maintenance, with appropriate supporting services, or similar programs for any methadone substitute, if and when developed;

(E) development of programs for the control of the production and distribution of psychotropic substances including a program for the development of a computer capability to monitor their manufacture, distribution, and dispensing; and

(F) development and evaluation of drug abuse prevention education programs.

(2) INTERNATIONAL DRUG CONTROL PROGRAM.—The Administrator shall prepare for the President a program for the effective use of facilities and personnel of governmental and international organizations in controlling drug abuse, including law enforcement programs. Such program may provide for—

(A) the offer to international organizations or foreign countries of technological assistance including—

(i) advanced computer technology,

(ii) the use of infrared sensors and radioactive and chemical tracer elements,

(iii) sophisticated administrative techniques, and

(iv) agricultural expertise for use in crop diversification; and

(B) effective cooperation with international institutions (such as the World Health Organization, the Food and Agricultural Organization, Interpol, and international lending agencies) for the development, implementation, and financing of crop diversification programs, alternative employment opportunities for persons engaged in drug production and distribution, and methods of controlling the international traffic in drugs subject to abuse.

(3) COORDINATION OF FEDERAL, STATE, AND LOCAL PROGRAMS.—The Administrator shall prepare for the President a plan for the coordination of drug abuse cure and control programs among the various Federal agencies which carry out such programs, and between such agencies and State and local agencies which carry out similar programs, including—

(A) law enforcement programs of the Department of Justice, the Treasury Department, and of State and local governments;

(B) medical research and treatment programs of the Department of Health, Education, and Welfare, the Veterans Administration, the Office of Economic Opportunity, and of State and local governments;

(C) technological research conducted by the Department of Defense, the National Aeronautics and Space Administration, and of State and local governments;

(D) agricultural research and technical assistance programs of the Department of Agriculture, and of State and local governments;

(E) programs utilized to reach large numbers of potential drug abusers, including programs located in the Offices of Education and Child Development in the Department of Health, Education, and Welfare, in the Department of Defense, in the Department of Housing and Urban Development, in the

Office of Economic Opportunity, and in State and local governments; and

(F) international programs developed or implemented by the Department of State or the Agency for International Development.

(b) Upon approval by the President of a plan submitted under subsection (a), the Administrator shall carry out such plan. The President shall take such administrative action, and shall submit to Congress requests for such legislation, as may be necessary to enable the Administrator to effectively carry out each such approved plan.

(c) The President shall transmit to each House of Congress each approved plan prepared by the Administrator and every six months after a plan is transmitted to Congress the President shall make a report to each House of Congress describing the activities undertaken pursuant to the plan and any revisions made in the plan.

(d) The Administrator may, from time to time, make recommendations to the President, with respect to—

(1) the expenditure of funds by Federal departments and agencies for programs related to drug abuse control, including, but not limited to, law enforcement, the fields of agriculture, education, training, health and welfare, defense, foreign affairs, commerce, border control, and manpower; and

(2) such additional, Federal, State, and local legislation as the Administrator deems necessary to further the purposes of this Act.

### ADVISORY COUNCIL ON DRUG ABUSE CONTROL THROUGH LAW ENFORCEMENT

SEC. 7. (a) There is hereby established in the Authority the Advisory Council on Drug Abuse Control Through Law Enforcement, which shall be composed of the following members:

(1) the head of each Federal agency (or his designee), who is charged with the administration of any law or program involving the control of drug abuse through law enforcement;

(2) five members appointed by the President of the United States from persons specially qualified by training and experience to perform the duties of the Council, none of whom shall be an officer or employee of the United States; and

(3) the Deputy Administrator designated by the President as the Chairman of the Advisory Council on Drug Abuse Control Through Law Enforcement.

(b) Any member appointed pursuant to paragraph (2) of subsection (a) shall be appointed to serve for a term of six years. Any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members appointed pursuant to such paragraph (2) shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities.

(c) The Council shall meet at the call of its Chairman, but not less than four times during each twelve-month period.

(d) It shall be the duty of the Council to consult with, advise, and assist the Administrator in the development and execution of programs under this Act involving or relating to the control of drug abuse through law enforcement.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Council.

(f) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishments of its objectives under this Act involving or relating to law enforcement in connection with drug abuse control.

(g) Members of the Council who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day they are engaged in the actual performance of their duties, including traveltime and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(h) The Administrator shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

### ADVISORY COUNCIL ON DRUG ABUSE CONTROL THROUGH DRUG EDUCATION, TREATMENT AND REHABILITATION

SEC. 8. (a) There is hereby established in the Authority the Advisory Council on Drug Abuse Control Through Drug Education, Treatment and Rehabilitation, which shall be composed of the following members:

(1) the head of each Federal agency (or his designee), who is charged with the administration of any law or program involving drug education, treatment, or rehabilitation;

(2) five members appointed by the President from persons specially qualified by training and experience to perform the duties of the Council, none of whom shall be an officer or employee of the United States; and

(3) the Deputy Administrator designated by the President as the Chairman of the Advisory Council on Drug Abuse Control Through Drug Education, Treatment and Rehabilitation.

(b) Any member appointed pursuant to paragraph (2) of subsection (a) shall be appointed to serve for a term of six years. Any such member appointed to fill a vacancy occuring prior to the expiration of the term for which his precedessor was appointed shall serve only for the remainder of such term. Members appointed pursuant to such paragraph (2) shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities.

(c) The Council shall meet at the call of its Chairman, but not less than four times during each twelve month period.

(d) It shall be the duty of the Council to consult with, advise, and assist the Administrator in the development and execution of programs under this Act involving or relating to the control of drug abuse through drug education, treatment or rehabilitation.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Council.

(f) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishments of its objectives under this Act involving or relating to the control of drug abuse through drug education, treatment and rehabilitation.

(g) Members of the Council who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day they are engaged in the actual performance of their duties, including traveltime and, while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the government service employed intermittently.

(h) The Administrator shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. ERVIN:

S. 2156. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes. Referred to the Committee on the Judiciary.

### A BILL TO PROTECT AGAINST INVASION OF PRIVACY BY PROHIBITING LIE DETECTORS

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to protect the constitutional rights of citizens and to prevent unwarranted governmental invasions of their privacy by prohibiting the use of the lie detector in certain instances. I ask unanimous consent that the bill be laid on the table for additional cosponsorship.

The new technology and the behavioral sciences hold out many new alluring devices which are supposed to help men obtain and measure the truth about other men.

Probably no instrument of modern times so lends itself to threats to constitutional guarantees of individual freedom as the polygraph, or so-called lie detector. Like the primitive tests of medieval times, this device, in the hands of unwise officials of the Federal Government and others, has been used to compel American citizens to disclose all manner of personal information. They have been compelled to disclose such information despite the guarantees of the first amendment which protect the rights of the individual to the privacy of his mind, to the free exercise of his right to speak his thoughts as well as his right not to speak them. The machine is used to try to compel the individual to disclose social and legal offenses despite the guarantees of the fifth amendment to the Constitution which provides the right against self-incrimination.

This instrument is used by Government and private industry to determine the fitness of individuals for employment, for promotion, for dealing with security information, or to determine ethical misconduct or violation of personnel regulations. They use it for these purposes despite the guarantees of our Constitution which assure due process of law and require basic fairness in the treatment of all individuals where such a basic right as the right to work is concerned.

They use these machines in such cases despite the fact that there is no clear scientific proof that they prove anything or predict anything for employment purposes.

Polygraphs merely attempt to measure physical reactions, such as respiratory changes and skin perspiration, to questions of a personal, controversial or stimulating nature which are posed to the subject under conditions approximating a medieval torture chamber.

Contrary to the belief of those who use them, lie detectors do not register the lie or the truth automatically. The measurements must be "interpreted" by the operator. Contrary to the theory of this machine, it is not a man's sweat which determines if he is telling the truth, but the inference which the polygraph operator draws from the sweat or other physical signs as they are registered by the machine. It is the operator's judgment of the readings, not some demonstrated scientific fact, which determines the official conclusion about the truthfulness of the individual's response. These readings may vary from person to person, and so the "interpretations" must also vary with the character and personality of each subject. A brazen liar or hardened criminal, or a person with no cultural belief about right or wrong, may breeze through a lie detector test, while an innocent, honest, introspective, sensitive person might be nervous or hostile and make the machine register the "wrong" answer.

Lie detectors are used on innocent, law-abiding Americans applying for jobs despite the fact that the courts of our land have wisely rejected the results of lie detector tests for criminals and those suspected of crime.

The Supreme Court of North Carolina, for example, in the case of *State* v. *Foye*, 254 N.C. 704 (1961) listed a number of reasons why courts have not accepted lie detector evidence as a reliable or accurate means of ascertaining the truth or disclosing deception. Chief Justice Winborne stated the following in his decision:

> The courts of this country, in the absence of stipulation, have uniformly rejected the results of lie detector tests when offered in evidence for the guilt or innocence of one accused of a crime, whether the accused or the prosecution seeks its introduction.
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> The reason most commonly assigned for the exclusion of such evidence is the contention that the lie detector has not yet attained scientific acceptance as a reliable and accurate means of ascertaining truths or deception.
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> Furthermore, these authorities show that the lie detector tests prove correct in their diagnosis is about 75% of the instances used. In other words, such factors as mental tension, nervousness, psychological abnormalities, mental abnormalities, unresponsiveness in a lying or guilty subject account for 25% of the failure in the use of the lie detector.
>
> These devices are unlike the science of handwriting, fingerprinting, and X-Ray, which reflect demonstrative physical facts that require no complicated interpretation predicated upon the hazards of unknown individual emotional differences, which may and oftentimes do result in erroneous conclusions.

The legislatures of our land have also expressed themselves against the lie detector.

Twelve States and three municipalities have so far wisely legislated to prohibit or restrict the use of polygraphs on employees.

The Senate by an overwhelming vote in the last two Congresses has expressed its disapproval of the way these machines are used as a form of economic coercion to intimidate applicants and employees into revealing their innermost thoughts and feelings. The Senate did this by its approval of the Federal employee privacy bill which, among other protections for employees and applicants, protects the individual against governmental soliciting of his views on religious beliefs and practices, sexual attitudes and conduct, and personal relationships with members of his family.

Although this omnibus employee privacy bill has died in the last two Congresses, it is again pending as S. 1438 and has 51 Senate cosponsors.

The House Committee on Government Operations after years of intensive investigation demonstrating the fallacy of the lie detector, issued a conclusion which stated—

> There is no "lie detector," neither machine nor human. People have been deceived by a myth that a metal box can detect truth or falsehood.

Despite these judicial and legislative findings, some agencies of the Federal Government persist in using these devices, while others, if they do not use them, may take note of the personnel reports based on such tests required to be taken by the individual in private industry or in military life.

Two cases which were reported to me illustrate the way these machines violate the constitutional rights of applicants or employees.

The Subcommittee on Constitutional Rights received a letter from a young veteran just returned from Vietnam with a good military record and an honorable discharge. He described his efforts to obtain a job of any kind in law enforcement. His case shows how the records of a lie detector test can find their way into the official records of Government and industry, even when the test is not required by an employer.

This veteran applied for a local law enforcement job and was required to take a lie detector test in which he was asked a great number of questions about his relatives, his family life, and his personal life.

For instance, he was asked to describe in detail his life in Vietnam.

He was asked to provide the names of any girls with whom he had had sexual relations and when.

He was asked whether or not he had ever tried marihuana or any other drug.

He was asked whether or not he dated very much.

And many other questions.

He was told that there was nothing in the results of his test to disqualify him for the job of radio dispatcher that he applied for, but he did not take that job, because he decided he wanted a temporary job, right then.

Later, he applied with the Metropolitan Police Force and was turned down. The department did not give him a polygraph test. An official referred to the test he had taken in connection with the other job.

He then applied for a job with the Park Service of the Interior Department. There he was given extensive testing and psychiatric evaluation as part of the appointment process. Again, someone apparently had access to the report on that lie detector test, for he was asked questions based on it, and, he was turned down. One official told him that his problem was that the Department had too much information on him for the purpose. At no point did any of these officials seek his excellent military record, or try to obtain the report of the secret clearance he had been given by the Army. Nor did they take into account the strenuous and stressful duties he had been assigned in combat in Vietnam.

The National Security Agency of the Army routinely gives students polygraph tests as part of its recruiting program.

The subcomittee was told that in 1 year the National Security Agency and the Central Intelligence Agency gave 9,000 tests.

Just last week, the subcommittee received a letter from a student describing his experience with the National Security Agency polygraphs. He writes:

> At first I was seated upright in a chair with my back to a wall in a rather small room. To my right was the only door and to my left was a mirror on the wall, about five feet square. I was told that the interview would be photographed by a camera behind that mirror, with all speech also recorded on tape. Immediately before me, against my knees, was the large polygraph machine, which occupied nearly half the floor space in the room. Behind it sat the interrogator. I suppose I remained in that little room for nearly three hours. However, the polygraph remained turned off through more than half the interrogation, sitting there to remind me that anything I said might be checked by it. Finally the machine was turned on, my chair was rotated a bit, with the reclining back lowered so that I faced the ceiling and the top of the wall mirror, after attachments were made to my body. Galvanic skin response was also involved. I was encouraged to relax in the reclining position.

He said he had to give "yes" or "no" answers to such questions as:

Are you a Communist?

Have you had any employers you have not listed?

Have you ever been court-martialed?

Have you ever taken drugs of any kind?

He was asked extensive questions about his sexual conduct, and if he knew the meaning of certain terms, such as fellatio.

He was asked to give the name and address of a person with whom he had a sexual relation.

He was told to defend his statement that he considered himself a liberal rather than a radical.

He was asked repeated questions about whether or not his relatives or he had ever known any Communists or aliens.

He was asked to describe contents of letters he had exchanged with others.

All of these and many other questions were asked under penalty of perjury. The last question to him was:

> Have you withheld any information from us?

He was told by the interrogator that one purpose of the test is to determine how honest and truthful he could be with the Government.

Mr. President, I think there is no place in the American constitutional system for the use of 20th century witchcraft to determine if a man is fit for any job.

Furthermore, even if, somehow, enough scientific research is done to assure that these machines do what their proponents think they can do, their use in employment is more appropriate to a police state than a free society.

Even if they could be proved 100-percent reliable and valid, even if there were a necessity for them, I believe we should respond with William Pitt:

> Necessity is the plea for every infringement of human liberty. It is the argument of tyrants; it is the creed of slaves.

The AFL-CIO maritime trades department issued an excellent comprehensive report on "The Lie Detector" last year which details the use of the machines and recommends a legislative ban on them for employment purposes.

Mr. President, the wealth of considered opinion on the unreliability of lie detectors and the unfairness of permitting them to be used as a test of employment has persuaded me that the time has now come for Congress to express itself against their use. For that reason I am today introducing this bill.

The bill prohibits the use of lie detectors as a basis for considering the employment application of any person for a Federal job. It prohibits both the requirement of a lie detector test as a condition of employment as well as the request to take one, since it is a matter of economic reality that even a request to take a lie detector test is the equivalent of a command in the Federal job market.

The bill also prohibits the use of lie detectors once employment is obtained. They may not be used for purposes of denying promotions, for discharges, or for disciplinary action.

For willful violations, the bill provides a penalty of a maximum of 1 year in prison and $1,000 fine or both.

Based on its power over interstate commerce, Congress, if the bill is enacted, would also prohibit in like manner the use of lie detectors for employment purposes in any business or other activity affecting commerce.

In addition to the criminal penalty for willful violations, the bill permits civil enforcement as well. Any person aggrieved by a violation of this prohibition could sue for civil relief, including an injunction and monetary damages. The case would be heard in Federal court.

Mr. President, I ask unanimous consent that excerpts from the Maritime Trades report together with an article from the New York Times of February 15, 1970, and the text of a speech on this subject which I prepared for delivery before the Greensboro, N.C., Bar Association, be printed in the RECORD following my remarks, together with the text of the proposal.

There being no objections, the materials referred to were ordered printed, as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EXHIBIT 1

(Excerpts from the "Lie Detector": Guilty Until "Proven" innocent—a report on invasion of privacy in America)

### WHO USES THE LIE DETECTOR

Although the polygraph's practitioner's and users display no reluctance about making claims for the effectiveness of the "lie-detecting" equipment and techniques, they exhibit a singular reticence in talking about this use in quantitative terms.

Among the users—industry, governmental agencies and police agencies—the underlying reasons for employing the polygraph vary widely. But among the users there is one unifying theme—a uniform reluctance on their part to discuss the matter, particularly in terms of the number of tests that are given.

In this they are abetted by the polygraphers. John E. Reid, for example, indicated that his clients were divided approximately "50–50" between private industry and "criminal cases," but beyond this he could give no definite statistics. This is typical. Polygraph firms are either unwilling to disclose figures on users and usage, or else are unable to do so because they have compiled no reliable data on the subject.

Despite this barrier of silence, it is possible to develop some information on the way "lie detectors" are employed and the reasons for their use, together with some statistics which bear on the use of these devices.

### INDUSTRY AND THE POLYGRAPH

Industrial firms which use the "lie detector" run the gamut of America's economy.

Many use polygraphs in an attempt to halt the theft of such state and federally regulated products as narcotics and alcohol—hence, drug and liquor manufacturers, hospitals and even doctors' offices, are frequent clients for polygraph agencies.

Businesses such as electronic and chemical companies, which produce expensive products and which are concerned about possible theft of material or industrial espionage, frequently employ "lie-detector" firms or maintain their own staff of examiners.

Banks and investment firms, whose employees customarily handle large sums of money, have been among the more active users of polygraphs. So have mail order houses, discount shops, clothing and shoe stores, a leading restaurant chain, tobacco stores and supermarkets.

Use of "lie detectors" on a regular basis has been found among delivery companies and freight movers—where "pilferage" has been a common complaint for years. But the devices are found, as well, among copper refiners, steel producers, rubber manufacturers, food and oil processors and meat packers.

Industry employs "lie detectors" both for pre-employment "screening," and for on-going "surveillance" of its work force. The reasons most often cited are these:

#### *For pre-employment screening*

"Verifies truthfulness of employee's application."

"Determines applicant's intentions about the permanancy of his employment."

"Screens out potential thieves."

"Eliminates potential claims for unemployment insurance, disability benefits and workman's compensation."

"Reduces employee turnover."

"Prevents industrial espionage."

"Reveals undetected crimes."

#### *For on-going "surveillance"*

"Promotes better employer-employee relations."

"Keeps workers honest."

"Rehabilitates valued employees whose larceny might otherwise cost them their job."

"Lowers the cost of bonding employees."

"Increases savings, thereby resulting in larger employee benefits."

"Protects the innocent from the guilty."

"Screens out misfits."

These claims have largely been spelled out in pro-polygraph literature, without attribution to any specific firm or industry. While some of them are, on their face, laudable as *goals*, others (e.g., "rehabilitates valued employees whose larceny might otherwise cost them their jobs") are downright ludicrous. No evidence has been offered to substantiate these claims, and so they must stand for exactly what they are—merely an attempt to justify the use of the polygraph to achieve management's goals.

Not all of the reasons for using the "lie detector," however, are laudatory. Unions have encountered instances in which management has utilized the polygraph to quiz employees on their union activities in violation of federal labor law—and the record is replete with instances in which, via the "lie detector," employees have been subject to inquisition on such subjects as personal finances, drinking habits, sexual activities, marital relations and even political beliefs, all of which are hardly job-related.

### GOVERNMENT AND THE POLYGRAPH

Government's use of the "lie detector" was put under the spotlight of public examination six years ago, when a House Government Operations Subcommittee, headed by Representative John E. Moss (D-Calif.), conducted a searching inquiry into this practice.

By the time the hearings had been completed, a picture emerged of 19 federal agencies which employed the polygraph for security, criminal misconduct, personnel screening and medical measurement purposes.

Of these reasons, "security" was given the most often—by 14 of the federal agencies, in fact. But the word was never really defined, and the question logically arises as to how broadly "security" might be interpreted by some bureaucrats, and how often the word was used as a subterfuge to mask the extent to which these devices were in use.

The Moss Subcommittee uncovered some 20,000 "lie-detector" tests which had been given in fiscal 1963. Even this failed to reveal the full dimensions of the situation—because the testing given by the Central Intelligence Agency and the National Security Agency was not included. Both agencies are exempt, for national security reasons, from supplying statistical data, and the Subcommittee had to content itself with reporting "extensive polygraph use" by the CIA and the NSA, without being able to go into detail.

In the glare of the public spotlight, there was a general overhaul of "lie detector" procedures within the federal government—and, along with the overhaul, came a sharp reduction in the reported instances of this type of testing. A comparison between the figures reported by the Subcommittee and subsequent data uncovered by the staff in the process of preparing this report is instructive, because it shows quite clearly what can be accomplished in the way of inhibiting the use of these devices, provided the public is aware of the problem and is aroused over it.

#### *Post Office Department*

At the time of the Moss Subcommittee hearings, the Department reported it had given 338 "lie-detector" tests during fiscal 1963, using its own 17 polygraph machines, and that it had had an additional 134 tests conducted by other agencies—a total of 472 tests over a 12-month period. At that time, the Department said the polygraph was used in "cases of more than average importance where the investigation is at a standstill because the inspector cannot prove a suspect guilty or eliminate him from suspicion even though he has exhausted all normal investigative techniques." The current practice is more modest, according to Chief Inspector W. J. Cotter, who said, in response to a questionnaire sent out on behalf of the MTD, that the "number of examinations varies considerably from year to year, but averages about 190 per year." Polygraphs are used, Inspector Cotter said, "as an investigative aid in serious criminal cases." Subsequently the Post Office Department informed the National Association of Special Delivery Messengers that these cases involve major thefts, that employee participation is on a "strictly voluntary basis," and that no record is kept of an employee's refusal to submit to such a test.

### *Navy Department, Office of Naval Intelligence*

The Moss Subcommittee showed that this branch of the Navy conducted some 1,200 polygraph examinations in fiscal 1963. In response to the MTD questionnaire, J. W. Lynch, assistant director for investigation, indicated that this number escalated to 3,113 in fiscal 1964. Although "precise statistical data" for the ensuing fiscal years was not available, Lynch declared that "the number of examinations conducted during this period continuously decreased," and that the figure was now "stabilized at its present level of approximately 500 examinations per annum."

### *U.S. Coast Guard*

The report of the Moss Subcommittee showed that the Coast Guard had conducted 171 polygraph examinations on its own in fiscal 1963, with another 28 tests handled by other agencies—a total of 198 examinations. Rear Admiral R. Y. Edwards informed the staff conducting this MTD study that the figures stood at 176 tests in fiscal 1964, 77 tests in fiscal 1965 and 10 tests in fiscal 1966. There have been no tests given since then, he declared. The Admiral added: "The polygraph was used by Coast Guard Intelligence investigators as an investigative aid in certain criminal violations of the Uniform Code of Military Justice. It was never used in conducting pre-employment interviews."

### *U.S. Marine Corps*

In fiscal 1963, according to the Moss Subcommittee report, this agency conducted 812 polygraph tests. Responding to the MTD questionnaire seeking additional information on tests conducted in the period since that time. Brigadier General J. W. Hubbard, director of the Marine Office of Public Information, scrawled the word "non" across the eight questions and signed his name. Because it seemed incredible that this testing would have been stopped this abruptly, further information was requested. No reply has thus far been forthcoming.

### *Department of Defense*

One of the major sources for "lie-detector" testing in fiscal 1963 was the Defense Department, with the Moss Subcommittee reporting a total of 12,641 such examinations conducted. (The figures broke down this way: Army Intelligence, 8,094; Army Military Police, 4,400; Defense Atomic Support Agency, 140; and Defense Supply Agency, 7.) Replying to the MTD questionnaire for the Defense Department was Charles M. Trammell, Jr., director, Security Plans and Programs Division, Directorate for Security Policy in the Office of the Assistant Secretary of Defense. "The statistical data provided to the House Committee on Government Operations for fiscal year 1963," Mr. Trammell said, "resulted from a special, one-time research project initiated by the DOD in response to a specific Congressional request." Mr. Trammell added that "stringent controls" of Department polygraph operations, issued on the heels of the Moss Subcommittee report, "obviated the need to compile such data on a recurring basis." All testing being conducted by these agencies, he said, is carried out under the terms of a new directive, which, he said, "stresses the voluntary aspect of polygraph examinations and clearly defines those purposes for which polygraph examinations may be conducted." Whether the number of tests has been reduced, as well, is something else again.

### *U.S. Air Force*

This agency, said the Moss Subcommittee report, conducted 1,912 polygraph examinations in fiscal 1963. Colonel L. J. Churchville, Chief of the Public Information Division, Office of Information, said that information on the number of tests given in the years since then was not available, and could be obtained only by "extraordinary research through many individual records by limited manpower." Col. Churchville indicated that the polygraph examinations "are authorized only in connection with counter-intelligence, major criminal, and personnel security investigations. No adverse action may be taken against anyone refusing to take a polygraph examination or for unwillingness to volunteer to take a polygraph examination."

### *U.S. Information Agency*

The Moss Subcommittee report showed one test conducted for this agency by an outside source in fiscal 1963. Since then, according to Eugene Rosenfeld, assistant director for public affairs, one test was conducted each year in fiscal 1964 and fiscal 1965. "The purpose of the tests," said Mr. Rosenfeld, "was to assist in resolving cases involving the interests of national security." He gave no information beyond that statement.

### *Justice Department*

The Moss Subcommittee report showed this department involved in 195 examinations during fiscal 1963—20 of which were conducted for the Narcotics Bureau, 65 more conducted by the Secret Service, and another 110 conducted by other agencies on request of the Secret Service. No reply was received from Secret Service officials to the MTD questionnaire. As for the Bureau of Narcotics, Assistant Chief Counsel William M. Lenck first declared that "the use of polygraphs by government agencies is controlled by guidelines and procedures established by the Civil Service Commission and we would suggest that your inquiry be directed to that agency." To this Mr. Lenck added: "Information concerning the use of polygraphs in cases involving security or integrity matters is not subject to public disclosure, and hence, we are unable to furnish you this type of information." Following a telephone conversation with one of the research staff conducting this study, Mr. Lenck sent a follow-up letter in which he asserted: "A review of our files fails to reveal any specific instances of the use of polygraphs during the fiscal year 1964, 1965, 1966, 1967, and 1968."

### *Other Government agencies*

Here is what the picture looks like in other agencies mentioned by the Moss Subcommittees. (The numbers in parantheses indicate the tests conducted in fiscal 1963 according to the Subcommittee report.) *Atomic Energy Commission* (1)—two tests in fiscal 1964, none since then; used in "personnel cases," according to William T. Riley, Director, Division of Security. *Commerce Department* (2)—the Department "does not use, and has not used, polygraphs in the conduct of its personnel operations," according to Henry Scharer, Office of Public Affairs. *General Services Administration* (10)—no reply to MTD questionnaire. *State Department* (17)—no reply to questionnaire.

Quite obviously, a complete picture of the use of "lie detectors" in the federal government is not easily come by. But one fact emerges clearly: Thanks to the disclosures of the Moss Subcommittee, there has been a tightening of procedures in the use of these devices, a stated recognition of the right of the individual not to submit to this form of inquiry, and a general lessening of the use of polygraphs in the federal service.

## POLICE AND THE POLYGRAPH

There were two other agencies whose polygraph activities were noted by the Moss Subcommittee—the Federal Bureau of Investigation and the D.C. Metropolitan Police Department. The experiences of these two agencies—then and now—are recounted in this section, rather than in the governmental section, because of their direct relationship to polygraph involvement in the activities of law enforcement agencies.

Of the two, the Federal Bureau of Investigation provides probably the most interesting case in point. The Subcommittee report showed that in fiscal 1963, the FBI conducted no less than 2,314 "lie-detector" examinations, owned 48 polygraphs, and employed 46 polygraph examiners. The report also carried the sworn testimony of FBI Director J. Edgar Hoover, who declared:

"It should be pointed out that the polygraph, often referred to as a 'lie detector,' is not in fact such a device."

Like other government agencies, the FBI was contacted by the research staff assigned to this report by the Maritime Trades Department. Responded Mr. Hoover:

"In reply to your inquiries, the FBI has not used the polygraph for several years. I cannot, therefore, be of assistance to you."

On its face, this flat denial by the chief of the Federal Bureau of Investigation would indicate an abrupt cutoff immediately at the end of fiscal 1963—the period covered by the Subcommittee hearings. In any event, if the FBI no longer uses the polygraph, its practice would be in conformity with Director Hoover's opinion, expressed to the Subcommittee, on the failure of the polygraph to fulfill the function of "lie detector."

As to the District of Columbia Police Department, which in fiscal 1963 has been reported as having given 350 such tests, Inspector Eugene D. Gooding, director, Community Relations Division, shed no light on subsequent employment of the machines.

"At the present time," he wrote, "we have not compiled *for publication* any information regarding the questions outlined." (Emphasis added.)

This is all too common a response from police departments across the country—specific information is not available to the public. Yet despite the cloak of secrecy, certain facts are ascertainable:

Newspapers report instances in which police in Los Angeles, Calif., Alexandria, Va., and Philadelphia, Pa., have used polygraphs in criminal investigations in which charges have subsequently been filed against an individual.

In the appendix to this report are excerpts from a forthcoming book by a former official of the Textile Workers Union of America, AFL–CIO, Boyd Payton, indicating the use of the polygraph by the North Carolina State Bureau of Investigation.

Staff members working on this report were introduced to a police officer from a suburban Chicago police force who was being trained as a polygraph examiner by the John E. Reid organization.

Credentials of polygraphers reveal that the Buffalo, N.Y., Police Department maintains a staff of polygraph examiners, as do the Delaware State Police.

Speaking as a representative of the International Association of Chiefs of Police, Inc., Dr. Nelson A. Watson, in answer to a question as to where the polygraph is used, replied: "Probably most of the major cities." Dr. Watson qualified his statement, however, by adding that he had not seen any statistics covering police usage.

Small departments could not support them financially, he said, and "wouldn't have all that much business to support it as an investigative tool." He further noted that many departments did not make greater use of the machine in investigations because of the fact that "lie-detector" tests are *not admissible as evidence in the courts*.

Where polygraph testing is employed, Dr. Watson said, police would generally use the device on various types of thefts—particularly those classified as "inside jobs"—and on cases where there was a reasonable suspicion of a false complaint.

Dr. Watson conceded that he knew of individual departments' use of the "lie detector" in pre-employment screening of applicants for jobs on the police force. But, again without statistics, Dr. Watson said he felt that "this is being 'soft-pedaled.'"

### SOME OBSERVATIONS

The polygraph has been introduced on the American scene by industry, government and law enforcement agencies with little, if any, thought to the legal niceties—and certainly with no thought to the adverse impact that their use has had on individual rights and human dignity. And the use of this device has broadened with the passage of time, with the seeming acquiescence of the American people—if silence can be constructed as acceptance.

The one exception has been in the federal government. And the reason for this lone exception lies in the activities of the Moss Subcommittee. Its public disclosures of the use—and abuse—of the "lie detector," and the very grave doubts which the Subcommittee expressed concerning the reliability of this device, led to some rethinking of the government's attitude on these machines.

Out of the Moss Subcommittee hearings came much needed reforms—in terms of a government directive which specifies the conditions under which polygraphs may be used, the rights of the individuals to be tested, and the qualifications for examiners. This is all to the good—but far from good enough. If, as the Subcommittee and J. Edgar Hoover both agreed, there is no such thing as a "lie detector," then it seems difficult to justify its use under any circumstances—even limited circumstances.

But that point aside, the Moss Subcommittee proved what could be done once the Congress had made the American public both aware and aroused. What is needed now is for a Committee of the Congress to perform the same service with respect to American industry and American law enforcement agencies. Only then will it be possible to assess fully the extent to which "lie detectors" have become a part of the American scene and the damage which they have caused private citizens. And only then will basic reform become a reality.

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## What Labor Is Doing

For years, organized labor has been in the forefront of the battle against the use of the "lie detector," with particular emphasis on its use as a tool in industrial relations. The action of the AFL–CIO Executive Council in 1965, in mobilizing labor's resources to fight against this form of invasion of privacy, is typical of these efforts.

Labor's struggle against the polygraph has proceeded on four main fronts:

Through the machinery of the National Labor Relations Board.

Through grievance and arbitration procedures.

Through collective bargaining of contract clauses prohibiting their use.

Through action on the legislative front.

### NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board has been called upon to act in cases brought before it involving management's use of the polygraph in an effort to determine the union sympathies of employees or as a means of frustrating the formation of a union and/or collective bargaining.

* * * * *

### COLLECTIVE BARGAINING

Neither the courts nor arbitrators can be depended upon, alone, to prevent workers from being subjected to the indignity of the "lie-detector" test.

As workers and unions well know, it takes time to process a case through grievance and arbitration procedures, and even longer to obtain relief through the courts. Meanwhile, the "myth of infallibility" may convict a man, may cost him his job, and may do him irreparable damage. Even if he later wins reinstatement by an arbitrator or a judge, the damage often remains—the man remains "guilty" in the eyes of many of his neighbors and fellow workers.

It is for this reason that the trade union movement has intensified its efforts at the bargaining table to bring an end to this kind of harassment of the workers whom they represent. Many unions now have contract clauses specifically prohibiting the use of polygraphs either for pre-employment testing or for questioning employees once they are on the payroll.

Local 21 of the Retail Clerks International Association negotiated a contract in 1964 with the E. J. Korvette Company. Included in it was this clause:

". . . The company shall not require, request or suggest that an employee or applicant for employment take a polygraph or any other form of 'lie-detector' test . . ."

All unions should give consideration to the inclusion of a similar clause in their collective bargaining agreements—whether or not they have experienced problems with the "lie detector." The fact that a company has never resorted to this form of interrogation before is no guarantee that it might not try it in the future—as unions are well aware on the basis of their experience with management in other areas.

### LEGISLATIVE ACTION

In little more than a decade, the American trade union movement has been successful in winning passage of anti-polygraph legislation in a dozen states. And several municipalities have similar laws prohibiting or inhibiting the use of the "lie detector" in industry.

Massachusetts was the first state in the union to act, passing a law in 1959 that said an employer could not "require or subject" an employee to a "lie-detector" test. This law was amended in 1963, to add that an employer could not "cause a person directly or indirectly" to take a polygraph test.

Two more states acted in 1963. Oregon passed a law roughly similar to the one in Massachusetts. California enacted a law outlawing polygraph testing of all workers except those in governmental agencies, although sanctioning tests when workers "voluntarily" submit.

In 1964 there was action in two more state legislatures. Alaska enacted a law prohibiting testing of all employees except policemen or police applicants. Rhode Island's law was, like the one in Massachusetts, more sweeping.

In 1965, Hawaii prohibited the use of the "lie-detector" test by both private and public employers. And the State of Washington passed a law prohibiting the use of the polygraph except in law enforcement, by persons "who dispense narcotics or dangerous drugs," or by "persons in sensitive positions directly involving national security." (That same year, Akron, O., and Shively, Ky., passed their own anti-polygraph ordinances.)

Three more states acted in 1966—Delaware, which banned the use of the polygraph for the testing of employees or prospective employees in both the public and private sector; Maryland, which banned the device in private employment but not in public employment; and New Jersey, which outlawed the use of the "lie detector" by all employers.

Connecticut acted in 1967, prohibiting the use of the "lie detector" for all employees except uniformed policemen or applicants for police posts.

Latest to act was Pennsylvania, which in 1969 outlawed this form of testing except in the field of law enforcement or by persons who dispense or have access to narcotics or dangerous drugs.

In addition, three states—Illinois, Kentucky, and New Mexico—have laws governing the registration of polygraphers. Because of the serious questions which this raises (in terms of giving formal status to persons practicing in a field where reliability and legality have been the subject of considerable dissent), these registration laws bear brief examination.

Illinois—Under this law, a prospective polygrapher must be 21 years of age, a United States citizen, and a person of "honesty, truthfulness, integrity and moral fitness." He cannot have a police record, and he must have a college degree (although no course of study is specified—it could be anything from music to physical education.) He must also pass a "certification examination" and serve a six-month "internship" (although the law is silent on where or with whom, the "internship" is to be served.)

In addition, the Illinois law contains what is called a "grandfather clause," which provides that any person who was in the polygraph business on or before April 1, 1963, (the date the law was passed) could receive a license to practice "lie detection" without having to take the certification examination or meet the "standards" required for new entrants in the field.

Kentucky—The approach here is somewhat the same as in Illinois, except that it mentions no requirements as to the examiner's charter or education. While an applicant for a license is expected to have completed some formal training in an "approved institution," nothing is mentioned about what educational level he should have attained before entering training.

The "grandfather clause" exists in Kentucky, too. If a "lie detective" was practicing for five or more years before the law was passed (in 1962) he was allowed to continue in business and obtain his license without meeting any of the "standards" spelled out in the law.

New Mexico—Passed in 1963, this law differs in several respects from the other two. In New Mexico, an applicant must be 25 and must be of "good moral character," although the law contains no restrictions concerning an applicant's police record. New Mexico deals with the question of a police record only when talking about revocation of a license—and then only with referenec to convictions for moral turpitude, chronic drunkenness or drug addiction, "unprofessional conduct," insanity or incompetency. ("Unprofessional conduct" is defined as including" . . . conduct tending to deceive or defraud; obtaining fees by misrepresentation; charging unusual, unreasonable or exorbitant fees; fee 'splitting,' and spurious advertising . . .")

New Mexico's law requires the prospective applicant to have a high school diploma or the equivalent and to be able to pass an examination administered by the State Board of Polygraphers. Nothing is mentioned about training in the polygraph field.

### THE STATE LAWS

Following are excerpts of the pertinent language of the various state laws which are now on the books relative to the use of "lie detectors" in employment:

#### *Alaska*

". . . No person either personally or through an agent or representative may request or suggest to a person in his employ or to a person who has an application for employment pending before him or require as a condition of employment that the employee or applicant submit to an examination in which a polygraph or other lie-detecting device is used.

"The provisions of . . . this section do not apply to the state or a political subdivision of the state when dealing with policemen in its employ or with persons applying to be employed as policemen . . .

"A person who violates this section is guilty of a misdemeanor and; upon conviction, is punishable by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both."

*California*

"No employer shall demand or require any applicant for employment or prospective employment or any employee to submit to or take a polygraph, lie-detector or similar test or examination as a condition of employment or continued employment. The prohibition of this section does not apply to the federal government or any agency thereof or the state government or any agency or local subdivision thereof, including, but not limited to, counties, cities, districts, authorities and agencies."

*Connecticut*

"No person, firm, corporation or association shall request or require any prospective employee or any employee to submit to, or take, a polygraph examination as a condition of obtaining employment or of continuing employment with such employer or dismiss or discipline in any manner an employee for failing, refusing or declining to submit to or take a polygraph examination. . . . No employment agency . . . and no agent for an employer shall require any person to submit to, or take, a polygraph examination for any purposes whatsoever.

"Any person, firm, corporation or association which violates any provision of this Act shall be fined not less than two hundred fifty dollars nor more than one thousand dollars for each violation.

"The provisions of this Act shall not apply to persons employed or to be employed by the state or any local government or any political subdivision thereof in any police department, but shall apply with respect to obtaining and maintaining employment of other persons by the state or any local government or political subdivision thereof."

*Delaware*

"No person or any agent or representative thereof, shall require, request, or suggest that any employee or prospective employee take, or shall cause, directly or indirectly, any employee or prospective employee to take, a polygraph, lie detector or similar test or examination as a condition of employment or continuation of employment. As used herein, 'person' includes any individual, corporation, partnership, firm, association, and the state or any agency or political subdivision thereof.

"Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than 90 days, or both . . ."

*Hawaii*

"It shall be unlawful for a private employer or his agent, or an agent of a public employer to require an employee to submit to a polygraph or lie-detector test as a condition of employment or continued employment.

"Any person who unlawfully requires an employee to submit to polygraph or lie-detector tests shall be fined not more than $1,000 or imprisoned not more than one year, or both."

*Maryland*

"No employer shall demand or require any applicant for employment or prospective employment or any employee to submit to or take a polygraph, lie-detector or similar test or examination as a condition of employment or continued employment. The prohibition of this section does not apply to the federal government or any agency thereof or the state government or any agency thereof including, but not limited to, counties, cities, districts, authorities, and agencies.

"Any employer who violates the provisions . . . shall be guilty of a misdemeanor and subject to a fine not to exceed $100."

*Massachusetts*

"No employer shall require or submit any employee to any lie-detector tests as a condition of employment or continued employment. Any person violating this section shall be punished by a fine of not more than two hundred dollars."

*New Jersey*

"Any person who as an employer shall influence, request or require an employee to take or submit to a lie-detector test as a condition of employment or continued employment, is a disorderly person."

(Under New Jersey law, a person adjudged a "disorderly person" can be punished by imprisonment in the county workhouse, penitentiary or jail for not more than one year or by a fine of not more than $1,000 or both.)

*Oregon*

"No person, or agent or representative of such person, shall require, as a condition for employment or continuation of employment, any person or employee to take a polygraph test or any form of a so-called lie-detector test."

"Violation of . . . this Act is punishable, upon conviction, by a fine of not more than $500 or by imprisonment in the county jail for not more than one year, or both."

*Pennsylvania*

". . . whoever requires as a condition for employment or continuation of employment, that a person or employee shall take a polygraph test or any form of a mechanical or electrical lie-detector test shall, upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both. The provisions of this section shall not apply to persons in the field of public law enforcement or persons who dispense or have access to narcotics or dangerous drugs."

*Rhode Island*

"No employer or agent of any employer shall require or subject any employee to any lie-detector tests as a condition of employment or continued employment.

"Any employer who subjects any person employed by him, or any person applying for employment, to a lie-detector test, or causes, directly or indirectly, any such employee or applicant to take a lie-detector test, shall be punished by a fine of not more than two hundred dollars. This section shall not apply to lie-detector tests administered by law enforcement agencies in the performance of their official duties."

*Washington*

"It shall be unlawful for any person, firm, corporation or the state of Washington, its political subdivisions or municipal corporations to require any employee or prospective employee to take or be subjected to any lie detector or similar tests as a condition of employment or continued employment . . . this section shall not apply to (1) persons in the field of public law enforcement, or (2) persons who dispense narcotics or dangerous drugs, or (3) persons in sensitive positions directly involving national security . . .

"Any person violating the provisions . . . of this Act shall be guilty of a gross misdemeanor."

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## THE LIE DETECTOR AND THE COURTS

For nearly half a century, the America legal system has painstakingly built up a basic record on the question of the use of "lie detectors"—a record centering on the admissibility of polygraph test "results" as evidence, the question of whether a person could be compelled to submit to such testing, and whether or not a person could "volunteer" to undergo such an inquisition.

To date, all of the key rulings—in state and federal courts alike—have been confined to criminal cases. The courts have yet to come to grips with the Constitutional question of the right of privacy. This crucial test is still to come.

### ADMISSIBILITY OF THE POLYGRAPH

The first reported case concerning the admissibility of "lie-detector" tests was that of *Frye* v. *United States* in 1923. The U.S. Court of Appeals for the District of Columbia refused to allow Dr. William Moulton Marston (one of the inventors of the modern-day polygraph) to testify on the results of a systolic blood-pressure test he had conducted on the defendant. The court said:

"Just when a scientific principle or discovery crosses the line between the experimental and the demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well-recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs.

"We think the systolic blood-pressure detection test has not yet gained such standing and scientific recognition among physiological and psychological authorities as would justify the courts in admitting expert testimony deduced from the discovery and experiments made thus far . . ."

It is interesting to note that the court thus repudiated both the inventor and his technique in their first legal test case.

Although thousands of "lie-detector" tests were given in the years following the *Frye* decision, the Wisconsin Supreme Court relied on that opinion in a case before it 10 years later. In the 1933 case of *State* v. *Bohner*, the defendant's attorney asked the court to admit the results of a polygraph test given the defendant as "evidence" of his innocence. The court refused, and the Wisconsin Supreme Court upheld that decision, declaring:

"While it may have some utility at present, and may ultimately be of great value in the administration of justice, it must not be overlooked that a too-hasty acceptance of it during this stage of its development may bring complications and abuses that will overbalance whatever utility it may be assumed to have . . ."

In 1938, two New York courts reached opposite conclusions on the admissibility of the "results" of galvanic skin response tests. In *People* v. *Kenny*, the defense asked that the testimony of an "expert" who has used a psychogalvanometer to administer a test on the accused be allowed. The court admitted the testimony. Since the decision was not appealed, and since it occurred in a lower court, no great significance has been attached to this action.

Later that same year, however, in the case of *People* v. *Forte*, New York's highest court, the Court of Appeals, ruled against admitting the results of a test given the defendant by the same examiner who had been involved in the *Kenny* case. The Court of Appeals said that the trial court record was:

". . . devoid of evidence tending to show a general scientific recognition that the pathometer possesses efficacy . . ."

In the 1942 case of *People* v. *Becker*, the Michigan Supreme Court upheld a lower court's decision not to admit polygraph test results which the defendant requested be allowed. Although the defendant contended that the test results would show he killed in self-defense, the court said there was no testimony in the case to show that there was any existence at the time of ". . . a general scientific recognition of such tests. . . ."

In 1945, the Missouri Supreme Court upheld a lower court's decision in *State* v. *Cole* to refuse to admit polygraph tests in the trial. The defendant involved in a murder trial had asked for a court order requiring that he and all witnesses in the case be given "lie-detector" tests. The court refused, stating:

". . . the day has not come when all the witnesses in a case can be subjected to such inquisitorial and deceptive tests . . . without their consent . . . Furthermore, such dramatics before the jury would distract them and impede the trial . . . because it is necessary for the inquisitor to ask both harmless, irrelevant and 'hot' questions in order to bring out the contrast in the witness' emotional responses . . . it has no place in the courtroom . . ."

In 1947, in the case of *State v. Lowry*, the Supreme Court of Kansas reversed a lower court ruling which had allowed the prosecution to introduce the results of a polygraph test administered on both parties during a trial involving felonious assault. The court said that the technique had ". . . not yet gained sufficient scientific recognition to warrant the acceptance of the results as competent legal evidence . . ."

This case is notable because both parties had agreed to take a polygraph test during the trial, and later on one party objected to the admission of the test results. Although in this instance the State Supreme Court had overruled the lower court and banned the admission of the results, the case still served as a precedent for others in other jurisdictions where attempts to have test results admitted on stipulation were successful.

In the 1949 case of *Boeche v. State* in Nebraska, the defendant, who was on trial on a charge of passing bad checks, attempted to have polygraph tests admitted as evidence. The court rejected this plea on two counts.

First, it said, the technique had not achieved a degree of scientific acceptance necessary to qualify for admission as evidence.

Second, the court said, it was impossible to cross-examine the "lie-detector" machine, thus impairing one of the vital processes in law.

In the case of *Kaminski v. State* (Florida, 1952), the court was more concerned with the issue of due process than with the scientific unreliability of the polygraph. In its decision, the court said:

"The successful attempt by the prosecution by the means employed to implant in the minds of the jury the impression that because the witness had voluntarily submitted to a lie-detector test prior to trial he must perforce be testifying truthfully in the course of the trial, resulted, in effect, in the substitution of a mechanical device, without fair opportunity for cross-examination, for the time-tested, time-tried, and time-honored discretion of the judgment of a jury as to matters of credibility . . ."

Subsequent major criminal decisions in California (*People v. Wohnick*, 1950), North Dakota (*State v. Pusch*, 1950), Texas (*Peterson v. State*, 1952) and Massachusetts (*Commonwealth v. Fatalo*, 1963), reinforced previous decisions banning the admissibility of "lie-detecor" tests. The decisions in all of these cases were based on the fact that neither the polygraph machine nor the "test" had proven scientifically viable. The courts said basically that the technique, therefore, did not meet the minimum standards required of evidence to be presented in the American legal system.

The Michigan Supreme Court decided in the case of *Stone v. Earp* in 1951 that a polygraph was no more admissible as evidence in a civil case than in a criminal case, declaring there was ". . . no reason why a different rule should be followed in civil than in criminal cases . . ."

COMPULSION AND VOLUNTARISM

The courts have also dealt with the twin issues of:

Whether an individual could be required to take a "lie-detector" test.

Whether an individual could volunteer to take a "lie-detector" test.

In both cases, the rulings were handed down in the context of whether these actions and/or the polygraph test "results" could be admitted as evidence by the court.

The 1946 Illinois case of *People v. Sims* dealt with whether an individual could be required to take a "lie-detector" test. The court said:

"No court so far as we are advised has ever held that a lie detector may be used on the accused without his consent . . ."

Illinois law has further supported this decision by forbidding trial judges in civil cases to require litigants to submit to polygraph examinations; in criminal cases they are prohibited from even suggesting that such tests be administered. (However, in Illinois, if a defendant volunteers to take a "lie-detector" test, the evidence is admissible in court.)

Several early cases arose dealing with whether the results of a polygraph test which the individual had volunteered to take could be admitted as evidence by the court. The question of whether an individual's refusal or agreement to take such a test could, of itself, be admitted as evidence, also came under court scrutiny.

In 1952, in *State v. Kolander* (Minnesota), a defendant accused of arson refused to take a polygraph test. The prosecution interpreted this refusal as evidence of guilt and had it presented as such to the court. The case was appealed to the Minnesota Supreme Court, which reversed the lower court's conviction. The Supreme Court held that using the refusal to take the test as evidence was more prejudicial than the actual test itself might have been. The court said that if the defendant had agreed to take the test, the prosecution would have had to prove the reliability of the polygraph. However, in refusing to take the test, the defendant gave tacit recognition to the validity of the test in the eyes of the jury.

Following this decision was the 1959 case of *Mills v. Colorado*. This corroborated the Minnesota decision and said that the fact of refusing to take a "lie-detector" test was too prejudicial to be admitted as evidence. Court rulings were based on similar reasonings in the cases of *Kansas v. Emery* and *Hawaii v. Chang* in 1962.

In the 1956 case of *Commonwealth v. Saunders* (Pennsylvania), the defendant, accused of murder, volunteered to take a polygraph test to show a "consciousness of innocence." This raised a different aspect in the polygraph issue, for the defendant sought to have his attitude and his willingness to submit to the test admitted as evidence. The court refused, saying:

". . . defendant's offer was merely a self-serving act or declaration which obviously could be made without any possible risk, since if the offer were accepted and the test given, the result, whether favorable or unfavorable to the accused, could not be given in evidence . . ."

Other cases which followed this same general opinion were *State v. Anderson* (Minnesota, 1962) and *State of New Jersey v. La Rocca* (1963).

Clearly, the bulk of legal opinion has shown that even the willingness or unwillingness to take polygraph tests cannot be submitted as evidence in court.

However, the inadmissibility of the test itself as evidence in turn raised the question of the admissibility of a confession obtained during or because of a "lie-detector" test.

*Commonwealth v. Hipple*, decided by the Pennsylvania Supreme Court in 1939 was one of the earliest decisions ruling that a confession obtained by using a polygraph could be admitted as evidence. Polygraph confessions, however, must meet the same tests which are applied to confessions gotten by other means: Confessions from "lie-detector" tests must be voluntary, must not be the result of force or coercion, and must not have been obtained by a deliberate attempt to deceive the defendant.

Admissibility of confessions obtained by polygraph was established in *State v. Lowry* in Kansas in 1947. As long as the confession was obtained by a competent interrogator, the court saw no reason to disqualify the confession solely on the ground that the polygraph examiner and the interrogator were the same person.

In *Bruner v. People*, a Colorado case decided in 1945, the defendant was tried for murder and given a "lie-detector" test. Following the test, he confessed to the crime in question. Counsel for the defense contended, however, that the confession was involuntary and therefore not admissible because the defendant was treated inhumanely during his test. The court agreed, and the confession was dismissed as unacceptable evidence. The court said that the defendant was:

". . . justified in assuming (the examiner's) treatment would continue until such time as defendant was physically and mentally exhausted and in this condition make a confession of guilt . . ."

In this case it was necessary to establish the fact of the test in order to dismiss the confession.

A precedent has been established whereby confessions may be submitted in evidence as long as the fact of the test itself is not introduced in evidence. The case involved was *Henderson* v. *State of Oklahoma* (1951) in the court also refused to accept the test as evidence.

The United States Supreme Court in *Jackson* v. *Deno* in 1964 ruled that if an involuntary confession (whether true or false) results in a conviction, the defendant in a criminal case has been denied his right to due process.

(Lee M. Burkey, writing in the February 1967 *Labor Law Journal*, suggested that "an employee who asserts that he has been browbeaten into taking a 'lie-detector' test might well rely on this decision as a basis for recovering his job, lost pay, and even damages against his employer . . .")

1964 was also the year that the Supreme Court, ruling in the case of *Escobedo* v. *Illinois*, reversed the conviction of a man who had not had an attorney present at his interrogation.

(In the same article in *Labor Law Journal*, Burkey has suggested that this ruling from the nation's highest tribunal "could also be applied to a situation where an employee submits to a polygraph test without his attorney being present, or to confessions obtained under the influence of a test when the accused was not represented by an attorney . . .")

Perhaps the most significant case, to indicate the tenor of future polygraph decisions came before the U.S. Supreme Court in 1966.

*Schmerber v. California* concerned the appeal of a man who contended that the taking of a sample of his blood by the police to determine its alcohol content constituted an invasion of his privacy. The man cited the Fifth Amendment, which prohibits self-incrimination, in his appeal to the court.

The court ruled against the defendant—but in so doing it delivered some highly interesting views concerning the relationship of the Fifth Amendment to the issue of "lie-detector" tests.

In the majority opinion, the Supreme Court said that the Fifth Amendment's Constitutional privilege against self-incrimination is designed to protect persons accused of a crime from being forced

". . . to provide the state with evidence of a testimonial or communicative nature . . . whatever form (the communications) might take . . ."

The majority said that the blood sample did not meet the test of the kind of "testimonial statements" that the Fifth Amendment had in mind. But in words that raised the whole question of "lie detectors" and put their "results" into sharp legal focus, the Supreme Court said:

"To compel a person to submit to testing in which an effort will be made to determine his guilt or innocence on the basis of physiological responses, whether willed or not, is to evoke the spirit and history of the Fifth Amendment . . ."

This opinion would appear to offer encouragement to those who seek to bring a "lie-detector" case before the Supreme Court to test its constitutionality.

### RECOMMENDATIONS

This report—the first in a series on the many faces which invasion of privacy wears in America—has centered on the use of the "lie detector," particularly by American business and industry.

This study emphasizes that:

The use of the "lie detector" runs counter to Constitutional guarantees against illegal search and seizure, and is contrary to the Constitution's safeguard against self-incrimination.

The use of the "lie detector" flouts America's historic concept that the accused is innocent until proven guilty—in point of fact, the "lie detector" *presumes guilt* unless and until the subject can "clear" himself.

The claims made for the "lie detector" by its supporters are fraudulent and are easily refuted by the facts. The body of evidence available makes it abundantly clear that *no* machine and no individual can measure truth or deception, innocence or guilt.

This report also makes clear that the trade union movement has consistently been in the vanguard of those battling against the use of this mechanical device in employer-employee relations. Organized labor's goal has been to remove from the American scene this monstrous example of the encroachment that has been permitted to take place in the field of human rights and individual freedoms. Organized labor's battleground has been on the collective bargaining front, on the legislative front, and on the grievance and arbitration front.

Yet the evidence is equally clear that, to a large extent, the "lie-detector" menace is still with us. It is, therefore, incumbent on the trade union movement to intensify its activities in order to accelerate the tempo at which this device is removed from our midst.

In this spirit, this report recommends:

1. *An all-out campaign in the 1970's for enactment of state laws prohibiting the use of these devices.*

Organized labor has proven its ability to win passage of such laws in state legislatures. The 12 state statutes now on the books—seven of them enacted in the last five years—attest to that fact. But there are 38 states and the District of Columbia which either have no anti-polygraph laws or which have statutes that either permit or tacitly condone the use of these devices.

Labor must press forward with its campaign at the state level to put anti-polygraph laws on the books, to remove permissive laws which may exist, and to repel efforts by the polygraph industry which seeks licensing laws which would confer an aura of "respectability" to the practitioners in this field.

2. *Enactment of federal legislation outlawing any and all uses of polygraph machines or similar "lie-detecting" devices.*

Federal legislation would preempt this field, achieving through a single, uniform law the same goal being sought through a multiplicity of state laws which often vary in scope and direction. Beyond that, federal legislation would offer safeguards to those untouched by state law—particularly the public employee. It should be emphasized that our recommendation of a federal statute calls for the all-inclusive outlawing of these devices. We are unimpressed with the demands of those who would seek to continue the use of polygraphs under certain stated instances—the most visceral of these being in the cause of "national security." This is a loophole through which the unscrupulous investigator can squirm to enlarge the area of his activity. But in any event, since the "lie-detector" is so clearly violative of Constitutional rights . . . and since it is so clearly an unreliable device for the measuring of truth or deception . . . it has no place in America, not even in government. It simply does not make sense to say that the polygraph is unconstitutional and unreliable, but that "national security" justifies its use, for it is just as unconstitutional and unreliable in those circumstances as in any others. Thomas Jefferson put it well when he declared: "It behooves every man who values liberty . . . for himself, to resist invasion of it in the case of others."

3. *Negotiation in collective bargaining agreements of anti-polygraph clauses.*

For generations, trade unions have used the collectively bargained contract to win for their members basic rights and protections—safeguards which our courts and lawmakers have later come to recognize as part of our American heritage. Many times, collectively bargained rights for workers represented by unions have paved the way for legislative rights for all Americans. In this spirit, trade union negotiating committees should emphasize the need for including in their contracts a clause adequately protecting workers from management insistence on the use of the "lie detector."

4. *Vigorous prosecution, through the grievance and arbitration machinery, of any cases arising out of the use of polygraphs or out of an employee's right to refuse to take a "lie-detector" test.*

Even in the absence of a contract clause banning the use of "lie detectors," unions have been successful in protecting members from disciplinary action stemming from this practice. Courts, arbitrators and unemployment compensation boards have used strong language in denunciation of polygraphs and in defense of workers who exercise their rights not to be compelled to submit to the indignity of their use. This should encourage unions to mount a continuing defense of their members through grievance and arbitration procedures. If every such case is prosecuted to the maximum extent, management might eventually—if reluctantly—abandon the practice on the ground that it cannot win.

Earlier in this report, the AFL–CIO Maritime Trades Department quoted from a report by the House Government Operations Committee, headed by Representative John E. Moss (D-California). We repeat it now in conclusion, because it sums up—as succinctly as anyone could—the case against the polygraph.

The Committee declared:

"There is no 'lie detector,' neither machine nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth or falsehood."

We agree.

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[From the New York Times, Feb. 15, 1970]

### UNIONS SCORE USE OF LIE DETECTOR—REPORT BY MARITIME TRADES SEES THREAT TO PRIVACY

BAL HARBOUR, Fla., Feb. 14—Federal legislation to outlaw the use of polygraph machines and similar lie-detection devices, even in national security cases, was demanded today by a group of 41 unions affiliated with the American Federation of Labor and Congress of Industrial Organizations.

The Maritime Trades Department of the merged federation, which represents unions with 7.5 million members, called the use of lie detectors unconstitutional and said they were "clearly an unreliable device for the measuring of truth or deception."

The call for a total ban on lie detectors was contained in a 174-page study of a polygraph and its uses by industry, government and law enforcement agencies. The analysis was prepared by a special study committee set up by the Maritime Trades Department to look into all phases of the so-called invasion of privacy in the United States.

Pending the passage of Federal legislation, the report called for state laws to ban the use of lie detectors. Edward J. Carlough, chairman of the study committee, noted that 12 states had such prohibitive statutes. "But there are 38 states that still do not have this legislation, and that is a challenge," he said.

#### AN ADDITIONAL DEMAND

In addition to a prohibition against lie detectors, the report called for the inclusion in all collective bargaining ageements of a clause prohibiting management from compelling, or even requesting, workers to submit to such tests either during pre-employment screening or after they were hired.

The report also urged the use of grievance and arbitration machinery to protect workers against being compelled to submit to lie detector tests.

"The problems posed by the use of lie detectors are but one aspect of the invasion of privacy in America, the study declared. "Clearly, this is cause for alarm."

The study of lie detectors was the first in a series that the Maritime Trades Department is planning to conduct in the area of invasions of privacy. Future plans of the study committee call for analyses of electronic surveillance and the indiscriminate gathering and dissemination of personal information by credit bureaus.

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### EXHIBIT 3

### TWENTIETH CENTURY WITCHCRAFT—THE LIE DETECTOR

(Address by U.S. Senator SAM J. ERVIN, JR. before the Greensboro Bar Association, Greensboro, N.C., on Nov. 16, 1967)

I want to discuss with you tonight the constitutionality of the Federal Government's use of the polygraph on American citizens.

Throughout human history, from the dawn of civilization, men have sought to distinguish the real from the unreal, fact from fiction, truth from lies. As Cicero wrote "Our minds possess by nature an insatiable desire to know the truth."

It is to this end that men and societies have applied vast resources of intellect and strength to developing institutions and devices for divining the truth.

As lawyers, we are well aware of the ancient function of the jury to find the facts, to distinguish truth from untruth. And we know the dangers to a client's liberty of false evidence. We have seen the daily invention of new ingenious scientific and laboratory methods of judicial proof. So we are familiar with the laws of probability.

As citizens and as members of a profession which has a duty and obligation to pursue the truth and to facilitate other men's search for it, we have a special interest in some of the ways Federal officials seek truth.

The poet Keats said:

"Beauty is truth, truth beauty,
That is all—
Ye know on earth, and all ye need to know."

But man's search for truth is not always beautiful. In some agencies of the Federal Government, and elsewhere, man's desire to know all the truth from employees and applicants can be downright ugly.

I want to read you some typical complaints from law-abiding Americans who have encountered this device.

### RECEIVED FROM AN APPLICANT AT THE NATIONAL SECURITY AGENCY

"When I graduated from college in 1965, I applied at National Security Agency. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

" 'When was the first time you had sexual relations with a woman?

" 'How many times have you had sexual intercourse?

" 'Have you ever engaged in homosexual activities?

" 'Have you ever engaged in sexual activities with an animal?

" 'When was the first time you had intercourse with your wife?

" 'Did you have intercourse with her before you were married? How many times?'

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions.

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

### RECEIVED FROM A FOREIGN SERVICE OFFICER

"I am now a Foreign Service Officer with the State Department and have been most favorably impressed with the Department's security measures.

"However, some years ago I was considered for employment by the CIA and in this connection had to take a polygraph test. I have never experienced a more humiliating situation, nor one which so totally violated both the legal and moral rights of the individual. In particular, I objected to the manner in which the person administering the test posed questions, drew subjective inferences and put my own moral beliefs up for justification. Suffice it to say that after a short time I was not a 'cooperative' subject, and the administrator said he couldn't make any sense from the polygraph and called in his superior, the 'deputy chief.'

"The deputy chief began in patronizing, reassuring tones to convince me that all he wanted was that I tell the truth. I then made a statement to the effect that I had gone to a Quaker school in Philadelphia, that I had been brought up at home and in school with certain moral beliefs and principles, that I had come to Washington from my University at the invitation of the CIA to apply for a position, not to have my statements of a personal and serious nature questioned not only as to their truth but by implication as to their correctness, and that I strongly objected to the way this test was being administered.

"The deputy chief gave me a wise smile and leaning forward said, 'Would you prefer that we used the thumb screws?'(!) I was shocked at this type of reasoning, and responded that I hardly thought it was a question of either polygraph or the thumb screws.

"This incident almost ended the deep desire I had for service in the American government, but fortunately I turned to the Foreign Service. But if it happened to me it must have happened and be happening to hundreds of other applicants for various Federal positions."

### RECEIVED FROM THE WIFE OF AN APPLICANT AT GENERAL SERVICES ADMINISTRATION

Her husband applied to the General Services Administration for a position as Operating Engineer. General Services Administration advised him that there was such a position open in the Public Building Services of the National Security Agency at Fort Meade, Maryland. During an interview at the National Security Agency he was advised that the position required security clearance and was called upon to furnish normal security type information about himself. He provided all papers and information required.

Her husband was then directed to report to the National Security Agency for a polygraph test.

Many questions were asked of him before the polygraph was applied. The questions were of such a nature that he became angry, incised and emotionally upset. He was in this state when the polygraph was actually applied.

None of the questions asked were concerned with his loyalty to the United States, his religious beliefs or political affiliation. A number of questions asked pertained to his sex habits. Mr. ——— told his wife following the test that he felt too humiliated and so degraded by the questions and the manner in which they were placed by the operator that he didn't care whether or not he secured the position. He told his wife that if truth in answering the questions was the criteria he was fully confident he did pass the test. The polygraph operator told him at the time of testing that he, the operator, would determine the outcome of the test.

In an attempt to be 100% sure that an applicant or employee is not lying, officials of some agencies strap him to a lie-detector machine—a polygraph. They hook up wires and tubes to him which are supposed to register his respiration, blood pressure and pulse rate. Electrodes are attached to his hand to measure the "galvanic skin response"—the flow of electric current across his skin as sweating increases. When the subject is asked a series of questions, his physiological responses are recorded on a moving sheet of graph paper by three pens. This explains the name of this instrument, since "polygraph" was the Greek word for "many writings."

### USE OF POLYGRAPHS INCREASING

This is no minor problem, for the use of the polygraph is increasing. From an investigative tool in law enforcement work, its use has been extended for other purposes into private and public employment. Although it was developed in 1921, only in the last 15 years have employers come to rely on the polygraph to test the honesty of employees already on the payroll. When labor unions began complaining that a man's failure to pass a polygraph was not a just cause for dismissal, many employers began using polygraphs to screen applicants instead, on the ground that these people had no way of challenging the instrument or the findings.

According to a recent estimate, approximately 3,000 polygraph operators are giving between two hundred thousand (200,000) and three hundred thousand (300,000) tests yearly in the United States.

In the Federal Government alone, a House Subcommittee found that 19 agencies gave 19,000 lie-detector tests in 1963. These figures did not include around 9,000 tests administered by the Central Intelligence Agency and the National Security Agency.

Proponents of polygraphs justify their use because of some findings and assumptions that:

Lying leads to conflict;

Conflict causes fear and anxiety;

This emotional and mental state causes physical changes that can be accurately recorded and measured by the polygraph; and

The operator by studying these reactions, can tell whether the subject is being deceptive or truthful.

The truth of the matter is, as the House Government Operations Committee recently reported:

"There is no 'lie detector,' neither machine nor human. People have been deceived by a myth that a metal box can detect truth or falsehood."

### NORTH CAROLINA RULING

The Supreme Court of North Carolina in *State* v. *Foye*, 254 N.C. 704 (1961) listed a number of reasons for failure of the courts in this country to accept lie-detector evidence as a reliable and accurate means of ascertaining truth or deception. It found these overwhelming obstacles to acceptance of the polygraph, the court said, "notwithstanding its recognized utility in the field of discovery and investigation for uncovering clues and obtaining confessions."

In an article in the American Bar Association Journal several years ago, Professors Inbau and Reid defended the use of the polygraph. They frankly admitted, however, that only about 20 per cent of the individuals who hold themselves out as examiners possess the training and skill required for competency in this field.

The attempt to transfer this investigative aid of law enforcement to the field of job suitability screening raises serious due process questions.

In standard criminal investigation, the polygraph examiner sets up a control question, in which he measures the subject's "guilt" response to a pecadillo, usually from childhood. This establishes a level of susceptibility against which can be measured the subject's response to the question at issue, which is the commission of a specific crime. In job suitability screening, there is no question at issue. All the questions are control questions and, thus, the examiner is measuring general sensitivity rather than specific guilt.

This is one reason the polygraph is an inappropriate tool for general suitability appraisal. Job applicants who fail the polygraph test may not be more "guilty" than those who pass, but only more sensitive. "Nervous" responses are more likely to be given by sensitive, introspective, vigorously honest persons. There is no correlation between these personality traits and the probability that the applicant might be corruptible. Some unreliable applicants might also give a "nervous" response, others not.

The whole process smacks of twentieth

century witchcraft. Does the flesh of the applicant burn when a hot iron is applied to it? When tightly bound and thrown into a pond, does the applicant sink or float? When strapped in a chair with electrodes and other gadgets attached, does the rate of respiration and blood pressure of the applicant rise? Does the salt of his pores induce increased electrical conductivity? Are we reduced to alchemy as a technique of screening applicants for highly sensitive positions in the Federal bureaucracy?

The burden of proof should be on those who assert the efficacy of polygraph in predicting the behavior of prospective government employees.

There have been practically no efforts to compile this proof. Congressional hearings and reports as well as the professional literature on the subject show that there are neither statistics nor facts to prove the value of the polygraph in personnel work.

Nevertheless, even more sophisticated devices are being planned. For instance, we recently discovered that under government research contract, primarily through the Defense Department funds, private companies have developed a lie detector in the form of an innocent looking office chair—"a wiggle seat." This, of course, is to get around all of those opponents who say an applicant's body and mind react when all those electrodes are attached to him.

An article in the Science News Letter describe this device: When an individual is seated in the chair, the forces exerted by the pumping action of his heart are sensed, changed from mechanical to electrical energy, then broadcast to remote recording instruments. An individual weighing less than 140 pounds will not generate a satisfactory signal. Since the chair so closely resembles an ordinary chair, the heart data can be obtained without the conscious knowledge of the subject."

A commercial brochure on the chair proclaims: "Nothing intrudes on the serenity of the setting. The patient does not see, much less 'wear' an electrode—straps and wires are prominent only by their absence. He or she remains fully clothed throughout the brief examination. . . . Mere hand contact with the arm electrodes is sufficient to obtain a good record. . . . A microphone in the dorsal position senses vibro- and phono-cardiographic information."

While the medical uses of such instruments can be of great value, their potential for denial of basic rights to unsuspecting applicants and employees cannot be overestimated.

Legislatures in six states and several city councils have already outlawed lie detectors in the employment relations; in some instances, unions have forced their elimination through collective bargaining.

FBI Director Hoover, fortunately for our security, does not use them for personnel work.

The Warren Commission report stated:

". . . In evaluating the polygraph, due consideration must be given to the fact that a physiological response may be caused by factors other than deception, such as fear, anxiety, neurosis, dislike and other emotions. There are no valid statistics as to the reliability of the polygraph . . ."

Why then, do administrators have such blind faith in these devices? In my opinion, it is directly related to the role of science and technology in our society—to the cult of "the expert." There is an increasing belief that anything scientific must be more reliable and rational than the judgment of men. Unfortunately, this is true not only of officials who favor the lie-detector machine; it is also true of the average person who is subjected to it. Officials have admitted that its greatest use is in scaring the individual into admitting his transgressions.

There is a growing belief that the machine can bridge that credibility gap which must exist wherever falible men choose between truth and untruth.

But I submit that this gap is a risk which must be taken in a free society. We cannot afford to dismiss the human element in decision-making where basic liberties are at stake.

There are workable alternatives to lie detectors. At the disposal of the Federal Government is a great investigative apparatus for checking references, background and qualification of applicants. Vast sums are spent training personnel specialists how to evaluate an individual's understanding of his role in an organization or agency.

Which brings me to the second point I want to make about the polygraphs.

Even if they could be proved 100% reliable and valid, there is no necessity for these infringements of freedom and invasions of privacy; but even if there were a necessity for them, I believe every citizen should answer with William Pitt:

"Necessity is the plea for every infringement of human liberty. It is the argument of tyrants; it is the creed of slaves."

Why should an applicant or employee have to describe his religious beliefs and practices? As long as his record shows that his conduct is socially and legally acceptable, why should he have to tell a prospective Federal employer about his sexual attitudes and conduct; or whether he loved his mother; or whether he fights with his wife?

Is there not a part of his personality, of his private life, which can and should be immune from governmental trespass?

By questionable means, we are perhaps seeking truthful answers to questions which should not be asked. I think we should ask ourselves whether, by sanctioning these privacy invasions, we are not trifling with the great constitutional truths which buttress our society. I believe we are.

Regrettably, it would appear that we have often come far from the nature of the truths which we once thought important; but in the case of the polygraph, we have come not very far at all from the ancient methods of seeking the truth. It is not too far from the ancient trial of ordeal by fire or water to the concept of the "wiggle seat." Nor is there much difference between the polygraph and the old deception test used by the Indians. They thought that fear inhibited the secretion of saliva. To test his credibility, an accused was given rice to chew. If he could spit it out he was considered innocent; but if it stuck to his gums he was judged guilty.

What do polygraph techniques do to the concepts underlying the Fourth and Fifth Amendments? To the principles that there shall be no search and seizure without warrant, and that no man should be compelled to incriminate himself? Is there anything more destructive to our system of government than attempting to seize a man's innermost thoughts; compelling him to confess his beliefs, his religious practices, his every sin; requiring him to bare his soul to a machine in order to hold a job?

Hardened criminals are safeguarded in this area of the law, yet an applicant for Federal employment is not.

In the employment process, however, it is to the First Amendment that this twentieth century witchcraft does the most violence. That Amendment guarantees a citizen freedom from interference with his freedom of expression in his thoughts and beliefs. And it includes not only his right to express them but his right to keep silent about them. This is a crucial issue in a free society.

To condition a citizen's employment and his future job prospects on his submission to the pumping of his mind, his thoughts, and beliefs about personal matters unrelated to his duties, is to exercise a form of tyranny and control over his mind which is alien to a society of free men. It is to force conformity of his thought, speech and action to whatever subjective standards for conduct and thought might be held by a polygraph operator, or his company, or an agency official. It is to weaken the fabric of our entire society.

I submit that the Constitution can and does protect us from such incursions on our liberties.

### EMPLOYMENT AS A PRIVILEGE

To say that employment is a privilege is to avoid the issue. For, as the Supreme Court has said, it does not matter whether or not there is a constitutional right to employment. The means and procedures employed by government should not be arbitrary.

### CONSENT

Nor does it help to reply that a person "consents" to such an invasion of his liberty. Where the full force of government is behind the request, where he knows that great computer and data systems of government will retain forever his refusal to reply, or his answers to the queries, there is no free consent.

### CONFIDENTIALITY OF RECORDS

Proponents argue that the records are confidential. It is no secret that his employment records, with all of the medical and security data, follow a man throughout his career. They are officially transmitted through the subterranean passages of our complex bureaucracy.

It was to prevent the practice of such tyrannies on Federal employees that I introduced my bill to protect the privacy and constitutional rights of employees of the Executive Branch.

This bill is premised on the belief that just because he goes to work for government, the individual does not surrender his basic rights and liberties as a citizen. Nor does he surrender his right to a proper respect by his government for his privacy and other rights. The bill is designed to prohibit unwarranted governmental invasions of employee privacy and is sponsored by 55 members of the Senate. I am happy to report that it was approved by the Senate on September 13 by a vote of 79 to 4 in 1967.

Section (f) of S. 1035 makes it unlawful for any officer of any Executive department or agency to require or request, or attempt to require or request, any civilian employee serving in the department or agency, or any person applying for employment in the Executive branch of the United States Government "to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters."

* * * * *

It is time we put a rein on the Federal Government's use of twentieth century witchcraft to find the truth. It is time the Federal Government was told what truths it should be seeking.

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### EXHIBIT 4

### S. 2156

A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

Sec. 1. It shall be unlawful for any officer or employee of any executive department or agency or any individual acting under the authority of such officer and employee to do the following:

(a) to require or request, or to attempt to require or request, any officer or employee of the United States, or any individual applying for employment as an officer or employee of the United States, to take any polygraph test in connection with his services or duties as such officer or employee, or in connection with such individual's application for employment;

(b) to deny employment to any individual, or to discharge, discipline, or deny promotion to any officer or employee of the United States, or to threaten to commit any such act by reason of his refusal or failure to submit to such requirement or request.

SEC. 2. It shall be unlawful for any person engaged in any business or other activity in or affecting interstate commerce, or any individual acting under the authority of such person to do the following—

(a) to require or request, or to attempt to require or request any officer or employee employed by such person or any individual applying for employment in connection with such business or activity to take any polygraph test in connection with his services or duties or in connection with his application for employment.

(b) to deny employment to any individual, or to discharge, discipline or deny promotion to any officer or employee employed in connection with such business or activity, or to threaten to commit such act by reason of his refusal or failure to submit to such requirement or request.

SEC. 3. Whoever willfully violates or willfully attempts to violate any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 4(a) Whenever—

(1) any officer or employee of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or (2) any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, or

(3) any person engaged in any business or other activity in or affecting interstate commerce, or any individual acting under the authority of such person,

violates or threatens to violate any of the provisions of sections 1 or 2 of this Act, any employee or officer of the United States, or any person applying for employment in the Executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the Executive branch of the United States Government, or any individual applying for employment in connection with any business or activity engaged in or affecting interstate commerce, or any employee or officer employed by a person engaged in such business or activity, who is affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or employee or person in the United States District Court for the district in which the violation occurs or is threatened, or for the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation.

(b) Such United States District Court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation.

(c) With the written consent of any person affected or aggrieved by a violation or threatened violation of Sections 1 or 2 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional organization made up in whole or in part of employees and which has as one of its purposes dealing with departments, agencies, commissions, independent agencies of the United States, or with businesses and industries engaged in or affecting interstate commerce, concerning the conditions and terms of employment of such employees.

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By Mr. FULBRIGHT (by request):

S. 2157. A bill to authorize the appropriation of $1,300,000 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 25th General Assembly of the United Nations. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize an appropriation of $1,300,000 for an ex gratia payment to New York City to assist in defraying the extraordinary expenses incurred by the city in regard to the 25th anniversary celebration of the United Nations.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State dated June 14, 1971, to the Vice President.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

### S. 2157

A bill to authorize the appropriation of $1,300,000 as an ex gratia payment to the City of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 25th General Assembly of the United Nations

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,300,000 for payment to the City of New York as an ex gratia payment to assist the City of New York to defray the extraordinary expenses which the City incurred in affording protection to visiting chiefs of state and heads of government during the 25th General Assembly of the United Nations.

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JUNE 14, 1971.

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith for the attention of the Congress proposed legislation to authorize the appropriation of $1,300,000 for an *ex gratia* payment to New York City to assist in defraying the extraordinary expenses incurred by the City in regard to the 25th Anniversary celebration of the United Nations.

The 25th Anniversary of the United Nations was celebrated during the autumn, 1970, session of the General Assembly in New York City. In addition to the national delegations normally attending General Assembly sessions, this anniversary celebration was attended by 24 Chiefs of State, 18 Heads of Government, and 44 "special envoys."

The presence in New York City of such a large number of foreign dignitaries required extensive security precautions. Through a special appropriation of $1,650,000 during the last session of the Congress, Federal security officers assisted in providing the necessary arrangements. Even so, an extraordinary burden fell upon the New York City police.

This Administration continues the longstanding policy that the costs of police protection for the United Nations and related missions should not be assumed by the Federal Government. However, it is only fair that the City receive some Federal contribution in recognition of the extra expenses of additional police protection occasioned by the great influx of foreign dignitaries during the 25th Anniversary of the United Nations. A supplemental estimate for the appropriation of $1,300,000 would be transmitted to the Congress if this measure is enacted into law.

A communication similar to this is being sent to the Speaker of the House.

The Department has been informed by the Office of Management and Budget that from the standpoint of the Administration's program there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely,

DAVID M. ABSHIRE,
*Assistant Secretary for Congressional Relations.*

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By Mr. BYRD of Virginia:

S. 2158. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness. Referred to the Committee on Interior and Insular Affairs.

### CREATION OF SHENANDOAH WILDERNESS IN VIRGINIA

Mr. BYRD of Virginia. Mr. President, I am today introducing legislation to authorize creation of the Shenandoah Wilderness in Virginia.

The Shenandoah Wilderness would consist of 73,280 acres located within Shenandoah National Park. Creation of this wilderness area has been recommended by the President.

This would be the first wilderness area in Virginia.

I like the concept of wilderness areas. I think it is important that as our population increases and more and more areas of the Nation are settled, we set aside some of our most beautiful countryside in the natural State.

I may be biased, but I know of no more

beautiful landscapes than those in Shenandoah National Park.

Under the staute authorizing the establishment of wilderness areas, a wilderness is defined as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

We need such areas. We must not permit the headlong expansion of population, settlement, and mechanization to destroy our natural heritage.

We must remember that we are, all of us, only visitors on this earth.

It is not ours to despoil.

In introducing this legislation, I want to take this opportunity to pay tribute to the efforts of the many groups who joined in sponsoring the idea of a Shenandoah Wilderness.

These groups are:

The Atlantic Chapter of the Sierra Club, the Potomac Appalachian Trail Club, the Wilderness Society, the Virginia Wildlife Federation, the Canoe Cruisers Association of Greater Washington, D.C., the National Capital Wilderness Study Committee, the Virginia Division of the Izaak Walton League of America, the Northern Virginia Conservation Council, and the Virginia Society of Ornithology.

In addition, the idea was approved in principle by the Potomac Area Council of American Youth Hostels, Inc., and the Virginia chapter of the Wildlife Society.

To the members of these groups, and to the many others who played a part in advancing the proposal for the Shenandoah Wilderness, Virginia and the Nation owe a debt of gratitude.

I am hopeful that action on the Shenandoah Wilderness will be taken by the Congress at an early date.

At this point I ask unanimous consent to have printed in the Record the text of the bill to create a national wilderness in Virginia.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2158

A bill to designate certain lands in the Shenandoah National Park, Virginia, as wilderness

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Shenandoah National Park, Virginia, which comprise about seventy-three thousand two hundred and eighty acres, and which are depicted on the map entitled "Wilderness Plan, Shenandoah National Park, Virginia," numbered NP–SHE/MP–8D and dated October 1970, are hereby designated as wilderness, and shall be known as the "Shenandoah Wilderness."

Sec. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a definition of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and definition shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such map and definition may be made.

Sec. 3. Wilderness areas designated by or pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

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By Mr. McINTYRE:

S.J. Res. 117. A joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." Referred to the Committee on the Judiciary.

### NATIONAL HUNTING AND FISHING DAY

Mr. McINTYRE. Mr. President, in this complex, crowded, too often tense and frustrated world, the need for recreation, for ways to "get away from it all" for awhile are necessary and accepted.

Americans get away from the asphalt jungles, away from the jangling of the telephone, away from the pressures of the daily struggle in rural areas and in cities by going to the countryside, "out with nature." Some play golf, some hike in the forests and parks, some bird watch, and increasing hundreds of thousands each year go hunting and fishing.

There are few recreations which provide a better chance to get exercise which we all need, to find solitude, to breathe some of the little remaining fresh air, and to forget daily cares, than hunting and fishing.

As one indication of the enormous appeal of the sport of hunting and fishing, reports indicate that in 1970 more than 15 million hunting licenses and 24 million fishing licenses were purchased, an increase of 350,000 hunting licenses and 100,000 fishing licenses over the previous year. In my State of New Hampshire alone, 103,000 hunting licenses and 147,000 fishing licenses were secured last year.

For the privilege of hunting and fishing the participants pay nearly $200 million each year for licenses, tags, permits, and stamps.

This income provides a rich source of funds for fish and wildlife conservation and management. Many of the activities being undertaken today to protect wildlife threatened with extinction and to reestablish breeds and strains who are losing their battle for survival has come from hunting and fishing license funds.

I have found that the true hunters and fishermen are among the leaders in trying to preserve our wildlife. Responsible hunters and fishermen are leaders in local and national efforts to rebuild the Everglades, to stop the wanton destruction of threatened breeds of wildlife, to make sure that the pollution of our waters do not wipe out our fishlife.

In addition, responsible hunters and fishermen are among the leaders of those who promote safety in hunting and fishing. Many of the hunting and fishing safety laws in this country have been developed, brought to the attention of the legislatures, and eventually passed into law at the behest of those who are our hunters and fishermen.

Mr. President, I think it is time to give some national recognition to the responsible hunters and fishermen of the country. I am proposing that we ask the President of the United States to set aside the fourth Saturday of each September to recognize this form of recreation and sport in our country.

At the same time we can use this day to assure that we rededicate our Nation to the adequate protection of the land and water wildlife of the Nation, and to promote again and redouble our efforts to see that hunting and fishing recreation is carried on at the highest level of safety for those who participate.

Mr. President, I introduce for appropriate reference this joint resolution.

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By Mr. ROTH (for himself, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Boggs, Mr. Brock, Mr. Buckley, Mr. Byrd of Virginia, Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Ervin, Mr. Fannin, and Mr. Mathias):

S.J. Res. 119. A joint resolution to establish the National Commission on Executive Secrecy. Referred to the Committee on the Judiciary.

### NATIONAL COMMISSION ON EXECUTIVE SECRECY

Mr. ROTH. Mr. President, I have been firmly convinced for some time that the right to know is a prerequisite to an effective democracy and a truly representative government. It was for this reason that I embarked upon an effort to expand and enforce that right while a Member of the other House. As Senators may know, my efforts then were to insure that the Congress and the public were fully informed as to the scope and number of Federal domestic assistance programs. Today, I am asking that we take a step toward establishing the right to know in another area of Federal Government: Executive secrecy.

All of us—the Members of Congress, the officials of the executive, the spokesmen of the public, and the representatives of the press—work within a system that was designed to function efficiently and effectively on the assumption that full knowledge would be available at all times to every person. This assumption is clearly illustrated in the works of Locke, Paine, Jefferson, Madison, and the other intellectual founders of the United States. When we in the Congress speak of testing ideas in the crucible of public debate, we assume that the information required to fire that "crucible" will be available to us.

The American people have a right to know, because they pay for a multibillion dollar budget as well as a dark and bloody war; we in the Congress have the right to know, because ours is the constitutional obligation to make laws and declare wars; and the members of the press have the right to know, because they serve as the watchdogs and gadflies of America. However, in the interest of national security, we have traditionally allowed certain exceptions to the general rule that the right to know extends throughout our society. The danger is that the exceptions now threaten to swallow the whole.

There is no question of the need to classify certain information and thereby remove it temporarily from the sphere of public knowledge; but classifications should be strictly limited to information essential to security. The difficulty is that, human nature being what it is, the classification system tends to become a guardian for personal rather than national security.

I believe that the present administration has been honest with the American public and the Congress. My belief was reaffirmed yesterday by the President's release of the controversial "Pentagon Papers" to the leadership of this Congress. Nevertheless, the dangers inherent in the present classification practices are too great for us to depend upon the good faith of any particular administration. It is a basic principle of our Nation that ours is a government of laws, not men, and of checks and balances, not simple faith. Therefore, I am proposing that the Congress create a temporary commission to study this area in detail. It would be called the Commission on Executive Secrecy.

I am proposing the creation of such a commission, because I also believe that the interests involved are too important for them to be jeopardized for the political advantage of any person or group of persons. Essentially, those who investigate this area must meticulously and carefully balance the interests involved: The right of the executive branch to protect the national security by cloaking some information with "Top Secret" stamp, and the right of the public, the press, and the Congress to know where, why, and how our national resources are used.

This issue has been lying dormant, but was forcefully brought to our attention by the New York Times' publication of the secret Pentagon Vietnam study. We would, however, err seriously by allowing the current differences of attitude concerning Vietnam to color the real issues here: How far does the right of the public and the press to know extend; who decides what information should be protected in the interest of national security, and on what basis; and, for that matter, what is "national security" and how far does it extend?

To me, the "Pentagon Papers" themselves raise some troublesome and deeply disturbing questions. How could such a massive study be conducted and distributed without the knowledge of either the Vice President or the Secretary of State? Why is such a massive study, once completed, distributed to private corporations, but not to the Congress?

This specific issue, and these specific questions may soon be settled, but the larger, more troublesome issues cannot be resolved until the Congress itself acts.

None of us can escape the fact that emotions are running high today in the United States, that there is division and discord throughout our society, because of our long and costly involvement in Indochina. At a time such as this, the temptation to parley an investigation of executive secrecy into political stardom is great indeed. Our obligation here in the Congress is to resist that temptation and insure that any investigation—and I must admit we should conduct one—is made by a group of impartial, fair, and knowledgeable men. They must, in short, be above suspicion.

I can name such men, and I am sure that my colleagues here could name an equal number of equally distinguished gentlemen. One name which to me stands out above all others as uniquely and specially qualified is that of former Senator John Williams, whom most of you here remember well. Senator Williams is as fiercely independent and free of partisan motives as he is acquainted with the national security interests involved. During much of his career here in the Senate, he served as a leading member of the Foreign Relations Committee where he acquired extensive knowledge of the breadth and depth of our Nation's security interests; and, despite attractive political considerations, he consistently demanded of himself and others scrupulous integrity.

I mention Senator Williams' name not necessarily as a candidate for a position on the commission I urge, but as an example of the type men who should be charged with conducting an investigation such as I propose.

I believe we all recognize that the problem confronting us extends beyond the bounds of one war; the problem concerns not merely Vietnam, but our entire security establishment; and not merely newspapers in a few American cities, but citizens throughout the United States. For that reason, I am proposing that the Commission on Executive Secrecy survey the entire area of laws, orders, acts, and practices concerning the classification of information. But since the present controversy is inextricably connected with American involvement in Indochina, I am proposing that the commission review all volumes of what have been called the "Pentagon Papers," as well as related documents. I would hope that all important papers involving Vietnam would be declassified as rapidly as possible so that they may be released to the public at large. Any decision to maintain or reinstate the classifications should be reviewed by an independent commission.

In my opinion, the present rules for the classification of information do not appear to be, in and of themselves, faulty; rather, it is their implementation which is unsound. I fear there will always be overclassification in Government as long as agencies remain responsible only to themselves, and their actions are not subject to review by an independent body. Therefore, I am proposing that the Commission on Executive Secrecy specifically consider the feasibility of establishing a permanent, independent agency responsible to the Congress and charged with insuring the maximum possible disclosure of information.

Because of the urgency involved, I am proposing that the Commission report its findings in all of these areas within 6 months or by February 1, 1972, whichever is later. Although I recognize this is a small amount of time for the size and scope of such a study, I am convinced that extreme speed is vitally necessary.

Typically and tragically, the lack of adequate information in a system like ours leads almost inevitably to mistakes; most of us recognize now that we have all made grave errors during the past decade, many of which have led to the current turmoil, bitterness, and distrust. I, for one, do not believe that we can afford to make any more mistakes. The suspicion and distrust of our citizens already runs deep. Any investigation, especially one concerned with Indochina, must be conducted by men without any possible motives, present and future, other than truth; and, without any possible interests, present or future, other than the Nation's.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD, and that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, the joint resolution will be received and referred to the Committee on the Judiciary as requested; and, without objection, the text of the joint resolution will be printed in the RECORD.

The text of the joint resolution is as follows:

S.J. RES. 119

Joint resolution to establish the National Commission on Executive Secrecy

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

ESTABLISHMENT

SECTION 1. There is hereby established the National Commission on Executive Secrecy (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of seven members appointed as follows:

(1) two appointed by the President of the Senate from Members of the Senate;

(2) two appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) three appointed by the President of the United States from private life, not less than one of whom shall be a representative of the press.

ADMINISTRATIVE

SEC. 3. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 4. (a) The Commission shall—

(1) conduct a study of all laws, and of all rules, regulations, orders, and procedures of the Executive branch relating to the classification and protection of information in the interest of the security of the United States;

(2) determine which such laws, rules, regulations, orders, and procedures are necessary, appropriate, and consistent with (A) the freedoms of speech, press, and assembly guaranteed by the First Amendment to the Constitution, (B) the provisions of section 552 of title 5, United States Code, relating to freedom of information, and (C) the proper performance of legislative duties by the Congress of the United States, with due regard to the protection of the security of the United States;

(3) make recommendations for legislation or other governmental action to preserve and protect the security of the United States in a manner consistent with the constitutional right of the people of the United States to

full disclosure of information relating to their Government;

(4) consider the feasibility of establishing an independent agency to insure the full disclosure of such information while protecting the security of the United States; and

(5) review the documents known as the "Pentagon" or "McNamara" papers and related papers to determine whether and to what extent the information contained therein has been or should be properly disclosed to the public, the press, and the Congress consistent with national security requirements, except that the effect which disclosure of that information may have on the reputation of any individual shall not be taken into consideration in the Commission's review.

(b) The Commission shall make such interim reports of its findings and recommendations as it deems advisable, and it shall make a final and complete report of its findings and recommendations to the Congress and the President not later than February 1, 1972. Sixty days after the submission of its final report, the Commission shall cease to exist.

SEC. 5. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of and General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) (3) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) In making appointments and procuring services under subsection (a), the Chairman shall include individuals who are competent lawyers, members of the press, and such other persons who may be qualified to assist the Commission in the performance of its duties.

### COMPENSATION

SEC. 6. (a) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission from private life shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

### ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 7. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this Joint Resolution.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums, not to exceed $150,000, as are necessary to carry out the provisions of this joint resolution.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I want to commend the distinguished Senator from Delaware (Mr. ROTH) for introducing this joint resolution and for his discussion of this timely and important subject.

I also commend him for his suggestion that if the resolution should be adopted and such a commission is established, his predecessor, the very distinguished former Senator from Delaware, Mr. John Williams, would be a very well qualified and most acceptable person to be considered for appointment to that commission.

I hope that the resolution just introduced will receive our early consideration. It is certainly an idea and a concept which deserves the attention of the Senate.

I thank the Senator from Delaware.

Mr. ROTH. I thank the Senator from Michigan very much for his kind comments.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I am pleased to join with the distinguished Senator from Delaware (Mr. ROTH), who has just introduced a Senate joint resolution to establish a National Commission on Executive Secrecy.

It seems to me that this proposal has a great deal to commend it. It is so very important, Mr. President, that something be worked out whereby we can protect the public's right to know and at the same time protect the security of our Nation.

The present system of classification, where the agencies of Government themselves do the classifying, is not satisfactory.

Their actions, I feel, should be subject to review by an independent body.

Mr. President, I personally feel that most of the documents in the Department of Defense are overclassified. Many of them are labeled secret and top secret which, in my judgment, do not deserve such a classification.

I want to say frankly to the Members of the Senate that I may not be as objective in this as some because all of my adult life has been spent in the newspaper business, mostly as an editor and publisher. The job of newspaper publishers is to present to the public as much information as possible.

So, I may not be completely objective in considering documents labeled secret and top secret and other classifications by the Penatgon.

I feel that a commission to study this matter would be highly desirable. I think it is very important that the American public be given by the Government all the facts that can be given to the public without jeopardizing national security.

The purpose of the Commission which the joint resolution submitted today by the Senator from Delaware (Mr. ROTH) would be to explore this problem and to present guidelines. It attempts to protect the national security requirements of our Nation, while at the same time making available to the people of our Nation as much information concerning their Government as is possible. It seeks to explore the maximum possible disclosure of information.

I am also in full accord with one of the assertions made in the excellent speech of the Senator from Delaware in which he mentioned that a commission of this type should include as its members individuals such as the beloved and able former senior Senator from Delaware, former Senator John Williams.

As the successor of the former senior Senator from Delaware, the present Senator from Delaware (Mr. ROTH) said on the floor of the Senate a while ago that one name stands out above all others as uniquely and specially qualified, and that is former Senator John Williams.

The Senator from Delaware said that John Williams is as fiercely independent and free of partisan motives as he is acquainted with the national interests involved.

Most certainly he is. Men like John Williams are badly needed in government.

The establishment of a commission as envisioned in the resolution submitted by the Senator from Delaware would be most helpful to the long-range future of our country. I support his endeavor in this regard.

I think what has happened in the last 10 days in regard to the top secret report on the beginnings of the Vietnam war dramatizes the need for Congress to come to grips with a very difficult problem.

The Senator from Delaware has presented a way that Congress can face this problem.

I frankly find it somewhat difficult to make a clear judgment in the controversy that exists between the New York Times and other newspapers on the one hand and the Department of Defense on the other hand.

I am convinced that most of these documents in that massive report should not to be labeled top secret. Most of it is in the nature of ancient history. But it has been labeled top secret. That brings to mind whether each individual editor can, on his own, determine what top secret material will not jeopardize the security of our Nation.

I think, also, that those who stole this document, and certainly the newspapers did not steal it, should be prosecuted to the fullest degree.

It is inconceivable to me, with such a limited number of documents published and such a massive document as it is, that the culprits could not be rather easily ascertained. I think that information should be ascertained, and should be made public.

Mr. President, I also wish to commend, as did the Senator from Delaware, the President of the United States for making that information available to Congress.

It is inconceivable to me that the Department of Defense would not have made this report available to the appropriate committees of Congress when it first came to the attention of the committees. But I understand that at least one committee, the Committee on Foreign Relations, some time ago was denied access.

I think the document should be made available, as the President did make it available yesterday to the Committee on Armed Services of the Senate and the Committee on Foreign Relations.

If too many of these documents have been stolen from the Department of Defense, then the two committees can work together with only one copy. But certainly the information, the full report, should be made available to the Senate as it was yesterday by the President.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. ROTH. Mr. President, I wish to thank the Senator from Virginia for his support on the joint resolution and for his fine words about its need.

I would like to say, also, that I can state from personal knowledge the high regard in which my predecessor held both the Senator from Virginia and his father. Many times he talked to me about this, and I know he will appreciate it.

Mr. BYRD of Virginia. Mr. President, I yield the floor.

A few years ago a friend suggested to me that I should ask the appropriate agency of Government for a copy of the report of the American Consulate in Kobe, Japan, which he assured me would manifest how the Japanese and others in the Far East were exceeding their self-established quotas.

I found that the State Department and the Commerce Department were the appropriate agencies from which I could get a copy of the report. When I did, the one from the State Department was marked highly confidential and was furnished to me with the understanding I would not make any public use whatever of its contents. I also received a copy from the Department of Commerce. It was not restricted in any manner. So it is a rather absurd thing to have a government imposing secrecy under conditions where its right hand does not know what its left hand is doing.

Mr. ERVIN subsequently said:

Mr. President, I would like to join the Senator from Virginia in the remarks he has made and to state that at his invitation I am cosponsoring the proposal of the distinguished Senator from Delaware to establish a commission to study all the implications of this question of governmental secrecy.

Frankly, from my experience in Washington, I think the Government runs the question of confidentiality and the withholding of information into the ground. The picture varies from department to department.

I am interested in textiles because 50 percent of all the people in my State who work in manufacturing industries are engaged in the production of textile products or clothing.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 78

At the request of Mr. NELSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 78, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

S. 571

At the request of Mr. PEARSON, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 571, an act to regulate the importation of meat and meat products.

S. 1026

At the request of Mr. MOSS, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1026, a bill to amend the Small Reclamation Projects Act of 1956, as amended.

S. 1167

At the request of Mr. MOSS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1167, a bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes.

S. 1245

At the request of Mr. MOSS, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1311

At the request of Mr. PEARSON, the Senator from Montana (Mr. MANSFIELD) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1311, the Newsmen's Privilege Act.

S. 1445

At the request of Mr. MOSS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1645

At the request of Mr. CHURCH, the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1645, a bill to increase benefits to the elderly under title II of the Social Security Act.

S. 1824

At the request of Mr. NELSON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1824, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices.

S. 1874

Mr. MAGNUSON. Mr. President, I ask unanimous consent that at the next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. BEALL), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors to S. 1874, to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

Mr. HOLLINGS. Mr. President, today I have had my name added as a cosponsor of S. 1874, the "Children's Dental Health Act of 1971." This bill addresses itself to the immediate dental needs of 1.5 million children from low-income families and to the predictable future national needs for expanded dental services. These needs would be met by the authorization of $338 million to be spent over a 5-year period.

First, the Secretary of Health, Education, and Welfare would be authorized to provide preventive, corrective and followup services for 1.5 million children from low-income families. Presently, 70 percent of these children have never been to a dentist. In addition to not receiving professional care, many of these families do not know how to practice good dental hygiene. As a result, their teeth deteriorate and require extensive treatment in later life, as is reflected by the $208 million spent by the Government in 1969 to provide dental care to welfare recipients. The pilot projects authorized by S. 1874 are a start toward treating these people early and toward educating them in how to take better care of themselves.

Next, the bill would authorize the Secretary to make grants to pay part of the cost of fluoridation to communities desiring such a system. This program in no way requires a community to fluoridate its water, but merely provides assistance to those who feel this is a desirable method of reducing tooth decay.

A very significant provision of this bill is the authorization of $97 million to pay the cost of training 27,000 dental auxiliaries. Because of the critical shortage of dentists, their productivity must be maximized. Expanded use by dentists of dental auxiliaries is a good way of expanding dental availability. The bill would also authorize the Secretary to pay the cost of programs to teach dentists and dental students how to work with auxiliaries to form efficient dental teams.

In South Carolina, there are an estimated 733 dentists, or, one dentist for every 3,625 people. The national average is one dentist for every 2,100 people, and even this ratio is not generally considered to be adequate. Further, in South Carolina, as in most other States, dentists are unevenly distributed geographically, with over 50 percent located in only four of the State's 46 counties. In six rural counties, the ratio of dentists to population is one dentist for 10,000 or more people. The pilot dental care projects authorized by this bill, combined with the expanded use of dental auxiliaries by dentists, should go far to correct the dental health problems that presently exist in South Carolina and throughout the country.

The national dimensions of the dental health problem are quite telling. I ask unanimous consent to insert at this point a fact sheet which sets forth some of these national statistics, and I urge favorable consideration of this legislation.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

### Dimensions of National Dental Health Problem

1. Dental disease is all but universal;

2. Fewer than half the people in this country have dental exams cr treatment in a given year; far fewer than that receive dental care on a regular basis;

3. Over 50 per cent of all Americans over age 65 have lost all of their natural teeth;

4. Of the total adult population of approximately 110 million, more than 20 million have lost *all* their natural teeth; of the 90 million with teeth 25 per cent have destructive periodontal disease and over 50 per cent have some stage of gingivitis;

5. By age two, approximately 50 per cent of America's children have experienced tooth decay. On entering school, the average child has three decayed teeth and by age 15, the average child has 11 teeth decayed, missing or filled;

6. Approximately 50 per cent of the children in America have gingivitis, which can lead to progressive periodontal disease, a major cause of tooth loss in adults;

7. Nearly 50 per cent of all children under age 15 have never been to a dentist. This percentage is substantially higher for children in rural areas;

8. Almost 70 per cent of the children in poor families have never been to a dentist;

9. Cleft palate, with or without cleft lip, occurs about once in every 700 births;

10. Oral cancer is discovered in 14,000 new patients each year and accounts for over 7,000 deaths yearly. Of those who have had treatment approximately 22 per cent are in need of maxillo facial prosthesis;

11. For every 100 Selective Service recruits, the Armed Forces needs to perform or supply 500 fillings, 80 extractions, 25 bridges and 20 dentures.

### S. 2023

At the request of Mr. Bayh, the Senator from Rhode Island (Mr. Pastore), the Senator from Utah (Mr. Moss), the Senator from New Jersey (Mr. Case), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Brooke), and the Senator from Maryland (Mr. Mathias) were added as cosponsors of S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

### S. 1081

At the request of Mr. Bayh, the Senator from Rhode Island (Mr. Pell), the Senator from Indiana (Mr. Hartke), and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

### S. 1893

At the request of Mr. Bible, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 1893, a bill to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

### S. 1896

At the request of Mr. Moss, the Senator from New Hampshire (Mr. Prouty) was added as a cosponsor of S. 1896, a bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads.

### S. 2111 THROUGH S. 2123

At the request of Mr. Javits, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 2111 through S. 2123, bills relating to the recycling of waste materials.

### S. 2127

At the request of Mr. Pearson, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 2127, a bill to authorize road improvements at Perry Reservoir, in Kansas.

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## SENATE RESOLUTION 143—SUBMISSION OF A RESOLUTION RELATING TO THE EMPLOYMENT OF PERSONS WITH SPANISH SURNAMES

(Referred to the Committee on Post Office and Civil Service.)

Mr. McGOVERN. Mr. President, when it comes to employing Mexican Americans, the Federal Government has a most unsatisfactory record. The Government is perfectly willing to impose employment goals and quotas on private industry, as in the Philadelphia plan. But when it comes to imposing goals and quotas on itself, that is another story.

The Federal Government is the Nation's largest employer. The latest available figures indicate that 2,601,639 persons are employed in civilian capacities by the Federal Government. Only 2.8 percent of those employees have Spanish surnames, and that includes Puerto Ricans.

That percentage can be put in perspective by the fact that between 5 and 7 percent of the Nation's population have Spanish surnames. Clearly, on a population basis, Mexican Americans are grossly underemployed by the Federal Government.

The President has the power today to issue an Executive order setting a specific goal for employment of Mexican Americans by the Federal Government. If that goal were set at 5 percent, that would mean 55,000 additional jobs for Mexican Americans.

But total number of jobs is not the only issue here. What level jobs is also an issue. Mexican Americans have historically been excluded from management and supervisory positions. At this moment, only 35 jobs, or one-third of 1 percent, of the Federal Government's top 9,286 jobs are held by persons with Spanish surnames. Only 133 of the top 24,300 jobs are held by persons with Spanish surnames.

In California, which has the largest Mexican population in the Nation, the Federal Government employs three times as many persons as the State. The Internal Revenue Service in the State employs 4,457 persons, only 108 of which, or 2.4 percent, have Spanish surnames. That is really taxation without representation. The Department of Health, Education, and Welfare employs 5,429 persons in the State; only 234, or 4.3 percent, have Spanish surnames. Further, 189 of the 234 are paid poverty level wages by the Government.

This failure of the Federal Government to provide equal employment opportunities to Mexican Americans transcends Republican or Democratic administrations. The low level of employment has held steady since the early 1960's.

And California itself is not doing much better than the Federal Government. Of the State's 117,431,000 jobs, only 4,289, or 3.64 percent are held by Mexican-Americans. And the average pay for Mexican-Americans is $1,176 lower than the average pay for whites—a gap that has widened by 26 percent since 1960.

This unfair treatment by both the Federal and State Government persists in the face of grievious unemployment among Mexican-Americans. Once again, unemployed Mexican-Americans, as such, are not specifically counted by the Government. But reliable estimates place average Mexican-American unemployment at 18 percent. In especially impacted areas like East Los Angeles the figure is probably over 20 percent. Can you imagine what 55,000 jobs would mean for these unemployed people and their families?

The time is long past to end the hypocrisy of equal employment opportunity practiced by the Federal Government since President Eisenhower issued the first equal opportunity Executive order in 1955. It is time for the Federal Government and the State of California to follow the principle of employment of Mexican-Americans, and other minorities, commensurate with their percentage of the total population.

Recently, at their annual stockholders meeting, the president of Pacific Telephone announced that his company, the largest private employer in California, would achieve that objective by 1975. If Pacific Telephone can do it, I do not see why the Federal Government and the State of California cannot.

All it would take is a stroke of the pen. The Civil Service Commission has recommended it. In July of last year, five major Mexican-American organizations asked for such an Executive order. Yet the President has yet to pick up his pen.

For that reason, I am today submitting a sense-of-the-Senate resolution urging and requesting the President to issue an Executive order establishing the policy that, within 5 years after the date of enactment, Federal employment of Mexican-Americans, Puerto Ricans and other Spanish surnamed persons shall be commensurate with their percentage of the total population of the United States at all levels of Government employment, including management and supervisory positions.

The resolution is as follows:

SENATE RESOLUTION 143

Whereas, the Government of the United States is the largest employer in the nation having over 2,600,000 employees; and

Whereas, there are between 7,000,000, and 10,000,000 Mexican-American persons in the United States, and at least 1,500,000 Puerto Rican persons in the United States, and at least 2,000,000 other Spanish surnamed persons in the United States, constituting 5 to 8 percent of the nation's population; and

Whereas, only 2.8 percent of those employed by the Federal Government are persons with Spanish surnames; and

Whereas, only 35 jobs or one-third of 1 percent of the Federal Government's 9,300 highest paying jobs are held by persons with Spanish surnames and only 133 of the 24,000 highest paying Federal jobs are held by persons with Spanish surnames; and

Whereas, reliable estimates place average Mexican-American unemployment at at least 18 percent: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the President of the United States is urged and requested to issue an Executive Order establishing the policy that within five years after the date of enactment of this resolution employment of Spanish surnamed persons shall be commensurate with their percentage of the total population of the United States, at all levels of government employment, including management and supervisory positions.

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS—AMENDMENT

### AMENDMENT NO. 233

(Ordered to be printed and to lie on the table.)

Mr. MONDALE. Mr. President, on behalf of Senator CASE, Senator JAVITS, Senator PROXMIRE, and myself, I am introducing an amendment to H.R. 7109, the NASA authorization bill.

This amendment would delete $137.6 million from this bill—$100 million for development of the space shuttle, $20 million for shuttle facilities, and $17.6 million for detailed studies and design of the space station.

This $137.6 million is only the tip of an iceberg. Authorizing these funds will further commit us to a manned space extravaganza which will cost between $20 and $25 billion.

If we proceed with this project, NASA's annual budget will be in the $7-billion range by the late 1970's. In contrast, we can have a truly useful and scientifically productive space program by relying on unmanned, instrumented flights. Such a program—according to Dr. James Van Allen and other eminent space scientists—would cost no more than $2 to $2½ billion per year, and it would not involve the enormous investment required for the shuttle and station.

In addition to wasting scarce resources, there are serious questions about the feasibility of this project. For example, the space station—which is intimately related to shuttle development, despite NASA assertions to the contrary—rests on the assumption that man can adapt to long duration space flight. But we will not know whether such manned flights are possible until the Skylab missions are completed in 1973. It, therefore, makes no sense to continue development of the shuttle and station until this data is available.

It is no wonder, then, that this program has aroused strong opposition in the scientific community. In a recent study on the future of the space program, the Space Science Board of the National Academy of Sciences concluded that—

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

There are also serious doubts about NASA's claim that the shuttle will eventually be economical. Centering on these economic arguments, a Rand Corp. study for the Air Force concluded that the development of the shuttle is "not easy to justify." And even a study paid for by NASA—which purports to justify the shuttle on economic grounds—leaves serious questions as to whether the shuttle is truly cost effective.

Given the huge sums of money at stake here, we believe that the question of proceeding with the shuttle and station is no less important than the debate over the SST.

Mr. President, I ask unanimous consent that the following items be inserted at this point in the RECORD:

A letter of May 31, 1971, from Dr. James Van Allen—discoverer of the Van Allen radiation belts in space; consultant to the Space Science Board of the National Academy of Sciences; consultant to the President's Science Advisory Committee; chairman of the department of physics and astronomy, University of Iowa.

A letter of June 5, 1971, from Dr. Thomas Gold—member of the President's Science Advisory Committee; consultant to NASA and member of NASA Lunar and Planetary Missions Board; director, Cornell University's center for radio-physics and space research.

A letter of June 29, 1970, from Dr. W. Ross Adey—principal investigator for NASA of the Biosatellite III Mission; professor of anatomy and physiology and director of the space biology laboratory, UCLA.

A letter of May 4, 1971, from Brian O'Leary—assistant professor of astronomy and space science and a former scientist-astronaut with NASA.

Mr. President, I also ask unanimous consent that the text of our amendment be printed at this point in the RECORD:

There being no objection, the letters and amendment were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF IOWA,
*Iowa City, Iowa, May 31, 1971.*

Hon. WALTER F. MONDALE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MONDALE: I am writing to again express my distress at the emphasis that the National Aeronautics and Space Administration is giving to the space shuttle/space transportation system as the dominant element of its future program. I do so, not as an outside, mindless critic of the national space program, but as one who has worked in space exploration as a professional since late 1945 and expect to continue to do so for many more years.

Advocacy for the space shuttle rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief and have myself been an adherent to it in various contexts. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

In the early stages of space exploration, human adventure and the recovery of national prestige following the Soviet success with Sputnik I were driving forces in our national effort. But at the present stage we should, in my judgment, shift our emphasis forthrightly and explicitly to two and only two objectives:

(a) Utilitarian uses of space technology, both civil and military, and

(b) Scientific exploration.

The first of these objectives should be dominant. A well designed program of space applications can be closely matched to human needs and desires and can be essentially self-justifying, i.e., it can "pay its own way". I am thinking here primarily of the areas of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine technical purposes, and of reconnaissance in its broadest sense. Both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 1,000 to 10,000 lb. class. Updating and replacement of elements of such world wide operational systems are envisioned as requiring no more than 10 launches per year.

Scientific exploration, the second objective, is of a different nature. It feeds man's deep-seated intellectual interest in the origin of the physical universe and in its detailed workings at the present time. This interest is increasingly widespread as the general educational level of our citizenry is raised. As a teacher and lecturer in the physics and astronomy of the solar system, I am ever more impressed by the broad popular interest in purely scientific matters. The close-in study of the huge outer planets by space techniques is a case in point. I believe that the support of science for its own sake is a proper function of the federal government, without apology or obfuscation. It is one of the fields of endeavor that enables man to have a higher purpose in life than bare survival as an animal.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the above objectives. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. I have studied these claims and conclude that they are based on:

(a) Gross over-estimation of the volume of space traffic (i.e., tons of payload into orbit per year) that can be reasonably anticipated;

(b) Substantial under-estimation of the developmental and operational costs of the shuttle program; and

(c) Apparent disregard for other techniques for the reduction of the costs of space exploration that are either available at present or can be reliably forecast (e.g., *long-lived* observatories, improved schemes, for data reduction and display, improved efficiency in the manufacture of conventional boosters and of guidance and control systems, adaptation and rework of surplus military boosters, etc.).

Even if their claims are valid, they visualize growth of the annual space budget of the National Aeronautics and Space Administration to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program can be met in a vigorous and effective way by unmanned techniques at the annual level of some $2 billion. In general support of this comparison, I call attention to the following facts:

(a) The President's budgetary request for NASA for the fiscal year 1972 totals $3.27 billion of new obligational authority.

(b) Of the total, about 50% is devoted to science and applications in all of their ramifications, a thoroughly vigorous program.

(c) The other 50% is devoted to manned flight. Yet during FY 1972, only two actual flight missions are contemplated—Apollos 15 and 16. Even these two flights depend primarily on existing facilities and previously paid-for flight hardware. The flights have little utilitarian significance and relatively restricted scientific objectives as viewed in the larger context of space science with all of its richness and diversity.

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient technical resources. My position is essentially that an effort of this magnitude is inappropriate to the national context of the 1970's. Moreover, I fully expect that concentration on such a development during this decade would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.

Sincerely yours,

J. A. Van Allen,
*Head of Department.*

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Cornell University, Center for
Radiophysics and Space Research,
*Ithaca, N.Y., June 5, 1971.*

Hon. Walter F. Mondale,
*U.S. Senate,*
*Old Senate Office Building,*
*Washington, D.C.*

Dear Senator Mondale: We all have to be very much concerned that the sharply limited funds that will be available to the space program in the next few years are allocated to the best advantage. In terms of valuable applications and rich scientific knowledge and understanding, there is very much to be gained. Our lead in both areas has important consequences economically, militarily and, not least, for the esteem accorded us by other nations.

The proposed space shuttle would have many of the advantages claimed for it, but nevertheless I consider it a most unwise step to take at the present time. It seems impossible to justify it economically, except if a great increase in the weight to be sent into orbit, and in the NASA budget, could be foreseen, and even then only after very many years of usage. The recent study by the Rand Corporation documents this clearly. We have no reason now to expect such a very large expansion. The technology of payloads is improving so that more and more can be achieved within a given weight limitation. One can foresee improvements in reliability that make the return capability less important. A large proportion of the traffic to earth orbit will be to high synchronous orbits where the advantages of the shuttle are less pronounced.

The shuttle will have to be used until 1990 or longer before there is any possibility of amortizing it. In deciding on such a very long range technological program, one is deciding to freeze technological evolution for many years. Major improvements in booster technology can be expected within the next 20 years, resulting from the continued military requirements for expendable boosters; yet none of these can contribute to the NASA or military peacetime space program without detracting still further from the utility of the shuttle.

A military program of many launches of expendable boosters will need to be carried out in any case to assure correct performance and reliability. If the shuttle were to take over all civilian and military space projects, then more military test shots without useful payloads will be required.

A definite decision in favor of the development of very large space stations in the late 70's and through the 80's would change all these arguments. A continuous requirement to supply and exchange personnel could readily consume a volume of traffic that would put the shuttle economically ahead of expendable boosters. Thus the development of the shuttle now should be regarded really as a decision in favor of a massive program of manned earth orbital flight exercises. Such a step, a major commitment for the future, should not be taken lightly. We should not allow ourselves to drift towards a policy which we would not now consciously be willing to embark upon.

At the present time there is no clear understanding of the utility of such space stations. Manned flight to Mars or other planets may be attempted one day, but probably only after much superior means of propulsion have been devised. A program for the shuttle now would hinder rather than help in that regard, since it will divert funds away from other areas of technological advance.

Remote control methods can be devised to accomplish in earth orbit all that men can do and at very much lower cost. The economic importance of the development of remote control machinery is likely to be very great for many applications other than those in space, such as mining, manufacturing, deep sea prospecting, drilling, etc. The space program can make a major contribution in the development of that technology if this, rather than manned flight, were to be the first priority.

It is clear that the decision in favor of the shuttle would commit us now, for very many more years than we can see ahead, to a line of activity of doubtful value. As a major and very visible expenditure, it would be most critically viewed by many people, and one must fear that a large and ill-justified item would become a focal point of opposition to space expenditures altogether, and that all of NASA, and even the most desirable space efforts would then suffer.

Our present policy in space should be to concentrate on applications and on genuine scientific discovery. In the applications field there are many great things to be done. Communication systems will completely change patterns of commerce and reduce the need for passenger transportation. The direct global distribution of very many channels of television to individual receivers on the ground would have a very great impact and economic importance. Many educational programs and programs of cultural value could then be made available on a worldwide basis. In the scientific area the understanding of the planets will give new insights into the structure and derivation of our own planet. This in turn will improve our capability of adjusting its resources to human needs.

Heavy, long-lived, long lead time institutional programs may be thought desirable within NASA to stabilize the organization, but they stand in the way of most of the worthwhile tasks that NASA could undertake at present. We must therefore find ways of giving NASA the continuity that this great organization clearly requires, without forcing upon them a pattern that is not in the best interests of science, space applications, or indeed any of the national needs.

Yours very sincerely,

T. Gold,
*Director.*

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University of California,
Los Angeles,
*Los Angeles, Calif., June 29, 1970.*

Senator Walter F. Mondale,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Mondale: With Senate action now pending on the Space Shuttle, I submit for your consideration the following viewpoints as important in the determination of priorities in the space program in the coming decade. I write as a concerned biomedical scientist who has participated in the space program for the past ten years, both as an investigator in manned and unmanned flights, and as a member of committees and review bodies with an advisory role to both government and NASA.

Priorities in the space program since its inception have placed major emphasis on manned programs, with particular emphasis on the engineering aspects of needed hardware for reliable mission accomplishment. Although there can be no quarrel with the development of spacecraft engineering with reliability assured for manned flight, the price paid has been very high, so high that it appears to have been markedly detrimental to a balance between manned and unmanned space developments. Moreover, emphasis within the manned program has been on man as a test pilot in evaluation of engineering goals, rather than as a biological system himself, requiring the same careful long-term and detailed evaluation if the goal of long-term space flight is to be accomplished.

Biomedical information currently available is not adequate in critically important areas for the design or construction of space stations or interplanetary spacecraft. Specifically, we do not know whether it will be necessary to provide artificial gravity by some form of rotation or part or all of the spacecraft. Biomedical evidence from the U.S. manned program, and particularly from the recent U.S. monkey biosatellite flight, and from the Soviet Soyuz–9 manned flight, all indicate that there are significant problems of cardiovascular instability, body weight loss, and associated disturbances in daily body rhythms and certain nervous functions.

Yet to build spacecraft with a full artificial gravity as on earth, provided by rotation, predicates systems of very large dimensions for acceptable human comfort. Moreover, levels of gravity much less than 1 G may be adequate to prevent medical deterioration, and it is possible that drug and hormone therapy, properly developed, may greatly assist on long missions.

No adequate biomedical basis for these engineering systems is now available, either in the NASA or in the biomedical community. Therefore, it is imperative that NASA collect comprehensive biomedical data as an engineering baseline for design of future spacecraft for prolonged human occupancy.

It is here that there are grounds for concern. NASA has a long history of making commitments to biomedical investigations, which have been repeatedly reduced or even shelved in favor of mission goals of a primarily engineering character. The proposed medical studies in the Skylab missions were initially designed to overcome many deficiencies in the current status of space medicine and physiology. Every effort should be made to safeguard the prime importance of the biomedical aspects of these missions.

In this context, development of a Space Shuttle should be reviewed in terms of its potential contribution to acquisition of needed biomedical information. Its use as an adjunct to physical and life science investigations should be evaluated against likely progress of biomedical research in the Skylab program in the absence of such a vehicle. Medical and psychological studies planned for Skylab will provide much needed information relevant to design of spacecraft for prolonged human occupancy. They are expected to settle many basic issues concerning needs for artificial gravity.

Therefore, it is submitted that the program for a Space Shuttle might well remain in the phase of fundamental research and feasibility studies, pending the outcome of medical investigations in the Skylab program. At the same time, avoiding commitment to heavy expenditure in this area would afford an excellent opportunity to redress the traditional imbalance between manned spaceflight programs and other more modest but highly important developments. These include fundamental space biology related to medical problems of man in space, and studies in the physical sciences in planetary programs, as well as in areas of the NASA Space Applications program.

Thank you for your consideration.

Sincerely,

W. Ross Adey, M.D.,
*Director, Space Biology Laboratory.*

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California Institute of Technology,
*Pasadena, Calif., May 4, 1971.*

Hon. Walter F. Mondale,
*U.S. Senate, Old Senate Office Building,*
*Washington, D.C.*

Dear Senator Mondale: I would like to again express my deep concern about NASA's plans to develop a space shuttle. When a new technological development costing tens of billions of dollars is first introduced to the American people, it is clear that questions must be raised about such a system's role in a wide range of competing national priorities before any commitments can be made. In this context you have been one of precious few individuals who has publicly questioned the wisdom of proceeding with a space shuttle at this time. After taking a careful look at NASA's proposal, I find myself in complete accord with your feelings. In particular, I cannot see the relevance of the space shuttle, and therefore of an expanded space program, to the pressing problems facing our nation this decade. These are my thoughts as an American citizen.

But as a space scientist, I am also concerned about the role of the space shuttle in terms of NASA's internal priorities. Although NASA claims the system to be inexpensive, the research and development of the shuttle are estimated to cost $11 to $12 billion. Such funds would not only dominate NASA's budget of the 1970's, but would also inflate it to a peak annual funding somewhere between $6 and $10 billion, a range greater than the amount NASA spent during the peak year of Apollo. I worry mostly because, once again, NASA seems to be preoccupied with the philosophy of developing a transportation system rather than the business of exploring space. From a scientific point of view, it is obviously more advantageous to have a mission tailored to your needs rather than to have your experiments coming as an afterthought to an operational program. The unmanned science and applications satellites and planetary probes are good examples of missions tailored to science. In Apollo, unfortunately, the tendency has run in the other direction, and I am afraid that the space shuttle portends the same. Perhaps most significantly from the taxpayers point of view, it is a plain fact that nearly all tasks in space sciences and applications can be done as effectively with existing unmanned spacecraft at one to ten percent the cost of existing manned spacecraft.

Why, then, does NASA claim that the space shuttle represents a "low cost space transportation system" and an "essential element in implementing a balanced space program"? Their argument rests on the premise that, because of its reusability, the recurring cost per pound of payload for the shuttle would be considerably less than for expendable boosters. This allows more payloads and bigger payloads, both manned and unmanned, to be hoisted into Earth orbit at a lower cost *rate* than with existing launch vehicles. Moreover, satellites can be more easily refurbished and perhaps even brought back to Earth for repair or for data return.

But let us look at the details. NASA plans to launch one shuttle per week, each one containing approximately 40,000 pounds of payload. To carry less payload on any mission would accordingly reduce the economy of the shuttle in any tradeoff analysis with existing systems. To have less shuttle launches would also reduce the shuttle economy. The shuttle would therefore place into Earth orbit more than two million pounds of payload per year, a rate which is five to ten times our present rate. The total tonnage of all payloads put into space to date by both the United States and the Soviet Union would be reached in about two or three years of shuttle operation. Is it desirable to put 20 tons of material per week into space? How much will the added payload cost? Note that we have the additional constraint of scheduling, that is, one needs to satisfy the rigid weight and volume requirements of the shuttle and to lump diverse payloads together into an orbit of given inclination. On the other hand, expendable boosters represent a broad spectrum of payload-launching capabilities which can be tailored to the needs of a given experiment. In the case of the shuttle an experiment would compete with several others aboard the spacecraft and therefore must be tailored to the needs of the aggregate and of the shuttle launch schedule.

Moreover the short seven-day orbital lifetime maximum of a shuttle, because it is manned, implies the existence of a permanent space station. How many billion dollars would such a station cost to develop? Will Saturn 5's be needed to launch the larger modules comprising the space station because of the limited payload volume of the shuttles? The interrelation between the space shuttle and station further constrains the economics of the shuttle and is absent in NASA's discussions this year, in contrast to discussions last year. Finally one wonders how the development of a lunar base could also fit in with the inflationary NASA budget attributable to research and development of the space shuttle and station.

In spite of these basic economic problems confronting the shuttle, let us assume that it is indeed worthwhile to launch more than two million pounds of payload into earth orbit each year and that a greatly expanded NASA budget during the 1970's is acceptable. Which system is more economical, the shuttle or the expendable booster? Stated somewhat differently, how many years will it take before the total cost of sending these payloads with existing boosters exceed that of sending them with space shuttles? Although various studies conflict there appears to be a general consensus that at least one decade of operation is required before the shuttle becomes less expensive even under the most optimistic assumptions about the shuttle's economy. The short-run higher cost of the shuttle is attributable to the $11 to $12 billion required for research and development during the peak funding years in the 1970's plus the interest on that money projected into the 1980's and 1990's.

The economy argument alone convinces me that proceeding with NASA's space shuttle, as presently configured, is nonsense, even if one wished to place two million pounds of payload into Earth orbit per year. It is not a low cost transportation system; it is a very expensive transportation system. I believe that these facts will become more and more apparent in further revelations, particularly when or if the funding is drastically stepped up, as it must for the shuttle to become a reality. Evidentally NASA has not carefully perceived the political and economic climate in which they are operating. Moreover, I believe they have not been honest in assessing their motivation for proposing the space shuttle. In my opinion, the primary reason is not economics; rather it is a commitment to a new technology which would serve as a "make work" project for NASA and its contractors in a crippled aerospace industry. It is not difficult to imagine, however, that once the shuttle becomes operational at the end of the decade and the funds have already peaked out, aerospace may once again search for a new space technology in order to maintain its accustomed pace. Ironically, such a move would probably supercede and invalidate the economy of a steady multi-decade shuttle plan.

Would this not be a good time to make work for the aerospace industry in solving domestic problems through engineering? For the tens of billions of dollars needed to shuttle a privileged few into space, one could shuttle millions of people around our cities. Both shuttle systems cost the same, both shuttle systems would require the valuable skills of the engineer, but only one shuttle system would seem to appreciably raise the value of human life.

I do not feel NASA should fold or dissolve. I believe it can continue its valuable work in space science and applications in a predominantly unmanned mode.

I do think there is a desperate need for establishing centers for assessment of new technologies, like the space shuttle, free from the controls and vested interests of the Government agencies involved. It is currently impossible to debate the technical details of new programs like the space shuttle from an adversary point of view. Nevertheless, I believe you have done an excellent job of raising significant issues about the shuttle and commend you for your work.

Sincerely,

Brian O'Leary.

### Amendment No. 233

On page 11, line 2, insert the following: 1. Strike "$672,775,000" and insert in lieu thereof "$555,175,000".

On page 11, beginning with line 24, strike out through page 12, line 10.

At the end of the bill, add the following new section:

Sec. 9. None of the funds authorized to be appropriated under this Act shall be available for design and development of the space shuttle, for space shuttle facilities, and for studies and design of the space station.

## ADDITIONAL COSPONSOR OF AMENDMENTS

### AMENDMENTS 218 THROUGH 223

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendments 218 through 223 dealing with the recycling of waste materials.

## ADDITIONAL STATEMENTS

## U.S. MILITARY GOODS SENT TO PAKISTAN DESPITE BAN

Mr. SYMINGTON. Mr. President, the article entitled, "U.S. Military Goods Sent to Pakistan Despite Ban," written by Tad Szulc, and published in the New York Times of June 22, presents at the least an incomprehensible picture of insensitivity and bureaucratic inefficiency.

It is also once again a story of the executive branch telling the Congress and the people that it is doing one thing, then we find that something quite different occurred.

Mr. Szulc reports in the New York Times that State Department officials confirm that at least one ship is on its way to Pakistan carrying military equipment while another is preparing to sail with a cargo of aircraft, parachutes, and spare parts for planes and military vehicles.

These shipments are being made despite the State Department statement, reproduced in the committee report on Senate Resolution 21, that no U.S. arms—

> Have been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan, March 25–26, and that nothing is now scheduled for such delivery.

In addition, the fact that these shipments have gone forward indicates that the State Department either did not know what was going on, or else misled Congress when Assistant Secretary Abshire, writing to the chairman of the Foreign Relations Committee on April 23, said with regard to military shipments to Pakistan that—

> . . . Nothing is in the pipeline. . . .

According to Mr. Szulc, even State Department officials now acknowledge that these shipments constitute a violation of the proclaimed policy, but they offer no explanation for the contradiction between the policy and the facts.

As chairman of the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations, I requested yesterday by telephone a full explanation from the Secretaries of State and Defense; and will report to the Senate when these explanations are received. Pending their receipts, let us reserve final judgment; but it would appear that we should begin to give thought to steps which might be taken by Congress by means of law, rather than by the passage of resolutions, so as to insure that the executive branch's stated policy is carried out.

I ask unanimous consent that Mr. Szulc's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.S. Military Goods Sent to Pakistan Despite Ban

(By Tad Szulc)

WASHINGTON.—A freighter flying the flag of Pakistan was preparing today to sail from New York for Karachi with a cargo of United States military equipment for Pakistan, apparently in violation of the Administration's officially proclaimed ban on such shipments.

Senior State Department officials, in response to inquiries, acknowledged that at least one other ship was now on the way from the United States to Pakistan carrying what they described as "foreign military sales" items.

These items, they indicated, came from Defense Department excess stocks and apparently were shipped as a result of confusion within the Administration as to how the three-month-old ban on shipments of military equipment to Pakistan should be applied.

"There has evidently been some kind of slippage here," an official said.

#### TO KARACHI IN AUGUST

The Padma, the ship that was preparing to sail from New York, is scheduled to arrive in Karachi in mid-August with eight aircraft, parachutes and a cargo that is said to include hundreds of thousands of pounds of spare parts and accessories for planes and military vehicles.

The Sunderbans, another ship of Pakistani registry, sailed from New York on May 8 with other items of military equipment for Pakistan, including parts for armed personnel carriers, according to the ship's manifesto and the accompanying State Department export license. She is due in Karachi Wednesday.

All this equipment has been sold to Pakistan by the United States Air Force under provisions of the Foreign Military Sales Act.

After troops of the Pakistani Army, mainly West Pakistanis, were ordered to crush the self-rule movement in East Pakistan last March 25, the State Department announced that all sales of military equipment to Pakistan had been suspended and that the program, initiated in 1967, had been placed "under review."

Today, State Department officials, responding to queries about the sailings of the Padma and the Sunderbans, said that it remained the official policy of the Administration that sales of all types of military equipment to Pakistan were banned.

These officials explained that the ban was imposed shortly after the severe repression of the East Pakistani independence movement began in March. The State Department estimates that at least 200,000 East Pakistanis have died in the subsequent fighting and that about six million refugees have fled to India.

Senior State Department officials said in interviews today that they were not aware of shipments of military equipment to Pakistan after March 25.

They acknowledged that such shipments would constitute a violation of the proclaimed policy.

The State Department officials said they had been informed by the Defense Department that no military equipment under the foreign sales program had been delivered "to the Government of Pakistan or agents of the Government of Pakistan" since March 25.

#### NO EXPLANATION OFFERED

They said the Defense Department "reaffirmed" this policy today in discussions with the State Department. They could not explain how this Pentagon statement could be reconciled with the fact that, according to the bills of lading submitted to the Pakistani Embassy here, the equipment to be loaded on the Sunderbans was received at the dock in New York on April 23 and the equipment for the Padma on May 21.

A communication from the shippers to Lieut. Col. M. Amram Raja at the defense procurement division of the Pakistani Embassy covering the dock receipts for the two ships was sent on May 21.

The Defense Department asked about the shipments last Saturday and again today, referred all inquiries to the State Department. Officials appeared to be at a loss to explain the shipments in the light of the official ban.

State Department sources quoted the Defense Department as saying that no sales or deliveries to Pakistan had been authorized since March 25 and that the equipment aboard the two freighters had been purchased prior to the official prohibition.

But they offered no comment as to why the dockside deliveries and actual shipments had been made after March 25.

The State Department has not yet replied to a letter sent on June 17 by Senator Frank Church, Democrat of Idaho, to Secretary of State William P. Rogers requesting information about "certain items of military equipment" being shipped to Pakistan under State Department licenses.

Senator Church, who is a member of the Senate Foreign Relations Committee, advised Mr. Rogers that he understood that the State Department had issued License No. 19242 for some of this equipment.

A check of the bills of lading of the cargo aboard the Sunderbans showed that this license covered an item described as "28 skids, parts," weighing 11,895 pounds. No further description of these items was available.

But another license issued by the State Department for the Sunderbans' cargo specified "parts and accessories for military vehicles." The Sunderbans carries a total of 21 items, according to the dockside delivery listings, identified on these documents only as cases and cartons of "auto parts and accessories," "skids and parts," "boxes" and "parts."

#### PLANES AND PARACHUTES LISTED

The dockside delivery listings for the Padma include two entries of "four aircraft" each, 113 parachutes and parts, and auto parts, accessories, skids and "wooden boxes."

An item described as "crates, bundles and parts" is listed as weighing 14,133 pounds.

The program of military sales to Pakistan, begun in 1967, had been running at nearly $10-million a year, according to Robert J. McCloskey, the State Department spokesman. The United States agreed in that year to sell "nonlethal" equipment to both Pakistan and India, lifting in part the embargo placed on military deliveries after the 1965 Indian-Pakistani war.

In October, 1970, the Administration agreed, as an "exception," to sell Pakistan an undisclosed number of F–104 fighter planes, B–57 bombers, and armored personnel carriers. However, the State Department said today that none of this "exception" equipment had been delivered.

But authoritative sources here, who cannot be identified, said that the flow of military equipment to Pakistan from Air Force sales alone had reached $47,944,781 between 1967 and April 30, 1970.

A communication sent on May 28 to the defense procurement division of the Pakistani Embassy in Washington by the headquarters of the Air Force accounting and finance center in Denver enclosed a "status report . . . listing all your open foreign military sales cases, showing case value, amounts collected, delivered and undelivered."

The letter—signed by Elaine B. Loventhal, chief foreign military sales branch comptroller at the Denver headquarters—was headed: "USAF statement of military sales transactions and detail delivery listings."

The "status report" noted that previous charges on Pakistani military purchases were $25,679,654.10, that undelivered items totaled $21,730,740.07 and that "cash received to date" was $24,342,782.37.

State Department officials were unable to say precisely what period this report covered.

The Air Force report said, however, that the Pakistani Government had to remit "on or before 31 May, 1971" the sum of $3,376,253.51 for further "total cash requirements."

A notation on the report showed that a check from Pakistan for $404,116.49 had been received "in May, 1971."

Authoritative sources here said that 'in all likelihood" additional sales to Pakistan might have been made by the Army and the Navy.

Spokesmen for the East West Shipping Agency, the New York agents for the Padma and the Sunderbans, indicated that the Padma had carried military equipment to Pakistan on a number of recent voyages, most recently delivering it in Karachi on March 22, three days before the troop action in East Pakistan.

The voyage for which the Padma is now preparing is her first to Karachi carrying military equipment since the ban was imposed after March 25. The current trip by the Sunderbans is also her first since the ban. But authoritative sources said that other ships with military equipment for Pakistan might have sailed since March 25 from East and West Coast ports.

## ANTI-AMERICANISM

Mr. ALLEN. Mr. President, it is always a privilege for me to present in the Senate various viewpoints and opinions from Alabama. In fact, when I ran for office I promised to do just that. In the process of carrying out that promise, my conviction has been confirmed that most Alabamians hold much the same views on most national issues as other sound, responsible, conservative citizens throughout the Nation. For example, I recently received a letter from Mr. V. N. Randolph of Birmingham, Ala., which I believe expresses the sentiments of a vast majority of Alabamians. Mr. Randolph enclosed a copy of an editorial originally printed in the Indianapolis Star, which had subsequently been reprinted in the Birmingham News of June 13, 1971.

Mr. President, I believe that both the letter and the editorial accurately reflect the sincere convictions of the vast majority of readers of the Indianapolis Star and the Birmingham News. I believe that both the letter and the editorial are deserving of the thoughtful consideration of Senators and the public in general. For this reason I ask unanimous consent that the letter and the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

June 21, 1971.

Hon. James B. Allen,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator: On Sunday, June 13, the Birmingham News reprinted an editorial originally published in the Indianapolis Star on May 23, 1971. The sentiments expressed in the editorial are so similar to those felt by the writer (and I am sure a lot of other people too) that I am taking the liberty of imposing on your already busy schedule to send you a copy of the editorial along with this letter. Possibly this has already been' brought to your attention, but if not, I sincerely hope that you will take the time to read it. Also, if it has not already taken place, I hope that some member of Congress will take time to have it inserted in the Congressional Record.

Another exposure, which I think this editorial reserves, would be for some of the network T.V. and radio newscasters to read these words to the listening public some evening instead of perhaps ruining our dinner by showing pictures of rioters and protesters breaking numbers of laws with apparent impunity. I hope they will find time to do this since they so often seem to find plenty of time for negative comments concerning our country. Honestly, I cannot remember a national network T.V. news program on which there was any appreciable time devoted to boasting about our great country and what it has done, not only for its own people but for a lot of the rest of the world, especially since the Marshall Plan was instituted. How many of these countries and people have shown due appreciation? Also, I believe that there have been too few such complimentary statements emanating from our Congress. I realize it is often much easier to criticize and be "anti" than it is to boast of our blessings and achievements. We should hear more such positive statements from Congress, as history will show that never since time began has a country taken better care of its ruling body than this country. It seems to me the members of Congress should be more grateful and willing to be sure that the world knows of their appreciation.

If you have stayed with me thus far, you no doubt believe these words have originated with a "Law and Order" Southerner. You are absolutely correct, and I am proud to earn such a description.

If your busy schedule permits time for a reply, your comments will be most appreciated.

Sincerely,

V. M. Randolph.

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### Stop It, Anti-Americans!

(An editorial reprinted from the Indianapolis Star, May 23, 1971)

Stop it, you anti-Americans! Stop criticizing everything and everybody and every motive and every action except your own. Stop constantly sniping at your government. What in the world is the matter with you? You have the most wonderful nation on earth, a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. Yet here you are, applauding the very people who degrade and mock America, who tell you how selfish and corrupt Americans are.

Your own eyes and your own common sense should tell you that in no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

For the past couple of years you have allowed a small handful of hypocritical critics to flagellate us and our government.

Be realistic, America. Where is your sense of proportion? We aren't a debased or rotten nation. We have our share of criminal misfits, but most of us are pretty decent people—hard-working, law-abiding, God-fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors too.

But this anti-Americanism is corrupting our national soul. It's having a harmful effect on your children, who are beginning to believe it. This false picture is making it easier for the haters, the doomsayers and the malcontents, those with the biggest mouths and the smallest consciences, to mislead and confuse us. It is twisting our values, making it difficult for our children to know right from wrong.

Thousands of American boys have been killed in Vietnam by being trapped in Viet Cong villages where men, women and children were paraded as villagers, when actually they were armed with Viet Cong cocktails, bombs and what have you. Our boys were trying to be decent to the villagers and suddenly they found themselves completely surrounded by the whole village, armed to the teeth. But the poor bleeding hearts in America, these anti-American · so-called patriots, instead of having any sympathy for our boys, who of course had to fight back, felt sorry for the old men and children who got hurt in the mix-up. Of course they would get hurt in that kind of a mess. We had a lot of boys killed in that action. The anti-Americans had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, by the Viet Cong. This is war, make no mistake about it, but these anti-American loudmouths seem to believe we have no right to wage it in our own defense.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn't have been prisoners of war if they had had enough sense not to enlist for a useless, and barbaric war. Well, the facts are they didn't enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about face and blamed the whole thing on President Johnson. And now they are blaming the war on President Nixon, who didn't have a single thing to do with starting this war. But the very men who are loudest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved are the very ones who really helped start the whole mess. This is the worst display of national hypocrisy we have ever witnessed in this country.

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere in this country. If it were not for the loudmouths the world would not know anything about what is going on here, because it is so much more peaceful here, and safer, than anyplace else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.

Stop this anti-American rot. Because if you don't, America's youth will be consumed by the stench of this hypocritical rhetoric.

Stop it, America, before it is too late!

## GOVERNMENT GUARANTEED BANK LOANS TO LOCKHEED AIRCRAFT CORP.

Mr. YOUNG. Mr. President, I wish to make a statement regarding S. 1891. This is the bill that would authorize the Secretary of the Treasury to guarantee bank loans to Lockheed Aircraft Corp.

The Committee on Banking, Housing, and Urban Affairs has been holding hearings with respect to the bill for the past 2 weeks, and these hearings are now essentially completed.

First, I would like to congratulate the chairman of the committee, the senior Senator from Alabama (Mr. **Sparkman**), for the outstanding manner in which he has conducted these hearings. He has made certain that every issue involved in the bill has received the most thorough study and evaluation.

He has also arranged expert testimony for this committee, calling upon those Government and business leaders who are the most qualified to inform the Senate about the complex circumstances that surround this legislation. The hearings have been both comprehensive and fair.

I shall comment on only two aspects of the hearings. One could be described as an unfortunate omission; the other could be described as an inescapable conclusion.

The unfortunate omission, in my opinion, is the lack of testimony with respect to Lockheed's many achievements over the years. Of course, it is the corporation's current problems that caused S. 1891 to be introduced. So, naturally, the hearings dealt almost entirely with these problems.

But the charges of mismanagement that one reads about in the proceedings—charges that also received generous publicity in the news media—do not present a true picture of Lockheed's management. Chairman Daniel J. Haughton and president A. Carl Kotchian and their team of managers, scientists, engineers, and administrators have proved themselves time and time again on some of the most challenging defense programs ever attempted by this or any other nation in the world.

Mr. President, I shall not take the time to review these many remarkable accomplishments here today. But I do want to go on record as declaring my firm belief and confidence in the management of this corporation. We know that this team is not perfect—Mr. Haughton admitted as much in this testimony—but if we compare Lockheed's past successes with its present problems, the score is overwhelmingly in favor of its management.

Now, the inescapable conclusion that emerges from these hearings is the need for the Senate to act quickly and affirmatively regarding S. 1891. The testimony reveals that this legislation is clearly in the national interest. Our failure to pass this bill—and pass it without unnecessary delay could create serious harm to our national economy and to our acquisition of future defense systems.

The economic stakes alone provide sufficient reason for our affirmative action. Over 60,000 jobs are now hanging in the balance, directly or indirectly, and Congress will either save these jobs or eliminate them. I cannot vote for a layoff of 60,000 American workers.

Also at stake—and the hearings made this perfectly clear—is the huge investment made by the participants of the L–1011 program. Here we have $1.4 billion—put up by subcontractors, airlines, and banks, as well as by Lockheed—with only a fraction that could be salvaged if this program has to be abandoned.

Added to this, of course, would be the loss to the Government resulting from reduced income taxes and increased costs of welfare and unemployment compensation. The price the Nation would pay if we fail to pass S. 1891 is more than our economy can afford. To punish Lockheed for its current problems—some of which were patently beyond its own control—would be an extravagant example of mismanagement of our national affairs.

It would also inflict great harm on our national defense. This corporation, that now teeters on the brink of bankruptcy, is not an ordinary business enterprise. Lockheed is a national resource. Its service to the Nation has been second to none, and its successful management of vital defense programs has made it the leading defense contractor in the country.

Without a Government guarantee, Lockheed will not be able to meet its existing obligations on the L–1011. This commercial program will have to be abandoned, and the corporation will then be forced into bankruptcy. The effects on Lockheed's defense programs can only be bad. Bankruptcy would certainly create delays and confusion on Lockheed's present military work. It would probably lead to increased costs to the Government and major dislocations throughout the defense industry.

It could also block Lockheed's talented people and modern facilities from participating in future programs for the Department of Defense. Remember, these are the same people and facilities that turned out the U–2 reconnaissance plane, the Polaris missile, the Agena spacecraft—plus many other aircraft and weapon systems that have figured so prominently in our national security.

To say that free enterprise includes the freedom to fail is good theory in an economics textbook, but it is shortsighted and even reckless in this particular case. Rather than allow its present circumstances to destroy our leading defense contractor, we should make it possible—at little risk to the taxpayer—for this corporation to succeed in its courageous effort to balance its defense work with a commercial program of great potential value to our economy.

The most compelling argument against S. 1891 has been the well-founded concern many have expressed over setting a precedent for future guarantees of this type. This issue came immediately to my mind when the subject of a possible loan guarantee for Lockheed first appeared.

During the hearings this matter was thoroughly examined. We have been reminded of the many past and present examples of Federal guarantees and insured loans. What these guaranteed and insured loans all had in common was the conviction of the Congress that they served the public interest. I am completely satisfied in my own mind that S. 1891 meets or surpasses any criteria that have been used in the past to determine what is in the best interest of the public.

Mr. President, passing this bill will not set a precedent. The precedent, in many forms, already exists. For this reason, and those I mentioned earlier, I have reached the inescapable conclusion that prompt and affirmative action is the only course the Senate can take with respect to this bill.

I urge Senators to give S. 1891 the serious and expeditious attention it deserves, on its merits, and express the hope that they too will support this measure.

## ARMS SHIPMENTS TO PAKISTAN

Mr. BAYH. Mr. President, according to newspaper accounts the shipment of military supplies to the Government of Pakistan has continued, in seeming violation of our Government's expressed policies. Two days ago, the Department of State reiterated that it remains the policy of the administration to suspend the sale of all types of military equipment to Pakistan. Yesterday, State Department officials contended that they were aware of the shipments being made from the port of New York, but that the suspension did not apply to those items since they were purchased before the suspension was announced.

Perhaps this is another instance of the right hand not knowing what the left hand is doing. The State Department in a letter dated April 23, 1971, to the Foreign Relations Committee stated that—

> No military items have been provided to the government of Pakistan or its agents since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for such delivery.

Secretary of Defense Laird was quoted yesterday as saying that "much of the information" in the New York Times was "false." Yet the bill of lading is available for all to see. Still, Mr. Laird has not told us what is really happening; the State Department has not told us what is really happening; and the Air Force, reportedly responsible for much of the sales under the Foreign Military Sales Act, has not told us what is really happening.

What distresses me deeply, Mr. President, is the ambiguity of our present policies in allowing such shipments, whether through design or incompetence, when State Department officials admit that we have no control over the movement of that material once it reaches Pakistan, and when our Government's announced policy is to ship no arms and to counsel "restraint" on both sides. These shipments do raise a serious question: Does the administration really have any concerted policy regarding Pakistan?

It seems obvious that we must assume that all military aid, lethal and nonlethal, received by either side will be used in the fighting. Furthermore, it is naive to assume that mere counsels of restraint will have much affect on the actions of either side.

Consequently, we must have an absolute and effective suspension of all shipments of military supplies to Pakistan. We must intensify our relief efforts and insure that relief supplies reach the victims for whom they are intended. Furthermore, the influence of our economic assistance should be applied to encourage genuine reconciliation. U.S. interests could be affected if the explosive refugee situation were allowed to ignite and threaten the stability of the whole Indian subcontinent.

But beyond consideration of foreign policy, this episode raises again the question of the credibility of our Government's word. Coming as it does in the midst of the "Pentagon Papers" controversy, it reinforces the concern which many of us have about our leaders—Republicans or Democrats—being candid with the American people. Each time an administration appears to mislead or deceive the public, it erodes the trust and confidence on which our system of representative government depends.

## MINE SAFETY

Mr. DOMINICK. Mr. President, two recent articles in the Washington Star addressed the matter of mine safety laws from diverse points of view, but both illustrate the problems associated with attempts to legislate safety and the unfortunate effects this procedure can have. A column by Richard Wilson discusses the unworkable legislation now on the books and its staggering cost to the consumer and the producers. Mr. Wilson's conclusion is that only effective and dedicated cooperation between the operators and the Government will bring progress in establishing safer mines.

The second article, an Associated Press story, is a human interest account of Mr. and Mrs. Irvin Smith, of Hesperus, Colo., and the years they spent making their living from their own small mining operations. This story points up the personal hardship which present legislation has brought to the Smiths and it illustrates the deleterious effects caused by applying the same standards to both large mines and the small operations such as the one owned by the Smiths. It shows the need for a balance between strict safety standards and the individual considerations present in small mining operations. I have stated on numerous occasions that we cannot simply pass legislation to guarantee mine safety, and I have addressed the matter of the economic effects of such unworkable legislation on the people who make their living operating the mines. These articles reinforce those views and are worthy of the attention of Senators. Mr. President, I ask unanimous consent that the articles entitled "Legislating Job Safety Just Doesn't Work" and "Mine and Minds of Their Own" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### MINE AND MINDS OF THEIR OWN

(By Ken Hoskins)

HESPERUS, COLO.—Irvin and Violet Smith courted in a mine. They reared five children in a mine.

Nearly 50 years later, the spry pick-and-shovel team still is taking tons of coal from a 1,000-foot shaft here in Hay Gulch. But federal mine regulations soon may end their lifelong love affair with the dark world underground.

"Six days is all I ever knew him and we got married," said Mrs. Smith, whose dark brown hair and firm grip hide her 65 years. "But before we were married, I went with him 3,300 feet underground in an Arizona mine.

"I liked it," she said. "It just fascinated me."

Over the next few years the Smiths moved from Arizona to Colorado to New Mexico and back to Colorado, traveling from mine to mine.

"One thing we never did," she said, "was leave our children." So, when the babies began arriving, they too went into the mines.

"We'd take the children and go into the mine at night and work until we were played out," she said. "We had our kids bedded down in a coal car."

When the Smiths came here to Hay Gulch 36 years ago, coal mining for them still was just a husband-wife venture. But now, most of the mining is mechanized and four hired men work the face of the mine.

Time also has brought tighter federal control of the industry, including new regulations under the Coal Mine Health and Safety Act of 1969. They include requirements for gas and dust monitoring equipment and new facilities, such as a toilet down in the mine.

The Smiths view the changes as a government attempt to drive out the little man and they've reacted strongly.

"I run me an inspector off this morning," she said. "I said, 'Get your goddamned self out of here.' "

The inspector, from the federal Bureau of Mines, wasn't the first to be dispatched by the 6-foot, 180-pound female miner. In November, when one ordered the mine shut down, Mrs. Smith hauled him from his car and, as she put it, "give him a few."

The Smiths' major complaint has been that fines have been levied for failure to install equipment which they say they can't purchase.

"I've had my order in at two places for the methane gas monitor and I still can't get it," she said. "I have been in compliance with everything up to the point where you couldn't buy it. If you can't buy it, you still get fined."

Anthony Moschetti, district manager for the Bureau of Mines in Denver, confirmed that an inspector had been roughed up by Mrs. Smith and that the Smiths had been cited for not having various equipment.

"I would say now they're still not in conformity, but are cooperating," Moschetti said. "That's a hell of a lot better anyway."

Irvin Smith, 70 and a good 5 inches shorter than Mrs. Smith, makes it clear he has no intention of letting federal regulations and inspectors tie up his operation on his way of life. He noted that the four men who work the mine face would have to go on welfare if the mine closed.

"I could sit down on my duff and draw an old-age pension," he said, "but I ain't gonna do it. I'm goin' to stay right here and dig coal."

"I'd rather be down here than out there," said his wife, stooped over, looking up the shaft to a ray of sunlight at the entrance. "We do our work of our own good free will. It's good to work like this, you know."

### LEGISLATING JOB SAFETY JUST DOESN'T WORK

(By Richard Wilson)

One of these days there will be another shocking coal mine disaster and then it will be realized that the Coal Mine Health and Safety Act of 1969 is not working.

This sad prospect is dealt with here somewhat out of the usual context of these columns because it is illustrative of so many other failures to correct evils by legislation. Another failure no doubt soon will be realized when new laws are passed and new agencies are created for curbing narcotics. In this case laws already are adequate. The U.S. would do better by resorting to the sternest kind of action forcing the French, Turkish and Asian governments to dry up the sources of illegal narcotics.

As for safety in the coal mines, fatalities in 1970 exceeded those in 1969 and deaths reported in the first two months of 1971 are higher than the corresponding months of 1969—before the passage of the safety act.

The operators fully realize that they are up against it on mine safety. The public and Congress won't stand many more disasters. The next step will be even stricter laws. After that, unless mining conditions improve, the perennial fear of nationalization of the coal mining industry might move a step nearer reality.

Who is responsible for the failure depends on who is talking. The Bureau of Mines of the Department of Interior has issued some 40,000 complaints of alleged violations of safety standards.

Bureaucratic skirts are thus likely to be kept clean in case of another disaster such as the tragedy at Farmington, W. Va., which took 78 lives, and led to the passage of the Coal Health and Safety Act.

Joseph E. Moody, president of the Bituminous Coal Mine Operators Association, blames the Bureau of Mines. The operators, he says, have been made the enemy and subjected to regulations that are unrealistic, impractical and self-defeating. The huge pileup of complaints and citations issued by the Bureau of Mines can't be processed and is creating such a chaotic situation that administration of the act could be brought to a standstill, Moody claims.

On the contrary, the General Accounting Office reporting the results of what seems to be an exhaustive study requested by Sen. Harrison Williams, found that enforcement of the act has been "extremely lenient, confusing, uncertain, and inequitable."

A case in point shedding credit on neither operators nor the Bureau of Mines was the tragedy during the 1970 Christmas holidays which took 38 lives in an underground coal mine near Wooten, Ky. The mine had been permitted to operate despite inspection a few weeks earlier revealing five alleged violations of the Health and Safety Act.

Mine safety is costing the public a great deal in dollars as well as sympathy. Moody claims producers and consumers of coal are paying out about $1 billion annually in added costs of $1.45 to $1.50 per ton of production for mine safety but are not getting safer mines.

For different reasons Williams has concluded that the act is not being effectively implemented and is talking about transferring its administration from the Department of Interior to the Department of Labor.

That seems to be a rather mild remedy under the circumstances. The Department of Labor already has its hands full getting ready to implement the Occupational Safety and Health Act of 1970 which spreads the government's responsibility for health and safe working conditions to all industry.

Under that act citations like those in the coal safety act can be issued to hold industry to higher standards. Coal industry fatalities have been running around the 200 to 250 level annually. In the whole of industry, with which the Labor Department must deal, 12,500 lose their lives annually in work-related injuries and illnesses and 2,000,000 suffer non-fatal injuries and illnesses.

President Nixon took the initiative in both the improved Mine Safety Act and broader Occupational Safety and Health Act, hauling them as landmark contributions in making the technological age safe to work and live in. He placed it all in the context of the "national passion" for environmental improvement.

But if the General Occupational Safety Act works on better than the Mine Safety Act, Nixon's words will go down as over-inflated. What it comes down to in the end is that there can't be an adversary atmosphere between the enforcers and those who must conform to the law. The mine operators and factory managers aren's "the enemy." Their stake in safety and health is as high, if not higher, than the government's. Effective and dedicated cooperation is the only way that progress can be made.

## HEW SCHOOL DESEGREGATION FIGURES

Mr. STENNIS. Mr. President, on Friday, June 18, the Department of Health, Education, and Welfare released the figures on their second national survey of racial and ethnic enrollment in public schools, comparing 1968–69 and 1970–71 school years. The figures were accompanied by a press release from HEW, commenting on the accomplishments in 2 years' time on the desegregation of schools.

The complete tabulations of the figures appear in the CONGRESSIONAL RECORD for June 18, 1971. I intend to comment on certain of the figures which I consider to be most meaningful.

The 11-State South more than doubled the percentage of Negro students in majority-white schools, from 18 percent in the fall of 1968 to 39 percent in the fall of 1970. The percentage increased fivefold in Mississippi. In the 32 northern and western States, the percentage remained unchanged at 28 percent.

There were 756,000 more Negro students in majority-white schools last year than there were in the fall of 1968. Of these, 690,000 were in the 11-State South. The HEW press release says that the other 66,000 "were in 38 other States." What it did not say is that the percentage of Negroes in majority-white schools decreased in a number of States, including Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, and Pennsylvania. Nor did it say that in the entire 32 northern and western States there were 115,486 more Negro students in 80 to 100 percent minority schools, or that 90,169 of these were in 95 to 100 percent minority schools.

It must be remembered, also, Mr. President, that during the 2-year period, school populations did not, of course, remain static. All areas gained in Negro school enrollment, but some more than others, and this is pertinent to judging desegregation accomplishments.

While the South was making all the progress I referred to, and the Northern and Western States were standing still or retrogressing, what kind of increases in Negro student population did these areas have to deal with?

The answer is that the 32 Northern and Western States had 186,802 additional Negro students, but the 11 Southern States alone had an increase of 208,232 Negro students.

Of total enrollment in the South, 27.2 percent are Negroes. In the North and West, it is 9.8 percent. Obviously, it is more difficult to place Negroes in majority-white schools in those areas where the Negro percentage is high.

Mississippi is the only State where more than half the students are Negro—50.8 percent. Yet the percentage of Negro students in majority-white schools is 26.4 percent.

In Minnesota, only 1.1 percent of the students are Negro, but there was a decline in the percentage of them enrolled in majority-white schools. The same is true in Massachusetts, which has a Negro enrollment of only 4.5 percent.

The HEW press release indicates that in the 11-State South, the percentage of Negro enrollment in 80 to 100 percent minority schools was more than cut in half in 2 years. What it did not say is that in the 32 Northern and Western States, the percentage of Negro enrollment in these racially isolated schools increased, and so did it also increase in 90 to 100 percent minority schools, and 95 to 100 percent schools, and 99 to 100 percent schools. In every one of those categories there was a physical increase of tens of thousands of black students in these schools. So there had to be more schools. What kind of schools were built in the Northern and Western States to accommodate these large numbers of additional black students? Obviously, the answer is that they built a large number of schools for Negroes.

The HEW press release says that in the 100 largest school systems, the percentage of Negroes who attend majority-white schools increased from 13 percent in 1968 to 16 percent. This sounds impressive. It means that 128,947 black students were added to the rolls of majority-white schools.

A closer look, however, reveals that 37,006 of them were in the State of Florida alone. Another 16,346 were in one school district in North Carolina.

Of the 100 largest school districts, how many increased the percentage of Negroes attending majority-white schools? There were 59. However, 40 of them were in the South and border States. This leaves 19 districts in the Northern and Western States that increased this percentage.

The numbers of black students, however, in these 19 districts, that were added to majority-white schools, are insignificant. Los Angeles had 2,109. Newark added 446. Pittsburgh added 527. Toledo added 229; Dayton, 502. Gary, Ind., added 144. What of the 41 school districts that did not increase the percentage of blacks in majority-white schools? Obviously, they changed the other way, and the Southern and border schools had to make up the difference in order for HEW to make the proud statement in the press release.

Of the 15 largest school districts in the country, only one Northern or Western district increased the percentage. That was Los Angeles, and, as I mentioned, there were only 2,109 students involved there.

Twice that many black students were involved in a change in Detroit, but the change was in reverse. There were 5,000 fewer black students in majority-white schools. Percentages declined, also, in New York, Chicago, Philadelphia, Cleveland, and so on down the line.

In Boston, a startling degree of racial isolation took place in a period of 2 years. Negroes in majority-black schools increased 5.3 percent. Those in 90 to 100 percent-minority increased 9.7 percent. Those in 100-minority, all-black, schools increased 10.7 percent. The overall figures on those of the 100 largest school districts that are in the 32 Northern and Western States are revealing. The percentages of black students who are enrolled in majority-black schools have increased in every category: 50 to 100 percent, 80 to 100 percent, 90 to 100 percent, 99 to 100 percent, and even 100 percent Negro. In every category in the 11 Southern States, those same percentages decreased, showing accelerated desegregation.

Mr. President, these two national surveys, 2 years apart, demonstrate all too clearly the hypocritical attitude that is tolerated in our Nation in school desegregation matters. Racial segregation in northern and western schools grows by leaps and bounds, fostered by convenient, catchword, specious phrases such as "de facto" and "housing patterns." In the South, schools are broken up with brutal abandon, in search of racial balance, and in disregard of logic or reason.

On April 22 of this year, the Senate, I am proud to say, faced up to responsibility in this matter, and adopted an amendment, which I had offered, providing for a single national policy in dealing with conditions of segregation by race in schools. This amendment is a part of the emergency school aid bill, which awaits action in the House.

Mr. President, the publication of the school survey figures by HEW is very timely. It is my fervent hope that the Members of the other body will examine these figures carefully, and that the amendment will be approved in that body. Then, this country can finally turn toward workable, sensible guidelines for school desegregation—guidelines that can be used everywhere in the Nation. An opportunity is at hand to correct the greatest single hypocrisy of our day. I trust the opportunity will be seized and not lost.

## H.R. 1 IS NOT WELFARE REFORM

Mr. CURTIS. Mr. President, important developments have taken place in the other body this week, relative to welfare reform, which I believe should be reviewed because they reflect a wide disenchantment with the reform proposal being offered in the form of H.R. 1 and because these very significant developments have been almost totally ignored by such influential and objective news media as the Washington Post and the New York Times.

What occurred is this. On June 15, a group of 16 House Members, led by

Congressman JOHN DUNCAN of Tennessee, a member of the House Committee on Ways and Means which reported H.R. 1, joined in introducing an alternative measure in the form of H.R. 9156. The bill, which returns the control of welfare programs to the individual States and incorporates the concept of revenue sharing as a means of relieving the financial burden under which welfare programs presently operate, is identical with my bill, S. 2037.

The sponsors of H.R. 9156 sought from the House Rules Committee an open rule on H.R. 1 which would permit them to offer their bill as an alternative to the welfare provisions—title IV—of the bill reported by the Ways and Means Committee, in which all current welfare programs are federalized and a new family assistance program is authorized, establishing a minimum guaranteed annual income for both the working and nonworking poor.

Unfortunately, though there was considerable misgiving over H.R. 1 on the part of members of the Rules Committee, including both the chairman and the ranking minority member, the sponsors of H.R. 9156 were unable to obtain an open rule. Though no rule had yet been granted when they made their plea, agreement had already been reached among Rules Committee members, Chairman MILLS of Ways and Means, and the House Democratic leadership, that the rule would be a modified closed one, permitting only a single amendment for the purpose of striking the welfare title from the bill.

Faced with no opportunity to offer their alternative under the rule, the sponsors of H.R. 9156 went to work seeking support for a vote against the previous question on the rule, a parliamentary maneuver which would permit modification of the rule so that amendments, including their substitute for title IV, might be offered.

With only 4 working days remaining before the rule was taken up for consideration, a coalition was formed which came within 28 votes—172 to 200—of defeating the previous question and opening the rule. That coalition, if pairs are included, consisted of exactly half the Republican Members of the House who, by their vote, indicated their displeasure with the welfare reform bill which had the blessing of the White House and strong backing of the House Republican leadership. The Democratic Members, likewise, were bucking their own leadership, not to mention two venerable committee chairmen, Representative WILBUR MILLS, of Ways and Means, and Representative WILLIAM COLMER, of Rules.

I find this development extremely significant and indicative of considerable dissatisfaction with H.R. 1's welfare reform proposals. This is especially so in view of the very short time opponents had to mount their campaign.

Yet it is startling to review the treatment given this effort by the supposedly "objective" press.

No word ever appeared in any of the Washington papers or in the New York Times regarding the introduction of H.R. 9156, though press releases covering its introduction were made available to the press.

More significantly, the Post on June 21, the day of the vote on the rule, carried a front page article on the dramatic increase in welfare cases under the present system and an editorial page article by HEW Secretary Richardson in which the Secretary said:

> Reasonable men can clearly disagree on specific provisions of this bill (H.R. 1), but I find it highly significant that no viable alternative to this reform has been suggested throughout all the months of discussion and debate . . .

I had introduced my bill nearly 2 weeks earlier and H.R. 9156 had been introduced nearly a week before the Secretary's article appeared. Though my bill received very little coverage in Washington it was extensively reported in other areas of the country. The proposal is definitely a viable alternative and if the Secretary was not aware of it he should have been. Further, other alternatives exist which I believe to be preferable to or improvements upon H.R. 1 of which the Secretary could not help but have been aware.

On the day following the vote on the rule the Post did carry in its early editions a brief article recapping the House action, but this was inexplicably dropped from its most widely read "final edition." Its lead editorial, however, urged passage of H.R. 1, with no mention of any opposition, and made this further very informative comment:

> Tempting as it is for those who wish to see H.R. 1 passed (as we do) to suggest that it will . . . substantially reduce the number of persons receiving welfare, such a suggestion would in fact be misleading.

The editorial goes blithely on to endorse H.R. 1 in spite of that admission; indeed, almost it seems because of it. It is, nevertheless, the first time, to my knowledge, that that fact has been admitted by anyone but the bill's opponents. The bill's other advocates, in incorporating what the Post calls that "unhappy statistic" into their argument, have consistently insisted that any increase in caseload would be only temporary.

The Post has now admitted what commonsense tells anyone—that once we double the number of people on the welfare rolls, the welfare caseloads will never again return to the present level, let alone fall below it. This is one of the primary reasons I felt it necessary to introduce S. 2037, which contains the means for providing realistic and meaningful assistance to the truly needy without artificially inflated welfare rolls inherent in H.R. 1.

The New York Times likewise behaved in its reporting on June 22 as though no vote related to welfare reform had occurred in the House. Not a word did they breathe of the close procedural vote that almost permitted an effort to open the rule and offer an alternative. But they betrayed themselves on their editorial page by waxing eloquent in their hope that unhappy black and liberal Congressman, wanting more than H.R. 1 offers, would not scuttle the welfare title in Tuesday's vote by joining with " 'reactionaries' opposed to any improvements."

The Times' forboding about a liberal—reactionary coalition bespoke both knowledge of and a deep concern about the House vote which they did not deign to report to their readers as news. And their plea to the liberals not to slam the door on hope and change by being party to such a stultifying result betrays their editorial bias by its tacit recognition that the Times only influence is over liberals.

At the completion of debate on H.R. 1 on Tuesday, the motion was offered to strike the welfare title and was defeated on a teller vote by the comparatively slim margin of 234 to 187. This is further indication of the substantial sentiment in the House that H.R. 1 is an unsatisfactory solution to the welfare reform problem.

It is my sincere hope that we in the Senate will provide every opportunity for full and open discussion of alternatives to title IV of H.R. 1. In areas of the country where my bill has been reported upon and discussed, I have received very favorable response from the American taxpayer and from public officials.

I believe if it is given careful consideration it will appear as not only a viable alternative but the preferable alternative to the program outlined in H.R. 1 which threatens the basic fabric of our whole federal system of government. I urge every Senator to study this alternative before hearings begin on H.R. 1.

## U.S. NEUTRALITY IN VIETNAM ELECTIONS

Mr. STEVENSON. Mr. President, on Tuesday night the Senate defeated an amendment to declare U.S. neutrality in the forthcoming South Vietnam elections and that, our purpose being self-determination, the United States would not support any government of South Vietnam which acquired, or retained, power through corrupt or coercive means.

Almost immediately after the Senate defeated this amendment, President Thieu, signed into law a bill designed to exclude other presidential candidates from the ballot in the forthcoming elections.

It is reported in the Washington Post this morning that—

> A number of American diplomats who several months ago spoke optimistically of Thieu's intention to carry off the election with a minimum of political hanky panky are now taking a markedly gloomier line.

I ask unanimous consent that the Washington Post article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THIEU SIGNS CONTROVERSIAL ELECTION BILL WITHOUT CHANGE

(By Peter Osnos)

SAIGON, June 23.—President Thieu today signed into law the comprehensive election bill setting out the procedures to be followed in the upcoming presidential campaign and balloting.

Thieu delayed signing the measure until almost the last possible moment, prompting speculation that he might amend the controversial provision requiring candidates to get the endorsements of 40 national assemblymen or 100 provincial councilors.

But Thieu signed the bill intact. The move was announced on the government radio's 10 p.m. news broadcast. The measure would have gone into effect automatically at midnight.

The requirement for legislation endorsements has been criticized here and abroad both for the heavy-handed way Thieu maneuvered for its passage and the fact that it is clearly designed to limit Thieu's opposition next October.

### UNITED STATES VIEW

American diplomats, despite their avowed policy of noninvolvement in the election, have stressed privately to Thieu the great importance attached by U.S. public opinion to a legitimate campaign.

Fearful that Thieu could end up in a one-man race, American officials right up to Ambassador Ellsworth C. Bunker have met in recent weeks with Vice President Nguyen Cao Ky and Gen. Duong Van (Big) Minh to encourage them to run, informed sources said.

Thieu is a very heavy favorite to be reelected. However, with Ky in the race, Minh's chances are thought to be better than they would be if he faced the president by himself.

The principal concern of the Americans has been that Ky would be kept off the ballot by the endorsement provision and Minh would then drop out also charging that Thieu is rigging the election.

Immediately after the election bill was passed by the National Assembly June 3, Ky's chances of getting the necessary signatures were thought to be small. But the vice president may have outflanked Thieu by creating an alliance with Minh to assure that neither would be squeezed out of the race.

### MINH'S BACKERS

Under the agreement, sources said, Minh will get his backers from the National Assembly and will help Ky concentrate on the councilors. The vice president's campaign manager, Le Van Thai said today that Ky already has pledges from 100 provincial legislators.

Informed Vietnamese observers regarded Thai's assertion with skepticism and noted that in any event, the pledges must still be turned into "legalized" signatures.

Whether Ky will eventually get the backers he needs is still not clear, although his chances now are thought to be better than they were three weeks ago. Minh is confident of finding sufficient support in the National Assembly and, sources said, he assured Bunker that he will make the race.

As for Thieu, there are reliable reports circulating in Vietnamese political circles that the president, acting through his province chiefs, is exerting strong pressure on local councilors to line up solidly behind him.

One progovernment source said Thieu has so far signed up 400 of the country's 550 provincial legislators.

In Giadinh province, just outside Saigon, where the pressure has been so blatant that even seasoned Americans were startled, 20 of 27 councilors have already declared for Thieu, sources there said.

The president's influence over the councilors is substantially enhanced—and that of Ky diminished—by the fact that Thieu's province chiefs can recommend dismissal of any of the provincial legislators.

### PROVINCE CHIEFS

By bearing down on his province chiefs and at the same time deciding not to make the election measure less restrictive, Thieu is believed demonstrating anew his determination to run the election his own way, regardless of what it might cost him in international prestige.

A number of American diplomats who several months ago spoke optimistically of Thieu's intention to carry off the election with a minimum of political hanky-panky, are now taking a markedly gloomier line.

"I'm not convinced anymore that it's going to be honest," said one official, "but there aren't enough signs yet to say that it's going to be dishonest either."

Some of the other provisions of the election law are these:

Applications for candidacy must be submitted before Aug. 3 and the candidate must deposit $7,500 with the national treasury for campaign expenditures.

Anyone deemed Communist or a "pro-Communist neutralist" by the Supreme Court is prohibited from running.

The election will be held Oct. 3 and any Vietnamese citizen 18 or over can vote, provided he places his name on the voting list and has a voters card.

Mr. STEVENSON. Mr. President, the danger grows that 10 years of war will be climaxed by a crooked election. The danger grows that after sacrificing 50,000 young American lives and $120 billion for self-determination the United States will be perceived as picking the successful presidential candidate, instead of the South Vietnamese people. Still hope the Congress will, in some form, declare U.S. neutrality in the South Vietnamese elections, take steps to prevent election irregularities and to keep itself well informed about the U.S. role in the election campaign. I will seek another chance to bring this matter to the Senate floor before it is too late.

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## DANGEROUS WISHFUL THINKING ABOUT A WITHDRAWAL DATE AND PRISONERS OF WAR

Mr. DOLE. Mr. President, recently there has emerged from the Senate and some other quarters a line of reasoning, or perhaps unreasoning, which holds that a publicly proclaimed date for the withdrawal of American forces is the way to the release of our prisoners of war and the honorable resolution of the Vietnam conflict.

The 11 versions of the so-called end-the-war amendment were the most highly publicized vehicles for this spurious line of wishful thinking which completely ignores the duplicity and inhumane attitude of the North Vietnamese government in regard to U.S. prisoners of war and men who are missing in action.

Today's Evans and Novak column in the Washington Post thoroughly refutes the naive and dangerous belief that a unilaterally declared withdrawal date would contribute in a meaningful way to either securing the release of our prisoners or resolving the Indochina conflict.

I believe that every Senator who is concerned with the fate of our missing and captive men would find this article worthwhile. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HANOI DOUBLETALK ON POW'S

(By Rowland Evans and Robert Novak)

The skill and audacity with which the Vietnamese Communists manipulate American public opinion on the emotion-charged prisoner-of-war issue is illustrated by a diplomatic cable transmitted back to Hanoi June 11 by the North Vietnamese negotiating team in Paris.

That cable contained the official Communist transcript of an interview in Paris three days earlier between Xuan Thuy, chief North Vietnamese negotiator, and Chalmers M. Roberts of The Washington Post. The transcript quoted Xuan Thuy as saying that "if the United States sets a reasonable deadline for the complete withdrawal of troops, we could *discuss* the settlement of the prisoner of war question"—precisely the Hanoi line.

In truth, however, that is not what the Communist negotiator said at all. Roberts, a respected diplomatic correspondent, reported Xuan Thuy as telling him, "if a reasonable date is set, the question of prisoners may be settled." In response to another question, he amended that to "*will* be settled."

The discrepancy reveals the POW game played by the Hanoi Politburo. The soft line actually given in the interview with Roberts is intended to convince Americans that the POWs will come home just as soon as President Nixon sets a troop withdrawal deadline. The altered transcript cabled to Hanoi reiterated the hard line that is the Vietnamese reality: Hanoi promises nothing whatever in return for a troop withdrawal deadline.

The audacious game has worked, feeding demands in the United States for quick withdrawal. Two antiwar Democrats Sen. Vance Hartke of Indiana and Rep. Robert Leggett of California, returned from talks with the Communists in Paris indicating that the Americans were to blame for the negotiations deadlock. Clark Clifford, former Secretary of Defense, has predicted release of the prisoners 30 days after agreement to withdraw. In a climate further soured by the Pentagon papers, many Americans believe the worst of their own country's leaders while exercising complete gullibility about Communist promises.

When not talking to American politicians and journalists, the Communists revert in formal Paris sessions to the hard line of their official statements. Based on those statements, there is every reason to believe that the Communists plan to use the POWs as hostages to steadily up the ante in fulfilling all goals in Vietnam.

The basic position is point one of the South Vietnamese Communist eight-point "elaboration" of last Sept. 17. It not only links prisoner releases with a fixed date for U.S. troops withdrawals but also talks about taking all U.S. weapons and war materials from South Vietnamese troops and dismantling U.S. bases in Vietnam. Thus, the troop withdrawal deadline accomplishes nothing.

Consistently, the official Communist line in Paris has been that such a deadline set by Mr. Nixon would win him merely the right to *discuss* prisoner releases. Mme. Nguyen Thi Binh, chief South Vietnamese Communist negotiator, deviated from this only once. On April 15, an article by her in the French newspaper Le Monde suggested that Mr. Nixon need only fix a deadline "for GIs and American prisoners to be rapidly and safely returned."

But on the very day that article appeared, Mme. Binh was her usual intractable self at the negotiations session. Prisoners would return home, she said, only after the war had "come to an end"—that is, after a political settlement along Communist lines.

Rep. Leggett's visit to Paris on May 31 again showed the two faces Nguyen Van Tien, Mme. Binh's deputy, told the congressman that POWs could be released as soon as Mr. Nixon set a "reasonable date" for withdrawal. But when reporters queried Communist spokesmen about Leggett's visit, they were told repatriation of prisoners would be merely *discussed* once the withdrawal of troops was announced.

Still another example occurred when Anthony Lewis of The New York Times interviewed Xuan Thuy May 21. Lewis reported the North Vietnamese negotiator "understood the concern about the Amercan prisoners and was ready to do something immediately . . . if Mr. Nixon set a withdrawal date." But the official Communist "transcript" cabled to Hanoi said only the Communists will "be ready to talk to Mr. Nixon on the POW issue" after a troop withdrawal.

The pattern is unmistakable. The ransom for American POWs will be much dearer than the Democratic-sponsored troop withdrawal deadline. To get them home, the U.S. must agree to humiliating concessions ending with a Communist regime in Saigon. Such is the iron *realpolitik* behind the Oriental smiles exhibited in Paris for American politicians.

## WATER RESOURCE PROJECTS APPROVED BY THE SENATE COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, in order that the Members of the Senate and other interested parties may be advised of various projects approved by the Committee on Public Works, I submit for inclusion in the RECORD, information on this matter:

Projects approved by the Senate Committee on Public Works on June 22, 1971, under the provisions of section 201 of the Flood Control Act of 1965, Public Law 89–298.

*Project, estimated Federal cost*

| | |
|---|---|
| University Wash, Riverside, Calif.[1] | $5,278,000 |
| San Leandro Marina, Calif.[1] | 73,500 |
| Dunkirk Harbor, N.Y.[1] | 530,000 |
| Tybee Island, Ga.[2] | 404,000 |
| Beals Creek, Big Spring, Tex | 1,578,000 |

[1] The House Public Works Committee approved these projects on December 15, 1970.

[2] The House Public Works Committee approved this project on June 23, 1971.

Projects approved by the Senate Committee on Public Works on June 22, 1971, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Congress, as amended:

Water Resource Projects approved by the Senate Committee on Public Works, June 22, 1971:

*Project, estimated Federal cost*

| | |
|---|---|
| Ecleto Creek, Tex | $2,000,000 |
| Ni River, Va | 367,000 |
| Pond Creek, Tex | 2,337,000 |
| Sanderson Canyon, Tex | 4,481,000 |
| Tallasseehatchie Creek, Ala | 4,057,000 |
| Cedar Creek, Ga | 704,000 |
| Lower McKee Creek, Ill | 3,963,000 |
| Upper McKee Creek, Ill | 2,737,000 |
| West Sector, Whitewater River, Kans | 2,103,000 |
| Middle South Branch, Forest River, N. Dak | 2,006,000 |
| Deep Red Run-Coffin Creek, Okla | 1,388,000 |
| Little Bigby Creek, Tenn | 1,746,000 |
| Mill Creek, West Va | 3,942,000 |

NOTE.—The above watershed projects were approved by the House Public Works Committee on June 23, 1971.

## PROBLEMS IN FOREIGN TRADE

Mr. FANNIN. Mr. President, our problems in foreign trade would be much easier to deal with if we could place the entire blame for our failing fortunes on high tariffs assessed by our trading partners.

Tariffs are only a part of the world trade problem, and in many industries they are a minor part of the problem.

The most alarming inequities in world trade today are caused by nontariff barriers and by unfair trade policies of foreign governments.

Nontariff barriers consist of redtape regulations which are difficult or impossible to comply with. In some cases, foreign governments have even refused to spell out specifications which American-made products must meet to be allowed into their countries. Foreign governments, intent on protecting their home market, have effectively closed out competition from America. U.S. television and auto manufacturers have told me that they have tried in vain to get American-made television sets and cars to the Japanese market. It has been virtually impossible.

Certainly we recognize the right of foreign governments to establish reasonable standards for products being sold in their territory. Congress has set safety specifications for cars which are sold in the United States. But these specifications were not set up to exclude foreign-made cars. Indeed, foreign car sales have soared even as new safety standards were put into effect. Our Government has made it perfectly clear to foreign car manufacturers as to what the standards are.

What I do object to are regulations by any government which are designed solely to exclude foreign-made products from the market. This is the type of discrimination American products run into in other lands.

This is a major problem in exporting.

In our own market, there is another problem. That is the situation where foreign governments not only allow, but encourage and even engage in the operation of, export cartels. Again, it is the Japanese who have perfected and been most successful in this area.

Huge cartels which would be illegal under U.S. law are manufacturing goods which are exported to the United States. Not only do these export industries have the advantage of being cartels, they also frequently enjoy government subsidies and other government aid in the export enterprises.

American businesses—limited by antitrust laws and without subsidies—find themselves outgunned. These individual businesses must try to compete against the power of both the cartel and the foreign government involved.

Foreign companies trying to make inroads in the American market thus have the resources to operate at a loss or very little profit for a long period of time. They have the blessing of their own government when they sell goods for less in the United States than for the price charged in their own country.

Mr. President, a recent article in the New York Times gives good insight into these problems. The article is based on the views of Dr. Horace J. De Podwin who was involved in the Kennedy round of tariff negotiations. Dr. De Podwin suggests that new international negotiations are needed with a congressional mandate to strike down nontariff barriers and to put an end to government-sanctioned export cartels.

I heartily agree with this proposal, and I ask unanimous consent that the full text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ACTION BACKED ON TRADE—DEAN SCORES SUBSIDIES AND CARTELS

(By Brendan Jones)

Fairer rules of international competition that would ban export cartels and subsidies are a prime need for the solution of American trade problems, according to a former trade-policy consultant, Dr. Horace J. De Podwin.

Dr. De Podwin, an economist and dean of the Graduate Business School of Rutgers University, feels that the Nixon Administration should have taken even more aggressive action than at present in formulating trade policies to cope with import competition and lagging American exports.

"What is needed," he said in an interview, "is an aggressive policy that would seek truly liberal world trade and legislation by Congress authorizing negotiations for the elimination of all trade barriers and of unfair practices such as the Japanese and British export cartels."

Dr. De Podwin, who served as an advisor to the American representatives in the Kennedy round of tariff negotiations, commended the action of Secretary of State William P. Rogers last week in obtaining agreement for new trade-policy consultations by industrial countries.

The agreement, taken by the 23 member countries of the Organization for Economic Cooperation and Development, sets up a high-level body that will seek to resolve growing trade problems.

But Dr. De Podwin contended that more positive action—initiation of new trade-agreement negotiations—was needed to eliminate unfair trading practices.

"For the Kennedy round, we had definite negotiating authority under the Trade Expansion Act to reduce tariffs on manufactured goods on an across-the-board basis. And in this respect the negotiations were successful.

"On other matters, such as the elimination of nontariff barriers, rules of international competition and preferential tariff treatment for less developed countries, the guidelines were not specific enough and, so, nothing was accomplished in these areas.

"Just as in the Kennedy round, we now need an act of Congress that will specify the kind of unfair trading practices that we want to eliminate—the Japanese and British export cartels, the Italian steel-pricing subsidies."

Dr. De Podwin proposed also specific legislative authority for negotiating the removal of nontariff barriers such as import quotas and preclusive buying practices of governments. He noted that the United States had import quotas on many agricultural products, but that its nontariff barriers were not as numerous or as restrictive as those of many other countries.

Dr. De Podwin, who heads an economics consulting firm in Manhattan, noted that his research indicated unfair competitive practices in international trade had been an effective means of capturing a large share of American markets for a variety of imports.

Over the last 10 years, he said, Japanese exporters of television sets and other products openly practiced pricing policies designed to penetrate foreign markets. British exporters of ceramic tile, he said, have an agreement setting a higher price for the domestic market and a lower price for exports.

"And these practices are condoned by the respective governments," Dr. De Podwin asserted. "The Italian Government subsidizes the lower export prices of the Italian steel industry, even though this is clearly in violation of the fair trading rules of GATT (the General Agreement on Tariffs and Trade)."

Two successive Washington Administrations, Dr. De Podwin asserted, failed to take any effective action against the price-cutting practices. Even though the Nixon Administration has now taken a tougher line on anti-dumping actions, he said, the procedures are still slow and cumbersome.

"As a result, we have foreign monopolies manipulating the nature and growth of our markets, while the Administration has provided no leadership in the trade area to a Congress that seems strongly protectionist. Labor and other groups that formerly were on the liberal trade side have turned protectionist because of our Government's failure to crack down on unfair trade practices."

Dr. De Podwin said he did not favor proposals for modification of United States antitrust laws that, in effect, would allow formation of export cartels by this country.

"There are no good cartels," he said. "Freer competition, removal of all trade barriers and monopolies will actually make it possible for American industry to compete effectively in world markets. Except perhaps for a very few high-cost industries such as power-equipment, American industry could produce and sell as low as any others once trade-barriers are removed."

## OUTMODED EXPORT CONTROLS

Mr. SYMINGTON. Mr. President, it is indeed encouraging to note that, according to a recent article in the Albuquerque Journal, one of the Nation's foremost scientists, Dr. Harold M. Agnew, Director of the Los Alamos Scientific Laboratory, has called for a reexamination of U.S. export regulations in an effort "to give an across-the-board boost to the problems of unemployment and international relations."

For some time I have argued that the United States is only cutting itself out of potential markets by refusing to sell items to mainland China or Eastern European countries on the ground that such trade is detrimental to our national security. As Dr. Agnew points out:

> If we don't sell them these items, someone else certainly will.

He then continues:

> Our obsession with secrecy—on the basis that if it's secret we'll be the only ones who are able to do it—is just not valid. The restrictions have established a false sense of security in the idea that if you hold back your exports they're not going to be able to develop these systems. It's simply not true.

I ask unanimous consent that the article entitled "Easing on Exports Urged by Scientists," published from the Albuquerque Journal of Friday, June 18, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Albuquerque Journal, June 18, 1971]

### Easing on Exports Urged by Scientist

One of New Mexico's top scientists Thursday urged an easing of the "Mickey Mouse rules of export restrictions" to give an across-the-board boost to the problems of unemployment and international relations.

Dr. Harold M. Agnew, director of the Los Alamos Scientific Laboratory, made his remarks in a luncheon address before the Albuquerque Rotary Club.

Agnew's criticism was directed at standing controls on exports—controls which he said are outmoded in the face of today's rapidly advancing technology.

"If we're going to do anything to increase jobs and boost the economy I would urge that we should review and re-examine our export rules," Agnew said. "Some of these Mickey Mouse rules are hurting our whole industry across the board."

In support of his argument, Agnew noted that it took the United States eight years to develop the hydrogen bomb, yet the Soviet Union followed this initial breakthrough three years later and Red China 12 after that.

"Half the battle is won when you know that it's possible," Agnew said. "And if the prime purpose of the export restrictions was to prevent the Soviets and the Red Chinese from developing nuclear weapons, the system has certainly failed.

"Our obsession with secrecy—on the basis that if it's secret we'll be the only ones who are able to do it—is just not valid.

"People in other countries have as much brains as we do. I doubt that they (the Soviets and the Red Chinese) could have moved much faster if they had had complete access to all our information."

"The restrictions have established a false sense of security in the area that if you hold back your exports they're not going to be able to develop these systems. It's simply not true."

Agnew said he realized there are some things which cannot justifiably be authorized for export. But he questioned restrictions of trade with Red China which prohibit the sale of goods such as diesel locomotives and commercial jet airliners.

"If we don't sell them these items, someone else certainly will," he said.

"For the life of me, I can't see why the export of commercial jet aircraft is going to endanger the security of the United States."

The sale of such items to the Red Chinese, Agnew said, would benefit relationships between the two nations.

"You establish worse relations, not because of what you sell, but because of what you don't sell," Agnew said. "You export to one guy and not to the other and thus antagonize somebody."

Agnew said the U.S. export law "is following a policy 20 years old. Technology is moving so fast now that we don't realize it's a rather fruitless endeavor."

## NATIONAL COMMISSION ON MATERIALS POLICY

Mr. BOGGS. Mr. President, President Nixon yesterday sent to the Senate the names of the seven men he has nominated to serve on the National Commission on Materials Policy. I believe the President made an excellent selection, and that the panel possesses a broad range of talent that will effectively study problems of materials flow and the impact of those materials on our environment.

This Commission was created by title II of the Resource Recovery Act of 1970 (Public Law 91–512). I would like to quote for the benefit of my colleagues the language of the purposes of the Commission:

> It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

The seven individuals selected by the President are well equipped to undertake this important task. Two members of the President's Cabinet, Secretaries Morton and Stans, have been nominated to the Commission. Their departments are vitally concerned with the problems of materials supply and use. Thus they are appropriate and excellent nominees.

I am particularly delighted by the range of the expertise that will be brought to the Commission by the five nominees selected from the private sector.

Jerome L. Klaff, president of H. Klaff and Co., Inc., in Baltimore, was selected to serve as Chairman of the Commission by President Nixon. Mr. Klaff, whose company is in the recycling business, is a former president of the National Association of Secondary Materials Industries, the main American organization concerned with the practical aspects of recycling.

Frederick Seitz, president of Rockefeller University in New York City, is another nominee. He is a physicist with a speciality in metals and is the past president of the National Academy of Sciences. I know he will bring great distinction to the Commission.

Lynton Keith Caldwell, professor of political science at Indiana University, has been also nominated by the President to the Commission. J. Hugh Liedtke, president of Pennzoil United, and Lee W. Minton, president of the Glass Bottle Blowers Association and a vice president of the AFL–CIO executive council have also been named to the Commission.

In closing, Mr. President, I believe that the nominees are an excellent group for studying problems relating to materials policy. I am hopeful that they can begin their deliberations in the not too distant future.

Mr. President, I ask unanimous consent that the White House announcement on the Commission be printed as a part of the Record, as I believe the announcement explains more fully some of the duties of the Commission.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

### The White House Announcement

The President today has announced his intention to nominate seven persons to be members of the National Commission on Materials Policy. The nominees are:

Lynton Keith Caldwell, of Indiana, Professor of Political Science, Indiana University, Bloomington, Indiana.

Jerome L. Klaff, of Maryland, President, H. Klaff and Company, Inc., Baltimore, Maryland.

J. Hugh Liedtke, of Texas, President and Chief Executive Officer, Pennzoil United, Houston, Texas.

Lee W. Minton, of Pennsylvania, President, Glass Bottle Blowers Association of the United States and Canada, Philadelphia, Pennsylvania.

Frederick Seitz, of New York, President, Rockefeller University, New York, New York.

Rogers Morton, of Maryland, Secretary of Interior.

Maurice Stans, of New York, Secretary of Commerce.

Further, the President today announced his intention to designate Jerome L. Klaff to serve as Chairman of the Commission, which was established October 26, 1970 (P.L.

91-512). Under the law, the President is to appoint seven members to the Commission, to be chosen from government service and the private sector.

The Commission is to report to the President and to the Congress no later than June 30, 1973 its findings and recommendations for a national materials policy. The Commission is to assess national and international materials requirements and is to investigate the relationship of materials policy to population, size and environmental quality.

The Report of the Commission is to recommend means for the extraction, development and use of materials which are susceptible to recycling, reuse or self destruction. The Commission is also to recommend how to best implement a national materials policy and to comment on the role of particular Federal agencies in the implementation and continuing assessment and development of a national materials policy.

## THE NEED FOR COMPARABLE PUBLIC SERVICES

Mr. HUMPHREY. Mr. President, the Washington Post has published an article by Peter G. Brown, of the Urban Institute, on a subject that I believe is one of the fundamental problems of our urban crisis—the quality of public services.

Mr. Brown clearly delineates the issues involved when citizens have unequal access to government-provided services. At the very least, substantial provisions of our Constitution—especially the 14th Amendment—have an important, though presently unclear, impact on this issue.

Public services are breaking down. And, the delivery of public service does vary from city to city and neighborhood to neighborhood. The question is what shall we do about it? What plan of action shall we take?

Mr. President, I have advocated the position that our country must provide comparable standards of services to all of its citizens. With the different economic compositions of our neighborhoods, and the high mobility rate of our people, it makes sense to treat the problem of public services as a national problem requiring a national policy.

Mr. President, I ask unanimous consent that Mr. Brown's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Notions of Equality vs. Concepts of Freedom—The Issue of Comparable Levels of Public Services

(By Peter G. Brown)

The contrast between jurisdictions with markedly inferior and superior public services—a contrast that often occurs between poor central cities and affluent suburbs—reflects one of the most pressing current urban problems. Recent court decisions offer reason to suppose that these striking differences may ultimately be found to be unconstitutional. The timely question, in connection with growing complaints of certain city dwellers about unequal access to government-provided services, is whether residence in separate jurisdictions within the same states is a bona fide reason for unequal treatment.

The notion of equality before the law finds its clearest constitutional embodiment in Section 1 of the 14th Amendment:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; *nor deny to any person within its jurisdiction the equal protection of the laws.*"

As applied to urban/suburban disparities, the final phrase is somewhat ambiguous. Could it be interpreted to mean that a person is entitled to equal treatment in respect to all public goods and services? Two cases in the lower courts bear on this issue.

One is *Hobson vs. Hansen* in the United States District Court for the District of Columbia. In his far-reaching decision, Judge Wright argued that radically unequal per pupil expenditures in the Washington, D.C., public school system were a violation of the principles of the Supreme Court's 1954 school desegregation decision and of due process. He enjoined the school system from further unequal appropriations on a per pupil basis. According to this interpretation, equal protection and due process require roughly equal expenditures within a jurisdiction for at least one public service—education—for all elementary school children.

A 1971 case in the Fifth Circuit, *Hawkins vs. Shaw,* has held that public services such as lighting, paving, water and sewers, must be supplied on an equal basis to neighborhoods of both blacks and whites throughout the town of Shaw, Miss. The ruling stated that any other arrangement violates the equal protection clause of the 14th Amendment. The case stemmed from the not uncommon practice of a community to provide very different qualities of government services to sections inhabited by different races.

Two of the three judges in the Shaw case quote approvingly from a 1967 decision called *Avery vs. Midland County:*

"A city, town or country may no more deny the equal protection of the laws than it may abridge freedom of speech, establish an official religion, arrest without probable cause, or deny the due process of law."

Taken together, these cases strongly support the interpretation that equal protection includes a guarantee of equal public service within a given jurisdiction.

It is not much of a step to apply this reading to the conflicts between cities and suburbs. Often, radically different levels of public services are found even in adjacent political jurisdictions. Schools, trash collection, fire protection, police surveillance, sewer and water utilities, and other goods and services normally supplied by local government may be excellent on one side of the boundary and extremely bad across the jurisdictional line. The fiscal plight of many central cities is compounded by higher crime rates and typically higher loads of health and welfare cases. Next door, other jurisdictions with a minimum of social problems and greater taxable assets enjoy low tax rates relative to the superior public services they receive.

This is where the language of the 14th Amendment becomes crucial in respect to the fiscal plight of the central city. The 14th Amendment suggests that the relevant jurisdictions on the local level for securing equal protection is the state. Consequently, the states may be under a constitutional duty to eliminate or alter the significance of jurisdictional boundaries insofar as these lead to *de facto* differences in services, an interpretation that can be further sustained by the fact that separate local jurisdictions exist only at the pleasure of the states. Municipalities and other communities that incorporate are granted the power to do so by the states. Counties and municipal jurisdictions are creatures of the states and have no authority beyond what the state confers nor beyond what the states (through proper specified processes) could alter or withdraw. Here, of course, invoking the *Hawkins vs. Shaw* decision, which construes equal protection to mean equal public services, is crucial to the argument.

Two paths seem available for pursuit at this point. First, the court might declare that radically different levels of public service are unconstitutional when these differences occur between different income groups. Alternatively, these differences in services might be declared unconstitutional where they correspond to racial segregation, a condition which, to some extent, corresponds to city/suburban boundaries. As the central cities in some areas become progressively more black in composition assuming the level of services remains inferior, this could provide a powerful tool for requiring the states to improve the quality of services in the ghetto.

If the states recognize or are required by the courts to deal with public service differences within their larger jurisdictions, a variety of methods would be available for corrective action. One might be state supplementation of local revenue for all basic services. Another might be a requirement that a centralized political body of metropolitan regions, such as a council of governments. be required to collect local tax revenues without reference to suburban or central city boundaries so as to give all jurisdictions equal access to the area-wide tax base.

Perhaps the most vexing question that courts and others must face in carrying out practical correctives is whether public services have to be approximately equal for all, or whether there is rather a need for some minimum standard for all, above which local jurisdictions may spend as much as they can or wish.

The question arises because the moral and legal notion of equality comes into conflict with another powerful moral and legal strain in our tradition—that concerning freedom. At a minimum, this tradition holds that there are certain areas in which neither the government nor other citizens may interfere with personal rights. The dilemma that emerges is obvious: If residents of different jurisdictions wish to undertake nonuniform kinds of activities and levels of expenditures, is it proper for the states to limit or prohibit them from arriving at such decisions?

The issue arose in the 1968 case of *McInnes vs. Shapiro* in the U.S. District Court of the Northern District of Illinois. The specific issue was whether *de facto* differences in educational expenditures per pupil, resulting from unequal taxable assets in the relevant jurisdictions, could be declared unconstitutional on the basis of the equal protection doctrine. The court ruled that "there is no constitutional requirement that public school expenditures be made only on the basis of pupils' educational needs without regard to the financial strength of local school districts." Of the arguments presented to reach this conclusion, the following is most pertinent:

"The General Assembly's delegation of authority to school districts appears designed to allow individual localities to determine their own tax burden according to the importance which they place on public schools. Moreover, local citizens must select which municipal services they value most highly. While some communities might place heavy emphasis on schools, others may cherish police protection or improved roads. The state legislature's decision to allow local choice and experimentation is reasonable, especially since the common school fund assures a minimum of $400 per student."

It seemed crucial to the court that residents of a jurisdiction have the right to emphasize whatever services they deem most important. But to defend this freedom is not to say it is without limits. The last clause of the last sentence quoted implies that *some* differential level of services could be held unreasonable. If the case in question had involved only a $20 per pupil minimum while pupils in many jurisdictions were receiving $1,000, the court might well have been led to say that either the state minimum was too low or the expenditure levels of the various jurisdictions were too far apart, or both. And it was important to the court that the state *already* was exercising responsibility to reduce unreasonable differentials by subsidizing a basic level of spending for all students in the state. The courts are more prone to insist on some degree of reasonableness than to determine precisely what constitutes a reasonable level of expenditure.

Nevertheless, the issue of comparable levels of public services is likely to become increasingly important as people of different income and racial groups tend to become more separated into different jurisdictions within metropolitan regions, and as the levels of available services reflect the different economic composition of the residents. When and where the courts may hold that states are denying equal protection of the laws cannot readily be predicted. But the recent trend suggests that the courts will take a hard look at public service inequalities. In doing so, the challenge is to balance the values of freedom and equality before the law in a society which is dedicated to both.

## CENSUS INFORMATION SHOULD NOT BE USED IMPROPERLY BY GOVERNMENT AGAINST INDIVIDUAL CITIZENS

Mr. RANDOLPH. Mr. President, charges that census information suppled by individual citizens can be and sometimes is made available to investigative arms and agents of law enforcement agencies have not been uncommon.

There is sufficient information available to suggest that at least some of these charges are true.

There is room for serious question as to whether, in fact, the demand by the Federal Government that its citizens answer specific census questions does or does not invade the privacy of those citizens in contravention of the Constitution. This is an issue apart from the allegation that census information, pledged by the Government to be absolutely confidential, is freely made available to law enforcement agencies and, perhaps, other instrumentalities.

Don Daniels, columnist for the Wheeling, W. Va., News-Register, brought out in a recent column in that newspaper, an evaluation of a condition which has the potential for being an insidious exploitation of individuals and families by census takers who turn out to be informants for FBI agents and possibly other law enforcement operators and operations.

Mr. Daniels wrote that he has in his possession a copy of information provided by an FBI agent to a U.S. Commissioner in which the agent allegedly quoted at length information he derived from a female census taker in a western Pennsylvania community. If what Mr. Daniels alleged in his column of June 3 is true, then there has been a serious breach of the public confidence.

I recommend that both the Justice Department and the Commerce Department investigate this matter and that steps be taken immediately to assure that the Federal Government does not in the future violate the rights of citizens through misuse—or, at least, questionable use—of census data supplied in good faith by individual citizens. And, I hope, investigation will be made to ascertain whether or not census takers are operating in that role and as criminal investigation informers at the same time.

Mr. President, I ask unanimous consent that the Don Daniels column of June 3, 1971, in the Wheeling News-Register be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### DON DANIELS

I presume you will recall that when the last census was about to be taken I objected to the particular invasion of privacy. I also pointed out that despite government assurances any information you gave the census taker, would not be kept secret.

I now say to you that the government lied to you when you gave the information. I now say to you that census takers have been used by the government and the FBI to provide information to grand juries. I now say to you, ladies and gentlemen, that you have been hoodwinked and used and that what information you provided is available to investigative agencies and if the precise information is not then the impressions of census takers are.

You have been lied to, citizens.

I have in my possession, a copy of information provided by FBI agent Delbert Roberts to a United States commissioner. It involved one Chester Stupak, a Tony Petersavage and, according to agent Roberts, a Vincent Di Pilla. These have been indicted for operations in interstate gambling. The place involved is the Alamo . . . the upstairs of the Alamo Night Club near Bridgeport.

Now I am not concerned with the guilt or innocence of any of these although I do know Mr. Stupak slightly.

I have never been in the Alamo.

Agent Roberts quoted at length, information he derived from one Agnes Finley who resides at 105 Clubhouse Drive in McMurray, Pa. The Finley woman was a census taker. She worked in the Peters Township School District there. Ralph Barton is the chief of police of McMurray, Pa. He revealed to the eager FBI agent that at one time he had to call the accused Tony Petersavage into his office. It seems that the underage son of Mr. Petersavage had operated a motor bike on a public highway without license or registration. Picking up numbers slips, no doubt.

However, the Finley woman, who is supposed to be, according to the government, duty bound to reveal nothing of what she learned as a census taker, talked longer.

According to the affidavit signed and sworn to by FBI agent Roberts, Mrs. Finley told him she visited the Petersavage residence at 311 Lakewood Drive, McMurray, June 23, 1970. Performing her duty as a census taker. She spoke with Marcella Petersavage, an eighth grade student. She asked the young girl about her father's employment. She later talked with Petersavage himself and he asked why she was asking the questions. She told him it was for the census.

Mrs. Finley, according to agent Roberts, said she visited the Petersavage residence three years in a row while performing her duties as a census taker. (Why three years in a row?)

The Finley woman provided information as to the living habits of Petersavage, the number of days he spent with his family, the number of days he spent in Ohio, the names and birthdates of his children. She also told the FBI agent that "Mrs. Petersavage is an unusual person and is seldom seen outside her residence." Those are the words quoted by the FBI agent. There is more, none of it having any direct bearing on whether or not Petersavage is guilty of involvement in a gambling activity, but of a personal nature.

His guilt or innocence is not at issue here. What is at issue is the fact that a Federal Bureau of Investigation agent did indeed go to a census taker and elicit from her information gathered during the performance of her duties. From the agent's sworn affidavit it would appear that the information was given willingly and with a little imagination you could even suspect that the Finley woman was indeed working for the FBI all the time she was ostensibly simply a census taker.

I submit, ladies and gentlemen of the free United States that the case of Petersavage, whom I do not know, puts the government and the FBI in the position of having lied to you deliberately. You were told that information on your census form would be totally confidential. From that you are entitled to assume, I think, that any other information or observation gathered by the census taker would be confidential also. It should not be made the subject of a sworn affidavit by an FBI agent and not be used before a grand jury in order to build or bolster an accusation. Perhaps, George Orwell, 1984 has come early.

In his sworn statement, agent Roberts made reference to various "informants" numbering five in all. No names. As an interesting sidelight you might note that agent Roberts mentioned also a Martins Ferry man. The man runs a billiards place there. This man, according to agent Roberts, contributed information regarding gambling activity at the Alamo.

He is what newspaper writers often refer to as a "well known gambling figure." I note with some interest that the FBI, which used the man in their investigation, has shown scant interest in his place. Neither have the local police.

In the case of the census taker, I claim you have been betrayed, citizen. You have been lied to from the outset and if a two-bit gambler from McMurray, Pa. can be the target at which the FBI throws census taker darts then so can you. If another two-bit gambler can be used in the same fashion and remain unscathed in his own operation, then all of us are vulnerable to whichever bird sings the loudest.

What I've told you here is true, I have the signed statement of agent Roberts to prove it. I intend to keep it.

I am opposed to crime, citizen, even when it is committed from behind a badge.

## BILL BRADLEY—ALL-AMERICAN, RHODES SCHOLAR, PROFESSIONAL BASKETBALL STAR

Mr. SYMINGTON. Mr. President, the State of Missouri has many things of which to be proud, not the least being the extraordinary record of one of its relatively young citizens, Bill Bradley, of Crystal City, universally considered the greatest basketball played ever produced by the Ivy League, a sportsman who was voted the James E. Sullivan Award in 1965 as the Nation's No. 1 amateur athlete.

Rather than go into professional basketball immediately upon graduation, Bill Bradley, already a member of Phi Beta Kappa, chose to be abroad as a distinguished Rhodes Scholar.

Upon returning in 1967, Bill started his most successful professional basketball career with the New York Knickerbockers.

Not because he is an outstanding scholar as well as a great athlete, however, but because recently he made an address which every American would find interesting, I shall place this superb talk in the Congressional Record.

In a one-paragraph preamble when he was the principal speaker at the annual St. Louis Post-Dispatch Scholar Athlete Awards banquet last month, an assemblage of which I had the honor to be chairman, Bradley summarized his later address to the 113 chosen scholar-athletes as well as the more than 600 guests as follows:

> Tonight I'll not follow the usual procedure for a speech to a Scholar-Athlete dinner. Some of the things I'll say, I wish had been said to me a few years ago when I was a senior in high school. It would have made life a lot easier. So this talk tonight is really for you. Take and make what you want of it.

I ask unanimous consent that this superb presentation by a young man who represents so much of this Nation's hope for the future be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Address by Bill Bradley

In 1964 Bob Dylan wrote a song called "The Times They Are A'changin'." After poignant warnings to writers and critics, senators and congressmen, mothers and fathers, he said in the last stanza, "The line it is drawn; the curse it is cast; the slow one now will later be fast, as the present now will later be past; the order is rapidly fading, and the first one now will later be last—For the times they are a'changin'." Today, seven years later, the accuracy of this prophecy must surprise even Dylan.

We live in a world where survival becomes more precarious every day. The basic racial antagonism of our American history remains festering without sufficient attention; 18-year-old Americans are sent—unconstitutionally—to die in the civil war of an underdeveloped country on the other side of the world for the espoused purpose of protecting America; political fugitives compose one-half of the FBI's most-wanted list; hollow men in windowless skyscrapers make private investment decisions without concern for man or nature; mass education programs students to fit into categories of mediocrity where imagination falls before the sword of efficiency. We learn our myths early and see the world through them—the myth of America's moral superiority, our manifest destiny, the melting pot, and the deceptive belief in progress; and hovering behind the myths lie the frightful possibilities of nuclear war where man can return himself to ashes.

As young Americans, your world is all the above with the specific shading of high school athletes ready to go to college; many leaving home; some never to return.

How do you react to this litany of America's ills? How do you react to the high school in which you were the star, to college recruiting, to your teachers, to parents and girl friends and, most important, how do you react to yourself?

Upon confronting to social environment of America, one way to react is not to react; to pretend there are no problems; that things today are like things yesterday; that the values, ideas and modes which served the 1920's and 30's can also serve the 1970's. One gets nowhere to argue that we have strayed far from the ideals of our founding fathers, or that indeed America is good but you want it to be better. The reply is always, "America is the best country in the world and you're a traitor to criticize it." But, is a man un-American to suggest the dimensions of our social-economic problems?

Last Saturday, a close friend of mine who happens to be Japanese-American, born in a U.S.-Government-built concentration camp in California, appeared on the Bill Fields Show in St. Louis. He explained some of the nation's problems, as seen through his experience. The responses he got were filled with hatred. He was called a stooge, saddled with the responsibility for Pearl Harbor, accused of being ungrateful for what he had and, most viciously, of not being a true American. Because he looked different from most Americans, he was expected to express his love, his devotion and his loyalty, but never his criticism of the United States. The implication was that although he was born in California, grew up in a largely white community, went to the nation's best schools and thought like any American with his background, he still would not be accepted automatically for, to the listeners, an American is white, not yellow; another example that the myth of America as a melting pot is dead. I fear there are many Americans like the listeners to the Bill Fields Show who do not want to know about the sickness that affects our nation and do not accept the ideals of our founding fathers. It is because of them that I fear for the future of our country.

Most of you, I hope, will not forsake your perception. Most of you will admit something has gone wrong in our country. Once your admission is out you can begin to look for a cure. Unfortunately, for a growing number of young Americans so much has gone wrong that disillusionment has set in. The problems seem so great and pervasive that doing battle seems an impossible option. They believe as Joni Mitchell sings, "Ice cream castles in the air and feathered canyons everywhere. I've looked at clouds that way; but now they only block the sun. They rain and snow on everyone. So many things I would have done but clouds got in my way . . . It's life's illusions I recall . . . I really don't know life at all." A generation ago they would have called such a person a pessimist. In your locker-rooms, some coaches would call them quitters. More and more, though, everyone begins to see that these quitters are really warm, gentle people whose only mistake was to believe, early in life, much of what was taught about America and life's possibilities.

Others of you will react to the social environment by believing in the textbook answer to the turmoil of our lives. You will prepare for a future within the present social structure. During college, you will acquire the skills, largely verbal, that equip one to succeed in our corporate or government bureaucracies. You will develop a schedule for your life, read great books and learn to solve problems with a quantitative approach. You will probably become a liberal, with an iron-bound belief in progress and a strong distrust for anyone who holds different views of procedure or structure. You will be a good athlete, probably the captain of your team. One of you might be an All-American. You will emerge committed with your working life to better the ills of your nation. But my bet is you will not succeed, because your life style will be detached from your professed ideals. You will not be able to personalize your social concern.

The radical reaction is another alternative. It sets out to destroy the very institution that the liberal needs to give himself identity. It says march, boycott, bomb, abolish all organized athletics, and make a revolution. They are to be admired because they do act. Their action, however, should be ridiculed more than feared, senseless acts of violence, like pebbles dropped into the sea. The radical's rigidity is very much like that of those who fling around the accusation of un-American. Because one is lodged hopelessly in the past and the other lives only for the future, both ignore the process of life.

Beyond these four rather stereotyped reactions to our social environment, the personal dilemma of most college students concerns belief. One who does well academically will acquire the analytical skills which make him a good commodity for the corporate state upon graduation. When he turns those skills toward areas of life other than his specialty, however, the inconsistencies in them become equally as clear. He often is castigated for being too critical while in fact he is simply applying the tools society has given him to all the issues instead of a specialized few. Joni Mitchell calls it "seeing life from both sides."

There is a danger of seeing life from both sides, for it is just a short distance from there to profound unhappiness. Joseph Conrad's novel Victory is about a man named Heyst who travels the short distance in his youth. After a childhood with a father whose skeptical analysis of life leaves him without belief in human possibility or great achievements, he finds nothing worthy of affirmation. It is not the clearsighted who lead the world, his father cries, and Heyst has become clearsighted. Depressed by his power of analysis, he drifts around the South Seas, distrustful, purposely detached, unwilling to make connection with another human spirit. Finally, he opts for the logical extension of his world view and settles on an island where his only contact with the outside world comes from the monthly visit of an ocean steamer. The irony of the story rests in Heyst's last words, which he utters in the arms of the old sea captain: "Ah, Davidson," he says, "woe to the man whose heart has not learned while young to hope, to love and to put his trust in life."

When confronted with our world today, that is my only response. Put your trust in life. Without personal fulfillment, no social-political answer can deal with the depth of today's problems, for they rest at the center of man's existence. To me, trusting in life involves at least three personal actions.

First, one must accept responsibility for himself, before he can deal with other people or larger social issues. We have to give up the excuses for not dealing with ourselves. It is easy to blame bad games on the coach, poor grades on an intractable teacher. It is easy to live in the "I-could-have-if-I-only" syndrome. It is also easy to ignore one's own contribution to our social problems by blaming their existence on an abstraction. Schools are not bad because of communism or atheism. They are bad because selfish, indifferent people do not vote for school bond issues. Pollution exists not because of runaway technology, but because individuals prefer excessive consumption to a clean environment. College athletics is hypocritical not because of race or the generation gap, but because some coaches exploit young athletes and young athletes allow it.

The necessary identity crisis that most people go through in late adolescence occurs less often in the life of the scholar-athlete, for his milieu gives him a role at age 18, with tempting rewards to play it. If you as an 18-year-old scholar-athlete, fail to grapple with that fact, you will always be a scholar-athlete to yourself. One might be frightened to see how similar each of you really are. I wonder how many of you have accepted your role with the knowledge of what it means for the future.

When one puts away the excuses and deals with himself, he accepts himself as he is, without the need of labels like A student, All-American and scholar-athlete. His identity does not depend on other people's expectations or impersonal status symbols like cars, clothes, titles and neighborhoods. When one has some idea who he is, that is, what he likes to do, what he values and believes, he rejects society's roles if they do not fit. Once that rejection takes place, he will be ready to experience genuine human contact. He will be able to concern himself with the welfare of other people because he knows himself. He will be one step closer to trusting in life.

A more difficult step to take is to make yourself open to other people on a personal level and to approach them yourself. Approaching other people in such a manner is difficult for many of you. You have been the center of attention. You have been the star of your school. Your telephone rings more than it is dialed. Other people have wanted you for their club. Other students have admired you. Our society identifies your performance as success. At the same time, due to your early prominence, it is hard for you to laugh at failure and to open up your fears to the confidence of friends. You have found that being a scholar-athlete equips you with no special qualifications as a person. It gives you no head start in forming a true friendship or developing the capacities to love. If you go on to college and do well in an approved public forum like athletics, it can only become more intense. As you succeed, more and more people will take sustenance from you, while simultaneously they grow further from you personally.

The reasons they depend upon you are vicarious. America is a vicarious society. The Sunday afternoon football game allows us to be Monday morning quarterbacks, while taking us to levels of excitement we would never attain or expect from our jobs. This is one of the things that bothers me about professional basketball and makes me wonder how much longer I will play. I love the game. The sensation of a well-executed play is unparalleled. But more and more I think of the other people, the fans and what my relationship is to them. Even if I reject the vicarious role, off the court, as I do, the fact remains I still play, and thousands of people who do not know me use my participation on a Sunday afternoon as an excuse for non-action, as a fix to help them escape their own everyday problems, and society's problems. The toll of providing that experience is beginning to register on me. The toll on them will probably register too late.

Thinking Congressman X will do it, or getting one's personal thrills through the reported lives of movie stars and pro-athletes, or feeling no need to boycott products because there are people like Ralph Nader; none of these will save the country. Only you, as one individual who makes a seemingly meaningless commitment of himself, can change things. No one else can do it for you. Only hundreds of individuals can make an athletic department become unconcerned with money and victory-at-any-cost and more concerned with the healthy aspects of competition, learning, and the human spirit. Only millions of individuals can succeed in demanding that 18-year-olds no longer be sent to die in the quagmires of Southeast Asia, that private investment decisions no longer be made without concern for man or nature, and that men no longer treat their fellow men as objects of senseless hatred.

The greatest obstacle blocking individuals from putting their trust in life and influencing society as fulfilled men is the security syndrome. It destroys youthful idealism and makes true self-realization impossible. To change a society, one must have the personal courage to accept risks. Most of you are young enough and bright enough to find your own life style. The question is, "Do you have the personal courage to live it?"

Many of you have undergone interviews for college in which you were asked what you want to be. Few of you know, and there is no reason why you should, especially before you know yourself. During these next few years is the time to decide about one thing only—education—who you are and what you believe. More accurately put, you could ask "Education for what?" Are you being subtly programmed into being a certain kind of person with a narrow range of traditional career alternatives? If so, rebel. Learning should lead to freedom, not restraint. Learning is not a matter of the university, a diploma or grades. It is a matter of what you know, what you can perceive about yourself and your times, and, ultimately, it is a matter of what you do, whether you work on your own perceptions and values or blindly accept the programmed job and the programmed values. One is never too young to take a stand. Wisdom is where you find it. It is not the exclusive province of any age group.

What is important is not what you leave behind or wanted to do or said you would do, but what you do, how you spend your time, your work. As Conrad says, "In one's activity alone do we find that sustaining illusion of an independent existence." During your college years your work could be discovering yourself. It's a unique opportunity. There is no accepted method for everyone; indeed, some never experience the search and others fail to realize its importance. Do not allow your alternatives to stop with studies and college sports. There must be more imagination in this room tonight. Whether you spend the next few years competing on the athletic field, walking in the protest line, studying at the library, hiking the U.S., working on a farm, playing rock music or following the sun—you ideally will learn to hope, to love, and to put your trust in life.

If there is a Bob Dylan in the auditorium tonight, let's hope he does not have to deal with today's stereotype images of conservatism, liberalism, disillusionment or radicalism; let's hope he can write of joy and fulfillment; of the life possible for all of us in the future; of how individuals who know themselves can influence the larger social issues; of how a society can be created which is not life denying but life giving. For even before the sediment of the 1960's has settled the times they are a 'changin'—once more.

## NATIONAL CIVIL SERVICE LEAGUE ENDORSES EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, the National Civil Service League has, since the foundation of the civil service merit system in the 1883 Pendleton Act, been the major public interest group promoting quality in the civil service system. The league annually presents 10 coveted awards to civil servants for distinguished achievement.

Thus the National Civil Service League's wholehearted endorsement of the President's executive reorganization proposals has special significance. The league considers the reorganization "a landmark in Federal administrative history." The president of the league, Mortimer Caplin, and the chairman of the executive committee, Bernard L. Gladieux, wrote the President on June 7 on behalf of the league that—

> The League concurs that the present fragmented structure, oriented to special interests or purposes, is no longer adapted to a comprehensive and coordinated attack on the socio-economic problems of modern times. We believe that the proposed plans can provide a much more suitable and rational framework for both policy and administration.

Thus, Mr. President, we have the judgment of an organization of unquestioned competence that the reorganization proposals are necessary. The program is bold, and the President is to be commended for his courage in proposing it. I think we in the Senate must respond with equal boldness to implement these fundamental improvements in the operations of Government. The National Civil Service League has long been a student of the Federal executive structure, a stanch advocate of quality and defender of the best in our civil service. Let us take its advice to heart and act.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

NATIONAL CIVIL SERVICE LEAGUE,
*June 7, 1971.*

Hon. RICHARD M. NIXON,
*President of the United States,*
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The Board of Directors of the National Civil Service League warmly endorses the management doctrine and conceptual principles embodied in the four reorganization proposals presented to the Congress in your message of March 25. This proposal to integrate a congeries of Federal departments and agencies dealing with domestic affairs into a more rational structure is a landmark in Federal administrative history. We commend your foresight in designing this organization plan and presenting it to the Congress.

The structural context in which policies are formulated and programs carried out clearly serves as a major determinant of the effectiveness of governmental services. The League concurs that the present fragmented structure, oriented to special interests or purposes, is no longer adapted to a comprehensive and coordinated attack on the socio-economic problems of modern times. We believe that the proposed plans can provide a much more suitable and rational framework for both policy and administration in their promise to:

Assure better accountability through clearly delineated authority for broad but definitive missions;

Afford greater prospects for eliminating overlapping programs and producing efficiency and cost reductions;

Facilitate the balancing of conflicting demands on our resources by granting broader flexibility to Cabinet members in decision-making;

Enhance Presidential control of the Executive Branch by limiting the number of principal subordinates;

Give broader opportunity for more uniform standards and wider mobility in government personnel utilization.

We also believe the overall plan will have the virtue of shielding the President from the mounting volume of coordination necessary to accommodate policies and resolve conflicts on particular issues. These are often of a subordinate nature and impose a heavy burden upon the President, who should be free for uniquely Presidential decisions and concerns.

Furthermore, by placing more responsibility in Cabinet officers and by reducing the number of primary departmental entities there should be greater assurance that Secretaries of government will be more closely identified with the President, more intimately advised as to his perspective and, therefore, better equipped to deal with substantive policy issues which now require extensive White House coordination. It is, thus, our hope that the reorganization will help restore the Cabinet to positions of primacy in the councils of government and arrest the trend toward excessive reliance on White House coordinating staffs evident in successive administrations since World War II.

The proposed massive concentration of domestic functions in a few comprehensive departments will confront you and your administration with an unprecedented management challenge. Cabinet leadership of exceptional management competence will be required, and the most modern management techniques will have to be adopted. Good management will also require extraordinary care in selecting key departmental executives and the optimum utilization of the senior civil service staff. Many other Federal reorganizations have faltered on this score and have failed to produce the anticipated benefits because of managerial deficiencies.

For all these reasons we endorse your reorganization proposals and convey to you the willingness of representatives of the League, as a public interest organization, to voice our support as appropriate. Some of us may have varying views with respect to the transfer or assignment of particular functions. Admittedly, there are many issues concerning the most suitable locus for specific bureaus of programs and reasonable men can expect to have some differences concerning them. Likewise, alternative clustering of functions and agencies within the general context of the plan may prove to have merit. Nevertheless, this in no way dilutes our endorsement of the basic principles and concepts underlying the proposed creation of these four new departments of government.

Please accept the good wishes of our Board as you proceed with the important task of forming a Federal organization which will produce better responsivity and efficiency in Federal administration.

Very truly yours,

Mortimer M. Caplin,
*President.*
Bernard L. Gladieux,
*Chairman, Executive Committee.*

## POLLUTION

Mr. HOLLINGS. Mr. President, as chairman of the Subcommittee on Oceans and Atmosphere I have become increasingly aware of the horror of pollution. Our Nation's lakes and waterways are becoming unusable, wildlife is being destroyed, and the water shortages throughout the country are receiving national concern. We have a responsibility to reverse the dangerous actions which man has perpetrated on his environment for the past generations. I commend to the Senate the concurrent resolution of the South Carolina General Assembly, and ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Concurrent Resolution

Memorializing Congress to enact legislation to prohibit the Savannah District Army Corps of Engineers from permitting the dumping of sewage in Lake Hartwell in in South Carolina

Whereas, the Savannah District of Army Corps of Engineers has received an application from a firm in Anderson, South Carolina to permit it to construct and maintain a discharge line which will discharge treated effluents from a holding pond into Lake Hartwell near where U.S. Highway 76 crosses Six and Twenty Mile Creek; and

Whereas, the application if granted would permit concern to dump eight thousand gallons of treated sewage a day into the Six and Twenty Mile Creek channel of Lake Hartwell;

Whereas, Lake Hartwell has been developed as a residential area and as an outstanding recreational spa attracting many thousands annually to its shore to indulge in such water sports as swimming, water skiing, boating and fishing; and

Whereas, the dumping of sewage whether treated or not presents a threat to the health and safety of residents in the vicinity and the many users of the facilities of Lake Hartwell. Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby memorialized to enact such legislation as may be necessary to prohibit the Savannah District Corps of Army Engineers from approving a proposal to permit the dumping of sewage in Lake Hartwell in South Carolina.

Be it further resolved that copies of this Resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

## DOT ADMITS USING TAXPAYER FUNDS TO PROMOTE SST AMONG GRADE-SCHOOL CHILDREN

Mr. PROXMIRE. Mr. President, a few weeks ago I wrote to the Department of Transportation requesting information about a booklet that DOT has been distributing to the Nation's schools. The booklet is entitled "SST-T-T—Sound, Sense, Today, Tomorrow, Thereafter." The distribution of this booklet has been underway for quite some time, as part of the Department's aviation education program.

The booklet is little more than an attempt to propagandize our children as to the virtues of the SST. It minimizes—indeed, almost dismisses—the problem of the sonic boom. It makes no reference whatsoever to other environmental problems, such as excessive sideline noise or upper atmospheric pollution. It praises the virtue of speed to the hilt—but without mentioning that fewer than 3 percent of us might ever be able to take advantage of it.

The booklet's adventure stories are geared in the same direction. Children are introduced to "The Supersonic Pussycat"—the lucky pet that gets to fly to Paris in 2½ hours; to "Deci Belle"—who was attracted to any noise, "the louder the better"; to "Maxwell the Mouse," "Shaky the Helicopter," and other unforgettable characters. There is a teacher's manual accompanying these stories, suggesting exercises which can excite interest in supersonic flight.

Mr. President, my letter to Secretary of Transportation sought information as to the cost of the booklet, its date of printing, the number of copies distributed, and the authorization for the expenditure.

Secretary Volpe's response was sent last Friday. His letter indicates that the project cost the taxpayer $12,800; that 50,000 copies of the booklet were printed; that the booklet is still in active use; and that the money came out of the printing allocation for DOT and FAA.

Mr. President, I can see absolutely no justification for this type of expenditure—however small it may be. This type of blatant propaganda, distributed to children who cannot see through it, would be questionable even if it were financed by private funds. But it is doubly reprehensible to have the Federal taxpayer finance it.

Congress has not, I hope, lost the power to control such expenditures. When the DOT appropriation for fiscal year 1972 comes before the Senate Appropriations Committee, this Senator intends to pursue this matter further. I just cannot see how we can permit this kind of propagandizing by the Federal Government to continue.

Mr. President, I ask unanimous consent that the response from Secretary Volpe, dated June 18, 1971, be printed in the Record. My original letter to Secretary Volpe already appears in the Congressional Record of June 4, 1971, at page 18129.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Transportation,
*Washington, D.C., June 18, 1971.*
Hon. William Proxmire,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Proxmire: In reply to your letter of June 2, 1971, this is one of many publications we have available to aid us in the promotion of aviation which is authorized by the Federal Aviation Act. The project grew out of a request by educators to have material developed which could be used for ". . . Aviation Education Materials For Grades K–6 In The Areas Of Aviation Noise And Sonic Boom."

In answer to the six questions you raised:

(1) The booklet was produced through normal government printing channels using funds appropriated for the purpose of conducting Department of Transportation (DOT), Federal Aviation Administration (FAA) programs. More precisely, the publication was a part of DOT's Interagency Aircraft Noise Abatement Program under the aegis of the Information Education Committee of the group. The legislative authorization and appropriation was the regular printing allocation of the then DOT, FAA budget.

(2) The costs fall in two major categories: the actual contract for the production of the original material was $5,021.00; the actual printing cost amounted to $7,871.42.

(3) The first and only printing was completed on July 1, 1969.

(4) There were 50,000 copies of the booklet printed.

(5) The booklets were distributed to the then various FAA regions, area managers and educators, both in public and private schools, and those in colleges and universities who conduct teacher training sessions.

(6) The publication is still used.

I trust this satisfactorily answers the questions you raised.

Sincerely,

John A. Volpe.

## SENATOR HUMPHREY'S SPEECH TO THE NATIONAL CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 14 I had the high honor and privilege of delivering the keynote address to the Conference of Mayors annual meeting in Philadelphia, Pa.

In the speech, I advocated that the United States should adopt a national urban strategy—a plan of action that pinpoints the choices and values we as a nation must embrace if we are to solve the problems of the cities. I suggested that five key points of a national urban strategy are fiscal vitality, social progress, environmental quality, urban peace, and balanced national growth.

Although I believe that each of these topics is a major subject in itself, I focused my attention on fiscal vitality and social progress.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### REMARKS BY SENATOR HUBERT H. HUMPHREY, 1971 CONFERENCE OF MAYORS

The accepted principles of oratorical practice call for the keynoter to set the tone and style of the convention. His speech is supposed to provide the focus for discussion and inspire other speakers to rise to even greater rhetorical glories.

I am not certain that my speech will accomplish that or whether I want it to.

But I am certain that I want to have a hand in setting the tone of this conference.

And, I can think of no better way to do it than to state here and now, flatly and unequivocally, I am one Democrat who *favors Federal Revenue Sharing.*

The cities need the money.

The country needs revenue sharing.

And I will fight for it.

I am not going to speak to you about the city of yesterday.

I want to talk about today—today's government, today's cities and today's people and problems—and what kind of cities we can have tomorrow, if we begin now.

Unless we do something to solve the problems of today, there will be no cities tomorrow. They will instead be islands of despair and conflict.

For those of us who love cities, who believe that cities are more than mortar and bricks and concrete and steel, the urban condition is frustrating and disillusioning.

The city is a paradox.

We know that many parts of the city are beautiful.

We have green parks, tree-lined roads, expansive lawns, well-kept homes, great libraries, recreation areas, theatres, and cultural centers. At its best the city gives us a sense of excitement and a "sense of the possible."

We also know that there is another part of urban America. It is neither pleasant nor pretty.

This is the city of crime, of blight, of slums, and of people with crushed spirits.

And nothing we do seems to help.

We have tried many tactics, many programs.

Yet, ghettos and barrios swell with the crying pain of too many people, not enough space, and a style of life that robs man of dignity, hope and opportunity.

Businesses and white residents move out of the city, while the poor, the unskilled and the welfare clients move in.

The tax base is reduced.

Schools are poorest where they should be the best.

Our programs have not matched our expectations because we have not succeeded in identifying the needs of the poor with the needs of the non-poor.

We have not yet convinced the middle-income taxpayer that when *some* of the people are denied good health care and education and jobs, it affects *all* of the people.

What we need are good schools—not only for the poor but for everyone.

What we need are good hospitals—for everyone.

What we need is good housing, not only for the poor, not only for the affluent, but for everyone.

We are not going to get them until we recognize that the problems of urbanization will yield only to national policy decisions that reallocate our resources and define a clear *National Urban Strategy for our Cities.*

What do I mean by National Urban Strategy?

I mean a policy that marks the values and choices we as a Nation must embrace if we are to meet the needs of the people.

It is a plan of action backed by money, leadership, and political commitment.

It is for our cities what the Marshall Plan was for Europe.

And it is much more:

It is the willingness to preserve—to stop studying what is to be done and start doing what needs doing.

I believe there are five essentials of a National Urban Strategy: *Fiscal Vitality, Social Progress, Environmental Quality, Urban Peace, and Balanced Growth.*

I have talked with you in previous years about urban peace and about my proposals for councils of civil peace. I hope to talk to you another day about environmental quality and balanced growth.

Today, I want to talk about today's priorities: Fiscal vitality and social progress.

#### FIRST, FISCAL VITALITY

I understand that the mayors had a meeting on city finances with Vice President Agnew.

At the end of the conference, the Vice President reportedly turned to an associate and said: "If you've heard one mayor, you've heard them all."

Well, hardly—but when it comes to the matter of city finances—he may be right. How's that for being bipartisan?

We all agree we will never be able to provide the housing, the education, the basic services to people unless we solve the dollar shortage first.

Your cities need hard cash, and they need it now.

And they will need more in the future.

Listen to these projections:

State and local governments will need $150 billion in fiscal year 1975 for all their programs.

Education by 1975 will require $55 billion; $17 billion will be needed for highways.

Police and fire protection will cost another $10 billion.

Where are we going to get this money? How are we going to meet this demand?

I propose an eight-point fiscal program for the cities.

#### *Number one: the economy*

We need a healthy, booming economy.

This Nation's economy is floundering badly, and all of us know it.

It does not produce the revenues we need—it produces unemployment.

It does not produce adequate growth—it produces inflation.

By the end of the year, this recession will cost State and local governments $6 billion in lost revenues. It will cost the Federal Government over $30 billion.

It will cost the economy over $150 billion.

Here is a startling fact that has received too little notice: From 1961 to 1969, the number of people classified as being in poverty decreased 5 per cent per year.

In 1969–70, the number of people in poverty increased 5 per cent.

We must reject the economic "nonpolicy" that has created these statistics. The people must be the beneficiaries of a healthy economy, rather than the victims of an economy of recession.

#### *No. two: Revenue sharing*

We can and we must enact revenue sharing now.

I recognize that it is not a panacea. I recognize, too, that to be effective, the amount of fiscal relief must be greater than the $5 billion proposed by the Administration.

But I urge both the Congress and the Administration to put aside partisanship and individual pride of authorship to pass an acceptable revenue sharing bill at this session.

I believe that an equitable revenue sharing bill should have a pass-through formula that guarantees cities their fair share. It should be based on need as well as size.

The bill should also contain a plan for the modernization of local and state governments. And, it should provide incentives for governments to adopt a progressive, rather than regressive tax system. That is what I intend to work for.

Still, revenue sharing is only part of the required package.

It ought not be oversold as a cure-all.

It is at best an economic blood transfusion for local governments that are suffering from severe economic anemia.

But we need that transfusion now.

#### *Number Three: National Domestic Development Bank*

We can and must enact the National Domestic Development Bank—legislation I recently introduced to help cities, states, and towns finance vitally needed public projects.

This legislation is based on accepted principles of international finance. I propose that we now apply them at home by providing long-term loans at low interest rates, and that we couple the financial help with technical assistance.

My plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative and supplemental source of funds for new schools . . . for medical and hospital centers . . . for police and fire training facilities . . . for day care centers . . . parks . . . waste disposal centers . . . museums and cultural centers . . . parks and playgrounds . . . mass transit systems . . . adult education facilities . . . and much more.

It can help end the stop-start history of public construction in this country by providing for an orderly and continuing new financing mechanism.

The National Domestic Development Bank is a program for all the communities of America.

It can facilitate economic development in depressed areas.

It can provide jobs.

It can stimulate the economy.

It can help promote better balanced rural-urban growth.

And, it can remove the reliance of local governments on the ever-increasing property tax.

We have become a Nation that is privately wealthy but publicly poor. I believe this legislation can help redress that imbalance.

We have used this approach successfully overseas through such institutions as the World Bank.

I say that if we can help build a better Rio de Janiero, we can help build a better Philadelphia, or Detroit, or Chicago, or New York, or Chattanooga, Tennessee.

#### *Number four: Categorical grants*

We should fully fund the categorical grant-in-aid programs. And we should unfreeze the billions of dollars of program money, which the Congress has appropriated, but which the Administration has insisted on tying up.

We should demand that the President release these impounded funds now.

#### *Number five: Block grants*

We should pass a series of block grants to be used for specific purposes but with a significant percentage of the total money available for local discretionary use.

We can maintain a Federal presence and still allow you as mayors the flexibility to spend this money consistent with your local needs—and you know those needs better than anyone.

#### *Number six: Welfare*

We can and must federalize the cost of welfare. And, we can make a major effort this year.

We can and must encourage States which save money from reduced public assistance expenses to return a portion of that savings to the cities.

Welfare is a national problem; it demands national answers and national financing.

### *Number seven: Highways*

We should open up the highway trust fund to the cities—to pave city streets and to build new streets, to create parking areas, and to help finance maintenance.

We must end the fiction that the streets of a city are separate and apart from highways. They are an integral part of our transportation circulatory system, and it is time that we recognized that fact.

### *Number eight: Tax reform*

We can and must reform the tax system.

We should de-emphasize the regressive sales and property tax and emphasize more equitable local and State income tax.

This reform will not be easy. Methods of financing change slowly, and people do not eagerly embrace income taxes.

But, look what happens if we do not change our local tax structures:

Sales taxes in fiscal 1975 will yield some $28 billion.

Property taxes will account for some $39 billion.

Income taxes, on the other hand, will bring in only $10 billion.

And, corporate taxes will produce only $3.7 billion.

In other words, those least able to pay will be asked to shoulder most of the tax load.

We must have a more equitable tax structure and one that will enable the states to share with the cities.

The second essential of a National Urban Strategy is social progress.

Money is crucial. But we also need a strategy of allocating that money to improve the quality of life for all our people.

Among other things, social progress means suitable employment and the opportunity to advance in one's work.

It means we must strive to provide a national floor of basic services for every citizen in the United States.

We are a highly mobile society. Almost 20 per cent of our population is on the move every year.

We must guarantee all Americans, no matter where they live, basic services and basic standards. Clean and well-lit streets, garbage collection, adequate public safety, and other basic services are matters of right for every American.

The cities have the manpower to make good on this guarantee. The Federal government must help supply the resources.

Social progress also means an adequate welfare system for those who need assistance.

Social progress means schools—good schools. It means quality education. And, it means a substantial increase in federal funds for education.

It means advancing on all these fronts, not retreat.

Social progress means a nation-wide system of health and dental care.

It means more hospitals, neighborhood health centers close to the people, and more medical manpower.

And it means much more emphasis on preventive care.

Social progress means day care facilities for the children of working mothers.

Social progress means racial peace. It means respect for our individual differences. And, it means a continuing effort in both public and private life to erase injustice and discrimination and inequality of opportunity.

Social progress means a concerted attack, led by the Federal Government against drug abuse and drug addiction.

Drugs cost the cities untold billions of dollars in crime. And the human cost cannot be calculated.

In Washington alone, drug related crime totals $450 million.

In New York City, the cost is about $2 billion.

Even more frightening is this fact. In the last eight years, drug abuse killed more people in New York City than the entire State of New York lost in the Vietnam War.

Yet the Federal Government spends a pittance on drug control.

I believe we must consolidate and strengthen all our activities relating to the control of drugs and the rehabilitation of drug users and addicts. I intend to introduce legislation to create a Drug Cure and Control Authority that would do just that.

I recommend an emergency appropriation to deal with the drug problem faced by Vietnam veterans.

And I call on the President to convene an immediate White House Conference on Drug Control.

Many agencies must join in the fight against the growing drug epidemic.

If the CIA can find a saboteur, then it can find a drug smuggler. If the FBI can ferret out subversives, it can find the drug pushers.

The Food and Drug Administration, the Bureau of Narcotics, the Customs Bureau—all resources of the Federal government should join now in a major offensive against the menace of drug abuse and addiction.

We should obtain international agreements that will stop the flow of heroin into this country from abroad.

And if we cannot negotiate agreements, then we must apply strong sanctions to dry up the illegal entry of drugs—sanctions that would include the withdrawal of all U.S. assistance.

No nation can be a true friend and ally if it contributes to the poisoning of our people.

Drug traffic is murder on the installment plan. It must be stopped.

Finally, social progress means civil peace.

No one can be secure where there is violence, crime, and disorder.

The first responsibility of government is to preserve and protect life. And, we must do so within the constitutional guarantees of due process.

Every citizen must be able to live in peace, think in peace, do business in peace, and feel secure in his residence.

The program I have outlined will require planning and determined political leadership. It will also require money.

But it will cost more not to do it than to do it.

I am convinced that we have the tools to do the job. We have the know-how. We have the manpower. And we have the resources and the wealth, if we will use them well.

We can start by closing tax loopholes and finding more equitable ways to raise money.

And we can start by challenging our fiscal priorities: Do we need $80 billion for the Pentagon?

I say no.

National security is not merely a matter of troops and weapons. Security ultimately lies in our people. It lies in the political and economic health of the Nation and in cities that are alive and growing, not sick and dying.

The people and their well-being is the solid base of the real security we must build.

Four years ago, a Presidential commission concluded that "This Nation is moving towards two societies—one black and one white—separate and unequal."

Since then, we have come to realize that not all of our urban problems are racial.

We know now that there are problems of political organization, of social institutions, of community services, and financial resources.

We know now that urban problems are as intricate as they are disturbing. And, as diverse as they are agonizing.

We know now that we must have a National Urban Strategy if we are to build the kind of cities that we must have—cities that are rich and rewarding places in which to live and work and raise children.

If we do not act now, we can forget such lofty concepts as "national greatness," "New American Revolutions," "brotherhood" and "driving dreams," for the dreams will turn into nightmares.

Can we as a Nation build great cities?

Can we make it?

I am an optimist. I believe we can.

I believe we can reach what Cotton Mather called the "Heavenly City"—a city to be inhabited by an innumerable Company of Angels and by the Spirits of Just Men."

## AMERICAN-VIETNAMESE WAR CHILDREN

Mr. MOSS. Mr. President, last week I introduced a bill to provide for the care, in the United States, of children of unwed Vietnamese mothers and American fathers—S. 2017.

These children are a tragic byproduct of the war—recognized by neither the U.S. Government, nor the Vietnamese Government.

Most of them face a bleak future. Their illegitimacy is a stain, just as it is in other places. But they also bear the stigma of mixed blood—of being half-Caucasian or half-Negro. In some levels of Vietnamese society this mixed blood will make them virtually an outcast—the child with Negro blood will have a particularly difficult time, I am told.

I have now been advised of some of the results of the recent Defense Department survey of children fathered illegitimately by U.S. soldiers in Vietnam. The survey found 5,400 children who could be identified as fitting into this category. Some 400 have been abandoned and are in orphanages. The remainder are scattered throughout the country, living with their mothers or other relatives.

I have also discussed the plight of these children with officials of the State Department, and I was given approximately the same numbers from their sources. The State Department indicates that some money is going from the U.S. Government to the South Vietnamese Government to support the orphanages under the general classification of aid to "war victims."

My bill would bring those who are orphans to the United States where they could be either adopted, or be cared for and educated. The bill also provides that if a Vietnamese mother voluntarily decides to give up claims to a child, it can also be brought here to be adopted or cared for.

The French Government, which in 1954–55 undertook the same kind of program I am proposing, found that there were 5,000 children who were in need of care, or whose mothers gave up their custody, and who were eventually moved to France.

The American-Vietnamese child is the result of U.S. involvement in the affairs of Vietnam, and therefore, we all bear some responsibility for their care. They are half-American, and if they are not wanted or accepted in Vietnam, we should give them the opportunity to live a better life here.

There are also many other orphans in Vietnam whom we may want to help. The DOD survey indicates that there are a total of 18,000 small children now living in the 120 orphanages recognized by the Vietnamese Government, and that a great majority of these children are orphans. Many have been orphaned because their families were killed by American gunfire. This is something we can never forget.

There are many ramifications of the Vietnamese orphan problem, and I have asked Senator EASTLAND, chairman of the Judiciary Committee, to whom S. 2017 has been referred, and who chairs, also, the Immigration Subcommittee, to schedule hearings on the bill so we can begin to get a perspective on the problem, and see what America can and should do about it.

## REVENUE SHARING

**Mr. HOLLINGS.** Mr. President, revenue sharing is a topic which has generated a great deal of discussion as well as several legislative proposals. By resolution dated June 16, 1971, the House of Representatives of the State of South Carolina has called to the attention of Congress the essential fact that any legislation passed relative to revenue sharing must include funds to States, counties, and small municipalities. It is their feeling that disproportionate amounts should not be allocated to large municipalities to the exclusion of the other subdivisions of government.

I ask unanimous consent that the text of the concurrent resolution passed by the South Carolina House of Representatives be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### CONCURRENT RESOLUTION

Memorializing Congress of the United States to include in any legislation passed relative to "revenue sharing" the States, counties and small municipalities

Whereas, legislation is pending in the United States House of Representatives to provide for revenue sharing between the federal government and various subdivisions of government; and

Whereas, it is believed that the chairman of the Ways and Means Committee, Representative Mills, is attempting to provide for revenue sharing only between the federal government and middle to large size municipalities to the exclusion of the states of the United States, counties within such states and small municipalities; and

Whereas, it is the sense of the General Assembly that revenue sharing will be beneficial to those governments and subdivisions of government which it is contemplated may be excluded from the plan. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby memorialized to include in any legislation passed relative to revenue sharing states, counties and small municipalities.

Be it further resolved that a copy of this resolution be forwarded to both United States Senators and each member of the House of Representatives from South Carolina and to Representative Mills, Chairman of the Ways and Means Committee of the House of Representatives.

## ADMINISTRATION'S ECONOMIC POLICY LACKS CREDIBILITY

**Mr. PROXMIRE.** Mr. President, the economy's recovery from the 1969–1970 recession has been the most overpromised one in recent memory. Whenever an unfavorable price or employment statistic has been released, the administration has cautioned the public about placing too much importance in 1 month's data. However, if an indicator of economic activity has been even slightly favorable, the President and his economic advisers have hailed it as a turning point in the economy or as solid evidence that conditions are improving.

Any administration has a tendency to emphasize the good and minimize the unfavorable statistics. What is of more serious concern to both the Congress and the public now, however, is that the Nixon administration, in an attempt to paint a rosy economic picture, has actually muzzled the professionals within the Government who prepare economic data.

In March of this year, the administration canceled news conferences held by the career statisticians in the Bureau of Labor Statistics on price and unemployment statistics. Most observers have surmised that the reason for the abrupt cancellation of these press conferences is that the career officials gave an objective interpretation of the statistics at the same time that administration spokesmen were making highly optimistic statements that simply were not borne out by the facts.

The Joint Economic Committee has attempted to continue to make the interpretation of the BLS officials available to the public and the Congress, but we have had little cooperation from the administration. For the past 3 months the committee has invited the Labor Department's statisticians to testify at hearings on unemployment, but with little success.

Therefore, I have written to Secretary of Labor Hodgson asking him to appear before the committee when the June unemployment data are released, now scheduled for July 2. As I wrote to Secretary Hodgson:

> I urge you to accept this invitation and I urge you to bring with you those members of your staff who can contribute to the presentation.

Mr. President, today the Wall Street Journal published an excellent article by Albert R. Hunt that documents the many instances where administration officials have interfered with the release of economic data by the career statisticians who have been responsible for it for the past 10 years. Mr. Hunt emphasizes that the administration "should realize that usually these shortcuts and gimmicks simply do not work."

Mr. President, I ask unanimous consent that Mr. Hunt's statement be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CREDIBILITY AND ECONOMIC POLICY

(By Albert R. Hunt)

WASHINGTON.—Treasury Secretary John B. Connally recently lambasted some of his fellow Democrats as "politically oriented economists who were once close to power and long to return."

The thrust of Mr. Connally's criticism, echoed privately by other Nixon administration aides, was that some eminent economists have been so tainted by political partisanship that their views are losing believeability. And it is true that some critics of the administration's policies plainly seem to have their eye more on the next presidential election than on the performance of the economy.

Yet it's interesting—and instructive—to examine the one who's throwing stones. For this administration is steadily building up a serious economic credibility problem of its own. The reason is that most administration spokesmen inevitably term any good economic figure a "turning point" or "solid evidence" of improving conditions, while adverse results are "statistically insignificant" or mere "aberrations."

Wholesale prices rise 0.3% in March and the Western White House trots out Labor Secretary James D. Hodgson to gloat that "our anti-inflationary fight is taking hold"; the same prices jump a steeper 0.5% a month later and the Washington White House produces Mr. Connally to caution reporters, "I don't think we ought to pay much attention to it." A 0.2% drop in the February unemployment rate shows the economy "is moving in a favorable direction," according to Mr. Hodgson; when the April jobless notes that a pickup in employment always lags behind other signs of an economic upturn and he suggests, therefore, that this increase isn't cause for concern.

#### SELF-FULFILLING

There is, of course, a reason for all this up-beat talk. The key to a sharp economic upturn, many government analysts believe, is convincing consumers that things are getting better so they'll step up spending. Thus, these optimistic pronouncements can serve as self-fulfilling prophecies, some officials argue.

But, as laudable as this goal may be, some of the methods currently employed certainly are less than desirable and sometimes seem downright counterproductive. Recently several high administration insiders have gone beyond simple rhetoric hyperbole and either outrightly misled the public or flagrantly violated some of their own guidelines.

The most publicized instance was the Labor Department's cancellation of the monthly press conference of its Bureau of Labor Statistics on the unemployment and consumer price figures. These briefings, conducted by nonpolitical technical experts, were terminated, the administration said, for two main reasons: to speed up the release of the data and to avoid subjecting BLS professionals to the "awkwardness" of answering questions "with policy implications." A factor in this decision, the White House said, was the 1962 report of the Gordon Committee on the use of government economic statistics.

But the chairman of that committee, University of California economics professor R. A. Gordon, later told the congressional Joint Economic Committee a different story. There was "nothing" in his report to suggest doing away with these briefings, the author of the study said, and he went on to proclaim a "real need" for these sessions. He further wondered if what the administration really wants isn't "to be free to minimize bad news and maximize good news without any interference from its own technical experts who know most about the facts."

Geoffrey Moore, the BLS commissioner, later admitted that he couldn't recall a single instance in which questions caused "awkwardness" for career officials. And both the unemployment and price figures are now coming out almost at precisely the same time as before the briefings were canceled.

The actual catalyst for the cancellations, insiders admit, came when a BLS official said the 0.2% drop in the February jobless rate was only marginally significant (an observation borne out by the increase in the rate in every month since then), while at the same time Mr. Hodgson was heralding the importance of the drop. Yet, top officials haven't publicly acknowledged this factor.

(An irony here is that another of the administration's top economists. Under Secretary of the Treasury Charls E. Walker, earlier had implored television news to devote more attention to economics in order to increase general public understanding. Only a few months later those economic results most conducive to coverage by that medium—the BLS briefings, replete with charts and tables for visual effects—were eliminated.)

Another double standard concerns the administration's pledge not to politicize the release of statistics. In 1969, the Budget Bureau told all agencies that "an adequate amount of time" (generally agreed to mean 15 to 30 minutes) should elapse between the release of figures and any comment by a political appointee. Thus the actual release of the figures wouldn't be colored by political pronouncements, it was pointed out.

Nevertheless, in early February Mr. Hodgson held a briefing for reporters an hour *before* the revised December and new January unemployment figures were released. Later the BLS' Mr. Moore admitted this didn't "square" with the administration's stated policy and pledged it wouldn't "happen in the future." Yet about 10 minutes before the April consumer price report was issued, reporters were handed a statement from the Labor Secretary hailing the moderate 0.3% advance.

In another instance, President Nixon also directed all agencies to "speed up the implementation and dissemination" of all statistics. Although this dwelled on avoiding unnecessary delays, Arthur F. Burns, then counselor to the President, explained that the intent was "to discontinue manipulation of release dates for statistics." High administration officials were openly scornful of their predecessors' penchant for either speeding up or delaying the release of figures for political purposes.

But two months ago the Commerce Department suddenly rushed out at 6 o'clock Friday evening a report showing that housing starts had jumped an impressive 11% the month before. Since officials had confidently stated all day that this report wouldn't be out until the following week, could it be that the government was taking its directive seriously and even putting out good news at an unpropitious time.

Alas, no such luck. President Nixon was holding a news conference that evening and, according to informed officials, late Friday afternoon the White House ordered the Commerce Department to rush out the housing figures so the Chief Executive could hail the results that evening. Sure enough, when the first economic question came up the President glowingly alluded to the housing figures.

In another promotional effort in late April, White House Communications Director Herbert G. Klein sent an analysis to 1,300 newspaper editors and writers that noted how much money investors would have made if they had followed President Nixon's general advice to buy stocks in April 1970. Mr. Klein's analysis mentioned 10 specific securities.

This horrified even some of the administration's own economists. Besides giving the appearance of touting selected stocks, one top administration economist notes, Mr. Klein "just couldn't understand that he who lives by such swords can die by them too." With the Dow Jones Industrial Average generally declining since reaching a peak of about 950 in late April, Mr. Klein's tip service has been noticeably quiet.

As isolated instances, perhaps there's little reason to be unduly alarmed at any of these transgressions. But together, they add up to the makings of a real credibility problem that the Nixon people are creating for themselves.

### 1970: "A GOOD YEAR"?

They should realize that usually these shortcuts and gimmicks simply don't work. The next time the President repeats his confident assertion that this year "will be a good year for the economy" and that 1972 "will be a very good year," he might recall his own words at a March 1970 press conference. On the same subject and with equal confidence, he assured the nation that 1970 "is going to be a good year from an economic vantage point." Even most of the President's partisans now would agree this was hardly a self-fulfilling prophecy.

"One has to really produce things that are believable to affect consumers," says George Katona, director of the University of Michigan's Institute for Social Research, which studies consumer attitudes and behavior. "Mere talk won't do it."

To be sure, the temptation to exaggerate is probably endemic in any administration, particularly when the economy is such a terribly sensitive political issue. And few would expect the President or his lieutenants to proclaim that the economy is going to be in rotten shape.

But a little more candor about setbacks, as well as successes, and a willingness to resist the temptation to bend or break reasonable rules for very short-run gains, wouldn't seem to constitute a suicidal course. Indeed, there's apt to be a time, with November 1972 quickly approaching, when the administration will need all the economic believability it can muster.

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## ATTITUDES TOWARD TECHNOLOGICAL AND SCIENTIFIC ENDEAVORS

Mr. CHILES. Mr. President, with growing concern I have noted a developing trend in our country of hostility toward technological and scientific endeavors, particularly on the part of our younger people. This deeply disturbs me for there is certainly still a role—a vital role—in our lives for science and technology, and we are sadly deluding ourselves if we think for a moment that we can achieve high aspirations of ecological, social, and cultural achievement without the help, the contributions of these fields.

It is essential that we maintain a proper perspective if we are to have the national unity necessary to reach ambitious goals. We must be rational and considerate and have mutual respect for each others' viewpoints and efforts.

Recently, Dr. Wernher von Braun, Deputy Associate Administrator of the National Aeronautics and Space Administration and one of the greatest minds of our time, offered some definitive comment on this subject in a speech to the Washington chapter of the Aviation and Space Writers. In order that Senators may have the benefit of his ideas and comments, I ask unanimous consent that the text of his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Address by Dr. Wernher von Braun at the National Aviation Club, Washington, D.C., May 27, 1971

Today, instead of telling you more about the space program and NASA's plans for the future—everyone here is, I am sure, pretty much up to the ears in that topic—I'd like to say a few words about a problem that disturbs me and which I think concerns us all. I speak of the climate of irrational hostility that seems to be growing in this country—especially among our college and university students—regarding science and technology.

It is irrational precisely because those most vocal in their hostility toward science and technology are the very ones professing the greatest concern about poverty, poor housing, hunger, and the quality of the environment. All of these problems of society depend in varying degree upon our technological capabilities, and certainly on increased productivity, for their solutions. Some particularly environmental pollution, require advanced research into the nature of the environment and ecological interactions.

Now there is a chronic misunderstanding about science and technology on the public's part that I am afraid is growing, but which isn't altogether the public's fault. This concern the role that science and technology play in the development of society and the economy. There is, unfortunately, no visible link between scientific discovery about natural phenomena on the Moon, for example, and our everyday lives here on Earth. Yet, there are concepts and knowledge coming out of the Apollo explorations, and experiments with the rocks and dust brought back from the Moon, that offer the potential of improving agriculture and the treatment of disease, and as we learn more about interior of heavenly bodies may even help us in locating mineral resources here on Earth or predict earthquakes.

Most concepts and scientific knowledge take years from the time a scientist formulates them and they enter the technology until some no-nonsense pragmatist comes along and turns the idea or knowledge into a product and a flock of new jobs. By that time, everyone has forgotten, if it was known at all, that it was the scientist who started it in the first place. The interesting thing about this process is that the scientist is labeled "impractical" because he deals in theories and squiggly mathematical symbols.

Glenn Seaborg gave a very refreshing and frank talk at the National Press Club here in town last March on the subject of "Misunderstanding the Atom." It's too bad it wasn't widely published for it might have done much to clear the air of a lot of fuzzy thinking about cleaning up the environment and restoring the ecological balance.

What struck me most was that here was a scientist pushing hard on a pragmatic approach to solve the environmental problem and, at the same time, provide the abundant energy sources that society requires. He explored in depth all the alternatives proposed by those conservationists and environmentalists who want a kind of back-to-natural products movement to replace the "energy-intensive industries." As usual, Dr. Seaborg was lucid and highly rational.

No reasonable person could deny the validity of his position. But the trouble is, we are not dealing with a rational body of opinion. We face a militant, highly emotional, even fanatical segment of the population which has seized upon a valid and good cause, but which will accept no facts, no reasoning that run counter to its own fixed ideology. The anti-science/technology people are demanding that we pull the plug on modern civilization in the belief that somehow we shall all be better off in a more primitive state.

However, in primitive times, the major question for mankind was physical survival. It is not hard to guess the predictable fate of hundreds of millions of people who depend upon modern technology for the necessities of life. We have only to consider for a moment what we would do without electricity, permanently. Even the famous naturalist, Konrad Lorenz, has been warning student audiences that if they destroy our store of knowledge to make a "fresh" start, they will fall back not a few centuries, but several hundred thousand years. "If you make a clean sweep of things," he observes, "you won't go back to the Stone Age, because you are already there, but to well before the Stone Age."

But it isn't the young people, the students, who are really to blame for this attitude of hostility to science and technology. They are simply misguided by certain social philosophers, cultural historians, and the like, whose teachings and published works provide only a very lopsided view of science and technology pictured as causing the downfall of man.

When you teach impressionable and idealistic youth that the rational, logical, puritanical work approach to life is bankrupt, and that technology serves only to erode the quality of life, you are bound to ring responsive bells in many minds of a generation that has never known the deprivation, the want, and the poverty of some older generations.

When a historian and philosopher of Lewis Mumford's stature inveighs angrily and brilliantly against the "megamachine" of science and technology, and declares there can be no reform until the present "megatechnical wasteland" is destroyed, a revolutionary spirit is fanned among the young. The natural fires of rebellion we have all felt against "the system" or the "establishment" are now stoked by an eminent and respected "authority."

And when Arnold Toynbee, equally famous as historian and philosopher, asks whether "spacemanship folly" isn't also a crime because it wastes that "slender surplus product that man has succeeded in wringing out of nature within the past 5,000 years," he adds a moralistic fervor to the revolutionary spirit.

It does not matter that neither Toynbee nor anyone else has explained just what "slender surplus product" we are allegedly wasting. It is enough that we are accused of wasting it, because the point Toynbee wants to make is that spacemanship not only is a folly, it is also a crime against mankind.

It seems strange that America is about the only nation in the world where technology and science are held in such low repute. All the so-called "have-not" countries in Africa and Asia are straining their limited resources to gain what some of our students seem bent on destroying. The older European countries would give their eyeteeth to have our technological capabilities. The Soviets are especially envious, and frequently announce they will surpass the United States in production or some other field of technology. So far they have failed to do so.

The Mumfords, the Toynbees, the Charles Reiches, and others of similar persuasion, who are teaching the young suspicion and hatred of science and technology apparently do not realize the incalculable harm they may do to the very society they wish to preserve and spiritually enrich. If the ecology so many are deeply concerned about is in delicate balance, so also is society's economic health which can be upset or destroyed by a hostile ignorance, or a general loss of confidence and purpose.

The anti-science and anti-technology voices making blanket attacks on science and technology in the name of conservation, a clean environment, or improving the quality of human life, are doing the nation and all of us a great disservice. The problems they are rightly anxious and concerned about cannot be solved by a return-to-nature cult. That course leads only to disaster for multitudes of people.

Closely related to the general attacks on science and technology is the denigration of the space program among some persons. Mumford describes the space rocket as "the most futile in tangible and beneficial human results," and sees only that while man is indeed conquering space, the "megamachine" is carrying further its conquest of man. This is of a piece with Martin Van Buren's 1829 complaint to President Andrew Jackson bemoaning the evils of the railroad in which the carriages are pulled at "the enormous speed of 15 miles per hour by 'engines'," something the Almighty never intended for people.

Surprisingly—or perhaps, not so surprisingly—Mumford ignores the apparently limitless resources of knowledge that await man in space. Some of this knowledge, as we have just begun to learn, has great significance to man, to Earth environment, and to the ecology. We are learning of the relationships between Earth and Sun and their effects on our lives which could be learned in no other way save by means of the rocket and spacecraft. Nor does Mumford make an allowance for man's need to extend his intellectual horizons by physically exploring new worlds, no matter how barren and unfit for organic life, such as the Moon may be today. This kind of knowledge and intellectual broadening apparently is of little or no value in the eyes of social philosophers and historians preoccupied with man in the microcosm. They have not yet learned to visualize mankind extending into the macrocosm, or for the spiritual need to do so. The desire to know is more powerful than they may suppose. Pragmatism is a valuable, stabilizing human characteristic; but without imagination we would not be human, and as long as man exercises this precious faculty, he will not long be imprisoned in the successive shells the pragmatists try to enclose him in.

Those who look upon science and technology as a megamachine that dominates their lives and hold them in thrall to a strictly programmed existence have their own special hang-ups. There is another view, and it was expressed by Glenn Seaborg:

"The difference is . . . a positive outlook, some imagination, and the desire to put science and technology to work more creatively."

## GROWING OF MARIHUANA AND DRUG PRODUCING PLANTS ON LANDS RECEIVING AGRICULTURE SUPPORT PAYMENTS

Mr. McINTYRE. Mr. President, our Nation has undertaken a massive effort to reduce drug use in this country.

The drug problem has become epidemic and has brought about a national crisis.

The President of the United States has proposed a far reaching and expensive program to deal with this problem. I applaud him for moving forward to meet this crisis and will support what he is proposing although I am not sure even his overall program goes far enough.

Congress has not been idle. Much legislation has been passed and much important and needed legislation is currently being considered by Congress.

I am proud to be sponsoring drug legislation which would assist in cutting off assistance to foreign countries until such time as they cut off the production of drug producing plants and the export of these drug sources for heroin into the international drug market.

I have joined in introducing legislation to put tighter controls on amphetamine-speed drugs.

A large number of Members are working to assist servicemen who have acquired the drug habit while in service. I have joined in sponsoring legislation to provide special assistance to veterans who have been discharged but still are fighting to "kick the habit."

Many other proposals are also under consideration.

There is one area of this matter of drugs which has concerned me and about which I do not feel enough has been done. There are reportedly thousands of acres of marihuana and other drug-producing plants being grown in this country. Many of these plants grow wild along roadsides and in unused fields. In many instances these drugs are unrecognized and unused but the evidence increases that they are being harvested in too many cases and are finding their way into the drug market.

In other cases it is known that the drug plant is growing in a particular field and apparently it is known that use is being made of the plant but nothing is done about it by the owner of the land. This has become quite serious in some areas, particularly in the Midwest.

Mr. President, we will never solve the drug problem until we dry up the source of supply. This is one source of supply we must cut off and we must act to do so.

I was pleased to note that the House of Representatives yesterday amended the Agriculture Department appropriations bill, H.R. 9270, to cut off any agriculture production payments to any person, persons, or corporations who knowingly grow or permit to be grown marihuana, or any other prohibited drug-producing plants on land controlled or owned by them. I compliment Representative DAN ROSTENKOWSKI for the leadership he took in the House in introducing this amendment and carrying it through to passage.

At the same time, Mr. President, I want to announce now that I will propose the same amendment in the Senate and will work to achieve its adoption.

We must cut off the source of our drug supply.

## DOES THE SENATE SUPPORT EQUAL POLITICAL RIGHTS FOR WOMEN?

Mr. PROXMIRE. Mr. President, does the Senate believe women are entitled to vote in all elections on equal terms with men, without any discrimination? Does the Senate consider women eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination? Does the Senate support the right of women to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination?

These political rights for women are guaranteed by the Constitution. But women in other nations do not necessarily have these guarantees. They are often denied the right to vote or to hold office because of their sex. Surely the Senate does not support such discrimination wherever it occurs.

Ratification of the Convention on the Political Rights of Women would not change our laws. It simply would reaffirm a basic constitutional guarantee.

Mr. President, the Nation has nothing to lose by ratifying this Convention. But the Nation has much to gain.

The Senate should reaffirm America's moral leadership by ratifying the Convention on the Political Rights of Women and the other human rights conventions.

## DO OUR LEADERS STILL TRUST THE PEOPLE?

Mr. HARTKE. Mr. President, the high respect in which the majority of Americans hold our Federal Government is a good thing. Our Government has served us well. However, our reverence for what is right in our National Government should not—must not—blind us to its faults. Chief among these failings is the gathering tendency on the part of our leaders to distrust the basic wisdom and understanding of the American people. This tendency if allowed to grow in strength will most certainly destroy our system of government. By definition, a nation in which the supreme power is not retained by the people is not a democracy.

In an interview aired last night on CBS, Daniel Ellsberg charged that his study of the Pentagon papers disclosed that our leaders held the American people in as much contempt as they did our Vietnamese allies. In their view the American people were not competent to determine their country's course of action in Southeast Asia and that that decision must be left solely in the hands of the leadership elite. I find this view both wrong and terribly disturbing in its implications. James Reston apparently shares his disquiet and voices it eloquently in his column appearing in yesterday's New York Times, entitled "Who Elected the Times?" In his column, Mr. Reston quotes a portion of a statement made by Walter Lippmann more than a decade ago in which he cautioned his audience not to trust our Government on the basis that our leaders must surely know better than the people what is good for the country. For if you go too far with that argument, "you will be showing how ridiculous it is that we live in a republic under a democratic system, and that anyone should be allowed to vote."

Mr. President, I ask unanimous consent that Mr. Reston's column containing the predictably incisive comments of Walter Lippmann be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

### Who Elected The Times?

(By James Reston)

The public reaction to the publication of the Pentagon Papers has been overwhelmingly on the side of the newspapers, but there is a strong and vehement view that it is wrong, dangerous and even criminal for a newspaper to assume responsibility for publishing private official documents without the consent of the Government.

Who, it is asked, elected The New York Times? How can outsiders judge better than the official insiders what damage may be done by publication of secret documents? By what right do newspapers presume to print official information which may embarrass the Government and give comfort to the enemy?

These are serious questions which deserve serious answers, for it is clear that the publication of the Pentagon Papers *has* embarrassed the Government, disclosed evidence of official deception, and in the process provided Hanoi, Moscow and Peking with material for anti-American propaganda.

At first glance, it is a devastating indictment, but should documents not be published because they embarrass the Government? Nobody is arguing that newspapers have the right to publish the nation's war plans or troop movements, or anything else that would endanger the lives of the men in the American expeditionary force, but historical documents? Evidence that the Congress and the people were misled years ago—even if this embarrasses the Government and provides propaganda for the enemy? This is clearly another matter.

After all, every time Mike Mansfield, the opposition leader in the Senate, calls on the Government to end the war by a date certain, or any newspaper or preacher or group of citizens condemns the bombing or questions the loss of life or the diversion of resources, or what the war is doing to divide and weaken the nation—all this is picked up by our adversaries and used against the United States.

Should we then suppress the documents because they "embarrass" the Government? Deceive the people about the record of the war? Submit to the Government's argument that publication will cause "irreparable injury" to the national defense rather than "irreparable injury" to the nation's reputation for fair dealing and plain and honest speaking to the Congress and the people? Confuse "embarrassment" to the Government and its officials with the security of the Republic?

In the absence of clear evidence that publication of these old documents is truly a threat to the defenses of the nation—which the Government has not provided—these are good political but bad philosophical and historical questions. Still, they are being raised by influential men and they come closer to the Marxist view of the press—that it should be a servant of the government—than to the American view of the press as defined in the First Amendment . . . facts relating to the past, as distinguished from dangerous military information affecting the present or future on the ground that this may be awkward. This comes close to Nikolai Lenin's view of the press.

"Why should freedom of speech and freedom of press be allowed?" he asked in 1920. "Why should a government which is doing what it believes to be right allow itself to be criticized? It would not allow opposition by lethal weapons. Ideas are much more lethal than guns. Why should any man be allowed to buy a printing press and disseminate pernicious opinions calculated to embarrass the government?"

Well, many men who oppose publication of the Pentagon Papers don't go this far, but the violent opponents of publication, like Herbert Rainwater, the national commander of the Veterans of Foreign Wars, who is crying "treason," come very close to the Lenin thesis that opposition to the Government is unpatriotic or worse.

It is true that newspaper editors, raised in the American tradition of "publish and be damned," do not always know what damage they may do to the diplomatic process by publishing official documents. Their information is limited, and no doubt the official insiders know more than the outsiders, but even this is a dubious argument.

As Walter Lippmann wrote many years ago, you had better be careful not to go too far with the "insiders" argument. "For if you go on," he told the National Press Club in Washington on his 70th birthday in 1960, "you will be showing how ridiculous it is that we live in a republic under a democratic system, and that anyone should be allowed to vote.

"You will be denouncing the principle of democracy itself, which asserts that the outsiders shall be sovereign over the insiders. For you will be showing that the people since they are ignoramuses, because they are outsiders, are therefore incapable of governing themselves.

"If the country is to be governed with the consent of the governed, then the governed must arrive at opinions about what their governors want them to consent to. . . . Here we correspondents perform an essential service. In some field of interest, we make it our business to find out what is going on under the surface and beyond the horizon. . . .

"In this we do what every sovereign citizen is supposed to do, but has not the time or the interest to do for himself. This is our job. It is no mean calling. We have a right to be proud of it, and to be glad that it is our work."

## DATING OF PERISHABLE INFANT FOOD PRODUCTS

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the following article by Edward J. Gorin, which appeared in the Bergen Record on June 16, 1971, be printed in the Record. Mr. Gorin's excellent research and lucid reporting on the problem of coding of baby formula points up the urgent need for remedial legislation. As a cosponsor of S. 2079, which calls for the label of all perishable or semiperishable food products to bear a "pull date" after which the product has extended a safe "shelf life," I urge Senators to read the following article and lend their support to this important measure.

There being no objection, the article was ordered to be printed in the Record, as follows :

### If Only the Best Will Do, Read the Code

(By Edward J. Gorin)

Some Bergen County retailers are selling old baby formula that should have been taken off shelves up to 3½ years ago.

Three of ten stores visited carried formula that was at least 18 months old.

Medical authorities warn that mothers are not receiving the vitamin potency they pay for in formula and other vitamin products which have been on shelves more than 18 months.

The Record sampling was prompted by a five-state Consumer Federation of America survey which found 57 per cent of stores sampled carried formula more than 1½ years old.

The Washington-based federation is urging the Food and Drug Administration to enforce removal of old formula, establish freshness standards, and require easy-to-read expiration dates on the cans and packages.

The states surveyed by the federation include Arizona, California, Illinois, Louisiana, and Oregon.

In the Grand Way store in East Paterson, a reporter bought two cans of formula called Lactum, a product of Mead Johnson Laboratories, that were in a dusty-covered display.

According to the code stamped on the bottom of each can, it was manufactured in June 1966 and is five years old this month.

After shaking a can according to package directions, it was opened and poured into a glass. The formula smelled cheesy, and was dark and filled with lumps.

When told of the aged Lactum, Harold Bogert, vice president of Grand Union in charge of grocery merchandising, said: "We will, of course, immediately remove it from sale and we will investigate how and why it got there."

Grand Way is a division of Grand Union.

John Bullock, division sales manager for Mead Johnson in Wayne, said Lactum hasn't been manufactured in two years. He confirmed the translation of the date code, but said the product is harmless.

"If it sits over a period of time there will be some darkening and fat separation, but the fat will mix in again if you shake it well," he said.

"It's completely safe," he said, "unless it has been subjected to extreme temperatures."

But age could cause some vitamin loss, Bullock said, and after two years might not meet the package guarantee of vitamin content. "Personally, I wouldn't want to use it after two years," he said.

Mead Johnson changes its packaging every 18 months or so, Bullock said, to keep fresh products on the shelves.

Martha Robinson of the Consumer Federation of America said an 18-month expiration date is suggested by the American Academy of Pediatrics.

After 18 months in a can, she quoted the academy, changes took place in ascorbic acid and the level of Vitamin C begins to drop.

Even though the change may not be felt until two years have elapsed, she said the academy told the federation, an 18-month period is all that can be guaranteed on the label.

Of the other stores visited by The Record, the Apothocary in Saddle Brook had cans of Mead Johnson's Enfamil that were 18 months old, and Genovese Drugs in Rochelle Park turned up one can of a product dated February 1969, nearly 2½ years old.

The manager of Genovese checked his code on the package and said it was delivered to the store in April 1970 from one of three distributors. He said he doesn't carry the product anymore.

At the Apothocary, manager David M. Book said he doesn't sell much Enfamil and it's possible the two he found that were nearing expiration have been in his stock since he opened 18 months ago.

He said he would return the cans to his distributor.

At Genovese, a carton of an open-dated product on the shelf said it expires in June 1971.

But in the drug section of Two Guys department store in Hackensack, cans of Borden's Mull-Soy showed five months of shelf life left and cans of Enfamil (Mead-Johnson) and Similac were good until next year.

MEANINGLESS DATES?

The Pathmark in Garfield had at least six months of shelf life on formula products stocked there, as did the A-Mart on State Street, Hackensack, the Fort Lee A&P on Lemoine Avenue, and drug stores in Fort Lee, Englewood, and Englewood Cliffs.

Mrs. Robinson, by phone from Washington, said she doesn't know what happens to a formula when it gets old. "That's the point," she said "The government has to find out and let us know.

"Even expiration dates are meaningless unless we know the age of the product. If there's no guideline about when a product spoils and a manufacturer can put any expiration date he wants on it, what's the point of an expiration date?" she said.

Bullock said Mead Johnson will begin putting an expiration date on its packages this fall. He said he thinks the date will represent 15 or 18 months after production.

## WORLD FARM MEETING

Mr. McGOVERN. Mr. President, future historians may well note that one of the cruelest of ironies of the 20th century was that starvation was a very real factor in the daily lives of many inhabitants of the world at a time when overproduction of food caused others genuine concern.

The first way to do something about this situation is to bring some order out of the chaos of the international market. We must stabilize agricultural trading conditions between trading nations through international arrangements and agreements. We attempted to do so through the International Grains Arrangement. We failed because the administration violated that agreement by unilateral price cutting.

World farmers want to see a stable market, not only for their own benefit but because they are keenly aware of their obligations as citizens of the world. Recently, the International Federation of Agricultural Producers met in Paris only to hear that President Nixon had proposed a wheat treaty at odds with the needs of the world community.

One of the delegates to the meeting was Ben Radcliffe, president of the South Dakota Farmers Union. In his report of the meeting, Radcliffe calls attention to the needs of the many who are hungry and recounts the frustration farmers feel as a result of the failure to provide a stable international market.

Because his report, which appeared in the June 1970 Union Farmer, is so incisive, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### WORLD FARM MEETING

It is a sobering and almost awing experience to sit down with agricultural representatives of 40 nations from around the globe, to attempt to come to grips with problems that have plagued man on this earth for centuries; mainly overproduction and low farm prices in some sections of the world as opposed to food shortages and starvation in other areas.

Below are some observations at the closing session of the International Federation of Agricultural Products meeting in Paris, France which I was privileged to attend as an offical delegate:

In discussions that encompass agriculture from around the world, the problems of South Dakota farmers may seem very far away, but in the meetings of the 18th General Conference of the International Federation of Agricultural Producers in Paris, May 13 to 23, they seemed very close indeed.

The truth is that the problems of farmers nearly everywhere in the world are very similar. In fact, the central problem for most farmers in the world can be stated in three words: "low farm income." It is true of the farmers of the most developed nation in the world, the United States, and it is true of the farmers in the under-developed nations.

The delegation of the Farmers Union of the United States was headed by our national president, Tony Dechant. Also representing our organization besides myself were: George Stone, the president of the Oklahoma Farmers Union; Lewis Johnson, the president of the Arkansas Farmers Union, and Victor Ray of our Washington, D.C., office.

More than 40 nations and international organizations were represented. About two-thirds of the nations represented were the so-called "developing nations," and it is around the problems of these nations that much of the discussion ranged.

However, it is impossible to separate any of the problems of the nations of the world because they are all related.

Dr. A. H. Boerma, the director-general of the United Nations Food and Agriculture Organization, set out the problem before this conference in dramatic terms. He said "What do we have? On the one hand, there are vast regions where neither the land nor the waters of the earth are properly cultivated, where the majority of mankind is in one way or another badly fed, where the countryside is inhabited by millions of people living in extreme poverty and where most of them are unable to find work. On the other hand, there is a smaller part of the earth where it seems that far too much food is being produced, where governments are either actively paying farmers to cultivate less of their land or dispensing huge sums to keep up the prices of their overproduction, and where large numbers of people are dying from diseases at least partly brought on by over-eating. Could there be a more illogical pattern than that currently presented by the completely unbalanced situation of world agriculture and food consumption?"

Our national president, Tony Dechant, urged that the conference support the stepping up of "food for work" programs under which food is used in part to pay for work programs which stimulate the lagging economies of the developing nations.

The so-called "developed nations" have problems centering around the marketplace. Among the programs most strongly supported were those of international agreements and arrangements which stabilize trading conditions between nations. There is much interest in the new International Wheat Agreement, which is now in the process of being ratified by the U.S. Senate. Much dissatisfaction has been expressed here because this agreement lacks minimum and maximum prices, which were a part of the previous International Grains Arrangement. Roger Savary, the secretary-general of the IFAP, said in his opening statement to the conference that "our greatest disappointment" was that the agreement was "shorn of a good part of its substance." J. DeLeau, the president of IFAP and president of the French Committee for International Agricultural Relations, said bitterly that negotiations on the agreement were a "failure."

I participated in a conference with several of the members of the Canadian delegation, and they stated very flatly their dissatisfaction with the agreement. As a result of that conference, President Dechant and Lewis Johnson of Arkansas contacted Arkansas Senator J. William Fulbright, the chairman of the Senate Foreign Relations Committee, to ask that he support a "Sense of the Senate Resolution" which might send U.S. negotiators back to the conference table after the agreement is ratified in an effort to negotiate prices for wheat, as well as get activated a Prices Review Committee to make future adjustments.

One thing is quite clear. No nation can solve its farm problems within its own national boundaries. The world trade of agricultural commodities has internationalized our farm problems. The U.S. exports the commodities produced on one acre out of every four acres. The importance of this fact to the economic well being of American farmers is why Farmers Union must continue to participate in these world conferences until some of the basic world food and price problems are solved.

With 40 different nations involved, discussion is long and decisions come slow, but I am convinced that this kind of world dialogue is leading in the direction we must go to eventually solve our food distribution and farm income problems.

## HILDA BRUNGOT—A DISTINGUISHED LEGISLATIVE RECORD

Mr. McINTYRE. Mr. President, rarely do I have the opportunity to share with my colleagues the story of anyone as remarkable as the New Hampshire General Court's venerable Republican legislator, Mrs. Hilda Brungot of Berlin, N.H.

Few legislators have contributed as much to our State. Few could exemplify as well the real meaning of the term "public servant."

The daughter of a Norwegian immigrant who himself served our State as a distinguished representative, Mrs. Brungot began her life in public service at 40 as a delegate to the New Hampshire Constitutional Convention in 1930.

That very same year she succeeded her father as a representative in the New Hampshire Legislature, beginning a record of service spanning 18 2-year terms, perhaps the longest legislative record of any woman in U.S. history.

Mrs. Brungot, now beyond her 80th birthday, could have chosen long ago to settle back into a less active role, but that would have wasted her valuable experience and insight. Instead she has found time to involve herself in a wide range of activities, and to this day few representatives in our State's legislature are more in evidence in committee and on the floor during important debates.

Mr. President, Mrs. Brungot grew up in more difficult times and was forced to quit school early in life and with stubborn Yankee independence educated herself. She was certainly successful, but just 4 years ago, at the age of 80, she took time out to formalize it all: she earned a high school diploma.

Mr. President, this mother of six and grandmother of many more has witnessed profound changes and momentous events during her years of service—the Great Depression, World War, the atomic age, and much more. Her perspective and youthful vigor is of great value, not only to her friends in the legislature, but to all who have come to know her.

As a New Hampshire citizen who greatly values her wisdom and greatly admires her steadfast dedication to the service of everyone in our State, I wish her well in the years ahead. May she serve our State and give us the benefit of her counsel for many years to come.

## THE PENTAGON DOCUMENTS

Mr. McGOVERN. Mr. President, portions of the Pentagon documents concerning the development of American military involvement in Indochina are becoming available in various leading newspapers.

I believe that the full Pentagon report should be made available to the Congress and the public without further delay. In the absence of a decision by the administration to release the documents, I am attempting to insert in the CONGRESSIONAL RECORD those documents and summaries appearing in the press.

Today, I am submitting documents and summaries appearing in the Boston Globe of June 22. They show that covert action against North Vietnam was ordered as early as 1961. They show that Vietnamization has been with us since 1968, thus revealing just how great a failure this 3-year policy has been. After 3 years of trying, we still have not been able to Vietnamize the war. Of course, it is just as immoral to do that as it is to carry it on with American forces.

Mr. President, I ask unanimous consent that the articles and summaries from the Boston Globe be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

### SECRET PENTAGON DOCUMENTS BARE JFK ROLE IN VIETNAM WAR—KENNEDY OK'D COVERT ACTION

(By Robert Healy)

Gen. Maxwell Taylor in October of 1961 advised President Kennedy in an "eyes only for the President" cable to send 8000 man US military task force into South Vietnam but he warned that the introduction of such a force "may increase tensions and risk escalation into a major war in Asia."

Gen. Taylor was special adviser to President Kennedy on Vietnam.

At the time of the Taylor mission, which took him and Walt Rostow, later to be President Johnson's chief adviser on national security affairs, and a group of state and defense department officials to South Vietnam, the United States had about 1000 soldiers in South Vietnam. They served as advisers to the South Vietnamese Army.

President Kennedy stepped up covert actions against North Vietnam and increased the number of advisers to 16,000 men before he was assassinated in November of 1963. He never committed a United States ground unit as Taylor recommended.

These disclosures were made in a portion of a secret Pentagon study on the origins of the war in Vietnam started in 1967 by then Secretary of Defense Robert McNamara. They were made available to the Boston Globe yesterday.

For the first time the Globe was making public the role of the Kennedy administration in the escalation of the war. Three earlier reports dealing with other phases of the war were published by the New York Times and two by the Washington Post before publication was halted by court injunctions.

As early as May 11, 1961, President Kennedy, according to the secret report, had approved programs for covert action which had been recommended by a Vietnam Task Force. Among these actions were:

(1) Dispatch of agents into North Vietnam.

(2) Aerial resupply of agents in North Vietnam through the use of civilian mercenary air crews.

(3) Infiltration of special South Vietnam forces into Southeast Laos to locate and attack Communist bases and lines of communication.

(4) Formulation of "networks of resistance, covert bases and teams for sabotage and light harassment" inside North Vietnam.

(5) Conduct of overflights of North Vietnam for the purpose of dropping leaflets.

These covert actions which were approved by President Kennedy were contained, according to the Pentagon study, in a National Security Action Memorandum number 52.

About the time that the cable was received by President Kennedy, the President, according to the Pentagon study, directed (among other measures that we "initiate guerrilla ground action, including the use of US advisers if necessary" against Communist aerial resupply missions in the vicinity of Tchepone (Sepone, Laos).

"He also directed the Department of State to prepare to publish its White Paper on DRV (North Vietnam) responsibility for aggression in SVN (South Vietnam)," the study showed.

In the Pentagon study's evaluation of the two cables sent to President Kennedy by Taylor, it said that the impression Taylor's choice of language leaves is that the support forces "were essentially already agreed to by the President before Taylor left Washington, and consequently his detailed justification went only to the kind of forces on which a decision was yet to be made—that is, ground forces liable—to become involved in direct engagements with the Viet Cong."

In his first cable of the mission (Oct. 15 to Nov. 2, 1961) sent from Saigon, Taylor wrote the President and the top officials at State and Defense: "My view is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time of providing a U.S. military presence in VN capable of assuring Diem (President Ngo Dinh Diem) of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops. . . ."

Despite the Taylor recommendations for a U.S. task force, there was no hint publicly at that time out of the White House that the President would go along.

Upon his return from Vietnam Taylor said to newsmen that President Diem had assets available "to prevail against the Communist threat."

President Kennedy on the subject of Vietnam and the Taylor mission at a press conference on Feb. 14, 1962, said that President Diem had asked for additional assistance. The administration, he said, had detailed the support which the Viet Minh in the North were giving to this Communist insurgent movement and we have increased our assistance there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort."

Kennedy did not mention the Taylor recommendations for a U.S. task force or whether the United States was considering one.

#### TERROR AND CRISIS

Taylor in his cable to the President said that Viet Cong forces one tenth the size of the South Vietnamese Army regulars could create conditions of frustration and terror which was certain to lead to a political crisis.

In his list of specifics Taylor said that the US government should support the effort to stop the Viet Cong" with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time."

Taylor recommended the troop commitment despite full recognition of what he listed as disadvantages. Among these:

"A. The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

"B. Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

"C. If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

"D. The introduction of US forces may increase tensions and risk escalation into a major war in Asia."

But despite these disadvantages, Taylor said in the cable, the introduction of a military task force offers more advantages than it creates risks and difficulties.

"In fact," wrote Taylor, "I do not believe that our program to save Vietnam will succeed without it."

Gen. Taylor just last week opposed the publication of the Pentagon study. He called the New York Times disclosures "a practice of betrayal of government secrets."

Asked on a CBS news program how his position squared with the people's right to know, Gen. Taylor responded.

"I don't believe in that as a general principle. You have to talk about cases. What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his functions, but not to get into secrets that damage his government and indirectly damage the citizen himself."

Sen. Edward Kennedy, President Kennedy's brother, said he was not certain what the Pentagon study contained with regard to his brother, but that he favored its publication.

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### TET OFFENSIVE TURNED JOHNSON TOWARD VIETNAMIZATION POLICY

(By Crocker Snow, Jr.)

When President Johnson in March 1968 announced publicly that he would not run for re-election, he was also deciding privately that a policy of Vietnamization was the best one for the nation to follow in the war.

The President's speech was also a denial of Gen. William C. Westmoreland's request for an increase of 206,000 American troops.

This change in the President's thinking toward the kind of policy President Nixon has since adopted is evidenced in the concluding portions of the secret Pentagon study viewing the decision-making of American military involvement in Vietnam.

It was March 31, 1968 that President Johnson made his famous peace initiative, in which he announced a limited bombing halt and only a small build-up of 24,500 American troops following the shock of the Tet Offensive two months earlier, and called for Britain and the Soviet Union to take the lead in achieving a peaceful settlement.

In this same speech, the President made an urgent plea for national unity, and took himself out of the 1968 presidential race with the words, "I shall not seek, and I will not accept . . ."

The focus of public attention centered on these latter two aspects of the speech.

But the day before, in a cable marked "Literally Eyes Only for the Ambassador or Charge" to the U.S. embassies in Australia, New Zealand, Thailand, Laos, the Philippines and South Korea, previewing the President's upcoming speech, the principal point, according to the Defense Department study, was:

"Major stress on importance of GVN (Government of Vietnam) and ARVN (Army of Republic of Vietnam) increased effectiveness, with our equipment and other support as first priority in our own actions."

This cable, about which the ambassadors were directed to "see their respective heads of government," previewed what the President himself was to say publicly the next day.

Mr. Johnson led off by stating: "We shall accelerate the re-equipment of South Vietnam's armed forces in order to meet the enemy's increased firepower. This will enable them progressively to undertake a larger share of the combat operations against the Communist invaders."

The significance of this policy—largely unrecognized by the press or public at that time—was pointed out in the narrative written by a team of Pentagon writers to go along with their exhaustive study.

The very last sentences in the material made available to The Globe and known to be in the study itself in the section entitled "Epilogue", which concerns the effect of the Tet Offensive on US policies, reads:

"The possibility of military victory had seemingly become remote and the cost had become too high both in political and economic terms. Only then were our ultimate objectives brought out and reexamined. Only then was it realized that a clear-cut military victory was probably not possible or necessary, and that the road to peace would be at least as dependent upon South Vietnamese political developments as it would be on American arms.

"This realization, then, made it possible to limit the American military commitment to South Vietnam to achieve the objectives for which this force had originally been deployed. American forces would remain in South Vietnam to prevent defeat of the Government by Communist forces and to provide a shield behind which that Government could rally, become effective, and win the support of its people."

These concluding words of the Pentagon study, describing the final phase of Mr. Johnson's thinking on the war, have a sound similar to President Nixon's in his "Silent Majority" speech on Nov 3, 1969, in which he said: "The primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam."

The two months between the Tet Offensive and President Johnson's notable speech to the nation are described in the Pentagon study as a time of conflicting counsel coming to the White House and revolving around a request from General William Westmoreland, then the US commander in Saigon, for 206,000 additional troops over the 525,000 ceiling that had previously been placed on American forces there.

The fireworks of the Tet Offensive had, it is clear from the Pentagon studies, shaken Washington's confidence in the eventual outcome of the war and kicked off what the writers describe as a "reassessment from A to Z".

The attacks had begun with the bombing of the United States Embassy on January 31, 1968, and, according to the analyst, "although it had been predicted, took the US Command and the US public by surprise, and its strength, length and intensity prolonged this shock."

One of the first official reassessments following Tet was undertaken by the Joint Chiefs of Staff at the direction of Secretary of Defense Robert McNamara.

The Pentagon study describes the Joint Chiefs recommendations and concludes that "for perhaps the first time in the history of American involvement in Vietnam, the Joint Chiefs of Staff recommended against deploying the additional forces requested by the field commander, in the absence of other steps to reconstitute the strategic reserve."

"At long last," reads the report, the resources were beginning to be drawn too thin, the assets became unavailable, the support base too small."

In considering the different possible contingencies surrounding calls for new troops in Vietnam, the Joint Chiefs had, according to the writer, considered "the possibility of widespread civil disorder in the United States" and concluded that "sufficient forces would still be available for civil disorder control."

The Joint Chiefs' consideration of possible civil disorder indicates as well as anything in the documents the growing disaffection of major portions of the population with government policies in Vietnam by early 1968.

On March 12 and 13, Secretary of State Dean Rusk appeared before the Senate Foreign Relations Committee and was questioned about the war.

The Pentagon document points out that Rusk "even came under criticism from one of the few Administration supporters on the Committee, Sen. Karl E. Mundt (R-S.D.).

"You are as aware as we are that the shift of opinion in this country is in the wrong direction," Sen. Mundt is quoted as telling the Secretary of State. "Something more convincing has to come from the Administration as to what this is all about 'to match' the sacrifices we are making."

What is not specifically mentioned in the documents, but what must have had an effect too on President Johnson's sense of the mood of the country was the big showing for Sen. Eugene McCarthy (D-Minn.) running as a peace candidate in the Democratic presidential primary in New Hampshire.

Just two weeks earlier, on March 1, the President had sworn in Clark Clifford as secretary of defense.

Clifford, according to the Pentagon study, was under mandate from the President to conduct "a complete and searching reassessment of the entire US strategy and commitment in South Vietnam."

Even before he officially took office, Clifford set up a special group to help with this reassessment, consisting of Secretary McNamara; Gen. Maxwell Taylor; Paul Nitze, special adviser to McNamara; Henry Fowler of the Treasury; Nicholas Katzenbach, No. 3 man in the State Department; Walt W. Rostow, presidential adviser; Richard Helms of the CIA; William Bundy, assistant secretary of state for Far Eastern affairs; Paul Warnke of the Defense Dept.; and Philip Habib of the State Dept.

Gen. Earle Wheeler, chairman of the Joint Chiefs, had in addition been sent to Saigon on Feb. 23 and reported directly to the President four days later.

An intense period of discussion, debate and memo-writing among these individuals and various agencies of the government was carried out through the last week of February and the early days of March.

Memoranda were submitted by the ISA (International Security Affairs division of the Defense Department) and CIA on various military and political projections of the war under different circumstances.

An assistant secretary of defense for public affairs Phil Goulding prepared a paper entitled "Possible Public Reactions to Various Alternatives." In this, he considered five options with the first, and in his terms worst, one being "increased mobilization and deployment moves without other new actions."

Such an option, he wrote, "will make the doves unhappy because we become more and more enmeshed in the war. They will make the hawks unhappy, because we still will be withholding our military strength, particularly in the North. And the middle-of-the-roaders who basically support the President out of conviction or patriotism will be unhappy because they will see the ante going up in many ways and still will not be given a victory date, a progress report they can believe or an argument they can accept that all of this IS in the national interest."

Goulding ran through other options from a public affairs standpoint and recommended one which he describes as "denial of Gen. Westmoreland's request and a change in strategy in South Vietnam."

"While this does not necessarily show progress," he writes, "it does show change. It does show the search for new approaches. . . . It would prevent the middle-of-the-roaders from joining the doves."

The Pentagon writer who compiled the narrative of this concluding part of the study acknowledges that "there is of course no way of knowing how much consideration and weight were given to each of these papers by the small group of action officers in the Pentagon. . . ."

The net result of this governmental "reassessment from A to Z in the spring of 1968 is described in the narrative part of the Pentagon study as "similar to all previous requests for reinforcement in Vietnam."

"The litany was familiar," wrote the analyst. "We will furnish what we can presently furnish without disrupting the normal political and economic life of the nation, while we study the situation as it develops."

But the Pentagon study documents how the new defense secretary, Clifford, took this familiar litany a step further.

In a draft memorandum for the President dated March 4, 1968, Clifford recommends new deployments of 22,000 of the 206,000 men which Gen. Westmoreland had requested by the end of the year.

His second paragraph of recommendations called for: "Either through Ambassador Bunker or through an early visit by Secretary Clifford, a highly forceful approach to the GVN (Thieu and Ky) to get certain key commitments for improvement, tied to our own increased effort and to increased US support for the ARVN. . . ."

Clifford is described as recommending early approval of a call-up of reserves, a wait-and-see attitude about Gen. Westmoreland's full request, no new peace initiative but a restatement of the old, "a general decision on bombing policy not excluding future change," and an in-depth study of "possible new political and strategic guidance for the conduct of US operations in South Vietnam . . ."

The Pentagon analyst writes that "from the 4th of March (when Clifford's recommendations were submitted) until the final presidential decision was announced, the written record becomes sparse. The debate within the Administration was argued and carried forward on a personal basis by the officials involved, primarily, the secretary of Defense and the secretary of State."

One further important input was to influence the President at this critical juncture, according to the documents.

On March 18, Mr. Johnson summoned what is described as "a group of his friends and confidants" to Washington to hear the options and help advise him. Those present were former undersecretary of state George Ball; Arthur Dean, a Republican New York lawyer who was a Korean war negotiator during the Eisenhower Administration; Dean Acheson, former President Truman's secretary of state; Gen. Matthew B. Ridgeway, the retired commander of the UN troops in Korea; Gen. Maxwell Taylor, former chairman of the Joint Chiefs of Staff; Cyrus Vance, former deputy defense secretary; McGeorge Bundy, Ford Foundation president who had been special assistant for national security affairs to Mr. Johnson, and former President Kennedy; former Treasury Secretary C. Douglas Dillon and Gen. Omar Bradley.

The group met over dinner with Secretary of State Rusk; Defense Secretary Clifford; Ambassador Harriman; Walt W. Rostow, the President's special assistant for national security affairs; Richard Helms, director of the Central Intelligence Agency; Paul Nitze, deputy defense secretary; Nicholas Katzenbach, undersecretary of state; and William P. Bundy, assistant secretary of state for Far East.

As described in the Pentagon study, both groups were briefed separately by three men, Habib, Maj. Gen. William E. DePuy, a special assistant to the Joint Chiefs for counterinsurgency, and George Carver, a CIA analyst.

The following day, the group from outside the government joined President Johnson for lunch and, according to the writer, surprised the President with a Recommendation to "forget about seeking a battlefield solution to the problem and instead intensify efforts to seek a political solution at the negotiating table."

As a result of the difference between these conclusions and those of his government aides, both drawn from essentially the same briefings, the President is reported to have had midnight evening sessions with the same three men in order to draw his own conclusions.

The reports from this are drawn by the Pentagon study and directly credited by the Pentagon writer to a news report by diplomatic writer Stuart Loory of the Los Angeles Times.

Earlier in the narration of this period, the documents credit an article written by Neil Sheehan and Hedrick Smith and published on March 10 in the New York Times as being a "Startling accurate account of the big issues and intra-governmental debate which the President was listening to."

Throughout the month of March, the writer describes the President as "troubled . . . in public he continued to indicate firmness and resoluteness, but press leaks and public criticism continued to compound his problem."

Thus was the stage set for Mr. Johnson's famous speech which comprises a separate chapter in the Pentagon narrative entitled "I Shall Not Seek, and I Will Not Accept."

In the narrative's brief epilogue to this period, the writer concluded with the mention of a response from Hanoi on April 3, 1968 in which, as President Johnson publicly described it, "The Government of the Democratic Republic of Vietnam declares its readiness to appoint its representatives to contact the US representative with a view to determining with the American side the unconditional cessation of the US bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

President Johnson then repeated his statement of three days earlier, "Now, as in the past, the United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end."

Concluding this aspect of the 47-volume Defense Department study tracing American involvement in Vietnam from 1954, the Pentagon writer states: "For a policy from which so little was expected a great deal was initiated. The North Vietnamese and Americans sat down at the conference table in Paris to begin to travel the long road to peace; the issue of Vietnam was largely removed from American political discord; a limit to the commitment of US forces was established, and the South Vietnamese were put on notice that, with our help, they would be expected to do more in their own defense."

## ADMIRAL SOUGHT NUCLEAR OPTION

(By Matthew V. Storin)

Unpublished portions of the 47 * * * Vietnam war were made available yesterday to the Boston Globe.

The Globe is the third US newspaper to report on the 7000 page analysis tracing America's growing involvement in Indochina from World War II through mid-1968.

According to the documents made available to the Globe:

—Gen. Maxwell Taylor advised President Kennedy in 1961 to send 8000 American combat troops into Vietnam but warned the move could lead to increased world tensions and a wider war. There were 1000 US troops in Vietnam at that time.

—As soon as President Johnson announced a partial end to the bombing of North Vietnam on March 31, 1968, he elected to proceed with a policy of Vietnamization similar to that later followed by President Nixon.

—On June 2, 1964, Secretary of Defense Robert S. McNamara in a meeting of top Administration officials in Honolulu discussed the possible use of nuclear weapons in Vietnam. Adm. Harry D. Felt, commander of US forces in the Pacific, openly advocated that American commanders be given this option.

—The Soviet Union, fearing reaction from Communist China, rejected a plea by the United States in May, 1965, that Hanoi be informed that a bombing pause was being undertaken in hopes of prompting negotiations to end the war.

The massive Pentagon study, initiated by Secretary McNamara in June, 1967, was the work of more than 30 authors both inside and outside of government. The first report of the study was published June 13 by the New York Times. The Washington Post began printing reports on June 18.

Yesterday Federal appeals courts in New York and Washington continued their respective temporary bans against publication of further reports by the Times and the Post.

Both courts scheduled further hearings today. Lower Federal courts in both cities had previously ruled in favor of the newspapers but the decisions were appealed by the Justice Department.

The U.S. Circuit Court of Appeals in New York ruled that its eight-member bench would hear the case today. Chief Judge Henry Friendly summoned colleagues from Vermont and Connecticut.

The Times, which had printed three articles on the Pentagon history, was enjoined from printing further reports until after the hearing set for 2 p.m. It was expected that a ruling from the court could not come before tomorrow.

In Washington, the Circuit Court of Appeals overruled Federal District Court Judge Gerhard Gesell for a second time after he said the Post could resume its reports.

Gessell, who was first overruled on Friday, said yesterday the government had made an earnest and responsible plea to stop publication on the basis of national security but had not proved its case.

"The government has failed to meet its burden, and without that burden being met, the first Amendment remains supreme," Gesell said.

Gesell, who heard most of yesterday's arguments by the Post and the government behind closed doors, said the only case that could be made against publication would be to show that it would possibly bring on war, threaten foreign relations or create other situations of major importance to national security.

The Justice Department immediately went to the appeals court to protest Gesell's ruling. The higher court then ruled the Post could not publish until the government's arguments were heard this afternoon.

The ruling was made by the entire nine-judge court headed by David L. Bazelon.

In both the Times and Post cases, the next step would be appeals to the Supreme Court. These are expected regardless of which side wins in the appeals courts.

Lawyers in both cases are expected to rush proceedings in order to put the issue before the Supreme Court by Friday. The high court is scheduled to begin its summer recess this weekend.

Meanwhile the FBI was reported to have found two locations in Cambridge where copies of the Pentagon study had been reproduced.

In Washington, Senate Democratic Leader Mike Mansfield said the documents printed by the Times and Post raised grave questions about the manner in which US foreign policy is carried out.

He told the Senate that the study confirms the complaints of war critics that the US policy in Vietnam was made without participation by the Congress.

"In short," he said, "We have arrived at where we are in Vietnam not by party processes but by government processes."

Mansfield urged, however, that the issue of the Pentagon documents now be kept out of partisan politics. It would only "compound the tragedy," he said.

In a brief filed in the Times case yesterday, the American Civil Liberties Union, acting for itself and 27 congressmen, argued:

"It is utterly disrespectful to the First Amendment to censor a publication solely on the basis of generalized allegations that were proferred in this case."

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## General Taylor's Vietnam Cables to Kennedy

### TERMS USED IN PENTAGON TEXTS

ARVN—Army of the Republic of (South) Vietnam.

CHICOM—Chinese Communists.

CINCPAC—Commander-in-chief, Pacific.

DRV—Democratic Republic of (North) Vietnam.

GVN—Government of (South) Vietnam.

JCS—Joint Chiefs of Staff.

MAAC—Military Assistance Advisory Command.

MACV—Military Assistance Command, Vietnam.

RD—Revolutionary Development Program.

RVNAF—Republic of (South) Vietnam Air Force.

SEA—Southeast Asia.

SVN—South Vietnam.

USG—United States Government.

VC—Viet Cong.

*Cablegram from General Maxwell D. Taylor in Saigon in late October, 1961, to President Kennedy, on the question of introducing US military forces into Vietnam.*

My view is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time of providing a US military presence in VN capable of assuring Diem of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops and avoids any suggestion that we are taking over responsibility for the security of the country. As the task is a specific one, we can extricate our troops when it is done if we so desire. Alternatively, we can phase them into other activities if we wish to remain longer.

The strength of the force I have in mind on the order of 6–8000 troops. Its initial composition should be worked out here after study of the possible requirements and conditions for its use and subsequent modifications made with experience.

In addition to the logistical component, it will be necessary to include some combat troops for the protection of logistical operations and the defense of the area occupied by US forces. Any troops coming to VN may expect to take casualties.

Needless to say, this kind of task force will exercise little direct influence on the campaign against the VC. It will, however, give a much needed shot in the arm to national morale, particularly if combined with other actions showing that a more effective working relationship in the common cause has been established between the GVN and the U.S.

*A second cablegram from General Taylor to President Kennedy in October, 1961, sent from the Philippines.*

1. Transmitted herewith are a summary of the fundamental conclusions of my group and my personal recommendations in response to the letter of the President to me dated 13 October 1961.

2. It is concluded that:

(a) Communist strategy aims to gain control of Southeast Asia by methods of subversion and guerrilla war which by-pass conventional U.S. and indigenous strength on the ground. The interim Communist goal—en route to total take-over—appears to be a neutral Southeast Asia, detached from U.S. protection. This strategy is well on the way to success in Vietnam.

(b) In Vietnam (and Southeast Asia) there is a double crisis in confidence: doubt that U.S. is determined to save Southeast Asia; doubt that Diem's methods can frustrate and defeat Communist purposes and methods. The Vietnamese (and Southeast Asians) will undoubtedly draw—rightly or wrongly—definitive conclusions in coming weeks and months concerning the probable outcome and will adjust their behavior accordingly. What the U.S. does or fails to do will be decisive to the end result.

(c) Aside from the morale factor, the Vietnamese Government is caught in interlocking circles of bad tactics and bad administrative arrangements which pin their forces on the defensive in ways which permit a relatively small Viet-Cong force (about one-tenth the size of the GVN regulars) to create conditions of frustration and terror certain to lead to a political crisis, if a positive turning point is not soon achieved. The following recommendations are designed to achieve that favorable turn, to avoid a further deterioration in the situation in South Vietnam, and eventually to contain and eliminate the threat to its independence.

3. It is recommended:

### GENERAL

(a) That upon request from the Government of Vietnam (GVN) to come to its aid in resisting the increasing aggressions of the Viet-Cong and in repairing the ravages of the Delta flood which, in combination, threaten the lives of its citizens and the security of the country, the US Government offer to join the GVN in a massive joint effort as a part of a total mobilization of GVN resources to cope with both the Viet-Cong (VC) and the ravages of the flood. The US representatives will participate actively in this effort, particularly in the fields of government administration, military plans and operations, intelligence, and flood relief, going beyond the advisory role which they have observed in the past.

### SPECIFIC

(b) That in support of the foregoing broad commitment to a joint effort with Diem, the following specific measures be undertaken:

(1) The US Government will be prepared to provide individual administrators for insertion into the governmental machinery of South Vietnam in types and numbers to be worked out with President Diem.

(2) A joint effort will be made to improve the military-political intelligence system beginning at the provincial level and extending upward through the government and armed forces to the Central Intelligence Organization.

(3) The US Government will engage in a joint survey of the conditions in the provinces to assess the social, political, intelligence, and military factors bearing on the prosecution of the counter-insurgency in order to reach a common estimate of these factors and a common determination of how to deal with them. As this survey will consume time, it should not hold back the immediate actions which are clearly needed regardless of its outcome.

(4) A joint effort will be made to free the Army for mobile, offensive operations. This effort will be based upon improving the training and equipping of the Civil Guard and the Self-Defense Corps, relieving the regular Army of static missions, raising the level of the mobility of Army Forces by the provision of considerably more helicopters and light aviation, and organizing a Border Ranger Force for a long-term campaign on the Laotian border against the Viet-Cong infiltrators. The US Government will support this effort with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time. Such tasks include air reconnaissance and photography, airlift (beyond the present capacity of SVN forces), special intelligence, and air-ground support techniques.

(5) The US Government will assist the GVN in effecting surveillance and control over the coastal waters and inland waterways, furnishing such advisors, operating personnel and small craft as may be necessary for quick and effective operations.

(6) The MAAG, Vietnam, will be reorganized and increased in size as may be necessary by the implementation of these recommendations.

(7) The US government will offer to introduce into South Vietnam a military task force to operate under US control for the following purposes:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the armed forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

(8) The US government will review its economic aid program to take into account the needs of flood relief and to give priority to those projects in support of the expanded counter-insurgency program.

*A third cablegram from General Taylor to President Kennedy in October, 1961, also sent from the Philippines.*

This message is for the purpose of presenting my reasons for recommending the introduction of a US military force into South Vietnam (SVN). I have reached the conclusion that this is an essential action if we are to reverse the present downward trend of events in spite of a full recognition of the following disadvantages:

(a) The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

(b) Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

(c) If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

(d) The introduction of US forces may increase tensions and risk escalation into a major war in Asia. On the other side of the argument, there can be no action so convincing of US seriousness of purpose and hence so reassuring to the people and Government of SVN and to our other friends and allies in SEA as the introduction of US forces into SVN. The views of indigenous and US officials consulted on our trip were unanimous on this point. The size of the US force introduced need not be great to provide the military presence necessary to produce the desired effect on national morale in SVN and on international opinion. A bare token, however, will not suffice; it must have a significant value. The kinds of tasks which it might undertake which would have a significant value are:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the Armed Forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

It is noteworthy that this force is not proposed to clear the jungles and forests of Viet Cong guerrillas. That should be the primary task of the Armed Forces of Vietnam for which they should be specifically organized, trained, and stiffened with ample US advisors down to combat battalion levels. However, the U.S. troops may be called upon to engage in combat to protect themselves, their working parties, and the area in which they live. As a general reserve, they might be thrown into action (with US agreement) against large, formed guerrilla bands which have abandoned the forests for attacks on major targets. But in general, our forces should not engage in small-scale guerrilla operations in the jungle.

As an area for the operations of US troops, SVN is not an excessively difficult or unpleasant place to operate. While the border areas are rugged and heavily forested, the terrain is comparable to parts of Korea where US troops learned to live and work without too much effort. However, these border areas. for reasons stated above, are not the places to engage our forces. In the High Plateau and in the coastal plain where US troops would probably be stationed, these jungle-forest conditions do not exist to any great extent. The most unpleasant feature in the coastal areas would be the heat and, in the Delta, the mud left behind by the flood. The High Plateau offers no particular obstacle to the stationing of US troops.

The extent to which the Task Force would engage in flood relief activities in the Delta will depend upon further study of the problem there. As reported in Saigon 537, I see considerable advantages in playing up this aspect of the Task Force mission. I am presently inclined to favor a dual mission, initially help to the flood area and subsequently use in any other area of SVN where its resources can be used effectively to give tangible support in the struggle against the Viet Cong. However, the possibility of emphasizing the humanitarian mission will wane if we wait long in moving in our forces or in linking our stated purpose with the emergency conditions created by the flood.

The risks of backing into a major Asian war by way of SVN are present but are not impressive. NVN is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off SVN. Both the DRV and the Chicoms would face severe logistical difficulties in trying to maintain strong forces in the field in SEA, difficulties which we share but by no means to the same degree. There is no case for fearing a mass onslaught of Communist manpower into SVN and its neighboring states, particularly if our airpower is allowed a free hand against logistical targets. Finally, the starvation conditions in * * * leaders there from being militarily venturesome for some time to come.

By the foregoing line of reasoning, I have reached the conclusion that the introduction of a US military task force without delay offers definitely more advantage than it creates risks and difficulties. In fact, I do not believe that our program to save SVN will succeed without it. If the concept is approved, the exact size and composition of the force should be determined by the Secretary of Defense in consultation with the JCS, the chief MAAG and CINCPAC. My own feel * * * ponderant number would be in logical-type units. After acquiring experience in operating in SVN, this initial force will require reorganization and adjustment to the local scene.

As CINCPAC will point out, any forces committed to SVN will need to be replaced by additional forces to his area from the strategic reserve in the US. Also, any troops to SVN are in addition to those which may be required to execute SEATO Plan 5 in Laos. Both facts should be taken into account in current considerations of the FY 1963 budget which bear upon the permanent increase which should be made in the US military establishment to maintain our strategic position for the long pull.

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## Report on Tet Offensive

(NOTE.—Excerpts from a report by General Earle G. Wheeler, chairman of the Joint Chiefs of Staff, summarizing his findings after a visit to South Vietnam immediately following the Tet Offensive in 1968. The report is dated February 27, 1968.)

### SUMMARY

The current situation in Vietnam is still developing and fraught with opportunities as well as dangers.

There is no question in the mind of MACV that the enemy went all out for a general offensive and general uprising and apparently believed that he would succeed in bringing the war to an early, successful conclusion.

The enemy failed to achieve his initial objective but is continuing his effort. Although many of his units were badly hurt, the judgment is that he has the will and the capability to continue.

Enemy losses have been heavy; he has failed to achieve his prime objectives of mass uprisings and capture of a large number of the capital cities and towns. Morale in enemy units which were badly mauled or where the men were oversold the idea of a decisive victory at TET probably has suffered severely. However, with replacements, his indoctrination system would seem capable of maintaining morale at a generally adequate level. His determination appears to be unshaken.

The enemy is operating with relative freedom in the countryside, probably recruiting heavily and no doubt infiltrating NVA units and personnel. His recovery is likely to be rapid; his supplies are adequate; and he is trying to maintain the momentum of his winter-spring offensive.

The structure of the GVN held up, but its effectiveness has suffered.

The RVNAF held up against the initial assault with gratifying, and in a way surprising strength and fortitude. However, ARVN is now in a defensive posture around towns and cities and there is concern about how well they will bear up under sustained pressure.

The initial attack nearly succeeded in a dozen places, and defeat in those places was only averted by the timely reaction of US forces. In short, it was a very near thing.

There is no doubt that RD Program has suffered a severe set back.

US forces have lost none of their pre-TET capability. . . .

### The Situation as It Stands Today: Enemy Capabilities

The enemy has been hurt badly in the populated lowlands, but is practically intact elsewhere. He committed over 67,000 combat maneuver forces plus perhaps 25% or 17,000 more impressed men and boys, for a total of about 84,000. He lost 40,000 killed, at least 3000 captured, and perhaps 5000 disabled or died of wounds. He had peaked his force total to about 240,000 just before TET, by hard recruiting, infiltration, civilian impressment, and drawdowns on service and guerrilla personnel. So he has lost about one fifth of his total strength. About two-thirds of his trained, organized unit strength can continue offensive action. He is probably infiltrating and recruiting heavily in the countryside while allied forces are securing the urban areas.

The enemy has adequate munitions, stockpiled in-country and available through the DMZ, Laos, and Cambodia, to support major attacks and countrywide pressure; food procurement may be a problem. Besides strength losses, the enemy now has morale and training problems which currently limit combat effectiveness of VC guerrilla, main and local forces. . . .

### GVN STRENGTH AND EFFECTIVENESS

(1) Psychological—The people in South Vietnam were handed a psychological blow, particularly in the urban areas where the feeling of security had been strong. There is a fear of further attacks.

(2) The structure of the Government was not shattered and continues to function but at greatly reduced effectiveness.

(3) In many places, the RD program has been set back badly. In other places the program was untouched in the initial stage of the offensive. MACV reports that of the 555 RD cadre groups, 278 remain in hamlets, 245 are in district and province towns on security duty, while 32 are unaccounted for. It is not clear as to when, or even whether, it will be possible to return to the RD program in its earlier form. As long as the VC prowl the countryside, it will be impossible, in many places, even to tell exactly what has happened to the program.

(4) Refugees—An additional 470,000 refugees were generated during the offensive. The problem of caring for refugees is part of the larger problem of reconstruction in the cities and towns. It is anticipated that the care and reestablishment of the 250,000 persons or 50,000 family units who have lost their homes will require from GVN sources the expenditure of 500 million piasters for their temporary care and resettlement plus an estimated 30,000 metric tons of rice. . . .

### U.S. STRATEGY

MACV believes that the central thrust of our strategy now must be to defeat the enemy offensive and that if this is done well, the situation overall will be greatly improved over the pre-TET condition.

MACV accepts the fact that its first priority must be the security of Government of Vietnam in Saigon and provincial capitals. MACV describes its objectives as . . .

(1) Security of Cities and Government. MACV recognizes that US forces will be required to reinforce and support RVNAF in the security of cities, towns and government structure. At this time, 10 US battalions are operating in the environs of Saigon. It is clear that this task will absorb a substantial portion of US forces.

(2) Security in the Countryside. To a large extent the VC now control the countryside. Most of the 54 battalions formerly providing security for pacification are now defending district or province towns. MACV estimates that US forces will be required in a number of places to assist and encourage the Vietnamese Army to leave the cities and towns and reenter the country. This is especially true in the Delta.

(3) Defense of the borders, the DMZ and the northern provinces. MACV considers that it must meet the enemy threat in I Corps and has already deployed there slightly over 50% of all US maneuver battalions. US forces have been thinned out in the highlands, notwithstanding an expected enemy offensive in the early future.

(4) Offensive Operations. Coupling the increased requirement for the defense of the

cities and subsequent reentry into the rural areas, and the heavy requirement for defense of the I Corps, MACV does not have adequate forces at this time to resume the offensive in the remainder of the country, not does it have adequate reserves against the contingency of simultaneous large-scale enemy offensive action throughout the country.

(5) Force Requirements. Forces currently assigned to MACV . . . are inadequate in numbers and balance to carry out the strategy and to accomplish the tasks described above in the proper priority. To contend with, and defeat, the new enemy threat, MACV has stated requirements for forces over the 525,000 ceiling imposed by program Five. The add-on requested totals 206,756 spaces for a new proposed ceiling of 731,756, with all forces being deployed into country by the end of CY 68.

### WHAT DOES THE FUTURE HOLD?

We see the enemy pursuing a reinforced offensive to enlarge his control throughout the country and keep pressures on the government and allies. We expect him to maintain strong threats in the DMZ area, at Khe Sanh, in the highlands, and at Saigon, and to attack in force when conditions seem favorable. He is likely to try to gain control of the country's northern provinces. He will continue efforts to encircle cities and province capitals to isolate and disrupt normal activities, and infiltrate them to create chaos. He will seek maximum attrition of RVNAF elements. Against US forces, he will emphasize attacks by fire on airfields and installations, using assaults and ambushes selectively. His central objective continues to be the destruction of the Government of SVN and its armed forces. As a minimum he hopes to seize sufficient territory and gain control of enough people to support establishment of the groups and committees he proposes for participation in an NLF dominated government.

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## SOVIETS REFUSED TO CARRY PEACE FEELER TO HANOI

(By Darius S. Jhabvala)

The Soviet Union, evidently concerned about adverse reactions from Communist China, refused to assist the United States in getting across a message to Hanoi in 1965. The message, first mentioned by Secretary of State Dean Rusk to Soviet Ambassador Anatoly Dobrynin, was sent to Foy Kohler, the US ambassador in Moscow, for transmission to the North Vietnamese Embassy and to the Soviet Foreign Ministry. It informed the Communist side that "for a period beginning at noon, Washington time, Wednesday, May 12, and running into the next week," there were to be no air attacks on North Vietnam.

This decision was reached after there were "repeated suggestions from various quarters . . . that there could be no progress towards peace while there were air attacks."

However, the message clearly pointed out that the United States "will be very watchful to see whether in this period of pause there are any significant reductions in such armed actions by such (North Vietnamese—Viet Cong) forces." The North Vietnamese Embassy formally refused to accept the message which was delivered by a special messenger. But when Kohler sought the cooperation of the Russians at a face to-face meeting with Deputy Foreign Minister Nikolai P. Firyubin, he was told: "I am not a postman." According to a message from Kohler to the State Department, Firyubin added that the United States "could find our own ways of transmitting messages."

An extensive and detailed report of the American effort to involve the Russians in what then appeared as a peacemaking mission is part of the Defense Department's history of the Vietnam war that is now available to The Boston Globe.

The report reveals the details of the message Washington wished to get across to Hanoi via Moscow, instructions for Kohler, the gist of Rusk's conversation with Dobrynin and a somewhat lengthy appraisal by Kohler of the Soviet attitude.

Despite the refusal to accept the American message, Kohler seemed confident that Hanoi had received word but refused to respond as Washington had desired.

According to the Defense Department's documents, Kohler was instructed to emphasize that the bombing pause should not be misunderstood "as an indication of weakness" and "it would be necessary to demonstrate more clearly than ever, after the pause ended, that the US is determined not to accept aggression without reply in Vietnam.

"Moreover, the United States must point out that the decision to end air attacks for this limited trial period is one which it must be free to reverse if at any time in the coming days there should be actions by the other side in Vietnam which required immediate reply," the message to Kohler added.

When Rusk explained the substance of the message to Dobrynin, the latter "noted we were merely informing the Soviets." Accordingly, Rusk's report points out, he "was clearly relieved we are not asking them to act as intermediary."

"Dobrynin said he thought we could get some answer but could not predict what," Rusk informed Kohler. Kohler, upon receiving the secretary's instructions, directed an aide to phone the North Vietnamese embassy to request an urgent appointment, but he was turned down because of the lack of diplomatic relations between the two countries.

Kohler asked Washington for further instructions. He was told to approach the Soviet Foreign Ministry and to transmit the message by letter to Hanoi's embassy, but the letter was returned the following morning (May 13) "in a plain envelope addressed simply Embassy of USA."

At his meeting with Firyubin, Kohler was told that the Russians viewed the communication "as based on an erroneous conception on which the US has preceeded."

"Firyubin could only view the communication as repetition of the threat against the DRV (Democratic Republic of Vietnam—North Vietnam)—now a threat of renewed and expanded aggression. This was the only way he could interpret the reference to the risk that a suspension of the attacks involved. Obviously we are suffering from a gross misunderstanding if we think that such aggression will go unpunished, without response," Kohler reported Firyubin had implied.

After the oral exchange, Firyubin said flatly, according to the Kohler advisory, "the Soviet government will not transmit the US government's message to the DRV, that the DRV had not requested the service and that it was the US responsibility to find a convenient way of passing the message."

After further reflection on his meeting with Firyubin, Kohler sent a follow-up message to Washington in which he sought to present the Soviet position "with some sympathy and to promote an understanding of the Soviet rebuff."

"On the one hand, I was annoyed at the apparent Soviet rebuff of an effort to take heat out of admittedly dangerous situation in Southeast Asia and impatient with the flimsy rationale for Soviet refusal offered by Firyubin. On the other hand, I could understand, if not sympathize with, Soviet sensitivity, given Chicom (Chinese Communist) eagerness to adduce proof of their charges of collusion against Soviets and, frankly, given rather strenuous nature of the document they were being asked to transmit to DRV," Kohler messaged Washington. He went on to add his hope that "we would not regard Firyubin's reaction . . . as evidence of conscious hardening of Soviet attitude."

"It may be a reflection of the bind the Soviets find themselves in at the moment," he added.

Kohler, aware that the State Department was then trying to send the same message via the British consul in Hanoi, proposed "a shorter and revised wording."

"If cast in present form, I think we are simply inviting rebuff and Exercise-Hanoi would prove as fruitless as our effort in Moscow," he argued. Kohler was overruled and the second delivery was returned, ostensibly unopened.

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## CIA PLAYED DOWN U.S. DOMINO THEORY AT HONOLULU PARLEY

(By Darius S. Jhabvala)

A key Johnson administration military advisor had proposed in 1964 that tactical nuclear weapons would have to be deployed if Communist Chinese forces entered the ground war in Vietnam. Admiral Harry D. Felt, then the commander in chief of the Pacific forces, emphatically demanded also that commanders be given the freedom to use such weapons "as had been assumed under various plans."

This question, among others, was discussed among his top advisers at the Honolulu conference, June 1–2, 1964.

Following the meeting, President Johnson asked his advisers the basic question: "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?"

On June 9, the Board of National Estimates of the Central Intelligence Agency, provided a response, stating:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

These and other details are part of the on Vietnam study that was made for Defense Department.

The State Department approached the Honolulu conference "with a basic assumption," namely "our point of departure is and must be that we cannot accept the overrunning of southeast Asia by Hanoi and Peking."

Beyond this, the discussions "were intended to help clarify issues with respect to exerting pressures against North Vietnam." The joint Chiefs of Staff recommended that "the US should seek through military actions to accomplish destruction of the North Vietnamese will and capabilities as necessary to compel the Democratic Government of Vietnam to cease providing support to the insurgencies in South Vietnam and Laos."

### LIMITED ACTION

However, the JCS went on to note that "some current thinking appears to dismiss the objective in favor of a lesser objective, one visualising limited military action which, hopefully, would cause the North Vietnamese to decide to terminate their subversive support."

During discussions of the extent of new military action, Ambassador Henry Cabot Lodge "argued in favor of attacks on north." He is reported to have stated "his conviction that most support for the Viet Cong would fade as soon as some 'counter-terrorism measures' were begun against DRV."

Discussions then turned to the desirability of obtaining a congressional resolution prior to wider US action. Lodge felt that it would not be necessary. But Defense Secretary McNamara, Rusk and CIA Director John McCone all argued in favor of the resolution.

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs, then raised "the final possibility" of Chinese involvement. Were that to occur, the allies would require "seven ground divisions."

"Secretary McNamara then went on to say that the possibility of major ground action also led to a serious question of having to use nuclear weapons at some point," the reports points out. "Admiral Felt responded emphatically that there was no possible way to hold off the Communists on the ground without the use of tactical nuclear weapons and that it was essential that the commanders be given freedom to use these as had been assumed under various plans," it added.

Gen. Taylor was "more doubtful as to the existence or at least to the degree of the nuclear weapon requirement."

"The point," the report concluded, "was not really followed up."

## PROXMIRE-MATHIAS AMENDMENT PLACING $68 BILLION CEILING ON PENTAGON OUTLAYS FOR FISCAL YEAR 1972 WILL BE PROPOSED TO CONTINUING RESOLUTION

Mr. PROXMIRE. Mr. President, I wish to announce that Senator Mathias and I will offer the Proxmire-Mathias amendment to the continuing resolution when that comes before the Senate on Tuesday of next week.

The Proxmire-Mathias amendment places a ceiling of $68 billion on Pentagon outlays—the amount they can spend—for fiscal year 1972.

The text of the amendment reads:

> Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense—Military Functions for the fiscal year ending June 30, 1972, shall not exceed $68,000,000,000.

### SIXTY-EIGHT BILLION DOLLARS A MODERATE AND MODEST CEILING

There are several reasons why we are taking this action now. First of all, we believe that military spending should go down, not up, as the Vietnam war is wound down.

Our figure of $68 billion is a modest and moderate cut which can be absorbed on a timely basis without, in any way, harming our military security. For example, it would reduce monthly Pentagon outlays from a monthly rate of $6 billion, May 1971, to $5.66 billion per month for fiscal year 1972.

The incremental costs of the Vietnam war have been cut from $24 billion to $8 billion, or by $16 billion.

The number of personnel in the Armed Forces has been cut from a peak of 3.5 million to an average of 2.6 million for fiscal 1972 and to 2.5 million at the end of the year. This should save $10 billion at the modest estimate of a $10,000-per-man saving.

While one cannot add the two figures together because of some overlapping, some $20 to $22 billion of gross cuts have occurred.

Neither inflation and existing or prospective increases in pay can account for more than $12 to $14 billion. Therefore, there should be a savings of $8 to $10 billion from these cuts alone, even if we do not count on any improvements in procurement, more efficient use of existing forces, reexamination of the over 400 major and 3,000 minor bases overseas, or cuts in major weapons systems.

Sixty-eight billion dollars is almost precisely the amount Congress appropriated last year for the Pentagon. Since then $2.5 billion has been added for pay raises. But the Pentagon is spending $73.4 billion, or $2.2 billion more than Congress appropriated. In the past 4 years the Pentagon has spent almost $8 billion more than Congress appropriated in those 4 years.

### DURING LAST 4 YEARS PENTAGON SPENDING EXCEEDS MONEY APPROPRIATED

I ask unanimous consent that a table giving congressional appropriations for "Department of Defense—Military functions," actual Pentagon outlays for "Department of Defense—Military functions," and the excess of the amount spent above the amount appropriated for fiscal years 1968 through 1971, be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

[In billions]

| Fiscal year | Appropriations | Pentagon outlays | Excess of outlays over amounts appropriated |
|---|---|---|---|
| 1968 | $76.4 | $77.4 | $1.0 |
| 1969 | 76.1 | 77.9 | 1.8 |
| 1970 | 74.3 | 77.2 | 2.9 |
| 1971 (estimated) | 71.2 | 73.4 | 2.2 |
| Total |  |  | 7.9 |

### BACKLOG EXCEEDS $35 BILLION

Mr. PROXMIRE. Mr. President, the Pentagon is able to do this by dipping into the more than $35 billion backlog of obligated and unobligated funds they have on hand. "Special Analysis G. of the Budget" for 1972 indicates that the Defense Department has $27 billion of obligated funds in their balance, of which $16.99 is procurement funds, and $9 billion in unobligated balances, or a total of $36 billion for fiscal year 1972.

### URBAN COALITION RECOMMENDS $60 BILLION CEILING

The National Urban Coalition, after a comprehensive and detailed study by former Pentagon experts, proposed a fiscal year 1972 budget of $60 billion. We therefore believe that our proposal is a moderate, practical one. A cut to $68 billion merely emphasizes the degree of our self-restraint in light of the overwhelming evidence which could justify a larger reduction.

### THIS IS THE PRIORITIES AMENDMENT

Second, this is the priorities amendment. There is a huge backlog of needs—health care, public service jobs, housing, pollution control, Federal assumption of welfare costs, reconversion, a floor under family income—to name only a few for which major new funds have been or soon will be authorized. These can add more than $50 billion to our present budget.

But former Budget Director Charles Schultze has told us that existing programs will eat up every cent of the fiscal dividend through fiscal year 1974, even if unemployment drops to 4 percent.

Thus, short of instituting arbitrary wage and price controls, which would stifle our competitive system, or running a deficit far bigger than any responsible economist proposes and which would act as an engine of inflation, or instituting tax increases which would overburden the already hard-pressed American taxpayers, the only place to get funds for these important purposes is by cutting the military budget and reordering priorities.

### TAKING ACTION AT BEGINNING OF FISCAL YEAR

Finally, we are taking this course of action on this bill because it is the appropriate time and place to do so.

There are ample precedents for ceiling amendments. Almost every Member of the Senate has voted for some kind of ceiling amendment over the last 4 years.

It avoids the charge that was made last year when we proposed a similar amendment to the military authorization bill that the amendment came too late in the fiscal year for the Pentagon to make an orderly cut. Additionally, that bill covered only $20 billion of the total military spending.

## OFFICE OF CONSTITUENT ASSISTANCE

Mr. HARTKE. Mr. President, yesterday I introduced S. 2134, a bill to establish an Office of Constituent Assistance. I believe that this proposal offers a plan to help Americans cope with the ever-mounting Government bureaucracy in Washington.

My proposal would create a central office to assist Congressmen and Senators in the handling of citizens' requests for assistance in dealing with Government agencies. I am pleased to note that the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. Javits) are today introducing a proposal which embodies the same concept. Together we recognize the need to bring Government closer to the people.

Mr. President, I ask unanimous consent that the text of my bill and a section analysis be printed in the Record.

There being no objection, the text of the bill and analysis were ordered to be printed in the Record, as follows:

### S. 2134

A bill to establish an Office of Constituent Assistance, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Office of Constituent Assistance Act".

### DEFINITIONS

Sec. 2. As used in this Act, the term—

(1) "administrative action" includes action, omission, decision, recommendation, practice or procedure;

(2) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, and any officer, or member thereof acting or purporting to act in the exercise of his official duties, but does not include—

(A) the President;

(B) the Congress;

(C) the courts of the United States;

(D) the governments of the territories or possessions of the United States;

(E) the government of the District of Columbia;

(F) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(G) courts martial and military commissions; or

(H) military authority exercised in the field in time of war or national emergency.

(3) "Director" means the Director of the Office of Constituent Assistance.

### OFFICE ESTABLISHED

SEC. 3. (a) There is hereby established in the legislative branch of the Government the Office of Constituent Assistance, which shall be under the direction and control of the Director of the Office.

(b) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, by and with the advice and consent of the Senate without regard to political affiliation and solely on the ground of fitness to perform the duties of the Office, for a term of four years. The Director may continue to act until he has been reappointed or his successor has been appointed.

(c) No person may serve as Director while a candidate for or holder of any elected office, whether municipal, State, or Federal, or while engaged in any other business, vocation, or employment.

(d) The Congress of the United States, by two-thirds vote in each House, may remove the Director from office when, in the judgment of the Congress, he has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude, and for no other cause and no other manner except by impeachment.

(e) He shall receive the same salary as Members of Congress.

### DUTIES OF THE DIRECTOR

SEC. 4. Upon the request of any Member of either House of Congress, or the request of any standing committee, special committee, or select committee of the House of Representatives or of the Senate, or any joint committee of the Congress, the Director is authorized—

(1) to conduct or cause to be conducted, in such manner as he determines to be appropriate, an appropriate investigation of any administrative action not exempted under section 6, which might be—

(A) contrary to law or regulation;

(B) unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;

(C) mistaken in law or arbitrary in ascertainments of fact;

(D) improper in motivation or based on irrelevant considerations;

(E) unclear or inadequately explained when reasons should have been revealed;

(F) inefficiently performed; or

(G) otherwise objectionable;

(2) prepare a complete report on the results of the investigation, and furnish a copy of the report to the requesting Member or committee and furnish a copy of the report to the head of the agency concerned with a request for a reply, and, whenever he determines not to investigate, inform the requesting Member or committee of his determination, with his reasons therefor; and

(3) prepare such interim reports to the Congress as he deems appropriate.

(b) Interim reports prepared pursuant to paragraph (3) of the preceding subsection shall be printed as a document, and made available to the public.

### ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In order to carry out the provisions of this Act, the Director is authorized to—

(1) appoint and fix the compensation, of such attorneys, clerks, and other personnel as may be necessary to carry on the work of the Office, and such personnel shall be appointed without reference to political affiliations and solely on the basis of fitness to perform the duties of their offices;

(2) promulgate such rules and regulations as may be necessary to carry out his duties under this Act;

(3) delegate authority for the performance of any such duty to any officer or employee of such Office;

(4) request such information, data, and reports from any agency as the Director may from time to time require and as may be produced consistent with other law;

(5) hold private discussions or meetings with either the person complaining of an administrative action under investigation or officers or employees of the agency concerned, or both; and

(6) prepare and submit annually to the President, to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report on the activities of the Office during the previous year.

(b) Upon request made by the Director each agency is authorized to make its information, data and reports (including suggestions, estimates and statistics) available to the greatest practicable extent consistent with other laws to the Director in the performance of his functions.

### EXEMPTED MATTERS

SEC. 6. No complaint shall be subject to investigation by the Director under the provisions of this Act if such complaint involves—

(1) any matter certified by the head of any executive department as affecting the relations between the United States and any foreign government or any international organization;

(2) any administrative action concerning the appointment, removal, discipline, benefits or other personnel matters with respect to—

(A) any member of the Armed Forces of the United States;

(B) any officer or employee of the Government of the United States;

(3) any administrative action, which occurred more than one year prior to the date on which the person complaining of such action had actual notice thereof, except in unusual circumstances, the Director may investigate a complaint of an administrative action that would otherwise be exempt under this paragraph;

(4) any administrative action based upon a complaint which the Director determines, in his discretion, to be trivial, frivolous, vexatious, or not made in good faith.

### EFFECT OF OTHER LAWS

SEC. 7. The provisions of this Act shall be in addition to the provisions of any other law or regulation under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act shall limit or affect any such remedy, right of appeal, or procedure. The powers conferred on the Director by this Act may be exercised by him notwithstanding any other provision of law to the effect that any administrative action or omission shall be final or that no appeal shall lie in respect thereof.

### AUTHORIZATION OF APPROPRIATION

SEC. 8. There are hereby authorized to be appropriated to the Office of Constituent Assistance such sums as may be required for the performance of the duties of the Office under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Office of Constituent Assistance.

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### SECTION ANALYSIS OF OFFICE OF CONSTITUENT ASSISTANCE ACT

Sec. 1. *Title.*

Sec. 2. *Definitions.* Excludes the following from the jurisdiction of the Director of the Office of Constituent Affairs:

(A) President.

(B) The Congress.

(C) The Courts of the United States.

(D) The Governments of the Territories or Possessions of the United States.

(E) The Government of the District of Columbia.

(F) Agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them.

(G) Courts martial and military commissions.

(H) Military authority exercised in the field in time of war or national emergency.

Sec. 3. *Office Established.* Establishes an Office of Constituent Assistance within the legislative branch, with its Director to be appointed by the Speaker of the House and the President pro tempore of the Senate, upon the advise and consent of the Senate, without regard to political affiliation and solely on the ground of fitness to perform the duties of his office. The Director's term is to be four years, and he may be removed by two-thirds vote in each House if, in the judgment of the Congress, he has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

Sec. 4. *Duties of the Director.* Upon the request of any Member of either House of Congress or the request of any committee of either House, the Director is authorized to conduct an appropriate investigation of any administrative action which might be—

(A) contrary to law or regulation.

(B) unreasonable, unfair, oppressive, or inconsistent with the general course of the administrative agency's functioning.

(C) mistaken in law or arbitrary in ascertainment of fact.

(D) improper in motivation or based on irrelevant considerations.

(E) unclear or inadequately explained when reasons should have been revealed.

(F) inefficiently performed, or

(G) otherwise objectionable.

The Director is also authorized to prepare a report of each investigation and to furnish a copy of such report to the requesting Member or committee and to the head of the agency involved with a request for a reply.

Sec. 5. *Administrative Provisions.* Authorizes Director to promulgate such rules and regulations as may be necessary to carry out his duties under this Act, to request such information, data, and reports from any agency as the Director may from time to time require, to hold private discussions or meetings with either the person complaining or an administrative action under investigation or officers or employees of the agency concerned, etc. Also authorizes each agency to make information available to the Director to the greatest practicable extent consistent with other laws.

Sec. 6. *Exempted Matters.* Exempts the following from the investigatory jurisdiction of the Director:

(1) any matter certified by the head of any executive department as affecting the relations between the United States and any foreign government or any international organization

(2) any administrative action concerning the appointment, removal, discipline, benefits or other personnel matters with respect to members of the Armed Forces or officers or employees of the U.S. Government

(3) any administrative action which occurred more than one year prior to the date the complainant had actual notice thereof

(4) any administrative action based upon a complaint which the Director determines to be frivolous, vexatious, or not made in good faith.

Sec. 7. *Effect of Other Laws.*

Sec. 8. *Authorization of Appropriation.*

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## THE PENTAGON PAPERS

Mr. McGOVERN. Mr. President, as part of my effort to make available to the Congress and to the American public the information that is becoming available through the national press on the origins of American military involvement in Indochina, I call to the attention of the Senate articles published in the Los Angeles Times and in the Knight newspapers. I expect to be able to place in the RECORD material made available in the Chicago Sun-Times at an early date.

The Los Angeles Times report by Stuart Loory shows our unwillingness as early as 1963 to admit that we would be unable to determine the future of Vietnam by military force. So we persisted in our error. The reports in the Knight newspaper show how we gradually slipped deeper into the quagmire, persistently failing to face the reality of the hopeless position we had adopted.

Mr. President, I ask unanimous consent that the documents and summaries in the Los Angeles Times and the Knight newspapers be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE PENTAGON PAPERS: HOW BACKSTAGE STRUGGLE MADE WAR BIG

WASHINGTON.—Portions of the Pentagon history of the Vietnam War were made available to the Inquirer and the Knight newspapers this week.

Previously unpublished material in the document traces the step-by-step escalation of the war—in the air and on the ground—from 1965 until the Great Turnaround of 1968.

It also lays bare a lengthy backstage struggle between military and civilian officials for President Johnson's mind.

Former Defense Secretary Robert S. McNamara, who commissioned the study in June 1967, emerges as a tragic figure who rapidly became disillusioned with the war he had recommended.

From mid-1966 on, McNamara is portrayed in the documents as fighting constantly with his generals and admirals. They wanted to tighten the screws on North Vietnam, while he wanted to level off or de-escalate the war.

Richard Nixon, who was a congressman, senator and Vice President through the first 14 years of the U.S. involvement in Vietnam, hardly appears in the historical papers available to The Inquirer. His two visits to Hanoi in 1953–54 are not even mentioned. The only trace of the man who is now President was his April 1954 speech to the American Society of Newspaper Editors suggesting that the U.S. might intervene in Vietnam.

Highlights of these portions of the Pentagon Papers include:

The United States government encouraged the overthrow of South Vietnamese strongman Ngo Dinh Diem in November 1963, but the papers do not disclose any U.S. implication in his assassination.

Before Diem's ouster, the U.S. was so optimistic of the outcome in South Vietnam that it planned to withdraw all but 1500 troops. Six weeks after Diem was gone, hope had changed to gloom, and McNamara was urging a major escalation of the U.S. role.

McNamara's estimate of the troop commitment which might be needed mushroomed from 275,000 to 600,000 within a three-month period, from August to November, 1965.

By October 1966, McNamara was so disillusioned with the bombing of North Vietnam that he urged it be replaced by a billion-dollar electronic barrier to halt infiltration into South Vietnam.

In May 1967, Assistant Defense Secretary John McNaughton called the ground war "a trap which has ensnared us." Gen. William Westmoreland, the war zone commander, warned that without substantial reinforcements the U.S. would be bogged down in a "meatgrinder" war.

That same month, McNamara in frustration proposed a coalition government in Saigon including non-Communist members of the National Liberation Front.

After McNamara recommended scaling down the bombing, the chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler, said that would be an "aerial Dien Bien Phu" for the allied side.

A panel of outside scientists declared in December 1967 that the bombing had been so unsuccessful that North Vietnam was actually "a stronger military power" than before the raids began.

Despite public assertions by President Johnson and others that the Communist offensive of Tet, 1968 was a disastrous defeat for Hanoi, Gen. Wheeler's private assessment was far gloomier. His report to the President three weeks after Tet found the Saigon forces on the defensive, the pacification program in shambles, and much of the countryside under Communist domination.

The focus in these portions of the Pentagon Papers is on the bitter arguments between military and civilian officials within the Defense Department.

President Johnson remains a shadowy figure until near the end, when the shock of Tet threw open to question the assumptions that underlay three years of escalation.

The papers close with Johnson's historic abdication speech on March 31, 1968—a decision, the Pentagon study says, that "turned American policy toward a peaceful settlement of the war."

"A major corner in the war and in American policy had been turned," the report says. "There was no going back."

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### BOMBING WAS "COLOSSAL" ERROR

WASHINGTON.—Barely a year after sustained U.S. bombing of North Vietnam began, Defense Secretary Robert S. McNamara had lost faith that it could achieve its objectives.

The Pentagon analyst who wrote a study entitled: "The Air War in North Vietnam" said it was a "colossal misjudgment" to think that the bombing would pressure Hanoi into calling it quits.

Previously published portions of the Pentagon papers revealed the planning that led up to the opening of the bombing campaign—code-named Operation Rolling Thunder—in March 1965.

New documents made available to Knight Newspapers trace in great detail McNamara's growing disillusionment with the policy he had recommended.

By the summer of 1966, a ferocious struggle had developed within the councils of government over the bombing.

The struggle pitted McNamara and many of his civilian advisors, often supported by the CIA, against the generals and admirals in the war zone and on the Joint Chiefs of Staff.

The military leaders consistently recommended more and heavier bombing, the documents show. Toward the end, in 1968, the chiefs, while conceding that the air raids had been ineffective, blamed it on political constraints that had prevented them from attacking key targets.

Just three weeks before President Johnson ordered a partial bombing halt and announced he would not seek re-election, on March 31, 1968, a memorandum from the joint chiefs sought permission to attack Hanoi and the port of Haiphong.

McNamara, on the other hand, had been resisting the escalation of rolling thunder for nearly two years before the bombing halt, the report shows.

In January 1965, when he first recommended Rolling Thunder to President Johnson, McNamara thought it wouldn't have to last more than six months.

In July 1965, realizing that the bombing was falling short of its goals, McNamara urged that the raids be stepped up and expanded to cover most of North Vietnam.

In March 1966, the defense secretary proposed another step-up to take in North Vietnamese petroleum supplies.

This was "the last major escalation of the air war recommended by Secretary McNamara," the Pentagon analyst reports. Thereafter, the balance in his mind was "tipped to favor de-escalation of air attacks," on the north.

In October 1966, McNamara returned from an inspection trip to Vietnam with a gloomy report for the president.

In a memorandum dated Oct. 14, he recommended a leveling off of the U.S. effort and an effort to find a diplomatic solution.

"Pulling back from his previous positions, he now recommended that the President level off the bombing at current levels and seek other means of achieving our objectives," the analyst says.

Instead of escalating the bombing, McNamara suggested a billion-dollar barrier be built across the northern border of South Vietnam and the Ho Chi Minh Trail through Laos.

The barrier of fences, electronic sensors, mines, artillery, aircraft and troops would choke off the infiltration of men and supplies from the North which the bombing had failed to achieve, McNamara felt.

In addition, McNamara recommended a reduction or pause in the bombing in an effort to get peace negotiations started.

The military leaders argued strongly against McNamara's approach. A sharp dissenting memorandum signed by Gen. Earle Wheeler, chairman of the Joint Chiefs of Staff, said the chiefs "do not concur in your recommendation that there should be no increase in level of bombing effort (or that) as a carrot to induce negotiations we should suspend or reduce our bombing campaign against North Vietnam . . .

"Far from inducing negotiations, another bombing pause will be regarded by North Vietnamese leaders, and our allies, as renewed evidence of lack of U.S. determination to press the war to a successful conclusion," the chiefs argued.

"The bombing campaign is one of the two trump cards in the hands of the President (the other being the presence of U.S. troops in South Vietnam). It should not be given up without an end to NVN (North Vietnamese) aggression in SVN (South Vietnam)." he chiefs said.

McNamara won that round, and the bombing was not escalated that fall. The struggle was resumed early in 1967. However, the President eventually yielded to military pressure to intensify Rolling Thunder.

The Pentagon analyst summarized it this way:

"During the first seven months of 1967 a running battle was fought within the Johnson Administration between the advocates of a greatly expanded air compaign against North Vietnam . . . and the disillusioned doves who urged relaxation, if not complete suspension of the bombing . . .

"The 'Hawks' of course were primarily the military, but in wartime their power and influence with an incumbent administration is disproportionate."

"McNamara," the study went on, "led the attempt to de-escalate the bombing." The President and the State Department it said, were "treading the uncertain middle ground."

The battle raged throughout the Spring. On May 19, 1967 McNamara gave Johnson a memorandum proposing, among other things, that the U.S. persuade the Saigon government, as soon as the September elections were over, to "seek a political settlement with the non-Communist members of the NLF (the Vietcong controlled National Liberation Front)—to explore a cease-fire and to reach an accommodation with the non-Communist South Vietnamese who are under the Vietcong banner, and if necessary to accept their individual participation in the national government."

The chiefs were "in ardent opposition to anything other than a significant escalation of the war," the Pentagon analyst says, and the President did not accept McNamara's proposals.

"The JCS literally bombarded the secretary with memoranda" urging more rather than less bombing, the study says

Gen. Wheeler, on May 24, said a partial or complete cessation of air strikes would allow North Vietnam to recoup its losses, expand its stockpiles and continue to support the war from a sanctuary.

Wheeler compared McNamara's ideas to "an aerial Dien Bien Phu" referring to the famous French defeat at the hands of the Communists in 1954.

In June, Johnson rejected either escalation or de-escalation, but in August, under pressure from the military and hawks in Congerss, he authorized a "selected intensification of the air war," the study says.

At the end of 1967, a group of outside scientists working for the Institute of Defense Analysis, a Pentagon "think tank," gave McNamara what the study called an emphatically negative conclusion about the results of "Rolling Thunder."

"It was probably the most categorical rejection of bombing as a tool of our policy in Southeast Asia to be made before or since by an official or semi-official group," the report said. Some excerpts:

"As of October 1967, the U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South. . . .

"Since the beginning of the Rolling Thunder air strikes, the flow of men and material from NVN to SVN has greatly increased. . . ."

Thanks to aid from the Soviet Union and China, the scientists reported, North Vietnam "is now a stronger military power than before the bombing."

Despite this gloomy outside assessment, the study says the U.S. government began 1968 "in a mood of cautious hope about the course of the war."

Within a month, however, "these hopes had been completely dashed." The Communist Tet offensive of January-February, 1968, showed "that as an interdiction measure against the infiltration of men and supplies, the bombing had been a near total failure . . . The resources necessary to initiate an offensive of Tet proportions . . . had all flowed south in spite of the heavy bombing."

The military reaction, however, was to recommend urgently a step-up in the air war, including raids on previously restricted zones in Hanoi and Haiphong.

The joint chiefs, in a document dated March 4, said the U.S. should "accept greater risks of civilian casualties" in order to make the bombing more effective.

Air Force Secretary Harold Brown, reflecting the military viewpoint said existing restrictions should be "lifted so as to permit bombing of military targets without the present scrupulous concern for collateral civilian damage and casualties."

McNamara, meanwhile, had left the Defense Department on Feb. 28. His successor, Clark M. Clifford, at the President's orders, undertook an "A to Z" reassessment of the whole war effort.

As related elsewhere in this issue, the reassessment led, on March 31, to Johnson's decision to de-escalate the war, halt the bombing north of the 20th parallel, and seek a negotiated settlement.

### "Victory" Goal Faded in January–March 1968

Washington.—President Johnson's speech to the nation on March 31, 1968, in which he concluded by announcing his decision not to run for reelection, was begun two months to the day earlier, 10,000 miles away inside the compound of the U.S. Embassy in Saigon.

In those two short months, the glowing military assessments from all quarters in Vietnam had changed. The President had decided that the basis on which he had operated for more than four years—"more of the same"—would no longer work, and that there was a profound disillusionment among his civilian advisers and in the country as a whole.

There is also some indication that the President himself felt disillusioned, if not deceived, by the advice he had been receiving from his military advisers.

This part of the study, encompassing the period from the beginning of the Tet offensive on Jan. 31, and running through the President's speech, tells of a total turnaround in U.S. policies and programs in Vietnam.

The year-end reports from Gen. Westmoreland had been glowing. On the ground the Vietnam and North Vietnamese were losing troops, land and population control. In the air, major damage was being inflicted on North Vietnam and the Ho Chi Minh supply lines.

Within days the Tet offensive was launched. Before it was over some 40 provincial towns, 64 district towns and all the autonomous cities had been attacked. The ancient capital of Hue was actually held for three weeks and the U.S. Command had destroyed the delta provincial capital of Ben Tre "in order to save it."

The Joint Chiefs of Staff immediately began examining plans for reinforcements from the United States. The Pentagon study describes the detailed evaluations, including a conclusion that "whether or not deployments under any of these plans were directed, it appeared that sufficient forces would still be available for civil disorder control."

On Feb. 23, Gen. Earle Wheeler, chairman of the Joint Chiefs, was sent to Saigon by the President to find out "what was really going on." His report, four days later, not only presented a gloomy view of the military situation, but gave his own estimate of the requirements to "resume the offensive in the remainder of the country."

The "extent and magnitude of Gen. Wheeler's request," the analyst says, "stimulated the initiation of a thorough review of the direction of U.S. policy in South Vietnam.

"A fork in the road had been reached. Now the alternatives stood out in stark reality. To accept and meet Gen. Wheeler's request for troops would mean a total U.S. military commitment to South Vietnam—an Americanization of the war, a callup of reserve forces, vastly increased expenditures.

"To deny the request for troops, or to attempt to again cut it to a size which could be sustained by the thinly stretched active forces, would just as surely signifiy that an upper limit to the U.S. military commitment had been reached."

Clark Clifford was not to become secretary of defense until the next day, but on Feb. 29 he convened his first meeting in his new role.

"Mr. Clifford outlined the task as he had received it from the President," the Pentagon analysis says.

"He indicated to the group that he felt that the real problem to be addressed was not whether we should send 200,000 additional troops to Vietnam. The real questions were: Should we follow the present course in South Vietnam, could it ever prove successful even if vastly more than 200,000 troops were sent?"

In the end, a draft memorandum was prepared for the President, recommending a "demographic frontier," protecting the populated areas and conducting "spoiling raids, long-range reconnaissance patrols and, when appropriate targets are located, search-and-destroy operations into the enemy's zone of movement in the unpopulated areas between the demographic and the political frontiers."

Gen. Wheeler protested vehemently. This he said, would result in fighting in and closer to the cities. Warnke replied that Tet showed the Vietcong could fight in the cities whenever they wanted to, anyway.

No real decision had been made, and the working group, according to a badly constructed metaphor, when faced" with a fork in the road of our Vietnam policy . . . seemed to recommend that we continue rather haltingly down the same road, meanwhile consulting the map more frequently. . . ."

It was up to the President to make the choice.

On March 22 Gen. Westmoreland was recalled from Vietnam to become Army Chief of Staff. Four days later Gen. Creighton Abrams, Westmoreland's deputy and then successor, arrived unannounced in Washington and was closeted with the President.

On the night of March 31 the President was on television. He announced the bombing restriction and held out hope for a bombing halt. He laid the burden on South Vietnam in stronger terms than ever before. He invited peace talks and then, as a final gesture, removed himself from the Presidential race. The results are still to come, but what Lyndon Johnson did by himself was to seek a new road, a new strategy.

Why, the analyst asks, did he take these steps if he expected so little? And the answer offered is that his decision was based on two considerations: more of the same would not work and a "deeply felt conviction of the need to restore unity to the American Nation."

As another analyst wrote in another section of the Pentagon study, "a major corner in the war and in American policy has been turned and . . . there was no going back."

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### Nixon's Support for U.S. Viet Role Is Barely Noted

Washington.—Richard Nixon, who was a congressman, senator, and the Vice President as the U.S. waded into Vietnam, is barely mentioned in those Pentagon documents made available to Knight Newspapers.

A strong anti-Communist and an advocate of containment during the early years of American involvement, Nixon twice visited Hanoi as Vice President before it was taken over by the Communists in 1954.

And because of the government's efforts to stop publication of the Pentagon documents, it has been speculated that the Administration fears embarrassment from possible disclosures of the President's early role.

But his role receives virtually no mention in the Pentagon study's detailed analysis of the Eisenhower Administration's deepening commitment to South Vietnam.

The document's author recalls that on April 17, 1954, Vice President Nixon, at the behest of President Eisenhower, made a speech before the American Society of Newspaper editors meeting in Washington, suggesting that the U.S. may be required to "take the risk by putting our boys in" in order to avoid "further Communist expansion in Asia and Indochina."

The "trial balloon," as Eisenhower later called it, was deflated by public opinion. And according to the Pentagon analyst, it helped put a crimp in the plans of then Secretary of State John Foster Dulles to mobilize international "united action" to aid the French, whose forces were then under siege at Dien Bien Phu.

The coalition idea came apart and Dulles, who died in 1959, labored tirelessly to prevent a Communist takeover of any part of Vietnam.

Dulles' chief ally in the high councils of the government was Adm. Arthur F. Radford, chairman of the Joint Chiefs of Staff.

And at one point, during the battle of Dien Bien Phu, Radford proposed to the French that American aircraft make a night raid against the enemy on the perimeter surrounding the beleaguered French forces.

"The plan, named Operation Vulture," the analyst writes, "called for about sixty B–29s to take off from Clark Field near Manila, under escort of 150 fighters of the U.S. Seventh Fleet . . ."

The plan did not go past the stage of informal talks. But on April 3, 1954, Dulles and Radford sounded out eight congressmen on the possibility of using 200 carrier aircraft against the Communists at Dien Bien Phu. They did not get support and the plan was abandoned.

Having failed to obtain approval for an air strike, and with the collapse of Dien Bien Phu, the analyst writes, Dulles urged the French to fight on and to refuse to negotiate with the Communists.

Dulles was convinced that the fall of any part of Vietnam to the Communists would result in a takeover of Indochina. In this view he followed the "domino theory," which had been introduced during the Truman Administration.

However, when the French agreed to a settlement with the Communists which gave them control of northern Vietnam, the analyst recalls that Dulles reappraised the domino theory.

Four months later, in September 1954, Dulles' new long-range approach to united action brought the Southeast Asia Treaty Organization into being. And in October, the analyst says, the President ordered the Joint Chiefs of Staff to prepare "a long-range program for the organization and training of a minimum number of Free Viet forces necessary for internal security."

At the same time, and over the objections of France, Dulles gave his backing to Ngo Dinh Diem, who was pushing aside the Emperor Bao Dai, on his way to the top of the South Vietnam government.

Diem's rise with U.S. help almost caused a break in American relations with France. But the American secretary of state continued his support for Diem, which ultimately helped to drive France out of Vietnam altogether in 1955.

It was during this period, the analyst writes, that "the anti-Communist moralism of Dulles and Diem rejected any rapprochement with the North, ultimately insuring that the temporary military demarcation line would become a permanent division of Vietnam."

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### Diem's Fall Ended Hopes for Pullout and Triggered War's Escalation

Washington.—The U.S., in the fall of 1963, encouraged the overthrow of South Vietnam's President, Ngo Dinh Diem, and planned a phased withdrawal of all but 1500 American troops by 1967.

The first, small pullout had been announced, and a Pentagon study on the roots of the war discloses that others were contemplated, if necessary, in time for President Kennedy's 1964 reelection campaign.

It was hoped that the withdrawal and pulling out the props from under Diem would stiffen the South Vietnamese determination to stand on their own feet and thus soften the attitude of the Communists.

But instead, the Pentagon analyst concludes, the removal and assassination of Diem, a pivotal figure in the origins of American involvement, led within a few months to abandonment of all plans for withdrawal and to an open-ended American escalation of the war.

Diem and his family had ruled South Vietnam imperiously since he rose to power in 1954–56, and he had been a sore subject of controversy between the U.S. and France, and among American policymakers. But he was a strong man, and for the sake of stability, the U.S. supported him.

In November, 1961, however, the Kennedy Administration was considering a limited increase in aid to South Vietnam. But it was worried about the growing unpopularity of Diem, his ability to lead his forces against the Communists, and the lack of reform.

The President, the analyst reports, sent his friend John Kenneth Galbraith, then ambassador to India, to visit Saigon and give his impressions of the situation.

Galbraith, according to the Pentagon documents, became the first Kennedy confidant to recommend Diem's ouster.

On November 20, in a private cable to the President, Galbraith said: "There is scarcely the slightest practical chance that the administrative and political reforms now being pressed upon Diem will result in real change . . . there is no solution that does not involve a change in government."

"On the insurgency," the analyst comments, "Galbraith was optimistic, provided Diem was replaced."

"The comparatively well-equipped" South Vietnamese, Galbraith cabled, are "facing a maximum of 15–18,000 lightly armed men. If this were equality, the U.S. would hardly be safe against the Sioux . . . given even a moderately effective government and putting the relative military power into perspective, I can't help thinking the insurgency might very soon be settled."

The following day, from New Delhi, Galbraith sent a more detailed, more emphatic cable to Kennedy, which said, in part:

"The key and inescapable point, then, is the ineffectuality (abetted debatably by the unpopularity) of the Diem government. This is the strategic factor . . . it is a cliche that there is no alternative to Diem's regime . . . we should not be alarmed by the army as an alternative."

Galbraith, the analyst says, helped convince Kennedy to limit the American commitment to Diem. But the U.S. continued to back him.

Less than two years later, however, in the spring and summer of 1963, Buddhist leaders revolted against Diem. And on July 4, the State Department sent a memo to the President cautioning him that the overthrow of Diem was possible.

Although it is not part of the documents made available to the Knight newspapers, the Chicago Sun-Times has obtained a copy of another memo, written Aug. 30, by then Assistant Secretary of State Roger Hilsman to then Secretary of State Dean Rusk.

The Sun-Times said the memo indicated that Hilsman had advance knowledge of the coming coup and the group of military officers who intended to lead it. Hilsman recommended they be encouraged to "move promptly" and that Diem and his family not be permitted to remain in the country.

There is no indication in the documents made available to Knight Newspapers that the State Department or the President actually approved Hilsman's recommendations.

Indeed, the author of the Pentagon study—says that while the Pentagon's defense intelligence agency foresaw a coup, Rusk and then Secretary of Defense Robert McNamara, during a review of the problem for Vice President Johnson on Aug. 31, agreed "that the U.S. would not pull out of Vietnam until the war was won, and that it would not participate in a coup d'etat against Diem."

However, the U.S. proceeded in the next two months to pull the rug out from under Diem.

In early October, Kennedy sent McNamara and Maxwell Taylor, then Chairman of the Joint Chiefs of Staff, on a mission to Saigon.

The author of the study says Taylor told Diem his troops were not taking enough actions against the enemy, adding that "only a ruthless, tireless offensive can win the war."

McNamara and Taylor also conveyed to Diem the sense of a letter the President had considered sending.

According to the analyst, the letter "laid down an ultimatum: unless the (South Vietnam government) changed the repressive policies, methods, and actions practiced by some individual officials and gained for itself a broad base of popular political support, the U.S. might have to consider disassociating itself from the Diem government, and further U.S. support of Vietnam might become impossible."

Three days later, after McNamara and Taylor met with the President and the National Security Council, the State Department sent instructions to Henry Cabot Lodge, then the American ambassador in Saigon.

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### The Pentagon Papers: Doubts About Ground War Arose Quickly

Washington.—The U.S. Government harbored high hopes of complete military victory in South Vietnam as it escalated the ground war there in 1965, but was overtaken by serious doubts within a year.

The key decisions which increased the American troop commitment from 70,000 to an eventual peak of 549,000 were made within a period of a few months in 1965.

But by the fall of 1966, serious disillusionment with the escalation had surfaced within the civilian leadership at the Pentagon, leading to a widening split between top civilians and the military brass from that point on.

These points are disclosed by previously unpublished portions of the secret Pentagon Papers which were made available to Knight Newspapers.

Parts of the Pentagon study received by the New York Times have shown that President Lyndon Johnson and his top advisers decided on April 1, 1965, to commit U.S. troops to ground combat in Southeast Asia.

But the additional documents made available to Knight Newspapers detail the chronology of the heavy escalation of the ground war, followed by growing disenchantment at the highest levels of government.

By May of 1967, Assistant Secretary of Defense John McNaughton was to sum up this disappointment by assessing the ground-war strategy as a "trap which has ensnared us."

The Pentagon Papers show that, following the President's pivotal April 1 decision to allow ground action by American troops, optimism reigned within the government.

Gen. William Westmoreland, U.S. commander in Vietnam, successfully proposed a three-stage strategy to:

Bring in enough U.S. troops to halt the losing trend by the end of 1965.

Raise troop levels to allow the U.S. to take the offensive on the ground by June 1966.

Substantially defeat the enemy by the end of 1967.

The study notes that Defense Secretary Robert McNamara and other top U.S. officials accepted this military estimate that the North Vietnamese and Vietcong could be decisively beaten through heavy commitment of American ground forces.

By late July of 1965, McNamara and the President had approved Joint Chiefs of Staff requests that troop levels rise to 175,000 by the end of the year, and to 275,000 by the end of 1966.

These plans were based on a rule-of-thumb that a four-to-one superiority ratio of "free world" troops to the enemy forces should be maintained.

In a memorandum to the President on July 20, 1965, McNamara predicted optimistically that the increased troop commitments should "make a significant difference in the kind of war which seems to be revolving in Vietnam—a 'third stage' or conventional war in which it is easier to identify, locate and attack the enemy."

". . . The U.S. killed-in-action might be in the vicinity of 500 a month by the end of the year," McNamara's memorandum continued.

"The South Vietnamese under one government or another will probably see the thing through and the United States public will support the course of action because it is a sensible and courageous military-political program designed and likely to bring about a success in Vietnam."

The only sign of governmental caution evident at this point in the study's chronology was the President's refusal of a Pentagon request to call civilian reservists to active duty.

### ENEMY REBOUNDS

But within a short time it became evident that the North Vietnamese had unexpectedly accelerated infiltration of troops into South Vietnam, increasing enemy strength so sharply as to effectively match the U.S. raising of the ante.

This bad news from the field brought a quick and drastic upward revision of Washington's plans, and led directly to the eventual commitment of more than half a million men.

It also turned up the first hint of pessimism on the part of McNamara.

On Nov. 7, 1965, says the study, the defense secretary felt obliged to caution the President that "odds are even that despite our effort, we will be faced in early 1967 with stagnation at a higher level and with a need to decide whether to deploy (additional) forces, probably in Laos as well as in South Vietnam."

After a hastily-arranged trip to Saigon later in the month, McNamara returned even more sobered by his first-hand investigation of the enemy's increased pressure.

On Nov. 30, he reported to the White House that the targeted 275,000-man troop level would apparently suffice only "to hold our present geographical positions."

"To stick without stated objective and win the war," he continued, would now require that the troop-level target be upped by 275,000 to 400,000 by the end of 1966. And the secretary's analysis foresaw also the "possible need for an additional 200,000 in 1967," relates the Pentagon study.

This would have brought the U.S. troop commitment to 600,000, a total never actually reached.

But even while speculating about a force level almost double what he had envisioned only three months earlier, McNamara was continuing to raise caution signals.

Even such increased force "will not guarantee success," he warned the President.

Instead, McNamara estimated the odds continued about even that the enemy would continue to match the U.S. buildup and that "even with the recommended deployments, we will be faced in early 1967 with a military standoff at a much higher level, with pacification still stalled, and with any prospect of military success marred by the chance of an active Chinese intervention."

But despite these worries McNamara continued to press for escalation of the force levels. The following April, the Joint Chiefs of Staff were asking that arrival of reinforcements be stretched out, but McNamara pressed them to have 413,557 American troops in Vietnam by the end of 1966.

Later, in June, this year-end target was compromised at 391,000 as a result of continued military complaints that they could not meet a faster timetable without a reserve callup.

### THE CHIEFS INSIST

Indeed, throughout the entire 1965–1968 period, the joint chiefs continued to press for mobilization of reserves and the President continued to refuse.

As 1966 unfolded, the shape of the war changed again, with the enemy shifting his strategies in the face of increased U.S. force.

As the massive inputs of U.S. force began to be felt in battle, the news got better, and the Communists sustained heavy losses. This led Ambassador Henry Cabot Lodge to report from Saigon on August 10 ". . . never have things been going better . . ."

But even as optimism rose about successes in "main force" engagements, alternate problems began to cast heavy shadows.

For one thing, Lodge and others reported that "pacification"—the long-run objective of rooting out the Vietcong influence throughout the countryside—continued to be ineffective, and called for far greater military concentration in this field.

But at the same time, Gen. Westmoreland was becoming preoccupied with the separate problem of the "sanctuaries," a fresh inflammation of an old Vietnam sore.

Westmoreland found that as heavy U.S. force made it hot for the North Vietnamese to operate within South Vietnam, they simply withdrew to their familiar sanctuaries in neighboring Laos and Cambodia and north of the demilitarized zone where they could pose a constant threat to wide * * * of Vietnam.

On Aug. 10, Westmoreland reported to his superiors that the enemy "has increased his rate of infiltration, formed division-sized units, introduced new weapons into his ranks, increased his use of Cambodia as a safe haven, and recently moved a combat division through the DMZ."

Reflecting these various concerns, the joint chiefs of staff continued to press for more and more men. On Oct. 7, 1966, they requested a full-blown callup of 688,500 reservists by December.

Without specifically documenting his conclusion, the anonymous Pentagon study author observes there was evidence to suggest at this juncture that "some military men felt that winning a meaningful military victory in Vietnam would require something on the order of one million men. Knowing that this would be unacceptable politically, it may have seemed a better bargaining strategy to ask for increased deployments incrementally."

After consultation with Westmoreland, Pacific Theater Commander Amd. U.S. Grant Sharp was pressing in the fall of 1966 to authorize troop strength at an all-time high of 570,000 by the end of 1967.

But at this point, the study indicates, McNamara's disenchantment with the ground-war strategy had deepened, and a major redirection in U.S. policy resulted.

The secretary went to * * * wrote the President a long, gloomy memo dated Oct. 14, 1966.

In the nine-page excerpt quoted in the Pentagon study, McNamara said:

Despite heavy losses in battle "there is no sign of an impending break in enemy morale and it appears he can more than replace his losses by inflation . . . and recruitment . . ."

"We find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything worse.

"The prognosis is bad that the war can be brought to a satisfactory conclusion within the next two years."

Clearly disillusioned with the strategy of the past year, the secretary called for a troop-level ceiling of 470,000, fully 100,000 less than sought by the military.

This McNamara memo was "the first clear 'no' " to military pressure for force increases, the Pentagon study notes. "From this time on, the judgment of the military as to how the war should be fought and what was needed would be subject to question."

The joint chiefs protested vigorously, according to the Pentagon study, but the President upheld McNamara and on November 11 the 470,000 troop limit was formally imposed.

The succeeding year—1967—saw a constant tug-of-war between the military brass and the increasingly skeptical civilian chiefs in the Pentagon, while public opposition to war increased at home.

During the spring, Gen. Westmoreland pressed hard for another major infusion of troops.

During a conference with the President in Washington in April, the U.S. commander predicted direly that adherence to the 470,000-man ceiling would bog the U.S. down in a "meatgrinder" war which could drag on for at least five years.

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### TET OFFENSIVE CREATED WIDE "CREDIBILITY GAP"

WASHINGTON.—The 1968 Tet offensive in South Vietnam was launched on Jan. 31, 1968.

It ended 25 days later when the last contingents of North Vietnamese and Vietcong forces were "rooted out of their strongholds" in the ancient city of Hue.

Who won?

Pentagon papers which have come into the hands of Knight Newspapers raise the question anew, with answers starkly different from assessments given the American public by the U.S. commander in Vietnam, Gen. William C. Westmoreland, at the time, and the answer given by Lyndon Johnson to Walter Cronkite on a CBS News special broadcast on Feb. 6, 1970.

And those answers, in turn, were radically altered from the optimistic reports Westmoreland had sent the Joint Chiefs of Staff a month earlier in his year-end report.

Calendar year 1967, the Pentagon analyst quotes Westmoreland as reporting, "had been marked by steady free world progress, a noticeable deterioration of the enemy's combat effectiveness, and his loss of control over large areas and population.

"During 1967, the enemy lost control of large sectors of the population. He faces significant problems in the areas of indigenous recruiting, morale, health and resources control. Voids in VC ranks are being filled by regular NVA (North Vietnam Army). Sea infiltration through the market time area has diminished to near-insignification proportions.

"Interdictions of the enemy's logistics train in Laos and NVA by our indispensable air efforts has imposed significant difficulties on him.

"In many areas the enemy has been driven away from the population centers. In others he has been compelled to disperse and evade contact, thus nullifying much of his potential. The year ended with the enemy increasingly resorting to desperation tactics in attempting to achieve military/psychological victory and he has experienced only failure in these attempts."

In his interview with Cronkite, President Johnson said that he had been given an "accurate" estimate of the Tet results by his military chiefs—"In the light of developments since. Once, that the Communists had suffered a disaster, a debacle, and a serious military loss. I don't think that ever got communicated to the American people. But they lost as many people at Tet as we have in the entire war, just that one—that one misguess."

Westmoreland, he said, has expected the attack. He had told the President of an enemy buildup in the fall of 1967, and had canceled leaves for his troops. "He did inform me from time to time that "we're getting ready for it."

The Pentagon study, which started in mid-1967 and continued until mid-1968 does not discuss the Cronkite interview, but it does say that "The enemy's Tet offensive, which began with the attack on the U.S. Embassy in Saigon on January 31, 1968, although it had been predicted, took the U.S. Command and the U.S. public by surprise, and its strength, its length and its intensity prolonged this shock."

And the analyst reports in detail the estimate made by the Joint Chiefs of Staff and particularly the Chairman, Gen. Earle Wheeler, immediately after the Tet offensive.

In order to ascertain the situation in South Vietnam after the offensive, the President sent Gen. Wheeler to Saigon on Feb. 23. His report was presented to the President four days later. It was not an encouraging view from the White House perspective.

"The enemy failed to achieve his initial objective, but is continuing his effort," Wheeler wrote. "Although many of his units were badly hurt, the judgment is that he has the will and the capability to continue.

"Enemy losses have been heavy, he has failed to achieve his primary objectives of mass uprisings and capture of a number of capital cities and towns. Morale in enemy units which were badly mauled or were the mene were oversold the idea of a decisive victory at Tet probably has suffered severely. However, with replacements, his indoctrination system would seem capable of maintaining morale at a generally adequate level. His determination appears to be unshaken.

"The enemy is operating with relative freedom in the countryside, probably recruiting heavily and no doubt infiltrating NVA units and personnel. His recovery is likely to be rapid, his supplies are adequate and he is trying to maintain the momentum of his winter-spring offensive.

"The structure of the GVN (Government of Vietnam) held up but its effectiveness has suffered.

"The RVNAF (South Vietnamese Armed Forces) held up against the initial assault with gratifying, and in a way, surprising strength and fortitude. However, ARVN (the South Vietnamees Army) is now in a defensive posture around towns and cities and there is concern about how well they will bear up under sustained pressure.

"The initial attack nearly succeeded in a dozen places, and defeat in those places was only averted by the timely reaction of U.S. forces. In short, it was a very near thing.

"There is no doubt that the RD program (pacification) has suffered a severe setback."

The U.S. forces were not badly hurt, Gen. Wheeler said, and the South Vietnamese were not hurt badly physically, but "their problems are more psychological than physical."

In particular, he said, the Vietcong controlled the countryside while the South Vietnamese army was staying close to the cities.

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## STUDY DETAILS DIEM'S LOSS OF U.S. FAITH

(By Stuart H. Loory)

(The following story was originated and distributed from the Los Angeles Times:)

Advised for the first time that the United States faced a can't-win situation in the Vietnam war, President Kennedy's National Security Council in August, 1963, rejected the recommendation of a State Department expert on Vietnam to pull out honorably the Pentagon's top secret history of the war shows.

Instead, Secretary of State Dean Rusk put down such talk from one of his subordinates as "speculative," saying:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

The expert overruled by Rusk was Paul H. Kattenburg, then head of the State Department's Vietnam working group, who had dealt with South Vietnam's President Ngo Dinh Diem for 10 years. Then Vice President Lyndon B. Johnson and Secretary of Defense Robert S. McNamara, among other important officials, backed Rusk's view, the account says.

The report on the session, held at the State Department and chaired by Rusk in President Kennedy's absence, is contained in a memorandum.

The memorandum was written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Krulak's memorandum is included in previously unpublished sections of the report which The Los Angeles Times has obtained. The sections are from the same Pentagon study that were the subject of previous stories in The New York Times, The Washington Post and The Boston Globe. It was prepared by a team of Pentagon analysts under a directive from McNamara in 1968. The analysts had access to documents only on file in the Defense Department. The analysts did not have access to the complete files at the White House or State Department.

The meeting Krulak describes was called as a "where-do-we-go-from-here" session after a group of Saigon generals had failed to bring off a coup against the increasingly unpopular regime headed by Diem.

The meeting was a key session in the period from May to November, 1963, during which non-Communist opposition to the Diem regime grew rapidly and eventually boiled over into the overthrow of Diem and the assassination of him and his brother Ngo Dinh Nhu on Nov. 2.

This account focuses on this period, during which the Kennedy administration vacillated between opposing a coup, supporting it and then settled on an attitude of not thwarting it if one had promise of being successful.

During the course of the National Security Council session, Kattenburg advanced the suggestion that, in Krulak's words, "at this juncture it would be better for us to make the decision to get out honorably."

The complete text of Krulak's report on Kattenburg's presentation said:

"8. Mr. Kattenburg stated that as recently as last Thursday it was the belief of Ambassador (Henry Cabot) Lodge (Jr.) that, if we undertake to live with this repressive regime, with its bayonets at every street corner and its transparent negotiations with puppet bonzes, we are going to be thrown out of the country in six months.

"He stated that at this juncture it would be better for us to make the decision to get out honorably. He went on to say that, having been acquainted with Diem for 10 years, he was deeply disappointed in him, saying that he will not separate from his brother. It was Kattenburg's view that Diem will get little support from the military and, as time goes on, he will get less and less support and the country will go steadily down hill.

"9. Gen. (Maxwell D.) Taylor (then Chairman of the Joint Chiefs of staff) asked what Kattenburg meant when he said that we would be forced out of Vietnam within six months. Kattenburg replied that in six months to a year, as people see we are losing the war, they will gradually go to the other side and we will be obliged to leave.

"Ambassador (Frederick) Nolting (who had just left his post in Saigon to be replaced by Lodge) expressed general disagreement with Mr. Kattenburg. He said that the unfavorable activity which motivated Kattenburg's remarks was confined to the city and, while city support of Diem is doubtless low now, it is not greatly so. He said that it is improper to overlook the fact that we have done a tremendous job toward winning the Vietnam war, working with the same imperfect, annoying government."

Rusk dismissed the view and McNamara agreed. Rusk then went on to say there was "good proof," in Krulak's term, that the war was being won, Vice President Johnson agreed, saying that from both a practical and a political viewpoint, it would be a disaster to pull out; that we should stop playing cops and robbers and get back to talking straight to the GVN (Saigon government) and that we should once again go about winning the war."

The Pentagon report on the meeting was sharply critical of the deliberations. It spoke of the officials' "rambling inability to focus the problem, indeed to reach common agreement on the nature of the problem."

The report continues:

"More importantly, however, the meeting is the first recorded occasion in which someone followed to its logical conclusion the negative analysis of the situation—i.e., that the war could not be won with the Diem regime, yet its removal would leave such political instability as to foreclose success in the war; for the first time it was recognized that the U.S. should be considering methods of honorably disengaging itself from an irretrievable situation.

"The other alternative, not fully appreciated until the year following, was a much greater U.S. involvement in and assumption of responsibility for the war. At this point, however, the negative analysis of the impact of the political situation on war effort was not shared by McNamara, Taylor, Krulak, nor seemingly by Rusk."

The documents accompanying the account of the precoup period show that Kattenberg's gloomy assessment of the situation dovetailed with the views expressed by South Vietnamese Gen. Duong Van Minh, known as Big Minh, in secret contacts with Lodge.

The disclosure of Minh's role in privately advising the American ambassador on conditions in South Vietnam during the Diem era has special relevance today. Minh is expected to be the leading opponent to President Nguyen Van Thieu in this October's election.

Outwardly that spring, the study says, the regime "seemed to exhibit no more signs of advanced decay or imminent demise than might have been discerned since 1958 or 1959," when Diem was at the peak of his popularity.

But Nhu, the head of the secret police and the important strategic hamlet program, was growing more and more dominant over his brother the president, the report notes.

Nhu's wife, the report notes, was developing a private obsession of her own.

### ISOLATION NOTED

The regime was growing more isolated from the people. The report says "the regime, in fact, had no real base of political support and relied on the loyalty of a handful of key military commanders to keep it in power by forestalling any overthrow. The loyalty of these men was bought with promotion and favors. Graft and corruption should also have drawn concern, even if governmental dishonesty was endemic in Asia, and probably not disproportionate at that time in South Vietnam."

These facts were not comprehended by U.S. officials at the time. Instead, the line was typically expressed in a briefing for McNamara at a strategy conference in Honolulu in May. The paper read:

"The overall situation in Vietnam is improving. And in the military sector of the counterinsurgency, we are winning. Evidences of improvement are clearly visible, as the combined impact of the programs which involve a long lead time begin to have effect on the Vietcong."

Meanwhile, relations between Washington and Saigon were beginning to deteriorate to the point where those matters, rather than the war, began to preoccupy both capitals.

The train of events leading to the Diem regime's downfall and the following escalation of the American involvement in the Vietnam war began on May 8, 1963, at a celebration of Buddha's birthday in the ancient city of Hue, where the Buddhists were defying a government ban on the flying of religious flags.

### ANNIVERSARY FETE

The ban had been put into effect by the government after such flags were similarly flown in Hue a month earlier at a ceremony commemorating the 25th anniversary of Ngo Dinh Thuc, the Roman Catholic primate in Vietnam. Thuc was Diem's other brother and a close adviser to the South Vietnamese president.

The Diem family took the Buddhist flag-flying as an affront. A Catholic deputy province chief ordered his troops to fire to disperse the crowd. Nine were killed, including some children. Armored vehicles allegedly crushed some in the crowd.

The Diem government released a statement that the disorder was started by a Vietcong grenade and that victims had been crushed in a stampede.

The next day, more than 10,000 Buddhists in Hue took part in a protest, beginning the long series of Buddhist protests that included the now-famous self-immolations of Buddhist monks in South Vietnam's cities.

At first Diem refused to negotiate with the Buddhists and then, on June 16, he reached an agreement that he subsequently refused to carry out.

By July, an American national intelligence estimate—the combined best judgment of all American fact-finding agencies—foresaw a summer of demonstrations and a possible noncommunist coup attempt against Diem if he made no effort to conciliate the Buddhists.

But the U.S. mission in Saigon, the study says, failed to see the realities of the situation. It says:

At a White House meeting in early July, President Kennedy discussed the possibility of a coup with Under Secretary of State George Ball; W. Averell Harriman, Under Secretary for Political Affairs; McGeorge Bundy, White House National Security Affairs adviser; Roger Hilsman, Assistant Secretary of State for Far Eastern Affairs, and Michael Forrestal, a member of Bundy's staff.

### GROUP CONSENSUS

The group agreed, according to a Hilsman memorandum, "that it would not be possible to get rid of the Nhus." Hilsman said a coup would "most likely" result in a civil war in Vietnam—a civil war that would take place alongside the fight against the Vietcong insurgency.

The White House session appears to be the first time that a coup was considered at the highest level in Washington.

Meanwhile, optimistic reports continued to flow from the field. Gen. Krulak reported that the political strife had not hurt the war effort. But American correspondents in Saigon were reporting the situation differently and the Pentagon study says those newspaper accounts were "in retrospect, nearer the reality."

During the summer, President Kennedy replaced Nolting with Lodge, who had long experience in Southeast Asia. While the new ambassador was preparing to go to his post, Nhu arranged the famous Aug. 21 raids on the pagodas in Saigon, Hue and all the other major cities. The buildings were ransacked. More than 1,400 monks were arrested; 30 were injured or wounded in Saigon's Xa Loi pagoda alone.

The raids were carried out by special forces troops, trained by the United States government, and Nhu's combat police, although Nhu contrived in a number of ways to make it appear as if the Army had conducted them.

### EMBASSY UNAWARE

The American embassy was kept in the dark, though American correspondents learned of the impending action.

"It was several days before the U.S. mission in Saigon and officials in Washington could piece together what had happened," the Pentagon study notes.

Not only were the raids a major challenge to the Buddhists by the Catholic Diem regime, they also were an affront to Lodge. He went immediately to Saigon to take up his new post, arriving the day after the raids.

That same day, the study notes, South Vietnamese generals made their first inquiries about U.S. reaction to a possible coup against Diem, at the same time expressing puzzlement over why the Americans were blaming the Army for the raids.

Lodge cabled Washington implicating Nhu as the organizer of the raids, noting the inquiries from the generals and asking for instructions on Aug. 24, which was a Saturday.

Hilsman, Harriman, Ball and Forrestal moved quickly and decisively, giving approval for American support of a coup. As it happened, most of the top-level members of the government were out of town—Mr. Kennedy at Hyannisport; Rusk, New York; and McNamara and John A. McCone, director of the Central Intelligence Agency, on vacation. For this reason, the Hilsman group's instructions to Lodge subsequently were to become very controversial.

The Hilsman group's cable to Lodge said:

"It is now clear that whether military proposed martial law or whether Nhu tricked them into it, Nhu took advantage of its imposition to smash pagodas with police and . . . special forces loyal to him, thus placing onus on military in eyes of world and Vietnamese people. Also clear that Nhu has maneuvered himself into commanding position.

### DIEM OBDURATE

"U.S. government cannot tolerate situation in which power lies in Nhu's hands. Diem must be given chance to rid himself of Nhu and his coterie and replace them with best military and political personalities available.

"If in spite of all your efforts, Diem remains obdurate and refuses, then we must face possibility that Diem himself cannot be preserved.

". . . You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism. . .

"Concurrently with above, ambassador and country team should urgently examine all possible alternative leadership and make detailed plans as to how we might bring Diem's replacement if this should become necessary. . . .

"Needless to say, we have held knowledge of this telegram to minimum essential people and assume you will take similar precautions to prevent premature leaks."

Lodge quickly endorsed the strong position, proposing even not to bother with a final approach to Diem. He cabled Washington:

"Believe that chances of Diem meeting our demands are virtually nil. At the same time by making them we give Nhu chance to forestall or block action by military. Risk, we believe, is not worth taking, with Nhu in control combat forces Saigon. Therefore, we propose to go straight to generals with our demands, without informing Diem. Would tell them we prepared have Diem without Nhu but it is, in effect, up to them time, he instructed the Voice

Meanwhile, according to the study, CIA station chief John Richardson was reporting that prospects of a coup succeeding were favorable, with Big Minh emerging as the most likely post-coup government head.

At this point, those conducting the Pentagon study could not find cable traffic in the Pentagon files to adequately follow the story. They relied on Hilsman's book, "To Move a Nation," to state that Washington decided, on Sunday, to agree with Lodge not to approach Diem.

To keep Diem in the dark, Lodge and the State Department had agreed on a complicated technique for threatening, through leaked news reports, to suspend economic aid if he did not purge Nhu, thus not making such a threat official.

The clash in views between Harkins and Lodge was to grow to the point that by late October, Harkins was complaining to higher military authorities that Lodge was not showing him important cable traffic. And Lodge would be complaining that in his absence, Harkins should not be left in charge of the American team.

The debate within the National Security Council grew "testy," in the study's word, and concerned President Kennedy so much that he cabled Harkins and Lodge to each submit to him their "independent judgment." Lodge replied:

"We are launched on a course from which there is no respectable turning back: the overthrow of the Diem government. There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as the facts leak out. In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration, still less that Diem or any member of the family can govern the country in a way to gain the support of the people who count, i.e., the educated class in and out of government service and military—not to mention the American people."

Harkins replied that Diem should be given an ultimatum to remove Nhu and that after that, there would be time to back the generals. The study does not quote Harkins as it does Lodge.

At a National Security Council meeting, McNamara backed Harkins, the study says, "but the issue was not decided." Rusk cabled Lodge about presenting the ultimatum. Lodge opposed the idea, not wanting to make any approach to Diem.

Meanwhile, the abortive coup died quietly. An obscure colonel sought out a CIA officer on Aug. 30 and reported, according to the study, "that for the moment the plans of his group had stopped because the risk of failure was too great."

In September, the Kennedy administration fell into a long period of soul-searching and fact-finding. The month began, however, with a statement by Mr. Kennedy on a television news program reaffirming the American commitment to help the Diem regime if Diem would change personnel and develop policies bringing it into closer contact with the South Vietnamese people. Mr. Kennedy's talk of personnel changes was taken as a hope that Diem would purge his brother, Nhu.

The President went on to say, however, that "I don't agree with those who say we should withdraw. That would be a great mistake."

Lodge continued to remain aloof from Diem despite an order from Washington to make contact with the South Vietnamese president.

By mid-September, the administration decided not to fan the flames of coup. After an NSC meeting, the White House cabled Lodge:

"We see no good opportunity for action to remove present government in immediate future; therefore, as your most recent message suggests, we must, for the present, apply such pressures as are available to secure whatever modest improvements on the scene as may be possible. . . . Such a course, moreover, is consistent with more drastic effort as and when means become available."

At the same NSC meeting, President Kennedy decided to escalate the level of fact-finders going to Vietnam. He ordered McNamara and Taylor to make a trip.

In Saigon, McNamara and Lodge called on Diem. Although authorized by President Kennedy, McNamara did not ask for Nhu's removal. Neither did he and Lodge deliver, as they were authorized if they felt wise, a tough letter from President Kennedy to Diem. McNamara and Taylor reported that continued American pressures on Diem would only harden the regime's attitudes, the study says. But, noting the American dilemma, they reported that without such pressure "past patterns of behavior" would continue.

In the wake of the McNamara-Taylor report, the Kennedy administration, the study notes, settled on the course of applying pressure on its ally in Saigon to make reforms.

Though McNamara and Taylor had found no evidence of a coup in the making, such a move was forming. And on Oct. 2, three days after they left, the generals once again sought out American officials to determine the U.S. attitude toward the prospective overthrow of Diem.

". . . President today approved recommendations that no initiative should now be taken to give any active, covert encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with possible alternative leadership as and when it appears.

"Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of country team. We repeat that this effort is not to be aimed at active promotion of coup but only at surveillance and readiness . . ."

Harkins, belatedly learning of all the planning, cabled his superiors:

"I would suggest we not try to change horses too quickly. That we continue to take persuasive actions that will make the horses change their course and methods of action. That we win the military effort as quickly as possible, then let them make any and all changes they want . . ."

By Oct. 30, Harkins was disagreeing with Lodge to such a great extent that Lodge was reporting the fact in his cables. Lodge was reporting he did not have "the power to delay or discourage a coup."

On Oct. 60, still nervous about the possible failure of a coup, McGeorge Bundy cabled Lodge saying:

"Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. government that it should succeed."

By not taking steps to thwart the coup, the United States had acted in complicity with the generals. But nonetheless, neither Lodge nor anyone else on the embassy staff, according to the study and the documents, had intimate knowledge of when the coup would take place.

A day after Bundy's cable to Lodge, preliminary movements by the plotters to secure their forces against counterattack were put into effect. On Nov. 1, the coup was consummated. On Nov. 2, Diem and Nhu were assassinated.

### Diem's Last Call to U.S. Ambassador

(By David Kraslow)

The following story was originated and distributed from The Los Angeles Times.

The transcript of the last conversation President Ngo Dinh Diem of South Vietnam had with any American is the poignant centerpiece of the Pentagon's secret reconstruction of the coup against Diem on Nov. 1, 1963, and his assassination the following day.

At 4:30 p.m. on Nov. 1, several hours after some generals and the units they commanded launched the rebellion in Saigon, Diem telephoned U.S. Ambassador Henry Cabot Lodge from the Presidential Palace.

Diem was under siege. Coup forces and the palace guard were fighting. The rebel generals had demanded the surrender of Diem and his brother, Ngo Dinh Nhu, head of the notorious secret police, and had promised them safe conduct out of the country.

The United States was implicated in the coup at least to the extent that the Kennedy administration had pledged non-interference to the rebels.

"Apparently," the Pentagon study reports, "we had put full confidence in the coup committee's offers of safe conduct to the brothers.'

It was against this background that a desperate President Diem telephoned Lodge to determine where the United States, which had virtually guaranteed the Diem regime's survival for nine years, stood in the coup.

The following conversation ensued:

Diem: "Some units have made a rebellion and I want to know what is the attitude of the U.S.

Lodge: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but I am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. government cannot possibly have a view."

Diem: "But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all."

Lodge: "You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Had you heard this?"

Diem: "No [and then after a pause] You have my telephone number."

Lodge: "Yes. If I can do anything for your physical safety, please call me."

Diem: "I am trying to reestablish order."

That was the last Lodge or any other American heard from Diem, according to the Pentagon study.

During the night Diem and his brother escaped from the palace through one of the secret underground exits connected to the sewer system, the study says. They were met by a Chinese friend who took them to his home in Cholon, a section of Saigon. There the brothers spent their last night.

At 6:50 a.m. Nov. 2, after twice receiving assurances of safe departure from Vietnam in telephone conversations with the Joint General Staff headquarters of the South Vietnamese Army, Diem and Nhu surrendered unconditionally at a Catholic church.

Shortly thereafter, while enroute in the back of an armored personnel carrier to the JGS headquarters, they were murdered.

## HIGH COST TO CURB AND CONTROL POLLUTION

Mr. FANNIN. Mr. President, our Nation and the world are faced with the serious problem of how to curb and control pollution.

What we need is rational discussion and reasonable proposals to preserve and improve the environment. Hysterical arguments and simplistic schemes are a disservice to the cause of environmental preservation.

One of the matters that must be considered is the cost of controlling pollution. It will not be inexpensive; the cost will be borne by the people themselves. Business and government are simply conduits which channel costs right back to the people.

An interesting article which examines some of these points appeared in the June 21, 1971, National Observer. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### The High Cost of Unpolluted Living

(By Sterling E. Soderlind)

Pollution is costly. We can't afford it. But paying the price needed to control it is going to hurt too.

There is no neat way to measure it, but pollution-control efforts already are a growing factor in aggravating general inflationary pressures.

"Ultimately, everyone will bear the brunt of the cost of control, either through higher prices or higher taxes," reports the Tax Foundation, a private, nonprofit organization.

Upgrading the environment also may mean a slower growth in real per-capita income, putting a drag on our standard of living as traditionally defined.

Noting that the economic effects of pollution control are "not altogether comforting," Andrew F. Brimmer, a Federal Reserve Board governor, says: "With much more of or net investment being channeled into pollution abatement, the rate of expansion of the American economy as a whole will probably slow down perceptibly."

#### A FURTHER DISADVANTAGE

American industries already hard-pressed by import competition may find that the cost of meeting pollution standards puts them at a further disadvantage with rivals in nations where standards are more lenient. Trade barriers to protect threatened American jobs could raise the price of imports.

The benefits of effective pollution control could be enormous, of course. It has been estimated that the direct costs of earnings lost because of illness and premature death could be cut by more than $2 billion annually if there were a 50 per cent reduction in air pollution levels in major urban areas. The price we pay for pollution damage to crops and property is incalculable. And how can one measure the assaults on or aesthetic sense and the annoyances of irritated eyes, closed beaches, prohibited fishing?

But economics won't go away. Air is plentiful. But *clean* air is not. Nonpolluted air, water, and earth are increasingly scarce resources. Our wants for them are seemingly unlimited. A price must be paid. In a sense, we've mortgaged our environment to pay for some of our growth. We have largely ignored the social costs associated with our misuse of resources. Now we're faced with incorporating these costs, along with those of labor and capital, into the full cost of goods and services.

"The price of goods should be made to include the cost of producing and disposing of them without environmental damage," President Nixon has said.

Industry's cleanup efforts already are costly and outlays will mount rapidly as companies strive to meet legal standards set up last January. A McGraw-Hill survey shows industry will spend $3.6 billion on pollution control this year, nearly half again as much as 1970 outlays. Electric utilities alone plan to spend $679,000,000 on pollution control this year, up 68 per cent from 1970. But that industry's total cleanup bill is estimated at a whopping $3.2 billion. The impact on consumers will show up increasingly in higher fuel bills.

Over-all, estimates for cleaning up polluted air, water, and land call for spending as much as $70 billion to $85 billion by 1975. It needs to be stressed that little of the industrial spending will increase productivity; most of the original cleanup outlays will increase the costs of producing goods and services.

### MOTORISTS' MISERY

Motorists will be among the first consumers to feel sizable direct cleanup costs. Adding to their misery will be higher bills for safety features. Henry Ford II estimates that prices of his company's cars will rise, on average, $600 or more by 1975 to meet air-pollution and safety standards. Emission-control devices may cost $200 per vehicle.

The low-emission car of the future not only will be more expensive, says William D. Ruckelshaus, administrator of the Federal Environmental Protection Agency, but "it may not equal today's car in road performance."

By 1975, motorists may be adding greatly to fuel costs by paying higher prices for nonleaded gasoline. So far, many drivers have been reluctant to spend a few more pennies a gallon for antipollution gas.

The question of fairness seems sure to arise as costs mount in the pollution war. "Why should automobile owners in North Dakota be forced to purchase manufacturer-installed control devices because the smog in Los Angeles is bad?" asks W. Lee Hoskins of the Federal Reserve Bank of Philadelphia in a study on the economics of pollution.

Tax bills at all levels of government will reflect the stepped-up pollution-control efforts. Municipal water-treatment costs will run even higher than those for industry. Outlays of $33 billion to $37 billion over the period 1970–76 are estimated by the National League of Cities and the U.S. Conference of Mayors.

Taxpayers also will be out of pocket as they help make up for revenues foregone by governmental units that seek to encourage pollution control through tax preferences.

The Federal Government and seven states now allow accelerated depreciation on installation and use of certain pollution-control equipment. Credits and exemptions from tax are allowed in 34 states. Twenty-four states exempt pollution-control facilities from property taxes; 12 states exempt them from sales and use taxes.

Businessmen have made it plain that sometimes they won't be able to foot the costs necessary to meet environmental standards. The paper industry estimates that, without some form of subsidy, as many as 10 per cent of its mills will be forced to close owing to inability to finance pollution-abatement costs.

"To state this is not to engage in 'environmental blackmail' but to face reality," says Karl R. Bendetsen, chairman of U.S. Plywood-Champion Papers, Inc.

### OPPORTUNITY FOR INDUSTRY

Industry, of course, also sees opportunity in pollution control. Argus Research Corp., an investment-information company, sees it as one of the biggest growth industries. But Argus warns, "although astronomical sums of money will be spent on controlling pollution during the decade, only a relatively small number of business firms will benefit substantially from these expenditures."

While stringent pollution standards may result in some unemployment when plants are unable to meet the guidelines, new jobs also will be created in the growing field of environmental protection. By 1975, officials of the Environmental Protection Agency estimate, the need for trained personnel to control pollution will be double the present supply. Needed will be 150,000 technicians, 70,000 engineers and 28,000 scientists.

The quality-of-life economics into which we are moving doesn't readily lend itself to a quantitative summing up of pluses and minuses. But now that we've thoroughly documented the extent of pollution and tired of assigning blame, we must cope with the reality of paying for the big cleanup. If we badly want those scarcities of clean air, water, and land, today's high cost of living probably will be followed by tomorrow's higher cost of less-polluted living.

## ANTI-AMERICANISM IN VIETNAM

Mr. PERCY. Mr. President, an article in U.S. News & World Report of June 21, 1971, points out the special problems being encountered in American-Vietnamese relations as the U.S. troop withdrawals continue. I believe that the problems suggest the wisdom of accelerating total American withdrawal from Vietnam.

I ask unanimous consent that the article, datelined Saigon, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ANTI-AMERICANISM IN VIETNAM

Concern over anti-Americanism is growing in South Vietnam as U.S. troop withdrawals continue.

For many Americans, it is a personal worry.

"I have a dream—call it a nightmare—that I am the last American left in Da Nang, and that is something nobody wants," says a U.S. official in the country's second-largest city.

Says a Seventh Air Force technician in Saigon:

"I sure don't want to be one of the last guys here. The Vietnamese won't help us at all when there's only a few of us left. We'll be completely exposed if there is any trouble."

U.S. officials explain that some Vietnamese, suspicious that the U.S. is abandoning them, are taking out their bitterness on Americans still in the country. Others are expressing resentments built up during Saigon's long years of complete dependence upon U.S. aid. A few are trying to prove—to themselves as well as to the Americans—that South Vietnam now is "independent."

Troop withdrawals, in themselves, do not trigger anti-American outbursts, say U.S. officials. Incidents of day-to-day life, especially traffic accidents, set off demonstrations. On several occasions, angry Vietnamese have blocked roads with coffins of traffic victims or seized GI's involved in highway mishaps.

Though few GI's express much liking for Vietnamese in general, many are surprised that Vietnamese often dislike and resent them, too. Says one soldier just completing his first Vietnam tour:

"Working part time in the base library, I've gotten to know some good-class Vietnamese, educated people, and I'm surprised at their bitterness about Americans. The girls tell me they don't actually hate us GI's as people, but what we represent.

"I don't understand it, but that bitter feeling is going to get worse and worse."

## PRINCIPLES FOR A NATIONAL HEALTH CARE PROGRAM

Mr. KENNEDY. Mr. President, a few weeks ago, television station WCBS–TV, Channel 2 in New York City, presented a series of three editorials concerning the present condition of America's health care system and the need for reforming our system.

In the first editorial, or May 5, Mrs. Sherrye Henry presented her diagnosis of the Nation's health care system:

The symptoms: less service for higher costs. The chance for recovery: slim without immediate government action.

America spends more of its GNP for health care services than any other country, yet we rank 22d among nations in life expectancy for men, 14th among nations in infant mortality, 11th among nations in maternal mortality, and seventh among nations in life expectancy for females. We have the third highest number of physicians in the world—one for every 600 citizens—but many rural areas and small towns have no doctor.

In the second editorial, on May 6, Mrs. Henry set down several principles to be used in reforming our present health care system. First and most important, the delivery system of medical services must be reoriented. Present health insurance covers the consumer when he gets sick. Efforts should be made to help doctors keep the consumer well. Prevention and early detection of disease should be the priority of any health-care program. The present system of private insurance has been unable to keep hospital costs down. Private insurance adds another layer of cost—profit—to the total health bill. Government administration of insurance would help cut the cost of health insurance.

No health care plan should discriminate against the poor or the elderly. Middle-class families have to bear excessive costs for unexpected illnesses.

Finally, any national health-care plan must include measures to deal with the doctor shortage and the maldistribution of medical personnel. Doctors are concentrated in the cities and the suburbs. Many small towns and rural areas have no doctors at all.

In the third editorial, May 7, Mrs. Henry uses the principles she discussed in the previous editorials to examine the Health Security Act, which I have introduced in the Senate, as well as the administration's proposal. What is becoming increasingly clear, is the giant steps that must be taken to provide good health to all citizens.

I believe that Mrs. Henry's editorials supply perspective thought and provocative comments concerning the recent debate over national health insurance. I ask unanimous consent that these three editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

### THE COUNTRY IS SICK

The patient is the nation. The diagnosis: a deteriorating state of health. The symptoms: less service for higher costs. The chance for recovery: slim without immediate government action.

The state of the nation's health is—sick. That's an ironical statement, backed up by these further ironies: Though the price we pay for medical care is going up wildly, the quality of care we receive is going down. Though more of our gross national product goes for health than any major country in the world, we rank 18th among nations in life expectancy for men. Though we accomplish the most miraculous research and cures, we do little to prevent dangerous illness. And the greatest irony of all is, though it is the patient who is sick, our medical system seems more concerned with the convenience, needs and pocketbooks of those who deliver the services—hospitals, doctors, and drug companies.

The patient, the consumer, the citizen, has less to say than anyone about the costs of the services he receives—or the quality.

If you want to know just how unhealthy the system is, listen to these facts: This country paid $67 billion for health care last year—about twice what we paid five years ago. We'll pay an estimated $72 billion this year. (slide/graph) As you can see from the chart, hospital charges and doctors' fees are climbing far faster even than the cost of living. Hospital room and board in major cities has now passed the average of $100 a day; it will soon climb to $200. We have the third highest number of physicians in the world—one for every 600 citizens—yet city ghettoes generally have one doctor for every 20 to 30,000 people; many rural areas and small towns don't even have a doctor's care.

Probably worst of all, people just don't feel good about the care they get. A Harris Poll showed that seven out of ten people think doctors don't want you to bother them.

It all adds up to this: You almost can't afford to get sick. You can't afford the cost, the chance that you won't be adequately cared for, the time and inconvenience of getting care. Yet quality health care, at a reasonable price, should not be a luxury—or available only to the rich. The only way to bring that about is to adopt, as every other major nation in the world has, a national program of health services. In later editorials we will be discussing the different forms that such services might take—and the way we believe it should be shaped.

### PRINCIPLES FOR HEALTH

If costs were any indication of the quality of medical care in this country we would be the world's healthiest people. We're not. And costs are streaking up as service is generally declining. Clearly the question is not whether our system of medical care should be changed, but how.

Congress is discussing now different kinds of health programs to do that. Whatever form the final legislation takes, we think certain principles must be included:

First and most important, any program that successfully improves medical care must reform the delivery of medical services. Now, we go to a doctor after we are sick—and pay for that treatment. Real reform means families could pay doctors a yearly fee to keep them well; or patients could find all kinds of medical services under one roof with doctors in group practices. Reform means that prevention, early detection and home care must be emphasized over hospital care. Reform means that health insurance should be just that—and not sickness insurance as it is now, when you have to be really sick before you get benefits.

And that brings us to the next important principle for any national plan: The present system of buying insurance through private companies should be eliminated. The insurance industry so far has been unable—or unwilling—to do much about keeping medical costs down. In addition, they add just one more layer of cost—their profit—which could be cut out if government administered the insurance. As Senator Hubert Humphrey said, "The insurance companies can take care of themselves—it is time to help the American people for a change."

It is time that our medical services were more responsive to the needs and the pocketbooks of the patient, and less concerned about those who deliver the services.

And that brings us to a third point. No plan should penalize the poor or the elderly, and middle-income families should not continue to shoulder excessive costs for illnesses they can't afford.

And finally, any plan must deal with our shortage of doctors, especially family doctors in ghettos and rural areas that now have little service. It must help medical schools educate more doctors faster, and give them incentives to practice where the need is greatest.

These ideas sound complicated—and they are. They seem to require painstaking planning—and they do. But there is no reason that with the cooperation of the government, the medical industry and the consumer, the wealthiest nation in the world cannot also become the healthiest nation in the world.

### NIXON PLAN VERSUS KENNEDY PLAN

The American people need a national health insurance program—our good health depends on it. And Congress has before it now two major proposals to set one up. One is the Nixon Administration's plan, and the other is the Health Security Act introduced by Senator Edward Kennedy, Democrat of Massachusetts.

The Nixon plan—an extension of medical care as we know it now—is based on the sale of private health insurance, with employers and employees sharing the expenses. The Kennedy plan, however, is a complete departure from our present system. Its goal is reforming the practice of medicine while it provides more care for more people. And that's why we like it better.

As we have said in other editorials, any national health plan should make medical care cheaper and more efficient for the consumer—and should emphasize the prevention of illness. Now both the Nixon and Kennedy plans claim this is essential. And both say the way to improve care is by reorganizing doctors into group practices and health care centers. But one health center can easily cost $2 million. The Nixon plan provides only $45 million in grants for the entire country—not enough. The Kennedy plan, with over a billion dollars for reorganization, would go much further.

A second principle to consider is how to administer a plan to achieve the most efficiency for the lowest cost. The Nixon plan uses private insurance companies which in the past have been most inefficient. The Kennedy plan is better here, too, because it uses the same type of government administration that has proven so successful with the Social Security Program.

A third principle is that the quality of care you get should not depend on how much money you have. The Nixon plan, unfortunately, puts even more of a burden on some of the poor and the elderly than they bear now, where the Kennedy plan reduces it. And the Nixon plan requires all other consumers to pay the first portion of medical costs, which discourages people from getting help early before serious illness strikes. The Kennedy plan does not include this type of deductible.

A fourth point says we must deal with our severe doctor shortage. Again, the Kennedy plan is ahead with more financial aid for medical schools than the Nixon one.

Well, if you are keeping score, you can see why we think the Kennedy plan is the winner. It puts a realistic figure on the cost of health care and then provides the money. But if the money the Kennedy plan spends is its chief asset, it seems also to be its chief liability. Supporters of the Kennedy plan claim the total cost will be around $68 billion the first year. The government will be required to pay half of that, or $34 billion. As the government is already spending $14 billion a year on health, that's over $20 billion in new federal spending. And inflation could push the figure even higher.

Whether we can afford to fully implement the Kennedy plan is now something for Congress and the public to decide. But the Nixon proposal is just a half-step towards adequate medical care. The Kennedy plan is the kind of giant step this nation must take for the good health of all its people.

## COMMENT ON THE VIETNAM INVOLVEMENT

Mr. McGEE. Mr. President, Richard Harwood's column in this morning's edition of the Washington Post is an excellent analysis which I believe sets our involvement in Vietnam in the proper perspective.

What the article suggests is that the American people have subjected less to deception on the part of the executive branch of Government than to their own indifference, or more particularly that of many Members of Congress. Mr. Harwood, carrying his research as far back as 1964, more than adequately documents the numerous journalistic reports and editorial comments concerning our involvement in Vietnam and future prospects concerning that involvement. Included in those reports 7 years ago were the various options and contingency plans being put before the President at that time.

It might be well for those who have charged that our involvement in Vietnam has been carried off through some sinister deception practiced by four administrations to scrutinize Mr. Harwood's column very closely.

Mr. President, I ask unanimous consent that Richard Harwood's column entitled "Few 'Revelations' for Those Who Had Been Listening" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FEW "REVELATIONS" FOR THOSE WHO HAD BEEN LISTENING

(By Richard Harwood)

The continuing storm over publication of secret Pentagon papers contains lessons for all of us in the news business and for the country and the government as well.

The newspapers are learning from this episode and from the national loss of memory that has occurred since 1964 that their impact on public opinion in the United States is tragically limited. The substance and in some cases the precise details of virtually everything The Washington Post and The New York Times have printed from the Pentagon papers is ancient history. It was nearly all published while it was happening. And it was largely a futile enterprise; neither the public nor the congressional politicians were listening.

The government is learning something, too. It is learning that policy is poorly communicated and public opinion is poorly shaped by proxy. All through the early 1960s, government officials were anonymously "leaking" their fears and "options" for Vietnam through the press as a substitute for public candor and direct communication with the people. This produced considerable support for the government's zig-zag policies by most of the major newspapers, including The Post and The Times. But newspaper editorials are not necessarily the voice of the people, and newspapers, as is now evident, are inadequate instruments for public education.

What the public and politicians could learn from this experience is that if they sit there asleep in the back row while their destinies are being debated, they are in a poor position when the slumber ends to cry foul and search for scapegoats.

The facts of this particular case are that The Post and The Times and other large news organizations published thousands of stories, editorials and essays in 1964 describing the deteriorating military and political situation in Vietnam—just as it was described in the official memoranda and cables in the Pentagon papers. The various options and contingency plans being put before the President at that time were reported repeatedly and accurately—as they are now reported in the official papers.

The growing combat role of American forces was laid out in impressive detail on front pages all over the country—the first uses of napalm against suspected enemy villages, the commitment of U.S. helicopters and crewmen to the battlefields, the reconnaissance, bombing and strafing missions of U.S. aircraft in South Vietnam and Laos, the U.S. role in training and transport of South Vietnamese raiding parties into North Vietnam, the participation of U.S. advisers and Special Forces teams in major battles, the use of U.S. troops in perimeter defense at military bases. The circumstances of the Tonkin Gulf incident, including the prior raids by South Vietnamese forces against North Vietnamese territory, were reported accurately at the time. The possibilities of U.S. air raids on North Vietnam were reported and discussed in the press repeatedly far in advance of the event. U.S. casualty lists and the new funerals at Arlington National Cemetery received increasing prominence in the news as the war revved up in 1964.

"Today," one of our correspondents wrote in February, 1964, "there are 15,500 military personnel in South Vietnam; some 275 Americans have died, about 100 of them in combat, but there has been no outcry whatsoever at home for pulling out our troops. This attitude, one hopes, is an expression of maturing American opinion, of a willingness to face up to wars that are neither 'won' nor 'lost'; to accept the fact that the Korean War was the first of what probably will be a host of 'mean, frustrating and nerve-wracking wars,' the term Secretary of State Dean Rusk applied last April to the struggle in South Vietnam."

Following the Gulf of Tonkin incidents The Times editorialized: "United States determination to assure the independence of South Vietnam, if ever doubted before, cannot be doubted now by the Communists to the north or their allies."

A few days later The Times said: "The Americans went into Vietnam in 1954 to fill the vacuum left by the French and to contain the advance of communism in that part of Southeast Asia. The motives are exemplary and every American can be proud of them, but the crucial questions are: Can it be done? . . . Is this war necessary?"

These readings of "mature" and "united" American opinion toward the war were probably wrong. What the evidence from that time suggests is that despite the pre-occupation of the newspapers and of the government with Vietnam, the public was both ill-informed and not greatly interested. The Gallup Poll in May, 1964, reported that 63 per cent of the American people had no opinion about the war or how it was going or what the United States should do. The reason for that, Gallup explained, was that this 63 per cent were paying no attention to developments in Southeast Asia; neither the newspapers nor the government had gotten their attention. Six months later, when the war fever in Washington and in the press was rising, the Council on Foreign Relations reported the results of another poll. One in four adult Americans, the council found, was not even aware that a war was going on in Southeast Asia.

What had they been told by the press? If they were readers of this newspaper they had been told in February that Secretary Rusk was saying that retaliation against North Vietnam was a future option in American policy, that "government sources" had made known plans for South Vietnamese guerrilla operations in North Vietnam, that contigency plans for a sea blockade and bombing attacks on the North had been drawn and that proposals for the commitment of U.S. troops were under study.

In March, our readers were told that "preparations already are being made for the various kinds of direct action against North Vietnam that are considered most likely to get good results," that Secretary McNamara was leaving open "the option of direct military operations against North Vietnam," that napalm was being used on Vietnam villages, that U.S. naval forces were operating small patrol boats on Vietnam rivers. Various columnists—Joseph Alsop and Roscoe Drummond, among them—were writing approvingly of the possibilities of bringing "the war to the north."

In May and June and July The Post was full of gloomy accounts of the military and political situation in South Vietnam and there was widespread speculation in the paper that an "all out war" might be in the offing. Secretary Rusk appeared at a background session of the Overseas Writers Club in Washington and spoke so belligerently that the European press said he had "delivered an ultimatum to Red China." Murrey Marder wrote in The Post that Rusk and the President were "signaling Communist China and Communist North Vietnam that they were running the risk of bringing the United States into a headon war." The war talk was so intense that Walter Lippmann chastised the administration for "making public declarations about our willingness and readiness to fight a great war in hypothetical and undefined circumstances . . . (the warning) should have been delivered privately through diplomatic channels."

On July 10, Arnold Beichman of The Herald Tribune reported the "specific details of a United States contingency plan" for bombing North Vietnam, a plan that contained a list of 400 North Vietnamese targets to be hit in retaliatory raids. Two weeks later, John Maffre of The Post, published a detailed account of guerrilla raids into North Vietnam and reported that U.S. pilots were using "Vietcong rebels as 'live targets' in the course of training Vietnamese pilots."

In August, in addition to the extensive Tonkin Gulf coverage, there were detailed stories of the use of U.S. helicopter crews on combat missions in South Vietnam, on the Laos-Cambodia border operations by U.S. Special Forces teams, and on the CIA contract with "an American aviation company to airlift guerrillas and supplies behind enemy lines in North Vietnam and Communist-held sections of Laos."

Week after week similar stories were published and were given prominent space in the newspaper. But if the opinion polls at that time are valid, as one presumes, the public was simply not interested. Nor were most members of Congress.

There was assuredly no outcry and no demand for court injunctions from the administration against the "security breaches" involved in many of these newspaper reports. On the contrary, it is obvious in retrospect that various factions in the administration were deliberately and consciously "leaking" top secret plans and recommendations in order to build support for future U.S. actions. And it seems obvious, in retrospect, that both the administration and the newspapers were deluding themselves in assuming that "leaks" were an adequate substitute for the kind of public awakening and education that sometimes arises out of vigorous public debate by public officials. What may have been happening, as Douglass Cater has suggested in another context, is that the media were having more influence in making up minds *within* the government than in influencing the public whose support the administration was seeking.

It is now seven years later. People in the news business are now indicting themselves—wrongly—for not "telling the truth." Politicians, who ought to know better, are claiming that no one told them what was going on. And the administration charges, years after the fact, that security is breached by the recounting of ancient history. It is a strange spectacle.

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## THOMAS J. WATSON DISCUSSES THE HEALTH CRISIS

Mr. KENNEDY. Mr. President, America's record in the area of medical research is unimpeachable. American researchers have been able to mobilize our sophisticated technology to such an extent that we have developed vaccines for polio and diphtheria. We have led the medical field in developing new techniques for open heart surgery and other organ transplants. And now, added to our record, is the great success we have achieved in the area of heart transplants. Our drug companies produce billions of pills a year to check infections and to speed the recovery of our citizens from debilitating diseases.

But delivering the advanced techniques and knowledge that American physicians have available to them is the fundamental failure of our health care system. Thousands of citizens needlessly suffer because medical attention and drugs are not available to them.

A recent speech delivered at the Mayo Clinic, Rochester, Minn., by Mr. Thomas J. Watson, Jr., chairman of the board, International Business Machines Corp., outlines some of the failures in America's health care system. Mr. Watson explores three areas in which our health care system is deficient. First, we have to increase the number of doctors, nurses, and paramedics which our schools presently train. Medical and dental schools are in urgent need of more funds to expand their enrollments and upgrade their facilities. Second, we must build better management and organization into our health care system, in order to increase our productivity and cut our inefficiency. The third part of the job is making good health care a reality for every American citizen. We are failing to guarantee for all our citizens the first right set down in the Declaration of Independence—the right to life.

Often in the past we have faced up to the need for new legislation. Workmen's compensation, child labor, the reduction of the workweek, unemployment insurance, and social security have all contributed to improving the quality of life for American citizens. Today, the pressing need is to improve the distribution of medical care and to secure the right to life denied to many citizens, because medical care is not attainable for them.

I believe that Mr. Watson's speech points out the pressing need for improving medical care in America, and I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Health Service: Is the Next Step Socialism?

(By Thomas J. Watson, Jr.)

Let me start by asking a question that this great medical center brings to mind: How would you like to live in a country which—according to the figures available in the United Nations[1]—during the past two decades has dropped from seventh in the world to sixteenth in the prevention of infant mortality;

Has dropped in female life expectancy from sixth to eighth;

Has dropped in male life expectancy from tenth to twenty-fourth;

And which has bought itself this unenviable trend by spending more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth?

You know the country I am talking about: Our own U.S.A., the home of the free, the home of the brave, and the home of a decrepit, inefficient, high-priced system of medical care.

Just look for a moment at what some of the figures mean. They mean that in infant mortality we have been overtaken by France, the U.K., and Japan; that in male life expectancy we have been overtaken by France, Japan, West Germany and Italy.

I know experts can disagree over our precise international standing. And I realize that medical problems in the United States, Europe and Japan are not identical.

But the evidence overwhelmingly indicates that we are falling down on the job, heading in the wrong direction, and becoming as a nation a massive medical disgrace.

Now, it may seem undiplomatic to stand here under the banner of the Mayo Clinic and make an accusation like that.

I know American medicine has scored many brilliant triumphs—the magnificent record of this institution outstanding among them, including the Mayo Brothers' pioneer work in surgery; and the discovery and use of cortisone, which brought Doctors Kendall and Hench of Mayo the Nobel Prize; the work of Dr. Jonas Salk, who made one of the most significant and heartwarming discoveries in history; of Dr. Bela Shick in eliminating diphtheria; and of many others.

We have an outstanding record of individual achievement across the whole medical spectrum.

But despite all that, when I look up at the international scoreboard, I can come to only one conclusion: We are failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

What do we have to do to restore that right to every man, every woman, every child in America?

First, as the Carnegie Commission said last month, I believe we have to beef up our arsenal: Train more doctors, more nurses, more paramedics;

Bail our medical and dental schools out of their present deep financial troubles;

Break ground for new hospitals and clinics;

In a word, spend more money.

We Americans are great on that.

Show us a shortage—of airplanes or tanks or trucks or scientists or engineers or satellites—and we'll fix it.

And I believe we can do that kind of job just fine in medicine.

Second, we must build into the system better management, better organization, more incentives to increase productivity and cut inefficiency.

I find it shocking, for example, that comprehensive pre-paid group practice, which has repeatedly delivered better care at lower costs, encounters legal roadblocks in more than half our states.

I find it shocking to read of Americans living in backwoods towns and city slums without a doctor or a dentist or a clinic.

I find it shocking that as 30,000 highly trained medical corpsmen return to civilian life every year—many from the field of battle—they too often discover, if they want to enter medicine as a career, that they have just one job open to them—hospital orderly.

We cannot continue to live with facts like these. We have to overhaul the system.

But as we do so, we should begin simultaneously to do the third part of the job: put health care within reach of everyone in America.

And that means putting it within the reach of the poor.

I do not really believe, of course, that you can ever make the poor rich and the rich poor. But I do think we should have a floor for each American below which he cannot fall, and I believe this applies not only to his economic status, but also to his medical status.

For the plain fact is that under our present medical system, the poor suffer by far the most.

Moreover, if a person happens not to be white, the picture is even bleaker.

A non-white infant can expect to live six years less than a white infant.

The non-white infant mortality rate is the white rate multiplied by *two*.

The non-white maternal death rate is the white rate multiplied by *four*.

To me, all this adds up to a completely unacceptable situation, which I think is un-American, un-democratic and unfair.

How do we correct it, and extend coverage for medical bills to everyone?

Not just through tinkering with our present system of paying for health care.

Not just through trying to stretch the umbrella of private health insurance, which, despite its costliness, still doesn't come close to covering Americans today.

No, we need a far more thorough going reform.

And that brings us up against that old taboo—"Socialized Medicine."

I completely believe in the American free enterprise system. But when the system clearly fails to produce a much needed good, I think we should not flinch from looking to some sort of government intervention to get the job done.

Frequently in the past, we have faced up to such a requirement with new legislation: on workmen's compensation, child labor, the reduction of the work week, unemployment insurance, and social security.

I believe we face today the same kind of moment of truth in medicine.

And I believe we have only one choice before us that will work: some very new form of national health insurance.

Twenty-one years ago, we looked at national health insurance when President Truman urged it, and we rejected it.

And in 1949 we rejected it in part because of arguments like this which appeared that year in the June issue of the magazine of the American Medical Association under the title: "Wake up, America!"

"The private profession of medicine is taking rapid strides toward the solution of this problem (of medical aid for the poor). Voluntary, pre-paid hospitalization and professional insurance plans now protect 56 million Americans . . . The American people enjoy a state of good health unequaled in the world today."

As a dyed-in-the-wool free trader, free enterpriser and hater of bureaucracy, I accepted that argument in 1949, and I bet nearly everyone else in this room did, too.

But on the evidence—particularly the international evidence—I cannot accept it in 1970.

We need a dedicated and total effort to find a way to build a floor under each citizen of this country that assures much better quality and equality of medical services for all.

A variety of plans have been advanced to this end in the Congress, by representatives of government, labor, business and the medical profession, but none of these plans are moving very fast, and our problem is compounding.

We do not need national health insurance as a political football in 1972.

We need a new national health insurance law, and we need it now—in the next session of the Congress. Indeed, I hope the Administration will put this at the top of its priority list for 1971.

To get that legislation, the partisans of varying plans—in the Congress, the American Medical Association, the AFL–CIO—must get together and compromise their differences.

And to speed such compromise, I believe all of us as citizens—and I dare to include doctors—should start now to build a bonfire of persuasion—to speak out, to demand change, and not stop pushing for action until we get the legislation we need.

We can take pride in our system of universal public education, social security, and work laws.

The time has now arrived for us to have a system of universal public medicine in which we can also take pride.

A national program, of course, is not a panacea in itself. But as we look toward some sort of governmental approach to this problem, let us remember that the plans in Britain and the Scandanavian countries have proved very successful in keeping those countries in the front rank internationally. And certainly they have provided better medical service for all of the people than the systems they supplanted. To me, this is a tremendously compelling argument for keeping an open mind as we look for a solution.

Not long ago, on a visit to the California Institute of Technology, I read these words on a student poster: "Our age is characterized by the perfection of means and confusion of goals."

The goal before us in medicine is clear.

But we shall reach it only by doing what we have always done with our magnificent American system: fearlessly facing its faults, cutting them away, replacing them with something better, and moving on.

I think that same truth comes pounding through to us in the restless, pioneering lives of the Mayos—a truth which should guide and inspire us as we undertake the tough and crucial job which lies ahead: Bringing the fullness of American medical care to all the American people.

We must begin it now.

As the wealthiest, most powerful, best educated nation in the world—a people with a heroic history of pioneering and justice and compassion—I believe we can do no less.

## CANADIAN CIGARETTE LEGISLATION

Mr. MOSS. Mr. President, I recently spoke of my views on the advertising of cigarettes and specifically stated that cigarette advertising can serve an important function in making the public aware of the health hazard of the product, and in providing tar and nicotine information of cigarettes being merchandised. Advertising can be useful; it can be used as an educating force. At the conclusion of my statement, I included a report on the proposed ban in British Columbia on all advertising of tobacco and alcohol and commented that I did not advocate similiar action in the United States.

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[1] Medical statistics drawn principally from: United Nations *Statistical Yearbook, 1955*, pp. 51–5; *Demographic Yearbook, 1955*, pp. 698–707; *Demographic Yearbook, 1968*, pp. 103–11, 366–74.

The very next day, the Minister of National Health and Welfare in Canada introduced into the House of Commons the Cigarette Products Act which would ban all cigarette advertising, set a limit on tar and nicotine content, and require a health warning on cigarette packages. The proposed Canadian legislation is very interesting and I have studied it closely.

The concept of a warning on the cigarette package has been accepted in the United States for several years, and we have recently strengthened this package warning to provide more meaningful information to the consumer. The limiting of tar and nicotine content is a most admirable objective for the Minister of National Health and Welfare to establish. I have advocated a similar policy and in April introduced S. 1454, which would require the Federal Trade Commission to establish limits on tar and nicotine. A limitation on the toxic emissions of cigarette smoke would be an important step forward in protecting the public health. I hope my colleagues will review S. 1454 and recognize its compatability with other measures of environmental protection; that is, limits on pollutants, tolerance for contaminents in foods, flammability standards for fabrics, quality standards for air and water. I plan to hold hearings on S. 1454 in the Consumer Subcommittee in the not too distant future.

Mr. President, I ask unanimous consent that the text of the Canadian Cigarette Products Act and an article on the bill appearing in the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The House of Commons of Canada, Bill C–248]

AN ACT RESPECTING THE PROMOTION AND SALE OF CIGARETTES

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

1. This Act may be cited as the *Cigarette Products Act*.

### INTERPRETATION

2. In this Act

(*a*) "analyst" means a person designated as an analyst pursuant to section 4;

(*b*) "cigarette" means any roll of cigarette tobacco wrapped in paper and intended for smoking and, without limiting the generality of the foregoing, includes any roll or tubular construction of or containing tobacco that is prescribed for the purposes of this Act to be a cigarette;

(*c*) "cigarette product" means cigarettes, cigarette tobacco or both;

(*d*) "cigarette tobacco" means any tobacco or tobacco substitute represented to be suitable for use in cigarettes and includes fine cut tobacco;

(*e*) "inspector" means any person designated as a cigarette product inspector pursuant to section 4;

(*f*) "Minister" means the Minister of National Health and Welfare;

(*g*) "nicotine" means nicotine-like alkaloids contained in any cigarette tobacco or in smoke from any cigarette product;

(*h*) "other constituent" means any constituent, other than nicotine or tar, that is prescribed;

(*i*) "package" means any pack, packet, box, carton or other container in which a cigarette product is offered for sale but does not include any transparent wrapping or wrapper on any such container that is ordinarily removed when the container is opened;

(*j*) "prescribed" means prescribed by the regulations;

(*k*) "sell" include offer for sale, expose for sale, have in possession for sale and distribute; and

(*l*) "tar" means the particular matter contained in smoke from any cigarette product but does not include nicotine or, if so prescribed, water.

### PROHIBITIONS

3. (1) No person shall, directly or indirectly, by any means whatever promote the sale of any cigarette product except that

(*a*) any person who sells any cigarette product in the ordinary course of business may,

(*i*) for the purpose of selling the cigarette product, expose and identify it inside his place of business,

(ii) where he sells the cigarette product by means of an automatic vending machine, display thereon such information as is necessary to identify the cigarette product sold by means of such machine, and

(iii) with respect to his business premises, business vehicle or other property, publish his name thereon to the extent necessary to identify his ownership, tenancy or leasing thereof or to comply with any law;

(*b*) a manufacturer of cigarette products may distribute or make available free of charge or on a subsidized basis his cigarette products to his employees for their personal use; and

(*c*) a manufacturer or wholesale distributor of cigarette products may make representations to wholesale distributors or retailers of cigarette products for the purpose of selling his products to such persons.

(2) No person shall import or manufacture for sale

(*a*) a cigarette product the smoke from which contains an amount of nicotine, tar or other constituent exceeding the maximum amount prescribed; or

(*b*) cigarette tobacco that contains an amount of nicotine or other constituent exceeding the maximum amount prescribed.

(3) No person shall sell

(*a*) a cigarette product the smoke from which contains an amount of nicotine, tar or other constituent exceeding the maximum amount prescribed;

(*b*) cigarette tobacco that contains an amount of nicotine or other constituent exceeding the maximum amount prescribed;

(*c*) a cigarette product unless there appears on the package thereof, clearly and prominently displayed, the words of warning set out in the Schedule, or such other words as may be prescribed, and

(i) in the case of cigarettes, a statement in English and in French of the amount of nicotine, tar and other constituent contained in the smoke from any such cigarette, or

(ii) in the case of cigarette tobacco, a statement in English and in French of the amount of nicotine and other constituent contained in such tobacco or the amount of nicotine, tar and other constituent in the smoke from such tobacco;

(*d*) any cigarette unless it has a circumferential line marked thereon in the form and manner prescribed; or

(*e*) cigarettes by means of an automatic vending machine unless there appears on such machine the words of warning required under paragraph (*c*) and a statement in English and in French, in respect of such cigarettes, required by subparagraph (i) of that paragraph.

### INSPECTIONS AND ANALYSTS

4. (1) The Minister may designate as a cigarette product inspector for the purposes of this Act any person who, in his opinion, is qualified to be so designated.

(2) An inspector shall be furnished with a certificate of his designation as an inspector and on entering any place pursuant to subsection (1) of section 5 shall, if so required, produce the certificate to the person in charge thereof.

(3) The Minister may designate as an analyst for the purposes of this Act any person who, in his opinion, is qualified to be so designated.

### INSPECTION

5. (1) An inspector may at any reasonable time enter any place in which he reasonably believes any cigarette product is sold or is stored before sale and may, where he has reason to believe it is necessary to do so for any purpose relating to the enforcement of this Act,

(*a*) examine any cigarette product found therein;

(*b*) open and examine any package found therein that he has reason to believe contains any cigarette product; and

(*c*) examine any books, reports, records, shipping bills and bills of lading or other documents or papers that on reasonable grounds he believes contain any information relevant to the enforcement of this Act and make copies thereof or extracts therefrom.

(2) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person employed therein shall give the inspector such assistance and furnish him with such information as the inspector may, for the purpose of exercising the powers referred to in subsection (1), reasonably require him to give or furnish.

6. (1) No person shall obstruct an inspector in the exercise of his powers or the carrying out of his duties under this Act.

(2) No person shall knowingly make any false or misleading statements, either verbally or in writing, to an inspector engaged in the exercise of his powers or the carrying out of his duties under this Act.

### SEIZURE AND DETENTION

7. (1) Whenever an inspector believes on reasonable grounds that any provision of this Act or the regulations has been contravened, he may seize and detain any cigarette product or any labelling, packaging or advertising material by means of or in relation to which he reasonably believes the contravention occurred.

(2) Except to the extent that the cigarette product or other thing, or a sample thereof, is required as evidence, an inspector shall not seize any cigarette product or other thing pursuant to subsection (1) where in his opinion the seizure of the cigarette product or other thing is not necessary in the public interest.

(3) Where an inspector has seized and detained any cigarette product or other thing pursuant to subsection (1), he shall, as soon as practicable, advise the person in whose possession the cigarette product or other thing was at the time of seizure of the provision of this Act or the regulations that he believes has been contravened.

(4) Any cigarette product or other thing seized pursuant to subsection (1) shall not be detained

(a) after the provisions of this Act or any regulations that are applicable to the cigarette product or other thing have, in the opinion of an inspector, been complied with;

(b) except to the extent that the cigarette product or other thing, or a sample thereof, is required as evidence, after an inspector or the Minister, upon application made to him by the owner of the cigarette product or other thing or by the person in whose possession the cigarette product or other thing was at the time of seizure, is satisfied that it is not necessary in the public interest to continue to detain such cigarette product or other thing; or

(*c*) after the expiration of sixty days from the day of seizure, unless before that time

(i) the cigarette product or other thing has been forfeited pursuant to section 9,

(ii) proceedings in which the cigarette product or other thing seized may be required have been instituted, in which event the cigarette product or other thing may be detained until the proceedings are finally concluded, or

(iii) notice of an application for an order extending the time during which the cigarette product or other thing may be detained has been served in accordance with section 8.

(5) A cigarette product or other thing seized by an inspector pursuant to subsection (1) may, at the option of an inspector, be kept or stored in the building or place where it was seized or may be removed to any other proper place by or at the direction of an inspector.

(6) Unless authorized by an inspector, no person shall remove, alter or interfere in any way with any cigarette product or other thing seized and detained by an inspector or pursuant to subsection (1) but an inspector shall, at the request of the person from whom the cigarette product or other thing was seized, allow that person or any person authorized by that person to examine the cigarette product or other thing so seized and, where practicable, furnish a sample thereof to such person.

8. (1) Where proceedings in which any cigarette product or other thing seized or detained pursuant to subsection (1) of section 7 may be required have not been instituted, the Minister may, before the expiration of sixty days from the day of seizure and upon the serving of prior notice in accordance with subsection (2) on the owner of the cigarette product or other thing or on the person in whose possession the cigarette product or other thing was at the time of seizure, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order extending the time during which the cigarette product or other thing may be detained.

(2) The notice referred to in subsection (1) shall be served by personal service at least five clear days prior to the day on which the application is to be made to the magistrate or by registered mail at least seven clear days prior to that day and shall specify

(*a*) the place where and the time when the application is to be heard, which time shall be not later than ten days after service of the notice;

(*b*) the cigarette product or other thing in respect of which the application is to be made; and

(*c*) the evidence upon which the Minister intends to rely to show why the time during which the cigarette product or other thing may be detained should be extended.

(3) Where, upon the hearing of an application made under subsection (1), the magistrate is satisfied that the cigarette product or other thing seized should continue to be detained, he shall order that the cigarette product or other thing be detained for such additional period of time as he deems proper and that upon the expiration of such period of time the cigarette product or other thing be restored to the person from whom it was seized or to any other person entitled to possession thereof unless before the expiration of such period of time subparagraph (i) or (ii) of paragraph (*c*) of subsection (4) of section 7 applies.

(4) Where, upon the hearing of an application made under subsection (1), the magistrate is not satisfied that the cigarette product or other thing seized should continue to be detained, he shall order that the cigarette product or other thing be restored to the person from whom it was seized or to any other person entitled to possession thereof upon the expiration of sixty days from the day of seizure unless,

(*a*) before the expiration of such period of time, subparagraph (i) or (ii) of paragraph (*c*) of subsection (4) of section 7 applies; or

(*b*) at the time of the hearing such period of time has then expired, in which event he shall order the restoration thereof forthwith to the person from whom it was seized or to any other person entitled to possession thereof.

### FORFEITURE

9. (1) Where an inspector has seized any cigarette product or other thing pursuant to subsection (1) of section 7 and the owner thereof or the person in lawful possession thereof at the time of seizure consents in writing to the forfeiture of the cigarette product or other thing, such cigarette product or other thing is thereupon forfeited to Her Majesty.

(2) Where a person is convicted of an offence under this Act and any cigarette product or other thing seized pursuant to subsection (1) of section 7 by means of or in relation to which the offence was committed is then being detained, such cigarette product or other thing

(*a*) is, upon such conviction, in addition to any punishment imposed for the offence, forfeited to Her Majesty if such forfeiture is directed by the court; or

(*b*) shall, upon the expiration of the time for taking an appeal from the conviction or upon the final conclusion of the proceedings, as the case may be, be restored to the person from whom it was seized or to any other person entitled to possession thereof upon such conditions, if any, relating to sale as may be imposed by order of the court and as, in the opinion of the court, are necessary to avoid the commission of any further offence under this Act.

### REGULATIONS

10. (1) The Governor in Council may make regulations

(*a*) fixing, for the purpose of subsections (2) and (3) of section 3,

(i) the maximum amount of nicotine, tar or other constituent that may be contained in the smoke from any cigarette product, and

(ii) the maximum amount of nicotine or other constituent that may be contained in cigarette tobacco;

(*b*) prescribing the manner in which

(i) the amount of nicotine, tar or other constituent contained in the smoke from any cigarette product, or

(ii) the amount of nicotine or other constituent contained in cigarette tobacco,

shall be determined;

(*c*) prescribing the form and manner in which the words of warning and the statements required by paragraph (*c*) of subsection (3) of section 3 shall appear on any package or on any automatic vending machine, as the case may be; and

(*d*) prescribing any matter or thing that by this Act is to be prescribed.

(2) A copy of each regulation or an amendment to a regulation that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette* and a reasonable opportunity shall be afforded to manufacturers, distributors and other interested persons to make representations to the Minister with respect thereto.

11. Nothing shall appear on or in any package of a cigarette product or any wrapping or wrapper thereof or on any automatic vending machine to suggest, expressly or by implication, that the smoking of a cigarette product does not constitute a health hazard because the cigarette product complies with the requirements of this Act or otherwise.

### OFFENCE AND PUNISHMENT

12. (1) Every person who contravenes subsection (1) or (2) of section 3 is guilty of an offence and liable

(*a*) on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both; or

(*b*) on conviction upon indictment, to a fine not exceding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both.

(2) Every person who contravenes subsection (3) of section 3 is guilty of an offence and liable

(*a*) on consummary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both; or

(*b*) on conviction upon indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

(3) A prosecution under paragraph (*a*) of subsection (1) may be instituted at any time within twelve months after the time when the subject matter of the prosecution arose.

(4) Every person who contravenes any provision of this Act, other than section 3, is guilty of an offense and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

(5) Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

13. (1) No person shall be convicted of an offence of selling any cigarette product in contravention of this Act or the regulations if he establishes that

(*a*) he purchased the cigarette product from another person; and

(*b*) he could not with reasonable diligence have ascertained that the sale of the cigarette product would have been in contravention of this Act or the regulations.

(2) No person shall be convicted of an offence of manufacturing a cigarette product for sale if

(*a*) the package thereof is marked in distinct overprinting with the words "For export" and "Exportation"; and

(*b*) he establishes that the cigarette product is for export and that such product and its package do not contravene any known requirement of the law of the country to which it is or is about to be exported.

(3) No person shall be convicted of an offence of selling a cigarette product if

(*a*) the cigarette product is sold for export; and

(*b*) he establishes that the cigarette product and its package do not contravene any known requirement of the law of the country to which it is or is about to be exported.

(4) Subsection (1) does not apply in any prosecution unless the accused, at least seven days before the day fixed for his trial, has given to the prosecutor notice in writing that he intends to invoke the protection of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the cigarette product and the date of purchase.

### PROSECUTIONS

14. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negatived, as the case may be, in an information or indictment for an offence under section 12 of this Act or under

section 406, 407 or 408 of the *Criminal Code* in respect of an offence under section 12.

(2) In any prosecution for an offence mentioned in subsection (1) the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment.

15. (1) Subject to this section, a certificate of an analyst stating that he has analysed any cigarette tobacco or the smoke from any cigarette product in accordance with a manner prescribed and stating the result of his analysis is admissible in evidence in any prosecution for an offence under section 12 or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under section 12 and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

16. Where a copy of any document or paper is made pursuant to paragraph (*c*) of subsection (1) of section 5 and is certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to that paragraph such copy is admissible in evidence and has the same probative force as the original document or paper would have if it had been proven in the ordinary way.

17. A complaint or information in respect of an offence under this Act may be heard, tried or determined by a court if the accused is resident or carrying on business within the territorial jurisdicton of that court although the matter of the complaint or information did not arise in that territorial jurisdiction.

### REVISED STATUTES OF CANADA, 1970

18. A reference in this Act to any Act that is repealed and replaced by the Revised Statutes of Canada, 1970, or to any provision of such an Act, shall, after the coming into force of those Revised Statutes, be read as regards any transaction, matter or thing subsequent there to as a reference to the corresponding Act or provision included in those Revised Statutes.

### COMING INTO FORCE

19. (1) This Act shall come into force on the 1st day of January, 1972.

(2) Notwithstanding subsection (1), subparagraph (ii) of paragraph (*c*) of subsection (3) of section 3 shall come into force on a day to be fixed by proclamation.

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### Canada Proposes Total Cigarette-Ads Ban, Tar-Nicotine Limits, Inspection, Warnings

Ottawa.—The Canadian government introduced legislation calling for a complete ban on all forms of cigaret advertising beginning Jan. 1.

Also under the bill, the government would be empowered to set standards on tar and nicotine content and to organize an inspection system to ensure that the standards are met.

The Canadian Tobacco Manufacturers Council said it was "overwhelmed" by the bill's scope. "We knew the bill was coming," said Paul Pare, council president, "but we certainly didn't think it would go that far."

John Munro, health and welfare minister, and a heavy smoker himself, said the government is acting because "most cases of lung cancer are attributable to smoking." He said 4,700 persons died in Canada of lung cancer in 1969, and 3,500 of these deaths were related directly to smoking.

Mr. Munro, incidentally, said that until recently he had smoked about 75 cigarets a day, but has cut down to less than 40.

The bill would have cigaret packages list the tar and nicotine content of the cigarets and carry the admonition, "Warning: Danger to health increases with amount smoked, avoid inhaling." The bill also would require cigarets to be marked with a "circumferential ring" to warn that cigarets smoked further than this mark emit smoke containing higher concentrations of tar and nicotine.

The maximum penalty for violating the bill's provisions would be a $100,000 fine or five years in jail.

Mr. Munro said the bill would prohibit advertising cigarets "on television, radio, in print or by means of premiums or coupons." The bill itself would make it unlawful to advertise in any way, meaning that billboards and signs would have to come down. The proposed legislation deals exclusively with cigarets, and Mr. Munro said the government doesn't plan any action against advertising pipe tobacco or cigars.

The government doesn't plan to try to stop cigaret advertising in foreign newspapers and magazines distributed in Canada, Mr. Munro said. But Mr. Pare said the industry wouldn't use this loophole because companies wouldn't be able to list the advertising costs as a tax write-off expenditure.

Both Mr. Munro and Mr. Pare agreed that banning cigaret advertising won't necessarily cut down on cigaret smoking in Canada, but the health and welfare minister contended the ban would "end the inducement to smoke."

The tobacco industry is especially concerned about the bill's provisions to let the Canadian government set tar and nicotine standards, Mr. Pare said. If the standard is too low, he contended, "the tobacco industry could be crippled" because low-level cigarets are "tasteless."

Mr. Pare, who also is president of Imperial Tobacco Products Co., a division of Imasco Ltd., said the tobacco industry spends $25 million a year on cigaret advertising. The ban, he asserted, would "result in hardships to many people in the marketing field in Canada." He also charged that the bill effectively would prevent the introduction of new brands and would "seriously restrict competition among manufacturers."

The advertising-ban bill is considered certain to pass in Parliament. Spokesmen for the political parties praised the bill and the governing Liberal Party holds a majority in the House of Commons and the Senate.

The British Columbia legislature two months ago passed a similar hard-line bill banning cigaret advertising in that province.

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## REPORT OF THE NATIONAL PANEL OF CONSULTANTS OF THE CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, recently Mr. Benno C. Schmidt, Chairman of the National Panel of Consultants on the Conquest of Cancer, delivered a major address to the American Cancer Society, in which he discussed the findings and recommendations of his panel. The occasion of Mr. Schmidt's speech was a dinner in New York honoring Mrs. Mary Lasker for her enormous contributions to this field and to the entire field of medical research.

In his speech, Mr. Schmidt provided an excellent progress report on our efforts to conquer cancer. As members of the Senate are aware, Mr. Schmidt played a leading role in the development of S. 1828, the Conquest of Cancer Act, which was approved last week by the Senate Committee on Labor and Public Welfare, and which will soon reach the Senate floor for for debate. I ask unanimous consent that Mr. Schmidt's speech may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Conquest of Cancer

Mr. Rockefeller, Mrs. Lasker, President and Mrs. Johnson, distinguished guests.

I wish I could take a portion of the time allotted me this evening to talk about all the wonderful things that our lovely guest of honor, Mary Lasker, has done to enhance and enrich medical research, and particularly cancer research, in this country. However, that task has been reserved for a very distinguished guest and, as a fellow Texan, I know better than to trespass on his domain. Therefore, I will proceed with the task which Mr. Rockefeller has assigned to me—to give you a brief report on the findings and recommendations of the National Panel of Consultants on the Conquest of Cancer, and to give you a progress report on where we stand today.

To review briefly the background of our Panel, on April 27, 1970, the United States Senate passed Senate Resolution 376 authorizing the Senate Committee on Labor and Public Welfare to appoint a panel to make a comprehensive report on cancer and to develop recommendations for a program for making the conquest of cancer a major national goal. In June of 1970, the Senate joined the House of Representatives in passing Concurrent Resolution 675 expressing the unanimous sense of the Congress that "the conquest of cancer should be made a national crusade, and that the Congress should appropriate the necessary funds so that citizens of this land and all other lands might be delivered from the greatest medical scourge in history."

At the first meeting of our Panel on June 29, 1970, we were charged by the Senate Committee on Labor and Public Welfare with reporting as promptly as possible on:

(1) Where we stand today in the field of cancer;

(2) What are the areas of greatest promise for significant advance; and

(3) What steps should be taken to make the conquest of cancer a major national goal.

I believe that the Report which we presented to the Senate Committee on December 4, 1970, answers those questions. Part I of that Report sets forth in twelve brief paragraphs a summary of the cancer problem, the areas of special promise which offer unusual opportunities for intensified effort, and the recommendations of our Panel. Part II of the Report sets forth the scientific and medical background in more detail.

You will perhaps be surprised to learn that, of the $250,000 appropriated by the Senate for the administrative costs of our study, only $75,000 was spent. This was possible because of the generous contribution of time and effort by many persons who would not have been available at all on a reimbursement basis, but who, because of their dedication to the goals of our study, gave time and talent without reservation. These include not only members of the Panel, but several hundred members of the scientific community whose lives are devoted in a large measure to work related to the conquest of cancer.

The largest burden of the work of our Committee was borne by the scientific and professional members, and I have never known any group to work with greater unselfishness and dedication. Several members of the Committee literally worked full time on this task over a period of five months. The lay members of the Committee also contributed very substantially to our effort, and no chairman was ever blessed with a more dedicated Committee or with better cooperation than that which I received as chairman of this distinguished Panel. We also received enormous help from the entire scientific community, including those at the National Cancer Institute, and many other great institutions in this country which are devoted in whole or in part to cancer research.

Our deliberations were extensive, wide-ranging, and I believe thorough, and at their conclusion the Committee was unanimously of the view that the conquest of cancer is a realistic goal if an effective national program along the lines recommended in the Report is promptly initiated and relentlessly pursued.

Immediately following the presentation of our Report to the Senate Committee on December 4, 1970, a bill was introduced in both the Senate and the House which is based upon the recommendations of our Report. This bill, the "Conquest of Cancer Act," is now pending in the Congress.

In January of 1971, the President, in his State of the Union address, announced his support of the objectives of our Report in the following words:

"I will also ask (the President said) for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquesting this dread disease. Let us make a total national commitment to achieve this goal."

What accounts for this sudden accelerated interest in cancer at this time? After all the years that cancer has been with us, what has led the Congress in the two Resolutions referred to, and the President in his State of the Union address, to give a new and higher priority to the cancer program? I believe that the answer to this question is twofold. First, the action of the Congress and the President reflects the desires of the American people, and secondly, the time is right from a scientific standpoint for a program of this kind as it has never been in the past.

First, so far as the American people are concerned, there is no question that cancer is their number one health concern. A poll conducted in 1966 showed that 62% of the public feared cancer more than any other disease. Yet, despite this concern, of the 200 million Americans alive today, 50 million will develop cancer and 34 million will die of cancer if better methods of prevention and treatment are not discovered. About one-half of these deaths will occur before the age of 65, and cancer causes more deaths among children and young people than any other disease. Cancer is often an ugly disease, striking as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

Yet, the amount spent on cancer research has been grossly inadequate. As pointed out in our Report, for every man, woman and child in the United States, the Federal government spent in 1969; $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid; and only $0.89 on cancer research. Cancer deaths last year were eight times the number of lives lost in six years in Vietnam, five and one-half times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all four years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities is no longer acceptable to the American people. In addition to the cost of cancer in human terms, the economic costs are staggering. Fifteen billion dollars per year is a conservative estimate of the cost of cancer to this nation. It is no wonder then that the American people support the Congress and the President in their determination to give a higher priority to finding solutions to the cancer problem.

Turning now to the second point, those most familiar with the cancer problem, the scientists and professional men who have spent their lives working in this field, feel that the time is especially right today for an intensified and accelerated effort. I would like now to call on Dr. James Holland, immediate past-President, American Association for Cancer Research, and one of the distinguished cancer scientists on our Panel, to summarize for you very briefly some of the reasons for the feeling that recent advances in the knowledge of cancer have opened up far more promising areas for intensive investigation than have ever heretofore existed. Following Dr. Holland's presentation, I will resume to discuss with you briefly the Panel's recommendations. Dr. Holland.

Dr. HOLLAND. Mr. Chairman.

The goal of cancer research is to understand the cancer cell so thoroughly that prevention or cure is always possible. We do not enjoy that status today. In the past two decades, however, we have learned more of critical value than in all the years before.

Fundamental advances in molecular biology have elucidated the structure of DNA as a double helix wherein is coded all the information for the function and reproduction of each species. Messages from this library of genetic information are translated from the nucleus to other portions of the cell. There the instructions are precisely followed to synthesize various types of compounds which are the structural substance and the working molecules. They modulate the flow of chemical events of every day life, and upon the proper signals prepare the cell to divide. All these events take place in an orderly fashion. I apologize that I have compressed in five sentences the brilliant achievements of 5000 investigators.

The cancer cell is disordered. It is less responsive than the normal cell to the ordinary events within and between cells which tell it not to divide. An appreciation of all these facts has permitted the design of experiments to seek where the abnormalities of cancer lie. Studies of DNA, of the intricate process of readout of the messages from DNA, of the physical transport of the messages within the cell, and of the controls that specify which messages shall be read and which shall be repressed are the object of much cancer research. Which of these processes is abnormal in a cancer cell is not known for certain, but the areas of ignorance have been identified, and to some extent circumscribed, and the search is intensive.

Certain chemical and physical factors in our environment are known to be able to cause cancer in experimental animals and in man, and the preponderance of evidence points to environmental factors in most cases. An expanded program is needed to discover other chemicals, perhaps unsuspected, that constitute clear and present danger because of their indiscriminate use. Furthermore, research reports are appearing on the intracellular alterations that cancer-producing chemicals themselves must undergo before they cause the disorders of regulation that lead to cancerous behavior. It already has been possible to interrupt the activation or effectiveness of certain cancer-producing chemicals, thereby decreasing their dangerous potential.

Viruses have been proved responsible for one or more kinds of cancer in each of the following species: frogs, chickens, mice, rats, guinea pigs, rabbits, cats and dogs. Human cells in culture have been infected with viruses known to cause cancers in mice and cats. Viruses have been isolated from certain human cancers which have extraordinary similarity structurally and chemically to viruses known to cause homologous cancers in laboratory animals. It does not tax the imagination to anticipate that definite proof some human cancers are due to viruses will be forthcoming, and probably soon. Brilliant observations in the past year have unravelled most of the mystery of how viruses which cause leukemia in chickens and in mice multiply to form more virus particles, and some of the mystery of how they enter the cellular DNA to influence the control of cellular behavior. Cancer research is probing close to the core.

One means of detecting viruses depends on demonstration of virus-derived and virus-specific chemical substances in or on the infected cell. Unique new substances have been demonstrated on some human tumors which suggests that virus infection exists in these cells. This is an area which deserves major expansion. Proof of viral etiology, yea or nay, is the utmost importance because of the opportunities which might exist for prevention of infection, or prevention of tumor formation. New drugs could also be developed to cope with the viral infection once it had occurred, in addition to the effects that drugs have on the cancer cells themselves.

Immune responses, the natural defenses of the body against disease, have been shown recently to be active against several human cancers. Breast cancer, skin cancer, bone cancer, malignant melanoma, neuroblastoma and acute leukemia are but some of the cancers where immune responses have been recognized. A number of studies are now beginning in efforts to exploit this response, using artificial and natural stimulants of the body's defenses and even tumor cell preparations themselves. Some have already been successful.

Once a cancer has developed, earlier diagnosis means earlier treatment. It is a long sought objective to diagnose cancers before they spread, which implies techniques that do not depend on the cancer's becoming large enough to cause symptoms. Highly sensitive and specific blood tests have been discovered in recent years that allow the detection of certain cancers because of their chemical fingerprints. Such research needs much emphasis.

Some of the most exciting advances in cancer research have been made in chemotherapy. To the curative action of surgery and radiotherapy, we now have added the curative activity of drugs for several human cancers, in addition to useful therapy and patient benefit for many other types of cancer. I now recognize 32 different drugs which have useful, reproducible anti-cancer activity, and the list is expanding. The continuously increasing survival of children with acute leukemia, and the presumptive cure of some of these children, is particularly gratifying. It has been possible to discover the mechanism of action of many of the anti-cancer drugs, and thus to design other new drugs to hit at the same target. Several combinations of drugs have proved more active than the single components alone, providing for multiplicity of attack and wide variety of therapeutic strategies. Some of these strategies include the coordinated use of chemotherapy and surgery, or of chemotherapy and radiotherapy, and much future advance is to be expected in this arena. Chemotherapy and immunotherapy is a particularly challenging area.

Progress in radiation research has accelerated, with more effective therapy possible from higher energy sources and better techniques of delivery. Some cancers have now been cured with skilled radiotherapy which were once thought to be restricted to palliation and pain relief as the limit of radiation effect. Better insight into the mechanisms by which radiation causes its effect, and the influence of several physical and chemical factors on it hold promise of even better results to come.

It has proved possible to gain much clinical and scientific information on the effects of treatment from cooperative studies conducted by large groups of investigators, thus shortening the time to realize meaningful application of chemotherapeutic principles and the time to establish the value of new cancer drugs. Such therapeutic investigations could effectively be expanded forthwith.

In summary, I believe there has been a broad and powerful wave of advances in cancer research—in cell biology, in chemical carcinogenesis, in virology and immunology, in diagnosis, in chemotherapy and radiotherapy, and in combination treatments. In some places the tide has raced ahead, providing enough knowledge for prevention or cure. When applied in those places, prevention or cure has resulted. The value of such observations is clear: we know it can be done, because it has been done. Cancer research is truly at the crossroads and it is with profound satisfaction that I believe we as a people are at long last moving in the right direction toward the conquest of cancer.

Thank you, Dr. Holland.

In order to make maximum progress toward the conquest of cancer, the Panel concluded that three things are necessary which do not exist today.

*First*, there must be effective administration wtih clearly defined authority and responsibility. *Second*, there must be a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. *Third*, the necessary financial resources must be provided.

In order to provide effective administration with clearly defined authority and responsibility, the Panel recommended the creation of a National Cancer Authority as an independent agency in the Executive Department with an administrator, appointed by the President with the advice and consent of the Senate, who would report directly to the President and present his budgets and programs directly to the Congress. We also recommended the creation of a National Cancer Advisory Board made up of scientific and lay members to represent the scientific community and the public in the planning and the execution of the cancer program. Members of this Board would also be appointed by the President with the advice and consent of the Senate.

Effective administration in this formidable and complex scientific field requires a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today.

Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education and Welfare and indeed that it should be in the National Institutes of Health. However, the Panel, after careful consideration of this issue, had real doubt whether the kind of organization and emphasis that is required for this program could in fact be achieved within the operating organization of the National Institutes of Health or the Department of Health, Education and Welfare.

In the past, when the Federal government has desired to give top priority to a major scientific effort of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility therefor to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the Administration are truly committed to making the conquest of cancer a major national goal, it was the view of the Panel that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time.

We believe that it is important to get this program out from under the six tiers of bureaucracy that overlay it today; that we must eliminate the delays and duplication in decision making, and the competition for funds; and have an Administrator responsible for cancer who is not subordinate to those responsible for eleven other health institutes and multiple health programs. Results should be more important to the Administration, the Congress and to the American people than preserving the apparent organizational symmetry which would seem to be preserved by maintaining the status quo in cancer research.

This proposal would not terminate, interrupt or move the activities of the National Cancer Institute (which would become the nucleus of the Cancer Authority); it would not fragment or isolate the cancer effort from other biomedical sciences; it would not minimize basic research or diminish the emphasis on grants; it would not in any way threaten the basic scientists or the support of medical schools; but it would provide clearly defined authority and responsibility; it would provide management, planning and budgetary independence; it would provide participation in the planning effort by the scientists who will be primarily involved in the execution of the effort; it would provide the mechanics for peer review without the inefficiencies and delays that exist today; and it would assure that the cancer effort retained whatever priority the Congress assigned to it and that the funds provided for the cancer effort were not used for the support of other programs, however meritorious, such as unrelated biomedical research in other fields and medical education.

I would like to emphasize that our Panel is strongly of the view that the cancer effort should not be funded at the expense of other biomedical research or medical education. But the way to avoid this is not to divert funds appropriated to cancer to these purposes, but to use the cancer funds for cancer and look squarely at the funding needs of these other areas.

When I speak of using cancer funds for the cancer effort, let me be clear that I am not talking about a limited programmatic or systems approach. Using cancer funds for the cancer effort would include greatly increased segments of grant-supported basic biomedical research which are relevant or even possibly relevant to cancer. But a qualified advisory board which includes eminent basic scientists can draw that line wisely and not narrowly, and it is not essential to the protection of basic science or medical education that the boundaries of the cancer effort be defined by those whose primary interest is in areas other than cancer.

There is one further point in this connection that I would like to make. You will hear the criticism made that the analogy to the splitting of the atom or the space program (where independent agencies were given the job) is not valid because we do not have the basic scientific knowledge in cancer that we had in those fields, and therefore this program is not a program of engineering implementation of existing knowledge as those programs were. I assure you that the Panel was thoroughly aware of this distinction in making its recommendations, and we took it into full account. The valid analogy is not the scientific analogy but the organizational analogy. The cancer program, in order to succeed, needs the same independence in *management, planning, budget presentation, and progress assessment that those programs needed*, and in those respects the independent authority analogy is a valid one.

The most persistent attack on our organizational recommendations comes from those who argue that an independent authority for cancer will fragment biomedical science and significantly weaken N.I.H. However, the overwhelming majority of the members of our Panel, many of whom have worked closely with N.I.H. for years, are of the view that no weakening of the N.I.H. need result from making cancer independent. Quality need not be a function of size (in fact, the opposite is more often true), and the Congress and the Executive have the power to keep the very important remaining role of N.I.H. as strong as they want it to be.

As for the dangers of fragmenting biomedical research, the direct opposite is true. Today there is no comprehensive and coherent overall plan for the conduct or the coordination of the cancer research program itself or for its coordination with other biomedical research. The Panel recommendation, strongly influenced on this point by the views of the Director of the National Cancer Institute, calls for an overall plan to be generated primarily by a representative cross section of the best of the scientists who will be responsible for its implementation. The plan would then be carried out by mobilizing the cancer research potential of this nation. Total cancer centers would be supported in their research activities to the full extent of their potential, and segments of institutions such as medical schools, universities, and private resources, would be supported to the extent of their commitment to cancer research. A vast new national effort would be instituted under a coherent overall plan.

In addition, our recommendations call for the kind of coordination of the effort which will enable the scientists at work on this program to know what other scientists are doing in the same and related fields.

"Fragmentation of medical research" is not necessarily related to common funding. Its avoidance depends upon the existence of a plan and the effectiveness of the coordination thereunder. However, this has become a favorite phrase of those opposed to the independent management of the cancer effort, although I have never seen it accompanied by any analysis of the degree of fragmentation that exists today or the effect of the recommended coordination under the new proposals.

To avoid fragmentation we need improved coordination of relevant medical research and improved communication and information exchange among scientists at work on the cancer effort, and between cancer scientists and scientists in other related fields. This calls for a more effective use of modern technology than is currently employed in the cancer program. We must make effective use of electronic data processing, high-speed communication, closed circuit television and other modern technological tools to improve our communications and to accelerate our progress in this field. This is one area where we can make modern technology work for us in a field of vast human concern.

We want to see the cancer effort organized so that the mission can be clearly defined as the conquest of cancer, and so that the management, planning, and coordination can be directed to that end, and the progress of the effort measured against that standard. This is the kind of changed emphasis that this great human cause requires. If the conquest of cancer is to be recognized as one of our highest national priorities, we must not be afraid of the organizational changes necessary to make it so.

The President, in his most recent statement on cancer on May 11, has recognized the need for independence in the management of the cancer effort, and the necessity of eliminating what he describes as "the familiar dangers of bureaucracy and red tape." Accordingly, he has suggested a cancer agency within N.I.H. which would have independent budgetary status and a director responsible directly to the President, and supported by a strong management group which, in the words of the President, "has as its one goal the cure of cancer and which can pursue that goal with single-minded tenacity."

He also recommended an Advisory Committee very similar to that recommended by our Panel. In my view, the President's cancer proposal, which he identified as one of our highest priorities, affords a basis for resolving the differences that have existed between those supporting the recommendations of the Panel and those in the Administration who have opposed an independent cancer authority.

The goals set forth in the President's statement are exactly those which our Panel's recommendations were designed to achieve. Secretary Richardson and I are scheduled to appear tomorrow morning before the Health Subcommittee considering the cancer legislation, and I am most hopeful that we will resolve all the differences on organization so that a new and invigorated cancer effort can move forward promptly with maximum efficiency and the high promise that it deserves.

On the question of cost, our Panel estimates that a coordinated national program aimed at conquering cancer at the earliest possible time would require an appropriation in fiscal 1972 of approximately $400 million. This is slightly less than a doubling of the fiscal '71 appropriation. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. We have stressed the fact that it is of the utmost importance that the financing of this program not result in cutbacks in other health programs.

I would like to emphasize again the point that Mr. Rockefeller made that much of the cancer research that goes on today, and much of the work that will go on in the future, will be paid by private, non-government funds. Thus, the role of the American Cancer Society in its research and educational programs will continue to be vital and in many ways become more vital with an improved and intensified Federal program.

Cancer is an implacable foe, and no one wants to create false hopes or unwarranted expectations. Cancer is not a single disease, and it probably will not lend itself to a single form of immunization or a single cure. However, as we have seen, there are vast new insights which can manifest themselves in greatly extended cancer prevention and cancer cure. Today, we are already curing many cancers through surgery; radiotherapy and chemotherapy, and combinations of these treatments. A great many more cancers will be prevented and cured as a result of the work that will be done under this program.

One by one the diseases which we identify as cancer will yield. Based on the new insights that exist today, there is no question in my mind that, if we make this effort now, and if we plan it, organize it, and fund it right, we will in a relatively short period of time make vast inroads on the cancer problem as we know it today.

How better could we commence the reorientation of our national priorities? Where could we find a better field in which to make our advanced technologies and scientific skills work for us and for all humanity?

## IRVING ABRAMSON RETIRES FROM SERVICE TO THE LABOR MOVEMENT

Mr. DOLE. Mr. President, on July 1, Mr. Irving Abramson, general counsel of the International Union of Electrical, Radio, and Machine Workers, will retire at age 65 from a long and distinguished career.

Mr. Abramson has, for more than 40 years, served his Nation, his State, and the cause of America's working men and women. He has held numerous CIO positions, been a member of the New Jersey State Housing Authority and the State Rehabilitation Commission, and during World War II was a member of the executive committee of the National War Fund, the Enemy Alien Board, and was chairman of the CIO War Relief Committee.

Tomorrow evening, Mr. Abramson will be saluted at a dinner in New York City. I join with his many friends and admirers and extend my congratulations to Mr. Abramson for his years of service within the labor movement and to the public, and wish him many active and pleasant years of retirement.

## FUNDS FOR SOCIAL WORK PERSONNEL

Mr. PERCY. Mr. President, the 1972 Health, Education, and Welfare budget cuts in funds for the training of social work personnel. On June 10, 1971, Helen G. Rabichow, executive director of the Scholarship and Guidance Association, appeared before the House Subcommittee on Labor, Health, Education and Welfare to testify against those cuts.

Under Helen Rabichow's gifted and dedicated leadership, the Scholarship and Guidance Association has provided invaluable social work services to disadvantaged and emotionally disturbed adolescents and their families in the Chicago area. She has helped many youths realize their individual worth and potential to become productive citizens of society.

I believe that Helen Rabichow's very fine and moving statement ought to be brought to the attention of the Senate, therefore, I ask unanimous consent that her testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### TESTIMONY OF HELEN G. RABICHOW, EXECUTIVE DIRECTOR, SCHOLARSHIP AND GUIDANCE ASSOCIATION, BEFORE THE HOUSE APPROPRIATIONS ON LABOR AND HEALTH, EDUCATION, AND WELFARE

I appreciate this opportunity to testify before this Committee against proposed reductions in federal funds for social work education. I am the Executive Director of Scholarship and Guidance Association, a non-sectarian, interracial, private social agency which has specialized for 60 years in counseling disadvantaged and emotionally disturbed adolescents and their families in the Chicago area.

Young people are referred to us for a wide range of problems which include: underachievement in school, truancy, misbehavior and drop-out; delinquencies such as theft, curfew violations, gang involvement, sexual acting-out, drinking, drug usage, run-aways and other behavior which infringe on the law; disturbed interpersonal relationships with parents, peers and others; internalized problems such as depression, isolation, inhibition, suicidal and homicidal tendencies.

In addition to our direct service function of counseling young people whose emotional problems interfere with their life functioning, we devote part of our resources to the training of professionals in our own field and in related fields and non-professionals. We also engage in certain agency-based research activities which have resulted in the publication of articles in various journals and in the publication of two books: *The Drop-Outs: A Treatment Study of Intellectually Capable Students Who Drop Out of High School*, 1962; and *The High School Adolescent: Understanding and Treating His Emotional Problems*, 1969. These books have received laudatory reviews and constitute a solid contribution to the understanding and treatment of the adolescent. They are pertinent not only for knowledge and practice in the field of social work but for allied disciplines—teachers, guidance counselors, ministers, employment and college counselors. They are useful for practitioners at various levels of training.

We are not directly affected by the proposed reductions in funds for the training of social work personnel. Our Agency has never received public funds either for program or for training. Our Board of Directors raises two-thirds of the budget and we receive one-third from the Community Fund of Chicago. But we are deeply concerned because we know that inevitably such cuts will lead to a reduction in the number of people who will come into the field of social welfare. If we are to provide essential services to youth in trouble who are inheriting a world of increasing complexity, we need professionally trained personnel in social work practice. I should like to tell you why and I can do this best by sharing two letters with you.

COPY OF LETTER RECEIVED APRIL 28, 1971

DEAR——: I'm sure you must be quite surprised to hear from me, but the assistance given me by the Association and yourself surely merit your knowledge of my success.

Last August I completed the requirements for a Master of Science degree in Education with a concentration in Guidance and Counseling. Also, because I graduated from the University of Illinois in liberal arts, I completed the requirements for Class B. Professional Teaching Certification in Social Studies and English. This was at Alabama A&M University in Normal (Huntsville), Alabama.

I hope to return there to be hooded for the May 23rd exercises. Also I was informed recently that I was the recipient of the President's Cup for academic honors. I finished with a 3.9 average of a possible 4.0.

This morning I was phoned by a professor from Michigan State University. I've been accepted for the fall '71 term to pursue the doctor of philosophy degree in Clinical Psychology. Also I've been granted an assistantship to complete my study.

I do so much thank you and the Association for everything done. You helped to make my next step possible. The faith you expressed when things looked negative certainly helped me to keep the faith. I shall always be grateful.

I wish to express gratitude also to the Community Trust, to those who saw fit to grant me the money to help complete my undergraduate education.

Thank you.

GENICE R.

Genice, the oldest of five, was raised on Aid to Dependent Children in a large public housing project noted for its high crime, delinquency and violence rates. Her mother was a highly aggressive, demanding woman and while these behavior patterns undoubtedly helped her to survive in the ghetto, they created problems for her children, especially Genice. Overly and rigidly protected, Genice was allowed no opportunities for normal personality development. When she was referred during her senior year of high school (to "prepare" her for college) she was unusually immature, fearful, inhibited. At best she appeared only amiably mediocre.

Through the counseling relationship which lasted about three years, Genice was able to begin a process of remarkable growth which enabled her finally to reach a state of appropriate maturation and independence, to realize her own potentials and to overcome many of the disadvantages of her early life. But this was not without many trials and tribulations. We obtained scholarship aid for Genice to attend an out-of-town but nearby state college. She was unprepared for campus life; poor high school preparation made it hard for her to compete and it was a long struggle for her to achieve study habits; in addition she was the only black. And while Genice's mother was ambitious for her daughter and insisted on college for her, she was also envious, fearful of losing control over her, and she engaged in many acts of sabotage. However, Genice managed to complete one year, dropped out and worked for a year, returned to a Jr. College for another, and then with our help in reinstating scholarship aid, she entered the University of Illinois.

COPY OF LETTER RECEIVED FEBRUARY 17, 1971

DEAR ——: Just a little note to let you know I'm doing fine and that I haven't forgotten the faces at Scholarship and Guidance.

I will be graduating from Illinois State University this June and plan to go on to graduate school at the University of Illinois. I will graduate with a B.A. in psychology and am entering a doctoral program, hopefully in clinical psychology, after I get my degree.

Things sure have changed for me since those confused days of my junior and senior years of high school. I don't know what I would have done without the kind help, attention and understanding I received at Scholarship and Guidance. As I look back upon those sessions I cite as the most important aspect the insight I gained about myself and my potentials. Though one never fully understands one's self it helps when one can have the courage and knowledge to see one's self and attempt to understand. Thank you for this courage. Thank you for making life a nice thing to live, a brighter experience.

My thanks to all of you for helping me to pull back the curtains that allowed the sun to shine in.

A friend,

CARMEN Q.

Carmen was 16 when she was referred to us by the teacher-nurse of her high school because of feelings of depression, inadequacy and self-doubt. Unhappiness to her, it turned out, was the natural state of affairs. Carmen was the youngest of 10 children (7 living) all born in Puerto Rico. The parental relationship, although lasting for 15 years, had been a violent and stormy affair and finally ended when the mother divorced the father and came to Chicago. Carmen was then 6.

The course of counseling which lasted two years was filled with many crises. Carmen, a highly sensitive girl, was reacting to early maternal deprivation, unstable family relationships and cultural discrepancies with rage, hysteria, suicidal attempts and threats. She wrote beautiful poetry of a deeply depressive nature. All of this was complicated by the additional turmoil of the adolescent process. But she wanted help and she clung to the relationship with her counselor who skillfully guided her through the complexities of her own personality. By the time she graduated from high school and was enrolled in college, she had matured considerably and demonstrated greater ability than ever before to cope with the realities of her life.

It sounds simple, but between the beginning of counseling and its conclusion lies a helping process of great complexity which requires training, knowledge, skill and a concern for the welfare of others. For the helper it must begin with professional training, and professional education of course, costs money.

It takes two years of graduate work in a school of social work to get a Masters' degree and the current cost is $10,000. But it also costs $10,000 to maintain a girl for two years at Geneva, a correctional institution in Illinois for delinquent girls. It costs $10,000 to maintain a person for one hundred days ($100 per day) at Illinois State Psychiatric Institute, a residential treatment center for the emotionally disturbed.

There are many non-viable alternatives to the solution of problems which unfortunately young people in trouble seek out. Through professional social work services Genice and Carmen were helped to break cycles of poverty and dependency to give up destructive and unprofitable attempts to deal with life and to choose productive alternatives.

Let us look at the cost of education in another way. These girls have already reached a state of high employability. At the Ph.D. level, they can each earn, say, over a 25-year period of employment, $20,000 a year, or a total of $500,000. In other words, a $10,000 investment in the education of one professional social worker can produce a $500,000 earning power capability in a single client. The productivity and ability of each girl to contribute to society by virtue of her own training contributes not only to the human welfare of this country but to the G.N.P.

Realistically there will never be enough professionally trained people to cover total need, and indeed, people require a range of different kinds of help. It is possible, from the head count of one professionally trained person at the top, to build a pyramid which includes the manpower available in paraprofessionals, case aides, volunteers etc. In this way, we can begin to meet in a number of creative ways more of the problems which young people have, especially during these turbulent years, and to meet them with a variety of helping techniques. Thus the impact of a trained person has a multiplier factor which defies simple arithmetic. We have seen this in our own agency through our training and seminar programs for other disciplines, lay groups, our publications, and our recently instituted volunteer program. But all such activities must have direction from the trained professional at the top of the pyramid in order to create ever broadening benefits.

We all want a society in which every young person can fulfill the promise that is in him and where no one is damaged by circumstances that can be prevented. Our goals are to provide services to our youth which will help them release their own human potentials and enhance their own individual dignity. Genice and Carmen no longer have to lead lives of quiet desperation. There are many more such young people and they can be helped, if we are willing to invest in them and in those who seek to be the instruments of help.

I hope you will consider this presentation in your deliberations and I thank you for your time.

## IRVING ABRAMSON

Mr. INOUYE. Mr. President, I wish to pay tribute to one of America's more distinguished labor and civic leaders, Mr. Irving Abramson of New Jersey.

Irving Abramson's life exemplifies that which has made America great and unique among the nations of the world. His life demonstrates so well the ability of a man born to poverty, to rise through his own determination in a system providing educational opportunity to heights undreamed by the poor of most countries.

Mr. Abramson is most noted for his contributions to the American labor movement. However, as a labor leader and as a labor attorney he has always been willing to move beyond any narrow interests of labor to involve himself in national and international endeavors to advance the economic security and social dignity of all people.

On July 1 of this year he will retire as general counsel of the International Union of Electrical, Radio, and Machine Workers. As the former eastern area director of the CIO, president of the New Jersey State CIO Council, and regional director of the New Jersey-Maryland-Delaware Political Action Committee he not only compiled a distinguished career but a host of friends and admirers. I know they also join in wishing him well on the occasion of the dinner held in his honor in New York City this week.

## THE MEANING OF THE BELL AND PEREZ SUPREME COURT DECISIONS FOR COMPENSATION OF AUTOMOBILE ACCIDENT VICTIMS

Mr. HART. Mr. President, trial lawyers, insurance agents, and others with a personal pocketbook interest in the present system of compensation for victims of automobile accidents are fond of arguing that no-fault motor vehicle insurance, such as that envisioned by S. 945 and H.R. 7514, is unconstitutional.

The fact is that the Supreme Court of the United States, in two separate opinions on May 24 and June 1, has just held unconstitutional much of the present fault-oriented motor vehicle insurance legislation.

In *Bell* v. *Burson*, 39 U.S. Law Week 4607, May 24, 1971, the Supreme Court struck down a Georgia law that authorizes the suspension of driving privileges after an accident unless the driver then posts security to cover the possible damage he has caused. The Court held that in the context of the fault system in Georgia, the State must first prove that the driver was at fault before it can suspend his license. Many States today rely on the requirement that a driver post security after an accident, under the threat of losing his driver's license, to provide compensation for the victims of automobile accidents. They may no longer do so.

In *Perez* v. *Campbell*, 39 U.S. Law Week 4618, June 1, 1971, the Supreme Court struck down an Arizona law that authorizes the suspension of driving privileges if a personal injury judgment is unpaid for 60 days, even though the debtor has been adjudicated a bankrupt in Federal court and obtained a Federal discharge in bankruptcy. According to a footnote in the dissenting opinion, 44 of our States authorize suspension of driving privileges in case of an unsatisfied automobile personal injury judgment even though the debt was discharged in bankruptcy. All these laws are probably now void. These 44 States have been rendered largely incapable of helping the automobile victim who has the bad luck to be struck by a driver who obtains a discharge in bankruptcy after judgment is entered against him for the automobile-caused injuries, unless we in the Congress act to guarantee adequate compensation to every automobile accident victim.

No doubt the editors of our university law reviews will make these two decisions the subject of many case comments and analyses. They are very significant decisions.

The impact of Bell and Perez will not be restricted to a few remote contingencies. These cases, and the doctrines applied in them, portend the total collapse of the financial responsibility laws of this country. It is not too much to say that each and every American who drives or rides in an automobile, except those in the three compulsory insurance law States of New York, Massachusetts, and North Carolina, is now in greater danger of receiving no compensation if injured in a motor vehicle accident, even though he was free from contributory negligence and the defendant was clearly negligent. At the very least, motorists in those States will have to pay significantly higher premiums for uninsured motorist insurance and for payments to State unsatisfied judgment funds.

The biggest incentives to the purchase of automobile liability insurance—the realization that if you do not have insurance, you will have to post cash or bond security after the accident for full possible damages or lose your license to drive, and the realization that Federal bankruptcy will be no shelter—have been eliminated. It is safe to predict a substantial increase in the number of uninsured motorists on the Nation's highways and greatly increased pressure on the State unsatisfied judgment funds. The good drivers are going to have to pay more premium dollars for the same limited protection they get now under the inefficient fault system.

The essence of the financial responsibility laws of 47 of the 50 States was stated in a 1950 decision of the Supreme Court of California, quoted in the Perez decision in footnote 11:

> The state chose to allow financially irresponsible licensed operators to drive until they became involved in an accident with the consequences described in the [financial responsibility law] and their financial irresponsibility was thus brought to the attention of the department, and then to require suspension of their licenses. *Escobedo* v. *State Dept. of Motor Vehicles*, 35 Cal. 2d 870, 876, 222 P. 2d 1, 6 (1950).

That approach will no longer work, even minimally and inefficiently, for the States can no longer easily and quickly suspend licenses as to financially irresponsible drivers.

In 1967, as the table which I shall ask be printed at the close of my remarks shows, in the States with financial responsibility laws, in 17, 10 to 20 percent of the private passenger vehicles were uninsured, in 16, 25 to 30 percent were uninsured, in three, 30 to 35 percent were uninsured, and in five, 35 percent or more were uninsured. In fact, in some of our larger cities, such as Chicago and Philadelphia, the number of uninsured vehicles, at any given time, may be as high as 40 percent.

On the other hand, in compulsory insurance States, over 90 percent of the vehicles have coverage.

Not surprisingly, the cost of uninsured motorist coverage has always been greater in financial responsibility States than in compulsory insurance States. That differential will most likely increase, because many drivers in financial responsibility States may stop buying liability insurance in the wake of Bell and Perez. Why should they continue to buy coverages to protect someone else? If they are involved in an accident in which others are injured, their licenses cannot be touched unless fault or negligence is proved against them first. If fault or negligence is proved and a judgment is obtained, all they had to do is to go to the nearest U.S. district court and file a voluntary petition in bankruptcy and list the judgment. After the debt has been discharged, they cannot have their driving privileges suspended or revoked. The "carrot" and the "stick" which enabled automobile insurance to function, at least somewhat—although at enormous disadvantage to the consumer—is gone.

The demise of financial responsibility laws foreshadowed by these Supreme Court decisions of Bell against Burson and Perez against Campbell means that automobile insurance must be made a condition for driving in the first place; it must be made a compulsory requirement for motor vehicle operation. Mr. Kearney, the executive director of the National Committee on Uniform Traffic Laws, stated as much after the Perez decision was announced.

According to the New York Times for June 2, 1971, Mr. Kearney said that these two decisions:

> Would probably prompt a majority of the States to require all motorists to purchase insurance before they can own a car.

If we now have no alternative but compulsory automobile insurance—if we indeed care about the suffering and loss of the victims of automobile accidents—what kind shall it be: Compulsory liability-for-negligence auto insurance or compulsory no-fault auto insurance? The one State that has had a compulsory liability-for-negligence statute for a long period—40 years—is Massachusetts. Massachusetts is now the first and only State to have a compulsory, very limited, no-fault system. The latest report I have seen from Massachusetts is that:

> Their partial no-fault system is working even better than anticipated . . . [T]he frequency of bodily injury claims in the commonwealth has dropped a startling 60 percent. The average paid claim under no-fault has decreased by 36 percent *Boston Sunday Globe*, June 6, 1971, p. 1.

There has been criticism of the Hart-Magnuson bill in the Senate and the Moss bill in the House because it would establish national no-fault. The argument seems to be that automobile insurance has traditionally been a State matter and therefore should remain forever as a State matter. The Federal Supreme Court has now acted, and it has held in effect that under the Supremacy Clause State automobile insurance statutes must fall where they conflict with the 14th amendment's guarantee of procedural due process or with the Federal bankruptcy power. As a result of the Bell and Perez decisions, automobile insurance law is no longer exclusively State law. There are now two significant elements of Federal automobile insurance law, and a close reading of the opinions suggests that there may be more. Now that automobile insurance law is a mixture of statutes in the States and Federal case law, we have a difficult situation. Who can foresee the exact impact of the constitutional decisions of May 24 and June 1 on the automobile insurance statutes of the States?

Mr. President, the time has come for a national no-fault system of compensation for victims of automobile accidents. Extensive hearings have been held on S. 945 and H.R. 7514; it is time that they be acted on in committee and then reported for consideration by the Congress.

Mr. President, I ask that table 1, copies of the two Supreme Court decisions, the Boston Sunday Globe article and an editorial from the Weekly Underwriter be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF SELECTED STATES[1] BY PERCENTAGE OF PRIVATE PASSENGER VEHICLES INSURED FOR LIABILITY—1967

90 PERCENT AND OVER

New York, North Carolina, Maryland.[2]

85–89 PERCENT

Connecticut, Michigan, New Hampshire, New Jersey, Oregon, South Carolina, Vermont, Wisconsin.

80–84 PERCENT

California, Colorado, Hawaii, Indiana, Iowa, Maine, Nebraska, Pennsylvania, Wyoming.

75–79 PERCENT

Delaware, Florida, Idaho Minnesota, Montana, Ohio, Rhode Island, South Dakota, Washington.

70–74 PERCENT

Arizona, Kansas, Missouri, New Mexico, North Dakota, Tennessee, Utah.

65–69 PERCENT

Kentucky, Texas, West Virginia.

UNDER 65 PERCENT

Alabama, Arkansas, Georgia, Mississippi, Nevada.

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(NOTE.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

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[1] Omitted are data for Alaska, District of Columbia, Illinois, Louisiana, Massachusetts, Oklahoma, Virginia. For explanation, see text.

[2] This study was unable to determine the percent of motorists insured for automobile liability coverages in Maryland; however, a sample survey of motor vehicle registrations done by the state in November 1967 indicates 92 percent of private passenger vehicles were covered by liability insurance.

Source: Driver behavior and accident involvement: Implications for tort liability, part III, drivers without insurance, at p. 205, Department of Transportation, October 1970.

[Supreme Court of the United States,
Syllabus]

Perez et al. *v.* Campbell, Superintendent, Motor Vehicle Division, Arizona Highway Department, et al.

Certiorari to the United States Court of Appeals for the Ninth Circuit.

[No. 5175. Argued January 19, 1971—Decided
June 1, 1971]

The provision that "discharge in bankruptcy following the rendering of any such judgment [as a result of an automobile accident] shall not relieve the judgment debtor from any of the requirements of this article," contained in Ariz. Rev. Stat. 28–1163 (B), part of the Motor Vehicle Safety Responsibility Act, which the Arizona courts have construed as having as "its principal purpose the protection of the public using the highways from financial hardship which may result from the use of automobiles by financially irresponsible persons," directly conflicts with 17 of the Bankruptcy Act, which states that a discharge in bankruptcy fully discharges all but certain specified judgments, and is thus unconstitutional as violative of the Supremacy Clause. *Kesler* v. *Department of Public Safety,* 369 U. S. 153, and *Reitz* v. *Mealey,* 314 U. S. 33 have no authoritative effect to the extent they are inconsistent with the controlling principle that state legislation that frustrates the full effectiveness of federal law is invalidated by the Supremacy Clause. Pp. 7–19.

421 F. 2d 619, reversed and remanded.

White, J., delivered the opinion of the Court, in which Black, Douglas, Brennan, and Marshall, JJ., joined. Blackmun, J., filed an opinion concurring in the result as to petitioner Emma Perez and dissenting as to petitioner Adolfo Perez, in which Burger, C.J., and Harlan and Stewart, J.J., joined.

(Notice.—This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.)

[Supreme Court of the United States, No
5175.—October Term, 1970]

Adolfo Perez et ux., Petitioners, v. David H. Campbell, Superintendent, Motor Vehicle Division, Arizona Highway Department, et al.

On writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

[June 1, 1971]

Mr. Justice White delivered the opinion of the Court.

This case raises an important issue concerning the construction of the Supremacy Clause of the Constitution—whether Ariz. Rev. Stat. § 28–1163(B), which is part of Arizona's Motor Vehicle Safety Responsibility Act, is invalid under that clause as being in conflict with the mandate of § 17 of the Bankruptcy Act, 11 U.S.C. § 35 providing that receipt of a discharge in bankruptcy fully discharges all but certain specified judgments. The courts below, concluding that this case was controlled by *Kesler* v. *Department of Public Safety,* 369 U.S. 153 (1962), and *Reitz* v. *Mealey,* 314 U.S. 33 (1941), two earlier opinions of this Court dealing with alleged conflicts between the Bankruptcy Act and state financial responsibility laws, ruled against the claim of conflict and upheld the Arizona statute.

On July 8, 1965, petitioner Adolfo Perez, driving a car registered in his name, was involved in an automobile accident in Tucson, Arizona. The Perez automobile was not covered by liability insurance at the time of the collision. The driver of the second car was the minor daughter of Leonard Pinkerton, and in September 1966 the Pinkertons sued Mr. and Mrs. Perez in state court for personal injuries and property damage sustained in the accident. On October 31, 1967, the petitioners confessed judgment in this suit, and a judgment order was entered against them on November 8, 1967, for $2,425.98 plus court costs.

Mr. and Mrs. Perez each filed a voluntary petition in bankruptcy in Federal District Court on November 6, 1967. Each of them duly scheduled the judgment debt to the Pinkertons. The District Court entered orders on July 8, 1968, discharging both Mr. and Mrs. Perez from all debts and claims provable against their estates, including the Pinkerton judgment. 11 U.S.C. § 35; *Lewis* v. *Roberts,* 267 U.S. 467 (1925).

During the pendency of the bankruptcy proceedings, the provisions of the Arizona Motor Vehicle Safety Responsibility Act came into play. Although only one provision of the Arizona Act is relevant to the issue presented by this case, it is appropriate to describe the statutory scheme in some detail. The Arizona statute is based on the Uniform Motor Vehicle Safety Responsibility Act promulgated by the National Conference on Street and Highway Safety.[1] Articles 1 and 2 of the Act deal, respectively, with definitional matters and administration.

The substantive provisions begin in Article 3, which requires the posting of financial security by those involved in accidents. Section 28–1141 of that article requires suspension of licenses for unlawful failure to report accidents, and § 28–1142 provides that within 60 days of the receipt of an accident report the Superintendent of the Motor Vehicle Division of the Highway Department shall suspend the driver's license of the operator and the registration of the owner of a car involved in an accident "unless such operator or owner or both shall deposit security in a sum which is sufficient in the judgment of the superintendent to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against the operator or owner." Under the same section, notice of such suspension and the amount of security required must be sent to the owner and operator not less than 10 days prior to the effective date of the suspension. This section does not apply if the owner or the operator carried liability insurance or some other covering bond at the time of the accident, or if such individual had previously qualified as a self-insurer under § 28–1222. Other exceptions to the requirement that security be posted are stated in § 28–1143.[2] If none of these exceptions applies, the suspension continues until: (1) the person whose privileges were suspended deposits the security required under § 28–1142; (2) one year elapses from the date of the accident and the person whose privileges were suspended files proof with the superintendent that no one has initiated an action for damages arising from the accident; (3) evidence is filed with the superintendent that a release from liability, an adjudication of nonliability, a confession of judgment, or some other written settlement agreement has been entered.[3] As far as the record in the instant case shows, the provisions of Article 3 were not invoked against petitioners, and the constitutional validity of these provisions is of course not before us for decision.

Article 4 of the Arizona Act, which includes the only provision at issue here, deals with suspension of licenses and registrations for nonpayment of judgments. Interestingly, it is only when the judgment debtor in an automobile accident lawsuit—usually an owner-operator like Mr. Perez—fails to respond to a judgment entered against him that he must overcome two hurdles in order to regain his driving privileges. Section 28–1161, the first section of Article 4, requires the state court clerk or judge, when a judgment[4] has remained unsatisfied for 60 days after entry, to forward a certified copy of the judgment to the superintendent.[5] This was done in the present case, and on March 13, 1968, Mr. and Mrs. Perez were served with notice that their driver's licenses and registration were suspended pursuant to § 28–1162(A).[6] Under other provisions of Article 4, such suspension is to continue until the judgment is paid,[7] and § 28–1163(B) specifically provides that "[a] discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this article." In addition to requiring satisfaction of the judgment debt, § 28–1163(A) provides that the license and registration "shall remain suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of the person, . . . until the person gives proof of financial responsibility" for a future period.[8] Again, the validity of this limited requirement that some drivers post evidence of financial responsibility for the future in order to regain driving privileges is not questioned here. Nor is the broader issue of whether a State may require proof of financial responsibility as a precondition for granting driving privileges to anyone before us for decision. What is at issue here is the power of a State to include as part of this comprehensive enactment designed to secure compensation for automobile accident victims a section providing that a discharge in bankruptcy of the automobile accident tort judgment shall have no effect on the judgment debtor's obligation to repay the judgment creditor, at least insofar as such repayment may be enforced by the withholding of driving privileges by the State. It was that question, among others, which petitioners raised after suspension of their licenses and registration by filing a complaint in Federal District Court seeking declaratory and injunctive relief and requesting a three-judge court. They asserted several constitutional violations, and also alleged that § 28–1163(B) was in direct conflict with the Bankruptcy Act and was thus violative of the Supremacy Clause of the Constitution.[9] In support of their complaint, Mr. and Mrs. Perez filed affidavits stating that the suspension of their licenses and registration worked both physical and financial hardship upon them and their children. The District Judge granted the petitioners leave to proceed *in forma pauperis,* but thereafter granted the respondents' motion to dismiss the complaint for failure to state a claim upon which relief could be granted, citing *Kesler* and *Reitz.*[10] The Court of Appeals affirmed, relying on the same two decisions. *Perez* v. *Campbell,* 421 F. 2d 619 (CA9 1970). We granted certiorari. 400 U.S. 818 (1970).

## I

Deciding whether a state statute is in conflict with a federal statute and hence invalid under the Supremacy Clause is essentially a two-step process of first ascertaining the construction of the two statutes and then determining the constitutional question whether they are in conflict. In the present case, both statutes have been authoritatively construed. In *Schecter* v. *Killingsworth,* 93 Ariz. 273, 380 P. 2d 136 (1963), the Supreme Court of Arizona held that "[t]he Financial Responsibility Act has for its principal purpose the protection of the public using the highways from financial hardship which may result from the use of automobiles by financially irresponsible persons." 93 Ariz., at 280. The Arizona court has consistently adhered to this construction of its legislation, see *Camacho* v. *Gardner,* 104 Ariz. 555, 558, 456 P. 2d 925, 928 (1969); *New York Underwriters Ins. Co.* v. *Superior Court,* 104 Ariz. 544, 456 P. 2d 914 (1969); *Sandoval* v. *Chenoweth,* 102 Ariz. 241, 243, 428 P. 2d 98, 100 (1967); *Farmer* v. *Killingsworth,* 102 Ariz. 44, 47, 424

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Footnotes at end of article.

P. 2d 172, 175 (1967); *Hastings* v. *Thurston*, 100 Ariz. 302, 306, 413 P. 2d 767, 770, (1966); *Jenkins* v. *Mayflower Ins. Exchange*, 93 Ariz. 287, 290, 380 P. 2d 145, 147 (1963), and we are bound by its rulings. See, *e.g., General Trading Co.* v. *State Tax Comm'n*, 322 U.S. 335, 337 (1944). Although the dissent seems unwilling to accept the Arizona Supreme Court's construction of the statute as expressive of the Act's primary purpose [11] and indeed characterizes that construction as unfortunate, *post*, p. —, a reading of the provisions outlined above leaves the impression that the Arizona Court's description of the statutory purpose is not only logical but persuasive. The sole emphasis in the Act is one of providing leverage for the collection of damages from drivers who either admit that they are at fault or are adjudged negligent. The victim of another driver's carelessness, if he so desires, can exclude the superintendent entirely from the process of "deterring" a repetition of that driver's negligence.[12] Further, if an accident is litigated and a special verdict that the defendant was negligent and the plaintiff contributorily negligent is entered, the result in Arizona, as in many other States, is that there is no liability for damages arising from the accident. *Heimke* v. *Munoz*, 470 P. 2d 107. 106 Ariz. 26 (1970); *McDowell* v. *Davis*, 104 Ariz. 69, 448 P. 2d 869 (1968). Under the Financial Responsibility Act, the apparent result of such a judgment is that no consequences are visited upon either driver although both have been found to have driven carelessly. See Ariz. Rev. Stat. §§ 28–1143(A)(4), 28–1144(3). Moreover, there are no provisions requiring drivers proven to be careless to stay off the roads for a period of time. Nor are there provisions requiring drivers who have caused accidents to attend some kind of driver improvement course, a technique that is not unfamiliar in sentencing for traffic offenses.

Turning to the federal statute, the construction of the Bankruptcy Act is similarly clear. This Court on numerous occasions has stated that "[o]ne of the primary purposes of the bankruptcy act" is to give debtors "a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt." *Local Loan Co.* v. *Hunt*, 292 U.S. 234, 244 (1934). Accord, *e.g., Harris* v. *Zion's Savings Bank & Trust Co.*, 317 U.S. 447, 451 (1943); *Stellwagen* v. *Clum*, 245 U.S. 605, 617 (1918); *Williams* v. *United States Fidelity & Guaranty Co.*, 236 U.S. 549, 554–555 (1915). There can be no doubt, given *Lewis* v. *Roberts, supra*, that Congress intended this "new opportunity" to include freedom from most kinds of preexisting tort judgments.

### II

With the construction of both statutes clearly established, we proceed immediately to the constitutional question whether a state statute that protects judgment creditors from "financially irresponsible persons" is in conflict with a federal statute that gives discharged debtors a new start "unhampered by the pressure and discouragement of preexisting debt." As early as *Gibbons* v. *Ogden*, 9 Wheat. 1 (1824), Chief Justice Marshall stated the governing principle—that "acts of the State Legislatures . . . , [which] *interfere with*, or are contrary to the laws of Congress, made in pursuance of the constitution," are invalid under the Supremacy Clause. *Id.*, at 211 (emphasis added). Three decades ago MR. JUSTICE BLACK, after reviewing the precedents, wrote in a similar vein that, while "[t]his Court, in considering the validity of state laws in the light of treaties or federal laws touching the same subject, ha[d] made use of the following expressions: conflicting; contrary to; occupying the field; repugnance; difference; irreconcilability; inconsistency; violation; curtailment; and interference[,] . . . [i]n the final analysis," our function is to determine whether a challenged state statute "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines* v. *Davidowitz*, 312 U.S. 52, 67 (1941). Since *Hines* the Court has frequently adhered to this articulation of the meaning of the Supremacy Clause. See, *e.g., Nash* v. *Florida Industrial Comm'n*, 389 U.S. 235, 240 (1967); *Sears, Roebuck & Co.* v. *Stiffel Co.*, 376 U.S. 225, 229 (1964); *Colorado Anti-Discrimination Comm'n* v. *Continental Air Lines, Inc.*, 372 U.S. 714, 722 (1963) (dictum); *Free* v. *Bland*, 369 U.S. 663, 666 (1962); *Hill* v. *Florida*, 325 U.S. 538, 542–543 (1945); *Sola Electric Co.* v. *Jefferson Electric Co.*, 317 U.S. 173, 176 (1942). Indeed, in *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132 (1963), a recent case in which the Court was closely divided, all nine Justices accepted the *Hines* test. *Id.*, at 141 (opinion of the Court), 165 (dissenting opinion).

Both *Kesler* [13] and *Reitz*, however, ignored this controlling principle. The Court in *Kesler* conceded that Utah's financial responsibility law left "the bankrupt to some extent burdened by the discharged debt," 369 U.S. at 171, made "it more probable that the debt will be paid despite the discharge," *id.*, at 173, and thereby made "some inroad . . . on the consequences of bankruptcy. . . ." *Id.*, at 171. Utah's statute, in short, frustrated Congress' policy of giving discharged debtors a new start. But the *Kesler* majority was not concerned by this frustration. In upholding the statute, the majority opinion looked not to the effect of the legislation but simply asserted that the statute was "not an Act for the Relief of Mulcted Creditors," *id.*, at 174, and was "not designed to aid collection of debts but to enforce a policy against irresponsible driving. . . ." *Id.*, at 169. The majority, that is, looked to the purpose of the state legislation and upheld it because the purpose was not to circumvent the Bankruptcy Act but to promote highway safety; those in dissent, however, were concerned that, whatever the purpose of the Utah Act, its "plain and inevitable effect [was] to create a powerful weapon for collection of a debt from which [the] bankrupt [had] been released by federal law." *Id.*, at 183. Such a result, they argued, left "the States free . . . to impair . . . an important and historic policy of this Nation . . . embodied in its bankruptcy laws." *Id.*, at 185.

The opinion of the Court in *Reitz* was similarly concerned not with the fact that New York's financial responsibility law frustrated the operation of the Bankruptcy Act, but with the purpose of the law, which was divined as the promotion of highway safety. As the Court said:

> "The penalty which § 94–b imposes for injury due to careless driving is not for the protection of the creditor merely, but to enforce a public policy that irresponsible drivers shall not, with impunity, be allowed to injure their fellows. The scheme of the legislation would be frustrated if the reckless driver were permitted to escape its provisions by the simple expedient of voluntary bankruptcy, and, accordingly, the legislature declared that a discharge in bankruptcy should not interfere with the operation of the statute. Such legislation is not in derogation of the Bankruptcy Act. Rather it is an enforcement of permissible state policy touching highway safety." 314 U.S., at 37.

The dissenting opinion written by MR. JUSTICE DOUGLAS for himself and three others noted that the New York legislation put "the bankrupt . . . at the creditor's mercy," with the results that "[i]n practical effect the bankrupt may be in as bad, or even worse, a position than if the State had made it possible for a creditor to attach his future wages" and that "[b]ankruptcy . . . [was not] the sanctuary for hapless debtors which Congress intended." *Id.*, at 41.

We can no longer adhere to the aberrational doctrine of *Kesler* and *Reitz* that State law may frustrate the operation of Federal law as long as the State legislature in passing its law had some purpose in mind other than one of frustration. Apart from the fact that it is at odds with the approach taken in nearly all our Supremacy Clause cases, such a doctrine would enable State legislatures to nullify nearly all unwanted Federal legislation by simply publishing a legislative committee report articulating some State interest or policy—other than frustration of the Federal objective—that would be tangentially furthered by the proposed State law. In view of the consequences, we certainly would not apply the *Kesler* doctrine in all Supremacy Clause cases. Although it is possible to argue that *Kesler* and *Reitz* are somehow confined to cases involving either bankruptcy or highway safety, analysis discloses no reason why the States should have broader power to nullify Federal law in these fields than in others. Thus, we conclude that *Kesler* and *Reitz* can have no authoritative effect to the extent they are inconsistent with the controlling principle that any state legislation which frustrates the full effectiveness of Federal law is rendered invalid by the Supremacy Clause. Section 28–1163 (B) thus may not stand.

### III

Even accepting the Supreme Clause analysis of *Kesler* and *Reitz*—that is, looking to the purpose rather than the effect of State laws—those decisions are not dispositive of this case. Just as *Kesler* went a step beyond *Reitz* and broadened the holding of the earlier case, 369 U.S., at 184 (dissenting opinion), so in the present case the respondents asked the courts below and this Court to expand the holdings of the two previous cases. The distinction between *Kesler* and *Reitz* and this case lies in the State's expressed legislative purpose.

*Kesler* and *Reitz* were aberrational in their treatment of this question as well. The majority opinions in both cases assumed, without citation of state court authority or any indication that such precedent was unavailable, that the purpose of the state financial responsibility laws there under attack was not provision of relief to creditors but rather deterrence of irresponsible driving. The assumption was, in effect, that all state legislatures which had enacted provisions such as § 28–1163(B) had concluded that an uninsured motorist about to embark in his car would be more careful on the road if he did not have available what the majority in *Kesler* cavalierly characterized as an "easy refuge in bankruptcy." 369 U.S., at 173.[14] Passing the question of whether the Court gave sufficient attention to binding state interpretations of state legislative purpose and conceding that it employed proper technique in divining as obvious from their face the aim of the state enactments, the present case raises doubts about whether the Court was correct even in its basic assumptions. The Arizona Supreme Court has declared that Arizona's Financial Responsibility Act "has as its principal purpose the protection of the public . . . from financial hardship" resulting from involvement in traffic accidents with uninsured motorists unable to respond to a judgment. *Schecter* v. *Killingsworth, supra*, 93 Ariz., at 280. The Court in *Kesler* was able to declare, although the source of support is unclear, that the Utah statute could be upheld because it was "not an Act for the Relief of Mulcted Creditors" or a statute "designed to aid collection of debts." 369 U.S., at 169, 174. But here the State urges us to uphold precisely the sort of statute that *Kesler* would have stricken down—one with a declared purpose to protect judgment creditors "from financial hardship" by giving them a powerful weapon with which to force bankrupts to pay their

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Footnotes at end of article.

debts despite their discharge. Whereas the acts in *Kesler* and *Reitz* had the effect of frustrating federal law but had, the Court said, no such purpose, the Arizona Act has both that effect and that purpose. Believing as we do that *Kesler* and *Reitz* are not in harmony with sound constitutional principle, they certainly should not be extended to cover this new and distinguishable case.

## IV

One final argument merits discussion. The dissent points out that the District of Columbia Code contains an anti-discharge provision similar to that included in the Arizona Act. Motor Vehicle Safety Responsibility Act of the District of Columbia, D.C. Code, § 40–464 (1967 ed.), 68 Stat. 132 (1954). In light of our decision today, the sum of the argument is to draw into question the constitutional validity of the District's anti-discharge section, for as noted in the dissent the Constitution confers upon Congress the power "[t]o establish . . . *uniform* laws on the subject of Bankruptcies throughout the United States." U.S. Const., Art. II, § 8, cl. 4 (emphasis added). It is asserted that "Congress must have regarded the two statutes as consistent and compatible," *post,* p. ——, but such an argument assumes a modicum of legislative attention to the question of consistency. The D.C. Code section does, of course, refer specifically to discharges, but its passage may at most be viewed as evidencing an opinion of Congress on the meaning of the general discharge provision enacted by an earlier Congress and interpreted by this Court as early as 1925. See *Lewis* v. *Roberts, supra*. In fact, in passing the initial and amended version of the District of Columbia financial responsibility law, Congress gave no attention to the interaction of the anti-discharge section with the Bankruptcy Act.[15] Moreover, the legislative history is quite clear that when Congress dealt with the subject of financial responsibility laws for the District, it based its work upon the efforts of the uniform commissioners which had won enactment in other States.[16]

Had Congress focused on the interaction between this minor subsection of the rather lengthy financial responsibility act and the discharge provision of the Bankruptcy Act, it would have been immediately apparent to the legislators that the only constitutional method for so defining the scope and effect of a discharge in bankruptcy was by amendment of the Bankruptcy Act, which by its terms is a uniform statute applicable in the States, Territories, and the District of Columbia. 11 U.S.C. § 1 (29). To follow any other course would obviously be to legislate in such a way that a discharge in bankruptcy means one thing in the District of Columbia and something else in the States—depending on state law—a result explicitly prohibited by the uniformity requirement in the constitutional authorization to Congress to enact bankruptcy legislation.

## V

From the foregoing, we think it clear that § 28–1163 (B) of the Arizona Financial Responsibility Act is constitutionally invalid. The judgment of the Court of Appeals is reversed and the case is remanded for further proceedings consistent with this opinion.

*It is so ordered.*

### FOOTNOTES

[1] See Reviser's Note, Ariz. Rev. Stat. § 28–1101.

[2] Under Ariz. Rev. Stat. § 28–1143(A), the owner or operator of a car involved in an accident need not post security as required by § 28–1142: (1) if the accident caused injury or damage to no person or property other than the owner's car or the operator's person; (2) if the car was parked when involved in the accident, unless it was parked illegally or did not carry a legally sufficient complement of lights; (3) if the car was being driven or was parked by another without the owner's express or implied permission; (4) if prior to date for suspension the person whose license or registration would be suspended files with the superintendent a release, a final adjudication of nonliability, a confession of judgment, or some other written settlement agreement providing for payment, in installments, of an agreed amount of damages with respect to claims arising from the accident; or (5) if the driver at the time of the accident was driving a vehicle owned, operated, or leased by his employer with the employers' permission; in that case the security and suspension provisions apply only to the owner-employer's registration of vehicles not covered by insurance or other bond. Ariz. Rev. Stat. § 28–1143(A).

[3] This section further provides that the superintendent may employ suspension a second time as a means of enforcing payment should there be a default on installment obligations arising under a confession of judgment or a written settlement agreement. Ariz. Rev. Stat. § 28–1144(3).

[4] Ariz. Rev. Stat. § 28–1102 defines "judgment," for purposes of the Motor Vehicle Safety Responsibility Act, as "any judgment which has become final . . ., upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, for damages, . . . or upon a cause of action on an agreement of settlement for such damages."

[5] Under Ariz. Rev. Stat. § 28–1161(B) a similar notice must also be forwarded to officials in the home State of a nonresident judgment debtor.

[6] "A. The superintendent upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and nonresident operating privilege of a person against whom the judgment was rendered, except as otherwise provided in this section and § 28–1165."

[7] Ariz. Rev. Stat. § 28–1163(A). Ariz. Rev. Stat. § 28–1164 defines when a judgment is "paid." Ariz. Rev. Stat. § 28–1165 sets forth a procedure for paying judgments in installments. Ariz. Rev. Stat. § 28–1162(B) provides that if a creditor consents in writing and the debtor furnishes proof of financial responsibility, see Ariz. Rev. Stat. § 28–1167, the debtor's license and registration may be restored in the superintendent's discretion. After six months, however, the creditor's consent is revocable provided the judgement debt remains unpaid.

[8] Sections 28–1167 through 28–1178 set forth the requirements for various forms of proof. Under § 28–1178, the judgment debtor is apparently able to regain his license and registration to operate a motor vehicle without proof of financial responsibility after three years from the date such proof was first required of him, if during that period the superintendent has not received any notice—and notice can come from other States—of a conviction or forfeiture of bail which would require or permit the suspension or revocation of the driver's license and if the individual is not involved in litigaton arising from an accident covered by the security he posted. If the driver required to post financial security did so, and was involved as an owner or operator in another accident resulting in personal injury or property damage within one year prior to the date he requests permission to cancel his security, the superintendent may not permit cancellation.

[9] U. S. Const., Art. VI, cl. 2.

[10] Mr. and Mrs. Perez also alleged in their complaint that certain provisions of the Arizona Act imposed involuntary servitude in violation of the Thirteenth Amendment, and denied Fourteenth Amendment due process and equal protection. They also claimed that portions of the Arizona Act operated as a Bill of Attainder in violation of Article I, § 10, of the Constitution. The District Judge, in refusing to request the convening of a three-judge court, ruled that these constitutional claims were "obviously insubstantial." The Court of Appeals agreed. 421 F. 2d, at 625. Because of our resolution of this case, we express no opinion as to the substantiality of any of petitions' other constitutional claims.

[11] As discussed below, the majorities in *Kesler* and *Reitz* also seemed unwilling to be bound by, or even to look for, state court constructions of the financial responsibility laws before them. See pp. —, *infra*. It is clear, however, from even a cursory examination of decisions in other States that the conclusion of the Arizona Supreme Court as to the purpose of the financial responsibility law is by no means unusual. See, *e. g. Sullivan* v. *Cheatam*, 264 Ala. 71, 76, 84 So. 2d 374, 378 (1956) ("The purpose of the [Motor Vehicle Safety-Responsibility] Act is clearly to require and establish financial responsibility for *every* owner or operator of a motor vehicle 'in any manner involved in an accident.' . . . The Act is designed to protect all persons having claims arising out of highway accidents."); *Escobedo* v. *State Dept. of Motor Vehicles*, 35 Cal. 2d 870, 876, 222 P. 2d 1, 6 (1950) (". . . the state chose to allow financially irresponsible licensed operators to drive until they became involved in an accident with the consequences described in the [financial responsibility law] and their financial irresponsibility was thus brought to the attention of the department, and then to require suspension of their licenses."); *People* v. *Nothaus*, 147 Col. 210, 215–216, 363 P. 2d 180, 183 (1961) ("The requirement of C. R. S. '53, 13–7–7, that the director of revenue, '. . . shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in an accident . . .' unless such persons deposit a sum 'sufficient in the judgment of the director . . .' to pay any damage which may be awarded, or otherwise show ability to indemnify the other party to the accident against financial loss, has nothing whatever to do with the protection of the public safety, health, morals or welfare.

It is a device designated and intended to bring about the posting of security for the payment of a private obligation without the slightest indication that any legal obligation exists on the part of any person. The public gets no protection whatever from the deposit of such security. This is not the situation which we find in some States where the statutes require public liability insurance as a condition to be met *before a driver's license will issue*. Such a statute protects the public. The statute before us is entirely different. In the matters to which we have particularly directed attention, C. R. S. '53, 13–7–7, is unconstitutional. On a matter so obviously basic and fundamental no additional citation of authority is required. We reach this conclusion notwithstanding the fact that other jurisdictions have seemingly overlooked basic constitutional guarantees which must be ignored in reaching an opposite conclusion."); *Dempsey* v. *Tynan*, 143 Conn. 202, 208, 120 A. 2d 700, 703 (1956) ("The purpose of the legislature in enacting the financial responsibility provisions . . . was to keep off our highways the financially irresponsible owner or operator of an automobile who cannot respond in damages for the injuries he may inflict, and to require him, as a condition for securing or retaining a registration or an operator's license, to furnish adequate means of satisfying possible claims against him."); *City of St. Paul* v. *Hoffman*, 223 Minn. 76, 77–78, 25 N. W. 2d 661, 662–663 (1947) ("The apparent objective of the safety responsibility act is to provide financial responsibility for injuries and damages suffered in motor vehicle traffic. It seeks to achieve its objective solely by the suspension of license.

While its announced purpose is to promote safety of travel, its provisions take effect after an accident happens and subject drivers and owners of vehicles involved to suspension of their 'licenses' unless liability insurance coverage equivalent to that required by the act is carried by the owner or driver of the vehicle. . . . The purpose of the act was to effect financial responsibility to injured persons."); *Rosenblum* v. *Griffin*, 89 N. H. 314, 317–318, 197 A. 701, 704 (1938) ("Two reasons were thought to avail for sustaining such a law. One was its character as a regulation of the use of public highways, and the other was its capacity to secure public safety in dangerous agencies and operations. This latter reason has slight if any evidence for its factual support. Certainly, in the absence of known experience and statistics, it is doubtful whether the insured owner's car, driven either by himself or another, may be considered to be operated more carefully than one whose owner is uninsured. But protection in securing redress for injured highway travelers is a proper subject of police regulation, as well as protection from being injured. It is a reasonable incident of the general welfare that financially irresponsible persons be denied the use of the highway with their cars, regardless of the competency of themselves or others as the drivers."). For legislative statements to the effect that financial responsibility laws are designed to secure compensation for injured victims, see, *e. g.*, Alaska Stat. § 28.20.010 (1962); *Gillaspie* v. *Dept. of Public Safety*, 152 Tex. 459, 463, 259 S. W. 2d 177, 180 (1953) (quoting emergency clause enacted by the Texas Legislature in connection with its financial responsibility law); S. Rep. No. 515, 83d Cong., 1st Sess., 2 (1953) (Report of the Senate Committee on the District of Columbia on the financial responsibility law proposed for the District).

[12] See *Reitz, supra*, 314 U.S., at 40–43 (DOUGLAS, J., dissenting).

Under Article 3 of the Arizona Act, dealing with the posting of security for damages arising from a particular accident, the victim may cut the superintendent out by executing a release from liability or agreeing to some other written settlement or confession of judgment providing for payment of some damages, in installments or otherwise. Ariz. Rev. Stat. § 28–1143(A) (4) discussed in n. 2, *supra*. Assuming that such an agreement or confession of judgment providing for installment payments is filed with the superintendent, it prevents him from suspending driving privileges for failure to post the amount of financial security the superintendent determines to be necessary; however, if the careless driver later defaults on one installment, the victim may give notice to the superintendent, who must then use his power of suspension to either coerce full payment or the posting of security. Ariz. Rev. Stat. § 28–1144(3), discussed in n. 3, *supra*.

Under Article 4, dealing with suspension for nonpayment of a judgment, the victim who has chosen to reduce his claim to judgment maintains substantial control over the suspension of driving privileges if the judgment remains unsatisfied 60 days after entry. He may consent that the judgment debtor's driving privileges not be suspended, but the debtor still must furnish proof of financial responsibility for the future. Ariz. Rev. Stat. § 28–1162(B); for an argument that a similar provision delegating to judgment creditors the right to choose which careless drivers who do not pay judgments shall escape suspension conflicts with the Bankruptcy Act see *Kesler, supra*, 369 U.S., at 179–182 (Warren, C. J., dissenting). If the judgment debtor is able to secure a discretionary court order permitting him to pay a judgment in installments under § 28–1165(A), the creditor may cause suspension of driving privileges until the judgment is fully satisfied by notifying the superintendent of any default in payment of the installments. Ariz. Rev. Stat. § 28–1165(C). Again, however, the judgment debtor must still give proof of financial responsibility for the future. See Ariz. Rev. Stat. § 28–1165(B).

[13] *Kesler* also decided a jurisdictional question, holding that a Supremacy Clause challenge to a state statute was required to be heard by a three-judge district court under 28 U.S.C. § 2281. See 369 U.S., at 155–158. This jurisdictional part of the decision was overruled four years later in *Swift & Co.* v. *Wickham*, 382 U.S. 111, 116 (1965).

[14] It also seems clear that even under the logic of *Kesler* and *Reitz* Mrs. Perez should not have lost her driving privileges. She was not present when the accident occurred, and no act or omission on her part contributed to it. Because the automobile was community property under Arizona law and because judgment was confessed as to her in the Pinkerton negligence action, the Court of Appeals reasoned that loss of Mrs. Perez' license "is the price an Arizona wife must pay for negligent driving by her husband of the community vehicle" when the resulting judgment is not paid. 421 F. 2d, at 624. The *Kesler* and *Reitz* assumption that depriving uninsured motorists of the full relief afforded by a discharge in bankruptcy would prompt careful driving is without foundation when applied to Mrs. Perez. As the Court of Appeals for the Third Circuit has stated in a recent decision involving similar facts:

"Even accepting the fiction that, as applied to drivers, motor vehicle responsibility statutes are intended to promote safety, it is just too much fiction to contend that, applied to a judgment debtor held vicariously liable for the omission of a sub-agent, the statute is anything but a means for the enforcement of judgments." *Miller* v. *Anckaitis*, 436 F. 2d 115, 118 (CA3 1970) (*en banc*).

[15] See S. Rep. No. 10, 74th Cong., 1st Sess. (1935); H. R. Rep. No. 208, 74th Cong., 1st Sess. (1935) (both presenting a summary of the provisions of the proposed statute dealing with "Financial Responsibility of Motor Vehicle Operators in the District of Columbia," but failing to mention the fact that a discharge in bankruptcy of an accident judgment would have no effect on suspension of driving privileges for failure to satisfy such judgment); H. R. Rep. No. 799, 74th Cong., 1st Sess. (1935) (Conference Report making no mention of anti-discharge provision); 79 Cong. Rec. 272–273 (1935) (Senate); 79 Cong. Rec. 3416–3417, 4621–4629, 4631–4641, 6556–6564 (1935) (House). Some members of the House, which debated some aspects of the financial responsibility law concept rather extensively in 1935, demonstrated in debate that they were totally unaware of any of the provisions designed to enforce payment of a judgment for injuries caused by the first accident of a financially irresponsible driver. See 79 Cong. Rec. 4624 (1935) (remarks of Congressmen Fitzpatrick and Sisson); *id.*, at 4625 (remarks of Congressman Hull).

When the present District of Columbia financial responsibility law was enacted in 1954, debate was much more limited and the reports of the House and Senate District Committees were quite brief. Except for the reading of the bill, no mention was made of the anti-discharge provision. See S. Rep. No. 515, 83d Cong., 1st Sess. (1953); H. R. Rep. No. 1448, 83d Cong., 2d Sess. (1954); 99 Cong. Rec. 8950–8951 (1953); 100 Cong. Rec. 6281–6287, 6347–6348 (1954).

[16] H. R. Rep. No. 10, 74th Cong., 1st Sess., 3 (1935); S. Rep. No. 208, 74th Cong., 1st Sess. 3 (1935); 79 Cong. Rec. 4626–4627 (1935) (remarks of Congresswoman Norton, chairman of the House District Committee). In reference to the present version of the financial responsibility act, see S. Rep. No. 515, 83d Cong., 1st Sess., 1 (1953); H. R. Rep. No. 148, 83d Cong., 2d Sess., 2 (1954); 100 Cong. Rec. 6287 (1954) (remarks of Congressman Talle); *id.*, at 6347 (remarks of Senator Beall).

[Supreme Court of the United States, No. 5175.—October Term, 1970]

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Adolfo Perez, et ux., Petitioners, *v.* David H. Campbell, Superintendent, Motor Vehicle Division, Arizona Highway Department, et al.

MR. JUSTICE BLACKMUN, joined by THE CHIEF JUSTICE, MR. JUSTICE HARLAN, and MR. JUSTICE STEWART.

I concur in the result as to petitioner Emma Perez and dissent as to petitioner Adolfo Perez.

### I

The slaughter on the highways of this Nation exceeds the death toll of all our wars.[1] The country is fragmented about the current conflict in Southeast Asia, but I detect little genuine public concern about what takes place in our very midst and on our daily travel routes. See *Tate* v. *Short*, 401 U.S. ——, —— (1971).

This being so, it is a matter of deep concern to me that today the Court lightly brushes aside and overrules two cases where it had upheld a representative attempt by the States to regulate traffic and where the Court had considered and rejected the very Supremacy Clause argument that it now discovers to be so persuasive.[2]

### II

I think it is desirable to stress certain factual details, The facts, of course, are only alleged, but for purposes of the motion to dismiss, we are to accept them as true. *Cooper* v. *Pate*, 378 U.S. 546 (1964).

Arizona is a community property state. Adolfo and Emma Perez are husband and wife. They were resident citizens of Arizona at the time of the accident in Tucson in July 1965. Mr. Perez was driving an automobile registered in his name. He was alone. Mrs. Perez was not with him and had nothing to do with her husband's operation of the car on that day. The automobile, however, was the property of the marital community.

Accompanying, and supposedly supportive of, the Perez complaint in the present suit, were affidavits of Mr. and Mrs. Perez. These affidavits asserted that the Perezes had four minor children ages 6 to 17; that Emma is a housewife and not otherwise gainfully employed; that Emma's inability to drive has required their two older children, aged 17 and 14, to walk one and a half miles to high school and the third child, aged 9, one mile to elementary school, with consequent nosebleeding; that Emma's inability to drive has caused inconvenience and financial injury; and that Adolfo's inability to drive has caused inconvenience because he must rely on others for transportation or use public facilities or walk.

### III

### *The statutory plan*

Arizona has a comprehensive statutory plan for the regulation of vehicles upon its highways. Ariz. Rev. Stat. Ann. Tit. 28. Among the State's efforts to assure responsibility in this area of increasing national concern are its Uniform Motor Vehicle Operators' and Chauffeurs' License Act (c. 4), its Uniform Act Regulating Traffic on Highways (c. 6), and its Uniform Motor Vehicle Safety Responsibility Act (c. 7).[3]

The challenged § 28–1163.B is a part of the Motor Vehicle Safety Responsibility Act. The Act's provisions are not unfamiliar. There is imposed upon the Motor Vehicle Division Superintendent the duty to suspend the license of each operator, and the registration of each owner, of a motor vehicle involved in an accident resulting in bodily injury or death or property damage to any one person in excess of $100, except, among other situa-

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Footnotes at end of article.

tions, where proof of financial responsibility, as by the deposit of appropriate security or by the presence of a liability policy of stated minimum coverage, is afforded. §§ 28–1142, 28–1143, and 28–1167. The suspension, once imposed, remains until the required security is deposited or until one year has elapsed and no action for damages has been instituted. § 28–1144. If the registrant or operator fails, within 60 days, to satisfy an adverse motor vehicle final judgment, as defined in § 28–1102.2, the court clerk has the duty to notify the Superintendent and the latter to suspend the license and registration of the judgment debtor. §§ 28–1161.A and 28–1162.A. But if the judgment creditor consents in writing that the debtor be allowed to retain his license and registration, the Superintendent in his discretion may grant that privilege. § 28–1162.B. Otherwise the suspension remains in effect until the judgment is satisfied. § 1163.A. Payments of stated amounts are deemed to satisfy the judgment, § 28–1164, and court-approved installment payment of the judgment will preserve the license and registration, § 22–1165.

### IV

### *Adolfo Perez*

Inasmuch as the case is before us on the defendants' motion to dismiss the Perez complaint that alleged Adolfo's driving alone, the collision, and the judgment in favor of the Pinkertons, it is established, for present purposes, that the Pinkerton judgment was based on Adolfo's negligence in driving the Perez vehicle.

Adolfo emphasizes, and I recognize, that under Article 1, § 8, cl. 4 of the Constitution, Congress has possessed the power to establish "uniform Laws on the subject of Bankruptcies throughout the United States"; that, of course, this power, when exercised, as it has been since 1898, is "exclusive," *New Lamp Chimney Co.* v. *Antonia Brass and Copper Co.*, 91 U.S. 656, 661 (1875), and "unrestricted and paramount," *International Shoe Co.* v. *Pinkus*, 278 U.S. 261, 265 (1929); that one of the purposes of the Bankruptcy Act is to "relieve the honest debtor from the weight of oppressive indebtedness and to permit him to start afresh . . . ," *Williams* v. *United States Fidelity and Guaranty Co.*, 236 U.S. 549, 554–555 (1915); and that a bankrupt by his discharge receives "a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt," *Local Loan Co.* v. *Hunt*, 292 U.S. 234, 244 (1934).

From these general and accepted principles it is argued that § 28–1163.B, with its insistence upon post-discharge payment as a condition for license and registration restoration, is violative of the Bankruptcy Act and, thus, of the Supremacy Clause.

As Mr. Perez acknowledges in his brief here, the argument is not new. It was raised with respect to a New York statute in *Reitz* v. *Mealey*, 314 U.S. 33 (1941), and was rejected there by a five-to-four vote:

". . . The penalty which § 94–b imposes for injury vehicles, with its consequent dangers, renders the reasonableness and necessity of regulation apparent. The universal practice is to register ownership of automobiles and to license their drivers. Any appropriate means adopted by the states to insure competence and care on the part of its licensees and to protect others using the highway is consonant with due process. . . .

* * * * *

". . . The use of the public highways by motor due to careless driving is not for the protection of the creditor merely, but to enforce a public policy that irresponsible drivers shall not, with impunity, be allowed to injure their fellows. The scheme of the legislation would be frustrated if the reckless driver were permitted to escape its provisions by the simple expedient of voluntary bankruptcy, and, accordingly, the legislature declared that a discharge in bankruptcy should not interfere with the operation of the statute. Such legislation is not in derogation of the Bankruptcy Act. Rather it is an enforcement of permissible state policy touching highway safety." 314 U.S. at 36–37.

Left specifically unanswered in that case, but acknowledged as a "serious question," 314 U.S. at 38, was the claim that interim amendments of the statutes gave the creditor control over the initiation and duration of the suspension and thus violated the Bankruptcy Act. The dissenters, speaking through Mr. Justice Douglas, concluded that that constitutional issue "cannot be escaped . . . unless we are to overlook the realities of collection methods." 314 U.S. at 43.

Nine years ago, the same argument again was advanced, this time with respect to Utah's Motor Vehicle Safety Responsibility Act, and again was rejected. *Kesler* v. *Department of Public Safety*, 369 U.S. 153, 158–174 (1962). There, Utah's provisions relating to duration of suspension and restoration, more stringent than those of New York, were challenged. It was claimed that the statutes made the State a "collecting agent for the creditor rather than furthering an interest in highway safety," and that suspension that could be perpetual "only renders the collection pressure more effective." 369 U.S. at 169. There was a troublesome jurisdictional issue in the case, the decision as to which was later overruled, *Swift & Co.* v. *Wickham*, 382 U.S. 111, 124–129 (1965), but on the merits the Court, by a five-to-three vote, sustained all the Utah statutes then under attack: [4]

". . . But the lesson *Zavelo* [v. *Reeves*, 227 U.S. 625 (1913)] and *Spalding* [v. *New York ex. rel. Backus*, 4 How. 21 (1846)] teach us that the Bankruptcy Act does not forbid a State to attach any consequence whatsoever to a debt which has been discharged.

"The Utah Safety Responsibility Act leaves the bankrupt to some extent burdened by the discharged debt. Certainly some inroad is made on the consequences of bankruptcy if the creditor can exert pressure to recoup a discharged debt, or part of it, through the leverage of the State's licensing and registration power. But the exercise of this power is deemed vital to the State's well-being, and, from the point of view of its interests, is wholly unrelated to the considerations which propelled Congress to enact a national bankruptcy law. There are uncritically resolved by exclusive regard to the money consequences of enforcing a widely adopted measure for safeguarding life and safety.

". . . At the heart of the matter are the complicated demands of our federalism.

"Are the differences between the Utah statute and that of New York so significant as to make a constitutionally decisive difference? A State may properly decide, as forty-five have done, that the prospect of a judgment that must be paid in order to regain driving privileges serves as a substantial deterrent to unsafe driving. We held in *Reitz* that it might impose this requirement despite a discharge, in order not to exempt some drivers from appropriate protection of public safety by easy refuge in bankruptcy. . . . To whatever extent these provisions make it more probable that debt will be paid despite the discharge, each no less reflects the State's important deterrent interest. Congress had no thought of amending the Bankruptcy Act when it adopted this law for the District of Columbia; we do not believe Utah's identical statute conflicts with it either.

"Utah is not using its police power as a devious collecting agency under the pressure of organized creditors. Victims of careless car drivers are a wholly diffused group of shifting and uncertain composition, not even remotely united by a common financial interest. The Safety Responsibility Act is not an Act for the Relief of Mulcted Creditors. It is not directed to bankrupts as such. Though in a particular case a discharged bankrupt who wants to have his rightfully suspended license and registration restored may have to pay the amount of a discharged debt, or part of it, the bearing of the statute on the purposes served by bankruptcy legislation is essentially tangential." 369 U.S. at 170–174 (footnotes omitted).

Mr. Justice Black, joined by Mr. Justice Douglas, dissented on the ground that Utah Code Ann. § 41.12.15 (1953), essentially identical to Arizona's § 28–1163.B, operated to deny the judgment debtor the federal immunity given him by § 17 of the Bankruptcy Act and, hence, violated the Supremacy Clause. 369 U.S., at 182–185.

The Perezes in their brief, p. 7, acknowledge that the Arizona statutes challenged here "are not unlike the Utah ones discussed in Kesler." Accordingly, Adolfo Perez is forced to urge that *Reitz* and the remaining portion of *Kesler* that bears upon the subject be overruled. The Court bows to that argument.

I am not prepared to overrule those two cases and to undermine their control over Adolfo Perez' posture here. I would adhere to the rulings and I would hold that the States have an appropriate and legitimate concern with highway safety; that the means Arizona has adopted with respect to one in Adolfo's position (that is, the driver whose negligence has caused harm to others and whose judgment debt based on that negligence remains unsatisfied) in its attempt to assure driving competence and care on the part of its licensees, as well as to protect others, is appropriate state legislation; and that the Arizona statute, like its Utah counterpart, despite the tangential effect upon bankruptcy, does not operate in derogation of the Bankruptcy Act or conflict with it to the extent it may rightly be said to violate the Supremacy Clause.

Other factors of significance are also to be noted:

1. The Court struggles to explain away the parallel District of Columbia situation installed by Congress itself. Section 40–464 of the D.C. Code (1967 ed.) in all pertinent parts is identical with Arizona's § 28–1163.B. The only difference is in the final word, namely, "article" in the Arizona statute and "chapter" in the District's. The District of Columbia statute was enacted as § 48 of Public Law 365 of May 25, 1954, effective one year later, 68 Stat. 120, 132. This is long after the Bankruptcy Act was placed on the books and, indeed, long after this Court's decision in *Lewis* v. *Roberts*, 267 U.S. 467 (1925), that a personal injury judgment is a provable claim in bankruptcy. Surely, as the Court noted in *Kesler*, 369 U.S., at 173–174, "Congress had no thought of amending the Bankruptcy Act when it adopted this law for the District of Columbia." See *Lee* v. *England*, 206 F. Supp. 957 (DC 1962). Congress must have regarded the two statutes as consistent and compatible, and cannot have thought otherwise for the last 35 years.[5] If the statutes truly are in tension, then I would suppose that the later one, that is, § 40–464 would be the one to prevail. *Gibson* v. *United States*, 194 U.S. 182, 192 (1904). But, if so, we then have something less than the "uniform Laws on the subject of Bankruptcies throughout the United States" that Article II, § 8, cl. 4, of the Constitution commands, for the law would be one way in Arizona (and, by the present overruling of *Reitz* and *Kesler*, in New York and in Utah) and the other way in the District of Columbia. Unfortunately, such is the dilemma in which the Court's decision today leaves us.

2. Arizona's § 28–1163.B. also has its counterparts in the statutes of no less than 44 other States.[6] It is, after all, or purports

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Footnotes at end of article.

to be, a *uniform* Act. I suspect the Court's decision today will astonish those members of the Congress who were responsible for the District of Columbia Code provision, and will equally astonish the legislatures of those 44 States that absorbed assurance from *Reitz* and *Kesler* that the provision withstands constitutional attack.

3. The Court rationalizes today's decision by saying that *Kesler* went beyond *Reitz* and that the present case goes beyond *Kesler*, and that that is too much. It would justify this by noting the Arizona Supreme Court's characterization of the Arizona statute as one for the protection of the public from financial hardship and by concluding, from this description, that the statute is not a public highway safety measure, but rather a financial one protective, I assume the implication is, of insurance companies. The Arizona court's characterization of its statute, I must concede, is not a fortunate one. However, I doubt that that court, in evolving that description, had any idea of the consequences to be wrought by this Court's decision today. I am not willing to say that the description in *Schecter* v. *Killingsworth*, 93 Ariz. 273, 380 P. 2d 136 (1963), embraced the only purpose of the State's legislation. Section 28–1163.B. is a part of the State's Motor Vehicle *Safety* Responsibility Act and does not constitute an isolated subchapter of that Act concerned only with financial well-being of the victims of driver's negligence. In any event, as the Court's opinion makes clear, the decision today would be the same however the Arizona court had described its statute.

4. While *stare decisis* "is no immutable principle,"[7] as a glance at the Court's decisions over the last 35 years, or over almost any period for that matter, will disclose, it seems to me that the principle does have particular validity and application in a situation such as the one confronting the Court in this case. Here is a statute concerning motor vehicle responsibility, a substantive matter peculiarly within the competence of the State rather than the National Government. Here is a serious and conscientious attempt by a State to legislate and do something about the problem that, in terms of death and bodily injury and adverse civilian effect, is so alarming. Here is a statute widely adopted by the several States and legitimately assumed by the lawmakers of those States to be consistent with the Bankruptcy Act, an assumption rooted in positive, albeit divided, decision by this Court, not once, but twice. And here is a statute the Congress itself, the very author of the Bankruptcy Act, obviously considered consistent therewith. I fear that the Court today makes *stare decisis* meaningless and downgrades it to the level of a tool to be used or cast aside as convenience dictates. I doubt if Justices Roberts, Stone, Reed, Frankfurter, Murphy, Warren, Clark, HARLAN, BRENNAN, and STEWART, who constituted the respective majorities on the merits in *Reitz* and *Kesler*, were all that wrong.

5. Adolfo's affidavit protestation of hardship goes no further than to assert a resulting reliance upon friends and neighbors or upon public transportation or upon walking to cover the seven miles from his home to his place of work; this is inconvenience, perhaps, even in this modern day when we are inclined to equate convenience with necessity and to eschew what prior generations routinely accepted as part of the day's labor, but it falls far short of the "great harm" and "irreparable injury" which he otherwise asserts only in general and conclusory terms. Perez' professed inconvenience stands vividly and starkly in contrast with his victims' injuries. But as is so often the case, the victim, once damaged, is seemingly beyond concern. What seems to become important is the perpetrator's inconvenience.

6. It is conceded that Arizona constitutionally could prescribe liability insurance as a condition precedent to the issuance of a license and registration.

### V

### *Emma Perez*

Emma Perez' posture is entirely different. Except for possible emotional strain resulting from her husband's predicament, she was in no way involved in the Pinkerton accident. She was not present when it occurred and no negligence or nonfeasance on her part contributed to it. Emma thus finds herself in a position where, having done no wrong, she nevertheless is deprived of her operator's license. This comes about because the Perez vehicle concededly was community property under § 25–211.A, and because, for some reason, the judgment was confessed as to her as well as against her husband. As one *amicus* brief describes it, Emma, a fault-free driver, "is without her license solely because she is the impecunious wife of an impecunious, negligent driver in a community property state."

At this point a glance at the Arizona community property system perhaps is indicated. Emma Perez was a proper nominal defendant in the Pinkerton lawsuit, see *Donato* v. *Fishburn*, 90 Ariz. 210, 367 P. 2d 245 (1961), but she was not a necessary party there. *First National Bank* v. *Reeves*, 27 Ariz. 508, 517, 234 P. 556, 560 (1925); *Bristol* v. *Moser*, 55 Ariz. 185, 190–191, 99 P. 2d 706, 709 (1940). However, a judgment against a marital community based upon the husband's tort committed without the wife's knowledge or consent does not bind her separate property. *Ruth* v. *Rhodes*, 66 Ariz. 129, 138, 185 P. 2d 304, 310 (1947). The judgment would, of course, bind the community property vehicle to the extent permitted by Arizona law. See § 33–1124.

In Arizona during coverture personal property may be disposed of only by the husband. § 25–211.B. The community personalty is subject to the husband's dominance in management and control. *Mortensen* v. *Knight*, 81 Ariz. 325, 334, 305 P. 2d 463, 469 (1957). The wife has no power to make contracts binding the common property. § 25–214.A. Her power to contract is limited to necessaries for herself and the children. § 25–215. Thus, as the parties appear to agree, she could neither enter into a contract for the purchase of an automobile nor acquire insurance upon it except by use of her separate property.

The Court of Appeals ruled that Mrs. Perez' posture, as the innocent wife who had no connection with the negligent conduct that led to the confession and entry of judgment, was, under the logic of *Kesler* and *Reitz*, "a distinction without a significant difference" even though "she had no alternative." 421 F. 2d at 622–623. The court opined that the spouse can acquire an automobile with her separate funds and that negligent operation of it on separate business would then not call into question the liability of the other spouse. It described Emma's legal status as "closely analogous" to that of the automobile owner who permits another person to drive, and it regarded as authority cases upholding a State's right to revoke the owner's license and registration after judgment had been entered against him and remains unsatisfied. The husband was described, under Arizona law, as the managing agent of the wife in the control of the community automobile, and "the driver's licenses of both husband and wife are an integral part of the ball of wax, which is the basis of the Arizona community property laws." The loss of her license "is the price an Arizona wife must pay for negligent driving by her husband of the community vehicle" when the resulting judgment is not paid. 421 F. 2d at 624.

For what it is worth, Emma's affidavit is far more persuasive of hardship than Adolfo's. She relates the family automobile to the children and their medical needs and to family purchasing at distant discount stores. But I need not, and would not, decide her case on the representations in her affidavit.

I conclude that the reasoning of the Court of Appeals, in its application to Emma Perez and her operator's license, does not comfort with the purpose and policy of the Bankruptcy Act and that it effects a result at odds with the Supremacy Clause. Emma's subordinate position with respect to the community's personal property, and her complete lack of connection with the Pinkerton accident and with the negligence that occasioned it, are strange accompaniments for the deprival of her operator's license. The nexus to the state police power, claimed to exist because of her marriage to the negligent Adolfo and the community property character of the accident vehicle, is, for me, elusive and unconvincing. The argument based on Arizona's appropriate concern with highway safety, that prompts me to adhere to the *Reitz-Kesler* rationale for Adolfo, is drained of all force and persuasion when applied to the innocent Emma. Despite the underlying community property legal theory, Emma had an incident of ownership in the family automobile only because it was acquired during coverture. She had no "control" over Adolfo's use of the vehicle and she could not forbid his use as she might have been able to do were it her separate property. Thus, the state purpose in deterring the reckless driver and his unsafe driving has only undeserved punitive application to Emma. She is personally penalized not only with respect to the operation of the Perez car but with respect to any automobile.

I therefore would hold that under these circumstances the State's action, under § 28–1163.B, in withholding from Emma her operator's license is not, within the language of *Reitz*, an appropriate means for Arizona "to insure competence and care on the part of [Emma] and to protect others" using the highways, 314 U.S., at 36, and that it interferes with the paramount federal interest in her bankruptcy discharge and violates the Supremacy Clause.

#### FOOTNOTES

[1] See Appendix to this opinion p. 17.

[2] The petitioners urge upon us only the Supremacy Clause.

[3] In 1943 some of the motor vehicle uniform laws were "withdrawn from active promulgation pending further study" by the National Conference of Commissioners on Uniform State Laws. 9B U. L. A. Table III, xix, xxii, xxiii. See Mr. Justice Frankfurter's detailed review of the development of state legislation and of the uniform laws in this field in *Kesler* v. *Department of Public Safety*, 369 U.S. 153, 158–168 (1962).

[4] Mr. Chief Justice Warren, dissenting in part, would have upheld the Utah statutes other than that "which gives to a creditor the discretion of determining if and when driving privileges may be restored by the State . . . ." 369 U.S., at 179–182.

[5] Public Law 365 replaced the Act of May 3, 1935, 49 Stat. 166, known as the Owners' Financial Responsibility Act of the District of Columbia. Section 3 of the earlier Act provided, 49 Stat. 167, that a judgment's discharge in bankruptcy, as distinguished from other discharge, would not relieve the judgment debtor from suspension.

[6] Ala. Code Tit. 36, § 74(55) (1959); Alaska Stat. § 28.20.350 (1962); Ark. Stat. Ann. § 75–1457); Cal. Vehicle Code § 16372 (West 1960); Colo. Rev. Stat. Ann. § 13–7–5(2) (1964); Conn. Gen. Stat. Rev. § 14–131 (1966); Del. Code Ann. Tit. 21, § 2943 (1953); Hawaii Rev. Stats. § 287–17 (1968); Idaho Code § 49–1514 (1967); Ill. Ann. Stat. c. 95 1/2, § 7A–310 (1970 Supp.); Iowa Code Ann. § 321A.14(2) (1960); Kan. Stat. Ann. § 8–744(b) (1964); Ky. Rev. Stat. Ann. § 187.420 (1963); La. Rev. Stat. Ann. § 32:893 (West 1963); Me. Rev.

Stat. Ann. Tit. 29, § 783 (1965) (10 years); Md. Ann. Code Art. 66 1/2, § 119(1)(e) (1967); Mich. Stat. Ann. § 9.2213(b) (1968); Minn. Stat. Ann. § 170.33 subd. 5 (Supp. 1971); Miss. Code Ann. § 8285–14 (1957); Mo. Ann. Stat. § 303.110 (1963); Mont. Rev. Codes Ann. § 53–431 (1961); Neb. Rev. Stat. § 60–519 (1968); Nev. Rev. Stat. § 485.303 (1968); N.H. Rev. Stat. Ann. § 268:9 (1966); N.J. Stat. Ann. § 39:6–35 (Supp. 1970); N.M. Stat. Ann. § 64–24–78 (1960); N.Y. Veh. & Traf. Law § 337(c) (McKinney 1970); N.C. Gen. Stat. § 20–279.14 (Supp. 1969); N.D. Cent. Code § 39–16.1–04.5 (1969 Supp.); Ohio Rev. Code Ann. § 4509.43 (1970 Supp.); Okla. Stat. Ann. Tit. 47, § 7–315 (1962); Pa. Stat. Ann. Tit. 75, § 1414 (1960); R.I. Gen. Laws Ann. § 31–32–15 (1969); S.C. Code Ann. § 46–748 (Supp. 1960); S.D. Comp. Laws Ann. § 32–35–58 (1967); Tenn. Code Ann. § 59–1236 (1968); Tex. Rev. Civ. Stat. Ann. Art. 6701h, § 14(b) (1960); Utah Code Ann. § 41–12–15 (1953); Vt. Stat. Ann. Tit. 23, § 802(b) (1967); Va. Code Ann. § 46.1–444(a)(4) (Supp. 1970) (15 years); Wash. Rev. Code Ann. § 46.29.380 (1967); W. Va. Code Ann. § 17D–4–6 (1966); Wis. Stat. Ann. § 344.26(2) (1958) [cf. *Zywicke* v. *Brogli*, 130 N.W. 2d 180, 24 Wis. 2d 685 (1964)]; Wyo. Stat. Ann. § 31–299 (1967).

See also Fla. Stat. Ann. § 324.131 (1968) and Op. Atty. Gen. 059–200 (1959); Ga. Code Ann. § 92A–605(e)(3) (Supp. 1970); Ind. Stat. Ann. § 47–1049 (1965) and Op. Atty. Gen. 1936, p. 272; Mass. Gen. Laws Ann. c. 90, § 22A (1969); Oreg. Rev. Stats. § 486.211 (5) (1968).

[7] MR. JUSTICE DOUGLAS, dissenting, in *Swift & Co.* v. *Wickham*, 382 U.S. at 133.

## APPENDIX

### MOTOR VEHICLE DEATHS AND WAR DEATHS

[U.S. military casualties in principal wars]

| War | Deaths | | | Nonfatal wounds |
|---|---|---|---|---|
| | Total | Battle | Others [1] | |
| Total | [2] 1,146,000 | 643,052 | [3] 503,200 | [3] 1,540,000 |
| Revolutionary War (1775–83) | 4,435 | 4,435 | (4) | 6,188 |
| War of 1812 (1812–15) | 2,260 | 2,260 | (4) | 4,505 |
| Mexican War (1846–48) | 13,283 | 1,733 | 11,550 | 4,152 |
| Civil War (1861–65): | | | | |
| Union Forces | 364,511 | 140,414 | 224,097 | 281,881 |
| Confederate Forces | 133,821 | 74,524 | 59,297 | (4) |
| Spanish-American War (1898) | 2,446 | 385 | 2,061 | 1,662 |
| World War I (1917–18) | 116,708 | 53,513 | 63,195 | 204,002 |
| World War II (1941–45) | 407,316 | 292,131 | 115,185 | 670,846 |
| Korean War (1950–53) | 54,246 | 33,629 | 20,617 | 103,284 |
| Vietnam War (1961–69) | 47,251 | 40,028 | 7,223 | 262,799 |

[1] Includes deaths from disease, accidents, etc.
[2] Rounded.
[3] Incomplete and rounded.
[4] Not available.

Source: Office of Secretary of Defense.

NOTES

From 1900 through 1969, motor vehicle deaths in the United States totaled nearly 1,800,000. Deaths of U.S. military personnel in all wars are shown below. In making comparisons, it must be kept in mind that nearly everyone is exposed to motor vehicle accidents but relatively few are exposed to war deaths.

Accident Facts (1970 ed.), p. 63, published by the National Safety Council.

The same publication, page 59, discloses that the annual death toll for motor vehicle accidents in the United States has exceeded 52,000 in each of the last 5 calendar years. Thus, the annual motor vehicle carnage approximates the total number of lives lost during the entire Vietnam conflict beginning in 1961.

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[Supreme Court of the United States]

## BELL VERSUS BURSON, DIRECTOR, GEORGIA DEPARTMENT OF PUBLIC SAFETY

CERTIORARI TO THE COURT OF APPEALS OF GEORGIA

(No. 5586. Argued March 23, 1971—Decided May 24, 1971)

Georgia's Motor Vehicle Safety Responsibility Act, which provides that the motor vehicle registration and driver's license of an uninsured motorist involved in an accident shall be suspended unless he posts security for the amount of damages claimed by an aggrieved party and which excludes any consideration of fault or responsibility for the accident at a pre-suspension hearing *held* violative of procedural due process. Before Georgia, whose statutory scheme significantly involves the issue of liability, may deprive an individual of his license and registration, it must provide a procedure for determining the question whether there is a reasonable possibility of a judgment being rendered against him as a result of the accident. Pp. 4–9.

121 Ga. App. 418, 174 S. E. 2d 235, reversed and remanded.

Brennan, J., delivered the opinion of the Court, in which Douglas, Harlan, Stewart, White, and Marshall, JJ., joined. Burger, C. J., and Black and Blackmun, J.J., concurred in the result.

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[Supreme Court of the United States, No. 5586—October Term, 1970]

Paul J. Bell, Jr., Petitioner, versus R. H. Burson, Director, Georgia Department of Public Safety.

On Writ of Certiorari to the Court of Appeals of Georgia, May 24, 1971.

Mr. Justice Brennan delivered the opinion of the Court.

Georgia's Motor Vehicle Safety Responsibility Act provides that the motor vehicle registration and driver's license of an uninsured motorist involved in an accident shall be suspended unless he posts security to cover the amount of damages by aggrieved parties in reports of the accident.[1] The administrative hearing conducted prior to the suspension excludes consideration of the motorist's fault or liability for the accident.

Petitioner is a clergyman whose ministry requires him to travel by car to cover three rural Georgian communities. On Sunday afternoon, November 24, 1968, petitioner was involved in an accident when five-year-old Sherry Capes rode her bicycle into the side of his automobile. The child's parents filed an accident report with the Director of the Georgia Department of Public Safety indicating that their daughter had suffered substantial injuries for which they claimed damages of $5,000. Petitioner was thereafter informed by the Director that unless he was covered by a liability insurance policy in effect at the time of the accident he must file a bond or cash security deposit of $5,000 or present a notorized release from liability, plus proof of future financial responsibility,[2] or suffer the suspension of his driver's license and vehicle registration. App., at 9. Petitioner requested an administrative hearing before the Director asserting that he was not liable as the accident was unavoidable, and stating also that he would be severely handicapped in the performance of his ministerial duties by a suspension of his licenses. A hearing was scheduled but the Director informed petitioner that "[t]he only evidence that the Department can accept and consider is: (a) was the petitioner or his vehicle involved in the accident; (b) has petitioner complied with the provisions of the Law as provided; or (c) does petitioner come within any of the exceptions of the Law." App., at 11.[3] At the administrative hearing the Director rejected petitioner's proffer of evidence on liability, ascertained that petitioner was not within any of the statutory exceptions, and gave petitioner 30 days to comply with the security requirements or suffer suspension. Petitioner then exercised his statutory right to an appeal *de novo* in the Superior Court. Ga. Code Ann. § 92A–602 (1958). At that hearing, the court permitted petitioner to present his evidence on liability, and, although the claimants were neither parties nor witnesses, found petitioner free from fault. As a result, the Superior Court ordered "that the petitioner's driver's license not be suspended . . . [until] suit is filed against petitioner for the purpose of recovering damages for the injuries sustained by the child . . ." App., at 15. This order was reversed by the Georgia Court of Appeals in overruling petitioner's constitutional contention.

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[1] Motor Vehicle Safety Responsibility Act, Ga. Code Ann. §§ 92A–601 *et seq.* (1958). In pertinent part the Act provides that anyone involved in an accident must submit a report to the Director of Public Safety. Ga. Code Ann. § 92A–604 (Supp. 1970). Within 30 days of the receipt of the report the Director "shall suspend the license and all registration certificates and all registration plates of the operator and owner of any motor vehicle in any manner involved in the accident unless or until the operator or owner has previously furnished or immediately furnishes, sufficient . . . to satisfy any judgments for damages or injuries resulting . . . and unless such operator or owner shall give proof of financial responsibility for the future as is required in section 92A–615.1. . . ." Ga. Code Ann. § 92A–605(a) (Supp. 1970). Section 92A–615.1 (Supp. 1970) requires that "such proof must be maintained for a one year period." Section 92A–605(a) works no suspension, however, (1) if the owner or operator had in effect at the time of the accident a liability insurance policy or other bond, Ga. Code Ann. § 92A–605(c) (Supp. 1970); (2) if the owner or operator qualifies as a self-insurer, *ibid.*; (3) if only the owner or operator was injured, Ga. Code Ann. § 92A–606 (1958); (4) if the automobile was legally parked at the time of the accident, *ibid.*; (5) if as to an owner, the automobile was being operated without permission, *ibid.*; or (6) "[i]f, prior to the date that the Director would otherwise suspend license and registration . . . there shall be filed with the Director evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has exercised a duly acknowledged written agreement providing for the payment of an agreed amount in installments. . . ." *Ibid.* The Georgia Court of Appeals rejected petitioner's contention that the State's statutory scheme, in failing before suspending the licenses to afford him a hearing on the question of his fault or liability, denied due process in violation of the Fourteenth Amendment; the court held that " 'Fault' or 'innocence' are completely irrelevant factors." 120 Ga. App. 418, 420, 174 S.E. 2d 235, 236 (1970). The Georgia Supreme Court denied review. App., at 27. We granted certiorari. 400 U. S. 963 (1970). We reverse.

[2] Questions concerning the requirement of proof of future financial responsibility are not before us. The State's brief, at 4, states: "The one year period for proof of financial responsibility has now expired so [petitioner] would not be required to file such proof, even if the Court of Appeals decision were affirmed."

If the statute barred the issuance of licenses to all motorists who did not carry liability insurance or who did not post security, the statute would not, under our cases, violate the Fourteenth Amendment. *Ex Parte Poresky*, 290 U.S. 30 (1933); *Continental Baking Co.* v. *Woodring*, 286 U.S. 352 (1932); *Hess* v. *Pawloski*, 274 U.S. 352 (1927). It does not follow, however, that the Amendment also permits the Georgia statutory scheme merely because not all motorists, but rather only motorists involved in accidents, are required to post security under penalty of loss of the licenses. See *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); *Frost & Frost Trucking Co.* v. *Railroad Commission*, 271 U.S. 583 (1926). Once licenses are issued, as in petitioner's case, their continued possession may become essential in the pursuit of a livelihood. Suspension of issued licenses thus involves state action that adjudicates important interests of the licensees. In such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment. *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969); *Goldberg* v. *Kelly*, 397 U.S. 254 (1970). This is but an application of the general proposition that relevant constitutional restraints limit state power to terminate an entitlement whether the entitlement is denominated a "right" or a "privilege." *Sherbert* v. *Verner*, 374 U.S. 398 (1963) (disqualification for unemployment compensation); *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956) (discharge from public employment); *Speiser* v. *Randall*, 357 U.S. 513 (1958) (denial of a tax exemption); *Goldberg* v. *Kelly, supra* (withdrawal of welfare benefits). See also *Londoner* v. *Denver*, 210 U.S. 373, 385–386 (1908); *Goldsmith* v. *Board of Tax Appeals*, 270 U.S. 117 (1926); *Opp Cotton Mills* v. *Administrator*, 312 U.S. 126 (1941).

We turn then to the nature of the procedural due process which must be afforded the licensee on the question of his fault or liability for the accident.[4] A procedural rule that may satisfy due process in one context may not necessarily satisfy procedural due process in every case. Thus, procedures adequate to determine a welfare claim may not suffice to try a felony charge. Compare *Goldberg* v. *Kelly*, 397 U.S., at 270–271, with *Gideon* v. *Wainwright*, 372 U.S. 335 (1963). Clearly, however, the inquiry into fault or liability requisite to afford the licensee due process need not take the form of a full adjudication of the question of liability. That adjudication can only be made in litigation between the parties involved in the accident. Since the only purpose of the provisions before us is to obtain security from which to pay any judgments against the licensee resulting from the accident, we hold that procedural due process will be satisfied by an inquiry limited to the determination whether there is a reasonable possibility of judgments in the amounts claimed being rendered against the licensee.

The State argues that the licensee's interest in avoiding the suspension of his licenses is outweighed by countervailing governmental interests and therefore that this procedural due process need not be afforded him. We disagree. In cases where there is no reasonable possibility of a judgment being rendered against a licensee, Georgia's interest in protecting a claimant from the possibility of an unrecoverable judgment is not, within the context of the State's fault-oriented scheme, a justification for denying the process due its citizens. Nor is additional expense occasioned by the expanded hearing sufficient to withstand the constitutional requirement. "While the problem of additional expense must be kept in mind, it does not justify denying a hearing meeting the ordinary standards of due process." *Goldberg* v. *Kelly*, 397 U.S., at 261, quoting *Kelly* v. *Wyman*, 294 F. Supp. 893, 901 (SDNY 1968)

The main thrust of Georgia's argument is that it need not provide a hearing on liability because fault and liability are irrelevant to the statutory scheme. We may assume that were this so, the prior administrative hearing presently provided by the State would be "appropriate to the nature of the case." *Mullane* v. *Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950). But "[i]n reviewing state action in this area . . . we look to substance, not to bare form, to determine whether constitutional minimums have been honored." *Willner* v. *Committee on Character*, 373 U.S. 96, 106–107 (1963) (concurring opinion). And looking to the operation of the State's statutory scheme, it is clear that liability, in the sense of an ultimate judicial determination of responsibility, plays a crucial role in the Safety Responsibility Act. If prior to suspension there is a release from liability executed by the injured party, no suspension is worked by the Act. Ga. Code Ann. § 92A–606 (1958). The same is true if prior to suspension there is an adjudication of nonliability. *Ibid.* Even after suspension has been declared, a release from liability or an adjudication of nonliability will lift the suspension. Ga. Code Ann. § 92A–607 (Supp. 1970). Moreover, other of the Act's exceptions are developed around liability related concepts. Thus, we are not dealing here with a no-fault scheme. Since the statutory scheme makes liability an important factor in the State's determination to deprive an individual of his licenses, the State may not, consistently with due process, eliminate consideration of that factor in its prior hearing.

The hearing required by the Due Process Clause must be "meaningful," *Armstrong* v. *Manzo*, 380 U.S. 545, 552 (1965), and "appropriate to the nature of the case." *Mullane* v. *Central Hanover Bank & Trust Co.*, *supra*. It is a proposition which hardly seems to need explication that a hearing which excludes consideration of an element essential to the decision whether licenses of the nature here involved shall be suspended does not meet this standard.

Finally, we reject Georgia's argument that if it must afford the licensee an inquiry into the question of liability, that determination, unlike the determination of the matters presently considered at the administrative hearing, need not be made prior to the suspension of the licenses. While "many controversies have raged about . . . the Due Process Clause," *Mullane* v. *Central Hanover Bank & Trust Co.*, 339 U.S., at 313, it is fundamental that except in emergency situations (and this is not one) [5] due process requires that when a State seeks to terminate an interest such as that here involved, it must afford "notice and opportunity for hearing appropriate to the nature of the case" *before* the termination becomes effective. *Ibid. Opp Cotton Mills, Inc.* v. *Administrator*, 312 U.S., at 152–156 (1941); *Sniadach* v. *Family Finance Corp., supra; Goldberg* v. *Kelly, supra; Wisconsin* v. *Constantineau*, 400 U.S. 433 (1971).

We hold, then, that under Georgia's present statutory scheme, before the State may deprive petitioner of his driver's license and vehicle registration it must provide a forum for the determination of the question whether there is a reasonable possibility of a judgment being rendered against him as a result of the accident. We deem it inappropriate in this case to do more than lay down this requirement. The alternative methods of compliance are several. Georgia may decide merely to include consideration of the question at the administrative hearing now provided, or it may elect to postpone such a consideration to the *de novo* judicial proceedings in the Superior Court. Georgia may decide to withhold suspension until adjudication of an action for damages brought by the injured party. Indeed, Georgia may elect to abandon its present scheme completely and pursue one of the various alternatives in force in other States.[6] Finally, Georgia may reject all of the above and devise an entirely new regulatory scheme. The area of choice is wide: we hold only that the failure of the present Georgia scheme to afford the petitioner a prior hearing on liability of the nature we have defined denied him procedural due process in violation of the Fourteenth Amendment.

The judgment is reversed and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

The Chief Justice, Mr. Justice Black, and Mr. Justice Blackmun concur in the result.

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[3] Ga. Code Ann. § 92A–602 (1958) provides:

"The Director shall administer and enforce the provisions of this Chapter and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the Director under the provisions of this Chapter. Such hearing need not be a matter of record and the decision as rendered by the Director shall be final unless the aggrieved person shall desire an appeal, in which case he shall have the right to enter an appeal to the superior court of the county of his residence, by notice to the Director, in the same manner as appeals are entered from the court of ordinary, except that the appellant shall not be required to post any bond nor pay the costs in advance. If the aggrieved person desires, the appeal may be heard by the judge at term or in chambers or before a jury at the first term. The hearing on the appeal shall be de novo, however, such appeal shall not act as a supersedeas of any orders or acts of the Director, nor shall the appellant be allowed to operate or permit a motor vehicle to be operated in violation of any suspension or revocation by the Director, while such appeal is pending. A notice sent by registered mail shall be sufficient service on the Director that such appeal has been entered."

[4] Petitioners stated at oral argument that while "it would be possible to raise [an equal protection argument] . . . we don't raise this point here." Tr. of Oral Arg., at 14.

[5] See *e.g., Fahey* v. *Mallonee*, 332 U.S. 245 (1947); *Ewing* v. *Mytinger & Casselberry, Inc.*, 339 U.S. 594 (1950).

[6] The various alternatives include compulsory insurance plans, public or joint public-private unsatisfied judgment funds, and assigned claims plans. See R. Keeton & J. O'Connell, After Cars Crash (1967).

[From the Boston Sunday Globe, June 6, 1971]

### NO-FAULT INSURANCE WORKS, BUT THERE ARE PROBLEMS

(By Robert B. Hanron)

No-fault auto insurance, a new approach to an old problem, has been in effect in Massachusetts for a little more than five months.

Statistics for the first quarter of this year show the system is working even better than anticipated.

They indicate, according to Gov. Sargent, that the frequency of bodily injury claims in the commonwealth has dropped a startling 60 percent.

The average paid claim under no-fault has decreased by 36 percent.

Sargent has said publicly that if this trend continues for the balance of the year, the state's 2.4 million motor vehicle owners are in for at least a 25 per cent reduction in bodily injury insurance rates next year.

The governor's evaluation of how the no-fault system is working is supported by others considered knowledgeable in the casualty field.

These include:

State Insurance Comr. C. Eugene Farnam and Prof. Robert E. Keeton of Harvard Law School, co-authors of the original basic protection, Keeton-O'Connell plan; and Rep. Edward J. Dever (D-Arlington), House chairman of the Legislative Committee on Insurance.

Joseph P. Hegarty, New England manager of the American Mutual Insurance Alliance, said no-fault has "all the appearances of working well."

He emphasized, however, that it is still too early to draw any conclusions from the present limited experience to even guess how much personal injury rates can be lowered next year.

There are still a number of unanswered questions about no-fault:

Is it the solution to the 44-year-old problem of compulsory auto insurance?

Does it repay accident victims for losses promptly and with equity?

Will it provide adequate insurance protection at lower rates in the future?

The answers to these questions depend on whom you ask.

Trial lawyers, whose business it is to handle such claims, are vigorously opposed to the concept of no-fault insurance.

Richard M. Markus, president of the American Trial Lawyers Assn., representing some 25,000 members, told a congressional committee in Washington:

"The no-fault fiasco has been foisted on the public by a misleading multimillion dollar public relations campaign and there is not and has not been any public groundswell for no-fault schemes."

He said the national no-fault bills now before Congress would "strike hardest at the poor on welfare, the temporarily unemployed, the student, and the housewife."

Markus said "these worthy human beings would receive no compensation whatever for their lost earning capacity; the bills would undermine the rights of a union member whose hard-fought fringe benefits will be pirated to reduce the cost for the insurer."

He said the Nixon Administration's position asks "us all to compromise with injustice.

"We see no reason to retreat instead of reform . . . we oppose no-guilt insurance that trades your rights for someone else's wrongs . . . with no-fault insurance, you pay more and get less—less equity, less justice, less reparation for pain, suffering and economic loss. Only the guilty will get their money's worth."

Markus asked: "Does it matter who is at fault?" and then answered, "You bet it does."

No-fault insurance, originally brought forth eight years ago, is designed to ignore the concept of guilt in an auto accident and to repay accident victims for medical expenses and out-of-pocket losses such as wages, regardless of negligence.

Despite the continued and vigorous opposition of the trial lawyers, proponents of the no-fault system not only claim it is working well, but predict it can and will work even better.

They say it will bring prompt reimbursement for accident losses at reduced rates in the future and that it should be extended even further to include property damage.

Massachusetts is thus far the only state in the nation to have a no-fault system.

But the experience here, as well as in Puerto Rico, where the system has been in effect for nearly a year and a half, shows that it is producing as predicted.

Lawyers in Puerto Rico, as well as in Massachusetts, are concerned with lost income from tort cases, and some insurance company personnel—particularly adjusters who traditionally have negotiated damage settlements—are worried about their jobs.

Since payments for injuries are made by one's own company (up to $2000) under no-fault in Massachusetts, this in many cases eliminates the need for the adjusters who were used under the old compulsory fault system.

This, of course, will lower administrative costs for companies and should be reflected in future lower rates.

One of the questions frequently asked by the motoring public is "will my total auto insurance premium be lowered by no-fault?"

Hegarty, a spokesman for one segment of the casualty industry, says "the impression that there was to be a 15 percent rate reduction in one's overall or total insurance bill was created by you-know-whom."

Though he did not say so, he was referring to statements made by Sargent and others in the heat of last year's state election campaigns.

Some promises were made after the Legislature tacked on an amendment to the no-fault bill which extended the 15 percent rate reduction to these other property damage, collision, fire and theft.

But this extension of a reduction to these other coverages, which was opposed by the companies, was declared unconstitutional by the state's Supreme Judicial Court.

No-fault insurance in Massachusetts pays only for medical and hospital expenses and other out-of-pocket losses due to personal injury.

It does not include damage to vehicles or to other property, theft of cars, fire, vandalism, etc.

Rep. Dever points out that the amount paid for personal injury coverage is only 1-5th of the total cost of auto insurance.

In 1970, under the old compulsory law, the so-called 'good driver' (over 25, commutes less than 10 miles to work) paid $117 for his basic bodily injury coverage of $5000 per person and $10,000 per accident.

With the guaranteed 15 percent reduction in effect under no-fault, this year he is paying $99.45.

If the predicted rate reduction for 1972 is realized, the motorist will save an additional $25 on this coverage next year.

On the other hand, his rates for property damage and for collision—not affected by no-fault—have gone up. In 1970, under a Supreme Court order, collision rates were boosted 26.9 percent.

Property damage rates went up the first of this year by 34.8 percent.

With the increasing cost of automotive parts, administrative expenses and labor, no official, either public or private, holds out the slightest hope for a rate reduction in these categories next year.

And they predict, with good reason, that rates on property and collision coverages may go up again in January.

The cost for automotive repair parts has jumped 40 percent since 1968. In the same period, labor costs for repairs have gone up $2 an hour.

And the expense for thefts from and of motor vehicles has jumped at a staggering rate.

Latest figures released by the FBI show Massachusetts with the highest stolen car rate in the nation. In 1969, for example, 859.8 cars per 100,000 population were stolen in the commonwealth, compared to the national average of 431.8.

What can the public expect in the way of auto insurance costs next year?

The answer, according to a consensus of public and private officials involved, is:

Rates for personal injury will probably go down 25 percent (the governor has said so and he is the boss), but property and collision rates will probably go up.

In other words, the cost for one's total auto insurance bill next year will probably increase despite the reduction in personal injury protection rates.

The Supreme Judicial Court is expected to rule at any time on a test case challenging the constitutionality of the no-fault bill.

Even if the ruling is favorable, as many anticipate, there is still a lot to be done to improve the law.

Sargent, Keeton, Dever and others emphasize that no-fault must be extended to include property damage. All have said so publicly and several bills to this effect are now pending in the Special Commission on Insurance.

The 49 other states, as well as Congress, are watching closely the no-fault experience in Massachusetts.

Most will probably do nothing until the Supreme Court here makes its ruling on the measure.

Expectations are that Congress will write national guidelines on no-fault auto insurance and allow the individual states 2 or 3 years to comply with them.

Keeton hopes the state will act promptly on such guidelines in order to keep auto insurance in the private sector.

"The longer action is delayed on this nationally," he says, "the more likely it is that public money will be involved."

Officials, both public and private, believe national health insurance is also likely in the not too distant future.

They anticipate that at least the personal injury portion of auto insurance will be taken over by health insurance.

Under the Massachusetts law, Sargent and others contend that motorists can obtain greater savings on auto insurance through the use of deductibles on personal injury and property damage coverages.

Owners can obtain an additional 30 percent premium reduction by opting for a $2000 deductible on personal injury coverage. They can also get a 40 percent reduction by taking a $200 deductible on property damage.

Industry officials and others, however, urge motorists to use caution in taking such deductibles.

They point out that a motorist could save a few dollars on bodily injury insurance rates by taking the $2000 deductible, but they warn that this leaves each person in the car injured in an accident without $2000 of protection.

Dever advises, as do most companies, that only those with a good wage continuation plan and a good health and hospital plan should take personal injury deductibles.

As for a property damage deductible, he says that "anyone who takes one is nuts."

The governor, legislators, state insurance officials, the companies and even the trial lawyers, all advocate additional changes to lower insurance costs.

These include improved highways, stricter law enforcement and penalties, and uniform bumpers able to withstand crashes with less chance of injury and damage to vehicle.

The companies emphatically deny that

they are deliberately delaying payments on property damage claims and Farnam says he has no proof that such a practice is going on.

Farnam, summing up the situation on no-fault insurance says:

"While the motorist's overall insurance premium is up this year, the important thing is not to compare it with what it was in 1970, but rather what it would have been in 1971 if no-fault insurance had not been passed."

He says property and collision rates would have gone up anyway. Bodily injury coverage, on the other hand, would have increased by more than 20 percent instead of going down 15 percent.

One legislator said: "Maybe none of us will know how good no-fault is until we have an accident."

### A Supreme Decision

Insurers, for the most part, agree that present laws regarding the punishment of habitual traffic offenders are inadequate and often totally ineffective. They say, and we concur, that the driver who repeatedly ignores the rules of traffic safety, whether because of carelessness or complete disregard of the rights of others, should be taken off the road for good. Without a doubt, forcing good drivers to travel the same highways as those who look upon traffic laws as something to be challenged rather than respected is unfair.

But it's equally unfair to punish a driver for being involved in an accident which was not his fault. And insurers, some of them anyway, don't seem to agree with that.

Most states don't have compulsory insurance laws. Therefore, to force drivers to purchase coverage, the states have been making use of special provisions in the financial responsibility laws which provide that an uninsured motorist who is involved in an accident loses his license and auto registration until he can post a bond covering any injuries. But here's the clincher: no consideration is given to whether the driver was in any way at fault.

In a recent decision, the Supreme Court declared those sections of the laws unconstitutional. The court said that before an uninsured motorist's license can be revoked he must be given a hearing, at which there must be proof of "a reasonable possibility" that a court would hold him liable for damages.

Immediately following that decision, a prominent spokesman for a large insurance association said that the ruling appeared to "take the teeth out of the present financial responsibility laws." Some motorists might decide not to purchase insurance on the chance that any accident that might occur would not be their fault, he said.

But that spokesman, we're afraid, is basing his assumption on a false premise. If a man decides not to buy insurance it's because he doesn't believe he'll *ever* become involved in an accident. Therefore, holding the license revocation rule over his head will probably not impress him in the least.

The laws weren't succeeding in forcing drivers to purchase insurance. All they were doing was punishing all those involved in accidents, faultless or not. And that indeed is unconstitutional.

Insurers should be concerned about the uninsured motorist problem, no doubt about it. But the way to solve the problem is by implementing and enforcing compulsory insurance laws. If that's what insurers want, then that's what they should go after.

## U.S. INVOLVEMENT IN VIETNAM

Mr. HATFIELD. Mr. President, Mr. Daniel Ellsberg gained wide experience during his time of service within Government, particularly related to our involvement in Vietnam. He was one of those officials who had full access to the internal documentation of the long history of our involvement in Indochina. Thus, he stands in an excellent position to offer his judgments and perspectives on what drove us into this futile war, and perhaps more importantly, what has prolonged our tragic, incessant military involvement in Indochina.

Mr. Ellsberg has written an article, which has recently appeared in Public Policy, that presents his views on how and why we became ensnarled in Indochina. He points out with highly perceptive insight that our mistake was not one whereby past Presidents took successive steps, each of which was thought to be the last, in order to stabilize the political situation and achieve our objective of holding Vietnam. Rather, Ellsberg finds that the Government's own record of the war reveals that past administrations were presented with the option of taking drastic, decisive military actions, or else reconsidering our basic objectives and commitments. Yet, those in power refused to acknowledge the truth. They believed, instead, that they could get by and put off the harsh decisions that had to be made. Past and perhaps present Presidents believed that they could not afford the political costs of losing Indochina.

At any rate, Ellsberg argues that according to the Government's own record, those in power have not been blindly led into a military quagmire. Rather, they have failed to face facts presented to them, and refused to accept the burden and political costs of ending a futile and mistaken action. Thus, they sought to buy time, and ended up passing on their inheritance to the next President and administration.

It becomes clear from these perspectives that the choice we must make about Vietnam has always remained essentially the same. We must decide that we have done all we can, and that we can and must do no more. That decision has yet to be made. The Senate's vote Tuesday on the amendment offered by the Senator from Montana (Mr. Mansfield) is a first step toward that acknowledgment—a first step toward facing the truth.

As we all know, Mr. Ellsberg has been much in the news lately. Therefore, the article he has published in Public Policy has a timely significance. I ask unanimous consent that it be printed in the Record. I also ask unanimous consent that the transcript of an interview between Mr. Ellsberg and Walter Cronkite of CBS News, which appeared yesterday evening, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### The Quagmire Myth and the Stalemate Machine

(By Daniel Ellsberg)

In South Vietnam, the U.S. had stumbled into a bog. It would be mired down there a long time.—Nikita Khrushchev to Ambassador Thompson, July 1962.

By middle of the First Indochina War, French journalists, contradicting the generals, were telling French readers of a bog in Indochina. Lucien Bodard's account of the 1946–1950 period—which looks quasi-prophetic today—was entitled "The Bogging Down," or in its American edition, *The Quicksand War.*[1] By the mid-1960s Americans had similar stories to tell. The parallel account was David Halberstam's *The Making of a Quagmire,*[2] published just as the real buildup of American ground forces and airpower was beginning.

"Many people thought the title was too harsh, more pessimistic than was warranted," Halberstam recalls. Within two years many of the same people had come to find that title just right. This included some former officials—Arthur Schlesinger, Jr., for one, and later Richard Goodwin and Townsend Hoopes—who now saw the war, with its greatly increased human and material costs, reflecting good intentions but wrong premises and offering little promise of success.

For a great many, perhaps most Americans, images of "quagmire . . . morass . . . quicksand . . . bog" dominate their perception of America's relation to the Second Indochina War. Along with the notion of "stumbling in," these metaphors convey a particular, widely-shared understanding of the process of decisionmaking that has yielded a steadily expanding American military involvement in Indochina.

It is a conception that Arthur Schlesinger, Jr., has made precise, as we shall see below. Its implications of lack of foresight, awareness, or calculation are not highly flattering to past responsible officials but are at least extenuating. They accord with the almost universal presumption that the outcome of the process—in Schlesinger's words, "that nightmare of American strategists, a land war in Asia"—*must* be "a war which no President . . . desired or intended," a war in which "we"—Presidents and all—"find ourselves entrapped."[3]

Yet the quagmire conception is, it will be argued here, a profoundly misleading one. The factual premises on which it is based, about what the President was told to expect from various courses, are mistaken. On more inferential matters, it suggests answers that are probably wrong to the questions: What did our Presidents think they were doing? What was aimed at, what hoped for? What was the causal role of inattention, bureaucratic conflict, and overoptimism? With respect to the future working of the decisionmaking process, the "quagmire" notion is likely to yield poor predictions, and poor advice on how to bring about change.

For one critical decision period, at least—the fall of 1961—information now publicly available is sufficient to test, and indeed to establish, these propositions. That is possible mainly because of the revelation by the "Kennedy historians" of much previously concealed data relating to the decisions. For few other periods are the public data relating to the decisions. For few other periods are the public data comparably adequate. Thus, until more such materials are made public, readers who have not had official access to them can only regard most of the propositions presented here with respect to periods other than 1961 as hypotheses. As such, their implications, at least, can be analyzed; and they can be tested to some extent against the judgments of others who have had relevant governmental experience, as well as against past and current events.[4]

Let us begin by examining the late-1961 decisions in detail, as a test of Schlesinger's "quagmire model," which is first defined. Then we shall turn to the origins in 1949–1950 of American military involvement in support of the French, for clues to an alternative understanding of presidential motives, perceptions, and choices. One hypothesis that seems to fit well many otherwise puzzling aspects of choices over the entire period from 1950 to 1968, and perhaps later, is presented in the form of a "stalemate machine": a set of decision rules that Presidents

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Footnotes at end of article.

(four so far, going on five) have acted "as if" they obeyed. After exploring some of the patterns in policy and performance that emerge from applying such rules to the problems officials have perceived in Indochina, we will return to the "quagmire model" to consider why, flawed as it is empirically, it appears so plausible and appeals so strongly.

### THE SCHLESINGER "QUAGMIRE MODEL"

The precise implications of the "quagmire" notion for an understanding of the policy process have been spelled out by Arthur Schlesinger, Jr., in two much-quoted passages, the first referring to the increases in the level of military advisers in Vietnam under President Kennedy in November 1961:

"This was the policy of 'one more step'—each new step always promising the success which the previous *last step* had also *promised* but had unaccountably failed to deliver . . .[5]

"And so the policy of 'one more step' lured the United States deeper and deeper into the morass. In retrospect, Vietnam is a triumph of the politics of inadvertence. We have achieved our present entanglement, not after due and deliberate consideration, but through a series of small decisions. It is not only idle but unfair to seek out guilty men. President Eisenhower, after rejecting American military intervention in 1954, set in motion the policy of support for Saigon which resulted, two Presidents later, in American military intervention in 1965. Each step in the deepening of the American commitment was *reasonably regarded at the time as the last that would be necessary*. Yet, in retrospect, each step led only to the next, until we find ourselves entrapped in that nightmare of American strategists, a land war in Asia."[6]

With this dynamic "quagmire" model, "step by step, each one promising success," Schlesinger purports to explain the whole process that led from Eisenhower's support to Diem in 1954 to American military intervention in 1965. The model can as well be measured against the longer period from our first direct military grants to the French in 1950 under Truman—Schlesinger curiously neglects these Democratic roots—to the present. Many would find it equally persuasive, compellingly so, for the whole period.

It is an unusually satisfying abstraction. It is simple, even elegant. It sums up a long series of decisions coherently to explain a baffling outcome. It is unquestionably plausible: almost surely more so than any simple alternative drawing upon publicly available evidence. So many of the gross, observable features of our involvement are encompassed: the gradualness; the public, sometimes clearly genuine optimism; evidently surprising setbacks followed by new commitments. And it accords with the major, almost universal presumption that the "nightmare" outcome *must* have been as unforeseen even as a strong possibility by those who made the decisions leading toward it; or else they would have drawn back, or warned the public of the demands ahead.

As a generalized account of the important decisions, and the considerations that led to them, which increased American involvement in Indochina, this explanation is marred only by being totally wrong for each one of those decisions over the last twenty years.

This is not to deny that these were months and years in those two decades when ill-founded optimism—which was publicly asserted almost continuously by officials to the American people—actually ruled the minds of most insiders including the President. For example, this was true during most of 1962;[7] likewise, parts of 1955, 1957, and 1967. But none of these were years in which significant new U.S. commitments were determined or begun. Indeed, what needs explaining is not how optimism led regularly to decisions to escalate—there is no such pattern, nor even a major instance through 1968—but how bureaucratic optimism developed after, and out of, decisions to expand the nature of U.S. involvement. The latter decisions, as revealed in internal documentation, reflected desperation more than hope.

The specific years in which these new involvements and new programs were chosen and begun were without exception periods of crisis and pessimism, generally far blacker than ever admitted to the public. Nor, in retrospect, do the dark assessments during these periods appear nearly so distorted or unfounded as do, now, the moods of optimism that regularly came later. In the actual years of decision, the gap between estimates and reality—covering both the current situation and the prospects of the option actually chosen—was relatively small, surprisingly and creditably so.

Not one of these decision points, in fact—1950, 1954, 1955, 1961, 1963, 1965 (see the discussion below)—fits Schlesinger's generalization to the slightest degree. For not one of them, viewed from the inside, is that description anything but radically misleading.[8]

That is strikingly true of the very decision that Schlesinger characterizes as typifying the "policy of 'one more step'": John F. Kenedy's decision to break openly through the 1954 Geneval ceiling on U.S. military personnel in South Vietnam, starting the climb from under 1,000 to over 15,000 "advisors" and support personnel at the time of his death.

To be sure, newspaper accounts at the time of this episode of policymaking—whose public aspects began with Kennedy's sending General Maxwell Taylor and Walt W. Rostow on a mission to Saigon—fully support, in retrospect, the "quagmire" interpretation. But those accounts were mistaken, based partly on official lies. Ironically, it is Schlesinger's own account that reveals the facts that contradict both these earlier, "managed" inferences and his own generalization. Because the phenomenon of deception is part of what is to be explained, let us look first at the newspaper versions, then at Schlesinger's report.

### THE NOVEMBER 1961 DECISION

The day that General Taylor and his mission left Washington for South Vietnam, the *New York Times* headlined a story by Lloyd Garrison: "Taylor Cautious on GI's for Asia"; "Departs for South Vietnam—Hints US Reluctance to Commit Troops."[9]

The story noted:

"Last week President Kennedy announced that he was sending General Taylor and an eleven-man mission to South Vietnam to make 'an educated guess' about whether the United States would be required to send troops to stop Communist advances in Southeast Asia. . . .

"Before he departed aboard a military jet airliner, General Taylor, who is the President's special military adviser, was asked to comment on reports that President Kennedy was becoming increasingly reluctant to commit United States forces to a fighting role in South Vietnam. . . .

"General Taylor declined to speak for the President, but declared: *"Any American would be reluctant to use troops unless absolutely necessary."*

"His remarks appeared to reflect a tendency on the part of high Administration sources to pull back from earlier warnings of the possible use of United States troops in the fighting."

James Reston, in a column from Washington dated October 19, declared that reports aroused by the Taylor mission that "the United States is about to plunge into the guerrilla warfare of Southeast Asia . . . should be taken with considerable skepticism, at least for the time being."

"General Taylor is not only a soldier but a philosopher with a soldier's respect for power and geography, and a philosopher's sense of perspective. Accordingly *he is not likely to favor plunging blitherly into a jungle war* 7,000 miles from home where the landscape and the logistics favor the enemy. . . .

"President Kennedy is not eager to add to his problems in Germany by mounting an adventure in Southeast Asia, and while additional troops may be sent there to help train and direct the defenders, *General Taylor has certainly not gone there to organize an invasion.*"

Over the next week, speculation continued to focus on Taylor's conclusion as to whether or not U.S. combat troops would be needed in South Vietnam. Speaking at the airport as he left Saigon, Taylor agreed that this issue was "one of the principal things I have been asked to look at," but kept his opinions for the President.

"I am going back with my own impressions of what might be done . . . Obviously I cannot discuss what these recommendations will be as they are primarily the property of my President and he will have to decide what to do about it," General Taylor declared.

"I have great confidence in the military capability of South Vietnam to cope with anything within its border," he went on, and to defend the country against conventional attack."[10]

On November 3, General Taylor returned to Washington, spoke to reporters at the airport, then saw President Kennedy for two hours at the White House. The lead story in the *New York Times* on November 4, by E. W. Kenworthy, reported:

"On his return from a three-week mission to Southeast Asia, General Taylor said that President Ngo Dinh Diem had the 'assets' available to prevail against the Communist threat.

"The General declined to comment directly on whether he would recommend sending United States combat troops to stiffen the Vietnamese forces in their fight against the Viet Cong (Communist) guerrillas.

"However, when General Taylor was reminded at the airport that his remarks before leaving Saigon had been interpreted as meaning that President Ngo Dinh Diem's problem was not manpower, the general replied: "That is correct. It is a populous country.'

"Officials said it was correct to infer from this that *General Taylor did not look favorably* on the sending of United States combat troops at this time. . . .

Although some officials in the White House and the State and Defense Departments are known to favor the dispatch of American forces, there would be *considerably surprise here if General Taylor recommended such a move.*[11]

"Furthermore, the President is known to be opposed to sending troops except as a last resort. . . .

*"While opposing the sending of American combat forces, General Taylor* is understood to favor the dispatch of necessary military technicians and to propose intensified training of South Vietnamese elite troops in anti-guerrilla warfare by United States Rangers."

On November 16, Kenworthy reported:

"President Kennedy has decided on the measures that the United States is prepared to take to strengthen South Vietnam against attack by Communists.

"The measures, which received final approval yesterday at a meeting of the National Security Council, *closely follow the recommendations* made by General Maxwell D. Taylor, the President's military adviser. . . .

"The United States' plans do not include the dispatching of combat units at this time.

"Officials emphasized that President Kennedy and the National Security Council had not foreclosed the possibility of sending ground and air combat units if the situation deteriorated drastically. The President, it was

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Footnotes at end of article.

said, does not wish to bind himself to a "never-position."

"However, *the President and General Taylor are agreed*, according to reliable informants here, that the South Vietnamese Government is capable of meeting and turning back the Communists' threat provided it speeds the training of its regular forces, solves the problem of mobility, develops a reliable intelligence system and adopts reforms in its military staff structure to free it from political interference."

From this series of articles, based on "reliable, official" sources, uncontradicted by any official, readers of the *New York Times* could only conclude that Taylor and Rostow, sent over to Vietnam to evaluate the need for combat units, had recommended against sending such forces and had assured the President that the programs he adopted, which did not include combat units and which allegedly encompassed their recommendations, were adequate to meet U.S. objectives.

This was the opposite of the truth.

What Taylor and Rostow actually recommended was exposed to the public by Arthur Schlesinger's own account, half a decade later:

"The Taylor-Rostow report recommended an enlargement of the American role, essentially through the penetration of the South Vietnamese army and government by American "advisers," attached to Vietnamese military units of government offices and designed to improve the level of local performance. Taylor and Rostow *also* recommended that an American military task force—perhaps 10,000 men—go to Vietnam, commissioned to conduct combat operations for self-defense and perimeters security and, if the Vietnamese army were hard pressed, to act as an emergency reserve. The report concluded by saying that *this* program would work *only* if infiltration from the north were stopped and that, therefore, should this infiltration continue, the United States should consider a contingency policy of retaliation against the north, graduated to match the intensity of Hanoi's aid to the Viet Cong.

*"Kennedy rejected both the northern strategy and the use of combat soldiers. . . .* He increased the number of military advisers." [12]

Schlesinger does not seem to have noticed what damage this account does to his proposition just two sentences later concerning Kennedy's decision: "This was the policy of 'one more step'—each step always promising the success which the previous last step had also promised but had unaccountably failed to deliver."

He reports, after all, no promises whatever concerning the set of programs Kennedy actually adopted, which omitted both of the critical elements mentioned, "the northern strategy and the use of combat soldiers." And in fact, for what remained, no promises were made by Taylor and Rostow, or by anyone else.

The implications of this discrepancy are obscured by Schlesinger's rather offhand comment that Taylor and Rostow "also" recommended—or as he put it elsewhere, "even envisaged" [13] sending an American combat task force. Such phrases hint that this proposal was presented as merely one among many, perhaps as a tentative luxury that could be discarded without affecting essentially the prospects of an otherwise-adequate strategy.

The fact is that Taylor described the sending of U.S. ground combat units as *essential* if the U.S. were to reverse the current downward trend of events. He reported that he did not, in fact, believe that the program to save South Vietnam would succeed without it. As Theodore Sorensen reports, "Many believed that American troops were needed less for their numerical strength than for the morale and will they could provide to Diem's forces and for the warning they could provide to the Communists." [14]

But if these were, as Sorensen describes them, "speculative psychological reasons," Taylor and Rostow did not put them forward lightly. The immediate problem they found in Vietnam was "a double crisis of confidence: doubt that the United States was really determined to save Southeast Asia; doubt that Diem's methods could really defeat the Viet Cong." [15] No alternative action, Taylor maintained, could be so convincing of U.S. seriousness of purpose and hence so reassuring to the people and government of South Vietnam and to her allies as the introduction of U.S. forces. The Vietnamese and Southeast Asians would undoubtedly draw definitive conclusions, Taylor and Rostow believed, in the coming weeks and months concerning the probable outcome and would adjust their behavior accordingly. What the U.S. did or failed to do (i.e., in that period) would be decisive to the end result.

A force large enough to have the psychological effects required, Taylor suggested, must be more than a bare token, and must be capable of performing tasks of significant value, including (in Schlesinger's paraphrase), "conducting combat operations for self-defense and perimeter security and, if the Vietnamese Army were hard pressed, of providing an emergency reserve." [16]

Taylor underlined the urgency by making explicit his recognition of an impressive list of disadvantages of the proposed move. These included: an increased engagement of U.S. prestige; the difficulty of resisting pressure to reinforce the first contingent if it were not enough (there was no limit to the possible commitment, he warned, if we sought ultimately to clean up the insurgents, unless we attacked the source in Hanoi); and the risk of escalation into a major war in Asia.

It was in the face of all these possible drawbacks that he made his recommendation to introduce a task force without delay—made it on the grounds that a U.S. program to save South Vietnam simply would not succeed without it.

Thus, the initial task force was presented as necessary to success. Would it also be sufficient? Certainly not in case of invasion, which it might possibly provoke; in that case, it was made clear, the initial 8,000–10,000 troops would be no more than an advance guard. But even short of that contingency, the report emphasized that continued infiltration—which was more likely than not—would require not only larger U.S. forces, but the bombing of North Vietnam. In Schlesinger's words:

"Taylor and Rostow *hoped* that *this* program (i.e. including the Task Force) would suffice to win the civil war—and were sure it would *if only* the infiltration from the north could be stopped. But if it continued, then they could see no end to the war. They therefore raised the question of how long Saigon and the United States could be expected to play by the existing ground rules, which permitted North Vietnam to train and supply guerrillas from across the border and denied South Vietnam (sic) the right to strike back at the source of aggression. Rostow argued so forcibly for a contingency policy of retaliation against the north, graduated to match the intensity of Hanoi's support of the Viet Cong, that "Rostow Plan 6" became jocularly established in the contingency planning somewhere after SEATO plan." [17]

In the spring of 1961, for an audience at the Fort Bragg Special Forces School and later in public writings, Rostow had described the "sending of men and arms across international boundaries and the direction of guerrilla war from outside a sovereign nation" as a new form of aggression, calling for unilateral retaliation against the "ultimate source of aggression" in the absence of international action.[18] (Apparently the major lesson Rostow and Taylor had learned from the Bay of Pigs operation, which took place about the same time as Rostow's speech, was that Castro, or Khrushchev, had the right to bomb Florida, and Washington.)

In a passage of his report later revealed by President Johnson, Taylor foreshadowed the "Rolling Thunder" bombing campaign that Johnson initiated three years later, when Taylor was Ambassador to South Vietnam:

"It is clear to me that the time may come in our relations to Southeast Asia when we must declare our intention to attack the source of guerrilla aggression in North Vietnam and impose on the Hanoi Government a price for participating in the current war which is commensurate with the damage being inflicted on its neighbors to the south." [19]

Such were the views of President Kennedy's most trusted military advisor, whom he had brought out of retirement and later named Chairman of the Joint Chiefs of Staff. Sent to Vietnam precisely to evaluate which, if any, of several proposed schemes of U.S. combat deployment to Vietnam would be appropriate, Taylor came back to tell the President his answer: The situation was "serious but not hopeless," i.e., not hopeless if and only if the President promptly dispatched sizeable U.S. combat units, with the understanding that more troops, and bombing of the North, would probably be required as later steps.

The initial program, as a whole, was presented as adequate for the short run; probably inadequate for the long run, requiring major additional measures; almost surely inadequate for both long-run and short-run aims without the vital element of the task force, for which there was no convincing substitute.

President Kennedy bought the program minus the task force.

Nor was this rejection of the task force because Taylor and Rostow were alone in their advocacy of it. As Sorensen reveals, the Joint Chiefs of Staff had advocated a commitment of U.S. ground troops to Vietnam (and/or Laos) as early as May 1961, as had an interagency task force.[20] After Taylor returned, the Joint Chiefs of Staff reiterated this recommendation. Moreover, they subscribed to Taylor's emphasis on its urgency and, among the whole shopping list of proposals, its critical role. Moreover, in the first week in November 1961, Secretary of Defense Robert McNamara and his Deputy, Roswell Gilpatric, strongly associated themselves with the appreciation and recommendations of Taylor and the JCS.

It must be underscored that there was no haziness in internal discussion about the distinction between U.S. ground combat units, on the one hand, and the mixed bag of advisors, logistics, and combat support troops, including intelligence, communications, and helicopter personnel, on the other. These two categories were regarded by all as posing very different risks and benefits; and by October 1961, even prior to Taylor's trip, it was regarded as almost a foregone conclusion that the latter would be supplied.

Given the expectation prior to the Taylor-Rostow Mission that at least the advisory build-up and other measures short of troops would be approved, and given the recommendations he actually received, it seems likely that the President himself and his high-level advisors regarded his rejection of the proposal to send combat units immediately as his most, perhaps only significant decision of the period (although, as such, it was successfully concealed from the public). As Sorensen puts it: "All his principal advisers on Vietnam favored it,[21] calling it the 'touchstone' of our good faith, a symbol of our de-

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Footnotes at end of article.

termination. But the President in effect voted 'no'—and only his vote counted."[22] Yet at the same time the President voted "yes" to a set of remaining programs which every one of his advisors described as almost surely inadequate in the light of his various "no's," and perhaps in any case: inadequate not only to achieve long-run success but to avoid further deterioration in the mid-term.

Why the President may have cast his pair of votes this way is a question for later—and more speculative—discussion; likewise, the consequences of his doing so, and a critical evaluation of such choices. What can be said unequivocally about this description of the alternatives and forecasts presented to Kennedy, and of his choice, is that it flatly contradicts Schlesinger's "quagmire" model. It defines what is to be explained about the actual decision process in terms quite different from Schlesinger's.

There is no basis whatever for describing the President in this instance as taking a "small step" because he was promised success with it, or because it was "reasonably regarded as the last that would be necessary." What he was told was the contrary, and that from virtually every source. His decisions, he was assured, held out the almost certain prospect that new, larger steps, or else retreat, would present themselves as hard choices in the not-distant future.

The "promise" of inadequacy of the chosen measures was not limited to the Pentagon, nor did it relate merely to the omission of combat forces. Each agency had its own top candidates for features of U.S. policy "essential" to success in Vietnam. Before the year was out, the policy had given up pretensions, at least temporarily, to maintaining any one of these features.

Thus the State Department pressed political reforms and "broadening" of the Saigon regime as "essential"; without these, it was judged, even the full military commitment recommended by the Pentagon would probably fail. In Saigon, the MAAG continued to emphasize administrative and command changes as "essential" to long-run success.

Both of these proposals had bureaucratic opponents who argued that however useful or even necessary they might be in the long run, they were risky or "counterproductive" in the short term: "rocking the boat," risking the stability of the Diem regime or U.S. influence on it needed for more pressing matters. Nevertheless, in contrast to the proposed combat task force both of these sorts of "reforms" were included in the programs determined by Kennedy in mid-November and presented by the Ambassador to President Diem. By December or January, both had been, for practical purposes, abandoned. Critical measures urged by AID and CIA met the same fate.

Advocates of short-run priorities had won out bureaucratically, in the face of Diem's open resistance to these attempted "interventions." (Diem's intransigence and U.S. lack of "leverage" were even more marked than usual, reflecting embarrassment on both sides that he was getting neither the bilateral defense treaty for which he had privately asked nor the U.S. troop commitment for which Taylor had led him to hope.) Thus, the new presidential program for Vietnam preserved the peculiar character of omitting every feature emphasized by any U.S. agency—or by the Diem regime—as "essential" to longer-run success.

The President, of course, had his reasons. Many of them were good enough reasons, even in retrospect. But they had little to do either with optimism or inattention. For one thing, John F. Kennedy, who had first visited Indochina in 1951 and had criticized the French effort and U.S. intervention in the Senate, was one of the few officials—George Ball was another—who both knew the French experience and could perceive it as a warning even to Americans.

Moreover, by November, 1961, President Kennedy—"his skepticism deepened by the Bay of Pigs experience and the holes in the Laos report"[23]—had bureaucratic lessons of his own to draw upon. Both bodies of experience pointed to the same moral: the threat of quicksand. Or, to change the metaphor, as Kennedy did in a pithy remark to Schlesinger relating to Taylor's request, the risk of addiction:

"They want a force of American troops. . . . They say it's necessary in order to restore confidence and maintain morale. But it will be just like Berlin. The troops will march in; the bands will play; the crowds will cheer; and in four days everyone will have forgotten. Then we will be told we have to send in more troops. It's like taking a drink. The effect wears off, and you take another.[24]

"Yet"—the sympathetic historian is forced to record—"he felt obliged to offer a small drink himself, and he increased the number of advisers."

"More drinks were still to come. At the end of 1961 there were 1,364 American military personnel in South Vietnam; and the end of 1962, 9,865; at the time of Kennedy's death in November 1963, about 15,000. This was the policy of 'one more step'. . . ."[25]

Why? Why that small drink? Ignorance of the risks of addiction is belied by Schlesinger's own anecdote of his conversation with the President; belief that one small drink was all that the doctor ordered, as Schelesinger's generalization implies, is belied by his whole account. If the President was not willing to do more than he did, why did he not do much less? Why court both commitment and costly failure?

### TWO DECADES OF CHOOSING STALEMATE

It appears, in the light of internal documentation, that the elements of paradox above apply virtually across-the-board to major presidential initiatives on Vietnam over the last two decades. (This study, however, addresses decisions only through 1968.) No more than in 1961 were the measures of increased involvement that were actually adopted promised or expected to be adequate "last steps" or, indeed, anything but holding actions, adequate to avoid defeat in the short run but long shots so far as ultimate success was concerned. This is true of each of the major years of decision over that generation:

1. 1950, when the first $10 million in credits were granted by the Truman administration to the French and Vietnamese efforts against the Viet Minh (in May, a month before the Korean invasion);
2. 1954, when direct entry into the war was considered and rejected by Eisenhower, followed by a gradually hardening commitment to the support of Diem;
3. late-1961;
4. 1963, the Kennedy decision to encourage the overthrow of Diem;
5. 1965, the Johnson decisions to bomb North Vietnam, then to deploy U.S. troops in limited numbers to South Vietnam and employ U.S. air support, then after mid-July, to accept open-ended ground force commitment;
6. 1968, when proposals to mobilize reserves and expand the war to Cambodia and Laos were considered and rejected, followed by "Vietnamization" and talks.

In some of these years—e.g., 1954, 1961, 1965, 1968—certain approaches were presented by their proponents as winning strategies—and this reassurance that a "win" was possible may have had some influence on the climate of policy-making—but these were never the options chosen. This fact underscores the perceived inadequacy of the courses actually adopted, which emerges even more directly from intelligence estimates at the time; these estimates rarely endorsed even the optimistic claims made by "operators" for the more drastic proposals that were rejected. In other years—e.g., 1950, 1955–56—the policy followed was seen by all as about the best available, yet offering little promise of victory.

In fact, perhaps the most striking discovery to be made by someone surveying the internal documentation for the first time (probably approaching it with something like the quicksand model in mind) is the persistent skepticism about long-run non-Communist prospects and about proposals for improving them, a pessimism almost unrelieved, often stark—yet in retrospect, creditably realistic, frank, cogent—that runs through the intelligence estimates. That is true especially from 1950 through 1961, but after as well.

As for policy analyses and proposals, as distinct from intelligence estimates, one peculiar format for major recommendations on policy is so generally characteristic that it might be called the Proposal Pattern, or more suggestively (since these recommendations came close to adoption, or were chosen, only in crisis periods) the Desperate Proposal Pattern. This takes the form, not (as the quagmire model suggests) "Do this, because it will work, or, work better, cheaper, faster, or with less risk," but simply "Do this—because the *alternatives* are *certain to fail*—and failure would be 'unacceptable, intolerable.' "

It is of the essence of the Desperate Proposal Pattern (DPP) that these limited assertions are *all there is to it*. There is no mention, in particular, that the proposed approach itself will work, with any degree of probability. Although it is implied, and sometimes stated, that the proposed course *might* "succeed," in contrast to alternatives, there is no mention at all of the probable total scale or costs of the recommended program or, even roughly, its probability of success, or the consequences of failure.

How could decision-making proceed on such a basis? How could Presidents, time after time, tolerate recommendations being presented in such a form, without pressing for more information?

To come this close to the fine grain of official choices on Vietnam is to be confronted with puzzles and doubts, to be mired, indeed, in uncertainties. What seemed clear as one listened to speeches, or observed official actions, or compared the two, is less so when files are opened, and concealed actions, official estimates, and internal arguments emerge. Under the magnifying lens, previously evident over-all patterns—like the quagmire hypothesis—dissolve like the canals on Mars.

As Leslie Gelb sums up this long period, in an important forthcoming paper:[26]

"The system worked. The story of United States policy toward Vietnam is either far better or far worse than supposed. Our Presidents and most of those who influenced their decisions did not stumble step-by-step into Vietnam, unaware of the quagmire. U.S. involvement did not stem from a failure to foresee consequences."

Almost regardless of his attitudes on the war, a reader is likely to rise from a survey of internal evidence baffled and troubled, with the question on his mind: "How could they?" How could four Presidents—Truman, Eisenhower, Kennedy, Johnson—in the face of estimates and program analyses and recommendations like these, so persistently have chosen what were almost always presented at the time of decision as long shots, almost surely inadequate in the long run, potentially costly and risky, in favor either of measures purported to be more effective or of lesser involvement?

Documentary evidence on the internal decision-making process is far from adequate to answer the critical question of what considerations were salient to presidential atten-

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tion at a given moment. The President—having no formal need to persuade a superior, to coordinate a proposal or to justify a decision internally—puts much less down on paper than other participants in the bureaucratic process. Because of his overlapping roles, he conceals or dissembles his own views even more than other participants, except selectively to his closest associates. They in turn guard them closely, for reasons of loyalty, their own access, and politics, even when they later come to write "history."

In fact, certain general considerations caution the analyst/historian not to take the mosaic of bureaucratic inputs to presidential decision as a close or highly reliable guide to the President's own view of a matter, his private expectations and aims.

First, the President may, to some degree, disbelieve the estimates. He may believe that a pessimistic tone reflects a bias, or a bureaucratic hedge. (Although in retrospect, the intelligence analyses of the 1950s, and to a somewhat lesser extent the 1960s, look realistic, not vague or excessive, in their pessimism; they read well today.)

As for claims that measures he has decided to reject or postpone are "essential," he may feel (often with justice) that this language is largely a bureaucratic ploy, an attempt to tie his hands or to make a record as a future hedge.

Most Presidents probably acquire, fairly quickly, some skepticism about 'assertions that they "must" act *immediately*, or adopt a proposal in full or on a vast scale, if they are to avoid disaster or have any likelihood of success. They are likely to be drawn to converting a program into a sequential decision, "buying time, awaiting information, keeping options open." They can also claim to be doing so, as a way of rejecting a proposal without foreclosing its proponents' hopes.[27]

Moreover, as Richard Moorsteen has pointed out to me, many Presidents, as successful politicians, are likely to exhibit these same traits for temperamental reasons as well. A strong focus on the short run, a hopeful attitude toward one's future, a tendency to put off painful decisions in the hope, and with some confidence, that "something will turn up" (to make the decision either unnecessary, or easier): All these are part of the typical make-up of a politician. A President, as Moorsteen puts it, will have attained that office only by winning a long succession of long shots; by the time he gets there he is likely to have a strong belief in his lucky star, a confidence that he can get away with what looks like chance-taking where others might not, confidence that something will always turn up for him. A Bay of Pigs experience comes to him as a special shock; yet even that will probably not erase the traits permanently.

These considerations go some part of the way to explain discrepancies between the President's view and choice and the estimates and proposals pressed on him by his advisers. But they cannot really bear the main weight of explanation. To explain these actual discrepancies almost wholly in terms of presidential operating straits or temperament, for example, would imply White House wishfulness, or a general exclusive focus upon the short run, so extreme as to seem almost psychotic. Rather, it is likely that the factors above did work marginal differences in degree in the President's thinking from that of his advisers, but unlikely that they counted for more than that. There is simply no evidence that, in any instance, a President was radically more optimistic than the expressed appreciations of odds and possibilities presented to him: a conclusion which leaves us still facing the earlier puzzles.

Thus, when all this is said, the stumbling-into-quicksand image cannot be revived when one looks at the internal record. Instead one sees, repeatedly, a leader striding with his eyes open into what he *sees* as quicksand, renewing efforts and carrying his followers deeper in, knowingly. Why? Presumably, because he sees no alternative, and hopes to find a way through, or because the alternatives seem even more threatening, worse in the short run. But what is the alternative future that the DPP describes as "intolerable"? What is the failure so ominous that it must be postponed at such costs, while concealing its prospect from the public?

Looking only at the set of critical decision points, one sees, not an unwary traveller miring down imperceptibly, but a different image: Eliza, fleeing across the broken ice of the river, leaping from block to block as each begins to slip. . . . And the question becomes: What whips threaten, what are the hounds that bay on the departed shore?

In one period, at least, 1949–1950, the identity of the pursuers was in little doubt. A close look at that decision point—when lack of prior involvement screens out several of the hypotheses competing for attention later—suggests answers to many of the questions raised so far.

### 1950 THE EDGE OF THE BOG

At the time an American President first left solid ground behind to step into the Indochina War, the main pursuers to his rear had known faces and names, and their accents were American. The voices included those of such Senators as William Knowland, Styles Bridges, Kenneth Wherry, and Pat McCarran, three "Asia-first" Republicans and a right-wing Democrat, who denounced the China White Paper issued by the State Department on August 5, 1949, as "a 1,054-page whitewash of a wishful, do-nothing policy which has succeeded only in placing Asia in danger of Soviet conquest."[28] And even Arthur Vandenberg: "I think we virtually 'sold China down the river' at Yalta and Potsdam and in our subsequent official demands for coalition with the armed Chinese Communists."[29] And Richard Nixon, whose questioning of Alger Hiss in 1948 had broken down the Hiss defense and whose efforts were more responsible than any others in bringing an indictment against Hiss (and helped him defeat Helen Douglas for the Senate in the fall of 1950 on the theme of her "soft attitude toward Communism"). But also, a man who was to defeat Richard Nixon a decade later—in part on the charge that the Republicans had lost Cuba to Communism—who was granted one minute to address the House as follows on January 25, 1949:

"Mr. Speaker, over this week end we have learned the extent of the disaster that has befallen China and the United States. The responsibility for the failure of our foreign policy in the Far East rests squarely with the White House and the Department of State.

"The continued insistence that aid would not be forthcoming unless a coalition government with the Communists was formed, was a crippling blow to the National Government.

"So concerned were our diplomats and their advisers, the Lattimores and the Fairbanks, with the imperfection of the democratic system in China after 20 years of war and the tales of corruption in high places that they lost sight of our tremendous stake in a non-Communist China.

"Our policy, in the words of the Premier of the National Government, Sun Fo, of vacillation, uncertainty, and confusion has reaped the whirlwind.

"This House must now assume the responsibility of preventing the onrushing tide of Communism from engulfing all of Asia."[30]

Thus the Democratic Representative from Massachusetts, John F. Kennedy.

Above all, by the spring of 1950 there was the voice of Senator Joe McCarthy, whose sensational charges of Communist infiltration of the State Department began 18 days after Hiss was convicted in a second trial—or two weeks after Secretary of State Acheson announced, "I will not turn my back on Alger Hiss"—with his speech in Wheeling, West Virginia, on February 9, 1950.

"How can we account for our present situation," McCarthy was to ask later, unless we believe that men high in this government are concerting to deliver us to disaster? This must be the product of a great conspiracy on a scale so immense as to dwarf any previous venture in the history of man."[31]

Or more specifically, in a Senate speech on March 30, 1950:

"It was not Chinese democracy under Mao that conquered China, as Acheson, Lattimore, Jessup and Hanson contend. Soviet Russia conquered China and an important ally of the conquerors was this small left-wing element in our Department of State."[32]

In less that nine months, criticism of "our loss of China" had moved from condemnation of our "wishful, do-nothing" policy to discern a more sinister meaning in what had seemed passivity. As Graebner paraphrases the attack:

"United States policy failed, in short, because it had pursued the goals, not of this nation, but of the Soviet Union."[33]

Meanwhile, in December 1949, Chinese Communist troops had reached the borders of Indochina. At that point, granted sanctuary, supplies and expert advisers, it became virtually impossible for the Communist-led nationalist forces of the Viet Minh to lose to the French. But for the same reason, given the domestic environment in the U.S. described above, it had become "intolerable" to the Truman Administration that they should win.

"The unfortunate but inescapable fact is that the ominous result of the civil war in China was beyond the control of the government of the United States. Nothing that this country did or could have done within the reasonable limits of its capabilities could have changed that result; nothing that was left undone by this country has contributed to it. It was the product of internal Chinese forces, forces which this country tried to influence but could not. A decision was arrived at within China, if only a decision by default."[34]

There is a statement that might have suggested itself, in every year from 1949 to the present, as providing the format for explaining a U.S. government decision to abstain or extricate itself from involvement in Indochina. But it is doubtful if that thought ever came to bureaucratic consciousness; the reception of the China White Paper did not encourage it. The argument simply did not "sell," even though its logic rested on the facts that opposing forces in China were immense and dynamic, no American troops were engaged, and there was no real U.S. support for their involvement. As Acheson has put it recently, the conclusion above "was unpalatable to believers in American omnipotence, to whom every goal unattained in explicable only by incompetence or treason."[35] What the State Department learned then, and evidently has never forgotten, was the number of such believers, and their power to wreck policies, administrations, . . . and careers.

In this atmosphere there was no impatience in the State Department to commence the drafting of a parallel Indochina White Paper. In Indochina the battle against Communist-led guerrillas, whose ultimate direction—here Acheson agreed with his attackers—was seen in "the Kremlin," was being carried by Western troops unquestionably able and willing to utilize U.S. materiel. No U.S. troops were needed, or desired: at least, to avert defeat, to bring about a stalemate. On the other hand, temporary stalemate was about all that U.S. estimates offered as the outcome of U.S. aid at that time: at least, in the absence of changes in political strategy that France was extremely unlikely to adopt. Yet the need was urgent; official

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estimates at the end of 1949 gave French forces in Tonkin only six to nine more months, lacking U.S. aid.

In February 1949, at the apparent initiative of the new Secretary of State, Acheson, the NSC had recommended withholding supplies already earmarked for China. Senator Vandenberg argued successfully against the move, even though he admitted that Communist victory seemed inevitable; "I decline to be responsible for the *last push* which makes it possible." [36] The aid continued; even this did little to protect the administration from its critics, yet it was becoming evident that to have done any less would have been still more risky, more ominously "questionable."

A year later, the position of a proponent within the State Department for withholding military aid from our NATO ally, France, thereby accepting full responsibility for its prompt defeat in Indochina by the forces of the Kremlin, would have been an isolated one. And this despite the fact that estimates at the time held out scant hope that France would accept the political strategies that one might give a significant chance of ultimate victory.

No matter how slim the probability of "winning," there was little debate within the government as to whether the open-ended direct aid policy we commenced in May 1950, with a first installment of $10 million, was worthwhile. It could (and did) buy a stalemate; and the alternative was to add the Democrats' "loss" of Indochina to their "loss" of China. That was enough to know. To postpone the loss of Tonkin beyond the tenure of the Truman Administration evidently seemed worth more than the several billion dollars (and one must add, the French and Vietnamese lives) that it cost.

What leads one to what would otherwise seem a harsh and cynical interpretation is, beside the fact of timing, the great difficulty otherwise of explaining a decision directly to involve ourselves in this struggle—against what was perceived within the U.S. government as a nationalist movement, Communist-led but with the support of the great majority of Vietnamese people—especially given the extreme pessimism of official estimates concerning French prospects in the long run, even with our aid. No more in this first instance than in later ones did the promise of the quicksand model apply: "one small step promising success."

Moreover, other hypotheses on possible motives for accepting a long shot, plausible in later periods, cannot apply here. In 1950, it could not be said that we had to carry out prior commitments or promises; or that our prestige rested on earlier involvement; or that, our own forces having been engaged, we could not afford our own "military defeat."

The relevant events determining our response had taken place outside Indochina. They were the fall of China, following earlier disappointments in Eastern Europe, the Czech coup, and in general, the Cold War; and the response of Republican leadership to these events and to the stunning frustration of their 1948 electoral defeat. (Senator Taft's decision to back McCarthy was an important part of this response.) After these developments, even had there been no prior U.S. involvement in Indochina, "a communist victory in Asia that the U.S. might have prevented" was sure to be read as a defeat for the U.S., a culpable failure by the administration, a basis, even, for charges of conscious treachery.

The facts that involvement posed the likelihood of greater costs in future, risks, even, of major war with China or Russia if the Chinese Communists should enter, all uncompensated by significant promise of eventual success: none of this outweighed the credible promise of intervention to "buy time," i.e., to *postpone defeat*, and to avert the political and personal consequences of charges of "softness on Communism."

With the outbreak of the Korean War, followed rapidly by public disenchantment (and charges that Acheson had even invited it), the message of Republican victories in the fall, and above all the entry of the Chinese Communists into the war, all the earlier motives were sharpened for "buying time" in Indochina. But still not "at any price." Despite the renewed judgment that the strategic stakes in Southeast Asia were of the highest order, there was even less interest than before in committing U.S. ground troops to Indochina. The "Never Again Club" in the Pentagon was in the process of consolidating. And controversy over General McArthur's dismissal in April 1951 both mobilized critics of administration policy and publicized a premise already present earlier in the attacks by the "Asia-first" Republicans This was a belief that "victory" was not only, as MacArthur emphasized, indispensable, but that it could be had on the cheap, by a patriotic and resolute administration: by a combination of commitment to victory, unrestrained use of airpower, and strong support of Asian allies.[37] To have to employ U.S. ground troops against Asians showed weak strategy, incompetence, irresolution, or neglect of potential Asian allied troops; to lose an area to Communism marked either culpable negligence or treason.

Anyone who has witnessed from inside the U.S. government decision-making on Indochina in such a period as, say, the autumn of 1964 (perhaps the nadir of U.S. hopes regarding South Vietnam in the last decade) will almost surely feel on reading accounts [38] of the 1948–1954 period that he is learning, at least, the genesis of many bureaucratic-political premises of the later debate. Such books describe the events that scratched the minds of a generation of bureaucrats and politicians.

Patterns evident today that become immediately explicable from this history, in career and party terms, include powerful inhibitions against:

1. Proposing "coalition" with Communists (as Marshall was charged with doing in China), or regarding local accommodation as less than tantamount to Communist victory;
2. Pressuring an Asian ally toward "reforms," to the point of risking the charge of weakening his confidence or political base or military capability;
3. Regarding Communist adversaries as anything but terrorists and aggressors (though blessed with "organizational skills");
4. Withholding approval, indefinitely, from military proposals for "victory through airpower";
5. Strongly questioning the assurance, speed, or impact on U.S. interest of an Asian "accommodation" to the Communists after Communist victory in South Vietnam (the "domino theory");
6. Appearing to "do nothing" in face of a possible "loss to Communism" (whether or not an action of any promise of effectiveness is at hand); or regarding such a possible loss as anything but "intolerable." [39]

Thus, for example, in illustration of the last point, an argument made in late 1964 and early 1965 for commencing the bombing of North Vietnam by some who did not hold out high hopes for its effect on the North Vietnamese efforts was that "even if it failed, it would have been worthwhile; it would have demonstrated our willingness to risk, to bloody our opponent, to go the last mile for an ally. . . ." Demonstrate to whom? Allegedly, to foreigners: opponents and allies. Yet the confident assurance—mocked by events—that such benefits would outweigh costs and risks seemed peculiar, even at the time; unless one noted that "doing something" to hurt Communist opponents, no matter how costly and unpromising, would be strong protection against domestic charges of culpable underestimation of a Communist threat, or of defeatism, or even—fantastic as these would have seemed before 1950—of literal treason.

Officials writing such phrases in internal memoranda in 1964 had almost surely not read Vandenberg's diary on his 1949 plea—"I decline to be responsible for the *last push* . . ."—but its bureaucratic echoes had lasted fifteen years. What had been lost to memory was Acheson's counterargument, as expressed at the beginning of 1950 with reference to American involvment in the defense of Formosa: "The Chiefs again objected to the involvement of American forces but proposed some funds for military materiel and a fact-finding mission. I objected to this *toying with the mousetrap. . . .*" [40] To a reader in 1971, that last comment appears almost stunning in its cogency and prescience. Yet to an impartial political scientist writing in the mid-1950s, it marked an attitude and a set of tactics that were simply "politically foolhardy":

"Now, it may be true that Chiang could have been saved only by very large-scale intervention by the United States 'beyond the reasonable limits of its capabilities' (as Acheson asserted in the 1949 White Paper.) But it seems to be carrying logic in the conduct of foreign affairs to self-defeating extremes to make that belief a justification for attempting to block *all* substantial aid, in order to cut American losses. By spending expeditiously a few hundred million more on military aid, as the GOP requested, and by sending as many military advisers as could possibly be spared, the State Department in 1947 could probably still have forced the Republicans to share public responsibility for any later decision to cut the losses. . . . If then the American public had shown a willingness to press on, the rewards of victory or even a stalemate would have been vastly greater than was eventually the case in Korea." [41]

There is the domestic political case for "toying with mousetraps": even if the outcome should be the "rewards of stalemate." That was the lesson that stuck, for Acheson and a generation of successors, when it came to drawing morals for Indochina from the debacle of China policy.

Of course, to point to domestic political considerations as of critical importance to a particular foreign policy decision is not to say either that (1) *only* such domestic concerns figured in the decision; or (2) domestic and international-strategic factors were independent; or (3) domestic considerations were of only one simple sort, e.g., winning the next presidential election. Let us consider these points in reverse order.

Relevant aspects of domestic "politics" that can be influenced by or influence a particular foreign policy include: the prospects of passing a current legislative program (e.g., the Great Society program in 1964); the composition of the next Congress, with its implications for subsequent programs and elections; a President's chances for renomination by his own party, as well as for reelection (see 1968); the prospects of tumultuous controversy during primaries and the election campaign, with its implications for effective governing (again, 1968); the future of one's party (e.g., the feasibility in the 1970s of creating a "new Republican majority"); a President's reputation, his place in history, and his own self-respect (thus, the concern of both Johnson and Nixon not to be "the first U.S. President to lose a war").

Each of these considerations interacts with strategic concerns or with other matters of domestic policy. No President, after all, believes that victory for himself or his party, or the defeat of a particular opponent, is of no more than selfish interest to himself and

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his supporters: Important issues of foreign and domestic policy and concern are seen as dependent on these legislative and electoral outcomes. And a "humiliation" for an American President is seen—especially by that President, but not only by him—as inevitably a setback for the prestige and influence of the United States as well.

Moreover, to somewhat varying degree, each one of these post-war Presidents has been a "true believer" in the premises of cold-war policy that have figured consistently in their rhetoric. And they themselves have contributed crucially to making these premises influential factors in domestic politics, matters of potential vulnerability for an incumbent. Thus, in their eyes, the imperatives of domestic politics point in the same general direction as do their instincts of "what is right for America."

In the spring of 1950, although Indochina was surely not prominent among the concerns of officials of the Truman administration, all the considerations above pointed to one conclusion, sufficient to determine policy: "This is not a good year for this administration to lose Vietnam to Communism."

Nor was 1951. Or 1952. Korea, the Chinese Communists, MacArthur, an upcoming presidential election, all ensured that.

Nor—for a new administration that had come to office on charges of Democratic "losses" and with loud talk of "rollback" and of "unleashing" Chiang—was 1953 a good year to abandon Vietnam; or, after 1954, South Vietnam. . . .

A decade after 1950, a new Democratic President inherited the task, among others, that he had defined sometime earlier: "preventing the onrushing tide of Communism from engulfing all of Asia." Nine months into his first year in office, he had experienced the Bay of Pigs, the need to seek a negotiated—and probably unstable—settlement in Laos, Vienna, the Wall and Khrushchev's threats on Berlin, and the resumption of Soviet nuclear testing. After all this, John F. Kennedy found 1961, like 1950 and the years between, a bad time to decide to lose South Vietnam to Communism.

Likewise, most of 1962. Yet by that year's end, the situation might have been seen differently, at least on the international front. The Cuban Missile Crisis had established Kennedy's resolve, split further the Soviets and Chinese Communists, ended the Berlin confrontation and prepared the way for the test ban. At the same time, Kennedy's White House Chief of Staff, Kenneth O'Donnell, has revealed, the mood of optimism about Vietnam that had set in during 1962 had been drained for his boss by the end of the year, and still more by the following spring.

In O'Donnell's account,[42] seconded by Senator Mansfield, Kennedy had been disturbed in late 1962 to find himself agreeing with an unexpected argument by Mansfield that he should stop sending more military reinforcements to South Vietnam and then withdraw all U.S. forces from that country's civil war.

A continued steady increase of American military advisers in South Vietnam, the Senator argued, would lead to sending still more forces to beef up those that were there, and soon the Americans would be dominating the combat in a civil war that was not our war. Taking over the military leadership and fighting in the Vietnam war, Mansfield warned, would hurt American prestige in Asia and would not help the South Vietnamese to stand on their own two feet, either.

Impressed, Kennedy still did not change his public position on the need for U.S. support of Diem. But when Mansfield renewed the argument in the spring of 1963, the President called him in privately, and O'Donnell (a witness) reports:

"The President told Mansfield that he had been having serious second thoughts about Mansfield's argument and that he now agreed with the Senator's thinking on the need for a complete military withdrawal from Vietnam.

"'But I can't do it until 1965—after I'm re-elected,' Kennedy told Mansfield.

"President Kennedy felt, and Mansfield agreed with him, that if he announced a total withdrawal of American military personnel from Vietnam before the 1964 election, there would be a wild conservative outcry against returning him to the Presidency for a second term.

"After Mansfield left the office, the President told me that he had made up his mind that after his reelection he would take the risk of unpopularity and make a complete withdrawal of American forces from Vietnam. 'In 1965, I'll be damned everywhere as a Communist appeaser. But I don't care. If I tried to pull out completely now, we would have another Joe McCarthy red scare on our hands, but I can do it after I'm reelected. So we had better make damned sure that I *am* reelected.'"

There is no way, starting from O'Donnell's understanding of Kennedy's views at this time, to attribute either (1) the continued buildup of advisers throughout most of 1963, or (2) the encouragement of the Diem coup, or (3) Kennedy's continued avowals in 1963 of the domino credo and our unswerving commitment, either to (a) inattention or inadvertence, or (b) confidence in subordinates' optimistic promises, or (c) perception of "no alternative," due to the involvement or pledges of predecessors, or to international concerns.

Indeed, in the light of these revelations of the President's pessimism and intentions, there seems no way to read his measures in 1963 increasing or confirming national involvement in and commitment to the war in Vietnam, except as reflections of John Kennedy's judgment that 1963 was a worse time than 1965 for him to lose a war to Communists, so that he would just have to keep it going till then.

To be sure, "continuing a war" in Vietnam did not mean just the same thing in 1963 that it did in 1965, or 1970, especially for Americans. As O'Donnell pointed out to me recently (February 24, 1971): "43 Americans had been killed in Vietnam at the time of President Kennedy's death. We lost that many in the last two weeks over Laos." (The difference for the Vietnamese between the two periods, although significant, was considerably less.)

Nevertheless, as quoted by O'Donnell, Kennedy did not even claim that he might avoid or reduce the "McCarthy red scare" by postponing it—"In 1965, "I'll be damned everywhere as a Communist appeaser"—but merely that he could prevent it from interfering with his re-election. He proposed to do so by accepting two more years of U.S. involvement, with its evident risks, unless he were "damned sure" to be re-elected, and perhaps even then—of later escalation, U.S. combat involvement, vastly increased American and Vietnamese deaths, and domestic disaster.

All these risks were realized. Kennedy did not live either to win the election or to leave the war. Instead he willed the war to a President determined not to be the first to lose one, leaving an unchanged U.S. policy toward Vietnam to an insecure successor who had some reason to fear the political consequences—even at the hands of the dead President's heirs, officials, and supporters—of publicly abandoning it.

(The risk that "losing" Vietnam would pose some risk from a faction within the President's own party was one that Johnson in 1964 shared with Eisenhower in 1954. Even Richard Nixon has seen himself as facing comparable problems in 1969–1971, his Special Assistant Henry A. Kissinger has reported in numerous "backgrounders":

"If we had done in our first year what our loudest critics called on us to do, the 13 percent that voted for Wallace would have grown to 35 or 40 percent; the first thing the President set out to do was to neutralize that faction."[43])

Sorensen's final comments in *Kennedy* (published in 1965) on his Chief's Vietnam legacy are not unduly upbeat, but they need interpreting. They begin:

"He could show little gain in that situation to pass on to his successor, either in the military outlook or the progress toward reform. His own errors had not helped."[44]

In this, of course, Kennedy does not suffer by comparison with his two predecessors, or his successor. Arthur Schlesinger, Jr., spans his account of the Kennedy term in *The Bitter Heritage* with the sentences: "In January, 1961 the Vietnam mess fell to a new American president . . . [in 1963] a new President inherited the trouble." From the President's perspective of 1961, was this failure, or was it reasonable success? Just the same statements, after all, could be said for the comparable milestones 1953, 1961, 1969. And in no case was this assessment at the end of a term worse than had been predicted internally—though this was not revealed to the public—at the earlier moment the President had chosen to sustain and deepen the nation's involvement. Had any of them honestly expected more (except for intermittent periods)? If not—as seems likely—what does this tell us about the pressures driving these four Presidents, about their aims and motives?

To go on with Sorensen:

"But if asked why he had increased this nation's commitment, he might have summed up his stand with the words used by William Pitt when asked in the House of Commons in 1805 what was gained by the war against France: *'We have gained everything that we would have lost if we had not fought this war.' In the case of Vietnam, that was a lot.*" (Italics added.)

Specifically, that was—as John F. Kennedy had hoped in 1963[45]—a Democratic victory in 1964, although not for himself.

It does not seem enough.

### THE STALEMATE MACHINE

Although the data that have been discussed are adequate decisively to reject the Schlesinger "quagmire model" of the generation-long process of U.S. involvement, they do not point conclusively to an alternative. They do begin to suggest some answers to puzzles identified earlier, and it is time to draw these together.

What follows is a discussion of a particular "decision model"—in the form of "presidential decision rules in Vietnam crises"—that does, given actual perception and premises of Washington decision-makers, imply policy choices and executive performance conforming in considerable detail to those actually obtaining at major escalation points between 1950 and 1968. (Presidential decisions significantly escalating the nature of U.S. involvement have occurred, in fact, only in crisis situations of impending failure.) That is all I can say for it, at this point. I cannot prove, or even feel sure, that any particular President has actually seen his decision problem and constraints in just this way. Similar models but with different emphases can be equally consistent with the data; see, for example, Leslie Gelb's paper cited earlier. The same might be true for radically different approaches; however, none that I have seen or considered explains so well so many characteristics of the available data.

One of these characteristics happens to be the striking impression of the *sameness* of the bureaucratic debate, in substance, tone, and agency position, and of its relation to

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Footnotes at end of article.

presidential choice, at decision points throughout the twenty-year period. This is in itself a surprising, if subjective, datum, given the differences in circumstances—e.g., the steadily rising level of prior U.S. involvement—and in the character of the several Presidents.

The obvious differences between administrations do not, after all, seem to have made much difference in Vietnam policy; at least, so far as concerns a determination to stay in Vietnam, to do what was necessary at any given time to avoid losing, and not, at that time, much more. (As Morton H. Halperin has pointed out, this does not mean that a permutation of the sequence of actual Presidents would have made no difference at all; for example, if Lyndon Johnson—or still more, Richard Nixon—had come earlier than he actually did, escalation might well have started sooner and gone further.) This sameness suggests that a single, perhaps complex, hypothesis might cover the whole set of decisions with more validity than a set of purely *ad hoc* explanations. (To this degree, one sympathizes with Schlesinger's approach.)

In any case, it appears that an appropriate abstraction of elements of the initial 1950 decision to intervene—despite the lack of major prior commitment or involvement—fits very well all the major subsequent decisions to escalate or to prolong the war, at least through 1968 and probably beyond.

We have already seen one presidential ruling at work both in 1950 and 1961: *"This is a bad year for me to lose Vietnam to Communism."* Along with some rules on constraints (see below), this amounts to a recursive formula for calculating presidential decisions on Vietnam realistically, given inputs on alternatives, anytime from 1950 on. The mix of motives behind this judgment can vary with circumstances and Presidents, but since 1950 a variety of domestic political considerations have virtually always been present. These have been sufficient underpinning in those years when (unlike, say, 1961) "strategic" concerns were not urgent.

In brief: A decade before what Schlesinger calls Kennedy's "low-level crisis" in South Vietnam, the right wing of the Republican Party tattooed on the skins of politicians and bureaucrats alike some vivid impressions of what could happen to a liberal administration that chanced to be in office the day a red flag rose over Saigon.[40]

Starting in early 1050, the first administration to learn painfully this "lesson of China" began to undertake—as in a game of Old Maid—to pass that contingency on to its successor. And each administration since has found itself caught in the same game.

Rule 1 of that game is: *"Do not lose the rest of Vietnam to Communist control before the next election."*

But the rules do not end with that. There is also—ever since late 1950, when Chinese Communists entered Korea—Rule 2, which asserts among other things: *"Do not commit U.S. ground troops to a land war in Asia, either."*

Breaking Rule 2 (which has some further clauses) will not expose one to the charge of treason, but otherwise the political risks—loss of electoral support, loss of Congress, loss of legislative program, loss of reputation—are about the same. And many of the very same pursuers who would be howling and pointing at the scent of a violation of the first rule would be among the pack chasing a President who proposed to ignore the second.

It so happens that a factional attitude within Congress or the public of intense appreciation of U.S. stakes in a non-Communist Southeast Asia does *not* go with a willingness politically to support costly or risky or domestically unpopular measures to protect those stakes. On the contrary, it tends to be coupled precisely with a determination to oppose and punish many such measures (in company with those who do not believe the stakes are all that important), because it is typically part of a philosophy asserting such efforts to be both unnecessary—to a patriotic and resolute administration willing to rely on Asian allies and the threat or use of U.S. airpower—and dangerous to the economy.

Suppose, then, an administration fears attack by or needs the support of the particular faction that holds these attitudes (which is suspected of being able to mobilize a much larger following on these issues in a crisis). What if the President is informed that he cannot avoid enraging that faction by losing part of Southeast Asia in the near future to Communist control, except by antagonizing other major groups (and perhaps it is well) by committing troops, or mobilizing reserves, or risking war with the Soviet Union or China?

In that case, the President is in a bind. The Indochina Bind.

That dilemma is all the more certain to recur because of some other politically-derived premises that constrict policy. One of the sacred beliefs, inherited from the late 1940s, that any U.S. official must appear to share (and probably does share) is that toleration of an overt Communist Party in a less-developed country, or a provisional or coalition government including Communists, must inevitably lead to total Communist domination. Any prospects of these developments, then, are proscribed under Rule 1.

But that means that acceptable U.S. long-run aims for South Vietnam must be quite ambitious: the total exclusion from national power of the Communist Party; the assurance indefinitely of a totally non-Communist regime.

These were internally-stated U.S. goals until at least 1969; lest they appear too ambitious or interventionist, they were rarely spelled out publicly, and the public position was ambiguous. It is not clear yet—and appears doubtful—whether recent changes in public formulae correspond to genuine operational changes in the outcomes perceived as "tolerable."

U.S. intelligence analyses have generally recognized that in the face of the actual strength of the Communist Party of Vietnam, such goals could not be achieved—without major U.S. involvement indefinitely—by the sort of narrow, conservative, foreign-oriented, anti-Communist, authoritarian regime (supported mainly by Catholics, the Army, bureaucrats, and the rich) that alone among Vietnamese political elements was willing to pursue such an aim. Hence, for the long-run goal of an acceptable outcome at an acceptable cost to the U.S., civilian analysts have regularly stressed "reform" and "broadening" of the Saigon regime.

But this runs into another sort of blind. For even proponents of those political changes admit that such a "broadened" government, or even U.S. pressures to achieve it or reduce the influence of the Army, would increase to some degree the risk in the short run of "instability"—coups, chaos, military weakening, governmental paralysis—and thus quick Communist take-over. Thus any measures—U.S. "leverage," political strategies, genuinely "revolutionary" social-political approaches, broad-based regimes—to achieve such long-run aims conflict directly with Rule 1, and perhaps with Rule 2 as well. The rules have always won out.

It follows that in those periods when major U.S. policy innovations have actually been determined, long-run success at acceptable cost, if attainable at all, has been perceived to depend either on U.S. military measures that involved high domestic risks—unless they were sure to be quickly successful, which could not be guaranteed and which Presidents tend to doubt—or upon political strategies in Vietnam that posed the equally high domestic political risks of short-run instability and failure in Vietnam.

The standard resolution at such moments has been simply to turn away from long-run aims and the measures associated with them, to concentrate almost exclusively upon the aim of minimizing the short-run risk of non-Communist collapse or Communist take-overs. To this end the policy relies heavily on means that do not raise domestic apprehension and opposition, but it also includes those types of instruments "restricted" under Rule 2—their acceptability roughly in the order listed below—judged by the President minimally necessary to this short-run aim.

Rule 2 (extended): *Do not, unless needed to satisfy Rule 1:*

1. Bomb North Vietnam;
2. Commit U.S. combat troops to Vietnam;
3. Commit U.S. combat troops to Laos or Cambodia;
4. Mobilize reserves;
5. Destroy major cities in North Vietnam;
6. Institute wartime domestic controls;
7. Take major risks of war with Soviet China or Communist China;
8. Invade North Vietnam;
9. Use nuclear weapons.

Strong political inhibitions against initiating such "restricted" measures are revealed by the prolonged unwillingness of any administration to introduce any of them until needed to sustain Rule 1: i.e., to prevent defeat in Vietnam before the next election. The President himself must be persuaded that they are essential for that purpose; this is usually long after their use has been urged by others. Indeed, most of these measures have never yet been used. Although most of them have been considered or recommended at various times, often on the more-or-less plausible grounds that they were essential, or highly important, to achieving real "success," Presidents have not, in fact, been willing to adopt any one of them unless and until it was judged essential to avoiding short-run defeat: i.e. to restore a stalemate.

A general presidential tendency to preserve flexibility, or to focus on or value only short-run consequences, or to economize on means, could not explain the strength and specificity of these inhibitions. Nor have Presidents been strictly indifferent to longer-run prospects, or to the possibility of "victory." The chosen policy usually employs far more in the way of "nonrestricted" instruments than is needed merely to avoid defeat. These include: non-U.S. ground forces; commitments and assurances to allies, warnings to opponents; clandestine activities; economic and military aid; advisers; combat, logistic mobility, and air support (even to allied invasion forces).

Moreover, once a "restricted item" is first used to avoid defeat, its use may be greatly expanded in pursuit of ultimate "success"; thus, Johnson's use of U.S. ground troops in South Vietnam and bombing of "military targets" in North Vietnam and Laos, after they had been introduced in 1965 to avoid imminent defeat. Yet even in the optimistic mood of 1967 and despite the urgings of his military commanders that new means could bring a "win," Johnson resisted going further down the list—e.g., to drop all White House controls on the target list in North Vietnam, or to invade Laos or Cambodia, or mobilize reserves—in the absence of an urgent need to avert failure.

After March, 1968, de-escalation was subject to limits similar to those earlier for escalation; again, choices had the desired effect of avoiding short-run collapse, in this case, on the U.S. domestic front: in other

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words, once more "buying time" rather than winning or losing; buying stalemate; prolonging the war.

Many of the paradoxical features of U.S. escalating decisions as seen from the inside—the "discrepancies" noted earlier between chosen policies, on the one hand, and internal predictions, recommendations and long-run aims on the other—can thus be seen to reflect conflict between domestic political requirements on outcomes and domestic political constraints on means.

A peculiar effect of a strong domestic political ingredient in policymaking is greatly to enhance the salience and importance of short-run considerations. There are always a legislative program and presidential appointments to get through Congress this year, and Congressional elections no later than next year, even when a presidential election is not close at hand.

It so happens that in Vietnam policy alternatives have not allowed a subtle adjustment of long-term and short-term considerations, which appear in sharp conflict. The President is challenged, in effect, to pursue one or the other. Thus, the long-run aim of a self-sufficient and relatively democratic South Vietnam not entirely dominated by Communists seems to demand an approach—e.g., a regime based on Southern, civilian, nationalist, and non-Catholic religious leadership, drawing peasant and union support—that poses relatively high risks in the short run of governmental collapse or of "accommodation" to Communists. To decide that short-run interests are very important is to bias policy almost entirely toward a short-run orientation: away from such approaches as that above, whatever their long-run merits, toward policies whose only advantages lie in their higher degree of U.S. control and security against short-run "disaster."

Thus, among the consequences of applying Rules 1 and 2 to policy choices, as officials have perceived the alternatives in Vietnam, are several of the patterns observed earlier:

1. Chosen policies appear from the inside as oriented almost exclusively to short-run considerations; evidently ignoring or trading off very large differences in predicted long-run costs, risks, benefits, and probability of success in pursuit of small reductions in the short-run risk (tacitly, of "losing" South Vietnam prior to the next election).

2. Chosen programs are predicted internally to be inadequate—or at best "long shots"—either to "win" or even to avert defeat in the long run (in contrast to public statements, and to some recommended policies that pose higher short-run domestic risks).

3. Actual policies emphasize predominantly military—rather than political—means, aims, considerations, and executive responsibility, on both the Vietnamese and Americans sides, for reasons of short-run security.

4. The U.S. supports—intervening as necessary to instate or maintain—a narrow-based, right-wing, anti-Communist, "pro-American," authoritarian (since 1963, essentially military) regime in Saigon, with heavy Northern and Catholic influence: despite its inability to win wider support for long-run self-sufficiency.

All of these features combine to give American policy its peculiar appearance, seen from inside, of being dedicated to preserving a stalemate, at ever-increasing levels of violence.

Moreover, at least three other characteristics of U.S. government performance, not discussed earlier, correspond to the implications of this decision model: lack of "leverage," lying, and self-deception. Let us examine these in turn.

The notable weakness of U.S. influence on the policies, either political or military, of its principal ally—first the French and then the GVN—despite near-total dependence of the ally on U.S. support to pursue the war, follows directly from the U.S. political imperatives.

Rules 1 and 2 together led us, from 1950 to 1965, to accept the role continuously of adviser and supporter to another government carrying the responsibility for administration and fighting—even when our limited role seemed to risk imminent defeat of the non-Communist efforts. From time to time in those fifteen years, administration leaders would point out publicly of the ally we were supporting: "It is, after all, *their* fight." But these officials' private perceptions would have been better expressed: "In view of our strategic (and domestic political) interests, it is *our* fight all right, but they have got to fight it for us; because if they don't, we might have to, and that would be nearly as bad as losing."

Given the domestic political constraints embodied in Rule 1, U.S. leaders saw the avoidance of Communist take-over of all of Vietnam as of very considerable importance, both internationally and domestically. Yet for the same reasons as reflected in Rule 2, they had to hope urgently they could induce others to do the fighting, and take the responsibility for the failures and the casualties, leaving us only with the burden of dollars, material, and advice.

This "bargain"—first with the French, then with the GVN—has always seemed in danger of breaking down, facing the current administration with the loss of South Vietnam or with a necessity to take over the combat ourselves. Hence, our officials rarely felt they could afford to strain the bargain by "pressuring" our ally into fighting better or differently, or into taking political measures to which it was, in fact, adamantly opposed, even when we suspected that such changes were critical to success. In effect the U.S. had no leverage to use, despite the intelligence perception that the military-political challenge of the Communist-led forces would almost surely grow, and the ability of the ally (French, then the GVN/RVNAF) to meet it would decline, unless these changes did occur.

Meanwhile, as an essential part of the bargain with our ally—serving to keep it in power, fighting—high U.S. officials provided verbal and symbolic encouragement and evidence of U.S. concern and commitment. This came "cheap" in terms of current demands on the U.S. public. But it was making ever more certain the provision of U.S. combat forces if that became essential to holding Vietnam.

To convince the GVN (and its Vietnamese critics and rivals)—in lieu of sending U.S. troops immediately—that we would do "whatever necessary" to support them, the administration had to say so publicly, and to assert that major U.S. interests were at stake; likewise, to warn Hanoi's leaders and deter them from pressure.

On the other hand, to get sizeable enough sums of money out of Congress, these officials had to say, again, that major U.S. interests were at stake, implying that even major commitments would be justified; but at the same time suggest that there was very little likelihood that these programs would lead to U.S. combat involvement. The only way in which these requirements could be harmonized was to profess, at any given time, great optimism for the results of the GVN's performance if the U.S. aid were sent (combined with pessimism, and the prospects of major losses for the U.S. if it were not).

Here, then, is the explanation for the news management recounted earlier. Deceptive games with Congress and public are played for serious stakes. The President's resolution of the conflicting demands and constraints upon him called for suppressing any indications of possible inadequacy of the programs he proposed. The penalty for frankness could be to ally against his programs those who might conclude these were not worth attempting at all, and those who would condemn him for not doing much more. Yet the latter could be expected to oppose him if he did ask and do much more, unless he won quickly, which he did not expect; and the former would desert him if he took their advice, and lost Vietnam. Honesty, it appeared, would only earn him opposition whatever he did, and sooner than otherwise.

But in this case, internal analyses, estimates, reports, planning, recommendations, all indicated that in a whole variety of ways these programs were inadequate. Thus all these documents and opinions had to be concealed, by secrecy and deception.

In short, the public is lied to: about what the President's decision is, what advice he rejects, what he was told to expect, what he foresees and intends for the future.

When he decides to go slow and small, as in November 1961, the fact that much more was considered and recommended is suppressed lest doubts be raised on the meaningfulness of the program. James Reston's remark at the outset of the Taylor mission that Taylor was not a man who would "blithely" recommend committing U.S. combat units to a jungle war was presumably right; likewise Taylor's own comment that "any American" would be reluctant to do so "unless absolutely necessary." Nevertheless, that is what Taylor did recommend. The fact that he did so, therefore, carried an important message about the seriousness of the situation, and the prospects of the lesser course the President chose. To suppress the fact of this recommendation, as the President chose to do, was to conceal this information. And for officials to lie to reporters about Taylor's views—which were shared by Rostow and the JCS, and initially at least by McNamara and Gilpatric—was to convey the opposite, untrue impression.[47]

By the same token, when a President finally decided to go in big, the schedule and total commitment were concealed, with increments—actually programmed in advance—being announced as if based on a sequence of *ad hoc* decisions on "small steps," lest public fears be aroused on the costs of the program, and the ultimate risks and commitment. This was the nature of the "public information" program associated with the early bombing campaign against North Vietnam, the build-up of troop levels to 75,000 in the spring of 1965, and the open-ended build-up of troops to 175,000 and beyond, determined in July 1965 (the latter after an announcement of mobilization had been tentatively decided on and drafted—by me, for one—then abandoned).

One pertinent effect of this information policy was that it considerably distorted the public view, then and later, of what the President thought he was getting us into, what he thought of the chances and the relevant goals, and just what was in the inner pages of the contracts Congress and the public were being asked, implicitly, to sign.

From such a mistaken understanding of this and the other choices, bad predictions and prescriptions must follow. It leads to wrong questions and wrong inferences about presidential motives, and about what changes in his calculations and in the pressures on him might influence his choices. It could lead, for example, to the inference that "the only thing we have to fear is (presidential) hope": when, in truth, unrealistic presidential hopes were not a prominent factor in any major decisions to press onward.

Thus those who keep secret the past condemn us to repeat it.

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Footnotes at end of article.

### ESCALATION, PHASE B: THE QUAGMIRE MACHINE

Both of the deceptive practices noted above bear on the question: Why is the quagmire model, flawed as it is, so plausible to the public eye?

Part of the answer is that Presidents choose to foster to a misleading degree impressions that their Vietnam decision-making is subject to a "quicksand process." They do this despite a number of unfavorable implications: "inadvertence"; ignorance; inattention; lack of Presidential control; lack of realistic planning; lack of expertise; over-ambitious aims for means used; over-optimistic expectations. They choose to encourage, ultimately, these particular criticisms because either a different substantive policy or a more accurate public understanding of their actual policy seems to them to pose even greater disadvantages and risks.

All very calculated, this. But, it turns out, this posture of secrecy and deception toward Congress and the public, maintained over time, takes its internal toll. Ironically, one price is that all of the above imputed flaws and limitations increasingly do characterize the executive decision-making process. And for a number of reasons, as the chosen policy begins to be implemented, internal operational reporting, program analyses, and high-level expectations do gradually drift in the direction of the public optimism expressed constantly from the outset.

Thus real hopes—ill-founded hopes—follow hard upon the crisis choices, eventually replacing phony and invalid optimism with genuine invalid optimism.

Again, the aftermath of the November 1961 decision is typical. Schlesinger reports it well: the striking move to optimism in official expectations in 1962, a reversal which the public misread as vindication of earlier estimates.[48] U.S. combat troops, it was now appearing, had not been "essential" after all. (If the President had, indeed, suspected that earlier, he was the only one who seemed vindicated.) But no recriminations blossomed in this atmosphere; only mutual congratulations that the long shot was paying off.

Roger Hilsman reports a meeting in Honolulu in April, 1963, at which,

"General Harkins gave us all the facts and figures—the number of strategic hamlets established, number of Viet Cong killed, operations initiated by government forces, and so on. He could not, of course, he said, give any guarantees, but he thought he could say that *by Christmas it would be all over*. The Secretary of Defense was elated. He reminded me that I had attended one of the very first of these meetings, *when it had all looked so black—and that had been only a year and a half ago.*"[49]

Why the fast turn-around? For several reasons, none peculiar to this case. First, the new programs had been accompanied by new officials directed to carry them to success. Ignorant of past estimates and current realities in Vietnam, they had no strong reason to assume that the tasks they had been given were infeasible with the means at hand. And they quickly learned that Washington tended to rely on reporting up through the chain of operational command; which is to say, their performance in their jobs would be evaluated by their own reports of "progress" in their respective fields. As an American division commander told one of his district advisers, who insisted on reporting the persistent presence of unpacified VC hamlets in his area: "Son, you're writing our own report card in this country. Why are you failing us?"

Even when this did not lead to conscious dishonesty at the higher levels in Saigon, it created a bias toward accepting and reporting favorable information from subordinates and Vietnamese "counterparts," neither of whom failed to notice.

Thus, it was more mechanism than coincidence that in 1962 and early 1963,

"The strategy of unconditional support of Diem combined with the military adviser system seemed to be working—or so at least the senior American officials in Saigon assured the President."[50]

Such assurances said nothing more nor less than that the two officials themselves were "working"—succeeding—in the precise two programs they had been sent by Kennedy respectively to manage.

"Ngo Dinh Nhu made the strategic hamlet program his personal project and published glowing reports of spectacular success. One might have wondered whether Nhu was just the man to mobilize the idealism of the villages; but Ambassador Nolting and General Harkins listened uncritically to his claims and passed them back to Washington as facts, where they were read with elation."[51]

One might also have wondered—but no one even seemed to—whether Nhu was just the man uniquely to report upon "his personal project"; or whether Nolting was just the man to report the effects and value of reassuring Diem and Nhu, or Harkins the success of the military adviser system, their own respective personal projects.

But to emphasize exclusively subordinate bureaucratic influences in this process of internal self-deception would be greatly to underrate the impact of the President himself, and of his high-level appointees. They, too, like Nolting, Harkins, or Nhu, had their "personal projects," larger ones, on which they reported to those who controlled their budgets and their tenure: Congress and the public. And they too, thanks to the security system and executive privilege, "wrote their own report cards"; with a little help from their subordinates.

Precisely as at lower levels, but with enormously broader impact, the needs of the President and the Secretaries of State and Defense to use "information" to reassure Congress and the public had its effect on the internal flow of information up to the President. Reports and analyses that supported the administration's public position and could be released or leaked to that end were "helpful" and welcome, while "pessimism" was at best painful, less "useful," if not even dangerous to have down on paper. Executive values like these (vastly sharpened in 1966–1968, when skeptics and critics were louder and had to be refuted) translate into powerful incentives at lower levels to give the Chief what he so obviously wants.

Thus—granted human wishfulness, as well, as a factor at all levels—pessimism regarding an ongoing policy is a fragile, unstable phenomenon within the government. Ironically, even the VC and the GVN (earlier, the Viet Minh and French) played their role, too, in providing indicators of allied "progress" and intervals when things "seemed to be working." In 1951, 1956, 1962, and 1965, bureaucratic pressures toward optimism were catalyzed by actual effects of the new programs on allies and opponents in the desired direction. But "in the field" these effects proved very temporary, whereas our reading of them did not. As Kennedy had predicted, the effects of a "small drink" on friend and opponent faded quickly. What he may not fully have foreseen was the far more lasting afterglow in our own system.

In each case, the aftermath of escalation was an increased emphasis on military factors, and an accompanying alteration of mood from pessimism to great optimism. Thus, when U.S. combat units flooded into Vietnam from 1965 on, the pessimism of later 1964 gave way increasingly to buoyant hopes, by 1967, of an essentially military victory. But this had had its counterpart as early as 1951, after U.S. materiel and American liaison teams had made their way to Tonkin to join a failing French effort.[52]

### THE QUAGMIRE MYTH AND THE STALEMATE MACHINE

Meanwhile, the Viet Minh, and later the VC, had a characteristic response to a new U.S.-GVN strategy or a scaling-up of our involvement that further encouraged our switch to unbounded optimism. After suffering initial setbacks, it has been their practice to lie low for an extended period, gather data, analyze experience, develop and test new adapted strategies, then plan and prepare carefully before launching them. (Nothing, our Vietnam experience tells us, could be more un-American.)

Since so great a part of U.S. and GVN knowledge of enemy activities comes from operational contacts, there seems to be an irresistible tendency for U.S. operators to believe that data concerning contacts reveals enemy capabilities, i.e., that lessened VC combat operations indicate lessened capability. Another mechanism, then: U.S. optimism grows during VC "inactivity"—periods when VC activities are of a sort we do not observe—reaching a peak, ironically, when extreme VC quiescence is due to intense preparations for an explosion.

Crisis periods, then, are typically preceded by high points in U.S. official expectations. Thus, peaks of U.S. optimism occurred in late 1953 (just before Dienbienphu), 1958 (when guerrilla warfare was about to recommence), early 1963 (the VC had been studying the vulnerabilities of the strategic hamlet program, and meanwhile infiltrating massively), and late 1967 (during last-minute recruiting and preparations for the Tet offensive, including feints at the borders).

If a fever chart of U.S. expectations—say, anticipations of success—could be drawn meaningfully for the last twenty years, it would have a recurrent saw-tooth shape: an accelerating rise of optimism just before an abrupt decline (Figure I is a conceptual sketch of such a graph). Our perceptual and emotional experience in Vietnam can be regarded as a sequence of two-phase cycles, in which Phase B—optimism—evolves causally in large part from decisions that follow Phase A, a crisis period of pessimism.

(The B-phases in Figure 1 have been drawn with a reverse S-shape, signifying three subphases: an initial period in which the VC suffer real reverses and the GVN stabilizes on the basis of new programs; then a period in which, in reality, the VC have adapted and the GVN is declining, but U.S. expectations remain at a plateau rather than being reduced; finally, the VC begin quietly preparing for a major offensive, causing U.S. hopes to soar.)

If major escalating decisions qualitatively increasing our involvement had actually been made during Phase B's, that would be the quagmire model. It has never been the case.

However, during the B-phases, although no new major policies or commitments are introduced, U.S. aims may change significantly in the atmosphere of optimism, especially in the last stage, going beyond the avoidance of defeat—dominant aim in Phase A and the early Phase B stage—to achieving a victory. At the same time, real optimism leads officials to be much less cautious in public aims and predictions; to give commanders more leeway; to monitor operations less closely; and to indulge in operations that are costly (in many terms) and of low effectiveness but may speed the coming win. All of these responses lead to toleration of rapidly rising costs, and hence to a feeling, when a new crisis brings the return of Phase A, that the stakes, the investment, the commitment have become still higher than before, the need to avoid "defeat" being now even greater.

Nevertheless, this post-escalation euphoria, or "quagmire phase" of the cycle seems to

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Footnotes at end of article.

play no essential role in the escalation process. It simply reinforces the presidential tendency to escalate if and as necessary to avoid a short-run "defeat" or "loss of all Vietnam to Communists." As Leslie Gelb has put it: "Each administration was prepared to pay the costs it could foresee for itself." Political, along with strategic, motives underlying that tendency were already strong enough in 1850 to induce the initial U.S. commitment without any prior or current period of American optimism. And they almost surely were felt strongly enough in subsequent years to have induced much greater escalation than occurred if that had appeared both necessary and effective in the short run.

Consciously oriented as escalating decisions actually were, when chosen, to the defensive aim of averting short-run Communist take-over, *each of these decisions of the past two decades can be said to have achieved its initial, internal aim.*

In Gelb's phrase: "The system worked." In fact, these presidential policies and tactics, in sequence, had the effect of holding South Vietnam out of Communist hands "cheaply"—i.e., without sizeable numbers of U.S. combat troops—for fifteen years, from 1950 to 1965.

Whether efforts and sacrifices, by Americans and Vietnamese, of even these limited but increasing magnitudes could easily have been justified to various parts of the electorate in terms of such limits aims—in starkest terms, the restoration of stalemate, and the postponement of a possible Communist take-over in Vietnam beyond the date of the next U.S. election—is another question. No administration chose to find out. To publicize more idealistic or strategically decisive goals, as they all did, was to forego credit for meeting successfully the limited short-run objectives that each—it is inferred here—privately accepted. More seriously, it was to incur the likelihood of suffering an appearance of recurrent failure of programs to meet their announced aims, and failure of administration predictions or "hopes" to be confirmed. But these impressions of failure, however embarrassing politically, each administration since 1950 has preferred either to the risks of candor on its private aims and expectations or to the risks of accepting the "loss of Vietnam" during or soon after its term in office.

In these respects, too, the policies "worked." Until 1968, at least, each President avoided the kinds of political costs related to Vietnam that his tactics were meant to avert. In fact, up to the present, no President has had to face a political penalty for losing South Vietnam. Not even LBJ will be blamed in history for that, although he is blamed for other things.

Yet the earlier "cheap victories," year by year from 1950 to 1965, were purchased at a long-term price, one not yet paid in full. Presidential policies and tactics actively sustained and encouraged over that period a high estimate of U.S. strategic stakes in the conflict within the U.S. executive branch and the military, the Congress, and the public. Meanwhile they failed—as was highly likely, in the light of earlier internal estimates—either to strengthen adequately non-Communist Vietnamese efforts; to modify Communist aims; to deter or prevent an increase in Communist capabilities; or, of course, to induce the acceptance by Hanoi's leaders or revolutionary forces in South Vietnam of the U.S. role, presence, or aims in South Vietnam, or of the U.S.-supported Saigon regime.

Thus these presidential policies and tactics locked together with these other factors to produce, from the perspective of most of that fifteen-year period, *a high probability that U.S. troops would end up fighting in South Vietnam, and U.S. planes bombing throughout Indochina: i.e., high probabilities that they would be sent if necessary; and that they would be necessary.*

This is the future that three U.S. Presidents failed to resist: indeed, knowingly cooperated with and prepared. Not, of course, that any President liked, wanted, or hoped for the darker developments that actually emerged—the deaths, the costs, the disruptions—only that they preferred the risk of these, and later the certainty, to certain, other prospects they saw as alternatives. Thus the first three Presidents determined the reality of large-scale war that the next two accepted and sustained. That is a generation of Presidents: all the Presidents within the lifetime of a recent college graduate.

Will the tradition end with the current President? How many more could it encompass? Nothing in the generalizations we have abstracted in this paper from experience of the last two decades gives a clear hint of a definite breaking-point, or a foreseeable change in basic motives and values either for the Communist-led forces or the U.S. government. On its face, that is simply a limitation of the analysis, a characteristic—perhaps a defect—of the model suggested.

Or perhaps it is a property of reality.

If so, it is a human and political reality, and humans can, in principle, change it. But change would not be easy. Rule 1 has deep roots in politicians' fears and motives, and in public responses, that have been powerfully influential for twenty years, through some hard times and challenges. There is little indication yet that it will not speak commandingly to Presidents after this one. (Of its authority for the present one, there can be no real doubt.) [53]

Improved Presidential foresight—even the awareness that might be attained from this analysis—would not probably supersede Rule 1. If anything, it might serve to relax the constraining influence of Rule 2.

In the spring of 1965 President Johnson is reported to have received calls almost daily from one of his closest advisors telling him (what no one had to tell him): "Lyndon, don't be the first American President to lose a war."

It is true that such advisers omitted warnings of other deadly errors. They neglected to caution him: "Don't, over more than one or two years, lie to the public; or mislead and bypass Congress; or draft and spend and kill and suffer casualties at the rate your military will propose; or abort negotiations; or, even once, allow your generals to describe the enemy as defeated on the eve of their major offensive." [54]

But if they had, and if he had seen the cogency of their warning: Would he then have decided to lose the war? Or would he, mindful of the time constraints, have acted to win it within them?

The same question applies to earlier presidents; and later.

### THE FACES OF THE QUAGMIRE

Why is the quagmire model so often pressed? And why is it so widely accepted?

Looking at where their policies and tactics have brought us so far, it is easy to understand why the past four Presidents would want, before and after, to conceal and deprecate their own foreknowledge and intentions.[55] And it is no harder to guess why—perhaps unconsciously—participant-observers of one of these administrations or another have promoted the same interpretation of foresight and purpose, values and priorities, influence and responsibility, respecting their past colleagues within and outside government. Indeed, they make no secret of the conclusion they wish to convey by the quagmire metaphor and model concerning the responsibility of individuals and groups.

Thus, Townsend Hoopes, acutely and perceptively critical of the policies under Johnson and earlier Presidents, extends what Richard Falk has called "the circle of responsibility" widely indeed, in explicit purpose to relieve the burden of those seemingly at its center. Traumatized by a lunch with two reporters from the *Village Voice* who suggested that he himself, as Assistant Secretary of the Air Force under Johnson, might have been guilty of war crimes (their subsequent article was titled: "The War Criminals Hedge Their Bets"), Hoopes has published several rejoinders and discussions of the problem of responsibility. In the first of these, after describing his chief concern in the disturbing luncheon conversation as having been "The broad question of how the *entire nation* had stumbled down the long slippery slope of self-delusion into the engulfing morass," Hoopes concludes:

"The tragic story of Vietnam is not, in truth, a tale of malevolent men bent upon conquest for personal gain or imperial glory. It is the story of an entire generation of leaders (and an entire generation of followers). . . . [Johnson's] principal advisers were, almost uniformly, those considered when they took office to be among the ablest, the best, the most humane and liberal men that could be found for public trust. No one doubted their honest, high-minded pursuit of the best interests of their country, and indeed of the whole non-communist world, as they perceived those interests." [56]

Arthur Schlesinger, Jr., less generous in his appreciation of some civilian Johnson lieutenants, is no less reluctant to single them or their Chief out as "guilty" in any special way for their role in our vast national undertaking. In the "quagmire" (literally, "morass") passage so often cited in this paper, he asserts:

"It is not only idle but unfair to seek out guilty men. . . . we find ourselves entrapped today in . . . a war which no President, including President Johnson, desired or intended. The Vietnam story is *a tragedy without villains*. No thoughtful American can withhold sympathy as President Johnson ponders the gloomy choices which lie ahead." [57]

One can read some of these passages as reflections of the sentiment Hoopes expresses: "What the country needs is not retribution, but therapy. . . ." (It is just possible that both are needed, at this point, in the interests of our country and of others.) He completes the sentence, plausibly, "therapy in the form of deeper understanding of our problems and of each other"; but in all of these passages and the larger arguments in which they are embedded, one senses that the drive for sympathetic therapy is setting back the cause of understanding.

Both the substance of the tentative conclusions in this paper, and my experience of the heuristic process that gradually pointed toward them, warn that a deeper analytical understanding of these well-guarded data and controverted events will not be likely to be reached by a searcher committed and determined to see the conflict and our part in it as "a tragedy without villains": war crimes without criminals, lies without liars, a process of immaculate deception.

The urge in these former officials to defend American institutions and legitimate authority (and surely some former administration leaders and colleagues, if not themselves) from the most extreme charges and sanctions ("Lyndon Johnson, though disturbingly volatile," Hoopes remarks, "was not in his worst moments an evil man in the Hitlerian sense") leads them as analysts to espouse and promulgate a view of process, roles, and motives that is grossly mistaken—as should be known to them from their own experience and access to information as officials.

Thus, an effort to defend against perceptious or charges of "immorality," in alleged pursuit of "objective judgment," leads in this case to historical and analytical error. And it has political consequences: It underwrites deceits that have served importantly a succession of Presidents to maintain sup-

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Footnotes at end of article.

port for their substantive policies of intervention in Vietnam.

Of course, to promulgate a view is not necessarily to have it accepted. But this one has a powerful appeal. Earlier we asked, "Why is the quicksand model accepted by so many?" and offered some cognitive answers. But we can suspect that an image speaks to deeper, more emotional concerns when it is presented regularly in the broad strokes of political cartoons in mass-circulation newspapers. That is what happened on the nation's editorial pages during the Cambodian invasion.

That week, while photographs on the front page showed unwonted images of blitzkrieg—tanks in formation driving across fields trailing plumes of dust, and locust swarms of American armed helicopters moving across new borders—and while reporters offered verbal pictures of the Cambodian village of Snoul being destroyed and looted, the drawings on the editorial pages were of Uncle Sams and GI Joes engulfed, bemused, floundering from a swamp marked "Vietnam" to one marked "Cambodia." Images, curiously, of impotence, passivity: ironically contrasting both with the news and the photographs of what Americans in southeast Asia were actually doing and with the President's announced intent to expunge notions of America as a "pitiful, helpless giant."

One cartoon, reproduced in *Time*, left the quagmire symbol to show the "U.S. citizen" in tatters on a raft, confronting three enormous, wide-mouthed whales, labelled: "Vietnam," "Cambodia," and "Laos."

Whales?

The imagery, pressed too far, reveals its key. The scale, and the menace, have simply been reversed. The actual role of America and Americans in and toward Indochina is distorted, to a staggering degree, in the very process of suggesting that it be reconsidered.

Looking back to the quicksand cartoons, one sees their self-pity, their preoccupation with Uncle Sam's predicament, and one finally asks: Where are the Asians? Where are the Cambodians, the Lao, the Vietnamese in these drawings?

Presumably—there is no other sign—they are the particles of the bog, bits of the porridgey quagmire that has seized GI Joe and will not free him. . . .

It is not, after all, only Presidents and Cabinet members who have a powerful need and reason to deny their responsibility for this war. And who succeed at it. Just as Presidents and their partisans find comfort and political safety in the quicksand image of the *President-as-victim*, so Americans at large are reassured in sudden moments of doubt by the same image drawn large, *America-as-victim*. It is no more real than the first, and neither national understanding nor extrication truly lie that way.

To understand the process as it emerges in the documents behind public statements, the concerns never written that moved decisions, the history scratched on the minds of bureaucrats: to translate that understanding into images that can guide actions close-related to reality, one must begin by seeing that it is Americans, our leaders and ourselves, that build the bog, a trap much more for other victims: our policies, our politics the quagmire in which Indochina drowns.

### FOOTNOTES

* This article is part of a larger study of "mechanisms" and perceptions that have shaped American involvement in Indochina, now in progress at the Center for International Studies, Massachusetts Institute of Technology. My particular debt to Leslie Gelb is acknowledged below (see footnote 26). I have also benefitted greatly by discussions with Morton Halperin and Richard Moorsteen.

An earlier and longer version of this paper, entitled "Escalating in a Quagmire," was delivered at the Annual Meeting of the American Political Science Association, Los Angeles, September 12, 1970. This abridgement does not fully reflect the many valuable comments elicited by a wide informal distribution of that version.

[1] Lucien Bodard, *The Quicksand War: Prelude to Vietnam* (Boston: Little, Brown, 1967), which combines, somewhat abridged, translations of *L'Enlisement* (Paris, 1963) and its sequel, *L'Humiliation* (Paris, 1965).

[2] David Halberstam, *The Making of a Quagmire* (New York: Random House, 1964).

[3] Arthur Schlesinger, Jr., *The Bitter Heritage* (rev. ed.; New York; Fawcett World, 1968), p. 47.

[4] The assertions and speculations below on U.S. decision-making reflect the writer's experience as Special Assistant to the Assistand Secretary of Defense (ISA), August 1964 to August 1965; member of General Lansdale's Senior Liaison Office in Vietnam, August 1965 to December 1966; Special Assistant to the Deputy Ambassador, Saigon, December 1966 to June 1967; and research since that time, in part as a consultant, with official access. All of these functions posed the responsibility and opportunity to learn data on earlier decision-making. Unsatisfactory as it is to present generalizations and assertions without specific citation, it seems less so than either to rely entirely on the public record or to pretend to do so, to forego generalizations or to subscribe to wrong ones.

[5] Schlesinger, *op. cit.*, p. 39; italics added.

[6] *Ibid.*, p. 17; italics added. It is only because this statement of a familiar point of view is so explicit, and because his own factual testimony is critical to refuting it, that Arthur Schlesinger, Jr.—who has elsewhere said many cogent and useful things about our Vietnam involvement—is so often cited in this paper in such a way as to appear inadvertently as a whipping boy.

[7] See Schlesinger's accurate description of the exuberant mood in that year, going into 1963: *op. cit.*, pp. 41, 42; and see the discussion below of the causal mechanisms by which optimism follows from escalation.

[8] The same is true of a more recent formulation by Schlesinger, which focuses specifically on military promises and responsibility. "At every stage of our descent into the quagmire, the military have played the dominant role. . . . At each point along the ghastly way, the generals promised that just one more step of military escalation would bring the victory so long sought and so steadily denied." *See Partisan Review*, XXXVII (No. 4, 1970), 517.

[9] *New York Times* (October 16, 1961; story datelined October 15). All newspaper stories cited in this section are from the *New York Times;* dates are dates of publication of stories (generally datelined a day earlier). All italics added.

[10] *New York Times* (October 26, 1961).

[11] As we shall see, he had recommended it formally by cable two days earlier, to no one's very great surprise.

[12] Schlesinger, *op. cit.*, p. 39; italics added.

[13] Arthur Schlesinger, Jr., *A Thousand Days* (Boston: Houghton Mifflin, 1965; page references here are to the paperback edition, New York: Fawcett World, 1967), p. 504.

[14] Theodore Sorensen, *Kennedy* (New York: Harper and Row, 1965), p. 653.

[15] Schlesinger, *A Thousand Days, op. cit.* p. 501.

[16] *Ibid.*

[17] *Ibid.*, p. 505.

[18] W. W. Rostow, "Guerilla Warfare in Underdeveloped Areas," in T. N. Greene (ed.), *The Guerilla—And How to Fight Him* (New York: Praeger, 1962), p. 60.

[19] Letter from President Johnson to Senator Henry M. Jackson, quoting the "Taylor Report," *New York Times* (March 3, 1967); cited in Chester L. Cooper, *The Lost Crusade* (New York, 1970).

[20] Sorensen, *op. cit.*, p. 652.

[21] It is not clear that this was true of Rusk at this time.

[22] Sorensen, *op. cit.*, p. 653.

[23] *Ibid.*, p. 652.

[24] Schlesinger, *The Bitter Heritage, op. cit.*, p. 39.

[25] *Ibid.*

[26] Leslie H. Gelb, "Vietnam: The System Worked," revised version of a paper delivered at the Annual Meeting of the American Political Science Association, Los Angeles, September 1970, to be published in a forthcoming issue of *Foreign Policy:*

I am happy to acknowledge great stimulation from discussions with Gelb—now at the Brookings Institution, formerly an acting Deputy Assistant Secretary of Defense (ISA)—whose studies of the earlier periods preceded my own and who in particular pointed out that the propositions emerging from my study of 1961 and my experience in 1964–1965 applied as well to decisions going back to the 1940s and 1950s.

[27] This is what Hilsman claims Kennedy did with the proposal to send combat forces in 1961. "In an interesting example of one type of gambit in the politics of Washington policy-making, the President avoided a direct 'no' to the proposal for introducing troops." See Roger Hilsman, *To Move a Nation* (Garden City, N.Y.: Doubleday, 1967). p. 124. Such a tactic could account for the success of efforts to keep secret the Taylor/JCS recommendations to send troops. The hope of still persuading the President would discourage leaks among proponents of the measure.

[28] Norman Graebner, *The New Isolationism* (New York: Ronald Press, 1956), p. 45.

[29] Arthur H. Vandenberg, Jr. (ed.), *The Private Papers of Senator Vandenberg* (Boston: Houghton Mifflin, 1952), p. 536.

[30] *Congressional Record—House*, (January 25, 1919), pp. 532, 533.

[31] Graebner, *op. cit.*, p. 28.

[32] Alan D. Harper, *The Politics of Loyalty* (Westport: Greenwood, 1969), p. 133.

[33] Graebner, *op. cit.*, p. 15.

[34] *United States Relations with China, with Special Reference to the Period 1944–1949* (Washington, D.C.: Government Printing Office, 1949), p. xvi.

[35] Dean Acheson, *Present at the Creation* (New York: Norton, 1969). p. 303.

[36] Vandenberg, *op. cit.*, p. 532; italics in original.

[37] See Harper, *op. cit.*, chaps. 5 and 9; and Graebner, *op. cit.*, chaps. 3 and 5.

[38] In addition to those cited, see in particular Tang Tsou, *America's Failure in China, 1944–50* (Chicago: University of Chicago Press, 1963); H. Bradford Westerfield, *Foreign Policy and Party Politics* (New Haven: Yale University Press, 1955); and Earl Latham, *The Community Controversy in Washington* (Cambridge, Mass.: Harvard University Press, 1966). And look again at the 1949 quotation presented earlier from John F. Kennedy.

[39] This last evaluation—unchallengeable bureaucratically by prudent rules of the game since 1950—leads directly to the logic of the Desperate Proposal Pattern. To avoid an "intolerable" (infinitely negative) outcome, any measure with *some* chance of success is justified, no matter how low its probability of success, or how high its cost and risks. Hence no need to report or even calculate the latter characteristics: enough to say that, unlike current policy, the one proposed is not *certain* to fail.

[40] Acheson, *op. cit.*, p. 350; italics added.

[41] Westerfield, *op. cit.*, p. 358.

[42] "LBJ and the Kennedys." *Life* (August 7, 1970). Mansfield was subsequently quoted in interviews as confirming in substance.

[43] Derek Shearer, "Kissinger Road Show: An Evening with Henry," *The Nation* (March 8, 1971). 297, reporting on an off-the-record meeting with Kissinger at Endicott House, January 29, 1971. The quotation is accurate, although the political judgment seems highly dubious. It was for this reason, Kissinger

explained, that the pace of "withdrawal" had been slow, although "We are ending the war . . . the war is trending down, and it will continue to trend down. . . ." (Unknown to his audience because of a news embargo, the bombing of Laos had been stepped up that evening to a near-record level, preparatory to invasion.)

[44] Sorensen, *op. cit.*, p. 664; italics added.

[45] According to his White House Chief of Staff, O'Donnell.

[46] This lesson was implanted so powerfully between 1949 and 1954 that some special circumstance of that period, limiting its future validity, may well have been overlooked. Thus, Truman's startling victory in 1948, prolonging almost by accident what was already a sixteen-year Democratic reign, not only assured that Democrats would still be in office for the fast-approaching victory of Communists in China, but assured that this vulnerability would be exploited to the hilt, and beyond, by the madly frustrated Republicans. For a provocative discussion of this thesis, see Latham, *op. cit.*, pp. 5–7, 416–423.

Fear of McCarthy's and McCarthyism's power at the polls may always have been overdrawn, even in 1950–52, and still more so today. See Michael Paul Rogin. *The Intellectuals and McCarthy*, (Cambridge, Mass.: M.I.T. Press, 1967). Yet what matters, of course, is what Congressmen and officials believe their risks to be, and what risks they are willing to take. (See the citation of Kissinger earlier.)

[47] To my knowledge, no other paper challenged the *Times*, or the administration, on these versions of Taylor's advice. Nor did any different version appear until the appearance in 1965 of the Schlesinger and Sorensen histories, neither of which drew attention to the fact that they directly contradicted all newspaper stories of the time and subsequent accounts. See, for example, the comments in Robert Shaplen, *The Lost Revolution* (rev. ed.: New York: Harper and Row, 1966), pp. 153, 154; or in David Halberstam, *op. cit.*, p. 67: "Above all else, Taylor wanted to keep American combat troops out of the Vietnamese jungles."

So much for the belief, widely held in some circles and encouraged by the government, that "everything comes out in the *New York Times*. . . . There arc no real secrets," and that the *Times* is an adequate basis for understanding an ongoing or past decision-making process within the Executive Branch.

[48] See Schlesinger, *A Thousand Days, op. cit.*, p. 508, and *The Bitter Heritage, op. cit.*, pp. 11, 12.

[49] Hibsman, *op. cit.*, pp. 166, 167; italics added.

[50] Schlesinger, *The Bitter Heritage, op cit.*, p. 40.

[51] *Ibid.*

[52] See Senator John F. Kennedy's speech in 1951, cited in Schlesinger, *The Bitter Heritage, op. cit.*, p. 27, on official optimism underlying a Truman-Eisenhower "credibility gap" in Indochina.

[53] The discussion has gone only through 1968; no attempt is made here to apply the conjectures and generalizations of this paper to the statements and actions of the current administration. That is left as an exercise to the reader.

Nothing in the past attitudes and history of the current President, or any of his public statements or official actions so far in office suggests in any way that these generalizations should be less applicable to him than to any of his predecessors; thus this extrapolation should be a fair test. One might, for example, address the question: Which year between now and 1977 might Richard Milhous Nixon consider an acceptable one, for him, to lose South Vietnam to Communist control?

For my own views, see my article, "Murder in Laos: The Reason Why," *New York Review of Books* (March 11, 1971). 13–17: "Like Kennedy and Johnson before him, Richard Nixon believes he cannot hold the White House for a second term unless he holds Saigon through his first."

[54] No advisor is perfect. There are things Presidents have to learn for themselves. One supposes no one told President Nixon before the event: "Don't condone the shooting of white students by National Guardsmen just after crossing a national border with troops without consulting Congress, the public, or the country invaded."

[55] No event, and no presidential decision, of course, occurred because it "had" to, in any sense of certainty or absolute determinism. What does? On the other hand, in every major case, from the perspective of existing inside knowledge and opinion years earlier, what actually occurred in the way of presidential decision and of resulting developments in Vietnam would have seemed the way to bet.

[56] Townsend Hoopes, "The Nuremberg Suggestion," *Washington Monthly* (December 1969), italics added; reprinted, with reply, in "The Hoopes Defense," by Judith Coburn and Geoffrey Cowan (authors of the original article referred to above, *Village Voice*, December 4, 1969), *Village Voice* (January 29, 1970). See also the cogent comment by lawyer Peter Weiss (with reply by Hoopes), *Washington Monthly* (June 1970, 1–8).

In none of his comments (nor in his later *Foreign Affairs article*, "Legacy of the Cold War in Indochina" July 1970) does Hoopes dissent from this earlier general evaluation of the aims and values of the Johnson advisors, although it would seem fair to re-examine these on the basis of their official performance as it becomes increasingly known; and on their sense of social responsibility for events, shown after leaving office.

[57] Schlesinger, *The Bitter Heritage, op. cit.*, pp. 17, 18; italics added. Schlesinger's more recent comments, quoted earlier—"At every stage of our descent into the quagmire, the military have played the dominant role. . . . At each point along the ghastly way, the generals promised . . ."—do, of course, add villains to the tragedy, although not civilian ones. If he no longer thinks it idle to seek out guilty men, he has nevertheless managed to be unfair.

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## Transcript of Ellsberg Interview on TV

Following is the transcript of an interview with Dr. Daniel Ellsberg by Walter Cronkite on the C.B.S. Television 7 P.M. news program last night, as recorded by The New York Times:

**Dr. Ellsberg.** The fact is that in the 7,000 to 10,000 pages of this study I don't think there is a line in them that contains an estimate of the likely impact of our policy on the over-all casualties among the Vietnamese or the refugees to be caused, the effects of defoliation in an ecological sense, nor a calculation of past offense ever, and the documents simply concern the internal concerns, reflect the internal concerns of our officials. That says nothing more nor less than our officials never did concern themselves in writing and I think in no informal way either, with the effect of our policies on the Vietnamese.

I was struck by the cover of Newsweek here. I refer to this super-history of Vietnam —a map of Vietnam with the faces of important people who effected that secret history of Vietnam. You notice they are all Americans. Every one of them. That reflects accurately the way the history of Vietnam emerges from those studies—that is, from the internal documents of the United States.

### WAS "PART OF SYSTEM"

It affects the way the Vietnam War is seen from Washington, as to who matters and who doesn't. And there is great realism to that, actually. As I say I'm familiar, I was part of that system. I know how that's looked at. There's realism to that.

The war has been an American war and there is certainly realism to the way that it's been reflecting the actual attitudes of the people who make decisions.

Nowhere in those cables or estimates, I think outside of memos by a few people, General Ansfield being one, I think, will the public find when they read these Vietnamese leader described with concern, friendship, respect or evaluated in any terms other than as an instrument of American policy.

The Vietnamese leaders with whom we've been dealing unfortunately have the character that they tend to see themselves that way and the other Vietnamese know it.

As for Vietnamese who aren't leaders, they're not in the study at all. They're just not there. Only this side and that's a large part of what's been wrong.

I came back then with this sense, an additional sense, of concern then about what we were doing to the people of Vietnam as well as what was happening to this country, a concern that many people shared by '67 and '68.

By '68 I had read most of this study, written in a draft for one volume of it and well, can you imagine yourself what you'd feel like to have read those 7,000 pages judging from the 1,000 or so you've seen summaries of so far? And reading the news to the public every night, not able to tell them of the existence of the study or what it was you'd read.

### FELT VERY CONCERNED

I've been reading about myself obviously in these accounts and it's—some of it's—almost amusing, the inferences of my being very tortured by guilt. Actually I had to say I didn't feel guilty for things that I'd done in Vietnam. I felt very concerned. I felt that the knowledge gave me a kind of responsibility that others didn't have.

A very simple explanation came to me as to the impression I apparently have been giving to people over the last year is that I read this history, I read all of it and I've read it several times. I think it obviously led me to kinds of activity against the war publicity.

It was simply very baffling to my colleagues, none of whom had read the study, almost none of whom knew of its existence or the fact that I had read it.

I think maybe they'll understand some strange things about my intensity that they describe a month from now. I hope we'll see some more intense involvement in ending this war.

I'm sure this story is more painful for many people at this moment than for me, because, of course, it is familiar to me having read it several times, but it must be painful for the American people now to read these papers—and there's a lot more to come—and to discover that the men whom they gave so much respect and trust as well as power regarded them as contemptuously as they regarded our Vietnamese allies.

**Cronkite.** It's a black history as it's been drawn so far. Are there any heroes in it?

### MYLAI SOLDIER A HERO

**Ellsberg.** I think that a man I read about named Bernard who put his rifle down to the ground at the risk of his life and refused the orders of his superior commander to fire at civilians at Mylai. He's a hero.

**Cronkite.** You don't find them on a higher level?

**Ellsberg.** That's a hard question you've asked me. I hate—I hate not to find it easy to answer. I hate as an American not to find it easy to answer. Looking at the record it seems hard for me to find men who have lived up to the responsibilities of their office in terms of not only of what they did but of what they could have done, what they should have done, given their feelings.

**Cronkite.** What would you expect to be revealed from the documents that might come out in future days or weeks? What's still back there that we can look forward to?

**Ellsberg.** Well, I think that the real lessons to be drawn are yet to be seen by the public, and they're not from any one period or any one episode. They really come from seeing the whole sweep of the history.

There's never been in a year when there would have been a war in Indochina with American money fueling it. The perception that I had, just like most people in the country, that this was in some sense an ongoing war which we had joined for good or bad, screened out many of the moral aspects of the conflict, and to discover on the contrary that in Indochina if we had not been supplying money and the napalm and buying soldiers and equipment and finally supplying our own soldiers there would have been violence, there would have been violence among non-Communists, among the sects, political violence, there would have been assassinations, raids, some degree of guerrilla action, Communists against other Communists, the Trotskyites were wiped out by other Communists in Saigon in '45, there wouldn't have been anything that looked like a war, and to say that is to say that Americans now bear major responsibility, as I read this history, for every death in combat in Indochina in the last 25 years, and that's one-million to two-million people.

## HUNGRY CHILDREN

**Mr. McGOVERN.** Mr. President, the Senate action Tuesday, approving the conference report on H.R. 5257, is a resounding victory for hungry children. Although introduced and passed without much fanfare, these amendments to the child feeding programs represent a great step forward.

The legislation approved will permit the Secretary of Agriculture to use $35 million this year, and $100 million next year from the section 32 funds to meet the rapidly growing needs occurring in the child nutrition programs. It extends the breakfast program for needy children for 2 years at an authorization of $25 million each year, provides for a national eligibility standard, and self-certification as presently exist in the national school lunch program. It provides for more generous financing provisions for schools operating the breakfast programs, including the authority for the Secretary of Agriculture to pay all the operating costs in especially needy schools. It authorizes the Secretary to use $20 million in section 32 funds to support the supplemental food program which provides highly nutritious foods to pregnant women, new mothers, and their young children. It permits the local contribution of poor school districts to the cost of nonschool food assistance to be made either in cash or in kind.

Many of the provisions of H.R. 5257 particularly pleased me because they were contained in proposals that I and Senators Hart and Humphrey had made earlier in the year.

I have refrained from mentioning the impact of the bill on the program which has caused the greatest concern to the cities just this week and last: the special food service program. This is the program in which needy children receive nutritious meals during the summer in schools and other institutions not directly attached to schools. It is a program which has realized remarkable expansion in the few years that it has existed, reflecting the concerns of the cities that children be fed whether or not their schools happen to be in session.

It would seem that the Department of Agriculture shared their concern earlier this year when they repeatedly urged the cities to expand their summer feeding programs over last year. But it appears that concern evaporated when the Department learned it must provide the money to meet the commitments that had been made across the country. Despite the fact that programs everywhere have expanded, the USDA has steadfastly refused to request additional money for fiscal year 1972, over the money that they spent for substantially smaller programs last year.

Now both Houses of Congress have made very clear their message to the USDA. Because the authorization/appropriation process began before it was learned that the administration request could not possibly meet this year's needs out of last year's money, the bill specifically provides for $32 million for the special food service program for next year, an increase of only $12 million. But even that amount would only be able to fund the requests of the cities for programs during July and August. In order to support the year-round programs which also come under the authority of section 13, additional money will be necessary. A more realistic year-round cost figure would be $45 million. To provide the difference between $32 and $45 million, the Congress has authorized the Secretary of Agriculture to use up to $135 million in section 32 funds.

The Department of Agriculture has announced that despite its own conservative estimates showing $26,600,000 in requests just for July and August, it would not operate on a budget item of greater than $20,700,000 for fiscal year 1972. It would instead transfer $11,225,000 of section 32 money, and presumably only that amount despite the instructions of the Congress. Because the Congress has made its desires so very clear with respect to the special food service program, and because the Department of Agriculture has so openly ignored that, the Select Committee on Nutrition and Human Needs, which I chair, has invited the mayors of Newark, Detroit, and Baltimore to testify at an emergency hearing on Friday of this week. I have also invited administration officials to explain their positions. As yet, they have not accepted my invitations.

A special note of commendation is due to the able chairmen of the conference committee: Senator Herman Talmadge and Congressman Carl Perkins. Without their prompt and responsive leadership on these matters, the coming year would not be so bright for needy children. Once again they have demonstrated their commitment to ending hunger in America. The members of the conference are to be applauded for their actions. I wish particularly to mention the great contribution made by the gentleman from Illinois (Mr. Roman Pucinski).

Mr. President, at this time I ask unanimous consent to have printed in the Record the USDA listing of known requests for special food service program funds during July and August, as well as my correspondence with the Department of Agriculture when the funding crisis in this program was first made known.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUMMER (JULY–AUGUST 1971) FEEDING PROGRAM UNDER THE SPECIAL FOOD SERVICE PROGRAM INDICATED COST AND DEFICIT BY STATES

| State | Indicated cost | | |
|---|---|---|---|
| | Initial[1] | Supplemental[2] | Total |
| Northeast: | | | |
| Connecticut | 52,000 | | 52,000 |
| Delaware | 22,400 | | 22,400 |
| District of Columbia | 1,214,000 | | 1,214,000 |
| Maine | 78,180 | | 78,180 |
| Maryland | 790,222 | | 790,222 |
| Massachusetts | 199,507 | | 199,507 |
| New Hampshire | 7,216 | | 7,216 |
| New Jersey | 380,000 | | 380,000 |
| New York | 1,897,000 | 2,250,000 | 4,147,000 |
| Pennsylvania | 1,305,322 | | 1,305,322 |
| Rhode Island | 26,031 | | 26,031 |
| Vermont | 2,419 | | 2,419 |
| West Virginia | 152,320 | | 152,320 |
| Total | 6,126,617 | 2,250,000 | 8,376,617 |
| Southeast: | | | |
| Alabama | 25,000 | 520,000 | 545,000 |
| Florida | 590,000 | | 590,000 |
| Georgia | 1,360,000 | | 1,360,000 |
| Kentucky | 121,588 | | 121,588 |
| Mississippi | 172,931 | | 172,931 |
| North Carolina | 270,000 | | 270,000 |
| Puerto Rico | | | |
| South Carolina | 189,984 | | 189,984 |
| Tennessee | 800,000 | | 800,000 |
| Virginia | 810,000 | | 810,000 |
| Virgin Islands | 0 | | |
| Total | 4,339,503 | 520,000 | 4,859,503 |
| Midwest: | | | |
| Illinois | 1,908,080 | | 1,908,080 |
| Indiana | 75,078 | | 75,078 |
| Iowa | 90,000 | | 90,000 |
| Michigan | 636,600 | | 636,600 |
| Minnesota | 77,558 | | 77,558 |
| Missouri | 393,148 | | 393,148 |
| Nebraska | 83,732 | | 83,732 |
| North Dakota | 5,800 | | 5,800 |
| Ohio | 181,759 | | 181,759 |
| South Dakota | 30,000 | | 30,000 |
| Wisconsin | 84,000 | | 84,000 |
| Total | 3,565,755 | | 3,565,755 |
| Southwest: | | | |
| Arkansas | 27,370 | | 27,370 |
| Colorado | 320,000 | | 320,000 |
| Kansas | 11,000 | | 11,000 |
| Louisiana | 647,900 | 525,000 | 1,172,900 |
| New Mexico | 45,336 | | 45,336 |
| Oklahoma | 168,000 | 420,000 | 588,000 |
| Texas | 115,000 | | 115,000 |
| Total | 1,334,606 | 945,000 | 2,279,606 |
| Western: | | | |
| Alaska | 0 | | |
| Arizona | 46,434 | | 46,434 |
| California | 5,082,130 | 2,000,000 | 7,082,130 |
| Guam | 7,260 | | 7,260 |
| Hawaii | 6,000 | | 6,000 |
| Idaho | 15,373 | | 15,373 |
| Montana | 5,236 | | 5,236 |
| Nevada | 11,857 | | 11,857 |
| Oregon | 70,500 | | 70,500 |
| Samoa American | | | |
| Utah | 18,500 | | 18,500 |
| Washington | 208,896 | | 208,896 |
| Wyoming | 3,050 | | 3,050 |
| Total | 5,475,236 | 2,000,000 | 7,475,236 |
| Total | 20,841,717 | 5,715,000 | 26,556,717 |

[1] Submitted by deadline date of May 21, 1971.
[2] Submitted between May 22 and June 18, 1971.

Hon. Clifford M. Hardin,
*Secretary, U.S. Department of Agriculture.*
*Washington, D.C.*

Dear Mr. Secretary: Last week the House of Representatives authorized you to use up to $50,000,000 of the funds available under

Section 32 to meet needs arising in the child nutrition programs. Just yesterday, the Senate Agriculture Committee went one step farther. Effectively, they handed you a blank check and said that it now was up to you to do the necessary job.

Ordinarily, I would wait until the Conference Committee between the House and Senate had met and acted. But this is not an ordinary set of circumstances nor an ordinary authorization. At stake is the money needed to feed needy children this summer in our cities across the nation, many in programs that are scheduled to begin next Monday, June 21. It is also not an ordinary set of circumstances because until just a few short weeks ago, representatives of your Department were actively encouraging the states and cities to expand their summer feeding programs to reach as many needy children as they could. For example, just this Spring, in a meeting attended by all of the 77 cities of Los Angeles County, your representative said: "You get the kids and we'll get the money." And Los Angeles County "got the kids." This summer they expect to feed 273,000 children each day, at a cost of $5,000,000. Just this week they were told, again by your representatives, that the entire state of California would receive only $863,000. Los Angeles' share would not be able to sustain their program for more than a few days.

Chicago provides a similar example. There, members of the Mayor's staff were also encouraged to expand their programs to reach more children this year than last. After considerable effort the city was prepared to feed an average of 65,000 children each day in 350 sites throughout the city. The total cost of the program would be about $2,500,000, which they had been told to expect. Then just this week, they were told that the entire state of Illinois would be allocated only $200,000. In my own State of South Dakota, a special effort to feed Indian children on reservations like the Rosebud and Wounded Knee would have to be abandoned.

The same story can be told of Trenton, Detroit, Dallas, St. Louis, Baltimore, Atlanta, Newark, Tallahassee, and cities throughout the nation. Responsible city officials were encouraged by USDA representatives to expand their programs and were given firm assurances that the money would be available. Contracts were let. City budgets were tapped to provide the local cash contribution required. Teenagers were promised jobs. Food service companies were hired.

Then, just one week from the scheduled opening date of the programs, those same USDA representatives said that there would be no money for summer feeding programs. It is difficult to understand such seemingly contradictory behavior. It is particularly difficult to understand because on the same days that your representatives in the USDA regional offices were informing the cities that there wasn't any money, representatives here in Washington were assuring the members of the Senate Agriculture Committee that there was no problem finding the money for the programs. Assistant Secretary Lyng has now even testified on three separate occasions this year that:

"We are happy to be able to report that we have been able to meet demonstrated needs for additional funds this year."

Time is short, Mr. Secretary. As you no doubt recall, the summer feeding programs were one part of the Congressional response to the desperation and frustration that had erupted in bitter riots during the summers of 1966 and 1967. This summer, as for two years, the summer feeding programs would not only provide food for needy youngsters, but they would provide jobs for teenagers as well. The impact that might be expected as the word spreads round the cities was not lost on members of your own department. In their own words:

In summary, because of summer strife and metropolitan problems, the Special Food Service Program for Children has become an important dimension of summer programs throughout the nation and under our current apportionment formula and budget restrictions, Section 32 block grants are necessary if we respond to this need. Because of the important role and social impact this program has on endeavors of this nature, considerable reaction will be forthcoming in the event funds are not available. In addition, we anticipate a ground swell of public opinion that could very well affect the reaction to the supplemental appropriations bill now in the Senate.

Mr. Secretary, what the House and Senate have authorized you to do is something that you have always had the authority to do. Our actions merely underscore our belief that your department has a responsibility to honor the commitments, verbal as well as written, which have been made.

The National Conference of Mayors, meeting in Philadelphia, went to considerable effort to alert their Senators of the pressing need for immediate action on the summer feeding programs. They are all too aware of the "important role and social impact" of such a program. The cities have been quiet. To reward that tranquility by eliminating the programs on which that quiessence, in part, depends would only write large the idea all too often believed: that government will respond not to responsible action but only to riots.

I believe this to be a matter of the utmost urgency. Your department solicited the expansion of the programs, your department assured Congress that it would be able to meet all its obligations. Only three days remain for that to become a reality.

Sincerely,

George McGovern,
*Chairman, Senate Select Committee on Nutrition and Human Needs.*

## BRIGHTER OUTLOOK FOR FARMERS

Mr. HRUSKA. Mr. President, my fellow Nebraskan, Secretary of Agriculture Clifford Hardin, had some encouraging information for us recently. In an interview in U.S. News & World Report, he pointed out that the long-standing surplus in feed grains has almost been wiped out by the rapidly expanding rate of export.

He notes that U.S. farm exports now are moving at a rate of $7.5 billion and predicts that within the decade they may rise to $10 billion. Already they stand $800 million a year above imports, thus furnishing us a welcome positive balance in our international payments situation.

Secretary Hardin points up the fact that agriculture leads all industries in the matter of increased productivity. He recognizes the severe problems which inhibit the farmer—the drought in the Southwest this year, the large capital investment which farming requires, and inflation, which is the greatest enemy of the farmer.

It is good to have an administration which recognizes these problems and is endeavoring to meet them.

Secretary Hardin's statements provide reassuring evidence that the Nixon administration understands the farmer's problems and his importance to our economy. That is the first step toward helping to solve his problems.

I ask unanimous consent that Secretary Hardin's interview in U.S. News & World Report of June 28, 1971, be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

### Brighter Outlook for Farmers

Interview with the Secretary of Agriculture

Q. Secretary Hardin, what has happened to the farm surplus we used to hear so much about?

A. It has pretty well disappeared. Take the case of soybeans. Two years ago we had a carry-over of over 300 million bushels. For all practicable purposes, the carry-over this fall will be down to a minimum level under 100 million bushels. By the time the new crop is available, we will have only a few weeks' supply on hand.

Q. Had soybeans been a surplus problem?

A. They were two years ago. Three hundred million bushels was a huge carry-over. At that time, it looked as though it would double by the end of the next season.

That was when we lowered the support price of soybeans from $2.50 to $2.25 per bushel—February of 1969. Soybeans have sold well since. The price today is well above the old $2.50 support price.

Q. What about corn and wheat?

A. We'll have a minimum working-level carry-over of corn by the time the new crop is available. This is true generally of all feed grains. We still have some surplus wheat—not as much as a year ago, and not as much as two years ago. There is still a large supply of rice. There are surpluses of three small crops—oats, flax and barley—for there is insufficient demand for the quantities that are produced. But the total dollar value is not very high.

Q. And cotton?

A. We need to produce more cotton. Exports are up, and our stocks are low.

Q. Farm surpluses, then, are no longer a big problem!

A. They have diminished substantially in the past two years.

Q. Has this come about because there are larger markets within the U.S.?

A. There has been greater consumption within the U.S. Our population is growing, and this is a factor of 1 to 2 per cent a year. That is meaningful.

But the big increase has been in sales abroad. And the last calendar year, 1970, we set a new record for total exports. They will be even higher this year.

Q. What accounts for the bigger sales abroad?

A. There are several factors. First of all, our staff has worked very hard to get some trade concessions and has been to a degree successful. We've worked closely with the industry to increase our joint promotional activities. This has been helpful, particularly in Japan and in certain parts of Europe. Then our farmers were favored this past year by short crops in Europe, which meant that the demand for U.S. commodities was stronger. And it just happened that we had on hand some of the commodities that were in greatest world demand.

Q. Such as—

A. Soybeans and feed grains. And let's pursue that a bit. As standards of living rise throughout the world—in Europe, and even in some of the developing countries—the demand for meat increases very quickly. This in turn increases the demand for feed grains. And the U.S. has been able to supply them.

Q. What are the major feed grains?

A. Corn and grain sorghums, principally.

Q. What is the over-all dollar value of U.S. farm exports?

A. In the year that ends on June 30, the total will be about 7.5 billion dollars.

Of that, about 6.6 billion dollars will be for cash—hard dollar sales. The difference—anywhere from 800 to 900 million dollars—is the Food for Peace concessional type of sales. About a third of those sales are for soft currencies (not readily converted to dollars). The rest are sold in a combination of ways, but increasingly for dollar credits.

Q. You said U.S. farm exports are moving at the rate of 7.5 billion dollars. How much is this country importing in farm products?

A. About 800 million dollars less than we are exporting. This year, we'll contribute a net positive balance to our trade of about 800 million dollars.

Q. Do you expect to expand farm exports?

A. Yes. The President set a goal of 10 billion dollars a year recently. We think that goal is possible within this decade.

Q. Will the recent "dollar crisis" in Europe have any effect on sales of U.S. farm products?

A. At this point in time we do not expect it to be a major factor. So far, it has been principally a matter of value of the dollar versus the German mark and a few other currencies. To the extent that European reevaluation is a factor, it would be a plus, because it would cheapen the price of our products a bit in those countries. I don't think it will be significant unless the differences should become substantially wider.

Q. To achieve this 10-billion-dollar goal in exports, do you have any plans that you haven't mentioned?

A. I've mentioned trade concessions, and maybe I should expand on that point.

Anyone who studies our total U.S. trade recognizes that we have lost our competitive advantage in a long list of products. The President mentioned steel as an example recently. There are others.

There are several farm commodities in which we have a comparative advantage. We feel that agriculture is one of those industries that offer growth potential for exports, and we should try to maximize our trade advantage. The President understands this, and he has been helpful in obtaining concessions that will be of benefit to agriculture.

Q. What do you mean by concessions?

A. As a case in point, the Japanese recently cut the tariff on U.S. soybeans in half. That is a big concession. They also have changed the import requirements on certain citrus products more in our favor. They have doubled the quota on imports of beef. This is what I mean by concessions.

Q. Did the U.S. have to give something in exchange?

A. Not in these instances. Our position with the Japanese in terms of total trade is a strong one in the sense that we have been buying much more from them than they have been buying from us. The difference exceeds a billion dollars a year.

The Japanese are accumulating foreign exchange. Many economists feel that their currency is tremendously undervalued, and that they are in a position where eventually they must buy more. As we see it, Japan is expanding its industrial capacity, but is short of land to expand agricultural production. It needs to import more farm products, and the U.S. is in a position to supply them. We are urging them, product by product, to make additional concessions on farm imports.

Q. Turning to Europe, what effect would Britain's entry into the European Economic Community, or Common Market, have on U.S. attempts to expand agricultural exports?

A. I think it would be a negative factor. How must so would depend on a number of things yet to be determined. For example, there are the Commonwealth preferences with countries like Canada, Australia and New Zealand. It has not been decided whether these will be assumed by the Community or, if so, to what extent. To the extent that they are not, there will be more pressure on our markets for the products of those countries, or increased competition for us in third countries.

The higher prices for food in Britain which will result from their entry will also affect total consumption in that country. There are also the internal shifts—British products will have free enry into Europe. Just how the internal shifts will work out is yet to be determined.

Beyond that the higher internal prices resulting from their going to the "common agricultural policy" of the European Community will undoubtedly in time increase their own domestic production and reduce the need for imports. And Britain is an important market for us—currently about half a billion dollars a year.

JAPAN: BILLION-DOLLAR MARKET

Q. What is the best market for U.S. farm exports?

A. If you consider the European Common Market as an entity, it is the largest. We sold 1.6 billion dollars' worth to them in this year ending June 30. The largest single national market is Japan, which bought 1.1 billion dollars—and that is rising. Japan is our first billion-dollar market, and we think it will be our first 2-billion-dollar market—possibly by the end of this decade.

Q. What other countries are major markets for U.S. farm products?

A. Next is Canada, followed by Great Britain. Within the European Community, the largest market is Germany and the second is the Netherlands.

Q. What is the trend in U.S. farm exports to Europe?

A. There are two trends in our trade with the European Community. Sales of commodities subject to the variable levy [a tariff that can be quickly raised or lowered] are up a little this last year, because of their short crops. But the trend is very definitely downward. Sales are up on all other commodities. Over all, the volume of sales seem to be holding about even.

Q. If the goal of 10 billion dollars a year in farm exports is reached, will this help the income of the individual U.S. farmer?

A. We certainly think that it will. First of all, farmers are still holding sizable acreages out of production, which means that American farms can produce more than can be sold domestically or abroad.

Q. How much land is idle?

A. About 34 million acres are being kept out of production this year by farmers participating in the cotton, wheat and feed-grain programs.

Q. So if markets expand abroad, the farmer can produce more—

A. He can produce more, and this reduces his average cost per bushel or per bale and it increases his receipts. Generally it will give him an opportunity to net more dollars.

Q. Is there any danger that U.S. farmers will price themselves out of markets abroad if their costs keep rising?

A. Perhaps with the types of commodities that we would call labor-intensive—yes—the crops that cannot be readily mechanized. But for those crops that can be mechanized—such as feed grains, soybeans and wheat—we feel that American farmers will continue to have a competitive advantage.

Q. What are the prospects for American agricultural exports to the Communist countries—Russia, China, Eastern Europe?

A. Let's take Eastern Europe first. We look for some modest expansion of trade with the Eastern European countries. It has been expanding. We see nothing in the future that would alter that trend. They are desirous of earning foreign exchange, and they are looking west. Some of the commodities we want to sell are items that they need.

In the case of China, I don't think anyone knows the answer yet. Canada has made substantial sales of wheat to China for several years.

We have no way of knowing how large the trade with China and Russia would become if conditions were right.

Q. Is it possible that, as political relations improve with China, the U.S. might have greater access to whatever market is there?

A. I presume we would have greater access, because we have none now.

Q. Mr. Secretary, how much is the Government paying in subsidies to bolster farm income?

A. It will be in the neighborhood of 3.5 billion dollars in the fiscal year that ends June 30.

Q. Do you see any reduction in this subsidy if farm exports continue to rise?

A. I don't see any significant reduction during the three-year life of the 1970 agricultural act. What would be possible after that will depend partly on the desire of Congress. We were convinced, at the time we worked out the details of the '70 act with the Senate and House agricultural committees, that any significant reduction in payments to farmers at this juncture would have meant a comparable reduction in net farm income. What has happened through the years is that the payments have been capitalized into land prices and, in turn, into the farm-mortgage structure and into local taxing patterns. To reduce payments—with so many farmers operating on thin margins—would be demoralizing across the farm country—not only to farmers themselves but to whole communities.

Q. If blight should cut the corn crop severely this year, would this hurt farm exports?

A. If our production of corn should be reduced substantially, we would probably sell less, simply because we wouldn't have it to sell. Last year, when blight and drought hit, that was not the case, because we had carryover supplies on hand, and we could continue to meet our export commitments.

Q. What is the latest report on corn blight?

A. We do not know at this date what will happen. It depends on factors still unknown. Weather is the principal one.

We know that the situation this year is different in one respect from last year. The blight spores are in existence over a much wider geographical area—they're in place and waiting. If the weather conditions are right—warm and humid—they will do their work.

But the crop is not yet far enough along to tell what is likely to happen. Blight attacks late in the growing season. Last year it hit its peak in August and early September.

HOW DROUGHT IS HURTING OUTPUT

Q. Is drought going to cut crop production?

A. The prolonged dry spell in the Southwest is severely affecting the crops in that area. In fact, in some areas, it's beginning to look like there will not be any crops in 1971—except where irrigation is available. I was in the Southwest in early May. There are large areas where no wheat will be harvested. In some areas it is too dry to plant cotton. Pastures are not growing.

But, over all, in terms of wheat, the prospects are for a crop about the same as last year's, because the largest wheat-producing areas are to the north of the drought belt:

As to corn, if the blight hits very hard, we could have a crop as low as 3.8 billion bushels. If blight is not a factor at all, the crop could be as high as 5 billion bushels.

Q. How much corn does the U.S. need per year?

A. On an average over the past three years, we have utilized 4.5 million bushels annually.

Q. If blight hits corn hard, and the drought gets worse, what would be the impact on the over-all U.S. economy?

A. This would definitely affect the economy, because people who are producing corn and grain sorghum and cotton are also a very good market for all kinds of commodities. But so far the impact has been mainly on the farmer whose crops were destroyed last year. He suffered an economic loss. The total impact isn't of the same magnitude as the General Motors strike, yet it is a significant economic factor.

Q. Will there be enough blight-resistant seed for the corn crop next year?

A. Yes, we should be able to produce enough of the resistant seed this year to take care of most of the planting needs in 1972.

Q. Farming, it seems, is still a big gamble, even with all the modern technology—

A. It certainly is a big gamble for the individual. There is more resiliency in our system today than there was 30 years ago. We have more drought-resistant crops. The farmer today is better able to withstand the severities of weather than at an earlier date. There is more irrigation to keep production going when it's dry. But farming still is a hazardous industry.

Q. How many farmers are there now in this country?

A. Our best estimate is that there are about 2.8 million farmers. This counts any person living in the country who has 10 or more acres and markets $50 worth of commodities or more in a year—or has less than 10 acres but at least $250 in marketings. There are a great many people who work elsewhere, who rent some land to a neighbor and for whom the farm is principally a place to live, but they get counted in the rural population. Just how many of these there are, we do not know.

We do know that if we count the farmers who have at least $10,000 gross receipts annually, there are less than a million of them. But these farmers produce the bulk of the nation's farm products, about 85 per cent.

### FEWER FARMERS, BIGGER FARMS

Q. Will the number of farms continue to decline?

A. We think farms, on the average, will continue to get larger, which will mean there will be fewer farm operators.

Q. How big does a farm in the Midwest have to be these days to be successful and how much of an investment is necessary?

A. An efficient corn-belt farmer, operating with the lowest cost possible, will need about 500 acres. The land would have a value at least $500 an acre. There's a quarter of a million dollars. Now add your equipment cost of $100,000—no less. And if it's a livestock farm, there are additional costs.

Those are the kinds of capital requirements in agriculture today, and that is why an adequate supply of credit is important. I was surprised, when I examined the record, that under the Farmers Home Administration, the supply of credit available to farmers had not been significantly increased for 11 years until the President took action recently.

Q. Mr. Secretary, a question for consumers: What is going to be the trend in meat prices?

A. Meat prices, while they've gone up in absolute terms, are not high in terms of wage rates. The average American has never been able to buy a steak with fewer minutes of work. This is part of the efficiency story of American agriculture. Our cattle industry is efficient, and the price farmers receive for live cattle has been higher in the past than it is today.

Q. But what trend do you see in meat prices?

A. I would hope that they might advance at least as much as cattlemen's costs.

Q. What about hogs?

A. Hog prices are quite low. Hog prices ranged between $28 and $29 per 100 pounds live weight early in 1970. Farmers responded by producing too many, and the price went down to as low as $15.50 per 100 pounds for a few months. And hog farmers suffered losses.

Now, farrowings [births of pigs] are lower this spring, and the indications are they'll be down further next fall. From now on we expect some stregnthening in the prices.

I am concerned that during the last half of 1970 the pricing policies of the food industry did not reflect the drop in live-hog prices immediately. Even though the price came down at the farm level, there was no corresponding drop in retail prices. For a period of five months the retail-pricing pattern for pork did not reflect the drop in the farm price.

We've made an urgent plea to the food industry, and particularly to the supermarkets: "Please change your pricing policies so that prices at the meat counter quickly reflect changes in farm prices. Then farmers can at least receive the benefit of increased sales."

Q. What has been the response?

A. There has been some response, but not enough, in my judgment. The margin between farm and retail price continues to rise.

### PRESIDENTIAL BOOST FOR AGRICULTURE

Q. Mr. Secretary, why did President Nixon invite farm leaders to the White House recently and put on a big show for them?

A. The President is very much impressed with the increased productivity of the American farmer. Agriculture leads all other industries in this respect. He feels that the consuming public needs to appreciate the contribution of the farmer more. The President also has a genuine concern for the fact that, in spite of what farmers have contributed to the American economy and the world, they haven't been rewarded equitably in terms of their share in the prosperity of this country.

This was an effort to dramatize this important farm story to the consuming public. The exhibits bore this out. They were directed not to farmers but to urban people.

Q. What points did the exhibits stress?

A. They pointed to the improved efficiency in agriculture, and how it was brought about—and to the fact that food prices, even at retail, have not gone up as much as incomes, and, therefore, food costs are a smaller per cent of incomes after taxes than ever before. This was the basic message.

Then the exhibits pointed out the various factors contributing to this improved efficiency, and they made some income comparisons showing that return to the farmer for labor and for capital lags behind the rest of the economy.

Q. How far behind?

A. In 1960, total per capita income of farmers—and this included farm and off-farm income—was about 55 per cent of the level of urban incomes. It's now up to 78 per cent.

Q. Those, of course, are averages. How well do the top farmers do?

A. Some individual farmers who have enough volume, who have great managerial ability and whose farms are in the right places, are doing fairly well.

Q. Is the Administration taking any steps to improve the average farmer's situation?

A. The President has made a number of moves to do this. He acted recently to expand the supply of credit for farm-operating expenses and farm ownership. The release of some additional loan funds for the Rural Electrification Administration will help in the long run.

We are expanding the work on small watersheds. This doesn't help the individual operator directly, but improves the tone of rural America.

The new farm legislation, which is just now going into effect, was developed on a bipartisan basis, with Administration support. We think it will be a constructive force in eventually improving the lot of the farmer.

The research effort has been expanded to get at some of the key problems: More research on the corn blight, an obvious need, is one example. The cattle tick and the fire ant are others. There is also increased research on alternate methods of controlling pests, including biological controls.

Q. Farm State Congressmen say that raising Government price supports on basic commodities is the way to help farm income—

A. This is one of the real debates. It has been one of our concerns. When prices are maintained at artificially high levels, domestic consumption is reduced. And, more importantly, they interfere with the flow of goods into international markets.

The new farm legislation permits price-support levels to be kept generally below world prices and provides for payments directly to the farmer that require him to keep a portion of his tillable land out of production to bolster farm income independent of the price structure. This permits the commodities to move freely into international trade.

To be specific, if the price of corn should be supported at higher than the world price, then the only way we could move it in world trade would be with a subsidy behind it. By permitting the trade to compete on a free basis, a greater total can be moved than if we had to negotiate continuously on what the subsidy would be.

We are determined to conduct our price-support programs in a way that will maximize our sales in world competition, and I think we are accomplishing that.

Q. Will you continue to resist demands to increase price-support levels?

A. Yes, we will. And let me point out that the agricultural committees also understood and supported this position in both the House and the Senate.

Now understand, we still have commodity price support loan programs. A farmer may obtain a commodity loan on his grain or cotton at harvest time or during the marketing year. This nonrecourse loan protects him in case of a catastrophic price drop, provides cash at market time, and permits him to sell his crop when he thinks the market is right.

Q. A Republican Congressman from the Midwest said recently: "President Nixon is in deep trouble now in the farm belt. Unless he gets back the farm vote, the 1972 election will go down the drain." This Republican went on to say: "What Nixon must do is raise the loan support on corn, soybeans, wheat, oats, barley and flax and put a floor under prices generally." Do you have authority to raise price supports?

A. Within limits, yes. But not to increase direct payments to farmers.

I think it's highly questionable whether raising price supports would actually improve income, even in the short run. So if there is a political problem, I don't believe that is the answer.

Q. Is the President in political trouble in the farm States?

A. I don't think so. I've read the articles about what happened in the farm States in the 1970 elections. I know those States well, and I know that in most of them there were significant local issues.

Now, what's ahead?

For one thing, we find that farmers like the new agricultural program so far. We've been getting a favorable response in the last two months, and especially since the beginning of the sign-up under the new farm program. Participation in both the wheat and feed-grain programs is the largest ever.

At first, farmers didn't seem to understand the details of the new legislation. But when they began to analyze it, they found out they did like it, that it did give them additional flexibility in operating their farms. The cotton growers also seem to like their program quite well.

The cotton price now is rising. Farmers can sell this year's crop now by contracts at favorable prices and still receive a guaranteed additional payment of 15 cents a pound. That represents a good return.

Q. Mr. Secretary, what do you think is the one thing to be done that would be of most help to farmers?

A. Actually, the No. 1 problem that the farmer has today is inflation.

The one thing that would improve farm conditions most would be to bring inflation under control so that the cost of the things farmers purchase—either for production purposes or family living—would be leveled.

Gross income from sales has been increasing, but the increase is being eaten up by rising costs for labor, equipment, supplies and taxes.

The position of the farmer is not unlike the person on a fixed income. Farm prices themselves have not advanced much over the past two decades. The farmer has produced more, increased his dollar sales, only to see his income eroded by rising costs.

### FADING FARM SURPLUSES

Carry-over stocks in private and Government hands at end of crop year—

Wheat: Peak, 1.4 billion bushels—1961; 1971: (est.) 700 million bushels.

Corn: Peak, 2 billion bushels—1961; 1971: (est.) 700 million bushels.

Other feed grains: Peak, 28.5 million tons—1961; 1971: (est.) 15 million tons.

Cotton: Peak, 16.9 million bales—1966; 1971: (est.) 4.5 million bales.

Soybeans: Peak, 324 million bushels—1969; 1971: (est.) 75 million bushels.

Tobacco: Peak, 4.6 billion pounds—1965; 1971: (est.) 3.7 billion pounds.

As surpluses shrink, so does the cost to Government of handling commodities in storage. At the end of 1962, the U.S. owned or had price-support loans outstanding on 8 billion dollars' worth of products. Today's investment: $3.8 billion.

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## RESOLUTIONS BY THE SONS OF THE AMERICAN REVOLUTION

Mr. THURMOND. Mr. President, the 81st annual congress of the National Society of the Sons of the American Revolution met in Atlantic City, N.J., during the week of June 9.

This patriotic organization is noted for their diligent attention to matters that relate to the security of the United States. It was my pleasure to address them during the 81st annual congress, and I know personally of their devotion to our country.

Mr. President, the Sons of the American Revolution, during this convention, passed unanimously several resolutions.

I ask unanmious consent that they be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

### 81st Annual Congress National Society of the Sons of the American Revolution

The following Resolutions were presented by the National Resolutions Committee to the 81st Annual Congress of the National Society of the Sons of the American Revolution and were unanimously adopted:

### RESOLUTION NO. 1

Whereas, the 80th Congress of the National Society of the Sons of the American Revolution meeting in Houston, Texas, in June, 1970, adopted a resolution expressing unequivocal support of voluntary Bible reading and prayers in our public schools; and

Whereas, more than a hundred resolutions have been introduced in the United States Senate and House having as their purpose amending the Constitution to allow voluntary Bible reading and prayers in public schools; and

Whereas, many thousands of signatures have been presented in support of such efforts; and

Whereas, all efforts to amend the Constitution have failed to reach the floor of Congress because of the inaction of the respective Congressional Committees:

Now, therefore be it resolved that the National Society of the Sons of the American Revolution recommends amending the United States Constitution to accomplish voluntary Bible reading and prayer in public schools; and

Be it further resolved that copies of this resolution be forwarded to members of both the Senate and the House of Representatives of the United States.

### RESOLUTION NO. 2

Whereas, the U.N. Genocide Treaty is a dangerous document that may become the law of the land, and if ratified by the Senate of the United States could nullify the freedoms our forefathers fought for; and

Whereas, the treaty could abrogate the United States Constitution and would impose World Court Jurisdiction over the acts of United States citizens, including military personnel, who could be tried by foreign tribunals without the protection of the Bill of Rights; and

Whereas, ratification of the treaty would be an irrevocable surrender of our Republic and its form of government to One-World United Nations Government:

Now, therefore be it resolved that the National Society of the Sons of the American Revolution in Congress assembled this 9th day of June, 1971, oppose ratification of the Genocide Treaty in any form whatsoever by the United States Senate; and

Be it further resolved, that copies of this resolution be presented to each member of the United States Senate.

### RESOLUTION NO. 3

Whereas, there has been considerable discussion in the United States Senate concerning the jurisdiction over the Continental Shelf; and

Whereas, there are valuable mineral resources on the Continental Shelf; and

Whereas, the International Court of Justice said in 1969 that "those rights in our submerged land continent are inherent rights by virtue of our sovereignty over the adjacent land"; and

Whereas, there has been an effort to limit the sovereignty to submerged land only 200 meters deep; and

Whereas, if we agree to the 200 meters depth the United States will lose many thousand square miles of submerged land;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution in Congress assembled that the United States insist on retaining sovereignty over all of our Continental Shelf regardless of depth, until it plunges into the deep ocean.

### RESOLUTION NO. 4

Be it resolved by the National Society of the Sons of the American Revolution at its 81st Annual Congress assembled that the local, State and national societies, Sons of the American Revolution, cooperate annually in a "USA Appreciation Sunday", and

Be it further resolved that the third Sunday in October each year be set aside for participation in local services; and

Be it further resolved that to implement this resolution, suitable materials be made available upon request to the executive secretary, chairman of the Americanism Committee, or the chaplain general; and

It is hereby recommended that where feasible the state societies and local chapters attend church services in a body where recognition is assured by a pastor and the congregation and that invitations be extended to related patriotic organizations to join in the observance.

### RESOLUTION NO. 5

Whereas, the current status of Cuba as a Communist puppet which involves naval, air, and missile threats to the United States is in direct violation of the Monroe Doctrine and existing agreements:

Now, therefore be it resolved that foreign Communist governments be presented a United States demand to remove their presence from Cuba, and if they fail to do so the United States stands prepared to introduce its own military posture into the area, including blockade, occupation, or other measures as may be deemed most appropriate and effective to enforce the Monroe Doctrine.

### RESOLUTION NO. 6

Whereas, there is a growing need for the presentation of the historical facts concerning our American patriots; and

Whereas, there is a determined effort on the part of subversive elements to undermine and distort the history and background of our country;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution in Annual Congress assembled that the problems of Communistic infiltration in our public schools is a constant threat to our system of government and that a committee of compatriots will render a valuable service by examining the textbooks used in the schools of our nation and the books which are on the list for supplementary reading.

### RESOLUTION NO. 7

Whereas, the F.B.I. and J. Edgar Hoover and their administrative policies have been under unprecedented attack; and

Whereas, there has been increasing attack on all law enforcement agencies in this country; and

Whereas, Mr. Hoover and the Agency he heads symbolize law and order to the entire nation; and

Whereas, Mr. Hoover is one of the greatest examples of dedication to civil order and to the protection of the rights of the individual and of the Nation as a whole,

Be it resolved by the National Society of the Sons of the American Revolution at its 81st Annual Congress assembled that it voices its wholehearted support of the policies and excellent leadership of Mr. Hoover, personally, and the Federal Bureau of Investigation and that a copy of this resolution be sent to Mr. Hoover, to the President of the United States, and to the Attorney General of the United States.

### RESOLUTION NO. 8

Be it resolved by the National Society of the Sons of the American Revolution in its 81st Annual Congress assembled that the local, states and national societies of the Sons of the American Revolution deplore and condemn the action of those Representatives and Senators who condoned and aided demonstrators in their effort to shut down the operation of the government of the United States and looked with a tolerant eye while every symbol of our Republic was vilified.

### RESOLUTION NO. 9

Whereas, the Congress has on hand a bill to abolish the electoral college, and to elect a president by popular vote, and

Whereas, the bill to elect a president by popular vote has been passed by the House of Representatives and is now in the Senate; and

Whereas, elections by popular vote would make it possible for 10 states to elect a president; and

Whereas, a situation of this kind could bring a chaotic condition to our nation and put it under control of ten of the fifty states:

Therefore be it resolved by the National Society of the Sons of the American Revolution at its 81st Annual Congress assembled that it opposes any action that would abolish the electoral college; and

Be it further resolved that a copy of this resolution be sent to the President of the United States and to each Senator of the 50 states of the United States, strongly urging each Senator to vote against any and all bills that would abolish the electoral college.

### RESOLUTION NO. 10

Whereas, as a direct result of sanctions imposed against Rhodesia by the United Nations and supported by the United States, the United States now purchases Chromium Ore from Soviet Russia, at a greatly inflated price; and

Whereas, Chromium Ore is essential to the production of weapons necessary for our National defense, as well as materials and equipment necessary in our daily lives; and

Whereas, Chromium Ore is in such short supply that our Government has recently had to release for domestic use a large part of our strategic stockpile:

Now, therefore the National Society of the Sons of the American Revolution reaffirms Resolution No. 9 as adopted by the 80th Congress of the Society urging the immediate establishment of diplomatic relations and the resumption of trade with the Republic of Rhodesia.

### RESOLUTION NO. 11

Whereas, the Federal flag desecration statute, Title 18, United States Code, Section 700, became effective July 5, 1968, and provides "Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both."; and

Whereas, Title 36, United States Code, Chapter 10, contains a codification of rules and customs pertaining to display of the flag; any use of the flag involving disrespect, although perhaps not involving desecration, would violate these customs and rules. However, the provisions of this chapter do not contain criminal penalties:

Now, therefore it is hereby resolved by the National Society of the Sons of the American Revolution in annual Congress assembled that all compatriots and all citizens of the United States be urged to support and seek enforcement of the Flag code and the Desecration Statute in each state and local community.

### RESOLUTION NO. 12

Whereas, legislation is pending in Congress to make it a Federal crime to fly the flag of a country with which we are engaged in hostilities:

Therefore be it hereby resolved by the National Society of the Sons of the American Revolution in annual congress assembled that all compatriots and all citizens of the United States be urged to support legislation that would punish citizens flying the flag of our enemy.

### RESOLUTION NO. 13

A Resolution to express appreciation for assistance rendered to the 81st annual Congress.

Whereas, the 81st Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the many individuals and groups that contributed to the success of this Congress;

Now, therefore, be it resolved that the National Society of the Sons of the American Revolution hereby expresses its grateful appreciation to President General Walter R. Martin and to his charming and devoted wife, Eleanor, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further resolved: That our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and execution of, the Congress, and

Be it further resolved: That our grateful appreciation and thanks be extended to:

Compatriot Vincent Van Inwegen, Chairman of the New Jersey Society Congress Arrangements Committee, Compatriot Richard E. Crane, Co-Chairman of the New Jersey Society Congress Arrangements Committee, and members of the New Jersey Society who assisted them;

Mrs. Vincent Van Inwegen, Chairman; Mrs. William Y. Pryor and Mrs. Richard E. Crane of the Hospitality and Information Committee for their kindness and assistance;

Compatriot Hammond Fowler, for his address at the luncheon on Monday;

Mrs. Ann Hawkes Hutton, for her address on Tuesday evening;

United States Senator (and Compatriot) Strom Thurmond, for his address on Wednesday evening;

Mrs. Edward L. Westbrooke, Registrar General, Daughters of the American Revolution representing Mrs. Donald Spicer, President General, Daughters of the American Revolution;

Mrs. Robert S. Hudgins, Senior National President, Children of the American Revolution;

Miss Jane E. Hardy, National President, Children of the American Revolution;

Compatriot Vincent Van Inwegen, President, New Jersey Society, Sons of the American Revolution;

Mrs. John F. Griffin, State Regent, New Jersey Society, Daughters of the American Revolution;

Mrs. Robyna Ketchum of Cos Cob, Connecticut, for her gift of a Freedom Bell to the National Society, Sons of the American Revolution;

Past President General Charles A. Anderson, M.D., for arranging the display of S. Hubbard Scott's collection of Historical, State and Territorial Flags belonging to the Ohio Society, Sons of the American Revolution;

Be it further resolved: That the National Society, Sons of the American Revolution, in this 81st Annual Congress assembled, hereby express its sincerest appreciation to all others whose efforts contributed to the success of this Congress.

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## USE OF JAPANESE AND OKINAWAN PORTS BY U.S. NUCLEAR-POWERED WARSHIPS

Mr. THURMOND. Mr. President, I invite attention to an article entitled: "Japanese Hostility in New Footnote," written by Willard Edwards, which appeared in the Chicago Tribune on June 10, 1971. The article, which was based on testimony given by Admiral Rickover to the Joint Committee on Atomic Energy, concerns onerous and unreasonable conditions imposed by the Japanese Government on U.S. nuclear-powered warships visiting U.S. naval bases in Japan under the terms of our Mutual Security Treaty with Japan.

As a result of these conditions, which appear to be wholly unwarranted, access to American naval bases in Japan had to be suspended for a total of 11 months in 1968 and 1969; since early 1970, the United States has been deprived altogether of the use of our naval base at Sasebo for these ships, and has lost access for its nuclear warships to all facilities at our base at Yokosuka except one drydock.

Mr. President, it is important to note in this connection that, unless this situation is resolved, our nuclear warships could similarly lose access to U.S. base facilities in Okinawa if the Senate ratifies the change to the treaty which provides for the reversion of Okinawa to Japan. I look on this matter with grave concern. I am strongly opposed to reversion and the restrictions on bases in Japan. Our national security is at stake by these actions; consequently, I am directing inquiries on this subject to the Secretaries of State and Defense. I am sure that Senators will wish to give careful consideration in evaluating the United States relationship with Japan.

Mr. President, I ask unanimous consent that the article by Mr. Edwards and the pertinent extracts of Admiral Rickover's testimony on this problem be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 10, 1971]

### JAPANESE HOSTILITY IN NEW FOOTNOTE

(By Willard Edwards)

WASHINGTON, June 9—Recent closed-door testimony before the Joint Atomic Energy Committee reveals Japanese government harassment of the United States Navy's nuclear warships in Japanese ports.

The testimony, now available in censored form, supplies a chilling footnote to the history of strained relations between this nation and Japan. It implies a Japanese hostility of unreasonable proportions.

In discussions this week in Paris and next month in Tokyo, American Cabinet officers and diplomats will seek to adjust the economic factors which are the prime cause of dispute between the two nations.

The U.S. is understandably concerned about the tardiness of Japan in lightening its tight import quotas, high duties and restrictions against foreign investment while it invades to reap big profits.

Secretary of the Treasury John Connally has promised a new "get tough" policy with both Germany and Japan, two foes defeated in 1945 who have since prospered mightily with American aid and under the protection of American arms. He has dared to suggest that both should share more of their defense costs.

High-ranking representatives will discuss these issues in guarded terms, preserving the amenities.

But Vice Adm. H. G. Rickover, director of the Navy's nuclear propulsion program, is no diplomat. When questioned at the closed session, he minced no terms in accusing the Japanese government of manufacturing false propaganda for political purposes.

Rickover was asked about an incident in May, 1968, when an American nuclear submarine was accused by Japan of contaminating Sasebo Harbor thru the release of radioactivity.

A long and exhaustive investigation, he said, proved beyond doubt that the submarine had not released radioactivity. Its nuclear reactor in fact had been closed down for 96 hours prior to the alleged detection of radioactivity in readings taken by Japanese agents in a small boat. The low-level readings, it was shown, came from welding machines and similar gear on other Navy ships, a common phenomenon.

The Japanese government, highly sophisticated in the atomic energy field, was fully aware that the issue was "phony," Rickover said, but deliberately set out to use the incident to harass Navy movements.

It intensified its monitoring activities, "giving the Japanese public the impression that the ships were dangerous." Access to American naval bases in Japan by nuclear warships was suspended for a total of 11 months. Since early 1970, no nuclear warship has been permitted in the base at Sasebo and all facilities at Yokosuka were barred, with the exception of one drydock.

"I do not challenge the right of the Japanese Government to monitor our nuclear-powered ships," Rickover told the committee. "But let us bear in mind that the context of these visits is that of a cooperative defense relationship in which the U.S. has undertaken to defend Japan in certain circumstances and the Japanese in return have agreed to grant us certain base rights in Japan.

"In practice, however, the Japanese government has imposed onerous and unreasonable conditions on these visits. It has chosen to build up false fears and anxieties in the minds of the Japanese public as a political expedient. This is a situation which potentially could do us great harm."

Some of Rickover's testimony was deleted, and the political reasons for Japan's attitude were left unexplored. The testimony provoked in several committee members melancholy reflections on the prevalence of ingratitude among nations as among men.

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### Japanese Monitoring of U.S. Nuclear Warships

(Extracts from Report on the Hearing before the Joint Committee on Atomic Energy Congress of the United States, 92d Congress, 1st Session on Naval Nuclear Propulsion Program, Testimony of Vice Adm. H. G. Rickover, March 10, 1971)

In classified testimony, Admiral Rickover covered in detail the problems which the Navy has experienced as a result of false "contamination" allegations raised against U.S. nuclear-powered warships in Japan, and described the extreme measures being applied by the Japanese authorities to these ships at U.S. naval bases in Japan. Some of these measures appear to go well beyond what is reasonable and proper for their stated purpose. They have resulted in the loss of essential U.S. base facilities in Japan to our nuclear warships for extended periods of time, and have caused other interferences to the operations of these important ships. This situation has been allowed to develop despite the overwhelming evidence of the safety of these ships, and the truly remarkable record Admiral Rickover has achieved in the control of radioactive waste (see pp. 81 to 85).

Although very little of Admiral Rickover's testimony on this subject involves military security information, the departments of State and Defense have requested that the full text not be published at the time in the interest of negotiations now in progress to secure satisfactory access by U.S. nuclear-powered warships to essential U.S. base facilities in Japan on a stable and realistic basis. While complying with this request, the committee regards the situation described by Admiral Rickover as unwarranted and inconsistent with good relations. If the problem cannot be resolved in the current negotiations, or if U.S. nuclear-powered warships should again be subjected to sensationalized false charges in Japan, the committee feels all the facts of the situation should be made available to the public as a matter bearing on the relationship between the United States and Japan. The Joint Committee has asked Admiral Rickover to keep the committee advised of further developments relative to this problem.

#### NAVAL NUCLEAR PROGRAM HAS OUTSTANDING RECORD IN PROTECTING ENVIRONMENT

Representative Holifield. I want to say that I have had an opportunity to review this report briefly, and I feel Admiral Rickover and his people deserve a great deal of credit for this effort. That Admiral Rickover has been able to take a program as big and complex as the Navy's nuclear fleet—some 100 operating reactors—and all of their support facilities, shipyards, and so forth, and operate them without affecting the environment is a truly remarkable achievement. It is particularly remarkable since the procedures and controls he uses were not installed as an afterthought, in response to laws or political pressures. They have been built into the program since its inception because of Admiral Rickover's own personal concern for the environment we live in.

#### FALSE CONTAMINATION INCIDENT IN JAPAN

Senator Baker. What happened in the big flap over contamination in Japan?

Admiral Rickover. I believe you are referring to the incident which occurred in May 1968, in which it was alleged that one of our nuclear submarines had contaminated Sasebo Harbor by releasing radioactivity. However, there was never any contamination; that was a phony issue. The investigation conducted at that time by the Navy and the AEC showed conclusively that the allegation was without foundation, that the submarine had not released any radioactivity. In fact, the reactor had been shut down for 4 days.

Representative Price. As I recall, the problem appeared to be more or less inherent in the kind of monitoring system used by the Japanese. I would also be interested in learning how this matter was resolved, and whether there are currently any problems in this aspect of our nuclear submarine visits to Japan.

#### CONTINUING PROBLEMS WITH JAPANESE MONITORING SYSTEM

Admiral Rickover. It has not been resolved, sir; we are still having serious difficulties in Japan. Although our nuclear warships visiting Japan have adhered scrupulously to our safety assurances, and no levels of radioactivity have ever been observed which could be considered significant from the standpoint of public safety, the Japanese monitoring system has grown progressively more [deleted]. Since the political crisis generated at Sasebo in 1968, which, as I have said, was in no way attributable to our nuclear-powered warships, the monitoring system employed by the Japanese has created a continuing atmosphere of suspicion and fear surrounding these visits. Because of this, the Navy in 1968 and 1969 had to suspend nuclear warship visits to our naval bases in Japan for periods totaling 11 months, and has experienced numerous other disruptions of essential Navy work to facilitate pointless investigations of irrelevant and untraceable electronic phenomena. Since early 1970, we have been deprived altogether of the use of the U.S. Naval Base at Sasebo for these ships, and have lost access to all facilities at Yokosuka except one drydock. [Deleted.]

I am deeply concerned that another Sasebo-type incident could occur at any time, creating more sensational allegations against our nuclear ships [deleted.]

#### UNREASONABLE CONDITIONS IMPOSED ON U.S. SUBMARINES

I would emphasize here that I do not challenge the right of the Japanese Government to monitor our nuclear-powered warships or impose conditions on their entry into their ports. They have the right, in fact, to keep them out altogether. This is true of any warships, however they may be propelled.

But let us bear in mind that the context in which U.S. nuclear-powered warships visit Japan is that of a cooperative defense relationship between our Governments in which the United States has undertaken to defend Japan in certain circumstances, and the Japanese in turn have agreed to grant us certain base rights in Japan. They have specifically consented to the use of these bases by our nuclear-powered warships. In practice, however, the Japanese Government has imposed onerous, unnecessary, and unreasonable conditions on these visits at an administrative level [deleted.]

It is not as if Japan were a backward nation, imposing these unreasonable restrictions out of ignorance or superstition. They are highly sophisticated in the atomic energy field, and are, in fact, building a nuclear-powered ship of their own. They understand perfectly [deleted] that there is no technical justification for the onerous conditions being imposed on our nuclear warships. What they are doing, however, is building up false fears and anxieties regarding nuclear power in the minds of their own public, as a political expedient. These fears will not be easily overcome in future years. [Deleted.]

This is an involved and complicated issue, sir, but it is one on which I believe this committee should be fully informed, for I feel it could potentially do us great harm. With your permission, I will provide a complete report on this for the record.

Representative Price. We would be very much interested in having that in the record.

#### WATER COOLED REACTORS RELEASE MINIMUM RADIOACTIVITY

Senator Baker. Mr. Chairman, may I ask one more question in that connection? This really was behind my question a minute ago about whether there was any new or radical type powerplant in the offing.

As you know, there is this concern of the environmentalists who want us to stop building reactors and stop the breeder program and wait until we get controlled thermonuclear fusion. I don't advocate this for a second. I think it is very shortsighted and as unrealistic as the Japanese episode was unrealistic. It is important, I think, from the standpoint of public relations as well as from the standpoint of efficiency to make sure we not only have new techniques but that we advertise them well and carry our point.

Admiral Rickover. There are no reactors that I can envisage which are capable of producing less radioactivity into the environment than water-cooled reactors. The issue then becomes how well you operate and maintain them and the care you take of radioactive emissions. What I told you about the 110 naval reactors shows that it can be done.

With your permission, sir, I will include greater details on the Japanese episode.

Representative Price. Please include it in the record.

(The information referred to follows:)

#### SASEBO INCIDENT A NONINCIDENT

Admiral Rickover. I believe it is important that the members of this committee be aware of this situation, not only because of its effects on the nuclear Navy, but also because this is precisely the sort of thing which undermines public confidence in and acceptance of nuclear power, both in the United States and abroad.

To see this issue in perspective, you must bear in mind that the so-called incident at Sasebo in 1968 was, in fact, a nonincident, consisting entirely of a brief series of spurious low-level readings registered on radioactivity monitoring instruments operated by Japanese Government personnel in a small boat about 100 yards from the U.S. nuclear-powered submarine moored in the harbor. These readings were transitory in nature; they were not reproducible even 10 minutes after the peak reading was recorded. No contamination existed; no radioactivity was ever found, nor was cobalt-60 detectable in the harbor bottom sediment, as it would have been if reactor plant effluent from the submarine had been the cause of the readings.

#### NUMEROUS CONDITIONS COULD CAUSE READINGS

A U.S. Navy repair ship was located between the submarine in question and the monitoring boat when the peak readings were registered, masking the submarine from the monitoring instruments completely. The repair ship was operating a number of welding machines in open doors in a direct, unobstructed line with the position of peak readings, and several other U.S. Navy ships were operating radar and other electronic gear in the vicinity. Any of these, or any combination of them, could easily have caused the slight instrument aberrations recorded by the Japanese monitoring boat. Such electronic interference to radioactivity monitoring instruments is a common phenomenon.

I would also note that the readings themselves were so low as to be inconsequential from the standpoint of public safety. Even if one assumes that the abnormal readings were, in fact, caused by radioactivity—and I emphasize there was no evidence whatever that this was the case—the radiation levels and radioactivity concentrations would have been about 1,000 times less than those considered acceptable for the general public by such authorities as the International Commission on Radiological Protection.

### UNITED STATES DEMONSTRATES SUBMARINE NOT RESPONSIBLE

The U.S. Government went to great trouble and expense to demonstrate to the Japanese Government and public that the submarine had not caused the instrument aberration. At the request of the Japanese Prime Minister, three of my senior people were immediately sent to Japan to investigate the incident and attempt to find the cause of the readings. In addition, a legally constituted joint AEC-Navy examining board was dispatched to conduct an independent audit of the submarine. These groups, on the basis of official records, logs, and personal interviews with personnel of both the submarine and the facilities which supported it during its stay in Sasebo, established beyond doubt that the ship's reactor had in fact been shut down for some 96 hours prior to the recording of the abnormal readings, and that the ship had not discharged any radioactivity of any kind to either the harbor or the surrounding atmosphere. In short, they established that the U.S. submarine in question was in no way to blame for the small aberration which comprised this incident. The ship had scrupulously complied with all the assurances we had given the Japanese Government, as have all other U.S. nuclear-powered warships in Japan, both before and since.

### JAPANESE GOVERNMENT IGNORES FACTS

However, the Japanese Government did not accept the evidence, but proceeded as if the investigation had shown the submarine to be at fault. They greatly intensified their atmospheric monitoring during visits by U.S. nuclear-powered warships and asked us to give them additional assurances with respect to the discharge of effluent. These actions inevitably conveyed to the Japanese public the impression that the ships were dangerous, and that our assurances were questionable.

### INCIDENT DISRUPTS USE OF VITAL BASES

Access by nuclear-powered warships to our naval bases in Japan was interrupted for over 7 months while the Japanese installed additional air monitoring equipment. After visits were resumed, in December 1968, it soon became apparent that transitory, low-level aberrant readings of the type that occurred at Sasebo were frequently being caused by interference from nearby U.S. Navy electronic equipment entirely unrelated to our nuclear propulsion plants. We repeatedly urged that the Japanese authorities disregard these phenomena, since they are virtually impossible to trace, and are so small as to be negligible in any case. However, they adopted the policy of attempting to track down the cause of each of these small aberrations, and undertook progressively elaborate measures in these attempts.

### JAPANESE MAKE UNREASONABLE DEMANDS

In April 1969, the Japanese Foreign Ministry submitted a list of equipment which they asked the Navy not to use while nuclear-powered warships were in port, in order to reduce interference to their monitoring instruments. This list included radar, radiography and X-ray machinery, and other radiating equipment. This, in effect, would have closed down a large portion of these naval bases, interrupting essential work for no purpose except to facilitate the investigation of trivial electronic phenomena. For obvious reasons, the Navy did not accede to these requests; however, the fact that such measures were seriously suggested by the Japanese Government demonstrates how far these monitoring policies had departed from reality. On one occasion, the Navy was asked to postpone for several weeks the entry into port of a submarine returning from an arduous patrol, for the convenience of the Japanese monitoring boat and its crew.

[Deleted.]

I will keep the Joint Committee informed of further developments in this matter.

## MRS. NORMAN C. ARMITAGE

**Mr. THURMOND.** Mr. President, another outstanding South Carolinian has received national recognition bringing honor and esteem to herself and her State. Mrs. Norman C. Armitage of Spartanburg, S.C., has been nominated for president of the National Federation of Republican Women. The elections will be held here in Washington during the NFRW 16th biennial convention scheduled for October 20–23.

Mr. President, Mrs. Armitage has a distinguished record which indicates her qualification for this high office. An associate professor of art history at Wofford College, in Spartanburg, she is listed in Who's Who in American Women, Who's Who in the South, and Who's Who in American Politics.

A more thorough account of her lifetime of achievements appeared in an article with the headline "GOP Women Nominate Mrs. Norman Armitage." This article, along with an editorial entitled "She Earned Top Office," appeared in the June 18 issue of the Spartanburg Herald.

Mr. President, I ask unanimous consent that the article and editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[The Spartanburg Herald, Spartanburg, S.C., June 18, 1971]

### GOP Women Nominate Mrs. Norman Armitage

Mrs. Norman C. Armitage of Spartanburg has been nominated for president of the National Federation of Republican Women.

Mrs. Armitage (Connie) is first vice president of NFRW, which is headed by Mrs. Gladys O'Donnell.

Elections will take place at the NFRW 16th biennial convention, Oct. 20–23 at the Washington-Hilton Hotel. The term of office will begin Jan. 1, 1972. Mrs. O'Donnell, who has served two 2-year terms, cannot succeed herself.

The nominating committee met in Washington Friday and submitted a slate of nominees for the seven top national offices. In addition to Mrs. Armitage, the other nominees are Miss Lahoma Dennis of Topeka, Kan., first vice president; Mrs. Laddie F. (Pat) Hutar of Chicago, second vice president; Mrs. James W. (Ann) Blackham Jr. of Winchester, Mass., third vice president; Mrs. James (Ann) Tuck of Nashville, Tenn., fourth vice president; Mrs. John T. (Fran) Salmon, of Tucson, Ariz., Secretary; and Mrs. Henry S. (Betty) Heitman of Baton Rouge, La., treasurer. In essence, the slate maintains the leadership of the last two years with the exception of the treasurer. Mrs. Heitman recently succeeded Mrs. Wendell Hobbs in that post.

Mrs. Armitage, associate professor of art history at Wofford College, is listed in Who's Who in American Women, Who's Who in the South, and Who's Who in American Politics. She is a fellow and holder of scholarships from the American Council of Learned Societies. She serves on the 9-man South Carolina Fine Arts Commission. She has been active in state politics since 1960. In the NFRW she was elected second vice president in 1962 and reelected in 1964. She was elected as first vice president in 1968 and re-elected in 1970.

In discussing the slate submitted, Mrs. O'Donnell said: "These women possess outstanding political backgrounds, in addition to talent, articulation, and political acumen. They are effective powers within the National Federation."

Dorothy Andrews Kabis of Delaware, treasurer of the United States, served as chairman of the nominating committee.

### SHE EARNED TOP OFFICE

Mrs. Constance Armitage deserves congratulations for her nomination to be president of the National Federation of Republican Women.

She has served that organization constantly and well, which could be said also of her service to the Republican Party.

She was the state's national committeewoman in 1964 and was a member of the party's Platform Committee. For the leadership she gave, she was selected for the Silver Medallion award by the Republican Women.

In 1967, she was elected first vice president of the organization and in 1969 she was reelected.

It is particularly appropriate that her term of office coincide with a presidential election, in which her talent, dedication and interest will be of much value to her party.

## AUTHORITY FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORTS TOMORROW

**Mr. BYRD** of West Virginia. I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to file reports throughout the day tomorrow until 5 p.m.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## ORDER FOR RECESS FROM MONDAY UNTIL 9 A.M. ON TUESDAY, JUNE 29, 1971

**Mr. BYRD** of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 9 o'clock a.m. on Tuesday.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING THE ADJOURNMENT

**Mr. BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States during the adjournment of the Senate until 10 a.m. on Monday next.

## ORDER FOR RECOGNITION OF SENATORS RIBICOFF AND McINTYRE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the majority and minority leaders under the standing order, the distinguished senior Senator from Connecticut (Mr. RIBICOFF) be recognized for 15 minutes, and that he be followed by the distinguished junior Senator from New Hampshire (Mr. MCINTYRE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JUNE 28, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that at the expiration of the orders recognizing Senators on Monday next, there be a period for the transaction of routine morning business not to extend beyond 11 a.m., with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to propound the following unanimous-consent requests, and I do so after having consulted with the distinguished assistant Republican leader and with the principal parties to all of the amendments and measures to which I shall allude.

It is my understanding that the majority leader has already secured an order by which the Senate will adjourn, upon the close of business today, until 10 a.m., Monday, and that the Senate, upon the completion of its business on Tuesday, will adjourn until 9 a.m., Wednesday next.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Under the order which I have recently secured, the Senate will stand in recess, upon the close of business on Monday next, until 9 a.m., Tuesday.

Mr. ALLEN. Mr. President, will the Senator withhold that for a moment, and permit me to suggest the absence of a quorum? It will be for a short duration.

Mr. BYRD of West Virginia. Will the Senator just let me get the response from the Chair? I am not propounding a unanimous consent request.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on S. 991, the saline water conversion measure be limited to 3 hours, the time to be equally divided between and controlled by the distinguished junior Senator from Washington (Mr. JACKSON) and the distinguished senior Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on amendments to S. 991 be limited to 1 hour on each amendment, the time to be equally divided between and controlled by the mover of such amendment and the manager of the bill, Mr. JACKSON; and that time on amendments to amendments be limited to 20 minutes, the time to be equally divided between and controlled by the mover of the amendment in the second degree and the manager of the bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on all amendments be charged against the time allotted on the bill S. 991.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that Senators in control of the time on the bill may be authorized to yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that no amendment not germane be received.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that during the consideration of H.R. 7960, the authorization for the National Science Foundation, the time be equally divided between and controlled by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished senior Senator from New York (Mr. JAVITS), the time to be limited to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on any amendments be limited to 10 minutes, the time to be equally divided between the mover of the amendment and the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on any amendments be charged against the time allotted on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that Senators in control of the time on the bill may allocate time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, at the close of routine morning business, the Chair lay before the Senate the unfinished business, Calendar No. 142, H.R. 7109, the authorization for NASA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that, during the further consideration of H.R. 7109, the NASA authorization bill, on Monday next, the time, beginning with the calling up of that measure before the Senate by the Chair, be equally divided between and controlled by the distinguished Senator from Nevada (Mr. CANNON) and the distinguished Senator from Nebraska (Mr. CURTIS), and that time for debate thereon not extend beyond 6 p.m., Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on amendments to H.R. 7109 be limited to 1 hour on each amendment, the time to be equally divided between and controlled by the mover of the amendment and the manager of the bill, the Senator from Nevada (Mr. CANNON), with the exception of amendment No. 233 by the Senator from Minnesota (Mr. MONDALE), on which amendment I ask unanimous consent that time be limited, under the same conditions, to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. With a further exception, Mr. President, of amendment No. 223 by the Senator from New York (Mr. JAVITS), with respect to which time thereon be limited to 30 minutes, under the same conditions with respect to controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on all amendments to amendments be limited to 30 minutes, the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill, the Senator from Nevada (Mr. CANNON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on all amendments be charged against the time on the bill, H.R. 7109.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be an exception to the last previous request, that with respect to the Mondale amendment No. 233, 1 hour of the 2 hours allotted on that amendment be utilized and charged against the bill on Monday next and that the remaining 1 hour be reserved until Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I call attention to a further exception. I ask unanimous consent that time on the amendment of the Senator from New York (Mr. JAVITS), No. 223, not be charged against the time on the bill on Monday next, but that that time be reserved until Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of the resolution continuing appropriations beyond the end of the fiscal year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the expiration of the 4 hours which have previously been allotted thereto by consent agreement, a vote occur on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. With this proviso, Mr. President, that in the event Senators wish to yield back time on the continuing resolution, they may do so and that the vote then occur thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the continuing resolution on Tuesday next, the Senate resume its consideration of H.R. 7109, the authorization for NASA, and that the amendment by the Senator from Minnesota (Mr. MONDALE), No. 233, then become the pending question and that the remaining 1 hour reserved thereon begin running.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the amendment No. 233 of the Senator from Minnesota (Mr. MONDALE), on Tuesday next, the Chair lay before the Senate the amendment of the Senator from New York (Mr. JAVITS), No. 223, and that time thereon then begin running.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the amendment of the Senator from New York (Mr. JAVITS) No. 223, on Tuesday next, the Senate proceed to a final vote on H.R. 7109, with the understanding that any Senator may, of course, offer an amendment at that time if he so desires, but without any time for debate thereon because the time will have expired for debate on the bill.

The PRESIDING OFFICER. Will the Senator ask unanimous consent to waive rule XII.

Mr. BYRD of West Virginia. Yes, Mr. President, I thank the Chair for calling that to my attention. I ask unanimous consent that rule XII be waived, with respect to the requirement for a quorum call.

The PRESIDING OFFICER. Without objection it is so ordered, and without objection, the original unanimous-consent request is granted.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that upon the disposition on Tuesday next, of H.R. 7109, the authorization for NASA, the Senate proceed to the consideration of S. 991, the saline water conversion measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition on Tuesday next of S. 991, the saline water conversion measure, the Senate then proceed to the consideration of Calendar Order No. 226, H.R. 7960, the authorization for the National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, in view of the scheduling of the various measures, and in view of the fact that time agreements have been entered into thereon, the Pastore rule of germaneness be waived during the entire day on Monday next and during the entire day on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to modify the previous consent agreement in the following minor respects:

I ask unanimous consent that time on the continuing resolution on Tuesday next be 4 hours, rather than not to exceed 4 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the 4 hours, the vote thereon, if—and only if—it be a yea-and-nay vote, be deferred until immediately following the vote on H.R. 7109, the authorization for NASA.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

### UNANIMOUS-CONSENT AGREEMENT

*Ordered*, That, during the consideration of S. 991, the saline water bill, debate be limited to 3 hours to be equally divided and controlled by the Senator from Washington (Mr. Jackson) and the Senator from Colorado (Mr. Allott). Provided that debate on amendments to the bill be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Jackson). *Provided further*, That debate on all amendments to amendments be limited to 20 minutes to be equally divided and controlled between the mover of the amendments and the manager of the bill. *Provided further*, That time on all amendments shall come out of the 3 hours on the bill. *Provided further*, That no amendments not germane shall be received, and that time from the bill may be allotted to any motion or appeal except a motion to table.

*Ordered further*, That during the consideration of H.R. 7960, the National Science Foundation bill, debate be limited to 1 hour to be equally divided and controlled by the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. Javits). *Provided*, That debate on amendments be limited to 10 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Kennedy). *Provided further*, That time on all amendments shall come out of the 1 hour on the bill, and that time may be yielded from the bill to any motion or appeal except a motion to table.

*Ordered further*, That during the consideration of H.R. 7109, the NASA authorization bill, on Monday, June 28, 1971, time be equally divided and controlled by the Senator from Nevada (Mr. Cannon) and the Senator from Nebraska (Mr. Curtis), such time to run from the laying down of the bill until 6:00 p.m. on June 28, 1971. *Provided*, That debate on amendments to the bill be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Cannon), with the exception of two amendments, Nos. 233 by the Senator From Minnesota (Mr. Mondale) and Number 223 by the Senator from New York (Mr. Javits). *Provided*, That debate on the Mondale amendment shall be limited to 2 hours to be equally divided and controlled by the Senator from Nevada (Mr. Cannon) and the Senator from Minnesota (Mr. Mondale), 1 hour to come from the time allotted on the bill and 1 hour to come on Tuesday, June 29, 1971. *Provided further*, That debate on the Javits amendment shall be limited to 30 minutes to be equally divided and controlled by the Senator from New York (Mr. Javits) and the Senator from Nevada (Mr. Cannon), such time to come on Tuesday, June 29, 1971. *Provided further*, That debate on all amendments to amendments be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill (Mr. Cannon), with the time on all amendments to come from the time allotted to the bill on Monday, June 28, 1971.

*Ordered*, That during the consideration of the continuing resolution on appropriations for 1972 (H.J. Res. 742), on Tuesday, June 29, 1971, time for debate thereon shall be 4 hours to be equally divided and controlled by the Senator from Louisiana (Mr. Ellender) and the Senator from North Dakota (Mr. Young). *Provided, however*, That debate on any amendment to the resolution shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the resolution (Mr. Ellender) and time for debate on amendments to amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the resolution. But time for debate on all amendments shall come out of the 4 hours. *Provided further*, That the Senators in control of the time on the resolution may allot time therefrom to any Senator on any amendment, motion, or appeal with the exception of a motion to lay on the table.

*Ordered further*, That on Tuesday, June 29, 1971, after the leaders have been recognized the Chair will lay before the Senate H.J. Res. 742. Following the 4 hour debate no vote will occur and the Chair will lay before the Senate amendment No. 233 and following the disposition of this amendment, amendment No. 223 will be laid before the Senate. Following the disposition of this amendment, the Senate will proceed to vote on H.R. 7109. Following this vote, the Senate will immediately vote on H.J. Res. 742. Following this vote, the Chair will lay before the Senate H.R. 7960. (June 24, 1971)

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, even though I, just a short while ago, completed the various unanimous-consent requests which speak for themselves, I think I ought to state the program because it might be of help to Senators and their staff personnel if they can read it in the Record.

Mr. President, the Senate will convene on Monday next at 10 a.m. Following the recognition of the two leaders under the standing order, the Senator from Connecticut (Mr. Ribicoff) and the Senator from New Hampshire (Mr. McIntyre) will be recognized each for not to exceed 15 minutes, and in the order stated.

Following the remarks of the two Senators, the Senate will proceed to the consideration of morning business. The statements therein will be limited to 3 minutes. The period for the transaction of routine morning business will not extend beyond 11 a.m. At 11 a.m., or at such time as the period for the transaction of routine morning business is closed, the Chair will lay before the Senate the unfinished business, Calendar No. 142, H.R. 7109, the authorization for NASA. The time thereon will be controlled and will continue no later than 6 p.m. that day. Amendments may be called up during the day and voted upon. The time on any amendment will be limited to 1 hour, with time on amendments in the second degree limited to 30 minutes, the time to be charged against the time on the bill.

When the Senate completes its business on Monday, it will stand in recess until 9 o'clock on Tuesday morning next. Immediately following the recognition of the majority and minority leaders on Tuesday morning next, the Chair will lay before the Senate the resolution continuing appropriations beyond the end of the fiscal year. The time on that continuing resolution will be limited to 4 hours, to be equally divided and controlled. The time on any amendment thereto will be limited to 1 hour. The time on any amendment to an amendment will be limited to 30 minutes. Time on all amendments will be charged against time on the resolution.

At the conclusion of the 4 hours, or at about 1 p.m., the continuing resolution will be temporarily laid aside, if a yea-and-nay vote is ordered thereon, and the Senate will then resume its consideration of H.R. 7109, the authorization for NASA.

The pending business before the Senate at that time will be amendment No. 233 by the Senator from Minnesota (Mr. Mondale), on which there is a time agreement reserving 1 hour. Upon the disposition of the Mondale amendment No. 233 on Tuesday, the Senate will proceed to the consideration of amendment No. 223 by the Senator from New York (Mr. Javits), on which there is a time limitation of 30 minutes.

Upon the disposition of the Javits amendment, the Senate will proceed, with no time remaining for debate, to the vote on H.R. 7109, the authorization for NASA, it being clearly understood that any Senator may at the conclusion of the action on the Javits amendment offer an amendment without any time for debate, but he would be entitled to a vote on his amendment.

On the disposition of H.R. 7109, the authorization for NASA on Tuesday next, the Senate will then vote, if a yea-and-nay vote has been ordered, on the continuing resolution. Let it be understood that if no yea-and-nay vote is ordered on the continuing resolution, it will have been disposed of at the conclusion earlier of the 4 hours allotted thereto.

Mr. President, upon the disposition of the NASA authorization and/or the disposition of the continuing resolution, at that particular time, the Senate will proceed to the consideration of S. 991, the saline water bill, with a 3-hour time limitation thereon, the time on amendments limited to 1 hour, and amendments in the second degree to 20 minutes, the time to be charged against the time allotted to the bill.

Mr. President, after the disposition of the saline water bill on Tuesday next, the Senate will then proceed to the authorization for the National Science Foundation, H.R. 7960, on which there is a time limitation of 1 hour, with time on any amendments limited to 10 minutes—to come out of the time on the bill.

As the distinguished majority leader stated earlier, on the disposition of these measures on Tuesday next, the Senate will stand in adjournment until 9 a.m. Wednesday next.

The program for Wednesday next is not now clear, but it is hoped that the Treasury appropriation bill will be ready for action, along with other measures.

Let me remind Senators also of the statement by the distinguished majority leader that it is hoped that the Senate will complete its calendar business on Wednesday next, prior to the holiday, in which case it would not be in session on Thursday. If it does not complete its business on Wednesday next, then it will do so on Thursday next.

Mr. President, I express appreciation to the Chair, to Senators, and to the officers of the Senate for their patience. It is a complicated unanimous-consent agreement and a detailed program for Monday and Tuesday.

## ADJOURNMENT TO 10 A.M. MONDAY, JUNE 28, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 10 a.m. Monday next.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, June 28, 1971, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 24 (legislative day of June 23), 1971:

### U.S. District Courts

Charles L. Brieant, Jr., of New York, to be a U.S. district judge for the southern district of New York, vice John F. McGohey, retired.

### Department of Justice

William S. Sessions, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years, vice Seagal V. Wheatley, resigning.

### Federal Home Loan Bank Board

Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1975. (Reappointment.)

### Department of Defense

Richard S. Wilbur, of Illinois, to be an Assistant Secretary of Defense.

### In the Army

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be first lieutenant*

Bratt, Robert A., [redacted].

*To be second lieutenant*

Christie, James R., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Barnes, Larry A., [redacted]
Bilbo, Jon F., [redacted]
Boyd, Robert P. III, [redacted]
Bray, Richard D., [redacted]
Brooks, Frederick A., [redacted]
Buske, Ronald L., [redacted]
Carlson, Charles G., [redacted]
Carroll, John M., [redacted]
Carter, James S. R., [redacted]
Cash, Dean W., [redacted]
Chatham, Stuart L., [redacted]
Christianson, Harry W., [redacted]
Comin, Larry E., [redacted]
Davis, Lawrence H., [redacted]
Ferschl, Robert T., [redacted]
Futia, Anthony J., [redacted]
Gorman, Lewis E. III, [redacted]
Gossett, Donald, [redacted]
Grover, Joel M., [redacted]
Henson, John A., [redacted]
Hilts, Barry W., [redacted]
Jackson, Robert W., [redacted]
Janski, Larry W., [redacted]
Jones, Oscar L., Jr., [redacted]
Karczewski, Leonard, [redacted]
Kolp, Alvin A., [redacted]
Lavy, Howard B., Jr., [redacted]
Lindsey, Norman H., [redacted]

Long, William D., [redacted].
Lyday, Richard L., [redacted].
McConnell, Thomas D., [redacted].
Mills, Glenn M., [redacted].
Mongeon, Daniel G., [redacted].
Moore, James K., [redacted].
Novier, Frank H., [redacted].
Oatis, Roosevelt, III, [redacted].
Orme, Terry J., [redacted].
Parker, Robert C., [redacted].
Paul, Walter, [redacted].
Pence, William H., [redacted].
Pilipick, Robert G., [redacted].
Poole, Cecil H., Jr., [redacted].
Potts, Timothy C., [redacted].
Pugh, Peter J., III [redacted].
Rush, James R., [redacted].
Santos, Daniel, Jr., [redacted].
Savage, Michael W., [redacted].
Schiller, Thomas O., [redacted].
Scofield, Kenneth E., [redacted].
Sennick, David H., [redacted].
Smith, Anthony C., [redacted].
Stewart, Larry D., [redacted].
Stolze, Patrick C., [redacted].
Stone, James W., [redacted].
Swenson, Gerald B., [redacted].
Tom, George E., III, [redacted].
Topalian, Paul C., [redacted].
Vanbuskirk, James H., Jr., [redacted].
Yaws, Neil S., [redacted].
Young, Donald L., [redacted].
Zerkow, Paul F., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerly, William G., Jr., [redacted].
Arnold, Jackie R., [redacted].
Bieth, David J., [redacted].
Clark, Stephen C., [redacted].
Crow, William A., [redacted].
Cummins, Paul G., [redacted].
Davis, David A., [redacted].
Dexter, William T., Jr., [redacted].
Finnegan, Jeffrey G., [redacted].
Flannery, Joseph G., [redacted].
Frazo, Ernest R., [redacted].
Goettlich, Walter C., [redacted].
Haring, John H., [redacted].
Haynes, Alan L., [redacted].
Hopkins, Charles A., [redacted].
Jeffress, Michael B., [redacted].
Liebner, Francis A., [redacted].
McCarthy, Stephen F., [redacted].
McDonald, William T., [redacted].
McNamara, Thomas M., [redacted].
Marsh, Lawrence R., [redacted].
Multhauf, Jay R., [redacted].
Nicholas, Daniel D., [redacted].
Ottley, David L., [redacted].
Pekula, Walter E., Jr., [redacted].
Rhodes, Tom C., [redacted].
Richardson, Dana T., [redacted].
Rybolt, Richard R. L., [redacted].
Sahlin, Carl T., Jr., [redacted].
Simpson, Michael G., [redacted].
Storrs, Norman W., [redacted].
Fitzgerald, William, [redacted].
Terry, Bennie L., [redacted].
Tullbane, Joseph D. III, [redacted].
Wagner, Michael J., [redacted].
Werle, Christopher P., [redacted].
Woolfolk, Rogers J., [redacted].
Zurcher, John W., [redacted].

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 24 (legislative day of June 23), 1971:

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of Health, Education, and Welfare.

### U.S. TARIFF COMMISSION

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974.

Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1977.

# EXTENSIONS OF REMARKS

## IS THE UNITED STATES TO LOSE A DOMINANT POSITION IN STOL DEVELOPMENT AS IT DID ON SST?

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Thursday, June 24, 1971*

Mr. RANDOLPH. Mr. President, the Congress has—unwisely, in my opinion—thwarted U.S. efforts to be at least competitive, if not dominant in the realm of supersonic air transport.

I am wondering now if our country, with both the executive and the legislative branches seemingly dillydallying, is on the verge of accepting a second place—or lower—position in another critical aeronautical area; namely, in short-haul air travel via STOL—short takeoff and landing—equipment and specialized system.

This Senator has long been an advocate of acceleration of research and development of STOL equipment and systems in this country that would be fully compatible with the jet age. I have been disappointed that so little attention has been paid to this vital area of aeronautics by so few of the airlines and by the airframe equipment manufacturers—and by the several recent administrations of the Federal Government.

Now, Mr. President, as we have been reading of Canadian progress—aggressive progress—by the Canadians, I am even more disappointed with STOL progress in the United States.

Perhaps we can afford to slumber in the realm of the supersonic transport while other nations leave us in the supersonic wake. I believe, however, we would be excessively derelict if we in the United States are complacent and permit Canada or any other nation to pass us and go to the forefront of the developing STOL industry.

These are vital programs for the movement of people from place to place on this earth via air. Are we neglecting this important program of direct benefits for our own people while spending excessively of our money, time, and talent on exploration of the moon and the gathering of moon dust and moon rocks? I am afraid that the answer is in the affirmative—that we give space exploration higher priority than the people's program of supersonic travel and short-haul travel.

As mentioned, there is current published documentation to support the Canadian progress in the STOL equipment and system development—a progress that makes ours in the United States pale by comparison, so far as I have been able to determine. I call attention especially to an article, "For Quick Hops Between Big Cities—Look At Canada's Plan," in the June 7, 1971, issue of U.S. News & World Report. And there is a much more complete and thoroughly informative article in the June 1971 issue of Science Dimension, a magazine published by the National Research Council of Canada.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the two articles mentioned.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### FOR QUICK HOPS BETWEEN BIG CITIES—LOOK AT CANADA'S PLAN

OTTAWA.—The Canadian Government is considering the investment of 150 million dollars in an air-travel system designed to meet Canadian and U.S. needs for inexpensive transportation over distances of 500 miles or less.

The project—known as STOL, for "short take-off and landing"—will use propeller-driven aircraft that can land on airstrips of 2,000 feet. Air service can thus be provided inside cities or adjacent to smaller towns.

The Canadian Government announced on May 13 it is moving "as quickly as possible" on the first phase of its operational plan—establishment of an experimental shuttle service between Montreal and Ottawa, a distance of about 125 miles. It will use De Havilland's Twin Otters, carrying 14 passengers.

Landing terminals would be the parking lot of Montreal's 1967 exposition and probably Rockliffe Airport in Ottawa.

Air Canada, the Government-owned airline, will operate the service.

Second phase of the program would be the introduction of De Havilland's 48-seat DHC-7. A 70-passenger STOL is on the drawing boards.

#### TOTAL SYSTEM

As seen here, the STOL system goes beyond the mere manufacture and sale of aircraft. The Canadians hope to offer a total system, including aircraft, navigational aids, air-traffic control, airports and other supporting services.

Use of STOL, it is expected, would overcome the disadvantages of airports far from city centers, and the high cost of air service between cities near one another. It could cut highway traffic.

The STOL system, Canadians believe, is especially tailored to produce competitive transportation service in the U.S. Northeast corridor—mainly New York to Boston and possibly Washington.

The Canadian initiative is in part inspired by the drop-off of U.S. defense orders for the Vietnam war. The aerospace industry here is suffering from unemployment.

The industry is seen to fit particularly into the needs of the Montreal area, where unemployment and unrest are highest in Canada.

### "MAXIMUM RETURN"

Key persons in the industry discount Canada's potential to build a major air industry. They see it as geared more to the supplying of component parts.

But the Science Council of Canada believes the STOL concept would fit into Canada's capabilities and would yield a "maximum return on investment with minimum capital outlays."

The Council predicts by 1975 a potential of 3 billion passenger miles with an outlay for operational development of 200 million dollars a year.

Canadians believe they have about a two-year head start in STOL systems. There is some confirmation for that view in the U.S., where work in the STOL field has been mostly in the study stage.

### WHERE U.S. STANDS

There are several short-haul "commuter service" airlines operating in the U.S., such as one in the Los Angeles area. These carriers generally operate out of small suburban airports, flying back and forth across big metropolitan centers.

The world's largest Twin Otter fleet is operated by Golden West Airlines, serving 159 California cities from 19 major terminals. Some 13 per cent of all arrivals and departures at Los Angeles International Airport are Golden West flights.

Of 300 Twin Otters now operating around the world, 170 are in the U.S. and are valued at 86 million dollars. Engines of both the Twin Otter and the DHC–7 are Pratt & Whitney, made by United Aircraft of Canada, Ltd.

The Civil Aeronautics Board in Washington is investigating the possibilities of STOL use in the Northeast corridor. One small airline used STOL planes to shuttle between the three Washington-Baltimore airports last year—but the service did not catch on. One difficulty of the system was illustrated in New York City, where the possibility of a floating STOL airport in the Hudson River ran into strong objections from nearby residents.

Several big aerospace companies—such as Boeing—are working on technology of STOL aircraft, but no full-fledged STOL planes are on production lines—except for small conventional aircraft being used as commuter planes.

Says an aviation-industry economist:

"We're seeing the beginning of interest in STOL. The market at the moment, however, is indeterminate because we don't have enough planes and airfields to test it fully."

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[From Science Dimension Magazine,
June 1971]

### STOL THE RIGHT SYSTEM AT THE RIGHT TIME?

A foreword to a special study on aeronautics prepared for the Science Council of Canada states that it seems likely that future aeronautical research and development activities in Canada may be related more to civil aviation than to the needs of the defense sector. The results of the study indicate that the most challenging avenues open to Canadian manufacturers of complete aircraft appear to be based on their existing and potential capability to design and develop short take-off and landing (STOL) aircraft systems.

The study points out that in the densely populated industrial areas of the world ground transportation systems have become saturated or are approaching saturation with no easy solution in immediate sight. Short-haul air trips of under 250 miles are hampered by existing aircraft which require vast airport areas and by ground congestion which can cause portal-to-portal travel times of up to four hours.

Development of vertical take-off and landing (VTOL) aircraft systems promises to relieve this short-haul dilemma but only when problems of VTOL noise control and economics have been solved. It is very likely that the evolution will see short take-off and landing (STOL) aircraft as an intermediate stage of development with a gradual introduction of the VTOL concept.

It has been estimated that Canada currently has a one to two-year lead over many other industrial countries in STOL technology. To exploit this lead, the Federal Government has been asked to give the green light to a proposal creating a new transportation system based on STOL aircraft. A consortium of 16 aerospace companies has proposed that the Government become a major partner in Regionair STOL Canada—a demonstration service designed to show that STOL aircraft are the interim answer to transportation congestion problems in densely populated areas. The Regionair proposal calls for the Government and the aerospace and air transport industries to cooperate in a two-phase operation designed to produce an operating STOL system by mid-1972.

The definition of short take-off and landing is arbitrary, but the generally accepted field length is about 2,000 feet. Various means of operating from such fields have been evolved. A large wing area in relation to weight permits short take-off but gives poor ride in rough air and is inefficient. Large flaps and more direct means of boundary layer control have been used. The most promising current technique makes use of deflected propeller slipstreams to provide additional lift to an aircraft's wings.

The Twin Otter, manufactured by de Havilland Aircraft of Canada Limited, is in this category. It was chosen as the operating aircraft for the initial phase of Regionair because this Canadian-made STOL aircraft has been a success in commercial air transport operations around the world. This 14-passenger aircraft would be in service until a new mode of service could be inaugurated—possibly by mid-1974—using the de Havilland DHC–7, a 48-passenger, four-engine turboprop. It is the only aircraft of its size or larger that would be available in the next three to five years and meets noise criteria for city centre operation. The DHC–7 is currently undergoing final model tests and is programmed for quantity production in 1973.

Initial STOL routes under consideration call for service between two points in Vancouver and Victoria, between two points in Toronto from the Niagara peninsula, and between two points in Montreal from Ottawa with later links to the new airport at Ste. Scholastique. These are typical routes and reflect the 100-mile or less operating range dictated by choice of the Twin Otter.

The project calls for construction of three types of STOL ports within cities—high density capacity ranging from one to four million passengers per year and low density capacity ranging from one-half to two million passengers per year. There also will be STOL strips at airports capable of handling either low- or high-density traffic. These strips will be integrated into major airports. The total STOL system incorporates aircraft, STOL ports, navigational aids, air-traffic control, and other supporting services.

Based on unchanged operation over the three routes outlined, the major capital expenditures would be $8,400,000 for 14 Twin Otters at $600,000 each and $36,600,000 for seven high-density and two low-density STOL ports. Total annual operating costs for the 14 aircraft operating 3,600 hours per year is estimated at $7,500,000.

Estimating revenues at $1 per passenger per year, supporters of the project expect the system is not likely to break even with only 14 planes. Expansion of routes and introduction of the DHC–7 is expected to change this projection.

Backers of the Regionair proposal draw on the Science Council Report No. 11 to cite the benefits Canada would derive from a fully functioning STOL system. These include sales of $500,000,000 to $1,000,000,000 in aircraft alone; 28,000 to 56,000 man-years of employment in high technology industries from aircraft sales alone; equal travel opportunities to large and small communities; improvement in the environment in areas of pollution, congestion, noise and land use; suitability of STOL for northern development and reduction in government expenditures through delaying expansion of existing airports.

The government-industry partnership STOL operation concept has been greeted favorably by the Science Council. In its recently-released report on STOL, the Council notes that Canada has the skills to tackle the STOL system but that they are spread through a number of companies so "it will be necessary to find some means of amalgamating the design capabilities of one company with the production capabilities of another."

The Science Council urges the Government to undertake to establish a STOL system as quickly as possible as a "major program". The Science Council criteria for such a program is a large multidisciplinary, mission-oriented program having as a goal the solution of important economic and social problems in which all sectors of the scientific community must participate on an equal footing.

The program would call for a total net investment of $150,000,000. Designing and developing STOL aircraft and putting them into production could cost between $75,000,000 and $80,000,000. STOL port cost is estimated at $5,000,000 each, with supporting services for five STOL ports set at about $50,000,000. An unspecified amount would also be needed for feasibility studies and long-term developments aimed at maintaining Canada's lead in STOL technology.

A significant portion of any such long-term development work would involve the National Research Council of Canada. The NRC laboratories, whose facilities devoted to aeronautical research carry a $40,000,000 book value, over the last 25 years have been involved in support of the design, construction or operation of every significant aircraft and engine type built in Canada.

A recently completed $7,000,000 low-speed wind tunnel with a 30-foot square working section, was constructed specifically to be of assistance to industry in the V/STOL fields. The first aircraft company to utilize this facility on a time-rental basis was de Havilland with a scale model of its DHC–7. Canadair Limited of Montreal followed immediately after with a propeller component for an experimental four-engine propeller-driven tilt-wing experimental V/STOL aircraft. The 30-foot wind tunnel is a major component of the Low Speed Aerodynamics Section of NRC.

In addition to operating low-speed tunnels, the Section conducts independent research projects. A current one involves investigations into the "externally blown jet flap." Ten years ago it was found that a tremendous lift effect could be achieved at low speeds by directing the jet flow onto the flaps. However, with the engines of that time the hot gases burned the flaps. Turbofan-type engines now in use produce a cold flow. The Section is currently doing jet STOL airfoil design studies to improve on existing cold flow techniques that blow air into the wing, carry it through the wing via internal piping and direct it onto the flaps.

Another area of research currently under investigation by NRC's Low Speed Section is the problem of air turbulence. STOL Aircraft with large wings and slow speeds and flying at low levels are particularly vulnerable to turbulence. Researchers are currently analyzing data from tests measuring unsteady forces on propeller and wing configurations.

One of the characteristics to be found in STOL aircraft is sensitivity to crosswinds. De Havilland used NRC's helicopter airborne four degrees of freedom simulator, developed by NRC's Flight Research Section, to modify the lateral control design for the DHC-7. In the NRC simulator, one pilot acts as safety pilot and program manager. The second is the evaluation pilot who flies the aircraft in the ordinary manner. However, instead of directly manipulating the rotors, his controls generate electrical signals. These are fed into an inboard analogue computer in which electric models of flight and control characteristics of a STOL aircraft have been set up. In response to these input signals, the computer puts out output signals which activate hydraulic servo systems controlling the rotors, causing the helicopter to adopt the characteristics of the electric model. Special instruments measure the actual motion of the helicopter and compare it with the motion required by the electric mode. The system reduces to zero the difference between the actual and required motion. The behavior of the helicopter becomes that of the model.

In a recent month-long series of tests a proposed configuration for aileron spoilers was tested to ensure that, when the first test flight of the DHC-7 took place, residual nonlinearities would not detract from aircraft handling qualities and render precision manoeuvres and fine control beyond pilot capacity.

To stimulate forces at the control wheel, the evaluation pilot took control and flew a realistic STOL approach task. At a prescribed height he performed a sidestep manoeuvre, used whenever a pilot finds himself off to one side of a runway and needs to line up with markers on the ground. Control passed back to the safety pilot at approximately five feet above the ground at the end of the sidestep manoeuvre.

While the Flight Research and Low Speed Sections are concerned with air-frame operations, NRC's Engine Laboratory has had a role in the development of the engine that is to power the DHC-7.

Choice of de Havilland for the DHC-7 and the Twin Otter is United Aircraft of Canada's PT-6 gas turbine engine. The PT-6 has become one of Canadian industry's most significant success stories. The 4,000th PT-6 engine was delivered in December, 1970. In 1969, when the engine had accounted for more than 3,000,000 hours of flying time, it achieved recognition as the most widely used powerplant of light turboprop aircraft in the world.

The Engine Laboratory, through efforts dating back to the Second World War, has won an international reputation for its work on anti-icing problems of aircraft gas turbines. The PT-6 had an alcohol anti-icing system, when it was first tested in 1960. The alcohol was sprayed on critical engine surfaces during flights through clouds, rain, snow, etc. Working with United Aircraft, Engine Laboratory engineers helped to evolve an alternative system that was certified for commercial flight in the United States and Canada in 1964.

The new system is an inertial one. Air is sent into the engine in such a way that precipitation is left behind and the engine inhales air minus rain or ice crystals.

However, the main emphasis in the Engine Laboratory has not been on current STOL aircraft—whose propulsion technology as embodied in the DHC-7/PT-6 is virtually complete—but on the short-haul vehicle of the 1980s and beyond, the VTOL aircraft. For the last 15 years, the Laboratory has focused its effort on the fan-in-wing VTOL concept. This involves designing lifting fans to be placed in the wings of an aircraft, giving an aircraft vertical rising and hovering capability. The fans would be covered over in high-speed forward flight and would not effect the aircraft's performance in this respect since they are not used for cruising.

Initial work was devoted to developing on a model scale, a fan which would produce high-lift efficiency. Later work was devoted to the problem associated with the drive mechanism, since the system has an external jet engine or gas generator whose hot compressed gases are fed into a tip-mounted turbine, thereby driving the lifting fan.

Current efforts are focused on the much more challenging problem of how the lifting fan behaves as the aircraft starts to move forward. There is a flow over the wings as well as through the wing due to the action of the fan. The fan is subjected to an extremely distorted air inflow which tends to deteriorate its aerodynamic performance. Additionally, the airflow loads the fan mechanically in a manner that produces high vibratory forces, which must be coped with in the fan design. In co-operation with NRC's Gas Dynamics Laboratory crossflow studies on a one-foot diameter fan-in-wing model have been undertaken in the propulsion tunnel.

Designed and operated for V/STOL propulsion research by the Gas Dynamics Laboratory, the tunnel has a 10-foot wide by 20-foot high by 40-foot long working section. This facility was constructed in 1962 specifically for the investigation of problems of safety, economy, noise and performance associated with V/STOL propulsion systems. Models representing possible full-scale engine arrangements are powered by an external source of compressed air (up to 50 pounds per second) and develop up to 1,000 pounds thrust. A 26-foot diameter fan subjects the model to a mainstream flow of about 200 miles per hour.

Several VTOL propulsion systems are currently under active study by the Gas Dynamics Laboratory. These include experimental studies conducted on a single engine system used to power both lift and forward propulsion (similar to the Pegasus engine used in the British VTOL fighter, the Harrier) and on separate lift engine systems designed specifically for low operating noise levels, e.g. Rolls Royce's RB 202 lift fan.

With the Harrier type engine, the engine intakes are always facing forward and thrust direction, either vertical or horizontal, is changed by exhausting the jets through rotatable nozzles. In the separate lift engine concept, the lift engines (fans) are installed in a near vertical attitude. On completion of the lifting function these engines are shut down and separate propulsion engines are used for forward drive. As with the fan-in-wing arrangement this lift engine receives a disturbed non-uniform air flow in the transition from hovering to wingborne flight.

A great deal of the work in this area of lifting performance has been done in the propulsion tunnel, initially with simple wooden models and later with powered models limited to single isolated thrusting fans. Tunnel personnel are now into the next stage—the study of crossflow effects on a tandem installation of three one-quarter-scale models of the RB 202 lift-fan. This study is expected to contribute materially to the first actual aircraft projects employing this engine.

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## ADM. ELMO ZUMWALT'S CHECKERBOARD NAVY

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. RARICK. Mr. Speaker, the American people may soon start understanding the significance of equal employment opportunity.

Admiral Zumwalt recently announced that the incoming class at the Naval Academy for 1971-72 will "double the enrollment of blacks and other minority race midshipmen this year."

Admiral Zumwalt, who presently enjoys the prestige of being Chief of Naval Operations, has also announced naval recruitment of minority membership proportional to that in the general population. This must be interpreted as a political way of saying that people will be selected and advanced, not because of qualifications or ability, but merely because of the color of their skin.

Apparently, the Joint Chiefs of Staff, who are forbidden to even talk about winning our country's wars or to mention victory—it sounds so militaristic—are being given a free hand to win the race-mixing "war" so long as the battle always ends up with the proper ratio of racial proportions.

Little wonder that military leaders of the caliber of Col. David H. Hackworth are leaving military service in disgust.

I insert pertinent newsclippings in the RECORD at this point:

[From the Washington, D.C., Evening Star, June 19, 1971]

### ZUMWALT SAYS ANNAPOLIS TO DOUBLE MINORITY PLEBES

ATLANTA.—Adm. Elmo R. Zumwalt Jr. says the U.S. Naval Academy will double its enrollment of blacks and other minority race midshipmen this year.

Zumwalt, chief of naval operations, listed this as one of a series of "positive administrative steps to increase recruiting among minorities." His comments came in a speech prepared for the National Newspaper Publishers Association.

In Washington, the Navy said the incoming plebe class is not yet firm but that a total of 46 blacks were at the Naval Academy during the 1970-71 school year when total Annapolis enrollment numbered about 4,300.

Zumwalt also said the Navy has set recruiting goals "which will as a minimum ultimately provide minority membership in the Navy, in officer and enlisted ranks proportional to that in the general population."

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[From the Washington Post, June 24, 1971]

### "WE COULD HAVE WON, IF—": ANGRY COLONEL ABOUT TO QUIT

(By Richard Pyle and Rick Merron)

SAIGON.—"We had all the assets to win this war; we had half a million troops, unlimited amounts of money and the backing of the administration. No doubt we could have won if we'd had commanders who knew how to use these assets instead of these amateurs, these ticket-punchers, who run in for six months, a year, and don't even know what the hell it's all about. . . ."

Col. David H. Hackworth, who expressed those views, is about to quit the Army.

With 25 years of service behind him at ago 40, Hackworth is in excellent position to make general. Although the Pentagon says it can't prove it, he is widely believed to be the most decorated U.S. officer now on active duty.

Wounded four times in Korea and four more times in his 5½ years in Vietnam, Hackworth holds two Distinguished Service Crosses—the nation's second highest award for valor—nine Silver Stars, nine Bronze Stars with V for valor, and eight Purple Hearts.

### ENLISTED AT 15

For an officer like Hackworth to resign is a blow to an Army beset by crises. And quitting is no small decision for an orphan boy who went to sea at 13, enlisted at 15, won a battlefield commission in Korea and never has had any home town except "for somewhere." He didn't say how he managed to join the Army at 15.

The colonel suggests the United States should have placed a few crack brigades around Saigon to protect it, then undertaken a program to "train soldiers properly for this kind of war."

"The cities should have been off limits and the troops told, 'forget about rotation, forget about creature comforts, you're not going to town for a year, you're not going to have these big logistical depots behind you, so be prepared to do like your father did from '41 to '45, island after island without one goodie.'" This was a reference to the U.S. Pacific campaign in World War II.

### ANSWER TO CHE

Hackworth's first major project after leaving the Army will be writing a book on counterinsurgency. "It will be the answer to Che Guevara," he says.

Hackworth expressed the view that by 1973 the situation in Vietnam will be similar to the tough days of the 1963-65 period.

"I think all of Vietnamization is a public relations man's dream, from some guy on Madison Avenue," he says. Vietnamization is the Nixon administration's plan of turning the fighting over to the South Vietnamese and allowing for the pullout of U.S. combat troops.

Hackworth is full of praise for the GIs and middle-rank American officers.

"Damn good men" The Army has never had better kids than it has today. They're smarter, stronger, far sharper than when I started out 25 years ago.

"So why has the Army gone to hell? Because the higher-level leaders couldn't recognize the problem until it was too late. These kids, all they wanted was leadership.

"Some of the captains and majors over here now, on their third tours, who could do a good job of running the Army, I'm afraid they're all going to leave. They're leaving in droves."

He criticizes officers who served Vietnam tours with little interest other than advancing their own personal careers. "The best thing a guy could have for advancement is to have a battalion or brigade and then slip over to the advisory system," says Hackworth.

In Hackworth's view the Vietnam war was always a guerrilla war, even after the North Vietnamese entered the battle in force. "We came in with a conventional army, led by conventional people and all the tactical concepts, if there were any, were conventional," he said. "We thought we would steamroll our way through this war as we have every other war, World War I, World War II, Korea. We've won by the output of the assembly line, not by any tactical skill on the ground. And you have this tremendous grouping of shallow dilettantes who were running the Army. I'm talking about battalion and up, who didn't know anything about the situation.

"They were saying, 'It'll be over in a few months, 'we've got the enemy on the run' . . . If we were going to get involved, and I think we never should have, we should have come over and organized the South Vietnamese army into a guerrilla posture, instead of as a direct reflection of the U.S. corps with its divisions and regiments and all the junk.

### BODY COUNT

"We should have come with real professionals, absolute studs, who would stay until the thing is over, all volunteers. There are many guys who felt like me, who would have stayed over here, who didn't care about, going home in a year?"

Hackworth said the controversial "body count" has been a means for officers to advance their careers and thus is also a symptom of what ails the military in Vietnam.

"How a man is rated generally as a commander from company up is by how many enemy he killed. Great pressure was placed on this, one of the key things for advancement.

"Down below the company, at platoon and squad, the troops don't give a damn about body count. But with so much pressure passed down the line, down to the kid with a rifle, to get them off his back he'd say "the hell with it, eight dead.' And his platoon leader, young West Pointer, would tacitly pass this on, compromising himself—he knows it—but it gets them off his back, too."

A few years ago Hackworth was one of a small group of officers whose views were solicited by Gen. William C. Westmoreland after he became Army chief of staff.

"Westmoreland? . . . He was so steeped in management, if he had known what was going on, how this war should have been fought, he wouldn't have gone into this huge—what he called—battle of attrition a search and destroy mission, which I always thought was a huge waste. . . ."

### MAO'S STRATEGY

Hackworth scorns the idea that the Americans' ability to fight and win has been limited by political restrictions. Rather, he contends, it was the "misuse of assets" in the big multibattalion search and destroy operations of 1965–68.

"You always came in there with such tremendous firepower, such tremendous preparation, that by the time you got located and were ready to meet the enemy he was gone. He only fights to win. It's a principle of Mao Tse-tung's strategy that when the enemy moves in, he falls back; when the enemy withdraws, he attacks, harasses.

It seems to me that Westy thought: 'Our strategy is attrition, we're going to kill more of them and wear their army out.' Well, you can't wear out a guerrilla army, not one that's working out of sanctuaries in Cambodia, Laos and North Vietnam, who's got a population base of 18 million, producing over 300,000 young studs a year. There's just no way of killing or wounding that many people.

"Take a look, at one time we had more than 550,000 people over here, I'd say not more than 40,000 at any one time out in the bush . . . If you're looking at this from the standpoint of Mr. Robert McNamara working on a systems analysis program, is this an efficient way to fight a war?"

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## RESOLUTION OF CITY COUNCIL OF GREENVILLE, S.C., ENDORSING PRESIDENT NIXON'S REVENUE-SHARING PLAN

## HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Thursday, June 24, 1971*

Mr. THURMOND. Mr. President, on May 25, 1971, the mayor and City Council of the city of Greenville, S.C., passed a resolution endorsing President Nixon's general revenue-sharing plan.

In view of current discussion over revenue sharing, it is pleasing to know that the elected leadership of Greenville understands that their city would benefit greatly from this proposal. These people share my belief that this bill will greatly aid State and local governments in their exercise of power and in their responsiveness to immediate needs. Because these funds have few strings attached, the States can use this money with much less Federal control and with more flexibility. The role of this plan is to restore the proper balance to our system and repose more power in State hands rather than the Federal Government.

The city of Greenville, S.C. understands the great need for a program of this type. These people have analyzed this plan with an awareness of prevailing economic conditions. These comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### RESOLUTION

Whereas, the Congress is considering general revenue sharing proposals submitted by the Federal Administration, and

Whereas, the City of Greenville would benefit greatly from a proportionate share of general revenue sharing, and

Whereas, general revenue sharing is tied to the ever escalating income tax collection of the Federal Government on the basis of 1.3% so that the Mayor and City Council of the City of Greenville feels this source of revenue will meet increasing costs in the future,

Now, therefore, be it resolved, that the Mayor and City Council of the City of Greenville, South Carolina do hereby endorse general revenue sharing as proposed by the Federal Administration to the Congress for their proportionate share of the 1.3% for the gross income tax collections of the Federal Government in any Fiscal Year; and that a copy of this Resolution be forwarded to the South Carolina Senators and Representatives of the Congress.

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## CAPTIVE NATIONS

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mrs. GRASSO. Mr. Speaker, June 15 is Captive Nations Day, a sad occasion commemorating the Russian takeover of the Baltic States.

Estonia, Latvia, and Lithuania once knew independence, personal freedom, and national sovereignty. Today, however, they are denied these rights and have been "assimilated" by the Soviet Union. By use of force, the U.S.S.R. has seized these lands and called them her own.

The remarkable people of the Baltic States continue to resist their Soviet captors. Though subject to deportation and resettlement, they refuse to forsake their homeland. After all these years, they still cling to the hope that their freedom will be restored.

Mr. Speaker, we cannot forget our brothers in East Europe. I strongly urge the President to implement House Concurrent Resolution 89–416, and bring the issue to the Baltic States before the United Nations.

## REVENUE SHARING FOR THE AREAS OF GREATEST NEED

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### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. VANIK. Mr. Speaker, I have today joined with Congressmen RICHARD FULTON, CORMAN, and GIBBONS in introducing legislation which will accomplish the major objectives of the President's revenue sharing program at a Treasury cost of only $2 billion instead of the administration's proposal which provides for a revenue loss of $5 billion.

Obviously, not every community will receive as much under our proposal—but this proposal will put the money where the problems are the most desperate, where the needs are the greatest.

The $2 billion proposal is fiscally responsible. The projected deficit for the fiscal year which is about to end is $18.6 billion. The planned deficit for the next fiscal year is $11.6 billion. My proposal will save the Treasury a little over $3 billion—while still meeting the most urgent needs.

The problems of urban America result from a stagnant or depreciating tax base and the increasing number of welfare supported citizens who make no contribution to the tax base of the community. Our major central cities are burdened with tens of thousands of welfare recipients. In the case of New York City there are over 1.048 million such persons. Because of low income, these people make a relatively low contribution to sales taxes—though the burden of the sales tax to them is often disproportionally high. Often living in low-income or delapidated housing they make relatively little contribution to the real estate tax collection. Yet the people on welfare require the same services as the taxpayer. In many, many cases they require extra services: special schooling to help break the cycle of poverty and welfare; special health services are needed for the disabled; transit assistance is needed to give the low-income mobility to reach jobs.

Our proposal addresses itself to the problem of the welfare recipient, generally concentrated in the large cities. It would provide a Treasury drawing right—in annual cash payments from the Treasury—equal to $150 per year per welfare recipient. The per capita cash payment would go to the unit of local government—city, village, township, or county—in which the welfare recipient lives.

There would be no strings attached to how the cash payment would be spent. The needs of the central cities and the governments where welfare recipients live are so great that there can be no doubt that the money would be spent for needed services of the highest priority.

The proposal does not include any money for State government, since the States will be receiving approximately $1.7 billion in welfare relief under the provisions of H.R. 1, which has already passed the House.

Below I have prepared some tables which would show the effect of my proposal on first, the 20 largest standard metropolitan statistical areas and second, on the 88 counties of the State of Ohio.

Let me repeat again that in most cases the amount of money a county receives is less under my proposal than under the administration's. This must be balanced against the fact that the program will cost the Treasury $3 billion less and the fact that the money which would be spent obviously goes to the areas of greatest and most urgent need. The administration's tax-sharing plan is like a blast of buckshot—it hits almost every community but few effectively. It is like dropping money from an airplane all across the country. Our proposal concentrates our scarce resources where they are most needed.

In looking at the 20 largest statistical areas several points stand out.

First, notice the almost complete irrationality of the administration's proposal, its inability to put the proper proportion of money into areas of need. For example, Boston's County receives about half the revenue sharing as Houston's County, Washington, D.C., Minneapolis-St. Paul, or the Milwaukee SMSA but it has twice the welfare load of any of these cities. There are other, similar irrational discrepancies which ignore need. And note the welfare statistics used in the table do not take the changes of H.R. 1 into account.

Our proposal, which would concentrate money where the welfare cases are, would place the money in the central cities rather than the more affluent suburbs. The fact that welfare cases are centered in the core of the SMSA's has been well documented by HEW. One administration report released in 1970 noted that:

> Relatively large numbers of the [welfare] recipients live in the Nation's largest cities. Over one-third of the total, or 4.3 million, are in the 20 largest Standard Metropolitan Statistical Areas, and 3.7 million live in the central counties or cities of these areas.
>
> Nationally, 5.7 percent of the population received public assistance payments in February 1970. The rate in the 20 largest SMSA's was 6.7 percent. The rate was 8.6 percent, more than half again as large as the national rate, in the central cities or counties in which the central cities are located.

Our proposal reaches into the SMSA's to the core cities where the problems are the greatest. This is particularly evident in cases like Los Angeles, Chicago, Detroit, Boston, Pittsburgh, Baltimore, Cleveland, and Newark.

Also following is a list of 88 Ohio counties which shows the amount each county will get under the administration plan, the percent of poverty residents in the county by the 1960 census—latest figures available—the number of persons receiving public assistance, the county's population, the percent of the county's population receiving welfare assistance, the amount the county would get under my proposal for a $150 cash payment per public assistance resident.

Of 16 counties which have over 5 percent of their population on some form of public assistance, 13 gain under our proposal. The three counties which lose are the large urban counties in which Cincinnati, Columbus, and Cleveland are located. But by the nature of the bill, the money going into these counties would generally go to the central city rather than to the suburbs thus, again, putting the money where the problem is. I do not have statistics breaking out welfare recipients by cities within counties, but I think that everyone would agree that welfare cases tend to concentrate in certain areas—areas which would be reached under this bill.

Of the 10 counties which have, according to 1960 statistics, over 30 percent of their population living below the poverty level, nine gain under my proposal while only one losses. Conversely, of 44 counties with less than 2.5 percent of their population on relief or assistance, 43 lose under this proposal and only one gains.

Clearly, the bill which we have introduced directs our scarce resources to the area of true need. We invite our colleagues to join in cosponsoring this legislation.

The tables follow with a copy of a press release of today announcing the introduction of the bill as well as a copy of the bill:

REVENUE SHARING IN THE 20 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS

| County and city (by rank) | Nixon plan | Welfare recipients | Alternative plan (million) |
|---|---|---|---|
| New York | $189,348,578 | 1,048,876 | 157.2 |
| Los Angeles County: | | | |
| City | 34,721,456 | | |
| Other cities | 36,604,015 | | |
| County total | 135,531,490 | 676,098 | 101.4 |
| Cook County: | | | |
| Chicago | 47,601,259 | | |
| Other cities | 11,223,098 | | |
| County total | 72,690,003 | 386,816 | 52.2 |
| Philadelphia | 39,781,536 | 222,115 | 33.3 |
| Wayne County: | | | |
| Detroit | 24,901,847 | | |
| Other cities | 9,196,712 | | |
| County total | 46,675,408 | 169,946 | 25.4 |
| San Francisco | 23,954,657 | 82,616 | 12.3 |
| Washington, D.C. | 22,915,149 | 50,081 | 7.5 |
| Suffolk County: | | | |
| Boston | 10,700,523 | | |
| Other cities | 868,504 | | |
| County total | 11,758,288 | 110,637 | 16.5 |
| Allegheny County: | | | |
| Pittsburgh | 7,433,529 | | |
| Other cities | 3,675,880 | | |
| County total | 20,670,231 | 92,687 | 14.1 |
| St. Louis | 15,120,157 | 76,033 | 11.4 |
| Baltimore | 14,285,058 | 114,778 | 17.3 |
| Cuyahoga County: | | | |
| Cleveland | 11,227,393 | | |
| Other cities | 7,553,433 | | |
| County total | 25,626,697 | 112,577 | 16.88 |
| Harris County: | | | |
| Houston | 12,953,581 | | |
| Other cities | 1,617,638 | | |
| County total | 19,950,426 | 49,348 | 7.4 |
| Essex County: | | | |
| Newark | 13,613,831 | | |
| Other cities | 6,062,513 | | |
| County total | 19,128,409 | 106,627 | 16.1 |
| Minnesota-St. Paul: | | | |
| Hennepin County: | | | |
| Minneapolis | 8,058,368 | | |
| Other cities | 2,914,928 | | |
| County total | 12,816,804 | 37,865 | 5.7 |
| Ramsey County: | | | |
| St. Paul | 4,752,693 | | |
| Other cities | 4,752,693 | | |
| County total | 7,246,159 | 24,657 | 3.8 |
| Anoka County: | | | |
| All cities | 743,465 | | |
| County total | 825,793 | 2,964 | .4 |
| Dakota County: | | | |
| All cities | 534,612 | | |
| Money to county | 895,478 | | |
| Money to townships and total | 903,523 | 2,326 | .3 |

REVENUE SHARING IN THE 20 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS—Continued

| County and city (by rank) | Nixon plan | Welfare recipients | Alternative plan (million) |
|---|---|---|---|
| Washington County: | | | |
| All cities | $127,986 | | |
| Money to county | 435,985 | | |
| Money to townships and total | 444,344 | 1,991 | 0.3 |
| Total to region | 22,236,623 | 59,803 | 10.5 |
| Dallas City | 10,557,412 | 47,300 | 7.1 |
| Orange County: (Anaheim, Santa Anna, Garden Grove) | | | |
| Anaheim | 5,417,679 | | |
| Other Cities | 4,027,549 | | |
| County total | 14,304,164 | 46,624 | 6.9 |
| Seattle-Everett: | | | |
| King County: | | | |
| Seattle | 9,758,571 | | |
| Other cities | $938,478 | | |
| County total | 14,601,332 | 46,988 | 7.1 |
| Snohomish County: | | | |
| All cities | 926,074 | | |
| County total | 1,697,365 | | |
| Total to region | 16,298,697 | | 7.1 |
| Milwaukee: | | | |
| Milwaukee County: | | | |
| Milwaukee | 11,790,372 | | |
| Other cities | 3,848,098 | | |
| County total | 18,700,771 | 53,499 | 8.0 |
| Ozaukee County: | | | |
| All cities | 329,651 | | |
| County total | 438,193 | 289 | .0 |
| Washington County: | | | |
| All cities | 98,740 | | |
| Money to county | 264,546 | | |
| Total to townships and county | 271,356 | 780 | .1 |
| Waukesha County: | | | |
| All cities | 1,085,631 | | |
| County total | $1,620,192 | 1,804 | 0.3 |
| Total to region | 21,058,577 | 56,372 | 8.4 |
| Atlanta: | | | |
| De Kalb: | | | |
| All cities | 247,853 | | |
| County total | 3,313,602 | 8,498 | 1.2 |
| Fulton County: | | | |
| Atlanta | 8,242,408 | | |
| Other cities | 595,067 | | |
| County total | 13,544,485 | 51,439 | 7.7 |
| Clayton County: | | | |
| All cities | 212,065 | | |
| County total | 701,492 | 1,620 | .3 |
| Cobb County: | | | |
| All cities | 459,697 | | |
| County total | 1,420,407 | 3,669 | .6 |
| Gwinnett County: | | | |
| All cities | 55,724 | | |
| County total | 362,754 | 2,508 | .3 |
| Total to region | 19,342,740 | 67,734 | 11.1 |

| County | Nixon total revenue sharing | Percent poverty (1960 census) | Number on welfare | County population | Percent welfare | Alternative plan | Δ± |
|---|---|---|---|---|---|---|---|
| Adams | 150,253 | 43.0 | 2,151 | 18,777 | 11.4 | 313,600 | +308,000 |
| Allen | 952,211 | 15.8 | 3,435 | 110,849 | 3.0 | 515,250 | −437,000 |
| Ashland | 93,576 | 13.8 | 333 | 43,195 | 1.0 | 39,950 | −53,000 |
| Ashtabula | 754,134 | 14.5 | 3,482 | 97,318 | 3.6 | 522,300 | −232,000 |
| Athens | 267,981 | 28.1 | 2,445 | 55,084 | 4.4 | 366,750 | +99,000 |
| Auglaize | 206,659 | 15.0 | 244 | 38,249 | .6 | 36,600 | 140,000 |
| Belmont | 471,452 | 20.0 | 2,264 | 80,072 | 2.8 | 449,600 | −22,000 |
| Brown | 184,985 | 30.5 | 1,411 | 25,479 | 5.5 | 211,650 | +27,000 |
| Butler | 2,157,615 | 11.1 | 6,300 | 218,201 | 2.8 | 945,000 | −1,212,000 |
| Carroll | 92,046 | 19.8 | 415 | 20,874 | 1.9 | 61,250 | −31,000 |
| Champaign | 149,544 | 20.6 | 891 | 30,139 | 2.9 | 133,650 | −16,000 |
| Clark | 1,297,322 | 13.9 | 5,578 | 153,197 | 3.6 | 836,700 | −163,000 |
| Clermont | 593,698 | 13.3 | 2,965 | 94,730 | 3.1 | 444,750 | −149,000 |
| Clinton | 312,984 | 22.8 | 1,428 | 31,114 | 4.1 | 214,200 | −98,000 |
| Columbiana | 656,312 | 16.2 | 2,164 | 107,435 | 2.3 | 324,600 | −332,000 |
| Coshocton | 194,960 | 20.5 | 888 | 32,861 | 2.1 | 133,200 | −61,000 |
| Crawford | 383,613 | 13.2 | 970 | 50,444 | 1.8 | 145,500 | −238,000 |
| Cuyahoga | 25,626,697 | 9.8 | 112,577 | 1,701,640 | 6.2 | 16,886,550 | −8,730,000 |
| Darke | 200,666 | 18.1 | 1,043 | 49,431 | 2.5 | 156,450 | −44,000 |
| Defiance | 322,673 | 13.7 | 571 | 36,924 | 1.3 | 85,650 | −237,000 |
| Delaware | 190,978 | 15.2 | 695 | 42,568 | 1.5 | 104,250 | −86,000 |
| Erie | 594,096 | 10.8 | 939 | 74,409 | 1.3 | 140,850 | 454,000 |
| Fairfield | 496,440 | 15.3 | 1,622 | 72,285 | 2.4 | 243,300 | −253,00 |
| Fayette | 243,121 | 24.7 | 981 | 25,255 | 3.9 | 147,150 | −96,000 |
| Franklin | 8,533,182 | 12.0 | 43,814 | 822,366 | 5.2 | 6,572,100 | −1,961,000 |
| Fulton | 194,803 | 13.0 | 256 | 32,764 | .7 | 38,400 | −156,000 |
| Gallia | 110,533 | 29.7 | 1,235 | 24,777 | 4.1 | 185,250 | +75,000 |
| Geauga | 213,543 | 11.2 | 726 | 62,740 | 1.1 | 108,900 | −115,000 |
| Greene | 1,115,396 | 11.2 | 2,805 | 124,285 | 2.4 | 420,750 | −1,095,000 |
| Guernsey | 157,321 | 22.8 | 1,304 | 37,302 | 3.8 | 195,600 | +38,000 |
| Hamilton | 15,411,918 | 12.9 | 50,686 | 915,370 | 5.5 | 7,602,900 | −7,804,000 |
| Hancock | 371,502 | 13.3 | 719 | 60,775 | 1.2 | 107,400 | −760,000 |
| Hardin | 176,316 | 23.5 | 622 | 30,355 | 2.1 | 93,300 | −80,000 |
| Harrison | 81,337 | 23.0 | 407 | 16,354 | 2.5 | 61,050 | −70,000 |
| Henry | 170,962 | 13.7 | 235 | 28,748 | .8 | 35,250 | −140,000 |
| Highland | 181,927 | 30.5 | 1,476 | 28,745 | 5.0 | 221,400 | +40,000 |
| Hocking | 176,444 | 25.5 | 870 | 20,036 | 4.5 | 133,500 | −40,000 |
| Holmes | 112,700 | 30.8 | 509 | 22,953 | 2.2 | 76,350 | −40,000 |
| Huron | 362,196 | 14.5 | 1,177 | 49,307 | 2.3 | 176,550 | −180,000 |
| Jackson | 124,556 | 30.5 | 2,923 | 26,935 | 10.2 | 438,450 | +310,000 |
| Jefferson | 715,847 | 14.0 | 4,308 | 95,121 | 4.6 | 646,200 | −70,000 |
| Knox | 164,205 | 15.8 | 845 | 41,151 | 2.1 | 126,750 | −40,000 |
| Lake | 2,330,742 | 6.2 | 2,322 | 196,126 | 1.2 | 348,300 | −2,000,000 |
| Lawrence | 434,863 | 24.7 | 4,628 | 55,351 | 8.4 | 694,200 | +260,000 |
| Licking | 663,960 | 13.5 | 2,241 | 106,547 | 2.1 | 336,150 | −330,000 |
| Logan | 409,875 | 20.0 | 678 | 34,330 | 1.8 | 101,700 | −310,000 |
| Lorain | 1,971,353 | 11.0 | 7,972 | 255,612 | 3.2 | 1,195,800 | −780,000 |
| Lucas | 6,754,336 | 11.6 | 22,258 | 478,966 | 4.6 | 3,338,700 | −3,420,000 |
| Madison | 273,335 | 18.5 | 1,017 | 28,047 | 3.7 | 160,650 | −110,000 |
| Mahoning | 3,133,167 | 11.9 | 17,428 | 301,513 | 4.1 | 1,864,200 | −1,270,000 |
| Marion | 751,671 | 13.4 | 2,129 | 63,398 | 3.4 | 319,350 | −430,000 |
| Medina | 540,041 | 10.4 | 745 | 82,883 | .8 | 111,750 | −430,000 |
| Meigs | 69,863 | 36.8 | 902 | 20,391 | 4.5 | 135,300 | +70,000 |
| Mercer | 197,480 | 18.6 | 308 | 35,283 | .7 | 46,200 | −1,510,000 |
| Miami | 481,526 | 12.4 | 1,526 | 83,113 | 1.9 | 228,900 | −250,000 |
| Monroe | 77,768 | 32.5 | 769 | 15,290 | 5.1 | 115,350 | +40,000 |
| Montgomery | 6,831,213 | 10.7 | 22,294 | 599,966 | 3.8 | 3,344,100 | −3,500,000 |
| Morgan | 45,513 | 25.9 | 682 | 12,199 | 5.6 | 102,300 | +60,000 |
| Morrow | 151,584 | 16.1 | 350 | 21,170 | 1.7 | 52,500 | −90,000 |
| Muskingum | 219,535 | 17.6 | 3,172 | 76,969 | 4.2 | 470,000 | +250,000 |
| Noble | 24,350 | 33.2 | 654 | 10,782 | 6.4 | 98,100 | +80,000 |
| Ottawa | 181,416 | 12.6 | 664 | 36,168 | 1.6 | 99,600 | −80,000 |
| Paulding | 127,743 | 19.2 | 321 | 19,062 | 1.4 | 48,150 | −90,000 |
| Perry | 91,410 | 25.8 | 1,246 | 26,970 | 7.1 | 186,900 | +100,000 |
| Pickaway | 251,770 | 21.3 | 1,044 | 39,821 | 2.6 | 156,600 | −90,000 |
| Pike | 115,759 | 37.0 | 2,329 | 19,042 | 12.4 | 349,350 | +230,000 |
| Portage | 1,059,049 | 11.4 | 1,831 | 123,251 | 1.5 | 274,650 | −740,000 |
| Preble | 140,237 | 17.1 | 371 | 34,793 | 1.1 | 55,650 | −40,000 |
| Putnam | 131,824 | 21.3 | 317 | 30,899 | 1.1 | 47,550 | −80,000 |
| Richland | 926,680 | 11.3 | 3,158 | 129,162 | 2.5 | 473,700 | −450,000 |
| Ross | 372,137 | 21.5 | 3,360 | 60,673 | 5.3 | 504,000 | +170,000 |
| Sandusky | 416,379 | 12.5 | 1,175 | 60,170 | 1.9 | 176,250 | −240,000 |
| Scioto | 601,744 | 26.1 | 5,963 | 77,082 | 7.8 | 894,450 | −290,000 |
| Senaca | 134,245 | 13.9 | 971 | 60,169 | 1.6 | 145,650 | +10,000 |
| Shelby | 252,810 | 17.2 | 638 | 37,559 | 1.7 | 95,700 | −160,000 |
| Stark | 2,622,565 | 11.1 | 8,754 | 368,756 | 2.6 | 1,313,100 | −1,300,000 |

| County | Nixon total revenue sharing | Percent poverty (1960 census) | Number on welfare | County population | Percent welfare | Alternative plan | Δ± |
|---|---|---|---|---|---|---|---|
| Summit | 7, 295, 229 | 9.1 | 21, 892 | 550, 423 | 3.8 | 3, 283, 500 | −4, 000, 000 |
| Trumbull | 1, 707, 219 | 10.9 | 5, 971 | 231, 567 | 2.5 | 895, 650 | −800, 000 |
| Tuscarawas | 541, 820 | 15.2 | 2, 122 | 76, 679 | 2.7 | 318, 300 | −220, 000 |
| Union | 243, 247 | 10.3 | 547 | 23, 679 | 2.5 | 82, 050 | −160, 000 |
| Van Wert | 192, 763 | 14.9 | 469 | 28, 939 | 1.8 | 70, 350 | −120, 000 |
| Vinton | 25, 370 | 39.9 | 511 | 9, 301 | 5.2 | 76, 650 | +50, 000 |
| Warren | 500, 264 | 13.5 | 1, 526 | 85, 025 | 1.8 | 228, 900 | −270, 000 |
| Washington | 296, 666 | 22.8 | 1, 455 | 55, 866 | 2.7 | 218, 250 | −80, 000 |
| Wayne | 675, 815 | 13.9 | 1, 210 | 86, 592 | 1.5 | 181, 500 | −490, 000 |
| Williams | 185, 879 | 14.7 | 251 | 33, 357 | .6 | 37, 650 | −150, 000 |
| Wood | 490, 958 | 11.8 | 1, 220 | 88, 864 | 1.4 | 190, 500 | −300, 000 |
| Wyandot | 107, 091 | 17.5 | 452 | 21, 476 | 2.2 | 67, 800 | −40, 000 |

STATEMENT OF CONGRESSMAN CHARLES A. VANIK, CONGRESSMAN SAM GIBBONS, CONGRESSMAN JAMES C. CORMAN, AND CONGRESSMAN RICHARD FULTON, JUNE 24, 1971

It is our intention as members of the Ways and Means Committee to urge support of a proposal we are introducing today to provide tax supplement payments to local governments on behalf of residents who cannot assume tax burdens for local government services which they require.

This proposal would provide local governments with a $150 payment for each resident who has already been defined by the Federal government as incapable of tax contribution. This will include recipients of Aid for the Aged, Aid for the Blind and Disabled, and those receiving public assistance. These citizens require extensive public service for which they cannot contribute.

These funds would be provided to local governments, cities, villages, townships, or counties with no strings attached. It has been estimated that this program would generate $2 billion in tax supplement payments to local communities. It would bring about more constructive help to financially overburdened communities of America than President Nixon's $5 billion Revenue Sharing program.

It would provide assistance to the most needy communities of America on an unassailable principle related to local government services provided to those who cannot pay.

The tragic financial incapacity of local governments to provide essential services to those who most need them has accelerated the deterioration of our cities and serves to destroy community life. This kind of an approach provides a permanent solution to America's most pressing domestic problem.

### H.R. 9413

A bill to provide localities with financial assistance to meet their responsibilities and increasing fiscal problems by providing for a general grant of Federal revenue which shall be allocated on the basis of need.

#### SHORT TITLE

SECTION 1. This Act may be cited as the Local Government Assistance Act.

#### GENERAL GRANT

SEC. 2. Except as otherwise provided in this Act, the Secretary of the Treasury shall for the fiscal year beginning July 1, 1971, and for each year thereafter, pay out to each local government, for use by such government as it may deem necessary, a total amount equal to the entitlement of such government for such year (determined under section 3).

#### AMOUNT OF ENTITLEMENT OF EACH LOCAL GOVERNMENT

SEC. 3. (a) Local Government Entitlements.—The amount appropriated (determined under section 4) to the local governments for any fiscal year shall be allocated among such governments on the basis of their respective numbers of residents who are public assistance recipients. The amount so allocated to any such government for a fiscal year shall constitute its entitlement for such year.

(b) Definitions and Special Rules.—For purposes of this Act—

(1) Public assistance recipients.—The number of public assistance recipients for any local government means the total number of residents of such government who, as of the entitlement determination date, were receiving aid or assistance under State plans approved under titles I, X, XIV and XVI and part A of title IV of the Social Security Act, or benefits under titles XX and XXI of such Act, as reported by the Secretary of Health, Education, and Welfare to the Secretary of the Treasury.

(2) Entitlement determination date.—The entitlement determination date for any fiscal year shall be that date designated by the Secretary of the Treasury as being the most recent date for which sufficient data are available for local governments to make equitable allocations under this section for such fiscal year.

(3) Local governments.—

(A) Except as provided in paragraph (B), the term "local government" means—

(i) a county, or

(ii) a city, municipality, or township, with a resident population of two thousand five hundred or more as reported by the Bureau of the Census.

(B) A county which contains one or more cities, municipalities, or townships which are local governments as provided in paragraph (A) shall not be considered a local government for purposes of the area incorporated in such cities, municipalities, or townships.

#### APPROPRIATIONS

SEC. 4. There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax, for the fiscal year beginning July 1, 1971, and for each year thereafter, a sum in an amount determined by multiplying the total number of public assistance recipients in the United States by $150.

#### REGULATIONS

SEC. 5. The Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this Act including rules relating to auditing, record-keeping, and reporting procedures. Section 553 of Title V of the United States Code (relating to notice, opportunity to participate in rule making, etc.) shall apply to any such regulations.

#### NONDISCRIMINATION PROVISION

SEC. 6. (a) Nondiscrimination Under Any Program.—No person in the United States of America shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Action by Secretary in Case of Discrimination.—Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) take such other action as may be provided by law.

(c) Civil Action in Case of Discrimination.—When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

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## LOUIE WADSWORTH'S 25TH ANNIVERSARY

## HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FUQUA. Mr. Speaker, a man who does not realize how much true friends mean in life is doomed to an empty existence.

I am one of those who realize how much friends mean and that all that I have been able to attain has been due to friends.

One who is a particular friend for me has been Louie C. Wadsworth, a fighting newspaperman of Live Oak, Fla. Recently he celebrated his 25th year as the publisher of the Suwannee Democrat, a prize winning weekly.

Another friend, Curry Merchant, editor of the Madison Enterprise-Recorder of Madison, Fla., had a tribute in his paper recently about Louie and I felt in reprinting those remarks, I might also pay my respects and tribute to a great and good friend:

#### TRIBUTE TO LOUIE ON 25TH ANNIVERSARY

Our fellow publisher, Louie Wadsworth of the Suwannee Democrat in Live Oak, is celebrating his twenty-fifth anniversary as editor of that distinguished publication which has been recognized many times by Florida Press Association as one of the state's leading weekly newspapers. This is also the 87th anniversary of the Democrat although our memory may be a bit hazy on this particular item.

Normally editors don't take much time or space talking about their contemporaries, but we thought these were a couple of milestones which should be noted briefly as the Passing Parade glides by.

So far as we know, nobody ever called Louie Wadsworth mealy-mouthed. Until his serious illness several months ago forced him to hold up his thinking out loud page one column, he was always forthright, penetratingly frank, sometimes blunt, frequently controversial, and determined to the point of stubbornness in fighting for ideas and principles in which he believed.

There has been no stronger supporter of Live Oak and Suwannee County and its people. For instance, in a district or statewide political race, if the candidate was from Live Oak you could bet your last Confederate shekel that the Democrat was for him.

Along with the Democrat the National Guard has ranked as an equal in Louie's interests. Like the newspaper, it has been his life. It was our privilege to attend with hundreds of his friends the parade in his honor upon retirement as a major general.

We won't go into further detail for fear of embarassing our good fellow publisher, but on the occasion of his 25th anniversary as editor it appeared appropriate to us—as we glanced up from our rocking chair at the Passing Parade—to extend congratulations on the event and to express best wishes for a hopefully soon restoration of health.

## SST—DASSAULT OUGHT TO KNOW

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DORN. Mr. Speaker, Col. Ansel E. Talbert, executive editor of Air Transport World, recently attended the International Air Show at Le Bourget Field in Paris.

Colonel Talbert has been concerned about American air power and our technological superiority in the air and in space. He had a very splendid and timely editorial in the May issue of Air Transport World magazine, which I commend to the attention of my colleagues and the people of our country:

#### Dassault Ought To Know!

Marcel Dassault, France's great aerospace builder and industrialist, who began his long career mass producing wooden airplane propellers during World War I, has some prophetic words today about supersonic transports.

These ought to be pondered by politicians on both sides of the Atlantic.

Although his company is not the French prime contractor in building the Concorde SST, Dassault says he will "guarantee" that in 10 years, all long range commercial aircraft will be supersonic "and certain medium range airliners too." Further, he is willing to stake his distinguished reputation on his view that today's Concorde is a technological success, despite some of the political brickbats thrown in its direction.

Dassault feels that it will take two to three years to develop a final Concorde version, which will be "an honor to European industry" and offer invaluable technical fallout to other key industries.

For over half a century, Dassault has been almost uncannily right about future developments. And this does not apply only to his business of building outstanding commercial and military aircraft.

Additionally, Dassault has been successful in subsidiary careers in banking, publishing of mass circulation newspapers and magazines, and in French politics. (He was a member of the post World War II French Senate, and currently is a member of the French National Assembly).

His conservatively optimistic views on SST development certainly tie in with the remarkable increase in the "roofed in" area being used at this year's Paris Air Show (670,000 square feet compared with 400,000 two years ago).

Coming at a time when there is recession and red ink in certain sections of both aerospace manufacturing and air transportation, combined with stunning set-backs such as the U.S. SST cancellation, they should serve to remind the aviation world that its base is sound, and solid.

Actually, the surface has only been scratched in the fields of supersonic and hypersonic flight, and in the rapidly developing field of short takeoff and landing city-center to city-center passenger travel. Here's to the future!

## POLITICS AND MORALITY: WHERE LEADERS FAIL

### HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. PIKE. Mr. Speaker, recently I had the opportunity to read a speech delivered by our esteemed colleague, the gentleman from Arizona, the Honorable Morris K. Udall. It was delivered on May 26 as the annual Felix Adler lecture to the New York Society for Ethical Culture. Since it goes far beyond the superficiality of most of what we see and what we hear and is in my judgment a balanced presentation of the weaknesses, strengths, challenges and hopes of the American democratic system, I am happy to present it to the wider audience which should have the opportunity to see it:

#### Politics and Morality: Where Leaders Fail

Charles Dickens begins his "Tale of Two Cities" with a paradoxical statement that "it was the best of times, it was the worst of times." Dickens wrote of the 1770's and the French Revolution, but his description might well be applied to our own time and to our collective experience in the 1960's. For in many ways, this last decade was both the best and the worst of times. It was a time when we put a man on the moon, an event as much a symbol of our astounding technological progress as it was a result of that progress. It was the best of times in other ways, too, for the 1960's saw the culmination of social reform efforts begun more than 30 years earlier.

But it was also a decade when mobs put the torch to some of America's sick and deteriorating cities; when three of our most promising leaders fell in senseless assassinations; when we became embroiled in a hopeless war that has done incalculable damage to us and to the people of a far off land.

As a result of the worst aspects of the times, it seems to me we are on the verge of losing a typical American quality—optimism. One of America's unique strengths and most obvious national characteristics has always been optimism. We have believed—and our history has tended to support this view—that America would be bigger and better and more prosperous for each generation. A man could hope and dream that his children would surpass his own achievements. We believed that when crises arose, leaders, somehow, would appear to match the times.

Yet in recent years this faith in ourselves and our leaders has been eroded. In fact, one of the most alarming things to me is the discovery that youth, to a large degree, no longer believes in the nation's leaders. Our young have no heroes. In nearly every other time in our history, there were politicians, adventurers like Lindbergh and Admiral Byrd, great men of medicine and law, who served as models for the next generation. Contrast this with the results of a survey of college campuses a few years ago that revealed the majority of young men could think of no public men they admired and would want to emulate.

#### WHAT HAS GONE WRONG?

So we might stop and ask ourselves tonight what has gone wrong and how are we going to recapture our faith in our leaders and in ourselves. Have our leaders failed us or did we fail them? Or have we failed each other?

The questions go to the heart of the issues of ethics and morality in politics. Politics, after all, is concerned with relations among men, with our obligations to ourselves and to each other. And this, of course, is what Felix Adler was concerned with and why the first Ethical Culture Society was formed in this city 95 years ago. Adler knew that men must be concerned with each other and that, united, men could build a better world. His life tells us that man is more than an animal, that he is his brother's keeper and his brother's brother, and he has an obligation to his fellow man and to future generations, and that he rejects himself when he rejects these obligations. Adler's creed has been echoed through more than 30 years of this lecture series. It is a tradition in which I am both pleased and flattered to participate.

It may seem presumptuous for a Congressman to stand up here tonight and talk about politics and morality. There are a lot of people who think the two concepts are mutually exclusive. But I suppose most people, when they hear the two terms linked, are inclined to think in terms of monetary morality, of kickbacks and money passed under the table, of fat contracts negotiated under a kind of most favored brother-in-law agreement. This is a traditional American attitude and there is enough evidence both in the history books and the daily newspapers to support it.

But there are other aspects of morality as it relates to politics and these are what I want to discuss tonight. In fact, one of our fundamental mistakes, I think, has been to confine our concern for morality in politics to narrow pecuniary terms. Too often we have been satisfied if our leaders just didn't steal from us, or at least didn't get caught at it. And too often we've gotten just what we demanded: conventionally honest men who were content to devote their public lives to the maintenance of their comfortable positions. There may have been times in our history when this was enough. But I want to suggest that this is not one of those times, and that the narrower definitions of political morality no longer are adequate.

#### FROM CONFIDENCE TO DESPAIR

We might begin by looking at what happened to us in the 1960's and where we stand today. We began the last decade with the highest of aspirations and the confidence we could attain them. We ended it in disillusionment and despair. In January, 1961. young John F. Kennedy watched a traditional American parade march proudly through the streets of the nation's capital. A few weeks ago, thousands of young people who were in elementary school on that day threw garbage in those same streets. We have become so accustomed to social upheaval that I don't think anyone was really shocked by the sight of federal troops occupying the bridges leading to Washington, or of military helicopters disgorging soldiers on the Mall. To acknowledge that these are signs of the times is to come a long way from the idealism of the early '60's.

Every society has had its dropouts, its hippies if you will, but ours has had to learn a new lesson. We have learned, to our bitter dismay, that the technological wonders upon which we depend for our comfort make us pitifully vulnerable at the same time. This is an age of power, but it is the kind of power that is nearly impotent in the face of fanatical minorities. Examples abound, from the hijacking of airliners to threats of urban guerrilla warfare. They all point to the same lesson: that the more complex and advanced a society is, the more vulnerable it is to the onslaughts of small groups of militant, determined men. Here is a modern-day version of Dickens' paradox: the greater our power the less our security.

What is frightening is that the number of desperate, alienated people who are willing to exploit this vulnerability seems to be growing so rapidly. John Kennedy once said that sometimes it is better to rock the boat than to sail under false colors. But today we are confronted with large numbers of Americans who no longer are satisfied with rocking the boat. They want to sink it.

The danger in this phenomenon is that the American system, with all its strengths, is a fragile thing which depends on civility, faith, trust, and the acceptance of democratic procedures by the overwhelming majority of the people. Indeed, our system has survived only because of a fragile, unwritten social compact which until now has bound most of us together with common principles and aspirations. It is a compact of rational men in which the majority—the "haves" of the times—agree to listen to the grievances of the minority and to act within a reasonable length of time on legitimate complaints. In return, the dissenters agree that while they may shout and become unpleasant, they will refrain from violence and grant sufficient time for the system to work out the necessary changes. With the tragic exception of the War Between the States, our differences and divisions have never seriously threatened to destroy the social compact itself.

I do not want to suggest that we are on the verge of another Civil War, but I do want to emphasize that we live in an age of increasing instability and polarization. And confronted with these conditions, we ought to address certain basic questions to those who occupy or aspire to occupy positions of leadership in this country. Where have our leaders failed us? What do they owe us that they have not been giving? And what do citizens owe their society and their leaders?

### THE MORAL FAILURES OF LEADERS

I want to suggest tonight that our leaders have failed us in three or four major areas: most notably, in challenge, in faithfulness, and in candor. Moreover, I want to emphasize that those failures have been fundamentally moral because they involve obligations that have not been fulfilled. The obligations are implicit, if not generally acknowledged, in the assumption of positions of leadership.

First is the failure to challenge people and to arouse a sense of participation. We have accepted such challenges in the past and shared with each other the spirit of participation. But more often than not these challenges have been imposed on us from the outside—World II is a good example. In the absence of a Pearl Harbor or a Hitler, leaders have been loath to ask of us more than a minimum.

I believe the American people are capable of great accomplishments if they are determined, inspired and challenged enough. The catalog of America's problems is by now an old and familiar one, and it is a list of shortcomings which ought to challenge and inspire us. Yet our national leaders do not give us the goals and the programs that might restore our spirit and give us purpose. I believe that sensible, attainable programs to rebuild our cities, clean up the rivers, end the pollution of the air and landscape and reduce racial divisions can be designed and carried forth. But such programs are not presented to us, perhaps because they would involve such a radical change in our priorities and life styles.

I believe those elected to positions of leadership have a moral obligation to exercise leadership. Timidity may at times be a virtue; if found in a leader in these times it may be a deadly sin. It is simply not enough to accept a position and then refuse to do little more than occupy it. In its starkest terms, this is an abdication of responsibility.

I might also note that it is impossible to challenge and inspire the people of a nation at the same time you are attempting to divide them. To divide is easy, for it requires only that leaders appeal to our baser instincts and exploit whatever divisions already exist. We have seen a good deal of this in recent years, and there are some people in both parties prepared to gamble this kind of politics will be rewarded in a period of tension and confusion. Perhaps it will—although I doubt it—but, whatever the outcome, such men do not deserve the description leaders. Rather, they merely occupy positions of power and willingly sacrifice the moral obligations of those positions in order to retain them.

### PROMISES NOT KEPT

Of course I know that it might be argued that one of the major causes of disillusionment in modern America is too much talk, too many grand programs and ringing rhetoric, followed by too little action. Well, that's true, too, for a second failure of our leaders has been the tendency to overpromise and underdeliver. Since I entered Congress in 1961 we have enacted into law a remarkable number of progressive and noble measures, with great goals and promises for the future. Yet these acts of Congress have had relatively little impact in practice and in some cases, such as the Economic Opportunity Act, have been all but dismantled.

A mark of the 1960's was the rise in Congress of what I call "Titlemanship"—the grand art of packaging noble new laws with noble new labels that promise all. We passed the 1968 "Safe Streets and Crime Control Act," but we refuse to fund it while crime rises every year. Meantime, we are assured that more wiretapping "no knock" raids and preventive detention will stop street crime. We had "Model Cities" legislation, an "Open Housing" law, a "War on Poverty" and all the rest. In exasperation with this game we play, I once threatened to introduce a bill labeled the "Veterans, Farmers, Widows and Orphans National Defense, Anti-Communist Right-to-Work Act of 1966."

Public men have an obligation to deliver on their promises. When they don't, they can expect disillusionment and finally cynicism among the followers. You would think we would have learned this lesson, yet, I am afraid, there persist in public life some men who when they have coined a slogan believe they have solved a problem.

A sense of perspective ought also to remind us that the failure to deliver on one's promises is not confined to the political sphere. A record of promises not kept pervades much of our national life and has, I suspect, a great deal to do with the disaffection and disillusionment of the younger generation. To cite only one example: last month the Senate Labor Committee reported that only a relative handful of American workers will ever get a penny from the $130 billion now ostensibly set aside for them in private pension plans. Since 1950, fewer than 500,000 of the 9.8 million workers covered by pension plans received any kind of benefit, according to estimates.

### THE INDISPENSABLE LINK

Linking the first two failures is perhaps the biggest failure of all—the failure of our leaders to be candid. There is something sad and dangerous in the fact that the most prominent, the most widely used new expression in the lexicon of the 1960's was "credibility gap," which, put more bluntly, is a widespread public belief that government lies to its own people.

If the news is bad the American people ought to be told. More importantly, if the task ahead is difficult and involves sacrifice, the American people deserve to know it. This is the indispensable link between the obligation to challenge our people and the obligation to deliver on our promises. Too often we have been satisfied to proclaim great goals without honestly outlining the sacrifices necessary to attain them. Those goals I mentioned earlier—rebuilding our cities, cleaning the environment, reducing racial divisions—they can be reached, but to do so will involve changes and sacrifices which both the leaders and the people shrink from. The fundamental failure is on the part of leaders, for they are satisfied to allow the people to live with the illusion that sacrifice is not part of the goal.

We need, perhaps more than ever before, the spirit of Adlai Stevenson, who said in 1952: *"Let's tell (the American people) the truth, that there are no gains without pains, that this is the eve of great decisions, not easy decisions, like resistance when you're attacked, but a long, patient, costly struggle which alone can assure triumph over the great enemies of men: war and poverty and tyranny—and the assaults upon human dignity which are the most grievous consequences of each."* Stevenson knew that in the long run everyone lost if we put the requirements of the next election ahead of the needs of the next generation.

There is another aspect of this failure of candor—the failure of us politicians to tell the people the truth about our own business. There is a general assumption in this country that much in politics is dishonest but I think few people truly realize the extent to which money has corrupted the political process. This is not the same thing as the monetary morality I spoke of earlier, for much of this corruption is conventionally honest according to the rules we now follow, which makes it all the more dangerous. The failure is with those of us who have mastered the existing system and learned to live with it.

The subject of campaign money—who gives it, who gets it and the preposterous bundle of laws that "control" it—is approaching a national outrage. These laws and practices, in the judgment of one who has to live with them, are shot full of hypocrisy, threatening to corrupt many good men in public life, giving unnecessary influence and power to special interest groups and lobbies and posing a serious threat to the integrity of American political institutions. Consider, for instance, the threat to the integrity of the political process implicit in these facts: We are just now beginning the process of picking a President for 1973–77. Based on past experience, in the next year or so the candidates will spend close to $75 million just to get the nominations. Then the nominees and their supporters will throw in another $75 million in the finals.

In politics—like war—one of the hardest things to do is to change voluntarily the rules of the game. The great barrier to campaign reform has always been this: present laws are a jungle of hypocrisy, unfairness and confusion, but it is *our* jungle. Incumbents as a rule have hacked their way through the foliage with some success. We know, in general, how to evade the traps, where the gold is to be found and how it must be spent. So we have a real advantage over our tenderfoot opponents who have never tried this path before.

Yet we owe the country something better than the non-law which supposedly regulates campaign spending. The present system is nothing less than a loaded gun pointed at the head of our political process. Those of us already established in politics must lead the way, will have to change to a degree the comfortable ways in which we have always done things, and some of those adjustments won't be easy. But those who had the wit to master the old system can master a new, honest system the country has long demanded and always deserved.

### THINKING NEW THOUGHTS

Our leaders have failed us again when they failed to think anew, to challenge old dogmas. James Reston remarked in 1965: *"The history of mankind is strewn with habits and creeds and dogmas that were essential in one age and disastrous in another."*

One of the ironies of today is the performance of President Nixon. To Democrats, he has always projected an image of sharp partisanship, cunning opportunism, little adherence to principle. Yet a case can be made that Mr. Nixon's finest hours as President have been precisely those times when he was flexible and pragmatic. For example: The Family Assistance Plan sponsored by a man who has made more speeches against welfare cheats than anyone this side of Ronald Reagan. Or a China policy from a man whose political success was based in large part on an inflexible anti-Communism. Or the acceptance of modern economics and deficit spending from a man who extolled the balanced budget as being next only to the flag and motherhood.

The other side of the irony is that, in my view, the President's worst performances have come when he has stubbornly clung to old dogmas—for instance, a Vietnam policy firmly grounded in outdated principles, or a defense spending policy which seems to be rooted in the thinking of John Foster Dulles.

It seems to me, finally, that our leaders owe us a timely departure. More of our public men ought to keep in mind the quotation from Ecclesiastes: "A time to weep, a time to laugh, a time to mourn, and a time to dance. A time to keep silent and a time to speak." And they ought to add their own postscript: A time to run and a time to step aside.

Some of our leaders have known when, gracefully, to leave. Senators Saltonstall of Massachusetts and Williams of Delaware are two examples that come to mind immediately. But perhaps the best example is Lyndon Johnson. Here was a man who relished power as few have; a master of the political process. Yet he saw in March 1968 that he had, rightly or wrongly, become a symbol of division. No matter what one thinks of the Johnson Presidency, his renunciation of another term must be viewed as an act of courage, motivated by the knowledge that it was a time to leave. I do not accept the cynical view that Johnson gave up the Presidency because he knew he could not be reelected, for that was by no means certain.

The average age of the American people is twenty-eight. The burdens of society and the burdens of change are borne largely by the younger generation. Whether we solve our problems or fail will be decided in large part by the young. Yet the Congress is run by men in their 60's and 70's and 80's. Perhaps this is what comes of a career devoted primarily to its own perpetuation.

### THE OTHER HALF

The obligations and failures of leaders I have spoken of are only half the equation, for citizens—followers—owe their country and their fellow man some things that they too have failed to give. It seems to me that what people often look for in their leaders are men who will not exercise leadership—men who will give us oversimplified answers, who will justify existing ways, who will castigate our enemies, vindicate selfishness and make us comfortable with our prejudices. Some people, in the words of Sidney Harris, seek leadership which will "reconcile the irreconcilable, moralize the immoral, rationalize the irrational and promise us a society where we can continue to be as narrow and envious and shortsighted as we like without suffering the consequences."

We cannot escape individual responsibility, for we owe our fellow men something we haven't been giving them these days—ourselves. We owe ourselves some things too, the first of which is an honest assessment of where we are heading.

More of us need to admit that we only cheat ourselves and our children when we allow—or even demand—that our leaders engage in the politics of illusion. The good, decent things we desire for ourselves and future generations simply are not attainable without considerable sacrifice and hard work. To pretend that this is not true, to year after year support those who tell us it is not true, or do not even mention it, is to soothe ourselves with the drug of fantasy.

This is a fact that is only now becoming painfully clear to most of us. For the blunt truth is that we have been able to live in the style we are so accustomed to only by robbing ourselves through neglect and by using up our reserves of several vital commodities. Now the bills are coming due and we are going to have to pay them.

### SURVIVAL THROUGH NEGLECT

New York City—or almost any big city in this country—is a good example of survival through neglect. Somehow the place hangs together and functions, however badly, day to day. But the cost has been frightful in terms of the quality of life. The fact that most of us, until now, have been able to escape personal experience with that cost makes it no less frightful.

No place could call itself a city—a center of civilization—if it did not provide for the education of its young people and the care of its sick and elderly. Our cities do these things, but most do them very badly. The price of doing them adequately is high indeed, and so far we have not been willing to pay it. Those of us who are members of the affluent society seek our own solutions—perhaps in a suburb or through private institutions—while living comfortably with the illusion that our cities really perform their functions. We will pay enough to avert the utter chaos and collapse of our urban centers, for we need them for our work and entertainment, but we will pay no more. The poor, huddled within the cities, pay the price of our neglect. The ultimate cost of a system or institution that survives through neglect may be more than we are able to afford with even the best of intentions.

The environmental crisis is a clear case of past bills coming due. The fouled air and filthy waters of this nation are graphic evidence of both our neglect of the environment and our willingness to live high off nature's reserves rather than pay the price of our affluence. We have worshipped so long at the shrine of growth and "progress" that we have been blind to the results of our demands for more automobiles, more gadgets, more power, more comfort. We have been blessed with so much in natural resources that we have been able to get away with it. But now, just as the Great Lakes threaten to die one by one, the illusion that we can have this kind of "progress" free of charge also is dying.

This is what the debate over national priorities is all about, but I am not convinced that we have really come to terms with the implications of that debate. A few weeks ago *The Washington Post* reported that the administration is considering recommending a tax cut in order to revive the economy. I have no argument with the economic theory that holds tax cuts are an effective tool for this purpose, and certainly the extent of unemployment demands bold economic leadership.

What was interesting was that on the same page the Post reported the results of an extensive study of national needs and economic resources by The Brookings Institution. The study concluded that, if we really want to do those things we say, higher taxes will be necessary. No magic "peace dividend" from an end to the war, no flood of tax receipts from an ever expanding gross national product, will pay our bills—past, present or future. It is we who must pay them, and that means higher taxes and changes in our life style.

### WHOSE PRIORITIES?

In all the talk about national priorities, I hear very little about this prospect. The thrust now is to cut costs in one area and divert the savings to more pressing programs. This is a noble effort which has my full support. But I think we are still fooling ourselves if we think this will be enough.

Paying higher taxes would represent a genuine sacrifice on the part of the American people, but it is one of those sacrifices with singularly little appeal. It is not, after all, glamorous or romantic, like marching off to war or braving the wrath of your neighbors to picket for racial equality. In fact, it's downright dull and anonymous, which makes the sacrifice all the more irritating.

Nor is it very exciting to contemplate the prospect of one less car, with less horsepower, or of ridding ourselves of subservience to more and more power-hungry gadgets. Yet, like higher taxes, these are some of the things we may have to face if we mean what we say.

It is the task of leadership to end our illusions and to begin to talk about these prospects. And it is our task to accept these hard truths and to reward—not punish—those leaders willing to speak them. On both these accounts, I am afraid our record to date is not encouraging.

In 1969, the Congress attempted to tighten up some of the more scandalous loopholes in our tax laws. The result of that effort was the Tax Reform Act of 1969, which included a number of worthwhile provisions closing tax loopholes and increasing federal revenues. But much of the additional revenue the government might have received from these reforms was lost because of other provisions designed to sweeten the law enough to gain passage. We have all happily benefited from those additional benefits—for instance, the increase in personal tax exemptions—but that has not helped to reorder our priorities. Charles L. Schultze, who directed the new Brookings study of needs and priorities, remarked about the 1969 act:

*"There is much brave talk about 'new priorities.' But with large tax cuts enacted, there simply will not be the revenues available to pay for these new priorities. When the chips were down on tax cuts, those who talked about priorities for pollution control and education and an end to hunger voted for a different set of priorities—for beer and cosmetics and white wall tires . . ."*

Nor is it very encouraging to contemplate recent events on Capitol Hill, which demonstrate once again that the strongest asset of the defenders of the status quo is their persistence. A few weeks ago my colleagues in the House, by a four-vote margin, resurrected the SST from what we thought was its final resting place. Despite the Senate's rejection of the project, the vote in the House ought to be a vivid lesson to anyone who thinks significant political and economic victories can be won easily or cheaply. The whole fiasco reminded me of the words of a real estate speculator who had just suffered a temporary setback in a rezoning case. "Money can always wait," he said.

### LESSONS OF THE 60'S

I have spoken tonight about politics and morality and illusion, and I want to close by suggesting that there is much to be learned from our experiences in the 1960's. Reflecting on those turbulent years brings to mind Professor C. Vann Woodward's collection of essays, *The Burden of Southern History.*

It is Woodward's contention that the unbroken string of successes which marks American history has produced in us two myths: the myth of American invincibility and the myth of American innocence. Only the South escaped enrapture in these myths, Woodward argued, for the South had experienced war on its own soil and known the bitter taste of defeat, occupation, humiliation, poverty and the legacy of slavery. Such a historical experience is not conducive to visions of either invincibility or innocence.

The addition of the last ten years to American history has done much to shatter those two myths and extend the geography of Woodward's burden. Surely the myth of invincibility died somewhere in the jungles of Vietnam. And surely the discovery of blatant racism outside the South, or the awakening of more Americans to the real story of the white man's relationship to the Indians, has all but ended our illusion of innocence. The question as we enter the '70's is how will we react to the loss of these cherished myths.

One recourse is to retreat into despair and angry frustration. I mentioned at the outset that we are losing our traditional optimism. This is, perhaps, the price we pay for the sudden realization that we are not, after all, either invincible or totally innocent. The real tragedy will occur if this loss of unbridled optimism is followed by despair and anger, in a kind of universal dropping out by a whole society.

It will be the moral challenge of political leadership in the years ahead to prevent this from happening. As I have tried to indicate tonight, that task will not be an easy one, for either our leaders or ourselves. We can make the task both possible and rewarding if we will accept the costs and demand true leadership from our public men and institutions. We can begin by recognizing, as Adler recognized, that in the final analysis we are responsible ourselves. Mark Twain gave leaders of all generations some sound counsel: "Do what is right. You'll please some people and astonish the rest." And Edward Everett Hale uttered a philosophy which all Americans of the 1970's ought to adopt:

*"I am only one . . . but I am one . . . I cannot do everything, but I can do something . . . what I can do I ought to do . . . and what I ought to do by the grace of God I will do."*

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## WHO RELEASED THE PENTAGON PAPERS?

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. LANDGREBE. Mr. Speaker, in all the furor which has been generated about the disclosure of the top secret "Pentagon Papers" to a growing number of newspapers across the country, one point apparently has been overlooked. The person or persons responsible for taking these classified documents out of the vaults and turning them over to the press have probably committed a crime—either of espionage or at least of common thievery.

One wonders, among other things, how much the thieves were paid for this "service," and who paid the tab. In addition, one could ask what the Justice Department or the Defense Department is doing to prepare criminal charges. Obviously, the Government might prejudice its case by premature disclosure of its intentions, but I would hope that someone in the administration is considering this move carefully.

Today, Mr. Speaker, I received a letter from a news executive in my district, Mr. Loyd Long of the Monticello, Ind., Herald-Journal, concerning this very matter. No one has greater regard for freedom of the press than a man in the business of presenting the news. His letter, under the circumstances, is most enlightening, and I commend it to the attention of my colleagues.

The letter follows:

DEAR SIR: The Pentagon Papers thing looks just this simple to me . . . the papers were stolen and the newspapers involved are guilty of receiving stolen property.

Now, the reason for those papers being classified material should be explained by those who were in power at that time.

I think Mr. Nixon is correct in trying to stop publication. That is his duty. The newspapers should have at least consulted with him before they printed the papers. They have no right to sit in judgment of a country so great as ours in this manner. Editorially, yes.

Thank you, and
Yours truly,
LOYD O. LONG.

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## AGRICULTURE APPROPRIATIONS BILL

### HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. STAFFORD. Mr. Speaker, yesterday, during consideration of the agriculture appropriations bill, I voted for the amendment offered by the gentleman from Wisconsin (Mr. REUSS) providing for a 1-year moratorium on channelization projects by the Soil Conservation Service. The amendment was defeated on a recorded teller vote, 129 to 278.

Due to the fact that I was attending an important meeting off the floor of the House during presentation and discussion of the amendment, I was not aware that the original amendment offered by the gentleman from Wisconsin was ruled out of order. That amendment would have provided that—

> The Governor of the State in which the channelization is to be located certifies to the Secretary of Agriculture, after consideration of the environmental effects of such channelization, that such channelization is in the public interest.

Such a provision would have been entirely consistent with practice in the State of Vermont where Soil Conservation Service channelization projects now pending have full support of our State agency of environmental conservation as well as other public and private conservation and wildlife groups. The planning by the Soil Conservation Service on two Vermont channelization projects which are now pending has been in concert with all interested local and State officials and would have, I am sure, been certified by our Governor as being in the public interest.

Had I realized that the gubernatorial certification was not included in the amendment upon which the actual vote was taken, I would have strongly opposed it and voted against it.

## GOVERNOR SHAPP OF PENNSYLVANIA OFFERS ALTERNATIVE TO REVENUE SHARING

### HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BARRETT. Mr. Speaker, Gov. Milton J. Shapp of Pennsylvania, testifying before the Ways and Means Committee yesterday, called upon us to examine our policies at the national, State, and local levels of government in view of the ever-increasing demand for government services—a demand which continues to grow despite inflation and high unemployment and our reaching the limits of public tolerance toward ever-increasing taxes. The Governor said he would not refuse Federal funds handed out as general revenue sharing; but, he also said that the distribution of funds without controls would be wrong.

The Governor presented, for the committee's consideration, some innovations in the fiscal relationship between the Federal Government and the State and local governments. I believe that these proposals should be brought to the attention of every Member of Congress and I insert his statement at this point in the RECORD:

Mr. Chairman, members of the committee, I am Milton J. Shapp, Governor of the Commonwealth of Pennsylvania. I am grateful for this opportunity to appear before this distinguished committee and share some of my thoughts on the fiscal problems of our states and their subdivisions and their relationship to the federal government.

First, I want to commend this committee for its careful examination of this issue. This country is, I believe, at a crossroads in its relatively brief but highly successful history as a federation of many states. Now, due to the increased demand for governmental services, the twin evils of inflation and high unemployment, and our reaching the limits of public tolerance toward ever increasing taxes, we are being forced to examine our policies at the national, state and local levels of government. Some observers have suggested we are sinking under the weight of our own ineptitude to keep government functioning in a manner consistent with the demands of the times, and we are indeed coming apart at the seams.

What we find as we look around is a confusing array of programs and policies that would quickly bring to its knees any industry in the private sector. And, in fact, we even find instances of the federal government maintaining more lenient fiscal policies in relation to the problems of large industries like Penn Central and Lockheed than is shown to the fiscal problems of Philadelphia, Newark or Cleveland.

But I am not here to detail the shortcomings of current federal policies or even of those being proposed by certain leaders of the current administration in Washington. I am certain you are fully aware of the details of those proposals.

I am here today to suggest that this committee consider some innovations in the fiscal relationship between the federal government and the states and local governments.

#### WELFARE

This first point is neither new nor novel, but it is extremely important to the future financial stability of many of our states.

I won't belabor this issue. You have debated it thoroughly in this committee.

For the record, however, I want to reiterate the need for the federal government to assume 100 per cent funding of all welfare and public assistance programs throughout the nation within the next five years.

This is necessary, I believe, for the following reasons: (1) the welfare caseload continues to rise, representing the single most rapidly rising cost to state government, an increase of nearly 15 per cent is projected for Pennsylvania in fiscal '72; (2) this expense is uncontrollable by the states since the standards are federal and backed by the courts; (3) the current lack of uniformity in public assistance programs among the states tends to encourage migration and the uprooting of families among the poor, as well as penalizing the more progressive states with a larger caseload.

Public welfare is a national problem, not a local, state or regional one. And it must be uniformly controlled by the national Congress.

### DRAWING RIGHTS ON FEDERAL FUNDS FOR STATES AND CITIES

There is a great need for proper financial planning at all levels of government. The current fiscal relationship between the federal government and state and local governments makes this virtually impossible.

States and cities need greater flexibility in the distribution of federal funds, whether as revenue sharing or as categorical grants. If required, we need to be able to obtain in advance from the Federal Treasury or the Federal Reserve under a program of special federal drawing rights, monies that are due us under Federal Grant Formulas in any given fiscal year. This, in effect, will provide a "fiscal shock absorber" for state and local governments to permit better fiscal planning of their finances, and to prevent chaos when they run out of money. Most cities and states have no shock absorber at present because, unlike the federal government, even in cases of dire emergency they cannot resort to deficit financing.

This special drawing rights plan would be patterned after international monetary agreements and quite similar to federal reserve arrangements to rescue hard pressed banks.

The importance of a federal-state program for drawing rights is brought about by two factors: first, many states and local governments have limitations upon borrowing, even in crisis periods; and second, many federally-aided programs provide for reimbursement only after actual expenditures.

The need for drawing rights is accentuated by increasing programs of federal-state cooperation. The use of state or local funds advanced as matching money for federally-aided projects diminishes the funds available for other necessary operations. This often adds to the crisis.

Reimbursement by the federal government for expenditures already made by a state or local subdivision frequently gets snarled in administrative details and bureaucratic red tape. The longer the delay, the worse the financial plight becomes.

From time to time the federal government has departed from the reimbursement theory. Many examples appear in various federal statutes, either on the basis of actual advance payments or by way of advances to make available working capital, (Air Pollution Prevention, Black Lung Disease, Unemployment Compensation, Health Insurance for the Aged, and Natural Gas Pipeline Safety).

The difficulty with such hit and miss arrangements is that it deters proper financial planning. There should be a general federal statute which would provide that in any federally-aided situation, the state or local subdivision shall have the right to draw in advance such amount or amounts as is deemed necessary in order to have the available funds to meet future needs for the federally-aided programs. This would mean that the states or local subdivisions could diminish a crisis brought about by the use of general operating funds in order to go forward with federally-aided programs.

### FEDERALLY GUARANTEED LOANS

The federal government can help our cities and states in still another way and save enormous sums of operating funds for them.

Our states and cities today pay ever higher interest rates because of inflation and because the lenders look upon states and cities as increasingly poorer risks. Our states and cities must borrow billions upon billions over the next decade.

Congress recently agreed to guarantee loans made by banks to private corporations such as Penn Central and Lockheed. Why not for Pennsylvania or Lock Haven? I suggest they can do at least as much for our own states and cities.

I propose that a federal agency shall be established to fully guarantee loans made by our cities and states. This would lower the interest rates and save millions of dollars for state and local taxpayers. We have such a guarantee plan now in operation for our steamship lines under the Federal Maritime Act.

It is my understanding that the strongest argument used against such a worthwhile and necessary program is that such guarantees are presently considered as part of budget funds. This practice is wrong and should be changed for certainly, guarantees, if mentioned in the budget, should not be considered as operating costs but merely footnoted as contingent liabilities.

### NATIONAL EDUCATION TRUST FUND

The ever mounting cost of education is a principal factor in the fiscal crises which face government on every level. Colleges in Pennsylvania are being forced to cut back enrollment next year. Philadelphia schools are considering dropping kindergarten, special classes and/or varsity athletics. Most school districts in Pennsylvania have already discontinued summer classes, night school and special adult classes due to lack of funds. Yet, Pennsylvania's current operating budget commits over half our tax revenue to education.

Education is essential for the future of this country.

Rising costs due to crime and welfare are direct outgrowths of our inability to meet the human needs of our population. For every dollar we fail to put into education, we pay many times over in increased funds for protection and public assistance.

I am proposing, therefore, a new concept and a new method of financing the educational needs of our people—the creation of a National Education Trust Fund.

Education should not be considered a cost item of government but an investment in the future growth of this nation. We should treat it as such. It takes 13 to 20 years of such investment before a young person has acquired the basic skills and knowledge to become a wage earner and thus a taxpayer in our society. The basic reason why our cities and states are going broke today is that we are trying to finance these long term investments in our people out of current operating revenues.

This practice violates a cardinal rule of business economics. Even such giants as AT&T and General Motors would go broke if they followed such improper practices.

The concept of treating education as an investment is extremely sound for there is no other investment that can be made in the public sector of our economy that will yield a direct and measurably higher yield. More and higher quality education leads to greater productivity of our people. Greater productivity leads to higher personal and corporate earning power. Higher earning power, in turn, produces more tax revenues. As a result, the initial investment in education pays off handsomely in future yield to the community and to the nation.

It has been estimated by some economists that the future tax yield that would be generated by a continuing policy of maximizing investment in education would be at least 10 times the investment.

The World War II G.I. Bill of Rights repaid the federal government many times over in increased earning power and tax yield from those who benefitted from the program.

In other areas we have set up successful Investment Trusts.

For example, there is ample evidence that the Federal Highway Trust Fund, created in 1956, is not only financially wise, but has supplied the major impetus for the modern highway system in America today.

I propose that we utilize this experience to create a National Education Trust Fund (NETF) which would invest in people just as the Highway Trust Fund invests in roads.

We can create a large scale revolving NETF by requiring those who would benefit most through increased educational opportunities to repay the fund with a small continuing surtax when they leave the educational system and become wage earners. This parallels the plan whereby relatively low federal taxes on gasoline and some auto supplies paid by the users of the highways replenish the Highway Trust Fund and pay for the construction of new highways.

It is obvious we would not have our modern, interstate highway system today if we had left the task of financing and building new roads to our states, cities and townships. Yet, this is precisely what we are doing with our present, fragmented system for financing education throughout the country.

The self-supporting National Education Trust Fund would call for an initial investment by the federal government of $5 to $10 billion. It would be repaid by an annual surcharge on federal income taxes according to a formula based on earning power and years of schooling.

I wish to point out that none of the individual pieces of this proposal is revolutionary as such. I have merely brought together existing proven concepts from various places. The Trust Fund is similar to the Highway Trust Fund, as I said. The surcharge on federal income taxes is similar to that levied to finance the Vietnam War. The free education and deferred payment plan is similar to existing scholarship and loan programs and to deferred tuition plans. When you put all these together as a National Education Trust Fund, however, it is revolutionary indeed.

In operation, the NETF might decide to finance the crucial pre-school years on a 90 percent federal—10 percent state and local fund basis—as we do for the principal interstate highways. The NETF might finance elementary and secondary school years on a 50–50 ratio and college and professional training on a 60–40 basis, or some other arrangement based upon more detailed economic studies. The percentages could be flexible, but the principle is clear. We can use this Fund to give emphasis where needed in the national interest and the interest of society in general.

This proposal calls for investment now, and a continuing investment in a constructive policy of education that will create jobs. It will pay dividends to our society for many years to come and reduce the need for additional welfare funds in the future as we provide the opportunity to make a greater percentage of our population self-reliant.

This investment program must be accomplished on the national level because only the federal government has the power to insure uniformity of taxation, and only the federal government can absorb the initial cost of priming the self-supporting trust fund. Also, because of the increasing mobility of our society, investments by individual states and cities might never be repaid to those governments.

Mr. Chairman and members of the committee. I have placed before you four proposals. Two of them deal with new ways of financing the most costly programs in our states and cities, education and welfare. The other two proposals focus on ways to improve the fiscal relationship between the federal government and state and local governments by permitting federally guaranteed loans and a program of drawing rights on federal funds.

I urge you to give these proposals very serious consideration. I have not documented our financial crisis in Pennsylvania because I'm certain it is similar to that of many other states with which you are familiar. You can take my word for it, however; it's bad.

I believe these four proposals would relieve that crisis and create an entirely new and healthier federal-state-community relationship.

I thank you for this opportunity to testify before your committee and I will be happy to answer any questions.

## TVA TAX PAYMENTS DOUBLE IN LAST 5 YEARS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. EVINS of Tennessee. Mr. Speaker, many of my colleagues and many people throughout the Nation may be unaware of the scope and amount of payments in lieu of taxes by the Tennessee Valley Authority.

In this connection TVA has just announced that such payments will total approximately $20 million for this fiscal year.

In addition to in lieu of tax payments by TVA, TVA pays substantial amounts annually into the U.S. Treasury—including $90 million in 1972, $85 million in 1971 and $73 million in 1970—pushing total repayments and returns on investment to $749 million to date.

Because of the interest of my colleagues and the American people in this matter, I place in the Record herewith a news release from TVA concerning in lieu of tax payments to the States in the TVA area.

The release follows:

TVA Weekly Newsletter

TVA payments in lieu of taxes to state and local governments will total about $20 million for the fiscal year ending June 30, the agency said today.

That is nearly twice as much as TVA paid five years ago, and five times as much as the same payments totaled 15 years ago. Last year's payments totaled about $16 million.

Largest TVA payments this year are about $10.5 million to the State of Tennessee, $4.3 million to the State of Alabama, and $2.8 million to the State of Kentucky.

Tennessee will receive more from TVA than the state's total general fund appropriation last year for its Department of Conservation—including strip mine reclamation, forestry, state parks, water resources, geology, tourist promotion, and hotel and restaurant inspection programs. (Some of these also receive funds from other sources besides the general fund.) TVA is the largest taxpayer to Tennessee state government.

This year's $19,960,863 total for TVA in-lieu-of-tax payments is based on the agency's wholesale power revenues, and represents only part of an estimated $45 million which state and local governments are receiving from wholesale and retail power operations in the region. The other $25 million is the estimated amount being paid in taxes or tax equivalents by the municipal and cooperative electric ssytems that distribute TVA power.

More than two-thirds of the combined total goes ultimately to local governments. Most of the TVA payments go to state governments, but several states redistribute part or all of this money to local governments. And local governments get most of the taxes paid by the local electric systems.

Last year the combined TVA-distributor payments amounted to 6.5 percent of the power bills paid by users of TVA electricity. Comparable state-local tax ratios for private power companies serving surrounding areas range from 3.5 to 9.9 percent of their customers' power bills.

These payments do not include taxes imposed directly on power users, such as the sales taxes on electric bills in several Tennessee Valley states.

As provided by law, TVA's payments this year represent 5 percent of last year's taxable power revenues. Power sales to several government and military installations are exempt. These payments will total $1,121,101 to counties and $18,839,762 to states.

Under the law, counties receive fixed tax replacement payments equal to former ad valorem taxes on any electric utility property purchased by TVA, and on TVA reservoir land allocated to power purposes. State governments receive the rest of the money available under the 5-percent provision. This is allocated among the states by a formula that takes into account both the location of TVA power system property and the proportion of its power revenue from each state.

The amounts being paid in fiscal year 1971 to each state and its counties by TVA (not including payments by distributors), compared with last year:

| State | Fiscal year 1971 | Fiscal year 1970 |
|---|---|---|
| Alabama | $4,370,844 | $3,326,456 |
| Georgia | 199,414 | 161,697 |
| Illinois | 10,000 | 10,000 |
| Kentucky | 2,834,490 | 2,465,680 |
| Mississippi | 837,658 | 667,705 |
| North Carolina | 206,896 | 179,395 |
| Tennessee | 11,435,522 | 9,236,044 |
| Virginia | 66,039 | 51,486 |
| Total | 19,960,863 | 16,098,463 |

## HOUSE RESOLUTION 319

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration.

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

## NUCLEAR POWER IN MAINE—THIRD INSTALLMENT

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. HATHAWAY. Mr. Speaker, on Tuesday and Wednesday of this week, I caused to be inserted in the Record of this body's proceedings the first four of seven chapters of a pamphlet called "Nuclear Power—The Greatest Threat to Maine," which is the product of a Maine citizens' group known as the Citizens for Safe Power. These chapters were devoted to the environmental, safety, and other problems which construction and operation of a proposed nuclear powerplant in Maine could cause. The insertions appear on pages 21717 and 21781 of the Congressional Record.

Today, I include the fifth chapter of the pamphlet in the Record, together with appropriate footnotes. The chapter is entitled "Who Will Monitor and Regulate Maine Yankee Hazards?" I think my colleagues will find the answer to be of great interest:

Who Will Monitor and Regulate Maine Yankee Hazards?

An Ira C. Darling Research Center Representative was asked who had the specific responsibility of gathering information that would provide evidence of the cause in the event of damage to the environment after Maine Yankee began operations. He replied that he knew of no organization so occupied, and certainly not the Darling Center from which such information would be strictly incidental to their broader pure research studies which include work on the Arctic, Bermuda, and the Gulf of Maine in general. He imagined such concern and information would have to be provided by area residents. "Pure research" by the Darling Center on the Montsweag Bay area includes measurement of physical and chemical characteristics based on averages and the assumption that complete mixing takes place at each tide even though they recognize complete mixing is impossible. Other work consists of identifying and measuring bottom organisms. Of the 68 species they list, 31 are labeled "unidentified" or with "?". Crabs and lobsters are counted, identified and measured for length and weight. Studies on salmon and striped bass are "to be done". Marine algae are being measured for growth rates, weights, and mortalities—data not being conclusive because much of the area is impossible to observe throughout the winter. In a reply to the questioning of a discharge of 11,000 pounds of chemicals a day used by an Oregon Nuclear plant to adjust pH, control corrosion, reduce mineral deposit, and stop biological growth in its condenser system. Mr. Edward A. Myer, Assistant to the Director, Darling Research Center, writes:

"There are 384 million pounds of water passing the outfall every minute so that the dilution is one in about 16 million in a day. On the assumption of perfect mixing, it may be hard to make a perfect case against it in view of what else is going into the Columbia."

Is not dilution irrelevant if at any concentration the chemicals do the job intended in the huge volumes of water involved (950 cubic feet of Montsweag Bay per second)?

Will Maine Yankee's chemical discharges be just one more pollution "case" the courts will accept? Robert Dow writes:

"We have observed deleterious effects in the discharge waters of fossil fuel plants from housekeeping chemicals . . . principally sodium hydroxide, sulphuric acid, hydrochloric acid, and chlorine. . . .

"They (our research people) have found detergents to be highly toxic in closed system lobster holding tanks, and we are concerned about their use."

After the Department of Sea and Shore Fisheries threatened to dispute the figures of Maine Yankee environmental studies, Maine Yankee decided to contract the Darling Center for principle environmental studies. Later Maine Yankee subsidized the Department of Sea and Shore Fsheries to find out if artificially managed growth of marine worms and shellfish in Maine Yankee's heated discharge will be consolation for the loss of an estimated $1,000,000 annually from harvests of present Bay worms and shellfish. The Department has yet to determine what the young worms eat, or how they feed them, or even if they are a specie capable of the extra spawning necessary to surpass natural production. One Department scientist reports shellfish cultures have been dying in the heated discharge at CMP's Cousins Island Plant. One Brookhaven Laboratories scientist sums up the Maine Yankee aquaculture potential in a taped personal interview as follows:

"They are making a virtue out of necessity. When they change the fuel core (approximately four times a year) that heat is off for a day, a week, probably two weeks . . . absurd."

At the peak of heavy construction, the Department of Inland Fisheries and Game began to count the number of water fowl within approximately a 3 mile radius of the Maine Yankee Plant "to determine what effect the operation of Maine Yankee Atomic will have on coastal migratory water fowl." (37) What purpose will counting birds now have when the number of waterfowl will obviously increase after the noisy, massive construction ceases. Would not before and after radiation counts in locally consumed fish and game, and involved food chains be more relevant?

It should be clearly understood that the presentation of Maine Yankee related studies is not to malign the state organizations involved. The point to be made very clear is that the studies only go far enough to provide a defense for Maine Yankee and not the environment or the public's health and welfare. There is one brief summer left to discover all the subtle relationships between the incredibly complex combinations of chemistry and physics in the Bay that trigger and pace the unknown biological clocks upon which the lives of all the organisms depend—one brief summer to establish the millions of maximum and minimum tolerances within which the Bay's ecology survives. Even if there were scientists involved in the necessary research, it would be impossible in the next few months to collect the continuous measurements of all possible situations over an extended period to establish any definitive pre-operation comparison data necessary to trace causes back to Maine Yankee. (Carlson, 1971)

Maine Yankee's own environmental monitoring is and will be recorded in monthly or daily averages that can neatly contradict the existence of high momentary releases of heat or radiation that take only minutes to leave massive destruction. Scientists warn that this "pulsing effect" presents the greatest threat to the environment. Maine Yankee took gamma scans for one group of samples in 1968 for clam shell, clam flesh, algae, sediment and oyster flesh.

The State Department of Health and Welfare writes that it has recently been taking weekly gamma scans at a salt water point and a fresh water point, and expects to set up equipment to monitor accumulations around the reactor and will be sampling seaweed, sediments, and ground water. "It is expected by the first of the year (1971), that we will have decided on the types of samples to be taken and the number per month." June is the latest estimate.

The gamma scans outlined do not account for individual isotopes or their other various particle emissions, and their environmental concentrations in the various food chains and other pathways to man. Nor do they account for the total possible accumulation for any one resident from all sources. Periodic base line monitoring can record low level releases and initial accumulations from Maine Yankee demonstrating "safe" or presently legalized AEC levels of radioactivity and completely overlook the hundreds and thousands of pathways through various food chains, and physical and chemical interactions of land, sea, and air that concentrate or accumulate these low levels into extremely hazardous doses for man. Dr. John Dunster of Windscale Atomic Works in England points out "that all sorts of scientific surveillance has been worked out but sometimes the main purpose, safety to man, is lost. He asked that health physicists ask what the numbers actually mean that they are collecting." Dr. J. F. Honstead of Pacific Northwest Lab, Washington, states "new pathways to man can be discovered any time. They had recently discovered such a pathway through upland game birds which were concentrating radionuclides through insects.

Connecticut Yankee has been given a clean bill of health. The actual monitoring report begins with an apology for the absence of comparison data, particularly from the Connecticut Health and Welfare Department, and then systematically discounts recorded abnormal counts of radioactivity in the report. Sample taking was done by the Utility and a local laboratory and the analysis was done by Combustion Engineering, nuclear reactors fabricators. "Lack of comparison data" has cleared the Dresden, Ohio plant and all other nuclear plants in the minds of utilities and the AEC, Maine Yankee will be monitoring releases into the stack and condenser discharge. Concentrations at the plant's boundary and beyond will be estimated by straight mathematical calculation of dilution factors. The Maine Department of Health and Welfare states:

"After taking into consideration that the Atomic Energy Commission will exert very close surveillance of the Maine Yankee reactor, that with the addition of a few more personnel and the purchase of a little more equipment, we will be able to carry out our assigned tasks." (38)

Can Maine residents trust their health and environment to the AEC? James T. Ramez, Commissioner, U.S. Atomic Energy Commission, states:

"It must never be forgotten, however, that responsibility for safety of the plant rests with the owner or operator. The regulatory groups, no matter how thoroughly they carry out their function, cannot provide complete assurance that public health and safety will be adequately protected . . ." (39)

The AEC is charged with both regulating releases of radioactivity and with promoting nuclear power plants. Under such a conflict of interest the AEC must weigh harm against benefits—local human disease and environmental destruction against electrical power supply. Thus the AEC decided to lower exposure standards for uranium miners to keep uranium fuel prices competitive. Union Officials estimate 6,000 miners have lung cancer. U.S. Public Health reports 170 miners have died due to lung cancer from radon radiation in the mines, and 600 to 1,100 more deaths are expected. (Ripley, 1970)

Last spring the AEC amended limits of radiation exposures to the public from nuclear plants to "as low as practicable", allowing "the flexibility of operation . . . to assure that the public is provided a dependable source of power". (40)

The AEC works on the basic assumption that natural background radiation compares with effluents from nuclear plants. Malcolm L. Peterson, M.D., Ph.D., Assistant Professor of Medicine, Washington University, states:

"To relate these levels of 'permissible' concentrations to levels of naturally occurring radiation can hardly be assurance of no risk because there are differences between the metabolism of some of the artifically and naturally occurring radionuclides . . . Also, it is obvious from what has been said about the differences in biological behavior of some of the radionuclides in wastes from reactors that it is the biological effect of the specific radionuclide that is of concern, rather than the total radioactivity released . . . hence many of the possible consequences of misjudgment seem irrevocable in terms of the health of future generations it would seem that a decision on this issue is as profound as any mankind has faced."(41)

The AEC and utilities usually compare the radiation from a granite wall with nuclear plant discharges. Even if the gamma ray particles from the uranium in the wall's surface gave an emission rate, the same as beta ray particles from a nuclear plant's tritium, beta particles are 2.5 times more destructive to chromosomes than gamma particles. Standing next to a granite wall and eating, breathing, or absorbing tritium entails the same difference as having a miniature grenade go off several hundred feet away and having a miniature granade go off in your gonads or ovaries. The utilities and the AEC are trying to convince the public to evaluate radioactive gases with conventional forms of air pollution. Yet, mortality rates due to respiratory diseases other than pneumonia and influenza for "clean" rural New Mexico sharply rose from a rate far below heavily polluted New York to above New York rates just after nuclear testing, only to drop off again after tests in Nevada and elsewhere had largely ended. Just after the "Sedan" and "Small Boy" shots of 1962 Utah had a peak rise of 700% in leukemia deaths in the 5 to 14 year old group, which was 400% over the rise in industrial Albany-Troy, New York with the same period of time. (Sternglass 1970).

In the February '71 issue of Atlantic, Paul Jacob writes on AEC's regard for humans:

"Five thousand soldiers were brought to the Nevada test sight in 1951 to participate in one weapons test. The AEC says no harm to them, but no long-term studies were made of the men . . . the Veterans Administration has started to get claims from some of those men or their families, charging disability as a result of their exposure . . . following a 1953 weapons test, the doses to the thyroid glands of infants in the St. George, Utah area 'would be in the range of 120–440 rads,' doses . . . very high indeed . . . the U.S. Public Health Service did begin a study, financed by the Atomic Energy Commission, of children's thyroids in St. George, Utah, . . . initially, the study indicated an increase in thyroid difficulties . . . as the study progressed . . . the data began to become very inconclusive . . . now . . . the study is ending, but the teenagers ought to be watched for many more years (for) . . . developing thyroid cancer . . .

"'An exposure limit (for AEC personnel) of 3-r was agreed on prior to testing . . . The Division of Biology and Medicine agreed to an unpublicized exposure of 3.9-r which was used to give the 3-r limit added flexibility where absolutely necessary.' . . . 75% of the monitors exceeded the maximum exposure limit . . . that warning, that plea for 'continued observation and maintenance of radiation health records', and the statements that some areas of Nevada and Utah had received excessive exposures—all these statements are now missing . . . the AEC say it does not know who made the deletion or why it was done . . .

"A Physicist named Dr. Harold Knapp, then on the AEC staff, was investigating . . . 'hot spots' . . . unexplained high radiation that occasionally occur throughout the country as an aftermath of above ground weapons testing—Knapp was paying particular attention to evidence of iodine-131 . . . discovered in abnormal levels in milk produced near St. Louis, Missouri . . . The AEC had failed to monitor milk in those areas . . . because 'extensive inquiry into such details would indicate the concern of the test program's rad-safe (radiation safety) group with the possibility of milk contamination' and alarm an already worried community . . . Pressure was applied to Knapp to keep him from publishing his report . . . One AEC official . . . worried . . . 'what reaction may we expect from the press and the public' . . . the AEC convened a committee of scientists to review the report pointing out to them that if the report were published, it 'would make the Commission out to have been liars.' . . . finally Knapp's report appeared prefaced by an analysis of it by the committee members. But the AEC version did not include Knapp's conclusion . . . Its technical validity was questioned . . . its potential bad effect upon the AEC's public image was pointed out . . . Dr. Gordon Dunning, one of Knapp's superiors, told me (Jacobs) in 1970 that the Commission believed that publication of Knapp's report would lead to substantially larger numbers (of thyroid doses) than had been published . . .

"In 1969, Sternglass presented an analysis suggesting 400,000 possible infant and fetal deaths in the United States as a result of fallout . . . a request from the Atomic Energy Commission for a critique of the Sternglass thesis came to the Livermore Lab. The assignment was given to Arthur Tamplin who . . . prepared his own estimates, which were that 4,000 deaths might have been caused . . . Gofman and Tamplin had come to another conclusion even more disturbing . . . that the federal standard for acceptable radiation exposures was ten times higher than it ought to be and . . . would result in 32,000 additional cancer and leukemia deaths . . . The AEC has totally rejected the Gofman-Tamplin thesis.

"Dr. Paul Tompkin, the Executive Director of The Federal Radiation Council, dealt with the heart of the matter from the AEC viewpoint when he said that accepting the Gofman-Tamplin recommendations 'might well price society out of business. To reduce radiation exposure tenfold would cost billions; it might even cost more than the Vietnam War. To comply, you'd practically rebuild all nuclear installations . . ." (42)

The FRC establishes radioactive release standards for the AEC. Dr. E. P. Radford, Professor of Environmental Medicine, School of Public Hygiene and Health, Johns Hopkins University, asks:

"And why has the Federal Radiation Council chosen an exposure figure that was three times higher than the recommendation of the International Commission on Radiation Protection covering radiation exposures to the general public that might effect genetic material? And why are standards on the public's exposure to radiation set by a "small group of scientists? . . . Shouldn't other representatives of the public be represented in these decisions? What happens if tritium taken up by oysters at the bottom of Chesapeake Bay reaches the vicinity of a woman's ovaries at the precise time she is ovulating and becomes pregnant? And won't there be enough krypton-85 released by fuel-reprocessing plants in the year 2060 to expose anyone in the world to 100–150 milirems (additional) of radiation a year? Something has got to be done here. The nature of the radiation hazard makes it quite different from the hazard in burning coal." (43)

Dr Paul Tompkin was asked if the FRC established guidelines for the environment—plants, wildlife, etc.

"No ma'am, and frankly, I hope it never does." When asked whether he assumed what was good for people would be good for the environment, Mr. Tompkin replied:

"That is the basic philosophy under which we have approached things up to the present . . . I indicated that we are tracking the known reconcentration processes but the FRC has not put a specific numerical value and says the release must be kept below this because of the reconcentration process. No, we have given no guidance whatsoever on how much can be released at any point on any isotope." (44)

In Nevada, the AEC has permanently contaminated over 250 square miles, now closed to the public.

The major reason for not revealing damage in the public domain due to nuclear plants is pointed out by the Seacoast Anti-Pollution League of New Hampshire:

"Maine Yankee's new nuclear plant will be complete and operating before any research conclusions are made. And it is difficult to conceive of alterations to a 151 million dollar (now 200 million dollar) nuclear plant which has just gone on the line. In fact, once the plant's reactor core is achieved, accumulated radio contamination precludes access to much of the power plant . . . let alone structural changes." (45)

The Indian Point Plant, outside of Manhattan has been shut down since May of 1970 because radioactive contamination has made minor repairs to the primary loop impossible. There are now considerations of abandoning that plant.

Engineer Abel Wolman sums up the AEC's conflict of interest in both regulating and promoting nuclear plants.

"It is only with (AEC) research for criteria for radiation limits that one finds that it should be permissible to kill people to obtain benefits to society. This has undoubtedly been in the mind of all criteria makers, but rarely has it reached the frank and stark pronouncements of recent years. An agreed acceptance of a number of consequent disabilities is not an appealing basis for the development, say, of nuclear power. Industry will do better than rest such an affront to man." (46)

One Brookhaven scientist sums up the AEC in a taped personal interview:

"They are just plain dishonest, and they have been all their lives. It's very hard for a government agency to be frank and above board. . . ."

Does not State jurisdiction assure safe operation of Maine Yankee? The State's waste discharge license for Maine Yankee reads:

"That in the event of adverse effects upon aquatic organisms through increased temperatures or radioactivity, Maine Yankee Atomic Power Company shall act immediately to correct such adverse conditions to the satisfaction of the Commission.

"That the radioactivity of the condenser cooling water discharge shall not be harmful to humans, animals, or aquatic life, nor shall such discharge result in radionuclide concentrations in edible fish or their aquatic life such as to render them dangerous for human consumption." (47)

However, the Assistant Attorney General, John Patterson, writes:

"EIC as yet has no authority to license atmospheric discharges. The burden of proof generally is on the party who makes the accusation, whether the remedy sought is criminal or civil. We would have to present a case. They could be content to poke holes in it . . . if we can prove irreparable harm we can apply for a temporary restraining order immediately halting the discharge. Usually some sort of preliminary hearing is held to show the facts to the judge."

The Deputy Attorney General, Jon R. Doyle was asked in a taped interview what would happen if the judge were confronted with conflicting findings such as when Robert Dow pointed out in 1968 that temperature estimates made by Stone and Webster, builders of Maine Yankee, and Dr. John Ryther, Biological Consultant, were in serious error by comparison to actual surface and bottom temperatures. (Graham, 1970)

"The judge is going to decide who's right and who's wrong . . . it is very difficult to prove in the usual situation, a pollution case . . . there is a problem I think in some areas of the State of educating the judiciary as to how we think the evidence ought to be presented in a pollution case."

Mr. Charles Keenan, President of the Yankee Atomic Electric Company, Rowe, Massachusetts, recalls the case where charges of damage by thermal pollution from the Turkey Point Plant were brought before a Florida judge.

"The judge in the case went out to the site, reviewed all this himself, looking through a glass-bottom boat, etc., and came back and said from his standpoint he saw no reason in the world to stop the Florida people from building that power plant (the second two units) . . . and the judge has apparently said to them, "well, so far you haven't proved that you've done anything wrong."(48)

The Rosenstiel School of Marine and Atmospheric Sciences. University of Miami, had found at the Turkey Point Plant:

"The area of totally damaged bay bottom vegetation near the mouth of the effluent canal was estimated by the project biologist to consist of approximately 55–60 acres by the end of 1968. A year later this area had increased to 70–75 acres. Signs of significant damage have been observed over an additional 225 acres." (49)

The accused conventional units at the Turkey Point Plant discharge 530,000 gallons of water a minute, and the two proposed nuclear units will discharge 1,340,000 gallons per minute. (Singer, 1970)

Former Senator, Carlton Day Reed, Jr. explained in a personal interview that in Maine today it is very difficult for one judge to set any precedents in a pollution case, because long before today's environmental consciousness court actions had established model decisions that now leave precedents, rules, proceedings—the entire judicial process—with a very strong "bias" for industry over the environment.

The State discharge license is not preventative legislation, but only applies to damage done, detected, and proven. To prove damage considered a public matter in Maine, only a State agency, not an individual or group of individuals can bring the case to court. Orlando Delogue, Director of the Portland Law School, writes:

"A. Some states allow a number of individuals (usually 6 or more) who are members of the public to have standing to sue to abate general harm to the environment. Such public action can be taken in Maine only with respect to violations of the Wetlands Act. Legislative effort should be made to broaden the base in environmental issues which members of the public have standing to raise on behalf of the public in State Court.

"B. For any other violations, a formal complaint . . . should be issued to the appropriate State agency.

"C. Funding to allow public prosecutors to tackle environmental injuries to the public must be increased and a priority of these sorts of offensives (and prosecutions) must be raised."

Individuals may present a civil suit to prove personal damage.

What would the State deem "adverse effects"? The State has authorized destruction of several hundred square miles of Maine countryside for transmission lines and the Plant site. The State has authorized many acres of prime marine worm and shellfish tidal flats to be buried under dikes and fill, and be destroyed by an outlet canal one-half mile long and an intake canal 600 yards long, along with substantial salt marsh area to be buried under the dredgings. The State has closed the entire Montsweag Bay to shellfish digging. The Department of Sea and Shore Fisheries state, contamination from the Kennebec River has caused the closing. However, just before construction crews arrived at Maine Yankee, Robert Dow, Assistant Director of Sea and Shore Fisheries testified:

"At the present time the Bailey Point area is free of pollution and is certified as an approved area. . . . Any degradation of the environment necessitating closure of shellfish areas will make the Atomic Energy Commission and Maine Yankee subject to the Federal Pollution Control Act. P.L. 89-753." (50)

The Maine Yankee Plant is being built on Bailey Point. Bacteria readings done by Sea and Shore in conjunction with the EIC of the Bay before Maine Yankee construction crews arrived, ran 23, 39, 43, 93, 43, and now run 930, 1,100, 230, 2,300, 2,100, out of a permissible 70, while bacteria counts of Kennebec waters have been decreasing. William Adams of the EIC writes that the readings simply point out the "vicissitudes" of bacterial counts. Dana Wallace of Sea and Shore Fisheries, writes:

"Another source of pollution to Montsweag Bay is the Maine Yankee sewage disposal plant . . . Inasmuch as this sewage disposal plant has recently been reconstructed, we need to know its consistent effectiveness. The number of people being employed by Maine Yankee is in a state of flux. When the Maine Yankee Plant becomes operational, we will be able to make better informed and safer evaluations of the area which needs to be closed."

Maine Yankee claims all sewage has been sterilized with chlorine. The Natural Resources Institute of the University of Maryland, found in the Chesapeake Bay:

"that chlorinated sewage caused the lowered fish populations . . . blocking of the upstream migration . . . enriched areas further downstream . . . the species composition of the fish communities changed significantly . . . immediately below a sewage outfall, both the number of species and number of individuals during all sampling periods were drastically reduced." (51)

Recently the Convert-all Company that built the Maine Yankee sewage plant went out of business because they could not get their devices to work properly. The sewage problem was anticipated by the State along with other post-operational predictions by Robert Dow, and was detected. Yet absolutely nothing is being done about it. What can be done about the subtle, complex and more dangerous problems of radioactivity and thermal pollution when nothing is done about the relatively simple, easily traced sewage problem?

Would Maine go to court over radiation damage from Maine Yankee? A Minnesota Supreme Court Justice decided on December 15, 1970, that the AEC has jurisdiction over Minnesota on radiation matters. Regarding Maine's position now, Mr. John R. Doyle, Deputy Attorney General, writes:

"I think the sense of the decision is that the State cannot exert controls, quite possibly of any type, which are regulated by the AEC. In other words, the Atomic Energy Commission has almost exclusive jurisdiction in this area."

Mr. William R. Adams, Director of the Environmental Improvement Commission, writes:

"In my opinion only State control is affected. Should damage occur, recourse through civil suits would be unaffected."

Actually whether jurisdiction lies in Federal or State hands is irrelevant because what the AEC will not do to deceive and exploit the public on a federal level, Central Maine Power Company (controlling shareholder of Maine Yankee, whose President, William Dunning, is also President of Maine Yankee) and the other utilities will do on the State level. Almost all attempts to control nuclear plants in Maine have been defeated. Governor Curtis writes:

"There was an attempt made to have the Company (Maine Yankee) provide performance bonds for the building of cooling towers in the event they may be needed. . . . This attempt to force bonding on Maine Yankee was unfortunately defeated."

Senator Richard N. Berry, who is also owner of a power company, writes:

"As you know, cooling towers can be used but their construction and operational cost would seriously increase the cost of the power generated."

Governor Curtis continues:

"Likewise, I supported legislation at both the regular and special sessions of the 104th Legislature that would have provided the State with temperature standards for discharge of heated water. Intensive lobbying efforts and the activities of Senator Berry, Chairman of the Natural Resources Committee, saw to it that these standards were not passed into law."

Senator Berry replies:

"This (legislation) was a good example of theoretical as opposed to practical restrictions which would have been completely unworkable."

The last shred of control the public has over future nuclear plants in Maine lies in the recent "landmark" Site Location Law.

The Law states:

"To provide a flexibility and practical means by which the State, acting through the Environmental Improvement Commission, in consultation with appropriate State agencies, may exercise the police power of this State to control the location of those developments . . . in order to ensure . . . a minimal adverse impact on the natural environment . . ." (52)

The only exemptions are construction and operations prior to January 1, 1970 and "Public Service Corporation Transmission Lines." Clearly the EIC has the say on where future nuclear plants will be located. Henry E. Warren, Site Location Consultant to the EIC, writes:

"It is our interpretation of the Site Location Law that power plants of any type would fall within the requirements of the law."

However, one member of CMP's Board of Directors has explained that CMP is now sending their attorneys out to clarify the exemption. Senator Richard N. Berry, now Senate Majority Leader, writes:

"The exemption of nuclear power plants from the site selection law is based on the rather vital need for their location somewhat adjacent to an adequate supply of cooling water."

Senator Berry was Chairman of the Natural Resources Committee that wrote the Site Location Law. Former Senator Carlton Day Reed, Jr. was also in that Committee and states in a personal interview that the intent of the Law was emphatically to include nuclear power plants in the Law under jurisdiction of the EIC, "and I'll challenge Senator Berry any day of the week on that." Senator Berry writes that justification for the exemption is:

"You will understand that the possibility may arise whereby it might be impossible to obtain site approval anywhere along the coast and the State would then be faced with an impossible situation."

The number of nuclear plants contemplated for Maine requires access to any and all estuaries on the Maine Coast. Former Senator Reed explains that CMP is simply maneuvering for the right lever to force siting decisions into the hands of the Maine Public Utilities Commission, without appearing to challenge the E.I.C., which would be very poor relations. Guy E. Twombly, Chief Engineer for the Maine Public Utilities Commission, states that the Utility Commission already works under the "impression" that nuclear plants are exempt, and writes:

"Generating stations either may or may not be exempt. It should also be pointed out that where Federal Statutes are applicable, they may take precedence over State Regulations."

Thus CMP and Maine Yankee now support LD989, a bill introduced by Senator Wyman of Washington County, which will strip the E.I.C. of jurisdiction over all environmental considerations regarding nuclear power plants and essentially allow such plants to come into Maine by simply picking up a certificate from the PUC. The public would have no legal recourse in Maine courts to defend their welfare or environment without first obtaining approval from the PUC. LD989 represents the most comprehensive outline of legislation Maine utilities are attempting to quietly pass through each legislature under the subtle guise of environmental concern. The public should carefully study the wording of LD989 and be alerted to future utility efforts to further undermine protection of the public's interests.

The 1968 "public hearing" on Maine Yankee in Wiscasset was conducted by the AEC which decided who participates and what the issues will be. The issue at Wiscasset was construction of the plant—not its operation. This subtlety put months of expensive, exhaustive preparation down the drain for a Long Island group which tried to protest aspects of a proposed nuclear plant's operation before it was built. Their well prepared testimony, which included appearances of top scientists from throughout the Country, was stopped by AEC officials who informed the group at the hearing that they were there to consider only construction of the plant. Maine Yankee repeatedly reminded local residents that the construction was harmless and would generate hundreds of construction jobs, and that there would be a later hearing to consider operation of Maine Yankee. However, the latter hearing is not public. The AEC reports:

"A public hearing is not required by law on an application for operating license. When the Advisory Committee on Reactor Safeguards and the AEC Regulating Staff have completed their reviews, the Commission either publishes a 30-day notice of the proposed issuance of a provisional operating license, or it schedules a public hearing on the application. Normally the Commission will not direct that a hearing be held at this stage unless there is a difficult safety problem of unusual public importance, or substantial public interest which would warrant that course." (53)

After the Wiscasset Construction Hearing, the State's Environmental Improvement Commission writes:

"We do not anticipate further hearings

regarding this installation." Harold Green explains in the Notre Dame Lawyer:

"Public hearings are mere window dressing and that the actual decision to license a reactor is made (behind closed doors and beyond public scrutiny) by the ACRS and the AEC's regulatory staff, primarily the latter." (54)

37. A Report of the Environmental Studies being conducted by the Darling Center, Sea and Shore Fisheries, Inland Fisheries and Game, and Maine Yankee Atomic Power Company (1970), p. 1, sec. C.

38. Interdepartmental bulletin entitled Environmental Surveillance of the Maine Yankee Atomic Reactor from James W. Fuller (Division of Sanitary Engineering) to John Doyle (Office of the Attorney General) (August 27, 1968), p. 2.

39. Statement by James T. Ramey reprinted in Nuclear Power and Public Concern, revised edition, 1971, p. 16.

40. AEC Proposes Amendments to Regulations on Radioactive Effluents from Light Water Cooled Nuclear Power Reactors. (AEC news release No. N-48 for Morning Newspapers of Saturday, March 28, 1970.)

41. Statement by Malcolm L. Peterson, M.D., Ph. D., reprinted in Nuclear Power and Public Concern, revised edition, 1971, p. 37.

42. Jacobs, Paul, "Precautions Are Being Taken by Those Who Know," Atlanta (February, 1971), p. 38.

43. Statement by Dr. Edward F. Radford reprinted in Nuclear Power and Public Concern, revised edition, 1971, p. 41.

44. Environmental Effects of Producing Electric Power. Statement by Dr. Paul C. Tompkins, p. 410.

45. "Buying off Potential Opposition," Sapl News (May, 1970), p. 2.

46. Statement by Abel Wolman reprinted in Nuclear Power and Public Concern, 1970, p. 16.

47. Waste Discharge License, Water and Air Environmental Improvement Commission, Augusta, Maine, April 10, 1968.

48. WJTO radio interview.

49. Singer, James, "Barnacle Glue," Sea Frontiers (May–June, 1970), p. 160.

50. Statement of Robert L. Dow, Research Director, Maine Department of Sea and Shore Fisheries, Atomic Energy Commission Hearing, Wiscasset, Maine, September 18, 1968, p. 4.

51. Frye, John, "Chlorinated Sewage No Help to Fish, Scientists Discover," National Fisherman, Research section (February, 1971).

52. (Water and Air) Environmental Improvement Commission Revised Statutes of 1964, Title 38 (As Amended), Chapters 3 & 4, Article 6, Sec. 481, p. 24.

53. Licensing of Power Reactors, U.S. Atomic Energy Commission (pamphlet), Washington, 1967, p. 10.

54. Curtis and Hogan, Perils of the Peaceful Atom, p. 225.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

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## SENSIBLE COUNTRY SERVICE—SCS

## HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DENHOLM. Mr. Speaker, I voted with the majority of the Members of this House to defeat the proposed amendment of the Honorable HENRY S. REUSS, my distinguished colleague from Wisconsin, which was an attempt to place a 1-year moratorium on all stream channel work in watershed projects.

I am pleased that the Soil Conservation Service projects and watershed construction programs in South Dakota will not be delayed by a moratorium on funding of essential and necessary field projects as proposed by the Reuss amendment.

Essential policies and programs of land and water conservation must be continued without interruption in South Dakota. The expertise of the experienced and learned personnel of the Soil Conservation Service is needed more now than at any time in the history of this country. I commend those dedicated persons that have done so much with so little in conservation practices to preserve our soils and waters. There is nothing more important to the people of this great country—and to generations unborn—than essential planning and preservation of our land and water resources.

I respectfully include some of the copies of correspondence that I have received from the concerned and knowledgeable people of South Dakota encouraging and supporting my opposition to the Reuss amendment in the RECORD:

SISSETON, S. DAK., *June 9, 1971.*

Representative FRANK DENHOLM,
*U.S. House of Representatives,*
*Washington, D.C.*

Congressman DENHOLM: The Roberts County Board of Conservation District Supervisors would like to voice their opposition to the moratorium on Watersheds as proposed by Congressman Reuss of Wisconsin.

We feel support should be given to the Whitten Amendment for additional funds for Watersheds. This would support the Upper Little Minnesota Watershed in Roberts County.

Thank you for your consideration.

Alden Johnson, Rosholt, S. Dak., Martin Overberg, Wilmot, S. Dak., Kenneth Tedin, Rosholt, S. Dak., Gordon Stapleton, Sisseton, S. Dak., Eugene Sebek, Claire City, S. Dak.

Board Members.

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CLAIRE CITY, S. DAK., *June 10, 1971.*

Congressman FRANK DENHOLM,
*U.S. House of Representatives,*
*Washington, D.C.*

CONGRESSMAN DENHOLM: The Upper Little Minnesota Watershed Board of Managers would like to voice their opposition to the moratorium on Watersheds as proposed by Congressman Reuss of Wisconsin.

We feel support should be given the Whitten Amendment for additional funds for Watersheds. This would support the Upper Little Minnesota Watershed in Roberts County.

Thank you for your consideration.

LEONARD WICKRE,
*Chairman, Upper Little Minnesota Watershed, Board of Managers.*

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GETTYSBURG, S. DAK., *June 10, 1791.*

Hon. FRANK DENHOLM,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN DENHOLM: I have been advised that Congressman Henry S. Reuss is planning to introduce an amendment to the Agricultural Appropriation Bill providing for a one year moratorium on water development activities of the Department of Agriculture. As I understand it, this is especially aimed at PL 566, small watershed projects construction.

I know from letters you have sent to me that you support PL 566 projects and as you know the President has recently indicated a revision in his budget for increased support of PL 566 projects.

If Congressman Reuss' moratorium becomes law, this would delay construction on eight projects in South Dakota.

Contrary to the testimony that Congressman Reuss has received in committee hearings; the projects in South Dakota will not contribute to the deterioration of fish and wildlife habitat and other environmental features, but will enhance all environmental factors. Conservation Districts and Watershed Districts have worked closely with fish and wildlife interests in the planning and construction of watershed projects. Through the inclusion of mitigation measures for wildlife, the providing of land treatment, and the inclusion of recreation facilities, the watershed projects such as Upper Deer Lake-Hendricks, Union Creek, Hurley Creek, Pattee Creek, Spring-Bull Creek, Upper Little Minnesota, and Mud Creek have or will contribute to the enhancement of fish and wildlife and the environment.

In view of your indicated support and the above information, I trust that you will advise Congressman Whitten of your support for the Appropriation Committee's recommendations for funding of PL 566 planning and construction.

Sincerely,

ORLOW EIDAM, *President.*

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PIERRE, S. DAK.,
*June 14, 1971.*

Hon. FRANK DENHOLM,
*U.S. Representative, Longworth House Office Bldg., Washington, D.C.*

DEAR CONGRESSMAN DENHOLM: The South Dakota State Conservation Commission sincerely hopes that you will support the President's request, to the House Agricultural Appropriations Committee, for an increase of $12,000,000 for conservation operations (CO 1 funds) and $28,000,000 for watershed construction by the Soil Conservation Service. South Dakota has 41,500 Conservation District Cooperators that will receive additional technical assistance in carrying out sound conservation on their land.

The additional $28,000,000 requested for watershed construction will accelerate the watershed program in South Dakota.

The Commission is also asking you to oppose Representative Henry S. Reuss' proposal for a one year moratorium on stream channel work in P.L. 566 watershed projects.

The proposed moratorium would practically stop all watershed construction in South Dakota for three years. The Soil Conservation Service would be forced to lay off over 1000 people in the nation—South Dakota would lose a proportionate number. These people will be forced to find other employment. If the moratorium only lasted one year, watershed construction would be completely stopped for at least three years. The Soil Conservation Service will be in a position of reducing and training new people.

South Dakota has eight watersheds in some stage of construction. Stream channel improvement, to carry the controlled flows from the flood water retarding structures and flood waters that enter the floodplain below the structures, is essential if these projects are to be effective.

The State Conservation Commission hopes that you will support the President's request for additional funds for conservation operations and watershed construction. We also hope that you will oppose the proposed one year moratorium for channel improvement in P.L. 566 watershed projects.

Sincerely yours,
Howard Geers, *Executive Secretary.*

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June 16, 1971.

Congressman Frank E. Denholm,
*Longworth Building,*
*Washington, D.C.*

Dear Sir: This letter is being written out of concern for the proposal to temporarily halt the SCS stream channelization program submitted to Congress by Representative Henry S. Reuss from Wisconsin, Chairman of the Subcommittee on Energy & Natural Resources, House Committee on Government Operations.

Under attack by this proposal is not only the channelization program, but entire watershed projects. The Upper Deer Creek-Hendricks Watershed flood retention structure recently completed in the northeastern corner of Brookings County provides the public with the benefits of an abundant water supply, recreational and wildlife facilities, and economic development, besides assuring farmers of flood prevention. The channelization which is currently underway south of the structure will extend this flood protection approximately five miles south of the structure. Taxpayers, in general, benefit from watershed projects by the elimination of high taxes for bridge and road repair and replacement. Annual damage to roads, bridges and culverts represent a loss to every taxpayer, regardless of whether he owns property on the flood-plains or works in an office in the city.

In this day and age, when ecology is playing such an important role in the preservation of our environment, channelization and watershed projects may be answers to halting much of our water pollution. 88% of the pollution in our streams and lakes is due to sediment or silt erosion as a result of the misuse of the land. Work done in a watershed program will include the application of soil conservation practices such as terracing, waterways, pasture renovation, contour farming and tree planting on a minimum of 50% of the land above the watershed structure, thus improving the value of the land.

In many parts of the country, dams alone will not do a proper flood prevention job, and, in some cases, channelization provides the only means of flood control. A stream slowly dying of strangulation from sediment and debris is not a pretty sight. When free flow of water is established by channel improvements, banks are shaped and stabilized with grass and trees which enhances fish and wildlife habitat and improves the beauty of the area.

59% of the annual national flood and sediment damages occur in rural upstream areas. If we are interested in maintaining and improving our social and economic standards, it is of the utmost importance to keep the ball rolling on the watershed program.

Whenever water retarding measures cannot handle the runoff of uncontrolled surface water alone; it is necessary to improve stream channels to restore flow capacity, reduce damage from flooding, and stabilize streambanks. It has been proven that small watershed projects have a beneficial impact on soil, water management, fish and wildlife, and people.

Maintaining and building up the capacity of our soil to produce now and in the future is one of America's most urgent problems today. The watershed idea makes it easier for people to see how vitally soil conservation work affects their daily lives because it is a basis for increased prosperity, freedom from flood damage, elimination of high taxes and increase in recreational and wildlife facilities.

We urge your support in voting down Representative Reuss's proposal.

Sincerely,
George Messner, Chairman Board of County Commissioners, Francis Murphy, Commissioner, Otto Oines, Commissioner, Lyal Parks, Commissioner, Charles Sayre, Commissioner.

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June 18, 1971.

Hon. Frank E. Denholm,
*House of Representatives,*
*Washington, D.C.*

Dear Frank: In response to your letter of June 9, 1971 I'm taking this opportunity to answer your request for information on our budget situation. As you know, the President has said he will revise the SCS budget to increase SCS assistance to Conservation Districts by $12 million and Watershed Protection funds by $28 million. This will be of considerable help in rebuilding our depleted staff of technicians in the field.

There is a threat however to the total watershed program in the nature of an amendment to the appropriation bill. Congressman Henry S. Reuss is proposing the amendment as a moratorium on water development projects of the U.S. Department of Agriculture for one year. Such a moratorium would certainly require an immediate reduction in force of SCS watershed technicians and set the program back several years.

The moratorium is apparently aimed principally at small watershed projects (under PL–566) and more specifically at channel improvement activities associated with some PL–566 projects.

The SCS has, I believe, been responsive to critics of channel improvement by:

(1) Calling for a complete review and categorization of all projects awaiting construction. Some projects may be dropped.

(2) Attempting to inform critics of the alternatives (i.e. detention storage) considered prior to the use of improved channels for controlling floods. Also of the opportunities provided by PL–566 for developing fish, wildlife and recreation.

(3) Revising our design criteria to provide for small channels.

(4) Providing measures to mitigate losses to fish, wildlife, and the environment caused by channel improvement or other structural works.

(5) Minimizing disturbance to native vegetation and planting additional vegetation along channels and over the entire watershed.

I have read some of the testimony presented at the Conservation and Natural Resources Subcommittee (Congressman Reuss, Chairman). The generalizations, broad accusations of SCS programs have, in my estimation, provided an unrealistic bias to the hearings.

Kenneth Grant, Administrator of SCS, appeared late in the hearings to explain our program. I understand few committee members were present so the effect of his testimony is not known.

We feel that rather than this total moratorium, the present review of environmental statements by the Environmental Protection Agency (and others) and the consequent project by project review is a much more realistic approach. This is what we believe we have been doing in South Dakota and will continue.

If you need further information, I will be happy to supply it.

Sincerely,
V. W. Shally,
*State Conservationist.*

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Brookings, S. Dak., *June 21, 1971.*

Dear Representative Denholm: It causes me great concern when I recently read in a news publication the desire by many of our nation's spokesmen to halt progress on our nation's watersheds and stream channelization in the name of environmental protection.

Don't they realize how much benefit people realize from a watershed in flood prevention, road and bridge maintenance reduction and the reduction of siltation by a properly planned and constructed watershed? The enhancement of the country-side can't be measured in dollars by a clear flowing stream in a stabilized channel flowing all or nearly all the time as compared to a stream flowing at flood time choked with silt and trees spilling over pastureland leaving a layer of silt on the grass making it unpalatable for livestock.

We have recently finished a watershed on Upper Deer Creek that you would find interesting to see, and to visit with the people benefited. This watershed has generated enthusiasm for a second watershed development, Six Mile Creek, which is just being organized.

If you can see your way to support further watershed and channel development I would certainly appreciate it.

Sincerely,
Robert J. Foster.

Mr. Speaker, I am firmly convinced that the people that live on the land—"love this land." It is their country—it is their home. They will not destroy it. Conservation of our soil and conservation of our waters is essential to posterity and proper for all people of our country.

The Soil Conservation Service is a public interest program that must be preserved against all adversity, at any cost, at all times for all of America.

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## LOUISVILLE RED CROSS DEDICATES $2.75 MILLION CENTER

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. MAZZOLI. Mr. Speaker, last Sunday, June 20, the Red Cross in Louisville, Ky., dedicated its new $2.75 million headquarters center. It had been my hope and expectation to attend this event because of the importance of the center to the residents in northern Kentucky and southern Indiana.

The new facility—the most modern of its type in the Nation—will, among many other important services, make available donated blood to any patient requiring it in 57 area hospitals.

Bob Schulman, who is familiar to the residents of my district for his television editorials on WHAS–TV devoted one of his recent broadcasts to the center's dedication. I ask that the text of his remarks be printed at this point in the Record.

The editorial follows:

One Man's Opinion: A Spreading Red Cross

Is there more to the familiar Red Cross symbol than meets the casual eye? We associate it, automatically and importantly with blood and with help in disaster. But is the Red Cross stretching its arms to become what, until recently, the young were calling '"more relevant" to changing times?

It's a good question to ask, around the time of Sunday's dedication in Louisville of a new $2¾ million Red Cross headquarters center. And the answer is an encouraging and absorbing "yes".

You do not want to pass lightly by the primary significance of Sunday's dedication: the blood of life for the people of 37 Kentucky and Hoosier counties, with laboratories and processing facilities making the new center the nation's most modern, for the collection and distribution of donated blood to any patient needing it in 57 area hospitals.

But consider a program in which two young training interns, themselves from the inner city, are preparing 50 young inner city people for service this summer as aides in nursing homes, mental health clinics and neighborhood centers. Or take a look at what used to be only the "Junior Red Cross," now extended to teen-age youth and including a rural camp for leadership training, from which one girl returned proclaiming it "a crash course in caring."

Tour the new Louisville headquarters with the chapter manager, the impressively sharp and alert Marjorie Jordan, and you capture a sense of earnest outreach—a stated determination to involve more rich and poor and in-between, more white and black, in helping activities that are not just starchily laid down by what've been Red Cross interests in the past.

Evidences of the good old familiars are on hand, of course. In the Youth Department, samples of the toy animals and writing kits that thousands of schoolchildren make for distribution to needy kids in hospitals and ex-GI patients at VA. The ready rooms, for communications and dispatching of volunteer teams to help with everything from food and clothing to recovery aid, after fire, flood and tornado. The free classes in the pre-natal care, and in swimming and boating safety and first aid.

But the good Red Cross news is in the impulse to change. I'm not one to knock coffee and doughnuts, but baby, when you find the Red Cross staking a "Blood Brother Day" in the ghetto, then you see new life in the words on the wall of the new lobby: We dedicate this building in a spirit of love for our fellowman.

## ARKANSAS LEADS IN ECONOMIC EDUCATION

### HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. PRYOR of Arkansas. Mr. Speaker, it gives me a great deal of pleasure to bring to the attention of my colleagues an article entitled "State Leads in Economic Education" that appeared in the June 6 issue of the Arkansas Gazette. The article points out that the State of Arkansas has become one of the leaders in the Nation in the field of economic education.

The success that my State has achieved in this area is a direct result of the outstanding leadership of Dr. Bessie B. Moore, the director of Economic and Environmental Education for the State Department of Education. I commend Dr. Moore, whom I consider to be one of the Nation's most eminent educators, for the innovative and creative work that she is doing in economic education.

I insert the article by Victor A. Croley in the RECORD:

### STATE LEADS IN ECONOMIC EDUCATION

(By Victor A. Croley)

A large billboard beside Highway 62 near the Ozarks town of Yellville proclaims that Arkansas is lowest among the states in the amount of tax money allotted to education.

Arkansas teachers protest that they are among the poorest paid in the nation.

So many other complaints are made about our school systems, facilities, curricula, et cetera, that it comes with almost a shock to discover that all is not gloom and despair; that Arkansas is far from a total loss educationally; and that in at least one category Arkansas and Arkansas teachers rank No. 1 head and shoulders above those in any of the other 49 states in the Union.

This outstanding success is in the field of economic education, and it is not a one time, flash-in-the pan victory, but a success based upon demonstrated merit over seven years.

Indeed, Arkansas teachers of economics in the elementary and secondary grades, led by Dr. Bessie B. Moore, have won a large share of the famed Kazanjian Economics Foundation awards since the nationwide competition was inaugurated in 1964.

In that year they won five out of 20 awards. The following year saw them win 10 of 40 awards. They won 11 to 52 in 1966; in 1967, 18 of 43; in 1968, 14 of 50; in 1969, 12 of 38; and in 1970, nine out of 53.

This is a winning record any Razorback football squad would be understandably proud of and it is past time that the world learns that Arkansas can lead in education as well as athletics.

Arkansas' achievements in economic education—admittedly one of the most complex and difficult subjects—was attributed by Dr. George L. Fersh, associate director of the Joint Council on Economic Education of New York, to the enthusiasm and support inspired by Dr. Moore.

Dr. Moore has been a classroom teacher herself and a state supervisor of elementary education, as well as consultant to the United States Office of Economic Education.

At present she is director of Economic and Environmental Education for the state Department of Education, and also has administrative responsibility for school libraries.

She was a delegate at the Conference of the International Federation of Library Association which met last year in Moscow and Leningard.

Dr. Fersh called Arkansas' program for economic education in the elementary and secondary schools "the best in the country," and at a conference in Little Rock attended by representatives of most colleges and junior colleges, plans were laid to create an equally effective program at the college level.

The Kazanjian Economics Foundation was established "to disseminate economic truths to the end that greater happiness and prosperity may come to all through the better knowledge and understanding of the laws of economics."

Calvin K. Kazanjian, born in Armenia, was brought to this country as a small child. Son of an impoverished minister, he rose to eminence as a businessman, financier, and philantropist.

The Kazanjian Economics Foundation was established when he saw that most of the mistakes made by society were the result, not of malice, but of ignorance.

He felt that social and political difficulties could be traced, in large measure, to man's lack of knowledge of economics and he firmly believed that if more people understood the basic facts the world would be a better place in which to live.

The Arkansas program was selected for presentation to the Joint Council on Economic Education as a model for the nation because of the innovation approaches used in involving every sector of the economy, its acceptance by educators, and its proven effectiveness in Arkansas classrooms.

## THE JEWISH PEOPLE LIVES, MR. BREZHNEV

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BRASCO. Mr. Speaker, no human tragedy is sadder than the failure of man to learn the most elementary lessons from the repeated disasters of history. And of all the truths that people must come to a fuller realization of, the need to desist from persecution of people because of their religious beliefs is one of the first. Such a dawning of revelation has yet to arrive within the borders of the Soviet Union.

This society I speak of here has been able to break out of the bounds of the earth, but it still indulges in the most barefaced, shameful anti-Semitism. All across the Soviet Union today, persecution of the Jewish people continues unabated. Their religious beliefs are not respected. Their right to the most elementary decencies is violated. Their ability to travel freely is vastly circumscribed. All in all, the picture is as gloomy as it is degrading. All over the free world, people are raising their voices against this infantile and disgusting exhibition on the part of the Russians. In this Nation, we are not guilty of the crime of silence. Fortunately we have the right and the desire to cry out against these crimes against humanity.

This week marks the celebration of Jewish Identity Week in the Nation's Capital. During this time, the Nation's Jewish community will send representatives to this city to call the attention of the Government to the plight of their coreligionists within the confines of the Soviet Union.

During this time, they will seek to make sure that the Congress knows of what is going on in Russia in regard to the Jewish people. They will call for action in the form of national and international appeals on behalf of these oppressed people. I join them in demanding that we vigorously reaffirm our support for their right to travel, worship freely, and live as their consciences dictate.

It behooves us to understand that such a series of crimes against one small and helpless minority sets still another precedent. For if they dare to continue such evil acts as a set government policy, then no one else is immune. If we revere any kind of human rights policy, we must apply it vigorously. We must prevent this kind of action, and by speaking out in this manner, at least the Soviet regime will not be able to perpetrate such atrocities in the dark.

It is odd, indeed, that the Russian Government does not heed the lessons of history. Each time an oppressor has acted in such a manner toward the Jewish people, their acts have recoiled back upon them. The heaviest blows have in the end fallen upon the heads of the despots who thought they could stamp out an ideal, a culture, and a way of life. All of these the Jewish people possess in abundance, and it will take more than the secret police of this particular brand of tyranny to accomplish what every dictator from Nebuchadnezzar to Nasser failed to accomplish.

## PUBLIC SAFETY AVIATION INSTITUTE IN HUNTSVILLE, ALA.

### HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DICKINSON. Mr. Speaker, the International Association of Chiefs of Police—utilizing grant funds from the Justice Department's Law Enforcement Assistance Administration—has established the Public Safety Aviation Institute in Huntsville, Ala., to train police and other public service helicopter pilots. As more police departments throughout the Nation acquire and use helicopters and fixed-wing aircraft, one naturally wonders why such a program was not established before now.

The June 1971 issue of the Police Chief, the official publication of the International Association of Chiefs of Police, contains an article by William H. Franey, director of the IACP Highway Safety Division, describing the Public Safety Aviation Institute. I would like to share this article with other Members of the House and insert it in the RECORD at this point:

### AN ACADEMY FOR POLICE AND PUBLIC SAFETY AVIATION

(By William H. Franey, Director, IACP Highway Safety Division, Gaithersburg, Md.)

As society becomes more populous, mobile and complex, demands for protection and service by police and other public safety agencies have risen to unprecedented levels. The accelerated need for rapid mobility and swiftness of response, coupled with ground transport limitations, has introduced the helicopter and airplane to public safety organizations. As the disparity between public service need and public safety capability increases, it is reasonably expected that the trend toward aviation use becoming an integral part of police operations will continue.

There is sufficient evidence available to indicate the effective and efficient use of aircraft by public safety organizations can be a significant factor in providing a safer environment for the citizens of a community. There is some doubt, however, that aircraft (rotary-wing and fixed-wing) are being utilized at their full potential. A significant increase in performance and effectiveness within agencies utilizing aircraft would occur if meaningful programs and standards were developed and public safety personnel were trained to meet these performance standards.

The spectrum of missions, for which helicopters and other aircraft are presently employed by police, is as variable as the type of equipment being used. Variations in the types of missions which are flown are affected by many factors, ranging from political to economic. Data availability relating to utilization and effectiveness of aircraft employed in the public safety role leaves an intolerable void.

In recent years police agencies have placed greater emphasis on prevention of crime, highway collisions, and other antisocial behavior. A basic technique used to accomplish this goal has been preventive patrol. Increased demands for police service has minimized the amount of time available for preventive patrol. The effectiveness of patrol activities in minimizing opportunities for misconduct is generally related to the frequency of patrol. In the eyes of the public, the efficiency of the police is frqeuently measured by the mobility and response time of the patrol force. The concept of police omnipresence and rapid mobility and response can be enhanced through the use of ground patrol units supplemented by effective use of aircraft. The integration of effective air support into the patrol function will serve to eliminate some of the disparities that presently exist.

There is a need for effective training of personnel, evaluation of equipment and techniques, and establishment of operational guidelines and standards by which the efficacy of aircraft and its use by public safety organizations may be related to the overall mission of such organizations.

To meet these objectives, the International Association of Chiefs of Police has established a Public Safety Aviation Institute. The Institute, located in Huntsville, Alabama, resulted from the cooperative efforts of the Law Enforcement Assistance Administration, the State of Alabama and the City of Huntsville, Alabama.

The Institute is designed to assist in the preparation of needed guidelines and standards and will provide public safety agencies utilizing aircraft with a center to train personnel in a public safety oriented environment.

The list of possible applications for aircraft in the public safety arena is endless. Inherent within the Institute's programs will be the identification and definition of those missions where aircraft use can produce the greatest impact. This will result in procedural standards and improved coordination between air and ground operational and support units. Additionally these programs should reveal further research development and testing needs and provide data for cost-effectiveness analysis.

Long range plans are to provide training opportunities and professional assistance to all public safety disciplines which may benefit from the use of aircraft including fire departments, fish and wildlife services, water safety services, park ranger service, traffic supervision agencies, emergency medical service, and pollution control agencies. Quite frequently, the public interest will be better served when interdisciplinary coordination and cooperation is achieved. The Institute will promote this concept.

The Public Safety Aviation Institute will enhance the general public safety through programs especially designed to train police and public safety pilots and observers with emphasis on operational concepts and doctrines which are *unique* to police and public safety organizations.

Initial programs are designed to offer various alternative courses that will include all aspects of public safety aviation. At present, nine separate courses have been developed for LEAA approval. As other areas of need are identified, additional courses will be developed accordingly. The proposed offerings are identified in Table I.

Overall course curricula, when applicable, will be devoted to three primary instructional areas.

*Flight Instruction*—to be provided by FAA qualified flight instructors.

*General Ground School Instruction*—classroom instruction devoted chiefly to flight mechanics, aircraft systems, navigation, weather, vehicle nomenclature and communications.

*Public Safety Instruction*—classroom training designed to orient the student in pertinent public safety problems and aircraft applications. Actual demonstrations of those techniques taught in classrooms relating to police mission problems is incorporated into the flight instruction phase of training. Additionally, instruction is provided in effective reporting procedures and record keeping activities.

While in the process of training, student performance is evaluated in comparison with those standards established by the Federal Aviation Agency and the International Association of Chiefs of Police. A final narrative evaluation report is developed for each graduating student and is provided to the chief executive of his agency. In addition, the performance evaluation program is utilized to identify training needs and to maintain the highest quality for Institute programs.

A continued and gradually expanding effort will be devoted to the collection of useful data for support of a successful research and developmental program.

Utilizing the support data gathered and through the review of past studies and research conducted from both within and without the police community, a plan will be developed for an air mobility research, test and development program.

It is inappropriate at this time to form judgments concerning format or test programs that will be utilized during this phase. Concepts and criteria will be postulated after examination of the existing systems in the public safety community in relation to their principal objectives.

An effective research, development and test program will serve to facilitate public safety air mobility in several ways.

A partial listing of important elements follows:

1. To provide a definition of public safety air mobility, operations, and objectives for use by designers and planners for developing aircraft with capabilities and equipment which fit the needs of public safety agencies.

2. To provide administrative guidlines to facilitate:

Cost effectiveness analysis.

Minimal safety requirements.

Minimal airframe and equipment specifications.

Minimal personnel qualifications.

Minimal landing facilities, including minimal heliport facilities and standards for emergency landing and takeoff areas.

Data requirements.

3. To provide operational guidelines designed to facilitate:

The improvement of police communication and response times.

The control and reduction of selected types of crime and criminal behavior.

The control of and the safe movement of motor vehicles within the Highway Transportation system.

The improvement of surveillance methods (both daytime and nighttime).

Observation capabilities.

Emergency procedures for operations during unusual occurrences (civil disorders, natural disasters, etc.).

Emergency medical evacuation.

Public information.

Air-ground coordination.

Search and rescue operations.

public safety programs.

4. To provide a testing and evaluation center of modified and innovative airframes, avionics and related equipment to determine their feasibility and application of public safety programs.

5. To provide a clearinghouse for information relating to public safety aviation which can respond to inquiries, serve as a depository for pertinent input, and publish periodic abstracts, informational pieces, etc.

6. To maintain liaison with others, in both the private and governmental sectors, connected with aviation research and development for purposes of information exchange, possible joint research project endeavors, and to remain current with on-

going and anticipated research and development projects and trends.

Inherent within these program areas will be constant consideration of economy, safety and effectiveness.

Huntsville, Alabama, is a vital center for the National Aerospace Administration and the home of the George C. Marshall Flight Space Center. As such, a large number of the nation's leading aerospace contractors have established offices-plants in Huntsville. These firms represent the finest aerospace technological expertise and research and development capability. In addition, the University of Alabama at Huntsville provides one of the newest, most modern institutions of higher education in the South. The proximity of the Institute to this unique technological, academic and scientific community provides an obvious unlimited potential for strengthening and expanding the Institute program. This is particularly true as it relates to the Institute's research and development plans.

IACP believes that the effective and efficient use of aircraft by public safety organizations can be a significant factor in providing a safer environment for the citizens of a community. From crime prevention to the patrolling of highways, to the transporting of injured, the possible applications for aircraft in the public safety arena are yet unlimited. The challenge of controlling and preventing crime in a free society and the challenge of providing mobility on our nation's highways without mayhem are demanding ones. The Public Safety Aviation Institute and its goals of training police aviators and enhancing the use of aircraft by the many public safety disciplines will be a significant step towards meeting these challenges.

TABLE I

| Title | Prerequisites | Content | Duration |
|---|---|---|---|
| Police aviator course | Air transport, commercial or private pilots certificate with fixed wing rating, | 30 hours flight instruction. 62 hours ground school. 20 hours police flight instruction, 43 hours police science and application, | 6 weeks. |
| Private pilot, helicopter rating | No flying experience necessary | 35 hours flight instruction, 25 hours ground school | 3 weeks. |
| Private or commercial rotorcraft category, helicopter class rating, | Fixed wing rating | 25 hours flight instruction, 20 hours ground school | Do. |
| Police tactical course | Private or commercial pilot with rotorcraft category helicopter class rating, | 20 hours police flight instruction, 43 hours police science and application, | Do. |
| Pilot advanced refresher program | do | 3 hours flight instruction. 10 hours ground school | 3 days. |
| External load course | Commercial or private pilots with rotorcraft category helicopter class rating. | 15 hours flight instruction. 10 hours ground school | 1 week. |
| Flight safety check program | Pilot should have minimum of 25 hours in the aircraft | Flight check and ground check | To be quoted upon request. |
| Observer's course | Member of law enforcement agency with 1 year patrol duty. | 5 hours flight instruction. 43 hours police science and application. | 2 weeks. |
| Helicopter maintenance | Must have A. & P. license | 120 hours | 3 weeks. |

## NINE MONTHS FROM SUPER SUNDAY—THE ENDLESS SEASON

## HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. UDALL. Mr. Speaker, for the most part, June 26 will be no different from most summer Saturdays. Public parks and swimming pools will be filled with the happy sounds of children at play. Young people will be found bicycling on our trails, or perhaps reading in the shade of a tree, or maybe just loafing. Thousands of peanuts and colas and beers will be consumed at RFK Stadium as the Senators take yet another drubbing. In the evening, while the streets of Georgetown begin to swell with their mixed contingent, families will take to their backyards and porches in search of a breeze. Summer nights are good times—to talk and listen and enjoy life.

Yet this Saturday night may witness something different. The streets of Georgetown may thin early. Through open windows, the sound of an unrhythmatic hut, hut, hut, and the grunts of grown men beating on each other may shatter the quiet calm of evening. And somewhere, you may be able to hear the screams of an angry, frustrated wife, threatening divorce—or worse, to rip out the television cable.

Yes, Saturday, June 26—27 days after the swimming pools have opened, 5 months before Thanksgiving, and a full 7 months from Super Sunday—marks the beginning of the football season and its first televised game.

In Lubbock, Tex., in the heat of a southwestern night, last year's All-America's will kickoff the first in an endless series of preseason scrimmages. I repeat, that this is 7 long months from Super Sunday, and I must protest.

Mr. Speaker, the domino theory has found new life in reverse. A few years ago, the first televised football game was in late August. Then it was moved back to July. Now it is June. Now only 4 months—May, April, March and February—separate us from year-round football, brought to us through the courtesy of promoters who seem determined to drain every last nickel out of their product.

And their counterparts in other professional sports are no less greedy. Professional basketball, an indoor game designed for winter play, wound up this season in the heat of May. Major league baseball will complete with pro football for the best television time slots in October. Even professional hockey, a game that reminds us of frozen ponds and bitter cold, has discovered the joys of television and the endless season. This year's Stanley Cup playoffs ended in May—after the pro basketball playoffs—and in Montreal and Chicago, it was so hot they had trouble keeping the ice frozen. The pro leagues, spurred by fat network contracts, are stripping our national sports of their seasonal tradition and glutting the airways in a way that will certainly damage our national sports by permanently dissipating interest in them.

Mr. Speaker, has not this orgy of year-round baseball, basketball, hockey, and football gone far enough?

In an attempt to get a dialog on this question started, I introduced legislation earlier this year to limit the televising of pro sports to times approximating the seasons the sports have traditionally been played. It was my hope that this bill would start the leagues thinking and perhaps would lead to a reevaluation of a trend which I fear will result in the demise of games I love.

Once again, I want to call that bill to the attention of the networks and the pro leagues. I urge on them a little bit of moderation and self-regulation. For if the networks and the pro leagues continue in this unnecessary search for another buck, they will almost certainly ruin the games that Americans treasure, and invite upon themselves the kind of Federal regulation that no one wants.

## DOUBLETALK ON PRISONERS OF WAR

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. WYMAN. Mr. Speaker, not all of the doubetalk on the prisoner of war problem comes from Hanoi, even though the following Evans and Novak column is interesting in this light. Rest assured if we do not get our prisoners back before all our troops are withdrawn the ransom will be exorbitant, if offered.

In their eagerness to respond to what the media suggests is mounting public demand for a cut-off date, some Members of Congress are making claims of legislative responsibility for prisoner exchange that do not accord with fact. One such claim is that the McGovern-Hatfield amendment took care of the prisoner issue.

The fact is it did no such thing. All McGovern-Hatfield provided was that if the enemy failed to agree to release our prisoners—not to release them but agree to release them with no time set—within 60 days after passage, the effective date for a cut-off of funds for the salaries and supplies of our troops in Vietnam should be postponed 60 days.

There was no second postponement, nor any requirement that the prisoners be released or commitments made for their release thereafter. So, McGovern-Hatfield called for a cut-off of all funds by March 1, 1972, and the heck with the prisoners.

As Senator SAM ERVIN said of this proposal on the floor of the other body before the vote (S. 9251):

> We abandon our prisoners and all efforts to release them 60 days after midnight on the 31st day of December, 1971. . . . I cannot vote for an amendment which shows that as far as American prisoners of war are concerned, 60 days after December 31st we abandon efforts to secure the release of our prisoners of war. That is what (it) provides.

Mr. Speaker, we must insist on the prior return of our prisoners of war in any legislative limitation on funding for military operations in Southeast Asia.

### HANOI DOUBLETALK ON POW'S

(By Rowland Evans and Robert Novak)

The skill and audacity with which the Vietnamese Communists manipulate American public opinion on the emotion-charged prisoner-of-war issue is illustrated by a diplomatic cable transmitted back to Hanoi June 11 by the North Vietnamese negotiating team in Paris.

That cable contained the official Communist transcript of an interview in Paris three days earlier between Xuan Thuy, chief North Vietnamese negotiator, and Chalmers M. Roberts of the Washington Post. The transcript quoted Xuan Thuy as saying that "if the United States sets a reasonable deadline for the complete withdrawal of troops, we could *discuss* the settlement of the prisoner of war question—precisely the Hanoi line.

In truth, however, that is not what the Communist negotiator said at all. Roberts, a respected diplomatic correspondent, reported Xuan Thuy as telling him, "if a reasonable date is set, the question of prisoners may be settled." In response to another question, he amended that to *"will* be settled."

The discrepancy reveals the POW game played by the Hanoi Politburo. The soft line actually given in the interview with Roberts is intended to convince Americans that the POWs will come home just as soon as President Nixon sets a troop withdrawal deadline. The altered transcript cabled to Hanoi reiterated the hard line that is the Vietnamese reality: Hanoi promises nothing whatever in return for a troop withdrawal deadline.

This audacious game has worked, feeding demands in the United States for quick withdrawal. Two antiwar Democrats, Sen. Vance Hartke of Indiana and Rep. Robert Leggett of California, returned from talks with the Communists in Paris indicating that the Americans were to blame for the negotiations deadlock. Clark Clifford, former Secretary of Defense, has predicted release of the prisoners 30 days after agreement to withdraw. In a climate further soured by the Pentagon papers, many Americans believe the worst of their own country's leaders while exercising complete gullibility about Communist promises.

When not talking to American politicians and journalists, the Communists revert in formal Paris sessions to the hard line of their official statements. Based on those statements, there is every reason to believe that the Communists plan to use the POWs as hostages to steadily up the ante in fulfilling all goals in Vietnam.

The basic position is point one of the South Vietnamese Communist eight-point "elaboration" of last Sept. 17. It not only links prisoner releases with a fixed date for U.S. troops withdrawals but also talks about taking all U.S. weapons and war materials from South Vietnamese troops and dismantling U.S. bases in Vietnam. Thus, the troop withdrawal deadline accomplishes nothing.

Consistently the official Communist line in Paris has been that such a deadline set by Mr. Nixon would win him merely the right to discuss prisoner releases. Mme. Nguyen Thi Binh, chief South Vietnamese Communist negotiator, deviated from this only once. On April 15, an article by her in the French newspaper Le Monde suggested that Mr. Nixon need only fix a deadline "for GIs and American prisoners to be rapidly and safely returned."

But on the very day that article appeared, Mme. Binh was her usual intractable self at the negotiations session. Prisoners would return home, she said, only after the war had "come to an end"—that is, after a political settlement along Communist lines.

Rep. Leggett's visit to Paris on May 31 again showed the two faces Nguyen Van Tien, Mme. Binh's deputy, told the congressman that POWs could be released as soon as Mr. Nixon set a "reasonable date" for withdrawal. But when reporters queried Communist spokesmen about Leggett's visit, they were told repatriation of prisoners would be merely discussed once the withdrawal of troops was announced.

Still another example occurred when Anthony Lewis of The New York Times interviewed Xuan Thuy May 21. Lewis reported the North Vietnamese negotiator "understood the concern about the American prisoners and was ready to do something immediately . . . if Mr. Nixon set a withdrawal date." But the official Communist "transcript" cabled to Hanoi said only the Communists will "be ready to talk to Mr. Nixon on the POW issue" after a troop withdrawal.

The pattern is unmistakable. The ransom for American POWs will be much dearer than the Democratic sponsored troop withdrawal deadline. To get them home, the U.S. must agree to humiliating concessions ending with a Communist regime in Saigon. Such is the iron *realpolitik* behind the Oriental smiles exhibited in Paris for American politicians.

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## LEST WE FORGET

## HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Comdr. Robert Saavedra, U.S. Navy, [redacted], Nogales, Ariz. Married and the father of four children. The son of Mr. and Mrs. Joseph Saavedra, Nogales, Ariz. Attended the University of Arizona. Officially listed as missing April 28, 1968. As of today, Commander Saavedra has been missing in action in Southeast Asia for 1,152 days.

## MISS INEZ WATSON SPEAKS BEFORE THE 25TH PALMETTO GIRLS' STATE

## HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. SPENCE. Mr. Speaker, recently Miss Inez Watson, clerk of the South Carolina House of Representatives, made an unusually perceptive and eloquent speech before the 25th Palmetto Girls' State.

The citizens of Girls' State witnessed many fine presentations by a number of distinguished guests during their week, Mr. Speaker, but Miss Watson's appearance was certainly a major highlight. Drawing on her many years of experience working with and observing political and governmental affairs, Miss Inez brought neatly into focus the myriad problems faced by this country.

In this age of protest, Inez Watson had some protests of her own to make; and in a time when it is fashionable to attack and scorn our "older generation," she had several thoughts on just what her generation has meant to America's progress and development.

So that my colleagues may have the opportunity to read this excellent speech, Mr. Speaker, I insert it at this point in the RECORD:

### SPEECH BY MISS INEZ WATSON

It is again my pleasure to have been invited to speak to this charming and promising group of young ladies. I look forward to Girls State each year and I must admit that I cherish these moments with you.

These are very hallowed halls in which you hold your meeting. I consider it a great honor each day that I am allowed the privilege to work here. I know you must feel so honored that you gather here for your session.

This is a seat of government . . . and it is a compassionate government. This is a Hall of varied opinions, yet each and everyone is channeled toward the good of the people. This is a Hall of a progressive and responsive government. And may it always be so.

Each year when you have honored me with an invitation to address you I have tried to choose a topic of timely interest. Thus I have gone through responsibility, respectability, determination and challenge and goodly amounts of God, Country and Motherhood. Last year I even took on the Women's Liberation movement. I may not always have been wise—but, like Buckeley—I have never been without an opinion.

Selecting a topic for today has been most difficult. There are too many people who have too many opinions about what is timely—about what is important—about what should be priorities of concern—about where we should place collective emphasis.

Thus—the signs of these times is not the cohesiveness that we need—but the confusion that we fear. At a time when we should be drawing closer together—we seem to be pushing further apart.

Chants, songs and slogans of love have made us suspect. Instead of love—there is even hate. We are forming opinions and making decisions amid a background of haste and without a knowledge of or foundation of a proper concept of history or humanity.

We have been caught up in an unreal popularity of pollution, politics and protest. And there is the very real threat that the commitments we make today—in haste, in confusion—will be the convictions of generations of tomorrow.

Ecology has caught our eye and our attention. The natural balance of nature is being sold as if it has just been discovered. We have been sensationalized with statistics and fish kills, oil slicks and the ivory-billed woodpecker. And our judgment on these and many other matters has been warped by the urgency which comes from the hue and the cry of those who espouse the causes.

Politics generally has degenerated into a me-tooism and a one-up-manship battle of questionable lasting value. Chants for equalities have resulted in gross inequalities.

In protest we have splintered ourselves and our purpose and thus have seriously threatened our effectiveness.

It is time—it is past time—for reflection.

America did not become great because it sniffed flowers—but because our forefathers planted gardens. Reasonable debate produced the Constitution which has charted this nation's course to greatness. It was not the result of a protest march.

I imagine at this point that you have gotten the point that I am protesting the protestors—I am criticizing the critics—I am fed up with slogans, labels, and the liberties which have been taken with my liberties, with my freedoms, and with my right to be a good citizen.

And that I think—is the ultimate challenge and it should be the ultimate—and the common goal. Being a good citizen and within the framework of what has been recognized as practices of good citizenship lies the answers and the solutions to all our problems.

I would like to pass on to you some of the remarks of Charles Gould, publisher of the San Francisco Examiner, which parallel my feelings at this moment:

I am unalterably opposed to those who desecrate our Flag, denounce our Constitution, and extoll the virtues of Godless ideologies of other lands.

I protest those who campaign and petition and parade for individual rights but have no tolerance for the rights of those who oppose them.

I protest those who profess to champion peace but resort to terror, violence and blackmail to make their points.

I protest those so-called men of God who sow seeds of conflict and encourage disrespect for temporal law and authority.

I protest broadcast commentators and newspaper writers who feed the flames of fear by allowing rumor, guesses, speculation and conjecture to masquerade as fact.

In short, I protest those group and individuals within our country who champion any system at variance with the basic concept of equal rights and opportunities—and equal responsibilities—that must be the hallmarks of our way of life.

Words we hear today disturb me. People refer to a "Generation Gap" and in so doing imply that my generation, and those before me exercised no wisdom and no foresight and no proper understanding of the problems of the world, of the nation—of the state and even the county and city.

The other word is—relevant. What is relevant? Who is relevant? Is a new industrial plant relevant? Are schools relevant? The list of questions is endless. But we should ask ourselves—are they really relevant?

I have no apologies for my generation and I do think we have not been relevant.

As Mr. Gould points out—In one generation we have conquered and controlled diptheria, small-pox, typhoid, polio, measles, tuberculosis and pneumonia. No longer do these ancient scourges sweep across our land leaving deaths and tortured limbs and minds and hearts in the wake.

We have built more schools, colleges, hospitals, libraries than any other generation since the beginning of time. We have trained and graduated more scientists, doctors, surgeons, dentists, lawyers, teachers, engineers and physicists than did our forebears for a thousand years before. We have raised our standard of living and lowered our hours of work.

The list is endless and in reflection becomes a standard of service that your generation and those to come, might do well to follow and try to exceed. But you cannot do it divided—it must be done together. It cannot be done by those who teach and preach dispair and disunity. It cannot be done at love-ins or hate-ins.

It can be done within the framework of good citizenship; by millions of unsung heroes who are doers with hope.

It has been written—And the young men shall dream dreams and the old men shall see visions. But where there is no vision, the people will perish. And so it will remain throughout the ages.

Nations need the dreams of its youth—the energy of its youth—and the enthusiasm of its youth—but it must be channeled by the counsel of the elders.

You will find that if there is such a thing as a generation gap it is caused by those who refuse to listen to seasoned counsel and found their false faiths on flimsy threads of idealism devoid of the very necessary realism.

There is still work to be done and challenges to be accepted. There are hopes to realize and goals to be met.

Dream your dreams—and do your part.

## RELIEF FOR GREAT LAKES FISHERMEN

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. ASPIN. Mr. Speaker, I am requesting the immediate ban on the use of DDT, coupled with a review of permissible levels of DDT now allowed in Great Lakes fish. In addition, I am taking several other steps to relieve the economic plight of fishermen in Lake Michigan and others of the Great Lakes.

I am writing to Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency, stating that "the continued use of DDT is utterly inconsistent with DDT levels which are found in Great Lakes fish."

I find it difficult to understand why the Food and Drug Administration, on the one hand, bans the sale of fish with over five parts per million of DDT, while the Environmental Protection Agency, on the other, refuses to eliminate all interstate shipment of DDT. There should certainly be a more uniform policy so that there is no need for further seizure of Great Lakes fish.

Mr. Speaker, the Environmental Protection Agency for some reason has chosen to use the "cancellation" method to deal with the DDT problem. This allows continued shipments of the pesticide while a lengthy administrative process is underway. I am asking Mr. Ruckelshaus to use instead the "suspension" process, which would immediately halt interstate shipment of DDT. Is it not better to stop the use of DDT than to put an entire industry out of business?

I am also requesting the Food and Drug Administration to investigate the current permissible levels of DDT in fish. I am writing to Mr. Charles C. Edwards, FDA Commissioner, stating that I think we should reexamine the five parts per million limit to see if it is a realistic one. It may be that this limit should be modified in view of the actual consumption of fish caught in the Great Lakes.

I believe that the FDA should also investigate DDT levels which remain in the edible parts of the fish. While the five-parts-per-million level might be exceeded as to the entire fish, once it is cleaned and made ready for eating, it may be that the DDT level is much lower, and the fish are no longer injurious to health. I do not understand why the Department of Agriculture measures DDT concentration in meat only in the final product which reaches the consumer, while the Food and Drug Administration tests DDT levels only in raw, uncleaned fish. These practices seem highly inconsistent, and I believe that they should be fully explained.

I am also contacting the Small Business Administration to see what relief is available for Great Lakes fishermen who are now unable to market their catch because of DDT concentration. I will seek to have the Great Lakes area declared an economic disaster area, which would then qualify fishermen for SBA relief funds. The Government should certainly provide funds to ease the economic burden in which many fishermen find themselves today.

In addition, I am asking the distinguished chairman of the House Select Committee on Small Business to look into the matter of providing economic disaster funds for the Great Lakes fishermen.

Mr. Speaker, the fishermen in Lake Michigan and others of the Great Lakes are finding it increasingly difficult to stay in business because of conflicting and confusing governmental actions. I believe that we must seek clarification of EPA's policy of permitting DDT usage, and of FDA's apparent refusal to reexamine DDT levels in Great Lakes fish. At the very least, if no other relief is available, the Small Business Administration should provide funds for the hundreds of fishermen who are now unable to pursue their livelihood. I am hopeful that some solution can be found to this problem as soon as possible.

## TOM STEED RESERVOIR BILL IS INTRODUCED IN HOUSE

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. EDMONDSON. Mr. Speaker, four of us in the Oklahoma House delegation—Congressmen JOHN JARMAN, PAGE BELCHER, JOHN HAPPY CAMP, and I—have today joined in introducing a bill to name Oklahoma's Mountain Park Ressservoir the Tom Steed Reservoir, in honor of our beloved and distinguished colleague, the Honorable TOM STEED.

The bill will give much deserved and long-due recognition to an outstanding legislator who is the unsung hero of every major water project that has been funded in our State for 20 years.

TOM STEED has been a key figure in the fight for appropriations for scores of flood-control projects, watershed development projects, and our great McClellan-Kerr navigation system.

He richly deserves the recognition to be afforded by the proposed legislation, and I feel sure it will be overwhelmingly approved by the Congress.

## TAX RELIEF FOR HOMEOWNERS

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. PRICE of Texas. Mr. Speaker, on June 10, 1971, I introduced the Homeowners' Tax Relief Act of 1971. Joining with me at that time were 33 other like-minded Members of Congress. By introducing the bill, I hoped to provide a new focal point for tax reform; namely, our Nation's beleagured homeowners.

That this focal point is a significant one is evidenced by the fact that since I introduced this proposal, I have been contacted by homeowners in more than a dozen States, and pledges of support are flowing into my office in ever-increasing numbers.

Mr. Speaker, today I am reintroducing the Homeowners' Tax Relief Act with 11 additional cosponsors: Mrs. ABZUG, Mr. COUGHLIN, Mr. DENHOLM, Mr. DUNCAN, Mr. HORTON, Mr. LEGGETT, Mr. MELCHER, Mr. MORSE, Mr. WYDLER, Mr. ZWACH, and Mr. MILLER of Ohio.

Bit by bit this proposal to provide substantial and comprehensive tax relief to our Nation's homeowners is gathering momentum. I hope now to enlist the assistance of private and public organizations and concerned individuals in the hopes of helping to organize a tax reform movement which will have as its goal nothing less than providing each and every taxpayer with true tax justice.

For the benefit of my colleagues' information, I am enclosing excerpts from several letters I have received concerning this issue.

The letters follow:

MEMPHIS, TENN.—"We hope you can get enough support for passage of this bill. We are writing to our Congressman to ask for his support for this bill."

MIAMI, FLA.—"We work many years to buy a home, spend a great deal of our free time in keeping it maintained and what we can not do ourselves we pay to have done so that we can have pride in it. We take a great interest in local affairs and what happens to the community and we do not object to fair taxes. It does not seem fair, therefore, to reach a point where one can be forced to have to give up his home because he simply cannot keep up with rising taxes and repairs with no help at all."

WACO, TEX.—"Why does it never occur to Congress (and other legislative bodies) that business and industry enjoy lots of advantages that the harassed middle-income home owner cannot. Businesses can depreciate everything from pencils to trucks to immense plants and lots of 'vital' travel and other expenses; while the poor average home owner gets soaked more daily for ad-valorem taxes by every governmental entity from the precinct to the Congress; and he cannot depreciate, for example, the full cost of educating a child who will go on to become a contributing citizen."

HOUSTON, TEX.—"I sincerely hope you can gain enough support to bring this into reality. Thank you for your efforts in behalf of the home owner and the 65 year olds."

YORK, PENN.—"My friends and I heartily endorse your proposal giving home owners tax depreciation and home repair/upkeep allowance with IRS. Indeed, it is way overdue."

SAN FRANCISCO, CALIF.—"As a young couple with a large mortgage and whose parents are retired and living in their own paid for home, we are most interested in seeing legislation of this type enacted . . . Our sincere wishes for your continued success and efforts in behalf of citizens like ourselves who have a big stake in our society."

## SPACE PROGRAM NEEDS METHODICAL PERSISTENCE

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FUQUA. Mr. Speaker, this Nation needs a broadly based program for the exploration of space. To do otherwise will be a step backward for a great land.

Unfortunately, we have reacted with emotion in our space program—funding a massive program to compete with the Russians after sputnik, and after getting to the moon, failing to remember what our purpose was to begin with.

The Florida Times-Union of June 8, 1971, had an editorial with which I agree with entirely which expresses my thoughts on this matter and I am inserting it here so that others might read what they said at that time:

#### IN SPACE: "METHODICAL PERSISTENCE"

The U.S. space program remains alive, as the House literally shouted down efforts to kill the space shuttle and the two final Apollo moon flights.

But perhaps the most significant omen for the future is not the outcome, which was far from unexpected, but rather the way it happened—the overwhelming voice vote (to retain the shuttle and flights) and final approval of the overall NASA appropriation by a nearly five-to-one majority.

Notably, this happened before the Russians achieved the first orbital space laboratory, not merely in response to it. This indicates a sort of "second generation" attitude toward space, which bodes well for the future.

Ever since the "moon race" was won, we haven't really seemed to know exactly where we were going, or when, in outer space.

In the inevitable and understandable "letdown" which followed the moon landing, several voices of warning were raised. For one example Dr. Foy Kohler of Miami, a former U.S. ambassador to Moscow who has conducted an intensive study of U.S. and Soviet space programs, raised this point:

". . . One weakness of this country is that it does not have the same methodical persistence that the Soviets do.

"The immediate question is whether we can today fashion a rational program in science and technology for ourselves for the future, or whether we are again to wait until some new spectacular Soviet breakthrough (like Sputnik I) forces us into a 'crash program' . . ."

In other words, Dr. Kohler was asking, are we going to simply slip behind when the pressure is off, only to have to spend extravagantly to "buy time with money" at some future date?

The action of the House would indicate such will not be the case.

The efforts to close down the Apollo program early were countered by the point that the savings realized would be offset by the high cost of starting all over again if the timetable were interrupted.

The Soviet space program, as noted, proceeds with "methodical persistence," unhampered by national debate. What the House has said, in effect, is that ours, even with free debate, will have a degree of both method and persistence.

By so doing we not only can save future massive outlays, which would result when we were "hopelessly behind" again, but it may well prevent our getting in that unenviable position and facing a decision on whether or not to give in to nuclear blackmail from space.

## AMENDMENTS TO END THE WAR

### HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. HARRINGTON. Mr. Speaker, we are engaged in a wasteful, immoral, illegal, and unjustifiable war abroad. While we have widely recognized this fact, we have taken no firm stand on ending our involvement in Southeast Asia. Instead, we tacitly accept as progress the piecemeal withdrawals of the administration's Vietnamization program. Each vague and half-hearted administration promise is reversable if there is a upsurge in enemy activity. Reliance on these promises as sincere and real means to arrest our military action is a sign of congressional weakness and a neglect of congressional responsibility. I urge my colleagues to seize this opportunity to express their desire for a certain departure from Indochina. We cannot refuse to heed the hard learned lesson of the past decade that sheer military strength and intervention into the affairs of other nations cannot bring about solutions consistent with either self-determination or our own national interests.

Congress has permitted itself to become the weakest branch of the Federal Government. Day by day, the strength of the executive branch has grown and left Congress in its shadow. Sadest is that we are doing nothing about it. The tendency of Congress to surrender its war powers to the President has convinced me that we are in danger of falling into a one-man rule in this Nation on questions of war and peace. The war is undeclared and therefore unconstitutional. Both the Nedzi-Whalen amendment and its alternative, the Mink amendment, are calls for Congress to reassert its powers that the constitutional fathers intended us to wield as elected representatives of the American people.

We must speak up on behalf of millions of agonized Americans who are weary of the war and want their sons to come home. I question whether bolstering the unhealthy South Vietnamese regime is worth the price we are paying. We have talked of a nebulous commitment to support our allies in Southeast Asia. Let us talk of another commitment—one to the American people. The Government was established to serve them first and foremost. We have overextended ourselves militarily and have exaggerated our sense of mission to peoples in need of aid to the point that we have neglected our own people. We have honored our commitment, if we did indeed have one, well beyond what could be expected of us.

The burdens outweigh the benefits of the war. After losing 50,000 lives, incurring 300,000 casualties, and spending over $150 billion, our Nation has reaped no economic or security benefits. Our extravagance with limited resources has created troublesome inflation. The war has seriously divided the country, creating disturbances and revolution among the young. The alarming number of our servicemen addicted to drugs is a cost long-in-the-making but only recently exposed. Our domestic needs are so overwhelming that we need to begin binding up our own wounds. My vote for the end-the-war amendments is a vote to redirect our national energies to our homeland—our first concern.

The country is no longer interested in what we say about the war. It is waiting to see what we do. Words will not stop the bloodshed nor will they bring home the prisoners of war. POW's are not exchanged ordinarily until the war is over and certainly while 150,000 or even 50,000 troops remain in combat. Affirming our commitment to pull out of Indochina hastens their release and can hardly jeopardize it. Information now indicates that the enemy is willing to release prisoners on or before the withdrawal date, once that date is set.

Let us recognize the Nedzi-Whalen amendment for what it is. I support it not because it will directly end the war, because it will not. But I support it as an expression of concern about our continued involvement in Vietnam and an endeavor on the part of the House of Representatives to share in decisions affecting our military involvement. Since House rules require that the amendment be germane, the amendment appears weak and unsubstantive. The Mink amendment which eliminates the escape clauses of the Nedzi-Whalen amendment, leaving the path for Presidential action open in all directions, is an attempt to thwart this criticism. Admittedly, the effect of a freeze on funds for new weapons would not be felt until sometime after the December 31 deadline. As an affirmation of a sincere desire to disengaged from Indochina, either amendment is only a small step toward the end of the war. That is what I am seeking.

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## WHY I LEFT SOUTH AFRICA

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FRASER. Mr. Speaker, Mr. Joel Carlson is a South African attorney who left his country several weeks ago. His "Why I Left South Africa" appeared in the June 4, 1971, New York Times. A lawyer can do no more than expose injustice while having clients acquitted. "But in South Africa this is not enough," for in South Africa some acquittals lead to other forms of legal restraint.

A good introduction to Mr. Carlson comes from the Friday, April 16, 1971, Newsletter of the National Union of South African Students—NUSAS. I quote the brief announcement of Mr. Carlson's departure and Carlson's essay which appeared in the Times:

### JOEL CARLSON LEAVES

Mr. Joel Carlson attorney for the defendants in a number of political trials, and an Honorary Vice-President of NUSAS left South Africa last week on a British passport. Mr. Carlson will take up a lecturing post in the U.S.A.

Previously his South African passport had been withdrawn by the Government and its return refused. Mr. Carlson said that his work was being made increasingly impossible in South Africa, but that he loved the country and would return.

It has been hoped that Mr. Carlson would make a speaking tour of the campuses as the guest of the National Union in May, and his departure has come as a surprise.

Mr. Carlson is much respected on the campuses. NUSAS President, Neville Curtis said: "We regret very much that Joel Carlson has left. His work and his determination gained him many admirers, and the National Union conferred an Honorary Vice-Presidency on him at Congress last year. I am sure that he will continue to be active on behalf of the oppressed in South Africa, both now, and on his return."

### WHY I LEFT SOUTH AFRICA

(By Joel Carlson)

It is the duty of a lawyer to guard the individual against all invasions of his liberty by authority. It is his duty, too, to expose injustice, corruption and brutality. The measure of freedom in any society is the extent to which lawyers and others can fulfill these functions.

By the end of 1970 my ability to act as a lawyer in South Africa had been severely curtailed by the security police.

After I exposed security police torture of detainees, the Justice Minister used his arbitrary powers to have my passport removed. Eighteen detainees had died in detention. There was strong evidence of assaults, of electric shock and other tortures.

The withdrawal of my passport marked an intensification of the campaign to harass and intimidate me. When I used my telephone to insert a newspaper advertisement for the sale of my car (not giving my name or address) my car was shot up and extensively damaged hours later. My office and phone (and my bedroom too) were bugged. Privacy was impossible.

More difficult were the threats to my wife and children. There were the late-night abusive telephone calls and death threats. A Molotov cocktail was hurled at my study. My office was shot up. One morning I opened my mail to find a bomb in a book. Poison-pen letters named me Communist, capitalist Jew and extorter. Security police subjected some of my staff and clients to interrogation. This was coupled with handsome cash offers and threats of reprisals if the offers were rejected. One secretary suffered such reprisal and left the country with her family on a one-way exit permit.

These people were tainted only with the guilt of association with me. My efforts to protect them led to their being subjected to more frequent and longer hours of interrogation by security police.

And there was the ever-present threat of the 2 A.M. knock on the door and detention. I knew only to well the horrors of this. Three widows had come to me for help after their husbands had died in detention. I had first-hand knowledge of police methods of interrogation. Persons detained were held incommunicado, in solitary and indefinitely, at the pleasure of the security police. I prepared for this with my wife. We planned what was to be done at home and in my office. Each night I put next to my bed toothbrush and shaving cream, which could also be used for lice and bugbites. I kept by my bedside a Bible presented to me by sympathetic churchmen and hoped I might be allowed that book in detention. I waited. But the plan was not to detain me, but to destroy me by smear.

It became clear that the battle I had begun 25 years earlier was fast coming to an end. My energy was spent in protecting those close to me and in keeping sane. The rest went to cases that were won in court but lost to arbitrary administrative action by security police.

In 1969 about 100 people were detained under the draconian Terror Act. Some six months later 22 of them were charged in a special court under the ambiguous "Communism Act." When we exposed in court the weaknesses of the state case, the torture of both state witnesses and the defendants, the Attorney General withdrew the prosecution. As the judge solemnly acquitted the 22 defendants the security police waited.

When the judge left the bench, they acted. The defendants were surrounded by armed police guards and redetained under the Terror Act. More than a year later they were again charged—this time under the Terror Act.

Another special court ruled the charges to be the same as before and again acquitted the defendants. The state unsuccessfully appealed but the security police did not await the outcome. All those acquitted were served with 5-year banning orders. Some were house arrested and all deprived of the enjoyment of the company of their family or friends.

Punishment without trial—a regular feature of life in South Africa—and of people judged innocent was never so blatant. What more can a lawyer do than expose injustice and have clients acquitted? But in South Africa this is not enough.

The struggle for me inside South Africa was over. My wife and four young children deserved a better life and, perhaps, I too could contribute from abroad. I applied for the return of my passport and when once again it was refused I devised ways and means of leaving with my family. But that's another story.

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## VETERANS' ADMINISTRATION HOSPITALS

## HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BROYHILL of Virginia. Mr. Speaker, in recent months considerable attention has been focused on the care veterans receive in Veterans' Administration hospitals. All too often our opinions are formed on isolated cases reported to us by the news media. Yet the VA with its thousands of employees treat hundreds of thousands of veterans each year in ways often unpublished.

In this connection, I commend to your reading a letter recently sent to the Honorable Donald E. Johnson, Administrator of the Veterans' Administration in which Comdr. John S. Hoover, U.S. Navy, retired, of my district, describes the treatment he received at the veterans' hospital here in the District of Columbia:

ALEXANDRIA, VA.,
*June 10, 1971.*

Hon. DONALD E. JOHNSON,
*Administrator of Veterans' Affairs,*
*Washington, D.C.*

DEAR MR. JOHNSON: During the past 30 years, while on active duty, I had heard rumors of the deficiencies and shortcomings of the VA hospital: patients are ignored, equipment is archaic, doctors are unprofessional, nurses are heartless, etc., etc., etc. I want to report to you that those rumors were laid to rest within two hours last week. Reporting on June 3, 1971, to the VA hospital, Washington, D.C., for disability determination, I handed my orders to a Mr. Howard F. Stewart at the desk; in a few minutes their system took charge. Mr. Stewart personally escorted me to the laboratory where a technician politely and efficiently did her job. Next, Mr. Stewart escorted me to internal medicine where I was examined, interviewed, and reassured by a warm, professional, and interested physician, Dr. Lloyd. During his examination, Dr. Lloyd sought a consultant skin specialist, Dr. Fischman, to examine me while I was conveniently disrobed (solely to preclude my having to make another stop). After the examination, Dr. Lloyd personally escorted me to the next event, the surgeon, Dr. Brall who showed me the same degree of interest and courtesy.

You can understand, Mr. Johnson, that by this time I was incredulous: hospitals just are not supposed to function in such an efficient and personal manner. But that isn't all: I went to be X-rayed, and in a few minutes a full set of films was taken by a slip of a girl who had the same cheery and interested demeanor that I had observed in the other hospital personnel.

What a fine experience it was! The hospital is a credit to the Nation, and those people with whom I had contact are a credit to the Veterans Administration. Congratulations.

Sincerely yours,
JOHN S. HOOVER.

## BARGELINES ACCELERATING DECENTRALIZATION OF INDUSTRY

## HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mrs. SULLIVAN. Mr. Speaker, all transportation systems seem to be facing problems today and attempts are being made to provide better service in a number of areas.

It has been called to my attention that the bargelines are accelerating decentralization of industry, and in this connection Mr. Thomas J. Barta, executive vice president of the Valley Line Co. of St. Louis, spoke recently at the University of Tulsa. So that my colleagues can share Mr. Barta's thoughts on this matter, I am inserting his remarks in the CONGRESSIONAL RECORD at this point.

Mr. Barta's remarks read as follows:

### Common Carrier Barge Lines Look to 50 Per Cent Increase in Capacity Over Next Decade

It's a pleasure to be here in Tulsa to talk about the marketing implications of the creation of the fifth dimension in transportation—the canalization of the Arkansas-Verdigris River system. You've had rail, truck, pipeline and air—and now comes water transportation.

At last you have them all and that full choice I think is the single most important development. High on the list of the factors governing plant location for the basic industries is the question of alternative means of transportation—whether, to put it bluntly, there is competition among the various modes so that the best efficiencies of each are available. The plant location experts are practical men; they want to see a competitive struggle for the traffic of their plant. The existence of low-cost water transportation brings with it water-compelled rail rates as well as the potential for water-truck and water-rail coordination. Out of this interaction of the different modes comes a healthy climate for any industry which must reach far out for its markets. Barging extends that reach by thousands of miles.

Let me first clarify some fundamentals so that you have a framework for thinking about barging.

Basically what we sell is low-cost transportation for those commodities adapted to barging. Mile for mile we approach the economics of a large pipeline; a large pipeline will only beat us when it cuts straight across country. The barges, of course, follow a winding and sometimes circuitous river. Looked at in another way, $1 will take a ton 330 miles along a river, 70 miles by rail and 14 miles by truck. It takes less energy to move a ton of freight over water than by any overland means of transportation. Try moving a pleasure boat in the water with your hand and compare the energy you expend to that of hauling it on a trailer. The difference in energy required is reflected in the barge rate, which normally tends to be one-quarter of the rail rate between the same points. That's money in the bank for any shipper.

But there's a catch to it. Instead of a truckload or a carload—30,000 pounds or 100,000 pounds—shippers must think in terms of a minimum of 300 tons and usually 1,000 to 1,200 tons in one barge. So that excludes lamp shades, electric light bulbs, TV sets, watches, and similiar commodities which are best shipped by truck or air.

About 10 percent of the inner-city freight is transported by barge. Steel, paper, chemicals, grain, coal, fertilizers, molasses, sugar, petroleum, building aggregates, and many other basic commodities move by barge. The barge lines receive in revenues about half of one percent of the Nation's freight bill for doing about 10 percent of the work. That's why, whenever navigation is the topic in the halls of Congress or anywhere else, the conclusion is quickly reached that the economy needs more of that low-cost barge transportation.

How much the rail and truck freight rates are influenced by the barge lines has never been determined. But, judging by the frequent calls we recieve from many famous companies, inquiring as to the barge rate, we know we're popular and that water-compelled rates by other modes are among the most valuable economic assets of any community.

A word about productivity. Our company, the Valley Line, pioneered the trend to larger and more powerful towboats. The Valley Line, in 1955, bought the first 6,000 horsepower towboat. It is capable of pushing 30 to 40 thousand tons of freight up and down the rivers. The river industry has gone from 500-ton barges to 1,000-ton and now 1.800-ton barges. The industry puts a lot of money into scientific research in testing basins to determine the most efficient configuration of a tow. Knowledge has accumulated over the past 15 years; the productivity trend is good and looks good out ahead as the present nine-foot channels are replaced by 12-foot channels. Today average rates are lower than in 1960—a truly remarkable achievement. Only recently, in the face of galloping inflation, have barge rates turned up after a steady decade of declining average rates. Five years ago, a 1,400-ton covered hopper barge cost $61,000. If I were to buy one tomorrow, it would cost about double. Wages are up; everything is up. But I do guarantee you this, the water carriers may have to raise rates in the face of inflation, but water carriers' rates will always be among the most anti-inflationary forces in the economy.

Let's talk about common carriers—ICC-certificated common water carriers. There are fourteen of them serving the Arkansas. Together they cover the entire Mississippi-Ohio river system connecting Tulsa with every port on 25,000 miles of river system. Is it a reactor vessel for a nuclear power plant you want to bring out of the Delaware River? Common carriers will do that complicated job. Is it a missile on its way to the moon? Common carriers take it from Huntsville, Alabama, to Cape Kennedy.

Common carriers are the lines with the responsibility for providing service week in, week out, month in, month out, year in, year out on commodities of every description adaptable to river movement.

Barge carriers may be divided into the generalists—those who handle all commodities, the common carriers—and the specialists, those who specialize in, for example, coal or grain or chemicals.

The certificated common carriers handle all commodities including the so-called regulated freight which is defined by statute as those commodities subject to transportation mark or count. You can count the bundles of steel rods, the number of steel pipes, the bags of sugar, the rolls of newsprint paper, the bundles of scrap, and similar commodities. If it can be counted—it's regulated. You can't count coal or grain or sand and gravel. Although a very able member of the House Interstate and Foreign Commerce Committee, John Bell Williams, now governor of Mississippi, observed some years ago that if we were not careful the Supreme Court would have us counting grain. But if you can't count it, it's unregulated.

The rationale for this distinction, which must sound odd to many who study barging for the first time, is that when, in 1940, water carriers were brought under regulation, the objective was to regulate only those aspects of barging and lake carriage which were considered competitive with regulated railroads and regulated trucks. The solution was to invent a sort of generic classification for those commodities which were competitive at that time and exempt all those which were not. Included in the exempt classification were the dry bulk traffic and the liquid bulk traffic. As a result we have this highly complicated situation in which about 10 per cent of river cargo rates are regulated by the ICC—meaning that rates cannot be changed except on 30 day's notice and that rates must be published and are subject to protest and suspension. On 90 per cent of the traffic, rates are subject to negotiation and may change hourly—literally do change hourly sometimes on grain. They are also secret.

It's a messy situation. The railroads are now highly competitive on grain, chemical and other bulk traffic and they complain—we think quite rightly—that regulation is unequal. The common carriers and the railroads last year jointly proposed that at least dry bulk rates ought to be published. There was agreement that if rates were published competition would be more equitable and more vigorous.

A bill incorporating the rail-water proposal passed the House. It was rejected in the Senate, but rejected in such a way that the Department of Transportation now has the responsibility of recommending a solution to the "equity" problem. Personally, I think there are going to be changes in the present situation in the next few years in the direction of more equity in regulation between rail and water carriers. This may not be comfortable for either mode, but it will be good for you.

We've staked out our position. It is simply this: government intervention in intermodal price competition is only justified when the more efficient carrier, as determined by objective tests, is shut out of the competition by the less efficient carrier by means of tactics readily recognizable as an abuse of economic power. The basic public policy objective can best be stated negatively: the more efficient carrier should not be precluded from competing for the business by tactics having nothing to do with relative efficiency. We have to face up to a definition of efficiency, of course. Relative efficiency can only be measured by comparing the full costs incurred by the different modes in performing the job. No form of partial cost can serve as a measure of relative efficiency. All that will come out in testimony before the Congressional committees charged with the duty of taking the various proposals for reform and shaping them to a public interest conclusion. I think we can expect changes.

The greatest advantages of barging, of course, come to those farsighted companies which locate their plants on water. But the river economies can reach quite a long way from the river bank. Our company and others are always happy to make a study of total transport costs and make a recommendation as to the relative economics of combining barging with some other mode.

For example, recently we studied a movement of a huge boiler from the West Coast to Pennsylvania. It couldn't move east of St. Louis by rail because of dimension limitations on the railroads. The only alternative seemed to be via intercoastal steamer. We worked out a combination of rail and barge and saved the shipper $75,000. We have also worked out water-truck movements with savings up to 40 per cent.

I could cite other examples, but the basic point is that if you bring us your problem, we can, as experts in transportation, work out alternatives and may well be able to save you very substantial sums of money.

The typical barge line is a small operation with none of the usual bureaucracies of very large companies. We can get to the heart of the matter fast and give shippers decisions without delay.

A major campaign of our industry over the past three years has been to sell the railroads on the advantages of sharing in water transport savings by joining the best efficiencies of railroading and of water transportation. Studies we have made indicate over-all savings to shipper of from 10 to 50 per cent are possible on rail-water movements. There also exists an opportunity for higher earnings for the rail carrier than it could achieve by connecting with another railroad.

Railroads have been reluctant to join forces with water carriers, but the advantages of using the most efficient combinations of both modes are so overwhelming that I believe we will see much more voluntary coordination between rail and water carriers in the future. Already some important new movements have started and more are under discussion. The climate is improving. Common carriers, of course, hold certificates of convenience and necessity and can make through joint rates with railroads and motor carriers. The ICC even has the power to prescribe reasonable joint rates from lake and river ports by rail. This area for potential improvement in efficiency and productivity and the lowering of over-all transport costs is getting more and more attention. If the railroads refuse to become "willing partners" of the barge lines, the Commission has the power to make them partners anyway.

The idea of improving rail-water coordination makes even more sense in the light of the expansion of transport facilities needed in the next decade. According to the Department of Transportation, the transport industry will have to increase its capacity by about 50 per cent if the needs of the economy are to be met. Barge lines have in fact increased their capacity by 64 per cent over the last decade and hence are well aware of the financial strain involved in such an achievement. We expect to increase our capacity at least by 50 per cent in the next decade. Expansion of this order requires hundreds of millions in new investment and that investment ultimately has to be founded on adequate earnings.

But the way to stable rates and even, in the long run, lower rates, may well be higher rates now, paradoxical as that may sound. An investment by shippers in rates that will produce adequate earnings will develop a "return" in improved carrier productivity. Transport companies which do not make adequate earnings are condemned to continuing to employ obsolete and costly techniques. They do not have the money to buy the latest in money-saving productivity. Fortunately for barge shippers there's a lot of improved productivity to buy in the years ahead.

Those in the marketing field would do well to pay increasing attention to the obligations we all have to help solve the problem of pollution associated with transportation. State and federal authorities are under heavy pressure to clean up the environment and the common carriers are taking a leading role in experiments leading to proper control of water pollution. Experimental equipment on several towboats has as its objective returning water to the river in better condition than it was taken out. Other towboats are rapidly installing holding tanks for waste fluids. I have no doubt that suppliers of barge lines which now deliver fuel will soon have the added job of removing wastes and garbage.

As this program takes shape, it is going to be essential to develop agreed standards among the states so that the barge lines are not faced with contradictory and confusing regulations as they move from one state to another. Nor would it be right to impose a double standard, requiring more of the barge lines than is required of communities and industries along the river banks. All these are important details; the most important point to make is that the barge lines want to get this problem behind them as rapidly as possible.

More intensive training of crews at such places as the Arkansas River Academy at Helena, Arkansas, will result in higher competence of river crews and fewer accidents. Our company has for many years believed that licensing of pilot house personnel for all river barge lines is overdue. All our crews are properly licensed. Our constant emphasis on safety has been recognized by insurance companies in a tangible way. Doing the job right, therefore, represents both sound public policy and sound business policy.

There will be costs associated with preventing spills at terminals and installing other measures to improve the environment, but they are going to be worth the price. The key objective, of course, must be to make requirements uniform throughout the river system and standardize the equipment necessary so that it can be mass-produced at the lowest possible cost. The common carriers are pledged to accelerate their efforts in this field. We are discarding single-skinned barges, for example, and replacing them with double-skinned barges which are, in effect, a tank within a tank. The single-skin tank barge, when damaged, leaks its cargo directly into the river. It should be phased out and replaced, as we have been doing, with double-skinned barges. Damage to the outer skin leaves the cargo intact.

The shippers and the barge lines know what needs to be done. We are getting on with it. It may be that some will wait until they are forced into it, but I personally think that would be poor business and public policy.

This much is true. Because it takes less energy to move freight on the rivers, the barge lines inherently should be the mode of transportation which creates the least pollution—air, noise, and other forms of pollution. We believe this is the case today. We want to keep it that way.

We see a busy decade ahead. As the economy grows, there is a pronounced shift of industry toward the savings that come from large scale operations and the use of the most economical techniques. That means including water transport wherever possible.

A most interesting new development is the LASH barge concept. A huge mother ship shuttles between New Orleans and Europe on a fast schedule. Between schedules, her 400-ton capacity lighters travel up and down the rivers picking up and discharging cargo. On the other side of the ocean they travel up and down the European rivers. As you know, the European economy is even more river-oriented than ours, so that the potential for the exchange of cargoes at costs which eliminate warehousing and port transfers on both ends cut down on insurance and loss, and speed the movement of goods is quite exciting. It will bring a new type of traffic to the common carriers—traffic which has not seen the river since the steamboat days—everything, in fact, from clothespins to farm machinery.

Water transport has an exciting future in this country. Industry is increasingly locating and expanding along the rivers. This is contributing most significantly to the decentralization of economic activity. The country would benefit from a gradual rearrangement of industry and could solve its urban problems more quickly if decentralization were to be expedited. Low-cost river transportation is a powerful force promoting decentralization to the benefit of those communities which have that fifth dimension—river barging.

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## TRIBUTE TO VETERANS OF THE 66TH INFANTRY DIVISION OF WORLD WAR II

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. ROE. Mr. Speaker, meeting in convention at Atlantic City on June 25 through June 27 will be the veterans of the 66th Infantry Division of World War

II fame. Governor Cahill has issued a proclamation designating Saturday, June 26, as 66th Infantry Division Day in the State of New Jersey, in recognition of the record of valor established in combat by the division.

Activated on April 15, 1943, the three regiments of the 66th Infantry Division reached England during November and early December of 1944. On December 24, Christmas Eve, the division embarked to cross the channel, destination Cherbourg. A German torpedo detonated into the transport as it made the crossing; 762 brave men of the division were lost.

After debarkation, the 66th was attached to the 12th Army Group, 12th Army Group Coastal Sector, with operational control of all French forces in the area. On December 29, 1944, the 66th relieved the 94th Division in the Brittany-Lorie area. The division's mission of containing the enemy in the St. Nazaire and Lorient pockets was carried out by daily reconnaissance patrols, limited-objective attacks, and the maintenance of harassing and interdictory fire on the enemy's installations.

The 66th repulsed a heavily mounted German attack near La Croix on April 16, 1945, and strongly emplaced enemy positions were taken during the days of fierce fighting that occurred between April 19 and April 29. Fifty thousand enemy troops, in the Lorient and the St. Nazaire pockets, surrendered to the division when hostilities ended on May 8, 1945. The division had freed 180,000 French civilians and liberated 850 square miles of France in the Brittany Peninsula. All of these achievements were attained at heavy and tragic cost; the division suffered 2,250 casualties.

The 66th went to Marseilles from Coblenz, late in May, and sailed for home on October 27, 1945. Arriving in the States on November 6, it was inactivated on November 8, 1945.

Its shoulder patch had been a red-bordered circle, having within it a panther's head, black, against an orange background. Thus it is that the reunioning veterans at Atlantic City are organized as the "Panther Veterans," men feared by their country's enemies in time of war and admired and respected by their countrymen at this convention time set aside for recollection, remembrance of departed comrades, and reaffirmation of the principles of patriotic performance of duty.

On the 28th anniversary of their outfit's activation, I salute the Panther Veterans of the 66th Infantry Division.

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## HOMEOWNERS' RELIEF PROVIDES "TAX JUSTICE"

## HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. COUGHLIN. Mr. Speaker, there is no question that real estate taxes have become an increasingly oppressive burden of our Nation's homeowners. In view of this fact, I am joining over 40 of my colleagues in cosponsoring the bipartisan Homeowners' Relief Act of 1971, originally introduced by my distinguished colleague from Texas (Mr. PRICE).

This act underscores my deep concern for "tax justice" and would be especially helpful to homeowners of low and moderate incomes, and to those on fixed incomes, such as pensioners. By allowing annual deductions of up to $1,000 for home repairs, and giving other special benefits to homeowners 65 years of age or over, this legislation recognizes that the real estate tax burden falls particularly hard on those with low and moderate incomes. Homeownership is being penalized both by rising State and municipal real estate taxes, by the inflationary costs of purchasing homes, and by tax regulations that inhibit those of moderate means from buying homes.

A study last year showed that at least 3 million households, most of them owned by those in low-income brackets, paid more than 10 percent of their yearly income in real estate taxes. Although such taxes account for about 85 percent of all tax money collected locally, there is still heavy pressure to raise these levies to pay for the increasing costs of schools, police, and other local services.

In a 25-city survey, average city real estate taxes—much of them collected from low and moderate wage earners—accounted for some 70 percent of all taxes collected. The study, noted above, points out that real estate taxes in the suburban and rural areas, where there may be little commercial or industrial development, are very high, up to 85 percent, which I cited earlier.

Referring specifically to the cities, Milwaukee ranks first in percentage of income paid in real estate taxes. The percentage is 10.7 for persons in Milwaukee earning $5,000 yearly. Other cities follow the Milwaukee pattern, with the actual percentage paid by the people in this wage bracket about the same as that paid by those making $15,000 annually. There is as much as a 2-percent drop in total percentage of income paid for real estate taxes when salaries rise to $25,000 annually.

The Federal Government must exert initiative in both stimulating homeownership and providing a needed measure of tax justice to homeowners through reasonable tax incentives. The cure-all and end-all was not the Tax Reform Act of 1969 alone, which I gladly supported, but must be a continuing effort in reforming our tax laws.

The Homeowners' Tax Relief Act of 1971 is one more step in that direction. Individual homeownership always has been a goal for which Americans have strived and is the basis for the stability of our communities. We must do all we can to help encourage homeownership and not discourage it.

The need for action of this sort has been immense and long overdue. Congress finally has before it a bill which will hopefully extend to homeowners some of this necessary relief. I urge my colleagues to push for immediate passage of this important piece of legislation.

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## VALUE ENGINEERING CONCEPT EXPLAINED BY EXPERT IN FIELD

## HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. WILLIAM D. FORD. Mr. Speaker, the concept of value analysis/engineering was introduced to the construction industry about 6 years ago, and tested and proved on the Federal Government level by the U.S. Postal Service in 1970.

The post office experience has since served as a pattern for value engineering studies by several other Government agencies. The Postal Service was so impressed, in fact, that it initiated a value analysis/management training course last year in its Postal Service Management Institute.

An excellent history and explanation of the value engineering concept was written recently by Mr. Louis C. Kingscott, Jr., president of Louis C. Kingscott & Associates, of Kalamazoo, Mich. It was published in the May bulletin of the Michigan State Society of Architects.

Because of the tremendous potential of value engineering at the Federal Government level, I recommend it highly to my colleagues, and insert it at this point in the RECORD.

The report follows:

### VALUE ANALYSIS—ENGINEERING IN THE CONSTRUCTION INDUSTRY

(By Louis C. Kingscott, Jr.)

"We do Value Analysis/Engineering as a part of our normal Architectural and Engineering Services" most A&E firms will tell you. I said that before 1965, but my experience since has shown that this is not true. Why?

It has been six years since the concept of Value Analysis/Engineering was introduced to the construction industry. Recently, a marked increase of activity has been noted which appears to be related to the recent upsurge in prices and accompanying budget restrictions. In an effort to combat this upsurge, the construction industry is becoming more receptive to the VA/E concept.

"We have been cutting costs for years, but we don't call it value engineering," is a typical reaction when one mentions VE in most consulting firms. This is understandable since all firms are concerned in some manner with cutting costs. A question asked by many firms is, "What is the difference, besides the name, from what is being done now?"

Actually, during more than five years of activity in the VA/E profession, our subsidiary Washington, D.C. firm has developed and refined VA/E specifically for the construction industry As pioneers in this field, our VA/E approach has resulted in total cost reductions of at least five percent of total cost of ownership for many clients.

It was in recognition of our early activities in the VA/E field that prompted the United States Senate Committee on Public Works and the House of Representatives Post Office and Civil Service Subcommittee on Postal Facilities and Modernization to ask us along with others to testify before them about the potential of Value Analysis/Engineering in the construction industry. As a result of the Hearings, a number of government agencies have studied this potential and have adopted formal programs.

The present method of design for a facility involves principally the architect and/or engineer developing plans and specifications which take into consideration the design criteria of the owner.

The architects and engineers must determine which materials, equipment and methods are most suitable from the standpoint of aesthetics, economy, function and maintenance but within the standards and criteria set by the owner. Generally, the selection is done by an architect or engineer working on a particular aspect of the design. For example, the electrical engineer selects the generators and material for conductors, conduits, panel boxes, etc. The civil engineer selects the sewage and water systems, etc.

In some cases, economic studies are conducted, such as fuel selection, structural systems, and even site selections. However, in most instances, any selections or studies are made by an individual or at best, by a group of individuals within the same discipline. In some cases, a team is called together. But, normally no formal job plan is followed or full-time employees assigned to organize and coordinate activities to generate and follow through on new ideas.

In essence, what occurs is that each discipline ends up generating requirements, reviewing these requirements, establishing and modifying their particular criteria, based on the standards and criteria of the owner. This approach does not always lead to decisions which are most economical for the end function of the facility. Instead, this approach fosters or encourages economic decisions within each area with maximum safety factors deemed necessary by each discipline. Although this system is not totally without merit, it tends to sacrifice end system performance in maximizing sub-system performance. The result is that total cycle costs (total cost of ownership) are not adequately considered.

### HOW DID VALUE ANALYSIS/ENGINEERING ORIGINATE?

During the last years of World War II and the early years of the war recovery era, General Electric in its manufacturing activities noticed that some of the substitute materials they were forced to use actually performed as well, or better; and at the same time, they cost the same, or less.

GE decided they needed to know why they didn't discover these substitutes for themselves in the first place without the war forcing them to it. After digging into their usual design practices, they realized that scarcities had forced them to perform a functional analysis approach to the design of their components. And, GE's accompanying cost analyses showed them that a relatively few parts of the design represented a great majority of the high cost items. This basic observation by GE is formalized by Pareto's Law of Distribution. Pareto (1848–1923) was an Italian economist and sociologist who found that in situations where a large number of diverse elements are involved in a single unit, about eighty percent of the costs are in about twenty percent of the elements.

### WHAT IS VA/E?

Value Analysis/Engineering in construction is an objective, systematic method of optimizing total cost of a facility or system for a specific number of years. By total cost is meant the ultimate costs to construct, operate, maintain and replace a facility or system over a specific life cycle.

In simple terms, VA/E is a systematic, organized approach to obtain optimum value for every dollar spent. Through a system of investigation, unnecessary expenditures are avoided or removed, resulting in improved value and economy. The VA/E approach is a creative effort directed towards the analysis of functions. It is concerned with elimination or modification of anything that adds cost to an item but is not necessary to its needed requirements. During this process all expenditures relating to construction, maintenance, operation and replacement are considered. Through the use of creative techniques and the latest technical information regarding new materials and methods, alternate solutions are developed for each specific function. VA/E is not simple cost-cutting by making smaller quantities or using less or cheaper materials.

Lawrence Miles, while at GE, the now-recognized father of Value Analysis/Engineering by industry, and the National Society of American Value Engineers, (SAVE), formalized a management approach to develop a series of questions about certain important elements of design. This series of questions can be used in designing an electrical appliance, a building or even finding the best way to do house work. This series is called the "VA/E" Job Plan.

Thus the essential component of this organized effort is the Value Analysis/Engineering Job Plan. The Job Plan breaks down into four phases; i.e., information phase, speculative phase, analytical phase, and proposal phase.

Before the Job Plan can be utilized, the VA/E effort must seek out high cost areas having potential segments of unnecessary costs. This continuing effort should start as soon as valid design decisions have been made and end only when the client accepts the facility or product.

After a number of high cost areas are isolated and evaluated, the areas of greatest potential savings are selected for further VA/E study. Systems such as structural systems and mechanical systems are always investigated for unusually high costs. The study is conducted by a trained multi-disciplined team. This team approach has proven to be most productive.

### THE INFORMATION PHASE

During this phase four principal questions must be answered.

What is the design?

What does it do?

What is the value of the function?

What does it cost?

The first step taken by the team is to gather all pertinent information such as existing criteria, present performance, and special problems. The next step in the information phase is most important—determining the primary and secondary functions of the design and relating these functions to cost. In simple terms, primary and secondary functions are those performance characteristics that a design possesses. The primary function is the basic purpose of design. It is the function that must remain to do the job. Conceivably, all other functions might be eliminated, but the primary cannot. Secondary functions are not required to achieve the basic purpose of the design—they only aid in achieving it. If the design can be changed, the need for secondary functions may be modified or even may disappear. For example, in a typical electrical wiring system, the wire itself performs the primary function—conduct current.

The insulation performs secondary functions—protect wire, identify wire, and insulate wire. Theoretically, we could eliminate the insulation and still perform the primary function—conduct current. Quite often we find that the secondary functions cost more than the primary function.

The next step is to determine the value or worth of the primary function. This is defined as the lowest cost achievable to perform the primary function in the most elementary manner feasible within the state of our present technology, with due consideration given to aesthetics. Normally, no value is assigned to secondary functions. This value or worth is used as a guage to indicate whether or not good value is apparent in the performance of a particular function. Extreme accuracy in determining this figure is not important since it is merely used for comparison.

The final step in the information phase is to determine what we are paying to perform this function. If this figure exceeds the estimated value of the function by many times, poor value and high costs are indicated.

### THE SPECULATIVE PHASE

During this phase of the principal question to be answered is—what alternate ways can the necessary function be performed? This phase is designed to introduce new ideas to perform the basic function. Therefore, it is necessary to fully understand the problem, and, by using the problem solving or creative technique, to generate a number of possible solutions. The objective of this process is to generate a greater quantity of ideas, thereby enhancing chances of optimum solutions and higher savings.

The creativity process starts early in life for every individual and maximizes at 4–5 years of age. From then on, creative thinking is restricted due to parental and school controls, rules, regulations and social and legal requirements until many lose their inherent ability to be creative. In fact, one can become negative.

What can be done? For one thing, it must be recognized that the creative process requires an alert mental attitude and a responsiveness to change. Also, it must be recognized that regeneration of creativity can definitely be advanced through training. This phenomenon is dictated by the loop on the curve. By training and practice, creative ability can be improved by learning to recognize and overcome barriers to creativity. As one aspect of training, it is very important that such emotional blocks as the fear of making a mistake or of appearing foolish be removed in order to maintain a positive approach to creativity.

The foremost approach in value analysis/engineering creativity is the "brainstorming" technique. Brainstorming is a problem-solving conference method, whereby each participant's thinking is stimulated by others in the group. The typical brainstorming session consists of a multi-disciplined group sitting around a table and spontaneously producing ideas that might perform the required function. During the session the group is encouraged to generate the maximum number of ideas. No idea is criticized! Judicial judgment and negative thinking are not permitted.

Experience has shown that engineers, and to a somewhat lesser extent, architects find it difficult to participate in a brainstorming session. It is necessary to continually point out that any evaluation or criticism must be held under a later phase. It is only after a number of sessions that "free wheeling" is achieved.

### ANALYTICAL PHASE

In this phase, sometimes called the evaluation and investigation phase, alternates generated during the preceding phase are sifted, examined and developed into alternate solutions. The principal tasks to be accomplished are to evaluate, refine, and cost analyze the ideas and list them in order of the greatest savings.

The VA/E team must use all the sources of information available to determine if the ultimately selected alternate is truly lower cost, and perform required functions without impairing the essential quality, reliability or maintainability. An important aspect of the problem is determination of total costs. One solution might result in lower acquisition cost, but at the same time it might result in higher cost for the life of the system.

### PROPOSAL PHASE

The proposal phase, sometimes called the program planning and reporting phase, is the final step in the VA/E Job Plan. During this phase, three things must be accomplished.

1. The group must thoroughly review all

alternate solutions being proposed and document them completely to make sure that the best value is being presented and significant savings really are being offered.

2. The group must develop a sound proposal to management. In doing this, the group must consider not only to whom it must propose, but how to propose solutions most effectively.

3. Finally, the group must present a plan for implementing the proposal. This action is a critical one. If the proposal can't convince management to make the change, all the work goes for naught.

A most important fact is that the VA/E staff or team does not make the final decisions. It only recommends to the decision maker—designer, architect, engineer, or owner. Its effectiveness depends on its performance (which has been proven) and the attitude of management.

When is the best time to apply VA/E? The best time is in the early design cycle where VA/E can make its maximum impact on cost reduction. At this point, however, without accurate cost estimates, it is harder to document. But, major design decisions can be challenged and if changed, implemented without much extra work.

The most dramatic application of VA/E is when bids have exceeded the budget. This is the least productive stage but cost savings can be documented more easily. Major design changes are quite often prohibitive both from the implementation costs and the time schedule.

It is most important to note that when VA/E change proposals are accepted that the architect-engineer receive proper additional service fees for implementation.

What are some of the beneficial side effects of VA/E with our own office? Better internal communications between disciplines has resulted. It helps us to view a building as a total system as opposed to a collection of separate design solutions for architectural, mechanical, electrical, structural and civil engineering problems. It has inceased our internal efficiency. How much? By at least five percent. Many other benefits are developing continually.

Architects and Engineers, as the major decision makers, must investigate all new management tools that will provide their clients with better service. We must not be relutant to change and especially in the study and adoption of new management tools that will offer our clients the most value for their construction dollar. Value analysis/engineering is a tool.

## REV. JOHN J. LONG—GREAT PRIEST, GREAT EDUCATOR, GREAT MAN

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. McDADE. Mr. Speaker, last Friday morning, the Reverend John J. Long of the Society of Jesus died in Mercy Hospital in Scranton, Pa., and in dying, left the community bereft of a truly great priest, a truly great educator, and a truly great man.

Father Long came to Scranton with one great mission before him. He took over the position of president of the University of Scranton with an absolute determination to make a splendid university an even more distinguished one in the academic world. He brought together the people of our community in a manner we had not seen before. He gave each one of us a sense of participation in the life of that university and he gave every student in that university an enormous sense of participation in the life of the community.

Throughout the years when he was president of the university, and in the years afterward when others took on that burden, there was scarcely a project initiated by the good people of that region in which Father Long did not have a prominent part. He had a sense of dedication to the community that made the community realize that this was a unique man. He had a sense of dedication to each individual in the community that has made his loss a very, very personal loss to all of us who were fortunate enough to have him as a friend.

It is the end of most men to pass from this earth and to be forgotten quickly. Occasionally there comes along a man who leaves such an imprint on his time that he is remembered for generations to come. Father Long was such a man. In the death of Father Long, it is very difficult to extend sympathy to anyone. In his lifetime, he triumphed over death to such a degree that it seems only to be a quiet passage from the splendor of this life to the splendor of the life beyond the grave where the God he served so well awaits him.

I know that all of you, my colleagues in Congress, will join me in a fervent prayer of thanks that such a man walked among us here in America and enriched the lives of all of us.

Mr. Speaker, I insert two editorials, from the Scrantonian and the Scranton Times:

[From the Scrantonian, June 20, 1971]

#### Rev. John J. Long

The John J. Long Center on the University of Scranton campus will perpetuate for our time and beyond the name of the priest, educator and builder whose contribution to the University and the community was enormous.

As the third Jesuit President of the University from 1953 to 1963, Reverend John J. Long, S. J. presided over and gave inspirations and leadership to a decade of progress in which the physical complexion of the University was transformed. Its academic structure was expanded and improved and the institution developed an entity with a true campus atmosphere and a record number of resident students.

While the Long Center by name will keep the memory and image of Father Long high in the consciousness of all of us, the splendid building itself represents but a fraction of the advancement made through efforts carried forward, brought to fruition or initiated during the period of his stewardship.

In all, 12 new structures were erected and will stand as testimony to the productivity of his tenure. The face of extensive area of the city on the fringe of downtown was altered with the acquisition of properties on Quincy and Monroe Avenues, the Scranton State Office Building and squash court and property along Lindon Street.

A fine interworking between the University and the community helped immeasurably in opening the way for enlarging the University into the excellent asset it is today. The Board of the S. R. A. as constituted at the time assisted substantially in property acquisitions and financing and Father Long frequently expressed gratitude for the understanding and cooperation accorded the great work of building a modern University.

It was fitting that Father Long, a Philadephian whose priestly and teaching endeavors assigned him to various cities and institutions before he came here, lived out his years of retirement in Scranton and had as his last responsibility the role of advisor to the University President. Father Long found here a welcome and warmth he prized and in return he gave us the fruits of work superior in quality and structured to endure.

[From the Scranton Times, June 19, 1971]

#### Father Long Brought Us Together

The Rev. John J. Long, S. J., came to us a virtual stranger nearly 18 years ago. He stayed on first as president of the University of Scranton and then as adviser to succeeding presidents. And because of the personal holiness he brought here and his dedication to the cause he served he left this community at his death yesterday spiritually richer and much taller academically than it was on his arrival. Few men do so well.

Father Long's role in the tremendous physical expansion of the university is well known. He had much help in this endeavor because he sought it out. It was Father Long who forged the strong link between the university and the community by involving thousands of men and women in its goals and enlisting their talents and contributions in fulfilling those objectives.

Through his kindly determination Father Long was able to bring about as well the broadening of the university faculty and the advancement of the university's scholastic excellence in new fields of learning.

And he gave of himself and the university in return. His personal warmth made him approachable to those of high and low station. He was never too busy to give spiritual and paternal advice when it was sought nor to join in the furtherance of community projects. The facilities of the university were made available to the community under his tutelage for research and consultation on civic problems, for the enrichment of its secondary educational programs and for varied other endeavors.

The University of Scranton stands as a monument to the man. It was Father Long's benevolence which will live on in the hearts of men.

## THE CHOICE IS NOT BETWEEN FREE TRADE AND PROTECTIONISM

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. STEIGER of Wisconsin. Mr. Speaker, too often our discussion of international trade is restricted to language that confuses more than it enlightens. By resorting to the terms "free trade" and "protectionism," we regularly imply there is no middle ground between the two positions.

In a recent speech, Mr. John H. Esch, of Sheyboygan, Wis., has explained the fallacy in this dichotomy. Mr. Esch, president of the Leverenz Shoe Co., stresses that absolute free trade is incompatible with the role which Government must play in promoting social progress:

Today in America we can point with humanitarian pride to the legislative controls which have raised the standard of living of the American workman to the highest level in the world. American citizens rightfully enjoy the benefits of the 40 hour work week with time and one-half for overtime, the legal minimum wage, workmen's compensation, child labor laws, social security and every other benefit.

We also realize that every product manufactured in the country includes these costs in its selling price as well as the extraordinary high cost of being governed at all levels in America.

Mr. Esch maintains that the result of these social programs is to prevent the perfect operation of a free trade model, which assumes that industries compete with each other between countries on the strength of their own efficiency and technology. Mr. Esch says:

The cost of any American made commodity is higher than its foreign counterpart, even if the cost of material and processing is actually the same or less.

Mr. Speaker, I believe his conclusions form a reasonable standard for us to consider in establishing international trade policy:

Whether we wish to consider tariff and nontariff restrictions, whether we wish to consider inequalities of cost burdens, whether we wish to consider the practice of illegal dumping, or whether we wish to consider the effect of inflation on the inflexible dollar, the fact remains that free trade has been a one way street favoring our trading competitor. Our decision must be between giving away still more, settling for present inequality or providing reasonable protection to the threat of unfair competition.

I commend the speech to your attention:

### FREE TRADE VERSUS PROTECTIONISM?

When I was a boy I was intrigued by Aesop's famous fairy tale of the blind men and the elephant, and as a man I have tried to remember his lesson. You will recall that Aesop told of the blind men who sought to understand the appearance of an elephant. One, judging the elephant by his leg, assumed that an elephant must be something like a tree, another determined from the trunk that an elephant was like a serpent. The third felt the elephant's side, and thought that an elephant must be like a wall. Each attempted to judge an elephant from where he stood, and in each case it was not possible to get the complete picture from that position.

There is a great temptation to judge the issue at hand from the position of our personal economic interests. Those of us whose existence is threatened by imports can easily become inclined toward protection, and those of us who profit from exports are easily tempted to recommend a free trade posture for our country. I believe that when we stand back and look at the big picture, we discover that the truth lies somewhere in-between.

Today I would like to seek an understanding of the big picture with you, by looking at the trade question in the light of these observations:

1. The issue of free trade versus protection is an academic question, because there is no free trade, especially for Americans.

2. There is a need for movement from our selfish interests to humanitarian concern for America and Americans.

3. Several economic facts of life dictate the necessity of a moderate defense of American labor and industry.

Considering the first of these contentions, I would like to make it clear that there is no free trade and that we are living in times of growing protectionism abroad.

Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "We are not facing a simple choice between free trade and protectionism, neither one of them exists anywhere in the world."

The tendency of our country to match protectionism abroad with our own free trade inclination was described well in an interview by Treasury Secretary Connally in the U.S. News and World Report last month. Referring to our trading partners he said, "These countries have grown accustomed to our being relaxed, fairly generous, always forgiving, always easy in our dealings with them. Consequently, they have built up tariff arrangements, they have built up trade restrictions against U.S. goods, they have carved out territorial areas where they now grant preferences, and they expect us to take it and like it."

The policy that we have pursued in the years following World War II has been an understandable one. In 1946 we were sitting on nearly $25 billion in gold, we had the only viable economy in the free world, and we were generous in our trade agreements. We responded generously to the appeal of any free country in economic trouble, and in those days it was right that we should. Today we have a different situation.

My own personal experience includes a trade mission to England to purchase shoes for our company from an English manufacturer and to market our own Wisconsin made shoes in England. We had a product at the time that was in demand in England and that could have been sold in the market. I spent a day in the American Embassy and received the fullest measure of cooperation and assistance. In the end I discovered, however, that the importing of shoes from England was a very simple proposition, but I was advised that I might just as well forget the possibility of exporting to England. The conditions were far from reciprocal, and there surely was no free trade for Americans.

In September 1970 the House Ways and Means Committee published a list of nontariff barriers to United States exports in 69 countries, and should there be any real doubt in your mind about the nonexistence of free trade in the world today, I would recommend this list to you. The listing includes quantitative restrictions, quotas, tax supported subsidies, export credits, accelerated depreciation, insurance against loss, and outright prohibition. There is no free trade for Americans.

The theory of free trade is based on the assumption that manufacturers compete with one another across international boundaries on the strength of their own efficiency and technology. For American industry this is not the case. Today in America we can point with humanitarian pride to the legislative controls which have raised the standard of living of the American workman to the highest level in the world. American citizens rightfully enjoy the benefits of the 40-hour workweek with time and one-half for overtime, the legal minimum wage, workmen's compensation, child labor laws, social security, and every other benefit. We also realize that every product manufactured in the country includes these costs in its selling price as well as the extraordinary high cost of being governed at all levels in America. The result of all of this is that the cost of any American-made commodity is higher than its foreign counterpart, even if the cost of material, and processing is actually the same, or less. The American government imposes a heavy burden on the shoulders of the American manufacturer, and so long as he carries this burden without protection there is no free market for Americans.

Another American giveaway took place at Bretton Woods, New Hampshire in 1949, when the dollar was fixed as the international standard of exchange, and all other nations were allowed to devalue and revalue their currency when they see fit to make it more costly to sell in their markets, and to strengthen their position as exporters. Of all the nations in the world only the United States cannot exercise this option.

Bruce Clubb, United States Tariff Commissioner, emphasized the seriousness of this issue in this way. Accordingly when we experience unusually great inflation, as we have for the past five years, we must ask our workers and investors to work harder, faster, and more efficiently to keep up with their foreign competitors whose costs are not rising as fast. When our workers and investors cannot keep up, then we ask them to change their line of work. Most other countries would take care of at least a portion of this problem by adjusting their exchange rate, rather than putting the entire burden of adjustment on their import competing industries."

The point that I have tried to make is simply this. Whether we wish to consider *tariff* and *nontariff restrictions*, whether we wish to consider inequalities of *cost burdens*, whether we wish to consider the practice of *illegal dumping*, or whether we wish to consider the effect of *inflation* on the inflexible dollar, the fact remains that free trade has been a *one way street* favoring our trading competitor. Our decision must be between giving away still more, settling for present inequality or providing reasonable protection to the threat of unfair competition.

A second appeal that I would like to make to you would be in behalf of a movement from *personal self interest* to a *humanitarian concern for* fellow Americans.

I think that I could help to make this point if you could take a walk through our factories with me, and I could introduce to you the many fine American citizens whose working lives have been spent making some of the finest of Wisconsin's men's shoes. Some are veterans, most are family people, many own homes, few, if any, have ever been on relief, or drawn unemployment insurance. They pay taxes in Sheboygan, New Holstein, Valders, or in the surrounding communities, and have contributed their full share to financing our state and our country throughout their wage earning years. They are citizens in good standing. Many of them will be through working for life if they lose their shoe factory jobs. Your computer may tell you that they are expendable, but if you knew them, your heart would tell you that they are not.

If you find it difficult to relate to these people as individuals, consider the effect of their employment on our relief rolls and on your tax burden. While there are many skilled workers in our industry, there are also many of modest skills. Many workers are from minority groups, and many live in rural America. In many a small town the local shoe factory is the largest employer. At a time when our country is presuming to do everything possible to provide hope and opportunity for the minority worker, for the low skilled worker, and for the rural poor, there is surprising reluctance to save an industry that has been fulfilling this obligation for America without any subsidy for years.

Is it really necessary to move from our one-sided free trade posture in order to save an industry like the shoe industry? Here is a story of what has happened:

In 1956 imports were 1% of American production.

In 1970 imports became 42% of American production.

While we have been talking about what might be done to save the shoe industry for America, imports increased 27.4% in the first quarter of 1971. In March they were 67% of production. Eighty-five factories closed last year, a net loss of 140 for the decade. Production is the lowest in 15 years.

Optimists say that in ten years the domestic footwear industry will be gone unless some form of protection is offered. Pessimists say that it will take only five years. Whether it be five years or ten, the effect on the American consumer will be disadvantageous. If you were not to consider the loss of the individual jobs or of the industry of concern, the effect on the American consumer-at-large should be a matter of concern. When the American footwear market is at the control of foreign manufacturers, and freed of local competition, the American consumer will pay the price. The dumping will stop and the profit taking will begin. Not only that, should there be a national emergency in the future, ours will be a nation without shoes or apparel, regardless of price.

The point that I am trying to make is that I recognize that trade is a two way street. We must seek a balance that will permit vital industries to survive, that will make available a balance of jobs to match the talents and skills of American labor, that will permit the importing of sufficient goods to eliminate the inefficient American manufacturer, and that will permit sufficient exportation of America's superior products to strengthen our economy and balance our payments. Each of us has an obligation to stand back from our self-interest in this matter, and to recognize the needs of America and Americans.

Finally I would like to submit other reasons for retreating from our unilateral free trade policy, and undertaking a moderate defense of self-interest.

It is argued that our national economy can prosper by matching cash outflow due to imports with growing exports. The truth is that in the trillion dollar world market United States manufacturers are losing ground. Inflation and rising costs are taking United States products out of the world market. The United States share of world exports in 1968 was 23.8%, in 1969 23.3%, and in 1970 down to 22%. Ours is a declining share of the world market. While this conference is to be commended on its resolve to reverse this trend, we can ill afford to gamble our national economy on this hope.

The rumors of favorable trade balances in the past simply have not been true. Export figures have included AID giveaways and Public Law 480 exports that are paid for in foreign currency. The true result has been a deficit trade balance. More than that when you recognize that freight and insurance costs on imports are actually a cash outflow, we find that in the last four years our deficit trade balance has risen from $186 million to $1.7 billion. (U.S. Department of Com-census publication FT990 and Trends in Foreign Trade).

With reference to this trend, Treasury Secretary Connally states, "I am not one of those who treats this whole question of foreign trade with benign neglect. I am worried about it. All I am saying is that if other nations are concerned—as they ultimately will be if we continue to have balance of payment deficits of $10 billion a year—they must be fair with us. We don't have reciprocity in our trade agreements. I think we are entitled to it. It is just that simple." Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "Many people feel that the expansion of exports will restore our balance of trade to a healthy condition. Certainly export growth plays a large role in meeting this objective. But over the last decade our imports have been rising more rapidly than our exports, and this is building problems for our balance of payments far into the foreseeable future."

Students of the international economy are impressed by the spectacular growth and the prosperity of the Japanese economy and the European Common Market. The theory that the American economy can only grow with the continuation of free trade policies is left subject to real doubt when we realize that both the booming Japanese and Common Market economies are intensely protectionist. The success of these economies commends to us a re-evaluation of our unilateral free trade policies, and a reasonable defense of our own interests.

I have tried this morning to appeal to you for an open mind, recognizing that this is essentially an American problem that must be viewed from outside our special interests. I pointed out that we do not have an opportunity to elect free trade as a practical alternative, because there is no free trade for Americans in the real world, and I emphasized the need for a reasonable level of protection for American labor and industry because it is our duty to our citizens, our international credit demands it, our trading partners are prospering under it, and our national economy requires it. Should there be any uncertainty in your mind as to where to begin with a reasonable level of protection, may I suggest shoes?

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## THE LAUGHABLE LEGEND OF UNCLE SAM

### HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. KING. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I would like to include an article which appeared in the June 24 issue of the Christian Science Monitor entitled "The Laughable Legend of Uncle Sam."

As one of the sponsors of the resolution approved by Congress in 1961 designating Samuel Wilson, of Troy, N.Y., as progenitor of America's national symbol, and because I still have the high privilege and honor to represent the city of Troy, N.Y., in the U.S. House of Representatives, I am pleased to call the attention of my colleagues this article concerning the legend of Uncle Sam.

The article follows:

THE LAUGHABLE LEGEND OF UNCLE SAM

(By Lloyd J. Linford)

That astute fellow decked out in top hat, striped pants and chin whiskers, whom we fondly call Uncle Sam, is a legendary character with origins that were considered laughable by early-day Americans who appreciated a good joke.

A lesser personage might not have survived such odds, but Sam overcame his mirthful beginnings and has come on to enjoy world-wide notoriety.

How the nickname "Uncle Sam" came about is one of those quirks of history that prove truth really can be stranger than fiction.

The story begins back in the early 1800's when the young nation found itself embroiled in another war with Great Britain—the War of 1812—not many years after the Revolution had severed ties with the mother country.

A certain meat packer and dealer named Samuel Wilson had built up a thriving business in the town of Troy, near Albany in eastern New York State. Troy was an important trading center those days for the country's expansion to the north and west, as well as for the Army.

Sam Wilson, who was the butt of the joke in question, was a stalwart citizen of the Troy community, well-known for his honesty, common sense and jovial disposition. And, of course, he was affectionately called "Uncle Sam" by his many friends and acquaintances.

By 1812 when the war started, Sam Wilson had become prominent in state affairs and thus was a natural choice for serving as inspector of provisions for the U.S. Army in the area. And it was natural, too, perhaps that as a leading meat packer he was called upon to supply meat to the Army quartermaster.

Soon after the fighting began, a group of government officials visited the Wilson plant in Troy. One of the group casually asked a workman what the "U.S." stamped on the meat barrels stood for. Actually, it referred to the U.S. government. But the workman jokingly replied that the U.S. stamp represented his boss, Uncle Sam Wilson. Thus was born the nickname of the United States.

Following the incident, "Uncle Sam" became a standard joke around the area and in the Army. The term spread among soldiers of that day much as "GI" (government issue) took over during World War II. Before long all government property was being referred to as Uncle Sam's.

Newspapers and magazines at home and abroad picked up the name, too, and in a matter of years Uncle Sam came to symbolize the national character and the government itself.

Cartoonists were especially instrumental in fixing the name and the image. Historians credit the popular British magazine Punch and its cartoons showing a lean, whiskered gentleman wearing a top hat and striped trousers with having set the stage for development of the modern Uncle Sam concept.

By the turn of the century, through the efforts of such noted American cartoonists as Thomas Nast, Joseph Keppler, and others, Uncle Sam had become firmly entrenched in people's minds as the symbol of the republic.

One of the most imaginative and lasting treatments of the symbol is James Montgomery Flagg's Army recruiting poster showing the imposing figure of Uncle Sam pointing his finger and saying: "I want you. . . ." Flagg's poster, credited with bringing in countless recruits and otherwise fanning the flames of patriotism, was used extensively in both world wars.

As alert readers may sense, Uncle Sam has changed with the times as cartoonists have adapted his image to suit current issues and their timely conception of what the nation's image should be at any particular point in history. But his likeness remains unmistakable and his usefulness unchallenged.

As for Uncle Sam Wilson, who took it all as good-natured jest, he continued to prosper in meat and other business lines and enjoyed the limelight as one of Troy's leading citizens. Historians find no evidence that he ever took advantage of his privileged status as the patron saint of the republic in his business and social affairs. It was just a good joke.

Sam Wilson passed on July 31, 1854, at the age of 88. His grave site in Troy is marked by a four-ton granite monument inscribed: "In loving memory of Uncle Sam, the name originating with Samuel Wilson (1766–1854) during the War of 1812 and since adopted by the United States."

In 1961 the U.S. Congress adopted a resolution saluting Uncle Sam Wilson as "the progenitor of America's national symbol."

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## SCHOOL BUSES AND THE NEW AMERICAN REVOLUTION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. RARICK. Mr. Speaker, those of us from that area of the United States known as the South have additional reason to question the sincerity, motivation, and intent of those at the helm of our country.

Our Nation's leaders announce that the South is leading the Nation in racial mixing, including public school integration. We are told, as are all Americans, that it is the North that is dragging its feet; that it is with the Northern moderates and liberals who have consistently pointed their fingers at the South where the true racial problem still exists.

Then in a matter of days, the Nixon administration announces that it has written 39 school districts in 17 Southern and border States ordering more integration and more busing to advance the doctrine of racial proportions.

But, the North remains unscathed. Apparently the doctrine of conquered provinces remains the policy of the Republican administration.

And, to make race mixing profitable and more palatable to the Southern politicians, the administration urges enactment of legislation to provide revenue sharing to Southern school districts in the form of large sums of money hopefully to provide "emergency school aid for quality integrated education."

A more real reason for the President's insistence on such benevolence from the American taxpayers is to buy the school buses that are necessary to carry out his Chief Justice's order. Reports from Jackson, Miss., indicate school buses for that city alone will cost between $300,000 and $400,000.

Perhaps the President and his loyal band of experts and advisers are satisfied with their progress toward integrated education in the South and have now concerned themselves with improving the economy by selling school buses. We need only to find out who in the administration is in the school bus business to learn the answer.

I include several related newsclippings and the Herald of Freedom from June 25, 1971, in the RECORD at this point:

[From the Washington Post, June 23, 1971]

### BUSING ORDERS SENT TO SCHOOLS IN 39 DISTRICTS

(By Peter Milius)

The Nixon administration said yesterday it has written 39 school districts in 17 Southern and Border states that they have some more desegregating to do under the Supreme Court's April 20 pro-busing decree.

The Department of Health, Education and Welfare sent letters to the 39 districts last Friday. A spokesman said more will be sent this week.

The letters are the first time the administration has moved in a major way of its own volition to enforce the busing mandate. HEW did earlier recommend extensive crosstown busing in at least three Southern cities. But it did so in each case as a consultant, after a judge asked for its opinion.

The department said yesterday it has tentatively identified "80 to 100" districts under its jurisdiction that have "substantially disproportionate" racial ratios in one or more schools and are thus subject for action under the new Supreme Court decree.

There are 4345 school districts in the 17 Southern and Border states. HEW has jurisdiction over about 3660. Most of the others, including most of the South's big cities, have been taken into court.

It was chiefly these big cities that the Supreme Court's April decree affected. Most of the HEW districts are smaller, and many of them have no or relatively few black children in them.

The 39 announced yesterday include Virginia Beach and Martinsville, Va.; Wicomico County on the Maryland Eastern Shore; Wilmington, Del.; Gulfport, Miss.; Paducah, Covington and the suburbs of Louisville, Ky.; and Amarillo, Tex.

Eight of the districts are in North Carolina, seven in South Carolina, five in Texas.

Prince George's County is on the list to get a letter, but hasn't yet. Alexandria will probably be on the list as well.

There is only one district on the list with which HEW has already begun detailed negotiations. That is Columbia, S.C., one of the largest in the HEW purview.

Columbia has about 40,000 students, about half of whom are black. Last year, before the Supreme Court's decision, HEW let it leave about half of those black students in black schools inside black neighborhoods. Now it will have to bus them out.

HEW's letter set no deadlines, but several officials agreed yesterday that "it's this September."

The department said some districts listed yesterday have only one or two "disproportionate" schools and may be able to comply with the Supreme Court standards with only minor adjustments. But "most will have to bus," one official said.

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[From the Washington Post, June 24, 1971]

### LEADERS AGREE ON RACE PLAN FOR SCHOOLS

JACKSON, MISS., June 23.—School district officials and civil rights leaders agreed today on a plan for desegregating the city's elementary schools through busing and educational parks.

Both sides, in the first compromise they've ever reached, agreed the plan would remain in effect for three years without a court challenge. The school district is the largest in the state.

Dr. Harry S. Kirshman, acting superintendent of schools, said the agreement will affect some 18,000 to 19,000 elementary school children, with some 8,000 to 9,000 being bused to classes.

Kirshman estimated buses will cost between $300,000 and $400,000, while two educational parks for fifth and sixth graders will cost about $1.5 million. He said some school tax increase probably would be needed to augment available state and federal funds.

The educational park concept is built on clusters of modules around a common center. Each module is to accommodate the equivalent of four traditional classrooms with 30–1 pupil-teacher ratios.

The South Jackson Park would have 2,391 pupils, 43 per cent of them black, and the North Jackson Park would have 2,437 pupils, 54 per cent of them black.

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[From the Sunday Washington Star, June 6, 1971]

### U.S. STRICTLY ENFORCING SCHOOLS RULING

(By John Mathews)

The Department of Health, Education and Welfare last week continued to demonstrate that the Nixon administration intends to rigorously follow principles set down by the Supreme Court in its April 20 school desegregation decision.

In plans filed by HEW at the request of federal courts in Corpus Christi, Tex., Wednesday, and in Nashville, Tenn., Tuesday the government recommended substantially increased busing of school children to effect school desegregation. In each case, the local federal court eventually will order a desegregation plan, considering both the government proposal and that made by the local school board.

While HEW has been responding to directions by courts to submit desegregation plans, the department has yet to say clearly how it will apply the principles of the Supreme Court decision to school desegregation plans it has negotiated directly with school districts.

#### INDIVIDUAL APPROACH

Indications are that HEW intends to avoid setting national guidelines, but prefers instead to deal with school districts on a case-by-case basis. Politically, this approach is viewed as less controversial and more manageable than a national pronouncement affecting all desegregating school districts.

HEW statistics show that 754 school districts in the 11 Southern states negotiated desegregation plans with the department. Another 640 are desegregating under court orders, and 44 are still in litigation. A total of 2,904 school districts, most of them smaller school systems, are termed "fully desegregated" and have regularly filed compliance agreements reviewed by HEW.

In Corpus Christi, Nashville, and in the Austin, Tex., plan, filed May 14, HEW for the first time adopted the principle of non-contiguous zoning, set forth by the Supreme Court.

Non-contiguous zoning is a departure from the traditional neighborhood school policy since the new attendance zone may be a combination of two previous attendance zones located at some distance from one another, or a gerrymandered zone. The new zone invariably requires busing of school children.

#### PAIRING RECOMMENDED

In all three cases, HEW has also recommended pairing of white and black schools and satellite zones which sweep across neighborhoods to bring together in schools white and non-white children separated by segregated housing.

The Corpus Christi plan, filed by HEW with Judge Woodrow Seals, orders the busing of about 10,000 school children in a school district which previously bused only small numbers. The district has more Mexican-American and Negro students than Anglo students, while suburban school districts are heavily white. The racial percentages of the district are 49 percent Mexican-American, 45 percent Anglo and 6 percent black.

#### 14,500 MORE BUSED

With more than 92,000 children in its schools, Corpus Christi currently has 17 elementary, 5 junior high and 2 high schools which are 80 percent or more Mexican-American and Negro. The HEW plan is designed to eliminate the racial concentration in the schools. An HEW spokesman, however, could not say whether any largely white or minority schools would remain.

The Nashville plan calls for the busing of 14,500 more students. The system currently buses 33,500 students and the additional busing recommended by HEW will bring the number of children bused to more than half the total enrollment of 95,300. One Nashville high school would still have a heavy concentration of black students, although the percentage of blacks will be reduced from 92 to 65 percent.

In its April decision, the Supreme Court said that busing, noncontiguous zoning and pairing of schools are legitimate devices for desegregating schools. The court added that a school system would have to give convincing reasons for retaining individual schools with predominantly minority enrollments.

The burden of deciding what constitutes reasonable desegregation plans was placed by the high court on the U.S. District Courts.

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[From the Christian Science Monitor, June 14, 1971]

### HIGH COURT RULING PUTS SCHOOL BOARDS IN BIND

(By Curtis J. Sitomer)

LOS ANGELES.—Jolted by the United States Supreme Court decision that bond issues may require approval of more than a majority of local voters to be legal, California schools—as well as others across the nation—may be forced to lean harder on state and federal governments for financing their building needs.

The Supreme Court ruling was on a West Virginia law that required a 60 percent affirmative vote on bond issues or raises in tax rates. The state's Supreme Court of Appeals—its highest tribunal—had thrown out the law, declaring that it violated the equal-protection clause of the U.S. Constitution by sidestepping one-man, one-vote majority rule.

### LOWER COURT OVERRULED

But the U.S. Supreme Court overruled that decision, thereby reinstating West Virginia's law—and thus also upholding similar laws in other states such as California. The Supreme Court said such laws do not violate the one-man, one-vote concept so long as they do not "authorize discrimination against any identifiable class."

Now a Rand Corporation report, undertaken for the California Governor's Commission on Educational Reform, strongly urges centralizing school financing at the state level.

An economist, Dr. Stephen M. Barrio, principal author of this study, says that such a move would eliminate vast inequities among school districts in both taxing and spending. He says a shift to a statewide property tax, either on all property or at least on industrial and commercial property, would be a fairer method of school financing than the present dependence on local homeowners and voters.

### CALIFORNIA AFFECTED

In West Virginia the U.S. Supreme Court, in effect, also voided a California Supreme Court decision of last June—which was also based on "equal protection." The court here has set aside a longtime state requirement that two-thirds of the voters are needed to approve city, county, and school-district bond issues.

Three California districts are immediately affected by the U.S. decision. Since last year's ruling, voters in southern California's Antelope Valley approved $8.5 million in school construction bonds by a 57 percent majority. And the Los Angeles suburb Los Nietos passed by a 65 percent affirmative vote for $980,000 in building bonds. These referendums now are invalid since they failed to achieve a two-thirds (66.67 percent) majority.

### LOS ANGELES HIT HARD

Hardest hit, however, is the 733,000-student Los Angeles district itself, this nation's second largest, which had just approved $198 million in school bonds to rebuild and replace facilities damaged by the Feb. 9 earthquake here.

The ballot measure narrowly missed—(by fewer than 1,500 votes)—clearing the two-thirds requirement. And officials were hopeful that the U.S. Supreme Court would uphold the 1970 state ruling and validate the passage of the bonds on a majority basis.

Now the Los Angeles Board of Education says it will have to seek permission from the State Legislature to hike a special override tax from 10 to 50 cents to bring more than 150 stricken schools up to state earthquake standards. Also, district Superintendent William J. Johnson says it may be necessary to go back to the voters in a special election next October to try to recoup needed bond funds.

Meanwhile, state school chief Wilson C. Riles shows little optimism about passing school bond issues by a two-thirds majority. He notes that in 1970 60 percent of those presented to voters up and down this state failed to muster this type of support. However, a high proportion did achieve a simple majority approval.

The U.S. Supreme Court edict comes at a time when public schools both here and across the nation are feeling a severe financial pinch.

Moves to lift some of the fiscal burden from local taxpayers and depend more on state financing have been rebuffed in California recently, chiefly by those who fear losing local control of schools.

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[From the Herald of Freedom, June 25, 1971]

## RACISM AND THE U.S. SUPREME COURT

The U.S. Supreme Court decision in April 1971 authorizing the busing of children to integrate public schools is in itself a form of racism. While segregation has been declared illegal, forced integration is just as illegal and the decision is a usurpation of the authority of Congress and is in violation of the U.S. Constitution. Congressman John R. Rarick has pointed out that the average American is being told via TV and newspapers that the Supreme Court has now "legalized" busing of school children and that the Supreme Court's order is the Law of the Land. "Nothing," he said, "could be further from the truth." The law of the land is derived from Article VI of the U.S. Constitution which states: "This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . ." Nothing in the Constitution provides that Supreme Court decisions are to be the Law of the Land. To the contrary, judges are bound by acts of Congress and Congress made the matter of busing clear in Title 42 of the U.S. Code, section 2000C–B which reads:

"... provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or the school district to another in order to achieve racial balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional Standards."

Definition (b) of the above section states: "Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

The decision of the Supreme Court was a follow-up to the 1954 Warren Court Decision which was in no small part based on studies made by Gunnar Myrdal, who was identified as a notorious Swedish Communist in hearings of the Senate Internal Security Subcommittee in March of 1958. The infamous Supreme Court Desegregation decision of May 17, 1954 set the stage for racial troubles which have continued ever since. It was the efforts of Thurgood Marshall, on behalf of the NAACP, which brought about the school desegregation decision of 1954. Marshall was rewarded by being appointed a U.S. Circuit Court of Appeals Judge and is now a U.S. Supreme Court Justice himself. Thurgood Marshall, according to official records, had several affiliations with organizations cited as Communist and subversive and practiced law in New York State for over 20 years without a license.

The recent "busing" decision was as a result of a case in the Charlotte-Mecklenburg school system in North Carolina. In that case approximately two years ago, U.S. District Court Judge James B. McMillan ruled that all known ways of desegregating including busing, should be considered, and a year ago Judge McMillan ordered the busing of students across a wide area. Appeals to the U.S. Supreme Court ended in the recent Burger Court decision to permit busing.

U.S. District Court Judge James B. McMillan was born in Goldsboro, North Carolina, December 19, 1916, the son of Robert Hunter McMillan and the former Louise Outlaw. He graduated from the University of North Carolina in 1937 and Harvard Law School in 1940. On February 27, 1944 he married Margaret Blair Miles. Judge McMillan is known as a liberal, a one-worlder, and has been a member and supporter of the subversive United World Federalists for many years. With a weird sense of humor, Judge McMillan has a battery-run toy school bus which he zooms around on his office carpet. Judge McMillan was appointed to the federal bench in 1968 in one of the last appointments made by former President Lyndon Johnson.

The Charlotte, N.C. school desegregation case was instituted by Julius Chambers, a 35-year old Negro attorney employed by the NAACP Legal Defense and Educational Fund, Inc. He had argued the case from its origins in Charlotte in 1969 up to the Supreme Court in Washington, D.C. The NAACP Legal Defense and Educational Fund, Inc. receives a considerable portion of its financial support through what is known as "The Committee of 100," located in Suite 1900 at 1776 Broadway, New York City. The NAACP Legal Defense and Educational Fund, Inc. describes itself as being the "principal legal arm of the civil rights movement, serving members of all organizations and unaffiliated individuals. No part of any other organization, it is an independent non-profit corporation, with its own directors, staff and budget." Contributions to it are deductible for U.S. Income Tax purposes. The political orientation of The Committee of 100 may readily be determined by noting some of its members such as Roger N. Baldwin, John C. Bennett, Leonard Bernstein, Eugene Carson Blake, Ralph J. Bunche, Henry Hitt Crane, Frank P. Graham, Horace M. Kallen, Alfred Baker Lewis, Benjamin E. Mays, Reinhold Niebuhr, Albert Sprague Coolidge, all of whom have, according to published records, varying degrees of affiliation with either Communists, Communist-front organizations, or Communist enterprises.

In a recent letter soliciting funds the NAACP Legal Defense and Educational Fund, Inc. made an appeal on behalf of the black poverty, unemployment, job discrimination, job promotion and hunger. Not a word was said about lawsuits to force integration or busing.

The NAACP, which is responsible for instituting the action which brought about the 1954 decision and this most recent one on busing, has been described in the Congressional Record as having a "subversive character." The State of Georgia Commission on Education, stated in an official report, "It might be enlightening to give some totals which indicate the extent to which the top leadership of the NAACP has given aid and comfort to the Communist-front apparatus. Listed on the current letterheads of the NAACP are the names of 236 different national officers. One hundred forty-five (or more than 61 percent) of these individuals have been involved, in one way or another, with Communist enterprises, for a grant total of 2,200 affiliations of public record. Forty-six of these NAACP national officers have had one or two Communist affiliations; 99 have had 3 or more such affiliations; 52 have had 10 or more; and 46 have had 15 or more."

The NAACP Legal Defense and Educational Fund, according to Newsweek of May 3, 1971, plans to institute lawsuits in at least 49 Southern cities, including Birmingham, Little Rock, Dallas, Houston, Atlanta, Tampa, Memphis and Richmond for new integration programs. Some 3 million children attend public school in these cities and if just 20 per cent of them had to be bused, that would mean transportation for 600,000 students in cities that have few school buses now.

The U.S. News and World Report of May 10, 1971 pointed out that school district attendance zones may be gerrymandered and pupils shifted from one school to another by pairing or grouping of schools. Anti-busing laws that obstruct desegregation are unconstitutional according to the article which stated, "The broad rules that the Court laid down give a green light to virtually all the devices for racial mixing that have provoked so much controversy—and occasional violence—in the South."

Jack Greenberg, director of the NAACP Legal Defense Fund, who argued the cases before the Court said, "The country is going toward an integrated society and the Supreme Court has not turned back from that, in spite of many dire predictions it would." When Thurgood Marshall left the NAACP to become a U.S. Superior Court of Appeals judge, his place in the NAACP was taken by Jack Greenberg.

The N.Y. Times of October 5, 1961 stated, "Professor Walter Gellhorn, an authority on civil liberties, sparked Mr. Greenberg's interest in the legal aspects of the subject, and when Mr. Marshall asked Professor Gellhorn to recommend a bright student to help handle some of the NAACP cases, the professor submitted Mr. Greenberg's name." Professor Gellhorn was a long-time friend of Thurgood Marshall; they had been together on the National Committee of a Communist front, the International Juridical Association. Louis Budenz, in testifying before the House Committee to Investigate Exempt Tax Exempt Foundations on December 23, 1952, identified Prof. Walter F. Gellhorn as a member of the Communist Party. Professor Gellhorn was also a member of the Communist front, the National Lawyers Guild, as was Thurgood Marshall. According to the N.Y. Times, Jack Greenberg, Marshall's successor in the NAACP, feels that law is a religion and "he once confided that the only place where he really felt he was in a house of religion was when he entered the Supreme Court of the United States."

Representative John R. Rarick, addressing the House of Representatives, stated:

"Our responsibility under that Constitution is plain. The American people have no redress but in this House. The power of impeachment rests with us. The power of the purse rests with us. The very existence and jurisdiction of every district court and court of appeals in the federal system rests with us. The appellate and supervisory jurisdiction of the Supreme Court is entirely ours to bestow, limit or abolish.

"We behold judges, ignore the positive statute law which we have enacted and the Constitution which they have sworn to uphold.

"Freedom of choice is not an empty slogan. Freedom of choice is the heart and soul of American liberty. The American people still understand this and we must understand that there is a point beyond which the great law-abiding majority cannot be pushed. We are perilously near that point.

"I state plainly and simply that this action of the Supreme Court of the United States is founded neither in any possible construction of the Constitution nor in any possible understanding of the law.

"It is a classic example of the arbitrary and unfettered exercise of naked power.

"Long years ago, Thomas Jefferson warned free men of this very possibility, when he dramatically pointed out that of all tyranny, judicial tyranny is the most fearful.

"If the Constitution of the United States forbids a State to assign pupils to a school solely because of their race, it makes no difference whether the object of such assignment is segregation or forced integration under the newly invested 'Doctrine of Racial Proportion.' If government has no power to forcefully segregate, it has no power to forcefully integrate.

"It does not take genius to understand that the State either has that power or does not. Until 1954, it had such power. The Constitution did not change, but in 1954 the Warren court decided the power had vanished. The Warren Burger court has now decided that although the State has no such power, the court has.

"What the preposterous decision amounts to is that racial school assignments are unconstitutional if they are made by the States, but constitutional if made by the courts.

"These decisions are a gross distortion of any possible interpretation of the Constitution."

The militancy of civil rights groups began with the 1954 Supreme Court decision, with freedom rides, marches, demonstrations, sit-ins, and civil disturbances, which ultimately led to riots, lawlessness, anarchy and insurrection. In high schools throughout the country there have been untold instances of assaults, robbery, rapes, destruction of property and even attacks on school teachers. National Negro militant groups advocate segregation of blacks from whites but neither the federal government nor the Supreme Court takes notice of this. The Black Muslims (with thousands of members throughout the country) and other black nationalist groups advocate separation of the races and practice blatant racism. The court decision, brought about by a subversive organization, supposedly is to benefit Negro children, yet no one has taken a referendum as to what white and Negro parents actually want for their children. In Richmond, Va. a city official conducted a poll and found that 99% of the whites opposed mandatory busing as did 85% of the blacks. Nevertheless a U.S. District Court judge ordered cross-city shipments of 17,000 Richmond secondary students, many of whom must travel two hours a day, including transfers, to fulfill a court order. In September of 1971, 21,000 pupils, including very young elementary students, will be bused back and forth across the city of Richmond.

As the Dallas Morning News pointed out, "The Supreme Court's decision on busing to break up the pattern of neighborhood schools was a masterpiece of compound contradictions.

"First in telling the federal courts they could push ahead with plans to set up their own preferred racial proportions in each school, the Court adopted a position that has been opposed by the President, by the Congress—in several laws—and by the great majority of the American people.

"Busing children back and forth across school districts solely for the purpose of establishing racial proportions is a concept that is popular with theoreticians but with almost no one else."

The Montgomery, Ala. Advertiser commented, "April 20, 1971, was the day when the Court demanded absolute subjugation of Southern schools, 'root and branch,' and authorized, directly or indirectly, gerrymandering, crosstown busing, racial quotas—any means at all, no matter how insane or 'bizarre,' as Chief Justice Burger politely said—to accomplish what the latter-day John Browns want.

"What do they want? After reading every reaction story it hardly seems unfair to say they want the destruction of Southern schools. We can reach no other conclusion. The same hatred by enlightened Northerners who professed love in supporting Reconstruction I is apparent in this, which they hope will be the final act in Reconstruction II."

Commenting on the Burger court busing decision, Governor George C. Wallace of Alabama stated, "I am not surprised at anything the court does. I feel the people in Alabama's insane institutions could have written a better decision."

While the decision primarily affects the southern states, New York Cvil Liberties Union attorney Burt Neuborne predicted it is now just a matter of time before New York's anti-busing law is thrown out once and for all. He further predicted that the New York Board of Education officials would now be free to enforce whatever integration plans they want. The N.Y. Daily News in an article out of their Washington bureau, April 21, 1971 stated that a new generation of political nightmares may be in store for Nixon or his successor if the Burger court decides to tackle the issue of segregation in the North.

Senator Abraham A. Ribicoff introduced an amendment to a bill appropriating $1,400,000,000 for school desegregation. Sen. Ribicoff's amendment would have required the same rules to apply in the north as those which are to be enforced in the south. Senator Jacob Javits opposed the amendment and on April 20, 1971 Ribicoff charged Senator Javits with hypocrisy for being "unwilling to accept desegregation for his state, though he is willing to shove it down the throats of the Senators from Mississippi." Shunning the tradition against personal attacks on the Senate floor, Sen. Ribicoff declared that Javits and other northerners were against his proposal to force an end to school segregation in metropolitan areas in the North because of their "fear of political reprisal." Looking directly at Javits, whose head was buried in his hands, Ribicoff said, "I don't think you have the guts to face your liberal constituents who have moved to the suburbs to avoid sending their children to school with blacks."

At a time when there is so much talk of poverty, hunger and unemployment, to spend $1,400,000,000 to push integration seems an unwise expenditure of tax-payers funds. Forcing white children into predominantly black schools and vice-versa creates antagonism and adds to the already serious condition which exists in schools in most parts of the country. A 1970 survey conducted by the Senate Sub-committee on Juvenile Delinquency shows a tremendous increase in crimes in schools from 1964 to 1968. Some types of crimes in the 110 school districts studied jumped several thousand per cent. Homicides in these elementary and secondary schools jumped from 15 to 26 per year—an increase of 73 per cent. Forcible rapes increased from 51 to 81 per year (or 61 per cent). Robberies increased 306 per cent; burglaries and larcenies jumped sharply; narcotics arrests were 1,069 per cent higher. The biggest jump of all was in assaults on teachers by students, which went from 25 in 1964 to 1,801 in 1968, or a gain of 7,100 per cent in four years. Crimes by nonstudents at the schools jumped 2,600 per cent. The National Education Association has estimated that school vandalism alone is costing the nation's schools about $200 million a year. These statistics were reported in Life-Line's Freedom Talk of April 17, 1971.

An organization of high school principals in New York City reported that crime—assaults, robberies, lawlessness, etc. including attacks on teachers—has become so prevalent throughout the city of New York that the entire school system is in danger of being unable to function properly. The majority of the crimes, according to reliable informants, are committed by young Negro militants who brutalize and terrorize younger students, and school authorities are reluctant, not only in New York but in many other cities, to bring in the police for fear of creating racial tension. Forced busing of students is going to aggravate this situation considerably. Not only will there be student resentment but parent resentment as well.

Those Americans who thought the Supreme Court under Burger would become more conservative have to realize that they were indulging in wishful thinking. This recent decision is worse than the Warren Court decision of 1954. Most children of the federal judges, administration officials and legislators attend expensive private schools where integration or segregation problems do not exist. Senator Javits is not the only hypocrite; there are many others. Congress has the authority to enact laws which become the Law of the Land the Supreme Court notwithstanding.

Late in April, referring to what he called the unfortunate opinion of the Supreme Court in the case of Brown vs Board of Education, Senator James O. Eastland, quoted from the Court's own decision: "To separate them (Negroes) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." The Indians, Japanese, Chinese, etc. in America, like the Negroes, represent minority groups, however, no mention is made about their "minds and hearts." The whole concept is absurd and raises questions as to actual motive. The neighborhood school plan has proven to be fair, practical and economical and this plan included a freedom of choice. The recent Supreme Court ruling eliminates even freedom of choice, abolishes the neighborhood school concept and places more federal control over children. Only Congress can correct this unconstitutional decision. This should be remembered as chaos develops in our schools as it surely will.

## IS IT A LOST CAUSE?

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BRAY. Mr. Speaker, the new book "U.S.A. and the Soviet Myth"—Devin-Adair, New York—is must reading for every thinking American if he is to understand the Soviet Union and its imperial Russian base.

Authored by Dr. Lev E. Dobriansky, professor at Georgetown University, the work provides both perspectives and insights which are truly different and new to most Americans.

Some pertinent excerpts from Chapter 1, "Is It a Lost Cause?" follow:

### CHAPTER 1.—IS IT A LOST CAUSE?

To most Americans the cause for a free and independent Ukraine is as remote and unknown today as was the cause for a free and independent South Vietnam back in 1960. As in the latter case, far too many would be hard pressed to even locate the area geographically, let alone discuss it historically or in any other way . . .

Several lessons of Vietnam and certain broad perspectives provide the answers to this insular question. First, if Vietnam has taught us anything, it is the fundamental interrelationship and impingement of forces underlying the chief conflict in the world at large. Plainly, the independence of South Vietnam assumed tremendous importance because of the objectives of both Sino and Soviet Russian imperio-colonialism. Without the aid given by the United States—the most powerful nation in the Free World and, therefore, morally and politically committed to prevent the further expansion of the Red Empire—all of Asia would certainly be today under the shadow of Red domination. . . .

In fact, our present course of confetti diplomacy, growing acquiescence to Moscow's empire, and aimless rantings about "American militarism," "the American policeman of the world" and other publicity-studded phantasms will lead to an inevitable clash with Moscow's intrinsic expansionism and thus, unless we choose to be Red than American, to a nuclear conflagration. Drivel such as "America has become a militaristic and aggressive nation" circulates in some quarters without critical rejection. . . .

Regrettably, this and other insights have escaped our leadership because of the protracted prevalence of myths and misconceptions concerning the USSR and its relations with the U.S. We'll consider later a few essential illusions that continue to grip our leaders and literati, but these are sufficient to demonstrate the weak, underlying bases of our foreign policy formulations. . . .

Both to successfully combat Soviet Russian imperio-colonialism and to lay the foundations for a long, global peace, it is imperative that the U.S. abet and harness the force of nationalism throughout the Red Empire, and in the USSR in particular. As stated earlier, due to a tragic convergence of circumstances, the Russian Empire escaped the fate of other continental empires in the period of World War I and after; it was revived in the form of the USSR. . . .

From the American viewpoint, there is nothing sacred about the Soviet Union. An empire, Soviet Russian imperio-colonialism, totalitarian rule, and a frightful negation of freedoms, both national and individual, are the very opposite of the values and achievements of the never-ending American Revolution. The values and aspirations of Ukrainian nationalism, as well as that of every other captive non-Russian nation in the USSR, are fully in accord with our principles and philosophy of national existence. . . .

## CHINA'S U.N. ADMISSION OPPOSED

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. CRANE. Mr. Speaker, while it appears that our own policy with regard to Communist China is undergoing a reassessment, it seems that the change is only on our side.

In October 1967, Mao Tse-tung loudly declared in his "Great Strategic Deployment" that the mainland of China would remain as an arsenal as well as a political-military and technological center of the "world revolution," that his regime would continue openly to supply the various countries of the world with weapons marked "made in China," thereby making it possible for the people to carry on their armed struggle.

Again, in April 1969, Lin Piao made it amply clear in his political report to the Ninth National Congress of the CCP that the Maoist regime would continue to commit itself fully to a foreign policy of "three antis"—"against the U.S. imperialism," "against the Soviet revisionism," "against the reactionaries of all countries." Stated specifically was their support for the Vietnamese people in carrying on their war of resistance against U.S. aggression and for national salvation to the end.

More recently, on May 20, 1970, Mao made a statement calling on people of the world to rise and fight for the overthrow of the United States. This was followed immediately by the launching in all mainland provinces of an uninterrupted series of anti-United States mass movement and demonstrations. Mao declared his desire to "bury U.S. imperialism and capitalism."

Despite the unchanging nature of Chinese communism, somehow our own leaders are considering a change in our policy against the admission of Communist China to the United Nations and against its recognition.

Fortunately, many citizens and organizations are speaking out vocally against such a change in our policy.

Recently, the national board of directors of Young Americans for Freedom, representing more than 50,000 college students and other young Americans, adopted a resolution setting forth its policy on this subject.

YAF Chairman Ronald Docksai, a New York University graduate political science student, declared that—

> The Nixon Administration must not give respectability to the totalitarian clique of Red China. American policy must continue its support of the rightful government of China, the Republic of China.

I wish to share this resolution with my colleagues, and insert it into the RECORD at this point:

### RESOLUTION ADOPTED BY THE NATIONAL BOARD OF DIRECTORS OF YOUNG AMERICANS FOR FREEDOM—RE: RED CHINA

1. Whereas the foreign aggressive policies of Communist China as well as its totalitarian domestic policies remain unchanged;

2. Whereas Communist China is the single greatest threat to freedom and peace in Asia, and the Pacific; and

3. Whereas the admission of Communist China and/or its recognition as a legitimate, sovereign government will only strengthen that government and allow it to continue to be that threat; and

4. Whereas a strong and determined opposition by the United States against the admission of Communist China to the United Nations is the greatest bulwark against that outlaw nation being admitted.

Therefore be it resolved, that Young Americans for Freedom is opposed to admission of Communist China to the United Nations and opposed to any American movement toward recognition of Communist China.

Be it further resolved, that YAF realizes that in the interests of freedom, peace and stability the United States government must continue its traditional policy toward Communist China and that the Nixon Administration must not be deceived by the "illusions" of a "ping-pong" diplomacy which does not take into account the realities of Communist Chinese aggressive designs.

And be it further resolved, YAF urges continuing support and recognition of the Republic of China as the single legitimate government and the rightful sovereign of the Chinese people.

## VIETNAM WITHDRAWAL

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FINDLEY. Mr. Speaker, the United States has irrevocably embarked upon a course of withdrawal from South Vietnam. The question before us now is only how fast that withdrawal will take place.

We are all united in our desire for peace in that troubled part of the world. We differ merely upon the means with which that peace should be attained.

I would like to take this opportunity to commend our distinguished colleague, Robert McClory, who has sponsored an imaginative new approach to extricate the United States from Vietnam and bring about peace. Mr. McClory testified before the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs, and his thoughtful statement follows:

### Statement of Hon. Robert McClory Before the Asian and Pacific Affairs Subcommittee, Committee on Foreign Affairs, June 22, 1971

Mr. Chairman and fellow colleagues, I greatly appreciate this opportunity to appear before you to testify on behalf of H. Con. Res. 334 on which 20 of our colleagues have joined with the hope of providing some impetus for our President and negotiators in Paris to bring an early and complete termination of our military involvement in South Vietnam.

These hearings are very timely, Mr. Chairman. We have just concluded debate on several attempts to cut off funds for American troops in Indo-China after the end of this calendar year. In discussing the Nedzi-Whalen and other such amendments. I stated my opinion that while Congress shares responsibility for finding ways to end this tragic war, it is preferable at this time to meet the problem directly and deliberately.

Mr. Chairman, H. Con. Res. 334 provides for withdrawal of American forces from South Vietnam by November 30, 1971. It expresses our opinion that American involvement in Vietnam can indeed be ended before Christmas of this year, and that in order to bring this about, three preconditions must be met.

First, it goes without saying that a ceasefire is a *sine qua non* to the ending of any form of hostilities. Secondly, by agreeing to withdraw all U.S. forces by November, we might hope to convince the government of North Vietnam to release all American prisoners by September 1. I am not persuaded that precedent is on the side of those who insist that all military involvement must cease before prisoners of war can be returned. Furthermore, what better way for North Vietnam to insure that all American forces depart on schedule than by returning those prisoners we are morally obligated to redeem. Third, Mr. Chairman, in view of the fact that many people throughout the world would have the President of the United States name the date by which all American forces will be withdrawn, it seemed reasonable to me to suggest that all other belligerents—North Vietnam included—likewise agree to withdraw their troops by the same date. It goes without saying that the greatest burden would be on the United States from the sheer force of logistics.

Section 2 of H. Con. Res. 334 expresses the sense of Congress that once all prisoners have been returned all U.S. forces are to withdraw to the perimeters of those cities and military installations to be designated by the President. The purpose of this proviso is to establish a withdrawal cease-fire (in contrast to an in-place cease-fire). Also, it is intended to avoid cease-fire violations. This confinement to certain specified enclaves would also demonstrate our good faith and our sincere intention to remove American forces from combat in South Vietnam.

In Section 3, my cosponsors and I are suggesting that many of the substantive questions which are an inevitable outgrowth of this war should be referred to the United Nations. I would emphasize, however, that by passing this Resolution Congress would only be expressing its corporate opinion that such a disposition of responsibility would be desirable. Also, Mr. Chairman, it is important to note that Section 4 of H. Con. Res. 334 is merely a restatement of a Constitutional truth that the President's duties as Commander-in-Chief and his power to make treaties with the advice and consent of the Senate cannot be abridged.

Mr. Chairman, to be totally withdrawn from South Vietnam by the end of November would certainly be a monumental task, but I am convinced that such speedy withdrawal from that bloody conflict is within the realm of possibility.

Mr. Chairman, one of the revealing disclosures to come out of the recent printing of classified documents relating to the war in Southeast Asia was the ranking of American objectives in that part of the world. First, on the list was the assertion by an Assistant Secretary of Defense that our goal was "70 percent—to avoid a humiliating U.S. defeat." Mr. Chairman, I was not aware that this was so, but now that it has been made public I am powerfully convinced that we have more than fulfilled our obligation. Mr. Chairman and fellow colleagues, it is my opinion that a nation as great as America might better survive a humiliating defeat than a shameful victory. But my cosponsors and I are not suggesting that we subject ourselves to a humiliating defeat. We are saying, though, that to continue this war with all the military might it would take to win it would lead to a shameful victory—and we cannot stand that.

In order for the people of South Vietnam to remain independent of the tyranny and inhumanity of a communist dictatorship, the people of South Vietnam—themselves—will have to win the victory. It is my hope and expectation that South Vietnam will, indeed, continue the struggle to remain free of those who would oppress and subjugate her.

Mr. Chairman, the American people are a peace-loving people, and they have become offended by this war which has cost so many human lives and shattered so many more. Therefore, I ask you to report favorably on H. Con. Res. 334, and thereby lend the authority of your voices to the proposition that this war has persisted long enough, and that the provisions of this measure offer a reasonable, honorable and possible method for effecting a final termination of United States military involvement in the Vietnam war.

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## THE CASE FOR CONTINUED FEDERAL SUPPORT OF HUMAN RESOURCE SERVICES AND SOCIAL WORK TRAINING

## HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DELLUMS. Mr. Speaker, while the Congress continues its annual charade of approving systems of destruction and death, real problems affecting human beings get shortchanged. The scare-merchants never fail to find means of having their programs fully funded; crucial social problems are left to fester.

One such critical social issue is that of providing education for those persons who provide social services to our communities. The Nixon administration asks for a significant budget cut of some $19 million in student stipends and training grants currently funded by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare.

As a social worker myself, I know of the importance of these educational programs. All of us here have just concluded an exhausting debate on the levels and adequacy of welfare needs, and I think it is very evident that demands for trained social workers are increasing at a rapid pace.

I cannot understand the rationale behind the proposed cut in funds. The quality of any service depends upon the personnel who plan, administer, and provide it. These budget cuts will seriously affect the availability of competent social work personnel needed now and in the future.

If we are serious in our commitment to solving human problems in our society, then I can envision no value in the proposed budget reductions. Compared to the daily costs of death and destruction the United States wastes everyday in Southeast Asia, $19 million is a trifle. Compared to problems of young, aged, ill, unemployed, disabled, and mentally ill Americans, $19 million is huge.

Bluntly speaking, we cannot afford this sort of budget cut. I am shocked at the administration's cavalier attitude which considers reducing this important program at the same time it asks $260 million for Lockheed, windfall billions for other industrial giants, and for such questionable boondoggles as the SST, the ABM, and the myriad of nonfunctioning, nonsensical weapons systems.

Perhaps the issue here is best presented in the following study prepared by the Council on Social Work Education. It points out the disaster which would follow implementation of the administration's request. I now include the study in the Record at this point:

### Human Resource Services and Social Work Training[1]: The Case for Continued Federal Support

#### THE PRESIDENT'S BUDGET PROPOSALS

For a number of years, the Federal government has recognized the need to provide a base of support for the training of social workers. This year, however, the President's budget proposes drastic reductions in this support. These cuts are both unexpected and abrupt and can only result in confusion and uncertainty among students and facility, and, in the long run, serious harm to people and the nation.

These cuts are described in the *Appendix to the Budget, Fiscal Year 1972,* in the section on the Social and Rehabilitation Service beginning on page 457. In this budget, a new consolidation of research and training items is described on pp. 466–67. This consolidated approach obscures the real magnitude of the cuts. A cut of $19,100,000 in the training grants of the Social and Rehabilitation Service of HEW is proposed: from $39,600,000 available in 1970–71 to $20,500,000 for 1971–72. The cuts affect the Rehabilitation Services Administration (teaching grants and student stipends provided under the Vocational Rehabilitation Act); the Community Services Administration (child welfare, student stipend and faculty grants under Section 426 of the Social Security Act, and graduate and undergraduate faculty and curriculum grants under Title VII, Section 707 of the Social Security Act); and the Administration on Aging (under Title V, Older Americans Act). While these proposed cuts of training grants for all fields in SRS average 48 percent, preliminary HEW plans for future support of social work education suggest an even greater reduction.

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[1] This document is based on material prepared by Dr. Robert Morris (Brandeis University) with the assistance of Dr. Sherman Merle (The Catholic University of America).

The cuts in the Rehabilitation Services Administration are scheduled to become effective July 1, 1971. This would provide very short notice to educational institutions which have already made commitments to faculty and to students who are in the middle of their education and had assumed that support for their second year of graduate study was assured. The cuts in training grants of the Community Services Administration and the Administration on Aging will not become effective until July 1, 1972, since funds in the 1970-71 budget are used to make grants in June 1971 for the new academic year beginning July 1, 1971.

### II. THE IMPORTANCE OF SOCIAL WORK EDUCATION

Most people growing up, going to school, working, marrying, raising families and growing old—at some point in their lives—find they need some form of help. They become ill, encounter financial difficulties, or develop family or other personal problems. The need for medical, counseling rehabilitation and other services is not restricted to persons with little or low income.

But, programs need staff to plan, administer and provide services. And the people who do this need to be trained. Without enough trained people, neither existing social services nor future innovations and improvements can be effective or economic. Social work education is the basic source of those people.

Social work staff today require much knowledge and a great variety of skills to deal with many problems of increasing complexity. Graduate schools of social work and undergraduate programs in social welfare have demonstrated their capacity to adapt to the changing times. By providing training geared to today's problems, they are contributing, together with other professions, to the national objectives of reducing the economic and human costs of a host of social problems, such as drug abuse, alcoholism, discrimination, and poverty. More and more, social workers are integral parts of the professional teams which are attempting to deal with juvenile delinquency, crime, and rehabilitation. Social work is a key element in caring for the disabled, the young and the aged and in programs dealing with family breakdown. The increase in population, its urban concentration, the rise and intensification of social problems, all indicate the need for more people with even better training in the helping professions.

### III. HUMAN NEEDS AND SOCIAL WORK MANPOWER

Social services are concerned with the entire spectrum of human needs as experienced both by individuals or families and by communities. Sometimes in collaboration with other professions, sometimes carrying primary responsibility, the social services are directed toward rehabilitation and care of vulnerable population groups, toward prevention or reduction of social problems and toward change and improvement in dysfunctional systems.

Social workers are involved both in the direct delivery of social services and in the planning, administration and coordination of these services. Programs in graduate schools of social work have sharply increased their emphasis upon preparation for administration, supervision, and other leadership roles. The level of education, however, does not necessarily determine the nature of a social worker's job assignment. Direct services can be provided by a technician without an academic degree or by a social worker with a baccalaureate or a master's degree. The latter is, of course, likely to be doing the diagnosing of the problems and providing highly specialized service in complex situations.

Social work education, on all levels, prepares practitioners who can function in a wide variety of settings. Though the examples cited refer to particular programs, social work training is geared to provide social workers with the basic skills necessary to provide the help needed.

*Physical illness*: social workers, working together with other health personnel participate in developing national and regional policies and programs for the physically ill; administer and plan programs designed to cope with the immediate and long-term problems of the physically ill; help the patient or his family make the kind of plans and obtain the necessary resources to manage while he is hospitalized; help with plans for discharge including specific arrangements for after-care or long-term living arrangements in sheltered settings; supervise direct service personnel in after-care institutions.

*Children:* social workers plan and administer institutional and community-based programs to cope with immediate and long-term needs of children; design and program a range of services to provide equalization opportunities for disadvantaged children, including pre-natal and post-natal services for their mothers; participate in the development of national and regional policies and programs for children; supervise caretakers in institutions for delinquent and neglected children; provide foster home placement and supervision service; undertake investigation of child abuse and recommendation to courts concerning removal of abused children; work for rehabilitation of families in order to protect children from serious and irreparable damage; supervise and train a variety of child care personnel.

*Mental illness:* in addition to the roles described above for the physically ill, social workers head, or serve as key staff, for, community mental health centers; carry responsibility for working with family members so that they may aid in, or at least not interfere with, treatment efforts; locate and supervise foster homes for patients who are able to live in the community; train and supervise caretaker personnel; develop alternate facilities for the long-term care of those not ready for independent life.

*Aged:* social workers participate in the development of national, regional and local policies and programs for the aged; assist the aged person or his relatives in defining the problem for which help is needed and in locating or developing suitable resources; recruit, train and supervise personnel to work with the aged, both in the community and in institutions; plan and administer a variety of different programs, both in the community and in institutions, to cope with the varied problems of older people who no longer are able to care for themselves.

While the specifics of what the social workers do in relation to any given population group may differ, their responsibilities and tasks follow, in general terms, the examples cited.

The majority of social workers with graduate education are employed in planning and policy development, administration and supervision, teaching and research. It has always been the typical employment found among master's degree holders within a period of three to five years after receiving the degree. Increasingly, however, students are entering such positions immediately upon receiving their master's degree.

Direct services are provided by social workers from all levels of educational preparation. Broadly speaking, their efforts may be classified along several dimensions. In terms of *goal*, social workers provide services which are designed (1) to effect a reasonably satisfactory adjustment of the person in the community, thus minimizing the cost and trauma of institutionalization, (2) to rehabilitate the person so that he can lead an independent and productive life, or (3) to provide long-term care in as humane and effective way as possible for those who cannot be expected to function on a more autonomous level. In terms of *target* the efforts of social workers are generally directed at the victim or clients, but frequently their work is primarily with others, such as, members of the family, employers or potential employers, school, police, etc.

Different kinds of preparation and education are needed for workers at different levels of work. For many of the problem areas in which social workers are active, a degree of expertise is needed that requires intensive study and the development of a high degree of skill. Though social workers with a minimum of education or with only agency training can successfully function at an appropriate level of service, all fields require some personnel with a high degree of expertise to plan and administer services. There is a particular and continuing need for social work personnel at the highest policy development level and at the middle management level.

### IV. SOCIAL WORK AND PUBLIC ASSISTANCE

One of the most critical issues facing governments in 1971 is the ever growing welfare cost. Many people regard "welfare" or "relief rolls" as synonymous with social work. There is a distinction between provision of social services and provision of income maintenance. No amount of professional service—social work, medical, nursing, or education—can provide the dollars needed to pay rent or buy food or have prescriptions filled or buy the shoes needed for a child to go to school. The necessity of meeting basic economic needs must be distinguished from those needs that require additional care and service and use of a variety of resources to help people who can, to become self maintaining. It must also be recognized that many of the aged, some of the ill, and all of the children (until they grow to adulthood) on public assistance cannot become self-sufficient.

### V. SOCIAL WORK EDUCATION PRODUCES NEEDED PERSONNEL

Qualified social work personnel required to plan, administer and provide social services are prepared through various educational programs. The social work education system in the U.S. consists of: 70 graduate schools of social work in major universities which grant 5,000 master's degrees and about 90 doctoral degrees each year; over 200 undergraduate baccalaureate programs in social welfare with over 7,000 graduates; close to 100 two-year community college programs offering associate degrees which prepare community and social service technicians; and hundreds of continuing education programs conducted by educational institutions and agencies which reach thousands of social workers each year.

There is general agreement in social work and in most other professions that there is need for training programs to prepare professional, paraprofessional and technical personnel. The challenge is to identify and distinguish tasks so that manpower with different levels of education will be effectively used. Social work education has played an active leadership role in this effort. In the past few years, social work education has developed new programs at the baccalaureate and associate degree levels in addition to existing master's and doctoral degree programs.

### *Innovative curriculum developed to deal with contemporary problems*

During the past decade social work training has been making a major shift in the focus and content of its curriculum. Changes were made to respond to new and persistent problems, to the needs of specific population groups and to the shifts that were occurring or were being planned in the organization of services. Schools developed new courses related to certain population or problem groups, the aged, the mentally retarded, the juvenile and adult offender, the physically handicapped. Major changes in social work education also occurred with changes in the organization of services, e.g., the emphasis upon community mental health programs, service to residents in public housing projects, multi-service centers in local neighborhoods, and "grass-roots" community groups. These changes reflected a growing concern for inner city populations, the rural and urban poor, and the major ethnic minorities.

In the past few years there has been a major shift in social work education toward the preparation of generalists as well as planners and administrators. The generalist social worker is equipped to deal with a variety of tasks at the neighborhood and community level. The proportion of graduate students training for administrative and organizing tasks has also increased. Undergraduate programs have begun to prepare their graduates for beginning practice in a variety of settings instead of only serving as aides in specific fields. The preparation of technicians at the community college level is a recent development but already growing rapidly.

People trained in social work are employed by public and voluntary agencies to provide needed social services. About 90 percent of master's degree graduates enter full-time employment, the majority in public agencies and mostly in child welfare and mental health. About two-thirds of the baccalaureate degree social work graduates enter employment mostly in the public social services in their local area. Over 10 percent go on directly to graduate education. It is rare for social workers to leave human services. Women do leave employment for marriage and motherhood, but large numbers later return to full-time work.

### *Social work training offers special opportunities for minority groups*

The proportion of minority groups is greater in graduate social work than in any other discipline or professional educational program. Social work education has been in the forefront of efforts to open opportunities for minority groups. In the 1970–71 academic year over 25 percent of master's degree students and 10 percent of doctoral students in graduate schools of social work were from the following five major minorities: American Indians, Asian Americans, Chicanos (Mexican Americans), Blacks and Puerto Rico. Also about 20 percent of all faculty in graduate schools of social work are non-white. The social work curriculum, at all levels, is being enriched to help all students to learn more about the life styles, strengths and problems of minority groups and to be able to work more effectively with them.

### VI. THE COST OF REDUCING FEDERAL SUPPORT

Continued federal support for social work education is necessary:

The proposed cuts will cause serious and irretrievable damage. Many graduate schools and undergraduate programs will be forced to reduce radically or to discontinue their educational efforts.

During the past decade the capacity of the social work education system expanded rapidly and decisively at the request of the federal government to meet urgent human needs. Cutting support now will undermine our nation's capability to meet its social goals.

Currently, more than fifty percent of all graduate students in social work receive stipends funded directly or indirectly by the federal government; in awarding these stipends emphasis is given to students coming from low socio-economic, disadvantaged and minority groups. Cutting support now will hurt these groups especially since neither they nor universities they attend have access to alternate support sources.

It has taken the better part of a decade, with the help of federal funds, to build up the kind of quality faculties found in graduate and undergraduate social work programs today. Cutting support now will reduce the schools' ability to maintain quality education and develop innovative educational programs. The consequences will be felt in fewer students, less adequately prepared to face the tasks of the future.

Since the alternate support sources for social work education from local and state government and individual or corporate giving are not available, the consequences of reducing federal support will be disastrous. The cost incurred by providing fewer trained social workers will surely be far greater than any economies achieved through the proposed reductions:

Needs are met best and with least expense when they are identified early; unmet and unserved "little" problems soon develop into more expensive "big" problems. Trained social workers, educated at various levels, are needed to identify problems, develop strategies and deliver the intervention services necessary to counteract these problems or reduce their impact.

Unless those who man direct service positions receive training and on-going supervision, costly mistakes resulting in more expensive service will be made. A reduction in the number of social work students now, predictably will make available fewer, not more trainers and supervisors for the public service in the next decade.

The reduction of federal support for social work education will hinder, not help, the development of new and more effective social service delivery systems necessary to help children, adults, and families to become self-sufficient, healthy, and productive citizens.

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## PARKING CONGESTION IS HURTING OUR CITIES AND SUBURBS

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DANIELS of New Jersey. Mr. Speaker, yesterday I introduced two bills which I believe will go far to alleviate the parking congestion that is currently strangling the Nation's cities and suburbs. H.R. 9360 and H.R. 9361 will correct an inequity in the law which has poured millions of automobiles into the cities without providing adequate places to put them when they get there.

This strangulation has resulted in lost time for businessmen as well as shoppers and tourists. Commercial enterprises are questioning whether to do business in what used to be vigorous and exciting shopping and theater districts. The reasons are obvious: Customers no longer want to engage in the duel by auto for limited parking facilities. Nor do they wish to risk parking fines for overparking or parking in illegal zones when they can find no other alternative.

If we are going to revitalize our cities, we must find a place for the automobile to which people have become accustomed to using and which in many instances is more legitimately convenient than other means of transportation.

Parking must be considered an essential ingredient in modern urban planning and in the design of an urban transportation system. A system of highways and mass transit facilities requires suitable parking. Indeed the transportation system of a city can be crippled by inadequate parking facilities as well as inadequate mass transit service.

Moreover, the very character of a city is affected by the kind of parking system which it offers and by its cost and convenience. For business areas to flourish, they must be accessible to people who travel by car. Traffic congestion exacerbated by inadequate parking contributes to the decline of business districts affecting both downtown as well as older suburban commercial districts.

Parking facilities are an integral part of the highway system. When we construct an Interstate System in our urban areas without providing for the storage of cars at the end of the highway, we are defeating one of the prime purposes of the highway system: to move people from one place to another for commerce and recreation. Overall transportation systems have been described as a triangle with three sides necessary to function; the sides are highways, mass transit and parking. Underdevelopment of either will cause a breakdown of the other two.

The Department of Transportation has reported that the number of registered passenger cars in 1970 rose to 89,309,101, an increase of 2.8 percent over 1969. As the population in the United States increases, the motor vehicle population will increase correspondingly. I am told that the average vehicle is actually moving only about 400 hours per year or about 5 percent of the time. We must, therefore, be concerned about the 95 percent of the time that these vehicles must be parked.

Local governments have provided almost three-quarters of a million off-street parking spaces for the motor vehicle. Yet the problem still grows. The opportunity for relief can be found through the legislation which I have introduced. When you consider that all of the funds in the highway trust fund are derived from the motor vehicle user in the form of use taxes, it is not inconsistent or unreasonable to return some of these funds to municipalities to be used for the most vexing of the motorist's problems at the end of his trip.

The text of H.R. 9360 and H.R. 9361 follows:

#### H.R. 9360

A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans for parking projects and facilities

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 3 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602) is amended to read as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof, including authorities and public corporation, in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service and parking projects and facilities in urban areas and in coordinating such services with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), off-street and on-street parking projects and facilities, buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system or parking projects or facilities and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonprofit operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application."

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## H.R. 9361

A bill to amend title 23, United States Code, to authorize parking projects by local authorities and agencies designed to ease traffic congestion and expedite traffic safety and flow

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I

### SHORT TITLE

SECTION 1. This Act may be cited as the "Parking Facility Aid Act of 1971".

### DECLARATION OF POLICY

SEC. 2. The first paragraph of subsection (b) of section 101 of title 23, United States Code, is amended to read as follows:

"It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems and parking projects and facilities in connection therewith or in connection with urban area traffic operations improvement programs as set forth in section 135 of this title, including but not limited to the National System of Interstate and Defense highways, since many of such highways, or portions thereof, and parking projects or facilities in connection therewith or with urban areas, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

"It is the finding of Congress that the lack of adequate off-street and on-street parking facilities has reached a crisis stage in urban areas that creates serious traffic congestion, impedes proper and safe flow of traffic in, through and from such areas and rapid and effective firefighting, disposition of police and security forces, utilization of existing and projected mass transit facilities and endangers public health, safety and welfare and the national and civil defense. It is therefore in the national interest to promote, foster, assist and aid in the development of urban area parking projects and facilities undertaken by local government authorities and agencies."

### REVISION OF DEFINITIONS

SEC. 3. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) The definition of the term "construction" is amended to read as follows:

"The term 'construction' means the planning, feasibility studies, supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway or off-street and on-street parking project or facility, and including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, economic feasibility and engineering studies, elimination of hazards of railway-grade crossings, acquisition of replacement housing sites, and acquisition, rehabilitation, relocation, and construction of replacement housing."

(2) The definition of the term "county" is amended to read as follows:

"The term 'county' includes corresponding units of government or authorities established thereby under any other name in States which do not have county organizations and likewise in those States in which the county government does not have jurisdiction over highways or parking projects and facilities, it may be construed to mean any local government unit or authority vested with jurisdiction over local highways or parking projects and facilities.

(3) The definition of the term "highway" is amended to read as follows:

"The term 'highway' includes roads, streets, and parkways and off-street and on-street parking projects and facilities and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails and protective structures, in connection with highways and such projects and facilities. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel."

(4) The term "Federal-aid highways" is amended to read as follows:

"The term 'Federal-aid highways' means highways located on one of the Federal-aid systems described in section 103 of this title and parking projects and facilities located nearby or adjacent thereto or any extension thereof."

(5) After the definition of the term "Federal-aid highways" add the following new paragraphs:

"The term 'local authorities and agencies' means any unit of the municipal, county or State government and includes any authority or public corporation created by such unit and designed to carry out any of the purposes of this title, including the study, planning, construction, operation and maintenance of off-street and on-street parking projects and facilities, and all activities and acts incidental thereto.

"The term 'parking project or facility' means any area or place, garage, building, or other improvement or structure, and the approach and access roads, driveways, ramps or other structures or areas necessary, useful or convenient for access thereto from a public street, road, thoroughfare or highway, for the parking or storage of motor or other vehicles including, without limiting the foregoing, all real and personal property, approaches, accesses, meters, mechanical equipment, appurtenances and facilities either on, above or under the ground necessary or useful and convenient for or in connection with such parking or storage, together with any additional structures, buildings, space or accommodations necessary, useful or convenient for such purposes."

(6) The definition of the term "project" is amended to read as follows:

"The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed; and includes a parking project or facility as herein defined."

(7) The definition of the term "project agreement" is amended to read as follows:

"The term 'project agreement' means the formal instrument to be executed by the State highway department or the local authority or agency and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

(8) The definition of the term "Federal-aid system" is amended to read as follows:

"The term 'Federal-aid system' means any one of the Federal-aid highway systems described in section 103 of this title and any public street, road or highway in an urban area and includes parking projects and facilities in connection with the Federal-aid primary system or the Federal-aid-secondary system or the Federal-aid urban system, or an urban area or any extension thereof."

### FEDERAL-AID SYSTEMS

SEC. 4. Subsection (a) of section 103 of title 23, United States Code, is amended to read as follows:

"(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate system, and any extensions thereof, and any parking projects and facilities in connection therewith, are established and continued pursuant to the provisions of this section."

### PROGRAMS

SEC. 5. (a) Subsection (a) of section 105 of title 23, United States Code, is amended to read as follows:

"(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department, or the local authority or agency concerned with parking projects and facilities, desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system or any parking project which is not reasonably related thereto or any extension thereof or to an urban area traffic operations improvement program."

### PLANS, SPECIFICATIONS, AND ESTIMATES

SEC. 6. Subsection (a) of section 106 of title 23, United States Code, is amended to read as follows:

"(a) Except as provided in section 117 and 135 of this title, the State Highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications and estimates, and upon those submitted pursuant to sections 117 and 135, as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title."

PROJECT AGREEMENTS

SEC. 7. Subsection (a) of section 110 of title 23, United States Code, is amended to read as follows:

"(a) As soon as practicable after the plans, specifications and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department or the local authority or agency concerning the construction and maintenance of such project. Such project agreement shall make provision for State or local authority or agency funds required for the State's or local authority's or agency's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 8. Subsection (b) of section 135 of title 23, United States Code, is amended to read as follows:

"(b) The Secretary may approve under this section any project on an extension of the Federal-aid primary or secondary system in urban areas and on the Federal-aid urban system for improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, off-street and on-street parking projects and facilities proposed by a local authority or agency, and loading an unloading ramps. If such project is located in an urban area of more than 50,000 population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. The sums apportioned for such projects including the off-street and on-street parking projects and facilities shall not be limited by or combined with but shall be exclusive of any expenditures for demonstration fringe parking facilities outside a central business district as provided by section 11 of the Federal-aid Highway Act of 1968."

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## THE NORTHWEST ATLANTIC FISHERIES CRISIS

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent but terrifying paper published by the Director of the Division of Marine Fisheries, Department of Natural Resources of the State of Massachusetts.

This paper chronicles the most dangerous and irresponsible fisheries action of the Soviet Union in overfishing the fisheries resources of the American Continental Shelf off New England. The so-called pulse fishing technique documented deals with taking a fish resource down to the point of near extinction and then moving on to the next most available and numerous species in that area or elsewhere.

The future of our traditional fisheries in the banks off New England is in severe jeopardy from this kind of action and it appears that present international devices are grossly inadequate to halt this kind of irresponsibility or to protect the interests of America, America's fishermen, or indeed the world, in this priceless biological resource of the high seas.

The article follows:

THE NORTHWEST ATLANTIC FISHERIES CRISIS

For several years now, those concerned with the extensive fishery resources of the Northwest Atlantic, and especially those of the Georges Banks area off Massachusetts, have looked with growing alarm at the ever increasing exploitation of these prolific grounds. Traditionally, these areas have supported the bulk of landings of groundfish such as haddock and cod, which contributed substantially to New England's economy and development. In addition to the harvest of these groundfish species, other species such as mackerel, flounder, redfish and herring abounded and were utilized to varying degrees by United States and Canadian fishermen. Besides their value as commercial species, some of these fishes are also important to the food supply of sport fish sought by the millions of Atlantic Coast anglers. Although landings of these several species varied over the years and fluctuations in abundance undoubtedly occurred, there was little indication of over-fishing and many experts felt that the supply was inexhaustible.

In less than 10 years the situation has changed completely. Early in the 1960's the Soviets moved into these waters in large numbers and were followed by other Communist bloc and free nations from Europe. These government-subsidized fleets consisted of everything from small, obsolete side trawlers to huge support ships capable of complete servicing of the catching vessels. By 1970 it was estimated that the foreign fleet consisted of over 1,000 vessels which spent at least part of the year in the Georges Banks area.

The consequences of this fantastic increase in fishing effort are now becoming clear. One by one the most abundant and economically important species of fish have been systematically exploited by "pulse" fishing. "Pulse" fishing consists of directing intense effort to a particular fishery until it is no longer economically feasible to continue. When that point is reached the fleet switches to another fisheries or species and the exploitation proceeds again.

Unfortunately, with the present state of knowledge, biologists cannot predict whether various species, after being subjected to such intense exploitation, can adequately reproduce and thus replenish their diminished population numbers. There is the certain knowledge that terrestrial or aerial species such as the American bison, the passenger pigeon and the whooping crane have never regained their population size after similar over-exploitation.

Although it may seem inconceivable, the most seriously threatened fishery resources are those which have been the most prolific. Only those species whose sheer numbers provide a huge source of available protein are sought by these mobile harvesters. Through fleet communications the catching vessels are homed in on fish concentrations after special scout vessels have systematically plotted their abundance. In this manner, constant pressure is applied to the schools of fish as they go through their normal seasonal movements or migrations. No longer are the fish safe from capture if they follow their food supply up off the bottom into the mid-depths or surface waters. These fleets have effectively developed the mid-water trawl which can be used at whatever depth the fish are present. When coupled with electronic gear which can pinpoint fish concentrations, the capability for almost complete annihilation of each school is realized.

In the spring of 1971 biologists from the National Marine Fisheries Service estimated that the formerly enormous stocks of sea herring off our Atlantic Coast had been reduced by 95 percent of their abundance in just a few years of intense fishing. This exploitation has occurred so rapidly that no management controls have been implemented by the only commission charged with resource responsibilities in these international waters. Thus it is apparent that "pulse" fishing is capable of and has in fact drastically over-exploited fish populations before the existing control mechanisms can be applied.

The International Commission for Northwest Atlantic Fisheries (ICNAF) was set up in 1949. This Commission now consists of 15 member nations who have a direct interest in the fisheries of this area. The Commission is charged with the responsibility of ". . . Investigating, protecting and conserving the fisheries of the Northwest Atlantic Ocean in order to make possible the maintenance of a maximum sustained catch from these fisheries. . . ."

Within the convention area no other jurisdiction with regard to fisheries exists. The United States claims a territorial sea of three miles with an additional nine mile contiguous zone in which foreign fishing is controlled. Canada has recently moved unilaterally to control fishing in the Gulf of St. Lawrence and the Bay of Fundy but apparently will abide by ICNAF regulations in these former international waters.

When ICNAF was originally chartered, "pulse" fishing was unknown in the Northwest Atlantic and no one perceived the vast buildup of foreign fleets which subsequently occurred. Since ratification by the member nations, an adequate system of fishing controls has been extremely difficult to develop. Initially, minimum net mesh sizes to control the harvesting of undersized haddock were imposed in 1952. Thus this species was the principal recipient of management measures in the convention area. It has continued to receive the most attention and a variety of conservation measures for haddock have been adopted in recent years. It is not unreasonable then to review the present status of this most managed species.

In the spring of 1971 United States biologists recommended that *no* haddock be taken in the ICNAF area in order to preserve the dwindling remnants of this fishery which had produced 547 million pounds in 1965. So reduced are the numbers of haddock now that there is a strong possibility that this species will disappear from these waters in the next few years.

The cause for this ecological disaster has been clearly documented. In 1965 the Soviet fleet reported landings of 283 million pounds of haddock. This corresponded to average annual landings by United States fishermen of 113 million pounds. Most of the haddock taken by the Soviets were young fish from an unusually abundant year class which was spawned in 1963. This huge year class would have sustained the normal US fishery into the 1970's and at the same time provided ample breeding stock for future generations of haddock. Compounding this tragedy is the fact that the immature haddock taken by the Soviets in 1965 and 1966 were too small to be of high market value.

Thus a review of the most studied, most managed and most valued species in the ICNAF area clearly shows that the existing international controls were not adequate to preserve it for the future. Unfortunately, there is no indication that what has happened to the haddock is an isolated situation.

On the contrary, we can fully expect it to happen with herring, yellowtail flounder cod, mackerel, sea scallops, lobsters and other species of sufficient abundance to make them economically important. It will happen because ICNAF is not capable of acting in time to prevent it, and, in fact, only reacts after the tragedy has occurred. The international machinery involved is so time-consuming that it cannot hope to keep pace with the technological capabilities of the fishing nations involved. In addition, the Commission has not even addressed the real issue, which is *total fishing pressure.*

Through its species management approach ICNAF is forced into imposing regulations for a particular species after it has been documented that that species has been overfished. In actuality, those regulations have come about after the "pulse" fishing has already transferred to another victim. Until some control can be exerted on the total harvest capability of the nations involved, no effective management will exist. Supporters of ICNAF will point out that the international procedures are being changed and improved and that eventually controls will be adequate for effective management; however, even the most optimistic supporters of ICNAF will admit that truly effective management is at least several years off.

It is ecologically irresponsible to know that these valuable protein resources are being over-exploited without sounding an alarm. No one knows what the ultimate result of extinction of these species would be on the total marine ecosystem. One distinct possibility could be the replacement of these valuable fish with species of much less value to man. The consequence of man's activities on the land are painfully apparent almost everywhere now. Must we also rape the resources of the ocean to satisfy short-sighted economic gains?

Possibly there is still time if the public, through its federal agencies, shows its immediate concern by instituting emergency controls on the total fishing effort in these waters. Realistically, this could best be accomplished by unilateral or bilateral action by the nations most traditionally involved, the United States and Canada. The argument that such action would run counter to international law can best be answered by the fact that a lack of appropriate action disregards an even more fundamental law—that of conservation of living resources.

We therefore call upon the Governor and the General Court of the Commonwealth of Massachusetts to request the President and the Congress of the United States to appoint immediately a special panel of fishery resource experts who will report their findings together with recommendations for appropriate action to the Congress of the United States within six months. We owe at least this much to these living resources which have sustained us so ably in the past.

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## THE MANSFIELD AMENDMENT AND THE ROLE OF THE HOUSE

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. ROSENTHAL. Mr. Speaker, I introduced yesterday H.R. 9350, to provide for a study mission to the Vietnam elections, and for other purposes. This bill embodies the Mansfield amendment as passed earlier this week by the Senate as part of the extension of selective service legislation.

I hope that this bill will be considered by the House Foreign Affairs Committee which is now holding hearings on similar legislation—without the Mansfield amendment—to provide for a study mission to the October elections in South Vietnam.

It is important that the House of Representatives also have an opportunity to vote on this amendment which passed the Senate by a strong majority of 57 to 42. It is also important that the House consider this disengagement proposal as a matter of foreign affairs policy, with careful and thorough deliberation, and not only in the context of a House-Senate conference on extending the draft law.

The Washington Post and the New York Times both commented this morning on the importance of this amendment. I include these editorials below, together with the text of the amendment:

[From the Washington Post, June 24, 1971]

### THE MANSFIELD AMENDMENT

In the Mansfield amendment, the Senate has finally found an appropriate form in which to express its attitude toward the war. Unlike earlier war-policy amendments of the McGovern-Hatfield sort, this one does not promise a result—ending the war—which is beyond the power of Congress to deliver, given the real powers of the Presidency. Nor does the Mansfield amendment force upon reluctant legislators the embarrassment of a direct confrontation, during hostilities, with the Commander in Chief. It was these bows to substantive and political reality, we surmise, which helped the Mansfield amendment to sail through the Senate by a broad 57–42 margin. The impact of the Pentagon papers, disclosing how politically and morally questionable was the process of our involvement in Vietnam, may also have played a role.

The significance of the vote is that for the first time a majority of the Senate is on record with an expression of views which reflects the prevailing public judgment on the war, as the polls have made that judgment plain for some time. Never before have the two been in phase. Their common ground is that the single reason for the United States to keep military forces longer in Indochina is to secure lease of American prisoners of war. Under the Mansfield amendment, the President would be directed to (1) establish a withdrawal date within nine months, contingent upon release of POWs, (2) negotiate an immediate ceasefire, and (3) negotiate parallel troop withdrawal and prisoner release.

Doubtless the presidential press secretary's comment on the vote—"it states what 57 senators think our policy should be"—accurately reflects his understanding of—and his respect for—the Senate. It is stunning, nonetheless, to find the White House dismissing the considered decision of a majority—a majority created by the vote of 12 Republicans—as a straw poll of no particular consequence. Aside from the political inadvisability of such a dismissal, it ignores the central fact that most senators—like most citizens—reject the President's view that the United States must fight on in order to improve prospects for the Saigon regime. The White House may be right in expecting the Mansfield amendment to receive rougher handling in the House, though for ourselves we are not so certain of that. But surely the White House is wrong in portraying the amendment as a nuisance it can safely ignore.

Instead of reacting with kneejerk combativeness to the Senate's war-policy statement, Mr. Nixon ought, we believe, to welcome it. The Senate's heavy vote should ease his fears that a "nightmare of recrimination" would result from a quicker and more complete withdrawal than the one he has so far planned. The nine-month withdrawal period anticipated by the Mansfield amendment would take the Nixon administration well beyond the October elections in Saigon, so that Mr. Nixon would not have to abandon his effort to launch President Thieu on a second term.

What Senator Mansfield and 56 colleagues have done is to construct for Mr. Nixon a careful and responsible argument for winding up American participation in the war under circumstances that will enable him to share with Congress and the Democrats the risks inherent in our disengagement from the fighting. This is a boon of the first order if only Mr. Nixon will accept it as such.

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[From the New York Times, June 24, 1971]

### SENATOR MANSFIELD'S COMPROMISE

The Administration narrowly escaped a direct constitutional confrontation with Congress Tuesday when the Senate defeated by only one vote an amendment to the Selective Service Act aimed at cutting off funds for United States military operations in Indochina in nine months if North Vietnam agreed to free American prisoners of war.

But Congress may yet feel obliged to order some such drastic measure as a means of reaffirming its constitutional role in the war-making process if the White House persists in its initial negative response to a milder, compromise proposal introduced by Senate Majority Leader Mike Mansfield and adopted by a vote of 57 to 42.

The Mansfield amendment, though it has the same goal as the defeated proposal, refrains from invoking the ultimate Congressional power—the power of the purse—to impose a withdrawal schedule on the President. Rather, it "urges and requests" President Nixon to establish a final date for withdrawal, not later than nine months from the date of enactment. It also calls on him to negotiate an immediate cease-fire and to negotiate with Hanoi for "a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war. . . ."

The immediate White House reaction to this constructive proposal from a majority of Seantors was to brush it aside as "not binding" and not representative of the views of Congress as a whole. A White House spokesman said the President would cling to his present policy of Vietnamization, adding that establishment of a withdrawal deadline would "inhibit negotiations" in Paris.

What negotiations? As Tuesday's Senate vote clearly testifies, more and more legislators are persuaded that the President's policies will not lead to an end of the American involvement in Indochina. There is a growing conviction that a new policy, based on a fixed withdrawal date of the kind advocated by Senator Mansfield and other members of both parties in both houses, is needed to break the long deadlock at Paris and to assure the safe and orderly withdrawal of American troops and prisoners.

By continuing to ignore this rising public and Congressional sentiment while advancing no new peace initiatives in Paris, the President invites increasingly restrictive legislative action and further bitter division within Government and nation. The wiser course would be active Administration moves along the lines indicated by the Senate, thus enlisting the Congress in a bipartisan partnership for peace.

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(6) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as many be agreed upon by the negotiating parties.

## RESOLUTIONS ADOPTED BY WOMEN'S DIVISION OF THE NEW YORK DEMOCRATIC STATE COMMITTEE

## HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. CELLER. Mr. Speaker, in order that members of the Democratic delegation may be informed of the action taken by the conferees of the 20th annual Political Conference of the Women's Division of the New York Democratic State Committee, held in Albany, April 25 and 26, 1971, I include the resolutions adopted by the conference. The resolutions follow:

I. On motion duly made, seconded and carried, it was resolved that as Democratic women most concerned with the lives and well-being of our children and the children of our fellow citizens, we urge the Congressional delegation from New York to vote to withdraw all American troops from IndoChina immediately and, in no event, no later than December, 1971.

II. On motion duly made, seconded and carried, it was resolved that we strongly endorse the programs of the Democratic legislators to restore budget cuts in the New York State budget, and to review administrative priorities in order to fulfill the desperate social needs of the citizens of New York State.

III. On motion duly made, seconded and carried, it was resolved that we call upon the New York State Legislature to ratify the proposed twenty-sixth amendment to the Constitution which will enable 18-year-olds to vote in all elections. We also urge the approval of the New York State proposed amendment to give the 18-year-olds the right to vote in all elections.

IV. On motion duly made, seconded and carried, it was resolved that all members of the New York State Congressional delegation are urged to use their utmost efforts to secure passage of legislation which would prohibit discrimination in the employment and pay of women.

V. On motion duly made, seconded and carried, it was resolved that because of the vast amount of talent among women in the Democratic Party in the State of New York, and because such talent has not been utilized, and women have been discriminated against in the selection and nomination of candidates for party, public and judicial office, the State Chairman and the Vice-Chairmen should require that all such elections and nominations be equally divided among all men and women within the Democratic Party in the State of New York.

VI. On motion duly made, seconded and carried, it was resolved that we urge that the Democratic National Committee reconsider the formula for delegate strength at the 1972 National Convention, which it adopted in February, 1971, so that the State of New York will not suffer from such a discriminatory rule reducing our delegate strength.

VII. On motion duly made, seconded and carried, it was resolved that we urge the Democratic National Committee to reconsider its action taken in February, 1971, appointing its members as ex-officio delegates to the 1972 National Convention, thereby violating two key guidelines of the McGovern Commission, which were, respectively, (1) a requirement for timely selection of delegates; and (2) prohibition of ex-officio delegates.

VIII. On motion duly made, seconded and carried, it was resolved that because officers of the Democratic Party in New York are spokesmen and representatives of the entire party rather than private individuals, no officer of the State Committee, nor National Committee members representing New York State, should be permitted to take an open or official position on a candidate for public office until the party has made its nomination. Should a party officer desire to endorse or support a candidate prior to the nomination, his or her resignation from the party office should be automatic.

(It was not intended that this resolution preclude officers of the State Committee or National Committee members from running for the position of delegate to the National Convention, and at that time taking a position on an individual candidate).

IX. On motion duly made, seconded and carried, it was resolved that because of the plight of our cities and the desperate social needs which face the citizens of our State and Country, and because one of the major financial burdens is the overwhelming cost of welfare in the United States, the Democratic Party of the State of New York strongly endorse and work for the Federal assumption of welfare costs.

X. On motion duly made, seconded and carried, it was resolved that because of the desperate condition of a large part of our existing housing stock, and the absence of decent, reasonable and habitable housing in many of our urban areas, all members of the New York Congressional delegation and the Democratic Party in the State of New York use their utmost efforts to secure the declaration of a housing emergency in the State of New York, the freeing of Federal funds to our cities now specifically earmarked for housing which are being withheld by the President, and the release of $800,000,000 to the cities, now available but which are being withheld by the State of New York.

XI. On motion duly made, seconded and carried, it was resolved that the Federal government guarantee every American family a guaranteed annual income sufficient to meet human needs.

## DOCTORS FLEE DISTRICT OF COLUMBIA

## HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FAUNTROY. Mr. Speaker, medical care in this city—the Nation's Capital—is inadequate, whether one is rich or poor, white or nonwhite, educated or illiterate. The Washington Post today, tells us what we have long known. The number of doctors with private practices in this city is decreasing causing a lowering in the quality of medical care as illustrated by the fact that the District had in 1970 the highest infant mortality rate of any major U.S. city and one of the higher mortality rates for tuberculosis, pneumonia, and cirrhosis.

We are told that the physicians are leaving the city for a number of reasons—crime, rents, tax breaks, clientele, and sometimes because of the difficulty in securing hospital privileges.

Part of the answer lies in the need for an uncategorical commitment by the Federal Government to provide excellence in health care in this city and this Nation. There is no reason that Washington, D.C., ought not be a model for health care. Surely we can devise incentives to entice physicians to remain in this city and serve not only the rich, but everyone in every section and every community. It is patently ridiculous and a national scandal that in this city, the capital of the greatest nation in the world, we can have a neighborhood with one doctor per 1,000 persons as is indicated in the Post article.

I think that this article is clear and thorough and sets out many of the reasons that doctors leave:

DISTRICT IS LOSING DOCTORS TO SUBURBS: EXODUS HASTENED BY CRIME, LURE OF MORE MONEY

(By Henry Aubin)

The city of Washington, with one of the poorest health records in the country, has the lowest proportion of doctors for patients of any city of comparable size in the East, an analysis of American Medical Association data shows.

Doctors often cite crime and urban problems as reasons for not practicing in the city, while the suburbs offer them such inducements as cheap rents, tax breaks and a clientele that can better afford to pay.

The shortage of physicians is dramatically apparent in such black, low-income sections of Washington as the area east of the Anacostia River, where there were 67 doctors' offices in 1969 for a population of 217,000, according to the most recent city records. By comparison, the white, prosperous area west of Rock Creek had 347 doctors' offices for a population of 86,000.

The doctor shortage and poor environmental and social conditions in low-income neighborhoods contribute to this grim health situation: Washington's infant mortality rate was the highest of any major U.S. city in 1970, and its mortality rates for tuberculosis, pneumonia and cirrhosis were among the highest. Mortality rates are highest in neighborhoods where doctors are the fewest.

The three-year-old Medicaid program, which reimburses doctors for treating the poor, has encouraged a few doctors to settle in disadvantaged areas.

But Medicaid payments are low, the disadvantages of these areas are many, and not enough doctors have come into these areas to compensate for the greater number who have left or are leaving.

The shortage of doctors is most dramatic among general practitioners—the traditional family doctors and first line of defense for health.

The city has fewer of these doctors than any other city in the 400,000 to 1 million population range in the country.

"General practitioners and some other kinds of physicians, with the notable exception of super-specialists, can count on getting more affluent faster outside the city than in it," says one local authority on medical finances, John C. Post, head of Professional Business Management, Inc., a consulting firm for doctors.

In 1963, AMA records show, there were 335 general practitioners with offices in Washington. By the end of 1969, only 185 were left, a decrease caused by death and retirement as well as the lure of the suburbs.

Dividing that total into the 1970 census figure for the city, that means there was only one GP for every 4,130 Washington residents.

In Cleveland, by contrast, there was one family doctor for every 2,300 residents; in San Francisco, one for every 2,900; in Boston, one for every 3,100; in Baltimore, one for every 3,500, and in St. Louis one for every 3,900.

Washington has been losing its GPs at a rate of 25 a year, and not just for economic reasons.

Dr. Richard E. Cook, a 43-year old GP, used to have a family practice at Maryland Avenue and 8th Street NE, not far from where he used to shine shoes as a boy.

He wanted to work in his native city, but in 1967 he left, discouraged.

Because of their relative affluence and their handling of narcotics for medical reasons, doctors in the inner city were falling prey to burglars and muggers. One colleague, he recalls, even was beaten and robbed when he made a house call; his head injuries required 19 stitches.

"I was never robbed, but there was always that fear in the back of my mind. I was always agitated and anxious about it," says Dr. Cook.

"That was my main reason for leaving," he says, "but there were other things too."

One of them was his failure to get hospital privileges—that is, permission to put his patients in the hopsital personally and to care for them there.

Indeed, notes the president of the D.C. Medical Society, Dr. Marvin C. Korengold, it's generally tougher for physicians to obtain privileges in Washington hospitals than in suburban ones. The main reason, he says is that there are more new or expanding hospitals in the suburbs than in the city. Thus suburbs have vacancies for doctors while the city has waiting lists.

Cook is still bitter about not being given privileges. "Most city hospitals think a general practitioner is an idiot. The medical community screams about not having enough GPs, but at the same time it doesn't give them the kind of status they deserve.

And it's doubly difficult for a Negro practitioner to get hospital privileges," adds Cook, who is black.

Another reason for "up and leaving," he says, was the long hours and heavy patient load. He estimates he saw 60 to 70 patients a day, "a horrible load for any GP."

From that, he had a net income of only about $15,000 a year.

Today Dr. Cook has a practice among the poor in Annapolis.

"It's a quiet little town. In Washington the atmosphere is hurried, and I've enjoyed medicine here (in Annapolis) much more," he says.

"It's more lucrative," he pointed out. Now, he sees only about 30 patients a day, half his load in Washington, and he's making more than twice as much money. "My net income is about $35,000."

Also he's had no trouble getting hospital privileges.

Professional respect and income, he says, are a lot easier to acquire outside the Washington ghetto.

In interviews with doctors who still remain in low-income areas of Washington, crime was frequently mentioned as their prime concern. The depth of that concern was often evidenced by their insistence that they not be identified.

A Southeast Washington physician said he had been shot at after he resisted a mugger several weeks ago. "Already I've abandoned evening office hours," he says, "and right now I'm considering changing locations."

"If I get held up just once, that's it, I'm leaving," says another physician who asked to be identified only as having a practice in a part of the Shaw neighborhood in the model cities area.

That blighted area could ill afford to lose him. D.C. department of human resources records for 1969 show that the model cities area had 81 physicians' offices and a population of 80,000, one-fourth as many doctors as west of Rock Creek on a per capita basis. It also had eight times as many deaths from tuberculosis and twice the infant mortality rate.

The internist has, to a degree, been replacing the vanishing GP.

Some physicians, like internist Dr. Stanley Talpers of downtown Washington, argue that this improves the quality of medical care. Talpers points out internists can treat ailments that fall within their specialty better than generalists can.

But others, like Dr. Korengold of the medical society, disagree, saying that the problem remains of matching the right ailment with the right specialist.

"Internists haven't adequately replaced the GP," says Korengold, "because internists are only specialists of the internal organs of the body; the GP, on the other hand, can still stitch up lacerations, deliver babies, set broken legs, treat heart failures. There's a very definite need for the GP in Washington."

One reason it's always tough to find different kinds of doctors is that Washington has only one doctor of any kind seeing patients—surgeons, internists, other specialists and GPs—for every 330 people. No other city east of the Mississippi of comparable size has fewer doctors per capita.

Pittsburgh, for example, has one for every 210 people, Boston for ever 205, Cleveland for every 220 and Baltimore for every 300.

These figures are extrapolated from an AMA statistical category called "nonfederal patient-care doctors." Doctors engaged in administration, research or teaching are excluded.

(The federal government keeps no count of how many federal doctors involved in patient care are in this area, according to officials at the National Institutes of Health. But, say these officials, there are not enough of them involved in caring for patients "to make any appreciable difference" in the above comparisons on the availability of patient-care doctors among cities.)

While the shortage of doctors is most acute in low-income neighborhoods of the city, the Washington area as a whole has fewer patient-care doctors than most metropolitan areas.

Between 1962 and 1969 the number of patient-care doctors grew by 56 per cent in Washington's suburbs, from 1,388 to 2,171, an annual increase of about 130.

But because of the area's phenomenal population growth, there is still plenty of room for more, Korengold stresses. In the last decade, the number of people—and potential patients—soared by 37.8 per cent, the highest growth rate of any of the 12 U.S. metropolitan areas with populations greater than 2 million.

Washington's own population remained about static during the decade. So did its number of patient-care doctors. While the city lost about 30 doctors between 1963 and 1969, it gained about 30 hospital doctors.

Many of the doctors who left for the suburbs or who retired or died were replaced by foreign-trained physicians. Their quality, while often excellent, tends to vary widely.

"As a generalization," says Dr. Henry Ecker, local head of the American College of Physicians and chairman of the D.C. Medical Society's executive board, "the foreign-trained physician is not as well trained as the American physician."

Ralph Nader's study group on the quality of medical care reaches this conclusion: ". . . foreign physicians with lower qualifications and much less competence and ability are presently assuming a major portion of the responsibility for the care of patients in the U.S."

The proportion of foreign doctors in Washington is above the national average. One Washington doctor in seven was foreign-trained in 1964; one in five in 1967, and the trend continues.

Dr. Sidney Wolfe, a young Washington internist, has this rule of thumb to explain the exodus of doctors from the city's low-income areas: "As the socio-economic character of a neighborhood changes, the doctors leave."

As Korengold points out, some of the medical society's members had established medical practices in "changing" neighborhoods. They saw their clientele going to the suburbs and they followed, sometimes keeping many of their old patients.

Others, who remained in deteriorating neighborhoods, complained about the schools and about the gap in social and public services. So they, too, left, and the gap widened.

Also, says Korengold, most young doctors just out of training are now settling in the suburbs.

Many of these young doctors are anxious to help disadvantaged people in the city. But they are discouraged from practicing there, especially if they are white.

Dr. Frederick Washington, a young black physician who heads a public health clinic in Anacostia and also has a private practice there, puts it this way: "It's not a good idea for a white physician to be out here. Most of the white physicians have left and you can't blame them.

"Since I came out here (in Anacostia), in 1966 I've been held up at gunpoint inside my office four times. I've been burglarized three times," and, he adds, several white visitors and a nurse have been subject to "racial attacks."

"I don't know how many nurses I've had who've quit my private practice because of the robberies," says the doctor. "I would leave myself if I didn't feel something for the people."

"Every now and than I get thoroughly disgusted at the vandalism and at the people's attitude. They think you're here at their beck and call. They don't give you the respect you should get.

"No one seems to care about the people out here. Sometimes I say they don't even care for themselves . . . But I say that in the heat of anger."

If the young physician looking for a place to settle decides on a low-crime section of Washington, he finds the going tough. He or she has two areas from which to choose:

downtown or the area west of Rock Creek, and both are already heavily booked.

To the ambitious young doctor, the downtown office area around 18th and I Streets NW is especially attractive because of its proximity to several hospitals, to the business and government areas where many well-off patients work, to George Washington University Medical School where many teach, and because of the referrals from all the other doctors.

Dr. Talpers, who is well established downtown, gives little encouragement to prospective newcomers. "It takes doctors longer to get started downtown because of the sheer number of other doctors. A new doctor can have quite a struggle here for a number of years, whereas in the suburbs he can be busy rather quickly."

Says Dr. Korengold: "A pediatrician can open a practice in, say, an apartment complex in the suburbs, a place where young couples with children often live. And he'll have a going practice his second day."

The medical society president is well acquainted with the lure of the suburbs. Four months ago he opened an office in Bethesda in addition to his K Street office. A neurologist, Korengold divides his day between the two offices, an increasingly popular custom among doctors.

Doctors are also finding it's easier to save money outside the city.

Rent, for example, which may cost $8 a square foot in a downtown building may run only $4 or $5 in a well-located suburban building.

And surprisingly large sums can be saved by eliminating parking expenses. One downtown doctors' office reports it spends $300 a month on parking fees for its four doctors, two nurses and a receptionist. The doctors pay for their employees' parking.

Many nurses and receptionists live in the suburbs and doctors have to pay them more to work in the city than near their homes.

More important savings, however, can be derived from a new kind of tax shelter that is legal in Virginia, Maryland and every other state in the union. But it is illegal in the District of Columbia, and, says Korengold, some doctors here are moving to the suburbs as a result.

These tax shelters are in the form of doctors' corporations. They first became popular around the country during the 1960s, when states began passing legislation allowing them.

Their popularity in the Washington suburbs is attested to by John Post's clientele. Three years ago, says Post, there was only one corporation among his 1,500 clients. Now there are about 70.

Their prime tax advantage, Internal Revenue Service officials acknowledge, concerns retirement funds. In the District of Columbia doctors are allowed to put aside no more than $2,500 a year into tax deductible retirement savings, while in Virginia and Maryland there is no ceiling on the money that can be saved without paying taxes until after retirement, IRS officials say.

The D.C. Medical Society is supporting legislation now before the House District Committee to permit these corporations in Washington.

Testifying last month on behalf of the society's 2,600 members, Korengold said the corporations would "serve to improve the distribution and quality of medical services" to Washington residents.

He and Dr. Ernest Hardaway, a city health official, agree the corporations might lead to the establishment of "health maintenance organizations" in low-income areas. The corporations, Hardaway says, might obtain contracts from the city to provide prepaid health care for Medicaid patients.

He says the potential profits would be higher than for most ghetto practices. He acknowledges, however, that probably few such groups would settle in the inner city, and says, "Many guys (in the health field here) are looking at it (the corporation legislation) only for the tax benefits."

There is growing desire among some local doctors to augment government programs like Medicaid by donating more of their own time to care for the poor. In a profession with a generally conservative view of social problems, the D.C. Medical Society has become known as being relatively "socially involved."

Korengold points to an article he wrote this spring for the medical society's journal as evidence of this increasing interest by doctors to help the disadvantaged. In the column, he suggested that doctors take a "close look at our own city's problems" and make a "small sacrifice."

Despite their already long workdays, doctors, Korengold wrote, should try to give more physical examinations to the poor and take part in clinics, narcotics treatment programs and other voluntary health projects.

"The facts are that there are just not enough (doctors) to go around, and it is going to be a long time before the number of physicians catches up with the population spiral."

One activist member of the local medical community, Dr. Robert N. Butler, a Northwest Washington psychiatrist, is also skeptical of any big changes in the situation.

"Like many other comfortable Americans," he says, "Washington doctors have, as a whole, remained comfortably oblivious to reality. Now they're acting, but still not enough."

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## WHO OWNS AMERICA?—THE SECRET NOMINEE LIST

## HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. METCALF. Mr. President, Aftco, Byeco, Cadco, Bebco, Ertco, Fivco, Floco, Forco, Gepco, Ninco, Octco, Oneco, Quinco, Sevco, Sixco, Tenco, Treco, Twoco.

Mr. President, the above names may sound like a space age counting system. In reality, each is part of the corporate code. Each of these names is a nominee—a front name—used by the Prudential Insurance Co. of America to hide some of its interests.

Use of nominees, also known in the securities trade as "street names" or "straws," to hide beneficial ownership of stock is a common corporate practice today.

I submit, Mr. President, that this widespread practice is a compelling reason why the Judiciary Committee and the Senate should approve Senate Resolution 113, which would establish a Special Senate Committee To Investigate Concentration of Economic and Financial Power.

Law enforcement and Government regulation in crucially important areas, including energy, communications, transportation, antitrust and environmental protection, are lax because responsibility for illegal and unethical corporate behavior cannot be easily determined. Government and corporate computers compile dossiers of hearsay on millions of individuals. Yet, neither these computers nor conventional files store factual data on corporate ownership.

Regulatory commissions' questions regarding ownership are grossly inadequate. They will ask for the names of the 10 largest stockholders, for example, or ownership amounting to 5 percent or more of total shares outstanding. In response to such questions the typical corporation will not name the owners. Instead, it lists some name and address or box number.

How does one find out that Aftco is really Prudential, that Kane & Co. is really Chase Manhattan Bank, that Cede & Co. is the Stock Clearing Corp., which is a wholly owned subsidiary of the New York Stock Exchange?

The answer is simple, if you are a select insider. The answer is difficult or impossible to find out if you are an outsider, even a party to a case in which corporate ownership is an important issue.

Many answers are found in the "Nominee List." It is published by the American Society of Corporate Secretaries, 9 Rockefeller Plaza, New York, N.Y. 10020. The executive director of the society is John S. Black, Jr.

Last month the managing editor of a string of suburban newspapers, W. J. Elvin III, of Globe Newspapers, Vienna, Va., asked the society for a copy of the "Nominee List." His request was denied. Mr. Elvin was told that distribution is limited to the membership.

Mr. Elvin then asked for a copy of the society's membership list. That request, too, was denied. Its distribution was also limited to the membership, he was told.

Earlier this year a Tucson attorney, Stuart Herzog, requested a copy of the "Nominee List." Mr. Herzog represents consumers in the Tucson Gas and Electric rate case. He wanted to ascertain whether any large industrial consumers of the utility, who enjoy much lower rates than residential customers, were among the company's owners. Mr. Herzog's request was denied. He, too, was told that distribution was limited to the membership.

At my request the American Society of Corporate Secretaries promptly furnished me a copy of its February 1971, edition of the "Nominee List." The society had provided me with a copy, on request, on previous occasions. I appreciate the society's cooperation. But the information in this publication, nowhere else available to the best of my knowledge, belongs in the public domain. The press, counsel for the public and, indeed, Government regulators and administrators as well as the Congress and public generally need to know who owns America.

The "Nominee List" will, as the society's Executive Director Black says in his introduction to the February 1971 edition, "be invaluable in proxy solicitation." Proxy solicitation is not a prerogative only of insiders who receive a restricted publication. Public access to the "Nominee List" will help the fine young members of the project for corporate responsibility and similar groups break the corporate code, help them work within the system, even though that system is so weighted against them. It will be of help to the small groups of volunteers around the country who are trying to protect consumers from multi-billion dollar increases in rates regulated by commissions.

The "Nominee List" includes first, an alphabetical list of nominees, second, the names of principals with nominees—listed by State—and third, an alphabetical list of investment trusts, mutual funds and foundations, with nominees.

This list could be most useful to the U.S. Senate, were it to establish a Special Committee To Investigate Concentration of Economic and Financial Power, as provided in Senate Joint Resolution 113.

I ask unanimous consent to have printed in the Record the 20th edition of the "Nominee List," issued in February 1971, along with the correspondence which Messrs. Elvin and Herzog had with the American Society of Corporate Secretaries.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Society of
Corporate Secretaries, Inc.,
*New York, N.Y., May 20, 1971.*

W. J. Elvin, III,
*Managing Editor,*
*Globe Newspapers,*
*Vienna, Va.*

Dear Mr. Elvin: This will acknowledge your request of May 18th for a copy of our *Nominee List* but we are unable to comply since distribution of our publication is limited to our membership.

Respectfully,

Haworth White,
*Assistant Executive Director.*

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May 24, 1971.

Haworth White,
*Assistant Executive Director, American Society of Corporate Secretaries, Inc., New York, N.Y.*

Dear Mr. White: Thank you for your recent response to my request for the "Nominee List".

Could you provide me with a membership list?

Sincerely,

W. J. Elvin, III,
*Managing Editor.*

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American Society of Corporate
Secretaries, Inc.,
*New York, N.Y., May 28, 1971.*

W. J. Elvin III,
*Managing Editor, Globe Newspapers,*
*Vienna, Va.*

Dear Sir: Your request of May 24th is acknowledged, but as I indicated before, all our publications are limited in distribution to our membership. This includes, of course. our Year Book listing our members.

Respectfully,

Haworth White,
*Assistant Exeeutive Director.*

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American Society of Corporate
Secretaries, Inc.,
*New York, N.Y., March 9, 1971.*

Mr. Stuart Herzog,
*Tucson, Ariz.*

Dear Mr. Herzog: We have your request of March 8th but we are unable to comply since distribution of our publications is limited to our membership.

Respectfully,

Haworth White,
*Executive Assistant.*

Nominee List, 20th Edition,
February 1971

American Society of Corporate
Secretaries, Inc.,
*New York, N.Y.*

To The Members of The Society:

This Nominee List is for the benefit of members and will be invaluable in proxy solicitation and stock transfer work.

Every few years it is necessary to recheck all names on the List. In the latter part of 1970 The American Bankers Association cooperated by mailing our recheck inquiry to all its members, and this office has received and continues to receive large numbers of responses. As many of the changes and additions as possible appear in this edition and the remainder will appear in the 1972 edition.

Part I contains the alphabetical listing of Nominees and, where known, Employer Identification Numbers. Part II shows the Principals with Nominees by States, and Part III lists alphabetically Investment Funds and Foundations, etc., with Custodian Banks and their Nominees.

Some banks use different nominees for various departments and relationships. The Society, in an effort to increase the value of the Nominee List has endeavored to learn the purposes of a given nominee. The areas of relationship are: (a) Estates; (b) Living and Testamentary Trusts; (c) Pension Trusts; (d) Investment Management Accounts; (e) Corporate Trust Accounts; (f) Safekeeping or Custody Accounts (Domestic); (g) Safekeeping or Custody Accounts (Foreign); (h) Legal and Common Trust Funds.

The identified nominees are keyed to the alphabetical reference.

Through the cooperation of many of the Banks, Investment Funds and members of the Society, we have been able to learn the names of the Nominees used by Custodian Banks for these Funds and in some cases Foundations, etc. In many, if not most cases, Custodian Banks use these Nominees for other beneficial owners and they should not be considered an exclusive nominee for the Fund listed. These Funds and Foundations showing the names of the Custodian Banks and their Nominees, have been set up in Part III. It is intended to continue efforts to obtain the names of the Nominees of Investment Funds, etc.

It is to the benefit of all concerned to eliminate the use of duplicate nominee names. It is suggested that before a nominee is formed the Society be contacted to see whether a proposed name is in use.

Every effort is made to verify the listings and in order to keep this List up-to-date, members should report in writing all changes, additions and deletions to the National Office of the Society.

If any members note any new nominee names, it would be appreciated if they are sent to the National Office for confirmation.

John S. Black, Jr.,
*Executive Director.*

### PART I—ALPHABETICAL LIST OF NOMINEES

AAB & CO. 54–6036044. Virginia National Bank, P.O. Box 3000, Norfolk, Va. 23514.

AAFS & CO. 95–6194806. Bank of America N.T. & S.A. P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

AAINS & CO. (f) 43–6079912. St. Louis Union Trust Company, 510 Locust St., St. Louis, Mo. 63101.

Aaron and Company 31–6068501. The Provident Bank, 1 E. Fourth St., Cincinnati, Ohio 45202.

ABATCO 95–6061808. Ahmanson Bank & Trust Company, 9145 Wilshire Blvd., Beverly Hills, Calif.

Abate & Co. 04–6178952. The First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Abbey & Co. 36–6201257. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

ABC Company (h) 75–6056410. American Bank of Commerce, P.O. Box 4797, Odessa, Tex.

ABCO 95–6194402. United States National Bank, P.O. Box 1550, San Diego, Calif. 92112.

Abel & Co. 37–6063259. The First National Bank of Springfield, 205 S. Fifth St., Springfield, Ill. 62701.

Aber & Co. 44–6009433. The First National Bank of Kansas City, Trust Div., P.O. Box 38, 14 W. Tenth St., Kansas City, Mo. 64141.

Able Co. (H) 55–6016609. Wheeling Dollar Savings & Trust Co., Trust Dept., 1315 Market St., Wheeling, W. Va. 26003.

Ablefund and Co. 47–0098400, Bankers Life Insurance Company of Nebraska, Lincoln, Nebr.

Abraco Nominees Ltd. 13–6065945. Abraham & Co., 120 Broadway, New York 5, N.Y.

ACCO & CO. 23–6483937. American Bank & Trust Co. of Pennsylvania, 35 N. Sixth St., Reading, Pa. 19601.

Ace & Co. 75–6056628. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, Tex. 75222.

Acly Company (e) 25–6027586. Mellon National Bank and Trust Company, Corporate Trust Department, Mellon Sq., Pittsburgh, Pa. 15230.

A.C.N.B. Company (h) 23–6405348. Adams County National Bank, Lincoln Square, Gettysburg, Pa. 17325.

ACO 25–6073407. The Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

ACOM & CO. (h) 48–6129744. C/O Citizens National Bank and Trust Company, 527 Commercial St., Emporia, KS 66801.

ACORNS (d) 13–1955436. Herzog & Co., Inc., 170 Broadway, New York, N.Y. 10038.

ACT & CO. (h) 36–6063155. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, IL 60690.

ACUSCO (d) (f) 47–6023819. The United States National Bank of Omaha, c/o Trust Dept., 1919 Douglas St., Omaha, NB 68103.

Adam & Co. 15–0389842. Mohawk Valley Investing Co., Inc., 238 Genesee St., Utica, N.Y.

Adams & Adams 93–6018745. Oregon Bank, The, P.O. Box 3066, Portland, Ore.

Adams and Co. (d) 74–6042140. Guaranty National Bank & Trust of Corpus Christi, Box 749, Corpus Christi, TX 72403.

Adams & Company, The Royal Trust Company, 54 King St. E., Hamilton, Ont., Canada.

Adams and Company 41–6018900. c/o American National Bank and Trust Company, 419 Robert St., Saint Paul, Minn. 55101.

Adams, P. M. & Co. 75–6010393. Midland National Bank, Midland, Texas.

Adar & Co. 75–6083852. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, Texas 75222.

Adbank & Co. 13–6021926. Irving Trust Company 57th St. & Madison Ave., New York, N.Y. 10022.

Adco & Company 04–6023933. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101, Diocese of Western Massachusetts.

Ade & Company 31–6021100. Central Trust Company, The, Fourth & Vine Sts., Cincinnati 2, Ohio.

Adem & Company 52–6020309. Riggs National Bank of Washington, D.C., The, 800–17 St., N.W., Washington, D.C. 20013.

Atomic Development Mutual Fund, Inc.

Atomics, Physics & Science Fund, Inc.

Adet & Co. (h) 48–6129743. c/o Citizens National Bank and Trust Company, 527 Commercial St., Emporia, KS 66801.

Adfas Co. 95–0476614. Adams-Fastnow Company, 215 W. Seventh St., Los Angeles 14, Calif.

Adler & Co. 04–6226082. First National Bank of Boston, The, P.O. Box 2016, Boston, MA 02110.

Admin & Co. 04–6221561. National Shawmut

Bank of Boston, The, 35 Congress St., Boston, MA 02109.

Ado & Co. (f) 74–1657391. Moody National Bank of Galveston, The, P.O. Box 1139 (2302 Postoffice St.), Galveston, TX 77550.

Adrian & Company (d)(f)(g) 74–6047775. Southern National Bank, P.O. Box 2529, 921 Main St., Houston, TX 77001.

Advoc & Co. 04–6193392. The Anthony Advocate Foundation, 45 Devon Rd., Newton Centre, Mass. 02159.

AFTCO 22–6132306. Prudential Insurance Company of America, The, Prudential Plaza, Newark, N.J. 07101.

AG & Co. 95–6197240. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

AGAC 99–0108517. First National Bank of Hawaii, Box 2041, Honolulu, Hawaii 96801.

AGAR & Co. 04–6178953. First National Bank of Boston, The P.O. Box 2016, Boston, Mass. 02106.

Agate & Company 31–6021101. Central Trust Company, The, Fourth & Vine Sts., Cincinnati, 2, Ohio.

Agbank & Co. (f) 04–6035412. First Agricultural National Bank of Berkshire County, Trust Dept., 100 North St., Pittsfield, MA 01201.

AGCO 04–6110813. Safe Deposit Bank and Trust Company, 127 State St., Springfield, Mass.

AGCO (d) 93–6030300. First National Bank of Oregon, Trust Div., 400 S.W. Sixth, P.O. Box 2971, Portland, OR 97208.

Age & Co. 94–6121540. Bank of California, N.A. The, 400 California St., San Francisco, Calif. 94120.

Ageco Company (d, f) 59–6241193. First National Bank at Orlando, The c/o Trust Dept., P.O. Box 3631, Orlando, Fl. 32802.

Agen & Co. 31–6024209. Fifth-Third Union Trust Co., The, Fourth & Walnut Sts., Cincinnati 2, Ohio.

Agenco 99–6003285. Hawaiian Trust Company, Limited, P.O. Box 3170, Honolulu, 2, Hawaii.

Agency Company 36–6083819. City National Bank & Trust Co. of Rockford, Trust Dept., 1100 Broadway at Seventh, Rockford, IL 61104.

Agent & Co. (f) 04–6109171. Essex County Bank and Trust Co., 25 Exchange St., Lynn, MA 01903.

Agex & Co. 02–6006145. Exeter Banking Company, The, 154 Water St., P.O. Box 100, Exeter, NH 03833.

Agnew & Co. 06–6032067. Putnam Trust Company of Greenwich, The, 10 Mason St., Greenwich, CT 06830.

Agon Company 62–6089287. Third National Bank in Nashville, P.O. Box 2844, Nashville, TN 37202.

Agree & Co. 36–6050551. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Ahab & Co. 04–6037901. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Ahbright & Company 04–6013584. Tucker, Anthony & R. L. Day, 74 State St., Boston, 7, Mass.

Ainad & Company 59–6141699. Dania Bank, The, Dania, Fla.

Ajan & Co. 38–6061047. Union Bank & Trust Company, Union Bank Bldg., Grand Rapids, Mich. 49502.

Ajax & Company 31–6027428. Winters National Bank and Trust Co., 40 N. Main St., Dayton 2, Ohio.

Ajay and Company (a, b, c, e, h) 36–6167026. First National Bank of Cicero, 6000 W. Cermak Rd., Cicero, IL 60650.

Akard & Co. 75–6066614. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, Texas 75222.

Akres & Co. 04–6217646. Ely, Bartlett, Brown & Proctor, 225 Franklin St., Boston, Mass. 02110.

Aky & Co. 34–6620462. I.M.A. Management Inc., 5100 W. 164th St., Cleveland, Ohio 44142.

Alberto, Inc., Sun Trust Company, Montreal, Canada.

Albourse. George Adams, 217 Park Ave., New York, N.Y. 10017.

Alco 58–6074607. First National Bank of Atlanta, The P.O. Box 4148, Atlanta, Ga. 30302.

Alco & Co. 946187177. Wells Fargo Bank, 444 California St., San Francisco, Calif. 94120.

Alcor & Co. 95–6194805. Bank of America N.T. & S.A. P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Alden & Co. (f) 04–6012701. South Shore National Bank, 1400 Hancock St., Quincy. MA 02169.

Alder & Co. 25–6021579. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Aldermanbury & Co. 13–6300987. Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018.

Aldon & Co. 95–6023469. Union Bank, Box 2278 Terminal Annex, Los Angeles, Calif. 90054.

Ale and Company 54–6036049. Investment Corporation of Norfolk, 215 E. Plume St., Norfolk, Va.

Alert & Co. 04–6206474. National Shamut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Alexho & Co. 54–6031847. First and Citizens National Bank, 531 King St., Alexandria, Va.

Alfund & Co. 36–6404845. First National Bank of Chicago, The One First National Plaza, Chicago, Ill. 60670.

Alienco. National City Bank of Cleveland, The P.O. Box 5756, Cleveland, Ohio 44101.

All & Company 52–6032516. Maryland National Bank, Trust Dept., 10 Light St., Baltimore, Md. 21202.

Allbank & Co. (a, b) 34–6583433. First National City Bank of Alliance, 504 E. Main St., Alliance, Ohio 44601.

Allee 13–1918619. M. L. Lee & Co., Inc., 135 Broadway, New York 6, N.Y.

Allen and Company 52–6034225. National Savings and Trust Company, 15th St. & New York Ave., N.W., Washington, D.C. 20005.

Allen Penco 23–6480126. First Pennsylvania Banking and Trust Company, The, Personal Trust Dept., P.O. Box 8786, Philadelphia, Pa. 19101.

Alliance & Co. 01–6033348. H. M. Payson & Co., Investment Bankers, 93 Exchange St., Portland, Me. 04112.

Allisfund & Co. 94–1663722. United California Bank, 405 Montgomery St., San Francisco, Calif. 94120.

Allstaplan & Co. 36–6050545. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago 90, Ill.

Alm & Co. (g) 13–6065598. Chemical Bank, 20 Pine St., New York, NY 10017.

Almy & Co. 39–6128922. The First National Bank of Neenah, Neenah, Wisc. 54956.

Alna Co. 13–6065492. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Alnab & Co. (a, b, c, e, h) 85–0163770. Albuquerque National Bank, care of Trust Dept., P.O. Box 1344, Albuquerque, NM 87103.

Alnaba & Co. 92–6005090. Alaska National Bank of Fairbanks, Trust Dept., Northward Bldg., Fairbanks, AK 99701.

Alp & Co. 56–6085521. Wachovia Bank & Trust Company, N.A., P.O. Box 3075, Winston-Salem, NC 27102.

Alpa & Company (A, B, D, H) 55–6035964. McDowell County National Bank, Box 549, Welch, WV 24801.

Alpine & Co. 84–0587421. Denver United States National Bank, Denver U.S. Center, Colorado Springs, CO.

Alps & Co. Stock Clearing Corporation of Boston, 53 State St., Boston, MA 02109.

Alron & Co. Michael Investment Co., Inc., Providence, R.I. 02903.

Alsher & Co. 56–6046986. North Carolina National Bank, P.O. Box 1731, Raleigh, N.C. 27602.

Alsta & Co. (f) 36–6050536. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Alten & Co. 52–6034225. Care of National Savings and Trust Company, 15th & New York Ave., N.W., Washington, D.C. 20005.

Althorn & Co. 04–6017657. Thorndike, Benjamin A.G. Et al. Trustees, 50 Congress St., Rm. 721, Boston 9, Mass.

Altru Company (a-f, h) 23–6222864. Mid-State Bank and Trust Company, P.O. Box 2007, 1130 12th Ave., Altoona, PA 16603.

Aluc & Co. 41–6076316. First National Bank of Minneapolis, P.O. Box A–700, Minneapolis, Minn. 55440.

Amagco. American Security Bank, 2270 Kalakaua Ave., Honolulu, Ha. 96815.

Amalg & Co. 36–6228122. Amalgamated Trust & Savings Bank, P.O. Box 800, Chicago, IL 60690.

Amaglamated Company, The 13–6097763. The Amalgamated Bank of New York, 11–15 Union Sq., New York, N.Y. 10003.

Aman & Co. (a, b, c, d, f, h) 37–6030806. The First National Bank of Peoria, Trust Dept., P.O. Box 809, Peoria, IL 61601.

Ambacco. American Security Bank, 2270 Kalakaua Ave., Honolulu, Ha. 96815.

Ambank & Co. 72–6023141. American Bank & Trust Company, P.O. Box 2791, Baton Rouge, LA 70821.

Ambar & Co. 36–6081706. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, 90, Ill.

Ambos 04–6234106. American Mutual Liability Insurance Company, Wakefield, MA 01880.

Ambro and Company (a,b,c,h) 54–6036051. American National Bank & Trust Company, 336 Main St., Drawer 191, Danville, VA 24541.

Amcongas. American Congregational Association, 14 Beacon St., Boston, MA 02108.

Amcotrust (h) 42–6123334. American Trust & Savings Bank, c/o Trust Dept., Ninth & Main, Dubuque, IA 52001.

Amdale & Co. 59–6219287. American National Bank and Trust Company of Fort Lauderdale, Fort Lauderdale, Fla.

Amec & Co. 04–1027270. New England Merchants National Bank Trust Dept., 28 State St., Boston, MA 02106.

Amer Co. 23–6433279. American Bank and Trust Company of Pennsylvania, 35 N. 6th St., Reading, PA 19601.

Amer & Co. 36–6070952. Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.

Amera & Co. 36–6070952. Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.

Amera and Company (b) 38–1693055. American National Bank and Trust Company of Michigan, The, 136 E. Michigan Ave., Kalamazoo, MI 49006.

Amerco 95–2157926. United California Bank, 9601 Wilshire Blvd., Beverly Hills, CA 90210.

International Funding-Securities, Inc.

Amerco & Company 84–6021093. American National Bank of Denver, The, Trust Dept., P.O. Box 660, Denver, Colo. 80201.

American & Co. 13–6178366. American Bank & Trust Company, 70 Wall St., New York, N.Y. 10005.

American Fidelity Fund A, Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 24128, Oklahoma City, OK 73125.

American Fidelity Variable Annuity Fund "A" P.O. Box 25523, Oklahoma City, OK 73125.

American Securities Co. 94–6064391. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Amerna Company 54–6060902. American National Bank of Portsmouth, 234 High St., Portsmouth, Va. 23705.

Ames & Co. 13–6107441. American Electric Securities Corporation, Room 1845, 120 Broadway, New York 5, N.Y.

Amexfund & Co. 94–6140373. Bank of California, N.A., The Mutual Fund Division, 400 California St., San Francisco, Calif. 94120.

American Express Special Fund, Inc.

Amexnom Co. 13-6273630. American Express Company, 65 Broadway, New York, N.Y. 10006.

Amfam & Co. 39-6127440. First Wisconsin National Bank, P.O. Box 1271, Madison, WI 53701.

Amgro & Co. (f) 84-6019291. Denver United States National Bank, P.O. Box 5247, Terminal Annex, Denver, CO 80217.

Amherst & Co. 04-6238478. National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109.

Ami & Co. 04-6228876. State Street Bank and Trust Company, P.O. Box 2136, Boston, MA 02106.

Amil & Co. 34-6510514. First National Bank and Trust Company of Lima, The, Trust Dept., 631 W. Market St., Lima, OH 45802.

Amin & Co. 95-6261942. Bank of America, N.T. & S.A., 111 W. Seventh St., Los Angeles, CA 90014.

Amlico 04-6229679. American Mutual Liability Insurance Company, P.O. Box 3204, Boston, Mass. 02107.

Amlife 04-6234107. American Mutual Liability Insurance Company, P.O. Box 4016, Boston, MA 02107.

Amnab & Co. 59-6159595. American National Bank of Jacksonville, 2031 Hendricks Ave., Jacksonville, Fla.

Amnabeau Company (b) 74-6119736. American National Bank of Beaumont, The Trust Dept., P.O. Box 2751, Beaumont, Tex. 77704.

Amnat & Co. 58-6032062. American National Bank of Brunswick, P.O. Box 1398, Brunswick, Ga.

Amno & Co. 95-6093322. Bank of California, N.A., The, P.O. Box 851, San Bernardino, Calif. 92043.

Ampro and Company (A) 38-1693056. American National Bank and Trust Company of Michigan, The, 136 E. Michigan Ave., Kalamazoo, Mich. 49006.

Amseco & Co. 13-5523291. American Securities Corporation, 25 Broad St., New York 4, N.Y.

Amsel & Co. 31-6099071. American Select Risk Insurance Company, 50 W. Gay St., Columbus, OH 43216.

Amstat & Co. (f) 35-6203215. Indiana National Bank, The, P.O. Box 1832, Indianapolis, IN 46206.

Amtro & Co. 39-6043859. American Bank and Trust Company, 441 Main St., Racine, Wis.

Amy & Co. 22-6027241, c/o First National Bank of Central Jersey, One West Main St., Somerville, NJ 08876.

Anabank & Company 84-6050953. The American National Bank of Denver, Trust Dept., P.O. Box 660, Denver, CO 80201.

Anabee & Company 84-6042845. The American National Bank of Denver, Trust Dept., P.O. Box 660, Denver, CO 80201.

Anak & Co. 41-6091199. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, MN 55480.

Anbanco & Co., A Partnership 35-6212023. Anderson Banking Company, P.O. Box 849, Anderson, Ind. 46011.

Anbo & Co. (F) 75-6093913. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, TX 75221.

Anchor & Co. 04-2399818. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Anchorage & Co. 04-623719. North American Management Corp., 28 State St., Boston, MA 02109.

U/Ind. Galen L. Stone et al.

Anco. Anglo Hurronian Ltd., Star Bldg., Toronto, Canada.

Anderson & Co. 23-6222696. Fidelity Bank, The, Broad & Walnut Sts., Philadelphia, PA 19109.

Tonopah Mining Co. of Nevada

Anderson Partnership. 91-6027036. Bank of California N.A., 1011 Pacific Ave., Tacoma 1, Wash.

Andrew & Janice. 23-6251158. Bers & Co., Ashland & Lewis Sts., Philadelphia 24, Pa.

Andrews & Co. 13-6166504. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Andrews & Co. 04-6013503. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Andrile & Co. (h) 14-6034119. National Commercial Bank and Trust Company, 60 State St., Albany, NY 12207.

Andy Penco (F) 23-6280125. The First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Anfonom Company 74-6036468. First City National Bank of Houston, P.O. Box 2557, Houston 1, Texas.

Angela & Co. 35-6022577. c/o Saint Mary's Convent, Foreign Mission Fund of the Sisters of the Holy Cross, Notre Dame, Ind.

Angevine & Co. 04-6013509. Hutchins & Wheeler, 294 Washington St., Boston, Mass.

Anjax Company. 59-6243308. c/o Atlantic National Bank, Trust Dept., 121 Hogan St., West Bay Station, Jacksonville, Fla. 32203.

Annunciata & Co. 35-6022579. Att. Sister Bertrand, Saint Marys Convent, Notre Dame, Ind.

Anom & Co. (d) 43-6027061. St. Louis Union Trust Company, St. Louis, MO 63101.

Ansec Nominees 23-6235238. First National Bank of Allentown, 645-649 Hamilton St., Allentown, Pa.

Anstey, Harry L. 13-5621995. White, Weld & Co., 20 Broad St., New York, N.Y.

Antco 73-6096442. American National Bank and Trust Company of Sapulpa, The, P.O. Box 1001, Sapulpa, Okla.

Anthaban & Company 35-6203546. Anthony Wayne Bank, Trust Dept., 203 East Berry St., Fort Wayne, Ind. 46802.

Anves & Co. 44-6009687. City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Anza & Co. 94-6060121. Crocker Citizens National Bank, 439 Alvarado St., Monterey, Calif. 93940.

Apa & Co. (f) 41-6093160. Northwestern National Bank of Minneapolis, Seventh & Marquett, Minneapolis, MN 55480.

Apco and Company 31-6068502. Provident Bank, The, One E. 4th St., Cincinnati, Ohio 45202.

Apex Company 41-6021967. Minnesota Trust Company of Austin, 209 Third Ave. N.W., Austin, Minn.

Aphon & Co. 84-6615530. Colorado National Bank of Denver, The, P.O. Box 5168, Denver 17, Colo.

Apico 04-6229678. American Mutual Liability Insurance Company, P.O. Box 5001, Boston, Mass. 02107.

Apollo & Co. 25-6087437. Security Peoples Trust Company, P.O. Drawer 60, Erie, Pa. 16512.

Appco (e). Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Omega Fund, Inc.

Apple & Co. 04-6178951. First National Bank of Boston, The, P.O. Box 2016, Boston, Mass. 02106.

Applegate, Arthur L. 25-0996637. Hulme, Applegate & Humphrey, Inc. 586 Union Trust Bldg., Pittsburgh 19, Pa.

Apsco 86-6043339. First National Bank of Arizona, P.O. Box 2669, Phoenix, Ariz. 85002.

Aquaco 04-6206475. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Aquidneck & Co. 05-6017849. Newport National Bank, The, 8 Washington Sq., Newport, R.I. 02841.

Arad & Co. 04-6013651. National Shawmut Bank of Boston, The, 35 Congress St., Boston, Mass. 02109.

Arbee & Co. (b, c, e, h) 23-6235418. Harrisburg National Bank and Trust Company, The, 16 S. Second St., Harrisburg, PA 17101.

Arch & Co. 41-6079829. St. Paul Companies, Inc., The, 385 Washington St., St. Paul, Minn. 55102.

Arch Penco (F) 23-6480127. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, PA 19101.

Archinal, George 13-1457848. Weingarten & Co., 551 Fifth Ave., New York, N.Y.

Arco & Co. (d) 04-6013811. Third National Bank of Hampden County.

Arda & Co. 36-6099687. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Ardmerk & Co. Madison Fund, Inc., 501 Farmers Bank Bldg., Wilmington, DE 19801.

Aremco 52-6083265. Union Trust Co. of The District of Columbia, 15th & H Sts., Washington, D.C. 20005.

Arey & Co. (g) 04-6012800. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Arfred & Company. Gulf Securities Corp., 1045 Peel St., Montreal, Que., Canada.

Argeal & Company 25-6031503. c/o First Seneca Bank & Trust Company, 248 Seneca St., Oil City, Pa. 16301.

Argonne Co. 23-6231542. Dauphin Deposit Trust Company, Carlisle Office, 2 W. High St., Carlisle, Pa.

Argus Co. 57-6040347. Seibels, Bruce & Company, P.O. Box 1, Columbia, S.C. 29202.

Arizco. Southern Arizona Bank & Trust Company, Tucson Main Banking Center, 150 N. Stone Avenue, P.O. Box 1781, Tucson, Ariz. 85702.

Arkbo & Co. 04-6223475. Arkwright-Boston Manufacturers Mutual Insurance Company, 225 Wyman St., Waltham, MA 02154.

Arlco 54-6087241. Virginia National Bank, 2201 Wilson Blvd., Arlington, Va. 22201.

Arlington & Co. New England Life Insurance Company, 501 Boylston St., Boston, MA 02117.

Arl Tru & Company 04-6108183. Arlington Trust Company, 305 Essex St., Lawrence, Mass.

Arm & Co. (f) 75-6083795. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas TX 75221.

Armace & Co. 42-6054972. Armstrong's Inc., Third Ave. & Third St., S.E., Cedar Rapids, Iowa.

Armbuck & Co. (H) 43-6113386. Mercantile Bank & Trust Co., 1119 Walnut, Kansas City, Mo. 64106.

Arm-Dy Co. (AB) 56-6043844. First Union National Bank of North Carolina, P.O. Box 271, Lenoir, N.C. 28645.

Armlen Co. 12-1088640. French American Banking Corp., 120 Broadway, New York, NY 10005.

Armstrong Penco 23-6480128. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, Pa. 19101.

Arnbleich Co. 13-6102085. Arnhold and S. Bleichroeder, Inc., 30 Broad St., New York, N.Y. 10004.

Arnold & Co. 04-6038662. Fall River National Bank, The, Trust Dept., P.O. Box 191, 55 N. Main St., Fall River, MA 02722.

Aro & Co. (h) 04-6012799. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Arrow & Co. (A-F, H) 56-6041769. Central Carolina Bank & Trust Company, P.O. Box 931, Durham, N.C. 27702.

Art & Co. 04-6013752. New England Merchants National Bank, 28 State Street, Boston, MA 02106.

Artco & Lloyd 39-6139902. University State Bank, P.O. Box 220, Green Bay, W.I. 54305.

Arthur & Co. 94-6072081. Crocker-Citizens National Bank, 1 Sansome St., San Francisco, Cal. 94120.

Arthur & Co. Bank of Montreal, King & Bay Sts., Toronto 1, Ont., Canada.

Artrust & Co. (b, c, d, e, h) 75-6068047. Arlington Bank & Trust, c/o Trust Dept., Box 250, 100 E. South St., Arlington, TX 76010.

ASBOA 39-6040040. Appleton State Bank, Appleton, Wisc.

Asco & Co. 04-6037930. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Ash & Co. (f) 25-6021580. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Ashe & Co. 56-6034751. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, N. Car. 27102.

Ashen Penco (F) 23-6480129. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, PA 19101.

Ashland & Co. 04-6238481. National Shawmut Bank of Boston, The, 35 Congress St., Boston, MA 02109.

Ashton & Co. 13-6021930. Irving Trust Company, 46th at Madison, New York, N.Y.

Asp & Co. 59-6213886. Lake Wales Bank & Trust, Trust Dept., P.O. Box 1020, Lake Wales, FL 33853.

Aspen & Co. 25-6021581. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Asplundh & Co. (c) 23-6222907. First Pennsylvania Banking and Trust Company, The. Personal Trust Accts., P.O. Box 8786, PA 19101.

Assure & Co. 36-6233516. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Aston & Co. 37-6053378. Milliken National Bank of Decatur, The, P.O. Box 1278, Decatur, IL 62525.

Astravest & Co. 53-0064480. Evening Star Newspaper Company, The, 225 Virginia Ave. S.E., Washington 3, D.C.

Astro & Co. (h) 03-6008104. Franklin County Bank, P.O. Box 231, St. Albans, VT 05478.

Atag Company. 59-6243302. c/o Atlantic National Bank, Trust Dept., 121 Hogan St., West Bay Station, Jacksonville, FL 32203.

Atbot Co. 42-6134908. Jones, Cambridge, Carl & Feilmeyer, 4 E. Sixth St., Atlanta, Iowa 50022.

Atco Co. 59-6128262 Atlantic National Bank of West Palm Beach, Datura St., West Palm Beach, Fla.

Atfirst & Co. 92-6003588. First National Bank of Anchorage, The, P.O. Box 720, Anchorage, Alaska.

Athol & Co. 04-6238817. National Shawmut Bank of Boston, The, 35 Congress St., Boston, MA 02109.

Atico & Co. 95-6138114, Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Atigo & Co., Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Alaska Title Guaranty Company.

Atlantic & Co. 04-6219316. John Hancock Mutual Life Insurance Co. 200 Berkeley St., Boston, Mass. 02117.

Atlantic Nominees Limited, Bank of Montreal, Threadneedle St., London, England.

Atnaba Company, 59-6119254. c/o Atlantic National Bank of Jacksonville, The Trust Dept., West Bay Station, 121 Hogan St., Jacksonville, Fla. 32203.

Atnas & CO. 95-6024680. First Western Bank and Trust Company, 548 S. Spring St., P.O. Box 1083, Pasadena, CA 91102.

Atru & Co. (f) 06-6035398. Waterbury, CT 06720.

Atwell & Co. 13-6065575. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Atwood, Charles, Company 51-0099456. Alfred B. Connable and Edward M. Hindert, 1201 American National Bank Bldg., Kalamazoo, Mich.

Auban & Co. (b, d, f) 74-6048718. Austin National Bank, The Trust Dept., P.O. Box 908, 5th & Congress, Austin, TX 78701.

Aubsen & Co. 15-6017026. Marine Midland Trust Company of Central New York, 63-65 Genesee St., Auburn, N.Y. 13021.

Auburn & Co. 04-6238480. National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109.

Audet & Co. (C, E) 14-6015772. National Commercial Bank and Trust Company, The, 60 State St., Albany, NY 12207.

Audigay & Co. (a) 43-6034644. Sanders, Edwin C. & Co., 1300 Boatmens Bank Bldg., 314 N. Broadway, St. Louis, MO 63102.

Audit & Co. (a) 06-6036409. New Britain Bank and Trust Company, Trust Dept., P.O. Box 1318, New Britain, CT 06051.

Audubon & Co. 04-6221556. National Shawmut Bank of Boston, The, 35 Congress St., Boston, MA 02109.

Auer & Co. (f) 13-6064419. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Augusta & Co. 35-6022581, c/o Sister Bertrand, St. Mary's Convent, Notre Dame, Ind.

Aumad & Co., Oak Park National Bank, 11 Madison, Oak Park, Ill. 60302.

Aumend & Company (b, h) 34-6510517. Toledo Trust Company, The, 245 Summit St., Toledo, OH 43603.

Austill & Co. 63-6021513. First National Bank, 15 N. Royal St., Mobile 4, Ala.

Auto & Co. 52-6064395. Riggs National Bank of Washington, D.C., The, 800-17th St., N.W., Washington, D.C. 20013.

Autoins & Co. 94-6201529. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Avac & Co. 04-6223521. American Variable Annuity Life Assurance Company, 440 Lincolon St., Worcester, Mass. 01605.

Avaf & Co. 04-6223522. American Variable Annuity Life Assurance Company, 440 Lincoln St., Worcester, Mass. 01605.

Avest & Company 13-6289609. Amiv-Est Corporation, 1212 Avenue of the Americas, New York, N.Y. 10036.

Awl & Co. 04-2399819. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Aycom and Company (a, b, c, d, h) 47-6023746. National Bank of Commerce Trust & S.A., 13th & O Sts., Lincoln, NB 68501.

Aye & Co. 06-6108147. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Azoy & Company 22-6066418. First National State Bank of New Jersey, P.O. Box 616, Newark, N.J. 07101.

Bab & Co. 04-6169820. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Baba & Co. 94-6189789. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Babank & Co. (a) (b) 44-6010798. c/o Baltimore Bank and Trust Company, Trust Dept., 1014 Baltimore Ave., Kansas City, MO 64105.

Babb & Co. 02-6004105. Bank of New Hampshire N.A., Trust Dept., 27 N. State St., Concord, NH 03301.

Bac & Co. (c) 95-6023470. Union Bank, Box 2278 Terminal Annex, Los Angeles, Calif. 90054.

Bacal (c). Bank of California, N.A., The, P.O. Box 3121, Portland, OR 97208.

Back & Co. 04-6037929. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Backstay & Co. 04-6224553. State Street Bank and Trust Company, P.O. Box 351, Boston, MA 02101.

Baco 75-0176415. Brown, Allen & Co., 600 Empire Life Bldg., Dallas, TX 75201.

Bacon & Co. 04-6226088. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

Bacop & Co. 94-6189790. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Bade and Co. 31-6180890. First National Bank of Springfield, Springfield, OH 45502.

Badun & Co. 59-6121548. First National Bank of Dunedin, P.O. Box 187, Dunedin, Fla.

Baf & Co. 04-6111266. Peabody, Koufman & Brewer, 53 Beacon St., Boston 8, Mass.

Bafen & Co. 36-6050613. Baker, Fentress & Co., Chicago, Ill.

Bafinor & Co. 44-0649719. Barrett, Fitch, North & Co., 111 W. Tenth St., Kansas City, Mo.

Baft & Co. 04-6156619. c/o Arthur A. Barton, 6 Barnsley Rd., Lynnfield, Mass. 01940.

Bagco 36-2675750. Upper Avenue National Bank of Chicago, 923 N. Michigan Ave., Chicago, Ill. 60611.

Bahr & Co. 13-6062524. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Bailey & Company, Bank of Montreal, Wellington & O'Connor, Ottawa, Canada.

Baird & Co. 46-6017248. 320 S. First Sts., Box 100, Aberdeen, SD 57401.

Bait & Co. 04-6140623. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Bake & Co. 95-6024209. Bank of America N.T.&S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Baker & Co. 74-6065420. Frost National Bank, P.O. Drawer 1600, San Antonio, TX 78206

Baker & Co. 04-6191988. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Baker & Co. (h) 55-6035921. Wheeling Dollar Savings & Trust Co., Trust Dept., 1315 Market St., Wheeling, WV 26003.

Baker, Deisroth & Co. 24-6018109. People's Savings and Trust Co., The, Hazelton, Pa.

Baker, J. H. & Co. 13-6140219. Federal Reserve Bank, 33 Liberty St., New York, N.Y.

Baker, Robert E. 23-6251688. Baker, Robert E. & Co., Land Title Bldg., Philadelphia, Pa. 19110.

Balbank & Co. 43-6108660. c/o Baltimore Bank and Trust Co., Trust Dept., 1014 Baltimore Ave., Kansas City, MO 64105.

Balco 95-6032320. Bank of A. Levy, P.O. Box 272, Oxnard, Calif.

Balco and Company 38-1717052. American National Bank and Trust Company of Michigan, The, 136 E. Michigan Ave., Kalamazoo, MI 49006.

Baldwin & Co. 63-6019236, First National Bank of Montgomery, 2 Commerce St., Montgomery 1, Ala.

Baldwin and Company (H) 51-0098132. c/o Farmers Bank of the State of Delaware, Trust Dept., 10th & Market Sts., Wilmington, DE 19801.

Bale & Co., Bank of Le Leumi Israel B.M. Agency, 60 Wall St., New York, N.Y. 10005.

Baler & Co. 95-1924051. Bateman, Eichler & Co., 453 S. Spring St., Los Angeles, Calif. 90013.

Balkus Company, 04-6068672. Newton National Bank, 447 Centre St., Newton 58, Mass.

Ball & Co. 13-6021157. First National City Bank, 399 Park Ave., New York 22, N.Y.

Ball-Edloff & Co. 47-6026234. First National Bank & Trust Company of Fremont, Military & Main Sts., P.O. Box 229, Fremont, NB 68025.

Ballantine and Company 22-6025298. Montclair National Bank and Trust Company, 544 Bloomfield Ave., Montclair, N.J.

Ballister and Co. 04-6044748. Richard M. Russell, 30 State St., Boston 9, Mass.

Balseco 23-6409895. Peoples Trust City Bank, Reading, Pa. 19603.

Baltbank & Co. 43-6109019. % Baltimore Bank and Trust Co., Trust Dept., 1014 Baltimore Ave., Kansas City, MO 64105.

Balt & Co. 52-6032514. Maryland National Bank, Baltimore, MD. 21202.

Bam & Company 13-6167001. County Trust Company, The, Trust Dept., 235 Main St., White Plains, NY

Bam & Company 13-6167001. County Trust Company, The Trust Dept., 235 Main St. White Plains, NY.

Bamac & Co. 94-6189788. Bank of America N.T. & S.A. P. O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Banab & Co. (d) 52-6032517. Maryland National Bank, Baltimore 3, Md.

Bancap (a,b) 37-6063473. Capital Bank & Trust Company of Springfield, 1825 S. 16th St., Springfield, IL 62705.

Banco (b,c,d,f) 38-6110055. Industrial State Bank and Trust Company, Trust Dept., S. Rose St., Kalamazoo, Mich. 49006.

Banco & Co. (h) 35-6202136. Clinton County Bank and Trust Company, 2 East Washington St., Frankfort, IN 46041.

Bancom & Co. 38-6065605. Bank of the Commonwealth, Trust Dept., P.O. Box 119, 719 Griswold St., Detroit, MI 48226.

Bancourt & Co. 61-6060597. First National Bank, P.O. Box 1019, or Kentucky Trust Co., The, Trust Dept., P.O. Box 1677, Lousiville, KY 40201.

Band & Co. (a-d,f,h) 39-6039160. First Wisconsin Trust Company, 735 N. Water St., P.O. Box 2054 Milwaukee, WI 53202.

Banforth & Co. 59-6130211. First National Bank in St. Petersburg, The, % Trust Dept., P.O. Box 1689, St. Petersburg, FL 33731.

Banjo and Company (F) 43-6101298. % First Bank of Commerce, P.O. Box 1227, Columbia, MO 65201.

Bank & Co. 62-6046294. American National Bank and Trust Company, 750 Market St., Chattanooga, Tenn.

Bank & Co. (h) 04-6178225. First Bristol County National Bank, 21 Park St., Attleboro, MA 02703.

Bank of New York Nominees Ltd. The Bank of New York. 147 Leadenhall St., London E.C. 3, England.

Bankcan & Co. (f) 13-6051680. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Bankmont & Co. Bank of Montreal, 119 St. James St., W., Montreal 1, Canada.

Bankrow & Company 04-6032793. First National Bank & Trust Company, 11 Bank Row, Greenfield, Mass.

Bankrow and Company 04-6032793. First National Bank of Franklin County, 11 Bank Row, Greenfield, MA 01301.

Banks & Co. 14-6020591. Dutchess Bank & Trust Company, 285 Main St., Poughkeepsie, N.Y. 12602.

Banlaga & Company. Banque Canadienne Nationale, Place d'Armes, Montreal, Que., Canada.

Banmar Co. 94-1685558. Bank of Marin, 1108 Fifth Ave., San Rafael, Calif. 94901. San Rafael, CA 94902.

Bannan & Co. (a-h). 21-6014071. South Jersey National Bank, Broadway & Cooper Sts., Camden, NJ 08101.

Banom & Co. Central National Bank of Cleveland, P.O. Box 6179, Cleveland, OH 44101.

Banor & Co. 41-6011839. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, MN 55480.

### General Securities, Incorporated

Bansac. 94-1536607. Bank of Sacramento, 632 J St., Sacramento, Calif. 95809.

Bansco & Co. No. 3 a/c. Bank of Nova Scotia, The, Ottawa, Canada.

Bansco & Co. No. 6 a/c. Bank of Nova Scotia, The, 44 King St. W., Toronto, Ont., Canada.

Bansco & Co. Bank of Nova Scotia, The, Main Branch, King & Bay Sts., Toronto, Canada.

Bansco & Co. No. 2 a/c. Bank of Nova Scotia, The, Queen & McCaul Branch, Toronto, Canada.

Bansterl and Company. 13-6065416. Sterling National Bank & Trust Company, 1410 Broadway, New York, N.Y. 10018.

Bansto and Company. 84-6059825. American National Bank of Denver, Trust Dept., P.O. Box 660, Denver, CO 80201.

Bantex Co. 74-1265911. Bank of Texas, P.O. Box 2502, Houston 1, Texas.

Banto & Co. 94-6105783. Bank of Tokyo of California, The, 64 Sutter St., San Francisco, Calif. 94120.

Bantok & Co. 94-6105784. Bank of Tokyo of California, The, 64 Sutter St., San Francisco, Calif. 94120.

Bantor Company. Toronto-Dominion Bank, The, King & Bay Sts., Toronto, Canada.

Banut Company. 22-6028643. Bank of Nutley, 495 Franklin Ave., Nutley 10, N.J.

Bapco. 94-6107278. First Western Bank and Trust Company, 201 Montgomery St., San Francisco, Calif.

### Bay Area Painters Pension Fund

Bara & Co. 94-6197234. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120.

Bar Co. Canadian Imperial Bank of Commerce, Edmonton, Alba., Canada.

Barb & Co. (a,b,c,f,g,h). 36-604799. Illinois National Bank and Trust Co., c/o Trust Dept., 228 S. Main St., Rockford, IL 61101.

Barbank and Company 59-6118182. Barnett First National Bank of Jacksonville, West Bay Station, Jacksonville, Fla.

Barbara Palace 13-5673600. Fund Securities, Incorporated, 344 Victory Blvd., Staten Island, N.Y.

Barber & Co. 23-6231575. Provident National Bank, 4356 Frankford Ave., Philadelphia, PA 19124.

Barco 22-1817805. Baroff & Co., Inc., F.O., 15 Maiden Lane, New York, NY 10038.

Bareplan Co. (c) 36-6057245. Central National Bank of Chicago, Trust Dept., 120 S. La Salle St., Chicago, IL 60603.

Barford Penco (f) 23-6480130. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, PA 19101.

Barfox & Co. 56-6034737. North Carolina National Bank, P. O. Box 120, Charlotte, N.C.

Barhart Company 01-6008602. Bar Harbor Banking and Trust Company, 82 Main St., Bar Harbor, Me.

Bark & Co. 04-2399820. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

### Massachusetts Investors Trust

Barkemp & Co. Kemper, Barrett & Co., Inc., 150 Broadway, New York, NY 10038.

Barlo & Co. 13-1926270. Strauss, Abraham & Son, Inc., 115 Broadway, New York 6, N.Y.

Barlow & Co. Bank of Montreal, Sun Life Bldg. Branch, Dominion Sq., Montreal 2, Que., Canada.

Barn & Co. 11-6112352. National Bank of North America, 60 Hempstead Ave., Hempstead, N.Y. 11552.

Barnes & Co. 13-6021171. First National City Bank, 399 Park Ave., New York 22, N.Y.

Barnes and Company 04-6145603. Plymouth-Home National Bank, 4 North St., Plymouth, Mass. 02360.

Barnett & Co. (f) 13-6051681. Bankers Trust Company, 16 Wall St., New York 15. N.Y.

### Adams Express Company, the College Retirement Equities Fund

Baro & Co. 04-6214446. New England Merchants National Bank, 28 State St., Boston. Mass. 02106.

Barr & Co. 23-1280179. Rambo, Close & Kerner, Inc., 1518 Locust St., Philadelphia 2, Pa.

Barron, Joseph & Sumner, Howard 36-1183230. Halsey, Stuart & Co., Inc., 30 Broad St., New York, N.Y. 10004.

Barr-Smith Company (d) 04-6013818. Third National Bank of Hampden County, P.O. Box T, Springfield, MA 01101.

### Horace Smith Fund

Barry & Co. 04-6013233. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Bart & Co. 31-057690. Bartlett, Benj. D., & Co., 313 Vine St., Cincinnati, OH 45202.

Bart & Co. Royal Trust Company, P.O. Box 730, Place d'Armes, Montreal 1, Que., Canada.

Bart-Co. 03-0103390. Barre Trust Company, 105 N. Main St., Barre, Vt.

Barter & Co. (f) 06-6123493. Putnam Trust Company of Greenwich, 10 Mason St., Greenwich, CT 06830.

Barth Penco (F) 23-6480131. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Bartpen 31-0576950. Bartlett, Benj., D., & Co. 313 Vine St., Cincinnati, OH 45202.

Barwesco. Barclay-Westmoreland Trust Company, 1 N. Main St., Greensburg, Pa.

Bas & Co. 04-6037915. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Basamex Co. American Express International Banking Corporation, 65 Broadway, New York, N.Y. 10006.

Basec & Co. 36-6152709. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Basomi & Co. 59-6130675. First National Bank of South Miami, P.O. Box 1000, 5750 Sunset Dr., South Miami, FL 33143.

Bass & Co. 06-6104218. c/o Hartford National Bank and Trust Company Commercial Dept., 777 Main St., Hartford, CT 06115.

Bassett & Co. 13-6077899. Marine Midland Grace Trust Company of New York, 7 Hanover Sq., New York 15, N.Y.

Bat & Co. 41-6097611. St. Paul Companies, Inc., 385 Washington St., St. Paul, MN 55102.

Bata & Co. 94-6191648. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Batch & Co. State Street Bank and Trust Company, Boston, MA 02101.

Bates & Co. 05-6003319. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Bates, Sewell & Dorman. 88-6003346. Nevada Bank of Commerce, 1 N. Virginia St., Reno, Nev.

Batok & Co. 94-6105785. Bank of Tokyo of California, 64 Sutter St., San Francisco, Calif. 94120.

Batrus & Co. 13-6051682. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Battery Company, (a partnership). 57-6040346. Cecil, Applegate, Igoe & Holt, Inc., P.O. Box 276, Charleston, SC 29402.

Battey & Co. 05-6008047. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, R.I. 02903.

Bauer & Co. 13-6065392. Schoroder Trust Company, Box 15003, 57 Broadway, New York, NY 10049.

Baum & Co. (f) 23-0969320. First Pennsylvania Banking & Trust Co., P.O. Box 8786, Philadelphia, Pa. 19101.

Baw & Co. 54-6036338. Virginia National Bank, P.O. Box 3000, Norfolk, Va. 23514.

Baweva & Co. 55-6042745. Bank of West Virginia, Tennessee Ave. & Roane St., Charleston, W. Va. 25302.

Bay & Company 13-5523291. American Securities Corporation, 25 Broad St., New York 4, N.Y.

Bay & Co., a partnership 59-6198209. Bay National Bank and Trust Company, P.O. Box 1350, Panama City, Fla. 32401.

Bay & Co. Canadian Imperial Bank of Commerce, King & Ray, Toronto, Ont., Canada.

Baybanc & Co. 39-6084304. Peoples Marine Bank of Green Bay, c/o Trust Dept., 200 S. Adams St., (or P.O. Box 1029), Green Bay, Wis. 54305.

Bayco 04-6072927. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Bayne & Co. Royal Trust Company, 606 Sventh Ave., S.W., Calgary, Alba., Canada.

BDG & Co. 04-6063816. Bingham, Dana & Gould, 1 Federal St., Boston, Mass. 02110.

Bea & Company 47-6032238. Beatrice National Bank and Trust Company, Beatrice, Nebr. 38610.

Beach Co. 59-6125772. Mercantile National Bank of Miami Beach, 1619 Drexel Ave., Miami Beach 39, Fla.

Beach & Co. 95-6024203. Bank of America N.T. & S.A.P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Beach & Co. 06-0343410. Connecticut National Bank, Bridgeport, Conn. 06602.

Beaco 04-6117003. The National Shawmut Bank of Boston, 40 Water St., Boston, Mass. 02109.

Beacon & Co. 04-6184515. c/o William B.

Tyler, Esq., Rackemann, Sawyer & Brewster, 28 State St., Boston, Mass. 02109.

Beals & Co. 13–6101136. First Bank of Boston-International, 2 Wall St., New York 5, N.Y.

Beam & Co. 04–6215149. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Bean & Co. (f) 23–6222903. First Pennsylvania Banking and Trust Company, P.O. Box 8717, Philadelphia, Pa. 19101.

First Investors Corp.

Bear & Co. Texas Commerce Bank, N.A., P.O. 2558, Houston, Tex. 77001.

Beavan Corporation 13–5193180. Ladenburg Thalman Co., 23 Broad St., New York, N.Y.

Becht & Co. 11–6006606. c/o Franklin National Bank, 925 Hempstead Tpk., Franklin Square, N.Y. 11010.

Bechtold & Company (h) 04–6040696. Cambridge Trust Company, c/o Trust Dept., 1336 Massachusetts Ave., Harvard Sq., Cambridge, Mass. 02138.

Becker & Co. 13–6145482. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Beckfund and Co. 47–0098400. Bankers Life Insurance Company of Nebraska, Lincoln, Nebr. 68501.

Becraft and Boland 13–6113890. Rockland National Bank, Suffern, 67 Lafayette Ave., Suffern, N.Y.

Becu & Co. 13–4941247. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Bedard & Co. 04–6110123. Union National Bank, P.O. Box 620, Lowell, Mass. 01853.

Bedebe & Co. 31–0576950. Bartlett, Benj. D., & Co., 313 Vine St., Cincinnati, OH 45202.

Bedle & Co. 13–6022159. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Bee & Co. 31–6021107. Central Trust Company, Fourth & Vine Sts., Cincinnati, Ohio.

Bee & Co. 52–6075105. National Savings and Trust Company, 15th St. & New York Ave. N.W., Washington, D.C. 20005.

Bee Bee & Company (a, b, d, f) 59–6237900. First National Bank & Trust Company, P.O. Box 65, Belleair Bluffs, FL 33540.

Beebe & Co. 13–4974040. Harriman, Ripley & Company, Inc., 63 Wall St., New York, N.Y.

Beech & Co. 25–6021578. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Bee-Dee Co. 04–1099880. Bonanza Development Co., 79 Milk St., Boston, MA 02109.

Beekay Co. 95–2157926. Kroesen and Company, Inc., 300 Wilshire Ave., Anaheim, Calif.

Beep & Co. 94–6218837. Bank of America, N.T. & S.A., Bank of America Center, Box 7763, San Francisco, CA 94120.

Beers & Co. 74–6125830. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Befund & Co. 38–6082015. Old Kent Bank and Trust Company, One Vandenburg Center, Grand Rapids, Mi 49502.

Begley & Co. 04–6079612. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Beh & Co. 95–6197241. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Behan and Company 14–6019804. First National Bank of Glens Falls, 237 Glen St., Glens Falls, NY 12801.

Belck & Company 22–1123968. Monide, Inc., 15 Exchange Pl., Jersey City, N.J.

Belfirst & Co. (b) 91–6022895. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Belford & Co. 22–6056614. Bank of New Jersey, Broadway & Market St., Camden, NJ 08101.

Bell & Co. 23–6287057. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Bell & Co. 42–6060321. Bankers Trust Company, Trust Dept., 607 Locust St., Des Moines, IA 50304.

Bell & Co. 04–6026671. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109. (Century Shares Trust.)

Bell & Co. 06–6034510. State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, Conn. 06904.

Bell & Company 25–084855. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Bell Co. (c) 93–6032134. First National Bank of Oregon, Trust Div., P.O. Box 2971, Portland, OR 97208.

Bellford & Co. A Partnership 41–6023106. Bellford & Co., Room 100, 9200 Wayzata Blvd., Minneapolis 26, Minn.

Belmont & Co. 04–6238476. National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109.

Beltru & Co. 71–6049776. National Bank of Commerce of Pine Bluff, P.O. Box 6208, Pine Bluff, AR 71601.

Bemic & Co. 31–6097559. Beacon Mutual Indemnity Company, 50 W. Gay St., Columbus, OH 43216.

Ben & Co. (f) 04–6012875. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106. (Colonial Growth & Energy Shares, Inc.)

Bend & Co. 35–6062069. First Bank & Trust Company of South Bend, 133 S. Main St., South Bend, Ind.

Bender & Co. 13–6022157. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Bendon & Co. 16–6033375. Security Trust Company of Rochester, 103 E. Main St., Rochester 4, N.Y.

Bendon & Company 16–6033375. Security Trust Company, One East Ave., Rochester, NY 14604.

Benj. & Co. 31–0576950. Bartlett, Benj. D., & Co., 313 Vine St., Cincinnati, OH 45202.

Benn Company (DF) 03–6004510. Vermont Bank and Trust Company, 500 Main St., Bennington, Vt. 05201.

Bennett & Co. 13–6020771. Morgan Guaranty Trust Company of New York, 524 Fifth Ave., New York 36, N.Y.

Benson & Co. 13–6022050. Swiss Credit Bank, New York, 100 Wall St., New York 5, NY

Bent & Co. 06–6033516. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Bentley & Co. Royal Trust Company, 97 Queen St., Charlottetown, P.E.I., Canada.

Bentz Penco (F) 23–6480132. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Benz & Co. 13–6092373. Bradley, Gammons & Company, Inc., 120 Broadway, New York, N.Y.

Berdo & Co. 22–6027421. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Berega & Co. 22–6027421. Hudson Trust Company, 51 Newark St., Hoboken, N.J.

Berg & Co. (f) 13–6065158. Underwriters Bank & Trust Company, 50 Broadway, New York, N.Y. 10004.

Berg Co. 13–1879126. Netherlands Securities Co., Inc. 30 Broad St., New York, N.Y.

Bergen Penco 23–6480133. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphi,a Pa. 19101.

Berger & Co. 13–1934441. Nat Berger Securities Corp. 595 Madison Ave., New York, N.Y. 10022.

Berhan & Co. 36–6099686. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Berk & Co. 04–6178954. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Berkeley & Co. 04–6219317. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Berkmont & Co. 94–6056800. Wells Fargo Bank, 2144 Shattuck Ave., Berkeley 1, Calif.

Bern & Co. 51–0097258. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Berndt and Company 13–6260185. The Bank of Nova Scotia, 37 Wall St., New York, N.Y. 10005.

Berrien & Co., First National Bank of South Western Michigan, 210 E. Main St., Niles, MI 49120.

Berry & Co. 04–6013489. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Bers & Rose, 23–6251160. Bers & Co., Ashland & Lewis Sts., Philadelphia 24, Pa.

Bert & Co. 25–6027592. Mellon National Bank and Trust Company, Corporate Trust Dept., Mellon Sq., Pittsburgh, PA 15230.

Bess & Co. 13–6151496. Bessemer Securities Corporation, 245 Park Ave., New York, N.Y. 10017.

Betco, 24–6018853. First Bellefonte Bank and Trust Company, 108 S. Allegheny St., Bellefonte, Pa.

Betco Company (b–f) 24–6018853. c/o Mid-State Bank and Trust Company, P.O. Box 506, 108 S. Allegheny St., Bellefonte, PA 16823

Betco & Co. 04–6013620. Berkshire Bank & Trust Company, 54 North St., Pittsfield, Mass.

Bethel & Co. 31–0536655N. 300 Lytle St., Cincinnati, OH 45202.

Better & Co. (b) 06–6036410. New Britain Bank and Trust Company, Trust Dept., New Britain, CT 06051.

Betts and Company (h) 57–6036551. Citizens and Southern National Bank of South Carolina, P.O. Box 727, Columbia, SC 29202.

Bev & Co. 95–6194397. Beverly Hills National Bank, P.O. Box 908, Beverly Hills, Calif.

Bev. & Co. 36–6058019. Beverly Bank, 1357 W. 103rd St., Chicago 43, Ill.

Bharf & Co. 04–6223617. Burley, Harkins and Funk, Incorporated, 1 Court St., Boston, Mass. 02109.

Bianco & Co. 82–6004301. Bank of Idaho, Trust Dept., P.O. Box 1009, Boise, ID 83701.

Bic Co. 47–6036592, The Omaha National Bank, 1620 Farnam St., Omaha, Nebr.

Bicher & Co. 13–6020772, Morgan Guaranty Trust Company of New York 23 Wall St., New York, N.Y. 10015.

Bickle & Co., Wills, Bickle & Company, Limited, P.O. Box 32, Toronto-Dominion Centre, Toronto 1, Canada.

Bicomco 99–6017026. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804.

Bid & Co. 04–6037902. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107. (Boston Fund, Inc.)

Bida, F. S. & Co. 82–6004514. First Security Bank of Idaho, Box 830, Boise, Idaho.

Biehle & Co. 74–6125829. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Bieleco 99–6017024, Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804

Biemco 99–6017206. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804.

Biestco 99–6017023. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804.

Bif Co. 47–6029198. The Omaha National Bank, 1620 Farnam St., Omaha, Nebr.

Bifin & Co. 82–6003792, Idaho First National Bank, P.O. Box 7928, Boise, Idaho 83707

Big & Co. 36–6415905. Central National Bank in Chicago, Trust Dept., 120 South La Salle St., Chicago, IL 60603.

Biggs & Co. (f) 04–6012801. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Biggs & Pence 31–6024210. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati 2, Ohio.

Bigie & Co. 41–6086921, St. Paul Companies, Inc., 385 Washington St., St. Paul, Minn. 55102.

Bilwinco. 75–6023233. First Southwest Company, Mercantile Bank Bldg., Dallas, Texas 75201.

Binco. 95–1731813. Bingham, Walter & Hurry, Inc., 629 S. Spring St., Los Angeles 14, Calif.

Bing & Co. 04–6012873, State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Bingham, Wilbur G. 39–0166910. Bingham, Sheldon & Co., First Wisconsin National Bank Bldg., Milwaukee 2, Wis.

Bipco. 01–6027298. Casco Bank & Trust Company, 475 Congress St., Portland 3, Me.

Birch & Co. (b) 04–6012874. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Birch & Bradford 51–6011651. Wilmington Trust Co., Wilmington 99, Del.

Birco 63–6071245. First National Bank of Birmington, P.O. Box 11007, Birmingham, AL 35202.

Bird & Co. 13–6062537. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.

Birmingham & Co. (f) 04–6012922. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106. (Loomis-Sayles Capital Development Fund, Inc.).

Birney & Co. 13–6062912. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Bitesco 99–6017025. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804.

Bishareco 99–6016944. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804

Bishop & Co. 03–0212592. Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.

Bishop & Co. 62–6041380. American National Bank & Trust Company, 750 Market St., Chattanooga, Tenn.

Bishop & Co. (f) 04–6012802. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106. State Street Investment Corporation.

Bishop & Co. 94–6061228. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Bitco 99–0108424. Bishop Trust Company Limited, P.O. Box 2390, Honolulu 4, Hawaii.

Bitesco 99–6017025. Bishop Trust Co., Ltd., P.O. Box 2390, Honolulu, HI 96804.

Bitt & Co. 72–6035009. American Bank and Trust Company, P.O. Box 2791, Baton Rouge, La. 70821.

Bitt & Co. 04–6197477. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Bittner & Co. First National Bank of Franklin County, 11 Bank Row, Greenfield, MA 01301.

Bivest & Co. Continental Illinois Bank and Trust Company of Chicago, Block Box H, Chicago, Ill. 60690.

Bivest & Co. First National Bank of Chicago, One First National Plaza, Chicago, IL 60670.

Black & Co. 74–6047144. First City National Bank of Houston, P.O. Box 2557, Houston, Texas 77001. (Standard Oil Company (N.J.), Pension Trust.)

Blackwell & Co. 75–0223800. First National Bank in Dallas, Commercial Dept., P.O. Box 6031, Dallas, TX 75222.

Blaco (a,b). 95–6006924. Southern California First National Bank, c/o Trust Dept., P.O. Box 109, 530 "B" St., San Diego, Calif. 92122.

Blacton & Company 04–6013195. Woodstock Service Corporation, 70 Federal St., Boston, Mass.

Blair Penco 23–6480134. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101

Blake & Co. 34–6517731. c/o Old Phoenix National Bank of Medina, Public Square, Medina, OH 44256

Blanchard & Co. (h) 04–6012803. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106

Blaney & Co. 04–6111973. c/o Welch & Forbes, Rm. 1034, 73 Tremont St., Boston, Mass. 02108

Blank Company (c) 59–6228838. First National Bank of Tampa, P.O. Box 1810, Tampa, Fla. 33601

Blant & Co. (a–f) 35–6014454. Citizens Bank of Michigan City, 502 Franklin Sq., Michigan City, IN 46360

Blif & Co. (f) 42–6138963. c/o Iowa-Des Moines National Bank, Trust Div., Sixth and Walnut, Des Moines, IA 50309

Bliss & Company 04–6026856. B. Devereux Barker (Haussermann, David & Shattuck), 15 State St., Boston, Mass.

Blissdyke & Co. (A,B,C,H) 34–6504837. Union Savings & Trust Company, Trust Dept., 106 E. Market St., P.O. Box 231, Warren, Ohio 44482

Blissdyke & Co. 34–6504837. Union Savings & Trust Company, 106 E. Market St., Warren, Ohio

BLN and Co. 47–0098400. Bankers Life Insurance Company of Nebraska, Lincoln, Nebr. 68501

Block & Co. 04–2399821. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101

Bloomfield & Co. 06–6104964. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101

Blu & Co. 04–6026668. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston 9, Mass.

Blush & Co. 13–6117105. Brown Brothers Harriman & Co., 59 Wall St., New York 5, N.Y.

Blythe Company 25–6068463. Gallatin National Bank, P.O. Box 1031, Uniontown, Pa.

BMT & Co. 39–0697352. Bank of Milwaukee & Trust Co., 435 E. Mason St., Milwaukee, Wis. 53202

BNOM & Co. (e) 43–6027062. St. Louis Union Trust Company, 510 Locust St., St. Louis, MO 63101

Boa & Co. 94–6124364. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120

Board & Co. 22–6025709. Citizens First National Bank of Ridgewood, Ridgewood, N.J.

Boardwalk & Co. (b–f,h) 74–6048717. Austin National Bank, P.O. Box 908, 5th & Congress, Austin, TX 78767

Boat & Co. 43–6067530. Boatmen's National Bank of St. Louis, P.O. Box 7365, 300 N. Broadway, St. Louis, Mo. 63166

Bob & Co. (b) 04–6012804. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02106.

Bobco, 57–6039784, Bank of Beaufort, P.O. Box 10047, Beaufort, SC 29910.

Bober & Co., 13–6062528. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

B.O.C. Company. Bank of Commerce, Throckmorton & Seventh, Forth Worth, TX 76102.

Bock & Co., 13–6051683. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Bocla and Company (a), 94–6079003. Bank of California N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Boclear Co., 59–612892. Bank of Clearwater, 500 Cleveland St. (or P.O. Drawer 479), Clearwater, FL 33517.

Boda & Co., 16–6113584. Bodell Overcash Anderson & Company, Inc., One Fenton Bldg., Jamestown, NY 14701.

Bodco & Co., 86–6022608. Arizona Bank, 44 W. Monroe, Phoenix, Ariz.

Boden & Co., 22–6026163. New Jersey Bank & Trust Company, 129 Market St., Paterson, N.J.

Boehm & Co., 13–6051684. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Bofiducap & Co., 84–6029210. First National Bank in Boulder, P.O. Box 59, Boulder, Colo. 80302.

Bofirnat Co., 84–6029209. First National Bank in Boulder, Box 59, Boulder, Colo. 80302.

Bog & Co., 04–6149580. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Bohn, Dille & Jensen (h), 91–6023465. Pacific National Bank of Washington, c/o Trust Dept., P.O. Box 1997, Tacoma, Wash. 98401.

Bohne & Co., 31–1483269. Indiana Bank and Trust Company, c/o Trust Dept., 915 S. Clinton St., Ft. Wayne, Ind. 46802.

Boht & Company (b, c), 23–6392818. Bank of Hanover and Trust Company, 25 Carlisle St., Hanover, Pa. 17331.

Boi & Co., Bank of America, N.T. & S.A., Bank of America Plaza, San Francisco, Calif. 94120. (Pension Fund for Boise Cascade Corp.)

Boina & Co., 35–6059285. Bank of Indiana N.A., P.O. Box 330, Gary, Ind. 46401.

Bolan & Company, Bank of Lansing, Lansing, Mich. 48904.

Boldt & Co., 94–6096211. Bank of America N.T.&S.A., P.O. Box 7763, Rincon Annex, San Francisco, Calif. 94120

Boll & Co., 12–1622847. John R. Boland & Company, Incorporated, 30 Broad St., New York 4, N.Y.

Bollinger, Charles, Jr., Hornblower & Weeks, 1 Chase Manhattan Plaza, New York, N.Y.

Bolsa Nominees Limited. Bank of London & South America, Ltd., 4066 Queen Victoria St., London E.C.4, England.

Bolv and Company. 88–6004222. Valley Bank of Nevada, 113 S. Fourth St., P.O. Box 1780, Las Vegas, NV 89101.

Bomad and Co. 39–6050038. Bank of Madison, 1 W. Main St., Madison 3, Wisc.

Bomerco. Borden Management, Inc., 94 Day St., Newton, Mass. 02166.

Bominaid & Co. 04–6206478. Thomas Todd Company, 14 Beacon St., Boston, Mass. 02108.

Bomatco 59–6128496. National Bank of Melbourne and Trust Company, Lock Drawer 7, Melbourne, Fla.

Bon & Co. (h) 06–6070745. Simsbury Bank and Trust Company, 740 Hopmeadow St., Simsbury, Conn. 06070.

Bonab Co. 21–6013789. Boardwalk National Bank, S. Carolina & Atlantic Ave., Atlantic City, N.J.

Bonco and Company. The Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Boncom & Co. First National Bank of Lake Forest, c/o Trust Dept., P.O. Box 391, Lake Forest, Ill. 60045.

Bond & Co. (a,b) 22–6066465. First National State Bank of New Jersey, Dept. of Estates & Trusts, 550 Broad St., Newark, N.J. 07102.

Bond & Co. (b) 06–6044955. New Britain National Bank, 51 W. Main St., New Britain, CT 06050.

Bonding & Co. (h) 35–6204423. Lafayette National Bank, c/o Trust Dept., 337 Columbia St., Lafayette, IN 47902.

Bonding & Co. 35–6204438. Lafayette National Bank, 337 Columbia St., Lafayette, Ind. 47902.

Bone & Co. 95–6047320. First Western Bank and Trust Company, 548 S. Spring St., P.O. Box 1083, Pasadena, Calif. 91102.

Bonner Bee 94–1671569. United California Bank, 9601 Wilshire Blvd., Beverly Hills, Calif. 90210. (Bonner Bell Investment Services, Inc.)

Bonyman & Co. 04–6013223. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Book & Co. 13–6211570. County Trust Company, 235 Main St., White Plains, N.Y.

Books & Co. 05–6020431. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, N.Y. 02901.

Boom & Co. 04–6140625. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Booth & Co. (c) (d) 36–6033750. Northern Trust Company, 50 S. La Salle St., Chicago, IL 60690.

Borden & Co. 13–6021164. First National City Bank, 399 Park Ave., New York 22, N.Y.

Borla, 95–6039490. Union Bank, P.O. Box 2278, Terminal Annex, Los Angeles, Calif. 90054.

Boro Company (d, f), 03–6004491. c/o Vermont Bank and Trust Company, Box 823, Brattleboro, Vt. 05301.

Borocci, G. J., 24–0644414. Liberty National Bank of Pittston, 2–4 N. Main St., Pittston, Pa.

Borug & Co., 13-6290465. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Bos & Co., 04-6026670. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Bost & Co., 04-6013753. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, MA 02106.

Bostfund & Co. (f), 95-6267590. Bank of California, N.A., P.O. Box 60477, Los Angeles, CA 90060.

Bostwick & Co., 13-6066296. First Westchester National Bank, c/o Trust Dept., 132 Parkway Road, Bronxville, NY 10708.

Bosworth & Co., 13-6020876. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Botsford & Co., 04-6014529. Chase, Whiteside & Co., Inc., 24 Federal St., Boston 10, Mass.

Bourne & Co., 05-6017514. Brown, Lisle & Marshall, Incorporated, 201 Turks Head Bldg., Providence, R.I. 02903.

Bourne, R. M. & Co., 34-6504840. Cleveland Trust Company, Loans & Securities Dept., 916 Euclid Ave., Cleveland, Ohio 44101.

Bova & Company, 54-6031967. Bank of Virginia, 800 E. Main St., Richmond 14, Va.

Bovartco, 36-6139438. National Boulevard Bank of Chicago, 400 N. Michigan Ave., Chicago, Ill.

Bow & Co., 35-6014335. St. Joseph Bank & Trust Company, Michigan at Jefferson, South Bend, Ind. 46601.

Bow & Co., 24-6012421. First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa.

Bow Co., Canadian Imperial Bank of Commerce, 309 Eighth Ave., S.W., Calgary, Alta, Canada.

Bowa & Co., 37-6026993. First National Bank of Mt. Vernon, Mt. Vernon, Ill.

Bowarco, 54-6077488. Bank of Warwick, 96 Main St., Newport News, Va. 23601.

Bowditch & Company, 04-6013148. The Massachusetts Company, Inc., 70 Federal St., Boston, Mass. 02110.

Bowdoin & Co. (f), 01-0215213. Canal Nation Bank, 188 Middle St., Portland 6, Me.

Bowen & Co., Main National Bank, (Personal Dept.), P.O. Box 919, Portland, ME 04104.

Bowen, David & Co., 04-6013026. Fiduciary Trust Company, P.O. Box 1647, Boston 5, Mass.

Bowers & Co. 21-6018871. Bank of New Jersey, Broadway & Market St., Camden, NJ 08101.

Bowman and Company 56-6048425. Citizens Bank and Trust Company of Southern Pines, Southern Pines, N.C.

Bowsav & Co. Bowery Savings Bank, 110 E. 42nd St., New York 17, N.Y.

Bowsprit & Co. 04-6224559. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Box & Co. 43-6092895. City National Bank & Trust Company, Tenth & Grand, Kansas City, Mo. 64141.

Box & Co. 04-6037903. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Boyd & Co. 13-6062616. Schroder Trust Company, Box 15004, 57 Broadway, New York, NY 10049.

Boyd & Co. 04-6032735. Boyd, MacCrellish & Weeks, 75 Federal St., Boston, Mass. 02110.

B.O.Y.R. Co. 23-6433621. Bank and Trust Company of Old York Road, York & Easton Rds, Willow Grove, Pa. 19090.

Boyer & Co. (a, b, c, d) 91-6025148. Baker-Boyer National Bank of Walla Walla, Washington, P.O. Box 1477, Walla Walla, Wash. 99362.

Boynton Company 59-6246263. First Bank and Trust, P.O. Drawer 580, Boynton Beach, FL 33435.

Bozbank and Co. 81-6016232. First National Bank, P.O. Box 730, Bozeman, Mont. 59715.

Bozworth Company 71-6049863. Worthen Bank & Trust Company, 401 Main St., Little Rock, Ark.

Brace & Co. (h) 06-6036408. New Britain Bank and Trust Company, P.O. Box 1318, New Britain, CT 06051.

Brack & Company 41-6009976. First Trust Company of Saint Paul, W. 555 First National Bank Bldg., St. Paul 1, Minn.

Brad & Co. (e) 13-6021165. First National City Bank, 399 Park Ave., New York 22, N.Y.

Bragerwall 13-1926683. Brager and Company Incorporated, 54 Wall St., New York, N.Y. 10005.

Bragsle 13-5679921. Brand, Grumet & Seigel, Inc., 67 Broad St., New York, N.Y.

Brails & Co. 04-6224554. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Branch & Co. 74-6121518. Spring Branch Bank, 8800 Katy Freeway, P.O. Box 19158, Houston, TX 77024.

Branch, Y.V. & Co. (a, b, c, d, e) 91-6024331. Pacific National Bank of Washington, P.O. Box 497, Yakima, Wash. 98901.

Branches, S.W. & Co. (b) 91-6024224. Pacific National Bank of Washington, Coffman-Dobson Banking Center, P.O. Box 180, Chehalis, Wash. 98532.

Brand Penco 23-6480135. First Pennsylvania Banking and Trust Company, Box 8786, Philadelphia, Pa. 19101.

Brandiff & Co. (f). 23-6222904. First Pennsylvania Banking and Trust Company, P.O. Box 8717, Philadelphia, PA 19101.

Brant Investments Limited, Royal Trust Company, 66 King St. W., Toronto, Canada.

Brass & Co. 06-6119532. Waterbury National Bank, 195 Grant St., Waterbury, CT 06701.

Braswell, J. C. & Company (a-e). 56-6046931. Planters National Bank and Trust Company, Trust Dept., Box 1220, Rocky Mount, NC 27801.

Bratter & Co. 41-0799208. Bratter and Company, Inc., Soo Line Bldg., Ground Floor, Minneapoils 2, Minn.

Brattle Company (b,c,e,h). 03-6004490. Vermont Bank and Trust Company, Box 823, Brattleboro, Vt. 05301.

Braucha & Co. Brault, Guy, Chaput Inc.., 612 St. James St., W., Montreal 3, Que., Canada.

Brave & Co. 06-6038691. Waterbury National Bank, 195 Grand St., Waterbury, Conn.

Bray & Co. (d,f). 04-6130888. Newton-Waltham Bank and Trust Company, 880 Main St., Waltham, Mass. 02131.

Breen & Co. 04-6226086. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Brenda & Co. 04-6172456. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Brewit & Co. Brewis & White Limited, 145 Yonge St., Toronto 1, Ont., Canada.

Brewster & Co. 04-6238816. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Brian and Co. 16-6019708. Marine Midland Trust Company of Rochester, P.O. Box 669, Rochester 2, N.Y.

Bridge & Co. 04-6184478. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Bridger & Co. (h). 88-6010437. Bank of Nevada, Trust Dept., 225 E. Bridger St., Box 1720, Las Vegas, NV 89101.

Brig & Co. 04-6214445. New England Merchants National Bank, 28 State Street, Boston, Mass. 02106.

Bright & Co. 06-6115140. C/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Brim & Co. 41-6093161, Northwestern National Bank of Minneapolis, Seventh and Marquette, Minneapolis, Minn. 55480.

Brim & Co. 04-6226089, Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

Brin & Co. 57-6037262. The Self Foundation, Drawer 1017, Greenwood, S.C. 29646.

Brink & Anderson. 04-6042631. Hale & Dorr, 60 State St., Boston 9, Mass.

Brink & Co. 04-6042632. Hale & Dorr, 60 State St., Boston 9, Mass.

Brink and Marriner 04-6052172. Union Market National Bank, Watertown 72, Mass.

Brisbank & Co. 06-6023788. United Bank and Trust Company, 200 Main St., Bristol. Conn.

Brit & Co. (b) 06-6036411. New Britain Bank and Trust Company, Trust Dept., P.O. Box 1318, New Britain, CT 06051.

Broad Co. 21-0745545. Broad Street National Bank of Trenton, P.O. Box 790, Trenton, N.J.

Broadbent & Mc Alphine 05-6008050. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, R.I. 02903.

Broadway Co. 94-6139923. United California Bank, 14th & Broadway, Oakland, Calif. 94607.

Brock & Co. 04-6044600. First County National Bank, Trust Dept., 90 Main St., Brockton, MA 02403.

Broco & Co. 59-6139182. Broward National Bank of Fort Lauderdale, 25 S. Andrews Ave., Fort Lauderdale, Fla.

Brodie & Co. Royal Trust Company, 56 Prince William St., St. John, N.B., Canada.

Bromo & Co. 41-6083981. National City Bank of Minneapolis, P.O. Box E1919, Minneapolis, Minn. 55440.

Bromson & Co. 06-6044922. Union Trust Company, P.O. Box 1297, Stamford, CT 06904.

Bronco 35-0310070. First National Bank of Crown Point, Lock Box 109, Crown Point, Ind. 46307.

Brook & Co. 04-6038624. Norfolk County Trust Company, 1319 Beacon St., Brookline 46, Mass.

Brook & Co. 13-6107798. National Bank of North America, 52 Wall St., New York, N.Y. 10005.

Brooke & Company. 38-6053687. City National Bank of Detroit, Penobscot Bldg., Griswold and Fort St., Detroit, Mich. 48213.

Brookline & Co. 04-6238477. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass 02109.

Brookmont & Co. (d) 04-6013812. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Brooks Associates (a-h). 06-6049732. Colonial Bank and Trust Company, c/o Trust Dept., 81 W. Main St., Torrington, Conn. 06720.

Brooks & Co. c/o L. M. Brooks, Chester, Conn.

Brooks & Co. Bank of Montreal, King & Yonge Sts., Toronto, Canada.

Brookside & Co. Bernard W. Schiro, 25 Brookside Blvd., West Hartford, Conn. 06107.

Bror & Co. 41-6011850. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Broshaw & Co. 52-6032547. Riggs National Bank of Washington, D.C., 800-17 St., N.W., Washington, D.C. 20013.

Brosler & Co. 04-604411. Safe Deposit Bank and Trust Company—Hadley Falls Division, 58 Suffolk St., Hollyoke, Mass.

Brow & Co. (f) 42-6138964. c/o Iowa-Des Moines National Bank, Trust Div., Sixth & Walnut, Des Moines, Iowa 50304.

Browco. First Broward Securities, Inc., 2319 Federal Hwy., Fort Lauderdale, Fla. 33305.

Brown & Co. 22-6048037. First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. Provident Fund For Income (Suite 1002, Wilmington Trust Bldg., Wilmington, Del. 19801.)

Brown & Co. (b, c) 88-6002683. First National Bank of Nevada, Trust Dept., 300 E. Carson, P.O. Box 190, Las Vegas, Nev. 89101.

Brown & Co. 75-6006538. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas 22, Texas.

Brown & Co. (h) 04-6036022. Newton-Waltham Bank & Trust Company, 880 Main St., Waltham, MA 02131.

Brown, H. C. & Co. 16–0791902. Brown, Harold C. & Co., Inc., 1114 Liberty Bank Bldg., Buffalo 2, N.Y.

Brownell & Co. 38–6048196. National Bank of Detroit, Woodward Ave., Detroit 32, Mich.

Brownfund 99–0078542. Hawaiian Trust Co. Ltd., Financial Plaza of the Pacific, Honolulu, HI 96813. (The Brown Fund of Hawaii, Ltd.)

Browning & Co. New England Life Insurance Company, 501 Boylston St., Boston, Mass. 02117.

Brown Institutional 99–6014448. Hawaiian Trust Co. Ltd., Financial Plaza of the Pacific, Honolulu. HI 96813. (The Brown Institutional Fund, Inc.)

Brownlie & Co. (f) 13–6065594. Chemical Bank, 20 Pine St., New York, NY 11017.

Browno 13–2652831. M. P. Brown & Co., Inc., Investment Securities, 55 Liberty St., New York, NY 10005.

B.R.T. Company 39–6062254. East Wisconsin Trustee Company, 935 S. Eighth St., Manitowoc, Wisc.

Bruce & Co. 06–6112882. Lafayette Bank and Trust Company, c/o Trust Dept., P.O. Box 1899, Bridgeport, Conn. 06601.

Bruch & Co. 41–6009964. First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis 2, Minn.

Brun & Co. (f) 23–1624951. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101. (Revere Fund, Inc.)

Brunco 47–6058242. University of Nebraska Foundation, 220 Nebraska Union Bldg., Lincoln, Nebr. 68508.

Brunel and Co. (b) 02–6006387. Concord National Bank, c/o Trust Dept., 43 N. Main St., Concord, NH 03301.

Brunonia & Co. 05–6019959. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Brutsch & Co. (a,b,f) 81–6009150. First National Bank Trust Company, P.O. Box 1709, Helena, Mont. 59601.

Brybank & Company 74–0531277. First State Bank & Trust Company, Bryan, Texas.

Bryce & Co. 87–6116461. Zion's First National Bank, 70 E.S. Temple, Salt Lake City, Utah.

BSE Co. 04–6220751. Boston Stock Exchange, P.O. Box 2145, Boston, MA 02106.

Bsico 04–6221086. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Bubank Company 37–6083765. Busey First National Bank, Main & Race, Urbana, Ill. 61801.

Bubb & Co. 24–6025884. First National Bank of Milton, Milton, Pa.

Bucher & Co. 13–6020773. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Buck & Company 06–6033520. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Buckeye Nominee Company 31–6026313. Ohio National Bank of Columbus, 51 N. High St., Columbus 16, Ohio.

Buckley & Co. 13–6066951. Fiduciary Trust Company of New York, 1 Wall St., New York 5, N.Y.

Bud & Co. (a) 23–6480512. Upper Dauphin National Bank, 150 Market St., Millersburg, PA 17061.

Buffco (a,b) 16–6065676. Liberty National Bank and Trust Company, c/o Trust Dept., 424 Main St., Buffalo, NY 14240.

Buffington-Aldrich & Co. (d) 04–1299133. Fall River Trust Co., 43 N. Main St., (or P.O. Box 430), Fall River, MA 02722.

Bugg & Co. 21–6012198. National Bank and Trust Company of Gloucester County, 2 S. Broad St., Woodbury, N.J. 08096.

Bull & Co. 56–6034731. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, NC 27102.

Buma & Co. 46–6065911. City National Bank and Trust Company, Tenth & Grand, Kansas City, Mo. 64141.

Bumpus & Co. 04–6042640. Hale & Dorr, 60 State St., Boston 9, Mass.

Bunce and Company 25–6048934. Marine National Bank, c/o Trust Dept., 901 State St., Erie, PA 16501.

Bund & Co. (f) 42–6141592. c/o Iowa-Des Moines National Bank, Trust Div., Sixth & Walnut, Des Moines, Iowa 50304.

Budy & Co. 04–6149584. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Burbank & Co. Exchange Bank Trust Department, P.O. Box 209, Santa Rose, CA 95402.

Burg & Co. 37–6086135. First Galesburg National Bank and Trust Company, 200 E. Main St., Galesburg, IL 61401.

Burke & Co. (b). 55–6016010. Charleston National Bank, Box 1113, Charleston, WV 25324.

Burkle & Co. 04–6041668. First Safe Deposit National Bank of New Bedford, 545 Pleasant St., New Bedford, Mass.

Burl & Co. 42–6058723. National Bank of Burlington, 200 Jefferson St., Burlington, Iowa.

Burland & Co. Thomas B. Read, 602 W. Hastings St., Vancouver, B.C., Canada.

Burlfound & Co. 56–6048337. Burlington Industries Foundations 301 N. Eugene St., Greensboro, N.C.

Burma & Co. 04–6226092. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

Burnside & Co. Royal Trust Company, 65 St. Anne St., Quebec 4, Que., Canada.

Burr & Co. 21–6012188. First Trenton National Bank, 1 W. State St., Trenton 4, N.J.

Burser (c). 42–6135629. Burlington Bank and Trust Company, 222 N. Main St., Burlington, IA 52601.

Burt & Co. 36–6199723. Central National Bank and Trust Company of Rockford, 201 N. Main St., Rockford, Ill. 61101.

Bury & Co. 06–6119534. Waterbury National Bank, 195 Grand St., Waterbury, Ct. 06701.

Busavo Co. 25–6027593. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburg 30, Pa.

Busec. 95–2585071. Buena Park Securities, Incorporated, 6335 Beach Blvd., Buena Park, CA 90620.

Bush & Co. 94–6059804. Crocker-Citizens National Bank, 1 Montgomery St., San Francisco, Calif. 94120.

Busol, F.N. & Co. 84–6021758. First National Bank of Pueblo, P.O. Box 156, Pueblo, Colo.

Bustor & Co. 04–6180945. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Butte & Co. 94–6190706. Crocker-Citizens National Bank, 300 Main St., Chico, Calif. 95926.

Buttonwood (d). 91–6098270. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Buyco (h). 35–6202819. St. Joseph Bank and Trust Company, Michigan at Jefferson, South Bend, IN 46601.

Bydun and Company (a, b, c, d, h). 47–6023748. National Bank of Commerce Trust & S.A., 13th & O Sts. Lincoln, NB 68501.

Byeco. 22–6132307. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Caam & Co. Chatham Corporation, 2001 Beacon St., Boston, MA 02146.

Cab & Co. 94–6079123. c/o John M. Bryan, 155 Montgomery St., San Francisco, Calif.

Cable & Co. 94–6056801. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Cabot & Co. 04–6035226. Cabot Corporation, 125 High St., Boston, Mass. (Cabot Foundation, Inc., Cabot Profit Sharing Trust.)

Cadco 22–6132308. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Cade Penco 23–6480136. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philalephia, PA 19101.

Cafu & Co. 31–6051247. Ohio National Bank of Columbus, 51 N. High St., Columbus, Ohio 43216.

Cage & Co. 04–6226090. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

Cahn, Warek & Co., 06–6120353. c/o Union Trust Company, Trust Dept., Church & Elm Sts., New Haven, CT 06510.

Caid & Co. 04–6037937. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Cainfo 74–6031511. Dixon H. Main, 3031 Humble Bldg., Houston, Texas 77002. (The Cain Foundation.)

Cains & Co., Bank of Montreal, Drummond & St. Catherine Sts. Branch, 1205 St. Catherine St., W. Montreal 2, Canada.

Cal & Co. (c) 04–6012923. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Calabrese & Co. 13–6120273. American Bank and Trust Company, 70 Wall St., New York, NY 10005.

Calban & Co. 94–6197217. Canadian Bank of Commerce, 344 Pine St., San Francisco, CA 94104.

Calb & Co. 95–6258617. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, CA 90017.

Calder & Co. 98–6000210. Bank of Nova Scotia Trust Company, 37 Wall St., New York, N.Y. 10005.

Caldwell & Co. Royal Trust Company, 15 Duke St., Halifax, N.S. Canada.

Calecon & Co. 94–6221382. Bank of America N.T. & S.A., Corporate Agency Div., P.O. Box 3415, Ricon Annex, San Francisco, Calif. 94120.

Calen & Co. 95–6261934. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Calguard & Co. National Trust Company Limited, 330 Eight Ave. S.W., Calgary, Alberta, Canada.

Calhoun & Company (b) 38–6055051. Manufacturers National Bank of Detroit, P.O. Box 1319, Detroit, Mich. 48231.

Calhoun Corp. 13–1939216. Dillon Read & Co., Inc., 46 Williams St., New York, N.Y. 10005.

Calif. & Co. (f) 95–6234015. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Call & Co. 13–6113937. United National Bank , Callicoon, N.Y.

Calloway and Donahoe (b, c, e, f, h). 51–0098131. Farmers Bank of the State of Delaware, Trust Dept., 10th & Market Sts., Wilmington, Del. 19801.

Calmont & Co. 94–6056802. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Calmut Company 95–2424457. Southern California First National Bank, c/o Trust Department, P.O. Box 109, 530 "B" St., San Diego, CA 92112.

Calpers & Co. (c) 94–6207465. P.O. Box 1953, 1416 North St., Sacramento, Calif. 85909. (State of California Public Employees.)

Calsea & Co. (F) 91–6077574. Bank of California N.A., 815 2nd Ave., P.O. Box 3095, Seattle, Wash. 98114.

Calvar "C" & Co., Wells Fargo Bank, San Francisco, Calif. 94120.

Calvest 95–1920953. California Investors, 3544 W. Olympic Blvd., Los Angeles, Calif. 90019.

Calvin Company 57–6019630. Peoples National Bank, PO. Box 608, Greenville, S.C.

Calwes "A" & Co. 94–6194347. Wells Fargo Bank. P.O. Box 3820, San Francisco, Calif. 94120.

Cambridge & Co. 04–6238822. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Camco 95–247685. Independent Securities

Corporation, Suite 928, 301 E. Colorado Blvd., Pasedena, Calif. 91101.

Cameron and Company (c, e) 74–6043342. First National Bank, 835 E. Levee St., P.O. Box 2219, Brownsville, TX 78520.

Cammis & Co. Royal Trust Company, 289 Dundas St., London, Ont., Canada.

Camp & Co. 36–2195077. Federal Reserve Bank, 230 S. La Salle St., Chicago, Ill.

Campbell & Co. 04–2008176. Stock Clearing Corporation, 53 State St., Boston, Mass. 02109.

Canaan & Co. 06–6044919. Union Trust Company, P.O. Box 1297, Stamford, CT 06904.

Canab Company (b-d) 35–6028221. Calumet National Bank of Hammond, 5231 Hohman St., or P.O. Box 69, Hammond, Ind. 46320.

Canal & Co. 01–6012863. Canal National Bank, 188 Middle St., Portland 6, Me.

Canal Securities Company. 16–6019771. Chemung Canal Trust Company, 129 E. Water St., Elmira, N.Y. 14902.

Canaley, Jeremiah M. 22–6027733. First National Bank and Trust Company of Kearney, 582 Kearney Ave., Kearney, N.J.

Canat & Co. Canton National Bank, The. 123 Central Plaza S., Canton, Ohio 44701.

Canb & Co. 94–6062280. Crocker-Citizens National Bank, One Montgomery St., San Francisco, CA 94120.

Canbank Nominees Limited. Canadian Imperial Bank of Commerce, 2 Lombard St., London E.C.3, England.

Canbank Nominees (Nassau) Limited. Canadian Imperial Bank of Commerce, Bay & Parliament Sts., Nassau, Bahamas, B.W.I.

Canco & Co. Canada Trust Company, The. 100 Younge St., Toronto, Ontario.

Cancy & Company (a-c) 25–6035679. Western Pennsylvania National Bank, Trust Dept., Fifth and Smithfield Sts., Pittsburgh, Pa. 15222.

Caner & Co. 04–6172465. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Canex & Co. (b,d,f). 34–6595763. Central National Bank of Cleveland, P.O. Box 6719, Cleveland, Ohio 44101.

Canperm & Co. Canada Permanent Mortgage Corporation, 320 Bay St., Toronto, Ontario, Canada.

Cantella & Co. 04–2308352. Cantella & Co., Inc., 75 Federal St., Boston, Mass.

Canterbury & Co. McGuire, Woods & Battle, 1400 Ross Building, Richmond, Va. 23219.

Canton & Co. 94–6093650. Bank of Canton, 555 Montgomery St., San Francisco 11, Calif.

Canty & Co. 04–6178955. First National Bank of Boston, The. P.O. Box 2016, Boston, Mass. 02106.

Canve & Co. 95–6261941. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Cap & Co. (c). 74–6083764. Capital National Bank in Austin, The. P.O. Box 550, Austin, Texas 78767.

Cap-Bank. 59–6133758. Capital City National Bank of Tallahassee, 214 N. Monroe St., P.O. Box 900, Tallahassee, Fla. 32301.

Capan & Co. 04–6039102. Cape Ann Bank & Trust Company, 154 Main St., Gloucester, Mass.

Capco and Company. The Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Cape Co. 04–2457662. First National Bank of Cape Cod, Orleans, Mass. 02653.

Cape & Co. 56–6066006. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.

Capfund and Co. 47–0098400. Bankers Life Insurance Company of Nebraska, Lincoln, Nebr. 68501.

Captex & Co. 74–6087289. Capital National Bank, P.O. Box 3285, Houston, Texas 77001.

Car Company 63–6021605. Troy Bank & Trust Company, Troy, Ala.

Carboni, Fred. A.G. Becker & Co., Inc., 60 Broadway, New York 4, N.Y.

Carco. 43–6070815. Lowenstein Brothers, 2925 Commerce Tower, Kansas City, Mo. 64105.

Card & Company. 06–6116057. Willimantic Trust Company, Willimantic, Conn. 06226.

Care & Co. (b). 06–6036412. New Britain Bank and Trust Company, Trust Dept., P.O. Box 1318, New Britain, Conn. 06051.

Carey & Co. (a–g). 31–6023323. Huntington National Bank, Trust Div., P.O. Drawer 1558, Columbus, OH 43216.

Carfoss, A. 03–6005792. Howard National Bank & Trust Company, 111 Main St., Burlington, Vt.

Carif & Co. (b, d). 39–6033162. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403.

Carjems & Co. 61–6065569. Luckett-Wake Tobacco Co., Inc., 1112 Bradstown, Rd., Louisville, Ky. 40204.

Carl & Co. 36–6164295. Avenue State Bank, 104 N. Oak Park Ave., Oak Park, Ill. 60301.

Carl & Co. 05–6008355. Cummings & Co., Inc., 15 Westminister St., Providence 3, R.I.

Carlo & Co. 04–6226084. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Carlson & Co. 22–6026157. Summit and Elizabeth Trust Company, 367 Springfield Ave., Summit, N.J.

Carlton & Co. 04–6229265. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Carmen & Co. 22–6027240. c/o First National Bank of Central Jersey, 1 West Main St., Somerville, N.J. 08876.

Carn & Co. 52–6035545. Riggs National Bank of Washington, D.C. 800 17 N.W., Washington, D.C. 20013.

Carnat Company, The. 85–6015296. c/o Carlsbad National Bank, P.O. Box 1359, Carlsbad, NM 88220.

Carney & Co. 04–6226083. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Carn-Kauf & Company. 14–6032315. Saugerties National Bank and Trust Company, Saugerties, N.Y.

Carnom Co. 23–6231541. Dauphin Deposit Trust Company, P.O. Box 437, Carlisle, Pa.

Caro & Company, 56–6042522. Carolina Securities Corporation, Box 1071, Raleigh, N.C.

Carol & Co. 11–6084460. Long Island Trust Company, P.O. Box 1, Garden City, N.Y. 11530.

Carothers & Clark. 51–6011535. Bank of Delaware, Wilmington 99, Del. Investors Diversified Services, Inc., Investors Mutual, Inc.

Carpenter & Company. 16–6024702. First National Bank of Olean, 101 N. Union St., Olean, N.Y.

Carr & Co. 13–6020774. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Carrin & Co. (h) 42–6146045. Bankers Trust Company, Trust Dept., 607 Locust St., Des Moines, IA 50304.

Carr'l Co. 52–6036967. Carroll County Bank and Trust Company, 39–41 W. Main St., Westminster, Md.

Carroll & Co. 13–6262843. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Carsan & Co. 35–6206679. La Porte Bank & Trust Company, 902 Lincolnway, La Porte, Ind. 46350.

Carson & Co. 13–6020775. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Carstensen & Co. 04–6235698. Parker, Coulter, Day & White, 50 Congress St., Boston, Mass. 02109.

Carter & Co. Bank of Montreal, 2005 Peel St., Montreal, Que., Canada.

Carter, Jack W. 64–0332742. Gates, Carter and Company, Inc., P.O. Box 1990, Gulfport, Miss. 39502.

Cas & Co. 04–6026669. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109. (Chase Fund of Boston, The.)

Case & Co. (h) 23–6222908. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Case & Company 16–6024578. Security Trust Company, One East Ave., Rochester, NY 14604.

Caskun Company 54–0461137. Cassell, C. I. & Co., Inc., 114 Third St., N.E., Charlottesville, Va.

Cash and Company. 54–6031853. First and Merchants National Bank, 827 E. Main St., Richmond, VA 23219.

Cass & Co. 43–6069562. City National Bank & Trust Company, Tenth & Grand, Kansas City, Mo. 64141.

Cassel & Co. Westminster Bank, 24 Throgmorton St., London E.C. 2, England.

Cat Co. 57–6040583. Seibels, Bruse & Company, P.O. Box 1, Columbia, SC 29202. (Catawba Insurance Company.)

Catco. 23–1298155. Taggart, Charles A. & Company, 1529 Walnut St., Philadelphia, Pa. 19102.

Cathchar & Co. of New Hampshire. New Hampshire Catholic Charities, Inc., 215 Myrtle St., Manchester, N.H.

Catholic Sokol & Co. 22–6064857. Slovak Catholic Sokol, 205 Madison St., Passaic, N.J.

Catom and Co. Chatham Corporation, 2001 Beacon St., Boston, MA 02146.

Catton & Co. 04–6013490. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Cav Co. (h) 23–6422849. Farmers Trust Company, One W. High St., Carlisle, PA 17013.

Cayuga & Co. 16–6096455. First National Bank & Trust Company. Ithaca, N.Y. 14850.

C.B. & Co. 05–6013699. Industrial National Bank of R.I., Trust Dept., 100 Westminster St., Providence, RI 02903.

CBB Co. 37–6086754, Corn Belt Bank, East & Jefferson Sts., Bloomington, Ill. 61701.

CBSB & Co. 42–6140961. Council Bluffs Savings Bank, Council Bluffs, IA 51501.

CBT & Co. 95–6258616. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

CCB Company 84–6030527. Colorado Commercial Bank, P.O. Box 197, Colorado Springs, Colo.

CCSNB Co. 74–6052490. Corpus Christi State National Bank, P.O. Drawer 301, Corpus Christi, Texas.

Ceal & Co. 41–6078490. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480. (IDS Progressive Fund, Inc.)

Ceba & Company 59–6135207. Bank of Palm Beach and Trust Company, 40 Cocoanut Row, Palm Beach, Fla.

Cedar & Co. 25–6021577. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Cedco 95–6025817. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

CEDE & Co. 13–2555119. Stock Clearing Corporation, 44 Broad St., New York, N.Y. 10004.

Ceenbee (a, b) 59–6120649. Barnett National Bank, 3100 Central Ave., P.O. Box 11208, St. Petersburg, FL 33733.

Cei Trading Company 13–2644294. Co-Ordinated Equities, Inc., 175 Main St., White Plains, NY 10601.

Cejay & Co. (h) 22–6144332. Central Jersey Bank and Trust Company, Trust Dept., P.O. Box 786, Rte 9, Freehold, NJ 07728.

Celt & Co. (f) 74–7037524. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001. (Commerce Fund, Inc.).

Cemar & Co. 84–6615531. Colorado National Bank of Denver, P.O. Box 5168, Denver 17, Colo.

Cenbank Company (a-f) 23–6251311. Mid-State Bank and Trust Company, P.O. Box 2007, Altoona, PA 16601.

Cenco Associates 42–6124047. Central State Bank, Muscatine, Iowa 52761.

Cenco Company, Central Colorado Bank, Colorado Springs, Colo.

Cenoport & Company 31–6033959. Security Central National Bank of Portsmouth, 825 Galla St., Portsmouth ,Ohio.

Censtat & Co. 36–6122742. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Cent & Co. 36–6081676. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago 90, Ill.

Centbank & Co. Central Savings Bank & Trust Company, Monroe, La. 71201.

Centfund & Co. 84–6047191. The First National Bank of Denver, Trust Dept., P.O. Box 5825 T.A., Denver, CO 80217.

Centra & Co. 84–6028130. Central Bank and Trust Company, P.O. Box 5548, Terminal Annex, 15th & Arapahoe Sts., Denver, Colo. 80217.

Central Memphis Company 62–6039892. First National Bank of Memphis, 127 Madison Ave., Memphis 3, Tenn.

Central Registration Co. of Enid (b,c) 73–6093346. Central National Bank & Trust Company, 324 W. Broadway, Enid, OK 73701.

Centre & Co. (c) 04–6127157. Newton-Waltham Bank and Trust Company, 880 Main St., Waltham, Mass. 02131.

Centre State Company 23–6445041. First National Bank and Trust Co., Newtown, Pa. 18940.

Centrusco, A Partnership 36–2680783. Central Trust & Savings Bank, 101 N. State St., Geneseo, IL 61254.

Century & Co. 04–6026666. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston 9, Mass. (Century Shares Trust.)

Century Company of Catasauqua 23–6235378. First National Bank of Allentown, 645–649 Hamilton St., Allentown, Pa.

Centwofund & Co. 84–6047192. The First National Bank of Denver, P.O. Box 5825, Denver, Colo. 80217.

Cess and Company (f) 57–6017827. Citizens and Southern National Bank of South Carolina, P.O. Box 727, Charleston, S.C. 29202.

Cesta & Co. 94–6061234. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Ceylon & Co. 04–6226091. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

CFD & Co. (h) 55–6037637. The Charleston National Bank, Box 1113, Charleston, W. Va. 25324.

C.G.T. Co. 38–6057088. Ann Arbor Trust Co., Box 12, Ann Arbor, MI 48107.

Cha & Co. 04–6240743. c/o Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass. 02109.

Chaam & Co., Chatham Corp., 2001 Beacon St., Boston, MA 02146.

Chad & Company 38–6143700. Bank of Lansing, Lansing, Mich. 48904.

Chalk & Co., Bank of Montreal, 1225 Douglass, Victoria, B.C., Canada.

Champa & Co. (h) 84–6615532. Colorado National Bank of Denver, P.O. Box 5168, Denver 17, Colo.

Chan & Co. 95–6194799. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Chance & Co. 22–6043892. First Jersey National Bank, 1 Exchange Place, Jersey City 3, N.Y.

Chance & Co. 04–6127550. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Chancellor & Co. New England Life Insurance Company, 501 Boylston St., Boston, Mass. 02117.

Chanex 94–6202368. Bank of America N.T. & S.A., P.O. Box 7763, Rincon Annex, San Francisco, Calif. 94120.

Chant and Company 75–6005560. Merchants and Planters National Bank, 200 N. Travis St., Sherman, Texas.

Chanwall Company 59–6131165. Miami Beach First National Bank, P.O. Box H, Miami Beach 39, Fla.

Chapco & Company. G.H. Crawford, 1213 Lady St., Columbia, S.C. 29202.

Chaplin & Company 00–9224964. B. Devereux Barker, 15 State St., Boston, Mass.

Chappell & Co. (g) 13–6062536. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Char & Co. (f) 04–6012805. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106. (The Putnam Income Fund, Inc.)

Char Co. 47–6027249. Omaha National Bank, 1620 Farnam St., Omaha 2, Nebr.

Charity & Co. 04–2104701. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, MA 02106.

Charl & Co. (f) 56–6034736. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, N. Car. 27102 (Integon Corporation.) (Security Diversified Shares, Inc.)

Charlee and Co. 31–6030637. Hoefinghoff, L. W. and Co., Inc., 822 Central Trust Tower, Cincinnati, Ohio 45202.

Charles & Company 95–6029904. Security Pacific National Bank, 3800 Main St., Riverside, Calif. 92531.

Charles and Company 16–6019709. Marine Midland Trust Company of Rochester, P.O. Box 669, Rochester 2, N.Y.

Charles, Edward & Co. 13–6021931. Irving Trust Company, 42nd St. & Park Ave., New York, N.Y.

Charles, Frederic & Co. 13–6021939. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Charles Oneida Co. 15–6016987. Oneida National Bank and Trust Company of Central New York, 268 Genesse St., Utica 2, N.Y.

Charleston Company (A Parnership) 57–6040345. Cecil, Applegate, Igoe & Holt, Inc., P.O. Box 276, Charleston, SC 29402.

Charry & Co. (d) 16–6098356. Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, N.Y. 14701.

Chart & Co. (f) 75–6083796. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas TX 75221.

Charten & Co. (b) 14–6022678. National Commercial Bank and Trust Company, The, 60 State St., Albany, NY.

Charter & Co. 23–6230002W. Girard Trust Bank, One Girard Plaza, Philadelphia, PA 19101.

Charter 288 & Co. 22–61032887. First Charter National Bank, c/o Trust Dept., One Rossmoor Dr., Jamesburg, N.J. 08831.

Chartered Company, The 13–6096753. Chartered Bank, The, 76 William St., New York, N.Y.

Charwilco, L. M. Rosenthal & Co., 666 Fifth Ave., New York, NY

Chase Nominees, Ltd. Chase Manhattan Bank, The 1 Chase Manhattan Plaza, New York 15, N.Y. (International Resources Fund, Inc.)

Chatt & Co. 62–6036977. American National Bank & Trust Company, 750 Market St., Chattanooga 1, Tenn.

Chave & Co. 13–6094948. First National City Bank, 399 Park Ave., New York 22, N.Y.

Chelco 04–6229096. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Cherman & Co. 13–6088558. Bank of London & South America, Ltd., 34 Wall St., New York, N.Y.

Chesbank Company 23–6245122. National Bank of Chester County and Trust Company, West Chester, Pa.

Chester & Co. (f) 06–0469655. Second National Bank of New Haven, The, Trust Dept., P.O. Drawer 402, New Haven, Conn. 06502.

Chestnut & Co. 23–6230001W. Girard Trust Bank, One Girard Plaza, Philadelphia, PA 19101.

Chetco. 04–6013654. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109 (Fidelity Fund, Inc.)

Chico & Co. 94–6096207. Bank of America N.T. & S.A. P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Chilco & Co. 04–6031797. Jeffries, J. Amory, et al Trustees, 50 Congress St., Rm. 721, Boston 9, Mass.

Chilfred & Co. 54–6031856. First and Citizens National Bank, 531 King St., Alexandria, Va.

Chiltrust & Co. 74–6085034. Dixon H. Cain, 3031 Humble Bldg., Houston, Tex.77002.

Chim & Co. 04–6037999. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107. (Childrens' Hospital Medical Center, The)

Chine & Co. 04–6197474. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 021101.

Chinook Company, The. 91–6028247. Bellingham National Bank, 101 E. Holly St., Bellingham, Wash.

Chisholm Company (c) 75–6056614. Continental National Bank of Fort Worth, Trust Dept., P.O. Box 910, Fort Worth, Tex. 76101.

Chock & Co. 04–6224560. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Cho & Co. 04–6032828. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106. (Childrens Hospital Medical Center.)

Choate & Co. 04–6035976. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Choco & Co. 72–6023305. S.T. Alcus & Co. 810 Whitney Bldg., New Orleans, La. 70130.

Chow & Co. 04–6214447. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Chris & Co. 94–6107146. United California Bank, 600 S. Spring Street, Los Angeles, Calif. 90014.

Christian & Co. 36–6162784. The Schneider Metal Manufacturing Company Employees Profit Sharing Trust, 1805 S. 55th Ave., Cicero, Ill. 60650.

Chuf & Co.(f) 06–6118207. c/o Trust Dept., P.O. Box 1899, Bridgeport, CT 06601.

Church & Co. 94–6061724. Bank of America N.T. & S.A. P.O. Box 7763, Rincon Annex, San Francisco, Calif. 94120.

Church & Co., L.A. 95–6035226. Bank of America N.T. & S.A., 660 S. Spring St., Los Angeles 14, Calif.

Church & Co. 01–6013844. Maine National Bank, Trust Dept., P.O. 1866, Portland, ME 04104.

Church & Co. 01–6013844. First National Bank of Portland, 400 Congress St., Portland, Me.

Church St. Co. County Trust Company, 235 Main St., White Plains, N.Y.

Churchill & Co. Butlers Bank Limited, Charles St., P.O. Box 981, Nassau, N.P. Bahamas.

Cibaco & Co. 35–6025721. Citizens Banking Company, Anderson, Ind.

Cibanco Company. 39–6058539. American City Bank & Trust Co., 740 N. Plankinton Ave., Milwaukee, Wis. 53203.

Cibancok & Co. 44–6009681. City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Cibatco 55–6040931. City Bank and Trust Co. N.A., 161 W. Michigan, Jackson, Mich. 49201.

Cibco 39–6044821. City Bank of Portage, Portage, Wisc. 53901.

Cid & Co. 75–6083854. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Cific & Co. 95–6261937. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Cifirs and Company. 75–6006104. Citizens First National Bank of Tyler, P.O. Box 2020. Tyler, Texas.

Cinaban and Company 37–6029981. City National Bank of Centralia, Centralia, Ill.

Cinabanc 42–6061632. City National Bank of Council Bluffs, 500 W. Broadway, Council Bluffs, Iowa.

Cinabcok & Co. 44–6009680. City National Bank & Trust Company of Kansas City, 928 Grant Ave., Kansas City, Mo. 64141.

Cinapiq 31–6027605. Citizens National Bank & Trust Co., 401 N. Main St., Piqua, Ohio.

Cinat Company 41–6018764. Northern City National Bank of Duluth, 306–8 W. Superior St., Duluth, Minn.

Cinatrust and Company 74–6064895. City National Bank, Bryan, Texas.

Cinban 59–6135842. City National Bank of Clearwater, 1130 Cleveland St., Clearwater, Fla.

Cinpenco 31–6025067. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati 1, Ohio.

Cis Co. 35–6007528. City Securities Corporation, 417 Circle Tower, Indianapolis 4, Ind.

Cisabaco 06–6112145. City Savings Bank of Middletown, 39 Main St., Middletown, Conn.

Citag & Co. (f) 61–6023622. Citizens Fidelity Bank and Trust Company, P.O. Box 1140, Louisville 1, Ky.

Citba & Company 39–6045552. Citizens Bank of Sheboygan, Seventh St. & Wisconsin Ave., Sheboygan, Wisc. 53082.

Citban Company 56–6034940. Citizens National Bank in Gastonia, Box 1201, Gastonia, N.C.

Citban and Company 74–6108727. 823 Congress, P.O. Box 1727, Austin, TX 78767.

Citbanco 42–6081808. Citizens First National Bank, Lake Ave., Storm Lake, IA 50588.

Cibat Company 59–6138881. Citizens Bank and Trust Company of Sarasota, P.O. Box 4191, Sarasota, Fla.

Citco 95–6089062. Security Pacific National Bank, P.O. Box 54495, Terminal Annex, Los Angeles, Calif. 90054.

Citfund & Co. (h) 61–6023623. Citizens Fidelity Bank and Trust Company, P.O. Box 1140, Louisville 1, Ky.

Citguard & Co. 23–6477676. Provident National Bank, 17th & Chestnut Sts. Philadelphia, PA 19101.

Citirust Co. Citizens National Bank and Trust Company, 99–101 N. Main St., Wellsville, NY 14895.

Citiz & Co. 38–6180140. Citizens Mutual Insurance, 645 W. Grand River Ave., Howell, Mich. 48843.

Citizens and Company 34–6514766. First National Bank of Mansfield, P.O. Box 349, Mansfield, Ohio 44901.

Citizens & Company 56–6044506. Citizens Bank & Trust Company, P.O. Box 1027, Henderson, N.C. 27536.

Citizens Investment Co. 75–6010431. Citizens National Bank in Abilene, P.O. Box 1251, Abilene, Texas 74604.

Citna Company 37–6090772. Citizens National Bank of Macomb, 127 South Side Sq., Macomb, Ill. 61455, Trust Dept., 127 South Side Sq., Macomb, IL 61455.

Citnaps Company (c) 37–6090771. Citizens National Bank of Macomb, 127 South Side Sq., Macomb, IL 61455. (Profit Sharing Trust.)

Citnat & Co. 35–6022369. Citizens First National Bank, Bloomington, Ind.

Citor Co., a partnership 16–6114287. Citizens National Bank and Trust Company, 99 N. Main St., Welsville, NY 14895.

Citpad & Co. 61–6034398. Citizens Bank & Trust Co., P.O. Drawer 240, Paducah, Ky.

Citpen & Co. (c) 61–6023624. Citizens Fidelity Bank and Trust Company, P.O. Box 1140, Louisville 1, Ky.

Citrek & Co. 44–6009683. City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Citruck & Co. 44–6009679. City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Citrud & Co. 44–6009682. City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Citrus & Co. 95–6097510. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Citrus & Co. 48–6129753. c/o Citizens National Bank and Trust Company, 527 Commerical St., Emporia, KS 66801.

Citrust Co. 35–6014623. Citizens National Bank of Evansville, c/o Trust Dept., P.O. Box 778, 19 N.W. Fourth St., Evansville, Ind. 47701.

Cittrest & Co. (a) (b) 61–6023621. Citizens Fidelity Bank and Trust Company, P.O. Box 1140, Louisville 1, Ky.

City and Company (b, e) 74–1477043. City National Bank of Austin, 823 Congress, P.O. Box 1727, Austin, TX 78767.

City & Co. 61–6030174. First City Bank and Trust Company, Trust Dept., 901 S. Main St., P.O. Box 549, Hopkinsville, Ky. 42240.

City Registration Co. of Oklahoma City 73–6094276. City National Bank & Trust Company, 101 W. Main St., Oklahoma City, Okla.

Citzbank, c/o Citizens National Bank and Trust Company, Trust Dept., 428 Main St., Towanda, Pa. 18848.

C.J.B. & T. Company (f) 22–6077462. Central Jersey Bank and Trust Company, Trust Dept., P.O. Box 786, Freehold, NJ 07728.

C J K Company 75–6046014. First National Bank of Midland, P.O. Box 270, Midland, TX 79701.

Clack & Co. Royal Trust Company, 1205 Government St., Victoria, B.C., Canada.

Claflin, Armstrong & Co. 12–1088640. French American Banking Corp., 120 Broadway, New York, N.Y.

Chaflin & Co. 04–6144894. Thomas M. Claflin, 75 Federal St., Boston, Mass.

Clag & Co. (f) 41–6011849. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, MN 55480. (Midwest Investors Program.)

Clair & Co. 34–660631. Capital National Bank, 1101 Euclid Ave., Cleveland, Ohio 44115.

Clam & Co. 04–6149589. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Clarbro & Co. (d) 04–6051255. Third National Bank of Hampden County, P.O. Box T, Springfield, MA 01107.

Clarco 04–6225954. First National Bank of Amherst, 11 Amity St., Amherst, MA 01002.

Clarence, Arthur & Co. 75–6006539. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas 22, Texas. Crown Western Investments, Inc. (Dallas Fund).

Clarendon & Co. 04–6219318. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Clark & Co. (a, b) 88–6002954. First National Bank of Nevada, Trusts Dept., P.O. Box 190, 300 E. Carson, Las Vegas, Nev. 89101.

Clark & Co. 06–6073377. Merchants Bank and Trust Company, Norwalk, Conn.

Clark & Co. 39–0450953. Marine National Exchange Bank, One Marine Plaza, Milwaukee, Wisc. 53201.

Clark and Company 04–6145604. Plymouth-Home National Bank, 4 North St., Plymouth, Mass. 02360.

Clark, Edward L. and Bartlett A. Thurlow 01–0025630. Bartlett & Clark Co., P.O. Box 389, Portland, Me.

Clark, Harry 13–6102829. Lazard Freres & Co., 44 Wall St., New York, N.Y.

Clarksen & Co. 06–6034507. State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, Conn. 06904.

Classen Registration Company of Oklahoma City. Citizens National Bank of Oklahoma City, 101 W. Main St., Oklahoma City, OK 73102.

Clasul & Co. City National Bank, P.O. Box 1141, Beverly Hills, Calif.

Clatco & Company 54–6056971. Clarendon Trust Company, 3192 Wilson Blvd., Arlington, Va. 22210.

Claude & Co. 05–6003318. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Claw Company 52–6037789. Union Trust Company of the District of Columbia, 15th & H Sts., N.W., Washington, D.C. 20005.

Clay & Co. (f, g) 25–6027595. Mellon National Bank and Trust Company, Safekeeping Division, Mellon Sq., Pittsburgh, Pa. 15230.

Clay & Co. 57–6019457. South Carolina National Bank, P.O. Box 969, Greenville, S.C.

Clay, Miller & Co. 04–6013755. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. 02106.

Clayton & Co. 74–6036687. Benjamin Clayton Trust, 706 Bank of the Southwest Bldg., Houston 2, Texas.

Clear & Co. 94–6127761. Pacific Coast Stock Exchange Clearing Corporation, 301 Pine St., San Francisco 4, Calif.

Cleartru Company. 25–6032006. Clearfield Bank & Trust Company, 11 N. Second St., Clearfield, Pa. 16830.

Cleat & Co. 04–6197475. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Cleaver Street Investment Company, a partnership. 23–6436579. Leavens, James A., Inc., Leavens Bldg., Shamokin, Pa. 17872.

Clecor & Co. 34–0220640. First Cleveland Corporation, The, National City-East Sixth Bldg., Cleveland 14, Ohio.

Clem & Co. (b) 04–6012806. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Clement & Co. 24–0530880. Booker Brothers, Inc., Miners National Bank Bldg., Wilkes-Barre, PA 18701.

Clew & Co. 04–6215106. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Clew & Co. 25–6083013. Elk County Bank and Trust Company, 10 N. Michael St., St. Marys, Pa. 15857.

Cli & Co. 61–0162820. Commonwealth Life Insurance Company, Commonwealth Bldg., Louisville, Ky. 40202.

Clifco. 11–6127706. Security National Bank, 31 W. Main St., Babylon, N.Y. 11702.

Clifford & Co. 04–6042102. Brookline Trust Company, 1341 Beacon St., Brookline, Mass.

Clik & Co. 75–6083847. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Clinco & Co. (b,c,e,h) 35–6013812. Clinton County Bank and Trust Company, 2 E. Washington St., Frankfort, Ind. 46041.

Clint & Co. 13–6022156. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Clint & Co. Royal Trust Company, 65 Ste. Anne St., Quebec 4, Que., Canada.

Clinton & Co. 13–5523291. American Securities Corporation, 25 Broad St., New York 4, N.Y.

Clinton Company. 22–6031343. County Trust Company, Tenafly, N.J.

Clo-Nab and Company. 85–6020138. Clovis National Bank, 223 Main St. (or P.O. Drawer 1509), Clovis, N. Mex. 88101.

Clooney & Co. 13–6066949. Fiduciary Trust Company of New York, 1 Wall St., New York, 5, N.Y.

Club & Co. 04–6178956. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Clybegco 36–6050000. American National Bank & Trust Company, Trust Dept., 501 Seventh St., Rockford, Ill. 61110.

CMLA & Co. 06–6110569. Connecticut Mutual Life Insurance Company. 140 Garden St., Hartford, Conn. 06115.

CNB Co. 37–6025251. Citizens National Bank of Decatur, c/o Trust Dept., 236 N. Water St., Decatur, Ill. 62525

CNB Co. 74–6066718. County National Bank of Orange, P.O. Box 1029, Orange, Texas 77631.

CNBCO Company 59–6133978. Citizens National Bank of Orlando, Orlando, Fla.

CNB of Grand Island, Nebraska 47–0130775. P.O. Box 1267, Grand Island, Neb. 68801.

CNOM & Co. (f) 43–6027063. St. Louis Trust Company, 510 Locust St., St. Louis, Mo. 63101

COAB and Company. 36–6062184. First National Bank of Belvidere, 427 S. State St., Belvidere, Ill.

Coast & Co. 95–6024206. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles, 54, Calif.

Co-Bank Company (a,h). 25–6032009. County National Bank at Clearfield, Box 42, Clearfield, Pa. 16830.

Cobanka & Co. 13–6093699. National Bank of North America, 116 Fifth Ave., New York, N.Y. 10011.

Cobb & Co. 13–6065603. Chemical Bank, 20 Pine St., New York, NY 10017.

Cobb & Co. 36–6095954. Standard Bank and Trust Company, c/o Trust Det., 2400 W. 95th St., Evergreen Park, Ill. 60642.

Coblu & Co. (h). Council Bluffs Savings Bank, Council Bluffs, Iowa 51501.

Cobo & Co. 36–6081603. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Coburn & Libby. 06–0634693. Coburn & Libby, Inc., 100 Trumbull St. at Pearl, Hartford, Conn.

Coburn, Marion C. 01–0076850. Charles H. Gilman & Company, Inc., 186 Middle St., Portland, Me. 04111.

Co-Cap-Co. 36–6123398. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill.

Cocinco. 31–6025068. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati 1, Ohio.

Coco & Co. 04–6143403. First National Bank Bank of Boston, P.O. Box 2016, Boston, Mass. 02106. (Liberty Fund, Inc.)

Cod & Co. 04–6149496. Cape Cod Bank and Trust Company, Box 700, Hyannis, Mass. 02601.

Coen & Co. 44–0247140. First National Bank, 1016 Baltimore St., Kansas City, Mo.

Coeq. & Co. 31–064059. City National Bank & Trust Company of Columbus, c/o Trust Dept., P.O. Box 1205, 100 E. Broad St., Columbus, OH 43215.

Cof & Co. 61–6027355. Commonwealth Fire & Casualty Insurance Company, Commonwealth Bldg., Louisville, Ky. 40202.

Coffin & Co. 04–6178957. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Cofund & Co. 22–6083664. New Jersey Bank and Trust Company, 129 Market St., Paterson, N.J. 07505.

Cogrove 59–6127123. Coconut Grove Bank, 2701 S. Bayshore Dr., Miami, FL 33133.

Cogswell & Co. 91–6024107. Seattle Trust and Savings Bank, 804 Second Ave., Seattle 4, Wash.

Cohall & Co. 34–6523684. Cook, Lawrence & Company, 911 The East Ohio Bldg., Cleveland 14, Ohio.

Cohamco 31–6026586. First National Bank and Trust Company of Hamilton, Third & High Sts., Hamilton, Ohio.

Cohasset & Co. 04–6238815. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Coin & Co. 36–6237724. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, Ill. 60690.

Cola and Company (a,b,c,e) 57–6018132. Citizens and Southern National Bank of South Carolina, P.O. Box 727, Columbia, S.C. 29202.

Colat Co. 13–6108007. c/o Franklin National Bank Cashier Dept., 130 Pearl St., New York, NY 10015.

Colbourne & Company. Royal Trust Company, 247 Duckworth St., St. John's, Nfld.

Colco (f) 93–6038707. First National Bank of Oregon, 400 S.W. Sixth, P.O. Box 2971, Portland, OR 97208. (Columbia Growth Fund, Inc.)

Colco & Co. 31–4122170. Ohio Company, 51 N. High St., Columbus, Ohio.

Cole & Cannon. 51–6023854. Wilmington Trust Company, Wilmington, Del. 19899.

Cole & Co. 04–6049339. Beverly National Bank, Beverly, Mass.

Colend & Co. 01–0211497. Depositors Trust Company, 320 Water St., Augusta, ME 04330. (Colby College Custody Account.)

Colkay & Co. 13–5530109. Aetna Securities Corporation, 111 Broadway, New York 6, N.Y.

Coll & Co. (c) (h) 36–6033588. Northern Trust Company, 50 S. LaSalle St., Chicago, IL 60690.

Colley & Co. Royal Trust Company, 20 N. Cumberland St., Port Arthur, Ont., Canada.

Colmut Nominee Co. 31–4153670. Columbus Mutual Life Insurance Company, 303 E. Broad St., Columbus, Ohio 43215.

Colnat & Co. 84–6615533. Colorado National Bank of Denver, The, P.O. Box 5168, Denver 17, Colo.

Colnor & Co., Collier, Norris & Quinland, 800 Dorchester Blvd., West Montreal 101, CN.

Colorado Company. 84–6020934. Colorado Springs National Bank, The, P.O. Box 1702, Colorado Springs, Colo.

Colrac & Co. 16–6030426. Lincoln Rochester Trust Company, 183 Main St., East, P.O. Box 820, Rochester, N.Y. 14603.

Coltru & Co. (b) 06–6035399. Colonial Bank and Trust Company, The, c/o Trust Dept., 81 W. Main St., Waterbury, Conn. 06720.

Colwell, Edwin G., Goodbody & Co., 2 Broadway, New York, N.Y.

Colwood & Co. (c,h) 57–6038572. Bankers Trust of South Carolina, c/o Trust Dept., P.O. Box 448, Columbia, SC 29202.

Com & Co. (h) 04–6013706. Worcester County National Bank, c/o Trust Dept., 446 Main St., Worcester, MA 01608.

Coma & Co. 95–6203729. Bank of America N.T. & S.A., P.O. Box 2558 Terminal Annex, Los Angeles, CA 90054.

Comay & Co. 41–0390375, Mahoney, C. D. & Co., Inc., Baker Bldg., Minneapolis 2, Minn.

Combank & Company. (d) 59–6145664. The Commercial Bank at Winter Park, P.O. Box 1420, 750 S. Orlando Ave., Winter Park, Fla. 32789.

Combatco. 34–6518084. Commercial Banking and Trust Company of Wooster, Ohio, The, 141 N. Walnut St., Wooster, Ohio.

Comco. 62–6036123. National Bank of Commerce in Memphis, 45 S. Second St., Memphis 1, Tenn.

Comco & Company. (h) 04–6023932. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Comfa & Co. (h) 93–6021570. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Comfac & Co. 94–6140373. The Bank of California, N.A. 400 California St., San Francisco, Calif. 94120.

Comfirn Co. 47–6040498. First National Bank of Omaha, Omaha, Nebr.

Comfit. 47–6040978. The Omaha National Bank, 1620 Farnam St., Omaha, Nebr.

Comfix and Co. (h) 71–6070495. National Bank of Commerce of Pine Bluff, P.O. Box 6208, Pine Bluff, Ark. 71601.

Comfund & Co. 94–6054994. Bank of California N.A., The, 400 California St., San Francisco 20, Calif.

Comlin & Co. 16–6024441. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Comm & Co. 54–6031862, First and Merchants National Bank, P.O. Box 1855, Richmond 15, Va.

Commerce Company. 75–1243175. Bank of Commerce, Thrackmorton @ Seventh, Fort Worth, TX 76102.

Commerce & Company. 75–6056410. American Bank of Commerce, P.O. Box 4797, Odessa, TX.

Commercial Co. 48–6106850. Commercial National Bank of Kansas City, 601 Minnesota, Kansas City 17, Kan.

Commercial Investment Company. 71–0198593. State National Bank, P.O. Box 150, Texarkana, Ark.

Common Co. (h). 36–6083820. City National Bank & Trust Co. of Rockford, 1100 Broadway at Seventh, Rockford, Ill. 61104.

Common & Co. (h) 01–6008650. Depositors Trust Company, 320 Water St., Augusta, ME 04330, Depositors Trust Company Common Funds.

Comna Co. 13–6065493. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Comnat & Company. 64–6020125. Commercial National Bank, Washington Ave., Greenville, Miss.

Como & Co. 23–6422850. c/o Commonwealth Bank & Trust Company, 61 Main St., Wellsboro, PA 16901.

Comp. & Co. 06–6107019. c/o Hartford National Bank and Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Compass & Co. 74–6065184. Bank of the Southwest N.A., Att: Custody Dept., 910 Travis, P.O. Box 2629, Houston, TX 77001.

Comsave. 47–6058992. Commercial Savings and Loan Association, 4501 Dodge St., Omaha, Nebr., Commercial Profit Sharing Trust.

Comstock & Co. 35–6202314. Lafayette National Bank c/o Trust Dept., 337 Columbia St., Lafayette, IN 47902.

Comtee Company (h, d). 54–6031863. First National Bank of Martinsville & Henry County, Church & Ellsworth Sts., P.O. Box 631, Martinsville, Va. 24112.

Comtru & Co. (h). 44–6010416. Traders National Bank of Kansas City, P.O. Box 693, Grand at 12th St., Kansas City, Mo. 64141.

Com-Tru Company (a–h). 59–6128696. Commercial Bank of Miami, 9301 N.W. 7th Ave., P.O. Box 818, Miami, FL 33126.

Com Trust (h). 74–6032645. National Bank of Commerce of San Antonio, Trust Dept., 430 Soledad, Box 121, San Antonio, Tex. 78206.

Comun & Co. 36–6081604. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, 90, Ill.

Comwa & Co. (c). 52–608967. First National Bank of Washington, 1701 Pennsylvania Ave., N.W. Washington, D.C. 20006.

Comwel & Co. 94–6109147. c/o Union Bank, Trust Department, 455 Montgomery St., San Francisco, Calif. 94104.

Conab & Co. 43–6033318. St. Louis County National Bank, 8000 Forsyth Blvd., Clayton 5, Mo.

Conaba & Co. 59–6210946. Community National Bank & Trust Company, 9600 Collins Ave., Bul Harbor, FL 33154.

Conaba and Company. 71–6072999. Commercial National Bank of Little Rock, Second & Main, P.O. Box 1331, Little Rock, Ark. 72203.

Conabanco (b). 75–6011212. Continental National Bank of Fort Worth, Trust Dept., P.O. Box 910, Fort Worth, Texas.

Conabatco & Co. 87–6118492. Continental Bank & Trust Co., 200 S. Main St., Salt Lake City, Utah.

Conac & Co. 36–6224418. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Conam Co. 57–6040350. Seibels, Bruce & Company, P.O. Box 1, Columbia, SC 29202.

Conat and Company. 44–6009549. Columbia National Bank, 921 Walnut St., Kansas City 42, Mo.

Conba & Company. 47–6025268. First Continental National Bank and Trust Company, Lincoln, Nebr. 68508.

Conbat Co. 94–6072082. Crocker-Citizens National Bank, 100 State St., Santa Barbara, CA 93102.

Conboc & Co. 31–6026314. Ohio National Bank of Columbus, 51 N. High St., Columbus 16, Ohio.

Conco. 04–6139935. National Shawmut Bank of Boston, 40 Water St., Boston, MA 02109.

Concord & Co. Sterling, Inc., 3712 Lee Rd., Shaker Heights, Ohio 44120.

Cone & Co. 04–6184476. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Conestoga Securities Service (B, C, E, H). 23–6242997. Conestoga National Bank of Lancaster, Penn Sq., Lancaster, Pa.

Congen Eight & Co. 06–6114264. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Eleven & Co. 06–6116068. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Five & Co. 06–6104961. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Four & Co. 06–6104960. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Nine & Co. 06–6115132. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen One & Co. 06-6104958. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Seven & Co. 06-6104963. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Six & Co. 06-6104962. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Ten & Co. 06-6116069. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Three & Co. 06-6104966. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Twelve & Co. 06-6118072. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congen Two & Co. 06-6104959. Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101.

Congro & Co. 36-6237725. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Conil & Co. (b) 36-6050546. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Connell and Co. 75-6006622. First National Bank of Fort Worth, P.O. Box 2260, Fort Worth 1, Texas.

Connor & Co. (c) 23-6222909. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Conrad Penco. 23-6480137. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Conref & Company. 43-6020906. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Contab & Co. 36-6198198. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Contico. 74-6067209. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001. (Pilot Fund, Inc.)

Continental Company. (a-h) 75-6011213. Continental National Bank of Fort Worth, Trust Dept., Box 910, Fort Worth, TX 76101.

Control Nominees, Ltd. Westminster Bank Ltd., 41 Lowthbury, London E.C. 2, England.

Convarb & Co. 06-6110570. Connecticut Mutual Life Insurance Company, 140 Garden St., Hartford, Conn. 06115.

Convesto. Continental Investment Corporation Limited, 809 Hall Bldg., Vancouver, B.C., Canada.

Conway & Co. 42-0110777. Conway Brothers-First of Iowa Corp., 904 Walnut St., Des Moines, Iowa 50309.

Conway & Co. (f) 04-6134319. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Cook & Co. 95-6024202. Bank of America N.T. & S.A., P.O. Box 3735, Terminal Annex, Los Angeles 54, Calif.

Cook & Co. 13-6062533. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Cooke & Co. 23-6222910. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Cooper & Co. 25-6028715. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Cooper & Co. 13-6066297. First Westchester National Bank, c/o Trust Dept., 132 Parkway Road, Bronxville, NY 10708.

Cope & Co. 72-6035008. American Bank and Trust Company, P.O. Box 2791, Baton Rouge, La. 70821.

Copley & Co. 04-6219315. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Cor & Co. Guaranty Bank & Trust Company, Stony Island Ave. at 68th St., Chicago 49, Ill.

Corag & Co. 13-6051685. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Corben & Co. 34-6516839. Merrill, Turben & Co., Inc., Union Commerce Bldg., Cleveland 14, Ohio.

Corbett & Co. (f) 13-6065596. Chemical Bank, 20 Pine St., New York, NY 10017.

Corby & Co. 13-6062911. Bank of New York, The, 48 Wall St., New York, N.Y. 10015.

Corey & Co. 13-6077508. Bank of Montreal, 2 Wall St., New York, N.Y.

Corint & Co. 94-6198517. Bank of America N.T. & S.A., P.O. Box 7763, Rincon Annex, San Francisco, Calif. 94120.

Corla & Co. (e) 95-6024208. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054. (Fletcher Fund.)

Corn & Company. 54-6062305. The First and Merchants National Bank, Radford, Va. 24141.

Cornell & Co. Equity Securities Corp., 1 Exchange Pl., Jersey City, N.J.

Cornom & Co. (e) 34-6500578. Central National Bank of Cleveland, P.O. Box 6179, Cleveland, Ohio 44101.

Coronado Company (h) 75-6011214. Continental National Bank of Fort Worth, Trust Dept., P.O. Box 910, Fort Worth, Texas.

Corp & Co. 03-6006425. Chittenden Trust Company, 123 Church St., Burlington, Vt.

Corpen & Co. (c) 91-6077805. Old National Bank of Washington, Spokane, Trust Dept., W. 428 Riverside Ave., P.O. Box 1516, Spokane, Wash. 9921C.

Corpin (e) 93-6053684. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Corpsec & Co. 36-6237726. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, IL 60690.

Corptrust & Co. 36-6147889. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Cortact & Co. (b) 94-6054992. Bank of California N.A., 400 California St., San Francisco 20, Calif.

Cortet & Co. 94-6061652. County Bank of Santa Cruz, P.O. Box 637, Santa Cruz, Calif.

Cortru & Co. 94-6099107. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Cosbank Company 84-6020935. Colorado Springs National Bank, P.O. Box 1702, Colorado Springs, Colo.

Cosec & Co. 87-6117843. Commercial Security Bank, P.O. Box 1480, Ogden, Utah.

Cost & Co. (f) 25-6036723. Mellon National Bank and Trust Company, Mellon Sq. (or P.O. Box 926), Pittsburgh, Pa. 15230.

Costo & Co. 36-6081605. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Cot Co. 13-60107796. National Bank of North America, 79 Pine St., New York, N.Y. 10005.

Cotone & Co. 04-6065312. Cape Ann Bank & Trust Co., 154 Main St., Gloucester, Mass.

Cotray & Co. (h) 38-6049375. Old Kent Bank and Trust Company, One Vandenberg Center, Grand Rapids, Mich. 49502.

Cotruco (h) 56-6077086. Carolina First National Bank, 102 E. Main St., P.O. Box 520, Lincolnton, NC 28092.

Cottage & Co. 06-6104965. Aetna Insurance Company, 55 Elm St., Hartford, Conn. 06115.

Cotu & Company (h) 25-6035679. Western Pennsylvania National Bank, Fifth and Smithfield Sts., Pittsburgh, Pa. 15222.

Coty & Co. 04-6178958. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Cour & Company 31-6021102. Central Trust Company, Fourth & Vine Sts., Cincinnati 2, Ohio.

Court & Co. 11-6003549. Kings Lafayette Bank, 342 Fulton St., Brooklyn, NY 11201.

Court & Co. 94-6056803. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Court Street Co. (a-h) 84-6027444. Pueblo Bank and Trust Company, P.O. Box 639, Pueblo, Colo. 81002.

Covco, Covington Mutual Insurance Company, Pike and Madison, Covington, KY 41011.

Cox & Co. 13-6062913. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Cox & Co. 16-6018780. Marine Midland Trust Company of Western New York, 237 Main St., Buffalo, N.Y. 14205.

Cox, Elliott 13-6102828. Lazard Freres & Co., 44 Wall St., New York, N.Y.

Coy & Co. 04-6013234. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Coyle Penco 23-6480138. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Crab & Co. 04-6149592. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Craco 54-6060935. Craigie, F. W. & Co., Inc. 615 E. Main St., Richmond, Va. 23215.

Craig Securities Co., Craig Shipbuilding Co., Water & Mendocino Sts., Long Beach 2, Calif.

Crain Penco 23-6480139. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, Pa. 19101.

Cralee & Co. 95-1546913. Walker, M. S. & Co., 126 Locust Ave., Long Beach 2, Calif.

Cram & Co. 41-6093162. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Cramfund & Co. 94-6196555. Bank of California, N.A., 400 California Street, San Francisco, Calif. 94120. (Wincap Fund, Inc.)

Cramp & Co. 23-6273410. Brown Brothers Harriman & Co., 1531 Walnut St., Philadelphia 2, Pa.

Cran & Co. 04-6172457. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Cranbrook & Co. (a partnership). 21-0742956. Cranbrook & Co., 53 Flock Rd., Trenton, N.J.

Crawley & Co. 04-6038663. Fall River National Bank, Trust Dept., P.O. Box 191, 55 N. Main St., Fall River, MA 02722.

Creative & Co., Bank of California, N.A., P.O. Box 54208, Los Angeles, CA 90054.

Cree & Co. 13-6093150. Hayden Stone & Co., 25 Broad St., New York, N.Y. 10004.

Crest & Co. 04-6226094. Old Colony Trust Company, P.O. Box 2016, Boston, MA 02110.

Crichercun & Co. 13-1582142. Crichton, Cherashore & Co., Inc., 50 Broad St., New York, N.Y. 10004.

Crim & Co. (f). 95-6249613. Bank of California N.A., 550 South Flower St., Los Angeles, Calif. 90054.

Crimson & Co. 04-6037922. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107. (Harvard Yenching Institution.)

Cringle & Co. 04-6215100. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Crolius & Co. 13-6062543. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Cronin & Co. 13-6093148. Hayden Stone & Co., 25 Broad St., New York, N.Y. 10004.

Crosan & Co. 23-6245296. Stroud & Company, Incorporated, 123 S. Broad St., Philadelphia 9, Pa.

Cross & Co. 23-6222911. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Cross Shield & Co. 01-6031933. Payson & Co., H. M., 93 Exchange St., Portland, ME 04112.

Cross Wightman & Co. 04-6042649. Hale & Dorr, 60 State St., Boston 9, Mass.

Crouch & Co., Bank of Montreal, 288 St. James St., W., Montreal 1, Canada.

Crow & Co. (e) 04-6012867. Old Colony Trust Company, P.O. Box 644, Boston, Mass. 02102.

Crown & Co. 95-6094159. Bank of America

N.T. & S.A. P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif. (Crown Western Investments, Inc., Dallas Fund.)

Crozer & Co. (f) 23–6480155. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Cruttenden & Co., Inc. 95–2100367. Wheeler & Cruttenden, Incorporated, 618 S. Spring St., Los Angeles, Calif.

C.T. & Company (b–d) 25–6030420. County Trust Company, 108 E. Main St., or P.O. Box 389, Somerset, PA 15501.

CTF & Co. (h) 44–6009436. First National Bank of Kansas City, Trust Div., P.O. Box 38, 14 W. Tenth St., Kansas City City, Mo. 64141.

Cub & Co. (h) 62–6033159. Commerce Union Bank, Trust & Investment Div., P.O. Drawer C, 400 Union St., Nashville, TN 37219.

Cub & Co. 84–6000555. First National Bank of Denver, Trust Dept., P.O. Box 5808 T.A., Denver, CO 80217.

Cube & Co. 04–6037904. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Cudd & Co. 13–6022143. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y. American Mutual Fund, Inc. Chemical Fund, Inc. Equity Fund, Inc. International Resources Fund, Inc. Investment Company of America, The.

Cuica & Co. 04–2459463. New England Merchants National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Cullen, Walter & Conway, Charles. 13–4998660. Clark, Dorge & Co., 61 Wall St., New York, N.Y.

Culnat & Company. 54–6036748. Culpeper National Bank, Box 271, Culpeper, Va.

Cuman & Co. (d,f). 15–6017034. Marine Midland Trust Company of Central New York, Trust Dept. 344 S. Warren St., Syracuse, N.Y. 13202.

Cummings & Co. 13–6065604. Chemical Bank, 20 Pine St., New York, NY 10017.

Cumsec & Company. 52–6034664. First-Second National Bank and Trust Company, 71 Baltimore St., Cumberland, Md.

Cunningham & Co. 13–6120868. Bank of London & South America Ltd., 34 Wall St., New York, N.Y.

Curley & Co. 04–6178959. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Currie & Co. 13–6214744. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Currier & Co. 13–6020776. Morgan Guaranty Trust Company of New York, 40 Rockefeller Plaza, New York 20, N.Y.

Currier & Co. 04–1655082. Naumkeag Trust Company, 217 Essex St., Salem, Mass.

Curtin Penco 23–6480140. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Curtis & Co. 06–6074772. Union Trust Company, Trust Dept., Church & Elm St., New Haven, CT 06510.

Cuscap & Co. (f) c/o Citizens National Bank and Trust Company, 527 Commercial St., Emporia, KA 66801.

Cushing & Co. (h) 04–6012702. South Shore National Bank of Quincy, 1400 Hancock St., Quincy, Mass. 02169.

Cushman & Co. 04–6194929. c/o Loring Wolcott Office, Inc., 35 Congress St., Boston, Mass. 02109.

Cust & Co. 36–6050547. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Cust & Co. 84–6039322. First Trust Corporation, 444 Sherman St., Denver, Colo. 80203.

Cust and Company 54–6036109. Investment Corporation of Virginia, 215 E. Plume St., Norfolk, Va.

Custo & Co. 34–6504847. Cleveland Trust Company, Trust Dept., P.O. Box 6147, Cleveland, OH 44101.

Custodian Nominees Corp. 13–6066160. Swiss Bank Corporation, 15 Nassau St., New York 5, N.Y.

Customers Company, Inc. 13–6020777. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Cuyler & Company. 23–6243003. American Bank and Trust Company of Pennsylvania, 35 N. Sixth St., Reading, Pa. (Penn Square Mutual Fund.)

Cyr & Co. (b). 04–6013491. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Da Bojac & Co. 13–2689105. Bovers, Davis & Jacobs, Inc., 116 John St., New York, N.Y. 10038.

Daco. 95–2125554. Dac Investment Co., 4300 Long Beach Blvd., Long Beach, Calif. 90807.

Dacotah Co. 46–6017525. Farmers & Merchants Bank, P.O. Box 1210, Aberdeen, S.D. 57401.

Dacpro. 95–6117584. DAC Investment Co., 4300 Long Beach Blvd., Long Beach, Calif. 90807. (Trustees of the DAC Profit Sharing Plan.)

Dad & Co. 81–0139474. Davidson, D.A. & Co., P.O. Box 2527, Great Falls, MT 59401.

Dade & Co. 59–6125557. c/o First National Bank of Miami, P.O. Box 2500, 100 S. Biscayne Blvd., Miami, Fla. 33101.

Dagco. 82–6029413. Idaho First National Bank, P.O. Box 7928, Boise, Idaho 83707.

Dain & Company. 01–6009907. First Manufacturers National Bank, P.O. Box 83, Auburn, Me.

Dain & Co. 11–6026777. Long Island Trust Company, P.O. Box 1, Garden City, N.Y. 11530.

Dak & Co. 95–6258618. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

Dake & Co. (h) 84–6020696. First National Bank of Denver, P.O. Box 5928 T.A., Denver, Colo. 80217.

Dalco 75–0710094. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Dale & Co. (h) 44–6010432. Commerce Bank of Kansas City, 210 Commerce Bldg. (or P.O. Box 248), Kansas City, MO 64141.

Dale Company (f) 62–6073873. Third National Bank in Nashville, P.O. Box 2844, Nashville, Tenn. 37202.

Daley Penco 23–6480141. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Dalnat & Co. 75–6023977. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Daly & Co. (f) 13–6275823. Hambro American Bank & Trust Co., P.O. Box 943, New York, N.Y. 10005.

Dana Associates, H. M. Payson & Co., 93 Exchange St., Portland, Me.

Dana & Co. 04–6013756. Investors Bank & Trust Company, P.O. Box 1833, Boston, Mass. 02110.

Dana & Company 16–6056913. Oneida Valley National Bank, 160 Main St., Oneida, N.Y. 13421.

Danco 35–6007539. Fort Wayne National Bank 123 W. Berry St., Fort Wayne 2, Ind.

Dane & Co. 04–6013492. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Danlan & Co. 04–6178414. Woodstock Corporation, 70 Federal St., Boston, Mass.

Danmac Company 75–6023178. Peoples National Bank of Tyler, P.O. Box 2001, Tyler, Texas.

Dap & Co. (h) 56–6067456. Wachovia Bank & Trust Company, P.O. Box 3075, Winston-Salem, NC 27102.

Darfco 36–1183230. Halsey, Stuart & Co., Inc., 123 S. La Salle St., Chicago, Ill. 60690.

Darhap (b, d, e, h) 35–6059633. First Merchants National Bank, Trust Dept., P.O. Box 800, 515 Franklin St., Michigan City, IN 46360.

Daridro & Co. 54–6050804. Alexandria National Bank, c/o Trust Dept., P.O. Box 239, Alexandria, VA 22313.

Darit & Co. 04–6224557. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Dart & Co. (h). 06–6032098. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Dartmouth & Co. 04–6219319. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Daru Company 16–6028284. Sage, Rutty & Co., Inc., 45 Exchange St., Rochester 14, N.Y.

Darwin & Co. 22–6025712. National Newark & Essex Bank, 744 Broad St., Newark, NJ 07101.

Dasco & Co. 04–6014528. Jeffries, J. Armory, etal, Trustee, 50 Congress St., Rm. 721, Boston 9, Mass.

Date & Co. (h) 36–6046797. Northern Trust Company, 50 S. LaSalle St., Chicago, Ill. 60690.

Dauer & Co. 25–6028719. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Dave & Co. 74–6065266. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001. (Mutual Income Fund, Inc.)

Davidson & Co. (d) 04–6012924. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Davidson & Co. Manufacturers Hanover Trust Company, 7 Princes St., London E.C. 2, England.

Davidson & Co. 51–6016240. Farmers Bank of the State of Delaware, P.O. Box 70, Dover, Del.

Davis and Company 36–2487899. c/o Chicago Title and Trust Company, 111 W. Washington St., Chicago, Ill. 60602.

Davis & Co. 22–6022703. Howard Savings Institution, P.O. Box 1250, Newark, NJ 07101.

Davis & Company 03–6004887. Montpelier Savings Bank and Trust Company, P.O. Box 393, Montpelier, Vt.

Davis & Co. 06–6032201. Union Trust Company, Trust Dept., Church & Elm Sts., New Haven, CT 06510.

Davis, E. A. & Company 75–6012279. City National Bank in Wichita Falls, Drawer 60, Wichita Falls, Texas.

Dawson & Co. 55–6019651. National Bank of Commerce, Charleston, W. Va.

Dawson & Co. 22–6026164. New Jersey Bank & Trust Company, 129 Market St., Paterson, N.J.

Day & Co. (f) 23–6222913. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101. (Trexel Hedge Fund, Inc., Drexel Investment Fund, Inc.)

D&B Company. c/o The Daiwa Bank, Limited, New York, NY 10005.

DCO 25–6073408. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Deacon & Co. (e) 21–6017166. Bank of New Jersey, Broadway & Market St., Camden, NJ 08101.

Deak & Co. 74–6036522. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Dean & Co. 22–6025299. First Jersey National Bank, 1 Exchange Place, Jersey City, NJ 07302. (Mutual Investment Company of America.)

Dean and Company 14–0696525. First National Bank of Glens Falls, 237 Glen St., Glens Falls, NY 12801.

Dean & Co. 95–6006926. United California Bank, 600 S. Spring St., Los Angeles, Calif. 90014.

Dean & Company 57–6023476. First Commercial National Bank of South Carolina, Columbia, S.C.

Dean & Davis 51–6011652. Wilmington Trust Co., Wilmington 99, Del.

Deane & Co. 13–6214746. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Debco 22–6132309. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Deca & Co. 95–6197080. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Decade 95–2411879. Decade Management

Corporation, 8221 E. Third St., Downey, Calif. 90241.

Deck & Co. 04-6140631. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Deck & Co. 75-6023234. First Southwest Company, Mercantile Bank Bldg., Dallas, Tex. 75201.

Dedon & Co. 41-6020075. Northwestern National Bank of St. Paul, 55 E. Fifth St., St. Paul, Minn. 55101.

Deed & Co. (d) 06-6036413. New Britain Bank and Trust Company, Trust Dept., P.O. Box 1318, New Britain, CT 06051.

Def & Co. 91-6030763. National Bank of Commerce of Seattle, P.O. Box 3966, Seattle 24, Wash.

Deg & Co. (c) 41-6011844. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, MN 55480.

Degar and Company. 64-6020508. Deposit Guaranty Bank and Trust Company, 200 E. Capitol St., Jackson, Miss.

Dek & Co. 75-6082210. First National Bank in Dallas, P.O. Box 6031, Dallas, Texas 75222.

Del & Co. 04-6037905. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Deland & Co. 57-6022722. First National Bank of South Carolina, Trust Dept., 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Delcap 23-1719840. Delphi Capital Corporation, 1700 Market St., Philadelphia, Pa. 19103.

Deleo & Co. 13-6318546. National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y. 10601.

Dell & Co. 13-6022148. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Dell & Co. 16-0717058. Genesee Valley Securities Co., Inc., 215 Powders Bldg., Rochester, N.Y. 14614.

Delmoe & Co. 94-6116412. Crocker-Citizens National Bank, One Montgomery St., San Francisco, CA 94120.

Delwin & Co. 39-6120742. Whitefish Bay Bank & Trust Co., 177 E. Silver Spring Drive, Milwaukee, Wisc. 53217.

Demco. 13-6290076. Home Indemnity Company, P.O. Box 930, Church Street Station, New York, N.Y. 10008.

Demey & Co. 13-6068437. European-American Bank and Trust Company, 52 Wall St., New York 5, N.Y.

Demteg & Co. 43-0769700. Dempsey-Tegeler & Co., Inc., 210 W. Seventh St., Los Angeles 14, Calif.

Denbank & Co. (d). 04-6086429. First Agricultural National Bank of Berkshire County, Trust Dept., 100 North St., Pittsfield, MA 01201.

Dengel & Co. 13-0666948. Fiduciary Trust Company of New York, 1 Wall St., New York 5, N.Y.

Denman & Co. 74-6034981. San Antonio Loan & Trust Company, P.O. Box 1228, San Antonio, Texas.

Dent & Co. 13-6020778. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015. (Carnegie Corporation.)

Dentru & Co. (c). 84-6016417. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Depco and Company. 31-6083594. Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Depew & Co. The Royal Bank of Canada, P.O. Box 16007, Montreal, Quebec, CN.

Depco & Co. (h). 01-6012013. Depositors Trust Company, 320 Water St., Augusta, ME 04330. (Depositor Trust Company Pooled Fund.)

Depository Nominee, Inc. 13-6022230. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Desa & Co. 41-6093163. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480 ISL Variable Annuity Fund A.

Destry & Co. New England Life Insurance Company, 501 Boylston St., Boston, MA 02117

Determeyer, Weslingh & Zoon, Rotterdamsche Bank N.V., Amsterdam, Netherlands.

Detroit Co. Peoples Wayne County Bank, Highland Park, Mich.

Detruco & Co. 38-6162141. c/o Detroit Bank and Trust Company, 211 W. Fort St., Detroit, Mich. 48231.

Dev & Co. 95-6261933. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Devon & Co. 04-6013224. New England Merchants National Bank, 135 Devenshire St., Boston, Mass. 02107.

Dew & Co. 13-6093652. National Bank of North America, 160 Broadway, New York, N.Y. 10038.

Dewfund & Co. 94-1664277. United California Bank, 405 Montgomery St., San Francisco, CA 94120.

Dewhurst & Co. 13-6120867 Bank of London & South America Lt., 34 Wall St., New York, N.Y.

Dexter & Co. 04-6016401. Choate, Hall & Stewart, 30 State St., Boston 9, Mass.

Dezco. Lerner & Co., Ten Post Office Sq., Boston 9, Mass. (Lerner, Louis C., Charitable Foundation.)

DGW & Co., Nominee. (c) 75-6023807. Loeb Rhodes & Co., 42 Wall St., New York, NY 10005. Rauscher Pierce & Co., 1200 Mercantile Dallas Bldg., Dallas, TX 75201. (Profit Sharing & Retirement Plan for DPA/Pioneer, P.O. Box 2400, Dallas, TX 75221.)

Dibbs Penco. 23-6480142. First Pennsylvania Banking And Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Dickey & Co. 25-6034982. Somerset Trust Company, N. Center St., Somerset, Pa.

Dicom & Co. (h) 93-6030506. First National Bank of Oregon, Trust Division, P.O. Box 2971, Portland, OR 97208.

Dicot & Co. 94-6061241. Bank of America N.T. & S.A. P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Dietrich & Co. 95-2513804. Bank of New York, 52 William St., New York, NY 10008.

Dif & Co. 04-6037906. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Difco. 74-6095675. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Di Fund & Co. (f) Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, Tex. 75221.

Dike & Co. (h) 06-6026943. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Dikenco, Woike, Richard & Associates, 1775 Broadway, New York 19, N.Y.

Dila & Co. 36-6035163. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Dim & Co. 95-2308187. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Dimelow & Co. 13-6174123. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Dinkelacker & Co. 10-6021857. Security National Bank, Huntington, N.Y.

Dinvestco. 06-6120919. Advest Co. Six Central Row, Hartford, Conn. 06103.

Diomar & Co. (d) 52-6025494. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Dirigo & Co. (b, c) 01-6008649. Depositors Trust Company, 320 Water St., Augusta, Me. 04330.

Ditco. 95-6025812. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Diversco. 74-6127093. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77002. (Crown Western Investments, Inc., Diversified Fund, 75-0710094.)

Diverse & Co. 36-6401408. Citizens Bank & Trust Co., One Northwest Hwy., Park Ridge, IL 60068.

Dixco (c). 93-6051985. United States National Bank of Oregon, P.O. Box 3168, Portland, Oreg. 97208.

Dixie Company (a-h). 54-6041296. Southern Bank and Trust Company, Second & Grace Sts., Box 12312, Richmond, Va. 23241.

Dixilco (a, b, c, f, h). 36-6226701. Dixon National Bank, 101 First St., P.O. Box 309, Dixon, Ill. 61021.

Dixon, A.J. & Co. Scotland Bank Ltd. Prestwick, Scotland.

DJS & Co. 04-6071055. First Springfield Corporation, 100 Chestnut St., Springfield, Mass. 01103.

Dkc Company. 75-6008955. Peoples National Bank of Tyler, P.O. Box 2001, Tyler, Texas.

DLM & Co. 06-6107020. c/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Doak & Co. 74-6036990. El Paso National Bank, P.O. Box 140, El Paso, Texas 79999.

Dobbin & Co. 13-6051686. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Dobbins & Co. (f) 04-6012853. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Dobbs and Company. 75-6033762. Texas Bank & Trust Company of Dallas, P.O. Box 5267, Dallas, Texas 75222.

Doc & Co. (h) 95-6072849. Union Bank, Box 2278 Terminal Annex, Los Angeles, Calif. 90054.

Doc. & Co. (c). 55-6039530. Wheeling Dollar Savings & Trust Co., Trust Dept., 1315 Market St., Wheeling, W. Va. 26003.

Dodd & Co. 04-6178960. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Dodge & Co. 04-6032825. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Dodge & Co. 04-2170788. Palmer, Dodge, Gardner & Bradford, 53 State St., Boston, Mass.

Doe & Company. 63-0367229. First Alabama Securities, Inc. P.O. Box 174, Montgomery, Ala.

Doehrman & Co. 35-6032458. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Doge & Co. 59-1054368. Dooley, Gerrish & Co., Inc., Ingraham Bldg., Miami, Fla. 33131.

Dohale & Co. 72-6017326. Whitney National Bank of New Orleans, P.O. Box 61260, New Orleans, La.

Doikes & Co. 43-6108186. St. Louis University, 221 N. Grand Blvd., St. Louis, Mo. 63103.

Dokar & Co. 35-6032459. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Dolan & Company 13-6065538. Laidlaw & Co., 25 Broad St., New York, N.Y.

Dolco & Co. 34-6515885. Dollar Savings and Trust Company, P.O. Box 450, Youngstown, Ohio.

Dollar & Co. (a, b) 06-6044956. New Britain National Bank, 51 West Main St., New Britain, Conn. 06050.

Dolling & Co. 55-6016608. Wheeling Dollar Savings & Trust Co., Trust Dept., 1315 Market St., Wheeling, W. Va. 26003.

Dolpen & Co. 25-6028861. Dollar Savings Bank, 4th & Smithfield, Pittsburgh, Pa. 15230.

Dolphin & Co. 04-6155983. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Domestic Investment Co. Dart & Dart, 1822 Canal Bank Bldg., New Orleans, La.

Domhead & Co. Toronto-Dominion Bank, 68 Yonge St., Toronto, Canada.

Dominbank Nominees Limited. Toronto-Dominion Bank, 3 King William St., London E.C. 4, England.

Dommont & Co. Toronto-Dominion Bank, 240 St. James St., Montreal, Canada.

Domtor Company. Toronto-Dominion Bank, King & Young Sts., Toronto, Canada.

Don & Co. (e) 44-6010427. Commerce Bank of Kansas City, 210 Commerce Bldg. (or P.O. Box 248), Kansas City, Mo. 64141. (United

Accumulative Fund, United Funds, Inc., United Income Fund.)

Don & Co. (b) 04-6012854. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Donald & Co. 23-6243007. Dauphin Deposit Trust Company, 213 Market St., Harrisburg, Pa.

Donaldson & Company (a, b, f) 22-6031000, Second National Bank of Orange, 308 Main St., Orange, N.J. 07051.

Donaldson & Green. Montreal Trust Company, P.O. Box 1900, Station B, Montreal 2, Que., Canada.

Donallen & Co. 36-6080246. Cosmopolitan National Bank of Chicago, 801 N. Clark St., Chicago 10, Ill.

Donegal Securities Service, a partnership 23-6243008. Union National Mount Joy Bank, Cor. E. Main & N. Barbara Sts., Mount Joy, Pa. 17552.

Donel & Co. 35-6014626. Peoples Trust and Savings Company, 913 S. Calhoun St., Fort Wayne 2, Ind.

Don Ross Co. 03-6016862. Proctor Trust Company, Proctor, Vt.

Donson & Co. (c) 36-6412710. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St. Chicago, Ill. 60690.

Dool & Co. (f) 23-6461630. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101, 15th & Chestnut Streets. (Vantage Ten-Ninety Fund, Inc.)

Dooling & Co. 13-6021151. First National City Bank, 399 Park Ave., New York 22, N.Y.

Doornberg & Company. Royal Trust Company, The, 750 Spadina, Crescent, E. Saskatoon, Sask., Canada.

Dorfman, Leo. Orvis Bros. & Co., 15 Broad St., New York, N.Y.

Dorhal & Co. Hale and Door, 60 State St., Boston, Mass. 02109.

Doric and Company 71-6072897. Commercial National Bank of Little Rock, 200 Main St., Little Rock, AR 72203.

Dormac Company Ltd. Canada Permanent Trust Company, 600 Dorchester Blvd. W., Montreal, Que., Canada.

Dory & Co. (h) 06-6077848. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Dosab & Co. 25-0444380. Dollar Savings Bank, 4th & Smithfield, Pittsburgh, Pa. 15230.

Dot & Co. 04-6204432. Palmer & Dodge, 28 State St., Boston, Mass. 02109.

Douglass & Co. (e) 13-6020779. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015. (Affiliated Fund, Inc.)

Douvres & Co. 13-6262844. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Dove & Co. (d) 54-6091446. Life Insurance Company of Virgina, 914 Capital St., Richmond, Va. 23209.

Dover & Co. 04-6226079. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Dow & Co. Canadian Imperial Bank of Commerce, 22 William St., New York 5, N.Y.

Dow & Co. 02-6005134. Dudley, E. S., Co., Inc., 608 Amoskeag Bank Bldg., Manchester, N.H.

Dowat & Co. (f) 94-6221208. Mechanics Bank of Richmond, c/o Trust Dept., Ninth & MacDonald Ave., Richmond, Calif. 94801.

Dowco 04-6072928. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109. (Dow Theory Investment Fund, Inc.)

Doyle & Co. 94-6076743. Exchange Bank, Santa Rosa, Calif.

DPC Co. 95-2408969. Diversified Planning Corporation, 1101 17th St., N.W., Washington, DC 20036.

Dracut & Co. 04-6238818. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Dragoo & Co. (f) 35-6060108. American National Bank and Trust Company, 110 E. Main St., Muncie, Ind. 47305.

Drak & Co. (h) 06-6032097. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, CT 06115.

Drake & Co. 13-6021156. First National City Bank, 399 Park Ave., New York 22, N.Y.

Draper & Co. 23-6235288. Bryn Mawr Trust Co., 801 Lancaster Ave., Bryn Mawr, Pa.

Dratch & Co. Chemical Bank, 20 Pine St.,

Draw & Co. 39-6085121. First National Bank of Neenah, Neenah, Wisc. 54957.

Dresser & Richardson 05-6008049. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, RI 02903.

Drial & Co. 91-6072367. Laird, Norton Trust Company, 1616 Norton Bldg., Seattle, Wa. 98104.

Drof and Company (f) 16-6057046. National Bank and Trust Co. of Norwich, Trust Dept., 52 S. Broad St., Norwich, N.Y. 13815.

Drovers & Co. 23-6255932. Drovers and Mechanics National Bank of York, 30 S. George St., York, Pa.

Drown & Co. 04-6178961. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Dru & Co. 75-6083853. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Drude & Co. (g) 13-6077510. Bank of Montreal Trust Company, 2 Wall St., New York, N.Y. 10005. (Keystone Fund of Canada, Ltd.)

Drude and Company Nominees Incorporated (f). 13-6161828. Bank of Montreal Trust Company, 2 Wall St., New York, N.Y. 10005.

Drum & Co. 74-6036520. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001.

DS & Co. National City Bank of Cleveland, P.O. Box 5756, Cleveland, Ohio.

Dua, John A. & Co. 13-1938364. Reaves, Hewitt & Co., Inc., 74 Trinity Place, New York 6, N.Y.

Dubank & Co. 14-6020592. Dutchess Bank & Trust Company, 285 Main St., Poughkeepsie, N.Y.

Dubank Company (a-c, f, h). 25-6069260. DuBois Deposit National Bank, Trust Dep't, 2 E. Long Ave., & Brady St., DuBois, PA 15801

Duff Penco. 23-6480143. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Dugal & Co. 04-6031793. Childs, Jeffries & Thorndike, Incorporated, 50 Congress St., Boston 9, Mass.

Duke & Co. (f, g). 85-6014804. Albuquerque National Bank, c/o Trust Dept., P.O. Box 1344, Albuquerque, NM 87103.

Dumas & Carlson. 36-2195077. Federal Reserve Bank, 230 S. La Salle St., Chicago, Ill.

Dunbarton & Co. Philip W. Pillsbury, 601 Pillsbury Bldg., Minneapolis 2, Minn.

Dunco. 04-6229405. Bay Bank and Trust Company, One State St., Lynn, MA 01901.

Dunigan & Co. 13-6262845. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Dunlap & Co. 04-6134138. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Dunlob and Company. 02-6006084. Rochester Savings Bank and Trust Company, 22 S. Main St., Rochester, N.H. 03867.

Dunlow & Co. 22-6090836. Security National Bank, Bank & Halsey Sts., Newark, N.J. 07102.

Dunn & Co. (a, b). 04-6035651. Rockland Trust Company, 288 Union St., Rockland, Mass. 02370.

Dunn & Company. 41-6009977. First Trust Company of Saint Paul, W. 555 First National Bank Bldg., St. Paul 1, Minn.

Dupatco. 36-6228706. Du Page Trust Company, 466 Main St., Glenn Ellyn, Ill. 60137.

Durben & Co. 56-0772001. North Carolina National Bank, P.O. Box 1171, Durham, N.C.

Durkes & Co. 36-6412658. City National Bank and Trust Company in Dixon, Dixon, Ill. 61021.

Durkin Penco. 23-6480144. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Durney & Co. 23-6238134. Stock Clearing Corporation of Philadelphia, 1401 Walnut St., Philadelphia, Pa.

Duro & Co. 75-6031219. Stock Clearing Bank of Amarillo, Trust Dept., P.O. Box 1331, Amarillo, Texas.

Durst & Co. 57-6037261. The Self Foundation, Drawer 1017, Greenwood, S.C. 29646.

Duscoe & Co. 04-6233519. State Street Bank and Trust Company, Boston, Mass. 02101.

Dwyer & Co. 13-6021166. First National City Bank, 399 Park Ave., New York 22, N.Y.

Eager & Co. 13-6155607. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y.

Eagle Co. 36-6018515. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Earl & Co. 37-6026288. Jefferson Trust and Savings Bank of Peoria, 123 S.W. Jefferson Ave., Peoria, Ill.

Earthco & Co. 59-6148157. Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733.

East & Co. 94-6061244. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

East & Co. (f). 23-1624911. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia PA 19101.

Esteg & Co., 13-6155420. Dempsey-Tegeler & Co., Inc., 80 Pine St., New York, N.Y.

Easton & Co. New England Life Insurance Company, 501 Boylston St., Boston, Mass. 02117.

Eastside & Co. 94-6197311. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Ebanco 95-6025815. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Ebbco 95-2295354. Bateman, Eichler & Bigham, 453 S. Spring St., Los Angeles, Calif. 90013.

Eben & Co. 25-6085026. First National Bank of Ebensberg, 111 W. High St., Ebensburg, Pa. 15931.

Ebert & Dudley 43-6038961. First National Bank, P.O. Box 147, St. Joseph, Mo.

Ebit & Co. (c). 36-6050548. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Ebp & Co. 75-6056629. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Ebt & Co. (h) 25-6033234. c/o Exchange Bank and Trust Company, 1283 Liberty St., Franklin, Pa. 16323.

E.B.T. Company. Bank of Commerce, Trackmorton at Seventh, Forth Worth, Tex. 76102.

Ecee & Co. 43-6034640. Sanders, Edwin C. & Co., 1300 Boatmen's Bank Bldg., 314 N. Broadway, St. Louis 2, Mo.

Echo & Co. 04-6115360. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Echo and Company 75-6044945. Texas Bank & Trust Company of Dallas, P.O. Box 5267, Dallas, Texas 75222.

Eckerson & Company 13-5659485. First Boston Corporation, 20 Exchange Place, New York 5, N.Y.

Ectru & Company 52-6034712. Equitable Trust Company, Calvert & Fayette Sts., Baltimore 3, Md.

Ecuesp & Co. 13-6260059. New England Merchants National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Ed & Co. 99-0051720. The Connecticut Bank and Trust Company, One Constitution Plaza, Hartford, Conn. 06115.

Edal & Co. 04-6013655. National Shawmut

Bank of Boston, 35 Congress St., Boston, Mass. 02109. (Puritan Fund, Inc.)

Edart Co. 13-6077964. Trade Bank & Trust Co., 481 Seventh Ave., New York, N.Y.

Edcan Company, Royal Trust Company, 10039 Jasper Ave., Edmonton, Alba., Canada.

Edco (c) 43-6076400. Commerce Bank of Kansas City, 210 Commerce Bldg. (P.O. Box 248), Kansas City, Mo. 64141.

Eddy & Co. 13-6051687. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Eden & Co. 36-6079115. First Trust & Savings Bank, 138 S. Schuyler Ave., Kankakee, Ill. 60901.

Edge Co. 56-6113129. Edge Combe Bank and Trust Company, Trust Dept., P.O. Box 1259, Tarboro, N.C. 27886.

Edico, Thad Hutchenson, 1600 Esperson Bldg., Houston, TX 77002.

Edisto & Co. (h) 57-6029282. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Edlee and Company. 71-6072898. Commercial National Bank of Little Rock, 200 Main St., Little Rock, Ark. 72203.

Edman & Company. 43-6037644. Citizens National Bank, Chillicothe, Mo.

Edrayco. 58-6032335. First National Bank of Gainesville, Gainesville, Ga.

Edison and Company, Dime Savings, Akron, Ohio.

Edus & Company, Royal Trust Company, 10039 Jasper Ave., Edmonton, Alba., Canada.

Edwards & Co. (a,b,d,h) 62-6033158. Commerce Union Bank, Trust & Investment Div., P.O. Drawer C, 400 Union St., Nashville, Tenn. 37219.

Edwards & Company. 15-6017220. First-City National Bank of Binghamton, Trust Dept., P.O. Box 700, 2 Chenango St., Binghamton, N.Y. 13902.

Eebbco Company. 11-6044240. Eastern National Bank of Long Island, 42 W. Main St., Smithtown, N.Y.

Eel & Co. 04-6149719. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Efcee Co. 94-1020850. First California Company, Incorporated, 300 Montgomery St., San Francisco, Calif. 94104.

Efco. 22-6023641. Fidelity-Union Trust Company, 765 Broad St., Newark, N.J. 07101.

Effar & Co. 34-6516772. Fulton Reid & Co., Inc., 1717 E. Ninth St., Cleveland 14, Ohio.

Effcee & Co. 34-0211849. Fahey, Clark & Co., 1737 Union Commerce Bldg., Cleveland 14, Ohio.

Effenbee and Company. 59-6125386. Florida National Bank, c/o Trust Department, West Bay Annex, Jacksonville, FL 32203.

Egan & Co. 04-6134620. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Egap & Co. 03-6006424. Chittenden Trust Company, 123 Church St., Burlington, Vt.

Egger & Co. 13-6022146. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Egnaro & Co. 95-6021054. First National Bank of Orange, 101 E. Chapman Ave., Orange, Calif.

Ehren & Co. 13-6182582. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10005.

Eib & Co. 04-6037933. Welch & Forbes, Room 1034, 73 Tremont St., Boston 8, Mass.

Elac & Co. 04-1288430. New England Merchants, National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Elb & Co. 04-6111021. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Elbco. 87-0242697. Burrows, Smith & Company, 174 S. Main St., Salt Lake City 1, Utah.

Elbon. 95-2596436. Noble, Cooke, Inc., 618 S. Spring Street, Los Angeles, Calif. 90014.

Elco & Co. 31-6047459. Central Trust Company, Fourth & Vine Sts., Cincinnati, Ohio.

Elco Company. 35-0292720. Elston Bank & Trust Company, 132 E. Main St., Crawfordsville, Ind.

Eld & Co. (F). 36-6146836. c/o Harris Trust and Savings Bank, Att: Securities Accounting Dept., 111 W. Monroe St., Chicago, Ill. 60690.

Eleazer & Company. 02-6007403. Dartmouth National Bank of Hanover, Hanover, N.H.

Eleven & Co. 62-6066830. American National Bank & Trust Company, 750 Market St., Chattanooga, Tenn. 37402.

Eli & Company (a, b). 06-6021560. First New Haven National Bank, c/o Trust Dept., 1 Church St., New Haven, Conn. 06502.

Elica & Co. 04-2235236. New England Merchants National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Elk & Co. (f). 04-6134623. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Elk & Co. 88-6007270. First National Bank of Nevada, Elk District Trust Office, Elko, Nev. 89801.

Ell & Co. (c). 36-6412623. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Ellard & Co. 13-6214753. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Ellery & Co. (f). 22-6023640. Fidelity Union Trust Company, 765 Broad St., Newark, N.J. 07101.

Ellis & Company. Royal Trust Company, P.O. Box 730, Place d'Armes, Montreal 1, Que., Canada.

Ells and Company. 06-6030258. United Bank and Trust Company, 90 Pearl St., Hartford 1, Conn.

Ell Vee Co. 23-6287196. Lebanon Valley National Bank, P.O. Box 456, Lebanon, Pa.

Elly & Co. Spencer, White & Prentis, 10 E. 40th St., New York, N.Y.

Elm & Co. 25-6021575. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Elm & Co. 06-6065866. Tradesmens National Bank of New Haven, New Haven, Conn.

Elm & Co. 06-6114272. The State National Bank of Connecticut, c/o Customer Service, 240 Greenwich Ave., Greenwich, Conn. 06830.

Elm & Co. 04-6200179. 470 Main St., Fitchburg, MA 01420.

Elna & Co. 35-6014329. First National Bank of Elkhart County, 310 S. Main St., Elkhart, Ind. 46515.

Elpak & Co. (a-d, f) 75-6022299. National Bank of Commerce of Dallas, P.O. Box 2249, Dallas, Tex. 75221.

Ely & Company 16-6024580. Security Trust Company, One East Ave., Rochester, NY 14604.

Elzay & Co. 13-6166503. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, 15, N.Y.

Embee Co. 37-6096553. Milliken National Bank of Decatur, P.O. Box 62525, Decatur, Ill. 62525.

Emben & Co. 94-6061245. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Embit & Co. 36-6158936. Merchants National Bank of Aurora, 34 S. Broadway, Aurora, Ill. 60507.

Emco 04-6012941. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Emco (a partnership) 13-5521232. North, E.M. Co., Inc., 52 Broadway, New York, N.Y.

Emdiv & Co. 94-6173371. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Emen Co. 37-6096552. Milliken National Bank of Decatur, P.O. Box 1278, Decatur, Ill. 62525.

Emfic & Co. 04-1288420. New England Merchants National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Emgh & Co. (d) 01-6018522. Merrill Trust Company, 2 Hammond St., Bangor, Me. 04401.

Emlin & Co. 16-6024451. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Emnor 54-6087240. Virginia National Bank. P.O. Box 3000, Norfolk, Va. 23514.

Emory & Co. (f) 04-6134902. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Emp & Co. (c) 36-6047820. Harris Trust and Savings Bank, Trust Dept., 111 W. Monroe St., Chicago, Ill. 60690.

Emplan & Co. 01-6013846. Maine National Bank, Trust Dept., P.O. Box 1866, Portland, ME 04104.

Employ & Co. 36-6401417. Citizens Bank & Trust Co. 1 Northwest Highway, Park Ridge IL 60068.

Empro Company (e) 44-6011871. Merchants-Produce Bank, 531 Walnut St., Kansas City, MO 64106.

Emre & Co. 43-6116794. Employees Reinsurance Corporation, P.O. Box 2088, Kansas City, Mo. 64142.

Emseg & Co. (b). 41-6011836. Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55480.

Emslic & Co. 04-6012770. New England Merchants National Bank, Trust Dept., 28 State St., Boston, MA 02106.

Enbanc Company. 24-6015395. Easton National Bank and Trust Company, Easton, Pa.

Enbatco. 23-6397318. Easton National Bank and Trust Company, Easton, Pa.

Enbecee Company (a-d, f, h). 72-6018606. National Bank of Commerce in New Orleans, Trust Dept., P.O. Box 60279 (70160), 210 Baronne St., New Orleans, LA 70112.

Encap & Co. 95-6203728. Bank of America N.T. & S.A., P.O. Box 2558 Terminal Annex, Los Angeles, Calif. 90054.

Encen & Company. 13-1929730. Norman C. Norman, 130 W. 42nd St., New York, N.Y. 10036.

Enders & Co. 24-6015559. Bloomsburg Bank-Columbia Trust Company, Bloomsburg, Pa.

Endicott & Co. 04-6013225. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Endow. 82-6029413. Idaho First National Bank, P.O. Box 7928, Boise, ID 83707.

Endow & Co. 22-6131038. First National State Bank of New Jersey, Dept. of Estates and Trusts, 550 Broad St., Newark, N.J. 07102.

Engbank & Co. 22-6091508. Midland Bank, 80 E. Ridgewood Ave., Paramus, N.J. 07652.

England, C.A., & Co. (f). 13-6065592. Chemical Bank, P.O. Box 1368, Church Street Station, New York, N.Y. 10008. (Appreciation Fund, Inc., Growth Industry Shares, Inc., Guardian Mutual Fund, Inc., Pine Street Fund, Inc.)

Englert & Company. 16-6024581. Security Trust Company, One East Ave., Rochester, NY 14604.

English & Company (c, h). 06-6021561. First New Haven National Bank, c/o Trust Dept., 1 Church St., New Haven, Conn., Minneapolis, Minn. 55480.

Enn & Co. 41-6011846. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55440. Imperial Capital Fund, Inc. (formerly Minnesota Fund, Inc.).

Enter & Co. 95-6194804. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Envo & Co. 00-8549179. Bank of California, N.A., P.O. Box 6047, Los Angeles, Calif. 90060.

Epco and Company. 31-6087590. Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Equity & Co. (F). 16-6114283. Marine Midland Trust Company of Western New York, 241 Main St., Buffalo, N.Y. 14203.

Era & Co. 84-6039322. First Trust Corporation, 444 Sherman St., Denver, Colo. 80203.

Erickson, A. M. & Co. 41-6011700. Kalman & Company, Inc., 136 Endicott Bldg., St. Paul, 1 Minn., Calif. 90212.

Erico Company. 16-6022374. Liberty National Bank and Trust Company, 670 Main St., East Eurora, N.Y.

Erly & Co. 95-6112361. Crocker-Citizens National Bank Trust Hdqtrs, 9354 Wilshire Blvd., Beverly Hills, Calif. 90212.

Ernest & Company. 74–6078203. Capital National Bank, P.O. Box 3285, Houston, Texas 77001.

Ertco. 22–6132310. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Esand & Co. 01–6009990. Merchants National Bank of Bangor, 25 Broad St., Bangor, Me.

Esbank & Co. (a). 04–6086428. First Agricultural National Bank of Berkshire, County, c/o Trust Dept., 100 North St., Pittsfield, Mass. 01201.

Esbe & Co. 44–6011213. Stern Brothers & Co., 1013 Baltimore Ave., Kansas City 5, Mo. (Stern Brothers & Co. Profit Sharing Trust.)

Esco & Co. 13–5619871. Eastern Securities Co., 120 Broadway, New York, N.Y.

Escro & Co. 94–6103045. Bank of America N.T. & S.A., 485 California St., San Francisco 4, Calif.

Esdee Company. 95–6018453. San Diego Trust & Savings Bank, 540 Broadway, San Diego, Calif. 92101.

Esmond & Co. 06–6074771. Union Trust Company, Trust Dept., Church & Elm Sts., New Haven, CT 06510.

Esor and Company. 39–6126939. Kellogg-Citizens National Bank, P.O. Box 670, Green Bay, Wisc. 54305.

Essex & Company. 59–6125578, First National Bank in Palm Beach, 255 South County Rd., Palm Beach, Fla. 33480.

Essfour. 04–6181361. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101. (Keystone S–4 Fund.)

Esta & Co. (a) 06–6032101. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Estate & Co. 16–6100661. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Estcinco. 31–6059187. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati, Ohio 45201.

Estes & Co. Bank of California N.A., P.O. Box 3511, San Francisco, CA 94120.

Estru & Co. 01–6009991. Merchants National Bank of Bangor, 25 Broad St., Bangor, Me.

Estru & Co. 37–6096181. Milliken National Bank of Decatur, P.O. Box 1278, Decatur, Ill. 62525.

Etco. 15–6020575. Endicott Trust Company, 35–41 Washington Ave., Endicott, N.Y.

Etgrow & Co. 04–6039283. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. 02106. (Eaton & Howard Growth Fund, Inc.)

Eth & Co. (f). 52–0812192. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101. (Market Growth Fund, Inc.)

Etrus Company. 24–6015396. Easton National Bank and Trust Company, Easton, Pa.

Euro & Co. (d). 36–6234305. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Euroam & Co. (f). 91–6098235. Seattle First National Bank, P.O. Box 12657, 1001 Fourth Ave., Seattle, WA 98111.

Euro-American. 94–6205004. Bank of America, N.A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120. (Euro-American Real Estate Fund, Inc.)

Evano & Co. (h). 36–6119146. First National Bank and Trust Company of Evanston, c/o Trust Dept., Box 712, 800 Davis St., Evanston, Ill. 60204.

Evans & Company, Royal Trust Company, 750 Spadina Crescent E., Saskatoon, Sask., Canada.

Evans & Company. 41–6017794. First American National Bank of Duluth, Third Ave. W. & Superior St., Duluth 2, Minn.

Eve & Co. 23–6483937. American Bank & Trust Company of Pennsylvania, 35 North 6th Street, Reading, Pa. 19603.

Everbanc & Company. 91–6064819. Everett Trust & Savings Bank, P.O. Box 69, Everett, Wash. 98201.

Everett & Co. 04–6238819. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Everfund & Company. 91–6029926. Everett Trust & Savings Bank, P.O. Box 69, Everett, Wash. 98201.

Evergreen & Co. 04–6219320. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Eversav & Company. 91–6077849. Everett Trust & Savings Bank, P.O. Box 69, Everett, Wash. 98201.

Evertrust & Company. 91–6029927. Everett Trust & Savings Bank, P.O. Box 69, Everett, Wash. 98201.

Eves & Co. 25–1073984. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Evson and Company. 34–6513651. Akron-Dime Bank, 157 S. Main St., Akron 9, Ohio.

Ewald & Company. 38–6053756. City National Bank of Detroit, Penobscot Bldg., Detroit 26, Mich.

Ewart & Co. 04–6037918. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Ex & Co. 13–6173314. County Trust Company, 235 Main St., White Plains, N.Y.

Exban Company (B). 59–6179997. Exchange Bank of St. Augustine, P.O. Drawer 530, St. Augustine, Fla. 32084.

Exchange Company. 59–6130020. Exchange National Bank, Box 800, Winter Haven, Fla.

Exchange & Company. 25–6033233. c/o Exchange Bank and Trust Company, 1283 Liberty St., Franklin, Pa. 16323.

Exec & Co. 36–6050550. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Execo 59–1174711. Executive Securities Corp., 1175 N.E. 125th St., Miami, Fla. 33161.

Exem & Co. (g). 35–6202011. Indiana National Bank, P.O. Box 1832, Indianapolis, Ind. 46206.

Exemco & Co. (h). 35–606890. c/o Merchants National Bank of Muncie, 122 S. Mulberry St., P.O. Box 792, Muncie, Ind. 47305.

Exeter and Company. 31–6068503. Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Ezra Ames & Co. 04–6110928. Haverhill National Bank, Haverhill, Mass.

Faban & Co. (a–d, f). 37–6079246. Farmers State Bank and Trust Company, 200 W. State St., Jacksonville, IL 62650

Fabco Company (a–c, g, h). 59–6125649. First National Bank at Orlando, P.O. Box 3631, Orlando, FL 32802

Fabin Co., Family Benefit Investment Company, 119 E. Arries, Marshall, MO 65340.

Fablife Co., Family Benefit Life Insurance Company, 230 W. Dunklin, Jefferson City, MO 65101.

Fabry & Co. 37–6031868. Commercial National Bank of Peoria, 301 S. Adams St., Peoria, Ill.

Fad & Co. 06–6109993. Travelers Insurance Company, One Tower Sq., Hartford, Conn. 06115.

Fader & Co. 04–6134621. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Fair & Co. 06–6113800. The State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, Conn. 06904.

Fairco 95–1757363. Fairman & Co., 210 W. Seventh St., Los Angeles 14, Calif.

Fairfax & Co. (a,b,c,d,h) 54–6059605. National Bank of Fairfax, P.O. Box 243, Fairfax, Va. 22030.

Fairfax & Co., New England Life Insurance Company, 501 Boylston, St., Boston, Mass. 02117.

Fairfield & Co. 04–6219321. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Fairview & Co. 04–6238820. National Shawmut, Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Fait & Co. 41–6011837. Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55440.

Falk & Co. (a–h) 14–6016571. State of New York National Bank, Trust Dept., 17 Market St., Poughkeepsie, N.Y. 12601.

Fallco (f) 06–0501867. Hartford National Band and Trust Company, Trust Div., 777 Main St., Hartford, CT 06115.

Falls & Co. 16–6057851. Marine Midland Trust Company of Western New York, Power City Office, Niagara Falls, N.Y.

Falter & Co. 13–6062915. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Famer & Co. 94–6189057. Wells Fargo Bank, 464 California St., San Francisco, Calif.

Famk 95–623966. Farmers & Merchants Trust Company of Long Beach, 302 Fine Ave., Long Beach, Calif. 90812.

Fampk 95–623966, Farmers & Merchants Trust Company of Long Beach, 302 Fine Ave., Long Beach, Calif. 90812.

Fanbank & Co. (b, c, e, h) 04–6056854. First Agricultural National Bank of Berkshire County, c/o Trust Dept., 110 North St., Pittsfield, Mass. 01201.

Fanby and Company 71–6066883. First American National Bank, 120 Main, North Little Rock, Ark. 72119.

Fanelle, Frank. 13–5480390. Wertheim & Company, 1 Chase Manhattan Plaza, New York, N.Y. 10005.

Fang & Co. 04–6214435. New England Merchants National Bank, 28 State Street, Boston, Mass. 02106.

Fango & Co. 94–6130089. First National Bank of San Jose, P.O. Box 1000, San Jose, Calif.

Far & Co. (g) 25–6036724. Mellon National Bank and Trust Company, Mellon Sq. (or P.O. Box 926), Pittsburgh, Pa. 15230.

Farb & Co. 84–6051020. Farmers State Bank, P.O. Box 798, Fort Morgan, CO 80701.

Fargo Gems & Co. 45–6023720. Dakota National Bank and Trust Co., P.O. Box 671, Fargo, N.D. 58102.

Fargo & Co. 94–6056804. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Faria & Co. 13–6120869. Bank of London & South America, Ltd., 34 Wall St., New York, N.Y.

Farmco 95–6044389. Farmers and Merchants Trust Company of Long Beach, 302 Pine Ave., Long Beach 12, Calif.

Far-Mer-Co. 55–6022183. Farmers and Merchants Bank of Keyser, Box 630, Keyser, W. Va.

Farmers Company, (b, c, h) 23–6242866. Farmers National Bank of Lititz, 9 E. Main St., Lititz, Pa. 17543.

Farmers and Company 34–6518207. Farmers Savings & Trust Company, 28 Park Ave., W., Mansfield, Ohio.

Farmers and Company (a, b, c, h) 52–6035003. Farmers and Mechanics National Bank, 154 N. Market St., Frederick, Md. 21701.

Farmers and Merchants Company. 75–6020909. The Farmers and Merchants National Bank of Abilene, Box 701, Abilene, Tex.

Farmore Company. 62–6041797. Third National Bank in Nashville, P.O. Box 76, Nashville, Ind. 37202.

Farnum & Co. 13–6064420. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Farr & Co. (h) 04–6205117. Newton-Waltham Bank and Trust Company, 880 Main St., Waltham, Mass. 02131.

Farrell Penco. 23–6408145. The First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Farwill. 51–6021875. c/o Farmers Bank of the State of Delaware, Loan Dept., 10th & Market Sts., Wilmington, Del. 19801.

Fassett Penco. 23–6480146. The First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Faust & Co. 13–6087156. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Fawn & Co. 14–6030736. Farmers-Matteawan National Bank, P.O. Box 70, Poughkeepsie, N.Y. 12602.

Fay & Co. 04–6178962. The First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Fay Co. 03–6016861. (Proctor Trust Company, Proctor, Vt.)

Faybranch and Company. 56–6045064. Branch Banking & Trust Company, 121 Hay St., Fayetteville, N.C.

Fayette & Co. 52–6034711. Equitable Trust Company, Calvert & Fayette Sts., Baltimore 3, Md.

Federal & Co. (f) 04–6012855. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106. (Federal Street Fund, Inc.)

Feg & Co. 04–6045433. Lewis M. Foster, 60 State St., Boston 9, Mass.

Fehr & Co. 25–6028720. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Fel & Co. (a,b) 54–6031957. Central National Bank of Richmond, Trust Dept., 219 E. Broad at Third St., Box 1838, Richmond, Va. 23215.

Felbrigg Co. 01–6026825. Eastern Trust and Banking Company, 2 State St., Bangor, Me. 04401.

Feld & Co. 04–6228877. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Felix & Company. 04–6172464. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Massachusetts Institute of Technology.

Femar & Co. (g) 008–445243–054. Bank of the Southwest, N.A., Custody Dept., P.O. Box 2629, Houston, TX 77001.

Femar, S.A. c/o E. Federico Martinez Ave. de las Fuentes #330, Mexico 20, D.F.

Fen & Co. 04–6012985. Gardner Office, Inc., 24 Federal St., Boston 10, Mass.

Fenno & Co. 04–6013226. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Fern & Co. 95–6112362. Crocker-Citizens National Bank, Trust Div., 14720 Ventura Blvd., Sherman Oaks, CA 91403.

Ferrajolo, Francesco. Banca Commerciale Italiana, 14 Wall St., New York, N.Y.

Ferranti & Co. 13–6109268. Banca Nazionale del Lavoro, 25 W. 51st St., New York, N.Y.

Ferro & Co. 04–6013657. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109; Fidelity Fund, Inc.

Fetter & Co. 21–6012187. First Trenton National Bank, 1 W. State St., Trenton 4, N.J.

Few-Co. 95–6016809. Evans, MacCormack & Co., Inc., 453 S. Spring St., Los Angeles 13, Calif.

Fiaco and Company (b). 23–6483943. Reading Trust Company, 515 Penn St., Reading, Pa. 19603.

Fibe & Co. 36–6415906. Central National Bank in Chicago, Trust Dept., 120 La Salle St., Chicago, IL 60603.

Fico. 41–6018969. Fidelity Bank and Trust Company, 2338 Central Ave. N.E., Minneapolis 18, Minn.

Fid & Co. 75–6006002. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Fidac. 99–0108517. First National Bank of Hawaii, Box 3200, Honolulu, Hawaii 96801.

Fidco. 95–259646. Fidler Securities, c/o Central Cashiering Corporation, 400 S. Beverly Dr., Beverly Hills, CA 90212.

Fidelbank & Co. (a,b,f,h). 72–6041205. Fidelity National Bank of Baton Rouge, c/o Trust Dept., P.O. Box 3597, 440 Third St., Baton Rouge, LA 70821.

Fidelity Registration Co. of Oklahoma City 73–6092440. Fidelity National Bank & Trust Company of Oklahoma City, P.O. Box 24128, Oklahoma City, Okla. 73124.

Field & Co. Eleanor F. Pillsbury Trust Estate and Gretchen T. Pillsbury Trust for the Minneapolis Foundation, 601 Pillsbury Bldg., Minneapolis 2, Minn.

Field & Co. 05–6003317. Rhode Island Hospital Trust Company, P.O. Box 1558, a/c #5–6881, Providence, R.I. 02901.

Fifth & Co. (a,b). 84–6034848. c/o First National Bank, 464 Main St., P.O. Box 608, Grand Junction, Colo. 81501.

Fifth-Main Company (b,c,f). 31–6028955. First Trust & Savings Bank, 434 Main St., Zanesville, Ohio 43701.

Fihi & Co. (a, b). 37–6077197. First National Bank of Highland, 100 Broadway, Highland, IL 62249.

Fihuna Associates (b, d, h). 55–6016165. First Huntington National Bank, P.O. Box 179, Fourth Ave. & Tenth St., Huntington, WV 25707.

Filnesco Company. Manufacturers Hanover Trust, 40 Wall St., New York, N.Y.

File & Co. 04–6013015. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101:
Automation Shares, Inc.;
Income Foundation Fund, Inc.;
Investment Trust of Boston, and
Pioneer Fund, Inc.

Fimar & Co. 44–0307890. City National Bank & Trust Company of Kansas City, 928 Grand Avenue., Kansas City, Mo. 64141.

Fimin & Company. 43–6031706. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Fin & Co. 04–6149721. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Finab and Company. 85–0065629. First National Bank of Roswell, Box 1977, Roswell, N. Mex.

Finaba Company (a, b, e, h). 59–6126120. First National Bank of Tampa, P.O. Box 1810, Tampa, Fla. 33601.

Finaba Company. 75–6010523. c/o First National Bank at Lubbock, Trust Dept., 1500 Broadway, P.O. Box 1241, Lubbock, TX 79408.

Finaba & Co. (a, b, c, e, f, g). 36–6051217. First National Bank and Trust Company of Evanston, c/o Trust Dept., P.O. Box 712, 800 Davis St., Evanston, Ill. 60204.

Finabank & Co. 59–6148887. First National Bank in Fort Myers, P.O. Box 1031, Fort Myers, Fla.

Finabco. (h). 59–6149060. First National Bank, Trust Dept., P.O. Box 8009, Ft. Lauderdale, Fla. 33310.

Finabco. 36–6156667. First National Bank of Highland Park, 513 Central Ave., Highland Park, Ill. 60035.

Finabco. 35–6055590. The First National Bank of Wabash, Wabash, Ind. 46992.

Finabob Co. 59–6130310. First National Bank of Bradenton, 1201 6 Ave. West, P.O. Box 1061, Bradenton, FL 33505.

Finaboc & Co. 75–6012286. First National Bank of Corsicana, Corsicana, Texas.

Finabor and Company. 39–0571135. First National Bank of Ripon, Ripon, Wisc.

Final & Co. First National Bank of Glen Head, 10 Glen Head Road, Glen Head, L.I., N.Y. 11545.

Finamidd. 31–6020828. First National Bank of Middletown, 2 S. Main St., Middletown, Ohio 45042.

Finat & Co. 36–6018483. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Finatco, of Oklahoma City. 73–6104249. Fidelity National Bank & Trust Company of Oklahoma City, P.O. Box 24128, Oklahoma City, Okla. 73124.

Finawa and Company. 35–6078298. First National Bank of Warsaw, Warsaw, Ind. 46580.

Finawip & Co. 59–6128691. First National Bank at Winter Park, P.O. Box 1000, Winter Park, Fla. 32789.

Finbar and Company. 41–6018505. First National Bank of Rochester, Rochester, N.Y. Minn.

Finbeg. 59–6134538. First National Bank of Eau Gallie, P.O. Box 857, Eau Gallie, Fla.

Finber (H). 25–6077789. First National Bank of Pennsylvania, 1005 State St., Erie, Pa. 16501.

Finbow & Co. (a-d,h). 53–6078865, First National Bank of Washington, Trust Dept., 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006.

Finch & Co. (d). 54–6081447. Life Insurance Company of Virginia, 914 Capital St., Richmond, Va. 23209.

Finco & Co. 35–0857305. Bank of Illinois in Champaign, 112 W. Church St., Champaign, Ill.

Finco & Co. (h). 93–6021571. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Fine & Co. 04–6178963. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Fineb and Company. 54–6037683. First National Exchange Bank of Virginia, P.O. Box 2351, Roanoke, Va.

Finley & Co. (a,b,d). 63–6021279. Merchants National Bank of Mobile, P.O. Box 2527, 106 St. Francis St., Mobile, Al. 36602.

Finley & Co. 14–0802660. Kingston Trust Company, 27 Main St., Kingston, N.Y. 12401.

Finman & Co. (f). 13–6064421. Bankers Trust Company, 16 Wall St., New York 15, N.Y.: Financial Industrial Fund, Inc.

Finn & Co. 95–6161932. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Finol & Co. 48–6111710. First National Bank of Lawrence, 746 Massachusetts St., Lawrence, Kans. 66044.

Finopp. Financial Opportunities, Incorporated, P.O. Box 6077 Terminal Annex, Los Angeles, Calif. 90060.

Finseco. 95–6032097. Security Pacific National Bank, Ocean Blvd., Long Beach, Calif.

Fipen & Co. 54–6057327. Old Dominion Bank,, 2057 Wilson Blvd., Arlington, Va.

Fir & Co. (h). 04–6012925. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Firac & Co. (a). 39–6033172. First National Bank & Truth Company of Racine, 500 Wisconsin Ave., Racine, Wis. 53403.

Firal Nominees. 23–6235368. First National Bank of Allentown, 645–649 Hamilton St., Allentown, Pa.

Fibra. 85–6061342. First National Bank of Rio Arriba, Espanola, N.M. 87532.

Firban & Co. (a-f). 42–6057560. First Trust and Savings Bank, 302 Brady St., Davenport, Iowa 52801.

Firban Co. 59–6125590. First National Bank of Clearwater, 400 Cleveland St., Clearwater, Fla.

Firbanc & Company. 84–6021424. First National Bank of Englewood, Englewood, Colo.

Firbanc & Company. 59–6135891. First Bank & Trust Company, Box 8, Boca Raton, Fla.

Firbanco-Jax. 59–6140360. First Bank and Trust Company of Jacksonville, Box 2297, Jacksonville, Fla. 32203.

Firbankon & Co. 15–6017240. First National Bank, Canton, N.Y.

Firbanom Company. 74–6036488. First City National Bank of Houston, P.O. Box 2557, Houston 1, Texas.

Firbeau Company. 74–6040609. First Security National Bank of Beaumont, P.O. Box 3391, Beaumont, Texas.

Firbeco. First Gulf Beach Bank and Trust Company, St. Petersburg Beach, Fla. 33706.

Firbeth Company. 24–6015018. First National Bank and Trust Company of Bethlehem, 535 Main St., Bethlehem, Pa.

Firbon & Co. (h). 39–6033173. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403.

Fircasper & Co. 83–6002646. First National Bank of Casper, P.O. Box 40, Casper, Wyo. 82601.

Fircom Company (h). 24–6015140. c/o First National Bank, One W. Broad St., Hazelton, PA 18201.

Firen & Co. (c). 54–6057327. First Virginia Bank, 7205 Little River Turnpike, Annandale, VA 22003.

Firhaz Company (a, f). 24–6015139. c/o First National Bank, 1 W. Broad St., Hazleton, PA 18201.

Firjan & Co. (a, b, c, e, h). 39–6059502. First National Bank, 100 W. Milwaukee St., Janesville, Wisc. 53545. Anchor Venture Fund, Inc.

Firlin and Company (a, b, c, d, h). 47–6023747. National Bank of Commerce Trust, S.A. 13th & O Sts., Lincoln, NB 68501.

Firmad & Co. 39–6037942. First Wisconsin National Bank, P.O. Box 1271, Madison, Wisc. 53701.

Firmar & Company (a-c). 54–6031875. First National Bank of Martinsville and Henry County, Church & Ellsworth Sts., P.O. Box 631, Martinsville, Va. 24112.

Firnabank and Company. 54–6031971. United Virginia Bank, First National, c/o Trust Dept., P.O. Box 678, Lynchburg, Va. 24505.

Firnal & Co. 95–6038071. Bank of America N.T. & S.A., Corporate Agency Division, 111 W. 7th, Los Angeles, Calif. 90014.

Firnap & Co. (a, b). 93–60194904. First National Bank of Oregon, Trust Div., P.O. Box 2971, Portland, OR 97208.

Firnat and Co. (a, b). 42–6134109. First National Bank, 204 E. Washington St., P.O. Box 832, Iowa City, IA 52240.

Firsco. 58–6027419. First National Bank of Atlanta, P.O. Box 4148, Atlanta 2, Ga.

Firsco & Co. 88–6002467. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Firsec. 47–6046493. The Omaha National Bank, Omaha, Nebr. 68102.

Fire & Co. 36–6081607. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Fireco. 73–6108901. First National Bank, P.O. Box 1, Stillwater, Okla. 74074.

Firefund & Co. 94–6118831. Wells Fargo Bank, Box 3820, San Francisco, Calif. 94120.

Firfor & Co. 39–0286170. First National Bank, Fort Atkinson, Wisc.

Firhaz Company. 24–6015139. First National Bank, 31 W. Broad St., Hazleton, Pa.

Firjan & Co. 39–6059502. First National Bank, 100 W. Milwaukee St., Janesville, Wisc.

Firjer & Co. 22–6056136. First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. 07303:

Anchor Capital Fund, Inc.;
Anchor Growth Fund, Inc.;
Anchor Income Fund, Inc.;
Westminster Fund, Inc.;
Fundamental Investors, Inc.; and
Washington National Fund, Inc.

Firkosh & Co. 39–6054488. First National Bank in Oshkosh, P.O. Box 280, Oshkosh, Wisc.

Firlin and Company. 47–6023747. National Bank of Commerce, 13th & O Sts., Lincoln, Nebr.

Firmad & Co. 39–6037942. First National Bank of Madison, 1 S. Pinckney St., Madison, Wisc.

Firman & Co. 01–6009872. First Manufacturers National Bank, P.O. Box 701, Lewiston, Me.

Firmar & Company. 54–6031875. First National Bank of Martinsville and Henry County, Main St., Martinsville, Va.

Firmark & Co. 45–6016653. First National Bank, P.O. Box 1778, Bismarck, N. Dak. 58501.

Firnabank and Company. 54–6031971. First National Trust and Savings Bank, P.O. Box 678, Lynchburg 1, Va.

Firnabo Plan. 84–6018950. First National Bank in Boulder, P.O. Box 59, Boulder, Colo. 80302.

Firnal & Co. 95–6194810. Bank of America, N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Firnap & Co. 93–6019404. First National Bank of Oregon, P.O. Box 2971, Portland, Ore. 97208.

Firnat & Co. 86–6021244. First National Bank of Arizona, Phoenix, Box 2551, Phoenix Ariz.

Firnatco. 56–6056756. Carolina First National Bank, 102 E. Main St., P.O. Box 520, Lincolnton, NC 28092.

Firnatco & Co. 59–6145698. First National Bank of Hollywood, Hollywood, Fla.

Firanticia. First National Bank, 204 E. Washington, P.O. Box 832, Iowa City, IA 52240.

Firnbank Co. 47–6023583. First National Bank of Omaha, Omaha 2, Nebr.

Firneb & Co. 47–6024502. First Mid America Corporation, 1001 "O" St., Lincoln, Nebr.

Firnesco Company. 13–1937404. First Northeast Securities, Inc., 170 Broadway, New York, N.Y. 10038.

Firnom and Company (b, c, e, h) 46–6011045. First National Bank in Sioux Falls, 112 S. Phillips Ave., Sioux Falls, S.D. 57102.

Firpo and Company. 62–6036352. First National Bank of Sullivan County, P.O. Box 889, Kingsport, Tenn.: First Security Growth Fund.

Firsco. 58–6027419. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302.

Firskel Co. 73–6126518. First National Bank and Trust Company of Tulsa, P.O. Box 1, Tulsa, OK 74102.

First Aberdeen, Inc. (b, c, d, h). 46–6011167. First National Bank of Aberdeen, 204 S. First St., Aberdeen, SD 57401.

First & Co. 35–6030542. First Bank & Company of South Bend, 133 S. Main St., South Bend 11, Ind.

First and Company (b, c, e, h). 73–6093480. First National Bank and Trust Company of Tulsa, Box 1, Tulsa, Okla. 74102.

First and Co. 14–6016516. First Trust Company of Albany, 35 State St., Albany 7, N.Y.

Firstanco. 92–6003338. The First National Bank of Anchorage, P.O. Box 720, Anchorage, Alaska 99501.

Firstatfive Co. 58–6074606. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302.

Firstbank & Co. (f). 91–6065319. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, Wash. 98111.

First Banco(h). 23–6397446. First National Bank of Lebanon, 760 Cumberland St., Lebanon, Pa. 17042.

First Barre & Co. 23–6408019. First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa. 18701.

First Big (a-c). 25–1197013. First National Bank, P.O. Box 8, Greencastle, PA 17225.

Firstblue and Co. 55–6017525. First National Bank of Bluefield, Box 1559, Bluefield, W. Va.

First Brenco. 74–6075429. First National Bank Brenham, Texas 77833.

First Capco. 58–6084763. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Georgia 30302.

Firstcinco. 31–6025069. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati 1, Ohio.

First City Company. 74–6036489. First City Natonal Bank of Houston, P.O. Box 2557, Houston, Texas 77001.

First Co. 38–6053722. First of Michigan Corporation, 1200 Buhl Bldg., Detroit 26, Mich.

First Common Co. of Oklahoma City (H). 73–6091484. First National Bank and Trust Company of Oklahoma City, Trust Dept., P.O. Box 25189, Oklahoma City, Okla. 73125.

First Company. 31–4440035. Hay & Company, 47 N. Fourth St., Zanesville, Ohio.

First Company. 24–6014695. First National Bank of Williamsport, 25 W. Third St., Williamsport, Pa.

First Corporation (g). 04–6050927. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

First Cumberland Co. 52–6040931. First National Bank and Trust Company of Western Maryland, Trust Dept., 71 Baltimore St., P.O. Box 250, Cumberland, Md. 21502.

First De Kalb Associates (a–c). 36–6073885. First National Bank in Dekalb, 141 W. Lincoln Hwy., DeKalb, Ill. 60115.

First Fargo Company (b, c, h). 45–6010543. First National Bank and Trust Company of Fargo, c/o Trust Dept., 15 Broadway, Fargo, N.D. 58102.

Firstfield Company. 56–6038412. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.

First Fort Collins & Co. (a, b). 84–6066952. First National Bank in Fort Collins, P.O. Box 578, Fort Collins, Colo. 80521.

First Gables. 59–6193662. Coral Gables First National Bank, P.O. Box 430, Coral Gables, FL 33134.

First Gee Company (H). 41–6079290. First National Bank of Winona, c/o Trust Dept., 177 Main St., Winona, MN 55987.

Firstgin (a, b, c, h). 47–6047319. First National Bank of Grand Island, c/o Trust Dept., Grand Island, Nebr. 68801.

Firsthamco. 31–6026587. First National Bank and Trust Company of Hamilton, Third & High Sts., Hamilton, Ohio.

First Investment Company of Norman, Oklahoma. 73–6128023. First National Bank and Trust Company, P.O. Box 1288, Norman, Okla. 73069.

First Kalamazoo Co. (a–e). 38–6039975. First Nat'l. Bank & Trust Company of Kalamazoo, 108 E. Michigan Ave., Kalamazoo, Mich. 49006.

First Larimer & Co. (h). 84–6065107. First National Bank in Fort Collins, P.O. Box 578, Fort Collins, Colo. 80521.

First Main Company. 41–6036275. First National Bank of Winona, c/o Trust Dept., 177 Main St., Winona, Minn. 55987.

Firstmass and Co. 34–6621264. First National Bank in Massillon, 11 Lincoln Way W., Massillon, Ohio 44646.

Firstmont Company. 23–6415039. First National Bank, 355 Broad St., Montoursville, Pa. 17754.

First Mortgage Company. 85–6008648. First National Bank in Albuquerque, Albuquerque, N. Mex.

First National Associates (a, b, c, f). 85–6012373. First National Bank in Albuquerque, Box 1305, Albuquerque, NM.

First National Bank. 23–0793915. First National Bank of Lebanon, 760 Cumberland St., Lebanon, Pa. 17042.

First National Huntsville Co. First National Bank of Huntsville, P.O. Box 670, Hunstville, Texas 77340.

Firstnewco. 31–4265149. First National Bank of Newark, 68 W. Church St., Newark, Ohio 43055.

Firstnox & Co. 31–6029171. First-Knox National Bank, P.O. Box 871, Mount Vernon, Ohio.

First of Muskogee Company. 73–6091610. First National Bank and Trust Company of Muskogee, P.O. Box 1568, Muskogee, Okla.

First Oley Co. 23–6299727. First National Bank of Oley, Oley, Pa.

Firstop & Co. 48–6120961. First National Bank of Topeka, P.O. Box 88, Topeka, Kans.

First Pennsylvania Company. 23–6210715. First Pennsylvania Banking and Trust Company, 15th & Chestnut Sts., Philadelphia, Pa. 19101.

First Platte. First National Bank of North Platte, P.O. Box 10, North Platte, N. B. 69101.

First Point. 39–6054365. First National Bank of Stevens Point, 519 Main St., Stevens Point, Wisc.

First Registration Co. of Oklahoma City. 73–6091483 (b, c, h). First National Bank and Trust Company of Oklahoma City, Trust Dept., P.O. Box 2518, Oklahoma City, Okla. 73125.

First Roswell Company. 85–0065629. First National Bank of Roswell, Box 1977, Roswell, N. Mex.

First Securities Agency. 75–1311046. First National Bank of Brownfield, Box 1067, Brownfield, TX 79316.

First Stock Company. 74–6050528. First National Bank of Waco, P.O. Box 950, Waco, Texas.

First Tindal Company. 52–6034708. First-Second National Bank and Trust Company, 71 Baltimore St., Cumberland, Md.

First Trust & Co. (h). 84–6023690. First National Bank in Fort Collins, Box 578, Fort Collins, Colo. 80521.

First Trust Co. 35-6013793. c/o National City Bank of Evansville, P.O. Box 868, Evansville, Ind. 47701.

Firstway Company. 23-6238361. First National Bank and Trust Company, 13 W. Main St., Waynesboro, PA 17268.

Firstwest & Co. 95-6039839. First Western Bank and Trust Company, 548 S. Spring St., Los Angeles, Calif.

First Westland Co. 52-6083556. First National Bank and Trust Company of West Maryland, Trust Dept., 71 Baltimore St., P.O. Box 250, Cumberland, Md. 21502.

First Wilkes & Co. 23-6408018. First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa. 18701.

Firwat. 46-6020049. First National Bank of Watertown, One Kemp, Watertown, S.D. 57201.

Fisco. 04-6229406. Bay Bank and Trust Company, One State St., Lynn, MA 01901.

Fiseco. Financial Services Corporation, 148 Cain St., Atlanta, GA 30303.

Fish & Co. 04-6140639. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Fisher & Co. 51-6015761. Farmers Bank of the State of Delaware, Georgetown, Del.

Fisk & Co. 13-6062527. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.

Fiske & Co. Alfred F. Pillsbury Trust Estate, 601 Pillsbury Bldg., Minneapolis 2, Minn.

Fisoco. 75-6023235. First Southwest Company, Mercantile Bank Bldg., Dallas, Tex. 75201.

Fitch and Company. 74-6036567. Alamo National Bank of San Antonio, P.O. Box 900, San Antonio 6, Texas.

Fitseu & Company. 59-6128874. First National Bank and Trust Company of Eustis, 100 N. Bay St., Eustis, Fla.

Fivco. 22-6106535. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Five & Co. (h). 04-6228292. Pittsfield National Bank, 5 North St., P.O. Box 1142, Pittsfield, MA 01201.

Five-Bank & Co. Arlington Five Cents Savings Bank, Life Insurance Dept., 626 Massachusetts Ave., Arlington, Mass. 02174.

Fiveco. 58-6074605. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302.

Five North Federal Company. 42-6149364. First National Bank of Mason City, Box 411, Mason City, IA 50401.

Fives & Co. 13-6214758. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Fixedpiteb. 31-6033993. First National Bank of Cincinnati, Ohio, P.O. Box 1118, Cincinnati, Ohio, 45201.

Fixfund & Co. 94-6054995. Bank of California N.A., 400 California St., San Francisco 20, Calif.

Flab & Co. (e). 75-6094943. Republic National Bank of Dallas, P.O. Box 2964, Dallas, TX 75221.

Flabo & Co. 59-6137161. Florida National Bank and Company, 303 First St., Box 2551, W. Palm Beach, FL.

Flaco. 52-6083264. Union Trust Company of the District of Columbia, 15th & H Sts., Washington, D.C. 20005.

Flake & Co. 06-6119533. Waterbury National Bank, 195 Grand St., Waterbury, Conn. 06701.

Flame Co. (f). 56-6088944. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, N.C. 27102: Integon Corporation.

Flatop and Company. 55-6018863. Flat Top National Bank, Cor. of Federal & Raleigh Sts., Bluefield, W. Va.

Fleet & Co. 95-6126027. Bank of California, N.A., P.O. Box 54208, Los Angeles, Calif. 90054.

Flemston Company. 62-6041797. Third National Bank in Nashville, P.O. Box 76, Nashville, TN 37202.

Fletcher & Co. 37-6024645. Citizens National Bank of Decatur, c/o Trust Dept., 236 N. Water St., Decatur, Ill. 62525.

Flett & Co. 95-6203730. Bank of America N.T. & S.A., P.O. Box 2558 Terminal Annex, Los Angeles, CA 90054.

Flic & Co. 56-6073461. First Union National Bank of North Carolina, 301 S. Tryon St., P.O. Box 10311, Charlotte, N.C. 28201.

Flicka & Co. (d) 06-612512. The State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, Conn. 06904.

Flico & Co. 37-6099033. Franklin Life Insurance Company, One Franklin Square, Springfield, Ill. 62705.

Flinn & Fairman. 51-6015126W. Wilmington Trust Company, Wilmington, Del. 19899.

Float & Co. 04-6013757. Boston Floating Hospital, 20 Ash St., Boston 11, Mass.

Floco. 22-6132311. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Flood, Joseph and McAuley, Raymond. 36-1183230. Halsey, Stuart & Co., Inc., 30 Broad St., New York, N.Y. 10004.

Florilake & Company. 59-6137063. Florida National Bank at Lakeland, P.O. Box 40, Lakeland, Fla.

Florlando & Co. 59-6128585. Florida National Bank at Orlando, P.O. Box 3593, Orlando, Fla. 32802.

Florpete & Co. 59-6125859. Florida National Bank at St. Petersburg, P.O. Box 1191, St. Petersburg, Fla. 33731.

Flotru and Company. 59-6125540. Florida National Bank and Trust Company, P.O. Box 625, Miami 4, Fla.

Flow & Co. 13-1983525. Mayflower Securities Co., Inc., 32 Broadway, New York, N.Y. 10004.

Floyd and Company. 95-6036154. United California Bank, 600 Spring St., Los Angeles, Calif. 90014.

Fly & Co. 04-6115361. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Flynn M. & Co. 13-6062521. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

FMB Company. 38-6058335. Farmers & Merchants National Bank, P.O. Box 308, 94 W. Main St., Benton Harbor, Mich. 49022.

F N B Company, 04-1339950. Framington National Bank, 80 Concord St., Framington, Mass.

FNB Company. 75-6025747. First National Bank of Midland, Box 1599, Midland, Texas.

FNB & Company. 35-6201410. c/o First National Bank, 322 N. Main St., P.O. Box 735, Kokomo, Ind. 46901.

F.N.B. & Company. 73-6113040. The Fourth National Bank of Tulsa, P.O. Box 270, Boulder at Sixth, Tulsa, Okla. 79701.

FNB Inc. 46-6011919. First National Bank of Black Hills, Drawer 2048, Rapid City, S.D. 57702.

FNB Nominee Company. 25-6063537. First National Bank in Indiana, P.O. Box 400, Indiana, Pa. 15701.

FOAT & Co. 39-6083907. First National Bank of Appleton, c/o Trust Dept., 200 W. College Ave., Appleton, Wisc. 54911.

Foerderer & Foerderer (f). 23-6243200. First Pennsylvania Banking and Trust Company, Box 8786, Philadelphia, Pa. 19101.

Fog & Co. 04-6149722. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Fogg & Co. 04-6172461. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Foil & Co. 04-214436. New England Merchants National Bank, 28 State. St., Boston, Mass. 02106.

Folet & Co. 95-6219969. Union Bank, Trust Dept., Fifth & Figueroa Sts., P.O. Box 3100, Los Angeles, CA 90054.

Foley & Co. 04-6191501. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Fone & Co. 43-6079015. Boatmen's National Bank of St. Louis, P.O. Box 236, St. Louis, Mo. 63166.

Fonla & Co. (f). 35-6019123. Lafayette National Bank, c/o Trust Dept., 337 Columbia St., Lafayette, Ind. 47902.

Food & Co. 94-6200455. Bank of California, N.A., 400 California Street, San Francisco, Calif. 04120.

Forbank & Co. 13-6219459. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Forco. 22-6106534. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Ford Anderson & Co. 04-6042673. Hale & Dorr. 60 State St., Boston 9, Mass.

Ford & Co. 04-6012856. Old Colony Trust Company, P.O. Box 2016, Boston Mass. 02106: Putnam Vista Fund.

Ford & Jones. 44-6015360. First Trust Bank, 3727 Frederick Blvd., St. Joseph, Mo. 64506.

Fordyce & Company (f). 04-6014357. Cambridge Trust Company, c/o Trust Dept., 1336 Massachusetts Ave. (Harvard Sq.), Cambridge, MA 02138.

Forest & Co. 56-6117326. First Union National Bank of North Carolina, P.O. Box 2114, Winston-Salem, NC 27102.

FORFLOR & Co. (h). 48-6148284. Fourth National Bank and Trust Company, c/o Trust Dept., P.O. Box 1090, Wichita, Kans. 67201.

Forman & Co. 22-6041191. National State Bank, 68 Broad St., Elizabeth, N.J.

Formarc & Co. (h) 48-6130845. Fourth National Bank and Trust Company, c/o Trust Dept., P.O. Box 1090, Wichita, KS 67201.

Formorg Co. 84-0205287. First National Bank of Fort Morgan. Fort Morgan, CO 80701.

Fort & Co. 75-6013887. Fort Worth National Bank, P.O. Box 2050, Fort Worth, Texas.

Fort and Company. 54-6031877. National Bank & Trust Company, Box 711, Charlottesville, Va.

Fort Billings Fund Co. 22-6073472. National Bank and Trust Company of Gloucester County, 2 S. Broad St., Woodbury, N.J. 08096.

Forth & Co. (a-d) 48-6104944. Fourth National Bank and Trust Company, c/o Trust Dept., P.O. Box 1090, Wichita, KS 67201.

Fortrus & Co. 84-6020814. Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

Forum & Co. (h) 04-6228293. Pittsfield National Bank, 5 North St., P.O. Box 1142, Pittsfield, MA 01201.

Forward & Co. 39-6131552. First Wisconsin National Bank, P.O. Box 1271, Madison, WI 53701.

Forwash & Co. 38-6048925. c/o Detroit Bank and Trust Company, 211 W. Fort St., Detroit, Mich. 48231.

Foster & Co. 23-6200000. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Fots & Co. (f) 75-6108127. Republic National Bank of Dallas, Pacific at Erway, P.O. Box 2964, Dallas, Texas 75221.

Foundco. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054: The TI Corporation (of California) Foundation.

Four & Co. 13-6065579. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Fowler & Co. 13-6066947. Fiduciary Trust Company of New York, 1 Wall St., New York 5, N.Y.

Fox & Co. (f) 23-6420936. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Fox Thompson & Co. 94-6061761. Hong Kong Shanghai Banking Corporation, 80 Sutter St., San Francisco 4, Calif.

Foye & Co. 13-6021152. First National City Bank, 399 Park Ave., New York 22, N.Y.

Fra & Co. 84-6039322. First Trust Corporation, 444 Sherman St., Denver, Colo. 80203.

Frab & Co. 04-6037926. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Fram & Co. 12-1088640. French American

Banking Corporation, 120 Broadway, New York 5, N.Y.

Frampton & Co. 57–6018498. The First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Francine & Co. 22–6097221. Midland Bank, 80 E. Ridgewood Ave., Paramus, N.J. 07652.

Frank & Co. 14–6046709. First Trust Company of Albany, 35 State St., Albany, N.Y. 12201.

Franklin & Co. 23–6480831. Fidelity Bank, 135 S. Broad & Walnut Sts., Philadelphia, PA 19109: University of Pennsylvania.

Franklin Company. 04–6023774. Franklin County Trust Company, 324 Main St., Greenfield, Mass. 01301.

Franted. 42–3600632. S.T. Alcus & Co., 810 Whitney Bldg., New Orleans, La. 70130.

Franz Penco. 23–6480147. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Fraser & Co. 13–6067344. National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y.

Frawley, John F. & Co. 04–6013018. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101:

Scudder, Stevens & Clark Common Stock Fund, Inc.;

Scudder, Stevens & Clark Fund, Inc.

Frazer, James N. 25–9260049. Powell, Goldstein, Frazer & Murphy, 1130-The Citizens and Southern National Bank Bldg., Atlanta 3, Ga.

Frazolco. 13–1956953. Frazee Olifiers & Company, Inc. 55 Broadway, New York, N.Y. 10006.

Fred & Co. (b,c,h). 06–6022965. Second National Bank of New Haven, Trust Dept., P.O. Drawer 402, New Haven, CT 06512.

Fredericktown & Company (a–f). 52–6063752. Fredericktown Bank and Trust Company, 30 N. Market St. (or Box 548), Frederick, Md. 21701.

Free & Co. 04–6013235. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107: 1 Emerson St. East, Melrose, MA 02176.

Freer & Co. 36–6050549. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Fren & Co. (d). 35–6007541. Merchants National Bank & Trust Company of Indianapolis, c/o Trust Dept., 11 S. Meridian St., Indianapolis, Ind. 46204.

French & Co. 04–6056310. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Keystone Custodian Fund, Inc.

French & Company. Royal Trust Company, 247 Duckworth St., St. Johns, Nfld.

Frenco. 04–6193269. Friend Investment, Inc., 1 Emerson St., E., Melrose, Mass. 02176.

Fresco. 95–6107106. Security Pacific National Bank, P.O. Box 2097, Terminal Annex, Los Angeles, Cal. 90054.

Friedmar & Co. (b). 94–6221212. Mechanics Bank of Richmond, c/o Trust Dept., Ninth & MacDonald Ave., Richmond, Calif. 94801.

Friend Penco. 23–6480148. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Friendly Co. 11–6008063. National Bank of North America, 60 Hempstead Ave., West Hempstead, N.Y. 11552.

Frojack Co. 45–6010209. First National Bank in Grand Forks, Box 570, Grand Forks, N.D.

Front & Co. 04–6178647. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Frost & Co. 04–6172462. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

F.S.B. Company. 75–6011897. First State Bank, P.O. Box 2632, Odessa, TX 79760.

FSC & Company. 56–0223538. First Securities Corporation, 111 Corcoran St., Durham, N.C.

FS–N–CO. (a-h). 23–6427971. First Stroudsburg National Bank, Stroudsburg, Pa. 18360.

FSE & Co. 04–1287350. Emery, F. S. & Co., Inc., 111 Devonshire St., Boston 9, Mass.

FTC & Co. 84–6039322. First Trust Corporation, 4444 Sherman St., Denver, Colo. 80203.

Fudger & Co. 95–6066759. Beverly Hills National Bank, P.O. Box 908, Beverly Hills, Calif.

Fulgap Co. First National Bank of Catawba County, 39 Second St., N.W., Hickory, N.C.

Fuller & Co. (f). 04–6012857. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Fulton Company. 23–6242900. Fulton National Bank of Lancaster, Trust Dept., 7 N. Queen St., Lancaster, PA 17604.

Funation & Co. (f). 91–6098236. Seattle First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Funco. 95–2556630. Central Cashiering Corporation, 400 S. Beverly Dr., Beverly Hills, Calif. 90212: Funds International, Ltd.

Fund & Co. 13–6173316. County Trust Company, 235 Main St., White Plains, N.Y.

Funda & Co. (h). 84–6016411. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Funda & Co. 36–6050542. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Funda & Company. 38–6061079. Muskegon Bank & Trust Company, 335 W. Western Ave., Muskegon, Mich.

Funda Rayco. 58–6054908. The First National Bank of Gainesville, Gainesville, Ga.

Fundinco. Financial Investors Corporation, 148 Cain St., Atlanta, Ga. 30303.

Fund of Nations. 94–620500. The Bank of America N.A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120.

Funl & Co. 06–6126098. Hartford National Bank & Trust Co., Equity Products Department, 777 Main St., Hartford, Conn. 06115.

Furben & Co. 23–6238120. Schuylkill Haven Trust Company, Schuylkill Haven, Pa.

Furco (b). Carroll County Trust Co., Trust Dept., Main St., Conway, NH 03810.

Furl & Co. 04–6224598. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Fusterie & Co. 13–6300992. Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018.

Fuzz & Co. 04–6214443. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Gabfla, a Co-partnership. 59–6173884. Florida National Bank at Coral Gables, P.O. Box 1609, Coral Gables, Fla. 33134.

Gabin and Company. (b, h). Frank Straat, P.O. Box 1470, Church St. Station, New York, NY.

Gaff & Co. 04–6140642. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Gage & Co. 05–6003316. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Gagnon & Co. 04–6087190. Union National Bank, P.O. Box 620, Lowell, Mass. 01853.

Gain & Co. 36–6415907. Central National Bank in Chicago, Trust Dept., 120 La Salle St., Chicago, IL 60603.

Gale & Co. (d) (f). 36–2482116. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, IL 60690.

Gales and Company. 16–6024582. Security Trust Company, One East Ave., Rochester, NY 14604.

Galley & Co. 04–2399822. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Galt & Co., 04–6013236. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Gangway & Co. 04–6224558. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Gans & Co. (f). 04–6012930. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Gansel & Co. 13–6022152. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Gar & Co. 95–6258619. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

Gardco. 99–6005745. Bishop Trust Company, Limited, P.O. Box 2390, Honolulu, Hawaii 96804.

Garden St. Co. 06–0304620. Connecticut Mutual Life Insurance Company, 140 Garden St., Hartford, Conn. 06115

Garland & Company (b). 75–6020928. Republic National Bank of Dallas, P.O. Box 2716, Dallas, Texas 75221.

Garlaw & Co. (f). 21–0742959. South Jersey National Bank, Broadway & Cooper Sts., Camden, N.J. 08101.

Garran & Company (a,b). 04–6014358. Cambridge Trust Company, c/o Trust Dept., 1336 Massachusetts Ave. (Harvard Sq.), Cambridge, MA 02138.

Garven & Company. The Royal Trust Company, 626 W. Pender St., Vancouver, B.C., Canada.

Gasco. 13–5369510. Saxton, G.A. & Co., Inc., 52 Wall St., New York 5, N.Y.

Gass & Co (b). 88–6011167. First National Bank of Nevada, Trust Dept., 300 E. Carson, P.O. Box 190, Las Vegas, Nev. 89101.

Gates, Edwin D. 24–0546960. Citizens Safe Deposit and Trust Company, 102 N. Main St., Coudersport, Pa.

Gateway and Company (A). 16–6115787. Marine Midland Trust Company of Southern New York, 84 Court St., Binghamton, NY 13902.

Gator. 59–6145439. First National Bank of Stuart, Trust Dept., Drawer 394, Stuart, FL 33494.

Gaudette & Co. 02–6003946. Nashua Trust Company, 194 Main St., Nashua, N.H. 03060.

Gavin & Co. 13–5123346. Morgan Guaranty Trust Company, P.O. Box 1479 Church St. Station, New York, NY 10008.

Gaw & Co. 52–6037548. Farmers National Bank of Annapolis, 5 Church Circle, Annapolis, Md.

GBT Co. 47–044790. Omaha National Bank, 1700 Farnam St., Omaha, NB 68102. George Brandeis Testamentary Trust.

GCO. 25–6073409. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Geary & Co. (c). 94–6065005. Crocker-Citizens National Bank, 1 Montgomery St., San Francisco, Calif. 94120.

Geco & Company. 34–0264125. Green, Erb & Co., Inc., 1718 The Superior Bldg., Cleveland 14, Ohio.

Gee & Co. Canadian Imperial Bank of Commerce, 25 King St., W. Toronto, Ont., Canada.

Gee & Company. 94–6168146. Hugh Gee Associates, Inc., 601 California St., Suite 711, San Francisco, Calif.

Geegee & Co. 34–6612769. Cleveland Trust Company, P.O. Box 6147, Cleveland, OH 44101.

Gem & Co. (c). 04–6012926. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Gemfund & Co. 94–6190693. Bank of California, N.A., Mutual Funds Division, 400 California Street, San Francisco, Calif. 94120: Agefund, Inc.

Gemini & Co. 25–6077775. Security-Peoples Trust Company, Erie, Pa. 16512.

Genamex Co. American Express International Banking Corporation, 65 Broadway, New York NY 10006.

Genco (h) 38–6075817. Genessee Merchants Bank & Trust Co. One E. First St., Flint, Mich. 48502.

General Investment Partnership. 39–6127674. General Investment Partnership, Suite 450, 611 E. Wisconsin Ave., Milwaukee, Wisc. 53202.

Genoy & Co. 13–6020780. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Gensoc & Co. 13–6280322. Societe Generale, 66 Wall St., New York, N.Y. 10005.

George & Co. 22–6041194. National Newark & Essex Bank, 744 Broad St., Newark, N.J. 07101.

George & Co. 04–6040735. New England

Merchants National Bank, Securities Clearance Dept. 28 State St., Boston, Mass.

George & Company. 63-6043617. American National Bank and Trust Company, Mobile 9, Ala.

George, Willis & Co. 13-6021936. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Georgia Company. 58-6075103. Georgia Railroad Bank and Trust Company, Trust Dept., Augusta, Ga. 30903.

Gepco. 22-6106541. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Gerald & Co. 41-6083882. G.J. Bratter & Company, 940 Cargill Bldg., Minneapolis, Minn. 55402.

Gerco. 35-6209481. The Peoples Trust and Savings Company, 913 S. Calhoun St., Fort Wayne, Ind. 46802.

Gerico(f) 56-6089049. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, N.C. 27102.

Gerlach & Co. 13-6021155. First National City Bank, 399 Park Ave., New York 22, N.Y.

Gerlen & Co., a partnership (b) 54-6080498. 2734 Fort Ave., Lynchburg, Va. 24504.

Gerog Company. 22-1238108. George A. Rogers & Co., Inc., 120 Broadway, New York, N.Y. 10005.

Gerrish & Company. 04-6013493. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Gerroll & Company. McHenry State Bank, 3510 W. Elm St., McHenry, IL 60050.

Gerry & Co. 05-6023672. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I., 02901.

Gesco. 62-6039964. Genesco, 111 Seventh Ave., N., Nashville 3, Tenn.:

Gesco Pooled Trust Investment Fund;
Genesco Employees Retirement Trust;
Berland Shoe Company Profit Sharing Plan;
L. Greif Pension Trust, and
English-American Pension Trust

Ghiron & Co., 13-2642767. Jordan, G. P. & Co., Inc. 144 Broadway, New York, NY 10018.

Giannini Co. 94-6061250. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Gibbs & Co. 06-6034508. State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, Conn. 06904.

Gibson, F. E. & Co. 34-6504859. Cleveland Trust Company, The, Loans & Securities Dept., 916 Euclid Ave., Cleveland, Ohio 44101.

Gid & Co. (a). 35-6210697. Marshall County Bank & Trust Company, 314 N. Michigan St., Plymouth, Ind. 46563.

Gieb & Co. 41-6079654. Giebank, G. G., 760 Grain Exchange, Minneapolis, Minn. 55415.

Gif & Co. 36-6050544. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Gilbert & Co. 22-6026862. Trust Company of New Jersey, 35 Journal Sq., Jersey City 6, N.J.

Gilbert Securities Limited. Royal Trust Company, The, P.O. Box 730, Place d'Armes, Montreal 1, Que., Canada.

Gilco. 04-6220088. Holyoke National Bank, 225 High St., Holyoke, Mass.

Gill & Co. 13-6066950. Fiduciary Trust Company of New York, 1 Wall St., New York 5, N.Y.

Gillespie & Co. 36-6035162. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Gillies & Co. 13-6109253. Marine Midland Bank of Southeastern New York, 347 Main St., Poughkeepsie, NY 12602.

Gilman & Co. 06-6074770. Union Trust Company, Trust Dept., Church & Elm St., New Haven, CT 06510.

Gilmet & Co. 13-6303534. Irving Trust Company, Personal Trust Division, 1 Wall St., New York, NY 10015.

Gilmore & Company. 15-6017221. First-City National Bank of Binghamton, 2 Chenango St., Binghamton, N.Y.

Gilsac and Company. 54-6031972. United Virginia Bank/First Nation, c/o Trust Dept., P.O. Box 678, Lynchburg, Va. 24505.

Gina Co. 01-6021694. First Manufacturers National Bank, P.O. Box 630, Lewiston, Me.

Gins & Co. 04-6214080. Guarantee Mutual Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605.

Gitfund & Co. 94-6190712. Bank of California, N.A., Mutual Funds Division, 400 California Street, San Francisco, Calif. 94120. (Competitive Associates, Inc.)

Glade & Co. 04-6226075. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02110.

Gleason & Co. 04-6013505. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Gleis & Co. 94-6197302. Bank of California, N.A., 400 California Street, San Francisco, Calif. 94120.

Glen & Co. 36-6072444. National Bank of Austin, 5645 W. Lake St., Chicago 44, Ill.

Glenfalco. 14-6031826. Glens Falls National Bank and Trust Company, 250 Glen St., Glens Falls, N.Y.

Glenn & Co. 23-6254586. Peoples National Bank & Trust Company of Norristown, The, 43 E. Main St., Norristown, Pa.

Gleve & Co. (a-d, e). 74-6091556. Southern National Bank, P.O. Box 2529, 921 Main St., Houston, TX 77001.

Glo & Co. (F). 35-1154335. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, PA 19101.

Globe & Co. 04-6013024. Fiduciary Trust Company, P.O. Box 1647, Boston 5, Mass.

Gloucester & Co. 04-6219322. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Glyns Nominees Limited. Glyn Mills & Co., 67 Lombard St., London E.C. 3, England.

GMF Company (h). 75-6025748. First National Bank of Midland, P.O. Box 270, Midland, Texas 79701.

Gmster & Co. 94-6087349. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

GNB Company (a, b, c, h). 35-6014058. Gary National Bank, 504 Broadway, P.O. Box 209, Gary, IN 46402.

Gnil & Co. 75-6082209. First National Bank in Dallas Trust Div., P.O. Box 6031, Dallas TX 75222.

Goal & Co. 95-6261939. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, CA 90014.

Goco (e). 43-6079623. Commerce Bank of Kansas City, 210 Commerce Bldg. (P.O. Box 248), Kansas City, Mo. 64141.

Godwin & Co. (a, b). 13-6065159. Underwriters Bank & Trust Company, 50 Broadway, New York, N.Y. 10004.

Gold and Company. 94-6092620. Golden Gate National Bank, 130 Montgomery St., San Francisco, Calif.

Goldbranch and Company. 56-6042666. Branch Banking & Trust Company, 200 E. Walnut St., Goldsboro, N.C.

Golee & Co. 31-0520646. George Eustis & Co., 508 Tri State Bldg., Cincinnati, Ohio.

Good & Co. (f). 23-1691524. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, PA 19101. (FML Growth Fund, Inc.)

Goodbank & Co. 34-6616242. Goodyear Bank, 1177 E. Market St., Akron, Ohio 44305.

Goodin & Co. 35-6032466. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Goodspeed and Company. 38-6176725. Maccabees Mutual Life Insurance Company, c/o Investment Dept., 25800 Northwestern Hway., Southfield, Mich. 48075.

Goodwin & Company. Royal Trust Company, Box 730, Place d'Armes, Montreal 1, Que., Canada.

Gooss & Co. 13-6022154. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Gordon & Co. 05-6008359. Cummings & Co., Inc., 15 Westminster St., Providence 3, R.I. (Quality Investors Fund, Inc.)

Gore Co. Canadian Imperial Bank of Commerce, 1155 Dorchester Blvd., P.O. Box 6003, Montreal, P.Q., Canada.

Gorman & Co. 13-6145551. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Gormess & Co. 36-6414791. Columbia National Bank of Chicago, 5250 N. Harlem Ave., Chicago, Ill.

Gorp & Co. 04-6037927. Welch & Forbes, Room 1034, 73 Tremont St., Boston 8, Mass.

Gosline & Co. 38-6060704. First National Bank of Southwestern Michigan, c/o Trust Dept., 210 E. Main St., Niles, Mich. 49120.

Gottardo & Co. 13-6300991. Republic National Bank of New York, 5th Ave., at 40th Street, New York, N.Y. 10018.

Gould & Co. 95-6258622. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

Goul State & Co. 04-6229894. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Gove & Co. 52-6020310. Riggs National Bank of Washington, D.C., 800-17 N.W., Washington, D.C. 20013. (Shares in American Industry, Inc.)

Gow & Company. 16-6023713. Marine Midland Trust Company of Western New York, Power City Office, Niagara Falls, N.Y.

Goya & Co. 04-6195862. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

G P R & Co. 75-6006003. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Gracechurch Co. 13-6090954. Barclay's Bank. D.C.O., 120 Broadway, New York, N.Y.

Grago & Co. 04-6233166. Ropes & Gray, 225 Franlin St., Boston, MA 02110.

Graham & Co. 05-6003315. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Grainger & Co. 06-6033517. The Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Gram & Co. 13-6021934. Irving Trust Company, 21st St. & Fifth Ave., New York, N.Y.

Gramont & Co., International Trust Company, 1015 Beaver Hall Hill, Montreal, Que., Canada.

Gran & Co. 04-6037939. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Grand & Co. 84-6030079. c/o First National Bank, 464 Main St., P.O. Box 608, Grand Junction, Colo. 81501.

Grand Old Co. 31-6021172. First National Bank, Zanesville, Ohio.

Grandin & Co. 13-6062523. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Granite & Co. 01-6008694. First National Granite Bank, Augusta, Maine.

Granite & Co. (b) 04-1299133. Fall River Trust Co., 43 N. Main St. (or P.O. Box 430), Fall River, MA 02722.

Granny & Co. 04-6224566. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Grant & Co. 39-6044028. Employers Mutuals Retirement Trust, 407 Grant St., Wausau, Wisc.

Grant & Co., Bank of Montreal, 500-520 Granville, Vancouver, B.C., Canada.

Grant & Co. 88-6002471. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Grant & Company. 56-6043182. First Union National Bank of North Carolina, 301 S. Tryon St., P.O. Box 10091, Charlotte, N.C. 28201.

Grant, Truman C. & Co. 37-6035358. Granite City Trust and Savings Bank, 1909 Edison Ave., Granite City, Ill.

Grator & Co., International Trust Company, 101 Richmond St., Toronto, Ont., Canada.

Gratru Company. 25-6064604, First-Grange National Bank, Huntington, Pa.

Gravelyn & Co. 38-6110901. Michigan National Bank, Grand Rapids, Mich.

Gray & Co. 05–6003314. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Grayward Company. 62–6036163. Third National Bank in Nashville, c/o Trust Dept., 170-Fourth Ave., North (or P.O. Box 76) Nashville, Tenn. 37202.

Great Hill & Co. 04–623718. Great Hill Trust, Management Corp., 28 State St., Boston, Mass. 02109. (U/Ind. Galen L. Stone et al.)

Green & Co. 56–6034750. Wachovia Bank and Trust Company, P.O. Box 3075, Winston-Salem, N. Car. 27102.

Greene and Co. 16–6019711. Marine Midland Trust Company of Rochester, P.O. Box 669, Rochester 2, N.Y.

Greenleaf Company. 23–6262882. Industrial Valley Bank and Trust Company, Old York Rd. and West Ave., Jenkintown, Pa. 19046.

Greer & Co. 04–6134401. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Greet & Co. (h) 06–6077980. The State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, CT 06904.

Greg & Co. 95–2505110. Frederick Gregory & Company, 61 W. Sixth St., Los Angeles, Calif. 90017.

Gregmar & Co. (f) 01–6029847. Sanford Trust Company, 8 Washington St., Sanford, Maine 04073.

Grieco Partnership. 37–6027063. Illinois State Trust Company, First National Bank Bldg., East St. Louis, Ill.

Griffin & Co. 84–6615534. Colorado National Bank of Denver, P.O. Box 5168, Denver 17, Colo. (Centennial Fund, Inc.)

Griffin & Co. 13–6021172. First National City Bank, 399 Park Ave., New York 22, N.Y.

Grimco. 95–2579799. United California Bank, 534 W. Sixth St., Los Angeles, Calif.

Grit & Co. 04–6214442. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Gro & Co. (h) 06–6070744, Simsbury Bank and Trust Company, 740 Hopmeadow St., Simsbury, Conn. 06070.

Groeq & Co. First National Bank of Lake Forest, c/o Trust Dept., P.O. Box 391, Lake Forest, IL 60045.

Grommet & Co. 04–6224567. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Groosco. (a, b) 74–6034807. Groos National Bank of San Antonio, P.O. Box 1330, San Antonio, Texas 78236.

Groosnatco. (h) 74–6091880. Groos National Bank of San Antonio, P.O. Box 1330, San Antonio, Tex. 78206.

Groostrusco. (h) 74–6111656. Groos National Bank of San Antonio, P.O. Box 1330, San Antonio, Tex. 78206.

Gross and Co. 74–6042141. Guaranty National Bank & Trust of Corpus Christi, P.O. Box 749, Corpus Christi, Texas 78403. (Gilmour, Robert B Trust).

Gross and Company. 13–6260184. The Bank of Nova Scotia, 37 Wall St., New York, N.Y. 10005.

Group & Co. The Canadian Imperial Bank of Commerce, 389 Main St., Winnipeg 3, Man., Canada.

Grove & Co. 95–6024207. Bank of American N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Grover & Co. (h) 05–6006106. Citizens Trust Company, 870 Westminister St., Providence, R.I. 02902.

Groves & Co. 22–6042450. National State Bank, 24 Commerce St., Newark 1, N.J.

Growco & Company. 64–6020607. Deposit Guaranty Bank and Trust Company, 201 E. Capitol St., Jackson, Miss. 39205.

Growth & Co. 36–6162260. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Gryfund & Co. 84–6047194. First National Bank of Denver, Trust Dept., P.O. Box 5825, Denver, CO 80217. (Founders Mutual Depositors Corporation.)

Guarco. 42–6120843. Guaranty Bank & Trust Co., Cedar Rapids, Iowa.

Guard & Co. 16–6100662. Lincoln Rochester Trust Company, 183 Main St., East, P.O. Box 1412, Rochester, NY 14603.

Guardtor & Co. National Trust Company Limited, Box 4074, Terminal A, Toronto 1, Ont., Canada.

Guban & Co. 86–6056009. United Bank of Arizona, P.O. Box 2908, Phoenix, Ariz. 85036.

Gucom & Co. 86–6056008. United Bank of Arizona, P.O. Box 2908, Phoenix, Ariz. 85036.

Gucourt & Co. 86–6056005. United Bank of Arizona, P.O. Box 2908, Phoenix, Ariz. 85036.

Guder & Co. 13–1887440. New York Public Library, Fifth Ave. & 42nd St., New York, N.Y.

Gudgeon & Co. 04–6215108. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Guerico & Co. 16_6018782. Marine Midland Trust Company of Western New York, 237 Main St., Buffalo, N.Y. 14205.

Guilna & Co. 56–6042732. North Carolina National Bank, P.O. Box A–1, Greensboro, N.C.

Gula & Co. (b). 41–6093164. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, MN 55480.

Gulbanco. Gulf National Bank at Lake Charles, Lake Charles, LA 70601.

Gulf Company, The. 59–0242470. First Bank & Trust Company of Pensacola, P.O. Box 631, Pensacola, Fla.

Gull & Co. 04–6149725. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Gunderson & Co. 13–5659485. First Boston Corporation, 20 Exchange Place, New York 5, N.Y.

Gunn & Co. 13–6022161. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Gunther & Co. 13–6066163. Swiss Bank Corporation, 15 Nassau St., New York, N.Y.

Gunwale & Co. 04–6215151. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Gupen & Co. 86–6056006. United Bank of Arizona, P.O. Box 2908, Phoenix, Ariz. 85036.

Gupriv & Co. 86–6056007. United Bank of Arizona, P.O. Box 2908, Phoenix, Ariz. 85036.

Gur & Co. 23–6476746. INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101. Ina Corporation.

Gurney & Co. (b). 04–6012936. First National Bank of Boston, P. O. Box 644, Boston, Mass. 02102.

Gus & Co. 04–6012858. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Gut Co. 01–6021695. First Manufacturers National Bank, P.O. Box 630, Lewiston, Me.

Gutman, W. J., E. A. Pierce & Co., 70 Pine St., New York, N.Y.

Guyan & Co. 55–0186280. Guyan Eagle Investment Company, Huntington, W. Va.

Guyan Co. (d). 55–0186280. First Pennsylvania Banking and Trust Company, P. O. Box 8786, Philadelphia, PA 19101.

Guybruck & Co. (a–c). 23–6283724. Cumberland County National Bank and Trust Company, 21st & Market Sts., Camp Hill, Pa. 17011.

Guycourt and Company Of New York (b–d). 15–6017222. Marine Midland Trust Company of Southern New York, 84 Court St., Binghamton, NY 13902.

Gwen & Co. 41–6091197. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Haas & Co. (f). 23–6480156. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Habco. 31–6078034. First National Bank of Cincinnati, Ohio, P.O. Box 1118, Cincinnati, Ohio 45201.

Hac & Co. 25–6033719. First National Bank of Lawrence County, 101 E. Washington St., New Castle, Pa. 16101.

Hackbro, a Partnership. 03–6015797. Hackett & Company, Inc., 198 College St., Burlington, Vt.

Hackley & Co. 38–6060035. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Alpha Co. 38–6119640. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Beta Co. 38–6119641. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Chi Co. 38–6119642. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Delta Co. 38–6119643. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Upsilon Co. 38–6119645. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley XI Co. 38–6119644. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Hackley Zeta Co. 38–6119646. Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443.

Haddon & Co. 22–6092019. Colonial National Bank, c/o Trust Dept., P.O. Box 150. (Haddonfield, NJ 08033.)

Hade & Co. 22–6042202. National State Bank, 68 Broad St., Elizabeth, N.J.

Haffner, F.J. & Co. 34–6504876. Cleveland Trust Company, Trust Dept., P.O. Box 6147, Cleveland, OH 44101.

Haftons & Co. 44–6009684. City National Bank & Trust Company, Ninth & Grand, Kansas City, Mo. 64141.

Hagas & Company. 54–6037878. Farmers & Merchants State Bank, 1001 Princess Anne St., Fredericksburg, Va.

Hagco. 13–6165275. Horton A. Goldman, 165 Tuckahoe Rd., Yonkers, N.Y.

Hagerman & Co. 13–6173181. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Haggard & Co. 06–0493340. Phoenix Mutual Life Insurance Company, One American Row, Hartford, Conn. 06115.

Hah & Co. 25–0996637. Hulme, Applegate & Humphrey, Inc. Union Trust Bldg., Pittsburgh 19, Pa.

Hahn & Co. 04–6184942. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. 02106. (Hahnamann Hospital).

Haines Penco. 23–6480149. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Hal & Co. 36–6035161. American National Bank & Trust Company, P.O. Box DD, Chicago, Ill. 60690.

Halad & Co. 21–0611719. Fidelity Securities & Investment Co., Inc., 601 Bangs Ave., Asbury Park, N.J.

Haldor & Co. 04–6013237. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Hale & Co. 21–6012190. First Trenton National Bank, 1 W. State St., Trenton 4, N.J.

Haledo & Co. 72–6017325. Whitney National Bank of New Orleans, P.O. Box 61260, New Orleans, La. 70160.

Hall & Co. 22–6041451. Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City. N.J. 07302.

Hall & Co. 23–6200001. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Hall & Company. 06–6032439. Union Trust Company, Trust Dept., Church & Elm Sts., New Haven, CT 06510.

Hall & Thayer. 04–6042686. Hale & Dorr, 60 State St., Boston 9, Mass.

Hallco. 11–6016629. Hempstead Bank, 40 Main St., Hempstead, N.Y. 11550.

Haller, Helen E. 95–0886132. Jones, William H. & Co., 453 S. Spring St., Los Angeles, Calif. 90013.

Hallock & Co. Gramatan National Bank & Trust Co., Bronxville, N.Y.

Hallvan & Co. Hall Securities Limited, 789 W. Pender St., Vancouver, B.C., Canada.

Halperm & Co., Canada Permanent Trust Company, 5160 Prince St., Halifax, Nova Scotia, CN.

Halsco & Co., Bank of Nova Scotia, 183–7 Hollis St., Halifax, N.S., Canada.

Halsey & Co. 13–6020900. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Halsix & Co. 36–6070648. Chicago City Bank & Trust Company, 815 W. 63rd St., Chicago 21, Ill.

Halsmith & Co. 01–6009193. Casco Bank & Trust Company, 475 Congress St., Portland, Me.

Halt & Co. 04–2454769, c/o Stock Clearing Corp. of Boston, 53 State St., Boston, Mass. 02109.

Halyard & Co. 04–6215105. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Ham & Co. (f) 04–6012859. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Ham and Company. 62–6039552. Hamilton National Bank of Knoxville, Gay & Clinch, Knoxville, Tenn.

Ham, Banks and Company. 62–6037492. Hamilton National Bank, P.O. Box 1210, Johnson City, Tenn.

Hamac & Company. 54–6031792. United Virginia Bank/State-Planters, Trust Dept., P.O. Box 6–E, Richmond, VA 23214.

Hamilfund & Co. 84–6040742. First National Bank of Denver, Trust Dept., P.O. Box 5886 T.A. Denver, CO 80217. (Hamilton Funds, Inc.)

Hamill & Company. 74–6036490. First City National Bank of Houston, P.O. Box 2557, Houston 1, Texas.

Hamilton & Co. 13–6062522. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Hamiltrus & Co. 44–6009685. City National Bank and Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Hammer & Co. 94–6100518. Bank of America N.T. & S.A. P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Hamat and Company. 62–6034783. Hamilton National Bank, 701 Market St., Chattanooga, Tenn. 37402.

Hampton & Co. (H) 57–6029294. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Hamsco & Co., Bank of Nova Scotia, 12–14 King St., E. Hamilton, Ontario, Canada.

Hanab Company. 52–6033947. National Bank of Washington, 619–14th St., N.W., Washington 4, D.C.

Hancock & Co. 88–6002986. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Hancock, George F. 31–0242380. Citizens Bank, 10 S. Second St., Hamilton, Ohio.

Handco. 34–6609122. First National Bank of Mansfield, P.O. Box 349, Mansfield, Ohio 44901.

Hank & Co. 13–6021150. First National City Bank, 399 Park Ave., New York 22, N.Y. (United Corporation.)

Hann & Co. 52–6034908. First National Bank of Maryland, Light & Redwood Sts., Baltimore, Md.

Hanover Nominees, Ltd. Manufacturers Hanover Trust Company, 7 Princes St., London E.C. 2, England.

Hap & Co. 36–6046932. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, IL 60690.

Harco. 04–6229404. Bay Bank and Trust Company, One State St., Lynn, Mass. 01901.

Hard & Co. 39–6128923. First National Bank of Neenah, Neenah, Wisc. 54956.

Hardyco. 75–6089733. Central National Bank, McKinney, Texas 75609.

Hardy Penco. 23–6480150. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Hare & Co. 13–6062916. Bank of New York, 48 Wall St., New York, N.Y. 10015. (American Investors Fund, Inc., Dreyfus Investment Program, Electronics Investment Corporation, Fairfield Fund, Inc., First Fund of Virginia, Inc., Fleetwood Securities Corporation, L.M. Rosenthal Fund, Rosenthal, L.M., Fund.)

Hare & Co. 13–2591068. Bank of New York, 52 William St. 3rd Floor, New York, NY 10005. (Sherman Dean Fund, Inc.)

Hare and Company. 13–6064398. The Bank of New York, 90 Washington St., New York, NY 10015.

Hark & Co. 84–6027812. First Trust Corporation, 444 Sherman St., Denver, Colo.

Hark & Co. 41–6018766. Craig-Hallum, Kinnard, Inc., 133 S. Seventh St., Minneapolis 2, Minn. (Sovereign Investors, Inc.)

Harkil & Co. 06–6050674. Meriden Trust and Safe Deposit Co., 14 W. Main St., Meriden, Conn.

Harlon Penco. 23–6480151. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Harman & Co. 64–6020122. First National Bank of Jackson, Jackson, Miss.

Harmony Co. (b). 23–6411748. Farmers Trust Company, One W. High St., Carlisle, Pa. 17013.

Harpal & Co. Palos State Bank, 12321 S. Harlem Ave., Palos Heights, IL 60463.

Harper & Co. 34–6617508. Northeastern Ohio National Bank, Trust Dept., P.O. Drawer B, 4366 Main Ave., Ashtabula, OH 44004.

Harrigan & Co. (e). 13–6062530. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y. (Carriers & General Corporation.)

Harrington & Company. 04–6031953. Harvard Trust Company, 1414 Massachusetts Ave., Cambridge 38, Mass.

Harrington, Wm. A. 13–5134872. Hayden, Stone & Co., 25 Broad St., New York, N.Y.

Harris & Co. 04–6012943. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Harris & Co. 88–6010437. Bank of Nevada, Trust Dept., 225 E. Bridger St., P.O. Box 1720, Las Vegas, NV 89101.

Harrison, John T. Flynn, Harrison & Conroy, 99 John St., New York 7, N.Y.

Harry & Co. Dunkirk Trust Company, Box 254, Dunkirk, N.Y.

Hart & Company. 06–6032453. City Trust Company, 961 Main St., Bridgeport 2, Conn.

Hart and Co. 35–6032746. Citizens State Bank, Hartford City, Ind.

Hartbank & Co. (b). 06–6032093. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Hartek & Co. (b). 06–6115986. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Hartford Accident Co. 06–0383030. Hartford Accident & Indemnity Co., Hartford Plaza, 690 Asylum Ave., Hartford, Conn. 06115.

Hartford Fire Co. 06–0383750. Hartford Fire Insurance Company, Hartford Plaza, 690 Asylum Ave., Hartford, Conn. 06115.

Hartru & Co. 34–6565883. Harter Bank & Trust Company, P.O. Box 111, Canton, Ohio.

Harva and Company. 54–6095143. Virginia National Bank, P.O. Box 512, Harrisonburg, VA 22801.

Harvard & Co. 04–6037938. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107. (Harvard College.)

Harwel. 23–1097308. Smith, E. W. & Co., 1425 Chestnut St., Philadelphia, Pa.

Harwin & Co. 74–6035090. First Hutchings-Sealy National Bank, P.O. Box 1500, Galveston, Texas.

Harwood & Co. 04–6013017. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101. (Fidelity Trend Fund Inc.)

Harz & Co. 22–6041449. Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, N.J.

Hatch & Co. 13–5133790. Frederic H. Hatch & Co., Inc., 63 Wall St., New York, N.Y.

Hatfield & Co. 94–6056805. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Hatheway & Co. 06–6044920. Union Trust Company, Box 1297, Stamford, CT 06904.

Hatridge and Co. 74–6107882. Guaranty National Bank and Trust of Corpus Christi, P.O. Drawer 749, Corpus Christi, TX 78403. (Keogh Plans.)

Haule & Company. 06–6044917. Union Trust Company, Box 1297, Stamford, CT 06904.

Haven & Co. 13–6021942. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Havenrock & Company. 04–6035461. Bradford M. Endicott and Russell B. Stearns Trustees, 111 Devonshire St., Rooms 708–812, Boston, Mass.

Hawco. 99–6003286. Hawaiian Trust Company, Limited, P.O. Box 3170, Honolulu 2, Hawaii.

Hawcorp (a-d). 42–6134910. First National Bank, P.O. Box 271, Clinton, IA 52732.

Hawes & Co. E. Lowitz & Co. 29 Broadway, New York, N.Y.

Hawkes & Company. 13–5659485. First Boston Corporation, 20 Exchange Place, New York 5, N.Y.

Hawkeye & Co. 04–6048849. Hogan, Ashford & Co., Inc., 141 Milk St., Boston 9, Mass.

Hax & Co. 22–6144239. First Jersey National Bank, Trust Dept., One Exchange Place, Jersey City, NJ 07303.

Haydon Penco. 23–6480152. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Hayes & Co. 04–6013653. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109. (Shawmut Association.)

Hayward & Co. 13–6274196. Chemical Bank, 20 Pine St., New York, NY 10017. (Atlantic Richfield Retirement Plan.)

Hazbank Co. 24–6014787. Hazelton National Bank, W. Broad St., Hazelton, Pa.

Heaa & Co. 84–0527373. Collins, Eatherton & Associates Inc., 120 16th St., Denver 2, Colo.

Healdan Company. 74–6106944. First National Bank of Richmond, Richmond, Texas.

Healey & Company. 04–2027769. Carr & Thompson, Inc., 31 Milk St., Boston, Mass.

Healy & Co. 13–6083180. American International Corporation, 48 Wall St., New York, N.Y.

Heard Penco. 23–6480153. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Hedge & Co. 06–6115138. c/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Hefren & Co. 25–1121408. Union National Bank of Pittsburgh, Fourth Ave. & Wood St., Pittsburgh, Pa. 15222.

Hegel & Co. 22–6042449. National State Bank, 24 Commerce St., Newark 1, N.J.

Heil & Co. 13–6065573. United States Trust Company of New York, 45 Wall St., New York 5, N.Y. (Institute for Advanced Study. (Louis Bamberger and Mrs. Felix Fuld Foundation, Princeton University.)

Heinzer & Co. Heinzer Corporation, 20 N. Wacker Dr., Chicago, IL 60606.

Held & Co. 94–6063195. Strauss, J. S. & Co., 155 Montgomery St., San Francisco, Calif. 94104.

Helen & Co. 11–6016871. Laver, John J. & Company, Inc., 2612 Avenue W., Brooklyn, N.Y. 11229.

Helm Co. (b, h). 04–6027448. Attleboro Trust Company, Box 330, 8 N. Main St., Attleboro, MA 02703.

Hemfar & Co. (c). 13–6064422. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Hemis & Co. (f). 13–6221325. Chemical Bank, 20 Pine St. New York, NY 10017. (Hemisphere Fund.)

Hen & Co. 13–6093653. National Bank of North America, 160 Broadway, New York, N.Y. 10038.

Hendbor. 95–2046104. Henderson, R. J. & Co., Inc., 621 S. Spring St., Los Angeles 14, Calif.

Henderson & Company. 23–6260935. Industrial Valley Bank and Trust Company, Commercial Dept., 1700 Market St., Philadelphia, Pa. 19103.

Henderson & Company. Royal Trust Company, 54 King St., E., Hamilton, Ont., Canada.

Henderson, Theo. C. 42–6052275. T. C. Henderson & Co., Inc., 518 Grand Ave., Des Moines 9, Iowa. (Supervised Shares, Inc.)

Henley & Company. Barber Steamship Company, 17 Battery Place, New York, N.Y.

Henry & Co. 84–0568306. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Henry & Co. 57–6019458. South Carolina National Bank, P.O. Drawer 969, Greenville, S.C.

Henry Co. (f) 84–6045104. Denver United States National Bank, Denver, U.S. Center, Denver, Colo. 80217.

Henry, Harris & Co. 13–6021933. Irving Trust Company, Fifth Ave. & 34th St., New York, N.Y.

Hep & Co. 95–6138526. United California Bank Trust Division, Box 3667, Terminal Division, Los Angeles, Calif. 90054.

Hereford & Co. 04–6219326. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Herget & Co. 37–6033027. Herget National Bank of Pekin, 33 S. Fourth St., Pekin, Ill.

Herjon & Co. (b, c, h). 14–6022679. National Commercial Bank and Trust Company, 60 State St., Albany, NY.

Hermco. 95–6107107. Security Pacific National Bank, P.O. Box 2097, Terminal Annex, Los Angeles, Calif. 90054.

Herr & Company. 25–6021584. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Hershey, Milton, & Co. 23–1353340. Hershey Trust Company, 9 W. Chocolate Ave., Hershey, PA 17033. Hershey, Milton, School.

Hertrus & Co. 23–6243835. Hershey Trust Company, 9 W. Chocolate Ave., Hershey, Pa. 17033.

Herzco. 13–1955436. Herzog & Company, Inc., 170 Broadway, New York, N.Y. 10038.

Hes & Co. 43–603437. Sanders, Edwin C. & Co., 1300 Boatmens Bank Bldg., 314 N. Broadway, St. Louis 2, Mo.

Hesbe & Company. 23–1324442. Woodcock Hess & Company, Inc. 123 S. Broad St., Philadelphia 9, Pa.

Hetam & Co. 04–6017092. Tyler & Reynolds, 1 Court St., Boston 8, Mass.

Hettrich & Company. 31–6025070. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati 1, Ohio.

Hew & Co. 21–6014563. Salem National Bank & Trust Co., 175 W. Broadway, Salem, N.J.

Hewitt & Co. 38–6110902. Michigan National Bank, Grand Rapids, Mich.

Hi Bank (a, b). 22–6125881. First National Bank of Hightstown, Main Street, Hightstown, N.J. 08520.

Hibbank & Co. 72–6018362. Hibernia National Bank in New Orleans, 313 Carondelet St., New Orleans 5, La.

Hibbard & Co. 74–6125827. Texas Commerce Bank N.A., Commercial Dept., P.O. Box 2558, Houston, TX 77001.

Hick & Co. (f). 51–0094374. First Pennsylvania Banking and Trust Co., P.O. Box 8786, Philadelphia, Pa. 19101.

Hico. 13–6286418. Home Insurance Company, Box 690, Church Street Station, New York, N.Y. 10008.

Hictin & Co. 59–6124971. First National Bank of Leesburg, P.O. Box 430, Leesburg, Fla.

High & Co. 75–6013027. First National Bank of Amarillo, Trust Dept., P.O. Box 1331, Amarillo, Texas.

High & Co. 56–6034752. Wachovia Bank and Trust Company. P.O. Box 3075, Winston-Salem, N. Car. 27102.

Higham Bros. 13–4909250. Abbott, Proctor & Paine, 14 Wall St., New York, N.Y.

Higson & Co. 13–6153027. Hayden Stone & Co., 25 Broad St., New York, N.Y. 10004.

Hill & Co. (f). 75–6110423. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, Tex. 75221.

Hill & Company. 04–6031954. Harvard Trust Company, 1414 Massachusetts Ave., Cambridge 38, Mass.

Hill & Company. 04–6104563. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Hill & Hampson. 31–6024205. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati 2, Ohio.

Hillbank Company. 74–6031656. Corpus Christi Bank and Trust Company, P.O. Box 780, Corpus Christi, Texas 78403.

Hillman Company. 13–6087132. Amalgamated Bank of New York, 11 Union Sq., New York, N.Y.

Hillocks & Co. 04–6032826. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Hills & Co. 95–6024204. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Hilson & Co. 58–6025502. Citizens and Southern National Bank, P.O. Box 4899, Atlanta 2, Ga.

Hilton & Co. 04–6013507. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Hines & Loring. 04–6194930. c/o Loring Wolcott Office, Inc., 35 Congress St., Boston, Mass. 02109.

Hinton & Co. 13–6224267. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Hirs & Harney. 51–6015127. Wilmington Trust Co., Wilmington 99, Del. (Delaware Fund, Inc., Delaware Income Fund, Inc.)

Hit & Co. (c). 36–6128400. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, IL 60690.

Hitchins & Company (f). 04–2270749. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Hitchins & Co. 04–6036146. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Hite & Co. (b). 06–6077849. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Hix & Co. 95–6025816. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Hix & Co. 51–0033195. Midland Investment Company, 341 Milan Bldg., San Antonio, Texas.

Hoban Company (a–h). 42–6056057. United Home Bank & Trust Co., Trust Dept., 25 W. State St., Mason City, IA 50401.

Hob & Co. 47–6048693. Mutual of Omaha Insurance Company, Farnam at 33rd St., Omaha, Nebr. 68131.

Hobright & Company. 04–6013582. Tucker, Anthony & R. L. Day, 74 State St., Boston 7, Mass.

Hobson & Co. 56–6034738. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.

Hodel & Co. 13–6093924. General Bank of the Netherlands (Algemene Bank Nederland, N.V.), P.O. Box 197, Wall Street Station, New York, N.Y. 10005.

Hodges and Company (a–c, f). 16–6022604. Exchange National Bank of Olean, 201 N. Union St., Olean, NY 14760.

Hoffman & Co. 16–6019673. Central Trust Company, 44 Exchange St. (or P.O. Box 938), Rochester, NY 14603.

Hoffman & Co. 22–6041189. National State Bank, 68 Broad St., Elizabeth, N.J.

Hogel & Company (b). 03–6008526. County National Bank of Bennington, 401 Main St., Bennington, VT 05201.

Hohako & Co. 39–1089445. H. C. Denison Co., Security Bank Bldg., Sheboygan, Wisc. 53081.

Holbank. 04–6220089. Holyoke National Bank, 225 High St., Holyoke, Mass.

Hold & Co. 52–0793788. Riggs National Bank of Washington, D.C., 800–17., N.W. Washington, D.C. 20013. (Washington Mutual Investors Fund, Inc.)

Holden & Co. 04–6226076. First National Bank of Boston, P.O. Box 2016, Boston, MA 02106.

Holder Finabank. 59–6134242. First National Bank in Fort Myers, P.O. Box 1031, Fort Myers, Fla. (Fort Myers Insurance Agency, Inc. (Contributory Plan).)

Holland & Company. 57–6019289. Guaranty Bank and Trust Company, P.O. Drawer 71, Florence, S.C.

Holliday Company, The. 91–6023963. Pacific National Bank of Seattle, P.O. Box 160, Seattle 11, Wash.

Holliday Company. 23–6256370. Hollidaysburg Trust Company, 224 Allegheny St., Hollidaysburg, Pa. 16648.

Holly & Co. 25–6021582. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Holly Co. 59–6159486. Hollywood Bank and Trust Company, c/o Trust Department, 1900 Tyler St., or P.O. Box 2127 (33022), Hollywood, Fla. 33020.

Holm & Company (b). 38–6082440. Manufacturers National Bank of Detroit, P.O. Box 1319, Detroit, Mich. 48231.

Holson & Co. 36–2543823. The Elgin National Bank, 24 E. Chicago St., Elgin, Ill. 60120.

Holt & Co. (b). 06–6032100. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Holt, Reed E. 87–6116610. Walker Bank & Trust Company, Box 1169, Salt Lake City, Utah.

Holyoke & Co. 04–2103578. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Home & Co. (a, b). 04–6042406. Essex County Bank and Trust Co., 25 Exchange St., Lynn, Mass. 01903, P.O. Box 2390, Honolulu, Hawaii 96804.

Home & Co. 06–6036030. Home National Bank and Trust Company of Meriden, Meriden, Conn.

Homco & Co. 36–6067890. Home State Bank of Crystal Lake, Crystal Lake, Ill.

Honolulu Mortgage Co., Ltd. 99–0081988. Bishop Trust Company Limited.

Hooper & Co. 94–60509030. Crocker-Citizens National Bank, 1 Montgomery St., San Francisco, Calif. 94120. (Winfield Growth Industries Fund, Inc.)

Hooper & Company. Crockers-Citizens National Bank, Trust Dept., 1 Montgomery St., San Francisco, CA 94120.

Hoos & Co. (b). 13–6092333. Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.

Hoover & Co. 23–6222919. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Hoover & Co. 15–0336880. Herkimer County Trust Company, 500 E. Main St., Little Falls, N.Y.

Hop & Co. 06–6035625. Simsbury Bank and Trust Company, 740 Hopmeadow St., Simsbury, Conn. 06070.

Hope & Company. (h). 74–6078554. c/o Houston Bank & Trust Company, 1801 Main St., P.O. Box 2555, Houston, TX 77001.

Hopkins & Co. 13–6099836. Corporation Trust Company, 277 Park Ave., New York, N.Y. 10017.

Hopkins & Co. 13–6099834. Corporation Trust Company, 15 Exchange Place, Jersey City, N.J.

Hopkins & Co. 13–6099835. Corporation Trust Company, 100 W. Tenth St., Wilmington 99, Del.

Hopp & Co. 22–1601590. Hopp, Frank, 180 Main Ave., Passaic, N.J.

Hopper & Co. 88–6002470. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Horbus and Company. 54–6032888. First National Bank of Danville, 341 Main St., Danville, Va.

Hornell, S. T., Co. (a, b, f, h). 16–6019735 Steuben Trust Company, 82 Main St., Hornell, N.Y. 14843.

Hosco (F). Carroll County Trust Company, Trust Dept., Main St., Conway, NH 03818.

Hosp & Co. 22-6130565. First National State Bank of New Jersey, Dept. of Estates & Trusts, 550 Broad St., Newark, N.J. 07102.

House & Co. 25-6023716. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Houseco. Houston Securities Corporation, 608 C & I Bldg., Houston, Tex. 77002.

Houston, H. H. Co. 23-6234712. Fidelity Bank, Broad & Walnut Sts. Philadelphia, PA 19109.

Houston & Co. 74-6038975. Bank of the Southwest, N.A., Trust Div., P.O. Box 2629, Houston, TX 77001.

Houvis & Co. 62-6038163. First American National Bank of Nashville, c/o Trust Dept., 326 Union St., Nashville, Tenn. 37202.

Ho Vebt Co. 36-2148400. West and Egan, 134 S. La Salle St., Chicago, Ill. 60603.

How & Company (a) (b). 36-6032297. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Howard & Co. 05-6012585. Citizens Trust Company, 870 Westminster St., Providence, RI 02902.

Howard & Co. 13-5621821. Wm. V. Frankel & Co., Inc., 39 Broadway, New York, N.Y. 10006.

Howco Associates. 03-6005790. Howard National Bank and Trust Company, 111 Main St., Burlington, Vt.

Howdas & Co. 84-6018754. First National Bank of Colorado Springs, P.O. Box 1055, Colorado Springs, Colo.

Howe & Co. 04-6208768. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Howland & Co. 04-6037934. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Howsave & Co. 22-6134830. Howard Savings Institution, P.O. Box 1250, Newark, NJ 07101.

Hox & Co. 04-2399827. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Hoyle & Co. 13-6114281. Tappan Zee National Bank, 135 Main St., Nyack, NY 10960.

H. R. Ten & Co. 91-6077805. Old National Bank of Washington, Spokane, P.O. Box 1516, Spokane, Wash. 99210.

Hubb & Co. 42-6060275. Bankers Trust Company, Trust Dept., 607 Locust St., Des Moines, IA 50304.

Hubbell & Co. 22-6026155. Plainfield Trust State National Bank, 202 Park Ave., Plainfield, N.J.

Hubco. 36-6234639. F. B. Hubachek, Jr., 3220 Prudential Plaza, Chicago, Ill. 60601.

Hubco. 63-6017566. Exchange Security Bank, 317 N. 20th St., Birmingham, Ala.

Huber & Co. 52-6034739. Mercantile-Safe Deposit and Trust Company, Baltimore, Calvert & Redwood Sts., Baltimore, Md. 21203.

Hudler & Co. 36-6032343. La Salle National Bank, 135 S. La Salle St., Chicago 3, Ill.

Hudson Company (f). 04-6239421. Hudson Savings Bank, 42 Main St., Hudson, MA 01749.

Hudson & Co. 35-6032469. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Huger & Co. (h). 57-6030320. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Huggins & Co. State Street Bank and Trust Company, Boston, Mass. 02101.

Hugh & Co. 41-6104014. Northwestern National Bank of St. Paul, 55 E. Fifth St., St. Paul, Minn. 55101.

Hughes, Kellogg & Co. 13-6106152. Hong Kong and Shanghai Banking Corp., 80 Pine St., New York 5, N.Y.

Huhn Penco. 23-6480154. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Hulbert and Company. 16-6039370. Wilbur Nation Bank, 245 Main St., Oneonta, N.Y. 13820.

Hull & Company. 22-6041193. Suburban Trust Company, 170 E. Broad St., Westfield, N.J.

Hulten & Co. 95-6006933. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles 54, Calif. (Western Bancorporation).

Hum & Co. (f). 41-6093165. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Humbart & Co. 94-6066215. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Humphreys & Co. (f). 23-0955245. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101. (Cooke & Bieler Growth Fund, Inc.).

Hunt and Company. 15-6017224. First-City National Bank of Binghamton, 2 Chenango St., Binghamton, N.Y.

Huntbank. Banks Huntley & Company, 634 S. Spring St., Los Angeles, Calif.

Hunter & Co. 04-6013494. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Hur & Co. 04-1981410. Wise Hobbs & Seaver, Inc., 15 Congress St., Boston 9, Mass.

Hurley & Co. 13-6021158. First National City Bank, 399 Park Ave., New York 22, N.Y. (Istel Fund, Inc., Pallas Corporation).

Hurst & Company (h). 57-6036552. Citizens and Southern National Bank of South Carolina, P.O. Box 727, Columbia, S.C. 29202.

Hussey & Co. 13-6113969. Marine Midland Grace Trust Company of New York, 7 Hanover Sq., New York 15, N.Y.

H & W Agency. 04-1408305. Hornblower & Weeks, 75 Federal St., Boston, Mass. (Henry Hornblower Trust).

Hyde & Co. 04-6178964. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Ibak & Co. 42-6052444. Iowa State Bank and Trust Company, Box 511, Iowa City, Iowa.

Ibasco. 35-6031813. Indianapolis Bond and Share Corporation, 120 E. Market St., Indianapolis, Ind. 46204.

Ibco. 36-6076926. Illinois State Bank of Chicago, c/o Trust Dept., 300 S. Michigan Ave., Chicago, IL 60604.

Ibis & Co. 71-6062087. First National Bank in Little Rock, c/o Trust Dept., P.O. Box 1471, Little Rock, Ark. 72203.

Ibu & Co. 41-6093166. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Ica & Co. 95-6112363. Crocker-Citizens National Bank, 1360 Third St., Santa Monica, Calif. 90401.

I.C.B. Co. 38-6085627. Inter-City Bank, Box 1248, Benton Harbor, MI 49022.

Idmo & Co. (h). 42-0331193. c/o Iowa-Des Moines National Bank Trust Div., Des Moines, IA 50304.

Ifcot & Co. 82-6011593. Idaho First National Bank, P.O. Box 7928, Boise, Idaho 83707.

Iif & Co. 05-6020452. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Ike & Co. (b). 04-6012860 Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Ilan & Co 04-6191502 The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Ilbco & Co. 35-6040673. Indiana Lawrence Bank & Trust Company, North Manchester, Ind.

Iliffe, John C., Assistant Supervisor in Trust, Bank of Nova Scotia, Head Office-King & Bay Sts., Toronto, Canada.

Ilium & Co. (a, b, f). 14-6021904. Marine Midland National Bank of Troy, Fourth & Grand Sts., (or P.O. Drawer 118), Troy, NY 12181.

Ill & Co. c/o INA Insurance Company of Illinois. Att: Investment Accounting Dept., P.O. Box 7728, Philadelphia, Pa.

Ima & Co. (d). 16-6098355. Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, NY 14701.

Imbank Nominees Limited. Canadian Imperial Bank of Commerce, 265 St. James St., W., Montreal, P. Q., Canada.

Imboc & Co. Canadian Imperial Bank of Commerce, St. James & McGill Sts., W., Montreal, P. Q., Canada.

Imco. 16-6065677. Liberty National Bank and Trust Company, 424 Main St., Buffalo, N.Y. 14240.

Imco (f). 16-6065677. Liberty National Bank and Trust Company, c/o Trust Dept., 424 Main St., Buffalo, NY 14240.

Impacto. Texas Commerce Bank, P.O. Box 2558, Houston, TX 77001. (Impact Fund, Inc.)

Ims & Co. 59-6151867. First National Bank at Winter Park, P.O. Box 1000, Winter Park, Fla. 32789.

Inbank Co. 02-6004714. Indian Head National Bank of Nashua, 146 Main St., Nashua, N.H.

Inbeeco. 37-6052622. Illinois National Bank of Springfield, Fifth & Washington Sts., Springfield, Ill. 62705.

Inby. 23-6270340. Southern Pennsylvania National Bank, 2055 S. Queen St., York, Pa. 17403.

Inca & Comany. (h). 25-6035679. Western Pennsylvania National Bank, Fifth and Smithfield Sts., Pittsburgh, Pa. 15222.

Incap & Co. 04-6144484. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Ince & Co. 13-6020781. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015. (National Aviation Corporation)

Incer & Co. First National Bank of Lake Forest, c/o Trust Dept., P.O. Box 391, Lake Forest, Ill., 60045.

Incfund & Co. 94-6105642. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120. (Commonwealth Income Fund)

Incgro & Co. (f). 91-6098237. Seattle First National Bank, P.O. Box 12657, 1001 Fourth Ave., Seattle, WA 98111.

Incl & Co. 06-6126100. c/o Hartford National Bank & Trust Co., Equity Products Dept., 777 Main St., Hartford, CT 06115.

Inco. 04-6013020. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101. (Devonshire Street Fund, Diverification Fund, Inc.)

Income & Co. 36-6162262. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, Ill. 60690.

Indco. 35-6032471. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

India & Co. 05-6034201. Providence Steamboat Company and Maurania Corporation, India St., Providence, R.I. 02903.

Induba & Co. 59-6128312. City National Bank of Miami, Trust Dept., 25 W. Flagler St., (or P.O. Box 3280), Miami, FL 33101.

Indun & Co. (a,b,c,h). 35-6013704. Indiana National Bank, P.O. Box 1832, Indianapolis, IN 46206.

Industrial Co. 35-6051067. Industrial Trust and Savings Bank, Trust Dept., 117 E. Adams St., Muncie, IN 47305.

Infid & Co. 13-6219473. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Infon & Co. 52-6032317. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Infund & Co. (h). 91-6024110. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Ingenfund & Co. 91-6105643. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120. (Commonwealth Capital Fund).

Ingersoll & Co. 42-6133155. National Bank of Des Moines, 29th & Ingersoll Ave., Des Moines, Iowa 50304.

Ink & Co. 04-6221557. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Inland Empire Co. (b). 91-6064136. Pacific

National Bank of Washington, c/o Trust Dept., P.O. Box 1997, Tacoma, Wash. 98401.

Inman & Co. (d) (e) (f) (g). 36–6032298. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Inmar & Co., Crocker-Citizens National Bank, General Trust, 1203 Fourth St., San Rafael, CA 94902.

Innco & Co. (H). 35–606891. c/o Merchants National Bank of Muncie, 122 S. Mulberry St., P.O. Box 792, Muncie, IN 47305.

Inre & Co. 95–6194809. Bank of America N.T. & S.A., P.O. Box 2558 Terminal Annex, Los Angeles, Calif. 90054

Inskeep, J.J., Jr. 93–0500839. Rippey, Inskeep, Hess & McFaul, Inc. 409 American Bank Bldg., Portland 5, Ore.

Int & Co. 04–6240742. c/o Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass. 02109.

Interbal & Co. 84–6050282. First National Bank of Denver, Trust Dept., P.O. Box 5808 T.A., Denver, CO 80217. (Hamilton Futura Fund, Inc.)

Intercom & Co. 84–6050283. First National Bank of Denver, P.O. Box 5825, Denver, CO 80217.

Intergo & Co. 84–6050284. First National Bank of Denver.

International European Investing Corp. 13–6065621. Brown Brothers Harriman & Co., 59 Wall St., New York 5, N.Y.

Intervale & Co. 05–6038447. Providence Investors Company, 1902 Industrial Bank Bldg., Providence, R.I. 02903.

Intra & Company (a). 59–6152661. Inter City National Bank, Box 771, Bradenton, FL 33505.

Invac. 99–0108517. First National Bank of Hawaii, Box 2041, Honolulu, Hawaii 96801.

Inval and Company. 23–6260984. Industrial Valley Bank and Trust Company, Old York Rd., & West Ave., Jenkintown, PA 19046.

Invesco & Co. 94–6105644. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120. (Commonwealth Investment Fund).

Investment Co. 36–6083818. City National Bank & Trust Co. of Rockford, Trust Dept., 1100 Broadway at Seventh, Rockford, Ill. 61104.

Inwest & Co. 13–1942440. Canadian Imperial Bank of Canada, 22 William St., New York, N.Y.

Ionba & Co. 42–6055941. First National Bank, Dubuque, Iowa.

Iowa & Co. 42–0110777. Conway Brothers-First Iowa Corp., 904 Walnut St., Des Moines, Iowa 50309.

Ipek Inc. 37–6086940. First National Bank & Trust Company of Pekin, 416–418 Court St., Pekin, Ill. 61554.

Ipswich & Co. 04–6219325. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Ireban & Company. 82–6008582. Ireland, J. N., & Company, Bankers, c/o Trust Dept., P.O. Box 186, Malad City, ID 83252.

Irma & Co. 04–6113554. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Isaco. 41–6097599. Investors Syndicate of America, Inc., 800 Investors Bldg., Minneapolis, MN 55402.

Isban Company. 42–6057935. Iowa State Bank, E. 7th & Locust, Des Moines, IA 50309.

I S B, Co. (a,b,c,h). 38–6113556. Industrial State Bank and Trust Company, Trust Dept., 151 S. Rose St., Kalamazoo, Mich. 49006.

Isco Company. 56–6044250. Interstate Securities Corp., 701 Johnston Bldg., Charlotte, N.C.

Isis & Co. 04–6115363. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Itanco. Tanenhaus & Company, 139 Main St., Orange, N.J.

Itso & Company. 42–1624344. Iowa Trust & Savings Bank, 1 N. Sixth St., Estherville, Iowa 51334.

IU & Co. 35–6016097. Irwin Union Bank and Trust Company of Columbus, Indiana, 500 Washington St., Columbus, Ind.

Ivy & Co. (b). 06–6074745. First New Haven National Bank, Trust Dept., 1 Church St., New Haven, Conn. 06502.

Jack & Company. 22–6089373. First National State Bank of New Jersey, P.O. Box 616, Newark, N.J. 07101.

Jackson, C. B. Co. 38–0684530. City Bank & Trust Company, Jackson, Mich.

Jaco & Company (b,c). Jackson County Bank, 127 W. 2d St., P.O. Box 1001, Seymour, Ind. 47274.

Jacob Brown, Hellmuth & Co. 04–6042699. Hale & Dorr, 60 State St., Boston, Mass.

Jacoba. 42–6102782. Jasper County Savings Bank, 112 W. 2nd St. S., P.O. Box 111, Newton, Iowa, 50208.

Jade & Co. 04–6037936. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Jag & Co. 59–6121949. Exchange National Bank of Tampa, P.O. Box 1809, Tampa 1, Fla. 33601.

Jain and Company. 06–6030259. United Bank and Trust Company, 90 Pearl St., Hartford 1, Conn.

Jake & Co. (g) 94–1726084. The Toronto-Dominion Bank, San Francisco Agency, 100 Sansome St., San Francisco, Calif. 94104.

Jakes & Co. 75–6023237. First Southwest Company, Mercantile Bank Bldg., Dallas, Tex. 75201.

Jam & Co. 04–6017093. Tyler & Reynolds, 1 Court St., Boston 8, Mass.

Jamco (a, b, c, d, e) 25–6031939. Northwest Pennsylvania Bank & Trust Co., Trust Dept., 100 Seneca St., Oil City, Pa. 16301.

James & Co. 57–6019459. South Carolina National Bank, P.O. Box 969, Greenville, S.C.

James, W. O. & Co. (f) 75–6030047. Republic National Bank of Dallas, c/o Charles P. Fuller, Pacific at Ervay, P.O. Box 5961, Dallas, Tex. 75221.

Janco. 35–6032472. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Janus and Co. 16–6019712. Marine Midland Trust Company of Rochester, P.O. Box 669, Rochester 2, N.Y.

Jap & Co. 04–6187529. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110. (National Investors Corporation, Whitehall Fund, Inc.)

Jaquith & Co. 13–6092339. Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.

Jasco & Co. 25–6108354. The Savings & Trust Co. of Indiana, Indiana, Pa. 15701.

Jason & Co. 36–6050540. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Jastia & Co. 52–6032341. American Security and Trust Company, 15th St. and Penna. Ave., N.W., Washington 13, D.C.

Jat Co. 35–6069742. Atkin & Co., Inc., 306 Citizens National Bank Bldg., Evansville, Ind. 47708.

Jato & Co. 41–6083982. National City Bank of Minneapolis, P.O. Box E 1919, Minneapolis, Minn. 55440.

Jaw & Co. J. Arthur Warner & Co., 120 Broadway, New York, N.Y.

Jaw Co. 74–6048441. American Industries Retirement Company, Suite 612, 1801 Main St., Houston, TX 77002.

Jax & Co. 36–6050587. Illinois State Bank of Chicago, c/o Trust Dept., 300 S. Michigan Ave., Chicago, IL 60604.

Jay & Co. 94–6060241. Crocker-Citizens National Bank, 400 Capitol Mall, Sacramento, CA 95808.

Jay & Co. 06–0734703. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Jay & Co. 13–5235560. May, J. & Co., 32 Broadway, New York, N.Y.

Jay & Co. 95–1786286. Cantor, Fitzgerald & Co., Inc., Box 1102, Beverly Hills, Calif.

Jayem & Co. 34–6530493. Joseph Mellon & Miller, 1170 Union Commerce Bldg., Cleveland 14, Ohio.

Jeb & Company (a–d) 38–6169973. Clinton National Bank & Trust Company, 200 N. Clinton Ave., St. Johns, Mich. 48879.

Jefco 95–2287548. Jefferies & Company, Inc., 618 S. Spring St., Los Angeles, Calif. 90014.

Jeffco 87–6119308. Tracy-Collins Bank and Trust Company, 151 S. Main St., Salt Lake City, Utah.

Jem & Co. 35–6032473. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Jemp & Co. Milwaukee Journal Company, 333 W. State St., Milwaukee, Wisc.

Jenk & Company 23–6261001. Industrial Valley Bank and Trust Company, Old York Rd. & West Ave., Jenkintown, Pa. 19046.

Jenkins & Co. (d) 13–6065597. Chemical Bank, P.O. Box 1368, Church St. Station, New York, NY 10017.

Jenkins Hoffman Co. First National Bank and Trust Company of Western Maryland, Trusts Dept., Cumberland, Md. 21502. (Philip J. Jenkins, 64 Frost Ave., Frostburg, MD 21532.)

Jenkins Roberts Co. 52–6101758. First National Bank and Trust Company of Western Maryland, Cumberland, Maryland 21502.

Jensen & Co. 23–6222905. First Pennsylvania Banking and Trust Company, Commercial Loan Dept., 15th & Chestnut Sts., Philadelphia, PA 19101.

Jerome & Co. (f) 04–6012927. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Jersey & Co. 04–6219324. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Jet & Co. 04–6013495. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Jewel & Co. 95–6096937. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

J F T Company 42–60930203. Farmers Loan and Trust Company, P.O. Box 57, 522–4th St., Sioux City, Iowa 51102.

Jib & Co. 04–2399823. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Jim & Co. 94–6210046. Bank of America N.T. & S.A., Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

JKW & Co. (h) 75–6112191. National Bank of Commerce of Dallas, P.O. Box 2249 (LTV Tower), Dallas, Tex. 75221.

Joab & Co. 04–6013758. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. Barrington, Ill. 60010.

Joand Co. 36–6059617. First National Bank and Trust Company of Barrington, 104 S. Cook St.,

Job & Co. 94–6079124. c/o John M. Bryan, 155 Montgomery St., San Francisco, Calif.

Jobatru. 25–6037109. Johnstown Bank and Trust Company, 532–534 Main, Johnstown, Pa. 15907.

Jobroco. 95–2513532. San Diego Trust and Savings Bank, 540 Broadway, San Diego, Calif. 92101. Resources Growth Fund.

Joconat & Co. 48–6104933. Johnson County National Bank & Trust Co., Prairie Village, Kan.

Jodi & Co. 13–2624042. Shendell Securities, Inc., 44 Beaver St., New York, N.Y. 10004.

Joe James & Company. 75–6040565. Oak Cliff Bank and Trust Company, Dallas, Texas.

Joel & Co. 41–6057519. First National Bank of Minneapolis, P.O. Box 512, Minneapolis, Minn. 55440.

Jofirstrude & Co., a partnership. 36–6234463. First National Bank of Joliet, 78 N. Chicago St., Joliet, Ill. 60431.

Jog & Co. 04–6214453. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

John & Co. (f). 39–0301590. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101. (General Casualty Company).

John & Co. 04–6054582. Merchants National Bank of New Bedford, 95 William St., New Bedford, Mass.

John Ham and Company. 62–6037491. Hamilton National Bank, P.O. Box 1210, Johnson City, Tenn.

Johnhop & Co. 52–6034577. First National Bank of Maryland, Light & Redwood Sts., Baltimore 3, Md. (Johns Hopkins University.)

John, Kenneth & Co. 13–6021932. Irving Trust Company, 39th St. and Madison Ave., New York, N.Y.

Johnnay & Co. 04–6017084. Tyler & Reynolds, 1 Court St., Boston 8, Mass.

Johnson and Company. 06–6033518. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Johnson & Company. 87–6118296. First Security Bank of Utah, Fourth South Office, Salt Lake City, Utah. (First Security Corporation, First Security Foundation, Western Investment Company.)

Johnston, Stuart. National Surety Co., 110 John St., New York, N.Y.

Johol & Co. 52–6032342. American Security and Trust Company, 15th St. & Penna. Ave., N.W., Washington 13, D.C.

Jolyn. 04–2446651. Gemma Securities, Inc., Suite 404, 340 Main St. Worcester, Mass. 01608.

Jomags & Co. 62–6073808. Southern Baptist Foundation, 460 James Robertson Pkwy., Nashville, Tenn. 37219.

Jomico. 35–6213842. Auburn State Bank, 7th & Main, Auburn, IN 46706.

Jomoco. 58–6047042. Fulton National Bank of Atlanta, P.O. Box 4387, Atlanta, Ga. 30302.

Jonathan & Company. 22–6128202. Burlington County Trust Company, Moorestown, N.J.

Jones & Co. 38–6110903. Michigan National Bank, Grand Rapids, Mich.

Jones, JF. & Co. 13–6021928. Irving Trust Company, 51st St. at Rockefeller Plaza, New York 20, N.Y.

Jones, V. L. 95–0552840. Jones, Cosgrove & Miller, 81 S. Euclid Ave., Pasadena, Calif.

Jonsco & Co. Bank of Nova Scotia, St. John, N.B., Canada.

Jose & Co. 94–6096266. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Jothro & Co. Trust Corporation of Bahamas Limited, P.O. Box 288, Nassau, Bahamas.

Joy & Co. (f) 04–6012928. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

J P B Company (h) 75–6046013. First National Bank of Midland, P.O. Box 270, Midland, Tex. 79701.

JSJCO. Jones, June S. Co., 225 S.W. Broadway, Portland, Ore. 97205.

Juan & Co. 06–6033360. Putnam Trust Company of Greenwich, Commercial Trust Dept., 10 Mason St., Greenwich, Conn. 06830.

Judge & Co. Royal Trust Company, 15 Duke St., Halifax, Nova Scotia.

Judico. 75–6065625. Texas Bank & Trust Company of Dallas, P.O. Box 5267, Dallas, Texas 75222.

Judsel Associates. 03–6016881. National Bank of Derby Line, Derby Line, Vt. 05830.

Judson & Co. 91–6027355. Seattle Trust and Savings Bank, 804 Second Ave., Seattle, Wash.

Judwell & Co. 04–6195934. Culverwell & Co., Inc., 1341 Main St., Springfield, Mass. 01103.

Julia & Co. 95–6257777. Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005. Foundation of Education, Foundation Funds of Norton Simon, Inc., Fullerton Foundation, Norton Simon Foundation, Norton Simon, Inc. Norton Simon, Inc. Museum of Art.

June & Co. 04–6170561. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02101.

Junros Co. 13–6127073. Kesselman & Co., 99 Wall St., New York, N.Y.

Jupiter, A. O. & Co. 74–6123370. Cullen Center Bank & Trust, P.O. Box 2845, Houston, TX 77001.

Jupiter & Co. 04–6222220. Investors Bank & Trust Company, Trust Dept., 24 Federal St., Boston, Mass. 02110.

Kabo & Co. (c). 13–6064423. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Kaco (e). 43–6112785. Commerce Bank of Kansas City, 210 Commerce Bldg. (or P.O. Box 248) Kansas City, MO 64141.

Kalico & Co. 43–6062354. Kansas City Life Insurance Company. P.O. Box 1587, Kansas City, MO 64141.

Kalrea and Company (a–e). 74–6075021. First National Bank, 835 E. Levee St., P.O. Box 2219, Brownsville, TX 78520.

Kam & Co. 22–6022711. Trust Company of Morris County, 225 South St., Morristown, N.J.

Kamus & Co. 41–6093167. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480. (ISL Variable Annuity Fund B.)

Kanabco & Company. 55–6015462. Kanawha Banking and Trust Company, P.O. Box 393, Charleston 22, W. Va.

Kane & Co. 13–6022144. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Kansco. 48–6150794. Kansas State Bank and Trust Company, 123 N. Market St., Wichita, Kans. 67202.

Kara & Co. 95–6261940. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Kate & Co. (f). 23–6461613. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101. (Venture Securities Fund, Inc.)

Katz & Co. 94–6185881. Security National Bank, 2044 Franklin St., Oakland, Calif.

Kaul and Co. 16–6019713. Marine Midland Trust Company of Rochester, P.O. Box 669, Rochester, N.Y.

Kauth and Company. 15–6016901. Marine Midland Trust Company of the Mohawk Valley, 580 Seneca St., Utica, N.Y.

Kaw & Co. 55–6015558. Kanawha Valley Bank, P.O. Box 1793, Charleston, WV 25326.

Kawaco. 99–0085689. Kawano, H. & Co., Inc., 1153 Bethel St., Honolulu, Hawaii 96813.

Kay & Co. 13–6062914. Bank of New York, 48 Wall St., New York, N.Y. 10015. (Philadelphia Fund, Inc.)

Kayco. 95–2011798. Osborne, V.K. & Sons, Inc., 241 N. Beverly Dr., Beverly Hills, Calif.

Kaymont & Co. 94–6056806. Wells Fargo Bank, 1011 Tenth St., Sacramento 7, Calif.

Kaysee and Company, First National Bank of Catawba County, 39 Second St., N.W., Hickory, N.C.

Kaytoo. 04–6181360. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101. (Keystone K–2 Fund.)

KCB. 48–6155101. First National Bank of Kansas City, c/o Trust Div., P.O. Box 38, Kansas City, Mo. 64141.

Keating, Jos. T. Fordham University, Bronx, N.Y.

Keefe & Co. 13–6103941. Keefe, Bruyette & Woods, Inc., 140 Broadway, New York, N.Y. 10005.

Keel & Co. 95–6267593. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Keel & Co. 04–6214444. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Keelson & Co. 04–6215109. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass 02101.

Keeney & Co. Citizens Trust Company, Summit, N.J.

Keers & Co. 13–6144593. A. W. Benkert & Co., Inc., 52 Wall St., New York, N.Y.

Keg & Co. 54–0659161. Kaufman Bros. Co., P.O. Box 3235, Norfolk 14, Va.

Kelfix Company, 39–6088203. Kellogg Citizens National Bank of Green Bay, P.O. Box 670, Green Bay, Wisc.

Kelleck Company. 39–6088202. Kellogg Citizens National Bank of Green Bay, P.O. Box 670, Green Bay, Wisc.

Kellogg & Co. 22–6041190. National State Bank, 68 Broad St., Elizabeth, N.J.

Kelly & Co. 13–6020782. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Kelp & Co. 04–6214440. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Kempshall & Co. 37–6031869. Commercial National Bank of Peoria, 301 S. Adams St., Peoria, Ill. 61601.

Ken & Co. (f). 04–6129890. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Kenag & Co. (f). 61–6025828. Kentucky Trust Company, P.O. Box 1677, Louisville, KY 40201.

Kenben & Co. (c). 61–6025825. Kentucky Trust Company, P.O. Box 1677, Louisville, KY 40201.

Kenbrown & Co. (f). 61–6060598. Kentucky Trust Company, P.O. Box 1677, Louisville, KY 40201.

Kencourt & Co. (b). 61–6025827. Kentucky Trust Company, P.O. Box 1677, Louisville, KY 40201.

Kenfund & Co. (h) 61–6025824. Kentucky Trust Company, P.O. Box 1677, Louisville, KY 40201.

Kenneburt & Company. 63–6020425. First National Bank of Birmingham, P.O. Box 11007, Birmingham, Ala. 35202.

Kenmar & Co. Frohling and Gaulkin, 744 Broad St., Newark, N.J. 07102.

Kennedy & Co. 13–6085305. Chemical Bank, 20 Pine St., New York, N.Y. 10017, Bell System Pension a/c.

Kenneth & Co. 21–6010632. Bank of New Jersey, Broadway & Market St., Camden, N.J.

Kennett & Company. 23–6245587. National Bank and Trust Company of Kennett Square, Box 98, Kennett Square, Pa.

Kenney & Co. 13–5659485. First Boston Corporation, 20 Exchange Place, New York 5, N.Y.

Kenpar & Co. 95–6048491. First American Title Insurance & Trust Co., 421 N. Main, Santa Ana, Calif.

Kenstock and Co. (h). 71–6070493. National Bank of Commerce of Pine Bluff, P.O. Box 6208, Pine Bluff, Ark. 71601.

Kent Nominee Company. 61–0221770. Kentucky Company, 320 S. Fifth St., Louisville 2, Ky.

Kenton & Co. 35–6212935. Kentland Bank, Trust Dept. Kentland, Ind. 47951.

Kentrua & Co. 61–6025826. Kentucky Trust Company, P.O. Box 1677, Louisville, Ky. 40201.

Kenwood Co. 22–1035877. Puder & Puder, 60 Park Row, Newark 2, N.J.

Keo & Co. 94–6135917. Bank of America, N. T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Keo & Co. (h). 93–6043356. First National Bank of Oregon, 400 S.W. Sixth, Box 2971, Portland, Ore. 97208.

Keofund. 25–6103530. First National Bank of Pennsylvania, 1005 State St., Erie Pa. 16501.

Keogh & Co. 94–6185348. c/o Union Bank, Trust Dept., 455 Montgomery St., San Francisco, Calif. 94104.

Keoghco (c). 75–6098730. Continental National Bank of Fort Worth, Trust Dept., P.O. Box 910, Fort Worth, Tex. 76101.

Kep and Company. St. Clair National Bank, Belleville, Ill. 62222.

Kerr & Co. 75–6006540. Mercantile National Bank at Dallas, P.O. 5415, Dallas 22, Texas.

Kerry & Co. 04–6219323. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Ketch & Co. 04–6155984. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Keyclub. 23–6401563. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Key & Co. 23–6267563. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Keyo Co. 13–629095. National Bank of North America, 529 Fifth Ave., Trust Dept., New York, N.Y. 10036.

Keyoh & Co. City National Bank, P.O. Box 1141, Beverly Hills, Calif.

Keypen & Co. 23–6267564. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Keyser & Co. 88–6012374. Bank of Nevada, Trust Dept., 225 E. Bridger St., P.O. Box 1720, Las Vegas, NV 89101.

Kiehy, Bloser & Co. 23–6274688. Lemoyne Trust Company, Lemoyne, Pa.

Kilbank Company (b, c, e, h). 03–6004901. c/o Vermont Bank and Trust Company, P.O. Box 99, Rutland, Vt.

Kimball & Co. 04–6013238. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107. (Northeast Investors Trust, Prudential Fund of Boston, Inc.)

Kimco. Morrison, Hecker, Cozad, Morrison & Curtis, Bryant Bldg., Kansas City, Mo. 64106.

Kin & Co. 44–0312180. Kemper Investment Company, 1416 Commerce Bldg., Kansas City 6, Mo.

Kinad & Co. 04–6226179. Kinsley & Adams, Inc., 6 Norwich St., Worcester, MA 06108.

Kinbranch and Company. 56–6044303. Branch Banking & Trust Company, 134–36 N. Queen St., Kinston, N.C.

Kinco & Co. 11–6003548. Kings Lafayette Bank, 342 Fulton St., Brooklyn, N.Y. 11201.

Kinder & Co. 04–6213848. Boston Safe Deposit & Trust Company, P.O. Box 2145, Boston, Mass. 02106.

Kingbank & Co. 04–6086430. First Agricultural National Bank of Berkshire County, 100 North St., Pittsfield, Mass.

King & Co. 13–6021170. First National City Bank, 399 Park Ave. New York 22, N.Y. (Leon B. Allen Fund, Inc., Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Broad Street Investing Corporation.)

Kingdon & Co. (b, c, e, h). 04–6031787. South Shore National Bank of Quincy, 1400 Hancock St., Quincy, Mass. 02169.

Kingsley & Co. 13–6020783. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Kintol and Company. 62–6048819. First National Bank of Sullivan County, P.O. Box 889, Kingsport, Tenn.

Kipp & Company. 04–6023958. Mechanics National Bank of Worcester, 303 Main St., Worcester 8, Mass.

Kirby & Company. Bank of Montreal, Portage & Main, Winnipeg, Man., Canada.

Kirbysan Co. 74–1664980. River Oaks Bank & Trust Company, P.O. Box 13120, Houston, TX 77019.

Kirchbak Co. 41–6017064. Richfield Bank and Trust Company, 6625 Lyndale Ave. S., Richfield, Minn.

Kiren & Company. 06–6069854. Canaan National Bank, Canaan, Conn.

Kirk & Co. 01–6012864. Canal National Bank, 188 Middle St., Portland 6, Me.

Kirk & Co. 25–1013509. Cunningham, Schmertz & Co., Inc., 200 First National Bank Bldg., Pittsburgh 22, Pa.

Kirk & Ford. 31–6024206. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati 2, Ohio.

Kirksey, Inc. 57–6013048. Kirksey, Incorporated, Drawer 1017, Greenwood, S.C.

Kirnwill Co. 59–6131651. Miami Beach First National Bank, P.O. Box H., Miami Beach 39, Fla.

Kirpet Co. 47–0211670. Kirpatrick-Pettis Company, 540 Omaha National Bank Bldg., Omaha 2, Nebr.

Kisco & Co. 35–0443590. Kiser, Cohn & Schumaker, Inc., 220 Circle Tower, Indianapolis, Ind.

Kit & Co. 95–6187732. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Kivco. 95–1717194. Karr, A. C. & Co., 3670 Wilshire Blvd., Los Angeles 5, Calif.

Klemann Corporation. 13–6020784. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Klug & Co. 36–6058395. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Knab & Co. 25–1158717. Union National Bank of New Brighton, Trust Dept., Box 296, New Brighton, Pa. 15066.

KNB Co. (a-c) 23–6402093. 110 W. Main St. (P.O. Box 30), Kutztown, Pa. 19530.

Knoco & Co. 31–6066405. Ohio National Bank of Columbus, 51 N. High St., Columbus, OH 43215. (Knowledge Communication Fund, Inc.)

Knowco. 94–1105369. Crocker-Citizens National Bank, 13th & Franklin St., Oakland, Calif. (Frank Knowlton & Co.)

Knox & Co. 21–6014106. First Camden National Bank & Trust Co., Broadway and Cooper Sts., Camden, N.J.

Knox Bolster & Co. 04–6041076. Bolster, Gardner T., 50 Congress St., Boston 9, Mass.

Knox Co. (a-h) 85–6010227. First National Bank of Artesia, Drawer AA—Roselawn at Quay, Artesia, N. Mex. 88210.

Knox Co. The 85–6010227. First National Bank of Artesia, Artesia, N. Mex.

Kochanek & Co. 04–6110122. Union National Bank, P.O. Box 620, Lowell, Mass. 01853.

Koke & Co. 42–6126933. Merchants National Bank of Cedar Rapids, 222 2nd Ave., S.E., Cedar Rapids, IA 52401.

Kolb, J. L. & Co. 16–6037008. Marine Midland Trust Company of Southern New York, Trust Dept., 150 Lake St., Elmira, NY 14902.

Kolman & Co. 13–6262846. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Kolo & Co. 95–6112364. Crocker-Citizens National Bank, 82 S. Lake Ave., Pasadena, CA 91101.

Kordula & Co. 13–6021169. First National City Bank, 399 Park Ave., New York 22, N.Y.

Kraft & Co. 13–6066162. Swiss Bank Corporation, 15 Nassau St., New York 5, N.Y.

Kranu & Co. 71–6049783. Union National Bank of Little Rock, Trust Dept., P.O. Box 1541, Little Rock, Ark. 72201.

Krauss & Co. 16–6023120. Manufacturers and Traders Trust Company, 284 Main St., Buffalo 5, N.Y.

Kray & Co. 36–6047271. Midwest Stock Exchange Clearing Corporation, 120 S. La Salle St., Chicago 3, Ill.

Krayer & Co. 23–6222906. First Pennsylvania Banking and Trust, Corporate Trust Dept., P.O. Box 7492, Company, Corporate Trust Dept., P.O. Box 7492, Philadelphia, PA 19101.

Krisco. 04–6215156. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Kroe & Co. 31–6018822. Central Trust Company, Fourth & Vine Sts., Cincinnati, Ohio.

K.S.B. & T. Co. 48–6150795. Kansas State Bank and Trust Company, 123 N. Market St., Wichita, Kans. 67202.

Kude. 04–6241304. Haverhill Savings Bank, Haverhill, Mass. 01830.

Kugler & Co. (e). 13–6020785. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015. (American Business Shares, Inc.)

Kull & Co. 39–6129903. Citizens National Bank of Lake Geneva, 401 Broad St., Lake Geneva, Wisc. 53147.

Kull & Co. 22–6027148. Hudson County National Bank, Jersey City, N.J.

Kunz & Co. (f). 23–0360210. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

KWP Company, 71–6051100. Merchants National Bank, Ft. Smith, Ark.

Laba & Co. 36–6032342. La Salle National Bank, 135 S. La Salle St., Chicago 3, Ill.

Labanc & Co. 72–6031938. Louisiana National Bank of Baton Rouge, 451 Florida Blvd., Baton Rouge, La. 70821.

Labanc & Co. 72–6031938. Louisiana National Bank of Baton Rouge, c/o Trust Dept., 451 Florida Blvd., Baton Rouge, La. 70801.

Labb & Co. (f). 04–6012862. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106. (Putnam Investors Fund, Inc.)

Lack & Lindsay. 51–6011653. Wilmington Trust Co., Wilmington 99, Del. (Delaware Fund, Inc., United Funds, Inc.)

Laco & Co. 34–6605233. 30 S. Park Pl., Painesville, OH 44077.

Laco Company. (a–c, f, h), 24–6015309. c/o Lafayette Trust Bank, 360 Northampton St., Easton, PA 18042.

Laconat & Co. 36–6070405. First Lake County National Bank, Libertyville, Ill.

Lacor & Co. 95–6088315. Bank of America N.T. & S.A., P.O. Box 2152, Terminal Annex, Los Angeles 54, Calif.

Lacovara & Co. 13–6262847. Fiduciary Trust Company of New York. 1 Wall St., New York, N.Y. 10005.

Lacy & Co. 25–6075094. Mellon National Bank and Trust Company, Mellon Sq., Pittsburgh, Pa.

Ladaco. 58—6082014. Calhoun First National Bank, 215 N. Wall St., P.O. Box 169, Calhoun, Ga. 30701.

Ladd and Company. 37–0895178. Community Bank & Trust Company, Canton, Ill.

Ladig & Co. 35–6032475. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Ladiv & Co. 95–6039273. Los Angeles Stock Clearing Corporation, 215 W. Seventh St., Los Angeles 14, Calif.

Ladko. 04–1523130. Lang & Dadmun Inc., 53 State St., Boston 9, Mass.

Lafayette Company. (a–f, h). 23–6238131. Lancaster County Farmers National Bank, c/o Trust Dept., 23 E. King St., Lancaster, Pa. 17604.

Lafco Company. 11–6006708. Lafayette National Bank of Brooklyn in New York, 200 Montague St., Brooklyn 1, N.Y.

Lages & Co. 22–6025301. First Jersey National Bank, 1 Exchange Place, Jersey City 3, N.J. (Group Securities, Inc.)

Lain & Co. 74–6035094. First Hutchings-Sealy National Bank, P.O. Box 1500, Galveston, Texas.

Lain & Co. 95–0949840. Los Angeles Investment Company, 3450 W. Vernon Ave., Los Angeles 8, Calif.

Lake & Co. 36–6052309. Lake Shore National Bank, 605 N. Michigan Ave., Chicago, Ill. 60611.

Lake & Co. 13–6062520. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Lake & Co. Bank of Montreal, King & Bay Sts., Toronto, Canada.

Lake Co. 75–1242901. Lakewood Bank and Trust Company, LaVista at Gaston, Dallas, Texas 75214.

Lakemark and Company. (a). 16–6115726. Marine Midland Trust Company of Southern New York, 150 Lake St., Elmira, NY 14902.

Lakeside & Co. 94–6087350. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Lalley & Co. 38–6110904. Michigan National Bank, Grand Rapids, Mich.

Lamarbo & Co. 54–6056771. Arlington Trust Company, Box 509, Arlington, Va.

Lamb & Co. 04–6134400. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Lamb & Co. (c) 41–0451149. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Lamco (b). Carroll County Trust Company, Trust Dept., Main St., Conway, NH 03818.

Lamider & Co. 37–6064768. National Bank of Bloomington, 121 N. Main St., Bloomington, Ill. 61701.

Lamoille Company, The. 03-6006474. Sterling Trust Company, Johnson, Vt.

Lamont & Co. 94-6168313. Wells Fargo Bank, 464 California St., San Francisco, Calif. 94120.

Lamore and Company. 54-0506428. Union Theological Seminary in Virginia, 3401 Brook Rd., Richmond, Va. 23227.

Lamson & Co. 37-6090668. c/o The Old National Bank, P.O. Box 709, Centralia, IL 62801.

Lana & Co. 02-6019930. Laconia Peoples National Bank and Trust Company, P.O. Box 130, Laconia, NH 03246.

Lanabal. 74-6060179. Laredo National Bank, P.O. Box 59, Laredo, Texas.

Lancaster & Company. Royal Trust Company, 66 King St., W., Toronto 1, Ont., Canada.

Lanco & Co. 36-6049218. First National Bank of Lansing, 3300 Ridge Rd. at Roy St., Lansing, Ill. 60438.

Land & Co. 13-2623656. First Pennsylvania Banking and Trust Company, 15th & Chestnut Sts. Philadelphia, Pa. 19101. (Conglomerate Fund of America, Inc.)

Land & Co. (f) 13-2623656. First Pennsylvania Banking and Trust Company, Personal Trust Dept., P.O. Box 8786, Philadelphia, Pa. 19101.

Landico. 36-2686772. First National Bank & Trust Company of Barrington, 104 S. Cook St., Barrington, Ill. 60010.

Landstrom & Co. 04-6013504. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Lane & Company (b,c,h) 95-6006922. Southern California First National Bank c/o Trust Dept., P.O. Box 109, 530 "B" St., San Diego, Calif. 92122.

Laneco. 42-6089775. Security Savings Bank, Marshalltown, Iowa 50158.

Lansal Company. 13-5559251. First Israel Bank and Trust Company of New York, 60 Wall St., New York, N.Y. 10005.

Lapen & Co. Security National Bank, Sioux City, IA.

Lar & Co. 95-6006931. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 54, Calif.

Larg & Co. 37-6030477. First National Bank & Trust Co., Alton, Ill.

Lark and Co. 71-6050315. First National Bank in Little Rock, c/o Trust Dept., Third & Louisiana Sts., (or P.O. Box 1471) Little Rock, Ark. 72203.

ICM Equity Fund, Inc.

ICM Financial Fund, Inc.

Larmil Ulin. 93-0479581. Black & Company. Inc., American Bank Bldg., Portland, Oreg. 97205.

Larson & Co. 13-6093149. Hayden Stone & Co., 25 Broad St., New York, N.Y. 10004.

Las. 95-6039259. Los Angeles Stock Clearing Corporation, 215 W. Seventh St., Los Angeles 14, Calif.

Laso & Company. 84-0275520. Mullen, J. K. Corporation, 2021 First National Bank Bldg., Denver 2, Colo.

Latruco and Company. 39-6041306. La Crosse Trust Company, 311 Main St., (or Box 981), La Crosse, Wisc. 54601.

Lau & Co. (h). 74-6065421. Frost National Bank, Corporate Trust Dept.. P.O. Drawer 1600, San Antonio, TX 78206.

Lauer & Co. 23-6232515. Glenmede Trust Company, 1608 Walnut St., Philadelphia 3, Pa.

Laurel & Co. (f). 06-6074746. First New Haven National Bank, Trust Dept., 1 Church St., New Haven, Conn. 06502.

Lavenco (d). 04-6013813. Third National Bank of Hampden County, P.O. Box T, Springfield, MA 01101.

Law & Co. 24-6017532. Miners National Bank of Wilkes-Barre, 8-18 W. Market St., Wilkes-Barre, Pa.

Lawlee & Co. 04-6089185. Naumkeag Trust Company. 217 Essex St., Salem, Mass. 01971.

Lawlor & Co. 04-6178965. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Lawnat & Co. 36-6063029. Lawndale National Bank of Chicago, 3343 W. 26th St., Chicago 23, Ill.

Lawrence & Co. (a, b, c, d, f, h). 25-1113179W. Lawrence Savings and Trust Company, 223 E. Washington St., New Castle, Pa. 16101.

Lawson & Co. (f) 88-6002684. First National Bank of Nevada, Trust Dept., P.O. Box 190, 300 E. Carson, Las Vegas. NV 89101.

Layor & Company. Royal Trust Company, 436 Main St., Winnipeg, Man., Canada.

Lazell & Company (a-d). 16-6022844. Bank of Jamestown, c/o Trust Dept., 202 N. Main St., Jamestown, NY 14701.

L.C.N.B. Company. 23-6238024. Lancaster County Farmers National Bank, 23 E. King St., Lancaster, Pa.

Leader & Co. (a, b). 74-6035811. Capital National Bank in Austin, P.O. Box 550, Austin, Texas 78767.

Leavans, Robert J. 24-0789556. Leavans, James A., Incorporated, Leavans Bldg., Shamokin, Pa.

Lebore and Company. 14-6016598. Mohawk National Bank, 216 State St., Schenectady, N.Y.

Lecom & Co. 24-6012423. First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa.

Lecot Company. 23-6222954. Lebanon County Trust Company, 809 Cumberland St., Lebanon, Pa. 17042.

Ledo & Co. 72-6042572. Whitney National Bank of New Orleans, P.O. Box 61260, New Orleans, La. 70160.

Lee & Co. Glen Cove Trust Company, Glen Cove, N.Y.

Lee & Lee. 55-6041484. Peoples Bank of Charles Town, P.O. Box 351, Charles Town, W.V. 25414.

Leech & Co. 04-6215103. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Leeco & Co. (b,f). 59-6128316. Lee County Bank, P.O. Box 711, Fort Myers, FL 33902.

Lee, Field and Co. (a partnership). 04-6119203. Trustees of the Lee Trust, 431 Broadway, Everett, Mass. (Lee Trust.)

Lee, G. & Co. 23-6209273. Harper & Turner, Inc., 1510 Chestnut St., Philadelphia 2, Pa.

Lee-Nat and Company. 36-6128518. First National Bank of Des Plaines, 733 Lee St., Des Plaines, Ill.

Lee Ray & Co. 36-6057769. Drovers National Bank of Chicago, 1542 W. 47th St., Chicago, Ill. 60609.

Leeds & Company. 06-6032454. City Trust Company, 961 Main St., Bridgeport 2, Conn.

Lees & Co. 04-6013759. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass.

Left & Co. 23-6395727. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Legal & Co. 22-6130563. First National State Bank of New Jersey, Dept. of Estates & Trusts, 550 Broad St., Newark, N.J. 07102.

Le Gassick & Co. 13-6020786. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Legge and Co. 01-6013845. Maine National Bank, Trust Dept., P.O. Box 1866, Portland, Me. 04104.

Lehcor & Co. 13-6176342. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015. (Lehman Corporation.)

Leidmont & Co. 94-6056807. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Leland & Company. 34-4423250. Commodore Perry Company, P.O. Box 2005, Toledo, Ohio 43603.

Lemat Co. 22-1765576. Mathis & Co., 1 S. So. Carolina Ave., Atlantic City, N.J. 08401.

Lemca Company. 04-6137886. Franklin County Trust Company, 324 Main St., Greenfield, Mass. 01301.

Lemco. 31-6025958. Third National Bank and Trust Co., 34 N. Main St., Dayton 2, Ohio.

Lenk & Co. 35-6032477. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Lenmar & Co. 52-6032546. Riggs National Bank of Washington, D.C., 800-17 St. NW., Washington, D.C. 20013.

Lennox-Fay Company. 59-6131166. Miami Beach First National Bank, P.O. Box H., Miami Beach 39, Fla.

Lenro & Co. (Representing Personal Trust). 36-6047470. c/o Robert S. Adler, 33 S. Clark St., Room 827, Chicago 3, Ill.

Lentz & Co. (f). 74-6041528. Frost National Bank, Corporate Trust Dept., P. O. Drawer 1600, San Antonio, Tex. 78206.

Leon & Co. 42-6062220. Central National Bank and Trust Company, 312 Fifth St., Des Moines 4, Iowa.

Leonard & Co. 22-6040842. National Community Bank of Rutherford, P.O. Box 250, Rutherford, N.J.

Lepac & Co. Chemical Bank, Trust Officer, 319 N. Fourth St., St. Louis, MO

Leprof Company. 24-6014120. Lehigh Inc., 1500 Lehigh Dr. Easton, Pa. 18043. (Lehigh Foundries Profit Sharing Trust.)

Lerche & Co. 13-6062910. Bank of New York, 48 Wall St., New York, N.Y. 10015. (Dreyfus Fund, Inc., Lazard Fund, Inc.)

Lerco. 04-2278534. Lerner & Co., Inc., 10 Post Office Sq., Boston 9, Mass.

Leroy & Company. 94-6055903. Transamerica Corporation, Montgomery at Columbus Ave., San Francisco 11, Calif.

Leroy & Co. 22-6041455. National Newark & Essex Bank, 744 Broad St., Newark, N.J. 07101.

Les & Co. 74-6065267. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001.

Lesco. 04-6238864. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. (Industries Trend Fund, Inc.)

Leslie & Co. 13-6021938. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Leumisec Company. 13-1975068. Leumi Securities Corp., 60 Broad St., New York, N.Y.

Levybank. 95-6032318. Bank of A. Levy, P.O. Box 272, Oxnard, Calif.

Levycourt. 95-6032319. Bank of A. Levy, P.O. Box 272, Oxnard, Calif.

Levytrust. 95-6032317. Bank of A. Levy, P.O. Box 272, Oxnard, Calif.

Lewis Co. 91-0293793. John R. Lewis, Inc., 1001 Fourth Ave., Room 4026, Seattle, Wash. 98104.

Lewis & Co. (a, b) 06-6022964. Second National Bank of New Haven, Trust Dept., P.O. Drawer 402, New Haven, CT 06502.

Lewis & Elliott. 51-6016021. Farmers Bank of the State of Delaware, Market St. & Delaware Avenue, Laurel, Del.

Lews & Co. 25-6032371. Bradford National Bank, 71 Main St., Bradford, Pa.

Lexon & Co. 13-6021929. Irving Trust Company, 46th St. & Lexington Ave., New York, N.Y.

Lib & Co. 52-6042144. Liberty Trust Company, 81 Baltimore St., Cumberland, Md.

Libada & Co. 35-6014576. Purdue National Bank of Lafayette, 201 Main St., Lafayette, IN 47902.

Libag. (f) 61-6059232. Liberty National Bank and Trust Company, 416 W. Jefferson St., Box 1499, Louisville, Ky. 40201.

Liban & Co. 59-6189018. Little River Bank and Trust Company, Cor. N.E. Second Ave. & 80th Terrace, Miami, Fla. 33138.

Libco. 13-1944660. L. I. Bregman, 4 Albany St., New York, N.Y. 10006.

Libco. 73-6092494. Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 1655, Oklahoma City, Okla.

Liberty Registration Co. of Oklahoma City. 73-6092495. Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 1655, Oklahoma City, Okla.

Liberty Transfer Company. 73-6127652. Liberty National Bank and Trust Company, P.O. Box 25096, Oklahoma City, Okla. 73125.

Libest. 61–6059233. Liberty National Bank and Trust Company, 416 W. Jefferson St., Box 1499, (Louisville, Ky. 40201.)

Libex. (a) 61–6059234. Liberty National Bank and Trust Company, 416 W. Jefferson St., Box 1499.

Libtee. 61–6059235. Liberty National Bank and Trust Company, 416 W. Jefferson St., Box 1499, Louisville, Ky. 40201.

Lick & Co. (h) 94–6059805. Crocker-Citizens National Bank, 1 Montgomery St., San Francisco, Calif. 94120.

Lico & Co. 36–6046304. Sears Bank and Trust Company, 3401 W. Arthington St., Chicago 24, Ill.

Licova & Co. (d) 54–6081446. Life Insurance Company of Virginia, Treasurer's Division, 914 Capitol St., Richmond, Va. 23209.

Liefke & Co. 14–6015969. National Commercial Bank and Trust Company, 436 State St., Schenectady 5, N.Y.

Life & Co. 36–6081608. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Life Fund & Co. 04–6139938. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Life Insurance Stock Fund & Company. 75–6020839. Life Insurance Stock Fund, Inc., 1032 Life Bldg., 311 S. Akard, Dallas 2, Texas.

Light & Co. 52–6034575. First National Bank of Maryland, Light & Redwood Sts., Baltimore 3, Md.

Lilgran Co. c/o Avenue State Bank, 104 N. Oak Park Ave., Oak Park, IL 60301.

Lill & Co. 22–6025302. First Jersey National Bank, 1 Exchange Pl., Jersey City 3, N.J. (Balanced Income Fund, Inc., Supervised Investors Growth Fund, Inc., Supervised Investors Summit Fund, Inc., Technology Fund, Inc., Television-Electronics Fund, Inc.)

Linba Co. 11–6038393. Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn 6, N. Y.

Linco & Co (a, ab). 35–6014526. Lincoln National Bank and Trust Company of Fort Wayne, c/o Trust Dept., 116 E. Berry St., Fort Wayne, Ind. 46802.

Lincoln & Lincoln. Andrew James Investment Company, 1701 Locust St., Philadelphia 3, Pa.

Lind & Co. 13–6021941. Irving Trust Company, 1 Wall St., New York 15, N.Y. (Advisers Fund, Inc., Axe-Houghton Stock Fund, Inc., Axe Science & Electronics Corp., Composite Fund, Inc., Fiduciary Mutual Investing Company, Inc.)

Lindsay & Co. 23–6232971. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Line & Co. 04–6123267. Norfolk County Trust Company, 1319 Beacon St., Brookline, Mass. 02146.

Lingg & Co. 23–6274121. Philadelphia National Bank, Broad & Chestnut Sts., Philadelphia, Pa.

Link & Co. 31–6024208. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati, Ohio.

Linkins & Co. (a–d, f, h). 59–6120802. Security Trust Company, 131 Security Trust Bldg., Miami, Fla. 33131.

Linvar & Co. 13–6219494. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Linway & Co. (c) (h). 84–6042757. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Lion and Company. 31–6085050. Provident Bank, 1 E. Fourth St., Cincinnati, Ohio 45202.

Lionco. 23–6296210. Southern Pennsylvania National Bank, 2055 S. Queen St., York, Pa. 17403.

Lippuner, John & Co. 13–6121811. c/o Atlantic Bank of New York, 960 Ave. of the Americas, New York, N.Y. 10001.

Lisna & Co. 36–6070649. Central National Bank in Chicago, Trust Dept., 120 S. La Salle St., Chicago, Ill. 60603.

Lister & Co. (f). 13–6065593. Chemical Bank, 20 Pine St., New York, NY 10017. (New York 8, N.Y.)

Litco Company. 11–6004911. Long Island Trust Company, 82 Seventh St., Garden City, N.Y. 11530.

Litten & Co. 36–6195033. Northern Trust Company, Securities Division, 50 S. La Salle St., Chicago, Ill 60690.

Little & Co. 59–6127971. Little River Bank & Trust Co., Cor. N.E. Second Ave. & 80th Terrace. (Miami, Fla. 33138.)

Little & Company. 05–6008318. Sixty Trust, 909 Howard Bldg., Providence, R.I. 02903.

Liva & Co. 16–6100659. Lincoln Rochester Trust Company, P.O. Box 1412, 183 Main St. East, Rochester, N.Y. 14603.

Live & Company. 31–6021104. Central Trust Company, Fourth & Vine Sts., Cincinnati 2, Ohio.

Lloyd & Company. 23–6251866. First National Bank of Altoona, 1206 11th Ave., Altoona, Pa.

Lnbee & Co. 72–6031481. Louisiana National Bank of Baton Rouge, c/o Trust Dept., 451 Florida Blvd., Baton Rouge, La. 70801.

Lnl Co. 95–2624549. Lang.Lasser & Co., Inc., 8665 Willshire Blvd., Beverly Hills, CA 90211.

Lo & Co. 23–6476745. Ina Corporation, P.O. Box 7728, Philadelphia, Pa. 19101. Trustees of the North America Companies Pension Fund.

Loa & Co. Royal Trust Company, 76 Metcalf St., Ottawa, Ont., Canada.

Loanworth & Co. 52–6032545. Riggs National Bank of Washington, D.C., 800–17 St., N.W., Washington, D.C. 20013.

Lobe & Co. 95–6107108. Security Pacific National Bank, P.O. Box 2097, Terminal Annex, Los Angeles, Calif. 90054.

Locban & Co. 56–6066629. Bank of Asheville, 72 Patton Ave., (or P.O. Box 1881), Asheville, N.C. 28802.

Lock Haven Co. 24–6018618. Lock Haven Trust Company, Lock Haven, Pa.

Locke, Inc. (e). 04–6042365. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Loco & Co. (f). 13–6194685. Chemical Bank, 20 Pine St., New York, NY 10017. Manhattan Fund, Inc.

Loder & Co. Dillon, Read & Co., Inc., 46 William St., New York, N.Y. 10005.

Lodgewood Co. 13–4973745. Brown Brothers Harriman & Co. 135 S. La Salle St., Chicago, Ill.

Lodi & Co. 75–6083851. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, Texas. 75222.

Loeb & Loeb. 23–6234786. Provident National Bank, 17th & Chestnut Sts., Philadelphia, PA 19101.

Log & Co. 04–6184479. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Logan & Co. 13–6062539. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Lohaned & Co. 15–6017855. First Trust & Deposit Company, 201 S. Warren St., Syracuse 2, N.Y.

Lok & Co. 04–62224104. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Lomac & Co. 59–6170718. City Bank and Trust Company of St. Petersburg, P.O. Drawer G, St. Petersburg, Fla. 33731.

Lombard & Co. Canadian Imperial Bank of Commerce, 265 St. James St., W., Montreal, P.Q., Canada.

Lombard St. Nominees Ltd., Martins Bank Ltd., 3 Change Alley, London E.C. 3, England.

Lomed. 04–2424418. Louis B. Meadows & Co., Inc., 1694 Main St., Springfield, Mass. 01103.

Lon & Co. (c). 93–6051519. First National Bank of Oregon, Trust Div., P.O. Box 2971, 400 S.W. Sixth, Portland, OR 97208.

Long & Company. 43–6020907. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Longbea & Co. 95–6230535. First Western Bank and Trust Company, 130 E. First St., Long Beach, Calif. 90802.

Longo. 13–5369510. Saxton, G. A. & Co., Inc., 52 Wall St., New York 5, N.Y.

Longvale & Company, Royal Trust Company, 436 Main St., Winipeg, Man., Canada.

Lorban & Co. 34–6526843. Lorain County Savings & Trust Company, 124 Middle Ave., Elyria, Ohio.

Lorco & Co. 34–6526844 Lorain County Savings & Trust Company, 124 Middle Ave., Elyria, Ohio.

Lorcott & Co. 04–6014104. Loring, Wolcott Office, Inc., 35 Congress St., Boston 9, Mass.

Lord & Co. 02–6015677. First National Bank of Portsmouth, Portsmouth, N.H. 03801.

Loriot & Co. 13–6062519, Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y. (Fundamental Investors, Inc., Knickerbocker Fund, Selected American Shares, Inc.)

Lot & Co. 04–6037908, New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Lothroy Nominees Limited, Royal Bank of Canada, 6 Lothbury, London, E.C. 2, England.

Loucourt (a). 61–6032346. Louisville Trust Company, P.O. Box 1619, Louisville, Ky. 40201.

Louguard (f). 61–6032348. Louisville Trust Company, P.O. Box 1619, Louisville, Ky. 40201.

Louis & Co. 04–6013498. Berkshire Bank & Trust Company, 78 Main St., North Adams, Mass.

Loulow. 43–6070814. Lowenstein Brothers, 2925 Commerce Tower, Kansas City, Mo. 64105.

Loutrag (b). 61–6032347. Louisville Trust Company, P.O. Box 1619, Louisville, Ky. 40201.

Loutrustco (c, e). 61–6032349. Louisville Trust Company, P.O. Box 1619, Louisville, Ky. 40201.

Lov & Co. 84–6032944. First National Bank in Loveland, Loveland, Colo.

Low & Co. (f). 04–6012863. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Lowell & Co. 13–6020787. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015. (American European Securities Company.)

Lowkap & Co. Lowenstein Brothers, 2925 Commerce Tower, Kansas City, MO 64105.

Loyd and Company. 75–6010556. First National Bank, Fort Worth, Texas.

L.P.R. & Co. 52–0896443. Letters, Peremel & Rashbaum Incorporated, 1 East Redwood St., Baltimore, Md. 21202.

LRC Co. of Oklahoma City. 73–6108940. Liberty National Bank and Trust Company, Trust Dept., P.O. Box 25848, Oklahoma City, Okla.

L R C Corporation. 13–2597275. Loeb Rhoades & Co., 42 Wall St., New York, N.Y. 10005.

Lua and Company. 35–6013713. Fort Wayne National Bank, 127 W. Berry St., Fort Wayne 2, Ind.

Lub-Cap Company (a-h). 75–6037974. Lubbock National Bank, P.O. Box 421, Lubbock, TX 79408.

Lubnat & Company (h). 75–6037805. Lubbock National Bank, P.O. Box 421, Lubbock, TX 79408.

Lucas & Company. 43–6020909. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Luff & Co. 04–6215102. State Street National Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Lupi & Co. 04–6178966. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Lupton & Co. (h). 22–6022444. Howard Savings Institution, P.O. Box 1250, Newark, NJ 07101.

Lura & Co. 57–6037260. The Self Foundation, Drawer 1017, Greenwood, S.C. 29646.

Lusk & Co. 04-6178967. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Luther & Co. 38-6110905. Michigan National Bank, Grand Rapids, Mich.

Lux & Co. 13-6210144. United States Trust Company of New York, 45 Wall St., New York, N.Y. 10005.

Lyle & Co. 04-6219327. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Lyman & Co. 52-0792044. Riggs National Bank of Washington, D.C., 800-17 St., N.W., Washington, D.C. 20013.

Lynat and Company. 54-6031897. Fidelity National Bank, Lynchburg, Va.

Lynch and Company. Bank of Tokyo Trust Company, 100 Broadway, New York 5, N.Y.

Lynn & Co. (e). 13-6020788. Morgan Guaranty Trust Company of New York, 23 Wall St., New York 15, N.Y. (Bullock Fund, Ltd., Dividend Shares, Inc., Nation-Wide Securities Company, Inc.)

Lynspen & Company. 63-6020774. Birmingham Trust National Bank, 112 N. 20th St., Birmingham 3, Ala.

Lynton & Company. Royal Trust Company, 76 Metcalfe St., Ottawa, Ont., Canada.

Lyon & Co. 13-6020905. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Lyon & Co. 22-6031404. Somerset Trust Company, Somerville, N.J.

Lyon & Company (b). 04-6109609. Rockland Trust Company, 288 Union St., Rockland, MA 02370.

Lyons & Co. 02-6004458. Merchants National Bank of Manchester, 35 Mechanic St., Manchester, NH 03105.

Lys & Co. 95-6006929. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles 54, Calif.

Lyton & Company. Royal Trust Company, 128 Wellington St., Ottawa, Ont., Canada.

Mabco & Co. (b, c, h). 35-6206195. Madison Bank and Trust Company, 213-215 E. Main St., Madison, IN 47250.

Mabat & Company. 39-6043480. Madison Bank & Trust Company, 23 W. Main St., Madison 1, Wis.

Mabec. 42-0322100. First Trust and Savings Bank, Box 940, Davenport, IA 52805.

Mac & Co. (a, b). 25-6019000. Mellon National Bank & Trust Company, Mellon Sq., (or P.O. Box 926), Pittsburgh, Pa. 15230.

Mabell & Co. (c). Central National Bank of Cleveland, P.O. Box 6179, Cleveland, OH 44101.

MacBee & Co. 04-1655082. Naumkeag Trust Company, 217 Essex St., Salem, Mass.

MacDonald, Thomas B. 13-4962520, Blyth & Co., Inc., 14 Wall St., New York, N.Y.

Mace & Co. 04-6172458. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

MacIntosh, J. M. 34-6515886. Dollar Savings & Trust Company, P.O. Box 450, Youngstown, Ohio.

Mack and Company (b). 75-6021056. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, Texas 75221.

MacKay & Co. (h). 04-6012864. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Mac Kintosh Partnership, The (a,b). 91-6020285. The Bank of California, N.A., P.O. Box 3095, 815 Second Ave., Seattle, WA 98104.

Maclin & Company. 01-6027578. Lincoln E. McRae, Inc., P.O. Box 547, Rockland, Me. 04841.

Mackling. McCombs Securities Co. Inc., P.O. Box 2666, Pomona, CA 91766.

Macom & Co. 42-6053303. Valley Bank and Trust Company, 403 Walnut St., Des Moines 4, Iowa.

Macrae Partnership. 93-6021128. The Bank of California, N.A., P.O. Box 3121, Portland, OR 97208.

MacRoberts & Co. 04-6193981. Commerce Bank & Trust Company, 240 Main St., Worcester, Mass. 01608.

Macrowave & Company (F). 04-6215666. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 0216.

Macsara & Co. 88-6002469. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Macy & Co. 95-2221296. Wm. R. Staats Co., 640 S. Spring St., Los Angeles, Calif.

Madis & Co. 42-122786. Fort Madison Bank & Trust Company, c/o Trust Dept., Ave. G & 7th St., Fort Madison, IA 52627.

Madison & Co. 52-6032219. Union Trust Company of Maryland, St. Paul & Baltimore Sts., Baltimore 3, Md.

Madsen Co. 22-6077486. First Bank & Trust Co., 214 Smith St., Perth Amboy, N.J. 19101.

Mae & Co. (c). 23-6222923. The First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Mafac & Co. (b,c,f). 04-6227836. First Safety Fund National Bank, 25 Pleasant St., Garden, MA 01440.

Mag & Co. 04-6240744. c/o Brown Brothers Harriman & Co., 10 Post Office Square, Boston, MA 02109.

Maguire, Charles E. 13-5260500. John Muir & Co., 39 Broadway, New York, N.Y.

Mahaley, John W. 24-0546960. Citizens Safe Deposit and Trust Company, The, 102 N. Main St., Coudersport, Pa.

Mahco-A Partnership (b,c,e,h). 34-6524872. Mahoning National Bank, 23 Central Sq., Youngstown, OH 44503.

Mahl & Co. 04-6012897. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02110.

(Massachusetts Life Fund)

Mahogo Ltd. Bahama Central Trust Co., Nassau, Bahama, British West Indies.

Main & Co. (b). 06-6032096. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Main & Co. (b). 84-6033274. c/o First National Bank, 464 Main St., P.O. Box 608, Grand Junction, CO 81501.

Main & Ervay Co. 75-6084000. Merchantile National Bank at Dallas, P.O. Box 5415, Dallas, Texas 75222.

Mainbank & Co. 45-6017432. The Fargo National Bank, Main at Seventh, Fargo, N.D. 58102.

Main Miller & Company (a,b,c,e,f). 34-6517919. Firestone Bank, 1115 S. Main St., Akron, Ohio 44301.

Mainsterl & Company. Sterling National Bank and Trust Company of New York, 1410 Broadway, New York, N.Y.

Major & Co. 04-6134622. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Malenko. 22-1774790. M.A. Allen & Company Incorporated, 1143 Main Ave., Clifton, N.J. 07011.

Mali & Co. 04-6237286. Malden Savings Bank, Life Insurance Department, 397 Main St., Malden, MA 02148.

Malno & Co. 04-6087368. Massachusetts Company, Inc., 70 Federal St., Boston, Mass. 02110.

Maltrust & Co. 04-6067613. Malden Trust Company, 94 Pleasant St., Malden 48, Mass.

Manaco & Co. 86-6029489. First National Bank of Arizona, P.O. Box 2669, Phoenix, Ariz. 85002.

Mana-Rio Company. 59-6126048. Manatee River National Bank, Drawer 150, Bradenton, Fla.

Manash & Co. 01-6009873. First Manufacturers National Bank, P.O. Box 701, Lewiston, Me.

Manat & Co. Maine National Bank, Trust Dept., P.O. Box 1866, Portland, Me 04104.

Manboc & Co. 36-6130831. Michigan Avenue National Bank of Chicago, 30 N. Michigan Ave., Chicago, Ill. 60602.

Mancot & Co. 13-6062518. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Mancros & Co. 41-6054141. The Crosby Company, 2500 First National Bank Bldg., Minneapolis, Minn. 55402.

Mandell & Co. 37-0900355. The Old National Bank, P.O. Box 709, Centralia, Ill. 62801.

Manleg & Co. 13-6062532. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Manmar & Co. 42-6126419. First National Bank of Ottumwa, 251 W. Second St., Ottumwa, IA 52501.

Mann & Co. 23-6251098. Philadelphia National Bank, The Broad & Chestnut Sts., Philadelphia 1, Pa.

Manning & Co. 94-6184479. Manning Securities, Inc., 44 Montgomery St., San Francisco, Calif. 94104.

Manrope & Co. 04-6224568. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Mansard and Company, The Commercial National Bank of Little Rock, P.O. Box 1331, Little Rock, Ark. 27203.

Mansell & Co. 13-6065574. United States Trust Company of New York, 45 Wall St., New York, N.Y.

Manstrome & Co. 14-6050431. First Trust Company of Albany, 35 State St., Albany 7, N.Y.

Map & Co. 54-6031898. First and Merchants National Bank, P.O. Box 1855, Richmond, 15, Va.

Map and Company. 75-6018914. Merchants and Planters National Bank, 200 N. Travis St., Sherman, Texas.

Maple & Co. 25-6021583. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Mar Co. 95-1733576. Merrill Luther, Kalis & Co., Inc., 210 W. 7th St., Suite 411, Los Angeles, Calif. 90014.

Mar & Co. (d). 35-6210698. Marshall County Bank & Trust Company, 315 N. Michigan St., Plymouth, Ind. 46563.

Mar-Co. Marach Dofflemyre & Co., 634 S. Spring St., Los Angeles, Calif.

Mara & Co. 13-6077507. Bank of Montreal, 2 Wall St., New York, N.Y.

Marase & Co. 36-6117825. South Chicago Savings Bank, 2959 E. 92nd St., Chicago 17, Ill.

Marban & Co. 37-6024640. Springfield Marine Bank, 114 S. Sixth St., Springfield, IL 62701.

Marbank Company. 24-6021340. Northeastern Pennsylvania National Bank and Trust Company, P.O. Box 937, Scranton 2, Pa.

Marbond & Co. 39-6140314. Marine National Exchange Bank, One Marine Plaza, Milwaukee, Wisc. 53201.

March & Co. 04-6178968. c/o Stock Clearing Corp. of Boston, 53 State St., Boston, MA 02109.

Marcharlou, Inc. 84-0536969. Standart & Main Inc., 770 Grant St., Denver, Colo. 80203.

Marco & Company. Marquette National Bank, 6316 S. Western Ave., Chicago 36, Ill.

Marcus & Marcus Co. 13-6096744. Basic Investors Inc., 15 Maiden La., New York, N.Y. 10038.

Mardall & Co. 41-6026320. The Marquette National Bank of Minneapolis, P.O. Box 520, Minneapolis, Minn. 55440.

Marett & Co. 74-6067697. Main Bank & Trust, P.O. Box 1120, San Antonio, Texas.

Margo & Co. The Marquette National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis 40, Minn.

Maril & Co. (a-d, h, f). 39-6043182. Marshall & Ilsley Bank, 721 N. Water St. (or P.O. Box 2035), Milwaukee, WI 53202. (Wisconsin Fund, Inc.)

Marin & Co. 94-6096270. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Marinco. 59-6131167. Marine Bank & Trust Company, P.O. Box 1498, Tampa, Fla. 33601.

Marion & Co. (f). 57-6029295. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, SC 29202.

Mark & Co (c). 56-6067454. Wachovia Bank and Trust Company, N.A. Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, NC 27102.

Markel & Co. 86-6056258. Pioneer Bank of Arizona, Box 2012, Phoenix, Ariz. 85001.

Market Main & Company (a-d). 34-6520500.

Second National Bank of Warren, 108 Main St., S.W. (P.O. Box 1311), Warren, Ohio 44482. (Ralmar Investment Company.)

Marklas & Co. (h). 48-6104945. Fourth National Bank and Trust Company. P.O. Box 1090, Wichita, Kans. 67201.

Marmid & Co. 15-6017032. Marine Midland Trust Company of Central New York, Trust Dept., 344 S. Warren St., Syracuse, NY 13202.

Marnab. 22-6137475. Marine National Bank, Wildwood, N.J. 08260.

Marnat, Inc. 35-6014124. Marion National Bank, 402 S. Washington St., Marion, Ind.

Marodut. 14-6049929. Marine Midland Bank of Southeastern New York, N.A., 347 Main St., Poughkeepsie, NY 12602.

Maropok Co. 14-6037993. Marine Midland Bank of Southeastern New York, N.A., 347 Main St., Poughkeepsie, NY 12602.

Maroseny Co. 13-6065366. Marine Midland Bank of Southeastern, New York, N.A., 347 Main St., Poughkeepsie, NY 12602.

Marquis Company. 23-6472849. Easton National Bank and Trust Company, c/o Trust Dept., Easton, PA 18042.

Marris & Co. 04-6037931. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Mars, A. O. & Co. 74-6123371. Cullen Center Bank & Trust, P.O. Box 2845, Houston, Tex. 77001.

Mars & Co. 04-2457312. Investors Bank & Trust Company, Trust Dept., 24 Federal St., Boston, MA 02110.

Marsay & Co. 41-6027446. Marquette National Bank of Minneapolis, P.O. Box 520, Minnesapolis, Minn. 55440.

Marsco & Co. 59-6148158. Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733.

Marsh & Co. 06-6033514. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Marsom & Co. Adams, Harkness & Hill, Inc. 55 Court St., Boston, Mass. 02108.

Marsony & Co. (h). 16-6115725. Marine Midland Trust Company of Southern New York, 150 Lake St., Elmira, NY 14902.

Mart & Co. 04-6037920, New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Martan & Co. 13-1924455. M. H. Myerson & Co., Inc., 15 Exchange Pl., Jersey City, N.J. 07302.

Martin & Co. 70-467031040. Bank of the Southwest, N.A., Custdy Dept., Att: C. Regner, P.O. Box 2629, Houston, Texas 77001.

Martin & Hellmuth. 04-6042719. Hale & Dorr, 60 State St., Boston 9, Mass. (Rodolfo Martinez G., Paseo de Las Palmas #1580, Mexico 10, D.F.)

Marward & Co. (d). 14-6022677. National Commercial Bank and Trust Company, The, 60 State St., Albany, N.Y.

Masaco & Co. 04-6237287. Malden Savings Bank, 397 Main St., Malden, MA 02148.

Mascotte & Co. 35-6051368. Fort Wayne National Bank, 123 W. Berry St., Fort Wayne, IN.

Mascouten & Co. 37-6086639. First National Bank of Beardstown, Beardstown, Ill. 82618

Mase & Co. 45-6017433. The Fargo National Bank, Main at Seventh, Fargo, N.D. 58102.

Mash & Co. 13-2598328. Irving Trust Company, One Wall St., New York, NY.

Maslif One & Co. 04-1590850. Massachusetts Mutual Life Insurance Co., P.O. Box 5096, Church St. Station, New York, N.Y. 10008. (Massachusetts Mutual Life Insurance Co., Springfield, Mass.)

Mason & Co. (h). 94-6059806. Crocker-Citizens National Bank, Trust Hdq., One Montgomery St., San Francisco, CA 94120.

Mason & Co. (F). 75-6020839. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, Texas 75221.

Mass & Co. 04-6219328. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Mast & Co. (c). 06-6032095. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Matco. 42-6135628. Burlington Bank and Trust Company, 222 N. Main St., Burlington, IA 52701.

Mat & Co. (c), 56-6067455. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St., (P.O. Box 3075), Winston-Salem, NC 27102.

Mateo & Co. 94-1711017. 157 Second Ave., San Mateo, CA 94401.

Mathers, D.S. & Co. 23-6222700 W. Fidelity Bank, The, Commercial Dept., Broad & Walnut Sts., Philadelphia, PA 19109.

Matru & Co. 52-6032513. Maryland National Bank, Trust Dept., 10 Light St., Baltimore, MD 21202.

Matthews & Co. 13-6062540. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Mattson & Co. Connecticut Bank and Trust Company, P.O. Box 2518, Hartford, Conn. 06101.

Matus & Co. (b). 75-6042269. Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, TX 75221.

Maurer & Co. 13-6066161. Swiss Custodian Corporation, 15 Nassau St., New York, N.Y.

Max & Co. (d). 06-6032099. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Max & Company. 15-0617111. Max Philipson and Co., Inc., 307 Mayro Bldg., Utica, N.Y. 13501.

May & Company (a-e). 25-6041116. Northwest Pennsylvania Bank & Trust Co., 100 Seneca St., Oil City, PA 16301.

Maybank & Company (f). 22-6041187. Maplewood Bank and Trust Company, 161 Maplewood Ave., Maplewood, N.J. 07040.

Mayes Co. 94-6081492. Ocean Science Capital Corporation, P.O. Box 371, Palo Alto, Calif. 94302.

Maytrust & Company (A-C). 22-6041188. The Maplewood Bank and Trust Company, 161 Maplewood Ave., Maplewood, N.J. 07040.

MB&T Co. (f). 59-6187793. Marine Bank & Trust Company, P.O. Box 1498, Tampa, Fla. 33601.

McAdams and Company. 75-6020402. Exchange Bank & Trust Company. P.O. Box 35207, Dallas 35, Texas.

McCann & Co. 14-6050729. Dutchess Bank & Trust Company, 285 Main St., Poughkeepsie, N.Y. 12602. (McCann Foundation, Inc.)

McCary & Co. 13-6021160. First National City Bank, 399 Park Ave., New York 22, N.Y.

McClorey, John J. 13-5343850. C. B. Richard & Co., 5 Hanover Sq., New York, N.Y.

McCloskey & Co. The Royal Trust Company, 97 Queen St., Charlottetown, P.E.I., Canada.

McCormick and Company. 38-6177482. Maccabies Mutual Life Insurance Company, 25800 Northwestern Hwy., Southfield, Mich. 48075.

McCormick, James F. 05-9050254. A. W. Benkert & Co., Inc., 52 Wall St., New York 5, N.Y.

McGehee, Gordon and Company. 71-6066693. The First Pyramid Life Insurance Company of America, Pyramid Life Bldg., Little Rock, Ark. 72201. (Loyalty Bonus Trust for Career Agents of the First Pyramid Life Insurance Company of America.)

McGin & Co. 95-6258623. California Bankers Trust Company, One Wilshire Bldgs. 624 S. Grand Ave., Los Angeles, Calif. 90017.

McGoldrick & Co. 04-6041165. Clayton Securities Corporation, 147 Milk St., Boston, Mass.

McKenna & Co. 13-6022145. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

McKinley & Co. 34-6597624. First National Bank of Canton, Canton, Ohio 44702.

Mc Kybe & Co. 34-6500596. Union Commerce Bank, 917 Euclid Ave., Cleveland 14, Ohio.

Mc Namee & Co. 14-1391446. First Albany Corporation, 90 State St., Albany, N.Y.

MCO. 25-6073410. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

McRab & Co. (a-h). 59-6132956. Sarasota Bank & Trust Company, 1605 Main St. (P.O. Box 1718), Sarasota, Fla. 33578.

Mc Rae & Bowen. 51-6011531. Bank of Delaware, Wilmington 99, Del.

Mc Rob & Co. Mc Cormick, R. E., 445 Park Ave., New York, N.Y.

McRuth & Co. 04-6224100. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Mc Wein & Company. 54-6041935. South Boston Bank & Trust Company, South Boston, Va.

Mead & Co. 13-6082889. Birmingham & Company, Starr Ridge Rd., Brewster, N.Y.

Mead-First Company. 25-6033842. First National Bank of Meadville, Meadville, Pa.

Meadow Co. 13-6107797. National Bank of North America, 79 Pine St., New York, N.Y. 10005.

Means and Co. 04-6012986. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Mears & Co. 05-6010670. Walker, G. H. & Co., 840 Hospital Trust Bldge., Providence 3, R.I.

Meban & Co. 34-6558228. c/o Metropolitan Bank of Lima, Trust Dept., Drawer M, Lima, OH 45802.

Mebrona Co. 11-6008061. National Bank of North America, 60 Hempstead Ave., West Hempstead, N.Y. 11552.

Mebco. 74-6125828. Texas Commerce Bank N.A., P.O. Box 2558, Houston, Tex. 77001.

Mech & Company. 04-6023957. Mechanics National Bank of Worcester, 303 Main St., Worcester 8, Mass.

Mechanics & Co. (c). 94-6113221. Mechanics Bank of Richmond, California, c/o Trust Dept., Ninth & MacDonald Ave., Richmond, Calif. 94801.

Mechanics & Co. 23-6255933. Drovers & Mechanics National Bank of York, 30 S. George St., York, Pa.

Meck & Co. 56-6034734. Wachovia Bank & Trust Company, N.A., Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Mecnic & Co. 01-6030781. Mechanics Savings Bank, Auburn, Maine 04210.

Medcen & Co. Hershey Trust Company, Hershey, Pa. (Hershey, The M.S. Foundation.)

Medco. 04-6013652. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Meg. & Co. 25-6029536. United States National Bank, P.O. Box 509, Johnstown, Pa.

Melco. 95-6010277. United States National Bank of San Diego, Drawer 1550, San Diego, Calif. 92112.

Melco & Co. 13-1939697. A.J. Carno Co., Inc., 42 Broadway, New York, N.Y. 10004.

Melhorn & Co. 23-6200002. Provident National Bank, 17th & Chestnut Sts., Philadelphia, PA 19101.

Mellows & Co. Bankers Trust Company, 9 Queen Victoria St., London, E.C. 4, England.

Melvin, Cullen & Co. 13-6114607. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Memtrusco. 62-6090418. Memphis Bank and Trust Company, c/o Trust Dept., P.O. Box 183, Memphis, TN 38101.

Mendez Company. Boardhouse & Company, 20 Exchange Place, New York, N.Y. 10005.

Mepp & Co. (c). 35-6031709. c/o Merchants National Bank of Muncie, 122 S. Mulberry St., P.O. Box 792, Muncie, Ind. (Employees' Pension Plan of Marsh Supermarkets, Inc.)

Mer and Co. 35-6007549. Merchants National Bank of Terre Haute, 701 Wabash Ave., Terre Haute, Ind. (Niagara Shares Corporation, Whitehall Fund, Inc.)

Merba & Company, 43–6032333. Mercantile Trust Company, Drawer 387, St. Louis 66, Mo.

Merbank & Co. (e). 75–6006541. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas 22, Texas.

Merbank & Company. 31–6023864. First National Bank, Dayton, Ohio, 112 W. Second St., Dayton, OH 45402.

Merbank & Comany, 25–6032597. Merchants Bank and Trust Company, Meadville, Pa.

Merbank and Company. 64–6021775. Merchants National Bank and Trust Company of Vicksburg, The, P.O. Drawer 871, Vicksburg, Miss.

Merbro & Co. (d). 52–6025495. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Mercal, C.O. 93–6043881. The Commercial Bank, P.O. Box 428, Salem, Oreg. 97308.

Mercer, Williams & Co. 04–6013025. Fiduciary Trust Company, P.O. Box 1647, Boston 5, Mass.

Merchants & Co. 13–5243036. Merchants Bank of New York, 434 Broadway, New York, N.Y.

Merchants Trust & Co. 39–6037912. Merchants & Savings Bank, P.O. Box 650, Janesville, Wisc.

Merco (c). 38–6119448. Genesee Merchants Bank & Trust Co., One E. First St., Flint, MI 48502.

Merco & Co. 21–6016325. 1st Merchants National Bank, 150 Broad St., Red Bank, N.J.

Merco & Co. 35–6015921. Mercantile National Bank of Indiana, 5243 Hohman Ave., Hammond, IN 46325.

Merconn & Co. 06–6114846. Merchants Bank & Trust Company, Norwalk, CT 06856.

Mercury & Co. 04–6222219. Investors Bank & Trust Company, Trust Dept., 24 Federal St., Boston, MA 02110.

Merfar & Company. 45–6010531. Merchants National Bank & Trust Co. of Fargo, 122 Broadway, Fargo, ND.

Merfund & Co. 84–6047193. First National Bank of Denver, Trust Dept., P.O. Box 5825T.A., Denver, CO 80217.

Meri & Co. 94–6198349. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, CA 94120.

Mericka & Co. 34–0396740. William J. Merick & Co., 1101 Union Commerce Bldg., Cleveland 14, OH.

Merit & Co. (c). 63–6021278. Merchants National Bank of Mobile, P.O. Box 2527, 106 St. Francis St., Mobile, AL.

Merit & Co. 24–6012563. Wyoming National Bank of Wilkes-Barre, 26 W. Market St., Wilkes-Barre, PA.

Merit Co. (a–c, e). 35–6007550. Merchants National Bank & Trust Company of Indianapolis, c/o Trust Dept., 11 S. Meridian St., Indianapolis, IN 46204.

Merl & Co. 39–6128939. First National Bank of Neenah, Neenah, WI 54956.

Mermon & Co., Mercantile Bank of Canada, 491 Victoria Sq., Montreal 1, Que., Canada.

Mernab and Company. 41–6018758. Merchants National Bank of Winona, P.O. Box 548, Winona, Minn.

Mernat & Co. (h). 01–6009989. Merchants National Bank of Bangor, Trust Dept., 25 Broad St., Bangor, ME 04401.

Mernat & Co. 42–6051983. Merchants National Bank of Cedar Rapids, 222 Second Ave., S.E., Cedar Rapids, IA 52401.

Merora & Co. 36–6158937. Merchants National Bank of Aurora, 34 S. Broadway, Aurora, IL 60507.

Merra & Co. 13–6113137. Mergott Rappe & Co., Inc., 240 W. Front St., Plainfield, NJ.

Merrick & Co. (b). 13–6065599. Chemical Bank, 20 Pine St., New York, NY 10017.

Merrill & Co. 04–6040049. Ely, Bartlett, Brown & Proctor, 225 Franklin St., Boston, MA 02110. New York, N.Y.

Merrill & Company (a–f). 81–6009345. Midland National Bank, 303 N. Broadway, P.O. Box 2502, Billings, MT 59103.

Merritt & Smith. 04–6013227. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Merson & Co. 57–6025887. Bailey, M. S., & Sons, Bankers, Broad St., Clinton, SC 29325.

Mersyrco. 15–6018350. Merchants National Bank & Trust Company of Syracuse, 216 S. Warren St., Syracuse 2, N.Y.

Merta & Co. 36–6070951. Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.

Mertco & Company (a, b, c). 44–6011013. Mercantile Bank & Trust Co., 1119 Walnut St., Kansas City, MO 64106.

Mertopco (h). 48–6134483. The Merchants National Bank, Trust Dept., P.O. Box 178, Topeka, KS 66601.

Mertor & Co. Mercantile Bank of Canada, 210 Bay St., Toronto, Ont., Canada.

Mertru & Co. (d). 01–6018523. Merrill Trust Company, 2 Hammond St., Bangor, Me. 04401.

Mertru and Company (a-h). 35–6009859. American National Bank and Trust Company, 110 E. Main St., Muncie, IN 47305.

Mertru Company, a partnership. 23–6238920. c/o Merchants National Bank of Allentown, 702 Hamilton St., Allentown, PA 18101.

Mertrus and Co. 52–6025499. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Mertz & Moyer. 51–6011654. Wilmington Trust Co., Wilmington 99, Del.

Mervan & Co. Mercantile Bank of Canada, 540 Burrard St., Vancouver, B.C., Canada.

Meser & Co. 04–6233165. Ropes & Gray, 225 Franklin St., Boston, MA 02110.

Met & Co. 35–6014556. American Trust Company, 101 N. Michigan St., South Bend, Ind.

Metacomet Company. 04–6013713. B.M.C. Durfee Trust Company, 80 N. Main St., Fall River, Mass.

Metfirst & Co. (b). 91–6022899. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Meth & Co. (h). 84–6020703. First National Bank of Denver, P.O. Box 5808 T.A., Denver, Colo. 80217.

Meth-Home & Co. 57–6040697. Greenwood Methodist Home, Drawer 1017, Greenwood, SC 29646.

Metro Company (d). 45–6010544. First National Bank & Trust Company of Fargo, c/o Trust Dept., 15 Broadway, Fargo, ND 58102.

Metzger, Owen E. 24–0546960. Citizens Safe Deposit and Trust Company, 102 N. Main St., Coudersport, Pa.

Meymanage Co. 13–6107008. Meyer Handelman Co., 80 Pine St., New York 5, N.Y.

MFB Mutual & Company. 13–6273614. Bankers Trust Company, P.O. Box 704 Church Street Station, New York, N.Y. 10008.

Michael & Co. 25–1032030. Oliver Tylone Corporation, Oliver Bldg., Pittsburgh, Pa. 15222.

Michigan Shelby & Company. 38–6059344. Public Bank, Detroit 31, Mich.

Micoban, a Partnership (a–f) 48–6126983. The Miami County National Bank, 1 S. Pearl, Paola, KS 66071.

Mid & Co. 04–6012833, Middlesex Financial Management Corp., 225 Wyman St., Waltham 54, Mass.

Midam Co. 37–0816258. Mid American Bond & Share Co., 256 E. Main St., Decatur, Ill.

Midbank & Co. (h) 41–6017943. Midland National Bank, 401 Second Ave., S., Minneapolis, MN 55480.

Midbil Company (h). 81–6020639. The Midland National Bank, 303 N. Broadway, P.O. Box 2502, Billings, Mont. 59103.

Middlebrook & Co., Not Incorporated. 59–6231028. Delray Beach National Bank, Delray Beach, FL 33444.

Middleton & Co. (a, b, c, d, f, h). 15–6016816. Marine Midland Trust Company of Northern New York, Trust Dept. 120 Washington St. Watertown, N.Y. 13601.

Midfund Company (h). 41–6017942. Midland National Bank, 401 Second Ave., S., Minneapolis, Minn. 55480.

Midland Bank (Princes Street) Nominees Limited, Midland Bank Limited, 5 Princes Street, London, E.C. 2, England.

Midpar & Co. 22–6030637. The Midland Bank & Trust Company, P.O. Box 266, 80 East Ridgewood Ave. Paramus, N.J. 07652.

Midplans Co. (c). 41–6085188. Midland National Bank, 401 Second Ave., S. Minneapolis, MN 55480.

Midsen & Co. (a, b). 15–6017033. Marine Midland Trust Company of Central New York, Trust Dept., 344 S. Warren St., Syracuse, NY 13202.

Mike & Co. 35–6014527. Lincoln National Bank and Trust Company of Fort Wayne, c/o Trust Dept., 116 E. Berry St., Fort Wayne, IN 46802.

Milam & Co. 74–6125825. Texas Commerce Bank, N.A. P.O. Box 2558, Houston, TX 77001.

Milards & Co. 34–6567544. First National Bank of Akron, 106 S. Main St., Akron, OH 44308.

Milbank & Co. 39–6063489. Milwaukee Western Bank, 6001 W. Capitol Dr., Milwaukee, Wisc. 53216.

Milber & Co. (h). 04–6198957. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Milco & Company. 48–0421930. Milburn, Cochran & Co. 110 E. First St., Wichita, Kans.

Milk & Co. (c) 04–6012929. The First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Millard & Millard. 62–0294420. Millard & Company, Hamilton National Bank Bldg., Chattanooga, Tenn.

Millbank. 21–0737078. South Jersey National Bank, Broadway & Cooper St., Camden, N.J. 08101.

Miller & Company. 22–6035148. First National Iron Bank of New Jersey, 22 South St., Morristown, N.J. 07960.

Miller & Co. 06–6115913. Lafayette Bank & Trust Company, Bank Securities Dept., P.O. Box 1899, Bridgeport, Conn. 06601.

Miller Company. 41–6018763. Northern City National Bank of Duluth, 306 W. Superior St., Duluth 1, Minn.

Miller, Robert W. Engel & Co. (Sartorius). 39 Broadway, New York, N.Y.

Milli Co. 37–6053378. Milliken National Bank of Decatur, P.O. Box 1278, Decatur, Ill. 62525.

Mills & Co. 23–6231581. Drexel Harriman Ripley, Incorporated, 1500 Walnut St., Philadelphia, Pa. 19101.

Mills Partnership, 94–6054990. Bank of California N.A., 400 California St., San Francisco 20, Calif. (Commonwealth Income Fund, Commonwealth Investment Company, Commonwealth Stock Fund, Inc.)

Milmode & Co. (a-c). 36–6139202. Moline National Bank, c/o Trust Dept., 506–15th St., Moline, IL 61265.

Milo & Co. 36–6046962. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago 90, Ill.

Mil-Save Co. Milford Savings Bank, Milford, Mass. 01757.

Mil-Son, Inc. Wilson W. Mills, Ford Bldg., Detroit 26, Mich.

Milt & Company. 48–6104933. Johnson County National Bank and Trust Company, Prairie Village, Kansas.

Milton & Co. 04–6226080. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Milton Hershey & Co. 23–1353340. Hershey Trust Company, Hershey, Pa. (Milton Hershey School.)

Min Co. 94–6061227. Beckman & Co., Inc., 11 S. Church St., Lodi, Calif.

Miner & Company. 13–6077509. Bank of Montreal, 2 Wall St., New York, N.Y.

Miners & Co. (a-d, f). 23–6238240. Miners National Bank of Pottsville, 120 S. Centre St., Pottsville, Pa. 17901.

Mink & Co. 04-6115362. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Minot & Co. 04-6013228. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Mint & Co. (c). 06-6077850. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Mio & Co. 95-6258621. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

Mip Company. 13-6021436. Carlisle & Jacquelin, 120 Broadway, New York, N.Y.

Misamex & Co. 13-6315641. American Express International Banking Corporation, 65 Broadway, New York, NY 10006.

Miscom. 48-6146773. Mission State Bank & Trust Company, Trust Dept., Johnson Drive and Nall Mission, Kansas 66222.

Mish & Co. 35-6200115. First Bank & Trust Company of South Bend, 133 S. Main St., South Bend, Ind. 46601.

Mispine & Co. 94-6068809. c/o Walston & Co. 11-45-476, 265 Montgomery St., San Francisco, Calif. 94104.

Miss & Co. 06-6107932. c/o Hartford National Bank and Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Mist & Co. 04-6149744. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Mit. & Co. 04-6187528. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Mitchco. 04-6144956. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Mitchell & Company. 24-6012153. Northern Central Bank & Trust Company, Williamsport 63, Pa.

Mitchell, Daniel J. Thomson & McKinnon, 2 Broadway, New York 4, N.Y.

M.J.M. Company. 59-6124174. Commercial Bank and Trust Company of Ocala, P.O. Box 310. Ocala, Fla.

MNB & Co. 38-6047967. Michigan National Bank, Grand Rapids 2, Mich.

Moban. 81-6009201. Montana Bank, 425 First Ave., N., Great Falls, Mont.

Mobank and Company. 38-6048545. Monroe State Savings Bank, 102 S. Front St., Monroe, Mich. 48161.

Mobay & Company, 39-6138055, Wisconsin Valley Trust Company, 500 Third St., P.O. Box, 209, Wausau, Wisc., 54401.

Moby & Co. (a, b, f) 47-6023820. United States National Bank of Omaha, Trust Dept., 1919 Douglas St., Omaha, Neb. 68103.

Moce & Co. 37-6078345. c/o First National Bank, 1515 Charleston Ave., Mattoon, Ill. 61938.

Moco. 95-6006923. Southern California First National Bank, c/o Trust Dept., P.O. Box 1091, 530 "B" St., San Diego, Calif. 92112. (San Diego City Employees Retirement System.)

Moe Company (a, b, d, h). 36-6065839. First National Bank of Moline, 501-15th St., Moline, Ill. 61265.

Momart & Co. 94-6168312. Wells Fargo Bank, 464 California St., San Francisco, Calif. 94120.

Mon & Co. 13-6020789. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Monait & Co. (a-c). 36-6036895. Moline National Bank, c/o Trust Dept., 506 15th St., Moline, IL 61265.

Monbank. 81-6012949. Montana Bank, 425 First Ave., N., Great Falls, Mont.

Moncus & Co. Montreal Trust Company, P.O. Box 1900, Station B, Montreal 2, Que., Canada.

Monks & Co. 04-6012987. Monks Management Inc., 100 Charles River Plaza, Boston, Mass. 02114.

Monray & Co. Montreal Trust Company, P.O. Box 1900, Station B, Montreal 2, Que., Canada. (Old Dominion Paper Co. Profit Sharing Retirement Plan.)

Monsan & Co. 94-6078718. Bank of Montreal, 333 California St., San Francisco 4, Calif.

Monsco & Co. Bank of Nova Scotia, 437 St. James St., Montreal, Canada.

Mont & Co. 16-0954688. Monroe Securities, Inc., 125 State St., Rochester, N.Y. 14614.

Mont & Co. Bank of Montreal, Head Office Securities Dept. 129 St. James St., W., Montreal, Canada.

Montbrun & Co. Montreal Trust Company, 43 King St., St. John's, N.B., Canada.

Montba. 81-6009195. Montana Bank, 425 First Ave., N., Great Falls, Mont.

Mont-Co. 23-6251921. Continental Bank and Trust Company, Main & Swede Sts. Norristown, Pa.

Montel & Co. (c). 06-6121761. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, Conn. 06115.

Montfund & Co. Montreal Trust Company, 15 King St., W., Toronto 105, Ont. CN.

Monterey & Co. 94-6096240. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Montes & Co. 13-6262848. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Montgomery Co. 94-6051442. United California Bank, 405 Montgomery St., San Francisco 4, Calif.

Montnom Company (a-e). 54-6031676. Mountain Trust Bank, P.O. Box 1411, Roanoke, VA 24007.

Montor Company. Toronto-Dominion Bank, St. James & McGill Sts., Montreal, Canada.

Montowr & Co. Montreal Trust Company, 15 King Street W., Toronto, Ont., Canada.

Monument & Co. 23-6430137. Doylestown National Bank and Trust Co., 18 E. Court St. Doylestown, Pa. 18901.

Monvan & Co. Montreal Trust Company, 466 Howe St., Vancouver, B.C., Canada.

Moody & Co. 01-6013840. Maine National Bank, Trust Dept., P.O. Box 1866, Portland, ME 04104.

Moody House & Co. 74-1664058. Moody House Life Care Trust, Moody House, Galveston, Tex. 77550.

Moom & Co. (f,d). 06-6112883. Lafayette Bank and Trust Company, Trust Dept, P.O. Box 1899, Bridgeport, Conn. 06601.

Moonco & Co. 59-6127069. Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733.

Mooney & Co. 36-6069394. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Moore & Co. 13-6116818. First National Bank of Mount Vernon, 22 W. First St., Mount Vernon, N.Y.

Moore & Co. 15-6023111. Lincoln National Bank & Trust Company of Central New York. One Mony Plaza, Syracuse, N.Y. 13202.

Moore & Co. 04-6012939. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109. (Wall Street Investing Corporation.)

Mooring & Co. 04-6215107. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Mop & Co. (d). 54-6041747. United Virginia Bank/Seaboard National Trust Dept., Five Main Plaza E, P.O. Box 3127, Norfolk, Va. 23514. (Old Dominion Paper Co. Profit Sharing Retirement Plan.)

Mopic & Company. 44-6010689. Mercantile Bank & Trust Co., 1119 Walnut St., Kansas City 6, Mo.

Moprov & Co. 43-6111988. Missouri Province Educational Institute, 4511 W. Pine, St. Louis, Mo. 63108.

Mor & Co. 23-1554891. Wellington Company, Inc., 1630 Locust St., Philadelphia 3, Pa.

Morand & Co. 36-6058396. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Morcor. 62-6048893. Third National Bank in Nashville, P.O. Box 2844, Nashville, Tenn. 37202. (LII Mutual Fund.)

Morgan & Pence. 31-6024211. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati, Ohio.

Mori & Co. (a,b,d,). 44-6010428. Commerce Bank of Kansas City, 210 Commerce Bldg., (or P.O. Box 248) Kansas City, Mo. 64141.

Morley & Co. Bank of Montreal, 140 Eighth Ave., W., Calgary, Alba., Canada.

Morrill & Co. (d, f). 04-6013707. Worcester County National Bank, c/o Trust Dept., 446 Main St., Worcester, Mass. 01608.

Morse & Co. 04-6072926. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Morton & Co. 13-6092336. Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.

Moses & Co. (a). 04-6013814. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Moss & Company. 54-0169410. Citizens Bank, South Hill, Va.

Mot & Co. (c). 36-6156531. c/o Harris Trust and Savings Bank, Att: Securities Accounting Dept., 111 W. Monroe St., Chicago, Ill. 60690.

Motag. 58-6076379. Fulton National Bank, P.O. Box 4387, Atlanta, Ga. 30302.

Motrus & Co. (f). 74-6091282. Moody National Bank of Galveston, P.O. Box 1139 (2302 Postoffice St.), Galveston, Tex. 77550. (Citadel Fund, Inc.)

Moulton & Co. 13-6262849. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Mount & Co. (h). 54-6050429. First Virginia Bank, 7205 Little River Turnpike, Annandale, VA 22003.

Mount & Co. (b). 01-6009988. Merchants National Bank of Bangor, Trust Dept., 25 Broad St., Bangor, Me. 04401.

Mount & Co. 94-6062692. Oakland Bank of Commerce, P.O. Box 1020, Oakland 4, Calif.

Mountru & Co. (c). 84-6036380. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Movna and Company. (a, b, d). 54-6049999. First Virginia Bank, 7205 Little River Turnpike, Annandale, VA 22003.

Movola & Co. (d). 04-6013817. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Mow & Company. 04-6023956. Mechanics National Bank of Worcester, 303 Main St., Worcester 8, Mass.

Mow Co. 35-1065063. St. Mary of the Woods College, St. Mary of the Woods, Ind.

Moxley & Co. (e). 13-6020790. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Moyer & Company. 16-6024585. Security Trust Company, One East Ave., Rochester, NY 14604.

M.S.L. Co. 36-6106906. First National Bank in Chicago Heights, 1648 Halsted St., Chicago Heights, Ill.

M.S.U. Co. 36-6078648. Ann Arbor Trust Company, Box 12, Ann Arbor, Mich. 48107.

Mub. (b, c). 34-600090. Mount Union Bank, 2 W. State St., Alliance, OH 44601.

Mubank. 43-6033287. Security Trust Company, 716 Locust St., St. Louis 1, Mo.

Muchmore & Co. 22-6026156. Summit and Elizabeth Trust Company, 367 Springfield Ave., Summit, N.J.

Mufun & Co. (c). 13-6064424. Bankers Trust Company, 16 Wall St., New York 15, N.Y. (One William Street Fund, Inc.)

Muir & Co. 74-6035760. Frost National Bank, Corporate Trust Dept. P.O. Drawer 1600, San Antonio, Texas 78206.

Mull & Co. (f). 23-6480159. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Muller & Co. 13-6065494. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Multiple Co. 36-6401418. Citizens Bank & Trust Co., 1 Northwest Highway, Park Ridge, Ill. 60068.

Muni & Co. (h). 93–6035259. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Mural & Co. 02–6020274. Keene National Bank, The, 20 Central Sq., Keene, N.H. 03431.

Murdoch & Co. Bank of Bermuda, Ltd., Hamilton, Bermuda.

Murley & Co. Morgan Guaranty Trust Company of New York, 32 Lombard St., London E.C. 3, England.

Murphy & Co. 06–6107020. c/o Hartford National Bank and Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Murphy Fund & Co. 74–6120223. G. W. Murphy Industries, Inc., P.O. Box 2119, Houston, Texas 77001. (Salaried Employees' Pension Trust.)

Murray & Co. 02–6005998. Franklin National Bank, Franklin, N.H.

Murray & Co. 11–6013491. Murray Manufacturing Corporation, 1250 Atlantic Ave., Brooklyn 16, N.Y.

Murt & Co. (c). 56–6067452. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St., P.O. Box 3075, Winston-Salem, N.C. 27102.

Muse & Co. 94–6111426. United California Bank, 600 S. Spring St., Los Angeles, Calif. 90014.

Muskogee First Company. 73–6101835. First National Bank and Trust Company of Muskogee, The, P.O. Box 1568, Muskogee, Okla.

Musrep & Co. (e, f). 71–6058528. Union National Bank of Little Rock, c/o Trust Dept., P.O. Box 1541, Little Rock, AR 72203.

Mutbo & Co. 04–6223474. Mutual Boiler and Machinery Insurance Company, 225 Wyman St., Waltham, Mass. 02154.

Mut & Co. 94–6133787. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120.

Muth & Co. 21–6014481. First National Bank of Princeton, The, 90 Nassau St., Princeton, N.J.

Mutrus & Co. 44–6009686. City National Bank and Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141. (Mutual Trust.)

Mutt Ted. 06–0384740. Hartford Sugar Company, 73 High Ridge Rd., Hartford, CT 06117.

Mutual & Co. 36–6081610. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill. (State Farm Mutual Automobile Insurance Company.)

Myers & Co. 23–6222924. Windsor Fund, 3001 Philadelphia Pike, Claymont, Del.

Myers & Co. 04–6224550. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101. (Windsor Fund.)

Nabacomsa (a–g) 74–6032845. National Bank of Commerce of San Antonio Trust Dept., P.O. Drawer 121 San Antonio, Texas 78206.

Nabalaska & Co. 92–6003192. National Bank of Alaska, Box 600, Anchorage, Alaska, 99501.

Neban & Co. (a, b, d) 35–6017513. % The Merchants National Bank of Muncie, 122 S. Mulberry St., P.O. Box 792 Muncie, Ind. 47305.

Naban & Co. 13–6065495. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Naban & Co. 56–6047773. Southern National Bank of North Carolina, 500 North Elm St., P.O. Box 1489, Lumberton, N.C. 28358.

Naban & Co. 24–6013484. Nazareth National Bank and Trust Company, 76 S. Main St., Nazareth, Pa.

Nabank & Co. 73–6091809. National Bank of Tulsa, 320 S. Boston, Box 2300, Tulsa, OK 74102.

Nabart & Co. 13–6163964. Trade Bank & Trust Company, 592 Fifth Ave., New York, N.Y. 10036.

Nabob Co. 23–6259390, The National Bank of Boyertown, Philadelphia & Reading Aves. Boyertown, PA 19512.

Naboc & Co. 91–6022857. The National Bank of Commerce, P.O. Box 3966, Seattle 24, Wash.

Nabono 72–6029234. National American Bank of New Orleans, 200 Carondelet St., New Orleans, La.

Nabow & Co. 13–6169942. National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y. 10601.

Nabpro Company. Knupp, Grosboll, Becker & Tice, 101 E. Douglas St., Petersburg, Ill. 62675.

Naca & Co. 04–6012771. New England Merchants National Bank, Trust Dept., 28 State St., Boston, Mass. 02106.

Nacath & Co. 53–0196604. National Savings and Trust Company, 15th St. & New York Ave., N.W., Washington, D.C. 20005.

Nacitco. The National City Bank of Cleveland, P.O. Box 5756, Cleveland, Ohio 44101.

Nadart & Co. 52–6032340. American Security and Trust Company, 15th St. & Pennsylvania, Ave., N.W. Washington 13, D.C.

NAE Co. North American Equity Corporation, 629 S. Spring St., Los Angeles, Calif. 90014.

NAF & Co. 06–6123028. The Connecticut Bank and Trust Company, Connecticut Bank Bldg., Hartford, CT 06115.

Nagweissco. 13–6304185. The Chemical Bank New York Trust Company, 601 E. Tremont Ave., Bronx, NY 10457.

Naidot & Co. 22–6041186. Bessemer Trust & Company, 10 Bank St., Newark, N.J. 07102.

Naik & Co. 41–6093168. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Nail & Co. 04–6140661. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Nair & Co. 42–6053282. Central National Bank and Trust Company, 312 Fifth St., Des Moines 4, Iowa.

Nalco & Co. 38–6073909. The National Lumberman's Bank, Muskegon, Mich.

Nalic & Co. National Life Insurance Company, Montpelier, VT 05602.

Nambon. 39–6045750. Marine National Bank of Neenah, c/o Trust Dept., 101 E. Wisconsin Ave., Neenah, Wisc. 54956.

Namco. 13–5369510. Saxton, G.A. & Co., Inc., 52 Wall St., New York 5, N.Y.

Naap & Co. (d). 52–6025493. Merchantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Napco. 13–1896513. North American Planning Corporation, 230 Park Avenue, New York, N.Y. 10017.

Napnat & Co. 36–6198111. The Naperville National Bank and Trust Company, 136 S. Washington St., Naperville, Ill. 60540.

Nard & Co. 75–6083850. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Nasco & Co. The Bank of Nova Scotia, Nassau, Bahama, B.W.I.

Nash & Co. (h). 56–6095483. The Planters National Bank and Trust Company, Trust Dept., P.O. Box 1220, Rocky Mount, N.C. 27801.

Nash, Edward & Company. 37–6027911. Edwardsville National Bank & Trust Company, 100 St. Louis St., Edwardsville, IL 62025.

Nashco. 75–6112200. National Commerce Bank of Dallas, P.O. Box 2249 (L TV Tower) Dallas, Texas 75221.

Nasson & Co. 01–6030493. Springvale National Bank, Springvale, Maine 04083.

Nat & Co. (b). 35–6059594. The National Bank and Trust Company of South Bend, 112–114 W. Jefferson Blvd., South Bend, Ind. 46601.

Nat B. Wash & Co. (h). 91–6023466. National Bank of Washington, Tacoma, c/o Trust Dept., P.O. Box 1997, Tacoma, Wash. 98401.

Natbow & Co. 42–6055816. National Bank of Waterloo, 110 E. Park Ave., Waterloo, Iowa.

Natco & Company. 16–6024287. Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, N.Y. 14701.

Natco & Company. 62–6036124. National Bank of Commerce in Memphis, 45 S. Second St., Memphis 1, Tenn.

Natco & Company (f). 04–6121255. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Natcom & Company. 56–6041561. First Union National Bank of North Carolina, 301 S. Tryon St. (P.O. Box 10091), Charlotte, N.C. 28201.

Natfon & Co. National Cash Register Company, Main & K Sts., Dayton, Ohio 45409.

Natico & Co. 95–2410872. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054. (Pioneer National Title Insurance Company.)

National & Co. (b, c, d). 35–6212663. First National Bank of Mishawaka, 101 Lincolnway East, Mishawaka, Ind. 46544.

National Company. 38–6184320. National Bank & Trust, Traverse City, MI 49684.

National Company of Middletown. 14–6016212. County National Bank, 135 North St., Middletown, N.Y.

Natnew & Co. 22–6025674. National Bank of New Jersey, 390 George St., New Brunswick, N.J.

Natob & Co. (d). 52–6032515. Maryland National Bank, Trust Dept., 10 Light St., Baltimore, MD 21202.

Natrus & Co. 11–6006607. c/o Franklin National Bank, Personal Trust Dept., 130 Pearl St., New York, NY 10015.

Nats Cumco. 13–6021147. First National City Bank, 399 Park Ave., New York 22, N.Y.

Nats Disco. 13–6021167. First National City Bank, 399 Park Ave., New York 22, N.Y.

Natstok & Co. (h). 39–6033207. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403.

Nava Company (a, b, d, f). 54–6088157. United Virginia Bank/National Valley, Drawer 1269, Staunton, Va. 24401.

Navalco. 87–0271189. Valley Bank and Trust Company, 1325 Main St., Salt Lake City, Utah 84115.

Nay & Company. 95–6025811. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013. (American Mutual Fund, Inc.)

Naygriff & Co. 04–6017080. Tyler & Reynolds, 1 Court St., Boston 8, Mass.

Nazcon & Company. Nazareth Convent and Academy Corporation, 13th & Washington, Concordia, Kans. 66901.

N B of C & Co. 55–6019652. The National Bank of Commerce of Charleston, 1 Commerce Sq., P.O. Box 633, Charleston, W. Va. 25322.

Nbg Company. 58–6066162. The National Bank of Georgia, P.O. Box 1234, Atlanta, Ga. 30301.

Nbt Company (b, c, h). 38–6102270. c/o National Bank and Trust Co. of Ann Arbor, 125 Main St., Ann Arbor, Mich. 48107.

Nbwco. 52–6065411. National Bank of Washington, Washington, D.C.

N.C.B. Trust Ltd. First National City Bank, 36 Bishops Gate, London, England.

Neat & Co. 04–6226087. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02110.

Neb & Co. (f). 04–6012931. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106. (Colonial Fund, Inc., The.)

Nebaco. 88–6003345. Nevada Bank of Commerce, 1 N. Virginia St., Reno, Nev.

Ned & Co. 41–6083379. First National Bank of Minneapolis, Box A–700, Minneapolis, Minn. 55440.

Need & Co. 04–6013239. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Neel, J. D. & Company. 75–6023016. Citizens National Bank of Lubbock, P.O. Box 841, Lubbock, TX 79408.

Neff & Company. 16–6018788. Marine Midland Trust Company of Western New York, 225 Falls St., Niagara Falls, N.Y.

Neff & Co. 04–6013815. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Negah & Co. (a-h). 46–6011102. Northwestern National Bank of Sioux Falls, c/o Trust Dept., 101 S. Main St., (or Box 1028) Sioux Falls, S.D. 57101.

Nel & Co. (c). 41–6011842. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480.

Nelap & Co. (b). 04–6220050. Newton-Waltham Bank and Trust Company, 880 Main St., Waltham, Mass. 02131.

Nelson, Martin O. 91–0611495. Martin Nelson & Co., Inc., 355 White Bldg., Seattle 1, Wash.

Nelson & Co. 01–6007072. Casco Bank & Trust Company, 475 Congress St., Portland 3, Me.

Nelson and Company. 59–0544848. T. Nelson O'Rourke, Inc., P.O. Box 5158, Daytona Beach, Fla. 32020.

Nelson Stone & Company. 04–6040940. Burbank & Company, Inc., 80 Federal St.. Boston 10, Mass.

Nelthas & Co. 62–6041794. Investment Securities Corporation, The Read House, 833 Broad St., Chattanooga, Tenn. 37402.

Nem & Co. 95–6021213. Crocker-Citizens National Bank Trust Hdq., 611 W. Sixth St., Los Angeles, CA 90054.

Nenom & Co., Inc. 04–6070529. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Nepo & Co. 04–6037932. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Ness & Co. 01–6010159. Depositors Trust Company, 320 Water St., Augusta Me. 04330; Belfast Packing Co., Custody Account.

Net & Co. 04–6037913. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Netti & Co. 06–6108172. The North Side Bank and Trust Company, Bristol, Conn. 06010.

Nevco. 04–6197825. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Nevet & Co. 22–6123170. First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07308. (New York Venture Fund, Inc.)

New & Co. 95–6031349. Beverly Hills National Bank, P.O. Box 908, Beverly Hills, Calif.

Newbranch and Company. 56–6048429. Branch Banking & Trust Company, 325 Pollock St., New Bern, N.C.

Newbury & Co. 04–6219329. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Newing One & Co. New England Mutual Life Insurance Company, 501 Boylston St., Boston, Mass. 02117.

Newj & Co. 22–6130566. First National State Bank of New Jersey, Dept. of Estates and Trusts, 550 Broad St., Newark, N.J. 07102.

Newman & Co. 05–6003229. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Newo & Co. 39–6060972. First National Bank of Neenah, Neenah, Wisc. 54957.

Newsco & Co. 95–6230993. Newport Securities Corp., 1617 Westcliff Drive, Newport Beach, Calif. 92660.

Newton Company. Newton Savings Bank, 1188 Centre St., Newton, Mass. 02159.

Ney & Co. (f). 91–6098354. National Bank of Commerce, P.O. Box 3966 Seattle, Wash. 98124.

Nibco. 23–6251926. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Nibor & Company. 41–6032702. Minneapolis Company, Inc., 165 S. Plaza Bldg., 100–12 Plaza, Minneapolis, Minn. 55416.

Nibs. 35–6202303. Northern Indiana Bank and Trust Company, 101 Lincolnway, Valparaiso, Ind. 46383.

Nice & Co. 36–6131524. Central National Bank of Sterling, 302 First Ave., Sterling, Ill. 61081.

Nichols Brothers. 04–6013629. Nichols, H. P., Inc., 50 Congress St., Boston 9, Mass.

Nick & Co. 06–6115139. c/o Hartford National Bank & Trust Company, Equity Products, 777 Main St., Hartford, Conn. 06115.

Nickel & Co. 13–6077901. Marine Midland Grace Trust Company of New York, 7 Hanover Sq., New York 15, N.Y.

Nicnab Co. 52–6032539. First National Bank of Maryland, Nicodemus Banking Offices, 101 W. Washington St., Hagerstown, Md. 21740.

Nicol & Co. 59–6133854. First State Bank & Trust Company, Drawer A, Eustis, Fla.

Niels & Co. 74–6088262. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001. (Hedge Fund of America, Inc.)

Nil & Co. 95–6282066. Bank of America N.T. & S.A., P.O. Box 3635, Los Angeles, Calif. 90014.

Nimbi & Co. 04–6037924. Welch & Forbes, Room 1034, 73 Tremont St., Boston 8, Mass.

Nimer & Co. 13–6022733. First National City Bank, 55 Wall St., New York, N.Y. 10015. (Co-Mingled Fund.)

Ninco. 22–6106539. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Nix & Co. 23–6395171. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

N N & Co. 39–1098849. First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201. (N N Corporation.)

Nob & Co. 41–6011838. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, MN 55480. (Mayo Foundation.)

Noble & Co. (f) 04–6197541. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Nocil Company. First National Bank of Catawba County, 39 Second St., N.W., Hickory, N.C.

Noco. 25–6061225. Northwest Pennsylvania Bank & Trust Company, 100 Seneca St., Oil City, Pa. 16301.

Noel & Co. Hudson Co., 818 Market St., Wilmington, Del.

Nolt & Co. 39–6032974. First National Bank of Kenosha, 5522 Sixth Ave., Kenosha, Wisc. 53141.

Nom & Co. 38–6052537. Public Bank, Detroit 31, Mich.

Nom & Co. 25–6021299. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Nom & Co. 35–60113869. American Fletcher National Bank and Trust Company, 101 Monument Circle, Indianapolis 9, Ind.

Nomco. 38–6143699. Bank of Lansing, Lansing, Mich. 48904.

Nomco. 75–6101220. National Bank of Commerce of Dallas, P.O. Box 2249 (LTV Tower), Dallas, Texas 75221.

Nomex Co. 36–6055570. Exchange National Bank of Chicago, 130 S. La Salle St., Chicago 3, Ill.

Nominees (Bahamas) Ltd. Royal Bank of Canada, Nassau, British West Indies.

Nonab & Co. 23–6422886. c/o Northern National Bank and Trust Company, 90 Main St., Wellsboro, Pa. 16901.

Nonres & Co. 22–6133627. First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303.

Nor & Co. (F). 91–6027948. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Nora & Co. 95–6125804. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles, Calif. 90054.

Norban & Co. (f). 41–6011840. Northwestern National Bank of Minneapolis, Seventh and Marquette, Minneapolis, Minn. 55480.

Norban and Co. 16–6103310. National Bank of Northern New York, c/o Trust Dept., 200 Washington St., Watertown, N.Y. 13601.

Norbank & Co. (a–d). 36–6131630. Northbrook Trust & Savings Bank, 1800 Shermer Ave., Northbrook, Ill. 60062.

Norbank Company (c). 16–6072707. National Bank and Trust Company of Norwich, Trust Dept., 52 S. Broad St., Norwich, N.Y. 13815.

Norco. 04–6038614. Norfolk County Trust Company, 1319 Beacon St., Brookline 46, Mass.

Noretco. 39–6085399. First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201. (Northwestern National Insurance Group.)

Norfay Company of Ardmore. 73–6130079. Exchange National Bank and Trust Company, Trust Dept., P.O. Box 798, Ardmore, Okla. 73401.

Norm & Co. (f). 36–6048001. Harris Trust and Savings Bank; Att: Collateral Dept., 111 W. Monroe St., Chicago, Ill. 60690.

Norm & Co. (f). 38–6097785. Bank of the Commonwealth, Trust Dept., P.O. Box 119, 719 Griswold St., Detroit, Mich. 48226.

Nornat Company. 41–6018762. Northern City National Bank of Duluth, 306 W. Superior St., Duluth, Minn.

Nor-Penn Co. 23–6251927. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Norshoba and Company. 59–6125542. City National Bank of Miami Beach, 326 71st St., Miami Beach 41, Fla.

Norte & Company. 13–1850833. Galdi, Securities Corp., 200 E. 42nd St., New York 17, N.Y.

North & Co. 94–6061275. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

North & Co. 41–6011857. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480.

Northco & Co. 04–6013619. Berkshire Bank & Trust Company, 54 North St., Pittsfield, Mass.

Northeast & Co. 01–6030850. Payson, H. M. & Co., 93 Exchange St., Portland, Me. 04112. (Trustees of Northeast District of the Unitarian Universalist Assn.)

Northern Company. 01–6006924. Northern National Bank of Presque Isle, 187 State St., Presque Isle, Me.

North, Fork Associates, Nominee Partnership. 11–6049511. North Fork Bank & Trust Company, Mattituck, N.Y. 11952.

NORVA. 54–6087242. Virginia National Bank, 2201 Wilson Blvd., Arlington, Va. 22201.

Norwesco. 36–6160657. Northwest National Bank of Chicago, Milwaukee Ave., Irving Park Rd. & Cicero Ave., Chicago, Ill. 60641.

Norwest and Company. 56–6042543. Northwestern Bank, Box 311, North Wilkesboro, N.C.

Norwood & Co. 13–6062534. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.

Nost & Co. 74–6042523. State National Bank of El Paso, P.O. Drawer 1072, El Paso, Texas.

Notax & Co. (c, h). 35–6068984. c/o The Second National Bank of Richmond, 8th and Main Sts., Richmond, IN 47374.

Noto & Co. 75–6083849. First National Bank in Dallas Trust Div., P.O. Box 6031, Dallas, TX 75222.

Novus & Co. (f). 35–6013705. Indiana National Bank, P.O. Box 1832, Indianapolis, Ind. 46206.

Noyes & Co. (d). 04–6012865. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Nu & Co. 36–6214842. First National Bank and Trust Company of Evanston, c/o Trust Dept., P.O. Box 712, 800 Davis St., Evanston, Ill. 60204. (Northwestern University.)

Nujaco Company. 21–6013935. New Jersey National Bank and Trust Company, 2300 Asbury Ave., Neptune, N.J. 07753.

Nurse & Co. 04–6037914. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Nutmeg Tree. 74-1593766, Clifton, Harris, Archer & Parks, Suite 651—The Main Bldg., 1212 Main St., Houston, Texas 77002.

N W H & Company. N W H & Company, 535 Boylston St., Boston, Mass. (Newton Wellesley Hospital.)

Oak & Co. 94-6060535. Crocker-Citizens National Bank, Trust Hdq., 393-13th St., Oakland, CA 94604.

Oakbrook Company, 22-1702753. Colgate Estates, 15 Exchange Place, Jersey City 2, N.J.

Oakland Avenue Company. 39-1053594. Oakland Avenue Company, Suite 450, 611 E. Wisconsin Ave., Milwaukee, Wisc. 53202.

Oakland Commerce Co. 94-6062693. Oakland Bank of Commerce, P.O. Box 1020, Oakland 4, Calif.

Oakmont & Co. 94-6056808. Wells Fargo Bank, 1401 Broadway, Oakland 4, Calif.

Oaks & Co. 74-1666063. River Oaks Bank & Trust Co., P.O. Box 13120, Houston, Texas 77019.

Oar & Co. 04-2399824. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Oberempt & Co. 13-5659485. First Boston Corporation, 20 Exchange Place, New York 5, N.Y., P.O. Box 6147, Cleveland, Ohio 44101.

Oberlin & Co. 34-6609974. Cleveland Trust Company, Trust Dept., P.O. Box 6147, Cleveland, OH 44101. (Oberlin College.)

Obie & Co. 74-6035047. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001.

Obil & Co., Odlam Brown Investments Ltd., 470 Granville St., Vancouver, B.C., Canada.

Oblate & Company. 48-6103237. First National Bank of Hutchinson, Box 913, Hutchinson, Kans. 67501. (Temple of Memories Mausoleum. Permanent Care Fund.)

Occops. 39-6040524. Oconomowoc Canning Company, Employees Profit Sharing Retirement Plan, P.O. Box 248, Oconomowoc, Wisc. 53066.

Ocitco and Company. 34-6517917. Ohio Citizens Trust Company, One Levis Square, Toledo, OH 43603.

OCS & Company. 42-6138760. First National Bank of Perry, Trust Dept., 1124 Willis Ave. (P.O. Box 8), Perry, Ia. 50220.

Octco. 22-6106538. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

OD & Co. 04-6037925. Welch & Forbes, Room 1034, 73 Tremont St., Boston 8, Mass.

Odag & Co. 91-6030764. National Bank of Commerce of Seattle, P.O. Box 3966, Seattle 24, Wash.

Ode Mar. 63-0155218. Odess-Martin, Inc., 415 First National Bldg., Birmingham 3, Ala.

Odessco. 04-6238035. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass.

Orit & Co. 54-0699086. American National Bank, 110 Bank St., Box 522, Suffolk, VA. (Old Dominion Investors' Trust, Inc.)

Oft & Co. 04-6132062. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Ogden and Van Arnam, 91-6027576. Puget Sound National Bank, Trust Department, 1119 Pacific Ave., Tacoma, WA 98402.

Ohio Nominee Co. 31-6026315. Ohio National Bank of Columbus, 51 N. High St., Columbus 16, Ohio.

Ohrstrom & Co. 13-6021420. Ohrstrom, G. L. & Co., 40 Wall St., New York 5, N.Y.

O'Kane, S. P. and Company (a-d). 91-6022898. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 1446, Spokane, WA 99210. (Composite Bond and Stock Fund, Inc.)

Olas & Co. (b, c, d, f). 59-6127025. First National Bank, Trust Dept., P.O. Box 8009, Fort Lauderdale, FL 33310.

Olban & Co. (h). 91-6020516. Old National Bank of Washington, Trust Dept., 428 W. Riverside Ave., P.O. Box 1516, Spokane, WA 99210.

Olcoba Company. 41-6018755. Olmsted County Bank & Trust Co., 11 Second St. S.W., Rochester, Minn.

Oldfirst Co. (d). 04-2104189N. Third National Bank of Hampden County, P.O. Box T Springfield, Mass. 01101.

Oldom & Co. (a, b, d). 54-6050430. First Virginia Bank, 7205 Little River Tpke., Annandale, VA 22003.

Olen & Co. 36-6018472. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Olive & Company. 43-6020910. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Olsen & Co. 04-6012938. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Oltrust & Co. 35-6014566. Old National Bank in Evansville, 416 Main St., Evansville 2, Ind.

Omar & Co. Royal Trust Company, 20 N. Cumberland St., Port Arthur, Ont., Canada.

Onbit Co. 47-6020700. Omaha National Bank, 1620 Farnam St., Omaha 1, Nebr.

One & Co. 04-6037923. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Oneb & Co. 39-6069581. First National Bank of Beaver Dam, 120 Park Ave., Beaver, Wisc. 53916.

Oneco. 22-6106531. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

O'Neill & Co. 13-6020911. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Onel & Co. (h). 01-6021691. Merrill Trust Company, 2 Hammond St., Bangor, Me. 04401.

Onfi & Co. 06-6119058. c/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Onlic & Company, Nominee Partnership. 31-6097019. Ohio National Life Insurance Company, Box 237, Cincinnati, Ohio 45201.

Ontrust & Co. (a-d, h). 61-6065304. c/o Owensboro National Bank, Trust Dept., P.O. Box 677, Owensboro, KY 42301.

Onward & Co. 36-6401409. Citizens Bank & Trust Co., 1 Northwest Highway, Park Ridge, Ill. 60068.

Onyx & Co. 04-6115364. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Opal & Co. 04-6115365. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Opco & Co. 31-6094921. City National Bank & Trust Co., c/o Trust Dept., 100 E. Broad St. P.O. Box 1205, Columbia, OH.

Open & Co. 94-6112724. Bank of America, P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Oples, P.E. & Co. 91-6022854. Peoples National Bank of Washington, P.O. Box 720, Seattle, Wash. 98111.

Oppard & Co. (a partnership). 41-0256870. First National Bank, St. Paul 1, Minn.

Opt & Co. 36-6048443. Oak Park Trust & Savings Bank Lake & Marion Sts., Oak Park, Ill.

Opus & Co. 36-6048442. Oak Park Trust & Savings Bank, Lake & Marion Sts., Oak Park, Ill.

Orac & Co. Bank of Montreal, 116 St. Peter St., Quebec, Canada.

Orbom & Co. (f). 94-6220380. Bank of America, N.A. & S.A. Corporate Agency Division, P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120.

Orban & Co. (H). 93-6019405. First National Bank of Oregon, Trust Div., P.O. Box 2971, Portland, OR 97208.

Oreb & Co. 93-6019026. Oregon Bank, P.O. Box 990, Portland 7, Ore.

Orefund (f) 93-6054007. First National Bank of Oregon, P.O. Box 2971, Portland OR 97208.

Ormond Bank Associates. 59-6127005. Ormond Beach National Bank, 200 E. Granada Ave., Ormond Beach, Fla.

Ornaba & Co. 74-6050186. Orange National Bank, Orange, Texas 77630.

Orr & Company. 04-6013496. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Orr, J.C. & Co. (F). 13-6065602. Chemical Bank, 20 Pine St., New York, NY 10017. (Worth Fund, Inc.)

Orrin, Henry & Co. 13-6021937. Irving Trust Company, 1 Wall St., New York 15, N.Y.

Orsec. 13-2631517. Orsino, A.J., Securities, Inc., 347 Madison Ave. New York, N.Y. 10017.

Orth & Company (e). 38-6065572. Manufacturers National Bank of Detroit, P.O. Box 1319, Detroit, Mich. 48231.

Orto & Co. (a). 42-6051874. c/o Iowa-Des Moines National Bank, Trust Div., Des Moines, IA 50309.

Oscotru & Co. 15-6014645. Marine Midland Trust Company of Central New York, Oswego, N.Y.

Oster & Co. 74-6040634. First Victoria National Bank, P.O. Box 1338, Victoria, Texas 77903.

Ostook Co. 01-6022073. Aroostook Trust Company, Caribou, Me.

Otco Company (a, f). 16-6104192. Ogdensburg Trust Company, 320 Ford St., Ogdensburg, N.Y. 13669.

Otr. 31-6401810 W. % Treasurer of State, State Teachers Retirement Board, P.O. Box 1170, Columbus, OH 43216.

Ott & Co. 01-6012865. Canal National Bank, 188 Middle St., Portland 6, Me.

Ottaperm & Co. Canada Permanent Trust Company, 30 Metcalfe St., Ottawa, Ontario, Canada.

Otter & Co. 04-6219314. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Otthorn & Co. 13-5629920. Transmittal Securities Corporation, 11 Broadway, New York, N.Y.

Ottiwell & Co. (e). 13-6065590. Chemical Bank, 20 Pine St., New York, NY 10017.

Ottsco & Co. Bank of Nova Scotia, Ottawa, Canada.

Outlen Corporation. 13-6118326. Kuhn, Loeb & Co., 40 Wall St., New York, N.Y.

Outwater, Leonard & Co. 13-6099467. Kuhn, Loeb & Co., 40 Wall Str., New York, N.Y.

Overseas Nominee Co., Inc. 13-6021173. First National City Bank, 399 Park Ave., New York 22, N.Y.

Owen & Co. 41-6091197. Northwestern National Bank of Minneapolis, Seventh and Marquette, Minneapolis, Minn. 55480.

Owens & Co. 25-6028718. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Owk & Co. Ogden, Wechsler & Krumholz, Inc., 39 Broadway, New York 5, N.Y.

Owro & Co. (f) 41-6011848. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480.

Oxford & Co. 04-6226077. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Oxy & Co. 95-6226705. % First National City Bank, 20 Exchange Place, New York, N.Y. 10015.

Pa & Co. (f). 95-6249615. Bank of California, P.O. Box 60477, Los Angeles, CA 90060. (Pace Fund, Inc.)

Pab and Company (a-d). 54-6047393. Shenandoah Valley National Bank, P.O. Box 1000, Winchester, Va. 22601.

Paban Co. (a-c). 22-6032139. First National Bank of Passaic County, c/o Trust Dept., 515 Union Blvd., Totowa, N.J. 07512.

Pabl & Co. 04-6032824. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Pac & Co. 04-6240721. c/o Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass. 02109.

Pacal. Pacific Company of California, Suite 2900, One Wilshire Bldg., Los Angeles, CA 90017.

Pace & Co. (c, h). 25–6036725. Mellon National Bank and Trust Company, Mellon Sq. (or P.O. Box 926), Pittsburgh, PA 15230.

Pacific Company. Security Pacific National Bank, P.O. Box 7762, San Francisco, Calif. 94120.

Pacins & Co. 94–6202409. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Pacnat Company. 91–6033872. Pacific National Bank of Seattle, P.O. Box 160, Seattle, Wash. 98111.

Paco. 95–6025814. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Pacveg & Co. 94–6163134. c/o Union Bank, Trust Dept., 455 Montgomery St., San Francisco, Calif. 94104.

Pad & Co. 94–6195059. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Padom & Co. 13–6022151. Chase Manhattan Bank, 1 Chase Manhattan Bank, New York 15, N.Y.

Pag & Co. 59–6134130. Lake Wales Bank and Trust, Trust Dept., Box 1020, Lake Wales, FL 33853.

Page & Co. 13–6135148. Underwriters Bank & Trust Company, 50 Broadway, New York, N.Y. 10004.

Page & Co. (h). 56–6067457. Wachovia Bank and Trust Company, N.A. Wachovia Bldg., Main St., P.O. Box 3075, Winston-Salem, N.C. 27102.

Pageton & Co. (f). 13–2556997. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Pajac & Company. 04–6027190. Woodstock Corporation, 24 Federal St., Boston, Mass.

Pak & Co. 75–6083846. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Palbea & Co. 59–6201310. Palm Beach Trust Company, 317 Royal Poinciana Plaza, Palm Beach, Fla. 33480.

Paled & Company. Banks Huntley & Company, 634 S. Spring St., Los Angeles, Calif.

Palico. 52–6081106. Riggs National Bank of Washington, D.C., 800–17 St., N.W., Washington, D.C. 20013.

Palm & Co. 25–6021585. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Palmart & Co. City National Bank, P.O. Box 1141, Beverly Hills, Calif.

Palmer & Co. 13–6168147. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Palnaba Company. 59–6125671. Palmer First National Bank and Trust Company of Sarasota, P.O. Box 1510, Sarasota, Fla.

Palo & Co. 75–6031328. First National Bank of Amarillo, Trust Dept., P.O. Box 1331, Amarillo, Texas.

Palos Banco, Palos State Bank, 12321 S. Harlem Ave., Palos Heights, IL 60463.

Pam & Co. 95–6194807. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Pamela & Co. 04–6226093. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02110.

Pamno & Co. 95–6093323. Bank of California, N.A., P.O. Box 851, San Bernardino, Calif. 92043.

Panaban & Co. 94–6173062. Security Pacific National Bank, P.O. Box 7762, San Francisco, Calif. 94120.

Panabco. 31–0721351. Park National Bank, 50 N. Third St., Newark, OH 43055.

Pana Co. 94–6062104. Security Pacific National Bank, P.O. Box 7762, San Francisco, Calif. 94120.

Panamco. Pan American Bank of Miami, P.O. Box 831, Miami 30, Fla.

Pan Am & Co. 13–6178367. % American Bank & Trust Company, 70 Wall St., New York, N.Y. 10005.

Par & Co. (a). 04–6013708. Worcester County National Bank, c/o Trust Dept., 446 Main St., Worcester, MA 01608.

Parbank Co. 55–6039950. Parkersburg National Bank, 514 Market St., Parkersburg, W. Va. 26101.

Parch & Co. 74–6036519. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001.

Parco (c). 34–6510622. Toledo Trust Company, 245 Summit St., Toledo, Ohio 43603.

Parcol & Co. 34–6513725. First National Bank of Akron, 106 S. Main St., Akron, Ohio 44308.

Par Com, Parsons Commercial Bank, Parsons, Kans. 67357.

Parent & Co. 04–6110121. Union National Bank, P.O. Box 620, Lowell, Mass. 01853.

Parfel & Co. 56–6049906. First Union National Bank of North Carolina, 82 Patton, P.O. Box 2450, Asheville, N.C. 28802.

Parfund & Co. 94–6200043. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120. (Parfield Investors.)

Parish & Co. State Street Bank and Trust Company, Boston, Mass. 02101.

Park Co. 74–1076802. Fannin Bank, P.O. Box 20008, Houston 25, Texas.

Park & Co. 01–6013338. Northern National Bank of Presque Isle, Presque Isle, Me.

Park & Co. Bank of Montreal, Threadneedle St., London, England.

Park & Co. (h). 04–6178224. First Bristol County National Bank, 21 Park St., Attleboro, Mass. 02703.

Park & Co. 13–6021927. Irving Trust Company, 54th St. & Park Ave., New York, N.Y.

Park Randolph & Co. 37–6031238. Champaign National Bank, 201 N. Randolph, Champaign, Ill.

Parke & Co. 23–6294516. Schmidt, Roberts & Parke, Inc., 123 S. Broad St., Philadelphia, Pa. 19109.

Parker & Co. 04–6054581. Merchants National Bank of New Bedford, 95 William St., New Bedford, Mass.

Parker Coulter Company. 04–2462455. Parker, Coulter, Daley & White, 50 Congress St., Boston, Mass 02109.

Parks & Co. 13–6214839. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Parkway & Co. 95–6006928. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Parness & Co. (a-h). 34–6500604. Central National Bank of Cleveland, P.O. Box 6179, Cleveland, Ohio 44101.

Parsons & Co. 13–6312311. Schroeder Trust Company, 57 Broadway (P.O. Box 15002), New York, N.Y. 10049.

Parsons & Co. 91–6024108. Seattle Trust and Savings Bank, 804 Second Ave., Seattle 4. Wash.

Part & Co. 75–6023238. First Southwest Company, Mercantile Bank Bldg., Dallas, Texas 75201.

PAS & Co. 95–6197242. United California Bank, Trust Division, Box 3667, Los Angeles, Calif. 90054.

Pasclin & Co. 22–6043993. New Jersey Bank & Trust Company, 657 Main St., Passaic, N.J.

Pasco & Co. 95–1090080. Pasadena Corporation, 618 E. Colorado Blvd., Pasadena, Calif. 91101.

Patco. 95–22338911. MacIntyre, P.N. & Co., Inc., 210 W. Seventh St., Los Angeles, Calif. 90014.

Patey & Co. (f). 13–6064226. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Path & Co. 95–6261938. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Patterson & Co. 23–6209274. Philadelphia National Bank, Broad & Chestnuts Sts., Philadelphia 1, Pa.

Paul & Company. 04–6058262. Hanrahan & Company, Inc., 332 Main St., Worcester, Mass.

Pauline & Co. 35–0868158. Sisters of the Holy Cross, Saint Mary's College, Notre Dame, Ind. 46556.

Paulor & Co. (d). 95–6286629. Mechanics Bank of Richmond, California, c/o Trust Dept., Ninth & MacDonald Ave., Los Angeles, Calif. 94801. (Diamond Growth Fund, Inc.)

Paw & Co. 04–6214451. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Payco and Company (c). Reading Trust Company, 515 Penn St., Reading, Pa. 19603.

Payse & Co. 01–6020021. Payson, H. M. & Co., 93 Exchange St., Portland, Me. 04112.

Payvest & Co. 06–6087595. Advest Co., Six Central Row, Hartford, Conn. 06103.

P.B. & Co. (h). 91–6072337. Peoples National Bank of Washington, P.O. Box 720, Seattle, Wash. 98111.

PBT Company. 25–6111851. Peoples Bank and Trust Company, P.O. Box 265, Jennerstown, Pa. 15547.

P. B. Ted Co. 42–6057812. Peoples Bank & Trust Co., 101 3rd Ave. S.W., Cedar Rapids, Ia.

Peace & Co. 04–6238523. State Street Bank and Trust Company, Boston, Mass. 02101.

Peak & Co. 04–2399825. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Pearl & Co. 06–6032094. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, CT 06115.

Pebaco (a, b, c, f). 35–6209129. Peoples Bank & Trust Company, 130 E. Market St., Indianapolis, IN 46204.

Pebak & Co. Alaska Central Bank and Trust Company, Pouch 707, 807 G Street, Anchorage, AK 99501.

Pebco. 16–6022473. Peoples Bank of Erie County, 43 Main St., Hamburg, N.Y.

Pebco, a partnership. 42–6055324. Peoples Bank and Trust Company, c/o Trust Department, 419 W. Fourth St., (P.O. Box 360), Waterloo, Iowa 50704.

Pebit & Co. (c). 91–6076536. Peoples National Bank of Washington, P.O. Box 720, Seattle, WA 98111.

Peblake. 59–6144195. Peoples Bank of Lakewood, 115 S. Missouri Avenue, P.O. Drawer K, Lakeland, Fla. 33802.

Pecam & Co. (a, b, c, d, f). 59–6131445. Peoples First National Bank, 9499 N.E. 2nd Ave., P.O. Box 277, Miami Shores, FL 33153

Peck & Company. Marine Midland Trust Company of Western New York, Albion, N.Y.

Peckover & Co. 38–6110906. Michigan National Bank, Grand Rapids, Mich.

Pedit & Co., 04–6205397. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Peelmont Company. Toronto-Dominion Bank, 1251 Peel St., at St. Catherine St., Montreal 2, Que., Canada.

Peer & Co. 62–6039701. Pioneer Bank, 801 Broad St., Chattanooga 2, Tenn.

Peer & Co. 22–6022712. Trust Company of Morris County, 225 South St., Morristown, N.J.

Peeve & Co. 84–6020825. Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

Peke & Co. 01–6012866. Canal National Bank, 188 Middle St., Portland, Me.

Peltz & Company. 04–6142475. Cambridge Trust Company, c/o Commercial Dept., 1336 Massachusetts Ave., (Harvard Sq.) Cambridge, Mass. 02138.

Pemer & Co. 36–6070950. Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.

Pemno & Co. 95–6093324. Bank of California, N.A., P.O. Box 851, San Bernardino, Calif. 92043.

Penn & Co. 94–6061258. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Penaban & Company. 54–6040707. First and Merchants National Bank, 801 Main St., Lynchburg, Va.

Penanco. 47–6046581. Stockyards National Bank, Omaha, Nebr. 68107.

Penbanc & Co. 25–6073098. Pennsylvania Bank and Trust Company, Titusville, Pa.

Penbay & Company. 38–6055837. Peoples National Bank & Trust Company, 300 Center Ave., Bay City, Mich. 48709.

Penco (c). 16–6065678. Liberty National

Bank and Trust Company, c/o Trust Dept., 424 Main St., Buffalo, NY 14240.

Pendiv & Co. (c). 13–6064425. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Penfirn Co. 47–6057002. First National Bank of Omaha, Nebr.

Penfund (c). 25–6086618. First National Bank cf Pennsylvania, 1005 State St., Erie, Pa. 16501.

Penlin & Co. 16–6024446. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Penmont & Co. 94–6056809. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Penn & Co. (c). 35–6014524. Lincoln National Bank and Trust Company of Fort Wayne, c/o Trust Dept., 116 E. Berry St., Fort Wayne, Ind. 46802.

Pennbank Company (a). 23–6257260. Pennsylvania National Bank and Trust Company, 1 S. Centre St., Pottsville, PA 17901.

Pennfive & Co. Penn Mutual Life Insurance Company, Independence Sq., Philadelphia, Pa. 19105.

Pennfund & Co. 23–6490699. Penn Mutual Life Insurance Company, Independence Sq., Philadelphia, Pa. 19105.

Pennlife & Co. Penn Mutual Life Insurance Company, Independence Sq., Philadelphia, Pa. 19105.

Pennom & Co. (c). 43–6054228. St. Louis Union Trust Company, 510 Locust St., St. Louis MO 63101.

Pennsix & Co. Penn Mutual Life Insurance Company, Independence Sq., Philadelphia, Pa. 19105.

Penntrust Company (f). 23–6287020. Pennsylvania National Bank and Trust Company, 1 S. Centre St., Pottsville, PA 17901, P.O. Box 7762, San Francisco, Calif. 94120.

Penpro & Co. (c). 94–6054993. Bank of California N.A., 400 California St., San Francisco 20, Calif.

Pens & Co. 52–6032316. Mercantile-Safe Deposit and Trust Company, P.O. Box 1106, Baltimore, Md. 21203.

Pensave. 01–6030218. Penobscot Savings Bank, 74 Hammond St., Bangor, Me.

Pensco & Co. Bank of Nova Scotia, Investment Dept., 44 King St., Toronto, Canada.

Penshare Co. 94–6118698. Security Pacific National Bank, 333 Montgomery St., San Francisco, Calif. 94134.

Pension Co. (h). 36–6083817. City National Bank & Trust Co. of Rockford, 1100 Broadway at Seventh, Rockford, Ill. 61104.

Pentrust & Co. 34–6510624. First National Bank of Toledo, P.O. Box 1348, Toledo 3, Ohio.

Penwil (a,b,h). 54–6062187. United Virginia Bank of Williamsburg, Trust Dept., P.O. Box 200, Williamsburg, Va. 23185.

Peoban & Co. 22–6041195. New Jersey Bank & Trust Company, 129 Market St., Paterson, N.J.

Peoban & Company. Peoples Bank, Trust Dept., 112 N. Meridian St. Portland, Ind. 47371.

Peoples & Company. 25–1073984. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Peoples Co., The. 38–6061323. Peoples Bank and Trust Company, 300 Washington St., Grand Haven, Mich.

Peoples Company, The. 23–6401826. Bank of Pennsylvania, 50 N. 5th St., Reading, PA 19603.

Peoples Securities Company 56–6042530. Peoples Bank & Trust Company, Box 872, Rocky Mount, N.C.

Peoples Two Ten Company. 22–6026871. Peoples Trust of New Jersey, 210 Main St., Hackensack, N.J. 07602.

Pepe & Co. Security National Bank, 2044 Franklin St., Oakland, Calif.

Pepgo & Co. 82–6028231. Idaho First National Bank, P.O. Box 7928, Boise, Idaho 83707. Minn. 55480.

Perc & Co. 41–6011854. Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55440. (Investors Stock Fund, Inc., Mutual Investment Company of America, Mutual Investment Fund, Inc.)

Perkins & Co. 22–6041450. Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, NJ 07302.

Perry, Baker & Co. 05–6010191. Washington Trust Company, 23 Broad St., Westerly, R.I.

Perry & Co. 35–6032485. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Perry & Company. 25–6028717. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh 30, Pa.

Pers & Co. 42–6118701. Bankers Trust Company, c/o Trust Dept., 607 Locust St., Des Moines, IA 50304.

Persla & Co. (b). 94–6079057. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Pert & Co. 13–6183201. Irving Trust Company, 1 Wall St., New York, N.Y. 10015.

Pertac & Co. 23–6395730. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Pet & Co. 04–6037909. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Petco. 42–6053304. Valley Bank and Trust Company, 403 Walnut St., Des Moines 4, Iowa.

Petco & Company (f). 04–6154257. Security National Bank, Trust Dept., 66 Central Square, Lynn, MA 01903.

Peter & Co. 22–1260940. Schaub, Harry P., Inc., 744 Broad St., Newark, NJ 07102.

Petla & Co. (c). 94–6079058. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Petrusco. 31–6023865. First National Bank, Dayton, Ohio, 112 W. Second St., Dayton, Ohio 45402.

Petty & Co. 43–6035265. State Bank and Trust Company of Wellston, 6313 Easton Ave., St. Louis, Mo. 63133.

Pflugfelder, Bampton and Rust, Laird & Company, 61 Broadway, New York, N.Y.

P H B Co. (b, c, e, h). 38–6055377. National Bank of Jackson, 245 W. Michigan Ave., Jackson, Mich. 49201.

Phelan & Co. 13–6097719. Societe Generale, 66–68 Wall St., New York, N.Y.

Phelps & Co. 13–6209609. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Phicar & Co. 22–6041185. Bessemer Trust Company, 10 Bank St., Newark, N.J. 07102.

Phil & Co. (d). 04–6012866. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Philboard & Co. 23–647861. Provident National Bank, 17th & Chestnut Sts., Philadelphia, PA 19101.

Pickens & Co. (h). 57–6030319. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Pickering, L. D. & Co. 13–6022150. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Pico & Co. 95–6020615. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Piedmont Company. 54–6035647. Piedmont Trust Bank, P.O. Box 111, Martinsville, Va. 24112.

Pier & Co. 04–6149748. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Pierce & Co. (h). 04–1299133. Fall River Trust Co., 43 N. Main St., (or P.O. Box 430) Fall River, MA 02722.

Pierce & Pettit. 51–6022316. Wilmington Trust Company. Wilmington, Del. 19899.

Pierson & Co. 38–3172631. Michigan Bank, N.A., Trust Division, Guardian Bldg., Detroit, MI 48226.

Pifco (a partnership). Central Pacific Bank, 50 N. King St., Honolulu, Hawaii.

Pigeon & Co. (h). 74–6035759. Frost National Bank, Corporate Trust Dept., P.O. Drawer 1600, San Antonio, Texas 78206.

Pike & Co. 04–6235166. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02117.

Pike & Company. 23–6479990. Industrial Valley Bank and Trust Company, Old York Rd. & West Ave., Jenkintown, Pa. 19046.

Pilgrim & Co. 04–6226085. First National Bank of Boston, P.O. Box 2016, Boston, MA 02106.

Pilling, Milton. Sheboygan Trust Company, P.O. Box 128, Sheboygan, Wisc.

Pimaco. Southern Arizona Bank & Trust Company, Tucson Main Banking Center, 150 N. Stone Ave., P.O. Box 1871, Tucson, Ariz. 85701.

Pinaco. 31–6028910. Piqua National Bank and Trust Company, 131 W. High St., Piqua, Ohio.

Pinbank Co. 59–6136981. Pinellas Central Bank & Trust Company, P.O. Box 44, Largo, Fla.

Pine & Co. (f). 94–6060069. Crocker-Citizens National Bank, Trust Hdq., One Montgomery St., San Francisco, Calif. 94120.

Pine & Co. (f). 91–0449750. First Pennsylvania Banking and Trust Company, The, P.O. Box 8786, Philadelphia, Pa. 19101.

Pine & Company. 43–6020908. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo. (Southwestern Bell Telephone Company Pension.)

Pintel & Co. 04–6215148. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Pioneer & Co. 88–6010437. Bank of Nevada, 225 E. Bridger St., (P.O. Box 1720), Las Vegas, NV 89101. (Ruth Harris Hite Trust.)

Piper & Co. (f). 41–6094648. Piper, Jaffray & Hopwood Incorporated, 115 S. Seventh St., Minneapolis, Minn. 55402.

Pipp & Co. (c). 16–6098357. Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, N.Y. 14701.

Pire & Co. 95–6261935. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014.

Pitco. 36–6199689. Pioneer Trust & Savings Bank, 4000 W. North Ave., Chicago, Ill. 60639.

Pitebplan. 31–6025071. First National Bank of Cincinnati, PO. Box 1118, Cincinnati, 1, Ohio.

Pitnab & Co. (h). O4–6228294. Pittsfield National Bank, 5 North St., P.O. Box 1142, Pittsfield, MA 01201.

Pitt & Co. (c). 13–6065488. Bankers Trust Company, 16 Wall St., New York, 15, N.Y.

Piver & Co. 35–6032487. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Plaidstamp. 31–6037596. Winters National Bank and Trust Co., 40 N. Main St., Dayton 2, Ohio.

Plains & Company. 75–6013026. First National Bank of Amarillo, Trust Dept., P.O. Box 1331, Amarillo, Texas.

Plan & Co. 04–6108809. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Planters & Company (h). 56–6046932. Planters National Bank & Trust Company, Trust Dept., Box 1220, Rocky Mount, N.C. 27801.

Platt & Co. 48–6107872. Hutchinson National Bank and Trust Company, 200 N. Main St., Hutchinson, Kans.

Plaza Associates (h). 85–6061250. First National Bank of Santa Fe, P.O. Box 609, Santa Fe, N.M. 87501.

Plaza & Co. (a, b, d). 55–6037637. Charleston National Bank, 201 Capital St. (P.O. Box 1113), Charleston, W. Va. 25324.

Plazcom. Plaza Bank of Commerce, 118 W. 47 St., Kansas City, MO 64112.

Plenty, C. H. & Co. 22–6030869. Hackensack Trust Company, 170 Main St., Hackensack, N.J.

Plimco & Co. 04–6059306. Plimpton, Barton F., 37 Belknap Rd., Framingham Center, Mass.

Plitt & Co. 52-6034576. First National Bank of Maryland, Light & Redwood Sts., Baltimore 3, Md.

Ploy & Co. (f). 23-6222956. First Pennsylvania Banking & Trust Company, P.B. Box 8786, Philadelphia, PA 19101.

Ply & Co. 94-6124185. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120.

P.M.T. Co. Peoples Merchants Trust Co., Trust Dept., 237 Tuscarawas St., W. Canton, Ohio 44702.

P.N.B. Company. 94-6062103. Security Pacific National Bank, P.O. Box 7762, San Francisco, Calif. 94120.

Pocasset Co. 04-6238116. Fall River National Bank, Trust Dept., P.O. Box 191, 55 N. Main St., Fall River, Mass. 02722.

Pole & Co. 04-6140664. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Polg & Co. 36-6051119. Pullman Bank and Trust Company, 400 E. 111th St., Chicago 28, Ill.

Pollak, Bernard E. 13-5169625. Josephthal & Co., 120 Broadway, New York, N.Y.

Pom & Co. (a,b). 54-6041715. United Virginia Bank/Seaboard National Trust Dept., Five Main Plaza E., P.O. Box 3127, Norfolk, VA 23514.

Pombanc. 59-6150243. Pompano Beach Bank and Trust Company, 1101 E. Atlantic Blvd., Pompano Beach, Fla.

Pomo & Co. 95-6062340. Bank of America, N.T. & S.A., P.O. Box 3635, Terminal Annex.

Pond & Co. 22-6041448. Plainfield Trust State National Bank, 202 Park Ave., Plainfield, N.J.

Poolco. 16-6024586. Security Trust Company of Rochester, 103 E. Main St., Rochester 4, N.Y.

Pool Co. (c). 04-6013709. Worcester County National Bank, c/o Trust Dept., 446 Main St., Worcester, MA 01608.

Poolco. 16-6024586. Security Trust Company, One East Ave., Rochester, NY 14604.

Poole Brothers. 04-6013630. Nicholas, H. P., Inc., 50 Congress St., Boston 9, Mass.

Pooled & Co. 31-6042227. City National Bank & Trust Co., c/o Trust Department, 100 E. Broad St., P.O. Box 1205, Columbus, OH

Popcom. 43-6102288. Popham, Popham, Conway, Sweeny & Fremont, 922 Walnut St., Kansas City, Mo. 64106.

Pope & Co. 13-6092335. Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.

Poplar & Co. 25-6021586. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Porban & Co. 31-6023961. Portsmouth Banking Company, 602 Chillicothe St., Portsmouth, Ohio.

Port & Co. 01-6012867. Canal National Bank, 188 Middle St., Portland, Me.

Port & Co. 56-6034735. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Port & Company. 36-6047256. State Bank of Freeport, 27 E. Stephenson St., Freeport, IL 61032.

Portco. 95-6246590. Newport National Bank, P.O. Box 1608, Newport Beach, CA 92663.

Porter, Col. Raymond E., Sheboygan Trust Company, R#3 (Sunnyside), Sheboygan, Wisc.

Portolano & Co. 13-6262850. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Post & Co. 13-6065426. County Trust Company, 235 Main St., White Plains, N.Y.

Potter & Co. (h). 03-6016864. c/o Vermont Bank and Trust Company, P.O. Box 99, Rutland, Vt. 05701.

Potter & Co. 05-6003228. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Potts & Co. 51-6014951W. Delaware Trust Company, Trust Dept., 900 Market St., Wilmington, DE 19899.

Potts & Co. 13-6021154. First National City Bank, 399 Park Ave., New York 22, N.Y.

Pound & Co., Bank of Montreal, 119 St. James St. W., Montreal, Canada.

Pow & Co. 04-6214448. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Power & Co. 06-6122516. Connecticut Bank and Trust Company, One Constitution Plaza, Hartford, Conn. 06115.

Powers & Co. 13-6020791. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Powson & Co. 04-6192505. Gage-Wiley & Co., Inc., 1387 Main St., Springfield, Mass. 01103.

PPS Co. of Oklahoma City. 73-6120296. Liberty National Bank and Trust Company, Trust Dept., P.O. Box 25848, Oklahoma City, OK 73125.

Pram & Co. 04-6214441. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Pratt & Co., Bank of Montreal, Stock Exchange Branch, 800 Victoria Sq., Montreal 1, P.Q., Canada.

Pratt and Company. 56-6044694. High Point Bank and Trust Company, P.O. 428, High Point, NC 27261.

Pratt & Co. 04-6013760. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, MA 02106;

Eaton & Howard Balanced Fund, and
Eaton & Howard Stock Fund.

Premins & Co. 94-6201559. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Presban & Company. 75-6006040. Preston State Bank, P.O. Box 12000, Dallas 25, Texas.

Presco. 36-6403567. Prestige Casualty Company, 5454 W. Fargo Ave., Skokie, Ill. 60076.

Prescol & Co., 57-6038753. Bailey, M.S. & Son, Bankers, Broad St., Clinton, SC 29325.

Prescott & Co. (f). 04-6012932. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Loomis-Sayles Mutual Fund, Inc.

Preston Co. 84-6018756. First National Bank of Colorado Springs, P.O. Box 1055, Colorado Springs, Colo.

Pret & Co. 04-6171163. Edward Plaisted, P.O. Box 1121, Boston, Mass. 02103.

Prevco & Co. (h). 04-6141920. Third National Bank of Hampden County, P.O. Box T, Springfield, MA 01011.

Price & Co. 13-6062517. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Price, C. Elizabeth. 93-0472722. June S. Jones Co., 225 S.W. Broadway, Portland, Ore. 97205.

Pride. 95-6228343. Bank of California, N.A., 861 Sixth Ave., San Diego, Calif. 92101.

Pride & Co. 06-0638722. Hartford National Bank and Trust Company, Trust Div., 777 Main St., Hartford, CT 06115.

Priest, A. I. & CO. 03-0212592. Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.

Prima Co. 95-6006932. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Prime & Co. 13-6065576. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Prince & Co. c/o Gordon A. Prince, 27 State St., Boston, Mass.

Prisk & Co. Somerset Hills and County National Bank, 59 Finley Ave., Basking Ridge, N.J.

Pritchard & Co. 23-6222697W. Fidelity Bank, Broad & Walnut Sts., Philadelphia, PA 19109:

Board of Trustees of Employees' Retirement, and

System of the Atlantic Refining Company.

Privact & Co. 94-6054991. Bank of California N.A., 400 California St., San Francisco 20, Calif.

Privet & Co. 94-6061651. County Bank of Santa Cruz, P.O. Box 637, Santa Cruz, Calif.

Pro & Co. (a, b). 25-6055521. Farmers Bank & Trust Company of Indiana, 621 Philadelphia St., Box 369, Indiana, Pa. 15701.

Pro & Company. 31-6021103. Central Trust Company, Fourth & Vine Sts., Cincinnati 2, Ohio.

Pro Co. 51-6022149. Bank of Delaware, Wilmington, Del. 19899.

Probank & Co. 04-6194895. First Agricultural Bank of Berkshire County, Pittsfield, Mass. 01201.

Probe & Co. 31-6024212. Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati, Ohio.

Probound & Co. 39-6073897. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc.

Probond & Co. (h). 39-6073897. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403.

Proctor, D. Y. & Company. 62-6038321. Commerce Union Bank, Nashville, Tenn.

Prof. & Co. (d). 35-6210127. c/o Second National Bank of Richmond, 8th and Main Sts., Richmond, IN 47374.

Profco (c, e). 04-6143607. Guaranty Bank & Trust Company, 386 Main St. at Elm, Worcester, Mass. 01608.

Prompay & Co. Bass Brothers Enterprises Inc., 1211 Fort Worth National Bank Bldg., Fort Worth, Texas 76102.

Prop & Co. (c) 42-6055331. c/o Iowa-Des Moines National Bank Trust Div., Des Moines, IA 50309.

Propen. 31-6057556. Third National Bank and Trust Company, 34 N. Main St., Dayton, Ohio 45402.

Propen Co. 47-6020701. Omaha National Bank, 1620 Farnam St., Omaha 2, Nebr.

Properties Fund. 94-6206329. Bank of America, N.T., S.A., P.O. Box 7763 Rincon Annex, San Francisco, Calif. 94120.

Pros & Co. 04-6037916. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Prosit & Co. 39-6099498. First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201. (Northwestern National Insurance Group.)

Prostock & Co. (h) 39-6073896. First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403.

Prov & Co. 41-6011841. Northwestern National Bank of Minneapolis, 620 Marquette Ave., Minneapolis, MN 55480.

Provco. 31-6029159. Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Provers & Co. 05-6008050. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, R.I. 02903.

Provident Boston & Co. Provident Institution for Savings, 36 Temple Place, Boston, Mass.

Provinc & Co. 13-6065595. Chemical Bank, P.O. Box 1368, Church Street Station, New York, N.Y. 10008.

Proviso & Co. 36-6064536. Maywood-Proviso State Bank, 411 Madison St., Maywood, Ill. 60153.

Pru & Co. 04-6115366. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Prudent, Co., The. 38-6140740. First National Bank of Petosky, Petoskey, Mich. 49770.

Prunty & Co. (h) 55-6019265. Twentieth Street Bank, 1956 Third Ave., Huntington, W. Va. 25703.

Pruyn & Co. 14-6014570. State Bank of Albany, 69 State St., Albany 1, N.Y.

P T Co. (c) 38-6055496. Old Kent Bank and Trust Company, One Vanderburg Center, Grand Rapids, Mich. 49502.

Pub & Co. 04-6214452. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Publicover & Co. Royal Trust Company, 56 Prince William St., St. John, N.B., Canada.

Pulido & Co. 13–4940860. Banco Nacional De Mexico, S.A., N.Y. Agency, 37 Wall St., New York 5, N.Y.

Puna & Co. Bank of America N.T. & S.A. Box 7763 Bank of America Plaza, San Francisco, Calif. 94120.

Purla & Co. (f) 35–6019138. Lafayette National Bank, Trust Dept., 337 Columbia St. Lafayette, IN 47902.

Purr and Company. 06–6030260. United Bank and Trust Company, 90 Pearl St., Hartford 1, Conn.

Purves Associates (a partnership) 02–6005084. Keene National Bank, Keene, N.H.

Puso & Co. 91–6097461. Puget Sound National Bank, P.O. Box 1654, Tacoma, WA 98401.

Put & Co. 04–139995. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Putt & Co. 94–6199786 c/o Stanford Bank, P.O. Box 270, Palo Alto, Calif. 94302.

Pyle & Co. 04–6013764. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass.

Pyramid and Company. 71–6066697. The First Pyramid Life Insurance Company of America, Pyramid Bldg., Little Rock, Ark. 72201: The First Pyramid Life Insurance Company of America Employees' Retirement Plan Trust.

Pyramid Nominees Ltd. 13–6064581. Bankers Trust Co. 16 Wall Street, New York, NY 10015: The Johnston Mutual Fund, Inc.

Quad & Co. (f) 41–6036164. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Quadist & Co. 48–6114515. First National Bank of Topeka, Trust Division, P.O. Box 88, Topeka, KS 66601: Security Investment Fund, Inc.

Qualidex & Co. (f) Republic National Bank of Dallas, Pacific at Ervay, P.O. Box 2716, Dallas, Tex. 75221.

Quarterdeck & Co. 04–6155985. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Quatru and Company (a) 23–6256366. Bucks County Bank and Trust Company, Third & W. Broad Sts., Quakertown, Pa. 18951.

Que & Co. (f) 41–6011855. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480.

Quinbank & Co. 59–6152941. Quincy State Bank, Quincy, Fla.

Quinco. 22–6124442. Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Quincy & Co. 04–6235165. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02116.

Quinn & Co. 06–6033515. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Quinplan & Co. 16–6024442. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603: The Quinby Plan.

Raab & Co. 23–6476742. Ina Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Pacific Employers Insurance Company.

Rade & Co. 75–6023239. First Southwest Company, Mercantile Bank Bldg., Dallas, Texas 75201.

Rae & Co. 04–6013016. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Rafael & Co. 94–6060553. Crocker-Citizens National Bank, 1203 Fourth St., San Rafael, Calif. 94902: Investment/Indicators Fund.

Rahrco. c/o Guido R. Rahr, Rahr Malting Co., Manitowoc, Wisc.

Rainbow Partnership. 93–6056146. Security Bank of Oregon, 316 S. W. Sixth Ave., Portland, OR 97204.

Ral Company (d). 59–6202401. First National Bank of Tampa, P.O. Box 1810, Tampa, FL 33601.

Ralph and Co. 04–6017712. Woburn National Bank, 355 Main St., Woburn, Mass.

Ralphco. 48–6143495. Johnson County National Bank and Trust Company, Prairie Village, Kansas.

Ralph, Herman & Company. 13–6021935. Irving Trust Company, 233 Broadway, New York, N.Y.

Ramagli, Frank. 13–5480390. Wertheim & Company, 1 Chase Manhattan Plaza, New York, N.Y.

Ramm & Co. (c). 56–6034729. Wachovia Bank and Trust Co., N. A., Wachovia Bldg.. Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Ran & Co. 41–6042099. First National Bank of Minneapolis, 200 First St., S.W., Rochester, Minn. 55902: Mayo Foundation.

Rand & Co. 21–6017168. Bank of New Jersey, Broadway & Market St., Camden, NJ 08101.

Randolph & Co. 04–2242507. Hutchins, Mixter & Parkinson, 60 State St., Boston, Mass.

Ranke & Co. 35–6032488. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Raphrec & Co. 13–6120777. Israel Discount Bank Limited, 511 Fifth Ave., New York, N.Y. 10017.

Raptru & Co. 46–6011560. National Bank of South Dakota, Western Div., Seventh & St. Joseph Sts., Box 2008, Rapid City, S.D. 57701.

Rauco (c). 95–6250897. Beverly Hills National Bank & Trust Company, P.O. Box 908, Beverly Hills, CA 90213.

Raven & Co. 04–6214645. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Rawb & Co. 54–6081027. Investors Security Company, Inc., 110 Bank St., Suffolk, Va. 23434.

Estate of Ella F. Rawlo, c/o Edwin T. Coulbourne, 129 N. Saratoga St., Suite #1, Box 1326, Suffolk, Va.

Ray & Co. 36–1216015. Hickey & Co., 135 S. La Salle St., Chicago 3, Ill.

Ray & Company. 22–6041196. Montclair National Bank & Trust Company, 544 Bloomfield Ave., Montclair, N.J.

Raydel & Co. 59–6127015. First National Bank of Delray Beach, 301 E. Atlantic Ave., Delray Beach, Fla.

Raymond & Co. 94–6056810. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Rbasco. 11–2168162. R. Basile & Co., Inc., 45 Middle Neck Rd., Great Neck, N.Y. 11021.

Read & Co. 94–6062694. Oakland Bank of Commerce, P.O. Box 1020, Oakland 4, Calif.

Reading & Co. 04–6226078. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Reagan & Co. 74–6072010. Frost National Bank, Corporate Trust Dept., P.O. Drawer 1600, San Antonio, Tex. 78206: Frost Realty Company.

Reb. & Co. 25–6019219. Porter, H. K., Company, Inc., Porter Bldg., 601 Grant St., Pittsburgh 19, Pa.

Reco (c). 56–6116516. Wachovia Bank & Trust Company, N.A., Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Recom & Co. 86–6042218. Republic Trust & Security, Suite 2115, Townehouse Tower, Phoenix, Ariz. 85013.

Reconco. 13–2517632. Reconstruction Capital Corporation, Room 1926—42 Broadway, New York, N.Y. 10004.

Recourt & Co. 86–6042216. Republic Trust & Security, Suite 2115, Townehouse Tower, Phoenix, Ariz. 85013.

Red & Co. 52–6034901. First National Bank of Maryland, Light & Redwood Sts., Baltimore, Md.

Red & Co. 04–6062406. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Redemp Co. 94–6076744. Exchange Bank, Santa Rosa, Calif.

Redfork and Company. 45–6011887. Red River National Bank of Grand Forks, Grand Forks, N.D.

Reed & Co. Citizens and Manufacturers National Bank of Waterbury, 20 Leavenworth St., Waterbury, Conn.

Reedy and Company (a, b). 57–6018385. Citizens and Southern National Bank of South Carolina, Greenville, S.C.

Reeve & Co. 23–6200010. Central-Penn National Bank of Philadelphia, Lock Box 7588, Philadelphia 1, Pa.

Reeves & Co. 13–6022158. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Reeves & Co. 21–6014512. Trenton Trust Company, 28 W. State St., Trenton 5, N.J.

Reeving & Co. 04–6224570. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Refer & Co. 36–6166350. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Reffell & Co. 13–5369510. Saxton, G. A. & Co., Inc. 52 Wall St., New York 5, N.Y.

Reg & Co. 04–6014313. Boardman & Goodrich, Room 502, 40 Court St., Boston, Mass. 02108.

Regan & Co. 41–6009968. First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis 2, Minn.

Regbon & Co., Bankers Trust Company, 16 Wall St., New York, N.Y.

Regro & Co. 05–6020473. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Reho & Co. 13–6318492. % Hambro American Bank & Trust Co. P.O. Box 938, New York, N.Y. 10005.

Reid & Co. 16–6025071. % Joseph H. Morey, Jr. 1800 Liberty Bank Bldg., Buffalo 2, N.Y.

Reighard & Co., Northern Trust Company, The, 50 S. La Salle St., Chicago, Ill. 60690.

Reinet Company. 13–5559251. First Israel Bank and Trust Company of New York, 60 Wall St., New York, N.Y. 10005.

Reing & Co. 13–6020793. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Reinhart and Company, 23–6200003, Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Reklaw & Company. 87–6116656. Walker Bank and Trust Company, P.O. Box 1169, Salt Lake City 10, Utah.

Rellot & Company. 42–6053478. First National Bank in Sioux City, P.O. Box 567, Sioux City, Iowa.

Rem Company. 41–6023919. Midway National Bank of St. Paul, St. Paul, Minn. 55104.

Remash Co. 53–0241621. First National Bank of Washington, 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006: Milk Drivers and Dairy Employees Severance Fund Trust.

Remco. 53–0236289. Riviere, Marsh & Berens, 1832 M St., N.W., Washington 6, D.C.

Remoko & Co. (d, h) 46–604158. Northwestern National Bank of Sioux Falls, % Trust Dept., 101 South Main Ave. (Box 1028) Sioux Falls, S.D. 57101.

Remlap Company. 59–6127262. Palmer First National Bank & Trust Company of Sarasota, P.O. Box 1510, Sarasota, Fla.

Remraf & Co. 95–6025810. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Robt. 74–1666489. River Oaks Bank & Trust Co., P.O. Box 13120, Houston, TX 77019.

Roby and Company. (a, f). 54–6031922. Citizens Bank & Trust Company Trust Dept., P.O. Box 138, Charlottesville, Va. 22902.

Rocadio & Co. 35–6031580. Peoples Trust Bank, 913 S. Calhoun St., Fort Wayne, IN 46802.

Rocco Trusts & Company. (a, b, c, h). 39–6137178. Rock County Savings & Trust Company, 1 South Main St., P.O. Box 709, Janesville, Wisc. 53545.

Rock Company. 56–6053836. Peoples Bank & Trust Company, Box 872, Rocky Mount, N.C.

Rock & Company. 34-6520584. Sounders, Stivers & Co., Terminal Bldg., Cleveland, Ohio.

Rock Company (a, b, f). 54-6031980. Rockingham National Bank, Box 552, 141 E. Market St., Harrisonburg, Va. 22801.

Rock Fund A (h). 54-6045957. Rockingham National Bank, Box 552, 141 E. Market St., Harrisonburg, VA 22801.

Rock Fund B (h). 54-6088158. Rockingham National Bank, Box 552, 141 E. Market St., Harrisonburg, VA 22801.

Rockwood & Co. Freeport Bank, Freeport, N.Y.

Rocla & Co. 95-6194798. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Roco. St. Rose Convent, 912 Market St., La Cross, WI 54601.

Rodac & Co. 43-6028854. Boatmen's National Bank of St. Louis, 300 N. Broadway (P.O. Box 236), Main Post Office, St. Louis, MO 63166.

Roemer, Morton L. 13-6102823. Lazard Freres & Co., 44 Wall St., New York, N.Y.

Rogerhouse & Co. 04-6037919. New England Merchants National Bank, c/o Boston Safe Deposit and Trust Company, 100 Franklin St., Boston, Mass. 02106.

Rogers & Co. 22-6022706. Peoples Trust of New Jersey, 210 Main St., Hackensack, NJ 07602.

Rogers & Co. 04-6050703. Ellison & Company, 129 South St., Boston 11, Mass.

Rogerson & Co. 04-6013506. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Rogold & Co. 95-6258620. California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, Calif. 90017.

Rogren & Co. 36-6051203. Midwest Stock Exchange, 120 S. La Salle St., Chicago 3, Ill.

Rojo, Inc. R. J. Steichen & Co. 232 Baker Bldg., Minneapolis, Minn. 55402.

Roland & Company. 43-6020912. Mercantile Trust Company. Drawer 387, Main Post Office, St. Louis 66, Mo.: Managed Funds, Inc.

Roland and Company. 57-6018433. South Carolina National Bank of Charleston, 16 Broad St., Charleston, S.C.

Rolind & Co. 13-6193591. c/o Richard J. Powers, 111 W. 40th St., New York, N.Y. 10018:

Indian Head Mills, Inc., and
Pension Trusts.

Romac Company, 56-6034941. Citizens National Bank, P.O. Box 711, Great Falls, Mont.

Romac Company, The. 56-6034941. Citizens National Bank in Gastonia, Box 1201, Gastonia, N.C.

Romat & Co. 59-1112012. Roman Securities, Inc., 2701 E. Sunrise Blvd. Ft. Lauderdale, Fla. 33304.

Romber & Co. 23-1138690. Suplee, Yeatman, Mosley Co., Incorporated, 1500 Walnut St., Philadelphia 2, Pa.

Romer & Co. 13-5114260. Grady Berwald & Co. 37 Well St., New York, N.Y.

Romik & Co. 34-0921514. Roulston & Company, Inc. 1010 Euclid Ave., Cleveland, Ohio 44115.

Rommel & Co. 13-6065600. Chemical Bank, 20 Pine St., New York, NY 10017.

Ronald & Co. 13-6093651. National Bank of North America, 79 Pine St., New York, N.Y. 10005.

Ronfred & Company. Royal Trust Company 289 Dundas St., London, Ont., Canada.

Roosted & Co. (a). 36-6047344. Central National Bank in Chicago, Trust Dept., 120 S. La Salle St., Chicago, IL 60603.

Root & Company. 06-6033521. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Ropes & Company. 04-6026656. Ropes & Gray, 225 Franklin St., Boston, Mass. 02110.

Rose & Co. 13-6020794. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Rose & Co. (h). 22-6026166. c/o Garden State National Bank, Trust Dept., 170 Main St., Hackensack, NJ 07602.

Rosh & Co. 34-0868758. Disbro & Co., Inc., 1000 Terminal Tower, Cleveland, Ohio 44113.

Rosley & Co. 36-6047675. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Ross & Co. 13-6065489. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Roth & Co. 23-6390626. Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.

Rothmayer & Co. (c). 13-6065490. Bankers Trust Company, 16 Wall St., New York 15, N.Y.

Rovan & Co. 57-6039195. Bailey, M.S. & Son, Bankers, Broad St., Clinton, S.C. 29325.

Rovco (f). 94-1699829. Crocker-Citizens National Bank, c/o Trust Hdq., One Montgomery St., San Francisco, Calif. 94120.

Rowan & Co. 04-6235164. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Rowban & Co. (a-c). 57-6020486. c/o The National Bank of South Carolina, 207 N. Main St., P.O. Box 1798, Sumter, S.C. 29150.

Rowe & Co. 13-6062535. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Rowe & Co. 05-6008046. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, RI 02903.

Rowe, Ronald S. Blair & Co., Inc., 44 Wall St., New York, N.Y.

Rowland & Co. 43-0703142. 720 Olive St., St. Louis, MO 63101.

Rowlieck & Co. 04-6224562. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Roy & Co. 75-6006052. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222.

Royall & Co. 56-6034747. First-Citizens Bank & Trust Company, P.O. Box 151, Raleigh, NC 27602.

Roybec & Co. Royal Bank of Canada, P.O. Box 5100, Quebec, Canada.

Roybloor & Co. Royal Bank of Canada, 773-9 Yonge St., Toronto, Ont., Canada.

Roycal & Co. Royal Bank of Canada, 411 Eighth Ave., W., Calgary, Alba., Canada.

Roycan & Co. Royal Bank of Canada, P.O. Box 6007, Montreal, Que., Canada.

Roycan Nominees Ltd. Royal Bank of Canada, 6 Lothbury, London E.C.2. England.

Royclair & Co. Royal Bank of Canada, 111 St. Clair Ave., W., Toronto, Ont., Canada.

Roydem Nominees Ltd. Royal Bank of Canada, 38/39 Wat St., Georgetown, Guyana.

Royed & Co. Royal Bank of Canada, 1023 Jasper Ave., Edmonton, Alba., Canada.

Royfax & Co. Royal Bank of Canada, P.O. Box 1147, Halifax, N.S., Canada.

Royjames & Co. Royal Bank of Canada, 360 St. James St. W., Montreal, Que., Canada.

Royjon & Co. Royal Bank of Canada, 22 King St., St. John, N.B., Canada.

Royking & Co. Royal Bank of Canada, 20 King St., W., Toronto, Ont., Canada.

Renco. Rennelsen, Rennelsen & Redfield, 54 W. State, Doylestown, Pa.

Rend & Company. 13-6101833. Canandaigua National Bank and Trust Co., 72 S. Main St., Canandaigua, N.Y.

Repdelin & Co. 13-6300989. Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018.

Repdelmult & Co. 13-6300990. Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018.

Repriv & Co. 86-6042215. Republic Trust & Security, Suite 2115, Townehouse Tower, Phoenix, Ariz. 85013.

Rerco & Company. 39-6043481. Madison Bank & Trust Company, 23 W. Main St., Madison 1, Wis.

Rescon & Co. 13-6296004. T D B Trust Company, 2 E. 43rd St., New York, N.Y. 10017.

Reserve Company. Peoples National Bank of Hackettstown, 144 Main St., Hackettstown, N.J.; 58 Suffolk St., Holyoke, Mass.

Reslor & Co. 04-6044112. Safe Deposit Bank & Trust Company, Hadley Falls Division, 58 Suffolk St. Holyoke, Mass.

Ress & Co. (h). 05-6036533. Citizens Trust Company, 870 Westminster St. Providence, R.I. 02902.

Ret & Co. 94-6124186. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120.

Retben & Co. (a). 22-6144332. Central Jersey Bank and Trust Company, Trust Dept., P.O. Box 786, Rte. 9, Freehold, N.J. 07728.

Retco (F). 56-6089070. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St., P.O. Box 3075, Winston-Salem, NC 27102; Integon Corporation.

Retco and Company (f). 23-6019413. Reading Trust Company, 515 Penn St., Reading, Pa. 19603.

Retire & Co. 36-6081609. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, 90, Ill.; State Farm Agents' Retirement Trust.

Retire & Co. 86-6042217. Republic Trust & Security, Suite 2115, Townehouse Tower, Phoenix, Ariz. 85013.

Reulein & Co. 15-6017827. First National Bank and Trust Company of Ithaca, 200-202 E. State St., Ithaca, N.Y.

Revtrus & Co. 74-6031512. Dixon H. Cain, 3031 Humble Bldg., Houston, Tex. 77002.

Rextex & Company. 43-6020911. Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.

Rey & Co. (c). 56-6034728. Wachovia Bank & Trust Company, N.A., Wachovia Bldg., Main St., P.O. Box 3075, Winston-Salem, N.C. 27102.

Reynolds, O. N. & Company (b-d, f). 16-6024807. Marine Midland Trust Company of Southern New York, 150 Lake St., Elmira, N.Y. 14902.

Reyst & Company. 38-6086886. Manufacturers National Bank of Detroit. P.O. Box 659, Detroit, Mich. 48231.

R.G. & Co. 04-6197516. Ropes & Gray, 225 Franklin St., Boston, Mass. 02110.

Ribat & Co. 36-6143490. Rock Island Bank and Trust Company, 230-18th St., Rock Island, Ill. 61201.

Ricar Company. Whitefish Bay Bank & Trust Company, 177 E. Silver Spring Drive, Whitefish Bay, Wisc. 53217.

Rice & Co. 13-6066549. The Toronto-Dominion Bank, 45 Wall St., New York 5, N.Y.

Rice Co. 41-0658020. Rice, Irving J. and Company, Inc., 202 Pioneer Bldg., St. Paul 1, Minn.

Rich & Co. (f). 23-0580680. First Pennsylvania Banking and Trust Co., P.O. Box 8786, Philadelphia, PA 19101: Reliance Insurance Company.

Rich and Company (a,b,c,). 74-6041898. c/o Houston Bank & Trust Company, 1801 Main St., P.O. Box 2555, Houston, TX 77001.

Rich & Company. 59-6128692. First National Bank at Winter Park, P.O. Box 357, Winter Park, Fla.

Richard, Fraser & Co. 04-6042728. Hale & Dorr, 60 State St., Boston 9, Mass.

Richardson & Co. 04-6012933. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Richardson & Company. 38-1861518. Manufacturers National Bank of Detroit, P.O. Box 659, Detroit, Mich. 48231.

Richardson & Company, Royal Trust Company, 606 Seventh Ave., S.W., Calgary, Alba, Canada.

Richland Nominee Company. 34-6517238. Richland Trust Company, 3 N. Main St., Mainsfield, Ohio: Venture Securities Fund, Inc.

Rich, George & Co. 04-6148794. Gardner Associates, Inc., 225 Franklin St., Suite 800, Boston, Mass. 02110.

Richter & Co. 23-6200004. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Ricshaw. 04–6233164. Ropes & Gray, 225 Franklin St., Boston, MA 02110.

Ridge and Company. 71–0390480. Citizens Bank of Jonesboro, Jonesboro, Ark. 72401.

Rieser & Company. 94–6055904. Transamerica Corporation, Montgomery St. at Columbus Ave., San Francisco 11, Calif.

Rigg Co. (f). 04–6027449. Attleboro Trust Company, Box 330, 8 N. Main St., Attleboro, MA 02703.

Riley & Company. 39–6074580. American State Bank, 740 N. Plankinton Ave., Milwaukee, Wisc.

Rim & Co. 04–6037910. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Ring & Co. 13–6170645. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

Ring & Co. 36–6123361. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, Ill. 60690.

Rison and Co. 71–6050314. First National Bank in Little Rock, c/o Trust Dept., Third & Louisiana Sts., (or P.O. Box 1471) Little Rock, Ark. 72203:

ICM Equity Fund, Inc., and

ICM Financial Fund, Inc.

Rit & Co. 84–6039322. First Trust Corporation, 444 Sherman St., Denver, Colo. 80203.

Ritco. 16–6024587. Security Trust Company of Rochester, 103 E. Main St., Rochester 4, N.Y.

Rite & Co. 04–6129774. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, MA 02106.

Riva & Company. 54–6031821. Virginia National Bank, Box 351, Charlottesville, Va. 22902.

Rivco and Company. 06–6030257. United Bank and Trust Company, 90 Pearl St., Hartford 1, Conn.

River & Co. Norfolk County Trust Company, 1319 Beacon St., Brookline, Mass. 02146.

River and Company. 06–6030256. United Bank and Trust Company, 90 Pearl St., Hartford 1, Conn.

R. & J. Co. 41–0950436. R. J. Steichen & Co., Suite 604–730 Building, 730 2nd Avenue South, Minneapolis, Minn. 55402.

R.N.B. & Co. 13–6300988. Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018.

Roaine & Co. of N.H. 02–6021587. Burns Bryant Hinchey & Nadeau, Burns Bldg., Dover, N.H. 03820: Stanley M. Burns Family Trust.

Robany Corporation. 13–2533603. Royal National Bank of New York, 1212 Avenue of the Americas, New York, N.Y. 10036.

Robb & Co. 25–1073984. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Robbins & Co. (a, b, c, e, h). 06–6032821. Connecticut National Bank, 888 Main St., Bridgeport, CT 06602.

Robert & Co. 05–6012280. Diamond, Doorley, Douglas & Co., Inc., 15 Westminster St., Providence 3, R.I.

Robert Twinoaks. 06–6118220. Southern New England Contracting Co., 526 Farmington Ave., Hartford, Conn. 06105.

Roberts & Co. 21–6014675. Guarantee Bank and Trust Company, Atlantic City, N.J.

Robin & Co. 13–6221324. Chemical Bank, P.O. Box 1368, Church St. Station, New York, N.Y. 10008.

Robinson & Co. Bank of Bermuda, Ltd., Hamilton, Bermuda.

Roblar & Co. (h). 04–6141925. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Roymon Nominees Limited. The Royal Bank of Canada, P.O. Box 6007, Montreal, Que., Canada.

Roynas & Co. The. Royal Bank of Canada, Nassau, Bahama Islands.

Roy Nominees Limited. Royal Trust Company, 3 St. James's Sq., London S.W. 1, England.

Royork & Co. 13–6111318. Royal Bank of Canada, 68 William St., New York, 10005.

Royott & Co. Royal Bank of Canada, 94 Sparks St., Ottawa, Ont., Canada.

Royrich & Co. Royal Bank of Canada, Yonge & Richmond Sts., Toronto, Ont., Canada.

Roystan & Co. Royal Bank of Canada, 1140 St. Catherine St. W., Montreal, Quebec, Canada.

Roytemp & Co. Royal Bank of Canada, Bay & Temperance Sts., Toronto, Ont., Canada.

Roythree & Co. Royal Bank of Canada, P.O. Box 6007, Montreal, Quebec, Canada.

Roytor & Co. No. 1 a/c. Royal Bank of Canada, 20 King St., W., Toronto, Ont. Canada.

Roytor & Co. No. 10 a/c. Royal Bank of Canada, Bay & Temperance St., Toronto, Ont., Canada.

Roytor & Co. No. 12 a/c. Royal Bank of Canada, Yonge & Richmond St., Toronto, Ont., Canada.

Roytor & Co. Royal Bank of Canada, 20 King St. W., Toronto, Ont., Canada.

Roytor & Co. No. 15 a/c. Royal Bank of Canada, 111 St. Clair Ave., W., Toronto, Ont., Canada.

Roytor & Co. No. 51 a/c. Royal Bank of Canada, 20 King St., W., Toronto, Ont., Canada: Axe-Templeton Growth Fund of Canada, Ltd.

Roytown & Co. Royal Bank of Canada, 111 Queen St., Charlottetown, P.E.I.

Roytrin Nominees Limited. Royal Bank of Canada, P.O. Box 70, Port of Spain, Trinidad, WI: Canadian Investment Trust.

Roytru & Co. 13–6111112. Royal Bank of Canada Trust Company, 68 William St., New York 5, N.Y.

Roytru & Co. No. 2 a/c. c/o The Royal Bank of Canada Trust Co., 68 William St., New York, NY 10005.

Roytru Nominees Limited. Royal Bank of Canada Trust Company, 6 Lothburg, London E.C. 2, England.

Royvan & Co. Royal Bank of Canada, 685 Hastings St., Vancouver. B.C., Canada.

Roywin & Co. Royal Bank of Canada, 220 Portage Ave., Winnipeg, Man., Canada.

Royyonge & Co. Royal Bank of Canada, King & Yonge Sts., Toronto, Canada.

R R O & Co. (c). 75–6095865. First State Bank of Denton, P.O. Box 100, Denton, TX 76201.

Ruane & Co. 15–6018743. Tompkins County Trust Company, 110 N. Tioga St., Ithaca, N.Y.

Rube & Company. 41–6076010. First National Bank of Stillwater, Stillwater, Minn.

Ruby & Co. 04–6115367. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Rucal & Co. 94–6189886. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120.

Ruch & Co. 13–6218975. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Ruchlin & Company. 04–2322027. Walter E. Rutter & Co., 19 Congress St., Boston, Mass. 02109.

Rudder & Co. 04–6197479. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Rude and Co. 31—1483270. Indiana Bank and Trust Company, c/o Trust Dept., 915 S. Clinton St., Fort Wayne, Ind. 46802.

Rudolph & Co. 13–6062516. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.: The Knickerbocker Fund.

Rugg & Co. 04–6229095. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Rule & Co. 04–6012934. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Rumsey & Company (a-e). 37–6023633. Elliott State Bank, Jacksonville, Ill. 62650.

Runyan & Co. 13–6093620. National Bank of North America, 60 Hempstead Ave., West Hempstead, N.Y. 11552.

Rural & Co. 39–6132466. First Wisconsin National Bank, P.O. Box 1271, Madison, Wisc. 53701.

Rush & Co. 13–6066333. Swiss American Corporation, 25 Pine St., New York 5, N.Y.

Rushlow. B. C. & Co. 15–6019903. National Bank of Northern New York, 200 Washington St., Watertown, N.Y.

Rushwood & Co. 71–6070420. Simmons First National Bank, Pine Bluff, Ark.

Rusk & Co. 74–6125835. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001: Industries Exchange Fund, Inc.

Russell & Co. 04–6014102. Loring, Wolcott Office, Inc., 35 Congress St., Boston 9, Mass.

Rust & Co. 74–6065422. Frost National Bank, P.O. Drawer 1600, San Antonio, Texas 78206.

Rutco. 95–2134690. Rutner, Jackson & Gray, Inc., 811 W. Seventh St., Los Angeles, Calif. 90017.

Ruth & Co. 05–6011193. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Rutree. Fulton National Bank, P.O. Box 4387, Atlanta, Ga 30302.

Rutz & Company. (B). 38–6065603. Manufacturers National Bank of Detroit, P.O. Box 1319, Detroit, Mich. 48231.

Ryan & Co. 13–6075500. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Rybeck, Wm. H. & Co. 06–0519728. Rybeck, Wm. H. & Co., Inc., 16 W. Main St., Meriden, Conn. 06453.

Ryco & Co. 04–6232717. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Ryfield & Co. 06–6044918. Union Trust Company, P.O. Box 1297, Stamford, CT 06904.

Rylan & Company. 57–6021519. South Carolina National Bank, P.O. Box 750, Columbia, S.C.

Rynat & Co. 13–6066329. National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y.

Saal & Co. (a, b, h). 83–6010685. Bank of Commerce, Trust Dept., P.O. Box 2007, Sheridan, WY 82801.

Sabaduco. Dukes County Savings Bank, Main St., Edgartown, Mass.

Sabank & Co. 54–6043608, Bank of Salem, P.O. Box 959, Salem, Va.

Sabat Co. 13–6091774. Savings Banks Trust Co., 200 Park Ave., New York, N.Y. 10017.

Sabatco (b, e, h). 86–6050960. Southern Arizona Bank & Trust Company, Trust Div., P.O. Box 1871, Tucson, Ariz. 85702.

Sabin & Co. 06–6038692. Waterbury National Bank, 195 Grand St., Waterbury, Conn.

Sabur & Co. (a, b, d). Trust Company of First Virginia, 7205 Little River Turnpike, Annandale, Va. 22003.

Sacom & Co. (d) 52–6025498. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Sacro. 41–6093343. St. Croix Associates, 1918 Midwest Plaza Building, Minneapolis, Minn. 55402.

Sacto & Co. 94–6056811. Wells Fargo Bank, 464 California St., San Francisco, 20 Calif.

Sacton & Co. 94–6061284. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Saf & Company. 31–6021105. Central Trust Company, Fourth & Vine Sts., Cincinnati 2, Ohio.

Saf Co. 13–6108006. c/o Franklin National Bank, Corporate Trust, Dept., 130 Pearl St., New York, NY 10015.

Safban. 38–6164313. % The Citizens State Bank, 100 E. Chicago Rd., Sturgis, MI 49091.

Safco & Co. 48–6120489. First National Bank of Topeka, Trust Division, P.O. Box 88, Topeka, KS 66601: Security Ultra Fund, Inc.

Safe & Co. 52-6025496. Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202.

Safeco. 04-6110814. Safe Deposit Bank and Trust Company, 127 State St., Springfield, Mass.

Safe Deposit Co. 04-6039101. Cape Ann Bank & Trust Company, 154 Main St., Gloucester, Mass.

Safex and Company. 54-6031979. Virginia Trust Company, 821 E. Main St., Richmond 14, Va.

Safund. 94-6054997. Bank of California N.A., 400 California St., San Francisco 20, Calif.

Pacific Gas and Electric Company Employees Savings Fund Plan.

Sage & Co. (d). 35-6014525. Lincoln National Bank and Trust Company of Fort Wayne, c/o Trust Dept., 116 E. Berry St., Fort Wayne, Ind. 46802.

Sage & Co. (d, f). 03-6008103. Franklin County Bank, P.O. Box 231, St. Albans, Vt. 05478.

Sai Company. 95-6229119. Investors' Advisory Services, 1410 First National Bank Bldg., San Diego, Calif. 92101.

Sail & Co. 04-6012898. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

George Putnam Fund of Boston.

Putnam Growth Fund.

Saint & Co. (a, b, d). 35-6200076. St. Joseph Bank and Trust Company, 202 S. Michigan St., c/o Trust Dept., South Bend, Ind. 46601.

St. Germain & Co. 04-6087427. First Springfield Corporation, P.O. Box T, Springfield 2, Mass.

St. Louis Company, Lord Baltimore Press, 1500 Greenmount Ave., Baltimore, Md.

St. Lu & Company. (a, b, c). 59-6126973. St. Lucie County Bank, P.O. Box 8, 112 S. Second St., Fort Pierce, Fla. 33450.

Sakeep & Co. 04-6075489. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Saks & Co. 04-6178969. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Sala & Co. 01-6012002. Federal Trust Company, 33 Main St., Waterville, Me. 04901.

Pyramid Nominees Ltd.

Salem & Co. 04-6178970. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Salkeld & Co. (f). 13-6065491. Bankers Trust Company, 16 Wall St., New York 15, N.Y.:

General American Investors Company, Inc.;

The Johnston Mutual Fund, Inc.;

The Johnston Mutual Fund, Inc.;

Petroleum Corporation of America;

United Funds, Inc.; and

United Science Fund.

Salmont & Co. 94-6056812. Wells Fargo Bank, 201 Main St., Salinas, Calif.

Salter & Co. 04-6178971. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Salus & Co. (f). 35-6050242. Lafayette National Bank, c/o Trust Dept., 337 Columbia St., Lafayette, Ind. 47902.

Sambank. 95-6235756. Santa Monica Bank, Trust Dept., P.O. Box 550, Santa Monica, Calif. 90406.

Sam & Co. 88-0089357. Bank of Nevada, 225 E. Brigder St., P.O. Box 1720, Las Vegas, Nev. 89101.

Samco. 95-6282001. Southern California First National Bank, c/o Investment Dept., P.O. Box 1311, 530 'B" St., San Diego, Calif. 92112.

Sanbara & Co. 95-6136326. First Western Bank and Trust Company, 587 E. Colorado Blvd., Pasadena, Calif. 91101.

Sanbarco (a, b). 95-2239978. Santa Barbara National Bank, Trust Dept., P.O. Drawer J-J, 20 E. Carillo St., Santa Barbara, Calif. 93102.

Sancrete Co. 04-6013762. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. 02106.

Sand & Co. 95-6013762, Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Sand & Co. 43-6034642. Sanders, Edwin C. & Co., 1300 Boatmen's Bldg., 314 N. Broadway, St. Louis 2, Mo.

Sandecock & Co. (b, f). 24-6018410. Wayne County Bank and Trust Company, 717 Main St., Honesdale, Pa. 18431.

Sanders & Co. 14-6015771. National Commercial Bank and Trust Company, Commercial Div., 60 State St., Albany, N.Y.

Sanderson & Co. 16-6018783. Marine Midland Trust Company of Western New York, 237 Main St., Buffalo, N.Y. 14205.

Sandist & Co. 36-6235641. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, Ill. 60690.

Sandy & Co. 619 8934. Big Sandy Company, Inc., 70 Federal St., Boston, Mass. 02110.

Sanfe & Co. (a-d). 85-6016762. Santa Fe National Bank, Trust Dept., P.O. Box 969, Santa Fe, N. Mex. 87501.

Sanfinsco (f). 91-6098271. Seattle First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, Wash. 98111.

Sanfra & Co. 94-6205437. 450 McAllister St., San Francisco, Calif. 94102.

Sang & Co. 37-6063260. First National Bank of Springfield, 205 S. Fifth St., Springfield, Ill. 62701.

Sanmont & Co. 94-6056813. Wells Fargo Bank, 101 S. First St., San Jose 8, Calif.

Sanmor Co. 11-6006605. c/o Franklin National Bank, Securities Clearance Dept., 130 Pearl St., New York, N.Y. 10015.

Sano (f) 13-1955436. Herzog & Co., Inc., 170 Broadway, New York, N.Y. 10038.

Sanor 74-6031427. Tenneco Corporation, P.O. Box 1687, Wilmington, Del. 19899.

Sans & Co. 75-6006542. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas 22, Texas.

Sansco 31-6086439. First National Bank, Dayton, Ohio, 112 W. Second St., Dayton, Ohio 45402.

Santans. 95-2305030. Smith, Tilton & Co., Inc., 1505 E. 17th St., Suite 121 El Patio Bldg., P.O. Box 11000, Santa Ana, Calif. 92711.

Santas Company 95-6018454. San Diego Trust and Savings Bank, San Diego, CA 92101.

Santoro & Co. 04-6178972. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02102.

Sanval & Co. 95-6096938. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Sar & Co. 41-6011845. Northwestern National Bank of Minneapolis, Seventh & Marquette Ave., Minneapolis, Minn. 55480: Imperial Fund, Inc.

Sargent & Co. 04-6013750. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Sarnat & Co. 59-6127837. c/o National Bank of Sarasota, Trust Dept., 2001 Siesta Dr., Sarasota, FL 33579.

Sass & Co. 36-6201278. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Sat & Co. 41-6093169. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Satico & Co. 95-6020617. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Satterthwaite & Cates & Co. 23-6230668. Doylestown Trust Company, 115 W. Court St., Doylestown, Pa.

Saturn & Co. 04-2457313. Investors Bank & Trust Company, Trust Dept., 24 Federal St., Boston, Mass. 02110.

Saul & Co. 22-6023642. Fidelity Union Trust Company, 765 Broad St., Newark, N.J. 07101.

Savanco. Savannah Bank & Trust Company, Trust Dept., P.O. Box 9947, Savannah, Ga. 31402.

Sav Ban & Co. 36-1958310. Wheeling Trust and Savings Bank, Wheeling, Ill.

Save & Co. (e) 04-6013019. c/o Investors Bank & Trust Company, P.O. 1833, Boston, Mass. 02105.

Saw & Co. 13-6020854. Stone & Webster Securities Corporation, 90 Broad St., New York 4, N.Y.

Saxco. 13-5369510. Saxton, G.A. & Co., Inc., 52 Wall St., New York 5, N.Y.

Saxon & Co. 23-6200005. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101: Rittenhouse Fund.

Sayre & Co. (f) 22-1720134. First Pennsylvania Banking and Trust Company, P.O. Box 8766, Philadelphia, Pa. 19101.

Sayward & Company. 04-6031955. Harvard Trust Company, 1414 Massachusetts Ave., Cambridge 38, Mass.

Sbat & Co. 36-6051200. State National Bank, 1603 Orrington Ave., Evanston, Ill. 60204.

SCD & Co. 06-6121299. c/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Schenkel & Co. 23-6252265. Frankford Trust Company, 4400 Frankford Ave., Philadelphia 20, Pa.

Scheu & Co. 13-6020795. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Schilco. 47-0361092. Midwest Stock Exchange Clearing Corporation, 120 S. La Salle St., Chicago, Ill.

Schley & Co. 52-6053300. c/o Cross & Shriver, 610 Merchantile Trust Bldg., Baltimore 2, Md.

Schmidt & Co. 13-6020796. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Schondelmeier & Co. 13-6021161. First National City Bank, 399 Park Ave., New York 22, N.Y.

Schreier and Company (d) 06-6119055. Connecticut National Bank, 888 Main St., Bridgeport, Conn. 06602.

Schuylbank. 23-6239206. American Bank and Trust Company of Pennsylvania, 101 N. Center St., Pottsville, Pa.

Schwab & Co. 13-6312312. Schroder Trust Company, 57 Broadway (P.O. Box 15001), New York, NY 10049.

Schwan & Co. 95-6223135. United California Bank, 600 S. Spring St., Los Angeles, Calif. 90014.

Science & Co. (f) 04-6190848. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110: First Church of Christ Scientist.

Scola & Co. (f) 35-6036402. Lafayette National Bank, Trust Dept., 337 Columbia St., Lafayette, IN 47902.

Sconto Co. 13-6296012. Israel Discount Bank Limited, 511 Fifth Ave., New York, N.Y. 10017.

Scotch & Co. 57-6028889. First National Bank of South Carolina, 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Scotiabank Nominees Ltd., Bank of Nova Scotia, 24-26 Walbrook St., London E.C. 4, England.

Scotnab & Co. 47-6031286. Scottsbluff National Bank, P.O. Box 381, Scottsbluff, Nebr.

Scott & Co. 13-6020797. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Abacus Fund.

Scripps & Co. 95-6208655. Bank of America N.T. & S.A., P.O. Box 3635 Terminal Annex, Los Angeles, Calif. 90054.

Scully & Company. 25-6030161. Moxham National Bank, 550 Central Ave., Johnstown, Pa.

Sea Co. Canadian Imperial Bank of Commerce, King & Germain St., St. John, N.B., Canada.

Seabank & Co. 95-6020208. Security Pacific National Bank, 201 A St., San Diego, Calif. 92101.

Seafirst & Co. (a,b,c,d) 91-6022900. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, Wash. 98111.

Seaplan & Co. (f) 95-6249618. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Sears & Adams. 04-6013240. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Sears & Co.(b) 04–6013816. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Searsfund & Co. 36–6032195. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670: Sears, Roebuck and Co. Employees Savings & Profit Sharing Pension Fund.

Seatel & Co. (c) 91–6097587. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, Wash. 98111.

Seatrust Co. 91–6028180. Seattle Trust and Savings Bank, 804 Second Ave., Seattle 4, Wash.

Seb & Co. Bankers Trust Company, 53 State St., Boston, Mass.

Sebak & Co. 42–6057336. Security National Bank of Sioux City, Sixth & Pierce Sts., Sioux City 2, Iowa.

Sebanc & Co. 38–6096340. Security Bank & Trust, 1605 Fort St., Lincoln Park, Mich. 48146.

SEBANCO. 54–6050211. Security Bank and Trust Company, P.O. Box 1478, Danville, Va.

Sebat Co. 36–6046305. Sears Bank and Trust Company, 3401 W. Arthington, Chicago 24, Ill.

SEBCO. 35–6051022. Security Bank and Trust Co., 20 North Third, Vincennes, Ind. 47591.

Seben & Co. 48–6120791. First National Bank of Topeka, Trust Dept., P.O. Box 88, Topeka, KS 66601: Security Benefit Life Insurance Co.

Sebring Securities Service (a, b, c). 59–6218151. First National Bank of Sebring, 35 N. Mango St., Sebring, Fl. 33870.

Secage & Co. (f) 36–6152620. Old Second National Bank, 37 S. River St., Aurora, IL 60507.

Secco & Co. 83–6006694. Security Bank and Trust Co., P.O. Box 2718, Casper, Wyo.

Secco & Company 31–6033960. Security Central National Bank of Portsmouth, 825 Gallia St., Portsmouth, Ohio.

Secfund & Co. 36–6414234. Continental Illinois, National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Seck & Co. 88–6003426. Security National Bank, 180 W. First St., P.O. Box 171, Reno, Nev. 89504.

Secnab and Co. 35–6060465. c/o The Second National Bank of Richmond, 8th and Main Sts., Richmond, Ind. 47374.

Secnal & Co. 94–6125116. United California Bank, 405 Montgomery St., San Francisco, Calif. 94104.

Secnatco, 74–6038976. Bank of the Southwest, N.A., c/o Trust Div., 910 Travis, P.O. Box 2629, Houston, TX 77001.

Secnat Co. 11–6018600. Security National Bank, 31 W. Main St., Babylon, N.Y.

Seco. 94–1629144. United California Bank, 9601 Wilshire Blvd., Beverly Hills, Calif. 90213: Security Planning, Inc.

Seco & Company 39–6082974. Security State Bank, 1965 Atwood Ave., Madison, Wisc.

Sectrus & Co. (a, b) 36–6152618. Old Second National Bank, 37 S. River St., Aurora, Ill. 60507.

Secure & Company 84–6035577. Security National Bank, P.O. Box 5586, Denver, Colo.

Securestate and Company. 39–6064114. Security State Bank, 1965 Atwood Ave., Madison, Wisc.

Security & Co. (a). 04–6154368. Security National Bank, Trust Dept., 66 Central Sq., Lynn, MA 01903.

Security Nominees, Inc. 13–6022258. Schroder Trust Company, 57 Broadway, New York 15, N.Y.

Security Registration Co. of Duncan, 73–6119920. Security National Bank & Trust Co. of Duncan, P.O. Box 1468, Duncan, Okla. 73533.

Sedif & Co. 24–6012422. First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa.

Seeco. 95–2226416. Century Securities Company, 8421 Wilshire Blvd., Beverly Hills, Calif.

Seefeldt, A. Matilda, 42–0476500. Quail &. Co., Davenport, Iowa.

Seena & Co. 13–6285321. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Sefi & Co. 48–6105677. First National Bank of Topeka, Trust Division, P.O. Box 88, Topeka, KS 66601: Security Equity Fund, Inc.

Sefirst & Co. 38–6059416. Security First Bank & Trust Co., Grand Haven, Mich.

Sefund & Co. (h). 81–6009069. c/o Security Trust & Savings Bank, P.O. Box 2513, Billings, Mont. 59103.

Segal & Co. 04–6178973. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Seibeg Co. 57–6040348. Seibels, Bruce & Company, P.O. Box 1, Columbia, S.C. 29202.

Seidel, Morton, 95–2207041. Seidel, Morton, & Co., Investments, 458 S. Spring St., Los Angeles 13, Calif.

Seidensticker, C.A., & Co. (a-h). 21–6012760. Princeton Bank and Trust Company, 76 Nassau St., Princeton, N.J. 08540.

Seiplan Co. 57–6040349. Seibels, Bruce & Company, P.O. Box 1, Columbia, S.C. 29202.

Sel & Co. 41–6026202. First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis 40, Minn.: Investors Selective Fund, Inc.

Selby & Co. (h). 31–6023392. Huntington National Bank, Trust Div., P.O. Drawer 1558, Columbus, OH 43216.

Selco & Company (c). 04–6179738. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Self & Co. 11–6008062. National Bank of North America, 60 Hempstead Ave., West Hampstead, N.Y. 11552.: Sunrise Fund, Inc.

Seligman, J. & W. & Co. 13–5382030. Tri-Continental Corporation, 65 Broadway, New York 6, N.Y.

Sellon & Co. 04–6012940. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Sema & Co. 04–6233163. Ropes & Gray, 225 Franklin St., Boston, MA 02110.

Senab and Co. 39–6042273. Security First National Bank, P.O. Box 328, 603 N. Eight St., Sheboygan, WI 53081.

Senaco & Co. 43–6027133. Security Trust Company, 716 Locust St., St. Louis 1, Mo.

Senaham. 31–6020795. Second National Bank of Hamilton, P.O. Box 477, Hamilton, Ohio.

Senco. Milwaukee Sentinel, Milwaukee 1, Wisc.

Sener & Company. 23–6243456. c/o Commonwealth National Bank, Trust Dept., P.O. Box 1149, Continental Sq., York, PA 17405.

Sep & Co. (f). 41–6011851. Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55480.

Sepaco One & Co. 06–6090200. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Two & Co. 06–6090199. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Three & Co. 06–6090198. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Four & Co. 06–6090197. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Five & Co. 06–6090196. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Six & Co. 06–6090195. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Seven & Co. 06–6090271. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Eight & Co. 06–6090272. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Nine & Co. 06–6090273. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Ten & Co. 06–6090274. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Eleven & Co. 06–6101826. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Twelve & Co. 06–6101825. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Thirteen & Co. 06–6101824. Aetna Life Insurance Company, Securities Section, Cashiers Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Fourteen & Co. 06–6101823. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Fifteen & Co. 06–6101822. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Sixteen & Co. 06–6101821. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Seventeen & Co. 06–6101820. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Eighteen & Co. 06–6101819. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Nineteen & Co. 06–6101818. Aetna Life Insurance Company, Securities Section, Cashiers' Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Sepaco Twenty & Co. 06–6101817. Aetna Life Insurance Company, Securities Section, Cashier's Dept., 151 Farmington Ave., Hartford, Conn. 06115.

Separ Company (h), 55–6040178. Security National Bank & Trust Co., 114 Market St., Wheeling, W. Va. 26003.

Serb & Co. (a, b). 21–6013932. Monmouth County National Bank, 303 Broad St., Red Bank, N.J. 07701.

Serco. 22–6066203. Fidelity Union Trust Company, 765 Broad St., Newark, N.J. 07101.

Serf & Co. (c, h). 06–6113663. New Britain National Bank, 51 W. Main St., New Britain, CT 06050.

Sers & Co. 31–6028942. c/o R. Jack Cooper, Investment Officer, School Employees Retirement Board of Ohio, 88 East Broad St., Columbus, Ohio 43215.

Sert & Co. 36–6081606. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Service & Co. 04–6221558. The National Shawnut Bank of Boston, 35 Congress St., Boston, MA 02109.

Setco. 13–2634465. Securities Network, Inc., 31 W. 47th St., New York, NY 10036.

Setra & Company. 38–6063731. Muskegon Bank and Trust Company, 335 W. Western Ave., Muskegon, Mich.

Setru & Co. (b). 81–6009136. c/o Security Trust & Savings Bank, P.O. Box 2513, Billings, Mont. 59103.

Settle & Co. 13–6022160. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Svco. 22–6106537. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Seven Hundred Co. 41–6017091. Northwestern National Bank of Minneapolis, 7th &

Marquette Ave., Minneapolis, MN 55440: Dayton Brothers, Inc.

Seven State Street Co. 57–0406456. Johnson, Coleman, Manning & Smith, Inc., P.O. Box 215, Charleston, S.C.

Sewbank & Co. 04–6226054. First Agricultural National Bank of Berkshire, County, Pittsfield, Mass. 01201.

Sewell & Company. 48–6148834. Citizens National Bank, Independence, Kansas 67301.

Seymour & Co. (a-d, f). 15–6022389. National Bank of Auburn, c/o Trust Dept., 120 Genesee St., Auburn, NY 13021.

Seynab & Co. 35–6033101. Seymour National Bank, Box 300, Seymour, Ind.

S.F. Co. 94–6127890. Pacific Coast Stock Exchange Clearing Corporation, 301 Pine St., San Francisco, Calif. 94104.

Shad & Co. 04–6140676. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Shall & Co. (h). 35–6210699. Marshall County Bank & Trust Company, 315 N. Michigan St., Plymouth, Ind. 46563.

Shap & Co. 39–6128925. First National Bank of Neenah, Neenah, Wisc. 54956.

Sharbank & Co. 04–6194896. First Agricultural National Bank of Berkshire County, Pittsfield, Mass. 01201: Shareholders's Trust of Boston.

Share & Co. 38–6144358. Union Bank and Trust Company, N.A., Union Bank Bldg., Grand Rapids, Mich. 49502.

Share & Co. 04–6026667. Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass. 02109.

Shartag & Co. 84–6020262. Sharp, Leonard S., Box 106, Colorado Springs, Colo.

Shaw & Co. 13–6020798. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Shawnee & Co. First National Bank of Topeka, Trust Dept., P.O. Box 88, Topeka, KS 66601: Security Bond Fund, Inc.

Shawson & Co. 52–6026506. Riggs National Bank of Washington, D.C., 800–17 St., NW., Washington, D.C. 20013.

Shea & Co. 13–6121177. Amott, Baker & Co., Incorporated, 150 Broadway, New York, N.Y. 10038.

Shearham Corp. 13–2505552. Shearson & Hammill & Co., Inc., 80 Pine St., New York, N.Y.

Sheet & Co. 04–6215099. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Shel & Co. (c, h). 55–6037637. Charleston National Bank, P.O. Box 1113, Charleston, W. Va. 25324.

Sheldon & Co. 34–6510658. National City Bank of Cleveland, 623 Euclid Ave, Cleveland 1, Ohio: Inland Investors, Inc.

Shelfor & Co. 38–6048927. c/o Detroit Bank and Trust Company, 211 W. Ford St., Detroit, Mich. 48231.

Shenandoah Valley Nominee Corporation (a-d). 54–6036275. Shenandoah Valley National Bank, Loudin & Piccadilly Sts., P.O. Box 1000, Winchester, Va. 22601.

Sherbrooke & Company. 23–1309629. Brooke, Sheridan, Bogan & Co., Inc., 2 Penn Center Plaza, Philadelphia, Pa.

Sherjac & Co. 74–6045858. Citizens National Bank & Trust Co., Trust Dept., 319 W. Texas Ave., Baytown, TX 77520.

Sherry & Co. 04–6178974. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02102.

Shiloh and Co. (b–d). 36–6168253. Zion State Bank and Trust Company, 2612 Sheridan Rd., Zion, Ill. 60099.

Shine & Co. (d). 41–6103847. First National Bank of Saint Paul, Securities Dept., 332 Minnesota St., St. Paul, Minn. 55101; Wright Investors Service, Div. of Winthrop Corporation.

Ship & Co. 04–6013014. State Street Bank and Trust Company. P.O. Box 351, Boston, Mass. 02101:

Concord Fund, Inc.

Investment Trust of Boston.

New England Fund.

Shire & Co. 04–6013241. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Shirl & Co. 95–2547277. Dac Securities, Inc., 4201 Long Beach Blvd., Long Beach, Calif. 90807.

Shore & Co. 04–6235161. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02117.

Shultes & Co. 13–6262851, Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Sias & Company. 22–6025000. First National State Bank of New Jersey, P.O. Box 616, Newark, N.J. 07101.

Sibar & Co. Bank Le Leumi Israel B. M. Agency, 60 Wall St., New York, N.Y. 10005.

Sid & Co. (a, b, c, e, h). 75–6095817. First State Bank of Denton, Denton, Texas 76201.

Sidge & Co. 01–6012869. Canal National Bank, 188 Middle St., Portland, Me.

Sieyes & Co. 12–1088640. French American Banking Corp., 120 Broadway, New York, N.Y.

Sifleet & Co. North American Securities Co., 44 Wall St., New York, N.Y.

Sifone & Co. 13–6157847. Morgan Guaranty Trust Company of New York, P.O. Box 1479, New York, N.Y. 10015.

Sift & Co. (c). 91–6075667. Peoples National Bank of Washington, P.O. 720, Seattle, Wash. 98111.

Sig & Co. 04–6214450. New England Merchants National Bank, 28 State Street, Boston, Mass. 02106.

Sigler & Co. 13–6062541. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.:

Canadian International Growth Fund Ltd.

Channing Funds.

General Public Service Corporation.

Institutional Growth Fund.

Institutional Income Fund, Inc.

Institutional Shares, Ltd.

United States & Foreign Securities Corporation.

Silo & Co. 36–6128825. First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670. (Farm Bureau Mutual Fund, Inc.)

Silver & Co. 05–6020754. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Silvesri & Co. 13–6262852. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Sims & Co. 13–6020799. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Simton Company. 62–6039893. First National Bank of Memphis, 127 Madison Ave., Memphis 3, Tenn.

Simtrust & Co. 71–6051380. Simmons First National Bank of Pine Bluff, Pine Bluff, Ark.: Ouachita Baptist College Endowment Fund.

Singer & Co. 13–5556884. Singer, Bean & Mackie, Inc., 40 Exchange Place, New York 5, N.Y.

Sira & Co. 94–6182375. Commonwealth National Bank, 455 Montgomery St., San Francisco, Calif. 94104.

Sirrom & Co. 13–6122118. Industrial Bank of Commerce, 56 E. 42nd St., New York 17, N.Y.

Sis Bank & Co. 04–1859200. Springfield Institution for Savings, 1459 Main St., Springfield, Mass. 01101.

Sitso & Co. 58–6082976. Citizens and Southern National Bank, Atlanta, Ga. 30303.

Sixco. 22–6106536. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Sixteen & Co. Arlington Five Cents Savings Bank, 626 Massachusetts Ave., Arlington, Mass. 02174.

Sixty & Co. 04–6235158. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Sixty One & Co. 04–6235159. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02117.

Sixty Two & Co. 04–6235160. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Sjbit & Co. (c). 35–6073268. St. Joseph Bank and Trust Company, c/o Trust Dept., 2025 S. Michigan, South Bend, Ind. 46601.

S.K. & Co. 44–6009435. First National Bank of Kansas City, Trust Div., P.O. Box 38, 14 W. Tenth St., Kansas City, Mo. 64141.

Skala & Walser. First National Bank and Trust Company of Bay Shore, 128 W. Main St., Bay Shore, N.Y.

Skelton & Co. (g). 04–6012937. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Ski & Co. 04–6115369. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Skn & Co. 06–6108152. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Skye & Co. (F). 41–6036165. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Slade & Co. 13–6066976. American Express International Banking Corp., 65 Broadway, New York, N.Y. 10006.

Slatco (f) 56–6088870, Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102: Integon Corporation.

Slatt & Co. (b). 04–6220051. Newton-Waltham Bank and Trust Company, 800 Main St., Waltham, Mass. 02131.

Sleezer & Co. 14–6016440. City National Bank and Trust Co. of Gloversville, 14 N. Main St., Gloversville, N.Y.

Sloop & Co. 04–6184477. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Sloyan & Co. 13–6062544. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Slunom. 43–6104146. Saint Louis University, 221 N. Grand Blvd., Saint Louis, Mo. 63103.

SMA & Co. 04–6204841. State Mutual Life Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605.

Small & Co. 01–6013843. Maine National Bank, Trust Dept., P.O. Box 1866, Portland, ME 04104.

Small, Irene. 13–1937069. Hutton, E. F., & Co., 61 Broadway, New York, N.Y.

SMDPA & Co. 04–6214222. State Mutual Life Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605.

Smith, Anderson & Co. 04–6042735. Hale & Dorr, 60 State St., Boston 9, Mass.

Smith Brown & Co. 04–6042736. Hale & Dorr, 60 State St., Boston 9, Mass.

Smith & Co., Distributors Group, Inc., 63 Wall St., New York, N.Y.

Smith & Co. 87–6117838. First Security Bank of Utah, N.A., 79 S. Main St. (or P.O. Box 1289), Salt Lake City, Utah 84110.

Smith & Co. 88–6003078. Bank of Nevada, 225 E. Bridger St. (P.O. Box 1720), Las Vegas, NV 89101.

Smith & Co. of Ogden. 87–6116312. First Security Bank of Utah, N.A., P.O. Box 1560, Ogden, Utah 84402.

Smith & Company. 23–6243457. American Bank and Trust Company of Pennsylvania, 35 N. Sixth St., Reading, Pa.

Smith & Company. 03–6005128. Proctor Trust Company, Proctor, Vt.

Smith, George Joseph. 13–5133790. Frederic H. Hatch & Co., Inc., 63 Wall St., New York, N.Y.

Smith, Gibson & Company. 52–6046021. Standard Bank of S.A., Ltd., 52 Wall St., New York, N.Y. 10005.

Smith Hellmuth & Co. 04–6042738. Hale & Dorr, 60 State St., Boston 9, Mass.

Smith, Jones & Company. 39–6979755. Marine National Exchange Bank, One Marine Plaza, Milwaukee, Wisc. 53201.

Smith & Lohrey. 31–6024207. Fifth-Third

Union Trust Co., Fourth & Walnut Sts., Cincinnati, Ohio.

Smith, Proctor & Williams. 03–6005129. Proctor Trust Company, Proctor, Vt.

Smith & Pruitt. 51–6011532. Bank of Delaware, Wilmington 99, Del.

Smith, Robinson & Co. 04–6042741. Hale & Dorr, 60 State St., Boston 9, Mass.

Smith & Sanford. 23–6232970. Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101.

Smoot & Co. 37–6038287. John Warner Bank, Clinton, Ill.

S N B Company. 55–6023728. Security National Bank & Trust Company, 114 Market St., Wheeling, W. Va. 26003: Discretionary Common Trust Fund "D".

Snboc & Co. 34–6519977. Society National Bank of Cleveland, 127 Public Sq., Cleveland 14, Ohio: Dill Manufacturing Company Employees Pension Trust.

Sneed & Co. 74–6067977. First City National Bank of Houston, Houston, Texas 77061.

Snell & Co. (e). 23–1294723. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Snelson & Co. (a). 23–6222930. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Snider & Co. 36–6235777. Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690.

Snoco & Co. 62–6048056. National Bank of Commerce in Memphis, 45 S. Second St., Memphis, Tenn.

Snow and Co. 38–6109313. Traverse City State Bank, Traverse City, Mich.

So & Co. 04–6037917. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Soban & Company. 54–6041962. South Boston Bank & Trust Company, South Boston, Va.

Sobanco. 54–6072880. First Virginia Bank of Tidewater, Trust Dept., P.O. Box 3097, 129 W. Main St., Norfolk, VA 23514.

Sobel and Co. (c). 56–6095994. Wachovia Bank and Trust Company, N.A. Wachovia Bldg., Main St., P.O. Box 3075 Winston-Salem, N.C. 27102.

Sobelco. 58–6076042. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302.

Socap & Co. 31–6057101. Ohio National Bank of Columbus, 51 N. High St., Columbus, Ohio 43216.

Socar Co. 57–6040351. Seibels, Bruce & Company, P.O. Box 1, Columbia, S.C. 29202.

Sodec & Company. 54–6036923. First National Exchange Bank of Virginia, P.O. Box 2351, Roanoke, Va.

Sofurn & Co. 56–6042731. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.

Sonab & Co. 56–6064606. Southern National Bank of North Carolina, 500 North Elm St., P.O. Box 1489, Lumberton, N.C. 28358.

Sonat & Co. 31–6026625. Southern Ohio Bank, 515 Main St., Cincinnati 2, Ohio.

Sonco. 63–6043675. First National Bank of Birmingham, P.O. Box 11007, Birmingham, Ala. 35202.

Sopen & Co. 95–6062341. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Sotel & Co. 58–6076040. First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302.

Sostock & Co. (h). 74–6091555. Southern National Bank, P.O. Box 2529, 921 Main St., Houston, Texas 77001.

Sound & Co. 91–6037082. Puget Sound National Bank, Trust Department, 1119 Pacific Ave., Tacoma, Wash. 98402.

South & Co. (d). 94–6079071. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90006.

Southeastern Company, (a–d). 41–6020859. First National Bank of Winona, 177 Main St., Winona, Minn. 55987.

Southgate Company. 48–6120490. Southgate State Bank and Trust Company, 7600 State Line, Prairie Village, Kans. 66208.

Southwest Company, (c). 74–6035052. Southwest National Bank of El Paso, P.O. Box 1572, El Paso, Texas 79948.

Sowle & Co. 04–6138137. Merchants-Warren National Bank of Salem, Salem, Mass. 01970.

Sox & Co. 04–6037911. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Spa & Co. 16–6061546. Lincoln Rochester Trust Company, 183 Main St., East, P.O. Box 1412, Rochester, N.Y. 14603.

Spafford and Co. 36–6032709. First National Bank & Trust Company of Rockford, 401 E. State St., Rockford, Ill.

Spang & Co. 13–6155637. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y.

Spar & Co. 04–6139700. City National Bank of Kansas City, P.O. Box 226, Kansas City, Mo. 64141.

Sparta and Company. 57–6018325. Citizens and Southern National Bank of South Carolina, P.O. Box 1051, Spartanburg, S.C.

SPB & TCO. 59–6159527. St. Petersburg Bank & Trust Company, Ninth St. N. at Seventh Ave., St. Petersburg, Fla. 33733.

Spear & Co. 04–6013763. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass.

Spec & Co. 04–6213365. Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass. 02109.

Special & Co. 04–6171242. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, Mass. 02106: Eaton & Howard Special Fund, Inc.

Speck & Co. 37–6031803. Commercial National Bank of Peoria, 301 S. Adams St., Peoria 1, Ill.

Speeds & Company, Bank of England, Dominion Sq., Montreal, Canada.

Speidel & Co. (a, b, f). 36–6051131. First National Bank of Lake Forest, c/o Trust Dept., 265 E. Deerpath, P.O. Box 391, Lake Forest, Ill 60045.

Speith & Company. 34–6513776. Speith, Bell & McCurdy, 1216 Union Commerce Bldg., Cleveland 14, Ohio.

Spel & Co. 06–6126097. Hartford National Bank and Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Spen & Co. 01–6031634. Cadillac Associates, Inc., 232 St. John St., Portland, Me.

Spence & Co. (a, b, d). 25–6029463. First National Bank of Pennsylvania, 1005 State St., Erie, Pa. 16501.

Spicer & Co. 38–6048926. c/o Detroit Bank and Trust Company, 211 W. Fort St., Detroit, Mich. 48231.

Spinnaker & Co. 04–6215101. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Spire & Co. 04–6232742. Newton-Waltham Bank & Trust Company, 1 Chestnut St., West Newton, Mass.

Spokco (h). 91–6101880. Old National Bank of Washington, Spokane Trust Dept., W. 428 Riverside Ave., P.O. Box 1516, Spokane, Wash. 99210.

Spol & Co. 47–6024574. Smith, Pollan & Company, 424 Omaha National Bank Bldg., Omaha 2, Neb.

Spowne & Company. 36–6059744. Cicero State Bank, 2446 S. Cicero Ave., Cicero 50, Ill.

Spraglow, 63–6061758. First National Bank, c/o Trust Dept., P.O. Box 680, Huntsville, AL 35804.

Sprague, Julian K. & Co. (d). 04–6012872. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Spring & Co. 95–6096939. Bank of America, N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Springco & Company. 04–6023934. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Spruce Co. 24–6021339. Northeastern Pennsylvania National Bank and Trust Company, P.O. Box 937, Scranton, Pa.

Spur & Co. 41–6011852. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, MN 55480.

Squire & Co. 04–6214647. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Staban & Co. (a, b). 57–6021187. Bankers Trust of South Carolina, Trust Dept., P.O. Box 448, Columbia, SC 29202.

Stabile & Co. 04–6221559. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Stackpole & Co. 04–6013229. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Staco. 72–9628119. S. T. Alcus & Co., 810 Whitney Blvd., New Orleans, La. 70130.

Stafford & Co. 52–0514424. Union Trust Company of Maryland, St. Paul & Baltimore Sts., Baltimore, Md.

Staffund & Co. 52–6033526. Evening Star Newspaper Company, 225 Virginia Ave. S.E., Washington 3, D.C.: Evening Star Staff Savings Fund.

Stage & Co. 94–6056814. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Stal & Co. 95–6194803. Bank of America N. T. & S. A., P.O. Box 2558 Terminal Annex, Los Angeles, Calif.

Stamp & Co. 56–6042730. North Carolina National Bank, P.O. Box A–1, Greensboro, N.C.

Standard and Company. 15–6017191. Lincoln National Bank & Trust Company of Central New York, One Mony Plaza, Sycracuse, N.Y., 13202.

Stanat. 74–6060276. State National Bank of El Paso, P.O. Drawer 1072, El Paso, Texas.

Stanco (f). 93–6019406. First National Bank of Oregon, Trust Div., P.O. Box 2971, Portland, OR 97208.

Standard Investment Co. 06–0547870. Standard Investment Company, 25 Brookside Blvd., West Hartford, Conn. 06107.

Standen & Co. (a-f). 34–6517553. Lorain National Bank, 457 Broadway, Lorain, OH 44052.

Staniels & Company. 02–6004109. Amoskeag Trust Company, P.O. Box 150, 875 Elm St., Manchester, N.H. 03105.

Stanlar & Co. (a-d, f, h). 04–6141837. Third National Bank of Hampden County, P.O. Box T, Springfield, MA 01101.

Stand & Co. 36–6162485. American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690.

Stanton & Co. 04–6041667. First Safe Deposit National Bank of New Bedford, 545 Pleasant St., New Bedford, Mass.

Stanton-Barnes Company. 51–0099458. Alfred B. Connable and Edward M. Hindert, 1201 American National Bank Bldg., Kalamazoo, Mich.

Stawin & Co. 22–1715171. Parker & Weisenborn Inc., 24 Commerce St., Newark, N.J.

Stap & Co. 22–6128268. First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303.

Stapen & Co. 21–6016363. First Trenton National Bank, 1 W. State St., Trenton 4, N.J.

Stapleton & Co. 23–6267160. Peoples Trust City Bank, Reading, Pa. 19603.

Star & Co. 36–6050537. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.: Stein Roe & Farnbam Stock Fund, Inc.

Star Company. 57–6019322. Furman, Alester, G., Co., P.O. Box 288, Greenville, S.C.

Starbend & Co. 53–0063210. Evening Star Newspaper Company, 225 Virginia Ave. S.E., Washington 3, D.C.: Evening Star Employees' Benefit Fund.

Starco & Co. 59–6148156. Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733.

Stark & Co. 34–6597642. First National Bank of Canton, Canton, Ohio 44702.

Starn, H. W. & Co. 41–6011701. Kalman &

Company, Inc., 136 Endicott Bldg., St. Paul 1, Minn.

State & Co. 04–6032827. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

State & Co. (d). 91–6065330. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, Wash. 98111.

Statewick & Co. (a, b, c, f). 63–6048575. State National Bank of Alabama, Trust Dept., 257 Johnson St., Box 1487, Decatur, AL 35601.

Statru Nominee Company. 56–6045793. Northwestern Bank, P.O. Box 909, Hendersonville, NC 28739.

Staub & Co. 06–6040039. Stamford Fidelity Bank and Trust Company, 129 Atlantic St., Stamford, Conn.

Stauch & Company, Credit Lyonnais Corporation, 30 Church St., New York, NY 10007.

Stay & Co. 04–6197478. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Steere & Co. 23–6230000 W. Girard Trust Bank, One Girard Plaza, Philadelphia, PA 19101.

Stefans & Co. 13–6066946. Fiduciary Trust Company of New York, 1 Wall St., New York 5, N.Y.

Steiger & Co. 23–6474868. Provident National Bank, 17th & Chestnut Sts., Philadelphia, PA 19101.

Stella & Co. 13–6021159. First National City Bank, 399 Park Ave., New York 22, N.Y.

Stem and Company. 54–6028053. Security Bank and Trust Company, P.O. Box 1478, Danville, Va.

Sten & Co. INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Insurance Company of North America.

Stephenson, Norton & Mowers, Bank of Canada, Ottawa, Canada.

Sterco & Co. 56–6034740. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.: Sterling Investment Fund, Inc.

Sterling Company. 41–6021966. Minnesota Trust Company of Austin, 209 Third Ave. N.W., Austin, Minn.

Stern & Co. 04–2399826. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Stet & Co. 04–6134137. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Steuben & Co. 34–6611719. First National Bank and Trust Company in Steubenville, Steubenville, Ohio 43952.

Stev Co. 01–6021696. First Manufacturers National Bank, P.O. Box 630, Lewiston, Me.

Steven & Co. 94–6067398. Canadian Bank of Commerce, California, 649 S. Spring St., Los Angeles, Calif.

Stewart & Co. 51–6011534. Bank of Delaware, Wilmington 99, Del.

Stewart & Co. (b). 01–6009986. Merchants National Bank of Bangor, Trust Dept., 25 Broad St., Bangor, ME 04401.

Stewart, J. T. & Co. 22–0888105. Elizabethport Banking Company, 1145 E. Jersey St., Elizabeth, N.J.

Stickle & Co. (a, b, c, e). 74–6111687. Moody National Bank of Galveston, P.O. Box 1139, 2302 Post Office St., Galveston, Tex. 77550.

Stilleco. 95–6250884. c/o William O'Neil & Co., Incorporated, 3450 Wilshire Blvd., Los Angeles, CA 90005: Harry M. Fain and Lee Stillman as Trustees U.W.O. John Stillman.

Stinson & Co. Charles S. Pillsbury Trust Estate, 601 Pillsbury Bldg., Minneapolis 2, Minn.

Stix & Co. Chemical Bank, Trust Officer, 319 N. Fourth St., St. Louis, MO 63102.

Stobro. 99–6003287. Hawaiian Trust Company, Limited, P.O. Box 3170, Honolulu 2, Hawaii.

Stocfund & Co. 94–6105655. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120: Commonwealth Stock Fund.

Stock-Co. 47–6044087. Stockyards National Bank, Omaha, Nebr. 68107.

Stock & Co. 13–6173315. County Trust Company, 235 Main St., White Plains, N.Y.

Stock & Co. 94–6096280. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Stockmont & Co. 94–6056815. Wells Fargo Bank, 464 California St., San Francisco 20, Calif. Trust Dept., 100 Main St., Box 804, Brattleboro, Vt. 05301.

Ston & Co. (h). 37–6061752. The First National Bank of Peoria, Trust Dept., P.O. Box 809, Peoria, IL 61601.

Stone & Company. 94–6055444. United California Bank, Fresno, Calif.

Stone, Ernest E. 84–0156003. First National Bank of Denver, P.O. Box 5825, Denver, Colo. 80217.

Stone, George F. & Co. 16–6024583. Security Trust Company, One East Ave., Rochester, NY 14604.

Stonefire & Company (h). 34–6613973. The Firestone Bank, c/o Trust Dept., 1115 S. Main St., Akron, OH 44301.

Storer & Co. 04–6111355. Gregg, Storer & Co., Inc. 30 Federal St., Boston 10, Mass.

Stott & Company (h). 25–6035679. Western Pennsylvania National Bank, Fifth & Smithfield Sts., Pittsburgh, Pa. 15222.

Stouns & Co., First National City Bank, Trust Officer, 20 Exchange Pl., New York, NY 10015.

Stout & Co. 22–6042249. National Community Bank, 25 W. Ridgewood Ave., Ridgewood, N.J. 07450.

Stout & Co. (a) (b) (d) (f). 84–6016418. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Stout & Co., Inc. (f) 84–0577562. Denver United States National Bank, Denver U.S Center, Denver, Colo. 80217.

Stow & Co., Bradley Pulverizer Co., 53 State St., Boston 9, Mass.

Stratt & Co. 13–5229605. Marine Midland Grace Trust Company of New York, 120 Broadway, New York, N.Y. 10015.

Straco & Co. (f). 56–6034725. Wachovia Bank and Trust Company, N.A. Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Strafe & Co. 31–0649116. City National Bank & Trust Co., c/o Trust Department, P.O. Box 1205, 100 E. Broad St., Columbus, OH 43215.

Strahley & Company. 23–0758070. Keystone Insurance Company, Philadelphia, Pa.

Strake & Co. 04–6224564. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Strala & Company. 54–0476931. Strader and Company Inc., P.O. Box 1057, Lynchburg, Va. 24505.

Stranahan, Frank D. 34–4431820. Champion Spark Plug Co. Toledo, Ohio.

Strang & Co. 21–6011424. Tradesmens Bank and Trust Company, 638 Landis Ave., Vineland, N.J.

Straw & Co. (f) 06–6125713. State National Bank of Connecticut, c/o Trust Operation, 1 Atlantic St., Stamford, Conn. 06904.

Street & Co. 39–6037064. Beloit State Bank, Box 990, Beloit, Wisc.

Streng & Co. 16–0818780. 2365 Main St., Inc., 2365 Main St., Buffalo, N.Y.

Stroud & Company. 23–1133071. Stroud & Company, Incorporated, 123 S. Broad St., Philadelphia 9, Pa.

Strutz & Co. 35–6032493. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Stu & Co. 04–6224872. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Stuart & Co. 13–6021153. First National City Bank, 399 Park Ave., New York, 22, N.Y.

Stubbs & Co. 13–6214860. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Stubbs, N. Hope. 93–0472722. June S. Jones Company, 225 S.W. Broadway, Portland, Oreg. 97205.

Subat & Co. (a–c, h). 06–6081549. Southington Bank and Trust Company, Southington, Conn. 06489.

Subs & Co. 75–6083999. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas, Texas 75222.

Subtru Co. (a,b,c,e,f,h,). 52–6036073. Suburban Trust Company, c/o Trust Dept., 2601 University Blvd. W., Silver Spring, Md. 20902.

Sufbank Co. (a,b,f). 11–6138517. Suffolk County National Bank, 6 W. Second St., Riverhead, N.Y. 11901.

Sulcla & Co. City National Bank, P.O. Box 1141, Beverly Hills, Calif.

Sulco and Company 62–6036353. First National Bank of Sullivan County, 500 State St., Bristol, Tenn.

Sull & Co. (c). 04–6012871. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Sullivan, Daniel A. Thomson & McKennon, 2 Broadway, New York 4, N.Y.

Sumcapco. 74–6122267. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77002: Summit Capital Fund, Inc. 74–1603037.

Sumcros & Co. 41–6054142. Crosby Company, 2500 First National Bank Bldg., Minneapolis, Minn. 55402.

Summont & Co. Bank of Montreal, C.I.L. Branch, 630 Dorchester Blvd., W. Montreal 2, Canada.

Sumner & Company. 56–6084821. First Union Bank of North Carolina, P.O. Box 21965, Greensboro, N.C. 27900.

Sumter & Co. 57–6041457. c/o First National Bank of South Carolina, Trust Dept., 1208 Washington St., P.O. Box 111, Columbia, S.C. 29202.

Sun & Company. 57–6019321. Furman, Alester G., Co., P.O. Box 288, Greenville, S.C.

Sunbank and Co. (a,b,c,h). 24–6020155. c/o First National Bank of Sunburg, 400 Market St., Sunbury, Pa. 17801.

Sunco & Co. 59–6121981. Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733.

Sunny & Co. First Equity Corporation of Florida, 1325 Exchange Bank Bldg., Tampa, Fla. 33602.

Supple & Co. 04–6013230. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Surat & Co. 41–6093170. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Surco & Co. 39–0509630. First Wisconsin National Bank of Milwaukee 743 N. Water St., Milwaukee, Wisc. 53201: Northwestern National Insurance Co.

Surf & Co. 04–6149756. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Surtic & Co. 13–6285322. Bankers Trust Co., 16 Wall St., New York, N.Y. 10015.

Susan & Co. 04–6172455. Old Colony Trust Company, P.O. Box 2016, Boston, Mass 02106.

Susman & Co. 06–6036992. Mr. & Mrs. Milton H. Susman, 73 High Ridge Rd., Hartford, Conn. 06117.

Sutter & Co. (a) 94–6059807. Crocker-Citizens National Bank, Trust Hdq., One Montgomery St., San Francisco, CA 94120.

Suydam & Co. (g) 13–6062542. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

S. W. Branches & Co. (B) 91–6024224. Pacific National Bank of Washington, c/o Trust Dept., P.O. Box 1997, Tacoma, Wash. 98401.

Swan & Co. (f) 04–6134318. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Swebak & Co. (f) 36–6050107. American National Bank and Trust Company, 501 Seventh St., Rockford, Ill. 61110.

Sweeney & Co. 13–6021163. First National City Bank, 399 Park Ave., New York 22, N.Y.

Sweet & Co. 06–6046856. Home Trust Co., 293 Main St., Derby, Conn.

Sweet & Co. 05–6003227. Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901.

Sweetwater, N. B., Co. 75–6067626. National Bank of Sweetwater, Sweetwater, Texas 79556.

Swela & Co. (a-d) 35–6019141. Lafeyette

National Bank, c/o Trust Dept., 337 Columbia St., Lafayette, IN 47902.

Swenski. 36–8445483. Indiana Bank and Trust Company, 870 Westminster St., Prov-Wayne, Ind.

Swift & Co. 04–6172454. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Swigart & Co. 04–6012935. Texas Commerce Bank, N.A. P.O. Box 2558, Houston, Texas 77001. (First Patricipating Fund, Inc.)

Swim & Co. 04–6013751. State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110.

Swing & Co. (f) 75–6042270. Republic National Bank of Dallas, Pacific Ervay, P.O. Box 2716, Dallas, Texas 75221.

Swing & Co. (h) 05–60336496. Citizens Trust Company, 870 Westminster St., Providence, R.I. 02902.

Sy & Co. 95–6246522. Beverly Hills National Bank, 9600 Santa Monica Blvd., Beverly Hills, Calif.

Sycoban & Co. 36–6163576. The National Bank & Trust Company of Sycamore, Sycamore, Ill. 60178.

Sylvanco. 34–6574509. Sylvania Savings Bank, 5604 N. Main St., Sylvania, Ohio 43560.

Symonds & Co. 04–2125904. Chace Whiteside & Winslow, Inc., 24 Federal St., Boston, Mass.

Syndvest & Co. Advest Co. Six Central Row, Hartford, Conn. 06103.

Syrpen & Co. (c). 15–6017035. Marine Midland Trust Company of Central New York, Trust Dept., 344 S. Warren St., Syracuse, NY 13202.

Syrun. 15–6017877. First Trust & Deposit Co., 201 S. Warren St., Syracuse 2, N.Y.

Tab & Co. 04–6221560. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Tabus & Co. (d, f). 06–6105362. Southington Bank and Trust Company, Southington, CT 06489.

Tack & Co. 04–6140683. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Taco. 25–6073411. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Taf & Co. (f). 36–6050538. Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago 90, Ill.

Taffrail & Co. 04–6224571. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Taft & Co. 04–6235151. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Tagson & Co. 22–6026869. Fidelity Union Trust Company, 765 Broad St., Newark 1, N.J.

Tahoe & Co. 88–6006897. First National Bank of Nevada, P.O. Box 461, Reno, Nev. 89504.

Tai & Co. 22–6131324. Wells Fargo Bank, Box 3829, San Francisco, Calif. 94120.

Taid & Co. 06–6119280. Waterbury National Bank, 195 Grand St., Waterbury, Ct. 06701.

Talco. 04–6143430. Guaranty Bank & Trust Company, Trust Dept., 386 Main St., Worcester, MA 01608.

Tallyfund and Co. 47–0098400. Bankers Life Insurance Company of Nebraska, Lincoln, Nebr. 68501.

Talso & Co. (b, c, e, h). 06–6120027. Citizens National Bank of Putnam, c/o Trust Dept., 182 Main St., Putnam, CT 06260.

Tambeau & Co. (h). 74–6119735. American National Bank Beaumont, Trust Dept., P.O. Box 2751, Beaumont, Texas 77704.

Tamco. Sheridan Village State Bank, Peoria, Ill.

Tamno & Co. 95–6093325. Bank of California, N.A., P.O. Box 851, San Bernardino, Calif. 92043.

Tamu & Co. 41–6093171. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Tana & Co. 95–6112365. Crocker-Citizens National Bank Trust Hdq., 910 N. Broadway, Santa Ana, CA 92701.

Tandtco. 59–6128035. Title and Trust Company of Florida, 200 E. Forsyth St., Jacksonville 2, Fla.

Tanif & Co. (a, b, e). 04–6040839. First National Bank of Attleboro, P.O. Box 90, Attleboro, Mass.

Tanner & Co. (h) 05–6012584. Citizens Trust Company, 870 Westminster St., Providence, R.I. 02902.

Tap & Co. 35–0238470. Collett & Company Incorporated, Fletcher Trust Bldg., Indianapolis, Ind.

Tappco. (c) 47–6023821. United States National Bank of Omaha, Trust Dept., 1919 Douglas St., Omaha, Nebr. 68103.

Tar & Co. 56–6034754. Wachovia Bank and Trust Company, N.A., Wachovia Bldg. Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Tarco and Company. 31–6068505. Provident Bank, Seventh & Vine Sts., Cincinnati, Ohio 45202.

Tarim & Co. (F) 95–6267602. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Tarr & Co. (b) 04–6012870. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Tartan & Company. 41–6052784. First Trust Company of St. Paul, W–555 First National Bank Bldg., St. Paul, Minn. 55101.

Taryn Co. 11–2170164. Investor Centers, Inc., 39 Broadway, New York, N.Y. 10006.

Tassell & Co. 39–6041500. First National Bank of Waukesha, 831 N. Grand Ave., Waukesha, Wisc.

Tatnuck Associates, June, Fletcher & Whipple, 340 Main St., Rm. 800, Worcester, MA 01608.

Taxno & Co. 22–6131037. First National State Bank of New Jersey, Dept. of Estates & Trusts, 350 Broad St., Newark, N.J. 07102.

Tayco. 95–1892200. Taylor and Company, 439 N. Bedford Dr., Beverly Hills, Calif. 90210.

Taylor & Co. P.O. Box 1083. Pasadena, Calif. 91102.

Taylor & Co. 22–0992520. Hoboken Bank for Savings, P.O. Box 309, Hoboken, N.J. (Hoboken Bank for Savings Employees Retirement Fund)

Taylor & Co. Bank of Montreal, Cor. Main & James Sts. Hamilton, Ont., Canada.

Taylor & Witt. 13–6022153. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Tech & Co. (f) 34–6581891. Central National Bank of Cleveland, P.O. Box 6179, Cleveland, Ohio 44101.

Tedco & Co. (f) 42–6052275. Iowa-Des Moines National Bank, 518 Grand, Des Moines, Iowa 50309. (Supervised Shares, Inc.)

Tee & Co. 43–6034639. Sanders, Edwin C. & Co., 1300 Boatmen's Bank Bldg., 314 N. Broadway, St. Louis 2, Mo.

Teegee & Co. 43–6041608. Tower Grove Bank and Trust Company, 3134 S. Grand Ave., St. Louis 18, Mo.

Teepee & Co. 95–2015466. Turner-Poindexter & Co., 634 S. Spring St., Los Angeles 14, Calif.

Tegethoff, Joseph. 13–5108880. Goldman, Sachs & Co., 20 Broad St., New York 5, N.Y.

Tegge & Co. 13–60208800. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Tegpat & Company. 13–6207211. S.W. Childs Management Corporation, 1 Wall St., New York, N.Y. 10005.

Tejon and Company. 84–6023020. Exchange National Bank of Colorado Springs, P.O. Box 1051, Colorado Springs, Colo.

Tek & Co. 06–6108150. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Telco (c) 93–6033670. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Teller and Company. 44–6013169. American National Bank of St. Joseph, P.O. Box 67, St. Joseph, Mo.

Telnom & Co. (c) 43–6050916. St. Louis Union Trust Company, 510 Locust St., St. Louis, Mo. 63101. (Southwestern Bell Telephone Company Pension Trust.)

Tempco. 84–6068913. First National Bank of Denver, Trust Dept., P.O. Box 5808 T.A. Denver, CO 80217.

Ten, H. R., & Co. Old National Bank of Washington, Trust Dept., P.O. Box 1516 W. 428 Riverside Ave., Spokane, WA 99210.

Tenbanco. 74–6066759. Houston National Bank, P.O. Box 2518, Houston, Texas 77001.

Tenco. 22–6106540. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Tenist & Co. 04–6192666. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Tenn & Co. 62–6038027. American National Bank & Trust Company, 750 Market St., Chattanooga 1, Tenn.

Tepe & Co. 13–6020801. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Tern & Co. (f) 41–6011856. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Terpstra & Co. 38–6110907. Michigan National Bank, Grand Rapids, Mich.

Terry & Company. 06–6033519. Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn.

Testa & Co. 16–6100660. Lincoln Rochester Trust Company, 183 Main St., East, P.O. Box 1412, Rochester, N.Y. 14603.

Tewes & Co. 13–6020802. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Tex & Co. 57–6037263. Self Foundation, Drawer 1017, Greenwood, S.C. 29646.

Texas Commerce Company. 74–6081555. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001.

Texbank & Company. 75–6009691. Texas Bank & Trust Company of Dallas, Main at Lamar, Dallas 22, Texas.

Texcomo. 74–6125824. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, TX 77001.

Text & Co. 05–6034295. Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, R.I. 02903.

Textor & Co. 13–6092334. Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.

TG & T Co., Inc. 13–5438050. Title Guarantee Company, 120 Broadway, New York, N.Y. 10005.

Thafnab & Co. 35–6013723. Terre Haute First National Bank, 643–645 Wabash Ave., Terre Haute, Ind.

Thayer & Co. 04–6042746. Hale & Dorr, 60 State St., Boston 9, Mass.

Third at 42nd & Co. 13–6179148. Irving Trust Company, Third Ave., at 42nd St., New York, N.Y.

Third Co. 24–6011883. Third National Bank and Trust Company of Scranton, 130 Wyoming Ave., Scranton, Pa. 18501.

Thirsk & Co. 13–6062531. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Tholepin & Co. 04–6224556. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Thomas & Co. 34–6517564. Reeves Banking & Trust Co., 232–34 W. Third St., Dover, Ohio.

Thomas & Co. 13–6021148. First National City Bank, 399 Park Ave., New York 22, N.Y. (De Vegh Investing Co., Inc., United Corporation).

Thomasco. 94–6119593. J. S. Strauss & Co., 155 Montgomery St., San Francisco, Calif. 94104.

Thomas, Heasley, & Co. (a,b). 25–6021386. Southwest National Bank of Pennsylvania, P.O. Box 258, Greensburg, Pa. 15601.

Thomas, R. J., & Company. 75–6021094. Republic National Bank of Dallas, Pacific at Ervay, Box 2716, Dallas, Texas 75221.

Thomas Oneida Co. 15–6016988. Oneida National Bank and Trust Company of Central New York, 268 Genesee St., Utica 2, N.Y.

Thomas Todd Associates. 04–6206478. Thomas Todd Company, 14 Beacon St., Boston, Mass. 02108.

Thomas and Ward. 51–6011530. Bank of Delaware, Wilmington 99, Del.

Thomas West & Co. 04–6110927. Haverhill National Bank, Haverhill, Mass.

Thomo & Co. 63–0321410. Thornton, Mohr Farish & Gauntt, Inc., P.O. Box 196, Montgomery 1, Ala.

Thomson & Company. 22–6022004. Citizens National Bank, Englewood, N.J.

Thor & Co. Stock Clearing Corporation of Boston, 53 State St., Boston, Mass. 02109.

Thoreau & Co. 94–6195044. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Thorn & Co. 38–6048197. National Bank of Detroit, Woodward Ave., Detroit 32, Mich.

Thorn & Co. (f). 25–1118792. First Pennsylvania Banking and Trust Co., P.O. Box 8786, Philadelphia, Pa. 19101.

Thorn, Ben & Co. 04–6017656. Thorndike, Benjamin A. G. et al. Trustees, 50 Congress St., Rm. 721, Boston 9, Mass.

Thornton & Co. 01–6030267. First National Bank of Biddeford, 208 Main St., Biddeford, Me. 04005.

Three & Co. 04–6037921. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Thrift & Co. 74–6035054. Houston National Bank, Box. 2518, Houston, Texas 77001.

Thriftcinco. 37–6078035. First National Bank of Cincinnati, Ohio, P.O. Box 1118, Cincinnati, Ohio 45201.

Throat & Co. 04–6224565. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Thurford & Co. 02–6014305. Bank of New Hampshire, N.A., Trust Dept., 27 N. State St., Concord, NH 03301.

Thwart & Co. 04–6215150. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Tibanc & Co. 25–6080947. Marine National Bank, 123 Diamond St., Titusville, Pa. 16354.

Tical & Co. 95–6232292. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, CA 90054: TI Corporation (of California).

The TI Corporation (of California).

Tice & Co. 16–6023156. Manufacturers and Traders Trust Company, One M&T Plaza, Buffalo, N.Y. 14203.

Tic & Co. (f). 23–6480158. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101.

Tico & Co. 95–6020614. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Tilgold Co. 54–6055311. George R. Goldberg, P.O. Box 6934, Richmond, Va. 23230.

Tiller & Co. 04–6155986. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Tiller & Co. 95–2240576. State Street Bank and Trust Company, 53 State St., Boston, Mass. 02101: Harbor Fund, Inc.

Tilson & Co. (f). 04–6141838. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

Timm & Co. 13–6022149. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Tioga & Co. 16–6096456. First National Bank & Trust Company, Ithaca, N.Y. 14850.

Tipton & Company. 36–6414953. First National Bank of Mount Prospect, Mount Prospect, Ill. 60056.

Tir & Co. 84–6039322. First Trust Corporation, 444 Sherman St., Denver, Colo. 80203.

Titus & Co. 13–6022147. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

Tiwa & Co. 94–6125883. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Tixie & Co. 04–6224101. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Tico. 25–6073412. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Tnom & Co. (b). 43–6027064. St. Louis Union Trust Company, 510 Locust St. St. Louis, Mo. 63101.

Toba & Co. 41–6093173. Northwest National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Tobac & Co. 04–6197480. c/o Charles A. Collins, Room 1358, 10 Post Office Sq., Boston, Mass. 02109.

Tocona Company. 34–6510668. First National Bank of Toledo, P.O. Box 1348, Toledo 3, Ohio.

Tod & Company. 04–6107951. Tucker, Anthony Management Corp., 84 State St., Boston, Mass.

Toggle & Co. 04–622555. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Togin & Co. 94–6105786. Bank of Tokyo of California, 64 Sutter St., San Francisco, Calif. 94120.

Tokal & Co. 94–6105787. Bank of Tokyo of California, 64 Sutter St., San Francisco, Calif. 94120.

Toledo-Whelan & Company. 13–6093918. Bank of America International, 41 Broad St., New York 15, N.Y.

Toll & Co. 95–6046864. Security Pacific National Bank, 561 S. Spring St. Los Angeles, Calif. 90013.

Tom & Co. 74–6067210. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001.

Tomco & Co. 42–6138304. Jefferson State Bank, Jefferson, Iowa 50129.

Tonca & Co. (d). 41–6036166. Northwestern National Bank Minneapolis, Seventh & Marquette, Minneapolis, MN 55480.

Tonkard and Gordon. Chartered Bank, 38 Bishops Gate, London E.C. 2, England.

Toof & Co. 03–6006426. Chittenden Trust Company, 123 Church St., Burlington, Vt.

Toole & Co. 57–6038668. Southern Bank and Trust Company, Box 1320, Greenville, S.C. 28692.

Top & Co. 04–6037912. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Topola & Company. 64–6029403. Bank of Mississippi, P.O. Drawer 789, Tupelo, MS 38801.

Torbay Company, Toronto-Dominion Bank, King & Bay Sts., Toronto, Canada.

Torch & Co. 04–6013023. Fiduciary Trust Company, P.O. Box 1647, Boston 5, Mass.

Torguard & Co. National Trust Company Limited, Box 4074, Terminal A, Toronto 1, Ont., Canada.

Torsal Company. 13–1974320. Torpie & Saltzman, Inc., 39 Broadway, New York, N.Y.

Torvis & Co. 35–6031764. Peoples Trust Bank, 913 S. Calhoun St., Fort Wayne, Ind. 46802.

Tory & Co. 04–6214438. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Tose & Co. 39–6129535. Tose & Co., 6301 W. Mill Rd., Milwaukee, Wis. 53218.

Totman & Co. 04–2444271. North American Management Corp., 28 State St., Boston, Mass. 02109.

Touchstone & Co. 23–6222933. Wellington Fund, Inc., 3001 Philadelphia Pike, Claymont, Del.

Touchstone & Co. 04–6222906. State Street Bank and Trust Company, P.O. Box 351, Boston, MA 02101. (Wellington Fund, Inc.)

Tour & Co. 41–6093174. Northwestern National Bank of Minneapolis, Seventh and Marquette Sts., Minneapolis, Minn. 55480.

Tower & Co. 42–6053295. Davenport Bank and Trust Company, Davenport, Iowa 52801.

Tower & Co. 41–6018662. St. Cloud National Bank, E. St. Germain at Fourth, St. Cloud, Minn.

Towin & Co. 43–6099214. City National Bank & Trust Company, Tenth & Grand, Kansas City, Mo. 64141.

Townsend & Co. 23–6234714. Fidelity Bank, Broad & Walnut Sts., Philadelphia, PA 19109.

Townshend & Co. 06–6032200. Union Trust Company, Trust Dept., Church & Elm Sts., New Haven, CT 06510.

Trac & Co. 06–6123027. Connecticut Bank and Trust Company, P.O. Box 2518, Hartford, Conn. 06101; P.O. Drawer 13028, Phoenix, Ariz. 85003.

Traco. 87–6116582. Tracy-Collins Bank and Trust Company, 151 S. Main St., Salt Lake City, Utah.

Tracy & Co. 13–6123976. Scarsdale National Bank & Trust Company, 8 E. Parkway, Scarsdale, N.Y.

Trad & Co. 95–6197243. United California Bank, Trust Division, Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Trafton & Co. 01–6009908. First Manufacturers National Bank, P.O. Box 630, Lewiston, Me.

Trait & Co. 86–6029100. Transamerica Title Insurance Company of Arizona, Trust Dept., 114 W. Adams St., Phoenix, Ariz. 85003.

Tram & Co. 75–6083848. First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, Texas 75222.

Tranco & Co. 44–6010417. Traders National Bank of Kansas City, P.O. Box 693, Grand at 12th St., Kansas City, Mo. 64141.

Transcap & Co. 95–6197081. Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014. (Transamerica Capital Fund, Inc.)

Transco. 42–6057368. Transcontinental Securities Corporation, 666 Iowa St., Dubuque, Iowa.

Transco & Company. 48–6102551. First National Bank in Wichita, c/o Trust Dept., P.O. Box 880, Wichita, Kans. 67201.

Transins & Co. 94–6200910. Bank of America, N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Transom & Co. 04–6215104. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Transpact & Co. (f). 95–6267603. Bank of California, N.A., P.O. Box 60477, Los Angeles, Calif. 90060.

Trayes & Co. (a). 13–6275822. Hambro American Bank & Trust Co., P.O. Box 942, New York, N.Y. 10005.

Treco. 22–6106533. The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Treg & Co. (f). 41–6011853. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Trela & Co. 04–6206423. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Trelease & Co. 06–0277870. Carreau, Smith, Inc., 207 State St., Bridgeport, Conn.

Trent & Co. (b). 38–6049376. Old Kent Bank and Trust Company, One Vandenberg Center, Grand Rapids, Mich. 49502.

Trev & Co. (d). 36–6047445. First National Bank and Trust Company of Evanston, c/o Trust Dept., P.O. Box 712, 800 Davis St., Evanston, Ill. 60204.

Treyco & Company. 39–6082869. Security State Bank, 1965 Atwood Ave., Madison, Wisc.

Tri & Co. 13–6065578. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Trical and Company. 91–6102271. The Bank of California, Trust Dept., 815 Second Avenue, P.O. Box 3095, Seattle, WA 98104.

Trill & Co. 36–6051201. State National Bank, 1603 Orrington Ave., Evanston, Ill. 60204.

Trilux & Co. 94–6217553. Bank of America, N.T. & S.A., Corporate Agency Division, P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120.

Trin & Co. 95–6261936. Bank of America, 111 W. 7th St.—8th floor, Los Angeles, CA 90014 (Teachers Association Mutual Fund of California, Inc.)

Trin & Co. 36–6415908. Central National Bank in Chicago, Trust Dept., 120 South La Salle St., Chicago, IL 60603.

Trinity & Co. Continental Bank International, 71 Broadway, New York, NY 10006.

Trinsa & Co. (d). 84–6042758. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Trinway Company. 13–6273631. Rexport Corporation, 65 Broadway, New York, N.Y. 10006.

Tri Real & Co. 94–6217552. P.O. Box 3415, Rincon Annex, San Francisco, CA 94120.

Triven & Co. 94–6217554. Bank of America N.T. & S.A., Corporate Agency Division, P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120.

Troko (c). 93–6050308. United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208.

Tronbar & Co. Canadian Imperial Bank of Commerce, King & Victoria Sts., Toronto, Ont., Canada.

Troop & Co. Bank of Montreal, Cor. Hollis & George Sts., Halifax, N.S., Canada.

Tropban. 59–6160730. Tropical Bank & Trust Company, P.O. Box 473, Sebring, FL 33870.

Trove & Co. 13–6296001. TDB Trust Company, 2 E. 43d St., New York, N.Y. 10017.

Trow & Co. 23–6255734. Girard Trust Bank, One Girard Plaza, Philadelphia, PA 19101.

Troy & Co. 95–6006930. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles 54, Calif.

Troyco. 31–6064946. First National Bank and Trust Company, Troy, Ohio 45373.

Tru & Co. 22–6026861. Trust Company of New Jersey, 35 Journal Sq., Jersey City 6, N.J. (Aberdeen Fund.)

Trubank. 58–6081306. Trust Company of Georgia, Trust Dept., P.O. Box 4655, Atlanta, GA 30302.

Trubell & Co. 03–0212592. Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.

Truco. 95–6025813. Security Pacific National Bank, 411 S. Main St., Los Angeles, Calif. 90013.

Truco of Wyoming. 83–6006856. First National Bank and Trust Company of Wyoming, P.O. Box 1768, Cheyenne, Wyo. 82001.

Trude & Co. (c). 36–6050541. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.

Trudep & Company, Peoples National Bank, 880 Quincy St., Brooklyn, N.Y.

True & Co. (a, b, c, e, h). 03–6008105. Franklin County Bank, P.O. Box 231, St. Albans, VT 05478.

Truest & Co. (a, b). 22–614432. The Central Jersey Bank and Trust Company, Trust Dept., P.O. Box 786, Rte. 9, Freehold, NJ 07728.

Truex & Co. 02–6015244. Exeter Banking Company, Trust Dept., 154 Water St., P.O. Box 100, Exeter, NH 03833.

Trulin & Co. 16–6024443. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Trumble & Company. 13–5519062. L. F. Rothschild & Co., 99 William St., New York, N.Y. 10038.

Trumont and Co. 81–6009354. First Trust Company of Montana, Box 311, Great Falls, Mont.

Trupo & Co. (h). 93–6019407. First National Bank of Oregon, Trust Div., P.O. Box 2971, Portland, OR 97208.

Trus Co. #3, Crown Trust Company, Brantford, Ont., Canada.

Trus Co. #6, Crown Trust Company, Calgary, Alba., Canada.

Trus Co. #7, Crown Trust Company, London, Ont., Canada.

Trus Co. #8, Crown Trust Company, Montreal, Que., Canada.

Trus Co., Crown Trust Company, Toronto, Ont., Canada.

Trus Co. #1, Crown Trust Company, Toronto, Ont., Canada.

Trus Co. #2, Crown Trust Company, Toronto, Ont., Canada.

Trus Co. #9, Crown Trust Company, Vancouver, B.C., Canada.

Trust Co. #4, Crown Trust Company, Windsor, Ont., Canada.

Trus Co. #5, Crown Trust Company, Winnipeg, Manitoba, Canada.

Trus & Company, Trust & Guaranty Co., Ltd., Toronto, Canada.

Trusco. 15–6017879. First Trust & Deposit Company, 201 S. Warren St., Syracuse 2, N.Y.

Trusco & Co. 86–6021245. First National Bank of Arizona, P.O. Box 2669, Phoenix, AZ 85002.

Truscofla. 59–6201205. Trust Company of Florida, P.O. Box 2951, Orlando, Fla. 32802.

Trusco of Worcester. 04–6028380. Guaranty Bank and Trust Company, Trust Dept., 368 Main St., Worcester, MA 01608.

Trussal & Co. 38–6039991. National Bank of Detroit, Woodward Ave., Detroit 32, Mich. (Mutual Income Foundation)

Trust, C.B., & Co. 38–0684530. City Bank and Trust Company, Jackson, Mich.

Trustco. 36–6191776. First National Bank of Highland Park, 513 Central Ave., Highland Park, Ill. 60035.

Trustco Company 58–6035665. Trust Company of Georgia, P.O. Box 4655, Atlanta, Ga. 30302.

Trust Investment Company. 03–6004876. Bank of Waterbury, 14 S. Main St., Waterbury, Vt.

Trustman. 58–6078728. Trust Company of Georgia, P.O. Box 4655, Atlanta, Ga. 30302.

Trusty. 42–6100018. American Trust & Savings Bank, c/o Trust Dept., 9th & Main Sts., Dubuque, Iowa 52001.

Trydell & Co. (a, b, f). 16–6098358. Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, N.Y. 14701.

Trypo & Co. 56–6046611. North Carolina National Bank, P.O. Box 120, Charlotte, N.C.

TU & Co. 44–6009434. First National Bank of Kansas City, Trust Div., P.O. Box 38, 14 W. Tenth St., Kansas City, Mo. 64141.

Tuck & Co. Royal Trust Company, 1205 Government St., Victoria, B.C., Canada.

Tucker & Co. 13–6065539. Shroder, J. Henry, Banking Corporation, P.O. Box 15005, New York, N.Y. 10049.

Tuco & Co. 75–6006543. Mercantile National Bank at Dallas, P.O. Box 5415, Dallas 22, Texas.

Tulfund & Company. 73–6105318. National Bank of Tulsa, 320 S. Boston, Box 2300, Tulsa, Ok. 74102.

Tully & Co. 04–6172460. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Tulskel Co. 73–6126519. The First National Bank and Trust Company of Tulsa, P.O. Box 1, Tulsa, Ok. 74102.

Turan & Co. 04–6122902. Framingham Trust Company, 79 Concord St., Framingham, Mass.

Turk's-Head & Co. 04–6224569. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Turner & Co. 63–6021192. Birmingham Trust National Bank, 112 N. 20th St., Birmingham 3, Ala.

Turner & Co. (f). 38–6048685. c/o Detroit Bank and Trust Company, 211 W. Fort St., Detroit, Mich. 48231.

Turner and Company (a, b, d, e, g, h). 15–6014206. National Bank and Trust Co. of Norwich, Trust Dept., 52 S. Broad St., Norwich, NY 13815.

Turner, C.Y., Company. 13–6121810. Atlantic Bank of New York, 39 William St., New York, N.Y.

Turner, G. Donald, & Co. (b). 01–6029846. Sanford Trust Company, 8 Washington St., Sanford, ME 04073.

Turst & Co. 16–6024440. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochester, N.Y. 14603.

Tuskaloosa-Castle and Co. 63–6021212. First National Bank of Tuskaloosa, P.O. Box 300, Tuscaloosa, Ala.

Tuscaloosa CNB Co. (b,c,e,f) 63–6023281. City National Bank of Tuscaloosa, 2301 Broad St. (P.O. Box 2509), Tuscaloosa, Ala. 35401.

Tutco. Union Trust Company, Union City, Ind. 47390.

Tuyl & Co. 61–6023390. First Security National Banking and Trust Company of Lexington, 167 W. Main St., Lexington, Ky.

Twoco. 13–6065577. United States Trust Company of New York, 45 Wall St., New York, N.Y. 10005.

Twoco. 22–6106532. The Prudential Insurance Company of America, Prudential Plaza. Newark, N.J. 07101.

Two East 27th Corp. c/o Kimmelman, 767 Fifth Avenue, New York, N.Y. 10022.

Two Hundred Co. Citizens Bank & Trust Co., 1 Northwest Highway, Park Ridge, Ill. 60068.

Two Thirty Five Rockaway Co. 11–6113108. Valley National Bank of Long Island, 235 Rockaway Ave., Valley Stream, N.Y. 11582.

Twyn (f) 41–6034601. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Tyap & Co. 41–6093172. Northwestern National Bank of Minneapolis, Seventh & Marquette. Minneapolis, Minn. 55480.

Tybatco 75—6023053. Tyler Bank & Trust Co., Box 2009, Tyler, Texas.

Tylerco. First National Bank and Trust Company of Barrington, The, Trust Dept., Barrintgon, Ill.

Tynberg, David. 13–5276842. Newburger, Loeb & Co., 15 Broad St., New York, N.Y.

Tytler & Company. 16–6023069. Security Trust Company, One East Ave., Rochester, N.Y. 14604.

UACO. 25–6073413. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Uam & Co. 36–6211673. The First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

Ubaco. 25–6071386. Union Bank & Trust Co., Erie, c/o Trust Dept., Box 300, Erie, Pa.

Ubak & Co. 48–610422. Union National Bank of Witchita, P.O. Box 637, Wichita, Kans.

Uban & Co. 38–6061048. Union Bank & Trust Company, Union Bank Bldg., Grand Rapids, Mich. 49502.

Ubank & Co. 81–6010418. Union Bank and Trust Company, P.O. Box 597, Helena, Mont.

Ubantco (a, b, c). 35–6050340. Union Bank and Trust Company, Main at Mulberry, Kakomo, IN 46901

Ubat & Co. 63–6017772. Union Bank and Trust Company, Trust Dept., 60 Commerce St., P.O. Box 2191, Montgomery, Ala. 36111.

Ubon. 48–6114611. Union National Bank of Wichita, P.O. Box 637, Wichita, Kans.

Ucom. 48–6120788. Union National Bank of Wichita, P.O. Box 637, Wichita, Kan.

UHL & Co. 38–66110908. Michigan National Bank, Grand Rapids, Mich.

Ulco. 25–6073414. Union National Bank of Pittsburgh, P.O. Box 837, Pittsburgh, Pa. 15230.

Ulm & Co. 41–6034418. First National Bank of Minneapolis, Special Custody Dept., Box A700, 120 S. Sixth St., Minneapolis, Minn. 55440.

Ultra & Co. 04–6184477. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

UM & Co. (d). 01–6019766. Merrill Trust Company, 2 Hammond St., Bangor, Me. 04401.

Unab & Co. 48–6104923. Union National Bank of Wichita, P.O. Box 637, Wichita, Kans.

Unatco. 36–6064763. Union National Bank and Trust Company of Joliet, Joliet, Ill.

Unark & Co. (B). 71–6049784. Union National Bank of Little Rock, P.O. Box 1451, Little Rock, AR 72203.

Unastreat and Company. 36–6221594. Union National Bank of Streator, Trust Dept., 201–03 E. Main St., Streator, Ill. 61364.

Unatco. 36–6064763. Union National Bank

and Trust Company of Joliet, 50 W. Jefferson St., Joliet, Ill. 60431.

U.N. Banks. 91–6023965. Pacific National Bank of Seattle, P.O. Box 160, Seattle 11, Wash.

Unco. 43–6059811. Union National Bank, P.O. Box 2629, Kansas City, Mo. 64142.

Unebfo. 47–6058221. University of Nebraska Foundation, Lincoln. Nebr. 68503.

Uni & Co. 95–6194800. Bank of America. Mutual Fund Service Center, P.O. Box 2152, Terminal Annex, Los Angeles, Calif. 90054.

Unico (h). 43–6111294. Union National Bank, Trust Dept., S.S. Station, P.O. Box 1157, Springfield, MO 65805.

Unichat & Co. 62–6069710. American National Bank & Trust Company, 750 Market St., Chattanooga, Tenn. 37402.

Unicom (h). 35–6205666. Union Bank and Trust Company, Main at Mulberry, Kokomo, Ind. 46901.

Union Co. 24–6012568. Union Bank and Trust Company of Eastern Pennsylvania, 52 W. Broad St., Bethlehem, Pa.

Uniplant and Company. 62–6036325. Union Planters National Bank, P.O. Box 387, Memphis 1, Tenn.

Unis & Co. 36–6212728. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Unit & Co. (a, b, d, f), 93–6021572. United States National Bank of Oregon, P.O. Box 3168, Portland, Oreg. 97208.

Unit & Co. (c, h). 06–6082264. New Britain National Bank, 51 W. Main St., New Britain, CT 06050.

United Growth. 94–6204983. Bank of America, N.A., P.O. Box 3415, Rincon Annex, San Francisco, CA 94120. (United Growth Fund, Inc.)

United Income and Growth. 94–6204985. Bank of America, N.A., P.O. Box 3415, Rincon Annex, San Francisco, CA 94120. (United Income and Growth Fund, Inc.)

Uno & Company (a-e). 44–6009669. First National Bank of Joplin, Fourth & Main Sts., Joplin, Mo. 64801.

Unre & Co. (d). 91–6024111. Seattle-First National Bank, 1001 Fourth Ave., P.O. Box 12657, Seattle, WA 98111.

Unsub & Co. 94–6217925. Bank of America, N.T. & S.A., Trust Dept., P.O. Box 7763, Bank of America Plaza, San Francisco, CA 94120.

Unwesco. 95–2451770. Union Western Securities Corp., 6506 Wilshire Blvd., Los Angeles, Calif. 90048.

Uoab. 36–2468417. United of America Bank, 1 E. Wacker Dr., Chicago, Ill. 60601.

Upic & Co. 36–6162269. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Upland & Co. 04–6235152. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Ups & Co. 01–6018098. Payson, H. M., & Co., 93 Exchange St. Portland, Me.

Urban & Co. (a–b). 37–6063753. Champaign County Bank and Trust Co., Main at Broadway, Urbana, Ill. 61801.

Urell & Co. 13–6062529. Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.

Urlin & Co. 16–6024444. Lincoln Rochester Trust Company, 183 Main St. East, P.O. Box 1412, Rochestser, N.Y. 14603.

Urquhart & Co. 04–6042750. Hale & Dorr, 60 State St., Boston 9, Mass.

Usaaco. Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001.

Usam & Co. (a, b, f). 14–6028058. Marine Midland National Bank of Troy, Fourth & Grand Sts. (or P.O. Drawer 118), Troy, N.Y. 12181.

Uscom & Co. (h). 47–6036988. United States National Bank of Omaha, c/o Trust Dept., 1919 Douglas St., Omaha, Neb. 68103.

Useco. 63–0397667. Universal Securities Corporation, Brown Marx Bldg., Birmingham, Ala. 35203.

U.S.I. Venture. 94–6204984. Bank of America N.A., P. O. Box 3415, Rincon Annex, San Francisco, CA 94120. (U.S. 1. Venture Fund, Inc.)

Uside & Co. 95–6112366. Crocker-Citizens National Bank Trust Hdq., 4077 Main St., Riverside, CA 92501.

Usiven & Co. (f). 91–6098238. Seattle First National Bank, 1001 Fourth Ave., P.O. Box 12657. Seattle, WA 98111.

Usnab & Co. 74–6125219. United States National Bank, P.O. Box 179, Galveston, TX 77550.

U.S. Trust Co. 13–5459866. United States Trust Company of New York, 45 Wall St., New York 5, N.Y.

Utco & Company (a-c). 04–6023931. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Utiat & Co. 95–6020616. Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054.

Utrus & Co. 48–6114612. Union National Bank of Wichita, P.O. Box 637, Wichita, Kans.

Vaba & Company. 54–6031968. Bank of Virginia, 800 E. Main St., Richmond 14, Va.

Vac & Company. 54–6036378. Virginia National Bank, P.O. Box 3000, Norkfolk, Va. 23514.

Vacom Varnedoe, Chisholm & Co., Inc., 1 Bull St., Savannah, Ga. 31401.

Vail & Co. 06–6044921. c/o Union Trust Company, P.O. Box 1297, Stamford, Conn. 06904.

Vaip & Co. 95–6194808. Bank of America, N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Valben & Co. (c). 86–6029639. Valley National Bank of Arizona, c/o Trust Dept., P.O. Box 71, Phoenix, Ariz. 85001.

Valco & Company (c). 06–6179737. Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101.

Valcom & Co. (h). 86–6020400. Valley National Bank of Arizona, c/o Trust Dept., P.O. Box 71, Phoenix, Ariz. 85001.

Vale & Co. 94–6059031. Crocker-Citizens National Bank, c/o Trust Hdq., 2145 Fresno, St., Fresno, CA 93717.

Vale & Co. Royal Trust Company, 626 W. Pender St., Vancouver, B.C., Canada.

Vali & Co. 23–6483937. American Bank and Trust Company of Pennsylvania, 35 N. 6th St., Reading, Pa. 19601.

Valjo & Co. 35–6024163. St. Joseph Valley Bank, 429 S. Main St., Elkhart, Ind.

Valley Co. 48–0312900. Valley Company, Inc., Commerce Savings & Loan Bldg., Atchison, Kansas.

Valley & Co. 94–6061295. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Valner & Co. 36–6079961. Cosmopolitan National Bank of Chicago, 801 N. Clark St., Chicago 10, Ill.

Valvest & Co. 86–6051434. Valley National Bank of Arizona, % Investment Dept., P.O. Box 71, Phoenix, Ariz. 85001.

Van & Co. 95–6194802. Bank of America, N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Vanaba & Co. (a,b,f) 86–6021110. Valley National Bank of Arizona, % Trust Dept., P.O. Box 71, Phoenix, Ariz. 85001.

Vanbar & Co., Canadian Imperial Bank of Commerce, Howe & Pender Sts., Vancouver, B.C., Canada.

Vanco. 04–6013656. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109. (Congress Street Fund, Inc.)

Vanco & Co. 13–5462530. Van Alstyne, Noel Corporation, 40 Wall St., New York 5, N.Y.

Van Dam and Company. 85–6009832. First National Bank of Santa Fe, P.O. Box 609, Santa Fe, N. Mex. 87501.

Vanek & Co. 13–6062525. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.

Vanneck & Co. 13–6092287. Vanneck Foundation, 100 E. 42d St., New York 17, N.Y.

Vanoh & Co. (f) 95–6267604. Bank of California, N.A., P.O. Box 60477, Los Angeles, CA 90060.

Vanperm & Co., Canada Permanent Trust Company, 455 Granville St., Vancouver, B.C., Canada.

Vansco & Co., Bank of Nova Scotia, Vancouver, B.C., Canada.

Var & Co. 41–6026203. First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis 40, Minn. (Investors Variable Payment Fund, Inc.)

Varley & Co. 13–6020925. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Varlin & Co. 13–6258324. Bankers Trust Company, 16 Wall St., New York, N.Y. 10015.

Varo Co. 13–6111712. % Franklin National Bank, Personal Trust Dept., 130 Pearl St., New York, N.Y. 10015.

Vat & Co. 06–6108151. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Vaughn & Co. 43–6048505. Stern Brothers & Company, 635 Huntington, Kansas City, Mo.

Vaught & Company. 25–6021576. Pittsburgh National Bank, P.O. Box 747, Pittsburgh 30, Pa.

Vebak. 59–6226182. Venice-Nokomis Bank & Trust Company, 304 W. Venice Ave., Venice, Fla. 33595.

Ved & Co. 06–6108148. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Veebee. 86–6022745. Valley National Bank of Arizona, c/o Trust Dept., P.O. Box 71, Phoenix, Ariz. 85001.

Veit & Company. Northern Valley National Bank, Tenafly, N.J.

Ven & Co. 95–6097508. Bank of America N.T. & S.A., P.O. Box 3635 Terminal Annex, Los Angeles 54, Caif.

Venture & Co. 04–6235153. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02117.

Venus & Co. 04–6222218. Investors Bank & Trust Company, Trust Dept., 24 Federal St., Boston, Mass. 02110.

Vera & Co. 04–6178975. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Verbank Company (b, c, e, h). 03–6004509. Vermont Bank and Trust Company, 500 Main St., Bennington, Vt. 05201.

Vergco. 15–6017882. First Trust & Deposit Company, 201 S. Warren St., Syracuse 2, N.Y.

Vergco. 72–0649563. S. T. Alcus & Co., 810 Whitney Bldg., New Orleans, La. 70130.

Verna & Co. 06–6122682. c/o Hartford National Bank & Trust Company, Equity Products Dept., 777 Main St., Hartford, Conn. 06115.

Vernat Company. 03–6006191. Vermont National Bank, Trust Dept., 100 Main St., P.O. Box 804, Brattleboro, Vt. 05301.

Versec Company. 03–0213000. George, C. N., Company, Inc., P.O. Box 516, Brattleboro, Vt.

Vert & Company. Northern Valley National Bank, Tenafly, N.J.

Vessel & Co. 04–6155988. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Vest & Co. 04–6169846. Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109.

Vibco. 04–6123329. Guaranty Bank & Trust Company, Trust Dept., 386 Main St., Worcester, MA 01608.

Victor & Co. (h). 05–6036494. Citizens Trust Company, 870 Westminster St., Providence, RI 02902.

Victor Edward, Inc. 23–1612347. Brunswick, Lawrence, Esq., Bankers Securities Bldg., Philadelphia 7, Pa.

Victoria and Co. 74–6047865. Victoria Bank & Trust Company, P.O. Box 730, Victoria, Texas.

Victoria, Colvin & Co. 74–6047864. Victoria Bank & Trust Company, P.O. Box 730, Victoria, Texas.

Victoria, Johnson & Co. 74–6047863. Victoria Bank & Trust Company, Victoria, Texas.

Viha & Co. 34–6614966. Euclid National Bank, 510 Superior Ave., Cleveland, Ohio 44114.

Vilas & Co. 39–6037944. First Wisconsin National Bank, P.O. Box 1271, Madison, Wis. 53701.

Village & Co. 04–6224102. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Vincent & Co. (h). 04–6012869. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Vinco. 13–6266503. V.F. Naddeo & Company Incorporated, 25 Broadway, New York, N.Y. 10004.

Vip Co. 51–6011536. Bank of Delaware, Wilmington, Del. 19801.

Virg & Co. 95–6006927. United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, Calif. 90054.

Viro & Co. 95–6025629. Citizens Commercial Trust & Savings Bank of Pasadena, 225 E. Colorado St., Pasadena, Calif.

Visser & Co. 38–6110909. Michigan National Bank, Grand Rapids, Mich.

Viv & Co. 94–6167264. Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Vivos. Bank of California, N.A., Trust Dept., 400 California St. San Francisco, CA 94104.

Vmfco. 95–6037621. Southern California First National Bank, c/o Trust Dept., 530 "B" St., P.O. Box 109, San Diego, CA 92112. (Vanderbilt Management Corp.)

Voges & Co. 13–6086145. New York Hanseatic Corp., 60 Broad St., New York 4, N.Y.

Vogt & Co. 13–6214866. Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 10005.

Von & Co. 42–6066007. Union Bank and Trust Company, Ottumwa, Iowa.

Vone & Co. 06–6109141. Travelers Insurance Company, One Tower Sq., Hartford, Conn. 06115.

Von Steuben & Co. 34–6623008. Union Savings Bank & Trust Company, 100 N. Fourth St., Steubenville, Ohio 43952.

Vose & Co. (a-c). 01–6009687. Merrill Trust Company, 2 Hammond St., Bangor, Me. 04401.

Voss & Co. 74–6125826. Texas Commerce Bank N.A., P.O. Box 2558, Houston, Texas 77001.

Vreeland & Co. (h) 22–6026870. Peoples Trust of New Jersey, 210 Main St., Hackensack, NJ 07602.

Wab & Co. 06–6108149. The Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Wabanc & Co. 91–6060579. Washington Trust Bank, Trust Dept., P.O. Box 2127, Spokane, WA 99210.

Waby & Company. 54–6031834. Virginia National Bank, Box 351, Charlottesville, Va. 22902.

Wac and Company. 54–6036308. Investment Corporation of Virginia, 215 E. Plume St., Norfolk, Va.

Wacco (A-D). 56–6074045. Waccamaw Bank & Trust Company, 6225 Madison St., Whiteville, N.C. 28472.

Waco & Company. 36–6053895. National Boulevard Bank of Chicago, Trust Dept., 400 N. Michigan Ave., Chicago, IL 60611.

Wadco. 04–6194277. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Waddell & Company. 94–6061319. Central Valley National Bank, 301-20th St., Oakland 12, Calif.

Wade & Co. 04–6149784. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Wadmalaw & Company. 57–6020746. Johnson, Coleman, Manning & Smith, Inc., P.O. Box 215, Charleston, S.C.

Wadsco. 34–1012036. Citizens Bank & Trust Company, Public Sq., Wadsworth, Ohio 44281.

Wafco. 04–6145605. Plymouth-Home National Bank, 4 North St., Plymouth, Mass. 02360.

Wahl & Co. 99–0108517. First National Bank of Hawaii, P.O. Box 2041, Honolulu, Hawaii 96801.

Wait & Co. (a,b). 36–6051326. Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, IL 60690.

Waite & Co. 04–6013231. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Wak & Company. 54–6038294. Willis, Kenny & Ayres, Inc., 205 W. Franklin St., Richmond, Va.

Wake & Co. 56–6034753. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St., (P.O. Box 3075), Winston-Salem, N.C. 27102.

Walco. 04–6133951. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Waldbillig, Marvin & Heun, D.R. 36–1183230. Halsey, Stuart & Co., Inc., 123 S. La Salle St., Chicago, Ill. 60690.

Walden, G.C., & Company. 75–6035622. Citizens National Bank of Lubbock, P.O. Box 841, Lubbock, Texas 79408.

Waljean & Co. (b). 01–6029848. Sanford Trust Company, 8 Washington St., Sanford, ME 04073.

Walker & Beatson. 13–611317. The Royal Bank of Canada, 68 William St., New York, N.Y. 10005.

Walker & Company. 14–6016674. Orange County Trust Company, 75 North St., Middletown, N.Y.

Walker, Tom & Co. Cruttenden & Company, 209 S. La Salle St., Chicago, Ill.

Wall & Co. 51–6011533. Bank of Delaware, Wilmington 99, Del.

Wallace & Co. 72–6017640. Commercial National Bank in Shreveport, P.O. Box 1119, Shreveport, La.

Wallace & Co. Home Bank & Trust Co., Darien, Conn.

Walmax & Co. First National Bank, 18 North St., Fort Dodge, IA.

Walnut & Main Co. 37–6094807. The First National Bank in Champaign, Champaign, Ill. 61820.

Walsh & Co. 04–6172459. The First National Bank of Boston, Personal Trust Operations, P.O. Box 2016, Boston, Mass. 02106.

Walston & Co. Chemical Bank, 20 Pine St., New York, NY 10015.

Walter & Co. 13–6062526. Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.

Walter & Co. Wellington Management Company, 1630 Locust Ave., Philadelphia, Pa.

Walters & Co. 38–6110910. Michigan National Bank, Grand Rapids, Mich.

Walton, Charles S., & Co., Inc. 23–1192390. Central-Penn National Bank of Philadelphia.

Wam & Co. United California Bank, 600 S. Spring St., Los Angeles, Calif. 90014.

Wamsutta Company. 04–6013714. B.M.C. Durfee Trust Company, 80 N. Main St., Fall River, Mass.

Wanaco & Co. 39–6041500. First National Bank of Waukesha, Waukesha, Wisc. 53186.

Wanco. 35–6007562. Fort Wayne National Bank, 123 W. Berry St., Fort Wayne 3, Ind.

War & Co. 38–6057644. American Bank and Trust Company, 101 S. Washington Ave., Lansing, Mich.

Warark Company. 71–0186580. Warren Bank, Warren, Ark.

Warbanc & Co. 25–6035590. The Pennsylvania Bank & Trust Co., Warren, Pa.

Ward & Co. (h). 63–6053042. The Merchants National Bank of Mobile, 106 St. Francis St., P.O. Box 2527, Mobile, Alab. 36601.

Ward & Co. Canadian Imperial Bank of Commerce, Hastings & Granville Sts., Vancouver, B.C., Canada.

Ward & Company. 04–6023955. The Mechanics National Bank of Worcester, 303 Main St. Worcester 8, Mass.

Ware & Co. 04–6063818. Ware Trust Company, 73 Main St., Ware, Mass.

Warf & Co. 39–6037943. First Wisconsin National Bank, P.O. Box 1271, Madison, WI 53701. (Wisconsin Alumni Research Foundation.)

Warn & Co. 25–6028572. Warren National Bank, 304 Second Ave., Warren, Pa.

Warnco. 74–6104541. El Paso National Bank, P.O. Box 140, El Paso, Texas 79999.

Warren & Co. (d). 04–6012868. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Warwick & Company. 23–6257025. National Bank and Trust Company of Central Pennsylvania, 222 Market St., Harrisburg, Pa.

Was & Co. 71–6066443. Simmons First National Bank, 501 Main St., Pine Bluff, Ark. 71601.

Wasab & Co. 42–6060851. c/o Waterloo Savings Bank, 533 Commercial St., Waterloo, Iowa 50704.

Washoe & Co. 88–6002468. First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.

Wasico & Co. (f). 13–6259989. Chemical Bank, 20 Pine St., New York, NY 10017.

Wat & Co. (c). 56–6067453. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St. (P.O. Box 3075), Winston-Salem, N.C. 27102.

Water & Co. 06–6119531. Waterbury National Bank, 195 Grand St., Waterbury, Ct. 06701.

Water & Co. 04–6224103. The National Shawmut Bank of Boston, P.O. Box 2145, 35 Congress St., Boston, Mass. 02109.

Waterhole & Co. 04–6013765. Boston Safe Deposit and Trust Company, Boston, MA.

Watters & Company. 04–6035980. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Waugoo & Co. Oshkosh National Bank, P.O. Box 680, Oshkosh, WI 54901.

Wave & Co. 36–6082531. Lake Shore National Bank, 605 N. Michigan Ave., Chicago, Ill. 60611.

Way & Co. 13–6062909. Bank of New York, 48 Wall St., New York, N.Y. 10015. (T. Rowe Price Growth Stock Fund, Inc.)

Wayco and Company (a). 34–6513783. Wayne County National Bank, Public Square, Wooster, Ohio 44691.

Wayne & Co. 95–6113428. United California Bank, 600 S. Spring St., Los Angeles, Calif. 90014.

Wazee & Co. (f). 84–6615535. Colorado National Bank of Denver, P.O. Box 5168, Denver 17, Colo.

W.C.B. & Co. 55–6041423, c/o Wood County Bank, P.O. Box 1587, Parkesburg, WV 26101.

Weave & Co. 31–0745819. Wolfe, Cleaves & Co., 4 S. Main St., Dayton, Ohio 45402.

Webach Co. 22–6029640. National Community Bank (Rutherford, N.J.), 170 The Plaza, Teaneck, N.J.

Webal & Co. (c). 41–6011843. Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, MN 55480.

Webat & Co. (a). 06–6080595. Westport Bank and Trust Company, 87 E. State St., Westport, Conn. 06880.

Webco and Company. 55–6042862. The Commercial Banking and Trust Company, 415 Market St., Parkersburg, W.Va. 26101.

Webell & Co. 36–6235310. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Weber & Co. 13–6021168. First National City Bank, 399 Park Ave., New York 22, N.Y.

Webster & Co. 04–6037935. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Webster & Co. 23–6294382. Delaware County National Bank, Chester, Pa.

Weco. 22–6134171. Fidelity Union Trust Company, 765 Broad St., Newark, N.J. 07101.

Wed & Co. 04–6134139. Old Colony Trust Company, P.O. Box 2016, Boston, Mas. 02106.

Wedgeco. 37–6075399. Alton Banking & Trust Co., 620 E. Broadway, Alton, Ill. 62002.

Weetamoe Company. 04–6013715. B.M.C. Durfee Trust Company, 80 N. Main St., Fall River, Mass.

Wego & Co. 13–6102767. Gold, Weissman, Frankel, Inc. 51 Broadway, New York, N.Y. 10006.

Weiland, Kathryne. 31–0242380. Citizens Bank, 10 S. Second St., Hamilton, Ohio.

Wel & Co. 94–6056816. Wells Fargo Bank, 464 California St., San Francisco 20, Calif. (Dodge & Cox Fund.)

Wlech, Roberts & Anderson. 04–6042754. Hale & Dorr, 60 State St., Boston 9, Mass.

Welcom & Co. 94–6109229. c/o Union Bank, Trust Dept., 455 Montgomery St., San Francisco, Calif. 94104.

Welin & Co. 04–6013766. Boston Safe Deposit and Trust Company, P.O. Box 2145, Boston, MA 02106.

Wellsville Trust Investors. 16–6029909. First Trust Union Bank, Wellsville, N.Y. 14895.

Welsel & Co. 94–6078050. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Welsh A.A. & Co. 34–6504946. Cleveland Trust Company, P.O. Box 6147, Cleveland, OH 44101.

Wen & Co. 52–6034909. First National Bank of Maryland, Light & Redwood Sts., Baltimore 2, Md.

Wendel & Co. 13–6020927. The Bank of New York, 48 Wall St., New York, N.Y. 10015.

Wenesa & Co. West Newton Savings Bank, 1314 Washington St., West Newton, Ma. 02165.

Wenesco. West Newton Savings Bank, 1314 Washington St., West Newton, MA 02165.

Went & Co. 04–6032823. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106.

Wentz Registration Co. of Oklahoma City. 73–6091485F. First National Bank and Trust Company of Oklahoma City, Trust Dept., P.O. Box 25189, Oklahoma City, OK 73125.

Wepco (c). 73–6092220. c/o Don M. Mattocks, P.O. Box 1589, Tulsa 2, Okla. (Warren Employee Pension Trust.)

Wer & Co. 04–6126168. Pittsfield National Bank, Box 1142, 5 North St., Pittsfield, Mass. 01201.

Werco. 13–6261848. One Chase Manhattan Plaza, Rm. 3800, New York, NY 10005.

Werco. 75–6091331. William E. Read & Co., Inc., Republic National Bank Tower, Dallas, Texas 75201.

Wert & Co. 72–6028794. Whitney National Bank of New Orleans, P.O. Box 61260, New Orleans, La.

Wertma Nominees, Inc. Wertheim & Co., One Chase Manhattan Plaza, New York, N.Y. 10005.

Wesco. 14–6015621. The Schenectady Trust Company, Schenectady 1, N.Y.

Wesley & Co. 22–6051507. Bloomfield Savings Bank, 11 Broad St., Bloomfield, N.J. 07003.

Wessco. 74–6042522. State National Bank of El Paso, P.O. Drawer 1072, El Paso, Texas.

Wessels & Co. 06–0493340. Phoenix Mutual Life Insurance Company, One American Row, Hartford, Conn. 06115.

West & Co. Canadian Imperial Bank of Commerce, 389 Main St., Winnipeg, Man., Canada.

West & Co. (e). 55–6016590. Security National Bank & Trust Company, 1114 Market St., Wheeling, W. Va. 26003.

West & Company (b). 41–6080607. Butler Office, Inc., W. 2780 First National Bank Bldg., St. Paul, Minn. 55101.

West & Company. 48–6105889. Western Fire Insurance Company, Fort Scott, Kan.

West & Company. 48–0470690. Western Casualty and Surety Company, Fort Scott, Kan.

West & Company. 48–6105887. Western Casualty and Surety Company, Employees Profit-Sharing Trust, 916 Walnut St., Kansas City 6, Mo.

Westbank & Company. 94–6076889. First Western Bank and Trust Company, 201 Montgomery St., San Francisco, Calif.

Westend & Co. 62–6073325. American National Bank & Trust Company, 750 Market St., Chattanooga, Tenn. 37402.

Westgro (f). 04–6214195. Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101.

West Nominees, Ltd., Westminster Bank Ltd., 41 Lowthbury St., London, E.C. 3, England.

Westminster Company. Union County Trust Company, 350 Westminster Avenue, Elizabeth, N.J. 07207.

Westnat & Co. 36–6119364. Western National Bank, 5801 W. Cermak Rd., Cicero, Ill. 60650.

Weston & Co. 04–6226081. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Westplan & Co. 23–6440883. The Western Saving Fund Society of Philadelphia, 101 S. Broad St., Philadelphia, Pa. 19107. (Trustees of The Western Savings Fund Society, Pension Plan under Deed of Trust, Dated as of June 1, 1946.)

Westsave & Co. 23–6440884. The Western Saving Fund Society of Philadelphia, 101 S. Broad St., Philadelphia Pa. 19107.

Weststock Nominees, Ltd. Westminster Bank Ltd., 21 Lombard St., London, E.C. 3, England

Wfw & Co. 75–6081484. First National Bank in Dallas Trust Div., P.O. Box 6031, Dallas, TX 75222.

Wheat & Co. 54–0796506. Wheat & Co., P.O. Box 1357, Richmond, Va.

Wheel Tru & Co. 36–1958310. Wheeling Trust and Savings Bank, Wheeling, Ill.

Wheeler & Co. 04–6013508. Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.

Whelan & Co. 13–6020803. Morgan Guaranty Trust Company of New York, 654 Madison Ave., New York 21, N.Y.

Whico. 05–0300709. White, Allen J., & Co., Inc., 791 N. Broadway, Six Corners, East Providence, R.I.

Whig & Co. 04–6214439. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Whill & Co. 36–6407904. Wheaton National Bank, 111 N. Hale St., Box 687, Wheaton, Ill. 60187.

Whitco. 91–6091459. Whitman College, Walla Walla, Wash. 99362.

Whitco. 04–6225955. First National Bank of Amherst, 11 Amity St., Amherst, Mass. 01002.

Whitco. 56–6065078. Southern National Bank of North Carolina, 500 North Elm St., P.O. Box 1489, Lumberton, NC 28358.

Whitco. 22–1861193. Whitehall Securities Corp., 138 Main St., Oceanport, N.J. 07757.

Whitcust & Co. 72–6042571. Whitney National Bank of New Orleans, P.O. Box 61260, New Orelans, La. 70160.

White & Co. 74–6064429. Frost National Bank, Corporate Trust Dept., P.O. Drawer 1600, San Antonio, TX 78206.

White & Co. 13–6022155. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.

White & Company. 31–6025072. First National Bank of Cincinnati, P.O. Box 1118, Cincinnati 1, Ohio.

Whitelaw & Co. (c). 34–6510682. National City Bank of Cleveland, 623 Euclid Ave., Cleveland 1, Ohio. (American Greetings Corporation Retirement Trust.)

Whitefield, Henry, Company. 06–6034313. Guilford Trust Co., 1 Boston St., Guilford, Conn.

Whiting & Co. 13–6020929. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Whittaker Co. 31–6054572. 522 Dixie Terminal Bldg., Cincinnati, Ohio 45202. (Lanier, Guy, Walker & Chatfield.)

Whitten, H.A. & Co. (a,b). 13–6065601. Chemical Bank, 20 Pine St., New York, NY 10017.

Whittier, L. & Co. 04–6110926. Haverhill National Bank, Haverhill, Mass.

Wic & Co. (a,b). 04–6126174. Pittsfield National Bank, Box 1142, 5 North St., Pittsfield, MA 01201.

Wick & Co. (b,d,f). 06–6022966. Second National Bank of New Haven, Trust Dept., P.O. Drawer 402, New Haven, Conn. 06502.

Widman & Company. Dominick Corporation of Canada, Place Ville Marie, Montreal 2, Canada.

Wift & Co. 94–6056817. Wells Fargo Bank, 464 California St., San Francisco 20, Calif.

Wiggin & Company. 04–6031952. Harvard Trust Company, 1414 Massachusetts Ave., Cambridge 38, Mass.

Wightman & Co. 04–6042757. Hale & Dorr, 60 State St., Boston 9, Mass.

Wilb & Co. 04–6038776. Hooper-Kimball, Inc., 50 Congress St., Rm. 301, Boston 9, Mass.

Wilbank & Co. 06–0591490. Willimantic Trust Company, Willimantic, Conn.

Wilbranch and Company. 56–6041708. Branch Banking and Trust Company, Wilson, N.C.

Wicar & Company. 65–6045979. First Union National Bank of North Carolina, P.O. Box 3008, Raleigh, N.C. 27602.

Wilco. 36–6234640. F. B. Hubachek, Jr., 3220 Prudential Plaza, Chicago, Ill. 60601.

Wilcong & Co. 06–0591490. Willimantic Trust Company, Willimantic, Conn.

Wild, Henry. Bank Belge, 67 Wall St., New York, N.Y.

Wilder & Co. 03–0212592. Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.

Wilhelm, William H. 24–0655740. Mauch Chunk Trust Company, Jim Thorpe, Pa.

Wilinsky, Hellmuth & Co. 04–6042758. Hale & Dorr, 60 State St., Boston 9, Mass.

Wilkin & Co. 41–6093722. St. Paul Companies Inc., 385 Washington St., St. Paul, Minn. 55102. (St. Paul Fire and Marine Insurance Company.)

Wilkirk & Co. 56–6034755. Wachovia Bank and Trust Company, N.A., Wachovia Bldg., Main St., P.O. Box 3075, Winston-Salem, N.C. 27102.

Will & Co. c/o T. J. Sinclair, P.O. Box 1589, Tulsa, OK 74102.

Will & Co. (d) 35–0599183. Raffensperger, Hughes & Co., 20 N. Meridian St., Indianapolis, IN 46204.

Willar Co. 13–6106195. c/o Franklin National Bank, Personal Trust Dept., 130 Pearl St., New York, N.Y. 10015.

William, Carl & Co. 13–6021940. Irving Trust Company, 1 Wall St., New York 15, N.Y.

William, William & Co. 04–6193980. Commerce Bank & Trust Company, 240 Main St., Worcester, Mass. 01608.

Williams & Co. 13–6072917. Bank of New York, 48 Wall St., New York, N.Y. 10015.

Williamsco. 52–0531230. C. T. Williams & Co., Inc. Fidelity Bldg., Baltimore, MD 21201.

Williams & Company. 13–5257279. Morgan Stanley & Company, 2 Wall St., New York, NY 10005.

Willin & Co. 36–6050539. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, 90, Ill.

Willis & Co. North American Management Corp., 28 State St., Boston, Mass. 02109.

Willow & Co. 94–6060406. Crocker-Citizens National Bank, Trust Hdq., 101 W. Santa Clara St., San Jose, CA 95108.

Wills & Co. 13–6066280. Brown Brothers, Harriman & Co., 59 Wall St., New York 5, N.Y.

Wilmot & Co. 06–6074769. Union Trust Company, Trust Dept., Church & Elm St., New Haven, CT 06510.

Wilnat Company. 24–6015464. Willamsport National Bank, 329 Pine St., Williamsport, Pa. 17701.

Wilson & Co., 04–6013232. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Wilson & Co. (e) 13-6065591. Chemical Bank, 20 Pine St., New York, NY 10017.

Wilson & Co. 03-0212592. Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.

Wiltru & Co. 06-6035400. Colonial Bank and Trust Company, c/o Trust Dept., 81 W. Main St., Waterbury, Conn. 06720.

Wiltrus & Co. 74-6090835. Dixon H. Cain, 3031 Humble Bldg., Houston, Tex. 77002.

Wilvore & Co. 34-6500616. Union Commerce Bank, 917 Euclid Ave., Cleveland 14, Ohio.

Wimer & Co. 36-6070953. Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.

Win & Co. 44-6009688. City National Bank and Trust Company of Kansas City, 928 Grand Ave., Kansas City, Mo. 64141.

Winbond 31-6055993. Winters National Bank and Trust Co., 40 N. Main St., Dayton, Ohio 45402.

Wincap & Co. 43-6073301. City National Bank & Trust Co., Tenth and Grand, Kansas City, Mo. 64141.

Winch & Co. 04-6197476. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Winchester & Co. 04-6224098. The National Shawmut, Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Winco & Co. 56-0647151. Erwin & Co., Inc., Central Carolina Bank Bldg., Durham, N.C. 27702.

Wincom. 31-6055994. Winters National Bank and Trust Co., 40 N. Main St., Dayton, Ohio 45402.

Winday Co. 84-6018757. First National Bank of Colorado Springs, P.O. Box 1055, Colorado Springs, Colo.

Windsor & Co. 04-6012942. National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Wing & Co. Industrial Valley Bank & Trust Company, Jenkintown, PA 19046.

Wing & Company. 23-6478461. Industrial Valley Bank and Trust Company, Old York Rd. & West Ave., Jenkintown, Pa. 19046.

Winkalt & Co. 41-6009735. Winona National and Savings Bank, Winona, Minn.

Winnie & Company. L. M. Brooks, Chester, Conn.

Winperm & Co. Canada Permanent Trust Company, 433 Portage Ave., Winnepeg, Manitoba, Canada.

Wins & Co. 04-6214081. Worcester Mutual Fire Insurance Company, 440 Lincoln St., Worcester, Mass. 01605.

Winsal & Co. 56-6116588. First Union National Bank of North Carolina, P.O. Box 2114, Winston-Salem, N.C. 27102.

Winsco. 41-6093235. State Bank & Trust Company, c/o Trust Dep't., 100 N. Minnesota St., New Ulm, Minn. 56073.

Winsco & Co. Bank of Nova Scotia, Winnipeg, Man., Canada.

Winter & Co. 04-6235154. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, MA 02117.

Winston Co. (f) 84-6045100. Denver United States National Bank, Denver U.S. Center, Denver, Colo. 80217.

Wire & Co. (f) 21-6012189. First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, PA 19101.

Wise & Co. 04-6176931. The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109.

Wise & Company (b). 38-6165499. Southern Michigan National Bank of Coldwater, 51 W. Pearl St., Coldwater, MI 49036.

Wiselife & Co. 39-6131549. First Wisconsin National Bank, P.O. Box 1271, Madison, WI 53701.

Wisfund & Co. 39-6136577. First National Bank, P.O. Box 1271, Madison, WI 53701.

Wisi & Company. 84-6047141. American National Bank of Denver, Trust Dept., P.O. Box 660, Denver, Colo. 80201.

Wist & Co. (h). 39-6039161. First Wisconsin Trust Company, 735 N. Water St., (P.O. Box 2054), Milwaukee, Wisc. 53201.

Witco. 35-6032495. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

Witnon Inc. Dean Witter & Company, 2 Broadway, New York, N.Y. 10004.

Witty, E. Q. 93-6042718. The Commercial Bank, P.O. Box 428, Salem, Ore. 97308.

Wivco-D (h). 39-6097847. Wisconsin Valley Trust Company, 500 Third St., P.O. Box 209, Wausau, Wisc. 54401.

Wivco-L (h). 39-6092846. Wisconsin Valley Trust Company, 500 Third St., P.O. Box 209, Wausau, Wisc. 54401.

Wivco-Y (d). 39-6077747. Wisconsin Valley Trust Company, 500 Third St., P.O. Box 209, Wausau, Wisc. 54401. (Woodson YMCA.)

WMR & Co. William Marsh Rice University, P.O. Box 2666, Houston, Tex. 77001.

WMSB & Co. 91-6101655. Washington Mutual Savings Bank, 1101 Second Ave., Seattle, Wash. 98101.

WNSB & Co. West Newton Savings Bank, 1314 Washington St., West Newton, Mass. 02165.

Woban & Co. 13-6211525. National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y. 10601.

Wobar & Co. 38-6096623. Wayne Oakland Bank, Main at Fourth, Royal Oak, Mich. 48068.

Wonham, Albert & Company. 13-6077511. Bank of Montreal, 2 Wall St., New York, N.Y. 10005.

Wonham, Albert Nominees Incorporated. 13-6161795. Bank of Montreal, 2 Wall St., New York, N.Y. 10005.

Wood & Co. 95-6097507. Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles 54, Calif.

Wood & Co. 42-6142835. First National Bank of Ottumwa, 231 W. Second St., Ottumwa, Ia. 52501.

Wood & Co. c/o Wood County Bank, P.O. Box 1587, Parkersburg, WV 26101.

Wood & Walker. 51-6018070. Wilmington Trust Co., Wilmington, Del. (Blue Ridge Mutual Funds, Inc.)

Woodbury & Co. 04-6195005. c/o N.W. Rice Co., Room 934, 50 Congress St., Boston, Mass. 02109.

Woodco & Company. 41-6022925. Woodard-Elwood & Co., 1115 First National Bank Bldg., Minneapolis 2, Minn.

Woodfort & Co. 38-6048198. National Bank of Detroit, Woodward Ave., Detroit 32, Mich.

Woolner & Co. 43-6664183. Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.

WOR & Co. 95-6194801. Bank of America N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, Calif. 90054.

Worcester Five and Company. 04-6240452. Worcester Five Cents Savings Bank, 316 Main St., Worcester, Mass. 01608.

Worden & Co. 38-6110911. Michigan National Bank, Grand Rapids, Mich.

World & Co. 94-6212524. Bank of America N.T. & S.A., Box 7763, Bank of America Plaza, San Francisco, Calif. 94120.

Wortay Co. 04-6235962. Worcester Investment Associates, Suite 5G, 50 Franklin Street, Worcester, MA 01608.

Worth & Co. 75-6015526. Fort Worth National Bank, P.O. Box 2050, Fort Worth 1, Texas.

Worthco. 59-6235190. First National Bank and Trust Company of Lake Worth, c/o Trust Department, Lake Worth, Fla. 33460.

Worthen & Co. 02-6004713. Indian Head National Bank of Nashua, 146 Main St., Nashua, N.H.

WPF & Co. 04-6198935. Francis Ward Paine Foundation, Inc., 70 Federal St., Boston, Mass. 02110.

Wray & Co. 13-6067272. Canadian Bank of Commerce Trust Company, 20 Exchange Pl., New York 5, N.Y.

WRU & Co. 34-6570595. National City Bank of Cleveland, 623 Euclid Ave., Cleveland, Ohio.

WSP & Co. Prescott, William S. & Company, Inc., 20 Kilby St., Boston Mass. 02109.

WUN & Co. 06-6108146. Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115.

Wurtz & Co. 13-6021149. First National City Bank, 399 Park Ave., New York 22, N.Y.

Wurtz, Stanley & Co. 43-6029053. Vandalia State Bank, Vandalia, Mo.

Wyfont. 04-6229895. State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02101.

Wylie & Co. 04-6134139. Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106.

Wyn & Company. 31-6027427. Winters National Bank and Trust Co., 40 N. Main St., Dayton 2, Ohio.

Wynab & Co. 06-6038693. Waterbury National Bank, 195 Grand St., Waterbury, Conn.

Wynboc & Co. 83-6002684. Wyoming National Bank of Casper, Drawer 971, Casper, WY 82601.

Wynfund & Co. 94-6167139. Bank of California, N.A., 400 California St., San Francisco, Calif. 94120. (Competitive Capital Fund.)

Wyomissing Co. (a-b). 23-6267240. Bank of Pennsylvania, 50 N. 5th St., Reading, PA 19603.

Wythe & Co. 54-6060088. United Virginia Bank/Citizens & Marine, c/o Trust Dept. Newport News, Va. 23607.

Xact & Co. (f). Crocker-Citizens National Bank, Trust Hdq., One Montgomery St., San Francisco, Calif. 94120.

Xavier Co. 04-6235155. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Xemp & Co. (c). 95-6112367. Crocker-Citizens National Bank, Trust Hdq., 611 W. Sixth St., Los Angeles, CA 90054.

Y Spring Co. 04-6039100. Cape Anne Bank & Trust Company, 154 Main St., Gloucester, Mass.

Yaka & Co. 91-6025621. Yakima Branch National Bank of Commerce of Seattle, Trust Dept., P.O. Box 136, Yakima, Wash. 98901.

Yale & Co. 04-6235156. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Yardarm & Co. 04-6155989. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101.

Yarmouth & Co. 04-6224099. National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109.

Yawnoc (b). 71-6059961. First State Bank and Trust Company, Box 729, Conway, AR 72032.

Ycnb, Co. 23-6245154. National Bank & Trust Company of Central Pennsylvania, 12 E. Market St., York, Pa.

Yeager and Company (a, b, f). 23-6232499. Reading Trust Company, 515 Penn St., Reading, PA 19603.

Yerba & Co. (c). 94-6065006. Crocker-Citizens National Bank, Trust Hdg., One Montgomery St., San Francisco, CA 94120.

YNG & Co. (f). 41-6011847. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, MI 55480.

Yoakum & Comany. First City National Bank, 1021 Main St., Houston, TX 77002. (Yoakum Industries, Inc., P.O. Box 431, Yokum, TX 77995.)

Yob & Co. (a-h). 21-6014071. South Jersey National Bank, Broadway & Cooper Sts., Camden, NJ 08101.

Yonge & Co. Canadian Bank of Commerce Trust Co., 25 King St. West, Toronto, Ontario, CN.

York & Co. 23-1279555. York, Warren W. & Company, Inc. 530 Hamilton St., Allentown, Pa.

Yornat & Co. 23-6253191. York Bank and Trust Company, 21 E. Market St., York, Pa.

Yorst & Co. 23-6253192. York Bank and Trust Company, 21 E. Market St., York, Pa.

Young & Co. (a-c, h). 71-6049785. Union

National Bank of Little Rock, c/o Trust Dept., P.O. Box 1541, Little Rock, Ark. 72203.

Yowoca. 99–0108517. First National Bank of Hawaii, P.O. Box 2041, Honolulu, Hawaii 96801.

Y. V. Branch & Co. (b). 91–6024331. Pacific National Bank of Washington, c/o Trust Dept., P.O. Box 1997, Tacoma, WA 98401.

Zal & Co. 23–6476743. INA Corporation, Philadelphia, Pa. 19101. (Life Insurance Company of North America.)

Zalto & Co. 94–6136537. Crocker-Citizens National Bank, Trust Hdq., 250 University Ave., Palo Alto, CA 94302.

Zande & Co. 13–6020804. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Zap & Co. 04–6214449. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Zeissco. 95–2085911. Neilson, W. G. & Co., Inc., 358 E. Olive Ave., Burbank, Calif.

Zel & Co. (h). 35–6007563. Merchants National Bank & Trust Company of Indianapolis, c/o Trust Dept., 11 S. Meridian St., Indianapolis, IN 46204.

Zen & Co. (h), 95–6021212. Crocker-Citizens National Bank, 611 W. Sixth St., Los Angeles, CA 90054.

Zenda & Company. 62–6082108. Park National Bank, Trust Dept., P.O. Box 511, Knoxville, TN 37901.

Zeph & Co. 41–6045198. Northwestern National Bank of Minneapolis, Seventh & Marquette, Minneapolis, Minn. 55480.

Zerbe & Co. (c), 23–6222934. First Pennsylvania Bank, Personal Trust Dept., P.O. Box 8786, Philadelphia, PA 19101.

Zereb (c). 93–6050309. United States National Bank of Oregon, U.O. Box 3168, Portland, OR 97208.

Zest & Co. 04–6214437. New England Merchants National Bank, 28 State St., Boston, Mass. 02106.

Zia Investment Company (a-f). 85–6012110. Bank of New Mexico, Trust Dept., 320 Gold S.W., P.O. Box 1830, Albuquerque, NM 87103.

Ziegler & Co., First National Bank of Southwestern Michigan, 210 Main St., Niles, Mich. 49120.

Zifa and Company. 87–6117978. Zions First National Bank, 235 S. Main Street, Salt Lake City, Utah 84110. (Industry Fund of America, Inc.)

Zilch & Co. 06–6076448. Merchants Bank & Trust Company, Norwalk, Conn. 06856.

Zimco & Co. 04–6172463. First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106.

Zink & Co. 13–6020805. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015.

Zip & Co. 04–6115368. New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107.

Zone & Co. 04–6235157. John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117.

Zuram & Co. 36–6147732. Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago, Ill. 60690.

Zyzco. 54–6087410. Virginia National Bank, P.O. Box 1079, Bristol, Va. 24201.

### PART II.—PRINCIPALS WITH NOMINEES BY STATES

### *Alabama*

American National Bank and Trust Company, Mobile, Ala.: George & Company.

Birmingham Trust National Bank, 112 N. 20th St., Birmingham 3, Ala.: Lynspen & Company, Turner & Co.

City National Bank of Tuscaloosa, 2301 Broad St., Box 2509, Tuscaloosa, AL 35401: Tuscaloosa CNB Company, (BCEF).

Exchange Security Bank, 317 N. 20th St., Birmingham, AL: Hubco.

First Alabama Securities, Inc., P.O. Box 174, Montgomery, AL: Doe & Company.

First National Bank, 15 N. Royal St., Mobile 4, AL: Austill & Co.

First National Bank, c/o Trust Dept., P.O. Box 680, Huntsville, AL 35804: Spraglow.

First National Bank of Birmingham, P.O. Box 11007, Birmingham, AL 35202: Birco, Kenneburt & Company, Sonco.

First National Bank of Montgomery, 2 Commerce St., Montgomery 1, AL: Baldwin & Co.

First National Bank of Tuskaloosa, P.O. Box 300. Tuscaloosa, AL: Tuskaloosa-Castle and Company.

Merchants National Bank of Mobile, 106 St. Francis St., P.O. Box 2527, Mobile, AL 36601: Finley & Co. (A,B,D), Merit & Co. (C), Ward & Co. (H).

Odess-Martin, Inc., 415 First National Bldg., Birmingham, 3, AL: Ode mar.

State National Bank of Alabama, Trust Dept., 251 Johnson St., Decatur, AL 35601: Statewick & Co. (A, B, C, D).

Thornton Mohr Farish & Gauntt, Inc., P.O. Box 196, Montgomery 1, Ala.: Thomo & Co.

Troy Bank & Trust Company, Troy, Ala.: Car Company.

Union Bank and Trust Company, Trust Dept., 60 Commerce St., P.O. Box 2191, Montgomery, Ala. 36111: Ubat & Co.

Universal Securities Corporation. Brown Marx Bldg., Birmingham, Ala. 35203: USECO.

### *Alaska*

Alaska Central Bank and Trust Company, Pouch 7077, 807 G St., Anchorage, AK 99501: Pebak & Co.

Alaska National Bank of Fairbanks, Trust Dept., Northword Bldg., Fairbanks, AK 99701: Alnaba & Co.

First National Bank of Anchorage, The, P.O. Box 720, Anchorage, AK: Atfirst & Co.

National Bank of Alaska, Box 600, Anchorage, AK 99501: Nabalaska & Co.

### *Arizona*

Arizona Bank, The, 44 W. Monroe, Phoenix, AZ: Bodco & Co.

First National Bank of Arizona, Box 2669, Phoenix, AZ 85002: APSCO, Firnat & Co. Manaco and Co., Trusco & Co.

Pioneer Bank of Arizona. P.O. Box 2012, Phoenix, AZ 85001: Markel & Co.

Republic Trust & Security, Suite 2115, Townehouse Tower, Phoenix, AZ 85013: Recom & Co., Recourt & Co., Repriv & Co., Retire & Co.

Southern Arizona Bank & Trust Company, P.O. Box 1871, Tucson, AZ 85702. Arizco, Pimaco, Sabatco (B, E, H).

Transamerica Title Insurance Company of Arizona, Trust Dept., 114 W. Adams St., P.O. Box 13028, Phoenix, AZ 85003: Trait & Co.

United Bank of Arizona, P.O. Box 2908, Phoenix, AZ 85036: Guban & Co., Gucom & Co. Gucourt & Co., Gupen & Co. Gupriv & Co.

Valley National Bank, Trust Dept. P.O. Box 71, Phoenix, AZ 85001: Valben & Co. (c), Valcom & Co. (H), Valvest & Co. (d), c/o Investment Dept., Vanaba & Co. (ABF), Veebee (H).

### *Arkansas*

Citizens Bank of Jonesboro, Jonesboro, AR 72401: Ridge and Company.

Commercial National Bank of Little Rock, 200 Main, P.O. Box 1331, Little Rock, AR 72203: Doric and Company, Edlee and Company.

First American National Bank, 120 Main, North Little Rock, AR 72119: Fanby and Company.

First National Bank in Little Rock, Trust Dept., Third & Louisiana Sts., Box 1471, Little Rock, AR 72203:

Ibis and Co.

Lark and Co.

Rison and Co.

First Pyramid Life Insurance Company of America, Pyramid Life Bldg., Little Rock AR 72201:

McGehee, Gordon and Company.

Pyramid and Company.

First State Bank and Trust Company, P.O. Box 729, Conway, AR 72032: Yawnoc (B).

Merchants National Bank, Ft. Smith, AR: K W P Company.

National Bank of Commerce of Pine Bluff, P.O. Box 6208, Pine Bluff, AR 71601:

Beltru & Co.

Comfix and Co. (H)

Kenstock and Co.

Simmons First National Bank of Pine Bluff, Pine Bluff, AR:

Rushwood & Co.

Simtrust & Co.

Was & Co.

State National Bank. P.O. Box 150, Texarkana, AR: Commercial Investment Company.

Union National Bank of Little Rock, Trust Dept., P.O. Box 1541, Little Rock, AR 72201:

Kranu & Co.

Musrep & Co. (EF)

Unark & Co. (B)

Young & Co. (ABCH)

Warren Bank, Warren, AR: Warark Company.

Worthen Bank & Trust Company, 401 Main St., Little Rock, AR: Bozworth Company.

### *California*

Adams-Fastnow Company, 215 W. Seventh St., Los Angeles 14, CA: Adfas Co.

Ahmanson Bank & Trust Company, 9145 Wilshire Blvd., Beverly Hills, CA: Abatco.

Bank of A. Levy, P.O. Box 272, Oxnard, CA:

Balco.

Levybank.

Levycourt.

Levytrust.

Bank of America N.T. & S.A., 11 Seventh St., Los Angeles, CA 90014.

Amin & Co.

Calen & Co.

Canve & Co.

Cific & Co.

Dev. & Co.

Dietrich & Co.

Finn & Co.

Goal & Co.

Kara & Co.

Path & Co.

Pire & Co.

Transcap & Co.

Bank of America N.T. & S.A., 660 S. Spring St., Los Angeles, CA 90014.

Bake & Co.

Beach & Co.

Berdo & Co.

Citrus & Co.

Coast & Co.

Cook & Co.

Crown & Co.

Grove & Co.

Hills & Co.

Jewel & Co.

Pomo & Co.

Sand & Co.

Sanval & Co.

Sopen & Co.

Spring & Co.

Ven & Co.

Wood & Co.

Bank of America N.T. & S.A., P.O. Box 2152, Terminal Annex, Los Angeles, CA 90054: Lacor & Co.

Bank of America, N.T. & S.A., P.O. Box 2558, Terminal Annex, Los Angeles, CA 90054.

Afas & Co.

Alcor & Co.

Chan & Co.

Coma & Co.

Corla & Co.

Deca & Co.

Encap & Co.

Enter & Co.

Firnal & Co.

Flett & Co.

Inre & Co.

Pam & Co.

Rocia & Co.

Stal & Co.

Uni & Co.

Vaip & Co.

Van & Co.

Wor & Co.

Bank of America N.T. & S.A., P.O. Box 3635, Terminal Annex, Los Angeles, CA 90054:
Church, L.A. & Co.
Nil & Co.
Nora & Co.
Scripps & Co.

Bank of America, N.T. & S.A., 485 California St., San Francisco 4, CA: Escro & Co.

Bank of America N.T. & S.A., Corporate Agency Division, P.O. Box 3415, Rincon Annex, San Francisco, CA 94120:
Calecon & Co.
Euro-American.
Fund of Nations.
Trilux & Co.
Triven & Co.
Tri Real & Co.
United Growth.
United Income and Growth.
U.S.I. Venture.

Bank of America N.T. & S.A., P.O. Box 7763, Bank of America Plaza, San Francisco, CA 94120:
Autoins & Co.
Baba & Co.
Bacop & Co.
Bamac & Co.
Bata & Co.
Beep & Co.
Bishop & Co.
Boa & Co.
Boi & Co.
Boldt & Co.
Cesta & Co.
Chico & Co.
Channex.
Church & Co.
Corint & Co.
Cortru & Co.
Dicot & Co.
East & Co.
Emben & Co.
Emdiv & Co.
Giannini Co.
Gmster & Co.
Hammer & Co.
Jim & Co.
Jose & Co.
Keo & Co.
Kit & Co.
Lakeside & Co.
Marin & Co.
Meri & Co.
Monterey & Co.
North & Co.
Open & Co.
Pacins & Co.
Pad & Co.
Pen & Co.
Premins & Co.
Properties Fund.
Puna & Co.
Sacton & Co.
Stock & Co.
Thoreau & Co.
Tiwa & Co.
Transins & Co.
Unsub & Co.
Valley & Co.
Viv & Co.
World & Co.

Bank of California, N.A., P.O. Box 54208, Los Angeles, CA 90028:
Creative & Co.
Fleet & Co.

Bank of California, N.A., P.O. Box 60477, Los Angeles, CA 90060:
Bocla & Co. (A).
Bost & Co.
Bostfund & Co. (F).
Calif. & Co. (F).
Crim & Co. (F).
Keel & Co.
Pa & Co. (F).
Persla & Co. (B).
Petla & Co. (C).
Seaplan & Co. (F).
South & Co. (D).
Tarim & Co. (F).
Transpact & Co. (F).
Vanoh & Co.

Bank of California, N.A., P.O. Box 851, San Bernardino, CA 92043.
Amno & Co.
Pamno & Co.
Pemno & Co.
Tamno & Co.

Bank of California, N.A., 861 Sixth Ave., San Diego, CA 92101: Pride.

Bank of California, N.A., 400 California St. San Francisco, CA 94120.
Age & Co.
Amexfund & Co.
Bara & Co.
Beck & Co.
Comfac & Co.
Comfund & Co.
Cortact & Co.
Cramfund & Co.
Fixfund & Co.
Food & Co.
Funfund & Co.
Gemfund & Co.
Gitfund & Co.
Gleis & Co.
Incfund & Co.
Ingenfund & Co.
Invesco & Co. (Commonwealth Investment Co.)
Mills Partnership.
Mut & Co.
Orbam & Co.
Parfund & Co.
Penpro & Co.
Ply & Co.
Privact & Co.
Ret & Co.
Rucal & Co.
Safund
Stocfund & Co.
Wynfund & Co.

Bank of Canton, 555 Montgomery St., San Francisco 20, CA.: Canton & Co.

Bank of Marin, P.O. Box 600, 1108 Fifth Ave., San Rafael, CA 94902.: Banmar Co.

Bank of Montreal, 333 California St., San Francisco 4, CA: Monsan & Co.

Bank of Sacramento, 632 J St., Sacramento, CA 95809: Bansac.

Bank of Tokyo of California, 64 Sutter St., San Francisco, CA 94120:
Banto & Co.
Bantok & Co.
Batok & Co.
Togin & Co.
Tokal & Co.

Banks Huntley & Company, 634 S. Spring St., Los Angeles, CA.
Huntbank.
Paled & Company.

Bateman, Eichler & Co., 453 S. Spring St., Los Angeles, CA 90013:
Baler & Co.
EBBCO.

Beckman & Co, Inc., 11 S. Church St., Lodi, CA: Min Co.

Beverly Hills National Bank, P.O. Box 908, Beverly Hills, CA:
Bev & Co.
Fudger & Co.
New & Co.
Rauco (c).
Sy & Co.

Bingham, Walter & Hurry, Inc., 629 S. Spring St., Los Angeles, CA 90014: Binco.

Bryan, John M., 155 Montgomery St., San Francisco, CA 90004:
Cab & Co.
Job & Co.

Buena Park Securities, Incorporated, 6335 Beach Blvd., Buena Park, CA 90620: Busec.

California Bankers Trust Company, One Wilshire Bldg., 624 S. Grand Ave., Los Angeles, CA 90017:
Calb & Co.
CBT & Co.
Dak & Co.
Gar & Co.
Gould & Co.
McGin & Co.
Mio & Co.
Rogold & Co.

California Investors, 3544 W. Olympic Blvd., Los Angeles, CA 90019: Calvest.

Canadian Bank of Commerce, (California), 649 S. Spring St., Los Angeles, CA 90014: Steven & Co.

Canadian Bank of Commerce (California), 344 Pine St., San Francisco, CA 90004: Steven & Co.

Cantor, Fitzgerald & Co., Inc., Box 1102, Beverly Hills, CA: Jay & Co.

Central Cashiering Corporation, 400 S. Beverly Dr., Beverly Hills, CA 90212:
Funds International Ltd.
Funco.

Central Valley National Bank, 301–20th Ave., Oakland, CA 94612: Waddell & Company.

Century Securities Company, 8421 Wilshire Blvd., Beverly Hills, CA 90211: Seeco.

Citizens Commercial Trust & Savings Bank of Pasadena, 225 E. Colorado St., Pasadena, CA: Viro & Co.

City National Bank of Beverly Hills, P.O. Box 1141, Beverly Hills CA: Clasul & Co.; Keyoh & Co.; Palmart & Co.; Sulcia & Co.; Wilrox Co.

Commonwealth National Bank of San Fracisco, 455 Montgomery St., San Francisco, CA 94104: Keogh & Co.; Pacveq & Co.; Sira & Co.; Welcom & Co.

Community Bank of San Jose, 111 W. St. John St., San Jose, CA 95113: Marjon & Company.

County Bank of Santa Cruz, P.O. Box 637, Santa Cruz, CA: Aget & Co.; Cortet & Co.; Privet & Co.

Craig Shipbuilding Co., Water & Mendocino Sts., Long Beach 2, CA: Craig Securities Co.

Crocker-Citizens National Bank, 9354 Wilshire Blvd., Beverly Hills, CA 90212: Erly & Co.

Crocker-Citizens National Bank, 300 Main St., Chico, CA 95926: Butte & Co.

Crocker-Citizens National Bank, 2145 Fresno St., Fresno, CA 93717: Vale & Co.

Croker-Citizens National Bank, 611 W. Sixth St., Los Angeles, CA 90054:
Nem & Co.
Xemp & Co. (C).
Zen & Co. (H).

Crocker-Citizens National Bank, 439 Alvarado St., Monterey, Calif., Monterey, CA 93940: Anza & Co.

Crocker-Citizens National Bank, 393–13th St., Oakland, CA 94604: Knowco, Frank Knowlton & Co., Oak & Co.

Crocker-Citizens National Bank, 250 University Ave., Palo Alto, CA 94302: Zalto & Co.

Crocker-Citizens National Bank, 82 S. Lake Ave., Pasadena, CA 91101: Kolo & Co.

Crocker-Citizens National Bank, 4077 Main St., Riverside, CA 92501: Uside & Co.

Crocker-Citizens National Bank, 400 Capital Mall, Sacramento, CA 95808: Jav & Co.

Crocker-Citizens National Bank, Trust Dept., 1 Montgomery St., San Francisco, CA 94120:
Bush & Co. (b).
Canb & Co. (H)
Delmo & Co. (c).
Geary & Co. (c).
Hooper & Co. (A).
Lick & Co. (h).
Mason & Co. (h).
Pine & Co. (F).
Rovco (F).
Sutler & Co. (A).
Xact & Co.
Yerba & Co. (c).

Crocker-Citizens National Bank, 1 Sansome St., San Francisco, CA 94120: Arthur & Co.

Crocker-Citizens National Bank, 101 W. Santa Clara St., San Jose, CA 95108: Willow & Co.

Crocker-Citizens National Bank, 157 Second Ave., San Mateo & Co., CA 94401: Mateo & Co.

Crocker-Citizens National Bank, 1203 Fourth St., San Rafael, CA 94902: Rafael & Co.

Crocker-Citizens National Bank, 910 N. Broadway, Santa Ana, CA 92701: Tana & Co.

Crocker-Citizens National Bank, Santa Barbara, CA 93102: Conbat Co.

Crocker-Citizens National Bank, 1360 Third St., Santa Monica, CA 90401: Ica & Co.

Crocker-Citizens National Bank, 14720 Ventura Blvd., Sherman Oaks, CA 91403: Fern & Co.

Currier & Carlsen Inc., 210 W. Seventh St., Los Angeles 14, CA: Woolco.

Dac Investment Co., 4300 Long Beach Blvd., Long Beach, CA 90807:

Daco.

Dacpro.

Dac Securities, Inc., 4201 Long Beach Blvd., Long Beach, CA 90807: Shirl & Co.

Decade Management Corporation, 8221 E. Third St., Downey, CA 90241: Decade.

Dempsey-Tegeler & Co., Inc., 210 W. Seventh St., Los Angeles 14, CA: Demteg & Co.

Evans, MacCormack & Co. Inc., 453 S. Spring St., Los Angeles 13, CA: Few-Co.

Exchange Bank, P.O. Box 209, Santa Rosa, CA 95402:

Burbank & Co.

Doyle & Co.

Manville & Co.

Redemp Co.

Fairman & Co., 210 W. Seventh St., Los Angeles 14, CA: Fairco.

Farmers and Merchants Trust Company of Long Beach, 302 Pine Ave., Long Beach, CA 90812:

Fampk.

Farmco.

Fidler Securities, c/o Central Cashiering Corporation, 400 S. Beverly Dr., Beverly Hills, CA 90212: Fidco.

Financial Opportunities, Incorporated, P.O. Box 60777, Terminal Annex, Los Angeles, CA 90060: Finopp.

First American Title Insurance & Trust Co., 421 N. Main, Santa Ana, CA: Kenpar & Co.

First California Company, Incorporated, 647 S. Spring St., Los Angeles 14, CA: Efcee Co.

First California Company, Incorporated, 300 Montgomery St., San Francisco 20, CA: Efcee Co.

First National Bank and Trust Company, 437 N. Euclid, Ontario, CA: Arnold and Company.

First National Bank of Orange, c/o Trust Dept., 101 E. Chapman Ave., P.O. Box 269, Orange, CA 92666: Eqnaro & Co.

First National Bank of San Diego, P.O. Box 1311, San Diego 12, CA:

Blaco.

Lane & Company.

Moco.

First National Bank of San Jose, P.O. Box 1000, San Jose, CA:

Fango & Co.

Jose & Co.

Sanio & Co.

First Western Bank and Trust Company, 130 E. First St., Long Beach, CA 90802:

Atnas & Co.

Bone & Co.

Longbea & Co.

First Western Bank and Trust Company, 587 E. Colorado Blvd., Box 1083, Pasadena, CA 91102: Sanbara & Co.

First Western Bank and Trust Company, 201 Montgomery St., San Francisco, CA:

Baneo.

Westbank & Company.

Foundation for Education, Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005: Julia & Co.

Foundation Funds of Norton Simon, Inc., Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005: Julia & Co.

Fredrick Gregory & Company, 611 W. Sixth St., Los Angeles, CA 90017: Greg & Co.

Fullerton Foundation, Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005: Julia & Co.

Gee, Hugh, Associates, Inc., 601 California St., Suite 711, San Francisco, CA: Gee & Company.

Golden Gate National Bank, 130 Montgomery St., San Francisco, CA: Gold and Company.

Henderson, R.J. & Co., Inc., 621 S. Spring St., Los Angeles 14, CA: Hendbor.

Hong Kong Shanghai Banking Corporation, 80 Sutter St., San Francisco 4, CA.: Fox Thompson & Co.

Independent Securities Corporation, 301 E. Colorado Blvd., Suite 928, Pasadena, CA 91101: Camco.

Investors' Advisory Services, 1410 First National Bank Bldg., San Diego, CA 92101: SAI Company.

Jefferies & Company, Inc., 618 S. Spring St., Los Angeles, CA 90014: Jefco.

Jones, Cosgrove & Miller, 81 S. Euclid Ave., Pasadena, CA: Jones, V. L.

Jones, William H. & Co., 453 S. Spring St., Los Angeles, CA 90013: Haller, Helen E.

Karr, A. C. & Co., 3670 Wilshire Blvd., Los Angeles 5, CA: Kivco.

Kroesen and Company, Inc., 300 Wilshire Ave., Anaheim, CA: Beekay Co.

Lang-Lasser & Co., Inc., 8665 Wilshire Blvd., Beverly Hills, CA 90211: LNL Co.

Los Angeles Investment Company, 3450 W. Vernon Ave., Los Angeles 8, CA: Lain & Co.

Los Angeles Stock Clearing Corporation, 215 W. Seventh St., Los Angeles 14, CA:

Ladiv & Co.

LAS.

MacIntyre, P. N. & Co., Inc., 210 W. Seventh St., Los Angeles, CA 90014: Patco.

Manning Securities, Inc., 44 Montgomery St., San Francisco, CA 94104: Manning & Co.

Marache, Dofflemyre & Co., 634 S. Spring St., Los Angeles, CA: Mar-Co.

Mechanics Bank of Richmond, California, Trust Dept., Ninth & Macdonald Ave., Richmond, CA 94801:

Dowat & Co. (F).

Friedmar & Co. (B).

Mechanics & Co. (C).

Paulor & Co.

Merrill Luther Kalts & Co., 210 W. 7th St., Los Angeles, CA 90014: Mar Co.

Neilson, W. G. & Co., Inc., 358 E. Olive Ave., Burbank, CA; Zeissco.

Newport National Bank, P.O. Box 1608, Newport Beach, CA 92663: Portco.

Newport Securities Corp., 1617 Westcliff Drive, Newport Beach, CA 92660: Newsco & Co.

Noble, Cooke, Inc., 618 S. Spring St., Los Angeles, CA: Elbon.

Norton Simon Foundation, Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005: Julia & Co.

Norton Simon, Inc., Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005: Julia & Co.

Norton Simon, Inc. Museum of Art., Suite 1216, 3440 Wilshire Blvd., Los Angeles, CA 90005.

Oakland Bank of Commerce, P.O. Box 1020, Oakland 4, CA:

Mount & Co.

Oakland Commerce Co.

Read & Co.

Ocean Science Capital Corporation, P.O. Box 371, Palo Alto, CA 94302: Mayes Co.

Osborne, V. K. & Sons, Inc., 241 N. Beverly Dr., Beverly Hills, CA: Kayco.

Pacific Coast Stock Exchange Clearing Corporation, 301 Pine St., San Francisco 4, CA:

Clear & Co.

S. F. Co.

Pacific Company of California, Suite 2900, One Wilshire Bldg., Los Angeles, CA 90017.

Pasadena Corporation, 618 E. Colorado Blvd., Pasadena, CA 91101: Pasco & Co.

Pioneer National Title Insurance Company, 435 S. Spring St., Los Angeles, CA 90054: Natico & Co.

Rutner, Jackson & Gray, Inc., 811 W. Seventh St., Los Angeles, CA 90017: Rutco.

San Diego Trust & Savings Bank, San Diego, CA 92101:

Esdee Company.

Jobroco.

Santas Company.

Sanfra & Co., 450 McAllister St., San Franciso, CA 94102.

Santa Barbara National Bank, Trust Dept., 20 E. Carillo St., P.O. Drawer JJ, Santa Barbara, CA 93102:Sanbarco (AB).

Santa Monica Bank, P.O. Box 550, Trust Dept., Santa Monica, CA 90406: Sambank.

Security National Bank, 2044 Franklin St., Oakland, CA: Katz & Co.

Security Pacific National Bank, Ocean Blvd., Long Beach, CA: Finseco.

Security Pacific National Bank, 561 S. Spring St., Los Angeles, CA 90013: Toll & Co.

Security Pacific National Bank, 411 S. Main St., Los Angeles, CA 90013:

Cedco.

Ditco.

Ebenco.

Hix & Co.

Nay & Company.

Paco.

Remraf & Co.

Truco.

Security Pacific National Bank, P.O. Box 2097, Terminal Annex, Los Angeles, CA 90054:

Fresco.

Hermco.

Lobe & Co.

Security Pacific National Bank, P.O. Box 54495 Terminal Annex, Los Angeles, CA 90054: Citco.

Security Pacific National Bank, 3800 Main St., Riverside, CA 92501: Charles & Company.

Security Pacific National Bank, 201 A St., San Diego, CA 92101: Seabank & Co.

Security Pacific National Bank, P.O. Box 7762, San Francisco, CA 94120:

Pacific Company.

Pana Co.

Panaban & Co.

Penshare Co.

P.N.B. Company.

Seidel, Morton & Co. Investments, 458 S. Spring St., Los Angeles 13, CA: Seidel, Morton.

Smith, Tilton & Co., Inc., 1505 E. 17th St., Suite 121 El Patio Bldg., P.O. Box 11000, Santa Ana, CA 92711: Santans.

Southern California First National Bank, c/o Trust Dept., P.O. Box 109, 530 "B" St., San Diego, CA 92112:

Blaco (A, B).

Calmut Company.

Lane & Co. (B, C, H).

Moco, San Diego City Employees Retirement System.

Samco.

VMFCO, Vanderbilt Mutual Fund Inc. Investment Dept.

Staats, Wm. R. and Co., 640 S. Spring St., Los Angeles, CA: Macy & Co.

Stanford Bank, P.O. Box 270, Palo Alto, CA 94302: Putt & Co.

Strauss, J. S., & Co., 155 Montgomery St., San Francisco, CA 94104:

Held & Co.

Thomasco.

Taylor and Company, 439 N. Bedford Dr., Beverly Hills, CA 90210: Tayco.

Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, CA 90054:

Atigo & Co., Alaska Title Guaranty Company.

Foundco, TI Corporation (Of California) Foundation.

Natico & Co., Pioneer National Title Insurance Company.

Tical & Co., TI Corporation (of California).

Atico & Co.

Pico & Co.

Satico & Co.

Tico & Co.

Utiat & Co.

Toronto-Dominion Bank, San Francisco Agency, 100 Sansome St., San Francisco, CA 94104: Jake & Co. (g).

Transamerica Corporation, Montgomery St. at Columbus Ave., San Francisco 11, CA:

Leroy & Co.

Rieser & Co.

Turner-Poindexter & Co., 634 S. Spring St., Los Angeles 14, CA: Teepee & Co.

Union Bank, Box 2278, Terminal Annex, Los Angeles, CA 90054:

Aldon & Co.

Bac & Co.

Boria & Co.

Doc & Co.

Union Bank, Trust Dept., Fifth & Figueroa Sts., P.O. Box 3100, Los Angeles, CA 90054:

Folet & Co.

Union Bank, Trust Dept., 455 Montgomery St., San Francisco, CA 94104:

Comwel & Co.

Keogh & Co.

Pacveg &Co.

Welcom & Co.

Union Western Securities Corp., 6506 Wilshire Blvd., Los Angeles, CA 90048: Uwesco.

United California Bank, 9601 Wilshire Blvd., Beverly Hills, CA 90210:

Americo.

Bonner Bee.

Seco.

United California Bank, Fresno, CA:

Stone & Company.

United California Bank, Trust Division, P.O. Box 3667, Terminal Annex, Los Angeles, CA 90054:

Ag & Co.

Beh & Co.

Dim & Co.

Hep & Co.

Hulten & Co.

Lar & Co.

Lys & Co.

Parkway & Co.

Pas & Co.

Prima & Co.

Trad & Co.

Troy & Co.

Virg & Co.

United California Bank, 534 West Sixth St., Los Angeles, CA: Grimco.

United California Bank, 600 S. Spring St., Los Angeles, CA 90014:

Chris & Co.

Dean & Co.

Floyd and Company

Muse & Co.

Schwan & Co.

Wam & Co.

Wayne & Co.

United California Bank, 14th & Broadway, Oakland, CA 94607: Broadway Co.

United California Bank, 405 Montgomery St., San Francisco, CA 94104:

Montgomery Co.

Secnal & Co.

United States National Bank of San Diego, Drawer 1550, San Diego 12, CA:

Abco.

Melco.

Vanderbilt Mutual Fund, Inc., 210 W. Seventh St., Los Angeles, CA 90014: VMFCO.

Walker, M. S., & Co., 126 Locust Ave. Long Beach 2, CA: Cralee & Co.

Walston & Co., 265 Montgomery St., San Francisco, CA 94104: Mispine & Co.

Wells Fargo Bank, 1401 Broadway, Oakland 4, CA: Oakmont & Co.

Wells Fargo Bank, 1011 Tenth St., Sacramento 7, CA: Kaymont & Co.

Wells Fargo Bank, 201 Main St., Salinas, CA: Salmont & Co.

Wells Fargo Bank, Box 3829, San Francisco, CA 94120: Tal & Co.

Wells Fargo Bank, San Francisco, CA 94120: Calvar "C" & Co.

Wells Fargo Bank, Box 3820, San Francisco, CA 94120:

Aains & Co.

Calwes "A" & Co.

Firefund & Co.

Wells Fargo Bank, 464 California St., San Francisco 20, CA:

Alco & Co.

American Securities Company.

Cable & Co.

Calmont & Co.

Eastside & Co.

Famar & Co.

Fargo & Co.

Court & Co.

Hatfield & Co.

Humbart & Co.

Lamont & Co.

Leidmont & Co.

Momart & Co.

Penmont & Co.

Raymond & Co.

Sacto & Co.

Stage & Co.

Stockmont & Co.

Wel & Co.

Welsel & Co.

Wift & Co.

Wells Fargo Bank, 101 S. First St., San Jose 8, CA: Sanmont & Co.

Wells Fargo Bank, 2144 Shattuck Ave., Berkeley 1, CA: Berkmont & Co.

Wheeler & Cruttenden, Incorporated, 618 S. Spring St., Los Angeles, CA: Cruttenden & Co., Inc.

William O'Neil & Co. Incorporated, 3450 Wilshire Blvd., Los Angeles, CA 90005: Stilleco, Harry M. Fain & Lee Stillman as Trustees, U.W.A. John Stillman.

### *Colorado*

American National Bank of Denver, Trust Dept., P.O. Box 660, Denver, CO 80201: Amerco & Company.

Anabank & Company.

Anabee & Company.

Bansto and Company, Bankstock Fund, Inc.

Wisi & Company, Western Industrial Shares, Inc.

Central Bank and Trust Company, P.O. Box 5548, Terminal Annex, Denver, CO 80217: Centra & Co.

Central Colorado Bank, Colorado Springs, CO: Cenco Company.

Collins, Eatherton & Associates, Inc., 120 16th St., Denver 2, CO: Heaa & Co.

Colorado Commercial Bank, P.O. Box 197, Colorado Springs, CO: CCB Company.

Colorado National Bank of Denver, P.O. Box 5168, Denver 17, CO:

Aphon & Co.

Cemar & Co.

Champa & Co.

Colnat & Co.

Griffin & Co.

Wazee & Co.

Colorado Springs National Bank, P.O. Box 1702, Colorado Springs, CO:

Colorado Company.

Cosbank Company.

Denver United States National Bank, Denver U.S. Center, Denver, C0 80217:

Alpine & Co.

American Growth Fund, Inc.

Amgro & Co.

Dentru & Co.

Funda & Co.

Henry Co.

Henry & Co.

Linway & Co.

Mountru & Co.

Stout & Co.

Stout & Co. Inc.

Stoutco Inc.

Trinsa & Co.

Winston & Co.

Exchange National Bank of Colorado Springs, P.O. Box 1051, Colorado Springs, CO: Tejon and Company.

Farmer State Bank, P.O. Box 798, Fort Morgan, CO 80701: Farb & Co.

First National Bank, 464 Main St., P.O. Box 608, Grand Junction, CO 81501:

Fifth & Co. (AB).

Grand & Co.

Main & Co. (B).

First National Bank in Boulder, P.O. Box 59, Boulder, CO 80302:

Bofiducap & Co.

Bofirnat Co.

First National Bank in Fort Collins, Box 578, Fort Collins, CO 80521:

First Trust & Co. (H)

First Fort Collins & Co. (AB)

First Larimer & Co. (C)

First National Bank in Loveland, Loveland, CO: Lov & Co.

First National Bank of Colorado Springs, P.O. Box 1055:

Colorado Springs, CO.

Howdas & Co.

Preston Co.

Winday Co.

First National Bank of Denver, P.O. Box 5825 T.A., Denver, CO 80217:

Centwofund & Co., c/o Trust Dept.

Centfund & Co.

Gryfund & Co., Founders Mutual Depositors Corporation.

Merfund & Co.

Terminal Annex, Box 5928, Dake & Co.

Trust Dept., P.O. Box 5808 T.A.

Cub & Co.

Interbal & Co.

Intercom & Co., Hamilton Future Fund, Inc.

Intergro & Co.

Meth & Co. (H)

Tempco.

Trust Dept., P.O. Box 5886 T.A., Hamilfund & Co.

First National Bank of Englewood, Englewood, CO.: Firbanc & Company.

First National Bank of Fort Morgan, Fort Morgan, CO 80701:

Formog Co.

Court Street Co. (A–H).

Dinvestco.

First National Bank of Pueblo, P.O. Box 156, Pueblo, CO; Busol, F.N. & Co.

First Trust Corporation, 444 Sherman St., Denver, CO:

Cust & Co.

Era & Co.

Fra & Co.

FTC & Co.

Hark & Co.

Rit & Co.

Tir & So.

Mullen, J. K., Corporation, 2021 First National Bank Bldg., Denver 2, CO: Laso & Company.

Poudre Valley National Bank of Fort Collins, Fort Collins, CO:

Fortrus & Co.

Peevee & Co.

Pueblo Bank and Trust Company, P.O. Box 639, Pueblo, CO 81002: Court Street Co. (A-H).

Security National Bank, P.O. Box 5586, Denver, CO: Secure & Company.

Sharp, Leonard S., Box 106, Colorado Springs, CO: Shartag & Co.

Standart & Main Inc., 770 Grant St., Denver, CO 80203, Marcharlou, Inc.

### *Connecticut*

Advest Co., Six Central Row, Hartford, CT 06103:

Dinvestco.

Payvest & Co.

Syndvest & Co.

Aetna Insurance Company, 55 Elm St., Hartford, CT 06115: Cottage & Co.

Aetna Life Insurance Company, Securities Section Cashiers Dept., 151 Farmington Ave., Hartford, CT 06115:

Sepaco One & Co.

Sepaco Two & Co.

Sepaco Three & Co.

Sepaco Four & Co.

Sepaco Five & Co.
Sepaco Six & Co.
Sepaco Seven & Co.
Sepaco Eight & Co.
Sepaco Nine & Co.
Sepaco Ten & Co.
Sepaco Eleven & Co.
Sepaco Twelve & Co.
Sepaco Thirteen & Co.
Sepaco Fourteen & Co.
Sepaco Fifteen & Co.
Sepaco Sixteen & Co.
Sepaco Seventeen & Co.
Sepaco Eighteen & Co.
Sepaco Nineteen & Co.
Sepaco Twenty & Co.

Brooks, L. M., Chester, CT:
Brooks & Co.
Winnie & Company.

Canaan National Bank, Canaan, CT: Kiren & Company.

Carreau, Smith, Inc., 207 State St., Bridgeport, CT: Trelease & Co.

Citizens and Manufacturers National Bank of Waterbury, 20 Leavenworth St., Waterbury, CT: Reed & Co.

Citizens National Bank of Putnam, 182 Main St., Putnam, CT 06260: Talso & Co. (B,C,E,H).

City Savings Bank of Middletown, 393 Main St., Middletown, CT: Cisabaco.

City Trust Company. 961 Main St., Bridgeport 2, CT:
Hart & Company.
Leeds & Company.

Coburn & Libby, Inc., 100 Trumbull St. at Pearl, Hartford, CT: Coburn & Libby.

Colonial Bank and Trust Company, c/o Trust Dept., 81 W. Main St., Waterbury, CT 06720:
Altru & Co. (f).
Brooks Associates (A–H).
Coltru & Co. (B).
Wiltru & Co. (A,B).

Connecticut Bank and Trust Company, P.O. Box 2518, Hartford, CT 06101: Trac & Co.

Connecticut Bank and Trust Company, 1 Constitution Plaza, Hartford, Conn. 06115:
Bent & Co.
Buck & Company.
Ed & Co.
Grainger & Co.
Jay & Co.
Johnson and Company.
Marsh & Co.
Mattson & Co.
Naf & Co.
Power & Co.
Quinn & Co.
Root & Company.
Terry & Co.

Connecticut General Life Insurance Company, P.O. Box 1499, Hartford, Conn. 06101:
Bloomfield & Co.
Congen One & Co.
Congen Two & Co.
Congen Three & Co.
Congen Four & Co.
Congen Five & Co.
Congen Six & Co.
Congen Seven & Co.
Congen Eight & Co.
Congen Nine & Co.
Congen Ten & Co.
Congen Eleven & Co.
Congen Twelve & Co.

Connecticut Mutual Life Insurance Company, 140 Garden St., Hartford, Conn. 06115:
Garden St. & Co.
Cmla & Co.
Convarb & Co.

Connecticut National Bank, Commercial Dept., 888 Main St., Bridgeport, CT 06602:
Beach & Co.
Robbins & Co. (A, B, C, E, H).
Schreier and Company (D).

First New Haven National Bank, 1 Church St., Trust Dept., New Haven, CT 06502:
Eli & Comany (AB).
English & Company (CH).
Ivy & Co. (B)
Laurel & Co. (F).

Guilford Trust Co., 1 Boston St., Guilford, Conn.: Whitefield, Henry Company.

Hartford Accident & Indemnity Co., Hartford Plaza, 690 Asylum Ave., Hartford, Conn. 06115: Hartford Accident Co.

Hartford Fire Insurance Company, Hartford Plaza, 690 Asylum Ave., Hartford, Conn. 06115: Hartford Fire Co.

Hartford National Bank and Trust Company, 777 Main St., Hartford, Conn. 06115:
Equity Products Dept.
Bright & Co.
Comp & Co.
Dart & Co. (H).
DLM & Co.
Dory & Co. (H).
Drak & Co. (H).
Esta & Co. (A).
Fallco (F).
Fune & Co.
Hartbank & Co. (B).
Hartek & Co. (B).
Hedge & Co.
Hite & Co. (B).
Holt & Co. (B).
Incl & Co.
Kike & Co. (H).
Main & Co.
Mast & Co. (c).
Max & Co. (d).
Mess & Co.
Mint & Co. (c).
Montel & Co. (c).
Murphy & Co.
Nick & Co.
Onfi & Co.
Pearl & Co.
Pride & Co.
SCD & Co.
Spel & Co.
Verna & Co.
Commercial Dept., Bass & Co.

Hartford Sugar Company, 73 High Ridge Rd., Hartford, Conn. 06117: Mutt Ted.

Home National Bank and Trust Company of Meriden, Meriden, Conn.: Home & Co.

Home Trust Co., 293 Main St., Derby, Conn.: Sweet & Co.

Lafayette Bank and Trust Company, P.O. Box 1899, Bridgeport, Conn. 06601, Trust Dept.:
Bruce & Co.
Chuf & Co. (F).
Moom & Co. (FD), Securities Dept.
Miller & Co.

Merchants Bank & Trust Company, Norwalk, Conn.:
Clark & Co.
Merconn & Co.
Zilch & Co.

Meriden Trust and Safe Deposit Co., 14 W. Main St., Meriden, Conn.:
Harkil & Co.

New Britain Bank and Trust Company, Trust Dept., P.O. Box 1318, New Britain, CT 06051:
Audit & Co. (a).
Better & Co. (b).
Brace & Co. (b).
Brit & Co. (b).
Care & Co. (b).
Deed & Co. (d).

New Britain National Bank, 51 W. Main St., New Britain, CT 06050:
Bond & Co. (b).
Dollar & Co. (a, b).
Serf & Co. (c, h).
Unit & Co. (c, h).

North Side Bank and Trust Company, Bristol, Conn. 06010: Netti & Co.

Phoenix Mutual Life Insurance Company, One American Row, Hartford, Conn. 06115:
Haggard & Co.
Wessels & Co.

Putnam, Coffin & Burr, 6 Central Row, Hartford, Conn.: Payvest & Co.

Putnam Trust Company of Greenwich, 10 Mason St., Greenwich, Conn. 06830:
Agnew & Co.
Barter & Co. (F).
Juan & Co.

Rybeck, Wm. H. & Co., Inc., 16 W. Main St., Meriden, Conn. 06453:
Rybeck, Wm. H. & Co. (a partnership).
Schiro, Bernard W.
Brookside & Co.

Second National Bank of New Haven, Trust Dept., P.O. Drawer 402, New Haven, CT 06502:
Chester & Co. (F).
Fred & Co. (B, C, H).
Lewis & Co. (A, B).
Wick & Co. (B, D, F).

Simsbury Bank and Trust Company, 740 Hopmeadow St., Simsbury, CT 06070:
Bon & Co. (H).
Gro & Co. (H).
Hop & Co. (B).

Southern New England Contracting Company, 526 Farmington Ave., Hartford, CT 06105: Robert Twinoaks.

Southington Bank and Trust Company, Southington, Conn. 06489:
Subat & Co. (ABCH).
Tabus & Co. (DF).

Stamford Fidelity Bank and Trust Company, 129 Atlantic St., Stamford, Conn.: Staub & Co.

Standard Investment Company, 25 W. Brookside Blvd., West Hartford, Conn. 06107: Standard Investment Co.

State National Bank of Connecticut, c/o Customer Service, 240 Greenwich Avenue, Greenwich, Conn. 06830: Elm & Co.

State National Bank of Connecticut, c/o Trust Operations, 1 Atlantic St., Stamford, CT 06904:
Bell & Co.
Clarkson & Co.
Fair & Co.
Flicka & Co. (D).
Gibbs & Co.
Greet & Co. (H).
Straw & Co. (F).

Susman, Mr. & Mrs. Milton H., 73 High Ridge Rd., Hartford, Conn. 06117: Susman and Co.

Tradesmens National Bank of New Haven, New Haven, Conn.: Elm & Co.

Travelers Insurance Company, 1 Tower Sq., Hartford, Conn. 06115:
Aye & Co.
Fad & Co.
SKN & Co.
TEK & Co.
VAT & Co.
VED & Co.
Vone & Co.
WAB & Co.
WUN & Co.

Union Trust Company, Trust Dept. Church & Elm Sts., New Haven, Conn. 06502:
Cahn, Wareck & Co.
Curtis & Co.
Davis & Co.
Esmond & Co.
Gilman & Co.
Hall & Co.
Townshend & Co.
Wilmot & Co.
Webat & Co. (A).

Union Trust Company, 300 Main St., P.O. Box 1297, Stamford, CT 06904:
Bromson & Co.
Canaan & Co.
Hatheway & Co.
Haule & Company.
Ryfield & Co.
Vail & Co.

United Bank and Trust Company, 200 Main St., Bristol, Conn.: Brisbank & Co.

United Bank and Trust Company, 90 Pearl St., Hartford, Conn.:
Ellis and Company.
Jain and Company.
Purr and Company.
Rivco and Company.
River and Company.

Waterbury National Bank, 195 Grand St., Waterbury, Conn.:
Brass & Co.

Brave & Co.
Bury & Co.
Flake & Co.
Sabin & Co.
Tald & Co.
Water & Co.
Wynab & Co.

Westport Bank and Trust Company, 87 E. State St., Westport, Conn. 06880: Webat & Co. (A).

Willimantic Trust Company, Willimantic, Conn.
Card & Company.
Wilbank & Co.
Wilcong & Co.

### *Delaware*

Bank of Delaware, Wilmington, Del.:
Carothers & Clark.
McRae & Bowen.
Pro Co.
Smith & Pruitt.
Stewart & Co.
Thomas & Ward.
Vip Co.
Wall & Co.

Corporation Trust Company, 100 W. Tenth St., Wilmington, Del.: Hopkins & Co.

Delaware Trust Company, 900 Market St., Wilmington, DE 19899: Potts & Co.

Farmers Bank of the State of Deleware, P.O. Box 70, Dover, Del.: Davidson & Co.

Farmers Bank of the State of Delaware, Georgetown, Del.: Fisher & Co.

Farmers Bank of the State of Delaware, Market St. & Delaware Ave., Laurel, Del.: Lewis & Elliott.

Farmers Bank of the State of Delaware, 10th & Market Sts., Wilmington, DE 19801:
Baldwin and Company (h).
Calloway and Donahoe (BCEFH).
Loan Dept.
Farwil.

Hudson Co., 818 Market St., Wilmington, Del.: Noel & Co.

Madison Fund, Inc., 501 Farmers Bank Bldg., Wilmington, DE 19801: Ardmerk & Co.

Tenneco Corporation, P.O. Box 1687, Wilmington, Del. 19899: Sanor.

Wellington Fund Inc., 3001 Philadelphia Pike, Claymont, Del.: Touchstone & Co.

Wilmington Trust Co., 10th & Market St., Wilmington, Del. 19899:
Birch & Bradford.
Cole & Cannon.
Dean & Davis.
Flinn & Fairman.
Hirs & Harney.
Lack & Lindsay.
Mertz & Moyer.
Pierce & Pettit.
Wood & Walker.

Windsor Fund, 3001 Philadelphia Pike, Claymont, Del.: Myers & Co.

### *District of Columbia*

American Security and Trust Company, 15th St. and Pennsylvania Ave., N.W., Washington 4, D.C.:
Jastla & Co.
Johol & Co.
Nadart & Co.

Evening Star Newspaper Company, 225 Virginia Ave., S.E., Washington 3, D.C.:
Astravest & Co.
Staffund & Co.
Starbend & Co.

First National Bank of Washington, Trust Dept., 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006:
Comwa & Co. (C)
Finbow & Co. (A–D, H)
Remash Co. (C)

National Bank of Washington, 619–14th St., N.W., Washington 4. D.C.:
Hanab Company.
NBWCO.

National Savings and Trust Company, 15th St. & New York Ave., N.W., Washington, D.C. 20005:
Alten & Co.
Bee & Co.
Nacath & Co.

Riggs National Bank of Washington, D.C., 800–17 St., N.W., Washington, D.C. 20013:
Adem & Co.
Auto & Co.
Broshaw & Co.
Carn & Co.
Gove & Co.
Hold & Co.
Lenmar & Co.
Loanworth & Co.
Lyman & Co.
Palico.
Shawson & Co.

Riviere, Marsh & Berens, 1832 M St., N.W., Washington 6, D.C.: Remco.

Union Trust Company of the District of Columbia, 15th & H Sts., N.W., Washington, D.C. 20005.:
Aremco.
Claw Company.
Flaco.

### *Florida*

American National Bank and Trust Company of Fort Lauderdale, P.O. Box 4067, Fort Lauderdale, Fla.: Amdale & Co.

American National Bank of Jacksonville, 2031 Hendricks Ave., Jacksonville, Fla.: Amnab & Co.

Atlantic National Bank of Jacksonville, Trust Dept., West Bay Station, 121 Hogan St., Jacksonville, FL 32203:
Anjax Company.
Atag Company.
Atnaba Company.

Atlantic National Bank of West Palm Beach, Datura St., West Palm Beach, Fla.: Atco Co.

Bank of Clearwater, P.O. Drawer 479, 500 Cleveland St., Clearwater, FL 33517: Boclear & Co. (ABD).

Bank of Palm Beach and Trust Company, 40 Cocoanut Row, Palm Beach, Fla.: Ceba & Company.

Barnett First National Bank of Jacksonville, West Bay Station, Jacksonville, Fla.: Barbank and Company.

Barnett National Bank, 3100 Central Ave., P.O. Box 11208, St. Petersburg Fla. 33733: Ceenbee.

Bay National Bank and Trust Company, 230 W. 5th St., P.O. Box 1350, Panama City, Fla., 32401: Bay & Co.

Broward National Bank of Fort Lauderdale, 25 S. Andrews Ave., Fort Lauderdale, Fla.: Broco & Co.

Capital City National Bank of Tallahassee, 217 N. Monroe St., P.O. Box 900, Tallahassee, FL 33502: Cap-Bank.

Citizens Bank and Trust Company in Sarasota, P.O. Box 4191, Sarasota, Fla.: Citbat Company.

Citizens National Bank of Orlando, Orlando, Fla.: CNBCO Company.

City Bank and Trust Company of St. Petersburg, P.O. Drawer G, St. Petersburg, Fla. 33731: Lomac & Co.

City National Bank of Clearwater, 1130 Cleveland St., Clearwater, Fla.: Cinban.

City National Bank of Miami, P.O. Box 3280, Miami, Fla. 33101: Induba & Co.

City National Bank of Miami Beach, 326 71st St., Miami Beach, Fla.: Norshoba and Company.

Coconut Grove Bank, 2701 S. Bayshore Dr. Miami, FL 33133: Cogrove.

Commercial Bank and Trust Company of Ocala, P.O. Box 310, Ocala, Fla.: M.J.M. Company.

Commercial Bank at Winter Park, P.O. Box 1420, 750 S. Orlando Ave., Winter Park, FL 32789: Combank & Company (d).

Commercial Bank of Miami, P.O. Box 818, Miami 38, Fla.: Com-Tru Company.

Commercial Bank & Trust Company, 9301 N.W. 7th Ave., P.O. Box 818, Miami, Fla. 33138: Com-Tru Company (A–H).

Community National Bank & Trust Company, 9600 Collins Ave., Bal Harbour, Fla. 33154: Conaba & Co.

Coral Gables First National Bank, P.O. Box 430, Coral Gables, Fla. 33134: First Gable.

Dania Bank, Dania, Fla.: Ainad & Company.

Delray Beach National Bank, Delray Beach, Fla. 33444: Middlebrook & Co., Not incorporated.

Dooly, Gerrish & Co., Inc., Ingraham Bldg., Miami, Fla. 33131: Doge & Co.

Exchange Bank of St. Augustine, P.O. Drawer 530, St. Augustine, Fla. 32084: Exban Company (B).

Exchange National Bank, Box 800, Winter Haven, Fla.: Exchange Company.

Exchange National Bank of Tampa, P.O. Box 1809, Tampa, FL 33601: Jag & Co.

Executive Securities Corp., 1175 N.E. 125th St., Miami, Fla. 33161: Execo.

First Bank and Trust, P.O. Drawer 580, 114 N. Federal Hwy., Boynton Beach, FL 33435:
Boynton Co.

First Bank and Trust Company of Jacksonville, Box 2297, Jacksonville, Fla. 32203: Firbanco-Jax.

First Bank and Trust Company of Pensacola, P.O. Box 631, Pensacola, Fla.: Gulf Company.

First Bank & Trust Company, Box 8, Boca Raton, Fla.: Firbanc & Company.

First Broward Securities, Inc., 2319 N. Federal Hwy., Ft. Lauderdale, FL 33305: Browco.

First Equity Corporation of Florida, 1325 Exchange Bank Bldg., Tampa, Fla. 33602: Sunny & Co.

First Gulf Beach Bank and Trust Company, St. Petersburg Beach, Fla. 33706: Firbeco.

First National Bank, 35 N. Mango St., Sebring, FL 33870: Sebring Securities Service (a, b, c).

First National Bank and Trust Company of Eustis, 100 N. Bay St., Eustis, Fla.: Fitseu & Company.

First National Bank and Trust Company of Fort Worth, c/o Trust Department, Lake Worth, Fla. 33460: Worthco.

First National Bank at Orlando, P.O. Box 3631, Orlando, FL 32802:
Ageco Company (DF).
Fabco Company (A–C, E, G, H).

First National Bank at Winter Park, P.O. Box 1000, Winter Park, FL 32789:
Finawin & Co.
IMS & Co.
Rich & Company.

First National Bank in Fort Lauderdale, Trust Dept., P.O. Box 8009, Fort Lauderdale, Fla. 33310:
Finabco - (H).
Olas & Co. - (B, C, D, F).

First National Bank in Fort Myers, P.O. Box 1031, Fort Myers, Fla.:
Finabank & Co.
Holder Finabank.

First National Bank in Palm Beach, 255 S. County Rd., Palm Beach, FL 33480: Essex & Company.

First National Bank in St. Petersburg, c/o Trust Dept., P.O. Box 1689, St. Petersburg, Fla. 33731: Banforth & Co.

First National Bank of Bradenton, P.O. Box 1061, 1201-6th Ave. W. Bradenton, FL 33505: Finabob Co.

First National Bank of Clearwater, 400 Cleveland St., Clearwater, Fla.: Firban Co.

First National Bank of Delray Beach, 301 E. Atlanta Ave., Delray Beach, Fla.: Raydel & Co.

First National Bank of Dunedin, P.O. Box 187, Dunedin, Fla.: Badun & Co.

First National Bank of Eau Gallie, P.O. Box 857, Eau Gallie, Fla.: Finbeg.

First National Bank of Hollywood, Hollywood, Fla.: Firnatco & Co.

First National Bank of Leesburg, P.O. Box 430, Leesburg, Fla.: Hictin & Co.

First National Bank of Miami, 100 S. Biscayne Blvd., Box 2500, Miami, Fla. 33101: Dade & Co.

First National Bank of Naples, 691 Fifth

Avenue, South, P.O. Box 1707, Naples, Fla. 33940: First National Associates–(A, B, C, F).

First National Bank of South Miami, 5750 Sunset Dr., P.O. Box 1000, South Miami, Fla. 33143: Basomi & Co.

First National Bank of Stuart, Drawer 394, Trust Dept., Stuart, Fla. 33494: Gator.

First National Bank of Tampa, P.O. Box 1810, Tampa, Fla. 33601:
Blank Company.
Finaba Company–(A, B, E. H).
Ral Company–(D).

First National Bank & Trust Company, P.O. Box 65, Belleair Bluffs, Fla. 33540: Bee Bee & Company (ABDF).

First State Bank & Trust Company, Drawer A, Eustis, Fla.: Nicol & Co.

Florida National Bank, West Bay Annex, Jacksonville, Fla.: 32203: Effenbee and Company.

Florida National Bank and Trust Company, P.O. Box 625, Miami 4, Fla.: Flotru and Company.

Florida National Bank and Trust Company, Box 2551, West Palm Beach, Fla.: Flabo & Co.

Florida National Bank at Coral Gables, P.O. Box 1609, Coral Gables, Fla. 33134: Gabfla, A Co-Partnership.

Florida National Bank at Lakeland, P.O. Box 40, Lakeland, Fla.: Florilake & Company.

Florida National Bank at St. Petersburg, P.O. Box 1191, St. Petersburg, Fla. 33731: Florpete & Co.

Florida National Bank at Orlando, P.O. Box 3593, Orlando, Fla. 32802: Florlando & Co.

Hollywood Bank and Trust Company, c/o Trust Dept., 1900 Tyler St., P.O. Box 2127 (33022), Hollywood, FL 33020: Holly Co.

Lake Wales Bank & Trust, Trust Dept., Stuart and Market Sts., P.O. Box 1020, Lake Wales, FL 33853:
Asp & Co.
Paq & Co.

Lee County Bank, P.O. Box 711, Fort Myers, Fla.: Leeco & Co.

Little River Bank & Trust Co., Cor. N.E. Second Ave. & 80th Terrace, Miami, Fla. 33138:
Liban & Co.
Little & Co.

Manatee River National Bank, Drawer 150, Bradenton, Fla.: Mana-Rio Company.

Marine Bank & Trust Company, P.O. Box 1498, Tampa, Fla. 33601:
Marinco.
MB & TCO.

Mercantile National Bank of Miami Beach, 1619 Drexel Ave., Miami Beach 39, Fla.: Beach Co.

Miami Beach First National Bank, P.O. Box H, Miami Beach 39, Fla.:
Chanwall Company.
Kirnwill Company.
Lennox-Fay Company.

National Bank of Hollywood, Hollywood, Fla. 33022: Holly Co.

Inter City National Bank, Box 771, Bradenton, Fla. 33505: Intra & Company.

National Bank of Melbourne and Trust Company, Lock Drawer 7, Melbourne, Fla.: Bomatco.

National Bank of Sarasota, Trust Dept., 2001 Siesta Dr., P.O. Box 5427, Sarasota, FL: Sarnat & Co.

Ormond Beach National Bank, 200 E. Granada Ave., Ormond Beach, Fla.: Ormond Bank Associates.

O'Rourke, T. Nelson, Inc., P.O. Box 5158, Daytona Beach, Fla. 32020: Nelson and Company.

Palm Beach Trust Company, 317 Rayal Poinciana Plaza, Palm Beach, Fla. 33480: Palbea & Co.

Palmer First National Bank and Trust Company of Sarasota, P.O. Box 1510, Sarasota, Fla.:
Palnaba Company.
Remlap Company.

Pan American Bank of Miami, P.O. Box 831, Miami 30, Fla.: Panamco.

Peoples Bank of Lakeland, 115 S. Missouri Ave., P.O. Drawer K, Lakeland. Fla. 33802: Peblake.

Peoples First National Bank, 9499 N.E. 2nd Ave., P.O. Box 277, Miami Shores, FL 33153: Pecam & Co. (A–F).

Pinellas Central Bank & Trust Company, P.O. Box 44, Largo. Fla.: Pinbank Co.

Pompano Beach Bank and Trust Company, 1101 E. Atlantic Blvd., Pompano Beach, Fla.: Pombanc.

Quincy State Bank, Quincy, Fla.: Quinbank & Co.

Roman Securities, Inc., 2701 E. Sunrise Blvd., Fort Lauderdale, Fla. 33304: Romat & Co.

Sarasota Bank & Trust Co., 1605 Main St., P.O. Box 1718, Sarasota, FL 33578: McRab and Co. (A–H).

Security Trust Company, 119 E. Flagler St., Miami, Fla. 33131: Linkins & Co.

St. Lucie County Bank, P.O. Box 8, 112 S. Second St., Fort Pierce, Fla. 33450: St. Lu & Company (A, B, C).

St. Petersburg Bank & Trust Company, Ninth St. at Seventh Ave., St. Petersburg, Fla. 33733: SPB & TCO.

Title and Trust Company of Florida, 200 E. Forsyth St., Jacksonville 2, Fla.: Tandtco.

Tropical Bank & Trust Company, P.O. Box 473, Sebring, Fla. 33870: Tropban.

Trust Company of Florida, P.O. Box 2951, Orlando, Fla. 32802: Truscofla.

Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. 33733:
Earthco & Co.
Marsco & Co.
Moonco & Co.
Starco & Co.
Sunco & Co.

Venice-Nokomis Bank & Trust Company, 304 West Venice Avenue, Venice, Fla. 33595: Vebak.

### *Georgia*

American National Bank of Brunswick, P.O. Box 1398, Brunswick, Ga.: Amnat & Co.

Calhoun National Bank, 215 N. Wall S. (P.O. Box 169), Calhoun, Ga. 30701:
Ladaco.
Sitso & Co.

Citizens & Southern National Bank, P.O. Box 4899, Atlanta 2, Ga.: Hilson & Co.

Financial Investors Corporation, 148 Cain St., Atlanta, Ga. 30303: Fundinco.

Financial Services Corporation, 148 Cain St., Atlanta, Ga. 30303: Fiseco.

Financial Services Investment Corp., 148 Cain St., Atlanta Ga. 30303: Fiinco.

First National Bank of Atlanta, P.O. Box 4148, Atlanta, Ga. 30302:
Alco.
Firsco.
Firstatfiveco.
Firstcapco.
Fiveco.
Sobelco.
Sotel & Co.

First National Bank of Gainesville, Gainesville, Ga.:
Edrayco.
Fundarayco.

Fulton National Bank of Atlanta, P.O. Box 4387, Atlanta, Ga. 30302:
Jomoco.
Latchki.
Motag.
Rutree.
Wojo.

Georgia Railroad Bank and Trust Company, Trust Dept., Augusta, GA 30903: Georgia Company.

National Bank of Georgia, P.O. Box 1234, Atlanta, Ga. 30301: NBG Company.

Powell, Goldstein, Frazer and Murphy, 1130, The Citizens and Southern National Bank Bldg., Atlanta 3, Ga.: Frazer, James N.

Savannah Bank & Trust Company, Trust Dept., P.O. Box 9947, Savannah, Ga. 31402: Savanco.

Trust Company of Georgia, Trust Dept., P.O. Box 4655, Atlanta, Ga. 30302:
Trubank.
Trustco Co.
Trustman.

Varnedoe, Chisholm & Co., Inc., 1 Bull St., Savannah, Ga. 31401: Vacom.

### *Hawaii*

American Security Bank, 2270 Kalakaua Avenue, Honolulu, Hawaii 96815:
Amagco.
Ambacco.

Bishop Trust Company Limited, P.O. 2390, Honolulu 4, Hawaii:
Bicomco.
Bieleco.
Biempco.
Biestco.
Birrevco.
Bishareco.
Bitco.
Bitesco.
Gardco.
Honolulu Mortgage Co., Ltd.

Central Pacific Bank, 50 N. King St., Honolulu, Hawaii: Pifco (A Partnership).

First National Bank of Hawaii, Box 2041, Honolulu, Hawaii 96801:
Agac.
Invac.
Wahl & Co.
Yowoca.

First National Bank of Hawaii, P.O. Box 3200, Honolulu, Hawaii 96801: Fidac.

Hawaiian Trust Company, Limited, P.O. Box 3170, Honolulu 2, Hawaii:
Agenco.
Brownfund.
Browninstitutional.
Hawco.
Stobro.

Kawano, H. & Co., Inc., 1153 Bethel St., Honolulu, Hawaii 96813: Kawaco.

### *Idaho*

Bank of Idaho, Trust Dept., P.O. Box 1009, 700 W. Idaho St., Boise, Idaho 83701: Bianco & Co.

First Security Bank of Idaho, Box 830, Boise, Idaho: Bida, F. S. & Co.

Idaho First National Bank, P.O. Box 7928, Boise, Idaho, 83707:
Bifin & Co.
Dagco.
Endow.
Ifcot & Co.
Pepgo & Co.

Ireland, J. N., & Company, Bankers, Trust Dept., P.O. Box 186, Malad City, Idaho 83252: Ireban & Company.

### *Illinois*

Adler, Robert S., 33 S. Clark St., Rm. 827, Chicago 3, Ill.: Lenro & Co.

Alton Banking & Trust Co., 620 E. Broadway, Alton, Ill. 62002: Wedgeco.

Amalgamated Trust & Savings Bank, 111 S. Dearborn St., P.O. Box 800, Chicago, Ill. 60690: Amalg & Co.

American National Bank & Trust Company, 501 Seventh St., Rockford, Ill. 61110:
Clybegco.
Swebak & Co. (F).

American National Bank and Trust Company of Chicago, Box DD, Chicago, Ill. 60690:
Arda & Co.
Berhan & Co.
Censtat & Co.
Contab & Co.
Dila & Co.
Gillespie & Co.
Hal & Co.
Klug & Co.
Morand & Co.
Refer & Co.
Stano & Co.

Avenue State Bank, 104 N. Oak Park Ave., Oak Park, Ill. 60301:
Carl & Co.
Lilgran Co.

Baker, Fentress & Co., Chicago, Ill.: Bafen & Co.

Bank of Illinois in Champaign, 112 W. Church St., Champaign, Ill.: Finco & Co.

Beverly Bank, 1357 W. 103rd St., Chicago 43, Ill.: Bev. & Co.

Brown Brothers Harriman & Co., 135 S. La Salle St., Chicago, Ill.: Lodgewood Co.

Busey First National Bank, Main & Race, Urbana, Ill. 61801: Bubank Company.

Capital Bank & Trust Company of Springfield, 1825 South 6th St., Springfield, Ill. 62705: Bancap (A, B).

Central National Bank and Trust Company of Rockford, 201 N. Main St., Rockford, Ill., 61101: Burt & Co.

Central National Bank in Chicago, Trust Dept., 120 S. La Salle St., Chicago, Ill. 60603:
Bareplan Co.
Big & Co.
Fibe & Co.
Gain & Co.
Lisna & Co.
Roosted & Co.
Trin & Co.

Central National Bank of Sterling, 302 First Ave., Sterling, Ill. 61081: Nice & Co.

Central Trust & Savings Bank, 101 N. State St., Geneseo, IL 61254: Centrusco, a Partership.

Champaign County Bank and Trust Co., Main at Broadway, Urbana, Ill. 61801: Urban & Co. (AB).

Champaign National Bank, 201 N. Randolph, Champaign, Ill.: Park Randolph & Co.

Chicago City Bank & Trust Company, 815 W. 63rd St., Chicago 21, Ill.: Halsix & Co.

Chicago Title and Trust Company, 111 W. Washington St., Chicago, IL 60602: Davis and Company.

Cicero State Bank, 2446 S. Cicero Ave., Cicero, IL 60650: Spowne & Company.

Citizens Bank & Trust Company, 1 South Northwest Highway, Park Ridge, Ill. 60068:
Diverse & Co.
Employ & Co.
Multiple Co.
Onward & Co.
Two Hundred Co.

Citizens National Bank of Decatur, c/o Trust Dept., 236 N. Water St., Decatur, IL 62525:
CNB Co.
Fletcher & Co.

Citizens National Bank of Macomb, Trust Dept., 127 South Side Sq. Macomb, IL 61455:
Citna Company (A–H).
Citnaps Company (c).

City National Bank and Trust Company of Dixon, Dixon, Ill. 61021: Durkes & Co.

City National Bank of Centralia, Centralia, Ill.: Cinaban and Company.

City National Bank & Trust Co. of Rockford, Trust Dept., 1160 Broadway at Seventh, Rockford, IL 61104:
Agency Co. (H).
Common Co. (H).
Investment Co.
Pension Co.

Columbia National Bank of Chicago, 5250 N. Harlem Ave., Chicago, IL 60656: Gormess & Co.

Commercial National Bank of Peoria, 301 S. Adams St., Peoria, Ill.:
Fabrv & Co.
Kempshall & Co.
Speck & Co.

Community Bank & Trust Company, Canton, Ill.: Ladd and Company.

Continental Illinois National Bank and Trust Company of Chicago, Block Box H, 231 S. La Salle St., Chicago, IL 60690:
Abbey & Co.
Agree & Co.
Allstaplan & Co.
Alsta & Co.
Ambar & Co.
Assure & Co.
Basec & Co.
Bivest & Co.
Cent & Co.
Cobo & Co.
Co-Cap-Co.
Coin & Co.
Comun & Co.
Congro & Co.
Conil & Co.
Corpsec & Co.
Corptrust & Co.
Costo & Co.
Cust & Co.
Ebit & Co.
Exec & Co.
Fire & Co.
Freer & Co.
Funda & Co.
Gif & Co.
Growth & Co.
Income & Co.
Jason & Co.
Life & Co.
Milo & Co.
Mutual & Co.
Retire & Co.
Ring & Co.
Sandist & Co.
Sass & Co.
Secfund & Co.
Sert & Co.
Star & Co.
Taf & Co.
Trude & Co.
Unis & Co.
Upic & Co.
Webell & Co.
Willin & Co.
Zuram & Co.

Corn Belt Bank, East and Jefferson St., Bloomington, Ill. 61701: CBB Co.

Cosmopolitan National Bank of Chicago, 801 N. Clark St., Chicago 10, Ill.
Donallen & Co.
Valner & Co.

Cruttenden & Company, 209 S. La Salle St., Chicago, Ill.: Walker, Tom & Co.

Dixon National Bank, 101 First St., P.O. Box 309, Dixon, IL 61021: Dixilco (A,B,C,F,H).

Drovers National Bank of Chicago, 1542 W. 47th St., Chicago, Ill. 60609: Lee Ray & Co.

Du Page Trust Company, 466 Main St., Glen Ellyn, Ill. 60137: Dupatco (AB).

Edwardsville National Bank & Trust Company, 100 St. Louis St., Edwardsville, Ill. 62025: Nash, Edward & Company.

Elgin National Bank, 24 E. Chicago St., Elgin, Ill., 60120; Holsun & Co.

Elliott State Bank, Jacksonville, IL 62650: Rumsey & Company (A–E).

Exchange National Bank of Chicago, 130 S. La Salle St., Chicago 3, Ill.: Nomex Co.

Farmers State Bank and Trust Company, 200 W. State St., Jacksonville, IL 62650: Faban & Co. (A-d, F).

Federal Reserve Bank, 230 S. La Salle St., Chicago, Ill.:
Camp & Co.
Dumas & Carlson.

First Galesburg National Bank and Trust Company, 200 E. Main St., Galesburg, IL 61401: Burg & Co.

First Lake County National Bank, Libertyville, Ill.: Laconat & Co.

First National Bank, 1515 Charleston Ave., Mattoon, Ill. 61938: Moce & Co.

First National Bank and Trust Company of Barrington, 104 S. Cook St., Barrington, Ill. 60010:
Joand Co.
Landco.

First National Bank and Trust Company of Evanston, c/o Trust Dept., P.O. Box 712, 800 Davis St., Evanston, IL 60204:
Evano & Co. (H).
Finaba & Co. (A, B, C, E, F, G).
Northwestern University, Nu & Co.
Trev & Co. (D).

First National Bank and Trust Company of Pekin, 416–418 Court St., Pekin, Ill. 61554: Ipek Inc.

First National Bank in Champaign, Champaign, Ill. 61820: Walnut & Main Co.

First National Bank in Chicago Heights, 1648 Halsted St., Chicago Heights, Ill.: M.S.L. Co.

First National Bank in De Kalb, 141 W. Lincoln Hwy., De Kalb, Ill. 60115: First De Kalb Associates (ABC).

First National Bank of Beardstown, Beardstown, Ill. 82618: Mascouten & Co.

First National Bank of Des Plaines, 733 Lee St., Des Plaines, Ill.: Lee-Nat and Company.

First National Bank of Lake Forest, c/o Trust Dept., P.O. Box 391, 265 E. Deerpath, Lake Forest, IL 60045:
Speidel & Co. (ABF), Box 391.
Groeg & Co.

First National Bank of Mt. Vernon, Mt. Vernon, Ill.: Bowa & Co.

First National Bank of Belvidere. 427 S. State St., Belvidere, Ill.:
Coab and Company.

First National Bank of Highland. 100 Broadway, Highland, Ill. 62249:
Fihi & Co. (A,B).

First National Bank of Highland Park. 513 Central Ave., Highland Park, Ill. 60035:
Finabco.
Trustco.

First National Bank of Chicago. One First National Plaza, Chicago, Ill., 60670:
Alfund & Co.
Bivest & Co.
Conac & Co.
Eagle Co.
Finat & Co.
Olen & Co.
Rosley & Co.
Searsfund & Co.
Silo & Co.
UAM & Co.

First National Bank of Cicero, 6000 Cermak Rd., Cicero, Ill. 60650:
Ajay and Company (A, B, C, D, E, H).

First National Bank of Joliet, 78 N. Chicago St., Joliet, Ill. 60431:
Jofirstrude & Co., a Partnership.

First National Bank of Lansing. 3300 Ridge Road at Roy St., Lansing, Ill. 60438:
Lanco & Co.

First National Bank of Moline. 501–15th St., Moline, Ill. 61265:
Moe Company (ABDH).

First National Bank of Mount Prospect. Mount Prospect, Ill. 60056:
Tipton & Company.

First National Bank of Peoria, Trust Department, P.O. Box 809, Peoria, Ill. 61601:
Aman & Co. (A, B, C, D, F).
Ston & Co. (H).

First National Bank of Springfield, 205 S. Fifth St., Springfield, Ill. 62701:
Abel & Co.
Lang & Co.

First National Bank & Trust Co., Alton, Ill.: Larg & Co.

First National Bank & Trust Company of Barrington, 104 S. Cook St., Barrington, Ill. 60010:
Joland Co.
Landco.

First National Bank & Trust Company of Sycamore, Sycamore, Ill. 60178: Sycoban & Company.

First National Bank & Trust Company of Rockford, 401 E. State St., Rockford, Ill.: Spafford and Co.

First Trust and Savings Bank, 138 S. Schuyler Ave., Kankakee, Ill. 60901: Eden & Co.

Franklin Life Insurance Company, One Franklin Square, Springfield, Ill. 62705: Flico & Co.

Granite City Trust and Savings Bank, 1909 Edison Ave., Granite City, Ill.: Grant, Truman C. & Co.

Guaranty Bank & Trust Company, Stony Island Ave. at 68th St., Chicago 49, Ill.: Cor & Co.

Halsey, Stuart & Co., Inc., 123 S. La Salle St., Chicago, Ill. 60690:
Darfco.
Waldbillig, Marvin & Heun, D.R.

Harris Trust and Savings Bank, c/o Trust Dept., 111 W. Monroe St., Chicago, Ill. 60690.
Act & Co. (H)

Donson & Co. (C)
Eld & Co. (F)
Emp & Co. (C)
Gale & Co. (D, F)
Hap & Co. (H)
Hit & Co. (C)
Mot & Co. (C)
Norm & Co. (F)
Wait & Co. (A, B)

Herget National Bank of Pekin, 33 S. Fourth St., Pekin, Ill.: Herget & Co.

Hickey & Co., 135 So. LaSalle St., Chicago 3, Ill.: Ray & Co.

Home State Bank of Crystal Lake, Crystal Lake, Ill.: Homeco & Co.

Hubachek F. B., Jr., 3220 Prudential Plaza, Chicago, Ill. 60601:
Hubco.
Wilco.

Illinois National Bank of Springfield, Fifth & Washington Sts., Springfield, Ill. 62705: Inbeeco.

Illinois National Bank & Trust Co., c/o Trust Dept., 228 S. Main St., Rockford, IL 61101: Barb & Co. (A–C, F–H).

Illinois State Bank of Chicago, Trust Dept., 300 S. Michigan Ave., Chicago, IL 60604:
Ibco.
Jax & Co.

Illinois State Trust Company, First National Bank Bldg., East St., Louis, Ill.: Grieco Partnership.

Jefferson Trust and Savings Bank of Peoria, 123 S.W. Jefferson Ave., Peoria, Ill.: Earl & Co.

John Warner Bank, Clinton, Ill.: Smoot & Co.

Knuppel, Grosboll, Becker & Tice, 101 E. Douglas St., Petersburg, Ill. 62675: Nabpro Company.

Lake Shore National Bank, 605 N. Michigan Ave., Chicago, IL 60611:
Lake & Co.
Wave & Co.

La Salle National Bank, 135 S. La Salle St., Chicago 3, Ill.:
Hudler & Co.
Laba & Co.

Lawndale National Bank of Chicago, 3343 W. 26th St., Chicago 23, Ill.: Lawnat & Co.

Marquette National Bank, 6316 S. Western Ave., Chicago 36, Ill.: Marco & Company.

Maywood-Proviso State Bank, 411 Madison St., Maywood, IL 60153: Proviso & Co.

McHenry State Bank, 3510 W. Elm St., McHenry, Ill. 60050: Gerroll & Company.

Mercantile National Bank of Chicago, 550 W. Jackson Blvd., Chicago 6, Ill.:
Amer & Co.
Merta & Co.
Pemer & Co.
Wimer & Co.

Merchants National Bank of Aurora, 34 S. Broadway, Aurora, Ill. 60507:
Embit & Co.
Merora & Co.

Michigan Avenue National Bank of Chicago, 30 N. Michigan Ave., Chicago, Ill. 60602: Manboc & Co.

Mid American Bond & Share Co., 256 E. Main St., Decatur, Ill.: Midam Co.

Midwest Stock Exchange Clearing Corporation, 120 S. La Salle St., Chicago 3, Ill.:
Kray & Co.
Schilco.

Midwest Stock Exchange, 120 S. La Salle St., Chicago 3, Ill.: Rogren & Co.

Milliken National Bank of Decatur, P.O. Box 1278, Decatur, Ill. 62525:
Aston & Co.
Embee Co.
Emen Co.
Estru & Co.
Milli Co.

Moline National Bank, Trust Dept., 506 15th St., Moline, Ill. 61265:
Milmode & Co. (A-C).
Monait & Co. (A-C).

Naperville National Bank and Trust Company, 136 S. Washington St., Naperville, Ill. 60540: Napnat & Co.

National Bank of Austin, 5645 W. Lake St., Chicago 44, Ill.: Glen & Co.

National Bank of Bloomington, 121 N. Main St., Bloomington, Ill. 61701: Lamider & Co.

National Boulevard Bank of Chicago, Trust Department, 400 N. Michigan Ave., Chicago, IL 60611:
Bovartco.
Waco & Company.

Northbrook Trust & Savings Bank, 1800 Shermer Ave., Northbrook, IL 60062: Norbank & Co. (A–D)

Northern Trust Company, 50 S. La Salle St., Chicago, Ill. 60690:
Booth & Co. (c, d)
Coll & Co. (c, h).
Date & Co. (h).
Ell & Co. (C).
Euro & Co. (d).
How & Company (a, b).
Inman & Co. (d–g).
Banking Dept.
Mooney & Co.
Reighard & Co.
Snider & Co.
Securities Div.
Litten & Co.

Northwest National Bank of Chicago, Milwaukee Ave., Irving Park Rd., and Cicero Ave., Chicago, Ill. 60641: Norwesco.

Oak Park National Bank, 11 Madison, Oak Park, Ill. 60302: Aumad & Co.

Oak Park Trust & Savings Bank, Lake & Marion Sts., Oak Park, Ill.:
OPT & Co.
Opus & Co.

Old National Bank, P.O. Box 709, Centralia, Ill. 62801:
Lamson & Co.
Mandell & Co.
Marco & Co.

Old Second National Bank, 375 River St., Aurora, Ill. 60507:
Secage & Co. (F).
Sectrus & Co. (AB).

Pioneer Trust & Savings Bank, 4000 W. North Ave., Chicago, Ill. 60639: Pitco.

Prestige Insurance Group, 5454 Fargo Ave., Skokie, Ill. 60076: Presco.

Pullman Bank and Trust Company, 400 E. 11th St., Chicago 28, Ill.: Polg & Co.

Rock Island Bank and Trust Company, 230–18th St., Rock Island, Ill. 61201: Ribat & Co.

Schneider Metal Manufacturing Company Employees Profit Sharing Trust, The, 1805 S. 55th Ave., Cicero, Ill. 60650: Christian & Co.

Sears Bank and Trust Company, 3401 W. Arthington, Chicago 24, Ill.:
Lico & Co.
Sebat Co.

Sheridan Village State Bank, Peoria, Ill.: Tamco.

South Chicago Savings Bank, 2959 E. 92nd St., Chicago 17, Ill.: Marase & Co.

Springfield Marine Bank, 114 S. Sixth St., Springfield, Ill. 62701: Marban & Co.

Standard Bank and Trust Company, Trust Dept., 2400 W. 95th St., Evergreen Park, Ill. 60642: Cobb & Co.

State National Bank, 1603 Orrington Ave., Evanston, Ill. 60204:
Sbat & Co.
Trill & Co.

State Bank of Freeport, 27 E. Stephenson St., Freeport, Ill. 61032: Port & Company.

St. Clair National Bank, Belleville, Ill. 62222: Kep and Company.

Union National Bank and Trust Company of Joliet, 50 W. Jefferson St., Joliet, IL 60431: Unatco.

Union National Bank of Streator, Trust Dept., 201–03 E. Main St., Streator, IL 61364: Unastreat and Company:

United of America Bank, 1 E. Walker Dr., Chicago, Ill. 60601: UOAB.

Upper Avenue National Bank of Chicago, 923 N. Michigan Ave., Chicago, Ill. 60611: Bagco.

West and Egan, 134 S. La Salle St., Chicago, Ill. 60603: HO VEBT CO.

Western National Bank, 5801 W. Cermak Rd., Cicero, Ill. 60650: Westnat & Co.

Wheaton National Bank, 111 N. Hale St., Wheaton, Ill. 60187: Whill & Co.

Wheeling Trust and Savings Bank, Wheeling, Ill.:
Sav Ban & Co.
Wheel Tru & Co.

Zion State Bank and Trust Company, 2612 Sheridan Rd., Zion, Ill. 60099: Shiloh and Co. (BCD).

### *Indiana*

American Fletcher National Bank and Trust Company, 101 Monument Circle, Indianapolis 9, Ind.: Nom & Co.

American National Bank and Trust Company, 110 E. Main St., Muncie, Ind. 47305:
Dragoo & Co. (F).
Mertru and Company (A–H).

American Trust Company, 101 N. Michigan St., South Bend, Ind.: Met & Co.

Anderson Banking Company, P.O. Box 849, Anderson, Ind. 46011:
(A Partnership).
Anbanco & Co.

Anthony Wayne Bank, Trust Depat., 203 E. Berry St., Fort Wayne, IN 46802: Anthban & Company.

Atkin & Co., Inc., 306 Citizens National Bank Bldg., Evansville, Ind. 47708: Jat Co.

Auburn State Bank, 7th & Main, Auburn, Ind. 46706: Jomico & Co.

Bank of Indiana N.A., P.O. Box 330, Gary, Ind. 46401: Boina & Co.

Calument National Bank, 5231 Hohman, P.O. Box 69, Hammond, Ind. 46320: Canab Company (BCD).

Citizens Banking Company, Anderson, Ind.: Cibaco & Co.

Citizens Bank of Michigan City, Trust Dept., 502 Franklin Sq., Michigan City, Ind. 46360: Blant & Co. (A–F).

Citizens First National Bank, Bloomington, Ind.: Citnat & Co.

Citizens National Bank of Evansville, The, Trust Dept., 19 N.W. Fourth St., P.O. Box 778, Evansville, IN 47701: Citrust Co.

Citizens State Bank, Hartford City, Ind.: Hart and Co.

City Securities Corporation: 417 Circle Tower, Indianapolis 4, Ind.: Cis Co.

Clinton County Bank and Trust Company, 2 E. Washington St., Frankfort, Ind.:
Banco & Co. (H).
Clinco & Co. (B,C,E,H).

Collett & Company Incorporated, Fletcher Trust Bldg., Indianapolis, Ind.: Tap & Co.

Elston Bank & Trust Company, 132 E. Main St., Crawfordsville, Ind.: Elco Company.

First Bank & Trust Company of South Bend, 133 S. Main St., South Bend, Ind. 46601:
Bend & Co.
First & Co.
Mish & Co.

First Merchants National Bank, The, Trust Department, P.O. Box 800, 515 Franklin St., Michigan City, Ind. 46360: Darhap & Co. (B,C,E,H).

First National Bank, P.O. Box 735, 322 Main St., Kokomo, Ind. 46901: FNB & Company.

First National Bank in Wabash, The, Wabash, Ind. 46992: Finabco.

First National Bank of Crown Point, Lock Box 109, Crown Point, Ind. 46307: Bronco.

First National Bank of Elkhart County, The, 310 S. Main St., Elkhart, Ind. 46515: Elna & Co.

First National Bank of Mishawaka, 101 Lincolnway East, Mishawaka, Ind. 46544: National & Co.-(B,C,D).

First National Bank of Warsaw, Warsaw, Ind. 46580: Finawa and Company.

Fort Wayne National Bank, 123 W. Berry St., Fort Wayne 2, Ind.:
Danco.
Lua and Company.
Mascotte & Co.

Wanco.

Gary National Bank, P.O. Box 209, 504 Broadway, Gary, Ind. 46402: GNB Company-(A,B,C,H).

Indiana Bank and Trust Company, Clinton at Washington, Fort Wayne, Ind.:

Doehrman & Co.
Dokar & Co.
Goodin & Co.
Hudson & Co.
Indco.
Janco.
Jem & Co.
Ladig & Co.
Lenk & Co.
Perry & Co.
Piver & Co.
Ranke & Co.
Strutz & Co.
Swenski.
Witco.
Woolner & Co.

Indiana Lawrence Bank & Trust Company, North Manchester, Ind.: Ilbco & Co.

Indiana National Bank, One Indiana Sq., P.O. Box 1832:

Amstat & Co. (F).
Exem & Co. (G).
Indun & Co. (ABCH).
Novus & Co. (F).

Indianapolis Bond and Share Corporation, 120 E. Market St., Indianapolis, Ind., 46204: Ibasco.

Industrial Trust & Savings Bank, Trust Dept., 117 E. Adams St., Muncie, IN 47305: Industrial Co.

Irwin Union Bank and Trust Company of Columbus, Indiana, 500 Washington St., Columbus, Ind.: IU & Co.

Jackson County Bank, 127 W. Second St., P.O. Box 1001, Seymour, Ind. 47274: Jaco & Company (BC).

Kentland Bank, Kentland, Ind. 47951: Kenton & Co.

Kiser, Cohn & Shumaker, Inc., 220 Circle Tower, Indianapolis, Ind.: Kisco & Company.

Lafayette National Bank, Trust Dept., 337 Columbia St., Lafayette, IN 47902:

Bondinc & Co. (H).
Bonding & Co.
Comstock & Co.
Fonla & Co. (F).
Purla & Co. (f).
Salus & Co. (h).
Scola & Co. (f).
Swela & Co. (a-d).

La Porte Bank & Trust Company, Trust Dept., 902 Lincolnway, La Porte, IN 46350: Carsan & Co.

Lincoln National Bank and Trust Company of Fort Wayne, Trust Dept., 116 E. Berry St., Fort Wayne, IN 46802:

Linco & Co. (a, b).
Mike & Co. (f).
Penn & Co. (c).
Sage & Co. (d).

Madison Bank and Trust Company, 213-215 E. Main St., Madison, Ind. 47250: Mabco & Co. (b, c, h).

Marion National Bank, 402 S. Washington St., Marion, Ind.: Marnat, Inc.

Marshall County Bank & Trust Company, 315 N. Michigan St., Plymouth, IN 46563:

Gid & Co. (a).
Mar & Co. (d).
Shall & Co. (h).

Mercantile National Bank of Indiana, 5243 Hohman Ave., Hammond, Ind. 46325, 122 S. Mulberry St., Muncie, Ind. 47305:

Exemco & Co. (H).
Innco & Co. (H).
Mepp & Co. (C).
Naban & Co. (ABD).

Merchants National Bank of Terre Haute, 701 Wabash Ave., Terre Haute, Ind.: Mer and Co.

Merchants National Bank & Trust Company of Indianapolis, 11 S. Meridian St., Indianapolis, Ind. 46204:

Fren & Co. (D).
Merit Co. (ABC, E).
Zel & Co. (H).

National Bank and Trust Company of South Bend, 112-114 W. Jefferson Blvd., South Bend, Ind. 46601: Nat & Co. (B).

National City Bank of Evansville, P.O. Box 868, Evansville, Ind. 47701: Firstrust Co.

Northern Indiana Bank and Trust Company, 101 Lincolnway, Valparaiso, Ind. 46383: Nibs.

Old National Bank in Evansville,, 416 Main St., Evansville 2, Ind.: Oltrust & Co.

Peoples Bank, Trust Dept., 112 N. Meridian St. Portland, Ind. 47371: Peoban & Company.

Peoples Bank & Trust Company, 130 East Market St., Indianapolis, Ind. 46204: Pebaco-(A,B,C,F).

Peoples Trust Bank, 913 Calhoun St., Fort Wayne, IN 46802:

Donel & Co.
Gerco.
Rocadio & Co.
Torvis & Co.

Purdue National Bank of Lafayette, 201 Main St., Lafayette, Ind. 47902: Libada & Co.

Raffensperger, Hughes & Co., 20 N. Meridian St., Indianapolis, IN 46204: Will & Co. (d).

Saint Mary's Convent, Foreign Mission Fund of the Sisters of the Holy Cross, Notre Dame, Ind. 46556:

Angela & Co.
Annunciata & Co.
Augusta & Co.
Pauline & Co.

St. Joseph Bank and Trust Company, c/o Trust Dept., 202 S. Michigan St., South Bend, Ind. 46601:

Buyco (h).
Saint & Co. (A,B,D).

Second National Bank of Richmond, 8th and Main Sts., Richmond, Ind. 47374:

Sjbit & Co. (C).
Notax & Co. (C,H).
Prof & Co. (D).
Secnab and Co. (A,B,H).

Security Bank and Trust Co., 20 North Third, Vincennes, Ind. 47591: Sebco.

Seymour National Bank, Box 300, Seymour, Ind.: Sevnab & Co.

St. Joseph Bank & Trust Company, Michigan at Jefferson, South Bend, Ind. 46601:

Bow & Co.
Buyco.
Saint & Co.
SJBIT & Co.

St. Joseph Valley Bank, 429 S. Main St., Elkhart, Ind.: Valjo & Co.

St. Mary of the Wodds College, St. Mary of the Woods, Ind.: Mow Co.

Terre Haute First National Bank, 643-645 Wabash Ave., Terre Haute, Ind.: Thafnab & Co.

Union Bank and Trust Company, Main at Mulberry, Kokomo, Ind. 46901:

Ubantco (A-D).
Unicom (H).

Union Trust Company, Union City, Ind. 47390: Tutco.

*Iowa*

American Trust & Savings Bank. Trust Dept., Ninth & Main Sts., Dubuque, Iowa 52001: Amcotrust (H). Trusty.

Armstrong's Inc., Third Ave. & Third St., S.E., Cedar Rapids, Iowa: Armace & Co.

Bankers Trust Company, Trust Dept., 607 Locust St., Des Moines, OH 50304:

Bell & Co.
Carrin & Co. (H).
Hubb & Co.
Pers & Co.

Burlington Bank and Trust Company, 222 N. Main St., Burlington, Iowa 52601:

Burser (C).
Matco (A, B, D-H).

Central National Bank and Trust Company, 312 Fifth St., Des Moines 4, Iowa:

Leon & Co.
Nair & Co.

Central State Bank, Muscatine, Iowa 52761: Cenco Associates.

Citizens First National Bank, Lake Ave., Storm Lake, Iowa 50588: Citbanco.

City National Bank of Council Bluffs, 500 W. Broadway, Council Bluffs, Iowa: Cinabanc.

Conway Brothers-First of Iowa Corp., 904 Walnut St., Des Moines, Iowa 50309:

Conway & Co.
Iowa & Co.

Council Bluffs Savings Bank, Council Bluffs, Iowa 51501:

Coblu & Co. (h).
CBSB & Co.

Davenport Bank and Trust Company, Davenport, Iowa 52801: Tower & Co.

Farmers Loan and Trust Company, P.O. Box 57-522, 4th St., Sioux City, Iowa 51102: JFT Company.

First National Bank, P.O. Box 271, Clinton, Iowa 52732: Hawcorp. (A-D)

First National Bank, Dubuque, Iowa: Ionba & Co.

First National Bank of Ottumwa, 231 W. 2nd St., Ottumwa, Iowa 52501:

Manmar & Co.
Wood & Co.

First National Bank, 204 E. Washington, P.O. Box 832, Iowa City, Iowa 52240:

Firnat and Company (AB).
Firnaticia (CH).

First National Bank in Sioux City, P.O. Box 567, Sioux City, Iowa: Rellot & Company.

First National Bank of Mason City, Box 411, Mason City, Iowa 50401: 5 North Federal Company.

First National Bank, 18 N. 9th St., Ft. Dodge, IA 50501: Walmax & Co.

First National Bank of Perry, Trust Dept., 1124 Willis Ave., P.O. Box 8, Perry, IA 50220: OCS & Company.

First Trust and Savings Bank, 302 Brady St., Davenport, IA 52801:

Firban & Co. (A-F).
Mobec.

Fort Madison Bank & Trust Company, Trust Dept., Ave. G & 7th St., Fort Madison, Iowa 52627: Medis & Co.

Guaranty Bank & Trust Company, Cedar Rapids, Iowa: Guarco.

Henderson, T. C. & Co., Inc., 518 Grand Ave., Des Moines 9, Iowa: Henderson, Theo, C.

Iowa-Des Moines National Bank, Trust Division, Sixth & Walnut, Des Moines, IA 50304:

Blif & Co. (F).
Brou & Co.
Brow & Co. (F).
Bund & Co.—(F).
Idmo & Co.—(H).
Orto & Co.—(A, B).
Prop & Co.—(C).

Iowa-Des Moines National Bank, 518 Grand, Des Moines, Iowa 50309:

Tedco & Co.
Supervised Shares, Inc.

Iowa State Bank, E. 7th and Locust, Des Moines, Iowa 50309: Isban Company.

Iowa State Bank and Trust Company, Box 511, Iowa City, Iowa: Ibak & Co.

Iowa Trust and Savings Bank, 1 N. Sixth St., Estherville, Iowa 51334: Itso & Company.

Jasper County Savings Bank, 112 W. 2nd St. S., P.O. Box 111, Newton, IA 50208, Cedar Rapids, Iowa 52401: Jacoba.

Jefferson State Bank, Jefferson, Iowa 50129: Tomco & Co.

Jones, Cambridge, Carl & Feilmeyer, 4 E. Sixth St., Atlantic, Iowa 50022: At Bo Co.

Merchants National Bank of Cedar Rapids, 222 Second Ave., S.E., Cedar Rapids, Iowa:

Koke & Co.
Mernat & Co.

National Bank of Burlington, 200 Jefferson St., Burlington, Iowa: Burl & Co.

National Bank of Des Moines, 29th & Ingersoll, Des Moines, Iowa 50304: Ingersoll & Co.

National Bank of Waterloo, 110 E. Park Ave., Waterloo, Iowa: Natbow & Co.

Peoples Bank & Trust Company, Trust Dept., 519 W. Fourth St., Box 360, Waterloo, IA 50704: Pebco.

Peoples Bank & Trust Company, 101 3rd Ave., S.W., Cedar Rapids, IA 52404: P. B. Ted Co.

Quail & Co., Davenport, Iowa: Seefeldt, A. Matilda.

Security National Bank of Sioux City, Sixth & Pierce Sts., Sioux City 2, Iowa: Sebak & Co.

Security Savings Bank, Marshalltown, Iowa 50158: Laneco.

Toy National Bank, P.O. Box 57, Sioux City, Iowa 51102: TVD Company (ABCH).

Transcontinental Securities Corporation, 666 Iowa St., Dubuque, Iowa: Transco.

Union Bank and Trust Company, Ottumwa, Iowa.: Von & Co.

United Home Bank & Trust Co., Trust Dept., 25 W. State St., Mason City, IA 50401: Hoban Company (A–H).

Valley Bank and Trust Company, 403 Walnut St., Des Moines 4, Iowa:
Macom & Co.
Petco.

Waterloo Savings Bank, 533 Commercial St., Waterloo, Iowa 50704: Wasab & Co.

### *Kansas*

Citizens National Bank, Independence, Kansas 67301: Sewell & Company.

Citizens National Bank and Trust Company 527 Commercial, Emporia, Kans. 66801:
Acom & Co. (H).
Adell & Co. (H).
Citrus & Co.
Cuscap & Co. (F).

City National Bank and Trust Company, Kansas City, Kansas: Spar & Co.

Commercial National Bank of Kansas City, 601 Minnesota, Kansas City 17, Kans.: Commercial Co.

First National Bank in Wichita, c/o Trust Dept., P.O. Box 880, Wichita, KS 67201: Transco & Company.

First National Bank of Hutchinson, Box 913, Hutchinson, KS 67501: Oblate & Company.

First National Bank of Lawrence, 746 Massachusetts St., Lawrence, Kans. 66044: Finol & Co.

First National Bank of Topeka, Trust Div., P.O. Box 88, Topeka, KS 66601:
Firstop & Co.
Quadist & Co., Security Investment Fund, Inc.
Safco & Co., Security Ultra Fund, Inc.
Seben & Co., Security Benefit Life Insurance Co.
Sefi & Co., Security Equity Fund, Inc.
Shawnee & Co., Security Bond Fund, Inc.

Fourth National Bank and Trust Company, c/o Trust Dept., P.O. Box 1090, Wichita, KS 67201:
Foreflor & Co. (H).
Formarc & Co. (H).
Forth & Co. (A–D).
Marklas & Co. (H).

Hutchinson National Bank and Trust Company, 200 N. Main St., Hutchinson, Kans.: Platt & Co.

Johnson County National Bank and Trust Co., Prairie Village, Kans.:
Joconat & Co.
Milt & Company.
Ralphco.

Kansas State Bank and Trust Company, 123 N. Market St., Wichita, Kans. 67202:
Kansco.
K.S.B. & T. Co.

Merchants National Bank, Trust Dept., P.O. Box 178, Topeka, Kans. 66601: Mertopco (H).

Miami County National Bank, One S. Pearl, Paola, Kans. 66071: Micoban, a Partnership (A–F).

Milburn, Cochran & Co., 110 E. First St., Wichita, Kans.: Milco & Company.

Mission State Bank & Trust Company, Trust Dept., Johnson Drive and Nall, Mission, KS 66222:
Mission, Kansas 66222.
Miscom.

Nazareth Convent and Academy Corp., 13th and Washington, Concordia, Kans. 66901: Nazcon & Company.

Parsons Commercial Bank, Parsons, Kans. 67357: Par Com.

Southgate State Bank and Trust Company, 7600 State Line, Prairie Village, KS 66208: The Southgate Company.

Union National Bank of Wichita, P.O. Box 637, Wichita, Kans.:
Ubak & Co.
Ubon.
Ucom.
Unab & Co.
Utrus.

Valley Company, Inc., Commerce Savings & Loan Bldg., Atchison, Kansas: Valley Co.

Western Casualty and Surety Company, Fort Scott, Kans.: West & Company.

Western Fire Insurance Company, Fort Scott, Kans.: West & Company.

### *Kentucky*

Citizens Bank & Trust Co., P.O. Drawer 240, Paducah, Ky.: Citpad & Co.

Citizens Fidelity Bank and Trust Company, P.O. Box 1140, Louisville, KY 40201:
Citag & Co.
Citfund & Co.
Citpen & Co.
Cittrest & Co.

Commonwealth Fire & Casualty Insurance Company, Commonwealth Bldg., Louisville, KY 40202: COF & Co.

Commonwealth Life Insurance Company, Commonwealth Bldg., Louisville, Ky. 40202: CLI & Co.

First-City Bank and Trust Company, Trust Dept., 901 S. Main St., P.O. Box 549, Hopkinsville, Ky. 42240: City & Co.

First National Bank, P.O. Box 1019, Louisville, KY 40201: Bancourt & Co.

First Security National Bank and Trust Company of Lexington, 167 W. Main St., Lexington, Ky.: Tuyl & Co.

Kentucky Company, 320 S. Fifth St., Louisville 2, Ky.: Louisville, Ky. 40202: Kent Nominee Company.

Kentucky Trust Company, Trust Dept., P.O. Box 1677, Louisville, KY 40201:
Kenag & Co. (f).
Kenben & Co. (c).
Kenbrown & Co. (f).
Kencourt & Co. (b).
Kenfund & Co. (h).
Kentrua & Co.

Liberty National Bank and Trust Company of Louisville, 416 W. Jefferson St., Louisville, Ky. 40201:
Libag (F).
Libest (A).
Libex (A).
Libtee.

Louisville Trust Company, P.O. Box 1619, Louisville, Ky. 40201:
Loucourt (A).
Louguard (F).
Loutrag (B).
Loutrustco (CE).

Luckett-Wake Tobacco Co., Inc., 1112 Bardstown Rd., Louisville, Ky. 40204: Carjems & Co.

### *Louisiana*

Alcus, S.T. & Co., 810 Whitney Bldg., New Orleans, La. 70130:
Choco & Co.
Franted.
Staco.
Veraco.

American Bank and Trust Company, P.O. Box 2791, Baton Rouge, La. 70821:
Ambank & Co.
Bitt & Co.
Cope & Co.

Dart & Dart, 1822 Canal Bank Bldg., New Orleans, La.: Domestic Investment Co.

Commercial National Bank in Shreveport, P.O. Box 1119, Shreveport, La.: Wallace & Co.

Fidelity National Bank of Baton Rouge, Trust Dept., 440 Third St., P.O. Box 3597, Baton Rouge, LA 70821: Fidelbank & Co. (ABFH).

Gulf National Bank at Lake Charles, Lake Charles, La. 70601: Gulbanco.

Hibernia National Bank in New Orleans, 313 Carondelet St., New Orleans, LA 70130: Hibbank & Co.

Louisiana National Bank of Baton Rouge, Trust Dept., 451 Florida Blvd., Baton Rouge, LA 70801:
Labanc & Co.
Lnbee & Co.

National American Bank of New Orleans, 200 Carondelet St., New Orleans, La.: Nabono.

National Bank of Commerce of New Orleans, c/o Trust Dept., P.O. Box 60279 (70160), 210 Baronne St., New Orleans, LA 70112: Enbecee Company (A–D, F, H).

Whitney National Bank of New Orleans, P.O. Box 61260. New Orleans, La. 70160.
Dohale & Co.
Haledo & Co.
Ledo & Co.
Wert & Co.
Whitcust & Co.

### *Maine*

Aroostook Trust Company, Caribou, Me.: Ostook Co.

Bar Harbor Banking and Trust Company, 82 Maine St., Bar Harbor, Me.: Barhart Company.

Bartlett & Clark Co., P.O. Box 389, Portland, Me.:
Clark, Edward L. and Bartlett A. Thurlow.

Cadillac Associates Inc., 232 St. John St., Portland, Me.: Spen & Co.

Canal National Bank, 188 Middle St., Portland 6, Me.:
Bowdoin & Co.
Canal & Co.
Kirk & Co.
Ott & Co.
Peke & Co.
Port & Co.
Sidge & Co.

Casco Bank & Trust Company, 475 Congress St., Portland, ME 04111:
Bipco.
Halsmith & Co.
Nelson & Co.

Depositors Trust Company, 320 Water St., Augusta, ME 04330:
Colend & Co.
  Colley College a/c.
Common & Co. (H).
Depo & Co. (H).
Dirigo & Co. (BC).
  Belfast Packing Co.

Eastern Trust and Banking Company, 2 State St., Bangoo, Me. 04401: Felbrigg Co.

Federal Trust Company, 33 Main St., Waterville, Me. 04901: Sala & Co.

First-Manufacturers National Bank of Lewiston and Auburn, P.O. Box 701, Lewiston, Me. 04240.
Firman & Co. (A–H).
Manash & Co. (A–H).

First Manufacturers National Bank, P.O. Box 630, Lewiston, Me.:
Gina Co.
Gut Co.
Stev Co.
Trafton & Co.

First Manufacturers National Bank, P.O. Box 83, Auburn, Me.: Dain & Company.

First National Bank of Biddeford, 208 Main St., Biddeford, Me. 04005: Thornton & Co.

First National Granite Bank, Augusta, Me.: Granite & Co.

Gilman, Charles H & Company, Inc., 186 Middle St., Portland, Maine 04111: Marion C. Coburn.

Maine National Bank, Trust Dept., P.O. Box 1866, Portland, Me. 04104:
Church & Co.
Emplan & Co.
Legge & Co.
Manat & Co.
Moody & Co.

Small & Co.
Maine National Bank (Personnel Dept.), P.O. Box 919, Portland, Me. 04104: Bowen & Co.
McRae, Lincoln E., Inc., P.O. Box 547, Rockland, Me. 04871: Maclin & Co.
Mechanics' Savings Bank, Auburn, Maine 04210: Mecnic & Co.
Merchants National Bank of Bangor, Trust Dept., 25 Broad St., Bangor, ME 04401:
  Esand & Co. (d).
  Estru & Co. (a, b).
  Mernat & Co. (h).
  Mount & Co. (b).
  Stewart & Co. (b).
Merrill Trust Company, 2 Hammond St., Bangor, ME 04401:
  Emgh & Co. (d).
  Mertru & Co. (d).
  Onel & Co. (d).
  Um & Co. (d).
  Vose & Co. (a-c).
Northern National Bank of Presque Isle, 187 State St., Presque Isle, Me.:
  Northern Company.
  Park & Co.
Payson, H.M., & Co., 93 Exchange St., Portland, Me.:
  Alliance & Co.
  Cross Shield & Co.
  Dana Associates.
  Northeast & Co.
  Payse & Co.
  Ups & Co.
Penobscot Savings Bank, 74 Hammond St., Bangor, Me.: Pensave.
Sanford Trust Company, 8 Washington St., Sanford, Me. 04073:
  Gregmar & Co. (F).
  Turner, G. Donald & Co. (B).
  Waljan & Co. (B).
Springvale National Bank, Springvale, Maine 04083: Nasson & Co.

### *Maryland*

Carroll County Bank and Trust Company, 39–41 W. Main St., Westminster, Md.: Carr'l Co.
Cross & Shriver, Mercantile Trust Bldg., Baltimore 2, Md., Baltimore, MD 21402: Schlev & Co.
Equitable Trust Company, Calvert & Fayette Sts., Baltimore, MD 21403:
  Ectru & Company.
  Fayette & Co.
Farmers and Mechanics National Bank, 154 N. Market St., Frederick, Md. 21701: Farmers and Company (A–C–H).
Farmers National Bank of Annapolis, 5 Church Circle, Annapolis, Md.: Gaw & Co.
First National Bank and Trust Company of Western Maryland, Trust Dept., P.O. Box 250, Cumberland, MD. 21502:
  First Cumberland Company.
  First Westland Co.
First National Bank of Maryland, Light & Redwood Sts., Baltimore 3, Md, Baltimore, MD 21403:
  Hann & Co.
  Johnhop & Co.
  Light & Co.
  Plitt & Co.
  Red & Co.
  Wen & Co.
First National Bank of Maryland, Nicodemus Banking Offices, 101 W. Washington St., Hagerstown, MD 21740: Nicnab Company.
Fredericktown Bank and Trust Company, 30 N. Market St., Frederick, Md. 21701: Fredericktown and Company (A–F).
Jenkins Hoffman Co., Philip J. Jenkins, 64 Frost Ave., Frostburg, Md. 21532: Jenkins Roberts Co.
Johns Hopkins University, c/o Treasurer's Office, Baltimore 18, Md., Baltimore, MD 21418: Johnhop & Co.
Liberty Trust Company, 81 Baltimore St., Cumberland, Md.: Lib & Co.
Lord Baltimore Press, 1500 Greenmount Ave., Baltimore, Md.: St. Louis Company.
Maryland National Bank, Trust Dept., 10 Light St., Baltimore, MD 21202:
  All & Company.
  Balt & Co.
  Banab & Company.
  Matru & Company.
  Natob & Company.
Mercantile-Safe Deposit and Trust Company, Baltimore, Calvert & Redwood Sts., Baltimore, Md. 21203: Huber & Co.
Mercantile-Safe Deposit and Trust Company, 13 South St., Baltimore, Md. 21202:
  Diomar & Co.
  Infon & Co.
  Merbro & Co.
  Mertrus & Co.
  Nap & Co.
  Sacom & Co.
  Safe & Co.
Mercantile-Safe Deposit and Trust Company, P.O. Box 1106, Baltimore, Md. 21203: Pens & Co.
Suburban Trust Company, c/o Trust Dept., 2601 University Blvd. E., Wheaton, MD 20902: Subtru Co. (A–C, E F H).
Union Trust Company of Maryland, St. Paul & Baltimore Sts., Baltimore 3, Md.:
  Madison & Co.
  Stafford & Co.
Williams, C.T. & Company, Fidelity Bldg., Baltimore 1, Md. Williamsco.

### *Massachusetts*

Adams, Harkness & Hill, Inc., 55 Court St., Boston, Mass. 02108: Marsom & Co.
American Congregational Association, 14 Beacon St., Boston, Mass. 02108: Amcongas.
American Mutual Liability Insurance Co., P.O. Box 3204, Boston, Mass. 02107: Amlico.
American Mutual Liability Insurance Company, P.O. Box 4016, Boston, Mass. 02107. Amlife.
American Mutual Liability Insurance Company, P.O. Box 5001, Boston, Mass 02107: Apico.
American Variable Annuity Life Assurance Company, 440 Lincoln St., Worcester, Mass. 01605:
  Avac & Co.
  Avaf & Co.
Anthony Advocate Foundation, 45 Devon Rd., Newton Centre, Mass. 02159:
  Advoc & Co.
Arkwright-Boston Manufacturers Mutual Insurance Company, 225 Wyman St., Waltham, Mass. 02154:
  Arkbo & Co.
Arlington Five Cents Savings Bank, Life Insurance Dept. 626 Massachusetts Ave. Arlington, Mass. 02174:
  Five Bank & Co.
  Sixteen & Co.
Arlington Trust Company, 305 Essex St., Lawrence, Mass.
  Ari Tru & Company.
Attelboro Trust Company, 8 N. Main St., Box 330, Attleboro, Mass. 02703.
  Helm Co. (BH).
  Rigg Co. (F).
Barker, B. Divereux (Hausserman, David & Shattuck), 15 State St., Boston, Mass.:
  Bliss & Company.
  Chaplin & Company.
Barton, Arthur A., 6 Barnsley Rd., Lynnfield, Mass. 01940: Baft & Co.
Bay Bank and Trust Company, One State St., Lynn, Mass. 01901:
  Dunco.
  Fisco.
  Harco.
Berkshire Bank & Trust Company, 54 North St., Pittsfield, Mass.:
  Betco & Co.
  Northco & Co.
Bershire Bank & Trust Company, 78 Main St., North Adams, Mass.: Louis & Co.
Beverly National Bank, Beverly, Mass.: Cole & Co.
Big Sandy Company, Inc., 70 Federal St., Boston, Mass. 02110: Sandy & Co.
Bingham, Dana & Gould, 1 Federal St., Boston, Mass. 02110: BDG & Co.
B.M.C. Durfee Trust Company, 80 N. Main St., Fall River, Mass.:
  Metacomet Company.
  Wamsutta Company.
  Weetamoe Company.
Boardman & Goodrich, Room 502, 40 Court St., Boston, Mass. 02108: Reg & Co.
Bolster, Gardner T, 50 Congress St., Boston, MA 02109: Knox Bolster and Company.
Bonanza Development Co., 79 Milk St., Rm. 409, Boston, Mass. 02109: Bee-Dee Co.
Borden Management, Inc., 94 Day St., Newton, Mass. 02166: Bomerco.
Boston Floating Hospital, 20 Ash St., Boston, MA 02111: Float & Co.
Boston Safe Deposit and Trust Company: P.O. Box 2145, Boston, Mass. 02106:
  Bost & Co.
  Charity & Co.
  Clay, Miller & Co.
  Etgrow & Co.
  Hahn & Co.
  Joab & Co.
  Kinder & Co.
  Lees & Co.
  Pratt & Co.
  Pyle & Co.
  Rite & Co.
  Sancrete Co.
  Spear & Co.
  Special & Co.
  Waterhole & Co.
  Welin & Co.
Boston Stock Exchange, 53 State St., Boston, Mass. 02106: BSE Co.
Boyd, Mac Crellish & Weeks, 75 Federal St., Boston, Mass. 02110: Boyd & Co.
Bradley Pulverizer Co., 53 State St., Boston 9, Mass.: Stow & Co.
Brookline Trust Company, 1341 Beacon St., Brookline, Mass.: Clifford & Co.
Brown Brothers Harriman & Co., 10 Post Office Sq., Boston, Mass. 02109:
  Bab & Co.
  Bell & Co.
  Blu & Co.
  Bos & Co.
  Cas & Co.
  Century & Co.
  Cha & Co.
  Front & Co.
  Incap & Co.
  Int & Co.
  Mag & Co.
  Pac & Co.
  Red & Co.
  Share & Co.
  Spec & Co.
  Vest & Co.
Burbank & Company, Inc., 80 Federal St., Boston, Mass. 02110: Nelson Stone & Company.
Burley, Harkins and Funk, Incorporated, 1 Court St., Boston, Mass. 02109: Bharf & Co.
Cabot Corporation, 125 High St., Boston, Mass: Cabot & Co.
Cambridge Trust Company, Harvard Sq., 1336 Massachusetts Ave., Cambridge, Mass. 02138, Trust Dept.:
  Bechtold & Company (H).
  Fordyce & Company (F).
  Garran & Company (AB).
  Commercial Dept. Peltz & Company.
Cantella & Co., Inc., 75 Federal St., Boston, Mass.: Cantella & Co.
Cape Ann Bank & Trust Company, Main St., Gloucester, Mass.:
  Capan & Co.
  Cotone & Co.
  Safe Deposit Co.
  Y Spring Co.
Cape Cod Bank and Trust Company, Box 700, Hyannis, Mass. 02601: Cod & Co.
Carr & Thompson, Inc., 31 Milk St., Boston, Mass.: Healey & Company.
Chase, Whiteside & Co., Inc., 24 Federal St., Boston, Mass.: Botsford & Co.

Chace, Whiteside & Winslow, Inc., 24 Federal St., Boston, Mass.: Symonds & Co.

Chatham Corp., 2001 Beacon St., Boston, Mass. 02146: Chaam & Co.

Childs, Jeffries & Thorndike, Incorporated, 50 Congress St., Boston, MA 02109: Dugal & Co.

Choate, Hall & Stewart, 30 State St., Boston, MA 02109: Dexter & Co.

Claflin, Thomas M., 75 Federal St., Boston, Mass.: Claflin & Co.

Clayton Securities Corporation, 147 Milk St., Boston, Mass.: McGoldrick & Co.

Collins, Charles A., Room 1358, 10 Post Office Sq., Boston, Mass. 02109: Tobac & Co.

Commerce Bank & Trust Company, 240 Main St., Worcester, Mass. 01608:
MacRoberts & Co.
William, William & Co.

Culverwell & Co. Inc., 1341 Main St., Springfield, Mass. 01103: Judwell & Co.

Ellison & Company, 129 South St., Boston 11, Mass.: Rogers & Co.

Ely, Bartlett, Brown & Proctor, 225 Franklin St., Boston, Mass. 02110:
Akres & Co.
Merrill & Co.

Emery, F.S. & Co., Inc., 111 Devonshire St., Boston 9, Mass.: FSE & Co.

Endicott, Bradford M. & Russell B., Stearns Trustees, 111 Devonshire St., Rms. 709–812, Boston. Mass.: Havenrock & Company.

Essex County Bank and Trust Co., 25 Exchange St., Lynn, Mass. 01903:
Agent & Co. (F)
Home & Co. (AB).

Fall River National Bank, Trust Dept., 55 N. Main St., P.O. Box 191 Fall River, MA 02722:
Arnold & Co.
Crawley & Co.
Pocasset Co.

Fall River Trust Co., 43 N. Main St., P.O. Box 430, Fall River, Mass. 02722:
Buffington-Aldrich & Co. (D).
Granite & Co. (B).
Pierce & Co (H).

Fiduciary Trust Company, P.O. Box 1647, Boston, MA 02105:
Bowen, David & Co.
Globe & Co.
Mercer, Williams & Co.
Torch & Co.

First Agriculture National Bank of Berkshire County, 100 North St., Pittsfield, Mass. 01201:
Kingbank & Co.
Probank & Co.
Sharbank & Co.
Trust Dept.:
Agbank & Co. (F).
Denbank & Co.(D).
Esbank & Co. (A).
Fanbank & Co. (B,C,E,H).

First Bristol County National Bank, 21 Park St., Attleboro, Mass. 02703:
Bank & Co. (H).
Park & Co. (H).
Tanif & Co. (ABE).

First County National Bank, Trust Dept., 90 Main St., Brockton, Mass. 02403: Brock & Co. (A,B,D,F).

First National Bank of Amherst, 11 Amity St., Amherst, Mass. 01002:
Clarco.
Whitco.

First National Bank of Boston, Personal Trust Operations, P.O. Box 2016, Boston, MA 02106:
Abate & Co.
Agar & Co.
Apple & Co.
Ben & Co.
Berk & Co.
Bing & Co.
Birch & Co.
Birmingham & Co.
Cal & Co.
Canty & Co.
Club & Co.
Coco & Co.
Coffin & Co.
Conway & Co.
Coty & Co.
Curley & Co.
Davidson & Co.
Dodd & Co.
Drown & Co.
Egan & Co.
Elk & Co.
Fader & Co.
Fay & Co.
Fine & Co.
Fir & Co.
First Corporation.
Frost & Co.
Gans & Co.
Gem & Co.
Gurney & Co.
Hyde & Co.
Jerome & Co.
Joy & Co.
Ken & Co.
Lawlor & Co.
Lupi & Co.
Lusk & Co.
Mace & Co.
Major & Co.
Milk & Co.
Myers & Co.
Neb & Co.
Prescott & Co.
Richardson & Co.
Rule & Co.
Skelton & Co.
Swan & Co.
Touchstone & Co.
Tully & Co.
Walsh & Co.

John Hancock Mutual Life Insurance Company, 200 Berkeley St., Boston, Mass. 02117:
Atlantic & Co.
Berkeley & Co.
Clarendon & Co.
Copley & Co.
Dartmouth & Co.
Evergreen & Co.
Fairfield & Co.
Gloucester & Co.
Hereford & Co.
Ipswich & Co.
Jersey & Co.
Kerry & Co.
Lyle & Co.
Mass & Co.
Newbury & Co.
Otter & Co.
Pike & Co.
Quincy & Co.
Rowan & Co.
Shore & Co.
Sixty & Co.
Sixty One & Co.
Sixty Two & Co.
Taft & Co.
Upland & Co.
Venture & Co.
Winter & Co.
Xaxier & Co.
Yale & Co.
Zone & Co.

Kinsley & Adams, Inc., 6 Norwich St., Worcester, Mass. 01608: Kinad & Co.

Lang & Dadmun, Inc., 53 State St. Boston, Mass. 02109: Ladko.

Lerner & Co., 10 Post Office Sq., Boston, Mass. 02109: Dezco.

The Louis C. Lerner Charitable Foundation: Lerco.

Letters, Peremel & Rashbaum, Inc., 1 East Redwood St., Baltimore, Md. 21202: L.P.R. & Co.

Loring, Wolcott Office, Inc., 35 Congress St., Boston, Mass. 02109:
Cushman & Co.
Hines & Loring.
Lorcott & Co.
Russell & Co.

Maguire, J. B. & Co., Inc., 31 Milk St., Boston, Mass.: Pierce & Co.

Malden Savings Bank, 397 Main St., Malden, Mass. 02148:
Masaco & Co.
Mali & Co.

Malden Trust Company, 94 Pleasant St., Malden 48, Mass.: Maltrust & Co.

The Massachusetts Company, Inc., 70 Federal St., Boston, Mass. 02110:
Bowditch & Co.
Malno & Co.

Meadows, Louis B. & Co., Inc., 1694 Main St., Springfield, Mass. 01103: Lomed.

The Mechanics National Bank of Worcester, 303 Main St., Worcester 8, Mass.:
Kipp & Company.
Mech & Company.
Mow & Company.
Ward & Company.

The Merchants National Bank of New Bedford, 95 William St., New Bedford, Mass.:
John & Co.
Parker & Co.

Merchants-Warren National Bank of Sale, Salem, Mass. 01970: Sowle & Co.

Middlesex Financial Management Corp., 225 Wyman St., Waltham, Mass.: Mid & Co.

Milford Savings Bank, Milford, MA 01757: Mil-Sav Co.

Monks Management Inc., 100 Charles River Plaza, Boston, Mass. 02114: Monk & Co.

Mutual Boiler and Machinery Insurance Company, 225 Wyman St., Waltham, Mass. 02154: Mutbo & Co.

The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109:
Admin & Co.
Alert & Co.
Amherst & Co.
Aquaco.
Arad & Co.
Ashland & Co.
Athol & Co.
Auburn & Co.
Audubon & Co.
Baker & Co.
Bayco.
Beaco.
Begley & Co.
Belmont & Co.
Bradford & Co.
Brewster & Co.
Brookline & Co.
Cambridge & Co.
Chetco.
Cohasset & Co.
Conco.
Dowco.
Dracut & Co.
Edal & Co.
Emco.
Everett & Co.
Fairview & Co.
Ferro & Co.
Foley & Co.
Goya & Co.
Harris & Co.
Haves & Co.
Hill & Company.
Howe & Co.
Ilan & Co.
Ink & Co.
Krisco.
Lesco.
Life Fund & Co.
Lok & Co.
McRuth & Co.
Medco.
Mitchco.
Moore & Co.
Morse & Co.
Nevco.
Odessco.
Olsen & Co.
Pedit & Co.
Raven & Co.
Sakeep & Co.
Sellon & Co.
Service & Co.
Squire & Co.

Stabile & Co.
Tab & Co.
Tenist & Co.
Tixie & Co.
Trela & Co.
Vanco.
Village & Co.
Wadco.
Water & Co.
Winchester & Co.
Windsor & Co.
Wise & Co.
Yarmouth & Co.

Naumkeag Trust Company, 217 Essex St., Salem, Mass.:
Currier & Co.
Lawlee & Co.
Mac Bee & Co.

New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107:
Ahab & Co.
Asco & Co.
Bait & Co.
Baro & Co.
Barry & Co.
Bas & Co.
Bid & Co.
Boa & Co.
Bonyman & Co.
Boom & Co.
Box & Co.
Brig & Co.
Buoy & Co.
Caid & Co.
Chim & Co.
Chow & Co.
Clam & Co.
Coy & Co.
Crab & Co.
Crimson & Co.
Cube & Co.
Deck & Co.
Del & Co.
Devon & Co.
Dif & Co.
Echo & Co.
Eel & Co.
Endicott & Co.
Ewart & Co.
Fang & Co.
Fenno & Co.
Fin & Co.
Fish & Co.
Fly & Co.
Fog & Co.
Foll & Co.
Weston & Co.
Zimco & Co.

First National Bank of Cape Cod, Trust Dept., Orleans, Mass. 02653: Cape Co.

First National Bank of Franklin County, 11 Bank Row, Greenfield, Mass. 01301:
Bankrow & Company.
Bittner & Co.

First Safe Deposit National Bank of New Bedford, 545 Pleasant St., New Bedford, Mass.:
Burkle & Co.
Stanton & Co.

First Safety Fund National Bank, 470 Main St., Fitchburg, Mass. 01420: Elm & Co.

First Safety Fund National Bank, 25 Pleasant St., Gardner, Mass. 01440: Mafac (ACF).

First Springfield Corporation, 100 Chestnut St., Springfield, Mass. 01103: D J S & Co.

First Springfield Corporation, P.O. Box T, Springfield, MA 01101: St. Germain & Co.

Foster, Lewis M., 60 State St., Boston, MA 02109: Feg & Co.

Framingham National Bank, 80 Concord St., Framingham, Mass.: F.N.B. Company.

Framingham Trust Company, 79 Concord St., Framingham, MA 01701: Turan & Co.

Francis Ward Paine Foundation, Inc., 70 Federal St., Boston, Mass.: WPF & Co.

Franklin County Trust Company, 324 Main St., Greenfield, Mass. 01301:
Lemca Company.
Franklin Company.

Friend Investment, Inc., 1 Emerson St. E., Melrose, Mass. 02176: Frenco.

Trustees of Friend Securities, Inc., 1 Emerson St., E. Melrose, MA 02176: Freelco.

Gage-Wiley & Co., Inc., 1387 Main St., Springfield, Mass. 01103: Powson & Co.

Gardner Associates, Inc., 225 Franklin St., Suite 800, Boston, Mass. 02110: Rick, George & Co.

Gardner Office, Inc., 24 Federal St., Boston 10, Mass.: Fen & Co.

Gemma Securities, Inc., Suite 404, 340 Main St., Worcester, Mass. 01608: Jolyn.

Gregg, Storer & Co., Inc., 30 Federal St., Boston 10, Mass.: Storer & Co.

Guarantee Bank & Trust Company, c/o Trust Dept., 386 Main St., Worcester, Mass. 01608:
Profco (C, E).
Talco (H).
Trusco of Worcester (F).
Vibco.

Guarantee Mutual Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605: Gins & Co.

Hale & Dorr, 60 State St., Boston, Mass. 02109:
Brink & Anderson.
Brink & Co.
Bumpus & Co.
Cross Wightman & Co.
Dorhal & Co.
Ford Anderson & Co.
Hall & Thayer.
Jacob Brown, Hellmuth & Co.
Martin & Hellmuth.
Richard, Fraser & Co.
Smith, Anderson & Co.
Smith Brown & Co.
Smith Hellmuth & Co.
Smith Robinson & Co.
Thayer & Co.
Urquhart & Co.
Welch Roberts & Anderson.
Wightman & Co.
Wilinsky, Hellmuth & Co.

Hanrahan & Company, Inc., 322 Main St., Worcester, Mass.: Paul & Company.

Hartford National Bank & Trust Co., Equity Products Dept., 777 Main St., Hartford, Ct. 06115:
Incl & Co.
Spel & Co.

Harvard Trust Company, 1414 Massachusetts Ave., Cambridge 38, Mass.:
Harrington & Company.
Hill & Company.
Sayward & Company.
Wiggin & Company.

Haverhill National Bank, Haverhill, Mass.:
Ezra Amess & Co.
Thomas West & Co.
Whittier, L. & Co.

Logan, Ashford & Co., Inc., 141 Milk St., Boston 9, Mass.: Hawkeye & Co.

Holyoke National Bank, 225 High St., Holyoke, Mass.:
Gilco.
Holbank.

Hooper-Kimball, Inc., 50 Congress St., Rm. 301, Boston 9, Mass.: Wilb & Co.

Hornblower & Weeks, Henry Hornblower Trust, 75 Federal St., Boston, Mass.: H & W Agency.

Hudson Savings Bank, 43 Main St., Hudson, MA 01749: Hudson Company (F).

Hutchins, Mixter & Parkinson, 60 State St., Boston, Mass.: Randolph & Co.

Hutchins & Wheeler, 294 Washington St., Boston 8, Mass.:
Andrews & Co.
Angevine & Co.
Gleason & Co.
Hilton & Co.
Landstrom & Co.
Rogerson & Co.
Wheeler & Co.

Investors Bank & Trust Company, P.O. Box 1833, Boston, Mass. 02110:
Dana & Co.
Jupiter & Co.
Mars & Co.
Mercury & Co.
Saturn & Co.
Save & Co.
Venus & Co.

Jeffries, J. Amory, Etal, Trustees, 50 Congress St., Rm. 721, Boston 9, Mass.:
Chilco & Co.
Dasco & Co.
Foster & Co.
Frab & Co.
Free & Co.
Fuzz & Co.
Gaff & Co.
Galt & Co.
Gran & Co.
Grit & Co.
Gull & Co.
Haldor & Co.
Harvard & Co.
Isis & Co.
Jade & Co.
Jog & Co.
Keel & Co.
Kelp & Co.
Kimball & Co.
Lot & Co.
Marris & Co.
Mart & Co.
Merritt & Smith.
Mink & Co.
Minot & Co.
Mist & Co.
Nail & Co.
Need & Co.
Nenom & Co., Inc.
Nepo & Co.
Net & Co.
Nurse & Co.
One & Co.
Onyx & Co.
Opal & Co.
Paw & Co.
Pet & Co.
Pier & Co.
Pole & Co.
Pow & Co.
Pram & Co.
Pros & Co.
Pru & Co.
Pub & Co.
Put & Co.
Rim & Co.
Ruby & Co.
Sears & Adams.
Shad & Co.
Shire & Co.
Sig & Co.
Ski & Co.
So & Co.
Sox & Co.
Stackpole & Co.
Supple & Co.
Surf & Co.
Tack & Co.
Three & Co.
Top & Co.
Tory & Co.
Wade & Co.
Waite & Co.
Webster & Co.
Whig & Co.
Wilson & Co.
Zap & Co.
Zest & Co.
Zip & Co.

New England Merchants National Bank, Trust Dept., 28 State St., Boston, MA 02106:
Amec & Co.
Art & Co.
Back & Co.
Culca & Co.
Ecusep & Co.
Elac & Co.
Elica & Co.
Emfic & Co.
Emslic & Co.
George & Co.

Holyoke & Co.
Howland & Co.
Naca & Co.

New England Merchants National Bank, c/o Boston Safe Deposit and Trust Company, 100 Franklin St., Boston, Mass. 02106: Rogerhouse & Co.

New England Mutual Life Insurance Co., 501 Boylston St., Boston, Mass. 02117: Newing One & One.

Newton National Bank, 447 Centre St., Newton 58, Mass.: Balkus Company.

Newton Savings Bank, 1188 Centre St., Newton, Mass., 02159: Newton Company.

Newton-Waltham Bank and Trust Company, 880 Main St., Waltham, Mass. 02131:

Bray & Company (DF).
Brown & Co. (H).
Centre & Company.
Farr & Co.
(A–K) Nelap & Co. (B).
(L–Z) Slatt & Co. (B).

Newton-Waltham Bank & Trust Company, 1 Chestnut St., West Newton, Mass. 02165: Spire & Co.

Nichols, H. P., Inc., 50 Congress St., Boston 9, Mass.:

Nichols Brothers.
Poole Brothers.

Norfolk County Trust Company, 1319 Beacon St., Brookline 46, Mass.:

Brook & Co.
Line & Co.
Norco.
River & Co.

North American Management Corp., 28 State St., Boston, Mass. 02109:

Anchorage & Co.
Great Hill & Co.
Totman & Co.
Willis & Co.

NWH & Company, 535 Boylston St., Boston, Mass.: Newton-Wellsley Hospital.

*Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106:

Arey & Co.
Aro & Co.
Biggs & Co.
Bishop & Co.
Blanchard & Co.
Bob & Co.
Brenda & Co.
Char & Co.
Clem & Co.
Crow & Co.
Dobbins & Co.
Don & Co.
Dunlap & Co.
Emory & Co.
Federal & Co.
Felix & Co.
Fogg & Co.
Ford & Co.
Fuller & Co.
Greer & Co.
Gus & Co.
Ham & Co.
Ike & Co.
Labb & Co.
Lamb & Co.
Low & Co.
MacKay & Co.
Noyes & Co.
Phil & Co.
Santoro & Co.
Segal & Co.
Sherry & Co.
Sprague, Julian K. & Co.
Stet & Co.
Sull & Co.
Susan & Co.
Swift & Co.
Tarr & Co.
Vera & Co.
Vincent & Co.
Warren & Co.
Wed & Co.
Wylie & Co.

*Pending merger of Old Colony Trust Company into The First National Bank of Boston effective 12/30/70.

Palmer & Dodge. 28 State St., Boston, Mass. 02109: Dot & Co.

Palmer, Dodge, Gardner & Bradford. 53 State St., Boston, Mass.: Dodge & Co.

Parker, Coulter, Daley & White. 50 Congress St., Boston, Mass. 02109:

Carstensen & Co.
Parker Coulter Company.

Peabody, Koufman & Brewer. 53 Beacon St., Boston, Mass.: Baf & Co.

Pittsfield National Bank. 5 North St., P.O. Box 1142, Pittsfield, MA 01201:

Five & Co.
Forum & Co.
Pitnab & Co.
Wer & Co.
Wic & Co.

Plaisted, Edward. P.O. Box 1121, Boston, Mass. 02103: Pret & Co.

Plimpton, Barton F. 37 Belknap Rd., Framingham Centre, Mass.: Plimco & Co.

Plymouth-Home National Bank, 4 North St., Plymouth, Mass. 02360:

Barnes and Company.
Clark and Company.
Wafco.

Prescott, William S. & Company, Inc., 20 Kilby St., Boston, Mass. 02109: WSP & Co.

Prince, Gordon A., 27 State St., Boston, Mass.: Prince & Co.

The Provident Institution for Savings, 36 Temple Place, Boston, Mass.: Provident Boston and Co.

Rackemann, Sawyer & Brewster, William B. Tyler, Esq., 28 State St., Boston, Mass. 02109: Beacon & Co.

Rice, N.W. Co., Room 934, 50 Congress St., Boston, Mass. 02109: Woodbury & Co.

Rockland Trust Company, 288 Union St., Rockland, Mass. 02370:

Dunn & Co. (AB).
Lyon & Company (B).

Ropes & Gray, 225 Franklin St., Boston, Mass. 02110:

Grago & Co.
Meser & Co.
RG & Co.
Rickshaw.
Ropes & Company.
Sema & Co.

Russell, Richard M., 30 State St., Boston 9, Mass.: Ballister and Co.

Rutter, Walter E. & Co., 19 Congress St., Boston, Mass. 02109: Ruchlin & Company.

Safe Deposit Bank and Trust Company, Hadley Falls Division, 58 Suffolk St., Holyoke, Mass.:

Brosler & Co.
Reslor & Co.

Safe Deposit Bank and Trust Company, 127 State St., Springfield, Mass.:

Agco.
Safeco.

Security National Bank, Trust Dept., 66 Central Square, Lynn, Mass. 01901:

Petco & Company (F).
Security & Co. (A).

South Shore National Bank of Quincy, 1400 Hancock St., Quincy, Mass. 02169:

Alden & Co. (f).
Cushing & Co. (h).
Kingdon & Co. (B, C, E, H).

Springfield Institution for Savings, 1459 Main St., Springfield, Mass. 01101: STS Bank & Co.

State Mutual Life Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605: SMDPA & Co.

State Mutual Life Assurance Company of America, 440 Lincoln St., Worcester, Mass. 01605:

Bemic & Co.
The Beacon Mutual Indemnity Company.
SMA & Co.

State Street Bank and Trust Company, 225 Franklin St., Boston, Mass. 02110:

Berry & Co.
Catton & Co.
Cyr & Co.
Dane & Co.
Gerrish & Company.
Hillocks & Co.
Hunter & Co.
Jap & Co.
Jet and Co.
Means and Co.
MIT & Co.
Orr & Company.
Sargent & Co.
Save & Co.
Science & Co.
Stu & Co.
Swim & Co.

State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101:

Anchor & Co.
Awl & Co.
Backstay & Co.
Bark & Co.
Batch & Co.
Beam & Co.
Bing & Co.
Bitt & Co.
Block & Co.
Bowsprit & Co.
Brails & Co.
Bridge & Co.
Bsico.
Chance & Co.
Cheat & Co.
Chine & Co.
Chock & Co.
Cleat & Co.
Clew & Co.
Cone & Co.
Cringle & Co.
Darit & Co.
Dolphin & Co.
Duscoe & Co.
Elb & Co.
Essfour.
File & Co.
Frawley, John F. & Co.
French & Co.
Furl & Co.
Galley & Co.
Gangway & Co.
Granny & Co.
Grommet & Co.
Gudgeon & Co.
Gunwale & Co.
Halyard & Co.
Harwood & Co.
Hitchins & Co.
Hox & Co.
Huggins & Co.
INCO.
Ima & Co.
Jib & Co.
Kaytoo.
Keelson & Co.
Ketch & Co.
Leech & Co.
Locke, Inc.
Log & Co.
Luff & Co.
Mahl & Co.
Manrope & Co.
Mooring & Co.
Myers.
Oar & Co.
Parish & Co.
Peace & Co.
Peak & Co.
Pintel & Co.
Quarterdeck & Co.
Rae & Company.
Reeving & Co.
Rowlieck & Co.
Rudder & Co.
Ryco & Co.
Sail & Co.
Sheet & Co.
Ship & Co.
Sloop & Co.
Spel & Co.
Spinnaker & Co.
Stay & Co.
Stern & Co.
Strake & Co.
Taffrail & Co.
Tholepin & Co.

Throat & Co.
Thwart & Co.
Tiller & Co.
Toggle & Co.
Touchstone & Co.
Transom & Co.
Turk's Head & Co.
Ultra & Co.
Vessel & Co.
Walco.
Winch & Co.
Yardarm & Co.

State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106:
Ami & Co.
BSICO.
Bustor & Co.
Carlton & Co.
Chelco.
Cho & Co.
Choate & Co.
Dodge & Co.
Feld & Co.
Gouldstate & Co.
June & Co.
Macrowave & Co.
Noble & Co.
Oft & Co.
Pabl & Co.
Plan & Co.
Rugg & Co.
State & Co.
Watters & Co.
Went & Co.
Wyfont & Co.

Sterman & Gowell Incorporated, 120 Water St., Boston, Mass. 02109: David L.M., & Co.

Stock Clearing Corporation, 53 State St., Boston, Mass. 02109:
Alps & Co.
Campbell & Co.
Halt & Co.
March & Co.
Thor & Co.

Third National Bank of Hampden County, P.O. Box T, Springfield, Mass. 01101:
Arco & Co. (d).
Barr-Smith & Co. (D).
Brookmont & Co. (d).
Clarbro & Co. (d).
Lavenco (d).
Milber & Co. (H).
Moses & Co. (A).
Movola & Co. (d).
Neff & Co.
Oldfirst Co.
Prevo & Co. (H).
Roblar & Co. (H).
Sears & Co. (B).
Stanlar & Co. (H).
Tilson & Co. (F).
Westgro (F).

Thomas Todd Company, 14 Beacon St., Boston, Mass. 02108:
Thomas Todd Associates.
Bominaid & Co.

Thorndike, Benjamin A. G., et al., Trustees, 50 Congress St., Rm. 721, Boston 9, Mass.:
Althorn & Co.
Thorn. Ben & Co.

Trustees of the Lee Trust, 431 Broadway, Everett, Mass.; Lee, Field and Co.

Tucker, Anthony Management Corp., 84 State St., Boston, Mass.: Tod & Company.

Tucker, Anthony & R. L. Day, 73 State St., Boston, Mass.:
Ahbright & Company.
Hobright & Company.

Tyler & Reynolds, 1 Court St., Boston 8, Mass.:
Hetam & Co.
Jam & Co.
Johnnay & Co.
Naygriff & Co.

Union Market National Bank, Watertown, 72, Mass.: Brink and Mariner.

Union National Bank, P.O. Box 620, Lowell, Mass. 01853:
Bedard & Co.
Gagnon & Co.
Kochanek & Co.
Parent & Co.

Valley Bank and Trust Company, 1351 Main St., Springfield, Mass. 01101:
Adco & Company.
Comco & Company (H)
Natco & Company (F).
Selco & Company (C)
Springco & Company.
Utco & Company (ABC).
Valco & Company (C).

Ware Trust Company, 73 Main St., Ware, Mass.: Ware & Co.

Welch & Forbes, Room 1034, 73 Tremont St. Boston, Mass. 02108:
Blaney & Co.
Eib & Co.
Gorp & Co.
Nimbi & Co.
Od & Co.

Williams, C.T., & Co., Inc., Fidelity Bldg., Baltimore, Md. 21201: Williamsco.

Wise Hobbs & Seaver, Inc., 15 Congress St. Boston 9, Mass.: Hur & Co.

Woodstock Corporation, 70 Federal St. Boston, Mass.: Danlan & Co.

Woburn National Bank, 355 Main St., Woburn, Mass.: Ralph and Co.

Woodstock Service Corporation, 70 Federal St., Boston, Mass.: Blackton & Company.

Woodstock Corporation, 24 Federal St., Boston, Mass.: Paiac & Company.

Worcester County National Bank, Trust Dept., 446 Main St., Worcester, MA 01608:
Com & Co. (h).
Morrill & Co. (d, f).
Par & Co. (a).
Pool Co. (c).

Worcester Five Cents Savings Bank, 316 Main St., Worcester, Mass. 01608: Worcester Five and Company.

Worcester Investment Associates, Suite 5G, 50 Franklin St., Worcester, Mass. 01608: Wortay & Co.

Worcester Mutual Fire Insurance Company, 440 Lincoln St., Worcester, Mass. 01605: Wins & Co.

### *Michigan*

American Bank and Trust Company, 101 S. Washington Ave., Lansing, Mich.: War & Co.

The American National Bank and Trust Company of Michigan, 136 E. Michigan Ave., Kalamazoo, Mich. 49006:
Amera and Company (B).
Ampro and Company (A).
Balco and Company.

Ann Arbor Trust Company, Box 12, Ann Arbor, Mich. 48107:
C.G.T. Co.
M.S.U. Co.

Bank of Lansing, Lansing, Mich. 48904:
Bolan & Company.
Chad & Company.
Nomco.

Bank of the Commonwealth, Trust Dept., P.O. Box 119, 719 Griswold St., Detroit, Mich. 48226:
Bancom & Co.
Norm & Co.

Citizens Mutual Insurance Company, 645 W. Grand River Ave., Howell, MI 48843: Citiz & Co.

The Citizens State Bank of Sturgis, Michigan, 100 E. Chicago Rd., Sturgis, Mich. 49041: Safban.

City Bank & Trust Company, 161 W. Michigan, Jackson, Mich. 49201:
Cibatco.
Jackson, C.B. & Co.
Trust, C.B. & Co.

City National Bank of Detroit, Penobscot Bldg., Griswold & Fort St., Detroit, Mich. 48213:
Brooke & Company.
Ewald & Company.

Clinton National Bank & Trust Company, 200 N. Clinton Ave., St. Johns, Mich. 48879:
Jeb & Company—(A,B,C,D,E).

Connable, Alfred B. and Edward M. Hindert, 1201 American National Bank Bldg., Kalamazoo, Mich.:
Atwood, Charles, Company.
Stanton-Barnes Company.

Detroit Bank and Trust Company, The, 211 W. Fort St., Detroit 31, Mich.:
Detruco & Co.
Forwash & Co.
Shelfor & Co.
Spicer & Co.
Turner & Co.

Farmers and Merchants National Bank, 94 W. Main St., P.O. Box 308, Benton Harbor, Mich. 49022: FMB Company.

First National Bank and Trust Company of Kalamazoo, 108 E. Michigan Ave., Kalamazoo, Mich. 49006: First Kalamazoo Co. (A–E).

First National Bank of Petoskey, Petoskey, Mich. 49770: Prudent Co.

First National Bank of Southwestern Michigan, Trust Dept., 210 E. Main St., Niles, MI 49120: Gosline & Co.

First of Michigan Corporation, 1200 Buhl Bldg., Detroit 26, Mich.: First Co.

Genesee Merchants Bank & Trust Co., One E. First St., Flint, Mich. 48502:
Genco (H).
Merco (C).
Flint Michigan Laborers Pension Fund.

Hackley Union National Bank and Trust Company, Muskegon, Mich. 49443:
Hackley & Co.
Hackley Alpha Co.
Hackley Beta Co.
Hackley Chi Co.
Hackley Delta Co.
Hackley XI Co.
Hackley Upsilon Co.
Hackley Zeta Co.

Industrial State Bank and Trust Company, 151 S. Rose St., Kalamazoo, MI 49006:
Banco (BCDF).
ISB Co. (ABCH).

Inter-City Bank, P.O. Box 1248, Benton Harbor, Mich. 49022: I.C.B. Co.

Maccabees Mutual Life Insurance Co., c/o Investment Dept., 25800 Northwestern Hwy., Southfield, Mich. 48075:
Goodspeed and Company.
McCormick and Company.

Manufacturers National Bank of Detroit, P.O. Box 1319, Detroit, Mich. 48231:
Holm & Company (B).
Calhoun & Company (B).
Orth & Company (E).
Rutz & Company (B).

Manufacturers National Bank of Detroit, P.O. Box 659, Detroit, Mich. 48231:
Reyst & Company.
Richardson & Company.

Michigan Bank, N.A., Trust Div., Guardian Bldg., Detroit, Mich. 48226: Pierson & Co.

Michigan National Bank, Grand Rapids 2, Mich.:
Gravelyn & Co.
Hewitt & Co.
Jones & Co.
Lalley & Co.
Luther & Co.
MNB & Co.
Peckover & Co.
Terpstra & Co.
Uhl & Co.
Visser & Co.
Walters & Co.
Worden & Co.

Mills, Wilson W., Ford Bldg., Detroit 26, Mich.: Mil-Son, Inc.

Monroe State Savings Bank, 102 S. Front St., Monroe, Mich.: Mobank and Company.

Muskegon Bank and Trust Company, 335 W. Western Ave., Muskegon, Mich.:
Funda & Company.
Setra & Company.

National Bank and Trust Co. of Ann Arbor, 125 S. Main St., Ann Arbor, Mich. 48107: NBT Company (BCH).

National Bank of Detroit, Woodward Ave., Detroit 32, Mich.:

Brownell & Co.

Thorn & Company.

Trussal & Co.

Woodfort & Co.

National Bank of Jackson, 245 W. Michigan Ave., Jackson, Mich. 49201: P H B Co.

National Bank & Trust, Traverse City, Mich. 49684: National Company.

National Lumbermans Bank, Muskegon, Mich.: Nalco & Co.

Old Kent Bank and Trust Company, One Vandenberg Center, Grand Rapids, Mich. 49502:

Befund & Co. (H).

Cotray & Co. (H).

P T Co. (C).

Trent & Co. (B).

The Peoples Bank and Trust Company, 300 Washington St., Grand Haven, Mich: The Peoples Co.

Peoples National Bank & Trust Company, 300 Center Ave., Bay City, Mich. 48709: Penbay & Company.

Peoples Wayne County Bank, Highland Park, Mich.: Detroit Co.

Public Bank, Detroit 31, Mich:

Michigan Shelby & Comany.

Nom & Co.

Security Bank & Trust, 1605 Fort St. Lincoln Park, Mich.: Sebanc & Co.

Security First Bank & Trust Co., Grand Haven, Mich.: Sefirst & Co.

The Southern Michigan National Bank of Coldwater, 51 W. Pearl St., Coldwater, Mich. 49036: Wise & Company (B).

Traverse City State Bank, Traverse City, Mich.: Snow and Co.

Union Bank & Trust Company, Union Bank Bldg., Grand Rapids, Mich. 49502:

Alan & Co.

Share & Co.

Uban & Co.

Wayne Oakland Bank, Main at Fourth Royal Oak, Mich. 48068: Wobar & Co.

### *Minnesota*

American National Bank and Trust Company, 419 Robert St., St. Paul, Minn. 55101: Adams and Company.

Bellford & Co., Room 100, 9200 Wayzata Blvd., Minneapolis 26, Minn.: Bellford & Co.—A Partnership.

Bratter and Company, Inc., Soo Line Bldg., Ground Floor, Minneapolis 2, Minn.: Bratter & Co.

Bratter, G. J. & Company, 940 Cargill Bldg., Minneapolis, Minn. 55402: Gerald & Co.

Butler Office, Inc., W. 2780 First, National Bank Bldg., St. Paul, Minn. 55101: West & Company.

Craig-Hallum Kinnard, Inc., 133 S. Seventh St., Minneapolis 2, Minn., Hark & Co.

Crosby Company, 2500 First National Bank Bldg., Minneapolis, Minn. 55402:

Mancros & Co.

Sumcros & Co.

Fidelity Bank and Trust Company, 2338 Central Ave., N.E., Minneapolis 18, Minn.: F I C O.

First American National Bank of Duluth, Third Ave. & W. Superior St., Duluth 2, Minn.: Evans & Company.

First National Bank, St. Paul 1, Minn.: Oppard & Co. (A Partnership).

First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis 2, Minn.:

Bruch & Co.

Ran & Co.

Regan & Co.

Sel & Co.

Ulm & Co.

Var & Co.

First National Bank of Minneapolis, Box A700, Minneapolis, Minn. 55440:

Aluc & Co.

Ned & Co.

IDS New Dimensions Fund, Inc.

Investors Selective Fund, Inc.

Sel & Co.

Var & Co.

Investors Variable Payment Fund, Inc.

First National Bank of Minneapolis, P.O. Box 512, Minneapolis, Minn. 55440: Joel & Co.

First National Bank of Rochester, Rochester, Rochester, Minn.: Finbar and Company.

First National Bank of Stillwater, Stillwater, Minn.: Rube & Company.

First National Bank of Winona, 177 Main St., Winona, Minn. 55987:

First Gee Company (H).

First Main Company (H).

Southeastern Company (A-D).

First Trust Company of Saint Paul, W-555 First National Bank Bldg., St. Paul, Minn. 55101:

Brack & Company.

Dunn & Company.

Shine & Co. (d), (Securities Dept.)

Tartan & Co.

Giebank, G. G., 760 Grain Exchange, Minneapolis, Minn. 55415: Gieb & Co.

Investors Syndicate of America, Inc., 800 Investors Bldg., Minneapolis, Minn. 55402: Isaco.

Kalman & Company, Inc., 136 Endicott Bldg., St. Paul 1, Minn.:

Erickson, A. M. & Co.

Starn, H. W. & Co.

Mahoney, C. D. & Co., Inc., Baker Bldg., Minneapolis 2, Minn.: Comay & Co.

P.O. Box 520, Marquette National Bank of Minneapolis, Minn. 55400:

Mardall & Co.

Margo & Co.

Marsay & Co.

Mayo Foundation, 200 First St., S.W., Rochester, Minn. 55902:

Nob & Co.

Ran & Co.

Merchants National Bank of Winona, P.O. Box 548, Winona, Minn.: Mernab and Company.

Midland National Bank, 401 Second Ave., S., Minneapolis, Minn. 55480:

Midbank & Co.

Midfund Company (H).

Midplans Co. (C).

Midway National Bank of St. Paul, St. Paul, Minn. 55104: Rem Company.

The Minneapolis Company, Inc., 165 S. Plaza Bldg., 100–12 Plaza, Minneapolis, Minn. 55416: Nibor & Company.

Minnesota Trust Company of Austin, 209 Third Ave., N.W., Austin, Minn.: Apex Company, Sterling Company.

National-City Bank of Minneapolis, Trust Dept., P.O. Box E 1919, Minneapolis, MN 55480: Bromo & Co., Jato & Co.

Northern City National Bank of Duluth, 306 W. Superior St., Duluth 5, Minn.: Cinat Company, Miller Company, Normat Company.

Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55480: Anak & Co., Investors Syndicate Life Insurance and Annuity Company.

Apa & Co., Banor & Co., General Securities, Incorporated.

Brim & Co., Bror & Co., Ceal & Co., IDS Progressive Fund, Inc.

Clag & Co., Cram & Co., Deg & Co., Desa & Co., ISL Variable Annuity Fund A.

Emseg & Co., Enn & Co., Fait & Co., Given & Co., Gula & Co., Hum & Co., Ibu & Co., Kamus & Co., ISL Variable Annuity Fund B.

Lamb & Co., Naik & Co., Nel & Co., Norban & Co., North & Co., Owro & Co., Perc & Co., Investors Stock Fund, Inc.

Prov & Co., Quad & Co., Que & Co., Sar & Co., Imperial Fund, Inc.

Sat & Co., Sep & Co., Seven Hundred Co., Skye & Co., Spur & Co., Surat & Co., Tamu & Co., Tern & Co., Toba & Co., Tonca & Co., Tour & Co., Treg & Co., Twyn & Co., Tyap & Co., Webal & Co., Yng & Co., Zeph & Co.

North Western National Bank of St. Paul, 55 E. Fifth St., St. Paul, MN 55101: Dedon & Co., Hugh & Co.

Olmsted County Bank & Trust Co., 11 Second St., S.W., Rochester, Minn.: Olcoba Company.

Pillsbury, Alfred F., Trust Estate, Philip W. Pillsbury and Charles S. Bellows, Trustees, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Fiske & Co.

Pillsbury, Charles S., Trust Estate, Philip W. Pillsbury and Charles S. Bellows, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Stinson & Co.

Pillsbury, Gretchen T., Trust for the Minneapolis Foundation, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Filled & Co.

Pillsbury, Philip W., 601 Pillsbury Bldg., Minneapolis 2, Minn.: Dunbarton & Co.

Piper, Jaffray & Hopwood, Incorporated, 115 S. Seventh St., Minneapolis, Minn. 55402: Piper & Co.

Rice, Irving J., and Company, Inc., 202 Pioneer Bldg., St. Paul 1, Minn.: Rice Co.

Richfield Bank and Trust Company, 6625 Lyndale Ave., S., Richfield, Minn.: Kirchbak Co.

St. Cloud National Bank, E. St. Germain at Fourth, St. Cloud, Minn. 56301:

Nob & Co.,

Tower & Co.

St. Croix Associates, 1918 Midwest Plaza Bldg., Minneapolis, Minn. 55402: Sacro.

The St. Paul Companies, Inc., 385 Washington St., St. Paul, Minn. 55102: St. Paul Fire and Marine Insurance Company, Arch & Co., Bat & Co., Bigie & Co., Wilkin & Co.

State Bank & Trust Company, c/o Trust Dept., 100 N. Minnesota St., New Ulm, Minn. 56073: Winsco.

Steichen, R. J. & Co., 232 Baker Bldg., Minneapolis, Minn. 55402: R. & J. Co., Rojo, Inc.

Winona National and Savings Bank, Winona, Minn.: Winkalt and Company.

Woodward-Elwood & Co., 1115 First National Bank Bldg., Minneapolis 2, Minn.: Woodco & Company.

### *Mississippi*

Bank of Mississippi, P.O. Drawer 789, Tupelo, Miss. 38801: Topala & Company.

Commercial National Bank, Washington Ave., Greenville, Miss.: Comnat & Company.

Deposit Guaranty Bank and Trust, Jackson, Miss.: Degar and Company, Grow & Co.

First National Bank of Jackson: Trust Department, Jackson, Miss.: Harman & Co.

Gates, Carter and Company, Inc., P.O. Box 1990, Gulfport, Miss.: Carter, Jack W.

Merchants National Bank and Trust Company of Vicksburg, P.O. Drawer 871, Vicksburg, Miss.: Merbank and Company.

### *Missouri*

American National Bank of St. Joseph, P.O. Box 67, St. Joseph, Mo.: Teller and Company.

Baltimore Bank and Trust Company, Trust Dept., 1014 Baltimore Ave., Kansas City, Mo. 64105.

Babank & Co.

Balbank & Co.

Baltbank & Co.

Barrett, Fitch, North & Co., 111 W. Tenth St., Kansas City, Mo.: Bafinor & Co.

The Boatmen's National Bank of St. Louis, P.O. Box 236, Main Post Office, St. Louis, Mo. 63166:

Fone & Co.

Rodac & Co.

The Boatmen's National Bank of St. Louis, P.O. Box 7365, 300 N. Broadway, St. Louis, MO 63166: Boat & Co. (F)

P.O. Box 236, Main St. P.O., Rodac & Co. (B).

Citizens National Bank, Chillicothe, Mo.: Edman & Company.

City National Bank & Trust Company of Kansas City, 928 Grand Ave., Kansas City 41, Mo.:

Anves & Co.

Box & Co.

Buma & Co.

Cass & Co.

Cibancok & Co.

Cinabcok & Co.

Citrek & Co.

Citruck & Co.

Citrud & Co.

Fimar & Co.

Haftons & Co.

Hamiltrus & Co.

Mutrus & Co.

Spar & Co.

Towin & Co.

Win & Co.

Wincap & Co.

Columbia National Bank, 921 Walnut St., Kansas City 42, Mo.: Conat and Company.

Commerce Bank of Kansas City, 210 Commerce Bldg., Kansas City, MO 64106:

Dale & Co. (H).

Don & Co. (E).

Edco (C).

Goco (E).

Kaco (E)

Mori & Co. (ABd).

Employers Reinsurance Corporation, P.O. Box 2088, Kansas City, Mo. 64142: Emre & Co.

First Bank of Commerce, c/o P.O. Box 1227, Columbia, Mo. 65201: Banjo and Company – (F).

The First National Bank, P.O. Box 147, St. Joseph, Mo.: Ebert & Dudley.

First National Bank of Joplin, 4th & Main Sts., Box 8, Joplin, Mo. 64801: Uno & Company (ABC).

The First National Bank of Kansas City, Trust Div., 14 W. Tenth St., P.O. Box 38, Kansas City, MO 64141:

Aber & Co.

C.T.F. & Co.

S. K. & Co.

Tu & Co.

The First Trust Bank, 3727 Frederick Blvd., St. Joseph, Mo. 64506: Ford & Jones.

Kansas City Life Insurance Company, P.O. Box 1587, Kansas City, Mo. 64141: Kalico & Co.

Kemper Investment Company, 1416 Commerce Bldg., Kansas City, Mo.: Kin & Co.

Lowenstein Brothers, 2925 Commerce Tower, Kansas City, Mo. 64105:

Carco.

Loulow.

Mercantile Bank & Trust Co., 1119 Walnut St., Kansas City, Mo. 64106:

Armbuck & Co. (h).

Mertco & Company (A,B,C).

Mopic & Company.

Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.:

Conref & Company.

Fimin & Company.

Lona & Company.

Lucas & Company.

Merba & Company.

Olive & Company.

Pine & Company.

Rextex & Company.

Roland & Company.

Merchants-Produce Bank, 531 Walnut St., Kansas City, Mo. 64106: The Empro Company (E).

Missouri Province Educational Institute, 4511 W. Pine St., St. Louis, Mo. 63108: Mo Prov & Co.

Morrison, Hecker, Cozad, Morrison & Curtis, Bryant Bldg., Kansas City, Mo. 64106: Kimco.

Plaza Bank of Commerce, 118 W. 47th St.. Kansas City, Mo. 64112: Plazcom.

Popham, Popham, Conway, Sweeny & Fremont, 922 Walnut St., Kansas City, Mo. 64106: Popcom.

Saint Louis University, 221 N. Grand Blvd., St. Louis, Mo. 63103: Dolkes & Co., Slunom.

Sanders, Edwin C. & Co., 1300 Boatmen's Bank Bldg., 314 N. Broadway, St. Louis 2, Mo.: Audigay & Co., Ecee & Co., Hes & Co., Sand & Co., Tee & Co.

Security Trust Company, 716 Locust St., St. Louis 1, Mo.: Mubank, Senaco & Co.

State Bank and Trust Company of Wellston, 6313 Easton Ave., St. Louis, Mo. 63133: Petty & Co.

Stern Brothers & Co., 1013 Baltimore Ave., Kansas City 5, Mo.: Esbe & Co.

St. Louis County National Bank, 8000 Forsyth Blvd., Clayton 5, Mo.: Conab & Co.

St. Louis Union Trust Company, 510 Loust St., St. Louis, MO 63188: Aains & Co. (F), Anom & Co. (D), Bnom & Co. (E), Cnom & Co. (F), Pennom & Co. (C), Telnom & Co. (C), Tnom & Co. (B).

Tower Grove Bank and Trust Company, 3134 S. Grand Ave., St. Louis 18, Mo.: Teegee & Co.

Traders National Bank of Kansas City, P.O. Box 693, Grand at 12th St., Kansas City, MO 64141: Comtru & Co., Tranco & Co.

Union National Bank, P.O. Box 2629, Kansas City, Mo. 64142: Unco.

The Union National Bank of Springfield, Trust Dept., S.S. Station, P.O. Box 1157, Springfield, Mo. 65805: Unico (H).

Vandalia State Bank, Vandalia, Mo.: Wurtz, Stanley & Co.

The Western Casualty and Surety Company, 916 Walnut St., Kansas City 6, Mo.; West & Company.

*Montana*

Davidson, D. A. & Co., P.O. Box 864, P.O. Box 2527, Great Falls, Mont. 59401: Dad & Co.

First National Bank, P.O. Box 730, Bozeman, Mont. 59715: Bozbank and Co.

First National Bank and Trust Company, P.O. Box 1709, Helena, Mont. 59601: Brutsch & Co. (ABF).

First Trust Company of Montana, Box 311, Great Falls, Mont.: Trumont & Co.

Great Falls National Bank, P.O. Box 711, Great Falls, Mont.: Rolyat & Company.

Midland National Bank, P.O. Box 2502, 303 N. Broadway, Billings, MO 59103:

Merrill & Company (A–F).

Midbil Company (H).

Montana Bank, 425 First Ave., N. Great Falls, Mont.:

Moban.

Monba.

Monbank.

Montba.

Security Trust & Savings Bank, P.O. Box 2513, Billings, Mont. 59103:

Sefund & Co. (h).

Setru & Co. (b).

Union Bank and Trust Company, P.O. Box 597, Helena, Mont.: Ubank & Co.

*Nebraska*

Bankers Life Insurance Company of Nebraska, Lincoln, Nebr. 68501: Ablefund and Co., Beckfund and Co., BLN and Co., Capfund and Co., Tallvfund and Co.

The Beatrice National Bank and Trust Company, Beatrice, Nebr. 68310: Bea & Company.

Commercial National Bank & Trust Company, P.O. Box 1267, Grand Island, Nebr. 68801: CNB of Grand Island, Nebraska.

Commercial Savings and Loan Association, 4501 Dodge St., Omaha, Nebr.: Comsave, Commercial Profit Sharing Trust.

First Continental National Bank & Trust Company, Lincoln, Nebr. 68508: Conba & Company.

First Mid America Corporation 1001 "O" Street, Lincoln, Nebr.: Firneb & Co.

First National Bank and Trust Company of Fremont, Military & Main Sts., P.O. Box 229, Fremont, NB 68025: Ball-Edloff & Co.—(B, C, E, G).

The First National Bank of Grand Island, Trust Dept., 202 W. Third St., Grand Island, NB 68801: Firstgin (ADCF).

First National Bank of North Platte, P.O. Box 10, North Platte, Neb., 69101: Firstplatte.

First National Bank of Omaha, Omaha 2, Nebr.: Comfirn Co., Firnbank Co., Penfirn Co.

Kirkpatrick-Pettis Company, 540 Omaha National Bank Bldg., Omaha 2, Nebr.: Kirpet Co.

Mutual of Omaha Insurance Company, Farnam at 33rd St., Omaha, Nebr. 68131: Hob & Co.

National Bank of Commerce and Savings Association, 13th & O Sts., Lincoln, Nebr. 68501:

Aycom and Company (A, B, C, D, H).

Bydun & Company (A, B, C, D, H).

Firlin and Company (A, B, C, D, H).

The Omaha National Bank, 1620 Farnam St., Omaha, Nebr. 68102:

Bic Co.

Char Co.

Comfit.

Comfirn.

Firsec.

GBT Co., George Brandeis Testamentary Trust.

Onbit C.

Propen Co.

Scottsbluff National Bank, P.O. Box 381, Scottsbluff, Nebr.: Scotnab & Co.

Smith, Polian & Company, 424 Omaha National Bank Bldg., Omaha 2, Nebr.: Spol & Co.

Stockyards National Bank, Omaha, Nebr. 68107:

Penanco.

Stock Co.

The United States National Bank of Omaha, c/o Trust Dept., 1919 Douglas St., Omaha, NB 68103:

Acusco (DF).

Moby & Co. (ABF).

Tappco (C).

Uscom & Co. (H).

University of Nebraska Foundation, 220 Nebraska Union Bldg., Lincoln, Nebr. 68508:

Brunco.

UNEBFO.

*Nevada*

Bank of Nevada, Trust Dept., 225 E. Bridger St., P.O. Box 1720, Las Vegas, NV 89101:

Bridger & Co.

Harris & Co.

Keyser & Co.

Pioneer & Co.

Sam & Co.

Smith & Co.

First National Bank of Nevada, Elko District Trust Officer, Elko, Nev. 89801: Elk & Co.

First National Bank of Nevada, Trust Dept., P.O. Box 190, 300 E. Carson, Las Vegas, NV 89101: Brown & Co. (BC), Clark & Co. (AB), Gass & Co. (B), Lawson & Co. (F).

First National Bank of Nevada, P.O. Box 461, Reno, Nev. 89504: Tahoe & Co.

First National Bank of Nevada, 206 N. Virginia St., Reno, Nev.: Frisco & Co., Grant & Co., Hancock & Co., Hopper & Co., Macsara & Co., Washoe & Co.

Nevada Bank of Commerce, 1 N. Virginia St., Reno, Nev.: Bates, Sewell & Dorman, Nebaco.

Security National Bank, The, Box 171, 180 W. First St., Reno NV 89501: S [illegible] & Co.

Valley Bank of Nevada, P.O. Box 1780, 113 South 4th St., Las Vegas, Nev. 89101: Bolv and Company.

*New Hampshire*

Amoskeag Trust Company, Box 150, 87 Elm St., Manchester, N.H. 03105: Staniels & Company (A-D, F, H).

Bank of New Hampshire, N.A., Trust Dept., 27 North State St., Concord, N.H. 03301: Babb & Co., Meba & Co., Thurford & Co.

Burns, Bryant, Hinchey & Nadeau, Burns Bldg., Dover, NH 03820: Stanley M. Burns Family Trust, Roalne & Co. of N.H.

Carroll County Trust Company, Trust Dept., Main St., Conway, NH 03818: Furco (B), Hosco (F), Lamco (B).

Concord National Bank, c/o Trust Department, 43 N. Main St., Concord, NH 03301: Brunel and Co. (B).

Dartmouth National Bank of Hanover, Hanover, N.H.: Eleazer & Company.

Dudley, E. S., Co., Inc., 608 Amoskeag Bank Bldg., Manchester, N.H.: Dow & Co.

Exeter Banking Company, The, 154 Water St., Exeter, N.H. 03833:

Agency Dept., Box 100, Agex & Co.

Trust Dept., Box 100, Truex & Co.

First National Bank of Portsmouth, The, Portsmouth, N.H. 03801: Lord & Co.

Franklin National Bank, Franklin, N.H.: Murray & Co.

Indian Head National Bank of Nashua, 146 Main St., Nashua, N.H.:

Inbank Co.

Worthen & Co.

Keene National Bank, Trust Dept., 20 Central Sq., Keene, N.H. 03431:

Mural & Co.

Purves Associate (A Partnership).

Laconia Peoples National Bank and Trust Company, P.O. Box 130, Laconia, N.H. 03246: Lana & Co.

Mechanicks National Bank, 27 N. State St., Concord, N.H.:

Babb & Co.

Meba & Co.

Merchants National Bank of Manchester, 35 Mechanic St., Manchester, N.H. 03105: Lyons & Co.

Nashua Trust Company, 194 Main St., Nashua, N.H. 03060: Gaudette & Co.

New Hampshire Catholic Charities, Inc., 215 Myrtle St., Manchester, NH 03104: Cathchar & Co. of N.H.

Rochester Savings Bank and Trust Company, 22 S. Main St., Rochester, N.H. 03867: Dunlob and Company.

### *New Jersey*

Allan M. A. & Company, Incorporated, 1143 Main Ave., Clifton, N.J. 07011: Malenko.

The Bank of New Jersey, Broadway & Market Sts., Camden, N.J. 08101: Belford & Co., Bowers & Co., Deacon & Co., Kenneth & Co., Rand & Co.

Bank of Nutley, 495 Franklin Ave., Nutley 10, N.J.: Banut Company.

Bessemer Trust Company, 10 Bank St., Newark, N.J. 07102: Naidot & Co., Palbea & Co., Phicar & Co.

Bloomfield Savings Bank, 11 Broad St., Bloomfield, N.J.: Wesley & Co.

The Boardwalk National Bank, S. Carolina & Atlantic Aves., Atlantic City, N.J.: Bonab Co.

Broad Street National Bank of Trenton, P.O. Box 790, Trenton, N.J.: Broad Co.

Burlington County Trust Company, Moorestown, N.J.: Jonathan & Company.

The Central Jersey Bank and Trust Company, Trust Dept., P.O. Box 786, Rt. 9, Freehold, N.J. 07728: Cejay & Co. (H), C.J.B. & T. Company (F), Retben & Co. (A), Truest & Co. (AB).

Citizens First National Bank of Ridgewood, Ridgewood, N.J.: Board & Co.

Citizens National Bank, Englewood, N.J.: Thomson & Company.

Citizens Trust Company, Summit, N.J.: Keeney & Co.

Colonial National Bank, c/o Trust Dept., P.O. Box 150, Haddonfield, N.J. 08033: Midbank Co. (H), Midfund Co. (C), Midplans Co.,

Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, N.J. 07302: Hall & Co., Harz & Co., Perkins & Co.

Corporation Trust Company, 15 Exchange Place, Jersey City, N.J.: Hopkins & Co.

County Trust Company, Tenafly, N.J., Clinton Company.

Cranbrook & Co., 53 Flock Rd., Trenton, N.J.: Cranbrook & Co. (a partnership).

Elizabethport Banking Company, 1145 E. Jersey St., Elizabeth, N.J.: Stewart, J.T. & Co.

Equity Securities Corp., 1 Exchange Place, Jersey City, N.J.: Cornell & Co.

Fidelity Securities & Investment Co., Inc., 601 Bangs Ave., Asbury Park, N.J.: Halad & Co.

Fidelity Union Trust Company, 765 Broad St., Newark, N.J. 07101: Efco, Ellery & Co., Saul & Co., Serco, Tagson & Co., Weco.

First Bank & Trust Co.: 214 Smith St., Perth Amboy, N.J.: Madsen Co.

First Charter National Bank, c/o Trust Dept., One Rossmoor Dr., Jamesburg, N.J. 00831: Charter 288 & Co.

First Jersey National Bank, 1 Exchange Place, Jersey City 3, N.J.: Brown & Co., Chance & Co., Dean & Co., Firier & Co., Lages & Co., Lill & Co., Nevet & Co., Nonres & Co., Stap & Co.

First Merchants Trust Company, 150 Broad St., Red Bank, N.J.: Merco & Co.

First National Bank and Trust Company of Kearney, 582 Kearny Ave., Kearny, N.J.: Canaley, Jeremiah M.

First National Bank of Central Jersey, One Main St., Somerville, N.J. 08876:

Amv & Co.

Carmen & Co.

First National Bank of Hightstown, Main St., Hightstown, N.J. 08520:

Hi Bank (AB).

First National Bank of Passaic County, Trust Dept. 515 Union Blvd. Totowa, N.J. 07512:

Peban Co. (ABC).

First National Bank of Princeton, 90 Nassau St., Princeton, N.J.:

Muth & Co.

First National Iron Bank of New Jersey, 22 South St., Morristown, N.J. 07960:

Millen & Company.

First National State Bank of New Jersey, P.O. Box 616, Newark, N.J. 07101:

Azoy & Company.

Jack & Company.

Sias & Company.

First Trenton National Bank, 1 W State St., Trenton 4, N.J.:

Burr & Co.

Stapen & Co.

Guarantee Bank and Trust Company, Atlantic City, N.J.:

Roberts & Co.

Garden State National Bank, Trust Dept., 170 Main St., Hackensack, N.J. 07602.

Plenty, C.H., & Co. (A–G).

Rose & Co. (H).

Hoboken Bank for Savings, P.O. Box 309, Hoboken, N.J.:

Taylor & Co.

Hopp, Frank, 180 Main Ave., Passaic, N.J. Hopp & Co.

The Howard Savings Institution, P.O. Box 1250, Newark, N.J. 07101: Davis & Co., Howsave & Co., Lupton & Co. (H).

Hudson County National Bank, Jersey City, N.J.: Kull & Co.

Hudson Trust Company, 51 Newark St., Hoboken, N.J.: Berega & Co.

The Maplewood Bank & Trust Company, 161 Maplewood Ave., Maplewood, NJ 07040: Maytrust & Company (A–C), Maybank & Company (F).

Marine National Bank, Wildwood, NJ 08260: Marnab.

Mathis & Co., 1 S. So. Carolina Ave., Atlantic City, N.J. 08401: Lemat Co.

Mergott Rappe & Co., Inc., 240 W. Front St., Plainfield, N.J.: Merra & Co.

Meyerson, M. H. & Co., Inc., 15 Exchange Place, Jersey City, N.J. 07302: Martan & Co.

The Midland Bank and Trust Company, 80 E. Ridgewood Ave. Paramus, N.J. 07652: Engbank & Co., Midpar & Co., Francine & Co.

Monide, Inc., 15 Exchange Place, Jersey City, N.J.: Belck & Company.

The Monmouth County National Bank, 303 Broad St., Red Bank, N.J. 07701: Serb & Co. (AB).

Montclair National Bank and Trust Company, 544 Bloomfield Ave., Montclair, N.J.: Ballentine and Company, Ray & Company.

National Bank and Trust Company of N.J. 08096: Bugg & Co., Fort Billings Fund Gloucester County, 2 S. Broad St., Woodbury, Co.

National Bank of New Jersey, 390 George St., New Brunswick, N.J.: Natnew & Co.

National Community Bank, 25 Ridgewood Ave., Ridgewood, N.J. 07450: Stout & Co.

National Community Bank (Rutherford, N.J.), 170 The Plaza, Teaneck, N.J.: Webach Co.

National Community Bank of Rutherford, P.O. Box 250, Rutherford, N.J.: Leonard & Co.

National Newark & Essex Bank, 744 Broad St., Newark, N.J. 07101: Darwin & Co., George & Co., Leroy & Co.

National State Bank, 24 Commerce St., Newark 1, N.J.: Groves & Co., Hegel & Co.

National State Bank, 68 Broad St., Elizabeth, N.J.: Forman & Co., Hade & Co., Hoffman & Co., Kellogg & Co.

New Jersey Bank & Trust Company, 657 Main St., Passaic, N.J.: Pasclin & Co.

New Jersey Bank & Trust Company, 129 Market St., Paterson, N.J.: Boden & Co., Cofund & Co., Dawson & Co., Peoban & Co.

New Jersey National Bank, One W. State St., Trenton, N.J. 08603: Fetter & Co., Hale & Co., Nujaco & Co.

Northern Valley National Bank, Tenafly, N.J.: Velt & Company, Vert & Company.

Palisades Trust Company, 21 Park Place, Englewood, N.J.: Rogers & Co.

Parker & Weisenborn Inc., 24 Commerce St., Newark 1, N.J.: Stanwin & Co.

Peoples National Bank of Hackettstown, 144 Main St., Hackettstown, N.J.: Reserve Company.

Peoples Trust Company of New Jersey, 210 Main St., Hackensack, N.J. 07602:

Peoples Two Ten Company.

Rogers & Co.

Vreeland & Co. (H).

Plainfield Trust State National Bank, 202 Park Ave., Plainfield, N.J.:

Hubbell & Co.

Pond & Co.

Princeton Bank and Trust Company, c/o Trust Dept., 76 Nassau St., Princeton, N.J. 08540: Seidensticker, C. A. & Co. (A–H).

Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101.

Aftco, Byeco, Cadco, Debco, Ertco, Fivco, Floco, Forco, Gepco, Ninco, Octco, Oneco, Quinco, Sevco, Sixco, Tenco, Treco, Twoco.

Puder & Puder, 60 Park Place, Newark, NJ 07102: Kenwood Co.

Salem National Bank & Trust Co., 175 W. Broadway, Salem, N.J.: Hew & Co.

Schaub, Harry P., Inc., 744 Broad St., Newark, N.J. 07102: Peter & Co.

Second National Bank of Orange, 308 Main St., Orange, NJ 07051: Donaldson & Company (ABF).

Security National Bank, Bank & Halsey Sts., Newark, N.J. 07102: Dunlow & Co.

Slooak Catholic Sokol, 205 Madison St., Passaic, N.J.: Catholic Sokol & Co.

Somerset Trust Company, Somerville, N.J.: Lyon & Co.

South Jersey National Bank, Broadway and Cooper Sts., Camden, N.J. 08101.

Bannan & Co. (A-F, H).

Garlaw & Co. (F).

Millbank (A-F, H).

Yob Co. (A-F, H).

Suburban Trust Company, 170 E. Broad St., Westfield, N.J.: Hull & Company.

Summit and Elizabeth Trust Company, 367 Springfield Ave., Summit, N.J.

Carlson & Co.

Muchmore & Co.

Tanenhaus & Company, Inc., 139 Main Street, Orange, N.J.: Itanco.

Tradesmens Bank and Trust Company, 638 Landis Ave., Vineland, N.J.: Strang & Co.

Trenton Trust Company, 28 W. State St., Trenton 5, N.J.: Reeves & Co.

Trust Company of Morris County, 225 South St., Morristown, N.J.

Kam & Co.

Peer & Co.

Trust Company of New Jersey, 35 Journal Sq., Jersey City 6, N.J.

Gilbert & Co.

Tru & Co.

Union County Trust Company, 350 Westminster Avenue, Elizabeth, N.J. 07207: Westminster Company.

Whitehall Securities Corp., 138 Main St., Oceanport, N.J. 07757: Whitco.

### *New Mexico*

Albuquerque National Bank, c/o Trust Dept., P.O. Box 1344, Albuquerque, N.M. 87103:

Alnab & Co.

Duke & Co.

Bank of New Mexico, Trust Dept., 320 Gold S.W., P.O. Box 1830, Albuquerque, N.M. 87103: ZIA Investment Company (A–F).

Clovis National Bank, 223 Main St., P.O. Drawer 1509, Clovis, N.M. 88101: Clo-Nab and Company.

First National Bank in Albuquerque, Albuquerque, N. Mex.:

First Mortgage Company (A Partnership).

First National Associates.

First National Bank of Artesia, Roselawn at Quay, Drawer AA, Artesia, NM 88210: Knox Company.

First National Bank of Rio Arriba, Espanola, N.M. 87532: Firba.

First National Bank of Roswell, Box 1977, Roswell, N. Mex.:

Finab and Company.

First Roswell Company.

First National Bank of Santa Fe, P.O. Box 609, Santa Fe, N. Mex. 87501:

Van Dam and Company.

Plaza Associates (H).

Santa Fe National Bank, Trust Dept., P.O. Box 969, Santa Fe, NM 87501: Sanfe & Co. (A–D).

### *New York*

Abbot, Proctor & Pine, 14 Wall St., New York, N.Y.: Higham Bros.

Abraham & Co., 120 Broadway, New York, N.Y.: Abraco Nominees Ltd.

Aetna Securities Corporation, 111 Broadway, New York, NY: Colkay & Co.

Amalgamated Bank of New York, 11 Union Sq., New York, N.Y.:

Amalgamated Company.

Hillman Company.

American Bank & Trust Company, 70 Wall St., New York, N.Y. 10005:

American & Co.

Calabrese & Co.

Pan Am & Co.

American Electric Securities Corporation, Room 1845, 120 Broadway, New York, N.Y.: Ames & Co.

American Express Company, 65 Broadway, New York, N.Y.: Amexnom Co.

American Express International Banking Corporation, 65 Broadway, New York, N.Y. 10006:

Basamex Co.

Genamex Co.

Misamex Co.

Slade & Co.

American Securities Corporation, 25 Broad St., New York, N.Y.:

Amseco & Co.

Bay & Company.

Clinton & Co.

Amiv-Est Corporation, 1212 Avenue of the Americas, New York, N.Y. 10036: Avest & Company.

Amott, Baker & Co., Incorporated, 150 Broadway, New York, N.Y. 10038: Shea & Co.

Anthony, James & Co., Inc. Securities Corporation, 37 Wall St., New York, N.Y.: Jasco.

Arnhold and S. Bleichroeder, Inc., 30 Broad St., New York, N.Y. 10004: Arnbleich Co.

Atlantic Bank of New York, 39 William St., New York, N.Y. 10001: Turner, C. Y., Company.

Atlantic Bank of New York, 960 Avenue of the Americas, New York, N.Y. 10001: Lippuner, John, & Co.

Banca Nazionale del Lavoro, 25 W. 51st Street, New York, N.Y.: Ferranti & Co.

Banco Commerciale Ialliana, 14 Wall St., New York, N.Y.: Ferrajolo, Francesco.

Banco Nacional De Mexico, S.A., N.Y. Agency, 37 Wall St., New York; N.Y.: Pulido & Co.

Bankers Trust Company, 16 Wall St., New York, N.Y. 10015:

Alna Co.

Auer & Co.

Bankcan & Co.

Bankers Nominees Ltd.

Barnett & Co.

Batrus & Co.

Becu & Co.

Bock & Co.

Boehm & Co.

Borug & Co.

Comna Co.

Corag & Co.

Dobbin & Co.

Eddy & Co.

Farnum & Co.

Finman & Co.

Forbank & Co.

Hemfar & Co.

Infid & Co.

Kabo & Co.

Lehcor & Co.

Linvar & Co.

Mufun & Co.

Muller & Co.

Naban & Co.

Patey & Co.

Pendiv & Co.

Pitt & Co.

Pyramid Nominees Ltd.

Regbon & Co.

Ross & Co.

Rothmayer & Co.

Salkeld & Co.

Seena & Co.

Surtic & Co.

Varlin & Co.

Bank Le Leumi Israel, B.M. Agency, 60 Wall St., New York, N.Y. 10005:

Bale & Co.

Sibar & Co.

Bank of America International, 41 Broad St., New York, N.Y.: Toledo-Whelan & Co.

Bank of Jamestown, 202 N. Main St., Jamestown, N.Y. 14701: Lazell & Company (A–D).

Bank of London & South America, Ltd., 34 Wall St., New York, N.Y.:

Cherman & Co.

Cunningham & Co.

Dewhurst & Co.

Faria & Co.

Bank of Montreal, 2 Wall St., New York, N.Y.:

Corey & Co.

Mara & Co.

Miner & Company.

Wonham, Albert & Company.

Wonham, Albert, Nominees Incorporated.

Bank of Montreal Trust Company, 2 Wall St. New York, N.Y.:

Drude and Company Nominees Incorporated (F).

Drude & Co. (G).

The Bank of New York, 48 Wall St., New York, N.Y. 10015:

Becker & Co.

Birney & Co.

Bosworth & Co.

Corby & Co.

Cox & Co.

Dietrich & Co.

Dimelow & Co.

Falter & Co.

Gorman & Co.

Hagerman & Co.

Halsey & Co.

Hare & Co.

Kay & Co.

Lerche & Co.

Lyon & Co.

O'Neill & Co.

Palmer & Co.

Varley & Co.

T. Rowe Price Growth Stock Fund, Inc.

Way & Co.

Wendel & Co.

Whiting & Co.

Williams & Co.

Bank of New York, 90 Washington St., New York, N.Y. 10015:

Dietrich & Co.

Hare & Co.

Bank of New York, 52 William St., 3rd Floor, New York, N.Y. 10005: Hare & Company.

Bank of North America, 115 Broadway, New York, N.Y. 10006:

Dew & Co.

Hen & Co.

Ronald & Co.

Runyan & Co.

The Bank of Nova Scotia, 37 Wall St., New York, N.Y. 10005:

Berndt and Company.

Gross and Company.

Bank of Nova Scotia Trust Company of New York, 37 Wall St., New York, N.Y. 10005: Calder & Co.

Bank of Tokyo Trust Company, 100 Broadway, New York 5, N.Y.: Lynch and Company.

Bankers Trust Company, P.O. Box 704, Church Street Station, New York, N.Y. 10008: MFB Mutual & Company.

Barber Steamship Company, 17 Battery Place, New York, N.Y.: Henley & Company.

Barclay's Bank, D.C.O., 120 Broadway, New York, N.Y.: Gracechurch Co.

Baroff, F. O., Company, Inc., 15 Maiden Lane, New York, N.Y. 10038.

Basic Investors, Inc., 15 Maiden La., New York, N.Y. 10038: Marcus & Marcus Co.

Basiler R., and Co., Inc., 45 Middle Neck Rd., Great Neck, N.Y. 11021: Rbasco.

Becker, A. G., & Co., Inc., 60 Broadway, New York 4, N.Y.: Carboni, Fred.

Benkert, A. W. & Co., Inc., 52 Wall St., New York, N.Y. 10005:

Keers & Co.

McCormick, James F.

Berger, Nat, Securities Corp., 595 Madison Ave., New York, N.Y. 10022: Berger & Co.

Bessemer Securities Corporation, 245 Park Avenue, New York, N.Y. 10017: Bess & Co.

Birmingham & Company, Starr Ridge Rd., Brewster, N.Y.: Mead & Co.

Blair & Co., Inc., 44 Wall St., New York, N.Y.: Rowe, Ronald S.

Blyth & Co., Inc., 14 Wall St., New York, N.Y.: MacDonald, Thomas B.

Boardhouse & Company, 20 Exchange Place, New York, N.Y. 10005: Mendez Company.

Bodell Overcash Anderson & Company, Inc., One Fenton Bldg., Jamestown, NY 14701: Boda & Co.

Boland, John R. & Company, Incorporated, 30 Broad St., New York, N.Y. 10004: Boll & Co.

Bovers, Davis & Jacobs, Inc., 116 John Street, New York, N.Y. 10038: Da Bojac & Co.

Bowery Savings Bank, 110 E. 42nd St., New York, NY 10017: Bowsav & Co.

Bradley, Gammons & Company, Inc., 120 Broadway, New York, N.Y.: Benz & Co.

Brager and Company Incorporated, 54 Wall St., New York, N.Y. 10005: Bragerwall.

Brand, Grumet & Seigel, Inc., 67 Broad St., New York, N.Y.: Bragsle.

Brown Brothers Harriman & Co., 59 Wall St., New York, N.Y.:

Blush & Co.

International European Investing Corp.

Wills & Co.

Brown, Harold C. & Co., Inc., 114 Liberty Bank Bldg., Buffalo, N.Y. 10002: Brown, H. C. & Co.

Brown, M. P. & Co., Inc., Investment Securities, 55 Liberty St., New York, N.Y. 10005.

Canadian Bank of Commerce Trust Company, 20 Exchange Place, New York, N.Y. 10005: Wray & Co.

Canadian Imperial Bank of Commerce, 22 William St., New York, N.Y. 10005.

Dow & Co.

Inwest & Co.

Canandaigua National Bank and Trust Co., 72 S. Main St., Canandaigua, N.Y.: Rend & Company.

Carlisle & Jacquelin, 120 Broadway, New York, N.Y.: Mib Company.

Carnoe, A. J., Co., Inc., 42 Broadway, New York, N.Y.: Mip Company.

Central Trust Company, P.O. Box 938, 44 Exchange St., Rochester, N.Y. 14603: Hoffman & Co.

Chartered Bank, 76 William St., New York, N.Y. 10005: Chartered Company.

Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

Andrews & Co.

Bedle & Co.

Bender & Co.

Chase Nominees, Ltd.

Clint & Co.

Cudd & Co.

Dell & Co.

Egger & Co.

Ehren & Co.

Elzay & Co.

Gansel & Co.

Gooss & Co.

Gunn & Co.

Kane & Co.

McKenna & Co.

Padom & Co.

Pickering, L.D. & Co.

Reeves & Co.

Ring & Co.

Ryan & Co.

Settle & Co.

Taylor & Witt.

Timm & Co.

Titus & Co.

White & Co.

Chemical Bank, 20 Pine St., New York, N.Y. 10017:

Alm & Co. (G)

Brownlie & Co. (F)

Cobb & Co.

Corbett & Co. (F)

Cummings & Co. (C)

Dratch & Co.

England, C. A. & Co. (F)

Hayward & Co. (F)

Hemis & Co. (F)

Jenkins & Co. (d)

Kennedy & Co. (Bell System Pension).

Lister & Co.

Loco & Co. (F)

Merrick & Co. (B)

Orr, J.C. & Co. (F)

Ottiwell & Co. (E)

Rommel & Co.

Whitten, H. A. & Co. (AB)

Wilson & Co. (E)

Chemical Bank New York Trust Company, 601 E. Tremont Ave., Bronx, NY 10457: Nagweissco.

Chemung Canal Trust Company, 129 E. Water St., Elmira, N.Y. 14902: Canal Securities Company.

Childs, S. W., Management Corp., 1 Wall St., New York, N.Y.: Tegpat & Company.

Citizens National Bank and Trust Co., 99 N. Main St., Wellsville, N.Y. 14895: Citor Co. (A Partnership).

City National Bank and Trust Co. of Gloversville, 14 N. Main St., Gloversville, N.Y.: Sleezer & Co.

Clark, Dodge & Co., 61 Wall St., New York, N.Y.: Cullen, Walter & Conway, Charles. Cullen, Walter & Conway, Charles.

Commercial Bank of North America, 116 Fifth Ave., New York, N.Y.: Cobanka & Co.

Continental Bank International, 71 Broadway, New York, N.Y. 10006: Trinity & Co.

Coordinated Equities, Inc., 175 Main St., White Plains, N.Y. 10601: CEI Trading Company.

Corporation Trust Company, 277 Park Ave., New York, N.Y. 10017: Hopkins & Co.

County National Bank, 135 North St., Middletown, N.Y.:

Conat & Co.

National Company of Middletown.

County Trust Company, 235 Main St., White Plains, N.Y.:

Bam & Co.

Book & Co.

Church St. Co.

Ex & Co.

Fund & Co.

Post & Co.

Stock & Co.

Credit Lyonnais Corporation, 30 Church St., New York, N.Y. 10007: Stauch & Company.

Crichton, Cherashore & Co., Inc., 50 Broad St., New York, N.Y. 10004: Crichercun & Co.

Daiwa Bank Limited, New York Agency, 140 Broadway, New York, N.Y. 10005: D & B Company.

Dean Witter & Company, 2 Broadway, New York, N.Y. 10004: Witnom Inc.

Dempsey-Tegeler & Co., Inc., 80 Pine St., New York, N.Y.: Easteg & Co.

Dillon, Read & Company, 46 William St., New York, N.Y.

Calhoun Corp.

Loder & Co.

Distributors Group, Inc., 63 Wall St., New York, N.Y.: Smith & Co.

Dunkirk Trust Company, Box 254, Dunkirk, N.Y.: Harry & Co.

Dutchess Bank & Trust Company, 285 Main St., Poughkeepsie, N.Y. 12602

Banks & Co.

Dubank & Co.

McCann & Co.

Eastern National Bank of Long Island, Smithtown, N.Y.: Eebbco Company.

Eastern Securities Co., 120 Broadway, New York, N.Y.: Esco & Co.

Endicott Trust Company, 35–41 Washington Ave., Endicott, N.Y.: Etco.

Engel & Co. (Sartorius), 39 Broadway, New York, N.Y.: Miller, Robert W.

European-American Bank & Trust Company, Demey & Co.

Exchange Bank of Olean, 201 N. Union St., Olean, N.Y. 14760: Hodges and Company (ABCF).

Farmers-Matteawan National Bank, P.O. Box 70, Poughkeepsie, N.Y. 12602: Fawn & Co.

Federal Reserve Bank, 33 Liberty St., New York, N.Y.: Baker, J. H. & Co.

Fiduciary Trust Company of New York, 1 Wall St., New York, N.Y. 1005:

Buckley & Co.

Carroll & Co.

Clooney & Co.

Currie & Co.

Deane & Co.

Dengel & Co.

Douvres & Co.

Dunigan & Co.

Eager & Co.

Ellard & Co.

Fives & Co.

Fowler & Co.

Gill & Co.

Kolman & Co.

Lacovara & Co.

Montes & Co.

Moulton & Co.

Parks & Co.

Phelps & Co.

Portolano & Co.

Shultes & Co.

Silvestri & Co.

Spang & Co.

Stefans & Co.

Stubbs & Co.

Vogt & Co.

First Albany Corporation, 90 State St., Albany, N.Y.: McNamee & Co.

First Bank of Boston-International, 2 Wall St., New York, N.Y. 10005: Beals & Co.

First Boston Corporation, 20 Exchange Place, New York, N.Y.:

Eckerman & Company.

Gunderson & Co.

Hawkes & Company.

Kenney & Company.

Oberempt & Co.

First-City National Bank of Binghamton, Trust Dept. P.O. Box 700, 2 Chenango St., Binghamton, N.Y. 13902:

Edwards & Company.

Gilmore & Company.

Hunt & Company.

First Israel Bank and Trust Company of New York, 60 Wall St., New York, N.Y. 10005:

Lansal Company.

Reinet Company.

First National Bank, Canton, N.Y.: Firbankon.

First National Bank and Trust Company of Bay Shore, 128 W. Main St., Bay Shore, N.Y.: Skala & Walser.

First National Bank and Trust Company of Ithaca, 200–202 E. State St., Ithaca, N.Y.:

Cayuga & Co.

Reulein & Co.

Tioga & Co.

First National Bank of Glens Falls, 237 Glen St., Glens Falls, N.Y. 12801:

Behan and Company.

Dean and Company.

First National Bank of Glen Head, 10 Glen Head Road, Glen Head, L.I., N.Y. 11545: Final & Co.

First National Bank of Mount Vernon, 22 W. First St., Mount Vernon, N.Y.: Moore & Co.

First National Bank of Olean, 101 N. Union St., Olean, N.Y.: Carpenter & Company.

First National City Bank, 55 Wall St., New York, N.Y. 10015:

Ball & Co.

Barnes & Co.

Borden & Co.

Brad & Co.

Chave & Co.

Dooling & Co.

Drake & Co.

Dwyer & Co.

Fove & Co.

Gerlach & Co.

Griffin & Co.

Hank & Co.

Hurley & Co.

King & Co.

Kordula & Co.

McCary & Co.

Nats Cumco.

Nats Disco.

Nimer & Co.

Overseas Nominee Co., Inc.

Potts & Co.

Schondelmeier & Co.

Stella & Co.

Stuart & Co.

Sweeney & Co.

Thomas & Co.

Weber & Co.

Wurtz & Co.

First National City Bank, 20 Exchange Place, New York, N.Y. 10015: Oxy & Co.

First Northeast Securities, Inc., 170 Broadway, New York, N.Y. 10038: Firnesco Company.

First Trust Company of Albany, 35 State St., Albany, NY 12207:

First and Co.

Frank & Co.

Manstrome & Co.

First Trust & Deposit Company, 201 S. Warren St., Syracuse, NY 13202:

Lohaned & Co.

Syrun.

Trusco.

Vergco.

First Trust Union Bank, Wellsville, N.Y. 14895: Wellsville Trust Investors.

First Westchester National Bank, Trust Dept. 132 Parkway Road, Bronxville, NY 10708:

Bostwick & Co.

Cooper & Co.

Flynn, Harrison & Conroy, 99 John St., New York, N.Y. 10007: Harrison, John T.

Fordham University, Bronx, N.Y.: Keating, Jos. T.

Frankel, Wm. V. & Co., Inc., 39 Broadway, New York, N.Y. 10006: Howard & Co.

Franklin National Bank, 130 Pearl St., New York, N.Y. 10015:

Cashiers Dept., Colat Co.

Personal Trust Dept., Natrus & Co., Varo Co., Willar Co.

Corporate Trust Dept., Saf Co.

Securities Clearance Dept., Sanmor & Co.

Franklin National Bank, 925 Hempstead Tpk., Franklin Square, N.Y. 11010: Becht & Co.

Frazee, Olifiers & Company, Inc., 55 Broadway, New York, N.Y. 10006: Frazolco.

Freeport Bank, Freeport, N.Y.: Rockwood & Co.

French American Banking Corp., 120 Broadway, New York, N.Y.:

Armlen & Co.

Claflin, Armstrong & Co.

Fram & Co.

Sieyes & Co.

Fund Securities, Incorporated, 344 Victory Blvd., Staten Island, N.Y.: Barbara Palace.

Galdi Securities Corp., 200 E. 42nd St., New York, NY 10017: Norte & Company.

General Bank of the Netherlands, (Algemene Bank Nederland, N.V.), P.O. Box 197, Wall Street Station, New York, N.Y. 10005: Hodel & Co.

Genesee Valley Securities Co., Inc., 215 Powers Bldg., Rochester, N.Y. 14614: Dell & Co.

Geneseo Valley National Bank and Trust Company, 66 Main St., Geneseo, NY 14454, Box 938, New York, N.Y. 10005: Kendall & Co.

Glen Cove Trust Company, Glen Cove, N.Y.: Lee & Co.

Glens Falls National Bank and Trust Company, 250 Glen St., Glens Falls, N.Y.: Glenfalco.

Goldman, Horton A., 165 Tuckahoe Rd., Yonkers, N.Y.: Hagco.

Goldman, Sachs & Co., 20 Broad St. New York, N.Y.: Tegethoff, Joseph.

Gold, Weissman, Frankel, Inc., 51 Broadway, New York, N.Y. 10006: Wego & Co.

Goodbody & Co., 115 Broadway, New York, N.Y.: Colwell, Edwin G.

Grady Berwald & Co., 37 Wall St., New York, N.Y.: Romer & Co.

Gramatan National Bank & Trust Co., Bronxville, N.Y.: Hallock & Co.

Halsey, Stuart & Co. Inc., 30 Broad St., New York, N.Y. 10004:

Barron, Joseph and Sumner, Howard.

Flood, Joseph and McAuley, Raymond.

Hambro American Bank & Trust Co., P.O. Box 943, New York, N.Y. 10005: Daly & Co.

Hambro American Bank & Trust Co., P.O. Box 942, New York, N.Y. 10005.

Trayes & Co. Box 938, New York, N.Y. 10005: Reho & Co.

Harriman, Ripley & Company, Inc., 63 Wall St., New York, N.Y.: Beebe & Co.

Hatch, Frederic H. & Co., Inc., 63 Wall St., New York, N.Y.:

Hatch & Co.

Smith, George Joseph.

Hayden, Stone & Co., 25 Broad St., New York, N.Y.:

Cree & Co.

Cronin & Co.

Harrington, Wm. A.

Higson & Co.

Larson & Co.

Hempstead Bank, 40 Main St., Hempstead, N.Y. 11550: Hallco.

The Herkimer County Trust Company, 500 E. Main St., Little Falls, N.Y.: Hoover & Co.

Herzog & Company, Inc., 170 Broadway, New York, N.Y. 10038:

Herzco.

Sano (f).

Acoms (d).

Home Indemnity Company, P.O. Box 930, Church Street Station, New York, N.Y. 10008: Demco.

The Home Insurance Company, Box 690, Church Street Station, New York, N.Y. 10008: Hico.

Honk Hong and Shanghai Banking Corp., 80 Pine St., New York, N.Y.: Hughes, Kellogg & Co.

Hornblower & Weeks, 1 Chase Manhattan Plaza, New York, N.Y.: Bollinger, Charles, Jr.

Hutton, E. F. & Co., 61 Broadway, New York, N.Y.: Small, Irene.

Industrial Bank of Commerce, 56 E. 42nd St., New York 17, N.Y.: Sirrom & Co.

Investcr Centers Inc., 39 Broadway, New York, N.Y. 10006: Taryn Co.

Irving Trust Company, 233 Broadway, New York, N.Y. 10015: Ralph, Herman & Company.

Irving Trust Company, 1 Wall St., New York, N.Y. 10015:

Charles, Frederic & Co.

Depositary Nominee, Inc.

George, Willis & Co.

Haven & Co.

Leslie & Co.

Lind & Co.

Melvin, Cullen & Co.

Orrin, Henry & Co.

Pert & Co.

William, Carl & Co.

Irving Trust Company, Third Ave. at 42nd St., New York N.Y.: Third at 42nd & Co.

Irving Trust Company, Fifth Ave. & 34th St., New York, N.Y. 10001: Henry, Harris & Co.

Irving Trust Company, 21st St. & Fifth Ave., New York, N.Y.: Gram & Co.

Irving Trust Company 39th St. & Madison Ave., New York, N.Y. 10016: John, Kenneth & Co.

Irving Trust Company, 42nd St. & Park Ave., New York, N.Y. 10017: Charles, Edward & Co.

Irving Trust Company, 46th St. & Lexington Ave., New York, N.Y. 10017: Lexon & Co.

Irving Trust Company, 51st St., at Rockefeller Plaza, New York, N.Y. 10020: Jones, J. F. & Co.

Irving Trust Company, 46th St. & Madison Ave., New York, N.Y. 10017. Ashton & Co.

Irving Trust Company, 57th St. & Madison Ave., New York, N.Y. 10022: Adbank & Co.

Irving Trust Company, 54th St. & Park Ave., New York, N.Y.: Park & Co.

Israel Discount Bank Limited, 511 Fifth Ave., New York, N.Y. 10017.

Raphrec & Co.

Sconto Co.

Jordan, G. P. & Co., Inc., 1441 Broadway, New York, N.Y. 10018: Ghiron & Co.

Josephthal & Co., 120 Broadway, New York, N.Y.: Pollak, Bernard E.

Keefe, Bruyette & Woods, Inc., 140 Broadway, New York, N.Y. 10005: Keefe & Co.

Kemper, Barrett & Co., Inc., 150 Broadway, New York, N.Y. 10038: Barkemp & Co.

Kesselman & Co., 99 Wall St., New York, N.Y.: Junros Co., c/o Kimmelman, 767 Fifth Ave., New York, N.Y. 10022: Two East 27th Corp.

Kings Lafayette Bank, 342 Fulton St., Brooklyn, N.Y. 11201:

Court & Co.

Kinco & Co.

Kingston Trust Company, 27 Main St., Kingston, N.Y. 12401: Finley & Co.

Kuhn, Loeb & Co., 40 Wall St., New York, N.Y. 10005.

Outlen Corporation.

Outwater-Leonard & Co.

Ladenburg Thalman & Co., 23 Broad St., New York, N.Y. Beavan Corporation.

Lafayette National Bank of Brooklyn in New York, 200 Montague St., Brooklyn, NY 11201: Lafco Company.

Laidlaw & Co., 25 Broad St., New York, N.Y.: Dolan & Company.

Laird & Company, 61 Broadway, New York, N.Y.: Pflugfelder Bampton and Rust.

Laver, John J. & Company, 2612 Avenue W., Brooklyn, N.Y. 11229: Helen & Co.

Lazard Frees & Co., 44 Wall St., New York, N.Y.:

Clark Harry.

Cox, Elliott.

Roemer, Morton L.

Less, M. L. & Co., Inc., 135 Broadway, New York, N.Y. 10006: Allee.

Leumi Securities Corp., 60 Broad St., New York, N.Y.: Leumisec Company.

Liberty National Bank and Trust Company, Trust Dept., 424 Main St., Buffalo, N.Y. 14240:

Buffco (AB).

Imco (F).

Penco (C).

Liberty National Bank and Trust Company, 670 Main St., East Aurora, N.Y.: Erico Company.

L. I. Bregman, 4 Albany Street, New York, N.Y. 10006: Libco.

Lincoln National Bank & Trust Company of Central New York, One Mony Plaza, Syracuse, N.Y. 13202:

Moore & Co.

Standard and Company.

Lincoln Rochester Trust Company, P.O. Box 1412, Rochester, N.Y. 14603:

Comlin & Co.

Emlin & Co.

Estate & Co.

Guard & Co.

Liva & Co.

Maudean & Co.

Penlin & Co.

Quinplan & Co.

Spa & Co.

Testa & Co.

Trulin & Co.

Turst & Co.

Urlin & Co., P.O. Box 820.

Colroc & Co.

Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn, NY 11206: Linba Co.

Loeb Rhoades & Co., 42 Will Street, New York, N.Y. 10005: LRC Corporation (C).

Long Island Trust Company, P.O. Box 1, Garden City, N.Y. 11530:

Carol & Co.

Dain & Co.

Litco Company.

Lowitz, E. & Co., 29 Broadway, New York, N.Y.: Hawes & Co.

Manufacturers and Traders Trust Company, One M & T Plaza, Buffalo, N.Y. 14203:

Krauss & Co.

Tice & Co.

Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y.:

Bahr & Co.

Bird & Co.

Bober & Co.

Chappell & Co.

Cook & Co.

Crollus & Co.

Fisk & Co.

Flynn, M. & Co.

Grandin & Co.

Hamilton & Co.

Harrigan & Co.

Lake & Co.

Logan & Co.

Loriot & Co.

Mancot & Co.

Manleg & Co.

Matthews & Co.

Norwood & Co.

Price & Co.

Rowe & Co.

Rudolph & Co.

Sigler & Co.

Sloyan & Co.

Suydam & Co.

Thirsk & Co.

Urell & Co.

Vanek & Co.

Walter & Co.

Marine Midland Bank of Southeastern New York, N.A., 247 Main St., Poughkeepsie, NY 12602:

Gillies & Co.

Marodut.

Maropok.

Marine Midland Chautauqua National Bank, 201 N. Main St., Jamestown, N.Y.:

Charry & Co. (d).

Ima & Co. (d).

Natco & Co.

Pipp & Co. (C).

Trydell & Company (ABF).

Marine Midland Grace Trust Company, New York, N.Y. 10015:

Hoos & Co.

Jaquith & Co.

Morton & Co.

Pope & Co.

Straat & Co.

Textor & Co.

Marine Midland Grace Trust Company of New York, 7 Hanover Sq., New York, N.Y. 10015: Bassett & Co.

Hussey & Co.

Nickel & Co.

Marine Midland National Bank of Troy, P.O. Drawer 118, Fourth & Grand Sts., Troy, N.Y. 12181:

Ilium & Co. (ABF).

Usam & Co. (ABF).

Marine Midland Trust Company of Central New York, Trust Dept., 63–65 Genesee St., Auburn, NY 13021: Aubsen & Co.

Marine Midland Trust Company of Central New York, Trust Dept., 28 E. Bridge St., Oswego, NY 13126: Oscotru & Co. (A–H).

Marine Midland Trust Company of Central New York, 344 S. Warren St., Syracuse, N.Y. 13201:

Cuman & Co. (DF).

Marmid & Co. (H).

Midsen & Co. (AB).

Syrpen & Co. (C).

Marine Midland Trust Company of the Mohawk Valley, 580 Seneca St., Utica, N.Y.: Kauth and Company.

Marine Midland Trust Company of Northern New York, Trust Dept., 120 Washington St., Watertown, N.Y. 13601: Middleton & Co. (A–D,F,H).

Marine Midland Trust Company of Rochester, 19 Main St., W., Rochester, N.Y.:

Brian and Co.

Charles and Company.

Janus and Co.

Kaul & Co.

Marine Midland Trust Company of Southern New York, 84 Court St., Binghamton, N.Y.:

Gateway and Company.

Guycourt and Company of New York (BCD).

Marine Midland Trust Company of Southern New York, 150 Lake St., Elmira, N.Y. 14902:

Kolb, J.L. & Co. (Trust Dept.).

Lakemark and Company (A).

Marsony & Co. (H).

Reynolds, O.N. & Company (BCDF).

Marine Midland Trust Company of Western New York, Albion, N.Y.: Peck & Company.

Marine Midland Trust Company of Western New York, 241 Main St., Buffalo, NY 14203:

Cox & Co.

Equity & Co.

Guercio & Co.

Sanderson & Co.

Marine Midland Trust Company of Western New York, 225 Falls St., Niagara Falls, N.Y.:

Falls & Co.

Gow & Company.

Neff & Company.

Massachusetts Mutual Life Insurance Co., P.O. Box 5096, Church St. Station, New York, N.Y. 10008: Maslaf One & Co.

Mayflower Securities Co., Inc., 32 Broadway, New York, N.Y. 10004: Flow & Co.

May, J. & Co., 32 Broadway, New York, N.Y.: Jay & Co.

McCormick, R. E., 445 Park Ave., New York, N.Y.: McRob & Co.

Merchants Bank of New York, 434 Broadway, New York, N.Y.: Merchants & Co.

Merchants National Bank & Trust Company of Syracuse, 216 S. Warren St., Syracuse, NY 13202: Mersvrco.

Meyer Handelman Co., 80 Pine St. New York, N.Y. 10005: Meymanage Co.

Mohawk National Bank, 216 State St., Schenectady, N.Y.: Lebore and Company.

Mohawk Valley Investing Co., Inc., 238 Genesee St., Utica, N.Y.: Adam & Co.

Monroe Securities, Inc., 125 State St., Rochester, N.Y. 14614: Mont & Co.

Morey, Joseph H., Jr., 1800 Liberty Bank Bldg., Buffalo 2, N.Y.: Reid & Co.

Morgan Guaranty Trust Company of New York, 654 Madison Ave., New York, N.Y. 10021: Whelan & Co.

Morgan Guaranty Trust Company of New York, 40 Rockefeller Plaza, New York, N.Y. 10020: Currier & Co.

Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015:

Bicher & Co.

Bucher & Co.

Carr & Co.

Carson & Co.

Customers Company, Inc.

Dent & Co.

Douglass & Co.

Genoy & Co.

Hinton & Co.

Ince & Co.

Kelly & Co.

Kingsley & Co.

Klemann Corporation.

Kugler & Co.

LeGassick & Co.

Lowell & Co.

Lynn & Co.

Mon & Co.

Moxley & Co.

Murley & Co.

Powers & Co.

Reing & Co.

Rose & Co.

Ruch & Co.

Scheu & Co.

Schmidt & Co.

Scott & Co.

Shaw & Co.

Sifone & Co.

Sims & Co.

Tegge & Co.

Tepe & Co.

Tewes & Co.

Zande & Co.

Zink & Co.

Morgan Guaranty Trust Company of New York, 524 Fifth Ave., New York, N.Y. 10036: Bennett & Co.

Morgan Guaranty Trust Company of New York, P.O. Box 1479, Church St. Station, New York, N.Y. 10008: Gavin & Co.

Morgan Stanley & Company, 2 Wall St., New York, N.Y.: Wiliams & Company.

John Muir & Co., 39 Broadway, New York, N.Y.: Maguire, Charles E.

Murray Manufacturing Corporation, 1250 Atlantic Ave., Brooklyn, N.Y. 10016: Murray & Co.

Naddeo, V.F. & Company Incorporated, 25 Broadway, New York, N.Y. 10004: Vinco.

National Bank and Trust Company of Norwich, Trust Dept., 52 S. Broad St., Norwich, N.Y. 13815:

Drof and Company (F).

Norbank Company (C).

Turner and Company (ABDEGH).

National Bank of Auburn, Trust Dept., 120 Genesee St., Auburn, N.Y. 13021: Seymour & Co. (A-D.F.).

National Bank of North America, 160 Broadway, New York, N.Y. 10038:

Dew & Co.

Hen & Co.

National Bank of North America, 79 Pine St., New York, N.Y. 10005:

Cot Co.

Meadow Co.

Ronald & Co.

National Bank of North America, 52 Wall St., New York, N.Y. 10005: Brook & Co.

National Bank of North America, Trust Dept., 592 Fifth Ave., New York, N.Y. 10036: Keyo Co.

National Bank of North America, 116 Fifth Ave., New York, N.Y. 10011: Cobanka & Co.

National Bank of North America, 60 Hempstead Ave., West Hempstead, N.Y. 11552:

Barn & Co.

Friendly & Co.

Mebrona Co.

Runyan & Co.

Self & Co.

National Bank of Northern New York, 200 Washington St., Watertown, N.Y. 13601:

Norban and Co.

Rushlow, B.C. & Co.

National Bank of Westchester, 31 Mamaroneck Ave., White Plains, N.Y.:

Deleo & Co.

Fraser & Co.

Nabow & Co.

Rynat & Co.

Woban & Co.

National Commercial Bank and Trust Company, 60 State St., Albany, N.Y.:

Andrile & Co. (H).

Audet & Co. (C, D, E).

Charten & Co. (B).

Herjon & Co. (B, C, H).

Liefke & Co.

Marward & Co. (D), Commercial Div.

Sanders & Co.

National Commercial Bank and Trust Company, 436 State St., Schenectady, N.Y.: Liefke & Co.

National Surety Co., 110 John St., New York, N.Y.: Johnston, Stuart.

Netherlands Securities Co., Inc., 30 Broad St., New York, N.Y.: Berg Co.

Newburger, Loeb & Co., 15 Broad St., New York, N.Y.: Tynberg, David.

New York Hanseatic Corp., 60 Broad St., New York 4, N.Y.: Voges & Co.

New York Public Library, Fifth Ave. & 42nd St., New York, N.Y.: Guder & Co.

Norman, Norman C., 130 W. 42nd St., New York, N.Y. 10036: Encen & Co.

North American Planning Corporation, 230 Park Ave., New York, N.Y. 10017: Napco.

North American Securities Co., 44 Wall St., New York, N.Y.: Sifleet & Co.

North, E. M. Co., Inc., 52 Broadway, New York, N.Y.: Emco.

North Fork Bank and Trust Company, Mattituck, N.Y. 11952: North Fork Associates.

Ogden, Wechsler & Krumholz, Inc., 39 Broadway, New York, N.Y. 10005: OWK & Co.

Ogdensburg Trust Company, 320 Ford St., Ogdensburg, N.Y. 13669: Otco Company (A-F).

Ohrstrom, G.L. & Co., 40 Wall St., New York, N.Y.: Ohrstrom & Co.

Oneida Valley National Bank, 160 Main St., Oneida, N.Y. 13421: Dana & Company.

Oneida National Bank and Trust Company of Central New York, 268 Genesee St., Utica, NY 13502:

Charles Oneida Co.

Thomas Oneida Co.

Orange County Trust Company, 75 North St., Middletown, N.Y.: Walker & Company.

Orsini A.J., Securities, Inc., 347 Madison Ave., New York, NY 10017: Orsec.

Orvis Bros. & Co., 15 Broad St., New York, N.Y.: Dorfman, Leo.

Peoples Bank of Erie County, 43 Main St., Hamburga, N.Y.: Pebco.

Peoples National Bank, 880 Quincy St., Brooklyn, N.Y.: Trudep & Company.

Philipson, Max and Co., Inc., 307 Mayro Bldg., Utica, N.Y. 13501: Max & Company.

Pierce, E.A. & Co., 70 Pine St., New York, N.Y.: Gutman, W.J.

Powers, Richard J., 111 W. 40th St., New York, N.Y. 10018: Rolind & Co.

Reaves, Hewitt & Co., Inc., 74 Trinity Place, New York, N.Y. 10006, Dua, John A. & Co.

Reconstruction Capital Corporation, Room

1926–42 Broadway, New York, N.Y. 10004: Reconco.

Republic National Bank of New York, 5th Ave. at 40th St., New York, N.Y. 10018:
Aldemanbury & Co.
Fusterie & Co.
Gottardo & Co.
Repdelin & Co.
Repdelmult & Co.
R.N.B. & Co.

Rexport Corporation, 65 Broadway, New York, N.Y. 10006: Trinway Company.

Richard, C. B. & Co., 5 Hanover Sq., New York, N.Y.: McClorey, John J.

Rockland National Bank, Suffern, 67 Lafayette Ave., Suffern, N.Y.: Becraft and Boland.

Rogers, George A. & Co., Inc., 120 Broadway, New York, N.Y. 10005: Gerog Company.

Rothschild, L. F. & Co., 99 William St., New York, N.Y. 10038: Trumble & Company.

Royal Bank of Canada, 68 William St., New York, N.Y.:
Royork & Co.
Walker & Beatson.

Royal Bank of Canada Trust Company, 68 William St., New York, N.Y. 10005: Roytru & Co.

Royal National Bank of New York, 1212 Avenue Of The Americas, New York, N.Y. 10036: Robany Corporation.

Sage, Rutty & Co., Inc., 45 Exchange St. Rochester, NY 14614: Daru Company.

Saugerties National Bank and Trust Company, Saugerties, N.Y.: Carn-Kauf & Company.

Savings Banks Trust Co., 200 Park Ave., New York, N.Y. 10017: Sabat Co.

Saxton, G. A. & Co., Inc., 52 Wall St., New York, N.Y. 10005:
Gasco.
Longco.
Namco.
Reffell & Co.
Saxco.

Scarsdale National Bank & Trust Company, 8 E. Pkwy, Scarsdale, N.Y.: Tracy & Co.

Schenectady Trust Company, Schenectady, N.Y.: Wesco.

Schroder, J. Henry, Banking Corporation, 57 Broadway, Box 15005 (10049), New York, N.Y. 10015: Tucker & Co.

Schroder Trust Company, 57 Broadway, New York, N.Y. 10015.

Schroder Trust Company, 57 Broadway, P.O. Box 15001, New York, N.Y. 10049:
Schwab & Co., P.O. Box 15002.
Parsons & Co., P.O. Box 15003.
Bauer & Co., P.O. 15004.
Boyd & Co.

Security National Bank of Long Island, 31 W. Main St., Babylon, N.Y.:
Clifco.
Secnat Co.

Security National Bank, 150 Broad Hallow Rd., Melville, N.Y. 11746: Dinkelacker & Co.

Securities Network Inc., 31 W. 47th St., New York, N.Y. 10036: Setco.

Security Trust Company of Rochester, One East Ave., Rochester, N.Y. 14604:
Bendon & Company.
Case & Company.
Ely & Company.
Englert & Company.
Gales and Company.
Mover and Company.
Poolco.
Ritco.
Stone, George F. & Co.
Titler & Company.

Sherson, Hammill & Co., Inc., 80 Pine St., New York, N.Y.: Shearham Corp.

Shendell Securities, Inc., 44 Beaver St., New York, N.Y. 10004: Jodi & Co.

Singer, Bean & Mackie, Inc., 40 Exchange Place, New York, N.Y. 10005: Singer & Co.

Societe Generale, 66–68 Wall St., New York, N.Y.:
Gensoc & Co.
Phelan & Co.

Spencer, White & Prentis, 10 W. 40th St., New York, N.Y.: Elly & Co.

Standard Bank of S.A., Ltd., 52 Wall St., New York, N.Y. 10005: Smith, Gibson & Company.

State Bank of Albany, 69 State St., Albany, NY 12207: Pruyn & Company.

State of New York National Bank, Trust Dept., 17 Market St., Poughkeepsie, N.Y. 12601; Falk & Co. (A–H) 14–606571.

Sterling National Bank & Trust Company, 1410 Broadway, New York, NY 10018: Bansterl & Company.

Steuben Trust Company, 82 Main St., Hornell, NY 14843: Hornell, S. T. Co. (ABFH).

Stock Clearing Corporation, 44 Broad St., New York, N.Y. 10004: Cede & Co.

Stone & Webster Securities Corporation, 90 Broad St., New York, N.Y. 10004: Saw & Co.

Strauss, Abraham & Son, Inc., 115 Broadway, New York, N.Y. 10006: Barlo & Co.

Suffolk County National Bank, 6 W. Second St., Riverhead, N.Y. 11901: Sufbank Co. (ABF).

Swiss American Corporation, 25 Pine St., New York, N.Y. 10005: Rush & Co.

Swiss Bank Corporation, 15 Nassau St., New York, N.Y.:
Custodian Nominees Corp.
Gunther & Co.
Kraft & Co.

Swiss Credit Bank New York, 100 Wall St., New York, N.Y. 10005: Benson & Co.

Swiss Custodian Corporation, 15 Nassau St., New York, N.Y.: Maurer & Co.

Tappan Zee National Bank, 135 Main St., Nyack, N.Y. 10960: Hoyle & Co.

TDB Trust Company, 2 E. 43rd St., New York, N.Y. 10017:
Rescon & Co.
Trove & Co.

Thomson & McKinnon, 2 Broadway, New York, N.Y.:
Mitchell, Daniel J.
Sullivica, Daniel A.

Title Guarantee Company, 120 Broadway, New York, N.Y. 10005: T G & T Co., Inc.

Tompkins County Trust Company, 110 N. Tioga St., Ithaca, N.Y.: Ruane & Co.

Toronto-Dominion Bank, 45 Wall St., New York 5, N.Y.: Rice & Co.

Torpie & Saltzman, Inc., 39 Broadway, New York, N.Y.: Torsal Company.

Trade Bank & Trust Co., 481 Seventh Ave., New York, N.Y.: Edart Co.

Trade Bank & Trust Company, 592 Fifth Ave., New York, N.Y. 10036: Nabart & Co.

Tri-Continental Corporation, 65 Broadway, New York, N.Y. 10006: Seligman, J. & W. & Co.

Transmittal Securities Corporation, 11 Broadway, New York, N.Y.: Otthorn & Co. 2365 Main St, Inc., 2365 Main St., Buffalo, N.Y.: Streng & Co.

Underwriters Bank & Trust Company, 50 Broadway, New York, N.Y. 10004:
Berg & Co. (F).
Godwin & Co. (AB).
Page & Co.

United National Bank, Callicoon, N.Y.: Call & Co.

United States Trust Company of New York, 45 Wall St., New York, N.Y. 10005:
Atwell & Co.
Faust & Co.
Four & Co.
Heil & Co.
Mansell & Co.
Prime & Co.
Tri & Co.
Two & Co.
U.S. Trust Co.

Valley National Bank of Long Island, 235 Rockaway Ave., Valley Stream, N.Y. 11582: 235 Rockaway Co.

Van Alstyne Noel Corporation, 40 Wall St., New York, N.Y. 10005: Vanco & Co.

Vanneck Foundation, 100 E. 42nd St., New York, N.Y. 10017: Vanneck & Co.

Warner, J. Arthur & Co., 120 Broadway, New York, N.Y.: Jaw & Co.

Weingarten, Eismann & Co., (Weingarten & Co.), 551 Fifth Ave., New York, N.Y.: Archinal, George.

Wertheim & Company, 1 Chase Manhattan Plaza, New York, N.Y.:
Fanelle, Frank.
Ramagli, Frank.
Wertma Nominees, Inc.

White, Weld & Co., 20 Broad St., New York, N.Y.: Anstey, Harry L.

Wilbur National Bank, 245 Main St., Oneonta, N.Y. 13820: Hulbert and Company.

Wolke, Richard & Associates, 1775 Broadway, New York 19, N.Y., New York, N.Y. 10019: Dikenco.

*North Carolina*

Bank of Asheville, P.O. Box 1881, 472 Patton Ave., Asheville, NC 28804: Locban & Co.

Branch Banking & Trust Company, 121 Hay St., Fayetteville, N.C.: Faybranch and Company.

Branch Banking & Trust Company, 200 E. Walnut St., Goldsboro, N.C.: Goldbranch and Company.

Branch Banking & Trust Company, 134–36 N. Queen St., Kinston, N.C.: Kinbranch and Company.

Branch Banking & Trust Company, 325 Pollock St., New Bern, N.C.: Newbranch and Company.

Branch Banking & Trust Company, Wilson, N.C.: Wilbranch and Company.

Burlington Industries Foundation, 301 N. Eugene St., Greensboro, N.C.: Burlfound & Co.

Carolina First National Bank, 102 East Main St., P.O. Box 520, Lincolnton, N.C. 28092:
Cotruco (h).
Firnatco.

Carolina Securities Corporation, Box 1071, Raleigh, N.C.: Caro & Company.

Central Carolina Bank & Trust Company, P.O. Box 931, Durham, N.C. 27702: Arrow & Co. (A, B, C, D, E, F, H).

Citizens Bank & Trust Company, P.O. Box 1027, Henderson, N.C. 27536: Citizens & Company.

Citizens National Bank in Gastonia, Box 1201, Gastonia, N.C.:
Citban Company.
Romac Company.

Citizens Bank & Trust Company of Southern Pines, Southern Pines, N.C.: Bowman and Company.

Edgecombe Bank and Trust Company, Trust Company, P.O. Box 1259, Tarboro, NC 27886: Edge Co.

Erwin & Co., Inc., Central Carolina Bank Bldg., Durham, N.C. 27702: Winco & Co.

First Citizens Bank & Trust Company, P.O. Box 151, Raleigh, N.C. 27602: Royall & Company.

First National Bank of Catawba County, 39 Second St., N.W., Hickory, N.C.:
Fulgap Co.
Kaysee and Company.
Nocil Company.

First Securities Corporation, 111 Corcoran St., Durham, N.C.: FSC & Company.

First Union National Bank of North Carolina, 82 Patton, P.O. Box 2450, Asheville, N.C. 288202: Parfel & Co.

First Union National Bank of North Carolina, 301 S. Tryon St., P.O. Box 10091, Charlotte, NC 28201:
Grant & Company.
Forest & Co.
Natcom & Company.

First Union National Bank of North Carolina, P.O. 10311, Charlotte, N.C. 28201: Flic & Co.

First Union National Bank of North Carolina, P.O. Box 21965, Greensboro, N.C. 27400: Sumner & Co.

First Union National Bank of North Carolina, P.O. Box 271, Lenoir, N.C. 28605: Arm-Dy Co. (AB).

First Union National Bank of North Carolina, Drawer 30008, Wilson, NC 27602: Wilcar & Company.

First Union National Bank of North Carolina, P.O. Box 2114, Winston-Salem, N.C. 27102: Winsal & Company.

High Point Bank and Trust Company, P.O. Box 428, High Point, N.C. 27261: Pratt and Company.

Interstate Securities Corp., 701 Johnston Bldg., Charlotte, N.C.: Isco Company.

North Carolina National Bank, P.O. Box 120, Charlotte, N.C.:

Barfox & Co.

Cape & Co.

Firstfield Company.

Hobston & Co.

Sofurn & Co.

Sterco & Co.

Trypo & Co.

North Carolina National Bank, P.O. Box 1171, Durham, N.C.: Durben & Co.

North Carolina National Bank, P.O. Box A-1, Greensboro, N.C.:

Guilna & Co.

Stamp & Co.

North Carolina National Bank, P.O. Box 1731, Raleigh, N.C. 27602: Alsher & Co.

Northwestern Bank, P.O. Box 909, Hendersonville, NC 28739: Statru Nominee Company.

Northwestern Bank, Box 311, North Wilkesboro, N.C.: Norwest & Company.

Peoples Bank & Trust Company, Box 872, Rocky Mount, N.C.:

Peoples Securities Company.

Rock Company.

Planters National Bank & Trust Company, Trust Dept., Box 1220, Rocky Mount, NC 27801, Rocky Mount, N.C.:

Braswell, J.C. & Company (A-E).

Nash & Co.-(H).

Planters & Company-(H).

Southern National Bank of North Carolina, 500 North Elm St., P.O. Box 1489, Lumberton, N.C. 28358.

Naban & Co.

Sonab & Co.

Whitco.

Tryon Bank and Trust Company, Tryon, N.C.: Trypo & Company.

Waccamaw Bank & Trust Company, 622 S. Madison St., Whiteville, N.C. 28472: Wacco (A-D).

Wachovia Bank and Trust Company, N.A., P.O. Box 3075, Winston-Salem, N.C. 27102:

Alp & Co.

Ashe & Co.

Bull & Co.

Charl & Co. (F), Integron Corporation.

Dap & Co. (H).

Flameco (F).

Gerico (F), Integron Corporation.

Green & Co.

High & Co.

Mark & Co. (C).

Mat & Co. (C).

Meck & Co.

Murt & Co. (C).

Page & Co. (H).

Port & Co.

Ramm & Co. (C).

Reco (C).

Retco (F).

Rey & Co. (C).

Slatco

Sobel & Co. (C).

Straco & Co. (F).

Tar & Co.

Wake & Co.

Wat & Co. (C).

Wilkirk & Co.

### *North Dakota*

Dakota National Bank and Trust Co., Box 671, Fargo, N.D. 58102: Fargo Gems & Co.

Fargo National Bank, Main at Seventh, Fargo, N.D. 58102:

Mainbank & Co.

Mase & Co.

First National Bank, Box 1778, Bismarck, N.D. 58501: Firmark & Co.

First National Bank and Trust Company of Fargo, Trust Dept., 150 Broadway, Fargo, N.D. 58102:

First Fargo Company (B,C,H).

Metro Company (d).

First National Bank in Grand Forks, Box 570, Grand Forks, N.D.:

Frojack Co.

Merchants National Bank & Trust Co. of Fargo, 122 Broadway:

Fargo, N.D.

Merfar & Company.

Red River National Bank of Grand Forks, Grand Forks, N.D.:

Redfork and Company.

### *Ohio*

Akron-Dime Bank, 157 S. Main St., Akron 9, Ohio: Eyson and Company.

American Select Rick Insurance Company, 50 W. Gay St., Columbus, Ohio 43216: Amsel & Co.

Bartlett, Benj D., & Co., 313 Vine St., Cincinnati, OH 45202:

Bart & Co.

Bartpen.

Bedebe & Co.

Benj & Co.

Beacon Mutual Indemnity Company, 50 W. Gay St., Columbus, Ohio 43216: Bemic.

Canton National Bank, 123 Central Plaza S., Canton, Ohio 44701: Canat & Co.

Capital National Bank, 1101 Euclid Ave., Cleveland, Ohio 44115: Clair & Co.

Central National Bank of Cleveland, P.O. Box 6179, Cleveland, Ohio 44101:

Banom & Co.

Canex & Co. (BDF).

Cornom & Co. (E).

Mabell & Co. (C).

Parness & Co. (A-D).

Tech & Co. (F).

Central Trust Company, Fourth & Vine Sts. Cincinnati, OH 45215:

Ade & Company.

Agate & Company.

Bee & Co.

Cour & Company.

Elco & Co.

Kroe & Co.

Live & Company.

Pro & Company.

Saf & Company.

Champion Spark Plug Co., Toledo, Ohio: Stranahan, Frank D.

Citizens Bank, 10 S. Second St., Hamilton, Ohio:

Hancock, George F.

Weiland, Kathryn E.

Citizens Bank & Trust Company, Public Square, Wadsworth, Ohio 44281: Wadsco.

Citizens National Bank & Trust Co., 401 N. Main St., Piqua, Ohio: Cinapig.

City National Bank & Trust Company of Columbus, C/O Trust Dept., P.O. Box 1205, 100 E. Broad St., Columbus, OH 43215:

Coeq. & Co.

Opco & Co.

Pooled & Co.

Strafe & Co.

Cleveland Trust Company, Trust Dept., P.O. Box 6147, Cleveland, Ohio 44101:

Custo & Co.

Geegee & Co.

Haffner, F.J. & Co.

Oberlin & Co.

Welsh, A.A., & Co., Loans & Securities Dept., 916 Euclid Ave.

Bourne, R.M., & Co.

Gibson, F.E., & Co.

Columbus Mutual Life Insurance Company, 303 E. Broad St., Columbus, Ohio 43215: Colmut Nominee Co.

Commercial Banking and Trust Company of Wooster, Ohio, 141 N. Walnut St., Wooster, Ohio: Combatco.

Commodore Perry Company, P.O. Box 2005, Toledo, Ohio 43603: Leland & Company.

Construction Coordinators, Inc., 3717 Lee Rd., Shaker Heights, Ohio 44120: Sterling, Inc.

Cook, Lawrence & Company, 911 East Ohio Bldg., Cleveland, OH 44114:

Cohall & Co.

Edson and Company.

Disbro & Co., Inc., 1000 Terminal Tower, Cleveland, Ohio 44113: Rosh & Co.

Dollar Savings & Trust Co., P.O. Box 450, Youngstown, Ohio:

Dolco & Co.

MacIntosh, J.M.

Euclid National Bank, 510 Superior Ave., Celveland, Ohio 44114: Viha & Co.

Eustis, George & Co., 508 Tri State Bldg., Cincinnati, Ohio: Golee & Co.

Fahey, Clark & Co., 1737 Union Commerce Bldg., Cleveland 14, Ohio: Effcee & Co.

Farmers Savings & Trust Company, 28 Park Ave., W., Mansfield, Ohio: Farmers and Company.

Fifteen Fifty-Nine Co., 1900 Union Commerce Bldg., Cleveland, Ohio 44115: Norris & Co.

Fifth-Third Union Trust Co., Fourth & Walnut Sts., Cincinnati, Ohio:

Agen & Co.

Biggs & Pence.

Hill & Hampson.

Kirk & Ford.

Link & Company.

Morgan & Pence.

Probe & Co.

Smith & Lohrey.

Firestone Bank, Trust Dept., 1115 S. Main St., Akron, Ohio 44301:

Main Miller & Company-A,B,C,E,F.

Stonefire & Company (H).

First Cleveland Corporation, National City-East Sixth Bldg., Cleveland 14, Ohio: Clecor & Co.

First-Knox National Bank, P.O. Box 871, Mount Vernon, Ohio: Firstnox & Co.

First National Bank, Zanesville, Ohio: Grand Old Co.

First National Bank and Trust Company, Troy, Ohio 45373: Troyco.

First National Bank and Trust Company in Steubenville, Steubenville, Ohio 43952: Steuben & Co.

First National Bank and Trust Company of Hamilton, Third and High Sts., Hamilton, Ohio:

Cohamco.

Firsthamco.

First National Bank and Trust Company of Lima, Trust Dept., 631 W. Market St., Lima, Ohio 45802: Amil & Co.

First National Bank, Dayton, Ohio, 112 W. Second St., Dayton. Ohio 45402:

Merbank and Company.

Petrusco.

Sansco.

First National Bank in Massillon, 11 Lincoln Way W., Massillon, Ohio 44646: Firstmass and Co.

First National Bank of Akron, 106 S. Main St., Akron, Ohio 44308:

Millards & Co.

Parcol & Co.

First National Bank of Canton, Canton, Ohio 44702:

McKinley & Co.

Stark & Co.

First National Bank of Cincinnati, P.O. Box 1118, Cincinnati, Ohio 45201:

Cinpenco.

Cocinco.

Estcinco.

Firstcinco.

Fixedpiteb.

Habco.

Hettrich & Company.

Pitebplan.

Thriftcinco.

White & Company.

First National Bank of Mansfield, P.O. Box 349, Mansfield, Ohio:

Citizens and Company.

Handco.

First National Bank of Middletown, 2 S. Main St., Middletown, Ohio 45042: Finamidd.

First National Bank of Newark, 68 W. Church St., Newark, Ohio 43055: Firstnewco.

First National Bank of Springfield, Springfield, Ohio 45502: Bade and Co.

First National Bank of Toledo, P.O. Box 1348, Toledo, Ohio:
Pentrust & Co.
Tocona Company.

First National City Bank of Alliance, 504 S. Main St., Alliance, Ohio 44601: Albank & Co. (A,B)

First Trust & Savings Bank, 434 Main St., Zanesville, Ohio 43701: Fifth-Main Company (BCF).

Fulton Reid & Co., Inc., 1717 E. Ninth St., Cleveland, OH 44114: Effar & Co.

Green, Erb & Co., Inc., 1718 The Superior Bldg., Cleveland, OH 44114: Geco & Company.

Goodyear Bank, 1177 E. Market St., Akron, Ohio 44305: Goodbank & Co.

Harter Bank & Trust Company, P.O. Box 111, Canton, Ohio: Hartru & Co.

Hay & Company, 47 N. Fourth St., Zanesville, Ohio: First Company.

Hoefinghoff, L. W. and Co., Inc., 822 Central Trust Tower, Cincinnati, Ohio 45202: Charlee and Co.

Huntington National Bank, Trust Div., P.O. Drawer 1558, Columbus, Ohio 43216:
Carey & Co. (A–G).
Selby & Co. (H).

I.M.A. Management, Inc., 5100 West 164th St., Cleveland, Ohio 44142: Aky & Co.

Joseph Mellon & Miller, 1170 Union Commerce Bldg., Cleveland 14, Ohio: Jayem & Co.

Lake County National Bank, 30 S. Park Pl., Plainesville, OH 44077: Laco & Co.

Loran County Savings & Trust Co., 124 Middle Ave., Elvira, Ohio:
Lorban & Co.,
Lorco & Co.

Lorain National Bank, 457 Broadway, Lorain, Ohio 44052: Standen & Co. (A–F).

Mahoning National Bank, 23 Central Sq., Youngstown, OH 44501: Mahco—A Partnership (b, c, e, h).

Merick, William J. & Co., 1101 Union Commerce Bldg., Cleveland, OH 44114: Mericka & Co.

Merrill, Turben & Co., Inc., Union Commerce Bldg., Cleveland, OH 44114: Corben & Co.

Metropolitan Bank of Lima, Ohio, Trust Dept., Drawer M, Lima, Ohio 45802: Meban & Co.

Mount Union Bank, 2 W. State St., Alliance, Ohio 44601: MUB (BC).

National Cash Register Company, Main & K Sts., Dayton, Ohio 45409: Natfon & Co.

National City Bank of Cleveland, P.O. Box 5756, Cleveland 1, Ohio, Cleveland, OH 44101:
ALIENCO.
Nacito.
Sheldon & Co.
Whitelaw & Co.
WRU & Co.

Northeastern Ohio National Bank, P.O. Drawer B, Ashtabula, Ohio 44044: Harper & Co.

Ohio Citizens Trust Company, One Levis, Toledo, OH 43603: Ocitco and Company.

Ohio Company, 51 N. High St., Columbus, OH 43220: Colco & Co.

Ohio National Bank of Columbus, 51 N. High St., Columbus 16, Ohio.
Buckeye Nominee Co.
Cafu & Co.
Knoco & Co.
Conboc & Co.
Ohio Nominee Co.
Socap & Co.

Ohio National Life Insurance Company, Box 237, Cincinnati, Ohio 45201: Onlic & Company, Nominee Partnership.

Old Phoenix National Bank of Medina, 39 Public Sq., Medina, Ohio 44256: Blake & Co.

Park National Bank, 50 N. 3rd St., Newark, Ohio 43055: Panabco.

Peoples Merchants Trust Co., Trust Dept., 237 Tuscarawas St. W., Canton, Ohio 44702: PMT Co.

Piqua National Bank and Trust Company, 131 W. High St., Piqua, Ohio: Pinaco.

Portsmouth Banking Company, 602 Chillicothe St., Portsmouth, Ohio: Porban & Co.

Provident Bank, One E. 4th St., Cincinnati, Ohio 45202:
Aaron and Company.
Apco and Company.
Bonco and Company.
Capco and Company.
Depco and Company.
Epco and Company.
Exeter and Company.
Provco.
Tarco and Company.

Provident Bank, 1 E. Fourth St., Cincinnati, Ohio 45202: Lion and Company.

Reeves Banking & Trust Co., 232–34 W. Third St., Dover Ohio: Thomas & Co.

Richland Trust Company, 3 N. Main St., Mansfield, Ohio: Richland Nominee Company.

Roulston & Company, Inc., 1010 Euclid Ave., Cleveland, Ohio 44155: Romik & Co.

Saunders, Stiver and Co., Terminal Tower Bldg., Cleveland, Ohio: Rock & Company.

Schlesinger Investment Partnership, 700 National City, E. Sixth Bldg., Cleveland, Ohio 44114: D S & Co.

School Employees Retirement Board of Ohio, c/o Cooper, R. Jack, Investment, 88 East Broad St., Columbus, Ohio 43215: Sers & Co.

Second National Bank of Hamilton, P.O. Box 477, Hamilton, Ohio: Senaham.

Second National Bank of Warren, 108 Main St., S.W., P.O. Box 1311, Warren, Ohio 44482:
Market Main & Company (A-D).
Ralmer Investment Company).

Security Central National Bank of Portsmouth, 825 Gallia St., Portsmouth, Ohio:
Cenoport & Company.
Secco & Company.

Society National Bank of Cleveland, 127 Public Sq., Cleveland, OH 44114: Snboc & Co.

Southern Ohio Bank, 515 Main St., Cincinnati, OH 45202: Sonat & Co.

Speith, Bell & Mc Curdy, 1216 Union Commerce Bldg., Cleveland 14, Ohio: Speith & Company.

State Teachers Retirement Board of Ohio, c/o Treasurer of State, P.O. Box 1170, Columbus, Ohio 43216.

Sylvania Savings Bank, 5604 N. Main St., Sylvania, Ohio 43560: Sylvanco.

Third National Bank and Trust Co., 34 N. Main St., Dayton, Ohio 45402:
Lemco.
Propen.

Toledo Trust Company, 245–249 Summit St., Toledo, Ohio 43603:
Aumend & Company.
Parco.

Union Commerce Bank, 917 Euclid Ave., Cleveland 14, Ohio:
Mc Kybe & Co.
Wilvore & Co.

Union Savings & Trust Company, Trust Dept., 106 E. Market St., Warren, Ohio 44481: P.O. Box 231, (44482), Blissdyke & Co. (ABCH).

Union Savings Bank & Trust Company, 100 N. Fourth St., Steubenville, Ohio 43952: Von Steuben & Co.

Wayne County National Bank, Public Sq., Wooster, Ohio 44691: Wayco and Company (A).

Winters National Bank and Trust Co., 40 N. Main St., Dayton, OH 45402:
Ajax & Company.
Plaidstamp.
Winbond.
Wincom.
Wyn & Company.

Wolf, Cleaves & Co., 4 S. Main Street, Dayton, Ohio 45402: Weave & Co.

### *Oklahoma*

American National Bank and Trust Company of Sapulpa, P.O. Box 1001, Sapulpa, Okla.: Antco.

Central National Bank & Trust Company, 324 W. Broadway, Enid, Okla. 73701: Central Registration of Co. of Enid (BC).

City National Bank & Trust Company, 101 W. Main, Oklahoma City, Okla.: City Registration Co. of Oklahoma City.

Fidelity National Bank & Trust Company Oklahoma City, P.O. Box 24128, Oklahoma City, Okla. 73124:
Fidelity Registration Co. of Oklahoma City.
Finatco, of Oklahoma City.

First National Bank, P.O. Box 1, Stillwater, Okla. 74074: Fireco.

First National Bank and Trust Company, P.O. Box 1288, Norman, Okla. 73069: First Investment Company of Norman, Oklahoma.

First National Bank and Trust Company of Muskogee, P.O. Box 1568, Muskogee, Okla. 74401:
First of Muskogee Company (B, C, D).
Muskogee First Company—(H).

First National Bank and Trust Company of Oklahoma City, Trust Dept., P.O. Box 25189, Oklahoma City, Okla. 73125:
First Common Co. of Oklahoma City (H).
First Registration Co. of Oklahoma City (BCH).
Wentz Registration Co. of Oklahoma City (F).

First National Bank and Trust Company of Tulsa, Box 1, Tulsa, Okla. 74102:
Firskel Co.
First and Company—(B, C, E, H).
Tulskel Co.

Fourth National Bank of Tulsa, Boulder at Sixth, Tulsa, Okla. 74103: F.N.B. & Company.

Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 1655, Oklahoma City, Okla.:
Libco.
Liberty Registration Co. of Oklahoma City.

Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 24128, Oklahoma City, Okla. 25523:
American Fidelity Variable Annuity Fund A.
American Fidelity Fund A.

Liberty National Bank and Trust Company, P.O. Box 25096, Oklahoma City, Okla 73125: Liberty Transfer Company.

National Bank of Tulsa, Box 2300, 320 S. Boston, Tulsa, Okla. 74103:
Nabank & Co.
Tulfund & Company.

Security National Bank & Trust Co. of Duncan, P.O. Box 1468, Duncan, Okla. 73533: Security Registration Co. of Duncan.

Sinclair, T. J., P.O. Box 1589, Tulsa, Okla. 74102: Will & Co.

Warren Employee Pension Trusts, c/o Don M. Mattocks, P.O. Box 1589, Tulsa, OK 73101: Wepco.

### *Oregon*

Bank of California, N.A., P.O. Box 3121, Portland, Oreg. 97208:
Bacal (c).
MacRae Partnership.

Black & Company, Inc., American Bank Bldg., Portland, Oreg. 97205: Larmil Ulin.

Commercial Bank, P.O. Box 428, Salem, Oreg. 97308:
Mercal, C. O.
Witty, E. Q.

First National Bank of Oregon, P.O. Box 2971, 400 S.W. Sixth, Portland, Oreg. 97208:
Agco (d).
Bellco (c).
Colco (F).
Dicom & Co. (H).
Firnap & Co. (AB).
Keo & Co. (H).
Lon & Co. (c).
Orban & Co. (H).
Orefund (F).

Stanco (F).
Trupo & Co. (H).
Jones, June S. Co., 225 S.W. Broadway, Portland, Ore. 97205:
JSJCO.
Price, C. Elizabeth.
Stubbs, N. Hope.
Oregon Bank, P.O. Box 990, Portland 7, Ore., Portland, OR 97407: Oreb & Co.
Oregon Bank, P.O. Box 3066, Portland, OR 97205: Adams & Adams.
Rippey, Inskeep, Hess & McFaul, Inc., 409 American Bank Bldg., Portland 5, Ore: Inskeep, J. J., Jr.
Security Bank of Oregon, 316 S.W. Sixth Ave., Portland, Ore. 97204: Rainbow Partnership.
United States National Bank of Oregon, P.O. Box 3168, Portland, Ore. 97208:
Comfa & Co. (H).
Finco & Co. (H).
Corpin (E).
Dixco (C).
Muni & Co. (H).
Telco (C).
Troko (C).
Unit & Co. (ABDF).
Zereb (C).

### *Pennsylvania*

Adams County National Bank, Lincoln Square, Gettysburg, Pa. 17325: A.C.N.B. Company (H).
American Bank and Trust Company of Pennsylvania, 35 N. Sixth St., Reading, Pa.:
Acco & Co.
Amer Co.
Cuyler and Company.
Eve & Co.
Smith and Company.
Vali & Co.
American Bank and Trust Company of Pennsylvania, 101 N. Center St., Pottsville, Pa.: Schuylbank.
Andrew James Investment Company, 1701 Locust St., Philadelphia 3, Pa.: Lincoln & Lincoln.
Baker, Robert E. & Co., Land Title Bldg., Philadelphia, Pa. 19110: Baker, Robert E.
Bank and Trust Company of Old York Road, York & Easton Rds., Willow Grove, Pa. 19090: B.O.Y.R. Co.
Bank of Hanover and Trust Company, 25 Carlisle St., Hanover, Pa. 17331: BOHT & Company (B,C).
Bank of Pennsylvania, 50 N. Fifth St., Reading, Pa. 19603:
Peoples Company (AB).
Wyomissing Company (AB).
Barclay-Westmoreland Trust Company, 1 N. Main St., Greensburg, Pa.: Barwesco.
Bers & Co., Ashland & Lewis Sts., Philadelphia 24, Pa.:
Andrew & Janice.
Bers & Rose.
Bloomsburg Bank-Columbia Trust Company, Bloomsburg, Pa.: Enders & Co.
Booker Brothers, Inc., Miners National Bank Bldg., Wilkes Barre, PA 18701: Clement & Co.
Bradford National Bank, 71 Main St., Bradford, Pa.: Lews & Co.
Brooke, Sheridan, Bogan & Co., Inc., 2 Penn Center Plaza, Philadelphia, Pa.: Sherbrooke & Company.
Brown Brothers Harriman & Co., 1531 Walnut St., Philadelphia 2, Pa.: Cramp & Co.
Brunswick, Lawrence, Esq., Bankers Securities Bldg., Philadelphia 7, Pa.: Victor Edward Inc.
Bryn Mawr Trust Co., The, 801 Lancaster Ave., Bryn Mawr, Pa.: Draper & Co.
Bucks County Bank and Trust Company, Third & W. Broad Sts., Quakertown, Pa. 18951: Quatru and Company (A).
Central-Penn National Bank of Philadelphia, Lock Box 7588, Philadelphia 1, Pa.:
Reeve & Co.
Walton, Charels S. & Co., Inc.
Citizens National Bank and Trust Company of Towanda, Trust Dept., 428 Main St., Towanda, Pa. 18848: Citzbank Co.
Citizens Safe Deposit and Trust Company, 102 N. Main St., Coudersport, Pa.:
Gates, Edwin D.
Mahaley, John W.
Metzger, Owen E.
Clearfield Bank & Trust Company, Trust Dept., 11 N. Second St., Clearfield, Pa. 16830: Cleartru Company.
Commonwealth Bank & Trust Company, 61 Main St., Wellsboro, Pa. 16901: Como & Co.
Commonwealth National Bank-York Div., Trust Dept., Continental Sq., P.O. Box 1149, York, Pa. 17405: Sener & Co.
Conestoga National Bank of Lancaster, Penn Sq., Lancaster, Pa.: Conestoga Securities Service (B, C, E, H).
Continental Bank and Trust Company, Main & Swede Sts., Norristown, Pa.:
Bell & Co.
Left & Co.
Mont-Co.
Nibco.
Nix & Co.
Nor-Penn Co.
Pertac & Co.
Roth & Co.
County National Bank, Box 42, Clearfield, PA 16830: Co-Bank Company (A, H).
County Trust Company, 108 E. Main St, P.O. Box 389, Somerset, Pa. 15501: C.T. & Company (BCD).
Cumberland County National Bank and Trust Company, 21st and Market Sts., Camp Hill, Pa. 17011: Guybruck & Co. (A–C).
Cunningham, Schmertz & Co., Inc., 2000 First Nationl Bank Bldg., Pittsburgh 22, Pa.: Kirk & Co.
Dauphin Deposit Trust Company, 213 Market St., Harrisburg, Pa.: Donald & Co.
Dauphin Deposit Trust Company, P.O. Box 437, Carlisle, Pa.:
Argonne Co.
Carnom Co.
Delware County National Bank, Chester, Pa.: Webster & Co.
Delphi Capital Corporation, 1700 Market St., Philadelphia, Pa. 19103: Delcap.
Dollar Savings Bank, 4th & Smithfield, Pittsburgh, Pa. 15230:
Dosab & Co.
Dolpen & Co.
Doylestown National Bank and Trust Co., 18 E. Court St., Doylestown, Pa. 18901: Monument & Co.
Doylestown Trust Company, 115 W. Court St., Doylestown, Pa.: Satterthwaite & Cates & Co.
Drexel Harriman, Ripley, Incorporated, 1500 Walnut St., Philadelphia, Pa. 19101. Mills & Co.
Drovers and Mechanics National Bank of York, 30 S. George St., York, Pa.:
Drovers & Co.
Mechanics & Co.
Du Bois Deposit National Bank, Trust Dept., 2 E. Long Ave. & Brady St., Du Bois, Pa. 15801: Dubank Company (A–C, F, H).
Easton National Bank and Trust Company, c/o Trust Dept., Easton, PA 18042:
Enbanc Company.
Enbatco.
Etrus Company.
Marquis Company.
Elk County Bank and Trust Company, 10 N. Michael St., St. Marys, Pa. 15857: Clew & Co.
Exchange Bank and Trust Company, 1283 Liberty St., Franklin, PA 16323:
Ebt & Co. (H).
Exchange & Company.
Exchange National Bank and Trust Co., P.O. Box 789, Ardmore, Pa. 73401: Norfay Company of Ardmore.
Farmers Bank & Trust Company of Indiana, Box 369, 621 Philadelphia St., Indiana, PA 15701: Pro & Co. (AB).
Farmers National Bank of Lititz, 9 E. Main St., Lititz, Pa. 17543: Farmers Company (BCH).
Farmers Trust Company, One W. High St., Carlisle, Pa. 17013:
Cav Co. (H).
Harmony Co. (B).
Fidelity Bank, Broad & Walnut Sts., Philadelphia, Pa. 19109:
Anderson & Co., University of Pennsylvania.
Franklin & Co.
Houston Co., H. H.
Townsend & Co.
First Grange National Bank, Huntington, Pa.: Gratru Company.
First National Bank, 355 Broad St., Montoursville, Pa. 17754: Firstmont Company.
First National Bank, Greencastle, Pa. 17225: First Big.
First National Bank and Trust Co., Newtown, Pa. 18940: Centre State Company.
First National Bank and Trust Company, 13 W. Main St., Waynesboro, Pa. 17268: Firstway Company.
First National Bank and Trust Company of Bethlehem, 535 Main St., Bethlehem, Pa.: Firbeth Company.
First National Bank in Indiana, P.O. Box 400 Indiana, Pa. 15701: FNB Nominee Company.
First National Bank of Allentown, 645–649 Hamilton St., Allentown, Pa.:
Ansec Nominees.
Century Company of Catasauqua.
Firal Nominees.
First National Bank of Altoona, 1206 11th Ave., Altoona, Pa.: Lloyd & Company.
First National Bank of Ebensburg, 111 W. High St., Ebensburg, Pa. 15931: Eben and Co.
First National Bank of Greencastle, Trust Dept., P.O. Box 8, Greencastle, Pa. 17225: First Big (A–C).
First National Bank of Hazleton, 31 W. Broad St., Hazleton, Pa.:
Fircom Company.
Firhaz Company.
First National Bank of Lawrence County, 101 E. Washington St., New Castle, Pa. 16101: Hac & Co.
First National Bank of Lebanon, 760 Cumberland St., Lebanon, Pa. 17042:
First Banco (H).
First National Bank.
First National Bank of Meadville, Meadville, Pa.: Mead-First Company.
First National Bank of Milton, Milton, Pa.: Bubb & Co.
First National Bank of Oley, Oley, Pa.: First Oley Co.
First National Bank of Pennsylvania, 1005 State St., Erie, Pa. 16501:
Finber (H).
Keofund.
Penfund (C).
Spence & Co. (A. B, D).
First National Bank of Sunbury, 400 Market St., Sunbury, Pa. 17801: Sunbank and Co. (a–c, h).
First National Bank of Wilkes-Barre, 11 W. Market St., Wilkes-Barre, Pa.:
Bow & Co.
First Barre & Co.
First Wilkes & Co.
Lecom & Co.
Sedif & Co.
First National Bank of Williamsport, 25 W. Third St., Williamsport, Pa.: First Company.
First Pennsylvania Banking and Trust Company, Box 8717, Philadelphia, PA 19101:
Bean & Co. (F).
Brandriff & Co. (F), Box 8786 (19101).
Asplundh & Co. (C).
Baum & Co. (F).
Bern & Co. (F).
Brun & Co. (F).
Case & Co. (H).
Connor & Co. (C).
Cooke & Co.
Cross & Co.
Crozer & Co. (F).
Day & Co. (d).
  Drexel Hedge Fund, Inc.
  Drexel Investment Fund, Inc.
Dool & Co. (F).
East & Co. (F).
Eth & Co. (F).

First Pennsylvania Company.
Foerderer & Foerderer (F).
Fox & Co.
Glo & Co. (F).
Good & Co. (F).
Guyan Co. (d).
Guyan Eagle Investment Company.
Haas & Co. (F).
Hedberg & Gordon Fund, Inc.
Hick & Co. (F).
Hitchins & Co. (F).
Hoover & Co.
Humphreys & Co. (F).
John & Co. (F).
Kate & Co. (F).
Kunz & Co. (F).
Land & Co. (F).
Les & Co.
Mae & Co.
Mull & Co. (F).
Nor & Co. (F).
Pageton & Co. (F).
Pine & Co. (F).
Ploy & Co. (F).
Rich & Co. (F).
Sayre & Co. (F).
Snell & Co. (F).
Snelson & Co.
Thorn & Co. (F).
Tic & Co. (F).
(MagnaCap Fund, Inc.)
Wire & Co. (F).
Zerbe & Co. (C).
Commercial Loan Dept. 15th & Chestnut Sts. (19102):
Bean & Co.
Jensen & Co.
Corporated Trust Dept., Box 7492 (19101):
Krayer & Co.
Trust Dept., Box 8786 (19101):
Allin Penco.
Andy Penco (d).
Arch Penco (d).
Armstrong Penco (d).
Ashen Penco (d).
Barfard Penco (d).
Barth Penco (F).
Bentz Penco (d).
Bergen Penco.
Blair Penco.
Brand Penco.
Cade Penco.
Conrad Penco.
Coyle Penco.
Crain Penco.
Curtain Penco.
Daley Penco.
Dibbs Penco.
Duff Penco.
Durkin Penco.
Farrell Penco.
Fasset Penco.
Franz Penco.
Friend Penco.
Haines Penco.
Hardy Penco.
Harlon Penco.
Haydon Penco.
Heard Penco.
Huhn Penco.
First Seneca Bank & Trust Company, 248 Seneca St., Oil City, Pa. 16301: Argeal & Company.
First-Stroudsburg National Bank, 639 Main St., Stroudsburg, Pa. 18360: FS-N-Co. (A-H).
Frankford Trust Company, 4400 Frankford Ave., Philadelphia, PA 19124: Schenkel & Co.
Fulton National Bank of Lancaster, Trust Dept., 7 N. Queen St., Lancaster, Pa. 17604: Fulton Company.
Gallatin National Bank, P.O. Box 1031, Uniontown, Pa.: Blythe Company.
Girard Trust Bank, One Girard Plaza, Philadelphia, Pa. 19101:
Charter & Co.
Chestnut & Co.
Steere & Co.
Trow & Co.
Glenmede Trust Company, 1608 Walnut St., Philadelphia, PA 19103: Lauer & Co.
Harper & Turner, Inc., 1510 Chestnut St., Philadelphia, PA 19102: Lee G. & Co.
Harrisburg National Bank and Trust Company, 16 S. Second St., Harrisburg, Pa. 17108: Arbee & Co. (B,C,E,H).
Hazelton National Bank, W. Broad St., Hazelton, Pa. 17033: Hazbank Co.
Hershey Trust Company, 9 W. Chocolate Ave., Hershey, Pa.:
Hertrus & Co.
Hershey, Milton, & Co.
Hershey, Milton, School.
Hollidaysburg Trust Company, 224 Allegheny St., Hollidaysburg, Pa. 16648: Holiday Company.
Hulme, Applegate & Humphrey, Inc., 586 Union Trust Bldg., Pittsburgh, PA 15219:
Applegate, Arthur L.
Hah & Co.
INA Insurance Company of Illinois, Att: Investment Accounting Dept., P.O. Box 7728, Philadelphia, Pa. 19101:
Gur & Co.
Lo & Co.
Raab & Co.
Sten & Co.
Zal & Co.
Industrial Valley Bank and Trust Company, Old York Rd. & West Ave., Jenkinton, Pa.:
Greenleaf Company.
Inval and Company.
Jenk & Company.
Industrial Valley Bank and Trust Company, Commercial Dept., 1700 Market St., Philadelphia, Pa. 19103: Henderson and Company.
Johnstown Bank and Trust Company, 532–534 Main St., P.O. Box 98, Johnstown, Pa.: Jobatru.
Keystone Insurance Company, Philadelphia, Pa.: Strahley & Company.
Kutztown National Bank, 110 W. Main St., Kutztown, Pa. 19530: KNB Company (ABC).
Lafayette Trust Bank, 360 Northampton Sts., Easton, Pa. 18042: Laco Company (A–C, F, H).
Lancaster County Farmers National Bank, c/o Trust Dept., 23 E. King St., Lancaster, Pa. 17604: Lafayette Company (A–F, H).
Lawrence Savings and Trust Company, 223 E. Washington St., New Castle, Pa. 16101: Lawrence & Co. (A–F, H).
Leavans, James A., Inc., Leavans Bldg., Shamokin, PA 17872:
Cleaver Street Investment Company & Partnership.
Leavans, Robert J.
Lebanon County Trust Company, 809 Cumberland St., Lebanon, Pa. 17042: Lecot Company.
Lebanon Valley National Bank, P.O. Box 456, Lebanon, Pa.: Ell Vee Co.
Lehigh Inc., 1500 Lehigh Dr., Easton, Pa. 18043: Leprof Company.
Lemoyne Trust Company, Lemoyne, Pa.: Kiehl, Bloser & Co.
Liberty National Bank of Pittston, 2–4 N. Main St., Pittston, Pa.: Borocci, G. J.
Lock Haven Trust Company, Lock Haven, Pa.: Lock Haven Co.
Marine National Bank, Trust Dept., 901 State St., Erie, Pa. 16501:
Bunce and Company, 123 Diamond St., Titusville, PA 16354.
Tibanc & Co.
Mauch Chunk Trust Company, Jim Thorpe, Pa.: Wilhelm, William H.
Mellon National Bank and Trust Company, Corporate Trust Dept., Mellon Sq., Pittsburgh, Pa. 15230:
Aclv Company.
Bert & Co. (E).
Lacy & Co.
Pension Capital Growth Fund, Inc.
Safekeeping Div.
Clay & Co. (FG).
P.O. Box 926
Cost & Co. (F).
Far & Co. (G).
Mac & Co. (AB).
Pace & Co. (CH).
Merchants Bank and Trust Company, Meadville, Pa.: Merbank & Company.
Merchants National Bank of Allentown, 702 Hamilton St., Allentown, Pa. 18101: Mertru Company, A Partnership.
Mid-State Bank and Trust Company, P.O. Box 2007, 1130-12th Ave, Altoona, Pa. 16603:
Altru Company (A–F, H).
Cenbank Company (A–F).
Mid-State Bank and Trust Company, 108 S. Allegheny St., P.O. Box 506, Bellefonte, Pa. 16823: Betco Company.
The Miners National Bank of Pottsville, 120 S. Centre St., Pottsville, Pa. 17901: Miners & Co. (A–d, F).
Miners National Bank of Wilkes-Barre, 8–18 W. Market St., Wilkes-Barre, Pa.: Law & Co.
Moxham National Bank, 550 Central Ave., Johnstown, Pa.: Scully & Company.
National Bank and Trust Company of Kennett Square, Box 98, Kennett Square, Pa. 19348: Kennett & Company.
National Bank of Boyertown, Philadelphia & Reading Aves., Boyertown, Pa. 19512: Nabob Co.
National Bank & Trust Company of Central Pennsylvania, 12 F. Market St., York, Pa.: YCNB, Co.
National Bank & Trust Company of Central Pennsylvania, 222 Market St., Harrisburg, Pa.: Warwick & Company.
National Bank of Chester County and Trust Company, West Chester, Pa.: Chesbank Company.
Nazareth National Bank and Trust Company, 76 S. Main St., Nazareth, Pa.: Naban & Co.
Northeastern Pennsylvania National Bank and Trust Company, Box 937, Scranton, Pa.: Marbank Company, Spruce Co.
Northern Central Bank & Trust Company, Williamsport 63, Pa.: Mitchell & Company.
Northern National Bank and Trust Company, 90 Main St., Wellsboro, Pa. 16901: Nonab & Co.
Northwest Pennsylvania Bank & Trust Co., Trust Dept., 100 Seneca St., Oil City, Pa. 16301: Jamco (A–E), Noco (A,B,C,D,E), May & Company (A,B,C,D,E).
Oliver Tylone Corporation, Oliver Bldg., Pittsburgh, Pa. 15222: Michael & Co.
Penn Mutual Life Insurance Company, Independence Sq., Philadelphia, Pa. 19105:
Pennfive
Pennfund
Pennlife
Pennsix
Pennsylvania Bank and Trust Company, Titusville, Pa.; Penbanc & Co.
Pennsylvania Bank & Trust Co., Warren, Pa.: Warbanc & Co.
Pennsylvania National Bank and Trust Company, 1 S. Centre St., Pottsville, Pa. 17901: Pennbank Company (A), Penntrust Company (F).
Peoples Bank and Trust Company, Trust Dept., P.O. Box 265, Jennerstown, Pa. 15547: PBT Company.
Peoples First National Bank & Trust Co., 1 W. Broad St., Hazleton, Pa. 18201: Fircom Company (H), Firbaz Company (AF).
Peoples National Bank & Trust Company of Norristown, 43 E. Main St., Norristown, Pa.: Glenn & Co.
Peoples Savings and Trust Co., Hazleton, Pa.: Baker, Deisroth & Co.
Peoples Trust City Bank, Reading, Pa. 19603:
Balseco
Stapleton & Co.
Wyomissing Co.
Philadelphia National Bank, Broad & Chestnut Sts., Philadelphia, Pa:
Lingga & Co.
Mann & Co.
Patterson & Co.
Pittsburgh National Bank, P.O. Box 747, Pittsburgh, PA 15230: Alder & Co., Ash & Co., Aspen & Co., Beech Co., Cedar & Co., Elm & Co., Eves & Co., Herr & Company, Holly & Co., Maple & Co., Palm & Co., Peoples & Company, Poplar & Co., Robb & Co., Vaught & Company.
Porter, H. K., Company, Inc., Porter Bldg.,

601 Grant St., Pittsburgh, PA 15219: Reb & Co.

Provident National Bank, 17th & Chestnut Sts., Philadelphia, Pa. 19101: Barber & Co., Citguard & Co., Foster & Co., Hall & Co., Key & Co., Key Club, Keypen & Co., Lindsay & Co., Loeb & Loeb, Melhorn & Co., Philboard & Co., Reinhart and Company, Richter & Co., Saxon & Company, Smith & Sanford, Steiger & Co.

Rambo, Close & Kerner, Inc., 1518 Locust St., Philadelphia, PA 19103: Barr & Co.

Reading Trust Company, 515 Penn St., Reading, Pa. 19603: Fiaco and Company (B), Payco and Company (C), Retco and Company (F), Yeager and Company (ABF).

Renneisen & Redfield, Inc., 54 W. State St., Doylestown, Pa.: Renneisen.

Savings & Trust Co. of Indiana, P.O. Box 190, Indiana, Pa. 15701: Jasco & Co.

Schmidt Roberts & Parke, Inc., 123 S. Broad St., Philadelphia, Pa. 19019: Parke & Co.

Schuylkill Haven Trust Company, Schuylkill Haven, Pa.: Furben & Co.

Second National Bank, 202 W. Spring St., Titusville, Pa. 16354: Tibanc & Co.

Security-Peoples Trust Company, P.O. Drawer 60, Erie, Pa. 16512: Apollo & Co., Gemini & Co.

Smith, E. W. & Co., 1425 Chestnut St., Philadelphia, Pa.: Harwel.

Somerset Trust Company, N. Center Ave., Somerset, Pa.: Dickey & Co.

Southern Pennsylvania National Bank, 2055 S. Queen St., York, Pa. 17403: Inby, Lionco.

Southwest National Bank of Pennsylvania, 111 S. Main St., P.O. Box 760, Greenburg, Pa. 15601: Heasley, Thomas & Co. (AB).

Stock Clearing Corporation of Philadelphia, 1401 Walnut St., Philadelphia, PA 19102: Durney & Co.

Stroud & Company, Incorporated, 123 S. Broad St., Philadelphia, Pa. 19109: Crosan & Co., Stroud & Company.

Suplee, Yeatman, Mosley Co., Incorporated, 1500 Walnut St., Philadelphia, Pa. 19102: Romber & Co.

Taggart, Charles A. & Company, 1529 Walnut St., Philadelphia, Pa. 19102: Catco.

Third National Bank and Trust Company of Scranton, Trust Dept., 130 Wyoming Ave., Scranton, Pa. 18501: Third Co.

Union Bank and Trust Company of Eastern Pennsylvania, 52 W. Broad St., Bethlehem, Pa.: Union Co.

Union Bank & Trust Co. Erie, Trust Dept., Box 300, Erie, Pa. 16512: Ubaco.

Union National Bank of New Brighton, Trust Dept., P.O. Box 296, New Brighton, Pa. 15066: Knab & Company.

Union National Bank of Pittsburg, P.O. Box 837, Pittsburgh, Pa.: ACO, Bell & Company, Busavo Co., Cooper & Co., Dauer & Co., DCO, Behr & Co., DCO, Hefren & Co., House & Co., MCO, Nom & Co., Owens & Co., Perry & Co., TACO, TLCO, UACO, ULCO.

Union National Mount Joy Bank, Cor. E. Main and N. Barbara Sts., Mount Joy, Pa. 17552: Donegal Securities Service, a Partnership.

United States National Bank, P.O. Box 509, Johnstown, Pa.:

Meg & Co.

Upper Dauphin National Bank, 150 Market St., Millersburg, Pa. 17061:

Bud & Co. (A).

Warren National Bank, 304 Secand Ave., Warren, Pa.:

Warn & Co.

Wayne County Bank and Trust Company, 717 Main St., Honesdale, Pa. 18431:

Sandercock & Co. (b,f).

Wellington Management Company, Inc., 1630 Locust St., Philadelphia, PA 19103:

Mor & Co.

Walter & Co.

Western Pennsylvania National Bank, C/O Trust Dept., Fifth & Smithfield Sts., Pittsburgh, Pa. 15222:

Cancy & Company (ABC).

Cotu & Company (h).

Inca & Company (H).

Stott & Company (H).

Western Savings Fund Society of Philadelphia, 101 S. Broad St., Philadelphia, Pa. 19107:

Westplan & Co.

Westsave & Co.

Williamsport National Bank, 329 Pine St, Williamsport, Pa. 17701:

Wilnat Company.

Woodcock Hess & Company, Inc., 123 S. Broad St. Philadelphia, PA 19109:

Hesbe & Company.

The Wyoming National Bank of Wilkes-Barre, 26 W. Market St., Wilkes-Barre, Pa.: Merit & Co.

The York Bank and Trust Company, 21 E. Market St., York, Pa.:

Yornat & Co.

Yorst Co.

York, Warren W. & Company, Inc., 530 Hamilton St., Allentown, Pa.: York & Co.

### *Rhode Island*

Brown, Lisle & Marshall, Incorporated, 201 Turks Head Bldg., Providence, R.I. 02903: Bourne & Co.

Citizens Trust Company, 870 Westminster St., Providence, R.I., 02902:

Grover & Co.

Howard & Co. (H).

Ress & Co. (H).

Swing & Co. (H).

Tanner & Co. (H).

Victor & Co. (H).

Cummings & Co., Inc., 15 Westminster St., Providence, RI 02903:

Carl & Co.

Gordon & Co.

Diamond, Doorley, Douglas & Co., Inc., 15 Westminster St., Providence, RI 02903: Robert & Co.

Industrial National Bank of Rhode Island, Trust Dept., 100 Westminster St., Providence, RI 02903:

Battey & Co.

Broadbent & McAlpine.

C. B. & Co.

Dresser & Richardson.

Rowe & Co.

Text & Co.

Michael Investment Co., Inc., 519 Industrial Bank Bldg., Providence, R.I. 02903: Alron & Co.

The Newport National Bank, 8 Washington Sq., Newport, R.I. 02841: Aquidneck & Co.

Providence Investors Company, 1902 Industrial Bank Bldg., Providence, R.I. 02903.

Providence Steamboat Company and Maurania Corporation, 1 India St., Providence, R.I. 02903: India & Co.

Rhode Island Hospital Trust Company, P.O. Box 1558, Providence, R.I. 02901: Bates & Co., Books & Co., Brunonia & Co., Claude & Co., Field & Co., Gage & Co., Gerry & Co., Graham & Co., Gray & Co., Ilf & Co., Newman & Co., Potter & Co., Regro & Co., Ruth & Co., Silver & Co., Sweet & Co.

The Sixty Trust, 909 Howard Bldg., Providence, R.I. 02903; Little & Company, Silver & Co.

Walker, G. H. & Co., 840 Hospital Trust Bldg., Providence, RI 02903: Mears & Co.

The Washington Trust Company, 23 Broad St., Westerly, R.I.: Perry, Baker & Co.

White, Allen J. & Co., Inc., 791 N. Broadway, Six Corners, East Providence, R.I.: Whico.

### *South Dakota*

Aberdeen National Bank, Box 100, 320 S. First St., Aberdeen, S.D. 57401: Baird & Co.

Farmers & Merchants Bank, P.O. Box 1210, Aberdeen, S.D. 57401: Dacotah Co.

First National Bank of Aberdeen, 204 S. First St., Aberdeen, SD 54701: First Aberdeen, Inc. (B–D, H).

First National Bank of Black Hills, Drawer 2048, Rapid City, S.D. 57702: F.N.B., Inc.

First National Bank of Watertown, One Kemp, Watertown, S.D. 57201: Firivat.

First National Bank in Sioux Falls, 112 S. Phillips Ave., Sioux Falls, S.D. 57101: Firnom and Company (B,C,E,H).

National Bank of South Dakota, Western Division, P.O. Box 2008 (7th & St. Joseph Sts.), Rapid City, S.D. 57701: Raptru & Co.

Northwestern National Bank of Sioux Falls, 101 S. Main St., Box 1028, Sioux Falls, SD 57101:

Negah & Co. (A–H).

Remko & Co. (DH).

### *South Carolina*

Bailey, M. E. & Son, Bankers, Broad St., Clinton, S.C. 29325:

Merson & Co.

Prescol & Co.

Presbyterian College.

Rovan & Co.

Bankers Trust of South Carolina, Trust Dept., P.O. Box 448, Columbia, S.C. 29202:

Colwood & Co. (C,H).

Staban & Co. (AB).

Zero & Co. (CE).

Bank of Beaufort, P.O. Box 10047, Beaufort, SC 29910: Bobco.

Cecil Applegate, Igoe & Holt, Inc., P.O. Box 276, Charleston, S.C. 29402:

The Battery Company (A Partnership).

Charleston Company (A Partnership).

Citizens and Southern National Bank of South Carolina, P.O. Box 951, Charleston, S.C.: Cess and Company.

Citizens and Southern National Bank of South Carolina, P.O. Box 960, Columbia, SC:

Betts & Company.

Cola and Company.

Hurst & Company.

Citizens and Southern National Bank of South Carolina, P.O. Box 1449, Greenville, S.C.: Reedy and Company.

Citizens and Southern National Bank of South Carolina, P.O. Box 1051, Spartanburg, S.C.: Sparta and Company.

Crawford, G. H., 1213 Lady St., Columbia, S.C. 29202: Chapco & Company.

The First National Bank of South Carolina, Trust Dept., 1208 Washington St., P.O. Box 111, Columbia, SC 29202:

DeLand & Co.

Edisto & Co. (H),

Frampton & Co.

Hampton & Co. (H).

Huger & Co. (H).

Marion & Co. (F).

Pickens & Co. (H).

Scotch & Co.

Sumter & Co.

Furman, Alester G., Co., Box 288, Greenville, S.C.:

Star & Company.

Sun & Company.

Greenwood Methodist Home, Drawer 1017, Greenwood, S.C. 29646: Meth – Home & Co.

Guaranty Bank and Trust Company, P.O. Drawer 71, Florence, S.C.: Holland & Company.

Johnson, Coleman, Manning & Smith, Inc., P.O. Box 215, Charleston, S.C.:

Seven State Street Co.

Wadmalaw & Company.

Kirksey, Incorporated, Drawer 1017, Greenwood, S.C.: Kirksey, Inc.

National Bank of South Carolina, 207 N. Main St., P.O. Box 1798, Sumter, S.C. 29150: Rowban & Co. (A-C).

The Peoples National Bank, P.O. Box 608, Greenville, S.C.: Calvin Company.

Seibels, Bruce & Company, P.O. Box 1, Columbia, S.C. 29202:

Argus Co.

Cat Co.

Conam Co.

Seiberg Co.

Seiplan Co.

Socar Co.

The Self Foundation, P.O. Drawer 1017, Greenwood, S.C. 29646:

Brin & Co.

Durst & Co.

Lura & Co.

Tex & Co.

The South Carolina National Bank, P.O. Box 969, Columbia, S.C.: Clay & Co., Henry & Co., James & Co., Rylan & Company.

The South Carolina National Bank of Charleston, 16 Broad St., Charleston, S.C.: Roland and Company.

Southern Bank and Trust Company, Box 1320, Greenville, S.C. 28692: Toole & Co.

State Bank and Trust Company, 1244 Main St., Columbia, S.C.: Staban & Co.

### *Tennessee*

American National Bank & Trust Company, 750 Market St., Chattanooga, Tenn. 37402: Bank & Co., Bishop & Co., Chatt & Co., Eleven & Co., Tenn. & Co., Unichat & Co., Westend & Co.

Commerce Union Bank, Trust & Investment Division, 400 Union St., P.O. Drawer C, Nashville, TN 37219: Cub & Co. (H), Edwards & Co. (A, B, C, D, H), Proctor, D. Y. & Company.

First American National Bank of Nashville, Trust Dept., 326 Union St., Nashville, Tenn. 37202: Houvis & Co.

First National Bank of Memphis, 127 Madison Ave., Memphis 3, Tenn.: Central Memphis Company, Simton Company.

First National Bank of Sullivan County, 500 State St., Bristol, Tenn.: Sulco and Company.

First National Bank of Sullivan County, P.O. Box 889, Kingsport, Tenn.: Firpo and Company, Kintol and Company.

Genesco, 111 Seventh Ave. N., Nashville 3, Tenn.: Gesco.

Hamilton National Bank, 701 Market St., Chattanooga, Tenn.: Hamnat and Company.

Hamilton National Bank, P.O. Box 1210, Johnson City, Tenn.: Ham Banks and Company, John Ham and Company.

Hamilton National Bank of Knoxville, Gay and Clinch, Knoxville, TN: Ham and Company.

Investment Securities Corporation, The Read House, 833 Broad St., Chattanooga, Tenn.: 37402: Nelthas & Co.

Memphis Bank and Trust Company, 44 N. Second St., Memphis, TN 38103, Trust Dept., P.O. Box 183 (38101): Memtrusco.

Millard & Company, Hamilton National Bank Bldg., Chattanooga, Tenn.: Millard & Millard.

Nashville Bank & Trust Company, 315 Union St., Nashville 3, Tenn.:

Barrow & Company.

Warner & Company.

National Bank of Commerce in Memphis, 45 S. Second St., Memphis 1, Tenn.:

Comco.

Natco & Company.

Snoco & Co.

Park National Bank, Trust Dept., P.O. Box 511, Knoxville, Tenn. 37901: Zenda & Company.

Pioneer Bank, Trust Dept., 801 Broad St., Chattanooga, Tenn. 37401: Peer & Co.

Southern Baptist Foundation, 460 James Robertson Pkwy., Nashville, Tenn. 37219: Jomags & Co.

Third National Bank in Nashville, 170 Fourth Ave., N., P.O. Box 76, Nashville, Tenn. 37202, C/O Trust Dept.: Farmore Company.

Flemston Company, Grayward Co., P.O. Box 2844, Agon Company, (Aragon Fund Inc.), Dale Company (F), Morcor, (LII Mutual Fund).

Union Planters National Bank, P.O. Box 387, Memphis 1, Tenn.: Uniplant and Company.

### *Texas*

Alamo National Bank of San Antonio, P.O. Box 900, San Antonio 6, Texas: Fitch and Company.

American Bank of Commerce, P.O. Box 4797 Odessa, Texas: ABC Company, Commerce Company (H).

American Industries Retirement Company, 1801 Main St., Houston, Texas 77002, Jaw Co.

American National Bank of Beaumont, % Trust Dept., P.O. Box 2751, Beaumont, TX 77704: Amnabeau Company (b), Tambeau & Co. (h).

Arlington Bank & Trust, % Trust Dept., Box 250, 100 E. South St., Arlington, TX 76010, Artrust & Company—(B, C, D, E, H).

Austin National Bank, 5th and Congress, P.O. Box 908, Austin, Texas 78767: Auban & Co.—(B, D, F), Boardwalk & Co.—(B, C. D. E, F. G).

Bank of Commerce, Throckmorton at Seventh, Fort Worth, Texas 76102: B.O.C. Company, Commerce Company, E.B.T. Company.

Bank of Texas, P.O. Box 2502, Houston 1, Texas: Bantex Co.

Bank of the Southwest N.A., P.O. Box 2629, 910 Travis, Houston, Texas 77001: Trust Div., Compass & Co., Houston & Co., Martin & Co.—70, Secnatco, Custody Dept., Femar & Co. (G).

Bass Brothers Enterprises, Inc., 1211 Fort Worth National Bank Bldg., Fort Worth, Texas 76012: Prompay.

Brown, Allen & Co., 600 Empire Bldg., Dallas, Texas 75201: Baco.

Cain, Dixon H., 3031 Humble Bldg., Houston, Texas 77002:

Cainfo & Co.

Chiltrus & Co.

Revtrus & Co.

Wiltrus & Co.

Capital National Bank, P.O. Box 3285, Houston, Texas 77001:

Captex & Co.

Ernest & Company.

Capital National Bank in Austin, P.O. Box 550, Austin, Texas 78767:

Cap & Co. (C).

Leader & Co. (AB).

Central National Bank, McKinney, Texas 75069: Hardyco.

Citizens First National Bank of Tyler, P.O. Box 2020, Tyler, Texas: Cifirs and Company.

Citizens National Bank in Abilene, Box 1251, Abilene, Texas 79604: Citizens Investment Co.

Citizens National Bank of Lubbock, P.O. Box 841, Lubbock, Texas 79408:

Neel, J. D. & Company.

Walden, G. C., & Company.

Citizens National Bank & Trust Company, Trust Dept. 319 W. Texas Ave., Baytown, TX 77520: Sherjac & Co.

City National Bank, Byran, Texas: Cinatrust and Company.

City National Bank in Wichita Falls, Drawer 60, Wichita Falls, Texas: Davis, E. A. & Company.

City National Bank of Austin, 823 Congress, P.O. Box 1727, Austin, Texas 78767:

Citban and Company.

City and Company (BE).

Clayton, Benjamin, Trust, 706 Bank of the Southwest Bldg., Houston, TX 77002: Clayton & Co.

Clifton, Harris, Archer & Parks, Suite 651—The Main Bldg., 1212 Main St., Houston, Texas 77002: The Nutmeg Tree.

Continental National Bank of Fort Worth, Box 910, Fort Worth, Texas 76101.

Chisholm Company (C).

Conabanco (B).

Continental Company, (A–F, H).

Coronado Company (H).

KEOGHCO (C).

Corpus Christi Bank and Trust Company, P.O. Box 780, Corpus Christi, Texas 78403: Hillbank Company.

Corpus Christi State National Bank, P.O. Drawer 301, Corpus Christi, Texas, CCSNB Co.

County National Bank of Orange, P.O. Box 1029, Orange, Texas 77631: CNB Co.

Cullen Center Bank & Trust, P.O. Box 2845, Houston, Texas 77001:

Jupiter, A. O., & Co.

Mars, A. O., & Co.

El Paso National Bank, P.O. Box 140, El Paso, Texas 79999:

Doak & Co.

Warnco.

Exchange Bank & Trust Company, P.O. Box 35207, Dallas, TX 75235: McAdams and Company.

Fannin Bank, P.O. Box 20008, Houston, TX 77001: Park Co.

Farmers and Merchants National Bank of Abilene, Box 701, Abilene, Texas: Farmers & Merchants Company.

First City National Bank of Houston, Box 2557, Houston, Texas 77001:

Anfonom Company.

Black & Co.

Firbanom Company.

First City Company.

Hamill & Company.

Sneed & Co.

First Hutchings-Sealy National Bank, P.O. Box 1500, Galveston, Texas: Harwin & Co., Lain & Co.

First National Bank, Brenham, Texas 77833: First Brenco.

First National Bank, 835 E. Levee St., P.O. Box 2219, Bronsville, Texas 78520: Cameron and Company—(C, E), Kalrea and Company—(A. B. C. E).

First National Bank at Lubbock, 1500 Broadway, P.O. Box 1241, Lubbock, TX 79408: Finaba Company.

First National Bank in Dallas, Commercial Dept., P.O. Box 6031, Dallas, TX 75222: Blackwell.

First National Bank in Dallas, Trust Div., P.O. Box 6031, Dallas, TX 75222: Ace & Co., Adar & Co., Akard & Co., Cid & Co., Clik & Co., Dainat & Co., Dek & Co., Dru & Co., EBP & Co., Fid & Co. GNIL & Co., GPR & Co., Lodi. & Co., Nard & Co., Noto & Co., Pak & Co., Roy & Co., Tram & Co., WFW & Co.

First National Bank of Amarillo, Trust Dept., P.O. Box 1331, Amarillo, Texas: Duro & Co. High. & Co., Palo & Co. Plains & Co.

First National Bank of Brownfield, Trust Dept., Box 1067, Brownfield, Texas 79316: First Securities Agency.

First National Bank of Corsicana, Corsicana, Texas: Finaboc & Co.

First National Bank of Fort Worth, P.O. Box 2260, Fort Worth, TX 76101: Connell and Co., Loyd and Company.

First National Bank of Huntsville, P.O. Box 670, Huntsville, Texas 77340: First National Huntsville Co.

First National Bank of Midland, Box 270, Midland, Texas 79701: CJK Company, FNB Company, GMF Company (H), JPB Company (H).

First National Bank of Richmond, Richmond, Texas: Healdan Company.

First National Bank of Waco, P.O. Box 950, Waco, Texas: First Stock Company.

First Security National Bank of Beaumont, P.O. Box 3391, Beaumont, Texas: Firbeau Company.

First Southwest Company, Mercantile Bank Bldg., Dallas, Texas 75201: Bilwinco, Deck & Co., Fisoco, Jakes & Co., Part & Co., Rade & Co.

First State Bank, P.O. Box 2632, Odessa, Texas 79760: F.S.B. Company.

First State Bank of Denton, P.O. Box 100, Denton, Texas 76201: RRO & Co. (C), Sid & Co. (A, B, C, E, H).

First State Bank & Trust Company, Bryan, Texas: Brybank & Company.

First Victoria National Bank, P.O. Box 1338, Victoria, Texas 77903: Oster & Co.

Fort Worth National Bank, P.O. Box 2050, Fort Worth, TX 76101: Fort & Co., Worth & Co.

Frost National Bank, P.O. Drawer 1600, San Antonio, Texas 78206: Baker & Co., Lau & Co. (H), Lentz & Co. (F), Muir & Co., Pigeon & Co. (H).

Reagan & Co., (Frost Realty Co.).

Rust & Co.

White & Co.

Groos National Bank of San Antonio, P.O. Box 1330, San Antonio, Texas 78206:

Groosco (AB).

Groosnatco (H).

Broostrustco (H).

Guaranty National Bank & Trust of Corpus Christi, Box 749, Corpus Christi, Texas 78403:

Adams and Co. (d).

Gross and Co.

Hatridge and Co. (Keogh Plans).

Houston Bank & Trust Company, P.O. Box 2555, 1801 Main St., Houston, TX 77001:

Hope & Company.

Rich and Company.

Houston National Bank, P.O. Box 2518, Houston, Texas 77001:

Tenbanco.

Thrift & Co.

Houston Securities Corporation, 608 C & I Building, Houston, Texas 77002: Houseco.

Lakewood Bank and Trust Company, LaVista at Gaston, Dallas, Texas 75214: Lake & Co.

Laredo National Bank, P.O. Box 59, Laredo, Texas: Lanabal.

Life Insurance Stock Fund, Inc., 1032 Life Bldg., 311 S. Akard, Dallas, TX 75202: Life Insurance Stock Fund & Company.

Lubbock National Bank, P.O. Box 421, Lubbock, Texas 79408:

Lub-Cap Company (A–H).

Lubnat & Company (H).

Main Bank & Trust, P.O. Box 1120, San Antonio, Texas: Marett & Co.

Mercantile National Bank at Dallas, P.O. Box 5415, Dallas, TX 75222:

Brown & Co.

Clarence, Arthur & Co.

Kerr & Co.

Main & Ervay Co.

Merbank & Co.

Sans & Co.

Subs & Co.

Tuco & Co.

Merchants and Planters National Bank, 200 N. Travis St., Sherman, Texas:

Chant and Company.

Map and Company.

Midland Investment Company, 341 Milam Bldg., San Antonio, Texas: Hix & Co.

Midland National Bank, Midland, Texas: Adams, P.M. & Co.

Moody House Life Care Trust, Moody House, Galveston, Texas 77550: Moody House & Co.

Moody National Bank of Galveston, P.O. Box 1139, 2302 Post Office St., Galveston, TX 77550:

Ado & Co. (F).

Motrus & Co. (F).

Stickle & Co. (A, B, C, E).

Murphy, G. W. Industries, Inc., P.O. Box 2119, Houston, Texas 77001: Murphy Fund & Co.

National Bank of Commerce of Dallas, P.O. Box 2249, LTV Tower, Dallas, TX 75221.

Elpak & Co. (A–D).

JKW & Co. (H).

Nomco.

National Bank of Commerce of San Antonio c/o Trust Dept., Box 121, San Antonio, TX 78206:

Com Trust (H).

Nabacomsa (A–G).

National Bank of Sweetwater, Trust Dept., Sweetwater, Texas 79556, Sweetwater, N.B., Co.

Oak Cliff Bank and Trust Company, Dallas, Texas: Joe James & Company.

Orange National Bank, Orange, Texas 77630:Ornaba & Co.

Peoples National Bank of Tyler, P.O. Box 2001, Tyler, Texas:

Danmac Company.

DKC Company.

Preston State Bank. P.O. Box 12000, Dallas, TX 75225: Presban & Company.

Read, William E. & Co., Inc. Republic National Bank Tower, Dallas, Texas 75201: Werco.

Republic National Bank of Dallas. P.O. Box 5961, Dallas, Texas 75221:

James, W. O. and Company.

Republic National Bank of Dallas. P.O. Box 2964, Dallas, Texas 75221:

Mason & Co.

Republic National Bank of Dallas. P.O. Box 2716, Pacific & Ervay Sts.:

Anbo & Co. (F).

Arm & Co. (F).

Chart & Co. (F).

Di Fund & Co. (F).

Garland & Company (B).

Hill & Co. (F).

Mack & Co. (B).

Mason & Co. (F).

Matus & Co. (B).

Qualidex & Co. (F).

Swinco & Co. (F), P.O. Box 5961.

James, W. O., & Co. (F), P.O. Box 2964.

Flab & Co. (E).

Fots & Co. (F).

Robt Co.

Kirbysan Co.

Oaks & Co.

San Antonio Loan & Trust Company. P.O. Box 1228, San Antonio, Texas: Denman & Co.

Southern National Bank. 921 Main St., P.O. Box 2529, Houston, Texas 77001:

Adrian & Company (d,F,G).

Gleve & Co. (A,B,C,E).

Sostock & Co. (H).

Southwest National Bank of El Paso. P.O. Box 1572, El Paso, TX 79948: Southwest Company, (C).

Spring Branch Bank. 8800 Katy Freeway, P.O. Box 19158, Houston, Texas 77024: Branch & Co.

State National Bank of El Paso. P.O. Drawer 1072, El Paso, Texas:

Nost & Co.

Stanat.

Wessco.

Texas Bank & Trust Company of Dallas, Main at Lamar, Dallas, TX 75202:

Dobbs and Company.

Texbank & Company.

Texas Bank & Trust Company of Dallas, P.O. Box 5260, Dallas, Texas 75222: Echo and Company.

Texas Bank & Trust Company of Dallas, P.O. Box 5267, Dallas, Texas 75222: Judico.

Texas Commerce Bank, N.A., Commercial Dept., P.O. Box 2558, Houston, Texas 77001.

Appco (E).

Bear & Co.

Beers & Co.

Biehl & Co.

Celt & Co.

Contico.

Crown Western Investments, Inc. Dallas Fund.

Dalco.

Dave & Co.

Deak & Co.

Difco.

Crown Western Investments, Inc. Diversified Fund.

Diversco.

Drum & Co.

Impactco.

Les & Co.

Mebco.

Milan & Co.

Niels & Co.

Obie & Co.

Parch & Co.

Rusk & Co.

Sumcapco.

Swigart & Co.

Texas Commerce Company.

Texcomo.

Tom & Co.

USAA Growth Fund, Inc.

Usaaco.

Voss & Co.

Tyler Bank & Trust Co., Box 2009, Tyler, Texas: Tybatco.

United States National Bank, P.O. Box 179, Galveston, Texas 77550: Usnab.

Victoria Bank & Trust Company, Victoria, Texas:

Victoria & Co.

Victoria, Colvin & Co.

Victoria, Johnson & Co.

William Marsh Rice University, P.O. Box 2666, Houston, Texas 77001: WMR & Co.

### *Utah*

Burrows, Smith & Company, 174 S. Main St., Salt Lake City, UT 84101: Elbco.

Commercial Security Bank, P.O. Box 1480, Ogden, Utah: Cosec & Co.

Continental Bank & Trust Co., 200 S. Main St., Salt Lake City, Utah: Conabatco & Co.

First Security Bank of Utah, N.A., Trust Dept., P.O. Box 1560, Ogden, UT 84402: Smith & Co. of Ogden.

First Security Bank of Utah, N.A., Trust Dept., P.O. Box 1289, 79 S. Main St., Salt Lake City, UT 84110: Smith & Co.

Tracy-Collins Bank and Trust Company, 151 S. Main St., Salt Lake City, Utah: Jeffco Traco.

Valley Bank and Trust Company, 1325 S. Main St., Salt Lake City, Utah 84115: Navalco.

Walker Bank & Trust Company, P.O. Box 1169, Salt Lake City, UT 84110: Reklaw & Company.

Zion's First National Bank, 70 E. S. Temple, Salt Lake City, Utah: Brvce & Co.

Zions First National Bank, 235 S. Main St., Salt Lake City, Utah 84110: ZIFA and Company.

### *Vermont*

Bank of Waterbury, 14 S. Main St., Waterbury, Vt.: Trust Investment Company.

Barre Trust Company, 105 N. Main St., Barre, Vt.: Bart-Co.

Chittenden Trust Company, 123 Church St., Burlington, Vt.:

Corp & Co.

Egap & Co.

Toof & Co.

County National Bank of Bennington, 401 Main St., Bennington, Vt. 05201: Hogel & Company (B).

Franklin County Bank, P.O. Box 231, St. Albans, Vt. 05478.

Astro & Co. (H).

Sage & Co. (D, F).

True & Co. (A, B, D, E, H).

George, C. N. Company, Inc., P.O. Box 516, Brattleboro, Vt.: Versec Company.

Hackett & Company, Inc., 198 College St., Burlington, Vt.: Hackbro, a Partnership.

Howard National Bank and Trust Company, 111 Main St., Burlington, Vt.:

Carfoss, A.

Howco Associates.

Montpelier Savings Bank and Trust Company, P.O. Box 393, Montpelier, Vt.: Davis & Company.

National Bank of Derby Line, The Derby Line, VT. 05830.: Judsel Associates.

National Life Insurance Company, Montpelier, Vt. 05602.: Nalic & Co.

Proctor Trust Company, Proctor, Vt.:

Don Ross Co.

Fay Co.

Smith & Company.

Smith, Proctor & Williams.

Sterling Trust Company, Johnson, Vt.: Lamoille Company, The.

Trustees of the Diocese of Vermont, P.O. Box 671, Burlington, Vt.:

Bishop & Co.

Priest, A. I. & Co.

Trubell & Co.

Wilder & Co.

Wilson & Co.

Vermont Bank and Trust Company, 500 Main St., Bennington, Vt. 05201:

Benn Company.

Verbank Company.

Vermont Bank and Trust Company, Box 823, Brattleboro, VT:

Boro Company.

Brattle Company.

Vermont Bank and Trust Company, (Killington Office) P.O. Box 99, Rutland, VT:

Kilbank Company.

Potter & Co.

Vermont National Bank. Trust Dept., P.O. Box 804, 100 Main St., Brattleboro, VT 05301:

Stockwell Co.

Vernat Company.

### *Virginia*

Alexandria National Bank, c/o Trust Dept., P.O. Box 239, Alexandria, VA 22313: Daridro & Co.

American National Bank of Portsmouth, 234 High St., Portsmouth, Va. 23705: Amerna Company.

American National Bank & Trust Company, 336 Main St., Drawer 191, Danville, VA 24541: Ambro and Company (A, B, C, H).

Arlington Trust Company, Box 509, Arlington, Va.: Lamarbo & Co.

Augusta National Bank of Staunton, P.O. Box 390, Staunton, Va.: Cash and Company.

Bank of Salem, P.O. Box 959, Salem, Va.: Sabank & Co.

Bank of Virginia, 800 E. Main St., Richmond 14, Va.:

Bova & Company.

Vaba & Company.

Bank of Warwick, 96 Main St., Newport News, Va. 23601: Bowarco.

Cassell, C.F. & Co., Inc., 114 Third St., N.E., Charlottesville, Va.: Casgun Company.

Central National Bank of Richmond, Trust Dept., 219 E. Broad St., P.O. Box 1838, Richmond, VA 23215: Fel & Co. (AB).

Citizens Bank, South Hills, Va.: Moss & Company.

Citizens Bank & Trust Company, P.O. Box 138, Charlottesville, Va. 22902: Roby and Company (AF).

Clarendon Trust Company, 3192 Wilson Blvd., Arlington, Va. 22210: Clatco & Company.

Craigie, F.W. & Co., Inc., 615 E. Main St., Richmond, Va., 23215: Craco.

Culpeper National Bank, Box 271, Culpeper, Va.: Culnat & Company.

Diversified Planning Corporation, 1101–17 St. N.W., Washington, D.C. 20036: DPC Co.

Farmers & Merchants State Bank, 1001 Princess Anne St., Fredericksburg, Va.: Hagas & Company.

Fidelity National Bank, Lynchburg, Va.: Lynat and Company.

First and Citizens National Bank, 531 King St. Alexandria, Va.:

Alexho & Co.

Chilfred & Co.

First and Merchants National Bank, 801 Main St., Lynchburg, Va.: Penaban & Company.

First and Merchants National Bank, Radford, Va. 24141: Corn & Company.

First and Merchants National Bank, P.O. Box 1855, Richmond, Va. 23215:

Cash and Co.

Comm & Co.

Map & Co.

First National Bank of Danville, 341 Main St., Danville, Va.: Horbus and Company.

First National Bank of Martinsville & Henry County, Church and Ellsworth Sts., P.O. Box 631, Martinsville, VA 24112:

Comtee Company (D, H).

Firmar & Company (A, B, C).

First National Exchange Bank of Virginia, P.O. Box 2351, Roanoke, Va.:

Fineb and Company.

Sodec & Company.

First Virginia Bank, 7205 Little River Turnpike, Annandale, Va. 22003:

Fipen & Co. (c).

Mount & Co. (h).

Movna and Company (A, B, D).

Oldom & Co. (A, B, D).

First Virginia Bank of Tidewater, Trust Dept., 129 W. Main St., P.O. Box 3097, Norfolk, VA 23514: Sobanco

George R. Goldberg, P.O. Box 6934, Richmond, Va. 23230: Tilgold Co.

Gerlen & Co., A Partnership (b): Gerlen & Co.

Investment Corporation of Norfolk, 215 E. Plume St., Norfolk, Va.: Ale and Company.

Investment Corporation of Virginia, 215 E. Plume St., Norfolk, Va.:

Cust and Company.

WAC and Company.

Investors Security Company, Inc., 110 Bank St., Suffolk, Va. 23434: Rawb & Co., c/o Edwin T. Coulburn, 129 N. Saratoga St., Suite No. 1, Box 1326, Suffolk, VA.

Kaufman Bros., Co., P.O. Box 3235, Norfolk 14, Va.: Keg & Co.

Life Insurance Company of Virginia, 914 Capital St., Richmond, Va. 23209:

Dove & Co. (d).

Finch & Co. (d).

Licova & Co. (d).

McGuire, Woods & Battle, 1400 Ross Building, Richmond, Va. 23219: Canterbury & Co.

Mountain Trust Bank, P.O. Box 1411, Roanoke, Va. 24007: Montnom Company (A–E).

National Bank of Fairfax, P.O. Box 243, Fairfax, Va. 22030: Fairfax & Co.—(A,B,C, D, H).

National Bank & Trust Company, Box 711, Charlottesville, Va.: Fort and Company.

Old Dominion Investors' Trust, Inc., P.O. Box 1563, Suffolk, Va.: Odit & Co.

Piedmont Trust Bank, P.O. Box 111, Martinsville, VA 24112: Piedmont Company.

Rockingham National Bank, 141 E. Market St., Box 552, Harrisonburg, VA:

Rock Company (ABF).

Rock Fund A (H).

Rock Fund B (H).

Security Bank and Trust Company, P.O. Box 1478, Danville, Va.:

Sebanco.

Stem and Company.

Shenandoah Valley National Bank, Loudoun & Piccadilly Sts., P.O. Box 1000, Winchester, VA 22601:

PAB and Company (A–D).

Shenandoah Valley Nominee Corporation (A–D).

South Boston Bank & Trust Company, South Boston, Va.:

McWein & Company.

Soban & Company.

Southern Bank and Trust Company, Second and Grace Sts., P.O. Box 12312, Richmond, VA 23241: Dixie Company (A–H).

State Planters Bank of Commerce and Trusts, P.O. Box 6–E, Richmond 14, Va.: Hamac and Company.

Strader and Company Inc., P.O. Box 1057, Lynchburg, Va. 24505: Strata & Company.

Trust Company of First Virginia, 7205 Little River Tpke., Annandale, Va. 22003: Sabur & Co. (A,B,D).

Union Theological Seminary in Virginia, 3401 Brook Rd., Richmond, Va. 23227: Lamore & Co.

United Virginia Bank/Citizens Marine, % Trust Dept., P.O. Box 980, Newport News, Va. 23607: Wythe & Co.

United Virginia Bank/First National, % Trust Dept., P.O. Box 678, Lynchburg, Va. 24505:

Firnabank and Company.

Gilsac and Company.

United Virginia Bank/National Valley, Drawer 1269, Staunton, Va. 24401: Nava Company (ABDF).

United Virginia Bank of Williamsburg, Trust Dept., P.O. Box 200, Williamsburg, Va. 23185: Penwil (ABH).

United Virginia Bank/Seaboard National Trust Dept., 5 Main Plaza East, Norfolk, Va.:

Mop & Co.

Pom & Co.

United Virginia Bank/State Planters, Box 6 E. Trust Dept., Richmond, Va. 23214: Hamac & Company.

Virginia National Bank, P.O. Box 1079, Bristol, Va. 24201: Zyzco.

Virginia National Bank, P.O. Box 512, Harrisonburg, Va. 22801:

Arlco.

Norva.

Virginia National Bank, Box 351, Charlottesville, Va. 22902:

Riva & Company.

Waby & Company.

Virginia National Bank, P.O. Box 3000, Norfolk, Va. 23514: Aab & Co.

Baw & Co.

Emnor.

Vac & Company.

Virginia Trust Company, 821 E. Main St., Richmond, Va., Safex and Company.

Wheat & Co., P.O. Box 1357, Richmond, Va.: Wheat & Co.

Willis, Kenny & Ayers, Inc., 205 W. Franklin St., Richmond Va.: Wak & Company.

### *Washington*

Baker-Boyer National Bank of Walla Walla, P.O. Box 1477, Walla Walla, Wash. 99362: Boyer & Co. (A,B,C,D).

Bank of California, N.A., P.O. Box 3095, 815 Second Ave, Seattle, WA 98104

Calsea & Co. (F).

Mac Kintosh Partnership, The (AB).

Tri Cal & Co. (D).

Bank of California, N.A., 1011 Pacific Ave., Tacoma 1, Wash.: Anderson Partnership.

Bellingham National Bank, 101 E. Holly St., Bellingham, Wash.: Chinook Company, The.

Everett Trust & Savings Bank, P.O. Box 69, Everett, Wash. 98201:

Everbanc & Company.

Everfund & Company.

Eversav & Company.

Evertrust & Company.

John R. Lewis, Inc., 1001 Fourth Ave., Rm. 4026, Seattle, Wash. 98104; Lewis Co.

Laird, Norton Trust Company, 1616 Norton Bldg., Seattle, Wash. 98104: Drial & Co.

National Bank of Commerce of Seattle, P.O. Box 3966, Seattle, WA 98124:

Def & Co.

Marban & Co.

Naboc & Co.

Ney & Co. (f).

Odag & Co.

National Bank of Commerce of Seattle, Yakima Branch, Trust Dept., 102 E. Yakima Avenue, P.O. Box 136, Yakima, Wash. 98901; Yaka & Co.

National Bank of Washington, P.O. Box 180, Chehalis, Wash.: Branches, S. W. & Co.

National Bank of Washington, Yakima, Wash.: Branch, Y. V. & Co.

National Bank of Washington, Tacoma, P.O. Box 1631, Tacoma 1, Wash.: Bohn, Dille & Jensen, Nat. B. Wash & Co.

Nelson, Martin & Co., Inc., 355 White Bldg., Seattle, WA 98101: Nelson, Martin O.

Old National Bank of Washington, Trust Dept., W. 428 Riverside Ave., P.O. Box 1516, Spokane, Wash. 99210.

Corpen & Co.

H. R. Ten & Co.

Olban & Co.

Spakco.

Pacific National Bank of Seattle, P.O. Box 160, Seattle, Wash. 98111.

Holliday Company.

Pacnat Company.

U.N. Banks.

Coffman-Dobson Banking Center, P.O. Box 180, Chehalis, WA 98532: Branches, S. W., & Co.–(B).

P.O. Box 497, Yakima, WA 98901: Y. V. Branch & Co. (A, B, C, D, E).

Pacific National Bank of Washington, c/o Trust Dept., P.O. Box 1997, Tacoma, Wash. 98401.

Bohne, Dille & Jensen (B).

Inland Empire Co. (B).

Nat B. Wash & Co. (H).

S. W. Branches & Co. (B).

Y. V. Branch & Co. (B).

Peoples National Bank of Washington, P.O. Box 720, Seattle, Wash. 98111.

Oples, P.E. and Co.

P. B. & Co. (H).

Pebit & Co. (C).

Sift & Company (C).

Pudget Sound National Bank, 1119 Pacific Ave., Tacoma, WA 98402: Sound & Co.

Puget Sound National Bank, P.O. Box 1654, Tacoma, Wash. 98401:

Ogden and Van Arnam.

Puso & Co.

Seattle-First National Bank, 1001 Fourth Ave., Seattle, Wash. 98104:

Belfirst & Co. (B).

P.O. Box 12657 (98111).

Buttonwood (D).

Euroam & Co. (F).

Firstbank & Co. (F).

Funation & Co. (F).

Incgrow & Co. (f).

Infund & Co. (H).

Metfirst & Co. (B).

O'Kane, S.P., and Company (A–D).

Safinsco (F).

Seafirst & Co. (A–D).

Seatel & Co. (C).

State & Co. (D).

Unre & Co. (D).

Usiven & Co. (F).

Seattle-First National Bank, P.O. Box 1446, Spokane, Wa 99210: O'Kane, S. P. and Company.

Seattle Trust and Savings Bank, 804 Second Ave., Seattle, WA 98104:

Cogswell & Co.

Judson & Co.

Parsons & Co.

Seatrust Co.

Washington Mutual Savings Bank, 1101 Second Ave., Seattle, Wash. 98101: WMSB & Co.

Washington Trust Bank, % Trust Dept., P.O. Box 2127, Spokane, WA 99210: Wabanc & Co.

Whitman College, Walla Walla, Wash. 99363: Whitco.

Yakima Branch National Bank of Commerce of Seattle, P.O. Box 136, Yakima, Wash.: Yaka & Co.

*West Virginia*

Bank of West Virginia, Tennessee Ave. & Roane St., Charleston, W. Va. 25302: Baweva & Co.

Charleston National Bank, 201 Capital St., P.O. Box 1113, Charleston, WV 25324:

Burke & Co. (B).

Cfd & Co. (H).

Plaza & Co. (ABD).

Shel (CH).

Commercial Banking and Trust Company, 415 Market St., Parkersburg, W. Va. 26101: Webco and Company.

Farmers and Merchants Bank of Keyser, Box 630, Keyser, W. Va.: Far-Mer-Co.

First Huntington National Bank, Fourth Ave. & Tenth St., P.O. Box 170, Huntington, WV 25707: Fihuna Associates (BCH).

First National Bank of Bluefield, Box 1559, Bluefield, W. Va.: Firstblue and Co.

Flat Top National Bank, Cor. Federal & Raleigh Sts., Bluefield, W. Va.: Flatop and Company.

Guyan Eagle Investment Company, Huntington, W. Va.: Guyan Co.

Kanawha Banking and Trust Company, P.O. Box 393, Charleston 22, W. Va.: Kanabco Company.

Kanawha Valley Bank, P.O. Box 1793, Charleston, W. Va. 25326: Kaw & Co.

McDowell County National Bank, Box 549, Welch, WV 24801: Alpa & Company (a, b, d, h).

National Bank of Commerce, Trust Dept., One Commerce Sq., P.O. Box 633, Charleston, W. Va. 25322:

Dawson & Co.

NB of C & Co.

Parkersburg National Bank, 514 Market St., Parkersburg, W. Va. 26101: Parbank Co.

Peoples Bank of Charles Town, P.O. Box 351, Charles Town, W. Va. 25414: Lee & Lee.

Security National Bank & Trust Company, 1114 Market St., Wheeling, W. Va. 26003:

Separ Company (H).

S N B Company.

West & Co. (E).

Twentieth Street Bank, 1956 Third Ave., Huntington, W.Va. 25703: Prunty & Co. (H).

Wheeling Dollar Savings & Trust Co., Trust Dept., 1315 Market St., Wheeling, W.Va. 26003:

Able & Co. (H).

Baker & Co. (H).

Doc & Co. (C).

Dolling & Co.

Wood County Bank, P.O. Box 1587, Parkersburg, W.Va. 26101:

W. C. B. & Co.

Wood & Co.

*Wisconsin*

American Bank nad Trust Company, 441 Main St., Racine, Wisc.: Amtro & Co.

American City Bank & Trust Co., 740 N. Plankinton Ave., Milwaukee, Wisc. 53203: Cibanco Company.

American State Bank, 740 N. Plankinton Ave., Milwaukee, Wisc.: Riley & Company.

Appleton State Bank, Appleton, Wisc.: Asboa.

Bank of Madison, 1 W. Main St., Madison 3, Wisc.: Bomad and Co.

Bank of Milwaukee & Trust Company, 435 E. Mason St., Milwaukee, Wisc. 53202: BMT & Co.

The Beloit State Bank, Box 990, Beloit, Wisc.: Street & Co.

Bingham, Sheldon & Co. First Wisconsin National Bank Bldg., Milwaukee 2, Wisc.: Bingham, Wilbur G.

Citizens Bank of Sheboygan, Seventh St. & Wisconsin Ave., Sheboygan, Wisc. 53082: Citba & Company.

Citizens National Bank of Lake Geneva, 401 Broad St., Lake Geneva, Wisc. 53147: Kull & Co.

City Bank of Portage, Portage, Wisc. 53901: Cibco.

Denison, H. C. Co., Security Bank Bldg., Sheboygan, Wisc. 53081: Hohako & Co.

East Wisconsin Trustee Company, 935 S. Eighth St., Manitowoc, Wisc.: B.R.T. Company.

Employers Mutuals Retirement Trust, 407 Grant St., Wausau, Wisc., Grant & Co.

First National Bank Bank, Fort Atkinson, Wisc.: Firfor & Co.

First National Bank, 100 W. Milwaukee St., Janesville, Wisc.: Firian & Co.

First National Bank and Trust Company of Racine, 500 Wisconsin Ave., Racine, Wisc. 53403:

Carif & Co. (BD).

Firac & Co. (A).

Firbon and Company (H)

Natstock and Company (H).

Probond & Co. (H).

Prostock & Co. (H).

First National Bank in Oshkosh, P.O. Box 280, Oshkosh, Wisc.: Firkosh & Co.

First National Bank of Appleton, Trust Dept., 200 W. College Ave., Appleton, WI 54911: Foat & Co.

First National Bank of Kenosha, 5522 Sixth Ave., Kenosha, Wisc. 53141: Nolt & Co.

First National Bank of Neenah, Neenah, Wisc. 54956:

Almy & Co.

Draw & Co.

Hard & Co.

Merl & Co.

Newo & Co.

Shap & Co.

First National Bank of Ripon, Ripon, Wisc.: Finabor and Company.

First National Bank of Stevens Point, 519 Main St., Stevens Point, Wisc., First Point.

First National Bank of Waukesha, 831 N. Grand Ave., Waukesha, Wisc.:

Tassell & Co.

Wanaco & Co.

First Wisconsin National Bank, P.O. Box 1271, Madison, Wisc. 53701:

Amfom & Co.

Firmad & Co.

Forward & Co.

Rural & Co.

Vilas & Co.

Warf & Co. (Wisconsin Alumni Research Foundation)

Wisfund & Co.

Wislife & Co.

First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201:

N N & Co.

Noretco & Co.

Prosit & Co.

Sureco & Co.

First Wisconsin Trust Company, P.O. Box 2054, 735 N. Water St., Milwaukee, Wisc. 53201:

Band & Co. (ABC).

Wist & Co. (H).

General Investment Partnership, Suite 450, 611 E. Wisconsin Ave., Milwaukee, Wisc. 53202: General Investment Partnership.

Kellogg-Citizens National Bank, P.O. Box 670, Green Bay, Wisc. 54305:

Esor and Company.

Kelfix Company.

Kelleck Company.

La Crosse Trust Company, 311 Main St., Box 981, La Crosse, Wisc. 54601: Latruco and Company.

Madison Bank & Trust Company, 23 W. Main St., Madison 1, Wisc.:

Mabat & Company.

Rerco & Company.

Marine National Exchange Bank, One Marine Plaza, Milwaukee, Wisc. 53201:

Clark & Co.

Marbond & Co.

Smith, Jones & Company.

Marine National Bank of Neenah, Trust Dept., 101 East Wisconsin Ave., Neenah, Wisc. 54956: Nambon.

Marshall & Ilsley Bank, 770 N. Water St., Milwaukee, WI 53202:

Maril & Co. (A, B, D, F, H), Wisconsin Fund, Inc.

Merchants & Savings Bank, P.O. Box 650 Janesville, Wisc.: Merchants Trust & Co.

Milwaukee Journal Company, 330 W. State St., Milwaukee, Wisc.: Jemp & Company.

Milwaukee Sentinel, Milwaukee 1, Wisc.: Senco.

Milwaukee Western Bank, 6001 W. Capitol Dr., Milwaukee, Wisc. 53216: Milbank & Co.

Oakland Avenue Company, Suite 450, 611 E. Wisconsin Ave., Milwaukee, Wisc. 53202: Oakland Avenue Company.

Oconomowoc Canning Company, Employees Profit-Sharing and Retirement Plan, P.O. Box 248, Oconomowoc, Wisc. 53066: OCCOPS.

Oshkosh National Bank, Oshkosh, Wisc.: Waugoo & Co.

.Peoples Marine Bank of Green Bay, Trust Dept., P.O. Box 10291, 200 S. Adams St., Green Bay, Wisc. 54301: Baybanc & Co.

Rahr Malting Co., c/o Guido R. Rahr, Manitowoc, Wisc.: Rahrco.

Rock County Savings & Trust Company, One S. Main St., Box 709, Janesville, Wisc. 53545: Rocco Trust & Co. (A–C, H).

Security First National Bank, 603 N. Eight St., P.O. Box 328, Sheboygan, WI 53081: Senab and Co.

Security State Bank, 1965 Atwood Ave., Madison, Wisc.:

Seco & Company.

Securestate and Company.

Treyco & Company.

Sheboygan Trust Company, P.O. Box 128, Sheboygan, Wisc.: Pilling, Milton.

Sheboygan Trust Company, R. #3 (Sunnyside), Sheboygan, Wisc.: Porter, Col. Raymond E.

Tose & Co., 6301 W. Mill Rd., Milwaukee, Wisc. 53218: Tose & Co.

University State Bank, P.O. Box 220, Green Bay, Wisc. 5305: Artco & Lloyd.

Whitefish Bay Bank & Trust Co., 177 E. Silver Spring Drive, Milwaukee, Wisc. 53217: Delwin & Co.

Wisconsin Alumni Research Foundation, 506 N. Walnut St., Madison 1, Wisc.: Warf & Co.

Wisconsin Valley Trust Company, 500 Third St., P.O. Box 209, Wausau, Wisc. 54401:

Mobay & Company (C).

WIVCO–D (H).

WIVCO–L (H).

WIVCO–Y (D).

Woodson YMCA.

### *Wyoming*

Bank of Commerce, Trust Dept., P.O. Box 2007, Sheridan, Wyo. 82801: Saal & Co. (ABH).

First National Bank and Trust Company of Wyoming, P.O. Box 1768, Cheyenne, WY 82001: Truco of Wyoming.

First National Bank of Casper, P.O. Box 40, Casper, WY 82601: Fircasper & Co.

Security Bank and Trust Co., P.O. Box 2718, Casper, Wyo.: Secco & Co.

Wyoming National Bank of Casper, Drawer 971, Casper, Wyo.: Wynboc & Co.

## OUTSIDE THE UNITED STATES

### *Bermuda*

Bank of Bermuda, Ltd., Hamilton, Bermuda:
Murdock & Co.
Robinson & Co.

### *British West Indies*

Bahama Central Trust Co., Nassau, Bahama, British West Indies: Mahogo, Ltd.

Bank of Nova Scotia, Nassau, Bahamas, British West Indies: Nasco & Co.

Butlers Bank Limited, Charles St., P.O. Box 981, Nassau, N.P., Bahamas: Churchill & Co.

Canadian Imperial Bank of Commerce, Bay & Parliament Sts., Nassau, Bahamas, B W I: Canbank Nominees (Nassau) Limited.

Royal Bank of Canada, Nassau, Bahama, British West Indies:
Nominees (Bahamas) Ltd.
Roynas & Co.

Trust Corporation of Bahamas Limited, P.O. Box 288, Nassau, Bahamas, British West Indies: Jothro & Co.

### *Canada*

Anglo Hurronian Ltd., Star Bldg., Toronto, Canada: Anco.

Bank of Canada, Ottawa, Canada: Stephenson, Norton & Mowers.

Bank of England, Dominion Sq., Montreal, Canada: Speeds & Company.

Bank of Montreal, 119 St. James St. W., Montreal 1, Canada:
Bankmont & Co.
Pound & Co.

Bank of Montreal, 500–520 Granville, Vancouver, B. C., Canada: Grant & Co.

Head Office Securities Dept., 129 St. James St. W., Montreal, Que., Canada: Mont & Co.

St. Peter & St. James Sts. Branch, 288 St. James St. W., Montreal, Que., Canada: Crouch & Co.

C.I.L. Branch, 630 Dorchester Blvd., W., Montreal, Que., Canada: Sunmont & Co.

Stock Exchange Branch, 800 Victoria Sq., Montreal 1, P.Q., Canada: Pratt & Co.

Sun Life Building Branch, Dominion Sq., Montreal 2, Que., Canada: Barlow & Co.

Drummond & St. Catherine Streets Branch, 1205 St. Catherine St., W., Montreal 2, Canada: Cains & Co.

140 Eligth Ave., W., Calgary, Alba., Canada: Morley & Co.

Cor. Hollis & George Sts., Halifax, N.S., Canada: Troop & Co.

Cor. Main & James Sts., Hamilton, Ont., Canada: Taylor & Co.

Wellington & O'Connor Sts., Ottawa, Canada: Bailey & Company.

King & Bay Sts., Toronto, Canada:
Arthur & Co.
Lake & Co.

King & Yonge Sts. Branch, Toronto, Ont., Canada: Brooks & Co.

Peel Street Branch, 2005 Peel St., Montreal, Canada: Carter & Co.

116 St. Peter St., Quebec, Canada: Orac & Co.

500–520 Granville St., Vancouver, B.C., Canada: Grant & Co.

1225 Douglas St., Victoria, B.C., Canada: Chalk & Co.

Cor. Portage Ave. & Main St., Winnipeg, Man., Canada: Kirby & Co.

Bank of Nova Scotia, Halifax, N.S., Canada: Halsco & Co.

Hamilton, Ont., Canada: Hamsco & Co.

437 St. James St., Montreal, Canada: Monsco & Co.

Ottawa, Canada: Bansco & Co. #3 a/c, Ottsco & Co.

Main Branch, King & Bay Sts., Toronto, Canada: Bansco & Co.

44 King St., W., Tornoto, Canada: Bansco & Co. #6.

Queen & McCaul Branch, Toronto, Canada: Bansco & Co. #2 a/c.

Assistant Supervisor in Trust, Head Office, King & Bay Sts., Toronto, Canada: Iliffe, John C.

St. John, N.B., Canada: Jonsco & Co.

Investment Dept., 44 King St., W., Toronto, Canada: Pensco & Co.

Vancouver, B.C., Canada: Vansco & Co.

Winnipeg, Man., Canada: Winsco & Co.

Banque Canadienne Nationale, Place d'Armes, Montreal, Que., Canada: Banlaga & Company.

Brault, Guy, Chaput, Inc. 612 St. James St., W., Montreal 3, Que., Canada.: Braucha & Co.

Brewis & White Limited. 145 Yonge St., Toronto 1, Ont., Canada: Brewit & Co.

Canada Permanent Trust Company. 600 Dorchester Blvd., W., Montreal, Que., Canada: Dormac Company, Ltd.

Canada Trust Company. 110 Yonge St., Toronto, Ontario, Canada: Canco & Co.

Canadian Bank of Commerce Trust Co. 25 King St., West Toronto, Canada: Sponge & Co.

320 Bay St., Toronto, Ontario, Canada: Canperm & Co.

5100 Prince St., Halifax, Nova Scotia, Canada: Halperm & Co.

30 Metcalf St., Ottawa, Ontario, Canada: Ottaperm & Co.

433 Portage Ave., Winnepeg, Manitoba, Canada: Winperm & Co.

455 Granville St., Vancouver, B.C.: Vanperm & Co.

Canadian Imperial Bank of Commerce. 1155 Dorchester Blvd., W., P.O. Box 6003, Montreal, P.Q., Canada: Gore Co.

King & Germain. St. John, N.B., Canada: Sea Co.

25 King St., W., Toronto, Ont., Canada: Gee & Co.

309 Eighth Ave., S.W., Calgary, Alta., Canada: Bow Co.

Hastings & Granville Sts. Vancouver, B.C., Canada: Ward & Co.

389 Main St., Winnipeg, Man., Canada:
Group & Co.
West & Co.

St. James & McGill Sts., Montreal, P.Q., Canada: Imboc & Co.

265 St. James St., W., Montreal, P.Q., Canada: Imbank Nominees, Limited, Lombard & Co.

King & Bay Sts., Toronto, Ont., Canada: Bay & Co.

King & Victoria Sts., Toronto, Ont., Canada: Tronbar & Co.

Howe & Pender, Vancouver, B.C., Canada: Vanbar & Co.

Edmonton, Alba., Canada: Bar Co.

Collier, Norris & Quinlan Limited, 800 Dorchester Blvd. W., Montreal 101, Ont. Canada: Colnor & Co.

Continental Investment Corporation Limited, 809 Hall Bldg., Vancouver, B.C., Canada: Convesto.

Crown Trust Company, Brantford, Ont., Canada: Trus Co. #3.

Calgary, Alba., Canada: Trus Co. #6.

London, Ont., Canada: Trus Co. #7.

Montreal, Que., Canada: Trus Co. #8.

Toronto, Ont., Canada:
Trus Co.
Trus Co. #1.
Trus Co. #2.

Vancouver, B.C., Canada: Trus Co. #9.

Windsor, Ont., Canada: Trus Co. #4.

Winnipeg, Man., Canada: Trus Co. #5.

Dominick Corporation of Canada, Place Ville Marie, Montreal 2, Canada: Widman & Company.

Gulf Securities Corp., 1045 Peel St., Montreal, Que., Canada: Arfred & Company.

Hall Securities Limited, 789 W. Pender St., Vancouver 1, B.C., Canada: Hallvan & Co.

International Trust Company, 1015 Beaver Hall Hill, Montreal, Que., Canada: Gramont & Co.

International Trust Company, 101 Richmond St., W., Toronto, Ont., Canada, Grator & Co.

Mercantile Bank of Canada, 491 Victoria Sq., Montreal 1, Que., Canada: Mermon & Co.

Mercantile Bank of Canada, 210 Bay St., Toronto, Ont., Canada: Mertor & Co.

Mercantile Bank of Canada, 540 Burrard St., Vancouver, B.C., Canada: Mervan & Co.

Montreal Trust Company, 15 King Street W., Toronto, Ont., Canada: Montowr & Co.

Montreal Trust Company, 43 King St., St. John, N. B., Canada: Monthrun & Co.

Montreal Trust Company, 466 Howe St., Vancouver, B.C., Canada: Monvan & Co.

Montreal Trust Company, P.O. Box 1900, Station B, Montreal 2, Que., Canada:
Donaldson & Green.
Moncus & Co.
Monray & Co.

National Trust Company, Limited, 330 Eighth Ave., S.W., Calgary, Alberta, Canada: Calguard & Co.

National Trust Company Limited, Box 4074, Terminal A, Toronto, Ont., Canada:
Guardtor & Co.
Torguard & Co.

Odlam Brown Investments Ltd., 470 Granville St., Vancouver, B.C., Canada: Obil & Co.

Read, Thomas B., 602 W. Hastings St., Vancouver, B.C., Canada: Burland & Co.

Royal Bank of Canada, 411 Eighth Ave., W., Calgary, Alba., Canada: Roycal & Co.

19 George St., Halifax, N.S., Canada: Royfax & Co.

1023 Jasper Ave., Edmonton, Alta., Canada: Royed & Co.

360 St. James St., W., Montreal, Que., Canada: Royjames & Co.

P.O. Box 6007, Montreal, Que., Canada:
Roycan & Co.
Roythree & Co.

22 King St., St. John, N.B., Canada: Royjon & Co.

94 Sparks St., Ottawa, Ont., Canada: Royott & Co.

20 King St. W., Toronto, Canada:
Roytor & Co.
Roytor & Co. #1 a/c.
Roytor & Co. #51 a/c.

Bay & Temperance Sts., Toronto, Canada: Roytor & Co. #10 a/c.

Yonge & Richmond Sts., Toronto, Canada: Roytor & Co. #12 a/c.

111 Queen St., Charlottetown, P.E.I.: Roytown & Co.

111 St. Clair Ave., W., Tortono, Canada: Roytor & Co. #15 a/c.

685 W. Hastings St., Vancouver, B.C., Canada: Royvan & Co.

504 Main St., Winnipeg, Man., Canada: Roywin & Co.

Royal Bank of Canada, King & Yonge Sts., Toronto, Canada: Royyonge & Co.

Royal Trust Company, Box 730, Place d'Armes, Montreal 1, Que., Canada:
Bart & Co.
Ellis & Company.
Gilbert Securities Limited.
Goodwin & Company.

606 Seventh Ave., SW., Calgary, Alba., Canada:
Bayne & Company.
Richardson & Company.

97 Queen St., Charlottetown, P.E.I.:
Bentley & Co.

McCloskey & Co.

10039 Jasper Ave., Edmonton, Alba.:
Edcan & Company.
Edus & Company.

54 King St., E. Hamilton, Ont.:
Adams & Company.
Henderson & Company.

20 N. Cumberland St., Port Arthur, Ont.:
Colley & Co.
Omar & Co.

289 Dundas St., London, Ont.:
Cammis & Co.
Ronfred & Company.

15 Duke St. Halifax, Nova Scotia:
Caldwell & Co.
Judge & Co.

76 Metcalfe St., Ottawa, Ont., Canada:
Loa & Co.
Lynton & Company.

65 Ste. Anne St. Quebec, Canada:
Burnside & Co.
Clint & Co.

66 King St., W. Toronto, Canada:
Brant Investments Limited.
Lancaster & Company.

Royal Trust Company, 626 W. Pender St., Vancouver, B.C., Canada.

1205 Government St. Victoria, B.C., Canada:
Clack & Co.
Tuck & Co.

56 Prince William St., St. John N.B.:
Brodie & Co.
Publicover & Co.

247 Duckworth St., St. John's Nfld.:
Colbourne & Company.
French & Company.

750 Spadina Crescent, E., Saskatoon, Sask.:
Doornberg & Company.
Evans & Company.

436 Main St., Winnipeg, Man.:
Lavor & Company.
Longvale & Company.

Sun Trust Company, Montreal, Canada: Alberto, Inc.

Toronto-Dominion Bank, 240 St. James St., Monteral, Canada: Dommont & Co.

St. James & McGill Sts., Montreal, Canada: Montor Company.

68 Yonge St., Toronto, Canada: Domhead, & Co.

King & Younge Stts., Toronto, Canada: Domtor Company.

King & Bay Sts., Toronto, Canada:
Bantor Company.
Torbay Company.

1251 Peel St. at St. Catherine St., Montreal, Canada: Peelmont Company.

Trust & Guaranty Co., Ltd., Toronto, Canady: Trus & Company.

Wills, Bickle & Company, Limited, Box 32, Toronto-Dominion Centre, Toronto 1, Canada: Bickle & Co.

### *England*

Bankers Trust Company, 9 Queen Victoria St., London, E.C. 4, England: Mellows & Co.

Bank of London & South America, Ltd., 4066 Queen Victoria St. London, E.C. 4, England: Bolsa Nominees Limited.

Bank of Montreal, Theadneedle St., London, England:
Atlantic Nominees Limited.
Park & Co.

Bank of New York, 147 Leadenhall St., London, E.C. 3, England: Bank of New York Nominees Ltd.

Bank of Nova Scotia, 24–26 Walbrook St., London, E.C. 4, England: Scotiabank Nominees Ltd.

Canadian Imperial Bank of Commerce, 2 Lombard St., London, E.C. 3, England: Canbank Nominees Limited.

Chartered Bank, 38 Bishops Gate, London, E.C. 2, England, Tonkard & Gordon.

Chase Manhattan Bank, London, England: Chase Nominees, Ltd.

First National City Bank, 36 Bishops Gate, London, England: N.C.B. Trust Ltd.

Glyn Mills & Co., 67 Lombard St., London, E.C. 3, England: Glyns Nominees Ltd.

Manufacturers Hanover Trust Company, 7 Princes St., London, E.C. 2, England:
Davidson & Co.
Hanover Nominees, Ltd

Martins Bank Ltd., 3 Change Alley, London E.C. 3, England: Lombard St. Nominees Ltd.

Midland Bank Limited, 5 Princes St., London. E.C. 2, England:
Midland Bank (Princes Street).
Nominees Limited.

Morgan Guaranty Trust Company, 32 Lombard St., London E.C. 3, England: Murley & Co.

Royal Bank of Canada, 6 Lowthbury, London, E.C. 2, England: Roycan Nominees Ltd.

Royal Trust Company, 3 St. James's Sq., London, S.W. 1, England: Roy Nominees Limited.

Toronto-Dominion Bank, 3 King William St., London E.C. 4, England: Dominbank Nominees Limited.

Westminster Bank, Ltd., 24 Throgmorton St., London, E.C. 2, England: Cassel & Co.

Westminster Bank Ltd., 21 Lombard St., London, E.C. 3, England: Weststock Nominees Ltd.

Westminster Bank Ltd., 41 Lowthbury, London, E.C. 2, England:
Control Nominees Ltd.
West Nominees Ltd.

### *Guyana*

Royal Bank of Canada, 38/39 Water St., Georgetown, Guyana: Roydem Nominees Ltd.

### *Netherlands*

Rotterdamsche Bank N.V., Amsterdam, Netherlands: Determeyer, Weslingh & Zoon.

### *Scotland*

Scotland Bank Ltd., Prestwick, Scotland: Dixon, A.J. & Co.

## PART III.—ALPHABETICAL LIST OF INVESTMENT TRUSTS, MUTUAL FUNDS FOUNDATIONS, ETC., WITH NOMINEES

Abacus Fund, Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Scott & Co.

Aberdeen Fund, The Trust Company of New Jersey, 35 Journal Sq., Jersey City 6, N.J.: Tru & Co.

Admiralty Fund, Bank of California, P.O. Box 60477, Los Angeles, Calif. 90060: Seaplan & Co.

Advisers Fund, Inc., Irving Trust Company, 1 Wall St., New York 15, N.Y.: Lind & Co.

Affiliated Fund, Inc., Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Douglass & Co.

Agefund, Inc., Bank of California, N.A., Mutual Funds Division, 400 California St., San Francisco, Calif. 94120: Gemfund & Co.

Alaska Title Guaranty Company, Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054: Atigo & Co.

Allen, Leon B., Fund, Inc.: First National City Bank, 55 Wall St., New York 15, N.Y.: King & Co.

American Birthright Trust. Atlantic National Bank of West Palm Beach, West Palm Beach, Fla. 33402: None.

American Business Shares, Inc. Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Kugler & Co.

American Diversified Investors Fund, Inc., Continental Illinois National Bank and Trust Company of Chicago, 231 S. LaSalle St., Chicago, Ill. 60690: Cust & Co.

American Electric Securities Corporation, Room 1845, 120 Broadway, New York 5, N.Y.: Ames & Co.

American Enterprise Fund, Inc., Chase Manhattan Bank, One Chase Plaza, New York, N.Y.: Cudd & Company.

American Equity Fund, Inc., City National Bank and Trust Co., Kansas City, Kans.: Not disclosed.

American European Securities Company, Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Lowell & Company.

American Express Special Fund Inc., Bank of California, N.A., Mutual Funds Division, 400 California St., San Francisco, Calif. 94120: Amexfund & Co.

American Fidelity Variable Annuity Fund A, Liberty National Bank and Trust Company of Oklahoma City, P.O. Box 24128, Oklahoma City, Okla. 25523: American Fidelity Fund A.

American Greeting Corporation Retirement Trust, National City Bank, 923 Euclid Ave., Cleveland 14, Ohio: Whitelaw & Co.

American Growth Fund, Inc., Denver U.S. National Bank, P.O. Box 5247, Terminal Annex, Denver, Colo. 80217: Amgro & Co.

American Investment Trust, First National City Bank, 20 Exchange Pl., New York, N.Y. 10015: Not disclosed.

American Investors Fund, Inc., The Bank of New York, 90 Washington St., New York, N.Y. 10015: Hare & Company.

American Mutual Fund, Inc., The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, 15, N.Y.: Cudd & Co.

American Mutual Fund, Inc., Security First National Bank, Sixth & Spring Sts., Los Angeles 13, Calif.: Nav & Co.

Anchor Capital Fund, Inc., First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. 07303: Firjer & Co.

Anchor Growth Fund, Inc., First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. 07303: Firjer & Co.

Anchor Income Fund, Inc., First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. 07303: Firjer & Co.

Anchor Venture Fund, Inc., First Jersey National Bank, One Exchange Pl., Jersey City, N.J. 07303: Firjer & Company.

Appreciation Fund, Inc., Chemical Bank, Box 1368, Church St., Station, New York, N.Y. 10008: England, C. A., & Co.

Aragon Fund Inc., Third National Bank in Nashville, P.O. Box 2844, Nashville, Tenn. 37202.

Argonout Fund, Inc., Union Bank, Los Angeles, Calif. 90054: Not Disclosed.

Atlantic Richfield Retirement Plan, Chemical Bank, P.O. Box 1368, Church St. Station, New York, N.Y. 10008: Hayward & Co.

Automation Shares, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: File & Co.

Atomic Development Mutual Fund, Inc., The Riggs National Bank of Washington, D.C., 1503 Pennsylvania Ave., N.W., Washington 13, D.C.: Adem & Co.

Atomics, Physics Science Fund, Inc., Riggs National Bank of Washington, D.C., 1508 H St., N.W., Washington, 13, D.C.: Adem & Co.

Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., First National City Bank, 55 Wall St., New York 15, N.Y.: King & Co.

Axe-Houghton Stock Fund, Inc., Irving Trust Company, 1 Wall St., New York 15, N.Y.: Lind & Co.

Axe Science & Electronics Corp., Irivng Trust Company, 1 Wall St., New York 15, N.Y.: Lind & Co.

Axe-Templeton Growth Fund of Canada, Ltd., Royal Bank of Canada Trust Company, 2 King St., Toronto, Ont., Canada: Rovtor & Co. No. 2 a/c.

Babson, David L., Investment Fund, Inc., City National Bank of Kansas City, Kansas City, Mo. 64141, Anves.

Balanced Income Fund, Inc., First Jersey National Bank, 1 Exchange Place, Jersey City, N.J. 07303: Lill & Co.

Bank Stock Fund, Inc., American National Bank of Denver, 105 E. Colorado Ave., P.O. Box 367, Denver, Colo. 80201: Bansto and Company.

Bay Area Painters Pension Fund, First Western Bank and Trust Company, 201 Montgomery St., San Francisco, Calif.: Bapco.

Belfast Packing Co., Depositors Trust Company, 320 Water St., Augusta, Me. 04330: Ness & Co.

Bell System Pension A/C, Chemical Bank,

20 Pine St., New York, N.Y. 10017: Kennedy & Co.

Berkshire Capital Fund, Inc., First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Berk & Co.

Berland Shoe Company Profit Sharing Plan, Genesco, 111 Seventh Ave., N., Nashville 3, Tenn: Gesco.

Blue Ridge Mutual Fund, Inc., Wilmington Trust Company, Wilmington, Del. 19899: Wood & Walker.

Board of Trustees of Employees' Retirement System of the Atlantic Refining Company, Fidelity-Philadelphia Trust Company, 135 S. Broad St., Philadelphia, Pa.: Pritchard & Co.

Boise Cascade Corporation Pension Fund, Bank of America N.T. & S.A., Bank of America Plaza, San Francisco, Calif. 94120.

Bonner Bell Investment Services, Inc., United California Bank, 9601 Wilshire Blvd., Beverly Hills, Calif. 90210: Bonner Bee.

Boston Fund, Inc., New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107: Bid & Co.

Boston Mutual Equity Growth Fund, Inc., National Shawmut Bank of Boston, 35 Congress St., Boston, Ma 02109: Foley & Co.

Brandeis, George, Trust, Omaha National Bank, 1700 Farnam St., Omaha, Nebr.: GBT Co.

Bridges Investment Counsel, Inc., Omaha National Bank, 1700 Farnam St., Omaha, Nebr.: Bic Co.

Bridges Investment Fund, Inc., Omaha National Bank, 1700 Farnam St., Omaha, Nebr.: Bif Co.

Broad Street Investing Corporation, Personal Trust Division, 1 Wall St., New York, N.Y. 10015: Gilmet & Co.

Brown Fund of Hawaii, Ltd., Hawaiian Trust Co. Ltd., Financial Plaza of the Pacific, Honolulu, Hawaii 96813: Brownfund.

Brown Institutional Fund, Inc., Hawaiian Trust Co., Ltd., Financial Plaza of the Pacific, Honolulu, Hawaii 96813: Browninstitutional.

Bullock Fund, Ltd., Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Lynn & Co.

Businessman's Fund, Inc., Bankers Trust Company, 16 Wall St., New York, N.Y. 10005: Salkeld & Co.

Cabot Foundation, Inc., Cabot Profit Sharing Trust, Cabot Corporation, 125 High St., Boston, Mass.: Cabot & Co.

Cain Foundation, Dixon H. Cain, 3031 Humble Bldg., Houton, Texas 77002: Cainfro & Co.

Canadian International Growth Fund Ltd., Manufacturers Hanover Trust Company, 70 Broadway, New York 15, N.Y.: Sigler & Co.

Canadian Investment Trust, Royal Bank of Canada Trust Co., 68 William St., New York, N.Y. 10005: Roytru & Co.

Capital Opportunities Fund, Inc. (Stein Roe & Farnham), Harris Trust & Savings Bank, 111 W. Main St., Chicago, Ill.: Gale & Co.

Capital Shares Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J.: Dearn & Co.

Carnegie Corporation, Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Dent & Co.

Carriers & General Corporation, Manufacturers Hanover Trust Company, 70 Broadway, New York 15, N.Y.: Harrigan & Co.

Centennial Fund, Inc., Colorado National Bank, P.O. Box 5168, Denver 2, Colo.: Griffin & Co.

Central Mutual Fund, Inc., Elliott State Bank, Jacksonville, Ill.: Rumsey & Co.

Century Shares Trust, Brown Brothers, Harriman & Co., 10 Post Office Sq., Boston 9, Mass.:

Bell & Co.

Century & Co.

Chandler Fund, Inc., Bank of America, N.T. & S.A. P.O. Box 2558 Terminal Annex, Los Angeles, Calif. 90054: Chan & Co.

Channing Funds, Channing Income Fund, Inc., Channing Shares, Inc., Manufacturers Hanover Trust Company, 40 Wall St., New York, N.Y. 10015: Sigler & Co.

Chase Capital Fund of Boston, Inc., New England Merchants National Bank, 28 State St., Boston, Mass. 02106: Gull & Co.

Chase Frontier Fund of Boston, Inc., New England Merchants National Bank, 28 State St., Boston, Mass. 02106: Jog & Co.

Chase Fund of Boston, Brown Brothers, Harriman & Co., 10 Post Office Sq., Boston 9, Mass.: Cas & Co.

Chase Special Fund of Boston, Inc., New England Merchants National Bank, 28 State St., Boston, Mass. 02106: Mink & Co.

Chemical Fund, Inc., Chase Manhanttan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.: Cudd & Co.

Children's Hospital Medical Center, State Street Bank and Trust Company, 111 Franklin St., Boston, Mass.: Cho & Co.

Children's Hospital Medical Center, New England Merchants National Bank, 135 Devonshire St., Boston 7, Mass.: Chim & Co.

C G Fund Inc., State Bank & Trust Co., Boston, Mass.: Ultra & Co.

Citadel Fund, Inc., The Moody National Bank of Galveston, P.O. Box 1139, Galveston, Texas 77550: Motrus & Co.

Colby College, Depositors Trust Company, 320 Water St., Augusta, Me. 04330.

College Retirement Equities Fund, Bankers Trust Company, 16 Wall St., New York, N.Y. 10015: Barnett & Co.

Colonial Energy Shares, Inc., First National Bank of Boston, P.O. Box 2016, Boston, MA 02106: Ben & Co.

Colonial Equities, Inc., First National Bank of Boston P.O. Box 2016, Boston, Mass. 02106: Ben & Co.

Colonial Fund Single Payment Plans, First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Not Disclosed.

Colonial Growth Shares, Inc., First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Ben & Co.

Colony Growth Plans, First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Not Disclosed.

Columbia Balanced Fund, Inc., First National Bank of Oregon, Trust Div., 400 S. W. Sixth, P.O. Box 2971, Portland, Ore. 97208: Colco.

Columbia Growth Fund, Inc., First National Bank of Oregon, Trust Div., 400 S.W. Sixth, P.O. Box 2971, Portland, Ore. 97208: Colco.

Co-Mingled Fund, First National City Bank, 55 Wall St., New York, N.Y. 10015: Nimer & Co.

Commerce Fund, Inc., Texas Commerce Bank, N.A. P.O. Box 2558, Houston, Texas 77001: Celt & Co.

Common Stock Fund of State Board and Mortgage Company, First National Bank of Minneapolis, Spec. Custody Dept., P.O. Box A700, Minneapolis, Minn. 55440: Ulm & Co.

Commonwealth Capital Fund, Bank of California, N.A., 400 California St., San Francisco, Calif.: Ingenfund & Co.

Commonwealth Income Fund, Bank of California, N.A., 400 California St., San Francisco 20, Calif.: Incfund & Co.; Mills Partnership.

Commonwealth Investment Fund, Bank of California, N.A., 400 California St., San Francisco 20, Calif.: Invesco & Co.; Mills Partnership.

Commonwealth Stock Fund, Inc., Bank of California, N.A., 400 California St., San Francisco 20, Calif.: Mills Partnership; Stockfund & Co.

Companion Fund, c/o C G Investment Management Company, 900 Cottage Grove Rd., Bloomfield, Conn.: Not Disclosed.

Competitive Associates, Inc., Bank of California, N.A., Mutual Funds Division, 400 California St., San Francisco, Calif. 94120: Gitfund & Co.

Competitive Capital Fund, Bank of California N.A., 400 California St., San Francisco, Calif. 94120: Wynfund & Co.

Composite Bond and Stock Fund, Inc., Seattle-First National Bank, Spokane and Eastern Branch, Spokane 10, Wash.: O'Kane, S.P. & Co.

Composite Fund, Inc., Irving Trust Company, 1 Wall St., New York 15, N.Y.: Lind & Co.

Comstock Fund, Inc., Bank of New York, 52 William St., New York, N.Y. 10008: Dietrich & Co.

Concord Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Ship & Co.

Conglomerate Fund of America, Inc., First Pennsylvania Banking & Trust Company, P.O. Box 8786, Philadelphia, PA 19101: Land & Co.

Congress Street Fund, Inc., National Shawmut Bank, 35 Congress St., Boston, MA 02109: Vanco.

Consultants Mutual Investments, Inc., First Pennsylvania Banking & Trust Company, P.O. Box 8786, Philadelphia, PA 19101: Mull & Co.

Contrafund, Inc., National Shawmut Bank, 35 Congress St., Boston, MA 02109: Covco.

Cooke & Bieler Growth Fund, Inc., First Pennsylvania Bank and Trust Company, Box 8786, Philadelphia, Pa. 19101: Humphreys & Co.

Counselors Investment Fund, Inc., Bank of America N.T. & S.A., Corporate Agency Division, 111 W. 7 St., Los Angeles, Calif. 90014: Firnal & Co.

Crown Western Investments, Inc., (Dallas Fund):

Clarence, Arthur & Co.

Dalco.

Diversco.

DAC Profit Sharing Plan. Trustees: Dacpro.

DAC Investment Co., 4300 Long Beach Blvd., Long Beach, Calif. 90807: Hirs & Harney.

Decatur Income Fund.

Delaware Fund, Inc.

Delta Trend Fund.

United Funds, Inc.: Lack & Lindsay.

Delware Income Fund, Inc., Wilmington Trust Company, Wilmington 89, Del.: Hirs & Harney.

De Vegh Investing Co., Inc., First National City Bank, 55 Wall St., New York 15, N.Y.: Thomas & Company.

Devonshire Street Fund, State Street Bank and Trust Company, 35th & Congress Sts., Boston 1, Mass.: Inco.

Diamond Growth Fund, Inc., Mechanics Bank of Richmond, California, 9th and MacDonald Avenues, Richmond, CA 94801: Paulor & Co.

Dikewood Fund, Inc., First National Bank, Albuquerque, NM: First National Associates.

Dill Manufacturing Company, Employees' Pension Trust, Society National Bank of Cleveland, 127 Public Sq., Cleveland 14, Ohio: Snboc & Co.

Discretionary Common Trust Fund "D", Security National Bank & Trust Company, 114 Market St., Wheeling, W. Va.: SNB Company.

Diversification Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Inco.

Dividend Shares, Inc., Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Lynn & Co.

Dodge & Cox Fund, Wells Fargo Bank, 464 California St., San Francisco 20, Calif.: Wel & Co.

Dow Theory Investment Fund Inc., The National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109: Dowco.

Drexel Investment Fund, Inc., Drexel Hedge Fund, Inc., First Pennsylvania Banking and Trust Company, P.O. Box 8786, Phila, Pa. 19101: Day & Co.

Dreyfus Investment Program, Bank of New York, 48 Wall St., New York, N.Y. 10015: Hare & Co.

Dreyfus Leverage Fund, Bank of New York, 48 Wall St., New York, N.Y. 10015: Lerche & Co.

Eaton & Howard Balanced Fund.

Eaton & Howard Stock Fund, Boston Safe Deposit and Trust Company, 100 Franklin St., Boston 6, Mass.: Pratt & Co.

Eaton & Howard Growth Fund, Inc., Boston Safe Deposit and Trust Company, 100 Franklin St., Boston, Mass. 02106: Etgrow & Co.

Eaton & Howard Income Fund, Boston Safe Deposit and Trust Company, 100 Franklin St., Boston, Mass. 02106: Welin & Co.

Eaton & Howard Special Fund, Inc., Boston Safe Deposit and Trust Company, 100 Franklin St., P.O. Box 2145, Boston, Mass. 02106: Special & Co.

Eberstadt Fund, Inc., Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y. 10015: Cudd & Co.

Electronics Investment Corporation, Bank of New York, 48 Wall St., New York 15, N.Y.: Hare & Co.

Employees' Pension Plan of Marsh Supermarkets, Inc., Merchants National Bank of Muncie, P.O. Box 792, Muncie, Ind.: Mepp & Co.

Employees' Profit-Sharing Trust of the Western Casualty and Surety Company, Western Casualty and Surety Company, 916 Walnut St., Kansas City 6, Mo.: West & Company.

Employees' Retirement Plan Trust, The First Pyramid Life Insurance Company of America, Pyramid Life Bldg., Little Rock, Ark. 72201: Pyramid and Company.

Employers Mutuals Retirement Trust, 407 Grant St., Wausau, Wisc.: Grant & Co.

English-American Pension Trust, Genesco, 111 Seventh Ave., N., Nashville 3, Tenn.: Gesco.

Enterprise Fund, Inc., State Street Bank and Trust Company, 53 State St., Boston, Mass. 02101: Galley & Co.

Equity Fund, Inc., Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.: Cudd & Co.

Essex Fund, Inc., State Street Bank & Trust Company, Boston, Mass.: Irma & Co.

Euro-American Real Estate Fund, Inc., Bank of America N.T. & S.A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120: Euro-American.

Evening Star Employes' Benefit Fund, Evening Star Newspaper Company, 225 Virginia Ave., S.E., Washington 3, D.C.: Starbend & Co.

Evening Star Staff, Savings Fund, Evening Star Newspaper Company, 225 Virginia Ave., S.E., Washington 3, D.C.: Staffund & Co.

Everest Fund, Inc., State Street Bank and Trust Company, Boston, Mass.: Walco.

Explorer Fund, Incorporated, State Street Bank and Trust Company, 53 State St., Boston, Mass. 02101: Vest and Co.

F–D Capital Fund, National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109: Ilon and Company.

Fairfield Fund, Inc., Bank of New York, 48 Wall St., New York, N.Y. 10015: Hare & Co.

Farm Bureau Mutual Fund, Inc., First National Bank of Chicago, 38 S. Dearborn St., Chicago, Ill. 60690: Silo & Co.

Federal Street Fund, Inc., Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106: Federal & Co.

Federated Growth Fund Inc., First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101: Hitchens & Co.

Federated Investment Plans, First Pennsylvania Bank and Trust Company, Philadelphia, Pa.: Not Disclosed.

Fidelity Capital Fund, Inc., National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109: Chetco.

Fidelity Destiny Fund, Inc., State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Gudgeon & Co.

Fidelity Fund, Inc., National Shawmut Bank of Boston, 35 Congress St., Boston, MA 02109: Ferro & Co.

Fidelity Securities & Investment Co., Inc., 601 Bangs Ave., Ashbury Park, N.J.: Halad & Co.

Fidelity Trend Fund Inc., State St. Bank & Trust Company, Boston, Mass.: Harwood & Co.

Fiduciary Mutual Investing Company, Inc., Irving Trust Company, 1 Wall St., New York 15, N.Y.: Lind & Co.

Financial Fund, Inc., National Bank of Commerce, Seattle, Wash.: Not Disclosed.

Financial Industrial Fund, Inc., Bankers Trust Company, 16 Wall St., New York 15, N.Y.: Finman & Co.

Financial Trends Mutual Fund, Inc., Newport National Bank, P.O. Box 1608, Newport Beach, Calif. 92663: Portco.

First Broward Securities, Inc., 2319 N. Federal Hwy., Ft. Lauderdale, Fla. 33305: Browco.

First Church of Christ Scientist, State Street Bank and Trust Company, P.O. Box 2136, Boston, Mass. 02106: Science & Co.

First Fund of Virginia, Inc., Bank of New York, 48 Wall St., New York, N.Y. 10015: Hare & Company.

First National Fund, Inc., Bank of America N.T. & S.A., 111 W. Seventh St., Los Angeles, Calif. 90014: Finn & Co.

First Participating Fund, Inc., Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001: Swigart & Co.

First Security Growth Fund, The Omaha National Bank, Omaha, Nebr. 68102: Firsec.

Fleetwood Securities Corporation, Bank of New York, 48 Wall St., New York 15, N.Y.: Hare & Co.

Fletcher Capital Fund, Inc., Bank of New York, 90 Washington St., New York, N.Y. 10015: Dietrich & Co.

Fletcher Fund, Inc., Bank of America, 111 W. 7th Street, Los Angeles, Calif. 90014: Corla & Co.

Flint, Michigan Laborers Pension Fund, Genesee Merchants Bank & Trust Co., One E. First St., Flint, Mich. 43502: Merco.

Florida Growth Fund Inc., Florida National Bank and Trust Company, 303 First St., West Palm Beach, Fla.: Flabo & Co.

FML Growth Fund, Inc., First Pennsylvania Banking and Trust Co., Box 8786, Philadelphia, Pa. 19101: Good & Co.

Fort Myers Insurance Agency, Inc., (Contributory Plan).

First National Bank in Fort Myers, P.O. Box 1031, Fort Myers, Fla.: Holder Finabank.

Founders Mutual Depositor Corporation.

First National Bank of Denver, Trust Dept., P.O. Box 5825 T.A., Denver, Colo. 80217: Gryfund & Co.

Freedom Fund, Inc.

First National Bank of Boston, Box 2016, Boston, Mass. 02106: Undisclosed.

Frost Realty Company.

Frost National Bank, P.O. Drawer 1600, San Antonio, Tex. 78206: Reagan & Co.

Fundamental Investors, Inc.

Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Loriot & Co.

Fundamental Investors, Inc.

The First National Bank of Jersey City, 1 Exchange Place, Jersey City 3, N.J.: Firier & Co.

Fundex, Inc., Chemical Bank, 245 Park Ave., New York, N.Y. 10017: Zimco & Co.

Funds of Nations, Inc.

Bank of America N.T. & S.A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120: Fund of Nations.

Fund of the Southwest, Inc.

Republic National Bank, Box 2716, Dallas, Texas 02110: Fots & Co.

General American Investors Company, Inc.

Bankers Trust Company, 16 Wall St., New York, N.Y. 10015: Salkel & Co.

General Casualty Company.

First Pennsylvania Banking and Trust Company, 15th & Chestnut Sts., Philadelphia 1, Pa.: John & Co.

General Public Service Corporation, Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Sialer & Co.

General Securities, Incorporated, Northwestern National Bank of Minneapolis, 620 Marquette Ave., Minneapolis, Minn. 55480: Banor & Co.

Genesco Employees' Retirement Trust, Genesco, 111 Seventh Ave., N., Nashville 3, Tenn.: Gesco.

Gesco Pooled Trust Investment Fund, Genesco, 111 Seventh Ave., N., Nashville 3, Tenn.: Gesco.

Gilmour, Robert B., Trust, Guaranty Trust Company, P.O. Box 2020, Corpus Christi, Texas: Gross & Co.

Great Hill Trust, U/Ind. Galen L. Stone et al., North American Management Corp., 28 State St., Boston, Mass. 02109:

Anchorage & Co.

Great Hill & Co.

Greif, L. Pension Trust, Genesco, 111 Seventh Ave. N., Nashville 3, Tenn.: Gesco.

Group Securities, Inc., First National Bank of Jersey City, 1 Exchange Place, Jersey City 3, N.J.: Lages & Co.

Growth Fund of America, Inc., Chase Manhattan Bank, N.A., One Chase Manhattan Plaza, New York, N.Y. 10015.

Growth Industry Shares, Inc., Chemical Bank, 100 Broadway, New York N.Y. 10015: England, C.A. & Co.

Growth Programs, Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303: Not Disclosed.

Guardian Mutual Fund, Inc., Chemical Bank, 100 Broadway, New York, N.Y. 10015: England, C.A. & Co.

Hamilton Funds, Inc., First National Bank of Denver, P.O. Box 5825, Denver, Colo. 80217: Hamilfund & Co.

Hamilton Futura Fund, Inc., First National Bank of Denver, Box 5808 T.A., Denver, Colo. 80217: Intercom & Co.

Harbor Fund, Inc., State Street Bank and Trust Company, 53 State St., Boston, Mass. 02101: Tiller & Co.

Harvard College, New England Merchants National Bank, 135 Devonshire St., Boston 7, Mass.: Harvard & Co.

Harvard Yenching Institution, New England Merchants National Bank, 135 Devonshire St., Boston 7, Mass.: Crimson & Co.

Hedberg & Gordon Fund, Inc., First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101: Sayre & Co.

Hedge Fund of America, Inc., Texas Commerce Bank. N.A., P.O. Box 2558, Houston, Tex. 77001: Niels & Co.

Hemisphere Fund, Chemical Bank, P.O. Box 1368, Church St. Station, New York, N.Y. 10008: Hemis & Co.

Hershey Milton School, Hershey Trust Company, 9 W. Chocolate Ave., Hershey, Pa. 17033: Hershey Milton & Co.

Hershey, The M. S. Foundation, Hershey Trust Company, Hershey, Pa.: Medcen & Co.

Hoboken Bank for Savings Employees' Retirement Fund, Hoboken Bank for Savings, P.O. Box 309, Hoboken, N.J.: Taylor & Co.

Horace Mann Fund, Inc., National Boulevard Bank of Chicago, Trust Dept., 400 North Michigan Avenue, Chicago, Ill 60611: Waco & Company.

Hornblower, Henry, Trust, Hornblower & Weeks, 75 Federal St., Boston, Mass.: H & W Agency.

ICM Equity Fund, Inc., First National Bank in Little Rock, Third & Louisiana Sts., Box 1471, Little Rock, Ark. 72203; Lark & Co.

ICM Financial Fund, Inc., First National Bank in Dallas, Third & Louisiana Sts., Box 1471 Little Rock, Ark. 72203: Lark & Co.

IDS New Dimensions Fund, Inc., First National Bank of Minneapolis, P.O. Box A700 (55410), 120 S. Sixth St., Minneapolis, MN 55402: Ned & Co.

IDS Progressive Fund, Inc., Northwestern National Bank of Minneapolis, Seventh & Marquette Sts., Minneapolis, Minn. 55480: Ceal & Co.

Impact Fund, Inc., Texas Commerce Bank, N.A., P.O. Box 25528, Houston, Tex. 77002: Impactco.

Imperial Capital Fund, Inc. (formerly Minnesota Fund, Inc.), Northwestern National Bank of Minneapolis, 620 Marquette Ave., Minneapolis, Minn. 55480:

Enn & Co.

Sar & Co.

INA Corporation, INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Gur & Co.

Incentive Fund, Inc., Bank of America N.A. & S.A., Box 2558, Los Angeles, CA 90054: Enter & Co.

Income and Capital Shares, Inc., Brown Brothers Harriman & Co., 10 Post Office Square, Boston, Mass.: Incap & Co.

Income Foundation Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: File & Co.

Income Fund of Boston, Inc., Bank of California, P.O. Box 60477, Los Angeles, Calif. 90060: Bostfund & Co.

Independence Fund, Inc., First National Bank of Boston, Box 2016, Boston, Mass. 02106: Undisclosed

Index Fund, Inc., State Street Bank and Trust Company, Boston, Mass.: Not Disclosed

Indian Head Mills, Inc., Pension Trusts, Powers, Richard J. 111 W. 40th St., New York, N.Y. 10018: Rolind & Co.

Industries Exchange Fund, Inc., Texas Commerce Bank, N.A. P.O. Box 2558, Houston, Tex. 77001: Rusk & Co.

Industries Trend Fund, Inc., Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Tex. 77001: Les & Co.

Industry Fund of America, Inc., Zions First National Bank, 235 S. Main St., Salt Lake City, Utah 84110: ZIFA and Company.

Inland Investors, Inc., National City Bank, The, 623 Euclid Ave., Cleveland 14, Ohio: Sheldon & Co.

Institute For Avanced Study (Louis Bamberger and Mrs. Felix Fuld Foundation), United States Trust Company of New York, 45 Wall St., New York 5, N.Y.: Heil & Co.

Institutional Growth Fund, Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Sailer & Co.

Institutional Income Fund, Inc., Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Sialer & Co.

Institutional Shares, Ltd., Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Sigler & Co.

Insurance Company of North America, INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Sten & Co.

Integon Corporation. Wachovia Bank and Trust Company, P.O. Box 3099, Winston-Salem, N.C. 27102:

Charl & Co.

Flameco.

Gerico.

Retco.

Slatco.

International Funding—Securities, Inc. United California Bank, 9601 Wilshire Blvd., Beverly Hills, Calif. 90210.

International Holdings Corporation. Schroder Trust Company, 57 Broadway, New York 15, N.Y.: Bovd & Co.

International Investors, Inc. First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303: Nonres & Co.

International Resources Fund, Inc. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.:

Chase Nominees, Ltd.

Cudd & Co.

Invest Fund, Incorporated. State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Bing & Co.

Investment Company of America, The. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, N.Y.: Cudd & Co.

Investment/Indicators Fund. Crocker-Citizens National Bank, P.O. Box 710, San Rafael, Ca. 94902: Rafael & Co.

Investment Management Corporation. Sponsor for Western Fund Plan, American National Bank, Denver, Co.:

Not Disclosed.

(Index Fund, Inc.)

Investment Trust of Boston. State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.:

File & Co.

Ship & Co.

Investors' Advisory Services. Union Bank, Los Angeles, Calif. 90054: SAl Company.

Investors Diversified Services, Inc., Bank of Delaware, Wilmington 89, Del.: Carothers & Clark.

Investors Mutual, Inc., Bank of Delaware, Wilmington 89, Del.: Carothers & Clark.

Investors Selective Fund, Inc., Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55440: Sel & Co.

Investors Stock Fund, Inc., Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55480: Perc & Co.

Investors Syndicate Life Insurance and Annuity Company, Northwestern National Bank of Minneapolis, Seventh & Marquette Aves., Minneapolis, Minn. 55480.

Investors Variable Payment Fund, Inc., First National Bank of Minneapolis, 120 S. Sixth St., Minneapolis, Minn. 55402: Var & Co.

ISI Growth Fund, Inc., United California Bank, 405 Montgomery St., San Francisco, Calif. 94120: Allisfund & Co.

ISI Income Fund, Inc., United California Bank, 405 Montgomery St., San Francisco, Calif. 94120: Dewfund & Co.

ISI Trust Fund, United California Bank, 405 Montgomery St., San Francisco, Calif. 94120: Trund & Co.

ISL Variable Annuity Fund A, Northwestern National Bank of Minneapolis, Seventh & Marquette Sts., Minneapolis, Minn. 55480: Desa & Co.

ISL Variable Annuity Fund B, Northwestern National Bank of Minneapolis, Seventh & Marquette Sts., Minneapolis, Minn. 55480: Kamus & Co.

Istel Fund, Inc., First National City Bank, 55 Wall St., New York 15, N.Y.: Hurley & Company.

Johns Hopkins University: First National Bank of Maryland, Light & Redwood Sts., Baltimore 3, Md.: Johnhop & Co.

Johnston Mutual Fund, Inc., The Bankers Trust Company, 16 Wall St., New York 10015:

Bankers Nominees Ltd.

Salkeld & Co.

Pyramid Nominees Ltd.

Keogh Plan, Guaranty National Bank and Trust of Corpus Christie, P.O. Drawer 749, Corpus Christi, Tex. 78403: Hatridge and Co.

Keystone Custodian Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass., French & Co.

Keystone Custodian Funds, K–2 Series, State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Kaytoo.

Keystone Custodian Funds, S–4 Series, State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Essfour.

Knickerbocker Fund, The Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.:

Loriot & Co.

Rudolph & Co.

Keystone Fund of Canada, Ltd. Bank of Montreal Trust Company, 2 Wall St., New York, N.Y.: Drude & Co.

Knowledge Communication Fund, Inc. The Ohio National Bank of Columbus, 51 N. High St., Columbus, OH 43215:

Cafu & Co.

Knoco & Co.

Knowlton, Frank & Co., Crocker-Citizens National Bank, 393–13th St., Oakland, Calif. 94604: Knowco.

Lazard Fund, Inc. The Bank of New York, 48 Wall St., New York 15, N.Y.: Lerche & Co.

Lee Trust, Trustees of the Lee Trust, 431 Broadway, Everett, Mass.: Lee Field and Co.

Lehigh Foundaries Profit Sharing Trust, Lehigh Inc., 1500 Lehigh Dr., Easton, Pa. 18043: Leprof Company, Lehman Corporation, the Bankers Trust Company, 16 Wall St., New York 15, N.Y.: Lehcor & Co. Liberty Fund Inc., First National Bank of Boston, Mutual Funds Division, P.O. Box 2016, Boston, Mass. 02106. Life Insurance Company of North America, INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Zal & Co. Life Insurance Investors, Inc., and Mutual Fund, Third National Bank in Nashville, P.O. Box 2844, Nashville, TN 37202: Morcor.

Life Insurance Company of Virginia, 914 Capitol St., Richmond, Va. 23209:

Dove & Co. (d).

Finch & Co. (d).

Licova & Co. (d).

Ling Fund Inc., First National Bank in Dallas, P.O. Box 6031, Dallas, TX 75222:

Gnil & Co.

Coco & Co.

Loomis-Sayles Capital Development Fund, Inc., First National Bank of Boston, 67 Milk St., Boston 6, Mass.: Birmingham & Co.

Loomis Sayles Mutual Fund, Inc., First National Bank of Boston, 67 Milk St., Boston, Mass.: Prescott & Co.

Loyalty Bonus Trust for Career Agents, the First Pyramid Life Insurance Company of America, Pyramid Life Bldg., Little Rock, Ark. 72201: McGehee, Gordon and Company.

Madison Fund, Inc., 501 Farmers Bank Bldg., Wilmington, Del. 19801: Ardmerk & Co.

Magan Income Trust, State Street Bank & Trust Company, P.O. Box 351, Boston, Mass. 02101: Chance & Co.

Magnacap Fund, Inc., P.O. Box 8786, Philadelphia, Pa. 19101: Tic & Co.

Mairs and Power Growth Fund, Inc., Northwestern Bank of St. Paul, 55 E. 5th St., St. Paul, Minn.: Dedon and Company.

Managed Funds, Inc., Mercantile Trust Company, Drawer 387 Main Post Office, St. Louis 66, Mo.: Roland & Company.

Manhattan Fund, Inc., Chemical Bank, Box 1368, Church St. Sta., New York, N.Y. 100: Loco & Co.

Market Growth Fund, Inc., First Pennsylvania Banking and Trust Company, The, Box 8786: Eth & Co.

Massachusetts Fund, State Street Bank and Trust Company, Boston, Mass.: Not Disclosed.

Massachusetts Institute of Technology, Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106: Felix & Company.

Massachusetts Investors Trust, State Street Bank and Trust Company, P.O. Box 5006, Boston, Mass. 02107: Bark & Co.

Massachusets Life Fund, State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Mahl & Co.

Mathers Fund, Inc., Harris Trust & Savings Bank, 111 W. Main, Chicago, Ill.: Not Disclosed.

Mayo Foundation, Northwestern National Bank of Minneapolis, 200 First St. S.W., Rochester, Minn. 55902: Nob & Co.; Ran & Co.

Medici Fund, Inc., Fiduciary Trust Company, Box 294 Wall St., New York, N.Y. 10005: Vogt & Company.

Midwest Investors Program, Northwestern National Bank of Minneapolis, 7th & Marquette Ave., Minneapolis, Minn. 55480: Clag & Co.

Morgan, W. L. Growth Fund, State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Rudder & Co.

Murphy, G. W. Industries, Inc., Salaried Employees Pension Trust, Murphy, G. W. Industries, Inc., P.O. Box 2119, Houston, Tex. 77001: Murphy Fund & Co.

Mutual Income Foundation, National Bank of Detroit, Detroit 32, Mich.: Trussal & Co.

Mutual Investing Foundation, National Bank of Detroit, 32 Woodward Ave., Detroit, Mich.: Not Disclosed.

Mutual Investment Company of America, Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City 2, N.J.: Perkins & Co.

Mutual Investment Company of America, The First National Bank of Jersey City, 1

Exchange Place, Jersey City 3, N.J.: Dean & Co.

Mutual Investment Fund, Inc., Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City 2, N.J.: Perkins & Co.

Mutual of Omaha Growth Fund, Inc., Mutual of Omaha Income Fund, Inc., Harris Trust & Savings Bank, 111 W. Main St., Chicago, Ill.: Gale & Co.

Mutual Trust, City National Bank & Trust Company, Kansas City 41, Mo.: Mutrus & Co.

National Aviation Corporation, Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Ince & Co.

National Industries Fund, Inc., United California Bank, Trust Dept., 405 Montgomery St., San Francisco, Calif. 94104: Muse & Co.

National Investors Corporation, Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.: Jaquith & Co.

National Securities Series, Bank of New York, 48 Wall St., New York, N.Y. 10015: O'Neill & Co.

Nation-Wide Securities Company, Inc., Morgan Guaranty Trust Company of New York, 23 Wall St., New York, N.Y. 10015: Lynn & Co.

NEA Mutual Fund, Inc., First Pennsylvania Banking and Trust Company, P.O. Box 8786, Philadelphia, Pa. 19101: Cooke & Co.

New England Fund, State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Ship & Co.

Newton Fund, Inc., Whitefish Bay Bank & Trust Company, 177 E. Silver Spring Dr., Whitefish Bay, Wisc. 53217: Ricar Company.

New York Venture Fund, Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303: Nevet & Co.

Niagara Shares Corporation, Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y.: Jaquith & Co.

NN Corporation, First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201: NN & Co.

North American Equity Corporation, 629 S. Spring St., Los Angeles, Calif. 90014: Nae Co.

North American Planning Corporation, 230 Park Ave., New York, N.Y. 10017: Napco.

Northeast Investors Trust, New England Merchants National Bank, 135 Devonshire St., Boston 7, Mass.
Del & Co.
Kimball & Co.

Northwestern National Insurance Co., First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201: Surco & Co.

Northwestern National Insurance Group, First Wisconsin National Bank of Milwaukee, 743 N. Water St., Milwaukee, Wisc. 53201:
Noretco & Co.
Prosit & Co.

Obrelin College, The Cleveland Trust Company, P.O. Box 6147, Cleveland, Ohio 44101: Oberlin & Co.

Oceanographic Fund, Inc., First Jersey National Bank, Jersey City, N.J.: Dean & Co.

Ocean Technology Fund, Inc., National Shawmut Bank, Boston, Mass.: Aquaco.

Old Dominion Investors Trust, Inc., American National Bank, 110 Bank St., Box 522, Suffolk, Va.: Odit & Co.

Old Dominion Paper Co. Profit Sharing Retirement Plan, Seaboard Citizens National Bank of Norfolk, P.O. Box 3127, Norfolk 14, Va.: Mop & Co.

Omega Fund, Inc., The First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Apple & Co.

One Hundred and One Fund, Inc., Denver United States Bank, Denver, Col. 80217: Winston & Co.

One Hundred Fund, Inc., Denver United States Bank, Denver, Col. 80217: Henry & Co.

One William Street Fund, Inc., Bankers Trust Company, 16 Wall St., New York 15, N.Y.: Mufun & Co.

Oppenheimer Fund, Inc., First National City Bank, 20 Exchange Pl., New York, N.Y. 10005: Gerlach & Co.

Oppenheimer Systematic Capital Accumulation Program, State Street Bank and Trust Company, Boston, MA: Not Disclosed.

Ouachita Baptist College Endowment Fund, Simmons National Bank of Pine Bluff, Pine Bluff, Ark.: Simtrust & Co.

Pace Fund, Inc., Bank of California N.A., P.O. Box 60477, Los Angeles, Calif. 90060: Pa & Co.

Pacific Employers Insurance Company, INA Corporation, P.O. Box 7728, Philadelphia, Pa. 19101: Raab & Co.

Pacific Gas and Electric Company Employees Savings Fund Plan, Bank of California, N.A., 400 California St., San Francisco 20, Calif.: Safund.

Pallas Corporation, First National City Bank, 55 Wall St., New York 15, N.Y.: Hurley & Company.

Paramount Mutual Fund, Bank of America, Mutual Funds Service Center, P.O. Box 2152 Terminal Annex, Los Angeles, Calif. 90054: Pam & Co.

Parfield Investors, Bank of California, N.A., 400 California St., San Francisco, Calif. 94120: Parfund & Co.

Penn Square Mutual Fund, American Bank and Trust Company, 35 N. Sixth St., Reading, Pa.: Cuyler and Company.

Pension Capital Growth Fund, Inc., Mellon National Bank and Trust Company, Mellon Sq., Pittsburgh, Pa. 15230: Lacy & Co.

Petroleum Corporation of America, Bankers Trust Company, 16 Wall St., New York 15, N.Y.: Salkeld & Co.

Philadelphia Fund, Inc., Bank of New York, 48 Wall St., New York 15, N.Y.: Kay & Co.

Pilgrim Fund, Inc., State Street Bank & Trust Company, P.O. Box 351, Boston, Mass 02101.

Pillsbury, Alfred F., Trust Estate, Philip W. Pillsbury and Harley E. Hyre, Trustees, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Fiske & Co.

Pillsbury, Charles S., Trust Estate, Philip W. Pillsbury and Charles Bellows, Trustees, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Stinson & Co.

Pillsbury, Eleanor F., Trust Estate, Trust for Nathan P. Farwell, Trust for Minneapolis Society of Fine Arts, Trust for the Minneapolis Foundation.

Pillsbury, Gretchen T., Trust for the Minneapolis Foundation, 601 Pillsbury Bldg., Minneapolis 2, Minn.: Field & Co.

Pillsbury, Philip W., 601 Pillsbury Bldg., Minneapolis 2, Minn: Dunbarton & Co.

Pilot Fund, Inc., Texas Commerce Bank N.A., P.O. Box 2558, Houston, Texas 77001: Contico.

Pine Street Fund, Inc., Chemical Bank, 100 Broadway, New York, N.Y. 10015: England, C.A. & Co.

Pioneer Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: File & Co.

Pioneer National Title Insurance Company, Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054: Natico & Co.

Polaris Fund, Inc., Brown Brothers, Harriman & Co., 10 Post Office Sq. Boston, Mass. 02109: Blu & Co.

Planned Investment Fund, Inc., State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Yardarm.

Price, T. Rowe, Growth Stock Fund, Inc., Bank of New York, Bank Window, Church St. Station, New York 15, N.Y.: Way & Co.

Princeton University, United States Trust Company of New York, 45 Wall St., New York 15, N.Y.: Heil & Co.

Profit Sharing Trust, Citizens National Bank of Macomb, 127 South Side Sq., Macomb, Ill. 61455: Citnaps Company.

Provident Fund for Income (Suite 1002 Wilmington Trust Bldg., Wilmington, Del. 19801): First National Bank of Jersey City, 1 Exchange Place, Jersey City 3, N.J.: Brown & Co.

Prudential Fund of Boston, Inc., New England Merchants National Bank, 135 Devonshire St., Boston 7, Mass.:
Kimball & Co.
Pet & Co.

Puerto Rican Investors Fund, Inc., c/o Trust Dept., Banco Popular de Puerto Rico.

Puritan Fund, Inc., The National Shawmut Bank of Boston, 35 Congress St., Boston 9, Mass.: Edal & Co.

Putnam Equities Fund, Inc., New England Merchants National Bank, 135 Devonshire St., Boston, Mass. 02107: Put & Co.

George Putnam Fund of Boston, State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.:
Chine & Co.
Sail & Co.

Putnam Growth Fund, State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Sail & Co.

Putnam Income Fund, Inc., Old Colony Trust Company. P.O. Box 2016, Boston, Mass. 02106: Char & Co.

Putnam Investors Fund, Inc., Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106: Labb & Co.

Putnam Vista Fund, Old Colony Trust Company, P.O. Box 2016, Boston, Mass. 02106: Ford & Co.

Quality Investors' Fund, Inc., Cummings & Co., Inc., 15 Westminster St., Providence 3, R..: Gordon & Co.

Quinby Plan, Lincoln Rochester Trust Company, 183 Main St., E., Rochester 4, N.Y.: Quinplan & Co.

Ralmer Investment Company, Second National Bank of Warren, Warren, Ohio: Market Main & Company.

Reliance Insurance Company, First Pennsylvania Banking and Trust Company, 15th & Chestnut Sts., Philadelphia 1, Pa., Rich & Co.

Resources Growth Fund, San Diego Trust and Savings Bank, 540 Broadway, San Diego, Calif. 92101: Jobroco.

Revere Fund, Inc., First Pennsylvania Banking and Trust Company, P.O. Box 8786.

Rittenhouse Fund, Provident National Bank, 17th & Chestnut Sts., Philadelphia 10, Pa.: Saxon & Company.

Rochester Fund, Inc., Central Trust Company, Rochester, N.Y.: Not Disclosed.

Rosenthal, L. M., Fund The Bank of New York, 48 Wall St., New York, N.Y. 10015: Hare & Company.

Ruth Harris Hite Trust, Bank of Nevada, Third & Bridger Sts., Las Vegas, Nev. 89101: Pioneer & Co.

St. Paul Fire and Marine Insurance Company, St. Paul Companies, Inc., 385 Washington St., St. Paul, Minn. 55102: Wilkin & Co.

Salem Fund, Inc., National Shawmut Bank, Boston, Mass.: Dawco.

Schneider Metal Manufacturing Company Employees Profit Sharing Trust, 1805 S. 55th Ave., Cicero, Ill. 60650: Christian & Co.

Schuster Fund, Inc., Chemical Bank, Box 1368, Church St. Sta., New York, N.Y. 10008: England, C.A. & Co.

Scudder Duo-Vest Inc., State Street Bank and Trust Company, State & Congress Sts., Boston, Mass. 02109: Anchor & Co.

Scudder International Investments, Ltd., Bank of Montreal Trust Company, 2 Wall St., New York, N.Y.: Drude & Co.

Scudder Special Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston, Mass. 02101: Halyard & Co.

Scudder, Stevens & Clark Common Stock Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Frawley, John F. & Co., Transom & Co.

Scudder, Stevens & Clark Balanced Fund, Inc., State Street Bank and Trust Company, State & Congress Sts., Boston 1, Mass.: Frawley, John F. & Co.

Sears, Roebuck and Co. Employees Savings & Profit Sharing Pension Fund, The First National Bank of Chicago, 38 S. Dearborn St., Chicago 90, Ill.: Searsfund & Co.

Second Congress Street Fund, Inc., National Shawmut Bank, Boston, Mass.; Morse & Co.

Security Benefit Life Insurance Co., First National Bank of Topeka, Trust Div., Box 88, Topeka, Kans. 66601: Seben & Co.

Security Bond Fund, Inc., First National Bank of Topeka, Trust Div., P.O. Box 88, Topeka, Kans. 66601: Shawnee & Co.

Security Diversified Shares, Inc., Wachovia Bank & Trust Company, P.O. Box 3099, Winston-Salem, N. Car. 27102: Charl & Co.

Security Equity Fund, Inc., First National Bank of Topeka, Trust Div., P.O. Box 88, Topeka, Kans. 66601: Sefl & Co.

Security Investment Fund, Inc., First National Bank of Topeka, Trust Div., P.O. Box 88, Topeka, Kans. 66601: Quadist & Co.

Security Ultra Fund, Inc., First National Bank of Topeka, Trust Div., P.O. Box 88, Topeka, Kans. 66601: Safco & Co.

Selected American Shares, Inc., Manufacturers Hanover Trust Company, 40 Wall Street, New York 15, N.Y.: Lorlot & Co.

Shareholders Trust of Boston, Brown Brothers Harriman, 10 Post Office Square, Boston, Mass. 02109: Share & Company.

Shares in American Industry, Inc., Riggs National Bank of Washington, D.C., 1508 H St., N.W., Washington 13, D.C.: Gove & Co.

Shawmut Association, The National Shawmut Bank of Boston, 35 Congress St., Boston 9, Mass.: Haves & Co.

Sherman, Dean Fund, Inc., Bank of New York, 52 William St., 3d Floor New York, N.Y. 10005: Hare & Co.

Sigma Capital Shares, Inc.

Sigma Trust Shares.

Sigma Venture Shares, Inc., (Delfi Capital Sales), Wilmington Trust Company, Wilmington, Del. 19899.: Flinn & Fairman.

Sigma Investment Shares, Inc.: (Delfi Capital Shares, Inc.), City National Bank & Trust Company, P.O. Box 226, Kansas City, Mo. 64141: Spar & Co.

SMC Investment Corporation, Bank of New York, 90 Washington St., New York, N.Y. 10015: Dietrich & Co.

Smith, Horace, Fund, c/o Third National Bank and Trust Company of Springfield, The, 1391 Main St., Springfield 2, Mass.: Barr-Smith Company.

Southwestern Bell Telephone Company Pension Trust, Mercantile Trust Company, Drawer 387, Main Post Office, St. Louis 66, Mo.: Pine & Company.

Southwestern Bell Telephone Pension Trust, St. Louis Union Trust Company, P.O. Box 577, Central Station, St. Louis, Mo. 63101: Telnom & Co.

Southwestern Investors, Inc.

Southwestern Investors Growth Fund Inc., Republic National Bank, Pacific & Ervey, P.O. Box 2716, Dallas, Texas 02110: Swing & Co.

Sovereign Investors, Inc.: Fidelity-Philadelphia Trust Company, 135 S. Broad St., Philadelphia, Pa.: Harker & Co.

Standard Oil Company (N.J.) Pension Trust, First City National Bank of Houston, P.O. Box 2557, Houston, Texas 77001: Black & Co.

State Farm Agents' Retirement Trust, Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.: Retire & Co.

State of California Public Employees, Retiement System, Bank of California, N.A., P.O. Box 1953 (95809), 1416 Ninth St., Sacramento, CA 95814: Calpers & Co.

State Street Investment Corporation, Old Colony Trust Company, 1 Federal St., Boston 6, Mass.: Bishop & Co.

Stein Roe & Farnham Fund, Inc., Continental Illinois National Bank and Trust Company of Chicago, 231 S. La Salle St., Chicago 90, Ill.: Star & Co.

Sterling Investment Fund, Inc., North Carolina National Bank, P.O. Box 120, Charlotte, N.C.: Sterco & Co.

Stern Brothers & Co. Profit Sharing Trust, Stern Brothers & Co., 1013 Baltimore Ave., Kansas City 5, Mo.: Esbe & Co.

Stock Fund, Inc., (Stein Roe & Farnham), Harris Trust & Savings Bank, 111 W. Main St., Chicago, Ill.: Gale & Co.

Summit Capital Fund, Inc., Texas Commerce Bank, N.A., P.O. Box 2558, Houston, Texas 77001: Sumcapco.

Summit Management & Research Corp., Texas Commerce Bank, N.A., P.O. Box 2607, 712 Main St., Houston, Texas 77001:

Niels & Co.

Sumcapco.

Sunrise Fund, Inc., National Bank of North America, 74 Hempstead Ave., West Hempstead, N.Y. 11552: Self & Co.

Supervised Investors, Growth Fund, Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303: Lill & Co.

Supervised Investors Summit Fund, Inc., The First Jersey National Bank, One Exchange Pl., Jersey City, N.J. 07303: Lill & Co.

Supervised Shares, Inc., Iowa-Des Moines National Bank, Des Moines, Iowa 50309: Tedco & Co.

Syncro Growth Fund, Syncro Income Fund, Inc., National Bank of Commerce, Box 3966, Seattle, Wash.: Not Disclosed.

Teachers Association Mutual Fund of California, Inc., Bank of America, 111 W. 7 St., 8th floor, Los Angeles, Calif. 90014: Trim & Co.

Technivest Fund, National Shawmut Bank of Boston, 35 Congress St., Boston, Mass. 02109: Tenist & Co.

Technology Fund, Inc., First Jersey National Bank. 1 Exchange Pl., Jersey City, N.J. 07303: Lill & Co.

Ted Warren Fund, Southern California First National Bank, Trust Department, P.O. Box 109, San Diego, CA 92112: Calumet Company.

Temple of Memories Mausoleum Permanent Care Fund, First National Bank, Box 633, Hutchinson, Kans.: Oblate and Company.

T I Corporation (of California) Foundation, The, Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054: Foundco.

T I Corporation (of California), The, Title Insurance and Trust Company, 433 S. Spring St., Los Angeles, Calif. 90054: Tical & Co.

Torrence Equity Fund, Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J., 07303: Stap & Co.

Transamerica Capital Fund, Inc., Bank of America N.T. & S.A., 111 W Seventh St., Los Angeles, Calif. 90014: Transcap & Co.

Transamerica Investors Fund, Inc, Bank of America, N.T. & S.A., 111 West Seventh St., Los Angeles, Calif. 90014: Alcor & Co.

Transwestern Mutual Fund, Wells Fargo Bank, 464 California St., San Francisco, Calif. 94120: Not Disclosed.

Travelers Equities Fund, Inc., First National Bank of Boston, P.O. Box 2016, Boston, Mass. 02106: Frost & Co.

T. Rowe Price Growth Stock Fund, Inc., The Bank of New York, 90 Washington St., 9th floor, New York, N.Y. 10015: Way & Co.

Trustees Equity Fund, Inc., State Street Bank and Trust Company, P.O. Box 351, Boston, Mass. 02101: Dolphin & Co.

Trustees of the North America Pension Fund, INA Corporation, 1600 Arch St., Philadelphia, Pa. 19101: Lo & Co.

Trustees of the Northeast District of the Unitarian Universalist Assn., Payson, H.M. & Co., 93 Exchange St., Portland, Me. 04112: Northeast & Co.

Twenty Five Fund, Inc., Denver United States National Bank, Denver, Col. 80217: Alpine & Co.

Unified Mutual Shares, Inc., Merchants National Bank & Trust Company, 1 S. Meridan St., Indianapolis, IN 46204.

Unifund, Inc., Bank of America, Mutual Funds Service Center, P.O. Box 2152 Terminal Annex, Los Angeles, Calif. 90054.

Union Capital Fund, Inc., Irving Trust Company, Personal Trust Division, 1 Wall St., New York, N.Y. 10015: Gilmet & Co.

United Accumulative Fund, Commerce Bank of Kansas City, 210 Commerce Bldg., Kansas City, Mo. 64106; Don & Co.

United Corporation, First National City Bank, 55 Wall St., New York 15, N.Y.:

Hank & Company.

Thomas & Company.

United Funds, Inc., Bankers Trust Company, 16 Wall St., New York 15, N.Y.; Salkeld & Co.

United Funds, Inc., Commerce Bank of Kansas City, 210 Commerce Bldg., Kansas City, Mo. 64106; Don & Co.

United Funds, Inc., Wilmington Trust Company, Wilmington 89, Del.; Lack & Lindsay.

United Growth Fund, Inc., Bank of America N. T. & S. A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120; United Growth.

United Income and Growth Fund, Inc., Bank of America, N. T. & S. A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120; United Income and Growth.

United Income Fund, Commerce Bank of Kansas City, 210 Commerce Bldg., Kansas City, Mo. 64106; Don & Co.

United Science Fund, Bankers Trust Company, 16 Wall St., New York 15, N.Y.; Salkeld & Co.

United States & Foreign Securities Corporation, Manufacturers Hanover Trust Company, 40 Wall St., New York 15, N.Y.; Sigler & Co.

University of Pennsylvania, The Fidelity Bank, Broad and Walnut Sts., Philadelphia, Pa. 10109; Franklin & Co.

U.S.I. Venture Fund, Inc., Bank of America N. T. & S. A., P.O. Box 3415, Rincon Annex, San Francisco, Calif. 94120; U.S.I. Venture.

Vanderbilt Management Corp., P.O. Box 2768, San Diego, Calif. 92112.

Vanderbilt Mutual Fund, Inc., Southern California First National Bank, 530 "B" St., P.O. Box 109, VMFCO San Diego, Calif. 92112: VMF Co.

Vanneck Foundation, 100 E. 42d St., New York 17, N.Y.: Vanneck & Co.

Vantage Ten-Ninety Fund, Inc., First Pennsylvania Banking and Trust Company, The, Box 8786, Philadelphia, Pa. 19101: Dool & Co.

Venture Securities Fund, Inc., Provident National Bank, 17th & Chestnut Sts., Philadelphia 10, Pa.: Richter & Co.

Venture Securities Fund, Inc., First Pennsylvania Banking and Trust Company, The, 15th & Chestnut Sts., Philadelphia, Pa. 19101: Kate & Co.

Varied Industry Plan, Inc., Bank of America NT & SA, Box 2558 T.A., Los Angeles, Calif. 90054: VAIP.

Viking Growth Fund, Inc., First National Bank in Dallas, P.O. Box 6031, Dallas, Tex. 75222: Dek & Co.

Viking Investors Fund, Inc., First National Bank in Dallas, P.O. Box 6031, Dallas, Tex.: 75222: Dek & Co.

Wall Street Investing Corporation, National Shawmut Bank of Boston, The, 35 Congress St., Boston, Mass. 02109: Moore & Co.

Warren Employee Pension Trust, Warren Petroleum Corporation, % Don M. Mattocks, P.O. Box 1589, Tulsa 2, Okla.: WEPCO.

Washington Investment Network, Inc., City National Bank & Trust Company, Tenth and Grand, Kansas City, Mo. 64141: Not Disclosed.

Washington Investors Plans, Inc., Riggs National Bank, Washington, D.C. 20013: #52-O793787W: Not Disclosed.

Washington Mutual Investors Fund, Inc.,

Riggs National Bank of Washington, D.C., 1503 Pennsylvania Ave., N.W., Washington 13, D.C.: Hold & Co.

Washington National Fund, Inc., First Jersey National Bank, 1 Exchange Pl., Jersey City, N.J. 07303: Firjer & Co.

Weingarten Equity Fund, Inc., Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y. 10015: Cudd & Co.

Wellington Fund, Inc., State Street Bank & Trust Company, P.O. Box 351, Boston, Mass. 02101: Touchstone & Co.

Western Bancorporation, California Bank, P.O. Box 3667, Terminal Annex, Los Angeles 54, Calif.: Hulten & Co.

Western Fund Plan, Sponsored by Investment Management Corporation, American National Bank, Denver, Colo.: Not Disclosed.

Western Industrial Shares, Inc., American National Bank of Denver, P.O. Box 660: Wisi & Co.

Western Saving Fund Society, Pension Plan, Trustees of the, 101 S. Broad St., Philadelphia, Pa. 19107: Westplan & Co.

Westminster Fund, Inc., First National Bank of Jersey City, 1 Exchange Place, Jersey City 3, N.J.: Firjer & Co.

Whipple, Clarence M., Fund, Industrial Valley Bank & Trust Company, Trust Dept., Old York Rd. & West Ave., Jenkintown, Pa. 19046; Wing and Company.

Whitehall Fund, Inc., Marine Midland Grace Trust Company of New York, 120 Broadway, New York 15, N.Y., Jaquith & Co.

William O'Neil & Co., Incorporated., 3450 Wilshire Blvd., Los Angeles, Calif. 90005, Harry M. Fain & Lee Stillman as Trustees, U.W.O. John Stillman, Stilleco.

Wincap Fund, Inc., Bank of California, The, N.A., San Francisco, Calif. 94120, Cramfurd & Co.

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Winfield Growth Industries Fund, Inc., Crocker-Citizens National Bank, 1 Montgomery St., San Francisco 20, Calif., Hooper & Company.

Wisconsin Alumni Research Foundation, First National Bank of Madison, The, 1 S. Pinckney St., Madison 1, Wisc., Ward & Co.

Wisconsin Fund, Marshall & Ilsley Bank, Milwaukee, Wisc., Maril & Co.

Worth Fund, Inc., Chemical Bank, 100 Broadway, New York, N.Y. 10015, Orr, J. C. & Co.

Wright Investors' Service Div. of Winthrop Corporation, First National Bank of Saint Paul, Securities Dept., 332 Minnesota St., St. Paul, NM 55101, Shine & Co. (d).

## WILLIAM HOLMES McGUFFEY

### HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BOW. Mr. Speaker, today I am submitting a petition from the General Assembly of the State of Ohio urging the issuance of a commemorative postage stamp to honor William Holmes McGuffey, a great Ohio educator. I trust the Postmaster General and the Philatelic Commission will take note of his lasting contributions and will take the proper steps in establishing this memorial to him.

William Holmes McGuffey devoted his entire life to the principle that every young person is entitled to at least a minimal education. He was one of the three cofounders of the common school system in the State of Ohio as well as the author of the "Eclectic Readers," a strong influence in the literary tastes and ethnical standards of generations of students who used them.

In his capacity as president of Cincinnati College from 1836–39, followed by the presidency of Ohio University from 1839–43, William Holmes McGuffey continued making outstanding achievements in his role of educator to the people of Ohio.

I feel it would be an appropriate memorial to both the man and his contributions to issue a commemorative postage stamp in his honor.

## JACK DEMPSEY

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DORN. Mr. Speaker, today is Jack Dempsey's birthday. Every Member of this Congress will join me in congratulating Mr. Dempsey on his birthday and join me in wishing for him many more happy birthdays with every success and the very best always. I know of no one who is held in more affection and higher esteem throughout our country and indeed the world over than Jack Dempsey. Mr. Dempsey was the greatest world champion in history. The "Manassa Mauler" was a tiger in the ring who fought with courage, determination, and with the most devastating punch ever experienced in the world of boxing. He brought to boxing and to sports, the golden era with its million-dollar gate. Jack Dempsey's career was truly a saga of "rags to riches" in the great American tradition. He rode the freight trains, worked in the fields and mines—he graduated from the university of "hard-times." He became a millionaire, respected and revered as a gentleman and as a kind-hearted human being with compassion, understanding, and love of his fellow man. Jack Dempsey was and is idolized literally by millions, but especially by the children. When I left South Carolina, Monday morning, my son, age 14, said, "Daddy, please write Mr. Dempsey and congratulate him on his birthday. He is a great American." Yes, Mr. Speaker, Jack Dempsey is a great American and a great patriot. He has influenced the lives of young America and influenced them for good, more than any American of our time including many of our great political leaders.

Mr. Speaker, I congratulate Jack Dempsey today for his genuineness; for his devotion to America; and for his devotion to those great principles and ideals of true Americanism—that is, that the youth from the most humble beginnings can rise in the United States to the heights of adoration, honor, and achievement.

Mr. Speaker, on behalf of my people, and I am sure of the Congress, I extend to Mr. Dempsey on this very special day, our love, high esteem, and best wishes always.

## SOVIET ANTISEMITISM: A CALCULATED DEVICE

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. KEMP. Mr. Speaker, on June 3, I had the pleasure of speaking at Temple Beth Zion in Buffalo at a meeting sponsored by the United Jewish Federation to protest the plight of Soviet Jews in Russia. Also on the platform was Robert F. Leonard, district attorney of Flint, Mich., who related his frustrating experiences in attempting to get information on the recent trials in Riga.

Eugene Gold, district attorney of Brooklyn, N.Y., traveled with Bob Leonard and their story is told in the May issue of the ADL bulletin. I include their report at this point:

#### TO SEE FOR THEMSELVES

A woman in Kishinev placed a pillow over her telephone and advised the two American visitors to speak softly because "I am sure that the apartment is bugged."

A young girl insisted on talking only while walking in the streets "so we won't be overheard."

A woman in Riga communicated mostly by writing on a cellophane-type pad—the words disappear when the cellophane is pulled up. The interview took place in her bathroom, with the water running loudly from the turned-on faucets.

A former professor at Moscow University, who had been jailed for "hooliganism" when he attempted to submit petitions to the Soviet government, gave them a poem he had written during his incarceration. It was entitled "Hear, Hear, Oh Israel."

"You must help us, you must help us," they were told repeatedly.

And a propaganda official of the Central Committee of the Moldavian Soviet Socialist Republic denied that anyone had been placed under arrest.

These were some of the experiences of two American law officials who went to the Soviet Union "to see for themselves" the condition of Soviet Jews. At a press conference held at the national headquarters of the Anti-Defamation League in New York under the auspices of the American Jewish Conference on Soviet Jewry, Eugene Gold, district attorney of Brooklyn, N.Y., and Robert Leonard, prosecuting attorney of Flint, Michigan, told their story. Gold is Jewish. Leonard, a Roman Catholic, said he was concerned about things he's read about the plight of Soviet Jews and wanted to make his own factual determination.

They went as tourists. They spent a total of two weeks in four cities—Moscow, Kishinev, Riga and Leningrad. Despite the fact that Soviet Intourist guides were evasive or flatly refused to take them where they wanted to go, the attorneys managed to make their own arrangements and spoke to the families of Soviet Jews who were under arrest, and to government officials in each of the cities. The shadow of the Soviet Secret Police pursued them but did not interfere. On several occasions they were followed by a car with KGB markings.

From their interviews a pattern emerged of threats, harrassments and discriminations against Jews seeking to leave the Soviet Union, culminating often in official persecution, false arrests, denial of open hearings and legal defense—all in clear violation of the U.S.S.R.'s own Constitution. They found 18 violations of the code of criminal procedure of Soviet republics.

To the two American attorneys, it was not the Jewish "activists," but the Soviet legal authorities, who were guilty of breaking Soviet laws. They made the point over and over again in their conversations with Soviet officials—in Kishinev, with Mr. Burlanchenko, a Central Committee official; in Moscow, with Nicolai Tsibulnik, a high aide to Roman A. Rudenko, the procurator-general (attorney general) of the U.S.S.R.; in Riga, with Uldis Krastinys, chief of criminal complaints of the Latvian Soviet Socialist Republic; in Leningrad, with Aleksander Barulin, deputy manager of the Leningrad Soviet, with Mrs. Kotchakova, prosecutor of all political trials in the city—including those of the Jews under arrest there, and with Mr. Slonim, assistant city prosecutor.

Gold and Leonard said they arrived at the following inescapable conclusions:

—There is flagrant violation of the Soviet Constitution and Soviet law which specifically guarantee a trial within nine months from the time of arrest. Many Soviet Jews have been imprisoned without a trial for much longer periods.

—In city after city, imprisoned Soviet Jews are held incommunicado despite repeated attempts by their families to see them. There is strong indication that they will eventually be tried in secret proceedings.

—In most cases, subtle threats and intimidations have interfered with the rights of prisoners to obtain lawyers of their own choice. In some cases, where families were able to get their own lawyers, indirect pressures forced the lawyers to withdraw.

—There has been a systematic refusal to inform the families, and often the prisoners themselves, of exact charges, making it impossible to prepare a defense.

Soviet officials confirmed privately that charges against the Soviet Jews consisted of anti-Soviet propaganda and activity based on such things as teaching the Hebrew language, printing Hebrew materials, teaching Jewish history and heritage, printing excerpts from a book called "The Aggressor," written by a Czechoslovakian Communist writer, Ladislas Mniacko, which depicts Israel as the non-aggressor in the Six-Day War, and from a classical book on Jewish history written by the great Jewish historian, Dubnov. There was no response to Gold's and Leonard's contention that none of these activities violate Soviet law.

The stories of the Soviet Jews they spoke to confirmed the bravery of those who are prepared to continue to risk persecution by speaking out. The woman who placed the pillow over the phone talked about her son, who had been spirited off to a Soviet military hospital for alleged treatment of an imaginary ailment. He was kept in confinement for ten days. She permitted herself to be interviewed despite the fact that she thought she would subsequently receive a call from the KGB. The important thing was to "tell the outside world."

In Riga, a woman named Revke Alexandrovich told the Americans that she had neither seen nor heard from her daughter in ten months. The girl was in prison on an unspecified charge and was being held incommunicado. The woman explained that all the members of her family had expressed the desire to go to Israel. A KGB member informed them that she, her husband, and her son could obtain exit permits, but the daughter would have to remain. Forced to make a bitter choice, it was decided that the mother would leave with her son, who would soon be subject to army draft. The father would stay behind to do what he could for his daughter. (At this writing the trial of the daughter and other Riga Jews was to begin May 24.)

The former Moscow University professor, Michael Zand, had been released from prison after a 15-day hunger strike. In his opinion, the Soviet Union is becoming increasingly sensitive to world opinion and was divided within itself on the subject of anti-Semitism. He said that this sensitivity and the pressure of world opinion were responsible not only for the mitigation of the harsh sentences passed upon the Leningrad defendants accused of attempting to hijack a plane, but also for the recent stepped-up issuances of visas for Soviet Jews seeking to emigrate to Israel. In his view, hundreds of thousands of Soviet Jews want to leave. He said Jews are seeking to establish their true identity; that on *Simchas Torah* thousands of young Jews flocked to the Moscow synagogue, that there is a hunger for the Jewish heritage, culture and tradition which has been denied them for so long.

Professor Zand gave Gold and Leonard a copy of the poem he had written in prison. In rough translation from the Hebrew, it reads in part:

> "Within prison walls a Jew awaits a miracle,
> Dreaming of the land of his fathers,
> The land of milk and honey.
> If only he could extend greetings to his dear land.
> But the walls are thick, the bars are strong.
> Guards stand everywhere.
> Lord of the Universe
> Liberate my voice,
> Send me a miracle,
> So that my greetings of peace may pierce these walls
> And reach my land—and Thine, dear Lord."

Gold and Leonard said the reception they received from Soviet officials was polite and not unfriendly. Interpreters were used with those officials who did not speak English. (Yiddish and English were used in the meetings with Soviet Jews.) The Soviet officials, the men said, listened to what they had to say on violations of Soviet Jewry's civil rights. Replies were evasive, but the attorneys were told that their arguments would be forwarded to higher authorities.

They left the Soviet Union determined to spread the word that world pressure must not stop.

"Professor Zand said it best," according to Gold. "He told us that all good men are friends. He said the intellectual community, the scientific community, the academic and the professional must rise in protest—with demonstrations, conferences, any and all decent protest which will, unquestionably, have an impact."

Mr. Speaker, I believe that Communist anti-Semitism is a calculated technique of scapegoating which is used to release the tensions, conflicts, and struggles within the system. Communism needs the purges and the artificial revolutions to release and absorb the strains within it. The "outs" of Stalin have now been replaced by the new "ins" including antisemitism.

An excellent article by Paul Lendvai, in the same issue of the ADL Bulletin emphasizes this point. I call this to the attention of my colleagues by inserting the article for the RECORD:

### SOVIET ANTI-SEMITISM: A CALCULATED DEVICE

(By Paul Lendvai)

The troubled history of the Jews under Communism shows that the Jewish Question has never existed in a void. If it is true that the fate of Jewry has always been embedded in the structure of Soviet society, then the rekindling of latent anti-Semitism is a concomitant of the rise of social tensions in a conservative society which for a variety of reasons in periods of insecurity whips up party discipline and heroic traditions, nationalism and xenophobia, racialism and the hatred and fear of the alien.

Because of the nature of Soviet Communism, the technique of scapegoats, in this case anti-Semitism, is applied as a calculated device to release the tensions, conflicts, and struggles within the system. Recent developments in Soviet political life—the rising tide of chauvinism, militarism, and retrogression—have provided an additional stimulus to the emergence of the Soviet Union as the international center of an increasingly overt political anti-Semitism.

Both modern and political anti-Semitism and Communism need an integrated belief system. This, in turn, possesses a logic of its own, leading inevitably to a conspiracy theory with absolutist trappings. Hannah Arendt has pointed out the decisive significance of the notion "objective enemy" for the functioning of totalitarian regimes: "He is never an individual whose dangerous thought must be provoked or whose past justifies suspicion, but a 'carrier of tendencies' like the carrier of a disease." The entire history of the Communist movement is a line of plots, conspiracies, and treason, the ferreting out of imagined or potential enemies. Regardless of the forms of coercion and the techniques of terror (show trials and wholesale summary executions under Stalin, demotion, deportation, or imprisonment under his successors), this kind of system needs the purges, those "artificial revolutions" to release and absorb the strains within it, to preserve its inner dynamism.

Take, for example, the "Doctors' Plot." The case is now officially a "frame-up" fabricated by "despicable adventures." Yet years after the "fabrications" a strikingly similar "hate campaign" focuses attention on the espionage activities and political and ideological subversion engineered by "Zionism" against "the socialist countries." If we compare the hair-raising absurdities in the indictment at the Slansky trial or the web of inventions in connection with the "Doctors' Plot" with the recent spate of allegations about the omnipotent "international Zionist Corporation," we see the same spirit and the same methods.

These "outs" of the old script have now been replaced by new "in," such as the previous collusion between Zionists and Nazis which has culminated in the present alliance between Zionism (which is said to have "all the characteristic attributes of Fascism"!) and the German "revanchists and militarists."

Many of the updated legends are so remote from reality that some Western observers tend to dismiss the Soviet diatribes as crude excesses of everyday political propaganda. One may recall, however, the notorious *Protocols of the Elders of Zion* which purported to reveal the text of twenty-four lectures delivered at a secret meeting of world Jewry. This blatant forgery prepared at the turn of the century by agents of the Tsarist secret police alleged that the "Elders of Zion" sought to foment wars, discontent and chaos, to infect people with frightful diseases and to use subway stations to blow up modern cities in order to bring about a messianic age in which Jews would rule the world. Following its publication in the wake of World War I, this collection of phantasmargoria became one of the most widely read books in the world.

Soviet tales of the invisible but all-powerful world Zionist conspiracy have the odor of the "Protocols" and were born in the same underworld. The fact that refurbished "classical," Nazi or Stalinist anti-Semitic myths are freely used today is politically more important than the fact that most of them are gross falsehoods. Arthur Koestler's perceptive insight into the Soviet system is as valid today as it was almost two decades ago: "They believe everything they can prove, and they can prove everything they believe." The stubborness with which the Soviet propaganda continues to cling to its lies compels us to reassess old assumptions about the "Black Years" of Soviet Jewry and about the temporary or incidental character of anti-Semitism as a political weapon.

We tend to forget that even in the age of spaceships totalitarian propaganda by its very nature must strive to fit selected elements of reality into another, entirely fictitious world. The Soviet system, striving to keep itself pure of hostile contamination, manufactures dangers that become facts of life for the population. Under these conditions, there is no effective defense or counteraction against such practices as anti-Semitism, for the ruling regimes maintain that these ills do not and cannot exist. Consequently, critics are almost automatically regarded as petty-bourgeois trouble-makers who have fallen prey to foreign ideological penetration. If they persist, they are treated as potential foes who "objectively" act as the accomplices of hostile external forces.

The very fact that anti-Judaism or anti-Zionism must be presented in impeccable "Marxist-Leninist" terms as something completely different from anti-Semitism forces Soviet propaganda to dress up the essentially unchanged legend of a world-wide Jewish "plot" in orthodox ideology. The corporate Jew becomes a corporate "Zionist" who stands for corporate imperialism. Regardless of top-level intentions, in certain historic situations the fantasies produced by systematic lying may become a political force that sweeps along a divided leadership worn out by living in a constant state of crisis. This, then, is another extremely serious risk factor. The massive and incessant "anti-Zionist" propaganda has gradually constructed a theoretical basis that is in some ways worse and more coherent than even the pathological fabrications of the Stalin era. There is more than ample evidence that the Soviet Union has bred a climate ominously propitious for institutionalized and virulent racial discrimination.

Ever since late 1948, the Kremlin, for different reasons and to varying degrees, has engaged in the export of covert or overt anti-Semitism. In addition to the dual threat posed to the survival of Israel and the position of the Jewish community in the Soviet Union itself, there is this third dimension of Soviet policy toward the Jews. And it is this export of first anti-Zionism and later anti-Semitism that has had a major impact on the fate of Jewry in Eastern Europe.

One can distinguish two major phases in Soviet influence on the Jewish Question in Eastern Europe. The first phase (1948–53) coincided with Stalin's lifetime, when a single political system with a single line and a single discipline was imposed on the entire Soviet sphere of influence. The Soviet Union and the United States were the midwives at the birth of the State of Israel, Stalin having decided that military and political support of the Israelis would undermine British influence in the Middle East. Then, on September 21, 1948, Ilya Ehrenburg's famous anti-Zionist article in *Pravda* heralded an abrupt change of line. In accordance with the traditional Bolshevik view, Zionism became a heresy throughout the Soviet sphere of influence. It was not so much the "ingratitude" of Israel—that is, its alignment with "imperialism"—but the emotional upsurge among Soviet Jewry, raising the suspicion of a rival allegiance, that tipped the scales and convinced Stalin that the Jews were an unstable, unreliable element.

Nothing could illustrate the irony of changing historical situations better than the fact that the same regime that had saved the life of countless Jews in the closing stages of World War II, only a few years later suddenly and seemingly inexplicably emerged as the chief foe of the survivors of the Holocaust who had set about to recreate a life for themselves.

The death of the dictator transformed uniformity to diversity all over Eastern Europe, a tortuous transition punctuated by upheavals in 1953, 1956, and 1968. The same process of differentiation has been evident in regard to both the Jewish communities in Eastern Europe and the attitude of the ruling parties to the Jewish Question and to Israel.

Yet we can detect the same distressing thread in Soviet policies in moments of acute crisis: the deliberate encouragement of anti-Semitic projudices thinly disguised as "anti-Zionism." It was no accident that both in 1956 in Poland and in 1968 in Czechoslovakia the Kremlin consciously played the Jewish card. On both occasions hatred for Soviet domination was to be channeled into hatred for an insignificant minority—the Jews.

The export of anti-Semitism as a by-product of Soviet efforts to contain the drive for independence and freedom in Eastern Europe, to stir internal discord, and to drain off anti-Soviet popular discontent is by no means a spent force. If this consistent pattern of abetting racial prejudices beyond the Soviet borders is linked to other facets of Kremlin policy toward Israel and its own Jewish problem, it becomes clear that the Soviet Union exerts a negative impact—in this special context too—on the process of change going in in Eastern Europe.

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## SIOUX FALLS—CITY OF THE MONTH

## HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DENHOLM. Mr. Speaker, it gives me pleasure to announce to my colleagues that Sioux Falls, S. Dak., has been honored as the City of the Month by Toastmasters International.

Toastmaster International selects five cities each year, after reviewing many applications from cities, to be honored in the Toastmaster International magazine. I am pleased that a city in my district and in the State of South Dakota has been selected for that honor.

I commend Mayor M. E. Schirmer, the members of the city council, the five Toastmasters Clubs, the Chamber of Commerce and all organizations in Sioux Falls for contributing to the honor through sound planning and foresight by creating an overall master plan for the continued development, growth and progress of Sioux Falls.

I include the article from the Toastmaster, June 1971 at this point in the CONGRESSIONAL RECORD:

SIOUX FALLS, SOUTH DAKOTA

Sioux Falls, South Dakota, is a growing agribusiness community with a metropolitan population of nearly 100,000. Sioux Falls residents are proud that their hometown is the largest community in five states—Idaho, Montana, North Dakota, South Dakota, and Wyoming—and that it is growing at a rate of 1,000 families a year.

Sioux Falls boasts a 70-piece symphony orchestra, a civic fine arts center, two colleges, a business school, and the Great Plains Zoo. A new air terminal was dedicated in late 1970 to serve flights to the east and west coasts. It accommodates 39 flights a day.

John Morrell and Company, meat packers, and Raven Industries, a balloon and parachute manufacturing firm, are among its principle employers.

An EROS (Earth Resources Observation Satellite) data receiving center is being constructed near the city and will be completed in time to process earth photographs from a satellite to be launched by NASA in 1972. The center's principle function will be to probe the earth's resources, agriculture, geology, hydrology, and pollution.

Downtown Sioux Falls currently is undergoing a massive remodeling. When completed, the 60-acre renewal project will feature a convention center hotel, high-rise apartment buildings, a library, and office building.

Mr. Speaker, the State of South Dakota is the home of the "Shrine of Democracy" carved on the peak of Mount Rushmore in the beautiful back drop of the Blackhills, S. Dak., is said to be the pheasant capital of the world—and I am proud that it is the home of Sioux Falls and all of the people that live there. I am proud of the people there—and every member of this distinguished assembly can be proud of what the local and State governments have done and are in the process of doing with programs enacted by you the Members of the U.S. Congress. I commend the people of Sioux Falls for national honors but, more importantly, I commend our people, our cities, mountains, prairies, plains and open skies to each of you.

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## PROPOSED EMPLOYMENT OF FORMER JUSTICE DEPARTMENT OFFICIAL

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. VANIK. Mr. Speaker, it has recently come to my attention that Mr. William J. Tomlinson, the Justice Department's chief of the Organized Crime Task Force in Cleveland, is considering employment with a company which is reported to be the world's largest manufacturer of slot machines and other gambling devices.

I am shocked and dismayed that a Justice Department official would accept such an appointment and the Justice Department's rules governing the employment of personnel would permit it.

Following is a letter which I have today addressed to Attorney General John Mitchell on this matter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 24, 1971.*

Hon. JOHN N. MITCHELL,
*Attorney General of the United States, Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: It has been reported in my community that the Justice Department's Chief of the Organized Crime Task Force in Cleveland, Mr. William J. Tomlinson, will resign on June 30, 1971, to accept employment with a company which is reported to be the world's largest manufacturer of slot machines and other gambling devices.

I am shocked and dismayed that Mr. Tomlinson would accept such an appointment, and that the rules of your Department governing the employment of personnel would permit it.

It appears to be a matter of grave impropriety for a high-ranking employee of your Department to accept a position with a company engaged in an enterprise which manufactures a product which is illegal in all but one State of the Union.

As I understand Title 18, Section 207 of the Federal Code, it disqualifies former officers and employees of the Executive Branch of the Federal Government from accepting employment connected with their former duties or official responsibilities. Are there rules within your Department which permit a high-ranking employee to accept a position of this kind immediately upon his resignation from your Department?

Are there rules in your Department which prevent such an employee from accepting employment from an employer whose normal business activities would have been under the normal scrutiny of the employee?

There is a distinct possibility of harm to the government when a supervisory employee may sever connections with the government one day, and come back the next day seeking an advantage with a private interest in the very area where he has just had supervisory duties.

Is your Department satisfied that no conflict of interest detrimental to the public or the government of the United States will occur from this situation?

Sincerely yours,

**Charles A. Vanik,**
*Member of Congress.*

## WE MUST MAINTAIN A STRONG NATIONAL DEFENSE

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. WYMAN. Mr. Speaker, amidst all the talk of changing national priorities it is well to remember that if we are to survive in freedom and liberty our national defense must remain this Nation's first priority. This is not to sanction waste nor condone cost overruns, but rather to declare that within the requirements of careful legislative oversight, our appropriations for national defense must remain at a level that will insure a deterrent force in being for the United States in both conventional warfare capabilities and nuclear deterrent.

In this connection the following editorial comment from a New Hampshire civil defense newsletter is significant:

### The Thouand Year Night

Prior to the Punic Wars, ancient Carthage, which also had luxury standards of living, failed to provide an adequate defense against Rome, and did not survive.

Carthage was an affluent society which persistently deluded itself about Roman intentions of glossed over Rome's capabilities. Carthage grew bored with the cold war of its own era; it became impatient with its raucous allies; it failed to sustain its great general, Hannibal, who perceived the threat clearly.

Across the Mediterranean, an old Roman senator ended all of his speeches with the words "Carthago delenda est," which translates as "We will bury you."

The Carthaginians, however, preoccupied with business-and pleasure-as-usual, refused to believe that Senator Cato really meant what he said.

And so their civilization was swept into the dustbin of history.

Rome, in her turn, arogant in her splendor, entertained with bread-and-circuses, did not survive the challenge of the Vandals and Visigoths.

Neither Roman law nor Roman architecture held back the barbarian horde. Nor did Rome's gross national product protect her. The Vandals had no gross national product whatsoever. They had weapons, will power, leadership and what, to Roman civilization must have seemed an "irrational" lust for conquest.

Is Roman history irrelevant to the Space Age? We will soon be celebrating the 200th anniversary of the birth of the American experiment with liberty and opportunity.

Looking backward in the context of national defense we may conclude that America, alone of the great powers, has been incredibly fortunate in its geography. And that fortune has created a dangerous illusion—the notion that war is an abnormal phenomenon.

## TRIBUTE TO ARNOLD ORDMAN, GENERAL COUNSEL OF NLRB

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. PUCINSKI. Mr. Speaker, today marks the completion of the 8 years of tenure of Arnold Ordman as General Counsel of the National Labor Relations Board.

Mr. Ordman is well known to the Members of this House and to our colleagues in the Senate. As General Counsel, he has put in years of overtime attempting to fulfill the functions and obligations of this highly sensitive position with integrity and a genuine commitment to reason and to the spirit as well as the letter of the law.

His career has concerned itself almost entirely with the administration of labor law. He became the sixth NLRB General Counsel since the passage of the Taft-Hartley Act in 1947 and the first two-term General Counsel since that office was established in the NLRB.

As a graduate of Harvard Law School in 1936, he practiced law in Salem, Mass., before entering the Navy in 1942. In 1946 he joined the NLRB and began a lifetime of service to resolving the labor disputes that came before the Board.

He was appointed by President Kennedy as General Counsel on April 24, 1963, an appointment that was wholeheartedly concurred in by the Senate and he was sworn in on May 9, 1963.

Arnold Ordman is one of the working patriots of this Nation. He cares what happens to people and to the institutions of our society. Above all, he cares very deeply about justice, particularly where it is tempered and transformed by the compassionate spirit of the law.

He and his wife Evelyn and their two sons, Edward Thorne and Alfred Bram, are people who bring to this Nation's Capital a zest for living, a willingness to shoulder heavy burdens and demands on their time, and who return to this country of ours a full measure of devotion. Arnold Ordman has been an outstanding General Counsel and his record will amply reflect the depth and extent of his service to the country. The Congress will miss him. Hopefully we will be able to call upon him often in the future.

## NATIONAL TEACHER OF THE YEAR

## HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. DORN. Mr. Speaker, Mrs. Martha Stringfellow is one of the truly great teachers of all times in American history. This year she was selected the National Teacher of the Year in the United States.

Recently, Mrs. Stringfellow visited with her distinguished Congressman, the Honorable Tom Gettys, President Nixon, and many friends here in the Nation's Capitol. Mrs. Marjorie W. Young, a great and distinguished journalist, wrote a splendid article concerning Mrs. Stringfellow's visit to Washington. This splendid article appeared recently in the Anderson Independent, and I commend it to the attention of my colleagues and the people of our country:

### Teacher of Year Given High Honor

(By Marjorie W. Young)

Washington.—When Mrs. Martha Stringfellow, National Teacher of the Year, receives all of the gifts presented to her in Washington, D. C., her husband will need to add another room to their home in Chester, S. C.

Her first award came from Mrs. Richard N. Nixon at a ceremony in the Blue Room of the White House. Here she received an inch square gold brooch which Mrs. Nixon pinned onto the collar of her dark blue jumper dress. This was followed by a large, framed citation, presented by the First Lady, announcing the 1971 National Teacher of the Year Award.

Among the guests invited for the ceremony were Mrs. Stringfellow's husband, William, and two of her daughters, Marion and Ann, who accompanied her to the Capital. Marion, the older daughter was dressed in a tailored suit of beige twill. She is married to Thomas F. Price, Personnel Manager for Springs Mills, Monroe, N. C.

The youngest daughter, Ann, a vivacious long haired blond, wore a red and white checked gingham dress, attends Massey College in Atlanta. A third daughter, Edith, now Mrs. Haskell Brown of Columbia, was not present.

Mr. Stringfellow told me at the White House they live on a 1,250 acre dairy and beef cattle farm a few miles out from Chester. He also raises all of the grain and grasses for his cattle. Mrs. Stringfellow was the former Martha Marion Carroll of Winnsboro in Fairfield County.

While the guests, including South Carolina Senators and Congressmen, school department heads and friends from South Carolina were enjoying orange juice and coffee, the press and radio people gathered about Mrs. Nixon, asking her all kinds of questions and one about her early school days. She said she could read before she went into the first grade and was always called upon when the school inspectors came to visit.

Although Mrs. Stringfellow is the first South Carolinan to win the national title, which is presented by Look Magazine, previous national finalists from South Carolina named to the Honor Roll were James Knox Braboy of McColl in 1970, Dr. Agnes Hildebrand Wilson, of Sumter, 1969, Ruby Padgette Herlog of Saluda, 1967, and Mary A. Mace, Columbia, 1964. Runner-up this year for National Teacher of the Year was Genella Barton Allison, an English and Journalism teacher in Hickory, N.C.

In the afternoon a large reception and

press conference held in the House Banking and Currency hearing room in the Rayburn Building was hosted by Congressman Tom S. Gettys of Rock Hill who also served as chairman for the pleasant gathering. A light lunch was served before dignitaries took their court-room like seats.

On a table along the wall were many examples of Mrs. Stringfellow's educational planning and researched materials along with wooden cut-outs painted in bright colors for the school children to identify objects easily. These were the handiwork of her husband who spends many hours preparing her teaching aids.

Rep. Gettys, in the chairman's chair, with Mrs. Stringfellow on his right, and on his left were Sen. Strom Thurmond, Edgefield, Congressmen John L. McMillan, Florence, Wm. J. Bryan Dorn, Greenwood. The editor of Look Magazine and William Arthur, whose publication has sponsored the National Teacher of the Year program for the past 20 years. Many promiment educators from outside the state were on hand.

In the audience were Cyril B. Busbee, South Carolina's state Superintendent of schools, who had nominated Mrs. Stringfellow for the National Award of Teacher of the Year, Charles Dalton, of Pickens and Ron Owenby, Gaffney, State President of South Carolina Jaycees, plus press, radio and interested educators.

A graduate of Winthrop College, Mrs. Stringfellow will be completing credits toward her Master's degree this fall. She also finds time to teach reading, one hour a week, in an all-black children's school in Rock Hill. She is counselor for her neighborhood Youth Corps, and teaches in the two-member team in Lewisville's integrated grade school.

As National Teacher of the Year she is automatically commissioned to act on the annual Presidential Scholar selection this spring, which has, since 1964, annually designated high school seniors from each state.

During the meeting Mrs. Stringfellow received over a dozen gifts, ranging from subscriptions to national educational magazines, modern teaching books and visual aid tapes. The mail man will need a new truck to deliver all of the gifts to the farm and to the Lewisville school.

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## STUDENT'S CONCERN

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FRASER. Mr. Speaker, recently I received a most thoughtful letter from one of my young constituents in response to our congressional questionnaire. She tells of the troubles young people have today trying to work their way through college. She also reflects the deep concern many young people have about our national priorities. I commend this letter to my colleagues as an excellent example of the kind of questions young people are asking today:

MINNEAPOLIS, MINN.

Congressman DONALD FRASER,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN FRASER: I approve of your congressional survey, but there is not enough room for further comment, which is what prompted this letter.

I am greatly disturbed about paying more and more in taxes, college tuition, and living expenses yet I see no improved programs in education and welfare. Who is making the money?

I am a university student and worried about even obtaining a small loan for next school year. The tuition is sky rocketing and next fall the university is going to raise it again. It is so hard to find a job in the summer that I could only find two part-time jobs, but I was lucky. My roommate has not even found one. Why is this state constantly building highways and reluctant to give money for human needs? It certainly is a fact that our cities cannot handle this burden alone, New York City is a perfect example. This is the reason I enthusiastically approve of federal funds being allotted to the states and especially the cities.

But, before the federal government can do anything we must get out of Vietnam. I am sick and tired of having my tax money spent on an unjust war! I would gladly pay twice as many taxes for better schools, poverty programs, anti-pollution programs and many other needs for our people. Yet, I see none of this.

Sincerely yours,
DONNA JEAN PUSUSTA.

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## PRESIDENT RELEASES FUNDS FOR NUCLEAR FUEL PLANTS

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. EVINS of Tennessee. Mr. Speaker, President Nixon recently announced the release of $16 million in funds for expansion and improvement of the uranium enrichment plants of the Atomic Energy Commission in Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio.

These funds had been impounded and frozen by the Office of Management and Budget.

I had strongly urged and appealed for the release of these funds to expand these nuclear plants which are vital and important to the production of electric power by nuclear powerplants throughout the country.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith an editorial from the Nashville Tennessean.

The editorial follows:

### AEC EXPANSION IS GOOD NEWS

President Nixon's release of $16 million in impounded funds for expansion of the Atomic Energy Commission's nuclear fuel plants is encouraging news for the nation and particularly for Tennessee. It is the first step in a long-range program.

The expansion project for Oak Ridge and two other gaseous diffusion plants will cost $525 million over the next decade, and of this amount, more than $300 million will be spent at the Oak Ridge installation.

Of the initial $16 million to be released this fiscal year, $12.5 million will go to Oak Ridge and the rest to the plants at Paducah and Portsmouth, Ohio.

Ultimately the Oak Ridge expansion will provide more than a thousand jobs, although at first it will not have many to offer. But the major importance will be the effect on the production of nuclear energy by providing the "fuel" for reactors.

Energy needs in the nation are climbing rapidly, but power expansion has not kept pace, and the situation is further complicated by rising costs of conventional fuels which feed generation plants.

The new emphasis on nuclear plants is thus a hopeful step, and it is good to know that Oak Ridge is going to be even more important to the future of nuclear energy.

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## EQUAL JUSTICE FOR RICH AND POOR

## HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. PIKE. Mr. Speaker, recently I had the opportunity to hear a speech prepared by the commissioner of police of my own county of Suffolk, Long Island, N.Y. Mr. John L. Barry. Commissioner Barry was unable to be present on the occasion, which was a memorial service for policemen killed in the line of duty, in the service of the Suffolk County Police Department. The speech was eloquently delivered by Deputy Commissioner Eugene R. Kelley, and it impressed me so much I told Commissioner Kelley I would like to see it have the wider distribution afforded by the CONGRESSIONAL RECORD.

What impresses me most about the speech is that it shows police not as they are too often caricatured today, as brutal oppressors of the poor and underprivileged, but as I have always known them to be, as human beings who know better than most human beings not only the occasions of crime but also the causes of crime.

For 7 years before I came to Congress I worked as a smalltown justice intimately with the police of that small town, and with the State Police of the State of New York. I drove in their cars on night patrols and presided over the court to which they brought those accused of crimes. During those years I found them to be almost universally honest, dedicated, and understanding. They showed compassion where compassion was due, and risked their lives when they had to do so. They know about the slums which breed crime, not by reading about them in the papers, but because they have been in and are intimately familiar with every one of those slums.

The speech delivered by Commissioner Kelley that day is dedicated not simply to the preservation of law and order but to the recognition of the need for change and the capability of peaceful change in a democratic society. It is dedicated not merely to preserving an uncompromising status quo, but as Commissioner Kelley said:

> To the ideal of equal justice for rich and poor alike.

For that reason I am delighted to call it to the attention of the other Members in the hope that it may help put all our police in proper perspective:

### REMARKS OF JOHN L. BARRY, COMMISSIONER OF THE SUFFOLK COUNTY POLICE DEPARTMENT AS DELIVERED BY DEPUTY COMMISSIONER EUGENE R. KELLEY AT THE PBA MEMORIAL SERVICE AT POLICE HEADQUARTERS, MAY 14, 1971

Reverend Clergy, Congressman Pike, Presiding Officer John Klein of the County Legislature, Deputy County Executive Ames, Members of the Suffolk County Legislature, other county officials in the audience, presidents of the various line organizations represented here today, Sgt. Murphy and his delegation of Irish Police who are visiting with us today, widows and members and friends of the Suffolk County Police:

Commissioner Barry has asked me to express his regrets that he could not be present at this service today. As Inspector Gardiner has pointed out, this is the first time in nine years that the Commissioner has missed these services.

As most of us here today are aware, the Suffolk County Police Department began to function as an operating police department on January 1, 1960. Since that time, the country has passed through more than a decade of turmoil, violence, protest and discontent on a scale perhaps unparalleled in history. We have seen not only open disrespect for our existing laws, but also a proliferation of unprovoked assaults upon our law enforcement officials.

Men of national stature have been senselessly assassinated and our college campuses have been the scene of discord and death. We have witnessed attempts to impair and frustrate the administration of justice by deliberate disruption of trials, by flagrant disrespect of the courts, and by actual physical assaults upon judges and police officers alike. In recent weeks, we have observed unparalleled efforts to bring the government of this nation to a grinding halt. Policemen have been brutally murdered in the performance of their duties. Riots, assaults and deaths in our jails have occurred with alarming frequency.

We as policemen are not blind to the many social injustices that exist. Admittedly, there is just cause for unhappiness and even despair among a large segment of our people whose hopes and aspirations must eventually be recognized and satisfied. Responsiveness to society's needs is the responsibility, basically, of those who are charged with the duty of governing. Policemen can only enforce the laws as they then exist.

The genius of our system of constitutional democracy, however, is that it is designed to provide reasonable alternatives in a changing society to unlawful conduct and violent protest. It is significant to note that the most notable advances which have been made in such diverse areas as civil rights and criminal law have been achieved through resort to the traditional legislation, executive and judicial processes. It has been said that change is the immutable first law of nature and governments reveal themselves most in the manner by which they provide for change. Our forefathers established our government and founded a free nation on that lofty principle. They gave us laws that could be changed by orderly process so that the nation and its people might remain free.

It was in the decades of the sixties that this violence and unrest occurred in this country. It was also in the decades of the sixties that the fledgling, Suffolk County Police Department grew from infancy, maturing into a full-fledged municipal police organization, second to none in the country, and it was in that service that the men we came here today to honor died, the most recent death being that of Ptl. George Frees who was 29 years old when he was shot and killed on April 6, 1971, in the performance of his assigned duties.

It seems fitting at this point to observe that assaults on policemen are rising, not only in the nation but also right here in Suffolk County. The latest figures available to me reveal that 59 assaults on police officers in Suffolk County occurred in 1969, 61 assaults in 1970 and as of May 11, 1971, 29 assaults have occurred, not including the death of Patrolman Frees.

Since John Klein mentioned the attempted bank robbery in West Islip yesterday afternoon, let me just refer to that incident for a moment to illustrate a point. The perpetrators had in their possession four hand grenades. Late yesterday, when our bomb experts had a chance to look over these devices, we then found out for the first time that one of the grenades had been reworked and rewired so that there was no longer any delay from the time the pin was pulled until detonation. In other words, the mastermind of this bank job gave to one of his cohorts who I am certain did not know how it was wired a hand grenade which would explode immediately on the pulling of the pin. It illustrates two points—firstly, that there is no honor among thieves and, secondly, it illustrates the inherent danger that faces our police officers each day they are on the street performing their duties. Luckily, no police officer or civilian was harmed on this occasion although one of the perpetrators was killed.

We can only assume that such assaults on policemen will continue and that other deaths in the line of duty will occur. We accept this fact as part of our professional responsibilities we undertook when we agreed to become Suffolk County Police Officers.

In remembrance of these departed police officers whose memories we are here assembled to honor, may I suggest that we in the police profession and, more importantly, we in the Suffolk County Police Department use this occasion to dedicate ourselves anew to the preservation of our democratic institutions, to the ideal of equal justice for rich and poor alike and to our continued service in the best interests of all citizens of Suffolk County.

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## WATER AND SEWER FACILITIES

# HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mrs. GRASSO. Mr. Speaker, I supported the Stephens-Widnall amendment to the Department of Agriculture, environmental and consumer protection programs appropriations bill. This amendment added $350 million to the 702 program of the housing bill for a total of $500 million to be used for grants for the construction of water and sewer lines.

The administration has not requested any new funds for these programs, despite the crying needs of our local communities for water and sewer lines. Localities are told that money for sewage treatment plants will only be granted when the town or village has workable plans for sewage lines. The construction of lines is impossible without money, and without lines there can be no plant. This means continued water pollution and health hazards.

Mr. Speaker, there is much talk about eradicating water pollution. The rhetoric sounds good, but where is the money to back it up? Treatment plants, water lines, and sewer lines are desperately needed, if we are to eliminate the water and sewage problems of our localities.

Full funding of this program will not only benefit the environment; it will also help to stimulate our sagging economy. The construction of needed sewer and water lines will provide new jobs and boost many economically weak areas. I represent a district in which one city has over 21 percent unemployment and two others have over 12 percent. Surely none of us have to be reminded of the gravity of the unemployment problem in this country.

This amendment does not provide all the needed funds for water and sewer lines, but it is a start. That is why I supported the effort to increase the water and sewer facilities appropriation by $350 million.

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## ANOTHER REASON WHY THE VIETNAM WAR CANNOT BE WON

# HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. HARRINGTON. Mr. Speaker, I have been against the war in Vietnam for a long time and for many reasons. Col. David H. Hackworth, a 25-year-man, is about to quit because he is fed up. In an interview with Richard Pyle and Rick Merron of the Associated Press, he eloquently explains another reason for failure in Vietnam and how, from the very start, this war was unwinnable. It is impossible to fight a guerrilla war with conventional tactics, he says. There are many men who made mistakes in Vietnam strategy. What I cannot understand, though, is why they become national heroes, and worse why we still listen to them. Colonel Hackworth speaks with the voice of experience. For that reason, I am including his interview in the RECORD for my colleagues.

The interview follows:

### RETIRING OFFICER BLAMES TOP BRASS FOR VIET DEBACLE

(By Richard Pyle and Rick Merron)

SAIGON.—"We had all the assets to win this war; we had half a million troops, unlimited amounts of money and the backing of the administration. No doubt we could have won if we'd had commanders who knew how to use these assets instead of these amateurs, these ticket-punchers, who run in for six months, a year, and don't even know what the hell it's all about. . . ."

Col. David H. Hackworth, who expresses those views, is about to quit the Army.

"In the land there's 30,000 Jeeps, driven by 30,000 Vietnamese," Hackworth went on. "Why the hell do they need 30,000 jeeps? Every captain and above has two, four, five flunkies, houseboys. Multiply that by the number of captains and above, and you've got probably four more divisions. How many guys you got out packing a rifle? . . .

He also expressed the view that by 1973 the situation in Vietnam will be similar to the tough days of the 1963–65 period.

Hackworth is full of praise for the GIs and middle rank American officers.

"Damn good men. The Army has never had better kids than it has today. They're smarter, stronger, far sharper than when I started out 25 years ago.

"Some of the captains and majors over here now, on their third tours, who could do a good job of running the Army, I'm afraid they're all going to leave. They're leaving in droves."

With 25 years of service behind him at age 40, Hackworth is in excellent position to make general; a cinch. Although the Pentagon says it can't prove it, he is widely believed to be the most decorated U.S. officer now on active duty.

Wounded four times in Korea and four more times in his 5½ years in Vietnam, Hackworth holds two Distinguished Crosses—the nation's second highest award for valor—nine Silver Stars, nine Bronze Stars with V for valor, and eight Purple Hearts.

For an officer like Hackworth to resign is a blow to an Army beset by crises. And quitting is no small decision for an orphan boy who went to sea at 13, enlisted at 15, won a battlefield commission in Korea and never has had any home town except "fort somewhere." He didn't say how he managed to join the Army at 15, but presumably he didn't look his age.

"The cities should have been off limits and the troops told, 'forget about rotation, forget about creature comforts, you're not going to town for a year, you're not going to have these big logistical depots behind you, so be prepared to do like your father did from '41 to '45, island after island without one goodie.'" This was a reference to the U.S. Pacific campaign in World War II.

In Hackworth's view the Vietnam war was always a guerrilla war, even after the North Vietnamese entered the battle in force.

"We came in with a conventional army, led by conventional people, and all the tactical concepts, if there were any, were conventional," he said. "We thought we would steamroll our way through this war as we have every other war, World War I, World War II, Korea. We've won by the output of the assembly line, not by any tactical skill on the ground. And you have this tremendous grouping of shallow dilettantes who were running the Army. I'm talking about battalion and up, who didn't know anything about the situation.

"We should have come with real professionals, absolutely nothing but, who would stay until the thing is over, all volunteers. There are many guys who felt like me, who would have stayed over here, who didn't care about going home in a year."

"How a man is rated generally as a commander from company up is by how many enemy he killed. Great pressure was placed on this, one of the key things for advancement.

"Down below the company, at platoon and squad, the troops don't give a damn about body count. But with so much pressure passed down the line, down to the kid with a rifle, to get them off his back he'd say 'the hell with it, eight dead.' And his platoon leader, young West Pointer, would tacitly pass this on, compromising himself—he knows it—but it gets them off his back, too."

A few years ago Hackworth was one of a small group of officers whose views were solicited by Gen. William C. Westmoreland after he became Army chief of staff.

"Westmoreland? . . . He was so steeped in management, if he had known what was going on, how this war should have been fought, he wouldn't have gone into this huge—what he called—battle of attrition, a search and destroy mission, which I always thought was a huge waste . . ."

Hackworth scorns the idea that the Americans' ability to fight and win has been limited by political restrictions. Rather, he contends, it was the "misuse of assets" in the big multi-battalion search and destroy operations of 1965–68.

"You always came in there with such tremendous firepower, such tremendous preparation, that by the time you got located and were ready to meet the enemy he was gone. He only fights to win. It's a principle of Mao Tse-tung's strategy that when the enemy moves in, he falls back; when the enemy withdraws, he attacks, harasses.

". . . It seems to me that Westy thought: 'Our strategy is attrition, we're going to kill more of them and wear their army out.' Well, you can't wear out a guerrilla army, not one that's working out of sanctuaries in Cambodia, Laos and North Vietnam, who's got a population base of 18 million, producing over 300,000 young studs a year. There's just no way of killing or wounding that many people.

"Take a look, at one time we had more than 550,000 people over here, I'd say not more than 40,000 at any one time out in the bush . . . If you're looking at this from the standpoint of Mr. Robert McNamara working on a systems analysis program, is this an ef-

## BARBER RECALLS UNSUNG HERO

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. GAYDOS. Mr. Speaker, this past Memorial Day, as in other years, America honored its war dead. Services were conducted in practically every city and town in this Nation. The haunting notes of muted trumpets sounding "taps" and the sharp crack of rifle volleys echoed from coast to coast. They were heard at the grave of the Unknown Soldier in the National Cemetery at Arlington, Va. They were heard, too, at the grave of Frank Puzo in Versailles Cemetery at McKeesport, Pa.

You might ask "Who was Frank Puzo?" Ironically, many of us who thought we knew him discovered 2 years after his death we had not known him at all. We knew him as the quiet, friendly barber who exchanged greetings with us almost every day outside his shop. We did not know him as a war hero. We never knew how deep a love he had for the land he adopted as his own many years before.

We learned about this side of Frank Puzo from an article published in the Daily News of McKeesport a few days prior to this year's Memorial Day observance. Until that time his story had never been revealed.

Frank came to the United States from Italy when he was a lad of 11. He was working as a barber when World War I broke out and was among the first contingent of young men from McKeesport to enlist. When the fighting ended, he returned home, resumed his trade and led a quiet, unobstrusive life. After his death an envelope was found among his personal belongings addressed to his employer and closest friend, Mr. Thomas Sacsek of West Mifflin, Pa. It contained some of Frank's cherished possessions: the Silver Star medal awarded him for "bravery in the Meuse Argonne offensive" of World War I, a Victory Medal with four battle stars, his old dog tags and a religious medal he carried during the war. Until then, Mr. Sacsek, who knew Frank for more than 20 years, never suspected his friend was a hero.

Frank died 2 years ago, alone in the land he had come to love. He had no family, no relatives. But, through the efforts of Mr. Sacsek, Frank Puzo was given a military funeral. Now all McKeesport, thanks to Mr. Sacsek and the Daily News, knows who Frank Puzo really was—a true American in every sense of the word.

I submit this article for the Record as an example of the true patriotic spirit which still exists in this great Nation of ours.

The article follows:

#### Barber Recalls "Unsung Hero"

Memorial Day, a day set aside to pay tribute to the honored war dead, will have special meaning to a McKeesport barber, whose closest friend died an unsung hero.

Now, Thomas Sacsek, who practices his trade at the Elks Barber Shop on Market St., has a daily reminder of the deeds his friend, Frank Puzo, a fellow barber, accomplished in World War I.

The reminder is in the form of a large framed display containing discharge papers, a photo in uniform, a Victory Medal with four campaign stars and—the prize—a Silver Star awarded to Sgt. Frank B. Puzo "for bravery in the Meuse-Argonne offensive" in France during "The War to End All Wars."

#### FOUND IN ENVELOPE

In relating the story, Mr. Sacsek, who lives at 1710 Pennsylvania Ave., West Mifflin, talks of his immigrant friend, with whom he worked for nearly 20 years, with fond remembrance.

Mr. Puzo, who died July 29, 1969, at the age of 78, was not one to boast about his war duty, but on his death, an envelope was turned over to Mr. Sacsek containing the "treasures."

The heroic deeds were a personal pride of Mr. Puzo, but he told very few, Mr. Sacsek said. He had been a "friend" of many area residents who conversed with him on city streets and in his shop, which he operated with William Steganius above the Coney Grill for many years.

He had come to the United States from Italy at the age of 9, stayed a year and went back to Europe with his father. At the age of 11 he returned to this country and got a job in a Braddock bakery for $3 a week pay. He became a U.S. citizen at the age of 25 "and was always proud of his country and his flag for which he fought," Mr. Sacsek said.

"He even saved his dog tags (military identification tags), a whistle, a map of France and a religious medal which he carried during the campaigns," Mr. Sacsek related.

#### PROUD OF COUNTRY

"He thought the world of the service and the uniform it represented. A customer couldn't say anything derogatory about the service or the nation," he added. "He himself talked little about his military duties, but was very proud to have fought for his new-found country."

Frank Puzo died alone—he had no family or relatives here—but, through the efforts of his friend, was given a military funeral at McKeesport and Versailles Cemetery.

## NATIONAL HEALTH INSURANCE DEBATE

### HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mrs. GRIFFITHS. Mr. Speaker, you all know my concern with our health care system, and my efforts to seek reform. The problems are well recognized, and many solutions have been offered. I am concerned, however, that the rhetoric of some of these proposals may be mistaken for substance.

The Nixon administration's bills, for example, pay lipservice to the need for reform of the health care delivery system, the importance of prepaid group practice, and other necessities for an improved health care system. But the bills will not bring about the needed changes. For example, funds requested by the administration for health maintenance organizations are inadequate to develop new HMO's.

Most significant, the bills are a financial windfall for the same private health insurance companies that have contributed to inflation and failed to control the quality and cost of health care. They cannot, for a reasonable price, cover all Americans with comprehensive health insurance. For this reason, the Nixon program would continue the varying standards of health care we have today—an inadequate one for the poor and a quality one for those few who can afford it. And for many, no coverage at all.

My bill, the Health Security Act—H.R. 22—would create the controls and incentives vital to true reform.

Recently, AFL–CIO Social Security Director Bert Seidman was interviewed on the public affairs program, "Labor News Conference." In the interview he discussed many of the contrasts between the administration's bills and my proposal. The following is a transcript of this very informative interview:

### HEALTH CARE—THE NIXON PLAN

Guest: Bert Seidman, director of the AFL–CIO's Department of social security.

Reporters: Judith Randal, medical writer for the Washington Evening Star; Tom Foley, Washington correspondent for the Los Angeles Times.

Moderator: Frank Harden.

**MUTUAL ANNOUNCER.** The following time is presented as a public service by this station and the Mutual Broadcasting System.

**HARDEN.** Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Bert Seidman, director of the AFL–CIO's Department of Social Security.

For more than a year, comprehensive health care has been a major issue in Congress. The Nixon Administration has long talked about the need to improve health care in America, but only recently did they submit to Congress specific legislative proposals to accomplish that goal. In the view of the AFL–CIO, President Nixon's proposed health care legislation falls far short of meeting realistic needs to assure that all Americans receive all of the best quality health care they need. Here to question Mr. Seidman about the Nixon Administration's health care legislation are Judith Randal, medical writer for the Washington Evening Star, and Tom Foley, Washington correspondent for the Los Angeles Times. Your moderator, Frank Harden.

And now, Mr. Foley, I believe you have the first question?

**FOLEY.** The Nixon Administration estimates the cost of the National Health Security bill, which is co-sponsored by Senator Kennedy (D-Mass.) and Congresswoman Griffiths (D-Mich.), at about $77 billion. Now, you people support the Kennedy-Griffiths bill, and I believe the cost projected by the sponsors is around $53 billion. The Administration's estimate is thus almost 50% higher. How do you account for this?

**SEIDMAN.** Well, we don't know exactly how the Administration arrived at their estimate.

The actual cost of the bill, if it were to go into effect in 1974, is higher than the 53 billion that you talk about. The reason for that is, it's been about a year since these bills were first placed, and the cost of medical care is rising rapidly. So, any bill which goes into effect in the future—the cost of any such bill—is rising rapidly.

The Kennedy-Griffiths bill would cover 70% of health care costs. Administration experts have raised their estimate of the cost of medical care in 1974. So the cost of that bill, when it first takes effect, is also going up.

But, we don't know why the Administration came up with a higher figure—$77 billion. Our best estimate is that the bill would cost approximately $68 billion when it goes into effect.

But, I hasten to add, that's not all new costs—by any means.

**FOLEY.** The sharpest rise in medical costs over the long period seemed to follow passage of Medicare a few years ago, presumably, because it permitted so many persons who could not afford medical care before to have it. Won't the Kennedy-Griffiths plan result in a similar increase and thus, possibly, justify the Administration's estimate?

**SEIDMAN.** Well, Mr. Foley, in the first place, the cost of medical care has been rising twice as fast as the cost of living—not just since Medicare went into effect, but for a long time before Medicare.

Secondly, as far as the Kennedy-Griffiths bill—the Health Security bill—is concerned, there are various kinds of built-in cost controls, which will mean that in the future, the cost of medical care will be far less than it would have been, if the bill had not been enacted.

**RANDAL.** Mr. Seidman, you said that by no means would all of the cost of the Kennedy-Griffiths proposal be in "new money." I wonder if you would explain that?

**SEIDMAN.** Yes, Miss Randal, we are now paying billions and billions of dollars for medical care; the entire cost of medical care in this country—medical cost—was $70 billion last year alone.

The Kennedy-Griffiths bill would cover 70% of what is called "personal health expenditures," which are the bulk of that $70 billion.

Now, we are already paying that—we are paying it out of our own pockets. We are paying for it through payments to insurance companies, and to Blue Cross and Blue Shield, and the federal government is paying a considerable proportion of that, as well as state and local governments.

The Kennedy-Griffiths bill, at the outset, would start where we are in medical care costs, and would cover 70% of those costs. But the financing of the program would be by a method different from the one now used to finance medical care. And it would be fairer and more effective.

**RANDAL.** Could this method be expected to slow the inflation rise? If so, would it slow it any more effectively than what the Administration has proposed?

**SEIDMAN.** Yes, we think, as I said before, that there would be effective cost controls in the Kennedy-Griffiths program—controls which would slow the rise in medical care costs. They may not stop the cost rise altogether—all kinds of prices go up.

But, we think that medical care costs could be kept level with the rise in the cost of living generally, instead of rising twice as fast, as is the case.

It provides for pre-budgeting the costs of medical care, for example, for hospitals and nursing homes.

It provides for encouragement of prepaid group practice plans, which the record shows, are able to control costs.

It puts the emphasis on preventive care and care at the early stages of illness, rather than during the later stages—when hospitalization and surgery would be required—which is the most expensive kind of care. It would tend to hold down the cost of medical care in various ways.

**RANDAL.** The Administration, too, is on record in favor of prepaid group health plans—what they call "health maintenance organizations." What is the difference between the Kennedy-Griffiths approach and the Administration approach?

**SEIDMAN.** Well, there are two major differences.

In the first place, the Administration would provide far less funds for the development of such programs—the health maintenance or prepaid group practice programs—than the Kennedy-Griffiths bill.

A second major difference is that the entire Kennedy-Griffiths approach is based, in large part, on the experience of the prepaid group practice plans—that is, payment in advance for medical care costs, and control of medical care costs, and incentives for quality medical care—all of which we have been able to achieve in prepaid group practice programs. None of these are in the Nixon proposal.

**FOLEY.** Cost controls, I'm sure, are something that the nation's doctors won't like too well. Have you had any evidence of how the AMA—the American Medical Association—plans to attack the Kennedy-Griffiths proposal? I have in mind the long struggle they waged against Medicare. Will they be able to hold up this proposal for as long a period?

**SEIDMAN.** I doubt very strongly, Mr. Foley, that they are going to be able to hold up this proposal for as long as they held up Medicare.

But, they are girding for a fight.

The American Medical Association has engaged one of the top advertising agencies of the country, with a budget of $1.5 million, to push the kind of program they are talking about—their own proposal—and to fight the proposal we are supporting. I have no doubt that the American Medical Association will fight this proposal as strongly as they can.

But, I think that the American people want the kind of program that the Kennedy-Griffiths bill would provide. Proof of that is shown by a recent poll by the Louis Harris organization. When people were asked whether they favored the kind of program that fits the description of the Kennedy-Griffiths proposal, or the kind of program that is similar to the Nixon proposal, they favored the Kennedy-Griffiths-type of bill by 55% to 30%.

They also indicated that they were very dissatisfied with the kind of medical care that they are getting, and favor the prepaid group practice-type approach, by an even higher majority.

**FOLEY.** Well, even given Congressman Wilbur Mills (D-Ark.), considerable legislative talents, do you really believe it possible for him to win approval for such a sweeping program as Kennedy-Griffiths? Have you talked to him? Does he favor it?

**SEIDMAN.** So far as I know, Congressman Mills, who is the chairman of the very powerful House Ways and Means Committee, has not, in any way, indicated what his position would be on the Kennedy-Griffiths proposal, or any of the other proposals which have been introduced.

He has indicated that he is going to hold hearings in the very near future on the whole range of proposals. I have no reason to think, at this time, that he is opposed to the Kennedy-Griffiths approach. He hasn't said what his position will be.

If he decides to come out in favor of it, we will have a very powerful ally. But, whether he does or not, the AFL–CIO intends to spare no effort whatsoever to secure enactment of the Kennedy-Griffiths bill.

**RANDAL.** I wonder if we could get down to some specifics for a moment. Under the Nixon health plan, would different categories of people get different levels of benefits? Would anybody be left out?

**SEIDMAN.** Miss Randal, as a matter of fact, to call it the "Nixon health program" is a misnomer—it's really four different programs, with four different levels of benefits, four different standards of eligibility, and four different administrative agencies.

One program is intended for workers. It would require both employer and employee contributions.

Another program is intended for the poor. That has a lower level of benefits, and covers people with very low incomes. They would be required to pay considerable amounts of money.

There would be still another program—the continuation of Medicare for the elderly.

The Medicaid program, which we now have for poor people, would continue for some poor people—that is, for the elderly, the blind and the disabled.

But, many people wouldn't be covered at all.

Part-time employees would not be covered.

The unemployed would not be covered.

Migratory workers would not be covered.

These groups are obviously in particular need of health care coverage, but they would be completely outside all of the Nixon programs.

RANDAL. Would it be a situation where the more you were able to pay into the plan, the greater the benefits? And, how adequate is the coverage in each of these four groups?

SEIDMAN. Well, in a way, the more you were able to pay into the plan, the greater would be the benefits.

For an example, an employee at very low wages would be required to pay, first of all, 35% of the cost of the premium. This would all be under private insurance, incidentally—private insurance companies. He'd have to pay 35% of the cost of the premium, which might run $100 or so. Then, for each member of his family—up to three—he'd have to pay $100, as a deductible. And then, he'd have to pay 25% of all the other costs. He'd have to pay the first two days of hospitalization out of his own pocket, and so on. This gets to be a very sizable amount.

Well now, he'd get no benefits at all, unless he can pay these amounts. If he can't afford to pay these amounts, he gets none of these benefits.

So, even though there is supposed to be a uniform level of benefits for everyone, if people can't pay these out-of-pocket costs—very heavy out-of-pocket costs—which the Nixon proposal requires, then they are just not going to get the benefits at all under his proposal.

FOLEY. In labor's support for Kennedy-Griffiths, are you at the point where you know, for instance, how many Republicans you may need in the House, in order to offset the Southern Democrats you will undoubtedly lose?

SEIDMAN. In the first place, we are not conceding we're going to lose the Southern Democrats—certainly not all of them.

FOLEY. Well, be realistic—you probably will.

SEIDMAN. As I say, we're not conceding the loss of Southern Democrats.

We're not conceding the loss of Republicans either, at this stage.

I think the fact that such a large majority of the American people favor this kind of program is going to have an effect on Congressmen, who have to be re-elected.

But, in specific answer to your question, Mr. Foley, we have not tried to make such an estimate.

However, we do know that there is bipartisan support of the bills—in both houses. At this early stage, more than 100 members of the House and Senate, from both parties, are cosponsors of this legislation. This shows a considerable measure of support in the Congress, even before any hearings have been held—or at least, any hearings that might be considered legislative hearings. There have been some preliminary hearings.

RANDAL. Isn't it true, though, that a lot of sponsors are hedging their bets, by signing in as sponsors of other health insurance proposals too?

SEIDMAN. I think that a few members of Congress have sponsored more than one piece of legislation in this area.

But, most of the sponsors of the Kennedy-Griffiths bill are sponsoring only that bill, at the present time.

FOLEY. Have you any idea what Senator Long's (D-La.) attitude is toward the Kennedy-Griffiths bill? It's a tax proposal, and must start in the House, under the Constitution. Does Senator Long intend to have his Finance Committee hold hearings any time soon?

SEIDMAN. Well, Senator Long has held some preliminary hearings—three days—just a week or so ago.

I don't think he will hold hearings that might be called legislative hearings, until after the House Ways and Means Committee holds hearings—perhaps, not until the House passes a bill.

Senator Long has had some things to say, which are quite critical, about the Kennedy-Griffiths bill. The only thing that he said he's in favor of is what he calls "catastrophic health insurance," which is a way of covering the very high costs that some people have.

The Kennedy-Griffiths bill, incidentally, covers that. But, it also covers the day-to-day, month-to-month costs, which are indeed, very catastrophic, for most workers and their families, when they have to face them.

Therefore, Kennedy-Griffiths is a much more comprehensive approach to the needs of Americans.

At this stage, I would say that Senator Long's position is by no means absolutely fixed.

RANDAL. I wonder if we could go back to the role of the insurance companies? The Kennedy-Griffiths bill, as I understand it, would not utilize insurance companies as go-betweens for payment—or fiscal intermediaries—but would use a Social Security-type arrangement, whereas the Nixon health plans, if enacted, would utilize private insurance companies. What is the weakness of this? Would the private insurance approach not control costs as effectively, in your view, as the Social Security-type approach?

SEIDMAN. Miss Randal, the private insurance companies have been in this business for a long time.

So far as we can see, they have not exercised any control over costs.

They have done nothing whatsoever to provide incentives for quality care. They have simply taken the money provided by employers and employees and passed it on to the providers of care—the hospitals, the doctors and the other providers of health care—without any controls whatsoever.

We see no reason to think that their record would be any better under the kind of national program President Nixon has proposed. Moreover, that program—in the bills that have thus far been introduced—provides no controls whatsoever over the insurance companies themselves. The President says he will be recommending such controls, but I haven't seen them—I don't know what they will be.

I have no reason to be very confident that they will be very effective controls, especially in view of the fact that the bills that have been introduced provide the same method of reimbursement of both hospitals and doctors—methods which have proven so inflationary, under both private insurance and under the Medicare and Medicaid programs.

FOLEY. If the doctors have a $1.5 million kitty worked up, I wonder what the size of the kitty of the insurance companies against the health insurance plan is?

SEIDMAN. Well, Mr. Foley, you'd have to ask them. My guess is they have some money set aside for this purpose.

RANDAL. Recently, the AFL–CIO Executive Council charged that the coverage that would be provided by the Administration package would be "shockingly inadequate." I wonder if you could document this for us, in terms of, say, a typical family of four, with an income of say, $6000 to $10,000 a year—something of that kind?

SEIDMAN. Well, I have looked at this, in terms of a family with $8,000 income, under the Nixon proposal.

If they had a $5000 medical and hospital expense—and many families do these days—a hospital bill in the thousands of dollars is by no means unusual—they would have to pay out, in the premium for the insurance, in the deductibles, and in the co-insurance—and all of this is out-of-pocket expense for the worker—they would have to pay about $1,800.

That same family, under the Health Security bill, would be paying, out-of-pocket, $80.

Now, that's the difference of coverage under the two programs.

The poor people, who would come under the special program that the Nixon Administration has worked out—the "Family Health Insurance Plan,"—would have to pay sizeable amounts of money, particularly in relation to their very limited income.

Their hospitalization, for example, would be stopped altogether after 30 days, no matter what their condition was; and, they would be entitled to only eight physician visits a year, no matter what the condition of their health.

Whereas, under the Kennedy-Griffiths bill, there is one standard of care for everybody in the country—the same comprehensive health services would be available to rich and poor, employed and unemployed, people on welfare and wealthy people.

There would be the same standard of benefits—comprehensive benefits—for all.

FOLEY. What position is the Kennedy-Griffiths bill on the AFL–CIO legislative priority list?

SEIDMAN. President Meany said, as long ago as last Labor Day, that enactment of the Health Security program—the Kennedy-Griffiths bill—was the number-one legislative objective of the AFL–CIO. I know from my own experience, because I'm personally involved in this, that from President Meany on down, we're all very much committed to making sure that we do everything possible to achieve enactment of the Health Security bill—the Kennedy-Griffiths bill—in this Congress, before it goes home in 1972.

HARDEN. Thank you, Miss Randal, and thank you, gentlemen. Today's Labor News Conference guest was Bert Seidman, director of the AFL–CIO's Department of Social Security. Representing the press were Tom Foley, Washington correspondent for the Los Angeles Times, and Judith Randal, medical writer for the Washington Evening Star. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

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## SUCCESSFUL BLACK WOMEN

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. FRASER. Mr. Speaker, I want to commend two news stories about successful black women to the attention of my colleagues. In my own district, we are most pleased that Josie Johnson was elected to the University of Minnesota board of regents. Mrs. Johnson will, I know, make an excellent regent. But I agree with her that it is hardly cause for glee that it has taken over 100 years to get a black member of the university's board of regents.

A second article from the New York Times' business section of Sunday, June 6, details some solid records of accomplishment and presents some very honest, straightforward opinions about the status of women—white and black.

The articles follow:

### Regent Johnson Didn't Expect Appointment, Wants Relevancy at U

(By Bill Lemke)

By Thursday night Josie Johnson had pretty much given up hope of becoming a Regent.

The Conservatives, with a six-vote majority, had cut her from their preselected slate. Attempts in committees to add her to the slate had failed.

Moreover, in this vintage year of partisan politics, it was generally felt that the governor's blessing (he'd recommended Mrs. Johnson) spelled certain defeat.

So while the Senate and House met in joint convention for a predicted rubber-stamp of the slate, Josie Johnson went out to a school program involving one of her daughters.

The next morning she was sworn in as a new Regent.

"The strategy the night before was a surprise to me," she said. "I didn't expect to win." It was a surprise to almost everyone. When she got home from the school program she was informed by telephone of her election to the Board of Regents.

With several dramatic changeover votes by three Conservatives, the minority DFLers skillfully were able to elect Johnson.

The next morning Gov. Wendell Anderson said, "By electing Mrs. Josie Johnson to the Board of Regents, I believe that the Minnesota legislature significantly broadened one of the most important policy-making bodies in our state."

Anderson said, "Our elected officials must do everything in their power today to provide proof that our democratic institutions can indeed be made responsive. I believe Mrs. Johnson's election yesterday does that."

Johnson agreed. "I've heard a lot of people say it's renewed their faith in the democratic process," she said.

The newspaper headlined that morning: "First Black Elected to Board of Regents."

To that, Johnson did not agree.

"It's kind of late for us to still be identifying 'firsts.' I'm just not sure that we, 100-plus years after freedom, can be considering 'firsts' as an honor. I think that it just speaks poorly for our society."

Nevertheless, Johnson is the first black person elected to the Board of Regents. And as such she hopes to make a contribution.

"I think that if the board is serious about responsiveness to the needs of the students and the future of our society, they will have to be faced," she said in an interview yesterday.

Johnson isn't worried about being in such a minority among the often conservative-minded Regents. She's used to that from her past political work.

"I have a feeling that if there are the inputs, I will be able to bring an experience and philosophy perhaps not experienced at this level before," she said.

And the new Regent wants relevancy at the University.

"There is a need to resurface some positive attitudes about higher education. If education has a real spirit of relevancy, there doesn't have to be a real-life practice-University learning gap," Johnson said.

The Board needs another minority member, she added—a student.

"I feel very strongly about involving a student Regent. This is the populace (students) for whom we work. Students should not be just advisors, but actually involved," she said.

Johnson has distinguished herself over the years with political participation for minority rights. She was an active lobbyist for the 1965 and 1967 state open housing legislation.

She has also been vice-president of the National Council of Negro Women, a member of the League of Women Voters' national board and other organizations. She is now an instructor in the Afro-American Studies Department and is working toward an advanced degree in education administration.

Now that she is a Regent, she has decided to resign her position as instructor because of the possible conflict of interests she might encounter as a Regent with broad policy-making powers.

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### Black and Female: Asset to Business, Combination Is Twice as Beautiful

(By Marylin Bender)

Two minuses add up to a plus these days. Or, in the eyes of big business, being black and female is twice as beautiful.

Last month, Patricia Roberts Harris, a Washington lawyer, former dean of Howard University Law School and ex-Ambassador to Luxembourg, was named to the boards of directors of Scott Paper and International Business Machines.

Six years ago, when President Johnson appointed her to the diplomatic post, Mrs. Harris remarked, "When I'm around, you get two for the price of one—a woman and a Negro."

At the other end of the scale, those incubators of corporate management, the graduate schools of business, have suddenly been sending their first black women M.B.A.'s into the tight job market with conspicuous success.

"In the last two years, black women have made inroads in the business schools. All of ours have been placed with major corporations in jobs paying $14,000 plus, says Hughie Mills, assistant dean of admissions and student affairs at the Columbia Graduate School of Business. Three just received their M.B.A.'s and 18 will be studying there next semester.

Three black women will receive M.B.A.'s June 17 from the Harvard Business School. Cecelene Cover has been hired as an administrator for project development for the Kaiser Development Corporation in Jamaica. Joyce Guthrie is going with Filene's as an assistant buyer at $15,000 a year.

Eight black women are enrolled in Harvard's '72 class, six in the Wharton Graduate School.

Both Miss Cover and Mrs. Guthrie had at least four attractive job offers from which to choose as did Mary Kate Bush who just received her M.B.A. from the University of Chicago Graduate School of Business.

Miss Bush, a Phi Beta Kappa with a B.A. in economics from Fisk, has narrowed her list to two New York banks competing for her attention.

"At this time, it's kind of a double plus to be black and female," Miss Bush says. "Getting into jobs is relatively easy. The main problem I probably will face will be when it comes to promotions higher and higher up."

Delores Bowens, an operating systems specialist with Caltex Petroleum Corporation agrees that "it's killing two birds with one stone" for a company to hire a black female. But although she has not encountered either sex or race discrimination in the technical sector of business, she isn't so sure about the corporate managerial side. "Nobody has offered me a job managing anybody. If I were a man, I might have an option," says Miss Bowens, 27, an M.B.A. from the University of Massachusetts.

Between Patricia Harris in the board rooms and the new crop of M.B.A.'s is an increasingly visible number of young "to young to middle-aged black women in professional and lower managerial positions in big business. They tend to be equipped with impressive credentials.

Take Shirley Barnes Kalunda, an account executive at J. Walter Thompson who couldn't get a job in advertising when she graduated from Baruch College in 1959. After nearly a decade in the non-profit field as an African specialist, she went to Columbia for an M.B.A. and emerged a year and a half ago with five good offers in advertising and marketing.

Or Ida Scott, a senior group representative in systems design with I.B.M. in Chicago, Juanita Johnson, supervisor of scientific applications in the management sciences program at Mobil Oil, Audrey Burns Jackson, a special agent who has passed the million-dollar sales mark at the Prudential Life Insurance Company, Silma Wallace, assistant manager of the Chase Manhattan Bank branch in Barbados, Sanjeanetta Harris (also a Columbia M.B.A.), an analyst in the corporate research department at Morgan Guaranty, Evelyn Beasley, a C.P.A. in three states who is a senior financial analyst with Pololoroid, and Dr. Esther Hopkins, a chemist with four degrees who is a scientist in Polaroid's special photographic research division.

Most of them concur with Dr. Hopkins that "it's a bigger handicap being a woman than being black. Having to be a woman, it's better to be black."

"People are recognizing the seriousness of the problem of what's happening with the black person. People are not recognizing what's happening with women as persons," Dr. Hopkins says.

Mrs. Harris cites several reasons for the promising futures for black women in mainstream business. "White men are less threatened by black women than by black men. It's one of the horrors of life but it's true," she says.

Then there is historical necessity. "Because of the nature of discrimination, black women have had to help eke out the living for the family," she continues. "Black women who were bright or privileged or both have gotten as much education as they could, to do as well as they could economically or to have social standing."

As a consequence, she says, "black women have no identity crisis as women. We know we count as persons. Black women have not been playthings, idols on pedestals. That's why black professional women tend to have ease of movement."

Some women of her generation did make their mark in the professions of teaching and law from which a few found their way into business. Louise Prothro, associate account executive in the Farley Manning Associates public relations firm has an M.A. in home economics from Columbia. She taught the subject before Pet Milk hired her to develop an educational public relations program, which served as a prelude to her present job.

Barbara Scott, vice president in charge of legislative matters for the Motion Picture Association and believed to be the ranking black female business executive in the New York area, practiced law after graduating from Yale Law School and before joining the Motion Picture Association.

Black women have long been leaders in non-white, usually small business. Among the black business peeresses are Rose Morgan, whose enterprises include a Harlem beauty shop and a cosmetics line, and Marion K. Bradford, president of Bradford Funeral System and the Bradford Industrial Insurance Company, a three-quarter-million dollar burial insurance company in Birmingham, Ala.

In 1903, Mrs. Maggie Walker started the penny savings bank that survives today as the Consolidated Bank and Trust Company of Richmond, Va. A recent survey by the National Bankers Association, an organization of minority banks, showed that two-thirds of its member banks had women officers.

Despite their tradition of economic accomplishment, black women feel that there is sex discrimination within their community. "We find as much male chauvinism among black men as white men," Mrs. Harris says.

"In black companies, you're a sex object, in white corporations there's less chance of being put in that category," declared Doris Asantewa, who has been surveying the attitudes and achievements of black professional women for a thesis for an M.B.A. she hopes to get from Baruch College in August.

Miss Asantewa, who has a masters degree in library science from the University of Wisconsin has worked for I.B.M. and the Bedford-Stuyvesant Development Corporation.

"In the white corporation, you can talk professional talk to a man and he listens, trying to compete with you. In black companies, they say, 'she's only a woman,'" Miss Asantewa maintains.

At least one black female executive dissents. For example, there is Dolly Christian, an employment supervisor for the Sperry & Hutchinson Company who is also a member of the Council of Concerned Black Executives.

"In entering the corporate world, the greatest support I got was from my brothers in the council," says Mrs. Christian, who crossed into business three years ago from the Police Athletic League where she had been administrative assistant to the executive director.

Mrs. Christian describes herself as over 35, "grass roots and a norm in terms of the system" in contrast to what she terms the "Super-Nigger," or supremely endowed black that business is now courting.

"I graduated from Central Commercial High School," she says. "I was an outstanding student but as a product of the system I was put in the general course and graduated as a secretary at 16. Because the corporate world was closed to me, I went into the nonprofit field. I had no choice."

"I worked like hell to get where I'm at. But now opportunities for black women are entirely different," Mrs. Christian says. "So what I tell young black women is, 'Please don't do it my way.'"

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## GEN. MAXWELL TAYLOR INTERVIEWED ON PENTAGON DOCUMENTS

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Father Theodore H. Chelpon of St. Katherine's Greek Orthodox Church of northern Virginia, called my attention to a CBS–TV television interview on June 17 between Martin Kalb of CBS and Gen. Maxwell Taylor, concerning the classified Pentagon documents on Vietnam recently appearing in the New York Times. Father Chelpon believes that the general showed great restraint in the face of essentially hostile questions, and members of the American public who may have missed the broadcast would benefit from reading the full text. I insert the text of the interview in full at this point in the Record.

CBS Morning News With John Hart

Hart. Good morning. There may be an answer this morning to the question, "Who gave the Pentagon reports to *The New York Times?*" A man in New York says he knows it was a professor at Massachusetts Institute of Technology who got them from the Rand Corporation, a "think company" that does a lot of secret government work. The professor is Daniel Ellsberg, a former Assistant Secretary of Defense. We can't find Ellsberg for comment now. The man who says Ellsberg's the one is Sidney Zion, who used to be a legal reporter for *The New York Times,* and more recently published Scanlons Magazine which is now out of business. The Rand Corporation was given two copies of the report, we're told. The Justice Department is going to court today, asking the *Times* be forced to give back the papers.

Another accounting of the war is out today—the body count. Twenty-five Americans died from the war last week; 199 were hurt in it. 45,275 Americans killed altogether now, and more than 300,000 wounded in all. The South Vietnamese lost 322 men last week.

We have an interview this morning with one of the main people who appear in the Pentagon papers as printed by *The New York Times*—General Maxwell Taylor. He's retired now and writing his own book on the war. He was our ambassador to Saigon during many of the events mentioned in the papers.

Bernard Kalb led off the questioning as it was taped yesterday.

Kalb. General Taylor, do you yourself have a copy of that secret Pentagon study of the war?

Taylor. No, indeed. I—In fact, I never—never have seen a copy of it.

Kalb. Did you know that it existed?

Taylor. I had heard references to it . . . that Secretary McNamara was putting together some of the documents for historical purposes.

Kalb. Are some of those documents that have been published in *The New York Times* . . . are they a surprise to you?

Taylor. Well, they're surprised to find them in *The New York Times*. Obviously, some were no surprise because I wrote some of them. Others I had seen. But, cf course, many others are simply work sheets They're work memoranda within the office which would never come to my attention as Ambassador.

Kalb. General, you say it was a surprise to see them in *The New York Times*. What are your own feelings about the government's action to stop publication of those documents?

Taylor. Well, of course, I would think it's most regrettable that they were ever—ever published in the first place. Hence, the action of the government, if indeed it stops this kind of thing, I would favor. What the legality is in that aspect of it, I obviously have not qualified to comment.

Kalb. You would like to see that the remaining documents in the hands of *The New York Times* not be published?

Taylor. Well, I say this, not because of what's in them. I don't know what's in them. It's the principle of the thing, that we're—have here a deliberate betrayal of government secrets. And I—I'm—I obviously have to be against that, as a citizen.

Kalb. Well, what do you make, General of the principle of the people's right to know when decisions of this dimension are taken?

Taylor. I don't believe in that as a general principle. You have to talk about cases. What's—What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his functions . . . not to get into secrets which simply damage his government and indirectly damage the citizen himself.

Hart. General, who is to decide what a citizen needs to know?

Taylor. It has to be decided by the responsible man what classifications should go on these documents.

Hart. Who is the——

Taylor. I am the first to admit that they're usually over-classified. But that simply does not allow us on the outside—you and me—to decide that classification's wrong, and to ignore it.

Hart. On the secondary level, who is to decide what the Congress should know, in relation to the President's responsibility to the Constitution? I'm thinking of the covert warfare that went on for seven months prior to the Gulf of Tonkin.

Taylor. That, again, is a very important matter, to be worked out between the President and the Congress—but not to be published in the papers or for us citizens who know nothing about the relationships, to try to interfere as go-between, so to speak.

Hart. Referring to the second report published by the *Times,* in which it says that a "general consensus" was reached at the White House on September 7th that North Vietnam would probably have to be bombed. . . Now, this was during the period of the 1964 campaign, in which Barry Goldwater was advocating this, and President Johnson was putting himself in the position of a peace-maker, opposing this kind of thing, or at least letting everyone think he was. May we ask that question, as to morality and the people being fooled in that case?

Taylor. This—The people certainly shouldn't be told in advance of military operation. That's simply destructive to the entire purpose, destructive to the objection of the campaign, and highly dangerous to your own troops.

Hart. Well, do the people have any voice in whether or not we go to war, General?

Taylor. They do. They have it through a Congress who had just encouraged us to do all these things just 'til August of 1964.

Hart. And was the Congress informed of that covert slipping into war. . . . our attacks on North Vietnam?

Taylor. I can't answer that. I was in Saigon. I did not have any relations with Congress on that point.

Kalb. Well, General, what about the projection of an image by the Johnson administration of this country *not* going into war, and—at the same time—engaged in deep and detailed plannings *for* the possibility of the US going *to* war.

Taylor. I think the planning was indispensable, because one cannot control what the enemy is going to do. It's the enemy that forces escalation on you—many times—in fact, in all cases I can think of in Vietnam.

Kalb. That the enemy forced the escalation?

Taylor. Forced escalations . . . They—The whole—The situation in 1965—The introduction of our troops and the initiation of the bombing campaign goes back to the very violent offensive the enemy mounted after the overthrow of Diem in 1963. Sixty-four was the year when they were striking, they hoped, for victory.

Kalb. General, in reading through the Pentagon papers, we keep coming across your own assessments of these various governments that you dealt with as the Ambassador—that they were tenuous . . . that, I think the word, in one case, was "inept" . . . the fact that they were virtually nonexistent and terribly fragile. And yet the crescendo of imagery that was projected by the Embassy in Saigon and by the Johnson administration was one of a very viable, much stronger government. Don't you think it would have been in the best interests of rallying the support of the American people to have levelled with them, to have talked about the fragility and the tenuousness of that government?

Taylor. What would the American people have done that they didn't do?

Kalb. Well, what do you think they would have done?

Taylor. I think they would have been terribly discouraged, and unnecessarily so.

They were being terribly discouraged by the media then, and have since that time. Certainly, an official—an ambassador credited to a country in time of war—can't go before the press, for example, as I am today and talk about the fragility of the government that he's trying to help.

KALB. Why not?

TAYLOR. Because it destroys it . . . destroys that government . . . destroys the cause that our government's involved with. It's simply disaster to——

KALB. General—?

TAYLOR.—to talk too much.

KALB. General, you use the word "media."

TAYLOR. That's right.

KALB. When you take a retrospective look, who was more honest at that particular time? The media, in reporting what was going on in Vietnam, or the American Embassy or the Johnson administration?

TAYLOR. The American Embassy never reported anything other than the truth, as they saw it.

KALB. Well, I mean what got out?

HART. But what was concealed, though? That's the whole point, General.

TAYLOR. Obviously, because you can't wage war and you can't conduct negotiations and you can't have a very, very weak ally whom you're trying to support, and go before the public and tell everything you know. Disaster! And this country will be destroyed if that's the course of action we're going to follow in the future.

HART. General Maxwell Taylor, who was Ambassador to Saigon during part of the period covered in the Pentagon papers, in a taped interview yesterday.

For those of you who can see the full hour of this broadcast, we'll have more of the interview in about 20 minutes.

KALB. Retired General Maxwell Taylor, who once served as U.S. Ambassador to South Vietnam, is a prominent figure in the secret Pentagon study of the war made public this week by *The New York Times*. We talked with the General yesterday about the disclosures.

General, getting back to the Pentagon report, one columnist has assessed it in these terms, that in reading that report you get the sickening feeling of deception and betrayal. Now, whether you accept that, reject that or how would you comment on that, sir?

TAYLOR. Are they referring to the Government or the people that published the paper?

KALB. Well, the reading of the Pentagon history, reading of that tragedy without being overtaken by the sickening feeling of deception and betrayal.

TAYLOR. I don't know, of course. If someone says that, that presumably is his subjective attitude. I think this is very bad history that this is contributing—this—it's doing a lot of bad things. One of which is aiding——

KALB. What is that?

TAYLOR. Three bad things: One, it's laying a foundation for bad history. Secondly, it's initiating a practice, if it is a practice, of officials betraying their Government's secrets and a distinguished paper printing them. And, third, it's ruinous to relations within our Government and our international relations abroad.

KALB. Well, what do you think, General, has the highest priority? The three reasons that you've given or the sharing of those secret, momentous decisions taken by an Administration with the American people?

TAYLOR. But this happened five years ago. This—you're publishing ancient history at the present time. And you don't share your secrets with the people if you're going to be successful in doing what you expect to do. We never have in our history!

KALB. Do you share your history with the people when you're taking them into a war?

TAYLOR. Go back and look at American history.

KALB. What about it there? What about——

TAYLOR. Has any course of action, such as you suggest—I think you're suggesting, ever been followed by any American leader?

KALB. I'm suggesting a situation that we have watched in Vietnam, and what we're talking about is this sensitive question—of whether an Administration shares momentous decisions with the people who put that Government in power?

TAYLOR. Certainly. It does by way of Congress.

KALB. Now, do you think the Pentagon papers, on the basis of the decisions taken then, project an image of an Administration walking in one direction, overtly, while simultaneously planning another plan of attack covertly?

TAYLOR. I wouldn't—that has not struck my attention as one way to look at it. Obviously, the Government is planning a lot of things they're not publishing in the newspapers. And obviously they shouldn't be published in the newspapers. They are talking to Congress.

I came back four times, I believe, while Ambassador, and at least three times went on the Hill and had sessions with both the Congress and the Senate. Went over everything that I had on my mind, or expected to do. Obviously, I was not speaking for the White House. But in terms of closeness, of rapport with the Congress, I made every effort to maintain it—and thought I did.

KALB. Were you under any White House controls about—just how much latitude you had in revealing things you knew to the Congress?

TAYLOR. Well, obviously, I was not to go over and tell to the Congress things that the White House hadn't already told them. I was accounting for the programs that were be . . . had—in implementation.

KALB. Were . . .

TAYLOR. I was not qualified to talk about features(?)

KALB. For example, were there things that might have been put to you in question form by members of the Congress that you chose not to reply (indistinct—interruption)

TAYLOR. I can't recall any such situation. This was left, of course, to my own judgment. I was not under any blanket orders, for example. I talked just as frankly as I knew.

KALB. General, do you think, on the basis of the Pentagon report, on the revelations made in that report, that the so-called credibility gap that President Johnson had suffered was well warranted?

TAYLOR. Now, first, when you say "on the basis of the Pentagon reports," bear in mind the Pentagon reports are highly incomplete, sometimes—most times accurate I would suspect, sometimes inaccurate. So that itself is a rather shaky table on which to stand. In terms of the credibility gap, I don't see anything these papers have had bears one way or another. This is simply, as I say, expanding on ancient history; rather interesting to see chip shots between officials and that kind of thing.

KALB. General, take a look back in this year of 1971, to '64 and '65, when you were the Ambassador, and let's think of the intervening years, what do you think went wrong?

TAYLOR. Several—a long list of things. There should be at some point a real analysis, a detached analysis, of the lessons learned from Vietnam. I'm writing a book, I'm going to have a couple of misleading chapters on the subject. But really to do this in a governmental sense across the board would be a very wholesome thing if we could deflate the emotion and take time out and get the facts and then analyze them.

So when you ask me what went wrong, I'd have to take an hour to give you the numbers of things which I thought went wrong and sometimes why. Then I'd also have (?) the things that went right (inter.)

KALB. Absolutely. The right and the wrong. Could you, very briefly, General, do a quick anthology of the right and the wrong as you review them now?

TAYLOR. One of the most serious wrongs, in my judgment, was our connivance at the overthrow of President Diem. Because regardless of what you thought of President Diem, we had absolutely nothing but chaos which followed. And it was that chaos that I inherited—perhaps Homeric justice—in the year I was ambassador. And we—we'd have lost—the place would have disintegrated had not President Johnson made his two very tough, courageous decisions to go ahead at that point. So I would say that was a case of one place I thought we were very badly wrong, and secondly, one place where I think we were right.

HART. Before you go on with that anthology, General Taylor, may I ask you what was our connivance in the overthrow of President Diem? By that I mean who made the decision here? What was our part in the execution of the overthrow, including his death?

TAYLOR. Well, I would say that Government spokesmen here in Washington so clearly indicated their disenchantment of our Government with Diem, that it was open encouragement to the many plotters who had been after Diem for years in the fight in Saigon, that to go ahead, that the Americans would not—certainly not oppose them and, hopefully, would support them.

HART. Well, who decided that those Government spokesmen should encourage this? Was this made at the Presidential level or somewhere else?

TAYLOR. Well, obviously, it has to be approved by the President.

HART. Well, and what about the—any complicity in his assassination?

TAYLOR. I would—I would be sure that no American ever wanted Diem assassinated, you understand. And it was certainly a terrible shock to President Kennedy when that—when that developed. But the organization of coups and the execution of a coup is not like organizing a tea party; it's a very dangerous business.

So I didn't think we had any right to be surprised when—when Diem and his brother were murdered.

HART. What other mistakes then were you about to account?

TAYLOR. What other mistakes?

HART. Yes.

TAYLOR. A general lack of knowledge of these Asian countries. This is not the kind of knowledge, the intelligence that, say, the CIA collects but just the—enough senior people who knew Asia, and enough people who had been living in and around in South Vietnam. particularly, who would know the individuals, the players. We rarely knew any of these men until we had to accept them as colleagues. And we learned the hard way that they frequently could not perform. So that kind of ignorance, which went with simply lack of past acquaintanceship with this part of the world was a very serious handicap.

HART. General, in view of the depredations of this war on the Army, the spirit of the Army, on the spirit of this country, in view of the unknown future of the government and of South Vietnam, in retrospect, was it worth it?

KALB. Was it worth it?

TAYLOR. It certainly has been a very heavy price to pay in many ways. On the other hand, the most—the saddest thing are the points you mentioned—the indications of apparently fundamental weaknesses within the United States. It could just be that this price is worth paying to discover our weaknesses in time to correct them before we're faced with a major crisis.

HART. What weaknesses?

Taylor. Division in the minorities, loss of patriotism, degradation and defamation of all the virtues that we have—have made us a great country in the past. The use of our own media to destroy us internally. The acceptance of—of offenses such as betraying our Government's secrets as a perfectly normal thing to do. Many things. Of course, I'm biased on this, but I feel very strongly on the subject.

Hart. You believe then that the war did not bring on these conditions, but they were there already?

Taylor. I think they were there; they were growing already. And the pressures of war—the treatment of the case on a nation—it then brings forth, or allows forces to come forth, which thus far had been concealed or relatively retained.

Kalb. General, do you believe it is a loss of patriotism, to use your phrase, to dissent from the Administration policy on Viet . . .

Taylor. No, indeed!

Hart. Well, where is this loss of patriotism, to what do you refer?

Taylor. Well, the unwillingness to serve your country, for example. The destruction of our flag; the burning of draft cards; the resistance of law; the attempt to impose personal interpretations of law. These manifestations are on all sides, and I think highly disturbing.

Hart. If I may phrase the question this way, General, wasn't—weren't those manifestations directed at a specific war?

Taylor. I would like to think so. I'd be very, very happy if that's the case. But I don't think that's true.

Hart. Then we're back to the original question. If this war triggered that, then was it worth it?

Taylor. Again—again, it's worth it today to finish—to finish this honorably and successfully. To answer your other question, you'll have to go back and put a date on it. When was it worth it? It wasn't worth it in '54, if we had known the events which were taking place—were going to take place. Unfortunately, Presidents and governments don't have these crystal balls. And if you look at the evidence and the knowledge available to Eisenhower, to Kennedy, to Johnson at various points, I've always found it very difficult to fault the decisions they made at those times.

Hart. Would it have been worth it then to stop it sooner?

Taylor. It'd have been worth it never to have started it.

Kalb. General, is there any lesson in all this for President Nixon?

Taylor. I would hope so. I feel there are endless lessons of enormous value in this experience. And I'm just hopeful that in cold blood, when the emotions die down, we can have an analysis where we'll all come out and say, "Yes, this was right; this was wrong. We'll never do this again." That kind of thing. Something—as President Kennedy did after the Bay of Pigs, which was a much smaller thing, but nonetheless a very wholesome thing to have been done by that Administration.

Hart. May I ask you, General, if there is a lesson as to accountability of presidents and Pentagons to the people and to the Congress here?

Taylor. Well, the presidents are certainly accountable to the people and the Congress. The Pentagon is accountable to the President. Certainly, responsibility lying on all sides, there's no doubt about it.

Hart. Well, the question goes to the accountability at the time when the people and the Congress were ignorant of what was happening, and of the slipping into this mire.

Taylor. I would just point out that most of us citizens had ample opportunity to realize we were following this course. Our papers were filled with it for years. I would come back when I was in the Far East as a military commander, disturbed that I couldn't get people to talk about the situation in Korea and in Southeast Asia. We're very slow to worry about things until we're personally hurt. It took the casualty lists of 1967, really, to get us aware of what was going on. So we citizens can blame ourselves to a large extent.

Hart. Well, where does it end, General?

Taylor. I hope by our becoming a wiser people.

Hart. And will Vietnam be a free people ever, in the South?

Taylor. I would say that if we allow the President to follow the course he's on now, there's a very strong chance that we can leave a viable state. And certainly no longer fearing an imposed Communist government. What happens after that—whether they can indeed steer a straight course and grow as Korea has—I don't know, but I'm reasonably optimistic.

Kalb. General, do you rule out the possibility that, after the United States is in fact out of Vietnam, that the whole thing could still collapse?

Taylor. I can't rule it out—obviously can't rule it out. This doesn't have—there's no background of long nationhood in South Vietnam. So it'll take them longer to learn being a state, so to speak, than, for example, in Korea, where there was a unity—a greater basic unity within the society than there is in South Vietnam.

Hart. Former Ambassador to Saigon and retired General Maxwell Taylor in an interview tape-recorded yesterday afternoon.

Hart. Catching up briefly: A man that used to work for The New York Times says the paper got the secret Pentagon study from a former Assistant Secretary of Defense, now a professor at MIT, Daniel Ellsberg.

And 25 Americans died from the war last week.

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## MARYLAND COMMITTEE FOR CHILDREN AND YOUTH

### HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. MITCHELL. Mr. Speaker, gentlemen of the House, it is with great pleasure that I insert into the Record today the report of the Maryland delegates to the White House Conference on Youth. As you know, young people from across the Nation met last April in Estes Park, Colo., to exchange views and develop positions on the critical questions of our day.

It is generally agreed that this was the most representative body ever assembled for such a conference. The delegation from Maryland represented all political and religious persuasions, every race and social class, including students, dropouts, and the young employed.

Experts from every field provided technical assistance to the youth in formulating their recommendations. The result speaks for itself. Though I do not agree with every position put forward, they certainly merit serious study and consideration by all the Members of the Congress.

It is with great pleasure also that I commend to you the recommendations of the black caucus of the Race and Minority Group Relations Task Force. This group was formed specifically to deal with problems caused by institutional racism in this country. As a member of one black caucus, I can well understand the motivations and objectives of another. Their recommendations show a thorough knowledge of the gamut of problems that affect every aspect of minority life. With many of their suggestions, I concur wholeheartedly. I hope that the Members of this body find time to carefully examine these recommendations:

#### Maryland Committee for Children and Youth

(A report from the Maryland delegates to the White House Conference on Youth)

#### THE PREAMABLE

To the people:

We are in the midst of a political, social and cultural revolution. Uncontrolled technology and the exploitation of people by people threaten to dehumanize our society. We must reaffirm the recognition of Life as the Supreme Value which will not bear manipulation for other ends.

The approach of the two hundredth anniversary of the Revolution which gave birth to the United States of America leads us to reexamine the foundations of this country. We find that the high ideals upon which this country was ostensibly founded have never been a reality for all peoples from the beginning to the present day. The Constitution itself was both racist and sexist in its conception. The greatest blemish on the history of the United States of America is slavery and its evil legacy. The annihilation of Indians, genocide, exploitation of labor, and militaristic expansion have been among the important short-comings which have undermined the ideals to which the people of this country have aspired.

It is time now finally to affirm and implement the rights articulated in the Declaration of Independence and the Constitution. Each individual must be given the full rights of life, liberty, and the pursuit of happiness, the Bill of Rights must be reinterpreted so as to be meaningful to all persons in our society. In addition the following rights are crucial:

The Right to adequate food, clothing, and a decent home.

The Right of the individual to do her/his thing, so long as it does not interfere with the rights of another.

The Right to preserve and cultivate ethnic and cultural heritages.

The Right to do whatever is necessary to preserve these rights.

Governments and nation-states are created to secure and protect these rights. Through the acquiescence of its citizenry the government and other power structures of this nation have not fulfilled their responsibilities to the people, seeming instead to be concerned primarily with their self-perpetuation through serving the interests of the powerful at the expense of the people. In so far as any branch, agency, or member of the government or other power structure neglects its responsibility, it forfeits its responsibility, it forfeits its legitimacy. We proclaim the following grievances:

Denial of equal opportunity has led to privation in the midst of plenty.

Repression has denied the free exercise of political rights in a "free society".

The system of justice lacks legitimacy for vast segments of the people, particularly minority groups and the poor.

Free cultural expression is discouraged in a supposedly pluralistic society.

Appeals to chauvinism, nationalism and militarism smother the individual's right to conscientious free choice of action and belief.

A war which is abhorrent to the majority of Americans and which inflicts inestimable anguish on a foreign people continues.

The government and the people have allowed economic and political power to be concentrated in institutions which are not responsive or answerable to the people, resulting in the waste and destruction of human and natural resources, and the failure to meet the people's needs.

The fear of youth identifying with adults and vice-versa, the fear of people identifying with themselves, the fear of people identifying with their race, the fear of people identifying with a country—all create a climate of fear which permeates this nation.

Internal divisiveness has contributed to a loss of national purpose.

The recommendations which follow we submit to the people as a realistic, positive, fundamental, minimal program for the redress of such grievances and the recognition of these Rights.

We are aware that "commissions," "conferences" and "reports" have often been used as a mechanism to divert the attention and energy of the people, in the guise of furthering "communication". This Conference shall not be so used.

Youth has been seeking reform of political and social institutions. Evidently these institutions are threatened by the basic insecurity inherent in change. The result has been repression which has transformed our struggle for reform into a struggle for survival.

We must recognize that change is not restricted to the realm of history, but is an ongoing process, the central dynamic of life.

We recognize further that while youth is often most receptive to change, they are not alone in desiring it. We affirm our kinship with persons of good will of all generations. This affirmation stems from our appreciation of the indivisible nature of liberty.

We are aware of our responsibility to fight for the rights of all people. We recognize that we in the United States of America have strayed from the fundamental tenet of this nation, that the government is responsible to the people, in whom power resides, and that the people are therefore fully responsible for the policies and actions pursued in their name.

We, as have so many before us, dedicate ourselves to struggle and sacrifice for the realization of the ideals embodied in the program we have set forth.

Out of the rage of love for the unimplemented principles we here assert, we challenge the government and power structures to respond swiftly, actively, and constructively to our proposals. We are motivated not by hatred, but by disappointment over, and love for, the unfulfilled potential of this Nation.

### ENVIRONMENT

1. National Priority be given to the actions necessary to improve the quality of the environment of the people of America's inner cities.

2. We believe that every citizen of the United States has the fundamental right to a clean environment, and the duty to contribute to its protection—we therefore strongly support passage of the Hart-McGovern Bill (S. 1032).

3. Abolish the federal *highway trust fund* and institute in its place a transportation fund, from which monies would be appropriated for all modes of transportation, including, but not limited to, mass transportation.

### BLACK CAUCUS OF THE RACE AND MINORITY GROUP RELATIONS TASK FORCE

We, the Black Caucus, unanimously support the Black congressmen in their effort to get the Nixon Administration to respond to their questions concerning its handling of the problems related to Black people.

1. Employment—Institutional racism has manifested itself in the employment of racial and ethnic minority youths. This is evident in the discrimination practices in apprenticeships and labor unions and employment standards set by agencies which systematically exclude minorities because of their socio-economic background. The employment of minority youth is essential to the upward mobility of the Black People.

The Black Caucus on Race and Minority Group Relations resolves that the President of the United States, the Department of Labor, and National employment agencies and Unions be advised by minorities affected by inequitable employment practices and initiate from their recommendation programs to counteract these conditions.

2. Communications—All Federal authorities support the proposition that significant segments of the population are entitled to programing service which meets their needs and interest. The Supreme Court has stressed the public right "to receive suitable access" to ideas and problems of interest and concern to their communities. Be it hereby resolved that the Federal Government recognize and dedicate ½ hour per night of prime network time to the on-going task of reporting and implementation of all resolutions formulated at the 1971 White House Conference on Youth. The total content of all productions will be controlled by minority youth. Programs will be produced by each specific ethnic group.

3. Voter Registration—Institutionally, the electoral process frustrates Blacks and other minorities because of the power structure of the two major political parties. In regard to this, we recommend that:

a. A massive and concerted effort toward implementation of programs be made for greater voter registration as well as voter education.

b. Various federally funded institutions be established to insure adequate safeguards against intimidation and infraction of the rights of voters at the polls.

4. Law and Justice—Since its inception, the United States has maintained a racist and dual system of law enforcement and criminal justice. This has resulted in a disproportionate amount of Black and other minorities being found guilty of crimes and the subsequent more severe sentences. Consequently, depending on the localer, penal institutions contain from 60% to 80% minorities despite the fact that these comprise less than 16% of the total population. Phrases such as "crime in the street" or "a man's house is his castle," "no-knock" laws and "search and seizure" techniques, have all contributed to making the law and order society and not a just society. The Black Caucus concluded that there can be no law and order today without the right combination of law, order and justice.

In order to implement the above recommendations, as well as those of the minority group caucuses:

We recommend that the President create a cabinet level Department of Racial and Linguistic Minority Group Affairs; that this department be headed by a member of the concerned groups; that its staff be composed of persons in proportion to the representation of these minorities in the national population; binding recommendations to all other departments, offices, and bureaus of the federal government on their aspirations, programs, and staffing as these areas impinge on the rights and privileges of racial and linguistic minorities; that this department translate and interpret the desires and aspirations of racial and ethnic minorities to all other agencies of the federal government; that it develop and submit legislation to the Congress of the United States representing the requirements and demands of its client groups; that it incorporate into its organization a legal staff which will represent minorities in class actions on all levels of the judicial system; that this department be charged with the implementation of the recommendations of the Race and Minority Group Relations Task Force of the White House Conference on Youth as its first priority.

### LEGAL RIGHTS AND JUSTICE

1. The 1971 White House Conference on Youth declares its complete abhorrence and repulsion with the unwarranted political surveillance now being carried out by the FBI on American citizens, and we demand the immediate resignation of J. Edgar Hoover as director of the FBI.

2. The Age of Majority should be lowered to 18, granting our young citizens full rights and responsibilities and the opportunity to participate fully in our society.

### POVERTY

1. The current welfare system of payments, services, and commodities should be replaced with an income program which guarantees every person in America sufficient cash income for decent and adequate standards of food, shelter, and clothing, supplemented by supportive services.

2. Pre-school education—

a. that a considerable increase be made in funds in the head start program which in its fifth year reaches only 15% of poor pre-schools, and

b. that public kindergartens be financially underwritten by the Federal Government and immediately incorporated into the public school system.

3. Housing—we call upon the President to declare a national state of emergency, and reorient national economic priorities to focus on the housing needs of the poor.

4. Hunger and health care—

a. that the President declare a national hunger emergency and use the authority he has to assure that no American in need goes without Federal food assistance,

b. that the budget request for fiscal year 1972 for food stamp program be increased to 2.75 million dollars.

### RECREATION

There is a continuing need for better recreation programs serving poor youth in both urban and rural areas. One of the most immediate needs of poor youth is in recreational facilities in their own neighborhoods to give them "something to do." Adequately funded recreation programs, proposed by poor youth themselves, could yield numerous benefits in areas such as crime, drug abuse, education and the environment.

We recommend there be established in the appropriate federal agency a national youth recreation program which receives funds from Congress to fund youth-originated recreation proposals from young people across the country. There would only be two limitations on the type of project which this agency would fund: (1) that it would be a recreation project proposed by poor youth for their neighborhoods, and (2) that the programs should not compete with or duplicate existing private efforts, unless that effort is not in fact serving poor youth.

### FOREIGN RELATIONS

1. There should be total and immediate cessation of (a) U.S. ground and naval operations in Indochina and (b) U.S. bombing in Indochina.

2. There should be total withdrawal of all U.S. Military forces and cessation of logistical support, both overt and covert, from Indochina by December 31, 1971. Such action will best insure the release of all prisoners of war as we see no relationship between military pressure and the release of American prisoners.

### DRAFT

1. The draft should be ended and the draft law be allowed to expire June 30, 1971.

2. An all-volunteer Armed Force should be established.

3. There should be no compulsory national service. Young people should be given greatly expanded opportunities to give service voluntarily through an Action Corps which would provide volunteer service projects which are locally conceived and directed. We especially recommend programs of service—learning which are designed not only to meet pressing local needs but which also promote the educational growth of those who serve.

### EDUCATION

1. The Federal Government must reorder national spending priorities so that the Federal contribution to primary, secondary and higher education will total 25% of the national budget. Defense spending must be reduced.

2. The government at all levels should place great emphasis on funding experimental and innovative systems, with the Federal Government providing funding assistance.

3. The Federal Government should provide support for school construction assistance to correct deficiencies resulting from de jure and de facto segregation and for bilingual and bicultural programs in the schools.

### ECONOMY AND EMPLOYMENT

1. Congress should enact legislation to provide a comprehensive national system of public service employment, funding employment opportunities and related services for one million currently unemployed adults and youth.

2. The national minimum wage should be set at $2.00 and should cover all types of employers and employees.

3. The powers and jurisdiction of both the office and Federal Contract Compliance and the Equal Employment Opportunity Commission should be extended so as to assist these agencies in enforcing compliance with non-discriminatory policies in hiring.

4. A national Educational Opportunities Bank should be established by Congress to provide loan funds for higher, vocational and continued education.

### DRUGS

1. We recommend that persons who possess drugs for their personal use no longer be subject to the criminal law.

2. We strongly recommend that government at appropriate levels control and license sale, distribution, importation, retailing, advertising, purity, potency, age of user and the tax revenues of marijuana with a view to permitting its general use under reasonable standards. The Drug Task Force has concluded that the social costs of the present legal framework for dealing with marijuana grossly exceed and damage or danger resulting from its use.

### DISTRICT OF COLUMBIA

The District should be granted the full sovereign rights of statehood.

Finally, there should be a national conference every four years in the middle of each presidential term.

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## FINAL RECOMMENDATIONS: OF THE BLACK CAUCUS OF THE RACE AND MINORITY GROUP RELATIONS TASK FORCE

We unanimously support the Black Congressmen in their effort to get the Nixon Administration to respond to their questions concerning its handling of the problems relating to Black people.

I. The present institutional structure of racism in America is unable and unwilling to change by itself. Only non-white oppressed people can develop viable opposition and create alternatives to these institutions. The survival of this socio-economic and political system depends upon the federal government and other white institutions making available, on an unconditional basis, financial and technical resources to Blacks specifically, and other oppressed people generally, in programs of self-determination. This investment should reflect at a minimum the annual military expenditure.

II. "*Blacknamization*": Initiate a domestic plan to counteract the social and psychological disorders among Blacks caused by white racism, i.e., drugs, prostitution, poor housing, etc.

1. *Education*—Resolved that every school, Black and white, federally funded, require Black Studies and require that Blacks have representatives on the Board, which chooses curriculum and books.

A. Black studies:

1. The incorporation of Black representation in all textbooks at all educational levels.

B. Course structure:

1. Courses which impart the knowledge necessary for daily life (i.e. home management, employment, employment information, etc.) should be offered.

2. Courses should be offered to prepare non-college-bound youths for an adequate family income (i.e. trade schools, vocational studies, etc.)

C. Teaching requirements:

1. "Humanism" incorporated into the rules of teaching.

2. College level:

a. Future teachers required to learn how to deal with the socially deprived, mentally retarded, the exceptional child, etc.

b. teachers should be granted tenure only after evaluation in terms of competence and effectiveness.

c. teaching resources should reflect the needs of all students.

2. *Foreign affairs:*

A. We recommend that United States Foreign Policy must be guided by the universal principle of "equality" of all peoples:

1. We demand a change in immigration policies to make entrance into the United States from Black and white countries the same.

2. We demand an equality of Foreign Aid and assistance (technical and monetary) for all countries.

3. The United States cease the investment and economic control (and therefore governmental control) which make developing nations of Black and non-white countries become satellites of the U.S.

4. Promote the exchange of Black personnel among diplomatic staff and terminate the promotion of division among blacks and other oppressed peoples.

3. *Employment:*

A. Institutional racism has manifested itself in the employment of racial and ethnic minority youths. This is evident in the discrimination practices in apprenticeships and labor unions and employment standards set by agencies which systematically exclude minorities because of their socio-economic background. The employment of minority youth is essential to the upward mobility of the Black People.

The Black Caucus on Race and Minority Group Relations resolves that the President of the United States, the Department of Labor, and National employment agencies and Unions be advised by minorities affected by inequitable employment practice and initiate from their recommendation programs to counteract these conditions and that:

1. All employment examinations be designed with questions relevant to the job sought.

2. Creation of labor force minimum quotas for minority labor involved in public works.

3. extensive apprenticeship and on-the-job training with incentive pay be established and expanded among minority youths not enrolled or unable to enroll in school.

4. that the Federal goverment establish programs for summer employment among minority students who depend on these earnings to continue their education.

5. that a proportionate quota of the proposed revenue sharing funds be raised by state governments for establishing apprenticeship and on-the-job training programs among minority youth.

6. that re-establishment and expansion of these programs such as the N.Y.C. be immediately initiated in order to prevent frustration and sublimation of minority youth energies in lawless violence channels.

7. that the Federal and state government influence and solicit the establishment of industrial development in minority group areas which would utilize minorities in all levels of management and labor.

4. *Communications:*

All Federal authorities support the proposition that significant segments of the population are entitled to programming service which meets their needs and interest. The Supreme Court has stressed the public right "to receive suitable access" to ideas and problems of interest and concern to their communities. Be it hereby resolved that the Federal Government recognize and dedicate ½ hour per night of prime network time to the on-going task of reporting and implementation of all resolutions formulated at the 1971 White House Conference on Youth. The total content of all productions will be controlled by minority youth. Programs will be produced by each specific ethnic group.

5. *Voter registration:*

A. Institutionally, the electoral process frustrates Blacks and other minorities because of the power structure of the two major political parties. In regard to this, we recommend that:

1. A massive and concerted effort toward implementation of programs be made for greater voter registration as well as voter education.

2. various federally funded institutions be established to insure adequate safeguards against intimidation and infraction of the rights of voters at the polls.

6. *Law and justice:*

A. Since its inception, the United States has maintained a racist and dual system of law enforcement and criminal justice. This has resulted in a disproportionate amount of Black and other minorities being found guilty of crimes and the subsequent more severe sentences. Consequently, depending on the locale, penal institutions contain from 60% to 80% minorities despite the fact that these comprise less than 16% of the total population. Phrases such as "crime in the street" or "a man's house is his castle," "no-knock" laws and "search and seizure" techniques, have all contributed to making a law and order society and not a just society. The Black Caucus concluded that there can be no law and order today without the right combination of law-order and justice.

To help achieve this, federal, state, and local governments must insure that funds received under the Law Enforcement and Criminal Justice Act or direct grants from the Department of Justice are used to: 1) promote better police-community relations, 2) recruit more minority group policemen, 3) revamp courts, 4) humanize our penal institutions and improve the delivery system of justice—as opposed to: purchasing anti-riot equipment and other hardware, which serves to further oppress ghetto residents.

We are also concerned that too few juries consist of a "jury of peers" in cases involving Blacks.

Finally, we must reinstate for Black people the system of justice which indicates that a person is innocent until proven guilty. The situation that surrounds Black Liberators suggest that the reverse is true—Blacks are guilty until proven innocent.

Why are drugs allowed to flourish in Black communities? Get drugs out of our community. Stop the financiers. Stop the pushers.

Why are young black women allowed to prostitute in full view of observing police? Replace corrupt policemen with Blacks who care. The connection between prostitution and drugs is obvious.

When young Blacks are imprisoned they are questioned by parole boards about political concepts, i.e., what do you think of the Black Panthers? The Muslims? Angela Davis? Questions normally asked whites about rehabilitation factions such as jobs, housing and sponsorship are not considered. These are institutional acts of "genocide."

7. *Health and welfare:*

A. We resolve that:

1. Funds for health care be made available to all Black people to cover the full cost of doctor's fees, medicine, and hospitalization for both mental and physical health problems.

2. The Black woman have the freedom to control her own body. It must remain her choice to decide whether and when she will give birth.

3. There be adequate prenatal and postpartem care for all Black mothers and children.

4. Massive financial aid be invested into bringing the percentage of Blacks in professional capacities in the field of medicine up to the percentage of Blacks in the population as a whole.

5. Guaranteed annual income be instituted by the federal government in accordance with its responsibility to "promote the general welfare" of its people. We reject, however, the philosophy that in order for a human being to survive he must agree to perform degrading tasks in deadend jobs for slave wages.

6. The welfare system be humanized so as to reflect in its administration a respect for the inherent worth of every individual. An individual whose dependence is the result of institutional racism at work on all levels of society must not be patronized and condescended to by those who have succeeded in the system at his expense and who continue to prosper solely because he exists.

7. The administration of the welfare system be prohibited from requiring the acceptance of white standards of behavior, family structure, and culture of those Black people who seek their rights under the system.

III. In order to implement the above recommendations, as well as those of the minority group caucuses:

We recommend that the President create a cabinet level Department of Racial and Linguistic Minority Group Affairs; that this department be headed by a member of the concerned groups; that its staff be composed of persons in proportion to the representation of these minorities in the national population; that this department be empowered to advise and make binding recommendations to all other departments, offices, and bureaus of the federal government on their aspirations, programs, and staffing as these areas impinge on the rights and privileges of racial and linguistic minorities; that this department translate and interpret the desires and aspirations of racial and ethnic minorities to all other agencies of the federal government; that it develop and submit legislation to the Congress of the United States representing the requirements and demands of its client groups; that it incorporate into its organization a legal staff which will represent minorities in class actions on all levels of the judicial system; that this department be charged with the implementation of the recommendations of the Race and Minority Group Relations Task Force of the White House Conference on Youth as its first priority.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

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## A SALUTE TO THE DAUGHTERS OF MIRIAM ON THEIR 50TH ANNIVERSARY

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. ROE. Mr. Speaker, may I take this opportunity to call to the attention of you and my colleagues in the House the half-century of dedication, devotion, and sincerity of purpose of the Daughters of Miriam of my congressional district in their pursuit of happiness and security for people and ask you to join with me today in commemorating their 50th anniversary of outstanding public service, particularly to our senior citizens.

This center for the aged is a highly unique organization of services combining home life with community living in which the residents can participate in the activities of daily living—social as well as industrious—with all of the vitality and communion of a community of people living with each other and sharing the various benefits of a happy and healthful fusion of minds and hearts, ideas and actions. One of the great tragedies for an older person is to feel rejected. Even the best of medical care cannot compensate for this feeling. At the center the objective is to make the aged residents feel still wanted, still important—to reduce the level of physical suffering that aging brings, but at the same time to increase the dimension of living.

The Daughters of Miriam was organized in 1921 through a gift of Nathan Barnert, twice mayor of Paterson and a well-known philanthropist, in memory of his wife, Miriam. This organization has progressed over these past years from a "Home for the Aged and Orphans" through its gradual transition to "Home and Infirmary for the Aged," and its ultimate expansion and transformation to a "Center for the Aged."

The original purpose of the agency was to give sheltered care to both the aged and to orphaned children. The first location was in a converted house in Paterson, and after the initial 5 years, in a 50-bed capacity building on an estate in Clifton. This dual program for the underprivileged at both extremes of the age spectrum remained unchanged for over 20 years. In the following 30 years the program for dependent children was relinquished to a professional casework agency which placed them in foster or adoptive homes. The Daughters of Miriam merged with the B'nai Israel Home for the Aged in Passaic, and a growing partnership of government and philanthropy in the funding of care through the introduction of medicare and medicaid and Federal loans for major structures evolved. A principal goal of the center's development in the 1970's is to round out the bed capacity from its present number of 300 to 400. The high standards of care at Daughters of Miriam have a direct connection with the philosophy of its professional and lay leaders. They believe that a nursing care facility must approximate as closely as possible a client's former home environment. It must provide skilled nursing and medical services but, even more urgently, it must offer a congenial atmosphere in which the residents can carry on the activities of daily living which are so important to the senior citizens.

A unique establishment within the Daughters of Miriam community is the sheltered workshop. In effect, this is a small self-contained industry, the purpose of which is to provide occupational therapy for many of the aged residents. An average of more than 50 of them work here 4 hours a day—2 hours in the morning and 2 hours in the afternoon—on simple assembly jobs for contracting commercial companies. The workshop is licensed by the U.S. Department of Labor and workers are paid at rates approved by the Department; but more important, the participants are given the self-assurance that comes with still being able to do useful work and to make an independent contribution toward their own maintenance. In 1970 residents of the center worked over 46,000 hours in the workshop and completed contracts that accounted for an income of over $43,000, making the workshop almost self-supporting financially.

According to their capabilities and interests, residents take part in a broad variety of daily living and social activities—arts and crafts in special rooms or in rooms on the infirmary floors; cooking and baking programs; bingo games; watching television; relaxing in the solarium overlooking the busy Garden State Parkway; and walking or visiting with friends in the gardens. Groups such as the Friendship Club of the Clifton Jewish Center come in to entertain. Parties are held in the auditorium for residents on their special anniversaries. Cookouts and picnics in the Center grounds are regular features of the summer months. Frequent theater tours to the city are arranged for the more active residents.

Considerable time is given, of course, to therapy sessions and medical checkups. A qualified staff of over 200 people, including a resident and attending physicians are available 24 hours per day, 365 days a year. Also on the staff are a psychiatrist, physiotherapist, pharmacist, medical technicians, registered graduate and licensed practical nurses, nurses' aides, and orderlies. Over half of the members of the staff are specialists in medical and nursing care. The full program of intensive care for residents is rounded out by specialists in podiatry, optometry, dental, and physical therapy.

National recognition and heartiest congratulations are extended to the Board of Trustees of the Daughters of Miriam Center for the Aged which is comprised of business and professional men who are well known for their commitment to the cause of the aged and for their intelligent dedication and direction in achieving the goals and purposes of the center. Members of the board are as follows:

Saul Rosen, president; Raymond Kramer, honorary president; Joseph Shulman, honorary president; Benjamin V. Blazer, past president; Archie Marcus, past president; Samuel S. Schwartz, past president; Milton Werksman, past president.

Oscar Berman, senior vice president; Dr. Solomon Geld, executive vice president; Alexander Rosenthal, vice president; Mrs. Samuel R. Deich, vice president; Leonard Kohl, vice president; Arnold Goodman, treasurer; Joel Steiger, secretary; Arthur Bodner, recording secretary.

A special salute is accorded to Dr. Solomon Geld, the executive vice president and director, who has been with the Daughters of Miriam since 1939, a year after he arrived in the United States from Germany where he had been most active in community affairs as a rabbi, teacher, and social worker. He has provided outstanding public service over these many years and served with distinction in achieving excellence in the field of care for the aged.

We applaud the Daughters of Miriam on their exemplary purposes and goals in helping our senior citizens to maintain their dignity and help find the happiness and independence in their golden years that they so richly deserve. Our heartiest congratulations and best wishes are extended the Daughters of Miriam on their fiftieth anniversary for their continued good works and success in all of their future endeavors.

## LYMAN AND ANNE BREWSTER OF MONTANA

### HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. MELCHER. Mr. Speaker, early in the 1950's as a newly graduated veterinarian in Forsyth, Mont., I acquired as a client a fine couple, Lyman and Anne Brewster, operators of a well-run ranch near Birney, Mont. For a number of years I enjoyed the privilege of treating any of their cattle that needed veterinary service and participated with Lyman and Anne Brewster in setting up and following out preventive veterinary medicine for their herd on their ranch.

Lyman was chairman of the Montana Livestock Commission and Livestock Sanitary Board at the time, on which he served for 18 years as a member or chairman. His thinking and beliefs as to controlling and preventing livestock diseases were progressive and practical. X Diamond Bar cattle of Lyman and Anne's were a fine commercial herd of Herefords that reflected years of good breeding and selection and that attracted great interest from buyers for sales of the yearling steers and heifers each fall.

Their hospitality whether at the main ranch headquarters on Tongue River or at summer camp at the head of Muddy Creek was continually inviting for all the neighbors, the many acquaintances and associates of the Brewsters. I have a particular fondness, as you may have gathered, Mr. Speaker, for Lyman and Anne Brewster, and I was, therefore, greatly interested in an article by Ray Ozmon in a recent edition of the Great Falls Tribune describing in some detail the work of Lyman Brewster in the past in a varied and most intriguing career. The article is more about Lyman than Anne, but you can be sure that she has been a true partner to her notable husband.

Mr. Speaker, I am inserting in the RECORD today this lively and informative article telling of the accomplishments of the Brewsters, Montanans who have contributed a great deal to the livestock industry as we continually attempt to eradicate and to prevent diseases:

### A FRESH OUTLOOK

(By Ray Ozmon)

Lyman and Anne Brewster have come out of retirement and are ranching again.

But now there are none of the headaches and uncertainties of running a 70,000-acre operation; none of the pressures and exasperations of fighting the battles for livestock-disease control and brand inspection on the Livestock Sanitary Board. There are no more trips to Washington, D.C., to lobby for livestock interests. There's none of the excitement of a Sunday-afternoon rodeo at Ashland, Busby or Miles City.

Today the Brewsters are enjoying the tranquil, pastoral life at the Two Dot Land and Livestock Co. south of Harlowton. Anne cooks for the ranch crew. Lyman, 71, who has a law degree from the University of Michigan and traces his lineage back to Elder William Brewster, who came over on the Mayflower, is the cowboy. He spends his days riding among the 800-head herd of brood cows checking for calving problems and bunching the herd at feeding time.

It was an unusual set of circumstances that brought Lyman and Anne to the Two Dot. Warren Jones, who with his uncle Robert Baxter owns the ranch, needed a cook. To avoid a flood of applicants he ran a blind ad in the Billings Gazette. He received 18 replies, one of which was from an unsigned applicant in Red Lodge.

#### FOLLOWED UP BLIND REPLY

It was explained that she and her husband were retired from ranching and, because they were well-known in livestock circles, they would like to know for whom they would be working. Jones followed up the blind reply and not only did he get a good, dependable cook but he got one helluva cowboy too.

Jones offered Brewster the use of a jeep for checking on the cattle, but he preferred a saddle horse. Rusty, an 18-year-old sorrel, was brought out of retirement, too, and together they make an unbeatable combination.

Lyman thinks like an old cow. He knows what they are going to do before they do it. He has the "springers" spotted and knows all the brush patches where they are likely to hide out with their calves.

Rusty has been used around cattle all his life and was a former rodeo pickup horse. He knows there's an experienced rider in the saddle and anticipates Brewster's every command.

The cattle industry has produced many giants who controlled kingdom-sized holdings and amassed huge fortunes through the development and exploitation of western range resources, but few have had a more colorful career or left a more indelible mark than has Lyman Brewster.

Although he has never practiced law, he has used his legal background as the people's advocate. Both producers of livestock and consumers of livestock products have benefitted.

He's no self-made man. Brewster can pinpoint events in his youth that affected his adult life, and he speaks almost reverently of the men who shaped his thinking and influenced his values.

#### VICTIM OF ACCIDENT

When a 1½-year-old infant on the home ranch, the Quarter Circle U at Birney, Brewster was the victim of a tragic accident. He fell into a bucket of hot ashes. He barely survived the 60-mile horse-and-buggy trip to a doctor in Sheridan, Wyo. As a result of the accident, his right hand was almost totally destroyed and his left was badly deformed.

Because of this he was always treated like an invalid and was never allowed to do any meaningful work around the ranch. "It drove me nuts to always have someone doing things for me," he said.

So he spent his time riding horses. Brewster was a natural. "I found I could ride horses that no one else could handle," he said. He broke wild horses and bucked out the spoiled outlaws. A crooked left arm that resulted from a fall off the roof of a shed when he was 7 made it easier to hang on and stay in the saddle of a bucking bronc.

The rodeo arena was a natural outlet for his talents. Among old-timers the name Lyman Brewster is as well-known as is Larry Mahan, Benny Reynolds, Larry Cane or Shawn Davis to present-day rodeo fans.

Brewster is modest about his bronc-busting achievements. "On cattle roundups we rode all day on horses that might buck at any time and leave you stranded out on the range. In a rodeo you got it all your own way. The horse is in a chute and you can get set in the saddle. And, what the hell, you only have to stay with him for 10 seconds. My hardest falls were back in the hills, not in a rodeo," he says.

#### PUT ON PERFORMANCE

At a rodeo on the Crow Indian Reservation Brewster put on a performance they're still talking about. The Crows had a horse named High School that was thought to be impossible to ride. Instead of a small fenced area like today's arenas, the rodeo was held on the infield of a half-mile racetrack. No pickup riders were used.

"High School worked me over from one end of the arena to the other. He finally quit bucking and hung his head over the fence."

In 1926 at the Lodge Grass rodeo Brewster exploded out of the chute on a big, mean white horse. "All the cowpunchers and bronc fighters said it was the wildest ride they'd ever seen. I don't really know—I didn't see it," he said wryly.

Among Brewster's many boxes and albums of pictures is a torn snapshot of that famous ride. The photographer caught him at peak action—spurs in the horse's shoulders, that crooked left arm holding the bucking rein and his right arm high overhead. This classic action picture was the subject of a painting by Helena artist Shorty Shope.

When 12 years old, Brewster was sent back east for skin grafts on his hands. His father, George Brewster, died as a result of long exposure to the elements when he went to Sheridan, Wyo., to pick him up.

Even though income from the ranch was uncertain, Brewster's mother, Grace, insisted that her boys, Lyman, Warren and Burton, have the advantages of an education at eastern universities. Lyman attended Cornell University in New York from 1919 to 1922. This was made possible largely from money he won in rodeos, from buying and selling cattle and additional income from eastern dudes who paid good money for the experience of vacationing on a working cattle ranch.

A guest at the ranch one summer was George W. Shurman, a law partner of Charles Evans Hughes, who became chief justice of the United States Supreme Court. Shurman was the father of friends at Cornell.

### GUEST IMPRESSED

He was impressed with Brewster. He told him that, if he were interested in a legal career, he'd see to it that he was admitted to the University of Michigan, one of the top law schools in the country. And when he was graduated there would be a place for him in the New York law firm.

At a law school where only one out of three graduate, Brewster knew he didn't have a chance of being admitted with grades of Cs and Ds.

"At Cornell I thought I knew more than the instructors. They couldn't teach me anything," he said.

Even if he could get into Michigan with Shurman's influence, he didn't want to have to overcome the handicap of a bad academic record. He transferred to the University of Montana at Missoula and hit the books, graduating with a BA in 1924 near the top of the class. To earn money for law school, Brewster taught school for a year at Birney and entered every rodeo in the country.

He breezed through Michigan, then returned to Montana and passed the bar exam with the highest score in the history of the state.

Rather than accept Shurman's invitation to join his law firm, Brewster took a position for three years as legal advisor to the Montana Senate, where he helped draft legislation.

In 1932 Brewster went to Alaska as special agent of the secretary of interior for the reindeer industry. He was able to get an act through congress that brought Eskimo reindeer herds under the Taylor Grazing Act, and he got the government to purchase reindeer herds from white settlers and return them to the natives.

"I was a one-man lobby for an unknown cause," he said.

His first appointment to the Montana Livestock Commission and the Livestock Sanitary Board was made by Gov. Sam Ford in 1941. Reappointments by Gov. John Bonner and Gov. J. Hugo Aronson gave him a total of 18 years in these vital posts.

These positions brought him in close association with such people as Dr. W. J. Butler, state veterinarian from 1913 to 1948, whose ideas on range management, livestock disease control and research "were 50 years ahead of his time."

"Without realizing it, I absorbed much of what he advocated," Brewster states.

Many hours were spent in conversation with Robert W. Lazear, manager of the Wyoming Hereford Ranch, discussing problems facing the livestock industry and how to set up the organization to solve them.

He speaks with affection for Dr. Hadley Marsh of Montana State University and his wife, Jesse, and the "intellectual stimulation" he received from them.

### CATALYTIC AGENT

Rather than an originator, Brewster says he was "the catalytic agent for the ideas and concepts of others."

"I had the ability to pick up other people's ideas and get the support needed to put them into action.

"I'm not a brave man," he continues, "I take only calculated risks. If I don't think I can win a fight, I won't get into it. And I'm a damn poor loser."

The drive and dedication he brought to the work of the Livestock Sanitary Board are reflections of his deep convictions. To Brewster animal disease control is a two-way road—protecting the health of consumers by providing them with meat from healthy, disease-free animals and protecting livestock producers from financial losses that result from animal diseases.

More than 100 animal diseases are transferrable to humans, Brewster says. Much death and illness is an indirect result of animal disease.

"Research into the eradication and control of animal disease is as important as doctors and hospitals. By stopping disease at the source, much of this human breakage can be prevented," he says.

And because Brewster had experienced lean years at the Quarter Circle U, when calf crops were reduced to less than 50 per cent because of disease, he knew the importance of prevention and control to the rancher.

### DISEASE COSTLY

He points out that "disease costs the livestock industry $50 million a year in aborted calves, dry cows and reduced milk and meat production.

"You can't have a stable economy unless farms and ranches are healthy and profitable. Dead cattle don't pay for schools and roads," he says.

In addition to serving 18 years on the Montana Livestock Sanitary Board, Brewster's public-service career includes membership on the advisory board of Montana State University and the U.S. Department of Agriculture Commission on Hoof and Mouth Disease. He served as president of the National Livestock Brand Conference in 1954, and he was chairman of the Brand and Theft Committee of the American National Cattlemen's Association for five years.

### DEVASTATING EFFECT

It would be difficult to single out any one program he supported as being more significant than another. His fight to get an effective brucellosis-control program enacted, not only saved the livestock industry millions of dollars and undoubtedly prevented countless people from contracting the disease, but the battle had an almost devastating effect on him personally.

Brucellosis causes undulant fever in humans. It is contracted by direct contact with infected animals or by consumption of milk or meat from infected animals.

Calf losses in a herd that's infected with brucellosis can be disastrous. Cows will either be sterile or they will abort their calves at about the sixth month of pregnancy. Ranchers with infected herds would find a hairless fetus in the pasture and would shrug it off by saying the cow "slipped her calf."

Regulatory work is seldom popular. Some ranchers don't understand the need for it. Many look upon it as an unnecessary expense and an infringement on their rights and freedoms. The disease can be detected by blood test, but cattlemen asked, "How can you trace every infected cow in the country." The American National Cattlemen's Association opposed efforts to eradicate the disease. Proposals to test cattle were ridiculed as "bloodletting."

### POWERS OF PERSUASION

Brewster used his considerable powers of persuasion to enlist the support of the U.S. Livestock Sanitary Association. In 1952 he journeyed to Seattle to address the convention of the U.S. Veterinary Medical Association and was successful in gaining its support.

Through Jack Milburn, who was manager of the N Bar Angus Ranch at Grass Range and president of the American National Cattlemen's Association, he was finally able to get the organization to support a brucellosis-control program as part of its national policy.

Since it was impossible to test every cow in the country, a back-tagging system was devised so old cows being sent to slaughter could be traced back to their ranch. If these cows test positive, authorities could quarantine the infected herd.

More than 27,000 individual ownerships have been tested in Montana since inception of the back-tagging program, Brewster says. He figures there probably aren't more than four or five infected herds in the state. "They're all under quarantine. We got 'em bottled up so they can't wiggle."

### PROGRAM SET PATTERN

The program instituted in Montana for the control and eradication of brucellosis set the pattern throughout the nation.

While Brewster won the battle for brucellosis control, he was, in effect a casualty of that battle. With his legal training and background as a Washington lobbyist and legislative advisor, he knew how to use and manipulate power. In the use of that power, he created enemies.

It was Elder William Brewster, who left England with a price on his head, who drew up the Mayflower Compact that gave the first settlers the semblance of a government in the new world. Lyman says his ancestor "shoved it down their throats. Sign it or go back to England," he told them.

"Maybe that's where I get my mean disposition," he speculates.

Among the enemies he created were a group of influential Texas cattlemen. In 1947 he became the owner and operator of the X Diamond Bar, which included 70,000 acres of leased land. When the lease was up for renewal in 1957, the Texans bid it up to an unreasonable figure he couldn't possibly match. With 70,000 acres cut from his spread, he had no choice but to liquidate; 2,200 head of cattle and all his horses and machinery were sold in a crash sale.

At age 57, Lyman Brewster was in forced retirement.

"I couldn't even get a job as a ranch manager. I was too controversial. No one would touch me," he explains.

He and Anne moved to Billings where he made a half-hearted effort to sell real estate and insurance. "I was miserable. Hated every minute of it," he says. In 1964 he ran for the U.S. Senate on the Republican ticket but was defeated in the primary. In recent years they lived in Red Lodge where there wasn't anything to do but reflect on the past.

### FRESH OUTLOOK

Working as a ranch hand has given Brewster a fresh outlook. There are still flashes of the intense, dedicated crusader, but now his principal concern is looking after the cows and calves, not fighting causes.

"This is a natural way to live. I can always find something to do and this outfit really knows what they're doing. Can't see a thing here I'd do differently," he says.

He's doing a little writing in his leisure time. Being considered for publication is a hairy yarn of the range wars between sheep and cattle interests when 3,000 head of sheep were slaughtered. Now that everyone involved in the raid is dead, the story can be told and names of the participants can be revealed.

Brewster gives the impression of being at peace with himself, a man who is enjoying working in the industry he helped shape.

"We got the laws we needed. Our house is in good order," he says.

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## HALE BOGGS OPENS A NEW SERIES OF HEARINGS ON U.S. FOREIGN ECONOMIC POLICY FOR THE 1970'S

## HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. McFALL. Mr. Speaker, the majority leader, the gentleman from Louisiana

(Mr. Boggs), Thursday opened a new series of hearings on U.S. foreign economic policy for the 1970's in his role as chairman of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee.

In his opening statement Mr. Boggs outlined the problems our Nation faces today in regards to world trade and our domestic economy and he set the tone of what our response should be.

The gentleman from Louisiana (Mr. Boggs) has made an excellent statement and I believe it bears the attention of all the Members of the House:

### Remarks by House Majority Leader Hale Boggs

Over the past eighteen months, members of this Subcommittee have been conducting hearings aimed at developing broad understanding of factors involved in shaping a foreign economic policy appropriate to—and adequate for—the 1970's.

The hearings have been productive, useful and constructive.

While I would not attempt to speak for any member of this Subcommittee, I believe it is fair to say that during this period a new sense of urgency has grown among us all regarding the subject of these continuing studies.

It is increasingly clear that the United States is in desperate need of a policy addressed to the realities of the last quarter of the Twentieth Century.

The world economy is changing.

The position of the United States with relation to that economy is changing as well.

Unless and until we evolve policy responsive to the realities of such change, we are—and we shall continue to be—vulnerable to the instabilities of an increasingly instable world economy.

To speak in such terms, though, is to deal in understatement.

In a very real sense, foreign economic policy is presently moving beyond the traditional confines of our historic dialogue and debate. The concerns of special interests are being overridden by the concerns of national interests. For the truth of these times—and the times we can foresee ahead—is that our success or failure domestically will increasingly be influenced by our wisdom or folly internationally in regard to economic policy.

Furthermore, we recognize that disequilibrium in balance-of-payments—whether through persistent deficits or surpluses—is widespread, yet there is little evidence of the will to take those steps necessary to correct such conditions to the benefit of both deficit and surplus countries.

Facing these deepening and broadening challenges, it is clear that we need a policy. The day has passed when the United States can make international economic policy alone. Yet the time has not yet come when we are without effective influence. If we are to exert our influence wisely and well, we must have a policy—a policy which affords us a clear understanding of our goals and purposes, a clear guide as to how we are to reach those goals and a clear conception of how we are to cope with the problems which must inevitably arise along the way.

Half measures will not do. Expediencies and compromises will not do. Nor will it suffice to rely on rehashing the response of a remote past.

The world economy is taking giant steps in the 1970's.

We who are responsible for national policy must match those strides in our thinking and in our action.

We need a major assault on trade barriers of every kind to bring non-discrimination and equality of treatment to trade among all nations.

We need basic reform of the international monetary system so adjustments can take place when necessary without prejudicing the movement of trade and capital or the ability of countries to maintain economic growth and full employment at home.

We need to improve cooperation and consultation among countries on a host of economic issues that we share in common.

We need, most importantly, to rekindle a sense of confidence and purpose in our own country.

The first priority of our foreign economic policy must be to restore vigorous growth and progress in our own economy. Not only would a vigorous economy at home allay fears about jobs and income and ease adjustment to our continuing change, but it would also serve our international position by increasing productivity, reducing inflation and enhancing our vital competitive position in the markets of the world.

Underlying this is the reality that we in the United States are crossing a watershed in our relations with the world. Over the past twenty-five years, since the end of World War II, our American interests abroad have flowed primarily to concerns for national security. Such concerns, of course, are constant and continuing. But we are clearly moving into a very different world with a very different variety of concerns and challenges. In that world ahead, economic policy will require of us all the same imagination, initiative, effort and consuming attention which our security policies have demanded of us over the quarter-century past.

In an age of economic interdependence, the well-being of our families, the financial security of our workers, the promise of our young, the strength of our institutions and the fulfillment of our social commitments to all our people will rest—and do already rest—upon the maturity, sophistication, tough-mindedness and realism of our foreign economic policy. Unless we pursue such a goal for our policy, the tragic costs of the Cold War may well be compounded and multiplied many times over by still greater costs of unending global Economic Wars.

Against this stern truth, we must weigh the undeniable fact that we do not have—and, since completion of the Kennedy Round in 1967, have not had—a meaningful trade policy.

The absence of such policy is an open invitation to having policy imposed upon us by default.

Already the evidences of disarray suggest this is the direction of our drift.

In recent years, and even in recent months and weeks, we have seen the emergence of new forces and new factors of greatest magnitude.

We have seen Japan develop as an economic super-power which, as yet, has not found a sure and settled place in the world system. We see the European community on the brink of significant enlargement. We recognize in the European developments and in other policies a basis for real concern about the breakdown of the world economy into discriminatory and divisive trading blocs.

But there is more.

As we in the United States have lowered our tariffs and become an economy open to trade, others have multiplied their non-tariff barriers and denied fair access to our exports, particularly in fields such as agriculture.

I am not at all pessimistic. Even since the start of our series of hearings in December 1969 there has been a great awakening to these realities and a strong surge of interest in fashioning an adequate national response. I can only believe that this will continue and grow and benefit the nation in the process.

But I do believe that we must bring one thing home to ourselves and those we serve. Since the beginning of America's modern world role, two decades ago, international relations have been dominated by concerns for national security. Today we are in a new era in which foreign economic policy is—and will and put it to the service of our national relations.

We shall succeed or we shall fail in the last quarter of this century by the speed and certainty with which we grasp this change and put it to the service of our national interests.

No one can responsibly promise that the future will be easy, the answers quick or the results sure. On the contrary, as a matter of simple honesty, one of the responsibilities of national leadership during this decade may well be to alert the American people that the demands of this transition may be burdensome, the changes not always welcome, the ends not always comfortable. For this generation of Americans, the age of easy living is ending.

That relates to the purpose of the hearings we begin today.

A wise response by the nation inevitably rests on the wisdom and vigor and courage of our executive leadership in this field. I am encouraged by recent initiatives of the President, particularly in establishing a consultative body within the OECD to sort out the growing problems and the earlier step of setting up within the White House the Council on International Economic Policies to develop and coordinate a coherent policy strategy for the nation.

I am hopeful that the witnesses of the Administration, appearing before us in these sessions, will convey the sense of urgency which we here on Capitol Hill increasingly feel about this sector of the national interest.

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## WMAL RADIO EDITORIALS SUPPORT POLICE LEGISLATION

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. HOGAN. Mr. Speaker, in these trying times, it has become clear that there are many problems with which America must grapple. In this regard, it should be apparent that among those measures which may assist in the resolution of our difficulties is a respect for, and an appreciation of, the law and those sincere, diligent, and unswerving public officials who help to insure that the law is maintained and upheld.

Radio station WMAL has recently broadcast editorial opinions which eloquently voice the station's support and gratitude for the work of our law enforcement personnel. I congratulate and commend WMAL for its thoughtful statements.

Two of these editorials concern issues on which I have introduced legislation: H.R. 7402—to make the unlawful assault on law enforcement personnel a Federal offense; and H.R. 8530—to provide for overtime pay without limitation for officers and members of the Metropolitan Police Department, the Park Police and the Executive Protective Service in cases of serious civil disturbance and natural disaster—if approved, this bill would provide retroactive overtime pay for those who served extra hours during the recent May Day demonstrations.

I include these three WMAL editorials at this point in the Record for my colleagues' perusal:

### POLICEMEN—A NATIONAL CONCERN

The plight of law enforcement officers in America is now a national scandal.

In Washington this year, four policemen have been shot to death. . . . double the number for all of 1970. And almost daily there are reports of assaults against officers here and elsewhere.

Our police departments are local agencies. . . . but our policemen's welfare is a legitimate matter of national concern. President Nixon has taken a proper initiative in calling a meeting Thursday of top police chiefs and officials of the Justice Department to see what the federal government can do.

An attack upon a law enforcement officer should be made a federal offense. . . . one that will bring speedy investigation by the FBI and other federal agencies . . . Penalties should be severe. A criminal who is capable of shooting or assaulting an armed officer of the law poses a special threat to society . . . and should be treated accordingly.

### THANKS

The police deserve the thanks of every citizen for the job they do. Day after day, policemen risk their lives to protect others. But how many people have ever taken a moment to express thanks to the average policeman?

The residents of the Washington area have particular reason to praise the police . . . for their magnificent work during demonstrations. In recognition of their efforts, Police Chief Jerry Wilson was honored this week by the Touchdown Club. Here was his response:

"I don't deserve the honor. I'm only responsible for the things that went wrong. The men are responsible for the things that went right. If you want to do honor for the way things were done during Mayweek, the next policeman you meet on the street, you shake his hand."

If Chief Wilson's suggestion is followed by everybody who backs the D.C. Police handling of the Mayday disruptions, the police literally would have their hands full. It may not be a handshake—maybe just a smile, a wave or a thank-you—but let the police know they're appreciated. Thanks for a tough job well done.

### DISRUPTING THE CAPITAL: V

President Nixon's defense of the Washington Police Department's Mayday tactics is welcome news to anyone who lives and works in this bullseye city.

Ever since Mayday, the second guessers have held the publicity spotlight with their critical remarks about police and court procedures.

And, as often happens, the essentials of the case have been obscured. What is central to the discussion of Mayday is that the police were facing a band of well-organized, determined insurgents capable of closing down the city and the government . . . capable, they showed us, of violent and dangerous behavior . . . and capable of doing almost anything once they got control of the streets.

It is in the nature of our systems . . . with its presumption of innocence . . . that *any* arrest can be found unconstitutional in the courts. But that is a matter to be determined by judges after the crisis has past. The police must act while the mob is still at the gates. And no one has proposed an acceptable alternative to the tactic they chose.

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# SENATE—*Monday, June 28, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, Father of our spirits, we thank Thee for this quiet moment at the beginning of a new week. In this hushed and sacred time, wilt Thou separate our thoughts from all other thoughts that we may draw close to Thee and to one another. May our spirits be in tune with Thy spirit and our wills in harmony with Thy will, for Thy name's sake. Amen.

## REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 14, 1971, Mr. McGee, from the Committee on Appropriations, reported favorably, without amendment, on June 25, 1971, the joint resolution (H.J. Res. 744) making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes, and submitted a report (No. 92–241) thereon, which was printed.

Under authority of the order of the Senate of May 14, 1971, Mr. Ellender, from the Committee on Appropriations, reported favorably, with amendments, on June 25, 1971, the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year 1972, and for other purposes, and submitted a report (No. 92–240) thereon, which was printed.

Under authority of the order of the Senate of June 24, 1971, Mr. Jackson, from the Committee on Interior and Insular Affairs, reported favorably, with an amendment, on June 25, 1971, the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, and submitted a report (No. 92–242) thereon, which was printed.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 5257) entitled "An Act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children."

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 7736) entitled "An Act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act."

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6444) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities."

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

The enrolled bills were subsequently signed by the President pro tempore.

The message further announced that the House had passed the following bills in which the concurrence of the Senate is requested:

H.R. 1. An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes; and

H.R. 9272. An act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolution in which the concurrence of the Senate is requested:

H. Con. Res. 346. A concurrent resolution correcting the enrollment of H.R. 5257.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles, and referred as indicated:

H. R. 1. An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes; to the Committee on Finance; and

H.R. 9272. An act making appropriations

for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 24, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports will be stated.

## DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## U.S. PATENT OFFICE

The assistant legislative clerk read the nomination of John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 221, 224, 226, and 228.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CONVEYANCE OF CERTAIN PUBLIC LANDS IN WYOMING TO THE OCCUPANTS OF THE LAND

The bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 137

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to convey to the successors in interest of Ferne M. McNeil all right, title, and interest of the United States, except right, title, and interest in deposits of oil and gas, in lands in resurvey lots 38C, 38D, and 38F (original survey southeast quarter southwest quarter, north half southeast quarter) section 25, township 52 north, range 103 west, sixth principal meridian, Park County, Wyoming, lying east and south of the Cody Canal. Such conveyance shall be made only upon application therefor within six months after the date of this Act, and upon payment of the fair market value of the land as of May 13, 1949, plus the administration costs of making the conveyance, as determined by the Secretary of the Interior, within one year after modification by the Secretary of the Interior of the amount due. In determining the fair market value of the land, the Secretary of the Interior shall not include any values added to the land by Ferne M. McNeil or her successors in interest or their heirs. Any conveyance made pursuant to this Act shall reserve to the United States all deposits of oil and gas in the lands, together with the right to mine and remove the same, under applicable laws and regulations established by the Secretary of the Interior.

SEC. 2. Acceptance by Ferne M. McNeil or her successors in interest of any conveyance made hereunder shall constitute a waiver and release by them of any and all claims against the United States arising out of the operation, maintenance, or construction of the Buffalo Bill Reservoir as now or hereafter authorized, including, without limitation, by reason of enumeration, claims for seepage, wave action, blowing silt, or increase in ground water level.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-227), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The legislation would authorize conveyance of a portion of land near the Buffalo Bill Reservoir upon payment of fair market value in 1949.

BACKGROUND

These lands were originally conveyed to the State of Wyoming by the Government under the Carey Act on June 21, 1900. The area surrounding these tracts was withdrawn for reclamation purposes on April 21, 1903. On July 31, 1913, the State of Wyoming reconveyed to the United States for "overflowage purposes" the lands in question.

The State of Wyoming deeded the lands to Ferne M. McNeil on May 13, 1949, 36 years after its conveyance to the United States, in the belief it held title. Ferne M. McNeil had entered upon the property, made improvements, irrigated and raised crops, and otherwise complied with the requirements of the Carey Act. Her successors in interest, having carried out extensive improvements by way of leveling, surveying, fencing, and building of houses, now seek clear title to the land.

LEGISLATIVE HISTORY

This bill, S. 137, is identical to S. 2735, as amended and approved by the committee and passed by the Senate last year, but which did not reach House action. The final version of S. 2735 constituted acceptance of a departmental draft proposal, with a change to fair market value as of May 13, 1949, and minor technical amendments.

COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 137 and urges its early passage.

## SALMON FALLS DIVISION, UPPER SNAKE PROJECT, IDAHO

The Senate proceeded to consider the bill (S. 432) to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, after line 2, insert a new section, as follows:

SEC. 4. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

On page 3, at the beginning of line 4, change the section number from "4" to "5"; at the beginning of line 8, change the section number from "5" to "6"; and, at the beginning of line 19, change the section number from "6" to "7"; so as to make the bill read:

S. 432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the division shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works.

SEC. 2. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Sec. 3. The provision of land, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 4. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

Sec. 5. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

Sec. 6. Any exchanges of water which may be required in connection with the operation of the division authorized by this Act shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area.

Sec. 7. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $47,252,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

Mr. JORDAN of Idaho. Mr. President, S. 432, which I introduced on behalf of my colleague, Mr. CHURCH, and myself, would authorize construction of the Salmon falls divisions as part of the Upper Snake River reclamation project near Twin Falls, Idaho.

The lands of the Salmon Falls division lie on the south side of the Snake River in southern Idaho. The landowners have worked long and hard for years to earn a living from farming these fertile but dry lands. To solve the overwhelming problem of inadequate water supply, the landowners have tried to provide their own irrigation facilities. They have drilled wells and utilized the limited surface runoff, as much as they could. While the Snake River flows through the area, existing water rights and needs have absorbed the flows of this part of the river.

But under the Snake River plain north of the river is a large, highly productive groundwater aquifier which can provide the water needed to make the Salmon Falls lands fully productive. To use this aquifier, the Bureau of Reclamation developed, in cooperation with State and local interests, the project plan which is the subject of this morning's hearing. It is more fully described in a feasibility report sent to the Congress last year by the Secretary of the Interior and printed as House document 91-359. We have also received a reevaluation statement dated August 1970 describing some possible modifications in the project.

The plan for the division contemplates irrigation of about 64,000 acres of land, in two adjacent units on the south side of the Snake River, of which about 49,000 acres are now irrigated. Water would be supplied from three major sources: First, existing ground and surface water in the service area; second, Snake River flows when available; and third, groundwater pumping from an auxiliary well field in the aquifer north of the Snake River. In addition to the auxiliary well field, the new facilities required for operation of the project include a pumping plant near Milner Dam and a main canal and distribution system.

I am pleased to note that under the Bureau's plan the Division would enhance the ecologic and environmental resources of the area in addition to providing substantial social and economic benefits. Some indication of the possibilities of the Salmon Falls Division are indicated I think by what has already been accomplished elsewhere in the Upper Snake River basin. The reclamation and irrigation projects there are widely recognized as some of the most successful in the Nation.

Mr. President, the Senate Water and Power Resources Subcommittee on June 9 conducted a hearing on this project and I am pleased to report that it was one of the most harmonious sessions that I have participated in during my years on the subcommittee. More than a score of witnesses responded, most of them making a 5,000-plus-mile round trip from Idaho to testify.

Several of them were water-users in the project area. They told of their own experiences in trying to cope with an inadequate supply of irrigation water and ground water levels sinking as much as 20 to 30 feet per year. One of the units of the project has been declared a "critical ground water area," since 1962, a State classification which prohibits further development of ground water wells. In the early 1950's, the water users even made an attempt to improve snowpack and runoff by cloud seeding, but without noticeable beneficial results. Some of the witnesses were of retirement age and reported they were unable to find young farmers to take over their property because of the uncertainties and increasing expense of the deficient water supplies in the area.

The proposed development has the unqualified support of the Governor and the State legislature, the Idaho Water Resource Board, and the Idaho Reclamation Association. The Department of the Interior recommended authorization of the project, which has a benefit-to-cost ratio of 1.42 to 1.

Mr. President, I join my colleague in urging approval of this bill.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-230), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE MEASURE

The purpose of S. 432, introduced by the Senators from Idaho, is to authorize construction, operation, and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho. The division would supply irrigation water to 64,110 acres of which 49,380 are now irrigated but have inadequate supplies. It would also provide minor fish and wildlife conservation benefits.

### BACKGROUND

The lands of the proposed Salmon Falls division lie south of the Snake River near the city of Twin Falls. Just to the north of the division are extensive and successful irrigation developments dating from 1905.

The division includes the Salmon tract and the Milner-Cottonwood units. The Salmon tract was developed for irrigation by the Salmon River Canal Co. in 1911. The water supply, which is obtained from a storage reservoir on Salmon Falls Creek, has never been adequate for the lands served.

The company has an approved loan under the small reclamation loan program for the improvement of its system scheduled for initiation with fiscal year 1971 funds.

Irrigation of the Milner-Cottonwood area began in 1947. The lands are supplied from groundwater, and the source is presently being overdrawn.

The Secretary of the Interior's feasibility report on the Salmon Falls division was transmitted to the Congress on June 29, 1970, and was printed as House Document No. 91-359. A companion bill, H.R. 2474 (Hansen and McClure) has been introduced in the House.

The Subcommittee on Water and Power Resources held a hearing on S. 432 on June 9, 1971. The Department of the Interior by letter of June 8, 1971, recommended enactment of the bill. The Office of Management and Budget advises it has no objection to enactment.

### PLAN OF DEVELOPMENT

The proposed Salmon Falls division would involve the construction of the Milner pumping plant above the existing Milner Dam on the Snake River (a feature of the Minidoka project), the major Milner–Salmon Falls canal, the Hollister pumping plant and Hollister Pump canal to serve higher lands, and other distribution works. Existing facilities which would continue in use include the Salmon Falls Dam and Reservoir, canals, laterals, and drains in the Salmon tract and wells in the Milner–Cottonwood unit.

Water for fish and wildlife development would be delivered to ponds in nonirrigable lands through the project's distribution system and wasteways.

The water supply for the Salmon Falls division will be derived from continued pumping of ground water in the Milner-Cottonwood area, surplus flows of Rock Creek, continued use of Salmon Falls Creek storage, and Snake River flows. The project also contemplates the use of uncommitted flows of the Snake River which would be regulated in three upstream reservoirs as follows:

1. Storage space, allocated to the unit in the Bureau's existing Palisades Reservoir.

2. Storage space allocated to irrigation use in the Ririe Reservoir which is under construction by the Corps of Engineers.

3. Storage space in the existing American Falls Reservoir of the Bureau's Minidoka project which is presently used for power flow regulation by the Idaho Power Company under contractual rights (the Company would be compensated).

Testimony before the subcommittee indicated that the Idaho Power Co. does not intend to relinquish its rights to the American Falls storage, however, operating arrangements for joint use of the space might be negotiated.

In years of low flow, the available Snake River water will not be sufficient for the division's needs. Wells would be developed in the Snake Plain aquifer north of the Snake River to provide the necessary supplemental supplies. The plan of development in the feasibility report contemplates developing groundwater in the Wendell-Jerome-Dietrich area to serve users in the North Side Canal Co. service area in exchange for Snake River water which would be diverted to the Salmon Falls division. In response to objections of water users north of the Snake River to this plan, the Bureau has investigated an alternative in which groundwater from the Snake Plain aquifer would be delivered to the river and thence to the Salmon Falls division without exchanges. This alternative plan is feasible and can be constructed within the total estimated cost of the original plan.

Section 5 of S. 432 as introduced provides assurances that any exchange which may be negotiated will not impair the existing rights of water users. The committee notes, however, the testimony before the subcommittee indicated a strong preference on the part of local interests for the alternative plan. The committee does not intend, by the language of the bill, to employ any preference for exchanges but merely wishes to provide latitude for further negotiations. If the local preference for the alternative plan continues, the committee expects the Bureau to construct that development.

The major project physical data is as follows:

PROJECT LANDS

| | Salmon tract | Milner-Cottonwood | Total |
|---|---|---|---|
| Presently irrigated | 31,060 | 18,320 | 49,380 |
| Presently dry | 8,880 | 5,850 | 14,730 |
| Total | 39,940 | 24,170 | 64,110 |

CANALS

| | Length (miles) | Capacity (cubic feet per second) |
|---|---|---|
| Milner-Salmon Falls | 47 | 1,140 |
| Others | 20 | 90-640 |

PUMPING PLANTS

| | Capacity (cubic feet per second) | Lift (feet) |
|---|---|---|
| Milner | 1,165 | 115 |
| Hollister | 490 | 170 |

*Fish and wildlife facilities*

| | *Acres* |
|---|---|
| Cover areas | 1,000 |
| Ponding areas | 40 |

### FINANCIAL AND ECONOMIC ANALYSIS

The total construction cost of the Salmon Falls division is estimated to be $47,252,000 (January 1969 price levels). The total project cost, which also included $292,000 assigned costs of upstream storage and $4,154,000 of assigned costs of the Federal Columbia River Power System, is allocated among the project purposes as follows:

| | Amount (in thousands) | Percent |
|---|---|---|
| Irrigation | $51,524 | 99.7 |
| Fish and wildlife | 174 | .3 |
| Total | 51,698 | 100.0 |

The annual operation and maintenance cost is estimated to be $638,000. The irrigators will repay the assigned costs of the Columbia River Power system (through pumping power charges) and all operating costs. They will also repay $13,117,000 or 28% of the irrigation obligation. The remaining irrigation costs will be repaid from power revenues from the Federal Columbia Basin Power System.

The costs allocated to Fish and Wildlife will be shared under the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

The ratio of total benefits to total costs over a 100-year period of analysis and using a discount rate of 4⅞ percent is 1.4 to 1.0.

### NEED FOR THE PROJECT

The Salmon Falls division offers opportunities to provide supplemental water to two existing irrigation developments which have suffered from inadequate supplies throughout their history. The problem was well outlined by Mr. R. Keith Higginson, director, Idaho Department of Water Administration in the following excerpts from his testimony before the subcommittee:

#### *Salmon tract unit*

The Salmon tract unit of the project area was originally developed under provisions of the Carey Act in the early 1900's. Initially the Twin Falls Salmon River project, as it was known at that time, consisted of 127,707 acres of land. However, because of the extremely short water supply, only 32,968 acres were eventually developed and state patents issued under the act. In low runoff years, only about 14,000 acres of the present service area of 35,000 acres is cropped, and that with an inadequate water supply. Original project design studies using inadequate streamflow data were based upon an estimated water yield of approximately 400,000 acre-feet annually from Salmon Falls Creek. Later streamflow information indicates that the average yield is only about 96,000 acre-feet, or one-fourth of the amount upon which the project was based. The main source of water is storage in Salmon Falls Reservoir, with an active capacity of 182,700 acre-feet. *This reservoir has never filled in its history.* After deducting losses, an average of only 41,000 acre-feet of the inflow to the reservoir is available for use on the lands. The water shortage has been responsible for much litigation and disagreements. In 1924 the present operating company, the Salmon River Canal Company, took over the project. The facilities have been developed to the maximum extent to take advantage of all available water.

On a number of occasions, I have had the privilege of attending the annual spring meeting of the Salmon River Canal Company at which the landowners are advised of the amount of water they can expect to receive during the ensuing irrigation season. The amount varies from as low as ⅓ or less to about 1 acre-foot of water per project acre per season. Since the on-farm irrigation requirement for full irrigation is about 3.5 acre-feet of water per acre, it is obvious that the water-users must severely curtail their land use in order to have sufficient water with which to produce crops.

#### *Milner-Cottonwood unit*

The Milner-Cottonwood Unit is also in need of a supplemental water supply. However, here the history and problems of development was successful in the area beginning in the late 1940's and continuing until 1962 when my predecessor closed the area to further groundwater development by designation of a "Critical Ground-Water Area". We have prohibited further withdrawals of groundwater in excess of that developed or under the permits which had been issued as of 1962. We have contracted for studies of these basins with the U.S. Geological Survey, and their findings have substantiated our actions. Any additional withdrawal of ground water in these areas would seriously deplete the remaining resource and injure the prior right holders.

Water levels have continued to decline throughout the unit. *Our latest information shows that declines of 3 to 5 feet were common throughout the area again last year.* The U.S.G.S. report concludes that "Estimated annual withdrawals (30,000 acre-feet) are several times larger than the estimated average annual recharge of 11,000 acre-feet to the Idavada Volcanics. So long as the present annual rate of withdrawal continues, no decrease in the rate of water-level declines can be expected until water levels are lowered enough to stop natural discharge and induce recharge from the overlying aquifers in the discharge areas. It is known how much the water levels would need to be lowered to accomplish this and there is no assurance that the total of salvaged discharge and induced recharge would be adequate to stabilize water levels." It is clear that some outside water source must be found to alleviate the problems in the area. (Emphasis added.)

### COMMITTEE AMENDMENTS

The committee made two amendments to the bill as follows:

1. A new section 4 was inserted to provide the usual formula for establishment of an interest rate for the repayment of the interest bearing, reimbursible costs of the division. It is estimated that $89,800 of the fish and wildlife conservation costs of the project will be repaid with interest by a non-Federal public body. Furthermore, the provision will provide a basis for repayment of project water supply costs with interest if a portion of the supply should be converted to municipal and industrial use at some later time.

2. The title has been corrected to include the word "river" in the name of the project.

### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs by unanimous vote, with a quorum of members present in executive session on June 16, 1971, recommends that S. 432, as amended, be enacted.

## NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS

The Senate proceeded to consider the bill (H.R. 7960) to authorize appropriations for the activities of the National Science Foundation, and for other purposes which has been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Science Foundation Authorization Act of 1972".

SEC. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education

Act of 1958, out of any money in the Treasury not otherwise appropriated, $703,516,215 for the fiscal year ending June 30, 1972, and $900,000,000 for the succeeding fiscal year.

(b) Of the sums appropriated pursuant to subsection (a) of this section for each fiscal year—

(1) not less than $34,500,000 shall be available only for institutional support for science; and

(2) not less than $104,316,215 shall be available only for science education support.

If the amount appropriated pursuant to subsection (a) of this section is less than $703,516,215 for the fiscal year ending June 30, 1972, the Director of the National Science Foundation is authorized to reduce ratably the amounts set aside under clauses (1) and (2) of this subsection.

SEC. 3. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such periods as may be specified in Acts making such appropriations.

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $7,500 for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting offices of the Government.

SEC. 5. In addition to such sums as are authorized by section 2 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, and $7,000,000 for the succeeding fiscal year, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Mr. KENNEDY. Mr. President, as chairman of the Special Subcommittee on the National Science Foundation, I have a bill, the National Science Foundation authorization, which authorizes funds for the National Science Foundation for fiscal years 1972 and 1973.

### SUPPORT FOR EDUCATION IN THE SCIENCES

The National Science Foundation authorization, as amended, differs in several important respects from the administration's budget request. First of all, it maintains authorization for all of the agencies' science education programs at their fiscal year 1971 levels. The administration had proposed eliminating several of the education programs and reducing the level of support for others. The overall cutback would have amounted to approximately 35 percent of the total education budget, or a total of over $49 million, below the level obligated during fiscal year 1971. The agency's education programs consist of two major budget categories; institutional support for science and science education support. The institutional support for science program consists in turn, of two major components. The first, institutional grants for science, provides discretionary funds to colleges and universities engaged in federally assisted research in order to enable them to maintain the quality of their science education programs. The second component, the science development program, assists colleges and universities in upgrading their graduate programs. The administration proposes discontinuing this program entirely. We have heard testimony from leading educators in the field of science that reduction or discontinuation of these programs below their present level would seriously impair the quality of science education programs at many institutions.

The second large budgetary category in the National Science Foundation's education programs is science education support. This program includes three major subcategories—student development, instruction personnel development, and instructional program development.

The student development program has provided extensive support for students at the undergraduate and graduate levels, to enable them to pursue educational programs in science. The instructional personnel development program consists of several types of programs directed toward improving the knowledge and proficiency of instructional personnel. We have heard testimony, Mr. President, concerning the importance of these programs in maintaining the excellence of the teaching capability of faculty from secondary schools, colleges and universities. This program often offers the only opportunity for these instructors to renew their skills in science. The third component of this budget category, Mr. President, instructional program development and educational research, has been increased by $1.7 million overall. Most of the increases were in the college science improvement program—COSIP—largely in the area of predominantly black colleges. However, other specific programs within the activity have been cut back. Although the committee supports the COSIP program and recommends continuing support for it, we have heard convincing testimony and received extensive correspondence which indicates the importance of continuing each of these valuable activities at their 1971 levels at minimum, in order to maintain educational quality at many colleges and universities across the country. H.R. 7960, as amended, provides restoration of authorizations for all these important programs to fiscal year 1971 levels. In most cases this represents a reduction in levels of funding for these programs from their maximum levels in previous years.

Mr. President, the overriding issue in this area is whether or not it is in the long-term national interest to cut back on our capability for educating scientists and for maintaining programs of the highest quality. Reductions in these programs at the present time will have their effects 10 to 20 years hence. Many of the proponents of cutbacks in these areas argue that a surplus of scientists and engineers exists. However, there is much disagreement among experts in this field. Many contend that the current unemployment among some categories of scientists and engineers is a problem of maldistribution of skilled personnel rather than absolute oversupply. They maintain that more, not fewer, scientists and engineers will be needed to help solve the problems of the cities, pollution, energy supplies, and many other critical areas. Moreover, a reduction in the level of support for these programs would, in many instances, result in a "tooling down" of programs which would take many years in some cases to reinstitute. It seems unwise to me to risk that until all of the evidence regarding our supply of scientific personnel is in.

### RESEARCH APPLIED TO NATIONAL NEEDS

Second, Mr. President, we have authorized the full amount requested by the Foundation for its program of research applied to national needs.

Mr. President, the committee views the authorization of the full budget request for the program of research applied to national needs—RANN—as being of paramount importance.

In 1968, the Congress passed the amendments to the National Science Foundation Act, which greatly expanded the authority of the Foundation to support research efforts aimed at solving complex problems in the areas of physical, environmental, biological, and social sciences. At a time when new problems of increasing complexity and importance are facing our society every day, we must adequately support programs such as RANN designed to generate new knowledge and apply old knowledge to their solution. I feel that it is the responsibility of the Federal Government to create the circumstances necessary for the solution of these important problems and the RANN program is one important way of doing that. It is designed to help focus scientific knowledge on environmental, technological, social, and other problems of concern to society. In mid-fiscal year 1971, the NSF merged its programs on earthquake engineering, enzyme engineering, weather modification, interdisciplinary research relevant to problems of our society and institutional problem support designed to give colleges and universities interdisciplinary problem-focused research capabilities into the single program of research applied to national needs.

As noted in the committee report, NSF is in a particularly advantageous position to help focus the scientific resources of the Nation on selected problems of national concern. The committee believes that the provisions made by the National Science Foundation for the active participation of other agencies in the planning and executive stages of RANN research efforts, together with other existing and planned arrangements for interagency cooperation. A special committee has been established within the Office of Science and Technology to coordinate RANN research programs with other Federal programs. Reductions in the RANN programs could jeopardize the effectiveness of important research undertakings, such as studies related to the Nation's future energy requirements and environmental studies.

### SUPPORT FOR SCIENTIFIC RESEARCH PROJECTS BEING DROPPED BY OTHER AGENCIES

Third, Mr. President, H.R. 7960 differs from the administration budget request in that it authorizes an additional $35 million to enable the National Science Foundation to support a higher proportion of the meritorious basic research projects which have been dropped as a result of section 203 of Public Law 91-121, signed into law on November 19, 1969, which required a fundamental change in the funding of basic research by the Department of Defense, limiting it to support of projects closely related to defense needs. This section, known as the Mansfield amendment, has been interpreted as a mandate by other mission-oriented agencies, such as NASA, AEC, and others. As a result of this shift in emphasis by other agencies, the NSF has been under increasing pressure to fund projects no longer supported by them. They have so far been able to identify $100 million worth of projects which will have been dropped by mission-oriented agencies, including DOD, AEC, and NASA, by the end of fiscal year 1972. The Director of the Foundation has testified that at least 75 percent of these projects are worthy of support. The administration budget request would enable the Foundation to pick up approximately 40 percent of the projects which have been dropped. The authorization contained in H.R. 7960, as amended, would enable the agency to pick up 75 percent of those projects.

### TWO-YEAR AUTHORIZATION

Finally, H.R. 7960, as amended, Mr. President, authorizes funds for the National Science Foundation for 2 years. The authorization for the second fiscal year, ending June 30, 1973, totals $907 million, including $7 million in excess foreign currency. This figure was estimated based upon the following assumptions:

First. That the overall Federal research effort at academic institutions remains at approximately the same level of effort as authorized for fiscal year 1972.

Second. That there will be a continuing ongoing need for NSF to assume certain basic research programs being relinquished by other agencies with a consequent increase in the Foundations' share.

Third. A continuing growth of approximately 5 percent per year in the gross national product; and that

Fourth. The Foundation supports development of new approaches to science education with particular emphasis on computer-assisted instruction and system approaches.

Mr. President, a 2-year authorization will allow the Foundation to plan its programs in such a way as to insure the continuity and stability of support for science programs which are essential to the continued health of American science. The biennial authorization would also enable the institutions with which the NSF deals to plan for longer term programs on a more rational basis. Science policy in this country must be formulated with a long-term view in mind.

To that end, H.R. 7960, as amended, provides for continued adequate support for science education, scientific research projects, research applied to national needs, and constructs a framework within which rational long-range planning for science policy can be undertaken. I would like to urge the passage of this bill by the Senate.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-232), explaining the purposes of the measure.

There being no objection, the excerpt was ordered printed in the Record, as follows:

### I. SUMMARY

The purpose of H.R. 7960 as amended by the committee is to authorize appropriations to the National Science Foundation for fiscal year 1972 in the amount of $703,516,215, and for fiscal year 1973 in the amount of $900,000,000 out of money in the Treasury not otherwise appropriated, and in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States, $3,000,000 for fiscal year 1972 and $7,000,000 for fiscal year 1973.

### II. BACKGROUND

The National Science Foundation operates under a mandate from the Congress "to promote the progress of sciences; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes". To meet this responsibility, National Science Foundation provides support for a broad range of research in the physical sciences, engineering, mathematics, biology, and the environmental and social sciences and for programs designed to improve science education, to upgrade the capabilities of academic institutions to conduct research, to improve the dissemination of science information and to foster the interchange of scientists between the U.S. and foreign countries.

In 1968, the National Science Foundation Act of 1950 was amended to authorize the Foundation to initiate and support applied research at academic and other non-profit institutions and, when so directed by the President, to support, through other appropriate organizations (including industrial organizations), applied scientific research relevant to national problems involving the public interest. In past years, the committee has recognized the Foundation's long involvement in problem-oriented research, through the support of such programs as Weather Modification and Earthquake Engineering, and has urged the Foundation to take an aggressive role in coupling the science sources of this Nation more effectively to the needs of society.

The National Science Foundation enabling legislation provides a broad Congressional mandate for National Science Foundation to help to insure continued U.S. scientific strength in all areas of science. It fulfills this responsibility through various types of science support programs designed to increase our scientific knowledge, to stimulate the improvement of the capabilities of academic institutions to carry out research and science education programs, and to help insure that adequate numbers of scientists, engineers, and science technologies are trained to meet the needs of the nation.

The administration request to the Congress provided $622,000,000 for NSF, including $3,000,000 in excess foreign currencies, for fiscal year 1972. On March 10, 1971, Senator Prouty introduced S. 1168, which authorized $622,000,000 as included in the administration budget request for fiscal year 1972. On May 26, 1971, Senators Kennedy, Prouty, Pell, Eagleton, and Cranston introduced S. 1968, which called for an authorization of $688,516,215 plus $3,000,000 in excess foreign currencies which is $49,000,000 above the total administration request for fiscal year 1972 of $622,000,000. S. 1968 included provisions for science education and institutional science programs, as well as other special provisions that differed from S. 1168. In addition, S. 1968 authorized $900,000,000 for fiscal year 1973. On June 8, 1971, a bill passed by the House of Representatives, H.R. 7960, authorizing a total of $622,000,000 for fiscal year 1972, was referred to the Senate Committee on Labor and Public Welfare.

The authorization for fiscal year 1972 contained in H.R. 7960, as amended by the committee, is $706,516,215 including $3,000,000 in excess foreign currencies which is $35,000,000 above the $671,516,215 total included in the original S. 1968 and $84,516,215 above the administration request of $622,000,000. In effect, the authorizations for fiscal year 1972 provides the level of funding necessary to permit National Science Foundation to meet the high priority requirements for research projects no longer supported by mission agencies, to restore the Foundation's Science Education Support and Institutional Support for Science programs to essentially their fiscal year 1971 levels, and to meet other high priority research requirements. The committee also recognizes the importance of providing stability and continuity in science support and therefore recommends that an authorization in the amount of $900,000,000 be provided for fiscal year 1973 plus $7,000,000 in excess foreign currencies.

The Committee on Labor and Public Welfare reached its favorable recommendation regarding H.R. 7960, as amended, after careful consideration of the extensive public record prepared on S. 1168 and S. 1968 by the Special Subcommittee on the National Science Foundation. Appearing as witnesses before the subcommittee on June 2, 1971 were Dr. William D. McElroy, Director, National Science Foundation; Dr. Raymond L. Bisplinghoff, Deputy Director, of NSF; Mr. Bernard Sisco, Assistant Director for Administration; Dr. Edward Creutz, Assistant Director for Research; Dr. Thomas Owen, Assistant Director for National and International Programs; Dr. Lloyd Humphreys, Assistant Director for Education; Dr. Louis Levin, Assistant Director for Institutional Programs; and Dr. Alfred Eggers, Assistant Director for Research Applications, for NSF. Dr. Robert Fuller, President of Oberlin College, and Dean Harrison Shull of Indiana University, non-NSF witnesses, were also heard. In addition to testimony provided during the hearings, members of the committee submitted 23 detailed follow-up questions to the Foundation, for which NSF supplied extensive replies. The Senate record also includes letters and statements from various interested parties within the academic and scientific communities which illuminated important issues, particularly, the actions proposed by the administration for the National Science Foundation programs in science education and institutional science support.

Based on this entire record, the committee recommends and urges enactment of H.R. 7960, as amended. In recommending this action, the committee has determined, from the testimony provided by NSF witnesses and from other sources, that (1) the NSF budget presented to the Congress provided only $40 million to meet research support requirements for important projects being discontinued by other Federal agencies due to mission relevancy considerations, whereas the actual minimum amount needed is $75 million; (2) the NSF proposes to discontinue the Student Science Training Program for outstanding high school students, its Undergraduate Research Participation Program, other science education support programs, and institutional support programs that are considered to be important to efforts to improve the quality of the research and science education programs of academic institutions throughout the country; and (3) the research programs of the Foundation—particularly its program of Research Applied to National Needs (RANN), which is designed to utilize more fully the science resources of the nation to help resolve environmental, technological, social and other problems of national concern—are of critical importance and, therefore, should be supported in the full amount requested by the administration.

The authorization in H.R. 7960, as amended, will enable the Foundation to provide essential stability and continuity to federal support programs for fundamental research at our nation's academic and other appropriate research institutions, to insure the vitality of science education and institutional science programs, and to continue its efforts to couple more effectively the science resources of the nation to the needs of society.

### III. NATIONAL SCIENCE FOUNDATION PROGRAMS

NSF program plans as included in the Administration's Budget were as follows:

| | |
|---|---|
| Scientific research project support | $257,800,000 |
| Specialized research facilities and equipment | 5,800,000 |
| National and special research programs | 166,600,000 |
| National research centers | 40,200,000 |
| Computing activities in education and research | 17,500,000 |
| Science information activities | 9,800,000 |
| International cooperative scientific activities | 4,000,000 |
| Intergovernmental science program | 1,000,000 |
| Institutional support for science | 12,000,000 |
| Science education support | 77,300,000 |
| Planning and policy studies | 2,700,000 |
| Program development and management | 24,300,000 |
| Subtotal, S. & E. appropriation | 619,000,000 |
| Special foreign currency program | 3,000,000 |
| Total | 622,000,000 |

Brief description of each of these areas follows below:

*Scientific research project support*

| | |
|---|---|
| Actual, fiscal year 1970 | 161,715,761 |
| Estimate, fiscal year 1971 | 175,900,000 |
| Estimate, fiscal year 1972 | 257,800,000 |
| Estimate, fiscal year 1973 | 340,000,000 |

Funds in the amount of $257.8 million are included in the budget for Scientific Research Project Support. It is estimated that 5,300 grants averaging $48,000 will be awarded to about 450 institutions which will involve the research efforts of approximately 7,700 faculty scientists and about 7,200 graduate science students.

This program provides support for the development of fundamental knowledge in all scientific fields and disciplines. This knowledge and basic capability are needed to meet the challenges of a growing technologically-based society.

The increase of $81,900,000 over fiscal year 1971 requested for Scientific Research Project Support will permit the Foundation to provide strong support for the Nation's core program of scientific research including biological, physical and environmental research, and research on man, his societies, and the institutions created by him. New initiatives, in selected areas where new knowledge and understanding can lead to opportunities for solution of social, environmental, and engineering problems, will utilize about $27 million.

In addition, about $40.0 million is allocated to increase the NSF share of Federal support for fundamental research. This will permit NSF to support important research no longer supported by other Federal agencies because of changes in program priorities. NSF estimates that fundamental research efforts totaling more than $100 million will have been dropped by other Federal agencies due to mission relevancy considerations by the end of FY 1972. The scientists involved in these efforts are turning to NSF for support and thus far the agency has been provided with only $10 million to meet these growing requirements. Many of the investigators no longer being supported by these agencies are extremely well qualified and can be productive in nondefense, nonspace areas which are supported by the National Science Foundation. Increases are also provided for the National Magnet Laboratory ($1.8 million) and the Materials Research Interdisciplinary Laboratories ($12.8 million), which have previously been funded by the Department of Defense.

Within the sub-activities of this program, preferential emphasis has been given to increasing fundamental research in the biological sciences, engineering, chemistry, oceanography, and the social sciences. Particular attention will be given in the biological sciences to biology of human cells, to broaden our understanding of diseases, genetic damage, and fundamental life processes. Physics research funding is being increased, principally to provide for additional operating cost requirements of new facilities such as the Indiana cyclotron, and for the increasing number of physics investigators turning to NSF for support as other agencies redirect their research programs. In the social sciences, emphasis will be given to the study of the basic factors underlying social change and economic productivity, and to social science data collection and analysis. Engineering research will stress work on superhard materials and material processing, areas in which the United States appear to be falling behind the technological achievements of other nations; bio-medical materials; and the effects of wind and other natural phenomena on buildings and structures. Chemistry research will emphasize analysis and instrumentation techniques in the areas of molecular processes and configuration, chemical dynamics, and enzymes. Oceanography research projects will concentrate on ocean dynamics, currents, salinity and ocean ecology.

*Specialized research facilities and equipment*

| | |
|---|---|
| Actual, fiscal year 1970 | $6,504,411 |
| Estimate, fiscal year 1971 | 5,800,000 |
| Estimate, fiscal year 1972 | 5,800,000 |
| Committee estimate, fiscal year 1973 | 35,000,000 |

The Foundation also makes grants to institutions for Specialized Research Facilities and Equipment required to conduct advanced scientific investigations. Foundation support is provided in those instances where a special item of equipment or a research facility is required to permit scientists to conduct highly advanced research. Often, such equipment or facilities are beyond the capability of an institution to procure or support. Although cost-sharing is not mandatory, experience shows that the institutions provide a significant share of the cost of most of the items supported under this program. The proposed budget for this activity will permit the Foundation to help universities and colleges to obtain a wide range of research instruments and equipment such as mass spectrometers, electron microscopes, seismic recording equipment and accessories, X-ray crystallographic equipment.

*National and special research programs*

| | |
|---|---|
| Actual, fiscal year 1970 | $39,064,163 |
| Estimate, fiscal year 1971 | 82,900,000 |
| Estimate, fiscal year 1972 | 166,600,000 |
| Committee estimate, fiscal year 1973 | 209,000,000 |

These programs are established when a coordinated national research effort is required to achieve a particular set of research objectives, when the research requires international cooperation, when a project requires an unusual amount of management, or when a major coordinated research effort has a high probability of contributing to the solution of pressing social and environmental problems. A brief summary of each of these programs appears in the paragraphs that follow:

An amount of $10,000,000 is included for the International Biological Program. The Foundation is responsible for coordinating the U.S. participation in this international research effort, which is designed to greatly expand our understanding of environmental influences on plants and animals, including man. The principal emphasis of the Foundation-supported IBP research to date has been on studies of large-scale ecosystems—the total complex of living and non-living components within a unit of the landscape. More than 80 senior scientists from 20 states representing about 30 institutions and Federal agencies, are already participating in the Grasslands Biome Study, and ecosystem research study taking place in the State of Colorado. The Deciduous Forest Biome Project, studying the ecology of the region east of the Mississippi River, will be intensified. Increased emphasis will be given to biome studies of coniferous forest, desert, and tundra areas. The Tundra Research will be coordinated with the U.S. Arctic Research program.

An amount of $2,500,000 is included for the Global Atmospheric Research Program (GARP). This is an international research effort designed to improve the capabilities of making long-range weather predictions. The major part of the funds proposed for FY 1972 will be used for research projects dealing with the analysis of data collected during the Barbados Oceanographic and Meteorological Experimental (BOMEX), trade wind inversion, and boundary layer experiments. Planning will begin for a tropical Atlantic experiment.

NSF is the lead Federal agency for the International Decade of Ocean Exploration (IDOE), and an amount of $20,000,000 is requested for the total U.S. effort in the IDOE. The purpose of the IDOE is to accelerate the understanding of the oceans and to encourage and enable nations, cooperatively, to make wise use of the ocean environment to better utilize ocean resources. In FY 1972, research projects funded under the IDOE will be focused on environmental quality, environmental forecasting, and seabed assessment.

An amount of $8,500,000 is included for the Ocean Sediment Coring Program. Studies of core samples of sediment layers underlying the deep seas, obtained under this program, have confirmed theories on sea floor spreading and continental drift. Other geological facts of worldwide significance are becoming evident; for example, the Northwest Pacific appears to comprise a remnant of the oldest ocean extant. In FY 1972, expanded operational capabilities will include the employment of a recently developed bore-hole reentry system. Also precise surveying of some drill sites will allow correlation of core samples with geophysical data from the same area.

NSF is the lead Federal agency for the Arctic Research Program. The objective of this program is to acquire the environmental data and scientific understanding necessary to evaluate the complex interrelationships of man and his activities with the Arctic environment. An amount of $3,500,000 is included for this program. In FY 1972, priority will be given to research efforts on the effects of man's intrusion into the Arctic ecosystem and the problems of coping with sea ice, perma-frost, and other aspects of the harsh Arctic environment.

NSF is also the principal Federal agency for the development, coordination, and management of all U.S. scientific activities in Antarctica. The objectives of this program are to encourage the peaceful development of Antarctica through scientific research; to advance international scientific cooperation; to improve environmental monitoring and prediction; to promote the free exchange of scientific personnel in Antarctic research; and to encourage the free exchange of information data, and results of Antarctic research work. An amount of $26,800,000 is proposed for support of this program. This includes $19.3 million to fund logistic support to be provided by the Department of Defense

(Navy). Logistics support was funded in prior years by the Department of Defense. The Department of Transportation (Coast Guard) will continue to budget for and provide icebreakers in support of the resupply program at McMurdo and Palmer Stations in FY 1972.

During FY 1971, NSF grouped together oceanographic ship operations and related oceanographic facilities support from other NSF programs under the support heading entitled Oceanographic Research Operations and Facilities. The amount of $14,300,000 requested for this activity in FY 1972, includes funds to construct one replacement oceanographic vessel and to develop a joint oceanographic laboratory system to provide for more effective utilization and management of academic oceanographic facilities.

During FY 1971, NSF brought together under the heading Research Applied to National Needs (RANN) several major coordinated research efforts aimed at selected environmental, social, and technological problems. The objectives of this effort are to focus and stimulate the application of science and technology to major national, regional, and local problems; to increase societal benefits from research; to exploit scientific and technological opportunities; and to advance national economic productivity. The major ongoing research efforts which were brought together to form RANN included Weather Modification; Earthquake Engineering; Interdisciplinary Research Relevant to Problems of Our Society (IRPOS); and a number of other concentrated research efforts, formerly funded under Scientific Research Project Support.

The National Science Foundation's program of Research Applied to National Needs (RANN) is a major effort in helping focus the science resources of the Nation on environmental, social, and other problems of concern to society.

The Committee on Labor and Public Welfare considers the objectives and the research proposed under RANN as being vital to the national interest. The program is designed to focus the presently available scientific knowledge to the development of solutions to problems of national concern as well as to identify and support new fundamental investigations essential to add to the base of fundamental knowledge required for the solution of such problems. The committee is convinced that the NSF has a unique capability to focus both basic and applied research efforts on selected problems and that full advantage should be taken of that capability.

The committee believes, further, that the provisions made by NSF for the active participation of other agencies in the planning and execution stages of RANN research efforts, together with other existing and planned arrangements for interagency cooperation, to coordinate RANN research programs with the action program of other Federal agencies, will insure that the research efforts supported by NSF under RANN augment and do not duplicate those of other agencies.

*National research centers*

| | |
|---|---|
| Actual, fiscal year 1970 | $27,086,202 |
| Estimate, fiscal year 1971 | 36,800,000 |
| Estimate, fiscal year 1972 | 40,200,000 |
| Committee estimate, fiscal year 1973 | 50,000,000 |

The NSF provides support for the development and operation of five National Research Centers which have been established to meet national needs for research in specific areas of science. These areas require facilities, equipment, staffing, and operational support beyond the capabilities of private institutions and which could not appropriately be provided a single institution. These centers are operated and managed by nonprofit organizations or universities under contract with the NSF. A brief summary of each of these centers follows.

Funding in the amount of $4,000,000 is requested for the Arecibo Observatory, a radio/radar astronomy and aeronomy facility located in Puerto Rico. The Foundation assumed management responsibility for this observatory from the Department of Defense in October 1969. The requested funding includes $1,800,000 to be added to the $3,800,000 requested in FY 1971 for resurfacing the 1,000-foot antenna, to greatly increase its usefulness as a research instrument. Also included is a total of $2,200,000 for the support of scientific research operations and maintenance and administration of the observatory.

An amount of $7,700,000 is requested for the Kitt Peak National Observatory, an optical astronomy observatory atop 6,875-foot Kitt Peak, in Pima County, Arizona. The requested funding includes a total of $7,175,000 for continued support of stellar, solar, and planetray astronomy research activities, for operation and maintenance of the observatory research instruments and physical plant, and for administrative activities. Also included is $545,000 for construction of a diffraction grating ruling facility beneath the existing Tucson headquarters building and a small observatory building to house a 12-inch Schult-Belton Schmidt telescope.

An amount of $2,500,000 is requested for the Cerro Tololo, Inter-American Observatory, an optical astronomy observatory which is under development in the Andes, about 250 miles north of Santiago, Chile. The requested funding includes $2,096,000 for support of scientific research activities in stellar and planetary astronomy and for the costs of observatory operations, maintenance, and administration. Also included is an amount of $404,000 for continued site development, improving the mountain road, adding one wing each to the La Serena Office and the technicians' dormitory to provide needed space for visiting scientists, and some advanced planning for future buildings and facilities.

The National Radio Astronomy Observatory (NRAO) will require an estimated $7,000,000 in FY 1972. NRAO provides very advanced radio astronomy instruments for use by research astronomers to detect, measure, and identify radio waves which come from many objects in outer space. The requested funding will provide for continued direct support of research projects in radio astronomy; continued improvement of the performance of existing telescopes through the development of improved and increasingly advanced auxiliary electronic instrumentation for use with the research telescopes; and operation, maintenance, and administration of the observatory.

NSF is requesting an amount of $19,000,000 for the National Center for Atmospheric Research (NCAR), at Boulder, Colorado. The requested funding will permit NCAR staff scientists and visiting researchers to continue to attack scientific problems that present important obstacles to a full understanding of the earth's atmosphere. The amount requested includes funding for scientific support provided directly by NCAR, which, in turn, includes the computer for NCAR's high priority atmospheric modeling programs. An amount of $700,000 is included for restoration of the roof of NCAR's permanent laboratory, an amount which is expected to be recovered from the architect and the general contractor through legal proceedings.

*Computing activities in education and research*

| | |
|---|---|
| Actual, fiscal year 1970 | $16,918,585 |
| Estimate, fiscal year 1971 | 15,000,000 |
| Estimate, fiscal year 1972 | 17,500,000 |
| Committee estimate, fiscal year 1973 | 25,000,000 |

This program includes research to develop a national base of computer science knowledge which will make possible innovative approaches for the use of computers in education and research.

In FY 1972, increased emphasis will be given to Computer Innovation in Education. This will be done because it is believed that, for most students and for others outside of the formal education system, the computer can effectively accomplish selected educational functions. For example, computer-assisted instruction has the potential for reducing the learning time of students and for the rapid assessment of individual performance levels, and numerous other factors which can increase productivity of educational systems.

*Science information activities*

| | |
|---|---|
| Actual, fiscal year 1970 | $11,433,279 |
| Estimate, fiscal year 1971 | 11,000,000 |
| Estimate, fiscal year 1972 | 9,800,000 |
| Committee estimate, fiscal year 1973 | 15,000,000 |

The program within this activity are designed to improve the exchange of science information through the development of improved information systems, making translation of foreign science publications available to U.S. scientists, and the conduct of research on science information to provide improved methods and techniques. The Science Information Exchange, formerly funded by NSF, has been transferred to the Smithsonian Institution.

*International cooperative scientific activities*

| | |
|---|---|
| Actual, fiscal year 1970 | $1,712,426 |
| Estimate, fiscal year 1971 | 2,200,000 |
| Estimate, fiscal year 1972 | 4,000,000 |
| Committee estimate, fiscal year 1973 | 9,000,000 |

This program will enable the Foundation to increase its support of international cooperative scientific activities. These activities include facilitation of U.S. participation in important science-oriented organizations, encouragement of scientist-to-scientist communication across international boundaries, and professional collaboration between U.S. and foreign scientists.

*Intergovernmental science program*

| | |
|---|---|
| Actual, fiscal year 1970 | $460,960 |
| Estimate, fiscal year 1971 | 400,000 |
| Estimate, fiscal year 1972 | 1,000,000 |
| Committee estimate, fiscal year 1973 | 2,000,000 |

The Intergovernmental Science Program for FY 1972 will enable the Foundation to expand its efforts to stimulate State and local governments to utilize science and technology. This program was initiated in FY 1969 as a planning effort, and the grantee organizations (State and local governmental units and their regional organizations, legislatures, law schools, and academic and non-profit organizations) have demonstrated their interest in the program by investing their own funds in an amount almost equal to the NSF support.

*Institutional support for science*

| | |
|---|---|
| Actual, fiscal year 1970 | $44,701,397 |
| Estimate, fiscal year 1971 | 34,500,000 |
| Estimate, fiscal year 1972 | 12,000,000 |
| Committee estimate, fiscal year 1973 | 60,000,000 |

This activity includes two programs, the Science Development Program and Institutional Grants for Science.

NSF proposes to discontinue the Science Development Program in FY 1972. This program is designed to significantly upgrade the quality of research and science education programs of our colleges and universities in all parts of the Nation. NSF believes this program has largely achieved its objectives. However, testimony given the subcommittee by non-NSF witnesses as well as many statements and letters received from responsible members of the academic scientific community provided evidence that U.S. science capabilities, would be seriously impaired by the discontinuation of the NSF institutional science development programs.

NSF has proposed that the level of support for Institutional Grants for Science be reduced for FY 1972. These grants assist institutions engaged in Federally sponsored research in maintaining flexibility in their science programs by providing a limited amount of funds for local discretionary use. More than one-fourth of the Nation's colleges and universities have participated in this program each year. Universities find the funds especially valuable for small research grants to new Ph. D.s who have recently joined their faculties, for summer support of research by graduate students, and for continuance of research experiments during lapses in outside funding.

*Science education support*

| | |
|---|---|
| Actual, fiscal year 1970 | $120,179,865 |
| Estimate, fiscal year 1971 | 100,640,215 |
| Estimate, fiscal year 1972 | 77,300,000 |
| Committee estimate, fiscal year 1973 | 115,000,000 |

NSF proposed to curtail its direct student support programs in FY 1972.

The total amount proposed for Science Education Support in FY 1972 is $77,300,000, including $22,000,000 for Student Development, $26,800,000 for Instructional Personnel Development, and $28,500,000 for Instructional Program Development. This is $23,340,215 below the FY 1971 level.

NSF Science Education programs are designed to improve the quality of science teaching and to improve the course curriculum for science and engineering programs at the college and pre-college levels. In addition, through fellowship and traineeship programs, NSF helps insure that the science manpower requirements of the nation will be met. NSF proposes to make reductions in its FY 1972 Science Education program amounting to $23,340,215 below the FY 1971 program level of $100,640,215. The total amount proposed by NSF for Science Education Support in FY 1972 is $77,300,000 including $22,000,000 for Student Development, $26,800,000 for Instructional Personnel Development, and $28,500,000 for Instructional Program Development.

*Planning and policy studies*

| | |
|---|---|
| Actual, fiscal year 1970 | $2,065,356 |
| Estimate, fiscal year 1971 | 2,400,000 |
| Estimate, fiscal year 1972 | 2,700,000 |
| Committee estimate, fiscal year 1973 | 4,000,000 |

Through its Planning and Policy Studies program, the Foundation identifies and analyzes programs and science policy issues and helps provide the data base necessary for science program planning.

The FY 1972 budget estimate of $2,700,000 represents a $300,000 increase over the FY 1971 level. A net decrease of $400,000 in the amount budgeted for Studies of Science Resources reflects primarily the discontinuation of the National Register of Scientific and Technical Personnel in its present form. However, $375,000 is requested for FY 1972 to allow for the development of alternative mechanisms for obtaining required information on scientists and engineers.

*Program development and management*

| | |
|---|---|
| Actual, fiscal year 1970 | $19,675,785 |
| Estimate, fiscal year 1971 | 21,311,269 |
| Estimate, fiscal year 1972 | 24,300,000 |
| Committee estimate, fiscal year 1973 | 36,000,000 |

All administrative costs of the National Science Foundation, including management of the various program activities and the executive direction and administrative management of the Foundation are included in this activity. The amount requested, $24,300,000, is 3.9 percent of the total FY 1972 agency appropriation request of $622,000,000 and is an increase of $2,988,731 over the amount planned for the activity in FY 1971. Funds requested will provide for an average of 1,065 employees. The proposed increase will be used to meet additional salary requirements and related costs, and higher costs for equipment, rents and communications, supplies and materials, and printing.

*Scientific activities (special foreign currency program)*

| | |
|---|---|
| Actual, fiscal year 1970 | $2,000,000 |
| Estimate, fiscal year 1971 | 2,000,000 |
| Estimate, fiscal year 1972 | 3,000,000 |
| Committee estimate, fiscal year 1973 | 7,000,000 |

A separate appropriation for $3,000,000 for payment in foreign currencies excess to the normal requirements of the United States is requested for FY 1972. These funds will be used for the support of scientific research projects; the collection, translation and dissemination of foreign scientific publications; and science education programs, which are mutually beneficial to the U.S. and the participating excess currency country.

### IV. ACTION BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

#### A. SUMMARY

The purpose of H.R. 7960 as amended by the committee is to authorize appropriations to the National Science Foundation for fiscal year 1972 in the amount of $703,516,215, and for fiscal year 1973 in the amount of $900,000,000 out of money in the Treasury not otherwise appropriated, and in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States, $3,000,000 for fiscal year 1972 and $7,000,000 for fiscal year 1973.

#### B. ADDITION TO AUTHORIZATION AMOUNT REQUESTED ($84,516,215)

The Foundation requested $622,000,000 for fiscal year 1972 including $3,000,000 of excess foreign currency. The testimony and prepared statements for the record provided compelling reasons for the committee to recommend that the Senate authorize an appropriation to the National Science Foundation for fiscal year 1972 of $703,516,215, plus $3,000,000 in excess foreign currencies, and $900,000,000 for FY 1973 plus $7,000,000 for excess foreign currency. In addition the committee recommends mandatory minimum support requirements for the institutional support for science and science education programs. These actions are discussed in the following paragraphs:

##### *1. Scientific research project support and the dropout problem*

The Foundation requested $257,800,000 in fiscal year 1972 for Scientific Research Project Support. This was an increase of $81,900,000 over the fiscal year 1971 appropriation level for this activity. The increase provides $40,000,000 for important fundamental research projects no longer funded by Department of Defense, National Aeronautics and Space Administration, Atomic Energy Commission and others; $27,300,000 for new research initiatives in the environmental, social, and life sciences and in engineering; and $14,600,000 for 12 Materials Research Interdisciplinary Laboratories located throughout the United States, and the National Magnet Laboratory which were formerly funded by the Department of Defense. The Committee believes that the increases proposed by the Foundation for new research initiatives and the amounts for the 12 Materials Research Interdisciplinary Laboratories and the National Magnet Laboratory are the minimum amounts that should be provided for these programs. The committee believes that the proposed budget does not adequately provide for important research no longer funded by mission agencies.

Since fiscal year 1970, the National Science Foundation has received an increasing volume of research proposals from investigators who were formerly funded by the Department of Defense, the National Aeronautics and Space Administration, the Atomic Energy Commission, and other mission agencies. These investigators were engaged in very fundamental research efforts which were determined by the mission agencies not to be sufficiently mission-oriented to qualify for support under the criteria established for their programs. On November 19, 1969, the Military Procurement Authorization for fiscal year 1970 was signed into law by the President as P.L. 91–121. Section 203 of that law required a fundamental change in the funding of research by the Department of Defense. This section limited the research that could be sponsored by the Department of Defense to projects that were clearly related to defense needs. Although this requirement has been modified somewhat, the guidelines incorporated in this section, which has been commonly referred to as the "Mansfield Amendment", have as a matter of policy been adopted by the Department of Defense and other Federal mission agencies. Increasingly these agencies are concentrating their research support in those areas of science that can be identified as mission related and have discontinued their support for a large number of high quality fundamental research projects. As a consequence, many scientists engaged in fundamental research at academic institutions in all 50 states have been notified that support for their research efforts is being discontinued or diminished and that they should seek support from the National Science Foundation.

From testimony provided by the National Science Foundation witnesses as well as from extensive data supplied by the agency on this problem, the Committee has learned that the Foundation has identified almost $100,000,000 in fundamental research projects that will have been dropped by the mission agencies by the end of fiscal year 1972. This is a cumulative amount and represents investigators who have been notified in fiscal years 1970 and 1971 that their projects will be discontinued at the end of the current grant period, which in most instances will occur in the last part of fiscal year 1971 or in fiscal year 1972.

A state by state survey of the fundamental research support being dropped by mission agencies during fiscal year 1971 and fiscal year 1972 is included in the following table:

*Mission agency research support reductions*

| *State* | *Amount* |
|---|---|
| Alabama | $186,000 |
| Alaska | 513,000 |
| Arizona | 626,000 |
| Arkansas | 10,000 |
| California | 12,606,000 |
| Colorado | 1,163,000 |
| Connecticut | 2,146,000 |
| Delaware | 102,000 |
| Florida | 2,815,000 |
| Georgia | 664,000 |
| Hawaii | 239,000 |
| Idaho | 35,000 |
| Illinois | 3,264,000 |
| Indiana | 494,000 |
| Iowa | 787,000 |
| Kansas | 77,000 |
| Kentucky | 484,000 |
| Louisiana | 173,000 |
| Maine | 42,000 |
| Maryland | 2,388,000 |
| Massachusetts | 12,473,000 |
| Michigan | 1,773,000 |
| Minnesota | 825,000 |
| Mississippi | 30,000 |

*Mission agency research support reductions*—Continued

| *State* | *Amount* |
|---|---|
| Missouri | 803, 000 |
| Montana | 165, 000 |
| Nebraska | 100, 000 |
| Nevada | 349, 000 |
| New Hampshire | 260, 000 |
| New Jersey | 4, 650, 000 |
| New Mexico | 1, 734, 000 |
| New York | 7, 857, 000 |
| North Carolina | 1, 429, 000 |
| North Dakota | 40, 000 |
| Ohio | 726, 000 |
| Oklahoma | 515, 000 |
| Oregon | 664, 000 |
| Pennsylvania | 2, 668, 000 |
| Rhode Island | 786, 000 |
| South Carolina | 220, 000 |
| South Dakota | 376, 000 |
| Tennessee | 563, 000 |
| Texas | 2, 182, 000 |
| Utah | 839, 000 |
| Vermont | 310, 000 |
| Virginia | 655, 000 |
| Washington | 435, 000 |
| West Virginia | 140, 000 |
| Wisconsin | 1, 580, 000 |
| Wyoming | 115, 000 |
| District of Columbia | 1, 220, 000 |
| Subtotal, United States | 75, 298, 000 |
| Foreign | 114, 000 |
| Subtotal | 75, 412, 000 |
| Additional projects being dropped by mission agencies, not yet identified by State: | |
| Department of Defense | 15, 000, 000 |
| Atomic Energy Commission | 9, 000, 000 |
| Total | 99, 412, 000 |

The administration budget for the National Science Foundation, as submitted to the Congress, provided only $40,000,000 to meet the support requirements that will result from these other agency "dropouts." The Director of the National Science Foundation, in testimony given to the subcommittee, stated that the Foundation experience thus far indicates that a minimum of 75 percent of the projects being discontinued by the mission agencies are of such high quality as to merit National Science Foundation support. Many of these projects are being conducted by research teams which represent some of the finest science expertise in the nation. Moreover, much of the research involved is at the cutting edge of science, and its termination could result in a serious disruption in the nation's progress in the basic sciences. The committee, therefore, believes that there is at least a $35,000,000 deficit in the amount requested by the administration for this purpose in fiscal year 1972 and has amended H.R. 7960 accordingly to provide for the funding necessary to meet this important research requirement.

### *2. Support of research on environmental, technological, social, and other problems of society*

The National Science Foundation requested $81,000,000 for Research Applied to National Needs (RANN). This program represents a major effort on the part of the National Science Foundation to help focus the science resources of the Nation on environmental, technological, social, and other problems of concern to society. Through its long experience with support of problem-oriented research, the National Science Foundation found it necessary to bring together its problem-focused efforts under a single coordinated and centrally managed program. Therefore, midway in fiscal year 1971, the National Science Foundation merged its programs of Earthquake Engineering, Enzyme Engineering, Weather Modification, Interdisciplinary Research Relevant to Problems of Our Society, and institutional program support designed to give colleges and universities interdisciplinary, problem-focused research capabilities into the single program of Research Applied to National Needs.

The committee views the objectives and individual problem-focused research efforts proposed under RANN as being vital to the national interest. The RANN program represents a specific response by the National Science Foundation to recommendations made by this committee, as well as by other committees of Congress which have purview over National Science Foundation programs, that the National Science Foundation fully utilize the Nation's science resources in efforts to help provide the scientific basis for solving pressing problems of society, including environmental pollution. The committee holds the view that problem-oriented research should, where feasible, be supported by appropriate mission agencies. However, the committee is convinced that the Nation must take the fullest possible advantage of the unique capabilities of NSF to focus the science resources of the Nation on selected problems of national concern and that, with adequate provision being made for interagency cooperation and participation in these activities, the National Science Foundation can make a significant contribution to the Nation's efforts to resolve environmental and other societal problems. The committee believes, further, that the provisions made by the National Science Foundation for the active participation of other agencies in the planning and execution stages of RANN research efforts, together with other existing and planned arrangements for interagency cooperation, including the establishment of a special committee within the Office of Science and Technology, chaired by Dr. Edward David, Director, Office of Science and Technology, to coordinate RANN research programs with the action programs of other Federal agencies, will insure that the research efforts supported by the National Science Foundation under RANN augment and do not duplicate those of other agencies.

The critical nature of the problem-focused research being addressed under the RANN program in fiscal year 1972, such as studies related to the Nation's future energy requirements and environmental studies of major estuaries such as the Chesapeake Bay, areas of the Gulf coast, and parts of the Tennessee Valley, requires that NSF be permitted to make the funding commitments required to insure their success. Reductions in this program could jeopardize the effectiveness of these important research undertakings, especially since a large percentage of the program involves the bringing together of research teams and required equipment and facilities and the development of special institutional capabilities to mount these major societally-oriented efforts.

The committee also believes that the Foundation and the Congress should have the flexibility to permit NSF to make prompt and appropriate science responses to emerging problems of national concern, as they develop.

The committee, therefore, recommends that the full amount of $81 million included in the NSF budget for this program be authorized and that no specific limitation on RANN be included in the authorization legislation.

### *3. Institutional support for science*

The Foundation requested $12,000,000 for this program activity. This amount was entirely for the program of Institutional Grants for Science, and the program of Institutional Science Development was recommended to be discontinued.

The committee is concerned regarding the termination of the Foundation's Institutional Science Development program. The statements and letters provided the subcommittee indicate that the National Science Foundation Institutional Science Development programs are essential to the continued upgrading of academic research and science education of universities throughout the United States and that much remains to be done in this area in order to ensure continued excellence of the programs at these institutions and continued U.S. scientific strength. Therefore, the committee recommends an increase of $22,500,000 above the amount of $12,000,000 included in the Foundation's request for the Institutional Support for Science program, for a total authorization of $34,500,000 for this program

### *4. Science education support*

The Foundation requested $77,300,000 for the Science Education Support program. This is a decrease of $23,300,000 from the fiscal year 1971 appropriation level and reflects the decision of the administration to deemphasize programs that provide direct support for science students, as well as other important National Science Foundation Science Education Support programs, such as Undergraduate Research Participation, the Student Science Training Program for outstanding high school students, and others. The committee believes that these programs have had a very beneficial impact on the quality of science education in the United States.

The committee added $27,016,215 to the $77,300,000 included in the Foundation request, bringing the total amount authorized for science education support for FY 1972 to $104,316,215, or slightly above the fiscal year 1971 appropriation level of $100,600,000.

This action by the committee, based on the subcommittee hearing, is considered necessary to provide for the maintenance of quality science education in the United States. It would provide for:

The restoration of funds for practical science research experiences for about 5,000 high shool juniors and seniors during the summer;

Additional support for in-the-laboratory research experience for college students;

Increased support for pre-college teacher institutes. The National Science Foundation is experimenting with a number of new approaches such as teacher programs on a statewide or area basis;

About 200 small college faculty members to update their education through the Science Faculty Fellowships program;

The development of new course materials, courses and curricula for use at all levels.

The committee supports the new initiatives under the College Science Improvement Program (COSIP) program, which has the potential of aiding some of 85 or so long-neglected institutions.

### C. COMMITTEE AMENDMENTS TO H.R. 7960

The Committee has amended H.R. 7960 by striking all after the enacting clause, and substituting therefor the language of S. 1968, as amended. S. 1968, as amended, provided for a total authorization of $706,516,215 for the fiscal year ending June 30, 1972, including $3,000,000 in excess foreign currency. It also provides for specific lower limitations on the amounts of money to be obligated for Institutional Support for Science and Science Education Support programs.

To the extent that the amount actually appropriated may be less than $703,516,215 (exclusive of excess foreign currency) the Director of the National Science Foundation was authorized by S. 1968, as amended, to reduce ratably the specific amounts for the Institutional Support for Science and Science Education support programs. This provision will provide the Director with needed flexibility to make adjustments in program allocations as necessitated by appropriation action but will, at the same time, insure that the adjustments are made equitably in compliance with the intent of the Committee's action, in increasing the Science Education and Institutional Science Development programs.

In addition, the Director's fund for official reception and representation expenses was authorized not to exceed $7,500. It had been $2,500 in recent years.

A second year authorization of $907,000,000, including $7,000,000 in excess foreign currencies, was provided by S. 1968, as amended, for the fiscal year ending June 30, 1973. The same lower limits for Institutional Support for Science and Science Education Support programs were provided for the fiscal year ending June 30, 1973 as for the fiscal year ending June 30, 1972. No provisions for reduction of those lower limits for fiscal year 1973 were included.

The complete text of the Senate substitute amendment follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "National Science Foundation Authorization Act of 1972".

SEC. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $703,516,213 for the fiscal year ending June 30, 1972, and $900,000,000 for the succeeding fiscal year.

(b) Of the sums appropriated pursuant to subsection (a) of this section for each fiscal year—

(1) not less than $34,500,000 shall be available only for institutional support for science; and

(2) not less than $104,316,215 shall be available only for science education support.

If the amount appropriated pursuant to subsection (a) of this section is less than $703,516,215 for the fiscal year ending June 30, 1972, the Director of the National Science Foundation is authorized to reduce ratably the amounts set aside under clauses (1) and (2) of this subsection.

SEC. 3. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $7,500 for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to such sums as are authorized by section 2 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, and $7,000,000 for the succeeding fiscal year, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

### D. AUTHORIZATION FOR 2 YEARS

The committee is convinced that it is advisable to provide NSF authorizations on at least a biennial basis. It is essential that NSF be permitted to program its activities in such a way as to insure the stability and continuity of science support programs which are central to the continued health of American science. In addition, such an extended authorization would greatly assist the academic institutions and other organizations which participate in Foundation programs by providing them with a more firm basis for future program planning.

Therefore, the committee recommends $703,516,215 be authorized for the Salaries and Expenses Appropriation and $3,000,000 for the Special Foreign Currency Appropriation in fiscal year 1972 and that the amount of $900,000,000 be authorized for the Salaries and Expenses Appropriation and $7,000,000 for the Special Foreign Currency Appropriation in fiscal year 1973.

### V. COMMITTEE VIEWS

The committee is deeply concerned by the sharp reductions proposed by NSF in the Science Education Support and Institutional Support for Science programs. The committee also considers the allowance of $40 million provided within Scientific Research Project Support to offset reductions of at least $100 million in fundamental research support by mission-oriented agencies to be an unrealistically low increase. The added $35 million for the support of fundamental research being dropped by mission-oriented agencies is a minimum to insure continuation of the most meritorious projects. The ability of the United States to remain scientifically strong, to resolve some of its most pressing environmental, technological, and other societal problems, to maintain a strong and healthy economy, and to provide jobs for its people and markets for its products depends on the continued advancement of our science and technology. These advances, over the long term, are under-pinned to a large degree by the support activities of the National Science Foundation, which continually expand our scientific understanding.

The committee fully appreciates the reasons why mission-oriented agencies, such as the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration, are concentrating their resources on activities that are clearly and directly mission relevant and why NSF is being called upon to undertake a larger share of the Federal support for research in the basic sciences. The committee believes that it is appropriate for NSF to assume a larger role in the total Federal support of science in keeping with the intent of its enabling legislation.

The committee strongly endorses the Foundation's actions in pulling together its major problem-focused research efforts in a coordinated and centrally managed program of Research Applied to National Needs (RANN). The committee has, in recent years, encouraged NEF to take a more active role in marshalling the resources of science to help resolve some of the pressing environmental, technological, and social problems facing the nation. Our ability to find solutions to these problems hinges to a large degree on the extent to which we apply the nation's science capabilities to the complex array of factors which underlie and give rise to these problems.

After evaluating the testimony concerning the NSF proposal to reduce its Science Education and Institutional Support for Science programs, the committee is convinced that there is a continuing need to improve the quality of the science education programs being offered by our colleges and universities and to upgrade the capabilities of colleges and universities to conduct advanced research programs. The testimony of witnesses from the academic community and correspondence received from science educators from all parts of the nation indicate that it is important for NSF to continue to support the science education and institutional programs, such as the Student Science Training Program for outstanding high school students, the Undergraduate Research Participation Program, and the Institutional Science Development program, which contribute to the improvement of the quality of science education and research programs in our academic institutions.

The committee believes that the Science Education and Institutional Support programs proposed to be phased out or terminated by NSF in fiscal year 1972 have made important contributions to the improvement of science education in the U.S. Over the long term, there will be an increased demand for science and engineering professionals to meet the needs of our technologically based society. Consequently, the committee does not believe that it would be in the best interest of the nation to make precipitous reductions in the science education ad institutional science support programs of NSF in order to compensate for short-term fluctuations in the employment market.

The committee believes that it is essential that NSF be allowed flexibility to adjust its programs to meet changing science requirements. Historicially, NSF has kept the relevant committees of the Congress fully informed of transfers of funds between major program activities. In view of NSF's record in this regard and of the proven need to permit NSF to respond quickly to the changing requirements for science support, the committee believes that the NSF authorization for the Salaries and Expenses should be made as a single amount, as in previous years, subject only to the specifications regarding support that must be provided for the Science Education and Institutional Support for Science Programs, as stated in the body of the report.

The committee believes that stability of support for U.S. science can be improved by providing NSF authorizations on a biennial basis. Such action will greatly facilitate the planning and execution of programs by the agency and it will enable recipients of Foundation support to plan their programs in a more orderly manner.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

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## PROHIBITION OF HYDROELECTRIC PROJECTS ON THE MIDDLE SNAKE RIVER

The Senate proceeded to consider the bill (S. 488) to prohibit the licensing of hydoelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978.

Mr. CHURCH. Mr. President, today we consider S. 488, a bill declaring a moratorium against dam construction on the Hells Canyon section of the Snake River. This bill, introduced by Senator JORDAN and myself, would prevent the licensing of any hydroelectric projects on this magnificent Hells Canyon stretch of the Snake River for a 7-year period. It would give us an opportunity to complete the studies necessary to determine the highest public use for this section of the Snake River.

The Senate has considered this bill before. Extensive hearings on S. 488 were held by the Committee on Interior and Insular Affairs in February 1970. It was passed by voice vote last year. Unfortunately, the House of Representatives did not take action on the bill. Reintroduced this year, the bill has the support of both Senators from Idaho, Governor Cecil Andrus of Idaho, and the unanimous backing of the Senate Committee on Interior and Insular Affairs. The administration also endorses this moratorium bill. As a measure that has already received, on an earlier occasion, the approval of the Senate, I would hope that the Senate will again approve it.

I should state, at the beginning, that I strongly believe that this section of the Snake River, a magnificent stretch of gushing water passing through the deepest canyon on the American Continent—appropriately known as Hells Canyon—should be preserved in its natural free-flowing state. I have held this belief for a long time.

Others in Idaho believe that the Hells Canyon stretch of the Snake River should be used for power generation; still others see a potential for upstream irrigation.

On February 23, 1971, Federal Power Commissioner Examiner William C. Levy recommended that two dams be licensed by the Commission in the Hells Canyon stretch of the Middle Snake—the Pleasant Valley Dam which would be 550 feet high and would create a 6,350 acre reservoir 34.3 miles long, and the Mountain Sheep Dam which would be 275 feet high and would back up a reservoir extending 20.5 miles upstream.

Although Examiner Levy recommended that construction of these dams not begin before September of 1975, there is no assurance that the Federal Power Commission would follow this recommendation. We are continually reminded that the United States suffers from an electric power crisis that can only be met by getting on with the construction of new power generation facilities of every type, including hydroelectric dams. In light of this pressure, I believe there is real danger that the FPC may issue a license for immediate construction of the Pleasant Valley and Mountain Sheep Dams. If we are to prevent this preemption of the river, we need a moratorium on the FPC's licensing authority.

The principal purpose of obtaining a moratorium is to allow time for completion of studies on alternate uses to which the Hells Canyon section of the Snake River might be put. I have recently written to Secretary Morton of the Department of the Interior and to Secretary Hardin of the Department of Agriculture to ask whether they have begun studies to determine whether this section of the river might be included in the Wild Rivers System. The Secretaries of Interior and Agriculture had previously, last September, placed the Middle Snake on a list of rivers having wild and scenic values. At that time, the then Governor of Idaho, Don Samuelson, had objected to this designation. Since then, our new Governor of Idaho, Cecil Andrus, has reversed the earlier objection and has notified the Secretaries that he wants the Middle Snake included on the list. This should make it possible to proceed with studies on the merits of including the Hells Canyon section of the Middle Snake in the Wild Rivers System.

I should point out that one of the values of initiating wild river system studies of this section of the river is that it constrains any Federal agency from taking any step that would change the scenic or wilderness character of the river before the study is completed. This means that the Corps of Engineers, for example, may not license a boat dock or other man-made obstruction. It means that the Federal Power Commission may not license any electric power line through the area. This should help preserve the natural character of the river until we can settle on a permanent management plan.

I have done all that I can to bring this moratorium bill, S. 488, to the Senate, because I believe that it now stands the best chance of passage by both Houses of Congress in time to forestall the issuance of a license by the FPC. I have said publicly, however, that if the moratorium is not passed by both Houses of Congress this year, I will have to look for some alternative solution. I am hopeful that this bill will pass the Senate again this year and that it will be favorably acted on by the House of Representatives.

Mr. JORDAN of Idaho. Mr. President, I speak in support of S. 488, a bill which would declare a moratorium through September 30, 1978, on the granting of a Federal Power Commission license for any dam on the Snake River between the existing Hells Canyon Dam and the authorized Asotin Dam.

The bill is cosponsored in the Senate by my colleague, Mr. Church and by the senior Senator from Oregon, Mr. Hatfield. A companion bill is sponsored in the House by my colleague, Mr. Orval Hansen.

This bill is an updated version of a Jordan-Church bill in the 91st Congress, S. 940, which was approved without opposition by the Senate on May 15, 1970.

Mr. President, this bill is designed purely and simply to keep open the options on the development of the future water supplies in the Snake River, the Idaho-eastern Oregon regions' major source of surface water. The Snake River at Clarkston, Wash., has an average flow of 33 million acre feet of water annually, an outflow roughly equal to twice the annual flow of the Colorado River.

As an Idaho Senator and a former Governor of Idaho, I feel strongly that the access to this vital surface water supply should not be encumbered by major hydroelectric requirements or by other barriers to future water development until the two border States have had an opportunity to complete State water plans and devise acceptable engineering plans to meet future requirements for water for communities, industry, farms, and fish and wildlife.

Hence, I have supported this moratorium legislation to preserve the status quo and to permit completion of extensive planning programs now being pursued by the States of Idaho and Oregon and by the Pacific Northwest River Basins Commission.

This State and regional planning was accelerated in the late 1960's after proposals were made to divert water from the Snake or the main Columbia to the water-short Pacific Southwest. At the insistence of Members of the Congress from the Pacific Northwest, a 10-year moratorium on such interbasin water diversion planning was incorporated in the Colorado River Basin Act of 1968. The moratorium on development of the Middle Snake River originally was proposed to cover this same period of time, and the now 7-year moratorium will terminate with the diversionary planning ban.

Mr. President, a vote for this bill is a conservation action, in every sense of the word. If enacted, this bill can forestall licensing of a large hydroelectric development in the Middle Snake. Enactment also will maintain options for water resource planning for a large two-State, semiarid area.

A vote for this bill is not a vote for damming the Middle Snake. No damming of the Middle Snake is authorized by this legislation; on the other hand, the immediate construction of a large hydroelectric dam will be postponed for 7 years.

At the end of this 7-year period, after essential planning information is in, long-range management plans can be considered and authorized for this stretch of the river. The decision on future use or preservation does not have to be made now. The bill merely postpones the decision, and the delay called for is only 3 years longer than the planning delay proposed in the recommendations of the FPC examiner.

Mr. President, this legislation is important to the economic future of Idaho and eastern Oregon. I hope that the Senate will uphold its unanimous approval by the Senate Interior Committee and expeditiously vote to approve this urgently needed measure.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 488

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, unless authorized by Congress, no license or permit shall be issued nor shall any application for a license or permit be accepted for filing under the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791–823), as amended, with respect to that reach of the Middle Snake River running between Idaho and Oregon and Idaho and Washington extending from Hells Canyon Dam to a point at river mile 146.5 above the mouth of the Snake River where the Asotin Dam project was authorized by the Flood Control Act of 1962, at any time before September 30, 1978: *Provided,* That nothing herein shall change or affect, for the purposes of any action which may be taken subsequent to such period, the present status, equities, positions, rights, or priorities of any party or parties to an application for license or permit pending before the Federal Power Commission on the date of enactment of this Act: *And provided further,* That nothing herein shall preclude the completion of any hearing or the completion of the record of any proceedings pending before the Federal Power Commission on the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–235) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE OF THE MEASURE

The purpose of this legislation is to suspend the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act (41 Stat. 1063 as amended) for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam.

### BACKGROUND

Between the existing Hells Canyon Dam of the Idaho Power Co. and the site of the Asotin Dam which is authorized for construction by the Corps of Engineers, the Snake River runs through one of the deepest gorges on this continent. Three major tributaries enter the Snake within this 100-mile reach, the Imnaha, Salmon, and Grande Ronde Rivers. Topographic relief in the area varies from peaks above 9,000 feet above sea level to less than 800 feet along the Snake River at Asotin. The canyon is about 3,500 feet from rim to bottom at some locations.

The narrow rocky gorge and rapid fall of the stream which contribute to the scenic value of the area also provide a number of excellent sites for hydroelectric dams. A number of dams and combinations of dams have been studied and proposed by Federal and non-Federal entities over the years. From Hells Canyon Dam downstream, the more significant dams which have been discussed are:

| Dam: | *River-mile (from Columbia River)* |
|---|---|
| Hells Canyon | 247 |
| Pleasant Valley | 213 |
| Appalossa | 198 |
| Low Mountain Sheep | 192 |
| High Mountain Sheep | 189 |
| Nez Perce | 186 |
| China Gardens | 172 |

### HISTORY OF DEVELOPMENT

Studies of this reach of the Snake River have been undertaken intermittently since the early 1900's for recreational, navigation, and multiple purpose development. A comprehensive plan encompassing studies by both the Department of the Interior and the Corps of Engineers was completed in 1948. The report identified the Mountain Sheep site just above the mouth of the Salmon River as an alternative to the Nez Perce site below the Salmon which had been studied by the Corps of Engineers but which would seriously affect the anadromous fish runs in the Salmon River.

Another joint report was prepared in 1954 which proposed construction of the Mountain Sheep and Pleasant Valley Dams by the Bureau of Reclamation.

The Federal Power Commission granted a license in 1955 to the Idaho Power Co. to construct a low Hells Canyon Dam as well as the Brownlee and Oxbow Dams upstream on the Snake River.

The Corps of Engineers was authorized to construct the Asotin Dam by the Flood Control Act of 1962. Construction funds have not yet been appropriated. The feasibility of including a navigation lock in the initial construction of the Asotin Dam is presently being studied.

### PENDING FPC ACTION

In 1954, the Pacific Northwest Power Co. (PNP); a subsidiary of Pacific Power & Light, Portland General Electric, Montana Power, and Washington Water Power; filed for a preliminary permit to develop a combination of low Mountain Sheep and Pleasant Valley Dams. The FPC granted the permit (project 2173) in 1955.

Later in 1955, the company filed a license application. Hearings were held in 1956, the examiner recommended licensing in 1957, but the Commission denied the license in 1958 (19 FPC 126). The Commission's denial was based upon a determination that the Nez Perce project would be better adapted to a comprehensive regional development plan and would have more flood control and power benefits. The Commission was then of the view that the fish passage problem presented by the Nez Perce high dam below the Salmon River could be solved.

Later in 1958, the company filed application for license to construct a High Mountain Sheep Dam (project 2243). Also in 1958, the Corps of Engineers completed a report on the Columbia River and tributaries which recommended a number of alternatives for development of the Middle Snake River including High Mountain Sheep and Nez Perce Dams.

In 1960, the Washington Public Power Supply System (WPPS), a joint operating agency composed of 17 public utility districts and one city in the State of Washington, filed application for the Nez Perce project (project 2273). The FPC consolidated the two applications for hearings which opened in November 1960 and closed in September 1961.

The Secretary of the Interior commented to the Commission that because of the fishery problems and because of the power which would become available from the Columbia River treaty with Canada, "we believe that it is unnecessary at this time and for some years to come to undertake any project in this area."

In April of 1962, a Corps of Engineers report was transmitted to the Congress on "Water Resources Development of the Columbia River." It reflected negotiations among the Federal agencies and concluded that High Mountain Sheep Dam or an alternative should be authorized for construction by the Bureau of Reclamation. The Secretary of Army similarly recommended to the FPC that, because of Federal interests in the area, the Commission should recommend Federal construction of the High Mountain Sheep Dam.

The opinion of the presiding examiner issued in 1962, and the Commission's decision of February 1964 (31 FPC 247), nevertheless granted PNP a license to build High Mountain Sheep Dam and denied a license to WPPS for either site. Following a re-hearing on intervention by the Secretary of the Interior, the Commission on April 30, 1964, affirmed granting of the license. The High Mountain Sheep Dam was considered by the Commission to be the best comprehensive development which would avoid fish passage problems to the Salmon River.

The license was appealed to the U.S. Court of Appeals for the District of Columbia by the Secretary and WPPS. The court affirmed the FPC decision on March 24, 1966. A petition for writ of certiorari was granted and the Supreme Court announced its decision on June 5, 1967. (387 U.S. 428). In a divided decision, the Court demanded the project to FPC.

The court's decision was based upon the following general points.

Refusal of the Commission to take testimony of the Secretary of Interior regarding Federal development.

Lack of adequate consideration of fisheries and recreation aspects by the Commission.

Interior's recommendation of deferral for fishery studies.

Lack of determination by FPC of the public interest as opposed to benefit to the license and lack of consideration of all aspects of public concern rather than only the regional ability to use the power.

In July of 1967 the FPC ordered hearings which were convened in Lewiston, Idaho, and in Portland, Oreg., in September 1968 and in Washington, D.C., beginning in January of 1970.

In 1967, PNP and WPPS entered into an agreement to undertake joint development of the High Mountain Sheep project and amended their applications to be treated as single joint application.

In May 1968, Secretary of the Interior Udall presented the Department's position to the FPC. He opposed the licensing of High Mountain Sheep Dam and proposed instead Federal construction of a combination of a dam at the Appaloosa site and a Low Mountain Sheep Dam—both above the confluence of the Snake and Imnaha Rivers. The Secretary's position was based upon the impact on fisheries, the need for power, and the Federal interest in operation of the Columbia River system.

In February 1969, the Secretary and the applicants filed a joint motion for continuance of FPC proceeding to permit time for the Secretary to seek congressional authorization of Federal construction of a multiple purpose development including a plan for financial participation by the Pacific Northwest utilities interested in power development. Successive motions led to a continuance until August of 1969 to permit the present administration to review the proposal.

On August 12, 1969, Secretary Hickel notified the FPC that he concluded that it is in the public interest to oppose construction of any project at this time. He called for a moratorium of 3 to 5 years for studies of the highest and best future development of the Middle Snake.

The Federal Power Commission presiding examiner, on February 23, 1971, issued an initial decision which would conditionally license PNP and WPPS to construct a project consisting of dams at the Pleasant Valley (river-mile 213) and Mountain Sheep (river-mile 192.5) sites. The examiner, however, would condition the license to provide that construction of the project could not begin until September 11, 1975. The delay is intended to permit time for consideration of scenic river designation under the 1968 Wild and Scenic Rivers Act.

### PRESENT LEGISLATION

S. 488, introduced by the Senators from Idaho, would prohibit the Federal Power Commission from issuing any license or permit or from accepting any application for a license or permit concerning the reach of the Snake River from Hells Canyon Dam (river-mile 247) to river mile 146.5 (approximately the Asotin damsite). The measure would impose the prohibition for a period extending until September 30, 1978.

The bill further provides that the present status and rights of applicants would remain unaffected after the moratorium and that the EPC may complete its pending hearings.

The reach of the Snake River which is included within the prohibition extends downstream to approximately the location of the proposed Asotin damsite. The provisions of the measure would have no effect, however, upon the status of the Federal Asotin Dam which was authorized by the Flood Control Act of 1962 (76 Stat. 1193).

The Subcommittee on Water and Power held a hearing on a similar bill (S. 940, 91st Cong.) on February 16, 1970. S. 940 subsequently passed the Senate but was not acted upon in the House of Representatives.

The Department of Agriculture and the Department of Interior recommended enactment of S. 498. The Office of Management and Budget expressed no objection to enactment.

### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs by unanimous vote, with a quorum of members present in executive session on June 16, 1971, recommends that S. 488 be enacted.

## CONVENING OF SUPREME COURT ON PENTAGON PAPERS

**Mr. MANSFIELD.** Mr. President, the Supreme Court is now in the process of determining whether there is a Government right to preempt publication under the first amendment. It is right and proper that the Supreme Court has convened in extraordinary session to make this determination without delay. Protracted delay cannot be tolerated, especially when the issue involved is whether the Constitution permits even a temporary delay.

The responsibilities of the Congress are closely allied with the freedom of the press. It is not enough that Congress have access to information. The focus of the attention of Members of Congress is greatly determined by the information commonly available to the electorate. In this way, the daily judgments of the Congress in exercising its responsibilities are affected by the availability to the public of information upon which the great national decisions are based. A swift Court decision on the public availability of this information will be most welcome.

Whatever the outcome of the Court proceeding, it would be my hope that there will not be a mad rush on the part of every Senate committee having some possible degree of jurisdiction to conduct hearings on this matter. This would be both haphazard and irresponsible. I, personally, would have preferred a House-Senate committee to undertake this responsibility, but that suggestion seems out of the question, as does a Senate select committee.

I would hope, therefore, that on the basis of a tentative agreement—and I stress the word "tentative"—it would be possible for a joint committee of the Senate Foreign Relations Committee and the Armed Services Committee to undertake this job. It will not be an easy one because there is always the danger of politics and personalities. It would be my hope that, whoever conducts the Senate inquiries, personal feelings would be shoved into the background, that personal publicity would be avoided, and that the dominant factor would be based on responsibility—on a high sense of responsibility—and the need to learn from the past.

It is not necessary to search for scapegoats and devils, because all of us who shared in these decisions on Southeast Asia in some degree or another, must by necessity bear a share of the blame. What we should seek to establish for the future is a closer and more open working relationship between the Congress as a whole, and the Executive, in determining national policy. It must be based on equality and understanding of each others' responsibilities. The purpose would be to reestablish our credibilities with each other and with the country.

What must be done as well is to go more deeply into the question of classification of documents, which, without question in my mind, has exceeded sensible limits, and to speed up the declassification of documents which have previously met a valid criteria of classification.

Perhaps the need is for a 20th Century Stamp Act, which would define more precisely who has the right to stamp the various classifications, and under what circumstances, and to require a justification by originator of the classification as to his selection and how public dissemination would compromise national security.

In these matters I am certain that President Nixon is moving to achieve the necessary reformation, and I commend him for moving in that direction. He shall have the Senate's full cooperation.

The hearings to be conducted by the Senate will not be an easy responsibility. Those who have been named in the Documents, or will be named, must be given the right to explain or defend their participation in the preparation of these papers. I understand in many cases the papers represent only tentative positions, and are not the final position papers. The hearings should be conducted in neither haste nor at leisure. I would envision a most careful preliminary study of the Documents involved. It would be important to maintain a keen appreciation of the interests of third countries who may have been acting in our behest in a private way to find the road to peace, and it must be undertaken with the national security of our country kept uppermost in our mind.

The investigations will call on all Senators to rise above parties or prejudices, to act calmly in a way which will bring credibility to what they do, and in a manner which will restore a greater degree of confidence in the Government and its processes.

Mr. SCOTT. Mr. President, I have discussed this statement with the distinguished majority leader. I agree with it. I think it is desirable that a responsible investigation be conducted. I understand the difficulties of other ways to conduct it, including some suggestions which were discussed by various Senators, including myself.

A joint investigation by the Senate Foreign Relations and Armed Services Committees would seem to be a fair way in which to secure representation of the widely varying points of view. I would hope that these two committees would work out the composition of the membership and the manner in which the hearings are to be conducted, and arrive at a determination as to what, if anything, should be conducted in closed session. Preferably, most of it should be conducted, in my opinion, in open session.

Mr. President, I agree, as the distinguished majority leader has said, that the purpose of this joint investigation would be to reestablish our credibilities with each other and with the country. And I would add with other countries because I have just returned from a visit with government officials in the United Kingdom. I have discussed the international reaction with the Commonwealth leaders.

There is no question whatever that the controversy over these papers has shaken some of our credibility in high quarters in other countries of the world.

The right to know and the right to publish a free press is the safest guarantee of our liberties. The manner in which papers are obtained ought to be carefully considered, and we ought always to be careful to observe the first amendment. But we should also observe the more relevant of the Ten Commandments and by combining a faithful respect for the Constitution and due dedication to the relevant Commandments, perhaps we can work with a modus operandi in the future whereby the press, the public, and the government would not be forced into undue or irrational confrontations.

Mr. President, I welcome this decision and will be very glad to do what I can to assist in the establishment of the investigation.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Connecticut (Mr. RIBICOFF) is recognized for 15 minutes.

## TRIBUTE TO FORMER SENATOR DODD OF CONNECTICUT

Mr. RIBICOFF. Mr. President, previously, at the time of his retirement and on the day he died, a number of Senators joined with me in paying tribute to Senator Thomas J. Dodd. The full Senate honored Senator Dodd officially on May 24, 1971.

Some of the Senators who were not present on the previous occasions have requested an opportunity to also pay tribute to their former colleague this morning.

Tom Dodd served Connecticut and this Nation well during a difficult, but exciting, period in American history. He spent nearly all his adult life in public service—as an FBI agent, the Connecticut Director of the National Youth Administration, assistant chief of the civil rights section of the Department of Justice, and as the chief trial counsel at the Nuremberg trials. In 1955 Tom was elected to the first of two terms he spent in the House of Representatives and in 1959 was elected to the Senate.

During the 16 years he spent in the Congress, Tom labored hard and long for the issues he believed in—issues often considered too controversial by others.

I believe that when the history of this era is written, Tom Dodd will be remembered—and honored—for his courageous efforts to reform our inadequate gun-control laws. As a former law-enforcement officer, he knew firsthand the need to regulate firearms in this Nation. Although his efforts were opposed by one of the most virulent lobbying campaigns ever witnessed, he succeeded in seeing the first comprehensive gun-control law passed in 1968.

I know that Connecticut, the Nation, and all my colleagues who served with Tom are going to miss him.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of Senate Resolution 127 and a few of the many messages of sympathy Tom's lovely wife Grace received from friends around the world.

In addition, Senators WEICKER and HANSEN, who could not be here his morning, have prepared statements and I ask unanimous consent that their statements be printed in the RECORD.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

S. RES. 127

Relative to the death of former Senator Thomas J. Dodd

*Resolved*, That the Senate has heard with profound sorrow and regret the announcement of the death of Honorable Thomas J. Dodd, who served in the United States Senate from the State of Connecticut from 1959 to 1971.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

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AUSTIN, TEX.

Mrs. THOMAS DODD,
*Old Lyme, Conn.:*

We are so very sorry. Lady Bird and I are thinking of you with deepest sympathy. Our hearts and our prayers go out to you.

LYNDON B. JOHNSON.

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WASHINGTON, D.C.,
*May 25, 1971.*

Mrs. THOMAS J. DODD,
*Old Lyme, Conn.*

DEAR MRS. DODD: It is with deep regret that I have learned of the death of your beloved and distinguished husband, a close and valued friend, whom I admired and respected very much.

Mrs. McCormack joins with me in expressing and extending to you and your loved ones our profound sympathy in your bereavement, in your great loss and sorrow.

Very sincerely yours,

JOHN W. MCCORMACK.

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WASHINGTON, D.C.,
*May 25, 1971.*

Mrs. THOMAS J. DODD,
*Old Lyme, Conn.:*

I was most grieved to hear of the passing of Senator Dodd. Mrs. Rabin and I extend to you our heartfelt condolences in your bereavement.

Y. RABIN, Lt. Gen.,
(*Res*) *Ambassador of Israel.*

WASHINGTON, D.C.,
*May 25, 1971.*

Mrs. THOMAS DODD,
*Old Lyme, Conn.:*

The faculty and Jesuit community of Georgetown join me in sending heartfelt sympathy on the death of Senator Dodd. I am saying mass for him and will remember you Tom Junior and all the family.

R. J. HENLE, S.J.,
*President, Georgetown University.*

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JERUSALEM,
*May 27, 1971.*

Mrs. THOMAS DODD,
*Old Lyme, Conn.:*

It was with deep sorrow that I learnt of the death of your husband whom we all mourn. Senator Dodd had won our admiration, respect, and gratitude for his unswerving friendship and consistent support for Israel all through the years of his senatorial career and Jewry entire will never forget the central compassionate and decisive role that he played on its behalf in the Nuremberg trials. I pray that you may find comfort and condolence in the proud memory of his lifetime of enlightened and selfless service to all his fellowmen.

ABBA EBAN,
*Minister for Foreign Affairs.*

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WETHERSFIELD, CONN.,
*May 24, 1971.*

Mrs. THOMAS J. DODD,
*Old Lyme, Conn.*

DEAR GRACE: Mary and I shocked to learn of the untimely death of Tom, his long distinguished public career was marked by his great concern for America and her people. He devoted his life to the causes of justice and freedom. Our thoughts and prayers are with you and your family with deepest sympathy.

JOHN DEMPSEY.

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WASHINGTON, D.C.,
*May 25, 1971.*

Mrs. THOMAS DODD,
*Old Lyme, Conn.*

Tom understood the central challenge of our times and he was a courageous cold warrior. We were good friends. Francesca joins me in sending you, dear Grace, and yours our deepest sympathy at this sad time.

JOHN LODGE.

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NEW YORK, N.Y.,
*May 26, 1971.*

Mrs. THOMAS J. DODD,
*Old Lyme, Conn.*

I wish to express to you and your family the heartfelt condolences of the officers, directors, and staff of the International Rescue Committee on the loss of your husband. As a dedicated member of our board and through countless other activities, he made outstanding contributions to the cause of refugees and human freedom. He will be greatly missed by his many friends and associates. May I also express to you my deepest personal sympathies.

LEO CHERNE,
*Chairman, International Rescue Committee.*

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NEW YORK,
*May 26, 1971.*

Mrs. THOMAS J. DODD,
*Old Lyme, Conn.*

DEAR MRS. DODD: It was with deep regret that I heard the announcement of your distinguished husband's death. As you know, I knew him intimately down through the years and it was always a delight when our paths crossed. Our contacts were particularly frequent during my activities on behalf of the Democratic Party and its nominees.

I realize how hard it is to give a loved one up and that there is some consolidation in the knowledge that the good Lord will give us courage to carry on. Also, the memory of your wedded life will be a source of some comfort to you with the passing of the days. I want you and the other members of the family to know that you have my heartfelt sympathy in the great loss you have suffered.

Sincerely yours,

JAMES A. FARLEY.

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### STATEMENT OF SENATOR WEICKER

Today we honor Thomas Dodd, a sincere, compassionate, dedicated man who devoted his life to the people of his nation and beloved state of Connecticut.

Our hearts go out in sympathy to Tom's widow, Grace, and his family.

We are all well aware of the sacrifices that a man must make when he chooses a career of public service. Tom Dodd made these sacrifices willingly for as he said on many occasions, there is no greater reward than the feeling that you have helped a fellow man.

In 1938, when few people thought about or cared about the rights of the blacks, Tom Dodd was in Mississippi prosecuting civil rights cases.

After World War II, he prosecuted with vigor the war criminals who had committed the most heinous crimes against humanity. Yet one of his last public efforts was to try to free Rudolf Hess, one of the men convicted at the Nuremberg Trials.

In the House of Representatives and in the Senate, he fought against drug abuse and warned against the influence of television violence on the young. He fought for prison reform and for social legislation.

When I first came to Washington as a Congressman, it was Tom Dodd who threw away the partisan and prestige rule book to be of assistance when called upon—which, due to my newness on the job, was frequently.

Tom Dodd reacted the same way to the people of his state. He was never too important to help the average man. He was never too Democrat to help a Republican.

He served his fellow man well. And thus he honored his country.

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### STATEMENT OF SENATOR HANSEN

I would like to express my sorrow at the death of one of our esteemed former colleagues, Senator Thomas Dodd of Connecticut. Senator Dodd was a great American who had a distinguished career in public service. His many contributions to his nation surely left it better than he found it. Senator Dodd's long career working for his countrymen began when he graduated from Yale Law School in 1933 and became a special agent for the FBI. He built a fine reputation as a law enforcement official. He later went on to be a special assistant to five successive Attorneys General. In 1935, with the country in the grips of a severe depression, Senator Dodd organized the National Youth Administration programs in Connecticut, which provide education and employment for young people. His work was so successful that it was used as a model all over the country.

Senator Dodd's long interest in national security began in World War II when he was instrumental in protecting the nation's internal security and set precedents with his prosecution of sabotage and subversion cases. After the war, he earned the Medal of Freedom and a Presidential Citation for his efforts as excutive trial counsel for the United States at the Nuremburg Trials.

The Senator returned to private law practice in 1947 but never relaxed his efforts to work for his country. In 1952, Senator Dodd was elected to the first of two terms in the House of Representatives. He served the people in Connecticut until 1956 and moved to the upper house in 1959. His four years in the House and twelve years in the Senate were characterized by Senator Dodd's concern about the American people.

Senator Dodd worked diligently to protect our nation from the threat of Communism and strongly believed that the U.S. should build a strong military "to make it invincible." The Senator was known for his work in civil rights. Starting with his days in the Justice Department, Senator Dodd helped form the civil rights division and prosecuted cases involving the Ku Klux Klan. In the Senate, he was one of the most consistent advocates for civil rights legislation. Senator Dodd was also persistent in his call for new social legislation, including housing for the poor, Medicare, unemployment compensation and Social Security programs.

Few Senators can match his work in sponsoring drug-control legislation. He is personally responsible for much of the work now effective in this area.

Senator Dodd leaves behind him a long and proud legacy of service to his country. Senator Dodd was an especially great American because he believed in his country and loved his country, and spent his life making it greater. Few have accomplished as much as he did. He will be missed.

Mr. RIBICOFF. Mr. President, I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, Thomas Dodd was an eloquent and thoughtful man whose personal sacrifices and understanding of human problems made him a Senator to whom many looked for guidance.

His unrelenting search for and stress

on individual and national freedom characterized his own lifestyle. His constant insistence on national unity made him a Senate leader.

I remember well many of Senator Dodd's speeches and statements on foreign policy issues. They were memorable in the annals of the Senate for their scope and their scholarship, their philosophical consistency and their nonpartisan nature. But most of all, they were unique because he addressed himself to the issues as they were unfolding and while our policy was still being formulated.

His projects in the Senate were many—urging for more stringent gun and narcotic controls, prohibition of violence on television, and pursuit against community influences in our Government.

The death of Senator Dodd leaves me personally saddened. His love of the Senate was obvious and his contributions to it were many. His philosophy of life can be summed up by a statement he made several years ago.

> We must decide where we have erred and where we have failed and what we might have done to avoid these failures. We must all be brutally frank with ourselves: nothing less than this will suffice.

Mr. RIBICOFF. Mr. President, I yield now to the distinguished Senator from New Hampshire.

### TOM DODD—HIS ORDEAL WAS GREAT

Mr. McINTYRE. Mr. President, it is with personal sadness that I rise today to pay my respects to the late Tom Dodd, of Connecticut.

Forceful, controversial, warm, human, charming, sincere, and tragic might be words to describe Tom. He was a complex man dedicated to serving his country, his State. He had great love for his family.

When I came to the Senate nearly a decade ago I was new to Washington and new to the Congress. Tom Todd, a fellow New Englander who had attended school in New Hampshire, gave me advice and counsel on committee assignments and other problems which face a new Member of the Senate. I found his advice most useful.

In 1963, Mrs. McIntyre and I had a chance to take a trip to Mexico with Tom and his lovely and devoted wife, Grace. We saw on this trip the warm, human, charming side of Tom and his devotion to his wife. We learned to love Grace who was his strong right arm throughout his life.

Tom served in the Congress for 16 years. Much important legislation bears his imprint.

I never had a chance to serve on a committee with him. I regret this because he was diligent in his committee work and his activities on gun control, juvenile delinquency, and subversive activities received national attention. He was among the first to point to the problems faced by our youth and to suggest solutions for juvenile delinquency.

He received many honors for his accomplishments in this field.

He was honored as well for the years he devoted to fighting the enemies of our Nation. He served as an FBI agent. He was an assistant to five U.S. Attorneys General.

He was a leader in the prosecution of the Axis criminals at Nuremberg. Few people knew more about the threat of the foreign enemy and their cohorts at home. Few people were more dedicated to exposing the enemy and fighting his attempts to undermine our way of life.

It was a saddening chain of events that occurred during the closing months of Tom Dodd's service in the Senate. He became enmeshed in the net of campaign financing, which is one of the burdens which all those who follow public service as a vocation find most difficult, cumbersome, and hard to handle.

I know personally what an ordeal those trying times were to Tom. He felt more deeply than any will ever know the hurt which was his during the days and weeks this was a front page story and a subject for the columnists. He suffered during the time of the hearings, and during the period of debate and decision here in the Senate.

The hurt was deep but Tom Dodd kept his head high and moved steadily ahead. He continued to try in his way to work for his State and his Nation. He continued his devotion to his family. His family remained loyal to him throughout his trials.

But, I know that whatever front Tom presented to the public he was so deeply hurt that he never recovered from the ordeal. What he went through hastened his untimely end.

I regret Tom Dodd's passing from the political scene, and I regret his passing from this life.

To his beloved Grace and to the other members of his family, Mrs. McIntyre and I offer our condolences and our expression of sorrow that Tom is no longer with us.

Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished senior Senator from Mississippi (Mr. Eastland).

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement of Senator Eastland

I want to pay a few words of tribute to the memory of the late Senator Thomas J. Dodd of Connecticut, who died at his home in Connecticut on May 24.

It was my privilege to enjoy the cooperation of the Senator from Connecticut on the two Senate Committees which I chair—the Judiciary Committee and the Subcommittee on Internal Security. Thanks to an extraordinarily broad background in the fields of law and law enforcement and political subversion, he made outstanding contributions to the work of both committees.

There were issues from time to time on which I differed with the Senator from Connecticut. But whether one differed with him or agreed with him, it was impossible not to respect his courage and independence, his patriotic dedication, and his implacable opposition to communism and all forms of totalitarianism.

I recall that at the time of Khrushchev's ultimatum on Berlin in November 1958, many voices were raised calling for a compromise rather than face up to the threat of nuclear war. In his maiden speech in the Senate, in February 1959, Senator Dodd took the floor to urge that the United States refuse to yield to Khrushchev's missile blackmail. His speech made a very great impression on the Senators who heard it, and I do not think it is an exaggeration to say that the positive reaction to it enormously strengthened the American position and helped our Government to face down the Khrushchev ultimatum.

I recall, too, that Senator Dodd was one of the first members of the Senate to warn that Fidel Castro planned to implant a Communist dictatorship in Cuba. On this warning, as on so many other warnings, the Senator from Connecticut was proved right by the course of events.

I recall his warning in 1960 against the imposition of a coalition government in Laos. The Senator from Connecticut, who had just returned from a visit to Southeast Asia, informed the Senate that the so-called coalition government was a trap, that the Communists would continue to nibble away militarily at what was left of free Laos, that they would use the coalition government to inactivate us, but that they would not hesitate to break with it whenever they considered it to be to their advantage. The Senator also warned that one of the immediate consequences of the agreement we were about to sign in Laos would be an intensification of the communist guerilla warfare in Vietnam. Once again, his warning turned out to be prophetic.

The Senator from Connecticut raised his voice repeatedly and eloquently in support of the American commitment to the defense of South Vietnam and in support of President Johnson's intervention against the attempted communist takeover in the Dominican Republic.

In December of 1969, the Senator was instrumental in defeating a Foreign Relations Committee amendment which would have eliminated military aid to Greece. "We cannot afford to undermine NATO's Mediterranean defenses," said Senator Dodd, "in order to indicate our displeasure with certain practices of the present Greek government."

These are but a few random items from the long and impressive record that Senator Dodd built up in the field of foreign policy.

As Vice-Chairman of the Senate Subcommittee on Internal Security, The Senator from Connecticut also played a leading role in the fight against subversion on the national plane. He chaired many of the Subcommittee's most important hearings on Communist subversion through the Carribean, on State Department Security, on the Communist murder apparatus, and on other subjects. He also took the initiative in having many special studies prepared at his direction for the Subcommittee. Among these studies were "The Anti-Vietnam Agitation and the Teach-In Movement: The Problem of Communist Infiltration and Exploitation"; "Church and State Under Communism"; "A Study of the Communist Party and Coalition Governments in the Soviet Union and in Eastern European countries;" "The Tricontinental Conference of African, Asian and Latin American Peoples"; and, most recently, "The Human Cost of Soviet Communism" by famed British sovietologist, Robert Conquest.

Looking back on the past, and surveying the present, I can only say that Senator Dodd's strong voice is sorely missed in the United States Senate, and the stilling of this voice represents a grievous loss to the cause of freedom and the national security of the United States.

Tom Dodd was a great United States Senator. Whatever his faults—and who among us does not have faults?—I know that he will be accorded high marks by future generations of Americans.

Mr. RIBICOFF. Mr. President, I yield now to the distinguished senior Senator from Kentucky (Mr. Cooper).

The PRESIDING OFFICER (Mr.

JORDAN of North Carolina). The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, this is an important meeting that we hold today to pay tribute to the service and the memory of a former colleague, the late Senator Thomas J. Dodd of Connecticut.

I am very conscious today that the Senate voted to censure Thomas Dodd and that at that time I was a member of the committee that recommended censure, and, of course, that resolution stands. But this fact does not prevent me from referring to the contributions that former Senator Dodd made to our country.

Former Senator Dodd had a very unusual and busy career as an FBI agent, trial counsel at the Nuremberg trials, and a Member of the House and the Senate. Some aspects of his career at the Nuremberg trial have appealed to me because of similar personal experiences.

I recall that from his experience as chief trial counsel at Nuremberg, he learned of and spoke of the desperation of thousands of Russian war prisoners and forced laborers who, because of the agreement at Yalta, were forced to return to the Soviet Union without their non-Russian spouses and children—a desperation which caused many to kill themselves. I knew of this as a member of the 3d U.S. Army in Germany at the close of World War II, and I was glad to learn that Thomas Dodd had protested the inhumane and cruel treatment of those Russians who were torn from their families.

I recall also his constant interest and fight for civil rights, for equality under the law for all people. We joined together in 1963 and in 1964 in introducing civil rights bills, antedating the bills of the administration in 1964. There never was a time in which he did not continue his work to help assure all people in our country equal rights under the law.

He was one of the first who took up the work of attempting to help solve problems of juvenile delinquents. What better or more important cause was there, or is there today?

He was one of those who initiated the politically unpopular, but correct effort to apply some legislative sanctions against the spread of firearms in our country.

As a result of his record in private and official life, I recall that in 1964, when he was a candidate for reelection to the Senate, over 1,000 outstanding citizens of our country placed an advertisement in the New York Times urging his election.

During the difficult time to which I have referred, and in which I participated as a member of the Committee on Ethics, I remember that Senator Dodd maintained a position of dignity and understanding toward his colleagues. I shall not forget his love and concern for his wife and family and their concern and love for him.

Mr. President, all I can say is that considering the mores of the past and the times, he may have borne upon his shoulders as well, the blame for others.

Mr. President, I join others in this hour dedicated to the memory and work of Thomas Dodd. I appreciated his friendship.

Mr. RIBICOFF. I thank the Senator.

I yield to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Connecticut for yielding to me.

It was not until January 1969, when I came to the U.S. Senate, that I first met Senator Thomas J. Dodd, of Connecticut, then a Member of this body.

Senator Dodd had already had a distinguished career of public service before I had the pleasure of meeting him.

He was a graduate of Yale University Law School, special agent for the Federal Bureau of Investigation, Connecticut director of National Youth Administration, assistant to five successive U.S. Attorneys General, vice chairman, Board of Review, and later executive trial counsel, Office of the U.S. Chief of Counsel for the prosecution of axis criminality at Nürnburg, Germany, and was the recipient of several awards for his work, served 4 years in the House and 12 years in the U.S. Senate.

Senator Dodd while a member of the Senate waged relentless war on communism and the evil forces of communism.

He fought unceasingly against crime, drug addiction, juvenile delinquency, and in behalf of gun control legislation.

So outstanding was his public service that there was much speculation in 1964 that he would be asked by President Johnson to be his running mate in the 1964 presidential election.

His ability was outstanding and his appearance was striking. With the dignity of his bearing and the gray of his hair and his booming, resonant voice he made an impressive figure on the Senate floor. Truly, he looked the part of a Senator.

I found him to be a most attractive person, friendly, loyal, gentle, and kind but with great courage, strength, determination and faith. I was proud to have him for a friend and to be numbered among his friends.

Mrs. Allen and I were saddened by news of his death and extend condolences to Mrs. Dodd and other members of his family.

I thank the distinguished Senator from Connecticut for yielding.

Mr. RIBICOFF. I yield to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Connecticut for yielding.

Mr. President, I wish to join my colleagues in paying tribute to the memory of Thomas J. Dodd. Unlike most of my colleagues, I did not have the privilege of serving in the Senate with Tom Dodd. But I did observe his career in this body with the greatest interest, and I respected and admired his knowledge and perseverance in areas affecting our national security.

During his tenure in the Senate Tom Dodd acquired a well-deserved reputation as an eminent analyst of cold war strategy and as a forceful and highly skilled spokesman in behalf of a sound and thoughtful strategic defense posture. Some of his critics accused Senator Dodd of being a crusader against communism. Tom Dodd was a crusader, and he did indeed relentlessly oppose any weakening of our moral resolve or practical ability to deter communist aggressions. I am reminded of an example of Tom Dodd's crusading spirit which was cited by Eugene Methvin in an article published in the Reader's Digest, September 1964, under the title, "Crusader from Connecticut":

> President John F. Kennedy looked around the White House dining table on February 14, 1961, at the 19 Cabinet and legislative leaders assembled for the first joint breakfast meeting of his administration. The bacon and eggs finished, he raised a touchy question.
>
> "We have this request to let a Vermont manufacturer ship ball-bearing machines to Russia," he said. "Senator Dodd asked President Eisenhower to hold it up, pending Senate investigation. Now he says the shipment will harm our national security. What about it?
>
> "The Russians can buy the same kind of machines from European manufacturers," said Secretary of Commerce Luther Hodges. "If we bar the shipment we only cheat our own businessmen out of the profits."
>
> "I wouldn't jump to a conclusion so lightly," said Vice President Lyndon Johnson. "Tom Dodd has a habit of being right."
>
> Two weeks later, Senator Dodd discovered that the machines were going to be shipped despite his protests. Whereupon he strode into President Kennedy's office and handed him a seven-page report of the Senate Internal Security Subcommittee, of which Dodd is vice chairman. Twelve of the most eminent technical experts in the field, the President read, agreed to a man that not one of the European machines cited by the Commerce Department approached the capabilities of the American machine. The latter was a unique product representing the pooled expertise of many companies; 72 of these machines had been enough to supply the entire U.S. military and space effort with the tiny precision bearings that enabled us to miniaturize equipment and so offset the Soviet rocket-thrust advantage. Yet we were about to hand 45 of the machines to the Russians.
>
> When he finished reading, President Kennedy ordered the shipment to Russia canceled.

Many of us recall another crusade of Senator Dodd's—his protest against the visit of Mr. Khrushchev in 1959. Senator Dodd said:

> Let there be no cheers for the Red dictator, no crowds assembled to greet him, no flattery or flowers. Let our people be civil but silent.

An examination of the speeches and writings of Tom Dodd reveals a keen understanding of the nature of international communism and a thorough and perceptive appreciation of the most subtle foreign policy questions. His presentations were always marked by a myriad of relevant data and facts, interwoven in argumentation meeting the most exacting standard of reason, and concluding persuasively in favor of the points he was raising.

No area of the world was out of Tom Dodd's scrutiny. His searching probes encompassed the prominent, often rotating list of world trouble spots—sometimes Berlin, or Southeast Asia, Cuba, the Congo. More often than not Tom Dodd anticipated the changing course of world events and the possibility of the next international crisis.

The recent heightened interest in the plight of Soviet Jewry points to the continued relevance of Tom Dodd's writing. For many years Senator Dodd addressed himself to the broad issue of communism and religion, and to the more particular issues of Soviet religious persecution, especially his informed and lucid analysis of Soviet anti-Semitism.

Mr. President, I appreciate having this opportunity to salute a man with whom I did not have the privilege of serving, but a man I respected from afar—a Senator who contributed so much to the Nation—Senator Thomas J. Dodd.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I am not fortunate enough to be able to claim a long professional association with Senator Thomas Dodd. However, I did know him some 10 years. I met him in the late 1950's when I had occasion to come to Washington, and he was a Senator then of some renown. He was most generous in his courtesies toward me and a most sensitive person.

From that period to the time I became a Member of this Body this association blossomed, and those same two characteristics, the characteristic of sensitivity and the characteristic of personal kindliness, were repeatedly reaffirmed.

I can candidly say that in many areas of policy we disagreed, and sometimes our disagreements were vitriolic. But more importantly I can say that as a human being and as a person who held my affection there was no other Senator in this Chamber for whom I had a higher personal regard.

I mourn his passing with his family and with his colleagues who had longer and probably closer associations.

I can only say that he accomplished what is probably the ideal of any person in public life: that is, to pass through this life and to make all that it is possible to make—footprints on the sands of time.

Mr. RIBICOFF. I thank the distinguished Senator from Alaska.

Mr. President, I now yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, I join Senators in paying tribute to Tom Dodd. I had the privilege of serving with him in the Senate during the entire time he was a Member. I knew of his record prior to his coming to the Senate and of the honors that had come to him—all those things that were enumerated by my colleague from Alabama (Mr. ALLEN.)

I served with Tom Dodd on the Committee on Foreign Relations. I, of course, observed his work there and was aware of his other committee activities.

I knew of his strong stand against Communist activities and threats to our country. I knew of his work with respect to juvenile delinquency, crime, and gun control.

I found him always to be a man who was easy to work with. I enjoyed my service with him on the Committee on Foreign Relations.

I want to say something else about Tom Dodd. I think that often a man's character and integrity are put to the test in adversity.

I know the unpleasant situation that arose in the Senate, and I watched Tom Dodd to see how he took it. I walked over to his seat in the Chamber. I believe it is the seat where the senior Senator from Connecticut (Mr. RIBICOFF) is now standing.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The time of the Senator from Connecticut (Mr. RIBICOFF) has expired. The Senator from New Hampshire (Mr. McINTYRE) is recognized for the next 15 minutes.

Mr. RIBICOFF. Mr. President, the distinguished Senator from New Hampshire (Mr. McINTYRE) will control the time now; and after the senior Senator from Alabama has concluded his remarks, the Senator from New Hampshire will yield to the Senator from South Carolina (Mr. THURMOND). The Senator from New Hampshire and I have divided the time between us, so the eulogies of Senator Dodd will be continued under the time controlled by the Senator from New Hampshire.

Mr. SPARKMAN. Mr. President, I shall be brief.

The PRESIDING OFFICER. The Chair did not mean to shut off the Senator from Alabama.

Mr. SPARKMAN. I understand. I am sorry I did not know about the allocation of time.

I walked over to Tom and said, "I want you to know that I admire you. I admire the way you stood up and showed yourself to be the man you are in the attitude you take."

I want to pay this tribute to Mrs. Dodd: I never saw anyone stand by her partner in a better and stronger way than she did through it all.

Both Mrs. Sparkman and I extend to her and to her family our condolences.

Mr. RIBICOFF. Mr. President, I wonder if the Senator from New Hampshire will yield for a unanimous-consent request?

Mr. McINTYRE. I am glad to yield.

### RECORD OPEN UNTIL JULY 14

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the RECORD be kept open until July 14, that Senators be allowed to submit statements, and that the statements concerning the late Senator Thomas J. Dodd be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I am pleased to yield now to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, the man we are gathered here to honor today had a public career marked by great distinction and also by great tragedy. As a member of this body for 17 years, he was renowned for his great patriotism and for the intellect and ability to express that patriotism effectively. His record as a liberal in domestic matters was complemented by a sincere and incisive anti-Communist position in foreign affairs.

He was known throughout his life for his interest in young people and he served with distinction as chairman of the Subcommittee on Juvenile Delinquency. Outside of his Senate career, his most well-known public service was to serve as chief prosecutor of Nazi war criminals in the Nuremberg trials in 1945 and 1946.

Mr. President, his exceptional talent placed him among those reported to have been seriously considered for the Democratic nomination for Vice President in 1964. The high regard in which he was held in the Senate was shared by the President of the United States, Lyndon Johnson.

Most of us in this body are familiar with the great tragedy which befell our colleague when he was censured by the Senate. It has been said, "To err is human, to forgive divine." In my judgment, the action of the Senate in this matter was a prime example of human error. This was a sad example in which the Senate did not show the necessary courage to exonerate this man. The evidence showed clearly that Senator Dodd obtained no personal gain whatsoever and that he, in fact, had expended much greater sums of his personal funds than he received. His was a trial by the press that was degraded by a serious lapse of loyalty on the part of those he should have been able to trust. I am proud that I stood with him then, when his need was so great.

Mr. President, Tom Dodd was not a man to admit defeat. He continued to represent his home State of Connecticut with diligence and ability. He offered for reelection last year and, when it became clear he would be denied his party's nomination, he showed unusual courage and campaigned energetically as an independent. Although he was not elected, I have always felt his action showed a quality of strength in the man that deserves our notice and our praise.

It can often be easy to display qualities of courage and honor when everything is going well. The test of a man is his ability to show these qualities in the darkest hours. Tom Dodd met that test.

Mr. President, Tom Dodd was a man of honor, a man of courage, and a man of capacity. He was an astute lawyer, an able Senator, a distinguished statesman, a brave soldier, a true patriot, and a great American. He was a fine citizen and a good friend.

Mr. President, I would be remiss if I did not say that his wife, Grace, is one of the loveliest, most charming, and finest ladies I have ever known. She stood by him at all times. She was an inspiration to him. She assisted him in his work and deserves the highest commendation. A great deal of what he accomplished, I am sure, was due in large part to his capable and devoted wife. I wish for her all happiness and good health in future years.

Mr. CANNON. Mr. President, the career in public service of Thomas Dodd covered almost four decades. We who have had the opportunity to work with

Tom Dodd during his two terms in the Senate know that the list of causes he championed during his service is long and impressive. The issues he chose to tackle were often controversial, yet he never hesitated to stand alone if necessary for the causes for which he believed.

His crusades first focused nationwide attention on such issues as juvenile delinquency, civil rights, crime, and drug abuse. As chairman of the Senate Subcommittee on Juvenile Delinquency, his vast knowledge helped formulate omnibus legislation to stem delinquency and drug abuse.

An internationalist, proud of America's constructive postwar foreign aid works, Tom Dodd was also keenly aware of the historical value and modern necessity to maintain America's balance of strength in arms and in diplomacy. He worked for the nuclear test ban treaty because he though that treaty to be in the Nation's and the world's best interest, but he also worked to guard against erosion of our military strength.

His fame, justly earned as a Nuremberg prosecutor, was a further highlight of Tom Dodd's distinguished and dedicated public service. As chief trial counsel at Nuremberg in 1945–46, Tom Dodd said that he was privy to "an autopsy of history's most horrible catalog of human crime." He was one of the few to witness firsthand the totalitarian terrors of both the Nazi's and the Communists, and the memory of this momentous event in history imprinted upon him the necessity to fight totalitarianism in all its forms.

Tom Dodd served the Nation with great dedication and his death is a sad loss.

Mrs. Cannon joins me in extending condolences and sympathy to his widow, Grace, and his family.

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is today providing us with the opportunity to pay tribute to the former Senator from Connecticut, Thomas J. Dodd. And I am honored to participate.

As a Member of this Chamber, Senator Dodd built a record of solid achievement, a record in which he could take pride, and for which his fellow citizens should express real gratitude. Senator Dodd was a sentinel of national security. He understood full well the requirements of a sound defense, and he fought gallantly for them. An acknowledged expert on communism and a vigilant advocate of internal security, Tom Dodd appreciated the fact that disorder and dissolution can come from within as easily as from without.

His colleagues knew him as a fervent patriot, and his friends as a man of rare personal courage. Nowhere was his resolve better evidenced than in his campaign for reelection in 1970. He ran against great odds to vindicate the conduct of his office. His countrymen can only admire such tenacity.

Today, Mr. President, we mourn his passing. America has lost an effective defender of its interests abroad and its liberty and well-being at home. I join the Members of the Senate, and his legion of friends everywhere, in the belief that the record of Thomas J. Dodd will endure the test of time.

Mr. COTTON. Mr. President, when I think of the late Senator Thomas Dodd, I remember primarily the years during which we worked together as colleagues on the Senate Judiciary Committee and especially the honor of serving under him on the Subcommittee on Juvenile Delinquency.

If more of the restrictions and precautions advocated by the late distinguished senior Senator from Connecticut had been adopted and put into practice, we might well have prevented some of the drug abuse problems which confront us today.

Tom Dodd was devoted to the cause of preventing drug abuse, just as he was devoted to the cause of combating all those individuals—both those from within our Nation as well as those from without—who sought to weaken the power of a strong America.

In my mind I shall always remember him for his ability and his achievements, and thus will he be remembered in history.

Mr. WILLIAMS. Mr. President, I join my colleagues today in paying tribute to the memory of a devoted public servant and former Member of Congress, Senator Thomas J. Dodd.

I was privileged to serve in the House with Tom Dodd during the 83d and 84th Congresses, and we were both elected to the Senate in the same year as members of the "Class of 1958." During the 15 years that we served in Congress together, I came to know Senator Dodd as a dedicated and hard-working public servant.

Very few men in American history have devoted their lives so completely to the service of their country as did Tom Dodd. While still in law school, he campaigned in support of President Roosevelt's "New Deal," and shortly thereafter he joined the Federal Bureau of Investigation. He helped organize the Justice Department's Civil Rights Division and in 1945 was sent to Nuremberg where he became chief trial counsel at the Nazi war crimes trials.

Senator Dodd was well known for his vigorous and unrelenting crusade against communism, yet he was one of the few people who dared to speak out against the irresponsible, anti-Communist demagoguery of the McCarthy era. During his service in Congress, Tom Dodd became widely recognized for his scrupulous fairness. Senator Paul Douglass once remarked about him:

> Although Tom Dodd is a vigorous anti-Communist, I know personally that he has many times stood up for those unfairly accused by the far right.

In the Senate, Tom Dodd will long be remembered for the outstanding work he did as a member of the Foreign Relations Committee, the Committee on the Judiciary, and the Committee on Aeronautical and Space Sciences.

Mr. President, perhaps the finest tribute that can be paid to Senator Dodd is to point out that he was admired even by those who frequently disagreed with him on philosophical or ideological grounds. This is probably so because Tom Dodd himself recognized that in a democracy like ours, these differences are unavoidable and necessary. That belief which he held is expressed very well in a quotation from one of his speeches which I should like to recall here:

> The differences that exist within our society are important, inevitable and, indeed, proper. But we all share the same basic beliefs in freedom and justice, in the God-given nature of man's rights, in the destiny of our country. And these basic beliefs that unite us are ten thousand times as important as the controversies that divide us.

Mr. President, I am very glad to have this opportunity to honor the memory of a former colleague who will long be remembered by us who knew him and worked with him as one of our Nation's most dedicated and tireless public servants.

Mr. McGEE. Mr. President, it is with a sense of personal loss that I pay tribute to our late former colleague, Senator Thomas Dodd. I say this because Senator Dodd made significant and lasting contributions in the area of prison reform and as chairman of the Subcommittee on Juvenile Delinquency. He was a strong crusader against drugs and organized crime. As a member of the Committee on Foreign Relations, he was always a steadfast supporter of a strong foreign policy posture on the part of the United States.

Senator Dodd's death was a particularly personal one for me. He was a member of the freshman class of 1958 in the Senate, as was I. It is only fitting that the Members of the Senate set aside a moment from their duties to honor the memory of the last former Senator from Connecticut.

Mr. McINTYRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McINTYRE. Is my understanding correct that the record will remain open until July 14 for any other Senators who might wish to make statements?

The PRESIDING OFFICER. The Senator is correct.

Mr. McINTYRE. With that understanding, I yield the floor.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Under the previous order, the Senate will proceed to the transaction of routine morning business, with statements therein limited to 3 minutes.

## QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE RESPONSIBILITY AND THE DRUG ABUSE PROBLEM

Mr. PERCY. Mr. President, on Friday of last week I introduced S. 2097 to establish a Special Action Office for Drug Abuse Prevention within the Executive Office of the President which will concentrate the resources of the Nation in a crusade against drug abuse. I am deeply gratified that the senior Senator of Connecticut (Mr. Ribicoff), who is chairman of the Senate Subcommittee on Executive Reorganization, is the principal cosponsor of this legislation and that 19 of my distinguished colleagues from both sides of the aisle have joined in that most important and urgent effort. I look forward to prompt hearings on this legislation.

In any listing of national priorities, the insidious problem of drug abuse must be listed near the top. An editorial in the June 23 Washington Post, referring to the President's message on drug abuse, succinctly reminds us of our overriding responsibility to help those afflicted by this epidemic, among them those serving in our Armed Forces. The editorial notes:

> The public responsibility for their plight, because they became addicted while serving in the armed forces, is merely more apparent although not a great deal more direct than the public responsibility for victims of the same epidemic in civilian life. In either case, anyway, the public interest is more likely to be served by cure than by punishment.

Noting that some 30,000 to 40,000 American troops in Vietnam are said to be on hard drugs, the Post editorial concludes:

> The problem is more likely to be solved by exterminating its causes than by attacking its symptoms. The aim must be to bring all these unfortunates, soldiers and civilians alike, back into the community.

At this time, Mr. President, I ask unanimous consent that this editorial entitled "Help for the Addicted" be printed in its entirety in the Record. I also ask unanimous consent to have printed an editorial entitled "Braking Speed," appearing in the Washington Post of June 22, 1971, which deals with the paramount need to restrict distribution and use of the more than 8 billion amphetamine pills manufactured each year in this country.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, June 23, 1971]

### Help for the Addicted

The salient feature of the President's promised major attack on the drug problem among American servicemen overseas is that the government's hand is held out not to strike the victims but to help and sustain them. White House spokesmen promised that servicemen who are found to be on drugs or who voluntarily apply for treatment will not be prosecuted or punished. These are sick people, victims of a kind of epidemic. The public responsibility for their plight, because they became addicted while serving in the armed forces, is merely more apparent although not a great deal more direct than the public responsibility for victims of the same epidemic in civilian life. In either case, anyway, the public interest is much more likely to be served by cure than by punishment.

There was a recognition of this in the President's message to Congress last week on drug abuse control. "The threat of narcotics among our people," he said, ". . . is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs." Moreover, the President has put at the head of the proposed new Special Action Office of Drug Abuse Prevention an admirably compassionate psychiatrist, Dr. Jerome Jaffe, whose approach to the problem in Illinois where he headed a program for Governor Otto Kerner was primarily one of treatment, not retribution. Mr. Nixon's message also laid stress, however, on "increased enforcement and vigorous application of the fullest penalties provided by law." No wonder Rep. James H. Scheuer, who has been trying for nearly a year to get an Office of Drug Abuse Control established in the White House and who congratulated President Nixon on last week's action, said that his major reservation about the President's new agency "concerned its lack, of jurisdiction over law enforcement programs run by the Federal Bureau of Narcotics and Dangerous Drugs . . ."

The harsh fact that has suddenly made the drug addiction in our armed forces a matter of urgent national concern is an acknowledgment by the Provost Marshal's office in Saigon that something like 30,000 to 40,000 American troops in Vietnam are on hard drugs. The country drafted those young men and sent them to fight in circumstances under which narcotics—easily and cheaply obtainable—afforded an easy and welcome escape from the realities of life. Responsibility for their illness is too obvious to be evaded. But is the causation of domestic addiction really so very different? It, too, is a method of seeking escape from reality.

The problem is more likely to be solved by exterminating its causes than by attacking its symptoms. The aim must be to bring all these unfortunates, soldiers and civilians alike, back into the community.

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[From the Washington Post, June 22, 1971]

### Braking Speed

Narcolepsy and hyperkinesis are considered rare diseases, the first causing brief attacks of drowsiness and the second causing overactive behavior disorders in children. Neither is of general public interest, except for the coincidental way in which they are related to the spreading abuse of drugs. Both diseases are treated by amphetamines, with a legitimate medical need measurable in the thousands of pills. Yet, according to the National Institute of Mental Health, some eight billion amphetamine-type pills—known as speed or pep pills—are manufactured legitimately every year, not counting dope world producers. This would supply about 40 doses for every American; more than 8 per cent of U.S. prescriptions are for this stimulant. With so little genuine need for these pills—they can be as addictive and harmful as heroin—it is no surprise they are abused. A useful report of the House Select Committee on Crime says that one way amphetamines and methamphetamines find their way into the illicit drug market is through over-prescription by doctors, especially as long term diet pills and psychic energizers.

Recent moves by medical societies and groups of doctors around the country suggest that many physicians are not only aware of the problems but are acting responsibly to control it. A majority of doctors in Huntington, Long Island, for instance, signed a pledge to prescribe amphetamines only for genuine medical needs. The medical society of Utah recently passed a similar resolution; and the issue may be raised at this week's meeting of the American Medical Association. These signs of positive action can only be for the common good. Dr. David C. Lewis, an associate in medicine at Beth Israel Hospital and Harvard Medical School in Boston told the committee that in his survey of 50 speed users who shot speed intravenously, more than 90 per cent had previously experimented with it in tablets or capsules. "The majority of these tablets or capsules were not purchased illicitly on the street, but were obtained from home medicine cabinets, a testimony to their availability."

Although the Food and Drug Administration last year accused drug companies of encouraging the illegal and unhealthy use of amphetamines, it has no authority to restrict production of the drug. This is why the self-controls of the doctors in Huntington and other places are worthwhile; it is also why a larger speed embargo should be encouraged by cooperative doctors. This would be both a credit to the medical profession and a service to the public. Dr. George R. Edison, director of student health services at the University of Utah, told the committee that the development of more effective and less toxic drugs has made amphetamines virtually useless. "It turns out that amphetamines really do not conform, in my opinion, to the standards that we attempt to apply to every drug. That is, we need to show that there is a need for the drug, that the drug is effective, and that it is safe. On all three counts, I really do not feel that amphetamines qualify."

## QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR HUGHES ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters and communications, which were referred as indicated:

### Proposed Amendment to the Budget, 1972, for the Community Relations Service, Department of Justice (S. Doc. No. 92–26)

A communication from the President of the United States, transmitting a proposed amendment to the request for appropriations transmitted in the budget for the fiscal year 1972, in the amount of $735,000, for the Community Relations Service of the Department of Justice (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

### Proposed Amendments to the Budget, 1972, for Certain Commissions (S. Doc. No. 92–27)

A communication from the President of the United States, transmitting proposed amendments to the request for appropriations transmitted in the budget for the fiscal year 1972, in the amount of $770,000 for the National Commission on Fire Prevention and Control, and $700,000 for the National Tourism Resources Review Commission (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

### Notice of Interchange of Jurisdiction

A letter from the Secretary of the Army and the Secretary of Agriculture giving notice, pursuant to law, of the intention of the Department of the Army and the Department of Agriculture to interchange jurisdiction of civil works and National Forest lands; to the Committee on Agriculture and Forestry.

### Report on Value of Property Provided by the Berlin Magistrat

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrat for the quarter January 1, 1971, to March 31, 1971; to the Committee on Appropriations.

### Proposed Amendment of the Atomic Energy Act

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation to modify the present requirement for mandatory review by the Commission's Advisory Committee on Reactor Safeguards (with accompanying papers); to the Joint Committee on Atomic Energy.

### Proposed Legislation Requiring Authorization From the AEC

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation requiring applicants for licenses to construct and operate production or utilization facilities obtain a site authorization from the Commission (with accompanying papers); to the Joint Committee on Atomic Energy.

### Report of the Communications Satellite Corporation

A letter from the Chairman of the Communications Satellite Corporation transmitting, pursuant to law, the annual report on activities and accomplishments of the Corporation (with accompanying report); to the Committee on Commerce.

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## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the legislature of the State of Alabama; ordered to lie on the table:

"Resolution Memorializing Audie Murphy

"Whereas, On May 31, 1971, Audie Murphy met an untimely death in an aircraft accident; and

"Whereas, It is ironic that his death occured on Memorial Day, a day when America honors its fallen combat heroes; and

"Whereas, Audie Murphy, the most decorated serviceman in the history of the military of the United States of America, was a patriot in the true sense of the word, believing in and living the ideal that freedom and democracy are worth dying for; and

"Whereas, On July 20, 1968, Audie Murphy delivered the dedicatory address at dedication ceremonies of the Alabama War Memorial and Hall of Honor honoring Alabama's fallen sons, and at that time, in referring to this memorial, said: 'May it be an inspiration for other states to follow . . . that one day there will be fifty war memorials.'; and

"Whereas, On other visits to Alabama, Audie Murphy expressed his affection for the State of Alabama saying, 'On my one-time visit, I feel in love with this State, and its people have shown me great southern hospitality.'; and

"Whereas, Audie Murphy had consented to participate in the Spirit of America Fourth of July celebration in Decatur, Alabama, to help revitalize the spirit of patriotism in Alabamians, and although his body is enshrined in Arlington, we know his spirit will be with us; and

"Whereas, Audie Murphy's bravery, courage, devotion to and love of country and concern for his fellowman have been and will continue to be an example for all Americans to follow both in time of war and in time of peace; and

"Whereas, The Legislature of Alabama wishes to express its profound sadness and sense of loss upon the death of Audie Murphy; now therefore

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the death of Audie Murphy has saddened the hearts of Alabamians, and that America has lost one of her true patriots.

"Be it further resolved, That the Legislature requests that a place of honor be reserved for Audie Murphy in the Hall of Honor at American Legion Headquarters in Montgomery, with a copy of this resolution to be displayed there to show the world Alabama claims his as her own.

"Be it further resolved, That the Legislature hereby requests that certain of his personal articles be collected by the Alabama Department of Archives and History there to be kept until duly dedicated to the State of Alabama.

"Be it further resolved, That a copy of this resolution be sent to his widow and children who reside at 1201 Toluca Road, North Hollywood, California; the President of the United States; and to both Houses of the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Banking, Housing and Urban Affairs:

"Assembly Joint Resolution No. 19

"Relative to mortgage assistance

"Whereas, Senator Alan Cranston has introduced legislation regarding home ownership conservation loan insurance; and

"Whereas, The purpose of this legislation is to prevent widespread mortgage defaults and the distress sale of homes by persons whose employment has been terminated or whose income has been drastically reduced as a result of adverse economic conditions prevailing in an industry or area and who require a reasonable period of time to make the necessary adjustment; and

"Whereas, Such legislation would be of great assistance to unemployed or underemployed homeowners in various economically distressed areas of this state; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation providing for home ownership conservation loan insurance at the earliest possible time; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A concurrent resolution of the legislature of the State of Louisiana; to the Committee on Interior and Insular Affairs:

"House Concurrent Resolution No. 515

"A concurrent resolution to memorialize the U.S. Congress to enact appropriate legislation to resolve the tidelands conflict

"Whereas, for decades there has been a genuine dispute between the federal government and some thirty states, whose shores touch on the Atlantic Ocean, the Pacific Ocean, the Gulf of Mexico or the Great Lakes, over the distribution or revenues derived from off-shore mineral production; and

"Whereas, large royalties and bonuses from off-shore production have gone to the federal treasury or to an escrow fund, the ownership of which has long been contested and the amount of which now exceeds $1,700,000,000.00; and

"Whereas, the state of Louisiana has expended millions of dollars over the years in building highways necessary for access to transportation facilities to off-shore rigs and platforms, and in educating the workers of this important industry, and in providing many valuable public services for such workers and their families and yet the state of Louisiana does not impose an ad valorem tax on the drilling equipment nor a sales tax on supplies delivered to off-shore sites and receives no severance tax revenue from most of the off-shore mineral production; and

"Whereas, such circumstances have led to an expansion of off-shore exploration and development to the prejudice of inland operations; and

"Whereas it is apparent that decades of litigation in the courts and hearings before special masters and commissions have failed to resolve these important disputes and ever-increasing inequities, and the matter has now reached an impasse; and

"Whereas, it is incumbent upon the United States Congress to enact appropriate legislation to effect an equitable solution to this serious problem, since it involves the welfare of a majority of the States and a majority of the population; and

"Whereas, in the light of recent debate over revenue sharing, prompt action by Congress to determine the rights of the several states to share in revenues from off-shore production is entirely consistent with such proposals and is long overdue.

"Therefore, be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Congress of the United States of America is hereby memorialized to take prompt action to resolve the tidelands dispute and to enact appropriate legislation providing for the sharing of off-shore mineral revenues with the several states.

"Be it further resolved that copies of this Resolution shall be transmitted forthwith to the presiding officers of and to each member of the Louisiana delegation in the Senate and House of Representatives of the United States Congress."

A joint resolution of the General Assembly of the State of Maryland; to the Committee on the Judiciary:

### "HOUSE JOINT RESOLUTION No. 112

"House Joint Resolution ratifying a proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Whereas, The 92nd Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens of the United States who are eighteen years of age or older; and

"Whereas, This Joint Resolution passed the Senate of the United States on March 10, 1971, passed the House of Representatives of the United States on March 23, 1971, and now has been submitted to a vote of the States; and

"Whereas, The State of Maryland wishes to ratify this proposed amendment to the Constittuion of the United States which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution of the United States, viz:

" 'Article —

" 'Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'Section 2. The Congress shall have power to enforce this Article by appropriate legislation.' Now, therefore be it

"*Resolved by the General Assembly of Maryland,* That the foregoing proposed amendment to the Constitution of the United States is ratified by the State of Maryland to all intents and purposes as a part of the Constitution of the United States; and be it further

"*Resolved,* That the Governor of the State of Maryland is requested to forward authentic copies of this Resolution, under the Great Seal of the State of Maryland, to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Administrator of General Services of the United States."

A joint resolution of the General Assembly of the State of Maryland; to the Committee on Veterans' Affairs:

### "SENATE JOINT RESOLUTION No. 64

"Senate Joint Resolution requesting the Department of Defense to acquire additional land within the State for use as a National Cemetery

"Whereas, many citizens of Maryland are veterans or relatives of veterans and hereby entitled to burial in a National cemetery; and

"Whereas, National cemeteries are rapidly becoming overcrowded, thereby necessitating a curtailment of the honor of being laid to rest on government property; and

"Whereas, it is unfortunate that many qualified persons within this State will be denied their privilege to be buried in a National cemetery by reason of a shortage of available space set aside for use as a National cemetery; and

"Whereas, there are several veterans' organizations which would probably be willing to donate land for this use if requested; now, therefore be it

"*Resolved by the General Assembly of Maryland,* That the Department of Defense be requested to acquire additional land in Maryland for use as a National cemetery; and, be it further

"*Resolved,* That the Secretary of State send copies of this Resolution to the United States Department of Defense, President Richard M. Nixon, Vice-President Spiro T. Agnew, the Maryland Congressional Delegation and the Maryland Veterans Commission."

A joint resolution of the General Assembly of the State of Ohio; to the Committee on the Judiciary:

### "JOINT RESOLUTION

"An application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the purpose of proposing to the several states a constitutional amendment to make available to the states and their subdivisions a portion of the taxes on income levied by Congress

"*Be it resolved by the General Assembly of the State of Ohio,*

"Whereas, A resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

"Whereas, The federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal inbalance between the federal government and the state and local governments, and

"Whereas, Increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

"Whereas, The evident solution to this problem is a meaningful sharing of federal income tax resources, and

"Whereas, The United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states; now therefore be it

"Resolved, By the General Assembly of the State of Ohio that, pursuant to Article V of the Constitution of the United States, the General Assembly of the State of Ohio does hereby make application to the Congress of the United States to call a conventiton for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States, and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this General Assembly, and be it further

"Resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the General Assembly of the State of Ohio.

A resolution of the House of Representatives of the State of Ohio; ordered to lie on the table:

### "H.R. No. 74

"A recommendation to the President of the United States that he sign into law United States Senate Bill 31, the Emergency Employment Act

"*Be it resolved in the House of Representatives of the State of Ohio:*

"Whereas, Unemployment has just reached 6.2% and our Nation faces its worst summer unemployment crisis in recent history, and

"Whereas, State and local agencies desperately need Federal assistance to maintain their most basic functions, and

"Whereas, The public service employment concept has been officially endorsed by the National Governors' Conference, National League of Cities, U.S. Conference of Mayors, and the National Association of Counties, and many governors, mayors, and county executives have come to Washington to endorse this measure, and

"Whereas, The President has indicated acceptance of transitional public service employment, and Congress has offered the President firm assurances that they will report out within the next few months comprehensive manpower reform legislation, giving state and local government new resources and new responsibilities for manpower programs, and

"Whereas, There is an immediate need for jobs, with ninety to one hundred percent Federal funding, as provided by Senate Bill 31, the Emergency Employment Act, and

"Whereas, Both Houses of Congress have now passed the Emergency Employment Act, which would enable cities, counties and states to put an estimated 150,000 to 200,000 unemployed persons to work immediately in necessary jobs, and

"Whereas, Senate Bill 31 passed the United States Senate April 1 by a vote of sixty-two to ten, and the United States House of Representatives on June 2 by a vote of two hundred and forty-four to one hundred and forty-two, in each case with strong bipartisan majority, and minor differences in the Senate and House bills are being resolved and the final measure should reach the President shortly after June 21, 1971, now therefore be it

"Resolved, By the House of Representatives of the State of Ohio that, we strongly support United States Senate Bill 31, the Emergency Employment Act, and be it further

"Resolved, That we urge the President of the United States to sign this measure into law when it is presented to him by the Congress of the United States, and be it further

"Resolved, That certified copies of this Resolution be presented forthwith to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and the majority and minority leaders of both parties in each House of Congress, attesting to the adoption of this Resolution by the House of Representatives of the State of Ohio.

"Adopted June 17, 1971."

A concurrent resolution of the General Assembly of South Carolina; to the Committee on Finance:

"CALENDAR No. S. 582

"A concurrent resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets by still another low-wage nation

"Whereas, the President of the United States has lifted restrictions on trade with Communist China in forty-seven categories, including textile products and machinery; and

"Whereas, it is believed that Communist China has a large textile industry, and the President's action simply opens another source of low-wage textile imports that further imperil the wages and jobs of thousands of Americans; and

"Whereas, there seem to be no reliable indications at this time that substantial exports can be sent to Red China so far as textiles are concerned; and

"Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

"Whereas, the revenues of the State Government, county governments and municipal governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

"Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

"Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto shorttime, manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

"Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

"Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

"Whereas, the textile industry of South Carolina and the entire nation has invested billion of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

"Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

"Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

"Whereas, the opening of trade with Red China adds still another competitive burden on the American textile industry and its employees. Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the General Assembly of South Carolina respectfully memoralizes the President of the United States and the Congress of the United States to immediately take steps necessary to safeguard the American textile industry against further serious inroads into its markets by placing appropriate restrictions on all such items that might be imported into this country.

"*Be it further resolved* that copies of this Resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, to the Secretary of Commerce and the Secretary of State of the United States."

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board.

By Mr. ERVIN, from the Committee on Armed Services:

Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

By Mr. BENTSEN, from the Committee on Armed Services:

Vice Adm. Bernard M. Strean, U.S. Navy, and Vice Adm. Arnold F. Schade, U.S. Navy, for appointment to the grade of vice admiral, when retired.

Lt. Gen. Richard P. Klocko (major general, Regular Air Force), and Lt. Gen. Robert H. Warren (major general, Regular Air Force) to be placed on the retired list in the grade of lieutenant general.

Mr. BENTSEN. Mr. President, from the Committee on Armed Services I report favorably the nominations of four flag and general officers in the Navy and Air Force. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 2,073 appointments and promotions in the Army in the grade of lieutenant colonel and below, and 1,681 promotions in the Air Force in grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

(The nominations ordered to be placed on the Secretary's desk were printed at the end of the Senate proceedings on June 11, 1971, and June 21, 1971.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ELLENDER:

S. 2159. A bill for the relief of Surinder Kumar Arora. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2160. A bill to provide supplements to salaries of State and local law enforcement personnel who have achieved certain educational levels, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. THURMOND, Mr. CRANSTON, Mr. WILLIAMS, Mr. STEVENS, and Mr. RANDOLPH):

S. 2161. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistences allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters. Referred to the Committee on Veterans' Affairs.

By Mr. DOMINICK:

S. 2162. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS (for himself, Mr. CASE, Mr. CHURCH, Mr. INOUYE, and Mr. KENNEDY):

S. 2163. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

S. 2164. A bill for the relief of Nymphia C. A. Cyrus. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2165. A bill to provide a program of tax adjustment for small business and for persons engaged in small business. Referred to the Committee on Finance.

By Mr. SCOTT (for himself and Mr. EASTLAND):

S.J. Res. 120. A joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week". Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S.J. Res. 121. A joint resolution to authorize and request the President to issue a proclamation designating the period from July 19, 1971, through July 24, 1971, as "National Drum and Bugle Corps Week." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 2160. A bill to provide supplements to salaries of State and local law enforcement personnel who have achieved certain educational levels, and for other purposes. Referred to the Committee on the Judiciary.

### THE POLICE SALARY SUPPLEMENT AMENDMENT OF 1971

Mr. HARTKE. Mr. President, it has been estimated that our Nation's police forces are, on the average, operating at least 10 percent below their authorized strength. If the problem of lawlessness is to be met, a vital first step must be to dramatically enlarge the number of officers available to meet the threat. To that end, I introduce legislation today which would increase the starting salaries of police officers who have achieved certain educational levels.

Existing pay scales have proved generally incapable of attracting men who can meet the high standards our times require. For not only do we need more police today but we also need a new breed of officer with specialized knowledge in everything from the law to crowd psychology.

Currently, police salaries account for almost 90 percent of the cost of State and local law enforcement. Yet the Law Enforcement Assistance Administration, through which the bulk of Federal crime fighting funds are channeled to the States and cities, is not now authorized to supplement police salaries through its grant process. My legislation would lift this prohibition and permit LEAA to provide up to a 10-percent salary supplement to all the officers in a police department who have degrees from an accredited 2-year institution of higher education; a 15-percent increase to those who have degrees from a 4-year institution; and a 20-percent supplement to those who hold graduate degrees. In addition, a supplement would be paid to those officers who are currently enrolled in a post-high-school program of higher education, in proportion to the progress they have made toward their degree or certificate.

It is my belief that if the Federal Government is to play a serious role in combating crime, supplementing the presently inadequate salaries of police officers must be part of that role.

Our fiscally hard-pressed cities and States are in no position, generally, to effect the increases in police salaries which must be made if we are to attract more and better qualified men into the law enforcement profession. The Federal Government must play a role in this process if it is to succeed. This legislation would remove the prohibition against such a role and would serve as a vital tool in the struggle against crime.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record immediately following these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2160

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) is amended by adding after section 406 thereof the following new section:

"Sec. 407. (a) The administration is authorized to make grants under this title to any State or unit of general local government for the purpose of supplementing the salaries of officers of any publicly funded law enforcement agency who have completed courses of instruction at institutions as described in subsection (c) of this section.

"(b) Any State or unit of general local government seeking a grant under this section must file an application therefor with the administration, setting forth the number of officers who will be eligible for each class of supplement as defined in subsection (c) below, and the amount of the grant to be awarded to each class. The application shall also describe any existing or proposed program of the State or unit of general local government making the application to supplement existing salary schedules on the basis of the educational level achieved by the recipients. If there is no such program, the application shall set forth the reasons that one has not been implemented.

"(c) The administration may make grants under this section which will result in salary increases, based on present rates, of up to:

"(1) 10 per centum for those who hold or obtain a degree from an accredited two-year institution of higher education;

"(2) 15 per centum for those who hold or obtain a degree from an accredited four-year institution of higher education; and

"(3) 20 per centum for those who hold or obtain a graduate degree from an accredited institution of higher education.

"(d) The administration may, under such rules as it may establish, make grants under this section for the purpose of supplementing the salaries of persons in the process of working toward any of the degrees described in subsection (c). In no case, however, shall the amount received by any individual under this subsection be greater than the percentage arrived at by multiplying the total percentage available under subsection (c) of this section for completion of the degree on which the recipient is working by the percentage, in terms of semesters, of the total number of semesters required for completion of the degree which will have been achieved when the current semester is completed.

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By Mr. HARTKE (for himself, Mr. Thurmond, Mr. Cranston, Mr. Williams, Mr. Stevens, and Mr. Randolph):

S. 2161. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistences allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters. Referred to the Committee on Veterans' Affairs.

THE VETERANS EDUCATION AND TRAINING ASSISTANCE ACT OF 1971

Mr. HARTKE. Mr. President, today I introduce legislation to increase the GI educational allowance in a bill to be cited as the Veterans Education and Training Assistance Act of 1971. I am pleased that I am joined in this bipartisan effort by the ranking minority member of the Veterans' Affairs Committee, Senator Thurmond, together with Senators Cranston, Williams, Stevens, and Randolph.

Today, we are constantly confronted with the question of what can and should the young veteran expect upon return to civilian life. One thing is certain, he does not expect bands playing, nor does he demand preferential treatment. But what he does expect is a decent education, job, and an environment in which to live. In short, he wants an even break. But is he getting this even break? I think not. Since 1952, when the Korean war veteran was receiving a $110 a month for educational benefits, the average cost of education has doubled. Adjustments in the rate of allowance, however, have lagged far behind, and the result has been shown in the participation rates. Following World War II, some 50 percent of those eligible took advantage of the educational benefits; 42 percent did following the Korean conflict. But during the first years of the Vietnam era, from 1966 to 1969 only 20.7 percent took advantage of the GI rates. That the participation rate is directly tied to the costs of education, and the benefits available is shown by what happened last year. In the past session, due in large part to the able leadership of Senator Cranston, who has also been helpful in the preparation of this bill, Congress increased the basic rate of entitlement to $175. The percentage of those using their educational allowance has now increased to some 35 percent, and for the first time since 1952 over 1 million persons are currently in training under the GI bill. Yet the rate still lags, and as I have previously noted the cost of education has risen much more rapidly than the allowance to pay for it. Because I am concerned that the young veteran gets an even break, I am pleased to introduce this legislation which increases the basic rate by over 31 percent. The basic entitlement under this proposed legislation will now increase from $175 a month to $220 a month. The average cost of education is, of course, hard to figure since there are differences between public and nonpublic schools. According to our figures, however, the education costs averaged between public and nonpublic schools on an adjusted basis will be covered by this basic entitlement so that today's veteran should be at least on a par with his Korean war counterpart.

My bill further provides for a 50-percent increase in the first dependent allowance to $45. Second dependent allowance would be increased from $25 to $40 or 60 percent. Finally, an additional $20 is allowed for third and other dependents. Anyone who has tried to raise a family while going to school knows from firsthand experience that these increases are long overdue. Of course, the basic PREP entitlement would also be increased from $175 to $220. On-the-job training and vocational rehabilitation rates, which were raised substantially last year, and which are not directly tied to the rapidly rising cost of education, have been increased by 5.5 percent to cover the general increase in the cost of living. This is, I believe, a realistic program. The net cost of this increase would be approximately $380 million for the next year, and it is money that is both well-invested and long overdue.

I urge my colleagues to join me in this important effort so that we may act quickly on it prior to the beginning of the September school term.

Mr. THURMOND. Mr. President, I am happy to join with Senator Vance Hartke in the introduction of this legislation which is necessary if we are to stay abreast of the costs of education.

The purpose of this bill is to provide educational assistance to the returning veteran on an equitable basis, and even though an increase was allowed during the last session of Congress, the amounts are still not commensurate with current costs.

Mr. President, despite several increases in educational benefit payments to the veteran or his dependents, they have not kept pace wih the rising costs of education, food, housing, medical care, and other necessities. These increased costs make many veterans forego their eduction benefits or pursue a program which leaves them in debt, creating a hardship on their families.

If this increase is allowed, more veterans will pursue a course of higher education at percentages equal to the veterans of World War II. No greater assistance can be given to enable the veteran to earn a living under today's standards than a good education.

Mr. President, I urge prompt consideration and passage of this bill.

Mr. CRANSTON. Mr. President, it is with great pleasure that I join with the distinguished chairman of the Veterans Affairs Committee, Mr. Hartke, in introducing S. 2161, the Veterans Education and Training Assistance Act of 1971. The other cosponsors of this bill to increase GI bill benefits are the distinguished ranking minority member of the Veterans Affairs Committee, the Senator from South Carolina (Mr. Thurmond); the distinguished chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. Williams) who has long been a strong supporter and advocate for veterans' programs and under whose leadership I am privileged to serve on the Labor Committee; and my distinguished colleague from Alaska (Mr. Stevens), alo so member of the Veterans Affairs Committee.

### PURPOSES OF THE BILL

The purposes of this bill are:

First, to provide comparability between the current GI bill benefits and those paid veterans under the Korean conflict GI bill; and second, to provide a more adequate level of dependency allowances for veterans with family responsibilities. Achievement of these purposes should have a twofold effect:

First, to ease the financial burdens of our young veterans, especially those with families, who are struggling to obtain an education; and

Second, to provide reasonable dependency allowance rates which will encourage more veterans with families to use their education benefits.

This bill would accomplish these results by increasing the allowance for full-time institutional postsecondary training from the present $175 to $220 a month. This is a 25.7-percent increase in the basic allowance. Comparable increases are provided for war orphans and widows under chapter 36 of title 38.

The additional amounts for dependency allowances under the GI bill would be increased as follows: First dependent, $45 instead of $30; second dependent, $40 instead of $25; and $20 instead of $13 for each additional dependent.

The bill also provides a 5-percent cost-of-living increase for the vocational rehabilitation, farm cooperative and on-the-job training programs. This increase was computed on the April 1971 cost-of-living index, which showed a 5.4-percent increase since February, 1970, when the present allowance rates became effective. The recent, startling, 0.5 percent 1-month increase for May 1971, has almost outdated the proposed increase as of the day of introduction. I intend to introduce an amendment, as the time the Veterans Affairs Committee actually acts upon this bill, to provide for the most up-to-date percentage increase based upon the cost-of-living index at that time.

### GI BILL PARTICIPATION

Mr. President, more than a million persons—1,095,000—were training under the GI bill as of the end of April 1971. There has been a 33-percent increase in the number of persons in training during the last 12 months. I am convinced that a large part of this very desirable increase in participation can be attributed to the much-needed benefit increase enacted in Public Law 91–219 and made effective as of February 1, 1970.

While this growth in participation is encouraging, the latest figures show that only 30.7 percent of all eligible post-Korean conflict veterans—those who served after January 31, 1955—have participated under the current GI bill. The participation rate for Vietnam-era veterans—those who served since August 5, 1964—is somewhat higher—34.8 percent—but it is still far too low in a society which places such a great premium on post-secondary education and academic credentials.

I say this despite the fact the great increase in GI bill participation during the past year has brought current participation more into line with participation after a comparable 59-month period of operation for the World War II—39.8 percent—and Korean conflict—36.7 percent—programs.

The administration will doubtless point to this fact as support for its predictable opposition to this measure, which would cost about $380 million in the first full year of operation. I wish candidly to acknowledge and applaud the recent GI bill participation increase, and I will not mix apples and oranges by comparing the present rate after only 5 years of operation of the program with total participation in the prior two programs for their entire periods of operation.

The essential point is, however, that the employment situation, the education and training world, and the whole economy have changed markedly in the last 20 to 25 years since these other programs began.

In view of the ever-increasing level of educational attainment in the Nation, and the resultant competitive advantage of trained people in the labor market, we owe it to ourselves and to our too often maligned, misunderstood, and forgotten Vietnam veterans to make the current GI bill attractive enough to encourage far greater participation than the 50 percent which was achieved in the World War II program.

Mr. President, despite the 33-percent increase in GI bill participation since public Law 91–219 was enacted, GI bill participation among those who need education and training the most—high school dropouts—has been the least; only an appalling 9 percent now use their GI bill training or education benefits, and dropouts comprise anywhere from 15 to 23 percent—depending on whose figures are used—of enlisted men leaving service. The higher allowance proposed in this bill along with enactment of S. 740, which I will discuss at the end of this statement, should help increase GI bill participation among high school dropouts.

There are over 8 million—8,095,000—veterans eligible to take advantage of the current GI bill, and nearly 5 million—4,975,000—of these are Vietnam-era veterans.

In my own State of California there are 537,000 Vietnam-era veterans, and I am most pleased that 277,128 of these men have participated in GI bill training, a rate of 51.6 percent, well above the national average of 34.8 percent. A total of 390,392 California veterans, dependents and survivors—including the 277,128 Vietnam-era veterans—have utilized the current GI bill. I am hopeful that the benefit increases proposed in this bill will encourage an even greater number to undertake further training upon their return from service to their country.

The cost of this bill is estimated at $380 million. Of the total veterans who have trained under the current GI bill 15.7 percent reside in California. Assuming that this percentage is applicable to current trainees, this means that under this bill, approximately 175,000 California veterans in the first year alone would receive an estimated $60 million more in GI bill benefits than they now receive. During fiscal year 1971, California's share of GI bill educational benefits for veterans, eligible dependents and survivors, and those receiving vocational rehabilitation was probably about $292 million, using the 15.7 percent participation figure.

### COMPARABILITY INCREASE

Mr. President, the increase to $220 in the basic monthly allowance for full-time institutional training is necessary to achieve comparability with the allowance provided to Korean conflict veterans. On October 9, 1969, the Senate voted unanimously—by a vote of 77 to 0—to approve a 46-percent increase to $190. The current $175 rate was the result of a necessary compromise with the other body which had voted an increase of 27 percent to $165.

Since January 1969, when former Senator Ralph Yarborough, that great champion of veterans' needs, introduced the bill to increase benefits—S. 338 in the 91st Congress—the costs of obtaining an education have increased far more rapidly than the general cost of living. Indeed this has been the trend over the last 20 years. Office of Education figures show that estimated average charges for tuition, board, and room have roughly doubled since 1952, whereas the cost of living since then has risen by only about 52 percent.

The average yearly cost of a college education—public and nonpublic combined—was $968. This cost has leaped to an estimated $1,940 for the 1971–72 school year.

The monthly allowance available to the Korean conflict veteran in 1952 was $110. In order to obtain the same coverage for the school year 1971–72, the allowance should by now have risen to $220, as proposed in this bill.

### COMPARISON TO OTHER READJUSTMENT PROGRAMS

Mr. President, this increase in the GI bill educational allowance is clearly justified on the basis of comparability with the Korean conflict allowance. However, an additional comparison is enlightening to demonstrate the need for Congress to consider the impact of our various programs to assist the returning veteran in his readjustment to civilian life, and to determine whether they operate to encourage our young men to undertake the arduous but rewarding road to higher education or other education or training.

Consider the situation of a young single Vietnam-era veteran returning home to California. If he wants to begin or return to college full-time, the Government will provide him $175 a month to cover tuition, room, board, and other living expenses. However, if he simply becomes unemployed—which is very likely today in California which is experiencing a 6.9-percent unemployment rate—the Government will provide him up to $273 a month under the ex-servicemen's unemployment compensation program—UCX—or as long as 9 months.

The amount of UCX benefits is determined by the laws of each State. Most veterans who serve a single tour of duty are discharged at pay grades of E–4—48.3 percent—or E–5—35.9 percent. The California UCX benefit for the E–4 is $58 a week, or $251 a month; and the E–5 is entitled to $65 a week or $273 a month. The average weekly UCX benefit on a nationwide basis is over $52 a week, or about $225 a month.

I feel very strongly that if we intend to influence the undecided veteran—particularly the economically or educationally disadvantaged—to decide in favor of additional training and education, rather than entering an already saturated job market, then the financial assistance we offer must be more adequate to meet his needs in terms of other available assistance programs.

Let me hasten to add that my point is not that UCX benefits are adequate, for they are not, especially for the lower pay grades. For that reason, I introduced, with Chairman Hartke, S. 2091, the proposed Veterans' Education and Readjustment Act of 1971, which would among other things, raise UCX payments for veterans in the lower pay grades.

### DEPENDENCY ALLOWANCES

Most Vietnam era veterans who enter training under the current GI bill are young and single. Their median age is 24.5 years, and 61.6 percent do not receive a dependency allowance. However, a significant number do have dependents; 17.7 percent are paid for one dependent, and 20.7 percent are paid for two or more.

While there are many factors bearing on the married veteran's decision as to whether to attempt to improve his education or training, and thus temporarily limit his ability to provide for his family, in my opinion the present dependency allowances have the effect of actually discouraging the married veteran from further educational achievement.

The present structure of dependency allowances is an improvement over prior programs because it provides additional amounts for each dependent. The World War II program provided only for one dependent, and the Korean conflict program provided additional amounts only for up to two dependents.

However, the amounts provided under each program and their 1971 dollar equivalencies indicate the need to increase the present dependency allowances to a more reasonable level.

Allowance for first dependent under GI bills Year, 1944, 1948, 1952, 1966, 1970, Amount, and 1971 Dollars

| | |
|---|---|
| $25 | $56.83 |
| $30 | 49.85 |
| $25 | 37.67 |
| $25 | 30.81 |
| $30 | 32.73 |

If we wish to implement a policy of encouraging married veterans to obtain an education—and who needs it more than a man with family responsibilities?—I believe it is time to evaluate the present cost of subsistence, as well as looking back to the level of support in prior GI bill programs.

One measure of subsistence existence in the United States is the amount paid in aid to families with dependent children. Figures from November 1970 show a national average of $58.35 per month for each recipient.

Another, and probably better, measure is found in H.R. 1, which passed the other body on June 22, 1971. That bill would institute the widely discussed family assistance plan and provides for a basic Federal payment level for all needy families with children. A family of four would receive $2,400 a year, based on an allowance of $800 for the first two members of a family and $400 for the next two members.

On a monthly basis, this would provide an allowance of $66.66 for a man's wife, and $33.33 for each of his two children. A veteran trying to go to school now receives an allowance of only $30 for his wife, $25 for his first child, and $13 for the second, a total of only $68 a month for his dependents, or about one-half of the basic Federal subsistence level proposed in H.R. 1 as passed by the other body.

The Bureau of Labor Statistics prepares a study of consumption costs for urban families. The study estimates that an urban family of four, in which the wife and husband are under 35 years of age with two children both under 6, needs $3,998 at the lowest level of consumption.

The lowest level budget can be compared to current GI bill dependency allowances by determining the increase between the estimated family budgets for one, two, three, and four persons. On a monthly basis, the comparison is as follows:

| | Present GI bill | BLS study |
|---|---|---|
| Wife | $30 | $65 |
| 1st child | 25 | 60 |
| 2d child | 13 | 46 |
| Total | 68 | 161 |

Thus, the married GI bill trainee with two children now receives $93 less per month for dependents than the Bureau of Labor Statistics estimates is necessary for the lowest level of family consumption.

Under the reasonable increases provided in this bill, the married veteran with two children would receive $105 for his dependents in addition to his basic educational allowance of $220.

Mr. President, I wish to emphasize that even with the increases provided in this bill, dependency allowances would still be lower than both the Bureau of Labor estimates for the lowest level of consumption and the family assistance plan subsistence level. The allowances under each of these for a wife and two children would be as follows: Bureau of Labor Statistics lowest level budget, $161 FAP as proposed in H.R. 1, $133.32; GI bill as we propose to increase it, $105.

Thus, although the proposed dependency allowances would be much more realistic and reasonable for the veteran and his family in comparison to the present allowances, we continue to be faithful to the policy that GI bill allowances are only intended "to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment and other educational costs"—as expressed in section 1681(a) of title 38, United States Code. Each veteran who wishes to pursue a program of education will still have to utilize his own resources and make sacrifices in order to obtain his educational objective. But we hope that these increases will serve the purpose of requiring a little less sacrifice on the part of the veteran's wife and children and make it possible for more veterans with dependents to undertake GI bill training and education.

### PRESENT INCONSISTENCIES IN PATTERN OF DEPENDENCY ALLOWANCES

Finally, Mr. President, I wish to point out my concern over the adequacy of dependency allowances under the vocational rehabilitation program—chapter 31—the farm cooperative program—section 1682(d)—and the apprenticeship or other on-job training programs—section 1683. The disparities of dependency allowances among these programs and in comparison with the institutional program in section 1682(a) seem inexplicable to me. For example, whereas the institutional, vocational rehabilitation, and the farm cooperative programs provide an additional dependency allowance for each dependent, the apprenticeship program provides only a flat amount for two or more dependents.

Another apparent inconsistency is that whereas the vocational rehabilitation program provides higher dependency allowances—$46 for the first and $29 for the second dependent—than the regular institutional program—$30 for the first and $25 for the second dependent—the former program provides only $6 per dependent in excess of two, whereas the latter provides $13 in that situation. This is further muddled by the farm cooperative program which provides $10 for each dependent over two.

There are a whole range of other puzzling comparisons I could make—for example, why does the farm cooperative program provide for full-time and three-quarter-time trainees a greater dependency allowance for the second—$25 and $19—dependent than for the first—$24 and $18—and then why does the half-time trainee receive more—$18—for his first dependent than for his second—$13? But suffice it to say I am unable at this point to unravel these mysteries. I have, therefore, requested the Department of Veterans' Benefits of the Veterans' Administration to prepare a comprehensive study for me of the dependency allowances under these four programs to determine if these apparent disparities can be explained historically or otherwise and to provide a basis for a possible amendment in committee to bring the dependency allowances generally into some kind of consistent pattern.

IMPACT ON PREP PROGRAM

This bill will have one other important effect I wish to highlight. It would raise to $220 the maximum educational assistance allowance for the predischarge education program—Prep—under subchapter VI of chapter 34 of title 38. This is one of the programs to assist educationally disadvantaged veterans—enacted into law last year in Public Law 91–219—which I am very proud to have authored as chairman of the Veterans' Affairs Subcommittee last Congress. I spoke about the Prep program at some length on the floor on June 17, 1971, outlining some of the difficulties those schools trying to establish such programs have been experiencing and the enormous potential of Prep for helping with the positive readjustment of returning servicemen who are educationally disadvantaged.

The increase in the basic Prep allowance this bill proposes would resolve one of the main impediments facing the 36-percent Prep programs and those schools interested in starting them and should make it possible for more high school dropout veterans to enter GI bill training after service. There are, however, several other basic problems in starting and running Prep programs which have emerged—some as a result of what I believe to be restrictive interpretations of the new law by the Veterans' Administration—in the actual operation of the program since we enacted the law in March of 1970. And I will shortly introduce—as amendments to this bill—amendments to the Prep program to resolve these operational difficulties.

ADVANCE PAYMENT AND WORK-STUDY

The rest of my veterans' education and training program for the 92d Congress is included in S. 740, the proposed Veterans' Advance Educational Payment and Work-Study Act of 1971, which I reintroduced in this Congress on February 10, 1971. All the provisions of this bill passed the Senate on September 25, 1970, in my bill, S. 3657, but, unfortunately died in the House with the expiration of the last Congress. The major features of this bill are described in the report—No. 91–1231—as follows at pages 11–16, 18–19:

(1) To provide for advance payment of the GI bill educational assistance allowance at the start of a school term and prepayment of the allowance on the first of the month thereafter.

(2) To establish a student-veterans' work-study program whereby GI bill trainees would receive a $250 advance work-study allowance for performing various services in Veterans' Administration programs.

* * * * *

[3] To combine basic provisions relating to payment of allowances and general administration of the GI bill program, now contained in chapter 34, "Veterans' Educational Assistance," and chapter 35, "War Orphans' and Widows' Educational Assistance," and enact them in chapter 36, "Administration of Educational Benefits," as applicable to both chapters 34 and 35. . . .

[4] To clarify and expand action taken by the Congress on April 13, 1970, in enacting P.L. 91–320—the Elementary and Secondary Education Act Amendments of 1970—to provide for NDEA student loan cancellation based on military service; by permitting GI bill entitlement to be applied to repay prior Federal direct or guaranteed education loans.

* * * * *

ADVANCE EDUCATION ASSISTANCE ALLOWANCE

The present system of assisting veterans who are attending school operates as follows:

In order to establish eligibility for GI bill benefits under title 38, United States Code, a veteran must first submit an application together with proof of separation from the armed services—form DD–214—and, when dependencies are claimed, other supporting documents, to the Veterans' Administration. If these papers are in order, the VA mails the veteran a certificate of eligibility.

The veteran presents the certificate of eligibility to his college or university registrar, who verifies the veteran's actual enrollment and provides details regarding it, so certifies on the certificate of eligibility, and mails it to the VA. Upon receipt of that certification, the VA is then authorized to issue an educational assistance allowance payment to the eligible veteran, and an account for him is then established at the VA's computerized payment center in Hines, Illinois. From this point, the check should reach him within 10 to 15 days.

There are two points at which the system may in many cases break down, causing financial and emotional hardship for the veteran and his family. One is during the processing of enrollment certificates at colleges and universities, which occurs during the first month of school when the school administration has an unusually heavy registration workload anyway.

The second difficulty may occur when the Veterans' Administration receives these hundreds of thousands of enrollment certificates in the space of a few weeks. Using maximum authorized overtime—because of inadequate augmentations of staff over the last three years—the VA must process these certificates and authorize the release of the first month's educational assistance allowance payment. Prior to this past fall, it was not all uncommon for the first check to reach the collegiate veteran in mid- or late-November, or even December.

In testimony in the summer of 1969 before the Veterans' Affairs Subcommittee, the VA announced the initiation of an accelerated payment procedure increasing from five to nine per month the number of check processing cycles at the Hines Data Processing Center. It was hoped that this procedure would approximately halve the timelag in getting checks out to veterans.

Unfortunately, the new system, helpful as it has been in expediting the issuance of checks by the computer, cannot rectify delays which arise before an authorization for payment can be relayed to the Hines Center. And under that system the earliest that the first check reaches the veteran is mid- or late October; and it may well not arrive until November. Even then, the first check generally covers only a partial month's payment, since the first college month is usually abbreviated. For veterans beginning a new school year, this is too little, too late.

The committee substitute seeks to overcome the delay in receipt of GI bill payments by providing (in the new section 1780 (b) added by section 201 of the committee substitute) for payment of the first and second months' allowances in one lump sum in advance and prepayment on the first of the month for months thereafter (new section 1780 (c)). This advance system would apply to all post-secondary courses other than those on less-than-half-time basis or by correspondence. Thus far, this is essentially the system proposed in S. 3683.

However, as proposed in S. 3657, advance payment would be made to a veteran, without any action by his educational institution, based upon receipt of evidence of eligibility, as defined in section 1652(a) (1) of title 38, United States Code (a discharge paper—form DD–214—showing that he served for at least 180 days of active duty and was discharged under conditions other than dishonorable or that he was discharged for a service-connected disability), and certification by the veteran of the basic prerequisites to eligibility under the GI bill. He would certify that he intends to enroll and has been accepted for enrollment, or has enrolled, in a specified educational institution to pursue a specified approved course of education during that school year, and the number of semester hours or equivalent he intends to pursue. Unless the local office files contain conclusive evidence contradicting the facts so certified, the VA would not be authorized to examine into the veteran's actual GI bill eligibility. Notwithstanding the advance payment made on the eligible veteran's certification, the Veterans' Administration would, as it now does, develop each case to assure entitlement and the marital and dependency status of each payee. Upon receipt of the enrollment papers from the educational institution, any necessary adjustments would be made in the educational allowance payment.

Thus, an eligible veteran would be given the advance on the basis of his good faith in truthfully certifying the above facts and intentions. There would be no time-consuming processing by the educational institutions, which is now responsible for much of the delay in processing regular GI bill payments.

The committee recognizes that this good faith certification procedure may be subject to some abuse, and that some payments may thus be made to ineligible recipients. But it is satisfied that any abuses would be small, and notes that the VA has a 95-percent record of collecting regular GI bill overpayments.

This program of advance payments at the beginning of a school year should provide a vital source of funds, at a time when none are now available under the GI bill and when the veteran-student's needs are probably the greatest, to meet the many expenses involved in beginning a school year, as well as such living expenses and initial charges as deposits and initial payments for rent, heat or telephone. This system should thus help prevent a veteran from being placed in a precarious financial situation vis-a-vis his schooling or his personal life as a result of a delay, justified or not, in receipt of the first regular educational assistance allowance check.

And the prepayment system in new subsection 1780(c) should continue the veteran's solvency. Under the new system a veteran enrolling in college on September 15 could expect to receive by November 1 two and one-half months' allowance (one and one-half months' payment on September 1—if he applied about August 15—and one month's payment on November 1).

Although neither S. 3657 or S. 3683 originally contemplated application of the advance and prepayment of allowance procedures to war orphans, wives, and widows training under chapter 35, of title 38, United States Code, the committee substitute would make the same payment system uniformly applicable to both chapters 34 and 35 of that title.

These provisions have been closely coordinated with the Veterans' Administration which advises that they can be programmed into the computer within about 60 days of enactment. This program was generally endorsed (with a somewhat different mechanism) by the President's Committee on the Vietnam Veteran in its report submitted in late March. The report stated:

"The GI Bill provides monthly allowances for veterans enrolled in and attending approved programs of education. These payments do not begin, however, until after the veteran has enrolled, and completed each month of training. The effect of this after-the-fact method of payment can be to discourage program participation by the veteran who cannot afford the initial outlay required tuition, books, and the necessary money for by most schools for prepayment of fees, subsistence for himself and his family until the first payment is received. The intent of the program is thus jeopardized. Even for the financially more fortunate veteran, the prepayment of tuition and other costs constitutes a burden since the educational allowance is partial assistance rather than a full subsidy.

"The proposal would authorize an advance payment to help the veteran enroll in school. This would be done on an individual application basis. The amount advanced can be gradually recouped over the whole period of enrollment."

### VETERANS' WORK-STUDY PROGRAM

The proposed work-study program (new section 1687 added by section 203 of the committee substitute) would enable full-time GI bill post-secondary trainees with a financial need to perform 100 hours of services needed by the VA (on campuses or at VA regional offices or medical facilities) pursuant to agreement with the VA under which the veteran then becomes entitled to receive, in advance, a work-study educational assistance allowance of $250. The committee believes that this program will be of substantial benefit to individual veterans and their families, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims processing and through outreach work performed by these student veterans. Work-study trainees could also perform various non-professional, badly-needed tasks in VA hospitals, especially assisting the most severely disabled patients and cleanup and general maintenance work. There seems little doubt that such services could be very effectively used in many VA medical facilities. Students would be limited to performing 100 hours of services over a semester or other enrollment period.

This program should be particularly helpful for the almost 50 percent of GI bill post-Korean trainees with families and for the 27 percent who enroll in nonpublic schools. The rate increase recently enacted in Public Law 91–219 would provide $1,575 over a full nine-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

One key aspect of the work-study program would be veterans performing outreach services under subchapter IV of chapter 3 of title 38 also enacted in P.L. 91–219. Using GS–12's or 13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 20 percent of those separated during fiscal year 1970 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. In many cases, this serious lack of participation by those who desperately need to take advantage of their GI bill benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23, 1969 (H.R. 11959), the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this prescription perfectly.

In carrying out this new work-study program, the A would be expected to establish equitable guidelines for determining financial need and need for the services and for selecting and using the services of veterans. Appropriate guidance for determining financial need should be sought in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans would perform such services under agreements with the Veterans' Administration. They would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing application and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, work-study allowances, as all other GI bill allowances, would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in section 3101(a), of title 38, United States Code.

It should also be noted that several witnesses at the hearings referred to the desirability of permitting the VA to contract with colleges and universities (under its general contract authority in section 213 of title 38) to supervise veteran work-study trainees in carrying out outreach activities in a particular locale. The committee strongly endorses this idea which would be particularly useful if applied in areas where there is no Veterans' Administration Regional Office or Veterans' Assistance Center.

This program differs somewhat in detail from the proposed in S. 3657 but retains the same basic concept which was endorsed by the VA. At the hearing, the Administrator of Veterans' Affairs, in supporting in principle the desirability of a veterans' work-study program, agreed to staff discussions to iron out program details. Those discussions produced the provisions in the committee substitute which the VA has advised is administrable for a relatively small administrative cost ($250,000). It is estimated that the services of 56,000 student-veterans might be effectively utilized in the program in the first full year of its operation.

* * * * *

### REPAYMENT OF FEDERAL EDUCATION LOANS USING GI BILL ENTITLEMENT

Under this new provision (in a new section 1688 which would be added to title 38 by section 203 of the committee substitute), a veteran would be given the option of using GI bill entitlement (earned by service after July 1, 1970) to repay, in whole or in part, an education loan—taken (after April 13, 1970) in connection with education prior to his military service—which was made or guaranteed by the Federal Government. This provision arises out of the NDEA loan cancellation provision based on military service enacted in the ESEA extension act on April 13, 1970 (P.L. 91–230). The new provision is substantially broaded in scope than the loan cancellation provision it would replace in the NDEA (see section 306 of the committee substitute). There would be no GI bill cost under this provision until at least FY 1973, and then that cost would be partially offset by NDSL loan funds not being depleted and Federal interest subsidies not paid. It is very difficult to estimate the precise cost of this provision because of the uncertainty about whether a veteran would otherwise use his full GI bill entitlement on post-service education rather than to repay a pre-service loan. However, potential repayments for the major Federal education loan programs are provided under "COST ESTIMATE," below.

To understand the genesis of this new program more fully, especially its effective dates, it is necessary to explain in more detail the amendment in section 501 of P.L. 91–230 to provide for loan cancellation at a 12½ percent rate per year for up to four years of consecutive active military service after June 30, 1970 (that is, up to 50 percent of the total loan amount) for NDEA loans made after the date of enactment of that act, which was April 13, 1970. After this provision was enacted, considerable disenchantment with it was brought to the subcommittee's attention, principally by education groups. The two basic objections were: (1) That, in time, this provision promised a substantial depletion of the NDSL student loan fund, and thus a reduction in NDEA loans, without a commensurate fulfillment of any of the purposes of the original loan cancellation provision—developing teachers for our country, especially for poverty areas; and (2) it unfairly discriminated against veterans who had not taken education loans or pursued education prior to service since a veteran who did take an NDEA loan could use *both* NDEA loan cancellation and GI bill entitlement earned by the same period of military service. The argument was forcefully presented: if this is really a veterans' benefit, it should be part of the GI bill.

The committee believes that no adequate basis exists for permitting acceleration of allowance to repay only loans made under the NDEA program; thus, the provision covers all Federal direct or guaranteed loans, as to which approval criteria regarding the institutions and loan terms involved have already been applied by the government. The new GI bill program effective dates are geared to those governing the NDEA cancellation provision which would be repealed retroactively by section 306 of the committee substitute so that it never really became effective (see discussion under *"Section 306,"* below).

Here is how the new program would work as compared with the present NDEA loan cancellation provision (added by P.L. 91–230). Given the average NDEA total loan of about $1400, a veteran with qualifying service could, under the present provision, cancel $700 worth of such a loan after *four* years of military service. Under the proposed new section 1688 in title 38, United States Code, he could repay the full $1400, using up, at a maximum, only eight of his 36 months' GI bill entitlement ($8 \times \$175 = \$1400$), or less than one school year's entitlement (For Higher Education Act loans, the average is $2100, so the same general analysis would apply for such loans.)

The maximum NDEA loan that any one student can receive is $10,000 (for graduate students), so that under the present loan cancellation provision, he would be able to cancel only a maximum of $5,000 (for four years' service) whereas, at a minimum (if he has no dependents) GI bill accelerated entitlement could be used to pay off $6000 of the loan amount; and if he had, for example, four dependents ($256 per month), he could pay off almost the full loan—$9,216 ($26 x 36).

It thus becomes clear that virtually any veteran who took an NDEA loan after April 13, 1970, and served after July 1, 1970, would be substantially more benefitted by the proposed new repayment provision than the existing loan cancellation provision; to say nothing of all those veterans with Higher Education Act loans and all other Federal direct or guaranteed education loans, which are not now eligible for similar cancellation based on military service. The only instance where a veteran with qualifying service and a qualifying NDEA loan might be somewhat worse off under the new program would be a person who had received a very high NDEA loan ($10,000), then served four consecutive years of active duty in the military and then wanted to undertake substantially more schooling (four years) for which he would like to use his full GI bill entitlement. But such situation demonstrates very clearly the very inequity, which the new provision is designed to correct, of the NDEA loan cancellation provision based on military service: for there seems virtually no justification for the government's paying one veteran for four years of education ($6300) and another veteran with the same service for eight years ($11.300; $6300 plus cancellation of half of a $10,000 NDEA loan).

The main purpose of S. 740—to provide a system to get GI bill allowances into the hands and pockets of Vietnam-era veterans at the time they need it most—when they are actually beginning a school year—remains an urgent priority today. My office continues to be literally inundated by communications from GI bill trainees still complaining of delays of 3 and 4 months after school registration before they receive their first educational allowance checks.

### CONCLUSION

Mr. President, the bill we introduce today to increase GI bill rates is a logical extension of the rate increase I managed through the Senate and House-Senate conference in Public Law 91–219. That 35-percent increase—a compromise with the figure originally adopted by the other body—was based on 1969–70 education costs. Although this was then a substantial raise—the basic allowances at that time were only slightly higher than those set in 1952 for the Korean conflict program—the allowances set in Public Law 91–219 still fell about 25 percent short of restoring comparability to Korean conflict coverage. Our bill will finish the job we began last year.

I know Senator HARTKE, who chairs the Subcommittee on Education, Employment, and Readjustment of the Veterans' Affairs Committee, will proceed to the most rapid possible consideration of this bill and S. 740 in order to do what needs to be done to provide the most sympathetic and effective assistance for the readjustment to civilian life of the men who have sacrified at least 2 years of their lives and often parts and functions of their bodies to carry out our national military and foreign policies in the service of their country.

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By Mr. DOMINICK:

S. 2162. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMINICK. Mr. President, I introduce a bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

The bill would add luster and specificity to an earlier bill introduced by the distinguished chairman of the Banking, Housing, and Urban Affairs Committee, Senator SPARKMAN, by requiring that the commemorative medals struck contain quantities of silver. Whereas Senator SPARKMAN's bill provides for the striking of "medals of suitable sizes and metals," my bill would require that save for the Awards Medal, at least for varieties of each medal shall be struck: a large and small medal struck from .925 fine silver and a large and small less expensive version of the same medal struck from bronze. Also, the bill would allow the Bicentennial Commission the discretion of striking any of the medals in gold.

Mr. President, in patterning my bill after Senator SPARKMAN's bill and the recommendations of the Bicentennial Commission's Advisory Panel on Coins and Medals, I determined that it would be wise for Congress to indicate their preference for the metal used in at least half of the medals struck. Not only has silver been historically used in the minting of prestige coins, but it has also played an integral part in the development of our country the past 200 years. Silver medals would command the dignity and respect which our country deserves on her 200th birthday without pricing the medals beyond the means of our citizens.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2162

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in commemoration of the bicentennial of the birth of the United States and the historic events preceding and associated with the American Revolution, there is hereby authorized to be struck metals of suitable sizes, each with suitable emblems, devices and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission"), subject to the approval of the Secretary of the Treasury (hereafter referred to as the "Secretary"), which shall be known as the "United States Bicentennial Medal Series" (hereafter referred to as the "Series").

SEC. 2. (A) A National Medal be struck commemorating the year 1776 and its significance to American independence.

(B) An Awards Medal may be struck as a Commission presentation piece in recognition of outstanding service, leadership or support of bicentennial programs.

(C) A maximum of thirteen medals each of a different design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

(D) Each state may cause to be struck and issued a medal subjct to the approval of the Commission and the Secretary.

SEC. 3. Each medal with the exception of the Awards Medal shall be of four or more different varieties: one shall be struck in .925 fine silver, one shall be struck in bronze, and two shall be struck in .925 fine silver and bronze respectively and be of such size so as to be an inexpensive facsimile of the more costly medals authorized under this Act. The Awards Medal shall be struck in .925 fine silver and be of only one size which shall be determined by the Commission. In addition, the Commission, in consultation with the Secretary, may direct that any of the medals authorized in Sec. 2 be struck in gold.

SEC. 4. The Secretary is authorized and directed to strike the National Medal authorized in Sec. 2(A) and the commemorative medals authorized in Sec. 2(C) of this Act. The Awards Medal authorized in Sec. 2(B) and the State medals authorized in Sec. 2(D) of this Act shall be struck by private mints.

SEC. 5. The Secretary shall strike and furnish to the Commission such quantities of National Medals and Commemorative Medals as may be necessary, with a minimum order of 2,000 medals of each design and size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 6. The medals authorized under Sec. 2(A) and (C)) of this Act are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

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By Mr. MATHIAS (for himself, Mr. CASE, Mr. CHURCH, Mr. INOUYE, and Mr. KENNEDY):

S. 2163. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes. Referred to the Committee on Veterans' Affairs.

### VIETNAM VETERANS ACT OF 1971

Mr. MATHIAS. Mr. President, it is with great pleasure that I introduce today the "Vietnam Veterans Act of 1971," a bill which I believe will establish the most comprehensive veterans educational benefits program in the history of our Nation. The fact that our Vietnam-era veterans are not receiving adequate educational benefits under current veterans educational programs has been a cause for great worry and alarm to me. It is indeed unfortunate that those who have given so much have been given so little in return. Compared to veterans who received benefits under the old "GI bill," Vietnam-era veterans, as well as others discharged after 1955, have been shortchanged in terms of educational benefits. My bill will rectify this wrong.

As a veteran myself, I recall the benefits which veterans received under the old GI bill whereby tuition and fees were paid directly to the educational institution by the Veterans' Administration. Furthermore, under that program, the veteran received a monthly subsistence allowance to help meet other expenses. Under the current program, the veteran only receives a mere $175 per month as an "educational assistance allowance" which is insufficient when one considers the rise in educational costs at our public and private institutions. I have received many letters and countless other communications from veterans complaining of the inadequacy of the current program.

### EDUCATIONAL BENEFITS

It is for this reason that I am introducing my bill which would:

First, provide for direct payment by the Veterans' Administration to the educational institution for any eligible veteran not on active duty and enrolled on a half-time or more basis to $1,000 per school year for the cost of tuition, required fees, books, and supplies;

Second, direct the Veterans' Administration to pay such eligible veterans a subsistence allowance of $175 per month with a sliding scale based upon the current assistance plan for those veterans with dependents;

Third, retain the current educational assistance allowance for individuals on active duty pursuing a program of education, or for those veterans pursuing a program of education on less than a half-time basis, or for those pursuing a program of education on less than a half-time basis, or for those pursuing exclusively a correspondence course, so that they would be entitled to the lesser of either the cost of tuition and fees or $175 per month;

Fourth, would have potential benefit for any veteran discharged after January 31, 1955, who has not used up his entitlement benefits, with those discharged prior to June 1, 1966, having 8 years from that date to complete their program of education and those discharged subsequent to June 1, 1966, having 8 years from the date of discharge to complete their program;

Fifth, and provide that eligible veterans enrolled in schools for refresher courses at the high school level or who need courses as a prerequisite for postsecondary education would receive the following benefits: Tuition and fees up to $1,000 per school year and a $175 per month subsistence allowance if enrolled on a half-time basis or an educational assistance allowance as already provided in my bill based on the current program of the lesser of either $175 per month or the cost of fees and tuition, if enrolled on a less than half-time basis.

Under the old GI bill, the payment could not exceed $500 and the payment of the cost of books, supplies, and equipment was not mandatory as it is under my bill. Furthermore, the old GI bill's subsistence allowance reached a ceiling of only $75 per month, whereas my bill provides for a $175 per month payment. In preparing this bill, I contacted the U.S. Office of Education to ascertain just how much the cost of public and private education at the postsecondary level had increased over the past 13 years. It has skyrocketed. In the 1957–58 school year, the cost of tuition and required fees for public institution full-time undergraduate studies was $182. For private institutions it was $684. In the 1970–71 school year the cost for public and private study was $339 and $1,627 respectively.

Furthermore, the cost of room and board has also markedly increased. In the 1957–58 school year, the total cost for room and board was $587 for the public institutions and $677 for private ones. In the 1970–71 school years the total room and board costs at public and private institutions were $920 and $1,053 respectively. It is very clear that the current educational assistance allowance of $175 per month, alone, is insufficient to meet these rising costs.

### EMPLOYEE RAMIFICATIONS

I believe that my bill will have a collateral effect on another great problem facing veterans today—unemployment. I have already written to the President commending him on his effort to find jobs for veterans and offering my assistance. I have also written to the Secretary of Labor requesting a meeting with him and appropriate representatives of the Jobs for Veterans Committee and the National Alliance of Businessmen. It has been estimated that there are nearly 400,000 Vietnam veterans unemployed. My bill would allow many of these veterans to return to school and by doing so would help relieve the already tight labor market situation. Also, since the unemployment situation hits hardest at the black veteran, my bill would have an important effect on helping those black veterans who, in many instances, come from poverty areas where schools are of poor quality and do not give adequate preparation, as well as those who have dropped out of school.

### LET US ALL UNITE TO HELP OUR VETERANS

Abraham Lincoln, over 100 years ago, stood on the battlefield at Gettysburg and urged that—

> We give increased devotion to that cause for which they gave the last full measure of devotion.

He was speaking of those dead who fought in the Civil War and was reminding his fellow Americans not to forget what that generation of veterans had done. Today, we have a new generation of veterans, but we, as the people were urged in Lincoln's time, must not forget what they have done and what they have sacrificed for us all. We must now "give increased devotion" to devote ourselves to helping those who have given so much in the service of their Nation. I think that my bill is a good start and a good downpayment toward providing our veterans with all that they are due. I believe that this is a cause behind which all of us, black and white, rich and poor, northerner and the southerner, easterner and westerner, hawk and dove, can and must unite. We certainly can do no less for those who have given so much.

In conclusion, I would like to express my deep appreciation to the following veterans' organizations who were represented this morning at my press conference announcing the introduction of this bill: National Veterans of Foreign Wars, National American Legion, Vietnam Veterans Against the War, the American Veterans Committee, as well as the Maryland Veterans of Foreign Wars, and American Legion. In addition, I have received supportive communications from the National Association of Collegiate Veterans and the Vietnam Veterans for a Just Peace, the latter whose letter of support I am including in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, the bill and the following materials:

First, a brief outline comparing my bill with benefits under the old GI bill and under the current educational assistance allowance program;

Second, a copy of letters I received from two Baltimore veterans—Mr. Stephen Campbell and Mr. David Thomas—outlining the problems of returning veterans;

Third, a copy of an editorial from the February 21, 1970, Baltimore Afro-American newspaper concerning the inadequacy of the current educational benefits program for veterans; and

Fourth, copies of letters of support for my bills initiated from the Vietnam Veterans for a Just Peace, and the Vietnam Veterans Against the War.

There being no objection, the bill and materials were ordered to be printed in the RECORD, as follows:

### S. 2163

A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Vietnam Veterans' Act of 1971".

SEC. 2. Subchapter IV of chapter 34 of title 38, United States Code, is amended by inserting immediately before section 1861 the following new section:

"§ 1680. Tuition and subsistence assistance allowances for institutional training

"(a) In the case of an eligible veteran not on active duty who is pursuing a program of education or training at an approved educational or training institution on a half-time or more basis, the Administrator shall pay directly to the educational or training institution on behalf of such eligible veteran the customary cost of tuition, and such laboratory, library, health, infirmary, or other similar fees as are customarily charged, and shall pay for books, supplies, equipment, and other necessary expenses, excluding board, lodging, other living expenses, and travel, which similarily circumstanced non-veterans enrolled in the same courses are required to pay.

"(b) In no event shall the payment authorized by subsection (a) of this section exceed $1,000 for an ordinary school year. If the educational or training institution has no customary cost of tuition, a fair and reasonable rate of payment for tuition, fees, or other charges for such course or courses shall be determined by the Administrator.

"(c) In the event a veteran fails to complete his program of education after a tuition assistance allowance has been paid to the educational or training institution on his behalf, the Administrator shall, pursuant to such regulations as he may prescribe, require a pro rata refund of the tuition assistance allowance based upon the uncompleted portion of the school year for which the allowance was paid.

"(d) While pursuing an approved program of education or training, other than cooperative or non-farm training, a veteran eligible for tuition assistance benefits under subsection (a) of this section shall be paid a monthly subsistence allowance as set forth in column II, III, IV or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Basis | No dependents | One dependent | Two dependents | More than two dependents |
|  |  |  |  | The amount in column IV, plus the following for each dependent in excess of 2: |
| Full-time | $175 | $205 | $230 | $13 |
| Three-quarter-time | 128 | 152 | 177 | 10 |
| Half-time | 81 | 100 | 114 | 7 |

"(e) (1) An eligible vetern entitled to tuition assistance under subsection (a) of this section and who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of 12 clock hours per week),

"(B) a three-quarter-time basis (a minimum of 9 clock hours per week), or

"(C) a half-time basis (a minimum of 6 clock hours per week) shall be eligible to receive a subsistence allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator.

"(2) The monthly subsistence allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Basis | No dependents | One dependent | Two dependents | More than two dependents |
|  |  |  |  | The amount in column IV, plus the following for each dependent in excess of 2: |
| Full-time | $141 | $167 | $192 | $10 |
| Three-quarter-time | 101 | 119 | 138 | 7 |
| Half-time | 67 | 79 | 92 | 4 |

"(f) An eligible veteran, entitled to tuition assistance under subsection (a) of this section, who is enrolled in a 'cooperative program', other than 'farm cooperative' program, shall be paid a monthly subsistence allowance at the same rate paid for full-time 'farm cooperative' training as provided in subsection (e) of this section. For the purpose of this subsection, the term 'cooperative program', other than a 'farm cooperative' program, means a full-time program of education which consists of institutional courses and alternate phases of training in the business or industrial establishment with such training being strictly supplemental to the institutional portion."

SEC. 3. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational assistance allowances

"(a) An educational assistance allowance shall be paid to each eligible individual pursuing a program of education while on active duty, or to an eligible veteran pursuing a program of education on less than a half-time basis or exclusively by correspondence, as follows:

"(1) The educational assistance allowance of an individual pursuing a program of education—

"(A) while on active duty, or

"(B) on less than a half-time basis, shall be computed at the rate of (i) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (ii) $175 per month for a full-time course, whichever is the lesser. Notwithstanding provisions of section 1682 of this title, payment of the educational assistance allowance provided by this subsection may, and the educational assistance allowance provided by section 1696(b) shall, be made to an eligible veteran in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at such institution.

"(2) (A) The educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veterans. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible veteran, whichever is the lesser. Such allowances shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the institution.

"(B) The period of entitlement of any eligible veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $175 which is paid to the veteran as an educational assistance allowance for such course.

"(b) (1) The educational assistance allowance of a veteran pursuing a program of flight training (except as provided in section 1673(b) of this chapter), shall be paid in accordance with the provisions of section 1677 of this chapter.

"(2) The educational assistance allowance of a veteran pursuing a program of apprenticeship or other on-job training shall be paid in accordance with the provisions of section 1683 of this chapter.

"(c) The tuition and subsistence allowances payable under section 1680 of this chapter and the educational assistance allowance payable under this section shall be paid as soon as practicable after the Administrator is assured of the veteran's enrollment in and pursuit of the program of education for the period for which such allowance is to be paid."

SEC. 4. Section 1682 of title 38, United States Code, is amended to read as follows:

"§ 1682. Educational certifications and limitations

"(a) No tuition assistance allowance shall be paid to an educational or training institution on behalf of an eligible veteran under section 1680 of this chapter until the Administrator shall have received from such institution a certification of the actual enrollment of the eligible veteran at such institution, the number of semester or clock hours of attendance he is to pursue, the customary cost of tuition, the customary cost of books, supplies, equipment and related expenses, the customary charges for laboratory, library, health, infirmary or other similar fees, and such other information as the Administrator, by regulation, may require.

"(b) The subsistance and educational assistance allowances of an eligible veteran provided in sections 1680 and 1681 of this chapter shall be paid only for the period of his enrollment as approved by the Administrator, but no such allowance shall be paid—

"(1) to any veteran enrolled in a course which leads to a standard college degree for any period when such veteran is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter, or of chapter 36;

"(2) to any veteran enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution is not regularly in session; or

"(3) to any veteran pursuing his program exclusively by correspondence for any period during which no lessons were serviced by the institution.

"(c) No subsistence or educational assistance allowance shall be paid to an eligible veteran enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or where the program is pursued by correspondence a certificate as to the number of lessons actually completed by the veteran and serviced by the institution; and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

"Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment.

"(d) The Administrator may, pursuant to such regulations as he may prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran for any period for which a tuition assistance allowance is paid on his behalf or for which he receives a subsistence or educational assistance allowance under this chapter for pursuing such program or course."

SEC. 5. Section 1661 of title 38, United States Code, is amended by—

(a) inserting in subsection (a) immediately after the words "entitled to" the following: "tuition; subsistence or"; and

(b) inserting in subsection (c) immediately after the word "receive" the following: "tuition, subsistence or".

SEC. 6. Section 1662 of title 38, United States Code, is amended by—

(a) inserting in subsection (a) immediately after the word "No" the following: "tuition, subsistence or"; and

(b) inserting in subsection (c) immediately after the words "date for which an educational" the following: ", tuition or subsistence".

SEC. 7. Section 1663 of title 38, United States Code, is amended by inserting immediately after the words "eligible for" the following: "tuition, subsistence or".

SEC. 8. Section 1671 of title 38, United States Code, is amended by inserting in the second sentence thereof immediately after the words "entitled to the" the following: "tuition, subsistence or".

SEC. 9. Section 1674 of title 38, United States Code, is amended by inserting immediately after the words "shall discontinue the" the following: "subsistence or".

SEC. 10. Section 1676 of title 38, United States Code, is amended by inserting in the second sentence thereof immediately after the words "deny or discontinue the" the following: "subsistence or".

SEC. 11. Section 1687 of title 38, United States Code, is amended by inserting immediately after the words "may discontinue the" the following: "subsistence or".

SEC. 12. Section 1691 of title 38, United States Code, is amended by striking out in subsection (b) thereof the words "an educational assistance allowance as provided by sections 1681 and 1682(a) and (b) of this title" and inserting in lieu thereof the following: "a tuition assistance and subsistence allowance under the provisions of section 1680 of this chapter if he is enrolled on a half-time basis or an educational assistance allowance under the provisions of section 1681(1)(B) of this chapter if he is enrolled on less than a half-time basis".

SEC. 13. Section 1693 of title 38, United States Code, is amended to read as follows:

"The tuition, subsistence and educational assistance allowances authorized by section 1691(b) of this chapter and the cost of individualized tutorial assistance authorized by section 1692(b) of this chapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title."

SEC. 14. Section 1781 of title 38, United States Code, is amended by inserting immediately after the word "No" the following: "tuition, subsistence or".

SEC. 15. Section 1789 of title 38, United States Code, is amended by striking out the words "an educational assistance" and inserting in lieu thereof the following: "a tuition, subsistence or educational assistance allowance on behalf of or".

SEC. 16. The table of sections at the beginning of chapter 34 is amended by

(a) striking out:

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.";

and

(b) inserting in lieu thereof:

"1680. Tuition and subsistence allowances for institutional training.
"1681. Educational assistance allowances.
"1682. Educational certifications and limitations.".

SEC. 17. This Act shall become effective September 1, 1971.

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COMPARISON OF EDUCATIONAL BENEFITS OF THE MATHIAS GI BILL—VIETNAM VETERANS ACT OF 1971—WITH THOSE UNDER THE OLD GI BILL OF 1944 AND CURRENT LAW AS AMENDED

OLD GI BILL

*Veterans Administration Direct payment to schools*

Direct payment for tuition, fees; payment for books not mandatory.

CURRENT PROGRAM

*Veterans Administration Direct payment to schools*

No current payment to schools.

MATHIAS BILL

*Veterans Administration Direct payments to schools*

Direct payment to school for tuition and fees; mandatory payment for books & related supplies.

OLD GI BILL

*Amount of payment by VA to schools*

Up to $500 per school year.

CURRENT PROGRAM

*Amount of payment by VA to schools*

No payment as such.

MATHIAS BILL

*Amount of payment by VA to schools*

Up to $1,000 per school year.

OLD GI BILL

*Subsistence Allowance*

$50 per month, later increased to $75 per month, plus additional amounts for dependents.

CURRENT PROGRAM

*Subsistence Allowance*

None as such.

MATHIAS BILL

*Subsistence Allowance*

$175 per month for eligible veterans not on active duty who attend school on half-time or more basis; additional amounts for dependents; pro-rated for less than half-time students.

OLD GI BILL

*Educational Assistance Allowance*

None as such.

CURRENT PROGRAM

*Educational Assistance Allowance*

$175 per month to eligible veterans for tuition and related expenses if enrolled in education course on more than half-time or full-time basis; if active duty or enrolled less than half-time, the lesser of $175 per month or cost of tuition and fees.

MATHIAS BILL

*Educational Assistance Allowance*

Tuition & fees paid directly to institution by VA; plus subsistence allowance if not on active duty & enrolled in education course on more than half-time basis; full time in lieu of current allowance; If active duty, or less than half-time, same as law benefits.

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DEAR SENATOR McC. MATHIAS: I presently am attending a local university under the G.I. Bill, I also was fortunate enough to receive a grant in order to pursue my education. If it was not for the grant, I would not be able to continue my education; I still have to work as I am self-supporting.

Unfortunately, many of my fellow veterans have not been as fortunate as I in receiving financial assistance to supplement their G.I. Bill benefits. I know of many capable, young veterans interested in pursuing their education but are unable to do so under the present benefit system. ($175 is the maximum entitlement for a single man attending an institution full-time, which in many instances barely meets tuition, not to mention books, food, lodging.

I ask you Senator McC. Mathias what can be done to update the present G.I. Educational Benefit system to a more realistic level?

Thanking you in advance for your speedy and considerate reply.

Sincerely,

STEPHEN A. CAMPBELL.

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Senator CHARLES McC. MATHIAS,
*U.S. Senate,*
*Washington, D.C.*

SIR: Being a Viet Nam War veteran, I have been following your concern over the lack of jobs available for veterans, with great interest. And, being a constituent, I decided to put forth another opinion on several more current issues in the news today, namely drugs and the SST.

For veterans returning and hunting for full employment is bad enough, with some of my friends waiting two or more months before finding a job opportunity. Luckily, Bethlehem Steel, the Shipyards and other large industries around Baltimore can accommodate most of these job seekers. For those like myself who decided to return back to college, the situation becomes a little tighter. With the current attitudes towards college youth (badly generalized) jobs become even harder to find, even if you are a veteran. Thus, we must depend entirely or paritally on the G.I. Bill education checks that come monthly. Of course we can usually fall back on parents which creates a very touchy problem for both parents and students especially if the student, as I, has spent four years in the military and suddenly finds himself at 24 or 25 years old once again dependent upon his parents. It can become a very depressing situation.

The monthly checks do help, but figure total expenditures into the monthly allowance and the $175.00 suddenly looks very small. I have some approximations of a typical semester to further exemplify my point. A normal semester usually lasts about three and one half months. Thus, total G.I. Bill checks amount to approximately $621.00. Now, at the beginning of each semester there are certain mandatory fees, namely tuition, books, activities fees, parking fees etc. Tuition at the University of Maryland, Baltimore Campus is $321.00; books for all courses total about $100.00; parking fees are $10.00, for a total of approximately $431.00. Subtract this from the check total of $621.00 and you have $190.00 left to cover expenses for three and one half or four months (since you still have expenses whether you are in school or not, and you only get paid for those months actually in classes). Thus, you are left with approximately $50.00 per month! That is you have $50.00 left per month if you don't pay rent, don't eat, don't put gas in your car, or tires or licenses, don't buy any clothes and so on—ad infinitum. It is impossible to continue higher education under the persent G.I. Bill educational allowances. What can be done? This is the main reason so many of the Viet Nam War veterans do not go back or start college after military service. It is practically impossible under existing circumstances. Needless to say those of us that do not return to studies, ultimately end up in the ranks of the unemployed and become part of the rising unemployment figures that seem to be plaguing this administration. New legislation must be passed that will help us not only pay tuition, but also room and board and the other pressing expenditures as offered to returning World War II veterans. If the Congress is unable to legislate more money directly, perhaps they could work out partial payments to cover room and board through Welfare channels.

While the new SST debate takes shape in

the Congress, it might be well to note that there are other more pressing matters domestically. Summer jobs add to our income, but with the steel labor strike imminent this summer, another large possibility for employment is lost. Clearly, as veterans we are in a "limbo" situation. Too old to return "home", and unprepared financially to make it without some sort of government help, we are in trouble, especially if we try to return to college.

It is very distressing to many of us in the Baltimore area, that this administration is so concerned with the SST as opposed to so many other pressing economic matters. For us the notion of travel on a supersonic transport aircraft seems very far away from reality, but to ask the tax payers to underwrite the costs of an aircraft that will only be used by the world "jet set" and the very rich, is absurd. We hear quotes of over one billion dollars just to get the craft into production again, not counting the many "unforseen" expenditures that usually end up doubling the costs of government supported projects. Couple this with the fact that the SST will only be able to pay for itself if *every* flight is booked full (a definite improbability), and the notion to pursue this old matter becomes doubtful to say the least. Many of us feel that the SST has become more of a matter of national "prestige" than an economic reality. To claim the French or Russians will have one first is not enough to finish our SST. With the position of the United States in world economics, we could easily put up barriers for environmental reasons and effectively curb all the foreign SST's, since the U.S. is obviously the main intended market. This might not be fair to the Europeans, but why should we keep taking part in economic "one-upmanship" for no logical reason. Since the aircraft industry is obviously in trouble unless there are in some war-time production capacity, perhaps you should suggest to the SST people that their industry should be "nationalized" if they are to insist on government financial support. If there is a genuine problem as encountered by the Lockheed people, then perhaps the government should offer financial help. But, these industries should not be allowed to extend themselves without controls and expect the American taxpayers to pay for their mistakes.

And with mistakes, I will offer another opinion on drugs, When one hears mention of the "drug problem" it has come to mean anything from aspirin to heroin. And as we learn more about the social problems (i.e. addiction, crime, and re-habilitation) drug abuse comes to be "heroin". Heroin is the real threat to society, and there aren't many people, young people included, that will deny that it is heroin and not marijuana that is the problem. From Viet Nam veterans to high school students, they all agree that there is a direct correlation between a crackdown on marijuana control and the rise of heroin. This can be seen in Viet Nam today, as marijuana fields are burned, heroin smuggling increases.

The government has had ample time to study the long range effects of marijuana through their research programs, yet, we have not heard of a single serious side effect of marijuana. Other than the "possible psychological" problems voiced by a few, there are no serious drawbacks. As a matter of fact, I have even read of marijuana extract (THC) being used to ease the suffering of terminal cancer patients and increasing their appetites. Also, doctor's from Bethesda Naval Hospital have found that asthma sufferers have found relief from throat and bronchial constriction after smoking it. These are just a few examples that I have read, and I'm sure that the government investigators must not have found too many detrimental effects or they would not be undertaking their fact-finding mission to some of the nations universities. Now, this "commission" has stated that they will be honest in their approach and not "white wash" the issue, however, they intend to visit only two universities in their study. These are Southern Methodist University in Texas, and the University of Virginia. If the commission intends to receive a true picture of the marijuana situation, why are they visiting only these two universities. I cannot help but feel that in a state where the penalty for possession is ten years or more (Texas), the investigators will receive a very biased and prejudiced outlook on the issue. The same is true for Virginia, as the South is not exactly known for their liberal attitudes. If a *true* picture of marijuana use is to be obtained and a "white-wash" avoided, then the commission should consider some of the large state universities in the East, and at least two state universities in the West in their investigation. Interviews with returning Viet Nam Veterans would definitely aid in a dramatic manner to show the dis-similarity between marijuana and the narcotic, heroin.

While the alcohol industry has been a great contributor to the political treasuries of the nation, we still must realize that marijuana is not going to disappear in the near future, and steps must be taken to bring it under government control and out of the hands of organized crime. Legalization, would certainly put a dent in the alcohol industry, but I don't feel that it would seriously effect the industry over a long period of time. It would, however, bring the billions of dollars spent illegally for marijuana into the government treasury, and add control to a seemingly uncontrollable situation. The paranoia over marijuana should end. I trust and hope the government will stop treating marijuana as the villian, when it is heroin that is the true social menace.

While obviously much of what I have written is common knowledge to some, many of us do not take the time to write our feelings down. If the "system" is to continue to work we must all be responsive to the needs of others, and I trust you will feel my sincerity in writing.

Thank you,

D. J. Thomas.

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[From the Afro-American, Feb. 21, 1970]

### Vets Deserve Better Deal for Study Under GI Bill

It's time the federal government admits it made a mistake when it stopped paying tuition and book costs for veterans who attend school on the GI Bill.

This charge accounts for an important part of the fact fewer veterans are going to school under the Post Korean GI Bill, signed into law by President Johnson in March, 1966, than went under the previous law.

Thangs became so bad that in 1967 President Johnson ordered the Veterans' Administration to start recruiting veterans to study under the GI Bill.

Until the Congress meets its responsibility to restore the payment of tuition and book costs, the GI Bill will fail to attract the number of veterans it should and leave an unnecessarily heavy burden on those who use it.

This is particularly distressing at a time when most of the Servicemen going into the military prior to completing college work come from low-income families. They desperately need to better themselves. Many turned to the service as a step up the ladder.

This is true whether the young men are black or white, draftees or enlistees. The draftees, incidently, are carrying a heavy share of the combat duties.

Under present draft regulations, young men who can afford to stay in college, are exempted from the draft until they graduate.

Those young men who don't have the money or don't have good grades, are the ones who in large numbers are called upon to shoulder the burden of defending the nation's security.

When they leave the service, more than any other veterans the nation has had, these young men deserve every possible consideration, not only in picking up life where they left off, but in achieving a better position.

Under the present GI Bill, they are being shortchanged, in comparison to what other veterans got.

Before, veterans got their tuition paid, books paid for and certain college fees, along with a monthly subsistence check.

All they get now is the monthly subsistence check, larger than before, but considering the costs of everything today, still most inadequate.

A single man gets $130 a month. A married veteran with two dependents gets $175. For extra dependents, there is $10 more for every month.

Realizing how inadequate this is, the Congress now is considering increases. The House has recommended a hike of up to 31 per cent and the Senate, 46 per cent. They still have to reach a compromise, keeping in mind that President Nixon has recommended a 15 per cent increase.

Even if they settled on a 40 per cent hike, that would give a single veteran $182 monthly or about $45 weekly; and provide a married veteran with a wife and child $245 monthly, or about $61 weekly.

Now, consider the following figures in relation to getting an education; they are about as cheap as you can find and get a good education.

A veteran interested in going to Morgan State College in Baltimore would need $378 for tuition and fees. An estimated $75–100 for books. If he stayed on campus, room and board would come to about $98.50 monthly. If he lives in the city and commutes, it would not be much better. If he commutes from out of the city, and many veterans are from small rural areas, it would be worse.

It adds up to more money than the veteran now gets. There would be other costs, laundry, etc. The University of Maryland would run over $450 more.

Going to an out-of-state school or a non-public one would be even more.

So even with the proposed raise, without the tuition grants and book expenses, the veteran still would be shortchanged.

The system was changed because it was found that some officials at certain schools defrauded the government, the VA says. It reports now that it is having problems with some correspondent schools.

The AFRO feels the need in this area is so great that the government cannot fail in its great responsibility for that reason. It means there must be better checks and legal action where necessary to curb frauds.

But there is an undeniable need for the tuition grants and book expenses if more GIs from low-income families are to have a fair chance at bettering their education.

It certainly is odd enough to say that a veteran can borrow funds for college. Fellows from low-income families who may or may not be expected to finish college, are not considered the best of credit risks.

The Afro-American Newspaper is launching a campaign to have tuition grants and book expenses restored as part of the veteran's GI Bill.

This newspaper is not the only organization which has seen the need of such action. Others include the National Urban League and the American Veterans Committee.

The Congress may find it necessary to set a ceiling on the amount of tuition grants and fees payable, maybe to that necessary for attending the average publicly supported institution.

But a change is necessary and it should be in effect by this September.

Vietnam Veterans for a Just Peace,
*Brooklyn, N.Y., June 24, 1971.*

Dear Senator Mathias: Vietnam Veterans For A Just Peace is most pleased at your initiative in proposing an addition to the present GI Bill for education of up to $1,000 towards tuition and fees. We believe that no better investment could be made in the future of a free America than that young Americans who have honorably served their country be aided in furthering their education so that they can continue serving America as responsible, productive, informed citizens. The need is great and the hour late, and even much more is called for than can be contained in one piece of legislation, but we hope that your veterans Bill will be only the first of many leading to full parity for Vietnam era veterans with the benefits afforded veterans of other wars, in addition to new legislation meant to deal with the unique problems of Vietnam veterans.

With our thanks and best wishes,
Most Sincerely Yours,
Bruce Kesler,
*National Coordinator.*

Statement of Skip "G. D." Roberts, National Executive Committee, Vietnam Veterans Against the War

The Vietnam Veterans Against the War is gratified to see concrete action being taken in regards to enacting our legislative proposals. We applaud the actions of Senator Mathias and his colleagues.

The principle of his amendment is one of equity for the contemporary veteran. Senator Mathias' amendment would do much to restore the benefits utilized by both World War II and Korean veterans. That there is a need for such legislation, there can be no doubt. While over a third of earlier veterans used the G.I. Bill, currently only a quarter of Vietnam Era veterans can manage to survive on the pitiful small amount provided today.

Vietnam Veterans Against the War calls for the speediest possible enactment of the principles embodied in the Mathias Amendment to allow veterans to use it for the coming fall school term.

By Mr. WILLIAMS:

S.J. Res. 121. A joint resolution to authorize and request the President pro tempore to issue a proclamation designating the period from July 19, 1971, through July 24, 1971, as "National Drum and Bugle Corps Week." Referred to the Committee on the Judiciary.

### NATIONAL DRUM AND BUGLE CORPS WEEK

Mr. WILLIAMS. Mr. President, today I introduce, for appropriate reference, a joint resolution that would authorize the President to proclaim July 19, 1971, through July 24, 1971, as "National Drum and Bugle Corps Week."

The numerous young men and women across the country who belong to the several thousand drum and bugle corps have demonstrated a deep dedication to this worthy activity. The hours of time offered by these talented people deserve appropriate recognition.

I am, therefore, hopeful that the Senate will act quickly and favorably on this resolution so that the American people may set aside this specific week in honoring our many drum and bugle corps.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 23

At the request of Mr. Schweiker, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 23, the "Ethnic Heritage Studies Centers Act of 1971."

### S. 364

At the request of Mr. Moss, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 364, a bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purposes of the act.

### S. 1828

At the request of Mr. Dominick, the Senator from New Mexico (Mr. Anderson), the Senators from Indiana (Mr. Hartke and Mr. Bayh), the Senator from Texas (Mr. Tower), the Senator from Nevada (Mr. Bible), the Senators from Massachusetts (Mr. Kennedy and Mr. Brooke), the Senator from North Dakota (Mr. Burdick), the Senators from West Virginia (Mr. Randolph and Mr. Byrd), the Senators from New Jersey (Mr. Case and Mr. Williams), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senators from Alaska (Mr. Stevens and Mr. Gravel), the Senators from Wyoming (Mr. McGee and Mr. Hansen), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from Oklahoma (Mr. Bellmon), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), the Senators from Illinois (Mr. Percy and Mr. Stevenson), the Senator from Connecticut (Mr. Ribicoff), the Senators from Pennsylvania (Mr. Scott and Mr. Schweiker), the Senator from California (Mr. Tunney), the Senator from New Hampshire (Mr. Prouty), the Senator from Ohio (Mr. Taft), the Senator from Hawaii (Mr. Fong), and the Senator from Alabama (Mr. Allen) were added as cosponsors of S. 1828, the Act To Conquer Cancer.

### S. 1848

At the request of Mr. Hartke, the Senator from Indiana (Mr. Bayh), the Senator from Minnesota (Mr. Humphrey), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 1848, the Truth-in-Savings Act.

### S. 2050

At the request of Mr. Schweiker, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2050, a bill to provide for agreements for broader State control and to confer certain powers on the Administrator of the Environmental Protection Agency.

### S. 2135

At the request of Mr. Kennedy, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2135, a bill to amend title V of the Social Security Act to extend for 5 years—until June 30, 1977—the period within which certain special project grants may be made thereunder.

## EMERGENCY LOAN GUARANTEE ACT OF 1971—AMENDMENT

### AMENDMENT NO. 234

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. STEVENSON. Mr. President, I send to the desk for appropriate reference an amendment to S. 1891, the administration's loan guarantee bill for the Lockheed Aircraft Corp.

The administration's proposal raises at least two sets of questions. One set has to do with the transcendent issue of whether the public interest is served by Federal intervention to save a large commercial project in a competitive industry. The other set has to do with the specific features of the proposed transaction, and with the question of whether the proposal as it now stands provides the Government with a reasonable degree of protection.

I introduce this amendment in the belief that S. 1891 lacks a number of basic safeguards, and that the Congress should not pass upon the larger questions until such safeguards are added. To do otherwise is to announce to the world that the U.S. Government is a soft touch for big businesses in trouble—and for whatever reason they are in trouble—their creditors and suppliers, included.

The economic climate is such that before long other large corporations may find themselves in trouble, especially in the aerospace industry. I fear that if we do not subject this proposal to rigorous analysis, provision by provision, a procession of weak sisters will make their way to our doorstep—all looking for a better deal than they could get in the private money market. A bad precedent can be created not only by our ultimate decision, but by how we consider the proposal prior to arriving at that decision.

This amendment seeks to increase the Government's protection in three important ways:

Greater access to information about the borrower;

Increased collateral; and

More gradual exposure to risk.

### ACCESS TO INFORMATION

Section 5 of S. 1891 empowers the Secretary to inspect pertinent documents after the guarantee is made. It does not require that the Secretary be furnished with any financial information in the crucial period before the guarantee is made, nor does it require the borrower to take the initiative in providing pertinent information after the guarantee is entered into.

This amendment seeks to correct both of these deficiencies. It requires that prior to making any guarantee, the Secretary shall be furnished with the borrower's financial statements and with all other pertinent documents which the borrower has given to the banks. Since the whole purpose of this guarantee is to shift the risk from the banks to the taxpayer, it is only fair to give the taxpayers at least as much information as the banks have.

The amendment specifically requires that the Secretary receive the borrower's most recent annual financial statement, the accuracy of which is certified by independent public accountants, before the guarantee is entered. In the case of Lockheed's most recent financial statement, the independent accountants, after a searching audit which consumed 23,000 man-hours, took the highly unusual step of refusing to express an opinion on the accuracy of the statement. In testimony before the Senate Committee on Banking, Housing, and Urban Affairs, however, the accountant in charge of the Lockheed audit stated that his firm might be willing to certify the financial statement if the Congress authorizes the guarantee. If the accountants persist in their refusal to certify the accuracy of the financial statement even after the Congress acts favorably, it would in my judgment be imprudent for the Secretary to make the guarantee. My position is supported by no less an authority than Mr. William H. Moore, chairman of the Board of the Bankers' Trust Co. Banker's Trust and the Bank of American lead the consortium which has loaned $400 million to Lockheed. In June 14 appearance before the Senate Banking Committee, Mr. Moore was asked the following question:

> Would it be wise to amend the bill to provide that the Secretary of the Treasury should see a certified audited account before proceeding with the loan?

His response was "Yes, I think it would be prudent."

If the guarantee is made, this amendment also insures that the Secretary will be provided with financial statements and other pertinent documents as they are issued.

### INCREASED COLLATERAL

Under the existing security agreement between Lockheed and the banks, assets of Lockheed have been pledged as collateral to secure the loan. In the event that Congress authorizes a guarantee, it is undisputed that the Secretary and the banks plan to enter into an agreement giving the Government a first and prior lien with respect to all the collateral listed in the security agreement.

In the event that Lockheed defaults or goes bankrupt, however, the banks are not limited to the assets listed in the security agreement. They can also look to another important asset—cash. Under section 68 of the Bankruptcy Act and a long line of court cases, sums which a borrower has deposited in a bank may be offset against the debt which the borrower owes the bank. For this reason, cash on deposit is the best possible form of collateral a bank can have.

In this case, Lockheed has a total of about $50 million on deposit in the 24 banks which have loaned Lockheed the $400 million now outstanding. Because the banks look to the $50 million as collateral, the Government should be able to do so as well, and this amendment so provides. The proposal now before us calls for the Government to take all the risk and the banks to take none of the risk with respect to the new loan. If we are asked to take all the risk, it is only fair that we get first crack at all the collateral.

Secretary Connally has told the Senate Committee on Banking, Housing, and Urban Affairs that—

> The Government's claim will be paid off first from whatever assets are in the collateral pool at the time of bankruptcy.

This amendment simply makes it clear that the sums Lockheed has on deposit with lender banks are to be part of the "collateral pool."

### MORE GRADUAL EXPOSURE TO RISK

Under S. 1891, as it now stands, the Secretary is authorized to guarantee loans of up to $250 million for 10 years, even though Lockheed's projections show that in the middle of next year, only $100 million of the $250 million loan will have been drawn down.

Usually when a bank makes a commitment to loan a large amount of money over a period of time, it will police the agreement closely to make sure that the lender is not in default during the loan period. If the bank discovers a default, it can cut its losses by refusing to make additional outlays under the loan agreement. In this case, if the Secretary guarantees the full $250 million at the outset, the banks will have far less incentive to police the loan carefully. By the same token, they may be willing to approve additional advances no matter how badly Lockheed's financial condition becomes—because it is the Government which is bearing all the risk.

In my judgment, the blanket guarantee at the outset of the transaction should be expressly prohibited, because it creates excessive and unnecessary hazards for the Government, and this amendment does so. In place of the blanket guarantee, the amendment establishes a serial guarantee system, under which each 90-day portion of the loan is guaranteed separately. Prior to guaranteeing any portion of the loan, the Secretary must receive the assurance of the banks that the borrower is not then in default under the loan agreement, and any waiver by the banks is not effective against the Government unless the Secretary gives his written consent to the waiver. In the event that the banks assure the Secretary that the borrower is not in default and it is subsequently determined that the borrower was in fact in default, the guarantee is nullified.

These provisions give the banks a strong incentive to police the loans as carefully as they would if there were no guarantee.

In addition, the amendment provides that when the borrower is in default, the Secretary has the right to refuse guarantees of further loans. There is no reason why the Secretary should be locked into a position whereby he is forced to guarantee a loan to a borrower who has not lived up to the terms of the loan.

Finally, the amendment requires that the loan agreement between the banks and the borrower contain the usual and customary protective provisions, and that any modification of the loan agreement between the banks and Lockheed must be approved by the Secretary.

Mr. President, I ask unanimous consent that the text of this amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

### AMENDMENT NO. 234

On page 5, strike everything in lines 1 through 66 and substitute the following:

SEC. 6. (a) No advance shall be guaranteed under this Act unless the Secretary first receives—

(i) the borrower's most recent annual financial statement, the accuracy of which is certified by independent public accountants in accordance with Securities and Exchange Commission Regulation S–X, Rule 2.02(c);

(ii) the borrower's quarterly financial statements issued subsequent to the issuance of the most recent annual report, the accuracy of which are certified by the borrower's president or chief financial officer; and

(iii) all other documents which the borrower has provided to the private lenders whose commitment is being guaranteed under this Act.

(b) Any guarantee agreement entered into under this Act shall contain a requirement that the borrower shall furnish the Secretary with—

(i) financial statements as described in subsections (a)(i) and (a)(ii) above and which are issued subsequent to the effective date of the guarantee; and

(ii) copies of all reports and documents which the borrower files with the lenders and with Federal, State, and local governmental agencies.

SEC. 2. COLLATERAL. At the end of section 6 add a new subsection as follows:

(c)(i) Any guarantee agreement entered into under this Act shall contain a requirement that as between the guarantor and the lenders, the guarantor shall have a first and prior lien with respect to all collateral held by the lenders under the loan to be guaranteed and all earlier outstanding loans, and the Secretary shall take all necessary steps to perfect such lien against all persons.

(ii) for purposes of this subsection the term "collateral" shall include all assets pledged under loan agreements and all sums of the borrower on deposit with the lenders and subject to offset under Sec. 68 of the Bankruptcy Act.

SEC. 3. Gradual Exposure to Risk. On page 4, following line 19, add a new subseotion as follows:

(g)(i) Prior to making any guarantee under this Act, the Secretary shall satisfy himself that the underlying loan agreement on which the guarantee is sought contains all the affirmative and negative covenants and other protective provisions which are usual and customary in loan agreements of a simliar kind, including previous loan agreements between the lenders and the borrower, and that it cannot be amended, or any provisions waived, without his prior consent.

(ii) On each occasion when the borrower seeks an advance under the loan agreement, the guarantee authorized by this Act shall be in force as to the funds advanced only if—

(A) the lender gives the Secretary at least ten days notice in writing of its intent to provide the borrower with funds pursuant to the loan agreement; and

(B) the lender certifies to the Secretary before the advance that as of the date of the notice provided for in paragraph (A) of this subsection, the borrower is not in default under the loan agreements and no event of default has occurred; provided that no waiver by the lender of defaults by the borrower shall be effective against the guarantor unless the Secretary gives his express, written consent to the waiver.

(C) the borrower certifies to the Secretary that the amount being advanced is to be expended within 90 days of the date on which the draw down occurs, and provides the Secretary with a plan setting forth the expenditures for which the advance will be used.

(iii) In the event that the Secretary guarantees an advance based on the lender's certification required by subsection (ii)(A) of this section, and the borrower was in default on the date specified in subsection (ii)(B) of this section, the guarantee shall be deemed null and void from its inception.

## ADDITIONAL STATEMENTS

### IS IT OLD FASHIONED TO BE PATRIOTIC?

Mr. ERVIN. Mr. President, the Sterling Laundry, which has operated in the Washington area for more than a half century, does not believe it to be old fashioned to be patriotic.

Sometime ago it forwarded to its customers flags suitable for placing upon their automobiles, accompanied by a statement urging them to display such flags on their automobiles. It seems to me that this organization merits commendation for this activity on its part.

A copy of the statement of the Sterling Laundry to its customers has been furnished to me by one of them. I ask unanimous consent that such statement be printed the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Is it old-fashioned to be patriotic? In some quarters it seems to be. Some would have us believe anyone who shows respect for our nation's heritage, and appreciation of the opportunity this land offers, is definitely out of step.

Those with this kind of attitude comprise only a small minority, yet the news coverage they get would seem to indicate otherwise. At times, it would seem they threaten the very foundations of our political and economic system.

Perhaps it's time for our side to stand up and be counted. Those who appreciate our great nation and the sacrifices of those who have gone before us. The United States is not perfect, certainly, but Americans today have an abundance unknown and undreamed of in the history of the world.

The brilliant Henry Ward Beecher once said: "A thoughtful mind when it sees a nation's flag sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history that belong to the nation that sets it forth. The American Flag has been a symbol of Liberty and men rejoiced in it . . ."

I invite you, as an American, to display the enclosed Flag on your automobile.

### ELEANOR ROOSEVELT AND THE CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, the late Eleanor Roosevelt served the Nation in many capacities. She was our First Lady longer than any other woman; she represented the United States at the United Nations during that body's infancy; and she was a good-will ambassador for America wherever she traveled.

This courageous woman advocated passage of the Convention on the Political Rights of Women. She believed U.S. ratification would place the moral force of this great Nation on the side of political equality.

The Senate should heed the words of Mrs. Roosevelt delivered before the Third Committee of the General Assembly in December 1952 and ratify this convention. I ask unanimous consent that an excerpt of her speech be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

As most of you know, the subject of this convention—equal suffrage for women—is very close to my heart. I believe in active citizenship, for men and women equally, as a simple matter of right and justice. I believe we will have better government in all of our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world.

In the United States, and in most countries today, women have equal suffrage. Some may feel that for that reason this convention is of little importance to them. I do not agree with this view. It is true, of course, that the first objective of this convention is to encourage equal political rights for women in all countries. But its significance reaches far deeper into the real issue of whether in fact women are recognized fully in setting the policies of our governments.

* * * I do not expect that there will ever be as many women political leaders as men, for most women are needed in their homes while their children are small, and have fewer years in which to gain public recognition. But if we are honest with ourselves, we know that all countries have a long way to go on these matters * * *

This convention on political rights of women is not in itself an answer to the problems of modern government. But it points up, I believe in useful ways, how governments can expand their resources by taking full advantage of the energy and experience of their women citizens. * * *"

### DOCUMENTS RELEASED TO THE NEW YORK TIMES CONCERNING U.S. PARTICIPATION IN THE VIETNAM WAR

Mr. BUCKLEY. Mr. President, in the past several days, discussion surrounding the publication of classified Government documents concerning the Vietnam war has tended to obscure the vital significance of the events.

The most serious aspect of the publication of documents relating to the evolution of the U.S. participation in the Vietnam war is not related to the revelations contained therein, nor even the issue of the suppression of their publication—at least temporarily suspended through the action of the courts—even though these issues are important.

The critical issue involves the fact that a major document carrying the highest security classification, top secret, was stolen by an individual who was presumably in a privileged position of trust, and given or sold to a major newspaper. It has been suggested that there should be no prosecution of the individual responsible for the theft of this top secret document because its publication has been described by the newspaper in which it was published as being "in the public interest."

To accept this line of reasoning is to place the security of the United States in the gravest danger, for the failure to prosecute the individual responsible would suggest that henceforth, any individual can steal the most sensitive Government documents and claim immunity from prosecution because he has determined that revelation of the documents is in the public interest.

There can be no substitute for visiting swift and severe punishment on the individual responsible for the theft if we are to prevent entrepreneurs in the distribution of critical defense information from achieving legitimacy. To permit or condone such theft by the failure to vigorously prosecute the individual responsible will forever inhibit the free flow of ideas within the executive branch of Government and between governments.

This sorry episode suggests that the system for safeguarding sensitive information is in serious need of review. No information should be inappropriately classified—but information that is classified should be protected by a mechanism which insures swift and severe punishment for those who violate the trust that has been placed in them as custodians of the Nation's security.

### ELECTRIC POWER IN THE SEVENTIES

Mr. ERVIN. Mr. President, on June 18, 1971, Shearon Harris, who has been recently chosen chairman of the Edison Electric Institute, made an illuminating address entitled "Electric Power in the Seventies" before the National Press Club in Washington, D.C.

Mr. Harris is one of the most knowledgeable men in the power generating and distributing industry in the United States, and his remarks upon the occasion stated merit wide dissemination.

For this reason, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

#### "ELECTRIC POWER IN THE SEVENTIES"

(Remarks of Shearon Harris)

President Louviere, honored guests, and members of the National Press Club:

The invitation to address so many distinguished representatives of various communications media provides an opportunity which I sincerely appreciate. I hope the information I will share with you during the next 20 minutes, and in response to your questions, will bring a better understanding of the largest industry in America.

At the outset, let me anticipate one question with this emphatic assurance:

There is no nationwide or national power crisis.

We expect reserves this summer to be either about the same as last summer or somewhat improved and we are capable of greater mutual assistance.

Even before this luncheon adjourns, the lights may go out somewhere in this vast land; but I assure you it will be a local matter. Intervals of extreme temperatures raise the possibility of local power interruptions, but any such outages should be limited in area and duration.

"Reliability"—as the term has become known since November of 1965—is not one of our industry's major problems.

Following the 1965 Northeast blackout, we accelerated our technical and administrative procedures to increase our already high level of reliability and to develop stronger transmission systems and interconnections. Despite obstacles to the construction of new facilities, transmission capacity and the ability to move bulk power between and among regions have increased due in no small measure to the work of the nine regional coordinating councils covering the country and the National Electric Reliability Council of which they are members. There have been no further cascading blackouts since 1967. Currently, the National Electric Reliability Council is evaluating the ability of the interconnecting networks and the generating facilities supplying the loads to support generation deficient areas during times of emergency.

Every industry has its problems and ours is no exception. In fact, the magnitude of our problems bears a direct relationship to the size of our industry. Within the next few minutes, I will share some of those problems with you; but I prefer to regard them as "challenges."

First, we begin with population; for, after all, it is people we are dedicated to serving.

Our industry honors its public utility service commitment not only to today's America, but more important, we are equally obligated to the tens of millions of new Americans of tomorrow. Even the most conservative demographers estimate that our population will grow (on the basis of two children per family) to at least 265,000,000 by the year 2000. At the population growth rate of the sixties (3.24 per family) we would pass the 300,000,000 mark *before* the year 2000.

You have heard many ill-advised, emotionally charged alarmists counsel "zero growth" for the sake of our environment. Such an uncertain sound would signal ignoble retreat into the past.

Instead, the investor-owned electric utility industry recognizes its obligation to see that all customers enjoy not only the creature comforts and conveniences of clean electric energy but also important, power in abundance to support their economic, social and physical well-being on an ever-improving level.

The party that straightforwardly advocates that we should embark on an energy policy course that reduces jobs, restricts economic opportunity and results in reducing resources available to support health, education, welfare and cultural pursuits will find itself summarily rejected.

Electric power will prove to be part of the solution rather than a part of the problem as it relates to the environment.

As Senator Jennings Randolph, Democrat of West Virginia, said in the Congressional Record of last April 26, "The quality of life and the use of energy are inextricably tied together. For one to improve, the other must increase."

Our industry will provide that energy in the form of safe, non-polluting electricity converted from raw fuels by the most efficient technology now known to man.

In a recent New York Times column, Robert Bendiner, said:

". . . The fact is, we need more power to do the very recycling of waste that is so desirable. We need it to operate the vastly expanded sewage treatment plants that a growing population demands. We need it for that immeasurably developed system of mass transportation that our metropolitan areas must have if the automobile is not to make the human lung outmoded. We need it for the herculean clean-up of the nation's lakes and rivers. And, not least, we need it if all who are just emerging from dire poverty are to enjoy a standard of living we have so come to take for granted. . . ."

Mr. Bendiner went on, and so could I; but the need for more power is too obvious to labor the point.

Note how often the task of enhancing the environment is characterized as "herculean." We disavow the methods of our mythical hero. Indeed we will provide the labor to clean whatever Augean stables need cleaning today, but we will not flush the pollution into any River Alpheus.

To be a hero today, even Hercules would need a new approach!

On May 15 Business Week magazine reported that a survey by the McGraw-Hill Economics Department showed that electric utilities lead 12 other major industries in outlay projected for pollution clean-up, with an estimated total of $3.2 billion. It said these utilities plan a jump of 68 per cent in their spending in 1971, to $679 million.

With the greater interest in improving the quality of life, electric energy is gaining recognition as being fundamental to solving some of our most serious environmental problems.

In a sampling of Edison Electric Institute member companies, 85 different manufacturers which purchased electricity from 16 electric utility companies were found to be using annually nearly 1.5 billion kilowatt-hours exclusively for pollution control or environmental enhancement. These kilowatt-hours represent 8.4 percent of the total annual electrical requirements of these 85 customers. In the future, these customers expect to be using nearly 2.3 billion kilowatt-hours a year strictly for environmental considerations.

Effective reduction of water pollution means a tremendous expansion in sewage treatment facilities. To pump millions of gallons of water through screening, filtering and clarifying systems through the hundreds—and perhaps thousands—of urgently needed new treatment plants will require massive quantities of electric power.

In the solid-waste recycling field, there are electrically powered machines using up to 10,000 horsepower for shredding, baling and compressing old auto bodies and other junk. Millions of aluminum cans are being recycled through processes requiring electric energy.

Recently it was reported that scientists at the Franklin Institute are building a machine predicted to separate 60 tons of household trash an hour into reusable raw material. If such a device with the indicated separating and shredding characteristics were to come into being, we have calculated that more than 2 million kilowatts of electric generating capacity would be required to operate the machines needed to handle the 360 million tons of residential, commercial and industrial trash which was produced in the United States in 1969.

On a less theoretical basis, it has been determined that five paper mills on one electric utility's system will need 214 million kilowatt-hours a year by mid-1972 to operate the equipment to enable these operations to meet the state's environmental standards. This amount of electricity is equal to the annual consumption of some 30,000 residential customers using in their homes the 1970 annual average of 7,066 kilowatt-hours per customer.

Consider foundries, which have been prime examples of a polluting industry. Improvements in combustion techniques, including the introduction of electric induction furnaces, have virtually eliminated foundry pollutants. In one example, at Saginaw, Michigan, several electric induction furnaces of a large foundry use 20,000 kilowatts each.

In the broad area of transportation, it has long been recognized that the internal combustion engine is the largest single source of air pollution. There is no question but that the use of electrically powered vehicles will increase, and that the day is coming when the short-range battery-driven electric car will be a feature of the urban and suburban scene.

Last summer, a task force of the Institute's Railroad Electrification Committee pointed out the advantages of electrified railroads. In addition to the obvious environmental benefits of electrical locomotives over diesel-electric locomotives, the task force report cited the fact that the traffic-handling ability of one two-track railroad line is equal to that of *seven* four-lane highways. There is much to gain in improved land use and in air quality through the development of electrified railroads and mass transit facilities.

Our basic objective of an abundant electric energy supply campatible with appropriate environmental considerations will carry a higher price tag. The combined effect of the ravages of inflation, demand for fuels outrunning available supply, higher capital costs, increasing state and local taxes and added investment in pollution control equipment means higher cost for electric service.

Add to these "challenges" the problems of plant siting and everybody else's attempt to "solve" them for us, tight capacity positions in some areas and staggering construction programs and financing costs which demand adequate earnings.

The press has given considerable attention recently to what I call the "raw energy crunch," or the risk of demand outrunning the available long-term supply of fuels such as coal, natural gas, oil and uranium.

Last year the electric power industry in the United States consumed slightly more than 320 million tons of coal, almost 325 million barrels of oil, 3.9 trillion cubic feet of gas and 570 short tons of uranium ore to produce 83.8 per cent of the 1.53 trillion kwhr of electric energy consumed by our nation. Hydraulic energy met the other 16.2 per cent of electric needs.

The investor-owned electric utility industry required an estimated 17 percent of the total fossil fuels consumed in the United States in 1970, about one-tenth of a percent of the proven recoverable reserves at the beginning of 1970.

With electric power requirements expected to quadruple in the next two decades, the critical nature of supply-price trends is obvious.

In 1969 and 1970, labor unrest, production delays, increased exports, hopper-car scarcity and other factors created a crisis in the supply of coal for many eastern utilities, their most important raw fuel. EEI proposed four means of alleviating the shortages: an export embargo, increased coal depletion allowance, development of practical methods of removing sulphur from stack gases and incentives for faster turn-around of railroad coal cars.

Short-term efforts by industry and government increased coal deliveries; and coal costs also increased. However, coal still tops the fuel policy priority list.

Residual fuel oil almost doubled in price on the East Coast in 1970. Recent Middle East negotiations suggest that prices there will trend toward whatever the traffic will bear. Higher shipping costs and increased demand for low-sulphur oil to meet air pollution regulations will continue to exert upward pressures on oil prices.

It is reported that about 23 percent of the nation's present petroleum needs are served by foreign sources and that by 1980 we may be importing as much as 50 percent.

Natural gas is in short supply, not because it does not exist, but because of apparent lack of incentive for exploration. Chairman John Nassikas of the FPC has taken action to determine whether higher rates should be established for future supplies of natural gas dedicated to the interstate market and whether prescribed pipeline rates yield returns adequate to attract investment capital for gas exploration.

Requirements for uranium, used in the present technology, indicate long-term limitations which would tend to cause nuclear fuel prices also to drift upward.

Efficient use of our energy resources will be the key to success with any fuels policy. In that context, former Presidential Economic Adviser Henrik Houthakker last month observed: "There are few economic problems that cannot be solved by private competitive enterprise with a minimum of government intervention. Nothing I have seen or heard in the area of energy so far has convinced me that exceptional measures by the Government are warranted. Provided we let the free market do its job, we shall be neither cold nor powerless in 1980."

In order to contribute to the formulation of that policy, a comprehensive study of energy requirements is now being conducted by a top-level Policy Committee on Energy Resources of the EEI. The study will identify and specify the interrelating factors, including technological progress and government policy, which will affect the availability of fuels and energy. The study also will provide specific fuel forecasts for the middle of the 70's and 1980. We will make this study available broadly, and we believe that it will be useful not only to our industry, but also to Congressional committees and government agencies. As I will indicate in a moment, answers to the fuels challenge are linked with research and development.

Government participation in our daily lives has become so pervasive and the operation of government so complex that various uncoordinated actions of government sometimes coincide to prevent the electric utility industry from doing what the total of society wants done to adequately serve it. Agencies of our society are unwittingly acting in conjunction with each other to frustrate the very society they serve. The development of energy policy needs not so much a system of rationing or allocation of resources but a coordination of our many fragmented policies so that the nation is assured adequate and environmentally acceptable fuel supplies at reasonable prices.

For example: (1) Promotion of coal exports by the Department of Commerce while mine safety reduced production and created a domestic shortage; (2) Environmentalists act to block construction or operation of power facilities which would supply the power needed to operate clean-up devices.

### CAPITAL CHALLENGE

Investor-owned electric utility plant and equipment at the end of 1970 aggregated $93.5 billion, and new construction within the next five years was estimated to require $55 billion, compared with $37 billion for the preceding five years.

Electric needs of the next two decades will require new investment capital of a magnitude that staggers the imagination. Attracting the necessary new money will depend largely on the level of earnings allowed by regulation. It is heartening to note the recognition by regulatory commissions that rate increases are imperative if utilities are to meet their service responsibilities in the face of higher costs all along the line.

Reports to EEI last year showed that 85 rate increases were granted to investor-owned electric utility companies, and that 25 were granted during the first quarter of 1971. Many more applications are pending.

During the last eleven years, 1960–1970, the investor-owned electric utilities raised new money for their expansion program equivalent to more than nine per cent of all personal savings. In the remaining years of the Seventies, a somewhat larger share will be required.

It should be noted, however, that one of the key characteristics of the electric utility industry is that its rate of growth exceeds that of the economy as a whole. This is expected to continue. As electric energy expands in its application to a variety of fields—house heating and transportation, for example—it tends to replace to an extent capital requirements of other segments of the economy. Hence, the expectation that the electric utilities will require a larger share of personal savings in the future is reasonable and does not present insuperable obstacles—as long as investors can see that putting their money in our industry is competitively attractive compared with other opportunities.

In this area, of course, much depends on public opinion; and despite the misinformation and confusion to which they are so often exposed, our customers generally think well of us. Response Analysis Corporation has just completed a nationwide opinion survey which shows we rank neck and neck with telephones as the leading industry the public feels is trying hard to serve the public well. Eighty-five per cent of those approached thought dealings with electric companies were satisfactory and a large majority—60 per cent—felt prices are reasonable. The majority also opposed restricted use of electricity and thought, on the contrary, that the best way to clean up the environment was to use it more effectively.

Finally, and perhaps the most vital, long-term challenge lies in the field of research and development. In addition to extensive research and development previously undertaken by our industry and equipment manufacturers, I propose four specific areas requiring massive effort:

De-sulphurization of fossil fuels, the near-term route to making 1,000 years' supply of coal available for use without ecological degradation.

The fast breeder reactor, a longer-range route to energy conversion efficiencies on the order of 50 to 75 times today's light water reactors.

A significant step forward toward achieving useful power from thermonuclear fusion. This technology holds promise of solutions of many of our fuel and environmental problems of the future and deserves commitment now if we want to make it ready to use 30 years from the time we make such a commitment.

Underground transmission technology, a need that becomes increasingly pressing as power requirements grow.

The fast breeder reactor alone would constitute one of the largest R&D projects we have ever attempted and poses profound financing puzzles which we have yet to solve. These derive from the peculiar forces which inhibit R&D investment within regulated utilities.

We do not need to be apologetic about our past level of commitment to research and development. The issue is not whether we should have done more but the issue is what needs to be done *now* and how should we do it.

In our enterprise system, the profit motive normally stimulates investment in research and development. In the case of regulated utilities, which must pass along to the customer such benefits in the form of reduced rates, not only does the incentive not exist but the system actually works in a counter-productive fashion.

Our assignment is to find an acceptable way to permit those who will enjoy the benefits of technological improvements, that is to say our customers, to share in providing the seed capital for such undertakings. The concept of a surcharge, to be applied voluntarily by each electric supplier with proper approval by regulation, has been suggested and has my enthusiastic support until such time as a better approach evolves.

In my opinion, more effective research and development can be accomplished at less cost if a means can be found for funding and directing the program through the private sector of the economy with a minimum of governmental involvement.

We are conscious of the concern in many governmental quarters, particularly the Congress, for the matter of adequate power supply and proper environmental protection; and we hope that any new regulations and standards enacted into law will work to expedite rather than retard the business of supplying the nation's energy.

President Nixon's recent energy message to Congress reiterates our own objectives of a coordinated, long-range program assuring the ready availability of fossil fuels. His emphasis on developing the fast-breeder reactor reinforces the efforts of industry committees which for months have been working with the AEC toward that end.

We agree with the President on the wisdom of the nation using its energy resources wisely. To critics of "frivolous and extravagant" power use, we would point out that all the small appliances in the nation use less than four percent of electric power, while commerce and industry uses two-thirds.

In working with government toward common objectives, the investor-owned industry offers its most thoughtful and constructive cooperation.

We are continually conscious of the verity of a quote recently attributed to Interior Secretary Rogers Morton to the effect that "ecology is the most important thing in the world until the lights go out."

The electric industry is confident it will deliver all the electricity this and future generations demand, with a balanced energy-environment perspective. Electricity is not the problem. Electricity is a major part of the solution to the problem.

## THE UNIVERSITY OF KANSAS' TRADITION OF EXCELLENCE CONTINUES

Mr. DOLE. Mr. President, the University of Kansas is one of the most outstanding institutions of higher education in the Nation. Its traditions of excellence go back to its founding and have been strengthened and enhanced by students, faculty and alumni alike, over the years.

Perhaps the most unique feature of the university is that it excels in so many areas of endeavor. Many of its departments and schools of learning have national reputations for their achievements in research and quality of graduates; its athletic department consistently produces nationally ranked teams and world-famous performers; and its alumni association is one of the largest and most active in the Nation.

Unfortunately, over the last few years the University of Kansas has received a disproportionate amount of sensational publicity at the hands of the likes of the New York Times and network television. As is the usual case, no mention was made in these stories of the great accomplishments of the university and the individuals associated with it.

Someone has, however, gone to the trouble to compile some of the important, recent but nonheadline facts about KU, its students, and faculty. That someone is Dr. Laurence Chalmers, chancellor of the university. Speaking at the annual luncheon for graduating seniors and their parents, Dr. Chalmers expressed his pride and admiration for the accomplishments of this year's graduating class and for the work of other students and faculty who have continued to contribute to the university's tradition of excellence.

Since Dr. Chalmers' remarks did not receive the same widespread coverage as some other events on the KU campus, it might help to balance the record and present a more realistic view of what the University of Kansas is all about to have the text of his statement printed in the RECORD. I ask unanimous consent that it be so printed.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### STATEMENT BY DR. LAURENCE CHALMERS

Most of my remarks this noon are addressed to the parents, although the graduating class and the press are welcome to eavesdrop.

Well, we've almost reached that moment when your sons and daughters are ready to be declared honored graduates of an honored University. No doubt some of you parents thought this day never would arrive. I'll let you in on a secret. There were times when your sons and daughters wondered too. Most of you are relieved—so are your graduating seniors. All of you are properly proud. I'll let you in on another secret. Despite the blasé exterior, you sons and daughters are just a tad bit proud too, and properly so. But no one here today can be one bit more proud of this senior class than I am, and no one regrets their departure more than I do.

These are our crack troops (sorry about the analogy gang but it fits), and I feel like the old master sergeant who has just received word that his best combat team is being mustered out and will be replaced by a group of rookies in August. I said that analogy was apt, and I meant it. This University has been under siege for most of the past four years; under seige from the far left, from the far right, from CBS, from the Attorney General and even on occasion from apprehensive or angry parents. You know who manned the barricades and successfully rebuffed every assault? Your own sons and daughters. What is more astounding is the fact that they have managed to improve the University in the process.

The way I add it up, this class has obtained an education, enhanced the University, and defended it against all comers. Is it any wonder that you and they are relieved to see their endeavor successfully concluded while our faculty members and staff are reluctant to let them go?

I'll admit that our reluctance is provincial. They are ready to challenge and to defend our society and K.U. can't hold onto all of their energies and talents indefinitely.

Let me take just a few minutes to mention some of the activities in which your offspring have participated, activities that have been of significant benefit to K.U. Last summer, students from K.U. fanned out across the state, to their home communities, to talk with you, with your friends, with civic groups and service clubs in an effort to explain what really happened on campus the preceding spring. During those summer months your class president, Jim Nichols, joined John Conard and me in a series of 37 speaking engagements before regional alumni gatherings. Jim was especially helpful in presenting a student's viewpoint of campus events.

A similar activity will occur again this summer as the newly-initiated "people's lobby" gets under way to enlist active support for K.U. and for quality higher education in Kansas. These activities are especially noteworthy because they demonstrate that our students are deeply concerned about their university—a concern that became more apparent when the Student Senate voted by a 7 to 1 margin to turn over a full one-third of the activity fund to help finance the academic program of the university.

In other projects this year we have seen the first-year law class provide an ombudsman program for the students; the reclamation center—home of the "whomper"—was started to replace rhetoric with action in the field of ecology; the teacher/course evaluation survey has been honed to a fine degree by the dedicated efforts of a number of students, especially Dennis Embry; and this year's senior class again provided part of their class dues to create a short-term loan fund to benefit members of the senior class.

In this year, the students became active participants in *all* levels of university policy-making: in departmental committees, in school committees, and in the university governance system. To measure the quality of the students' contribution I need only note that the faculty members who most actively supported such student participation on a university-wide level were those who had already experienced such interaction at other levels.

Even in the area of campus construction, students have picked up where others left off. Last year and this they agreed to complete Wescoe Hall and to fully finance the soon-to-be-built Student Health Center.

K.U. students have not just participated in university governance and in activities that promote the university's public relations. Collectively, they have brought us a number of prestigious honors and distinctions.

According to the American College Testing Program, an authoritative organization on higher education, K.U. ranks 8th in the nation among public institutions in terms of the academic excellence of our undergraduates. We are the only one of the top 8 public universities which does *not* have a selective admissions policy.

The Cartter Report of 1964 ranked K.U. 30th in the nation in arts and sciences among all graduate institutions on the basis of strength of ratings gained by individual graduate programs. An updated study, released in January, by the American Council on Education indicates that K.U. graduate programs have been strengthened even further, with 26 programs rated in the top three categories by the ACE.

Also in January, 1971, the U.S. Commissioner of Education announced that 39 K.U. graduate programs are eligible for the use of NDEA Graduate Fellowships, and he awarded funds to support 22 new 3-year fellowships. Only eleven public universities had more doctoral programs approved for these fellowships.

K.U. placed first in the nation this year in the number of undergraduate research grants awarded by the National Science Foundation. Trailing close behind us in the "we try harder" category are Michigan, Yale, and Harvard.

The K.U. School of Engineering was ranked 26th in the nation by the Joint Council for Professional Development.

The K.U. Swim team has been ranked sixth nationally by Collegiate Swimming News. Our basketball team had an undefeated record in winning the Big 8 Conference and the Midwest Regional title and finished fourth in the nation. They'll always be number 1 with us. It is a measure of the balance of the team that all three seniors were drafted by the pros. Our track team continues to excel, and Karl Salb this spring won his fifth NCAA shotput title.

For the second year in a row, Dan Beck and Bob Prentice placed third in the National Debate Tournament. For the fifth straight semester, the University Daily Kansan was awarded an All-American rating, gaining "marks of distinction" in all five categories of the competition. Ted Iliff won 10th place in the Hearst Foundation national feature-writing contest, and Bob Womack won 11th place in editorial-writing in Hearst contest.

This year our pom-pom girls and yell leaders placed first in the nation in competition judged by the International Cheerleading Foundation, and they placed first in the judging at Houston in March—by anybody's standards.

While the basketball team was competing in Houston, the University Theatre's production of "Indians" was performed at historic Ford Theatre in Washington, D.C., as one of the ten finalists chosen by the American Educational Theatre Association for the American College Theatre Festival.

This class was not satisfied with collective honors and university service. Many of you won individual distinctions. 92 seniors were elected to Phi Beta Kappa membership. Hundreds were elected to professional honorary societies. Many won departmental and school awards and scholarships. Four have been appointed Woodrow Wilson fellows and another six have been designated finalists in the national Woodrow Wilson competition. One K.U. Ph.D. candidate won a Smithsonian Fellowship for next year. Another K.U. graduate student won the American Bar Foundation's annual fellowship in legal history—the only such fellowship awarded each year. Bill Ebert, this year's student body president, has been awarded a Rockefeller Fellowship in theology.

Four representatives from the University of Kansas were among the 1600 delegates to the White House Conference on Youth held in April at Estes Park, Colorado.

Let me pause from justified praise of the graduating class to note some achievements of their partners in this enterprise—our distinguished faculty members. Literally hundreds of research grants have been awarded to K.U. faculty members this year. These awards are in fields as diverse as philosophy and protein research, from genetic reproduction to geology, from biochemistry to behavior modification programs. Notable among them was the recipient of the prestigious national Alfred P. Sloan Research fellowship awarded to Professor Ralph Christofferson.

Not all achievements are research related. Each year at K.U. numerous awards are made to faculty members for excellence in teaching. Most prestigious is the honor that you, the members of the senior class, bestowed when you selected this year's winner of the HOPE award, Professor Jim Koevening.

During the year, K.U. faculty members have been elected to executive positions in numerous regional and national professional societies in many academic fields, while other faculty members have been recognized for academic excellence by their respective regional and national professional societies.

I'm happy to add that the Faculty Senate recently enacted a Faculty Code of Rights, Responsibilities, and Conduct, modeled to a significant degree upon the Code that students enacted 15 months ago—proving again that we all profit from the interaction of students and faculty.

The faculty continues to engage in teaching, research, and service—and to provide new knowledge in more than 100 books, 1500 journal articles, and hundreds of artistic presentations.

I hasten to note that this listing of honors and accomplishments has been drastically condensed. To list all the achievements of your students, and our faculty would be virtually impossible. I'm only sorry that CBS didn't have time to mention even a few of these achievements and distinctions when they aired their broadcast of the Kaw Valley Hemp Harvest. I hope their failure to distinguish between sensationalism and constructive accomplishment doesn't mean they're going to pot. (Sorry about that!)

Now let me conclude with just a few words to our seniors. Tonight I bid you a ceremonial farewell. This noon I hope you'll forgive a more personal comment.

Your support of this University and of its academic mission has been of incalculable aid and comfort, to me personally, and to the entire university community. I have shared only two of your four years on "the Hill," but no president or chancellor has ever felt more welcome. I could not have coped with many of our crises without your spontaneous and enthusiastic support. It will not be the burnings or the bombings that linger on in my memory. What will stay with me throughout my lifetime will be your enormous enthusiasm, your deep sense of commitment, your incredible candor and your free gift of love. May you receive as much happiness and fulfillment as you have given to all of us. Come back to see us, soon and often.

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## TEXTILE IMPORTS

Mr. STENNIS. Mr. President, I have on several occasions expressed concern in the serious problem facing the textile industry from a standpoint of the overwhelming increase in imports, and especially from low-wage countries. There is a growing awareness of this problem by a majority of Members in the Senate and the House that legislation is the only solution to resolving this problem in a meaningful way. It was my hope that the Senate would pass the bill reported by the Finance Committee last December, and I am convinced that title III of this bill dealing with control of textile imports would have been overwhelmingly adopted by the Senate if it had come to a vote, but unfortunately adjournment pressures prevented such a vote.

I am pleased that President Nixon is giving this problem his special attention, and that he has given Ambassador David Kennedy the assignment of negotiating agreements with importing countries covering wool and manmade fiber textile articles which are not covered by the Long-Term Cotton Textile Arrangement. This is a move in the right direction, and I commend the President for these dedicated efforts to bring textile imports to a manageable level.

From reports appearing in the press I have the impression that the negotiations which Ambassador Kennedy has underway in Taiwan, Korea, and Hong Kong are not encouraging, although there appears to be some semblance of a possible agreement with Taiwan, although the contents of this agreement are unknown factors and the acceptability is certainly a matter that would require evaluation. The textile import problem with Japan which has grown in intensity over the years is well known. The announcement of intent to control imports made by the Japanese Textile Federation is completely unacceptable in substance, and as a method of control, and it is my hope that Ambassador Kennedy will be successful in negotiating a realistic government-to-government agreement with Japan.

Mr. President, the apparel manufacturers in Mississippi and throughout the Nation cannot compete with low-wage rates that prevail in Asian countries. Even Japan, with an average textile wage rate of 54 cents per hour is finding it difficult to compete with textile wage rates of 28 cents per hour in Hong Kong, 14 cents per hour in South Korea, and 11 cents per hour in Taiwan. The apparel industry is suffering untold damage from imports in the form of manmade fiber products, but manmade fabric and yarn producers are also being injured and there is a serious threat of injury to manmade fibers in the primary form, especially from Japan.

In 1964 U.S. imports of cotton, wool, and manmade fiber textile products amounted to 1.5 billion equivalent square yards with cotton products amounting to 1.1 billion square yards of this total, with less than 400,000 square yards of manmade fiber textile products. Total imports of products manufactured from these fibers amounted to 4.5 billion equivalent square yards in 1970, with cotton products amounting to 1.5 billion equivalent square yards, and manmade fiber products amounting to 2.8 billion square yards. This represents an increase of 700 percent in manmade fiber textile products since 1964, and proves conclusively that a textile control program to be effective and meaningful must control products made from all fibers and in some cases the fiber in the primary form.

Japan once the predominant importer into the United States of textiles is now being hard pressed by Taiwan, Hong Kong, and Korea. In the case of apparel Japan imported 37.1 million pounds into the United States in 1970 as compared with 50.2 million pounds from Taiwan, 32.5 million pounds from Hong Kong, and 35.3 million pounds from Korea.

The overwhelming imports of textile products are having a devastating effect on unemployment which is running at a rate of 7.2 percent textiles and 10 percent for apparel. Imports are also discouraging capitol investment and cutting deeply into textile profits.

Mr. President, with this brief outline of the general textile import problem I would like to comment on the textile negotiations with the Republic of South Korea. It is my understanding that Ambassador Kennedy will begin negotiations with the Republic of South Korea early next week in what I understand to be an atmosphere of misunderstanding and a disappointing lack of cooperation on the part of South Korea.

Imports of man-made fiber textile products from Korea have increased from 27 million equivalent square yards in 1966 to 212 million square yards in 1970. Imports from Korea in 1970 alone increased by 20 percent and it is absolutely necessary that this rate must be substantially reduced to a reasonable level. It should be pointed out that we are not suggesting a reduction in actual imports of the 1970 level, but calling for a reduction in the rate of growth which is at the present time far in excess of an acceptable level.

The United States has made great sacrifices to help South Korea to gain its independence and since that time has given them economic and military aid amounting to $8.2 billion. This aid has been a major factor in the expansion of the textile industry in South Korea, and it now appears that Korea is taking a position that it has a vested right to partically unlimited imports into the United States.

The time has come when our Government must tell South Korea in no uncertain terms that the U.S. textile industry cannot survive under rates of imports experienced in the last few years and that the rate of growth must be substantially reduced.

Mr. President, I would certainly urge President Nixon to use all the powers of his office to negotiate a meaningful and acceptable quota arrangement for wool and man-made fiber textiles and if this approach fails we must unite our efforts to pass textile import legislation.

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## JUVENILE DELINQUENCY PREVENTION AND REHABILITATION

Mr. COOK. Mr. President, it is with great pleasure that along with my distinguished colleagues, the Senators from Maryland and Indiana, Senators MATHIAS and BAYH, that I introduce the Juvenile Delinquency Prevention and Rehabilitation Act of 1971.

As the President's Commission on Law Enforcement and Administration of Justice said, our best hope in reducing crime in America is to reduce juvenile delinquency and youth crimes. Today, young people under 21 are arrested at the rate of one every 5 minutes on drug related violations alone. In spite of the massive attack on crime by the Congress these past few years, the young remain proportionately the most important contributors to the Nation's crime problem. Between 1960 and 1969 arrests for serious crimes in this country increased by 71 percent. Of this increase, adult arrests rose by 57 percent while juvenile arrests increased by an astonishing 90 percent. The Federal Bureau of Investigation recently reported that the involvement of young persons as measured by police arrests is escalating at a pace almost four times their percentage increase in the national population.

It is obvious that the Federal Government must devote more of its resources to attacking this problem in the age group under 21 years old. This legislation, which amends the Omnibus Crime Control and Safe Streets Act of 1968, provides for increased assistance to States and local governments for both the prevention of juvenile delinquency and the rehabilitation of juvenile offenders.

This bill also attempts to correct a very serious problem in our traditional juvenile institutions by requiring the separation of those who have committed serious criminal offenses from those charged with truance and similar problems

Because such a program requires not only a massive infusion of funds, but new and innovative techniques as well, the bill also requires that no less than 50 percent of the funds "be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers."

Mr. President, in my own State of Kentucky we have established such innovative and alternative methods of juvenile rehabilitation.

The name of the facility referred to is the Southfields Residential Group Center and it is located out in the country, some 20 miles from the city of Louisville.

This isolated facility has a maximum population of 20 young men who work during the day in various community projects and attend a group interaction session, presided over by the superintendent, five nights a week. After these evening sessions the young men return to their rooms and are unsupervised until morning. There are no locks on the doors of the apartments nor is there a fence around the institution.

The great success of Southfields, an open campus and peer group operated institution, could be repeated in communities all over the Nation. Such an approach must be utilized in the future if we are to keep the young, misguided, first and second offenders from becoming hardened criminals. It is obvious that our traditional juvenile correctional facilities have failed when it is estimated that 8 out of 10 inmates in adult penal institutions were once inmates in juvenile facilities.

Therefore, I am hopeful that this legislation, with its emphasis on alternatives to traditional incarceration, will be able to substantially reduce the number of young men and women who graduate from juvenile institutions to adult institutions.

## FREEDOM OF THE PRESS AND NATIONAL SECURITY

Mr. HOLLINGS. Mr. President, I have already publicly stated my opposition to administration attempts to block the New York Times and the Washington Post from printing the historical record of our involvement in Indochina. The American public deserves to know the truth about how this country got into that war. I am not at all convinced that what has been printed so far endangers our security. This bureaucratic determination to hide the truth through classifying embarrassing documents as secret must be halted. A free press is our best guarantee against a government burying its mistakes.

Two South Carolina editorialists have taken basically this same stand. Their words are a strong defense not just of their own profession but also of the public's right to know. The editorials are from the Charleston, S.C., News and Courier, and the Greenville, S.C. News. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Greenville (S.C.) News]

### What Is National Security?

Legal proceedings arising from publication by the New York Times of top-secret official documents on America's involvement in the Vietnam war revolve around a profound issue, one much deeper than the very serious questions raised by information contained in the documents so far made public.

Discussion of the policies of the Kennedy and Johnson administrations as exposed by the so-called McNamara papers can come later. At the moment the basic issue is the right of the Times to publish the material.

The case already has made history. For the first time a federal judge has ordered an American newspaper to withhold publication of information in its possession. The order is temporary and effective only until Saturday. A full hearing is scheduled today. The Times is complying with the temporary order but will contest the right of the government and the courts to forbid publication.

At this point the First Amendment to the Constitution forbidding Congress to pass any law abridging the freedom of the press is tested against a law forbidding publication of information "prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States."

The government, of course, must prove that information already published and still unpublished is prejudicial to the national security. Its case apparently is based upon a contention that publication impairs national defense and diplomatic relations with friendly foreign governments.

Without doubt, information already published by the Times embarrasses the government at home and abroad. All sorts of official duplicity and failure to heed warnings based upon sound information is laid bare. Exposure of intelligence could be considered damaging to national security.

Even if the government proves that the statute has been violated and that publication of the rest of the documents will make defense and diplomacy more difficult, the constitutional right of the people to know about official blunders in important matters still is involved.

It is ironic that a Republican administration is seeking to suppress information discrediting its Democratic predecessors. This would indicate that the government does view the material as highly prejudicial to basic national interests, transcending politics and going beyond mere embarrassment.

But the real question goes to the basic foundation of national security in a free nation.

There is no such thing as national security for the United States without broad and deep public confidence in the government. A government or a political party which deliberately deceives the people on matters of vital interest is itself a threat to national security because that government or that party undermines public confidence in official processes.

The right of a free people and a free press to monitor the processes of government and of politics and to expose and correct blatant governmental or political duplicity and blundering is, therefore, a fundamental part of national security.

Although information published by the Times and presumably information still to be published is embarrassing, distressing and perhaps damaging, suppressing it would be even more dangerous to American liberty and American security.

In addition, the right of America's news media to publish such information, once it has been obtained, is basic. A free press, guaranteed to the American people by the Constitution, cannot remain free if it has to operate under threat of injunction against exploring the workings of government.

Only in cases of impending national disaster should any form of legal censorship be imposed upon the American press. On the basis of information made public so far, publication of the McNamara papers in full would not cause sufficient security damage to justify the terrible dangers of censorship and suppression of information, with resulting loss of confidence in government itself.

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[From the News and Courier, Charleston, S.C.]

### Rules and the Press

In commenting on a federal court order temporarily restraining The New York Times from further disclosures of a secret Pentagon document, The News and Courier approaches the complex subject with mixed feelings.

As a newspaper operating under the First Amendment guaranteeing freedom of the press, we have strong resentment of any kind of government restraint. Government suppression is a constant threat against the people's right to know what is happening in the world, especially in their own country.

As a loyal citizen The News and Courier also believes in observing the law and respecting the government. In wartime, such respect includes acceptance of rules to safeguard information that would help the enemy and hurt our own country. During World War II we, like the great majority of the press, strictly observed voluntary censorship.

The Vietnam War seems to be in a twilight zone of its own. Nobody appears to respect rules or the motivations of the "establishment," meaning not only the government but the whole American system. One of the glories of the system is that it permits deviations—sometimes to the point of outrage. Even a strong system, however, can be destroyed by constant abuse.

How much abuse the doctrine of a free press, on one hand, and government responsibility on the other, can stand cannot be determined by a precise formula. Publishing a regional newspaper outside the metropolitan—and in a sense national—zone served by The New York Times, The News and Courier may not have the same standard and sense of mission as The Times. We cannot logically condemn The Times for breaking the story about the Johnson administration secretly escalating the war when we are printing the same story, as relayed by the wire services. Such a judgment would be academic anyway in view of the nationwide publicity once The Times broke the story, and the likelihood that the information soon will become formally privileged by debate on the floor of Congress and publication in The Congressional Record.

Whether harm has been done in the sense of national security remains to be seen. The federal court suspended disclosures by The Times to provide time for further consideration. Meanwhile, inside the government a search is under way for someone to blame for leaking the document to The Times. "Leaking" is almost standard practice in some circles of Washington.

The role of The Times in accepting the leak and passing it along thus becomes a matter of journalistic judgment rather than lawbreaking in a broad sense. Because of its prestige and resources, The Times often becomes more deeply involved in government policies than less powerful elements of the press and other media of information. Sometimes—and we are thinking especially of its role in helping Fidel Castro come to power in Cuba—The Times even becomes a policy maker rather than recorder. How far journalistic responsibility goes in these matters is an issue beyond our capacity to judge. We therefore fall back on the device of judging each case on its merits as it arises.

In the present case, The Times may have transgressed in its zeal by ignoring the "top secret" label established by the government. We doubt nevertheless that spelling out what many observers already knew—namely, the secret escalation of the war in Vietnam by the Johnson administration without the knowledge and consent of the Congress and the public—has done any more harm to the national interest than already has been done for years by demonstrators, protesters, doves in general and many others who for one reason or another have opposed deep U.S. involvement in Indo-China.

The uproar over this disclosure is but a minor episode in a long, tragic and possibly catastrophic period of American history. We would not like to discover someday that freedom of the press has also become a casualty, along with patriotism and reverence for the flag.

## SUPPORT FOR THE PRESIDENT'S REORGANIZATION PLAN

Mr. DOLE. Mr. President, since their introduction in Congress, the President's Government reorganization proposals have received considerable editorial support throughout the country. As a cosponsor of these bills in the Senate, I was especially pleased by the support given them by a Kansas newspaper, the Wichita Eagle and Beacon.

In an editorial of January 24, 1971, the Eagle and Beacon made a clear and convincing case for the adoption of the President's plan to consolidate and streamline the structure and function of the executive branch of the Federal Government. Both as a persuasive opinion and a gage of grassroots support on behalf of the reorganization plan, this editorial merits the consideration of the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### STATE OF UNION MESSAGES CONSTRUCTIVE, FAR-REACHING

The "experts" are busy dissecting the President's State of the Union message, but even the most critical cannot deny that this was Richard Nixon at his best.

Speaking to Congress and the nation Friday night, the President presented the blueprint for a reorganization of government and a reallocation of federal funds and priorities that can vastly improve the operation of the governmental process, both in Washington and in every state.

President Nixon, halfway through his first term in office, obviously is hoping to make his next two years constructive and memorable ones in the history of the United States. Neatly outlined and explained in this long text are the plans the President and his advisors have carefully built over the past months. They're beautiful.

In addition to government reorganization and reallocation of funds, Mr. Nixon proposes passage of more than 35 pieces of legislation left over from the last Congress, including reform of the welfare system by placing an income floor beneath every family with children; achieving "full prosperity in peacetime" by approving an "expansionary budget," restoring and enhancing the natural environment through a system of "strong initiatives" which he did not further explain, and improve America's health care, especially for the poor, by pumping in new funds, increasing the number of doctors, improving delivery of health services, and encouraging better preventive medicine. Included is a $100 million campaign to find a cure for cancer.

It is obvious that the executive branch in Washington needs real reform and recognition. The President proposes a startling change—to create four new departments. One, the Department of Economic Development, would combine the present Departments of Labor, Agriculture, Commerce and Transportation. The others would be Departments of Housing and Community Development, Human Resources and Natural Resources. These would be built around, respectively, the present Departments of Housing and Urban Development; Health, Education and Welfare; and Interior. In doing this he would reduce the number of cabinet posts from 12 to eight.

On paper, this looks promising. The work of the new departments could, presumably, be more clearly defined. Now, the authority of old departments sometimes laps over that granted newer ones like HEW and HUD, with resulting confusion and in-fighting. The proposed new departments emphasize the increasing interest in upgrading the environment and enhancing the quality of life for all citizens.

But it won't be easy. Anyone who remembers the bloodletting when the old military departments were combined into the big Department of Defense will concur. In our own farm belt, there will be many farmers vehemently opposed to losing the Department of Agriculture, even though farming, as a major business, probably should be considered at a cabinet level along with other facets of the economy.

Another major part of the President's address concerned revenue sharing. This was a promise made when he was campaigning for President, and he now is ready to try to keep it.

Here, too, he makes good sense. This is progress. It would reduce the flow of dollars into Washington bureaus, and let the people have some of their federal tax dollars back, some $16 billion, without strings, to spend on programs at home.

This is another change that won't be simple, however. Having our tax money spent at the discretion of state and local governments, instead of federal officials, doesn't mean that the real interests of the people will be served automatically. Local governments have often been blind and callous about real local needs, preferring to dispense tax money according to a century-old philosophy, ignoring human needs and environmental needs.

Revenue sharing is going to put a greater burden on the voter back home. He's going to have to know what good city, county, and state government is, and he's going to have to vote into office the people who will provide good local and state government.

Certainly, in his six goals, the President has dealt with most of America's most pressing domestic problems—the poor, the ecology, the national health, the return of the power of money from Washington to the local level, the mushrooming federal bureaucracy, and a return to prosperity in peacetime, which as he said, this country has not enjoyed since 1957.

Moreover, they are programs that will be popular for the most part with the voting public if not in every case with officialdom, and Mr. Nixon appears in conceiving the program to have virtually assured that whatever becomes of the proposals, he will emerge strengthened in the presidential campaign.

If Congress buys most of the program many people will approve of the various new benefits. If it doesn't, there will be lots of campaign ammunition for 1972.

He mentioned no pricetag for his package, but it is plain that it will be large. If we can shed ourselves of a significant portion of the cost of the Vietnam operation, and if the federal reorganization results in any important saving, the cost may not be burdensome, and certainly what the programs will be buying will benefit Americans far more than many federal expenditures of the past have done.

## SOCIAL SECURITY: ALSO A GOOD INVESTMENT

Mr. CHURCH. Mr. President, from time to time scare stories are circulated about the soundness of the social security program.

On several occasions, this issue has been examined by groups of independent, nongovernmental representatives of business, labor, and others. Recently the 1971 Advisory Council on Social Security declared that the cash benefits program is actuarially sound both for the short run and the long-term future.

However, many people do not realize that social security is more than just protection from loss of wages because of retirement. Social security is also family security—providing protection for a worker's dependents because of death or disability.

In addition, social security is a good investment, not only for today's retirees but also for the older Americans of tomorrow. In the words of Wilbur Cohen, the former Secretary of the Department of Health, Education, and Welfare:

> Young workers could not buy comparable insurance protection from private insurance companies at anywhere near the amount they pay for social security protection.

An excellent article written by Bruce Biossat, and published in the Washington Daily News of June 21, points out that a worker with maximum creditable earnings can expect to receive benefits worth about six times his investment if he and his wife retire in 1985.

Mr. President, I commend this article by Bruce Biossat to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SOCIAL SECURITY "MYTH"

The attempt to destroy some of the "myths" surrounding the Social Security system appears to be creating new ones.

Some Americans cling tenaciously to the idea that workers who retire under Social Security never get back what they pay into it in taxes deducted over the years from their paychecks. That's just plain wrong.

Suppose you have been working under Social Security since it began in 1937. The most you could have contributed thru 1971 would be $4,171 in taxes. It must be remembered that the levy once was one per cent, and was taken only from the first $3,000 of income.

If you happen to reach 65 this year and choose to retire, you will get back that $4,171 in a little more than 19 months of receiving benefit payments. If your wife also has attained 65 and could draw benefits, your total monthly benefits will give you your money back in just under 13 months.

Let's go again, however, to the case of a man and wife who will not reach 65 until 1985, with the man having what are called 42 years, thru 1984.

You can presume a bit conservatively, that the man would live 13 years drawing retirement benefits, and his wife would live 3 years after his death. The actual average, officials say, is a little longer.

In the man's retirement span and the wife's later survivorship period, the total benefits that would be paid out to them under present law would come to $67,754. And that must be set against the man's lifetime Social Security payroll deductions of just $10,798.

If the pending House Ways and Means bill, with its provisions for higher benefits, were to become law, then the same couple in the same time span would draw $137,407 in retirement money—with the man having paid in $15,666 in his working years under Social Security.

Moreover, what he and his wife can draw now or in 1985, or whenever, in retirement benefits is not the whole story. If the man becomes disabled or dies before retirement age, his widow and children are entitled to substantial benefits. And Social Security taxes also provide both the worker and his wife with Medicare hospital insurance at age 65.

It is pretty commonly argued these days, of course, that the worker pays not only the Social Security tax levied directly against his check, but also the matching contribution levied against his employer.

The contention is that the employer gets it out of the worker's hide, either by hiking prices or by keeping his wages correspondingly lower.

Sorry, men, but that's just too glib. Undoubtedly the argument is true in part. But there is no way to prove that an employer freed of that tax would automatically be paying his workers a correspondingly higher wage. Or, indeed, that the whole burden shows up in higher prices.

As a matter of fact, it is the employer's contributions which help to broaden Social Security beyond a retirement system, to permit payments to disabled workers or to surviving widows and children when a man dies before retirement age.

Another thing. Given the years in retirement and in survivorship in the 1985 example cited here, a man and his wife would still draw far more in total benefits even if he is considered as paying both his and his employer's payroll tax. Again, under present law the benefits would be some $67,754 and the doubled tax would be about $21,600.

One last point, critics like to say Social Security is not an insurance system, but of course it is. No matter that the monies are shuffled about, with today's workers paying benefits for the presently retired. The key fact is that what you get bears a relationship to what you earn (and pay tax upon) under Social Security.

The Supreme Court has described the system as "social insurance," and the encyclopedias say social insurance is a "branch of insurance."

## OBSERVANCE OF BALTIC ANNIVERSARIES

**Mr. DOLE.** Mr. President, the month of June holds particular significance to many Americans whose ethnic heritage traces back to the Baltic region of Europe, for it was 31 years ago this month that the Baltic States of Lithuania, Latvia, and Estonia were overrun by the forces of the Soviet Union, and in June of the following year the people of Lithuania successfully threw off the shackles of Soviet oppression. These events, both sad and heroic are observed each year in this country by men and women who have sought refuge in America from the oppression in their homelands and by all Americans.

The peoples in the Baltic States have a deep and fervent tradition of respect for and belief in the principles of democracy and freedom. Over the course of more than three decades of subjugation and oppression by the Soviet Union and Nazi Germany they have never weakened in their struggle to restore their independence and self-determination, but their steadfastness has cost them more than one-fourth of their populations.

Many of those who escaped the extermination policies of oppression have settled in the United States and are contributing in many valuable and important ways to their adopted country.

I recently received from Mr. V. P. Volteras, president of the national executive committee of the Lithuanian American Community of the U.S.A., Inc., an essay describing the Baltic peoples' great struggle for freedom. It is a moving statement of noble dedication to the values we Americans and peace-loving nations throughout the world hold dear. I ask unanimous consent that it and the text of House Concurrent Resolution 416, agreed to unanimously by the 89th Congress, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### SELF-DETERMINATION OF THE BALTIC PEOPLES

### RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extend freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communisum and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

### H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

## AWARD TO REPRESENTATIVE L. H. FOUNTAIN OF NORTH CAROLINA FOR DISTINGUISHED PUBLIC SERVICE

Mr. ERVIN. Mr. President, the North Carolina Citizens Association is an organization composed of progressive business and industrial leaders from all areas of the State. It makes two awards annually. One entitled "Citation for Distinguished Citizenship," and the other entitled "Citation for Distinguished Public Service."

At its annual meeting in Raleigh, N.C., on March 18, 1971, the North Carolina Citizens Association awarded its citation for distinguished public service to our House colleague, L. H. FOUNTAIN, one of the ablest and most dedicated of the public servants of this Nation.

I ask unanimous consent that a copy of this citation for distinguished public service, a biographical sketch of Congressman FOUNTAIN, and an article entitled "A Common Ground of Service" which appeared in the magazine of the North Carolina Citizens Association entitled "We the People" for May 1971, be printed in the RECORD.

There being no objection, the citation, biographical sketch, and article were ordered to be printed in the RECORD, as follows:

### THE NORTH CAROLINA CITIZENS ASSOCIATION AWARDS ITS CITATION FOR DISTINGUISHED PUBLIC SERVICE TO L. H. FOUNTAIN OF TARBORO, N.C.

For dedicated and devoted service to his fellow man in numerous positions of public trust during the past thirty-five years, in particular as Reading Clerk in the North Carolina State Senate, as a North Carolina Senator, and as a Member of the United States House of Representatives;

For wisdom, courage, integrity, creativity and sound judgment in the exercise of his public, private and civic responsibilities;

For his deep-rooted Christian conviction, and his lifelong involvement in the work of the Church, especially the Presbyterian Church, both on a local and national level, and his unswerving moral leadership;

For his unceasing work on behalf of American agriculture, not only for the benefit of the North Carolina farmer, but also for all the people across America engaged in the most basic business of all;

For his fairness and impartiality in helping the people of North Carolina in their personal relationships with the Federal Government;

For his distinguished leadership in the House of Representatives' Committee on Government Operations, especially for his tireless work as Chairman of the Intergovernmental Relations Subcommittee, which has resulted in the savings of hundreds of millions of the taxpayers' dollars;

For his wise and articulate advocacy of economy and efficiency in government, and his courageous leadership in the constant struggle to eliminate waste, extravagance, corruption, conflict of interest and duplication in the Federal Government;

For his pioneering effort and continuing leadership in the field of Federal-State-Local relations, which led to the establishment of the Advisory Commission on Intergovernmental Relations in 1959, and which resulted in its little-publicized but highly effective work; and for the farsighted vision, which won him national recognition as the "Father" of the Advisory Commission on Intergovernmental Relations;

For his tenacious and thorough work in investigating harmful or ineffective medical drugs, as well as other aspects of food and drug safety, which has earned him the popular title "Watchdog" of the Food and Drug Administration;

For his statesmanship and leadership in the House of Representatives' Committee on Foreign Affairs, in particular as Chairman of the Near East Subcommittee, for his quiet, persistent work for peace with justice in that troubled part of the world;

For his distinguished service as a United States Delegate to the 22nd General Assembly of the United Nations and his international stature in foreign relations;

For his consistent championship of a strong America, capable of defending itself against any aggressor;

For his unflinching loyalty and untiring adherence to the principle that government is, and should forever be, the Servant and not the Master of the people;

For these and many other contributions to the betterment of the people of North Carolina, the nation and the world, the North Carolina Citizens Association presents its Citation for Distinguished Public Service to L. H. Fountain.

Done this 18th day of March, 1971 in the City of Raleigh, North Carolina.

SHEARON HARRIS, *President*.
EDWARD L. RANKIN, JR.,
*Executive Vice President and Secretary*.

### BIOGRAPHICAL SKETCH: REPRESENTATIVE L. H. FOUNTAIN, SECOND DISTRICT, NORTH CAROLINA

Rep. L. H. Fountain is a native of the village of Leggett, Edgecombe County, North Carolina, and the son of the late Lawrence H. and Sallie (Barnes) Fountain. He is married to the former Christine Dail of Mount Olive, and they have one daughter, Nancy Dail (born March 15, 1958).

Mr. Fountain was educated in the public schools of Edgecombe County and at the University of North Carolina, where he received his A.B. in 1934 and his J.D. in 1936. He was admitted to the North Carolina Bar the same year he graduated from law school.

He practiced law in Tarboro, North Carolina, until March 1942 when he entered the U.S. Army as a private in the Infantry. He rose through the ranks and was released from the service as a Major in the Judge Advocate General's Office on March 4, 1946. He now holds rank of Lt. Colonel in the Army Reserve.

Upon his discharge, Mr. Fountain returned to his law practice in Tarboro. Prior to the war he had been eastern organizer of the Young Democratic Clubs of North Carolina, Chairman of the Second Congressional District Executive Committee, and Reading Clerk of the North Carolina Senate from 1936 to 1941.

In 1947 he was elected to the State Senate where he served until 1952 when he was elected to the 83rd Congress as Representative from the Second Congressional District of North Carolina. He has been re-elected to each succeeding Congress. Congressman Fountain serves on the House Committees on Government Operations (Chairman of the Intergovernmental Relations Subcommittee) and Foreign Affairs.

Mr. Fountain is a Presbyterian Elder and has had a perfect Sunday School attendance record since the age of three. He is a member of the Executive Committee of the East Carolina Council of Boy Scouts of America, the local and other Bar Associations, the Elks, and Kiwanis Clubs. He served as Lt. Governor of the Sixth N.C. Division of Kiwanis International. He is also a former Jaycee and received the Distinguished Service Award (Man of the Year) of the Tarboro Junior Chamber of Commerce in 1948. In 1971, he was presented the North Carolina Citizens Association Distinguished Public Service Award. He is a charter member of the Board of Trustees of St. Andrews Presbyterian College, Laurinburg, North Carolina.

Congressman Fountain was appointed and served as a United States Delegate to the 22nd Session of the United Nations General Assembly.

### A COMMON GROUND OF SERVICE

A Republican and a Democrat . . . a Westerner and an Easterner . . . a manufacturer and a legislator . . . a Baptist and a Presbyterian.

In politics, geography, profession and denomination, James Edgar Broyhill and L. H. Fountain go their separate ways. In service to their native State of North Carolina they stand together on common ground.

They stood on that common ground March 18 in Raleigh to be honored and thanked by the North Carolina Citizens Association for the lifetime of service which each has rendered his State and its people.

Mr. Broyhill is the founder and Board Chairman of Broyhill Furniture Industries of Lenoir. Rep. Fountain, a native and resident of Tarboro, has served in the U.S. House of Representatievs from the Second Congressional District since 1953, and for several terms prior to that time in the North Carolina Senate.

Rep. Charles A. Jonas of Lincolnton presented Mr. Broyhill the Association's Citation for Distinguished Citizenship. Associate State Supreme Court Justice Joseph Branch presented Rep. Fountain the Association's Citation for Distinguished Public Service.

Mr. Broyhill was described in his citation as "A mountain man who has been acclaimed as matching the peaks of his homeland; a dirt farmer who planted the seeds of his success not in the soil of his native Wilkes County, but in the men and machines of the infant furniture industry of neighboring Caldwell County; an erstwhile blacksmith who was forged on the anvil of economic and educational adversity; a staunch champion of the free enterprise system and promoter of its benefits; as relentless a competitor in business as he is on the links and a winner in both realms; as loyal to the commoner as to his many noble friends; a benefactor of youth through generous support of education and recreational institutions for their mental, spiritual and physical development; a reluctant but charismatic leader; a non-politician's politician; a person of great dedication to church, civic and charitable affairs; father and grandfather in the patriarchal mode; a man of God."

As examples of J. E. Broyhill's distinguished citizenship the citation listed his founding of the Broyhill Foundation which has made higher education possible for many deserving young people; his directorships and trusteeships with the boards of a number of major businesses and major educational and charitable institutions and associations; his receipt of other honors; his role in the founding of such institutions as the Caldwell Memorial Hospital in Lenoir and the Broyhill Children's Home in Western North Carolina; and his extensive political activities which include continuous membership on the Republican National Committee since 1944 and his membership in the North Carolina delegation to the Republican National Convention seven consecutive times since 1944.

Rep. Fountain was cited "for dedicated and devoted service to his fellowman in numerous positions of public trust during the past 35 years."

Examples of his accomplishments included . . . "his tenacious and thorough work in investigating harmful or ineffective medical drugs, as well as other aspects of food and drug safety which has earned him the popular title of 'Watchdog' of the Food and Drug Administration . . . for his distinguished service as a United States Delegate to the 22nd General Assembly of the United Nations . . . for his pioneering effort and continuing leadership in the field of Federal-State-Local relations which led to establishment of the Advisory Commission on Intergovernmental Relations in 1959, and for the farsighted vision which won him national recognition as the 'Father' of the Advisory Commission on Intergovernmental Relations . . . for his statesmanship and leadership in the House of Representatives' Committee on Foreign Affairs, in particular as Chairman of the Near East Subcommittee . . . for his deep-rooted Christian conviction and his lifelong involvement in the work of the Church, especially the Presbyterian Church, both on a national and local level, and his unswerving moral leadership . . . for his unflinching loyalty and untiring adherence to the principle that government is, and should be, the Servant and not the Master of the People. . . ."

Mr. Broyhill was the 21st in a list of distinguished North Carolinans to receive the Association's Citation for Distinguished Citizenship. Rep. Fountain was the third recipient of the Association's Citation for Distinguished Public Service, created in 1969.

## TEXTILE IMPORTS

Mr. TALMADGE. Mr. President, if the reports which we hear covering the attempts of Ambassador David Kennedy to negotiate bilateral agreements for the control of the growth of textile product imports from the Far East are true, there is great cause for alarm on our part, and a new sense of urgency in facing up to and solving this tremendous problem. Judging from available information, our negotiators have bent over backward to reach mutually advantageous terms with Taiwan, Korea, and Hong Kong. While our own great textile and apparel industries are stagnating under the burden of excessive imports from these countries, more and more jobs are being transferred abroad.

How much longer will we be willing to sit in silence while fiber, fabric, and apparel plants are being closed and the workers—many of whom are limited in their skills, who are members of minority groups and married female breadwinners—are cast adrift to swell the numbers of our poor and our jobless and further add to the 14 million Americans who are already on our welfare rolls?

I say that our negotiators have been generous in trying to reach agreements that are not catastrophic on the economies of other countries, and this is exactly what our negotiators have set out to accomplish. We must applaud agreements that provide opportunities for growth in trade that is consistent with the needs of both economies—ours and our trading partners.

According to reports, our negotiators are not trying to roll back import levels, but are willing to accept current rates as a base, with generous growth rates over a 5-year span, in excess of the expected growth in the U.S. market.

To show how utterly unreasonable some of the countries in the Far East have been in their demands, it is reliably reported that South Korea has insisted that it must be permitted to expand its textile exports to the United States by 25 percent per year. Continuation of this rate in 5 years would more than treble the already large volume of their 1970 exports to the United States. I suppose that in their eyes this 25-percent rate represents a major concession since, over the last 2 years, our textile imports from Korea—which are already large—have been growing at about 50 percent per year.

A basic cause for this reluctance to negotiate a reasonable rate of growth with the United States is that major Asian exporting countries have allowed themselves to become overly dependent on the U.S. market, and are unwilling or unable to develop markets in other areas such as in Western Europe, which now takes only minor quantities of the textile exports from the Far East. The following ratios show how heavily the apparel exports of Hong Kong, Korea, and Taiwan are concentrated on the U.S. apparel market. Most of the textile exports to the United States from these countries are in the form of apparel.

*1969 ratio of apparel exports to United States as percent of total apparel exports*

| Country: | |
|---|---|
| Hong Kong | 39 |
| Korea | 62 |
| Taiwan | 71 |

Today almost 90 percent of the U.S. imports of apparel of manmade fiber come from these three countries and Japan, and the measure of the growth in such U.S. apparel imports is shown by the following table:

[Million equivalent square yards]

| Year: | |
|---|---|
| 1966 | 230 |
| 1967 | 343 |
| 1968 | 558 |
| 1969 | 915 |
| 1970 | 1, 132 |
| 1971 (1st quarter annualized rate) | 1, 948 |

From 1966 to the present, it is apparent that the increase in such apparel imports has been over 50 percent per year. Obviously, this is a rate of increase which cannot be tolerated if we are to have a viable fiber, fabric, and apparel industry in this country.

Since South Korea has been described as being the major stumbling block in our attempts to negotiate fair control arrangements in the Far East, let us look more closely at the pattern of South Korean manmade exports to this country. The following table shows the ratio of imports from South Korea to total U.S. imports for major categories of imported manmade apparel:

*Percent of U.S. imports from South Korea*

| Item: | |
|---|---|
| Knit shirts (including blouses) | 30 |
| Sweaters | 30 |
| Woven coats | 24 |
| Woven dress shirts | 42 |
| Other woven shirts | 27 |

These areas in which Korea's apparel exports to the United States are concentrated are precisely those areas where imports are currently accounting for major shares of the U.S. market. For instance, last year imports represented 55 percent of the women's, girls,' and infants' sweaters of manmade fiber sold in the United States. Blouses for women and girls constituted a major market for manmade fiber markets yet 37 percent of all such items sold in this country last year were imported. Twenty-eight percent of the men's and boys' woven dress shirts of manmade fiber which were sold last year were imported. Similarly, in 1970 imports were over 20 percent of the U.S. market for men's and boys' coats and jackets, women's and girls' slacks and shorts, and women's and girls' coats and jackets.

With Korea insisting on its right to expand their exports into these markets, we can expect further and adverse effects in terms of plant closings and loss of jobs without reasonable controls. We are now the only open market in the world for these products.

Mr. President, the time has come when Korea must adopt a more reasonable attitude toward our negotiators, and I call for controls which are reasonable and acceptable which I understand are being made to our friends in the Far East by Ambassador Kennedy and his team. If these negotiations fail it will be convincing evidence that textile import control legislation is the only realistic and acceptable solution to this problem.

## CRIMES AGAINST THE BALTIC STATES

Mr. ALLOTT. Mr. President, June is such a pleasant month that it is sometimes difficult to remember that it was during June that some of the most atrocious crimes of recent years occurred.

Americans of Baltic origin or descent have no trouble remembering the grim facts. They know that it was in June, 31 years ago, that the Red Army of the Soviet Union crushed the Baltic States.

They know that in the intervening years the Baltic States have lost more than a quarter of their population as a result of draconian polices inflicted by the Soviet tyrants. And all Americans of Baltic origin or descent remember that just 30 years ago this month the Lithuanians were waging a heroic war against the Soviet domination.

The United States has benefited in many ways from the sturdy, freedom-loving citizens of Baltic origin or descent. Above all,these people have helped kindle in America a renewed dedication to resisting despotism. Thus it is appropriate that we pause this June—and every June—to honor these citizens, and to pledge renewed dedication to the causes of liberty in the Baltic States.

## CAN LEVIATHAN ENDURE?

Mr. CHURCH. Mr. President, the Committee on Foreign Relations has recently reported Senate Joint Resolution 115, asking that a ban be placed on the killing of whales. The joint resolution calls for a 10-year moratorium on the killing of all species of whales. This respite from the intensive whaling that has been going on for the past 15 years is needed if we are not to see the disappearance of many of the species of whales that exist.

The United States has for all intents and purposes abandoned whaling. The Department of Commerce has issued regulations barring the importation of whaling products from abroad. We have ended a trade that once was perhaps the most important one in the United States.

The two countries doing most of the whaling today are Japan and Russia; they take 42 percent and 43 percent of the whales killed each year. As many as 58,000 whales may be killed in a single year.

I ask unanimous consent that the article entitled "Is the Government Saving the Whale," written by Jim Ayres, and published in the issue of the Boston Globe of June 20, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Is the Government Saving the Whale

(By James B. Ayres)

Environmentalists are urging Congress to adopt a resolution calling for a 10-year moratorium on the killing of whales, charging that many species are on the brink of extinction.

The resolution, now before the Senate Foreign Relations Committee, directs Secretary of State William P. Rogers to propose the moratorium at next week's meeting of the International Whaling Commission in Washington, D.C.

In proposing the resolution last Tuesday, Sen. Hugh Scott (R-Pa), said that in the last decade, "more whales were killed than ever before in the history of the world—so many that species after species have been reduced to a pathetic remnant of once great numbers."

But the United States, for once, is not the main villain in this environmental tragedy.

The United States will ban whaling by the end of this year with the government's closing of the nation's last whaling operation in California.

And ex-Interior Secretary Walter J. Hickel, shortly before he was fired, placed eight species of whales on the department's endangered species list.

This action prohibits the import of oil, meat and other products made from the eight species, including the finback, sei and sperm whales, the most hunted whales for commercial purposes.

#### APPALLING PACE

Hickel said it was clear that "if the present rate of commercial exploitation continues unchecked, these three species will become as rare as the other five." (the bowhead, blue, humpback, white and grey whales).

"We are not going to wait until all of these species are on the brink of extinction before we take positive action," Hickel said.

Although environmentalists applauded Hickel for taking a significant conservation step since this country consumed 25 percent of the world's whale products, they point out that other countries continue to kill whales at an appalling pace.

Russia catches 43 percent of all whales killed annually, followed closely by Japan which takes 42 percent. A typical catch in the 1960's amounted to 57,891 whales in 1966 compared with 28,907 killed in 1933.

Unknown to most Americans, a whale yields a tremendous variety of products from its oil, flesh, and bone: candles, soap, hand cream, suntan oil, fertilizer, cosmetics, lipstick, vitamins, paint dryer, and cat, dog and poultry food, to name a few products.

Japanese eat 100,000 tons of whale meat annually, while 50 percent of Europe's margarine is made from whale oil.

Spermaceti from the sperm whale is also used in manufacturing steel, lubricating leather and precision instruments and as an additive to motor oils.

#### COMMERCIAL INTERESTS

Environmentalists argue that there are substitutes now available for all these uses, including synthetic soybean meat cakes which could provide the protein the Japanese now obtain by eating whale steaks.

But they are less hopeful that the International Whaling Commission, created in 1946 to regulate the seasonal catch quotas and whaling seasons, will give the moratorium proposal a warm reception if, in fact, Congress does pass the resolution next week.

John Walsh, Boston field officer of the International Society for the Protection of Animals, said any moratorium proposal before the commission "doesn't stand a ghost of a chance because of commercial interests."

Others are not happy with the secretive conduct of the week-long annual meetings of the commission.

Geneva MacDonald of the Animal Welfare Institute in New York City said the commission members "never have been accountable since the session is closed to the press. They do what they want."

And Walsh said his society feels the commission "should be replaced by an international body under the United Nations and comprised of men not exclusively connected with commercial whaling interests and capable of enforcing regulations set up by that body."

Present members of the commission are Argentina, Australia, Canada, Denmark, France, Iceland, Japan, Mexico, Norway, Panama, South Africa, the Soviet Union, United Kingdom and the United States.

And Walsh feels a "team of independent observers, made up of representatives from different countries involved in whaling, should be allowed to sail with the catcher fleets to enforce the catch quotas."

#### REGULATORY SYSTEM

Walsh stressed that the primary purpose of the 10-year moratorium is for more scientific research into the complex population and behavioral habits of the whale which only recently have been explored with scientific discipline.

The group said the 10 years were needed "to develop a regulatory system that functions, that is adequately staffed and funded, that can set sustainable yields, find alternatives for whale flesh, bone and oil, that can set up a system for the hunting of whales that makes moral and ecological sense."

Unlike the halcyon days of whaling in Nantucket and New Bedford when men faced whales in fragile long boats with hand-held harpoons, whaling is now a technological, mechanized operation.

A whaling expedition now employs sonar and helicopters to track the whales and catcher boats armed with guns which fire harpoons carrying a grenade set to detonate three to four seconds after impact on the whale's body.

The whales are then processed in a factory ship which can carve up a large whale every half hour.

In cosponsoring the moratorium with Sen. Scott last week, Rep. William S. Broomfield (R–Michigan) said:

"The whale has no lobby in Congress or around the world. It is up to us to see that he is protected from the 'remorseless havoc' man has brought upon his existence."

## THE STORY OF DR. MARY TOWNSEND-GLASSEN OF PHILLIPSBURG, KANS.

Mr. DOLE. Mr. President, one of Kansas' most beloved and admired citizens was recently honored by having a special statewide day proclaimed in recognition of her many years of service and deep devotion to her friends, neighbors, and patients. The person of whom I speak is Dr. Mary Townsend-Glassen, of Phillipsburg, Kans., who in 36 years of practice has brought an uncommon degree of professional competence and human warmth to her patients and community in northwestern Kansas.

Dr. Mary, as she is known, is a unique individual, and it was with a special sense of pride that I noted an article about her in the May 1971 issue of the National Business Woman, the magazine of the National Federation of Business and Professional Women. The article is a clear statement of the reasons that Dr. Mary is held in such high esteem by all who have come to know her, and I believe it would be appropriate to have this article printed in the Record so others can appreciate her great contributions to the people of her hometown and home State. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

To hold an assured place in the minds and hearts not only of neighbors and fellow citizens but of a large number of individuals throughout the state and the nation surely qualifies a woman professional as a resounding success.

That is the status that Mary Townsend-Glassen, M.D., of Phillipsburg, Kansas, enjoys as she rounds out a full and busy life devoted to practicing the healing art and science of medicine among the people she knows best—residents of the community where she was born, grew to young womanhood, and is spending her mature years.

Dr. Mary, as she is known by both friend and patient, stands as an important symbol of the type of physician that, until recent years, threatened to become a vanishing breed—the family or community doctor. In an age of specialization, she disdained a specialty to return to general practice in her home community—and to live to see her kind of medicine have a renascence in the emergence of community medicine departments in many medical schools of the nation.

A recent biography of Dr. Mary's life, entitled *How to Sleep on a Windy Night*, could just as readily have been titled *All My Babies*.

For when any large gathering of the very young and the not-so-young get together in Phillipsburg, chances are that from two-thirds to three-fourths of them were delivered by Dr. Mary. In all, her total of deliveries in 36 years of practice stands at around 4,000, at least a quarter of which were delivered in their homes.

In reality, the book's title reflects a larger concern for the quality of life possible for "Dr. Mary's babies" following their birth.

Her abiding, immensely helpful interest in a host of community and institutional health services grew out of a personal family tragedy. Her only son, George Allan, whose life, almost from the beginning had been marred by devastating, serious illness, suffered irreparable brain damage in a fall on ice. At once, his performance in the eighth grade began to reflect the blighting injury: his marks were like those of a moderately to severely retarded child.

Dr. Mary's lengthy, often futile search for good care for her son opened her eyes to the dearth of services and facilities for the mentally retarded and the mentally ill. Not content merely with self-enlightenment, she proceeded to spend much of here energies in the years ahead opening the eyes and hearts of others.

As the head of a Kansas state commission on mental illness, she was credited with pioneering efforts in behalf of enlightened mental health care. She personally raised $50,000 for Phillips County's first community hospital and, also, personally engineered its establishment.

During World War II, she served as the county's very firm health officer, causing a priest to label her "the lady Pope of Phillipsburg."

Following her medical education at Washington University School of Medicine in St. Louis, Dr. Mary returned to her hometown where she and her husband, Clarence Glassen, brought up her two children from a prior marriage.

No only did Dr. Mary survive the Kansas dust storms when she began her practice, writing off $40,000 in bills for her patients. She has since survived a stroke and three heart attacks to continue the work she loves.

She has been county chairman of the Kansas Society for Crippled Children; was president for two years of the Kansas Council for Children and Youth, and a delegate to the Mid-century White House Conference on Children and Youth; past vice president of the Kansas Society for Exceptional Children; organizer of the city YWCA, and charter president of the Phillipsburg BPW Club. The Kansas BPW Federation named her Woman of the Year for 1966–67.

The greatest honor of her life came as 1970 drew to a close. On December 4th, the eyes of the whole state were upon her. It was "Dr. Mary Day" throughout Kansas by proclamation of the Governor. President Nixon wired his congratulations, as did many great and near-great personages. Phillipsburg held a fitting, all-day ceremony in her honor.

If you have fully discharged your responsibilities to your neighbors, you can sleep even on a windy night, according to one legend. There will be many restful nights ahead for Dr. Mary: all of the proceeds from her biography are to be given to the town library and to the county association for retarded children.

## IMPACT OF REVENUE SHARING ON UTAH

Mr. MOSS. Mr. President, over the past weeks the Nixon administration has been conducting a national saturation campaign to gain support for its "revenue sharing" proposals. In the face of this Republican-financed effort it is essential that the citizen and community leader alike receive information on all aspects of this important issue.

Recently a delegation of Republican Members of Congress representing the Nixon administration visited my home State of Utah. They spoke only of the benefits of the new proposals. I believe the whole story must be told if we are to have the best possible form of State-Federal relationship.

The State of Utah could, in fact, lose money as a result of the Nixon administration's "general revenue sharing" proposals, according to estimates compiled by the Legislative Reference Service and sent to the House Ways and Means Committee. Those figures show a potential annual loss to the State of Utah in excess of $5 million should the administration's proposed program become law.

The additional revenue sharing moneys received by the States would come from a general fund to be created and initially consisting of $5 billion.

But creation of this new fund will mean that many categorical grants will be phased into general revenue sharing. This is bad news for Utah, because we receive a bigger share of categorical grant money than we will of general revenue sharing funds.

Figures for fiscal 1969 show that the State received 0.68 percent of all Federal categorical grants in aid. But under the Nixon plan, Utah will receive only 0.57 percent of general revenue sharing funds.

It would be much better for Utah to continue with the categorical grant program than in some new program where our proportionate share will be deminished. I am not opposed to the idea of revenue sharing, but the formula currently proposed is not beneficial to Utah.

Moreover, while publicly extolling the virtues of revenue sharing, the President has been quietly impounding funds appropriated by the Congress. Hearings conducted by the Senate Subcommittee on Separation of Powers reveal that the administration has prevented the release of over $12 billion in this fiscal year. In my home State of Utah more than $70 million has been withheld for expenditure.

This impounding of funds is a last ditch effort by the Nixon administration to reduce its growing budget deficit. This action has impaired the recovery of local economies including that of my home State by drying up funds which provide jobs and stimulate economic expansion.

## THE NO-WIN CONFLICT IN VIETNAM

Mr. TALMADGE. Mr. President, the Washington Evening Star of Saturday, June 26, contains an editorial column by Jenkin Lloyd Jones on the agony and the shame of the war in Vietnam.

It is a sad chronicle of this no-win conflict and of the men we have sent over there to fight in a war that has had no glory, no prospect of victory, and that has given the United States nothing to show for all the loss of blood and treasure.

Mr. Jones touches a sore nerve in this column. He reflects the frustration and bitterness that I believe an overwhelming major of the American people feel.

I bring the column to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Our Drooping Colors in Vietnam

(By Jenkin Lloyd Jones)

They're coming back home, now. No bands. No cheering crowds. No confetti. No speeches. The most unhonored combat Army in American history is simply coming home.

The armies of 1918 and 1945 returned with snap and pride, boastfulness and a sense of great things done—done hopefully for all time. These small groups you see at the airports—half apologetic, half ashamed—must be more like the weary Confederates who wore rags and went back to ruins.

I remember them in a happier and more hopeful hour. There was the old elan when I rode with them on night patrol down the Bassac River, and skimmed the paddies in the helicopters and interviewed the kids sweeping the jungle trails above Pleiku, and watched the jets roar from the carrier decks off Hainan Island. These were as good fighters as America had ever seen.

For those were days when they thought we intended to win. They really did. The enormity of allowing a 600-mile open flank from which the enemy could sally forth at their convenience and retire to whenever they were bloodied hadn't yet dawned on them.

Only the prospect of victory makes war tolerable—only the promise of glorious dawn beyond the dark night of agony and danger. But Vietnam was a meat grinder. Vietnam was endless.

Maybe the root of trouble was the atom bomb. If Adolf Hitler or Joseph Stalin had gotten to it first, a frightened world would have knuckled under to the most ruthless blackmail.

But we got it first. We were awed and a little guilty at its terrible power. So Harry Truman fired Douglas MacArthur for wanting to carry the Korean war across the Yalu.

Truman feared a widened conflict leading to a nuclear hell. For the first time in our history, America fought a no-win war and took the insults and humiliations at Panmunjom.

We should never have made that mistake twice. But we did. We bowed to the Nervous Nellies in the United Nations who maintained the stubborn fiction that Laos and Cambodia were neutral, even though the enemy operated in them at his pleasure.

So the meat grinder was set up and gradually morale crumbled among soldiers who saw no victory, only the number of months or weeks before they could go home.

In the meantime, the home front crumbled even faster. To lose a son in combat is sad enough, but to lose a son in apparently purposelss combat invites white-hot anger.

The doves began to be vocal in the Congress. They said, "All is lost—let's quit." Every Marxist organization insisted that we leave the field to the Communists. College seniors began showing up at commencement with peace symbols on their mortarboards.

"Concerned" preachers and professors set up shop as "draft counselors"—and guess what the counsel usually was? Church headquarters began sending bundles to the bugouts who had fled to Canada.

Then an unprecedented thing began to happen. Among "intellectuals" the enemy began to be popular. Forgotten were the hordes who streamed south when the Reds took over North Vietnam. Forgotten were the Viet Cong's systematic assassinations of the village chiefs, the gutted and raped villages. Forgotten was Hanoi's cynical contempt for the Geneva convention on treatment of prisoners.

No, the fable was peddled that the South Vietnamese were straining to join their Red Brothers, and that only cruel American militarists were preventing the reunion. At the pot-rock bashes enemy flags are waved and American flags carried upside down.

So the boys are coming home. Many of them are hooked on the hardest drugs. Military discipline is shot. Barracks have erupted in race struggles. Insubordination is common, and the murder of officers is no longer rare.

In the meantime, the Communist world has udnerstood the dimensions of our debacle. Russia is building warships and missiles at the fastest pace in history, while all left-leaning outfits in America are bawling that we must dismantle our "military-industrial complex" and give the money to the poor.

Now is the time for America to take a deep breath. We are entering a period of mortal danger. There is no point in maintaining a military establishment conditioned to lose. We must either rebuild it, or we must understand that the eventual alternative is surrender.

The people of East Germany, Czechoslovakia, Hungary and Cuba might have something to tell us:

Democracy must win all the time.

Communism only has to win once.

## THE SALT TALKS

**Mr. ALLOTT.** Mr. President, we have just completed the process of providing the manpower we need for a strong national defense. Soon we must turn our attention to the equally important and still more complex task of providing the weaponry necessary for national security.

Recently the Wall Street Journal has done the service of publishing four informative and intelligent articles on the strategic arms limitation talks—SALT. Three of the articles are by Mr. Robert L. Bartley. The fourth is by Mr. Richard J. Levine. Both men are members of the Wall Street Journal's distinguished Washington bureau.

The articles comprise a useful introduction to the grave debates that will take place in this session on such matters as the ABM system. So that all Senators can profit from these articles—which were published on June 11, 17, 21, and 25 respectively—I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### WHAT DOES RUSSIA HAVE IN MIND?

(By Robert L. Bartley)

WASHINGTON.—The poor souls charged with worrying about nuclear weapons and the Soviet Union have spent a breathless year on a roller-coaster.

Their spirits sagged as the Soviets built up their force of huge and dangerous SS-9 missiles, soared when SS-9 deployments suddenly stopped, plunged when satellite photographs showed a new speckling of huge missile silos and soared again when President Nixon and the Soviet leaders agreed to agree on the limitation of strategic arms.

The record is perhaps a caveat against the optimism that has prevailed since the President's May 20 SALT announcement. More importantly, this volatility is a sign of large things in the balance. We have arrived at a pregnant moment both in the strategic arms race and in Soviet-American relations generally.

In the past few years the Soviets, by building missiles at an astounding pace, have for the first time overcome the 25-year-old American superiority and achieved a rough parity in strategic weapons. At the same time they have been pressing boldly into the world with sharp initiatives in the Middle East and continuous probes elsewhere, just when the United States has been pulling back from the role of world dominance it assumed at the end of World War II.

#### AN ANSWER IN JULY

The next round of strategic weapons talks, to resume July 8 in Helsinki, should answer the weighty question of whether the Soviets will stop their missile buildup with parity, and are willing to sign a pact giving up any notion of striking for a superiority of their own.

The answer to this immediate strategic question should also give some new hints about a second and even more basic one: What kind of people are the Russians anyway? Are they a dynamic and confident new nation bidding to supplant a fading United States? Or are they just as insecure as the Americans are, and just as eager to calm international tensions to deal with vexing problems at home? For these opposing viewpoints still stir a lively debate between men who have spent their lives studying the Russians.

Each hill and valley in the last year's roller-coaster ride has been used as fresh evidence in the debate, and there should be much more important indications when we learn what does happen at Helsinki and whether the Soviets continue their rapid missile deployments. That is not to say that all of the questions will be answered even by a successful arms pact, for no agreement now in sight would end the nuclear arms competition, and the kind of arrangements most likely to emerge would leave plenty of room for argument here at home.

Still, the May 20 joint statement does point to a willingness to come to at least some agreement. After the announcement, White House sources stressed that the basic political decisions had been made on both sides, and they predicted faster progress as soon as the talks resume. They declined to go into detail on the type of pact expected, however, except to point to the joint announcement itself—that negotiators would concentrate on limiting defensive weapons, but that "together with" this agreement they would take "certain measures" limiting offensive weapons as well.

From the American viewpoint, the key issue in the strategic balance is the SS-9, which can carry a warhead of 25 megatons, compared to 1 to 2 megatons for the U.S. Minuteman. This also means that if both eventually were equipped with multiple warheads, the SS-9 could carry many times more. Thus even if the number of missile launchers on each side were equal, the Soviets could theoretically achieve a considerable advantage. This would be especially true if a pact limited defensive missiles, since the American ABM is designed to protect the Minuteman missiles against a first strike by a multiple-warhead SS-9.

Thus American negotiators have pressed for a separate limit on SS-9 sized launchers within a numerical limit on total missiles. Informed speculation suggests, however, that a pact might simply limit defensive missiles and total offensive land-based launchers, with the SS-9 sub-limit issue resolved by little more than a unilateral United States declaration that it would consider the agreement undermined if the Soviets started to replace their older missiles with SS-9s. Those suspicious of the Soviets are likely to regard this as cool comfort, and in any event some strategic specialists are gloomy about the long-range implications of any pact that limits defense more sharply than offense.

All the same even so limited an agreement would mean the Soviets were willing to accommodate American views at least to some extent. In particular, they have plausibly argued that European-based American aircraft should be considered strategic weapons because they could reach the Soviet Union, and this argument would not be reflected in the type of pact now in sight. If such a pact can in fact be consummated, the world outlook would be quite different from the prospect if no pact results and the Soviets continue to expand their SS-9 force at the rate they have maintained over the past several years.

#### THE EXPERTS' VIEW

How a SALT agreement would reflect on Soviet ambitions in the world can perhaps best be seen by looking at the views of American experts on Russia. The experts come up with quite a range of ultimate conclusions about Soviet motives, even though they agree on most of the underlying particulars.

Those relatively relaxed about the Soviets nevertheless agree, for example, that there is a basic hostility between the Soviet system and the American one. Those uneasy about the Soviets will nevertheless agree that the USSR has been showing a new interest in diplomatic initiatives, especially since the 24th Soviet Communist Party Congress this spring. Since then the Soviets have not only agreed to the joint SALT announcement, but have expressed new interest in an agreement on Berlin and in talks about a mutual reduction of forces in Europe.

The experts uniformly agree that the Soviets probably have not reached any crisp decisions about either their strategic posture or their exact global aims. Such things are decided less by conscious decisions than by changing moods and nuances. One analyst remarks, "They probably have some problem articulating to themselves what their role should be in the world 10 years from now or 15 years from now."

Observers also agree that there is a complete consensus among Soviet leaders on the need for at least parity with the United States in nuclear weapons. They agree that some Soviet leaders also see psychological and diplomatic advantages in nuclear superiority that would tip the balance of power in the Soviet direction, and assume that other Soviet leaders are more interested in concentrating efforts instead on domestic problems.

The Soviet economy is by far the most important of these problems, it's further agreed. Economic growth seemed to be recovering in the years immediately after the Khrushchev overthrow, but has run into new trouble since 1968. The growth rate in the industrial sector sagged to 7% in 1969 from 8.1% in 1968 and 10% in 1967, for example. In 1968 agricultural production actually declined 3% from a year earlier.

Over the long run the Soviets must demonstrate that their economic system can compete successfully with Western ones, and they must also somehow deal with rising demands for consumer goods. Both of these requirements compete for resources with high military spending, and this creates important pressure toward constraining nuclear weapons.

There is also a long list of other problems that the Kremlin might conceivable feel more comfortable about if arms competition were restrained—the Chinese threat, potentially explosive discontent in Eastern Europe, a technological lag behind the West, dissent by Russian intellectuals, the chance of inducing Western Europe to put less emphasis on defense. These items are commonly cited by American analysts, but no one seems confident about their weight in the Soviet mind

Finally, the Soviet Union may see the possibility of a SALT pact that gives them some advantage or another, such as curbing an American technical lead in ABMs. Or the Soviets may merely be satisfied with a treaty guaranteeing them equality with the United States, which despite rising sentiment against defense expenditures still represents an economy twice the size of the Soviet one. One observer notes, "They are still very much impressed by the American production line and American technology."

Where the experts start to disagree sharply is on the weight of all these influences relative to that of Communist ideology and Russian nationalism. "The doctrinaire nature of Soviet communism boils out of every pore," someone tells you. A few days later and a few floors away, someone else reports, "I don't think they think about us in ideological terms very much."

Most close observers agree that the ideological component in Soviet thought has declined over the years, but a typical remark cites "strong lingering ideological impulses." These impulses may even be on the upswing as cultural divisions in Western nations and Communist gains in Chile appear to make long-standing Marxist-Leninist dogma once again credible.

Still other observers say that Communist ideology isn't that important, that with or without communism the Russians are starting a phase of "great power dynamism." They are coming to feel they have a right to throw their weight around in the world, and are exhibiting "a strong streak of self-righteousness." Particularly against the American mood of retirement, such feelings are likely to lead the world into difficult times.

These viewpoints are equally diverse when applied to SALT and the May 20 agreement to agree. One expert believes the Soviets have for sometime been trying to improve relations with the West, and that the key SALT movement was the American decision to allow some slight separation between the issues of defensive and offensive weapons.

Others believe that the Soviets want to guarantee parity with the U.S. and save a few billions to invest in their economy, and have accordingly decided to negotiate a strategic arms pact so long as they aren't forced to make any really important concessions.

### MERELY A "COSMETIC"?

Yet another observes that the May 20 announcement was not substantive but "cosmetic." Because everyone agreed that SALT couldn't go on much longer without some signs of progress, the two sides had to come out of the latest round with a little something. And while the Soviet pressures toward agreement are strong enough to prevent the collapse of the talks, it remains to be seen whether they are strong enough to lead to any agreement except on that gives them clear advantages.

When a pretty-much-agreed set of facts produces this range of views among experts, the poor layman can be excused almost any bewilderment. But in the next six months the confusion may start to clear a bit, as we find out what actually does result from the Helsinki talks, and as we learn what missiles the Russians test to put in that latest sprinkling of holes.

Even then we will by no means have all the answers, of course, but we ought to know a good deal more than we do now not only about the strategic outlook, potentous enough in itself, but about such questions as the ideological content of Soviet thought, the Russian ambitions in the world and the shape of the era that succeeds that of American dominance.

Mr. Bartley, a member of the Journal's Washington bureau, contributes editorials and other commentary. This is the first of four articles discussing strategic weapons and the U.S.-Soviet arms talks.

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## SALT Agreement: Genocide Pact?

(By Robert L. Bartley)

Washington.—With good luck American and Soviet negotiators will agree on strategic arms limitation sometime this year, writing the doctrines of "mutual deterrence" and "assured destruction" into a formal agreement. Despite the general jubilation that will result, some experts will be deeply worried. For a dissenting school of strategic thinkers believes those doctrines add up to a "genocide pact."

The phrase comes from Fred Charles Ikle of Rand Corp. He and a few other analysts, notably Donald G. Brennan of the Hudson Institute, are deeply suspicious of the prevailing notion of deterring war by insuring that each of two competing nations can utterly destroy the other. Above all, they are appalled at the millions and millions of innocent civilians who would be killed if deterrence somehow broke down and war did start.

The doctrine of "assured destruction" became the bedrock of U.S. strategic posture during Robert McNamara's tenure as Secretary of Defense. The thinking is that if the U.S. can absorb a Russian nuclear strike and still retaliate with enough power to destroy the Soviet Union as a society, the first strike will never take place. When each power can retaliate to obliterate the other, the theory continues, the result is a "mutual deterrence" that makes nuclear war unthinkable.

Mutual deterrence and assured destruction will almost certainly provide the intellectual foundation for any arms pact that may emerge from the forthcoming round of SALT at Helsinki. The recent joint U.S.-Soviet announcement said that negotiators would "concentrate" on limiting anti-ballistic missiles, but would also agree on "certain measures" to restrict offensive missiles. The clear implication is that any agreement will follow the assured destruction doctrine in limiting the defense more sharply than the offense.

This order of priorities conforms to the assured-destruction logic because it would insure that neither side could escape destruction if a nuclear exchange took place, thus building the maximum "unthinkability" into the use of nuclear weapons. Opponents of the doctrine would reverse the priorities, limiting the offense more sharply than the defense to insure that any exchange would produce fewer deaths. This difference, in fact, has been at the root of much of the domestic debate over ABM proposals.

Ironically, assured-destruction-type deterrence seems likely to be formalized internationally just when it's losing its hallowed status among Western strategic thinkers. Those openly attacking it are few; most analysts continue to accept it for want of a persuasive alternative. But among its defenders, the self-satisfaction of the McNamara era has given way to a new uneasiness.

This shows in President Nixon's 1971 foreign policy message which contains a line saying the President should not be "limited to the indiscriminate destruction of enemy civilians as the sole possible response to challenges." The administration has found immense difficulties in translating this desire for flexibility into specific weapons and tactics.

### A SMALL STEP

The Nixon administration concept of "sufficiency," however, is at least a small step away from assured destruction. In the heyday of the latter nuclear-force levels were decided by a computer programmed to calculate the number of warheads necessary to destroy given percentages of the Soviet population and production capacity. While "sufficiency" is a less clear-cut concept, it seems to mean that force levels and similar decisions are ultimately matters for political judgment.

The new uneasiness about current deterrent postures is cropping up not only in political quarters but in intellectual ones. The latest annual survey by the Institute for Strategic Studies in London found, for example, that "deterrence still seemed to be an overwhelmingly powerful force at the end of 1970." But it also noted, "some fear was an inevitable element in the strategic balance, if only because the concept of nuclear deterrence had been constructed on an assumption of reciprocal rationality which could never be completely guaranteed."

This is precisely the point at which critics of assured-destruction deterrence concentrate their attack. Obviously mutual deterrence means no rational man would deliberately start a war, but who ever said war is likely to be started by the deliberate plan of rational men? Yet for the purpose of deterring rationally planned war, the current nuclear posture insures that war starting from any cause will automatically result in the slaughter of the majority of the population in both the U.S. and the Soviet Union.

Rationality has in fact played scant part in most past wars, to judge by the evidence assembled by Rand's Dr. Ikle (pronounced E-Clay) in his new book, "Every War Must End" (Columbia University Press). In tracing how wars in this century have been brought to a close, he finds that those who started them have not even thought about the problems of ending them.

When the Japanese attacked Pearl Harbor, for example, their government had made no effort to think through how such a war would ultimately end. World War I started though no one wanted it. Once wars are actually under way, he finds, they grow ever more resistant to rationality, tending to continue beyond any logical purpose because of internal political developments in the warring nations.

If history is a guide, nuclear war, too, would be most likely to start in some less-than-rational fashion. Dr. Ikle conceives of a number of circumstances in which deterrence might be of little help: an accidental missile launch, a non-nuclear war that escalates because of the powerful political forces war engenders, the advent of national leaders whose philosophy includes, as Mussolini's did, living dangerously.

There is even a possibility that leaders on one side might come to believe that the other would not in fact launch a retaliatory strike. However rational the threat of retaliation is, actually carrying it out when the threat has failed is a separate question. What if an enemy's first strike has hit your military installations, and the enemy retained further missiles that could strike your cities? Would you then kill his civilians?

### ELEGANT BUT FRAGILE LOGIC

The point is not that nuclear war will come this way or that way, but that the logic of mutual deterrence is elegant but fragile. To work it must persist forever, but it is too clean, too logical, too pristine. Dr. Ikle says, "We have this rational structure that must survive decade after decade if we are to survive decade after decade, that's my main theme."

The alternative to assured-destruction deterrence would be negotiating armaments postures that limit offense and encourage defense. Dr. Brennan says "The SALT context is a ready-made opportunity to make a dramatic difference," providing the talks are aimed at an agreement reducing offensive forces and allowing defensive build-ups on both sides. In the absence of an arms agreement, he has elaborated a unilateral posture of maintaining general parity while spending a greater proportion of money on defense.

Whether an alternative can work in practice as well as theory depends, however, on the technical feasibility of missile defense. Most experts agree that a well-designed system could be useful in defending hard targets like missile silos, but defense of the civilian population is quite another matter.

Dr. Brennan believes that if offensive forces were reduced to the equivalent of 500 Minutemen, a $20 billion missile defense around the top 50 cities could save perhaps 45 of them. The prospect of losing five cities, he adds, would still deter any rational leader. Over time he has been considerably more optimistic about defense than other planners, however, and in any event negotiating a 500-missile offensive limit would require astounding political feats.

Still, there is always the chance that a highly effective defense can be developed eventually; even a less effective one would still save some lives, and you have to start somewhere. The present technical problems are little reason, Dr. Ikle notes, to negotiate a treaty "closing the door on defense. That may be a door we want to go through." Yet the thrust of arms talks so far seems to be sharp limits on defense in the pursuit of assured destruction. Dr. Brennan remarks, "People are not basically interested in getting out from under this."

Proponents of assured destruction, indeed, argue that missile defense starts to make nuclear war once again thinkable. A power knowing it had some protection against retaliation might consider launching a surprise first strike, says Herbert Scoville, Jr., former deputy director of the CIA and now a spokesman for the Federation of American Scientists. "Without an ABM it's crystal clear, you've got to be bloody irrational to start anything."

### HOW IRRATIONAL?

If any leader is completely irrational, Dr. Scoville continues, the whole situation is hopeless anyway. He agrees that assured-destruction deterrence is "psychologically not the most satisfying kind of situation." But he thinks the cataclysmic effects of nuclear war will make a sharp difference in the minds of national leaders, "even if they're not rational they're not *that* irrational."

This is a plausible line of argument, and its impact on American strategic thinking has been a powerful force toward an arms agreement stressing limits on defense. Also, the Soviets currently want to limit defense, and in fact had been proposing a defensive-only pact, a curious stance in light of their traditional emphasis on defense. Many American analysts and politicians had been urging acceptance of the Soviet proposal.

Given the political practicalities, American negotiators have reason to feel they did pretty well in maintaining any offensive limits at all in the joint announcement. The administration has to consider, for example, that even a limited ABM only barely passed Congress. Given both this background and the Soviet position, it's hard to conceive how the American government could insist on limiting offense and expanding defense the way critics of assured destruction would like. One close observer remarks, "If that's the way you're going to do it you may as well forget about SALT agreements at present."

Any reasonable SALT agreement would be a hopeful political sign, in the sense of suggesting a willingness of both the U.S. and the Soviet Union to work together at least to some extent on strategic problems. For the U.S. to suddenly reverse its negotiating position after all that has already gone by could have quite disturbing implications in international politics.

Even so, the critics of assured destruction would rather have no pact than the wrong one, preferring to wait and hope that the Soviets would work their way back to their old position that limits should apply to offense but not defense. And whatever the practicalities, the critics do raise highly disturbing questions about accepting assured destruction deterrence as a permanent doctrine.

When you look at the public images the two sides of the strategic debate have acquired, in fact, the questions turn downright eerie. How is it that anyone who wants an ABM to save civilian lives is seen as something close to a warmonger? How is it that one enrolls in the legions of peace, and stands up against the Dr. Strangeloves, by backing assured destruction and its threat of genocide?

These are the political practicalities that go far to determine what kind of SALT agreement we will negotiate, given a rare chance to do so. Unless the world has in fact reached the point where the only sanity is madness, there simply must be something fundamentally wrong with our national thinking. And regardless of the outcome of SALT, the need to clarify that thinking will persist.

A good start would be to recognize that if the impending SALT agreement does come to pass, its short-run political implications may very well give reason for jubilation, but its long-term strategic implications raise a hard question. To wit, for how long do we really want to stake the destruction of the world's two greatest nations on a bet that the elegant logic of assured destruction will prove more durable than the suggestions of history?

Mr. Bartley, a member of the Journal's Washington bureau, contributes editorials and other commentary. This is the second of four articles discussing strategic weapons and the U.S.-Soviet arms talks.

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## How Much Money Will SALT Save?

(By Richard J. Levine)

Washington.—The recent U.S.-Soviet announcement of progress in the Strategic Arms Limitation Talks, or SALT, has prompted considerable optimism and discussion. But one harsh possibility has generally escaped public notice: An initial agreement slowing the nuclear arms race would shrink the Pentagon's budget requests very little, if at all.

If, as is widely anticipated here, a SALT agreement does emerge later this year, congressional critics will certainly cite it as support for their argument that the defense budget be cut so that domestic spending may increase. But many Pentagon planners, even now, disagree with that prospect. And significantly, a recent analysis of the military budget by a prestigious independent research organization notes that any immediate savings from SALT are likely to be slim.

Though there haven't been any Pentagon pronouncements on the likely budget implications of SALT, defense officials caution privately against expectations of "dramatic" cutbacks in defense spending. The most probable result of a SALT accord, they stress, would be avoidance of major increases in future budgets. A damper on some phases of the arms race, they say, could allow them to safely slow development programs for such new strategic weapons as the B1 bomber and the Undersea Long-range Missile System, known as ULMS, a new missile-firing submarine.

### ANALYZING THE BUDGET

Much the same points are made in a detailed analysis of President Nixon's new budget, "Setting National Priorities: The 1972 Budget," written by former Budget Director Charles L. Schultze and three other staff members of the Brookings Institution.

"The possibility of a decline in the strategic budget looms dim," the study found. "A SALT agreement of the type that now seems most likely wouldn't have much effect in reducing U.S. strategic spending over the next three or four years . . . but an agreement could keep the (strategic) budget from rising much above (the current level)."

The reason the budget for strategic forces (bombers, land-based intercontinental ballistic missiles, missile-firing submarines, bomber and missile defenses) might not shrink much lies in the probable shape of any initial arms pact hammered out when negotiators resume in Helsinki next month. Moreover, even if strategic spending decreased, the impact on the overall Pentagon budget wouldn't be as great as is generally assumed. "Our big costs aren't in the strategic area any more," explains a Pentagon official. "They're in people."

Indeed, strategic forces consume a relatively small portion of the $79.2 billion defense budget for fiscal 1972, which starts July 1. The Pentagon estimates their direct cost at $7.6 billion.

When such indirect costs as research and development, training, administration, intelligence supply and maintenance are included, the Brookings Study figures, the total cost goes to $19.7 billion—still only about 25% of the budget. Moreover, the Brookings analysis concludes that many of these indirect costs "would change very little in response to changes in either the number of strategic systems or their composition."

By contrast, the direct cost of general-purpose, or conventional, forces is estimated at $24.3 billion for the coming fiscal year. This is up almost $8 billion from eight years ago, when the force was slightly larger, mainly because of pay raises and inflation. In fact, one of the Pentagon's most pressing problems is the rapidly rising cost of civilian and military manpower. Today, personnel costs make up 52% of the defense budget, compared with 34% in 1964, and they are expected to climb to more than 60% by the mid-1970s.

In a sense, defense officials feel they are caught in a vicious circle. With manpower costs escalating, they keep searching for ways to cut manpower; by mid-1973, the armed forces will probably be down to 2.3 million men from 2.8 million today and 3.5 million at the Vietnam war peak. But if this smaller force is to be effective, defense planners insist, it must pack a bigger punch. Therefore, they must request expensive modernization of planes, tanks, tactical missiles and ships.

Even with an arms accord, many Pentagon officials anticipate rising defense budgets in the decade ahead, as payrolls go up to attract and hold volunteers and as increasingly complicated and expensive weapons are built. Defense Secretary Melvin Laird has indicated that the Pentagon would be doing well to hold its budget to a fixed percentage (about 7 percent) of a rising Gross National Product.

A key point about SALT is that any initial accord surely won't ban "qualitative" improvements and the substitution of more modern weapons systems in the U.S. and Soviet arsenals. Indications here are that the best that can be expected is a ceiling on the number of defensive missiles in rival antiballistic missile systems, or ABMs, and on the number of offensive land-based missiles. It is unclear whether a first step agreement would place limits on strategic bombers and submarine-launched missiles; these are questions the negotiators will perhaps leave for later. Thus, under an initial agreement the arms race would continue—though at a somewhat slower pace—as the suspicious superpowers upgraded the quality of their weaponry.

Still, a limit on ABMs would produce some real savings. The current four-site Safeguard system for which the administration has requested approval and partial funding would cost $7.1 billion, and the full 12-site system currently carries a $14.8 billion price tag. But when one attempts to measure the impact of a SALT agreement on the rest of the strategic budget, things get a bit fuzzy.

### INCREASED INTELLIGENCE SPENDING?

Indeed, the Brookings Institution study predicts that in the event of an arms pact, "the U.S. probably would increase spending on intelligence collection and research and development as a hedge against Soviet cheating or a possible breakdown of the agreement." A SALT accord, the study somberly notes, "could be as much an argument for spending on permitted activities as an argument against such spending, depending on the kind of technical problems that arose as well as on the overall state of East-West relations."

Pentagon observers believe it's likely that development work would go forward on such programs as advanced warheads for ICBMs and a new ABM defense that features more numerous radars, as well as on the B1 and ULMS submarine. Furthermore, it's expected that new strategic weapons just beginning to enter the operational inventory would continue to be added to it.

In the latter category are the fearsome multiple independently targetable warheads known as MIRVs. The U.S. is in the midst of equipping some 500 of its 1,000 land-based Minuteman missiles and 31 of the 41 Polaris subs with MIRVs. The two conversion programs will cost almost $13 billion, and since the Russians are building an MIRV capability there is little chance that the U.S. programs will be halted.

The futures of the B1 and the ULMS, in much earlier stages than MIRV, are a little more difficult to devine.

The Air Force is pressing hard for a fleet of some 200 B1 bombers, conservatively estimated to cost $10.5 billion, as a badly needed replacement for the aging B52 fleet. But this program has a host of critics in and out of Congress who think it folly to build a new bomber in an age of sophisticated missiles. And the administration has loosely linked a decision on whether to produce the B1 to the outcome of the SALT talks.

For now, the bomber project is drawing most of its strength from the administration's continuing commitment to maintaining three separate strategic weapons systems—landbased missiles, bombers and missile submarines. In his foreign policy report earlier this year, President Nixon reiterated the familiar rationale for this "triad" concept, asserting that it "provides insurance against surprise enemy technological breakthroughs or unforeseen operational failures and complicates the task of planning attacks on us."

An initial SALT pact, Pentagon insiders concede, could slow development of the ULMS submarine—potentially the most costly procurement program in Pentagon history—but there are few experts who believe it won't be built eventually.

Navy officers indicate that Polaris submarine hulls have a safe and useful life of 25 to 30 years. And they view ULMS, which would be able to hurl missiles at least 5,000 miles, as a necessary and logical replacement for Polaris. Like Polaris, the giant ULMS submarines will be virtually impossible to detect and destroy—an invulnerability that bombers and land-based missiles clearly lack.

Pehaps most significant for the fate of ULMS, however, is the program's strong backing in Congress, especially among dovish lawmakers who favor moving the nation's entire nuclear deterrent to sea. Even at $15 billion or more, they believe ULMS would save money if the Pentagon could be convinced to abandon the land-based missile and bomber in favor of a "blue water" strategy.

There are of course many defense critics, in and out of Congress, who advocate deep cutbacks in Pentagon budgets regardless of the outcome of the SALT negotiations.

Consider, for example, the position of the National Urban Coalition, which is dedicated to revitalizing the nation's cities. It recently published a lengthy paper on military spending as part of its proposed "counterbudget" for the federal government. The report, written by former Pentagon employe Robert S. Benson, argues that the $7.6 billion strategic budget for fiscal 1972 could be cut to $5.3 billion and to $3.1 billion by fiscal 1976.

No matter what happens at SALT, the coalition believes the Pentagon should, among other things, scrap its 54 land-based Titan missiles, halt immediately efforts to put MIRV warheads on Minuteman, stop "altogether" the Safeguard ABM program and phase out by the middle of 1973 two-thirds of the bomber force.

"The foundation of our strategic deterrence in the 1970s should be a Polaris-Poseidon fleet," the coalition asserts. Along this line, it recommends heavy funding for ULMS development but delay of a production decision until it becomes clear that the Soviets are making significant strides in antisubmarine warfare techniques.

### A PENTAGON ARGUMENT

Such radical surgery on the strategic forces, the Pentagon would argue, amounts to unilateral disarmament that could dangerously weaken national security. And even in the current antimilitary atmosphere on Capitol Hill, the National Urban Coalition program seems likely to attract scant support.

Nevertheless, the Pentagon might find it a bit difficult to convince Congress, in the warm afterglow of a SALT pact, that the defense budget shouldn't shrink a little—if only to symbolize the "new era" devoted to the "works of peace" of which President Nixon has spoken.

But it's a good bet that the Pentagon, which never seems to have quite enough money for men or machines, would try. And given the arithmetic and structure of the defense budget, the Pentagon might well succeed.

Mr. Levine, a member of the Journal's Washington bureau, covers military affairs. This is the third of four articles discussing strategic weapons and the U.S.-Soviet arms talks.

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## The Pentagon's Debt to Karl Marx

(By Robert L. Bartley)

WASHINGTON.—The biggest strategic problem facing American defense planners is not any missile crisis with the Soviet Union but the cultural crisis in the United States. One of the most important effects of a Soviet-American arms agreement, in fact, would be to give the Pentagon a respite from international problems while it attends to domestic ones.

In terms of productive capacity or military technology, after all, there can scarcely be any doubt about the ability of the U.S. to defend itself against any Soviet threat. Any question about keeping pace with Russian military advances is not a question of capability but of national will. And those charged with defending the nation have reason to worry about maintaining the popular and political support vital to that task, given deep disenchantment over Vienam, spreading anti-military sentiment, new inward-turning tendencies among youth and faltering military support in Congress.

In the eyes of many analysts, moreover, the greatest current danger to world peace is that these trends will lead Soviet planners into risky adventures because they underestimate American will and resolve. A willingness to reach a SALT agreement and to slow missile deployments, if it proves bona-fide on the Soviet side, would suggest that the Russians are making no such mistake. And at least in strategic arms, the Pentagon's problems at home haven't led the Russians to grab for any dramatic advantage.

### POST-VIETNAM PROBLEMS

When Secretary of Defense Melvin Laird started to talk about Soviet strategic advances this spring, he wanted to refocus national attention on defense problems that would persist after Vietnam. In particular, what results would flow now that the Soviets had achieved a rough parity in strategic weapons?

"We've lost the cushion for safety in terms of hardware; the margin of error is very small. So we need to build a cushion of support in the public and Congress," says one Pentagon official who reflects the secretary's views. "With all the flack we've been getting it looks like an impossible task," he adds. For now the hope is to prevent further erosion of support, and then some time, "probably not this year," start to rebuild it.

It's easy enough to be cynical about the Pentagon's desire for congressional and public support, of course. Whole television programs have been spent illustrating the power of its propaganda machine (which is a sure sign the machine's no longer very powerful). But theoretical military writers do not take lightly either the matter of national will or the current cultural trends in the U.S.

In fact, a brilliant paper on precisely this subject has been written for the Institute for Strategic Studies in London by Klaus Knorr, director of the Princeton Center of International Studies. He writes, "Men and arms count only if there is a determination to commit them. Domestic support is a vital prerequisite of such resolve." And there is a serious question whether current social trends will "finish off, or at least greatly subdue, the United States as a military power capable of acting with determination in making her weight felt beyond her boundaries."

Dr. Knorr argues that affluence makes citizens "inward-turning" and thus undermines the primacy of foreign policy, that continuing democratization undermines the traditional function of elites in mobilizing public goods for purposes like defense, that the American intelligentsia questions and undermines all forms of authority without assuming real responsibility of its own, that much of youth is rejecting established institutions, that the elites have lost their self-confidence. All of these trends limit military power.

Dr. Knorr approves of most of these trends, and believes the U.S. will survive them with only a slight pulling back from the world. But he says this may be "too comforting a picture," that "in a world in which the passion for peace is unevenly spread, serious consequences would arise if these movements were successful in the affluent societies alone. Historically viewed, the combination of riches and unwillingness to fight has proved invariably fatal."

These worries are particularly acute if you view Russia as economically strong but unsoftened by consumer affluence or similar trends. These thoughts are in the back of the minds of American planners as they assess the Soviet threat. This is why they reacted so intensely when reconnaissance photos showed large numbers of new missile holes that at first seemed suitable for huge SS–9 launchers. To them it was not merely a matter of another 40 or 60 missiles, but a suggestion that the Soviets were striking out for a strategic superiority.

### A GOOD SOVIET GAMBLE?

And why shouldn't they, it was easy for defense-minded Americans to reason, because the Soviets would have at least some chance that the U.S. would not have the will to keep pace. At the least, a Pentagon response to the Soviet initiative—and there was preliminary Pentagon study of requesting a supplemental appropriation for strategic weapons—would set off a domestic battle that would aggravate internal problems. From the Soviet point of view, it was easy to imagine, to strike for superiority now would seem a one-sided gamble.

It turns out, however, that a majority of these new holes probably are intended for missiles smaller than the SS–9, and the Russians are showing a new interest in a SALT bargain including at least some limits on offensive weapons. The picture is subject to change if SALT fails or new deployments are discovered, but at the moment it seems that the Soviets are not striking for a dramatic advantage. Presumably, that gamble did not seem as one-sided to them as some Americans imagined. It's intriguing to speculate how they do see the current situation, why they might conceivably conclude that this is a time to bargain, rather than an obvious time to exploit internal problems in the U.S.

For one thing, some analysts think the Soviet Union has a cultural crisis of its own, and may also want a breather. This is described in different ways: of leaders with an aggressive view of their place in the world but a population already exhausted by World War II and other trials, of an elite whose legitimacy suffers from past butcheries and crises of succession, of a possible marriage between intellectual dissent and mass economic discontent.

Dictators need not fear being thrown out in elections, of course, but the problems of mass support come up in other ways. As sociologist Lewis S. Feuer describes it, "The fear that above all haunts the Soviet leaders is that a kind of Socialist exhaustion will come to pervade their people and that the economy itself will then begin to decline sharply, as it did in Czechoslovakia under comparable circumstances."

While some American experts doubt this picture of Soviet leaders restrained by their masses, nearly all do agree that Communist ideology gives them a decidedly ambivalent view of the American cultural crisis itself. Thomas W. Wolfe, an expert on the Soviet at Rand Corp., says, "I would say they haven't really made up their mind whether we're going to be pushovers or whether we're going to be unpredictable and they shouldn't push us too far."

Youth revolt, intellectual disaffection and the rest have pumped a new life into the Marxist dogma that the internal contradictions of capitalist society will tear it apart. There wasn't much to support this view as the European nations made a spectacular recovery from World War II, but now Communist writers are in effect saying, Dr. Wolfe reports, "Our weltanschauung is pretty acaccurate after all."

Another Kremlinologist, similarly, sees the Communists' success in Cuba reviving their belief in the dogma of an inevitable Communist victory. And last fall Soviet diplomats did tour Western European capitals with the message that internal conditions made the U.S. an unreliable ally, and that it was time to make accommodations with Russia.

Marxist dogma also makes the Soviets believe, however, that the U.S. really is more or less run by its military-industrial complex, with the obvious implications for defense build-ups. Their ideology has also always held that capitalist nations will grow increasingly dangerous and impredictable as their internal contradictions multiply. Into this belief someone has led the Cambodia and Laotian excursions, and the result is something like the view expressed in a Soviet publication by G. A. Arbatov, their top White-Houseologist:

"On the one hand, the administration is completely aware that within the country there is growing dissatisfaction with the foreign-policy adventures, the burdensome pledges, the participation of the United States in aggressive wars. And the government cannot fail to take that dissatisfaction into consideration. It attempts to show that it is meeting the moods of public opinion halfway.

"On the other hand, the administration is experiencing a noticeable nervousness with regard to the fact that the other powers with which the United States has come into conflict on the world scene see complications of the domestic situation in America, and understand that they are limiting the freedom of Washington's hands. This nervousness obviously is pushing certain American figures into adventuristic actions which have been called upon to prove that the U.S. government continues to have at its disposal complete freedom of actions and, if need be, is ready for any aggravation of the situation, and can 'go all the way,' as the expression goes. . . .

"Today, it seems to me, what is beginning to exert a noticeable influence upon the political behavior of the administration is its own 'inferiority complex,' which evolves from the striving to seem to be 'stronger' and 'more resolute' as the objective situation becomes less and less favorable. . . ."

Or in other words, precisely because of the Americans' cultural crisis, this may be a dangerous time to take too many risks in pushing them. If this strain of logic really does dilute more aggressive thoughts in the minds of Soviet leaders, it's a bit easier to conceive of them agreeing to an arms pact even if that means writing off some opportunities that the American cultural problems might give them.

They have seen the pace of American missile deployment change dramatically in a short time, after all, with a huge build-up in the early 1960s and a slowdown late in that decade. If domestic problems only make American leaders jumpy and more unpredictable than ever, then perhaps the Soviets could see a pretty good bargain in an agreement guaranteeing them parity with a wealthier and technologically superior U.S.

### A WORD OF CAUTION

It's risky, of course, to assume that public Soviet publications like the Arbatov statement necessarily reflect the thinking of the top political leaders. The new round of SALT could come to nothing after all; some experts worry that the Soviets are merely "playing games." Those new missile holes may not all be for SS–9s, but they do represent more missiles.

Cultural trends like those Dr. Knorr discusses, also, are long-term things; even with a SALT agreement it's not hard to imagine an American indecisiveness and Soviet assertiveness making the world a less comfortable place to live. While a strategic arms agreement would avoid the immediate irritant of a new Pentagon request for a lot more weapons, it would also make many Americans less defense-minded than ever. Clearly for better or worse, American defense planners are not anytime soon going to enjoy the unquestioning support they once received. Even given time to wind down the Vietnam war and work on its domestic fallout, they will not be able to solve their problems completely.

Still, if it does turn out there is a SALT agreement, if American leaders use the breather to get their domestic support in a bit better order, if the Soviets fail to exploit the domestic problems that loom so large in the minds of American planners, then the Pentagon will owe a debt of gratitude to Karl Marx—who seems to teach that despite any appearances the imperialist aggressors will not turn into spineless neoisolationists overnight.

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## MEDICINE AND THE COMPUTER: THE PROMISE AND PROBLEMS OF CHANGE

Mr. KENNEDY. Mr. President, one of the expert witnesses called to testify before the Senate Subcommittee on Health in our Washington hearings last spring on the "Health Care Crisis in America" was Dr. William B. Schwartz, professor of medicine at Tufts University School of Medicine. In his testimony, Professor Schwartz examined the revolutionary uses that the computer will play in our future health care system and the effects of the computer on the social structure of medicine and society.

According to Professor Schwartz, the use of the computer in our health care system will fundamentally alter the role of the physician and profoundly change the nature of medical manpower recruitment and education. As the scope of medical knowledge continues to expand, the gap between what physicians should know and what they can retain and utilize is widening rapidly.

We know that computers can help to narrow the gap. They can be used as intellectual, deductive instruments, to assist physicians in their diagnoses of patients' symptoms. Automated history taking, blood analysis, administration of anesthesia, reading of electrocardiograms and electroencephalgrams, chromosome analysis, and other procedures could be easily performed by "health-care specialists," who are backed up by computers.

At the same time, computers may pose a threat to many physicians who primarily deal with the immediate physical problems of their patients. If "health care specialists" and computers assume many of the quantitative analyses presently done by hand, the doctor might be removed from direct supervision of primary medical care. Such a redefinition of responsibility could hardly be met with much approval from the medical profession.

In addition, present medical education places a high priority on the student's ability to accumulate vast amounts of facts and to learn to recognize patterns of disease. Widespread use of computers in diagnoses would inevitably produce change in medical school curricula. Given this potential, it would be desirable even now for students to devote at least part of their educational experience to the processes involved in decisionmaking and examination of the possible contributions of computers in the clinical care of the patient.

Questions of reliability and legality must also be considered before the use of computers can be introduced in the health-care system. If an information system were charged with an increasing number of responsibilities in the delivery of health care, a major breakdown in the system might have disastrous consequences. Further, medical records, centralized in a national data bank, would pose great threats to a citizen's privacy. And, who would be responsible for a mistake in medical analysis by the computer—the computer itself, or the medical personnel led astray by the computer printout? Obviously, legislation would have to be enacted to meet at least some of the problems which computers would create.

Future planning for our health-care system will involve many decisions on the cost of a nationwide computer system, priorities of programs to be initiated, laws to regulate and control the information stored in the computer memory banks, and the amount of social adjustment needed to efficiently implement new programs.

Many of Professor Schwartz' views were set out in detail in an article last December in the New England Journal of Medicine. I believe that his article, "Medicine and the Computer: The Promise and Problems of Change," adds perceptive and comprehensive information for the benefit of all who are concerned with America's health-care system. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New England Journal of Medicine Dec. 3, 1970]

### MEDICINE AND THE COMPUTER—THE PROMISE AND PROBLEMS OF CHANGE

(By William B. Schwartz, M.D.) *

(Abstract.—Rapid advances in the information sciences, coupled with the political commitment to broad extensions of health care, promise to bring about basic changes in the structure of medical practice. Computing science will probably exert its major effects by augmenting and, in some cases, largely replacing the intellectual functions of the physician. As the "intellectual" use of the computer influences in a fundamental fashion the problems of both physician manpower and quality of medical care, it will also inevitably exact important social costs—psychologic, organizational, legal, economic and technical. Only through consideration of such potential costs will it be possible to introduce the new technology in an effective and acceptable manner. To accomplish this goal will require new interactions among medicine, the information sciences and the management sciences, and the development of new skills and attitudes on the part of policy-makers in the health-care system.)

Many discussions during the past decade have considered the use of computers as an adjunct to medicine. Few, however, have fully explored the possibility that the computer as an intellectual tool can reshape the present system of health care, fundamentally alter the role of the physician, and profoundly change the nature of medical manpower recruitment and medical education—in short, the possibility that the health-care system by the year 2000 will be basically different from what it is today. This article explores that possibility and examines in some detail the social costs that may be exacted by such radical change.

Much has, of course, already been said about the role of the computer in improving the efficiency of the health-care system. These now familiar projections envision the computer performing a wide variety of functions such as the scheduling of hospital admissions, the keeping of medical records and the operation of laboratory and pharmacy. Such developments in the area of "housekeeping" activities offer considerable hope for the improvement of both hospital and outpatient operations but do not come to grips with the more fundamental problems of the health-care system—the increasing shortage of physician manpower and the geographic maldistribution resulting from the reluctance of today's doctor to practice in rural or depressed urban communities. Even less do they give hope of dealing with the difficult challenge of maintaining a high level of physician competence in the face of a continued expansion of medical knowledge that tends to widen progressively the gap between what a doctor should know and what he can retain and utilize. The computer thus remains (in the light of conventional projections) as an adjunct to the present system, serving a palliative function but not really solving the major problems inherent in that system.

There is, in fact, little reason to believe that any of the current proposals for solving these problems, technologic or other, will do more than mitigate their severity. Despite plans to reorganize patterns of medical care and efforts to enlarge medical-school capacity and create new classes of "doctor's assistants," the physician shortage promises to be with us for decades and to pose a serious obstacle to health planning. The problem of maintaining and improving quality appears equally knotty since there is little indication that current programs in postgraduate education will be adequate to the challenge.

#### NEW STRATEGIES

If conventional remedies will not meet the demands imposed by society's broad commitment to extensions of health care, it is clear that new, even heretical, strategies must be devised. One such strategy will almost certainly involve exploitation of the computer as an "intellectual," "deductive" instrument—a consultant that is built into the very structure of the medical-care system and that augments or replaces many traditional activities of the physician. Already several interesting steps have been taken in an attempt to extend the computer's role into this realm—the automated interpretation of the electrocardiogram[1-3] and the automation of history taking[4-6] being the most familiar examples.

But well beyond these first steps in concept and impact are experimental efforts to use the computer on a "real-time" basis to assist in diagnosis and management[7-9] (Table 1). Indeed, it seems probable that in the not too distant future the physician and the computer will engage in frequent dialogue, the computer continuously taking note of history, physical findings, laboratory data, and the like, alerting the physician to the most probable diagnoses and suggesting the appropriate, safest course of action. One may hope that the computer, well equipped to store large volumes of information and ingeniously programmed to assist in decision making, will help free the physician to concentrate on the tasks that are uniquely human such as the application of bedside skills, the management of the emotional aspects of disease, and the exercise of good judgment in the nonquantifiable areas of clinical care.

The computer, used in this manner, might also open the way to quite different means of employing nonphysician manpower. Use of the computer as an intellectual resource in diagnosis and treatment could well be coupled to the development of new types of highly specialized allied health personnel who could perform functions of a scope well beyond those currently considered feasible for doctor's assistants. Computer-supported "health-care specialists," aided by a variety of automated devices for history taking, blood analysis and other procedures, and trained to perform a careful physical examination, might take over a large segment of the responsibility for the delivery of primary medical care. Guided by the computer, constrained from exceeding his capacities by instructions built into the computer programs, and linked to regional consulting centers by appropriate display devices, the new breed of "health-care specialist" could make a major contribution to the resolution of the seemingly insoluble problem of maldistribution and shortage of physician manpower.

As a step beyond, it is conceivable that the computer could also take over a variety of specialized functions that are now performed by highly skilled physicians. It is entirely possible, for example, that the administration of anesthesia—a function now uniquely human—could be largely or fully automated if new monitoring technics were combined with the capacity of the computer instantaneously to analyze and respond to large volumes of physiologic data.[10]

If it is accepted that we are on the threshold of change of the magnitude envisioned here, we must also consider the probability that major new stresses will occur within the social structure of medicine and, indeed, that the social costs will spill over into society at large. Mankind's experience demonstrates that a major technologic change (for example, the industrial revolution, and the introduction of the automobile and of insecticides) made in the name of progress has always exacted a heavy price and often a price neither imagined nor considered at the outset.

One may thus project a revolution in the health-care system in which the importance of remembering facts is sharply reduced, the decision-making process is aided and abetted by computers, and many tasks formerly in the domain of the physician are taken over by a consortium of computers and paramedical personnel.

What consequences can be foreseen?

#### EFFECTS ON THE PHYSICIAN

Clearly, a major impact upon the practicing physician must be expected. The doctor may view with favor the many features of a computer-based system that would relieve him of a variety of routine and tedious tasks, he is unlikely, however, to accept cheerfully the several threats to his basic professional values that will flow from the technologic revolution envisioned here.

Physicians as a group have traditionally cherished their ability to learn and retain large numbers of facts, to formulate a differential diagnosis and to carry on decision-making activities. Introduction of the computer into these processes could well be viewed by the doctor as devaluating his hard-won medical education and as undermining his intellectual contribution to medical care. This loss of self-esteem would, of course, be exacerbated if the patient were to find in the transfer of many intellectual functions from man to machine a basis for viewing the doctor with diminished admiration and respect. Such loss of status could have serious social, economic and political consequences for a profession that has historically enjoyed eminence in the public mind.

TABLE 1.—Example of an Actual Consultation in Which the Computer Assists the Physician in the Evaluation of a Complex Acid-Base Disturbance.*

Computer: What is the plasma $CO_2$ content, please?

Physician: 15 mMoles/L.

Computer: And the plasma pH, please?

Physician: 7.14.

Computer: The finding of a low $CO_2$ content, low pH and normal $PCO_2$ (calculated to be 42 mmHg) indicates the presence of a mixed respiratory and metabolic acidosis, and the patient should therefore be checked for any source of impaired ventilation. I will now be glad to assist with the diagnosis of the metabolic component of this patient's disorder. What is the serum sodium concentration please?

Physician: 240 mEq/liter.

Computer: Impossible value! Please check and re-enter the correct sodium concentration.

Physician: 140 mEq/liter.

Computer: What is the chloride concentration?

Physician: 103 mEq/liter.

Computer: The calculated "anion gap" is 22 mEq/liter. Metabolic acidosis with an increased "anion gap" is seen in—

1. Diabetic ketoacidosis.
2. Salicylate poisoning.
3. Ethylene glycol poisoning.
4. Methyl alcohol poisoning.

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* The computer program was written in CAL (Conversational Algebraic Language) by W. B. Schwartz, D. M. Goldman & J. P. Kassirer; the response of the computer is accomplished through the use of a branching "decision tree."

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* From the Department of Medicine, Tufts University School of Medicine, and the Medical Service of the New England Medical Center Hospitals (address reprint requests to Dr. Schwartz at Tufts University School of Medicine, 171 Harrison Ave., Boston, Mass. 02111).

Footnotes at end of article.

5. Paraldehyde ingestion (rarely).
6. Lactic acidosis.
7. Renal failure.

If you would now like a brief explanation both of terminology and of the mechanisms responsible for metabolic acidosis. Please so indicate by typing *yes*.

Physician: Yes.

Computer: "Anion gap" is defined as the difference between the concentration of Na and of the sum of measured anions (CL plus $HCO_3$). Metabolic acidosis with a widened "anion gap" occurs when bicarbonate concentration is decreased by an acid load that does not produce an equivalent rise in chloride concentration. Such an anion pattern is seen:

1. When the dissociated products of the acid are $H^+$ and an anion other than chloride as in the case of:

A.—Ketoacids (diabetic ketoacidosis)

B.—Lactic acid (lactic acidosis)

C.—Unknown organic acids (as seen in salicylate intoxication or poisoning with methyl alcohol, ethylene glycol, paraldehyde).

2. When (as in renal insufficiency) the reduction in plasma $HCO_3$ concentration is induced by defective excertion of hydrogen ion and is not accompanied by an increase in chloride reabsorption.

Computer: If you would like a more complete discussion of this problem please so indicate (by typing yes) and I can suggest several references. [When requested, references are provided here.]

Computer: I am now ready to assist in narrowing the list of possible diagnoses. What is the blood sugar please?

Physician: 135 mg/100 ml

Computer: And the serum ketone level, expressed in terms of diluted plasma?

Physician: 1 to 2

Computer: And the creatinine concentration?

Physician: 2.1 mg per 100 ml

Computer: And the salicylate concentration please?

Physician: 0

Because the computer has a large poten-that it is extremely unlikely that diabetes is the source of the metabolic acidosis in this patient. Although there is renal insufficiency, it is not of the severity that ordinarily produces this large A reduction in plasma bicarbonate concentration. Other ethiologic factors must therefore be considered. In particular, lactic acidosis or poisoning due to ingestion of methyl alcohol, ethylene glycol or paraldehyde must be ruled out. I would strongly recommend that the lactate concentration in plasma be measured and that the history be carefully reviewed for evidence of toxin ingestion.

Because the computer has a large potential role as tomorrow's "consultant," physicians engaged in consulting activities will clearly be affected by the computer's intrusion. Their talents will be much less in demand if interactive programs, such as are already available for congenital heart disease[7] and acid-base disorders,[8] can give prompt and expert counsel on the full range of problems encountered in clinical medicine. Indeed, the recent fusion of computer-based diagnostic strategies with technics for the assessment of risks and benefits of a given diagnostic or therapeutic procedure[11] gives clear promise of an era in which the computer will advise on the course of action at each stage of management in even the most complex disorders. The evolution of refined technics for automated reading of electrocardiograms[1-3] and electroencephalograms,[12] for image processing[13] (for example, chromosome analysis[14 15] and mammograms[16]), and for computer control of activities such as delivery of anesthesia[10] promises to lessen further the need for highly specialized professional skills.

The practicing physician interacting with the computer will be equally concerned. Even today, students and physicians exposed to prototype computer-based consulting programs commonly express anxiety and displeasure at the prospect of practicing medicine within a system that has as a major feature the surrender of many memory and analytical functions. It might be argued, of course, that the opportunity to deal more extensively with the emotional aspects of disease will compensate the physician for the expropriation of his diagnostic and therapeutic skills, but it is far from clear that most physicians are equipped by either temperament or training to accept change of this kind gracefully. In view of the goals that motivate most students to enter medicine, the character of current medical education and the orientation of today's physician toward dealing with the immediate physical problems of his patient, it does not seem likely that the transition into a very different pattern of professional life will be easy or welcome. An informal sampling of opinion among present and future practitioners has confirmed this impression. A typical response came from a medical house officer: "If I wanted to spend that much of my time talking with the patient I would have become a psychiatrist!"

His concerns would in all likelihood be further aggravated if the computer were used to broaden the responsibilities of allied health personnel and thus largely to remove the doctor from direct supervision of primary medical care. Such a redefinition of responsibilities, in association with the expanding role of the "health-care specialist" in activities such as minor surgery and normal obstetrics,[17] will hardly be regarded with favor. It is, in fact, likely that once established, paramedical groups will develop new ambitions that would threaten further encroachment into the doctor's domain. The ultimate clash is not difficult to imagine—the health-care specialist pointing to the physician shortage to justify enlargement of his role, and the physician warning of deterioration in the quality of medical care if sharp limits are not set down.

Beyond all this is the sensitive issue of economics, the concern that a combination of computers and health-care specialists may convert a doctor shortage into a doctor surplus. Although hardly conceivable for the foreseeable future, even the ultimate possibility could engender anxiety, particularly among special classes of physicians whose activities might be most directly affected by new forms of automation.

In addition to these general problems there are a host of more specific and troublesome issues.

### MIGHT THE COMPUTER BE USED TO APPRAISE THE PHYSICIAN?

If the computer comes to play a major part in diagnosis and treatment, the computer system itself can readily be used to evaluate physician performance. Special programs could collect information on the frequency with which consultations are requested, and the numbers and types of questions asked, and could generate at regular intervals a profile defining the character and intensity of the interaction between physician and machine. These data could serve the constructive purpose of guiding review panels to the areas in which the programming repertoire needed strengthening, and in all likelihood little objection would be raised to such a fact-finding enterprise provided the information was gathered and stored under conditions that strictly preserved the anonymity of the individual physician. But what if, in the interests of "quality control," it became national policy to use the data as a means of appraising and criticizing individual performance? The doctor would then be confronted with a difficult dilemma. On the one hand he might fear that failure to use the system "as much as he should" would be interpreted as an indifference to his patient's welfare or as a lack of commitment to standards of excellence. On the other hand, he could well imagine that frequent requests for assistance would be taken as a sign of incompetence, as demonstrating a lack of confidence in his knowledge and judgment.

In view of the threats inherent in such surveillance, the physician would in all likelihood demand that appropriate safeguards for protection of privacy be built into the data-collection programs. Even if a commitment were made to a policy of confidentiality, a nagging doubt would probably remain. Might an "unauthorized" program deep in the bowels of the computer generate a dossier on which a judgment of performance could be made? Might such a file provide the basis for a re-evaluation of licensure or of certification by a specialty board? Might it be used for determining the level of payments from government or other insurance groups? In an era already characterized by widespread "electronic snooping" such concerns are entirely justified.

### *Restrictions on practice*

It is now generally agreed that operating-room privileges are not an inherent right of all physicians; appropriate training in surgery or one of its subspecialities is in most hospitals, a prerequisite for carrying out major surgical procedures. Similar limitations do not apply to the nonmanipulative aspects of medicine. However, with the advent of a sophisticated computer system, and the ability to limit access to particular programs (by use of "passwords" and other technics), one would have a de facto means of denying to the "unqualified" physician the right to deal with major medical problems. Perhaps the most powerful deterrent would be the risk of legal liability. An unfavorable outcome in the patient with, for example, a hemorrhagic diathesis, diabetic ketoacidosis, or a complex cardiac arrhythmia could well become prima facie evidence of malpractice and thus effectively serve to prevent a physician from assuming clinical responsibilities deemed to be beyond his level of competence. Perhaps only in communities where well trained specialists were not available would all computer programs be made available to all physicians. The physician without "clearance" might thus well find himself at an enormous professional, psychological and economic disadvantage.

### *The university-based physician*

The advent of a biomedical computer network, largely replacing traditional means of communication between the academic community and the practitioner, will exert a major influence on the teacher consultant based in the university hospital. As lectures, reviews and books become less important in the spread of information and in postgraduate education, involvement in the computer system will become a more and more important sphere of activity. It is likely, for example, that the consultant whose computer programs are selected to help the practicing physician (or health-care specialist) to make decisions about patients with blood disease not only will become influential in shaping patterns of thought and practice in hematology but also will find his academic status considerably enhanced—just as does the present-day author of a major textbook.

The evolution of a national computer network will also carry with it the risk of producing an unprecedented degree of centralized control of information sources. It is conceivable, for example, that a decision would be made to provide only a single program, regarded as "best," for dealing with a given clinical area. If such a policy were followed, it would deny many experts the opportunity to present their views in a market place of ideas and thus an opportunity to be heard as teachers and clinicians. It would also have the drawback of making the practitioner a

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captive audience, exposed to a single point of view and barred from access to the consultant of his choice. Although these considerations would argue for wide diversity in programming, countervailing technologic and economic factors could preclude such an open strategy. Proliferation of programs might tax the capacity of the computer memory, create increased complexities in file management, and greatly enlarge the task of revising and updating the system. It is not difficult to imagine how such technologic pressures might tend to standardize and restrict the number and variety of programs provided by the network.

The academic community would probably be affected in still another way. The new system would demand the fashioning of an administrative structure to provide close and continuous supervision of a now vital national resource. It is easy to foresee the need for establishing a federal panel, and satellite review boards, charged with the responsibility for selecting computer programs, for modifying existing programs in the light of experience, and for assuring that the programs are constantly kept abreast of current knowledge. Under this system, a handful of individuals, drawn largely from university centers and knowledgeable in the arcane arts of computing sciences as well as in medicine, might thus emerge as a new elite. The pervasive influence of this small group on the nation's health-care system, and their commanding and potentially autocratic role, would be viewed by most of the medical community with some concern. This new elite, powerful and remote, would almost certainly provide the practicing physician with a prime and convenient target for the resentments engendered by the incursion of the computer into his professional life. The split between those controlling the system and those using it must thus be considered as a potentially important social cost.

### EFFECTS ON THE MEDICAL SCHOOL AND THE MEDICAL STUDENT

Medical education is now dominated by the student's need to accumulate a multitude of facts and to learn to recognize patterns of disease. If new uses of computers make the current enormous investment in these activities superfluous, one can reasonably anticipate that fundamental changes in the curriculum will follow. A larger portion of the educational experience might well then be devoted to a broad study of the processes involved in decision making,[18] currently an area almost totally neglected, and to an examination of the specific strategies underlying the intellectual contribution of the computers to clinical care. Such efforts not only would make more rigorous the student's own decision-making activities but also should provide him with a realistic appreciation of both the strengths and limitations of the computer-based system on which he will rely.

Another major portion of the curriculum will probably be redirected toward the social and psychologic aspects of health care, sharply accelerating a trend already perceptible in many medical schools. This further shift from the hard sciences to the behavioral sciences, in concert with the new emphasis on the decision-making process, would herald a new difficult period of adjustment for administration and faculty accustomed to thinking of medical education in traditional terms.

Major technologic change will also affect the composition of the student body of the medical school. Many applicants of a type now attracted to a career in medicine may well be discouraged by the great change in character of medical practice wrought by the encroachment of machines and paramedical personnel. Indeed, it seems likely that applicants with predominantly new interests and backgrounds will appear, some deeply concerned with the behavioral and social sciences and others fascinated by the information sciences and their application to medicine. There will still remain, however, the small handful of students committed to research and teaching who wish to study the physiologic and biochemical problems on which further advances in clinical medicine depend. It is evident that a reorganization of the curriculum, far greater than that in progress today, will be necessary to accommodate the diverse needs of the new student population.

### THE PATIENT'S VIEW

Although it might seem that physicians and engineers together should determine in what fashion the information sciences should be exploited, experience with health-care planning for the community shows that such an approach will be neither feasible nor desirable. Participation of the patient in the policy-making process will be essential to the launching of a viable computer-based system that is to have hope of gaining widespread acceptance. It can be expected that the patient, as the ultimate judge of the product, will protest if the improvements structured by experts fail to satisfy community needs and to preserve individual dignity. Indeed, the most creative efforts to implement effective information systems are likely to founder if the individual is made to feel that he is simply raw material in an impersonal medical processing plant. The problems to be faced are complex and varied. How will the patient respond to being examined and treated by a health-care specialist or to being anesthetized by a computer? What will be his reaction to the threat to privacy posed by a central data bank of medical records linked to consoles throughout the country?

And what of defects in performance and reliability of the system? Will expectations of performance be unrealistically high? Will the patient accept the inevitable shortcomings of an impersonal computer-based system as gracefully as he will similar or greater deficiencies in his personal physician? When computer performance is less than perfect and when mistakes are made, will he have appropriate means of legal redress? Such concerns must be given serious consideration, if effective implementation and public acceptance of the new technology are to be achieved.

### RELIABILITY OF THE SYSTEM

Many of the issues dealt with in the previous section raise important technologic and legal problems. It is evident, for example, that if an information system were charged with an increasing number of responsibilities in the delivery of health care, a point would eventually be reached at which a major system failure would have disastrous consequences. Dependence on the computer for storage and retrieval of medical records, for provision of anesthesia, for assistance in diagnostic and therapeutic decisions, for processing of laboratory data, and for a host of other more mundane housekeeping functions would carry with it the potential for serious disruption of clinical care if a breakdown of more than brief duration should occur.

The vulnerability of a computer-based information network is apparent. Not only would continued operation depend on the uninterrupted availability of electrical power, but also on the smooth functioning of a multitude of vital machine, program, and communications components. The incorporation of features designed to minimize the likelihood of operational failure thus would loom as a prominent issue in the design of the system. Some considerable degree of protection would be provided by an "active" and a "stand-by" computer complex, but even this approach could not ensure against partial or even total failure of the system.[19] Dependence on the system would therefore require accepting as a potential social cost the problems of minor or even major deteriorations in function. In anticipation of partial failures, assignments of priorities would be necessary to assure most effective utilization of remaining computer capacity—automated anesthesia and patient monitoring taking precedence, for example, over automated history taking or record retrieval. In anticipation of total or near total failure (for example, loss of all but emergency power) contingency plans would be required for return to an atrophied and obsolescent manual operation. It is foreseeable that each of the complex decisions involved in the design and planning effort would involve compromise and risk.

### PRIVACY AND LEGAL ISSUES

The threat to confidentiality posed by computer-based medical records represents one facet of the more general threat to personal privacy raised by the prospect of a centralized all-encompassing national data bank.[20-22] Protection of the medical record presents a special and perhaps unique problem, however, because the effort to safeguard privacy would have to be balanced in system design against the need to make information quickly and easily available to the physician who requires it. These conflicting goals would create a dilemma that probably will not be resolved in an entirely satisfactory fashion. Although passwords might provide a measure of security, carelessness in protecting them could lead to ready penetration of the files by unauthorized users. Perhaps the most practical solution would involve the classification of information according to its degree of sensitivity, access to highly confidential data being achieved only through relatively complex procedures. For access to psychiatric findings, for example, the simultaneous use of separate passwords by patient and physician might be required—much as two keys are used to open a safe-deposit box. It must be recognized, however, that no matter how many safeguards might be established to restrict the use of computerized data, all computer banks are potentially penetrable and unsafe.[23]

Finally, there remains the problem of developing a new legal code that must assign liability for difficulties arising from system errors or failure. If technical problems within the network should lead to the delivery of inaccurate information to the physician (for example, the wrong record or incorrect laboratory data), who would be held responsible for resulting mis-steps in management—the manufacturer, the programmer, the medical personnel, or all three? If a program that has been used in guiding therapy proves to have a previously unrecognized flaw and the patient suffers in consequence, who is legally at fault: the physician who prepared the program, the panel that approved it, the physician who employed it, or all of them jointly? Who is to be held responsible for complications resulting from computer-administered anesthesia? What will be the liability of health-care specialists and nurses led into error by their use of the information system?

### MAGNITUDE OF THE EFFORT AND LEADERSHIP

The development of a national biomedical computer system entails yet another social cost, the expenditure of dollars and therefore, inevitably, the diversion of resources from other uses. Thus, even if it were agreed that the development of a major computer system for health care were both technologically feasible and socially desirable, difficult decisions on allocations of resources would still remain. A commitment to a computing effort likely to involve many billions of dollars would have to be weighed against important competing needs such as the demands for new medical schools, for modernization of our obsolescent urban hospital system, for the development of community

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medicine, for support of biomedical research, and for increased efforts in the field of mental health. The analytic strategies for dealing with such a complex task of resource allocation are still far from perfected, but even if it were possible to arrive at a clear formulation of priorities and to have a reliable estimate of the budgetary commitment to the computing effort, a further problem in allocation of support would still remain. Both the housekeeping and the intellectual computer technologies represent a potentially wide range of effort with concomitant enormous costs, and difficult choices will have to be made. Is the commitment to automated storage and retrieval of the medical record more important than the automation of anesthesia? Is automation of the library more important than a major effort in the area of computer-aided decision making?

It also seems clear that a new type of leadership will be needed if the intellectual, technologic, economic, and social problems considered here are to be resolved in a rational way. The physician educated in the traditional mode is poorly equipped to work at the interface between medicine, the information (computer) sciences, and the management sciences. Similarly, the computer scientist, with his training in mathematics and kindred disciplines, is ill prepared to encompass the range of problems that confront him when he enters the field of health care. Moreover, the anticipated benefits of joint endeavors have proved largely illusory. Too often, serious difficulties in communication and an inability fully to comprehend the character of each other's world have prevented an effective fusion of complementary skills. Leadership in the future must therefore almost certainly come from a new breed of "health-information scientist," who within himself incorporates the breadth of knowledge and experience that will permit him to function as innovator, planner and educator. Medical sciences, computing science, decision theory, operations research, industrial dynamics, systems analysis, and the application of the behavioral sciences to large social systems will be some key tools of this new profession. A commitment to the development of a formal educational effort designed to create this new breed would appear to deserve high priority on the part of today's medical educators and policy makers.

In planning for the future more is involved, however, than the analysis of costs and benefits by trained scientists, the orderly examination of competing priorities and the application of rational tools of decision making. In a democracy major decisions about national priorities and the allocations of resources are—properly—public decisions, and therefore they are—properly—political decisions, at least in considerable part. Thus, the training of a new kind of medical-information scientist is only one of the tasks to be undertaken if an effective wedding of the information sciences and medicine is to be used fruitfully in the solution of major problems in health care. What is in fact much more important is the development of mechanisms for the full and thorough public understanding of the new technology that alone will permit a truly national choice to be made.

### CONCLUDING COMMENT

The past decade has been marked by many demands for reorganization of health services, but most proposed solutions have consisted of a rearrangement or a refinancing of the traditional system and its components. As such, they have skirted the basic problem that new demands cannot be met by a system whose resources are already being fully utilized. Computer technology offers an innovative and powerful tool for removing the constraints on delivery of health services, constraints that will inescapably exist even under a health system reorganized in the most rational fashion.

Because the coming intervention of the information sciences represents radical change, it will also inevitably create radical problems. Some of these have been presented here not to discourage vigorous efforts to develop and exploit the new technology but rather as a basis for discussion, analysis, and planning. The power of the information sciences is such that it will, without doubt, alter the face of medicine, and we can ill afford to ignore this impending reality. Instead, physicians must take the opportunity to assist and lead in the planning and implementation of a system that can best serve the interests of both the public and the medical community.

I am indebted to Dr. H. Jack Geiger, Dr. Donald A. Schon, and Mr. John T. Foster for advice and criticism.

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## KOREAN IMPORTS

Mr. THURMOND. Mr. President, the inauguration of President Park in Seoul for the new presidential term marks another milestone in the postwar history of this American ally on the continent of Asia. It would be a gesture greatly appreciated in this country if President Park could see his way clear to opening his term of office with a settlement of the textile trade problems between our two countries.

The press has widely reported the presence in Asia during the last few weeks of Mr. David Kennedy, the President's Special Ambassador. Among other economic matters he is discussing with the Governments of Korea and of our other trading partners in East Asia has been the flood of textile and apparel imports reaching our depressed markets from that part of the world. Indeed, Korea, Hong Kong, Taiwan, and Japan together account for more than one-half of our imports of textiles and apparel.

I was frankly shocked to learn that the Government in Seoul absolutely refuses to discuss any reasonable solution of this long outstanding issue. Korea has claimed a "special relationship" with the United States going back to the Korean war days of 1950–53—when we saved South Korea from communism at the cost of tens of thousands of American casualties. Yet in the view of the Government in Seoul the "special relationship" is apparently the right of unlimited access to the depressed U.S. textile market for low-wage Korean imports. The average wage in the Korean textile industry is 11 cents per hour. In the United States it is $2.54 per hour.

Mr. President, the present level of imports of textiles and apparel from all countries represents more than one-third of a million jobs. We cannot allow this erosion of the economy to proceed any further. I believe that the Government in Seoul would be well advised to promptly reexamine its negotiating stance in the textile matter while the Government in Washington is still thinking in terms of moderating the rate of growth of imports rather than cutting back the existing level, as is being done by some other countries.

Mr. President, in the first 4 months of 1971 our textile imports from Korea jumped 70 percent as compared with the same period a year earlier. They are currently running at the annual rate of 444 million equivalent square yards. And yet, with the import pattern thus clearly out of hand, the South Korean Government is refusing any meaningful negotiations. The attitude exemplified here by the Korean textile industry is quite disheartening.

The American textile industry is the most efficient in the world according to a recent study financed by the British Textile Council. In fact that study, published by the council in 1969, found that the British and Japanese industries were but 37 percent and 32 percent, respectively, as efficient in spinning and weaving as the American industry. The Korean industry is of course substantially less efficient than either of these. It is the enormous wage gap between

Korea and the United States that creates this pressing problem.

Mr. President, Korea may be a less-developed country, but there are less developed portions of the United States, as well. Since 1965, when Congress passed the Appalachian Regional Development Act, the Federal and State governments have been cooperating to promote the economic development of Appalachia. In that region, extending from southern New York State to Mississippi, the textile-apparel industry provides one job in every four. Indeed, there are more than 1 million textile-apparel jobs within Appalachia and contiguous territory within commuting distance of Appalachia.

It is high time for Korea and our other trading partners in the Far East to join with us in a mutual accommodation of the textile issue.

## WHITE HOUSE CONFERENCE ON AGING: HOW SHALL DELEGATES BE SELECTED?

Mr. CHURCH. Mr. President, the Secretary of the Department of Health, Education, and Welfare has within recent days written to the Governor of each State to describe new guidelines for the selection of delegates to the White House Conference on Aging.

That Conference—to begin on November 28 in Washington, D.C.—will be attended by several thousand delegates, representing the States and national organizations. Obviously, it is vital that the delegates be chosen solely on the basis of the contribution they can make to the Conference and to the followup activity which should take place after that Conference.

To make certain that the State delegations would satisfactorily represent the diversity of interests and groups within each State, the National Planning Board for the White House Conference on Aging decided on March 27 that the Governor from each State would nominate the members of the delegation from that State. This was the practice followed at the White House Conference on Aging in 1961. Since March, many Governors have given careful thought to the selection of delegations; and many have already made their choices.

And yet, the HEW directive to which I referred earlier—dated June 11—asks each Governor to nominate 150 percent of the approved number of delegates from his State and to send that list to HEW.

In other words, if a State is authorized to send 50 delegates, its Governor is to submit a list of 75 names to Washington, D.C., where, according to the HEW letter, "the official State delegation will be chosen."

The reason given for this decision is that "several hundred national organizations are also participating in the conference and will also be nominating delegates," and, therefore, "in order to avoid any complications which might arise from duplicate nomination," the Governors are supposed to submit the 150-percent lists of candidates.

If this is the sole reason for the 150-percent rule, would it not be far more efficient for HEW to inform the Governors of the nominations from the national organizations? It would appear, therefore, that this may be an attempt to politically stack the deck of delegates to the White House Conference on Aging, by exercising a final veto over the States. It is my understanding, in fact, that many directors of member units of the National Association of State Units on Aging are urging their Governors to reject the new HEW formula on the grounds that it is an affront to each Governor, that it usurps plans which have been months in the making, and that it would put the selection of delegates in the hands of Federal officials who—in distant Washington, D.C.—are somehow deemed more qualified than State officials to choose the final list of State delegates.

Mr. President, earlier this year the Senate Committee on Aging, of which I am chairman, joined with the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare to evaluate the effectiveness of the U.S. Administration on Aging and its conduct of preparations for the White House Conference on Aging.

At that time we asked HEW representatives for their comments on complaints that political considerations were having an undue effect upon preparations for that conference. We were assured that they were not, and that they would not.

But in the face of the HEW 150-percent rule—and the strong criticism which has resulted—actions are speaking louder than assurances.

## A HALF CENTURY OF SERVICE BY THE GENERAL ACCOUNTING OFFICE

Mr. DOLE. Mr. President, I salute the Comptroller General of the United States and his able staff upon the 50th anniversary of the establishment of the General Accounting Office. The General Accounting Office and the Office of the Comptroller General of the United States were established as an arm of the legislative branch of the Government and made independent of the executive departments and agencies 50 years ago this month by the Budget and Accounting Act of 1921.

The basic function of the General Accounting Office is to assist Congress in carrying out its oversight responsibilities and to assist in analyzing the proposals which come before us. All of us who have served in the Senate or the House are aware of the competence with which that function has been carried out in the past and is continuing to be carried out under the leadership of Comptroller General Elmer B. Staats.

Congress is in a period—perhaps unparalleled in our history—when it must sit in judgment on the merits of admirable programs which are far too numerous and far too complex to be digested and comprehended in the time available to us. We are presented with much learned and persuasive testimony on the vital need of the numerous proposed programs and the great benefits that will ensue from them. We are also often presented with equally learned and persuasive testimony against these same programs.

In more placid years, we were able to moderate these adversary positions, extract from the crucible of ideas of the substantive issues, and discard the specious and self-serving ones. Today we are often nearly overwhelmed by the volume and complexity of the matters we must consider, and we feel the need for expert, professional judgment from an independent and objective source.

In enacting the Legislative Reorganization Act of 1970, Congress gave emphasis to this need and recognized the Comptroller General and the General Accounting Office as a means of fulfilling it. We provided in that act that:

> The comptroller general shall review and analyze the results of government programs and activities, including the making of cost benefit studies, when ordered by either House of Congress, or upon his own initiative, or when requested by any committee having jurisdiction over such programs and activities.
>
> The comptroller general shall have available employes who are expert in analyzing and conducting cost benefit studies of government programs and, upon request of any committee, shall assist in analyzing cost benefit studies furnished by any federal agency to such committee and in conducting cost benefit studies of programs under the jurisdiction of such committee.

We are fortunate in having available to us an organization with the competence of the General Accounting Office, and doubly fortunate in having at its head the very able Elmer B. Staats, who has served as Comptroller General since March 1966.

General Staats brought to the office much talent and experience, including 26 years of service in the Federal Government. With pardonable pride, I include among his credentials the fact that he is a native son of Kansas, and that he earned his A.B. degree and his Phi Beta Kappa key at the University of Kansas.

His 26 years of Government service preceding his appointment as Comptroller General included 22 years with the Bureau of the Budget. There he held positions of increasing responsibility, and in his last 6 years he was Deputy Budget director. His extensive experience from the vantage point of the Bureau of the Budget gives him a keen insight into the working of the Government. In bringing this experience to his present office of Comptroller General, he has added a new dimension to the General Accounting Office.

On this occasion of the 50th anniversary of the General Accounting Office, I extend to the staff of that office and to the Comptroller General my congratulations and my best wishes for many more years of continuing successful operation.

## COSPONSOR OF S. 1311—NEWSMAN'S PRIVILEGE ACT

Mr. BROOKE. Mr. President, I am pleased to join today as a cosponsor of S. 1311, the Newsman's Privilege Act of 1971, introduced by my distinguished colleague from Kansas, Senator PEARSON.

This legislation provides that no government body can require a newsman to disclose any confidential information, nor the source of such information, obtained by him in his professional capacity.

Although the common law has traditionally not recognized a newsman's privilege, legal developments during the past year, both in and out of the courtroom, indicate a changing attitude on the part of Federal legal officials toward adoption of such a privilege.

The Ninth Circuit Court of Appeals in its significant opinion in Caldwell against United States on November 16, 1970, recognized that where it has been shown that the public's first amendment right to be informed would be jeopardized by a journalist's appearance before a secret grand jury interrogation:

> The Government must respond by demonstrating a compelling need for the witness's presence before judicial process properly can issue to require attendance.

Likewise, in his address to the American Bar Association House of Delegates on August 10, 1970, Attorney General John Mitchell announced a new set of Justice Department guidelines governing the issuance of subpenas to the newsmen. In stating that no subpena would be requested by the Department without the express authorization of the Attorney General, he commented that:

> The Department of Justice does not consider the press "an investigative arm of the government." Therefore, all reasonable attempts should be made to obtain information from non-press sources before there is any consideration of subpoenaing the press. He further stated that "Great caution should be observed in requesting subpoena authorization by the Attorney General for unpublished information, or where an orthodox First Amendment defense is raised or where a serious claim of confidentiality is urged."

Because of these actions by the judicial and executive branches of the Government, I believe that the Congress ought to take prompt action to codify the right of members of the press to be free from Government interrogation. The existence of a free and independent press insures the widest possible dissemination of information. It not only fosters the public's right to know but also, in many cases, exposes public and private malfeasance and contributes to a more efficient and responsive Government.

Mr. President, I ask unanimous consent that the texts of the court opinion and the Attorney General's guidelines be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[United States Court of Appeals for the Ninth Circuit, No. 26,025, November 16, 1970]

EARL CALDWELL AND NEW YORK TIMES COMPANY FOR AN ORDER QUASHING GRAND JURY SUBPENAS, EARL CALDWELL, VS. UNITED STATES OF AMERICA.

On appeal from the United States District Court for the Northern District of California.

Before: Merrill and Ely, Circuit Judges, and Jameson, District Judge.*

Merrill, Circuit Judge:

Earl Caldwell appeals from an order holding him in contempt of court for disregard of an order directing him to appear before the Grand Jury of the United States District Court for the Northern District of California pursuant to a subpoena issued by the Grand Jury.

Appellant is a black news reporter for the New York Times. He has become a specialist in the reporting of news concerning the Black Panther Party. The Grand Jury is engaged in a general investigation of the Black Panthers and the possibility that they are engaged in criminal activities contrary to federal law.

In order to protect First Amendment interests asserted by appellant the District Court order of attendance, which appellant disregarded, expressly granted appellant the privilege of silence as to certain matters until such time as the Government should demonstrate "a compelling and over-riding national interest in requiring Mr. Caldwell's testimony which cannot be served by any alternative means." This protective order provided:

"(1) That * * * he shall not be required to reveal confidential associations, sources or information received, developed or maintained by him as a professional journalist in the course of his efforts to gather news for dissemination to the public through the press or other news media.

(2) That specifically, without limiting paragraph (1), Mr. Caldwell shall not be required to answer questions concerning statements made to him or information given to him by members of the Black Panther Party unless such statements or information were given to him for publication or public disclosure.

"(3) That, to assure the effectuation of this order, Mr. Caldwell shall be permitted to consult with his counsel at any time he wishes during the course of his appearance before the grand jury * * *."

Appellant contends that the privilege granted by the District Court will not suffice to protect the First Amendment interests at stake; that unless a specific need for his testimony can be shown by the United States he should be excused from attendance before the Grand Jury altogether. Thus it is not the scope of the interrogation to which he must submit that is here at issue; it is whether he need attend at all.

The case is one of first impression and one in which news media have shown great interest and have accordingly favored us with briefs as amici curiae. As is true with many problems recently confronted by the courts, the case presents vital questions of public policy: questions as to how competing public interests shall be balanced. The issues require us to turn our attention to the underlying conflict between public interests and the nature of such competing interests.[1]

While the United States has not appealed from the grant of privilege by the District Court (which it opposed below) and the propriety of that grant is thus not directly involved here, appellant's contentions here rest upon the same First Amendment foundation as did the protective order granted below. Thus, before we can decide whether the First Amendment requires more than a protective order delimiting the scope of interrogation, we must first decide whether it requires any privilege at all.

### THE PROTECTIVE ORDER

The proceedings below were initiated by a motion by appellant to quash subpoenas issued by the Grand Jury.[2] In his moving papers appellant's position was that the "inevitable effect of the subpoenas will be to suppress vital First Amendment freedoms of Mr. Caldwell, of the New York Times, of the news media, and of militant political groups by driving a wedge of distrust and silence between the news media and the militants, and that this Court should not countenance a use of its process entailing so drastic an incursion upon First Amendment freedoms in the absence of compelling governmental interests—not shown here—in requiring Mr. Caldwell's appearance before the Grand Jury."

Amici curiae solidly supported appellant in this position. The fact that the subpoenas would have a "chilling effect" on First Amendment freedoms was impressively asserted in affidavits of newsmen of recognized stature, to a considerable extent based upon recited experience. Appellant's own history is related in his moving papers:

"Earl Caldwell has been covering the Panthers almost since the Party's beginnings. Initially received hesitatingly and with caution, he has gradually won the confidence and trust of Party leaders and rank-and-file members. As a result, Panthers will now discuss Party views and activities freely with Mr. Caldwell. * * * Their confidences have enabled him to write informed and balanced stories concerning the Black Panther Party which are unavailable to most other newsmen.

If Mr. Caldwell were to disclose Black Panther confidences to government officials, the grand jury, or any other person, he would thereby destroy the relationship of trust which he presently enjoys with the Panthers and other militant groups. They would refuse to speak to him; they would become even more reluctant than they are now to speak to any newsmen; and the news media would thereby be vitally hampered in their ability to cover the views and activities of the militants."

The response of the United States disputed the contention that First Amendment freedoms were endangered.

"Newsmen filing affidavits herein allege that they fear, in effect, that the Black Panthers will refrain from furnishing them with news. This contention is specious. Despite some assertions by Black Panther leaders to the contrary, the Black Panthers in fact depend on the mass media for their constant endeavor to maintain themselves in the public eye and thus gain adherents and continued support. They have continued unceasingly to exploit the facilities of the mass media for their own purposes."

Assuming, arguendo, that this statement is correct, it is not fully responsive to the claim that First Amendment freedoms are endangered. The premise underlying the Government's statement is that First Amendment interests in this area are adequately safeguarded as long as potential news makers do not cease using the media as vehicles for their communication with the public. But the First Amendment means more than that. It exists to preserve an "untrammeled press as a vital source of public information," *Grosjean* v. *American Press Co.*, 297 U.S. 233, 250 (1936). Its objective is the maximization of the "spectrum of available knowledge," *Griswold* v. *Connecticut*, 381 U.S. 479, 482 (1965). Thus, it is not enough that Black Panther press releases and public addresses by Panther leaders may continue unabated in the wake of subpoenas such as the one here in question. It is not enough that the public's knowledge of groups such as the Black Panthers should be confined to their deliberate public pronouncements or distant news accounts of their occasional dramatic forays into the public view.

The need for an untrammeled press takes on special urgency in times of widespread protest and dissent. In such times the First Amendment protections exist to maintain communication with dissenting groups and to provide the public with a wide range of information about the nature of protest and heterodoxy. See, e.g., *Associated Press v. United States*, 326 U.S. 1, 20 (1945); *Thornhill* v. *Alabama*, 310 U.S. 88, 102 (1940).

The affidavits contained in this record required the conclusion of the District Court that "compelled disclosure of information received by a journalist within the scope of such confidential relationships jeopardizes

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Footnotes at end of article.

those relationships and thereby impairs the journalist's ability to gather, analyse, and publish the news."

Accordingly we agree with the District Court that First Amendment freedoms are here in jeopardy.

On the other side of the balance is the scope of the Grand Jury's investigative power.

In his moving papers appellant complained that the Government had not disclosed the subject, direction or scope of the Grand Jury inquiry and that efforts of counsel to obtain some specification had been unavailing.

"Government counsel has said only that the grand jury has 'broad investigative powers,' that he cannot 'limit the inquiry of the grand jury in advance,' and that the subject and scope of the grand jury's investigation is 'no concern of a subpoenaed witness.' "

The Government in opposing appellant's motion to quash, stated its position in these terms:

"On the basis of what he has written, directly quoting statements made to him for publication by spokesmen for the Black Panther Party, Earl Caldwell obviously can give and should come forward with evidence which will be helpful to the Grand Jury in its inquiry."

Thus, as is true in innumerable instances, the Grand Jury does not know what it wants from this witness. It wants to find out what he knows that might shed light on the general problem it is investigating. This type of wide-ranging, open-ended inquiry is, of course, typical of many Grand Jury proceedings. See *Hale* v. *Henkel*, 201 U.S. 43 (1906); Note, "The Grand Jury as an Investigatory Body," 74 Harv. L. Rev. 590, 591–92 (1961). If the privilege of silence as defined by the District Court is made available to news gatherers, the Grand Jury will be deprived of their assistance as witnesses in such general investigations.

The question posed below was whether, as a matter of law, this loss to the Grand Jury, this impediment to its traditionally broad scope of inquiry, outweighs the injury to First Amendment freedoms.

The Government stresses the historic traditions of the Grand Jury with its extensive powers of investigation, see, e.g., *Hale* v. *Henkel, supra,* and the corresponding duty of the citizenry to come before the Grand Jury to give testimony. *United States* v. *Bryan*, 339 U.S. 323 (1950); *Blair* v. *United States,* 250 U.S. 273 (1919). But these general propositions of Government authority necessarily are tempered by constitutional prohibitions and other exceptional circumstances. See *United States* v. *Bryan, supra,* at 331; *Blair* v. *United States, supra,* at 281–82. In this respect we find guidance in the Supreme Court decisions regarding conflicts between First Amendment interests and legislative investigatory needs,[3] the Court has required the sacrifice of First Amendment freedoms only where a compelling need for the particular testimony in question is demonstrated.[4]

If the Grand Jury may require appellant to make available to it information obtained by him in his capacity as news gatherer, then the Grand Jury and the Department of Justice have the power to appropriate appellant's investigative efforts to their own behalf—to convert him after the fact into an investigative agent of the Government. The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference; and that they should be able to protect their investigative processes. To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them. To do so where the result is to diminish their future capacity as news gatherers is destructive of their public function.[5] To accomplish this where it has not been shown to be essential to the Grand Jury inquiry simply cannot be justified in the public interest.

Further it is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship. See *New York Times* v. *Sullivan,* 376 U.S. 254, 279 (1964); *Smith* v. *California,* 361 U.S. 147 (1959).

It was on such considerations as these that the balance was struck by the District Court. It ruled:

"When the exercise of the grand jury power of testimonial compulsion so necessary to the effective functioning of the court may impinge upon or repress First Amendment rights or freedom of speech, press and association, which centuries of experience have found to be indispensable to the survival of a free society, such power shall not be exercised in a manner likely to do so until there has been a clear showing of a compelling and overriding national interest that cannot be served by any alternative means."

Finding that the Government had shown no compelling or overriding national interest for testimony of the sort specified, the District Court imposed the limits we have set forth earlier in this opinion. It reserved jurisdiction to modify its order on a showing of such governmental interest which cannot be served by means other than by appellant's testimony.

We agree with the District Court that the First Amendment requires this qualified privilege, and we find nothing unreasonable in the terms in which it was there defined.[6]

### ATTENDANCE

As we have noted, the issue upon this appeal goes beyond the question of a privilege to decline to respond to interrogation in certain areas. The District Court ruled that, although protected by its limited privilege, Caldwell was required to respond to the subpoena by appearing before the Grand Jury to answer questions not privileged. Appellant contends that his mere appearance before the Grand Jury will result in loss of his news sources. The Government questions this result.

The affidavits on file cast considerable light on the process of gathering news about militant organizations.[7] It is apparent that the relationship which an effective privilege in this area must protect is a very tenuous and unstable one. Unlike the relation between an attorney and his client or a physician and his patient, the relationships between journalists and news sources like the Black Panthers are not rooted in any service the journalist can provide his informant apart from the publication of the information so obtained. Goldstein, "Newsmen and their Confidential Sources," The New Republic 13 (March 21, 1970). The relationship depends upon a trust and confidence that is constantly subject to reexamination and that depends in turn on actual knowledge of how news and information imparted have been handled and on continuing reassurance that the handling has been discreet.[8]

This reassurance disappears when the reporter is called to testify behind closed doors. The secrecy that surrounds Grand Jury testimony necessarily introduces uncertainty in the minds of those who fear a betrayal of their confidences. These uncertainties are compounded by the subtle nature of the journalist-informer relation. The demarcation between what is confidential and what is for publication is not sharply drawn and often depends upon the particular context or timing of the use of the information. Militant groups might very understandably fear that, under the pressure of examination before a Grand Jury, the witness may fail to protect their confidences with quite the same sure judgment he invokes in the normal course of his professional work.

The Government characterizes this anticipated loss of communication as Black Panther reprisal; as manifesting a Black Panther demand that, "if you subpoena Caldwell, we will never speak to you again." It argues that it is unthinkable that the American people would capitulate to such extortion.

But it is not an extortionate threat we face. It is human reaction as reasonable to expect as that a client will leave his lawyer when his confidence is shaken. The news source has placed no price tag or exaction on enjoyment of First Amendment freedoms save its continuing confidence in the discretion of the reporter.[9]

As the Government points out, loss of such a sensitive news source can also result from its reaction to indiscreet or unfavorable reporting or from a reporter's association with Government agents or persons disapproved of by the news source. Loss in such a case, however, results from an exercise of the choice and prerogative of a free press. It is not the result of Government compulsion.

We conclude that the privilege not to answer certain questions does not, by itself, adequately protect the First Amendment freedoms at stake in this area; that without implementation in the manner sought by appellant the privilege would fail in its very purpose.

On the other side of the balance is the Grand Jury's right to summon this witness before it and in secrecy compel him to answer questions or to resort to his privileges. It is not the right to secure appearance and testimony that is itself in issue; the District Court's protective order alone would suffice were that all. It is the right to compel presence at a secret interrogation with which we are concerned.

Throughout history secret interrogation has posed problems and caused unease. See, e.g., Note, "An Historical Argument for the Right to Counsel During Police Interrogation," 73 Yale L.J. 1000, 1934–45 (1964). We do not doubt that secret interrogation is in general essential to the integrity and effectiveness of the Grand Jury process. However, implicit in the extraordinary nature of secret interrogations, is the possibility of conflict with basic rights. When this is shown to occur it is appropriate to inquire into the need in the particular case for the specific incursion. Since compulsion to attend and testify entails the exercise of judicial process, it is appropriate that the inquiry be judicially entertained.

The question, then, is whether the injury to First Amendment liberties which mere attendance threatens can be justified by the demonstrated need of the Government for appellant's testimony as to those subjects not already protected by the privilege.

Appellant asserted in affidavit that there is nothing to which he could testify (beyond that which he has already made public and for which, therefore, his appearance is unnecessary) that is not protected by the District Court's order. If this is true—and the Government apparently has not believed it necessary to dispute it—appellant's response to the subpoena would be a barren performance—one of no benefit to the Grand Jury. To destroy appellant's capacity as news gatherer for such a return hardly makes sense. Since the cost to the public of excusing his attendance is so slight, it may be said that there is here no public interest of real substance in competition with the First Amendment freedoms that are jeopardized.

If any competing public interest is ever to arise in a case such as this (where First

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Amendment liberties are threatened by mere appearance at a Grand Jury investigation) it would be on an occasion in which the witness, armed with his privilege, can still serve a useful purpose before the Grand Jury. Considering the scope of the privilege embodied in the protective order, these occasions would seem to be unusual. It is not asking too much of the Government to show that such an occasion is presented here.

In light of these considerations we hold that where it has been shown that the public's First Amendment right to be informed would be jeopardized by requiring a journalist to submit to secret Grand Jury interrogation, the Government must respond by demonstrating a compelling need for the witness' presence before judicial process properly can issue to require attendance.

We go no further than to announce this general rule. As we noted at the outset, this is a case of first impression. The courts can learn much about the problems in this area as they gain more experience in dealing with them. For the present we lack the omniscience to spell out the details of the Government's burden [10] or the type of proceeding that would accommodate efforts to meet that burden.[11] The fashioning of specific rules and procedures appropriate to the particular case can better be left to the District Court under its retained jurisdiction. Cf., *White Motor Co.* v. *United States,* 372 U.S. 253 (1963).

Finally we wish to emphasize what must already be clear: the rule of this case is a narrow one. It is not every news source that is as sensitive as the Black Panther Party has been shown to be respecting the performance of the "establishment" press or the extent to which that performance is open to view. It is not every reporter who so uniquely enjoys the trust and confidence of his sensitive news source.

### THE FOURTH AMENDMENT ISSUE

Appellant also moved to quash the Grand Jury subpoenas on the ground that they were based upon information obtained by unconstitutional surveillance of his interviews with Black Panther members. He sought a hearing to determine whether the subpoenas were so obtained. *Alderman* v. *United States,* 394 U.S. 165 (1969). The District Court denied the motion solely on the ground that appellant lacked standing to raise the Fourth Amendment contention. This is assigned as error.

In light of our disposition of the First Amendment question in this case, we need not reach this issue. The United States might never meet the First Amendment burden imposed upon it by the District Court order as here implemented. Even if the Government does meet that burden, the court may not have to reach this Fourth Amendment claim; the Government's showing of need for appellant's testimony may disclose a basis for the Government's information which would present no Fourth Amendment problem. If such a problem is presented it could then be discussed in light of the specific facts.

Accordingly, we regard decision upon this question as unnecessary to the present disposition of the case. We reserve the issue and decline to reach it here.

Reversal and remanded with instructions that the judgment of concept and the order directing attendance before the Grand Jury be vacated. The District Court under its retained jurisdiction may entertain such further proceedings as may be initiated by the United States.

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### FOOTNOTES

[*] Honorable William J. Jameson, United States District Judge for the District of Montana, sitting by designation.

[1] Where, as here, the alleged abridgement of First Amendment interests occurs as a by-product of otherwise permissible governmental action not directed at the regulation of speech or press, "resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown." *Barenblatt* v. *United States,* 360 U.S. 109, 126 (1959); see, e.g., *Konisberg* v. *State Bar,* 366 U.S. 36, 50–51 (1961); *Bates* v *Little Rock,* 361 U.S. 516 (1960); *NAACP* v. *Alabama,* 357 U.S. 449, 460–67 (1958); Kalven, "The New York Times Case: A Note on 'The Central Meaning of the First Amendment,'" 1964, Sup.Ct.Rev. 191 214–16 (1964).

[2] The first subpoena was served February 2, 1970. It directed appellant to appear and testify and to bring with him notes and tape recordings of interviews reflecting statements made for publication by officers and spokesmen for the Black Panther Party concerning the aims, purposes and activities of the organization. On March 16, after appellant had protested the scope of the subpoena, a second subpoena was served. It simply required appellant's attendance. Appellant's motion to quash was directed to both subpoenas. The court denied the motion and directed compliance with the March 16 subpoena subject to the protective order. Appellant appealed that decision; but the appeal was dismissed, apparently on the ground that the District Court order was not appealable. By then the term of the Grand Jury had expired, and a new Grand Jury was sworn. A new subpoena ad testificandum was served on May 22, 1970. All proceedings had in connection with the earlier subpoenas were made a part of the record of the proceedings concerning this last subpoena. A new order directing attendance was issued; this order also contained the protective provisions or privilege. It is appellant's disregard of that order which resulted in the judgment of contempt now before us.

[3] Like the Grand Jury, legislative committees have long been viewed as invaluable instruments of governance. See, *e.g., Barenblatt* v. *United States,* 360 U.S. 109, 111 (1959); *United States* v. *Rumely,* 345 U.S. 41, 43 (1953).

[4] *DeGregory* v. *Attorney General of New Hampshire,* 383 U.S. 825 (1966); *Gibson* v. *Florida Legislative Investigation Committee,* 372 U.S. 539 (1963); *NAACP* v. *Alabama,* 357 U.S. 449, 460–67 (1958); *Sweezy* v. *New Hampshire,* 354 U.S. 235 (1957); *Watkins* v. *United States,* 354 U.S. 178 (1957); *United States* v. *Rumely,* 345 U.S. 41 (1953). It is necessary that, as the investigation proceeds, step-by-step, "an adequate foundation for inquiry must be laid." *Gibson* v. *Florida Legislative Investigation Committee, supra,* at 557.

[5] It is a paradox of the Government's position that, if groups like the Black Panthers cease taking reporters like appellant into their confidence, these journalists will, in the future, be unable to serve a public function either as news gatherers or as prosecution witnesses.

[6] *Garland* v. *Torre,* 259 F.2d (2d Cir.) *cert denied,* 358 U.S. 910 (1958), is not to the contrary. That case involved a libel suit in which an author attributed alleged defamatory remarks reported by her to a "network executive." The author, when called as a witness in the libel action against the network, claimed a First Amendment privilege not to disclose the informant's identity and was held in contempt for her refusal to divulge the source.

The Second Circuit (per Judge, now Mr. Justice, Stewart) affirmed the judgment of contempt. But, in doing so, it accepted the proposition "that compulsory disclosure of confidential sources of information may entail an abridgement of press freedom * * *" Id., at 548. The test was "whether the interest to be served by compelling the testimony of the witness in the present case justifies some impairment of this First Amendment freedom," Id. In that case the court noted that it was "not dealing here with the use of the judicial process to force a wholesale disclosure of a newspaper's confidential sources of news nor with a case where the identity of the news source is of doubtful relevance or materiality." Id., at 549–50. There the information was essential for the trial of plaintiff's case; "The question asked of appellant went to the heart of plaintiff's claim." Id. Thus an over-riding need for the specific testimony was shown.

[7] One reporter for the New York Times states: "[O]n every story there is a much subtler and much more important form of communication at work between a reporter and his sources. It is built up over a period of time working with and writing about an organization, a person, or a group of persons. The reporter and the source each develops a feeling for what the other will do. The reporter senses how far he can go in writing before the source will stop communicating with him. The source, on the other hand, senses how much he can talk and act freely before he has to close off his presence and his information from the reporter. It is often through such subtle communication that the best and truest stories are written and printed in The Times, or any other newspaper."

Appellant relates his own experiences as follows:

"I began covering and writing articles about the Black Panthers almost from the time of their inception, and I myself found that in those first months that they were very brief and reluctant to discuss any substantive matter with me. However, as they realized I could be trusted and that my sole purpose was to collect my information and present it objectively in the newspaper and that I had no other motive, I found that not only were the party leaders available for in-depth interviews but also the rank and file members were cooperative in aiding me in the newspaper stories that I wanted to do. During the time that I have been covering the party, I have noticed other newspapermen representing legitimate organizations in the news media being turned away because they were not known and trusted by the party leadership.

"As a result of the relationship that I have developed, I have been able to write lengthy stories about the Panthers that have appeared in The New York Times and have been of such a nature that other reporters who have not known the Panthers have not been able to write. Many of these stories have appeared in up to 50 or 60 other newspapers around the country.

"The Black Panther Party's method of operation with regard to members of the press is significantly different from that of other organizations. For instance, press credentials are not recognized as being of any significance. In addition, interviews are not normally designated as being 'backgrounders' or 'off the record' or 'for publication' or 'on the record.' Because no substantive interviews are given until a relationship of trust and confidence is developed between the Black Panther Party members and reporters, statements are rarely made to such reporters on an expressed 'on' or 'off' the record basis. Instead, an understanding is developed over a period of time between the Black Panther Party members and the reporter as to matters which the Black Panther Party wishes to disclose for publication and those matters which are given in confidence."

He concludes:

"* * * if I am forced to appear in secret grand jury proceedings, my appearance alone would be interpreted by the Black Panthers and other dissident groups as a possible disclosure of confidences and trusts and would similarly destroy my effectiveness as a newspaperman."

A fellow black reporter, on leave of absence from The New York Times, states:

"From my experience, I am certain that a black reporter called upon to testify about black activist groups will lose his credibility in the black community generally. His testifying will also make it more difficult for other reporters to cover that community. The net result, therefore, will be to diminish seriously the meaningful news available about an important segment of our population."

[8] This is not necessarily true of every news source. In political and diplomatic areas where the source is an undercover tipster the relationship may well be sufficiently protected by a privilege not to disclose the source.

[9] Quite a different situation would be presented were the demand unrelated to the privileged relationship: E.g. "The police must free our leader."

[10] Appellant, in his brief to this court, has carefully spelled out what he feels would be required:

"Specifically, we contend that, before it may compel a newsman to appear in grand jury proceedings under circumstances that would seriously damage the news-gathering and reporting abilities of the press, the Government must show at least: (1) that there are reasonable grounds to believe the journalist has information, (2) specifically relevant to an identified episode that the grand jury has some factual basis for investigating as a possible violation of designated criminal statutes within its jurisdiction, and (3) that the Government has no alternative sources of the same or equivalent information whose use would not entail an equal degree of incursion upon First Amendment freedoms. Once this minimal showing has been made, it remains for the courts to weigh the precise degree of investigative need that thus appears against the demonstrated degree or harm to First Amendment interests involved in compelling the journalist's testimony." While there is much to commend this suggestion, we are not certain that it represents the best or most satisfactory formulation of the requirement. See, for example, *People* v. *Dohrn, et al.*, Circuit Court of Cook County, Criminal Division, No. 69-3808, May 20, 1970.

[11] Appellant suggests that the Government's specification of need could be presented *in camera* to the District Court with appellant or his counsel present.

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## REPORTS AND PROPOSALS

### ATTORNEY GENERAL'S GUIDELINES FOR SUBPOENAS TO NEWS MEDIA

The Justice Department guidelines announced by Attorney General John N. Mitchell for government attorneys in requesting subpoenas to members of the news media who may have information in criminal cases, announced in his address to the American Bar Association House of Delegates August 10, 1970, appears below in full text.

The Department of Justice recognizes that compulsory process in some circumstances may have a limiting effect on the exercise of First Amendment rights. In determining whether to request issuance of a subpoena to the press, the approach in every case must be to weigh that limiting effect against the public interest to be served in the fair administration of justice.

The Department of Justice does not consider the press "an investigative arm of the government." Therefore, all reasonable attempts should be made to obtain information from non-press sources before there is any consideration of subpoenaing the press.

It is the policy of the Department to insist that negotiations with the press be attempted in all cases in which a subpoena is contemplated. These negotiations should attempt to accommodate the interests of the grand jury with the interests of the news media.

In these negotiations, where the nature of the investigation permits, the government should make clear what its needs are in a particular case as well as its willingness to respond to particular problems of the news media.

If negotiations fail, no Justice Department official should request, or make any arrangements for, a subpoena to the press, without the express authorization of the Attorney General.

If a subpoena is obtained under such circumstances without this authorization, the Department will—as a matter of course—move to quash the subpoena without prejudice to its rights subsequently to request the subpoena upon the proper authorization.

In requesting the Attorney General's authorization for a subpoena, the following principles will apply:

A. There should be sufficient reason to believe that a crime has occurred, from disclosures by non-press sources. The Department does not approve of utilizing the press as a spring board for investigations.

B. There should be sufficient reason to believe that the information sought is essential to a successful investigation—particularly with reference to directly establishing guilt or innocence. The subpoena should not be used to obtain peripheral, non-essential or speculative information.

C. The government should have unsuccessfully attempted to obtain the information from alternative nonpress sources.

D. Authorization requests for subpoena should normally be limited to the verification of published information and to such surroundings circumstances as relate to the accuracy of the published information.

E. Great caution should be observed in requesting subpoena authorization by the Attorney General for unpublished information, or where an orthodox First Amendment defense is raised or where a serious claim of confidentiality is alleged.

F. Even subpoena authorization requests for publicly disclosed information should be treated with care because, for example, cameramen have recently been subjected to harassment on the grounds that their photographs will become available to the government.

G. In any event, subpoenas should, wherever, possible, be directed at material information regarding a limited subject matter, should cover a reasonably limited period of time, and should avoid requiring production of a large volume of unpublished material. They should give reasonable and timely notice of the demand for documents.

These are general rules designed to cover the great majority of cases. It must always be remembered that emergencies and other unusual situations may develop where a subpoena request to the Attorney General may be submitted which does not exactly conform to these guidelines.

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## IRVING ABRAMSON

Mr. WILLIAMS. Mr. President, this week marks the retirement of one of America's foremost labor leaders, Irving Abramson, general counsel of the International Union of Electrical, Radio, and Machine Workers. Many Senators have expressed admiration for Mr. Abramson's career on the occasion of his retirement, including the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that Senator JACKSON's letter to me concerning Mr. Abramson be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
*Washington, D.C., June 23, 1971.*

Hon. HARRISON A. WILLIAMS, Jr.
*Old Senate Office Building,*
*Washington, D.C.*

DEAR PETE: It is a great honor and privilege for me to have this opportunity to express my admiration for a distinguished American who rose from poverty by virtue of his diligence and brilliance while retaining a lifelong commitment to help achieve a better life for working men and women throughout the country.

It is fitting that we should acknowledge our admiration of the extraordinary service of New Jersey's own Irving Abramson, civic leader and distinguished labor leader.

The tireless work of more than 40 years by this man has helped to achieve the economic security and social dignity that make the working men and women of this country envied by their peers throughout the world.

Irving Abramson helped to shape a labor movement that was young and vigorous; he helped it grow during those difficult years of the 1930's when the outcome remained in doubt; and he has helped to give it wisdom during its years of power and maturity. The life of Irving Abramson and the development of the American Labor movement are intertwined.

It is significant that the legal career of this man came only after he had already attained a position as one of the leading trade union leaders on the East Coast including the presidency of the New Jersey State CIO Council, and eastern area director of the CIO.

This distinguished American served his state as a member of both the State Housing Authority and Rehabilitation Commission. He served his Nation as a member of the Executive Committee of the National War Fund, Enemy Alien Board, and as Chairman of the CIO War Relief Committee. His distinguished service brought him the gratitude of the United Kingdom who presented him with the King George Award for Freedom.

The career of this man is distinguished. The high offices he has held reflect the trust he inspired in those with whom he became associated. Though he received offices and honors, Irving Abramson, labor leader and civil leader, labor lawyer and legal scholar, never forgot the great task he had set for himself as a young man. That goal, the achievement of economic security and social dignity for working men and women, was and is visible in the 40 year record of this man. He has argued the case of the working man in courts throughout the land and won landmark cases involving Group Health Insurance and the Textile Workers Union.

His legal scholarship includes a significant document on Industrial Security presented at Cornell University. This paper reflects the experience of a man whose dedication to civil liberties made him a leader in the representation of working men, who as alleged security risks, lost their employment through denial of access to classified information.

Mr. Abramson will retire as general counsel of the International Union of Electrical, Radio and Machine Workers on July 1st. He is a great labor leader, a great lawyer, and a great American. He will be missed.

Sincerely yours,
HENRY M. JACKSON,
*U.S. Senator.*

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## UNEMPLOYMENT AMONG VIETNAM WAR VETERANS

Mr. THURMOND. Mr. President, for some time now I have been greatly concerned about the growing problem of unemployment among veterans of the Vietnam War. Unemployment among these young men is twice the rate of nonveterans of the same age. I find it intolerable that these men who have served their country in Vietnam should face a greater job hurdle than those who have not.

Around the country there are some 352,000 Vietnam-era veterans officially listed as unemployed. The Labor Department shows 13.6 percent unemployment among 20- to 24-year-old veterans and 10.6 percent for nonveterans of the same age.

Last week I was pleased to note that business leaders pledged to President Nixon that they would find at least 100,000 jobs in the next year for servicemen returning from the Vietnam war. The chairman of the National Alliance for Businessmen, Mr. John Harper, told the President that in addition to finding 100,000 jobs for these veterans, the alliance would continue its efforts to find jobs for the hard core unemployed.

This is a positive move in the right direction. Mr. Harper and the National Alliance for Businessmen are to be commended for their leadership in this much needed emphasis.

It is, however, only a first step. Much more needs to be done. Last year about 500,000 GI's came home from Vietnam. Another 200,000 are expected through 1971 as our forces there decrease. Most of them are young—22 percent have had infantry training only, another 13 percent have had other related training with minimum civilian usage, and 19 percent of the men have had clerical training which is often of limited value in civilian life. It shows that more than half of the returning servicemen today may face uncertain job futures.

I call upon the business community everywhere to give urgent consideration to these returning veterans, particularly in cooperation with manpower training programs. It is my hope that more people can be trained to make their own way in the world, reducing the welfare rolls and making more productive citizens. It is incumbent upon all of us, who are potential employers, to help these people, especially these young veterans, who have not had previous opportunities of work. We owe it to them to help them find and earn a rewarding place in society.

## CUBAN REFUGEE PROGRAM

Mr. BROOKE. Mr. President, as a member of the Appropriations Committee, and particularly as a member of the Foreign Operations Subcommittee which has been considering the many aspects of our foreign assistance program, I was deeply disturbed to read in the newspapers that the full committee has specifically deleted from the continuing resolution any funds for the Cuban refugee program.

It is my understanding that a continuing resolution is adopted for the purpose of providing funds at existing levels for ongoing programs, until such time as the specific appropriations legislation can be passed. A continuing resolution should not, in my judgment, be used as a vehicle for terminating programs at a time when they are still under consideration by the appropriate committees and subcommittees.

In addition to the procedural question, however, I find it most disturbing that we should attempt to abrogate, suddenly and without warning, a program which has brought so many thousands of political refugees to our shores and on which so many thousands more still depend.

Since November 1965, when the program was initiated, "freedom flights" from Castro's Cuba have brought 232,000 people to the United States. In order to qualify for these flights, Cuban citizens must declare their intent to immigrate—a process which leads to loss of jobs, income and property, severe social stigmatization, and even harassment by the Cuban authorities for the many months or years of their wait for a seat on the "freedom flight."

Upon their arrival in the United States, it is true that the Cubans are provided with basic welfare assistance. But they do not stay on welfare for very long. According to the Census Bureau, Cubans who have emigrated to the United States, many of whom have settled in my State of Massachusetts, had a median family income of $5,957 in November of 1969. They are hard working people, and have an extremely low unemployment rate. Eighty-one percent of the refugees receiving welfare assistance, in fact, are over the age of 60.

Mr. President, I believe it would be a tragedy to terminate so abruptly a program which has provided life and hope to many thousands of citizens of this hemisphere. This country has never closed its borders to those who seek refuge here. Let us not begin now.

I profoundly urge that this provision be deleted from the continuing resolution.

## HENRY AUBIN ON HEALTH CARE IN THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, the condition of health care in America stands in a curious position. Of all the nations in the world, America leads in the quality of medical technology that it has perfected. Unfortunately, this vast amount of medical knowledge and technique is available to only some of the American people, not to all of the people.

Last week, the Washington Post published a major six-part series by Mr. Henry Aubin on health care in the District of Columbia.

The first article in the health care series examines the soaring hospital costs in Washington and across the Nation. Needless hospitalization, skyrocketing medical malpractice insurance, batteries of unneeded tests, lack of effective cost control budgets, and uneconomical hospital planning all contribute to rising hospital costs.

The second article explores the new trend among physicians to join group practices. Reducing overhead and increasing effectiveness are the reasons most often cited for this new trend.

The third article places much of the responsibility for large hospital bills on the private health insurance industry. Insurance firms fail to exercise control over hospital costs. They encourage hospitalization and tolerate administrative waste in the insurance plans they sell.

The fourth article examines the quality of medical care available to many Washington residents. Fragmentation of various programs and organizations in the health field has led to vast inequities in medical care throughout the city.

The doctor shortage in Washington, D.C., is examined in the fifth article. Crime and urban problems are cited as reasons for not practicing in the city, while the suburbs offer doctors such inducements as cheap rents, tax breaks, and a clientele that can better afford to pay.

In the last article, Mr. Aubin discusses the participation of Washington doctors in medicaid. The amount of paperwork and the delays in reimbursement have been frequently criticized. However, medicaid has enabled a number of doctors to practice in the inner city—without the program, these doctors would find it impossible to treat poor patients.

I believe that Mr. Aubin's articles will be of interest to all of us in the Senate concerned with the health crisis. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Soaring Hospital Costs—Who Is to Blame?

*First in a Series*

(By Henry Aubin)

The cost of care in many Washington hospitals has soared by more than three times the rate of the area's cost of living since 1965, and authorities say it is unlikely to level off soon.

The average charge for a paying patient at one large teaching hospital, Georgetown University Hospital, was $135 a day in 1970, an 87 per cent increase since 1965, according to the hospital.

And during the first five months of 1971 the average charge jumped an additional 9 per cent over last year's rate to $147.22 a day.

Indeed, whereas a patient at many of the city's 14 private general hospitals might have paid only about $70 a day six years ago, today the patient can expect to pay $120 or more.

Hospital officials blame rising labor cost and inflation for much of the increase. But another central cause is a health care system that encourages high costs through unnecessary hospitalization of patients and inefficient use of facilities and personnel.

Patients here are frequently footing the bill:

For some doctors who cluster patients in hospitals whether they need to be there or not, so they can see more patients in less time, with hospital personnel doing much of the work. Doctors' net incomes are increasing far in excess of the cost of living.

For patients who don't, or can't pay themselves. For example, Washington Hospital Center, which says that one patient in four at its emergency room gives the wrong name and address, reports some $5.8 million in unpaid debts that have to be subsidized by paying patients.

For skyrocketing medical malpractice insurance. One surgeon says that, although he has never been sued, his premiums today are 16 times larger than they were 25 years ago, and rates for Washington hospitals are higher than for suburban ones.

For "defensive medicine," or unnecessary treatment, that may mean an additional 10 per cent on hospital bills. To reduce the risk of malpractice charges and to ease patients' fears that they are not getting all the attention they should, some doctors say that often utterly useless tests and X-rays are given, along with consultations that prolong the patients' hospital stay.

For education of student nurses, interns and residents, often costing in excess of $10 daily. Furthermore, young trainees may order batteries of unneeded tests—"everything but the kitchen sink," acknowledges one hospital official—not for their protection but for their education.

For uneconomical regional planning—or lack of planning—among hospitals. In Northern Virginia, for example, booming hospital construction is expected to result in more hospital beds than are needed, according to projections by the area's Health Facilities Planning Council, consequently lowering over all occupancy rates and perhaps increasing the individual costs for all patients.

For the long-established preference of hospitals for each to have its own special facilities—such as laundries—instead of sharing common facilities for lower costs. Local hospitals are beginning to consider such arrangements, but they lag far behind many other cities in this field.

For alleged waste, inefficiency, and misdirected policies of private and government health plans, which pay 80 per cent of hospital bills. Critics charge that the largest of these plans, Blue Cross and Blue Shield, is closely tied to the hospitals and therefore fails to control hospital costs, encourages hospitalization, and tolerates waste by its own personnel, passing along the bill to the public through higher rates.

Hospitals say they are taking steps to trim needless costs. For example, Washington Hospital Center, whose 843 beds make it the largest private hospital in town, reports that its costs increased by 10.8 per cent in 1970, down from its annual average increase of 12 per cent or more during the previous five years.

But, overall, hospital costs in Metropolitan Washington jumped by 14.9 per cent in 1970, a slight increase over 1969's rate of 14.2 per cent, according to the Hospital Council of the National Capital Area, Inc. By comparison, the cost of living in the area went up 5.3 per cent in 1970, says the U.S. Bureau of Labor Statistics.

Critics say increasing costs will continue indefinitely because hospitals lack the economic incentive necessary for large-scale reform; they don't pay for those costs. The public does—through its insurance carriers and taxes.

Because hospitals know they will be reimbursed "they tack on costs in an aimless way," asserts an outspoken critic, Dr. Arthur A. Morris, treasurer and vice president of downtown Washington's Doctors Hospital. Fewer than half of the metropolitan area's 28 nonfederal hospitals, Morris says, draw up "effective cost control budgets before the start of a spending year."

District hospitals could actually cut their costs by an average of as much as 20 per cent if they would accept wholesale revision of long-established procedures, estimates Morris, who is also chairman of the Hospital Council's committee of financial requirements of hospitals.

Most hospital officials say they are working toward more efficiency, but nevertheless they say costs will get higher, not lower. As the comptroller of Washington Hospital Center, Jose Blanco, told a Senate panel investigating costs last year:

"Let's stop pretending that a comprehensive health program is going to be inexpensive. It is going to cost, more and more."

Indeed, if Washingtonians seethe at the prices they are paying, they might consider what is happening elsewhere.

Hospitals in eight other cities charged more for room and board than in Washington in 1969, according to the most recent survey by the American Hospital Association. (The price for room and board often comprises only half or a third of a patient's total bill; but it is a common measure for comparing overall hospital costs among cities). On this scale, Baltimore ranked sixth and New York first. But that is small consolation for Washington residents.

Since 1965, the cost of living here has increased by more than 26 per cent, according to the Department of Labor.

That, by hospital standards, was a mere trot:

At Washington Hospital Center the average inpatient was charged $116 a day in 1970 for all kinds of treatment and accommodations, the hospital says. It estimates that the average daily cost has increased approximately 80 per cent since 1965.

At Cafritz Memorial Hospital the average patient was billed $124 a day in January, a 72 per cent increase over the rate in 1966, when the hospital opened, the hospital says.

Also, Providence Hospital says its average costs for treating patients increased by 97 per cent between 1965 and 1970. George Washington University Hospital reports that its average patient costs jumped by 103 per cent between fiscal 1965 and fiscal 1970.

Overall, Washington hospitals exceeded the national cost per patient day by 29 per cent in 1969, the last year for which the Health Insurance Institute has figures.

Maryland topped the national average by 14 per cent. Virginia was below it by 23 per cent.

Payrolls comprise the biggest part of expenses for all hospitals. The payroll comes to about two-thirds of most hospitals budgets.

Nurses make up about a third of the payroll, and service personnel such as housekeepers, launderers, porters and kitchen help claim 16 or 17 per cent, according to the heads of two large local hospitals, Cafritz and George Washington.

Salaries for the administration—including fiscal and busines employees, public relations personnel and data processors—average 10 per cent, officials at the two hospitals say. The remainder goes to technicians, therapists, house medical staffers, pharmacy personnel and other skilled workers.

Hospitals' public relations departments are quick to answer queries on rising costs by pointing to pay raises given to housekeepers, porters, nurses and other relatively low-paid personnel. And the PR officials are quick to produce figures showing just how much more money these employees are making than a few years ago.

But queries on how much high paid employees are earning are unanswered.

Washington Hospital Center, Cafritz, George Washington University Hospital and Georgetown University Hospital were asked how much their administrators—the top officer of each hospital—were earning. Officials at each hospital refused to discuss front-office salaries.

Hospitals also refuse to make public their payments to pathologists. Pathologists, who are in charge of laboratories, are the highest paid physicans at many hospitals around the country, often earning more than $100,000 a year. One non-administrative source at Washington Hospital Center said senior pathologists there could earn $60,000 a year after expenses and before taxes.

Critics like Morris contend that many employees on hospital payrolls are unnecessary. They say hospitals could manage well with significantly fewer employees, thereby saving the patient more money.

For every 100 patients, Washington hospitals hire 304 workers, 33 more than Virginia hospitals and 25 above the national average in 1969, according to the American Hospital Association. Maryland was even higher, having 54 employees above the national average.

A decade ago, the average hospital around the country made do with 20 per cent less manpower to care for patients on a per capita basis.

"There seems to be an inevitability about this rise, and it's an inevitability that seems to be passively accepted rather than fought," Norman W. Skillman, director of cost-fighting Chester County Hospital in Pennsylvania told the Senate Subcommitte on Anti-Trust and Monopoly Legislation at a hearing on hospitals.

Some Washington hospitals have succeeded in reducing their work force through attrition. Washington Hospital Center, for one, found that by cutting out useless procedures for patient care it could get along with fewer workers. One such useless regulation, recently dropped, required the temperature of all patients—even those with broken bones—to be checked four times a day. Now these checks are made only when warranted, says a spokesman.

By sharing more facilities and services, cost-cutters argue, hospitals can save considerably.

Hospitals in some other cities have done so. Some examples cited by the Department of Health, Education, and Welfare's health care facilities service:

Thirteen hospitals in Metropolitan Minneapolis formed a drug purchasing group in 1969 in order to obtain lower-cost stock for their pharmacies.

Twenty-four medical facilities in the Boston area formed a laundry association in 1961.

Nine hospitals save more than $1.5 million a year by using a common computer service in Norfolk.

Washington hospitals have yet to form such ambitious arrangements, though William Bucher, director of the local hospital council, notes that four hospitals are now discussing the possibility of sharing a common laundry in Virginia. They are Cafritz, George Washington, Georgetown and Doctors. Doctors Hospital alone, Morris estimates could save $120,000 annually.

The other prominent example of hospitals sharing facilities, Bucher says, is the joint use of a leased computer by Washington Hospital Center and Children's Hospital. These two hospitals also share a security force. In addition, the center sells steam to nearby Veterans Administration Hospital—one of four federal hospitals in the city—thereby obviating the need for that hospital to build its own steam plant.

In many cities hospitals are criticized for insufficient sharing or expensive medical heart surgery units—each of which can cost several hundred thousand dollars to purchase, to provide special rooms for and to train and pay specialized personnel.

Why purchase this equipment? There are two points of view: that it enables the hospitals to use the latest techniques and thereby save lives, a view often articulated by the hospitals. The other is that it gives the hospitals status.

Dr. John F. Gillespie, a former cardiovascular researcher at Georgetown University Hospital and now president of Georgetown Consultants, Inc., a health profession consulting firm, says the second view carries weight in hospital decision-making: "The capabilities of performing these expensive and advanced techniques have caught the fancy of the public so that there exists a personal or institutional race for prestige, stimulated by the publicity fallout, in performing these feats."

The Washington area—with an estimated five open heart surgery units and five cobalt machines—does not have as much duplication in such services as many cities. The metropolitan Health Facilities Planning Council and the hospitals that maintain the machines say the local population requires every machine in town. But economy-minded critics like Morris and Gillespie say the area could get by with less of the expensive equipment.

Many health experts—Bucher, Morris and the staff of the planning council, to name a few agree, however, that the area's greatest duplication is in full-service hospital beds, particularly in Northern Virginia.

The planning council complains that when Potomac Hospital in Woodbridge and Centreville Hospital Medical Center add a combined total of 250 beds within the next two years, Northern Virginia will have 3,000 hospital beds. It won't need that many until 1980, says the council whose recommendations are only advisory.

The council's executive director, John R. McKinney, also says the council did not have the chance to review plans of Commonwealth Doctors Hospital, Fairfax, to add 80 beds. Two other nearby hospitals also plan to open more beds soon.

Because of the hospital boom in Northern Virginia, says the council, hospital occupancy rates there have already begun to slump.

In addition, a 600-bed hospital is planned for McLean Gardens, along Northwest Washington's Wisconsin Avenue. McKinney, Bucher and a host of other health planners say the District doesn't need another hospital.

The entire hospital construction situation bodes ill for hospital costs in the District, predicts Andrew L. Braun, a comprehensive health planner for the Metropolitan Washington Council of Governments.

Because more hospitals are going up in the Virginia suburbs, Braun says, more suburban residents who now rely on District hospitals will be using facilities nearer their homes. This, in turn, will reduce the number of paying patients in District hospitals and increase the price of per capita care—possibly, Braun speculates, even to the extent of driving even more patients from city to suburban hospitals.

On the other hand, Braun notes, if District hospitals say they must sometimes refuse admission to patients, regardless of their paying status, because all their beds are filled, then maybe more beds in the area are advisable.

A declining occupancy rate in District hospitals is already apparent in 1970, according to the planning council, occupancy rates for all hospital beds (except for newborn and convalescent care, and for federal hospitals) came to 80.4 per cent, down from 1969's rate of 82.5 per cent. The most efficient occupancy rate is 85 per cent, says the council.

And, of course, many of the patients who are in those beds have no business being there.

". . . If we exclude the few illnesses that honestly need hospitalization, along with specific surgery that is safer in a hospital environment, we could easily reduce our need for hospital beds by half," says Dr. Edward Pinckney, a California physician and critic of the national health scene.

Though some local doctors might quarrel with Pinckney's estimate, many others say privately that they dispatch a lot of people to hospitals who could be treated with their shoes on or in beds at home.

"Just this morning," said a prosperous internist, looking out over downtown Washington from his office, "I had a lady about 80 in this office. She was mobile, she could take care of herself.

"She had all the textbook symptoms of diabetes—a moderately severe case. Insulin was not necessary.

"I could," continued the doctor, asking not to be identified, "have treated her in the office several times a week, giving her oral medication.

"But it would have been cumbersome. She'd be here often. It would be time-consuming.

"In terms of my convenience it was much better to put her in the hospital, so I did."

The doctor, emphasizing that he was less inclined to hospitalize patients than most doctors, added that while he charges the same fee for hospital and office care ($12 a visit), seeing a patient in the hospital often takes less time than treating him in the office. "House staff and nurses have often done the examination, and all I have to do is check the chart and ask the patient how he is."

When several patients are at one hospital it's an even greater time-saver. And though it does take time to drive to hospitals, many doctors with downtown offices live in the suburbs and find they can conveniently stop at hospitals while commuting.

"Seeing patients at home," notes another doctor who shuns the practice, "is more logistically complicated."

Many patients, of course, prefer to go to hospitals because their insurance policies give greater reimbursements for hospital care than for cheaper office or home care.

As one District physician, also an internist, acknowledges: "Sometimes a doctor, under pressure from the patient or his family, will try to be a good guy and put the patient in the hospital if the patient's insurance pays for studies made in the hospital and on an outpatient basis."

"It has been my experience," says Dr. Pinckney, "that the typical patient who will cry out in protest against a personal medical fee of a few dollars is completely apathetic and indifferent when it comes to hundreds of dollars a day for hospital care, as long as someone else foots the bill.

"To some the few dollars a month paid out in premiums are negligible when compared to the widely publicized cost of the care they are ostensibly receiving."

Another problem, notes Pinckney, is that "incessant 'brainwashing' by doctors, hospitals, government and especially hospital insurance plans have led the American public automatically to look to the hospital as the epitome of health care."

Also adding to medical costs are patients who, less illusioned, sue for malpractice. They are getting more numerous and they are winning larger settlements.

In two recent cases in the area, juries awarded patients $265,000 and $600,000 from Washington Hospital Center and a dermatologist respectively.

Insurers say that Washington ranks high among cities for the incidence of such suits, and insurance rates are consequently rising. In the District, anesthesiologists, for example, now pay an average $1,400 in annual premiums, reports St. Paul Insurance Companies, Inc., one of the area's leading malpractice carriers. A year ago they paid $750.

In Virginia hospitals, however, St. Paul says its anesthesiologists have only to pay $825 in premiums to meet requirements. But that's up from $450 a year ago. In Maryland, the premiums went from $480 to $815.

The difference in premiums in the three places is about the same for surgeons, obstetricians and others.

The rates for hospitals themselves also vary widely in the three places. In Virginia, the premium rate for basic limits of liability has been 35 cents a bed for the last two years, St. Paul says. In Maryland the rate has been $1.90 per bed the last two years. But in the District, the per bed rate went up from $3.60 to $4.50 in February.

Other hidden costs patients pay for are the multimillion dollar education programs for student nurses, interns and residents at teaching hospitals. The main teaching hospitals in the city are Georgetown University Hospital, George Washington University Hospital, Freedman's Hospital, D.C. General Hospital and Washington Hospital Center.

While the quality of care is generally rated high at teaching hospitals because of the abundance of supervision and recent medical techniques, the patient pays for it. For example, about $13 or more of a patient's daily bill at Washington Hospital Center goes to pay for medical education, according to that hospital's comptroller, Jose Blanco.

Frequently, patients do not accrue benefits for paying for this education. Student nurses at the center, for example, spend much of their time in the classroom, not with patients. And less than half the nurses remain at the center after graduating.

". . . The question is not whether or not they stay with us," Blanco told the subcommittee. "We are training nurses for the health field, and I have a feeling that we need to do this. Somebody has to do it."

In all, counting payments for bad debts, indigent patients (the government pays for less than half their cost) and the medical education of others. Blanco estimates that a patient at his hospital pays more than $35 a day that is not directly related to the service he receives. That's about a third of the average daily bill.

On top of this are charges for unnecessary tests. All hospitals over-test, but teaching hospitals—those with many "young, enthusiastic and curious" doctors—do so the most, observes one veteran internist with privileges at Georgetown and Washington Hospital Center.

Some of the most overdone tests and their average 1969 costs in Washington, according to the American Hospital Association; urinalysis, $2.70; complete blood count, $5.70; chest X-ray, $16.40, and electrocardiogram, $17.90. Some of these, of course, are given again and again.

Patients also stay longer—and thus pay more—in teaching hospitals.

A 1968 national survey by the Commission on Professional and Hospital Activities, a Michigan-based group, found that the difference in the length of time patients remain in main teaching hospitals over nonteaching hospitals averaged 18 per cent.

The study ascribed a small part of this difference to the fact that teaching hospitals tend to deal with patients with more complicated illnesses, but it stated that most of the difference was attributable to the "teaching effect."

Presumably because of the large amount of teaching in the District, statistics compiled by the AHA for 1969 show that patients can expect to be hospitalized a little longer in Washington than other parts of the country.

The average length of stay in the District was 8.7 days, whereas the national average was 8.2 days. In Virginia the average was 8.3 days, in Maryland 8.6 days.

Hospitals have formed groups of doctors, called "utilization committees," which are supposed to make sure patients aren't staying longer than they ought. Reports on their effectiveness vary. Cafritz, for one, reports that its program is working well and that it has knocked a day off the average length of stay in recent years, bringing it down to 7.5 days.

An official at another hospital notes there's an economic incentive to cut the rate of lingering hospital patients so long as there is a waiting list—new patients tend to run up higher bills during their first few days of hospitalization, what with the number of tests and examinations.

But what larger economic incentives are there for efficiency?

All private general hospitals in the District are run on a break-even basis, and none make a profit as such. Most are corporations that call whatever excess of income they have over expenses not profit but "growth and development money."

Thus Washington Hospital Center growth and development fund last year was 2.8 per cent, or $1,018,954. The paying patient's bill is given a 4 per cent surcharge for this fund, and the money is invested in hospital equipment, expansion and new projects.

No matter how much their prices increase, then, hospitals with large portions of private patients tend to come out ahead.

One local hospital official, who asked not to be identified, explains the attitude of hospitals toward expenses with this question: "If someone told you (that) you could spend a vacation and spend as much money as you liked and you'd be paid back, how would you behave?"

Patients often have the same attitude. The hospitals pass the buck to the patient, he passes it on to his insurer.

The patient himself may not mind—someone else is paying. But now, with the premium rates for Blue Cross and other plans on the rise, the public is becoming more aware.

That may be a crucial first step.

For if the way to lower hospital costs is to lower hospital use, then, notes Dr. Pinckney, the "first prerequisite to reduce hospital costs is to . . . make the public accept the proven scientific fact that many, many diagnostic and treatment procedures can be done as well, if not better, in their doctor's offices."

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## Doctors' Pay Soars Above Living Costs

*Second in a series*

(By Henry Aubin)

The incomes of doctors, already the highest of all professionals, are climbing far in excess of the rising cost of living in Metropolitan Washington.

A survey of tax returns of 900 Washington area physicians shows that the average income, after professional expenses and before taxes, of general surgeons jumped 33 per cent between 1965 and 1969, the latest year for which figures were available. Net incomes of general practitioners in that period rose by 19 per cent; orthopedic surgeons, 38 per cent; neurosurgeons, 24 per cent, and internists, 18 per cent.

Meanwhile, the area's overall consumer price index increased in that period by 11.3 per cent, according to the U.S. Bureau of Labor Statistics.

The average income for the general practitioners in the survey was $38,848 in 1969. For internists it was $40,136 and for general surgeons, $49,400.

Leading the field were specialty surgeons: orthopedic surgeons averaged $80,000 and neurosurgeons, $85,000.

Internal Revenue Service figures dramatically confirm that the medical profession is far and away the best paid profession. National averages for the incomes of professional partners in 1968, the most recent year available, show physicians in group practice earned $36,250; lawyers, $24,419; dentists, $17,541; architects $16,003 and engineers, $13,628.

There is no evidence that soaring incomes of local doctors have significantly slackened with the economy in recent months, according to John C. Post, head of Professional Business Management, Inc., the area's largest and oldest consultant on doctors' financial affairs.

"The slumping economy has had some effect on other parts of the country but not much here," says Post, who advises some 1,500 area physicians and dentists in business matters.

He attributes this largely to the relative lack of unemployment among patients here, many of whom work for the government.

Health care costs in Metropolitan Washington are increasing at about 9 per cent faster than the national average. The Bureau of Labor Statistics says the price index for medical care—which includes physicians' fees, hospitals, drugs and prescriptions—rose by 38.9 per cent nationally between 1965 and 1970 and that it rose by 47.7 per cent in this area.

Doctors often cite their own rising professional expenses and the inflationary economy as the prime reason for their marked increase in patient fees.

"But," says William F. Berry, medical economist for the Bureau of Labor Statistics, "beneath the surface the medical profession is raising prices because it feels it can get those prices and it fears there may come a day when it can't—when the government will set a ceiling on medical prices."

### CARE IS BETTER

Doctors have also been benefiting financially by growing patient loads and the abandonment of most house calls. Doctors can see more patients in less time in their offices and, many doctors emphasize, the quality of care is better since more equipment is available in offices than can be toted about in the traditional black bag.

John Post argues that only a small minority of doctors are "out to make all the money they can"—no more than 5 per cent of his clients are that way, he says. "The primary purpose of the others is to help people."

"I think," he says, "the public in general has an exaggerated idea of doctors' incomes."

Post calls the introduction of governmental programs like Medicare and Medicaid the main reason for doctor's rising profits in the last several years. Under the programs, doctors are reimbursed by the government for treating the elderly and poor, care that many physicians used to do free.

"The average humanitarian doctor in Washington used to devote an hour or two of his day treating poor patients for nothing. That is largely done away with today—most doctors get some payment from every patient they see, whether from the government, the insurance carrier or the patient himself. That is one of the most striking developments here in the last five years," says Post, who has been on the local medical economies scene for the last 35 years.

### COSTS INFLATED

The bounteousness of Medicaid over the last three years brings the city government's top health official, Philip J. Ruthledge, to this conclusion: "Medicaid has probably done more to inflate the cost of medical care than it has to improve the quality of medical care in the District."

Nonetheless, 163 of 350 doctors polled by the D.C. Medical Society complained that Medicaid doesn't reimburse them enough and asked that the fee schedule be raised.

Increasingly, doctors here are also taking part in "group practices."

One of the simplest of such group arrangements—and also one of the most fashionable, notes D.C. Medical Society President Dr. Marvin C. Korengold—is for young doctors just out of training to go into business with an older doctor nearing retirement.

Under such an arrangement, the young doctor can get a quick entree into an established practice and not have to spend years to build up a clientele. He also saves on the high costs of buying his own equipment, which runs from $10,000 to $50,000 in many instances.

The older doctor also benefits—he can take more vacations and retire early, knowing there will be continuity in his practice, a continuity appreciated by patients as well.

About 1 physician in 10 in the Washington area is now a member of a "group"—usually of a larger size than the type just described. The concept was first adopted in earnest here about 20 years ago and has become increasingly common, though this part of the country still lags behind the West in its popularity.

### REDUCING OVERHEAD

"For many doctors it's almost a must, what with inflation and increasing costs. You try to reduce your overhead," notes Dr. Henry Ecker chairman of the D.C. Medical Society's executive board and himself an associate of a four-man group downtown.

The rationale behind groups is that by getting together and sharing equipment, facilities and personnel, each physician can increase his efficiency, savings and leisure. He also has easy access to consultations with other doctors.

Group practitioners tend to make more money than individual practitioners. According to 1967 IRS tax returns, the national average for group partners' net income was $36,143. The average for individual doctors was $27,208.

Despite higher profits to be gained by joining other physicians, there will probably always be a predominance of "solos," says Post. "Doctors are generally independent-minded," he notes.

"I know I'd probably make more money in a group," says Dr. Michael J. Halberstam, a downtown internist who intends to remain independent, "but a tremendous amount of tension mounts between partners when one is felt not be pulling his weight. Some doctors can work very well in that kind of situation, others can't."

Group practice has many definitions. Most broadly, it means any business set up by two or more physicians according to a pre-arranged formula.

### GROUP PRACTICES

Basically, three kinds of groups are popular in Washington:

The partnership, whereby members usually pool their earnings and divide the proceeds according to a prearranged formula. Each patient is billed jointly by the partnership, not just by the member who did the work.

The office association, whereby members share facilities but bill patients separately. Boosters of such an arrangement say it allows doctors to be more free with their time and to take vacations as desired.

The clinic, often comprised of a dozen or more specialists. The Yater Clinic, at 1780 Massachusetts Ave, NW, and the Washington Clinic, at 5401 Western Ave. NW, are the best known local examples of such large clinics requiring fees from patients for whatever services are rendered.

The Group Health Association, Inc., established in 1937 and comprising about 70 physicians, gives patients prepaid care. Under a contract signed with the city early this month, the association will provide care for and receive more than $350 annually for each of 1,000 Medicaid patients.

City health officials say the innovative program, which gives doctors an economic incentive to keep their patients healthy instead of only seeing them when they are ill, could result in better health care for the patients and also prove to be more profitable for doctors than the regular fee-for-service payment mechanism.

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## Pay Most of the Bills—Rising Hospital Costs Linked to Health Insurance Firms

*Third in a series*

(By Ronald Kessler)

The search for a solution to rising hospital costs is turning increasingly to those who pay most of the bills: The private and public health insurance plans.

About 80 per cent of hospital charges are paid by nonprofit Blue Cross and Blue Shield, private insurance companies, or government programs, primarily Medicaid and Medicare.

These charges have doubled in the Washington area in the past six years, while prices of other basic commodities sold in the area have risen by only 25 per cent, hospital and Labor Department figures indicate.

Hospital administrators cite a range of reasons for the sharp increases, from salary demands to burgeoning medical equipment technology and costs. But health experts, consumer spokesmen, and congressional and administration officials—including, to an extent, President Nixon—charge the health plans themselves with contributing to rising costs through waste, inefficiency, and misdirected policies.

Much of the criticism has been directed at Blue Cross and Blue Shield, by far the largest health plan. About half the hospital bills in the metropolitan area are paid by Blue Cross, local officials of the insurance plan estimate, and about half Washington's population is covered by Blue Shield and Blue Cross, the officials say. The plans also funnel Medicare and Medicaid payments in Washington and in many other areas of the country.

Blue Cross pays hospital bills, while Blue Shield pays doctor bills. Although they are legally separate, the organization sells policies together and have other ties. Operations are conducted by 74 local Cross plans and 72 local Shield plans throughout the country, with national offices in Chicago.

Critics contend Blue Cross and Blue Shield foster high medical costs by:

Failing to exercise control over hospital costs.

Encouraging hospitalization.

Tolerating administrative waste by the plan's personnel.

In January, the Senate Anti-trust and Monopoly Subcommittee was told of interesting expenses incurred by Blue Cross of Virginia, the Richmond-based local plan that covers all but the northern and southwestern section of Virginia.

Among them: memberships in country clubs, a car leasing contract for $30,000 more than a similar bid by another company, a $200,000 "contribution" to a company that turned out to be profit-making with a director who also was a director of Blue Cross, and $1 million for office furniture purchased without competitive bid from a company whose officials included another Blue Cross director. The $1 million price tag was said by the national office of Blue Cross to be higher than prices of similar furniture obtainable on the market.

And last spring, a House Government Operations Subcommittee heard testimony that the local Blue Cross plan covering metropolitan Washington—Group Hospitalization Inc.—kept in noninterest-bearing accounts at four Washington banks an average of $10 million. The money, kept in the accounts until 1967, represented premiums paid by federal employees who subscribe to the Federal Health Employes Health Benefits Program.

Three directors of Blue Cross' Group Hospitalization also were directors at three of the banks. The bank with 85 per cent to 90 per cent of the non interest bearing money—National Savings and Trust Co.—appeared to have closer ties: its president and chairman, Douglas R. Smith, was treasurer of Group Hospitalization; another director of the bank, F. P. Rawlings, Jr., was president of Group Hospitalization.

By the estimate of the subcommittee counsel, the loss to federal employes from the banking arrangement was $700,000 to $800,000 a year in interest. A class action suit has been filed on behalf of members of the federal plan in an attempt to recover the money.

A spokesman for Group Hospitalization stresses that the decision to keep the money in accounts free of interest was made by national headquarters, and a spokesman for the Virginia plan says many of the expenses disclosed at the congressional hearing have been stopped.

Walter J. McNerney, president of the national Blue Cross Association Inc., in Chicago, contends that in the area of administrative costs, "Nobody has a better record than Blue Cross and Blue Shield. Only about 5 per cent of our subscription income is retained for administration."

Social Security Administration figures indicate that administrative costs of commercial health insurance carriers—which combined pay almost as many hospital bills as Blue Cross—are nearly double that of Blue Cross and Blue Shield. Critics say the remaining 95 per cent of Blue Cross-Blue Shield expenses—those allocated to pay hospital and doctor bills—are most in need of reform.

At the core of the problem, says Sen. Philip A. Hart (D-Mich.), who heads the antitrust subcommittee, is that Blue Cross and Blue Shield "appear to be tied in with the organizations that it faces across the bargaining table, raising questions about whether negotiations with hospitals and doctors over fees are conducted "at arm's length."

The negotiations are among the unique features of Blue Cross and Blue Shield operations. Other insurance carriers simply reimburse patients or hospitals for charges billed. Blue Cross, which covers hospital expenses, initially pays normal billing charges, but at the end of each year negotiates a discount rate based on each hospital's actual costs for the year.

Joseph P. Gamble, senior vice president of Blue Cross' Group Hospitalization Inc. in Washington, rejects the contention that there is a close tie between Blue Cross and hospitals. He characterizes the connection as a "business relationship," perhaps similar to a supplier of a company.

But Gamble and other Blue Cross-Blue Shield officials concede that the plan is unique in several other respects:

Rights to the Blue Cross name and emblem are owned by the American Hospital Association, a trade group of hospitals, that can revoke an individual Blue Cross-Blue Shield membership if certain rules are violated.

The national and local governing boards of Blue Cross and Blue Shield are dominated by representatives of medical societies and hospitals.

In Washington, 10 of the 15 directors of the Blue Cross Group Hospitalization are hospital trustees or medical doctors, Gamble says. On the Shield side, which pays doctor bills, 13 of the 23 voting trustees of the local Medical Service of D.C. Inc. were nominated by medical societies, according to Victor M. Brian, president of the local Shield plan.

Because of this domination, contends Theodore O. Cron, president of American Patients Association, a consumer group, "Blue Cross and Blue Shield have neglected to impose any kind of reasonable management control on the hospitals. About all that's needed is that the bill come in on the right size paper.

"The hospitals have no incentive to keep costs down because they will be reimbursed by Blue Cross, and Blue Cross has no incentive to reduce costs because it will be paid by subscribers who get hit with higher and higher premiums," Cron adds.

Cron and other health experts say Blue Cross should pay prospectively rather than retrospectively. This means that Blue Cross would negotiate rates with hospitals at the beginning of each year.

"With rates set in advance, hospitals would be encouraged to project their income. They would have to live . . . within (their budgets)," says John F. O'Leary, special counsel for Massachusetts' health affairs.

Among those who advocate prospective payment is the Health Insurance Association of America, a trade group that says it represents 80 per cent of the private health insurance carriers in the nation.

"The main difference between our operation and Blue Cross is that in general they negotiate with the hospitals on a reimbursement basis after the expenses are incurred and, in most states, get discounts not available to us," says Leslie P. Henry, president of the group. "With prospective payment, hospitals would come in with their budgets in advance and the hospitals would have to stick with them. If they operated inefficiently during the year, they would be penalized. If they did well, they'd be rewarded. Unlike Blue Cross, we have no say over rates."

McNerney of the national Blue Cross Association says, "We do bargain with hospitals in many regards. At any given time a majority of hospitals are apt to be upset with what they're getting rather than happy."

Gamble of the local Blue Cross plan added, "We can't sit as a regulatory agency over the hospitals. But we can provide the tools for them to compare costs with other hospitals and help to plan facilities to avoid duplication and prevent overbuilding."

Dr. Donald H. Stubbs, former president of the local Blue Shield plan and former chairman of national Blue Shield, says he believes "any program constructed to pay for medical care is not the logical program to avoid paying those costs."

"If Blue Cross didn't get along with hospitals and doctors, they couldn't influence costs as well," says Dr. Stubbs, who is chairman of Washington Medical Center, the parent of Metropolitan Hospital and Doctors Hospital here.

Jose A. Blanco, controller and assistant administrator of Washington Hospital Center, the area's largest private hospital, says Blue Cross takes a "tough" stand in negotiating sessions, rejecting many items and auditing whole departments.

But, Blanco says, "Blue Cross does increase costs by simply paying for services that they might say are not needed." For example, he said, they might insist that each hospital in the area does not need an open-heart surgery unit that is used only part time.

"They could say: 'Next year we're going to pay only $60 per room, and you live with it or die with it,' " Blanco said.

He added, however, "If I'm going to go to the hospital or any of my relatives is to go, I wouldn't want any monetary constraint. I want them to get well regardless of cost."

Blanco said the discount given to Blue Cross is "more than anything traditional. It goes back to the days when hospitals were in real difficulties, and it would guarantee them a certain amount of income on a regular basis."

In addition, he said, Blue Cross sends one check a week rather than hundreds for each patient, and it deposits with the hospitals a sum to cover services while "paperwork is going on," Blanco said, all saving money for the hospitals.

Blue Cross traces its start to a plan established in 1929 by Baylor University Hospital to insure Dallas, Tex., school teachers who used the hospital. Blue Shield had its roots in a local plan started in 1939 by the California Medical Association.

The plans, according to some Blue Cross-Blue Shield officials, were set up as much to insure that hospital and doctor bills would be paid as to help patients who might not be able to obtain medical care otherwise.

In part because of its historical emphasis on paying hospital costs rather than expenses, incurred outside the hospital, Blue Cross and Blue Shield have come under increased criticism for allegedly encouraging hospitalization—with resulting higher medical bills.

In his health insurance message Feb. 18, President Nixon said, "To many health insurance policies focus on hospital and surgical costs and leave critical outpatient services uncovered . . . because demand goes where the dollars are, the result is an unnecessary—an expensive—overutilization of acute-care facilities."

Necessary use of hospitals is difficult to define. Dr. Stubbs, the head of Washington Medical Center, says, "It's a matter of what is optimum, a question of where you can get the right care.

The average American housewife can go home in two days after having a baby in the hospital, but if she has four kids at home and no one to take care of them, she should probably stay longer.

"I think that nearly half the time spent in the hospital could be better spent at home." By this, Dr. Stubbs said he means, "We're not sure that it (going home) would change the medical picture."

Some studies have found that the rate of hospitalization is lower for patients not covered by health insurance.

Whatever the fine points of the need for hospitalization, says one Alexandria physician, "It's fairly common for patients to insist on going to the hospital because that particular treatment is paid for by Blue Cross and Blue Shield only in the hospital.

"If you refuse to admit them," says the doctor, who asks that his name not be used, "they'll go to someone else who will." The doctor says he can treat a patient with pneumonia for $125 at home or he can admit him to a hospital for seven to 10 days at a cost—borne by Blue Cross-Blue Shield—of $600 to $700.

Other doctors report that some patients ask to be admitted to hospitals because they're covered and because the patients "think of hospitals as resorts," according to one D.C. doctor, who also asked not to be named.

"You can conduct diagnostic tests outside the hospital and have the patient pay for them or you can do them in the hospital and have Blue Cross and Blue Shield pay for them," says Dr. John F. Gillespie, a former Georgetown University cardiovascular surgeon who heads Georgetown Consultants Inc., a medical consulting firm.

Brian, the head of the local Blue Shield plan, says that Blue Cross and Blue Shield now pay for diagnostic tests in this area regardless of where they are done, so long as they are related to a "symptom or complaint."

But he says pneumonia treated at home would be covered by only 80 per cent after the patient pays for the first $50, while all costs would be covered upon admission to a hospital.

"We did encourage hospitalization," concedes the national Blue Cross' McNerney. "We had a shortage of beds in this country, and we helped create facilities. Now the challenge is demand rather than supply. There was a lag between our emphasis on supply, but that lag is being overcome."

"In the 50s and 60s, Blue Cross and Blue Shield were untouchable," says one Blue Cross official. "People loved them because they paid their medical bills. Then we had Medicare and Medicaid, escalating costs, higher wage settlements, more malpractice suits, more technology, and the roof fell in."

Medicare, which provides health care payments for the aged, and Medicaid, for those on welfare, both became effective in 1966.

A 1970 Senate Finance Committee report found both programs to be inflationary and poorly administered.

In Feb. 22 testimony before Sen. Edward M. Kennedy's health subcommittee, HEW Secretary Elliot L. Richardson charged that Medicare and Medicaid, as well as private health insurance companies, "have been willing to reimburse hospitals 'at cost,' which has become a euphemism for a blank check.

"There has been little incentive to hold down costs, to search for means of increasing the productivity of health manpower and facilities, or to substitute capital for labor."

President Nixon, citing a "deepening crisis" in medical costs, has proposed a measure that would broaden health insurance coverage by requiring all employers in interstate commerce to provide insurance for their employes through private carriers, paying up to 75 per cent of the premiums. Coverage of doctor visit would also be required, in an attempt to discourage hospitalization.

Sen. Kennedy and others have introduced a labor-backed proposal to establish a national health insurance plan, scrapping present private and government programs for universal insurance financed by tax payments.

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## Quality of Services Under Fire—Medical Care Risky at Best

*Fourth in a series*

(By Henry Aubin)

A jobless, 48-year-old man was brought by ambulance from Providence Hospital, where he had gone for help, to D.C. General Hospital.

When he arrived he was suffocating, in shock and had a 104.4 degree fever. Four hours later he died.

An ambulance brought a 58-year-old trash collector from Washington Hospital Center to D.C. General.

Twenty-seven hours after arriving he died from cardiovascular collapse. His physician said his condition would have been less serious had he not been transferred.

An ambulance shuttled a woman from a private community hospital, where she had hastened to have a baby, to D.C. General:

The stretcher brought both her and the baby into D.C. General, because she had the baby en route.

There are about 20 instances each year of patients who die because they were transferred from private hospitals to D.C. General "without assiduous attention paid to their medical stability," according to the chief of that public hospital's emergency room, Dr. Robert P. Santangelo.

And dozens of pregnant women each year experience heavy bleeding or miscarriages in ambulances while being transferred, estimates a former chief resident at D.C. General's obstetrics and gynecology department, Dr. James D. Madden.

What almost every one of these cases has in common, says Santangelo, is poverty. Ninety-nine per cent of the transfer patients, he estimates, have low incomes or are indigent.

The 14 private, community hospitals in the District are more than half filled with suburbanites. Every year about 2,000 poor persons are transferred from these hospitals to D.C. General because, the hospitals say, there isn't enough room for them.

The transfer patients serve as vivid reminders of the 1970 conclusion of the mayor's Task Force on Public Health Goals:

"The present system (of health care) perpetuates a double standard of medical care—one in which the poor receive poor health care at an inadequately supported public hospital, and the rest of the population receive a uniformly higher standard of health care at a variety of other (community) hospitals."

"The more affluent citizen, white or black, gets all the (medical) care he wants, while the poor person, whether white or black doesn't—and we need more doctors and more paramedical personnel to fill the gap," says the president of the D.C. Medical Society, Dr. Marvin C. Korengold.

That's not to say things are fine for the middle and upper classes. Quality and availability of care are two different matters.

As Philip J. Rutledge, the city's top health official, put it last week: "Problems of quality health care cut across economic and racial lines. Some have charged that the affluent may well receive worse care from their private practitioners and private hospitals than the poor receive in municipal institutions.

"The point is we are not sure of the quality of care the affluent or the poor receive."

What public money used for health "buys and how it effects the population of the District of Columbia and suburban communities no one can say," says Rutledge. He is encouraging discussion of setting up some form of monitoring system.

Despite uncertainty as to how well the money is being spent, about a half billion dollars in public money is being spent for health in the District this year, Rutledge estimates. He says about 60 percent of it is federal and the rest local.

Some professionals, like Korengold, say health programs have improved the District's condition somewhat over the past decade. Mortality rates for most diseases have gone down, though often not as rapidly as in most other cities.

But some skeptics say there has been little substantial improvement.

Dr. Robert R. Huntley, chairman of Georgetown University's department of community medicine, says two trends have served largely to counter the effect of increased health spending here:

The arrival of many rural Southern poor who have brought with them a "backlog of unmet health needs."

Soaring inflation of medical prices. According to the U.S. Bureau of Labor Statistics, consumer prices in this area have increased by one-third in the last 12 years while medical prices have doubled.

While the city says the quality of health care is impossible to assess, hard realities stand out.

The nation's capital last year, as it did for most of the past decade, had the highest infant mortality rate of any city in the country. It also has had among the highest death rates for pneumonia, tuberculosis, cirrhosis and venereal disease.

The District has fewer family doctors per capita than any other U.S. city of comparable size, and the shortage is most severe in low income areas. A shortage in hospital beds also exists.

Although most hospital authorities in Washington agree that the city has enough hospital beds to meet the needs of its own population, about 60 per cent of these beds in private hospitals are filled, according to a survey by the local Health Facilities Planning Council. Most of them are residents of Prince George's and Montgomery counties, which do not have enough hospital facilities to meet the needs of their rapidly expanding populations.

Last month a group of citizens singled out Cafritz Memorial Hospital for a lawsuit, claiming that the hospital denied services to many persons living near its Southeast Washington location in order to cater to Prince George's County residents.

The eight citizens, whose legal action was prepared by the Center for Law and Social Policy, said that while the 412 beds at Cafritz comprise four-fifths of all hospital beds in the Southeast, only one of every eight residents of that area who get hospital care get it at Cafritz.

Most get cared for at D.C. General. The facility is so crowded that people wait in the emergency room for periods ranging up to 12 hours before they are cared for, according to Santangelo.

Speaking to compensate for the scarcity of private doctors and medical facilities in low income areas, the city and federal governments have established health clinics and programs like Medicaid, which give free care to the poor.

But people who are in charge of these ventures acknowledge that they don't meet the needs.

The city's eight neighborhood health clinics for the poor receive more than 10,000 visits each month from patients. The clinics ought to be seeing two or three times that number but can't because they lack funds for more staff and facilities, says the director of the centers, Dr. John Algee.

Indeed, as the first line of medical care in their communities, the clinics are "all inadequate in the services they provide," says Rutledge.

Medicaid can be criticized on similar grounds.

The local Medicaid program, started in 1968 and expected to cost $39 million during the current fiscal year, does not offer recipients as full a range of services as in many other cities. Because of funding shortages, it does not, for example, pay for dental care, which is part of Baltimore's program, or for prosthetic devices, hearing aids or private duty nursing, as in many states.

A comparison of the program in Washington and Baltimore is useful, though the program hasn't won many plaudits in the Maryland city, either.

A total of 143,293 Washingtonians were eligible for Medicaid during some part of fiscal 1970, and the program spent an average of

$177 on them; in Baltimore, the approximately 210,000 persons eligible for Medicaid averaged about $260.

In Washington, the average cost for the 92,585 persons who actually received Medicaid services wah $242; in Baltimore, the 155,000 persons who received services averaged $286. The figures come from health officials in both cities.

Washington's medical Charities Program is another short-funded attempt to help the poor. Under this program, the city reimburses private hospitals $38 a day to care for indigent patients.

This payment covers less than half of what it costs the hospitals to provide the care.

The hospitals say it places an unreasonable burden on them. It means their private patients, the ones who pay their own way, have to absorb these losses through higher bills.

For example, Washington Hospital Center says "charity" patients last year cost it some $750,000 above what was covered by the city. Because of its proximity to poverty neighborhoods, the hospital center receives an unusually high volume of poor people in its emergency room and transfers more of them to D.C. General than any other hospital.

Rogers Memorial Hospital, also located in a low-income area, says it's even worse off because of the program. It says it lost $729,000 in fiscal 1970 on charity patients but, unlike most other hospitals, could not charge this off to paying patients—because less than 3 per cent of its patients pay.

Rogers says it is dipping into endowment money for the time being but that in another two or three years it will be in serious financial trouble.

The city is asking Congress for money to double the reimbursement rate, thereby making it more attractive for private hospitals to care for the poor.

The present $38 reimbursement, acknowledges Dr. William J. Washington Jr., head of the city's hospitals and medical care administration, is "grossly inadequate."

There is debate between private and public sectors over the role the city's hospitals should play in caring for those who can't afford them.

Arguing the hospitals' view, William Bucher, director of the Hospital Council of the National Capital Area, Inc., says charity patients are the "moral and legal obligation of the District government."

Hospitals, for their part, have a "moral obligation not to overcharge" their paying patients, says Bucher, whose organization includes most local private hospitals.

Besides, he adds, if private hospitals in the District make their prices too high, the patients would go elsewhere and hospitals would go out of business.

But Ron M. Linton, vice chairman of D.C. General's governing board, says the private hospitals often use D.C. General "as a dumping ground for poor blacks," as evidenced in their transfer practices.

"D.C. General is, in fact, subsidizing other hospitals by taking on a disproportionate load of those who cannot afford to pay."

Rutledge, who in his capacity as head of the city's department of human resources also serves as chairman of D.C. General's governing board, points out that the private hospitals are tax exempt, nonprofit institutions and are beneficiaries of federal subsidies.

"These privileges," he says, "have been extended without attendant responsibilities. Hospitals have not been subject to effective regulations to insure that they act in the public interest."

The only way to get ahead of the serious health situation here and in other cities is to establish a strong program to prevent illness, many health authorities contend.

The lack of sufficient "preventive medicine" services and outpatient care, at neighborhood health clinics, for example, means that many patients end up being admitted to hospitals who should never have become ill enough to be there. They are there because of the failure of the health system, their illnesses not having been checked at an earlier stage.

Critics such as Dr. Paul B. Cornely, past president of the American Public Health Association and professor of community health at Howard University's medical school, argue that every dollar spent on prevention saves as much as $10 in treatment. But the city says it is too short funded to get ahead of the problem in that manner.

As Rutledge puts it, "When there's a lot of illness that needs immediate attention and you have a few dollars . . . you (have to) concentrate on the short-term benefits of taking care of the illness."

Money for preventive programs for the coming fiscal year remains fixed at $8 million in District and U.S. funds, less than 6 per cent of the city's proposed $140 million health care package.

Most of the $8 million is spent on immunization programs for smallpox, tetanus, whooping cough, polio, measles, rubella and diphtheria; for programs that have had some success in cutting tuberculosis and venereal disease rates, for dental care for children, health care in schools and free physical examinations.

But many of these programs are too small. The $1 million dental care program for poor children, for example, meets only 25 per cent of the need, according to Dr. Charles R. Hayman, who directs the overall preventive services program.

And there are no full-time nurses in elementary schools, says Hayman, citing this as one of the central weaknesses of the preventive services.

The city is also proposing an experimental plan whereby it will buy complete medical care for Medicaid patients on a prepaid basis from the Group Health Association, a private clinic. But the program, to start in July and to emphasize preventive care, will enroll only 1,000 of the more than 150,000 eligible for Medicaid this year.

Also, some of the prevention programs, which the city says are so good that they ought to be expanded, are not, in fact, being utilized to capacity now.

Thus the city's free health screening tests, or physical checkups, are drawing only 75 per cent of the people the program could handle. The test and treatment program for tuberculosis is also running at about 75 per cent capacity.

And, officials add, the immunization program for rubella, measles, whooping cough, smallpox and other diseases is at about 80 per cent capacity.

A fundamental problem with the local health situation is the fragmentation of various programs and organizations in the health field, say many observers, including the chairman of the mayor's task force, Dr. Leonard Duhl.

Private hospitals, federal and local governments, health insurance interests, medical schools, professional groups, pharmaceutical and laboratory groups, citizens organizations—they won't, or can't, get together, says Duhl.

"What we need is a plan for the entire city, with all these parties working together on mutual problems," says Duhl, who now teaches urban social policy and public health at the University of California at Berkeley: "There is tremendous resistance to that idea with everyone preferring to go his own private way.

"Every party thinks its own view of the world is the right one. The problem is to get all these 'right' views together."

"I can't," Duhl adds, "place the blame on any one party. I think the blame has to be shared by everyone in the city, including the Congress, which does not appropriate enough money to cope with the situation."

And, he says, it's not just a local problem "It's a national phenomenon."

### District Is Losing Doctors to Suburbs—Exodus Hastened by Crime, Lure of More Money

*Fifth in a Series*

(By Henry Aubin)

The city of Washington, with one of the poorest health records in the country, has the lowest proportion of doctors for patients of any city of comparable size in the East, an analysis of American Medical Association data shows.

Doctors often cite crime and urban problems as reasons for not practicing in the city, while the suburbs offer them such inducements as cheap rents, tax breaks and a clientele that can better afford to pay.

The shortage of physicians is dramatically apparent in such black, low-income sections of Washington as the area east of the Anacostia River, where there were 67 doctors' offices in 1969 for a population of 217,000, according to the most recent city records. By comparison, the white, prosperous area west of Rock Creek had 347 doctors' offices for a population of 86,000.

The doctor shortage and poor environmental and social conditions in low-income neighborhoods contribute to this grim health situation: Washington's infant mortality rate was the highest of any major U.S. city in 1970, and its mortality rates for tuberculosis, pneumonia and cirrhosis were among the highest. Mortality rates are highest in neighborhoods where doctors are the fewest.

The three-year-old Medicaid program, which reimburses doctors for treating the poor, has encouraged a few doctors to settle in disadvantaged areas.

But Medicaid payments are low, the disadvantages of these areas are many, and not enough doctors have come into these areas to compensate for the greater number who have left or are leaving.

The shortage of doctors is most dramatic among general practitioners—the traditional family doctors and first line of defense for health.

The city has fewer of these doctors than any other city in the 400,000 to 1 million population range in the country.

"General practitioners and some other kinds of physicians, with the notable exception of super-specialists, can count on getting more affluent faster outside the city than in it," says one local authority on medical finances, John C. Post, head of Professional Business Management, Inc., a consulting firm for doctors.

In 1963, AMA records show, there were 335 general practitioners with offices in Washington. By the end of 1969, only 185 were left, a decrease caused by death and retirement as well as the lure of the suburbs.

Dividing that total into the 1970 census figure for the city, that means there was only one GP for every 4,130 Washington residents.

In Cleveland, by contrast, there was one family doctor for every 2,300 residents; in San Francisco, one for every 2,900; in Boston, one for every 3,100; in Baltimore, one for every 3,500, and in St. Louis, one for every 3,900.

Washington has been losing its GPs at a rate of 25 a year, and not just for economic reasons.

Dr. Richard E. Cook, a 43-year old GP, used to have a family practice on Maryland Avenue and 8th Street NE, not far from where he used to shine shoes as a boy.

He wanted to work in his native city, but in 1967 he left, discouraged.

Because of their relative affluence and their handling of narcotics for medical reasons, doctors in the inner city were falling prey to burglars and muggers. One colleague, he recalls, even was beaten and robbed when he made a house call; his head injuries required 19 stitches.

"I was never robbed, but there was always that fear in the back of my mind. I was always agitated and anxious about it," says Dr. Cook.

"That was my main reason for leaving," he says, "but there were other things too."

One of them was his failure to get hospital privileges—that is, permission to put his patients in the hospital personally and to care for them there.

Indeed, notes the president of the D.C. Medical Society, Dr. Marvin C. Korengold, it's generally tougher for physicians to obtain privileges in Washington hospitals than in suburban ones. The main reason, he says, is that there are more new or expanding hospitals in the suburbs than in the city. Thus suburbs have vacancies for doctors while the city has waiting lists.

Cook is still bitter about not being given privileges. "Most city hospitals think a general practitioner is an idiot. The medical community screams about not having enough GPs, but at the same time it doesn't give them the kind of status they deserve.

And it's doubly difficult for a Negro practitioner to get hospital privileges," adds Cook, who is black.

Another reason for "up and leaving," he says, was the long hours and heavy patient load. He estimates he saw 60 to 70 patients a day, "a horrible load for any GP."

From that, he had a net income of only about $15,000 a year.

Today Dr. Cook has a practice among the poor in Annapolis.

"It's a quiet little town. In Washington the atmosphere is hurried, and I've enjoyed medicine here (in Annapolis) much more," he says.

"It's more lucrative," he points out. Now he sees only about 30 patients a day, half his load in Washington, and he's making more than twice as much money. "My net income is about $35,000."

Also he's had no trouble getting hospital privileges.

Professional respect and income, he says are a lot easier to acquire outside the Washington ghetto.

In interviews with doctors who still remain in low-income areas of Washington, crime was frequently mentioned as their prime concern. The depth of that concern was often evidenced by their insistence that they not be identified.

A Southeast Washington physician said he had been shot at after he resisted a mugger several weeks ago. "Already I've abandoned evening office hours," he says, "and right now I'm considering changing locations."

"If I get held up just once, that's it, I'm leaving," says another physician who asked to be identified only as having a practice in a part of the Shaw neighborhood in the model cities area.

That blighted area could ill afford to lose him. D.C. department of human resources records for 1969 show that the model cities area had 81 physicians' offices and a population of 80,000, one-fourth as many doctors as west of Rock Creek on a per capita basis. It also had eight times as many deaths from tuberculosis and twice the infant mortality rate.

The internist has, to a degree, been replacing the vanishing GP.

Some physicians, like internist Dr. Stanley Talpers of downtown Washington, argue that this improves the quality of medical care. Talpers points out internists can treat ailments that fall within their specialty better than generalists can.

But others, like Dr. Korengold of the medical society, disagree, saying that the problem remains of matching the right ailment with the right specialist.

"Internists haven't adequately replaced the GP," says Korengold, "because internists are only specialists of the internal organs of the body; the GP, on the other hand, can still stitch up lacerations, deliver babies, set broken legs, treat heart failures. There's a very definite need for the GP in Washington."

One reason it's always tough to find different kinds of doctors is that Washington has only one doctor of any kind seeing patients—surgeons, internists, other specialists and GPs—for every 330 people. No other city east of the Mississippi of comparable size has fewer doctors per capita.

Pittsburgh, for example, has one for every 210 people, Boston for every 205, Cleveland for every 220 and Baltimore for every 300.

These figures are extrapolated from an AMA statistical category called "nonfederal patient-care doctors." Doctors engaged in administration, research or teaching are excluded.

(The federal government keeps no count of how many federal doctors involved in patient care are in this area, according to officials at the National Institutes of Health. But, say these officials, there are not enough of them involved in caring for patients "to make any appreciable difference" in the above comparisons on the availability of patient-care doctors among cities.)

While the shortage of doctors is most acute in low-income neighborhoods of the city, the Washington area as a whole has fewer patient-care doctors than most metropolitan areas.

Between 1963 and 1969 the number of patient-care doctors grew by 56 per cent in Washington's suburbs, from 1,388 to 2,171, an annual increase of about 130.

But because of the area's phenomenal population growth, there is still plenty of room for more, Korengold stresses. In the last decade, the number of people—and potential patients—soared by 37.8 per cent, the highest growth rate of any of the 12 U.S. metropolitan areas with populations greater than 2 million.

Washington's own population remained about static during the decade. So did its number of patient-care doctors. While the city lost about 30 doctors between 1963 and 1969, it gained about 30 hospital doctors.

Many of the doctors who left for the suburbs or who retired or died were replaced by foreign-trained physicians. Their quality, while often excellent, tends to vary widely.

"As a generalization," says Dr. Henry Ecker, local head of the American College of Physicians and chairman of the D.C. Medical Society's executive board, "the foreign-trained physician is not as well trained as the American physician."

Ralph Nader's study group on the quality of medical care reaches this conclusion: ". . . foreign physicians with lower qualifications and much less competence and ability are presently assuming a major portion of the responsibility for the care of patients in the U.S."

The proportion of foreign doctors in Washington is above the national average. One Washington doctor in seven was foreign-trained in 1964; one in five in 1967, and the trend continues.

Dr. Sidney Wolff, a young Washington internist, has this rule of thumb to explain the exodus of doctors from the city's low-income areas: "As the socio-economic character of a neighborhood changes, the doctors leave."

As Korengold points out, some of the medical society's members had established medical practices in "changing" neighborhoods. They saw their clientele going to the suburbs and they followed, sometimes keeping many of their old patients.

Others, who remained in deteriorating neighborhoods, complained about the schools and about the gap in social and public services. So they, too, left, and the gap widened.

Also, says Korengold, most young doctors just out of training are now settling in the suburbs.

Many of these young doctors are anxious to help disadvantaged people in the city. But they are discouraged from practicing there, especially if they are white.

Dr. Frederick Washington, a young black physician who heads a public health clinic in Anacostia and also has a private practice there, puts it this way: "It's not a good idea for a white physician to be out here. Most of the white physicians have left and you can't blame them.

"Since I came out here, (in Anacostia) in 1966 I've been held up at gunpoint inside my office four times. I've been burglarized three times," and, he adds, several white visitors and a nurse have been subject to "racial attacks."

"I don't know how many nurses I've had who've quit my private practice because of the robberies," says the doctor. "I would leave myself if I didn't feel something for the people.

"Every now and then I get thoroughly disgusted at the vandalism and at the people's attitude. They think you're here at their beck and call. They don't give you the respect you should get.

"No one seems to care about the peqple out here. Sometimes I say they don't even care for themselves . . . But I say that in the heat of anger."

If the young physician looking for a place to settle decides on a low-crime section of Washington, he finds the going tough. He or she has two areas from which to choose: downtown or the area west of Rock Creek, and both are already heavily booked.

To the ambitious young doctor, the downtown office area around 18th and I Streets NW is especially attractive because of its proximity to several hospitals, to the business and government areas where many well-off patients work, to George Washington University Medical School where many teach, and because of the referrals from all the other doctors.

Dr. Talpers, who is well established downtown, gives little encouragement to prospective newcomers. "It takes doctors longer to get started downtown because of the sheer number of other doctors. A new doctor can have quite a struggle here for a number of years, whereas in the suburbs he can be busy rather quickly."

Says Dr. Korengold: "A pediatrician can open a practice in, say, an apartment complex in the suburbs, a place where young couples with children often live. And he'll have a going practice his second day."

The medical society president is well acquainted with the lure of the suburbs. Four months ago he opened an office in Bethesda in addition to his K Street office. A neurologist, Korengold divides his day between the two offices, an increasingly popular custom among doctors.

Doctors are also finding it's easier to save money outside the city.

Rent, for example, which may cost $8 a square foot in a downtown building may run only $4 or $5 in a well-located suburban building.

And surprisingly large sums can be saved by eliminating parking expenses. One downtown doctors' office reports it spends $300 a month on parking fees for its four doctors, two nurses and a receptionist. The doctors pay for their employees' parking.

Many nurses and receptionists live in the suburbs and doctors have to pay them more to work in the city than near their homes.

More important savings, however, can be derived from a new kind of tax shelter that is legal in Virginia, Maryland and every other state in the union. But it is illegal in the District of Columbia, and, says Korengold, some doctors here are moving to the suburbs as a result.

These tax shelters are in the form of doctors' corporations. They first became popular around the country during the 1960s, when states began passing legislation allowing them.

Their popularity in the Washington suburbs is attested to by John Post's clientele. Three years ago, says Post, there was only one corporation among his 1,500 clients. Now there are about 70.

Their prime tax advantage, Internal Revenue Service officials acknowledge, concerns retirement funds. In the District of Columbia doctors are allowed to put aside no more than $2,500 a year into tax deductible retirement savings, while in Virginia and Maryland there is no ceiling on the money that can be saved without paying taxes until after retirement, IRS officials say.

The D.C. Medical Society is supporting legislation now before the House District Committee to permit these corporations in Washington.

Testifying last month on behalf of the society's 2,600 members, Korengold said the corporations would "serve to improve the distribution and quality of medical services" to Washington residents.

He and Dr. Ernest Hardaway, a city health official, agree the corporations might lead to the establishment of "health maintenance organizations" in low-income areas. The corporations, Hardaway says, might obtain contracts from the city to provide prepaid health care for Medicaid patients.

He says the potential profits would be higher than for most ghetto practices. He acknowledges, however, that probably few such groups would settle in the inner city, and says, "Many guys (in the health field here) are looking at it (the corporation legislation) only for the tax benefits."

There is growing desire among some local doctors to augment government programs like Medicaid by donating more of their own time to care for the poor. In a profession with a generally conservative view of social problems, the D.C. Medical Society has become known as being relatively "socially involved."

Korengold points to an article he wrote this spring for the medical society's journal as evidence of this increasing interest by doctors to help the disadvantaged. In the column, he suggested that doctors take a "close look at our own city's problems" and make a "small sacrifice."

Despite their already long workdays, doctors, Korengold wrote, should try to give more physical examinations to the poor and take part in clinics, narcotics treatment programs and other voluntary health projects.

"The facts are that there are just not enough of us (doctors) to go around, and it is going to be a long time before the number of physicians catches up with the population spiral."

One activist member of the local medical community, Dr. Robert N. Butler, a Northwest Washington psychiatrist, is also skeptical of any big changes in the situation.

"Like many other comfortable Americans," he says, "Washington doctors have, as a whole, remained comfortably oblivious to reality. Now they're acting, but still not enough."

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### SOME DISTRICT OF COLUMBIA DOCTORS LIKE MEDICAID, OTHERS SHUN PROGRAM

*Last in a series*

(By Henry Aubin)

Medicaid, the program providing free health care for the poor, has earned a dubious reputation in some parts of the country for providing an easy target for chiseling, profiteering doctors.

The program in the District of Columbia has been hampered by slow-moving streams of bureaucratic paperwork, but has been free of scandal.

The local Medicaid office says two doctors, both with practices in low-income neighborhoods, are being paid by the program at a rate of $75,000 a year each for treating the poor. But the office says there's nothing improper about that, that both doctors have large staffs and expenses. Most other doctors make less than half that off the program, and only a few small-time chiselers have been detected, the office says.

The head of the program, Dr. William J. Washington Jr., director of the D.C. hospitals and medical care administration, refuses to say which doctors make the most or which doctors have been caught overcharging the city for patient fees. "It would be an invasion of privacy," he says.

Many physicians, particularly those in ghetto areas who are most accessible to the program's 125,000 patients, say they have done well financially by the program. During the current fiscal year about $25 million to physicians, hospitals, pharmacies and ophthalmologists and optometrists who gave services.

But only about 750 doctors are actively participating in the three-year-old program—less than one in three private practitioners in the city.

Many well-established doctors like Dr. Henry D. Ecker, chairman of the D.C. Medical Society's executive committee, have stayed away from the program because of its reputation as a "paperwork headache," as Ecker terms it.

The amount of paperwork and the delays in reimbursement—sometimes as long as a year—have been frequently criticized.

The medical society privately polled several hundred of its members last year on what they thought of the program. Some of their confidential, anonymous replies:

"The whole Medicare-Medicaid program stinks of governmental red tape, vagueness and paperwork."

"I had originally joined (the program) out of a sense of social responsibility but the bureaucratic approach to the program has killed it for me."

"I instruct my secretary to discourage all Medicaid patients from making appointments to see me because the remuneration is too low, the billing procedure necessitates . . . an office overload for which there's no compensation and the prescription system is also a separate system."

"I am fed up with this piece of junk called printing. I am sick and tired of having forms sent back to me because of defective printing. I joined Medicaid because I thought it was the right thing to do. Patients I used to treat free now want more frequent visits which they don't need and (they) bug me on the phone."

"Get rid of that billing system. It drives my girls nuts."

"I do from time to time treat Medicaid patients. I don't send a bill. It is much easier that way."

One respondent, who said he had practiced "in the heart of the ghetto" for 38 years, said:

"I have been able to benefit a large number of patients who have been going to clinics for months without substantial therapeutic benefits . . . I get a good deal of personal satisfaction out of this aspect of my work."

Of the 363 respondents to the poll, more than half said the program needed a speedier billing system as well as higher fees.

Several months ago the program sought to expedite its payment system by getting a computer. It is too early to tell if the reform is a success, but some complaints remain.

"They still owe me from last year," grumbles one K Street specialist.

Medicaid reimbursements are far lower than what doctors would normally charge paying patients. For example, the pre-arranged Medicaid fee scale will pay an obstetrician $90 for a delivery while Blue Cross-Blue Shield would pay him $250. And Medicaid pays a doctor less than $5 for a brief office visit, less than half of what many doctors would ordinarily charge.

But inevitably, Medicaid officials say, some doctors claim they've given more time and more services to patients than they really have.

Most overcharging is the result of "honest mistakes," says Dr. Washington. He says that 3 to 5 per cent of all bills are spot checked for mistakes and that only 15 to 30 per cent of these need "adjusting" because of mistakes.

Dr. Leroy A. Jackson, a Southeast Washington obstetrician who sees about 400 Medicaid patients a week, says he could make twice what he's earning in private practice if he had offices downtown or west of Rock Creek Park.

A few young black doctors besides Jackson are settling in the inner city, but there wouldn't even be that many if it weren't for Medicaid, says Jackson.

Like many ghetto doctors, Jackson has a second job working for a government-sponsored health program for the poor. He is director of a federally funded clinic opening this month in Shaw. It gives medical care to residents who can't get good health care because of the lack of private practitioners in their neighborhood.

The program's aim is to allow poor persons to obtain the same level of medical care as affluent citizens, just as the Medicare program is intended to provide free care for the elderly. In Medicaid, most recipients are near the welfare level of poverty.

According to one Medicaid critic, Dr. Frederick Washington, an Anacostia family practitioner who is of no relation to the city official, the biggest abusers of the system are not the doctors but the patients. Like many physicians, he emphasizes that most doctors are motivated by sincere humanitarianism and many care for the poor without any remuneration whatever.

But many of the Medicaid patients who used to come to his private office at 23 Atlantic St. SE, he recalls, had "ailments they could have taken an aspirin for. They demanded x-rays, prescriptions and being sent to the hospital unnecessarily. They asked for medicine for friends or relatives and sometimes they even lent their Medicaid identification card to other people who weren't in the program so they could get free care.

"There has to be a way to police these abuses," he says.

Feeling that the Medicaid patients were "unfair to doctors," he stopped seeing them as of the first of the year.

Jackson says Medicaid has had "a beneficial effect on the poor—there are many people who ordinarily would not seek out medical care who now do so."

But at the same time, he charges, some doctors practice a double standard, not spending as much time or effort with Medicaid patients as they would with others.

"Any time a program is designed specifically for the poor person there is a tendency to practice poor medicine," he says.

Dr. Ernest Hardaway, a top city health aide, agrees that some doctors give only cursory attention to Medicaid patients. "We know this to be a fact, the problem is how do we prove it," he says.

"Personally, I would consider it profiteering whenever a doctor runs patients through without a careful examination."

Hardaway's boss, Philip J. Rutledge, director of the D.C. department of human resources, does not paint a flattering picture of the program he is ultimately responsible for.

"The program," he says, "has a very poor record when it comes to enforcing quality . . . and making sure the patient was not overcharged and underserved."

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## CONGRESS: THE VIRTUES OF ITS VICES

**Mr. BROOKE.** Mr. President, it is with a great deal of pride that I call to the attention of my colleagues a most insightful article by my former Administrative Assistant, Dr. Alton Frye, which appeared in the summer issue of Foreign Policy.

Dr. Frye has had a number of years to study the role of Congress in foreign policy, and has had considerable firsthand experience of the decisionmaking process.

"Congress: The Virtues of its Vices," is an article which seeks to explore some of the contributions of the Congress, both procedural and substantive, to the formation of American policy in the decade of the 1960's.

I ask unanimous consent that the text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### CONGRESS: THE VIRTUES OF ITS VICES

(By Alton Frye)

"It will always be the best joke made by the democratic system," said Joseph Goebbels, "that it provided its deadly enemies with the means of destroying it." Like others before him, the Nazi propaganda chief thought that representative government was especially ill-equipped to conduct foreign policy. For two centuries thoughtful democrats—as well as their enemies—have pondered the dilemma of how public discussion and the legislative process can be made to square with the requirements for competent and sustained action in a hostile international environment. Most of them have seemed to conclude that legislatures are a hindrance rather than a help in the making of a nation's foreign policy. To American political scientist Robert Dahl, here is an area where the Constitution's separation of powers has "misfired."

As an avowed partisan of Congress as an institution, I believe it is possible to take a more affirmative view of a democratic legislature's actual participation in foreign policy. Contrary to the boast of Goebbels and the conclusion of Dahl, the U.S. Congress can and does play a useful role in our foreign relations. And much skepticism toward Congress has been accompanied by an exaggerated faith in the rationality of executive decision-making. Too few observers have appreciated that the politics of bureaucracy can distort policy quite as seriously as legislative politics, and that bureaucratic politics lacks most the safeguards of open, public discussion.

The nation's corps of expert professionals in foreign affairs has long given primary allegiance to the executive branch, and has often been scornful of Congress. But today even that pendulum has begun to swing. Former State Department and Presidential advisers are seeking congressional outlets for their services in unprecedented number. Ex-ambassadors, analysts and White House staffers abound on Capitol Hill. The professional staff of the Senate Foreign Relations Committee consists almost entirely of refugees from the Foreign Service. This executive branch "brain drain" is, in the words of George Ball, "redressing the balance of power and responsibility in foreign affairs between the two ends of Pennsylvania Avenue." Some of the shift, to be sure, takes on the appearance of a government-in-exile, as members of recent administrations seek to use legislative channels to influence current policies of the executive. But it would be wrong to judge what is happening as mainly a partisan end-run around the Presidency. Men of both parties are searching for ways to cure what they consider a serious institutional misalignment.

Granted that many of the common complaints against Congress are justified, we need to move beyond the obvious fact that our most pluralistic institution has the vices of its virtues. We need also to discover the virtues of the system's vices, and to exploit them as systematically as possible.

Members of Congress and their staffs are beginning to play a more self-conscious role and to challenge the traditional notion that a legislature, by its very nature, is obstreperous and short-sighted when it moves from its "proper sphere" of domestic affairs into the international arena. Quite apart from action to check and balance unwise executive decisions, senators and congressmen have a number of collective opportunities to advance the nation's foreign interests. A retrospect of the past decade suggests some of these constructive possibilities. It may also illuminate three main aspects of Congress' foreign policy function; those of "constrainer," "communicator" and "liberator."

### I. CONGRESS AS CONSTRAINER

The legendary sign on President Truman's desk read "The buck stops here." In fact, of course, the President has wide latitude for diluting his responsibility for unpopular policies, most importantly by emphasizing the shared responsibility of Congress for many undertakings. It is commonplace to deplore this aspect of the U.S. political system as one of its gravest defects, a feature which makes it extraordinarily hard to fix responsibility within the system. Neglected by this customary criticism, however, are the ways in which a system of shared responsibility can work to the nation's advantage. Buck-passing has its virtues.

In states with highly centralized or authoritarian structures, there is usually little doubt about the capacity of the executive to decide and administer foreign policies. While this concentration of policy-making authority confers certain advantages, it carries liabilities as well. There is little opportunity for such a government to escape the international onus for unpopular or unsuccessful policies. When friction occurs in its relations with other states, this cannot normally be mitigated by claiming that the government was compelled to act under the pressure of strong domestic political institutions.

Democratic states, and especially the United States, present a more variegated facade to the outside world. The executive is indeed the country's agent in international relations, but it is a limited agent whose mandate may be curtailed in a number of ways by Congress. Important negotiations with foreign states invariably find members of the U.S. administration asking themselves "how much Congress will buy." This fact is not lost on foreign negotiators, who may regret it but who cannot ignore it in devising their own bargaining positions. They come to recognize that "possible repercussions on the Hill" operate as a vague, but continuous and general, limitation on the U.S. government.

The ubiquity of this factor may reduce Washington's diplomatic flexibility, but, as students of bargaining know, there are many circumstances in which this very lack of flexibility can be a negotiating asset. When one participant in a bargaining discussion knows that there are limits beyond which another participant cannot go, he may be more likely to tailor his own demands to fit within the perceived boundaries of potential agreement. The limits asserted by the second participant appear most credible when they are beyond his power to control. This is often the situation in U.S. foreign relations, when both American and foreign negotiators realize that any agreement they reach will have to be sold to Congress.

The history of the Limited Nuclear Test Ban Treaty illustrates some of the ways in which Congress' capacity to set boundaries for agreements may enhance executive bargaining power. Following the Soviet resumption of nuclear testing in 1961 and the intensification of the Berlin crisis, sentiment in Congress shifted toward a harder line with Moscow. In a mood of deep distrust following Russia's abrupt abrogation of the moratorium on tests, influential members of Congress made clear that they would oppose any future suspension of tests unless it was accompanied by adequate arrangements for verifying compliance. Tests in the atmosphere, outer space, and underwater could be monitored from outside a nation's territory, but it was generally believed that controls over underground tests would have to include local inspection of suspected test sites.

When serious discussions resumed in late 1962, Soviet Premier Khrushchev seems to have appreciated that, if a comprehensive treaty was to be concluded, it would be necessary to include some on-site inspection. Although he insisted that such a provision was really unnecessary, the Soviet leader told Norman Cousins that he realized "Congress has convinced itself that on-site inspection is necessary and the President cannot get a treaty through the Senate without it. Very well, then, let us accommodate the President." On December 19, 1962, in his most dramatic concession of the lengthy negotiations, Khrushchev wrote President Kennedy that the Soviet Union would permit two or three annual inspections, a number the Soviets believed the United States prepared to accept. The Kennedy Administration, however, having previously reduced its demands, felt it could not agree to fewer than seven such inspections, and a comprehensive treaty remained out of reach. Nevertheless, Khrushchev's testimony makes clear that the concession was a response to the constraints he believed Congress to have imposed on the President.

Perhaps the most vital congressional contribution to the eventual limited agreement was removal of what many had considered an insurmountable obstacle to a test ban, the apparent congressional insistence that any treaty must be both comprehensive and verified. Disillusioned with the experience of the 1958–61 moratorium, many congressmen had denounced the idea of any agreement that did not provide for inspection inside the Soviet Union. On this issue negotiations deadlocked, only to be broken by a historic Senate initiative.

One of the most vocal critics of the test ban discussion had been Senator Thomas J. Dodd. Skeptical of Soviet intentions, Dodd had found his worst fears confirmed by Russia's secret test preparations during the earlier, unpoliced moratorium. A compromise agreement with anything less than foolproof inspection seemed anathema to him, as, for some time, did anything less than a comprehensive agreement. But, in the spring of 1963, a series of private exchanges between Dodd and the U.S. Arms Control and Disarmament Agency (ACDA) persuaded the senator that it was indeed possible to determine unilaterally whether another country was conducting tests in any environment except underground. This led Dodd to join Senator Hubert Humphrey and 32 co-sponsors in submitting a Senate resolution that called for a limited test ban, covering only tests in the atmosphere, underwater, and in outer space. The resolution side-stepped the inspection issue and helped to revive the dying negotiations. Success came barely two months later when U.S., Soviet, and British representatives initialled a treaty prohibiting nuclear tests in all environments other than underground. By adjusting the constraints on this issue, the Senate had played a critical role in inducing the Soviet Union to accept the compromise text.

Turning the argument around, Congress can also act as a "de-constrainer," loosening executive branch policy constraints which may have become outmoded or futile. As a forum for the exploration of diverse views and issues, Congress is a natural arena for the floating of trial balloons on delicate matters, by congressmen acting on their own or seeking to test reactions to ideas in which the administration has an interest. The subject of birth control assistance to nations receiving U.S. foreign aid, taboo in the Eisenhower years and broached rather gingerly by members of the Kennedy Administration, had long been considered an impossibly hot potato for American politicians. Surprisingly, Congress not only reacted favorably to the tentative ideas advanced by Presidents Kennedy and Johnson, but some members pressed for more vigorous efforts in this direction. Through hearings and speeches Senator Ernest Gruening became a leading advocate of larger and more systematic assistance to deal with the population problem. Although many members still shy away from the issue, the fact remains that Congress has helped to make birth control assistance a matter for open and honest discussion.

Beyond attempting to eradicate unwritten constraints thought to be imposed by public opinion, Congress may also amend and correct its own past restrictions on the direction of American foreign policy. The history of our China policy exemplifies this. Through the 1950's a series of congressional resolutions and other expressions left no doubt that Congress favored every effort to isolate Peking internationally. The legislature repeatedly called on the President to oppose seating Red China in the United Nations and to refrain from extending diplomatic recognition to the mainland government unless and until it demonstrated willingness to become a law-abiding member of the world community. For years the doctrine of containment found ready agreement in the executive branch and the nation at large. By the 1960's, however, it was evident that American policy toward China was frozen in a mold that promised little profit to the U.S. national interest or to international stability. Premier Khrushchev mocked our policy of non-recognition, remarking to President Kennedy that the U.S. seemed well on the way to surpassing the performance of Czarist Russia, which had taken twenty-six years to recognize the government established by the American Revolution.

While both the Kennedy and Johnson Administrations stood firm on the essentials of past policy, in Congress demands began to be heard for new departures. During 1965 and 1966 Senator Robert Kennedy called for including Red China in arms control conferences. Other senators, including Jacob Javits, began to urge that the Peking regime be brought into the United Nations without expelling the Nationalist government on Formosa. During nationally televised hearings in March of 1966, Senator William Fulbright and the Foreign Relations Committee started to educate the American public in the new realities of the Far East.

The hearings, widely acclaimed for focusing attention on a major problem, did not produce immediate and overwhelming support for specific innovations in U.S. policy, but they clearly marked the end of the previous consensus favoring rigid isolation of Peking. The President could no longer invoke congressional unanimity as a basis for standing pat on the old policy. Indeed the erosion of the former, apparently absolute congressional constraints in this area served as a powerful prod for the administration to seek alternatives. Progress toward improved relations with Communist China promised to be a slow and arduous process, especially in light of the war in Vietnam; but the demonstrated shifts in congressional attitudes aroused hope that the process might at least be underway. Tokens of the changing climate were the quiet relaxation of U.S. restrictions on travel to China and the Johnson Administration's new watchword: "containment but not isolation." Though slowed in the late sixties, the gradual movement toward contact with China continued with President Nixon's resumption of the suspended Warsaw ambassadorial talks with Peking, and his Administration's modified formula regarding Chinese membership in the United Nations. The shifting congressional posture on China policy not only encouraged the executive to pursue overtures toward the Communist government; presumably it eased the President's difficulties with the Nationalist Chinese, who well understand that the initiatives are being urged on the Chief Executive by influential senators and congressmen. In each of these cases, I would argue, the legislative establishment and adjustment of constraints on the executive has helped improve U.S. performance in international politics.

### II. CONGRESS AS COMMUNICATOR

Foreign states are frequently alert to congressional attitudes on foreign policy and to congressional influence on the President's capacity to act in international affairs. Both allies and adversaries have their "Congress-watchers" stationed in Washington (just as U.S. embassies abroad have "parliament-watchers" in other democratic nations). Through these and other channels, the substance of congressional hearings, debates, and votes is broadcast. They form part of the data from which other states derive their ideas of likely U.S. behavior in world affairs. Congress can be a potent force in shaping foreign leaders' expectations of U.S. policy. As an independent communicator, it can accomplish some distinctive purposes beyond the power of the executive branch.

One of the most difficult tasks in delicate political relationships between states is to be able to levy sanctions or convey threats without offending the other party. In order to maintain good relations on all issues, diplomats may find it hard to exert pressure on any one issue.

In the U.S. system Congress can to some degree relieve the executive of this burden. In cases of friction with some foreign power, when the executive may feel obliged to remain silent or to couch a reproach in the softest of terms, Congress can voice its demands or displeasure in more emphatic fashion, reminding the foreign state that the President may be compelled by the legislature to take sterner action than he himself might wish. This pattern has become a regular feature of contemporary American foreign policy. It recurs frequently, for example, in congressional action on the annual foreign aid bill, where restrictions and reductions are often designed to apply pressure on points of contention unrelated to the aid program itself.

The higher logic of foreign assistance efforts stresses the U.S. interest in promoting the development of economically progressive and politically stable societies abroad. In this view the aid program should not be transformed into a vehicle for retaliation against regimes with whose policies we disagree. This rationale is persuasive so far as it goes, but there are instances in which the policies of the government being aided tend to frustrate the purposes of U.S. economic or military aid. It can scarcely be claimed that Congress has always discriminated between this class of policies and others, but a number of congressional aid reprisals can be defended in these terms. Good examples are the restrictions Congress placed on aid to the United Arab Republic and to Indonesia during the mid-1960's.

Both these countries have negated much of the value of U.S. assistance by diverting substantial resources to military programs. In the view of many, the U.A.R.'s policy of implacable hostility to Israel was not only undermining its own development efforts but perpetuating political instability throughout the Middle East. Similarly, Indonesian President Sukarno had followed his campaign to oust the Dutch from West Iran by his armed confrontation with Malaysia. The extravagant costs of his international policies, combined with continued neglect of domestic economic problems, made it doubtful that U.S. assistance to the island nation would serve any worthwhile purpose. It might only help prolong Sukarno's misguided priorities and delay the start of serious efforts to develop the Indonesian economy. Thus, consistent with the grand strategy of the aid program, there was a case for the congressional ban on assistance to Indonesia and, with the U.A.R. in mind, on aid to any country which the President determined to be preparing military action against another nation receiving U.S. aid (i.e. Israel).

In these and most other cases, however, the legislation has left the President flexibility to determine whether and how to apply the restrictions. Thus Congress can communicate a threat, arming the administration with weapons more explicit and direct than it may wish to use, but leaving the final decision to the President. If the threat is ignored and the sanction is carried out, the President can divert a portion of the foreign state's resentment by stressing that Congress, not the executive, dictated the action.

In addition to statutory actions, Congress can often convey signals through its debates and proceedings that might be inappropriate or impolitic for the executive to express. One example is the vocal and widespread congressional support for reducing the number of U.S. troops in Europe, especially since the NATO allies have generally failed to meet their own designated force levels for defense of the continent. One may complain that such congressional expressions weaken the credibility of the American commitment to Europe. But the United States must also be concerned that its commitments not be taken so much for granted that it loses leverage on its allies. If a threat to cut American deployments is necessary to induce allies to meet their own commitments, there is much to be said for having the threat communicated indirectly through congressional debate. This procedure manages to make the point without running the risk that allies will lose confidence immediately in the intentions of an incumbent U.S. administration, a danger that must be avoided if the pressure is to have the desired effect of increasing the cohesiveness and effectiveness of the alliance.

Congress' functions as an international communicator are not limited to applying pressure on foreign states or to expressing American dissatisfaction with another country's policy. One of its most vital functions derives from the diversity of signals which members of Congress generate. On almost any policy pursued by the executive, there will be a dissenter in Congress. There are times when this can encourage foreign antagonists to believe that an administration, under fire by critics on the home front, will not be able to carry out the policy it has begun. There is little question that this kind of calculation had an important impact on North Vietnamese estimates of U.S. capacity to sustain the war effort in Southeast Asia. Hanoi's propaganda alleged that President Johnson might be impeached or overthrown by congressional dissidents in this country; Communist units in the field have bombarded American troops with excerpts from antiwar speeches by former Senators Morse, Gruening, and others, coupled with appeals to lay down their arms.

But congressional dissent from an administration's policy does not work only to bolster the morale of foreign adversaries. As a principal means for self-criticism of U.S. foreign policy, the process of dissent saves the country from the hazard of presenting a monolithic image to the world. Foreign states at odds with policies or actions of the executive can frequently identify members of Congress whom they consider more friendly. Their attitude toward the United States as a whole takes on a more complex aspect, reducing the likelihood of permanent and general antagonism between this country and others. Just as Congress sometimes incurs the enmity of foreign powers by constraining the executive in various respects, international reaction to controversial U.S. actions will often focus on the administration, while individuals in Congress maintain cordial personal relations with leaders of the foreign states concerned. These relations can become a valuable national asset, a reservoir of good will which can lay the foundation for subsequent improvement in relations between the countries.

A striking example of this process is Senator Fulbright's sharp criticism of U.S. intervention in the Dominican Republic in 1965. President Johnson's dispatch of troops to the Caribbean island aroused considerable alarm among other Latin American countries. But with so prominent a figure as Fulbright sharing their concern over the President's action, Latin Americans were less prone to infer that Yankee imperialism was blossoming throughout the United States. They were able to detect, through the public statements of the Arkansas senator and others of like mind, that there was no American consensus in favor of abandoning the Good Neighbor Policy and the principle of nonintervention. This was reassuring to many of our Latin neighbors and tended to moderate their apprehensions about the future course of American policy in the Western Hemisphere.

Thus, as an important source of signals to foreign leaders and publics, Congress helps to color and to complicate their vision of America. If congressional actions sometimes communicate an impression of domestic dissension, there are certain advantages inherent in the very multiplicity of images they transmit. In the most irritating episodes between the United States and other governments, it is usually possible for the foreign state to identify with one or more sympathetic members of Congress and thus to retain some saving remnant of affection for this country. This is but one of the compensating virtues in a system with an unmatched propensity to criticize whatever action the executive takes.

### III. CONGRESS AS LIBERATOR

These capacities of Congress have, up to now, generally been exploited on an *ad hoc*, unsystematic basis. Only in a limited sense and in comparative few cases have they been applied as part of a rational plan to increase U.S. effectiveness in world politics. The simplest and most conspicuous cases have been the use of congressional resolutions to emphasize popular support for a particular policy or to provide greater freedom of maneuver for the President to handle a foreign crisis.

There is a long history of such resolutions designed to "unleash" the President, to make clear to foreign parties that the Chief Executive enjoys the confidence of the legislature in determining U.S. action abroad. They have often served to reduce the chance that an adversary might assume that domestic politics would prevent the President from responding to an international provocation. The Formosan Resolution of 1955, the Middle East Resolution of 1957, the Gulf of Tonkin Resolution of 1964 were all of this type.

Such resolutions, ordinarily requested by the President in the context of a developing crisis or with a view to precluding some hostile action by an adversary, are the nearest thing in American politics to a test of legislative confidence in the executive branch of government. Members of Congress recognize that the President's prestige is an essential element in his effectiveness as the nation's principal agent in international politics. That prestige becomes a vital asset to the country. Members are extremely reluctant to cast what would appear to be a vote of no confidence in the President's authority to meet a foreign crisis. They have hesitated to delay or modify resolutions of this type, calculating that tardy passage or tacking on constraints to Presidential action would tend only to weaken the psychological impact of the vote and hence to frustrate the purposes of the resolution. These considerations generally overcome congressional reluctance to approve such prior endorsements of contingent executive action. To paraphrase former Representative James Roosevelt, seldom do bills with so few friends get so many votes.

By the very act of requesting a contingent resolution, the President makes it extremely difficult for Congress to defeat it. In such cases the executive enjoys the power of political pre-emption. Congress has commonly been maneuvered into a position where it must accept with little or no modification the administration's definition of desirable policy, which severely restricts its own opportunities to contribute to policy. An atmosphere of crisis and a public test of national unity impede legislative exploration of the merits of the administration case and of other policy alternatives.

Yet the effects of this procedure seem to have been advantageous to U.S. foreign policy on several occasions. The 1955 Formosa Resolution probably enhanced the cedibility of the country's deterrent posture in the Formosa straits. Under the 1957 Middle East Resolution, President Eisenhower supplied assistance to Jordan and Lebanon, helping to preserve the precarious political balance in that region. An important element in the Kennedy Administration's policy during the Cuban missile crisis of 1962 was the joint resolution passed only weeks before. By votes of 86 to 1 in the Senate and 384 to 7 in the House, Congress had declared U.S. determination to prevent Cuban subversion of the Hemisphere and any development in Cuba of an externally supported military capability endangering U.S. security. There could hardly have been a clearer mandate for the President's decisive action to force removal of Soviet ballistic missiles from the island.

Nevertheless, many congressmen and political leaders had long been apprehensive about the broad grants of authority implied by such resolutions. Wayne Morse consistently opposed them, denouncing the Formosan Resolution, for example, as a "predatory authorization" to wage war. Adlai Stevenson and others opposed the Middle East Resolution as a blank check. But neither of those measures actually led to the dire consequences foreseen by its critics. Not so with the Southeast Asia Resolution which Congress passed in August 1964 by the emphatic margins of 88 to 2 in the Senate and 414 to 0 in the House. In language quite similar to that of the 1955 resolution, Congress declared support for the President's determination "to take all necessary measures to repel any armed attack against the forces of the United States and *to prevent further aggression.*" [Emphasis added.] That resolution became a prime justification of the Johnson Administration's subsequent expansion of U.S. military activities in Vietnam, much to the chagrin of its supporters.

So bitter has been the disillusionment with the Gulf of Tonkin provision that the 91st Congress moved to clean the record by repealing it, although it took no final action on other such measures whose duration has been left uncertain. There are now tremendous reluctance to enact similar resolutions. It is healthy for the legislature to be wary of such proposals, to scrutinize them with greater care, and to draft them more precisely in the future.

Before throwing away this useful technique, however, one ought to take a thorough look at the peculiar circumstances surrounding the Tonkin measure. As Mark Twain observed, "It is important not to get out of an experience more than there is in it. A cat sits on a hot stove, won't sit on a hot stove again. But she won't sit on a cold one either." One may argue that some wrong lessons have been learned from the Tonkin Resolution.

It seems probable that the deterrent value of the Tonkin Resolution was utterly dissipated by the contradictory signals Hanoi received during the 1964 Presidential campaign. Lyndon Johnson's portrayal of Barry Goldwater as "Super-Hawk" contrasted with his own dovish themes on Vietnam. And the contrast could not have failed to obscure the warning intended by the August resolution. To the North Vietnamese it may well have seemed that a few stiff attacks, as at Pleiku in early 1965, would persuade President Johnson to depart forthwith. It is only reasonable to believe that, if congressional resolutions are to be helpful, they must be part and parcel of a more consistent set of messages than those emanating from the United States in late 1964.

Those who consider contingent resolutions an example of unwarranted congressional submission to executive power neglect the substantial factors operating to encourage Presidential restraint in seeking or exploiting such resolutions. Whether or not one agrees that President Johnson abused the 1964 resolution, those members of Congress who came to think so were able to impose heavy penalties on the alleged offender. The President eventually paid the price of having his policies condemned in public by prominent senators and seeing his programs, especially in foreign aid, curtailed by the legislature. No Chief Executive sensitive to such reprisals will soon forget that impolitic use of a "liberating" resolution can bring severe retaliation and political defeat. Virtually the entire legislative program of an administration is hostage to a President's good faith and discretion in exercising his powers. Congressional leaders can and should make this clear to any President in whom their confidence is actually less than suggested by the uniformly high consensus displayed on a liberating resolution. Informal constraints of this nature, applied with more forethought than in the past, are probably the most feasible way to insure that this technique remains a valuable instrument of U.S. foreign policy and does not become a mere pro forma method by which the executive pre-empts congressional participation in the gravest decisions.

The resolving power has additional applications. Congress can also use it to initiate policy moves of many kinds. An historic instance occurred in 1970, when the Senate urged the President to seek a comprehensive limitation on further deployments of strategic offensive and defensive weapons. Passage of Senate Resolution 211, authored by Senator Edward Brooke, marked a last-ditch attempt to induce the executive to offer the Soviet Union the broadest possible arms control package, rather than the more modest proposals then favored by the administration. President Nixon acknowledged that the decisive Senate action weighed heavily in his decision on the U.S. negotiating position in the Strategic Arms Limitation Talks (SALT).

Apart from its direct encouragement to the Chief Executive, this resolution had other important effects. It conveyed to the Soviets, who were quietly voicing skepticism over whether the Nixon Administration genuinely wanted a SALT agreement, an unequivocal indication that the United States was serious in the negotiations. It also weakened some of the impediments to SALT within the U.S. bureaucracy; no longer could the opponents of a large-scale strategic understanding contend that Congress would never accept such an agreement. By establishing an ambitious position in advance of final executive preparations for SALT, the Senate demonstrated a welcome maturity and a rare sense of timing. That scarcely insured success in the negotiations, but it contributed to keeping a number of momentous issues—especially deployment of MIRV and ABM—open for diplomacy.

IV. CONGRESS AS A FOREIGN POLICY INSTRUMENT

To discuss these dimensions of Congress' role in foreign policy is only to scratch the surface of one of the most complex elements of our government. It is, however, to suggest that the possibilities for constructive congressional involvement go well beyond the familiar responsibilities for advice and consent to treaties, confirmation of ambassadors and other senior appointees, and authorization and appropriation of funds for specific foreign programs of the United States.

The functions mentioned here overlap and interact among themselves and with others. They defy simple prescriptions and neat procedures. No one can expect Congress to devise explicit, formal methods for asserting its control over all the myriad elements of American foreign policy. While improved exercise of its formal powers is to be desired, Congress must recognize that the volume and velocity of international politics requires an executive with ample capacity to act for the nation. Events will not always await the building of a consensus through prolonged discussions, which is the distinctive trait of a legislature.

But as constrainer, communicator, and liberator, Congress can play a more positive role in foreign policy than its traditional critics have suggested. That role is growing today, fueled partly by past disagreements with the executive but equally so by an expanded awareness of how much the Presidency—and the nation—stand to benefit by sophisticated legislative assertion. The congressional impact on foreign affairs is more often indirect than direct, informal than formal, marginal than fundamental. Yet in complex questions of foreign policy the margins are frequently the vital edges, and Congress' ability to shape them is of real importance.

## REPRESENTATIVE MIKVA'S EXCELLENT REPORT ON MILITARY MANPOWER

Mr. PROXMIRE. Mr. President, the distinguished Representative from Illinois, ABNER J. MIKVA, has prepared a Report on Military Manpower for Members of Congress for Peace Through Law. Long a leader and expert on the issue of military manpower, Representative MIKVA proposes that our military forces be reduced to 2.1 million men. His study indicates how this can be done without any loss of military efficiency.

In fact, we could be better off and stronger if such action took place. At present, less than 100,000 of the 1 million men in the Army are in positions to fight as combat soldiers. This is a ratio of 1 to 10, which means we have an enormous logistic tail for our combat divisions.

At present, more than 50 percent of the defense budget goes toward manpower costs. That is why both a reduction in numbers and a reordering of duties in order to place more men in combat-ready positions is long overdue.

Representative MIKVA's report is the third in a series of those being released by Members of Congress for Peace Through Law. Previous reports were on the B-1 bomber and the F-14 fighter.

I ask unanimous consent that Representative MIKVA's excellent study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

### MILITARY MANPOWER REPORT

(Prepared by Congressman ABNER J. MIKVA, for Consideration by the Military Spending Committee of Members of Congress for Peace Through Law)

One of the primary determinants of the size of the defense budget is the level of manpower which is requested. The decision regarding appropriate manpower levels affects the size of supporting and training components of the budget in addition to the type and amount of equipment needed to supply this manpower. In short, if we are maintaining more manpower than we need, then we are paying for all kinds of unnecessary items throughout the entire defense budget.

America's manpower posture at present is musclebound. Our national security could be well assured with an overall manpower level of 2.1 million men instead of the 2.5 million requested by the Department of Defense for FY 1972.

Obviously our Armed Forces should be designed to protect our national security. More specifically, three criteria should be used in determining optimal military posture: (1) what elements of the *status quo* are crucial to the maintenance of U.S. security; (2) what are the potential threats to these vital elements; and (3) what is the minimum military establishment necessary to deter or to repel such threats. The determination of the first criterion has largely been a function of the President and the Executive Branch. However, the remaining two formulations—which have the greatest impact on ultimate force levels—have always been under the exclusive purview of the Pentagon. This has resulted in staggering military budgets and unnecessarily high manpower levels.

The post-Vietnam foreign policy of the Nixon Administration differs little from that of previous Administrations. Foremost among our commitments is maintenance of a nuclear deterrent sufficient to inflict retaliatory nuclear damage on a potential aggressor so as to render nuclear attack against the United States highly irrational, and thus improbable. In addition, the United States maintains a policy of total defense in Europe and is prepared to respond to aggression against any Western European NATO state. American defense of the regime in South Korea continues, and despite the so-called Nixon Doctrine the current Administration comes perilously close to continuing our pre-Vietnam policy of open-ended commitments to the defense of Asian nations, the fatal mistake that led to the debacle in Vietnam.

It is useful to critically consider the three criteria earlier cited as they apply to Europe, Asia, and the strategic nuclear balance. In analyzing our present foreign policy—the determination of those elements of the *status quo* that are vital to U.S. security—few Americans would quarrel about the premise that Western Europe must be helped. Twice in this century, Americans have fought in Europe rather than see it succumb; it is unlikely that Americans would view aggression any differently today. However, the second and third determinations—what kind of threats are posed against Europe, and what is the optimal military force to deter those threats—are susceptible to fundamental reevaluation.[1]

The paramount threat to NATO and European security is, of course, the Warsaw Pact. Two military contingencies could arise from this threat: (1) aggression in conjunction with the use of tactical nuclear weapons, or (2) aggression entailing exclusively conventional tactics without the use of nuclear weapons. It is the second contingency that presents a dilemma for force planners. Since the late 1960's, NATO has followed a policy of flexible response—guiding its action according to the degree of the initial aggression. Such a policy requires the maintenance of large numbers of standing troops to confront potential war contingencies.

Whether conventional troops are indeed necessary to deter non-nuclear aggression is a subject of considerable debate. Many observers argue that the threat of nuclear escalation is sufficient to deter any aggression, nuclear or otherwise, and that the maintenance of conventional armies is unnecessary and wasteful.

An excellent case can be made that NATO troops are not necessary to deter conventional attacks on Western Europe so long as one is prepared to use nuclear weapons in response to conventional attack. The United States is not yet prepared to limit its options this drastically—therefore, we have maintained a posture of "flexible response" which requires continued reliance on conventional ground troops.

However, even if we accept the doctrine of flexible response, a reduction in American NATO forces is desirable. An examination of the conventional military balance in Europe is of prime importance, and in such an analysis only Army troops are relevant. Most published statistics on NATO and Warsaw Pact levels include Navy and Air Force manpower, but these figures should be discounted since NATO and Pact troop levels are roughly equivalent.

It is undeniable that NATO air forces would be able to match Communist aircraft in any engagement. Alain C. Enthoven, former assistant Secretary of Defense, in the May 1969 issue of *Interplay* illustrated the rough equivalence of NATO and Pact air forces. Although NATO aircraft are slightly outnumbered, NATO has a distinct advantage in effectiveness indicators plus a greater reserve pool of aircraft.

NATO AND WARSAW PACT TACTICAL AIR FORCES IN THE CENTER REGION IN MID-1968[2]

| | NATO | Warsaw Pact |
|---|---|---|
| Number of deployed aircraft | 2,100 | 2,900 |
| Percentage of total inventory (of center region countries) | 20 | 40 |
| Percentage of force by mission capability (center region): | | |
| Primary interceptors | 10 | 42 |
| Multi-purpose fighter/attack | 48 | 15 |
| Primary attack | 9 | 6 |
| Reconnaissance | 13 | 8 |
| Low performance | 20 | 29 |
| Total | 100 | 100 |
| Effectiveness indicators (NATO as a percentage of pact): | | |
| Average payload | 240 | |
| Typical loiter time | 200-500 | |
| Crew training | 200 | |

Similarly, although the NATO tank force is only 55% of Pact strength, Mr. Enthoven argues that this factor would largely be irrelevant in a European encounter. NATO tanks are generally more sophisticated, and the 50% advantage NATO has in anti-tank weaponry would most likely be decisive, especially with NATO in a defensive posture.[3]

Moreover, a potential conflict in Europe would likely be of a small scale, surprise-attack nature, entailing a quick invasion and control of limited territory. The vision of a massive mobilization and all-out attack has been largely out of vogue (even with the military) since the late 1960's. As a result, any discussion of a NATO-Pact conflict must place heaviest emphasis on those troops that could be deployed within the first thirty days. Forces which could be used only in the second and, especially, third months of the conflict would be of little value.

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Footnotes at end of article.

Given these assumptions, a scenario of a Pact invasion would look something like this:[4]

Stage 1 (M-DAY) Deployed Army Manpower.

| *NATO*[5] | |
|---|---|
| United States | 200,000 |
| West Germany | 300,000 |
| Great Britain | 50,000 |
| France | 28,000 |
| Canada | 5,400 |
| | 583,400 |

| *Warsaw Pact*[6] | |
|---|---|
| U.S.S.R. | 185,000 |
| East Germany | 90,000 |
| | 275,000 |

Stage 1 shows a clear NATO superiority.

Stage 2 (M-DAY+15) Deployed Army Manpower.

| *NATO*[7] | |
|---|---|
| United States | 10,000 |
| Belgium | 78,000 |
| Denmark | 28,000 |
| Netherlands | 82,000 |
| | 198,000 |
| | +583,400 |
| | 781,400 |

| *Warsaw Pact* | |
|---|---|
| Poland | 185,000 |
| Czechoslovakia | 175,000 |
| Hungary | 90,000 |
| U.S.S.R.[8] | 97,000 |
| | 547,000 |
| | +275,000 |
| | 822,000 |

Stage 2 indicates a slight manpower edge for Pact forces.

Stage 3 (M-DAY+30) Deployed Army Manpower.

| *NATO* | |
|---|---|
| Britain[9] | 50,000 |
| Canada[10] | 6,000 |
| Italy[11] | 100,000 |
| France[12] | 48,000 |
| Greece | 100,000 |
| Turkey | 200,000 |
| United States | 100,000 |
| | 604,000 |
| | +761,000 |
| | 1,365,000 |

| *Warsaw Pact* | |
|---|---|
| U.S.S.R.[13] | 290,000 |
| Bulgaria | 125,000 |
| Rumania | 170,000 |
| | 585,000 |
| | +820,000 |
| | 1,405,000 |

Stage 3 shows a slight, but insignificant, Pact advantage.

In light of historical perspective, no rational military strategist would embark on an offensive campaign in the face of such strength. At no time during the scenario does Pact strength even approach the 2 to 1 or 3 to 1 advantage historically necessary to insure any reasonable chance of success in an offensive endeavor. The probability of victory is small indeed, and any conventional attack against even a substantially smaller NATO force would be clearly irrational.

At this juncture all active Pact forces have been utilized. The Soviet Union would be unable to muster any additional divisions for European combat unless they were prepared to either (1) divert troops from the Chinese border and thus expose themselves to possible attack, or (2) to upgrade substantially several divisions stationed in central Russia, a move requiring extensive time and effort. Yet the United States maintains another 8⅔ active divisions (over 400,000 men) at home in addition to nine reserve divisions for NATO reinforcement, a total of 17⅔ divisions earmarked for NATO use.

Assuming it is possible to transport all of these active divisions to Europe within the first month of a Pact attack (the programmed fleet of 69 C–5A transports makes such an airlift possible),[14] the NATO force would be bolstered by these more than 400,000 soldiers. This would bring total NATO force levels to over 1,700,000 troops by M-DAY+30 (versus 1,400,000 Pact troops) and does not even bring to tap the nine reserve divisions intended for NATO use. Clearly, we are buying more NATO "defense" than we need, or for that matter, could ever possibly utilize.

### ASIA

In Asia, our foreign policy in spite of the tragedy of Vietnam, remains essentially unaltered. We continue to maintain a division in South Korea despite Secretary Laird's conviction that "a large-scale conventional attack on South Korea is not likely in the future."[15] Furthermore, even in the face of a large-scale attack by the North Koreans, the Institute for Strategic Studies has concluded that the South Korean Army is amply prepared to defeat any invasion from the North.[16] In light of these considerations, last year's MCPL Military Manpower report advocated that our force level in South Korea be halved. Such a proposal continues to be desirable.

The FY 1972 proposed military budget anticipates potential military contingencies throughout Southeast Asia. Secretary Laird has stated,

"We plan for materiel logistics, and intelligence support, and backup tactical air and naval support. We plan for only a limited backup ground force capability for non-Chinese, non-Soviet supported contingencies. We also maintain the capability to assist our allies against a CPR (Communist Chinese) attack with conventional forces in [deleted] Asia, but not in both areas simultaneously providing we are not fighting in Europe."[17]

Coming on the heels of Vietnam, this is frighteningly ambiguous language. What is a non-Chinese, non-Soviet supported attack? If Communist guerrillas supplied with Russian and Chinese arms attack Thailand, does the Administration reserve the right to intervene with American troops? If Communist Chinese soldiers move into North Vietnam and thereby free NVA troops for use elsewhere, does current foreign policy call for deployment of American troops in Asia as a response? The fact of the matter is that the FY 1972 budget maintains two Army divisions (96,000 men) for Asian contingencies in addition to three Marine Corps divisions (87,000 men). If Vietnam has taught us anything, it is that our foreign policy interests are not served by deployments of land troops in Asia. The only eventuality that could conceivably justify deployment of several divisions would be large scale overt attack by the Communist Chinese.

Such an attack is extremely unlikely for several reasons. First, geographically speaking, there are few places where a Chinese attack could be mounted. The areas of vital American interest—Japan, Taiwan, the Philippines, Indonesia, and Australia—are largely impregnable islands, certainly not vulnerable to a Chinese invasion. Likewise, the jungles of Indochina make the operation and supply of large armies extremely difficult, as our experience in Vietnam has shown. The principal area where a large Chinese ground attack is possible is South Korea, where American soldiers stand ready alongside a formidable South Korean army.

In addition, considerable doubt exists as to whether the Chinese Army could launch and sustain an offensive. Although the CPR Army remains a formidable defensive force, much of it is ill-equipped. Only five of 118 divisions are armored and there is a decided shortage of field engineering, heavy self-propelled artillery, and motor transport equipment—all crucial to the success of an offensive operation.[18] The justification for retaining large numbers of American troops as a counterbalance to potential Chinese aggression remains less than convincing.

American strategic nuclear policy has likewise remained largely unaltered since the early 1960's. Since that time, we have maintained three separate nuclear deterrents—nuclear bombers, land-based missiles, and sea-based missiles—each force being sufficient to inflict 'unacceptable' damage on a nuclear aggressor. The rationale for maintaining this "triad" deterrent is that each component displays different characteristics and poses different defensive problems for a potential attacker. Secretary Laird provided the rationale for each component of the "triad" in his statement before the House Armed Services Committee:

"Land-based missile have a high alert rate, quick response capability, reliable command and control, and the capability to cover a broad range of targets. Sea-based missiles offer dispersion and concealment, pose a threat from several directions with a short time of flight, [deleted] and are capable of extending responses over a long period of time. Bombers can deliver large payloads with accuracy needed to destroy hard targets, can restrike tarkets as necessary, and can provide damage assessment of earlier strikes."[19]

While our sense of omnipotence is undoubtedly served by our knowledge that we can obliterate the Earth in any number of different ways, it is highly debatable whether this "triad" nuclear deterrent is essential to our security. Our Polaris/Poseidon fleet of submarines remains invulnerable, and no breakthrough in anti-submarine warfare are on the horizon. We have already expended hundreds of millions of dollars on an anti-ballistic missile system in the conviction that our land-based missiles are defensible. These two components of the deterrent would seem to be capable of absorbing a nuclear first strike and still inflict sufficient retaliatory damage.

If there is a weak link in the system, it is the bomber force. Planes are extremely susceptible to air defense systems, and the unique characteristics of bombers—ability to carry large payloads, restrike targets, destroy "hard" targets, and conduct reconnaissance missions—would be largely irrelevant in a massive nuclear exchange.

Moreover, the intercontinental bomber force is a redundant deterrent. It makes sense to procure only those forces necessary to deter enemies from nuclear attack. Apparently, the Soviet Union does not view a bomber force as a primary deterrent; their intercontinental bomber force is less than a third of the SAC Command. And if the Soviets consider a "duad" nuclear force of land and sea-based missiles a sufficient deterrent, there is no reason why they would not view a U.S. "duad" in the same manner. It makes no sense to buy a weapon your enemy does not consider to be an effective deterrent.

Having reappraised our foreign policy—criteria 1 (what are the areas vital to U.S. security) and 2 (what are the threats to those areas), criterion 3 can be analyzed (what is the optimal defense posture vis-a-vis criteria 1 and 2). Proceeding from the constraint that it is rational to procure the minimum manpower level necessary to insure American security, it soon becomes apparent that substantial reductions in manpower levels requested in FY 1972 Department of Defense budget are justified.

A comparison of FY 1972 Department of Defense requested manpower levels and our recommended reduction follows:

MANPOWER REQUIREMENTS

| | Fiscal year 1972 DOD[1] budget | Recommended budget | Reduction |
|---|---|---|---|
| **ARMY** | | | |
| General purpose forces: | | | |
| Land forces | 501,000 | 405,000 | −96,000 |
| Mobility forces | 2,000 | 2,000 | |
| Total, general purpose forces | 503,000 | 407,000 | −96,000 |
| Other mission forces: | | | |
| Intelligence and security | 29,000 | 21,000 | −8,000 |
| Communication | 13,000 | 13,000 | |
| Research and development | 9,000 | 9,000 | |
| Support to other nations | 18,000 | 18,000 | |
| Total, mission forces | 69,000 | 61,000 | −8,000 |
| General support forces: | | | |
| Base and individual support | 134,000 | 101,000 | −33,000 |
| Training | 196,000 | 147,000 | −49,000 |
| Command | 28,000 | 28,000 | |
| Logistics | 6,000 | 6,000 | |
| Total, general support forces | 364,000 | 282,000 | −82,000 |
| Strategic forces | 6,000 | 6,000 | |
| Total, Army | 942,000 | 756,000 | −186,000 |
| **NAVY** | | | |
| Strategic forces | 19,000 | 19,000 | |
| General purpose forces: | | | |
| Land forces | 3,000 | 3,000 | |
| Tactical air forces | 61,000 | 49,000 | −12,000 |
| Naval forces | 202,000 | 202,000 | |
| Mobility forces | 3,000 | 3,000 | |
| Total, general purpose forces | 269,000 | 257,000 | −12,000 |
| Other mission forces: | | | |
| Intelligence and security | 17,000 | 10,000 | −7,000 |
| Communication | 11,000 | 11,000 | |
| Research and development | 8,000 | 8,000 | |
| Support to other nations | 6,000 | 6,000 | |
| Total, other mission forces | 42,000 | 35,000 | −7,000 |
| General support forces: | | | |
| Base and individual support | 106,000 | 86,000 | −20,000 |
| Training | 126,000 | 120,000 | −6,000 |
| Command | 34,000 | 34,000 | |
| Logistics | 9,000 | 9,000 | |
| Total, general support forces | 275,000 | 249,000 | −26,000 |
| Total, Navy | 605,000 | 560,000 | −45,000 |
| **MARINE CORPS** | | | |
| Strategic forces | | | |
| General purpose forces: | | | |
| Land forces | 87,000 | 58,000 | −29,000 |
| Tactical air forces | 29,000 | 19,000 | −10,000 |
| Naval forces | 1,000 | 1,000 | |
| Total, general purpose forces | 117,000 | 78,000 | −39,000 |
| Other mission forces: | | | |
| Intelligence and security | 2,000 | 2,000 | |
| Communications | | | |
| Research and development | | | |
| Support to other nations | | | |
| Total, mission forces | 2,000 | 2,000 | |
| General support forces: | | | |
| Base and individual support | 36,000 | 26,000 | −10,000 |
| Training | 42,000 | 28,000 | −14,000 |
| Command | 8,000 | 8,000 | |
| Logistics | 2,000 | 2,000 | |
| Total, general support forces | 88,000 | 64,000 | −24,000 |
| Total, Marine Corps | 207,000 | 144,000 | −63,000 |
| **AIR FORCE** | | | |
| Strategic forces | 113,000 | 63,000 | −50,000 |
| General purpose forces: | | | |
| Tactical forces | 81,000 | 68,500 | −12,500 |
| Mobility forces | 63,000 | 48,000 | −15,000 |
| Total, general purpose forces | 144,000 | 116,500 | −27,500 |
| Other mission forces: | | | |
| Intelligence and security | 39,000 | 27,000 | −12,000 |
| Communication | 29,000 | 29,000 | |
| Research and development | 18,000 | 18,000 | |
| Support to other nations | 1,000 | 1,000 | |
| Total, other mission forces | 87,000 | 75,000 | −12,000 |
| General support forces: | | | |
| Base and individual support | 225,000 | 190,000 | −35,000 |
| Training | 108,000 | 88,000 | −20,000 |
| Command | 64,000 | 64,000 | |
| Logistics | 12,000 | 12,000 | |
| Total, general support forces | 409,000 | 354,000 | −55,000 |
| Total, Air Force | 753,000 | 608,500 | −144,500 |
| Total, DOD manpower | 2,507,000 | 2,068,500 | −438,500 |

[1] All figures supplied by Department of Defense

Note: Figures may not add due to rounding

### RATIONALE FOR REDUCTIONS

### *Army—186,000*

Army land force manpower should be reduced by the elimination of two active Army divisions. All other reductions flow from this decision. Currently the Army maintains 13⅓ active divisions, 4⅓ in Europe, one in Hawaii, one in Korea, and seven in the United States—of which 4⅔ are earmarked for NATO reinforcement. Each division is composed of three components of 16,000 men each—a combat division (DIV) plus two support divisions (an initial support increment (ISI) and a sustaining support increment SSI)). For each combat division deployed, there are two support divisions.[20] One division equivalent (DFE) = (DIV+ISI+SSI) = 48,000 men. Thus, the elimination of two divisions would result in a manpower reduction of 96,000 men.

The two divisions should be taken from the 4⅔ divisions stationed in the United States for NATO reinforcement. This leaves 2⅔ active divisions (128,000 men) for NATO contingencies. Referring back to the scenario developed earlier, you will note that only 100,000 additional United States forces were included in the final stage calculation (M+30). The proposed elimination of two stateside NATO support divisions does not impair our ability to supply 100,000 support troops within 30 days in the event of an emergency in Europe. The scenario is not affected by this manpower cut of two support divisions. Still, at no time does the Warsaw Pact advantage approach 2 to 1, much less 3 to 1. The primary deterrent to a conventional Pact attack—an inability to gain a numerical superiority significant enough to render a reasonable probability of victory—is not affected by the reduction. In the unlikely event that the conflict should extend beyond M-DAY+30, the Soviet Union would have to embark on a large-scale mobilization program in which case we could draw on our nine reserve divisions for support.

The rationale for reductions in base and individual support and in training follow along two lines. First, manpower requirements in both areas are largely a function of the size of land forces. By reducing land forces by 16%, it is possible to reduce manpower in these areas by an equivalent amount. In fact with the elimination of two army divisions in the United States, it becomes practical to close at least one U.S. division headquarters.

Second, a reduction should be made corresponding to the incredible built-in allowance for inefficiency. In determining its manpower needs in the general support categories, the Army assumes an 11% "non-production time factor".[21] In other words, to do a job which requires the services of 100 men, the Army hires 111 men. If ever there was a self-fulfilling prophesy, this is it. How can you hope to cut down inefficiency in the military if you build it into the budget as a line item? No business would tolerate this kind of inefficiency and neither should the military. The Navy is an even worse offender. It assumes a "productivity allowance" of 20% .[22]

Simply by eliminating this programmed inefficiency from the Army's and the Navy's general support requests we could effect a total manpower cut of nearly 35,000 men.[23]

Finally, a reduction in intelligence and security forces appears justified. With the recent furor over military surveillance of domestic activities, it has become obvious that there simply is not enough military "spy work" to go around. Hence, reductions in the intelligence requirements of all the services would appear to be in order.

### *Navy—45,000*

The primary reduction in naval forces is the elimination of four aircraft carriers, leaving a remaining force of nine carriers. In any conventional war involving the Russians, aircraft carriers would be *extremely* vulnerable for several reasons:

1. Large air-to-surface missiles with conventional warheads and terminal guidance have made it possible to launch the equivalent of the Second World War Kamikaze attacks.

2. Satellite and long-range aircraft reconnaissance has greatly reduced the ability of naval task forces to hide in the broad expanses of the oceans.

3. More sensitive submarine sonars and higher speed submarines make it easier to find and attack the carriers.

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Footnotes at end of article.

4. Developments in carrier defense have lagged behind . . . improvements in offense, such as higher-speed and lower altitude missiles.[24]

Although it is difficult to sink an aircraft carrier, it is comparatively easy to make flight operations impossible. There is little question that in any eventuality where the Soviets could deploy submarines or anti-carrier ships, carriers would be of little use.

In addition, most of the functions an aircraft carrier performs are also achieved by land-based aircraft. And few areas in the world are inaccessible to U.S. land-based aircraft.

The primary justification for the aircraft carrier is its role during a peacetime crisis or in a limited military engagement not involving the Soviet Union. Its presence is highly visible, and as long as contiguous waters remain free of submarines or anti-carrier craft, the carrier can wield sizable diplomatic influence. Hence a fleet of nine carriers—two support carriers are necessary for every one deployed—is valuable. The nine carriers, in effect, provide three carriers for crisis contingencies, one for use in the Atlantic, Caribbean, one for the Mediterranean, and one for the Pacific. Each carrier requires, on the average, a crew of 2,650 men plus another 1,500 men to operate and maintain the aircraft. Thus, the elimination of four carriers would achieve a reduction of approximately 12,000 men.

Other reductions include an elimination of the Navy's 20% non-productive time factor along with a small reduction in training manpower to account for the cutback of four carriers.

### *Marine Corps—63,000*

We recommend the elimination of one Marine Corps division of 29,000 men. This would leave two divisions for Pacific deployment, certainly sufficient for any foreseeable limited military conflict. The dissolution of this division logically precipitates the elimination of one Marine Corps air wing in that the Corps has historically maintained one wing for every Corps division. Similarly, reductions in base support and training logically flow from having one less division.

### *Air Force—212,000*

Air Force manpower reductions should occur in two areas: strategic forces and tactical air wings. As indicated earlier, the argument for preserving the present 521—plane SAC manned nuclear bombing force is less than overwhelming. Undoubtedly, a "triad" nuclear deterrent adds something to our own security. The relevant question, however, is whether a "duad" force is just as sufficient to deter Soviet nuclear attack. And there is every indication that it is, especially in light of the fact that the Soviet Union itself largely maintains a "duad" force. A recommended reduction of 50,000 men of the current 77,000 man SAC force would bring our bomber force into parity with that of the Russians, and still permit limited use of the B–52 bombers as conventional weapons.

With the elimination of two Army divisions, it is possible to cut back four Air Force wings. Historically, the Air Force has maintained a 2 to 1 ratio between wings and divisions, this year requesting 50⅓ wings to support 25⅓ divisions. Thus, a reduction of four wings is justifiable, resulting in a direct manpower savings of 12,500 men and an indirect savings (from base operation and training manpower reductions) of about 55,000 men.

### Resulting Manpower Posture

These proposed manpower reductions would produce a military force of 11⅓ active Army divisions and 2 active Marine Corps divisions along with nine reserve divisions (eight Army and one Corps). These divisions could be deployed in the following manner:

Area and number of divisions:
Europe (NATO assigned), 4⅓ (Army).
United States (NATO assigned), 2⅔. (Army).
Korea, ⅔ (Army).
Okinawa/at sea, 1 (Army).
Hawaii, 1 (Army).
Pacific Fleet, 1 or 2 (Marine).
Atlantic Fleet, 1 (?) (Marine).
United States (Minor contingency/strategic reserve), 2⅔ (Army).
Total, 11⅓ Army + 2 Marine.

Although this force is smaller than that requested by the Administration for FY 1972, it is, nonetheless, consistent with Administration objectives:

1. The force will mesh with the implementation of an all-volunteer Army by 1973. In fact, by eliminating two divisions, this proposal makes the all-volunteer force an earlier and more realistic possibility.

2. The force is consistent with the Administration's policy of being ever ready to fight 1½ wars (down from 2½ in 1963). The seven divisions committed to the defense of Europe maintains our deterrence of a conventional Pact attack. The two Army divisions and one Corps division in the Pacific are more than adequate for any minor military emergency, and in the unlikely event of an overt Chinese attack, these divisions coupled with the 2⅔ Army divisions stationed in the U.S. for strategic reinforcement would provide a stout defense against a badly-equipped and poorly-organized Chinese army. Finally, the 2⅔ divisions in the United States for minor contingencies also provide a force for unforeseen situations such as a crisis in the Middle East.

3. In maintaining the existing nine reserve divisions, this proposal coincides with Secretary Laird's Total Force concept, which stresses reliance on reserve forces, rather than draftees, for reinforcement.

Undoubtedly some will claim that this is an inopportune time to engage in manpower cutting, since negotiations with the Soviet Union on mutual reductions in force levels may be in the offing.

We firmly support such mutual reductions in the numbers of men under arms in Europe and elsewhere. The manpower cuts recommended in this report should serve as a guideline for such mutual reductions. Assuming that the Soviets have as much padding in their defense posture as we do, we should be thinking in terms of mutual cuts of at least 500,000 men. Such cuts would not affect the strategic balance significantly, and would go far toward de-emphasizing armed confrontation as a means of conducting foreign policy.

The basic message of this study, however, is that even if negotiations with the Soviet Union fail to produce agreements on mutual reductions, the United States can and should proceed with substantial unilateral cuts.

The economic ramifications of these reductions are enormous. A reduction of 438,500 men would result in an immediate savings of over 4 billion dollars. When one considers the equipment eliminations contingent on these reductions, the savings could well approach 7 billion dollars. The advantage of freeing these sums of money for domestic concerns is obvious. For years, social problems in this country have cried for solutions as billions of dollars have been squandered in the interests of national defense.

But even if no domestic programs were starving for funds, even if all Americans were living in a peaceful, prosperous society, it would still be foolish to continue to finance inflated and oversized defense budgets. By maintaining a musclebound defense posture, we increase the likelihood that the military will periodically flex its muscles. Our recommended manpower levels are sufficient to repel and to deter any potential attack which threatens our security. And that is all we should require our defense posture to do.

#### FOOTNOTES

[1] The United States' role as protector of Western Europe is being challenged in some quarters as a basis for future foreign policy. Obviously a redefinition of our role in Europe would call for additional changes in our military manpower posture. For the purpose of this analysis, continuation of our present commitments to Europe is assumed.

[2] Alain C. Enthoven, "Arms and Men: The Military Balance in Europe," *Interplay*. May, 1969.

[3] *Ibid.*

[4] Institute for Strategic Studies, London, *The Military Balance: 1969–70, and 1970–71.*

[5] All forces stationed in West Germany.

[6] All forces stationed in East Germany.

[7] Troops stationed in Italy.

[8] Troops stationed in Poland, Hungary, and Czechoslovakia.

[9] Six infantry brigades stationed in Britain.

[10] One mechanized infantry brigade stationed in Canada for NATO use.

[11] Two armored divisions and five infantry divisions, stationed in Italy, for NATO use.

[12] Three mechanized divisions stationed in France.

[13] Twenty-nine divisions in European U.S.S.R. Institute for Strategic Studies estimates that, under ideal conditions, these divisions could be mobilized within 30 days.

[14] Each C–5A holds approximately 270 soldiers plus equipment, travelling at an approximate airspeed of 460 miles per hour. Assuming each plane makes one round trip a day, a fleet of 69 planes could transport 559,000 troops a month, enough to tap the active force, but little of the nine reserve divisions. (Information supplied by the Defense Department.)

[15] Testimony of Honorable Melvin L. Laird, Secretary of Defense, before the House Armed Services Committee, March 9, 10, 11, 1971.

[16] Institute of Strategic Studies, *Military Balance: 1969–70.*

[17] Testimony of Laird, *op. cit.*

[18] Institute for Strategic Studies, *op. cit.* 1970–71.

[19] Testimony of Laird, *op. cit.*

[20] The ratio of two support divisions for each combat division is accepted here for purposes of discussion. However, there is considerable room for skepticism and further study as to whether such substantial numbers of support troops are really required.

[21] Department of Defense, "Defense Military Manpower Requirements for FY 1972, Appendix I," (April 22, 1971), p. 11.

[22] *Ibid.*, page 27.

[23] Army: 14,740.
Navy: 20.000

[24] *Setting National Priorities, The 1972 Budget*, Brookings Institute, Special Defense Issues, The Role of the Aircraft Carrier, page 73.

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## THE PENTAGON PAPERS

Mr. McGEE. Mr. President, Kenneth Crawford's column in the Washington Post of June 25 points out, with considerable clarity, the reasons we should not accept the Pentagon papers as an objective, all-encompassing assessment of our involvement in Vietnam.

The admitted prejudices which exist in the interpretations of the documents comprising the 47-volume study have a significant bearing on the merits of such a study. I have long maintained that only history can be the judge of our involvement in this conflict. Subsequent to the initial publishing of portions of this study, a number of columnists have raised valid issues pointing out that an attentive American public would have been fully aware of the moves which led to escalation had they only scrutinized the record. Much was being published at the time of our escalation in this conflict, and numerous columnists were predicting with considerable accuracy what the stakes were at that time. However, few people gave but scant attention to these well-published events.

Therefore, I ask unanimous consent that Mr. Crawford's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SPECIAL KIND OF LEAK—PREJUDICE FLAWS PENTAGON PAPERS

(By Kenneth Crawford)

What is remarkable about the Pentagon study of Vietnamese war decision-making—at least the parts so far published by The New York Times and The Washington Post—is not that so many of the facts dealt with were previously unknown but that so many were known. Commentators who professed profound shock at the alleged duplicity of officials dealing with war policy on the basis of the new "revelations" were being either naive or hypocritical.

Interpretations of the documented facts first by the Pentagon team of 30 to 40 anonymous (a few of them now identified) authors of the study are something else. They are flawed by the admitted prejudices of those who made the study and conform too conveniently with the present editorial position of the publications disseminating the report. Also, they omit White House and State Department records necessary to a complete understanding of considerations bearing on the decision makers.

Leslie H. Gelb, coordinator of the report when he was at the Pentagon, frankly admits that his team regarded Vietnam as a Greek tragedy—unwinnable, uncompromisable, and a blunder from the beginning. The Times and The Post have now come to about that conclusion, too, even though they both supported the war effort in its early stages. The danger here is that the clarity of hindsight is too clear. The conclusion of total error is too simple. Perhaps Congress, when it gets around to study of the record, will bother to wonder what fate Southeast Asia would have suffered by this time but for American intervention in Vietnam. But probably it won't. No politician likes to swim upstream against powerful media and apparently fixed public opinion.

That the report is patently unjust to officials concerned over the years with Vietnam is perhaps incidental and unimportant. Cooks who work in the kitchen have to take the heat even after they have left the stove. But the conclusion generally drawn from the report that President Johnson knew during the campaign of 1964 that he would escalate on the ground and in the air once he had won the election is not only unjust but inaccurate. There may have been consensus for escalation among his advisers in 1964, as the report says, but implementation was impossible until the President agreed.

Whether The Times and The Post were justified in printing excerpts from the report and the supporting documents, without first making an effort to get them declassified, as they doubtless should have been, is questionable. Whether the government should have undertaken to exert prior restraint on further publication after the first installments appeared is also a question. A journalist comes down almost instinctively on the side of the people's right to know and the First Amendment in any hassel between government and press over leaks of classified information. Yet the circumstances here are troublesome

Any journalist who has practiced his trade in Washington for a long time has first-hand knowledge of scores of leaks, some of his own contriving. Leakage is a sort of safety valve in the Rube Goldberg-like arrangement of relations between press and government. In practice, it permits the government to keep a few secrets and the public to have most of them. But what The Times and The Post brought off was not normal leakage. They challenged directly and spectacularly the government's claim to the privilege of secrecy in areas of military and diplomatic decision-making in violation of the live-and-let-live understanding of the past. They set themselves up as the judges, superseding duly delegated authority, of what should and should not be secret. They left the government little choice but to resist in some fashion.

It is difficult to be consistent where civil disobedience—deliberate violation of law—is concerned. To many, like me, Martin Luther King's campaign of civil disobedience was justified by his race's oppression. But some of the same people who condoned his acts conceded no such sanction to the May Day demonstrators who trashed Washington to dramatize their opposition to the war. Others deplored the methods employed by the police to put down the May Day disturbances. Yet all the civil disobedients had some higher authority to appeal to for excuse of law violation.

The May Day demonstrators said they were exercising their constitutional right of petition. The police said the necessity of restoring order to the nation's capital justified their legal shortcuts. The Times and The Post invoked the higher authority of the people's right to know and the First Amendment.

The editors of The Times and The Post have put on a morality play of sorts. They have played Robin Hood. with a touch of Hildy Johnson thrown into the characterization, to the government's Sheriff of Nottingham. James Reston is probably right in announcing that the public is on their side, though one may wonder how he can be so sure of that. The press should remember that among the public's devils, it rates high, probably just behind public officials and hardened criminals. It cannot count upon automatic sympathy.

As for the report The Times and The Post have given their readers, parts of which are now available in other newspapers, coast to coast, it is impossible not to wonder what a hostile commission with access to the classified documents could have made of President Roosevelt's maneuvers just before and during the Second World War. It would have been sensational. The primary difference between official conduct in that war and in the war in Vietnam is that that war was won. Also Hitler was a better symbol of evil than the late Ho Chi Minh. So we wallowed in triumph after that war and we wallow in masochism now.

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## TRUTH-IN-SAVINGS

Mr. HARTKE. Mr. President, on May 12 I introduced S. 1848, the Truth-in-Savings Act. That legislation is designed to provide consumer depositors with enough basic information to enable them to make a rational and intelligent decision about the investment of their funds in savings institutions.

This is a complicated subject, but it is summarized every working day of the year in dollars and cents terms for the individual depositor. Because consumers do not understand the terms associated with savings accounts, or because they are not aware of the provisions of their accounts, far too many people are losing interest and dividends which could have been earned had the information required by S. 1848 been disclosed.

One aspect of S. 1848 is the section which establishes advertising requirements for savings institutions. For many such institutions, advertising requirements are presently established by regulation. However, a study recently completed by Diana Osbaldiston and Dr. Richard L. D. Morse of Kansas State University indicates that current advertising regulations are inadequate, and that the type of statutory regulation of S. 1848 is necessary to bring order out of the present chaos.

Of the 152 newspaper advertisements examined during this study, more than half were inadequate. Advertisements were considered complete if they stated: The type of account; the annual earnings rate; the minimum amount of deposit required; the minimum length of time for a deposit; when interest is paid; whether or not compounding of interest is offered; and, if so, on what basis; and the limitations and penalties imposed or bonuses allowed on each specified account.

Mr. President, I ask unanimous consent that the Osbaldiston-Morse study be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

### ADVERTISEMENTS OF SAVINGS ACCOUNTS

(By Diana Osbaldiston and Richard L. D. Morse, Ph. D)

#### INTRODUCTION

"Your interest is compounded daily and your savings earn from the day of deposit to the day of withdrawal at the highest rates of interest permitted by law. It's hard to find a better deal than that for your savings anywhere. Isn't that all you need to know about savings?" (Advertisement of Home Federal Savings and Loan Association, Chicago Tribune, Jan. 5, 1971.)

No. This is not all that a concerned investor needs to know about savings in order to maximize his earnings. A small investor may not be abreast of the current rates permitted by law to know whether the rates quoted are the highest. And, although it may be "hard to find a better deal," it is not impossible. Before committing money to a savings institution, careful consideration needs to be given to penalties, limitations, basis for computing interest, etc.

#### OBJECTIVE

This study was made to ascertain how much pertinent information advertisements provide a prospective investor.

The Federal Reserve Board had issued regulations on advertising of interest on deposits, effective August 1, 1969 and comparable standards were adopted by the FDIC and FHLBB. A secondary objective of the study was to determine whether those regulations were being followed.

The tremendous variety of gifts and other lures clouded the issue of what bargains in investment the financial institutions were offering. It was necessary to make a distinction between the information on savings and the information on lures. No attempt was made to appraise these lures in the evaluation of information supplied by advertisements of savings.

#### PROCEDURE

##### *Source of data*

Advertisements were taken from fourteen different newspapers from cities of all sizes throughout the U.S.A. between December 27, 1970 and January 7, 1971. This is the time of the year when traditionally there is much activity in savings advertisements. More than one issue of most of the publications was scanned. And from the 29 issues a total of 152 different advertisements were collected:

| Newspapers | Number of issues | Number of advertisements |
|---|---|---|
| Chicago Tribune | 4 | 28 |
| Daily Oklahoman | 1 | 3 |
| Dallas Times-Herald | 2 | 9 |
| Denver Post | 1 | 12 |
| Des Moines Register | 1 | 5 |
| Kansas City Times-Star | 5 | 28 |
| Los Angeles Times | 2 | 18 |
| Manhattan (Kans.) Mercury | 2 | 5 |
| New York Times | 4 | 17 |
| St. Louis Post-Dispatch | 1 | 13 |
| Topeka Capital | 1 | 3 |
| Wall Street Journal (Midwest edition) | 2 | 3 |
| Washington Post | 1 | 3 |
| Wichita Eagle | 2 | 5 |
| All 14 papers | 29 | 152 |

The same institution may have been represented more than once. If the layout was different or a different type of account was being advertised, then the different advertisements were counted separately. However, if a layout of the same size and content appeared on several days, the advertisement was counted only once.

### *Treatment of data*

Each advertisement was measured to determine the total area in square inches. Each advertisement was examined and the following items were noted and tabulated:

1. Type of account.
2. Nominal annual rate.
3. Minimum amount required for the rate to apply.
4. Length of time amount had to be invested for rate to apply.
5. Frequency with which interest was paid or credited.
6. Whether interest was compounded.
7. If compounded, whether the effective annual yield was stated.
8. If the effective annual yield was stated, whether it received greater prominence than the annual rate.
9. Limitations on deposits, represented by withdrawal penalties or the offering of grace or bonus days.
10. Safety of funds in terms of insurance coverage.
11. Gifts and other inducements offered.

### *Informativeness of advertisements*

The criteria for grading the advertisements were established from the perspective of a saver who had a few hundred dollars to invest for the first time in his life, who knew very little about savings institutions, and needed to be protected from both misinformation and lack of information. The information should be in a straightforward and easily understood manner.

The advertisements were graded on the basis of information given about savings accounts, not about the institutions' gift offers or its various extraneous virtues or policies. *Five grades were used:*

*Complete.* Advertisements were so classed if the information was complete, was identified clearly with the type of account and was not obscured by gift offers. An advertisement was considered complete if it stated: the type of account; the (nominal) annual rate; minimum amount; term; when interest would be paid; whether or not compounding of interest was offered, and if so on what basis; and, very importantly, the limitations and penalties imposed or bonuses allowed on each specified account. Effective annual yield being omitted did not down grade advertisements.

*Nearly complete.* These advertisements supplied most of the necessary information in a straightforward manner. Omission of limitations downgraded advertisements, as did failure to mention minimum amount and minimum time requirements on accounts offering higher rates of interest.

*Some.* These advertisements supplied some information and careful reading was required to glean the information.

*Little.* The advertisements contained very little information.

*Almost none.* Such ads contained almost none of the information needed.

### *Size classes of advertisements*

The advertisements were graded into four class sizes, as follows:

Small, 0–50 sq. ins.

Medium, 51–100 sq. ins.

Large, 101–150 sq. ins.

Super, 151+ sq. ins. (half pages up to double pages at 600 sq. in.).

In approximate terms these mean: less than a quarter page advertisement, quarter page, half page and for the "extra large" advertisements half page up to 600 square inches for double page advertisements.

### *Terms and definitions*

*"Institution"* was the term used to cover federally chartered and other banks and savings banks, savings and loan associations, state regulated finance companies and any other firm offering a return on the deposit of money.

*"Type of account"* comprised both unrestricted and restricted withdrawal passbook accounts, saving certificates of deposit and all other various names chosen by the institutions to designate fixed time deposits.

*"Annual rate"* was the annual rate of simple interest. Regulation Q, Section 217.6, as published June 21, 1969, in the Federal Register states that "in no case shall a rate be advisertised that is in excess of the applicable maximum rate for that particular deposit."

*"Interest"* and *"dividend"* were used interchangeably. Although it is usual to define interest as a fixed predetermined return on investment and dividend as the return that is not usually fixed and may be variable, in this context the rate was always known. Therefore the return on investment was called interest.

*"Minimum amounts"* were those required to qualify for a type of account.

*"Minimum time"* was the period of time required for the deposit to remain invested to earn interest.

*"Compounding"* meant that interest was paid on previously earned interest. Interest compounded daily, for example, meant that each successive day the interest was computed on the previous day's balance including accrued interest. Interest was also compounded continuously and quarterly. Compounding would produce an effective annual yield which would be higher than the annual rate of simple interest.

*"Limitations"* were defined as any restriction on the investment. They included penalties for premature withdrawal, requirements concerning the minimum balance remaining in an account at the end of each period (generally so that a computer could pick up the account to calculate interest), limiting withdrawals to the first ten days of a quarter, also the offering of grace or bonus days such as "deposits made by the tenth of the month earn interest from the first," and whether rates of interest on long-term deposits were guaranteed.

*"Safety"* refers to accounts being insured by Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC). If an institution did not specify being a member or showing the seal, but stated that funds were insured by a federal agency, when the institution's name included the words "Saving and Loan Association," it was considered FSLIC.

*"Other"* comprised the remaining institutions. Although five of these included "Federal Savings & Loan Association" and one included "National Bank" in their names it was assumed the hypothetical investor would not be aware of these regulations.

*"Gifts"* were merchandise offered by the institution to entice or reward a depositor. They included, coins, stamps, free items and those that could be purchased at a reduced price.

*"Prominence of rate"* was taken by observation. Layout and print type size were among the factors that entered into the judgment.

### RESULTS AND DISCUSSION

It may be assumed that consumers need certain basic information if they are to be prudent investors. Also it may be assumed that savings institutions supply such basic information in their advertisements. It was the purpose of this study to determine how much information advertisements actually contain.

More than one-half of the advertisements were inadequate. About one-fifth gave complete information, and another 28% were judged to be nearly complete, as shown in Table 1.

Size of the ad was not a factor affecting the adequacy of the information disclosed. Small and medium sized ads were as informative as half-page or full-page advertisements. (See Table 1.) The limiting factor, thus, was not space to disclose full information.

Type of institution did not affect the amount or quality of information, as shown in Table 2. There seemed to be no apparent difference in policy regarding informativeness of advertisements between the 48 FDIC identified institutions and the 81 FSLIC institutions. Although there was an apparent difference in the size of advertisement as between types of institutions, a large percentage of advertisement of FDIC institutions were large or super, as shown in Table 3. Thus it can only be concluded that the quality of information varied with the advertising and management policy of each financial institution and not the size of the advertisement.

Rate of interest is of major significance to savers. Less than half, only 70 of the 152 advertisements, gave the rate prominently in the ad. Prominence of rate varied by type of institution, as shown in Table 4. Of those identified with FDIC 42% prominently displayed the rate, as did 46% of those identified with FSLIC and 57% of "others". Rates were more prominent in the more informative advertisements (Table 1.) and in the smaller advertisements (Table 3.). "The highest rate of interest permitted by law" or similar language was included in 32 advertisements, most (26) of which were FSLIC institutions.

Safety of principal is another major significant consideration for the saver. Most of the institutions included this in their advertisements, as shown in Table 4: 32% were FDIC members and 53% were FSLIC members. Five of the "other" institutions had "Federal" in their names so probably belonged to the FSLIC. By the same reasoning a bank which had "National" in its name probably would have belonged to the FDIC. However, the hypothetical investor would not be aware of these regulations requiring financial institutions chartered by the Federal government to be insured. The insurance type, if any, for the remaining 17 financial institutions is unknown.

Gifts are a common inducement, used by financial institutions to differentiate themselves from others paying the same maximum rate allowable by law. Gifts were not considered as information, but 68 institutions offered them. As shown in Table 5, 47 of the 81 FSLIC institutions (58%) advertised gifts, whereas only 12 of the 48 FDIC institutions (25%) did so.

A secondary objective was to note the relative prominence of the effective annual yield and the annual rate when both appeared in the advertisement, in compliance with Regulation Q.

Where there is compounding daily or continuously, Regulation Q permits the display of the effective annual yield for one year, presuming the interest remains invested for the period. Section 217.6 (b) and (c) deal with percentage yields achieved by compounding as follows:

(b) "Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding."

(c) "No advertisement shall include any indication of a total percentage yield compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year."

The institutions' compliance with these sections was checked. Of the 66 advertisements stating the annual rate to be compounded daily or continuously, 25 mentioned the effective annual yield. Three advertisers, all FSLIC members, contravened the regulation by displaying the effective annual yield with more prominence than the annual rate. The rest were within the regulations, as shown in Table 5. As far as subsection (c) was concerned, in one case only was the effect of compounding for more than one year stated, and this was not a federally chartered establishment.

### CONCLUSIONS

The amount of advertising, as measured in square inches of space, represents a large expenditure. However, the value of such advertising as a means of informing the prospective investor is questionable.

Although it may be held that the purpose of advertising is to attract customers and not to inform customers, this competitive process takes place in an arena of free enterprise which demands full knowledge on the part of the participants in the system for the system to deliver fully.

It is recommended that all institutions which advertise insured savings should disclose the name of the insurance carrier in the advertisement.

Failure of advertisements to be fully informative was evidently the policy of the sponsoring institution and not for lack of advertising space. An accepted standard for full disclosure of terms is needed. And it should contain all the information needed by a prudent consumer so that he will be able to compare more readily the various savings opportunities available to him.

This study did not investigate the meaning of the words used or how the various institutions interpreted them. A previous study by Pinson revealed the various methods by which institutions compute interest, for example. An investor would be wise to make detailed inquiries from any institution, addressing his questions to the manner in which he planned to use the account so as to detect that type of account and institution which is most suitable to him.

TABLE 1.—INFORMATIVENESS OF ADVERTISING BY SIZE OF AD

[In percent]

| Information in advertisement | Size of advertisement | | | | | Prominent rate |
|---|---|---|---|---|---|---|
| | All | Small | Medium | Large | Super | |
| Complete | 19 | 12 | 24 | 23 | 22 | 29 |
| Nearly complete | 28 | 29 | 29 | 26 | 26 | 41 |
| Some | 15 | 15 | 16 | 10 | 22 | 16 |
| Little | 21 | 27 | 13 | 28 | 8 | 14 |
| Almost none | 17 | 17 | 18 | 13 | 22 | ... |
| All | 100 | 100 | 100 | 100 | 100 | 100 |
| Number | 152 | 52 | 38 | 39 | 23 | 70 |

TABLE 2.—INFORMATIVENESS OF ADVERTISEMENTS, BY SPONSORING INSTITUTION

[In precent]

| Informativeness of advertisement | Institution | | | |
|---|---|---|---|---|
| | All | FDIC | FSLIC | Other |
| Complete | 19 | 27 | 15 | 17 |
| Nearly complete | 28 | 21 | 32 | 26 |
| Some | 15 | 12 | 17 | 13 |
| Little | 21 | 21 | 21 | 22 |
| Almost none | 17 | 19 | 15 | 22 |
| Total | 100 | 100 | 100 | 100 |
| Number | 152 | 48 | 81 | 23 |

TABLE 3.—SIZE OF ADVERTISEMENT. BY INSTITUTION AND PROMINENCE OF RATE

[In percent]

| Size of advertisement | Financial institution | | | | Prominent rate |
|---|---|---|---|---|---|
| | All | FDIC | FSLIC | Other | |
| Small | 34 | 21 | 33 | 65 | 44 |
| Medium | 25 | 23 | 28 | 18 | 19 |
| Large | 26 | 35 | 24 | 13 | 26 |
| Super | 15 | 21 | 15 | 4 | 11 |
| All | 100 | 100 | 100 | 100 | 100 |
| Number | 152 | 48 | 81 | 23 | 70 |

TABLE 4.—OFFERING OF GIFTS AND PROMINENCE OF RATE, BY INSTITUTIONS

[In percent]

| Institution, class | Number | Gift offers | Prominent rate |
|---|---|---|---|
| FDIC | 48 | 25 | 42 |
| FSLIC | 81 | 58 | 46 |
| Other | 23 | 39 | 57 |
| All | 152 | 44 | 46 |

TABLE 5.—COMPLIANCE WITH REGULATION Q

| Compliance | Reason | Number |
|---|---|---|
| Not in compliance | Greater prominence to effective annual rate over annual rate | 3 |
| In compliance | Equal prominence to effective annual rate over annual rate | 14 |
| In compliance | Less prominence to effective annual rate over annual rate | 8 |
| All institutions stating both rates | | 25 |

## HIRSHHORN-SMITHSONIAN CONTRACT VOID

**Mr. ALLEN.** Mr. President, Members of the Senate will be interested in a newspaper item published in the Washington Star on Tuesday, June 24, 1971. The item appeared on the front page and is headed "Hirshhorn Museum Funds are Frozen." The first paragraph is adequate to make a point. It reads:

> The House Appropriations Committee today voted to place a ban on spending of any new funds for the Hirshhorn Museum until the National Capital Planning Commission approves plans for the museum's sculpture garden.

This simple statement illustrates the basis for one of many objections which have been raised to construction of the museum and sculpture garden—at least under terms and conditions of the contract negotiated by the Board of Regents of the Smithsonian Institution with Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation.

The question raised by the ban is whether or not the National Capital Planning Commission is now free or was ever free to exercise an unfettered judgment on the merits of plans and designs for construction of the Joseph H. Hirshhorn Museum and Sculpture Garden. The answer is that the Commission is not free to make an independent judgment so long as it is sitting under a Damocles Sword in the form of an agreement which provides that title to the works of art shall be conveyed to the Smithsonian Institution only if the Commission approves plans submitted to it by Mr. Hirshhorn and Dr. Ripley.

Mr. President, the fact is that both the National Capital Planning Commission and the Fine Arts Commission are confronted with a contract containing the following provisions:

> *Paragraph third.* Upon receipt of appropriate authorization from the Congress . . . the Institution shall . . . construct the Joseph H. Hirshhorn Museum and Sculpture Garden . . . *in accordance with plans . . . which . . . shall have been specifically approved by both the donor and the Secretary of the Institute.* (Emphasis supplied).
>
> *Paragraph ninth.* In the event . . . the said museum and sculpture garden shall not have been constructed . . . as provided in paragraph third . . . *this agreement shall be null and void* and the proposed gifts by the donor and the Hirshhorn Foundation shall not be consummated. (Emphasis supplied).

All of us know that the Fine Arts Commission and the National Capital Planning Commission have been vested by Congress with the power and duty to exercise unfettered judgments in granting or withholding the approval of plans and designs for the construction of memorials and other buildings on the Washington Mall. Yet, it will be seen that by reason of the above terms if either the Fine Arts Commission or the National Capital Planning Commission should reject plans "specifically approved" by Mr. Hirshhorn, the onus for voiding the agreement falls on either or both of these agencies. The command is implicit:

> Abdicate responsibility to exercise your free and independent judgments on the merits of plans and design of the Museum and Sculpture Garden or else the deal is off.

Mr. President, I doubt that the Smithsonian Institution has the power to disregard a congressional mandate and authorize Dr. Ripley to negotiate contracts with anyone to accept gifts conditioned in a manner to make the transfer of title to such gifts contingent on divesting the above commissions of their legislative responsibilities. At least, I have been unable to find statutory authority to authorize the Board of Regents to enter such an agreement. Without inherent or statutory authority in the Institution it would seem clear that the agreement, in this particular, is ultra vires and, therefore, null and void. Yet, let us suppose that the Board of Regents should say to Mr. Hirshhorn, "Congress has vested the power in the Fine Arts Commission and the National Capital Planning Commission to approve plans and design for construction on the Mall—we cannot usurp these powers—the provision of the contract that grants you the power of final approval of plans for the Museum and Sculpture Garden was improvident—we wish to strike this provision from the agreement."

Mr. Hirshhorn's response could be, "I specifically reserved the right to final approval along with Dr. Ripley—you agreed to that provision. If Dr. Ripley, or the Fine Arts Commission or the National Capital Planning Commission renege—then please read paragraph nine of the agreement. It provides that our agreement 'shall be null and void' unless the project is constructed in accordance with plans 'specifically approved' by me."

Mr. President, were the agreement thus flawed in but one of its provisions, some Members of Congress might be inclined to urge that we disregard this objection and objections voiced by the American Society of Landscape Architects; the National Sculpture Society; Hon. Gilmore D. Clarke, former Chairman of the Fine Arts Commission; Dr. Norman D. Newton, former professor of landscape architecture, Harvard University; and many other authorities in separate areas of concern who sincerely question both the original and revised plans, designs, and location of the museum and sculpture garden on the mall.

But, Mr. President, we are concerned not with a single objection to the agreement but many—so many that we can do no more than cite a few for purpose of illustration. For example, some Members of Congress will doubt that the Smithsonian Institution has the power to enter contracts, the terms of which make transfer of title of gifts to the Institution contingent on enactment by Congress of a statute to impose administrative and policy responsibilities on present and future Chief Justices of the United States.

Already Chief Justices serve as ex officio members of the Board of Trustees of the Smithsonian Institution; as Chancellor of the Board of Regents; and as members of the Board of Trustees of the National Gallery of Art. Does the Board of Regents have the power to enter agreements which make transfer of title of gifts contingent on congressional delegation of yet another nonjudicial responsibility to Chief Justices of the United States?

Along the same line, I would think that many Members of Congress may very well question the power in the Board of Regents to enter agreements to accept works of art under conditions which would make the agreement null and void if Congress should exercise its constitutional prerogative to amend a statute in certain particulars. Yet, the Board of Regents has entered an agreement subject to the above conditions and these few examples merely scratch the surface.

Hundreds of questions remain unanswered. Questions such as those raised by some journalists who approve the project. We are indebted to Dr. Ripley for bringing to our attention several questions which appeared in an article by Leroy F. Aarons, who favors the project. The following exerpts from the article indicate the source of some few of the many remaining questions:

> Negotiations for the huge collection have been going on here in the *deepest secrecy* between Hirshhorn, who lives in New York City, officials of the Smithsonian and the White House . . . (Emphasis supplied).
>
> . . . the industrialist is extremely sensitive about publicity surrounding the disposition of his works.
>
> The Administration (May 16, 1966) is still so sensitive about the matter that officials scheduled to discuss plans for the new Museum on Capitol Hill this week have been instructed not to leave any copies of the agreement lying around.
>
> His collection is scattered around the world, jamming his offices in Manhattan and Toronto, and displayed throughout his Park Avenue apartment, his Riviera villa and his country home in Greenwich, Connecticut. The bulk of the trove, however, is kept in closets, storerooms and warehouses.

But the most interesting question is raised by the implications implicit in the instructions to Smithsonian officials not to leave copies of the agreement lying around after discussions with Members of Congress. It is only after the agreement has been analyzed that one can fully understand the concern. It is, indeed, a remarkable instrument—having read it for the first time, some 5 years later, I was prompted to introduce Senate Joint Resolution 45 to have it declared null and void. I am inclined to believe that if many Members of the 89th Congress had copies available and had read the agreement carefully, they would not have permitted Congress to become a party to implement the agreement by statute.

Mr. President, I want to emphasize again that the above-mentioned legal questions concerning the validity of the agreement are but tips of an iceberg. These few remarks do not begin to reveal the massive and very serious questions underlying the Joseph H. Hirshhorn Museum and Sculpture Garden project. Questions such as those raised by a report by the House Committee on Library and Memorials; by prominent individuals and professional organizations; and by responsible members of the news media and others.

I consider the agreement utterly void, and I reserve judgment on other questions. I am convinced, however, that the questions raised are of sufficient importance to justify investigation by appropriate committees of Congress.

With this said, let me call to the attention of Members of the Senate most serious accusations made by Dr. Dillon S. Ripley on April 5, 1970. In testimony before the House Subcommittee on Appropriations for the Department of Interior and Related Agencies, by way of explanation of objections to the museum and sculpture garden and the motives of those who voiced such objections, Dr. Ripley tore into critics in a carefully prepared written statement. I quote from the printed record:

> Attempts to blacken the name of anyone or everyone associated with the Hirshhorn project have been accompanied by two other equally distasteful tactics. One, which deserves mention only in passing, has been a campaign of truly scurrilous innuendo of a perfectly familiar antisemitic sort. The other has been a constituent distortion of fact about the Hirshhorn Museum and Sculpture Garden.

Mr. President, I want to emphasize that Dr. Ripley made these charges before a committee of Congress while testifying in support of appropriations requested for the Hirshhorn Museum and Sculpture Garden.

They were made with knowledge that a bill had been introduced in the House of Representatives which would drastically change the plans for location of the proposed sculpture garden.

These were made preceding the approval of revised plans by the National Capital Planning Commission—plans for which he and Mr. Hirshhorn were personally responsible.

They were made with knowledge that a bill had been introduced in the Senate that challenged the validity of the agreement which Dr. Ripley had himself negotiated with Mr. Hirshhorn.

They were made with knowledge that the Senate bill had been jointly referred to the Committee on Public Works and the Committee on Government Operations.

Mr. President, I submit that these charges impugn the motive of Members of Congress, members of the Fine Arts Commission, members of the National Capital Planning Commission, and others who have voiced opposition to the project. One can reasonably infer that the charges were made with intent to intimidate those who were yet to pass judgment on various aspects of the project.

Mr. President, I will not believe that Dr. Ripley can intimidate members of the House Subcommittees on Library and Memorials, which investigated the Hirshhorn Museum and Sculpture Garden, and members who sponsored the House bill to drastically revise Dr. Ripley's and Mr. Hirshhorn's plans.

I will not believe that Dr. Ripley can intimidate members of the Senate Committee on Government Operations and members of the Senate Committee on Public Works who are yet to consider various aspects of this project.

I do not believe that members of the House and Senate Committees on Appropriations or Members of Congress or members of the press and spokesmen of recognized cultural authorities are going to be intimidated by intemperate but calculated charges that impugn their motives.

Mr. President, I hope that in the not too distant future Dr. Ripley will be provided an opportunity to substantiate his charges and that appropriate committees of Congress will have the opportunity to determine on the basis of evidence who, in fact, has been guilty of "consistent distortion of fact about the Hirshhorn Museum and Sculpture Garden."

In the process, perhaps Members of Congress and the people of the United States may learn the reasons behind reported secret negotiations by the Smithsonian Institution with Mr. Hirshhorn which lead to an agreement so secret that officials of the Institution were cautioned not to leave copies around offices and committee rooms of Congress.

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## ADDRESS BY DR. WALTER W. ROSTOW

Mr. McGEE. Mr. President, on June 18 of this year Dr. Walter W. Rostow delivered a speech at the Naval War College at Newport, R.I. The address was entitled "Will We Snatch Defeat From the Jaws of Victory?"

In his remarks, Dr. Rostow pointed out with clarity what the stakes are in relation to the pursuit of a real and lasting peace in today's world. At a time when feelings of neoisolationism are sweeping the country in light of Vietnam, Dr. Rostow's observations are worth study and consideration by all Americans.

Mr. President, I ask unanimous consent that Dr. Rostow's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

## WILL WE SNATCH DEFEAT FROM THE JAWS OF VICTORY?

(By W. W. Rostow)

My title today is both unfashionable and paradoxical. I derived it from an article in the London *Economist*[1] referring to American policy in Southeast Asia. I shall be discussing a wider range of issues, including Southeast Asia.

The title is unfashionable because it is not generally regarded as good taste these days to talk about victory; it is paradoxical because my notion of victory is not triumph in the usual military sense: it is the building of stable peace, on the principles of the United Nations Charter, from the intractable raw materials left in the wake of the Second World War.

I put the matter this way in a talk at Fort Bragg in June 1961:[2]

"The victory we seek will see no ticker tape parades down Broadway—no climactic battles nor great American celebrations of victory. It is a victory which will take many years and decades of hard work and dedication—by many peoples—to bring about. This will not be a victory of the United States over the Soviet Union. It will not be a victory of capitalism over socialism. It will be a victory of men and nations which aim to stand up straight over the forces that wish to entrap and to exploit their revolutionary aspirations of modernization. . . ."

"The American interest will be served if our children live in an environment of strong, assertive, independent nations, capable, because they are strong, of assuming collective responsibility for the peace."

I begin with the question of peace because I believe the word has been debased in the current debate on foreign policy. In the name of peace the questions posed in that debate are: How fast and how much should the United States pull back from responsibility in the world? How many troops can we pull out of Asia or Europe? How far can we cut the military budget, or the foreign aid budget?

I believe we are debating the wrong questions. The right question is: What must America do to play its part in moving from where we are to reasonably stable peace?

I believe this is the right question, because the underlying forces at work in the world offer more chance than at any time since 1945—and, perhaps, since 1914—for the attainment of reasonably stable peace. But the movement is not certain. There are also powerful forces at work making for disruption and violence, of which the most dangerous are those pushing the United States towards excessive withdrawal from responsibility.

My theme is, then, that the world community is in delicate balance between hopeful and dangerous outcomes and that our behavior as a society could prove to be the critical factor.

I shall develop this argument in three parts: first, a definition of the forces making for the possibility of stable peace; second, a brief portrait of the precarious balance in the arms race, the Middle East, and Southeast Asia; third, some observations about our political and economic life relevant to the outcome.

### II

What, then, are the bases for hope?

First, there is the diffusion of power away from Moscow and Washington.

This is no new phenomenon. It began, in a sense, for both capitals in 1948.

For the United States it began when the American Congress voted the funds for the Marshall Plan and threw its weight behind the movement towards Western European unity. We set about reviving a region which we hoped to see emerge as a partner, not a satellite.

For Moscow, the diffusion of power began when Tito defied Stalin and proved that Yugoslavia could survive on that basis.

This diffusion has continued over the past generation, gathering momentum, in particular, after the Cuba missile crisis.

That crisis persuaded men in many parts of the world that the Soviet Union was not as dangerous as it had been over the previous fifteen years and, therefore, they could act with greater independence of Washington, as well as of Moscow. The missile crisis also brought Moscow's split with Peking into the open and intensified it.

So far as American policy is concerned, I believe we can take pride in the fact that in the first postwar generation we threw our political influence, as well as our economic resources, behind the desire of nations to fashion their own destinies. And we have moved in recent years—under President Johnson's leadership and now President Nixon's—to the active support of regionalism in Latin America, Africa, and Asia, as well as continuing our support for regionalism in Western Europe. We did not oppose the diffusion of power. We tried to help organize it in constructive ways.

For Moscow the diffusion of power has meant that the Communist vision of a world led by the Soviet Union has receded. Along its Chinese frontier and in Eastern Europe grandiose hopes have changed to anxieties. In developing continents, nations increasingly march to their own beat. Soviet policy has moved in the direction of a conventional concern for Russian security. The transition is not complete; but I believe there are more men in Moscow than there were ten years ago who understand that the world emerging in the latter half of the twentieth century is not going to be dominated by any single power or any single ideology; and that their duty to their own peoples is to help organize the world peacefully rather than to try to control it directly from Moscow. That is what the Nonproliferation Treaty is about; that is the inarticulate premise of the SALT talks, and the occasional Soviet efforts to join others in damping, rather than exacerbating, crises. But other events raise warning flags; the Middle East since 1967 and the Soviet failure to honor its commitment to the Laos Accords of 1962 should remind us that this doctrine has not been accepted fully. But we are closer to it than we were even ten years ago; and the forces making for the diffusion of power will certainly persist, not diminish.

Related to the diffusion of power is a second major force which could lead us in the direction of stable peace; that is, the decline of the aggressive revolutionary romantics.

The politics of developing nations has been marked in the generation since 1945 by a group of autocratic or totalitarian leaders who have chosen to build their domestic politics on "anti-imperialism" and to channel a high proportion of the limited energies, talents, and resources available to them into external expansion: in Asia the roster included Mao, Ho, Kim, Sukarno; in the Middle East, Nasser and the other radical Arab leaders; in Africa, Nkrumah and Ben Bella; in Latin America, Castro. In one way or another these men were deeply involved in the world's major crises since South Korea was invaded, more than twenty years ago.

Some of these leaders are gone and the fate of others—and their policies—is still to be determined. In general, however, they encountered three forces which have tended to frustrate them.

First, they encountered that nemesis of all expansionists: other people's nationalism.

Second, they encountered the resistance of those who have not wished to see the regional balances of power upset. The United States has carried in our time the major burden of supporting those under pressure of regional aggression; but the British and Australians stood with Malaysia; fifteen nations, with South Korea; six, with South Vietnam; Britain and the United States stood with Jordan and Lebanon in 1958; since 1967 the United States has helped keep the balance of regional forces from overwhelming Israel.

Third, their relative neglect of domestic welfare gradually reduced political support at home for policies of expansion. It is easy initially to excite the people with visions of quick redress for real or believed old grievances or humiliations, or with visions of new grandeur; but, in time, the desire to eat better, to see the children grow up with better health and more education asserts itself.

It was in such settings of frustration and disabuse that Nkrumah, Ben Bella, and Sukarno gave way to successors more focused on tasks of welfare and growth; Kim and Sadat now elevate the priority of domestic development; Castro lays before his people the depth of the economic disarray in Cuba; and the North Vietnamese, after their failure at Tet in 1968, began to surface their inner debate on the priority of victory in the south versus "building socialism" in North Vietnam. (I regret that latest evidence suggests that victory in Indochina has been reinstalled as the overriding priority in Hanoi.)

It is no easy thing for a group of political leaders to abandon a vision to which their mature lives have been committed and which, up to a point, granted them success.

In the case of Hanoi, Pyongyang, Cairo, and Havana, the availability of large external resources permits postponements of the decision to shift from expansion abroad to growth and welfare at home.

And before these dreams are abandoned, we may see final desperate acts to fulfill them.

But, in the end—soon or late—they will confront the destiny of the first great romantic expansionist—Napoleon. And they—or their successors—will echo Napoleon's memorandum to his finance minister in December 1812, when he abandoned the Continental System and the attempt to throttle Britain: "Undoubtedly it is necessary to harm our foes, but above all we must live."

The third hopeful force at work is the trend of events and policy in Peking.

We have observed a truly extraordinary passage of history since Mao—a few weeks after the first Sputnik was launched in the autumn of 1957—proclaimed in Moscow that the East Wind was prevailing over the West and that the Communist Party of the Soviet Union should lead the Communist world in a great offensive:

From the spring of 1958, at least, Moscow and Peking moved towards mortal disagreement over the nuclear question;

Mao's Great Leap Forward of 1958 failed;

By the December 1960 Moscow meeting of the world's Communist parties, Soviet atomic and economic experts had been withdrawn from China and the struggle for power in the Communist world between Moscow and Peking was fully underway;

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Footnotes at end of article.

In the wake of the Cuba missile crisis and the Test Ban Treaty the split became overt; and quarrelsome interparty documents were published before the world;

Following the October 1964 explosion of a Chinese Communist nuclear weapon, Soviet forces gradually built up on the Sino-Soviet frontier and were matched by the Chinese;

In 1965 Peking moved towards a major breakthrough: Hanoi was close to victory in South Vietnam; Sukarno withdrew from the United Nations, proclaiming his association with Peking; and plans for the conference in Algiers moved ahead with its aim of welding the developing world into an anti-American bloc. Then, in June, Ben Bella was overthrown and the Algiers conference put aside; in July, President Johnson made his decision to put American forces massively into Vietnam; in October, the Communist effort to seize power in Indonesia failed; and a few weeks later the Cultural Revolution began, throwing the Chienese mainland into protracted crisis;

After two years of economic decline and near political anarchy, in 1967 the tide began to turn in Peking towards more rational domestic and foreign policies. Behind the recent outburst of ping-pong diplomacy lay several years of slow economic recovery, the gradual political triumph of the Chinese military and technocrats, and the quiet resumption of normal diplomacy with other nations in the non-Communist world.

This more hopeful phase in Chinese Communist relations with the outside world is linked with the two major forces which I described a moment ago:

The diffusion of power away from Moscow and Washington, of which the Soviet troops massed on the Chinese frontier are a powerful symbol;

And the decline of the romantic revolutionaries, of whom Mao must be regarded as the most remarkable.

Taken all together, then, it is not beyond the range of possibility that we might see in the years ahead:

A Soviet Union which has accepted its role as a great nation-state among many and is prepared, while advancing its interests, to work towards stabilizing a world environment as potentially dangerous to Russians as to others;

A transition to moderation in Pyongyang, Hanoi, Cairo, and Havana equivalent to that which has already occurred in Djakarta, Algiers, and Accra;

The emergence of a Peking on the Asian and world scenes prepared to concentrate the great talents and energies of the Chinese people on modernization, while, in Mr. Rusk's old phrase, leaving its neighbors alone.

Under those circumstances, the world community would still be a lively place; for the forces at work on the planet are inherently volatile; but it might begin to approximate the relative order and balance envisaged at San Francisco in 1945 when the United Nations Charter was drafted.

## III

There are the possibilities; but they are not certainties. We have not come easily or automatically to the point where these hopes can rationally be expressed as possibilities. We have come to this point only because Americans and others have acted and—if necessary—laid down their lives to render unrealistic other less benign paths of policy.

Take, for example, the arms race and the SALT talks.

How have we come to the agreement in principle of May 20th, announced in Washington and Moscow, that the next round in the SALT talks will concentrate on a limitation of ABM's plus "certain measures" to limit offensive weapons as well?

First, there was the Soviet psychological triumph of Sputnik in October 1957 and Krushchev's systematic projection of an extraordinary lie; namely, that the Soviet Union had moved into regular large scale production of ICBM's.

On the basis of this lie—plus the reality of the IRBM's targeted on Western Europe—he launched his campaign of nuclear blackmail designed to detach Berlin from the West and to wreck NATO. And when this failed, he sought a cheap way to shift the nuclear balance by putting IRBM's in Cuba.

It was President Kennedy's destiny to deal with this dangerous passage. Having triumphed in a critical test of will in the Caribbean, he sought and succeeded in turning Moscow from nuclear threat to nuclear agreement, in the 1963 Test Ban agreement.

With great stubbornness and sense of purpose, President Johnson pressed Moscow to persist along this path; and he succeeded in achieving a nonproliferation treaty and in laying the basis for the SALT talks which would have begun with a summit meeting scheduled for announcement on Wednesday, August 21, 1968, if the Soviet Union had not invaded Czechoslovakia on the previous day.

Between 1965 and 1969, however, Moscow put enormous resources into ICBM's, built a substantial ABM system around Moscow, and created, in addition, the still somewhat ambiguous Tallin antiaircraft system with potential ABM capabilities.

This movement of the Soviet Union to strategic parity with the United States has continued with great momentum over the past two and a half years, as a number of speakers have underlined to you, and these charts vividly suggest. (Moorer charts—not printed in the RECORD.)

The announcement of May 20th was hopeful, but inconclusive. A great question evidently still exists in Moscow which we should understand and discuss candidly: Should the Soviet Union complete the SALT negotiations and bring the strategic arms race to a formal close on the basis of parity, somehow acceptably defined to both parties? Or, should it go forward, on the basis of current momentum, and try to achieve strategic superiority over the United States in some meaningful sense?

There are two ways in which the Soviet Union might achieve superiority. First, a sufficiently massive buildup of strategic forces, offensive and defensive, so that a Soviet first strike might be undertaken against the United States so powerful that the United States could only inflict in a second strike a level of destruction on the Soviet Union which the Soviet leaders judged acceptable; that is, the United States would be destroyed as a viable power, whereas a viable Russia, still under Communist control, would survive. Such an insane enterprise is most unlikely; but it is conceivable in a world which has seen, in this century, a good deal of political madness. And we have no right to offer a temptation.

The second sense in which Soviet superiority might be achieved would be what might be called a reverse Cuba missile crisis; that is, against the background of a substantial Soviet strategic advantage over the United States, plus the availability of sufficient Soviet conventional forces, Moscow might try to force Washington to back down in a major confrontation in a particular area; for example, the Middle East.

Thought in Moscow, as in all capitals, is complex. I do not believe all Soviet officials are obsessed with envy and hostility towards the United States; but it is worth recalling Khrushchev's frame of mind, in his own words, as he put the missiles into Cuba:[3]

"It was high time America learned what it feels like to have her own land and her own people threatened. We Russians have suffered three wars over the last half century: World War I, the Civil War, and World War II. America has never had to fight a war on her own soil, at least not in the past fifty years. She's sent troops abroad to fight in two World Wars—and made a fortune as a result. America has shed a few drops of her own blood while making billions by bleeding the rest of the world dry."

We would be most unwise to believe that Soviet leaders might not, in something like Khrushchev's spirit of 1962, try again, if they felt they had a military advantage. The likelihood of such a dangerous adventure is increased somewhat by a belief that our statistical strategic advantage played a large role in President Kennedy's stand at Berlin and in the Caribbean in 1961–62. I do not believe it did. It gave President Kennedy small comfort, if any, to know that more of America than Russia would survive a nuclear exchange, as Western Europe was incinerated. He accepted some risk of nuclear conflict rather than surrender vital American interests, because there was a good chance that Moscow would not risk nuclear war to expand its power if it found the United States redoubtable in defense of a vital interest. As he told Khrushchev at Vienna, Kennedy believed Moscow would be equally redoubtable in defense of its vital interests. Nevertheless, some Soviet leaders may believe—and some Americans do believe—that the numbers mattered greatly in 1961–62; and that fact makes it essential that we do not permit a Soviet strategic advantage to emerge even if it is well short of what would be required for a first Soviet strike.

But the critical question, in my view, is not merely the estimate in Moscow of the strategic numbers, but the image of American will. I know what it took in American strength and will to bring about the Test Ban Treaty, the Nonproliferation Treaty, and the beginning of the SALT talks. These things did not happen because we went about sloganeering for peace. They happened because we combined strength with a deep undertanding of legitimate Russian security interests. We induced Moscow to move along a path where certain of its legitimate national interests could find constructive expression, while blocking the paths to other, more dangerous enterprises.

I believe President Nixon and Ambassador Gerard Smith, and their Soviet counterparts, have the chance to achieve a major breakthrough in the months ahead: on behalf of the American and Soviet peoples—and all humanity. The greatest danger to that possibility lies in our projecting to Moscow the image of a nation engaged in unilateral disarmament, or a nation so confused about its role and purposes in the world—so weakened in will—that a reverse Cuba missile crisis might be worth the try.

Much the same kind of balance between hope and danger exists in the Middle East.

Look back, for a moment, at the rocky road we all have traveled since the Soviet arms deal with Egypt and the Suez crisis some fifteen years ago.

First, there was a phase of Soviet penetration reaching into Iraq, Syria, and Algeria as well as Egypt.

President Eisenhower's conduct of the Lebanon-Jordan crisis drew a line in the dust; and, for a time, Nasser turned more moderate, looking to the great unresolved tasks of Egyptian modernization.

President Kennedy sought to encourage this process, granting substantial aid to Egypt in the form of food to feed the cities. The tensions in the area subsided for a little while. In the phrase of one Egyptian diplomat, Israel was put on the back burner. But, tragically, Nasser could not resist commitment to the struggle in Yemen which began in September 1962. This indecisive and costly affair distorted his economy, increased his dependence on Soviet arms, drew him away from the West, and, in the end, lowered his prestige in the Arab world.

As Syrian pressure on Israel increased—

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Footnotes at end of article.

and Israeli countermeasures—Moscow threw a match into the haystack in the second week of May 1967, spreading false information of Israeli mobolization. This induced Syria to press Nasser to mobilize in the Sinai. Nasser, loaded with Soviet arms but diminished by events in Yemen, saw a road back to Arab leadership; and he agreed. Then, carried away by the momentum of events, he closed the Gulf of Aqaba, and the Six Day War resulted.

President Johnson moved to minimize the possibility of direct Soviet intervention and to keep the balance of arms in the area, while working for a stable long-term settlement. President Nixon has pursued a similar policy.

In this setting, gradually, painfully, the balance of feeling in the Arab world began to move towards moderation: the fedayeen made their bid last year but were defeated in Jordan; a new, more temperate government emerged in Damascus; and President Sadat has talked to his people about the primacy of education and other tasks which must be faced if a modern Egypt is to emerge rooted in the great Arab culture. And he is apparently trying to assure that Egypt can be truly independent, rather than the pawn in the imperial game of a great power.

All these events, as we know, were framed by a massive expansion in the Soviet navy and a kind of latter day Mahanist effort to expand Soviet influence in the Mediterranean, East Africa, and the Indian Ocean area as far to the East as Singapore.

There must be great temptation in Cairo and Moscow to try again: to succeed against Israel in the 1970's after the failures of the 1940's, 1950's, and 1960's. The balance between another bloody crusade, on the one hand, and, on the other, an acceptance of Israel and a turning to the modernization of Arab societies, is close.

And again, we—we Americans—are the critical margin. If American military strength in the Mediterranean (and capable of projection into the Mediterranean) weakens—if American political life projects an image of hasty, irresponsible withdrawal from responsibility in Europe and Asia—the balance could tip, in Moscow and Cairo, away from pursuit of a firm Middle East settlement towards another desperate try to reverse the course of history since the emergence of Israel in 1949.

The policy and posture of America bears also on policy in Jerusalem. Any likely Middle East settlement will involve much more explicit American guarantees and a larger American role in the Middle East than the fragile settlement of 1957, put together with chewing gum and string. Israel must clearly withdraw, in such a settlement, from the bulk of the territory it now occupies. Its willingness to do so, the ability of its political life to bear the strain, depends greatly on the credibility of American strength and will. It is not surprising, therefore, that Israelis follow with great attention the American performance in Asia and Europe—and the temper of our political life—as they study the peace proposals laid before them by the American government.

Now my third illustration—Asia.

Look back and consider again the panorama of Asia in 1965.

A South Vietnam on the verge of defeat and takeover;

Indochina in confrontation with Malaysia, out of the United Nations, making common cause with Peking, eager to complete what both Djakarta and Peking described as a pincer-movement to take over the whole of Southeast Asia, through a Djakarta-Phnom-Penh-Hanoi-Peking-Pyongyang Axis"—a concept enunciated on August 17, 1965, by Sukarno himself.

A Peking proclaiming that "Thailand is next."

All of Asia knew that its future hung in the balance. As Robert Menzies said in 1965, if Vietnam fell it would be "not so very long" before Australia would be "menaced," and the danger was still closer and more obvious in the other capitals—as, for example, Macapagal, in Manila, and Abdul Rahman, in Kuala Lumpur, made clear.

Then President Johnson moved to commit American forces.

Now, six years later, there is a different Asia.

South Vietnam, having harvested the greatest rice crop in its history, is about to conduct its second presidential election under a democratic constitution, with well over 90% of its population under reliable government administration.

Indonesia is independent and moving forward hopefully in economic and social progress.

Asian regional organizations have come into being; for example, ASPAC, ASEAN, the Asian Development Bank. These offer great promise that in the future Asians, working together, can increasingly shape their own destiny.

Japan, the third industrial power in the world, is evidently prepared to use its expanding economic resources to help others in the region whose modernization began in later times, but who are now moving forward with astonishing momentum: in South Korea and Taiwan, Thailand, Malaysia, and Singapore.

Peking, enjoying economic progress after a decade of erratic frustration, is experimenting, at least, with the idea of normalizing its relations with Asia and the rest of the world.

But all this is still precarious and fragile.

As the South Vietnamese take over increasing responsibility for their own defense and try to make a constitutional system work which very few post-colonial nations have been able to manage, they feel every day the threat of hasty, total American withdrawal and the pressure of those who would cut off all military aid to them in order to guarantee a Communist victory.

North Vietnamese troops are embedded, without a shred of legality, deep in Cambodia and Laos, threatening the Mekong towns and the Thai border; and not one weapon they carry or shell they fire was manufactured in North Vietnam. And, putting aside their long neglected tasks of economic and social development, the leaders in Hanoi continue to pour young men into the infiltration pipelines in an effort to crack the process of Vietnamization.

There is a decent hope that an Asia could emerge in the years ahead in which the North Vietnamese go back to their borders; the independent states survive and increasingly work together; relations with China—and, indeed, North Vietnam—are normalized; and the American role continues to diminish, while remaining a relevant force in Asian and Pacific affairs.

There is also a real danger that all that has been achieved since 1965 by those in Asia and ourselves could be lost; that a vacuum emerge in Southeast Asia which Peking, as well as Hanoi, would feel impelled to try to fill; that Asia move from the promise of stability and progress to chaos or a war far greater than that we now see in Indochina. And along the way the possibility of a nonproliferation treaty could be lost and the world plunged into nuclear chaos. I find it hard to believe that Japan, India, and others would rely on the nuclear guarantee of an America that walked away from its solemn treaty commitments to Southeast Asia; and the American nuclear guarantee is the major underpinning of the nonproliferation treaty.

There are some, I know, who believe we can uproot our commitment in Asia—where two-thirds of humanity lives—but keep intact our commitments to Europe and the Middle East. I do not believe that. The world is round and it is small; and the bankruptcy of a great power is indivisible.

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IV

If this analysis is correct, what's wrong with the United States? If the possibilities of movement towards stable peace are so real and the risks of chaos and increased violence also so real, why is American political life fixated not on these great hopes and dangers but on just how rapidly we can pull back or pull out?

I believe there are two major reasons.

The first I dealt with at length in my talk a year ago from this platform, which I called the Tocqueville Oscillation. Historically, in this century, we have only acted abroad with unity and purpose in the face of a clear and present danger to the balance of power in Europe or Asia or to the effort of a major power to emplace itself to the south of us in this Hemisphere. Thus, the responses of 1917 in Europe and the Atlantic; 1940–41 in Europe and then the Pacific; 1947–49 in Europe; the initial response of 1950 in Korea; 1961–62 in Europe and the Caribbean; and, even the initial response to President Johnson's decision of 1965.

America has performed best when it faced a palpable and acute problem—widely recognized and defined in common terms—to the solution of which it could address its full energies, talents, and resources.

Now we are trying to do something quite different. We are trying to manage a redistribution of responsibility in which we will do less, others will do more, without inducing major crises or chaos on the world scene. We are trying safely to withdraw, in degree, from the preponderant positions we initially filled in the postwar world while also making out contribution to stable world order.

We are trying to exploit constructively the gathering strength of others on the world scene; their desire increasingly to shape their own destiny, without being dominated by any major power, including the United States; and the fact that abiding American interests are satisfied by an essentially negative condition: that no potentially hostile power hold the balance of power in Europe or Asia, or gain a foothold in this Hemisphere.

This is the complex pattern of policy which our government—under President Johnson and President Nixon—has been trying to pursue in order to reconcile abiding American security interests, the emerging possibilities for stable peace, and the widespread sense in America that we were, somehow, over-committed or disproportionately committed in the first postwar generation.

But as this subtle, triangular policy is managed, deeply rooted, old-fashioned strands of isolationism have come to the surface of American life. They are being pressed with ardor and ingenuity by some men of unquestioned sincerity as well as access to money and the media. And some American leaders—old enough and experienced enough to know better—are bowing their heads to this onslaught, as they read the polls and sense again the moods that swept the nation at such great cost in the 1930's and in the period 1945–47.

There is nothing new about Americans, when they feel safe, taking the view that conflicts in Europe or Asia are not vital to our national interests; that our problems at home are so pressing that we must put aside concerns for the state of the world; or even that the wars we fought were immoral. As Dexter Perkins noted in the *Yale Review* as long ago as June 1951, it is characteristic of Americans to think of past wars with "a somewhat guilty conscience"; and reading our long line of "revisionist" historians, one could conclude, Perkins noted, "that every war in which this country has been engaged was really quite unnecessary or immoral or both." And with the unique but partial exception of the Second World War—when Pearl Harbor and Hitler's declaration of war were quite clarifying—all of our conflicts were accompanied by dissidence and impassioned opposition, including the Revolution itself.

In this century, isolationism has never been far from the surface of our politics. There have been strands of isolationism on what are called conservative and liberal sides of American politics. Both are now being evoked, sometimes by the same isolationist advocates; for example:

With respect to Vietnam: on the right, we ought to win the war with all we've got or get out; on the left, the war is immoral;

With respect to Europe: on the right, by this time the Europeans ought to defend themselves; on the left, the Cold War is over.

Now, the precise scale of our forces in Asia or Europe is a legitimate question; but it is a subsidiary question.

The trouble with the current debate on foreign policy in the United States is that we have permitted the isolationists to set the terms of the debate on that subsidiary issue while concealing the truly great primary question we face—the question of how we move towards stable peace.

The way to talk about military forces is to pose this question: What American forces are required, in a world where others are gradually gathering strength, to provide a secure base for the pursuit of stable peace?

The grand question is, then: Can America overcome the Tocqueville Oscillation; can America for the first time make the responsible, steady, and energetic pursuit of stable peace the focus of its foreign policy rather than await situations of mortal danger before we react convulsively? Are we doomed to oscillate between: "To proud to fight" and a crusade to make the world safe for democracy; between Neutrality Acts and "unconditional surrender"; between sentimentality about our noble ally, Joseph Stalin, plus "bring the boys home" and rigid Cold War policies; or, to invert the sequence, between a Communist China viewed as an abiding mortal enemy and now, in the wake of ping-pong diplomacy: the intoxicating discovery that the streets of Peking are clean, Mao makes the trains run on time, and the danger to Southeast Asia has, therefore, ended.

It's time we grew up. The Tocqueville Oscillation is a mortally dangerous game in a nuclear age. It is precisely because they were aware of this mortal danger that four of our postwar presidents have taken upon themselves heavy political costs to lean against it:

President Truman, who saw his standing in the polls disintegrate as he held the line in Korea but avoided a larger war;

President Kennedy, warned on all sides from the beginning of the dangers of a long, twilight struggle in Southeast Asia, with the memory of President Truman's polls engraved in his retentive mind, but firm to the end on Vietnam;

President Johnson, holding tenaciously to a complex policy of resisting aggression, avoiding a larger war, and pressing the possibilities of a nuclear reconciliation with Moscow while watching his political capital ebb away;

And, now, Presdent Nixon, refusing to set a date for total American withdrawal from Southeast Asia, refusing to tear up our treaties, holding the line in Europe and the Middle East, knowing full well the course of President Truman's and President Johnson's polls, as well as his own.

I have no doubt that President Eisenhower would have acted on his advice to President-elect Kennedy of January 19, 1961, if he had continued to bear responsibility: hold at all costs in Southeast Asia. And he backed President Kennedy and President Johnson at every hard step of the way.

And all five of our postwar presidents have struggled for the larger objective beyond resistance to aggression. They all saw that the proper outcome of the Cold War struggles was not merely holding at the truce lines—not merely holding the balance of power—but reaching out beyond to build a world of stable peace.

We ought, then, to have the maturity to move out of the Tocqueville Oscillation to the patient pursuit of world order, because that goal is a more realistic possibility than it has been since 1914. Look at the forces at work in Asia, including the trend towards moderation in China, the potentially constructive role of Japan, and the rising determination and capacity of the smaller states, including South Vietnam, to stand on their feet. Look at the forces of moderation at work in the Middle East, tortured for so long by multiple schisms that might abate as political leaders come to realize that the needs of the men, women, and children of the region, and the conditions for dignified independence, deserve higher priority than old enmities and out-of-date ideologies. Look at Western Europe, moving towards a long delayed unity embracing the United Kingdom, with the promise of being able to carry more of the common burdens of building the peace than over the past quarter-century. And, above all, there is the possibility of bringing the nuclear threat to humanity more nearly under control by a successful completion of the SALT talks and a consolidation of the non-proliferation treaty.

All these elements in play could yield good results; but in no case is the outcome certain; in no case can it be brought about by America acting on its own; but in no case can it happen unless a responsible America recognizes that in a world of diffusing power we remain the critical margin.

## V

Now a second observation about our situation. One of the wholesome forces operating almost universally in the world is the rising claim of domestic welfare for scarce resources. We are not and we should not be immune, given our unfulfilled tasks as we seek to improve the quality of our society.

We cannot play our critical role at the margin of world affairs unless our economic performance improves at home. Our people will not support a protracted and responsible search for peace if they feel that essential domestic problems are not being gripped; and we shall lack the resources to play our part abroad unless the domestic economy is strengthened and our balance of payments remains viable.

Right now efforts are being made to expand our economy after a phase of stagnation. That period of stagnation, accompanied by continued inflation, has cut into every household and private institution; and it has weakened public policies necessary for the progress and stability of our domestic society:

State and local governments are strapped for tax revenues;

Educational institutions, public and private, are shaken;

The cities, already in crisis, have seen a further deterioration of essential services;

Above all, the economic and social gap between whites and non-whites, which narrows quite rapidly at, say, a 4 per cent of real growth, has ceased to move fast enough in the right direction as non-white unemployment rises disproportionately. The number of those statistically designated as "poor" in the United States rose last month for the first time since 1959.

In addition, the continued pressure of inflation has kept our balance of payments position weak and our capacity to carry our responsibilities in the world under question.

The case for a policy of economic expansion is strong—indeed, overwhelming; but we are launched upon it with the problem of inflation unsolved. There is no way this nation of ours can do what it must do at home and abroad if we continue with annual money wage rate increases of 8, 10, 12 per cent or more when productivity increases at only 3 per cent. In their hearts, every worker and his wife knows this; every labor leader; every businessman; and every international banker. The fact that some of our competitors abroad are doing not much better is no comfort. The dollar is a special currency in the world. A painful and dangerous retribution awaits us, unless we alter course soon. And the problem of inflation will get worse, not better, as the economy expands and labor markets tighten.

I can only assert the remedy here, not argue the case fully. I believe we must build our economic policy on a three-legged stool: fiscal policy; monetary policy; and wage-price guidelines which relate wages to productivity and assure that price policies do not exploit labor self-restraint to shift income disproportionately to profits. We enjoyed that kind of situation, without legislation, between 1961 and 1966. Whether we can now re-achieve that mutual self-discipline in our society without legislation, I have come increasingly to doubt. We should certainly examine the most stable example of this essential reconciliation in a vigorous free economy: Australia, where compulsory wage arbitration has come widely to be accepted and a 2.3 per cent annual price increase was reconciled in the 1960's with an average 1.5 per cent unemployment rate.[4]

But legislation and even compulsory arbitration are not enough. Something more basic must happen. Labor leaders must come together to examine what would be fair as among the different unions and groups of labor under rules which relate wage increases to the average increase in productivity; and then they must come to agreement on the terms of equity with business and government. The task is difficult. But it is not impossible, because every segment of our society loses now and all would gain by a reconciliation of steady growth and price stability. They are no fiscal tricks or monetary tricks that will do the job without this statesman-like social contract. Legislation may help; but a deeper mutual understanding must be sought and reached if America is to do what it must do and be what it must be—at home and abroad.

## VI

The two problems I have discussed are linked; that is, the need for a new, more positive approach to the world community and a reordering of our domestic economic policy. If the isolationist mood is accepted as inevitable, if the only serious question is how fast we cut our responsibilities and commitments in the world, it is natural that men should squabble meanly over their cut in the national pie.

As Angus Maude wrote recently of Britain:[5] "People will only do great things if they see the possibility of great things to do."

I believe there are great things to do abroad as well as at home. I do not believe we can come to responsible consensus at home while behaving irresponsibly abroad. I do not believe we can act steadily and responsibly abroad if we fail to reconcile steady growth and price stability. We must find our way to common cause in foreign as well as in domestic policy.

And the key to that reconcilitation is the perception that the great things to do abroad consist in working steadily, patiently, and actively towards a stable peace men have not known since 1914.

That is the victory potentially within our grasp. That is the goal that could and should re-unite us. In a nuclear age we have no right to wait for another Pearl Harbor or a Cuba missile crisis in reverse: in an age of

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Footnotes at end of article.

a trillion dollar GNP we have no right to stumble about like a helpless giant.

The task of political leadership in the United States is to find our way to this consensus in foreign and domestic affairs. I know well, and so do you, that the winds appear to be blowing in other directions. These are awkward days of passionate and unresolved debate. But I am old enough—and a good enough historian—to remember other such periods of groping and to know the capacity of this nation to right itself. There are vast wellsprings of good sense and inner confidence in this land of ours, as well as great resources. As a matter of faith and judgment, I do not believe we shall snatch defeat from the jaws of victory; but, in a quiet way these are truly dangerous times. And, as always in a democracy, it is up to us—it is up to individual, responsible citizens—to let our voices be heard, to let our representatives know that it is not America's destiny to collapse in a heap, to drop by the wayside when the nearly-visible next stage of the journey could be so much more hopeful for us and for all mankind.

FOOTNOTES

[1] *Foreign Report* of the London *Economist*, October 23, 1969.

[2] Reprinted in the author's *View From the Seventh Floor*, New York, 1964, pp. 116, 115.

[3] Edward Crankshaw (ed.), *Khrushchev Remembers*, Boston, 1970, p. 494.

[4] W. A. Eltis, "The Australian Economy Today," *Lloyds Bank Review*, April 1971, p. 30.

[5] *The Common Problem*, London, 1969, quoted in *The Sunday Times*, London, July 20, 1969.

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## CONTINUED SUPPORT FOR CUBAN REFUGEES

Mr. RIBICOFF. Mr. President, I am disappointed to learn that the funding for the Cuban Refugee Airlift has been deleted from the continuing appropriations for fiscal 1972, House Joint Resolution 742. The airlift provides transportation to Cubans who wish to leave Cuba and live in the United States.

The measure will be voted on Tuesday morning. I urge other Senators to join Senators Chiles and Gurney and myself in seeking to have the $1,050,000 item restored to the appropriations bill.

The Cuban Refugee Airlift, begun in 1961, has been one of the most successful humanitarian ventures ever undertaken by this Nation. We should continue it.

When I was Secretary of Health, Education, and Welfare, President Kennedy had me go to Miami to institute and coordinate Federal efforts in setting up a program to assist Cuban refugees. In 1965, President Johnson expanded this program to include the Cuban Refugee Airlift. Both the President and his Attorney General, Robert Kennedy, felt a deep commitment to help Cubans who wished to leave their homeland and take up residence here. I believe this Nation still has that commitment.

Mr. President, to familiarize my colleagues on this issue, I ask unanimous consent that a series of memoranda prepared by the Departments of State, and Health, Education, and Welfare and an article from U.S. News & World Report be inserted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

### CUBAN REFUGEES

(Prepared by the Department of Health, Education, and Welfare)

Refugees began fleeing from Cuba to the United States as soon as Castro came to power in Cuba, January 1, 1959. The number of refugees was at first small, but increased rapidly as actions of the Castro regime affected more and more Cubans. Some of the early refugees had brought funds out of Cuba, but as the refugee flight continued and as members of all socioeconomic groups in Cuba began to join the exodus, the Cuban government imposed stringent restrictions on those requesting permission to leave. A refugee was allowed to bring out only one suitcase containing clothing, and no money or valuables.

Toward the end of 1960, it became evident that the large number of refugees reaching Miami without any resources had exceeded the capacity of local public and voluntary agencies to provide emergency assistance, and the capacity of the local labor market to provide jobs.

President Eisenhower sent his personal representative to Miami to investigate the situation, and in December 1960 the President established a Cuban Refugee Emergency Center in Miami with an initial allocation of $1 million from the President's Contingency Fund under the Mutual Security Act.

In February 1961, President Kennedy formally established the Cuban Refugee Program in the Department of Health, Education, and Welfare. The recommendations developed by President Eisenhower's representative formed the basis of the nine-point program which President Kennedy directed the Secretary of HEW to undertake:

1. Provide all possible assistance to *voluntary relief agencies* in providing *daily necessities* for many of the refugees, for *resettling* as many of them as possible, and for securing jobs for them.
2. Obtain the assistance of both private and governmental agencies to provide useful *employment opportunities* for displaced Cubans, consistent with the overall employment situation prevailing in Florida.
3. Provide supplemental funds for the *resettlement* of refugees in other areas, including transportation and adjustment costs to the new communities, and for their eventual return to Miami for repatriation to their homeland as soon as that is again possible.
4. Furnish financial assistance to meet *basic maintenance requirements* of needy Cuban refugee families in the Miami area and as required in communities of resettlement, administered through Federal, State, and local channels and based on standards used in the community involved.
5. Provide for *essential health services* through the financial assistance program supplemented by child health, public health services, and other arrangements as needed.
6. Furnish Federal assistance for *local public school operating costs* related to the unforeseen impact of Cuban refugee children on local teaching facilities.
7. Initiate needed measures to augment *training and educational opportunities for Cuban refugees*, including physicians, teachers, and those with other professional backgrounds.
8. Provide financial aid for the care and protection of *unaccompanied children*—the most defenseless and troubled group among the refugee population.
9. Undertake a *surplus food distribution* program to be administered by the county welfare department, with surplus foods distributed by public and voluntary agencies to needy refugees.

The Cuban refugee situation can be divided into three distinct phases in terms of the arrival of refugees from Cuba:

| | Number of refugees registered in Miami | Number of refugees resettled from Miami |
|---|---|---|
| 1st phase: Commercial air flights available (until missile crisis. Oct. 22, 1962) | 153,534 | 48,361 |
| 2d phase: No Cuba-U.S. air flights (Oct. 23, 1962, through Nov. 30, 1965) | 29,962 | 46,547 |
| 3d phase: Cuban refugee airlift in operation (Dec. 1, 1965. to present, figures as of June 4, 1971) | 238,889 | 185,986 |
| Total | [1] 422,385 | 280,894 |

[1] An estimated 600,000 to 650,000 Cuban refugees have come to the United States since Castro came to power. Many have never been in need of assistance and have therefore never registered with the Cuban refugee program.

During the *first phase*, between 1,600 and 1,800 refugees a week were arriving in Miami on commercial air flights from Havana. Dur- this period, the major efforts of Federal staff and cooperating agencies were devoted to the reception and provision of emergency aid to the hundreds of destitute refugees who arrived daily. Although the refugees expected soon to be able to return to Cuba and were reluctant to move from Miami to other locations farther from their homeland, 32 percent of those who registered with the Cuban Refugee Program were able to be resettled through the efforts of the program and the four national voluntary resettlement agencies working with it (U.S. Catholic Conference; Church World Service, Protestant; United HIAS Service, Jewish; and the International Rescue Committee, non-sectarian).

On October 22, 1962, President Kennedy announced the existence of missiles in Cuba and the imposition of a quarantine on the importation of offensive weapons into the island. The next day, Castro banned all civilians to and from Cuba. This began the *second phase* of the refugee situation. For the first time in nearly 4 years, Miami did not have a large, steady influx of new refugees. Two small streams of refugees continued: those who escaped illegally from Cuba by small boat and made the perilous trip across the Florida Straits and those who reached the United States after first going to another country. In addition, a number of refugees arrived on the return trips of Red Cross ships and planes which delivered medical supplies to Cuba in connection with an agreement for the release of prisoners captured at the Bay of Pigs. During this phase, when relatively few new refguees arrived, the Cuban Refugee Program concentrated on resettlement to opportunities for jobs and homes in other communities and on training programs designed to lead to self-support. Resettlements exceeded new registrations by 55 percent, and substantial reductions were able to be effected in the cost of the program as more and more refugees no longer required Federal financial assistance.

On September 28, 1965, Fidel Castro, concerned with being blamed for refusing to let refugees leave Cuba and for the loss of life of persons who drowned while attempting to escape from Cuba in small boats, said in a speech that he would open a port in Cuba to which all Cubans in the United States could come and pick up their relatives who were still in Cuba. "Now it will be known," Castro said, "who is at fault if someone drowns trying to reach the American paradise, the Yanqui paradise. That! for the well-prepared imperialists. Let's see what they say or do."

President Johnson responded on October 3, as he signed the new Immigration and Nationality Act of 1965 at the Statue of Liberty. "I declare this afternoon to the people of Cuba," the President stated, "that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld."

As a result of the Castro statements, hundreds of boats of all sizes and descriptions set out from Florida to the Cuban port of Camarioca to pick up relatives. Many were unseaworthy and loss of life ensued. The U.S. Coast Guard set up a line of ships to rescue persons from small craft and bring them safely to the United States. As a consequence, hundreds of refugees were pouring into Key West at all hours of the day and night. The situation was chaotic as efforts were made to provide them with emergency aid and accommodations.

In an effort to create a safe and orderly flow of refugees, the United States, through the Swiss Embassy in Havana, negotiated a Memorandum of Understanding with Cuba. Under this international agreement, which President Johnson announced on November 6, 1965, the United States agreed to provide air transportation for between 3,000 and 4,000 refugees a month. The Memorandum provided for priority to be given in this movement to the relatives of Cubans in the United States in order to reunite families that had been split as the result of some members' having come to the U.S. and others not having been able to leave Cuba.

Under the Memorandum, the Cuban refugee airlift was established December 1, 1965. This marked the beginning of the *third phase* of the refugee situation. Two flights, 5 days a week, bring refugees from Cuba to the Miami International Airport. Since the airlift was established (through June 4, 1971), 236,096 refugees have been airlifted to the United States. During this period, resettlements from Miami to homes, job opportunities, and reunion with relatives in other communities have totaled 73.0 percent of new arrivals.

The characteristics of the refugees who have arrived on the airlift are: professional, semi-professional, and managerial workers, 6.0 percent; clerical and sales, 11.4; skilled workers, 9.1; semi-skilled and unskilled, 4.0; service occupations, 3.1; farming and fishing, 2.0; children, students, and housewives, 64.4. This proportion is the same as one could expect in any general family movement, with three out of four persons in an average family consisting of the mother and children. Although the flow of refugees from Cuba has included persons from all walks of life since the early years of the refugee movement, the refugees have always had higher skill levels than would be found in a perfect cross-section of the population of Cuba; this has continued to be the case among the refugees who have arrived on the refugee airlift. With respect to age, 7.2 percent of the airlifted refugees have been over 65 years, and 4.1 percent between 61 and 65.

All of the refugees who have arrived on the airlift are relatives of refugees already in the United States. Practically all are persons who registered in Cuba during the period from November 1965 through May 1966 when Castro permitted persons who wished to leave Cuba to register. During the years since these persons indicated their desire to leave, they have been subjected to continued harassment, loss of jobs, confiscation of property, and forced labor.

Cuban refugees have done exceptionally well during their exile in the United States. Eighty-one percent are fully self-supporting. Those who require Federal financial assistance consist principally of elderly and disabled persons, and of persons who have recently arrived in the U.S. and need assistance only during the initial period of getting started in a new country. Refugee physicians, dentists, teachers, and other professionals have helped to meet urgent employment needs in many parts of the Nation. Many refugees have risen to positions of prominence in business and industry after starting over again at the bottom of the occupational ladder when they first reached the United States.

In the Miami area (Dade County), studies by the First Research Corporation have shown continued, substantial economic advances by Cuban refugees. A September 1968 study showed that families of Spanish origin (nearly 90 percent Cuban) had a total annual income of approximately $342 million. By October 1970, this figure had risen to $588 million. There was also a significant rise in median family income—from $5,200 in 1968 to $7,200 in 1970, a 38-percent increase. Nearly 40 percent of the families own their own homes, the studies showed. Other studies have found that Cuban refugees have established over 6,000 businesses in Dade County, contributing significantly to the overall economic growth of the area.

A nationwide study conducted by the Census Bureau in November 1969, and just released, showed Cuban refugees throughout the United States to have a median family income of $5,957, to have a higher labor-force participation rate than the U.S. population as a whole, and to have a low unemployment rate (2.0 percent). (Current Population Report, Series P–20, No. 213, February 1971.)

[Prepared by the Department of State]

### Fact Sheet for Cuban Refugee Program

#### 1. BACKGROUND

In November 1965 the United States and Cuba negotiated a Memorandum of Understanding whereby we agreed to provide air transportation from Cuba to the United States for between 3,000 and 4,000 refugees per month. This understanding arose from a chaotic and untenable situation involving the uncontrolled departure of thousands of refugees fleeing from Cuba toward the United States in chartered boats, small craft, rafts, and inner tubes during October and November 1965. This situation was brought about by an announcement by Cuban Prime Minister Fidel Castro on September 28, 1965 that all Cubans wishing to leave Cuba could do so, and that their relatives in the United States could come to the small Cuban port of Camarioca to get them. Many escapees drowned and strong pressures bore on the United States Government to do something to regularize the situation. Motivated by its humanitarian tradition, the United States negotiated the Memorandum of Understanding, which reestablished orderly U.S. control over refugees entering the United States. Its guiding principle is the "humanitarian task of reuniting divided families."

#### 2. U.S. COMMITMENT

No terminal date was stipulated in the Memorandum of Understanding. Therefore, the United States remains committed to continue the airlift. Unilateral termination of the airlift would renege on the formal U.S. moral and international commitment. It would result in strong pressures from Cuban refugees—many thousands of whom have become U.S. citizens—and their supporters in Congress and the Executive Branch. It would penalize tens of thousands of innocent Cubans who registered to leave in good faith over four years ago and who have suffered harsh denials of their livelihood and personal freedom ever since. For these people acceptance of our offer to come to the U.S. to join their relatives literally brought down upon them the wrath of the Cuban Government. Categorized as "worms" in Cuba, many lost their jobs, became "non-persons" outside of Cuban society and were obliged to perform heavy agricultural labor until their time came to board the "Freedom Flight" to the United States. They have been forced to forfeit all of their property, possessions and savings, and are allowed to carry out only the clothes on their backs and the most meager of personal possessions. For those still awaiting their turn in Cuba, the harsh treatment continues, long after they registered to leave.

#### 3. EFFECT OF AIRLIFT ON CONDITIONS IN CUBA

In numerous speeches during the past year, Castro has remarked that the progress of the Cuban revolution has been hampered by the lack of qualified technicians and managerial personnel in Cuba. A great many trained and educated individuals have left and continue to leave Cuba via the airlift. Those with professional, semi-professional and managerial experience comprise about 6.5 percent of all arrivals, while skilled personnel comprise another 9.3 percent. Furthermore, experience has indicated that as long as hope for escape to freedom exists, people living under oppression resist committing themselves to the regime's goals; but when escape routes are sealed, accommodation to the inevitable becomes the prevailing attitude. Illustrative of this phenomenon is the case of East Germany where the beginning of economic recovery can be said to date from the erection of the Berlin Wall: When the Wall barred future escape to the freedom of the West, the East German population had no real alternative but to accommodate to the Communist regime there. The Refugee Airlift, a route to freedom, forestalls the certainty of accommodation to communism by the Cuban people.

#### 4. PROGRESS OF CUBAN REFUGEES IN THE UNITED STATES

Excellent. The airlift, as of May 1, 1971, has carried 232,001 Cuban refugees to the United States. A nationwide survey conducted by the Census Bureau released in February 1971 showed Cubans in November 1969 to have a median family income of $5,957, a high labor-force participation rate, and a low unemployment rate. In the Miami area, where approximately one-half the Cubans (300,000) in the United States live, a recent study made by a private firm for commercial interests indicated that the median income in 1970 was $7,200. Practically all of the refugees who require assistance for any appreciable period of time are older persons. For instance, in Florida eighty-one percent of the refugees receiving welfare assistance are sixty-one years of age or older. This is indicative of the fact that the vast majority of the refugees—who have any employment potential and whom we help to realize that potential through training, rehabilitation and resettlement—are anxious to work and do go to work as quickly as possible.

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[Population Distribution of Cuban Refugees]

### Cuban Refugees Have Been Resettled to Self-Support Opportunities in All 50 States—They Have Gone to More Than 2,400 Communities

The 15 states (and D.C.)—outside of Florida that have the greatest numbers are as of May 1971:

| | |
|---|---|
| New York | 76,845 |
| New Jersey | 54,483 |
| California | 36,700 |
| Illinois | 20,724 |
| Louisiana | 7,939 |
| Massachusetts | 7,696 |
| Texas | 5,106 |
| Pennsylvania | 3,697 |
| Connecticut | 3,632 |
| Michigan | 2,580 |
| Ohio | 2,327 |
| District of Columbia | 2,255 |
| Georgia | 2,258 |
| Virginia | 2,027 |
| Maryland | 1,707 |

| States: | *Number of refugees* |
|---|---|
| Alabama | 402 |
| Alaska | 1 |
| Arizona | 226 |
| Arkansas | 81 |
| California | 36, 700 |
| Colorado | 1, 362 |
| Connecticut | 3, 632 |
| Delaware | 360 |
| District of Columbia | 2, 255 |
| Florida | 11, 530 |
| Georgia | 2, 258 |
| Hawaii | 30 |
| Idaho | 12 |
| Illinois | 20, 724 |
| Indiana | 1, 619 |
| Iowa | 548 |
| Kansas | 996 |
| Kentucky | 351 |
| Louisiana | 7, 939 |
| Maine | 29 |
| Maryland | 1, 707 |
| Massachusetts | 7, 696 |
| Michigan | 2, 580 |
| Minnesota | 530 |
| Mississippi | 110 |
| Missouri | 1, 250 |
| Montana | 152 |
| Nebraska | 470 |
| Nevada | 1, 510 |
| New Hampshire | 142 |
| New Jersey | 54, 483 |
| New Mexico | 440 |
| New York | 76, 845 |
| North Carolina | 842 |
| North Dakota | 46 |
| Ohio | 2, 327 |
| Oklahoma | 543 |
| Oregon | 1, 042 |
| Pennsylvania | 3, 697 |
| Rhode Island | 497 |
| South Carolina | 284 |
| South Dakota | 55 |
| Tennessee | 575 |
| Texas | 5, 106 |
| Utah | 15 |
| Vermont | 94 |
| Virginia | 2, 027 |
| Washington | 423 |
| West Virginia | 164 |
| Wisconsin | 686 |
| Wyoming | 18 |

Puerto Rico and Others: 23,006.

Total persons resettled from January 1961 to May 1971: 280,417.

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### THE 1965 MEMORANDUM OF UNDERSTANDING BETWEEN CUBA AND THE UNITED STATES, NOVEMBER 6, 1965

The President announced today that at 9:00 am CST the Swiss Embassy in Havana, representing United States interests in Cuba, and the Cuban Foreign Ministry had exchanged diplomatic notes establishing procedures and means for movement of Cuban refugees to the United States. The arrangements for the movement were set out in a memorandum of understanding incorporated in the notes.

The full text of the note from the Swiss Embassy to the Cuban Foreign Ministry follows:

"The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, in its capacity as representative of the interests of the United States of America in Cuba, has the honor to refer to recent conversations which have taken place between the Embassy and representatives of the Government of Cuba with respect to the movement to the United States of Cubans who wish to live in the United States.

"The Embassy also has the honor to set forth below the text, in English and Spanish language versions which shall be equally authentic, of the memorandum of understanding agreed upon in those conversations:

"Memorandum of understanding between the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of China and the Foreign Ministry of the Government of Cuba concerning the movement to the United States of Cubans wishing to live in the United States.

"1. The Government of Cuba agrees to permit the departure from Cuba of, and the Government of the United States agrees to permit the entry into the United States of, Cubans who wish to leave Cuba for the United States, in accordance with the provisions of this memorandum of understanding.

"2. In recognition of the prime importance of the humanitarian task of reuniting divided families, the two Governments agree that persons living in Cuba who are immediate relatives of persons now living in the United States will be given, as a group, first priority in processing and movement. The two Governments agree that the term 'immediate relatives' is defined to mean parents of unmarried children under the age of 21, spouses, unmarried children under the age of 21 and brothers and sisters under the age of 21.

"3. The two Governments agree that they will include as members of this first priority group other close relatives living in Cuba of persons now in the United States who reside in the same household as the immediate relatives when such inclusion is required by humanitarian considerations. In order to protect the integrity of the agreed principle of first priority for immediate relatives, the two Governments agree that it will be necessary to verify the relationship and the actual existence of the humanitarian considerations referred to. The two Governments agree that this task of verification will be carried out by the Embassy of Switzerland in Havana and that the judgment of that Embassy will be accepted by the two Governments as final.

"4. The Government of Cuba agrees to present to the Embassy of Switzerland in Havana as soon as possible a list (hereinafter called 'Cuban Master List A') of immediate relatives living in Cuba of persons now living in the United States, and of other persons living in Cuba described in paragraph 3 above, who wish to live in the United States. The Embassy of Switzerland in Havana will transmit Cuban Master List A to the Government of the United States. The Government of the United States for its part, will have prepared a list (hereinafter called 'US Master List A') based on information supplied by persons now living in the United States who have immediate relatives living in Cuba and who are prepared to receive and are interested in receiving such relatives. It is understood that the lists provided for in this paragraph may be prepared in installments and shall be supplemented from time to time.

"5. Those names which appear on both Cuban Master List A and US Master List A will be incorporated by the Government of the United States in a single list (hereinafter called 'Joint Consolidated List A'), which will be transmitted by the Embassy of Switzerland in Havana to the Government of Cuba. With respect to Joint Consolidated List A, there will be a presumption that the persons on the list will be permitted by the Government of Cuba to depart Cuba and will be permitted by the Government of the United States to enter the United States, but final permission will be granted in the form of approval by both Governments of embarkation lists for each flight from Cuba to the United States.

"6. The cases of persons whose names appear on Cuban Master List A or on US Master List A but not on both (and therefore not on Joint Consolidated List A) will be the object of further examination by the two Governments, utilizing the services of the Embassy of Switzerland in Havana as required, with a view to the inclusion of such persons in addenda to Joint Consolidated List A, or, in any case, in the second priority group described below in paragraph 8.

"7. The two Governments agree that from Joint Consolidated List A, and its addenda, embarkation lists for each flight from Cuba to the United States will be drawn. The two Governments agree that they will make every effort to ensure that the following categories of persons appearing on Joint Consolidated List A are transported in the order of priority indicated: First, parents and unmarried brothers and sisters under the age of 21 living in Cuba of children living in the United States under the age of 21; Second, unmarried children under the age of 21 living in Cuba of parents living in the United States; third, spouses living in Cuba of persons living in the United States. Families and other members of the households will be permitted to travel together in accordance with the principles of paragraph 3 above.

"8. When both Governments agree that the persons appearing on Joint Consolidated List A and its addenda no longer require full utilization of the transportation provided, the movement of other persons living in Cuba who wish to live in the United States will begin. First consideration will be given to relatives living in Cuba of persons living in the United States who do not fall within the definition of immediate relatives.

"9. The Government of Cuba agrees to present, in due course, to the Embassy of Switzerland in Havana, for transmission to the Government of the United States a list (hereinafter called 'Cuban Master List B') of all such persons who will be permitted to depart from Cuba. The Government of Cuba agrees to consider, in preparing Cuban Master List B, names of persons living in Cuba submitted by the Government of the United States on the basis of information supplied by friends and relatives living in the United States.

"10. The two Governments agree that Cuban Master List B will form the basis of the preparation of embarkation lists for each flight from Cuba to the United States, in accordance with procedures described below.

"11. The Government of Cuba agrees that, with respect to persons on either Joint Consolidated List A or Cuban Master List B, it will prepare, in consultation with the Embassy of Switzerland in Havana, prospective embarkation lists for individual flights from Cuba to the United States. Such lists will be provided the Government of the United States at least seven days prior to the date of the flight.

"12. The Government of the United States agrees in turn to inform the Government of Cuba without delay, through the Embassy of Switzerland in Havana, of persons on the embarkation lists approved for entry into the United States, with the understanding that final formalities will be completed at the point of embarkation by officers of the US Immigration and Naturalization Service and Public Health Service.

"13. The Government of Cuba agrees to assemble such persons at the airport at Varadero.

"14. The two Governments agree that such persons will be subject to a final departure inspection by officials of the Department of Immigration and the Ministry of Public Health of Cuba and to an entrance inspection by officials of the Immigration and Naturalization Service and the Public Health Service of the United States, at the airport in Varadero. Persons found to be ineligible for departure from Cuba by Cuban officials in accordance with the laws and regulations in force in Cuba or those found by American officials to be ineligible for entrance into the United States under laws and regulations in force in the United States will not be permitted to embark.

"15. The Government of the United States agrees to provide air transportation to carry persons permitted to depart Cuba and to enter the United States from Varadero to a convenient point in the United States.

"16. The Government of the United States agrees to provide air transportation with such frequency and capacity as to permit the movement of between 3,000 and 4,000 persons per month.

"17. The two Governments agree that the first movement under the terms of this memorandum of understanding will begin not later than December 1, 1965.

"18. The two Governments agree that any problems that may arise in the implementation of this memorandum of understanding will be considered jointly by the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of Cuba, and the Government of Cuba.

"In the course of the conversations which led to the memorandum of understanding set forth above, the Government of Cuba stated its position concerning the departure of technicians and men from 15 to 26 years of age in Cuba who are obliged to perform compulsory military service. The Government of Cuba also stated that it would set forth its position on these matters in a separate note.

"The Government of the United States stated that it would reply, through the Embassy of Switzerland, to the note of the Government of Cuba referred to in the preceding paragraph and would set forth its own position on these matters as it had been expressed in the course of the discussions. Furthermore, the Government of the United States stated it would transmit to the Government of Cuba, through the Embassy of Switzerland, a separate note concerning the position of the Government of the United States on the matter of the inclusion in the movement from Cuba of persons imprisoned in Cuba for offenses of a political nature as that position had been expressed in the course of the discussions.

"The Government of Cuba stated that it would reply to the note of the Government of the United States concerning the inclusion in the movement to that country of persons imprisoned in Cuba for offenses against the revolution and would set forth its own position on this matter as it had been expressed in the course of the discussions.

"The Embassy has the honor to propose that, if the understandings described in the memorandum of understanding set forth above are acceptable to the Ministry of Foreign Relations, this note and the Ministry's reply concurring therein shall constitute an acceptance by the Government of the United States and the Government of Cuba of the terms of the memorandum of understanding, which shall take effect on the date of the reply."

(Spanish language version omitted.)

A concurring note from the Cuban Foreign Ministry to the Swiss Embassy completed the exchange and put the memorandum of understanding into effect.

In addition to these main notes, there were four other notes exchanged separately at about 9:30 am CST. The first of these, from the Cuban Foreign Ministry to the Swiss Embassy, reads as follows (complimentary introduction and close omitted):

"The Government of Cuba, in accordance with the statement in the note containing the memorandum of understanding, and in order to prevent errors in interpretation on the part of, or in relation to, certain persons who, by reason of the social function they perform or because of legal obligations from which they cannot be excused, are subject to certain restrictions in regard to their departure or who do not have the right to leave the country, considers it useful to confirm in writing, and also to publish, what was stated orally in the conversations with the Swiss Embassy which preceded the said memorandum of understanding, in reference to priorities, form and manner of departure of Cubans who wish to join their relatives or live in the United States, namely that in the case of technicians or skilled personnel whose departure from the country may cause a serious disturbance in a specific social service or in production, because a replacement for such person would not immediately be available, the Government of Cuba will authorize the departure of such person within the period during which the trips will take place, but will postpone it until the time when such person may be replaced in the duties which he performs.

"Likewise, and in conformity with the statement in the Cuban note containing the memorandum of understanding, and for the same reasons set forth in the preceding paragraph, the Government of Cuba considers it desirable to confirm hereby, and at the same time to publish, what it clearly stated during the course of the negotiations; namely that no citizen who under the law is included in the first callup for compulsory military service, that is, between 17 and 26 years of age, or who will be included in the callup in the next two years, that is to say, who is at present 15 years of age, has the right to leave the country and therefore will not be authorized to leave."

The Swiss Embassy replied to this note as follows (complimentary introduction and close omitted):

"During the recent discussions which led to the memorandum of understanding of November 6, 1965, the Embassy of Switzerland made clear that it had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965, would encompass persons in these categories who wished to leave Cuba to live in the United States. Thus, for example, there was no suggestion in that broad statement that any technicians who wished to leave Cuba for the United States would be prevented from departing, even temporarily.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted men subject to military service and certain technicians to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position expressed in the course of the discussions mentioned above and repeated in the note of the Ministry. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of the persons who are the subject of this note through procedures consistent with those established in the Memorandum of Understanding of this date."

The third separate note was from the Swiss Embassy to the Cuban Foreign Ministry (complimentary introduction and close omitted):

"As the Embassy of Switzerland made clear during the course of the recent conversations which led to the Memorandum of Understanding on the movement of persons from Cuba to the United States, accepted by both Governments on November 6, 1965, the Government of the United States regards with special humanitarian concern the cases of those persons imprisoned in Cuba for offenses of a political nature. It had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965 would encompass persons in this category who wished to leave Cuba to live in the United States.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted political prisoners to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of such political prisoners through procedures consistent with those established in the Memorandum of Understanding of November 6, 1965."

The final separate note, a response by the Cuban Foreign Ministry to the note initiated by the Swiss Embassy, read as follows:

"The Ministry of Foreign Relations presents its compliments to the Embassy of Switzerland, representing the interests of the United States of America in Cuba, and in acknowledging receipt of its note dated November 6, has the honor to inform it that the Cuban position on the matter is that expressed in its note of October 12 of the present year."

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[From U.S. News & World Report, May 31, 1971]

## Flight From Cuba—Castro's Loss Is U.S. Gain

The mass flight of Cubans from Communism has turned into a success story. In U.S. they find not only a refuge but a land of opportunity.

In the 12 years since Fidel Castro came to power, nearly 650,000 Cubans have sought refuge in the United States.

Most have found far more than refuge. They have found homes, jobs—and opportunities. Thousands of refugees, in only a few years, have launched new careers in professions and business.

The story of this big wave of immigrants is a success story seldom matched in this country's long history of immigration. Few other nationality groups have taken root so quickly or progressed so rapidly.

### WARM WELCOME

Some of this rapid progress can be credited to the aid given by the U.S. Government. No other group of immigrants in history has been according such a helpful welcome.

Much of the Cuban success, however, is generally attributed to the efforts and ability of the Cubans themselves.

Talk to the Cuban refugees and you get still another explanation.

"What we have found in America is the land of opportunity—the greatest nation on earth," says Carlos Arboleya, who in nine years rose from an almost penniless refugee to be president of a Miami bank.

The mass migration of Cubans to the United States is still continuing. Each month about 3,600 stream in on an airlift financed by the U.S. Government. These are people Castro let go with the contemptuous remark that they were the "worms" of his Communist society.

In America, however, they are proving, by and large, to be capable, hardworking people who are making major contributions to American life.

### A CROSS SECTION

The Cuban refugees are scattered widely around the country. But about half of them have settled in south Florida. Nowhere else is the Cuban success story so visible as it is in this area.

Wherever you turn, the Cuban influence can be seen and felt. The new mechanic at the corner garage may not speak English fluently—but he can fix your car. The Cuban bus boy in the restaurant, the record suggests, may soon be running that restaurant.

Whole hospitals are now staffed by Cuban doctors. A prime example is the 300-bed Pan-American Hospital in Miami. In all, about 2,000 Cuban doctors have settled in the Miami area.

These refugees, records indicate, are good credit risks. Those who have borrowed money have, for the most part, paid it back. Cubans on relief are generally too old or too ill to work.

The Cuban impact on the U.S. is felt at many levels. There is a growing and articulate Spanish-language press. Movie houses in Washington, D.C., in Newark, in New York and in dozens of other cities show films in Spanish for tight-knit Latin-American communities. Across the land, restaurants with Cuban food and entertainment are opening.

Dade County, Florida, which includes Miami, is the hub of Cuban life in the United States.

Mayor Stephen P. Clark of Miami estimated that 350,000 Cubans now live there. Nobody can be positive about the number—but it is known that some Cubans, after resettling elsewhere, return to Dade because of the mild climate and the proximity to other Cubans and the homeland. Cubans tend to dislike the cold North American winters.

### TRADE CENTER

Because of the bilingual pool of talent in the Miami-Dade area, more and more American companies have set up their Latin-American trade headquarters there—33 in Coral Gables alone.

Among those companies are Alcoa, Dow Chemical, Chicago Bridge & Iron, Coca-Cola, Goodyear, Atlas Chemical, International Harvester, Johns-Manville and Bemis. Many of these trade headquarters are run by Cubans.

Of course, it's not all clear sailing for the refugees, but in the main their story is one of astonishing achievement.

President Arboleya of the Fidelity National Bank of Miami explains the success formula of his Cuban compatriots in these words:

"They work. The man works, the wife works, the children who are old enough work."

Mr. Arboleya has shown what a refugee can do. In 1960, at age 31, he arrived with his wife, an infant son and $40 in cash. Banking was his field, but banks were not bidding for the services of refugees. He started as an inventory clerk in a shoe factory at $45 a week. Eighteen months later he was the office manager. Eventually, he got a bank job. By 1966, he was executive vice president of Fidelity National. In February of 1969 he became an American citizen—and president of the bank.

### RETAINING OLD TIES

Mr. Arboleya, whose son became an Eagle Scout at 13, likes to tell of the special camps for Cuban Boy Scouts in Miami, where the Cuban flag is flown alongside the American flag.

"Our Boy Scouts salute the Cuban flag with respect for our homeland," he says. "But," he adds, "they not only salute the American flag—they pledge allegiance to it."

Tully Dunlap, president of the Riverside Bank in Miami, credits Cuban business with lifting his bank out of the doldrums in the mid-'60's.

Deposits started to move up in 1965, breaking a steady downward trend which set in with the flight of American customers to the suburbs in 1961, Mr. Dunlap says, and "Cuban deposits now total over 16 million dollars and we have 18,000 Cuban accounts."

The New York-New Jersey area is another place where Cubans congregate. Some 75,000 are estimated to be living in New York and 52,000 in New Jersey.

One of them is Dr. Carlos Marquez Sterling, who was a candidate for President of Cuba in 1958.

Today Dr. Sterling is professor of Spanish literature at C. W. Post College of Long Island University at Greenvale, N.Y. He says this:

"Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, university teaching, accounting, law and transportation."

Oscar Rodriguez was 16 and his brother, Omar, was 20 when they came to New Jersey as refugees in 1960. Their first jobs were as sweepers in a garment factory. Today they run their own garment factory, employing 75 people.

### A DOCTOR'S STORY

Dr. Ramon Rodriguez-Torres walked away from his own private hospital in Cuba after Castro took over. The doctor, his wife, two small children and his parents arrived virtually penniless in Puerto Rico. A year later he was in Brooklyn's Downstate Medical Center as an instructor in pediatrics. From there, his advancement was swift.

Dr. Rodriguez-Torres studied for and passed several State medical examinations. He is now a full professor and director of the center's pediatric cardiology department. He also started an intensive-care unit for children at Kings County Hospital—said to be the first of its kind in the U.S.

"My family and I are very proud and happy to be in this wonderful country where we have seen all our work and effort rewarded," he says.

At Milledgeville, Ga., 68 Cubans are among the 113 physicians on the staff at Central State Hospital, the big complex for mental patients. Five of the 10 directors are Cubans, each heading units with 700 to 1,000 patients.

Central State's top heart specialist is a Cuban, Dr. Sergio C. Alvarez-Mena. He is chief of cardiology at the hospital and also associate clinical professor of medicine at the Medical College of Georgia.

Dr. Addison M. Duval, director of Georgia's mental-health division, declares: "We just couldn't have made the improvements that we have without the help these people gave us; it was a mutually beneficial thing."

In Atlanta, where most of Georgia's 5,000 Cubans live, assimilation has been no problem. Cuban leaders estimate there are 100 of their countrymen in various businesses, while about 50 per cent of the adults hold positions as college or university professors, doctors, engineers, accountants or business executives.

### A HOUSTON GROCER

Typical of the Cubans who have made good as tradesmen—there are thousands of them—is Hector Cardet, 41, who owns a grocery store in Houston. The store specializes in Cuban foods and is a gathering place for the Cuban community.

Before fleeing Cuba in 1963, Mr. Cardet owned a grocery store in Havana. Like so many others, he reached the U.S. without funds or knowledge of the English language. He found work as a stockman for a chain of convenience grocery stores.

"At night," Mr. Cardet says, "I would load up the back of my car with Cuban-type groceries and sell them door to door to Cuban families in Houston."

In two years, he saved enough to open his own grocery store—and later a restaurant which employs Cubans as waiters and cooks.

Mr. Cardet calls the U.S. "the greatest country on earth." But given the chance, "I'd go back home," he says.

The Cuban population of Ohio has been estimated at 2,300. There are 3,000 Cubans in Michigan. Concentrations of these refugees are found in major cities of both States—especially in Detroit and Cleveland.

Occupations are varied, ranging from the pastor of Our Lady of Guadalupe Catholic Church in Flint, Mich.—Father Eduardo Lorenzo—to an assembly-line worker for the Ford Motor Company in Ypsilanti—Jose A. Cabrera. Mr. Cabrera is also president of the Cuban association of Michigan.

David Caveda, a manufacturers' representative in Columbus and president of the Cuban refugee group there, says he knows of only three Cuban families on welfare, all of them aged. He adds:

"There are no able-bodied Cubans on welfare. We belong to a society where people take care of one another. There is a pattern—the ones established here help the newcomers."

A Cuban refugee in Detroit, Reinaldo Gonzalez, is now an excutive for an auto-parts supplier. In 1961, he joined the company as an export clerk. Now, 10 years and eight promotions later, he is responsible for manufacturing schedules for Federal-Mogul Corporation in Western Europe and Latin America.

Mr. Gonzalez explains his attitude toward America and Cuba:

"I feel . . . the way I feel about my mother and my wife. I love both, and my love for one does not interfere with my love for the other."

As the only Spanish-speaking person in his suburban neighborhood, Mr. Gonzalez has a standing joke with his next-door neighbor: "I'm better off than you are—I don't have a Cuban living next door to me!"

### THE CHICAGO SCENE

Between 20,000 and 30,000 Cuban refugees are estimated to be living in the Chicago area. About 500 of these are doctors and there are approximately 100 Cuban lawyers.

One Cuban in Chicago makes this appraisal: "Some have done well, some not so well, depending mainly on how they did in Cuba."

Another refugee took a more positive view, pointing out that a Cuban had to be highly motivated to leave his homeland—overcome the obstacles to getting permission to depart—and then buckle down to work in a strange land. Motivated people, he explained, generally succeed. And, he said: "We were prepared, whether we knew it or not."

In Columbus, Cuban Orlando Alonso, made himself so valuable that he ended up taking over the business when the owner died in 1969.

When Mr. Alonso left Cuba in 1962, he went to work as a truck driver for Columbus Pest Control Company. In a few months, he was chosen to run the business whenever the owner was away. The business had its most profitable year in 1970—under Mr. Alonso's management. He and his wife and three children live in a Columbus suburb. The 18-year-old daughter will soon marry an American.

Cuban family ties, traditionally close, account in part for the low number of failures among the refugees.

A new arrived refugee often will receive money by mail from relatives and close friends who preceded him. A contribution may be $1.50, or it may be $50—whatever the donor can afford.

The established Cuban will give up something he needs and uses every day to help a relative get a foothold. For example, one head of household returned to his Miami home one night to find the table and chairs missing from his kitchen. His wife had given them to a relative just moving into the area.

These close ties, a willingness to help one another and a fanatical belief that hard work is the key to success lie behind the Cuban experience in America.

Few success stories are more dramatic than that of Mr. and Mrs. José Torres and their daughter, Norma. The Torres family arrived in New Orleans in 1967 with nothing but the clothes they wore—and the Braille ruler

Mr. Torres had fashioned from wood. Both he and his wife were blind.

But José Torres was also a skilled cabinetmaker and before long he was hard at work, learning English and setting up shop with borrowed funds.

Business is slow at the moment but he keeps going with sales of doll houses, jewelry cases, candlesticks and liqueur cups. His daughter is an outstanding student in the nursing school at Louisiana State University.

### RECORD AS SCHOLARS

In the field of scholarship loans, young Cubans have been especially responsible in meeting their obligations. Congress recently heard testimony that of the 12,800 loans granted to Cubans for college education, only 147 were delinquent—a performance which outstrips the national average.

The Cuban experience in the U.S. is not an unbroken string of economic miracles. Many old persons find they cannot learn English, or that ill health keeps them from working. There are problems of assimilation in some areas—and complaints of discrimination.

In Los Angeles, the Cuban is in a particularly strange situation—he is a minority within a minority, and thus, in effect, invisible to the indigenous community.

There are some 1.1 million Spanish-speaking persons in this area. The presence there of perhaps 50,000 newcomers from Cuba makes scant impression on people in general.

These Cubans appear to have little interest in becoming part of the Mexican-American scene. They have settled instead in a variety of small pockets throughout the city.

### MASS TRANSPLANTS

Organizations like the International Rescue Committee and the Cuban resettlement division of the Catholic Welfare Bureau have helped some 35,000 Cubans go from Miami to Los Angeles. It is estimated that an additional 10,000 to 15,000 went to southern California on their own.

About 11,000 Cubans in the area are on welfare. Los Angeles County officials say the relief bill for Cubans comes to a million dollars a month—which is refunded by the U.S. Government.

Observers report a lack of rapport between Cubans and other Spanish-speaking persons there. The Cubans seem to identify more with the "Anglos," whereas Mexican-Americans tend to cling to their old Mexican culture.

There is another big difference. The militant Mexican-American sometimes leans leftward politically. Cuban refugees aren't buying anything that smacks of Communism. It's hard to find a Cuban with a Castro-type beard.

Even in Los Angeles, however, there are bright spots for Cubans. A community spirit, for a time dormant among them, has begun to develop. A Cuban Chamber of Commerce now has 100 members. About 300 Cuban-owned businesses have been established. A biweekly tabloid newspaper—"La Prensa"—has a Spanish-language circulation of 15,000, predominantly Cuban.

And like every other area, Los Angeles has its successful refugees.

### A GROWING RESTAURANT

Eddemio Lopez came from Cienfuegos, Cuba, nine years ago—penniless he says, "like everybody." He sold Bibles and encyclopedias door to door. He and his brother saved enough to open a little restaurant. It seated 25. Then the brothers bought an adjoining building and enlarged their operation. Today the prospering restaurant seats 110—and employs 13 Spanish-speaking persons.

In San Francisco, some of the Cubans complain about discrimination, especially when it comes to getting good jobs and job training. Some have had difficulty in finding any jobs at all.

And a discouraged high-school student said: "Florida is the best place for Cubans; there are enough others there to help you, to support your business."

Cubans admit—and express gratitude—that U.S. Government programs help them get started in this country.

On their arrival in Miami on the U.S.-financed airlift, they are welcomed by U.S. officials and given temporary housing in "Freedom House" at the airport. There they register with the Cuban Refugee Program of the U.S. Department of Health, Education and Welfare, and also with a volunteer agency of their choice.

The volunteer agencies arrange transportation for refugees to homes of relatives, with the cost met by the Federal Government. Refugees also receive checks from the Florida welfare department—$100 for a family, $60 for a person. Washington repays Florida for this.

As soon as they reach their relocation city, refugees are eligible for public welfare, with Washington again reimbursing the States.

All told, from the time the Cuban Refugee Program began in February, 1961, through the end of this fiscal year on June 30, the U.S. Government's obligations for aiding Cuban refugees will total 583.8 million dollars.

### A GOOD INVESTMENT

Federal officials regard this as a good investment. Howard H. Palmatier, director of HEW's Cuban Refugee Program put it this way:

"We cannot overlook the Cubans' incalculable contribution to our nation. They have paid millions of dollars in local, State and federal taxes. Their presence and efforts have created, directly or indirectly, literally thousands of jobs throughout the United States—which generate even more tax revenues. And perhaps most important, they are still making this contribution."

### PROFILE OF THE CUBAN REFUGEES

Number: An estimated 650,000 Cuban refugees have settled in the U.S. since January, 1959, when Cuba came under Red rule.

Location: More than half—about 350,000—now live in or around Miami. The rest have spread to every State, with large concentrations near New York City, Los Angeles and Chicago.

Age: They are slightly older, as a group, than the general population, with a median age in the early 30s, compared with 28 for the U.S. as a whole.

Occupation: Among adults, nearly a third—32 per cent—are trained in clerical or sales work; about a fourth—26 per cent—have experience in skilled trades; 17 per cent have backgrounds in professional, technical or managerial work. The rest, while in Cuba, were in semiskilled jobs, service trades or on farms.

Citizenship: 70,000 refugees have become U.S. citizens. Many thousands more will join their ranks when they fulfill residency requirements.

Welfare rolls: About 75,000 refugees—1 in 9—now are collecting relief, the vast majority of them too old to too ill to work. Few able-bodied Cubans are on welfare.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Jordan of North Carolina). Under the previous order, morning business is now concluded.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The PRESIDING OFFICER (Mr. Jordan of North Carolina). Under the previous order the Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

> (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed in the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

The Chair might state that time for debate on this bill is under control, the time to be equally divided between the distinguished Senator from Nevada (Mr. Cannon) and the distinguished Senator from Nebraska (Mr. Curtis). Debate will extend not later than 6 o'clock this evening. Amendments are limited to 1 hour, with the exception of amendment No. 233, the Mondale amendment, on which there will be 1 hour of debate today and another hour of debate tomorrow, and the Javits amendment No. 223 on which debate will be limited to 30 minutes. Amendments to amendments will be limited to 30 minutes, the time to be taken out of the time allotted on the bill.

The Senator from Nevada is recognized.

### PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that the staff members of the Committee on Aeronautical and Space Sciences be allowed the privilege of the floor during debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield myself such time as may be necessary for the opening statement.

Mr. President, we have before us H.R. 7109 to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1972 for research and development, construction of facilities, research and program management and for other purposes.

Mr. President, at this time, I would like to compliment the distinguished chairman of the committee, the senior Senator from New Mexico (Mr. Anderson), for his conscientious leadership in formulating the program presented in this bill. I also want to commend the committee's ranking minority member, the Senator from Nebraska (Mr. Curtis), for his fine assistance and support to the chairman during the committee's work on this authorization bill.

This is the 14th annual budget for the National Aeronautics and Space Administration. The authorization request for fiscal year 1972 was $3,271,350,000, an amount $2,675,000 above the amount appropriated to this agency for fiscal year 1971. The amount recommended in H.R. 7109 is $3,280,850,000, an amount $9,500,000 above the request and $152,230,000 below the amount approved by the House on June 3, 1971. This is the lowest authorization recommended to the Senate since 1962. This level of funding for 2 consecutive years reflects the completion of manufacturing, assembly and test operations for the launch vehicles and spacecraft for the Apollo program. It also reflects a recognition of the many competing demands for national resources. Yet in the committee's judgment, there is a very real need to maintain and pursue a viable and forward looking space program. This program has provided a sense of great accomplishment for the Nation, it has enhanced the international prestige of the United States, it has led to scientific breakthroughs and established new levels of technology, and it demonstrates, on a daily basis, in the case of communications satellites, some of the practical benefits which have been realized and which provide an indication of future benefits that may be expected as the program moves forward. There is also increasingly solid evidence that space may provide a fertile arena for international cooperation. It is with these many considerations in mind that our committee reviewed the fiscal year 1972 NASA authorization request and formulated the recommendations contained in the bill before the Senate today.

During fiscal year 1971, two Apollo lunar exploration flights—18 and 19—were dropped from the launch schedule, two of the remaining flights—16 and 17—were rescheduled, and the launch of the Skylab workshop and the three visits by astronaut crews were also rescheduled. These changes were made to reduce funding requirements, to reduce the problems in maintaining launch capability for Apollo 18 and 19, and, in the case of the remaining lunar missions, to assure adequate time to evaluate the data from one mission so as to maximize the experimental data return on subsequent flights. Under present schedules, all U.S. manned space flight activity will cease in late 1973.

These changes have had a significant impact on the funding requirements for fiscal year 1972 and subsequent years, principally that of permitting the structuring of a budget, severely constrained, to support a balanced and progressive space program that will fund projects previously authorized and in development and fund those longer range projects which are essential for a meaningful space capability in the years ahead. This is the program represented in H.R. 7109 which our committee is recommending today—a program which, with three major exceptions, agrees with the NASA request. The amount recommended for Research and Development, $2,543,200,000, is $25,500,000 above the NASA request. This increase is the net result of a $43 million addition to the nuclear power and propulsion program, a $2,500,000 addition to the space applications program, and a $20 million reduction in the lunar and planetary exploration program. I will discuss each of these program changes as I proceed through the bill. The committee is recommending $56,300,000 for the construction of facilities, an amount identical with the budget request. For research and program management, the third appropriation category, our committee has recommended a reduction of $16 million in the request resulting in a total of $681,350,000.

### RESEARCH AND DEVELOPMENT

The manned space flight programs—Apollo, space flight operations, and advanced missions—are recommended at $1,286,475,000, an amount $144,525,000 below the fiscal year 1971 operating plan. This decrease reflects the continued reduction in manned space flight activities, particularly the completion of Apollo hardware production, assembly and test operations, while maintaining the capability to fly the last three lunar missions now scheduled—Apollo 15, 16, and 17. Although it is not possible to recover money for hardware expenditures for the Apollo 18 and 19 missions, the two launch vehicles and spacecraft are available in the national inventory for other missions and there will be a substantial savings in operating costs as a result of not flying these two Apollo missions. There will be some funding for the Apollo program in fiscal year 1973; however, the $612,200,000 in this bill, a reduction of $302,200,000 from the fiscal year 1971 operating requirements, essentially reflects completion of funding for this highly successful program.

The space flight operations program is recommended at the budget request level of $672,775,000, an increase of $157,575,000 above the fiscal year 1971 operating plan. This increase arises from the accelerating Skylab activities which culminate in the launch of the earth orbital workshop in March 1973. This program consisting of a space laboratory, launched by a Saturn V, followed by three separate long-duration visits by astronauts, has been rescheduled, as I have already mentioned, as a result of overall schedule changes made in the Apollo program. The Skylab slipped approximately 3 months. The committee is recommending $100 million for the space shuttle project to support initiation of the hydrogen/oxygen main engine development, the longest lead-time item, and to continue analytical studies and the technology evaluations essential to determining whether or not this program should proceed into development. NASA has not yet recommended that the space shuttle proceed into development; however, the funds recommended in this bill will support the necessary residual work which must be accomplished in order to make an informed decision on such a recommendation, possibly late in fiscal year 1972. As we discussed in this chamber at some length last year, the space shuttle is a concept which, based upon investigations to date, offers great promise for flexibility, efficiency, and economy in future space operations. This is quite aside from the fact that with the termination of production of our Saturn IB medium payload launch vehicle and of our Saturn V heavy duty launch vehicle, this Nation, except for a few vehicles in inventory, will have only limited payload capability for space activities in the years ahead. The shuttle is contemplated as a recoverable and reusable vehicle which would replace practically all of the expendable type launch vehicle family of both NASA and the DOD. In this regard, I want to stress that this development is strongly supported by the Department of Defense, and the committee has received very specific testimony on this project from Dr. Robert C. Seamans, Jr., Secretary of the Air Force. The request of $100 million for the space shuttle is $20 million above the operating plan for the current year and $10 million less than that requested and authorized in fiscal year 1971.

There have been many misstatements about the purposes and objectives to be served by the space shuttle. It has been stated that this is another manned space flight extravaganza and that it is the first step on a multibillion-dollar manned mission to Mars. Such statements are simply incorrect. Each of the two stages of the proposed shuttle vehicle is manned—manned by pilots, like a Boeing 707 or a DC–8, who are there to deliver the payload and return the vehicle for reuse. A casual observation of the illustrations in the hearings on the desks here will reveal the large cargo bay planned for the orbiter vehicle. With respect to the Mars contention, there is no money and no authorization and no support by our committee of a manned Mars undertaking. What the shuttle really represents is a flexible operating vehicle that appears to offer great potential for introducing efficiencies and economies into space operations. Costs should be reduced by an order of magnitude below the present day cumbersome, expendable launch vehicles—thereby making the shuttle a realistic device for exploring and using space. I believe one of the best summaries of applications envisioned for this vehicle, and which I commend to my colleagues, appears on page 420 of the hearings. I further believe that this information rejects the contentions to which I referred and soundly establishes the reasons why our committee is recommending continued funding for this project in this bill today. In the committee's judgment this vehicle is vital to the viable, progressive, ongoing space program this Nation should have.

The third and final program within the Office of Manned Space Flight is advanced missions which supports planning activities for future programs. Our committee is recommending approval of the budget request of $1,500,000 for this program.

The House has approved increases totaling $81 million for manned space flight programs, $72,500,000 for space flight operations, and $8,500,000 for the advanced missions program. Our committee received testimony from NASA witnesses on these increases and it was our committee's judgment that appropriate funding was already included in the budget for the programs and projects recommended herein.

The Office of Space Science and Aplications is responsible for the next four programs in the bill—physics and astronomy, lunar and planetary exploration, space applications, and launch vehicle procurement—for which the committee is recommending $732,900,000. This amount is $184,700,000 above the authorization and operating plan for fiscal year 1971, with the increase primarily in the lunar and planetary exploration program.

The committee is recommending $110,300,000 for the physics and astronomy program, an amount $5,700,000 below the fiscal year 1971 operating level. This program will support the initiation of the high energy astronomical observatory project—HEAO—which is strongly endorsed by the scientific community. This is proposed as a four spacecraft project to conduct astronomical observations with the initial launch scheduled in 1975. Aside from this new start for which $13,400,000 is recommended this year, the remaining flight projects and advanced study efforts in this program represent a continuation of activities approved in prior years at relatively consistent funding levels. The committee did not agree with a $2,500,000 addition to this program by the House to increase sounding rocket and balloon launched research activities.

The committee is recommending $291,500,000 for the lunar and planetary exploration program, an increase of $146,600,000 above the amount authorized in fiscal year 1971. The principal increase is $145,400,000 for the Mars 1975 Viking two spacecraft orbiter/lander mission to support flight hardware development. This is a more penetrating scientic mission to Mars and is the logical successor to the Mariner spacecraft launched May 30. You will recall that this project was previously rescheduled from the 1973 launch opportunity to 1975. There is also an increase of $23,600,000 for the previously approved Venus/Mercury 1973 mission again reflecting hardware development in order to meet the launch opportunity. Concurrently, funding reductions are realized in the Pioneer interplanetary and the Mars Mariner 1971 flight projects as these projects reach their advanced phases. Program funding has been $20 million by your committee with specific reference to outer planets mission activities which NASA proposed as a new start in fiscal year 1972 with the initial funding of $30 million. This activity represented a very substantial undertaking over the next several years and based upon the information presented to the committee including that from the National Academy of Sciences' Space Science Board, the committee was not persuaded that it was essential that this particular activity be initiated as proposed by NASA at this time. The committee accordingly reduced the request of $30 to $10 million and recommended that NASA conduct further study of its plans for investigation of the outer planets. The lunar and planetary program also supports the Helios cooperative flight projection with the Federal Republic of Germany.

The space applications program is recommended to the Senate at $185 million, an increase of $2,500,000 above the NASA request. This program supports those activities which are directly related to earth benefits and also represents some less well publicized space activities which are now producing benefits daily. In this regard, I point to the Tiros meteorological satellites which are operated continuously by NOAA and to the communication satellites which are used throughout the world. NASA maintains an active advanced meteorological satellite development program directly in support of NOAA which includes the Tiros improvements project, certain aspects of the Nimbus project, and the synchronous meteorological satellite project. A major increase in funding of $30 million for fiscal year 1972 is recommended for the applications technology satellite project now in hardware development. This project consists of two spacecraft designed to support experiments in advanced meteorological, communications, and general spacecraft technologies. One of the newer and most interesting elements of the space applications program is earth resources survey for which $51 million is recommended—$13.5 million for aircraft surveys and $37,500,000 for two spacecraft and supporting equipment in the earth resources technology satellite—ERTS—project. The first ERTS spacecraft is scheduled for launch in early 1972 and in the interim NASA has been conducting aircraft surveys to develop "ground truth" information, and to aid in sensor development and data handling. As a part of the aircraft program, NASA has initiated a series of regional surveys not only to assist in sensor development but also to help identify the many potential applications which these surveys are thought to offer. The committee in recognition of a very real national concern has added $2,500,000 to the aircraft project to support additional effort for determining the potential benefit of such surveys to identification of causes of air and water pollution. Earth resources survey funding at $51 million is about $9 million below the fiscal year 1971 operating level primarily reflecting the peaking of hardware funding for the ERTS spacecraft. There are nominal funding differences in the smaller meteorological and other earth observation and applications projects within the space applications program; however, the major reason for the total program increase of $18 million over fiscal year 1971 is the net result of the increase for the ATS satellites and the reduction in the ERTS spacecraft project I have discussed.

The committee is recommending the launch vehicle procurement program at $146,100,000—identical to the NASA budget request. This program provides launch vehicles and supporting services for the unmanned spacecraft programs in space science and applications which I have just been reviewing. The recommended amount of $146,100,000 reflects an increase of $21,200,000 over the fiscal year 1971 authorization principally due to procurement of the Titan IIIC and Titan IIID/Centaur vehicles to support unmanned spacecraft missions such as the applications technology satellites F and G and the Mars 1975 Viking missions.

The NASA Office of Advanced Research and Technology administers three program items in this bill for which your committee is recommending a total of $255,825,000, an increase of $43 million over the budget request but an amount $8,375,000 below the fiscal year 1971 operating plan for these same programs. These programs—aeronautical research and technology, space research and technology, and nuclear power and propulsion—support NASA advanced research activities in aeronautics and space. Generally speaking, they emphasize research tasks rather than hardware projects as is found in the other two program areas discussed. The aeronautical research and technology program, for which $110 million is recommended, supports the NASA statutory function for the conduct of advanced research in aeronautics, including activities ranging from propulsion to operating systems to materials and structures to guidance, control and information systems. It is from these research activities over the years that the Nation has attained its supremacy in aircraft development which is evidenced by the predominance of American aircraft on the international air routes of the world. With the view toward solving the noise, pollution, and congestion problems presently experienced in our urban areas and to be expected in other areas in the future, NASA is proposing to initiate with this budget the development of an experimental short takeoff and landing—STOL—airplane which would be used to demonstrate the technical feasibility of building and operating such aircraft and the ability of such operations to address themselves to the problems cited. Such aircraft would utilize short runways and close-in airfields, produce a minimum of noise and require a minimum of real estate and provide a maximum of accessibility and convenience to travelers. This project would consist of two aircraft utilizing quieted engines and employ selected propulsive lift devices which NASA has had under study for some time. The committee is recommending $15 million within the aeronautical program line item for this STOL development with an anticipated total cost for the project of $100 million over the next 4 or 5 years.

The House added $24,500,000 to the aeronautical program with which your committee did not concur.

Your committee is recommending $75,105,000 for the space research and technology program, which will provide for the basic research, applied research, and technology developments to support future space activities similar to the activities supported in the aeronautical research and technology program which are directed toward aircraft applications. This amount represents about a $32 million reduction in this program from the fiscal years 1971 level, part of which is accounted for by reduction in space propulsion and power generation, and in materials and structures and part of which is due to the transfer of life science activities to the space flight operations program.

Your committee is recommending a major adjustment in the nuclear power and propulsion program—an increase of $43 million in the NASA request for nuclear propulsion, from $15 million to $58 million, with a corresponding increase in the program total, from $27,720,000 to $70,720,000. The other two elements in the program—nuclear power systems and electrophysics—remain unchanged. A highly successful technology program has been carried on in nuclear rocket propulsion for several years. This culminated in ground demonstration testing of the feasibility and technology readiness to proceed with a flight engine development program to adapt nuclear energy to space propulsion. This is a system which technical authorities agree offers essentially twice the space propulsion capability of any known chemical system. This advantage, and the success of the technology program, has consistently been considered by your committee as a sound basis for proceeding with the NERVA engine development which would provide the Nation an outstanding, advanced space propulsion capability for the years ahead.

This would equip the Nation to do the things it might elect to do in the future. Although they play different roles in the space transportation system, the NERVA engine and the shuttle provide the same result—a forward looking, versatile, and advanced space capability. Both were regarded as a vital part of the space transportation system by the President's Space Task Group.

It has been generally recognized that the NERVA engine will require a long development period, thereby necessitating an early start. Such a start was made in fiscal year 1970. The development was continued into fiscal year 1971 with work well underway. However, the NASA fiscal year 1972 budget proposal reduced the development program to work on a few selected components, with no program for an engine in the forseeable future. The reduction was effected in March of this year. In view of this substantial change in this program, your committee held special hearings on February 23 and 24, 1971, on its impact. It was clear that the funding proposed, $15 million, would not support an engine development program. Moreover, it was extremely doubtful that this funding level would maintain the capability to reinitiate a full-scale development program at a later date. Therefore, with its consideration for building a comprehensive base for future space capability, your committee has added $43 million to this program specificially for NERVA engine development and supporting nuclear propulsion activities. The House approved the addition of $39,900,000 to the nuclear power and propulsion program for the NERVA development, which evidences the importance which it attached to this project.

Your committee is recommending $264 million for the tracking and data acquisition program, an amount identical with the NASA request and with that approved by the House. The amount recommended for this program is $26 million below the fiscal year 1971 operating plan as a result of reductions in coverage required of the tracking and data acquisition network and of improved operating efficiencies.

The technology utilization program which supports the identification and dissemination of aeronautics and space technology to the nonaerospace community is recommended at $4 million, the same level as adopted in the fiscal year 1971 operating plan. The House approved $6 million for this program, a $2 million addition. However, your committee believes that the activities of this very worthwhile program can be adequately conducted for the $4 million recommended by the committee.

### CONSTRUCTION OF FACILITIES

H.R. 7109 contains $56,300,000 for the NASA construction of facilities program for fiscal year 1972. This amount as well as the items recommended in the bill are identical to the administration's budget request. The facility items represent, almost exclusively, the modernization or upgrading of existing facilities to more effectively support their designed function or to provide a greater capability than that which is offered by their present status. For example, the first item, modernization of the 40′ × 80′ wind tunnel at the Ames Research Center, is an old and largely one-of-a-kind aeronautical research facility which, with the modernization proposed in this project, will continue to serve our aeronautical research needs for many years.

This tunnel has a unique capability to support V/STOL research. In a similar context, the project to modify launch complex 17B at the Kennedy Space Center will provide a capability to launch the workhorse uprated Delta booster. The major exception to the modernization and upgrading type of project I have described is the recommendation in the bill for $20 million to provide facilities for the space shuttle development program. These facilities consist of test stands for the main engine and for certain of the auxiliary propulsion systems, and for expansion of existing thermal test facilities to support development of the thermal protection system for the shuttle air frame. Here again, however, I wish to stress the fact that existing facilities are being modified or expanded to satisfy these new needs, thereby minimizing the extent to which new facilities are being provided.

Your committee made one significant change in the construction of facilities section 1(b) of the bill as presented by the administration and approved by the House—specifically, the identification of each facility project authorized as a line item in the bill. The purpose of this change is to specify the facility authorized and the estimated cost thereof which relates it to its stated function and justified need rather than, as in years past, specifying a sum of money for undesignated facilities at the various NASA locations. The background for your committee's recommendation on this item is discussed at some length on page 89 of the report accompanying the bill.

The House approved the addition of $2,330,000 to the construction of facilities request, for a total C of F authorization of $58,630,000, to provide for expansion of the Visitors Information Center at the Kennedy Space Center. These funds are proposed to support phase one of a three-phase development extending the present facilities into a space information and education center with a total estimated cost of $10 million. Your committee did not concur with the House addition.

### RESEARCH AND PROGRAM MANAGEMENT

Your committee is recommending an authorization of $681,350,000 for research and program management—R&PM. This category supports research by NASA employees in Government laboratories, the management of the research and development programs that I have been discussing, and provides funding for activities at the NASA centers such as maintenance, utility services, and the many other supporting services necessary to the operation of a research center. Approximately 70 percent of this appropriation category is allocated to salaries of direct NASA employees—63 percent of whom are scientists, engineers, and technicians.

This appropriations category has been examined most carefully over the years, particularly since the funding requests have continued to increase as the NASA research and development programs matured and reached completion without equivalent new starts to continue the higher levels of space activities which had been experienced in previous years.

Your committee appreciates that with the high percentage of funding in this category allocated to salaries, some portion of the annual increase in attributable to the statutory Federal pay raises; however, your committee has not been convinced that sufficient examination looking toward maximum efficiencies in manpower utilization has been undertaken by NASA. As a result, the committee made a reduction in the amount requested for personnel for fiscal year 1971, and placed a limitation on the amount to be spent for personnel and related costs, a limitation which was adopted by the Congress. The committee believes that further action in the area of manpower utilization is warranted even recognizing that the fiscal year 1972 budget request proposes a reduction of 1,500 positions below that supported in fiscal year 1971.

Mr. MONDALE. Mr. President, will the Senator yield at that point?

Mr. CANNON. I am glad to yield

Mr. MONDALE. In what year did NASA reach its peak spending level?

Mr. CANNON. Is the Senator talking now in terms of the personnel level?

Mr. MONDALE. I am talking about total expenditures for NASA.

Mr. CANNON. 1966

Mr. MONDALE. What was the amount spent that year?

Mr. CANNON. $5.9 billion

Mr. MONDALE. How many people were on the in-house staff of NASA at that time?

Mr. CANNON. In excess of 30,000. I will get the exact figure in just a moment for the Senator.

Mr. MONDALE. Approxmiately 30,000.

Mr. CANNON. 35,708.

Mr MONDALE. From what page is the Senator reading?

Mr. CANNON. That is at page 121.

Mr. MONDALE. What was the total spending level for NASA in the currently expiring fiscal year?

Mr. CANNON. In fiscal year 1971?

Mr. MONDALE. Yes.

Mr. CANNON. $3.368 billion.

Mr. MONDALE. And how many employees were working for NASA this fiscal year?

Mr. CANNON. There are 32,150, of which 2,300 are temporary employees.

Mr. MONDALE. So that, while the space budget has been reduced by $3 billion, the personnel level has been reduced by fewer than 3,000 people; is that correct?

Mr. CANNON. That is correct; by about, roughly, 3,000 people.

Mr. MONDALE. Were that a commensurate reduction of personnel, it would be something like 15,000 people, would it not?

Mr. CANNON. If the reduction were directly related to the number of personnel. But the Senator must remember that much of NASA's work under the $5.9 billion figure was contracted out.

Mr. MONDALE. But there should be some relationship between the number of employees and the level of activity, should there not?

Mr. CANNON. I beg the Senator's pardon.

Mr. MONDALE. Should there not be some relationship between the number of employees and the level of activity at NASA?

Mr. CANNON. There certainly should be, and there is, and that is why, in this bill, we are again requiring NASA to cut down their personnel. We placed limits in last year's authorization bill, and we are placing them again this year. We are forcing a reduction this year of 3,000 personnel in NASA's personnel level.

Mr. MONDALE. It strikes me as peculiar that during the peak days of NASA's efforts, when we were spending $6 billion, and when we were in the most frantic period of research and development and construction of the Apollo program, and the development of the Apollo launching sites and the Apollo tracking stations, and all the rest that related to that, we had 35,000 employees; but today, when the spending levels are at least $2.5 billion less, when the Apollo program is nearly completed, when none of the new programs have gotten beyond the beginning research stage, we would still have a space personnel level equal to that of the earlier frantic days.

Mr. CANNON. Well, I would say to the Senator it is not equal to the earlier days. In the first instance, there have been some substantial reductions, and second, as I pointed out earlier, much of this work was done by contractors. At the period of time when we had our big NASA budget, there were over 400,000 contractor personnel. Now, this year, there are slightly over 100,000. So the number of contractor personnel has been reduced by three-quarters, while NASA's in-house personnel, who are highly specialized, I might say, have been reduced to a much lesser degree.

Mr. MONDALE. What number of personnel are involved in the manned space flight effort today? Are the figures broken down that way?

Mr. CANNON. I will have to have the staff find that. We will have to pull it together; we do not have the separate figures.

Mr. MONDALE. I understand. How much was spent for NASA personnel in 1966; does the Senator have that figure?

Mr. CANNON. Yes; $619.4 million for all research and program management expenditures of which about 70 percent is for NASA personnel.

Mr. MONDALE. $619 million in 1966?

Mr. CANNON. That is true. That is in 1966. Although 1966 was the NASA highest total expenditure year, that was not NASA's actual highest employment year.

Mr. MONDALE. The highest expenditure, that is correct.

Mr. CANNON. NASA's highest personnel point, from the standpoint of civil service employees, was in fiscal 1967. The total research and program management expenditure in 1967, again of which about 70 percent is for NASA personnel, was higher than 1966 at $649.9 million, went on up to $651.5 million in 1968, even though the personnel levels were dropping down, went up to $656.2 million in 1969, when the personnel levels were again dropping down—this is total R. & P.M. expenditures—and then a continuing rise to $707.2 million in 1970 and $708.9 million in 1971; and then the drop back occurs, in fiscal 1972, to $698.4 million.

Mr. MONDALE. So that, while at the peak level of NASA activity, we were spending something like $619 million for salaries, today, when space activity is $2.5 billion less, we are spending on the order of $60 million more for personnel; is that correct?

Mr. CANNON. The Senator is correct. Those figures that I have been quoting as salaries, I want to emphasize, are salaries and other administrative expenditures, but the bulk of that, about 70 percent, is for salaries.

Mr. MONDALE. I thank the Senator.

Mr. CURTIS and Mr. GURNEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. CANNON. I think I have the additional information the Senator from Minnesota requested.

As to the number of people involved in manned space flights at the present time, the figures for fiscal year 1972, the request is for 11,986 for the three manned space flight centers, which would be a 619 year-end reduction under the previous year.

Mr. MONDALE. Does the Senator have the figures in that category for 1966, 1967, 1968, and 1969 as well?

Mr. CANNON. No. We can get those, but I have here only the ones for 1971 and 1972.

Mr. MONDALE. Perhaps the staff could supply me with those figures.

Mr. CANNON. Yes; they will be happy to do so.

Mr. GURNEY. Mr. President, will the Senator yield on that point?

Mr. CANNON. I am happy to yield.

Mr. GURNEY. I think one point that needs to be brought up is what the NASA personnel are doing today. For example, in Florida, at the Kennedy Space Center, in Texas, at the Houston Manned Space Flight Center, and in Alabama, at Huntsville, a great many of the personnel are now devoting their time and efforts exclusively to the continuing flight program. The hardware for that program was developed, of course, during the peak spending in NASA, as pointed out by the able floor manager of the bill, in 1965 and 1966. But as far as the flight program is concerned, for which all this hardware was developed, this, of course, continues today, in fact at a greater rate, I think, if the figures were checked, than it did in 1965 and 1966, and it is necessary to maintain these skilled teams of people who do the checking out of the vehicles, who perform the launching operations, and who maintain the tracking stations around the world.

That is the principal reason why the employment figures of NASA has held up over the years. The other important point which I would like to emphasize, as the able floor manager, the Senator from Nevada, brought out, is that during this peak spending, there were about 425,000 people working on the program in private industry, and today there are just a few more than 100,000. As a matter of fact, back in those days—and I think it is still true today, but it certainly was then—about 90 percent of the space dollars went to private industry and private employers.

So this certainly is no point at all that I think the Senator from Minnesota is trying to make, that we have a top heavy Government structure.

These people are necessary to carry on the flight programs that are going on today.

Mr. CANNON. I thank the Senator from Florida.

Just as I yielded to the Senator from Minnesota, I commented on the fact that the committee had not been convinced that sufficient examination looking toward maximum efficiencies in manpower utilization has been undertaken by NASA. Therefore, your committee is recommending an overall reduction of $16 million in the fiscal year 1972 NASA request of $697,350,000, resulting in a total recommendation for R. & P.M. of $681,350,000, and in addition, has inserted as a part of its committee amendment a ceiling on personnel and related costs of $517,916,000, which represents a reduction of $13 million in the NASA request for such costs. The remaining $3 million in the cut is to be applied to the "other expenses" funded under the R. & P.M. category. I would like to mention here that the NASA authorization request for fiscal year 1972 was presented to the committee without provision for the fiscal year 1972 funding requirements to support the Federal salary increases enacted in January 1971. Therefore, authorization for this statutory increase, estimated at $29,285,000, has not been incorporated into the committee's recommendation.

The House version of H.R. 7109 was considered on the same basis.

The House increased the NASA request for R. & P.M. by $9,500,000 for a total of $706,850,000, or an amount $25.5 million above the recommendation of the committee in this bill. The committee did not concur with this addition, believing that the level recommended by the committee provides adequate resources within which NASA management can carry out its responsibilities.

### LEGISLATIVE CHANGES

The committee has recommended three principal legislative amendments which I have discussed as I proceeded through the contents of the bill, and two conforming amendments associated with the three principal amendments. The first amendment is in section 1(a) and specifies that $58 million of the $70,200,000 authorized for the nuclear power and propulsion program shall be used only for NERVA engine development and related nuclear propulsion activities. A second amendment is a complete substitution of the committee's recommendations in section 1(b) itemizing specific construction of facilities projects rather than presenting an amount for undesignated facilities at various NASA locations as was the practice in previous years. The third amendment is the one I just discussed, that of establishing a ceiling which may not be exceeded, for personnel and related costs within the R. & P.M. authorization.

### CONCLUDING REMARKS

Mr. President, I believe that the committee's recommendation reflects a very carefully structured space program for fiscal year 1972. It provides a balance within a very austere budget between support for previously authorized and ongoing projects and for undertaking forward-looking developments which are designed to lay a foundation for maintaining our space capability in the future. In conclusion, I would like to stress once again that this Nation's space program is one of the principal focal points for advancing the state of our science and technology, the source which allows us to maintain a strong national posture and reap dividends for improving the life of our citizens. This, I firmly believe, is clearly evident in the history of our Nation. Mr. President, I urge my colleagues to support H.R. 7109 as presented here today.

Mr. President, I now yield to the Senator from Nebraska (Mr. CURTIS), the ranking minority member of our committee, whose efforts have been outstanding in trying to pull together an effective space bill for NASA this year.

The PRESIDING OFFICER. Is the Senator from Nevada yielding a portion of his time?

Mr. CANNON. I yield on my time, Mr. President.

The PRESIDING OFFICER. How much time is yielded?

Mr. CURTIS. I will use my own time, Mr. President. I yield myself 20 minutes.

Mr. President, I commend the distinguished Senator from Nevada (Mr. CANNON) for his able presentation of the purposes served by H.R. 7109, the authorization bill for the National Aeronautics and Space Administration for fiscal year 1972. Moreover, I wish to commend the distinguished senior Senator from New Mexico (Mr. ANDERSON), the chairman of the committee, for his leadership in bringing this program before the Senate. Finally, I wish to commend the staff of the Senate Committee on Aeronautical and Space Sciences for its support on this legislation.

I believe there are two points to be considered as we debate the NASA authorization:

One, this is a program essential to maintaining America's technological supremacy and to help assure adequate national defense.

Two, this is a lean, fat-free, and bare-bones budget for America's vital space program.

Some of our colleagues have expressed concern over the size of the space budget. On page 95 of Senate Report 92–146, which is the Space Committee's report on the space authorization bill, is a chart giving the committee's estimates for the NASA budget over the next 5 years. The committee makes the following estimates: for fiscal year 1973, $3.65 billion; for fiscal year 1974, $3.82 billion; for fiscal year 1975, $3.61 billion; for fiscal year 1976, $3.57 billion; and for fiscal year 1977, $3.55 billion. Assuming that current efforts to control and stop inflation in this country are successful, and assuming no unforeseen events, I believe that these figures will prove to be reasonably accurate.

Of the new space programs being undertaken, one in some degree of controversy is the space shuttle. There have been allegations that the space shuttle will cost $20 billion or $100 billion or $200 billion to develop.

No one can say with certainty what the cost will be. However, the highest—I emphasize, the highest—estimate available at the present time is that the total research and development cost will be about $12.8 billion over a period of about 11 years. NASA is now undertaking an intense effort to reduce the projected cost of this program to a range of $9 to $11 billion.

It must be conceded that this is a large sum of money. It can only be justified on the grounds that it will save the taxpayer dollars and assure America's technological supremacy in space.

Our best current estimate on the shuttle is that it will save the American taxpayers billions upon billions of dollars, possibly as much as $14 billion, by the year 1990. The savings will accrue for a number of reasons:

First. The orbiter and booster will be reusable eliminating vehicle losses now experienced on every space shot.

Second. There will be substantial havings through the use of cheaper satellites—cheaper because they will use off-the-shelf components; they will have less redundancy; and we will have the ability to repair them in space.

Three. Great savings will also arise from eliminating such costly losses as the $100 million Orbiting Astronomical Observatory and the $70 million Mariner Mars failures—failures that would not have occurred if a shuttle had been in existence.

Nobody contends that the space shuttle can be justified only on the basis of NASA's requirements for space science and applications. The needs of the military must be taken into account. Based on current and conservative estimates, about one-half of the shuttle payloads will be for the armed services.

As of today, the Soviets are in their 22d day of their space laboratory flight commonly known as Salyut. They are reported to be experiencing no difficulty with their version of the Skylab project. We are told the Russians are even growing their own vegetables. The Russians are learning a great deal about how to offset the effects of weightlessness through the use of specially designed space suits and several mechanical means for exercising the human body. We, on the other hand, only have laboratory, not practical experience, with these matters. It is not now known how long they plan to stay up there on this mission, but they are setting new records with every passing hour. The United States will not have such an orbiting laboratory until 1973.

There have been suggestions that we can do everything we need to do in space for $2 billion a year. We could have a reduced program. As the Senators know, every program can be reduced. But we cannot reduce the level of funding unless we intend to virtually abandon the guts of our space program. We cannot reduce the level of funding unless we intend to surrender our lead in space technology—a technology that will help to solve problems on pollution, weather, health, agriculture, conservation, resources, and a host of other activities necessary to man's survival on earth.

We should not lose sight of the fact that our space budget is almost one-half what it was at its highest peak. We must also bear in mind that as this Nation faces many problems, most of our problems will require technology, in varying degrees, for arriving at solutions. The space program is one of the most important programs that is advancing the technology. Moreover, it is advancing the acquisition of more knowledge and information for man.

Let us not forget that on October 4, 1957, the Soviet Union launched the first manmade satellite into orbit around the earth. Let us not forget that Sputnik I produced severe psychological shock waves here and abroad. Let us not forget that there were dire predictions the United States was giving way to the Soviet Union in technology for both peace and defense.

On July 20, 1969, Neil Armstrong descended from the spaceship Eagle and stepped to the surface of the moon at 10:56 p.m. Eastern Daylight Time. Throughout the world, wherever live television was available, there was instant proof that America had risen to the challenge.

There was unfortunately one notable exception: The Soviet Union did not join in the live telecast of the first man on the moon. Perhaps their television silence was the most eloquent testimony to the success of the Apollo program.

Today, we are laying before the Senate a well-balanced space program designed to maintain and develop the technology we need for the benefit of all mankind.

And as we move into the decade of the 1970's, America will be faced with growing economic competition from Europe, the Soviet Union, and the nations of Asia, notably Japan. We will undoubtedly face growing competitions in every phase of aerospace activities. At the recently concluded Paris air show, the Europeans and Russians showed the desire and ability to compete. To maintain an aerospace leadership will require the kind of determination evoked by the creed of the late coach Vince Lombardi:

> Winning isn't everything, it's the only thing.

I am confident that the Congress would never wish to place the United States of America in a position, where sometime in the future, we might be confronted with a technological Pearl Harbor. For these compelling reasons, I ask and urge my colleagues to support your committee's bill as vital to the interests of our Nation.

Mr. President, last Friday, the chairman of the Senate Committee on Aeronautical and Space Sciences and I circulated a letter to our colleagues. Appended to the letter was a fact sheet, entitled "Popular Misconceptions: The Space Program." For the benefit of our colleagues who may not have had an opportunity to read this material, I ask unanimous consent that our letter and the fact sheet be printed in the RECORD.

There being no objection, the letter and fact sheet were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., June 25, 1971.*

DEAR COLLEAGUE: As you know, the Senate will consider the NASA Authorization Bill (H.R. 7109) next Monday and Tuesday. Inevitably, there will be some disagreement as to the merits of particular programs in the space bill—disagreement among persons who are all honestly trying to ensure a worthwhile space program for America and all mankind.

We are writing to you in an effort to set the record straight, as we see it, on some misconceptions concerning the space bill that have recently circulated on "The Hill".

Attached kindly find a fact sheet for your consideration. We hope it will help to clear the air.

Sincerely yours,
CLINTON P. ANDERSON,
*Chairman.*
CARL T. CURTIS,
*Ranking Minority Member.*

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### POPULAR MISCONCEPTIONS: THE SPACE PROGRAM

#### FICTION NO. 1

The space shuttle will be used for a manned mission to Mars.

#### FACT NO. 1

There is not one dime in the current budget for this purpose. Men will probably go to Mars someday, but certainly not before the end of the century. It is doubtful that any current members of the Senate will ever have to vote on this issue. The shuttle itself will never go to Mars because it does not have that capability.

#### FICTION NO. 2

The space shuttle will cost $20 billion (or $100 billion or $200 billion) to develop.

#### FACT NO. 2

No one can say yet what the cost will be: The highest estimate available at the present time is that the total R. D. T. & E. costs will be about $12.8 billion. But, NASA is now making an intense effort to reduce the projected costs of this program and the most likely total cost will be in the range of $9 to $11 billion. Furthermore, nothing is said about how much money the shuttle will save the taxpayer. The best current estimate is that the shuttle will save the U.S. Treasury billions upon billions of dollars by 1990. It should be noted that economic justification does not depend solely on substituting of the shuttle instead of expendable boosters. Tremendous savings will accrue through the use of cheaper satellites—cheaper because they will use off-the-shelf components; cheaper because they will have less redundancy; and cheaper because we will have the ability to repair them in space or bring them back to earth for refurbishment. Finally, the fact is that the greatest savings arise from eliminating such costly losses as the $100 million Orbiting Astronomical Observatory and the $70 million Mariner Mars failure. Both of the costly failures would have been avoided had they been launched in a shuttle.

#### FICTION NO. 3

NASA's annual budget will rise to $7 billion.

#### FACT NO. 3

Nobody can predict with any degree of accuracy what the rate of inflation in the U.S. will be over the next ten years. Estimates of NASA's budget including the shuttle for most of the 1970's can be found in Senate Report No. 92–146 on page 95. The peak year is Fiscal Year 1974 at a figure the Space Committee estimates to be $3.82 billion.

#### FICTION NO. 4

The space shuttle will waste scarce resources.

#### FACT NO. 4

Currently *all* boosters are dropped in the ocean after one use and all payloads are either burned up in the atmosphere or lost in space after a period of time. The space shuttle system utlimately is designed to reuse both boosters and payloads which, of course, amounts to a substantial saving of scarce resources.

#### FICTION NO. 5

We will not know whether long-duration flights are possible until the Skylab missions are completed in 1973.

#### FACT NO. 5

As of June 25, 1971, the Soviets are in their 19th day of their space laboratory flight. They are reported to be experiencing no apparent difficulty. They are even growing their own vegetables. The Russians are learning a great deal about how to offset the effects of weightlessness through the use of specially designed space suits and several mechanical means to exercise the human body. We, on the other hand, only have laboratory experience with these matters. It is not known how long they plan to stay up there on this mission, but they are setting a new record with every passing hour.

#### FICTION NO. 6

The Space Science Board is against the space shuttle because it concluded that "space science and application by themselves are insufficient to justify the cost of developing the shuttle."

#### FACT NO. 6

The Space Science Board has not taken a position on the shuttle because all of the facts are not yet available. Nobody contends, however, that the space shuttle should be justified on the basis of NASA space science and application alone. The needs of the military must be taken into account. Moreover, if space shuttle development is justifiable, it will be because it will be utilized to launch virtually *all* of this nation's payloads—science, applications, navigation, communications, earth resources, manned, unmanned, civilian and military.

#### FICTION NO. 7

We can do everything we need to do in space for $2 billion a year.

#### FACT NO. 7

Not unless we intend to virtually abandon our space program. Not unless we intend to surrender our lead in space technology—a technology that will help to solve problems on: pollution, weather, health, agriculture, resources, and a host of other activities necessary to man's survival on earth.

We would also have to abandon our currently very promising talks with the Soviets on space cooperation. There would be no use to continue discussions on, for example, common docking mechanisms if we aren't going to have anything to dock to. And, we would decrease our ability to cooperate with all other nations seeking advancement through space technology.

#### FICTION NO. 8

A study conducted by the Rand Corporation for the Air Force concludes that the space shuttle should not be developed.

#### FACT NO. 8

The Rand study was not conducted at the request of the Air Force and was based on data that is now obsolete. (In the enclosure to this fact sheet, please find a letter signed by Mr. Henry S. Rowen, President, Rand Corporation, which fully sustains this assertion.) More recent studies suggested by the Rand Corporation show that the space shuttle can have a highly favorable cost-benefit ratio over the period in question. Secretary of the Air Force, Robert C. Seamans, Jr., has testified that the Air Force is encouraged by the trend of current studies and hopes to be able to use the shuttle for *all* of its payloads in the late 1970's. These points were thoroughly clarified in the *Congressional Record* on June 2, 1971.

Mr. CURTIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, will the Senator from Nebraska yield me 20 minutes?

Mr. CURTIS. Mr. President, I yield 20 minutes to the distinguished Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Florida is recognized for 20 minutes.

Mr. GURNEY. Mr. President, once again the authorization bill for the National Aeronautics and Space Administration is before the Senate for action. The Senate Committee on Aeronautical and Space Sciences, chaired by the distinguished Senator from New Mexico, has recommended a budget authorization of $3.280 billion. I give my strong support to this entire authorization.

Once again, there will be a concerted effort on the part of some to cut out funds and programs, to strike a serious and crippling body blow at the Nation's space program.

One group of Senators have already announced their intention to try to kill the space shuttle project by taking the funds for that program.

I will direct these remarks in support of that specific provision in the bill.

The space shuttle is a truly new concept in space exploration. Since the inception of our space program this country has relied exclusively on throwaway boosters, spacecraft, and support systems. With the shuttle, for the first time, we will get more than a single flight from a particular mission. In fact, the shuttle will be reusable up to 100 times with a minimum of refurbishment and ground time.

In terms of payload cost, a reusable system, such as the space shuttle provides, will reduce payload launch costs from the current $1,000 per pound to $100 per pound. In terms of economics, the space shuttle is the key to profitable space operation in the future. This holds true for unmanned as well as manned space programs. One of the major expenses now encountered in the preparations for flights of unmanned satellites is the complicated and expensive checkout procedures required. Today, when an unmanned satellite is sent into space, it must be in 100-percent working condition. As a result, an expensive, but necessary, program of testing and retesting is part and parcel of all flights in our space program. In fact, we pay around $20,000 a pound to manufacture and test these nonrecoverable space probes.

The shuttle would open a whole new dimension in this earth satellite portion of our space program.

If a satellite were to be launched, and then fail to operate, it could easily be recovered and brought back to earth for repairs. Periodic maintenance and reconditioning of satellites will then become a reality. Eventually, as our skills improve, we may even develop teams of astronaut maintenance men making regular "house calls" to perform minor repairs in space.

A graphic illustration of the usefulness of this was cited by Arthur C. Clarke in the New York Times, May 22, 1971. Clarke refers to an orbiting astronomical observatory, a satellite costing $50,000,000. After orbit a minor circuit defect caused failure. Yet, a man with a screwdriver might have been able to fix it, Clarke concluded:

> As our applications satellites become larger and more complex, space shuttles will be essential not only to orbit them, but to carry the technicians who must check, service and repair them. In the next decade this will be so obvious that it will seem incredible that intelligent men ever disputed it. But there will be no shuttle in the next decade—unless we start planning it now.

If one tiny part fails to function correctly, then the entire experiment is a total loss. As we know only too well, this has occurred on occasion.

The development of such a program will dramatically reduce the costs of our space efforts. A recent study by Mathematica, Inc., analyzed the costs of our space program and the economics of developing a space shuttle system. I think that their conclusions are worthy of some note.

Before going on, however, I would like to say a few words about the mathematical study by Mathematica, Inc., a Princeton, N.J., research organization, under the direction of Drs. Oscar Morganstein and Klaus P. Reiss. It is a full, comprehensive, and up-to-date report submitted to NASA on May 31 of this year. The report is based upon 8 man-years of work and research. It is as recent as less than 1 month old.

There has been criticism of the space shuttle based on a report by the Rand Corp. The Rand study was made using economic data from 1969. In the fast moving space program this is analagous to the automobile industry using data obtained from research on the Model T Ford.

The Air Force, which commissioned the Rand report, has emphasized that the report is based on economic and technical data from 1969. The Secretary of the Air Force, Mr. Seamans, has stated that the Rand report is not Air Force policy. He has further said:

> The work in question does not represent current economic conditions. We (Air Force) are greatly encouraged by more current studies and it appears that both NASA and DOD requirements can be met with the present, single baseline configuration for the space shuttle.

The mathematical study does, however, take into account the current state of technology and the economy.

So that all Members of this body may be accurately informed, I ask unanimous consent that the executive summary of the Mathematica study be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, at present, only 20 percent of the costs of the space program are recurring launch costs. The other 80 percent of the costs are presently devoted to payload, manufacture, and testing. It would be folly for this country not to reduce this cost. Expected cost reductions by implementation of the shuttle program fall into two areas: The launch system recurring costs, and the costs of payloads. At currently projected usage, the shuttle reduces launch costs from $13 billion to $5.5 billion and reduces payload costs from $40 billion to $26 billion. Overall, Mathematica's analysis indicates that the direct costs of the space shuttle system are expected to be about half of the direct costs of an expendable system of the same scope.

Opponents of the shuttle seek to confuse the Senate by asserting that the program is simply a device for continuing manned spaceflight. They then flatly contend that man has no future in space; that this shuttle is a useless venture. Nothing could be further from the truth.

The space shuttle serves both manned and unmanned spaceflight.

In fact, the Mathematica study indicates that the shuttle is an economically sound proposition even were the United States to abandon manned space programs altogether and continue only on unmanned programs. That is, if this country continues to utilize scientific, commercial, and defense applications of the unmanned space program at the same rate as in the 1960's, the space shuttle is economically justifiable. Indeed, Mathematica calculates that such a shuttle program would be an economic investment with a 10-percent rate of return if it costs even as much as $22.1 billion. NASA currently estimates that the total cost of the space shuttle will come to $12.8 billion.

Thus, even if we were to decide to continue only an unmanned space program, which I personally feel would be a serious mistake, the shuttle has a substantial cost benefit.

Two additional comments should be added at this point. If a substantial manned space flight program is continued, the economic advantages of the shuttle are augmented significantly. Further, if a substantial lunar exploration program were to be implemented, significant reductions in lunar space transportation costs would accrue. However, as I have pointed out, a decision on a manned space program need not be made to justify the shuttle.

As these analyses make clear, the space shuttle is the key to this Nation's future in space. Without it costs remain too high. With it, costs are substantially reduced and the space program can continue to expand the technological base of our Nation and bring the benefits of the space program to our people.

I have spent considerable time discussing costs and technology in this discussion because I believe strongly that we must continue technological development, if our Nation is to progress. Historically, those nations that have failed to develop their technologies have lost their ability to maintain and raise the quality of life of their citizens.

Sir Bernard Lovell, director of Britain's Jodrell Bank Observatory, has offered a significant word of caution:

> If you look at the thousands of years of civilization, you will find that only those communities that have been prepared to struggle with the nearly insoluble problems at the limits of their technical capacities—they are the only communities, the only times that civilization has advanced. The Roman Empire decayed when it ceased to be progressive in this sense, and there are other examples. To a certain extent, you see the beginnings of it in the United Kingdom today, but fortunately not in the United States, and certainly not in the Soviet Union.

We will note that Mr. Lovell laid more emphasis on the fact that Russia is not neglecting technological progress. In fact, if he made a similar statement today, he might well observe that there are beginnings of technological neglect in the United States.

This effort to shoot down the space shuttle is just such a serious attempt to stop technological progress. We will witness other all-out efforts when the defense procurement comes before us.

We witnessed a most successful effort here earlier this year, when the SST was shot down.

The most important factor to be examined in the discussion of a viable and on-going space program is the effect of a continued policy of eliminating projects involving scientific and technological progress.

The first and immediate result of the continuation of such a policy will be the continued dissolution of pools of skilled technical and scientific personnel. We have already fired and dispersed scores of thousands of highly trained technological people. We have literally cut off our technological right arm. We have made ghost towns out of many space areas. We have created Sahara-like wastelands out of previously verdant green space work areas.

A vast national resource of some of the most highly skilled workers in our history are now selling hamburgers or hotdogs, doing a host of things that any high school drop out could do. Thousands are on welfare, most are bitter and disillusioned.

I do not doubt that years ahead, we will look back in wonderment and inquire, how could a nation be so criminally wasteful of its greatest resource, skilled scientists and engineers, and technical people.

The second factor, long range in effect, holds far more serious import for this Nation and its place in history. Such policies will discourage the entry into the scientific and technological fields of a new generation. It is already clear that there has been a drop in the percentage of college students entering the sciences. To encourage and even accelerate this trend could well mean that within a generation or so we will have reached a situation where this country has little capability in the area of science and technology. At the same time, the technology existing for us at that point will be incredibly obsolete. We will, in effect, become a technological and cultural vassal state—totally dependent upon whatever nations have the foresight to resist the idea that they should sell their future for a mess of porridge. I am saying in short that this Nation cannot and will not survive—as a nation—as a society—as an entity as we know it—unless we make very sure that we do not cast aside our future.

This country has achieved what it has only because it has been a leader in developing new and revolutionary technology. By the development of new ideas, new attitudes, new techniques, and new concepts for the management of large-scale undertakings, the conquest of space has done much to prepare man for a major offensive against the unsolved social and material problems at home.

Some Members of this body have expressed the opinion that what NASA is doing is too remote from the people; that NASA does not provide benefits to the average consumer or community, and that if space funds were devoted to other areas, the Nation would be better off. This view is neither factual nor informative.

Let's take a look at a few facts of what the space program is doing for you and me and our constituents.

At the turn of this century 5,000 Americans were killed by a hurricane in Texas. In 1928, 4,000 people were killed by a hurricane in the West Indies. In 1959, 1,500 lives were lost in a killer storm in Mexico. In 1969 it could have happened again. The most violent storm to hit North America in our recorded history slammed ashore in Louisiana and Mississippi; Hurricane Camille roared out of the Gulf of Mexico with winds clocked at 200 miles per hour. Whole towns were quite literally smashed to bits. Property damage was in the hundreds of millions of dollars. The death toll however, was negligible compared with the catacylsmic force of this monster hurricane.

The reason that so few people lost their lives was the existence of a meteorological satellite. The satellite had been tracking the erratic and destructive force of Hurricane Camille and had provided advanced warning of its path. The Government has estimated that, without satellite warning, some 50,000 people could have died. That is more than all the casualties in Vietnam during the whole war. How can you put a price tag on 50,000 lives?

Weather satellites are constantly upgrading their present ability to predict weather. Within the next few years experiments in programing the weather of the entire world will be begun. By feeding information to a bank of computers, it is expected that global weather forecasting will become a reality before the end of the decade. Meteorologists expect that the computer predictions will be accurate for up to 2 weeks. The National Academy of Sciences has estimated that the United States alone will save billions of dollars each year in preventing losses from storms and floods—in the farming, construction, and transportation industries.

Let us look at the communications industry. It is now almost routine to watch an event labeled as "live—via satellite." We have all witnessed the excitement of competition at the Olympic games in France or Mexico, or the pomp of the induction of the Prince of Wales. The television satellite has made this possible. Although the most visible communication advance, global television is only a small part of this program.

Transoceanic communication costs have been cut in half since 1963, by a 600-percent increase in the number of telephone lines with Europe through our satellite program. As a result of this and the revolution in the computer industry you can pick up any telephone and call anywhere in the world in moments. The cost of single transoceanic phone link has been cut from $16,000 to $600.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. GURNEY. I yield.

Mr. CURTIS. I appreciate the point the Senator is making in reference to the development of useful technology out of the space program.

Up until recently, the Russian cosmonauts always lost weight in space thereby raising concern for their health on prolonged flights. Now, there is evidence they may have solved the problem of losing weight.

With the permission of the distinguished Senator from Florida, I will read into the RECORD a UPI dispatch that just came over the thicker.

Mr. GURNEY. By all means.

Mr. CURTIS. The dispatch reads:

> MOSCOW.—The Soviet cosmonauts think they have gained a pound or two during their record 22 days in orbit.
>
> The three crewmen aboard the Salyut orbitan station still miss home cooking although their menu is the most varied of any Soviet space mission and includes solid food like beefsteak for the first time.
>
> "We have no scales—they would be useless anyway," Soyuz 11 Commander Georgia Dobrovolsky told ground control Sunday. "But we think we haven't lost weight and maybe gained some. We'll see when we're back home."
>
> Loss of body weight during prolonged space flight has been a common complaint of Soviet cosmonauts. Dobrovolsky, Vladislav Volkov and Viktor Patsayev tried to avert the problem with four meals a day—served hot.
>
> The cosmonauts today marked their 22nd day in space.

I think there is no question that the more activity there is in space, the more useful technology will be developed in many aspects of our daily living and in our economy.

I commend the distinguished Senator from Florida for pointing out these matters.

Mr. GURNEY. Mr. President, I wish to thank the senior Senator from Nebraska, the minority member of the committee, and commend him for the point he has just made in this debate. The item he has read into the RECORD shows that for the first time there has been no loss of weight by the Russian cosmonauts, even though they are now in their 22d day of orbit. I believe that is the longest man has been in space flight. They previously held the record of 18 days and now they are into their 22d day.

As the Senator from Nebraska has brought out, the point of the matter is that this is a continuing research and development program and as each nation, Russia or the United States, make a further experiment in the space program, new knowledge is gained on which to build and construct an even better and more viable space program. That is the point I was making. We see now, with the Russian manned flight that they are learning new knowledge all the time for every day they are spending in space.

Perhaps an even more important example is the forthcoming Indian satellite project. This will broadcast family planning, agricultural, and educational programs to the entire subcontinent—so that they can be picked up by ordinary domestic receivers with about $200 of auxiliary equipment. It needs only one receiver per village to start a social and economic revolution, at a cost of about $1 per person per year. And this applies not only to India, but also the South America, Africa, Oceania—the whole of the underdeveloped world.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. GURNEY. Could I have another 15 minutes?

Mr. CURTIS. Mr. President, I yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GURNEY. Mr. President, of course, all of us know that we have barely scratched the surface of the potential of communications satellites. A revolution is underway in this field. Nothing less than hope for all mankind lies ahead as we learn how to increase learning and knowledge to all peoples everywhere through communications satellites. This one spin-off alone is worth far more than our total spending for space.

Twenty-five years ago, the computer industry was a small, struggling business. The demands of space flight pushed computer technology forward so fast that it is today an $8 billion-a-year industry, employing 800,000 people. High speed data links can provide coast-to-coast airline and hotel reservations. Businesses have instantaneous inventory information with which to inform purchasing departments, warehouses, shippers, retail outlets, and consumers. The marvelous work of today's computers, however, will soon be surpassed. Computers have gone through three generations as the space program has become more complex and sophisticated. A fourth generation is now underway. Computer technology affects the lives of every American. Again, we see in action a spin-off of our space program.

Coupled with this communications and computer revolution has been an incredible advance in medicine. A single nurse from her desk can today monitor an entire intensive care ward.

This improved patient monitoring is a direct result of NASA advances in monitoring astronaut physical condition during flight.

Our Nation has justifiably become concerned over the effects that our actions will have on the environment. Again, the space program can provide vital support to our program of ecology. Earth observation satellites will ultimately be capable of worldwide monitoring and identification of pollutants in the water, on land, and in the air. It may become very important that the smallest, earliest, sign of pollution anywhere on earth be detected immediately since the rate and manner in which local ecological disturbances may combine and grow will become vitally important. Such comprehensive and constant environmental surveillance can only be accomplished by satellite.

In respect to food production, satellites have already demonstrated their ability to locate crop failures caused by blight or disease. Satellites may also help as to locate, develop, and maintain food sources in the oceans. Of paramount importance both to our understanding of the effects of pollution and to the monitoring of our natural resources is the gathering of reliable baseline data that will help us to know and understand the natural fluctuations of our ecology and to assess the effects of man-made changes.

Finally, we do not and cannot claim that space alone has created all the new productivity we enjoy today; we can say, however, that it would have been significantly less without the dynamic leverage of the space program.

To address this point: The Nation's economic effort over the period of 1959 to 1970 can be measured as totaling at over $8 trillion. Of this, approximately $2.5 trillion was real growth over the 1959 level. Approximately 50 percent of growth in productivity is attributable to the flow of new technical knowledge into the economy. This technical knowledge comes primarily from research and development investments. During this period 25 percent of the Nation's total research and development effort was carried out under the space program. Thus, the space program has had a major influence on the creation of new health, prosperity, and productivity. Can we afford to abandon progress and growth? I do not think that we can.

Moreover, NASA has made its "spin-off" discoveries readily available to the private sector.

NASA has always encouraged commercial utilization of inventions discovered by its employees and contractors during research and development. Their patent policies are among the most generous of any Government agency. Although all inventions discovered in the course of NASA research are NASA property, NASA may waive the rights in an invention to the contractor if doing so is in the public interest. To encourage the earliest possible commercial use, all inventions which have been patented by NASA, or for which it has filed a patent application, are available on a royalty-free basis to American firms. If a NASA-owned invention has not been developed into commercial form within 2 years of its patent, NASA will then make the invention available exclusively to one company in order to stimulate interest in commercial use.

There are many other specific areas in which the space program has offered positive and tangible benefits to this Nation and to the world. It is calculated that there have been 3,000 directly usable spin-offs from space technology. I urge the Members of this body to vote for the NASA authorization and to support rapid development of the space shuttle. Arthur C. Clarke sums it up better than anyone else:

> There was plenty to do in Europe when Columbus left it to embark on a voyage which most people then considered as foolhardy and needless . . .

There is still plenty to do in Europe. But the opening up of a new world did more to revive the stagnant European culture and economy than any internal action could possibly have done. In that sense, at least, Columbus was just in time. Perhaps our reaching into space, as he reached across the Atlantic, is just in time.

It is a pity that no accurate study has ever been made on the dollar benefits from space spin-offs.

I do not doubt that the figure is far greater than the amount this Nation invested in space.

For starters, it surely can be said that a nation's greatest asset is its technology. Nearly all major breakthroughs in the past were from war.

However, in a brief decade the peaceful space program of the United States, has created more technology than in the entire preceding 100 years.

Astronomy received a new lease on life by the space program and our space observations.

We are learning an entire new field of knowledge about space radiation and its very direct effect upon life here on earth.

The space program and its orbiting satellites have opened up whole new vistas in meteorology, oceanography—a science that is just in its infancy—navigation and transportation, a new potential in determining earth resources, as for example detecting crop disease and pollution, new and improved electronics, new medical technology.

The new products from the space program have been legion in number from plastics for pots and pans, to new metals, chemicals, materials of all sorts, new foods, new electrical systems and new energy and power sources.

In closing, I do not think that the most forceful opponent of space would deny the worth of the space program, or contend that we should do away with it.

But if we are to continue the space effort of this Nation, it is imperative that the next big step, the next breakthrough, is to cut the high cost of space flights.

That is what the shuttle program is all about.

It will dramatically cut costs and make it possible for their Nation to conduct 10, 20, 30 times the needed experiments to build up our space technology for direct economic and social benefit for our Nation and all mankind.

That is what is at stake here.

It is not a question of whether we can afford the space shuttle.

The United States cannot afford to do without this program.

Space is a research and development effort, in fact the principal one of this Nation. It is also an exploratory effort.

People and nations must press ahead in efforts of this kind.

There have always been doubting Thomases in our midst.

When our forefathers came to this land, there were people in England shaking their heads at the folly of those fools.

When pioneers struck out from the eastern seaboard to explore and settle beyond the Alleghenies, again there were those who shook their heads.

The Louisiana Purchase was greeted with a hue and cry.

I am sure that Lewis and Clark did not receive unanimous cheers when they set out.

There was plenty of opposition to spanning the continent by railroad.

Who can forget that the purchase of Alaska was called "Seward's Folly"?

Who can forget the first reaction to the horseless carriage—the automobile?

Did anyone think at first that the Wright brothers' invention would ever amount to more than a fool's thrill?

And so on ad infinitum.

So it is with space. There are those today here in Congress who want to stop technological progress, and bury our heads in the motionless sand of status quo. This Nation is not ready for that kind of defeatism. We should reject this thinking out of hand.

### EXHIBIT 1

### MATHEMATICA STUDY

### 0.1 INTRODUCTION

[Tables not printed in RECORD.]

This Executive Summary is an abstract of Mathematica's report, *Economic Analysis of New Space Transportation Systems* of May 31, 1971, which was carried out in accordance with the provisions of Contract NASW-2081.

The study conducted by Mathematica examines the economic merits of three alternative Space Transportation Systems[1] for use in the decade of the 1980's:

The Current Expendable System. The system envisages continuing use of the types of expendable launch vehicles in the United States inventory at present.

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[1] A Glossary of Terms is included in the Report.

The New Expendable System. As its name implies, this envisages use of a new family of expendable vehicles, designed to have better (economic) performance than the current expendable vehicles.

The Space Shuttle and Tug System (a new Space Transportation System). This system differs in concept from the previous systems in employing reusable rather than expendable launch vehicles. Two major elements are employed: a Space Shuttle which operates between the Earth's surface and Earth orbits of altitudes between 185 and 1,110 kilometers (100 to 600 nautical miles); a Space Tug, which can be transported within the Space Shuttle and which can operate from the relatively low orbits of the Space Shuttle to high Earth orbits such as the synchronous equatorial orbit (35,500 km or 19,230 n.m. altitude). The combined Space Shuttle and Tug System provides a fully reusable launch system able to place payloads into all widely used Earth orbits, and to return payloads to Earth from these orbits.

The costs associated with reaching an Initial Operational Capability (IOC) with these three systems vary widely. The two expendable systems represent modest investments by space program standards, but the recurring costs of operation under them would remain relatively high. The Space Shuttle and Tug System requires a substantial investment, but would substantially reduce the recurring costs of operation. The impacts of the three systems on the costs of the space program of the 1980's also vary widely. Mathematica has analyzed economic benefits and costs of the different systems. The findings, as well as the economic principles applied, are summarized herein.

Figure 0.1 shows the logic of the overall economic analysis performed by Mathematica and the context within which this analysis should be seen as affecting the Space Shuttle decision. Mathematica submits that within this framework a consistent and detailed economic analysis of the fully reusable Space Shuttle has been made. As Figure 0.1 shows, there are other than economic factors that influence a decision of the scope and character of the Space Shuttle; they have to do with political criteria, the ranking of technological preferences, national priorities and other non-economic criteria. The economic analysis is but one important element to be considered in the approach to the decisions relating to the development and use of a new Space Transportation System.

The study conducted by Mathematica makes major use of the results of the studies performed by two other contractors, LMSC (Lockheed Missiles and Space Company) and Aerospace Corporation, as well as facts, plans and assumptions provided by NASA and the Department of Defense. Figure 0.2 shows the flow of inputs to the economic analysis performed by Mathematica.

The contributions of LMSC consisted primarily of estimates of sample payload costs for the expendable and the resuable Space Transportation Systems for the period 1978–1990, based on extensive payload preliminary designs. LMSC first performed an analysis of expected payload costs based on historical experience to determine whether cost reductions could be achieved. To accomplish this LMSC selected four typical satellites and estimated their expected research, development, test and evaluation (RDT&E) costs, first unit costs and operating costs for each of the three Space Transportation Systems considered. Then these four satellites were looked at in great detail at a subsystem level and redesigned to correspond to the three major classes of satellites anticipated for the 1980's space traffic. Aerospace Corporation then used the results of the LMSC effort as a basis to generalize the payload effects across the Baseline mission model supplied by NASA, which incorporates traffic of NASA, the Department of Defense and other users. Aerospace Corporation then provided Mathematica with the life cycle cost streams from 1971 to 1990—RDT&E costs included—for the Current Expendable launch vehicles and payloads, the New Expendable launch vehicle family and payloads, and the fully reusable Space Shuttle Transportation System based on a two-stage Space Shuttle and reusable Space Tug configuration.

In recognition of the problems of accurately predicting the rate of space activity more than a decade in the future, Mathematica introduced many variations of the Baseline model which resulted in analysis of twenty-six scenarios that bracket the most likely possibilities for the 1978–1990 period. All of the aforesaid considerations formed the basis on which Mathematica performed the economic analysis of the new, fully reusable Space Shuttle Transportation System.

It should be emphasized that the systems data used in the analysis were generated for this study principally by NASA, by the Department of Defense, by Aerospace Corporation, by LMSC and to some extent by other contractors. They were not generated by Mathematica. Mathematica reviewed the data generated including the Cost Estimating Relationships (CERs) used by the Aerospace Corporation and is satisfied that they reflect current standards for such efforts and represent the best procedures available at this time.

Aerospace Corporation stated that it tested its cost estimating relationships by estimating costs of well known aerospace systems with good approximation of actual costs. On the other hand, it must be recognized that the fully reusable Space Shuttle Transportation System advances major new areas of technology, and therefore involves cost uncertainties not easily related to present aircraft or spacecraft costs.

The analysis is based on data published by Aerospace Corporation in *Integrated Operations-Payloads-Fleet Analysis*, Mid-Term Report, (6 Volumes), dated March 31, 1971. Aerospace Corporation plans to publish an update of these data in June 1970. Mathematica will undertake a study to assess the impact of the updated data on the findings of this report.

Mathematica is continuing its validation of the cost data and the details of their aggregation from individual components to larger units.

Mathematica has designed the model for the benefit-cost analysis into which the data provided for Mathematica have been inserted. This model is comprehensive and takes into account the relevant concepts provided by advanced, modern economic analysis. The present model has been modified and expanded for general use in cost effectiveness analyses of new Space Transportation Systems (STS).

In the Report only expendable launch vehicle systems and the fully reusable, two-stage Space Shuttle and Tug System are considered. An economic evaluation of other viable alternative concepts has as yet not been made by Mathematica. Assessment of the cost effectiveness of other Space Shuttle configurations to determine the most economic choice can be performed in accordance with the methodology of this analysis, once technical validation is accomplished and comparable technical performance and cost data are available.

### 0.2 STATEMENT OF THE ECONOMIC PROBLEM

NASA is studying the development of a new, fully reusable Space Shuttle Transportation System for the 1980's to replace its Current Expendable Space Transportation System. Table 0.1 gives the complete life cycle cost summary of launch vehicle systems and payloads for the alternative Space Transportation Systems considered in this study. The two-stage, fully reusable Space Shuttle System as estimated by Aerospace Corporation on March 31st, 1971 is expected to have non-recurring launch vehicle costs of approximately $12.8 billion (RDT & E and initial fleet investment costs) in constant 1970 dollars. (Section 0. 3. 7. See also p. 0-31.) In terms of past historical experience in either NASA or the Department of Defense, this is a major research and development project—about half of the cost of the Apollo program of the 1960's—and, therefore, deserves very careful examination and scrutiny.

Any investment in large scale RDT & E projects has either or both of two major economic objectives:

(a) to develop a new good or service,

(b) to reduce (future) production and operating costs.

An example for (a) is the development of space transportation capability of the United States during the 1950's and the 1960's. Today the United States has an Earth orbital space transportation capability and the aim of future RDT & E outlays is mainly (b), that is, the expected reduction of space activity costs; however, added capabilities are also anticipated from such a program.

In the case of the Space Shuttle and Tug System, the expected cost reductions in the 1980's will occur in two major areas: first, the launch system recurring costs will be reduced from $13 billion total to $5.5 billion due to the repeated use of the launch system. Second, the cost of payloads—the major portion of space program costs—will be reduced from about $40 billion to $26 billion due to the reuse, refurbishment and updating of payloads. Once the Space Shuttle System is in operation the total direct costs of the national space program will consist of the recurring launch costs and the total (i.e., nonrecurring plus recurring) costs of the payloads to be carried. Table 0.1 illustrates that recurring launch costs make up about 20 percent or less of space program costs (1978–1990), *while 80 percent or more are due to the total cost of payloads. Therefore, an economic analysis of the New Space Transportation System has to look at payload costs as the major part of total space program costs, and not only at launch costs.*

In economic terms the problem can be stated as follows: What must the future savings in space program costs (launch—as well as payloads) be to justify an RDT&E and Initial Investment outlay on the Space Shuttle of, say, $13 billion? Or, as illustrated in Figure 0.3, one can ask the reverse question: considering the expected cost of the national space program using an Expendable Space Transportation System in the 1978–1990 period and given the expected savings in the operating phase of space programs with the Space Shuttle System, both launch costs and payload costs considered, what are the justifiable non-recurring costs of New Space Transportation System concepts? A convenient way to illustrate all the possible economic configurations of recurring versus non-recurring costs of different technologies is shown by the trade-off line in Figure 0.3. Estimates and configurations below the trade-off line are, in economic terms, better than the Current Expendable System, while configurations of non-recurring costs and recurring cost estimates above the trade-off line are worse than the expected Expendable System costs.

Figure 0.3 shows the trade-off line between the launch costs for one additional flight and the expected non-recurring costs of different systems. Underlying each of these regions of economic choice shown in Figure 0.3 is a very complicated and extensive set of cost estimates, demand estimates, and estimates of other economic variables influencing system choice which will be listed subsequently and which are analyzed in detail in the main Report, Chapters 2.0 and 6.0.

The costs may be subdivided into two major broad categories:

(a) The non-recurring costs associated with the RDT&E and investment phase, *in-*

*cluding both launch vehicle and payload costs.*

(b) The recurring costs per mission or per year for both the expendable and the fully reusable system after the Initial Operating Capability (IOC) date, again *including both launch vehicle and payload costs.*

Figure 0.3 does allow for the correct adjustment of the tradeoff line for payload effects (see 2.4 and 2.6).[1] The fully reusable Space Shuttle and Tug Transportation System is shown with an estimated non-recurring cost of $12.8 billion and an estimated cost per launch (based on incremental costs) of $4.6 million. Alternate (Hybrid) systems that consist of both expendable and reusable elements may have a wide range in expected non-recurring and recurring costs: the one shown has $7 billion in non-recurring costs and a recurring cost per launch of $8 billion, again on an incremental cost basis. The Expendable systems would also have an associated non-recurring cost, to meet mission requirements of the 1980's, of about $1.5 billion, but an expected cost per launch of $13.1 million—averaged over a large family of expendable rockets (from $3.2 million to $27.0 million, see Chapter 6.0, Table 6.3). An analysis comparing the cost of Expendable systems to expected costs of the Space Shuttle and Tug was made on a mission-by-mission and payload-by-payload basis. The figures shown in the summary graph are aggregate, averaged figures. The regions around the point estimate indicate the uncertainty in non-recurring and recurring cost estimates of the various systems.

The particular trade-off line in Figure 0.3 was drawn based on a 10 percent social rate of discount.[2] There are a set of other economic factors that influence the location, the shape, and the slope of the tradeoff line in Figure 0.3; among these are the level of demand for space transportation and the magnitude of payload effects for different systems.

Figure 0.4 illustrates the space program cost streams (annual cost vs. time) associated with the Space Shuttle System and with the Current Expendable System. It reflects the space program activities of the mission model established by NASA and by the Department of Defense for this study. Figure 0.4 summarizes the total life cycle costs for RDT&E, investment and operations phases of both launch vehicle and payloads.

Mathematica introduced considerable variations to these activities, called Scenarios, to cover a broad range of space transportation demand in the 1980's. In Table 0.2 the Scenario 1 (NASA and DoD Baseline model) life cycle cost summary data are presented for the Space Shuttle System. The cost data are given by year from 1971 to 1990 for launch vehicle RDT&E, initial fleet and operation costs as well as for payload RDT&E and operation costs. Total costs are also shown for each year and for each category, all in undiscounted 1970 dollars.

### 0.3 ECONOMIC PRINCIPLES APPLIED IN THE ANALYSIS

Given the expected reductions in space transportation system costs in the 1980's, Mathematica analyzed the circumstances and consequences of an investment in a New Space Transportation System made in the 1970's. For this, total life cycle costs of the investment were used. Mathematica gave additional attention to the costs per flight for the different Space Transportation Systems and their effect upon the demand for space transportation in the 1980's. For the purpose of considering efficient use of alternative transportation systems the incremental costs of space flights are relevant. The actual pricing policy of flight operations is subject to institutional constraints and one has a variety of choices, ranging from total cost recovery down to recovery of incremental cost per flight only; it could also be based on demand elasticities of users. However, the two problems of cost effectiveness and demand analysis (for pricing strategy) should not be confused with each other.

The principal economic considerations are the following:

#### *0.3.1 Cost effectiveness analyses*

Under cost effectiveness analyses, in a strict sense, Mathematica includes only those economic analyses that use a definition of economic benefits which are either directly or indirectly derived from expected cost savings between alternative systems. Within cost effectiveness analyses Mathematica chose two alternative and equally valid approaches that lead to different economic results:

a. *Equal Capability Effectiveness.* These cost effectiveness analyses assume that the same demand (capability) has to be met. Estimates of the *net cost savings* are made that can be achieved when introducing new technology. These cost savings are then compared to the expected outlay of RDT&E and hardware costs of the new system. In Figure 0.5a the approach is illustrated (see Chapter 2.0).

b. *Equal Budget Effectiveness.* These analyses assess whether the direct cost savings implied by (a) above *and* increases in the demand for space transportation induced by the new system up to the same annual budget level justify the expected RDT&E and initial fleet investment over the complete uselife of the new system. The new system is operated with the same budget level that the existing technology requires to meet the space transportation capabilities within each scenario. This approach is indicated in Figure 0.5b (see Chapter 2.0).

Figures 0.5a and 0.5b illustrate these two types of cost effectiveness analyses. Neither approach considers potential additional benefits and options that a fully reusable Space Transportation System can offer the Nation, i.e., capabilities that with the Expendable rocket technology simply are not achievable for technical reasons. In making cost effectiveness analyses in this strict sense, one need only make the assumptions that prior to the development of the New Space Transportation System society is willing to spend, say, $3 billion to place 46 payloads into orbit, per year, (this was the average over the years from 1963 to 1970 for the unmanned programs, excluding the manned space program completely) and that the projected space budget for NASA and the Department of Defense jointly is being spent in an efficient way.

This means that with the existing technology, sizeable cost savings cannot be achieved for the same program capabilities either in the Department of Defense or in the science and applications programs of NASA.

Equal capability analyses and equal budget analyses were performed for a whole range of expected space programs, from 450 to 900 flights, over a 13-year (1978–1990) period for expendable and fully reusable systems. The range of space programs (scenarios) considered is described further in the quantitative summary, Section 0.4.

#### *0.3.2 The measurement of induced benefits from incremental space activities*

When performing "Equal Budget" analyses one has to allow for one basic axiom of economic theory: the decreasing marginal value of goods and services. In keeping with this fundamental principle, as additional missions are added to the existing space program, they increase the total value received by society, by the agency, or by the scientific community; however, the increment in utility received by society or the consumer will be decreasing as the number of missions increases. This holds for NASA, for the Department of Defense, and for other government agencies. The assumptions made for the "Equal Budget" analyses in measuring the benefits of additional space flights beyond those undertaken with the Expendable Space Transportation System in the 1980's are illustrated in Figure 0.6. The horizontal axis shows the number of space flights demanded per year, and the vertical axis shows the price or cost per space flight, including payload costs. (Ignoring, correctly, fixed costs and considering incremental costs; see 0.3.6.).

The direct benefits are the cost savings if the Space Shuttle would undertake the same missions (equal capability) as those done under the expendable Space Transportation System. The demand curve which goes through $P_0$ was constructed under the assumption of a constant budget for NASA and the Department of Defense space activities, launching all the space flights possible within the limits of a given budget. The downward sloping demand curve, therefore, shows a constant U.S. space expenditure; it reflects how changes in the cost per space flight (launch costs and payload costs considered in combination) influence the number of flights demanded with such an assumption. If the nominal cost savings of the Space Shuttle System compared to current technology had been included in the equal budget analyses as a benefit, then a considerable overestimate of the "benefits" of the New Space Transportation System would result.

In general, the "Equal Capability" analyses are the most conservative way of looking at the economic efficiency of New Space Transportation Systems. The "Equal Budget" analyses do allow, in part, for the increased activity to be expected by lower cost systems. The lower and upper limits of space activities for the economic analyses were determined within the context of the history of space flights in the 1960's for the United States and for the Soviet Union, as illustrated in the summary charts in Section 0.4 of this Executive Summary.

Mathematica tested the constant budget hypothesis on the example of Department of Defense payloads in the 1960's and found an elasticity of demand exceeding that implied by the constant budget hypothesis. This would indicate that demand for space transportation in the 1980's with the Space Shuttle System may well be larger than that indicated by the Equal Budget demand curve. To the extent possible the precise shape and location of the demand curve should be established but its determination is a major task.

#### *0.3.3 The social rate of discount*

No proper investment analysis is possible, whether private or public investment is considered, without using a discount or interest rate. For private investment the interest rates in the capital market provide the critical information. For public investment the correct rate is more difficult to determine because the allocation of resources both to and within the government is directed only in part by the forces of the market.

For the government sector the social rate of discount fulfills the function of the interest rate in the private capital market. It reflects the sacrifice that is borne by the economy when resources are withdrawn from other production or consumption in the economy and are instead transferred to a public investment project. Mathematica analyzed the investment alternatives of the Space Transportation Systems for discount rates ranging from 1 percent to 20 percent. The discount rates included in this Summary concentrate mainly around the 10 percent rate of discount. For purposes of comparison, results are also given for 5 percent and 15 percent rates of discount. The 10 percent social rate of discount used for the summary of Mathematica's results is among the highest discount rates used in the federal government for the evaluation of an investment project of this type. The use of the 10 percent rate, therefore, is a very conservative way to evaluate the economics of the Space Shuttle System.

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[1] These numbers, as well as similar subsequent numbers, refer to sections in the Main Report.

[2] The social rate of discount is discussed in Section 0.3.3.

A survey of the major government agencies for Fiscal Year 1969 indicates a wide variation in the use or non-use of social rates of discount for the evaluation of public research and development projects. The rates used by government agencies varied between 0 percent, i.e., the use of no discount rate to a concentration among major agencies around 4 percent to 5 percent. For some projects, mainly of the Department of Defense, the rates used were 10 percent or more. One of the major advances, yet to be achieved, is the use of a single discount rate to evaluate public investment projects across government agencies. In the light of the present usage, the 10 percent rate used by Mathematica is among the highest applied. A survey of the recommended social rates of discount by economists again leads to the conclusion that a 10 percent rate ranks among the highest rates suggested by different economists. A survey, extending from 1958 to the present, of the rates suggested by economists indicate a range from 4 percent to 13.5 percent. Only two economists out of fifteen suggested in the published literature rates in excess of 10 percent.

One must emphasize that the 10 percent social discount rate was applied to constant 1970 dollars and not to an inflated benefit stream in current dollars over the 1970's and 1980's. This fact adds further conservatism to the economic analysis performed for the New Space Transportation System.

The higher the social rate of discount applied to a project, whether private or public, the less likely is the economic acceptance of such a project. Figure 0.7 shows the net present value of an investment project such as the Space Shuttle as a function of the discount rate applied to the benefit and cost stream over the expected lifetime of the project.

The problems of estimating the discount rate from empirical data, the problem of ranking alternative projects, and the uses and misuses of the internal rate of return have been discussed in considerable detail in this Report and in an earlier paper.[3] The matter is somewhat intricate and for the purposes of a summary we shall not repeat the discussion here. The correct intuitive interpretation of the social discount rate can, however, be explained as follows: When the government undertakes a public investment project, the resources absorbed by the project must necessarily be withdrawn from the pool of investment and consumption resources in the economy. The government can justify the transfer of the resources to a particular project only if it can put these resources to a more productive use than the private sector could have achieved with them. In the case of the Space Shuttle System, this applies to the $12.8 billion for RDT&E and Initial Fleet costs. The *opportunity costs* of using the resources for the public sector are the foregone benefits that would have been produced with these resources by the private sector. The social rate of discount reflects the magnitude of these opportunity costs for government investment projects.

Though Mathematica also shows in the summaries the results for the 5 percent and 15 percent discount rates applied to the Space Shuttle investment decision, we, nevertheless, recommend 10 percent and draw our conclusion based on the 10 percent social discount rate applied to the different space programs.

### *0.3.4 The uselife of RDT&E investments in the Space Transportation System*

The economic uselife of an investment project is normally something short of infinity. This is so because the typical investment project ceases to have economic value when the physical uselife of the project ends. The technology created with the development of the Space Shuttle, however, does not vanish. Mathematica submits that, after careful consideration of all the issues involved in choosing between a finite or an infinite uselife for RDT&E investments, the selection of an infinite uselife for such projects is the correct procedure.

To limit the uselife of these expenditures to, say, the year 1990 assumes that all scientific and technical knowledge used as part of the Space Shuttle development will be lost by 1990, and that the development of whatever new system might be built in 1990 will not have to draw on such knowledge and not have to prove cost effectiveness compared to the 1978 Space Shuttle, but rather the Expendable systems of the 1960's and 1970's. Such an assumption is obviously not realistic and would lead to a serious understatement of the true economic value of RDT&E investment activities.

### *0.3.5. Other economic parameters: Program start, gestation period and the initial operational capability date*

In most cost effectiveness analyses the program start and gestation period, as well as the initial operational capability of the system to be developed, are very important variables affecting the cost effectiveness of alternative systems. Mathematica has allowed in the analysis for a considerable variation in the gestation period of the RDT&E program, the Initial Operational Capability (IOC) date, and the program start of the Space Shuttle. The gestation period of the Space Shuttle program was extended by up to 50 percent of the time estimate of the present development schedule. With regard to the IOC date and the slippage of the development program, delays in the IOC date of one and two years have been considered by Mathematica. Although delays in each of these variables (the program start, the lengths of the gestation period, and the IOC date) do influence negatively the net present value of the Space Shuttle investment project, none of them has sufficiently significant effects, within the limits analyzed by Mathematica, to change the decision to accept or reject the Space Shuttle investment. However, the conclusion has to be based on a careful understanding of the complete methodology of the economic analysis. Data points for the evaluation of such space programs are included in the summary charts and the results are reflected in the general economic findings.

### *0.3.6. The incremental costs of space flights in the 1980's of different space transportation systems*

Table 0.3 presents an economic breakdown of the launch vehicle life cycle costs of the Space Shuttle and Tug. The total costs are classified into non-recurring and recurring costs. While the non-recurring costs are independent of activity level, the recurring costs may be further classified into activity-level dependent (incremental) and activity-level independent costs.

For the fully reusable Space Transportation System, the incremental or marginal cost is estimated to be $4.6 million per launch for the Space Shuttle and $0.46 million for the Space Tug. Costs independent of activity level are not relevant when measuring the incremental costs. One could calculate *average* costs of space flights by considering the flights of an arbitrary 10 to 13 year space program and allocating to them the total RDT&E costs as well as the initial fleet and operating costs, which would then lead to figures ranging from $25 million to $30 million per launch. The use of this average as a price would prevent the Nation from using the Space Shuttle optimally. The examination of this assertion is presented in Appendix A to Chapter 1.0.

Figure 0.8 illustrates the difference between (a) *total average* cost, (b) the *average operating* cost, and (c) the *incremental* cost for Space Shuttle flights. On the horizontal axis we show again the number of Space Shuttle flights, and on the vertical axis the cost per launch of those flights. While total average costs range from $24 million to $18 million as a function of expected Space Shuttle flights, and average operating costs range from $7.1 million to $6.0 million, several alternative calculations of the incremental costs of additional Space Shuttle flights ranging over many different flight levels, indicate that the incremental cost of Space Shuttle flights is $4.6 million (see 2.5.4). This is the cost incurred when launching an additional flight, e.g., when increasing the flights from 56 to 57 per year. The incremental costs of Space Shuttle flights prove to be very close to this figure when different approaches are taken to determine incremental costs. Also, the incremental costs are found to be constant over a large range of flight levels.

For Expendable launch vehicles the incremental costs per flight are much higher, and close to their average total operating cost. The main reason for this is that with each expendable launch all the flight hardware (and associated testing) is "thrown away." Chapter 6.0 and Table 6.3 of the Report detail the cost range of the Expendable launch vehicles. These costs range from $3.2 million (Scout) to $27.0 million (Titan III L2/Centaur).

When selecting the vehicle assignments (between Expendables and Space Shuttles), one has to include the different mission costs due to payload effects in addition to the incremental launch costs of the Expendable and the fully reusable Space Shuttle and Tug Systems. The process by which vehicle assignments are made on the basis of incremental costs is called "capture analysis." A complete set of these, i.e., choice of Space Shuttle or Expendable modes, has been performed on the Space Shuttle and Tug Transportation System. Analyses of the sensitivity of system selection to changes in incremental costs of the Space Shuttle and Tug System have also been performed in the context of mission capture analyses and are further described in Chapters 2.0 and 6.0 of the Report.

### *0.3.7. Risks and uncertainty*

First and foremost, in terms of the acceptability of the Space Shuttle investment, must loom the estimate and the accuracy of the nonrecurring costs in the 1970's to develop a fully reusable New Space Transportation System. Different system configurations which would provide a reusable capability are associated with different levels of research and development efforts as well as initial fleet requirements. With regard to the selection of the best system, the effects of these differences have yet to be fully evaluated. Nevertheless, Mathematica believes that the present estimate for the non-recurring costs of the Space Shuttle and Tug System, as used in the Report, should not be equated with either a "political" price to get the Space Shuttle accepted or with very early estimates of non-recurring costs of research and development investments.

The estimates of the non-recurring costs of the Space Shuttle and Tug System have changed significantly over the past two years. RDT&E costs of the Space Shuttle and Tug System have shifted from the early estimates of $5.2 billion (Space Task Group Report, September 1969) to $9.3 billion (Aerospace Corporation, March 31, 1971).[4] Although further changes in the estimated RDT&E, and the Initial Fleet costs of the Space Shuttle and Tug System will occur, Mathematica feels that with an efficiently managed development program of the Space Shuttle and Tug System, the cost escalation experience of the early and middle 1960's should not apply to the present non-recurring cost estimates of the Space Shuttle System. This holds in particular if the non-recurring cost estimates are all made in constant 1970 dollars and, therefore, eliminate the artificial effects of inflationary cost escalation that will continue to occur in the 1970's.

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[3] Heiss, K. P., Reinhardt, U., "On the Principles of Public Project Evaluation." Volume 1, *Cost Benefit Analysis of New Launch Systems*, Mathematica, prepared for the National Aeronautics and Space Administration, Princeton, N.J., July 17, 1970.

[4] Both estimates expressed in 1970 dollars.

Mathematica has also performed a cost uncertainty analysis of the Space Shuttle cost savings to be expected in the 1980's. It should be recalled that the major advantage of the New Space Transportation System, when compared to the Expendable mode, lies in the following areas:

(a) The reduction in: First, payload RDT&E costs; second, payload first unit costs; third, the costs of space programs after 1978 upon inclusion of reuse, refurbishment and update of payloads, made possible by the Space Shuttle System.

(b) In comparison with the Expendable Space Transportation System, the Space Shuttle and Tug System has lower launch costs.

However, these expected cost savings are in the future and by their very nature relatively uncertain as to their particular level as well as to the time by which they can be realized. Mathematica has applied risk analysis methods to the payload and Space Shuttle launch cost streams classified as "activity level dependent" costs. Although the estimation of cost uncertainties will, admittedly, always remain an area of major concern, by applying techniques of risk analysis to the recurring cost streams of the Space Shuttle, Mathematica found the Space Shuttle investment unquestionably superior to the New Expendable System at a 5 percent social discount rate and calculated an 0.86 probability that the Space Shuttle investment will have a rate of return of at least 10 percent.[5] Although by the very nature of large scale RDT&E projects as exemplified by the Space Shuttle investment, an element of uncertainty will persist, the analytic tools available show that the Space Shuttle investment is confirmed to be economically acceptable.

On the other side, there is an additional consideration which favors a Space Shuttle System: the mission reliability as measured by the initial assured functioning of the payload in orbit is significantly higher than that of expendable systems. Empirial evidence shows that the majority of failures of payloads occur very early, within the first several days from launch; these failures can—for all practical purposes—be eliminated by the Space Shuttle System through an in-orbit checkout before payload release. This benefit has not been allowed for in this study. It may have a major effect on the commercial and national security demand for space activities in the 1980's, favoring the Space Shuttle System.

### 0.4 SUMMARY OF THE QUANTITATIVE RESULTS OF THE ECONOMIC ANALYSES

Mathematica evaluated a range of space programs covering the expected range of space activities in the 1980's, on the basis of conservative projections of the history of United States space flights in the 1960's.

In this Report the term "space program" is defined as a particular combination of NASA, Department of Defense, and commercial space applications. The term "space program" is used interchangeably with the term "scenario." "Space program costs" (the costs of a scenario) as used in this Report include the cost of development, construction, launch and operation, and payloads. These costs also allow for the associated support costs such as the cost of launch sites. Excluded are general administrative costs.

The space programs analyzed by Mathematica cover widely different mixes of scientific, defense, and commercial applications of space. About thirty different space programs for the 1980's were analyzed with regard to their economic effects on the choice between Current Expendable technology and a fully reusable Space Transportation System. The payloads and traffic of the Baseline Mission Model (with wide variations provided by the scenarios) and the various Space Transportation System concepts are described in detail in Chapters 2.0, 4.0 and 5.0.

The space program identified as Scenario 1 (736 missions over 13 years, with an average of 56 missions per year, see also Figure 0.4) describes the program requirements established for this study by NASA and the Department of Defense for the 1980's. This program includes a substantial Office of Space Science and Applications (OSSA) budget, a Department of Defense budget in line with current projections of the Department of Defense, commercial space applications of about $300 million a year, and manned space flight activities of only $200 million per year on the average (that is, only Space Station support missions of four to five flights per year were included). Cost streams were estimated for Current Expendable and fully reusable Space Transportation Systems. These cost streams include both launch vehicle and payload costs (RDT&E, investment and operating costs). (See Figures 0.4, 0.17, 0.18, 0.19 and Tables 0.2 and 0.3.) The cost streams were then used as a basis for the different cost effectiveness analyses.

Figure 0.9 summarizes results of "Equal Capability" cost analyses of the fully reusable Space Shuttle. On the horizontal axis a great variety of alternative, postulated space programs are ranked in ascending order based on the average number of flights they imply. The vertical axis shows the economically justifiable[6] (or allowable) reusable launch vehicle RDT&E and Investment costs (in undiscounted 1970 dollars) associated with these alternative space programs. By economically "justifiable" cost in this context is meant the maximum RDT&E and Investment outlays which could be incurred without depressing the net present value of the reusable Space Transportation System, (i.e., the present value of all future benefits minus the present value of all costs associated with the reusable Space Transportation System) to a level below zero, at a 10 percent discount rate. All the benefits attributable to this investment—i.e., cost savings in the recurring launch costs and all of the expected payload cost savings (RDT&E included)—are reflected in the evaluation of these allowable non-recurring launch vehicle costs, as a function of either the flight level or the annual space budget levels. The $12.8 billion lines reflect the 31 March 1971 estimate of these non-recurring costs. Therefore, any particular point on the upward sloping line indicates, on the vertical axis, quite closely, the maximum allowable RDT&E and Investment costs for transportation vehicles associated with the corresponding average annual traffic flow on the horizontal axis. As an example, the 1964–1969 U. S. traffic equivalent is represented by an annual traffic of 51 Space Shuttle flights. This is equal to 663 flights over the 1978 to 1990 period. The allowable RDT&E and Investment costs for this traffic rate are $15.8 billion.[7] (See Figures 0.14 and 0.16). The 1965–1970 equivalent traffic of the USSR was 65 flights per year. This amounts to 845 flights over the 1978–1990 period. If this rate were projected for the United States a total of $20 billion in RDT&E and Investment costs could be incurred for the Space Shuttle System without reducing the net present value of the Space Shuttle System to a level below zero, i.e., without rendering the Space Shuttle System economically unjustifiable. Any other point on the upward-sloping line is to be interpreted analogously. Thus, as long as the *allowable* non-recurring Space Shuttle System costs exceed the *actual*, estimated non-recurring costs ($12.8 billion), the Space Shuttle System is economically better than the Expendable System. The level of space activity (over 13 years) where allowable and actual costs are equal is identified as "break-even point."

Mathematica's Baseline space program for the 1980's, identified in Figure 0.9 as Scenario 3, contains an OSSA budget using the Expendable System of about $900 million for 20 flights per year. This is one-half of the budget and traffic for OSSA projected by Scenario 1, the NASA-DoD Baseline model.

The Department of Defense budget of about $1.2 billion and 28 flights per year on the average, as well as the commercial applications and manned space flight programs, are the same as those of Scenario 1. The other scenarios are variations around the Mathematica Baseline space program for the 1980's. Of particular interest are Scenarios 23 and 24 which reflect historical levels of space funding for OSSA and the Department of Defense, with commercial and other civil applications and manned space flight activities at the level of Mathematica's Baseline space program only. Scenario 23 is based on the 1963 to 1971 average funding level for the different agencies, while Scenario 24 projects for the 1980's a space program based on the funding levels of Fiscal Years 1970 and 1971—historical low points for recent United States space activities.

Even though the different space programs include (1) a drastic variation in the mix of activities between OSSA, the Department of Defense, and commercial applications; (2) a variation in the phase-in of the Space Shuttle—the period between 1978 and 1984 was considered; and (3) different build-up rates, we find an extremely good fit of the different economic results to the line shown in Figure 0.9. One would have expected a wider scatter of the economic answers from benefit-cost analyses of these different programs. If this had been the case, the defined measure of capability by which the space programs were ranked—i.e., the number of space flights—would not have been sufficient to adequately describe and measure the costs of space activities. In that case one would have to estimate not only the overall level of space transportation activities for the 1980's relatively accurately, but also the actual composition of the 1980's space flight programs as they divide up into defense, science and commercial and other civil applications.

In constructing the scenarios the same relative cost distribution of payloads was maintained within each agency. As the different space programs also covered options including and excluding manned space flights the results are divorced from the issue of manned versus unmanned space exploration although all systems considered maintained a manned space flight capability. *The results of the economic analyses indicate that a devision on a future manned program is not required to justify or reject the fully reusable Space Transportation System for the 1980's.*

What this implies is that the complete set of economic analyses (methodologies and results), presented in Chapters 2.0 and 7.0 of the Report, lend themselves to reliable conclusions with regard to the economic desirability of Space Transportation Systems, *once the overall demand for space transportation in the 1980's can be established.*

Furthermore, given the detailed descriptions of the space programs (scenarios), the space history of the United States, and projections of space activities over the 1970's and 1980's in NASA and the Department of Defense—with a potential underestimate of commercial applications—one can draw reasonably accurate conclusions of whether or not a New Transportation System with reuse and refurbishment capability of payloads is desirable, taking into account the expected budgetary environment for space applications in the 1970's and 1980's. Mathematica took the United States *space flight activity* from 1964 to 1969, and made for the 1980's a similar 13-year average projection of space flight activity—not in budgetary terms, but in numbers of flights only. We see that this leads to an "Equal Capability" scenario of 663 flights, roughly in the neighborhood of space programs of Scenarios 2, 7 and 8. Mathematica then took the *historic funding level* of United States space flight activity by agency—excluding the manned space flight program—between 1963 and 1971 as the basis for a budget constrained analysis for the 1980's and again arrived at a flight level corresponding exactly to the number of flights between 1964 and 1969. In the "budget constrained" case the number of possible flights, given the cost estimates for Current Expendable technology was found to be a 13-year total of 663 flights, or the exact 1964–1969 average of 51 United States flights per year. Thus the agreement of these two analyses tends to support the consistency of the economic analysis.

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[5] In other words, the analysis will show a breakeven on present value at a social discount rate of at least 10 percent.

[6] The upward-sloping line in Figure 0.9 is a least-squares fit to a number of points closely scattered along this line with an $R^2$ of better than 0.99.

[7] Total absolute funding level over about ten years.

The results of the economic analysis are summarized in Figures 0.9 to 0.16.

Figure 0.9 shows the allowable non-recurring costs for developing, testing and producing the fleet of necessary, fully reusable vehicles as a function of the numbers of flights from 1978 on, with the total flights shown over a 13-year horizon, and using a discount rate of 10 percent. The space flight level varies between 450 flights and 900 flights, the range covered by our analyses. Figure 0.9 shows the allowable non-recurring costs in terms of the *"Equal Capability"* cost effectiveness analysis (see 0.3.1). This line shows the case where no allowance is made for increased space flight activities within each space program due to the greater incentive of using a lower cost Space Transportation System. It assumes that the space activities of NASA, the Department of Defense, and commercial applications will not increase at all when the costs of space missions are reduced by nearly one-half! This is a very conservative way of evaluating any economic investment. Figure 0.9 relates the cost savings of a fully reusable Space Transportation System in the operating phase of the program to the allowable non-recurring costs of developing such a system.

With the "Equal Capability" analysis, a non-recurring cost for the new, fully reusable Space Transportation System of $12.8 billion (undiscounted 1970 dollars) would be justified, at 10 percent, with a space flight program from 1978 to 1990 of 506 flights, or 39 flights per year. We find that the range of allowable non-recurring costs goes from $12.1 billion in the case of Space Program 12 up to $21.4 billion in the case of Space Program 5, the two extremes analyzed by Mathematica (38 flights per year up to 70 flights per year). Space Program 3—the program used by Mathematica as its projection for the 1980's—gives an allowable non-recurring cost of $14.5 billion (undiscounted 1970 dollars in all cases).

Two major points should be added here:

1. If a substantial manned space flight program were added, the economic advantage of the Shuttle would improve.

2. If a substantial lunar exploration program were to be added to the options used in our analyses, significant reductions in lunar space transportation costs could be expected from the Space Shuttle.[8] Scenarios 25 and 26 analyze the efforts of such an option on the economics of Scenarios 1 and 3. Figure 0.15 shows the effects of such an option on the economic results of our analysis. Scenario 25 included the NASA-DoD Baseline (Scenario 1) and Lunar Option 1; and Scenario 26 includes the Mathematica Baseline (Scenario 3) and Lunar Option 1. For both of these scenarios the launch costs of the Space Shuttle are but one-third of the Current Expendable and New Expendable cases. The Lunar option makes use of the Nuclear Shuttle for Earth orbit to Lunar orbit flights.

Figure 0.10 shows the allowable non-recurring costs for the fully reusable Space Transportation System as a function of the annual space program budget in terms of the *"Equal Budget"* cost effectiveness analyses performed at a 10 percent rate of discount. The allowable non-recurring costs for developing a fully reusable Space Transportation System are increased by about 25 percent when compared to the "Equal Capability" analyses of the same scenarios. The "Equal Budget" line shows, for each scenario, what the economic return is, if each space program had allowed for the *same funding level* as that required by Current Expendable technology. Again, the economic analyses give results that fit very closely the "Equal Budget" line shown in Figure 0.10 and lend themselves to similar conclusions as gained from the results presented in Figure 0.9, both at discount rates—in real terms—of 10 percent.

With the "Equal Budget" analyses, a non-recurring cost of the new, fully reusable Space Transportation System of $12.8 billion (undiscounted 1970 dollars) would be justified, at 10 percent, by a space flight program requiring an annual funding of $2.0 billion for NASA and the Department of Defense (launch costs and payload costs). The Mathematica Baseline space program (Scenario 3) for the 1980's now yields allowable non-recurring costs for a New Space Transportation System of about $19.5 billion (undiscounted 1970 dollars). The NASA and Department of Defense requirements of Scenario 1 yield a comparable, allowable non-recurring cost of about $23.7 billion. The States unmanned space program gives an "Equal Budget" figure close to $22.1 billion. That is, *if the United States were to continue to spend for scientific, defense and commercial space applications* (the unmanned U.S. space program) *similar funds as in the 1960's, the economic analysis shows that the New Space Transportation System would still be an economic investment with a 10 percent rate of return if it cost $22.1 billion in non-recurring outlays* (RDT&E and Fleet Investment). In this example, as in all others, we assume that the non-recurring launch vehicle costs are distributed proportionately over time in the same way as shown in Table 0.1.

The strongest, most conservative results of the economic analysis are shown, however, in Figure 0.11. In the analyses summarized in this figure, Mathematica proceeded on an "Equal Capability" cost effectiveness basis for all space programs listed. In addition to this, Mathematica *excluded* in these calculations—at 10 percent—volume and mass (weight) related payload effects that may also be realized with expendable systems. Mathematica included reduced space program payload costs due to the reuse and refurbishment capability of satellites made possible by a fully reusable Space Transportation System. With this analysis the new, fully reusable Space Transportation System breaks even at a space program of 566 flights (1978–1990), or about 44 flights a year (cf. Figure 0.11). The economic analyses, at 10 percent, still indicate allowable non-recurring costs for "buying" a fully reusable Space Transportation System of:

a. $12.9 billion for the projected space program in Scenario 3;

b. $15.4 billion for the projected space program in Scenario 1; and

c. $14.6 billion for the historic flight and funding level of the unmanned United States space program of the 1960's.

All of these allowable funds are expressed in undiscounted 1970 dollars.

If the development of the two-stage, fully reusable Space Shuttle now being considered by NASA were delayed by one year—with a corresponding shift of the Initial Operating Capability date—*the results from our economic analysis do change, but not significantly.* This conclusion is, of course, predicated on the assumption that engineering research and advanced development in the critical areas of the Space Shuttle technology are continued. Similar economic results also hold for a reduction in the rate of the phase-in of the Space Shuttle after its introduction into operation. The scenarios identified as 10, 11 and 12 in Figures 0.9, 0.10 and 0.11, show the economic effects of phasing-in the Space Shuttle over successively longer periods holding the Initial Operating Capability date constant at 1978, while the space program objectives of Scenario 3 are maintained. Scenario 10 phases the Space Shuttle in over a two-year period (1980). For that scenario (538 flights), this delay in the full operation date from 1978 to 1980 reduces the economically justifiable non-recurring program costs from a range of $14.5 billion to $19.5 billion to a range of $14.2 billion to $18.9 billion. The likely economic gains from slippage or stretch-out—with continued or increased funding of research and advanced technology—are greater cost certainty and potential RDT&E cost reductions due to the possibilities of more certain, flexible development scheduling. The economic costs of slippage or stretch-out are the foregone reductions in the expected recurring costs of the space program for the year(s) 1978, . . . in which the Space Shuttle and Tug System is not available—including increased payload costs.

Figure 0.12 and Figure 0.13 show the influence of the different rates of discount used on the results of the economic analyses. MATHEMATICA recommends a 10 percent discount rate as a basis for evaluating the New Space Transportation Systems funding. Nevertheless, Figure 0.12 shows the summary of economic analyses when the evaluation is made at 15 percent on an "Equal Capability" basis. At this high a discount rate the relative advantage of the Space Shuttle naturally decreases. Yet, even with a 15 percent rate of discount and the conservative "Equal Capability" analyses, the fully reusable Space Transportation System does break even at a space program of 845 flights (1978–1990 total) or 65 flights a year. The summary of results indicates that up to $11.4 billion could be spent on a new, fully reusable STS program, if the NASA-Department of Defense model for the 1980's were taken as baseline. At Mathematica's projection of unmanned space activities for the 1980's, the Space Transportation System investment would have an allowable, non-recurring cost of $9.4 billion (at 15 percent), a figure too low to cover the expected non-recurring costs of the new, fully reusable Space Transportation System as estimated by Aerospace Corporation, the Phase B contractors and various centers of NASA.

Figure 0.13 shows the summary of economic analyses performed at a 5 percent discount rate, which gives much higher allowable nonrecurring costs since the opportunity cost of time is valued here relatively low, at 5 percent. For Scenario 3, the allowable non-recurring costs increase to nearly $30.0 billion.

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[8] This reduction is due to both the increased advantage of the Shuttle in expanded space programs, and the ability to use a 100 percent load factor in flying hydrogen as a Space Shuttle payload.

Figure 0.14 is a summary of all economic caluculations that were performed at 10 percent, i.e., for "Equal Budget" cost effectiveness, for "Equal Capability" cost effectiveness, and for "Reuse-Refurbishment-Update Payload Effects" only. It also shows Mathematica's estimate of the historic flight and funding levels of the United States and of the USSR, in terms of equivalent Space Shuttle flights (the vertical lines).

Figure 0.15 shows the impact on the economic evaluation of the Space Shuttle System of the addition of the NASA Lunar Option 1. The net increase in economic benefits is due to launch cost savings only since lunar payloads have not been included in the analysis. (The exclusion of Lunar Option payloads, however, cannot adversely affect the economic analysis since some of the payloads may well exhibit favorable cost effects when the Space Shuttle System is used.) The incremental cost savings have been converted into allowable non-recurring costs, and for all scenarios considered, as shown in Figure 0.15, this amounts to an additional $3.0 billion. The allowable non-recurring cost for the Space System evaluated for Equal Capability under Scenario 3 and a 10 percent discount rate is $17.5 billion with Lunar Option 1 and, excluding Lunar Option 1, it is $14.5 billion. The important conclusion to be drawn from this result is that when some large lunar or planetary (or defense) space flight option is considered for the 1980's the Space Shuttle System offers economic advantages also in terms of transportation costs only. These have not been included in any of the other Mathematica scenarios.

Figure 0.16, finally, summarizes the economic calculations done at different discount rates (5 percent, 10 percent, and 15 percent) for the "Equal Capability" cost effectiveness analyses.

The complete set of economic analyses performed by Mathematica on which these results are based, at discount rates from one to 20 percent, and the statistical backup to judge the quality of these results—as conditioned by the validity of the input cost data—are given in Chapter 7.0 of the Report.

Figures 0.17, 0.18 and 0.19 depict the budgetary implications of the following three space programs: Scenario 3, the Mathematica Baseline projection; Scenario 23 which is based on the historic funding level of U.S. programs from Fiscal Years 1963 to 1971; and, Scenario 24, which is based on projections of FY 1970 and FY 1971 funding levels. The Current Expendable funding level in Scenario 23 is about $3 billion (NASA and Department of Defense) and in Scenario 24 it is $2.5 billion. The expected costs for new Space Transportation System operations at the same funding level ("Equal Capability") are also shown.

Figures 0.20 and 0.21 consider the addition of the NASA Lunar Option 1 transportation costs to the life cycle costs of Scenarios 1 and 3. This Lunar option assumes the existence of a Nuclear Space Shuttle for Earth orbit to Lunar orbit transportation. The Lunar payload costs have not been included and potential Space Shuttle payload effects for this traffic has not been allowed for.

All the life cycle costs for transportation and payload costs are given in detail in Chapter 6.0.

### 0.5 CONCLUSIONS

1. The most conservative economic analyses show, at a 10 percent social discount rate, that the allowable non-recurring costs for "buying" a fully reusable Space Transportation System are:

a. $12.9 billion for an annual activity level of 46 Space Shuttle flights (Scenario 3).

b. $15.4 billion for an annual activity level of 56 Space Shuttle flights (Scenario 1).

c. $14.6 billion for the historic flight level of the unmanned United States space program of the 1960's, corresponding to 51 Space Shuttle flights (Scenario 23).

The present estimate of the actual nonrecurring costs of the Space Shuttle and Tug System is $12.8 billion. All of these estimates are made in constant (1970) dollars.

2. The major economic potential identified for Space Transportation Systems in the 1980's is the lowering of space program costs due to the reuse, refurbishment and updating of satellite payloads. The fully reusable, two-stage Space Shuttle is a major system—but conceivably not the only system—identified to achieve this reuse, refurbishment, and updating of payloads. Other technically acceptable systems should be studied to determine the extent and the cost at which they can achieve reuse, refurbishment and updating of payloads. Any such studies must be performed in adequate depth to generate meaningful comparative data for an economic evaluation.

The cost reductions originate in three distinct areas: (a) the Research, Development, Test and Evaluation (RDT&E) phase of new payloads (satellites); (b) the unit cost and operating cost of payloads (satellites) for different space missions; (c) the cost of launching payloads into orbit.

Although it is, perhaps, natural to identify the economic effects of a reusable Space Transportation System primarily as reductions in *launch* costs, it is apparent that the major cost savings lie in the area of *payload* development, construction and operation. For example, with the Expendable System, launch costs constitute only 20 to 25 percent of the cost of a typical United States space program; 75 to 80 percent are payload related costs (see payload costs and recurring launch costs of Table 0.1).

3. The currently projected *non-recurring costs* associated with developing a Space Shuttle and Tug are shown by the economic analysis to be covered by the identified benefits, provided the United States intends to operate a space program with a number of flights equal to the *unmanned* space program activities of the United States in the 1960's.

The *direct costs* (payload and transportation) of space activity carried out by a Space Shuttle System are expected to be about one-half of the direct costs of the Current Expendable Space Transportation System.

These conclusions are based on what Mathematica considers to be realistic and, indeed, conservative projections of space activities in the 1980's—with most of the projected unmanned space programs operating below the level maintained during the 1960's, and with the manned space flight program limited to about $200 million a year.

The analysis of the lunar option has shown that the Space Shuttle System offers economic advantages also in terms of *transportation costs* only, when some large lunar or planetary (or defense) space flight options are considered for the 1980's. Due to the great uncertainty of these options being adopted by the United States, Mathematica did not allow for these advantages in the basic conclusions.

4. The *choice of the social discount rate* has a major influence on the economics of a new Space Transportation System. Differences in the rate applied to the analysis outweigh many other important issues usually raised—and analyzed—in the context of large scale RDT&E projects, including uncertainties in the cost data.

5. The economic justification of a reusable Space Transportation System is independent of the question of *manned versus unmanned* space flight. The space programs used and analyzed by Mathematica are in line with the activity and funding levels of the *unmanned* United States space program of the 1960's (NASA, DoD, and commercial users included). This does not preclude the possibility that the future unmanned space program can be much larger than in the past.

6. This Report analyzes the economically allowable nonrecurring costs of a reusable Space Transportation System. The task of identifying the *best* reusable Space Transportation System among all the viable alternatives requires equally detailed economic consideration.

7. Finally, we state with emphasis: *any investment can only be justified by its goals.* This applies to business as well as to government, hence also NASA. A new, reusable Space Transportation System should only be introduced if it can be shown, conclusively, what it is to be used for and that the intended uses are meaningful to those who have to appropriate the funds, and to those from whom the funds are raised, as well as to the various government agencies that undertake space activities. The space goals can be *military* (to meet military space efforts of other countries or use the potential of space to meet needs of national security), *scientific* (e.g., astronomy, environment), *commercial* (e.g., earth resources applications, communications, weather forecasting) or *political* (rivalry with the space programs of other countries). All these goals will, of course, be mixed into one national space program, representing to various degrees a joint demand for space transportation with a varying mix of payloads.

Mr. GURNEY. Mr. President, I yield back my time.

## THE NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished acting minority leader, the Senator from Nebraska (Mr. CURTIS), and myself, I ask the Presiding Officer to lay before the Senate a message received today from the House of Representatives and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate a concurrent resolution received today from the House of Representatives, which will be stated.

The assistant legislative clerk read as follows:

H. CON. RES. 346

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 5257) to extend the school breakfast and special food programs, the Clerk of the House be, and he is hereby, authorized and directed to make the following correction, namely, after the enacting clause insert the following: "That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:"

Passed the House of Representatives June 24, 1971.

Mr. MANSFIELD. Mr. President, the substance of this matter is not changed. This has already been passed by both Houses. This is a technical change and the purpose here is to bring about the correction.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 346) was considered and agreed to.

## AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE A MESSAGE FROM THE HOUSE ON H.R. 9271 AND FOR THE COMMITTEE ON APPROPRIATIONS TO FILE A REPORT

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House tonight during the adjournment of the Senate on H.R. 9271, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1972, and for other purposes, and that the bill be referred to the appropriate committee.

I ask further, that the Committee on Appropriations have until midnight tonight to file a report on H.R. 9271 after the bill has been received and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

*To the Congress of the United States:*

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *June 28, 1971.*

## REPORT ON AGRICULTURAL EXPORT ACTIVITIES UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–135)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

*To the Congress of the United States:*

I am pleased to transmit to the Congress the 1970 annual report on agricultural export activities carried out under Public Law 480. In a year which saw more than its share of disasters around the world, Public Law 480 concessional sales programs and donations once again reflected the desire of the people of the United States to try to help others improve their own circumstances by improving the agricultural foundation of their economies.

The Public Law 480 program demonstrated its flexibility in 1970 both by responding quickly to the immediate needs of countries in distress, and by using food assistance to promote long range development in developing countries. One important example of the program's scope and success was our aid to victims of the earthquake in Peru—much of which was channeled through voluntary relief agencies.

The Public Law 480 program also provided increasing benefits to the United States. Currencies generated by the program together with the increasing volume of payments received under past long term credit sales agreements, resulted in a contribution of more than $300 million to our balance of payments in 1970. In addition, this program has placed increasing emphasis on helping recipient nations develop their own economies and thus become better export markets for the United States.

Public Law 480 has now been extended through 1973. As our efforts move forward, we will continue to stress both trade development and food assistance through this highly esteemed program.

RICHARD NIXON.

THE WHITE HOUSE, *June 28, 1971.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## DELIVERY TO THE SENATE OF DOCUMENT ENTITLED "UNITED STATES VIETNAM RELATIONS, 1945–1967"

Mr. ELLENDER. Mr. President, I wish to inform the Senate that at 12:07 this afternoon there was delivered to my office at room 209 set No. 10, volumes 1 through 47, "United States Vietnam Relations, 1945–1967," with an accompanying letter, which reads as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., June 28, 1971.*

Hon. ALLEN J. ELLENDER,
*President Pro Tempore, U. S. Senate,*
*Washington, D.C.*

DEAR SENATOR ELLENDER: Pursuant to the decision by the President and our subsequent discussion and arrangements, I am having delivered herewith the 47-volume study entitled: "United States Vietnam Relations, 1945–1967."

The study remains classified TOP SECRET-SENSITIVE and is delivered in accordance with our understandings as to the special security measures which will be taken by you to protect those materials in the volumes, the disclosure of which could have a grave and immediate danger to the national security.

As you are aware, an intensive review of the study is now in process for the purpose of declassifying as much of the material as possible consistent with the interest of national security and in consideration of the widespread unauthorized disclosures by the newspapers in recent days. Every effort is being made to expedite this review and we anticipate that a large portion of the documents will be declassified pursuant to these guidelines.

I have been informed by my security people that they have provided you with the assistance and information you needed to ensure that only members of your body will be permitted access to the documents and that they are controlled and protected as required by law or regulation.

A copy of the study is being delivered simultaneously to the Speaker of the House.

Sincerely,

MELVIN R. LAIRD.

I wish to state, Mr. President, that I have personally delivered the 47 volumes to the office of the Secretary of the Senate of the United States, and they will remain there until further disposition is made of them by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter I received from Secretary of Defense Laird, dated June 28, 1971.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., June 28, 1971.*

Hon. ALLEN J. ELLENDER,
*President Pro Tempore, U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ELLENDER: In further implementation of our discussions and understandings, one copy of a TOP SECRET-SENSITIVE study entitled "Command and Control Study of the Tonkin Gulf Incident, 4–5 August 1964" is attached herewith. The disclosure of material in the Study would present a grave and immediate danger to the national security.

Accordingly, with respect to the custody and handling of the attached Study, I must stress the utmost importance of adhering to the security arrangements mentioned in my letter of this date which transmitted to you the 47 volume study entitled "United States Vietnam Relations, 1945–1967."

Sincerely,

MELVIN R. LAIRD.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate resumed the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield to the Senator from Georgia such time as he may require.

Mr. GAMBRELL. Will the Senator yield me 15 minutes?

Mr. CANNON. I yield 15 minutes.

Mr. GAMBRELL. Mr. President, as a member of the Committee on Aeronautical and Space Sciences, I have followed the presentation of the budget for NASA, and I join in commending the distinguished chairman of that committee, the Senator from New Mexico (Mr. ANDERSON), and also the presentations made here today by the distinguished Senator from Nevada (Mr. CANNON). I should like to join in the remarks made by the Senator from Nebraska (Mr. CURTIS) as to his reasons for supporting the budget that has been presented here.

It seems to me that our continuing support of the space program in this country is based on several considerations. One is the obvious need to continue our exploration, our discovery, and our development, particularly, of the earth sciences that we can promote through space exploration. Certainly we need to be concerned with the national defense aspects of space exploration and development. I think as we go through a process of realining some of our priorities for expenditure of our national resources, we need to be concerned, in this area, with the maintenance of our aerospace production capabilities for the future; and, therefore, in deciding between what programs we will continue and what programs we will discontinue or defer, we need to be certain that we do not dismantle the aerospace capability that we have built up at great expense over the years, and I believe that some programs should be maintained in order to keep our aerospace team alive, so to speak, and at work.

I have gone over what has been presented by the administration as the budget for NASA this year with a pretty sharp eye toward economy. I think the members of the committee will verify that I have probably exercised as much economy in my approach to the matter as anyone. It has already been indicated that this economic approach to the space program is not original this year, but that over the past 3 or 4 years, the space budget has been cut almost in half.

It seems to me that in cutting back, the primary programs that we could cut back or defer were those which would fall into a category that I would classify as those that were being pursued merely to satisfy a certain amount of scientific curiosity. Men since the beginning of time have wondered what was out there among and beyond the stars and planets. I think these are things that our country and our citizens are interested in, but it seems to me that they are things we can do, in the fullness of time, at a time when we can afford to do them, and not necessarily next year.

There are other programs that are pursued or have been proposed which I think fall into a classification of simply satisfying a desire to enhance our national prestige. If that is the only justification that is put forward for a program, I would say that it is one which we can lay aside in the interest of economy, when we have national budget deficits, over a period of a couple of years, running up to $30, $40, or $50 billion.

Lastly, I think these programs ought to be carefully examined for economies in this year's budget which may be deferred to a future year. That is to say, we should ask ourselves, Must it be commenced this year? Must it be carried on at the spending levels which are recommended for this year?

I think all of these questions have been given due weight, and I think the overall budget proposal which we have in the committee report this year satisfies these demands that those responsible not pursue programs which are merely to satisfy curiosity, merely enhance our prestige, or do not involve programs which can reasonably be deferred from this year into a future year.

Two points have been mentioned in criticism of this year's budget. One has to do with personnel. Have there been adequate personnel cuts from this year's budget? Are the cuts in personnel from the years of highest spending levels comparable to the cuts in overall spending levels?

It has already been mentioned that the personnel level cutback from approximately 35,000 or 36,000 to approximately 30,000 or 29,000 personnel this year certainly is not comparable to a nearly 50-percent reduction in the overall budget of the space program. But we have seen in this Chamber, time after time, and in our committee hearings of many committees of the Senate, the problems of unemployment in this country. Every time the issue comes up, the principal point mentioned is that the principal source of unemployment, the principal nagging problem of unemployment, is in the aerospace industry. Obviously, among the contractors with the Government in aerospace activity, there have been tremendous cutbacks, which reflect the cutbacks in the overall aerospace budget.

It is a matter, I think, of some interest that one of the principal organizations in this country which has concerned itself with the reordering of our national priorities, the National Urban Coalition, has recently published a document entitled "Counterbudget, a Blueprint for Changing National Priorities 1971–76."

It is apparent from even a casual review of this document that it represents a great deal of examination of and effort on the changing of national priorities. It is particularly interesting to note that with respect to NASA this document concludes that—

> NASA budgets in the $3 billion to $4 billion range are appropriate, given the magnitude of our past investment and the challenge of the tasks ahead.

This study states that the Nation should not mount during the 1970's a manned Mars program and that is precisely the position which has been taken by our Senate Committee on Aeronautical and Space Sciences.

However, this document recognizes that a large and expensive technological complex is essential to maintain any realistic space capability at all and that with the investment already made, substantial returns can now be expected from continued, incremental annual expenditures.

It is most interesting to note that the "Counterbudget" does support undertaking the development of the space shuttle. The only limitation the study places on this development is that a space spending peak of $3.8 billion per year be established for the years 1972–76 and that development of the shuttle be accommodated within this total, stretching the development timetable if the total shuttle program cost estimates are higher than estimated. In other words, lengthen the development schedule rather than exceed the $3.8 billion per year. It may be obvious, but I would like to emphasize that the $3.8 billion per year recommended in the "Counterbudget" is over $500 million above that which is in the bill before the Senate today.

In summary, Mr. President, I think it is most significant that one of the most current and comprehensive documents on the changing of national priorities provides a strong endorsement to a viable, ongoing national space program, which includes the space shuttle activities.

Finally, Mr. President, in relation to the space shuttle, it seems to me that the space shuttle effort fits within the guidelines I have adopted of protecting and pursuing those programs which are justifiable, as against considerations of mere curosity or against considerations of mere national prestige.

The space shuttle, as I understand it—and I do not believe that any of the opponents disagree—is something that will be on our shelf as part of our space inventory for some time. There is a suggestion that it might be deferred to a future year. It seems to me that if we can commence and continue our study and our development of it, this is a useful way of keeping our aerospace production teams and research endeavors in operation.

This is a vehicle that will be used. It is a system that will be employed because of economies that are inherent in its capability of going out and returning from space, of going out and salvaging some breakdown that has developed in a system. It seems to me that because of the economies that are inherent in this vehicle, it will be used, and we might as well go ahead and get into it. It will be a valuable tool in our space inventory for many years to come.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I should like to make certain inquiries of the manager of the bill.

The PRESIDING OFFICER. Does the Senator from Nevada yield time for that purpose?

Mr. CANNON. I yield for the purpose of questions and answering the questions.

Mr. MONDALE. Can the Senator give us the current estimate on the cost of the space shuttle?

Mr. CANNON. We do not have a current estimate on the cost of it because the studies are still in progress, and we do not know what the ultimate recommendation will be. But the highest estimate, which certainly is not a very meaningful estimate, is $12.8 billion for research, development, testing, facilities, the initial fleet of vehicles, and the space tug.

Mr. MONDALE. Has that estimate risen over previous estimates given in past years?

Mr. CANNON. Some early estimates were smaller than that figure, before any advanced detailed studies and planning had been conducted. Yes, this estimate is higher than some of those originally.

Mr. MONDALE. Based upon our experience with weapons systems purchases and space systems purchases in the past—and understanding the inflationary trend in which we are now involved—would it not be prudent to anticipate further cost escalations in this system?

Mr. CANNON. It would be prudent, based on certain circumstances. If we estimate that this is going to be carried out over a period of 10 years, I think we would have to figure in an inflationary factor. Sometimes that factor is not high enough, and Congress contributes to it.

For example, with respect to the costs of the space program—the Senator asked me earlier about some of the salary costs—the salary costs have risen by $180 million since 1967, solely by reason of pay increases that Congress approved. That is within the control of this body, not within the control of some other body, or some outside agency, because of an inflationary factor. But $180 million of increased cost in the space program comes about by reason of salary increases voted by this body.

Mr. MONDALE. It is my understanding that last year, NASA estimated that the space shuttle would cost approximately $7 billion and that today the estimates are $12 billion or $13 billion.

I believe Representative KARTH of Minnesota estimates something like the figure the Senator from Nevada has suggested, $12 to $13 billion.

We have had—without blaming anybody—many, many occasions, both in the space program and in the military program—as a matter of fact, in most programs—sharp cost escalations over initial cost estimates.

Would it not be prudent to assume that we would experience the same cost escalations above the current estimates of the space shuttle?

Mr. CANNON. Again, I would simply point out that this is not a precise estimate, because the whole project is still under study. We do not know what the final form of the program will be. Therefore, a precise estimate could not be made until that should occur. When the planning studies are completed and a precise program decided upon, we can have a meaningful estimate. But the figure I gave is the highest ballpark figure we have received up to the present, based on the knowledge that is available now, without the studies having been completed. I reiterate that that figure would include roughly $3 billion for initial investment for vehicles.

Mr. MONDALE. Mr. President, the original Rand study of the cost-effectiveness of the space shuttle originally estimated the shuttle's cost at $9 billion. A second, later estimate was $11½ billion. The $9 billion estimate was 2 years ago, but the latest estimate was $11½ billion. I understand that the mathematical study estimated the cost of the space shuttle at somewhere in the $12 billion range.

I believe that Representative KARTH who, I think we all recognize, as one of our outstanding space experts, estimated $12 to $14 billion.

So that the estimates today from the two studies would indicate that the current cost figure is somewhere in the $12 billion range.

Mr. CANNON. That is correct. The figure is $12.8 billion, that this is without having a precise plan developed and includes $3 billion for acquisition of space vehicles which the earlier estimates did not include, I might add.

I think I should point out to the Senator that the so-called Rand study was not an official Rand study as such, and that the letter from Rand has already been made a part of the CONGRESSIONAL RECORD. Furthermore, the Department of Defense requirements were not costed out in the so-called 1969 estimate which was based on a smaller and less versatile, reusable shuttle than is now being considered. So I do not believe that the so-called Rand study, if we want to call it that—and we have heard a lot about Rand studies, I may say, recently, I do not think this one was classified secret but we have heard a lot about Rand studies recently—should be related to being a study with particular reference to the space shuttle now under consideration.

Mr. MONDALE. As I understand it, the Rand study was, in fact, a study commissioned by the U.S. Air Force to determine the benefit-to-cost ratio of the proposed space shuttle.

Mr. CANNON. The Senator is exactly incorrect. It was not commissioned by the U.S. Air Force. The Rand Corp. responded in a letter to Senator ANDERSON on May 31 to that effect, and that letter has already been placed in the CONGRESSIONAL RECORD. I could place it in there once again.

Mr. MONDALE. Referring to that letter in the CONGRESSIONAL RECORD, on page 17575 of June 2, 1971, I quote Mr. Henry S. Rowen, the president of the Rand Corp., as follows:

> You questioned whether this was "an Air Force Study" which normally means a study conducted by Air Force personnel and drawing conclusions properly attributable to the Air Force. This was not such a study. This work was conducted by Rand under USAF contract F-44620-67-C-0045.

Is that not accurate?

Mr. CANNON. That is exactly accurate, because it says it is not a study commissioned by the Air Force.

Mr. MONDALE. Did the Air Force pay under contract for a study by Rand?

Mr. CANNON. This is under an annual contract, an ongoing contract. This was never commissioned specifically as an Air Force study on this shuttle program. That is the distinction. The letter speaks for itself, although perhaps it should define the Air Force contract, which is an ongoing contract.

Mr. MONDALE. I have a copy of the report issued by the Rand Corp. entitled, "The Space Shuttle as an Element in the Space Program." It says that this research is supported by the U.S. Air Force under project Rand contract number so and so, monitored by the Director of Operational Requirements, Development Plans, R. & D., Headquarters, U.S. Air Force. Is that accurate?

Mr. CANNON. I think if the Senator would read the cover sheet, he will find that it covers that with a complete disclaimer on the cover sheet. This is one of those situations where a little knowledge is sometimes a dangerous thing.

I should like to read the letter from the Secretary of the Air Force, if I may. It reads:

> DEAR MR. CHAIRMAN: This is in response to an inquiry from a member of your Committee staff concerning a Rand Corporation report (RM 62-44-1-PR) which analyzes the NASA Space Shuttle Parogram. This report, which was prepared by Project Rand using Air Force funds, may be misconstrued by certain parties as representing Air Force policy.

Mr. MONDALE. No one has said that.

Mr. CANNON. Continuing—

> To the contrary, this report and its conclusions are the work of the authors alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.
>
> The work in question is based on 1969 data; therefore, it does not represent current economic considerations. Using current data, National Aeronautics and Space Administration is conducting the economic analyses on the shuttle as a national system using combined NASA and Department of Defense traffic models. As you are probably aware, the NASA Phase B Space Shuttle Definition Studies, which should better define the program scope, costs and schedules, are still underway.

I am not quoting now, but that has not been completed.

Back to the letter:

> Until results from these and from on-going Air Force analyses are available, data to perform final cost effectiveness analyses will not be available.
>
> Should you desire additional information regarding this report or the Space Shuttle Program, I will be happy to provide it for you.
>
> Sincerely,
>
> ROBERT C. SEAMANS, JR.

Mr. MONDALE. No one has argued that it is the policy of the Air Force to be against the shuttle, or the policy of the Rand Corp. to be for anything. What we are talking about is a report funded by the Air Force which states that the shuttle is not cost effective. There is a difference between now and the time of that report, and the difference is $2 billion in increased cost, which will make it even less cost effective—rather, cost disastrous. As a matter of fact, to say that this study has nothing to do with the Air Force, but instead was paid for by the Air Force and conducted under one of its official contracts, it seems to me, is to raise a distinction without any substance.

Mr. CANNON. Mr. President, I think perhaps I had better read again from the letter from the president of the Rand Corp. in which he said:

> Our report, like most Rand analyses, was intended to illuminate issues, to reduce areas of uncertainty, and thus assist decision makers in reaching rational choices. We believe our report served this purpose. However inasmuch as it was based on earlier data, the quantitative aspects should be reviewed for currency. In any case it should not be used as the sole basis for decision.

It seems to me that the distinguished Senator is trying to compare apples and oranges here, which is not what we are really trying to do. Does the Senator contend that the Rand report was based on current data and that the space shuttle is not cost effective? If he does, he is wrong. The report does not support that position.

Mr. MONDALE. Mr. President, in my remarks I stated that the Rand report is based on a $9 billion cost estimate and concludes that the shuttle could not be justified on a cost basis. And the only difference between then and now is that the cost is $11 or $12 billion. So the cost is 20 or 25 percent more than when the study was conducted.

Mr. CANNON. Mr. President, as I said earlier—and apparently the Senator was not listening—the original study was based on a smaller, less versatile reusable shuttle than they propose at the present time. Furthermore, the cost items figured in by Rand did not include the vehicles. The cost is up another $3 billion for the purchase of vehicles alone.

Mr. MONDALE. Mr. President, let me ask the Senator whether NASA stands behind the Mathematica study, the study which NASA commissioned through the so-called Mathematica Corp., for $600,000, to study the cost effectiveness of the program. Do they stand behind that study?

Mr. CANNON. I do not know. I understand it is not yet completed. I do not know whether they do or not.

Mr. MONDALE. Mr. President, I have a copy of it here. In a letter, NASA says that this argument for the cost effectiveness of the space shuttle is based on the Mathematica study.

In the summary of the Mathematica study, for which we paid $600,000, they state on page 60 the maximum cost of the shuttle to be cost effective as against the number of flights. I believe this study actually supports my position, because the present estimate of the cost shuttle is already nearing the maximum figure beyond which Mathematica says makes the shuttle no longer cost effective.

Does NASA stand behind that study?

Mr. CANNON. Mr. President, I would think that NASA would stand behind it. But I cannot speak for them. The study is not yet complete. The data are not complete. The form of the space shuttle has not been decided on. It would seem to me that, since the distinguished Senator from Minnesota has an amendment to offer, I think he should offer it at this point. We could then debate the merits of the amendment.

Mr. MONDALE. Mr. President, the Senator has been most generous to me in his willingness to respond. At some point I am prepared to call up my amendment and to make my opening argument. However, I would like to establish a few more points, taking a few more minutes to do so, if it might be possible.

What does the estimated NASA authorization figures reflect for the cost of the shuttle over the next few years? Does the Senator have those estimates?

Mr. CANNON. Mr. President, we have the outside figures, not the precise figures.

In 1971 it is 80 percent of the $100 million.

In 1972, it is $100 million.

In 1973, it ranges from $415 million to $465 million.

In 1974, it ranges from $1,240 million to $1,365 million.

In 1975, it ranges from $1,450 million to $1,560 million.

In 1976, it ranges from $1,565 million to $1,770 million.

In 1977, it ranges from $1,650 million to $1,805 million.

In 1978, it ranges from $1,500 million to $1,755 million.

Mr. MONDALE. Mr. President, those estimates, which I have also received from NASA, are based upon a cost estimate which is roughly $3 billion below the current estimate. Is that correct?

Mr. CANNON. No, that is not correct. And that is only preliminary, as I have pointed out in many instances before. This is a preliminary development of cost data from the various contractor studies.

Mr. MONDALE. Mr. President, I thank the Senator.

## SALINE WATER CONVERSION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 80, S. 991.

May I say that a 3-hour time limitation had been set aside for this bill for consideration tomorrow, but the differences have been worked out and with the approval of the Senate and with its consent, I will offer an amendment very shortly.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be stated by title.

The legislative clerk read the bill as follows:

S. 991, to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

### TITLE I

SEC. 101. The Act of July 3, 1952 (66 Stat. 328), as amended, is hereby further amended to read as follows: "That the Congress in consideration of the Federal responsbility for water resource conservation by means of comprehensive planning, planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of the Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial uses and to improve the quality of saline and other chemically contaminated waste waters to protect the quality of natural waters.

"SEC. 2. The Secretary of the Interior is authorized and directed to:

"(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses or for the purpose of treating waste waters to achieve qualities suitable for disposal into surface streams, groundwater bodies, or the ocean;

"(b) pursue opportunities arising during the course of research and studies authorized by subsection (a) of this section which have potential practical applications unrelated to water treatment in order to advance the work to the stage where such studies and research can be published in an effective form for utilization by others;

"(c) conduct engineering and technical work including the design, construction and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

"(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

"(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: *Provided,* That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

"SEC. 3. (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

"(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date of this Act, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his selection the Secretary shall consider the following:

"(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis and best suited to provide information on the management problems and economics of such operations;

"(ii) availability of cooperating entities or utilities willing and capable of entering into agreements and contracts providing a market for water and an operating agency for the plants;

"(iii) availability of cooperating entities or utilities willing and capable of entering into agreements and contracts providing an energy source for the plants;

"(iv) the availability of a site and the environmental considerations of an energy source and brine disposal; and

"(v) the need for the development of new water sources in the location.

"(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior and of other Federal agencies as may be applicable to insure that the economic, financial, and engineering analyses of any potential plant and the agreements among participants which may later result will give full consideration to the integration and compatibility of the water production, energy use, and possible energy production of the prototype plant with the water and power systems of the region.

"(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance, which contracts shall detail the purposes for which the assistance is contributed.

"SEC. 4. In carrying out his functions under this Act, the Secretary may:

"(a) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

"(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

"(c) utilize the facilities of Federal scientific laboratories;

"(d) establish and operate necessary facilities and test sites at which to carry on the continuous research, testing, development, and programing necessary to effectuate the purposes of this Act;

"(e) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

"(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliogaphical data with respect thereto:

"(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development in instances in which the purposes of this Act will be served thereby;

"(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

"(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

"(j) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

"SEC. 5. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

"(b) The Secretary will cooperate with the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waste waters and to insure that the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act and which will be acquired in performance of this Act will not be needlessly duplicated by other programs.

"(c) The fullest cooperation by and with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies shall also be carried out in the interest of achieving the objectives of this Act.

"(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

"(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

"(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

"SEC. 6. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

"SEC. 7. (a) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization Acts to carry out the provisions of this Act during the fiscal years 1973 to 1977, inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

"(b) The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on—

"(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

"(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the ongoing water resource programs of the Department of the Interior.

"(c) Not more than 2 per centum of the funds to be made available in any fiscal year for research and development under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

"Sec. 8. As used in this Act—

"(a) the term 'Secretary' means the Secretary of the Interior;

"(b) the term 'saline water' includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

"(c) the term 'other chemically contaminated water' includes agricultural runoff, municipal and industrial effluent, mine drainage, and naturally contaminated waters which contain chemicals not susceptible to removal by conventional sewage treatment methods but susceptible to removal by desalting processes;

"(d) the term 'United States' extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands;

"(e) the term 'pilot plant' means an experimental unit of small size, usually less than one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

"(f) the term 'test bed' means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

"(g) the term 'module' means a section or integral portion of a desalting plant which is used initially to study large-scale technology and critical design features in preparation for subsequent prototype construction;

"(h) the term 'prototype' means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

"SEC. 9. This Act may be cited as the 'Saline Water Conversion Act of 1971'."

TITLE II

SEC. 201. There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1972 the sum of $27,025,000 to remain available until expended as follows:

(1) Research and development operating expenses, not more than $15,675,000;

(2) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(4) Administration and coordination, not more than $1,540,000.

Expenditures and obligations under any of such items may be increased by not more than 10 per centum, except item (4) which may be increased 2 per centum, if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

On page 12, line 15 after the word "beneficial" insert the word "consumptive."

On page 12, line 16, delete the word "waste".

On page 12, line 25, insert a semicolon after the word "uses" and delete the words "or for the purposes of treating waste waters."

On page 13, delete lines 1 and 2.

On page 18, amend subsection 5(b) to read as follows:

"(b) The Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act."

On page 21, amend Subsection 8(c) to read as follows:

"(c) the term 'other chemically contaminated water' refers to waters which contain chemicals susceptible to removal by desalting processes;"

Mr. MANSFIELD. Mr. President, as I said it is my understanding that this matter has been worked out among the various interested parties, that agreement has been reached which is satisfactory to all concerned, and that the amendment, which is now before the Senate, would implement the agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I now move adoption of the committee substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Washington (Mr. JACKSON), chairman of the Committee on Interior and Insular Affairs, and a statement by the distinguished Senator from California (Mr. TUNNEY) be printed in the RECORD.

There being no objection, the statements by Senators JACKSON and TUNNEY were ordered to be printed in the RECORD, as follows:

Mr. JACKSON. Mr. President, the purpose of this measure is to authorize the Secretary of the Interior to continue with a program of research, development, and demonstration of processes for the desalting of saline waters which has been underway since 1952.

The program has proven to be very successful and useful. A substantial industry in the manufacturing and construction of desalting facilities has come into being in the United States in recent years in large measure because of the leadership of the Federal saline water conversion program conducted by the Secretary of the Interior through the Office of Saline Water. Although commercial production of water by desalting plants in the United States is still limited to small plants and specialized situations, desalting is becoming an ever more significant water supply factor in many parts of the world. With the continued improvement of technology and increasing demands for water, desalting promises to be a critical factor in the long-range water program for many areas of the United States. A vigorous saline water conversion program is required to insure that the capability will be available when needed.

The existing authority of the Saline Water Conversion Act provides for continuation of the program through Fiscal Year 1972. Annual authorization of appropriations are required, however. S. 992 would extend the basic authority for the program for an additional five fiscal years, through Fiscal Year 1977. It would also redirect the program to reflect experience with the program in recent years and to conform it to the current needs of the nation.

As amended by the Interior Committee, S. 991 also includes the provisions of S. 716, a bill recommended by the Administration to authorize Fiscal Year 1972 appropriations totalling $27,025,000 for the Office of Saline Water.

As amended by the Committee, S. 991 would substitute a new text for the existing Saline Water Conversion Act (66. Stat. 328, as amended). The most significant objectives of the new language are to bring the desalting effort into closer coordination with ongoing conventional water resources planning efforts and to accelerate work leading to development of a large-scale prototype desalting plant. It is imperative that a large scale prototype be put into operation at the earliest possible date. Experience with the plant can provide realistic information on reliability and management costs which are necessary for planners at the Federal, state, and municipal level to assess the feasibility of desalting as an alternative to conventional water supplies.

Mr. President, there is a close relationship between the work being done by the Office of Saline Water on the technologies for purifying saline waters for beneficial use and similar problems confronting the advanced waste treatment research program of the Environmental Protection Agency in removing chemical contaminants from waste waters.

As reported, S. 991 contains language which was intended to insure that these two research efforts would be closely coordinated and that the research funded by each of these agencies would not be duplicative but would make maximum contributions to advancing technologies useful to both efforts. Since the bill was reported, however, questions have been raised about the appropriate dividing line between the programs.

I have discussed this matter with my colleague from West Virginia (Mr. Randolph), the distinguished Chairman of the Public Works Committee, which has jurisdiction over the Environmental Protection Agency's advanced waste treatment program. We share the desire that these two programs be closely coordinated for efficient management of Federal research expenditures. We are agreed, however, that neither program should be inhibited in pursuing its authorized mission by unnecessary legislative constraints. Most importantly, the saline water conversion program should not be precluded from doing necessary research on the desalting of attractive sources of water supply, such as our major estuaries, simply because chemical contaminants other than naturally occurring salts may be involved.

On the other hand, the advanced waste treatment program should not be prevented from pursuing new research in waste treatment technologies which have desalting applications.

Mr. President, the Senior Senator from Colorado (Mr. ALLOTT), who is the ranking minority member of the Interior Committee, a cosponsor of this bill (S. 991), and a longtime supporter of this program, has authorized me to say on his behalf that he does not object to the substance and intent of the amendments to be offered. I have discussed this program with him on many occasions, and he shares my interest in moving this program forward to the point of large-scale application, so that the Nation may benefit at the earliest practical date from the research conducted under this program in a tangible way.

Mr. President, I am proposing perfecting amendments to S. 991 as reported by the Committee which will clarify this intent and the agreement of the Committees regarding the relationship between the two programs.

Mr. TUNNEY. Mr. President, I am especially pleased that the chairmen of the Committees on Interior and Insular Affairs and Public Works, Mr. JACKSON and Mr. RANDOLPH, have developed language to assure that the program of the Office of Saline Water is continued and that the research in converting saline water for beneficial consumptive uses will go forward. The amendment before the Senate will assure that we will not create a possibility of duplicating the efforts of the Office of Saline Water and the Environmental Protection Agency. The amounts of money available for research in the areas of water supply and waste water treatment are too small for us to afford the luxury of either agency duplicating the work of the other. The technical corrections proposed by Senator JACKSON will, I believe, succeed in rationalizing the efforts of each to the ultimate benefit of the Nation.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

### S. 991

An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I

SEC. 101. The Act of July 3, 1952 (66 Stat. 328), as amended, is hereby further amended to read as follows: "That the Congress in consideration of the Federal responsibility for water resource conservation by means of comprehensive planning, planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial consumptive uses and to improve the quality of saline and other chemically contaminated waters to protect the quality of natural waters.

"SEC. 2. The Secretary of the Interior is authorized and directed to:

"(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses;

"(b) pursue opportunities arising during the course of research and studies authorized by subsection (a) of this section which have potential practical applications unrelated to water treatment in order to advance the work to the stage where such studies and research can be published in an effective form for utilization by others;

"(c) conduct engineering and technical work including the design, construction and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

"(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

"(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: Provided, That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

"Sec. 3. (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

"(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date of this Act, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his selection the Secretary shall consider the following:

"(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis and best suited to provide information on the management problems and economics of such operations;

"(ii) availability of cooperating entities or utilities willing and capable of entering into agreements and contracts providing a market for water and an operating agency for the plants;

"(iii) availability of cooperating entities or utilities willing and capable of entering into agreements and contracts providing an energy source for the plants;

"(iv) the availability of a site and the environmental considerations of an energy source and brine disposal; and

"(v) the need for the development of new water sources in the location.

"(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior and of other Federal agencies as may be applicable to insure that the economic, financial, and engineering analyses of any potential plant and the agreements among participants which may later result will give full consideration to the integration and compatibility of the water production, energy use, and possible energy production of the prototype plant with the water and power systems of the region.

"(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance, which contracts shall detail the purposes for which the assistance is contributed.

"Sec. 4. In carrying out his functions under this Act, the Secretary may:

"(a) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

"(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

"(c) utilize the facilities of Federal scientific laboratories;

"(d) establish and operate necessary facilities and test sites at which to carry on the continuous research, testing, development, and programing necessary to effectuate the purposes of this Act;

"(e) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

"(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliographical data with respect thereto;

"(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development in instances in which the purposes of this Act will be served thereby;

"(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

"(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

"(j) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

"Sec. 5. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

"(b) The Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act.

"(c) The fullest cooperation by and with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies shall also be carried out in the interest of achieving the objectives of this Act.

"(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Governmental expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

"(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

"(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

"Sec. 6. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

"Sec. 7. (a) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization Acts to carry out the provisions of this Act during the fiscal years 1973 to 1977, inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

"(b) The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on—

"(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

"(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the ongoing water resource programs of the Department of the Interior.

"(c) Not more than 2 per centum of the funds to be made available in any fiscal year for research and development under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

"Sec. 8. As used in this Act—

"(a) the term 'Secretary' means the Secretary of the Interior;

"(b) the term 'saline water' includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

"(c) the term 'other chemically contaminated water' refers to waters which contain chemicals susceptible to removal by desalting processes;

"(d) the term 'United States' extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands;

"(e) the term 'pilot plant' means an experimental unit of small size usually less than one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

"(f) the term 'test bed' means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

"(g) the term 'module' means a section or integral portion of a desalting plant which is used initially to study large scale technology and critical design features in preparation for subsequent prototype construction;

"(h) the term 'prototype' means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

"Sec. 9. This Act may be cited as the 'Saline Water Conversion Act of 1971'."

TITLE II

SEC. 201. There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1972 the sum of $27,025,000 to remain available until expended as follows:

(1) Research and development operating expenses, not more than $15,675,000;

(2) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(4) Administration and coordination, not more than $1,540,000.

Expenditures and obligations under any of such items may be increased by not more than 10 per centum, except item (4) which may be increased 2 per centum, if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items.

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate resumed the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I yield myself such time as I might require to call up my amendment to the pending bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

### AMENDMENT NO. 233

Mr. MONDALE. Mr. President, on behalf of Senators CASE, JAVITS, PROXMIRE, and myself, I call up our amendment No. 233 to H.R. 7109, the NASA authorization bill.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is, as follows:

> On page 11, line 2, strike "$672,775,000" and insert in lieu thereof "$555,175,000".
>
> On page 11, beginning with line 24, strike out through page 12, line 10.
>
> At the end of the bill, add the following new section:
>
> "SEC. 9. None of the funds authorized to be appropriated under this Act shall be available for design and development of the space shuttle, for space shuttle facilities, and for studies and design of the space station."

Mr. MONDALE. Mr. President, our amendment would delete $137.6 million from this authorization. Of this amount—

$17.6 million is for preliminary work on a permanent space station;

$100 million is for further development of the space shuttle;

$20 million is for shuttle facilities.

These funds represent merely the tip of an iceberg. For with its proposed shuttle and station, NASA is once again embarking on a multi-billion dollar space extravaganza—which will cost between $20–25 billion over the next decade, and perhaps even more.

If we proceed with this project, NASA's annual budget will be in the $7 billion range by the late 1970's. In contrast, we can have a truly useful and scientifically productive space program by relying on unmanned, instrumented flights. Such a program—according to Dr. James Van Allen and other eminent space scientists—would cost no more than $2–2½ billion per year, and it would not involve the enormous investment required for the shuttle and station.

At the outset, then, it should be clearly understood that there is a great deal more at stake here than the $137 million we seek to delete from this bill. What is really at stake is the question whether we will spend billions over the next several years on a space program of doubtful value; or whether, instead, we will commit ourselves to a far less expensive and a far more useful and scientifically-oriented program which the American taxpayer will support.

Last year, the shuttle and station were presented by NASA as a joint project—the basis of what NASA called a new epoch in manned space flight. The Agency justified the shuttle primarily as a reusable "logistical truck" for carrying men and supplies to a permanent space station in earth orbit.

In our unsuccessful effort to stop this project in 1970, we pointed out that the shuttle/station was the first essential step toward NASA's goal of a manned landing on Mars—a program with an estimated cost of $50 to $100 billion.

Realizing the impact of this argument, NASA claimed that it had no immediate plans for a manned Mars landing. But they continued to insist that the shuttle and station were intimately related and that NASA's objective was development of a manned orbiting station—supplied by a reusable shuttle.

That was last year. This year—in defending its authorization for fiscal year 1972—NASA now argues that the shuttle is no longer related to development of the station and that it can be justified on its own merits.

In a letter of May 28, 1971, to the Senator from New Mexico (Mr. ANDERSON), NASA stated that:

> The space shuttle program does not represent a commitment to a "huge manned space program" . . . The space shuttle can be justified by its potential contributions to programs relying entirely on unmanned spacecraft. Decisions on future manned space programs, such as space stations or further manned exploration of the moon, can and have been decoupled from the decision on the space shuttle.

Thus, in an incredible "about face" over a 1-year period, NASA has completely changed the shuttle's mission and its justification. As one NASA official put it:

> This does present a reversal of priorities. Initially, we thought of the shuttle only in terms of the station; now the shuttle is to the fore alone.

Dale D. Myers, NASA's Associate Administrator for Manned Space Flight, was even more candid in an interview with the National Journal. In the March 13, 1971, issue of that journal, he is quoted as follows:

> It took us some time to face up to the fact that widen open manned exploration of the planets and outer space was just not in the cards after the conclusion of the Apollo—and the the country was not ready to support Apollo-sized space budgets.

But even as this debate begins, NASA is still unsure of the type of shuttle it wants and the purpose of that shuttle. On June 16, 1971, the agency issued a release stating that it was actively examining a "phased approach" to the—

> Development of a reusable space shuttle system in which the orbiter vehicle would be developed first and initially tested with an interim expendable booster.

In short, NASA is now considering deferring a two-stage reusable shuttle in return for a shuttle which is only reusable in part. And they are doing so in order to reduce the enormous budget peaks which will inevitably result from development of the shuttle originally requested by NASA.

It is interesting to note that as NASA moves toward this new type of partly reusable shuttle, it undercuts its own cost arguments on behalf of the shuttle. In testimony before the Senate Committee on Aeronautical and Space Sciences, Secretary of the Air Force Seamans—a supporter of the original shuttle—stated:

> Present plans call for both the booster and orbiter stages of the shuttle to be recoverable and hence reusable. If we do not recover both stages, it's hard for me to see how the cost can be kept down.

Regardless of the merits of this new shuttle, one clear fact emerges from this pattern of shifting justifications and changing designs: NASA desperately wants this multi-billion dollar shuttle project, and will seek any plausible purpose to justify its development. In its June 16, 1971 release, the agency revealed that it was still groping for a program to fit the shuttle. The release concluded that—

> We believe that the additional studies we are now undertaking, together with those previously undertaken and now being completed, will put us in a position to make a decision this fall on the technical and programmatic approach to be followed in the Space Shuttle program.

What we see, then, is a classic case of a program and agency in search of a mission. Instead of the normal process of presenting a clear and consistent justification for a program—and then seeking to fund it—NASA wants to continue this project on a "fund now, justify later" basis.

Indeed, what we see today is an agency predominantly involved in the Moon-Apollo program, which is now coming to a close, frantically seeking to develop a new space extravaganza at a multi-billion-dollar price tag in order to substitute for the discontinuance of the Apollo program.

We are not being asked to spend billions to meet real and pressing needs. Rather, we are being asked to support a multibillion-dollar effort which NASA believes is essential to its future.

The National Journal, in an objective article on the shuttle controversy, stated what many believe to be the real motivation behind NASA's drive to build the shuttle:

> "NASA has no alternative," the article observed, "to development of the shuttle if the space program is to remain well-funded and if the agency is to remain an important one."

One thing is certain: If the shuttle's development proceeds, NASA will not only remain well funded; it will return to and even exceed the enormous budgets of the peak Apollo years.

The development costs alone of this program are staggering. Estimates of these costs have drastically increased over the past several years.

In September 1969, the space task group report estimated the shuttle's development cost at $5.2 billion. In 1970, NASA estimated $7 billion for development of the shuttle.

This year, the Agency is not so optimistic. In part, NASA is trapped by the findings of its own outside studies—the same studies on which it depends to justify the shuttle. One such study by the Aerospace Corporation, estimated a $9.3 billion shuttle development cost. And the mathematica study—on which NASA most heavily relies—recently estimated a $12.8 billion cost for development of the shuttle and initial fleet investment.

According to an independent evaluation by the Rand Corp.—expressed in a letter of May 31, 1971, to Senator ANDERSON—the costs of developing and testing the shuttle now total $11.35 billion.

From these various estimates, the shuttle's development costs now fall in the $9–12 billion range. And even if you assume the lowest possible estimate of $9.3 billion, this is an increase of over $2 billion from last year's NASA estimate of $7 billion.

There is every reason to believe that these estimates will escalate as the program proceeds. Congressman KARTH of Minnesota—one of our leading experts on the space program—recently warned NASA and the aerospace industry of the importance of holding down the shuttle's costs:

> "The present estimates of [the shuttle's] development costs," he said, "are somewhere between $12 and $14 billion. Now! Today! . . . So, if NASA's planning estimates are now approaching 12–13 billion dollars as are those of the Aerospace Corporation and Mathematica, and if the experience supported by the GAO report on major DOD systems is contagious, we could be talking about a 15–20 billion dollar figure I mentioned as a possibility out of sheer theory and some ignorance 12 months ago.
>
> "I would predict that the politics—if not the economics—will not justify a 20 billion dollar figure, or one even approaching that amount! The realities of those kinds of figures means that during the heavy budgetary development years of FY 74, 75, 76, and 77, we would need to authorize and appropriate annually between 3 and 4 billion dollars for the shuttle alone."

Even if NASA could keep these development costs at the lowest possible level, the annual budget requests for shuttle development will rise sharply beginning in fiscal year 1973. According to a $9 billion shuttle development estimate, NASA projects the following budget requests: $465 million in fiscal year 1973; $1.365 billion in fiscal year 1974; $1.560 billion in fiscal year 1975; $1.770 billion in fiscal year 1976; $1.805 billion in fiscal year 1977; and $1.755 billion in fiscal year 1978.

By the late 1970's, then, NASA's annual budget will be in the $7 billion range. Thus, NASA's own projected budget requests provide the best evidence of the magnitude of the commitment entailed in approving this year's authorization.

Yet NASA maintains—as it did last year—that they are "not presently at a decision point for commitment to shuttle development and the fiscal year 1972 budget request does not involve such a commitment." This claim is made despite the fact that of the $100 million authorized for shuttle development in this bill, $58 million is allocated for development of the shuttle's main engine.

We therefore will be authorizing the building of an engine for a project which NASA insists does not yet involve a Congressional commitment.

And if we continue to approve these authorizations, without fully considering the enormous budgetary implications, we will soon be told that it is too late to stop this project—too late because of the funds already invested.

At the very least, we must ask why this massive commitment of funds is required. For it is clear that without the shuttle, we can continue to launch both manned and unmanned payloads with conventional boosters.

According to NASA, the shuttle will eventually save us a great deal of money. NASA repeatedly claims:

> Its primary objective is to effect a significant reduction in the cost of space transportation.

On many occasions, NASA argues that the shuttle will reduce the cost per pound of payload in orbit by a factor of 10. Associate Administrator Myers has started that:

> The significant impact of the shuttle on payload costs is clearly demonstrated when launch cost as low as $75 per pound of payload for the shuttle is compared to $800 per pound for the Saturn V and $900 per pound for the Titan-3C.

Yet, when pressed on this analysis, NASA admits that these savings do not include the amortization of the billions required to develop the shuttle; rather the savings result from NASA's calculations of the cost of an operation once the shuttle is developed.

But even after the shuttle is developed, it has been estimated that it will cost several hundred million dollars to procure each shuttle—and these procurement costs are likely to increase.

On the other hand, the launch vehicles to be replaced by the shuttle cost from $3.5 million to $20 million for each vehicle. Given the extremely high development and procurement costs of the shuttle, the alleged savings from shuttle use will occur only if the scope of U.S. space activities is greatly expanded in future years.

The one study on the economics of the shuttle which was not contracted and paid for by NASA found that the shuttle cannot be justified on cost grounds.

An October 1970, Rand Corporation report for the Air Force—RM-6244-1-PR—concluded that the shuttle's development is not easy to justify.

Mr. President, I ask unanimous consent that the Rand Report be inserted at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### THE SPACE SHUTTLE AS AN ELEMENT IN THE NATIONAL SPACE PROGRAM

(By R. D. Shaver, D. J. Dreyfuss, W. D. Gosch and G. S. Levenson)

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#### PREFACE

In September 1969, the President's Space Task Group recommended that the Department of Defense and the National Aeronautics and Space Administration jointly develop a low-operating-cost space transportation system (STS), the principal element of which would be a two-stage, fully reusable, low-operating-cost earth-to-space shuttle. Although a space shuttle may make the transportation of men and materials into space more efficient, and may also reduce the cost per pound of payload in orbit, compared with present booster systems, many important questions remain unanswered:

1. What levels of space traffic are necessary to justify economically the development of a shuttle?
2. What should the size and operating characteristics of the shuttle be?
3. When should development start?
4. How would the shuttle help the Air Force and NASA realize their respective goals?
5. How will technological obsolescence affect operations, in view of the expected 20-year (or longer) operational lifetime of the STS?

This Memorandum concentrates on questions of economic justification and potential STS funding problems. It is believed that the economic issues discussed here will have important implications for future Air Force actions on the STS and on possible alternative booster programs.

This is an interim report of an STS study that is presently under way at Rand. Additional results will be published when the study is completed.

This Memorandum is an updated version of RM-6244-PR, which was published in April 1970. The original report was based on research completed in January 1970, before the fiscal 1971 budget was announced. Changes and modifications in the mission models and system concepts have occurred since the original report was prepared; the more significant of these have been incorporated in this revision. These changes, however, do not affect the basic conclusions of the original report. Neither the original nor this updated version reflect the more recent changes in the DOD and NASA space budgets.

A talk based on the text of the original report was presented at the AIAA Advanced Space Transportation Meeting in Cocoa Beach, Florida, on February 5, 1970.

### SUMMARY

The concept of a two-stage, fully reusable launch vehicle that can place a 50,000-lb payload into low earth orbit is currently being studied by the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) for possible inclusion in a future space transportation system. Although such a vehicle has been recommended for development by the President's Space Task Group (STG), that development is not easy to justify. Based on traffic rates derived from conservative options in the STG and DOD space plans, this space shuttle, with an estimated RDT&E[1] cost of almost $9 billion, could show a net (undiscounted) transportation cost saving of $2.8 billion by 1990. However, shuttle development would require a peak civilian space budget in excess of $7.0 billion in 1975, about double the present level. Other annual funding levels, while not as large as the peak levels, still exceed current budgets by significant amounts. Alternative space plans might be adopted that would alleviate budget peaks by slipping various elements in the basic space plan (e.g., reduce shuttle operations), but none of those examined in this study resulted in savings in space transportation costs sufficient to compensate for the space shuttle's RDT&E and investment costs through 1990. Also, while a saving of $2.8 billion seems large, total NASA program costs for a variety of plans range from about $75 billion to about $140 billion (1975 to 1990), and any program uncertainties could cancel these savings or make them appear small by the time they are predicted to be realized.

Some transportation cost savings might be augmented by redesigning satellites to use the excess payload potential of the shuttle, by employing the shuttle to recover and reuse satellites, or by using the shuttle for satellite maintenance in orbit. Very preliminary estimates have shown cost savings directly attributable to satellite redesign to be between $150 million and $200 million per year. These savings could strengthen the economic rationale for the shuttle.

While primary emphasis has been placed on a shuttle with a 50,000-lb payload capability, preliminary cost estimates indicate that there is little difference in total space transportation costs through 1990 for design payload weights as low as 25,000 lb, as long as the cargo-bay volume remains at 15-ft diameter and 60-ft length. Furthermore, the funding peaks in the civilian space budget would not be reduced markedly by designing the space shuttle for a smaller payload weight. At the same time, considerations such as flexibility in satisfying unanticipated future requirements and the ability to realize promised satellite cost savings argue for the larger shuttle.

It appears that estimated costs for individual designs of generic shuttles having a given payload capability would not vary significantly, using presently available cost-estimating techniques. Also, the total space funding requirements over the next 20 years are not significantly different for plans that use the shuttle for space transportation and those that accomplish the same missions without the shuttle. All of these results indicate that criteria other than cost should be used to evaluate the desirability of the space transportation system.

### I. INTRODUCTION

Despite the recommendations of the President's Space Task Group (STG) for expeditious development of an earth-to-orbit shuttle system, (1) and the strong support of various governmental agencies for such program, (2–4) the prospects for an operational space shuttle before 1980 are not bright. The long-range attractiveness of a low-recurring-cost reusable space transportation system (STS) whose prime element is the shuttle is widely acknowledged—many feel that such a system will be necessary to exploit the full potential of space. Nevertheless, the appropriateness of and justification for immediate shuttle development are being challenged on two principal grounds: (1) the development risks are too high, and (2) national funding priorities presently exclude a space program sufficiently large to warrant shuttle development. (5) Others question the depth and completeness of the favorable analyses advocating this development. (6)

We need not repeat the criticisms of shuttle development here. Instead, by reviewing the case for shuttle development, we shall illuminate some potential trouble areas. Since the most persuasive case for the shuttle derives from its supposed economic advantages, the bulk of our remarks will deal with funding of space programs and the effects of shuttle developments and operation.

The STG, the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), the President's Scientific Advisory Council (PSAC), and many engineering and scientific organization and societies, e.g., the AIAA (7) have all identified the shuttle as an important element in a future national space program. In the time period since these reports were made public, support for their proposals within the administration and the Congress has not mounted noticeably, and both the administration and the Congress are now deeply immersed in reducing "nonessential" government spending. Space programs are particularly visible targets for cost reduction, and those that lack solid scientific worth or are unduly expensive are certain to be questioned. Still, strong pressures for maintaining current U.S. preeminence in manned space flight remain; many feel that Congress would act favorably on a modest proposal to support a civilian space program, possibly at a dollar level somewhat less than one-half of one percent of the GNP per year, on the grounds that it would help basic scientific research, maintain a viable national technology base, contribute to national security, and build national pride and prestige.[2] Assuming the existence of a modestly funded manned-space-flight program, it remains to be determined whether a shuttle system should be developed to support this program.

### II. IS THE SHUTTLE ECONOMICALLY ATTRACTIVE?

Could the RDT&E[3] costs of the shuttle be recovered within an acceptably short period of time? To address this question completely, the analyst must consider (1) estimated space traffic rates (hence, national space plans), (2) shuttle design (size, configuration, etc.), and (3) the availability of the requisite technology. This Memorandum will not address questions about technology or their relevance to the desirability and philosophy of shuttle development;[4] nor do we treat the important questions of which shuttle design or configuration is the most attractive. Further, we have restricted our attention to new two-stage launch vehicles that are fully reusable, $LOX–LH_2$ rocket-propelled, and have vertical-takeoff and horizontal land-landing capability, automatic self-checkout, and other desirable features that make routine shuttle launch and recovery operations conform more nearly to aircraft-like operations than to current launch-vehicle procedures. Our primary consideration is a shuttle having a 50,000-lb. payload capacity and a 10,000-cu ft cargo bay; secondary consideration is given to shuttles having a cargo bay of the same volume but smaller design payloads.[5]

To estimate space traffic rates, we have used the STG National Space Plan Option III and DOD Space Plan B, a modest military space plan that emphasizes current, well-defined military support missions.(1) Because of the generally conservative traffic-rate estimates implied by these plans, this is a more severe test of the economic justification of the shuttle than would result from using the more ambitious plans found in the STG report.

For simplicity, in this study the shuttle will be regarded as economically desirable if after a specified period the total savings over other methods for accomplishing the same total effort exceed the costs of the shuttle's RDT&E and investment. (This very narrow definition will be expanded later.) Obviously, the total number of shuttle launches required during that period importantly affects the shuttle's desirability; heavy traffic favors the shuttle concept, while light traffic favors the use of current or new expendable launch systems. In estimating traffic rates from the various space programs defined by the STG and DOD, care must be taken to determine which payloads (and how many) can fit in the shuttle's cargo bay and how many launches are needed to support the various military, unmanned civilian, and manned NASA programs (scheduled crew rotations, space-station logistics, in-orbit propellant-transfer demands, etc.).

Given our tentative launch-traffic estimates (both DOD and NASA launches), an estimated cost for shuttle RDT&E plus facilities of $9.0 billion, an assumed 100-flight useful lifetime, and a two-week-shuttle turnaround time, the money recovered by the shuttle would exceed its cost after about 11 years of operation (late in 1987).[6] The annual launch cost savings in the mid- and late 1980s would often exceed $1 billion per year. Ignoring other factors, our estimated traffic rates (about 60 launches per year in the mid-1980s) seem to justify initiation of shuttle development.[7] However, neither NASA nor DOD alone would have sufficient space traffic by 1990 to warrant separate shuttle developments.

The estimates of the shuttle's useful lifetime and its turnaround time were taken directly from the STG report. (1) Together, those estimates largely determine the total number of vehicles to be purchased over a specified time and therefore strongly influence conclusions about shuttle desirability. We have estimated a requirement for 10 shuttles (exclusive of the three vehicles required for test and evaluation) through 1990 to support the basic space plan. Were the vehicles never to crash, wear out, or become too obsolete to use, the space plan could be supported with only three shuttles, saving $3.3 billion in investment. Similarly, if turnaround times were doubled (four weeks rather than two), we would have to add three more vehicles, at an incremental cost of $1.3 billion. If the shuttle's useful lifetime was halved (50 flights rather than 100), six additional vehicles would be required, at a cost of $2.45 billion. The final decision to develop a fully reusable shuttle must, of course, reflect much more than a simple cost summary. For example, the space plan used to generate a traffic model should be analyzed carefully, since the average yearly expenditure required for it is larger than the current (and declining) space budget, and the amount by which its peak funding exceeds current funding levels is substantial. This latter peak, occurring as early as 1975, is particularly troublesome as it is caused primarily by the shuttle's development schedule. These points are discussed in more detail later in this Memorandum.

As well as we can estimate at this time,[8] the civilian space plan proposed by the STG cannot be implemented if the NASA budget is limited to $4 billion, or even $5 billion, per year (see the Appendix for a brief description of the major hardware items and their estimated costs). Excluding all consideration of a manned flight to Mars, a follow-on manned lunar exploration program, and a 50-man orbital space base, the joint fund-

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Footnotes at end of article.

ing of the shuttle and an earth-orbital space station could lead to a NASA budget in excess of $7 billion in 1975.[9]

Slippage of the shuttle's initial operational capability (IOC) date past that of the space station would help reduce these funding peaks. At the same time, such delays could seriously perturb current space planning.

Other hardware would have to be modified or developed to support crew rotations to and from the space station. If new expendable boosters were developed and the Apollo Spacecraft modified, this hardware would then tend to encourage further delay in the shuttle's development schedule by weakening the uncertain case concerning the shuttle's economic advantages. Not only would there be a desire to exploit the new expendable boosters at least to the point of recovering their development costs (savings over current launch hardware), but also the existence of a new, cheaper-than-current launch system would increase the shuttle's break-even level of launching traffic, hence moving the break-even point further into the already uncertain future. Previous justifications for rapid shuttle development have hinged explicitly upon acceptance of the STG space plans, and hence on a large space funding peak in the mid-1970s. Thus, the case for shuttle development is still open.

If the shuttle is desirable economically but may not be funded because of annual budget limitations, then it is important to extend the analysis to include alternative space plans that may be more acceptable from a funding standpoint and to reassess shuttle cost benefits for these new plans.

### III. IS THE SHUTTLE ECONOMICALLY DESIRABLE, GIVEN ALTERNATIVE SPACE PLANS?

To generate alternative space plans that still attempt to satisfy the objectives for U.S. activities in space described by the STG, we have modified the basic STG Option III by delaying, stretching, or eliminating various program elements in the basic plan (which we shall call Plan 1). These modifications suggest seven alternative plans (see Table 1): Plans 2, 3, and 4 aim at reducing NASA's mid-1970s funding problems, and Plans 5 through 8 represent attempts to reduce the overall space budget level by eliminating the lunar exploration program. Some plans achieve both goals, but only at the cost of decreasing the scope of the national space program. None are recommended as replacements for those in the STAG report; rather they serve as comparisons for the purposes of our analysis.

TABLE 1.—ALTERNATIVE SPACE PLANS, IOC DATES FOR MAJOR PROGRAM ELEMENTS

| Program element | IOC date | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Plan 1 | Plan 2 | Plan 3 | Plan 4 | Plan 5 | Plan 6 | Plan 7 | Plan 8 |
| Space station | 1977 | 1977 | 1981 | 1981 | 1977 | 1977 | 1981 | 1981 |
| Space base | 1984 | 1985 | 1987 | 1987 | 1984 | 1985 | 1987 | 1987 |
| Lunar station | 1981 | 1983 | 1983 | 1983 | (1) | (1) | (1) | (1) |
| Lunar base | 1983 | 1985 | 1985 | 1985 | (1) | (1) | (1) | (1) |
| Shuttle | 1977 | 1982 | 1977 | 1981 | 1977 | 1982 | 1977 | 1981 |
| Nuclear ferry | 1981 | 1983 | 1983 | 1983 | (1) | (1) | (1) | (1) |
| Lunar tug | 1983 | 1985 | 1985 | 1985 | (1) | (1) | (1) | (1) |

[1] Program eliminated.

In examining these alternatives, we shall focus on several closely related issues regarding the shuttle and its development:

1. At what level of the annual nonmilitary space budget is a space shuttle economically advantageous?

2. Should the shuttle and a space station be developed simultaneously, and if not, which should be given priority?

3. If the shuttle's IOC is delayed into the 1980s, how are the current civilian and military space plans affected? And should a new expendable launch vehicle be developed in the interim?

The remainder of this Memorandum will be concerned primarily with the first issue; the others are touched on only in passing. We have subdivided the alternative space plans into five interrelated programs:

1. A manned earth-orbital program consisting of a 12-man space station that grows to a 50-man base and scientific and experimental modules located near the station; the cost of supporting the station is included (along with the transportation costs).

2. A manned lunar exploration program consisting of a 6-man orbiting lunar station, a 6-man permanent lunar base, scientific modules for both the station and the base, and hardware to construct the lunar base; the transportation costs are included.

3. A program containing all the elements of the STS, including their RDT&E costs, investment costs, and support costs.

4. A residual program including all other (unmanned) civilian programs and overhead costs.

5. A military space program.

Table 2 lists the major elements of these programs and the Plan 1 schedules for each.

TABLE 2.—PLAN 1 SCHEDULE FOR PROGRAM-ELEMENT PROCUREMENT AND YEARLY SHUTTLE FLIGHTS

| Item | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of items to be procured | | | | | | | | | | | | | |
| Manned earth-orbital program: | | | | | | | | | | | | | | |
| Living module | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Working module | 1 | 0 | 0 | 0 | 1 | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nuclear-power module | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manned lunar program: | | | | | | | | | | | | | | |
| Lunar-station module | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lunar base | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| STS program: | | | | | | | | | | | | | | |
| Shuttle | 2 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 1 |
| Nuclear ferry | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 |
| Lunar tug | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| Saturn V | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 2 | 0 | 2 | 0 | 2 | 0 | 2 |
| Saturn V (downrated) | 1 | 0 | 0 | 1 | 3 | 0 | 5 | 1 | 1 | 0 | 0 | 1 | 0 | 1 |
| Orbital fuel depot | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of shuttle flights | | | | | | | | | | | | | |
| NASA | 14 | 9 | 10 | 12 | 36 | 34 | 42 | 41 | 39 | 40 | 39 | 39 | 46 | 46 |
| Military | 27 | 22 | 24 | 22 | 17 | 20 | 20 | 17 | 17 | 20 | 20 | 20 | 20 | 20 |

The breakdown in year-to-year total obligational authority (TOA) for the various programs is shown in Fig. 1 [not printed in the RECORD]. Costs for all of the unmanned portions of the basic space plan are taken directly from Refs. 1 and 3. We shall not vary these costs as we examine alternative plans, except as necessary because of changes in the STS, on the assumption that neither the scientific nor military programs will depend explicitly on the existence of the shuttle but will be funded on their own merits. We have arbitrarily placed the shuttle's entire RDT&E and investment costs under NASA's budget. This, of course, accentuates NASA's budget problems while lessening those of the DOD.[10]

The previously mentioned NASA funding peak in 1975 is evident in Fig. 1, as is a somewhat lesser peak in 1981 (due to preparations for the lunar program and the space base). The cumulative space-plan costs through 1990 are estimated to be $141 billion, an average of $7.0 billion per year (an average NASA budget of $4.9 billion per year). Figure 2 compares annual NASA costs for Plans 1 through 4 (those plans that include a lunar program). The attempts to reduce the funding peak in the mid-1970s by delaying various program elements are seen to be effective, although a peak occurs between 1980 and 1982 for Plans 2 and 4 because of concurrent shuttle and lunar-program developments. Plan 3, in which the space station is delayed but not the shuttle, does not result in as great a decrease in the 1975 peak as do Plans 2 or 4, but it has no sharp peak in the early 1980s. The total costs of each space plan are shown in Table 3. The differences among the totals seem small.

TABLE 3.—TOTAL COSTS THROUGH 1990 FOR PLANS 1 THROUGH 4

| | Cost (billions) | |
|---|---|---|
| | NASA | NASA plus military |
| Plan: | | |
| 1 | $97.6 | $141.4 |
| 2 | 97.4 | 142.7 |
| 3 | 94.6 | 138.4 |
| 4 | 94.9 | 139.0 |

Figure 3 shows comparative year-by-year costs for Plans 5 through 8. (These plans are, in essence, Plans 1 through 4 without a lunar-program component.) The cost trends noted for Plans 1 through 4 also occur in these four plans, except that peaks caused by the lunar program in the early 1980s are

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Footnotes at end of article.

reduced. The total cumulative costs are less than those for plans 1 through 4, as shown in Table 4.

TABLE 4.—TOTAL COSTS THROUGH 1990 FOR PLANS 5 THROUGH 8

| | Cost (billions) | |
|---|---|---|
| | NASA | NASA plus military |
| Plan: | | |
| 5 | $80.4 | $124.2 |
| 6 | 81.4 | 126.7 |
| 7 | 78.3 | 122.1 |
| 8 | 77.9 | 123.0 |

It is possible to consider each of these eight alternative plans without a shuttle, replacing it with Titan III and Saturn V derivatives and modified Apollo hardware where necessary. Ignoring the effects on space planning arising from funding considerations,[11] we have examined the cost differences that would result from removal of the shuttle in each plan. Figure 4 shows the cumulative savings or cost increases caused by development and use of the 50,000-lb-payload shuttle for each plan. In only the base case, Plan 1, does the shuttle demonstrate a net monetary gain by 1990, and even under this plan, the savings seem to be marginal. Unanticipated increases in the shuttle's RDT&E or operating costs would quickly deplete any savings indicated, and because of the basic uncertainty in our cost estimates, such increases cannot be ruled out.

If the entire STS were to be abandoned (i.e., the shuttle, the nuclear ferry, the lunar tug, the orbital fuel depots, and the orbit-to-orbit chemical shuttle for synchronous-orbit flights), the total costs to accommodate the projected space traffic through 1990, using the basic space plan, would be increased by $3 billion over the costs that would result if only the shuttle were abandoned. Since this cost differential appears after an operational lifetime of less than 10 years for the lunar-specific elements, a lunar program using existing hardware (modified as necessary) seems inefficient, i.e., the nuclear ferry is a worthwhile investment compared to employing existing hardware.

Even though there are apparent large differences in pace among Plans 1 through 4, their total costs through 1990 are nearly identical. Delaying various program elements within the plans does not produce sharp decline in total expenditures; such delays only vary the years in which these expenditures occur. Clearly, different plans are not equivalent in their effects on U.S. manned-space-flight activities. Delaying the space station would affect many aspects of these activities; similarly, delaying the shuttle's IOC date past that of the space station would increase costs for both NASA (about $300 million per year for support of the 12-man station) and the DOD (about $150 million per year). We urge further study of the tradeoffs between funding-peak problems associated with concurrent shuttle and space-station development, the loss to U.S. manned-space-flight activities associated with funding the shuttle first, and the added yearly cost penalty (to both NASA and DOD) associated with giving priority funding to the space station.

### IV. WHAT IS A GOOD SIZE FOR THE SHUTTLE?

There continue to appear in the literature discussions about shuttle size and selection. Protagonists for shuttles smaller than that recommended in the STG report argue that the decreased capability per launch would be compensated for by the decreased cost of development and procurement, and in addition might lessen development risks. We will test this assertion for shuttles sized to carry payloads between 25,000 and 50,000 lb by estimating their RDT&E, investment, and launch-operations costs through 1990.

The estimated RDT&E costs for a space-shuttle development program are shown in Fig. 5 as a function of design payload for a constant cargo-bay volume of 10,000 cu. ft.[12] The costs do not vary directly with design payload; only modest RDT&E cost savings result from a large pay-load reduction. Total space-program transportation costs (through 1990) for Plan 1 (which includes the lunar program) and Plan 5 (no lunar program) are shown in Fig. 6 for space shuttles with design payloads of 25,000, 40,000, and 50,000 lb. Included in these costs are RDT&E, investment, and operational costs of an orbit-to-orbit shuttle.[13]

Several cost factors interact to make total transportation costs insensitive to design payload; (1) RDT&E costs decrease only slightly with decreasing design payload weight at a fixed payload volume; (2) reducing the design payload increases the number of shuttle flights for those missions the shuttle can support, thus increasing both operational and investment cost per mission; (3) smaller-payload shuttles cannot support all the project missions, forcing the use of expendable launch vehicles for some payloads; and (4) the orbit-to-orbit shuttle frequently cannot be recovered as shuttle design payloads are decreased, so an increasing number of orbit-to-orbit shuttles must be expended rather than recovered and reused. These cost advantages and disadvantages tend to cancel each other for the range of design payloads considered. Thus total cost provides little basis on which to choose between different shuttle sizes.

Several other factors influence the selection of a size of a shuttle. These include (1) annual funding problems; (2) future mission-model uncertainties; (3) obsolescence; and (4) uncertainties in current cost estimates. Although we have touched only on the first of these factors (and we note that the annual funding peaks for a 25,000-lb payload shuttle would be nearly as great as those shown earlier for a 50,000-lb design), the other considerations would appear, on balance, to favor larger shuttles.

### V. WILL SATELLITE COST SAVINGS JUSTIFY THE SHUTTLE?

Transportation cost savings are not the only benefits promised by the shuttle development. It is often asserted that the availability of a low-cost earth-orbital STS will produce significant savings in total space-system costs, over and above those directly associated with launch vehicles. Satellite R&D and hardware costs could probably be substantially reduced if satellites did not have to be designed to an irreducible minimum weight but could take advantage of the excess shuttle payload capacity. Recovery and reuse of satellites might pay a handsome cost dividend for certain satellite systems, while in-orbit maintenance might save money for others. The magnitude of these additional savings is often implied to be great, or at least sufficient to erase any nagging doubts about the desirability of the shuttle, but it has remained unquantified. Such savings are difficult to measure but bounds can be crudely estimated.

In seeking an upper bound to payload cost savings, we ask, "How much money, in theory, is invested in satellite programs whose cost will be affected by the existence of a low-launch-cost shuttle, and what fraction of this investment can be recovered by changes in satellite design or system operation?" In practice, only a moderate portion of the entire space budget will be influenced by the development of the shuttle (ignoring launch costs and procedures). Some space programs, particularly those involving manned space flight, are already designed to take advantage of the shuttle. Other missions, such as placing hydrogen fuel in orbit for nuclear ferry flights to the moon, are simply not subject to cost-benefit tradeoffs. Still, many unmanned satellites, mainly military, mostly modest in volume and weight, are theoretically subject to design or operational changes resulting from reduced launch and recovery costs per payload. For the military and civilian space programs mentioned above, which might be benefited by the shuttle, we have tentatively estimated the total costs to be between $1.5 billion and $2.0 billion per year.

Were all these costs recoverable, or nearly recoverable, the shuttle would quickly pay for its R&D costs, and few would question its worth. However, ignoring satellite recovery and reuse, the savings resulting from redesigning satellites are likely to be less than the reductions in launch costs,[14] which we estimate to be between $300 million and $400 million per year. Assuming that each shuttle flight costs on the average only one-tenth as much as a current launch operation, we estimate total satellite cost savings of between $150 million and $200 million per year. These savings are not negligible; nor are they stupendous. Figure 7 shows the sum of transportation and satellite cost savings for Plans 1, 4, and 5, using the lower of these two bounds.

Potential satellite cost savings do affect shuttle selection and the development schedule. Smaller shuttles offer less potential than large shuttles for realizing satellite-redesign cost savings. In fact, many future payloads that require synchronous orbits already approach the equivalent of a 25,000-lb low-earth-orbit requirement; thus the possibility of satellite redesign being affected by the lower launch costs of a smaller shuttle is already doubtful. Also, most satellite systems involved are likely to be funded, whether or not a shuttle is developed. Thus programs calling for early shuttle development are favored.

We have said little about potential cost savings arising from recovery, reuse, or in-orbit maintenance of satellites. Such savings probably affect a smaller percentage of the total budget than do those from satellite redesign, but a higher fraction of the former may be actually recoverable. No inclusive estimates of cost savings from satellite recovery, reuse, and in-orbit maintenance exist, but is an order-of-magnitude estimate, we place them at about equal to those from satellite redesign. We also note that the two satellite cost savings are not directly additive. The same satellite systems are involved in both, and the two options are competitive methods for reducing system costs.

### IV. OTHER CONSIDERATIONS

If neither total transportation cost savings nor total satellite cost savings are sufficient to justify the shuttle's large RDT&E expense, it is still possible that other attributes of the shuttle might trip the decision in favor of it. (11) Most of these attributes involve convenience of operation or an enhanced use of space. We shall not discuss convenience here; however, arguments about the increased use of space imply a major impact on the space program and deserve further consideration.

It seems inevitable that low-cost transportation to earth orbit will open up space to an extent that cannot be fully anticipated. If space transportation resembles other transportation systems, in effect, the impact of low-cost space transportation may be difficult to overestimate. But how low does this cost have to be for space to be fully exploitable? Surely, space transportation systems have a long way to go before they will be available to the general public. Tourism, for example, would require that recurring costs be reduced by at least an order of magnitude below those attributed to the shuttle. (12) Moreover, it does not seem likely that commercial enterpreneurs will become involved in space in the next 20 years, al-

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Footnotes at end of article.

though there is some disagreement on this point. (13)

What, then, are the space activities that present shuttle designs are supposed to engender? Probably not scientific missions. Some space-exploitation missions, e.g., communications or navigation, might be created, but the biggest impact of the shuttle will probably be in the military domain. Military missions that have unique capabilities when performed from space have already been identified and, where justified, acted upon. There are other missions, however that have ground-based competitors, and the cost-effectiveness of these missions will undoubtedly be sensitive to launch-vehicle costs.[15]

Some space systems that lack ground-based counterparts have not received serious consideration for funding simply because they are too expensive. Some of these programs (usually experimental feasibility investigations) would clearly benefit from low-cost transportation. As has been true in many similar nonspace enterprises, promising but nonessential programs might be funded if they were inexpensive, in the hope that the additional expenditures would produce a useful system. The ultimate worth of untried programs is impossible to estimate; only direct experience is likely to help.

This brief discussion by no means settles the question of whether or not new mission potentials justify a shuttle development. Some new space programs would likely be funded once a shuttle became operational, and no doubt, some of these would turn out to be very worthwhile. To attempt to justify the shuttle on this basis would, however, be risky—a gamble on an uncertain future.

## VII. OBSERVATIONS AND CONCLUSIONS

The space shuttle promises many future advantages, including cost savings, if the STG schedule for an orbiting space station, space base, and lunar programs can be implemented. However, serious funding difficulties exist that may force rescheduling of the STG programs, in which case near-term development of the currently proposed two-stage fully reusable shuttle may or may not be desirable. Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

Our studies to date have produced these tentative observations:

1. Cost considerations provide little basis for selecting an optimum shuttle size; on the other hand, flexibility in meeting unanticipated launch requirements, potential for satellite cost savings, and growth potential favor a larger rather than a smaller shuttle.

2. Cumulated over a time period of 20 years, the differences between total space funding requirements for shuttle-supported and no-shuttle plans are insignificant. This may suggest that cost criteria should be regarded as secondary in the evaluation of shuttle desirability.

3. The STG schedules calling for shuttle IOC by 1977 should be studied further. Such an IOC date at once raises two concerns: Is present technology adequate to plan on only a five-year R&D and procurement program (from 1972 to 1977)? And could adequate funding be obtained to support such a program within so short a time span, while the program itself remains subject to question?

4. Shuttle system appears most advantageous with an early IOC date and heavy expected space traffic. However, early IOC dates cause large, near-term funding peaks. While these peaks can in some measure be reduced through judicious rescheduling of the various space-program elements, the amount of early funding required and the need for immediate program start are still formidable problems. Furthermore, any significant delay in the shuttle's IOC date will seriously reduce whatever economic advantage the shuttle has over competing, nonreusable systems.

Finally, it may be that the proper way to take a longer view of a new STS is to consider it as the first in a long line of reusable launch systems, leading eventually to a truly low-cost, high-utility system. It is possible that within 50 years, space will be frequented by vacationers, tourists, and industrial, manufacturing concerns, as a result of launch systems descended from the first reusable shuttle. At some time the urge to start toward that goal will be great enough to warrant the development of a reusable space transportation system. The principal question is whether that time is now.

## APPENDIX—HARDWARE DESCRIPTION

To compare the budgets of the proposed alternative space plans over the next 20 years, it is necessary to consider the costs of the various hardware items required in each plan. The items considered are *representative* of the types that would be required but are not necessarily those currently being studied by NASA, nor are they necessarily the elements that NASA would actually procure for a given plan. General descriptions of the major hardware items and their development and production costs are given below.

### *Space shuttle*

The space shuttle represents a unique type of vehicle. There are no previous historical data upon which its development and production costs can be based; therefore, analogs of current hardware cost data and estimating relationships have been applied.

Assumptions about applicable estimating relationships have been made by breaking the space shuttle into appropriate components for which there are available data. The major-component breakdown and the relevant data base are as follows:

1. Structure: high-speed aircraft.

2. Propulsion: Liquid-rocket and turbojet engines.

3. Subsystems: manned-spacecraft components, primarily non-structural, such as avionics, environmental control systems (ECS), electrical power, etc.

4. Thermal protection: high-temperature materials.

The gross weight and estimated costs of the 50,000- and 25,000-lb.-payload shuttles are given in Table A-1. Estimated costs for the 40,000-lb.-payload shuttle were obtained by interpolation between the 25,000- and 50,000-lb.-payload shuttles.

TABLE A-I.—ESTIMATED COSTS FOR VARYING PAYLOAD CAPABILITY

[In millions of dollars]

| Payload (lb.) (polar launch) | R.D.T. & E. | Facilities | First unit [1] | Launch operations [2] | |
|---|---|---|---|---|---|
| | | | | Fixed | Recurring |
| 50,000 | 8,735 | 250 | 436 | 1.0 | 2.52 |
| 40,000 | 8,100 | 250 | 385 | 1.0 | 2.22 |
| 25,000 | 7,400 | 250 | 342 | 0.9 | 1.97 |

[1] First-unit costs are following ground-and flight-test articles. These costs include spares and AGE at 30 percent. Other numbers of units can be estimated by using a 95 percent cumulative-average log-linear learning curve.

[2] The fixed launch-operations costs include propellant, launch control and recovery, program integration, command and control facility, equipment maintenance, etc. First-flight recurring costs are based on 0.75 percent of first-unit shuttle costs less spares and AGE for refurbishment, and were arbitrarily selected to follow a 90 percent cumulative-average log-linear learning curve.

### *Space station and base*

We have assumed that the space station and base would be built from common modules that would require the development of only three unique modular forms. The complete 50-man base would consist of the following modules: maneuvering, zero-g, artificial g, nuclear power, hub, hangar, warehouse, hospital, living quarters, and assorted booms and fairings.

The core, zero-g, warehouse, hospital, and living-quarters modules have been assumed, for the most part, to be common and have been designated the A Module, for estimating purposes. The hub and hangar modules have been assumed common and designated the B Module. The third module, the nuclear-powered module, is unique and has no commonality with the other two. Development costs are related to the three forms of modules, although there are functional differences among them all. The assumptions on commonality were based on similar form, structural weight, and subsystems (reaction control, electrical power, communications, ECS, and crew stations and controls).

The components of the large space base would be grouped in eight A Modules, four B Modules, and two nuclear-power modules. The initial small space station (12 men) would require only one A Module and one B Module. Weights and costs of space-station and base components are given in Tables A-2 and A-3, respectively. The modules of the space station and base would be equipped for experiments to be performed in earth and lunar orbit and at the base. First-unit cost for equipped experimental and scientific modules would be from $120 million to $160 million.

TABLE A-2.—WEIGHTS OF SPACE-STATION COMPONENTS

| Subsystem | Weight (pounds) | | |
|---|---|---|---|
| | A module | B module | Nuclear-power module |
| Structure | 64,000 | 45,700 | 47,200 |
| Adapter | 2,600 | 2,600 | |
| Electrical power | 6,000 | 2,750 | 4,700 |
| ECS | 9,000 | 3,000 | |
| Communications | 2,110 | 1,100 | |
| Stability and control | 170 | | |
| Navigation and guidance | 1,500 | | |
| Crew system and display | 8,260 | 2,000 | |
| Shielding | | | 100,000 |
| Electrical power (nuclear only) | | | 26,450 |

TABLE A-3.—COSTS OF SPACE-STATION COMPONENTS

| Module | Cost (in millions of dollars) | | |
|---|---|---|---|
| | Development | 1st unit | Launch operations |
| A module | 2,500 | 190 | 90 |
| B module | 1,065 | 96 | 53 |
| Nulcear power | 250 | 70 | 0 |

### *Lunar station and base*

Two modules would be used for the lunar station and one for the lunar base. The station, which is to be capable of housing 12 men, would consist of a living module and a zero-g module; the lunar base, also to be capable of housing 12 men, would be a single module. Because there are major differences between the station and the base, additional development cost is incurred for the latter, although other costs are common to both station and base. Weights and costs of lunar-station and base components are shown in Tables A-4 and A-5, respectively.

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Footnotes at end of article.

TABLE A-4.—WEIGHTS OF LUNAR STATION AND BASE COMPONENTS

| Subsystem | Weight (pounds) | | |
|---|---|---|---|
| | Zero-g module | Living quarters module | Lunar-base module |
| Structure | 40,000 | 40,000 | 40,000 |
| Adapter | 2,600 | 2,600 | 2,600 |
| Electrical power | 14,000 | 14,000 | 16,000 |
| ECS | 5,000 | 5,000 | 7,500 |
| Communications | 650 | 200 | 650 |
| Stability and control | 200 | 200 | |
| Navigation and guidance | 1,000 | 0 | 0 |
| RCS | 900 | 900 | |
| Crew system and display | 3,000 | 5,000 | 3,000 |

TABLE A-5.—COSTS OF LUNAR STATION AND BASE

| Item | Cost (in millions of dollars) | | |
|---|---|---|---|
| | Development | First unit [1] | Launch operations [1] |
| Lunar station | 2,800 | 190 | 90 |
| Lunar base | 1,400 | | |

[1] Costs are common to station and base.

The construction module that would be used to build the lunar base has a gross weight of 10,000 lb, a development cost of $75 million, and a first-unit cost of $25 million.

A lunar-descent stage would also be required to place payload on the moon (the lunar base, the construction module, etc.). This stage would have a gross weight of 150,000 lb., a development cost of $380 million, and a first-unit cost of $16 million.

### *Space booster*

For those periods when the shuttle is not in use or when payloads are of such volume or weight that the shuttle cannot accommodate them, we have assumed that several boosters would be employed, including the Saturn V (SIC, SII, SIVB, and IU), Saturn VD (SIC, SII, and IU), Titan III–D, and Titan III–M.[16] Costs for the first units of these boosters procured after development are given in Table A–6. (The costs used in this study reflect the learning-curve effects of these prior units.)

TABLE A-6.—COSTS OF SPACE BOOSTERS

| Booster | Cost (In millions of dollars) | |
|---|---|---|
| | 1st unit | Launch operations |
| Saturn V | 215 | 40 |
| Saturn VD | 185 | 25 |
| Titan III–D | 31 | (1) |
| Titan III–M | 26 | (1) |

[1] Costs included in hardware.

### *Six-man Apollo spacecraft*

For those alternative space plans in which the shuttle operation would be delayed or in which there would be no shuttle, a six-man modified Apollo spacecraft would be used. This vehicle would have a gross weight of 20,000 lbs., a development cost of $1 billion, a first-unit cost of $300 million, and a launch-operations cost of $73 million.

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### FOOTNOTES

[1] Research, development, test, and engineering.

[2] See Refs. 8, 9, and 10 for arguments supporting this position.

[3] Research, development, test, and engineering.

[4] This topic is treated in Ref. 5.

[5] In this Memorandum, a 50,000-lb-payload shuttle is a shuttle that can place 50,000 lb of discretionary payload into a 100-n-mi-high circular polar orbit. Its payload capacity for other orbits varies, being as high as 80,000 lbs at 100-n-mi-high circular orbits of 28.5-deg inclination.

[6] In most cases, our conclusions are based on comparisons of the shuttle with current launch systems. When other launch systems are used as a comparison, we shall so note.

[7] In this preliminary study, we have generally not considered such economic factors as discount rates and inflation, although these will be important considerations in any final decision.

[8] Our current estimates are quite crude. At the completion of the ongoing NASA space-base studies, substantial improvements in these estimates should be possible. Nevertheless, we do not feel that this crudeness alters our principal results.

[9] The annual funding estimates developed at Rand and those in the STG report (for Option III) compare as follows:

| | Costs (in billions of dollars) | | |
|---|---|---|---|
| | Fiscal year 1974 | Fiscal year 1975 | Fiscal year 1976 |
| Rand estimate | 6.4 | 7.1 | 6.7 |
| STG estimate | 5.0 | 5.4 | 5.5 |

These differences are almost entirely attributable to contrasting estimates of the shuttle's RDT&E costs, the STG estimate being only $5.0 billion, compared to our estimate of $9.0 billion, or possibly more.

[10] It might be suggested that the DOD provide funds for a portion of the shuttle development, on the basis that the shuttle is responsive to their transportation needs. One possibility would be for the DOD to pay a percentage of the total costs commensurate with its projected use rate. Another would have the DOD and NASA share the costs at the same ratio as their anticipated launch cost savings. Regardless of the total costs subsumed in the military budget, we will anticipate funding-peak problems, and, in fact, the burden might be shifted to two agencies rather than one.

[11] It might be noted that removing the shuttle program altogether diminishes most of the funding-peak problems mentioned above, i.e., if the shuttle is not developed, much of the pressure for delaying other programs would be relieved.

[12] Other studies (e.g., classified work by I. Rattinger, et al., Aerospace Corporation) have demonstrated that the ability of the space shuttle to support military, lunar, and interplanetary flights is drastically curtailed if the volume of the cargo bay is reduced significantly below this figure. However, total RDT&E costs appear to be a strong function of this bay size. Whether shuttles of smaller bay size are worth considering depends on the anticipated mission model but preliminary investigations indicate that small-volume shuttles do not support the military and deep-space requirements sufficiently to amortize even the smaller RDT&E costs.

[13] The costs of Saturn and Titan launch vehicles required for launching NASA payloads that exceed either the volume or weight capabilities of the shuttle are not included in Fig. 6. Most of the large NASA hardware (e.g., space-station and space-base models) for earth-orbital and lunar missions are launched using the Saturn vehicles. In the case of the delayed IOC of the shuttle, Titan vehicles are used for operational resupply.

[14] This tentative conclusion was reached by Carl Builder, of Rand, in a theoretical analysis of the relative savings resulting from a new low-cost booster and redesigned satellites. He discovered that if satellite design were assumed to be optimized for current high-cost boosters and then reoptimized to make use of a new low-cost shuttle, it would be possible to estimate the total savings without detailed design knowledge. For example, if the launch costs are reduced by 90 percent, two-thirds of the total savings will be the result of differences in launch costs, and only one-third will be due to satellite redesign.

It is possible that future systems using current launch hardware would not be optimally designed, for whatever reasons present systems are not minimum-cost. The existence of a shuttle could have a catalytic effect, spurring changes in present satellite design and management practices. In that case, the shuttle could produce cost savings larger than those indicated by present studies.

[15] An enhanced use of space could increase the total costs of the space program. It is assumed in this discussion that other, nonspace costs could be reduced by an even greater

margin, thus showing a net gain for the country as a whole.

[18] The Titan III–D and Titan III–M are uprated versions of the Titan III–C.

Mr. MONDALE. Mr. President, according to Rand:

> The total space funding requirements over the next 20 years are not significantly different for plans that use the shuttle for space transportation and those that accomplish the same missions without the shuttle. All of these results indicate that criteria *other than cost* should be used to evaluate the desirability of the space transportation system.

Since NASA's primary justification for development of the shuttle is that it would be more economical than existing boosters, the findings of this Rand report are extremely significant. If the shuttle is not cost-effective—as Rand concludes—then there is no basis whatsoever for spending billions to develop it.

Using traffic rates based on NASA and Defense Department estimates, the Rand report considered eight alternative space plans for use of the shuttle. Only in one of these eight plans—which envisions a $140 billion space program over a 15-year period—did the shuttle demonstrate a net monetary gain by 1990. And Rand concluded that even those savings "seem to be marginal."

Moreover, since the report was written last fall, the research and development cost estimates of the shuttle have increased by almost $3 billion—from $9 billion to approximately $11.5 billion—the figure cited in Rand's May 31, 1971, letter to Senator ANDERSON.

This increase thus obliterates even the marginal savings originally projected by Rand.

Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all.

According to the Rand report, the decision to proceed with the shuttle will mean a NASA spending level of $75 billion to $140 billion between 1975 and 1990—depending on which options are adopted. In short, it will mean a vastly expanded space program—designed primarily to accommodate more costly manned space adventures.

The report observes that shuttle development requires a peak civilian space budget for 1 year in excess of $7 billion, about double the present annual budget. Other annual funding levels, the report notes, will not be as large as the peak levels, but would also exceed current budgets by significant amounts.

While these budget peaks could be somewhat alleviated by deferring various types of missions, the report points out that—

> None of those (plans) examined in this study resulted in savings in space transportation costs sufficient to compensate for the space shuttle's research, development, test, engineering and investment costs through 1990.

For as the report observes, reducing shuttle operations reduces the shuttle's cost-effectiveness. Heavy traffic and heavy payload favors the shuttle concept, while light traffic favors the use of current or new expendable launch systems.

For example, under one NASA projection for use of the shuttle between 1978 and 1990, there would be 970 NASA missions—or an average of 74 missions per year. The weight of the payloads launched would peak at a maximum of over 6 million pounds in a single year, or 3,000 tons.

Yet, during the decade of the 1960's, NASA exceeded 30 launches per year only once—36 in 1966. And in terms of the weight of cumulative payload launched, 1969 was NASA's biggest year with 442,348 pounds—221 tons—over 97 percent of which was attributed to the four Apollo flights.

It is obvious that a system designed to place in orbit up to 3,000 tons of payload per year is intended to do far more than accommodate unmanned, instrumented flights. For in 1969 and 1970, the total payload of such unmanned flights was approximately 5 tons for each year.

Given these realities, eminent space scientists like Dr. James Van Allen and Dr. Thomas Gold strongly oppose the shuttle. They argue that there is little scientific and utilitarian justification for such an expanded space program and that real progress can be made in space with light-weight, instrumented flights.

Dr. Van Allen argues that any space program must meet two objectives—utilitarian uses of space technology and scientific exploration:

> The first of these objectives should be dominant. A well designed program of space applications can be closely matched to human needs and desires and can be essentially self-justifying, i.e., it can "pay its own way". I am thinking here primarily of the areas of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine technical purposes, and of reconnaissance in its broadest sense. *Both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 1,000 to 10,000 lb. class. Updating and replacement of elements of such world wide operational systems are envisioned as requiring no more than 10 launches per year.*

Proponents of the shuttle claim that the shuttle offers savings in cost for the accomplishment of these objectives. According to Dr. Van Allen, these claims are based on:

> (a) Gross over-estimation of the volume of space traffic (i.e., tons of payload into orbit per year) that can be reasonably anticipated;
>
> (b) Substantial under-estimation of the developmental and operational costs of the shuttle program.

Dr. Thomas Gold, who is a member of the President's Science Advisory Committee and director of Cornell's Center for Radiophysics and Space Research, also believes that shuttle development would be a drastic mistake:

> It seems impossible to justify it economically except if a great increase in the weight to be sent into orbit, and in the NASA budget, could be foreseen, and even then only after very many years of usage. The recent study by the Rand Corporation documents this clearly. We have no reason now to expect such a very large expansion. The technology of payloads is improving so that more and more can be achieved within a given weight limitation. One can foresee improvements in reliability that make the return capability less important. A large proportion of the traffic to earth orbit will be to high synchronous orbits where the advantages of the shuttle are less pronounced.

Dr. Brian O'Leary, an astronomer and a former scientist-astronaut, shares this opposition to the shuttle:

> Once again NASA seems to be preoccupied with the philosophy of developing a transportation system rather than the business of exploring space. From a scientific point of view, it is obviously more advantageous to have a mission tailored to your needs rather than to have your experiments coming as an afterthought to an operational program. The unmanned science and applications satellites and planetary probes are good examples of missions tailored to science . . . perhaps most significantly from the taxpayers point of view, it is a plain fact that nearly all tasks in space sciences and applications can be done as effectively with existing unmanned spacecraft at one to ten percent the cost of existing manned spacecraft.

Mr. President, I ask unanimous consent that letters to me from Dr. Van Allen, Dr. Gold, and Dr. O'Leary be inserted in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF IOWA,
*Iowa City, Iowa, May 31, 1971.*

Hon. WALTER F. MONDALE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MONDALE: I am writing to again express my distress at the emphasis that the National Aeronautics and Space Administration is giving to the space shuttle/space transportation system as the dominant element of its future program. I do so, not as an outside, mindless critic of the national space program, but as one who has worked in space exploration as a profession since late 1945 and expect to continue to do so for many more years.

Advocacy for the space shuttle rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief and have myself been an adherent to it in various contexts. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

In the early stages of space exploration, human adventure and the recovery of national prestige following the Soviet success with Sputnik I were driving forces in our national effort. But at the present stage we should, in my judgment, shift our emphasis forthrightly and explicitly to two and only two objectives:

(a) Utilitarian uses of space technology, both civil and military, and

(b) Scientific exploration.

The first of these objectives should be dominant. A well designed program of space applications can be closely matched to human needs and desires and can be essentially self-justifying, i.e., it can "pay its own way". I am thinking here primarily of the areas of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine technical purposes, and of reconnaissance in its broadest sense. Both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 1,000 to 10,000 lb. class. Updating and replacement of elements of such world wide operational systems are envisioned as requiring no more than 10 launches per year.

Scientific exploration, the second objective, is of a different nature. It feed man's deep-seated intellectual interest in the origin of the physical universe and in its detailed workings at the present time. This interest is increasingly widespread as the general educational level of our citizenry is raised. As a teacher and lecturer in the physics and astronomy of the solar system, I am ever more impressed by the broad popular interest in purely scientific matters. The close-in study of the huge outer planets by space techniques is a case in point. I believe that the support of science for its own sake is a proper function of the federal government, without apology or obfuscation. It is one of the fields of endeavor that enables man to have a higher purpose in life than bare survival as an animal.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the above objectives. But, at least ostensible, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. I have studied these claims and conclude that they are based on:

(a) Gross over-estimation of the volume of space traffic (i.e., tons of payload into orbit per year) that can be reasonably anticipated;

(b) Substantial under-estimation of the developmental and operational casts of the shuttle program; and

(C) Apparent disregard for other techniques for the reduction of the costs of space exploration that are either available at present or can be reliably forecast (e.g., long-lived observatories, improved schemes, for data reduction and display, improved efficiency in the manufacture of conventional boosters and of guidance and control systems, adaptation and rework of surplus military boosters, etc.).

Even if their claims are valid, they visualize growth of the annual space budget of the National Aeronautics and Space Administration to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program can be met in a vigorous and effective way by unmanned techniques at the annual level of some $2 billion. In general support of this comparison, I call attention to the following facts:

(a) The President's budgetary request for NASA for the fiscal year 1972 totals $3.27 billion of new obligational authority.

(b) Of the total, about 50% is devoted to science and applications in all of their ramifications, a thoroughly vigorous program.

(c) The other 50% is devoted to manned flight. Yet during FY 1972, only two actual flight missions are contemplated—Apollos 15 and 16. Even these two flights depend primarily on existing facilities and previously paid-for flight hardware. The flights have little utilitarian significance and relatively restricted scientific objectives as viewed in the larger context of space science with all of its richness and diversity.

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient technical resources. My position is essentially that an effort of this magnitude is inappropriate to the national context of the 1970's. Moreover, I fully expect that concentration on such a development during this decade would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.

Sincerely yours,

J. A. VAN ALLEN,
*Head of Department.*

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CORNELL UNIVERSITY, CENTER FOR RADIOPHYSICS AND SPACE RESEARCH,
*Ithaca, N.Y., June 5, 1971.*
Hon. WALTER F. MONDALE,
*U.S. Senate,*
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MONDALE: We all have to be very much concerned that the sharply limited funds that will be available to the space program in the next few years are allocated to the best advantage. In terms of valuable applications and rich scientific knowledge and understanding, there is very much to be gained. Our lead in both areas has important consequences economically, militarily and, not least, for the esteem accorded us by other nations.

The proposed space shuttle would have many of the advantages claimed for it, but nevertheless I consider it a most unwise step to take at the present time. It seems impossible to justify it economically except if a great increase in the weight to be sent into orbit, and in the NASA budget, could be foreseen, and even then only after very many years of usage. The recent study by the Rand Corporation documents this clearly. We have no reason now to expect such a very large expansion. The technology of payloads is improving so that more and more can be achieved within a given weight limitation. One can foresee improvements in reliability that make the return capability less important. A large proportion of the traffic to earth orbit will be to high synchronous orbits where the advantages of the shuttle are less pronounced.

The shuttle will have to be used until 1990 or longer before there is any possibility of amortizing it. In deciding on such a very long range technological program, one is deciding to freeze technological evolution for many years. Major improvements in booster technology can be expected within the next 20 years, resulting from the continued military requirements for expendable boosters; yet none of these can contribute to the NASA or military peacetime space program without detracting still further from the utility of the shuttle.

A military program of many launches of expendable boosters will need to be carried out in any case to assure correct performance and reliability. If the shuttle were to take over all civilian and military space projects, then more military test shots without useful payloads will be required.

A definite decision in favor of the development of very large space stations in the late 70's and through the 80's would change all these arguments. A continuous requirement to supply and exchange personnel could readily consume a volume of traffic that would put the shuttle economically ahead of expendable boosters. Thus the development of the shuttle now should be regarded really as a decision in favor of a massive program of manned earth orbital flight exercises. Such a step, a major commitment for the future, should not be taken lightly. We should not allow ourselves to drift towards a policy which we would not now consciously be willing to embark upon.

At the present time there is no clear understanding of the utility of such space stations. Manned flight to Mars or other planets may be attempted one day, but probably only after much superior means of propulsion have been devised. A program for the shuttle now would hinder rather than help in that regard, since it will divert funds away from other areas of technological advance.

Remote control methods can be devised to accomplish in earth orbit all that men can do and at very much lower cost. The economic importance of the development of remote control machinery is likely to be very great for many applications other than those in space, such as mining, manufacturing, deep sea prospecting, drilling, etc. The space program can make a major contribution in the development of that technology if this, rather than manned flight, were to be the first priority.

It is clear that the decision in favor of the shuttle would commit us now, for very many more years than we can see ahead, to a line of activity of doubtful value. As a major and very visible expenditure, it would be most critically viewed by many people, and one must fear that a large and ill-justified item would become a focal point of opposition to space expenditures altogether, and that all of NASA, and even the most desirable space efforts would then suffer.

Our present policy in space should be to concentrate on applications and on genuine scientific discovery. In the applications field there are many great things to be done. Communication systems will completely change patterns of commerce and reduce the need for passenger transportation. The direct global distribution of very many channels of television to individual receivers on the ground would have a very great impact and economic importance. Many educational programs and programs of cultural value could then be made available on a worldwide basis. In the scientific area the understanding of the planets will give new insights into the structure and derivation of our own planet. This in turn will improve our capability of adjusting its resources to human needs.

Heavy, long-lived, long lead time institutional programs may be thought desirable within NASA to stabilize the organization, but they stand in the way of most of the worthwhile tasks that NASA could undertake at present. We must therefore find ways of giving NASA the continuity that this great organization clearly requires, without forcing upon them a pattern that is not in the best interests of science, space applications, or indeed any of the national needs.

Yours very sincerely,

T. GOLD,
*Director.*

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CALIFORNIA INSTITUTE OF TECHNOLOGY,
*Pasadena, Calif., May 4, 1971.*
Hon. WALTER F. MONDALE,
*U.S. Senate, Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MONDALE: I would like to again express my deep concern about NASA's plans to develop a space shuttle. When a new technological development costing tens of billions of dollars is first introduced to the American people, it is clear that questions must be raised about such a system's role in a wide range of competing national priorities before any commitments can be made. In this context you have been one of precious few individuals who has publicly questioned the wisdom of proceeding with a space shuttle at this time. After taking a careful look at NASA's proposal, I find myself in complete accord with your feelings. In particular, I cannot see the relevance of the space shuttle, and therefore of an expanded space program, to the pressing problems facing our nation this decade. These are my thoughts as an American citizen.

But as a space scientist, I am also concerned about the role of the space shuttle in terms of NASA's internal priorities. Although NASA claims the system to be inexpensive, the research and development of the shuttle are estimated to cost $11 to $12 billion. Such funds would not only dominate NASA's budget of the 1970's, but would also inflate it to a peak annual funding somewhere between $6 and $10 billion, a range greater than the amount NASA spent during the peak year of Apollo. I worry mostly because, once again, NASA seems to be preoccupied with the philosophy of developing a transportation system rather than the business of exploring space. From a scientific point of view, it is obviously more advantageous to have a mission tailored to your needs rather than to have your experiments coming as an afterthought to an operational program. The unmanned science and applications satellites and planetary probes are good examples of missions tailored to science. In Apollo, unfortunately, the tendency has run in the other direction, and I am afraid that the space shuttle portends the same. Perhaps most significantly from the taxpayers point of view, it is a plain fact that nearly all tasks in space sciences and applications can be done as effectively with existing unmanned spacecraft at one to ten percent the cost of existing manned spacecraft.

Why, then, does NASA claim that the space shuttle represents a "low cost space transportation system" and an "essential element in implementing a balanced space program"? Their argument rests on the premise that, because of its reusability, the recurring cost per pound of payload for the shuttle would be considerably less than for expendable boosters. This allows more payloads and bigger payloads, both manned and unmanned, to be hoisted into Earth orbit at a lower cost *rate* than with existing launch vehicles. Moreover, satellites can be more easily refurbished and perhaps even brought back to Earth for repair or for data return.

But let us look at the details. NASA plans to launch one shuttle per week, each one containing approximately 40,000 pounds of payload. To carry less payload on any mission would accordingly reduce the economy of the shuttle in any tradeoff analysis with existing systems. To have less shuttle launches would also reduce the shuttle economy. The shuttle would therefore place into Earth orbit more than two million pounds of payload per year, a rate which is five to ten times our present rate. The total tonnage of all payloads put into space to date by both the United States and the Soviet Union would be reached in about two or three years of shuttle operation. Is it desirable to put 20 tons of material per week into space? How much will the added payload cost? Note that we have the additional constraint of scheduling, that is, one needs to satisfy the rigid weight and volume requirements of the shuttle and to lump diverse payloads together into an orbit of given inclination. On the other hand, expendable boosters represent a broad spectrum of payload-launching capabilities which can be tailored to the needs of a given experiment. In the case of the shuttle an experiment would compete with several others aboard the spacecraft and therefore must be tailored to the needs of the aggregate and of the shuttle launch schedule.

Moreover the short seven-day orbital lifetime maximum of a shuttle, because it is manned, implies the existence of a permanent space station. How many billion dollars would such a station cost to develop? Will Saturn 5's be needed to launch the larger modules comprising the space station because of the limited payload volume of the shuttles? The interrelation between the space shuttle and station further constrains the economics of the shuttle and are absent in NASA's discussions this year, in contrast to discussions last year. Finally one wonders how the development of a lunar base could also fit in with the inflationary NASA budget attributable to research and development of the space shuttle and station.

In spite of these basic economic problems confronting the shuttle, let us assume that it is indeed worthwhile to launch more than two million pounds of payload into earth orbit each year and that an greatly expanded NASA budget during the 1970's is acceptable. Which system is now economical, the shuttle or the expendable booster? Stated somewhat differently, how many years will it take before the total cost of sending these payloads with existing boosters exceed that of sending them with space shuttles? Although various studies conflict there appears to be a general consensus that at least one decade of operation is required before the shuttle becomes less expensive even under the most optimistic assumptions about the shuttle's economy. The short-run higher cost of the shuttle is attributable to the $11 to $12 billion required for research and development during the peak funding years in the 1970's plus the interest on that money projected into the 1980's and 1990's.

The economy argument alone convinces me that proceeding with NASA's space shuttle, as presently configured, is nonsense, *even if one wished to place two million pounds of payload into Earth orbit per year.* It is not a low cost transportation system; it is a very expensive transportation system. I believe that these facts will become more and more apparent in further revelations, paticularly when or if the funding is drastically stepped up, as it must for the shuttle to become a reality. Evidently NASA has not carefully perceived the political and economic climate in which they are operating. Moreover, I believe they have not been honest in assessing their motivation for proposing the space shuttle. In my opinion, the primary reason is not economics; rather it is a commitment to a new technology which would serve as a "make work" project for NASA and its contractors in a crippled aerospace industry. It is not difficult to imagine, however, that once the shuttle becomes operational at the end of the decade and the funds have already peaked out, aerospace may once again search for a new space technology in order to maintain its accustomed pace. Ironically, such a move would probably supercede and invalidate the economy of a steady multi-decade shuttle plan.

Would this not be a good time to make work for the aerospace industry in solving domestic problems through engineering? For the tens of billion of dollars needed to shuttle a privileged few into space, one could shuttle millions of people around our cities. Both shuttle systems cost the same, both shuttle systems would require the valuable skills of the engineer, but only one shuttle system would seem to appreciably raise the value of human life.

I do not feel, however, NASA should fold or dissolve. I believe it can continue its valuable work in space science and applications in a predominantly unmanned mode.

I do think there is a desperate need for establishing centers for assessment of new technologies, like the space shuttle, free from the controls and vested interests of the Government agencies involved. It is currently impossible to debate the technical details of new programs like the space shuttle from an adversary point of view. Nevertheless, I believe you have done an excellent job of raising significant issues about the shuttle and commend you for your work.

Sincerely,

BRIAN O'LEARY.

Mr. MONDALE. Mr. President, perhaps most significantly, skepticism about the shuttle is shared by the National Academy of Sciences. In a 1971 report entitled "Priorities for Space Research, 1971–1980," the Academy's Space Science Board made the following observation on the proposed development of the shuttle and station:

> The absence of recommendations concerning the shuttle and space station should also be noted. These were considered as vehicles for the support of science, but we found the concepts too vaguely defined with respect to costs and engineering difficulties to permit any realistic assessment of the potential values to scientific research and applications. Nor was the Study able to evaluate the economics of the shuttle, because it depends so strongly on the volume of space traffic, which in turn is dependent upon many user activities besides those included in the present frame of reference. It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

One of the key reasons why I think we see growing concern about the shuttle and station, and the space program generally, is the growing number of top space scientists who are objecting to the nonscientific orientations of the space program. Somewhere along the line, NASA lost the confidence of the independent scientific community, and it has gone more and more into manned space flight efforts—with little scientific and utilitarian returns—and has increasingly ignored the scientific advice of the best space scientists of this country.

So we have Dr. Van Allen, one of the original scientists who proposed the space program, Dr. Gold of the Cornell, and Dr. O'Leary, a former scientist-astronaut, and the National Academy of Sciences raising strong doubts about this program.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CANNON. The Senator mentioned the National Academy of Sciences. I would like to read a statement from Dr. Charles H. Townes, who is Chairman of the National Academy of Sciences' Space Science Board, a professor of physics at the University of California, and a Nobel laureate. I quote him:

> A successful space shuttle, including further lowering of costs and the possibility of assembly and adjustment of equipment in space, should produce a marked change in the style with which science and development should be pursued with vigor.

I thought it would be well to have that from the Chairman of the National Academy of Sciences' Space Science Board.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. MONDALE. Is the Senator reading from the Academy's report?

Mr. CANNON. I am reading from the statement of Dr. Townes, who is Chairman of the National Academy of Sciences' Space Science Board, and professor of physics, University of California.

Mr. MONDALE. Permit me to read from the Academy report, which takes an entirely different view. It says:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

The Academy's Space Science Board took that position. I think it represents a growing concern on the part of the scientific community, raising doubts about these wasteful expenditures.

NASA has again demonstrated its flexibility in responding to these criticisms of the shuttle—particularly to those expressed in the Rand report. In its May 28, 1971, letter to Senator ANDERSON, NASA made the following comment about the Rand conclusions:

> NASA is not seeking to justify the space shuttle program on purely economic grounds. The principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient operations in space. NASA will look to the economic studies now underway as providing yardsticks for assessing some of the economic factors involved, not as the justification for undertaking the program.

Until the Rand report was released, NASA continually argued that the shuttle's objective was to reduce the costs of space flight. Faced with an independent analysis challenging the economics of the shuttle, NASA now claims that cost considerations are not crucial in evaluating the need for the shuttle.

Once again, it's a case of "now you see it, now you don't."

NASA's primary defense of the shuttle has rested on several studies it commissioned for approximately $2 million. The principal study is one done by Mathematica—conducted under a $600,000 NASA contract. It concludes that if the civilian and military space effort over the next 20 years is maintained at the level of the last 8 years, the accrued savings from space shuttle operations would about equal the shuttle's cost—which the report estimates at $12.8 billion—including research, development, and the production costs of the initial shuttles. The report points out that if the level of space activity greatly increases, both in terms of number of flights and weight of payloads, the "savings" from using a shuttle instead of conventional boosters would increase.

The Mathematica study relies on data produced by NASA and two other NASA contractors, Lockheed and Aerospace Corp. and based on this data, it concluded that the major cost savings from the shuttle result from reduced costs of payload development, construction, and operation.

This report is at odds with the Rand study of October 1970; but it should be kept in mind that the Rand study was contracted for by the Air Force, which has no real vested interest in the shuttle.

If you assume no substantial increase in future space budgets over those of the 1960's, then Mathematica concludes that the shuttle will only "save" over a 20-year period its own development and initial procurement costs. Thus, unless we greatly expand the future space program, even Mathematica shows no real advantage to developing the shuttle.

And if the costs of shuttle development and procurement increases over the present $13 billion Mathematica estimate, which is very likely, considering inevitable cost overruns, the shuttle then would no longer be "cost effective" even under Mathematica's assumptions.

So even NASA's own studies, when placed alongside the estimates of the cost of the shuttle and anticipated further cost increases, would lead to only one conclusion—that the space shuttle program is not cost effective.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CANNON. I point out that the Apollo program did not increase in cost. The Apollo program came out close to the original cost estimate. As I said earlier, it could be that the cost will go up if the Congress continues to vote pay raises for Government employees, such as it has. These increases have increased NASA personnel costs by $180 million since January 1967. But the Apollo program was right on target. It was estimated right where it came out.

Mr. MONDALE. That is correct, but I find it hard to believe there will not be cost overruns. Indeed, the cost estimates have increased by $2 billion to $3 billion in the last year alone. While the Apollo program, it is conceded, stands out, it stands out impressively because it is about the only program that I can think of where there have not been massive cost overruns. We have often seen in weapons systems cost overruns of 200 to 250 percent.

Although Mathematica's conclusions conflict with the Rand Study, the fact remains that regardless of what assumptions one wishes to make, the space shuttle commits us to an expanded space program over the next two decades—with large funding peaks in the late 1970's.

The inflated spending for a space shuttle is inevitable because at least $12 billion is required for research, development, testing and evaluation before it can operate. This most recent estimate is an upward revision of $2 billion from the earlier estimate adopted by Mathematica, and it somewhat modifies their conclusions about the economy of the shuttle.

Dr. Brian O'Leary has pointed out that in order to get the shuttle operating by the end of the decade, at least $3.5 billion must be spent during the peak year 1977 in the development and procurement of shuttles and for shuttle facilities. This money is in addition to a minimum of $1.5 billion of administrative costs required to sustain NASA that year, and $1 billion or more for programs not related to the shuttle. This implies a rock bottom NASA budget of $6 billion in 1977. A more realistic budget is undoubtedly higher.

The investment in the shuttle would vastly expand the space budget over the next two decades. In their baseline cases, Mathematica and aerospace project $44 billion to be spent on the shuttle and its payloads—which will be launched between 1978 and 1990. Mathematica and aerospace claim that some $11 to $14 billion in payload costs can be saved over the next two decades by using the space shuttle rather than using expendable boosters.

On the other hand, the Rand study projects only a $2 billion savings.

If the Rand payload estimate proves to be more reliable than the Mathematica estimate, then the total amount spent on shuttles and shuttle payloads to be launched between 1978–90 in this baseline case would be about $55 billion. And this does not even include about $2 billion per year for NASA institutional costs, space station costs, lunar exploration costs, planetary missions and the costs of payloads too big to fit into a shuttle. What we have, then, is more than $100 billion to be spent in space in the next two decades.

According to Dr. O'Leary, there is considerable evidence that the Rand study is in fact more realistic than the other studies in assessing payload savings attributable to shuttle use. First, there are those payloads whose design and cost remain essentially fixed regardless of the existence of the shuttle: planetary probes, lunar missions, space stations, and other equipment which is too large to fit into a shuttle.

But as Dr. Van Allen has observed, even the cost of payloads conducive to shuttle use cannot be reduced a great deal, since the major cost of most scientific payload is in its electronics. Dr. O'Leary put it this way:

> As space scientist, I am well aware that the cost of electronics designed for a given task cannot be appreciably reduced by making them bigger or sloppier; the days of the vacuum tube are over.
>
> As far as other components are concerned, it will still be nearly as expensive to design and prepare the apparatus. A space experiment, regardless of how it is launched, must still be space-qualified, and I cannot conceive of a piece of scientific apparatus whose cost per unit weight would go down appreciably just because it goes up in a shuttle.
>
> In fact, for this very reason, many missions have not been weight-limited; rather, they have been cost-limited. For example, in the Mariner 6 and 7 missions to Mars, only 900 of 1500 allowable pounds were used for payload; no money remained to instrument the rest of the spacecraft. There are numerous other examples of cost rather than weight limiting space science and applications payloads. Why send 20 tons of material into earth-orbit each week if 20 pounds can do the job? One can easily imagine a requirement of nearly empty shuttle flights because of cost constraints."

Nevertheless, the Mathematica study states that it is even possible to run the shuttle between 1978 and 1990 at the same funding level for both military and civilian space programs during the next 20 years as that during the last 18 years. In this case, which they call Scenario 23, the Mathematica claims that the shuttle cost would about equal shuttle savings. However, the ever increasing estimate of shuttle research and development costs—which have risen by about $2 billion just since the writing of their report—plus the probable overestimate of shuttle payload savings amounting to several billion dollars, would easily obliterate the apparent equality of Scenario 23. Moreover, funding for the space program at this level would be devoted almost entirely to the shuttle; and such a budget would virtually squeeze dry other activities in space, such as lunar and planetary exploration and even manned space flight.

We must determine, then, whether we want to commit ourselves to a rather narrowly confined space program—which emphasizes the development and operation of a transportation system for the next two decades at funding levels unavoidably higher than our present spending. We must determine the need for and the purpose of the shuttle.

As the Mathematica report itself concludes:

> Finally, we state with emphasis: any investment can be justified by its goals. This applies to business as well as government, hence also NASA. A new, reusable Space Transportation System should only be introduced if it can be shown, conclusively, what it is to be used for and that the intended uses are meaningful to those who have to appropriate the funds, and to those from whom the funds are raised, as well as the various government agencies that undertake space activities.

While the debate this year has focused almost exclusively on the shuttle, the space station is very much a part of this picture. While the station has been deferred to avoid enormous annual budgets, there is $17.6 million in this year's authorization for further work on this project.

However, in testimony before the Senate Aeronautical and Space Sciences Committee, Dr. Low of NASA indicated that the station's development might be expedited:

> I think it is a question of timing as to when we should move out with the space station. I am not sure we need to wait until the shuttle and the Skylab are fully developed. It may well be that as our space program moves out into the 1970's that we would decide sooner rather than later to start the full development of the space station as well.

In suggesting that the station's development need not await the completion of Skylab, NASA is at odds with the earlier testimony of Secretary Seamans, who told the Committee that—

> We should wait until we have had further experience with the Skylab program and the shuttle before we embark on a space station mission. Knowledge derived from Skylab will give us a greater understanding of the role that man can perform in space and only after a thorough investigation and analysis of the shuttle, can we predict with reasonable accuracy our ability to resupply such a station economically and to ferry astronauts, scientists, and engineers back and forth from the space platform.

There is ample basis for Secretary Seamans' concern that development of the station is premature. For this project is based on the assumption that man can function effectively in a space environment for long periods of time. But at this point, we simply do not know the feasibility of long-duration operations in such an environment.

A 1969 report by the House Subcommittee on Space Science and Application stated that:

> If there is an ultimate limiting factor (to exploring space), it may well be the length of time through which man can endure the influences of the hostile environments encountered beyond the earth. The extent and limits of human frailty or endurance have not yet been established.

Weightlessness and other special effects of the space environment may be extremely deleterious and even fatal to man after extended space flight. The Biosatellite III mission resulted in the death of a monkey after 8½ days of a scheduled 30-day flight. Medical experts believe that the monkey died of an excessive loss of body fluids due to weightlessness.

According to news accounts, the Soviet cosmonauts aboard Soyuz 9 were troubled with instability of the cardiovascular system and difficulty in sleeping after their record space flight of nearly 18 days. A number of American scientists feel that the medical results of this flight reinforce their view that many unanswered questions remain about the biomedical effects of long-duration space flight.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article appearing in today's Washington Post, indicating some of the health problems experienced by the cosmonauts following 18 days spent in space aboard Soyuz 9.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### TWO RETURNED COSMONAUTS COULDN'T WALK AT FIRST

SEATTLE, WASH., June 27—Russian scientists say two cosmonauts who spent 18 days in space aboard Soyuz 9 a year ago were unable to walk without help after their return to earth.

The three scientists said, however, that the cosmonauts returned to normal physical activity a few days after the flight. The various physical effects of prolonged weightlessness proved only temporary.

The inability to stand up and walk unassisted "was very distinct and particularly distressing," said Russian scientists Yuri G. Nefyoduv, L. I. Kakurin and A. D. Yegorov.

Their report was made Saturday during a session of the Committee on Space Research convention which lasts until July 2. Many of the world's leading space researchers are presenting papers at the meeting.

"During the first three postflight hours the cosmonauts found it difficult to keep the upright posture and had to be assisted while walking," the scientists wrote. "Next day after return, their walk was still inadequate and erect positions were maintained with great efforts."

Cosmonauts Andrian Nikolayev and Vitaly Sevastinanov returned to nearly normal physical activity 11 days after the flight, the scientists said.

The Russians said other physical changes—in weight loss, bone density and pulse rate—were expected and not significantly different than those experienced during shorter space flights.

Mr. MONDALE. Mr. President, I ask unanimous consent that a letter of June 29, 1970, from Dr. W. Ross Adey, director of UCLA's Space Biology Laboratory—describing the biomedical problems of long-duration space flight—be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
*Los Angeles, Calif., June 29, 1970.*

Senator WALTER F. MONDALE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MONDALE: With Senate action now pending on the Space Shuttle, I submit for your consideration the following viewpoints as important in the determination of priorities in the space program in the coming decade. I write as a concerned biomedical scientist who has participated in the space program for the past ten years, both as an investigator in manned and unmanned flights, and as a member of committees and review bodies with an advisory role to both government and NASA.

Priorities in the space program since its inception have placed major emphasis on manned programs, with particular emphasis on the engineering aspects of needed hardware for reliable mission accomplishment. Although there can be no quarrel with the development of spacecraft engineering with reliability assured for manned flight, the price paid has been very high, so high that it appears to have been markedly detrimental to a balance between manned and unmanned space developments. Moreover, emphasis within the manned program has been cn man as a test pilot in evaluation of engineering goals, rather than as a biological system himself, requiring the same careful long-term and detailed evaluation if the goal of long-term space flight is to be accomplished.

Biomedical information currently available is not adequate in critically important areas for the design or construction of space stations or interplanetary spacecraft. Specifically, we do not know whether it will be necessary to provide artificial gravity by some form of rotation or part or all of the spacecraft. Biomedical evidence from the U.S. manned program, and particularly from the recent U.S. monkey biosatellite flight, and from the Soviet Soyuz-9 manned flight, all indicate that there are significant problems of cardiovascular instability, body weight loss, and associated disturbances on daily body rhythms and certain nervous functions.

Yet to build spacecraft with a full artificial gravity as on earth, provided by rotation, predicates systems of very large dimensions for acceptable human comfort. Moreover, levels of gravity much less than 1 G may be adequate to prevent medical deterioration, and it is possible that drug and hormone therapy, properly developed, may greatly assist on long missions.

No adequate biomedical basis for these engineering systems is now available, either in the NASA or in the biomedical community. Therefore, it is imperative that NASA collect comprehensive biomedical data as an engineering baseline for design of future spacecraft for prolonged human occupancy.

It is here that there are grounds for concern. NASA has a long history of making commitments to biomedical investigations, which have been repeatedly reduced or even shelved in favor of mission goals of a primarily engineering character. The proposed medical studies in the Skylab missions were initially designed to overcome many deficiencies in the current status of space medicine and physiology. Every effort should be made to safeguard the prime importance of the biomedical aspects of these missions.

In this context, development of a Space Shuttle should be reviewed in terms of its potential contribution to acquisition of needed biomedical information. Its use as an adjunct to physical and life science investigations should be evaluated against likely progress of biomedical research in the Skylab program in the absence of such a vehicle. Medical and psychological studies planned for Skylab will provide much needed information relevant to design of spacecraft for prolonged human occupancy. They are expected to settle many basic issues concerning needs for artificial gravity.

Therefore, it is submitted that the program for a Space Shuttle might well remain in the phase of fundamental research and feasibility investigations in the Skylab program. At the same time, avoiding commitment to heavy expenditure in this area would afford an excellent opportunity to redress the traditional imbalance between manned spaceflight programs and other more modest but highly important developments. These include fundamental space biology related to medical problems of man in space,

> and studies in the physical sciences in planetary programs, as well as in areas of the NASA Space Applications program.
>
> Thank you for your consideration.
>
> Sincerely,
>
> W. Ross Adey, M.D.,
> *Director, Space Biology Laboratory.*

Mr. MONDALE. Mr. President, NASA, of course, is most concerned about these important medical problems. The Skylab project, scheduled to begin in 1973, will be an earth orbiting manned station designed to determine the feasibility of manned operations in a space environment over extended periods of time. This project will utilize modified hardware already developed in the Apollo program.

The Skylab will be placed into earth orbit and each of three manned missions will rendezvous and dock with the workshop. The first of these missions will last for 28 days, and the second and third will each last for 56 days. According to the report of the House Space Committee, these missions "are a prelude to the operation of a space station and space shuttle" and their greatest importance "will be to demonstrate during long-duration manned flights the interassociation of man and his experiments."

These Skylab missions are crucial to the future of long-duration manned space flight. For, after hearing the testimony of a series of medical experts, the House Subcommittee on Space Science and Applications found that "the warning flags are already flying" with respect to the possible deleterious effects on men exposed to the hazards of long-duration flight. The subcommittee's report came to the following conclusion:

> The ability to predict man's endurance tolerance to the environment of space, particularly prolonged weightlessness, is limited. The consensus is that current knowledge based on flights up to 14 days is adequate to proceed with planning the proposed 28-day SkyLab mission. But it is illogical to conclude from the results of successful short flights that long duration flights can be scheduled without risk of unacceptable consequences. Accordingly, present knowledge is considered inadequate to safely proceed with the proposed 56-day flight, or longer flights to the planets, without adequate testing and satisfactory monitoring of astronauts on the 28-day flights, in carefully planned scientific experiments beyond any yet undertaken in manned flight.

In short, until this Skylab experiment is completed in 1973, we will not know whether man will be able to use the space station.

Even if it is demonstrated that man can survive in such an environment, the station will undoubtedly have to be tailored to solve various biomedical problems. It is, therefore, senseless to spend millions of dollars on design and definition before we know the answers to these problems.

As one Congressman noted, it is strange, indeed, to begin funding for a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

But NASA is more concerned about the budgetary impact of the station than these medical problems. Last year, they estimated the station would cost $7 billion to develop, and it is quite likely that these costs—like the shuttle's cost—have dramatically escalated.

Despite these enormous costs, NASA is still keeping a foot in the door—hoping to proceed as soon as possible with rapid development of the station.

In the meantime, the Agency claims that the shuttle has been "decoupled" from the station, and can be justified independently of the station. But this argument presents NASA with a very basic dilemma: with the station, it has a $20 to $25 billion program over the next decade which even NASA knows Congress and the American taxpayer will not support and it has a program which depends on the unknowns of long duration manned space flight; "decoupled" from the station, the shuttle is left without a primary purpose and without the activity needed to allow it to begin to make sense from a cost point of view.

I am afraid that if NASA has its way, it will resolve this dilemma by pushing ahead with the station. One commentator put it very well:

> The shuttle, he said, is a bundle of oddities such as even the space age has not seen before. It is really only half of a bigger project sonorously labeled the Space Transportation System." The other half is a large manned orbital station and is what the shuttle originally was meant to shuttle to and from. Only it's becoming apparent that there isn't enough money to build the two halves concurrently. So the shuttle will be built first. And when it is built, probably it will have no place to go (fifty times a year) until the space station comes along five or six years later.
>
> If the shuttle is built, it will be awfully hard not to drop the other shoe and come up with several billion dollars more for a space station to shuttle to. So by getting the half billion or less that it will need for the shuttle over the next few years, NASA stands a good chance of ensuring the future of manned space flight for the next two decades.

By developing the shuttle and station, NASA will insure the continued dominance of manned flights over unmanned flights—despite the fact that many of our most prominent space scientists strongly favor an unmanned, instrumented program. The recent success of the Soviet unmanned flights to the moon—Luna 16 and Luna 17—has reinforced the increasing objections in the scientific community to another massive U.S. commitment to manned space flight.

To these scientists, unmanned flights are far more economical than manned flights and produce more advantageous applications of space technology.

For example, Dr. Thomas Gold made the following observation about the relative value of manned and unmanned space flight:

> The unmanned space program is more economical by far and can be more effective than a manned program in both scientific exploration and the economically advantageous applications of space technology. We have recently seen that sample return from Mars and other planets will be achieved by unmanned means long before there is any serious question of manned flights to these bodies. Very important consequences for our understanding of the solar system and possibly of the origin of life will come from such sample return missions.
>
> Similarly, in the applications program there is no case for the expense of manned flight. All tasks now contemplated can be done by remotely controlled instruments much more economically.

Dr. Van Allen has often advocated a reorientation of our space program toward unmanned flights. As he stated last year:

> I am totally unpersuaded that men in spacecraft are important or even useful in any way that is commensurate with the effort required to maintain them there. In fact, their presence degrades almost all of the objectives in space that I consider important. And I hold this view despite the fact that 1 am a devoted admirer of astronauts at the level of personal courage and professional competence. I favor the indefinite deferral of major engineering studies of space shuttle and other space transportation systems which contemplate the establishment of manned space stations and other facilities of this nature.

Dr. Brian O'Leary recently wrote that:

> We should encourage science looking for a mission rather than a mission looking for science; we should ask how we can best perform a mission manned or unmanned, not what we can do with the man.
>
> In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what can be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 percent of the price of sending two test pilots to the moon.

It is clear that a useful and scientifically productive unmanned space program would cost far less that the manned program envisioned by advocates of the shuttle/station. The Russians claim that an unmanned flight costs one-twentieth as much as a manned flight designed for the same task—and our own experts agree that unmanned flights are a great deal cheaper than manned operations.

In its study on the future of the space program, the Space Science Board of the National Academy of Science, made the following observation about manned space flight:

> It should be noted that none of the new starts in BASE missions identified by this Study requires the participation of man. The cost of scientific investigations is increased enormously by the requirement to "man-rate" hardware for use in manned flight, quite aside from the great costs of the vehicles and the life-support systems. These comments are concerned only with the coupling of man to a science program; they do not refer to a manned program per se, for there may be entirely valid reasons, unrelated to science, to conduct manned ventures in space.

According to Dr. Van Allen—

> The proper objectives of the national space program can be met in a rigorous and effective way by unmanned techniques at the annual level of some $2 billion.

In contrast to the $7 billion space budget which will be required by development of the shuttle and station.

To Dr. Van Allen, an effort of the magnitude of the shuttle and station—

> . . . is inappropriate to the national context of the 1970's. Moreover, I fully expect that concentration on such a development during this decade would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.

What is at stake here, then, is a basic fight over priorities.

First, there is the issue of the priorities within the space program itself. It is a controversy between the Van Allens and other prominent space scientists—who want a useful and scientifically oriented instrumented space program which the taxpayer can afford—and those who want large NASA budgets, dominated by manned space flights.

Ironically, those who advocate the Van Allen view are often accused of being "antispace." But when you consider the fact that almost every human and scientific benefit resulting from the space program has been produced by the unmanned aspect of that program, this charge is difficult to understand.

Furthermore, the real threat to the space program comes from those whose primary concern lies in rebuilding NASA's budget and prestige—regardless of the merits of particular programs. As Dr. Gold stated—

> It is clear that the decision in favor of the shuttle would commit us now, for very many more years than we can see ahead, to a line of activity of doubtful value. As a major and very visible expenditure, it would be most critically viewed by many people, and one must fear that a large and ill-justified item would become a focal point of opposition to space expenditures altogether, and that all of NASA, and even the most desirable space efforts would then suffer.

There is also a more fundamental issue of priorities involved in this debate. For we are not simply making a decision about a particular space project—we are deciding the allocation of limited Federal resources.

To those who will argue that the $137.6 our amendment seeks to delete is nothing to get excited about—and in the context of multibillion dollar space and military programs, they may have a point—I would point out that each of us can go to his home State and have pointed out to him people—

Who are losing homes because of spiraling property taxes;

Who cannot afford a decent education for their children;

Who are suffering from a deteriorating environment;

And who are experiencing the decline of almost any public service from transportation to police protection.

I wonder why few seem to realize or care that $137 million is—

Over seven times what the Federal Government plans to spend in fiscal year 1972 for the health care of migrant children;

Five times what we plan to spend for bilingual education;

Thirteen times what we will spend to prevent school dropouts; and

$27 million more than we will spend for education of the handicapped—$137 million is over three times the budget of OEO's emergency food program—which the administration is seeking to terminate.

But it is not just the poor and the handicapped who are affected by ignoring the implications of a $137 million expenditure. This figure is $12 million more than the administration has budgeted for Federal air pollution programs, $37 million more than the President's special request to fight cancer, $82 million more than the budget of the Federal Bureau of Narcotics and Dangerous Drugs, and $9 million more than has been budgeted for highway safety.

Hopefully, when the cost of completion implications of the shuttle and station are understood, the distortion of priorities represented by this project will become clear.

Even assuming that the station is not developed and that the shuttle's development cost is held to $9 billion—which is most unlikely—this expenditure would still be an enormous waste of resources.

For $9 billion, we could build water treatment plants to serve 90 million Americans. Or we could build solid waste disposal facilities to rid every municipality in the United States of unsightly trash and keep our cities clean for 5 full years.

For $9 billion, we could buy 333,000 homes worth $27,000 apiece. How many American families have saved a lifetime to purchase a $27,000 home? How many homeowners now worry that property taxes are soaring while our schools are failing their children?

Nine billion dollars is nearly double all local and Federal expenditures each year for the construction of urgently needed schools. And for $9 billion, we could operate a great private college like St. Olaf in Minnesota tuition-free for 1,125 years.

Fifty-two million people, or one out of every four now living in the United States, will be stricken with cancer. One and a half million of us will die in the next 5 years unless we can find a cure. Yet the shuttle will cost at least 43 times what the Federal Government is spending annually to find a cure for cancer.

In fact, for $9 billion, we could triple the Federal Government's combined outlays to fight crime, pollution, and cancer. Is a shuttle 3 times more important than safe streets, clean air and water, and freedom from deadly diseases?

If these illustrations were not enough, just think what we could do for $12 billion, much less for the $25 billion which both the shuttle and the station will cost.

In terms of priorities, then, this debate is no less important, indeed it may be more important, than that over the SST.

Some of the proponents of the shuttle and station maintain that those of us who oppose this project and who opposed the SST are "antitechnology."

But what the New York Times said about the defeat of the SST applies to the shuttle and station as well:

> The end of the SST does not mean a flight from technology. What Americans want is more and better technology which will help meet the urgent problems of the day. An automobile that can provide adequate personal transportation at reasonable cost without poisoning the atmosphere would be welcomed enthusiastically by all Americans.
>
> The list of needed technological advances of this sort is endless. The goal is technology that meets human needs without exacting a price—environmental or economic—that overbalances the gain. The defeat of the SST will be particularly valuable if it reminds businessmen, engineers and scientists that technology exists to serve people, not people to serve technology.

I think that is the heart of the issue here today. We need to expand our technology, but that technology must be expanded in the area of greatest human need, whether it is in education, transportation, health, or the environment.

What is proposed to be done here is to spend $9, $12, or $15 billion to build a space transportation system to transport one, two, three, or four people and an unspecified amount of materials into an earth orbit.

I cannot believe that this is a wise, intelligent, or scientific application of this Nation's resources.

Voting against the shuttle and station is not joining an antitechnology crusade. Rather, a vote against this space extravaganza will demonstrate that in a democracy, the people have a right to demand that technology serves human needs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield myself 10 minutes.

Mr. President, I oppose amendment 223 offered by the Senator from Minnesota (Mr. MONDALE).

The Space Committee, after studying the space shuttle, concluded that the space shuttle program should be supported. The committee believes that the space shuttle represents a concept that will result in a reusable transportation system which will not only reduce the direct cost of transportation from the earth's surface to earth orbit, but will permit accompanying substantial reductions in the costs of payloads. To explain, in a little more detail Mr. President, a reusable space shuttle system would be cost effective just because it reduces launch costs by saving the high cost of the expendable launch vehicle systems. But, it turns out that this does not represent the primary cost saving brought about by having a space shuttle. The major cost of a space system is the payload. Payloads are expensive when using expendable boosters. The payload must be kept small so it is miniaturized. It must be highly reliable so redundancy is built into the payload. These factors make it very complex necessitating an enormous amount of testing in order to achieve high reliability. When the space shuttle is available earth orbital payloads will not have to be miniaturized and off the shelf subsystems can be used because the shuttle will have the capability to reach spacecraft in orbit either to repair them there or bring them back to the surface of the earth if that is necessary.

Mr. President, the Senator's amendment would halt NASA's work on the shuttle and space station thereby forcing the United States to continue to use costly and less efficient throwaway boosters. The recommended shuttle authority of $120 million which the Senator's amendment would cut out of the bill would deny the United States the option of a cheaper and more flexible means of getting from the earth's surface to low-earth orbit.

The Senator has referred to a number of the supposed studies—the so-called Rand study and the Mathematica studies. I should like to refer to the Mathematica study for a moment. One review says:

> The Mathematica study indicates that unless the United States is to all but abandon its future unmanned space flight program, development of the space shuttle/space tug system is demanded on the basis of the tremendous amounts of money it will save in launch and payload costs.

They give an example:

> Taking one view of the space program plan—based on the requirements established by the Defense Department and NASA for the 1978 to 1990 time period—Mathematica, using "the most conservative economic analyses"—projected a cost savings for the shuttle of $14 billion over using current expendable vehicles.

This is the saving over the cost that would be necessary if we used expendable vehicles, such as are being used today, based on the projection of the Defense Department and NASA for the number of missions that would be required per year over that period of time.

So if the Senator is truly interested in having more money to spend on education, more money to spend on health and welfare programs, here is a way to save $14 billion to do it, instead of talking about the relationship between the respective costs.

I might point out for the Senator's benefit that from 1960 to the present time, the amounts expended in the field of health have gone up approximately 700 percent above what they were in 1960. The amount spent in the field of education has gone up approximately 600 percent above what it was in 1960.

So if the Senator really wants to find money to spend in these areas, let us reduce the cost of these space vehicles that are now used and are going to be used for most of the 1970's—we can cut the cost and save $14 billion, according to the analysis of the report to which the Senator referred a few moments ago.

I do not know why the Senator is against NASA's looking for a cheaper way to do things.

Mr. President, the principal argument for the shuttle is that if it is developed it will provide the United States with a more economical, more efficient and more flexible means to explore and use space. Shuttle studies to date—and NASA is still studying additional shuttle concepts—show that a space shuttle will save substantial sums not only by reusing the boosters and the orbital vehicle, but, as I have said, in spacecraft costs. Mr. President, the only prudent thing to do since we are going to continue to have a space program is to find ways to cut the cost and stop using expensive throwaway launch vehicles and that is what NASA is trying to do.

Mr. President, tomorrow we are going to have an amendment from the Senator from New York (Mr. JAVITS), the intent of which will be to cause NASA to use recycled materials.

I do not know of anything more important to recycle in the space program than those boosters we have been throwing away since the beginning of the space age.

The Senator from Minnesota has argued that the space shuttle is another manned space extravaganza which will cost between $20 and $25 billion. That is simply incorrect. First of all, while the shuttle vehicles, both the booster and the orbiter, will be piloted by men much as airplanes are piloted, they will be used to put all payloads into space except the very small payloads presently handled by the Scout vehicle or the extremely large payloads such as might be handled by a Saturn V. The estimate of $20 to $25 billion is simply spurious and the Senator from Minnesota cannot point to any space shuttle study that provides such an estimate for a shuttle research, development, and testing.

The Senator's amendment would also cut $20 million from the bill for facilities—facilities that are needed for long lead time space shuttle engine development and for advanced technology. The $20 million recommended by the committee will provide funding of $13 million for main engine test stands, funding of $1.5 million for auxiliary propulsion test facilities and funding of $5.5 million for thermal protection development facilities.

The main engine facilities represent modifications of existing Government-owned propulsion test facilities, and these modifications are in this request because engine developments, based upon experience, are the key factor in space vehicle programs and require the longest development time. Allowance must also be made for the necessary construction and activation work so as to provide the test capability to support any future development effort. These facilities do not exist, they do not duplicate any facilities in existence and they should be authorized in this fiscal year so that they can be provided on a well planned and orderly basis, properly phased on the engine development work. It is not realistic to defer this request and then provide these facilities later on an accelerated basis to support the other engine development activities. If we do it that way it will cost more.

The auxiliary propulsion and the thermal protection system facilities are in fact technology development facilities rather than support for main line shuttle development. The auxiliary propulsion facilities would be used to determine the feasibility of using gaseous, as opposed to liquid, hydrogen, and oxygen, for attitude control of the shuttle. This is a new concept and this technology needs to be explored whether the shuttle air frame goes into development or not. Again, these facilities are modifications and additions to existing NASA test facilities.

The thermal protection system, along with the engines, is considered the most critical and difficult technology development in the shuttle program. Briefly, this is the development of materials that can handle the very high heat loads, particularly on the orbiter vehicle, experienced without replacement or refurbishment after an individual flight. The funds recommended in this bill are to expand existing thermal development capabilities at several NASA centers to perform the research and to develop the materials that can satisfy these tremendously demanding thermal requirements. These are not mainline shuttle airframe test facilities—they are facilities to support the "homework," the technology that must be developed for the shuttle vehicle. These facilities, in addition to serving an immediate need, will be available to support other NASA aeronautical and aerospace research activities which involve the thermal properties of materials.

Mr. President, all of these facilities need to be initiated this year to support the critical technical developments of the highly complex shuttle program. It takes time to build these facilities. The phasing has been carefully examined and the NASA request is considered to be fully justified. These facilities are required to support the shuttle study and technology development work authorized in other sections of this bill.

The Senator from Minnesota, in support of his amendment, has stated that it makes no sense to continue development of the shuttle and station until data on long-duration space flight are available from the Skylab project in 1973. I want to make two points on this assertion:

First, the space station is not in development, there is no money for space station development in this bill, and there is no schedule by NASA for initiating such a development at this time. I cite very specific testimony by Dr. Low, Deputy Administrator of NASA, before the Space Committee that appears on pages 13 and 371 of the fiscal year 1972 authorization hearings. The $17,600,000 for space station activities in this bill is for study and definition of what such a space station should be and what experiments could be conducted in it. I think this is a most worthwhile effort—work that should be performed so that later on we can make intelligent decisions about the merits of proceeding into development with a space station.

Second, the space shuttle is not dependent on the space station. The shuttle is envisaged as a transportation system that will, as the Senator from Nevada has already stated, carry satellites to orbit, repair or retrieve satellites for refurbishment, and otherwise serve in a transport role. If a space station is developed, it appears that the shuttle would be an efficient and economical method of supporting such a station. But a space station is not necessary for a shuttle system development—the two projects are not interconnected in this regard.

In summary, Mr. President, the space shuttle authority of $100 million is necessary to permit further investigation of a cheaper, more efficient and flexible means of getting from the earth's surface to low-earth orbit. The facilities money of $20 million is important to advanced technology and to support development work on the long leadtime item, the engine. The space station money of $17.6 million is nothing more than study money. There is no development money for the space station in this bill. Considering that the Soviet Union is today orbiting a space station about 2 years before we will launch our Skylab missions, it does not seem unreasonble to me that the United States put some effort into studying this capability and it did not seem unreasonable to the committee.

Mr. President, I urge that the amendment proposed by the Senator from Minnesota be rejected.

Mr. MONDALE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. ROTH). The Senator has only 1 minute remaining.

Mr. MONDALE. I ask the able manager of the bill to yield me 4 minutes.

Mr. CANNON. I yield 4 minutes on the bill to the Senator.

Mr. MONDALE. Mr. President, NASA's position is that the shuttle program is cost effective. They continue to maintain that, despite the fact that the distinguished committee composed of the National Academy of Sciences, in its 1971 report, concluded:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

They continue to do so, despite the fact that a research project conducted by the prestigious Rand Corp. under contract with the Air Force, concluded that the space shuttle could only be justified on grounds other than cost. They continue to do so, despite the fact that their own mathematic study, full of all kinds of assumptions—submitted to them by the space program and other NASA contractors—shows that if there is a slight overrun in cost between now and 1990, it will not be justifiable on the basis of cost.

Based upon a lot of experience that we have had in the past with NASA and DOD programs, I think it does not press the imagination much to assume that there will be substantial overruns in the cost of the space shuttle. Indeed, the estimates have risen from $2 to $3 billion in the interval of a single year. Therefore, there is little basis for this authorization.

If I could ask the distinguished manager of the bill, Is information available as to the number and types of boosters and space and command modules now in the inventory of the space program?

Mr. CANNON. I do not recall those figures offhand, but they are in the hearings in table form.

Mr. MONDALE. Very well. If the staff member could refer us to the page, we will appreciate it.

One final question: Did the Senate Committee on Aeronautical and Space Sciences hear from any of the critics of the proposed shuttle during its hearings on this bill?

Mr. CANNON. We did not hear from any. The Senator from Minnesota (Mr. MONDALE) is the only vocal critic of the program so far. We did not hear from any other critics. I will point out in just a moment, on my own time, that even the Senator's reference to the report of the National Academy of Sciences does not say what the Senator contends it says. We did not hear, no, from any critics of the program.

Mr. MONDALE. Did the Senator hear from Dr. Van Allen or Dr. Gold, or Dr. O'Leary?

Mr. CANNON. We did not hear from Dr. Van Allen. He did not request to testify and we did not ask him to testify. We normally hear all witnesses who request to be heard on the subject. We did not get any requests from witnesses with any degree of expertise on this subject.

Mr. MONDALE. As the Senator knows, there has been widespread concern expressed about the shuttle and station programs—which could involve at least $20 to $25 billion of expense, and even higher expenditures. Would it not seem prudent to hear from some of the critics of the proposal before approving it?

Mr. CANNON. It would, if there were any, but I think the reason is that if there are, in truth, any critics, they recognize there are not enough facts available to oppose the program. The studies show that. The study that the distinguished Senator used himself a few minutes ago, the Mathematica study, shows that it is an economically feasible program. The National Academy of Sciences' report that the Senator also cited as saying it is not feasible, did not say that at all. The Senator cited only one part of their report and I should like to read the rest of it, as follows:

> The absence of recommendations concerning the shuttle and space station should also be noted.

I want to reemphasize that—

> The absence of recommendations concerning the shuttle and space station should also be noted.

In other words, they did not make any recommendations.

Continuing to read:

> These were considered as vehicles for the support of science, but we found the concepts too vaguely defined with respect to costs and engineering difficulties to permit any realistic assessment of the potential values to scientific research and applications. Nor was the Study able to evaluate the economics of the shuttle, because it depends so strongly on the volume of space traffic, which in turn is dependent upon many user activities besides those included in the present frame of reference.

Now I come to the sentence the Senator used:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

That is absolutely correct because it is the intention to use the shuttle for DOD missions as well as NASA missions. The projection user by the Mathematica study is based on the combined missions of NASA and DOD, per year, and, according to their studies:

> Using the most conservative economic analysis, the study projected a cost savings for the shuttle of $14 billion over using current expendable launch vehicles.

Mr. MONDALE. Is it then the position of the floor manager that if use of the shuttle were limited to civilian space applications, it could not be justified; that only when one adds the military uses, it becomes a justified expenditure?

Mr. CANNON. It would depend on the number—this goes back to the number of missions—if we are going to have only one mission, it would not pay to have a reusable system; or if we are going to have only two missions, it would not pay to have a reusable system. It gets to the number of missions required. If the NASA space program were going to have 56 missions a year for NASA alone, they would save $14 billion. If that figure came from both NASA and the DOD, we would still save the same $14 billion. It is based on the number of missions contemplated.

Mr. MONDALE. I thought I understood the Senator to say that he agrees with the sentence appearing in the report of the National Academy of Sciences, that—

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

The Senator went on to say that this was correct, but that to justify the shuttle, you must include the military uses for the future. If I understood the Senator correctly, then one must turn to the military uses of the shuttle to find a basis to justify the cost; is that not correct?

Mr. CANNON. Do not quote me for saying that statement is valid, because that is in the report of the National Academy of Sciences and they say they did not study it. I read that a little earlier:

> The absence of recommendations concerning the shuttle and space station should also be noted. These were considered as vehicles for the support of science, but we found the concepts too vaguely defined with respect to costs and engineering difficulties to permit any realistic assessment of the potential values to scientific research and applications.

So they said they did not have enough information to study it and make a valid assessment. That is all they say.

Mr. MONDALE. I read that sentence:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

And that comes from an independent space science board established by the National Academy of Sciences; but, in any event, I should like to turn to the question of military application——

Mr. CANNON. Before the Senator gets off that, I frankly do not see what bearing that particularly has on it. I go back to the chairman of the board where he says—and this is Chairman Townes who chaired the board of the National Academy of Science from whose study the Senator is reading:

> A successful space shuttle, including further lowering of costs and the possibility of assembly and adjustment of equipment in space, should produce a marked change in the style with which science and space applications are carried out . . . I believe its study and development should be pursued with vigor.

That is the chairman of the board.

Mr. MONDALE. I am not in a position to comment——

Mr. CANNON. If I may interject here, the Senator asked for our current inventory of hardware and he will find that on page 376 of the hearings.

Mr. MONDALE. I thank the Senator.

If I might turn for a moment now to the question of the role of the space shuttle for military purposes. I believe I am quoting accurately from the Secretary of the Air Force in his appearance before the Senate committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. MONDALE. Mr. President, I thank the Senator.

I believe I am accurately quoting the Secretary of the Air Force when he stated:

> I cannot sit here this afternoon and say that the space transportation system is an essential military requirement. I think—I believe that it is important to national security. I hope it goes ahead. But it is not in the same category with systems like the B-1 and the F-15 and the Minuteman programs that we have a hard time funding as it is.
>
> So I saw little opportunity to also have a major space vehicle development system as part of the Air Force budget.

That is a quotation from the record on page 363. Is not the Secretary of the Air Force really saying that in the range of needs which are seen for the Air Force, the space shuttle is not very important and, in fact, not important enough to cause the Air Force to contribute a single dime to its development?

Mr. CANNON. I do not think that is the case at all. Quite a while ago, several years ago, we got NASA and the military departments together and they signed an agreement with each other so that they could work out the necessary programs and we would not have two agencies trying to go in the same direction. NASA is the lead agency on this program. What Dr. Seamans is saying is that he cannot precisely identify the programs as an essential military requirement; he cannot say that this program is essential to the national security. He does say that he thinks it is important to the national security and he hopes that we will go ahead with it. They do propose—the Department of Defense and the Air Force—to carry on space missions in the future, in the 70s and into the 80s.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I yield myself 3 additional minutes.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. CANNON. I yield.

Mr. MONDALE. Mr. President, he further said on page 362:

> Well, as far as our military missions are concerned, we are now able to carry out all of the functions that I have indicated which are satisfying all of our present needs that we could visualize in space. And these are very important missions, and I did not mean by the way I wrote my statement to minimize their importance.

Is it not the case that in the past, where the Air Force and NASA have cooperated on a project which is of importance to each agency, the Air Force and the Department of Defense have contributed something to such efforts run cooperatively with NASA?

Mr. CANNON. Mr. President, I do not recall. If the Senator asked about a specific program, I could tell him. However, I do not recall because we did work out an agreement just for that purpose.

Mr. President, I hate to have the Senator read a sentence and not read the balance of the paragraph or to read a paragraph and not read the next paragraph relating to that. Therefore, I would like to read the paragraph following that which the Senator read, quoting Dr. Seamans:

> We see this space transportation system as a way of carrying out these functions at a lower cost and with more flexibility, and, in time undoubtedly we would think of additional functions that are important which we could, in turn, perform more readily by virtue of the space transportation system.

So if there is any doubt in the Senator's mind, the Air Force and the Department of Defense support the program.

Mr. MONDALE. Mr. President, there is no doubt in my mind about that. But they will not put up a penny of their own money. They will not on the record say that it is an essential military requirement. And we go back to the earlier points. We cannot justify this spending on a civilian basis, but we must proceed on the basis of the military requirement to give it the component of necessity. The Secretary testifies that it is not essential. It seems that we have general concern whether we should spend $14 billion or $18 billion in these times of great need in other areas.

Mr. CANNON. Mr. President, does the Senator desire that we go back and request the Department of Defense to come in and request separate funding rather than have one program and have it managed by a civilian agency?

Mr. MONDALE. I would very much like to see it if this is really a military weapon. I would like to see the Department of Defense come up and justify it on its own grounds.

Mr. CANNON. Mr. President, no one justifies that and no one has made that contention at any time.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CANNON. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I say to the Senator from Minnesota that no one in this town is more anxious to see this program go ahead than the Secretary of the Air Force. He came out of the space program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. SYMINGTON. Mr. President, this is an application which to my mind is desirable from a military standpoint and also from other standpoints that have to do with our future—for example, our environment which has recently become one of the most important questions. I know that the Senator from Minnesota is deeply interested in that.

I think that the study of a space shuttle could be as important to future conclusions and actions with respect to our environment as any other program we have.

Mr. President, I rose only to assure the Senator from Minnesota that Dr. Seamans is extremely interested in the space program. I would also add that if this were not a program of NASA, I am confident, based on my experience, that the Department of Defense would be eager to see it develop.

For some reason, the United States has emphasized the orbiting of the moon. That was a superbly successful scientific achievement. On the other hand, as the able Senator from Minnesota well knows, the Soviet Union has been consistently developing its capability to orbit the earth which involves matters that are considerably more important from the standpoint of our prosperity and our security—and I am thinking of environment when I use those words.

As we pursue the more glamorous adventures such as exploration of the moon, I would hope that the Senator would give consideration to the importance of not eliminating the possibility of future discoveries with respect to the environment.

We know that our environment today is being badly affected. We also know that if we take a globe, we cannot express this thin ribbon that is called the atmosphere with even a thin veneer, from the standpoint of relative distance.

It has now become clear that one of the most important things for all the people in the world regardless of nationality or geography, is to recognize the vital necessity of preserving this thin ribbon that has had a bearing on all life from the beginning of mankind.

One of the best ways to do that would be, in my opinion, to be able to orbit the earth with maximum intelligence, which this space shuttle would allow.

Mr. ANDERSON. Mr. President, would the Senator yield?

Mr. SYMINGTON. I yield.

Mr. ANDERSON. Mr. President, I am happy to say that the Senator from Missouri was in New Mexico recently and visited the Los Alamos Scientific Laboratory where he viewed the progress that laboratory has made in its work, particularily its space-related work. It has made a very great contribution. Here is a Senator who has seen the results and can testify about them. The Senator did a fine job all the way through. He is to be complemented for the time and effort he has put into understanding these complicated matters.

Mr. SYMINGTON. Mr. President, I thank the able chairman of the Aeronautical and Space Sciences Committee with whom I have had the privilege of working for many years.

I observe in closing that this world is getting to a point in a telescoping space and nuclear age where the more we find out how to preserve what creates life on this planet, and the more we work on it, the better off we will be.

Surely we can spend money with the full knowledge that this research could come back to us manifold, not only from the standpoint of the security—and I use that word in its fullest sense—but also the prosperity of the people of the world.

Mr. MONDALE. I thank the Senator for this generosity.

Mr. President, my time has expired. Will the Senator from Nevada yield to me?

Mr. CANNON. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, in response to the comment made by the able and gifted Senator from Missouri, my point with respect to the military aspect of the shuttle was simply this. The Secretary of the Air Force testified before the committee that a shuttle was not essential. He would like to have it, but he testified it was not essential, and he saw that the priority was such that he saw the opportunity to have a major space vehicle developed as a part of the Air Force budget.

He further testified there would be cost advantages in the shuttle versus the expendable booster, but the Air Force study by the Rand Corporation concluded that the shuttle could not be justified on cost grounds so one wonders about the basis on which the Secretary makes that point.

The second point I wish to make is that the Senator is quite correct that there are uses for space, based upon many, many important practical needs on earth, and many important scientific needs. But through unmanned scientific space flights we can do the same thing at one-tenth or less the cost of manned flight. Manned flight is the most expensive scientific investment we can make in space.

We have had many Senators who have referred to the many things we have learned through space but I marvel at the fact that virtually all those are dividends of unmanned space flight, which costs less with no risk to human life. The Secretary said that the end of this decade we will be spending $7 billion compared to a space budget that will be only $2 billion and be more useful than the one costing $7 billion or perhaps $8 billion.

We have learned a good deal about communications and weather from outerspace and we have benefited greatly in the fields of communication such as radio, television, and the international satellite, but those are less expensive unmanned satellites that do not stay in the air, and they do not get sick, and they respond to controls on earth.

The National Academy of Sciences and Dr. Van Allen said that space control had gotten out of the hands of scientists into the hands of people who are asphyxiated on a manned space extravaganza.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. SYMINGTON. There is a way that a discussion can be handled between friends to make them enemies. You can go to one group and say, "Did you hear what so-and-so said about you?" When they say, "No," you tell them. Then, you can go to the other group and follow the same procedure and both are very angry and get into trouble.

The point I wish to make is that because Secretary Seamans, who once ran NASA and is now head of the Air Force believes there are certain programs that should be in the Air Force, he should not be placed in a position of considering this to be an unimportant program.

I have watched evolution of many of the programs the Senator makes reference to.

We had the long-range F-8 which was canceled for the B-70. Then, the B-70, the long-range bomber, was canceled—at a cost of several billion dollars—because the B-52 with the Skybolt missile would be better.

After spending a great deal more money, we gave up the Skybolt on the ground that the Dynasoar was better, then we gave up on that because we said the Dynasoar would not be as good as the manned orbital laboratory called MOL. At the additional expense of the American taxpayer we then canceled out the MOL. This closes the diagram.

On many of the programs that the able Senator opposed I have agreed with him in the past, and no doubt will agree with him in the future, but I do believe we should be allowed to have a manned space shuttle program.

The Senator mentioned the Rand report.

As I understand it, this report, written by four employees of Rand and printed in October, 1970, is quote as indicating that some doubt exists on the economic advantage of the shuttle. This was the view at that time by the authors who recommended additional economic studies. This has been done in the Mathematica studies. The quoted Rand report has not only been refuted by the Air Force Secretary Robert Seamans, but also by Henry Rowen, president of Rand.

There is no portion of the future space activity spectrum which will benefit more from prompt Space Shuttle development than the general realm of unmanned satellites.

The Senator from Minnesota questioned unmanned satellites. Therefore, I think it important to point out that the shuttle's large cargo bay can be used to carry many satellites at once, placing each in its optimal orbit, yet at far lower costs than existing expendable systems. With shuttle standing by, each satellite may be checked-out in orbit after deployment, confirming the satisfactory performance of all satellite systems.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. CANNON. Is it not a fact that quite recently we lost two of our unmanned missions at a cost of $170 million, both of which might have been saved had it been a part of the shuttle system?

Mr. SYMINGTON. The Senator is correct. I was coming to that.

It will be recalled we twice failed to successfully place the Orbital Astronomical Observatory satellite in orbit, once due to a primary battery failure, once due to a launch insertion problem. In both cases, had the Space Shuttle been available to place the OAO in orbit, this $100-million satellite would have either been repaired in orbit or safely returned to Earth for subsequent reflight.

In addition to avoiding the stockpiling of duplicate satellites to replace those lost on launch, the Space Shuttle concept offers very significant savings in the development and production costs of the satellites themselves. Again, the size of shuttle's cargo bay and shuttle's low-cost-per-pound-to-orbit relax the familiar size and weight limits which have contributed to the complexity and high cost of satellites. With shuttle as our reusable space transporter, future satellites may be built with more conventional fabrication techniques, not only saving years in development time, but sharply reducing their design, development and fabrication cost.

Shuttle's capability for routine satellite inspection and repair will enhance the reliability of our unmanned satellite programs. Approximately 300 American satellites are now in orbit, many of these are quiescent, but only for want of a new battery or minor adjustment. Heretofore, we have had no means for revisiting these satellites for routine maintenance, but shuttle will make the economies of satellite upkeep a reality. When a satellite's performance can best be served by major modifications, such as installation of a newly developed camera, shuttle's crew will retrieve the satellite and carry it home for overhaul and subsequent reflight.

Shuttle may be used as a test bed for development of the promising equipment including sensors and photographic techniques without the cost of a satellite experiment. During a portion of a routine mission, a scientist passenger aboard shuttle may perform orbital research on a variety of promising equipment, returning to Earth for major adjustments and data evaluation. When optimized, this newly developed equipment may then be installed in orbiting satellites during inspection visits, if necessary under the supervision of the scientists themselves. In this way, shuttle again offers the operational flexibility so that unmanned satellite performance may be enhanced by periodic contact with the inspection and modification skills of man.

Wisest continuation of our beneficial programs in space demands that we utilize the most efficient means for transport to space. Shuttle's multi-purpose capability utilizes an optimal blend of manned and unmanned characteristics. Where space activity can best be performed with unmanned satellies—as in weather observation, data delay, national defense and communications applications—these satellites may be most efficiently placed using shuttle. Conversely, man's capability to observe, make judgment decisions and recognize opportunity may be fully utilized in performing experiments, routine satellite inspection, and maintenance. Man's role in the shuttle is completely consistent with that of a flight crew in commercial aircraft.

We have truly evolved to a point where manned and unmanned space activity can both be made more productive and less costly through the development and multipurpose use of the reusable space shuttle.

Mr. President, I now ask unanimous consent to insert at this point in the RECORD some additional remarks as to why I support not only the space shuttle program, but other important activities undertaken by NASA.

As we discuss the NASA authorization bill for fiscal year 1972, also its provisions for the funding of various space activities, let us consider the significance, and the contribution of those activities to the problems of our times. When one does, there would appear to be strong relationship between NASA and current and future problems. That I believe is especially true when one considers the relationship of this program to our national security.

I am not thinking of national security in the limited sense of defensive systems operating from space. These no doubt will become increasingly important in the future, but are, in effect, the responsibility of the Department of Defense, not NASA. Rather, one thinks of the more fundamental security of our Nation in terms of its capability to both survive and prosper in the future in the absence of overt external military threats.

Consider for a moment the thin blue boundary called atmosphere which separates us from extinction. On those increasingly rare bright smogless days, the sky truly seems as big as the whole outdoors; but our atmosphere, that lifegiving blanket which protects us from the sterile blackness of the universe, is actually both finite and fragile; in fact, if the earth were reduced to the size of a basketball, one single coat of paint would then be thicker than the atmosphere upon which we depend for survival.

All of us are now properly concerned as to whether that thin lifegiving band can tolerate indefinitely the contaminations spewed forth by modern civilization without becoming so altered as to become inhospitable to the continued existence of mankind.

There is no unified body of scientific opinion on the matter. Some scientists express the view that we may already have begun an irreversible alteration to our atmosphere. Others, equally reputable, hold that environmental pollution must be looked upon as a set of local problems, with no overall global significance. All, however, will agree upon two things: First, the level of pollution, thermal as well as particulate, will increase enormously in the next few decades as the population and living standards of the world increase; second, today we do not have the capability to evaluate any resultant worldwide trends in atmospheric behavior.

There is no likelihood that the worldwide energy consumption trends now foreseen will be altered downward in the near future; and we have yet to face up to the task of reducing the atmospheric pollution rates which can only accompany the production and consumption of that energy. We are in a position now, however, to hasten the development of techniques and technologies essential to evaluate both the impact and the meaning of atmospheric pollution, through the support of this NASA program.

Whether atmospheric pollution is only a set of local problems, or is in fact of international significance will only be determined by acquiring dynamic global data on the long-term constituency and behavior of the atmosphere. These data must be three dimensional, including altitudinal variations.

The greatest promise for acquiring such data on a continuing long-term basis lies with space satellite systems; and the technical basis for such systems has already been demonstrated in large measure. Other NASA research activities now underway or planned for the near future show great promise for the satisfactory development of the remaining necessary elements of an atmospheric monitoring system.

The elements of the NASA activities which bear upon ultimate development of this critically needed system are not to be found in any single isolated project or program line of the proposed budget. Rather, in keeping with the complicated nature of the problem to be solved, work is being carried out in a broad variety of activities which should yield the ingredients for the ultimate solution.

As one might expect, the greatest effort is being carried out in the meteorological research and development activities conducted as part of the earth observations program.

This latter work has been a keystone in the space applications program of NASA since its creation in 1958. In close collaboration with the National Oceanographic and Atmospheric Administration, NASA has developed successively improved families of satellites that have been placed into operation by NOAA as part of its worldwide weather observation program.

The NASA funded R. & D. program has resulted in a steady flow of new sensor techniques and technologies which have enabled the weather satellites to progress from the initial collection of daytime cloud-cover photographs to today's infra-red day and night photographs, along with vertical temperature profiles through the atmosphere.

Experimental research now underway shows promise for extending the satellite data-collection capacity to the measurement of ground and sea surface temperatures.

These techniques and systems being developed by NASA that are now being applied to short term weather observations and forecasts will also be applicable to the larger atmospheric monitoring problem previously outlined. In addition, however, the monitoring task will have to incorporate techniques and concepts now being explored in the scientific measurements which NASA is conducting in its aeronomy program—the scientific study of the earth's atmospheric—also in the detection and evaluation of atmospheric pollutants as part of its broad earth observations program. It is a fact that atmospheric monitoring may ultimately draw some of its greatest contributions from the NASA planetary exploration activities.

Earlier I referred to the earth's atmosphere as not only finite but fragile, in the sense that relatively small perturbations of the atmospheric may have drastic implications on the earth's surface environment. To illustrate this observation, one should remember that the last great ice age ended only about 20,000 years ago, shortly before the dawn of civilized man.

We do not know the causes of these cataclysmic events, but believe they must have been associated with some upsetting of the delicate heat balance of the Earth, caused by an evolutionary change in the atmosphere.

Any evaluation of long term atmospheric trends must include a differentiation between natural evolutionary trends, over which man has little impact and control, and trends induced by mankind's own stewardship of this earth. Fortunately, through the capabilities afforded us by the NASA space program, we now have access to other planetary atmospheres than our own. These we can study so as to gain a better understanding of atmospheric evolutions. There are increasing reasons to believe that studies of other planetary atmospheres may provide keys to the understanding of our contemporary atmospheric circulations and behavior.

As but one example, it is believed that the rapid rotation of the earth introduces some of the more important forces which influence large-scale circulations of the atmosphere. Venus, on the other hand, rotates very slowly—about once a year—so a study of the circulation of the Venusian atmosphere should enable us to evaluate a comparative situation in which a major earth variable is removed.

From such missions, strongly recommended by the scientific community, there may also come important concepts which will expedite the interpretative computer modeling of our own global atmospheric observations.

At the outset of these remarks I referred to the relationship of the NASA program to our broad national security; and the large number of NASA activities that are, and can be, brought to bear on the long term evaluation of this global atmospheric problem is but one example of the relevancy of this program to our security.

The space program has shown the new possibilities which we, as a Nation, have within our grasp to cope with the problems of a highly dynamic and expanding world society. Just as air and water pollution have erupted in recent years as major if not catastrophic problems in so many areas of the world, so do other problems which lie on the horizon.

Increasingly, we are finding that our really critical decisions, whether in business or in government, must deal with input influences which arise from broad areas which in turn will have output effects that extend beyond local, even national boundaries. Furthermore, such is the current pace of mankind's development that many of these problems cannot be treated as isolated and static. They should be acted upon now in their far-flung contexts.

In these fields, space borne systems offer a great potential for improving the quality of our decisions. Experience has shown that satellites can be effectively operated in orbits which bring this entire globe under observation on a repetitive basis, while the satellites themselves can be simultaneously accessible to widely disbursed points on the earth. By operating such satellites in conjunction with modern high speed, high capacity computers, we will have the capability of acquiring, transmitting, and converting vast amounts of globally acquired data into useful, decisionmaking information; and on a timely basis.

The principal obstacle to the widescale utilization of space systems does not lie in technological uncertainties, for the remarkable achievements of NASA have already shown that we have the capability to solve complex problems; rather in the high costs associated with the conduct of space activities.

In our present mode of operations, not only are the complicated launch vehicles expended in a single use, but the spacecraft themselves must incorporate the costly perfection needed to assure continuous and reliable operation over the desired mission life without attendance or routine maintenance.

NASA's studies are convincing that we can vastly improve both of these situations by developing and using a reusable earth-to-orbit shuttle. They have not yet asked for a firm development commitment for such a shuttle, but are asking in this budget before us for funds to continue detailed studies from which a configuration for such a development can be selected. I believe this approach is prudent and should be supported.

It is for these reasons that I support this bill.

Mr. MONDALE. Mr. President, would the manager of the bill yield me 5 more minutes?

Mr. CANNON. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, let me attempt to briefly review the points previously made.

The report by the distinguished National Academy of Science stated:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing of the shuttle.

In other words, the Academy of Sciences concluded it could not be justified on the basis of space science and applications. Then the Rand study, commissioned by the Air Force, concluded that the shuttle could not be justified on the basis of cost——

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONDALE. I have only 5 minutes.

The Rand study for the Air Force is sought to be dismissed on the basis of a letter from President Rowen of the Rand Corp., but a careful reading of that letter shows that this report commissioned by the Air Force was intended to illuminate issues, reduce areas of uncertainty, and thus assist decisionmakers in reaching rational choices. In other words, the study was to help understand the cost-effectiveness of the proposed shuttle. That is all it did.

The other point is that many other scientists have concluded that the shuttle could not be justified either on the basis of utilitarian needs or on the basis of technology or scientific exploration.

I ask unanimous consent to have included in the RECORD a letter from perhaps the most distinguished space scientists in the country today, Dr. Van Allen, who opposes the expenditure of this money for the space shuttle on the ground that it is wasteful. I ask my colleagues to give it careful study.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF IOWA,
*Iowa City, Iowa, May 31, 1971.*

Hon. WALTER F. MONDALE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MONDALE: I am writing to again express my distress at the emphasis that the National Aeronautics and Space Administration is giving to the space shuttle/space transportation system as the dominant element of its future program. I do so, not as an outside, mindless critic of the national space program, but as one who has worked in space exploration as a profession since late 1945 and expect to continue to do so for many more years.

Advocacy for the space shuttle rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief and have myself been an adherent to it in various contexts. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

In the early stages of space exploration, human adventure and the recovery of national prestige following the Soviet success with Sputnik I were driving forces in our national effort. But at the present stage we should, in my judgment, shift our emphasis forthrightly and explicitly to two and only two objectives:

(a) Utilitarian uses of space technology, both civil and military, and

(b) Scientific exploration.

The first of these objectives should be dominant. A well designed program of space applications can be closely matched to human needs and desires and can be essentially self-justifying, i.e., it can "pay its own way." I am thinking here primarily of the areas of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine technical purposes, and of reconnaissance in its broadest sense. Both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 1,000 to 10,000 lb. class. Updating and replacement of elements of such world wide operational systems are envisioned as requiring no more than 10 launches per year.

Scientific exploration, the second objective, is of a different nature. It feeds man's deep-seated intellectual interest in the origin of the physical universe and in its detailed workings at the present time. This interest is increasingly widespread as the general educational level of our citizenry is raised. As a teacher and lecturer in the physics and astronomy of the solar system, I am ever more impressed by the broad popular interest in purely scientific matters. The close-in study of the huge outer planets by space techniques is a case in point. I believe that the support of science for its own sake is a proper function of the federal government, without apology or obfuscation. It is one of the fields of endeavor that enables man to have a higher purpose in life than bare survival as an animal.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the above objectives. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. I have studied these claims and conclude that they are based on:

(a) Gross over-estimation of the volume of space traffic (i.e., tons of payload into orbit per year) that can be reasonably anticipated;

(b) Substantial under-estimation of the developmental and operational costs of the shuttle program; and

(c) Apparent disregard for other techniques for the reduction of the costs of space exploration that are either available at present or can be reliably forecast (e.g., *long-lived* observatories, improved schemes, for data reduction and display, improved efficiency in the manufacture of conventional boosters and of guidance and control systems, adaptation and rework of surplus military boosters, etc.).

Even if their claims are valid, they visualize growth of the annual space budget of the National Aeronautics and Space Administration to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program can be met in a vigorous and effective way by unmanned techniques at the annual level of some $2 billion. In general support of this comparison, I call attention to the following facts:

(a) The President's budgetary request for NASA for the fiscal year 1972 totals $3.27 billion of new obligational authority.

(b) Of the total, about 50% is devoted to science and applications in all of their ramifications, a thoroughly vigorous program.

(c) The other 50% is devoted to manned flight. Yet during FY 1972, only two actual flight missions are contemplated—Apollos 15 and 16. Even these two flights depend primarily on existing facilities and previously paid-for flight hardware. The flights have little utilitarian significance and relatively restricted scientific objectives as viewed in the larger context of space science with all of its richness and diversity.

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient technical resources. My position is essentially that an effort of this magnitude is inappropriate to the national context of the 1970's. Moreover, I fully expect that concentration on such a development during this decade would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.

Sincerely yours,
J. A. VAN ALLEN,
*Head of Department.*

Mr. MONDALE. Mr. President, finally we are told the shuttle cannot be justified alone on the grounds of civilian space exploration, but because of its military uses it becomes a valid and cost-effective vehicle. But a direct response to a question by the Secretary of the Air Force before the Senate Space Committee showed that it was not essential to military requirements that such a transportation system be used; that it was of such low priority, that money from the Air Force budget was not being allocated to its use.

Further, it is stated that this program is essential to our environmental problems. Has one of leading evironmentalist asked for a single dime to be used for both this program to help solve environmental problems? Does anyone doubt that the $10 billion to $15 billion that we will waste on this program could not be spent on environmental programs that we must have? If we spend billions of dollars on this program, we will have that many billions less to solve our environmental problems, to educate our children, to feed the hungry, and to do all the other things in health and other areas which this country needs so urgently.

For these reasons I strongly hope this amendment will be adopted tomorrow by the U.S. Senate.

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Maine (Mrs. SMITH). Then I will yield 5 minutes to the Senator from Florida (Mr. CHILES).

Mrs. SMITH. I thank the distinguished Senator for yielding to me.

Mr. President, by letter of June 9, 1971, James C. Fletcher, Administrator of the National Aeronautics and Space Administration, notified me that he had decided to terminate the present operation of the NASA executive lunch room as soon as other arrangements can be made. He stated:

> A basic condition to be met by any new arrangement will be that the charges to each executive will not be less than what he would pay for the same meal elsewhere.

I commend this forthright action of Dr. Fletcher. It is in sharp contrast to the policy of his predecessor.

This is the final result of action I initiated more than a year ago when on February 26, 1970, I asked the Comptroller General of the United States to review the operation and administration of the NASA headquarters executive lunchroom. Under the direction of the Comptroller General, the General Accounting Office conducted an investigation of the NASA executive lunchroom.

That investigation disclosed what I consider to have been serious abuse of the taxpayers by NASA executives in the operation and administration of the lunchroom affording such bargains as to approach a status of freeloading at taxpayers' expense.

NASA executives receiving annual salaries as high as $30,000 or more paid the nominal amount of only $10 a month for a potential of 20 to 22 lunches. Potentially, this was at an average as low as that of less than 46 cents a lunch for soup, sandwich, green salad, beverage and dessert—and once a week a hot food course, cafeteria style.

The attractiveness of this low rate is indicated in the fact that NASA records reveal that the average regular attendee ate 15 meals per month in the lunchroom. Until after the investigation was started, the members could have guests dine free of charge as long as the number of meals consumed by the member and his guests did not exceed the total number of meals to which the member was entitled during the month. In other words, they could even make up for the few meals missed by subsequently having guests free for such missed meals.

The General Accounting Office costed out these NASA executive lunchroom meals at $4.03 per meal. I do not know where anyone, whether they be high paid executives or not, could get such a bargain lunch—paying as little as less than 46 cents for a $4.03 meal.

But that is not all of this disgraceful situation. A considerable amount of the food for the NASA executive lunchroom was purchased from a military commissary—Fort McNair—in violation of military regulations. A coverup was made by NASA personnel on these purchases by removing from the cash register receipts the printed statements of "U.S. Army Commissary Fort McNair" at the top of the receipt and "purchases for personal use only" at the bottom.

During the investigation by the General Accounting Office, NASA officials callously acted deceitfully on these illegal commissary purchase records and practice in that: First, they represented that certain food purchases had been made at commercial food stores when, in fact, they had instead been made at the Fort McNair Commissary and the deceitful practice of altering the cash-register receipts as set forth above was continued even after the investigation was being conducted and second, they represented that this practice of purchasing at military commissaries had stopped pursuant to oral instruction issued late in 1969 or early 1970 when, to the contrary, purchases were still being made at the Fort McNair Commissary in March and April 1970. Dr. Fletcher himself has acknowledged that NASA officials misrepresented "that the practice had been stopped when, in fact, it had not been stopped."

While this is not a matter of either earth-shaking or "out-of-this-world" proportions, it raises a question as to the credibility of NASA and particularly when it defends its budget before Congress. For if we cannot believe NASA on the small matters, then can we believe NASA on the big matters and on the billion dollar portions of NASA's programs?

This has been going on at NASA for more than 5 years since 1966—and even more significantly, for more than a year after the investigation was started. This is nothing less than a record of callousness and arrogance. It certainly does not speak well for NASA at the executive level.

I have no criticism of Dr. Fletcher on this matter for he inherited it. I have only praise for him in cleaning the situation up to the extent of ordering the termination of the NASA executive lunch room operation and an end to this freeloading by NASA executives at taxpayers' expense. His action is a measure of restoration of credibility to NASA. My criticism is of his predecessors who authorized, approved—and even condoned this operation after it had been pointedly called to their attention.

I wonder if there are any other 46 cent bargain executive lunchrooms for $30,000 and above executives in our Federal Government. Because I wonder, I have requested the Comptroller General to make an overall investigation for any similar operations in the Federal Government.

Mr. CANNON. I yield 5 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I should like to address my remarks to the amendment, and to state that I think this country's need for a space program did not end when we landed a man on the moon.

The mover of the amendment, the distinguished Senator from Minnesota, talks about the cost estimates, and his fear that the costs are going to greatly exceed what NASA has estimated. He says the outstanding example to date of a cost that did not exceed the estimate was the NASA project in regard to lunar exploration itself in connection with the Apollo mission.

It seems to me the fact that NASA was right on target with that estimate and none of the others is hardly an indictment of NASA. I think the fact that NASA is in difficulty here today is hardly the result of their failures, but rather the result of their successes. NASA's success is a part of the reason they are in trouble with this program today; for because we so far outstrip the Russians in their capabilities and in having placed a man on the moon, much of the public has lost its enthusiasm for the space program.

But I think our responsibility as Members of Congress is not just to determine whether this is a program that now has the attention and the enthusiasm of the people, but whether it is necessary for us to go forward with it as a Nation, and whether the program is going to make sense for the future of this country.

I think we have to weigh and to determine, in answering that question, not just the scientific feasibility of it, our space science capability, or just its economic feasibility, but we must look to the whole range of the program. Is it necessary for our defense? In the future, for the defense of this country, will it be necessary for us to keep pace with the Russians and their space exploration?

Certainly it is easy to see the amount of attention that Russia gives to its space program, with an economy that is much smaller than ours, and a gross national product that is only a fraction of what ours is. We see the portion of their gross national product that they allocate to space, the number of space missions and shots that they make every year, and the attention that they are devoting to space; and the fact that we did outdistance them in placing a man on the moon is certainly not something for us to become embarrassed about when we see the tremendous attention which they are paying and the amount of their technology that they are devoting to this effort. We can be sure they are not interested in just the space science aspects or just in economic feasibility, but we know they are interested in defense capability, and in what potential there is for defense and offense in the use of space. That, I think, is something that we also have to consider.

The other matter to which I should

like to call the attention of the Senate is the argument on priorities. I think it is very easy to make an either/or argument in regard to space, that if we devote this amount of money to space, then we are taking away food out of the mouths of hungry children; that if we devote $145 million to space, how many library books we could have, how many food programs we could have—one could make that argument as to many, many programs, Mr. President. In fact, if one wanted to pursue that argument, one could ask, how much do we spend on beer in this country each year? If we spend the billions of dollars we spend on beer, do we entitle ourselves to have a space program to protect mankind in the future? How much do we spend each year for aspirin in this country? How much do we spend each year for cigarettes?

I think the either/or argument, while it is very appealing, is not the proper way to argue. The proper argument is whether for this country, with its capabilities, with its gross national product, with the ambitions of its people, this program makes sense, that in the future we determine we are going to keep up with the Russians, that we are going to try to maintain a lead, that we have spent an awful lot of money to develop Are there potentials in space we have not realized, which we are only on the point of attempting to realize, and is this something that fits into our overall budget, with the gross national product that we have in this country, that we should pay attention to this as well as to the halt, the lame, the hungry children, and everything else?

To try to make an either/or argument, Mr. President, I do not think is fair. I do not think it is fair to the people of this country, and I do not think it is fair to this program. I do not think it is the proper way to argue the matter.

Mr. President, when I look at the gross national product of this country, at what our capabilities are, and at what our aspirations and our ambitions are, I cannot do otherwise than favor a space shuttle. It appears to make sense in line with what we have done to date in space, and in line with the programs that NASA has projected for the future.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. CANNON. I yield the Senator 2 additional minutes.

Mr. CHILES. Mr. President, I repeat, I think that NASA, because of its record of success, has problems here today, not because of its record of failure, as is the case in connection with so many programs. I say, let us go forward with the future of this program. Let us not allow our country to get into a situation where we will have to catch up from behind. Let us try to determine that we will hold our own space today. I believe we should vote down the amendment of the distinguished Senator from Minnesota, and follow the recommendations of the committee in regard to the appropriations for this program.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The distinguished Senator from Minnesota has tried to make it appear that all of the scientific community in this country is opposed to the shuttle concept. As I have already pointed out, Chairman Townes of the National Academy of Sciences Space Science Board, and professor of physics at the University of California, completely supports our posture.

I also have some letters addressed to the chairman of the committee, which I shall ask to have printed in the RECORD. The first is from Prof. A. J. Dessler, professor of space science at Rice University, who points out that scientists have no special expertise in this area, and that a unanimous expression of opposition on their part might have an adverse effect on the pending legislation.

He goes on to point out that we should be aware that opinions of space scientists regarding this project are mixed, and states that he feels we should go ahead and have an objective evaluation of the program.

I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RICE UNIVERSITY,
DEPARTMENT OF SPACE SCIENCE,
*Houston, Tex., June 25, 1971.*

Senator CLINTON P. ANDERSON,
*Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.*

DEAR SENATOR ANDERSON: Because of my recent involvement as a member of the Executive Committee on the Summer Study on Priorities for Space Research 1971–1980 carried out by the National Academy of Sciences, and because of my career involvement in space science (Science Advisor for the National Aeronautics and Space Council, 1969–70 and Chairman of the Department of Space Science at Rice University before that), I have become increasingly concerned regarding statements on the future of the Space Shuttle made by some of my scientific colleagues. This project is largely a technological matter, and, although scientists have no special expertise in this area, a unanimous expression of opposition on their part might have an adverse effect on pending legislation. You should be aware that the opinions of space scientists regarding this project are mixed.

It may seem odd, but it is a fact that many scientists are extremely conservative with regard to technological progress, especially when it is in an area that impinges on their research. This is especially the case when their research is going well and they only wish it were scaled up in its present, or slightly improved, form. They often see a proposed new technological program as a potential threat that may cause the postponement or delay of some research they might wish to do.

I have most recently been distressed by our apparent withdrawal from any long-range commitment to retain our lead in the exploration of space. The Space Shuttle represents a possible avenue of technological development that could prove, a decade hence, to be a vital ingredient in this nation's posture with regard to space exploration. No positive assurance can be given that the Shuttle will prove to be a viable development. On the other hand, it is not now possible for any one to foretell the size and scope of our space program ten years from now. Forecasts even five years in advance have often proved inaccurate when predicting technological progress.

I would hope that work on the Space Shuttle could be continued to the point that its feasibility and economic benefit could be objectively evaluated and the scope of our future space program better defined. A relatively small investment in this program at the present time will place us in a good position to make a more rational evaluation of how much to spend on our efforts in space and where this money is best spent. We should not place ourselves in the position of abandoning projects because some express uncertainty or doubt. Especially when, as with the case of the Space Shuttle, our future efforts may well be dependent on them.

Yours truly,
A. J. DESSLER,
*Professor of Space Science.*

Mr. CANNON. I also have a letter from Courtland D. Perkins, chairman of the Department of Aerospace and Mechanical Sciences, Princeton University, and chairman of the USAF Scientific Advisory Board. He supports the space shuttle program and points out the advantages, because of the tremendous cost of payloads, ranging up to $20,000 a pound in orbit, and how those costs could be reduced in the event we had a resuable shuttle; and he urges us to support the NASA shuttle program.

I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRINCETON UNIVERSITY,
*Princeton, N.J., June 25, 1971.*

Hon. CLINTON P. ANDERSON,
*Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I have written the enclosed letter to Senator Case supporting the space shuttle and it occured to me that it might also be useful to you as Chairman of the Committtee on Aeronautical and Space Sciences.

Sincerely,
COURTLAND D. PERKINS,
*Department of Aerospace and Mechanical Sciences, Princeton University, and Chairman, USAF Scientific Advisory Board.*

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PRINCETON UNIVERSITY,
*Princeton, N.J., June 25, 1971.*

Hon. CLIFFORD P. CASE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR CASE: I think few would debate the fact that this country's response to the challenge of space has been the greatest technical achievement in history, culminating in the spectacular success of our Apollo program. These successes have covered the complete spectrum of capabilities of manned and unmanned programs; space science; space exploration; and space utilization including communications, weather surveillance, and many important military potentials. Our space program has not only impacted on all these factors but has greatly enhanced this country's technical image and leadership and is certainly an important factor in today's political environment.

As a result of this great program, we find this country's technical prestige very high and that we have a brilliant new technical capability with great potential along many lines. We look out on a menu of possibilities that appears almost unlimited in scope. No other program has such deep potential for science and technology and future impact on our way of life, nor is there any other program that has the potential for maintaining our technological lead and prestige before an unsettled world.

As we look out onto this broad new spectrum of space possibilities, we find that the major limiting factor in what we can do is the very large cost involved. These costs are high because of the large energy requirements to boost payloads into space. These energy requirements could be met in the technology of the '50s and '60s only by throw-away, staged, rocket-propelled boosters. To be sure throw-away systems worked the first time, costly check-out and reliability approaches were required.

Ever since the start of the space program in late 1957, every study of these operations has looked longingly for new approaches to the launching problem. We needed higher energy fuels but the most attractive potential of all was reuseability. Up to the present, none of these approaches has shown enough promise to warrant the large development expenditures involved, and we have continued with our high cost operations that have required the difficult motivation of prestige to fund. A motivation that is still real enough but one that becomes much less viable as time goes on.

The potentials of a fully recoverable launching system has been recognized by nearly everyone that has studied our space operations, manned or unmanned, NASA or DOD. The ultimate in such a system was proposed some years ago in an Air Force study. This system involved a launcher that could take off horizontally from a runway, fly out and accelerate into orbit with its payload all in one stage, place the payload into orbit, check it out, refurbish malfunctioning payloads, recover some, and re-enter and fly back to the starting point. This deal system was called "aerospaceplane" but it was found that the technology involved in such a solution was just not available.

These studies did show, however, that fully recoverable systems had two major cost benefits: one, the reduction of the actual launch cost from the present $1,000 per pound in orbit to $100 per pound; the second, just as important and in many cases even more so, was the reduction in design severity on the space payloads due to the potential for check-out in orbit refurbishment and re-use. Today's enormous cost of payloads range up to $20,000 per pound in orbit. A fully recoverable launch system permits a significant reduction in this important cost element.

The development of a new launch system depends on the technology available and the rate at which payloads are to be launched. There is a close relationship between these launch costs and the build-up of space payloads. If the cost can be dramatically reduced, we can afford to do many things that we could not do today. New programs in space science, applications, exploration, and military programs would multiply rapidly, giving these large reductions in cost. Very careful studies made over the past few years have identified the fact that technology has developed to a point where a fully recoverable launch system can be identified. This system has been called the shuttle and involves a two-staged winged system requiring a vertical take-off with a normal horizontal landing. This system has a real engineering solution involving an acceptable stretch in the technologies involved. The costs of this system have been studied by many during the past several years, but the most sophisticated cost study was performed recently by Mathematica, Inc., of Princeton, and reported to the NASA in May 1971. This study shows that the shuttle system can realize the cost advantages accruing to recoverable systems with the payload potential forecast conservatively today.

Many of us feel that with the lower launch and payload cost potentials, we will see a great increase in space activity all across the board.

In summary, our space program has been a spectacular success for this country, has added to our technological leadership, and has been an element of national prestige. We are just learning how to use this great new capability for many purposes that include earth applications, science, explorations, and military operations. All of these activities, whether accomplished in manned or unmanned systems, will be enhanced with the availability of a fully recoverable and, as a consequence, less costly launching system. The NASA shuttle program is technically feasible, is timely and important to this country's next advance in space activity.

I urge you to support the NASA shuttle program in the present Congressional activities.

Sincerely,

COURTLAND D. PERKINS,
*Chairman, Department of Aerospace and Mechanical Sciences, Princeton University, and Chairman, USAF Scientific Advisory Board.*

Mr. CANNON. I also have a letter from Dr. Brian O'Brien, from North Woodstock, Conn., who also points out that if we fail to develop a reusable space transportation system, and another nation does so, he fears that our position in world competition may be very seriously impaired. Dr. O'Brien is from MIT. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH WOODSTOCK, CONN.,
*June 25, 1971.*

Hon. CLINTON P. ANDERSON,
*Chairman, Committee on Aeronautical and Space Sciences,*
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: It has occurred to me that a letter which I have written to Senator Weicker, copy of which is enclosed, might be of some use to you in evaluating the space shuttle question.

Sincerely yours,

BRIAN O'BRIEN.

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NORTH WOODSTOCK, CONN.,
*June 25, 1971.*

Hon. LOWELL P. WEICKER,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WEICKER: I am writing to point out certain matters pertaining to the proposed space shuttle which may possibly be of use to you in evaluating this question.

A few scientists, including some of my fellow members of the National Academy of Sciences, have gone on record against the development of the space shuttle on the ground that cost of development is not justified by scientific experiments in space and practical space applications as presently envisaged. I believe that the point of view which this expresses is both narrow and unimaginative.

I shall not attempt to comment on the economic trade-offs involved since detailed studies of these are being made and will be available to you. Rather, I would like to emphasize what seems to me a far more compelling reason for the United States to undertake development of a reusable shuttle to provide low cost transportation to and from space.

The existence of such a space transportation system would change completely our methods of operating in space. In contrast to the present long lead time required to prepare for a space mission, a shuttle could be ready and available on very short notice to meet whatever needs might develop in the national or international scene. Once the initial investment is made, the cost per launch will be so greatly reduced that missions could be undertaken which would be economically out of the question when using expendable boosters.

Mankind is clearly committed to the exploitation of space, and I believe that any nation which lacks the fullest capability for this must inevitably fall behind as a world power. If we fail to develop a reusable space transportation system and another nation does so, I fear that our position in world competition may be very seriously impaired.

Since development of a space shuttle will require a number of years, it is important that the long lead time items be undertaken at the earliest possible date. I hope you will agree with the thoughts expressed above and will make every effort to further such development.

Sincerely,

BRIAN O'BRIEN.

Mr. CANNON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that the bill is open to further amendment. The Mondale and Javits amendments will be laid before the Senate tomorrow at approximately 1 p.m. The Senator from Nevada has 16 minutes and the Senator from Nebraska 31 minutes remaining.

Mr. CANNON. Mr. President, would it be in order for me to suggest the absence of a quorum, and to request that other Senators be notified that if they have additional amendments, they must be presented today, prior to our going over to tomorrow. Is that the correct parliamentary situation?

The PRESIDING OFFICER. Amendments will be in order tomorrow. They will not be debatable.

Mr. CANNON. Amendments will be in order tomorrow, but they will not be debatable?

The PRESIDING OFFICER. That is correct.

Mr. CANNON. So that if other Senators have amendments they desire to present and debate, it will be necessary that those amendments be disposed of prior to our going over until tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. SPARKMAN. Mr. President, will the Senator yield me 3 minutes?

Mr. CANNON. I yield 3 minutes to the distinguished Senator.

Mr. SPARKMAN. Mr. President, over the years, I have listened with a great deal of interest to the debates with respect to the space program. Some time ago, I ran across a little article that reminded me very much of some of the things we have been running into in the course of these debates. This article is entitled "Columbus Had Trouble, Too." I will read it:

### COLUMBUS HAD TROUBLE, TOO

Columbus, it appears, had about as hard a time finding support for his revolutionary idea of sailing west to reach China as do space officials today who want to land on Mars and explore the other planets.

One of the 15th-century navigator's appeals for help was to the Senate of his native state of Genoa.

The Senate of Genoa, however, recognizing it knew little about oceanic exploration, did what comes naturally to senators of any age or state: They appointed a committee to study his suggestion.

After months of debate they finally got out a report—which has only recently been discovered in a monastery library in southeastern Spain. The report ran—964 pages!

The Senate committee also sent Columbus a letter, which, in brief, discouraged his westward voyage. Its letter ended with these memorable passages:

"We feel that you will be quite pleased with the output of this progressive, forward-looking committee of profound scholars. Incidentally, there was one additional member of the committee, a rather rash and impetuous young engineer, lately of Florence, who was sent in place of the ailing Dr. Taglatti of the University of Milan. Though he came highly recommended, he showed his immaturity and poor judgment by advocating that the voyage itself be initiated immediately.

"Investigation proved him to be quite eccentric (he talks of flying machines and fancies himself an artist), and he was therefore dismissed from the committee. He is the son of a Florentine notary, and in case you desire to contact him, his name is Leonardo da Vinci."

I thank the Senator for yielding.

Mr. CANNON. I ask the Senator whether that report has ever been declassified. [Laughter.]

Mr. SPARKMAN. We might appoint an investigating committee to look into it.

### THE SPACE SHUTTLE

Mr. BROOKE. Mr. President, the Senate is now considering an amendment which would delete $137.6 million, earmarked for the space shuttle and space station, from the NASA authorization bill.

Last year I supported a similar authorization on the grounds that it was necessary to proceed with the research in order to determine whether such technology was both technically and economically feasible. This year, once again, I will support the authorization. I do so, however, in the clear understanding that passage of the pending request represents no congressional commitment to full development of the space shuttle and the space station.

I have several concerns about this particular project. Not least is the projected cost: Official estimates of the development costs of the space shuttle run as high as $10 billion in this decade. This is a great expense, particularly at a time when we are reducing our expenditures in defense and space in order to provide more adequately for the immediate needs of our people. The $10 billion could represent the major portion of our allowable expenditures for space research in all of the 1970's. By investing this much in a single project, we risk foreclosing our options in terms of developing other technology which might, in the long run, prove more beneficial both in terms of space exploration and in terms of its "spin-off" value here on earth.

We are now very close to knowing whether the space shuttle/space station concept is indeed operable. Inasmuch as the preliminary studies are now nearing completion, I believe it would be unwise to deny the research and scientific communities the opportunity of making the final investigations necessary to determine the feasibility of this complex project. But I would urge both the scientists at NASA and those who oversee them to give the most serious consideration to other alternative programs, including remote-control devices and the development of more sophisticated boosters.

Space research and space technology alike can lead to continuing progress in terms of advancing the frontiers of human knowledge and expanding the limits of human capabilities. But the scientific community must be free to pursue the fullest range of alternatives; it must not lock itself in by its own investments. Before further funds are made available for the space shuttle, I am hopeful that the many questions surrounding its workability will have been answered satisfactorily.

### COMMENTS OF THE MATHEMATICA SPACE SHUTTLE STUDIES

Mr. CANNON. Mr. President, the cost effectiveness of the space shuttle has been analyzed for NASA by Mathematica Inc. This organization is considered among the leading firms in the country involving economic analysis. The chairman of the company is Dr. Oskar Morgenstern, a world renown mathematical economist. Among his numerous publications is the classical work entitled "Theory of Games and Economic Behavior" which he coauthored with the late John von Neumann.

Mathematica has just completed a study titled "Economic Analysis of New Space Transportation Systems." This independent study concludes that the space shuttle is a cost-effective system. The findings of the economic study of the space shuttle system may be expressed in two very simple statements. First, the direct cost of space activity to a shuttle-owning nation will be about one-half of the direct cost to a nation relying on expendable launch systems; and second, the nonrecurring costs associated with becoming a shuttle-owning nation are shown by contemporary economic theory to be justified if the nation intends to operate a space program with a level of activity represented by about 40 shuttle flights per year.

Benefits of the use of the system include effects on both transportation cost and payload cost. It is the payload costs that are frequently lost sight of in discussions of the importance of the space shuttle in the space programs of the future.

### THE SPACE SHUTTLE PROGRAM

Mr. BUCKLEY. Mr. President, the Congress is being asked to authorize $137.6 million for continued development of the space shuttle, which is the major component in our proposed space transportation system. Before discussing the wisdom of this authorization, I think it might be useful to provide a brief description of the proposed operation of the space shuttle.

At the present time, technology limits our ability to place satellites and other vehicles in space at low cost; medium to large size payloads cost from $15 to $55 million in launching costs alone, depending on the rocket used, and each rocket booster can be used only once. The space shuttle is an innovation which would enable us to reuse the rocket booster up to 100 times. The basic notion is to construct a two-stage vehicle. The first stage, the shuttle stage, would lift the second stage, the orbiter, with the mission payload to an altitude of 40 miles. At this point, the first and second stages separate. The first stage, the shuttle stage, then returns to earth for reuse. The second stage, the orbiter, places a satellite or other space vehicle into orbit of up to 600 miles above the earth. The orbiter then returns to earth, landing like an ordinary aircraft, for reuse. A second element of the space transportation system, the space tug, which is to be developed at a later stage, would be able to move the satellite or other space vehicle from the 600-mile orbit to other, higher orbits, depending upon the purpose of the vehicle.

A space shuttle will make possible a number of missions which cannot be performed economically, if at all, by current techniques. Let me cite a few examples:

It will be possible to place satellites into orbit and return them to earth for repair.

Because the orbiter is manned, malfunctioning satellites can be repaired in orbit. Thus, satellites cost tens of millions of dollars will not be permanently lost in the event of a minor malfunction, as happened with the $80 million orbiting astronomical observatory satellite several months ago.

Very large and complex space vehicles can be delivered in sections to a low earth orbit and assembled. This approach would be prohibitively expensive with existing techniques.

Because the shuttle is to be designed for rapid response, it would permit the space rescue of stranded astronauts. This would materially reduce the risk of space research programs involving manned space flight, and avert the kind of tragic accident which nearly befell our Apollo 13 astronauts a year ago.

Because the space shuttle would fly more like an ordinary aircraft, with relatively slow rates of acceleration we have known with conventional techniques, scientists and other individuals without specific training as astronauts could participate in space flights.

It is apparent that the space shuttle has some unique advantages which cannot be offset by the more intensive use of existing rockets and present-day techniques. It is, however, important to consider whether or not the space shuttle makes economic sense in relation to the functions which can be performed by existing systems.

There are two costs which are crucial elements in making a judgment as to whether or not the shuttle is a useful investment for the United States to make. The first of these costs is the launching cost per flight. At the present time, the United States has a number of rockets capable of placing relatively small to extremely large payloads into orbit. The cost of these nonreusable rockets ranges from about $7 million per flight for the Thor-Delta to $55 million per flight for the Saturn 1B. The cost per flight of the space shuttle, on the other hand, would not vary with the size or weight of the payload—it would remain constant at $5 million per flight.

The second element of cost to be considered is the cost of the payload; that is, the satellite or other space vehicle which is to be lifted into orbit. It should be emphasized that payload costs constitute from 75 to 80 percent of a typical U.S. space program, launch costs constituting the remaining 20 to 25 percent. The shuttle would be a worthwhile investment if it is likely that it would make possible significant savings in the cost of satellites and other space vehicles lifted by them. As a member of the Committee on Aeronautical and Space Sciences, I have heard a great deal of testimony from scientists and engineers with expertise in the design and production of space vehicles that the space shuttle would reduce payload costs by 50 percent. The reasons for this are quite simple: First of all, because the payloads are not subject to the very high rates of acceleration of conventional rockets, they do not need to be as ruggedly built as present payloads. Second, because of the large, standard carrying capacity of the shuttle and the low cost per trip, far less expense and ingenuity will need to be expended in minimizing the weight and size of the individual payloads. Third, because of the fact that satellites and other space vehicles can be returned to earth, costly features designed to provide extreme reliability will not be necessary.

A recent study of these operating cost factors as well as the R. & D. and investment cost factors of the space shuttle and space tug has been made by Mathematica, Inc., under the leadership of Dr. Oskar Morgenstern, the eminent Princeton University economist. This study was made to determine whether or not the economic savings of the space shuttle were outweighed by its cost.

The Mathematica study assumes a 13-year space program involving only 500 flights, or an average of about 39 space flights per year—in contrast with the recent actual experience, based on averages for the 5-year period from 1964–69, of 50 flights per annum for the United States and 61 flights for the Russians. On the basis of this low estimate of future flights, Mathematica's study nevertheless concluded that the shuttle would produce enough savings in launch and payload costs to be equal to a 10-percent return on a conservatively estimated $12.7 billion research, development and investment cost. Recent modifications in NASA's space shuttle program which were made subsequent to the Mathematica study suggest that reductions in the estimated R. & D. costs for the program will be achieved.

It should be remembered that the savings are based upon data that is already well known. The cost of the space shuttle program is unlikely to be substantially in error because most of the technology upon which it is based came about as the result of "fallout" from other NASA and Department of Defense aeronautics and space programs. Thus the technological risk in the space shuttle is relatively low.

A Rand study of the space shuttle program published in October 1970, and on which the sponsors of amendment No. 233 rely in arguing for the termination of the shuttle program, was based on information that is now obsolete, according to a letter of May 28, 1971, from Henry Rowen, president of Rand Corp., to Senator CLINTON P. ANDERSON, chairman of the Committee on Aeronautical and Space Sciences. The information on the economic and substantive aspects of the space shuttle were based on preliminary plans known to Rand in 1969 and early 1970. Mr. Rowen states that because the study was based upon earlier data, it should not be used as the sole basis of decision. This observation holds true for the estimate published in the Rand study that the program would cost as much as $7 billion in 1975. This figure was based upon the inclusion of a space station in the space shuttle program. It has been definitively established that a space station is not part of the space shuttle program, and therefore cannot be included in the calculation.

Finally, there is the national defense implications of the space shuttle. The Soviet Union is now launching more than twice as many military space vehicles as the United States. Unless a less expensive means of placing military spacecraft in space is found, the increasing personnel costs on the Defense Department may make it impossible for the United States to protect its own vital interests through the legitimate military uses of space. The space shuttle program will provide a vital component of our national defense effort.

Mr. President, the space shuttle program merits the wholehearted support of the Congress and of the public. It opens up an entirely new dimension in our space capacity which ought not to be aborted by the mindless attitude of antitechnology which flourishes in some parts of our country. The scuttling of this critically important program with all that is implied will not only serve to further demoralize an already highly demoralized industry, but it will also add to the economic dislocation already existing in a number of areas dependent on the aerospace industry. We simply cannot afford, as a nation, any further dislocations and disruptions in an area of high technological sophistication which has already contributed so much to every area of our national well-being—improvements in medical techniques, communications, meteorological observations, air and land transportation, to mention just a few. I urge my colleagues to reject the amendment now under debate.

### SUMMARY OF U.S./U.S.S.R. DISCUSSIONS ON LAUNCHING AND RENDEZVOUS, HOUSTON, JUNE 21–25

Mr. CANNON. Mr. President, representatives of the Soviet Academy of Sciences and of NASA, led by Academician Boris N. Petrov and Robert R. Gilruth, respectively, met June 21–25 in Houston pursuant to the October 1970 agreement on the development of requirements for compatible rendezvous and docking systems.

The meeting last week brought together for the first time three joint working groups charged with defining the technical requirements for compatible docking systems.

The conclusions agreed at the end of the week, subject to confirmation by the Soviet Academy and NASA within 2 months, comprehend the principal areas of technical requirements for compatible systems. Fundamental or detailed agreement has been reached on a wide variety of important items, such as the coordinate systems, beacons, and communications systems necessary for the rendezvous phase; the alinement and stabilization standards and functional requirements for the docking phase; and certain aspects of hatch and airlock arrangements, crew transfer procedures, and cabin atmospheres as required for the docked phase. There was also agreement on an optimum docking concept and on an overall approach to the remaining work to be done, including the need for test programs.

A major step forward was agreement for studies of experimental space flights to test the technical requirements which are being developed. As has been reported now in the press, such experiments could involve rendezvous and docking between a spacecraft and a space station of the Apollo type and the Salyut type, and, perhaps subsequently, between a Soyuz-type spacecraft and a Skylab.

Much of the material discussed will now be refined by each side over the summer and the results will be exchanged, together with a number of questions still outstanding—such as precise approach velocities for docking and optimum hatch sizes—in the hope that a next meeting in Moscow in late November will permit the two sides to finalize the list of basic technical requirements. It is important to note, however, that a great deal of the work already done is highly specific and quantified.

There appears little question that last week's meetings have accelerated progress toward a capability of the two nations to assist each other's astronauts and to operate together in space as may be agreed in the future. It seems clear from the character of the discussions that there is a real will on the Soviet side to work this out in the most effective way.

### COMPARISON OF U.S.-SOVIET SPACE LAUNCHES

Mr. President, the United States has clearly achieved a position of world leadership in space exploration, space science, and space technology. But that leadership is under continual challenge by a capable and determined competitor—the U.S.S.R. To understand that, all one needs to do is look at the statistics of the successful launches during the past few years. Mr. President, I include a brief table showing these statistics in the Record at this point:

| | *United States* | *U.S.S.R.* |
|---|---|---|
| 1966 | 73 | 44 |
| 1967 | 57 | 66 |
| 1968 | 45 | 74 |
| 1969 | 40 | 70 |
| 1970 | 29 | 81 |
| 1971 (June 25) | 14 | 39 |

Let me read a few of these numbers:

In 1966, the United States had 73 successful space launches and the Soviet Union had 44.

In 1968, the United States had 45 successful space launches and the U.S.S.R. had 74.

In 1970, the United States had 29 successful space launches and the U.S.S.R. had 81.

So far this year the United States has had 14 successful space launches and the U.S.S.R. 39.

Since the beginning of the space age, the United States has had a total of 528 successful space launches and the U.S.S.R. has 504; it is clear that the U.S.S.R. is closing in on the United States lead in space. In fact, the Soviets have launched 80 percent of their payloads since 1965, whereas we launched 80 percent of our payloads before 1968.

Mr. President, during the past few years while we have been greatly concerned with Vietnam and our domestic problems and have instituted sharp and drastic reductions in the U.S. space effort, the Soviets have been rapidly building up their space program. As a result, our national space capability has steadily diminished while that of the Soviet Union has been increasing rapidly. We should expect that our space leadership will soon disappear. Certainly, there is no more dramatic example of this than the Soviet's "Salyut" space station with three men aboard, orbiting this country while a similar U.S. capability—the Skylab—will not be launched until at least a year and a half from now.

This rapid loss of our space leadership is of great concern to me and I think to most Americans. Living with and knowing the importance of scientific undertakings and technological development to our national security and to the steadily improved life of man during the last couple of centuries, how can we let our space leadership disappear, since our space program represents science and technology at its best. I do not think we can—I do not think the American people want the Congress to do that. But if the Senate accepts the amendment of the Senators from Minnesota, Wisconsin, New York, and New Jersey, we will be going mighty far down that road.

Mr. President, as a world leader in space science and technology, we owe this investment to this Nation and to all of its future generations. The space program for the most part is directed to the future and I think we had better give some thought to that.

Mr. President, I strongly urge the Senate to reject the amendment of the Senators from Minnesota, Wisconsin, New Jersey, and New York in order for us to preserve the space leadership of the United States.

### NOTIFICATION TO SENATORS

Mr. President, in order that Senators' offices might be notified that if Senators desire to present amendments and to debate them, they must do so prior to our going over until tomorrow, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NATIONAL SECURITY ASPECTS

Mr. THURMOND. Mr. President, I would like to address myself briefly to the national security aspects of this bill. At this time the Department of Defense does not have a space mission per se. However, they do operate in space when such operations are competitive with nonspace means of accomplishing military missions. This includes competing in cost as well as on a functional basis. They are currently operating space-based systems for navigation, communications, surveillance, meteorology, mapping, charting, and geodesy. These missions require that payloads be placed in a variety of orbits with varying inclinations. Such systems operating at great distances from earth can cover large geographic areas, they can operate at high data rates, and they can operate reliably for long periods of time without logistics support. These unique advantages are almost impossible to duplicate by systems operating in other media.

The present method of conducting space operations is an outgrowth of the ballistic missile experience developed in the late 1950's and 1960's. After over a decade, these launch vehicles and payloads are still useful for only a single mission. At this time, these launch vehicles and their upper stages represent approximately one half of the cost of the DOD space programs.

Mr. President, the versatility and flexibility of the space shuttle and its low operational cost will be of significant value to the Department of Defense. The shuttle development is, therefore, fully supported by the DOD as reported to the Congress by Dr. John S. Foster, the Director of Defense Research and Engineering.

Dr. Seamans, the Secretary of the Air Force, in testimony to the Committee on Aeronautical and Space Sciences, stated that:

> Although previous Air Force studies have indicated that we would achieve operational advantages through a reusable system, we have faced the problem of development costs which were too great to be justified on the basis of Air Force Applications alone. Studies by NASA based on their needs, indicated similar conclusions. We find however, that mission application by both agencies may afford an acceptable rate of amortization. . . . When the operational system is achieved, we would expect to use it to orbit essentially all DOD payloads, "phasing out" our expendable booster inventory with the possible exception of very small boosters such as Scout.

Mr. President, although there is great interest in increasing mission flexibility and capability over present systems, there is a primary desire to reduce the cost of space operations. Cost reduction will become even more important in the future because other high-priority national programs require attention. It is for this reason that in the summer of 1969 the President's space task group recommended that an economical space transportation system be developed which would be a major improvement in terms of cost and operational flexibility over the present systems. As you know, NASA was given the prime responsibility for defining and developing the space transportation system, with the goal of reducing the cost of space operations by an order of magnitude to approximately $100 per pound in low earth orbit.

Cooperation has existed between the Department of Defense and NASA on this program since the inception of the shuttle concept. In April 1969, the Secretary of the Air Force and the Administrator of NASA established terms of reference for the phased study of space transportation systems, and in February 1970, they established the NASA/USAF Space Transportation System Committee which coordinates program requirements and plans for the space shuttle.

By agreement, NASA will produce the shuttle for joint utility by both agencies. The Air Force acts as the executive agent for DOD and they are responsible for determining DOD needs and transmitting these technical requirements to NASA for inclusion into the shuttle design. The cooperation between NASA and DOD, which is so essential to timely success of this program, is continuing. NASA will make the final decisions in terms of the space shuttle requirements, with the support, advice, and cooperation of the Department of Defense. This will enable the Nation to achieve a necessary operational capability in a timely and orderly manner, at a minimum of cost. The requirement for the shuttle is obvious, the approach is sound, the projected cost is reasonable, and the goals are achieveable.

Mr. President, for these and other important reasons I urge that this body support the full amount contained in this bill.

### THE SPACE SHUTTLE

Mr. CURTIS. I yield myself 30 minutes under the bill.

Mr. President, I rise for the purpose of stating what I believe is the case for the shuttle. Some points should be cleared up for the RECORD in reference to the shuttle proposal.

Much has been said on the floor of the Senate about a so-called Rand report. The fact is there is no such Rand report. It is merely a report by several Rand employees. Moreover, it is 2 years old. It is out of date, and finally, it does not purport to be a complete economic analysis.

I invite attention to the letter of Secretary Seamans, dated May 28, 1971, which was placed in the RECORD on June 2. I shall read one paragraph of that letter:

> DEAR MR. CHAIRMAN: This is in response to an inquiry from a member of your Committee staff concerning a Rand Corporation report (RM 62-44-1-PR) which analyzes the NASA Space Shuttle Program. This report, which was prepared by Project Rand using Air Force funds, may be misconstrued by certain parties as representing Air Force policy. To the contrary, this report and its conclusions are the work of the author's alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

That letter is signed by Robert C. Seamans, Secretary of the Air Force.

Also, remarks have been made here which might leave in doubt whether or not the Air Force supports NASA in their space shuttle effort as it is outlined for the 1972 fiscal year. I invite attention to the hearings on this measure, volume I. The witness is none other than the Honorable Robert C. Seamans, Secretary of the Air Force, and the portion I read is found on page 352:

> The Air Force supports the proposed NASA fiscal year 1972 space shuttle effort.

Mr. President, nothing could be clearer and less ambiguous.

> If we properly plan and manage such a system, its service to the Nation could eventually parallel that of modern aviation. When viewed in proper perspective, aircraft have become very economical to operate, even though some are very large, complex, and costly. By building a space vehicle for repeated usage, it is not unreasonable to expect that comparable reductions in costs can be achieved and that significant advantages in the way we operate and perform our missions will be possible. I also believe that an economical reusable space transportation system will open new avenues for a greater range of applications of space.
>
> Thank you very much, Mr. Chairman.

Mr. President, the National Aeronautices and Space Administration after carefully considering the many possibilities for useful new space activities in this decade, has chosen to concentrate a major portion of its effort on the development of a versatile, economical new space transportation system called the space shuttle.

America's future in space—and all that implies for America's future prosperity and security—now depends to a large extent on decisions to be taken this year on starting development of the space shuttle.

The Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate have already given their strong backing to the space shuttle program.

But the space shuttle as presently defined is a new and startling concept. It is different in many ways from any previous program in space or aeronautics. It promises to open the space frontier in the way the railroads opened the West, or in the way the DC-3 airplane began the great expansion of commercial aviation.

Its broad scope, its many benefits, and its costs and schedules need to be fully and clearly explained to all the Members of the Congress and to the public. The purpose of my remarks is to help fill this need.

### WHAT IS THE SPACE SHUTTLE?

The space shuttle is an important new invention. It will provide a simpler, safer, and cheaper way to send men and machines into earth orbit, to support them there, and to bring them back to earth.

It will take off like a rocket, fly in orbit as a spaceship, and land like an airplane. Its development will bring about major new advances in aerospace technology.

It will be used as the launch vehicle for a wide variety of useful satellites and as an orbiting laboratory for missions lasting up to 7 days.

It will serve science, the national economy, and the national defense. It will facilitate international cooperation in space.

It is the logical step for this country to take now to exploit our space successes of the past decade. After years of planning and strenuous efforts to identify the highest priority tasks in space for this decade, the space shuttle stands out clearly as the most challenging and the most promising. We need it to stay in the space age. And we need it to stay competitive in the space age.

### WHAT WILL THE SPACE SHUTTLE LOOK LIKE?

NASA and the aerospace industry are still considering several concepts for the space shuttle, and a decision is expected in late summer or early fall of this year.

The concept that seems the best so far calls for a two-stage reusable vehicle with external fuel tanks that can be jettisoned. Both the booster stage and the orbiter stage will be able to land like an airplane and can be used for 100 or more missions.

The two-stage reusable concept is the one that I shall describe here.

The general appearance and size of the two stages will hardly be startling. The average air traveler, seeing the two stages parked on an airstrip, might not give them a second glance The expert, however, would recognize them as revolutionary new aircraft/spacecraft capable of opening orbital space above the earth to routine travel and use.

Each stage of the shuttle will look much like a large jet airliner, but will have a much fatter body, a shorter wingspread, and rocket engines mounted on the tail.

In one version under current study, the booster stage would be only 38 feet longer than a Boeing 747 airliner and the orbiter would be 26 feet shorter than the Boeing 747. The two stages together, joined for a vertical launch, would not stand as high as the Saturn/Apollo combination and would not weigh as much.

Both stages will use the same new rocket engine, about the same size as the J-2 engine developed for the upper stages of the Saturn V, but more efficient and more powerful, thanks to recent technological advances. The booster will have 12 of the new engines, the orbiter two.

The propellant used in these engines will be liquid oxygen and liquid hydrogen, which have been used so successfully in the J-2 engines of the Saturn V.

Both stages will also have conventional air-breathing jet engines to facilitate landing, or for flying from one airport to another.

It is believed that the orbiter can be landed safely on return from some types of space mission without the conventional jet engines. If these engines are not mounted, the orbiter's payload capacity would be increased by some 20,000 pounds.

Each stage will be flown by a crew of two.

The orbiter will also be able to carry 12 passengers or up to 65,000 pounds of payload—or 20,000 pounds less if conventional jet engines are also onboard.

The passenger area or cargo bay of the orbiter will be 15 feet in diameter by 60 feet long. Hatches on top of this cargo space will open wide in orbit to facilitate easy unloading and deployment of large spacecraft.

With these hatches open, cameras, telescopes, and other instruments in the orbiter can be accurately trained on the heavens or the earth.

The orbiter will also be fitted with a space age "hitching post"—a structure extended out from the cargo bay to which satellites can be docked for check-out or repairs.

### HOW WILL THE SPACE SHUTTLE OPERATE?

The aim of the shuttle designers is to have it operate as nearly like a commercial airliner as possible.

The booster and orbiter stages will be firmly joined together for launch, with the orbiter riding piggyback. The take-off will be vertical, like the present launch vehicles which the shuttle will eventually replace, but much more gentle, with a maximum pressure of only 3 G's on crew and passengers. This means that shuttle passengers do not need to be trained astronauts. Anyone in good health can make the shutle trip to orbit and back.

After the two stages have reached an altitude of about 40 miles, near the upper fringes of the atmosphere, the booster and orbiter will separate, and the booster's crew will pilot it back to an airplane-type landing at the take-off point. At T plus 30 minutes, the booster will be safely back at its base.

Meanwhile, the orbiter's two rocket engines will carry it into orbit, where it will operate for up to 7 days. When its mission is completed, its crew will take it out of orbit and guide it back to earth for an airplane-type landing at the take-off point or at another designated airfield.

The orbiter will be able to change course to right or left as much as 1,100 nautical miles as it comes back to earth from its orbital path. This "cross-range capability" is necessary to enable it to land at its takeoff point after just one orbit around the earth. This is an important safety factor and also meets a requirement of the U.S. Air Force for certain of its missions. Because the earth is turning as a spacecraft orbits above it, a spacecraft without "cross-range capability" could land at its takeoff point only at intervals of about once a day.

Both stages of the shuttle will be designed and built for easy maintenance and checkout, just as airliners are, and should be available for new missions every 2 weeks.

Both stages will also be designed and equipped for easy handling by the crew, and for prelaunch checkouts by the crew just as an airliner is checked out on the runway.

The shuttle crews will have greater autonomy in flight than any previous space crews have had, and will not need to rely so much on instructions or commands from an earth-based mission control.

### WHAT WILL THE SPACE SHUTTLE DO?

The space shuttle will have many uses—and many users. Its services will be available not only to NASA but to the Department of Defense and other departments of the Government, to international agencies, and to private industry for commercial uses of benefit to mankind.

The shuttle, because it will be reusable and will take payloads to orbit at one-tenth the present cost, or less, will make today's one-shot launch vehicles obsolete. Eventually the shuttle will replace all of the launch vehicles now in use by NASA and the Department of Defense, except the Scout for very small payloads, and perhaps the Saturn V, or something like it, if there are very large and heavy payloads which cannot be broken down into shuttle-sized packages.

Here are some of the things the shuttle and its crew and passengers will be able to do:

Carry scientific or applications satellites—weather, earth observation satellites, and so forth—to earth orbit and make sure that they are properly deployed and in working order.

Rendezvous with all kinds of satellites, to repair or resupply them, or take them back to earth.

Carry out a wide variety of scientific and practical manned missions in space, including Air Force missions, using the orbiter itself as a space laboratory for periods of up to 7 days.

Rescue astronauts—or cosmonauts—stranded in earth orbit.

Deploy spacecraft equipped with their own propulsion systems—such as a large weather satellite plus an Agena rocket—and launch them to geosynchronous—stationary—orbit or on deep space missions.

Assemble modules in orbit to build a large space station, or the NERVA nuclear-powered rocket, or spaceships bound for the moon or planets, if and when these future programs are decided on.

Provide fresh crews and supplies for a future space station, and return exposed films and other experimental data to earth.

Launch, refuel, and resupply other vehicles operating in earth orbit, such as the proposed Space Tug.

### WHY DO WE NEED THE SPACE SHUTTLE NOW?

We need to start development of the space shuttle now to pull together the great technological advances made in space propulsion and space transportation in the last decade and to put them to practical use for the benefit of mankind.

Unless and until we have the space shuttle, we cannot take full advantage of the heavy investment in space capabilities we have already made.

The shuttle will cut the costs and increase the benefits of using space in many ways. To begin with, it will reduce the cost of putting a pound of payload in orbit from $1.000 to as low as $100. But that is only the beginning.

Because of the shuttle's large cargo space, spacecraft need not be built so compactly, so they will be much easier to design, manufacture, and check out and can use many more standard parts, which are, of course, much less expensive than parts which have to be custom made to save space or weight.

Because the shuttle launch will be much more gentle than present launches, spacecraft and other equipment need not be so ruggedly built.

Because the shuttle crew can repair expensive spacecraft in orbit, or return them to earth for repairs, the spacecraft will be less costly to build in the first place and expensive backups will not be required.

Because of the much greater reliability of the shuttle as a launch vehicle, the chance of losing a spacecraft due to rocket failure—at a cost of many millions of dollars and years of scientific effort—is much less.

Many of our most productive satellites now require very large antennas or other devices that unfold or extend. Because the shuttle crew will be on hand to deploy them, they can be constructed much more simply and the risks of malfunction will be greatly decreased.

Because of the shuttle's gentle ride and extra room for passengers, scientists can often accompany their own experiments into space, which will make the experiments much simpler to design and build and much more productive.

As the costs of space operation come down, scientists, government agencies, and businessmen will be able to identify many new ways in which the shuttle and the satellites it takes to orbit can be used for the good of mankind.

If development of the shuttle is begun soon, an efficient manufacturing and test schedule can be followed, and operational flights can begin by the end of this decade.

Delay in starting development of the shuttle would be costly in many ways. Delay would prolong the use of present launch vehicles, which are more costly and less reliable. It would require continued use of highly expensive spacecraft and lead to discouraging losses. Delay would deny us a space rescue capability. Delay would discourage creative thinking on how space can be used. Delay would lead to further decline in our abilities as a nation to compete in space and to advance our science and technology. Delay would leave our Defense Department out on a limb with no program underway or in prospect for using the great potential of routine manned flight in space for national defense.

Delay in the shuttle program would in all probability surrender our hard-won lead in manned space flight capabilities to the Soviet Union and would surely decrease any desires the Soviet Union may have for significant cooperation in space.

At the present time, very competent teams of aerospace specialists are at work, in NASA and industry, planning for and designing the shuttle. If there is undue delay in getting the shuttle started, these teams will be disbanded and our ability to advance aerospace technology will be further eroded.

### HOW ABOUT ALTERNATIVE CONCEPTS AND APPROACHES?

Present plans for the space shuttle have evolved from several years of intensive study of various candidate concepts. These studies have been conducted by NASA, the Department of Defense, and the aerospace industry.

A principal aim of the studies has been to identify the concept which promises the best combination of low development costs and low operating costs, in addition to meeting other essential requirements. Several concepts have been studied, including:

A reusable two-stage system in which the orbiter has external propellant tanks that would be jettisoned after reaching orbit.

A reusable two-stage concept with internal tanks.

A 1½-stage concept consisting of an orbiter plus large propellant tanks which would be jettisoned before entering orbit.

A single-stage concept.

A concept which would use solid rocket "strap-ons" to give the booster added thrust on takeoff.

Concepts which would use the Saturn I–C or Titan III as expendable booster stages.

The preferred concept which is emerging from NASA studies is the first one listed above: a delta wing two-stage reusable configuration in which the orbiter has external propellant tanks that would be jettisoned after reaching orbit.

Alternate approaches in the development plan for the shuttle are also being studied. Most of NASA's studies to date have been based on a concurrent approach in which development and testing of both the orbiter and the booster stages would proceed at the same time. NASA is now concentrating studies on the advantages and disadvantages of a phased approach. Under a phased approach, the orbiter would be developed first and initially tested with an interim expendable booster. Full-scale development of the reusable booster would be started later. These studies, together with those previously undertaken, are expected to put NASA in a position to make a decision this fall on the technical and programmatic approach to be followed in the space shuttle program.

A detailed comparison of the advantages and disadvantages of the various concepts is, of course, a very complex technical process. The important thing for Congress to know is that NASA, the Department of Defense, and the aerospace industry are thoroughly investigating all possibilities to have the information required to choose the concept and approach that best meet the needs of the country at a reasonable cost.

### WHAT WILL THE SPACE SHUTTLE COST?

NASA has given Congress careful preliminary estimates of what the cost of the shuttle program will be, and what the savings will be compared with using percent methods for launching and building satellites.

Preliminary estimates received from vehicle definition contractors indicate that the development costs of the shuttle will be in the $8 to $9 billion range, depending on the shuttle configuration, spread over about 8 years. The highest 11-year estimate we have is $12.8 billion. These estimates would include one operating site and the manufacture and test of two boosters and two orbiters.

NASA is also considering the need to develop a smaller vehicle called the Space Tug, which would be carried to orbit by the shuttle and used in orbit to supplement and extend the capabilities of the shuttle. The tug would be used, for example, to move spacecraft to different positions in earth orbit, or to higher orbits than the shuttle can reach. Development costs for the Space Tug have been estimated at about $600 million.

NASA studies so far indicate that the shuttle can be operated for a cost of about $5 million per launch, less than it costs to use any current launch vehicle except the small Scout. The Titan IIIC costs more than $20 million to place about 28,000 pounds of payload in low earth orbit, and the Saturn IB costs more than $50 million to orbit about 40,000 pound of payload.

The shuttle will orbit up to 65,000 pounds of payload—or up to 45,000 pounds if conventional jet engines are used to facilitate the orbiter landing—at a cost of $5 million per launch. Important as these savings and launch costs will be, the savings in the development and procurement of payloads will be far more significant. When the shuttle is available, it will be possible to recover satellites for refurbishment and reuse. The size and weight carrying capability of the shuttle will free payload designers from present constraints in weight on volume which make design difficult and costly. Moreover, the shuttle will provide a capability to give payloads a final checkout in orbit and to repair or service payloads in orbit. These new modes of operation offer promise of major savings in payload costs.

The savings made possible by the shuttle will depend on the number of missions flown by NASA, the Air Force, and other users in the period 1978–90.

Studies made for NASA by an independent economic analysis firm—Mathematica, of Princeton, N.J.—show that an average rate of 40 missions per year over this 13-year period would result in savings equivalent to an annual return of 10 percent on the Government's investment in the shuttle. Fifty-five missions per year would increase the annual return to 15 percent.

The Mathematica analysis is based on these nonrecurring costs: $9.3 billion for development of the shuttle, including one operational site, three boosters, and three orbiters; $600 million for development of the space tug; $1.7 billion for procurement of one additional booster and two orbiters, plus refurbishment of three boosters and three orbiters; $600 million for a second operational site; and $500 million for additional procurement of the space tug; making a total of $12.7 billion in nonrecurring costs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

### COST—EFFECTIVENESS

Mr. CURTIS. Cost effectiveness studies like the Mathematica study are helpful in considering a long-range investment like the space shuttle. They can give us the assurance that we are on the right course.

But it is very important to keep in mind that the purpose of building the space shuttle is not just to save money. The space shuttle is being built because it provides a new capability that is needed—needed for more effective uses of space for national security purposes, for science, for practical applications; needed to give new opportunities to use space to serve mankind.

The great present and potential value of satellites for weather, communications, and national security purposes has already been demonstrated.

### WE MUST CONTINUE THE QUEST

Next year our first Earth Resources Technology Satellite will demonstrate how we can use space to get data on our earth and environment. We need to help manage our natural resources.

Experiments have already been carried out in Apollo for using the zero gravity and total vacuum of space for new laboratory techniques and industrial processes of great potential value.

Scientific satellites have made great advances in increasing our understanding of the fundamental forces at work in the universe. We are learning, for example, about new sources of energy more powerful than any we could imagine a few years ago. We are learning why our planet has an atmosphere that sustains life as we know it and why other planets do not.

So far we have gotten only an inkling of what can be done in space for the good of mankind. But we have surely seen enough to encourage us to continue the quest.

As of now, the key to greater benefits from space is greater use of space; and the key to greater use is a cheaper, safer, and more flexible way to get men and machines into orbit, to support them there, and to bring them back to earth.

This key is the space shuttle.

Mr. President, I yield back the remainder of my time.

Mr. ANDERSON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator yielded back the remainder of his time.

Who yields time?

Mr. ANDERSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. What is the pleasure of the Senate?

Mr. ANDERSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## SUGAR ACT AMENDMENTS, 1971

Mr. HARRIS. Mr. President, this week the Senate Finance Committee, of which I am a member, will meet in executive session to mark up H.R. 8866, the Sugar Act Amendments of 1971.

The purpose of this legislation is to amend and extend the basic provisions of a sugar policy that dates back to 1934. This approach does not question the fundamental assumptions of our sugar policy. I am convinced that such questioning is necessary.

I am dissatisfied with the present U.S. sugar policy, both in its foreign and domestic aspects.

I question a policy which:

First, in the name of protecting our domestic sugar industry, must buy all of its sugar from foreign suppliers at an artificially high price, well above the world market price, and also gives direct governmental subsidies to domestic producers;

Second, embodies a major, yet unsupervised, foreign aid prgram;

Third, rewards with a valuable subsidy a nation like South Africa;

Fourth, disregards its expressed aims of insuring that benefits to quota countries filter down to their sugar workers, and which neglects the sugar workers in our own country.

Mr. President, our present sugar policy is so archaic and unwieldy that my first inclination is to scrap it in its entirety and begin anew. There have been several proposals to this effect, including one recently by Representative Paul Findley that would call for the United States to acquire all of its foreign sugar on a competitive bidding basis. His proposal would still protect our domestic sugar industry while removing the foreign aid component from our sugar program.

At the present time, I do not feel that a complete revision of our sugar policy is feasible. This does not mean that we must commit ourselves to a 3-year extension of the existing Sugar Act. There are several positive steps that we can take this year with a view toward establishing a comprehensive U.S. sugar policy for the future.

Mr. President, I was appalled, when representatives of the administration appeared before the Senate Committee on Finance and in answer to my questions stated that there was really no rhyme nor reason to either their proposal in regard to the Sugar Act or the bill which had come to us from the House of Representatives. They stated the bill was primarily based on history.

I am frankly puzzled by this entire mess. I think the way the sugar quota system is set up now is certainly a mess, and really needs to be comprehensively reworked. Therefore, I am announcing today my intentions to offer in the Finance Committee a series of amendments to the Sugar Act of 1971 to achieve this purpose.

The first of these amendments would extend the current act for only 1 year during which time a body of specialists in foreign affairs, developing economies, farm policy, consumer needs, and labor conditions could investigate the Sugar Act, measure its impact, and propose alternatives to the present system.

I think, Mr. President, that the State Department ought to support this proposal, because I would think it would be terribly embarrassing for our representatives and our diplomats and ambassadors abroad to try to explain to one country why its quota was lessened and another's was raised, or, for that matter, why we continue the general historic quota system we have. If, on the other hand, were to inaugurate, as we ought to in such a serious matter, some system of standards, qualifications, or criteria for these foreign sugar quotas, and then applied them fairly, we would at least, whether or not each country thought the formula was fair, be able to say to them that the formula cuts fairly in regard to all countries.

That is not presently the case, because, as has been admitted by everyone involved in this matter, there is not any formula. There are no criteria.

Any such study group proposal should include operating guidelines calling for investigation of the following:

The minimum wage structures and fringe benefit programs of current and prospective quota nations, with investigation into how these structures and programs are actually administered.

During the course of our hearings before the Finance Committee, I questioned at some length the gentleman who represents Brazil in this matter. I asked him to supply me the figures on what portion of this public benefit that Brazil receives, because of having a special quota with us, is passed along to the sugar factory workers and what portion of it is passed along to sugar farm workers. Mr. Arthur Nemir, who as I understand it is paid some $180,000 a year to represent Brazil in this matter, was unable to supply those figures at the hearing.

The impact, in detailed breakdown, of the premium dollar on the industry and society of current and prospective quota nations, including whether continuation of the quota to a particular nation perpetuates a regressive sugar economy.

Alternatives to the current Sugar Act system of allocating quotas—and I mean by that measures such as that advocated by Representative FINDLEY for the purchases by bid of our foreign sugar needs, and perhaps the reinstitution of tariffs or other nonquota devices similar to what was in effect prior to 1934. None of these measures am I willing to bind myself to at this time; but I think that this 1-year study could consider the various alternatives and come back to us with a system that makes some sense. The present system makes no sense.

Impact of the Sugar Act and its quotas on the foreign policy of the United States and of participating nations toward the Republic of Cuba.

The necessity and advisability of quotas to developed nations.

Mr. President, I have a special bias in this matter which has to do with our special interest in Latin America. I also have a personal bias in regard to the problems of developing nations—their need to trade, their need to earn foreign credits—and our own enlightened self-interest is involved in helping to build up the economies of developing countries, particularly in Latin America.

I have always been puzzled by the fact that it has never become fashionable among columnists or among others in this country—and certainly not in the State Department—to be interested in Latin America, though we are in the same hemisphere and are joined by a land bridge.

President Nixon, following the trip of Governor Rockefeller throughout some Latin American countries and the publication of his report, said that we were going to take a greater interest in Latin America and that he was going to see that the policy of this country gave some preferential treatment in trade to developing countries, and he particularly has mentioned that policy in regard to Latin America. That, it seems to me, is a justified policy. It is a good sentiment, but up to now it has only been sentiment. I would like to see us consider this sugar quota business, if it is to be continued, in the light of that announced policy; and I hope President Nixon and his administration would be willing to join in this proposal for a 1-year extension of the sugar quota and the study which should go into these matters.

For too long, historical precedent alone has been the basis for this country's sugar policy. One of the major obstacles to reform of the Sugar Act has been its complexity. My amendment would subject the act to a comprehensive review, and for the first time would enable us to create with planning and foresight a sensible U.S. sugar policy.

Regardless of whether the above amendment is adopted, I intend to press for several more amendments to H.R. 8866. We should correct the gross inequities presently contained in the Sugar Act even with the knowledge that we intend to change its basic structure in the future.

The first of these amendments would suspend the sugar quota for South Africa, which presently enjoys a sugar quota of 60,003 short tons.

There can be no moral, political, or economic justification for granting a sugar quota to South Africa, whose policy of apartheid has been condemned by the United Nations as a crime against humanity.

Mr. President, there is no reason why idealism and morality should stop at the water's edge. This country ought to show to the world an example of its ideals by practicing its ideals and by practicing what we profess. I would say that if America stands for any one proposal or concept, it surely would be the innate worth and value of every human being. Therefore, I think it is intolerable for us to continue to bestow a special favor—and I am not talking about trade relations or diplomatic relations now—upon the Republic of South Africa at the cost of the American consumer and at the cost of the American housewife, which includes black and white and brown and other minorities in this country who have to pay the increased cost of this sugar quota. We should not confer that kind of special favor on the Republic of South Africa, to the detriment of our own citizens, when that country, as a matter of conscience and deliberate policy, is forcing the subjugation of one race by another. We cannot continue our intolerable acquiescence—as a matter of fact, support—through that kind of subsidy of such indecent and inhumane program.

Second, I propose to offer an amendment that would grant the President the discretionary authority to levy an impost on all sugar imported into the United States under the quota of any nation in which the benefits of participation in the Sugar Act are determined not to be accruing in a substantial degree to those persons engaged in the sugar-producing industry of that foreign nation.

I mentioned earlier the country of Brazil and the inability of their representative here to state what portion of this American subsidy would actually flow into the hands of the sugar workers, either in factories or on farms. I thought it was a rather puzzling fact that he was not able to furnish that information at the hearing. Yet, I know that in northeastern Brazil there is terrible exploitation of workers; and not much interest has been shown, it seems to me, in correcting those terrible conditions.

The money collected under this special impost on a country which did not show that it was not exploiting its labor would be placed in the Treasury of the United States under a special trust fund to be used for the financing of U.S. aid projects beneficial to the interests of those engaged in the sugar-producing industry of the nation upon which such an impost is levied.

Mr. President, we did this in regard to the Dominican Republic, when Trujillo was in control of that country. We levied a 2-cent impost, or tax, which was to be returned in the form of foreign aid which could specifically be shown to go for the workers who otherwise would have benefited if the proper kinds of improvements were made in the sugar industry generally.

Mr. President, as long as we maintain a sugar policy that constitutes an enormous source of foreign aid, we have a responsibility to see that our aid reaches those people for whom it is intended. These people are not millionaire sugar plantation owners. They are the workers who are all too often forced to work under subhuman conditions.

A statement presented before the Finance Committee this month by Prof. Joseph A. Page of the Georgetown University Law Center documents the nature of this problem with respect to the Brazilian sugar industry. Professor Page, who has had the opportunity to observe at first hand the sugar industry of northeastern Brazil and its impact on the millions of peasants living and working there, spoke of "poverty, hunger, disease and ignorance" as the main characteristics of life in the sugar zone. He spoke of an infant mortality rate during the first year of life estimated at 60 percent, of a nutrition study whose director has charged that "lack of proper nourishment during early years is producing a legion of mentally retarded human beings in the northeast."

I believe we have a responsibility, as

decent human beings, to do what we can to pressure toward alleviation of these kinds of subhuman conditions.

Professor Page then described the sugar industry in northeastern Brazil that, with government collusion, has "consistently demonstrated its incapacity and/or unwillingness to modernize and reform itself" in a way that would alleviate the monstrous working and living conditions of the Brazilian peasants. Only by the subsidy they receive under the Sugar Act, charges Professor Page, can the industry profitably continue "to produce sugar inefficiently, and at great human cost."

Mr. President, I spoke about some of the representatives and their appearance before the Finance Committee. I should like to add at this point that I see no reason why a foreign country, if we are going to continue these quotas even for the short run, should have somebody represent them before committees. I believe they ought to be able to appear themselves. If they need others to represent them and present their cases, that is fine; but I think they ought to be free not to do so. They have diplomatic relations with our Government. I do not see why they should have to hire people to represent them before committees. Some of the people representing foreign countries are fine people, and some of my friends represent such countries. But I believe that ought to be voluntary on the part of a country.

Mr. President, I repeat, as long as the United States maintains its current sugar program, we have a responsibility to prevent the occurrence of situations like the one that exists in northeastern Brazil. My amendment would fulfill that responsibility

The remaining amendments that I intend to offer directly concern the domestic aspects of our sugar policy.

The first amendment in this category would set a ceiling on government payments to domestic sugar producers of $20,000 per farm. I supported such a limit on farm subsidies for all commodities when that was presented to the Senate, I believe, in the session before last. It was eventually compromised on a limit of $55,000 per farm which I then supported and do now support. It is not being fully enforced. I hope that we can write more rigid enforcement into it so that people cannot circumvent the law by dividing up farms. If we cannot get the $20,000 per farm limit on sugar subsidies which we should have like those in other commodities, then we should try for the $55,000. That may be our first practical step this year.

The justification for unlimited Federal farm subsidies always has been the protection of the small, family farmer. The facts are, however, that increasingly Federal farm payments are being paid out to giant corporate operations, while the small farmer gets less and less.

This ceiling would be consistent with the measure approved last week by the House of Representatives to set a $20,000 ceiling for payments under the cotton, wheat, and feed grain programs. Only sugar and wool are exempt from a similar ceiling.

The amendment also would provide for three additions to be made to the list of conditions under which a domestic sugar producer is eligible to receive Government payments. The added conditions are:

That the "fair and reasonable" wages provided for in the act shall constitute a decent minimum hourly wage;

That the housing for sugar workers and their dependents shall satisfy the applicable State or Federal housing and sanitation requirements, whichever are more stringent;

That the grower shall not employ nonresident alien farmworkers in his sugar beet or sugarcane operation.

Similar provisions to the three enumerated above are contained in a bill introduced by my distinguished colleague from Illinois, Senator STEVENSON, and I commend him for his work on this important subject. I also commend the distinguished Senator from Massachusetts (Mr. KENNEDY) and others who have been deeply involved in the South African quotas and other matters relating to the sugar bill.

Mr. President, I wish to add a few remarks concerning the wages and living conditions of our own sugar workers. Unfortunately, we have ignored the miserable conditions that exist among these workers in our own backyard. Allow me to quote from a statement in the RECORD of June 10, 1971, by Representative SPARK MATSUNAGA, of Hawaii, concerning an amendment he offered to the Sugar Act providing for a minimum wage for fieldworkers:

> I offered this amendment because of the hearings on the extension of the Sugar Act held by the Agriculture Committee, I heard shocking testimony presented by certain witnesses who described, principally from firsthand experiences, an almost unbelievable degree of exploitation, deprivation, poverty, and shameful mistreatment of field workers in some of the sugar plantations here in our own United States.

That such conditions exist in the United States today is inexcusable. Representative MATSUNAGA's home State sugar industry has proven that it is possible for the industry to provide decent wages and working conditions. In Hawaii, sugar workers are paid the highest agricultural wages in the world, plus fringe benefits that include paid vacations and holidays, pensions, health insurance, unemployment compensation and workmen's compensation. It is unfortunate that the mainland sugar industry requires us to spell out in specific legislation that it follow the example of the Hawaiian sugar industry. I think we have to.

Lastly, Mr. President, I intend to introduce an amendment that would provide for the full coverage of sugar workers under all Federal and State laws which govern nonagricultural workers, including the Fair Labor Standards Act, National Labor Relations Act, unemployment compensation and workmen's compensation laws, and that the Secretary of Labor be responsible for enforcing the labor provisions of the act and for promulgating regulations under it.

The amendments to the Sugar Act of 1971 that I will offer in the Finance Committee tomorrow would go a long way toward the reform of our sugar policy. They would not remedy immediately every inequity in that policy. What I am suggesting today is that we reform the Sugar Act where we can, and at the same time create the climate needed for a total revision of our sugar policy. My amendments are consistent with this strategy. If not adopted in the Finance Committee, then I intend to press that effort on the floor of the Senate itself and seek support of other Senators in my endeavors.

Mr. GRAVEL. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. GRAVEL. I wish to compliment the distinguished Senator on his courageous statement. I was able to follow it, although not being very knowledgeable in this area. However, I will support the Senator along the lines he has stated, in what is a straightforward policy for this Nation to undertake in what is a sticky mess.

Mr. HARRIS. I thank the Senator from Alaska for his kind remarks. He has been a good leader on other matters and I am pleased to have his support on this one.

## URGENT AGRICULTURE APPROPRIATIONS, 1972

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 233, House Joint Resolution 744.

The PRESIDING OFFICER (Mr. ROTH). The resolution will be stated by title.

The assistant legislative clerk read the title as follows:

> H.J. Res. 744, making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. McGEE. Mr. President, House Joint Resolution 744, now under consideration, provides an immediate appropriation to the Department of Agriculture of $17 million for the summer program of the nonschool feeding program. The fiscal year 1972 budget request for the nonschool food programs under section 13 of the National School Lunch Act was $20,775,000, an increase of $8,775,000 over the $12 million appropriation for fiscal 1971. With funds carried over from fiscal year 1970, the 1971 program level was estimated to be $20,800,000. This amount provided funding for two principal nonschool food programs, the year-round program and the summer programs. The total amount is allocated to the States on a formula basis and the States have authority to divide their respective allocations between the full year program and the summer program.

The Department of Agriculture has advised that under the allocation and distribution discussed above, they are spending $5.8 million for the summer program for fiscal year 1971. When the House of Representatives considered H.R. 9270, the Department of Agriculture appropriations bill for fiscal year 1972, this figure was considered and included in the $20,775,000 which was provided for the special food service programs. In addition, the House provided an additional $11,225,000 of section 32 funds to be made available for the summer programs of the nonschool feeding program, resulting in total funding of $32 million for section 13 programs, consisting of $17 million for the summer programs and $15 million for the year-round program.

The above data are reflected in the following table:

| | |
|---|---|
| 1972 estimate | $20,775,000 |
| House amendment | 11,225,000 |
| Total | 32,000,000 |

Legislation authorizing section 13 programs has been passed by both Houses of Congress and should be enacted into law soon. The new legislation authorizes a program level of $32 million.

As I indicated, these funds were included in the appropriations bill for the Department of Agriculture for fiscal year 1972, which was passed in the House of Representatives on June 23, 1971. Since this regular appropriations bill will not be enacted into law until sometime after July 1, 1971, however, it was necessary that some action be taken to insure that these funds would be made available for the summer feeding program immediately. House Joint Resolution 744 provides this action, and I urge its approval by the Senate so that these urgently needed funds will become available without delay.

The joint resolution was ordered to a third reading, read the third time, and passed.

## AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE ITS REPORT DEALING WITH CANCER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until midnight tonight to file its report on S. 1828, the proposal dealing with cancer research.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATOR JOHN L. McCLELLAN SPEAKS ON "PRIVACY AND THE SOCIAL ORDER"

Mr. BYRD of West Virginia. Mr. President, the able and distinguished Senator from Arkansas (Mr. McCLELLAN) sponsored the Safe Streets and Crime Control Act of 1968. Title III of that act provides for court-authorized and stringently controlled use of wiretaps and electronic surveillance for certain major crimes. That title is now being effectively implemented on both State and Federal levels, and has been described as "the single most valuable weapon in law enforcement's fight against organized crime."

A related subject of much current concern—and also much apparent misinformation—is the use of wiretaps or listening devices on national and domestic security cases.

In a recent speech before the AFL–CIO Maritime Trades Department entitled, "Privacy and the Social Order," Senator McCLELLAN discusses this issue. Senator McCLELLAN's role in the fight against crime, and especially his work in the field of wiretapping is well known to the Members of this body. In view of the timeliness of the topic of his speech, therefore, I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, excerpts from the statement were ordered to be printed in the RECORD, as follows:

### PRIVACY AND THE SOCIAL ORDER

To speak of privacy in our social order is to speak of the continuing struggle to balance the rights of the individual against those of his fellow man in a structured society.

It is not and cannot be a matter of supremacy. The right of one individual should not transcend the collective rights of all others. Rather, it should be and it must be an accommodation—a calculated attempt to give proper deference and due weight to each.

This concept—to temper liberty with restraint—goes to the very heart of our democracy. For, it has long been recognized that without an organized society with power to maintain public order liberty itself would be destroyed by the excesses of anarchy.

Liberty implies the absence of arbitrary restraint. But it does not mean immunity from reasonable regulations or prohibitions imposed by the necessity of community interests. In other words, the blessings and workings of liberty demand a measure of self-restraint from each of us and the requirement that we do not trespass upon either the rights of society or upon the rights of others.

There are instances however, when individual freedoms must be subordinate to the greater social good. We are all familiar with with Mr. Justice Holmes' statement in the Schenck case that "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic."

Mr. Justice Holmes was simply saying that the exercise of one freedom must be compatible with the preservation of all other freedoms essential to a democracy.

The clear and present danger of which he spoke is also apparent when unbridled lawlessness, when organized crime, flourishes openly and reaches the proportions of a "shadow government." Self-government cannot long survive in the face of such vicious assaults.

This situation existed in the decade of the sixties, and in that context the Safe Streets and Crime Control Act of 1968 was enacted.

Title III of that Act provides for court-authorized and stringently controlled use of wiretaps and electronic surveillance for certain major crimes. This Title of the bill was extensively debated in the Senate and was finally adopted by an overwhelming vote of 68–12. Unfortunately, the effective anti-crime weapon it provided was not used in 1968 since the then Attorney General, Mr. Ramsey Clark, felt that electronic surveillance was "neither effective nor highly productive," (New York Times, May 19, 1967, P. 23, Col. 1). (Indeed, he is the only Attorney General since 1931 who has not supported legislation for wiretapping.)

Beginning in January 1969, the present Administration changed this situation, and Title III is now being effectively implemented on both the State and Federal levels. Since that date the Federal Government has executed 387 court-approved surveillance orders. Three hundred and seventy-two produced incriminating evidence. The results to date: Over 1,200 arrests; over 100 convictions; and more than 1,000 defendants still awaiting trial. Obviously, the barometer of effectiveness will be even greater in months to come. No case has yet reached the Supreme Court, but I am encouraged that the lower Federal Courts have already sustained the Constitutionality of the basic scheme of the act three times.

The increase in Federal orders, from 33 in 1969 to 183 in 1970, and to 171 already in 1971, reflects the growth in the Department of Justice's drive against organized crime. The strike forces of the Department of Justice are now operating in major cities throughout the Nation.

These figures—the successful use of this technique—emphatically confirm New York District Attorney Frank S. Hogan's description of this tool as "the single most valuable weapon in law enforcement's fight against organized crime".

These figures also vindicate the Senate's judgment in adopting Title III by a majority of almost 6 to 1.

Several recent intercepts dramatically illustrate the value and effectiveness of this vital weapon.

As a result of court authorized surveillance, on April 21 of this year a Special Federal grand jury in Brooklyn, New York, returned indictments against Joseph Colombo, head of a La Cosa Nostra family in New York City, and 30 other defendants for gambling violations.

Last month, U.S. Customs was able to intercept 5 tons of marihuana being smuggled into California from Mexico. Fourteen indictments were handed down as a result of the capture of this contraband.

In May also, Federal grand juries in Michigan returned 16 indictments charging 153 persons on Federal gambling charges, including several high ranking police officials, in violation of the Syndicated Gambling provisions of the Organized Crime Control Act of 1970.

Nineteen states have also recognized the effectiveness of this measure and enacted statutes patterned after Title III.

In 1969 and 1970, a total of 683 State orders were executed and 1,261 persons arrested through the use of electronic surveillance.

To insure Title III's proper use, two safeguards have been instituted. First, a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance will become operative in June 1973. It will review the operation of Title III and report to the President and the Congress, so that we may make an informed appraisal of this statute and consider any changes or amendments thereto that may be needed or desirable.

And second, since there is also a need for public review of the facts, the Senate Subcommittee on Criminal Laws and Procedures, which I am privileged to chair and which has legislative oversight in the area of wiretapping and electronic surveillance, will undertake this fall a comprehensive examination of Federal and State laws and practices with respect to this subject.

Also a subject of much current concern—and much apparent misinformation—is the use of wiretaps or listening devices on national and domestic security issues.

Title III was originally conceived as an anti-organized crime weapon and our primary focus was on that problem. The Justice Department, however, under Mr. Ramsey Clark, requested specific language to exclude security cases from the purview of the bill, since in his considered judgment the President's authority in this area was clear. The Justice Department thus drafted the language which appears in Title III as Section 2511(3).

"Nothing [in Title III] . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against . . . hostile acts of a foreign power . . . or to protect national security information against foreign intelligence activities. Nor shall anything contained in . . . [Title III] be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against . . . any other clear and present danger to the structure or existence of the Government."

I was then, and I am still, perfectly willing to recognize the power of the President in this area—a power, incidentally, first exercised in 1940 by President Roosevelt. When authorizing Attorney General Jackson, the late Mr. Justice Jackson, to take such action involving "subversive activities against the Government of the United States," the President declared:

"It is too late to do anything about it after sabotage, assassination and 'fifth columns' activities are completed."

In 1947, President Truman concurred in the recommendation of Attorney General Tom C. Clark, later Mr. Justice Clark, to extend the use of these techniques to the domestic area. Attorney General Clark observed:

"While I am reluctant to suggest any use whatever of these special investigative measures in domestic cases, it seems to me imperative to use them in cases vitally affecting the domestic security or where human life is in jeopardy."

According to reports this practice was continued during the Eisenhower years.

Recent published accounts indicate that there were about 100 wiretaps operating during the Kennedy administration.

Likewise, President Johnson noted in 1965 that the use of these techniques "may sometimes be essential in protecting our national security."

In testimony before a House Appropriations Subcommittee, FBI Director J. Edgar Hoover reported that as of March 1, 1971, the Nixon administration had authorized 33 telephone taps and 4 bugging devices in national security cases.

Thus, surveillance to protect the security of government is as old as civilization itself. This is true whether we speak of Trojan horses or sophisticated electronic devices.

The 1968 Act did not in any way affect—add to or subtract from—the use of wiretapping in the area of national security. That is the plain fact of the matter—there is no mystery—there is nothing surreptitious about it. The cold, hard fact is that even democracies have to defend themselves.

The President's authority to use wiretaps in security cases has been reviewed by two Federal appellate courts, with conflicting results. The Fifth Circuit Court of Appeals in *United States* v. *Clay* (1970) recently upheld this power. In *United States* v. *Keith*, however, the United States Court of Appeals for the Sixth Circuit decided on April 8, 1971, not to uphold the President's power to wiretap without a warrant.

I see no Constitutional distinction between foreign and domestic threats to our national security. Indeed, the use of electronic surveillance may be necessary to secure the information upon which any distinction between them could be drawn. In my judgment if it is Constitutionally "reasonable" to act without a warrant where the threat is foreign, it certainly seems logical that it would be Constitutionally reasonable to the same degree to act without a warrant where the threat is domestic.

I recognize that the task of resolving this issue will not be easy in a free society. For the use of such power in the interest of all may infringe on the rights of some.

It is not unlike the classic dilemma put to the Nation by Lincoln in his special message to the Congress after the Civil War had begun:

"Is there," he said, "in all republics this inherent and fatal weakness? Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?"

Individual privacy can be had in many societies. But to be meaningful it can only be had in a free society—a society made impregnable and bulwarked from within against its avowed enemies, foreign or domestic.

I am confident that the Nation will likely survive with or without warrants for national security wiretaps, with of course, due regard for emergency situations. I would suggest that any legislative action in this area be withheld until the Supreme Court has made a final determination on the pertinent issues.

Let us, however, approach the problem realistically and not with so much doctrinaire logic that we ". . . convert the . . . Bill of Rights into a suicide pact." [Mr. Justice Jackson, *Terminielle* v. *Chicago*, 337, U.S. 1, 37(1948)]

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## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the close of the 1 hour which has been reserved by Mr. MONDALE on amendment No. 233 to H.R. 7109, the NASA authorization bill, a vote occur on the amendment by Mr. PROXMIRE and Mr. MATHIAS to the continuing joint resolution (H.J. Res. 742). The amendment would set a ceiling on defense spending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the vote on the Proxmire-Mathias amendment to the continuing joint resolution a vote then occur on the adoption of the first committee amendment to the continuing resolution (H.J. Res. 742).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the vote on the first committee amendment to the continuing resolution the vote then occur on the adoption of the continuing resolution (H.J. Res. 742).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the vote on House Joint Resolution 742, the resolution making continuing appropriations, the vote then occur on the Mondale amendment, amendment No. 233, to H.R. 7109, the NASA authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement reads as follows:

*Ordered,* That during the consideration of H.R. 7109, the NASA authorization bill, on Monday, June 28, 1971, time be equally divided and controlled by the Senator from Nevada (Mr. Cannon) and the Senator from Nebraska (Mr. Curtis), such time to run from the laying down of the bill until 6 p.m. on June 28, 1971. *Provided,* That debate on amendments to the bill be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Cannon), with the exception of two amendments, Nos. 233 by the Senator from Minnesota (Mr. Mondale) and No. 223 by the Senator from New York (Mr. Javits). *Provided,* That debate on the Mondale amendment shall be limited to 2 hours to be equally divided and controlled by the Senator from Nevada (Mr. Cannon) and the Senator from Minnesota (Mr. Mondale), 1 hour to come from the time allotted on the bill and 1 hour to come on Tuesday, June 29, 1971. *Provided further,* That debate on the Javits amendment shall be limited to 30 minutes to be equally divided and controlled by the Senator from New York (Mr. Javits) and the Senator from Nevada (Mr. Cannon), such time to come on Tuesday, June 29, 1971. *Provided further,* That debate on all amendments to amendments be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill (Mr. Cannon), with the time on all amendments to come from the time allotted to the bill on Monday, June 28, 1971.

*Ordered further,* That during the consideration of the continuing resolution on appropriations for 1972 (H.J. Res. 742), on Tuesday, June 29, 1971, time for debate thereon shall be 4 hours to be equally divided and controlled by the Senator from Louisiana (Mr. Ellender) and the Senator from North Dakota (Mr. Young). *Provided, however,* That debate on any amendment to the resolution shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the resolution (Mr. Ellender) and time for debate on amendments to amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the resolution. But, time for debate on all amendments shall come out of the 4 hours. *Provided further,* That the Senators in control of the time on the resolution may allot time therefrom to any Senator on any amendment, motion, or appeal with the exception of a motion to lay on the table.

*Ordered further,* That on Tuesday, June 29, 1971, after the leaders have been recognized the Chair will lay before the Senate H.J. Res. 742. Following the 4 hour debate no vote will occur and the Chair will lay before the Senate amendment No. 233 to H.R. 7109. At the close of 1 hour of debate on amendment No. 233, the Senate will proceed to vote on an amendment to H.J. Res. 742 to be offered by the Senators from Wisconsin and Maryland (Messrs. Proxmire and Mathias), relative to setting a ceiling on defense spending, after which a vote will then occur on the first committee amendment to H.J. Res. 742. After disposing of the committee amendments, the Senate will then proceed to vote on final passage of H.J. Res. 742. After this vote, the Senate will then proceed to vote on amendment No. 233 to H.R. 7109, after which the Senate will proceed to consider amendment No. 223 to H.R. 7109.

### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 9 a.m. tomorrow following a recess. There will be no period for the transaction of routine morning business.

Following the recognition of the two leaders under the standing order, the Senate will proceed to consider the joint resolution making continuing appropriations beyond the fiscal year. The time thereon will be limited to 4 hours. The time on any amendments thereto will be limited to 1 hour, with the exception of amendments to amendments, in connection with which there will be a time limitation of 30 minutes. The time on any amendment will be charged against the time on the continuing resolution. Votes on amendments could occur during the 4-hour period.

At the conclusion of the 4 hours—which will be at approximately 1 p.m.—the Senate will proceed to the consideration of the Mondale amendment, amendment No. 233, to H.R. 7109, the NASA authorization bill, the continuing resolution being temporarily set aside.

At the close of the 1 hour on the Mondale amendment—amendment No. 233—it will be temporarily set aside, and a vote will immediately occur on the Proxmire-Mathias amendment—which will have been debated earlier—to the joint resolution making continuing appropriations beyond the fiscal year. This will undoubtedly be a rollcall vote.

Upon the disposition of the Proxmire-Mathias amendment, a vote will occur on the first committee amendment—which will have been debated earlier—to the joint resolution making continuing appropriations. The first committee amendment is with reference to Cuban refugees and efforts will be made to prevent its adoption. This will undoubtedly be a rollcall vote.

Following the vote on the first committee amendment, the Senate will proceed to vote on House Joint Resolution 742, the resolution making continuing appropriations.

Upon the disposition of the continuing resolution, a vote will then occur on the Mondale amendment No. 233—debated earlier—to the NASA authorization bill. This will probably be a rollcall vote.

Upon the disposition of Mondale amendment No. 233, the Senate will then proceed to the consideration of the amendment by Mr. JAVITS, amendment No. 223, on which there is a limitation of time, 30 minutes.

Upon the disposition of the Javits amendment No. 223 to the NASA authorization bill, a vote will occur on the bill itself. This may also be a rollcall vote.

After the NASA authorization bill is disposed of, the majority leader hopes to take up the Treasury, Post Office appropriation bill. Undoubtedly, a rollcall vote would occur thereon.

Conference reports may also be called up during the day.

Mr. President, as has been stated, several votes have been scheduled for tomorrow. Undoubtedly, all or most of the votes will be rollcall votes, and Senators are, therefore, on notice.

### RECESS UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 20 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, June 29, 1971, at 9 a.m.

### NOMINATIONS

Executive nominations received by the Senate June 28, 1971:

#### BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1972, vice Walter Dunbar, resigned.

William T. Woodard, Jr., of North Carolina, to be a member of the Board of Parole for the term expiring September 30, 1977. (Mr. Woodard is now serving in this position under an appointment which expires September 30, 1971.)

Gerald E. Murch, of Maine, to be a member of the Board of Parole for the term expiring September 30, 1977. (Mr. Murch is now serving in this position under an appointment which expires September 30, 1971.)

#### U.S. ARMY

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3015:

Maj. Gen. Francis Stevens Greenlief, [redacted] Army of the United States (major general, Army National Guard of the United States).

### CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1971:

#### DEPARTMENT OF JUSTICE

James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years.

#### U.S. PATENT OFFICE

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office.

# HOUSE OF REPRESENTATIVES—*Monday, June 28, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Let him who is great among you be the least and he who is a leader be like one who serves.*—Luke 22: 26.

Almighty God, creator of the world, sustainer of life, and the Father of all men, make Thy ways known to us as we turn to Thee in prayer seeking the leading of Thy spirit for this day. May we be so guided and governed by Thee that we may walk in the way of truth, live the life of love, and be loyal to the royal within us.

Bless all those who give themselves in service to their fellow men. May they have clear vision to see what is wrong in our social order, creative courage to change what can be changed, and confident faith to continue their work until the wrong disappears, the right appears, and the needs of people are met.

Make us sensitive of our union with one another as Thy children and keep us striving to do all things in accordance with Thy will.

In the spirit of Him who served all His life we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6531) entitled "An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.

4724) entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 118. Joint resolution to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

## TRANSFER OF SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the special order I have reserved for today be transferred to Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## AMENDMENTS OF MILITARY SELECTIVE SERVICE, PAY, AND ACTIVE DUTY STRENGTHS, 1972

Mr. HÉBERT. Mr. Speaker, by direction of the Committee on Armed Services, I move to take from the Speaker's desk the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

### TITLE I—AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

SEC. 101. (a) The Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act'."

(2) Section 3 is amended to read as follows:

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States."

(3) The first two paragraphs of section 4(a) are amended to read as follows:

"Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

"At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title."

(4) The fourth paragraph of section 4(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(5) Section 4(b) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(6) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

(7) Section 4(d)(3) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(8) The second paragraph of section 4(j) is amended to read as follows:

"In the performance of their functions, the National Advisory Committee and the State and local volunteer advisory committees shall, after consultation with the Secretary of Health, Education, and Welfare, or his designee, give appropriate consideration to the respective needs of the Armed Forces and the civilian population."

(9) The last proviso of section 5(a) is amended by striking out "and" at the end of paragraph (1); by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph as follows:

"(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(10) Section 5 is further amended by adding at the end thereof the following new subsections:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

"(e) Notwithstanding any other provision of this Act, not more than 150,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, or in the fiscal year ending June 30, 1973, unless numbers greater than those authorized in this subsection are authorized by a law enacted after the date of enactment of this subsection: *Provided, however*, That in no event may more than 130,000 persons be inducted in the fiscal year ending June 30, 1972, nor more than 140,000 in the fiscal year ending June 30, 1973."

(11) The first sentence of section 6(a)(1) is amended by striking out the period and inserting in lieu thereof a colon and the following: "*Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues."

(12) The second sentence of section 6(a)(1) is amended by striking out "eighteen" each time it appears and inserting in lieu thereof "twelve".

(13) Section 6(a) is further amended by adding at the end thereof a new paragraph as follows:

"(3) Medical doctors (including osteopathic physicians) who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine for a period of not less than four years in medical doctor shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

(14) Section 6(b)(3) is amended by striking out "section 4(i)" and inserting in lieu thereof "section 5(a)".

(15) Section 6(b)(4) is amended by striking out "or section 4(g)".

(16) Section 6(d)(1) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation"; and by striking out "section 4(d)(3) of this Act" each time it appears and inserting in lieu thereof "section 651 of title 10, United States Code".

(17) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" each time it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(18) Section 6(g) is amended to read as follows:

"(g)(1) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service, but not from registration, under this title.

"(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act."

(19) Section 6(h) (1) is repealed.

(20) Section 6(h) (2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(21) Section 6(i) (1) is amended to read as follows:

"(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction."

(22) Section 6(i) (2) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(23) The first sentence of section 6(j) is amended by inserting "induction or to" immediately after "subject to".

(24) Section 6(j) is amended by inserting "(1)" immediately after "(j)", and by adding a new paragraph as follows:

"(2) Any person who is exempted from training and service in the Armed Forces under paragraph (1) of this subsection shall have a potential civilian work obligation of one year in addition to the work period prescribed in such paragraph (1). Such person may be ordered, at the discretion of the President, during any period in which members of reserve components of the Armed Forces or organized units of the reserve forces are being involuntarily ordered to active duty, to fulfill such obligation in civilian work contributing to the maintenance of the national health, safety, or interest. The potential work obligation of any person under this subsection shall continue, after the completion of his regular work obligation under paragraph (1) of this subsection, for a period equal to the normal reserve obligation period applicable to persons inducted into the Armed Forces under this Act and as prescribed under section 4(d) (1) of this Act, except that if such period expires at any time during the performance of such potential work obligation, he may, notwithstanding the expiration of such period, be required to complete the performance of such obligation. Whenever any person is ordered by the President to perform an additional period of work under this paragraph he shall perform such civilian work contributing to the national health, safety, or interest as his local board pursuant to Presidential regulations may deem appropriate, and any such person who knowingly fails or neglects to obey any such order from the President shall be deemed, for purposes of section 12 of this Act, to have knowingly failed or neglected to perform a duty required of him under this Act."

(25) Section 6(o) is amended to read as follows:

"(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

"(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces or subsequently died as a result of injuries received or disease incurred in line of duty during such service, or

"(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service."

(26) Insert a new section 7 to read as follows:

"SEC. 7. (a) The Director shall formulate and administer an intensive counseling program in cooperation with public and private secondary schools in the United States under which comprehensive information pertaining to this Act and the administration thereof shall be made available to every male student in his last academic year of high school and to other male students who have attained the eighteenth anniversary of the date of their birth regardless of their school year.

"(b) The counseling program provided for in this section shall include the opportunity for a representative of the Selective Service System to meet and confer with students. Such program shall also provide an opportunity for the representative of any responsible group or organization, making application through the school concerned, to meet and confer with students. Every reasonable effort shall be made to accommodate groups and organizations representing differing religious and political points of view. Members of the medical profession shall also be given an opportunity to meet with and confer with students to whom counseling service is made available under this section.

"(c) To the extent funds are made available for purposes of this subsection, the Director is authorized to reimburse any State for the salary of any person designated by such State to coordinate and supervise in such State the Selective Service Counseling program provided for in this section.

"(d) The Director shall compile and publish at Government expense and make available to all persons engaged in counseling work under this section a booklet, or other publication, describing in detail the functions and operations of the Selective Service System; all options, rights, privileges, and opportunities available to a registrant under this Act; and opportunities and limitations available with respect to voluntary enlistment in military service, including information pertaining to pay and allowances and other benefits for military personnel. The Director shall also include in such booklet the comments and views (regarding the Selective Service System) of a number of responsible national organizations to be selected by the Director, which request the opportunity to include material in such booklet; but the Director may determine and impose reasonable limitations on the amount of space to be made available for such purpose. The Director shall provide for such revisions of the booklet as may be necessary to keep it current.

"(e) The Director shall formulate and administer a counseling program for registrants under this Act who are unable to receive such service in a secondary school. Such counseling services shall be provided as soon as possible after such persons register under this Act and shall be comparable to those counseling services provided in secondary schools.

"(f) The Director is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this section.

"(g) There are hereby authorized to be appropriated to the Director such funds as may be necessary to carry out an effective counseling program under this section."

(27) Section 9(j) is amended by striking out "or Treasury" and inserting in lieu thereof "or Transportation".

(2) Section 9 is further amended by adding at the end thereof a new subsection as follows:

"(k) (1) Any person described in subsection (a) of this section who, in order to perform training and service in the Armed Forces, withdraws from an institution of higher education while enrolled as a student in such institution and who (A) was performing his schoolwork at such institution in a satisfactory manner prior to his withdrawal, (B) receives a certificate described in subsection (a) of this section, and (C) makes application for reenrollment as a student in such institution within one hundred and twenty days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year, shall, whenever practicable, be accepted and reenrolled in such institution at the next regular term (not including summer terms) which begins more than thirty days after his application for reenrollment is received by such institution. An institution of higher education shall not be required to give a preference to the enrollment of any such person except as a full-time student or to permit any such person to pursue a course of study other than the one he was pursuing at the time of his withdrawal from such institution to enter military service.

"(2) Any person enrolled as a student at an institution of higher education shall be granted an excused absence by such institution for any period necessary for him to report for preinduction or other examination to determine his fitness for training and service in the Armed Forces under this Act. Upon his rejection, completion of his preinduction or other examination, or his discharge from hospitalization incident to that rejecton or examination (not exceeding one year after rejection or examination), he shall, whenever practicable, be permitted by such institution to resume his schoolwork at such institution.

"(3) Any person who (A) was enrolled in an institution of higher education at the time of his induction for training and service under this Act, and (B) was at the time of his induction receiving financial or other assistance in connection with his education under any program carried out in whole or part with Federal funds shall be entitled upon his reenrollment in such institution to a preference, over persons who have not performed active duty with the Armed Forces, for such financial or other assistance to the extent that he is otherwise eligible for such assistance.

"(4) As used in this subsection—

"(A) The term 'student' means a full-time graduate or undergraduate student at an institution of higher education.

"(B) The term 'institution of higher education' means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

"(C) The term 'full-time' means full-time as determined under the rules and regulations of the institution of higher education concerned."

(29) Section 10(a)(3) is amended to read as follows:

"(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate."

(30) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: "*Provided*, That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director;"

(31) Section 10(b)(3) is amended by striking out all down through the first period and the succeeding seven sentences, and inserting in lieu thereof the following:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments in the future the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than twenty years or after he has attained the age of sixty-five: *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each inter-county local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area".

(32) Section 10(e) is repealed.

(33) Section 10(f) is amended by striking out "$50" and inserting in lieu thereof "$250".

(34) Section 10 is further amended by adding at the end thereof a new subsection as follows:

"(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is presently constituted, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency."

(35) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case."

(36) Section 12 is amended by adding at the end thereof a new subsection (d) as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

(37) Section 13(b) is amended by adding at the end thereof the following: "Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) give public notice to that effect at the time such regulation is issued."

(38) Section 15(d) is amended to read as follows:

"(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the Reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

(39) Section 16(g)(3) is amended by inserting "bona fide" immediately before "vocation."

(40) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

(41) At the end of the Act add a new section as follows:

"REGISTRATION FOR VOTING IN FEDERAL ELECTIONS

"SEC. 22. (a) Except as provided in subsection (b) of this section—

"(1) At the time any person registers with the Selective Service System pursuant to section 3 of this Act he shall be informed of his right to be registered at the same time for voting in all Federal elections held in the State in which such person is being registered for purposes of this Act. Persons who elect to register for voting in Federal elections under this section shall be so registered in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State in which they are being registered for selective service purposes.

"(2) Under such regulations as the President may prescribe, the Director shall furnish to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under this section for voting in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

"(3) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

"(b) The provisions of subsection (a) shall be inapplicable with respect to persons registering under section 3 of this Act in any State if the Governor of such State notifies the Director in writing within thirty days after the date of enactment of this section that such State does not desire to have the registration provisions of this Act for voting in Federal elections apply in such State.

"(c) The President is authorized to issue such regulations as he deems necessary to carry out the provisions of this section.

"(d) As used in this section (1) the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico, and (2) the term 'Federal election' means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member or Delegate to the House of Representatives."

(42) At the end of the Act add a new section as follows:

"PROCEDURAL RIGHTS

"SEC. 23. (a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

"(b) Pursuant to such rules and regulations as the President may prescribe—

"(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

"(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

"(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

"(5) Each registrant shall have the right to be accompanied and advised by private counsel before any local or appeal board. Unless otherwise ordered by the board, such counsel shall not be permitted to participate in the proceedings except to advise his client."

(b) Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 made by subsection (a)(19) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act and during the 1970–1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed.

(c) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall conduct a joint study of practicable means of meeting the medical needs of the Armed Forces through means which would require less dependence on medical personnel of the Armed Forces. In carrying out such study special consideration shall be given to the feasibility of providing medical care for military personnel and their dependents under contracts with clinics, hospitals, and individual members of the medical profession at or near United States military installations within and outside the United States. The results of such study, together with such recommendations as the Secretary of Defense and the Secretary of Health, Education, and Welfare deem appropriate, shall be submitted to the President and the Congress not later than six months after the date of enactment of this subsection.

(d)(1) Subject to the provisions of paragraph (2) of this subsection any surviving son or sons of a family who (A) were inducted into the Armed Forces under the Military Selective Service Act, and (B) are serving on active duty with the Armed Forces on or after the date of enactment of this subsection and such son or sons could not, if they were not in the Armed Forces, be involuntarily inducted into military service under the Military Selective Service Act as a result of the amendment made by paragraph (25) of section 101(e) of this Act, such surviving son or sons shall, upon application, be promptly discharged from the Armed Forces.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has been completed with respect to such charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations.

SEC. 102. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 103. Section 9 of the Act of June 27, 1957, Public Law 85—62, as amended, 81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 104. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 105. Section 16 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 106. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term "facility or installation operated by the Department of Defense" shall include, but shall not be limited to, any officer's club, non-commissioned officers' club, post exchange, or commissary store.

## TITLE II—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

| Pay grade | Years of service | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 2 | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| 0–10[1] | $2,111.40 | $2,185.80 | $2,185.80 | $2,185.80 | $2,185.80 | $2,269.50 | $2,269.50 | $2,443.50 | $2,443.50 | $2,618.40 | $2,618.40 | $2,793.30 | $2,793.30 | $2,967.60 |
| 0–9 | 1,871.40 | 1,920.60 | 1,961.70 | 1,961.70 | 1,961.70 | 2,011.20 | 2,011.20 | 2,094.60 | 2,094.60 | 2,269.50 | 2,269.50 | 2,443.50 | 2,443.50 | 2,618.40 |
| 0–8 | 1,695.00 | 1,745.70 | 1,787.40 | 1,787.40 | 1,787.40 | 1,920.60 | 1,920.60 | 2 011.20 | 2,001.20 | 2,094.60 | 2,185.80 | 2,269.50 | 2,361.00 | 2,361.10 |
| 0–7 | 1,408.20 | 1,504.20 | 1,504.20 | 1,504.20 | 1,571.10 | 1,571.10 | 1,662.60 | 1,662.60 | 1,745.70 | 1,920.60 | 2,052.60 | 2,052.60 | 2,052.60 | 2,052.60 |
| 0–6 | 1,043.70 | 1,147.20 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,263.30 | 1,463.10 | 1,537.80 | 1,571.10 | 1,662.60 | 1,803.30 |
| 0–5 | 971.40 | 980.70 | 1,047.90 | 1,047.90 | 1,047.90 | 1,047.90 | 1,080.30 | 1,137.90 | 1,213.80 | 1,304.70 | 1,379.70 | 1,421.10 | 1,471.20 | 1,471.20 |
| 0–4 | 844.20 | 886.80 | 914.40 | 914.40 | 930.60 | 972.30 | 1,038.30 | 1,097.10 | 1,147.20 | 1,197.00 | 1,230.30 | 1,230.30 | 1,230.30 | 1,230.30 |
| 0–3 | 758.10 | 791.70 | 809.10 | 864.90 | 906.00 | 938.70 | 989.10 | 1,038.30 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 |
| 0–2 | 693.30 | 726.00 | 748.20 | 773.10 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 |
| 0–1 | 612.30 | 648.90 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 | 672.60 |

"[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

"COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

| Pay grade | Years of service | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 2 | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| 0–3 | 0 | 0 | 0 | $864.90 | $906.00 | $938.70 | $989.10 | $1,038.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 |
| 0–2 | 0 | 0 | 0 | 773.10 | 798.30 | 814.20 | 856.50 | 899.80 | 914.40 | 914.40 | 914.40 | 914.40 | 914.40 | 914.40 |
| 0–1 | 0 | 0 | 0 | 672.60 | 698.40 | 722.10 | 743.70 | 766.50 | 790.50 | 790.50 | 790.50 | 790.50 | 790.50 | 790.50 |

"WARRANT OFFICERS

| Pay grade | Years of service | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 2 | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| W-4 | $666.30 | $714.60 | $714.60 | $731.10 | $764.40 | $798.00 | $831.00 | $889.80 | $930.60 | $963.90 | $989.10 | $1,022.10 | $1,056.00 | $1,137.90 |
| W-3 | 605.70 | 657.00 | 657.00 | 665.10 | 673.20 | 722.40 | 764.40 | 789.30 | 814.20 | 838.80 | 864.90 | 897.90 | 930.60 | 963.90 |
| W-2 | 544.20 | 576.60 | 576.60 | 590.40 | 622.80 | 657.00 | 681.90 | 706.50 | 731.10 | 756.60 | 781.20 | 806.10 | 838.80 | 838.80 |
| W-1 | 484.80 | 517.20 | 517.20 | 549.00 | 573.60 | 598.50 | 622.80 | 648.30 | 673.20 | 698.10 | 722.40 | 748.20 | 748.20 | 748.20 |

"ENLISTED MEMBERS

| Pay grade | Years of service | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 2 | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| E-9[1] | 0 | 0 | 0 | 0 | 0 | 0 | $756.90 | $774.30 | $792.00 | $809.70 | $827.70 | $843.90 | $888.60 | $975.00 |
| E-8 | 0 | 0 | 0 | 0 | 0 | $635.10 | 652.80 | 670.20 | 687.90 | 705.30 | 722.10 | 740.10 | 783.60 | 870.90 |
| E-7 | $445.80 | $478.50 | $496.20 | $513.60 | $531.30 | 548.10 | 565.50 | 583.50 | 609.60 | 626.70 | 644.10 | 652.80 | 696.60 | 783.60 |
| E-6 | 411.30 | 431.70 | 448.80 | 463.20 | 480.30 | 497.40 | 514.20 | 531.30 | 548.10 | 565.50 | 574.50 | 574.50 | 574.50 | 574.50 |
| E-5 | 378.90 | 397.80 | 413.10 | 429.00 | 446.10 | 462.90 | 479.70 | 496.80 | 505.50 | 505.50 | 505.50 | 505.50 | 505.50 | 505.50 |
| E-4 | 352.80 | 370.50 | 387.90 | 405.30 | 421.20 | 430.20 | 430.20 | 430.20 | 430.20 | 430.20 | 430.20 | 430.20 | 430.20 | 430.20 |
| E-3 | 336.90 | 353.40 | 367.80 | 384.00 | 392.40 | 392.40 | 392.40 | 392.40 | 352.40 | 392.40 | 392.40 | 392.40 | 392.40 | 392.40 |
| E-2 | 320.70 | 336.60 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 | 353.70 |
| E-1 | 310.80 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 | 326.40 |
| E-1 (under 4 months) | 301.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |

"[1] While serving as sergeant major of the Army, master chief petty officer of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under sec. 205 of this title."

SEC. 202. (a) Chapter 5 of title 37, United State Code, is amended by adding after section 302 a new section as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"302. Special pay: optometrists."

immediately below

"302. Special pay: physicians and dentists."

SEC. 203. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 308 a new section as follows:

"§ 308a. Special pay enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.".

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"308a. Special pay: enlistment bonus."

immediately below

"308. Special pay: reenlistment bonus."

SEC. 204. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 428. Allowance for recruiting expenses

"In addition to other pay allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following item:

"428. Allowance for recruiting expenses."

SEC. 205. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3 For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in lieu thereof the following:

| | | |
|---|---|---|
| " E-4 (four years' or less service) | $70.20 | $105.00 |
| E-3 | 60.00 | 105.00 |
| E-2 | 60.00 | 105.00 |
| E-1 | 60.00 | 105.00". |

SEC. 206. The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971.

## TITLE III—ACTIVE DUTY STRENGTH LEVELS FOR FISCAL YEAR 1972

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 974,309;

(2) the Navy, 613,619;

(3) the Marine Corps, 209,846; and

(4) the Air Force, 755,635;

except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six months thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

### TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of

North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

## TITLE IV—VOLUNTEER FORCES

SEC. 401. No later than June 30, 1972, the Secretary of Defense will report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of title II of this bill in increasing the number of volunteers enlisting in the active duty uniformed services of the United States.

## TITLE V—IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENT PERSONS IN THE ARMED FORCES

### FINDINGS AND PURPOSE

SEC. 501. Drug and alcohol dependence is rapidly increasing within the Armed Forces, especially among draftees. National and international organizations and experts representative of those most knowledgeable and most experienced in the treatment and rehabilitation of drug and alcohol dependent persons have found that drug or alcohol dependence is an illness or disease which requires treatment through health and rehabilitation services.

Drug and alcohol dependent persons commit a high percentage of crime in order to secure funds with which to supply their drug habits. Incarceration and other punishment without appropriate treatment has proved ineffective to deter drug and alcohol related crime and to meet the human need of drug and alcohol dependent persons. Effective and successful treatment and rehabilitation services offer the best possibility of meeting such human needs and of avoiding a high rate of recidivism.

A national effort to identify and reduce the public health problem of drug and alcohol dependence in the Armed Forces should be made. Such an effort requires an immediate, major commitment of health and social resources and Federal funds. It is the purpose of this title to mandate such a commitment.

### IDENTIFICATION OF DRUG DEPENDENT PERSONS

SEC. 502. The Secretary of Defense shall prescribe and implement procedures for identifying drug and alcohol dependent persons at the earliest possible stage of their dependence. Such policy shall include provisions for—

(a) utilizing all practical available methods to identify drug and alcohol dependent persons among individuals examined at Armed Forces examining and entrance stations. Such persons, if drug or alcohol dependent, shall be refused entrance into the Armed Forces and shall be referred to civilian treatment facilities; and

(b) utilizing all practical available methods to periodically examine each member of the Armed Forces to determine if such person is a drug or alcohol dependent person.

### TREATMENT ENCOURAGED

SEC. 503. The Secretary of Defense shall prescribe and implement a policy which shall embody the following principles and guidelines:

(a) Drug and alcohol dependent persons who are members of the Armed Forces shall be encouraged to seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces and shall not be subject to disciplinary or other punitive action based on information given in seeking or receiving such assistance. Medical confidentiality should be preserved unless competent medical authority determines that such a person is a danger to himself or to others: *Provided,* That nothing herein shall be interpreted to prohibit the informing of the commanding officer of such a person of the latter's condition, if such information would be required for the protection of such a person or the national security. No information divulged by such a person in medical confidence shall be admitted into evidence in disciplinary proceedings against him without his consent. When a specialized job classification or the pay advantages directly related to such classification has been withdrawn from a member of the Armed Forces who has sought assistance for his drug or alcohol dependence because medical authorities have determined that a continuation of the member's job responsibilities will constitute a danger to the member or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and rehabilitation progress.

(b) Drug and alcohol dependent persons who are members of the Armed Forces who seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces shall be afforded every opportunity to be restored to useful military service and shall not be discharged from the service because of their drug or alcohol dependence unless they have refused to accept such appropriate treatment and rehabilitation services as shall be offered by the Armed Forces or medical authorities have determined that they have failed to respond to adequate treatment and rehabilitation services, or if they have fulfilled their service obligations, unless they request to be discharged.

(c) Drug and alcohol dependent persons who are members of the Armed Forces and are charged with or have been convicted of drug-related or alcohol-related offenses and are being processed within the military justice system shall be afforded every opportunity for treatment and rehabilitation services within the Armed Forces.

### SCOPE OF TREATMENT AND REHABILITATION SERVICES REQUIRED

SEC. 504. The Secretary of Defense shall prescribe and implement a policy under which any member of the Armed Forces who is found to be a drug or alcohol dependent person shall immediately be afforded treatment and rehabilitation services within the Armed Forces for his dependence. Such services shall be provided through Armed Forces based treatment programs or through any suitable drug dependence or alcohol dependence treatment and rehabilitation facility or program, including but not limited to facilities and programs administered by the Department of Health, Education, and Welfare and the Veterans' Administration, under such agreements as shall be acceptable to the Secretary of Defense and consistent with this title. Notwithstanding any other provision of law, any member who is placed in a facility or program under the authority of the preceding sentence shall not be released from active duty until a competent medical authority has certified that such member: (1) is rehabilitated, (2) has failed to respond to adequate treatment and rehabilitation services, or (3) has refused to accept such services, or, if such member has fulfilled his service obligation, until he requests to be released.

### REPORT BY THE SECRETARY OF DEFENSE

SEC. 505. Within sixty days from the effective date of this Act, the Secretary of Defense shall present to the Congress a detailed description of the policy he has prescribed under sections 502, 503, and 504 of this title, a detailed description of the steps being taken to implement such policy, a detailed description of the expenditures necessary to implement such policy, and such other information or recommendations as he may deem necessary.

### DEFINITIONS

SEC. 506. As used in this title:

(a) "Alcoholic beverage" includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxification in any form or in any degree.

(b) "Drug dependent person" means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

(c) "Alcohol dependent person" means a person who is using an alcoholic beverage and who is in a state of psychic or physical dependence, or both, arising from the use of that substance or beverage on a continuing basis. Alcohol dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

(d) "Treatment and rehabilitation services" means screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, or outpatient services), vocational training and services, and other rehabilitation services.

(g) "Civilian drug abuse program" means any program operated by any public or private nonprofit entity for the purpose of providing treatment and rehabilitation services to drug dependent persons or for the purpose of providing education or other services relating to the prevention of drug abuse.

SEC. 507. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this title, formulate and carry out a comprehensive program under which military and civilian personnel will be trained most effectively to (1) provide medical and other counseling, treatment and rehabilitation services to drug dependent persons in the Armed Forces of the United States, and (2) provide education and other services to persons in the Armed Forces for the purpose of avoiding and preventing drug dependency among members of the Armed Forces.

(b) In formulating any program under this section, the Secretary of Defense shall incorporate the advice of the Veterans Administration, National Institute of Mental Health and other Federal, State, and local agencies and private individuals charged with or engaged in the treatment or rehabilitation of civilian drug dependent persons.

(c) Any program formulated and carried out by the Secretary of Defense under this section shall include, but shall not be limited to—

(1) cooperation by the Department of Defense, the Veterans' Administration, the National Institute of Mental Health, and other public and private agencies, including those administering any civilian drug abuse program, to provide training in the most effective known methods and means of preventing drug abuse and providing treatment and rehabilitation services to drug dependent persons;

(2) creation of military occupation spe-

cialties concerned with the prevention of drug abuse and the treatment and rehabilitation of drug dependent persons;

(3) efforts to seek out and encourage drug-dependent persons and persons who were formerly drug dependent to participate in training programs carried out under this section;

(4) utilization of civilian training programs and facilities, to the maximum extent feasible, in order that military training programs (A) will relate to both military and civilian problems of drug dependency, and (B) will contribute to the effort of such civilian training programs in providing similar training for nonmilitary persons;

(5) opportunities, wherever practicable, for any person upon the completion of any training program provided pursuant to this section, to obtain any license, certificate or other legal prerequisite required of persons who engage in the treatment or rehabilitation of drug dependent persons under State or local jurisdictions;

(6) opportunities for persons not employed by the Department of Defense to enroll in and receive training to the extent that space, facilities, and teaching personnel are otherwise available, in any program provided for under this section if it is determined that such persons intend to work in civilian drug abuse programs or are already working in such programs;

(7) systematic research and development efforts, including clinical research, for the improvement of treatment and rehabilitation services and the development of cost effective strategies for preventing and controlling drug abuse; and

(8) systematic evaulation, including consultation with recognized experts in agencies other than the Department of Defense, of the results of such programs.

(d) The Secretary of Defense shall make every reasonable effort to encourage military personnel who receive training under this section to utilize such training in a civilian drug abuse program after their discharge or release from military service and shall, where practicable, allow early discharge from military service in order to accept appropriate employment in a civilian drug abuse program. The Secretary shall communicate to such personnel the serious need for and the opportunities available to persons trained in the treatment and rehabilitation of drug dependent persons.

(e) The Secretary of Defense shall consult with the Administrator of Veterans' Affairs and such other persons as he deems appropriate for the purpose of maximizing opportunities that may be available to veterans who wish to enroll in and pursue a program of education or training which would prepare such veterans to provide skilled treatment and rehabilitation services to drug dependent persons. The Secretary shall make information relating to such opportunities available to all members of the Armed Forces engaged in the counseling or care and treatment of drug dependent persons and, upon request, to any other member of the Armed Forces.

(f) The Secretary of Defense shall, within sixty days after the date of enactment of this section, and thereafter at the conclusion of each calendar year, submit to the Congress a written report of the actions he has taken to implement this section. He shall include in such report (1) an estimate of the funds needed to fully implement the program provided for under this section, and (2) any recommendations for further legislative action he deems appropriate.

SEC. 508. The Secretary of Defense shall formulate and implement programs of information exchange, cooperation and other assistance relating to the control and prevention of drug abuse to aid local communities which have experienced an increase in the incidence of drug abuse arising from the presence of a military installation or military personnel in or near such communities.

## TITLE VI—INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

### FINDINGS AND DECLARATIONS

SEC. 601. The Congress makes the following findings and declarations:

(1) The elimination of illicit traffic of heroin and other narcotic drugs from foreign countries into the United States is essential to the well-being of the United States, but efforts to curb illegal traffic have not been sufficiently successful and the supply of heroin and other narcotic drugs into the United States continues; and

(2) The National Institute of Mental Health estimates there are presently two hundred and fifty thousand heroin addicts in the United States whose heroin addiction is a major cause of violent and serious street crimes in America's cities because of their tragic need to obtain funds to pay for their heroin addiction;

(3) Heroin addiction among United States military forces has reached alarming proportions, and their return to civilian society as heroin users and addicts further threatens the quality of life in America; and

(4) The way to halt the continued illegal flow of heroin and other narcotic drugs from abroad and into wherever our forces are stationed, a problem of international magnitude, is cooperation among foreign nations and the United States.

### INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

SEC. 602. The President shall seek renewed methods of international cooperation and report to Congress within thirty days after the date of the enactment of this Act, and every six months thereafter, on the measures being taken in concert with foreign governments to control and eliminate the production, processing, or traffic in heroin and other narcotic drugs which are illegally imported into the United States or illegally come into the possession of United States forces wherever they are stationed; specifying those countries who have failed to initiate and enforce appropriate measures to control such production, processing, and traffic; advising how economic assistance furnished by the United States may (a) aid opium producing nations in developing alternative crops and markets for such crops; (b) help provide new employment opportunities for those foreign nationals engaged in opium production who become unemployed as the result of the limitation or eradication of opium production; (c) help strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing, and distribution of heroin and other narcotic dangerous drugs; and to make recommendations regarding the need for an international conference of representatives of all countries involved in international narcotics traffic to achieve agreement and coordination of improved methods and procedures for the control of illicit traffic in heroin and other narcotic drugs.

## TITLE VII—SPECIAL ASSISTANCE TO VETERANS

SEC. 701. (a) The Administrator of Veterans' Affairs is authorized to make grants to, or to make contracts with, any institution of higher education for the purpose of assisting such institution to employ a full-time veterans' advisory and assistant officer to counsel and advise veterans on all matters relating to education and career guidance, and to assist and advise veterans on other matters as provided herein.

(b) The office of the veterans' advisory and assistance officer at any institution of higher education shall serve for veterans as a central coordinating office on matters relating to campus orientation, academic and career guidance, counseling, financial assistance, placement planning, registration processing, and tutorial assistance. Such office shall also serve as a central point to counsel and assist eligible veterans who may be interested in pursuing an undergraduate or graduate work on a full-time or part-time basis.

(c) The veterans' advisory and assistance officer at any institution of higher education shall be authorized, in accordance with such regulations as the Administrator may prescribe, to accept and process the claim of any veteran enrolled in such institution for any education and training benefit or for any other veteran's benefit.

SEC. 702. (a) The Secretary of Health, Education, and Welfare is authorized and directed to carry out on a trial basis a special program for veterans who have a high school diploma or the equivalent thereof and who have an academic deficiency which prevents them from qualifying for entrance in any education or training program, under standard entrance criteria, in any institution of higher education. Such program shall be carried out in cooperation with any institution of higher education which agrees to participate in such program (referred to hereinafter as a "participating institution").

(b) Under such regulations as the Secretary of Health, Education, and Welfare may prescribe, after seeking the advice of and consulting with appropriate officers of institutions of higher education, academically deficient veterans who have completed high school or the equivalent thereof shall be permitted to enroll in a participating institution on a one-year probationary basis. No agreement entered into between the Secretary of Health, Education, and Welfare and any participating institution shall require such institution to continue the enrollment in such institution of any veteran who has failed to meet the minimum standards prescribed for all first-year students.

(c) In order to encourage institutions of higher education to participate in the trial program provided for under this section the Secretary of Health, Education, and Welfare is authorized to make grants to, or contracts with, institutions of higher education.

SEC. 703. As used in this title, the term "institution of higher education" means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

## TITLE VIII—MILITARY HOUSING STUDY

SEC. 801. (a) The Secretary of Defense is authorized and directed to conduct a comprehensive study and investigation to determine the housing needs of military personnel both on and off military installations and both in and outside the United States, the extent to which such housing needs are being met, and the most effective means of meeting such needs. In carrying out such study and investigation the Secretary shall also determine the extent to which military personnel continue to be discriminated against in housing on account of race or national origin, what actions are being taken by the military departments to eliminate such discrimination, and what further action can be taken to totally eliminate it.

(b) The Secretary shall submit a report to the President and the Congress on the results of the study and investigation carried out under this section not later than six months following the date of enactment of this Act, together with such recommendations for legislation as he deems necessary to adequately meet the housing needs of military personnel and to eliminate discrimination against military personnel in housing on account of race or national origin.

### TITLE IX—APPOINTMENT OF CERTAIN RESERVE OFFICERS TO BE MADE SUBJECT TO ADVICE AND CONSENT OF THE SENATE

SEC. 901. Section 593(a) of title 10, United States Code, is amended to read as follows:

"(a) Appointments of Reserves in commissioned grades below pay grade O–4, except commissioned warrant officer, shall be made by the President alone. Appointments of Reserves in commissioned grades above pay grade O–3 shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 3352 of this title."

SEC. 902. Section 4447(b) of title 10, United States Code is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Army shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Army shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 903. Section 5787(e) of title 10, United States Code, is amended by inserting the following sentence after the second sentence: "Each such appointment of an officer in the Naval Reserve or the Marine Corps Reserve in a grade above pay grade O–3 shall be made by the President, by and with the advice and consent of the Senate."

SEC. 904. Section 8447(b) of title 10, United States Code, is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Air Force shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Air Force shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 905. Section 275(f) of title 14, United States Code, is amended by inserting the following sentence after the second sentence: "An appointment under this section to a grade above lieutenant of an officer in the Coast Guard Reserve shall be made by the President by and with the advice and consent of the Senate."

### TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. Section 412(d)(2) of Public Law 86–149, as amended, is amended by (1) striking out "the President" and substituting in lieu thereof "the Secretary of Defense", (2) striking out "January 31" and substituting in lieu thereof "March 1", and (3) adding at the end thereof the following: "Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services. Such justification and explanation shall also include a detailed statement of the way in which the above missions, capabilities, strategies, and deployments would be affected by a ten-percent reduction in authorized strength for each service below that recommended in the budget for the next fiscal year."

## CALL OF THE HOUSE

Mr. RONCALIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 166]

Anderson, Calif.
Anderson, Tenn.
Ashbrook
Ashley
Biaggi
Brasco
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Davis, Ga.
Delaney
Denholm
Dent
Devine
Diggs
Donohue
Dow
Edwards, La.
Esch
Fascell
Fish
Ford, William D.
Fraser
Gallagher
Gettys
Goldwater
Green, Pa.
Hagan
Halpern
Helstoski
Hicks, Mass.
Hillis
Ichord
Jarman
Long, La.
McCulloch
McDade
McEwen
Macdonald, Mass.
Martin
Mathias, Calif
Mollohan
Mosher
Murphy, Ill.
Pickle
Purcell
Roe
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Runnels
Ruppe
Scheuer
Seiberling
Shipley
Sisk
Staggers
Stanton, James V.
Stephens
Stuckey
Taylor
Teague, Tex.
Thompson, N.J.
Vander Jagt
Whalley
Wright

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 17, 1971:

H.R. 6359. An act to amend the Water Resources Planning Act to authorize increased appropriations.

On June 23, 1971:

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; and

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes.

## AMENDMENTS OF MILITARY SELECTIVE SERVICE AND PAY, AND ACTIVE DUTY STRENGTHS, 1972

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) is recognized for 1 hour.

Mr. HÉBERT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and Members of the House, you have before you the usual motion which is made and adopted in matters of disagreement between the other body and the House. In this particular instance the disagreement occurs in the draft bill—which I shall refer to as the draft bill.

There are some 28 differences between the two bodies. My motion gives your conferees a free hand to negotiate and try to come out with a bill by June 30 in time that we may be able to have the law on the President's desk before its expiration.

The matter in contention—and I am trying to be as open and as candid as I possibly can—the matter in contention is what is commonly known as the Mansfield amendment. This amendment has nothing in force, it is a statement of policy, but it does indicate to the people of the world that the Congress has told the President to do that which he may or he may not want to do. In other words, the language is meaningless, but the psychological and the propaganda effect is terrific. It is a repudiation or will be a repudiation of the President in laying down some direction for the President.

I ask you to allow your conferees to enter the conference with the Senate with latitude to try to work out some acceptable language both to the Senate and to the House to avoid a possible filibuster in the Senate, and to be something that would be acceptable to this body. It is as simple as that.

The parliamentary procedure, and I shall explain it to you as best I can, is that the motion before you is the motion to disagree with the Senate amendment, to appoint the conferees and agree to the conference which the Senate has already requested.

Under the rules of the House, the sponsor of the motion has 1 hour which is controlled by that individual—in this case myself. Immediately upon this hour being consumed, which we shall use completely in order that all sides mav be heard, so that there will be no attempt to cut off anybody, we shall discuss this matter for an hour, I will make the motion that my motion be adopted. Immediately upon the adoption of that motion, and I assume it will be adopted, there is no opposition in that area, then the gentleman from Ohio (Mr. WHALEN) will make a motion to instruct the conferees to accept the so-called Mansfield amendment.

Immediately upon the motion by the gentleman from Ohio, I shall make a motion to table. In other words, we will have 1 hour of discussion. I have agreed that there shall be a full and open discussion, and I shall yield as much time as I possibly can to as many Members as I possibly can. I think this is the situation as we find it now and this is the situation I want to lay before the House. You know me—I think I have demonstrated—I have leaned over backward trying to be fair and I plead with you again—do not tie my hands on going into the conference. Have confidence in your conferees, that we will do the best we can. Keep in mind that this is most important, particularly to our prisoners of war. Nobody has fought harder for the release of our prisoners of war than I have and if our hands are tied now in making any suggestion, it means further anguish for those people who have been so brave in the past.

In the name of the people who want our prisoners of war released and who want them called in as quickly as I do and as you do—do not tie the hands of your conferees.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I thank the gentleman from Louisiana (Mr. HÉBERT) for yielding.

Mr. Speaker, I think the chairman has stated very precisely the parliamentary procedure that will be followed. As he has indicated, I will offer after the one hour of debate a motion to instruct the conferees to adopt the so-called Mansfield amendment.

Mr. Speaker, I believe it would be in order at this point to read the so-called Mansfield amendment because perhaps some Members of this body are not familiar with the language of the amendment.

The amendment reads as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. Speaker, what, then, is the thrust of the Mansfield amendment? First, it states that it shall be the policy of the United States to withdraw its troops—all troops—from Indochina not later than 9 months after the enactment of this bill. Provided, however, that agreement is made with respect to prisoners of war being held by the North Vietnamese and their allies and, provided further an agreement is made that an orderly and uninterrupted withdrawal of American troops be guaranteed.

I would like to cite several reasons why I believe the House conferees should be instructed to accept this amendment.

You will recall from the debate attendant to the so-called Nedzi-Whalen amendment that most of those who spoke for and against this amendment were in agreement on one subject, that is, the United States should withdraw its troops from Indochina at the earliest possible date.

The difference really centered around two questions—the first being the time of withdrawal and, the second, how this would be accomplished.

Certainly the Mansfield amendment does not tie the hands of the President with respect to the very important question of the prisoners of war. This amendment would not become effective if the North Vietnamese and their allies fail to take positive action to release the American prisoners of war that they are holding.

This, I submit, meets the objection against the Nedzi-Whalen amendment when it was considered by this body 10 days ago.

Second, the Mansfield amendment is an important policy issue. It seems to me that we in this body are ready either to adopt it or reject it. By instructing our conferees we merely will be expressing the sense of this body regarding the desirability of an expeditious withdrawal of our troops from Indochina. At the same time we will be carrying out the functions and prerogatives which are ours as members of the legislative branch of Government.

Third, if my motion to instruct is adopted, this will expedite the ultimate passage of the draft bill. As you know, the induction authority ends on June 30. The Mansfield amendment is the major difference between this body's and the other body's version of the bill. Failure to instruct our conferees today could prove costly in that the conferees could become bogged down discussing the Mansfield amendment beyond the June 30 induction authority cutoff. Conversely, adoption of my motion would expedite the work of the conferees in that the remaining differences between the two bodies are slight.

For these reasons, Mr. Speaker, I urge adoption of my motion to instruct House conferees to accept the Mansfield amendment to the Draft Act of 1971.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WHALEN. Mr. Speaker, may I ask the chairman for 2 additional minutes?

Mr. HÉBERT. I am sorry. I have tried to divide the available time, and I now have a full schedule of Members who wish to be recognized.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I would first like to commend the distinguished chairman of the House Armed Services Committee for his fairness this afternoon in making this hour of debate available, and in making sure that both the proponents and the opponents of the motion to instruct the conferees will have some time to discuss their positions.

In the decade that I have been in the Congress there has surely been no more agonizing issue that has confronted this body than the policy we should pursue and the course we should follow in trying to resolve this issue. We in the Congress have a great deal of lost ground to recover in the entire area of foreign policy, and if the Pentagon papers make nothing else very clear, they do reveal the shocking extent to which not only Congress as a whole but congressional leaders seem to be excluded from any meaningful role in the decisionmaking process, and in view of the clear constitutional mandate of power to the Congress in matters which involve a responsibility for making war, it is surely time to reclaim this authority.

Let me remind the Members of this House this afternoon that we here and now at this particular moment are engaged not in making war but in the very difficult and delicate business of attempting to make peace, and if I for one believed for even one single instant that the President of the United States was intent on continuing the war in Vietnam, that he was intent on securing yet another illusory military objective, then I would be the very loudest here this afternoon in making a demand that we adopt the motion of the gentleman from Ohio and that we do instruct the conferees.

But I personally believe that this administration is committed to waging peace and not war, and that its maximum efforts are now being concentrated, not toward finding a military solution, but toward developing meaningful negotiations that will bring about the release of our POW's. It seems to me that the return of Le Duc Tho to Paris, despite the bland denial he offered to the press upon his arrival there, that despite what he had to say, that his return indicates something of significance is going on with respect to those negotiations, and I very frankly am not privy to exactly what those developments may be.

You may say it is merely a visceral feeling I have that we are on the eve of what may be some climactic developments in this regard. But I for one do not at this particular moment want to take the responsibility for frustrating the successful accomplishment of those negotiations. I do not stand before this House to say that that will be my attitude 6 weeks from now or 2 months from now. But specifically standing before you at this particular, and I believe critical juncture in the history of these negotiations, I feel it would be the better part of wisdom for this House to turn down the motion to instruct.

I introduced a resolution last Thursday and testified before the subcommittee chaired by the distinguished gentleman from New Jersey (Mr. GALLAGHER) and actually that resolution which I proposed differed from the Mansfield resolution only in one material regard, and that is with respect to the phrase that appears in subpargaraph 1:

> Such a date to be not later than 9 months after the date of the enactment of this act.

I very frankly would hope that when the conferees of this body meet with the conferees of the Senate, that they will consider the kind of language of the resolution which I proposed as setting forth clearly and sensibly what the objectives of this Congress are with respect to the policy that we should follow in Vietnam and the negotiations that I hope will take place.

It seems to me that there is a kind of middle ground that will enable us to discharge the responsibility that I think is ours to share with the President, some of the burden of making peace, and yet do so in a way that will not be harmful, that will not frustrate the successful accomplishment of that objective.

So I would say in conclusion I think there is a role for the Congress to play. I cannot honestly today believe that that role consists of telling our negotiators in Paris, "You sit down, first having given away to the enemy the precise date by which the withdrawal will be accomplished." But subject only to the contingency of the release of our prisoners of war, I think we ought to declare that it is our clear and irreversible policy to withdraw and to withdraw totally from Vietnam.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN). I hope, on both sides of the aisle, this is a nonpolitical issue. I hope everyone votes with his heart, mind, and conscience, and never with regard to how his party feels on this matter. To me the war is not a party matter, and I speak as an elected Representative, just as each and every one of you, without any title whatsoever.

I have followed the war, as you have. You have known I have been opposed to it now since 1966.

I read with interest articles and watched with interest television over the weekend. I saw that colonel on television yesterday, Colonel Hochworth, who said that 25 percent of our deaths had been because of lack of preparedness in the forces we had sent over there. I read the article about dope in Vietnam, about how 10 percent of the American forces were now affected by dope. I read the article quoting General Ky, and it said how Thieu was wrong, that the Laos and Cambodian invasions had been a failure.

These are just the things we read every day in the week. How long are we going to continue this war?

Mr. Speaker, I support the motion of the gentleman from Ohio and urge the Members to vote to instruct the conferees to accept the Mansfield amendment. This is a reasonable approach to ending the war in Vietnam and, most importantly, it reaffirms congressional responsibility in the formulation of American foreign policy.

This amendment gives great leeway to the President in ending the war in Vietnam. It declares that U.S. policy is to end at the earliest practicable date all military operations of the United States in Indochina and provides for the prompt and orderly withdrawal of all U.S. forces not later than 9 months after date of enactment of this section, subject to release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

In order to do this, we urge the President to set a date for withdrawal contingent on the release of prisoners of war, to negotiate for a cease-fire, and to negotiate for a concomitant phased and rapid withdrawal of American forces and a phased release of all prisoners of war.

In truth, I do not see how anyone can criticize this amendment. The administration has said that the only thing that is preventing the end of the war is the fact that Americans are still being held prisoners of war.

If this be so, then certainly the Mansfield amendment is the answer.

There are in Washington today families of prisoners of war who are asking us to support and pass this provision so that their sons, husbands, and fathers may be brought home.

We give the President 9 months and, certainly, if he does not intend to have this war ended by April of 1972, he should tell us so.

Nine months is a very long time. It is 9 months more than this war should last.

I think the most important thing we have done lately in the attempts to end this war is to try to reaffirm congressional responsibility in the area of foreign policy. There are too many who wish to give the President the entire responsibility for the conduct of foreign policy. Constitutionally, he cannot have it, and, morally, no one man should have it.

Just as we are responsible for the conduct of the war so let us be responsible for ending it. I support the gentleman, and I urge my colleagues to do so.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker and Members of the House, this may be our biweekly futile effort to have this body face reality. It may also be a replay of what this country experienced in 1963 and in 1964, because added to the element of the POW's—which I think is a "phony" issue, and I use the word deliberately, because we have killed and wounded more people in the time POW's have been an issue than ever before—added to that is the ingredient of our uncertainty as to whether the South Vietnamese can really find their own way.

As we look at the papers, revealing recently the work and discussion which occurred in the early 1960's, I cannot help but feel that we are on a course we were following and confronted with then.

It seems to me the effort ought to be to do something to recognize this, and, more importantly, to realize that the Senate, whether we like it or not, is determined to have us face this squarely and to face it if it takes the entire summer to do it.

So I hope, whether the Mansfield language or something akin to it is adopted, that we will realistically face the problem and not evade our responsibility—which has been a preoccupation in many ways with this branch. I hope we will also face up to the fact that this is an issue on which the American public wants some definite determination that we are going to do something to end our involvement.

I hope that out of this this afternoon and out of an effort to instruct the conferees will come a realization on the part of the conferees that they have an inherent obligation to work toward the direction of the other body and the implementation of American policy, and I think more importantly something that is sought by an increasing majority of the American people.

Mr. Speaker, I rise in support of the effort to accomplish this.

Mr. HÉBERT. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I would like to make just two points:

First, I do not think this is a case where the House would be improperly tying the hands of the conferees by adopting the motion which has been offered by the gentleman from Ohio (Mr. WHALEN) and which I support.

This is not a matter which is pertinent to the draft bill. The Mansfield amendment would have been ruled out of order as nongermane if it had been brought up in the House. It is, basically, a separate resolution that was tacked onto the draft bill in the other body.

Mr. Speaker, what is before us now is an opportunity for Members of the House to vote as to whether or not they agree with the broad lines of the Mansfield amendment. If Mr. Whalen's motion fails, the Members will clearly not have such an opportunity again.

The second point I want to make is that the Mansfield amendment falls far short of being satisfactory to those of us who have been trying to get real congressional action to force an end to this war. It is not congressional action. It is the expression of congressional opinion.

I think it was for that reason that this amendment offered by Senator Mansfield did attract a majority of the other body; whereas, other efforts to force an end to the war had failed to attract a majority.

The establishment of a date certain for U.S. withdrawal, contingent upon the release of prisoners, is the heart of the matter—more important than whether the date is December 31, 1971, or 9 months from sometime in July 1971.

Why is it so important that a termination date should be set, either by the President or by the Congress? The answer in my judgment is threefold: First, this is one sure way to assure that American combat participation in this tragic war does come to an end; second, the President's approach gives us no chance to obtain the release of the American prisoners in the foreseeable future—setting a withdrawal date would give us such a chance; and, third, in my judgment setting a withdrawal date would provide the first real opportunity for the warring parties in Vietnam to come together in a political settlement. In particular, it would force Saigon to negotiate realistically, which it has never done till now.

As for the Mansfield amendment itself, I have heard statements made here that the amendment overlooks the American men who are now listed as missing in action in Indochina, and also that it calls for total U.S. withdrawal from Indochina while negotiations for the release of the prisoners were still going on. Both statements are completely false. The amendment clearly states in the opening paragraph that the American withdrawal is to be "subject to the release of all American prisoners of war" held by Hanoi and its allies, and again in paragraph (1) that such withdrawal is to be "contingent upon the release of all American prisoners of war." The final paragraph states that the President should "negotiate" for "the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States."

Obviously, the release of all American prisoners of war means the release of all who are in the hands of Hanoi and the Vietcong, whether or not their names have been previously listed. So the MIA's are included, if they in fact are in custody.

As to the other point, it is a gross distortion of the clear intent of the Mansfield amendment to suggest that all the other side is expected to do is to "discuss" the release of the prisoners. Yet, that is precisely what has been argued here.

The Whalen motion to instruct the conferees to accept the Mansfield amendment should be agreed to, and the motion to table the Whalen motion should be defeated.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. I thank the chairman for yielding and would like to compliment the chairman of the committee for taking the full hour of debate on this motion.

I think the Mansfield amendment does represent a reasonable approach, one the executive branch can and should embrace. I think we have the right as a coequal branch of the Government to help determine national policy in this area. If the amendment is sustained by the House, then the President is at liberty to sign or veto the bill. Of course, knowing the President's views and his opinion, we would be saying to him that he must decide for himself as to what he should do. If we pass the Mansfield amendment, and the President signs it into law—then, together, we will have taken an important step forward.

It is important we again emphasize the fact that this legislation can only become operative upon the relase of our prisoners of war.

Now, much has been said here today about the possibility of negotiations working out within the next few days or few weeks if we in the Congress remain patient and passive. I think we must reject this motion.

Mr. Speaker, if I am not mistaken we have lost nearly 30,000 Americans in Vietnam since the start of the peace negotiations in Paris. As I understand it—the only agreement reached thus far has been on the shape of the table.

Now I have heard the same arguments used before by members of my own party, urging blind support of the administration's war policy in the vague hope that a negotiations breakthrough might suddenly occur. Over a year ago, I was urged by minority whip, the gentleman from Illinois (Mr. ARENDS), to vote for Mr. WRIGHT's Vietnam resolution. He argued the outcome of the vote might bear importantly on the Paris peace talks at that time. In good faith, I followed his advice and supported it. I am since convinced that vote meant nothing in Paris. Our negotiations have yielded nothing, and I believe that the talks will remain on dead center until we are willing to talk in terms of a complete American military withdrawal.

I think if we put ourselves in the shoes of the North Vietnamese and the Vietcong, we know that they know that we are going to get out of Vietnam. Whether it be in 6 months, 9 months, 2 years, or 6 years, they have only to wait for us to leave. No less a personage than our own President has given them this assurance, publicly, time and time again. We should recognize that our adversaries live there in Southeast Asia; they have no place to go. No matter how long we drag out our withdrawal, they will still be there when we leave. We ought to face that fact—and move now to stop the killing by ending our military involvement in the shortest possible time.

I believe then that it is time that we set a definite limitation of 9 months for our military involvement in Vietnam and make it our national policy, pending only the safe release of our American prisoners of war.

Mr. Speaker, this seems to me to be an eminently workable approach and I hope that the House would see fit to pass this amendment.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mr. DRINAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I rise in support of the motion by the gentleman from Ohio (Mr. WHALEN) to instruct House conferees—with respect to the Selective Service Extension Act, H.R. 6531—to accept the Mansfield amendment, which would establish as U.S. policy the withdrawal of all U.S. military forces within 9 months, subject to the release of all American prisoners of war.

The amendment, which is a scrupulously prudent means of informing the President of the will of the people and of their elected representatives, merely "urges and requests the President to implement the above-expressed policy." The amendment in no way circumscribes the President's constitutional powers as Commander in Chief. It does not cut off funds. It does not set a specific date for the conclusion of the war. It does not in any sense seek to embarrass the President. It does not recriminate against past policy. It does not compromise the safety of prisoners, or of troops stationed in Indochina.

The amendment seeks to explode the myth—a myth already disproven by every analysis of Vietnamese politics which I know of—that continued indefinite participation in this war by a massive American troop force will yield a stable, democratic government in South Vietnam. In the jargon employed by the executive branch, this myth is entitled "Giving the South Vietnamese Government a Chance To Survive."

No "chance," Mr. Speaker, has ever been so costly or so improbable. For this chimerical improbability, the exponents of which ignore every demonstrated disproof, we are asked to send thousands more men to their deaths, we are asked to continue the rape of a country, and to facilitate its plunder by the Communists. We are asked to perpetuate this horrible tragedy which ranks among the most callous abuses of power ever perpetrated.

For this "chance" we are asked to commit our national treasure—the treasure of our young men and of money desperately needed to put out the fire storms of domestic turmoil and deprivation—to commit that treasure in a way which will aggrandize the so-called leaders of South Vietnam. These are men who brook no disagreement, who imprison their political opponents, who close down newspapers not servile to their beliefs, who foster and benefit from a pervasively corrupt economy, who dictate, but who do not govern.

With the greatest respect, I would ask each of my colleagues in this House whether, if given the choice, he would personally send young men—young men he knew and loved—to risk and lose their lives in order to give men like Ky and Thieu "a chance."

Mr. Speaker, today we have such a choice, and I urge you to take it. I urge you, in terms so strong there are no words which can convey them adequately, to utilize your constitutional right, your legislative prerogative, to bring this ungodly horror to an early end.

Mrs. ABZUG. Mr. Speaker, as one who opposed America's role in the war from the beginning I rise in support of Mr. WHALEN's amendment to instruct the conferees to support the Mansfield amendment.

Three-quarters of the American people have indicated that they want this war to end and that they want the troops and funds to be cut off by December 31, 1971. Americans rightly wonder what it will take to move the Congress to act. Must we top My Lai? Must we go beyond the disclosures of the Pentagon study which, in its entire 47 volumes shows no expression of concern on the part of American policymakers as to how their decisions and escalations of the war would affect the actual lives of the American people or the people of Indochina?

I personally believe that we should

withdraw immediately. I have always believed that, and that the President would have the support of the Nation if he would set a nearby date. I proposed 4th of July as the date of withdrawal. I supported the Vietnam disengagement bill which proposed the end of this year as the cutoff point. I supported the Nedzi-Whalen amendment to the military authorization bill. All of these have been turned aside by a Congress that still accords the President powers far beyond those he warrants constitutionally. Now, in reaction to the events of the past week, the Senate has turned about and has approved the Mansfield amendment which calls for a total withdrawal from Indochina, no later than 9 months after enactment, subject to release of prisoners of war.

The Mansfield amendment very wisely ignores the administration's fantasies about the viability of the Thieu government or committing our people to its perpetuation and confines itself solely to the prisoner of war issue calling for negotiations for an immediate cease-fire.

It proposes negotiating an agreement with North Vietnam which "would provide for a series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all military forces of the U.S. by not later than the date established by the President pursuant to paragraph (1) hereof (the nine months date), or by such earlier date as may be agreed upon by the negotiating parties."

A majority of the New York delegation endorsed this proposal and asked that Members of the House be given an opportunity to direct their Representatives to support it in House-Senate conferences on the select service bill.

It is my belief that if the Congress finally bends to the will of the electorate and adopts even such proposals as the Mansfield amendment it can, by this single step, revitalize the negotiations in Paris, elicit a favorable reaction from the North Vietnamese, and finally bring the war to a close.

If Congress finally takes this necessary action and instructs the President to set a date for withdrawal, I believe that the North Vietnamese and the NLF will by the logic of their own public statements have to begin negotiating immediately for the release of our prisoners. In fact their chief negotiator last week has said he would.

It has always been in the power of Congress to undeclare the war. It has not chosen to do so. I submit that it must do so now.

Our people are asking for a revolution of values in this country, a reversal of priorities. As their Representatives, we need to share in this inner revolution—a revulsion from death and destruction, a yearning for full life, for restoring the health and economy of our Nation, and for replacing America's worldwide network of military bases with international agreements for peace and mutual security.

Last week it appeared that the Congress had turned its back on the American people. The Mansfield proposal, approved by the Senate, gives us an opportunity to repair that error and to look our people in the face with good conscience. I urge this body to use its full authority and to so act by supporting the Whalen amendment.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I rise in support of the motion proposed by the chairman of our committee, the gentleman from Louisiana (Mr. HÉBERT), and against the effort that will be made to instruct the conferees to accept the Mansfield amendment.

I would like to make a few observations. I want to be sure that Members understand what this is all about. This is the same issue on which we have voted before, but in addition to that, the Mansfield amendment proposal is a lot more dangerous than the Nedzi-Whalen amendment. In the first place, it makes no exception for providing for the normal protection of our embassies by U.S. Marines after our forces are withdrawn as the Nedzi-Whalen amendment did. It makes no provision for a military assistance group so that after all our combat forces have been withdrawn, we might be able to provide military equipment to the South Vietnamese to defend themselves, just as we do now to many other countries around the world.

The assumption which the Mansfield amendment is based on is that if we just set a date for total withdrawal, then our prisoners of war will be released. But it is perfectly clear from the record that the North Vietnamese have said that they will not release our prisoners merely on our fixing a date of total withdrawal; they will only discuss that release. The Evans-Novak column that appeared in the Washington Post on June 24 mentions this point and refers to the fact that our colleague, the gentleman from California (Mr. LEGGETT), discussed this matter with the Vietcong earlier in Paris and then reported publicly that as soon as a date was set they would then release the prisoners. But our Ambassador in Paris queried the Communist delegation at the peace conference later on this report, and they said, "Oh, no, we will only discuss the prisoner release."

So we will not insure the release of our prisoners through the Mansfield amendment. As a matter of fact, in the long run, all that we will accomplish through this amendment, if we instruct our conferees to adopt it, is that we will be trying again to negotiate with the enemy on the floor of Congress, and that function should not be done here but by our negotiators and by our trained staff in Paris.

So, Mr. Speaker, I think we should support the motion offered by the gentleman from Louisiana (Mr. HÉBERT) and allow our conferees to go to the conference with a free hand. I hope the conferees can come up with some wording that will express the desires of every Member of this House and of the other body that indeed we should withdraw from Vietnam as early and as rapidly as possible. And I believe the conferees can do just that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I thank the gentleman for yielding, and I am supporting the motion to go to conference, but I also intend to support the motion to be made by the gentleman from Ohio (Mr. WHALEN) to instruct the conferees.

I think that if we can remove the issue of the war from next year's election, this will be the very best thing that can occur, so far as the President is concerned, and certainly he should favor this policy decision by the House.

Sixty-nine percent of the American public favor setting a date for getting out by Christmas if our prisoners of war are taken care of.

The Mansfield amendment which is now before the House is much, much less liberal, if you want to call it that, than is the attitude of the American people. The amendment provides 9 months and is expressly conditional.

I believe that if we would free up our negotiators in Paris and give them the discretion to negotiate, recommending a withdrawal date, I believe then that we would be working in line with the attitude of the American public. They want us to set a withdrawal date, and they want us to take care of the prisoner-of-war issue. The Mansfield amendment is really a policy decision that we here in the Congress state, "Mr. President, set a withdrawal date about 9 months away, handle the prisoner-of-war issue on a phased withdrawal." It is the same kind of program that 10 percent of this House have coauthored in House Concurrent Resolution 317, which the gentleman from Michigan (Mr. RIEGLE) and myself have filed with 10 percent of the House as coauthors. Let us see if we cannot resolve this war crisis in this way. I am firmly convinced that we can go ahead with negotiations if we will merely free up our negotiators in Paris to set a date.

Evans and Novak referred to the gentleman from New York (Mr. STRATTON) are all wrong when they say that the information I brought back from Paris was erroneous—to wit, that serious negotiations and action will follow the setting of a date.

We have not agreed to set a date, so we are not prepared, and the other side is not going to indicate that they are prepared to do anything in response to American intransigence.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to my colleague, the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from California (Mr. LEGGETT).

I, too, am in support of instructing the conferees to accept the Mansfield amendment.

I would also say that in my judgment, it would seem to be very clear that a vote against such a motion can only create the inference that you do not share the sentiments of those of us voting for such a motion, that this war be terminated within 9 months.

Mr. LEGGETT. I want to thank the gentleman for his contribution.

Mr. Speaker, in my remaining time I would just like to cite a statement by the President where he said in his last press conference on June 1:

> So far as we are concerned, we at this time are not making any kind of agreement with regard to prisoners that is not going to be followed by concurrent action.

Actually, the Mansfield amendment is concurrent action and I think it is in line with the President's policy and we all should support it.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, if we instruct the conferees today, we are saying in effect they can only vote the Mansfield amendment up or down. We would be tying their hands. We would preclude any chance for our conferees to improve the language of the Mansfield amendment and make it more workable.

My purpose in the few minutes that have been allotted to me today is to prove that the language is imperfect and should be reworked in the hope that we can bring about an improvement which is in the national interest.

Let us look at the language of the Mansfield amendment as it pertains to prisoners of war. It says that American prisoners should be released under certain conditions "by the Government of North Vietnam and by all forces allied with such government."

Let us not forget that two-thirds of our prisoners of war are held by the Pathet Lao and by the Vietcong.

North Vietnam has never admitted to an alliance with the Vietcong and the Pathet Lao. So, in effect the Mansfield amendment totally ignored two-thirds of our men held as prisoners.

That omission needs to be perfected in conference.

The chairman of our committee received a letter from Mrs. Jean M. Vinson national coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia, and she calls attention to the fact that not a single word is in the Mansfield amendment which requires the North Vietnamese to account for the missing. She says that only 370 of the more than 1,600 American servicemen who are missing in Southeast Asia have been accounted for. Her organization has furnished the following estimate of the number of missing men, those captured, and the country where they were lost or captured:

| | Missing in action[1] | Captured[2] | Total |
|---|---|---|---|
| North Vietnam | 405 | 378 | 783 |
| South Vietnam | 469 | 81 | 550 |
| Laos | 255 | 3 | 258 |
| Cambodia | 24 | 0 | 24 |
| Total | 1, 153 | 462 | 1, 615 |

[1] 50 civilians missing in action.

[2] Those listed as "Captured" have been identified by DOD as having been captured.

Do you want to ignore those who are missing in action or do you want to go to conference and perfect the Mansfield amendment so they will not be forgotten?

What is the position of the North Vietnamese at the present time? They say—set a date and then we will talk about returning prisoners. The language of the Mansfield amendment is not too different from the position of the North Vietnamese because for all practical purposes it sets a date, with conditions, after which we will negotiate a cease-fire as provided in clause 2, and we will negotiate a phased withdrawal and we will negotiate prisoner exchange as provided in clause 3.

For all practical purposes that is the position of the North Vietnamese today—set a date and we will talk.

One last point. If we phase out our forces in exchange for a corresponding series of phased releases of American prisoners of war and we reach the point where the North Vietnamese are confident of their military superiority while 20 percent of our prisoners are still left in North Vietnam, Laos, and in the hands of the Vietcong. What do you think North Vietnam will do with those prisoners? They could continue to hold them for ransom, reparations, and anything they would like. I ask you whose son, whose brother, whose father is going to be among the last 20 percent there? Do you want, simply for the sake of passing some wordage, which needs improving, to go ahead and condemn those men to that possibility? The motion to instruct must be defeated.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, once again we find ourselves discussing this very perplexing and frustrating question of Vietnam and suggested amendments relating thereto.

As I have stated on numerous occasions, the central question, limiting our ability to accelerate the desired solution to the U.S. involvement in Vietnam, is the prisoner-of-war matter. And, of course, the North Vietnamese Communists are exploiting it, psychologically, to the maximum.

While many have chosen to offer amendents to various pieces of legislation to express their feelings on Vietnam policy, I have chosen to advance my suggestions to the key people in the State Department, the Defense Department, the executive, and the President himself. I have done so because I feel strongly that we in the Congress have a responsibility to participate in the development of foreign policy guidelines.

As a matter of fact the President has always encouraged me to channel ideas and suggestions on foreign and domestic policy matters, particularly those that I feel are representative of the constituency from my district.

From personal experience, I can testify to the fact that this approach has been successful.

In addition, I have advanced these suggestions to our House leadership, as well as the key members of the Armed Services and Appropriations Committees of the Congress.

Quite frankly, the Mansfield amendment comes closest to the point of view that I have been advancing through Executive and congressional channels, as did the McDade substitute amendment.

However, in my view, it places too much emphasis on negotiations before the prisoners are released or exchanged and in view of our past experiences with Hanoi and their negotiators, I believe we should place more emphasis on negotiations after the prisoners are released or exchanged.

I am pleased to see a growing number of people that share this view.

Earlier in June, I discussed and suggested a three-point proposal that I will repeat here today with the suggestion that the conferees of the House and Senate give careful consideration to the content for possible compromise language to the Mansfield amendment, which is deficient in that there is no requirement for a Communist withdrawal from Vietnam and also does not enhance our ability to negotiate on realistic terms.

My suggested three points are as follows:

First. Call for an immediate multilateral cease-fire terminating all offensive combat operations in Southeast Asia for a period of 60 days.

Second. Immediately following the mutual declaration of a cease-fire, agree to discuss and resolve the direct exchange or transfer to a neutral country of all prisoners of war.

Third. Commensurate with the effective date of such exchange or transfer—of POW's—the United States will further agree to withdraw all U.S. ground combat forces from Vietnam in 6 months, and all remaining U.S. support units in 1 year, within the context of an overall agreement.

And, in conclusion, as I suggested a number of years ago, a restructure regional security organization must be formed to handle this problem and future threats to security through the creation of a free Asian security organization. I believe this can and would lead us to a more rapid phased withdrawal from our tragic overinvolvement in Vietnam.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is there any doubt in the gentleman's mind that all of our troops will be out of Vietnam before the middle of 1972? Are you really saying that they will not be?

Mr. GUBSER. It is my feeling the troops will be out by 1972, if we give the President of the United States as the man with the constitutional responsibility to carry on negotiations with foreign nations the chance to get those troops out. He is getting them out and they will be out if we stick to legislating instead of meddling in the conduct of foreign affairs.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I intend to support the motion to instruct the conferees to accept the Mansfield amendment to the Selective Service Act Amendments of 1971. If a motion to table the motion to instruct the conferees is made, I will vote against the motion to table.

The Mansfield amendment declares that it is U.S. policy "to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

The amendment urges the President to:

First, set a date for withdrawal of all U.S. military forces from Indochina, contingent on release of prisoners of war, not later than 9 months after enactment;

Second, negotiate with North Vietnam for an immediate cease-fire.

Third, negotiate with North Vietnam for a series of phased withdrawals of U.S. military forces in return for a corresponding series of phased prisoner-of-war releases, and for withdrawal of all U.S. military forces and return of all prisoners of war not later than the date set, or by an earlier date if one is negotiated.

The point about the Mansfield amendment, contrary to the statement of the gentleman from California (Mr. GUBSER) is that it does not constitute affirmative congressional action to end the war. I wish that it did. But it does express the sense of the Congress that the war should be ended and all U.S. military forces be withdrawn within 9 months, provided the prisoners of war are released. Therefore, it leaves ample latitude and discretion to the President to take whatever action he deems necessary to bring the war to an end.

My own view, of course, is that the Congress should assert its responsibility. It should—and I voted for the Nedzi-Whelan amendment, and for the Hatfield-McGovern amendment last year—it should cut off funds to prosecute the war.

The Vietnamization policy of the administration is a policy which will only perpetuate the war. It is calculated to insure that the present regime in South Vietnam is propped up for an indefinite future period, and it contemplates a continued American presence in Vietnam.

The gentleman from New York (Mr. STRATTON) revealed, the intentions of those who believe the United States should continue its involvement in South Vietnam, by referring to the fact that he interprets the Mansfield amendment as prohibiting continued U.S. military assistance and advisory assistance to South Vietnam. I say it is time to end our involvement. It is time to end military assistance. It is time to end advisers. It is time to recognize what the Pentagon papers reveal, and that is, that over a long period of years the American people have been misled. Facts have been concealed from the Congress. The documents published by the New York Times and the Washington Post show not only a lack of candor but outright deception by the executive branch. It is now up to Congress to exercise its responsibility. At the least the Mansfield amendment should be accepted by the House conferees.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to the Mansfield amendment. I am not pleased, especially with the way the amendment is drawn up.

The gentleman from California (Mr. GUBSER) had a strong point when he mentioned that the MIA's are not even mentioned in the amendment. This is the first time our country has ever had before it an amendment that completely forgot the missing in action.

I would encourage the conferees to be sure that this would be included in the amendment, even though I do oppose the Mansfield amendment in any form.

Mr. Speaker, I ask unanimous consent to have printed in the RECORD the listing of Americans missing in action and captured.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The information is as follows:

| | Missing in action[1] | Captured[2] | Total |
|---|---|---|---|
| North Vietnam | 405 | 378 | 783 |
| South Vietnam | 469 | 81 | 550 |
| Laos | 255 | 3 | 258 |
| Cambodia | 24 | 0 | 24 |
| Total | 1,153 | 462 | 1,615 |

[1] 50 civilians missing in action,

[2] Those listed as captured have been identified by DOD as having been captured.

Mr. MONTGOMERY. Mr. Speaker, this is a bad amendment. It is an open-ended amendment. It will help the enemy more than it will help the South Vietnamese or the United States.

Really, Mr. Speaker, it is an unusual way to negotiate—we withdraw fully and leave certain options to the enemy.

I might ask, why do not the Communists agree to a ceasefire, as we did in Korea, and negotiate for the release of prisoners of war? This is the way we have done it in the past.

Mr. Speaker, how can we forget the 45,000 Americans who died for the cause? If we instruct the conferees we are in effect cutting off any further negotiation, and we are tying the hands of the President, for negotiating a just and honorable peace.

Mr. Speaker, I certainly hope this House will not instruct the conferees in any manner.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding.

Since we last year repealed the Tonkin resolution the Congress has been, in effect, a silent partner on war policy. As I mentioned last week, we have as yet to express one legislative word either for or against the policy of withdrawal of our forces.

Perhaps I speak only for myself, but I have a feeling that the House conferees will go to the conference without any intention of accepting any language. They will be totally opposed to any part of the Mansfield amendment.

Now, there are parts of the Mansfield amendment I should think almost all of us could enthusiastically support. I have asked for this time in order to ask the distinguished chairman of the Armed Services Committee if he could accept the following words taken from the Mansfield amendment, and I read them from the amendment:

> It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

If the gentleman can give us encouragement that he would accept that language I would joyfully support the motion to table and oppose the motion to instruct.

Mr. HÉBERT. The gentleman from Louisiana, as Members know, will be the chairman of the House conferees, and the gentleman just hit on the point I have been trying to make. Do not tie my hands.

That is very persuasive language the gentleman has given. This is a typical example of why the hands of the conferees should not be tied, so that we can sit down and talk it over. I can say the gentleman is very persuasive, but as a conferee asking not to be instructed, I could not commit myself to specific language now. I am a creature of the House, to do what the House tells me.

Mr. FINDLEY. Will the gentleman state at least this much, that he is inclined to accept this language?

Mr. HÉBERT. No; I said I am a creature of the House. I receive my instructions from the House. If the House does not take that language, I cannot.

I ask not to be instructed.

Mr. FINDLEY. The President opposed the Nedzi-Whalen amendment. In a letter to those who voted against it, he said, in part:

> While we continue to reduce American forces in Indochina, various proposals may be advanced in Congress similar to Nedzi-Whalen. Their adoption would seriously jeopardize the progress we are making in ending American involvement in Vietnam and in achieving a just peace.

The Mansfield amendment differs substantially from Nedzi-Whalen. It expresses policy without purporting to cut off funds. It expresses a final term for our military involvement but in ambiguous language.

Nevertheless, the President clearly prefers that it, too, be rejected.

For some Members, the President's wishes will suffice as justification for voting "No." Certainly, all of us have a duty to take into full account every request he makes in regard to war policy.

Undoubtedly, the Mansfield amendment will be viewed in some quarters as a rebuke, however gentle, to the President who is doing the best he can, advancing courageously and resolutely down the right course, extricating our forces from Vietnam as rapidly as prudence permits, fulfilling every commitment he makes on force withdrawal.

Those who would so interpret it as a rebuke simply ignore the reality of our continuing withdrawal from Vietnam. They also ignore the President's often-expressed pledge to withdraw all our Armed Forces at the earliest practicable date.

On his record, the President can be expected to stick to the course he has set.

In these circumstances, is a legislative statement of policy similar to the Mansfield amendment in the national interest? Should the Congress spell out in legislation its support to the policy of total withdrawal from Vietnam at the earliest practicable date?

I believe that we should adopt total withdrawal as national policy.

While all of us, Republicans and Democrats alike, have a heavy responsibility to the President, we have an even higher responsibility under the Constitution and beyond to the people. We should not be, we cannot properly continue to be, silent partners in war policy.

We have a duty to say what policy we support. The pace and degree of troop withdrawals will be influenced by many factors, including the expressed attitude of Congress. So long as we refuse to express even one word of approval or disapproval concerning withdrawal policy, the President lacks policy guidelines from the peoples' representatives. He must review, readjust, rethink long-term and short-term goals and programs in a legislative policy vacuum.

Our silence has another, even more ominous effect. It yields ground to advocates of policy who are not silent, advocates of stay and fight. Many forces and influences are brought to bear against the President in behalf of policy that may be related directly or peripherally to withdrawal.

Undoubtedly, many people in prominent positions will wish to give the heaviest possible weight to a factor the President has mentioned several times; that is, the ability of Saigon to defend itself. In my view, this factor can properly be considered only to the extent that it is essential to the safe withdrawal of our forces. But others differ, and will attempt to give it importance far beyond the question of safe withdrawal, and even beyond the importance given it by the President. They remind us of the often expressed policy of President Johnson, a policy rejected by the American people in November 1968, and similarly rejected by President Nixon since then.

Others will say that the Mansfield amendment is defective because it calls for unilateral withdrawal. They would rather see the United States remain in Vietnam until Hanoi agrees to pull out its own troops. Naturally, everyone would prefer a mutual reduction in troops, but is this a realistic policy? It, too, was the policy of President Johnson, a policy rejected by the people and by President Nixon.

In opposing the Mansfield amendment because it contemplates unilateral withdrawal and because it makes no provision for Saigon being able to defend itself, we clothe outselves with the threadbare garments of the past; we adopt as our own the discredited policies of the previous administration.

If, instead, we recognize the wise policy of withdrawal which President Nixon has embarked upon, we can support the basic theory of the Mansfield amendment.

Enactment of the Manfield language will put the prestige of the Congress in support of total withdrawal of our forces and in opposition to discredited policies of the past.

On the assurance of the gentleman from Louisiana (Mr. HÉBERT) that he is openminded and interested in working out language on withdrawal policy, I will vote to table the motion.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I appreciate the gentleman yielding. I take this time to explain to my constituents my position on this matter.

This amendment reflects the frustration many of us in Congress feel. We have watched, perhaps with increasing anger, the visible emasculation of the legislative branch. With hindsight now a useful tool, we can take a better look at our situation; what brought us to it and where we should go from here.

First let me say that I agree with the gentleman from Louisiana (Mr. HÉBERT). This particular amendment makes Congress look like a lion, when in reality it roars like a mouse. I support this amendment because I would like the people of my district to know that although we are weak, we are not yet dead.

Let me just briefly explain how the Congress, and the country has come to this set of circumstances. I believe we have come to the situation we are in for a very good historical reason. In 1776, when this country declared its independence, it was primarily a moral power in the world. Our political ideals were our strength. Our functioning democracy in a world of monarchs was to eventually ignite Europe. We had no real army, no navy, and very little economic strength, yet we were quickly recognized as a new force in a tired world.

The next position of power that we developed was economic. Our increasing economic power was mixed with our moral foundation, which was further developed to generate more economic power. When we entered the 20th century, we had two legs on our power stool—the economic and the moral suasion of America. Our institutions reflected this tremendous and proud strength. We were showing that a democracy could be prosperous and compete.

It was in this century that we put the third leg on the stool. This third leg is our military expression of power. In World Wars I and II, Germany said to the world that military strength is the source of power, and the world said no, and we hoped that we could say no. We came out of World War II as the outstanding military power. We were so impressed with it that we made a precedent of it.

But first Korea to some degree, and now Vietnam has shown that the third leg of our power is not as strong as the first two. The failure of American military intervention in Vietnam exposed serious deficiences in American policy abroad and in our institutions at home. Until Vietnam, we had been comfortable and complacent in our belief that the United States could eventually overcome any threat or challenge to our image or policy. This belief was reinforced by the overwhelming military establishment that had been created during World War II and maintained during the long cold war that followed. Korea, perhaps, created doubts, but those doubts were dissipated after the election to the Presidency of a popular General, and were buried in the nationalistic rhetoric of the 1950's crusade against the Communist bloc.

This habit of relying on and deferring to the military and the Executive gradually eroded the congressional will. On the most critical questions of foreign policy, Congress enthusiastically and with bipartisan fervor united behind the various administrations. Each year Congress has willingly offered mammoth appropriations to the altar of improved military technology. And each year both the public and the Congress comfortably committed more and more of its confidence to the military and strategic planners.

Thus, the two decades following the German and Japanese surrenders were characterized by an ever increasing U.S. military presence throughout the world, while at home all of us, in varying degrees, endorsed the policy of Pax Americana. The artificial security of this policy managed to silence most critics. Unwittingly, congressional participation on foreign and military matters eroded to the point of insignificance.

Vietnam has brought all this home. A frustrated Congress has watched a war being waged without its consent or guidance. The Congress has seemed almost impotent in its frustration.

I say to you that when the United States expresses its power as moral power that we are coequals with the Executive. When we express our power as economic power, we are coequal with the Executive. However, when we express our power in the form of military policy, then we are not coequal by the very nature of this power and Congress never will be coequal as long as we emphasize this power. The people feel this and they know this and they say to the Congress, "Will you please say, do, act." And we cannot—or can we?

We can. We can insist that the basis for our policies return to the strengths that made this country the most imitated in the world. Our real power is in our moral and economic strength—our two sources of strength were badly deemphasized as our military power grew. Only by reemphasizing our real greatness will we regain the respect of the world, and more important, our own citizenry. Only by reemphasizing these two fundamental strengths will Congress regain the coequal role our founders intended it to play in the decisionmaking process of the Republic.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. O'KONSKI).

Mr. O'KONSKI. Mr. Speaker, I am basing my vote strictly on the record. In the years that I have been in the House, 29, I have always looked with a little suspicion on anything that comes from the other body. Let us compare the record.

With all of the procrastination and all of the filibusters and all of the delays, how many men has the other body brought back from Vietnam? Not one. In fact, I surmise they have hampered our withdrawal policy rather than enhanced it. Against that record let us put that of our President. He has already brought back 300,000 men, almost 60 percent of our troops. They are already withdrawn from Vietnam. Three hundred against the record of the other body, which is zero. The score, the President 300,000, the other body zero—really minus zero.

One other thing I am basing my decision on. This amendment by the other body is nothing but a deception of the American people. I got a call from a woman in my district this morning who said, "Are you going to vote for the amendment of the other body which will end the war in 9 months?" And I said, "As usual, lady, you are as misled as ever by the propaganda that comes from the other body." If we follow the dictates of the other body in this amendment, tying our withdrawal policy, as it does, to the release of the prisoners of war, we will not be out of Vietnam by June 30 or by the fall of next year, as I believe is the plan of our President. We might be there for 5, 10, 15, or 20 years, because who is so naive in this body that he does not know that the Communists do not easily exchange prisoners of war. After we have had the experience in Korea and the experience of the Katyn massacre, anybody who thinks that it will be easy to end this war over the issue of the release of the prisoners of war is too naive and ought not to be in this body or in the other legislative body of this Nation.

What is the purpose of this amendment really? With total mess in our land there are some who want to be able to answer to their grandchildren. When their grandchildren ask, "Granddaddy, where were you when President Nixon was withdrawing our boys from Vietnam? There are some who want to be in a position to say, "Grandson, I was ahelpin' him—I said he wasn't doing it fast enough. Yes grandson, I was there helpin' him and a pushin' him—ahopin' maybe he would a stumble a little bit."

Mr. BOLAND. Mr. Speaker, I rise in support of the motion that will be offered instructing the conferees to maintain intact the Mansfield amendment—the amendment making it national policy to withdraw from Vietnam within 9 months, provided that our POW's are set free.

Motions to instruct conferees are not always wise, Mr. Speaker, but this one merits our support.

The need for a hastened withdrawal schedule grows more obvious week by week. Virtually an entire generation of American young men has spilled its blood on Southeast Asia's battlefields, achieving little more than a stalemate with Communist forces there. The Pentagon's illusory goal of "military victory," long since discredited, has cost us appallingly—both in Vietnam itself and here at home.

The war has drained our resources, diverting hundreds of billions of dollars from social programs as urgent as any in our history. It has divided our people, even turning father against son. And, most staggering of all, it has taken the lives of more than 50,000 American soldiers and left scores of thousands more disabled. Southeast Asia itself has been devastated—many of its cities bombed to rubble, its villages plundered and burned, its countryside wasted, its people living in flight and terror.

The time to get out is now.

A negotiated political settlement is the only way to stop the bloodshed.

Clearly, Mr. Speaker, our harrowing decade in Vietnam has demonstrated that military escalation is nothing short of futile.

Any commitment we might have had to South Vietnam's government has been more than fulfilled.

The Mansfield amendment, the first legislation of its kind that appears likely to win passage, would help speed the process of withdrawal. It would achieve another goal, too, one that is perhaps of equal significance. It would restore to the Congress its legitimate role in helping shape U.S. foreign policy. Largely shunned by administration after administration, the Congress has often been frustrated to the point of fury by the executive department's insistence that it alone should govern the war. Yet the Congress—the elected representatives of the American people—must have a voice in policy decisions as vital as the ones that have mired us so deep in Southeast Asia.

The Mansfield amendment would show that that voice, long muted, now insists on being heard.

Legislation I have introduced—prohibiting the use of U.S. Armed Forces in combat action abroad without the assent of the Congress within 30 days—would also help restore the rights of the Congress. Still another resolution I have introduced—this one calling for the establishment of a new House-Senate committee to investigate the history of our involvement in Vietnam—would yield the kind of information we need to keep actions of the Armed Forces within the reach of Congress.

One Vietnam is enough.

We must prevent it from ever happening again.

Mr. FULTON of Tennessee. Mr. Speaker, I urge that the House give very careful and favorable consideration to the motion before us.

Almost weekly, similar proposals such as the one we now consider to bring about an end to the war in Vietnam are brought before the House. However, unlike those previously considered, the proposal before us today has the distinct advantage of giving each Member an opportunity to vote in favor of a definite termination date while avoiding action which tie the hands of our Commander in Chief. It is my understanding that this proposal is not binding on the President, but is expressive of the sentiment of the Congress.

The position I take today is consistent with my position on this war dating back to 1965, when I joined with 72 Members of this body to urge President Johnson to cease escalation of the conflict. From time to time since, I have continued these urgings and coupled them with an expressed hope that the war could be brought to an early conclusion.

When this administration assumed office, we were told it had a plan to end the war. That plan evolved as the President's "Vietnamization" program, which I have supported.

However, it has been over 2 years since this plan was announced, and we are still mired in Southeast Asia amid rumors that we must remain there to support the regime in Saigon, we will have to continue to support that government with 2 billion American dollars a year or that our presence in Vietnam and Southeast Asia may be required for another decade.

I believe the Congress should go on record as favoring a more definite timetable for ending the war, more definite than any date which we can foresee at this time.

Just this past weekend, it was reported in the press that the Central Intelligence Agency felt in 1969 that we could have withdrawn at that time and "all Southeast Asia would remain just as it is for another generation."

If this was the case, then I can see no reason for our continued presence there for military, economic, or political reasons.

Apparently, however, the decisionmakers saw a continuing need for our presence as combatants. Unless we move here to wind up the war more speedily and at a definite time, then the same decisionmakers for new or the same reasons may feel compelled to continue our involvement in the conflict for another generation.

Mr. Speaker, this war has gone on long enough. It profits us not at all to continue it and I respectfully urge adoption of the motion.

Mr. LUJAN. Mr. Speaker, in voting against this amendment, I would remind my colleagues that it would have us give away our trump card and then enter into negotiations emptyhanded.

It would guarantee the return of some of our prisoners but not all, since some of our prisoners are being held by forces not "allied" with the Government of North Vietnam. The amendment calls only for the return of prisoners held by the Government of North Vietnam and by "forces allied with such government."

It would seriously endanger the lives of our men in Vietnam, since a ceasefire on the part of the enemy is not made a condition to our withdrawal. He can plan the date and rate of his escalation to coincide with the date and rate of our troop withdrawals, hitting us where and when our withdrawing forces are most exposed.

It trusts to the reasonableness of North Vietnam in negotiating a cease-fire, but to date we have seen no evidence of reasonableness on the part of North Vietnam. Can we expect more fruitful "negotiations" with them after we have surrendered our single strongest negotiating point?

It calls for negotiation with North Vietnam for an agreement on the "phased and rapid withdrawals of U.S. military forces" but contains no mention of any agreement for withdrawal of the forces of North Vietnam.

I suggest that the United States has shown good faith and reasonableness by our steady reduction of forces over the past 2 years. I suggest that we have demonstrated our desire to end the war and that we have taken positive steps to accomplish that aim. I further suggest that any withdrawal agreement on our part should be matched by a withdrawal plan on the part of the enemy. At the very least, Mr. Speaker, our fighting men have a right to expect more from the Congress than this amendment which says in effect that we are willing to bet their lives that North Vietnam is reasonable and can be trusted not to shoot at them as they leave the field of battle.

Mr. PODELL. Mr. Speaker, the war in Indochina has dragged on for 8 long years. In that time 45,300 Americans have been killed. In that same time a succession of Presidents, generals, and Pentagon officials have continually asured us that "victory is around the corner," that "we can see the light in the end of the tunnel."

We now know that there was never any truth to those promises.

More recently, we have been told that President Nixon is winding down the war.

Yet this so-called winding down has entailed expansion of the war into Laos and Cambodia. It has entailed the loss of another 14,632 American lives.

The story that the Indochina war is being wound down is of little consolation to the families of Pfc. Mark I. Gross and WO Martin Y. Namer. President Nixon's opinion that the Thieu dictatorship is getting stronger is of no help to Cpl. Raymond P. Susi, or Sp4c. Aaron Tawil and Steven E. Turzilli. All of these men were residents of my home district in Brooklyn. They are all dead—killed in Vietnam—victims of a war that should never have been fought.

Mr. Speaker, this afternoon we can finally take a positive step toward ending that tragic war.

Last week, by a decisive 57 to 42 margin, the Senate approved the Mansfield amendment. This measure calls for a scheduled withdrawal of all American troops from Indochina not less than 9 months after an agreement is reached regarding POW's. By voting our approval this afternoon, we can transform the Mansfield amendment into official U.S. policy.

If President Nixon were sincere in his desire to end the war, he would be supporting the Mansfield amendment. The Senate-approved bill not only schedules an orderly withdrawal of troops, but insures the safety of American prisoners before the soldiers are brought home.

However, President Nixon is no more sincere now than he was this winter, when he ordered the catastrophic invasion of Laos. He seems determined to preserve the tyrannic Thieu regime, regardless of how long Americans must continue to die in Asia.

Therefore, Mr. Speaker, if the Vietnam war is to be ended, it must be ended by us this afternoon. Congress must finally face its constitutional responsibility and assert its lawful right to end this war. I strongly urge my colleagues to join me in voting to instruct the conference committee to accept the Mansfield amendment.

Mr. COTTER. Mr. Speaker, I rise in support of the motion to instruct the conferees to accept the Mansfield amendment.

As my colleagues are aware, I have been steadfast in supporting congressional efforts to terminate this devisive war. I am a cosponsor of the Vietnam Disengagement Act of 1971. I voted in the Democratic caucus to end the war by December 31, 1971. I have signed a letter of intent—the "O'Neill letter"—to vote for all amendments that would end the war by congressional act. Just recently, I voted for the Nedzi-Whalen amendment to the Military Procurement Act of 1971 which sought to end the war by December 31, 1971.

Today this House is being given the opportunity to vote on the Mansfield amendment that would end our military involvement in Indochina 9 months after enactment of this bill. The only condition for our withdrawal is the release of U.S. prisoners of war being held in Indochina. The issue of the prisoners is the only issue that can be used to legitimately justfiy our continued military presence in Southeast Asia, but I have the most serious doubts that our continued fighting will make the release of prisoners any more certain. As has been discussed, the exchange of prisoners has traditionally been accomplished after the cessation of hostilities.

Still, the Mansfield amendment which has passed the Senate by a vote of 57 to 42 should be adopted by the House of Representatives. I prefer that the date to end the war be earlier—I have supported the December 31, 1971 deadline—but I feel that the Mansfield amendment offers the Congress an historic chance to reaffirm its constitutional role in decisions affecting peace and war.

It is especially important that Congress speak clearly and strongly on this issue. I have noted with increasing alarm that President Nixon has asserted that the United States will continue to be bogged down in the Vietnam quagmire until the South Vietnamese are able to stand on their own. I submit, Mr. Speaker, if the people of South Vietnam are not able to "stand on their own" after 17 years, over 50,000 U.S. lives and $250 billion in U.S. material, perhaps they may never be able to.

I cannot justify any continuation of this unnecessary war. I strongly support the Mansfield amendment as another congressional initiation to end this war.

Mr. DENNIS. Mr. Speaker, I oppose the Mansfield amendment.

The overall subject matter we consider today is complicated, as well as important, but the immediate issue before us, while highly important, is essentially simple.

We do not pass judgment today on the wisdom of our past policies in Vietnam, nor do we take any position on the desirability of a definition or delineation of the war powers of the President or of the Congress, or on the need—which I recognize—for the Congress to assert its proper prerogatives in the fields of military commitment and the conduct of foreign affairs.

Today we are engaged in an ongoing war, and the Mansfield amendment, under present circumstances, is nothing less than a public declaration, made in the midst of that war, that we lack confidence in the policies and in the program of our own National Government.

I simply cannot, and do not believe that this House will adopt such a miserable and defeatist policy as that represented, in this situation, by the Mansfield amendment.

Mr. MELCHER. Mr. Speaker, I hope the House will accept the amendment authored by my colleague from Montana in the Senate.

The Mansfield amendment reflects the earnest concern of the American people to hasten withdrawal from Vietnam, and for the return of our prisoners of war.

A declaration that it is the policy of this country to accomplish withdrawal within 9 months is not a reckless or perilous course.

The greater peril in our Vietnam policy is the harm we do ourselves by dragging out withdrawal. In addition to the cost of over $20 billion annually in Southeast Asia, we are undermining the morale of our Armed Forces because of frustration, and extensive resort to drugs. It is undermining our future defense capabilities, and harming the Nation as it drains off our youth and thwarts our efforts to solve domestic problems.

One stumbling block to complete withdrawal has been release of our prisoners of war. The Mansfield amendment addresses itself to release of these valiant POW's by conditioning final withdrawal on the release of all of them, whether held by Hanoi or the Vietcong.

House approval of the Mansfield amendment will set us on the road to a solution of both international and domestic problems.

Mr. BADILLO. Mr. Speaker, I rise in support of the motion instructing the House conferees to accept the Mansfield amendment to the legislation extending the Selective Service Act and I urge my colleagues in the strongest possible terms to support this move as a necessary first step in restoring to the Congress its rightful role in setting the goals of our foreign and military policy.

What would the amendment do? It would declare that it is the policy of the United States "to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government."

To implement this policy the amendment urges the President to:

First. Set a date for withdrawal of all U.S. military forces from Indochina, contingent on release of POW's, not later than 9 months after enactment.

Second. Negotiate with North Vietnam for an immediate cease-fire by all parties involved in hostilities in Indochina.

Third. Negotiate with North Vietnam for a series of phased and rapid withdrawals of U.S. military forces in return for corresponding series of phased POW releases, and for withdrawal of all U.S. military forces and return of POW's not later than the date set pursuant to paragraph 1 above, or by an earlier date if such had been negotiated.

This amendment clearly does not go as far as I would wish. I think it is long past time that Congress legislated a cutoff date for further funding of this insanity in Indochina, but that move has been attempted and failed. The language of the Mansfield amendment, which really sets a goal and states a policy, apparently is the best that this Congress can do, despite the overwhelming sentiment of our constituents for an immediate end to the war.

During today's debate, some truly puzzling questions have been raised by opponents of the motion to instruct the House conferees. Some have complained that the amendment is not specific enough, but these are these same Members who attacked the Nedzi-Whalen amendment on the ground that it was too specific. Other opponents have maintained that the safety of our POW's is not assured by the amendment, but that clearly is not the case.

Mr. Speaker, this amendment raises one issue and one issue only: whether the Congress will continue to abdicate its foreign policy responsibilities to the Executive or whether we will fulfill our constitutional obligations. If the Pentagon papers have demonstrated one thing, it is the danger in turning over all responsibility for the goals and machinery of foreign policy to the Executive. What the Mansfield amendment would do is set a goal and state a policy. Anyone who feels that this would be going too far has a very limited view of congressional responsibility in the foreign and military policy area.

Mr. FORSYTHE. Mr. Speaker, I believe that each and every Member of Congress has an obligation, a duty, to assume responsibility for helping to bring the war in Southeast Asia to an end.

Our President has accomplished a great deal in fulfilling his responsibilities, after assuming a nearly impossible task in January of 1969.

The war has wound down. Americans have returned home. The South Vietnamese are shouldering a much larger share of their own defense.

But, Mr. Speaker, the responsibility for ending American involvement does not belong alone to the President. The Congress is a coequal branch of Government and should assist in making the policies affecting the war.

Earlier this month this House rejected an amendment to the defense procurement bill sponsored by the gentleman from Michigan (Mr. NEDZI) and the gentleman from Ohio (Mr. WHALEN).

I opposed that proposal on the floor of this House because I believe it purported to do something which it did not do—set an effective date for American withdrawal from Vietnam.

I was convinced that the amendment was misleading, that it was, in fact, a hoax.

However, Mr. Speaker, the Mansfield amendment is another matter.

It tells the President that the Congress wants the United States to withdraw from Southeast Asia no later than 9 months after enactment of the provision, subject to release of all American prisoners of war within the same period.

The amendment "urges and requests" the President to implement the policy declared in the resolution.

It does not set a phony date. It does not make false promises. It does not raise false hopes.

The Mansfield amendment provides the people of this country with a message from Congress on the war. We know that the President is committed to a total withdrawal. This measure assures the President that the Congress is committed also.

Mr. Speaker, the people of our Nation want this war to end. They want the killing stopped. The President does and so does the Congress.

It is our duty to play a meaningful role in this endeavor. We cannot sit idly by and observe and only criticize. We must fulfill our obligations. We must act.

Mr. NELSEN. Mr. Speaker, I have listened with great care to the ongoing debates here in the House of Representatives involving various legislative initiatives dealing with the war in Vietnam.

It has become my own deepest conviction that we must do nothing here that would hamper the President's essential task of disengaging the United States from the war in a manner that best serves the American future and the cause of lasting peace. We must do nothing here that would hamper the President's efforts to safely withdraw U.S. forces from the war or that would impede his efforts, at the same time, to secure the release of all American prisoners of war in Southeast Asia through a negotiated settlement at Paris that would bring peace to our beleaguered Indochina allies as well as to ourselves.

It has been too often overlooked that this Congress has no constitutional authority to negotiate a settlement. That constitutional responsibility falls alone on the shoulders of the President and the executive branch of Government which he heads.

If the President were failing to bring U.S. participation in this war to a close—in accordance with the overwhelming wishes of the American people—then perhaps these legislative initiatives would seem less partisanly inspired and more justifiable. But as was pointed out awhile ago, the President's record in comparison with that of the Senate's or of his predecessors in the Presidency hardly bears comparison. Mr. Nixon's record shows that he has cut the U.S. troop level in Vietnam to less than half what it was when he assumed the Presidency. His plans call for the completion of the withdrawal of more than 365,000 U.S. troops from the war by the end of this November, some two-thirds of those in the war at the time he took office. The Senate's record, by contrast: Zero U.S. troop withdrawals from the war.

This tragic war should not be a partisan matter. So I ask why should we establish a fixed, public date for the total withdrawal of American forces from the war when this can only rob the President of all flexibility and relieve the Communists of the slightest need to negotiate? Why should we seek to infringe upon the President's constitutional right to execute foreign policy when the primary responsibility is the President's?

Why should we place such great trust on the Hanoi government's unstated willingness to release all of our men when that government has so brutally failed to live up to its word in the past? Although a signatory of the Geneva Convention Relating to the Treatment of Prisoners of War, Hanoi has broken the convention repeatedly by refusing to identify captured prisoners or to permit the free exchange of mail or to permit inspection of its prison camps by neutrals or to release the seriously sick and wounded. All the North Vietnamese have promised so far is to "discuss" the release of U.S. prisoners, even if we were to set a firm withdrawal date.

Why should we seek to associate ourselves with the amendment now under discussion when it is widely recognized that it is legally meaningless and can only serve to deceive the American people further? Surely, the revelations contained in the Pentagon papers make it abundantly plain that there has been far too much deception already.

And finally, why now, of all times, should we seek to undercut the negotiating position of the United States? The lead editorial in yesterday's Washington Sunday Star pointed out that this past Thursday, Le Duc Tho, a powerful member of the North Vietnamese politburo, returned to Paris. The Star noted:

> Tho's travel plans never are casual. He left Paris at the time of the Cambodian incursion, declaring that he would return "when the development of the situation warrants it." He has returned and we can only presume that "the situation warrants it," that something is afoot, that if a breakthrough has not been made the possibility at least exists that one may be made.

I would like to draw something else the Star had to say to the attention of my colleagues, because it apparently needs emphasizing:

> If we are to survive as a free people, it is essential that we rediscover a sense of national unity and purpose, that we achieve a consensus of shared ideals and goals free of political partisanship.
>
> A good place to start is with the Presi-

dency. Mr. Nixon, whatever his faults may be, happens to be the only President we have. All of us, including U.S. Senators (and Congressmen), have an obligation to support him in his effort to extricate this country from Vietnam and to maintain its national security.

Contentious divisions here in Congress can only strengthen Hanoi's hand and weaken ours. I sincerely believe that these divisions have helped to prolong this terrible war which everyone, the President most of all, wants ended. In a matter of such crucial importance to the American people, clearly the President is entitled to our united support.

I include the full Star editorial at this point in my remarks:

[From the Sunday Star, June 27, 1971]

### PLAYING POLITICS WITH NATIONAL SECURITY

When the Senate passed the Mansfield amendment on Tuesday, we were inclined, reluctantly, to support it as the cost of ensuring passage of the two-year extension of the draft, which is essential to our national security.

The majority leader's amendment, passed by a 57–42 vote, would make it the declared "policy of the United States" to "terminate at the earliest practicable date all military operations of the United States in Indochina" and provide for the withdrawal of "all United States military forces not later than nine months" after enactment, conditional upon the release of all American prisoners of war held by Hanoi and its allies.

Our original objections to the amendment were threefold. It has been our contention all along that no useful purpose would be served by the enactment of any legislation, however vague, which would unilaterally and publicly establish a withdrawal schedule for the American forces in Vietnam. For this would both rob the President of all flexibility and relieve the Communists of the slightest need to negotiate.

Our second objection to the Mansfield amendment was a constitutional one. The amendment is a transparent attempt on the part of the Senate to formulate and execute foreign policy. Congress does have a role to play in the sphere of foreign relations. But its functions in this respect must be limited; the initiative is and must be in presidential hands—for the responsibility for the success or failure of foreign policy is fundamentally his.

Our third objection was that the Mansfield amendment legally is essentially meaningless, amounting as it does to little more than a sense-of-the-Senate resolution. Nevertheless, the amendment constituted the first major victory of critics of the Nixon administration's handling of the Vietnam war.

These objections to the Mansfield amendment were real and fundamental. But our conviction of the absolute necessity of obtaining rapid passage of legislation to extend the draft for two years was so deep that we were on the verge of supporting the amendment as a necessary evil. Had we done so, we now feel we might have made a grave error.

The decision to stick by our original position of opposition to legislative enactment of any withdrawal schedule was occasioned by the return to Paris Thursday of Le Duc Tho, a powerful member of the North Vietnamees politburo who has been overseeing the stalled peace talks. Tho's travel plans never are casual. He left Paris at the time of the Cambodian incursion, declaring that he would return "when the development of the situation warrants it." He has returned and we can only presume that "the situation warrants it," that something is afoot, that if a breakthrough has not been made the possibility at least exists that one *may* be made.

And our contacts with the White House suggest that this is the view from Pennsylvania Avenue. Administration spokesmen are letting it be known that Mr. Nixon plans to fight the Mansfield amendment with all the forces at his disposal and that he intends to do so on grounds that passage would—or could—seriously prejudice the chances of achieving a negotiated peace and the return of the American prisoners.

We do not by any means accept everything the White House says at face value. But in the absence of any obvious ulterior motive on the part of the administration, we are prepared to believe—if others are not—that Mr. Nixon says what he means and means what he says. We believe he is trying to disengage the United States forces from Southeast Asia and to achieve the return of the POWs. Since he and he alone will bear the final responsibility for the success or failure of his policies, we cannot deny him the room for maneuver necessary to execute those policies, particularly at a time when some movement seems possible. So we return to our first principles and urge the House to reject the Mansfield amendment.

This means a fight and there is considerable risk involved. The main difficulty is not likely to lie in the House, where the Armed Services Committee conferees are certain to oppose the Mansfield amendment, although there is a chance that a floor fight might develop.

But the return to the Senate of the draft law without the Mansfield amendment surely would provoke a major confrontation there, with the prospect of a lengthy filibuster by Senators Gravel, Cranston, and perhaps others. This would continue well past the expiration of the present draft law on Wednesday.

The ability of the administration's supporters to enforce cloture, which requires a two-thirds vote, is highly suspect (the vote for cloture after attachment of the Mansfield amendment was only 65–27, three more than necessary). So, baring a return to rationality on the part of the dissenting senators, the only limitation on debate is likely to be their physical durability.

But talk as they will, the filibustering senators will not be able to hamstring the Defense Department. Draft boards will continue to function and the nation's manpower needs will be met, if necessary, by conscripting youngsters who are already registered but have been granted deferments. Nevertheless, this could provoke a wave of resentment throughout the country given the existing mood of anti-militarism and isolationism: Nobody wants to be drafted when the draft law has expired.

So it can be seen that the nation soon may be facing yet another crisis, a constitutional crisis in the Senate and one of confidence in the country. We do not welcome this struggle but it is one that must be both faced and won.

We feel this way not out of any particular affection for Richard Nixon. We supported him in 1968, but it is by no means certain that we will do so in 1972. This is not an issue of partisan loyalty and it goes beyond the question of presidential prerogative, although that in itself is not an unimportant issue.

The two questions of substance are these: Is the President or Congress better placed to negotiate peace? And is a draft law necessary to the nation's security at this time?

To us it is clear that the President and only he can bring about an end to our military involvement in Southeast Asia and the return of the POWs to their families, ends ardently desired by us all. Congressional intrusion into this field can only confuse the other side and dim the prospects for agreement. Hanoi has to know with whom it must deal, and that person is the President of the United States.

As for the necessity of a draft law, that is too obvious to require detailed discussion. The initial steps have been taken to lay the groundwork for the creation of an all-volunteer army. But that time is not yet, and until it arrives there must be a draft law on the books.

Although publication of the Pentagon Papers did not reflect adversely on the Nixon administration—they dealt only with earlier years—it is clear that the turmoil surrounding their appearance in print had an effect on the Senate when it voted to pass the Mansfield amendment. There is a bitter mood of recrimination and denigration loose in the land and the effect has been to make the Vietnam negotiations and the draft—both of which are national security questions—political issues.

If we are to survive as a free people it is essential that we rediscover a sense of national unity and purpose. that we achieve a consensus of shared ideals and goals free of political partisanship.

A good place to start is with the presidency. Mr. Nixon, whatever his faults may be happens to be the only President we have. All of us, including United States senators, have an obligation to support him in his effort to extricate this country from Vietnam and to maintain its national security.

Accordingly, we urge the House to defeat the Mansfield amendment and the Senate to accept the draft law without that pernicious rider.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I support the motion by the distinguished gentleman from Ohio (Mr. WHALEN).

This is a historic moment for this body. It is also a rare moment when so clear-cut an issue comes to us and we are given the opportunity to vote it up or down.

I strongly believe we should vote it up, Mr. Speaker. I strongly believe this House should go on record as the spokesman for the American people and say to the world: The Congress of the United States says the time has come for America to disengage from Southeast Asia.

The important thing here is not really whether you or I or the gentleman from Ohio feels that this is the proper course. The important thing, I believe, is that a majority of the American people feel it is the proper course and the proper time to follow it. We are, after all, advocates of the people.

And the people know instinctively that we are dangerously close to breaking our national will and unity on the anvil of Vietnam. They will take only so many hammer blows against an intransigent situation before they finally splinter. Especially when the ring of steel on steel becomes more and more hollow and will eventually turn into the empty clanking of denouement.

I do not believe this Government should ask the American people for any more. The people have had enough and they want us to release them from their painful promise. If we continue to demand the people's allegiance, we may lose it altogether. I think we must preserve our national will and purpose and unity against the winters that lie in wait for us.

Mr. Speaker, this House has today a moment that may not come again. Let us not lose it to history, nor lose the American people to a cause that no longer commands their dedication.

**Mr. BUCHANAN.** Mr. Speaker, I urge the House to support the distinguished chairman of the House Armed Services Committee, Mr. Hébert, and to oppose the instruction of the conferees to accept the Mansfield amendment passed by the other body in conference.

As the chairman has well spoken, the provisions in this amendment which purport to give protection to our prisoners of war will not, in fact, protect them as well as the present policy of this administration of a phased withdrawal of American troops.

The prisoners of war have been and will continue to be used as pawns by the North Vietnamese to attain at the negotiating table the victories they cannot achieve on the battlefield.

Mr. Speaker, as important as is the issue of our prisoners of war, it is not the only issue involved and must not, therefore, be the only consideration in American policy in Southeast Asia.

This country has commitments to the people of South Vietnam to help insure freedom for them.

We have commitments also to the thousands of Americans who have given their lives in this struggle for freedom and self-determination of South Vietnam and for the peoples of other Southeast Asian nations.

Are we to say, Mr. Speaker, that we will give the Communists free reign in South Vietnam if they release our prisoners of war—free reign to perpetuate the atrocities for which they are well known, free reign to murder all who oppose them.

Given the nature of the Communists forces in Southeast Asia and the history of their atrocities, as recorded by the tragedy of Huey, by Dr. Tom Dooley and others, this is exactly what we will say if we totally and precipitiously withdraw our forces on promises of release for American POW's.

Are we to cast aside all the progress which has been made in South Vietnam despite a devastating war—the adoption of a constitution, free elections the creation of a tripartite government, land and other reforms which are taking place?

President Nixon did not make the decisions which got this Nation deeply embroiled in a no-win war in Southeast Asia. When he took office he found more than a half million American troops already there.

But he is responsible for the policy of Vietnamization which is working and which is extricating the United States from South Vietnam in an honorable manner while providing for the safety of our remaining troops and attempting to obtain the release of our prisoners of war.

To continue this clearly defined course of withdrawal which the President has set is, in my judgment, the safest and best way to obtain the release for our prisoners of war and to provide self-determination for the people of South Vietnam.

With or without successful negotiations, Mr. Speaker, we are on the course to an orderly withdrawal and an honorable peace. Yet failure to support our President now could needlessly and futilely undermine the very cause for which both Americans and South Vietnamese have paid so high a price. I urge the defeat of the motion to instruct and the support of the request of the distinguished chairman of the Armed Services Committee.

**Mr. CONYERS.** Mr. Speaker, since the Nixon administration and this body apparently refuse to acknowledge that the simplest way to prevent further American deaths in Vietnam is to either withdraw immediately or to set a definite date for withdrawal, perhaps the best plan to stop the killing is for the United States to declare an immediate cease-fire and to seek a permanent cease-fire agreement. This would halt the flow of blood immediately and offer the hope that an internationally supervised cease-fire agreement could be negotiated.

As Leonard Woodcock noted in his keynote address before Americans for Democratic Action:

> The question is no longer whether, but when, the U.S. should withdraw from South Vietnam—immediately, or by December 31—this year or next? . . . Whatever date you support for getting out of Vietnam, everyone will agree that *now* is the time to do everything in our power to get all the killing stopped at the earliest possible moment, in advance of whatever date is set for American withdrawal.

Vietnamization, whatever the term implies, will not end the slaughter now or in the future, until one side is victorious. A cease-fire might inject some respect and credibility back into the now ineffectural Paris peace talks, probably our last, albeit fading hope for a political end to the war.

Now is the time for a cease-fire. The American people have been lied to for too long about what we are doing in Southeast Asia. And Americans are tired of the administration's tactic of prolonging a war to save POW's, when only an end to the war will free them and only an end to the war will prevent more of our men from being captured. More importantly, simple withdrawal would save only American lives, whereas an immediate cease-fire would end the production of corpses of all colors.

I commend the text of the remarks of Leonard Woodcock, quoted earlier, which sets forth a comprehensive group of proposals for ending this tragic war, based on the simple and achievable beginning of a unilateral cease-fire by the United States. The text follows:

### Excerpt From Keynote Address by Leonard Woodcock, President, International Union, UAW, Americans for Democratic Action Convention, Sheraton Park Hotel, Washington, D.C., April 30, 1971

It is clear that the American consensus against the Indochina war has broadened far beyond the liberal and campus communities where it began. From coast to coast, across middle America, in every accent throughout the land, voices are calling on the Administration to end this tragic conflict and to end U.S. involvement in it.

The question is no longer whether, but when, the U.S. should withdraw from South Vietnam—immediately, or by December 31—this year or next?

The cynical expectation is that the President's unstated date is sometime near November 1972, in time for his own re-election. At the current rate of withdrawal, there will be around 80,000 troops, perhaps all volunteers by July of 1972. Unless there is a break in the negotiatons which resolves the prisoner of war issue, these troops and the American prisoners of war in North Vietnam could be made hostages for each other, with the withdrawal date contingent upon prisoner release as the North Vietnamese await the outcome of our 1972 elections.

Whatever date you support for getting out of Vietnam, everyone will agree that *now* is the time to do everything in our power to get all the killing stopped at the earliest possible moment, in advance of whatever date is set for American withdrawal.

For it is clear that Nixon's "Vietnamization" plan will not end the conflict or the killing. Ending direct American combat involvement will simply substitute Vietnamese blood for that of American, yellow bodies for white ones. The North and South Vietnamese will continue, perhaps for years to come, to tear each other apart and blow each other to bits with the bombs and bullets, planes and tanks and mortars supplied to them by their respective allies, until one side or the other wins a victory and imposes its will by force on the people of South Vietnam.

With the Paris negotiations all but dead, hope has virtually disappeared for a political solution, as the parties use the talks for propaganda purposes.

Yet, the coming months present a new opportunity, perhaps the last, for the U.S. to take actions for peace, to pursue a policy that could end all the killing and not just "Vietnamize" it, to break the deadlock and bring about negotiations for the accommodations that are necessary to reaching a political settlement.

1971 is an election year in South Vietnam, with the voters there choosing a new House of Representatives in August and a President in October. These elections could be a fraud and a farce, or they could be the occasion for moving the conflict from the military to the political arena. What the United States does in the coming months can be decisive in either direction. Now is the time for us to act for peace instead of for war.

Here is what I believe we should do.

First, the United States should initiate immediately and unilaterally, a standstill cease-fire, taking defensive positions and stopping all offensive military action, including all air and ground missions, firing only in self defense. We would announce and publicize throughout South Vietnam our intention and plan to take no military action except in self defense, to establish a peaceful atmosphere for the period of the campaigns and elections, inviting and urging the other side to join in the cease-fire and elections. At the same time we would continue our withdrawals, and announce unequivocally our intention to withdraw *all* military force as soon as a permanent, effectively supervised cease-fire has been agreed upon.

We should test the sincerity of Mme. Binh and Xuan Thuy and not dismiss their offers out of hand as not credible and propaganda. Such a reaction is that of a government which wants the war to continue.

Simultaneously, we should undertake vigorous pursuit of a permanent internationally supervised cease-fire agreement. Some such agreement is essential to ending the fighting and to assure the safe return of U.S. prisoners of war and all U.S. military forces.

On October 7, 1970, President Nixon, with great fanfare, proposed a standstill cease-fire throughout all of Indochina. The proposal was hailed throughout the country and the world, by hawks and doves alike, and for the first time it appeared that the U.S. had changed its policy, that negotiations would replace Mr. Kissinger's "Vietnamization" policy, and that peace might have a chance. I personally and publicly supported this proposal of the President's.

Unfortunately for humanity, the proposal was kept alive for just about four weeks. After November 3, 1970, it was dropped, and has hardly been mentioned since, much less followed up as a serious proposal would be. Once again Vietnamization emerged as the only policy the Administration intended to follow.

Was the cease-fire proposal a cruel hoax—a phony election gimmick designed only to help Republican candidates in the last weeks of the campaign? Or does the Nixon Administration simply lack the will or the imagination or the energy or the negotiating skill or the guts to follow through on their cease-fire proposal?

When pressed on this question, their excuse is simply that the other side rejected the proposal.

Well, if the UAW had taken no for an answer and dropped its proposal the first time GM said "No," or if we had failed to analyze the language of the replies we received, and pursue the openings, however oblique and subtle they may have been, or if we had failed to take initiatives, or modify our proposals in response to theirs, or if we had failed to mobilize support and interest in our position on the part of the public—we'd still be sitting at the negotiating table in Detroit getting nowhere, just as the negotiators are in Paris.

The months of diplomatic activity that have surrounded the Middle East cease-fire proposal suggest that when the Administration is serious, it knows how to proceed, to enlist the aid of outside parties, to enlist the allies of both sides, exploring every possible opening, influencing its own allies, developing detailed proposals and responses, carrying on a full scale, sustained diplomatic program in its behalf.

It would seem not unreasonable to expect that at least some of this kind of energy could be expended on behalf of the October 7th proposal for a cease-fire in Vietnam, where American men are dying now, and where American prisoners are held captive now.

The Nixon Administration's concentration in the Paris talks on the release of American prisoners before ending the conflict puts the cart before the horse, and in a very cruel sense, using our men as an excuse for not negotiating, perhaps keeping them in captivity longer than necessary.

Negotiation, and not Vietnamization, is a way to unlock the cells of the American prisoners in North Vietnam.

There are now on the table at Paris cease-fire proposals by both sides—proposals that are admittedly very far apart, but which could be the vehicle for resuming talks if the U.S. would undertake a sustained program in pursuit of a political rather than a military solution in Vietnam.

Simultaneously with the cease-fire initiatives, we must bring pressures to bear for political initiatives in South Vietnam.

The other side must be invited to participate fully with adequate safeguards in every aspect of the coming elections—not only in voting and running candidates, but in coalition care-taker arrangements which would include all parties and could take the elections effectively out of the unrestricted jurisdiction of the Thieu-Ky government.

Such an offer could meet some of the objections raised by the other side to elections with Thieu and Ky in charge, or perhaps open the way to negotiation of some kind of acceptable arrangements which could take the parties a long way toward the accommodations necessary to a political settlement. If the other side is ever to give up violence they must have full and fair access to the political process and guarantees against reprisals for political activities.

Even if the other side does not participate openly, the elections could still provide the occasion for broadening the government, bringing in neutralist elements and paving the way for tacit political accommodations. A defacto cease-fire could increase the chances for success.

In any case, the American government must refrain from any activity or aid on behalf of any candidates, or which would compromise the freedom and integrity of these elections. At the same time, we must bring every pressure to bear on the Thieu government to make provisions for fair and honest elections. We should prohibit the use of any of our military or other resources on behalf of any candidates. We should demand the release of all those imprisoned for political activity, and insist upon freedom of speech, assembly and the press for all citizens, fair access to the mass media and freedom to travel by all candidates, and guarantees against reprisals for political activity.

To help assure that these elections are fair and open, and to deter rigging or cheating by any parties, an international citizens observer team should be formed, in consultation and cooperation with the various Vietnamese parties and groups, to work on the scene in South Vietnam for the campaign and election period, to observe, evaluate and report on the honesty of the electoral process. Such a team could enlist moral and political leaders, humanitarians and parliamentarians from countries around the world to join with the Vietnamese people to help assure honest elections. The objectivity and integrity of such a commission must be above question, with its only partisanship on behalf of peace and the opportunity for all the South Vietnamese people to choose freely, without coercion, their own leaders and government.

Finally, to help bind the sickening wounds of this war, we must pledge at least a billion dollars in aid and reconstruction to both North and South Vietnam, to be administered not by the U.S., but through an independent, international agency.

The Buddhists, the liberal Catholics, the trade unions, the peace leaders in South Vietnam, have called on the U.S. repeatedly, and continuously, for this kind of initiative and program. These are the independent forces for peace, and progress and democracy in South Vietnam. Their voices must be heard and heeded, for they speak for the vast majority of Vietnamese people who don't have guns, and who can benefit only when the contending parties are forced to compete politically for their support, rather than coerce them with military force.

To succeed, this cannot be a piece-meal program, undertaken timidly, step by step. It must be done all at once, simultaneously, and immediately. We must act boldly and act now. The risks to our men's lives which they will claim once again as the reason it cannot be done, are infinitesimally small compared with the risks of Laos, of the Sontay raids, of Cambodia, of continuing Vietnamization.

And they offer at least a hope that all the killing, of Vietnamese as well as Americans, can be stopped, once and for all.

Too many opportunities may have gone by already for this to succeed. It may be too late. But then again, it may not. We must seize what may be the very last moment we will ever have to make one final effort to stop all the killing, and move toward a solution of this tragic war.

All I am saying is "Give peace a chance."

Mr. RANDALL. Mr. Speaker, I support the motion to table the motion to instruct the conferees on the so-called Mansfield amendment added by the other body to the Military Selective Service Act of 1967.

On its face and at a first, or preliminary appraisal, the amendment seems to be one that would be easily acceptable by all Members because it provides that it is a declaration of policy of the United States to terminate at the earliest practicable date all military operations in Southeast Asia, but not later than 9 months after the enactment of this section, subject to the release of all American prisoners of war held by the North Vietnamese Government. But we must take a second and much more careful look.

Mr. Speaker, my vote to table should not be taken as a desire to prolong the war 1 day more than necessary to achieve an orderly withdrawal of our forces. We must always take into account the lives and safety of our men.

I believe the present administration is pledged to and is following a course to wind down the war. I am convinced that up to now, at this point, the administration has no intention of enlarging the war or prolonging the conflict any longer than is necessary for an orderly, meaning a safe, withdrawal of our troops.

I hope it is clearly understood that the foregoing conclusion is based upon present circumstances, and if it should later appear that there is any lessening of the pace of withdrawal, at that time I will not stand back to support every congressional sanction, pressure, and compulsion that may be available to be exercised by the Congress to assure our accelerated withdrawal.

For my own part, whether it may be a hunch or some kind of an inner feeling, or, as one Member put it, a visceral reaction, we may be on the eve of some really productive negotiations. For that reason, at this particular time, I believe it is the better part of wisdom to reject a motion to instruct our conferees.

Le Duc Tho left Paris at the time of the Cambodian incursion and said he would not return until the situation warranted it. He did return last Thursday, and we can only assume that something may be afoot. At least there is the possibility of a breakthrough. Hopefully there will now be some productive negotiations.

The Mansfield proposal is inadequate, in that it makes no provision at all for military assistance of our allies after the 9-month period which would end on April 1, 1972. On the other hand, it is subject to the same disadvantages of Nedzi-Whalen in that it sets a precise date. Nine months is precise and it raises only a presumption that our prisoners of war will be released within that 9 months. We should recall that at no time did the North Vietnamese ever say that they would release our prisoners on our withdrawal. They only said they would discuss with us the release of our prisoners of war. I have heard it argued that the reason the Mansfield amendment attracted a majority in the other body was that it was only an opinion of or a sense of the Congress. It is my judgment that if the Congress expects to assume any coequal responsibility to end the war, it must do more than express an opinion or create a symbolism. The time may come in the not too distant future in an appropriation bill when the Congress can do something meaningful to assist the President to reduce the magnitude of the war, and at the same time keep in step with and in support of his demonstrated determination to wind down the war.

Our conferees, if not shackled by a motion to instruct, could go about trying to improve the language of the imperfect and inadequate Mansfield amendment to a degree it might be acceptable to both bodies. Remember, the amendment does not account for a category of our prisoners who are listed as missing in action.

More than 300,000 troops have already been brought home. Sixty percent of our troops have already been withdrawn, and that has been done in an orderly way with safety for our men. Now let me make it clear that I have disagreed with the President on many issues and by agreeing with him now it does not amount to a commitment that I may continue to agree with him 6 weeks or 6 months from now on the Vietnam issue.

The Mansfield amendment could have a devastating effect on Vietnamization. The amendment does establish, in effect, the date of April 1, 1972, which means a unilateral withdrawal that could jeopardize American lives. No nation in all history has ever allowed its strategy to be so open to the enemy as we would do with a precise date. Even though the date is not spelled out, it is there—9 months from July 1, 1971, is April 1, 1972, just as precise as December 31, 1971, was in the Nedzi-Whalen amendment.

It is true the Vietnam war is now sourer than ever in the public's eye. The American people are weary of this miserable war. There will be a much more important vote later on this session. If the President does not continue his accelerated withdrawal there will be another congressional opportunity that will come at the time of the appropriations bill. Then there can be a reduction of funding, but not a cutoff of funds, for Southeast Asia. Neither the President nor the Congress would want to completely cut off all funds because those who do must assume the burden of abandoning American boys.

The issue today can be clearly drawn into focus by two or three questions. Is the President or the Congress at this moment better placed and better qualified to negotiate peace? Will congressional intrusion now confuse Hanoi as to whether the President or the Congress speaks for this country and thus dim the prospects for an agreement?

My support of the President is not because of unwavering affection. This is not a matter of partisan loyalty. It is a question of Presidential prerogative. We have only one President. I intend at this time under the present existing circumstances to support him as long as he continues his accelerated efforts to extricate us from Vietnam.

As someone has recently written, if the House approves the Mansfield withdrawal resolution at this time when word from Paris seems to signal a new turn in the negotiations, it means to throw a monkey wrench in the peace machinery.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the distinguished minority whip, the gentleman from Illinois (Mr. ARENDS).

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I thank the gentleman for yielding. I will be brief in my support of the motion to table and in opposition to the Mansfield substitute.

This is not because I don't want us out of Vietnam. I do. But the way to get out is by negotiating an agreement with the enemy—a meaningful agreement by the terms of which we at the very least obtain the release of our prisoners before we take all of our troops out of there or end our support functions. There are a lot of collateral points to be negotiated such as the air support from Thailand, Laos, or carriers. As the gentleman from Wisconsin has said, the Mansfield substitute is a deception of the American people. Let me point out in part why this is so.

The text of the Mansfield substitute reads as follows:

> It is hereby declared to be the policy of the United States to terminate at the earliest possible date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the government of North Vietnam and forces allied with such government. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:
>
> (1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the government of North Vietnam and forces allied with such government, such date to be not later than nine months after the date of enactment of this act.
>
> (2) Negotiate with the government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.
>
> (3) Negotiate with the government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President (but within nine months of enactment of the act).

A paragraph analysis of the foregoing shows this clearly.

This declaration of policy is essentially meaningless in that it is not legally binding on the executive branch. It only expresses the wish of the Congress that the United States tell the enemy it is going to get all of its military forces out within 9 months subject to the release of all prisoners of war held by Hanoi and other governments. Such a declaration gives the American people the impression that all we have to do is obtain agreement for the release of the prisoners and get out within 9 months and it is all over. The situation is not that simple. Other governments are involved—Laos, Cambodia, Thailand—as well as the Vietcong, and the substitute does not indicate whether the release of the American prisoners must be within the 9-month period. This is a serious defect in legislation draftmanship.

The so-called final date for withdrawal of all military forces within 9 months presumes an ability to agree with North Vietnam's representatives that they will give us back our prisoners within that time and that the other countries that have American prisoners will also do so. There is not the slightest basis for the conclusion that they will make such an agreement when the U.S. policy of Vietnamization involves a continuing steady withdrawal of American troops anyway and when the intransigence of the enemy on every aspect of negotiation has been a matter of record in Paris for years now.

I find no objection to attempt to negotiate a cease-fire and hope that could and would be done. I would remind the House, however, that the enemy has shown no signs of being willing to negotiate anything except upon conditions of dishonor to the United States and to its commitments and to its valiant personnel who have died in this unfortunate war.

In the pretense of negotiation of "phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war" is again an expression of hope that the enemy would negotiate. There has been no indication of the enemy's willingness to do this to date. The mere addition of a legislative declaration of a wish that their attitude should change on this will not make any difference. It cannot.

Mr. Speaker, President Nixon, as the Commander in Chief, has been negotiating a disengagement from Vietnam ever since he has been President. He has withdrawn more than 60 percent of our personnel, over 300,000 men. Within the past 3 months I have personally suggested to the President the possibility of a prisoner exchange proportion to our rate of troop withdrawal; that is, for every 25,000 troops withdrawn, they return so many prisoners. I know the President has been considering this. I suspect those who represent us in Paris have brought this up but to no avail.

The Mansfield substitute adds nothing to all of this except to try to put the legislative branch into the picture pretending to the American people that it is in the batter's box with the Chief Executive—the Commander in Chief, when it is not at bat.

Mr. Speaker, we ought not to instruct our conferees in this deceptive and useless manner. I urge a vote in favor of the motion to table.

Mr. ARENDS. Mr. Speaker and my colleagues, as one who will very likely be one of the conferees on this very important measure, the draft bill, I appeal to you in all the sincerity and with a great amount of feeling that I have from the depth of my heart, do not tie the hands of the conferees on this bill.

I plead with you this afternoon not to do that, for the very simple reason that, time and time again, during the many years I have been here, I have seen conferees go to conference and eventually come out with an approach to the difficult problem that confronted them proved to be a better approach than anyone thought possible at the time.

Therefore, Mr. Speaker, I hope the conferees will be free that they might be able to come forth with a better plan, after having explored the many ramifications of what is involved.

If you want this House to work its will on this important piece of legislation which we passed in April and has been materially amended in the Senate that you give us the opportunity to work our will, and we will try to bring about a sound agreement on the issues.

Let me tell you why this Mansfield amendment as offered is objectionable: First, it will not bring about the termination of hostilities in Indochina but rather it will do the opposite. It will serve to cause a continuation of hostilities in Indochina for the reason that there will be no incentive for North Vietnam to negotiate. In my opinion it would seriously jeopardize the U.S. efforts to negotiate a settlement to the Indochina conflict. It would have a devastating effect on the South Vietnamese people, at the very time Vietnamization is proving a success and we are bringing about an orderly withdrawal, and it will have an impact of considerable consequences on the approaching national elections in South Vietnam. This will also have a serious impact in Paris, Saigon, and other areas where, if we now, and particularly by legislation, set a date for the unilateral troop withdrawal.

And, in my judgment, it will hinder the prospects of gaining the freedom of our prisoners of war.

During my service in Congress I have sat in on a number of very important and sometimes critical national conferences at the White House. I sat in on such White House conferences during the days of the Kennedy administration when he called a bipartisan meeting with the leadership in Congress. I never once considered him to be anything but a good American. I knew of his integrity, his honesty and purpose. He had but one purpose and that was to do that which was best for our security and peace. I might have questioned his decision on certain matters, but I recognized that our Presidents have the best information with respect to particular situations internationally. He has sources of information no one else could have, and he has primary responsibility in the field of foreign affairs.

Likewise, I sat in on many conferences with former President Lyndon Johnson, and never did I challenge or question his integrity or honesty of purpose. And, I hope no one will go to the extreme of taking a political approach toward this matter. Let us work out in conference some agreement whereby we can effectuate the end of this war in Vietnam.

Everyone, including the President and all of us here, want to bring an end to this conflict. But I am sure if you instruct us to go to conference as some would have us do, it would be one of the greatest errors that could possibly be made.

Mr. Speaker, I implore this House not to tie our hands but to give us an opportunity to try to work out a feasible answer to this very serious problem which confronts our Nation and which the Mansfield amendment itself presents.

I ask you once more, do not tie our hands on this important question.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, in his opening statement the distinguished chairman of the Committee on Armed Services indicated not an adamant attitude in opposition to compromise on the Mansfield amendment. He urged this body to give him and his fellow conferees a free hand to negotiate.

In a subsequent colloquy with the gentleman from Illinois, the chairman of the Committee on Armed Services reiterated his request that he and his fellow conferees be given a free hand in negotiating a reasonable settlement.

Over the years the House of Representatives has learned that it is good policy not to instruct conferees to accept something that was drafted and passed in the other body.

It is far better from the point of view of the House to permit our conferees to go to the other body with a free hand to find an equitable and proper solution, a reasonable compromise.

As I look around this Chamber on both sides of the aisle, I see many Members who have been conferees in the past who have pled with the House not to instruct them to go to a conference with the Senate and accept without change what the other body decided. I believe those Members who have pled with the House in the past to give them a free hand as conferees, now have an obligation to give the gentleman from Louisiana and the gentleman from Illinois and their fellow conferees an opportunity for a free hand to negotiate in this instance.

In his opening remarks, the gentleman from Ohio read the so-called Mansfield amendment. I think it appropriate on this occasion for me to read in part the letter that the gentleman from Ohio sent to all of us, and let me quote from his letter of June 24, 1971. It says:

> It is reasonable and moderate on this point and guarantees the safety of our troops and the return of our prisoners of war.

If you read the Mansfield amendment, you know that statement is not accurate. The Mansfield amendment says that 9 months after the adoption of this Selective Service Act, there shall be a ceasefire of military activities by ourselves, and a withdrawal of our troops, providing in the meantime the President has negotiated with the Communists on the prisoners of war and for a cease-fire.

The Mansfield amendment does not provide a guarantee of the return of our prisoners of war.

Ladies and gentlemen of the House, the Mansfield amendment says we shall negotiate for the return of our prisoners of war. Of course, it ignores the missing in action. The Mansfield amendment says we shall negotiate a cease-fire. On the other hand, the Mansfield amendment gives away—gives away from our negotiators the opportunity to look for something in return for the prisoners of war, the missing in action and a cease-fire. We have been giving away too much in negotiations without getting something in return. I hope the House will move to table the motion to instruct.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from Michigan has expired.

Mr. MIKVA. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will count.

Two hundred and sixty-six members are present, a quorum.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the distinguished Speaker of the House, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I shall not use the full 5 minutes.

Mr. Speaker, I realize as does every Member of the House of Representatives, that the American people are tired of the miserable war that our boys are fighting in far away Vietnam. At least 3 or 4 years ago, the then chairman of the Joint Chiefs of Staff, General Wheeler, in the presence of the leadership in a meeting at the White House, said that he did not know how long the American people would support this miserable war—and that is what he called it.

I agree with the distinguished minority leader that we should send our conferees to the conference unfettered. Let them explore the issues pro and con fully.

I respect the judgment of every Member on this issue. But in my own judgment, the adoption of the Whalen motion would not be in the best interest of the United States of America.

I talked to the President of the United States this morning and he expressed the same opinion. I do not always agree with the President, and I make no guarantee that I will continuously support any President even in matters of foreign policy, although I have supported a bipartisan foreign policy ever since I have come to the Congress. But I believe setting a fixed date for withdrawal from Vietnam this far in advance, whether as an expression of hope, or desire, or policy, or cutting off funds, might well undermine negotiations and make further diplomatic exchanges futile. Although we are disengaging and have already withdrawn some 300,000 of our fighting men, we still are involved in a war. I fear the possibility that the establishment of deadlines could jeopardize American lives and that we might have a lot more prisoners of war that we would be trying to free if we go at this thing without a complete plan and without making sure that we can get all of our men safely out before the issue is finally determined. Let us not take our options and give them to the enemy.

No nation has ever exposed its strategy in detail before an enemy—none that I have ever heard of.

It is, therefore, my judgment—and I repeat—that the adoption of the motion which our friend from Ohio will offer will not be in the best interests of the United States of America.

Mr. HÉBERT. Mr. Speaker, I yield myself the balance of the time remaining.

The SPEAKER. The gentleman from Louisiana is recognized for 2 minutes.

Mr. HÉBERT. Mr. Speaker, and Members of the House, let me express my deep personal appreciation to the leadership of both sides in standing foursquare for what they consider the best procedure to take at this time.

At the same time let me pay my respects to those who disagree. I respect their sincerity. I respect their motives. I attempted to give them equal time. I divided up the time allotted me equally so that each side had an equal opportunity.

Ladies and gentlemen of the House, I ask you in the interest of this country and in the interest of those prisoners of war, do not shackle me. Please do not. Please do not put handcuffs on my conferees. Let us come back here with language that we can accept and adopt. But do not cut off the words, do not cut off the sentences or paragraphs, do not make us take something that would not be the best possible language acceptable to this body or even to the other body, but give us the confidence that we had hoped to get from you. The gentleman from Illinois (Mr. FINDLEY) proposed language which is persuasive. There may be better language that we can agree upon. Perhaps we can accept some other proposal. I do not know. But let us understand that the important thing is that you are expressing confidence in your conferees who within the last 2 weeks here, on some six or seven votes, by over 100 votes, rejected this Banquo's ghost that keeps haunting us, and which will continue to haunt us unless we put it down now. Give your conferees that confidence.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. HÉBERT).

### PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HÉBERT. Am I correct that the motion before the House is a motion offered by the gentleman from Louisiana to appoint conferees, and after disposition of that motion, the gentleman from Ohio will offer his amendment? I want to be sure that every Member knows that the present action is on a pro forma motion.

The SPEAKER. After the motion of the gentleman from Louisiana is carried, the gentleman from Ohio will have the right to offer his motion.

Mr. HÉBERT. And that is the motion that we have been discussing.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

### MOTION OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHALEN moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 6531, be instructed to agree to the amendment of the Senate numbered 165, known as the Mansfield amendment.

### MOTION OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I offer a motion to table.

The Clerk read as follows:

Mr. HÉBERT of Louisiana moves to lay on the table the motion offered by Mr. WHALEN.

The SPEAKER. The question is on the motion to table offered by the gentleman from Louisiana.

Mr. WHALEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 175, not voting 39, as follows:

[Roll No. 167]

### YEAS—219

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baker
Baring
Belcher
Bell
Betts
Bevill
Blackburn
Blanton
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Dickinson
Dorn
Dowdy
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Garmatz
Goldwater
Gonzalez
Goodling
Griffin
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Hays
Hébert
Henderson
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Mathis, Ga.
Mayne
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Myers
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

### NAYS—175

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biester
Bingham
Blatnik
Boland
Brademas
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Collins, Ill.
Collins, Tex.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Dingell
Dow
Downing
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Flynt
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton, Tenn.
Galifianakis
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, N.C.
Karth
Kastenmeier
Koch
Kyros
Landrum
Leggett
Link
Long, Md.
McCloskey
McCormack
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Slack
Smith, Iowa
Snyder
Stafford
Staggers
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watts
Whalen
White
Wilson, Charles H.
Wolff
Yates
Yatron
Zwach

### NOT VOTING—39

Anderson, Calif.
Ashbrook
Ashley
Biaggi
Brasco
Camp
Chisholm
Clay
Davis, Ga.
Denholm
Dent
Devine
Diggs
Donohue
Edwards, La.
Fascell
Fish
Gallagher
Gettys
Hagan
Hicks, Mass.
Hillis
Ichord
Long, La.
McCulloch
McEwen
Martin
Mathias, Calif.
Michel
Murphy, Ill.
Pickle
Purcell
Rostenkowski
Roybal
Runnels
Stephens
Stuckey
Taylor
Whalley

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Long of Louisiana for, with Mr. Dent against.

Mr. Edwards of Louisiana for, with Mr. Brasco against.

Mr. Ashbrook for, with Mr. Biaggi against.

Mr. Camp for, with Mr. Fascell against.

Mr. Devine for, with Mr. Roybal against.

Mr. Michel for, with Mr. Taylor against.

Mr. Fish for, with Mr. Rostenkowski against.

Mr. Hillis for, with Mr. Murphy of Illinois against.

Mr. McEwen for, with Mr. Stuckey against.

Mr. Purcell for, with Mr. Denholm against.

Mr. Stephens for, with Mrs. Chisholm against.

Mr. Gettys for, with Mr. Clay against.

Mr. Hagan for, with Mr. Diggs against.

Mr. Gallagher for, with Mr. Anderson of California against.

Mr. Ichord for, with Mr. Donohue against.

Until further notice:

Mr. Ashley with Mr. Whalley.

Mrs. Hicks of Massachusetts with Mr. Mathias of California.

Mr. Pickle with Mr. Davis of Georgia.

Mr. FINDLEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees: Messrs. Hébert, Price of Illinois, Fisher, Bennett, Arends, O'Konski, and Bray.

## GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill and the conference.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## REPORT OF THE COMMODITY CREDIT CORPORATION FOR THE FISCAL YEAR ENDED JUNE 30, 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

*To the Congress of the United States:*

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1970.

Richard Nixon.

The White House, *June 28, 1971.*

## THE 1970 ANNUAL REPORT ON AGRICULTURAL EXPORT ACTIVITIES CARRIED OUT UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-135)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed with illustrations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress the 1970 annual report on agricultural export activities carried out under Public Law 480. In a year which saw more than its share of disasters around the world, Public Law 480 concessional sales programs and donations once again reflected the desire of the people of the United States to try to help others improve their own circumstances by improving the agricultural foundation of their economies.

The Public Law 480 program demonstrated its flexibility in 1970 both by responding quickly to the immediate needs of countries in distress, and by using food assistance to promote long range development in developing countries. One important example of the program's scope and success was our aid to victims of the earthquake in Peru—much of which was channeled through voluntary relief agencies.

The Public Law 480 program also provided increasing benefits to the United States. Currencies generated by the program together with the increasing volume of payments received under past long term credit sales agreements, resulted in a contribution of more than $300 million to our balance of payments in 1970. In addition, this program has placed increasing emphasis on helping recipient nations develop their own economies and thus become better export markets for the United States.

Public Law 480 has now been extended through 1973. As our efforts move forward, we will continue to stress both trade development and food assistance through this highly esteemed program.

Richard Nixon.

The White House, *June 28, 1971.*

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. Robison) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9271, with Mr. Monagan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Oklahoma (Mr. Steed) will be recognized for 1 hour, and the gentleman from New York (Mr. Robison) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today to present to the House the annual appropriation bill for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1972.

Like all committees, we got a late start this year, and additional agencies were added to our subcommittee's jurisdiction, which increased our workload. Under the circumstances, we feel that we are presenting a good bill as early in the year as reasonably possible.

At the outset I want to express my appreciation to the other members of the subcommittee. We started this year with four new members, and I appreciate their cooperation and the effort they have made to become familiar with the provisions of this bill in its varied aspects.

This is also the first year the gentleman from New York (Mr. Robison) has been the ranking minority member for the entire consideration of the bill, and I want to say I deeply appreciate the support, the hard work and the help I have received from him. He has made an otherwise very difficult job much easier and much more enjoyable.

I should like also to express a word of appreciation to the gentleman from Alabama (Mr. Edwards). He was kind enough this year to do a special job of study of the general provisions in the bill. He has done an outstanding job, and has made it possible for us to present a bill today with the general provisions updated, modernized, and in the shape they should be.

The budget estimates for fiscal year 1972 requested a total appropriation of $4,780,576,000, of which $1,471,722,000 was for the new Postal Corporation, which goes into official effect on July 1.

Of these budget requests the committee approved $4,487,289,000, which provides for a total reduction in budget requests of $293,287,000.

The Treasury part of the bill, which deals with some of the oldest and most important and best known agencies of our Government is allowed under our recommendation $1,523,490,000. This is $184,831,000 more than for fiscal year 1971, but $45,289,000 under the amount requested in the budget. Most of the increases in the Treasury Department outside of the normal growth increases and those increases made necessary because of pay raises are in the Law Enforcement Training School, which I think is going to be a very valuable addition to the Government's ability to cope with crime, and in the Internal Revenue Service, the Bureau of Customs, and the U.S. Secret Service.

I would like to stress again the fact that when you look at the Treasury Department in its entirety it consists of four general categories. It is not only one of the largest law enforcement activities in the country, second only to the Department of Justice, but it is also in the business of manufacturing. It is the world's greatest bookkeeper, and it also is the world's greatest tax collector.

In the Bureau of the Mint and the Bureau of Engraving and Printing we operate two of the greatest, most efficient manufacturing processes known to man, and in the Bureau of Accounts, the Bureau of Debt Management, and in the

Office of the Treasurer we process more detailed fiscal matters than any other agency in the history of the world. As a matter of fact, the Treasury Department will issue, process, pay, reconcile, and cancel out, something over 500 million Federal checks during the forthcoming fiscal year. This, added to the checks issued by the Postal Service and the military, will make a new total in checks issued in the name of the Federal Government during the forthcoming year in the neighborhood of 660 million.

In the general Government-type items we find not only the White House and the President and his staff and the commissions and agencies which are part and parcel of his activities, such as the Council of Economic Advisers, the National Security Council, the Domestic Council, and the Office of Management and Budget, but also two very important agencies which have been added to this only this year; namely, the General Services Administration and the U.S. Civil Service Commission.

In connection with the Civil Service Commission, the committee allowed all of the funds that the actuaries say are necessary to bring the accounts up to date for the annuities and for the health benefits which are under the jurisdiction of the Civil Service Commission.

The General Services Administration operates six major divisions in the housekeeping field for the Government. I think the review we made indicates that this agency is doing a very outstanding job. One thing probably of interest to the Members is that one of these six divisions happens to be National Archives and under their jurisdiction are the several Presidential libraries, the most recent addition being the Lyndon Baines Johnson Library at the University of Texas. The operation of these libraries are a function of the National Archives under the jurisdiction of the General Services Administration.

One of the things that impressed me is that under present policymakers of the General Services Administration who, of course, dispose of our Government surpluses, a special effort is being made to cope with the situation that is building up in Southeast Asia.

Mr. Chairman, when we began to withdraw troops from over there the pipelines in the logistics field for the servicing of the more than one-half million men and, of course, at full flow was tremendous. After the reduction in the number of men came about, it took more time to slow down the flow in the pipeline and the delay of some very large expenditures have accrued not only in Okinawa, but in Vietnam itself.

Now, in order to reduce the waste and the mismanagement in this sort of a situation, a number of task forces have been set up by all of the agencies involved under the leadership of the General Services Administration. We believe that this time there will be a very creditable job performed in dealing with the giveaway type of services that accrue from this honing down or cutting down of the activities in that part of the world.

In the field of medical supplies that you need when you have a lot of troops in that part of the world, you will find that many of these drugs and medicines have a very short shelf life; so short in fact that many of them would exceed their effective life before they could be returned to this country.

Now, under this program these types of things are declared surplus as soon as possible and are made available to our friends in that part of the world, the trust territories, and the other friendly countries in Southeast Asia so that the maximum benefit might be obtained from these articles rather than letting them go to waste.

All through the whole complex matter of some 400,000 or 500,000 items involved in that sort of situation, decisions will be made as to what to keep and return home and as to what should be disposed of in that part of the world on a surplus basis by giving away to friendly nations those items in order to prevent spoilage.

Mr. Chairman, I think this is the first time we have had a far-reaching program of this type and I certainly hope a lot of good comes from it.

Now, let me turn to the post office situation. As the Members know, this is the first year that we have had a transition situation. We are now in the last few days of the existence of the U.S. Post Office Department. On July 1 it becomes the U.S. Postal Service, an independent Corporation. These highly complex and unusual transitional circumstances have posed some special problems for the committee. We have tried to be as generous and as cautious as we know how to be in meeting this kind of situation. We have gone into considerable detail in the report, because of the fact that there are new factors involved this year that never existed before in the history of the Congress or the Postal Service.

Under the law that created the Postal Corporation, the Postmaster General, on the instructions of the Board of Directors, is authorized to come to the Congress and to seek Federal funds under two categories. First, he is permitted to seek up to 10 percent of the amount of money that represents the total 1971 cost of the Post Office Department, which is estimated to be in the neighborhood of $9.2 billion.

Now, the other item, the Department was given 5 years under the law to phase in higher postal rates for those classes of mail not currently paying their cost. The Postmaster General is permitted to seek funds from Congress for a part of the difference and this is known as revenue forgone.

He asked for something in the neighborhood of $680 million for revenue forgone for the coming fiscal year. The administration saw fit to reduce this amount by $191 million. So the official budget request that was presented to the committee for revenue forgone was $481 million.

It was testified that the cost of public services that the 10 percent to which I just referred is designed to cover, would be somewhere in the neighborhood of $300 million. While under the law he could ask for, and did ask for, the full 10 percent of the 1971 appropriation, which amounted to some $900 million, the committee has made a reduction of $254,200,000.

The thinking of the committee is that, taking all the facts we had into consideration, the public service costs will not be sufficient to justify appropriating the whole 10 percent this year. In addition, the Corporation will be reimbursed by other Government agencies for a great many services which previously were not on a reimbursable basis. This will be an additional source of income now which previously it did not have.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I would ask the gentleman if the reduction in the appropriation for the Postal Service Corporation in any way affects the present negotiations between the Postal Service and the postal employee organizations?

Mr. STEED. As the gentleman knows, since the gentleman is a very valuable member of the subcommittee, we have gone into this matter as thoroughly as we could, and I am sure the gentleman will agree with me that there is no possible way that the action of the committee on the funds contained in the bill today could make any impact on the wage or rate negotiations. As the gentleman knows, the temporary rate increases that were imposed by the Postmaster General under the act that created the Corporation are now in effect. Revenues are flowing from these increases and will continue to do so until the Rate Commission, which was also created by the act, has had an opportuntiy to make its findings. There is a great deal of highly technical consideration that would have to go into these rates, and most people seem to think it is going to be a few months before the Rate Commission finalizes its decision. But the considerations it will give are not based on what we have done here today, but on all the budget material, policies, presentations and negotiations of the Post Office Department. For instance, their method of determining what constitutes "revenue foregone" is based on a cost ascertainment plan they have adopted. Some of the mail users disagree with this plan and have it under attack before the Rate Commission.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield on that point?

Mr. STEED. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. I thank the gentleman for yielding. The gentleman realizes that some of us who have large mailers in our districts are intensely interested in the revenue foregone situation. Do I understand that despite the fact that the committee cut this appropriation request by some $250 million you have put in a lump sum, an amount of money that Postmaster General could allocate among the various classes of mail for purposes of phasing out the increases in the rates so that it would not be too precipitous all at once?

Mr. STEED. Of course, the gentleman understands what we have done. Under the old law, the Postmaster General could not transfer funds from one part of his activities to another without the approval of the Congress. He now has absolute unrestricted authority to transfer money as he sees fit. In my opinion, he could use the whole amount we have allowed him here for revenue foregone if he wanted to, if he could meet his other obligations otherwise.

There is no restriction in the bill as to how he uses the money.

Mr. JOHNSON of Pennsylvania. In other words, he can allocate the money to a deficiency in second class and fourth class and even third class, in your opinion?

Mr. STEED. Absolutely. Also, there is the fact that this is not going to be anything that anyone can take final action on for a few months. We think he has all the funds he will need to meet the obligations that will come up until these matters are settled once and for all.

If, after the rates are finalized, he finds that this has made an impact on his budget beyond his control, I am advised by the Office of Management and Budget that he will have recourse then to a supplemental request to the Congress for whatever would be justified in the light of that situation.

The same thing is true concerning postal wages. The Postal Service is negotiating, as you know, with the seven unions that represent the postal workers and that has now gone into the fact-finding stage. The next stage from that will be to go into the arbitration stage. No one knows—the unions do not know and the Postmaster General does not know and even the factfinders and the arbitrators do not know at this time what the outcome of that will be.

If the actions that are finalized in the labor negotiations make an impact on his budget that is different, or adversely different from what he estimated, here again he will have an opportunity to seek some redress through the supplemental appropriation route.

I discussed both of these matters with the Office of Management and Budget to make sure we were not leaving him high and dry after the actions beyond his control had made an impact on him that he could not cope with. In addition to all this, he does have, as you know, under the new Corporation, authority to borrow money up to a half billion dollars.

If the situation got that critical, for whatever reasonable period of time he may have to do so, he could go that route. We do not think it will be necessary and we do not want it to be necessary.

After we make all the computations and using the best judgment we have on the budget he has presented to us and taking into consideration the efficiency and improvements that he anticipates and the growth in volume that he anticipates and the several decisions he has already made and contemplates making to change the functions of some branches of the service during the coming fiscal year—after all these matters are taken into account, even with this cut and accepting all his other figures at face value, we still say he will have something between $200 million and $300 million in his so-called contingency fund that he made allowance for in his budget. His budget, as presented to us, if we allow him all the funds he asked for, would have given him a contingency fund of $476 million according to his own statement.

We are not opposed to his having a contingency fund, because in a function as large as the Postal Corporation with costs somewhere in excess of $10 billion a year, that is not an unusually large amount for a corporation of that type to have in its contingency fund.

We think actually the contingency fund at the end of the next fiscal year will be and probably should be substantially more than it seems to appear here on the surface. So I see no way, and I am sure the gentleman knows I would be the first to stand on this floor and insist on any amount of money, if I thought there was any remote likelihood that the action proposed would interfere with the work of the Rate Commission, or the negotiators and the arbitrators in this labor-management problem that they have.

We created the corporation to get rid of these problems and to get the Congress out of these problems. I am one who has insisted most strongly that we stay out of these problems. I think we have and I think anybody who tries to use any action of this bill in the rate situation is just not being realistic, because there is no way you can actually show that this has any impact on what they are doing down there.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield for one final question?

Mr. STEED. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Do I correctly understand that the $400 million-and-some-odd contingency fund could be made available for phasing out the rate schedule as well as other money?

Mr. STEED. Of course, if there is any contingency of that kind that comes up, if they should have a shortfall in one category or another, that is what they have it for, to pay the bill. Revenue foregone is an estimate. In the first place, he may not get as much third-class mail as he estimates he will. In the second place if he gets it, he may not lose as much money as he estimates. He might lose more. If wages go up, he might lose more. This figure is an estimate. That is what a contingency fund is for, to take care of that kind of thing and those foreseeable changes that come along in their day-to-day operations. It is a safety valve that anyone would reasonably want, and this being the first time around, facing these two uncertainties that no one can finally, at this stage in time, I think, determine, we made most of our decisions on the side of giving the Postal Service the benefit of the doubt. I would, to say the least, state that this is a generous decision we have made in relation to these two items.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. It was my understanding from the people who proposed this postal reorganization that at some point this corporation was going to pay its own way. They were so intent on getting out from under the Congress, they made that statement. Yet from what I see they are coming back to the Congress for whatever amounts of money they have asked. I think this committee has dealt with them pretty generously. But I can see that in the future they are going to continue to come to this Congress for money. They said they would not have to do so because they were going to run the office on a businesslike basis. I just cannot understand, Mr. Chairman, how on the one hand they say, "We do not want Congress to have anything to do with us; we do not want them to tell us how to run our business or have anything to do with us whatever," and yet they ask the Congress to continue to pay for the operation of this department.

Mr. STEED. In fairness to the Postal Service, I would like to remind the gentleman of the act itself. When the Congress enacted this law, it took into account the fact that second-, third-, and fourth-classes of mail and, to some extent, first-class, were not currently paying their own way. Since there is a very large economic factor involved, especially in second- and third-class mail, the act itself gave a 5-year phase-in time to get these rates up to where they would break even, and in the meantime we said, "We will pick up the tab for the difference, in other words, for revenue foregone."

We also said that since it is going to take a certain time to get reorganized, to construct all the physical facilities that a modern service must have, we would continue to reimburse the Corporation for public services until the end of the 10-year period. So we have authority under the law to do this.

The public service cost that we are picking up would be the difference between what they actually collect for rural mail routes and third- and fourth-class post offices and what it costs to keep them going. This is estimated to be between $200 and $300 million.

Mr. KAZEN. They are going to save a lot of money, because they have cut out all my rural routes.

Mr. STEED. This will be reviewed from year to year. If they refuse to keep faith on these so-called public services in this area, we are going to look at their budget requests in that respect. That is one of the reasons we arranged for reimbursement from the agencies for public services the Post Office was performing. With the curtailment of public services, if you are willing to pick up the tab that I have mentioned, as well as some others, any way you look at it, there would be a cushion of between $3 and $500 million. We are trying to be realistic in the decisions that we make. But as far as the making of the request is concerned, the law spells that out: for 5 years on the one hand and 10 years on the other hand, to give them a chance to get going and to get on top of the problem.

Mr. KAZEN. May I ask the chairman if he foresees the day when all the Congress will have to appropriate to the Postal Service will be that amount which is charged to public service?

Mr. STEED. That is the intent of this whole movement, and we are supposed to be at that level in not exceeding 10 years, and hopefully 5 years.

Mr. KAZEN. There was another item in the bill which authorized them, I believe, to issue bonds to the tune of about $2 billion for construction and things of that kind.

Mr. STEED. They have bonding authority up to $10 billion.

Mr. KAZEN. $10 billion?

Mr. STEED. It is $2 billion immediately. They are going to need the $2 billion in the next 5 years if they are to build the kind of workshops and provide equipment they must have to do the mail job efficiently.

In fairness to them, their lack of the necessary physical plant is the most costly and most aggravating problem they have today, because they are dealing with 85 billion pieces of mail, and most of it in workshops that have been outgrown for years.

It might be interesting for the gentleman to know that, with respect to these 89 billion pieces of mail, 75 percent is processed in 300 large post offices. The other 25 percent is processed in 31,000 smaller offices. The big problem we have is in the 300 large offices.

To build the kind of workshop needed for this volume of business will cost a lot of money and will take time. This is one of the reasons why I was such a strong supporter of the Postal Corporation idea, because I saw no way they could get their hands on the capital funds they had to have to get on top of this problem other than through a corporate approach. Certainly it was not possible through appropriated funds, because for years we have been trying to meet just emergencies in the workshop problem, and then not having too much success.

They must have what amounts to a crash program. They have entered into a contract with the Corps of Engineers to do all their actual construction for them. Hopefully they can get the buildings put up now in a reasonable length of time.

Heretofore, if we gave them money, say, this year for a building, it would be 5 or 6 years to get it built and occupied, and in the meantime we would continue to have inefficiency and loss and delay.

We believe we are getting on top of that problem.

Mr. KAZEN. I thank the gentleman.

Mr. STEED. Mr. Chairman, I know the Members have a deep interest in the postal part of this bill. It would make it much easier in this transition period if we did not have these uncertainties now pending in the rate considerations and in the labor field, but it is nobody's fault and there is nothing to be done about it. I believe all we can do is just bide our time and keep our fingers crossed until these matters are finalized. Hopefully then we will be able to make a final determination as to whether they are justified in asking for any additional funds from the Congress.

I have had many years of experience with this, and we have given a whole lot of thought to it. I am thoroughly convinced at this point in time we have been at least quite generous with them in the action taken.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Would I be correct in assuming that the reduction in spending as represented by this bill and as compared with the last fiscal year, which ends this week, is largely due to the reduced appropriation for the Post Office Department?

Mr. STEED. Most of the cut is in that area. Of the $293 million, $254 million is in the Postal side of it.

The Department did not estimate any additional manpower needs for the coming year. They estimated a 2 billion increase in volume, but they have gotten the benefits now of a great deal of new machinery we have been buying for the past several years. I believe their ability to handle more pieces of mail per employee is going up rather substantially. This is one of the few good signs we see in their operations at this point.

Mr. GROSS. I do notice the cost of the Bureau of Public Debt has gone up another $6.5 million over last year. Just the cost of administering the debt.

Mr. STEED. That is correct.

Mr. GROSS. The total is now up to $76 million a year merely to administer the public debt.

Mr. STEED. That is correct. There are two items there. They really do not have as big a payroll as this might indicate, although they have had pay raises, also. However, the two big items of cost have been the cost of postage—and, of course, rates for postage have gone up—and also the fact that they do a lot of mailing. The other is in the fees that they pay the Federal Reserve banks and other banks throughout the country for the transaction of business, such as the redemption of bonds and the selling of bonds. So this is really a fairly automatic figure. One way of looking at it is as an open-ended amount. In the last 2 or 3 years activities have been going on that have been increasing, and with the debt going up at the pace it is they have had to get supplements, because they did not have enough money in the original allowance to meet the fees assessed against them by the banks.

Mr. GROSS. At any rate, it has gone from a few million to an annual appropriation of $76 million simply to service the public debt of this country, which this year will require an interest charge of how much?

Mr. STEED. $21,150 million. Then, of course, to cheer the gentleman up a little bit more, this year and next year we will have back-to-back deficits for 2 years combined of about $56 billion. So you can rest assured that next year the interest on the national debt will be considerably more than it is now.

Another interesting thing is this: I know how hard the gentleman from Iowa has worked in this field and how interested he is. I have enjoyed all of my conversations with him and, as a matter of fact, I have learned a lot from them. But during the last 8 years Congress reduced appropriation requests about $18 billion. However, during the same period of time, 8 years, the Congress in its wisdom has enacted 71 laws and programs which cost money to the tune of about $30 billion. So, in addition to all of the normal growth of the Government, we have added on a net $12 billion in costs which did not even exist 8 years ago.

As I looked at the record the other day, there is something in excess of 8,000 bills now pending in the Congress, 99 percent of which will cost money if they ever become law. The gentleman from Iowa knows that probably 200, 300, or 400 will become law this year. So your guess is as good as mine as to how much more we will add on to the cost of the Government's budget this year no matter how much we cut the budget.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield to me?

Mr. STEED. I am glad to yield to the gentleman.

Mr. ROBISON of New York. I think our mutual friend from Iowa was taking aim more at the national debt itself than he was at the Bureau of Public Debt, because I think the gentleman from Oklahoma will agree with me that the Bureau of Public Debt itself is one of the best managed and best run and best administered agencies which comes before us.

Mr. STEED. I certainly agree with the gentleman on that.

Mr. ROBISON of New York. The gentleman will admit that it has been represented by a very fine public servant and career man named Donald Merritt who testified over the years to the degree to which they have been able to increase productivity. Some of the savings they have made have been by virtue of their productivity increase per employee. This has been something in the neighborhood of over 2,400-man years.

Mr. STEED. I could not agree with the gentleman more. I am sure that the gentleman from Iowa, if he knew the facts as closely as we do, would be very interested in finding out what the costs would be if we did not have a man of Mr. Merritt's caliber in that position.

Mr. GROSS. Will the gentleman yield so that I may make the record clear at this point? I in no way intended to cast, as the gentleman from New York (Mr. ROBISON) suggests, any reflection on the present personnel in the Bureau of Public Debt.

My concern goes to the steadily increasing costs. I am sure those costs are due to the fact that we have gone insane in the matter of spending in and out of Congress.

Mr. STEED. The gentleman from Iowa is certainly correct. This is a situation which is also involved in the servicing of the debt and many other areas. This whole thing adds on costs, additional costs, recurring costs, to the Federal budget and it is becoming larger much too quickly, in my opinion.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield further?

Mr. STEED. I yield further to the gentleman from New York.

Mr. ROBISON of New York. Before the gentleman from Iowa sits down, although I suppose we will hear from him later on perhaps anyway but, maybe, he has not noticed that this also does carry the item which actually covers the interest on the national debt itself. This, unfortunately, is something which we on the subcommittee and on the full committee have no control whatsoever. We have to pay the bill. But this information appears on page 41 of the report and is reflected as being $21,150 million.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I would think that the bigger the debt, the more it costs to service it. Would that be a reasonable assumption?

Mr. STEED. The gentleman is quite correct, because refunding the debt is one of their largest activities and there are fees which have to be paid on this service.

Mr. ANDREWS of Alabama. I do not know of anything that has risen as fast as the item of the interest on the national debt.

Mr. STEED. I will say to the gentleman from Alabama that the cost of servicing the debt as well as the interest have gone up rather astronomically.

Mr. ANDREWS of Alabama. I was looking at the budget recently and noted that the interest on the national debt in 1961 was $8.1 billion. The interest for this year, fiscal year 1972, as I noted in the report and as I stated before the committee the other day, has already increased to the figure of $21,150 million. That is a staggering amount of money. I could not comprehend that amount of money. So I had our clerk, Mr. Wilson, break it down so that I could understand it a little better.

If the gentleman from Oklahoma will yield further, I would like to tell you the breakdown of that $21,150 million. For each second of the day, it is $670 for interest on the national debt. For each minute—and we are talking about 365 days a year, 24 hours a day, 60 minutes an hour—for each minute the interest on the national debt is $40,239. For each hour of the day it is $2,414,000. For each day, $57,945,000. For each week, $406,730,000. For each month, $1,762 million, plus.

My information is that we have not seen anything yet compared to what the national debt interest will be in the next few years.

I thank the gentleman for yielding.

Mr. STEED. In addition to the actual interest incurred on the national debt, the gentleman might like to know the cost of administering the debt has gone up $3 a second.

Mr. MEYERS. You just spent $84,000 talking.

Mr. HANLEY. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. HANLEY. Under the provisions of the Postal Reorganization Act which was passed last year, provision was made for the establishment of a Postal Service fund. One of the items in that fund was the balance in the Post Office Department fund.

Could the gentleman tell me what the balance is in that fund which will be available to the new Postal Service, and for that matter, are there any other carryover funds that will be available to the new Service?

Mr. STEED. I am afraid I cannot give the gentleman the figures. We asked the Department for them, and they did not see fit to make them available to us. We estimate, the best we can, from the records we have, that there could be somewhere in the neighborhood of $600 million in carryover funds, although some of that may be in the category of capital funds that will eventually be used for machinery and for buildings. But at the moment with their transfer authority they can make whatever use of these funds they see fit, come July 1.

Mr. HANLEY. These funds then can be made available for normal operating purposes?

Mr. STEED. There is no restriction on anything the corporation does, except the judgment of those who operate it.

Mr. HANLEY. As I interpret you, then, we do not actually have the actual figure, this is an estimate, the figure itself is not known nor been provided by the Department?

Mr. STEED. That is right. We will not know until some time after the close of the fiscal year what the actual costs of the Department for fiscal year 1971 will be. When we get that figure, then we can tell pretty accurately what the carryover figure was, and we will have that when we bring the bill up next year.

Mr. HANLEY. I thank the gentleman for yielding.

Mr. STEED. Mr. Chairman, I reserve the balance of my time.

Mr. ROBISON of New York. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I should like to begin my remarks on this, the 1972 Treasury, Postal Service, and general Government appropriation bill, by expressing my appreciation—and that, I am sure, of all the minority members of our subcommittee—to the gentleman from Oklahoma (Mr. STEED) for his unfailing courtesy, his patience, and his objectivity. One could not ask for a finer man to work with—nor for a finer chairman to work for.

I would be remiss if I did not similarly express my thanks to the three other minority members of our subcommittee. Two of them were new to our ranks this year, a rather difficult year in that our workload was substantially increased by the addition thereto of such independent agencies as the General Services Administration and the Civil Service Commission, whose programs were new to all of us; and, certainly, without their interest in—and attendance at—our hearings, we would not have been able to cover our subject matter as thoroughly as we did nor in the time that we did.

Perhaps, Mr. Chairman, our colleagues have already noted the fact that this bill carries, for the first time this year, a new title—one incorporating therein the words general Government. That phrase was added, I assume, as a simple way of encompassing in the bill's title the variety of independent agencies—including those specialized agencies or activities that are operated through the Executive Office of the President—over whose budgetary needs we now have supervision. But, even though we do also handle the budget requests of the old-line Treasury Department, along with the residual budgetary requests of what will soon be the new U.S. Postal Service, that is, essentially, a general Government bill—or even what might be thought of as a Government housekeeping bill—in that nearly all of the program activities submitted to us for review are of a service nature. By and large, those activities involve workloads over which neither we, nor the agencies involved, have much, if any, control.

This is not, therefore, the kind of appropriation bill that readily lends itself to the "budget-cutter's knife"—no matter how much one might wish to, somehow, bring Federal spending under better control.

Instead—for those of us who must work on it in the first instance—it is the kind of bill whereunder, through as careful and thorough as possible a review of these sundry "service" activities, we endeavor to maintain a rather high degree of what can only be called legislative oversight over the programs involved. The four volumes of hearings we submit to you, Mr. Chairman, along with our bill and the report thereon, will detail for our colleagues what we have attempted to do in this regard. There is a wealth of information in those volumes, and I recommend the reading thereof by any of our colleagues who may be interested.

Nevertheless, as those same colleagues will also note—and there is a summary of this on page 2 of the report—we have managed to achieve recommended reductions in the budgetary estimates of some of these departments and agencies totaling $293,287,000, and, though we had our differences about some of these reductions, I believe it can now be said that this is the unanimous recommendation of your subcommittee.

The bill is divided into four titles, the first title being for the Treasury Department. Our recommended reduction in this title amounts to $45,289,000, the major components of which are, first, a reduction of $15,477,000 in the "first phase" of the estimated construction costs for the consolidated Law Enforcement Training Center, out at Beltsville, Md. Both Treasury and GSA informed us that only about $20 million of the amount requested—which was $36,477,000—could be obligated in fiscal 1972, so we have allowed only $21 million for this item and, to be honest about it, this "cut" is really only a deferment, and I feel compelled to note further, with concern, the fact that, while the original prospectus for this facility contemplated a cost of only a little over $18 million, the most recent prospectus therefor—as just approved by the Public Works Committee—now shows a probable cost of $52.6 million. This sort of thing happens altogether too often, to my mind. Of course, size of this facility has been expanded, now, to accommodate more trainees, and some additional accessory features have been built into the plan. Besides which, inflation in construction costs has added its inevitable toll. But I, for one, have since the beginning had some doubts about the need for both this facility and the new "FBI Academy," which is also now under construction at another location, and so I surely hope that Treasury's estimate for this project is now an accurate, and final one, and that we will see no further cost escalations.

The second major cut in the Treasury items is $1.5 million, brought about by our denial of a request in that amount to be used by the Bureau of the Mint to acquire a site for a new mint at Denver, Colo. As is mentioned in the report, we are aware of the probable need for a new mint by about 1980 to augment the Bureau's present capacity, but the new Philadelphia mint has not yet reached its maximum capacity and the present Denver mint is, by far and away, the most economical one of the three mints in operation, leaving us with considerable doubts about whether or not it should be the one to be replaced.

The third major reduction involves our disallowance—though it is done without prejudice as to future reconsideration—of $3,250,000 as asked for by the Bureau of the Public Debt, certainly one of the better-run agencies to come before us, to cover the costs of merging its Chicago office into its Parkersburg, W. Va., office. As the hearings will reveal, there was opposition to this move expressed to us by certain of our colleagues from the Chicago area—with special reference to those Chicago Bureau employees who might not be able to find other Federal employment, and also questioning the purported savings from any such merger—and so we simply felt that the entire matter demanded further study.

The fourth major Treasury reduction involves a cut of over $21 million in the "compliance" account request as submitted by the Internal Revenue Service. For this activity, IRS requested 2,740 additional positions. We have allowed 1,560 such positions, bringing to 48,300 the permanent positions available under this activity, which seems to have no practical limit as to the total number of personnel that might be utilized. We are, of course, fully aware of the workload here involved—a workload that increases year after year in the same way a cat has kittens—and we are aware of the ultimate importance of this portion of IRS's overall task as necessary to insure volunteer tax compliance on the part of our citizens. And we could hardly ignore the testimony of the retiring Commissioner of IRS, Mr. Thrower, to the effect that the additional compliance personnel requested might recover, in taxes owed the Government, five times the cost of such added personnel. But, at the same time, we simply felt that more selective and judicious use of agents assigned by IRS to this particular job could possibly produce the same result—particularly in light of the fact that, though improving, the "no-change audit" rate for the first 7 months of fiscal 1971 was running at 34 percent—and we felt that both the IRS, under its new Commissioner, and the subcommittee ought to take another look at the compliance picture before adding all these additional people.

The final major reduction under the Treasury item is a relatively small one of $570,000 in the Secret Service's request. I am sure we all have the highest regard for the Secret Service—for its Director, Jim Rowley, and the dedicated men who serve under him—and we have, since the tragic death of President Kennedy, been adding regularly to its duties, as well as asking the near-impossible of both him and his men. However, this is one agency whose personnel needs have been increasing by leaps and bounds and, while we certainly wish to do nothing that will detract from its ability to carry out its essential primary and secondary missions, I believe we are beginning to feel that, with the 2,876 permanent positions allowed under this bill, we have reached a practical ceiling of sorts.

The next major reduction in the budget estimates—and it is the largest reduction, by far, in the bill—occurs under title II of the bill where consideration is given to the residual budgetary needs of the new Postal Service.

I say "residual" because we have, need I remind anyone, declared the independence of the Postal Service—which will begin its operations this week Thursday—from both the baleful influence of "politics" and, by and large, the controlling hand of Congress. And we have done so for better, or for worse.

Surely, one hopes—and none more so than I—that it will prove, in the long run, to be for the better.

The Postal Reorganization Act, as approved in the last Congress, was truly an historic measure. I was proud to support it, and will surely do all I can—as will every member of our subcommittee—to help the new Postal Service achieve the promise inherent in the act of putting our Nation's postal system, as soon as humanly possible, on an efficient, businesslike basis; in short, to give the mail users of this Nation the best postal system—and service—in the world.

It will take time, however—and perhaps more time than their present critics will permit—for Postmaster General Blount and his Board of Governors to bring this about. Certainly, we have all heard—perhaps some of you here this afternoon have expressed such thoughts, yourselves—that the postal service is no better, now, than it was before "reform," or that it is even worse.

Incidentally, when we were coming over here this afternoon to talk again about how to end the war, one of my colleagues said, "Let us turn it over to the Postal Service. They will certainly slow it down."

In any event, let us remember that the new Service does not even begin operations on its own, to tackle the many deficiencies and inadequacies of the old system, until this week on Thursday. Let us not, therefore, ask of Postmaster General Blount and his people, especially the thousands of dedicated postal employees who also want the new Service to succeed, that which is impossible. Let us, instead, be willing to give them all the necessary time within which to bring about the basic improvements in operations and management that are now still on the drawing boards. I am convinced they can succeed in their goals—and I am convinced they will, if we do not hamper their efforts and lower their morale by our own constant carping and unfair criticism.

Now, the gentleman from Oklahoma (Mr. STEED) has carefully and thoroughly outlined for you the nature of our responsibilities in this regard—advising you that the new Postal Service now has its own businesslike budget. We have not inquired into that budget. We have not questioned it, nor have we changed it in any way. And we have not done so because we believe we lack any authority, under the Postal Reorganization Act, to do so.

Instead, under that act, our authority—and the congressional authority—is limited to consideration of two items: First, the amount required by the new Service to cover its so-called revenue-foregone costs in all classes of mail where existing rates of postage are below the estimated handling costs; and, second, the amount to be appropriated by Congress to the Service to cover its so-called public service costs. There was—this year alone—a third item to consider along with these two: The Service's request for $56,322,000 to "cost-out" the expiring Post Office Department's obligation—for fiscal 1970 and 1971—to the Labor Department, which figure represented the POD's nonfunded obligation for workmen's compensation purposes. In future years this is an item that will be a part of the Service's own budget.

In any event, in addition to this $56,322,000 for such purposes, the Service asked of Congress—for fiscal 1972—$481,400,000 to cover the revenue-foregone item, and $934 million as supposedly needed to cover its public-service costs.

The three items together totaled $1,471,722,000 and, if fully appropriated, would supplement the Service's own estimated cash income, from all sources, of $8,679,792,000, and would thus round out the Service's own, first, "businesslike" budget—as it liked to refer to it—at a total of $10,151,514,000. By comparison, the expiring Department's fiscal 1971 budget—including carryover funds and reimbursements—was $9,592,317,000.

I know this gets confusing, and I dislike throwing all these figures at you, but please bear with me a moment longer.

Eventually, of course, it is hoped that the Service will operate on a break-even basis—though no one can say when that day will actually come, if ever. To move in that direction, the Service has, of course, as everyone knows, recently instituted pursuant to its authority under the act proceedings before the independent Postal Rate Commission for an increase in a variety of postal rates; and, further, pursuant to the act it has imposed those rate increases on a temporary basis.

The desirability of phasing in certain of those rate increases over a period of years so that they will not be an undue burden on the mail users involved—again as authorized by the act—leaves the Service's estimated costs still substantially exceeding its revenues; hence, the "revenue-foregone" situation, and a breakdown of how the Service arrived at the $481,400,000 for this item appears on page 233, of part 2 of our hearings.

To arrive at the requested $934,000,000 for "public-service" costs, the Service referred us to that section in the act authorizing it to ask of Congress up to 10 percent of the total 1971 postal budget for such purposes—which relate, in large part, to the extra costs over potential revenues of maintaining a nationwide postal service, one reaching into rural areas and small communities where postal operations will probably never be self-sustaining.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield myself an additional 3 minutes.

The $934,000,000 is approximately 10 percent of the expiring Department's 1971 budget.

However, at the same time, witnesses for the Service told us on several occasions that actual "public-service" costs—and, let me repeat that, actual "public-service" costs would not exceed $300,000,000 in fiscal 1972.

With this in mind, we inquired as to our obligation—or the congressional obligation—under the intent of the applicable provisions of the act, to appropriate to the Service the full 10 percent of the Department's 1971 budget, and we were advised that this was a "ceiling" not a "floor," thus leaving us with some discretion.

In light, then, of the fact that—as the gentleman from Oklahoma (Mr. STEED) has outlined—the Service built into its own budget a "contingency fund" of $476,500,000; in light of the fact that the amount requested for "public-service" costs was considerably in excess of actual "public-service" costs; and, finally, in light of the fact that the Service does have borrowing authority under the act of up to $500,000,000 a year for operating purposes, we determined to recommend to you a reduction of $254,200,000 in the overall request, and to suggest a total appropriation to the Service for these combined purposes of $1,217,522,000.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I have noted each year what I consider to be fantastic increases in the costs of the Secret Service. I am pleased to hear the gentleman say, if I understood him correctly, that he hopes that Congress has now reached a plateau with respect to the increased costs of maintaining the Secret Service.

Mr. ROBISON of New York. I appreciate the gentleman's comment. That is at least my own hope. Of course, as I said back at that point in my remarks, we have added additional duties to the Secret Service's list of responsibilities, including now protection of certain candidates for presidential nominations before they actually become nominees. So we may have a problem here, but we think we may have reached a plateau.

Mr. GROSS. I understand some of the reasons for the increase, but I certainly hope that the leveling off process in costs is taking place.

Now, turning to page 33 of the report, I am intrigued by the fact that it costs about twice as much to maintain the Johnson Library at Austin, Tex., as it does to maintain the Hoover and Roosevelt Libraries. I am curious to know why it costs so much more for the Lyndon Johnson Library at Austin, Tex.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBISON of New York. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, the gentleman from Iowa has asked a question which I honestly cannot answer. I know that the "LBJ" Library in Texas is a very large and extensive and probably expensive library. I personally do not know about the size or the number of volumes and documents and so forth in Mr. Hoover's library, but I suppose that there is a difference here that may relate to the difference in operating costs.

Mr. GROSS. I note also that in some way provision is already being made for the creation of an eventual Nixon Library.

Mr. ROBISON of New York. Yes.

Mr. GROSS. I would hope that can wait until Mr. Nixon leaves the Presidency before getting into the problem of a library for him.

Is this to be followed by a library for every President of the United States from here on ad infinitum, or what is the story? Does the gentleman have any thoughts on the matter?

Mr. ROBISON of New York. It definitely seems to be the pattern, I will say to the gentleman. I have no aspirations of my own in that direction.

Mr. GROSS. Neither have I. But the point is this: I wonder if the gentleman will agree that what they are putting into these libraries, beyond their own personal correspondence and papers, is the property of the U.S. Government. Are we going to see this Government property proliferated all over the United States? It seems to me it would be well if Johnson papers, relating to the so-called Pentagon papers, that the former President has taken down to Austin, Tex.—it seems to me it would be well if those papers had been left here in Washington, D.C., under lock and key. I do not understand why this property, which is the property of all the people of the United States, is being hauled off to Austin, Tex., or anywhere else.

Mr. ROBISON of New York. The gentleman asks some very difficult questions, I would say, relative to the copy of the "Pentagon papers," so-called, that Mr. Johnson is supposed to have, that it is probably still in his possession. I am quite confident that the New York Times did not use that particular copy as its source for beginning all of this recent difficulties.

Mr. GROSS. I do not know how much credence you can put in it, but I read in the papers the other day that he has hundreds of White House papers in Austin, Tex., dealing with the same subject.

Mr. STEED. Will the gentleman yield to me?

Mr. ROBISON of New York. I yield to the gentleman from Oklahoma.

Mr. STEED. I think it is well here for the Members to understand that the same thing has been done in connection with the Johnson Library that was done with Hoover, Eisenhower, Truman, and Kennedy Libraries insofar as Presidential papers are concerned. They are now under the jurisdiction of the Federal Government and are outside the control of the man himself in the library at Austin. It has already been taken over by Archives and is under their jurisdiction, just like the other libraries. The Pentagon papers and that sort of thing are a matter for the National Archives itself, apart from the Presidential papers.

Mr. GROSS. Will the gentleman yield further?

Mr. ROBISON of New York. I yield one more time to the gentleman.

Mr. GROSS. This question deals equally with all the Presidential libraries Of course, the Hoover library was constructed long after Mr. Hoover left the Presidency.

Does the construction of a library and the movement of his papers result in any kind of preferential tax treatment for a former President?

Mr STEED. Mr. Chairman, if the gentleman from New York will yield further, insofar as I know, none whatsoever. These are official documents which are handled in the same manner as the operation is going on right now. There are six people on the staff of President Nixon who are experts and they decide which papers are to be retained and how they are to be retained so that at sometime in the future the Nixon Library will have these papers in the same manner that the other Presidents have done. This is done to preserve for future generations the most valuable documents of our Government. The only cost to the Government after the library is created is the maintenance of it.

Mr. GROSS. Yes, and it is a considerable amount, according to the way it is building up in these appropriation bills.

Mr. STEED. It is my information that the several libraries throughout the country are highly sought after and are used by people who are interested in historical and public events. I think the gentleman would find that to be true in his own community.

Mr. GROSS. That means we have to go there to make use of the papers when they ought to be at one central place, and that is Washington, D.C.

Mr. STEED. It must be admitted that it would get to be a rather huge warehouse if you had them all in one place, and they would not, in that way, be as readily available to the general public.

Mr. GROSS. Well, that would be all right.

Mr. ROBISON of New York. Mr. Chairman, I have a feeling that things are getting a little bit out of hand and I should like to continue with my statement.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield to me at this point?

Mr. ROBISON of New York. I yield to the gentleman from Texas.

Mr. GONZALEZ. I have asked the gentleman to yield just briefly because of this colloquy and the questions which have been asked. I was at the dedication of the library in Austin. My understanding was that there would be no such thing as papers marked as security matters or privileged matters that would be of sensitive and of contemporaneous significance.

I thought all the Presidents would have in the libraries were documents having to do with their own activities.

Is it true the security papers such as defined as "the Pentagon papers," is that type of document permitted? I thought it was not.

Mr. ROBISON of New York. I think the gentleman is probably right. I have read, and I assume the gentleman has also, that Mr. Johnson did have when he left the White House a copy of the Pentagon papers.

Mr. GONZALEZ. My understanding is that there will be no such thing as classified security matters from the Department of Defense or any other department at such places as the Austin library.

Mr. ROBISON of New York. If there were they would presumably still be kept that way until someone properly declassified them.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Ohio.

Mr. WHALEN. I thank the gentleman for yielding. I would like to read some of the cost expenditures with reference to the new Postal Service which appear on page 15 of the committee report, as follows:

> On May 16, 1971, under authority of the Postal Reorganization Act, the Postmaster General imposed temporary rate increases as follows:

Then in the next paragraph there is the following:

> The Postal Rate Commission is presently considering the Postal Service's request to make these rates permanent, but is not expected to make its final determination for several months.

Then near the end of the page there is the following:

> The Committee strongly feels that action taken in this bill should in no way affect the rate issue now under consideration by the Postal Rate Commission.

Just prior to the quotation there is the following:

> Even so, the Committee feels that funds provided in the bill are more than sufficient to enable the Postal Service to meet all its needs until such time as the rate issues are settled.

My question is this: If it turns out that these funds in this bill are not sufficient, is it the committee's view that the Postal Service does not have under the authority of the act of 1971 to impose unilaterally further temporary increases in rates?

Mr. ROBISON of New York. It is my understanding and my interpretation of the act that the Postal Service can only have one outstanding temporary rate increase at one time, which means, to answer the gentleman's question as best I can, that the independent Postal Rate Commission would have to come to a decision first before the Postal Service could then ask it to consider further rate increases and attempt to impose those on a temporary basis, shall we say, while the Postal Rate Commission considers the additional request for further increases.

Mr. WHALEN. I thank the gentleman.

Mr. ROBISON of New York. Mr. Chairman, I shall try to wind up now by referring to the same general subject about which the gentleman was asking me, which is really whether or not the amount which we have recommended to appropriate for the Service will be sufficient to its needs.

Will the reduction made hamstring the Service in its difficult task of negotiating successfully with its employee unions—as it is now doing—bearing in mind the fact that those union demands, if all granted, could carry an eventual price tag of some $10 billion a year, or nearly double the Service's present budget?

I seriously doubt that anyone can answer these questions with any precision. For, not only does the Service face the unknowns involved in its labor negotiations, but the equally serious unknowns involved in its pending rate cases, as well.

One set of unknowns impinges upon the other.

And, until there is a settlement—however arrived at—in both such directions, not even the greatest artist in the world could draw an accurate picture of the Service's actual fiscal situation.

So, we have done the best we could, under all the existing circumstances—using our own best judgment, to arrive at the true needs, at the moment, of the Service in the forthcoming fiscal year. Those needs may change. Undoubtedly, they will, during the year and, if they change drastically enough it may be necessary for us, in some fashion, to take another look at them, which is a door I, for one, do not now wish to close.

Now, it may be said that we have not acted within the "spirit" or intent of the Postal Reorganization Act. And it may also be said that our recommendation, if adopted by Congress, will eventually force the Service to another round of rate increases or, possibly, to a reduction of service. Such things can be said, of course—and, in the first instance, with some effect since the intent of the Act is by no means clear with regard to all this—but, as to the latter instance, it may well prove to be true, no matter what we do, that the Service may have to consider a further rate increase, or reductions in service, if it does not wish to use its borrowing authority or to seek recourse, again, to Congress.

So much, then, for these imponderables, and I would like to move on, now, to a brief discussion of the last major cut as made in our bill—this in the amount of $792,000 for the Office of Management and Budget.

The budget of the "budgetkeepers" themselves has been growing substantially in recent years, as I assume you all know. OMB's 1972 request, if fully allowed, would authorize it to have 693 permanent, full-time positions. Perhaps they are all needed, for all I know, and I would not have been averse to allowing them. But, it was the judgment of the subcommittee that we should reduce the request by 18 such positions—and this is reflected in our action.

I know full well how some of my colleagues feel at the moment, Mr. Chairman, about some of the propensities of the OMB for "thwarting"—as it is put—what is considered to be "the will of the Congress." I assume we will hear more about all this as the afternoon wears on, and we are prepared for it—but I would suggest to my fair-minded colleagues who might be so inclined, that it would serve no valid nor useful purpose to whack away at OMB's budget, by way of amendment to this bill, in order to vent their spleen for what has, or has not, been OMB's way of recently doing business with the Congress. So, while we hope that will not happen, we are fully prepared to take your complaints in this regard in the hopes that, so presented as a matter of record, they may do some good.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 9271 the Treasury, Post Office, and general Government appropiration bill for fiscal 1972. As a member of the Appropriations Subcommittee which considered this bill, I am satisfied that this measure represents a sound and necessary appropriation level to continue and improve where needed the work of the agencies involved. I commend our counsel, Tex Gunnels and his single staff help, for their continued outstanding efforts and assistance.

The total appropriation recommended to you by the committee is $4,487,289,000 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. This amount represents a reduction of $293,287,000 below the budget estimates submitted to the Appropriations Committee.

The funds will include approximately 4,400 additional permanent positions for the agencies covered, exclusive of the Postal Service, a reduction of approximately 1,150 in the budget request, but as we shall indicate the committee assigned priority to needed personnel on the areas of drug control and law enforcement training.

Included in H.R. 9271 is a recommendation for an appropriation of $1.5 million for salaries and expenses of the Federal Law Enforcement Training Center, a new law enforcement school to be run by the Treasury Department. These funds will be used to cover the salaries and expenses of hiring personnel to train approximately 1,200 Treasury agents in 20 classes. There will also be an opportunity to expand the school and its classes as new facilities become available.

The committee recommends a $26 million increase over last year's budget for the Customs Bureau raising the appropriation to $174 million. These funds will include the establishment of 932 additional permanent positions within the Bureau. While the committee did reduce the budget request for the Bureau by $535,000 none of those budget cuts are in the areas of drug interdiction or law enforcement activities. We have assigned a high priority to the Customs Bureau activities in the drug abuse control field, particularly its responsibilities under the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513. Customs will also assume a greater burden under the President's new drug program. In addition of course the Bureau carries out major responsibilities under air pollution, automobile safety, firearm control, and other programs enacted in recent years. I take this opportunity to commend the men of the extension service for their outstanding work at the John F. Kennedy International Airport.

The U.S. Postal Service, under a new corporate structure, expects receipts in fiscal year 1972 to total nearly $7 billion from the sale of postage and other sources. The committee recommends an additional appropriation of $1,217,522,000. It is important to note that the committee bases his recommendation on an anticipated mail volume increase of over 3 percent. Notwithstanding this expected increase in volume no additional employment is considered necessary because of the reduction of management level personnel and the increased use of mechanical equipment. It is important to note that this appropriation in no way should effect rate or salary negotiation. This is a public service charge and if additional funds are proved to be necessary a supplemental would be in order.

Mr. Chairman, I urge my colleagues to support this legislation so that we may move forward in carrying out the programs and goals which Congress has established for the agencies covered.

Mr. ROBISON of New York. Mr. Chairman, I have no additional requests for time.

Mr. STEED. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I wish to thank most sincerely the distinguished chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED). I rise only with respect to one particular issue of this bill having to do with civil defense, in view of the fact that I have spoken several times on the dire need for a restoration of primacy for our civil defense. Because of the deteriorated and bad logistical situation of our Nation, it is my contention that our Nation is very highly vulnerable. At this very moment in Cuban waters there is a Russian nuclear submarine that does not even have to surface to send off a multiple warhead reentry vehicle that could send out as much as two megatons of destructive material throughout this country, either at will, or on thoroughly good planning or well-defined instructions.

In February, we had the occasion of a false emergency signal in the Nation. Radio stations and television stations suddenly received a national alert. They did not know what was going to happen, so they just followed instructions. The television station in my area did not know what to do, and they did not know whether to go off the air or what. So they went to this little box that they were supposed to open only in the case of this kind of an emergency alert.

They opened the box and saw the instructions. It said, "Open envelope." They opened the envelope and it said, "Wait until further instructions."

Suppose that had been a real emergency? Our country at this time, in my opinion, is vulnerable. I am not in a position to be knowledgeable at this particular point to say that I would know what amendment to offer so as to bring about what we need. But I do want to emphasize to the committee that this matter of civil defense as it has been restructured since 1963 is something that we had better look over and review and restore to a priority basis for the wellbeing of our Nation.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. EDWARDS of Alabama. Let me say to the gentleman, we went into this problem at great length in our subcommittee as to whether in fact we were prepared in the event of an emergency and whether in fact there is confusion, or potential confusion, in the event of an emergency between the Office of Emergency Preparedness and Civil Defense and others. I must say that this is the first year that we have had civil defense before our subcommittee and our subcommittee sees the need to get into it deeper and we so expressed this to the agency heads who came to testify before the subcommittee. It is my opinion that our subcommittee will, between now and next year, have a very much firmer understanding of the lines of coordination and what will take place in the event of a national emergency. I believe you are going to see a beefed up program and one that is better coordinated in all parts of the country.

Mr. GONZALEZ. I thank the gentleman.

Mr. McKEVITT. Mr. Chairman, I will cast my vote for H.R. 9271, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1972, even though I am disappointed that title 1 of the legislation does not include $1.5 million recommended by the administration for construction of mint facilities.

It had been my hope that these funds would have been retained in the legislation since they point the way to a sorely needed new mint facility for Denver.

Mr. Speaker, it is my understanding that the involved Appropriations Subcommittee declined to include the mint construction funds in the measure because it was felt that more information was needed by the subcommittee.

I will not attempt to restore the funds to the measure at this time. I want to give the subcommittee every opportunity to study the need for a new Denver Mint; and, therefore, will submit detailed information to House conferees who will be appointed to work out a final bill with the Senate.

I have every confidence that the money will be included in the Senate version of the legislation and that in the final bill the funds for mint facilities will be approved by the House.

In the meantime, I will attempt to inform the subcommittee and conferees on the need for these funds, and I will hope for a favorable outcome.

Mr. RARICK. Mr. Chairman, I rise to express opposition to H.R. 9271, the bill "Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes."

I am confident that I am speaking for my people when I oppose this bill because of its provisions regarding the Executive Office of the President; its various appropriations to the different agencies of "intergovernmental relations"—the guise under which the Federal Government works to gain complete control of the State governments; and its appropriations designed to strengthen the United Nations Organization by giving it vital information on our most important citizens. In this last instance, consider the passage that begins on page 14 of this bill:

> *Provided*, That $902,000 of this appropriation shall be available to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including advances or reimbursement to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive Order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence under 5 U.S.C. 5702, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

Specifically, Mr. Chairman, I object to the provisions of this bill that would authorize under different titles appropriations to the President in the sum of $13,087,000, to "be expended in his discretion and without regard to provisions of law regarding expenditures of Government funds," or "to be accounted for solely on his certificate." I do not feel that any thinking American would be in favor of such an appropriation, and I am confident that the people of my district would regard such an appropriation as authorizing a Federal slush fund designed to create additional power in and loyalty to the administration and its goals.

Furthermore, Mr. Chairman, I object most strenuously for my people to the appropriation of $13,529,000 to the different Federal agencies involved in strengthening Federal control over State governments—all under the guise of improving "intergovernmental relations." The language used in the bill supports my point, especially the paragraph dealing with the appropriations to Intergovernmental Personnel Assistance: "For grants to improve State and local personnel administration." This is not the function of the Federal Government: This is a matter that, according to the Constitution, belongs to the State and its people. I and my people object to our tax money being used in this manner.

Finally, Mr. Chairman, how could I ever convince the people of my district that they, in times like these, could ever benefit from an appropriations bill that would set aside $902,000 for "making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning U.S. citizens employed, or being considered for employment by such organizations"? We in the Sixth Congressional District of Louisiana do not favor one-world government or any idea or program that might advance its cause at the sacrifice of the U.S. Constitution and our individual liberties secured thereby. To consider appropriating virtually $1 million of our tax money to investigate our own citizens and their worthiness to participate in such organizations approaches absurdity and is an insult to the intelligence of America.

I intend to cast my people's vote against H.R. 9271.

Mr. STEED. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### FEDERAL LAW ENFORCEMENT TRAINING CENTER

### SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including the hire of passenger motor vehicles, $1,500,000.

Mr. SCOTT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 168]

Abourezk
Alexander
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Ashley
Baring
Barrett
Brasco
Bray
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Davis, Ga.
Denholm
Dent
Devine
Diggs
Dingell
Donohue
Edwards, La.
Fascell
Fish
Foley
Fraser
Galifianakis
Gettys
Hagan
Hanna
Hébert
Hicks, Mass.
Hillis
Horton
Ichord
Long, La.
McCulloch
McEwen
McKevitt
Martin
Mathias, Calif.
Murphy, Ill.
Pike
Podell
Purcell
Reid, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Runnels
Scheuer
Seiberling
Stephens
Stokes
Stuckey
Taylor
Tiernan
Whalley
Widnall
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9271, and finding itself without a quorum, he had directed the roll to be called, when 372 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Before the point of order, the Clerk had concluded reading title I to page 2, line 15. The Clerk will read.

The Clerk read as follows:

### GENERAL PROVISION

SEC. 101. Appropriations in this Act to the Department of the Treasury shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–2) including maintenance, repairs, and cleaning; and services as authorized by title 5, United States Code, section 3109.

This title may be cited as the "Treasury Department Appropriation Act, 1972".

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, I desire to ask a few questions of the distinguished chairman of the subcommittee, Post Office appropriations, who is most knowledgeable regarding the new U.S. Postal Service. We note in the report that the total revenues expected for next year for the Postal Service are to be $8,676,792,000. The gentleman did not put into the report the total amount of annual expenditures. We have $8.6 billion in income for postal receipts. What is the annual amount of the outgo—expenditures? What is the amount of annual total expenses of the Post Office Department?

Mr. STEED. The budget submitted to the subcommittee provided an outgo in 1972 of $10,151,514,000, of which the committee has made a reduction of $254 million.

Mr. EVINS of Tennessee. In other words, the postal receipts are estimated to be $8.6 billion, but the expenses of the Department will be $10 billion. I would like to know how much we are required to appropriate annually to subsidize the new Postal Service.

Mr. STEED. The amount provided for payment to the Postal Service this year is $1,217,000 million. That would be in addition to the $8,679 million from other sources of income, including postage.

Mr. EVINS of Tennessee. In other words, it is anticipated that every year there will be from $1 billion to $2 billion in subsidy for the new Postal Service. How many years is it anticipated that this subsidy payment will be required?

Mr. STEED. Under the law they have 5 years to phase in through rate increases the "revenue foregone" item which was estimated this year to be $481 million. Presumably that amount will diminish each year for 5 years until it disappears.

From that point on, for a total of 10 years the law provides that the Postmaster General may ask Congress for up to 10 percent of the 1971 total budget to cover public service costs.

Mr. EVINS of Tennessee. It would seem, with $8.6 billion in revenue and a monopoly in the operation of U.S. mail service, the operation should be at a profit—at least break even. I would point out that the Agriculture Department does not operate for profit. The Treasury Department, which manages our Nation's money and currency, does not operate for profit. Why is the Post Office Department—which was set up for service to our people—supposed to operate at a profit?

Mr. STEED. Well, it is not supposed to operate at a profit. As a matter of fact, the imposition of what we call public service activities on the Department means that these costs will not be passed on to the users of the mail. That is why the 10-percent payment by Congress under the corporation law was made a part of the law, because they estimate that public services to be performed in 1972 will cost in the neighborhood of $300 million.

Mr. EVINS of Tennessee. So the public may anticipate at least for the next 5 years they will have to subsidize the new Postal Service?

Mr. STEED. For the next 10 years.

Mr. EVINS of Tennessee. For the next 10 years?

Mr. STEED. Yes.

Mr. EVINS of Tennessee. I thank the gentleman for his courtesy and the information provided.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 406. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

This title may be cited as the "Independent Agencies Appropriation Act, 1972".

### AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 32, after line 19, insert:

"TITLE V—CLAIMS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

"SEC. 501. For payment of claims settled and determined in accord with the Fishermen's Protective Act of 1967 (22 U.S.C. 1971 and fol.) for amounts paid to the Government of Ecuador and certified to the Secretary of the Treasury by the Secretary of State in respect of the *Ocean Queen* (certified April 23, 1971), the *Day Island* (certified May 10, 1971), the *Apollo* (certified May 4, 1971), the *John F. Kennedy* (certified May 4, 1971), the *Quo Vadis* (certified May 12, 1971), and the *Sun Europa* (certified May 3, 1971), $387,190."

And on page 32, line 20, redesignate title V as title VI and renumber the remaining sections of the bill accordingly.

Mr. BOW. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) for 5 minutes.

Mr. DINGELL. Mr. Chairman, I rise today as chairman of the Subcommittee on Fisheries and Wildlife Conservation.

Mr. Chairman, as I am sure my colleagues know, some years ago with the passage of two statutes the country undertook to compensate from both appropriated funds and from an insurance-type fund to which the fishermen contributed fines and direct charges and similar charges in order to secure the release of vessels belonging to the United States which were seized illegally by foreign countries while fishing upon the high seas.

The language of the amendment sets out the potential recipients of compensation which should have been before us and sent up by the Bureau of the Budget. Unfortunately, through an oversight the Bureau of the Budget failed to add these vessels, although properly certified by the State Department to the Treasury, they were not submitted to the Congress of the United States for compensation according to law under the provisions of the act of August 27, 1954 and the amendments adopted August 12, 1968.

Mr. Chairman, under the Fishermen's Protective Act, whenever American fishing vessels are seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State is required—as soon as practicable—to take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

In any case where a vessel of the United States is seized under such conditions, and a fine, license fee, registration fee or any other direct charge, must be paid in order to receive the prompt release of the vessel and crew, the Secretary of the Treasury is required to reimburse the owners of the vessel the amount certified to him by the Secretary of State as being the amount of fine or other charge actually paid in order to obtain release of the vessel and crew.

Mr. Chairman, this brings me to the purpose of my amendment. Because of a clerical error by the Office of Management and Budget, reimbursable claims to six tuna vessel owners operating out of San Diego, Calif., in the amount of $387,190 were not included in H.R. 8190, the supplemental appropriation bill for fiscal year 1971.

At the time H.R. 8190 was being considered on the floor of the House, these six claims for reimbursement had already been certified by the Secretary of State to the Secretary of the Treasury and were ready for inclusion in H.R. 8190. But, as previously stated, these claims were not reported to the Congress when OMB was requested to furnish all certified claims to date. It is my understanding this request was made by the Senate Appropriations Committee staff.

Mr. Chairman, following is a list of the claims, setting forth the vessel owners, the amount to be remibursed, and the date of certification to the Treasury Department:

| Name of vessel | Amount paid to the Government of Ecuador | Date claims certified to Treasury |
|---|---|---|
| Ocean Queen | $69,100 | Apr. 23, 1971 |
| Day Island | 46,500 | May 10, 1971 |
| Apollo | 155,340 | May 4, 1971 |
| John F. Kennedy | 45,050 | Do. |
| Quo Vadis | 48,150 | May 12, 1971 |
| Sun Europa | 23,050 | May 3, 1971 |
| Total | 387,190 | |

Mr. Chairman, you will note that all of these claims were certified to the Secretary of the Treasury on or before May 12, 1971, the day on which the House passed H.R. 8190.

Mr. Chairman, if these vessel owners have to wait for the next supplemental bill, past practice indicates that it will be January or February of next year before these reimbursements could be disbursed by the Treasury Department. This would mean that these owners would be forced to borrow money until they are reimbursed, which means that at the prevailing rate of 9 percent interest in San Diego, Calif., these operators will be penalized an additional $34,870.00.

I would add, Mr. Chairman, that our State Department has the duty and responsibility to represent these people, and the fact is that they have not. The Congress has enacted legislation requiring that these moneys be withheld from foreign aid, but through what I believe is clearly the wrongful action of the State Department, this has not been done.

Mr. Chairman, in order to correct this inequity and the additional hardship that would be imposed on these vessel operators, I strongly urge the adoption of my amendment to appropriate an additional $387,190 so that the Secretary of Treasury can reimburse these outstanding claims.

Mr. Chairman, I might add that hopefully this situation will not arise again in the future. There is a bill pending before my subcommittee that would establish a revolving fund so that claims of this nature can be made within a matter of days after a seizure rather than having to wait anywhere from 6 to 18 months, as is the practice under present law. Hearings have already been held on this bill and I hope that it will be reported out of my subcommittee just as soon as possible.

Mr. Chairman, at the appropriate time I will request permission to submit communications from the Department of State and the Department of the Treasury certifying that these claims are ready for reimbursement under the Fishermen's Protective Act. However, since I cannot do so at this time, I will do so when we go back into the House.

The material referred to is as follows:

THE DEPARTMENT OF THE TREASURY,
*Washington, D.C., June 25, 1971.*

Hon. JOHN D. DINGELL,
*Chairman, Subcommittee on Fisheries, Wildlife, and Conservation, Committee on Merchant Marine and Fisheries, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to a telephone call received from Mr. Everett, Counsel to the Subcommittee, please be advised that there are on hand in this office, six vessel claims which have been certified by the Secretary of State to the Secretary of the Treasury. These claims are indicated below:

| Name of vessel | Amount paid to the Government of Ecuador | Date claims certified to Treasury |
|---|---|---|
| Ocean Queen | $69,100 | Apr. 23, 1971 |
| Day Island | 46,500 | May 10, 1971 |
| Apollo | 155,340 | May 4, 1971 |
| John F. Kennedy | 45,050 | Do. |
| Quo Vadis | 48,150 | May 12, 1971 |
| Sun Europa | 23,050 | May 3, 1971 |
| Total | 387,190 | |

Reimbursements to owners of vessels cannot be accomplished until funds are appropriated by the Congress specifically for this purpose.

We hope that this information is responsive to your inquiry.

Very truly yours,
S. L. COMINGS,
*Comptroller.*

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DEPARTMENT OF STATE,
*Washington, D.C., June 22, 1971.*

Hon. JOHN D. DINGELL,
*Chairman, Subcommittee on Fisheries, Wildlife and Conservation, Committee on Merchant Marine and Fisheries, House of Representatives.*

DEAR MR. CHAIRMAN: In accordance with your request, I wish to state that the following claims listed on the attached sheet filed by the private owners of fishing vessels assessed by Ecuador are subject to reimbursement under the provisions of the Fishermen's Protective Act of 1967 as amended. These claims have been certified by the Secretary of State to the Secretary of the Treasury on the dates indicated as provided for in the above act. It is my understanding that these claims have not been included in the supplemental appropriations bill H.R. 8190.

I hope that this information is responsive to your inquiry. If I can be of any further assistance to you, do not hesitate to call on me.

Sincerely,
DONALD L. MCKERNAN,
*Coordinator of Ocean Affairs.*

CERTIFIED CLAIMS NOT INCLUDED IN H.R. 8190

| Vessel | Owner(s) | Date of seizure | Date of certification of claim | Amount of claim |
|---|---|---|---|---|
| Apollo | Ocean Blazer, Inc., and Apollo Ventures, Inc | Mar. 3 | May 4 | $155,340 |
| Day Island | M/V Day Island, Inc | Jan. 23 | May 10 | 46,500 |
| John F. Kennedy | Ocean Fisheries, Inc | Feb. 10 | May 4 | 45,050 |
| Ocean Queen | Ace Fisheries Co., Inc | Jan. 18 | Apr. 23 | 69,100 |
| Quo Vadis | Mr. R. A. Watt | Jan. 21 | May 12 | 48,150 |
| Sun Europa | Mr. Salvatore Crivello, Mrs. Esther J. Lattuca (Crivello; Mr. Vincent Crivello; Mrs. Lena (Antonina Crivello), San Filippo; and Mrs. Thomas W. West, and Mrs. Thelma W. West ,as joint tenants. | Jan. 27 | May 3 | 23,050 |

Mr. Chairman, it is my hope that my colleagues will open their hearts to compassion, fair play, and a sense of justice and will support the amendment, and that the amendment will be adopted and thus correct the real legitimate need of American citizens who were seized wrongfully by a foreign power while they were fishing lawfully on the high seas.

The CHAIRMAN. The gentleman from Ohio (Mr. Bow) has reserved a point of order against the amendment.

Mr. BOW. Mr. Chairman, I shall be glad to reserve the point of order further if the gentleman from Washington (Mr. Pelly) desires to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, I rise to strongly support the amendment offered by the gentleman from Michigan (Mr. Dingell). Pursuant to the provisions of the Fishermen's Protective Act of 1967, as amended, our domestic fishermen are authorized reimbursement of funds which they have been forced to pay to various foreign countries, such as Ecuador and Peru, in order to obtain the return of their boats which were illegally seized on the high seas.

Under existing law, the Department of the Treasury must obtain an appropriation from Congress before these moneys can be paid to the fishing vessel owners. The customary procedure is to make such claims part of the claims and judgments section of proposed supplemental appropriation requests by the President of the United States. Generally, there are two supplemental appropriation requests made during a calendar year: One in April and another in November. Within the last few weeks, the first supplemental appropriation bill was passed by Congress, H.R. 8190. I am informed that due to a clerical error six of the 13 certified claims were inadvertently omitted from this supplemental. Seven of the 13 claims have been reimbursed and included in the supplemental appropriation bill. Thus, these six fishing vessel owners will have to wait until the next supplemental appropriation is considered, if at all, under the current procedure. This means that these owners will have to wait until the fall of 1971, and payment in January 1972. The practical impact of this long waiting period is that many of these fishing vessel owners are faced with high interest charges running in the hundreds of thousands of dollars on bank loans they have had to take out in order to raise the required cash capital to pay these illegal assessments.

The Department of State has certified to the Department of the Treasury that these six fishing vessel owner claims under the Fishermen's Protective Act are valid and should be paid.

This amendment would serve to fulfill the objectives of that act and materially alleviate the long waiting period which our fishing vessel owners must suffer under now.

Mr. Chairman, this problem of long delays in payment of claims submitted by fishing vessel owners and verified by the Department of State is one of the reasons why I have introduced the bill, H.R. 7117, which would amend the Fishermen's Protective Act of 1967, as follows:

First, by imposing an additional duty on the Secretary of State to take action to be immediately notified of the charges paid by vessel owner to the seizing country for release of the vessel and crew;

Second, by creating a lien on the vessel seized to the extent the vessel owner is reimbursed under the act by the Secretary of the Treasury;

Third, by requiring the Secretary of State to immediately notify the seizing country of the reimbursements and payments made by the United States under the act;

Fourth, by directing the Secretary of State, after a passage of 120 days from the date of notice, to transfer funds appropriated by Congress and programed under the Foreign Assistance Act for the seizing country to a fund account administered by the Secretary of the Treasury;

Fifth, by creating a revolving fund for use by the Secretary of the Treasury to reimburse certified claims, initially capitalized at $3 million; and

Sixth, by allowing certified claims since December 31, 1970, to be reimbursed retroactively after enactment into law from such newly created fishermen's protective fund.

The Merchant Marine Committee held hearings on this important legislation on June 3, 1971, and the course of the testimony presented at that time, fully substantiated the need for passage of this important amendment. I urge its adoption.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. WYATT. Mr. Chairman, I support the gentleman in his position on the amendment and on his forthright stand, and also the gentleman from Michigan.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, it has been emphasized that these are claims that are completely valid inasmuch as the fishermen are owed the money and are going to be paid the money. They have been assessed these fines as a result of doing what the State Department has instructed them to do, which is not to refrain from fishing on the high seas off of South America; is that correct?

Mr. PELLY. That is absolutely correct. The fishermen can ill afford to borrow such substantial sums and pay interest over a long period of time when the money is due them from the Government under the law.

Mr. VAN DEERLIN. It could well be that it would be delayed the better part of a year.

Mr. PELLY. I agree with the gentleman that there will not be a supplemental so far as I know until next fall.

Mr. VAN DEERLIN. I thank the gentleman.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on his point of order?

Mr. BOW. I do, Mr. Chairman, and I shall be very brief.

Mr. Chairman, there is no question but that the law does provide for the payment to these fishermen who have had their ships seized in Ecuador.

But I call the attention of the chair to what the gentleman from Michigan has said, which is quite correct, that the law has been amended—that is, the original law of 1926 has been amended—the law of 1927—to provide where there is a seizure of this kind that the payment shall be made from the withholding of foreign aid funds from the recipient country. The law so provides, and this has not been done. So the amendment of the law would provide the method of payment in those countries which receive foreign aid and Ecuador is one of them. So it would seem to me that at this time there is no authority for an appropriation, because the law provides that it shall be paid out of foreign aid funds and not by an appropriation here.

I point this out simply to call attention to what the distinguished gentleman from Michigan has stated, and I think he will agree that this is what the law is.

Mr. DINGELL. If the gentleman will yield, I do not agree—and I will cite the law to you here and will point it out to you.

Mr. BOW. I have just read the law within the last 10 minutes and my memory is not that bad.

But I will say, Mr. Chairman, that they should be paid out of these foreign aid funds and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Michigan (Mr. Dingell) desire to be heard further on the point of order?

Mr. DINGELL. Yes, Mr. Chairman.

Mr. Chairman, I happen to have before me the two statutes which are relevant here and I will cite them to the Chair at this particular time.

The first is that the act of August 27, 1954, 68 Stat. 883–22 U.S. 3 71–76—the relevant part of that statute reads as follows—and this is section 2:

> In any case where—
>
> (a) a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States; and
>
> (b) there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

Then comes the following language:

> Reimbursement—

The CHAIRMAN. Will the gentleman from Michigan cite the section of the Code from which he is reading?

Mr. DINGELL. It is 22 U.S.C. 1971 to 1976.

Mr. Chairman, very briefly, what the law says that once the Secretary of State has certified the amounts paid to the

Secretary of the Treasury, that the Secretary of the Treasury shall procure an appropriation from the Congress and shall pay from appropriated funds the fine and other charges necessary.

Then subsequently, Mr. Chairman, in the statute of the 90th Congress, Public Law 90-482, dated August 12, 1968—and this appears at 75 Stat. 424, 22 U.S.C. 2151—we amended the statute then to add to the word "fine," which the United States is supposed to compensate these fishermen for; in addition to that, license fee, registration fee, or any other direct charge, and the committee in this report interpreted this as being anything that is necessary to release the vessel from the holding of the foreign government—in each of these cases, I believe, the Government of Ecuador. I would be happy to read the statute further if the gentleman desires.

Mr. BOW. Mr. Chairman, will the gentleman yield to permit me to read that part which says that the fine and charges shall be paid out of the foreign aid funds?

Mr. DINGELL. There is such a statute, but I would tell my good friend from Ohio the statute to which he is now addressing himself is another statute which says that the Secretary of State shall withhold and shall compensate the United States for the amounts paid out. We were very careful, I want my good friend from Ohio to know, in drafting the statute not to set it up so that the Secretary of State would have to withhold the fine from foreign aid funds so as to leave our fishermen naked and destitute. I do not believe the committee felt that we should trust the Secretary, making the commercial fishermen subject to that kind of whim or mercy.

I yield to my friend from Washington State, who is the author of the statute. I think he can give us some useful comments.

Mr. PELLY. Mr. Chairman, I agree with my colleague from Michigan (Mr. DINGELL), and insist that the appropriations for the reimbursement to the fishermen of fines is not contingent upon any reduction from any allocation of foreign assistance. Actually and in fact the law reads that the Secretary of State shall take such steps as he deems appropriate to file a claim with a foreign country, and then after that claim is refused, within 120 days he shall deduct and reimburse the Treasury for the amount of money that the foreign country does not pay on that claim. I believe the gentleman from Michigan is correct in saying that this is not subject to a point of order.

Mr. DINGELL. If the gentleman will yield further, I would like to bring to the attention of the Chair that in my extension of remarks I will submit to the House language indicating that all steps which must be taken to comply with the law, namely, certification by the Department of State and the Secretary of the Treasury, have been taken care of and are before the Congress at this time.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

Under section 1973 of the United States Code, title 22, there is an authorization, as the gentleman from Michigan has said, which does permit the payment of charges and authorizes these payments.

In spite of the fact that there is a reference in section 1975 to action by the Secretary of State, nevertheless the Chair does not find that the condition as contended for by the gentleman from Ohio is contained in this section. The Chair believes the law cited by the gentleman from Michigan would authorize the appropriation carried in the amendment. The Chair finds the point of order is not well taken and overrules the point of order.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe it is obvious to the Members from the discussion we have just had that this is not an entirely simple situation, even though it involves only $387,000.

There have been no certifications from the Office of Management and Budget. The subcommittee has had no information from the State Department or the Treasury Department, and we have been in session all year long.

While I have the greatest sympathy on earth for the people involved here, it seems to me it is a dangerous procedure that is proposed here, to ask the House to take this action, in view of the fact that we have no information upon which to base it or justify it.

While I would be glad to help the gentlemen any way I could, I am unwilling to be a party to setting a precedent here today for this sort of thing.

I believe most of us know this may be a recurring type of problem. It seems to me, distressful as it might be to delay this, for the affected people, there is need for the House to have orderly process. This is entirely without any opportunity for the subcommittee to be knowledgeable about it, and we have had no proper certification through channels on it. I hope the House will defeat the amendment, not on its merits, but on the fact that it comes here in a situation which I believe sets a bad precedent.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I will insert in the RECORD—I am not able to do so at this time—letters from the Department of State and the Department of the Treasury indicating that certifications have been brought forward and that the entire matter is the fault of the Bureau of the Budget, in that these figures did not arrive on time.

Mr. STEED. I do not doubt the gentleman's word, or anything else, but it seems to me if they are able to provide all this information the way the gentleman presents it the subcommittee at least could have been provided the same information. Since we were not, I believe we have to insist, so long as the House will support us, that this sort of thing come to us in the regular way so that we can give it regular consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 508. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

### AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD: On page 36, insert "(a)" immediately after "SEC. 508." in line 10; and immediately below line 14 on page 36 insert the following:

"(b) No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, or any officer or employee of the Government of the United States outside the United States Postal Service, who—

"(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

"(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection."

### POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment, and I should like to be heard on the point of order.

The CHAIRMAN. At this point?

Mr. BOW. Yes, Mr. Chairman.

Mr. Chairman, this, it seems to me, is subject to a point of order in several instances. First of all, there is paragraph (b) of the amendment. There is a provision that no part of any appropriation contained in this or any other act shall be available for the payment of the salary of any officer or employee of the U.S. Postal Service. It is not limited to this act but to any other act, which I think makes it subject to a point of order.

Furthermore, under the next provision, which prohibits or prevents, or attempts or threatens to prohibit or prevent, that puts such additional duties on the director of the Postal Service that it becomes almost impossible for him to administer this, particularly as to further threats in the future.

I believe it is very apparent from reading this that additional duties are placed on the executive branch of the Government, on the Postal Service, and in addition to any objections to part (b) or the rest of the amendment, I believe it is sufficient to sustain the point of order.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. WILLIAM D. FORD. Yes, I do, Mr. Chairman.

First of all, it is not necessary to legislate with this amendment, because the law that this amendment attempts to enforce has been on the books and it has been the law of this country since 1912. We now have substantive law which now very substantially says that you shall not do any of the things set forth in this act. What this amendment proposes to do is withhold the expenditure of the supplemental funds being appropriated by this bill to the operation of the Postal Service from anyone who violates the law that has been the law since 1912. The only determination that is necessary to be made by anybody is not to violate the law.

Traditionally we have assumed that all citizens of this country, more particularly those that have subscribed to the constitutional oath of office, such as those in the executive branch of the Government, are presumed to know the law. So, the only determination that is necessary for anyone to find out what they should or should not do, that just means avoiding violating the law already on the books.

What it does is limit the Secretary of the Treasury in expending these funds in effect to the executive branch to compensate any person if he violates the law by attempting to prevent or by attempting to prevent or preventing in fact or punishing someone if he is unable to prevent it, that person being an employee of the Postal Service and while in that status contacts either an elected Member of the House of Representatives or the Senate.

Mr. Chairman, on January 12 of this year the Postmaster General, long before the new Postal Corporation was to go into effect, issued a directive saying that it would be a violation of the rules of the Postal Service for any employee either individually or through his organization to contact any Member of this House or any member of our staff or any committee of this House, or of the other body directly or indirectly, and he spelled out all the forms of communication known to man.

Thereafter, the Postmaster General amplified that regulation and explained it more fully and specified that it would no longer at any time in the future be necessary for any employee to inquire directly or indirectly of any Member of Congress. Therefore, the violation involved in the regulation promulgated by the Postmaster General would be the simple establishment of contact and the response to an inquiry, whether it were initiated by a communication from a postal employee to either one of the Members of the House or Senate or a member of their staff of the House or Senate committee.

Mr. Chairman, in my opinion the duties imposed upon the Executive to determine whether this is in fact an added duty was determined when we had under consideration last week the bill dealing with food stamps, falling far short with respect to determining whether a person who is receiving food stamps is out on a strike, and that was the only reason they were receiving food stamps. I would cite as authority in rebuttal that this is legislation on an appropriation bill the ruling of the chairman, the gentleman from Texas (Mr. Wright) on Wednesday of last week with regard to that particular issue.

The CHAIRMAN (Mr. Monagan). The Chair is ready to rule. The gentleman from Ohio (Mr. Bow) makes a point of order against the amendment, on the one hand, on the ground that it imposes additional duties upon the officers and employees of the Postal Service and, secondly, that it refers to matters that are not included in this particular bill.

The Chair finds that this amendment does not impose additional duties to the extent that is objectionable under the precedents relating to limitations on appropriation bills. However, the Chair also finds that the amendment does seek to cover matters beyond those which are in the purview of this bill since it provides that no part of any appropriation contained in this or any other act shall be available for certain purposes with respect to officers or employees of the Government whether inside or outside the U.S. Postal Service or agencies covered by this bill.

Therefore, this constitutes legislation on the pending appropriation bill and the Chair sustains the point of order.

### PARLIAMENTARY INQUIRY

Mr. WILLIAM D. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WILLIAM D. FORD. As I understand the parliamentary situation at the moment—and I have already consulted with others who are supporting this amendment—if the amendment were offered without the specific language mentioned in the latter part of the Chairman's ruling, I believe it would meet the objections that have led to the sustaining of the point of order.

My parliamentary inquiry is, may I ask unanimous consent, and save the time of the House that would be consumed by waiting for the appropriate time to reoffer the amendment in the altered form?

The CHAIRMAN. The Chair will state that the Chair cannot make any specific ruling on what the situation might be with a particular amendment that has not, as yet, been offered.

Mr. WILLIAM D. FORD. Mr. Chairman, may I be recognized for a unanimous consent request?

The CHAIRMAN. The Chair will state that the gentleman from Michigan may offer another amendment if the gentleman wishes to do so.

### AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. William D. Ford: On page 36, insert "(a)" immediately after "Sec. 508." in line 10; and immediately below line 14 on page 36 insert the following:

"(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service,

"(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any member or committee of Congress in connection with any matter pertaining to the employment of such officers or employee or pertaining to the United States Postal Service in any way, irrespective of whether such of such officer or employee or in response communication or contact is at the initiative to the request or inquiry of such Member or committee; or

"(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection."

### POINT OF ORDER

Mr. BOW. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN (Mr. Monagan). The way the pending amendment was submitted and in view of the former ruling of the Chair and the reasons the Chair then gave, the Chair is of the opinion that the amendment is in order and, therefore, overrules the point of order.

The Chair recognizes the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. I thank the Chair and, Mr. Chairman, I would ask for an immediate vote on the amendment, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. William D. Ford).

The question was taken; and on a division (demanded by Mr. Robison of New York), there were—ayes 68, noes 27.

So the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Monagan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered on the bill and the amendments.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 154, noes 41.

So the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 6, not voting 47, as follows:

[Roll No. 169]

YEAS—380

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—6

Derwinski
Gross
Hall
Rarick
Schmitz
Skubitz

NOT VOTING—47

Anderson, Calif.
Ashbrook
Brasco
Bray
Cederberg
Chisholm
Clay
Davis, Ga.
Denholm
Dent
Devine
Diggs
Donohue
Drinan
Edwards, La.
Eilberg
Fascell
Fish
Gallagher
Gettys
Hagan
Harrington
Hébert
Henderson
Hicks, Mass.
Hillis
Hunt
Ichord
Long, La.
McCulloch
McEwen
Martin
Mathias, Calif.
Mikva
Murphy, Ill.
Purcell
Rooney, Pa.
Rostenkowski
Roybal
Runnels
Seiberling
Stephens
Stuckey
Taylor
Udall
Waldie
Whalley

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Ashbrook.

Mr. Brasco with Mr. Hunt.

Mr. Fascell with Mr. Hillis.

Mr. Taylor with Mr. Fish.

Mr. Rostenkowski with Mr. Bray.

Mr. Donohue with Mr. Cederberg.

Mr. Anderson of California with Mr. Mathias of California.

Mr. Roybal with Mr. Clay.

Mr. Denholm with Mr. Diggs.

Mrs. Chisholm with Mrs. Hicks of Massachusetts.

Mr. Edwards of Louisiana with Mr. Devine.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Murphy of Illinois with Mr. McEwen.

Mr. Udall with Mr. Martin.

Mr. Eilberg with Mr. Davis of Georgia.

Mr. Mikva with Mr. Seiberling.

Mr. Stuckey with Mr. Stephens.

Mr. Hébert with Mr. Gallagher.

Mr. Purcell with Mr. Hagan.

Mr. Ichord with Mr. Waldie.

Mr. Rooney of Pennsylvania with Mr. Henderson.

Mr. Drinan with Mr. Runnels.

Mr. Gettys with Mr. Harrington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## CONFERENCE REPORT ON S. 31, EMERGENCY EMPLOYMENT ACT

Mr. PERKINS submitted the following conference report and statement on the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes:

### CONFERENCE REPORT (H. REPT. No. 92-310)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Emergency Employment Act of 1971".

### STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from

socioeconomic backgrounds generally associated with substantial unemployment and underemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed or underemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities; and

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

### FINANCIAL ASSISTANCE

SEC. 3. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purposes of providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

(b) Not less than 85 per centum of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

### ELIGIBLE APPLICANTS

SEC. 4. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants which shall be—

(1) units of Federal, State, and general local government; or

(2) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or

(3) Indian tribes on Federal or State reservations.

### AUTHORIZED APPROPRIATIONS

SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $750,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) (1) No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in paragraph (2).

(2) If, any time subsequent to the Secretary's determination under this section, the rate of national unemployment (seasonally adjusted) equals or exceeds 4.5 per centum for three consecutive months, the Secretary shall, notwithstanding the provisions of paragraph (1), resume the obligation of funds appropriated under this section until a new determination has been made under paragraph (1).

(3) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment shall continue to be so counted if they continue in such employment.

(c) Whenever the Secretary makes any determination required by subsection (b), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

### SPECIAL EMPLOYMENT ASSISTANCE

SEC. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated $250,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding fiscal year, to carry out the provisions of this section.

(b) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment, for unemployed and underemployed persons residing in areas of substantial unemployment, in jobs providing needed public services.

(c) For the purpose of this section—

(1) "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 per centum for three consecutive months as determined by the Secretary; and

(2) "eligible applicant" means any unit or combination of units of general local government or any public agency or institution which is a subdivision of any such unit, or an Indian tribe on a Federal or State reservation, which is or has within it an area of substantial unemployment.

(d) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

### APPLICATIONS

SEC. 7. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that special consideration in filling public service jobs will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964 in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that procedures established pursuant to section 11(a) will be complied with;

(15) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing these persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(17) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(18) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(19) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(20) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

### APPROVAL OF APPLICATIONS

SEC. 8. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

### ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

### TRAINING AND MANPOWER SERVICES

SEC. 10. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts appropriated under section 5.

### SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 11. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 5(b)(1) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 5, the Secretary may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

### SPECIAL PROVISIONS

SEC. 12. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this Act will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area as that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 13 of this Act.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(i) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

### SPECIAL REPORT

Sec. 13. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 11(c) and 12(f) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

### DEFINITIONS

Sec. 14. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention, and control, prison, rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed:

(6) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(b) As used in section 12(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

### EFFECTIVE DATE

Sec. 15. This Act shall be effective upon enactment and the determinations to be made under sections 5(b) and 6(c)(1) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

And the House agree to the same.

Carl D. Perkins,
Dominick V. Daniels,
Lloyd Meeds,
William D. Ford,
Phillip Burton,
Augustus F. Hawkins,
Joseph M. Gaydos,
James H. Scheuer,
Mario Biaggi,
Ella Grasso,
Louise Day Hicks,
Edith Green,
Albert H. Quie,
Marvin L. Esch,
William A. Steiger,
Edwin D. Eshleman,
Earl B. Ruth,
Edwin B. Forsythe,
Victor V. Veysey,
John N. Erlenborn,
*Managers on the Part of the House.*

Gaylord Nelson,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Harold E. Hughes,
Adlai E. Stevenson III,
Jennings Randolph,
Richard S. Schweiker,
Jacob K. Javits,
Winston Prouty,
Robert Taft, Jr.,
*Managers on the Part of the Senate.*

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

First, on the issue of a "transitional" public service employment program the House receded and accepted the Senate language.

As agreed to by the conferees the word "transitional" describes, first of all, the limited duration of the authorized program, in that this act expires on June 30, 1973, and the fact that funds for the principal program cease to be obligated when the national rate of unemployment recedes below 4.5 percent.

Second, for individuals employed under the program it is the intention of the conferees that public service employment jobs lead wherever possible to positions not supported under this act in the public or private sector.

To accomplish this the application section requires that, to the extent feasible, local programs be designed with a view toward developing new careers or providing opportunities for career advancement, or continued training directly related to the job to be done. But a limitation of 15% is placed on the amount of funds under this act that can be spent on training. Funds for wages and benefits—for jobs—are the first priority.

In addition the conferees agreed that applications shall include provisions setting forth assurances that special consideration will be given to filling jobs which provide sufficient prospects for advancement, and provide persons employed with needed skills, and assurances that jobs are provided in fields likely to expand and a description of career opportunities and job advancement potentialities for participants.

Applications must also provide assurances that the hiring jurisdiction will analyze job descriptions, reevaluate skill requirements at all levels of employment, and reevaluate civil service requirements and practices in order to provide upward mobility within public employment, provide linkages with upgrading and other manpower training programs funded under other authorities to help individuals find permanent, upwardly mobile careers in public or private employment.

Section 11 of the conference agreement provides that the Secretary shall establish procedures for periodic review of the status of persons employed in a public service job in order to help employees secure a better job of his or her choice if one is available.

All this language is intended to make it crystal clear that public service employment shall not be of the "dead end, make work" sort that is feared by the critics of public service employment.

It is the clear intention of the conferees that the program not be administered in such a way as to make of the jobs simply training "slots" with stipends, or, just as bad, a sort of disguised welfare, or transfer payment program. Such a result would be demeaning for the workers, waste taxpayers' money, and represent a fraud on the American people.

It was with these concerns in mind that the conferees agreed that the word "transitional" as used in this act—

Does not in any way limit that length of time an individual can stay on a specific public service employment job during the term of this Act—and no regulation may require such limitation;

Does not limit the kinds of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, and other jobs widely recognized as necessary and permanent in anture;

Does not prohibit the re-employment of those who have been laid off regular public service jobs because of fiscal problems at the local level. In fact, the conferees expect that many localities will rehire such employees.

At a time when the unmet needs in the public sector of the economy are so enormous—in health, teaching and child care, in public safety and probation work, in conservation and the environment—it would be tragic if the valuable skills and energies of those employed under this act were wasted on meaningless jobs. Designing programs that will quickly get people into meaningful employment is not easy. Therefore the conferees wish to emphasize the importance they place on paragraph (8) of section 7(c) providing for eligible applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs."

2. The statements of findings and purpose of the Senate bill and the House amendment are substantially similar with one exception. The Senate bill contains the word "transitional" in several instances; the House amendment does not. The House recedes to the language of the Senate bill with the understanding that the word transitional shall be construed by the Secretary in accordance with the discussion of the word "transitional" above.

3. The Senate bill authorizes the Secretary to enter into arrangements with public and private nonprofit agencies; the House amendment authorizes agreements with eligible applicants (which do not include private nonprofit agencies). The Senate bill also stipulates that the employment be transitional, and that it enables persons employed thereunder to move into employment or training not supported under this Act, a discussion of which appears above. The conference agreement does not authorize the Secretary to enter into arrangements with private nonprofit agencies.

The House amendment provides that financial assistance under the Act would be made available to meet "the full cost of providing employment" in public service jobs. The Senate bill does not contain this language.

The conference agreement provides that not less than 85 per cent of the funds appropriated shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

It is the explicit intent of the conferees that, funds made available under this Act for other purposes, such as planning and evaluation, training and other manpower and supportive services, administrative expenses, and any program costs other than wages and employment benefits, shall be paid for from the funds not set aside for wages and benefits.

4. Both the Senate bill and the House amendment authorize units of Federal, State and general local government, Indian tribes, public agencies and institutions which are subdivisions of state or general local government, and institutions of the Federal Government to be eligible applicants. In addition the Senate bill also makes eligible applicants of private nonprofit agencies and institutions (including local service companies) and other public agencies and institutions. The Senate recedes.

5. The House amendment authorizes $200 million immediately, $750 million for fiscal year 1972 and $1 billion for each of the three succeeding fiscal years. The Senate bill authorizes up to $750 million for fiscal year 1972 and up to $1 billion for fiscal year 1973 with the stipulation that the Secretary shall obligate $500 million when the rate of national unemployment equals or exceeds 4½ percent, and shall obligate an additional $100 million for each one-half of one percent by which the rate of national unemployment exceeds 4½ percent. The Senate recedes with an amendment authorizing $750 million for fiscal year 1972 and $1 billion for fiscal year 1973.

6. The House amendment provides that if, subsequent to a determination by the Secretary that the national unemployment rate has receded below 4½ percent and a cessation of the obligation of funds, the national unemployment rate returns to the level of 4½ percent or more for three consecutive months, the Secretary shall resume the obligation of funds. The Senate bill contains no comparable provision. The Senate recedes.

7. The House amendment contains a provision which transfers any unobligated balances left over at the end of any fiscal year to the Special Employment Assistance Fund. The Senate bill contains no comparable provision. The House recedes.

8. The House amendment provides that, for the purpose of determining national unemployment rates as used in this section only, persons who were being counted as unemployed before their employment under this Act would continue to be so counted. The Senate bill contains no comparable provision. The conference agreement contains the House provision with the stipulation that persons would continue to be so counted as long as they continue to be employed under this Act.

9. The House amendment contains a provision establishing a Special Employment Assistance Fund. The Fund operates separately from the main program of public service employment and is not affected by shifts in the national unemployment rate. It is to be used to provide funds for public service jobs in local areas where the unemployment rate is 6% or more. Eligible applicants are units or combinations of units of general local government, public agencies and institutions which are subdivisions of such units or Indian tribes. For the purpose of carrying out the provisions of the Fund there is authorized $250 million for fiscal year 1972 and such sums as may be necessary for each of the three succeeding fiscal years. In addition, any balances remaining unobligated by the end of the fiscal year in the principal program are transfered to the Fund. The Senate bill contains no comparable provision. The conference agreement authorizes a "Special Employment Assistance Program" similar to the provisions of the House amendment with an authorization of $250 million for each of the fiscal years ending June 30, 1972, and June 30, 1973. The concept of a special fund in the Treasury was deleted from the conference agreement.

The conference agreement also includes a definition of the word "area" as it is used in this section. The conferees intend that the Secretary will exercise discretion, consistent with the provisions of this Act, in determining what constitutes an area for the purpose of this section.

It is the understanding of the conferees that areas within cities (or areas within rural counties) such as Chinatown or the Mission District in San Francisco, Uptown or Lawndale in Chicago, Watts or East Los Angeles in Los Angeles, portions of Seattle, Harlem, or Bedford-Stuyvesant in New York will be so designated by the Secretary.

With respect to rural areas, it is expected that in most cases the entire area served by an eligible applicant will qualify. The conferees wish to make it unmistakably clear, however, that the same principles outlined for cities would apply to counties, and in particular to areas within rural counties, and where such areas qualify the conference agreement requires the Secretary to designate them just as he would an area within a city.

It should be understood that it is not our purpose to encourage the designation of areas which are so small in size as to hold little promise of making an impact on the unemployment problem in that community. While the principal concern is to narrow the area which would qualify for designation, the conferees wish to indicate that any such area should be large enough so that an individual can reasonably commute to a place of employment within such area.

While the conferees intend and the bill states that persons employed in jobs paid for by funds authorized by this section reside within the area designated by the Secretary, it is not our intent that the places of employment necessarily be within the designated area, but merely within the jurisdiction served by the unit of general local government submitting the application.

10. Both the House amendment and the Senate bill require the submission of an application setting forth a public service employment program designed to provide employment and, where appropriate, training and manpower services which are otherwise unavailable, in jobs providing needed public services. The Senate bill also contains the word "transitional" in describing the public service employment program. The House receded with the understanding that the word "transitional" would be construed by the Secretary in a manner indicated earlier in the joint statement.

11. The Senate bill also provides that programs assisted under this Act shall be designed with a view toward: (1) developing new careers, (2) providing opportunities for career advancement, (3) providing opportunities for continued training, and (4) providing transitional employment enabling in-

dividuals to move into public or private employment or training not supported under this Act. The House amendment contains no comparable provision. The conference agreement provides that programs shall, to the extent feasible, be designed with a view toward such objectives.

12. Both the Senate bill and the House amendment require a description of the area to be served, and certain other data. In addition, the House amendment requires the submission of a plan for serving all significant segments of the population within that area. The Senate bill contains no comparable provision. The Senate recedes.

13. The House amendment provides that preference in filling public service jobs will be given to veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contains no comparable provision. The conference agreement provides that special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964 and who received other than dishonorable discharges.

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently returned veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to ensure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs.

14. Both the House amendment and the Senate bill contain provisions requiring an annual review of the status of each participant by an appropriate agency, and, where appropriate, assistance to the participant in locating alternative employment or training opportunities. The House amendment requires that this assurance be given in the application submitted by an eligible applicant. The Senate bill makes this a special responsibility of the Secretary. The House recedes.

15. The Senate bill provides that all persons employed under this Act, except for technical, supervisory, and administrative personnel, will be selected from among unemployed persons. The House amendment contains no comparable provision. The House recedes to the Senate language with the understanding that the exception herein created would apply only to those persons hired to provide full-time technical or administrative services to programs funded under this Act, or to supervise persons employed under this Act.

16. The House amendment provides that no more than one-third of the program participants will be professionals as defined by the Fair Labor Standards Act (except school teachers). A waiver is provided in exceptional circumstances. The Senate bill contains no such restriction. The Senate recedes.

17. The Senate bill provides that the Federal share of public service employment programs may not exceed 90 percent of the cost. The House amendment contains no such limitation. The conference agreement retains the provision of the Senate bill with respect to the maximum federal share but adds that the local share may be in cash or in kind. The conferees intend that administrative expenses incurred by eligible applicants in carrying out programs under this Act will count toward the fulfillment of the local share requirement. It is the intent of the conferees that the Secretary take cognizance of the financial plight of state and local governments, and that he will make full use of his authority to waive the matching requirement wherever it would cause a hardship or prevent a community from participating in the programs authorized by this Act.

18. The Senate bill provides that a community action agency in the area to be served shall have an opportunity to submit comments with respect to a public service employment application to both the applicant and the Secretary. The House amendment contains no comparable provision. The Senate recedes.

19. The House amendment provides for the allocation of 80 percent of the funds according to a formula based on the proportion which the total number of unemployed persons in an area bears to the total in that state and the total in the state bears to the total nationally. The remaining 20 percent may be allocated by the Secretary as he deems appropriate. The Senate bill requires the Secretary to apportion funds on an equitable basis among and within states, and among urban and rural areas, giving consideration to the relative incidence of unemployment in the area served by an applicant. The Senate recedes.

20. Both the House amendment and the Senate bill provide that funds appropriated under this Act may be used for training and manpower services for persons employed in public service jobs under this Act. The House amendment limits the amount of the funds which may be used to 15 percent of the amounts appropriated under section 5; the Senate bill limits the amount to 20 percent of the amounts available for carrying out the Act. The Senate recedes.

21. Both the House amendment and the Senate bill contain restrictions against displacing currently employed workers and against impairing existing service contracts or substituting federal for other funds in connection with work that would otherwise be performed. In addition, the Senate bill requires that the public service employment program will not substitute public service jobs for existing federally assisted jobs. The House amendment contains no comparable provision. The House recedes.

22. The House amendment requires that an employer pay his employees the higher of the Federal minimum, the State minimum, or the prevailing rate of pay in the same area for persons employed in similar public occupations. The Senate bill requires that the employer pay the higher of the Federal, State or local minimum, or the prevailing rate that the employer pays for persons he employs in similar occupations, to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.

The conference agreement accepts the Senate language with respect to the prevailing wage "by the same employer," but deletes the proviso "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act."

With particular reference to the language dealing with prevailing wages, the conferees agree that in determining prevailing rates, the determination is to be based upon the prevailing rates of pay for other persons employed by the eligible applicant in similar public occupations. To illustrate, in the case of a city using Federal funds received under this Act to employ nurses in municipal hospitals, the prevailing wage would be that paid to other nurses in the same or similar jobs in municipal hospitals. If, however, another city agency or department—for example, the Department of Public Health—also employed nurses with funds received under this Act, the prevailing rate of pay for those nurses would be the rate paid by that department to other nurses even if it differed from the rate paid at the municipal hospitals.

23. The House amendment provides that no person employed in a public service job under this Act may be paid in excess of $12,000 per year. The Senate bill contains no comparable provision. The conference agreement limits the payments under this Act to $12,000 per year per job. The conferees do not intend this provision to limit the total amount an individual can receive, but simply limits the Federal contribution.

24. Both the Senate bill and House amendment provide that participants will have the same fringe benefits and working conditions as other employees of the employer. The Senate bill also stipulates that participants will enjoy promotional opportunities neither more nor less favorable than other employees enjoy. The House recedes.

25. The House amendment provides that no funds will be used for the acquisition or rental or leasing of supplies, equipment, materials or real property. The Senate bill contains no such restriction. The Senate recedes.

26. The Senate bill contains a provision which stipulates that if the provisions of the Davis-Bacon Act would otherwise apply to a project, nothing contained in this Act shall exempt such project from such coverage. The House amendment contains no comparable provision. The Senate recedes.

27. The House amendment contains a provision requiring that where programs involve physical improvements, special consideration be given to those improvements used by low-income families or located in areas having high concentrations of low-income persons. The Senate bill contains no comparable provision. The House recedes.

28. The Senate bill contains a provision authorizing the Secretary to make expenditures for construction, repairs, and capital improvements. The House amendment contains no comparable provision. The Senate recedes.

29. The Senate bill provides that the acceptance of family planning services provided to participants will be voluntary, and that no participant may be required to accept them in order to qualify for a public service job. The House amendment contains no comparable provision. The Senate recedes.

30. The Senate bill requires the submission of periodic reports to the Secretary including such data as: (1) characteristics of program participants including age, sex, race, health, education level, and previous wage and employment experience, (2) duration in employment situations, and (3) cost per participant broken down into categories. The House amendment contains no comparable provision. The House recedes.

31. The Senate bill contains a provision requiring the Secretary to review every six months the implementation of the procedures requiring periodic reviews of each participant. The House amendment contains no comparable provision. The House recedes.

32. The Senate bill provides that up to 1 percent of the funds appropriated pursuant to section 5 may be reserved by the Secretary in order to provide for a continuing evaluation of programs assisted under this Act. The House amendment contains no comparable provision. The House recedes.

33. Both the Senate bill and the House amendment require the Secretary to transmit an annual report to the Congress including information on whether or not participants subsequently secure and retain public or private employment or participate in training or employability development programs. The Senate bill requires additional information on the extent to which all segments of the unemployed population are being served, and

also requires insertion of the evaluations required under the Act. The House recedes.

34. The House amendment contains a definition of the term "area" as used in section 11 of the Act. The Senate bill contains no comparable provision. The conference agreement retains the definition of the term "area" for the purposes of section 12(c) of the conference report.

35. The Senate bill contains a definition of the term "city." The House amendment has no comparable provision. The Senate recedes.

36. The Senate bill contains a definition of "public service." The House amendment contains no comparable provision. The House recedes.

37. The Senate bill contains a definition of "health care." The House amendment contains no comparable provision. The conference agreement adopts the Senate language but inserts the word "voluntary" before the words "family planning services."

38. The Senate bill contains a definition of "local service company." The House amendment contains no comparable provision. The Senate recedes.

39. The Senate bill contains a definition of "unemployed persons." The House amendment contains no comparable provision. The conference agreement includes the Senate definition of unemployed persons, and adds a definition of underemployed persons as being those persons who are working part time and seeking full time employment and those working full time but earning less than the poverty level income. It is the intent of the conferees that persons already employed by the eligible applicant not be included in the definition of "underemployed persons" for the purposes of this Act.

Carl D. Perkins,
Dominick V. Daniels,
Lloyd Meeds,
William D. Ford,
Phillip Burton,
Augustus F. Hawkins,
Joseph M. Gaydos,
James H. Scheuer,
Mario Biaggi,
Ella Grasso,
Louise Day Hicks,
Edith Green,
Albert H. Quie,
Marvin L. Esch,
William A. Steiger,
Edwin D. Eshleman,
Earl B. Ruth,
Edwin B. Forsythe,
Victor V. Veysey,
John N. Erlenborn,
*Managers on the Part of the House.*
Gaylord Nelson,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Harold E. Hughes,
Adlai E. Stevenson III,
Jennings Randolph,
Richard S. Schweiker,
Jacob K. Javits,
Winston Prouty,
Robert Taft, Jr.,
*Managers on the Part of the Senate.*

## THE SHARPSTOWN FOLLIES—VI

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, Frank Sharp was one of the biggest wheelers and dealers Texas ever know. Apparently his deals cost innocent bystanders millions of dollars, and his companies engaged in some of the most ingenious and thorough corporate looting ever known anywhere at any time. Investigators say that the enormity and complexity of the dealings of this man will take months or even years to unravel, and maybe the full extent of it will never be known.

The Department of Justice has a heavy responsibility to prosecute such men to the fullest extent of the law, but in this case, they seem to have dropped the ball—and deliberately so. They failed to prosecute this case vigorously for political reasons—because prosecution would have revealed the close and intimate relationship between this fabulous fraud and the Assistant Attorney General of the United States, Will Wilson.

Wilson admits that he was an attorney for Frank sharp, and even admits to having stock in one of Sharp's companies, National Life. But that is deceptive.

The truth is that Wilson was not just a lawyer for Sharp. He was in fact general counsel for the two biggest Sharp companies, National Bankers Life Insurance Co. and the Sharpstown State Bank.

Wilson's two law partners also had close dealings with Frank Sharp. One of them, Joe Ridings, had the sole responsibility of representing the Sharpstown State Bank. As general counsel for Sharpstown State Bank, Will Wilson brought Joe Ridings into his firm for the sole purpose of working on the bank's real estate deals. The Wilson firm maintained offices in the Sharpstown State Bank, furnished and paid for by the bank. Junior partner Ridings got a retainer of a thousand dollars a month from the bank, and worked very closely with the bank president, Joe Novotny, who was Sharp's right-hand man in setting up real estate deals and all manner of other operations. If Will Wilson did not know a great deal about Frank Sharp he ran a most unusual law firm—two of the three partners, to wit, Wilson and Ridings, being involved as general counsel for Sharp's bank, and counsel, respectively.

Will Wilson was also general counsel for National Bankers Life Insurance Co., which Frank Sharp bought in 1968. Indeed, Wilson became general counsel as soon as Sharp moved into that company. He resigned as general counsel of both National Bankers Life and Sharpstown State Bank only when he had to do so, on assumption of his job as Assistant Attorney General of the United States

Wilson had a third law partner, Joe Osborn. He was on the board of directors of yet another Sharp company, Olympic Life. When partner Osborn resigned from that board, Wilson's partner, Ridings, immediately went on. Needless to say, the Wilson firm did plenty of legal work for Olympic Life also.

So Will Wilson was general counsel for two out of the three biggest Sharp concerns, and his partners were on the board of a third, and his firm did legal work for all three of these Sharp companies, and probably others as well.

Will Wilson was more than a lawyer for Frank Sharp.

Will Wilson was more than an innocent buyer of Sharp stocks.

Will Wilson was more than a friend of Frank Sharp.

Will Wilson was right in the middle of the deals that built the Sharp empire. He was, indeed a mover and shaker in the Sharp empire, a key man for Frank Sharp. He moved out before the great paper empire collapsed—but there is no question that he helped build it.

It is plain that neither Wilson nor the Justice Department wants to talk about any of this, or have anyone else talk about it either. Little wonder.

If Wilson does not want to talk about all that, I can understand his silence. If he wants to admit only what he is forced to admit, then I can understand that too. If Deputy Attorney General Kleindeinst wants to protect him, I can understand that. If the local U.S. attorney, Mr. Farris, wants to join in that merry bank of silent monkeys, I can understand that, too. But then they—and especially Mr. Farris—should understand that while they see, hear, and do no evil I have a responsibility to speak out—and I intend to continue doing just exactly that.

## AUDIT REPORT REVEALS CALIFORNIA OEO DIRECTOR UHLER SPENDS ANTIPOVERTY FUNDS FOR POLITICAL PURPOSES

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, recently I came upon a copy of an important report issued by the regional auditor of the Office of Economic Opportunity in San Francisco which detailed the short-comings of the fiscal operations of the California State Office of Economic Opportunity—SEOO.

In this audit report, which I would like to submit for inclusion in the Congressional Record, it was stated that the California SEOO expended Federal antipoverty funds for the purpose of, in the words of the auditor, "enlisting support for Senator George Murphy prior to the November 1970 election."

Mr. Speaker, the audit report, also, showed that some $88,625 in State matching funds were disallowed because of inadequate recording of services and other "in kind" contributions.

The report shows that California SEOO attempted to term the services of public employees during regular working hours as "contributions" and thus a part of the State's "in kind" share of the OEO grant.

Mr. Speaker, this kind of blatant misuse of Federal funds earmarked for the poor is a great disservice to the people of California who expect better performance by State administrators.

The mismanagement and ineptitude evidenced by the California SEOO and its director, Lewis K. Uhler, clearly indicates that a change of leadership is needed if the State is to provide the services and support needed by local antipoverty units.

I am gratified to learn, Mr. Speaker, that a memorandum of understanding reached by the State and the regional

OEO takes away the investigative powers of Mr. Uhler and the California SEOO which have been abused in the past year.

I am hopeful that the regional director will seize upon the revelations of this audit report and will work to bring further reforms to the operations of the California SEOO.

The audit report follows:

Office of Economic Opportunity,
*San Francisco, Calif., March 17, 1971.*

Reply to attention of Regional Auditor, Region IX—San Francisco.

Subject: Report of Audit of State Office of Economic Opportunity, State of California, Sacramento, California, Grant Nos. CG–0364 and CG–9093.

To: Mr. H. Rodger Betts, Regional Director, Region IX—San Francisco.

Attached is a copy of our report of an audit of the State Office of Economic Opportunity, Department of Human Resources Development, State of California. The audit was directed primarily toward the grantee's administrative practices, its evaluation of programs and furnishing of technical assistance to the various OEO grantees in the State of California.

Your attention is invited to the auditor's observations summarized in Section II. Please note that the grantee's accounting system and internal controls are considered adequate. However, weaknesses were noted in application of OEO instructions on personnel matters, in supporting and recording non-Federal share, and in the expenditure of grant funds for grant related activities.

We have questioned Federal expenditures of $11,371 and non-Federal share contributions of $88,625 in connection with matters discussed above.

Please inform us by May 17, 1971 of all proposed, initiated or completed actions on specific recommendations made in the audit report and furnish your reasons where you consider action unnecessary. When action is not complete, the response must indicate the date(s) corrective action will be completed. In addition, please inform us as to whether questioned costs have been allowed or disallowed.

Please let us know if you desire any additional information.

Philip F. Megna.

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Report of Audit, State Office of Economic Opportunity, State of California

(The observations and recommendations contained in this report do not constitute final OEO determinations until a formal response has been receive from the grantee or contractor and evaluated by OEO.)

Date: March 17, 1971.

From: Mr. Philip F. Megna, Regional Auditor, Region IX—San Francisco.

Subject: Audit of State Office of Economic Opportunity, State of California, Sacramento, California, Grant Nos. CG–0364 and CG–9093.

To: Mr. H. Rodger Betts, Regional Director, Region IX—San Francisco.

### I. INTRODUCTION

The OEO Audit Division made an audit of the State Office of Economic Opportunity, Department of Human Resources Development, State of California during January and February 1971. An exit conference was held with the grantee's Director, Mr. Lewis K. Uhler, on February 10, 1971.

Our audit was directed to the grantee's administrative practices and review of grant programs and furnishing of technical assistance to the various OEO grantees in the State of California.

At January 31, 1971, the grantee had received the following grants for current operations:

| | Federal share | Non-Federal share | Total |
|---|---|---|---|
| CG-0364-E | [1] $795,064 | $121,837 | $916,901 |
| CG-9093 Demonstration | 189,888 | 0 | 189,888 |
| Total | 984,952 | 121,837 | 1,106,789 |

[1] $104,600 of Federal share CG-0364-E/3 had been approved but funding was withheld awaiting submission of a work program by the grantee.

We discussed all matters relating to the audit with appropriate personnel of the grantee. A list of principal persons contacted during the audit is contained in Attachment A.

### II. SUMMARY OF OBSERVATIONS

The accounting system and internal controls at the time of our audit were considered adequate to safeguard the assets of the grantee, check the accuracy and reliability of the accounting data, promote operational efficiency and encourage adherence to prescribed management policies. Our review of the grantee's activities relating to administrative controls, grant program review and the providing of technical assistance to grantees disclosed no significant management weaknesses. However, we found the following matters which require corrective action by the grantee.

(1) The grantee had five current employees whose salaries exceeded that allowable under CA Memo No. 23–B and TA Memo No. 26. (See Attachment B). (2) Non-Federal share in-kind contributions of personal services were neither properly documented nor recorded in the financial records of the grantee. (3) A telegram with no apparent relation to the grantee's approved grant program was charged to the OEO grant. We have recommended disallowances of $9,269, $88,625 and $2,102, respectively.

The details of these matters, including the grantee's comments, are discussed in Section III of this report.

### III. STATEMENT OF OBSERVATION AND RECOMMENDATIONS

*A. Personnel management weaknesses*

As of our audit cutoff date of January 31, 1971 five current employees of the grantee received salary payments of $9,269 in excess of those allowable under CA Memo No. 23–B and TA Memo No. 26. Also, there was no evidence that information shown on applications for employment had been verified with the prior employer or other source. In one instance the OEO auditor attempted to verify the former salary of one of the grantee's employees and learned that the prior salary had been substantially overstated. See Attachment B for specific details.

After we brought this matter to their attention, grantee officials sent a letter dated February 9, 1971, to OEO providing some justification and requesting a waiver of the 20 percent limitation for the five individuals involved. As regards verification of information shown on applications for employment, the grantee's Assistant Director for Administration said that generally they had verified such data informally and that no record had been made; however, he was not familiar with the circumstances of those persons hired before July 1970.

We recommend disallowance of $9,269 in the absence of OEO waiver of the 20 percent limitations. We also recommend that the grantee establish procedures to insure that compensation paid to any employee is in accord with OEO instructions and further, that some memorandum of verification of information shown on applications for employment be made a part of employees' permanent personnel files.

*B. Questionable non-Federal share, $88,625*

Non-Federal share in-kind contributions of personal services were neither properly documented nor recorded in the financial records of the grantee. Also, much of the claimed in-kind volunteered effort appears to be that of public employees who performed their normal duties in furnishing information and opinions to employees of the State Office of Economic Opportunity. Furthermore, the valuation of some of the volunteered services appears not to have been in accordance with OEO criteria.

All the grantee's in-kind non-Federal share contributions were in the form of personal services and these were divided into two principal categories: (1) services of State of California employees which were expected to be furnished either routinely or on demand; and (2) services of various public officials (other than State or Federal) and of private individuals furnished primarily to grantee's employees in the course of their evaluation of the various OEO grantees and programs within the State of California. Presumably the services were furnished by persons in their capacity of employees of public or private entities, or as private individuals on their own time.

1. We found no record that affirmed the performance of the services of State of California employees for the 1969–70 fiscal year (Program Year "D"). The list of proposed non-Federal Share In-Kind for Program Year "D" was the sole support for the amount claimed in that year, $25,571. We were told by the grantee's accounting officer that the same list was used for the current Program Year "E" except that the amounts had been increased by five percent to compensate for general salary increases of State employees. As in Program Year "D," we found no record that affirmed the performance of the services of State of California employees or showed that the services were appropriate for the grant Program Year "E." The available support for claims of in-kind contributions does not meet the requirements of OEO Instruction 6802–1, Valuation of Volunteered Personal Services for Purposes of Computing the Non-Federal Share, paragraph 8, which provides:

"8. * * * All volunteered services claimed as non-Federal share must be substantiated by time cards or records that are signed by both the volunteer and his supervisor as is required for all other employees. Such records must show the actual hours worked and the specific duties performed. They should also indicate the basis for determining the rate of volunteer's contribution."

2. We examined 105 of the more than 300 separate claims for "Non-Federal Resources Received" (in-kind contributions) which were on file in the Accounting Department for the 1970–71 fiscal year, Program Year "E." We found that 76 of the claims were for persons identified as public officials and 29 by private persons. The amount of time involved in the individual claims ranged from ¼ hour to 54 hours and averaged about 3½ hours each. The total valuation of the 105 claims was $3,512 with $1,410 (40 percent) being for private individuals and $2,102 (60 percent) for public officials.

The individual claims did not clearly identify the donor—whether the individual himself made the donation or whether his employer made the donation. In the case of public officials we could not determine whether they had provided a service above and beyond that normally furnished by a public employee, whether they had provided a service on their own time outside the scope of their public employment, or whether they had merely performed their duties as public employees.

OEO Instruction 6802–1 provides in part:

"1. * * * Volunteered personal services contributed as non-Federal share to a community action program will, except as noted, be valued at rates established by this Instruction. The rates set herein are national norms which cannot be exceeded.

"2. * * * The rates established by CAP for various skills and professions are listed in the attachment to this Instruction. Rates not listed can be obtained upon request from * * * the appropriate Regional Office. * * *

"3. * * * c. In order for the services of a skilled or professional volunteer to be counted in the non-Federal share, the volunteer must:

"(1) posess the required qualifications in the skill or profession; *and*

"(2) actually perform that specific type of skill or profession in his volunteer work. * * *

"d. In all other cases, volunteered services will be valued at the basic minimum wage established by the Federal Government * * *.

"4. * * * a. When an employer furnishes the services of an employee, these services may be valued at the employee's regular rate of pay provided these furnished services are in the same skill for which the employee is normally paid. * * *"

We could not determine whether the value of the services furnished was ascertained in accordance with the OEO Instructions in all cases. It was not always clear that a volunteer's trade or profession was related to the service furnished or that the value assigned by the grantee was proper in view of the services furnished. For example, the services of a Pinkerton guard were valued as a truck driver at $3.40 an hour, a service station owner's service was valued as a brickmason at $5.30 an hour, a barber as a secondary teacher at $5.20 an hour. It did not appear that the services of any of these specialties were of any value to the grantee—they were nothing more than the occupations of persons furnishing a service. Because the OEO Instruction 6802-1 did not provide a rate for those occupations, the grantee showed an occupation that was listed in the Instruction with a rate of compensation which was believed to be fairly comparable with the normal earnings of the person donating his services. The grantee should have obtained a rate from the OEO Regional Office for the unlisted occupations or used the Federal minimum wage rate, as provided by the Instruction. None of the claims we reviewed had been signed by the persons furnishing the donated services, as required by paragraph 8 of the Instruction.

The grantee had not recorded non-Federal share in-kind contributions in the financial records in such a way that they were readily identifiable for audit. Part of the amount shown on monthly financial reports (CAP Form 15) was computed (see paragraph (1) above) and part was supported by individual invoices which had been batched, with adding machine tapes attached (see paragraph (2) above). These amounts, together with $20,000 of State furnished non-Federal cash, made up the $83,054 of non-Federal share contribution shown on the Grantee Monthly Financial Report, CAP Form 15, for the period ending January 31, 1971. No other summary record was maintained. We could not readily determine the total amount of any category of non-Federal share at any given point in time.

CAP Guide, Volume II, Part I, Section 4, provides in part:

"* * * The contribution and valuation of in-kind contributions must be recorded as expenditures in the financial records of the grantee in such a fashion that they are readily identifiable for audit purposes. * * * Records of in-kind contributions of personnel must be established and maintained on a monthly basis. These records shall include the signature of the person whose time is contributed and of his supervisor, verifying that the record is accurate. * * *"

We believe that none of the in-kind non-Federal share claimed has been adequately documented or properly recorded, that much of it fails to meet OEO criteria for acceptable non-Federal share and that some of it has been valued inconsistently with OEO instructions. Also, the form used by the grantee to document in-kind personal services does not show sufficient information to evaluate and classify the donated effort.

The grantee agreed to revise the documentation form and procedure to conform to OEO Instructions.

We recommend disallowance of $25,571 in Program Year "D" and $63,054 in Program Year "E" in the absence of adequate documentation and recordation of non-Federal share in-kind contributions. We recommend further that OEO instruct the grantee in the proper methods of documenting and recording non-Federal share and that the grantee be directed to amend its procedures to comply with grant conditions and other OEO requirements.

### *C. Telegram not related to grant program, $2,102*

The grantee sent a telegram with no apparent relation to its approved grant programs to 198 addressees at a cost to the grant of $2,101.95. The telegram was sent in late October 1970 and appears to have been for the purpose of enlisting support for Senator George Murphy in the November 3, 1970 election.

The telegram stated:

"We have just received a vital message from Senator George Murphy in response to our request that he spearhead restoration of recent cutbacks in California's Head Start funds.

"Senator Murphy states: 'Citizens from all corners of California have expressed concern over recent cuts in the Head Start budget. As you may know, I am co-sponsor of legislation, S. 3480, the Comprehensive Head Start and Child Development Act of 1970, which would increase Head Start funding by $123 million over the FY '71 expenditure. On reconvening of Congress in November I pledge to lead the fight to restore Head Start funds for California. My thanks to you and concerned citizens throughout California for bringing this critical situation so forcefully to my attention. Please convey this important message to your entire staff and to interested citizens in your community.'

"LEWIS K. UHLER,
*Director, State Office of*
*Economic Opportunity.*"

The telegram was sent to OEO grantees, Head Start programs, County Supervisors, and others in the State of California.

The grantee's Director said that the telegram was initially conceived in an attempt to forestall threatened demonstrations by proponents of Head Start. He furnished one letter from a Head Start project in Stockton, California, which tended to support his statement, but the letter was not conclusive.

The telegram does not appear to be related to the grantee's approved programs or justifiable as an expense to the grant. We therefore recommend disallowance of $2,101.95 in the absence of such justification.

### IV. AUDIT COUNSEL

We will be glad to provide audit counsel in connection with any matters discussed in this report.

### V. SCOPE OF AUDIT

The audit was made for the purpose of evaluating the effectiveness and efficiency with which the State Office of Economic Opportunity utilized its resources in its evaluation of the various OEO grant proposals and programs and its furnishing of technical assistance to various OEO grantees in the State of California.

We reviewed basic grant documents, grantee's operating procedures, files, and records related to the operation of its programs and accounting for grant funds. We made an extensive review of the files and procedures pertaining to evaluation of the grant proposals and programs including detailed review of matters relevant to the Governor's approval of grants under Section 242 of the Economic Opportunity Act. We also reviewed in depth the grantee's efforts to develop and disseminate technical assistance to grantees in the areas of management, housing, and economic development.

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STATE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, STATE OF CALIFORNIA

### PRINCIPAL PERSONS CONTACTED DURING THE AUDIT

### *State office of economic opportunity*

Lewis K. Uhler, Director.

Lawrence Chickering, Deputy Director for Community Development.

Leonard Down, Deputy Director for Planning, Budget and Finance.

Bernard Schur, Deputy Director for Program Analysis and Chief, Technical Assistance.

Robert B. Hawkins, Jr., Assistant Director for Operations.

John Sawicki, Assistant Director for Administration.

Dennis H. McKee, Assistant Director for Legal.

Theresa McInnes, VISTA Coordinator.

J. Robert Frane, Technical Assistance Specialist-Housing.

Stephen Archer, Technical Assistance Specialist-Economic Development.

### *Others*

George Nagasawa, Accounting Office, Department of Human Resources Development, State of California.

Milton Pfleiderer, Auditor, Department of Finance, State of California.

Robert G. Lofaso, former SEOO Coordinator, Region IX, OEO.

Paul Katz, SEOO Coordinator, Region IX, OEO.

### ATTACHMENT B

STATE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, STATE OF CALIFORNIA—SCHEDULE OF PAYMENTS IN EXCESS OF OEO SALARY INCREASE LIMITATIONS

| Employee | Effective date | Monthly salary rate | Allowable monthly salary | Overpayment to Jan. 31, 1971 | | |
|---|---|---|---|---|---|---|
| | | | | Rate | Months | Amount |
| Archer | Prior salary | [1] $1,050 | | | | |
| | May 1, 1970 | 1,475 | $1,260 | $215 | 9 | $1,935 |
| Frane | Prior salary | 900 | | | | |
| | May 1, 1970 | 1,475 | 1,080 | 395 | 9 | 3,555 |
| Hawkins | Prior salary | 900 | | | | |
| | July 27, 1970 | 1,273 | 1,080 | 193 | 2 | 386 |
| | Oct. 1, 1970 | 1,548 | 1,296 | 252 | 4 | 1,008 |
| Kludjian | Prior salary | 959 | | | | |
| | Sept. 1, 1970 | 1,405 | 1,151 | 254 | 5 | 1,270 |
| McInnes | Prior salary | 825 | | | | |
| | Sept. 1, 1970 | 1,213 | 990 | 223 | 5 | 1,115 |
| Total | | | | | | 9,269 |

[1] Prior salary shown in Archer's application for employment was $13,500 ($1,125 monthly). In attempting to verify Archer's prior salary, OEO auditor learned it was in fact $1,050 a month, not the $1,125 as claimed.

## SUPREME COURT FREES MOST NOTORIOUS DRAFT DODGER AND REVERSES CONVICTION OF MURDERER

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I do not like to sound as irresponsible as the U.S. Supreme Court is acting. Nevertheless I must state there is serious question in my mind that any American youths should be drafted henceforth. I do not see how our country can in good conscience require young men to fight in Vietnam to protect the rights of draft dodgers like Cassius Clay. The Court has freed our Nation's most notorious draft dodger and almost in the same breath reversed the conviction of the brutal murderer of eight student nurses in Illinois. The Court's specious reasoning is sickening to those who expect justice in the courts. Action could be taken by the Congress or the administration to correct this situation. Yet sadly I must note that I see no prospect that either is going to be shocked into corrective steps. A nationwide wave of indignation should be directed to Washington on this matter.

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## RESTRICTION ON THE PRODUCTION OF AMPHETAMINES AND METHAMPHETAMINES MAY BE DELAYED

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. PEPPER. Mr. Speaker, I rise today to share with my colleagues some bad news for the health and welfare of our fellow American citizens. The administration's belated proposal to restrict the production of amphetamines and methamphetamines may now be delayed for up to 2 years because a new drug lobby has been formed to protest its action.

Mr. Speaker, as you know, this body's Select Committee on Crime, which I have the honor of serving as chairman, has campaigned for over a year to control the production of amphetamine-type drugs. Our hearings revealed that some 8 billion of these drugs are produced annually, and about half end up in the black market. When we moved last year to amend the Comprehensive Drug Abuse and Control Act of 1970 to restrict by quota the production of amphetamines, methamphetamines, phenmetrazine and methylphenidate, we were unsuccessful, largely because of opposition from the White House and the Bureau of Narcotics and Dangerous Drugs.

But we have persevered in our campaign to curtail the production of these dangerous and minimally useful dangerous drugs, and our educational efforts have paid off in part. Reversing its stand of last year, the Justice Department last month belatedly decided to administratively impose quotas on two of the four central nervous stimulants.

In a letter to the Attorney General dated May 18, 1971, I said:

> Though it is commendable that you should finally agree with the findings of this Committee, it is unfortunate that your move is but a half measure. We believe that it is unwise to move amphetamines and methamphetamines into Schedule II while leaving methylphenidate and phenmetrazine in Schedule III. The potential for abuse of methylphenidate (Ritalin) and Phenmetrazine (Preludin) has been well documented in the medical journals and has been vividly evidenced on a wide scale in Sweden.

I also pointed out that imposing quotas on only two of the four drugs would not bring U.S. law into line with the International Convention of Psychotropic Substances, of which the United States is a signatory, and which President Nixon recently said he would send to the other body for its advice and consent.

With these factors in mind, I called upon the Attorney General to support legislation introduced by a bipartisan majority of the Select Committee on Crime with over 75 cosponsors that would control all four drugs, bring our laws into line with our international agreements, and do so quickly and effectively. I have not yet received a response to that letter.

Mr. Speaker, I also publicly warned that imposing quotas by administrative procedure would entail the risk of long court challenges, thereby delaying by up to 2 years the effectiveness of this measure. It gives me no pleasure today to point out that I was right, that the administrative measure has been challenged, that the quotas will not go into effect for some time.

I think it was naive to expect that some of the drug companies of this Nation would quietly accept a measure that would seriously and adversely affect their profits. In the past, some of these firms have done little to prove that the public interest comes before the profit motive.

So we are today faced with this situation: a half measure to control these drugs, long overdue in its coming, now will be delayed even longer by a new drug group apparently formed specifically to fight this needed measure. And the administartion, which is apparently more concerned with taking credit for curbing abuse of these drugs than actually curbing that abuse, has so far failed to support bipartisan legislation in the Congress that would do the job effectively and quickly.

President Nixon, speaking before the American Medical Association recently, pledged a new drive to curtail these dangerous drugs. He could do this by supporting our legislation.

The U.S. Conference of Mayors recently passed a resolution urging the passage of our legislation.

Progressive doctors throughout the country are beginning to question the need for these drugs, and are voluntarily limiting their use.

We cannot understand why the administration is not supporting this meritorious bipartisan legislation. Surely neither the administration nor the Congress can leave itself open to the charge that in not enacting this legislation so vitally necessary to the health and welfare of the Nation, we are yielding to financially interested pressure groups or placing profits or politics ahead of the health and welfare of our Nation.

Mr. Speaker, we of the Congress cannot allow this situation to continue. I urge early hearings on our bill to limit the production of these drugs, and I am confident of passage by this body and the other body. We owe the American people quick and affirmative action on this legislation. What could we say to the parents of speed freaks who continue to get their drugs while the administration fights in court to do something we have the power and responsibility to do in the Congress. Let this not be viewed as a matter of politics, but as a matter of public health. Let us pass this bill soon, and worry after its passage who should receive the credit.

A pertinent article from the June 26, 1971, issue of the Washington Post follows:

### PLAN TO CONTROL PILLS HITS 11TH HOUR SNAG

(By Morton Mintz)

Attorney General John N. Mitchell's plan to restrict production and use of two drugs with a "high potential for abuse" were stymied last night by an organization that experts in the field said they have never heard of.

The result may be that the plan, which had been scheduled to take effect next Wednesday, will be delayed by administrative and court challenges for two years.

The drugs in question are amphetamines and methamphetamines—the stimulants called "uppers" in narcotics slang.

President Nixon, in a speech to the American Medical Association this week said that about 3 billion "upper" pills were produced in the United States last year. He told the doctors that they were prescribing such drugs "too often and too easily."

Even so, the department's Bureau of Narcotics and Dangerous Drugs has estimated that as much as half of the pills are diverted into illegal uses.

Smith Kline & French Laboratories, the prime producer of amphetamines, and Abbott Laboratories, the principal synthesizer of methamphetamines, are reported to favor the restrictions proposed by Mitchell.

However, a number of small firms that convert the basic chemicals into pills are understood to be opposed.

The department allowed 30 days for comment on Mitchell's plan. None was filed. But last night, moments before the deadline, an objection was filed by the Manufacturers Educational Drug Information Association (MEDIA).

Listed as general counsel was Richard L. White. The Yellow Pages lists no lawyer by that name. He could not be immediately located through other directories. Neither do the directories list MEDIA at the address given on its filing suite 405 at 525 School st. sw.

MEDIA, in its filing, said the Attorney General's proposal—involving the imposition of manufacturing quotas, among other things—is objectionable partly because it would require small companies to provide excessively costly security precautions.

The Justice Department now must name an examiner to hold a hearing. He will make a recommendation to the bureau. Court appeals are probable. Meanwhile, the plan to restrict production and use of "uppers" is stayed.

## MADISON AVENUE IN THE COAL MINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, tomorrow, the House will take up the Department of the Interior appropriation bill, H.R. 9417. At that time, I plan to offer an amendment as follows:

On page 15, immediately after line 17, insert the following:

> No part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaign among coal miners.

On February 18, 1971, the Interior Department hired Mr. Harry W. Treleaven, Jr., of the public relations firm of Allison, Treleaven & Reitz as a $121-a-day consultant. He finished his 90-day task on May 17, 1971. Three days later, on May 20, 1971, he submitted to the Deputy Director of Health and Safety, Bureau of Mines, a proposal growing out of his 90-day employment with Interior.

The Treleaven proposal, which was apparently to be carried out by his public relations firm, calls for a "full-scale, all-media communications program—to help motivate miners 'to do what is right.' "

When the plan was publicized, the Bureau of Mines quickly issued an invitation for bids on June 10, 1971. The Bureau's invitation is outlined as "a full-scale, all-media education program" using television, radio, billboards, posters, and bumper stickers aimed at "motivating workers to adopt safer working habits and in actually changing behavior." The Bureau gave only 6 days—3 working days—for bidders to respond. A copy of the Bureau's bid invitation follows my remarks.

Estimates of the cost of this public relations campaign range from $250,000 to a half a million dollars.

Who is responsible for coal mine accidents?

The General Accounting Office recently completed a careful study which concluded that the Interior Department's "policies for enforcing health and safety standards have been at times extremely lenient, confusing, uncertain and inequitable." The GAO report also stated:

> Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones.

Hon. Elmer B. Staats, Comptroller General of the United States, subsequently estimated that "roughly 90 percent of the accidents" in coal mining "are due to the failures of mine operators rather than to the failure of the miner himself."

In view of the fact that coal miners appear to be responsible for only 10 percent of accidents in the mines, such an expenditure of public funds for a public relations campaign is unnecessary.

What is really needed is enforcement of the Federal Coal Mine Health and Safety Act of 1969. Substitution of public relations for genuine law enforcement will never end the slaughter in the coal mines.

Mr. Speaker, I discussed the background of this fantastic public relations campaign in my remarks on June 14, 1971, which are printed in the RECORD on pages 19556–19560.

The text of the Bureau's proposal of June 10, 1971 follows:

BUREAU OF MINES,
*Washington, D.C., June* 10, 1971.

REQUEST FOR PROPOSAL NO. S0112094—DEVELOPMENT OF AN EDUCATIONAL PROGRAM TO ACHIEVE A SUBSTANTIAL REDUCTION IN THE NUMBER OF COAL MINE ACCIDENTS

GENTLEMEN: The Bureau of Mines, Department of the Interior, is requesting proposals from organizations having the capability to determine what elements in a safety campaign will motivate the adoption of safe working habits and procedures and then develop a full-scale, all-media education program with the objective of reducing substantially the number of coal mine accidents. The specific services required are set forth in the attached Exhibit A—Statement of Work.

All work required under Scope of Work shall be completed within 2 months after effective date of contract. If your organization can complete the proposed effort in less than 2 months without additional costs, your proposal should so indicate. In like manner, if your organization will require more than 2 months to effectively complete the proposed effort, so indicate.

It is anticipated that a cost type contract will be utilized for this proposed procurement action.

Award may be made without discussion of proposals received; therefore, offerors are cautioned that proposals should be submitted initially on the most favorable terms, from a technical and price standpoint, which the offeror can submit to the Government.

Unnecessarily elaborate brochures and other presentations beyond that required to present a complete and effective proposal are not desired and may be constructed as an indication of the offeror's lack of cost consciousness.

Proposals will be evaluated by a committee of technically qualified Bureau employees assisted by contracting personnel on the following objectives which are listed in decreasing order of importance:

1. Contractor's responsibility and past experience and performance in similar programs.
2. Qualifications of personnel to be assigned and man-hours to be spent on the proposed work.
3. Understanding of the Scope of Work and soundness of approach as shown by technical proposal.
4. Completeness and thoroughness in compliance with all elements of the Scope of Work and with other RFP requirements.
5. Commitment to meet the requirements of the Scope of Work within a realistic program schedule.

Award will be made to that responsible offeror, whose offer, conforming to this Request for Proposal is most advantageous to the Government, considering the criteria listed above, and in the order shown, cost and other factors.

A responsive proposal shall include two (2) separate and detachable volumes. The *Technical Proposal* should be prepared in accordance with instructions in Exhibit D, and the *Cost Proposal* in accordance with instructions in Exhibit E. Your proposal should indicate the names, and telephone numbers, of persons authorized to conduct negotiations for your organization.

If your proposal results in your organization being selected for the negotiation of a contract, the award will be covered by one of the standard type contracts set forth in the Federal Procurement Regulations. The Bureau of Mines proposes to use applicable Government clauses set forth in Exhibit C, and any other regulatory procurement procedures or clauses applicable to the type of contract utilized.

Proposals submitted in response to this Request for Proposal will not be returned, but will be retained by the Bureau of Mines for official record purposes.

Your attention is invited to the fact that the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds.

No preaward information concerning the status of this procurement will be furnished after receipt of proposals other than to organizations contacted for negotiations.

This request does not commit the Government to award a contract nor to pay any costs incurred in the submission of a proposal, or costs incurred in making necessary studies or designs for the preparation thereof, nor to procure or contract for the services or supplies. The Government reserves the right to reject any or all proposals, or to negotiate separately with any source(s) considered qualified.

Offerors are advised that, pursuant to the provisions of Public Law 87–653, dated September 10, 1962, the successful Contractor will be required to certify, except where the price negotiated is based on adequate price competition as determined by the Contracting Officer, or established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, that the cost or pricing data which he is required to furnish is accurate, complete and current.

Your proposal, signed by an official authorized to bind the offeror and containing a statement to the effect that the proposal is firm for a period of not less than ninety (90) days, shall be submitted in five (5) copies so as to reach this Branch before 3:30 p.m., local prevailing time, June 16, 1971. Late proposals will not be honored and will be returned to the offeror. *The mailing envelope* should be clearly marked with RFP Number S0112094 and forwarded to the attention of the undersigned at the address set forth below:

U.S. Branch of Mines, Branch of Contracts & Grants, Room 2751, 18th & E Streets, NW., Washington, D.C. 20240.

Telephone inquiries may be directed to telephone number (202) 343–3886.

Sincerely yours,
G. A. MELVILLE,
*Division of Procurement and Property Management.*

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### EXHIBIT A.—STATEMENT OF WORK

#### 1.0 BACKGROUND

The Federal Coal Mine Health and Safety Act of 1969 (P.L. 91–175; 83 Stat. 742) is intended to reduce the number of accidents in the Nation's coal mines. Extensive efforts have been made by the Bureau of Mines to improve conditions in these mines. New rules and regulations have been established, a greatly increased research and development program is underway, and the number of inspections has been doubled during the past year. Unfortunately, the results do not reflect this increased effort. During the first five months of 1971, through May 29, 84 coal miners lost their lives in mine accidents compared to 81 deaths during the corresponding period in 1970. Efforts to enforce compliance with the law and improvements in methods and equipment will not alone make the miners safe. The attitudes, motivations, habits, and practices of the owners, operators and miners must be geared to safe working conditions if safety is to become a reality.

### 2.0 DISCUSSION

The work shall be done in two phases. The first shall be a study to determine what is effective in motivating mine workers, miners and management alike, and to develop a statement of objectives for the educational program. The second phase will be the development of the educational program and recommendations for its implementation.

### 3.0 SCOPE OF WORK

#### *3.1 Phase I*

The Contractor shall, as Phase I of the work, make a study and assessment of current and recent Bureau of Mines safety programs, programs sponsored by coal operators and miner's unions, and safety campaigns undertaken in other industries with hazardous working conditions and in the armed services. The primary aim will be to determine what elements in these programs seem to have been successful in motivating workers to adopt safer working habits and in actually changing behavior. Simultaneously the Contractor will conduct field studies to try to find out, through focus group interviews, the attitudes of miners and their families toward mine safety, safety programs, mine hazards, etc. The results of the foregoing studies will be summarized in a Safety Program Facts Book. A statement of objectives for the educational program will be formulated and presented to the Bureau of Mines for approval. The findings and approved objectives will become the basis for all further work under this contract.

#### *3.2 Phase II*

Phase II will be the development, by the Contractor, of a full-scale, all-media education program which will accomplish the agreed upon objectives. The program will probably include, but will not be limited to, plans for use of mass media (television, radio, newspaper, billboards); films; various forms of collateral material (pamphlets, posters, newsletters, perhaps buttons and bumper stickers, window signs, bulletin board material, etc.); a press kit; publicity ideas; direct mail; and suggestions for community activities. For maximum impact all materials will have a common theme and a consistent look and attitude. Upon presentation of the proposed programs, the Contractor shall submit his recommendations for implementation of the program and evaluation of its effectiveness. These recommendations shall include a budget estimate for the additional work.

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### EXHIBIT C.—ERRATA SHEET

### CHANGES TO GENERAL PROVISIONS—APPENDIX A

The title and the preamble of Clause 8—Contract Work Hours Standards Act—Overtime Compensation is deleted and the following substituted therefor:

Clause No. 8—Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327–333).

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and the interpretations of the Secretary of Labor.

Clause 22, Data, of the attached General Provisions (Appendix A) is deleted in its entirety and the following is substituted therefor:

#### *Rights in Data*

(a) The term "Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphic representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor hereby grants to the Government a royalty-free, nonexclusive, and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all Data which is not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract, and (ii) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of the official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the publication, translation, reproduction, delivery, performance, use, or disposition of any Data furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in such Data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract; provided, such incorporated material is identified by the Contractor at the time of delivery of such work.

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## SUPREME COURT'S DECISION AGAINST AID TO PAROCHIAL SCHOOLS HURTS 7 MILLION CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, today the Supreme Court ruled against the rights of almost 13 percent of the schoolchildren of this country by declaring unconstitutional two State laws which provided for the purchase of secular services in private schools. The Court ruled in Lemon and Dicenso that Pennsylvania and Rhode Island were violating the Constitution by paying for part of the salaries of teachers of secular subjects in religious affiliated schools. These laws are said to cause an excessive "entanglement" by the government in these schools.

Mr. Speaker, I cannot believe that these decisions are wellfounded. Government is now and has been in the past deeply involved with these schools—and it could not be otherwise. How can Government ignore almost 7 million schoolchildren in more than 18,000 schools across the country. Government for years has provided food, busing, textbooks, and auxiliary services to these schools not to mention income and property tax exemptions—and these have all been declared constitutional by the Supreme Court.

Now when the States try to expand their assistance to these schools which are facing a grave financial crisis the Supreme Court suddenly calls a halt.

In the last 3 years almost a thousand Catholic schools alone have closed sending almost a half million students into the public schools. In Illinois almost 90,000 students left the private schools at a cost of more than $40 million a year in additional operating expenses to already financially strapped public schools.

Many of the States have recognized this crisis and have sought to avert financial disaster in both the private and public schools by passing carefully drawn statutes providing for a purchase of secular services. Rhode Island, for instance, limited its assistance to the teaching of secular subjects with materials used in the State's public schools and required that all the teachers in the participating private school had to have been awarded a State board of education certificate.

Mr. Speaker, I do not understand how this type of aid can be unconstitutional. Surely the Government is under an obligation to improve the education of all of its children whether in public or private schools, and if the Government gives a salary supplement to teachers of secular subjects in private schools and conditions that aid on an improvement of the teachers' qualifications, that seems to me to be clearly a State responsibility.

The only hope I can take from today's actions is that at the same time the Court was declaring unconstitutional these State laws aiding private elementary and secondary schools it was declaring constitutional a Federal law—the Higher Education Facilities Act—which provides for construction grants to church-related colleges and universities.

These decisions will have to be studied to see how the Court allows a Catholic college to build a science building but disallows a salary supplement to a science teacher in a Catholic elementary school within the same city.

I would suggest to proponents of State aid to private schools that they study these decisions. Construction of new buildings apparently is constitutional, but in my opinion I would rather see a better teacher in an old private school than a poor teacher in a newly constructed school.

The Supreme Court's decision is unconscienable and totally insensitive to the pluralism of American education.

It denies millions of American children their civil rights to attend a school of their choice so long as it meets legal educational standards.

Mr. Speaker, I shall soon introduce legislation which will meet the constitutional test and still provide financial aid to the Nation's beleaguered parochial schools. I have no intention of surrendering my legislative rights to the judiciary of this country.

There is no question in my mind but that the Court by this decision will force State governments and the Federal Government to go to a voucher system under which each child would get direct aid from the Government to select the school of his or her choice. I know that the voucher system is strongly opposed by public school administrators throughout the country, but unless other means are found to help the 7 million youngsters attending parochial schools, it may become inevitable.

The main thrust of the Supreme Court's decision today barring aid to private schools was that there would be excessive entanglement of Government in the management of private schools.

Mr. Speaker, in my judgment, this rationale is ridiculous when you consider that the courts in many parts of the Nation are now literally running the public school system under court desegregation orders. The Supreme Court's concern about excessive entanglements of public officials in the affairs of private schools is a mockery when you consider the fact that the courts are actually appointing school superintendents in some jurisdictions.

The Court action today further shows the degree of confusion which exists among the jurists when you consider on the one hand that the Court says it is permissible to give Federal aid to church-related colleges for the construction of science laboratories but, on the other hand, it is unconstitutional to supplement the salary of a science teacher in a church-related elementary school.

I say to you, Mr. Speaker, the Supreme Court has reached a new level of judicial nonsense, and it clearly indicates that the Supreme Court has practically no knowledge of how the parochial schools of this country operate.

In the decision of the Supreme Court today Justice Burger, who read the decision for the court, said:

> Parochial schools involve substantial religious activity and purpose.

That may be so during religious teaching but it is not so in secular subjects.

Justice Burger said further:

> The Court does not assume that teachers in parochial schools will be guilty of bad faith or any conscious design to evade the limitations imposed by the statute and the first amendment.

The Chief Justice in reading the opinion added:

> We simply recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to inculcate its tenets, will inevitably experience great difficulty in remaining religiously neutral. . . . With the best of intentions such a teacher would find it hard to make a total separation between secular teaching and religious doctrine.

Mr. Speaker, I submit that the Chief Justice and his associates on the Supreme Court of the United States have delivered a grave injustice to lay teachers teaching in our parochial schools across America.

Mr. Speaker, I furthermore submit that the Chief Justice and his associates on the Supreme Court of the United States have delivered a grave disservice to the lay teachers teaching in our parochial schools across America, for, indeed, the Court assumes and presumes that everyone of these lay teachers is necessarily of the same religious faith as the school in which the teacher is teaching.

I can tell you, Mr. Speaker, that nothing could be further from the truth. I know of many instances where lay teachers in Catholic parochial schools are not of the same religious faith and in many instances do not in any way inject any religious teaching in their secular subjects.

As a matter of fact if the Supreme Court Justices had any knowledge at all about the operations of this Nation's parochial schools, they would know that the religious administrators of those schools frequently carefully instruct lay teachers to refrain from religious teaching because, the spiritual leaders of these schools believe this is their responsibility and do not want lay teachers teaching religion. This is a subject they quite properly reserve primarily for themselves, since they have been specially trained to teach religion.

So I say to you that the Court today has done a grave injustice in denying assistance for nonreligious subjects because the Court has in effect said that those 7 million youngsters attending parochial schools in America shall be treated somehow as second-class citizens. The parents of these children pay local taxes, they help maintain the public school system in their communities, and yet when they ask for just a little help for nonreligious subjects, the parochial schools in those communities which they support with their own resources, are told by the Supreme Court that this is unconstitutional.

Chief Justice Burger in the decision in this case said:

> The crucial question is not whether some benefit accrues to a religious institution as a consequence of the legislative program, but whether its principal or primary effect advances religion.

I suggest to you that the rationale of the Supreme Court in these two decisions is totally and completely cockeyed.

I suggest, Mr. Speaker, that the Justices of the Supreme Court remove their robes and go into the communities of America to see really what is going on, for indeed in the case of Rhode Island the State statute there provided a supplement to lay teachers teaching science and mathematics. There is no evidence, no proof, no allegation that the courses being taught by these lay teachers in science or mathematics have in any way advanced a religious cause.

I think the Supreme Court is blind to justice on this issue when it struck down the Rhode Island case.

The same holds true for the case involving Pennsylvania.

I say to you, Mr. Speaker, it was Aristotle who some 2400 years ago said that democracy is the perversion of constitutional government.

I pray that he was wrong and I pray that we Americans can prove him wrong.

But, Mr. Speaker, as I watch the Supreme Court today driving young children out of parochial schools and then on the same day handing down a decision reversing a conviction of the draft evasion of Cassius Clay and then on the same day handing down a decision reversing the death penalty for Carl Specht who in cold blood murdered eight nurses in Chicago, you cannot but ask yourself where is this Court going.

I would hope, Mr. Speaker, that we could find some way to get around this failure of the Supreme Court to understand the role that parochial schools play in this country.

I can tell you this, if the parochial schools of America were to close their doors and suddenly 7 million young students attending parochial schools in this country were to enroll in the public school system, community after community in this country would be faced with bankruptcy. In my own city of Chicago where we have some 300,000 youngsters attending parochial schools, the very thought of having to absorb these youngsters in the public school system is inconceivable, Mr. Speaker.

We do not have the resources. We do not have the funds. And here is the Supreme Court being totally and completely oblivious of these conditions and these circumstances.

This ruling will force us into seeking new ways, and the voucher system is one of those new ways of helping parochial schools being discussed.

I reject the doctrine that teaching secular subjects in parochial schools, nonreligious subjects, somehow advances religion in those schools.

I also say to you that it is a well-established principle of law, and other jurists have stated it more eloquently than I can, that while obviously we never want to set up a state religion in America, we do not ever want to reach that day when the state will be hostile to religion in America.

Above the head of our Speaker are the words "In God We Trust." We are a religious nation. We are perhaps more religious than any nation of people on the face of this globe. For the Supreme Court today to be this insensitive to the needs of America makes me ashamed of the Court. It is obvious to me that when the Court says that somehow or other well-meaning lay teachers teaching in parochial schools will find it hard to make a total destruction between secular teaching and religious doctrine, I submit, Mr. Speaker, the Supreme Court Justices just do not know what they are talking about. They obviously have never been in a parochial school and they obviously have never witnessed a lay teacher performing her duties on a nonreligious basis. It is an insult to the thousands of lay teachers teaching in parochial schools in this country for the Supreme Court judges to say that somehow or other they will find it hard to make a total separation between secular teaching and religious doctrine.

I submit to you, Mr. Speaker, that indeed if this Supreme Court continues on a course like this, we have every reason to ask whether democracy can survive. If the youngsters of this country who choose to attend parochial school and who, indeed, have a right to make that decision, cannot do so, then this Nation no longer fulfills the great promise of freedom.

There is one final aspect of this decision today which I do not think we can escape. Indeed, if we carry to the final conclusion the judgment of the Court in denying aid to parochial schools, then we have a right to call upon the Internal Revenue Service to reverse its position that parents who contribute to a parochial school in the form of tuition cannot treat that tuition as a religious contribution.

It would seem to me that, if, indeed, the Supreme Court's decision means what it says that we cannot separate religion from secular subjects in parochial schools, then I submit, Mr. Speaker, that the Revenue Service has no alternative but to rule that, when a parent pays a tuition to a religiously oriented grammar school or a high school, then that parent ought to be able to treat that tuition as a religious contribution and deduct it from his gross taxable income for taxing purposes.

You cannot have it both ways. You cannot have the Supreme Court on the one hand say the schools are religious institutions, therefore not entitled to any public assistance, and then on the other hand have the Internal Revenue Service say that you cannot treat the tuition you pay to such schools as a religious contribution. For a numbers of years now, I have been trying to get IRS to allow treatment of such payments as a religious contribution. We should try again.

I am, of course, grateful that the Supreme Court did not strike down all of the existing programs, such as the milk program and the textbook program. But I am sure that across America today there will be millions of people bitterly disappointed that the Supreme Court has failed to understand the pluralism of American education.

If the day ever comes when Americans must march in a single cadence in education that will be the end of democracy. For the very strength of our whole system as a free people lies in the pluralism of our education. That is what democracy is all about—the free choice of Americans to select what they want to do and where they want to do it. For the Supreme Court to say that somehow or other we have to force every American child into single system of education is to deny the very strength and essence of freedom in our democracy.

Mr. Speaker, I am bitterly disappointed in the Supreme Court decision and I can give you my assurance here today as chairman of the Subcommittee on General Education that I will use every resource at my command to bring before this body a bill providing assistance to parochial schools which will meet the constitutional test and, yet, give these schools the assistance that they so urgently need. For to do anything else would be to deny the pluralism of American education and to put Americans into a single cadence from which they will not be able to extricate themselves.

So while this decision is disappointing, I think it will spur on those of us in the Congress who understand the plight of these parochial schools to a new concerted effort to find an answer that will come within the provisions of the constitution of this country.

## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The Atomic Energy Commission was established in 1946, which created a five man commission of civilians to develop and utilize atomic energy toward improving the public welfare, increasing the standard of living, strengthening free competition in a private enterprise and promoting world peace.

## DISTRICT OF COLUMBIA CRIME BILL JUVENILE CODE UPHELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, on June 21, 1971, the U.S. Supreme Court held in two cases, one from the State of Pennsylvania and another from the State of North Carolina, that trial by jury in a juvenile factfinding hearing is not a constitutional requirement. The Court's decision, however, reaches far beyond those two States and ends the challenge to the section of the District of Columbia Court Reform and Criminal Procedure Act of 1970 which provides that a juvenile factfinding hearing shall be conducted without a jury. The Supreme Court has thus joined the Congress in refusing to abandon hope in the juvenile court system. The court pointed out in its opinion that, although the juvenile courts in this country have not performed the miracles expected of them, requiring jury trials in juvenile cases would be to lose what has been gained, and would tend once again to place the juvenile squarely in the routine of the criminal process.

In so deciding, the Supreme Court has upheld the efforts of myself and of my colleagues in the House District of Columbia Committee to afford juveniles in the District of Columbia greater procedural protection than had existed under the prior Juvenile Court Act without at the same time injecting into those proceedings the delays, formalities and adversarial elements which necessarily accompany trial by jury. As Associate Deputy Attorney General Donald E. Santarelli stated to the House District Committee on January 29, 1970:

> As a procedural matter, jury trials are inappropriate in juvenile cases. Besides being in general conflict with the historical background and purposes of juvenile courts, jury trials inevitably involve technical arguments about the admissibility of evidence and require highly formalized procedure.

It is to be hoped that the Supreme Court's opinion will silence those critics, among them one of the city's leading newspapers which said the juvenile code in the District of Columbia crime bill was based on "backward-looking penology" that sacrificed individual freedom. Model juvenile codes as well as the overwhelming majority of States, including my own State of Maryland, did not consider the jury trial as an essential element of accurate factfinding in juvenile proceedings. This majority position was recognized by the members of the House District Committee, and subsequently by the full Congress, which also concluded that there was no constitutional mandate for a jury trial in juvenile proceedings.

It was, unfortunately, far too easy in the fury of the moment, for the critics to claim we were sacrificing essential freedoms in the new juvenile procedure code in the name of law and order without realizing what was behind the efforts of those who supported that code—namely a fundamental belief that our juvenile courts are worth preserving despite their failures to achieve our highest expectations. From the beginnings of our efforts to seek passage of the District of Columbia bill, my colleagues and I were fully aware that from a purely practical point of view, our juvenile courts were overloaded with increasing numbers of cases involving law violations by juveniles. These courts simply could not cope with the additional burdens which a jury trial imposes without sacrificing the promptness of adjudication which is even more essential with children than with adults. It is gratifying to know that the highest court in our country has joined us in our basic belief in the present juvenile court system and has refused to abandon that system merely because it has not worked as well as we all might have hoped.

Today, the juvenile courts throughout the country are beseiged with attack from all sides. Too many juveniles are breaking the law more than once; the juvenile courts are not rehabilitating the juveniles it has before it. Surely the Juvenile Code in the District of Columbia Reform Act will soon be universally recognized as a great step forward in meeting the needs of that juvenile court. The first 4 months of the new court's operation have reduced the delays which for years had plagued the District of Columbia Juvenile Court so that, now, new cases are heard within 30 days.

Mr. Speaker, all of us can be thankful that the last obstacle to that juvenile court's continued success—the demand for jury trial in juvenile cases—has been surmounted and that juvenile cases can continue to be promptly adjudicated while the ideals and purposes of our juvenile court system are preserved.

## FTC ASKED TO HALT REVIVAL OF "MEDICAL QUACKERY" IN OVER-THE-COUNTER DRUG ADVERTISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, last fall and winter my office cooperated with a team of George Washington University law students in the development of information about chemically identical products which are promoted by their respective manufacturers as having qualities superior to competitive products.

This led, on January 14, 1971, to the

filing of a petition urging the Federal Trade Commission to issue a trade regulation rule to halt deception and misrepresentation in the advertising claims for products which are chemically identical. The petition was filed by a team of five GWU law students identified as "Students Against Misleading Enterprises—SAME." The team consisted of Peter C. Bowers, who later served an internship in my office, and Henry Polmer, Barry Schneiderman, Robert Solomon, and Edward Weintraub.

The petition asked the FTC to initiate a rulemaking proceeding and to promulgate a trade regulation rule which would identify as unfair and deceptive practices:

Claims that chemically identical products—such as aspirin or liquid chlorine bleaches—are superior to any other brand of that product unless substantiated by competent scientific tests filed with the FTC.

Implications through words, pictures, or in any other way that one brand possesses superior qualities unless substantiated by competent scientific tests filed with the FTC.

Failure to indicate affirmatively in all advertising and package labeling that all products of this type are chemically identical.

The need for prompt and favorable FTC action on this petition is clearly supported by testimony unfolding before the Subcommittee on Monopoly, of the Senate Small Business Committee. During hearings last week, a string of witnesses exposed the deception contained in the exaggerated advertising claims for over-the-counter drugs such as analgesics.

Grossly exaggerated claims of pain-relieving qualities for various over-the-counter drugs are nothing less than a contemporary revival of the medicine show cure-all potion. Such distorted promotions have all the characteristics of medical quackery at its worst, and have no rightful place in a society striving to achieve quality health care for its citizens.

I endorsed the petition of SAME when it was filed January 14 and urged the FTC to act favorably upon it. Not since February when the petition was reported to have been turned over to the staff for review and recommendation have I received further word of its status.

Action is long overdue, and even more necessary today than 5 months ago. In the promotion of various competitive products of their own manufacture, over-the-counter drug producers have resorted to contradicting their own advertising claims of superiority. Their practices constitute a farce which the FTC should expose and expose now.

I have written to the FTC Chairman urging prompt action to curb this type of sales abuse. I invite the attention of my colleagues to that letter, to a Food and Drug Administration "fact sheet" which elaborates on the chemical identity of competing brands of aspirin, and to the petition filed by the Students Against Misleading Enterprises.

JUNE 25, 1971.

Hon. MILES W. KIRKPATRICK,
*Chairman, Federal Trade Commission,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: Having followed with keen interest the current proceedings before the Subcommittee on Monopoly, Senate Select Committee on Small Business, I am moved to invite the Commission's attention to a petition filed with the FTC on January 14, 1971, by a group of George Washington University law students identified as Students Against Misleading Enterprises (SAME).

On the date of the petition's filing, I addressed a letter to you endorsing the petition and urging the promulgation of a trade regulation rule requiring manufacturers of aspirins, liquid chlorine bleaches and other such products as may be identified by the Commission to affirmatively disclose that their products are chemically identical, and prohibiting claims or implications of superior performance unless such claims are substantiated by competent scientific tests.

Under date of February 18, 1971, I was advised by letter signed by the General Counsel, Joseph Martin, Jr., that the matter had been referred to the FTC staff for review and recommendations. Since that date, however, I have received no further word about disposition of the petition.

In view of the testimony being presented before the Subcommittee on Monopoly, substantiating the obviously deceptive nature of claims for numerous brands of similar or chemically identical analgesics, I again urge the Commission to take prompt and firm steps to halt misrepresentation in the advertising and promotion of such products.

I enclose a "fact sheet" issued by the Food and Drug Administration in which it is stated without reservation that, "Aspirin tablets are required by law to meet the standards of strength, quality and purity set forth in the Pharmacopeia, and must be packaged in the prescribed manner. Clearly, then, either the promoters of aspirins claiming superior quality or performance are guilty of deception, or the responsible Federal agency is engaged in deceiving the consumer.

Grossly exaggerated claims of superior pain-relieving or other qualities for various over-the-counter drugs are nothing less than a contemporary revival of the old Medicine Show "cure all" potion. Such distorted promotions have all the characteristics of medical quackery at its worst and have no rightful place in a society striving to achieve quality health care for its citizens.

I am convinced the FTC has substantial authority and motivation to resolve most, if not all, of the serious problems of consumer abuse which persist in the market place. I urge the Commission to apply both, forcefully, to this matter.

Please keep me advised of progress made in this regard.

With kind personal regards, I am

Sincerely yours,

FRED B. ROONEY,
*Member of Congress.*

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FOOD AND DRUG ADMINISTRATION,
FACT SHEET

ASPIRIN

Aspirin is an "over-the-counter (OTC) drug," which means that it can be purchased without a prescription and can usually be used without a physician's supervision. Almost every American household has a bottle of aspirin in the medicine chest. In 1964, over 28 million pounds were manufactured in the United States and the American public bought 16 billion aspirin tablets. That's an average of 80 tablets per person.

First introduced into medicine in 1899, aspirin's popularity stems from its analgesic (pain-relieving) properties. Aspirin is suitable for temporary relief of minor aches and pains due to conditions which are easily diagnosed.

The pain-relieving ingredient in all ordinary aspirin tablets is acetylsalicylic acid. In addition, "inactive" ingredients such as corn syrup, sugar, and cornstarch are added to help form the tablet and to make it disintegrate.

Buffered aspirin also contains an antacid ingredient that may help prevent stomach upset which may be caused by aspirin. Manufacturers may use magnesium carbonate, dihydroxyaluminum aminoacetate, or other ingredients as a buffer. FDA would expect that buffered aspirin be comparable in pain relief to non-buffered aspirin, provided, of course, that both contain the same amount of acetylsalicylic acid.

Aspirin is listed in the United States Pharmacopeia (U.S.P.) which means that it conforms to the set standards therein. This is a book of drug specifications recognized in the Federal Food, Drug, and Cosmetic Act as an official compendium. Aspirin tablets are required by law to meet the standards of strength, quality and purity set forth in the Pharmacopeia, and must be packaged in the prescribed manner. From time to time, FDA conducts analyses of the various brands of aspirin tablets being marketed in the interstate commerce, but seldom finds any which do not meet the standards of the Pharmacopeia.

Since aspirin is a drug, consumers should remember that it should not be given indiscriminately to children or adults. Aspirin tablets for adults are usually five-grain tablets, while those for children are 1¼ grain. Overdoses could have serious consequences. Overdoses can result not only from a large single administration but also from continuous therapeutic administration without consulting a physician. To help prevent poisoning in children from accidental aspirin overdoses, representatives of the medical profession, the drug industry, and FDA participated in a 1966 conference which concluded that bottles of children's aspirin should contain only 36 tablets, since this is a quantity less likely to cause serious poisoning to a child. This proposal is currently in effect. Nevertheless, adult aspirin and other salicylates are also ingested by children and some 90 still die annually from overdoses.

Advertising for OTC drugs such as aspirin is subject to the regulations of the Federal Commission Act administered by the Federal Trade Commission in Washington, D.C. FDA's primary responsibilities are to ensure safety, purity, and proper labeling of the drug.

Labels on aspirin and other OTC drugs usually indicate the dosages for various age groups. These should not be exceeded except on the advice of a physician. The label must bear one of the following:

"Warning: Keep out of reach of children," or

"Warning: Keep this and all medications out of the reach of children."

Should the aspirin be offered for children's use then one of the following should be on the label:

"Caution: For children under 3 years of age, consult physician," or

"Caution: For younger children, consult your physician."

Also, if the drug is offered for "the temporary relief of the minor pains of arthritis and rheumatism" then the label must bear:

"Caution: If pain persists for more than 10 days, or redness is preesnt, or in conditions affecting children under 12 years of age, consult a physician immediately."

The net content must be a part of a label declaration, as well as the conditions for which the aspirin is intended. The label must also carry the name and address of the manufacturer, packer, and or distributor, and at times the legend "U.S.P."

Many drugs are affected by long periods of storage. Decomposing aspirin tablets have a vinegar-like odor and a furry appearance. Because aspirin decomposition is so apparent, there is little chance that such aspirins can be successfully marketed. However, over-age apirin tablets may be found in the home medicine chests where the package has been stored for a long time. To prevent rapid decomposition, always keep the container tightly capped. Also, it is wise not to keep more on hand than is necessary for the immediate future.

Remember: For safe use of aspirin always keep the container labeled, always store out of the reach of children.

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[United States of America before the Federal Trade Commission, Students Against Misleading Enterprises (Hereinafter S.A.M.E.), petitioner]

## PETITION FOR TRADE REGULATION RULE PROCEEDING CONCERNING CHEMICALLY IDENTICAL PRODUCTS

### JURISDICTION AND SUBJECT MATTER

This petition is filed pursuant to the provisions of the Federal Trade Commission Act as set forth in Section 5, *et seq.*, 15 U.S.C. 45, *et. seq.*, and the Federal Trade Commission Procedures and Rules of Practice, 16 C.F.R. 1.12, 1.15. The petition requests the Federal Trade Commission to initiate a processing that would result in the adoption of a trade regulation rule to remedy the unfair and deceptive practices currently employed in the advertising of chemically identical products.

### PETITIONER

S.A.M.E. is a consumer organization composed of five individuals, *to wit*, Peter Bowers, Henry Polmer, Barry Schneiderman, Robert Solomon, and Edward Weintraub, all of whom are consumers and have been exposed to the unfair, deceptive, and false advertising practices for which this petition purposes a remedy.

### THE ARGUMENT

The economic system of the United States is most often described as a free-market economy, especially in the consumer arena. In order to have a free-market economy it is essential for competition to exist among a large number of manufacturers all vying for the limited dollars of the consumer. In this system the consumer plays a vital role. He votes with his dollars to distribute the lion's share of any particular product market to the manufacturers who offer him products that are highest in quality or lowest in price. Thus a free-market economy should encourage manufacturers to produce the best possible products at the lowest possible price because such a policy furthers their own self-interests.

It is the assumption of consumers sovereignty that gives the free enterprise system its social justification. Indeed, without a free consumer there can be no free-market economy. A free consumer is one who, because of his knowledge of the quality of the products offered him and their respective prices, is in a position to intelligently choose the brand that best satisfies his wants and needs.

In a September, 1970 speech FTC Commissioner Mary Gardiner Jones spoke of the need for consumers to be property informed:

> Consumers—both as purchasers and as citizens—are a vital force in our economy and in our society. The effectiveness of our free-enterprise system relies essentially on their trust and confidence and most importantly on their ability to act intelligently in the marketplace.
>
> In order to cope with the complexities of today's marketplace, consumers have a basic need for accurate, complete and unbiased information about the products and services which they purchase. . . .

There was a time when consumers were presumably almost as familiar with the products they bought as were the vendors. In the nineteenth century a man who bought a horse might know a great deal about that horse before he bought it. It is not unlikely that he knew its history and geneology and the livery man and his wife as well. Today, however, it is impossible for the consumer to have a great deal of knowledge gained from his own experience about the products that he buys.

Today the technical complexity of the products sold and the predominance of national manufacturers as opposed to local ones in many fields has forced the consumer to rely on advertising to provide him with the information which he needs to make intelligent choices in the marketplace.

Advertising in America in the twentieth century has grown into a twenty-billion dollar a year industry with tremendous power in the marketplace. In 1950 the amount spent on advertising was approximately $5½ billion, or double the amount spent during the last year of World War II. By 1955 the figure had almost doubled to $10 billion, and by 1965 it was about $15 billion with $9 billion of that going to national advertising. The expenditure for advertising is more than 300 times what it was a hundred years ago and almost 40 times the national total in 1900. As Dexter Masters points out in *The Intelligent Buyer's Guide to Sellers* at page 131: "[advertising] has grown at a rate far in excess of the population, the gross national product, or even sales and profits."

The factor most important to the advertising boom was the commerical exploitation of television. With the addition of TV to the advertiser's arsenal, it has been estimated that the average consumer is exposed to advertising messages through all their many forms about 1600 times every day. *Fortune Magazine* has reported that Proctor and Gamble's salesmen are told that approximately one billion commercial messages for Proctor and Gamble's products are delivered to American housewives each week.

As important as the ubiquity of television is that fact that it is a dynamic medium. The Television Bureau of Advertising had this to say about the advantages of advertising on television:

> In static media, the reader must act to receive your message. In dynamic media, the viewer must act to avoid your message. In print, you must overcome the disinterest of your public before you can even present your message. In television, the audience is already watching.

The consumer is barraged with product information from the advertising industry, and that information is usually the only information the consumer has on the products he buys. Thus there is a heavy responsibility placed on the advertising industry to provide information which is both truthful and complete. President Kennedy recognized the consumer's right to be informed as one of the four basic consumer rights in his consumer message of 1962. In 1969 President Nixon proposed a Buyer's Bill of Rights which again recognizes the consumer's "right to accurate information on which to make his free choice."

But accurate information has unfortunately not been the hallmark of the advertising industry. All too common are advertisements which make claims which the manufacturers are unwilling to substantiate when requested to do so by a consumer. In a recently completed study by Ralph Nader and Aileen Adams 58 companies were asked to provide data substantiating claims or to clarify vague statements they had made in advertising their products. The responses of the companies varied, but Adams and Nader were never able to get satisfactory, clinical evidence that would fully support the manufacturers' claims for their products.

Advertising should inform consumers, but advertising that makes unsubstantiated claims or that implies superior qualities for products where none have been clinically found to exist denies consumer sovereignty and thwarts the operation of a free-market economy. Advertising should encourage competition among manufacturers by supplying the means for a manufacturer to bring to the public's attention actual improvements in his product or reductions in its price. Instead advertising has increasingly discouraged meaningful competition among manufacturers and has substituted massive expenditures on advertising campaigns as the best means of capturing the lion's share of a particular product market.

Some of the worst abuses of advertising are perpetrated in the areas where products are chemically identical. In the case of identical products advertisements are often deceptive because of innuendoes, implications, or material omissions as well as outright false claims. Two types of products that are chemically identical yet are the subjects of very heavy advertising campaigns by certain of the largest manufacturers in their fields are aspirin and liquid chlorine bleaches.

In 1964, over 28 million pounds of aspirin were manufactured in the United States and the American public bought 16 billion aspirin tablets. That is an average of 80 tablets per person. The pain-relieving ingredient in all ordinary aspirin tablets is acetylsalicylic acid. There are many manufacturers of aspirin in this country, and each and every one of them is required by the United States Pharmacopoeia (U.S.P.) to produce a product which is chemically identical to every other aspirin tablet produced in the United States for over-the-counter distribution. All aspirin manufacturers must certify that their tablets meet the U.S.P. standard and contain exactly 5.00 grains of acetylsalicylic acid. The U.S.P. is a book of drug specifications recognized in the Federal Food, Drug, and Cosmetic Act as an official compendium and aspirin tablets are required by law to meet the standards of strength, quality, and purity set forth in the Pharmacopoeia.

Despite the chemical identity of all products labelled aspirin, millions of consumers have been cleverly deceived by the advertising campaigns of the two largest aspirin producers. Sterling Drug, Inc. has made the following false advertising claims for Bayer Aspirin during the years 1969 and 1970: (1) "Bayer is the best aspirin you can buy." (2) "Bayer Aspirin is the best pain-reliever on earth." Plough, Inc., the manufacturer of St. Joseph's Aspirin, recently advertised: "Shouldn't you give your child the very best?" The dissemination of this type of advertising is an unfair and deceptive practice under Section 5(a) of the Federal Trade Commission Act and also under Section 12 of the Act. This type of false advertising is a violation of Section 5 not only because it deceives consumers, but also because it is an unfair method of competition causing economic detriment to the smaller manufacturers of aspirin who produce a product that is chemically identical to Bayer and St. Joseph's Aspirins and who sell their aspirins at prices considerably lower than these two. Bayer Aspirin costs $1.07 for 100 tablets, and St. Joseph's Aspirin cost 69¢ for 100 tablets whereas many other aspirins sell for about 20¢ for 100 tablets. Yet Bayer alone holds more than 50% of the aspirin market.

As important for their sales as anything the advertisements for these two brands say is what they don't say. They don't say that all aspirins are chemically identical. Instead, each says that his aspirin is the best and even more importantly each spends millions of dollars making its name a household word. Sterling Drug, Inc. spent more than $22,000,-

000 in 1969 to promote Bayer Aspirin. Even in some of its most recent advertisements which do not openly assert that Bayer is the world's best aspirin, Bayer continues to imply that its aspirin is better than any other analgesic on the market including all other aspirins. Many of Bayer's recent advertisements state that "Bayer R Aspirin is *pure* aspirin . . . not just *part* aspirin." Also they assert that "Bayer works wonders." The assertion that Bayer Aspirin is pure aspirin logically implies that other aspirins may not be pure aspirin. This, of course, is false. The emphasis given the word Bayer in this ad by the use of the registration mark after that word further implies that one cannot rely on all aspirins to be pure aspirin— only Bayer R Aspirin. Another implied assertion of superiority for Bayer Aspirin is found on the package which tells the consumer that he has found "genuine" Bayer Aspirin.

On a recent NET television program, Congressman Rosenthal of New York had this to say on the subject of identical products.

> The chemical ingredients are identically the same and the reason people buy Bayer Aspirin, because Baycr is the recipient of heavy television advertising. It's a familiar name, and yet if we could have a sign in the store or some public declaration or some advertising medium that could tell us what the true facts are there isn't any one person who wouldn't go out and buy the identical product for less money, and this is quite logical.

The liquid chlorine bleach industry is another outstanding example of a chemically identical product that is the recipient of lavish advertising expenditures on the part of the largest manufacturers. All the liquid chlorine bleaches on the market have one and only one active ingredient, sodium hypochlorite. All of them except for Purex are in a solution that is 5.25% sodium hypochlorite and 94.75% inert ingredients. Yet Clorox advertisements have in the past claimed that "no other bleach, liquid or dry, bleaches clothes cleaner, whiter than Clorox." On the surface this ad may be true. Yet it is plainly a deceptive and unfair practice under Section 5 of the Act because of a material omission and a misleading innuendo. The implication that is not lost on millions of people is that Clorox bleaches clothes whiter than other bleaches. The material omission is the fact that all liquid bleaches are chemically identical. Clorox advertising is so widespread that that brand has become almost synonomous with liquid bleach in the minds of many people. Indeed, Clorox has captured over 50% of the liquid bleach market with sales for The Clorox Company totaling over $85,000,000 in the fiscal year ending June 30, 1969.

Purex is also one of the leading bleach manufacturers. Purex Bleach also has sodium hypochlorite as its only active ingredient. Purex, however, is a slightly more concentrated bleach than the others. Thus to obtain the same results as with the other bleaches you use a little less Purex. Purex allows for this slightly higher concentration by charging more for its bleach. Thus Purex Bleach costs 57¢ per gallon while White Magic Bleach costs 49¢ per gallon. The important fact here is that the active ingredient in Purex is no better (or worse) than that of any other bleach. It is exactly the same, and by using slightly less Purex per load a consumer would obtain the exact same results as he would with any other bleach. Yet Purex, evidently alluding to its 6% concentration, has claimed that is bleach contains "more whitening power." This is clearly a misrepresentation in that it implies that Purex contains something more powerful than other bleaches. In an analogous case the Court of Appeals upheld the FTC ruling that it is not necessary that an advertisement contain an untrue assertion in order to be considered misleading. "The deception may be by innuendo rather than by outright false statements." *National Bakers Services, Inc.* v. *FTC*, 329 F. 2d 365, 367 (1964). In that case Hollywood Bread advertised as a diet product, stating that their bread contained "only 46 calories per 18 gram slice." The implication was that their bread contained something special or omitted something special causing it to have fewer calories per slice than other diet breads. The fact was that Hollywood Bread had the same number of calories per 276 gram loaf. It merely cut its bread into thinner slices. Thus, if one were to eat his normal amount of bread, he would get the same number of calories whether he ate Hollywood or some other diet brand. Likewise with Purex Bleach. Purex has merely put slightly more sodium hypochlorite into its bottle and charged a correspondingly higher price. But if a consumer uses the normal amount of sodium hyprochlorite in his wash, he will get the exact same results whether he uses Purex or a much cheaper brand of liquid bleach.

In the bleach industry Clorox, by the use of an enormous advertising campaign, has captured more than half of the liquid bleach market. In the aspirin industry Bayer and St. Joseph's, through their ability to outspend all other brands in advertising have cornered the major portion of their market. And what is the result for our free-enterprise system of the predominance of these brands? The result is that the free-enterprise system is mocked. Clorox costs more per wash load than any other liquid chlorine bleach on the market. Yet Clorox is chemically identical to every other liquid chlorine bleach. Bayer Aspirin and St. Joseph's Aspirin are the two most expensive aspirin tablets on the market, and they are chemically identical to every other U.S.P. aspirin available.

The consumer is persuaded to pay more for products that are chemically identical to all other products in the field by the use of advertising that implants in his brain the notion that these highly advertised brand names are better or more reliable. Yet nothing substantiates the fact that they are better or more reliable, nothing suggests that they are better or more reliable, and their chemical identity creates an overwhelming presumption that the quality and reliability of all brands in these fields is the same. Moreover, in the case of liquid chlorine bleaches laboratory tests by Consumer's Union have indicated that all liquid bleaches, chlorine or otherwise, perform equally well. *Consumer's Reports*, September, 1969, page 534. In the case of aspirins, a study funded by the FTC and directed by Dr. Thomas J. DeKornfeld, M.D., found that there was no appreciable difference in relieving pain between Bayer Aspirin and St. Joseph's Aspirins as well as three other analgesics tested. *Journal of the American Medical Association*, December 29, 1962, pp. 1315–1318.

Even if one were to assume that the leading manufacturers of these products did nothing more misleading than saturating peoples' minds with pleasant images of their brand names (an assumption that the evidence refutes) or that they would cease making false assertions in the future and confine themselves to saturating peoples' minds with their brand names, the fact remains that even this practice would be a violation of Section 5 of the Federal Trade Commission Act unless the manufacturers make clear the material fact that all brands of these products are chemically identical. Unless consumers know this very material fact they are being deceived and misled into buying an identical product at a higher price. The tremendous cost of advertising does not allow other manufacturers to expand their share of the market even though their identical products are cheaper.

In a speech delivered on October 1, 1970, Commissioner Mary Gardiner Jones recognized the FTC's responsibility to protect consumers and the free-enterprise system from advertising that sells products on appeals not based on quality or price superiority but rather on the cleverness or the mere repetition *ad naseum* of the commercial message itself. Commissioner Jones said:

> . . . if a promotional practice achieves such success in luring customers to the advertiser's product or outlet that exactly comparable or superior products or services are unable to enter or survive in the market, it is obvious that our reliance on competition to ensure the highest quality at the lowest possible prices could become grossly misplaced or useless. It is equally obvious that the Commission must examine these practices with these implications in mind if it is to discharge its obligations to the business community and to the consumer to maintain the essential freedom of competition.

A failure to disclose product information can deceive consumers as to the actual properties of the product in question and can unfairly detract his attention away from what might be a superior product either in terms of price or quality.

The FTC has the power under the Federal Trade Commission Act, its own past decisions and the decisions of the Federal Courts to prevent manufacturers of chemically identical products (1) from making claims that their brands are better than or different from other brands unless such claims are substantiated by proof on file with the FTC, and (2) from implying that their brands are better or different unless substantiated by proof on file with the FTC. Moreover, the FTC has the power to employ the only remedy that would really restore consumer sovereignty with regard to identical products by providing the consumer with the material fact which advertising has omitted. The FTC can and, we submit, should require manufacturers of chemically identical products to affirmatively disclose in all their advertising and on their labelling the fact that they *are* chemically identical.

It is the contention of the petitioner that the leading manufacturers of aspirins and of liquid chlorine bleaches have violated Section 5 of the Federal Trade Commission Act by their claims, by their implications, and by omitting to disclose the chemically identical nature of their products.

Unfair and deceptive acts and practices evidenced in advertising can take three different forms. (1) An advertiser may claim for a product superior qualities than it does not possess. (2) An advertiser may deceive consumers by innuendos that imply a non-existent superiority for his product. (3) An advertiser may fail to disclose material facts and thus create a false impression in the minds of consumers. Each of these types of advertising practices has been found to be unfair and deceptive and thus unlawful under Section 5 of the FTC Act.

The first type of unfair and deceptive advertisement is exemplified in Sterling Drug's claim that "Bayer Aspirin is the best aspirin you can buy," or the Purex ad that claims "more whitening power." The FTC, in issuing cease and desist orders, has time and again ruled that a product cannot be represented (through advertising, packaging, labelling, or other means) to be unique in some way when in fact it is substantially similar to competing products.

The American Hospital Supply Company was ordered to cease and desist from representing that "pyrogens" were not easily removed by other detergents, when, in fact, all detergents removed "pyrogens" equally well. Stipulation 8557, 51 FTC 1434, 1954.

Duon, Inc. was ordered to cease and desist from claiming that their hair cream was substantially different from every other cream on the market when, in fact, there was no noticeable or readily distinguishable difference. Stipulation 8007, 46 FTC 1234, 1950.

Marlene's, Inc. was ordered to cease and desist from representing that its haircream had different hairwaving effects from conventional types of wave sets when such difference did not actually exist. Stipulation 8265, 48 FTC 1662, 1952.

Mirra Chemical Laboratories was ordered to cease and desist from claiming that their moth preventative was the only one of its type on the market which was effective in preventing moth damage. Docket 5301, 41 FTC 294, 1945.

The second type of unfair and deceptive advertisement is exemplified in the Bayer Aspirin ad that says "Bayer (R) Aspirin is *pure* aspirin," or the Clorox ad claiming that "no other bleach, liquid or dry, bleaches clothes cleaner, whiter than Clorox." Here the deception is in the implications that other aspirins aren't pure aspirin or that other liquid chlorine bleaches can't get your clothes as white as Clorox.

This type of deception has also been the subject of cease and desist orders. In an action against the Satis-Factory Shoe Company, the FTC required the Company to stop representing that its shoes had "unique construction features" which were implied not to be found in shoes of comparable value. The FTC here prohibited the use of advertising which tended to portray a higher standard for a product than actually existed. Stipulation 3893, 39 FTC 605, 1944.

It is no defense to the charge of unfair and deceptive advertising for an advertiser to argue that he did not realize that the advertisement was creating in the minds of consumers an implication of a non-existent superiority. The advertiser's knowledge of the deception is irrelevant. The purpose of the Federal Trade Commission Act is to protect the free enterprise system and the public, not to punish the violator. The mere existence of a deceptive advertisement is held to be grounds for action by the FTC. *Gimbel Brothers, Inc. v. FTC,* 116 F. 2d 578 (1951).

In *National Bakers Services, Inc. v. FTC, supra,* at 367, the 7th Circuit Court of Appeals held that the literal words of an advertisement need not be false. "The deception may be by innuendo rather than outright false statements." And advertising that could be constructed as possibly misleading or possibly truthful shall receive the former interpretation. *County Tweeds, Inc. v. FTC,* 326 F. 2d 144 (1964); *Murray Space Shoe Corp. v. FTC,* 265 U.S. 438 (1962); *Rhodes Pharmaceutical Co. v. FTC,* 208 F. 2d 382, (1953).

A determination of misleading advertising has consistently been held to be based on the overall impression that the ad gives to the general public. *Murray Space Shoe Corp. v. FTC, supra.* In *P. Lorillard Company v. FTC,* 186 F. 2d 52 (1950), an FTC cease and desist order was upheld forbidding advertising which stated that Old Gold cigarettes contained less nicotine, less tar, less resin, or were less irritating to the throat than any of the other leading brands of cigarettes on the basis of a *Reader's Digest* test, even though technically speaking this is exactly what the test did show. The ads were misleading because, although the laboratory tests showed differences among the various brands of cigarettes, these differences were so minute as to be insignificant. The court stated that the proper test was a judgment of the effects which the ad might reasonably be expected to have on the general public. The terms "might reasonably" and "general public" are the crucial ones. Actual deception of the public need not be shown. *FTC v. Balmic* 23 F. 2d 615 (1928); *Parker Pen Co. v. FTC,* 59 F. 2d 509 (1946); *Charles of the Ritz Distributors Corp. v. FTC,* 43 F. 2d 676 (1944); *Feil v. FTC,* 285 F. 2d 879 (1960). Nor must injury or even probable injury to "particular interests" be shown to warrant a proceeding against deceptive advertising. "It is the totality of all interests conceived as the public interest which is decisive." *Fioret Sales Co., Inc. v. FTC,* 100 F. 2d 358, (1938).

The third type of unfair and deceptive advertising is the omission of a material fact. This type of deception is characteristic of all advertising of chemically identical products. The material fact that is omitted is the fact that these products *are* chemically identical. In the case of aspirins, Section 15 of the Federal Trade Commission Act referring to food, drugs, devices, and cosmetics specifically states that a failure to reveal material facts constitutes "false advertising" and is thus, an unfair or deceptive act or practice violating Section 5. 15 USC 55(a). In the case of bleaches, the failure to disclose a material fact is an unfair and deceptive act because the very existence of a capacity to deceive as measured by the net impression an ad is likely to make on the general public has repeatedly been held to violate Section 5 no matter what form the deception takes. *Montgomery Ward & Co.* v. *FTC,* 379 F. 2d 666 (1967); *Fell* v. *FTC, supra,* at 896; *Gulf Oil Corporation* v. *FTC* 150 F. 2d 106 (1945); *National Bakers Services, Inc.* v. *FTC, supra,* at 367.

Finally, it should be noted, that an advertiser of a chemically identical product who has perpetrated a violation of Section 5 by one or more of the three types of deceptive and unfair advertising cannot hide behind the facade of the "puffing" privilege, seeking to clothe himself with the vestments of free expression. The "puffing" concept has its necessary boundaries:

> "Puffing" refers to an expression of opinion not made as a representation of fact. While a seller has some latitude in "puffing" his goods, he is not authorized to misrepresent them or to assign to them benefits or virtues they do not possess. *Gulf Oil Corporation* v. *FTC, supra,* at 109.

The important distinction between "puffing" and deceptive advertising is essentially one of knowledge. In the case of chemically identical products advertisers know or should know that all brands within that industry are identical. The "puffing" privilege is no defense.

Thus, it is apparent that sufficient grounds exist for the issuance of cease and desist orders against the major manufacturers of aspirins and liquid chlorine bleaches. Yet the special nature of the chemically identical products problem could best be resolved by the promulgation of a Trade Regulation Rule by the Commission pursuant to Section 5, *et seq.* of the Federal Trade Commission Act and Section 1.12 and 1.15 on the Commission Procedures and Rules of Practice. A Trade Regulation Rule in this area would set out the Commission's policy in regard to all manufacturers of chemically identical products, including aspirins, liquid chlorine bleaches, and any other industries which the Commission now feels or in the future might feel should be included in this category.

The petitioner has argued that the manufacturers of chemically identical products have violated Section 5 with their unfair and deceptive advertising practices by making *claims* which were unsubstantiated, by *implying* superior quality without substantiating evidence, and by *failing to disclose* the material fact that every brand within their industries is chemically identical to every other brand. The petitioner now submits that the FTC has the power to require any advertiser to cease and desist from disseminating in commerce any ad that makes unsubstantiated claims or implies, without substantiation, superior qualities for chemically identical products. And the petitioner further submits that the FTC has this same cease and desist power in regard to advertisers of chemically identical products who fail to disclose that their products are identical. Therefore, the petitioners urge the FTC to promulgate a Trade Regulation Rule that would prohibit advertisements containing unsubstantiated claims or implications for chemically identical products and that would require the affirmative disclosure of the identical nature of all chemically identical products.

In regard to the substantiation of claims and implications, the Commission has repeatedly taken the position that the Act is violated if a manufacturer fails to substantiate in advance the claims that his advertising asserts. Substantiation has been held to require adequate, thorough and well-controlled scientific tests, the results of which are in writing and available for inspection. *In the Matter of Bishop Industries, Inc.,* Docket No. c–1724, Decision and Order, April 10, 1970; *In the Matter of Charles Phizer and Co.,* File No. 702–3131, Determination to Issue Complaint, April 16, 1970; *In the Matter of Firestone Tire & Rubber Co.,* File No. 682–3381, Determination to Issue Complaint, December 1, 1969; Proposed Guides for Advertising Over-the-Counter Drugs, Guide 3(e).

Regarding the petitioner's proposal of affirmative disclosure, the Commission has used affirmative disclosure as a remedy and the courts have affirmed its use. The Commission has held that where affirmative disclosure is the only remedy to insure that the public not be deceived as to the attributes of a product the Federal Trade Commission will insist upon such disclosure. The Commission discussed this power in *Campbell Soup* 1967–1970. FTC Complaints and Orders § 19.261:

> We have no doubt as to the Commission's power to require such affirmative disclosures when such disclosures are reasonably related to the deception found and are required in order to dissipate the effects of that deception.

The standards for a finding that the lack of affirmative disclosure was a violation of Sections 5 and 12 of the Federal Trade Commission Act were first enunciated in *Alberty v. FTC,* 182 F. 2d 36, where the court stated:

> The Commission must find either of two things before it can require the affirmative clause complained of: (1) that failure to make such statement is misleading because of the consequences from the use of the products, or (2) that failure to make such a statement is misleading because of the things claimed in the advertisement.

This case is opposite to the aspirin industry which comes under Section 12 of the Act. The aspirin advertising that we observed claimed or implied unique qualities for the leading brands. Thus, the claim or implication of uniqueness would give rise to the requirement for affirmative disclosure under this standard.

In *J. B. Williams, Inc. v. FTC,* 381 F. 2d 886 (1967), a case involving an FTC directive that Geritol contain a disclosure that it has no benefit for the great majority of people, the court stated that:

> The fact that the great majority of people who experience tiredness symptoms do not suffer from any deficiency of the ingredients in Geritol is a "material fact" under the meaning of that term as used in Section 15 of the Federal Trade Commission Act, and Petitioner's failure to reveal this fact in this day when the consumer is influenced by mass advertising utilizing highly developed arts of persuasion, renders it difficult for the typical consumer to know whether the product will in fact meet his needs unless he is told what the product will or will not do.

This case recognizes that the omission of any vital information which is bound to influence the consumer's decision on whether or not to buy a food, drug, device, or cosmetic constitutes a failure to disclose a "material fact" under Section 15. This case demonstrates the need for affirmative disclosure in an industry such as the aspirin industry.

Based on the Geritol rationale, the Fourth Circuit recently affirmed FTC action requiring affirmative disclosure in a case not based in Section 15, *All-State Industries of North Carolina, Inc.* v. *FTC*, 423 F. 2d 423 (1970), extends affirmative disclosure as a proper remedy whenever there has been a Section 5 violation due to a material omission and no other remedy is sufficient to redress the damage done. Here the FTC held that the deceptive sales practices of All-State Industries necessitated that All-State reveal that any instruments of indebtedness of purchasers could be assigned to a finance company, against whom, the purchaser's claims or defenses might not be available. For other cases holding that affirmative disclosure is a proper remedy for curing violations of Section 5 see *Atlantic Refining Co.* v. *FTC*, 381 U.S. 357 (1965); *FTC* v. *Colgate Palmolive Co.*, 380 U.S. 374 (1965) *FTC* v. *Cement Institute*, 333 U.S. 683 (1948); *Jacobs Siegel Co.* v. *FTC*, 327 U.S. 608 (1946). See also FTC Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labelling of Cigarettes in Relation to Health Hazards of Smoking, Accompanying Statement of Basis and Purpose of Rule, June 1964.

### THE PROPOSED RULE

As was previously stated, the petitioner urges that the Commission adopt a Trade Regulation Rule to remedy the unfair and deceptive practices currently employed in the advertising of chemically identical products. The proposed rule has three parts. (1) It would declare the use of any unsubstantiated claim in an advertisement for chemically identical products to be an unfair and deceptive act in violation of Section 5 of the Federal Trade Commission Act. (2) It would do the same thing for unsubstantiated implications in the advertising of chemically identical products. (3) It would require the advertising and labelling of all chemically identical products (the affected products to be named by the FTC) to contain an affirmative disclosure to the effect that all products in that industry are chemically identical. (For example: "All liquid bleaches are chemically identical.")

A capsule review of the need for the proposed rule follows:

(1) Unsubstantiated claims and implications are common practice in the advertising of chemically identical products. Such claims and implications mislead the public into buying chemically identical products at highly inflated prices. By its effect his advertising subverts the basis of our free-enterprise system, and specifically it deceives consumers and discourages competition within the industry. If all unsubstantiated claims for chemically identical products were eliminated, advertising would have to concentrate on price, superior containers, or other qualities which actually exist and which would benefit the consumer.

(2) The affirmative disclosure requirement is essential because consumers have been misled by the deceptive and unfair advertising of chemically identical products for so long that millions of people are already convinced that the leading brands are superior. The requirement of substantiation alone might lead to complaints and cease and desist orders where claims were shown to be unsubstantiated by the clinical evidence submitted to the FTC, but consumers would continue to be misled while a false ad was running, and the false impression of superiority of leading brands would continue.

(3) Affirmative disclosure is a proper remedy in the case of chemically identical products because such disclosure does not harm to the true functions of advertising which are to inform consumers of differences among products in quality, price, warranties, etc. The role of advertising is not to deceive consumers into believing that there are actual differences among products where none exist.

(4) Affirmative disclosure is necessary because these products *are* chemically identical and to impose a lesser requirement would invite advertisers to seek loopholes in the trade regulation rule.

(5) Affirmative disclosure is also desirable because it would make costly advertising campaigns for chemically identical products wasteful and would thus encourage competition among a large number of manufacturers for the national market. This competition would encourage manufacturers to produce their product at the lowest cost possible, a further advantage to the consumer.

(6) Finally, affirmative disclosure and prior substantiation would protect the honest businessman who is now encouraged to exaggerate his claims in order to keep up with competition.

### TRADE REGULATION RULE

For the reasons outlined above, the petitioner urges the Commission to hold a rulemaking proceeding and to promulgate the following trade regulation rule:

(1) It is a deceptive and unfair trade practice and an unfair method of competition in commerce for any person, partnership, or corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising in commerce of liquid chlorine bleaches, aspirins or any other product declared to be chemically identical by the Federal Trade Commission—

(a) to claim that such product possesses any qualities that make it superior to any other brand of that product unless such claim has been fully and completely substantiated by competent scientific tests, and these tests are in writing, and are sent in advance of advertising to the Federal Trade Commission where they will be made available to the public, or

(b) to imply through words, pictures, general sense of the advertisement, or in any other way that such product possesses any qualities that make it superior to any other brand of that product unless such implication has been fully and completely substantiated by competent scientific tests, and these tests are in writing, and are sent in advance of advertising to the Federal Trade Commission where they will be made available to the public.

(2) It is an unfair and deceptive act and an unfair method of competition in commerce for any person, partnership or corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, to advertise distribute, or sell liquid chlorine bleaches, aspirins, or any other product declared to be chemically identical by the Federal Trade Commission, unless all advertising and all package labelling for such products shall contain an affirmative disclosure that all products of this type are chemically identical, and unless such affirmative disclosure shall be located in a conspicuous place in such advertising and package labelling and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter in the advertisement or on the package.

Respectfully submitted,

S.A.M.E.

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## VETO ON "BLACK TUESDAY"? UNEMPLOYED AWAIT PRESIDENT'S ACTION ON ACCELERATED PUBLIC WORKS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFall) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, in the past week, reports have filtered to the Hill that the President plans to veto S. 575, the accelerated public works program, tomorrow. I learned today the Labor Department's Bureau of Labor Statistics, which usually announces on the 28th of each month which major labor market areas have been added to the list of "substantial unemployment areas," will not make this revelation until July 1—2 days after the President's projected veto of the measure expressly designed to alleviate the lack of jobs in high unemployment areas.

I believe it very important in the light of the administration's actual and predicted actions to remind the Members of this House of the purposes and goals of S. 575.

It is acknowledged by all Members familiar with this bill that it cannot cure at a single stroke the serious unemployment problem existing within the United States. Yet, despite the protests of some economists who oppose the "pump priming" nature of this legislation, it is clear that enactment of S. 575 will have an immediate and beneficial effect on the Nation's labor situation.

Experts who testified before the House Public Works Committee which considered this bill estimated that the program would create 170,000 jobs for workers immediately, and would put 250,000 men to work in secondary jobs. Four hundred and twenty thousand jobs hardly covers the 5.2 million persons unemployed right now, but there is no question that the unemployment problem can be quickly reduced. The act will make money available almost immediately in high unemployment areas, money which can be utilized by local contractors and labor pools for small public works projects.

Such an approach to the creation of more jobs has the definite asset of being much sooner in effect than the ideas of personal income tax cuts or tax credits which have been pushed by the administration. In addition, the economic consequences of tax cuts or credits are not as readily ascertainable as the effects of the accelerated public works program.

It should be added that the nature of the work the program will bring about will not be like the "leaf-raking" jobs of the 1930's. S. 575 will fund local projects such as waste treatment centers, water and sewer facilities, hospitals, and other public service facilities—construction which will not harm the tax base of small communities.

In sum, then, the administration's argument that the bill would set off an inflationary spiral sounds inadequate when compared to the relatively massive benefits which will accrue to workers and communities alike if S. 55 is signed by the President. I urge that he do so.

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## WILL CANNIKIN ENDANGER SALT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, all

concerned Americans were heartened recently when it was announced that the United States would discuss a possible limitation on antiballistic missiles at the strategic arms limitation talks now underway in Vienna. The announcement, made by our President, was the first indication of a breakthrough at the SALT talks in many months.

It is, therefore, deeply discouraging to learn that the Atomic Energy Commission is proceeding full speed ahead with plans to test a nearly 5-megaton nuclear device, reportedly the ABM warhead, on the Island of Amchitka off the coast of Alaska next fall. This test project is called "Cannikin."

Although my major concern in connection with the planned underground nuclear test has been and continues to be the immediate safety of the people of Hawaii and Alaska and our good neighbors in Canada, Japan, Taiwan, the trust territory and other areas of the Pacific, it should also be emphasized that by jeopardizing the strategic arms limitation talks, the AEC may be gambling with the future of all mankind.

Even if the proposed nuclear test, the largest ever conducted by the United States, does not cause a disastrous earthquake or tsunami, it may well end forever any hope of agreement with respect to the limitation of strategic nuclear weapons. If the President is seriously optimistic about SALT, he should order an abandonment of Cannikin, and demonstrate to the world that under his leadership the United States can act peace, not merely talk peace.

## HON. CLAUDE PEPPER

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. BARRETT. Mr. Speaker, Sunday's Washington Post Potomac magazine carries a profile story of our distinguished colleague from Florida, Claude Pepper. I am pleased to see the Post honor my distinguished friend, whose 40-year political career is an outstanding example of service to his country.

We all know that Claude Pepper began his service in Washington in the U.S. Senate and continues his service here in this distinguished body. Claude was a stalwart supporter of Franklin Roosevelt in the Senate, and one of President Roosevelt's key leaders in guiding New Deal legislation through the Senate. As the Post Story states:

> Claude Pepper was an untypical southern Senator and national leader, perhaps the most important Senator Florida ever sent to Washington.

I would only add here, and probably the most important Member of the House Florida has ever sent to Washington.

Mr. Speaker, I include the article on Claude Pepper immediately following my remarks:

### "Senator" Pepper, at 70, Has Outlasted His Hatchetmen

(By Larry Mahoney)

Washingtonians, weary of District-baiting demagoguery by committee chairmen from the South, may have undergone some sense of "here we go again" when, in 1969, the House of Representatives created a Select Committee on Crime and appointed as its chairman a 69-year-old Florida congressman who had been born and raised in rural Alabama.

But the Crime Committee was getting no Claghorn for its chief. Instead, it got Claude Pepper, whose 40-year political career presents a heartening exception to the warning that Edgar Lee Masters sounded in *Spoon River Anthology:* "Beware of the man who rises to power from one suspender."

Congressman Claude Pepper has served in both the U.S. Senate and the House of Representatives. Pepper was first a senator and then a congressman.

Claude Pepper was an untypical Southern senator and national leader, perhaps the most important senator Florida ever sent to Washington; an early and primary victim of the "soft-on-communism" campaign techniques of the McCarthy era, a good example of American political pragmatism; a master politician of the Florida that V. O. Key, in his classic *Southern Politics,* called a state "unled and unbossed, where it is every man for himself;" a legislator operating ahead of his time.

Instead of one senator among 100 (or 96 as it was in his day), Pepper, since 1962, has been one congressman among some 435. The prestige and the power are not the same, but he seems to thrive in the lower house, where he is a respected and important leader, if not of the first rank as he was in the Senate. Others, including John Quincy Adams, Henry Clay and Thomas Hart Benton, preceded him as ex-senators in the House. Staff and friends still acknowledge Pepper as the *Senator* 21 years after he ceased to be that.

Pepper sits in his office, in Room 432 of the Cannon Building at desk No. 48595, the massive brown teak of the House. The high walls of the office are plastered with photographs and plaques of 40 years in politics. He is flanked by a potted palm, the flags of Florida and the U.S., a bust of himself as senator. The photographs range from his parents' graves to the surrender on the battleship *Missouri,* from Pepper the boy orator in the Heflin Debating Society, to Pepper the confidant of FDR, and beyond.

Claude Pepper, unlike a lot of silver-tongued politicians, never really had the good looks to complement what was coming out of his mouth. He would be a media disaster in these days of the all-mighty statewide television; no LeRoy Collins, he. When Pepper did his campaigning, though, being a golden boy probably didn't matter all that much. More decisive talents were his. He was master of the cypress stump, of hushpuppy oratory at the fish fry, of the sound truck and the motorcade, of the Pentacostal preacherman variety of joke, the reference to Job and jobs, Ruth and roads and Roosevelt, his hero. A gifted Populist orator; a preliminary mouth of the people.

Pepper the senator was adept with the federal pork barrel, too, and the establishment of airfields and forts in Florida during the early days of the Second World War was not entirely attributable to sunshine and vacant palmetto scrublands; FDR remembered his New Deal and lend-lease ally.

Today, Claude Pepper retains a good measure of that flair and style from an urban, largely northern-born and heavily Jewish and Negro congressional district at the tip of Florida, a constituency that bears hardly any semblance at all to the underpopulated state that counted Claude as its man in Washington in the 1930s and '40s. It is a style of great personal courtesy, of occasional oratory, of keeping the memory of FDR kindled among Izzy and Bella, the retired Lower East-siders on South Beach, who vote always; of personally plowing the grassroots. The 11th Congressonal District of Dade County has a veteran representative who keeps on his toes, partially because, as an aide said, "He works hard because he lost once."

Claude Denson Pepper was born to an Alabama farm family on Sept. 8, 1900. (His mother once said that he started talking when he was nine months old and he's been talking since.) When the boy was 10, the family moved 10 miles down the road to Camp Hill, in the heart of Black Belt cotton country. "I walked the family milk cow down the path to our new home," he remembers. "My father became a merchant, and later the chief of police in Camp Hill." Pepper worked from early on because the family was poor. As a teen-ager, he was a wandering blocker of hats. After a customer threatened to whip his hide for ruining a Sunday-go-to-meeting hat, he took a test and became a school teacher in the peanut town of Dothan, then worked as a steel hand in the belching furnaces of Birmingham before entering the University of Alabama.

Working his way through college, Pepper avoided the First World War's conscription by joining the UA Army Training Corps. He finished Phi Beta Kappa at Tuscaloosa and went North to the Harvard Law School, where, after three more years of double-timing it as waiter-student, he got his law degree and was ranked in the top six students of his class.

It was 1924 and, as a son of South with political ambition, Pepper went down to teach law at the state university of Arkansas, where he turned down a high-paying job with a utility company (that being not good work for a Populist). One of Professor Pepper's students was a smart boy from a prominent family: J. William Fulbright.

Boomtime Florida beckoned, and Arkansas didn't appear to be so much a land of opportunity as its auto tag motto proclaimed. Fatefully for him, Claude Pepper took a job in the law offices of Judge W. H. Davis at Perry, a scraggly little pinetree town at the peninsula's Big Bend on the Gulf. It was 1925, his starting salary was $125 a month, and from there he went straight up.

First it was the state legislature, then a temporary setback when he failed to be reelected there, then big game in 1932: the U.S. Senate seat of powerful Park Trammell. He lost, but narrowly, and next time came far sooner than expected. In 1936, with the death of Duncan U. Fletcher, the senior Florida senator, Pepper ran without opposition for the remainder of the term. That same year he married Irene Mildred Webster of St. Petersburg.

Claude Pepper took Capitol Hill by verbal assault. His maiden speech in the Senate was an indictment of his peers and colleagues for deserting the New Deal; in no time at all, he was the most prominent of the freshmen. His stature was soon to surpass that of most of the veterans.

By 1938, slickhaired Claude Pepper, eyes rolling heavenward, gesturing before a red Ford topped by washbasin-sized megaphones, was on Time's cover as "the Florida fighting cock (who) will be a White House weathervane." Pepper was a good barometer for the President and his program, a New Dealer supreme. He won and his conspicuousness mushroomed; some saw him as "the great liberal" and others considered him "the most dangerous man in the Senate since Huey P. Long." He became an influential member of the Foreign Relations Committee (now headed by his old student), Labor and Public Welfare committees at a time when the United States, working its way out of an economic depression, was nosing into what would become the century's great war.

At the Nuremberg Congress of the Nazis, Pepper watched another master orator from afar and returned to Washington convinced that Adolph Hitler was out to conquer the world. Working with FDR, the Floridian pioneered lendlease legislation and pushed for a destroyers-for-bases agreement with Great Britain; he also promoted compulsory military service. The hawk from Florida was hanged in effigy by "The Mothers of the United States of America."

Domestically, the senator stayed close to FDR. The hostile *New York Herald Tribune* chided him: "When the White House has an important balloon to send up, it invites Senator Pepper to supply the necessary oratorical helium." He aggravated a lot of people in Florida by breaking with the Southern bloc and cosponsoring legislation to repeal the poll tax; he even lived dangerously, politically, by appearing on speakers' platforms with blacks.

Pepper was safely in the Senate for another five years when the war ended. He began to operate on an internationalist stage, particularly in relation to the Soviet Union, America's major wartime ally. Considered a warmonger in 1940, Pepper had become by the second half of the decade a peacemonger in the eyes of many.

"I believed that the seeds of a third world war were present at the end of the second," he told this reporter recently, "and the advent of nuclear weaponry made that possibility all the more horrible. I wanted to do everything in my power to keep the two giants, us and the Soviets, from becoming enemies. If I had had more support, if I had been more effective, the world would have been spared all of this Cold War, all of the troubles of the past 25 years."

Claude Pepper met with Josef Stalin in 1945. In the ruins of Berlin, the senator hopped aboard a Russian military transport and flew to Moscow, fearful all the way because the young Soviet soldiers were smoking American cigarettes while lounging on barrels of fuel. Safely in the Soviet capital, Pepper went (with George Kennan as his translator) into the bowels of the Kremlin, talked for nearly an hour with Stalin.

Pepper came away convinced that the Soviets were war weary, that the United States had treated them badly by plainly ignoring a request for a $6 billion recovery loan, that the Red Army was demobilizing and that Stalin wished to work for peace and amity with the U.S. Pepper wrote about it in a Page One piece supplied to *The New York Times* by the North American Newspaper Alliance which financed his trip. Allying himself with Henry Wallace and the Progressives, he split with Harry S. Truman over the military phases of the Marshall Plan, in particular the arms shipments to Greece and Turkey, where communist revolts were being smashed. In 1948, he urged Dwight Eisenhow, then president of Columbia University, to oppose Truman for the Democratic nomination; briefly, he put his own name before the convention.

At Pepper's homebase, unfriendly eyes were watching and plans were being hatched. That meeting in Moscow, that article in *The Times* and Pepper's entire record and attitude toward the Soviet Union would be used cynically and fervently—and deadly effectively—against the senior Florida senator. In 1950, Claude Pepper became the first and most prominent political victim of the Cold War in the United States.

In that Florida election year, Claude Pepper would become *Red* Pepper, apologist for Joe Stalin, "a pervert by assonance," and associate of an uppity "Nigger" named Paul Robeson, a proponent of socialized medicine, the very symbol of all that was far leftfield in the New Deal, an anti-business colleague of union gangsters and racketeers.

In short, Claude Pepper was a target. Both he and his opponent, George Armistead Smathers of Miami, today an ex-senator, still bear scars of '50, though Pepper, who lost, carries the most. That year was a pivotal point in the politics of Florida, the South and the nation. It was a march right, the spawning moment of McCarthyism, the rise on the national scene of Richard Milhous Nixon. The purge of Pepper began it all.

Wavyhaired young Congressman Smathers, nicknamed "Smooch" at the University of Florida and back from the war in the Pacific, had been an ardent supporter of Pepper in previous years, and the senator had helped the young lawyer get his shingle up. Smathers himself was not so important; his backers were. Especially Edward Ball.

Pepper felt that the people who had the big money should be made to pay for raising up the blacks and the poor whites. This idea grossly offended Ball, baron of the billion-dollar Florida duPont interests, which, besides owning at that time 500,000 acres of timberland, entire counties, paper mills and a railroad and the largest chain of banks in the South, was also considered the proprietor of a good many members of the Florida Legislature. To Ed Ball, Claude Pepper was "that Buzzard." The animosity was mutual; Pepper thought of Ball as a ruthless economic tyrant.

So by 1950, Ball and his empire, along with the U.S. Chamber of Commerce, the American Medical Association and the National Association of Manufacturers, had fueled, primed and raring to go the most elaborate crusade of political annihilation ever seen in the South.

Smathers attacked and, in retrospect, the stinging words seem unreal: "The leader of the radicals and the extremists is now on trial in Florida. Arrayed against him will be loyal Americans . . . Standing against us will be certain Northern labor bosses, all the socialists, all the radicals and all the fellow travelers . . . Florida will not allow herself to become entangled in the spiraling spider web of the Red network. The people of our state will no longer tolerate advocates of treason. The outcome can truly determine whether our homes will be destroyed, whether our children will be torn from their mothers, trained as conspirators and turned against their parents, their home and their church. I stand for election on the principle of the free state against the jail state."

A scenario of the spring of '50: Gunslinger George Smathers, eyes glinting, like Clint Eastwood in an Italian-made Western, entertains—and probably confuses—a gathering of North Floridians: "Are you aware that Claude Pepper is known all over Washington as a shameless extrovert? Not only that, but this man is reliably reported to practice nepotism with his sister-in-law, and he has a sister who was once a thespian in wicked New York. Worst of all, it is an established fact that Mr. Pepper, before his marriage, practiced celibacy."

William Buckley was to call this "making Claude Pepper a prevert by assonance." Some of the less funny things that Pepper was called in 1950 include "spell-binding pinko," "Nigger-lover," "wiley, oil-tongued apologist for 'Red' Quill of the CIO Transport Workers," "graduate of Felix Frankfurter's Harvard Law School and classmate of Alger Hiss."

Photographs of Pepper and Paul Robeson at Madison Square Garden rained down on the state like the tiny toads that sometimes fall from the thunderheads of a Florida summer afternoon.

Three weeks before election day, *The Saturday Evening Post*, in an article under the byline of Ralph McGill, early oracle of Deep South liberalism, carried a nasty attack on Pepper, calling him a spellbinding pinko supported by ultra-leftwing friends. It was one of the hardest blows of the campaign, pushing even liberals and moderates, rare critters that they were, over to Smathers. (McGill later expressed shame and sorrow over the article, saying that Smathers' father had tricked him into writing it.) A little book, *The Red Record of Senator Claude Pepper*, came out during the campaign's last week. Miami, a Pepper stronghold, got nine tons of the hatchet-job alone.

At the ballot box, Populist Panhandle folk and Tampa-Miami moderates deserted Pepper in droves. The smear put Smathers in office by 67,000 votes. From Manhattan, Henry Luce's magazine empire trumpeted: "Republicans joyfully saw the result as a harbinger of a national conservative trend . . . a blow to the Fair Deal nationally and a warning of the communist issue which Republicans are sure to raise this fall."

The primary of 1950 was a crushing blow to Claude Pepper, not only politically but personally. "I sometimes wonder how he survived the first years after he left the Senate," a Washington friend said. "He had campaign debts to pay off and, unlike a lot of senators, he had not been too busy looking after his own financial interests while in office." The ex-senator and his wife, Mildred (they had no children), returned to Florida to pick up the pieces.

Pepper expanded his Tallahassee law firm, and opened an office in Miami Beach. His old talent for the law proved endurable and he kept his interest in politics and public issues alive, appearing on platforms with Adlai Stevenson in 1952 and 1956. But he desperately missed the United States Senate. In 1968, he tried to return by unseating Spessard Holland. Pepper got 321,000 votes, but it wasn't enough.

The swelling population of South Florida presented another kind of route back to Capitol Hill. In 1962 a new congressional district was carved out of Dade County (Miami), perhaps the South's, and even one of the nation's, most liberal areas. Pepper easily won the election. At the age of 62, Claude D. Pepper became a freshman congressman. The return to Washington, associates say, seemed to rejuvenate him.

George A. Smathers left the Senate in 1969, his health bad, his reputation largely that of a senator who looked after his friends and cultivated the special interests, a man of considerable influence with John Kennedy and Lyndon Johnson but also linked to Rafael Trujillo and Bobby Baker.

So it is that at 70, and 40 of those years in public office, Claude Pepper has politically outlived the hatchetman who took his Senate seat in 1950. From his seat in the House of Representatives, Pepper endures. He is still liberal, and the times, well, they haven't entirely caught up with him yet.

The Americans for Constitutional Action, the rightist equivalent of the liberal and better known Americans for Democratic Action (ADA), consider Claude Pepper the most liberal Southern member of either house of Congress. Ratings after the 91st Congress last year, cumulative to 1957, gave Pepper a near negligible score of 3 per cent. The average for Florida's 14-man delegation was 63 per cent, which might mean, in the eyes of the ACA, that Pepper was 20 times as liberal as the average Florida congressman. (Senator Fulbright, Pepper's former pupil, got a 24 per cent.)

Such a nearly and continuing record of liberalism might seem to make Claude Pepper something of a hero to the young men and women of the New Left. But, of course, it is not like that. His last opponent was a Miami youth, a sort of "Wild in the Streets" candidate who accused Pepper of all varieties of selling out. And to Robert Kunst, a 29-year-old Miamian, chairman of Florida's New Party and ranked up there with Dr. Spock and Gore Vidal in the national apparatus, Pepper is "a has-been liberal, sort of wishy-washy, who just won't give us any kind of a hand."

Yet Claude Pepper seems even more youth conscious than the average congressman, even considering the advent of the teeny-bopper voter. This may be largely because of his work on the Crime Committee, delving into the drug issue and also concerned with the often abusive treatment of juvenile offenders by the courts and the jails. The 70-year-old frequently comes to moments like this in his conversations and public utterances:

"Yes, I am reading up on marijuana and all of that . . . we've listened to Art Linkletter, whose daughter died of LSD, or was it speed? Somehow or another, we need the best educational brains in the country to educate the people, especially the young, on these drugs. . . . If you didn't put it to 'em by preaching. . . . We need a rock 'n' roll star to popularize a song for the wholesomely exhilarated. . . ."

Here he raps his fingers on the desk in faltering effort to capture a beat. . . . "Um, ah, I don't even have to take marijuana to *feel good*. Been on a trip, as it was." At threescore and ten, Claude Pepper is still operating on the current edge of what is happening, if a bit clumsily at times.

Besides his chairmanship of the Crime Committee, a plum he got because his fellow congressmen hold him in high regard, Pepper sits on the House Committee on Rules, a sort of Dardanelles through which legislation must sail or sink. Lyndon Johnson helped his old New Deal mentor get that seat. Pepper, a master parliamentarian, is considered one of Rules' most able members.

Pepper's third committee assignment is one of great irony. When, in 1969, Speaker of the House John McCormack and powerbroker Wilbur Mills asked him to become a member of the House Un-American Activities Committee, Pepper's first reflex was to say that he wanted nothing to do with the HUAC of the witchhunting, blacklisting Fifties and early Sixties. "In 1950, a lot of Smathers' material was leaked from the HUAC staff," a legislative aide said.

But McCormack and Mills persisted, telling Pepper they wanted him on HUAC because they did not want a witchhunting committee. Pepper took the seat and today he is the ranking Democrat on the committee, since renamed Internal Security and very much not a trampler of individuals on the altar of security. It is possible that he might someday be its chairman.

It is a good story of American political pragmatism. A time and a season for all things and all positions. Claude Pepper, short on ideology but firmly in the camp of the liberals, in 40 years of public office has been hanged in effigy as a warmonger, damned as a peacemonger, a man burned by the Red-baiters and Super-Americans, who sits on the House's onetime commie-hunting apparatus to keep it from going berserk again, an early liberal whose record does not mean so much to the Left of this decade.

With it all, Claude Pepper of Miami, Fla., and Washington, D.C., has not heard his last hurrah.

## NUCLEAR TESTING IN ALASKA THREATENS HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous material.)

Mrs. MINK. Mr. Speaker, shortly the House of Representatives will be considering legislation to fund the Atomic Energy Commission for the coming fiscal year. I feel it is imperative that no funds be provided in the bill for the nuclear explosion called "Cannikin" which is planned by the AEC for this autumn in the Aleutian Islands off Alaska.

It has recently come to light that "Cannikin" is being conducted to test a warhead of an ABM missile which is now obsolete. The test series was conceived 5 or 6 years ago and the Pentagon has subsequently made new plans for its missiles. The AEC, however, is still intent upon conducting this unnecessary test. If it were only unnecessary, I would not quarrel with the contention that expenditures to date of some $100 million on the project might justify wasting $20 million more as sought for fiscal year 1972 to complete the test.

However, of greater importance is the fact that the explosion, if detonated underground as planned, has grave environmental implications for Hawaii, for Alaska, for California, and for the Pacific Ocean. No one can categorically deny that the blast, the largest underground nuclear explosion ever attempted, could produce an earthquake, which could cause a shift in the ocean floor and thus set off a giant surface wave—or tsunami—that could surge for thousands of miles across the ocean, crashing into Hawaii, Alaska, and California.

Our fears are not without foundation, for past earthquakes in the Aleutians have caused such tsunamis. In 1946 an Aleutians-originated tsunami killed 173 people and damaged $25 million in property in Hawaii. Another, in 1957, did $3 million in destruction to Oahu and Kauai Islands in Hawaii. In 1964, an earthquake in the Prince William Sound area spawned a tsunami which killed 12 and left 400 families homeless in Crescent City, Calif., 2,000 miles away.

The AEC knows that tsunamis created in this manner can be highly directional and can race long distances. The 1960 earthquake in Chile produced a tsunami that reached Hilo, Hawaii, at midnight 14 hours and 47 minutes later. This May 23 disaster killed 61 and did $25 million in damage in Hawaii, and later went as far as Taiwan, the Philippines, New Zealand, and Japan, leaving 138 dead in the latter country alone. Japan and Canada, it should be noted, have filed official notes of protest to the Cannikin test with our Department of State.

Clearly the force and destructive capability of tsunamis make it imperative that men do nothing to create such a force—especially for a futile and unnecessary purpose.

In addition, there is the AEC's acknowledgment that the blast could leak radioactivity into the ocean. The agency's environmental impact statement, although reading more like an advertisement for the project than an assessment of its potential harm, wavers by noting three possible alternative effects in this regard. It rates them according to the agency's assessment of their relative likelihood, but the primary admission is that there can be no certainty which alternative will occur. If the "least likely" result is the actual one, our seas will receive a generous dose of radioactivity. Otherwise, the amount is presumed to be slight. In any event, I do not see how we can afford this further pollution of the ocean. Already our public is becoming alarmed about the amount of pollutants in fish. Any further "scare" could entirely deplete our fisheries resource.

Of great environmental concern also is the physical effect of the blast on the surrounding surface and undersea area. Amchitka Island, where the explosion is scheduled to take place, is part of a national wildlife refuge established by President Taft in 1913. Unfortunately, the Executive Order, No. 1733, by which it was established contains a clause permitting its use "for lighthouse, military, or naval purposes." While this certainly was not intended to give license to a travesty of the magnitude of Cannikin, the unforeseen consequence is that the island's population of rare and endangered species of wildlife such as the bald eagle and peregrine falcon will suffer at least some amount of injury.

AEC Chairman Seaborg, in information supplied to Senator MIKE GRAVEL on December 5, 1970, conceded that—

> The Aleutians Islands chain is one of the more highly seismic regions of the world.

Lying athwart a great earth fault that runs through California as the San Andreas Fault, Amchitka Island may be the trigger of a potential earthquake of cataclysmic proportions. As far as any scientist knows, there is no way of predicting when an earthquake may occur, or that the potential for one exists. It is admitted, however, that a disturbance of a magnitude of the Cannikin test can touch off a large earthquake. The previous Milrow blast at Amchitka registered 6.5 on the Richter earthquake scale, and it was 1 megaton in size compared to 5 megatons for Cannikin. A panel headed by Dr. Kenneth S. Pitzer stated in an AEC-suppressed report that—

> Seismic events in the magnitude range 6–7 have been associated in the past as foreshocks to large earthquakes or as components of large earthquakes. In view of these observations, a risk must be associated with conducting large-yield nuclear tests in seismic regions. The risk seems to be small but not insignificant since the consequences of accidentally releasing a large amount of tectonic strain energy could be extremely serious.

One might conclude from Dr. Pitzer's evidence that the AEC would pay close attention to this danger in preparing for the Cannikin blast. Its self-serving environmental impact statement, however, merely quotes a panel of scientific consultants "who examined this specific question." The panel reported that experience in other nuclear tests "supports the conclusion that an explosion will not trigger a large earthquake, unless the event is detonated near a fault on which an earthquake of this magnitude is imminent." Since this is precisely the condition in the Aleutians, I do not understand how the Commission can disavow responsibility merely on that basis that there is no way to predict what will actually happen. There is no justification for the people of Hawaii and other areas along the Pacific rim to be exposed to the portentous consequences of an AEC action based on premises that cannot be checked or proven in advance, especially when the test itself is no longer necessary.

I feel that all funds for the Cannikin test should be rejected, and have asked the House Committee on Appropriations to do so. If the committee includes funds for Cannikin, I will seek an amendment on the House floor to delete them.

I include at this point in the RECORD several articles and testimony on this subject, as well as my letters to the committee and to President Nixon in opposition to the Cannikin test:

JUNE 23, 1971.

Hon. Richard M. Nixon,
*President of the United States,*
*The White House,*
*Washington, D.C.*

Dear President Nixon: I respectfully urge that you order the cancellation of the five megaton *Cannikin* underground nuclear weapon test scheduled for autumn 1971 on Alaska's Aleutian Island of Amchitka.

The AEC can give no positive guarantee that the explosion will not precipitate an earthquake which occurring in this already seismically unstable region could send destructive *tsunamis* to Hawaii and other Pacific-rim States and nations. The nuclear test could also have adverse effects on our environment, as well as exacerbate our relations with foreign governments who border on the Pacific.

We are already polluting our oceans and damaging our fisheries and even the microscopic oxygen-producing sea organisms which sustain all life on this planet. It is acknowledged that the Amchitka blast will introduce radioactivity into the ocean—the only question is how soon, and how much. The peril of miscalculation is too great to permit such a risk.

If there were reasons for assuming risks before on account of weapons development now because of changes in technology these tests serve no such purpose. These tests are designed to perfect a component of the ABM system which is already obsolete. Therefore if we proceed we would be wasting $20 million more in this futile, unnecessary project, which has already expended $100 million.

The safety of the people who are threatened and the preservation of our environment requires your thoughtful intervention. We are only told by the AEC that the odds indicate that adverse environmental effects may not occur. My principle point is that given the risks which are self-evident that there is no valid justification for undertaking these tests which cannot even yield information essential for our national security.

I urge your intervention in this matter of grave urgency and order a halt to these tests. Amchitka Island should be restored to its natural state in keeping with its status as part of a National Wildlife Refuge. I further request that Executive Order Number 1733, of March 2, 1913 creating this Refuge be modified so as to prohibit any such activities in the future.

Very truly yours,

Patsy T. Mink,
*Member of Congress.*

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Congress of the United States,
House of Representatives,
*Washington, D.C., June 9, 1971.*

Hon. Joe L. Evins,
*Chairman, Public Works Subcommittee,*
*House Committee on Appropriations,*
*Washington, D.C.*

Dear Chairman Evins: I strongly urge deletion of funds for the proposed 5 megaton nuclear explosion "Cannikin" from the Atomic Energy Commission budget for fiscal year 1972. Funds for the project are included in the $213.7 million sought for testing of atomic weapons in the public works appropriations bill.

There are many sound reasons for deleting the funds, among the most important of which are:

1. The explosion might well have a profoundly adverse environmental effect, yet the AEC has refused to reply with Congressional requirements of a detailed statement including alternatives to the proposed test.

2. There is a possibility that the explosion could cause an earthquake in the seismically unstable Aleutian Islands and send destructive tsunamis to Hawaii, California, and other areas.

3. The test will have harmful international consequences as shown in the official protests filed by the governments of Canada and Japan to such explosions in the past.

4. There is a grave question as to whether the test will serve a useful purpose. Reports indicate that the weapon for which the test is designed may be obsolete. It would therefore be a waste of Federal revenues to approve the budget request.

5. Even if the weapon being tested is feasible, it should not be deployed. The explosion is intended to help design a warhead for the Spartan ABM, a weapon whose deployment Congress has restricted. Instead of expending these deadly weapons with resulting escalation of the international arms race, we should be exerting every effort to achieve mutual arms reductions. Congressional approval of funds for Cannikin can only jeopardize this priority objective.

If carried out this October as planned, the Cannikin test will be the largest underground explosion ever attempted. There is no way of guaranteeing, with absolute certainty, the effects of such a detonation. Such environmental comments as have been made by the executive branch discuss only probabilities and do not flatly assert that no large-scale damage will occur—for no such assurance can be made by any responsible spokesman.

I see no justification for exposing the people of Hawaii to the risk of tsunamis such as those which have caused death and destruction of property in the past when caused by natural earthquakes in the Aleutians. I recognize the AEC's self-interest in seeking this granddaddy of all nuclear tests, whose purposes and effects are obscured in a bureaucratic cloud of secrecy and scientific jargon, but do not feel that Congress must blindly rubber-stamp the request in defiance of all the warning signs and dangers involved. Accordingly, I will be obligated to seek an amendment in the House removing the funds should they be included in the bill.

According to the AEC, Cannikin will be the last foreseeable test conducted in the Amchitka test. I am not certain whether this is a "hedge" because of the possibility that the usefulness of the area may be terminated by Cannikin, but in any event it would be both expedient and sagacious to deny funds for the blast as was done last year. This step would hasten the AEC-stated goal of terminating this abuse of a national wildlife refuge.

Very truly yours,

Patsy T. Mink,
*Member of Congress.*

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[From the Washington Post, Apr. 13, 1971]

## RECORD A-BLAST PLANNED

### UNDERGROUND AMCHITKA TEST IS FOR WARHEAD

(By Thomas O'Toole)

A nuclear weapon with an explosive force of five million tons of TNT will be exploded underground by the Atomic Energy Commission at Alaska's Amchitka Island in early October.

Code-named Cannikin, the five-megaton test will be the largest underground atomic test ever conducted by the United States and will release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

The AEC will not confirm the size or time of the test, declaring only that Cannikin will be "larger in yield than the last Amchitka test" (Milrow, Oct. 2, 1969) and will be held "in the fall of 1971."

"Cannikin is scheduled for October, because the Alaskan weather is most reliable then," said an informed source. "It's expected yield is very close to five megatons, so close you might as well call it five megatons."

While the AEC will not comment on the purpose of Cannikin, it is understood that it will be a test of an enlarged warhead for the Spartan ABM missile. This is the long-range (more than 400 miles) version of the ABM, whose warhead is built to destroy incoming enemy missiles in the upper reaches of the atmosphere or above the atmosphere.

Whatever its purpose, Cannikin is likely to arouse at least as much protest as the Milrow test kicked up almost two years ago.

Milrow was a 1.2 megaton test, described at the time it went off as a "suitability" test to see if still larger tests could be safely carried out under the tundra and hard rock of Amchitka.

Besides Sen. Mike Gravel (D-Alaska) and antiwar and environmental groups, the Canadian and Japanese governments denounced Milrow in strong terms. Tokyo called it a threat to Japanese fishing operations, and Ottawa expressed "concern . . . about possible damage or injury for Canada resulting from these tests."

Milrow caused no damage, but Cannikin's five-megaton size is certain to revive fears about it triggering secondary earthquakes and submarine tidal waves, two biggest concerns of the critics.

Sen. Gravel has already consulted with Alaska's Democratic Gov. William A. Egan about how to protest Cannikin, and two weeks ago the Canadian Embassy in Washington made public a note it passed to the State Department Feb. 19.

The note conveyed the "serious concern of the Canadian government about further underground testing on Amchitka," noting in particular that Amchitka tests "take place in a region known to be prone to earth disturbances.

"Bearing in mind the acute concerns felt by many Canadians residing on the West Coast," the note went on, "the Canadian government hopes that the United States will reconsider its plans to carry out high-yield tests on Amchitka Island."

The Cannikin device will be detonated at the bottom of a hole 6,000 feet deep and at least 10 feet wide, the deepest and presumably the widest hole ever dug by the United States to contain an atomic bomb test.

Scientists say that a five megaton test will explode with a force equal to an earthquake of magnitude 7.0 on the Richter scale, which the AEC claims is not large enough to trigger a serious secondary earthquake.

One source said that AEC studies indicate it can safely test atomic weapons with yields of 20 to 25 megatons on the island. He said that it would take an explosion of greater than 25 megatons to trigger an earthquake of worrisome size.

Testing critics also worry about radiation contaminating, underground water supplies or leaking into the Pacific Ocean, but an AEC source contends that tests over one megaton create so much heat that they cauterize the nuclear cavity and seal in the radiation.

While the largest U.S. underground tests have been in the 1.2 megaton range, the Soviet Union has conducted one test equal to five megatons and another of six megatons.

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## STATEMENT BY JOHN SILARD, ESQ. ON BEHALF OF DISARMAMENT ISSUES COMMITTEE OF THE UNITED NATIONS ASSOCIATION BEFORE THE PUBLIC WORKS SUBCOMMITTEE OF THE SENATE COMMITTEE ON APPROPRIATIONS, MAY 25, 1971

I appreciate the opportunity of testifying again on a matter which the Disarmament Issues Committee brought to this Committee's attention a year ago, concerning the serious environmental risks of the AEC's proposed "Cannikin" 5 megaton nuclear explosion, the largest underground test ever attempted. In May of 1970 we presented to this Subcommittee testimony and materials alerting Congress to the fact that the AEC had neglected to comply with the Environmental Policy Act of 1969 in connection with the Cannikin experiment. The Commission, we pointed out, had failed to file and publish the "detailed environmental statement" required by the statute wherever legislation or other major federal action may have adverse environmental consequences.

Following our presentation, this Committee's intervention resulted in the AEC's preparation of a "draft" environmental statement on Cannikin in June of 1970. This statement, however, was in many respects inadequate to comply with the Environmental Policy Act. The "detailed statement" prescribed by the statute must specifically identify the environmental impact of the proposed action as well as "alternatives to the proposed action," but the AEC's 1970 draft failed to provide the basic information upon which such matters could be understood and evaluated. For instance, both the actual purpose of Cannikin and its megatonnage were undisclosed in the AEC's submission, which offered instead a series of self-serving conclusions based on the assumption only of the best possible results and the discounting of error and mishap.

After the manifest environmental dangers and the inadequacy of the AEC's compliance with the law were pointed out, this Committee deleted the Cannikin test from the AEC's 1971 appropriations. Credit in that regard is in large measure due Chairman Ellender and the persistent efforts of Senators Muskie, Case and Gravel to bring the matter to the attention of the Congress. The environmental problem was expressly noted by this Committee in Senate Report 91–1118 (on H.R. 18127) as the reason for deleting funds for Cannikin:

"A reduction of $20,500,000 in the weapons program. Of this amount, $15 million is applied to the nuclear testing program principally against the supplemental test site activities conducted in support of the development of the nuclear warhead for a classified weapons system. Such a reduction is largely possible because of the change in scheduling of one experiment by several months. The later execution of this experiment will give the Atomic Energy Commission an opportunity to make a more thorough study of the environment in the region of Amchitka in Alaska and will permit conducting the experiment at a more favorable season to assure maximum protection to this environment."

Senator Muskie subsequently disclosed (see Washington Post, August 12, 1970) that Congressional refusal to fund Cannikin was "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environmental effects."

Following this important showing of Congressional concern over the risks of Cannikin and the necessity of full compliance with the Environmental Policy Act, it was to be expected that if AEC proposed to conduct Cannikin in fiscal 1972 it would issue a full environmental statement before Congress was again asked to authorize the test. But once again the AEC is trying to shortcut the requirements of the statute. It is presently offering only a "redraft" Cannikin environmental statement, rather than completing the publication and public comment process before Congress approves funds for the test.

Moreover, the "redraft" Cannikin statement still fails to disclose the major material facts necessary for Congress to weigh the environmental risks against the alleged national interest furthered by Cannikin. The central and crucial omission from the "redraft" environmental statement is the identification of the actual purpose of Cannikin. Without knowing precisely what, if any, defense interest is being furthered, members of the Congress cannot undertake to weigh whether there is a national need which justifies taking the environmental risks of Cannikin. In that connection there are recent indications that in terms of the weapons program with which it is connected, the Cannikin test has negligible or no significance. Far from the "prime significance to our national security requirements" claimed by the AEC on page 28 of its "redraft" statement, it now appears that Cannikin was programmed years ago for a warhead which the DoD no longer intends to make a significant part of our weapons arsenal.

While the AEC's redraft statement still declines to disclose the weapons program involved in the Cannikin test, the Administration presented public testimony to Congress in April through Dr. Harold Agnew disclosing that this is an ABM test. An article by Staff Writer Thomas O'Toole in the Washington Post of May 19 discloses that the component being tested is "an enlarged version of the warhead for the Spartan ABM missile." The article further notes that apparently the Pentagon "feels no great urgency beyond Cannikin to test a large Spartan warhead. . . . It is possible, sources speculate, that the Pentagon has [now] given priority to a one-megaton Spartan warhead."

Thus it is clear that the Congress cannot accept at face value the AEC's unsupported generalization that Cannikin is of "prime significance to our national security requirements." To begin with there is widespread doubt whether ABM itself promotes our national security interests to any significant degree. The recent announcements by President Nixon that a U.S.-Soviet agreement to freeze ABM deployment is now in the works surely indicate that further ABM development is *not* of "prime significance to our national security requirements." In addition, it appears that Cannikin will test an enlarged ABM warhead which in any event the Defense Department no longer deems significant. Surely the Congress is entitled to know the full facts before it approves Cannikin. Given the grave environmental risks of the test, only a weapon need of earth-shaking significance could justify a detonation of such earth-shaking proportions and consequent environmental risks.

And it is clear that the environmental risks of Cannikin are tangible indeed. In that respect the AEC's "redraft" Cannikin statement begins to reveal, as last year's draft did not, the major adverse environmental consequences and risks in the three critical areas of ocean contamination, earthquake, and tidal wave. The fact which stands out from the "redraft" statement is that AEC does not deny the possibility of all three of these effects of Cannikin, whose seismic intensity would be in the earthquake-triggering range. The Commission does not deny possible adverse environmental consequences, but in every instance merely minimizes or fails to disclose the degree of resulting environmental damage.

The fact is that no scientist can now predict with certainty that major environmental damage will not result from Cannikin, for we simply have no scientific experience with so immense an underground explosion. Considering the venting, earthquake, and contamination incidents which have come as repeated unhappy surprises to AEC in its testing of small nuclear devices in Nevada, no reasonable person could accept with assurance the AEC's optimistic predictions concerning this unprecedented detonation.

For these reasons we urge the Committee again to postpone funding for Cannikin, as it did last year, until the environmental safeguards and the weapons needs considerations claimed by the AEC are more fully explored. Surely, even if it were demonstrated that Cannikin advances our national security, Congress should go slow to approve this unprecedented explosion. But since it appears that Cannikin may be a test of an ABM warhead which we no longer deem significant, there is all the more reason for caution and fuller national consideration.

If the President's hopeful prognostications about an ABM agreement this year are to be credited, there remains not the slightest reason for proceeding with Cannikin at this time. What a tragic epitaph for ABM it would be if on the eve of agreement to halt the strategic defense race we were to detonate this last ABM test and find that we have caused a major earthquake, tidal wave, or oceanic contamination. We earnestly urge the Committee to delete Cannikin from the AEC's requested appropriations for Fiscal 1972. That course would honor the intent of Congress in its recent enactment of the Environmental Policy Act assuring that a significant environmental risk will be approved by the Congress only where there is urgent national necessity and no alternative course by which that risk can be avoided.

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[From Science magazine, June 18, 1971]

### Nuclear Tests: Big Amchitka Shot Target of Mounting Opposition

A wide range of opposition, a bomb that may be useless, and a number of complex political considerations have raised the possibility that President Nixon may soon cancel the scheduled test of the largest underground nuclear device ever to be detonated by the Atomic Energy Commission. The blast, planned for this fall on the Aleutian Island of Amchitka, involves a 5-megaton bomb designed as a warhead for the Spartan antiballistic missile. To date, the AEC has spent some $160 million in preparation for the test. This includes the cost of a 1-megaton "calibration shot," code-named Milrow, which the AEC exploded underneath Amchitka on 16 October 1969.

The AEC encountered a good deal of opposition prior to the 1969 test (*Science*, 22 August 1969). And much of the debate surrounding the proposed 5-megaton test, with the code name of Cannikan, revolves around points that were raised against the 1969 test. Opponents of the test fear that the explosion could trigger a major earthquake, possibly leading to a destructive sea wave known as a tsunami. Tsunamis resulting from natural earthquakes in the Aleutians have caused extensive damage as far away as California and Hawaii. The opponents, including many Alaskans, are also worried about damage to the island's wildlife from the shock of the explosion, as well as possible leakage (venting) of nuclear material that could contaminate the ocean or the atmosphere.

Located near the western end of the Aleutian chain, the barren island serves as a refuge for sea otters, seals, and sea lions, as well as a nesting ground for two rare birds, the American bald eagle and the peregrine falcon. The bomb will be detonated at the bottom of a 6200-foot hole dug by the AEC.

In response to the Environmental Policy Act of 1969, the AEC has issued a draft of an environmental impact statement describing the probable consequences of the underground blast. And although many environmentalists believe the AEC's statement to be inadequate under the law (because they claim the statement reads more like a sales pitch than a catalog of possible environmental effects), the statement has formed the basis for a wider, more detailed discussion of the possible environmental consequences of the test. In response to a request from Alaska's Governor William A. Eagan, the Environmental Protection Agency held hearings from 16 to 19 May in Anchorage and Juneau, Alaska. There the AEC heard a parade of witnesses testify against the test. In fact, the only people speaking in favor of the test at the Alaska hearings were employed by the AEC.

Over the past 2 years, environmentalists have gained both increasing public support and new political weapons. One factor that might influence the Administration to abandon the Cannikan test is the extension of environmental concerns beyond the estoteric and into the commercial. In speaking against the test, Senator Mike Gravel (D—Alaska) said, "In these days, when the nation is deeply concerned about mercury poisoning and the market for seafood has fallen off sharply, even the suspicion that radioactive water is leaking [from the test site into the ocean] could devastate the market for all fishery species of the North Pacific."

Another factor that may influence the President's decision is public knowledge of the test's purpose. A decision to conduct the test would be based on the assumption that the environmental risks were justified by considerations of national security. In its environmental impact statement, the AEC said that failure to conduct the Cannikan test "would severely hamper the development of nuclear weapons technology of prime significance to our national security requirements." Previously, such statements by the AEC have gone largely unchallenged, due to a veil of secrecy over the relevant data. But a good deal is known about the future uses of the warhead to be tested beneath Amchitka, and this has led to knowledgeable criticism of the test's utility. Much of this criticism has come from the Federation of American Scientists (FAS).

Herbert F. York, chairman of FAS and the first director of Defense Department Research and Engineering, called the Cannikan test a "pointless experiment in search of an unnecessary weapon." And in detailed testimony before the hearings in Alaska, FAS Director Jeremy J. Stone challenged the need for the 5-megaton test explosion.

According to Stone, the Cannikan test has been under consideration by the AEC since 1966 or 1967 as part of the development of a warhead for long-range (Spartan) missiles that could provide a curtain of x-rays, outside the atmosphere over the United States. Such a curtain could theoretically defend the country from a light (that is, Chinese) nuclear attack. But, he said, when in 1969 the Administration changed the rationale for the ABM program from a defense against heavy (that is, Russian) nuclear attack to a defense of Minuteman missile sites, the large warhead was no longer necessary. This, said Stone, is because the type of ICBM's that the Russians would deploy would permit the use of short-range (Sprint) interceptors with smaller warheads.

In addition, Stone suggested that the need for Cannikan is "further undermined" by the Defense Department's announced intention of building an "Improved Spartan." According to the statements of Pentagon officials, the Improved Spartan will take over many of the original Spartan's functions, carrying a smaller warhead at much higher velocities in order to intercept submarine-launched missiles and low-trajectory ICBM's.

Finally, Stone claimed that, even if the huge warhead were needed, there would be little reason to conduct the test, since "there is little doubt that the Spartan warhead will detonate; and much can be known about the warhead's effectiveness through paper and pencil calculations." The effectiveness of the Spartan ABM system depends less critically on whether the warhead will fire than on such considerations as the tactics employed by the Soviets and the reliability of the missile itself.

Stone's critical assessment of the warhead and the underground test is apparently shared by some Administration scientists and defense specialists. The Undersecretaries Committee of the National Security Council, which consists of Presidential Assistant Henry Kissinger and representatives of the State Department, the Joint Chiefs of Staff, and the Central Intelligence Agency, is conducting a detailed study to counsel the President in his decision on whether or not to proceed with the test. Advising the committee for this study are representatives of the Arms Control and Disarmament Agency, the Office of Management and Budget, the Council on Environmental Quality, the AEC, and the Department of the Interior. According to reliable Administration sources, the study will make no recommendation because there is no consensus either for or against conducting the test.

"This whole thing is wrapped up in the sordid history of the ABM," said one Administration official. "The people who are defending the test are in a difficult position because the changing justification for the ABM forces them to keep changing the justification for the warhead."

Pentagon officials, who, if asked, will claim that they need almost any weapon, would reportedly be willing to give up the Spartan warhead if forced to make a choice between Spartan and certain other weapons, or if faced with overwhelming public opinion in opposition to the test.

Such factors will certainly be spelled out in the Undersecretaries Committee report to the President. But the purpose of the report is not to weigh the need for the weapon against the possible environmental consequences. Rather, it will concentrate on the possible political consequences for Nixon if he goes ahead with the test or if he cancels it.

Of course a huge earthquake immediately after the test, particularly if it were followed by a damaging tsunami crashing against the shores of California, Alaska, or Hawaii, would hurt Nixon's chances for reelection in 1972. Most of the underground nuclear blasts in Nevada have triggered natural earthquakes that are one or more magnitudes less in intensity than the shock wave from the blast itself. And for the past few years, seismologists have suggested that an underground nuclear test might possibly spark a chain of events leading to a huge earthquake. The report of the Ad Hoc Panel on the Safety of Underground Testing, which was prepared for the President's Office of Science and Technology in 1968, stated that such a possibility was greater for tests exceeding 1 megaton and for tests conducted in the Aleutians because of that area's intensive natural seismic activity. The Panel thus concluded that "the need for these tests as planned should be compelling, if they are to be conducted in the face of the possible risks that have been identified."

The AEC's environmental impact statement declared it to be "highly unlikely" that Cannikan will trigger a huge earthquake, and "even more unlikely" that it will set off a damaging tsunami. In defense of these claims, the AEC argued that the 1969 Amchitka test did not set off any earthquakes with more energy than the blast itself. In fact, the 1969 test generated fewer aftershocks than were expected on the basis of the AEC's experience in Nevada.

Even with their one successful blast on Amchitka, however, the AEC is still dealing with an area where the lack of data makes predictions impossible. James Brune, a seismologist at the University of California, La Jolla, told *Science* that the 1969 test "shows that not every big explosion will trigger an earthquake." He added that "everyone agreed from the beginning that there was only a slight chance that it would happen."

Similar considerations apply to the possibility of leakage. Pointing to the AEC's record at the Nevada test site, where 67 out of 230 underground tests have leaked at least small amounts of radioactivity, critics of the test contend that a distinct possibility exists for a leak from Cannikan. While the AEC admits to the possibility, the environmental impact statement terms it an "unlikely event." Officials of AEC point out that none of the leaks in Nevada occurred with tests over 100 kilotons.

In addition to threats to Nixon's political future from earthquakes that might be triggered by the blast, the Undersecretaries Committee must consider the possibility that a coincidental natural earthquake might follow the blast on Amchitka and be attributed by the public to the AEC test. Three weeks before the 1969 test, a 6.6 Richter scale earthquake rocked Amchitka, and AEC Chairman Glenn Seaborg breathed a public sigh of relief that the quake hadn't taken place after the test.

### POSSIBLE SENATE BATTLE

But perhaps more significant to Nixon than the possibility of natural calamities following the test is the possibility of a fight in the Senate before the test. The AEC authorizations bill, which will be reported out of committee to the Senate floor sometime in the next few weeks, contains $20 million in additional funds for the Amchitka test. And several senators are willing to support an amendment to delete those funds. As part of their study of possible political consequences of the test, the Undersecretaries Committee has sent a State Department representative around the Senate to sample opinion on the proposed amendment to delete funds for the test.

So far, the movement against the Amchitka test has been rather low key, with only Senators Gravel and Hubert H. Humphrey (D-Minn.) speaking against the test. "We don't want to put so much pressure on Nixon that he can't cancel the test," said an aide to Senator Gravel. "Let him be a hero for a change."

Although it is unlikely that the opponents of the test have enough votes to block the appropriation, a Senate squabble could prove embarrassing to the Administration. The Administration would be particularly sensitive to such a controversy because other provisions of the AEC authorization, including the fast breeder reactor, will also be under attack.

Besides the domestic politics, the decision of whether to continue the test necessitates international considerations. The governments of Canada and Japan have each filed notes of protest against the test, just as they did prior to the Milrow test in 1969.

Franklin A. Long, vice president of Cornell University, testified prior to the 1969 test that "There is a grave risk that . . . the unilateral U.S. action of performing large nuclear tests on the very brink of the Pacific Ocean will encourage anti-Americanism in Japan and Canada and . . . our national security will be decreased, not increased." Long told Science that "nothing has happened to change my viewpoint." At the time of the 1969 test, 18,000 Canadians closed off a border crossing with the United States, and more demonstrations are planned if Cannikan takes place.

Moreover, some observers believe the test could adversely affect the Strategic Arms Limitation Talks. FAS Director Stone said in his testimony at the hearings in Alaska that "none of the alternatives for limited ABM's being discussed at SALT require the basic Spartan missile."

Nixon has until the middle of September to make the final decision on whether to go ahead with the test. But the report of the Undersecretaries Committee is due for completion by the end of June, and the President's decision should be announced shortly thereafter.

To keep up the pressure against the test, a number of environmental and peace groups, including the Wilderness Society. the Committee for Nuclear Responsibility, the Sierra Club, Friends of the Earth, and the Federation of American Scientists, have formed the Coalition Against the Nuclear Test in Alaska. Still giddy from their victory in eliminating the Supersonic Transport, the environmentalists are confident that they can stop the blast underneath Amchitka Island.

In defending the need for the 5-megaton test, the AEC maintains that there is little danger and that the weapon is vital to America's national security. But, in matters of nuclear energy, the public appears less and less willing to accept the AEC's word as proven fact (see page 1215). The cancellation of the Amchitka test could serve as the first indication, albeit slight, of a change in America's weapons policies.

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## CONCERNING REPORT ON CHINA

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, as chairman of the United States-China Committee of the Members of Congress for Peace Through Law, I have been privileged to work with my colleagues over the past 2 years in reviewing the need to improve relations between our Nation and the People's Republic of China, the problems related thereto and the likely consequences.

During hearings on June 24 before the Senate Committee on Foreign Relations, I testified in support of steps to improve these relations and presented the report of my committee.

Because of the growing interest in this important subject, I would like to include in the RECORD both my testimony and the report of the MCPL United States-China Committee. While the report is of an informational nature and does not necessarily reflect the views of the Members of Congress for Peace Through Law, I am happy that 24 Members of Congress asked to be associated with the summary and recommendations.

My testimony and report follow:

### TESTIMONY BY REPRESENTATIVE PATSY T. MINK, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS CONCERNING LEGISLATION AFFECTING UNITED STATES-CHINA RELATIONS, JUNE 24, 1971

Chairman Fulbright and distinguished members of the Committee, I appreciate this opportunity to present my views on what I believe to be a matter of fundamental importance in our foreign policy—our relations with China.

The fact that you are holding these hearings is indicative of the growing interest in the once-forbidden subject of China relations. I applaud your consideration of legislation such as S.J. Res. 48, S. Res. 18, S. Res. 37, and S. Res. 82, all of which bear upon this important subject.

My own interest in this country's attitude toward China prompted me to accept the chairmanship of the United States-China Committee of the Members of Congress for Peace Through Law, a bi-partisan organization which seeks to improve our efforts toward world peace. I served as Chairman during the 91st Congress, and the Honorable Mark O. Hatfield, the new Chairman of the Members of Congress for Peace Through Law in the 92nd Congress, has been kind enough to extend permission for the Committee to wind up its activities begun in the last Congress.

Last year in a series of luncheon meetings, our Committee heard from a number of experts on China. Statements were given by the Honorable Elliot Richardson, then-Under Secretary of State; Mr. Harrison Salisbury, Assistant Managing Editor of the New York Times; Honorable Alvin Hamilton, former Canadian minister of agriculture and negotiator of the Sino-Canadian wheat agreement; Mr. Pat Clever, Canadian businessman; Dr. Jeremy Stone of the Council on Foreign Relations; Dr. Noel Brown of New York; Professor Jerome A. Cohen of the Harvard Law School; and Mr. Fox Butterfield, New York Times correspondent. We were also fortunate to have papers presented at these same meetings by our colleagues, Congressman Paul Findley, Senator Walter Mondale, Congressmen Charles Whalen, Robert Leggett, Jonathan Bingham, and Morris Udall, and Senator Dan Inouye.

At these meetings, which were attended only by the Members of Congress, we tried to explore in depth all of the major ramifications of U.S.-China policy. I might add that our Committee laid the groundwork for these studies by preparing an extensive report on the historical, political, and military aspects of the People's Republic of China. At the conclusion of our series, I submitted a summary and recommendations which I will discuss in a moment. The Members of Congress who have asked to be associated with the recommendations made in my U.S.-China Committee statement are Senators Hatfield of Oregon, Harold Hughes of Iowa, and George McGovern of South Dakota; and Representatives Bella Abzug of New York, John Conyers of Michigan, Robert Drinan of Massachusetts, Don Edwards of California, Paul Findley of Illinois, Don Fraser of Minnesota, Mike Harrington of Massachusetts, Augustus Hawkins of California, Robert Kastenmeier of Wisconsin, Abner Mikva of Illinois, Bertram Podell of New York, Thomas Rees of California, Henry Reuss of Wisconsin, Donald Riegle of Michigan, Howard Robison and Benjamin Rosenthal of New York, Edward Roybal of California, William Ryan and James Scheuer of New York, Frank Thompson of New Jersey, and Charles Whalen of Ohio.

In brief, I feel that we have looked at this matter closely over a period of time, including the recent innovation of ping pong diplomacy by the Chinese. I will leave a copy of both documents, which are of a background and informational nature, for the Committee.

Based on our studies, it is my firm belief that Congress should support and cooperate fully with all efforts to normalize relations between China and the United States. You will note that I did not say "Red China" as I feel that this is typical of the kind of thinking that we must change. Just as we do not say "Red Russia" or "Red Czechoslovakia," I believe we have reached a point of maturity where we need not add such an appellation in our references to the People's Republic of China. I sometimes think that such denigration is an attempt to characterize the Chinese, as a nation, as somehow less than human, as in the term "Gook". Once we have reduced the people involved to a sub-human status, it is easier to justify our actions of belligerence. This is just one of our accustomed habits that we will need to re-examine.

We have seen a general thaw in our governmental stance towards the People's Republic. All indications are that we will advocate that the People's Republic is a new entity newly established to represent a part of the people of China, but not all, thus leaving the government of Taiwan as a separate entity. This "two" China policy is the divided nation rationale.

The central issue is whether the two Chinas approach is a viable solution. I think that this issue is crucial to the Committee's hearings, for any action you may take on the pending legislation will affect the existing status quo and thus tend to support the case of either Taiwan or Peking. In taking any action, we should be fully aware of the implied decision and its consequences.

I believe that the time has long since passed when we should have acted to redress some of the ills that have arisen from our 21 years of avoidance of this matter. For nearly a quarter of a century, we have pretended in all of our official pronouncements and policies that 700 million Chinese people did not exist. They were referred to as "Red China", a mystery and an enigma whose very inscrutability justified an attitude of indifference and disdain. We refused to think about China and excluded it from the international councils of nations and our own diplomatic relations.

Plain logic tells us that we cannot safely or prudently shut ourselves off completely. It would be impossible, even if we wanted to. The pressures for contact are too immense and too irresistable. Evidence of this is seen in the declining world support for our efforts to exclude Peking representatives from the United Nations. Over the years we have gradually lost ground in the battle for world opinion, and finally last year there was a majority vote in favor of the Albanian resolution to seat the People's Republic of China in place of the Nationalist government. The only thing which prevented this majority opinion from forcing the recognition of the People's Republic as the proper representative of China despite United States opposition was the parliamentary tactics of requiring a two-thirds vote on the issue as an "important question". But our support on the "important question" tactics is slipping, too, and there is general recognition that very soon, possibly this year, we will not have the votes to prevent the seating of the People's Republic. It is noteworthy to point out that a majority can vote to eliminate the two-thirds requirement.

Just as the Great Wall of China failed to seal out foreign invaders, so our policy of exclusion is bound to fail. Unless we are willing to have the rest of the world dictate such decisions to us, we will have to face up to this issue and act on our own. I think favorable action by the Congress can be of inestimable aid in creating a climate in this country where the Executive Branch can act to restore a more rational and meaningful policy toward China.

This brings me to the question of what our policy should be. I feel that the major issue with which we are confronted concerns the recognition conflict between the two governments which both claim jurisdiction over all of China. I believe it is inevitable that this dispute will be decided in the United Nations for purposes of recognition with or without our approval. For practical purposes the United States will either have to abide by whatever action is taken there or our participation in the United Nations will have little meaning.

If the Albanian resolution is passed, it will mean that the delegates from the Nationalist group will automatically be excluded as the legitimate representatives of the government of China. It follows that when that happens, the Taiwan government can no longer be seated in the United Nations, unless the People's Republic surrenders its sovereignty and title to these lands—which is hardly possible in view of the People's Republic's long adamant opposition to such a proposal. If the United States attempts to seat Taiwan as a separate nation in the United Nations as part of the new arrangement, rejection by the People's Republic is a certainty. While some seem to speak favorably of this "two China" approach, this proposal is unrealistic. Realistically, we must recognize the refusal of both Chinese regimes to surrender claim to all of China. We have no alternative to a "one China" policy.

Of course, we cannot merely abandon the people of Taiwan even if we discontinue our support of the Nationalist regime. After 21 years of existence separated from the continent of China, we cannot ignore the growth of a new generation of Taiwanese. It should be clear, however, that if the Nationalist government is no longer the government of China because the People's Republic of China is the recognized sole and legitimate government of the Chinese people, then it follows that the Nationalist government has no rightful dominion over the people of Taiwan.

I believe that the solution for this most difficult problem can be found by treating the territory of Taiwan like the territories over which Japan had dominion prior to World War II which after the war were placed under U.N. trusteeship. Japan had territorial rights over Micronesia under a League of Nation mandate. After World War II, Nationalist China took territorial claim to Taiwan from the Japanese. Following its retreat from the mainland, this Chiang Kai-shek regime established on Taiwan, continued to receive the sanction of the U.N. when he was allowed to retain the China seat in the world organization. If the Albanian resolution is adopted to recognize the People's Republic, that prior U.N. sanction of the Nationalist government's territorial claim over Taiwan will be rescinded. Then, the responsibility to find an equitable solution to the future status of Taiwan must be the duty and obligation of the U.N. which I believe can best be accomplished under the supervision of the U.N. Trusteeship Council. We could thus support the admission of the People's Republic and insist that the U.N. have a final decision, through recommendation of its Trusteeship Council, over how best to accommodate the interests of the people of Taiwan, with the territorial claim by the People's Republic of China.

Obviously, the interest of the People's Republic would be well protected by such a decision, by virtue of its membership in the U.N. Interests of the people who live in Taiwan would be protected by the Trusteeship arrangement. This proposal would provide for an orderly transition and, more importantly, it would provide time in which to solve the delicate questions of Taiwanese self-determination versus Chinese sovereignty.

If the Chinese cannot settle this matter among themselves, then the international community must assist in vaulting this high hurdle that has for far too long been a major obstacle in normalizing relations between the U.S. and China.

My proposal is in keeping with S. Res. 82, sponsored by Senator McGovern, except that he leaves the future status of Taiwan for settlement "by the people on both sides of the Taiwan Straits". I qualify this by placing Taiwan under the U.N. Trusteeship Council.

I feel that the alternative I have offered is worthy of consideration by this Committee. I concede that, as constituted, the Trusteeship Council is an imperfect mechanism, but I believe it can be modified and extended to fulfill this new role.

Again, let me commend the Committee for these most helpful hearings. You have my sincere support in your efforts.

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## MEMBERS OF CONGRESS FOR PEACE THROUGH LAW: REPORT BY U.S. CHINA COMMITTEE

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## AN EVEN-HANDED POLICY TOWARD PEKING AND MOSCOW

(By Representative PAUL FINDLEY, March 26, 1970)

Earlier this month the Nixon Administration took another forward step—small but nevertheless significant—in easing relations with Mainland China by announcing that travel to that country by Americans would be permitted "for any legitimate purpose." This was the third announcement in a series by the State Department which hopefully will bring about greater contact and understanding between our two countries.

Last July, the Administration decided to permit six categories of Americans to have their passports validated for travel to China. In addition, U.S. citizens traveling abroad were told they could bring back $100 worth of goods originating in China.

Then, in December the Administration further liberalized the regulations governing trade with China. The $100 ceiling on Communist Chinese goods which could be brought into the United States was removed entirely. More significantly, the ban on trade with China by foreign subsidiaries of U.S. firms was also lifted.

Last year I wrote to President Nixon urging him completely to "remove from U.S. passports the requirement of an official endorsement which prohibits travel to China by most Americans." The action taken last week by the State Department removes that prohibition for all practical purposes. It is the type of bold initiative which I feel will contribute to world peace and security, but other initiatives remain to be taken, other doors opened, other barriers knocked down.

Although much remains to be done, the United States is beginning to show a progressive attitude toward participation by the Peoples Republic of China in the world community.

At the United Nations on September 18, 1969, President Nixon stated to the General Assembly that our country is ready to talk with the leaders of Communist China in a frank and serious spirit whenever they choose to abandon their self-imposed isolation. Representative Irving Whalley, who is a U.S. representative at the United Nations and who delivered the official U.S. statement of position on the Albanian resolution to seat the Peoples Republic of China and expel Nationalist China, did not at any point preclude future membership for China in the United Nations or place unreasonable restrictions upon such membership. Rather, he stated that the United States "shares the conviction that it is important for mainland China to return to the family of nations." And Representative Whalley reiterated Secretary of State Rogers' comment that "Communist China obviously has long been too isolated from world affairs."

This year, the vote to seat Mainland China and to expel Nationalist China won four more votes than last year. Even this small shift is evidence of the slow but steady progress being made each year, and of the inevitability with which most view China's eventual seating at the United Nations. Mainland China maintains that it has a "legitimate right" to be represented in the world body and would doubtlessly assume a seat in the U.N. under certain circumstances. By the year 2000, China will contain one-third of the people in the world and no one will surely question that right. Hopefully it will not take that long for this most populous country to be accorded representation in some form and to cease its isolation.

While it is fair to describe China's isolation as self-imposed, it is also true that this isolation has been encouraged by U.S. policy. Our government has but limited potential for influencing internal China policy, but at least we can discard the remnants of our own out-dated, self-defeating and ineffective effort to isolate China.

The time is long past, if it ever existed, when Communist China can be isolated within her Asian borders merely by the fact that the United States pretends that politically and economically it does not exist. The time is past when this giant among nations can be ignored and relegated to the ranks of those either too weak or too musclebound to deserve attention. The time has gone, if it ever existed, when simple bilateral power politics between the U.S. and the Soviet Union is sufficient to assure the security of the world—eastern and western alike. The time has gone when the United States can afford—either politically or economically—to stand idly by in the make-believe of mythology while other countries adapt to the reality of the changing relationships among Russia and the two Chinas.

It may be argued that there never was such a time; that only minor countries separated by huge geographical, economic and cultural expanses could afford to conduct their policies as if China did not exist. The Asian countries which rim China, while many have welcomed our support, have never for a moment felt that China was isolated. Rather, they have only hoped that Communist China be "balanced" by western support.

The balance was based upon the fact that while China was as close as next door to many of these countries, it had not yet achieved the status of world power. Thus, what the United States and other western countries lacked in proximity and understanding of their Asian friends, we made up in military and political power.

This balanced situation no longer exists. While the geographical separation still exists between the east and the west, China has itself truly become a power with a major influence on world affairs, and one to be reckoned with whenever major policy is formulated, whenever world security is discussed, whenever conditions of peace are sought. Thus, Prince Sihanouk has journeyed to Moscow and Peking, seeking their support for the removal of North Vietnamese troops from Cambodia and to support his personal position at home. China's influence in Asia is unquestioned.

The enormous power of this Asian giant has been demonstrated most convincingly within the Communist family of nations. China's behavior over the last decade and a half caused her great ally, the U.S.S.R., to reduce economic and military support to a trickle, to call home its ambassador, and to make contingency plans for the possibility of unlimited war with Communist China.

The Soviet Union created a new Central Asian Military District along its 1,000 mile border with China in the area of Sinkiang province. Moscow also shifted the former First Deputy Commander of Soviet strategic missile forces to head up the Far Eastern Military District on the Manchurian border to the north.

Western intelligence shows a marked shifting of some Soviet nuclear-tipped short range missiles installations into positions threatening China, not the West.

One year ago, in the early months of 1969, both sides reported bloody clashes between armed regulars of the two countries along the 4,575 miles of territory which forms their common border. Western newsmen who have spoken with soldiers while traveling the trans-Siberian railway confirm these incidents and testify to the rapid and heavy build-up of armed material, tanks, troops and other war supplies which could be used either defensively or offensively. And Soviet correspondent Victor Louis, who often operates at the behest of the Soviet officials, reported after one of these border incidents over islands in the Ussuri River that "the whole surface of the island was burned together with any Chinese troops and equipment there." Such "scorched earth" tactics are extreme indeed, and suggests that fighting has been particularly savage between these former allies.

Perhaps the most significant piece of news to come out of Moscow since the invasion of Czechoslovakia was the speculation that the U.S.S.R. might be giving serious consideration to the possibility and consequences of mounting a surprise attack upon China, with the intention of knocking out China's nuclear facilities and perhaps other industrial and population centers. This possibility of a pre-emptive first-strike was apparently broached to member nations of the Warsaw Pact in anticipation of any expanded conflict. Whether or not the Russians ever seriously contemplate such a conquest, no one can doubt that their satellites in Europe, still smarting from the invasion of Czechoslovakia, viewed the possibility as a very real one. The Brezhnev Doctrine, which proclaims the right of socialist countries to intervene in each other's internal affairs, is surely applicable to China as it was to Eastern Europe.

China recognized this fully, and began making preparations for an all out war with the Soviet Union. Air-raid shelters and complex systems of tunnels have been constructed in many areas, and air-raid drills have become a part of regular Chinese life. Training in guerrilla combat tactics with dummy guns has been given to Chinese men so that should war come, they will be equipped and capable of defending their homeland.

There can be little doubt that the Communist Chinese feared greatly an outbreak of war and took steps to lessen its impact should it occur. Unfortunately, there is little reason to believe that the danger of an Asian explosion between Russia and China has yet passed.

True, the rising crescendo of mutual vilification between Moscow and Peking abated somewhat after Premier Kosygin visited with Chinese Premier Chou En-Lai on September 11, 1969. However, Victor Louis' justification for Soviet intervention in China in terms of the Brezhnev Doctrine came one week after the meeting in Peking. And on the evening the Sino-Soviet talks were to begin, *Tass* distributed a summary of an article describing "the adventurist and chauvinistic policy of the present leaders of the Chinese Communist Party." On this unpromising note, the talks began in October 1969. Almost six months later, the two parties appear to be deadlocked, and the prospect for a long, hot summer along their borders all the more real.

With Soviet troops massed threateningly just inside Russia, the Chinese have insisted that they will not negotiate "under the barrel." Before any progress can occur, Peking demands the withdrawal of troops from 60 to 100 kilometers behind their respective borders. The Russians refuse, asserting that this will leave the way clear for the Chinese encroachment.

Vasily V. Kuznetsov, the Soviet chief negotiator, has already returned to Moscow once for new instructions. But the intransigence of both parties on the basic issues which divide them continues to remain. If Kuznetsov returns home a second time without progress, the talks in Peking may follow the same course as the Paris Peace Talks.

Already this year there have been unconfirmed reports of a new clash on the Ussuri River last month. Even if they are false, such reports only add to the tension and beget emotions and circumstances which may cause such an outbreak in the future.

The possibility of an outbreak of war between Russia and China poses an incredible threat to world peace and security, and in fact, a threat to the very existence of life as we know it. The threat has been spawned by a controversy dating back into antiquity and of undeminished ferocity.

Although experts may differ as to the likelihood of war breaking out, and the significance to be attributed to the polemics surrounding the controversy, none can doubt the seriousness of the situation. Some suggest grimly that war is inevitable, that it is merely a matter of timing for the Soviet Union to select the exact moment when a first strike will be most effective. Others, who are more optimistic, believe that war is unlikely and that Russia threatens only to maximize its bargaining position in the meetings being held in Peking. Yet the Chinese have given no sign of bending to threats of military force, and this unyielding attitude may yet provoke the Soviets into considering the real possibilities of a first strike. Russia is not used to dealing with anything but a weak China. The prospect of a strong China on the southeast flank, dominating Asia, may be more than Moscow bargained for and it may tempt militarists to make a pre-emptive first-strike even as some in the United States suggested a similar course of action a quarter century ago when Russia was developing her own nuclear potential.

The attitude and the policies adopted by the United States at this critical point in world history—as the Asian cauldron containing Russia and China continues to boil—may well determine the future of mankind.

What the United States must realize in making such a policy judgment is that with the rise of China to the status of a major power, world diplomacy and power politics have become much more complex. At the same time, a world with three great powers instead of two also presents new opportunities for great national leaders.

The United States, as the only one of the three great powers committed to individual liberty, is fortunate to have as its President in this crucial, challenging formative stage in world diplomacy a man willing to think anew and act anew. His actions thus far have, in my judgment, greatly added to the stability of peace and the stature of the United States in the eyes of all mankind.

For example, consider President Nixon's visit to Rumania just six months after taking office. To the Soviet Union, Eastern Europe is private property. Just how private was amply demonstrated by the invasion of Czechoslovakia and the "Brezhnev Doctrine" which it spawned. The fact that an American president actually visited an Eastern European communist nation at the invitation of its President speaks well of the future course of our relations with that part of the world. But more important is what that visit symbolizes to all Europeans—east and west alike.

When the Soviets invaded Czechoslovakia, many in West Germany feared that troops from that Warsaw Pact would not stop at the German borders. Yugoslavia, Rumania, and Albania, members of the Eastern bloc who are to varying degrees independent, also felt the icy breath of Moscow upon them. Similarly, the message was not lost upon Red China. As a consequence, Peking issued a warning to the Soviets that intrusions upon the territorial integrity of its European allies would be intolerable and the Romanians and Yugoslavs pledged their mutual support for each other and began organizing people's militia to protect their own independence.

Seizing upon these signs of defiance in the fact of overwhelming Soviet military might, President Nixon decided to indicate clearly the position of the United States in favor of national independence by visiting the Romanians and talking with their President. The rest is history.

The Romanians accorded him a tumultuous welcome, unprecedented even for their own national heroes. The President earned more good will for the American people than our national leadership had engendered in almost a decade. And in the international diplomatic game of "one-upmanship", the President had clearly won the first round.

Similarly, the dispute between the Soviet Union and Red China—the Nixon Administration adopted a stance which greatly contributed to the peace and security of the world while at the same time maximizing the statute of the United States.

He wisely rejected the forecast from some quarters that an all-out war between the two Communist giants would benefit the United States. While the resulting holocaust might well cripple both and perhaps demolish one of the Communist power centers, it could not possibly leave the United States unscathed.

The conflict might quickly spread to worldwide proportions, engaging the United States itself. Even if Soviet and Chinese military operations were aimed only at each other, its consequences inevitably would seriously endanger other nations.

War between Russia and China would certainly involve the use of nuclear weapons, almost of necessity. Thus, the possibility of massive nuclear fall-out would present a grave danger to life and health in the western hemisphere. Also, peace, security, and stability would hardly be enhanced; the survivor in such an engagement would emerge as the unchallenged leader of the Communist world, a development certain to influence neutral nations and complicate U.S. policy problems.

In a carefully worded statement, Assistant Secretary of State Elliot Richardson announced the U.S. policy of non-alignment in the Sino-Soviet dispute. Stating that the conflict would not deter the United States from trying to improve relations with the Chinese, Richardson said:

"President Nixon has concluded that our national security would in the long run be prejudiced by associating ourselves with either side against the other. Each is highly sensitive about American efforts to improve relations with the other. We intend, nevertheless, to pursue a long-term course of progressively developing better relations with both."

As intelligence and other evidence began to show that the Soviet Union might be giving serious consideration to mounting a military offensive against the Chinese, the United States acted to make sure that the entire world was apprised of this possibility and to bring world opinion to bear on the Russians to forestall such action.

The surprise of the invasion of Czechoslovakia was still fresh in mind. This daring move by the Soviet Union had paid off handsomely, and its success might prompt an act of even greater daring against China. The world needed to be put on notice concerning the possibility of a Soviet invasion of China.

The positive acts by the United States may well have helped deter the Soviets from this adventure. They also served a valuable purpose in laying the foundation for additional peaceful initiatives.

Our Administration now has the rare opportunity to facilitate an important advance in U.S.-Chinese relations. This is so because of the convergence of several major factors.

First, there is little likelihood that the U.S.S.R. and Red China will work out their differences sufficiently to permit any real cooperation between them to the detriment of the West. Present differences are long standing and will not be overridden in a few meetings. China adamantly maintains that Russia appropriated 100 million square miles of Chinese territory in unequal treaties imposed upon them in years past by the Czars. While China does not presently demand its return, this disputed territory remains a sore point. Moreover, about 20,000 additional square miles of land are in active dispute between the two nations.

In addition, China is unlikely to forget being "stabbed in the back" by its Soviet allies in 1960, when Premier Khrushchev, spurred by the widening ideological gap between the two countries, suddenly withdrew most economic and military aid and support from China. This left the Chinese in an extremely sensitive and precarious position, with many industrial factories incomplete, and others unable to operate because of the lack of trained technicians. China was prematurely and summarily forced into a position of self-sufficiency, and it is unlikely that it will soon, if ever, put faith in the Soviet Union.

Second, China feels challenged by Russia in what it regards as its own legitimate sphere of influence in Southeast Asia. The heavy support given by Russia to Hanoi, Russian proposals to hold an Asian collective defense meeting, and the halting of Russian pressure to get China into the U.N.—all suggest Soviet competition and intrusion.

The U.S. corollary of this is obvious. As we extricate ourselves from Vietnam, reduce forces in Thailand, and retire—at least politically from Okinawa, our own effectiveness and bargaining position vis-a-vis the Chinese may be substantially improved.

Third, at the same time that China feels challenged by Russia, it also feels the constant pressure of Chiang Kai-shek on Taiwan. If war were to break out with Russia on China's western front, the temptation for Formosa to enter the fray from the east would be great indeed. China cannot help but ask itself if this developed whether the United States would stand idly by, gang-up with Russia, or come to the aid of its ally on Formosa.

Fourth, the traumatic Cultural Revolution in China seems to have finally wound itself out and the country is beginning to return to some degree of normalcy. After calling home its entire diplomatic force during the cultural revolution, last year China sent 17 ambassadors back to their posts. Since then no new ambassadors have been sent out, although diplomatic activity remains strong and Canada, Belgium and Italy are negotiating, or about to, for a resumption of ties. How far China may be willing to go is unknown; however, these developments should help China to shed its "back-street" complex.

Fifth, China has stated that it will never attack another country unless it is itself attacked, and it has also set forth five basic principles for peace. They are "mutual respect of territorial integrity and sovereignty, mutual nonaggression, mutual noninterference in internal affairs, equality and reciprocal advantages and peaceful co-existence." In addition, China has also stated that it favors the elimination of nuclear weapons. These points could form the basis for fruitful discussion between Washington and Peking.

Sixth, China has condemned United States policies which, until recently, maintained an embargo on all trade between it and U.S. citizens and firms. Hopefully the change in policy regarding foreign branches of U.S. firms will stimulate any latent desire for economic intercourse with us which the Chinese have. It may even lead the way to broader, more direct trade in limited areas, such as agricultural products.

Seventh, as the U.S. continues to withdraw combat forces from Vietnam, China may well decide to use its own influence to wind down the war. This could be justified as a means of minimizing longterm Soviet influence in that area. Certainly, China could hardly be pleased with the prospect of a Hanoi regime subservient to Moscow. Nor could we. In the coming decade the U.S. will be better off dealing on an equal footing with two major competing Communist powers, rather than being forced to deal only with one giant colossus.

Eighth, the climate of United States public opinion is favorable to initiatives toward China. None of the steps thus far taken by the Nixon Administration has aroused adverse reaction among the public. To my knowledge, no editorial or person of any prominence accused the Administration of going soft on Communism. To the contrary, comment was almost uniformly favorable.

The "China lobby" which for years urged that Chiang be "unleashed" no longer packs a wallop on Capitol Hill, mainly because the ritualistic claims by Taipei of political authority over mainland China are no longer considered seriously either in the United States or Formosa.

My own personal experience attests to a change in public opinion. When I first suggested a more progressive policy toward China nearly three years ago, the reaction, while generally favorable, included some sharp attacks from some of my colleagues in Congress as well as elsewhere. As I have repeated similar suggestions periodically since then reactions have become favorable, almost without exception.

Ninth, and most importantly, the United States has reopened talks with Chinese officials in Warsaw, talks that were suddenly broken off by the Chinese over a year ago. Resuming the Warsaw talks was a natural as the Chinese pursued negotiations with Russia. The talks would provide needed leverage for the Chinese, help balance the SALT talks between Russia and the U.S. which have aroused great suspicion in Peking, and also give China direct access to the United States if the situation along the Sino-Soviet border continues to deteriorate.

Although little can be gleaned from official sources, the Warsaw talks apparently are making satisfactory progress. Certainly, Communist China has not made the resolution of the Formosa question a precondition. Also, the rapid succession of the first two meetings, coming only a month apart, is encouraging. Indeed, the timing of the State Department's easing of all restrictions a few days ago on travel to China may invite new initiative from the Chinese and pave the way for further modifications of long-standing and outdated U.S. policies.

A friendly gesture on a very personal basis occurred. On February 9, when the Communist Chinese Embassy in Paris responded favorably to my request for an appointment and received me, even though briefly, so that I was able to present a written appeal on behalf of a constituent.

The convergence of these nine factors presents the United States the opportunity to undertake, with great advantage to its own security interests, additional initiatives looking toward better relations with China.

Therefore I propose a major advance in our basic policy—one seeking to place relations with Peking on exactly the same basis as Moscow.

The advance I recommend would take two forms: action and announcement.

At an early date a prominent official of the Administration should use an appropriate public forum to make the following policy announcement.

1. The United States in the future will seek to treat the Soviets and the Chinese in exactly the same manner in matters of military, economic, trade, and diplomatic policies. No longer will we place primary emphasis on improved relations with Moscow. Rather, we will put an equal emphasis upon seeking ties with Peking in order to improve simultaneously our relations with both Communist capitals.

Removal of the present double-standard approach we have so obviously employed in recent years would give Russia a strong incentive to improve its own relations with the United States, perhaps by reducing pressures in Europe, the Middle East and Asia. It would also be an essential first step on the long road to improved relations with Communist China.

2. To implement this basic policy of treating both major Communist powers equally, the United States officially recognizes the integrity of Communist China's coastline and professes complete opposition to any violation of Red China's borders whether by the Soviet Union, Nationalist China on Formosa, or any other nation.

For nearly twenty years our government pretended that Chiang Kai-shek's regime was the political authority over mainland China as well as the population of Formosa. Never before in our history has our government lived with a total myth of such magnitude for so long.

This myth has now become a liability which fosters instability and uncertainty where it can least be afforded. Mainland China can never lower its guard against Formosa, no matter what military pressures are brought to bear elsewhere. Russia knows this, and threatens China not only from its own massed troops on the western border, but also uses the leverage of possible invasion by Chiang Kai-shek from the east should war break out. Mao can never forget that once before Russia joined with Chiang against the revolutionary movement.

The United States should make it abundantly clear to all parties that it will not condone Nationalist Chinese participation in a military conflict between Russia and Mainland China, and it will seek in every way possible to prevent any such participation from occurring.

At the same time that we drop this aged and pointless pretense, that Formosa governs the mainland, we should reaffirm our pledge to defend Formosa from attack.

3. The United States will no longer oppose membership for Communist China in the United Nations, but we will oppose any seating arrangement which would deprive Nationalist China of a seat in the U.N.

Although this would not likely bring China into the U.N. at an early date, it would nevertheless be a decided improvement. Our position on U.N. membership for China, up to now, has been uniformly negative, simply opposing Albania's resolutions and thus being unable to influence the course of those who do favor Red China's admission.

By giving lip-service to the goal of enlarging Chinese participation in world affairs while at the same time persisting in a totally negative position on U.N. membership for the most populous nation in the world, the United States makes an unbecoming spectacle of itself.

4. The United States proposes the opening of bilateral arms limitation talks with the Chinese, contemporaneous to the SALT talks presently being held between our country and Russia.

China has stated that it favors the elimination of nuclear weapons. It cannot be expected to accede to any bilateral or multilateral agreement in which it had no part in negotiating and which it feels does not adequately protect its own interests. Nevertheless, it might very well be in China's interest to strive for some form of arms limitation which would permit more of its economic resources to be used to feed and supply its burgeoning population, rather than to defend itself against supposed threats from the United States.

Even if some form of agreement proves impossible to negotiate over the long run, the very fact that negotiations took place would act to alleviate much of the fear and suspicion which surround the U.S.-Russian talks at Helsinki. In addition, it would undoubtedly give the U.S. greater leverage when the SALT talks resume once again in April.

5. The United States proposes the establishment of a Washington-Peking "hotline" similar to that connecting Moscow and Washington.

Although China presently does not have the capacity to pose a direct nuclear threat to the continental United States, the existence of the "hotline" could serve much the same stabilizing role as fulfilled by the Washington-Moscow "hotline." It would give China immediate unimpeded access to Washington, and this fact alone might help to forestall major power crises.

6. The United States proposed that the New China News Agency be permitted to open an office in New York City.

Hopefully, such a move would help to improve understanding between our two countries and eventually would be reciprocated by permission being granted to a U.S. news agency to open an office in Peking.

Concurrently with the above, the United States should take the following steps:

Rescind the embargo on direct trade with Mainland China, permitting commerce on all items within the same limits as presently govern trade with the Soviet Union. This could be done in two stages: first rescinding the embargo only as it applies to agricultural commodities, then later the rest.

Although recent Administration moves have been wise and progressive, the present prohibition, which is relieved by only minor exceptions, works no hardship on China, only upon our own citizens who are denied a valuable foreign market. Each year millions of bushels of grain are sold to Communist China, yet the United States gets none of this business. China has no difficulty securing what it needs elsewhere. Our trade embargo hurts only us, especially the American farmers.

Taken together, these steps would show convincingly our desire to end the double standard which we have applied to relations with Peking and Moscow.

The promulgation of a single standard would add substantially to our own security, as well as to our stature in the eyes of the world.

It would strengthen our position relative to the Soviet Union as Moscow carries on its own cold and hot war with China. Tensions in Europe and the Middle East might take on a new cost to the Soviets as Chinese-American hostilities are lessened.

It would also strengthen our position relative to Mainland China by recognizing its new status of world power and subjecting it to hard Yankee bargaining.

In recommending this new evenhanded approach toward China and an end to the double standard which has heretofore governed our relations between these two Communist capitals, I do not wish to leave the impression that an era of good relations with China is about to begin, or that vigilance is no longer needed. Like the Soviet Union, China is ruled by a dictatorial, conspiratorial system that is characterized by hostility and suspicion toward the outside world.

As China continues to grow in power, it may seek to extend its influence widely in Asia. Every small country in Indo-China must constantly be alert to China's changing foreign policy. So must India, where there is ever-present the danger of renewed fighting and war over still unsettled boundaries.

The Philippines and even Japan may one day be subject to either direct or covert challenge from Mainland China. Whether, and to what degree, China may attempt to export revolution and "wars of national liberation" remains to be seen.

The United States will not be better able to cope with such unfavorable developments by burying its head in the sands of ignorance like the proverbial ostrich and pretending that Communist China does not exist. Our own national security interests require that we accord to China the same consideration we have long extended to the Soviet Union. They also require that we keep our guard up.

### U.S.-CHINA TRADE

(By Senator Walter F. Mondale, April 15, 1970)

Last year after much study and discussion, the Congress enacted a most significant piece of legislation regarding East-West trade—the Export Administration Act of 1969. I had the pleasure of helping to draft that act and served as floor manager during its Senate passage. In commenting at that time on the statute that had been in effect for 20 years, I said, "All of the evidence the Subcommittee received indicates that the present Export Control Act hurts no one but ourselves. The communist countries of Eastern Europe are not hurt; they can obtain what they need from other free world countries. Western Europe and Japan are not hurt; indeed their businessmen have received a windfall by virtue of U.S. default. Only the American businessman and the U.S. balance of payments are substantially hurt. Basically we deny ourselves the right to compete."

This is true not only with respect to the greatly restricted trade between the United States and Eastern Europe and the Soviet Union, but also with respect to the nearly total embargo upon trade between the United States and the Peoples Republic of China.

Not only has U.S. policy virtually prohibited direct U.S.-Chinese trade (which in 1968 totalled only $200,000—largely publications, and works of art, which the U.S. imported from China), but it has, until the Administration changed policy last December, severely affected trade between foreign subsidiaries of American firms and mainland China. This essentially has been a United States policy of extraterritoriality—a holdover from the days of colonial trade.

In spite of these restrictions, much progress has been made in the last year in liberalizing East-West trade. The Export Administration Act of 1969, passed at the end of the last session of Congress and representing the culmination of two years of work, declared that it was the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest . . ."

In spite of a decidedly lukewarm acceptance of the new East-West trade legislation, the Administration has moved on its own to begin a relaxation of the total prohibition against exports to China. On December 19, 1969, the Department of State announced changes in the restrictions on trade with China. It announced that "for foreign subsidiaries of U.S. firms, most Foreign Assets Control restrictions on transactions with China regarded as non-strategic by COCOM are removed." It went on to state that "This is intended to permit American subsidiaries, insofar as FAC restrictions are concerned, to engage in trade with Communist China under regulations applicable to other firms in countries in which they operate and to remove restrictions which *those countries view as interference in their domestic affairs*" (emphasis added). While, this provision is still far from even a limited endorsement of trade with China, it is an encouraging recognition of a new policy of noninterference in domestic affairs of other nations.

Two other changes, announced at the same time, also signify a thaw in administration policy, although the immediate practical effects are likely to be negligible. American financial, shipping, and trading agencies abroad may now finance, ship, and insure China trade.

Also, private citizens traveling abroad will be able to bring back for their own use an unlimited amount of goods of Chinese origin. Before last summer, such purchases had been illegal, and until the most recent change there was a $100 limit upon them.

There has also been speculation that the United States was interested in approaching the Chinese with offers to sell wheat and other feed grains. Secretary of Agriculture Hardin last month testified before the Senate Agriculture Committee and mentioned the desirability of removing prohibitions which restrict trade with China. In a latter "clarification," he indicated that his words were directed at the Soviet Union and Eastern Europe. However, speculation persists, encouraged by United States business organizations, that the Administration is considering further moves to restore some economic relations with China.

Yet, while Congress has passed legislation to greatly liberalize trade with Eastern Europe; while the Administration relaxes some of the more obvious injustices encountered in trade between China and American subsidiaries abroad, and while speculation of further liberalization persists, *no basic change has occurred in U.S.—Chinese trade.* If relation with the most populous and potentially dangerous nation on Earth are ever to be normalized, we must begin with a normalization of social *and economic* relations.

For 20 years we have imposed virtually a total embargo on trade with mainland China. Acting upon the statutory authority of the Export Control Act of 1949 and the Trading with the Enemy Act of 1917, the President, within 6 months of the establishment of the Peoples Republic of China, declared a national emergency and placed controls on all exports to China, paralleling at that time controls then placed on shipments to Eastern Europe and the Soviet Union.

Three days after the commencement of hostilities in Korea in June, 1950, a total embargo on all goods to North Korea was instituted. Several weeks later the United States Government revoked all outstanding licenses to export to China.

In early December, 1950, the Commerce Department issued instructions requiring written permission for the direct or indirect export of any goods to China. Before Christmas of the same year, after Chinese entrance into the Korean War, assets of residents of China and North Korea were frozen by the Treasury Department. In addition, the Commerce Department issued a transportation order barring U.S. ships from stopping at Chinese ports or transporting any Chinese cargo. Consequently, as 1959 ended, a total U.S. embargo on trade with China had been instituted.

From imposition of a bilateral trade embargo, the U.S. then attempted to institute a total free world embargo on trade with Communist China. Several methods were used: First, the Coordinating Committee (COCOM) agreed in July of 1950, within a month of the start of the Korean War, to extend their control over trade with the Soviet Union to trade with China. During the height of the Korean War, COCOM, at the instigation of the United States, adopted a much larger list of control items which became known as the "China differential." Trade between China and our allies, however, did continue, including British trade with China through Hong Kong.

Second, at the urging of the United States, the General Assembly of the United Nations adopted on May 18, 1951, a resolution recommending that every member-state apply an embargo on shipments to China of "arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic values, and items used in the production of arms, ammunition, and implements of war." Since the United Nations was one of the belligerents in the Korean War, the resolution further recommended that "every state determine which commodities exported from its territory fall within the embargo and apply controls to give effect to the embargo and prevent by all means within its jurisdiction the circumvention of controls on shipments by other states pursuant to the present resolution."

The third means of forcing our own embargo with China upon the rest of the Free World was through our military and economic aid legislation. During the early 50's, the Korean War was at its height. Some of the Western allies continued to trade with China. At the same time, the U.S. had instituted the giant Marshall Plan to rehabilitate much of Western Europe. Strong feeling was aroused on the floor of the Senate by Senator Kem of Missouri in his repeated attacks on the Marshall Plan and its possible effect against American troops fighting in Korea. Senator Kem reminded his colleagues: "All too fresh in our minds is the fact that during World War II our ships and planes were blasted with scrap iron furnished by us to the Japs. . . . It is entirely possible, even probable that many of the shipments of iron and steel from Marshall Plan countries to Russia went into building those very same guns and tanks now killing our boys."

The battle raged between those forces calling for a complete and mandatory aid ban on those countries trading with the communists, and those favoring Presidential discretion in determining which countries were and were not complying with U.S. regulations on trading with the communist nations. During August, 1951, the Battle Act formalized Congressional action and applied an embargo on arms traffic between the United States and the communist countries, and extended this embargo to all countries receiving aid from the United States. The bill stated that "No military, economic, or financial assistance" could be supplied by the United States to any nation which did not in turn apply the same embargo on shipments to communist nations.

It would seem particularly wise in 1970—in light of changing "Cold War policies," in light of the consolidation of Communist power on the Chinese mainland, and in light of the questionable political and/or economic effect of this embargo—to review these old restrictions of the 1950's.

The noted American economist, Alexander Eckstein, analyzed the political and economic effectiveness of our policies in this definative work on *Communist China's Economic Growth and Foreign Trade*. The basic objective of United States policy toward China, according to Eckstein, is designed to isolate and contain it within its present boundaries, and trade controls are intended to support both these objectives. If adhered to by all major trading countries, such controls would, of course, limit intercourse with China and therefore isolate here not only commercially, but politically as well." Eckstein then claimed that: "while the United States trade policy was formerly ineffective because China could obtain controlled and embargoed goods from communist countries, it is now ineffective because these same goods (except for military material) can be obtained from practically every country which exports them except the United States and, to a certain extent, the Soviet Union." Consequently, he concluded, "In her relations with the West, therefore, China probably cannot be expected to give up or modify seriously any of her important foreign policy objectives even though such decisions might benefit her economy."

It is vital to note, therefore, that leading economists who specialize in Chinese trade have concluded after exhaustive study that the United States embargo is "practically of no economic significance." China, according to Alexander Eckstein; "has been and is currently able to obtain virtually all the good she needs from other countries at no significant additional cost. Therefore, the embargo has only a symbolic meaning. It stands as a symbol of our determination to isolate China, to treat her as an outlaw, and to refuse to have any dealings with her . . . The embargo also serves, however, to maintain the illusion at home that we are somehow inflicting serious damage upon the Communist Chinese through it. Moveover, the embargo and our general policy on our trade with China have three other consequences. 1) They separate us from our allies who do not see the point of our policy on either theoretical or practical grounds. 2) They contribute to frictions between ourselves and our allies whenever we attempt to press our allies to bring their policies into line with ours. 3) Finally, they deprive our businessmen of their potential share, however modest, of the China trade now carried on by other countries."

While United States has been maintaining this embargo on trade with mainland China, it is interesting to note what our European and Asia allies have been doing in this regard. In 1968, for instance, our neighbor and good friend Canada sold a total of $150 million in manufactured goods to mainland China; France sold $87.7 million; Italy sold $61.1 million; Great Britain sold $69.8 million; and West Germany sold a total of $171.4 million. We can see another instance, then, in which unrealistic trade policies of the United States have resulted in our abandonment of a substantial market to our allies.

On this point Najeeb Halaby, President of Pan American World Airways, speaking in February, 1970, to a world trade convention in Chicago said that many of the participants in that conference would be richer if the United States had permitted the exportation of Minnesota, Kansas, and Nebraska wheat to China, instead of letting Canada obtain the large orders she had during this last decade. During the first 8 years of the 1960's, for example, Canada exported one billion dollars worth of goods to China.

Our policy, then, has been to block China's economic development—and, indeed, her development as a nation. This policy has been totally unsuccessful. This broader policy of containment, isolation, and military encirclement of China as a basis of our Asian policy has been based on the fundamental assumption that the Communist government which took over China in 1949 was temporary, and could be brought down by a policy of pressure from the outside.

Such a policy, however, is more likely to be counterproductive—even assuming the wisdom of the basic objective. It can easily be demonstrated that political and economic pressures from the outside are far more likely to consolidate the power of a government than weaken it. While China might be somewhat inhibited economically by an inability to engage in normal foreign trade, she is perfectly capable of meeting her basic economic needs from her own resources. What we are promoting, then, is a wholly self-sufficient China—uninhibited by the fear of economic loss due to her actions or attitudes.

The other response to a policy of isolation might be to become totally reliant upon trade with a single other nation or bloc of nations. Our restrictions on trade with Eastern Europe have had this effect—adding to, rather than weakening, Soviet economic and political hegemony in this area. Originally, our boycott of China had the same effect, with Soviet trade accounting for nearly half of all Chinese trade before their break in 1959. Currently, the Sino-Soviet split has dropped the Soviet share of Chinese trade to, in 1967, about $107 million or less than 3% of total Chinese trade.

Thus, in spite of our best intentions, China has become primarily a free world trader, doing about 75% of her trade with non-Communist nations.

Her major trading partners, for example—Japan, Hong Kong, West Germany, and Singapore—are all non-Communist.

Thus, it would appear that our policy of isolating China from the rest of the Free World has been less than successful. But we still maintain a posture toward China which is based on the old assumption of economic and political isolation and containment.

If we can accept what I believe to be the obvious—that the United States has little or no influence over internal events on the Chinese Mainland—and if we can assume that the interest of world and Asian stability are best served by a China dependent upon normal international intercourse, then it would seem that new trade policies with respect to China are in order.

We should not, of course, expect too much from changes on our part. China's total trade is still small—about $2 billion each of imports and exports. By comparison, 1968 figures show the Soviet Union importing about $9.4 billion and exporting $10.6 billion; Germany importing $20.1 billion and exporting $24.8 billion; and the United States importing $33.3 billion and exporting $34.7 billion.

At present, then, there is no "vast, untapped market" in China, although the potential is surely there. More significant in the short run may be the willingness of the Chinese to respond to any moves we might make in behalf of opening up trade. So far, they have not responded to the minor liberalizations which we have unilaterally taken. But, as China attempts to recover from economic chaos of recent years; as the ideologists of the Long March give way to Communists of the more bureaucratized variety; as China seeks to build up her independence from the Soviet Union; and as the disastrous war in Southeast Asia comes to a close, there should be a potential for considerable expansion of our current $200,000 worth of trade with China. Mr. William E. Roberts, President of Ampex Corporation and Chairman of the California Industry and World Trade Commission recently suggested that U.S.-China trade could reach $250 million within a decade. Any such estimate is, of course, an educated guess, but there should be little doubt of the trade potential if tempered with patience on our part.

In the meantime, such changes would have a beneficial effect upon our trade relations with all nations, especially our allies. Writing in the December, 1968, issue of the *Columbia Journal of World Business*, the University of Michigan's economist Robert F. Dernberger argues cogently that "Sino-United States relations must be improved before there is any possibility of significant trade between the two countries. Direct trade between the United States and China would not respond immediately to a unilateral removal of the many restrictions on that trade. However, the removal of those restrictions and the political pressures that accompany them would greatly benefit those of our allies who desire to trade with China and would greatly facilitate an increase in exports to our allies, i.e. the export of parts and imports used in the foreign production of and products for export to China. In other words, the existing restrictions on trade with China impinge on U.S. businessmen and on our allies in Europe much more than they impinge on China. The unilateral removal of these restrictions would be an important first step in improving Sino-American relations, although the initial reaction would probably be minimal."

In summary, I would make several policy recommendations:

First, we must operate on the assumption that China, whatever political upheavals the future may bring will remain governed by basically the same forces which govern her today, and that no internal or external pressure is likely to create an abandonment of or radical departure from, her current political and economic ideology.

Second, we must abandon the explicit or implicit assumption that our trade—or non-trade—with China can have any significant effect either upon her foreign policy or upon her domestic ideology.

Third, we must abandon our attempts to impose our economic and foreign policy toward China upon our allies and upon other nations of the West.

Fourth, we should seek now to begin what will be a long and slow process of normalization by applying controls upon China trade no more stringent than those controls placed upon trade with the Soviet Union. This would mean a continuation of prohibitions upon trade with military or strategic value but a relaxation of control and even an encouragement of other forms of peaceful, nonstrategic trade.

### COMMUNICATIONS AND TRAVEL WITH CHINA

(By Representative CHARLES W. WHALEN, Jr., April 29, 1970)

#### *I. Brief History of U.S.-China Communications*

On April 15, our distinguished Senate trade expert stated that "if relations with the most populous and potentially dangerous nation on Earth are ever to be normalized, we must begin with a normalization of social and economic relations." Senator Mondale then perceptively reviewed the economic aspects of this normalization. Today, I will discuss the social side.

I do not wish to repeat here the history of U.S.-China relations which others already have more than adequately reviewed. However, I believe that some restatement of history is necessary if we are to perceive the conditions which make social changes between these two nations unlikely in the immediate and near future.

Besides traders and diplomats, our missionaries, doctors, educators, and technical experts had innumerable contacts with the Chinese from the late eighteenth century until 1947. As Professor James Thomson of Harvard phrased it: "An 'Open Door' to China came to mean 400 million potential customers, 400 million potential Christians, our special receptacle for the outflow of our altruism, and our special protectorate against the obvious greed of the European and Japanese predators."

Indeed, the efforts of other nations did seem predatory. The British traders, who arrived in China during the early part of the nineteenth century, demanded exclusive trade franchise. In order to further their economic ends, European powers waged numerous wars against the Chinese. The Westerners, with their superior military technology usually were victorious. Consequently, the Chinese were forced into signing unequal treaties which ceded part of their territory to Westerners. Also, extraterritoriality was frequently practiced in China during those days. The Chinese customs service was controlled by the British, and much of their finance and foreign trade was completely dominated by non-Chinese.

China was exploited economically, and the centuries-old traditions of her culture were attacked. The international settlement in Shanghai had foreign police and foreign courts. Clubs bore signs warning that dogs and Chinese were not allowed. As depicted in a cartoon around the turn of the century, the Chinese dragon was being dismembered by the Western powers, all of which had concessions in China. Thus, the Chinese people, who considered themselves superior to all others, were second class citizens in their own land.

As Professor Thomson summarized: "What to the West was the century of China's 'opening'—China's exposure to the benefits of Western civilization—was something rather different to China. It was a century of national trauma: of the collapse of a 2,000-system of values, social structure, and political authority—the collapse of one of mankind's most durable creations, the Confucian state—a collapse induced by Western guns, ideas, and institutions. Out with the state went its all-encompassing ideology. In its place, came the prolonged agony of a search for something new to fill the vacumn, to regenerate the nation, and to repel the foreign intruders."

Thus, while the U.S. could legitimately claim not to have insulted the Chinese to the extent the Europeans had, it could do nothing to prevent being included in the expulsion of the foreign intruders and their influence from the China mainland. We simply failed to understand the facet of Chinese character which resents the influence of any nation, not only those which forced themselves into her national life. In fact, because of our continuing strong ties to the faction defeated in China's civil war, the U.S. actually has become one of her two great enemies.

#### *II. Efforts to communicate in the 1950's and 1960's*

##### A. Chinese Overtures in the 1950's and U.S. Reaction Thereto

For two centuries, the United States and other Western nations sought to expand contacts with China. During this period, China tried, unsuccessfully, to isolate herself. In the middle 1950's, this cycle was reversed. The United States sought to isolate China while China attempted to reopen her doors to Americans.

For instance, in August, 1956, the Chinese government offered visas to 15 U.S. newsmen who had requested them. The State Department, however, announced that it would continue to bar travel to Communist China as long as Americans were held there as "political hostages". Gradually during the next year, under pressure from the American journalistic community, Secretary Dulles grudgingly relented, first to permit a "pool" of American newsmen to visit China and then to authorize 24 news organizations to send correspondents to mainland China for a seven-month period. The State Department, nevertheless, said the U.S. would not accord reciprocal visas to newsmen from China. By this time, the Chinese began to draw back from their proposal.

##### B. Kennedy and Johnson Administrations Policies

As the 60's began, China watchers had great expectations that the Kennedy Administration would institute a fresh approach to U.S.-China relations. However, it is believed that President Kennedy soon after taking office decided for political reasons that he would not move in a new direction on the U.S.-China situation until his second term.

Under President Johnson, the tenor of official U.S. pronouncements became less hostile to Peking and efforts to reopen communications were renewed. In March, 1966, restrictions on travel to China by scholars were eased. The following month, it was disclosed that for the first time scientists and scholars from China would be permitted to visit the United States. By July, the State Department relaxed restrictions on tourist travel to Communist China. The only condition imposed by the new regulations was that the traveler's position or professional stature be such that his trip would benefit the U.S.

In May, 1968, the Director of the U.S.I.A. extended an invitation to certain Chinese journalists to come to the United States to cover the Presidential election campaign. As it has since 1958, Peking rejected all the aforementioned overtures.

#### *III. Position of Nixon Administration*

The Nixon Administration has manifested a renewed willingness to establish contacts with China. Perhaps this is most appropriate, for as Professor Thomson noted: "That the healers are the man and the party that organized the 1950's headhunt for those who 'lost China' is ironic but perhaps necessary. Republican anticommunists are less vulnerable to charges of 'softness' on communism, and therefore, best equipped to risk accommodation".

Last July, the Nixon Administration broadened passport rules for China when it authorized automatic validation for six specific categories of travelers, including congressmen and teachers. In March of this year, State Department officials announced that passports have been validated for China travel for certain other Americans who did not fall within the July, 1969, categories. Included in this extension are businessmen and tourists with specific interests. More than 700 Americans now hold passports valid for travel to China, but only three have received entry visas from Peking in the past five years. The easing of passport restrictions, coupled with revisions in our China trade policy, is encouraging evidence of the executive branch's interest in dismantling the barriers separating the Chinese and American peoples. This observation is bolstered by our willingness last January and February to resume meetings in Warsaw with representatives of the Peoples Republic of China.

#### *IV. Peking's Reactions*

Yet Peking, even since the Warsaw meetings, has continued to reject American visitation overtures. Why? Two answers are advanced by China watchers. First, the Chinese feel that for 21 years the U.S. has been trying to destroy them by following a policy of containment, isolation, trade embargo, and military encirclement. Second, the Chinese believe that since the U.S. has not been able to bring down their government by these methods, now maybe we want to subvert them by sending American travelers and traders. Considering what happened to their country during the last century, these assessments of Chinese attitudes are persuasive.

In addition to their nineteenth century experience, several other factors may influence China's position": first, our continuing armed presence in Asia; second, our strong support of Taiwan; and third, internal pressures on the Chinese government. These three situations give a pessimistic tint to proposals to renew communications with China. Only one factor, the Russia-China split, is cause for optimism. In view of this development, it might be considered to China's advantage to relate to the U.S. to prevent us from siding with Russia. Our government already has stated its neutrality in the dispute. Thus, this also might encourage China to pursue a course which will lead to more open relations with the U.S.

#### *V. Congressional positions*

The House of Representatives has not helped the Administration in its efforts to achieve a thaw in Chinese-American relations. Rather, in the past six months, it has assumed a posture which can only appear as militant to the Chinese. In the FY 1970 Foreign Assistance Act, the House provided an authorization of $54.5 million for jet aircraft for Taiwan. Fortunately, the Senate deleted this provision. Last month, the House approved legislation which would give Taiwan three submarines. As so often happens, the House seems insensitive to the advantages that could be gained by refraining from such actions.

The Senate has pursued a more reasoned approach to the question of U.S.-China relations. In 1966, for example, the Foreign Relations Committee held seven days of hearings on U.S.-Mainland China policy. Although no significant policy changes resulted, the Senate's interest could have only encouraged the Johnson Administration to reappraise the U.S.'s position.

Nevertheless, it is quite clear that, for the time being, the leadership required to improve U.S.-China relations will have to continue to come from the White House.

#### *VI. Private interests in U.S.-China communications*

There is a great deal of interest among private American citizens in opening communications with China. As noted earlier, American journalists are eager to visit the mainland. Scholars and doctors also would welcome an opportunity to meet with the Chinese. Press reports of a luncheon address by the President of Pan American World Airways, Najeeb E. Halaby, indicated he supported swift moves to develop economic ties with Communist China. At a later news conference, Mr. Halaby was quoted as saying that Pan American was "thinking about" the time when a new regime in China might make airline service possible, although negotiations would take five or more years. When contacted about appearing at this meeting, Mr. Halaby retreated somewhat from the press' interpretation of his comments. His main concern was based on the reaction of Russian officials with whom Pan American had negotiated for ten years in order to get a New York to Moscow run. Would it not be another ironic twist if Russia now tried to isolate China by applying pressures on those who have contacts with her to prevent the establishment of the same contacts with China?

Other private groups have evidenced an interest in improving U.S.-China relations. Recently my East-West Trade Committee of MCPL held a breakfast meeting for representatives of the business and labor communities. Early in our discussion, the spokesman for the U.S. Chamber of Commerce asked if, in addition to Eastern Europe, China should not be included in our trade review. Certainly, even this slight indication of interest in China is encouraging. It represents a significant advance from the position adopted just two years ago by the U.S. Chamber. In a 1968 policy statement, the Chamber said: "A long range objective should be a free and democratic China on the Asia mainland. To this end, we urge the U.S. government to explore steps designed to more effectively open channels of communication with the people of mainland China. The United States should continue its recognition of the Nationalist government of China now on Taiwan and should continue to render assistance to the extent consistent with our interests. The Chamber favors adhering to the position of the United States government to conditions which have existed, in not extending diplomatic recognition to the Chinese Communist regime and in opposing its seating in the United Nations."

The Chinese, looking at the first two sentences of this statement, could draw only one conclusion—that the U.S. Chamber advocated a different government in China and that lines of communication should be established by Americans to achieve this objective.

Let me state emphatically that this cannot be our goal. Rather, we must accept China for what she is—a major Asian nation. Why should we expect to change China's form of government when we did not hold such expectations for Russia?

### *VII. Conclusion*

As Americans we are essentially desirous of minimum government regulation of our speech and movements. It is only natural, then, that we seek to incorporate into our foreign policy this desire for the free interchange of ideas and people. Thus, our attempt to break down isolation and mutual suspicion between our country and China simply embodies that fundamental American tradition.

One of the leading China scholars of the United States said recently that he'd gone to Chinese embassies in various parts of the world to talk to officials there in the hope of obtaining permission to visit China. In a seemingly adamant way, however, Chinese embassy officers would always respond: "No, you're an American. Our rule is not to talk to Americans. Until the United States changes its policy of complete hostility towards China, we will not be able to invite you to our country". The charade thus continues back and forth. Words flow between individuals but little communication takes place.

However, we have not exhausted the options available to us to encourage communication. In my opinion, there are several further overtures we might make. First, I believe it would be worthwhile if the Nixon Administration would extend invitations to the Chinese, as was done by the Johnson Administration in the late 60's. For example, an invitation to the New China News Agency and to doctors and educators to visit the U.S. might indicate to the Peking government that we have something to learn from them. Second, I believe we should encourage unofficial meetings between journalists and professional Chinese and Americans outside either country. Finally, I believe it would be extremely helpful if the Congressional buildup of Taiwan could be held at bay.

Nevertheless, even if we implemented these suggestions, I do not believe we can expect any drastic change in the Chinese position for the time being. As long as we remain in Vietnam, it will be difficult for China to accept our efforts as sincere. I think this is understandable. If China had 500,000 troops in Mexico, we would be somewhat leery of any friendly actions she might take.

As we withdrew from Korea in the middle 50's, China made her first overtures to resume communications with us. Perhaps, when we extricate ourselves from Vietnam, there again will be an opportunity to reestablish communications with the Chinese.

## CHINA AND THE ABM

(By Representative ROBERT L. LEGGETT, May 20, 1970)

Since work began on the anti-ballistic missile system in 1956, four missions have been conceived for it:

1. *Defense of the American people against a heavy Soviet attack.* This mission was abandoned in 1967, when Secretary McNamara concluded it was technically unfeasible in the sense that any ABM expenditure in this direction could be offset by a much cheaper offensive expansion on the part of the Soviet Union. Testifying before the House Armed Services Committee in that year, he said:

> ". . . All we could accomplish by deploying ABM systems against one another would be to increase greatly our defense expenditures, without any gain in real security for either side."

This position has not been subsequently contested by the White House, or the Pentagon. Heavy anti-Soviet defense is not a live issue at present, although I do not doubt that, should a President decide we needed such a system for pork-barrel reasons, he would have no difficulty finding a general who would declare it essential to national security.

2. *Defense against China.* At the same time Robert McNamara was rejecting the heavy anti-Soviet defense as futile and prohibitively expensive, Lyndon Johnson was becoming aware of the need to build some kind of ABM—*any* ABM—to protect the Democrats again Republican charges of allowing an "ABM gap" to develop. In the fall of 1967 the CIA estimates of Soviet capability were rather radically and dramatically revised upward. So Johnson proposed Sentinel, which was a light anti-Chinese ABM system designed to cost approximately one-fifth as much as the heavy anti-Soviet system. (The projected costs were $4 billion and $20 billion, respectively.)

The anti-Chinese mission was relegated to secondary status by President Nixon in 1969, but now in 1970 it is enjoying a formidable renaissance, and the latest DOD Posture Statement presents it as the primary rationale for the current Safeguard ABM.

3. *Defense of our hardened ICBM sites against heavy Soviet attack.* This was presented by President Nixon as the primary rationale for the Safeguard system he announced in March, 1969. However, the technical inadequacy of Safeguard to perform this mission was examined in considerable and damaging detail during the ensuing Congressional debate, with the result that this mission has recently been soft-pedaled in favor of the anti-Chinese rationale.

4. *Defense against an accidental or unauthorized launch from any source.* This is the only one of its many missions Safeguard has even a remote hope of performing successfully. However, the probability of such an attack occurring is too small to justify the expense of Safeguard, which in four years has escalated from the similar-sized 1967 Sentinel's $4 billion to more than $12 billion in 1970. So defense against accidental launch is merely a secondary or "fringe" benefit of an anti-Chinese system.

It is evident from the above that ABM rationales have oscillated with a slightly higher frequency than that of women's hemlines. Currently the anti-Chinese rationale is in vogue. It is difficult to predict how long the vogue will last, since the Chinese rationale is completely untenable. (Unhappily for the administration, the hard-point ICBM-defense rationale is also untenable, but that is another matter.)

In discussing the anti-China mission of the Safeguard ABM, I shall first set forth the political ends the Administration expects Safeguard to achieve. I shall then demonstrate some of the many reasons why Safeguard is incapable of achieving these ends, or even of contributing toward them to any significant extent.

### *Political function of anti-Chinese ABM*

According to repeated statements by top officials of the Nixon Administration, the anti-Chinese mission of the Safeguard ABM is to enable us to maintain "a credible diplomacy in that part of the world."

The term "credible diplomacy" apparently refers to the status quo wherein presumably we can, if we wish, destroy China's society with nuclear weapons while they cannot do any damage at all to the American homeland. (In fact, as will be explained in the section on technological inadequacy of ABM, the Chinese are not so helpless. But for the moment, let us grant the Administration's assumptions that China is presently incapable of a nuclear strike, and that Safeguard can maintain this inability.)

Why is it important that we be able to destroy China with impunity? Under what circumstances would we consider doing so?

One possible contingency is that of Chinese entry into the Vietnam war. It may be argued that the threat of direct American nuclear retaliation against China might prevent such entry.

Another contingency would be a decision on the part of an American President to lay down an ultimatum to China: Stop supporting insurgency in Vietnam or we will destroy you.

Other scenarios can be postulated, all of them having in common the threatened use of American nuclear power to force a change in Chinese policy—"nuclear blackmail", to coin a phrase. But this threat would not be credible if the Chinese had the power to destroy even one American city while we were destroying their nation. The American people would not consider any objective in Southeast Asia to be worth the loss of Seattle or Los Angeles. Americans may take pride in kiling ten Vietnamese for every American, but the "body count" becomes another thing entirely when it involves millions of American lives.

This raises an obvious moral question: Is there any objective in Southeast Asia, or any point of contention between the U.S. and China, that could justify the taking of hundreds of million of Chinese lives? Is there any issue short of national survival that could induce us to become the greatest mass murders in history? I suggest there should not be. Hitler killed six million Jews and his regime is almost universally considered the low point in all human history; a heavy American nuclear strike against China would kill at least fifty times that number.

It must be emphasized that the ABM becomes significant only in the context of such a heavy American strike. A light strike, say against the Sinkiang nuclear plants, would not bring Chinese ICBM retaliation, for they would know that retaliation would be sure to provoke a heavy American strike in return.

It should also be emphasized that the anti-Chinese ABM rationale assumes we are in fact willing to commit the atrocity of a heavy strike, since nothing less than this nothing-to-lose situation could reasonably be expected to provoke Chinese nuclear retaliation.

It becomes apparent, then, that "credible diplomacy" for the Chinese consists of presenting us with the serious possibility that we cannot prevent them from taking out one of our cities; this would deter us from provoking them by a heavy strike. For our part, "credible diplomacy" consists of denying the Chinese such a capability. This is the purported function of the anti-Chinese ABM.

Unfortunately, or perhaps fortunately, it is completely incapable of performing such a function.

### *Technological inadequacy of the anti-Chinese ABM*

Probably the greatest single weakness of an anti-Chinese defense lies in the impossibly high standards it must meet. Suppose the Chinese target 25 thermonuclear ICBM warheads on San Francisco. If the ABM system is 96% effective, 24 warheads are destroyed, one gets through, the city is incinerated, and we might as well not have had the ABM. If the Chinese have 100 warheads, even a 99% effective ABM is inadequate.

A President would have to be insane to stake the lives of a million Americans on the assumption that such a fantastically complex system would be 60% effective, let alone 96% or 99% effective, *the first time it is used in combat.*

The Chinese are well aware of this. So simple probability considerations of reliability and effectiveness preclude any ABM from maintaining "credible diplomacy."

But for the sake of discussion let us set this point aside and explore some of Safeguard's other weaknesses.

First. Safeguard can be exhausted. We would have to defend the entire country, but the Chinese could determine over which population center the Safeguard defense was thinnest—this is easily done by satellite reconnaissance—and target all their missiles against that city. They could thus attack it with more warheads than we had ABM's.

Parenthetically, it should be noted that a 50-warhead Chinese attack against Los Angeles would probably approximate the attack that city would sustain in a heavy Soviet strike against the entire country. President Nixon has admitted the impossibility of defending a city against a heavy Soviet strike.

Second. Safeguard can be circumvented by means whose variety is limited only by the imagination of the attacker.

Safeguard is useless against a low altitude cruise (airborne) missile launched from a submarine against a coastal city.

The Chinese could put a megaton-sized bomb in a crate, stamp it "farm machinery" or some such, and send it to New York City by Pan Am air freight. The bomb could be altitude-fused to detonate on landing.

If one is not concerned about physical size and weight, it is relatively cheap and easy to make a bomb of a hundred megatons or even several times larger. Such a bomb could be placed aboard a freighter, a Liberian flag hoisted, and the ship sailed into New York or San Francisco harbor and detonated. Or it could be placed in a trawler or submarine and detonated outside the three-mile limit, creating a tidal wave and tremendous fallout. A dozen such multi-hundred-megaton bombs simultaneously detonated off our coasts might kill a third of our population. *China has the ability to mount such an attack today.*

Safeguard can be penetrated. A thin area defense, which is all Safeguard will provide for the cities, is relatively easy to penetrate by the use of chaff, decoys, blackout, and so forth. These are devices we already have in our arsenal. The Pentagon doubts the Chinese can develop penetration aids within ten years. I suggest that if we have them now we cannot depend on Chinese inability to get them within that time. Moreover, it will be at least 4 or 5 years before Safeguard will be ready for deployment. During this period we will be vulnerable to their ICBMs even without penetration aids.

In summary, we do not have the "credible diplomacy" Mr. Laird speaks of, and Safeguard will not give it to us. The Chinese can do us considerable harm if they are willing to commit national suicide in the process. We may as well learn to live with it. We have no choice but to rely on their traditional conservatism and caution in foreign affairs, and on their perception of their self-interest as affected by our nuclear deterrent.

Finally, perhaps it is just as well that we do not have the ability to kill hundreds of millions of Chinese with impunity.

## TAIWAN AND UNITED STATES DEFENSE IN EAST ASIA

(By Representative MORRIS K. UDALL, June 10, 1970)

Last year I attended an American Assembly meeting in Japan at which American-Japanese relations were discussed. A considerable part of the exchange dealt with mutual Japanese and American relations with the Peoples Republic of China. It was the general consensus at the meeting that there should be more contact between the people of China and the peoples of Japan and the United States.

The stated goal of the Nixon Administration has been to increase contact between the Chinese and the Americans. The Administration relaxed restrictions on travel to China in July, 1969. In the field of trade, restrictions were reduced in December, 1969. In January, 1970, it was announced that the Warsaw talks between the Chinese and the Americans would be resumed, after having been in abeyance for two years. Two formal conversations have been held since then on February 20, 1970, but the entry of American troops into Cambodia caused the Chinese to cancel the talks.

Essentially the United States negotiators, because of the general impasse regarding the Taiwan question, want to talk about items on the periphery of Sino-American interests. Trade, travel, and exchanges are illustrations of those. Conversely, Chinese negotiators want to discuss and settle the central question of ensuring their own security as a nation, including what is generally recognized by both the Nationalists and the Communists to relate to the province of Taiwan. It is to Chinese and American security that I shall address myself in this paper. The question of Taiwan is the fundamental problem dividing the United States and the Peoples Republic of China. Consequently, we must examine U.S.-China relations in that light.

For 21 years, the United States has followed a policy toward China based on the containment, isolation, and military encirclement of that country. This containment philosophy was transferred to Asia after having been successfully applied by Americans to the European situation. In 1947 the mysterious Mr. X (who turned out to be Mr. George Kennan), gave in a Foreign Affairs article historical and philosophical justification for the containment of the Soviet Union in Europe. That policy became operational in the Truman Doctrine which aided the Greek and Turkish governments in their fights against communists, and it had a large part to play in the formation of N.A.T.O. with the purpose of preventing further communist expansion in Europe. When the communists were victorious in China in 1949, the same general philosophy was adopted in regard to China and has in the main been the policy this country has followed ever since.

It was due to the events that occurred in 1949 and 1950, both internationally and domestically, that our China policy was both formulated and remained essentially the same through five Presidents. Consequently, it is important to examine this formative period in U.S. policy in greater detail.

There is no question that fierce anti-communism dominated our foreign policy, and particularly our policy toward China, fueled by certain international events and by the domestic political events of those two years. The virulent anti-American posture of both the Soviet Union and Communist China enabled the late Senator Joseph McCarthy to stir up anti-communist feeling in this country. The hornets nest that Senator McCarthy disturbed in turn caused heavy criticism by Congressmen of our then Secretary of State Dean Acheson for his approach to the China problem. In many ways this domestic factor was a very heavy feather that tipped the scales between a policy of moderation toward China which President Truman and Secretary Acheson followed until the Korean War, and a policy of hostility.

A coalition of conservative Republicans and conservative military leaders, plus the very influential Henry Luce (born in China of missionary parents), formed the China Lobby to ensure that this country's policy toward China was a hostile one. The general fear in the United States of the advance of communism, through both foreign conquest and domestic infiltration, made this group an extremely powerful force in formulating and adhering to a policy toward China which is still hostile 21 years after its initiation. This group of men with their friendships and connections in Congress, with the press, with academia, with business, and with the executive branch of the government, has had and continues to have a strong influence on our China policy.

Truman and Acheson retained a moderate approach to China, despite strong opposition from the China Lobby, until the Korean War. On January 5, 1950, the day after his State of the Union Address to Congress, President Truman issued a four-paragraph release in which, after declaring that the United States regarded Formosa as Chinese territory without qualification, went on to say:

"The United States had no predatory designs on Formosa or on any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time. Nor does it have any intention of utilizing its armed forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China.

"Similarly, the United States Government will not provide military aid or advice to Chinese forces on Formosa . . ."

The following week it was Secretary Acheson's job to further clarify President Truman's controversial statement included in his speech entitled "Crisis in China—An Examination of United States Policy." Secretary Acheson both described the communist takeover in China, as well as defined very precisely the United States defense perimeter in East Asia.

Mr. Acheson in his memoirs describes Chiang's downfall in this manner:

"Chiang Kai-shek had emerged from the war as the leader of the Chinese people, opposed by only one faction, the ragged, ill-equipped, small Communist force in the hills. Chiang controlled the greatest military power in Chinese history, supported and given economic backing by the United States. Four years later his armies and his support both within the country and outside it had melted away. He was a refugee on a small island off the coast . . . To attribute this to inadequate foreign support . . . was to miscalculate entirely what had been going on in China and the nature of the forces involved. The most inexhaustible patience of the Chinese had ended. They had not overthrown the Government. *There was nothing to overthrow. They had simply ignored it.* The Communists were not the creators of this situation, this revolutionary spirit, but had mounted it and ridden to victory and power."

He then went on to quote an interview which General MacArthur had given in Tokyo on March 1, 1949, which defined his view of an American defense perimeter in East Asia. MacArthur said, "It starts from the Philippines and continues through the Ryukyu Archipelago, which included its main bastion, Okinawa. Then it bends back through Japan and the Aleutian Island chain to Alaska."

Secretary Acheson described in like terms his own concept of the U.S. defensive perimeter in East Asia: "This defensive perimeter runs along the Aleutians to Japan and then goes to the Ryukyus. We hold important defense positions in the Ryukyu Islands, and these we will continue to hold . . . The Defensive perimeter runs from the Ryukyus to the Philippine Islands." Looking at that speech in retrospect, he left out two very important parts of East Asia which were later to be included in that defensive perimeter—namely South Korea and Taiwan. The conservative Republicans in the China lobby fiercely attacked Acheson for this clarification of United States policy in East Asia. Senator William Knowland demanded Acheson's resignation. Senator Stiles Bridges demanded a vote of censure against the Administration, and others joined in the attack. The cry went up generally that the "left wingers" in the State Department had "lost China." That, of course, was presuming that the United States had had China in the first place!

However with the advent of the Korean War, both Secretary Acheson and President Truman changed their approach to China. It was initially recognized that if any outside force encouraged the North Koreans to invade South Korea in June, 1950, it was the Soviets, *not* the Chinese, who instigated it. However, President Truman, on the advice of Dean Acheson, reacted as if China, not Russia, were the aggressive force. By sending the Seventh Fleet into the Taiwan Straits, President Truman interferred in the internal conflict in China between Chiang Kai-Shek and Mao Tse-Tung—action he had foresworn five months earlier.

The avowed aim of the Truman Administration was to limit the Korean War and prevent Chinese involvement. In October, 1950, the Chinese warned the West not to cross the 38th parallel—indicating that a hostile force on their boundary would be a grave threat to Chinese security. Nevertheless the U.S. chose to ignore the warning and the forces of General MacArthur proceeded right to the Yalu. First we interferred in the Chinese Civil War, and then we severely provoked the Chinese by placing troops on their very border.

The conventional wisdom has been and remains that Communist China's entry into Korea was a manifestation of pure aggression on that country's part. The U.S. pushed for and achieved condemnation of China in the U.N. While I understand and in part agree with our government's posture on China at that time, the point that has been missed is that Communist China most certainly felt threatened by our military actions in the Asian Theatre and we must take part of the blame for her entry into the Korean War.

Presently the United States has over 800,000 men militarily encircling half of China. On her eastern and southern border, from Japan to Thailand, the line of American military bases stretches from Okinawa through South Korea, Thailand, the Philippines, Vietnam, Cambodia, and Laos. The United States is still intervening in the remnants of the Chinese Civil War, not only by supporting the Chinese forces on Taiwan, but also by giving logistical support to the Chinese forces on Quemoy and Matsu Islands just off the coast of the mainland.

Thus the situation has changed very little from the time twenty years ago when our original China policy was established and it is my fear that our current inflexible China policy carries with it the risk of another (avoidable) military conflict. I did say that there has been some talk on the part of the Nixon Administration as to a change in China policy. And the President reduced the Taiwan Strait Patrol of the Seventh Fleet as an indication of his good faith. Yet as I pointed out, military assistance to Taiwan continues unabated. At this time approximately 10,000 American troops remain on Taiwan—there have been repeated rumors that a large American air base is being built on that island.

Last fall the House of Representatives passed an amendment to the Foreign Aid Bill authorizing 54.5 million dollars to provide an 18 to 20-plane squadron of F4 jet fighters to Taiwan. Fortunately during conference, that authorization was defeated by the Senate. But at the end of January, 1970, the Pentagon announced that Taiwan would be getting 34 F100A aircraft to modernize its air force. Although Congress refused to approve military authorizations for Taiwan, the Executive branch proceeded to give Taiwan the jet fighters.

On March 30, 1970, the State Department confirmed that the U.S. "secretly supplied Nationalist China with surplus military equipment last year, including war planes and four destroyers, worth $157 million." In 1968 the official defense spending of the Taiwan government was $302 million. In 1969 the figure was comparable. Consequently with United States gifts of $157 million, in a secret arms agreement our government furnished the equivalent of one half of Taiwan's defense budget. This action was taken without the knowledge of Congress which has the Constitution-given power to appropriate money for such gifts.

Thus a reasonable man in Communist China might conclude that the U.S. foreign policy toward his country remains one of blind hostility and that his country will have to react accordingly. The risk exists, then, that we will find ourselves in military conflict with China. Based on the recent past, at least some of the blame would have to be placed at our feet if this conflict occurs.

Take a look at China's handling of her close to 3 million man army. There has been no sizeable shift in China's deployment of troops in the last few years. Those troops that have been moved have been transferred to the Sino-Soviet frontier. Approximately one-fourth of the army is deployed on the coast between Shantung and Hong Kong. It is situated in anticipation of an attack from Taiwan. Along the axis of the Canton Wuhan Railroad there is another quarter of the army. In Manchuria and around Peking the third quarter of the army resides. The fourth quarter is located in Tibet (3 divisions), Sinkiang (4 divisions), Inner Mongolia (4 divisions), Hainan Island 3 divisions), Western China (11 divisions), Szechuan and Yunnan (12 divisions). Along the Sino-Soviet border there are approximately eight to nine additional divisions not included in the above figure of three million. It is generally agreed that the Chinese forces are deployed defensively and it would be very difficult for them to mount an offensive, especially on more than one front.

The Institute for Strategic Studies' Military Balance for 1969–70 states: "China's conventional arms industry would be in no position to produce weapons on a scale needed for war; neither could Chinese-produced nuclear arms be a substitute for them." High members of the Nixon Administration have indicated that essentially China's foreign and defense policy over the last few years has been very cautious and essentially one of nonintervention. While the Chinese have been supporters of various wars of liberation, at the present time they remain non-involved in the matter of sending troops to assist various communist movements in Asia. Marshall Lin-Piao's famous speech in 1965 was widely quoted as being a Chinese Mein Kampf, yet essentially advocated not direct Chinese action and involvement in wars of liberation, but a fairly generalized support—logistical and otherwise—of these wars of liberation. In many ways it commits the Chinese to nearly nothing, yet leaves their options open to provide support when necessary.

In a recent paper presented at an Asian scholars meeting in Washington, Professor Mark Mancall of Stanford University addressed himself squarely to that question "Monolithic Communism: The Fallacy of the China Threat." Professor Mancall says: "While America's justification of its war in Southeast Asia has passed through many verbal permutations in the last three administrations, it has hewn to one major theme: the threat of an aggressive Communist China and the need to contain it through the maintenance of a balance of power in that region. Moreover, it has insisted upon this theme despite the failure of reality to match Washington's expectations."

He then goes on to quote various Administration officials from Eisenhower's to the present ones indicating that we must maintain a strong presence in East Asia. Otherwise there would be a "grave imbalance of power." In 1965 President Johnson in a speech at Johns Hopkins University said, "Over this war—and all Asia—is another reality: the deepening shadow of Communist China. . . . The contest in Vietnam is part of a wider pattern of aggressive purposes." Undersecretary of State Richardson evidently used the same argument to justify our actions in Vietnam and Cambodia in a recent meeting with a group of visiting professors and students. Professor Mancall further states: "It would be logical to conclude, given this argument, that American escalation in Southeast Asia, particularly since 1964, took place either in response to an escalation of Chinese activities in the region or as a preemptive measure to prevent Chinese escalation. However, the Chinese have rather persistently spoken loudly but carried a small stick. They have always talked of support, not intervention."

Mancall concludes by stating: ". . . the escalation of American involvement to well over 500,000 men was independent of any real Chinese threat in Indochina itself; nor did the Chinese respond at any time with a comparable influx of personnel into combat areas of North Vietnam, Laos, or Cambodia. Peking has wanted to maximize her influence in the region while minimizing the possibility of a direct United States-China conflict." China has displayed utmost caution in confrontation with the United States, while the U.S. has elusively sought to continually contain the so-called China threat which never really did materialize. One result has been a tragic war in Indo-China. If we are to avoid future and wider war, it is time we reassess our China policy.

### *Policy recommendations*

I propose the following steps the United States Government could undertake in developing a genuinely new China policy.

1. Recognize as President Truman did prior to the Korean War that the fight over Taiwan is a dispute internal to all Chinese. I realize that there would of necessity be a transitional period between the phasing out of our present policy and the implementation of this new one, but we should state this policy as our objective. I was delighted to see that the distinguished Chairman of the Senate Foreign Relations Committee, Senator J. William Fulbright, in a recent article said, "I think there is nothing for the United States to do as to the status of Taiwan except to leave it to the Chinese to resolve—or to leave it unresolved—in their own way." He went on to state that, "It is by no means clear that the Chinese themselves can resolve this issue, but it is quite clear that if it can be solved, it is only the Chinese that can solve it." Essentially then, Fulbright calls for non-interventiton in the Chinese civil conflict, precisely what President Truman advocated prior to the outbreak of hostilities in Korea in mid 1950.

2. The United States should withdraw American forces from Taiwan and the Taiwan Straits and terminate military aid to Chinese nationalist authorities. This action would be the first step in implementing the policy enunciated above—a withdrawal from the Chinese civil conflict. Very possibly the controlling function that the Taiwan Strait patrol of the Seventh Fleet has been undertaking for the last twenty years could be performed by the Chinese Nationalist Navy which includes ships of the same caliber as in the U.S. patrol.

3. In order to add credibility to our change in policy toward China we must end the current policy of military encirclement and trade embargo of China. This step would be in keeping with the Nixon Administration's avowed aim of a lower profile in Asia. As was stated earlier, we have military bases and troops in every country on China's border from Japan to Thailand. Such stationing of troops seems unnecessary in an age in which our primary defense is strategic nuclear weapons. I question the necessity of having military bases on China's borders. It provides too much a provocation to China—a provocation not worth the risk of a Sino-American confrontation.

4. After the above steps had been taken by the United States, we could then make a meaningful attempt to establish economic, social, cultural, and diplomatic relations with the Peoples Republic of China on the basis of the principles of equality, mutual respect, and nonintervention in each others' affairs.

In essence, the above constitutes the policy which recognizes the fact that the Peoples Republic of China is the sole legitimate government of mainland China. Although a new departure for the United States, this policy is followed by many of our allies. Most importantly, it is a policy based on the actual facts of the situation, and not a perpetuation of the myth that surrounds the present policy. While we have no guarantee that China would react favorably to a new policy, there have been indications from the Chinese that if this kind of policy is adopted by the United States Government, there could be a very rapid establishment of diplomatic relations between our two governments.

President Kennedy in his famous address at the American University in 1963 quoted a Chinese saying: "A journey of a thousand miles starts with a single step." Sino-American relations have for the last twenty-one years been frozen in the concern that developed in the early 1950's and the era of the late Senator McCarthy. It is time to break with the past and take that one bold step along the path of reconciliation between two great powers—the United States and China. With the policy stated above, we can start down that long road. Peace in Asia and peace in the world make it imperative that we move now.

## CHINA AND THE UNITED STATES

(By Representative JONATHAN B. BINGHAM, July 8, 1970)

### *Background*

The problem concerning Chinese representation in the United Nations arose after the Communist regime of Mao Tse-tung gained control of the Chinese mainland in late 1949 and the National regime of Chiang Kai-shek established itself on Taiwan (Formosa). Both claimed to be the only legitimate government of China. Each government claimed the seat of China, which was an original member of the United Nations and a veto-possessing permanent member of the Security Council. The Nationalist government continued to occupy China's place as it already had a representative at the United Nations whose credentials had been certified earlier.

During 1950 the Soviet Union made attempts in the Security Council, the General Assembly, and other organs and subsidiary bodies of the United Nations to unseat the Nationalist representative and seat the representative of Communist China. All of these attempts failed.[1] Subsequent efforts to unseat the Nationalist Representative have also failed.

The manner in which the United Nations should decide the representation of a member nation is not spelled out in the United Nations Charter. Usually the rules of procedure of each organ stipulate that credentials are to be examined by a Credentials Committee whose report is passed upon by the parent body. However, whether a case of contested representation such as is involved in the case of China is a matter of credentials to be decided by a procedural vote, or whether it is a substantive question (thus requiring a two-thirds vote in the General Assembly and the concurrence of all permanent members in the Security Council), has become part of the controversy.

Although each organ or subsidiary body of the United Nations decides matters of representation independently, the action of the General Assembly has been guiding. On December 14, 1950, a resolution of the General Assembly recommended that when a problem of representation arose "the attitude adopted by the General Assembly or its interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies."

In 1950 the General Assembly rejected, by 37 to 11, with 8 abstentions, a Soviet draft resolution to seat the representative of the Peoples' Republic of China.

Starting in 1951 the tactic of the United States was to seek to postpone discussion of the so-called "ChiRep" item from year to year, thus preventing any substantive debate. This tactic succeeded for a while, but after 1953 the margin in favor of postponing discussion of the issue steadily declined and in 1960 the vote on the United States proposal was 42 in favor, 34 against, and 22 abstentions.

The next year, 1961, instead of leading a move to keep the subject off the agenda as in the preceding years, the United States sponsored a resolution designating the question of Chinese representation an important question. This would make a two-thirds majority necessary to adopt a resolution on the subject. The resolution was adopted by a substantial margin, with 61 in favor, 34 against, and 7 abstentions. A Soviet draft resolution to remove the representatives of Chiang Kai-shek and invite representatives from the Peoples' Republic of China to participate was then defeated by a vote of 48 against, 36 in favor, and 20 abstentions.

This has been the pattern of action in the General Assembly every year since. 1965 was the high point for Peking, in terms of votes: in that year the resolution requiring a two-thirds majority on the issue passed by a margin of only seven votes, 56 in favor, 49 against, and 11 abstentions, and the vote on the resolution which would seat Peking and oust Taiwan was defeated by a vote of 48 to 56, with 21 abstentions.

It is interesting to note that in recent years Albania, not the U.S.S.R. has been the principal sponsor of this resolution. The only other Communist sponsor among the 14 co-sponsors last fall was Romania, the other sponsors being Algeria, Cambodia, Congo Brazzaville, Cuba, Guinea, Mali, Mauritania, Southern Yemen, Syria, Tanzania, Yemen, and Zambia. Last year for the first time the Soviet Union did not speak in the debate on the item.

Most states which favor the Albanian resolution vote against the important question resolution, but the United Kingdom, while voting for the Albanian resolution, has consistently supported the important question resolution, at the request of the United States.

### *The "Two Chinas" approach*

For a number of years it has seemed to many observers that the logical solution to the problem of Chinese representation in the United Nations was to have both Peking and Taiwan represented. There are various versions of this proposal, especially with respect to China's seat in the Security Council. At the one extreme, it has been suggested that Peking could be admitted to the United Nations (and the General Assembly) as a new member, possibly under the name "Peoples' Republic of China", with the Republic of China (Taiwan) retaining the Security Council seat. Other proposals include: (a) leaving the China seat on the Security Council vacant, and (b) adopting a Charter amendment which would eliminate China as a permanent member, possibly substituting India or Japan. The most common "Two Chinas" proposal would give the Security Council seat to Peking, but would leave Taiwan as a member of the General Assembly. This was the recommendation of a distinguished National Policy Panel set up by the United Nations Association and headed by Robert B. Roosa, as Chairman, and Frederick S. Beebe, as Vice Chairman.

There are all kinds of points to be made in favor of the U.N.A. Policy Panel's recommendation: it is logical; it reflects the factual situation; it is consistent with the idea of eventual self-determination of Taiwan which would give the Taiwanese control over their own political destiny; it preserves the principle of universality, which is widely recognized as the best principle for membership in the United Nations today.[2]

The "Two Chinas" approach, as reflected in the U.N.A. Policy Panel recommendations, is also politically realistic in the United States. A number of elected officials, including the author of this paper, have made recommendations along these lines without adverse effect, or even much adverse comment. Starting, I believe, in 1963, the State Department and the United States Mission to the United Nations gave serious consideration to the idea of having a study committee set up by the U.N. General Assembly to review the Chinese representation issue, with the idea that such a committee would no doubt come in with recommendations along the lines of the "Two Chinas" approach. In 1966 this idea came to fruition, and Italy emerged as the principal sponsor of such a resolution in the General Assembly, with the United States indicating its support of the resolution. The following paragraphs from Ambassador Goldberg's speech announcing the United States' position are of interest:

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[1] Although the Executive and Liaison Committee of the Universal Postal Union seated a Communist delegate provisionally, the decision was later reversed.

[2] It is unfortunate that the principle of universality is not consistently supported by a number of United Nations member states that favor the admission of Peking. The Lusaka Manifesto issued last year by Presidents Kaunda and Nyerere, and supported by most African states, specifically call for the expulsion of South Africa from the United Nations and its related agencies.

> Our discussions of this issue, I would recall, have always foundered on one rock: Peking's insistence that we repudiate solemn treaty commitments to the Republic of China and leave Peking a free hand to take over the people and territory of Taiwan.
>
> We have refused and shall continue to refuse to repudiate our commitments to the Republic of China.
>
> Similarly, we refuse to countenance any solution to the problem of Chinese representation which involves the expulsion of the Republic of China on Taiwan from the United Nations. As we understand the study-committee proposal, it does not in any way prejudice or undermine our commitments, nor indeed does it prejudge the results of the study to be made.
>
> We hope this inquiry of the committee may help to obtain answers to questions which can only be answered by Peking:
>
> Will they refrain from putting forward clearly unacceptable demands, and specifically the unacceptable demand that the Republic of China be expelled from this organization?
>
> And will they assume the obligations of the U.N. Charter, in particular the basic obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state?

While the study resolution was not put forward in 1969, the statement of the United States Representative in the debate on the Chinese Representation issue (Congressman Whalley) was not at all polemical against Peking provided Taiwan would not have to be expelled.

On the question of political realities, it should be noted that the Congress each year routinely readopts provisions contained in the Department of State, Justice and Commerce Appropriation Act and in the Foreign Assistance Appropriation Act reiterating the opposition of the Congress "to the seating in the United Nations of the Communist China regime as the representative of China." But these are only "sense of Congress" provisions not binding on the President, and indeed the provision in the Foreign Assistance Act contains the following rather mild language of what the President is requested to do in the event that Peking is seated in the Security Council or the General Assembly: In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

The trouble with the Two Chinas approach—and it is likely to prove a fatal weakness—is that this approach is opposed both by Taiwan and by Peking.

The opposition of Taiwan would not necessarily be fatal, if Peking were agreeable. It is true that Taiwan currently enjoys a veto power in the Security Council and could argue that its expulsion from the Security Council would be a substantive matter, not a procedural one, and hence would be subject to the veto. Taiwan could also argue that a motion to declare the question of credentials for the seat in the Security Council a procedural question would itself be subject to veto (the so-called double veto). All this, however, would probably prove ineffective if all the major powers were prepared to support the substitution of Peking for Taiwan on the Security Council. In that event, it is hard to conceive that procedural devices by Taiwan would long delay the action.[3]

Regardless of the position of Taiwan, however, so long as Peking remains adamant in its opposition to any form of continued membership in the United Nations for Taiwan, it is hard to see how this approach will lead to the entry into the United Nations of Communist China. The difficulty of proceeding along these lines without Peking's active cooperation is illustrated by the vote in 1966 on Italy's proposed resolution to establish a study committee, which it was expected would lead to a Two Chinas recommendation. Only 34 member states voted in favor of the resolution, 62 were opposed and 25 abstained. Voting against the resolution were not only all of those states which favored Peking's admission, but also the Republic of China and some of its close friends, such as Singapore and Thailand.

What are the prospects for a change of attitude on the part of Peking on this question? While opinions differ, my own judgment is that the prospects are slim indeed. Peking continues to maintain a very tough attitude on Taiwan in discussions with countries about exchanging diplomat representatives: for example, in the current discussions with Canada, Peking continues to insist, not only that Canada withdraw recognition, but that Canada recognize the validity of Peking's claim to Taiwan as a part of China. The existence of Taiwan as a separate state—and continued United States support for it in that respect—continues to be the major stumbling block for any improvement of relations between Peking and the United States.

If Peking were really interested in obtaining membership in the United Nations, this situation might change, but there is little indication that Peking has such an interest. The evidence on this score is ambiguous at best.

### *The Ultimate question*

It seems to me altogether clear that the United States Government should adopt the posture that it favors and would support the kind of Two Chinas approach represented by the U.N.A. Policy Panel's recommendation. I can see virtually no argument against this position, and I take it as perfectly feasible politically. To the extent that the United States has been hurt over the years by appearing unrealistic and doctrinaire in fighting against the admission of Peking China to the United Nations, the U.S. image could be improved by adopting the Two Chinas position. The Government of Taiwan would loudly protest, but this would not adversely affect the interests of the United States to any degree.

However, I believe we should recognize that the adoption of such a posture would be valuable primarily from a public relations point of view and would not lead to the admission of Communist China, at least as long as the present regime or some reasonable facsimile of it continues in office in Peking.

The ultimate question to be faced, therefore, is whether the United States should proceed to accept the notion that Taiwan will have to be expelled from the United Nations if Peking is to take its place in the General Assembly and in the Security Council. What we must attempt to measure in determining the answer to this question is whether there is enough to be gained by having Peking in the U.N. to offset the adverse consequences of such a decision.

What are the adverse consequences?

We must accept the fact that for the United States to abandon a long-time ally in this fashion would raise questions around the world about the faithfulness to its friends of the United States. So far as I can determine no treaty obligations between the United States and the Republic of China would be repudiated by such an action (assuming that in agreeing to the expulsion of Taiwan from the U.N., we would make clear that we would continue to observe our mutual defense treaty commitments to Taiwan and other treaty obligations). But there is no doubt that we could in such a case be fairly accused by the Republic of China and its friends of giving in to an unreasonable demand by the Peking Government, in contravention of the principle of universality. We would not even be able to point to a visible change of circumstances to justify such a reversal.

There would also be short-range adverse consequences for the effectiveness of the United Nations itself if Peking were to have a veto in the Security Council. It is quite possible, for example, that the Soviet Union might agree to a compromise settlement in Southeast Asia which would entail some form of United Nations policing, but that Peking might oppose the terms of such a settlement and veto any U.N. participation. The danger of a similar outcome in the event of a settlement in the Middle East would also have to be faced.

Long range, the picture is a different one. The prestige of the U.N. would undoubtedly be enhanced by having the world's largest nation in terms of population represented in its Councils, instead of being excluded. And the ultimate effect on the behavior of the Peking regime itself might well be a salutary one. Continuing exposure to the opinion of the international community should in time help to moderate Peking's policies. Peking's presence in the U.N. should also enhance prospects of its participation in arms limitation talks and make more difficult its refusal to participate in international efforts to solve Asian issues. Its entrance into the U.N. and its specialized agencies should also make more likely its cooperation in world wide efforts in technical fields such as narcotic control, disease eradication, meteorological advances, and outer space.

Different observers will no doubt assess the advantages and the disadvantages of such a course in different ways. I think all would have to agree, however, that it would be very difficult politically for any Administration in the United States to take such a step, particularly while Chiang Kai-shek himself is still alive and in office.

I am compelled therefore to conclude that, for the near future at least, it is most unlikely that Communist China will become a member of the United Nations.

## POLITICAL REPRESSION IN "FREE CHINA"

(By Representative DONALD M. FRASER, July 29, 1970)

### *Introduction*

This paper details the authoritarian nature of the regime controlling Formosa (Taiwan). The suppression of basic political liberties is amply documented.

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[3] Interestingly enough, in 1950, the United States took the position that the question of China's representation on the Security Council was a procedural matter, but in 1951 Secretary Acheson stated that, if it ever appeared the United States might be in a minority on the question, it would seek an advisory opinion from the International Court of Justice on whether the negative vote of a permanent member counted as a veto in such a case.

What are the implications for the United States' China policy? A fresh start on U.S. policy must take the country as it is, not as it might have been. The U.S. undoubtedly bears responsibility for helping establish on Formosa and continuing in office the existing Nationalist Chinese government. And most Taiwanese (Formosans), as well as the transplanted mainlanders, if faced with the choice would prefer the present regime, coercive as it is, to the mainland Communist regime. But if the U.S. wants a resolution of the political impasse now existing in that part of the world, the U.S. cannot continue its extensive support of the Nationalistic regime simply because it is the lesser of two evils. The people living on Formosa want to and must become masters of their own destiny.

For all practical purposes, the State Department no longer recognizes any claim by the Nationalist government to mainland China. Inevitably the fiction that the Nationalist regime represents all of China must be abandoned. This in turn will force the Nationalist government to receive a mandate from the people living on Formosa or lose the legitimacy it now claims.

When these changes will occur is uncertain. Members who serve in the three national congressional bodies now based in Taiwan (Formosa) were elected in the late 1940's before the flight from the mainland. Now, as National Assembly members die, quorum requirements are lowered. The passage of time alone will force some change in the present system and outlook. But the abandonment of the current Nationalist fictions of legitimacy will be fiercely resisted as long as possible by the present regime.

Our present Ambassador to Taiwan recently said: "The established policy of our Government is to prevent the renewal of hostilities in the Taiwan Strait area which could easily imperil the peace of Asia." I agree that this should be a part of our policy. But this is not enough. Although we have no vital security interest in Formosa, we have a great humanitarian interest in and concern for the people who live on Formosa.

Thus, we should neither explicitly nor tacitly encourage incursions by the Nationalists onto the mainland or the expansion of Formosan military airfields to accommodate U.S. military aircraft as large as B–52 bombers. We *should* encourage more realistic military defense levels. And until a process begins that will result in the destiny of Formosa being placed in the hands of all those who live there, we should scale down or discontinue military and other support to the Nationalist regime. We should strongly assert our belief that the people living on Taiwan be given full political rights including self-determination.

Beyond reducing our support for the regime, it is unclear how the U.S. can directly aid the growth of political freedom on Formosa. Were we better equipped, we might find other ways to contribute to the growth of freedom there. But it is clear that *the most important contribution* the U.S. can make is its support of the morally right position of self-determination. The people of Taiwan are capable of directing their own affairs.

In any event, a more realistic appraisal of the facts about Formosa must underlie new U.S. policies toward the regime, and the American public must become aware of the realities.

### *Brief history of Formosa*

Chinese, primarily from Fukien Province, began to migrate in substantial numbers to the island of Formosa in the late 15th and early 16th centuries. During the 17th century, various colonial powers (the Portuguese, the Spanish, the Dutch) and dissident Chinese vied for the island. In 1683 the *Ching* Dynasty formally annexed Formosa. For the next two centuries, Formosa was very loosely controlled by China. After being defeated in the Sino-Japanese War of 1894–1895, China ceded Formosa to Japan and agreed to Korea's "independence." Although Korea was not annexed by Japan until 15 years later, Formosa was annexed immediately. For the next 50 years, Formosa was ruled by Japan.

In 1943, at a meeting in Cairo, President Franklin D. Roosevelt, Prime Minister Winston Churchill, and President Chiang Kai-Shek issued a declaration which read in part: "All-territories Japan had stolen from the Chinese, such as . . . Formosa, and the Pescadores, shall be restored to the *Republic* of China" (which had never governed them). The terms of this declaration were repeated two years later at the Potsdam Conference. When Japan surrendered, General MacArthur authorized the Chinese Nationalists to accept the surrender of Formosa from the Japanese and to occupy the island in behalf of the allied powers. Peace treaties subsequently signed with Japan ended that nation's "right, title and claim" to Formosa. But the island's status was left in limbo. The official position of the U.S. is that the status of Formosa remains unresolved.

When the Chinese came to Taiwan in 1945 and 1946, they found a highly literate (80%) and modern state. Chinese troops took advantage of the relative prosperity of Formosa and numerous incidents of pillage, rape and murder occurred. A former resident of Formosa, Albert Axelbank, wrote in *Harper's:* "Formosan rage (at the conduct of the occupation force exploded February 28, 1947, after police beat to death a woman who allegedly sold untaxed cigarettes." Blood literally flowed in the streets of Taipei. A recent State Department paper summarized a memorandum submitted by Ambassador Leighton Stuart to President Chiang on April 18, 1947: "The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947." The Formosans have not forgotten.

This tragedy received little foreign attention because even as the Nationalists were occupying Formosa in 1947, they were engaged in a bloody civil war on the mainland. In 1949, Chiang and the remnants of his government and armies were driven out of China and sought refuge on Formosa. Chiang arrived on the island on December 10, 1949.

The area controlled by the Nationalist Government was reduced from 3,700,000 square miles and a population of 500,000,000 on the Chinese mainland to Taiwan proper, the Pescadores, and the tiny islands of Quemoy and Matsu, with a combined area of 13,890 square miles and a population of 8,000,000. Today there are 14,000,000 people on Formosa. Of that number, 85% are native Taiwanese.

### *Permanent "state of siege"*

The Nationalist Government now had control over a relatively small territory and it had taken steps to ensure that its rule over Taiwan would be virtually complete. On May 19, 1949, the Nationalist Chinese Garrison Command in Formosa had proclaimed a general "state of siege" or martial law over Formosa and the other islands. The effect on the civil liberties of the people was devastating. Illustrative of its severity were the large number of offenses carrying the death penalty including: (1) circulating rumors and beguiling the public, (2) disrupting the money market, (3) striking by workers or traders, (4) encouraging students to strike and, (5) disrupting water supplies or electric and gas services.

Examination of these martial law regulations is essential to an understanding of the internal situation in Taiwan, because the "state of siege" still exist.[1] Since 1949, a major portion of community life in Formosa has been under the control and surveillance of military authorities. Most guarantees and protections of individual rights and freedoms written into the 1947 Chinese Constitution have been suspended, and the judicial system has become a pawn of the military.

Political offenses are defined generally as "crimes which are incidental to and form a part of political disturbances, including offense consisting in an attack upon the political order of things established in the country . . . as well as offenses committed to obtain *any* political object." Several laws were added to ensure complete control over the local population. The Statute for Punishment of Rebellion (June 21, 1949) the Statute for Denouncement and Suppression of Rebels (instituted in 1940 and amended in 1954), the Military Trial Law (instituted in 1956 and amended in 1959), and the Judicial Interpretation of the Council of Grand Justices (1956) have formed the basis for the militarization of the judicial system. Since 1949, political offenses have been under the control of a military court.

Special practices of the Chinese judicial system abrogate important provisions: (1) In practice, the statute of limitations is not applicable for political offenses. Individuals have been tried for political offenses. Individuals have been tried for political crimes allegedly committed nearly two decades ago. (2) The principle prohibiting *ex post facto* laws is not applicable to political offenses. This results in trials and convictions of "offenders" for political acts committed before laws prohibited the acts. (3) Immunities and privileges of legislators are not recognized for political offenses. A member of the Legislative Yuan is "permanently responsible for opinions expressed in it if the opinion constitutes a political offense," even though the constitution provides immunity for "an opinion expressed or a vote cast in the Yuan." (4) Persons are not given remission of punishment for political offenses committed when they were underage. Recently, several persons were convicted of offenses committed over 24 years ago when they were less than 14 years old. (5) Leniencies given to an offender's family who shielded him are not applicable for political offenses. Everyone is obligated to renounce the "rebel." No one is safe from being reported upon by members of his family. Imprisonment of from one to seven years is meted out to those who knowingly fail to denounce "rebels." (6) There is no parole for political offenders.

If you are not caught in the web of these laws, you can be politically detained under the Statute for the Denouncement and Supression of Rebels. This law stipulates that "those who commit political offenses and need reform shall be sent for reform." Two self-descriptive supplements have been enacted to the fundamental laws already mentioned. They are "Measures for Control of Hooligans during the Enforcement of Martial Law in Formosa" and "Measures for the Reform of Rebels during the Period of Communist Rebellion." If the government cannot imprison you on a specific charge, it can intern you for suspected thoughts or behavior. The first term is three years and it is indefinitely renewable. Political internment can, without trial, amount to life imprisonment.

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[1] The material for this section has been obtained from a study of the laws and problems surrounding political offenses in Formosa. The study is by a lawyer with great experience in Taiwan affairs.

The state of siege was instituted before the Nationalist Government was evicted from the mainland and is supposed to last as long as the "period of Communist rebellion" exists on the Chinese mainland—that is, until the forces of Chiang Kai-Shek return to and occupy the mainland. Since the move to Taipei, the "temporary" capital of China, the laws have been enacted by a legislature elected on the mainland over 20 years ago and composed of representatives of all of China. Formosans have less than 2% representation. Yet, in practice, these laws apply only to Formosa. To suggest that the *status quo* should be changed and self-determination given the people of Taiwan is regarded by the Nationalist regime as sedition and dealt with harshly.

These laws, produced by a system in which Formosans have almost no role, are executed by an equally undemocratic court system. Political prisoners are tried in a military court. That court is controlled by the Garrison Command of Formosa, responsible for the general security of the island. And a political prisoner can be held incommunicado for months or years without even being charged. His trial is virtually always secret.

The permanent state of siege, instituted in Taiwan 21 years ago, has eliminated political life in Formosa.

Conservative United Nations sources estimate at least 1500 political prisoners are now being held by the Nationalist Government. Other sources, largely Formosan, place the figure at from 10,000 to 20,000. The March 1968 issue of *The Independent Formosa*, published in Tokyo, Paris and Philadelphia, reported: "It has been estimated that there are approximately two hundred executions and 1,500 arrests of political offenders each year out of a total population of only twelve million." Since the Nationalist Government considers guilt established by association with "rebels" and such association is punishable under the law, the families of these detainees live under a constant threat of arrest.

A few illustrations of the Formosan political climate provided to me by sources I believe to be very reliable follow:

Prisoner A was arrested in 1960 for distributing pamphlets which discussed the possibility of Formosa being ruled some day by Formosans. Given a life sentence. Prisoner is 43 years old. Before arrest he was a photographer by profession. He maintained a middle-class family of wife and five children. Soon after he was put into prison; the prisoner was tortured. Torture included being suspended upside down from a rafter and having gasoline put into his nose drop by drop. He was beaten severely. Torture was intermittent. When after several months he became very weak, he was taken out of the solitary confinement section and put into a common cell with sick prisoners. Some had tuberculosis, and soon A developed tuberculosis. Later A developed a bleeding ulcer. Soon after the prisoner's arrest, his father became very ill and required extensive medical care and hospitalization. The prisoner's wife attempted to pay the medical bills of her father-in-law and went deeply into debt. The family now has a debt equivalent of $1,000 on which it pays 3% a month. The family is very poor. The wife and all five children (now ages 16–23) work. All of them firmly believe that A was right to do what he did.

B was arrested at the same time and for the same offense as A. He was sentenced to 12 years instead of life. The prisoner is 36 years old. Before his arrest he was a camera operator at a Tapei movie house. He is married and has one child, a girl, who is now 12 years old. After B's arrest, his parents and his brothers and sisters severed all relations with B, his wife, and his child for fear of themselves coming under suspicion. B's wife became a prostitute to support herself and her daughter and her aged mother.

C was arrested in 1960 when he was a freshman in law school. He was charged with organizing a group planning to overthrow the government. He was sentenced to 12 years in prison. C is the only member of the family to go to college. The others are illiterate. The family are fishermen, and they make very little money. Since C's arrest, the family has been constantly harassed by the police. The father, mother, two younger sisters, and a younger brother live in a single room and are very poor. Mother is in very bad health and frequently has fainting spells.

D was arrested in 1963 and sentenced to 10 years in prison for allegedly being involved in a plot to overthrow the government. He talked about the unlikeliness of the government ever recovering the mainland. His family only learned about his arrest six months after the arrest when the police came to the home to tell the family not to tell anyone of his arrest. At the time of the arrest, he was a student at a military academy. His mother and father are illiterate and very poor. They live in a one-room mud house in the country. He has five sisters who are in school.

E was arrested in 1960 and charged with having participated in the February 28, 1947, revolt on Taiwan. He was sentenced to 10 years in prison. E's wife and two sons have been taken in by his wife's brother.

F was a factory foreman. He is Taiwanese. Some of the men working for him were Chinese. Three Chinese who worked for him denounced him for listening to broadcasts from the mainland and for having "contempt for mainlanders in Taiwan." He was sentenced to five years in prison.

G is about 38 years old. He is now on trial for having distributed pamphlets which were critical of the government. If convicted, the only punishment can be death. He was arrested in March 1967. In 1968 his family received a letter from him saying that he was on a bus trip and that he was well. He was forced by the police to write that letter. He is held incommunicado. He is imprisoned at Chin Nei in a suburb of Taipei.

H was arrested in 1967 and charged with failing to denounce men who hoped to overthrow the government. H's only connection with the group is that he was hired for $2.50 to make a name stamp which read "Action Group of the Taiwan Independence Center" for the group. He has not been tried, but if he is convicted, he will receive seven years in prison. He has been in prison since 1967 awaiting trial.

Before his arrest, I was a primary school teacher. He was sentenced to seven years in prison for having written a personal letter to a friend in which he discussed the future of Taiwan after the death of Chiang Kai-Shek. I was then on reserve duty for the summer with the Navy.

### *The Kuomintang Party and education*

A dictatoral regime must, if it is to have any future, thoroughly control the educational process of the country. This lesson has been learned by the Kuomintang (KMT) leadership, and they are now implementing that control.[2] In 1951, two years after the flight to Formosa, Chiang Kai-Shek addressed a joint meeting of the Revolutionary Academy and Officers' Training School. He said: ". . . the greatest cause of our failure on the mainland was the failure in education and culture. *Only because we failed in the field of education did we fail in so many other fields as well.*" Chiang went on to explain that the Kuomintang (KMT) Party had formulated, since 1928, resolutions on educational policy, but they had not been implemented throughout China. He said: "They did not actively incorporate our party's *policy into their teaching*. They disregarded party policy on education. They thought that party policy on education had nothing to do with actual education. As a result we have never realized our party's ideals in education."

On August 11, 1952, Chiang Ching-kuo, the head of his father's secret police, delivered a "Top Secret" address to cadets at a training class for party workers in which he related the goals of the KMT party in education:

We must start a large scale youth movement to elevate and strengthen the political education of youths. Every school must have a systematic plan for strengthening political education and elevating the political knowledge of its students. In both youth movements and in political education we must carry out thought indoctrination and win the struggle for the minds of youths and make the youths accept our correct thoughts and abandon all incorrect thoughts. This course will lead to the unification of the political motives and political directions of youths and make them love our party, believe in our party, have hope in our party, support our party and make them voluntarily join our party and aid it in accomplishing its mission.

A year later, Chiang Kai-Shek, in a secret address, related the control of education to the consolidation and enhancement of the powers and position of the leader of the KMT party:

"In brief, if there is no party ideology then there can be no revolution. If there is no fuehrer-type of leader there can be no fatherland and no revolution can be successful. When we examine our painful experience on the mainland we must recognize that our failure on the mainland was due to our failure to believe in the Three Peoples Principles and especially on the loss of confidence in our leader. That was the cause of our tragedy. Now, today, for the sake of our revolution, for the sake of the fatherland and for the sake of our anti-communist and anti-Russian mission we have to restore confidence in the Three Peoples Principles and especially restore confidence in our leaders. We cannot emphasize too much the importance of the central leadership of the revolution. Our slogan will be 'Party Ideology, Leader, Fatherland, Responsibility and Honor.' "

To implement the goal enunciated by Chiang Ching-kuo in 1952, the "Chinese Youth Corps for Anti-Communism and the Salvation of the Fatherland," known as the Youth Corps, was established largely to study KMT literature and the thoughts of President Chiang. All students above 12 wanting high school certificates must "voluntarily" become members. Non-Youth Corps members are not allowed to graduate from high school. In addition to the Youth Corps, the Party Headquarters for Intellectual Youth has a branch in every college in Taiwan. It generally has monthly meetings in small cells of 10 members, and leaders report directly to the party hierarchy.

The Ministry of Education naturally is controlled by the KMT party. The Minister is usually a trusted aide of either the President or his son. In local colleges, the dean of students and the chief military instructor are either directly or indirectly appointed by the KMT. The security officer, required in each school by a 1959 statute, is directly responsible for reporting to the secret police on the activities occurring in the school. He is required to know what happens in each classroom. Consequently, at least one pupil in each class reports to the security officer. In one university these are called "professional students" and they are often veterans of the armed forces. "Student, faculty, and staff members who apply for either a passport or a job must be approved by the security officer of their school." Many faculty and student arrests are believed to result from reports by the security officer.

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[2] Material for this section is taken from a confidential paper on the government's influence on education in Formosa today written by a foreigner who has taught there for nearly two years.

The most odious aspect of the totalitarian educational system in Formosa is that each faculty member in every school must persuade some person other than a member of his immediate family to sign the following statement: "I guarantee that Mr.--------------- will abide by the law and government orders. I guarantee that he is not a Communist, or a member of any other subversive element. If he fails to do so, or is any of the above, then I have the obligation to denounce him. If I do not denounce him, then I am willing to receive punishment according to Article V of the Statute for the Denouncement of Rebels." The result of this system is that "if the guarantor even has the slightest suspicion that the thoughts or actions of the guaranteed are not acceptable to the government then he is moved by fear to denounce the guaranteed immediately." A similar system is used for every college student.

Dr. Marilyn Young, of the Center for Chinese Studies at the University of Michigan, wrote in a recent letter that:

> Few American students can be unaware of the fact that the system of informal spies which permeates Taiwan has overseas branches throughout the United States. It is a safe assumption that no student from Taiwan, particularly if he is Taiwanese, can comfortably engage in public discussion of political issues unless he has permanently abandoned any intention of returning to the island.

She gave two specific examples. In August 1968, Chen Yu-hsi was tried "and sentenced for apparently having read 'The Thoughts of Mao' . . . in the Oriental Section of the U. of Hawaii's East-West Center Library and for having written articles for a journal deemed left-wing by the Nationalist Government." And in 1966, "Huang Ch'i-ming, a graduate student at the University of Wisconsin, home on a brief filial visit, was arrested and convicted on the charge of having attended meetings in Madison where 'the problem of Formosa' was discussed."

Professor Young draws certain conclusions from these two cases and others and asks hard questions:

> Suppose both Huang and Chen were guilty as charged. What does that mean about Chinese centers across the country? It means that we study with and among students who are under direct threat of imprisonment, afraid to discuss subjects of vital mutual concern. It means that we tolerate in our midst a disgusting atmosphere of fear and repression. It means that China centers have double standards for academic freedom—if you are Chinese keep your mouth shut, for we cannot help you if you get into trouble. Should American universities continue to accept students who cannot openly engage in the kind of intellectual exchange we pride ourselves in encouraging? Should we allow a foreign government to infringe upon the right of free speech on our campuses?

The paper on education in Taiwan mentioned above (see page 8) concludes that:

"Many young people in Taiwan have never developed their abilities to engage in independent thought, objective analysis, and critical observation. In the Taiwan educational system there is an atmosphere, even at institutions of higher learning, in which unconventional, unorthodox, or nonconformist thinking or behavior is not only frowned upon but is severely punished. This has resulted in a complete lack of creative intellectual activity on the Taiwan campuses."

Another result of the educational system indicated in this paper is that it has produced generations of citizens who have learned that they can express themselves in public only in strict accord with government policy. Even among young people, there is an inconsistency between what they say in public and what they say in private.

### *Christian churches on Formosa*

No organization escapes the ever watchful eye of the government. The Christian churches on Formosa do not claim more than 10 or 15% of the population. But because President Chiang is a professed Christian, the size of their membership does not accurately reflect the churches' influence. President Chiang has little day-to-day control over the administrative bureaucracy of the country. Yet in one fairly prominent Protestant denomination, it is freely admitted that middle-range party functionaries (who are all mainlanders) have the veto power over the important activities of that church in Taiwan.

The general trend of religious action has been toward ecumenical cooperation. National (U.S.) and worldwide bodies, such as the World Council of Churches, have been concerned with social and political progress. Among other matters, the National Council of Churches in the United States and the World Council of Churches have advocated normalization of relations with the Peoples Republic of China. Naturally this is contrary to the views of those in power in Formosa. Several tactics have been used by a relatively small group of middle-level party and government functionaries to control the denominations in Taiwan. Anything that is ecumenical or connected with the worldwide Christian movement is considered "leftist" and is closely watched.

This small group of functionaries operating within religious organizations uses "terrorist tactics to intimidate others." A Christian leader received a visit from the secret police after his return from an East Asia Christian Conference (the Asian affiliate of the World Council of Churches). The secret police investigated him "on the grounds that the East Asia Christian Conference was subversive, due to its World Council connection . . . even his being a party member has not saved him inconvenience in this matter." Another minister was tipped off that he was to be put in prison; through his connections, he was able to leave the island rather than face indefinite imprisonment.

At the present time, the International Council of Christian Churches, led by an insurgent American Presbyterian minister, Dr. Carl McIntire, has established the Republic of China Council of Christian Churches in Taiwan. Dr. McIntire is connected with many right-wing causes in the U.S. under the guise of anti-communism Christianity. (He recently said that the July 4th Honor America celebration in Washington, D.C., was not sufficiently patriotic to suit him.) He is making alliances with the various party functionaries within Protestant denominations in Formosa. This combination has the ultimate objective of severing all connections between Formosan Protestant denominations and outside organizations.

As Protestant groups withdraw from Taiwan, as one important one already has, the Christians on Formosa will be at the mercy of the extremists who have strong political connections. Chinese pastors indicate that these extremist government functionaries are not representative of the feeling of the majority, but the majority is intimidated into silence.

### *Conclusion*

From the facts uncovered, it seems abundantly clear that we support an unrepresentative and repressive government in Formosa as we have been doing for some time in South Vietnam. Over the long run, however, the stakes in Formosa are much larger. U.S. policy toward Taiwan directly affects our relations with the Peoples Republic of China.

As we have seen, the government of Chiang Kai-shek claims to be the sole legitimate government of China, even though it has actual physical control over only the population on Taiwan. His government doesn't represent China and it doesn't represent Formosa. Chiang's government does not tolerate political discussion which raises the legitimacy of the present system or suggests changes in it. For 20 years the U.S. government has gone along with Chiang Kai-shek, helping to perpetuate the myth that he on Formosa represent the entire nation of China and Formosa.

In one sense, we are faced not with a China problem, because it is quite clear who governs the 750,000,000 people of China and they do not receive our support, either material or moral, for their efforts. But we *are* faced with the problem of the future status of Formosa, for we have long been involved in the present Nationalist government's affairs.

The Nationalist Government of China does not represent the people of Formosa. The Formosans have not been given any voice in determining their future. They have been subjected to government by martial law and to government by a system that includes only a handful of Formosans. (According to the election laws governing the elections held in 1947–1948—it was at these elections that the existing government was, in effect, selected—Formosa's quota of representatives was 19 of 3045 members of the National Assembly, 8 of 773 members of the Legislative *Yuan* and 5 of 223 members of the Control *Yuan*. These three bodies functionally constitute the "Congress," as the term is commonly understood in other political systems. Formosa's representation today in the National "Congress" remains proportionately about the same as it was in 1948.)

Finally, the Nationalist Government does not represent China except in the tortured reasoning of its ideology. It deludes itself that it will return to reconquer and govern China. It is time for all parties to this complex political problem to face the realities of this situation. "Free China" is neither "Free" nor "China."

## VIETNAM AND MAINLAND CHINA

(By Senator Daniel K. Inouye, Dec. 16, 1970)

After one of the most traumatic political years in recent history (1968), the American people yearned for the tranquillity that peace and prosperity would bring back to the country. As part of that hope, President Nixon declared in his Inaugural Address that it would be the policy of the United States Government to turn away from an era of confrontation which prevailed for well over 20 years, and to enter an era of negotiation. The President said, "We cannot expect to make everyone our friend, but we can try to make no one our enemy."

The country desperately needed that era of negotiation which might lead toward peace. We still need it, but it still eludes us.

Both in his Inaugural Address, and in the first State of the World Message delivered 13 months later to Congress, he reemphasized the necessity of passing down the path—long and difficult though it might be—to enter the era of negotiation upon which so much of his policy was, he said, to be based. In this State of the World message released on February 18, 1970, the President said, "The Chinese are a great and vital people who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700,000,000 people." He went on to say rather pragmatically, "It is certainly in our interest, and in the interest of peace and stability in Asia and in the world, that we take what steps we can toward improved, practical relations with Peking. Up until the time he made that statement, President Nixon had taken more action on the issue of normalizing relations between the United States and the Peoples Republic of China, than had any one of his predecessors.

Ironically he had been one of the leading Republicans in 1950 who had helped create the policy that we have been following for over 20 years. He now felt, however, that it was time to face reality. The representatives of one-fourth of mankind were excluded from the one organization which strives toward universality—namely, the United Nations. China was now a nuclear power with both the delivery systems and the nuclear weapons of mass destruction. No longer could a President wish away 700,000,000 or more people. A new policy was necessary. President Nixon started to enunciate that new policy.

Relations between countries is never a one-way street. One cannot hear if you clap with one hand, nor can one eat with one chopstick. The Administration felt that it was absolutely necessary, since they had taken a number of steps, to expect some sort of reciprocity from the Chinese.

In early 1969, the end of the Cultural Revolution was officially marked by the convening of the Ninth Party Congress of the Communist Party of China. Decisions were taken at that Congress to consolidate the gains that had been made during the Cultural Revolution by the army. In this case, we must understand that the armed forces of China play a political role, as well as a military one. The Chinese Army is considered an excellent training group for civilian posts. Here talented and dedicated young men can learn to run a state farm, commune, or factory. Current Chinese Communist Party leadership is composed of those who had been guerrilla fighters for a quarter of a century before their final attainment of power in 1949. China's leading diplomat and statesman—Chou En-lai—was a general in the Chinese Communist Army. It was through a long military struggle that power was finally won. Military power has been the tool for maintaining control.

Numerically, the United States has a larger army than the Peoples Republic of China, although China's population is four times as great. China has neither the resources, nor a demonstrated inclination to fight wars outside her boundaries or to maintain troops in foreign lands. It is critical in their view that resources not be unnecessarily diverted from the central task of the Chinese government—the development of her internal potential.

We legitimately might wonder why China has not found it necessary to fight against our country and our allies in South Vietnam, Cambodia, and Laos, especially in light of the fact that the Chinese did cross the border into adjacent nations twice during the last 20 years. The United Nations condemned them in February, 1951, as aggressors in Korea and many of the third world nations condemned them for crossing the Indian border and driving down into Assam.

The third charge that is often heard is that the Chinese "raped" Tibet. We should take notice that as late as 1943, our State Department stated: "The Chinese Constitution lists Tibet among the areas constituting the territory of China . . . This government has at no time raised a question regarding (this) claim."

Interestingly enough, almost 20 years ago the Chinese Communists crossed the Yalu into North Korea and fought against the United States and allied forces which carried the banner of the United Nations. As we all recall, General MacArthur had been given orders not to go near the Chinese border. He was, however, in hot pursuit of the fleeing North Korean Army. Although the entire record is not yet in, we know that MacArthur's troops did reach the banks of the Yalu.

The Chinese considered this a direct threat to their own territory. At that time, their heavy industry was concentrated in Manchuria. Reportedly, the Chinese felt it was time to act after repeated warnings went unheeded. North Koreans have told a Western diplomat that the Chinese would not have entered North Korea just to save a communist regime on its border. They are convinced that China felt she was also endangered before she decided to act. This interpretation has important ramifications on the present situation vis-a-vis United States' participation in the war in Indochina. The U.S. must not press her luck too far.

The Sino-Indian War of 1962 was essentially a border clash which escalated into a fairly major engagement between the Chinese and the Indians. Indian Prime Minister Jawaharlal Nehru indicated no quarter should be given to any Chinese intrusion on the border. In fact, the Indian Government was fairly aggressive in asserting its claims to what was an undemarcated and contested border which followed generally the line established by McMahon in the early 20th century. The most accurate story I have been able to piece together was that Indian troop activities on the border triggered an over response by the Chinese which resulted in their drive right down to the plains of the Brahmaputra River. However, the Chinese proved their point and then withdrew to their original positions.

This Chinese incursion into India sent shock waves around the world. While Nehru could never regain the position or prominence he has held as a major leader in the non-aligned world, China's prestige rose immensely. A primary reason for this rise was that China called for no outside assistance unlike India which when under attack, called on the United States and Great Britain to help her resist the attack by a fellow Asian country. This plea for aid smacked of a neo-colonialism repugnant to the third world.

Consequently, the two illustrations of China's use of military power outside her own borders—namely the Korean and Indian experiences—are seen by the Chinese as essentially a defensive measure and a border skirmish. In the Sino-Indian border skirmish, troops were withdrawn within a month. In Korea, Chinese troops were withdrawn after the ceasefire in 1953.

This brief account of Chinese Communist involvement in conflicts beyond their own borders is crucial to understanding the Chinese attitude toward the war in Indochina. The attitude of the Vietnamese toward the Chinese in any large scale manner. After all, much of Vietnam was occupied by the Chinese for nearly 1,000 years. There is no "fetal" relationship between the Chinese and the Vietnamese.

The Chinese, on the other hand, have made it clear that maintaining friendly or neutral countries on their border is a matter of high priority. Just as the United States could not tolerate the use of Cuba as a Soviet military base, so China contends that countries on her border cannot be used as military bases by other big power countries. We tend to forget the lengths to which we went to prevent Cuba in 1962 from becoming such a military base. The late President Kennedy undertook an act of war—a naval blockade of Cuba—to prevent further Russian missiles from being shipped there.

Keeping in mind how threatening Russian missiles in Cuba were let's turn the tables and imagine how China must feel under the present circumstances. The United States has troops stationed from Japan to Thailand on the eastern and southern borders of China. Units are stationed in Japan, Korea, Okinawa, Taiwan, the Philippines, Vietnam, Cambodia, Laos, and Thailand. In the last 20 years we have never fully withdrawn from any East or Southeast Asian country to which we have committed troops or air cover. This military force is the very essence of our policy in Asia of containment, isolation, and military encirclement of China. In many ways our military presence around China, would be comparable to a Chinese military presence in Mexico, Cuba, the Bahamas, and parts of Eastern Canada. Naturally, as a great power we would not stand by and let this continue. We would, as we have in the past, invoke a century and a half old Monroe Doctrine to clear away all trespassers. And, indeed if the Chinese controlled Long Island—even if separated by a "Formosa Strait"—and harbored the defeated leader of a recently completed civil war, we would not compromise until what we considered rightfully ours was returned to us.

This is very much the situation in which the Chinese find themselves with American forces stationed in neighboring countries and between the mainland and Taiwan. There are, in fact, some 650,000 American troops in countries bordering China—one fifth of our armed forces!

In 1965, Mr. Richard M. Nixon declared rather categorically that the reason we were in Vietnam was to fight China. Our continuing presence around China does little to contradict this statement. Much of the rhetoric emanating from the Department of State during the Johnson era convinced many that we were fighting in Vietnam so that we would not have to fight in Australia, the Philippines, my own State of Hawaii, or on the shores of California. Secretary of State Dean Rusk conjured the awful terror of the "yellow peril" to justify our presence in Vietnam and the construction of the ABM system to counter the Chinese threat.

As I said in an earlier speech, Vice President Agnew has painted a picture of a "Red Peking tidal wave" engulfing all of Asia and Southeast Asia. If this danger of a communist takeover is so real and imminent, why is it that this fear and concern is not equally shared by Australia, New Zealand, Indonesia, Malaysia, Singapore, Burma, India, and the Philippines? If the danger is so great, why are they not contributing more to this cause? Why do we find it necessary to hire mercenaries? Why must the Thais be paid to fight the communist in Vietnam if their homeland is so clearly in the path of the red tide of Peking? The domino theory becomes suspect. The nations of Southeast Asia have a long history of resisting Chinese overlordship. They, in the past, have made their peace with China.

Our containment of China has been based on the fundamental assumption that we could eventually bring down the Communist government in China after its assumption of power in 1949. We felt we could isolate it sufficiently from the world through our trade embargo, as well as through the pressure exerted on our allies to take similar action. Militarily we felt that a *cordon sanitaire* could be thrown up around China to isolate and contain it from nations in East and Southeast Asia with whom she would ordinarily have relations.

Just as CENTO (the Baghdad Pact) was formed to resist Soviet incursions into the Middle East, SEATO was formed in 1954 in Manila to consolidate America's military allies on China's southern border. This pact was based on the assumption that Communist China would be aggressive.

An interesting exchange took place in 1959 between then President Ayub Khan and Prime Minister Nebru when the Chinese were making incursions along India's extended border with China. Ayub Khan, then a firm ally of the United States, offered Nehru a joint pledge to defend the subcontinent. Mr. Nehru replied, "Joint defense against whom?" At that time, you will recall, India had good relations with China. Since the border war of 1962, however, India has had little to do with her Chinese neighbor. Here is another instance of the validity of Lord Palmerson's famous dicta: "Nations never have permanent friends, nor permanent enemies. Nations have only permanent interests."

Returning to Nixon's conviction that China was our adversary in Vietnam, we found a certain consistency when in an effort to convince Americans of his desire to get us out of Vietnam during the 1968 campaign he told CBS correspondent Mike Wallace that the U.S. must normalize its relations with Communist China. By so doing, the process of withdrawal from Vietnam would be greatly facilitated. Reportedly, President Nixon made contact with the Chinese even before his inauguration to determine whether the Warsaw talks could be reopened. In July, 1969, the President removed most of the restrictions on Americans traveling to China. During the early fall, in an unhearlded announcement, it was made known, that the Taiwan Straits Patrol of the U.S. Seventh Fleet has been reduced to one picket ship which patrolled rather infrequently the waters between Taiwan and mainland China. In late October, then Under Secretary of State Elliot Richardson reportedly told a mutual acquaintance they were waiting for a response from the Chinese before taking further unilateral action. Although the Chinese did not respond publicly, we took the next step, liberalizing trade, which we announced on December 19, 1969. As a result of domestic pressure, and in keeping with his over-all policy, President Nixon de-escalated the war in Vietnam with a limited troop withdrawal.

Consequently, it came as not great surprise when an announcement was made that on the first anniversary of President Nixon's inauguration the first Sino-American talk would be held in Warsaw at the Chinese Embassy. The second discussion was held at the American Embassy in Warsaw on February 20, 1970. A third was scheduled for May 20, 1970. However, the tragic invasion of Cambodia interfered and at the last minute it was cancelled by the Chinese.

As was mentioned earlier, after the Ninth Party Congress in 1969, the Chinese started the process which has now led to the returning of Chinese ambassadors to 30 countries. During the Cultural Revolution, all ambassadors except the ambassador to the United Arab Republic were recalled to Peking for reindoctrination. In essence, during the last 18 months the Chinese have been on the diplomatic offensive to win new friends and re-establish relations around the world.

To the Chinese the Cambodian invasion, therefore, represented a complete reversal of American Policy. For 15 months President Nixon had assured them that he wanted better relations with China. Thus, the Chinese must have felt they had only one course open to them—to roundly condemn the action of the American President and join in renewed solidarity with her communist allies in Vietnam, Laos, and now Cambodia. In the long run, the greatest tragedy of the Cambodian invasion was the cancellation of the hopeful negotiations that were proceeding slowly, but surely, in normalizing relations between the U.S. and the Peoples Republic of China. I am afraid that this tragedy will continue to have vast repercussions.

On May 1, 1970, I said on the Senate floor: "I deplore the President's decision to launch an American attack into Cambodia. I regret and disagree with his decision to send materials to the troops of Lon Nol. This decision makes a sham of our policy of Vietnamization—of our policy to disengage and withdraw troops from Vietnam." Many of my colleagues in the Senate and House agreed with my assessment of the situation. Little did we know at the time the ramification this policy would have on the President's effort to normalize relations with China. Yet, in retrospect, we have seen the major proportions of this tragedy.

I had agreed with the President's efforts to normalize relations with the Peoples Republic of China and with his policy of military disengagement from the countries which surround China, yet now in a single stroke, he reversed the trend toward improved relations. Ever since then we seemingly have taken one step after another to exacerbate the situation in Indochina and minimize the possibility of reconciliation with the people and government of mainland China.

Our resumption of bombing in North Vietnam on November 21 sent shock waves throughout the world. Even our traditional European allies were in a state of shock. The actions of a great power must in some ways be within predictable boundaries. When they become unpredictable, the danger of big power confrontation is increased.

After the latest bombing raid in North Vietnam the Ministry of Foreign Affairs of the People's Republic of China, issued on November 24th, 1970, a statement:

"Nixon has glibly talked about respecting the agreements of the two Geneva conferences concerning Indochina and seeking "peace" in Indo-China, but has as a matter of fact been continuously expanding the war. In March this year, just a few days after he called for the restoration of Laotian neutrality, Nixon instigated Thailand accomplice troops to enter Laos and at the same time stepped up the bombing of Laotian territory, intensifying the war of agression against Laos. In April, 1969, Nixon hypocritically claimed to "recognize and respect the sovereignty, independence, neutrality, and territorial integrity of the Kingdom of Cambodia within its present frontiers." But hardly had a year passed before he instigated the Cambodian rightist traitorous clique to launch the reactionary coup d'etat against Head of State Samdech Nordom Sihanouk and brazenly sent U.S. troops to invade Cambodia, expanding the war of aggression to the whole of Indochina."

The statement of the Chinese Foreign Ministry ended by saying:

"It is the bounded internationalist duty of the Chinese people to give all our support and assistance to the peoples of Vietnam, and the other Indo-Chinese countries in their war against U.S. aggression and for national salvation. The 700 million Chinese people armed with Mao Tse-tung's thought, following our great leader Chairman Mao's teaching "The 700 million Chinese people provide a powerful backing for the Vietnamese people; the vast expanse of China's territory is their reliable rear area," are determined to stand forever with the fraternal peoples of Vietnam, and the other Indo-Chinese countries and unite and fight together with them till complete victory."

The tragic proportions of our escalation of the war in Indochina during these last eight months, have had repercussions in Indochina, in our relations with the Chinese Communists, and in our own beloved land. We can only reverse this policy by admitting our tragic errors in judgment and then withdrawing. This is why I supported the amendment to end the war (Amendment #609). This is why I shall continue to support actions of a similar nature. This is why I support a fundamental reordering of our policy toward the Peoples Republic of China. We must avoid a war with more than 700 million Chinese people. Consequently, I recommend a new policy for the United States toward China. It is as follows:

1. As I have indicated in my support of the Amendment to End the War, the U.S. must withdraw all her military forces from Indochina by the end of 1971. Militarily this is possible. The political will must now be generated so that it can be politically possible. Unless we undertake this decisive action, policy makers will repeatedly be tempted to escalate, rather than to de-escalate the war.

Further escalation of this war could lead to a major confrontation and possibly a full scale war with China. This catastrophe must be avoided. The specter of having two nations with a total population of almost one billion people locked in mortal combat, in a holy crusade against each other, portends the advent of the third—and probably, final—world war. By acting rationally and correcting past errors of judgment, we can avoid this holocaust by de-escalating the war and withdrawing from Indochina now.

2. The entire policy of containment, isolation, and military encirclement of China must indeed be re-examined and hopefully reversed by the United States. We have seen the results of this policy in a war in Korea and now in Indochina, both areas on the periphery of China. Close to 100,000 American men have been killed in the pursuit of this policy. Needless to say, millions of Asians have died in our pursuit of this policy.

Consequently, in addition to withdrawal from Vietnam, we should also re-examine our policy of military encirclement of China.

3. In drawing the borders of China, the Government in Peking and the Government in Taipei both include Taiwan within its boundaries. They both maintain that Taiwan and Mainland China are not separate. Chiang Kai-shek still talks of return and the leaders in Peking talk of their "rigntful claim." Both agree on the one China concept.

However, over the past decades we find the concept of two Chinas a reality we have learned to live with. For as long as I can remember there have been two Chinas—the China of Chiang Kai-shek and that of Mao Tse-tung. Dejure we may have but one; de facto, we have two. And it is to the fact of the present that we must address our attention.

As we look at the world today we find that the events of the twentieth century have created divided nations elsewhere. We have an East and a West Germany and an East and West Berlin. We have a North Korea and a South Korea and a similar likely result now in Vietnam. These divisions exist, and we have been a party to their birth. Likewise we may see the development of a separate East and West Pakistan in the coming years. There is apparently no immutable law that peoples once lined together must always remain thus despite our strong commitment to unity within our own borders and throughout our own history.

We should be most reluctant to involve our nation in situations which encourage partition. Our post World War II experience should be a sufficient deterent to such adventures.

The future relationship between these two—between Taiwan and mainland China—is not ours to determine. It is our responsibility, however, to avoid any precipitate action which would encourage open conflict and conflagration.

Today, China and Taiwan have each demonstrated their ability to exist independent of the other. There is a clear and easily recognizable natural boundary which separates them. It is not one which must be maintained by American ground forces nor over which either side can easily infiltrate the other. There is, therefore, no pressing need for us to try at this time to determine the eventual relationship between these two areas.

The nations of the world are now almost equally divided on the subject of seating the Peoples Republic of China in the United Nations. The number supporting such action has increased markedly. As a major power and a nation with strong and historic interests in the far Pacific, it is time we assume leadership in bringing that nation into the family of nations. It is time that we bring an end to blind adherence to outdated ideological commitments or current fables. We must recognize the real, rather than tout an imaginary status quo.

We have far too long perpetuated the myth that the Chinese Nationalist forces on Taiwan represent the nearly three-fourths of a billion Chinese people. This cannot be the basis of hard foreign policy decisions. It is time that we recognize Peking as the legitimate government of mainland China—its government in fact for the past 21 years.

4. Normal diplomatic, cultural, economic and social relations with the Peoples Republic of China must be reestablished. So often individuals say that China does not want relations with the U.S. Those same individuals said the same thing about China's lack of desire to be in the United Nations. They were wrong. I am certain China does want to assume her rightful place in the United Nations, as indeed she wants to gain recognition as the sole legitimate government of China.

We must realize that in order to restore peace in East Asia, an area of the world which for the last generation has known no peace, we must face reality. That reality is dictated not by a hostile policy toward the largest nation on earth, but by a policy of peace toward that nation. Before 1949, the U.S. and China were the best of friends. We must now adopt a policy of friendship and good relations with one-fourth of humanity. For the sake of peace in Asia, and, indeed peace in the world, we must follow this path.

### SUMMARY AND RECOMMENDATIONS

(By Representative PATSY T. MINK, May 3, 1971)

Following the spectacular visit by our American ping pong team to Peking, and now the prospects of a reciprocal visit by the Chinese, we have a great opportunity to finally rid ourselves of the myth that the Peking government does not exist. It will require a complete reappraisal of our policy adamantly maintained for the past twenty years. The reported conflict within the White House between the President and the Vice President typifies the controversy which will undoubtedly ensue and rise in intensity. It is incumbent upon all enlightened members of Congress to support the President in his efforts to really achieve the normalized relations with the People's Republic of China that he has set as his Administration's goal. There will be enough conflict to force a retreat unless we provide him with a wide and aggressive latitude of support. Many of us have hitherto lacked the courage to face this issue, and we must admit that. But the past is past, and we have now the responsibility to forge ahead vigorously to rid ourselves of the policy which has excluded from the councils of international affairs a government which has indeed existed and progressed for the last twenty years.

I would like to dispose of here and now the shibboleth that we must refer to mainland China derisively as Red China. This is one of the things it will be difficult for Americans to get over, yet when you stop to think about it we do not talk about Red Germany when referring to East Germany, or Red Russia, et cetera. President Nixon's statements carefully refer to the mainland government as the People's Republic of China, which is its correct name. Each of us must begin to readjust our thinking and vocabulary as well. What we say becomes part of the dialogue of our country and in turn the dialogue of diplomacy, and we must share in this rapidly changing world to accord the 700 million people of China a rightful place in the community of nations.

It has certainly worked to the detriment of our nation to ignore the existence of a country so large, so important, and with such a rich and fascinating history as China. Our education hardly took account of this immense and populous land, so steeped in cultural accomplishments, technology, invasions, conquests, and revolutions that scholars could spend a lifetime studying and describing just one era.

Early China saw a series of dynasties, one following another involving native Chinese, Huns, Mongols, Buddhists, Manchus, and later, westerners. We recognize such names as the philosopher Confucius, Genghis Khan, Marco Polo, and Kublai Khan from this fabled past. Poetry, painting, philosophy, inventions, arts and literature all attest to the cultural heritage of China.

Yet because of its remoteness, China has always seemed somewhat mysterious and therefore alien to westerners—and because of our propensity for exploitation, China has likewise viewed us with something less than complete cordiality. Our relations have alternated between cooperative and hostile, and there have been various "openings" and closings-off of China.

Canton was the only port open to foreign merchants at the end of the 18th Century, but China's defeat in the Opium War with Britain opened up four others as well, including Shanghai. In the process, Britain nipped off Hong Kong. Another war with Britain "opened" Tientsin to foreign trade, after which the west dictated to China. At the same time, Russia acquired her Far Eastern territories from China and the Japanese took Taiwan. In the Boxer Rebellion of 1900, the Chinese attempted to expel such foreign influence but were unsuccessful.

All of this is to show that China may have some reason to view with a measure of distrust the encroachment of other nations on her borders. It was only through a strong nationalist movement, which later cooperated with communists, that the Chinese regained control of their country. This culminated with the communists splitting apart from the nationalists and then expelling the latter, led by Chiang Kai-shek, in early 1950. As Chiang fled to the island of Taiwan to set up a government in exile, the communists proclaimed the People's Republic of China on October 1, 1949, under the leadership of Mao Tse-tung.

Subsequently, our government launched its cold war policy of containment and isolation in which we gave official sanction and support to the Chiang regime in the hopes that someday it would regain power in Peking. We led efforts to isolate "Red China" from trade with other nations and urged the United Nations into keeping the Chiang regime as the official representative of all of China even though it only represented 14 million Chinese out of a total of 700 million. Thus, we attempted to seal off China much as the Great Wall was once erected to protect it from foreign invaders.

The trouble was that our wall of trade and diplomacy was no more effective than the Chinese wall of stone in preventing the inevitable breaches. It was a most unnatural policy, going against all logic. The predictable consequence was that the United States itself began to be isolated from the family of nations, as our allies increasingly rejected the arbitrary and ill-conceived barriers we had imposed based on the concept of China as a hostile Red menace. The most tangible expression of this adverse sentiment among other nations was in the United Nations, where an annual vote was required to buttress our exclusion of mainland China from international councils. Over the years, we gradually lost ground in the battle for world opinion, and finally last year there was a majority vote in favor of the Albanian resolution to seat the People's Republic of China in place of the Nationalist government.

The only thing which prevented this majority opinion from forcing the recognition of the People's Republic of China despite United States opposition was the parliamentary tactic of requiring a two-third vote. So far, we have been able to cause the issue to be classed as an "important question" requiring approval of a two-thirds majority of those nations present and voting. But our support on the "important question" motion has been slipping, too, and there seems to be general recognition that very soon, maybe even this year, we will not have the votes to prevent the seating of the People's Republic of China. It is noteworthy to point out that a majority vote can eliminate the two-thirds vote requirement.

The text of the Albanian resolution states as follows:

"The General Assembly,

"Recalling the principles of the Charter of the United Nations, Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

"Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations,

"Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only lawful representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

From a hard-line standpoint, the voting trend on this resolution has been disappointing. In 1963 only 41 nations voted for it while 57 were against, a balance of 16 votes in our favor. Our lead fell to ten votes in 1965 and eight in 1969. Finally, in 1970, it was minus two—the United Nations had voted 51 to 49 to give the China seat to the People's Republic. This same majority could now nullify the two-thirds requirement. In November of this year, it is speculated that additional support will be gained for the Albanian resolution. Several nations, such as Canada which recently recognized the People's Republic of China for diplomatic representation, and which have supported us on the two-thirds vote "important question" issue, have indicated that they will switch their votes if the requirement is used to block the wish of a substantial majority. We are thus holding our position by the thinnest of procedural needs.

Clearly, new thinking is in order if we are to avoid a major international rebuff. I feel it is with this in mind that the Administration has undertaken its new course of rapprochement. The ping-pong visitation did not just happen accidently but resulted from a series of diplomatic moves beginning shortly after President Nixon took office. In July, 1969, he removed most of the restrictions on Americans traveling to China. In the same year, he also directed that Americans could make non-commercial purchases of Chinese goods, and permitted subsidiaries of United States firms abroad to engage in commerce between mainland China and third countries.

Another major step was the announcement that on the first anniversary of the President's inauguration the first Sino-American talks would be held in Warsaw, at the Chinese Embassy. The second discussion was held at the American Embassy in Warsaw on February 20, 1970, and a third was scheduled for May 20, 1970. Unfortunately, the third was cancelled by the Chinese to express their disapproval of our invasion of Cambodia.

In his State of the World message released on February 18, 1970, President Nixon said, "The Chinese are a great and vital people, who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700 million people." He went on to say, "It is certainly in our interest, and in the interest of peace and stability in Asia and in the world, that we take what steps we can toward improved, practical relations with Peking."

Mr. Nixon followed up this belief in 1970 by authorizing the selected licensing of goods for export to mainland China, and further diplomatic hints that he would welcome a Peking response to his initiatives. The ping-pong invitation was a modest but affirmative reply.

Any lingering doubts as to the sincerity of his intent of reconciliation were removed after the invitation, when the President almost immeditely responded with a series of further steps to normalize relations: removal of barriers to direct trade in non-strategic goods; expedited visas for visitors from China; removal of restrictions on American fuel for ships or aircraft going to China; and authorization for U.S. vessels or aircraft to carry Chinese cargoes between non-Chinese ports.

We have therefore seen relaxation of our policy toward the People's Republic on several fronts: the opening of talks in Warsaw in 1970, the opening up of trade, the encouragement of travel to and from China. This could have a major impact on developments at the United Nations this fall. If we move forward and I hope we will, we can participate affirmatively in the movement to recognize the People's Republic of China. We can then face constructively the delicate task of accommodating in some manner the interests of both China and Taiwan at this international body.

But as Stephen S. Rosenfeld said in the Washington Post recently in his column captioned "Beyond the Ping Pong", the "nut political issue between the United States and the People's Republic of China has always been whether . . . Washington would recognize Peking's sovereignty over all of China including Taiwan."

The issue before the United Nations is not whether the People's Republic of China should be admitted or not. To frame the issue in this light is to ignore the fact that the China seat already exists. The question only is which is the legitimate government of China, the Nationalist regime based in Taiwan or People's Republic on the mainland.

The Chinese-representation resolution which has been before the UN since 1950 relates only to this question of which China. Once passed by the General Assembly it will mean that the delegates from the Nationalist group will automatically be excluded as the legitimate representatives of the government of China.

To discuss this issue in the framework of admitting China therefore begs ignorance of the real question. To discuss it in the context of "two Chinas" is also to beg the question.

What is even more interesting is that neither government, the one in Taiwan nor the one in Peking has ever accepted the notion of two Chinas. When you stop to consider this of course it should self-evident. Both governments insist that the territory of Taiwan is part of China. Our considerations towards Taiwan must be with this basic understanding. The fact that the lands belonging to the nation of China have been occupied by another political group of Chinese whom we have recognized *de jure* as the legitimate government for all of China for these past twenty years, does not render the lands and territory of such occupied areas as forming per se another nation.

If it is the decision of the United Nations General Assembly that the People's Republic of China should be recognized as the *de jure* government of China, then it follows that the Nationalist government in Taiwan no longer can have this same designation, nor can it have the designation of a new nation unless the People's Republic surrenders its sovereignty and title to these lands.

The Nationalist government on Taiwan will be replaced as the government of China upon the adoption of the Albanian resolution in the UN conveying *de jure* recognition to the People's Republic. But what of the people of Taiwan? After twenty years of existence as a separate State, we cannot ignore the demands of the Taiwanese. Many people advocate independence for Taiwan, or at least self determination.

If the Nationalist government is no longer the government of China because the People's Republic of China is the recognized sole and legitimate government of the Chinese people, then it follows that the Nationalist government has no rightful dominion over the People of Taiwan. Conversely, what about the terriorial claims of the People's Republic of China? Should it supersede the desires of the people who now live there?

I believe that the solution for this most difficult problem can be found by treating the territory of Taiwan like the territories over which Japan had dominion prior to World War II which after the end of the war were placed under U.N. Trusteeship. Japan had territorial rights over Micronesia under a League of Nations mandate. After World War II, Nationalist China took territorial claim to Taiwan from the Japanese. Following its retreat from mainland, Chiang Kai-shek continued to receive the sanction of the U.N. when he was allowed to retain the China seat in the world organization. If the Albanian resolution is adopted to recognize the People's Republic, that prior U.N. sanction of the Nationalist's government's territorial claim over Taiwan will be rescinded. Then, the responsibility to find an equitable solution to the future status of Taiwan must be the duty and obligation of the U.N. which I believe can best be accomplished under the supervision of the U.N. Trusteeship Council. Obviously, the interest of the People's Republic of China will be well protected by virtue of its membership in the U.N. while the interests of the people who live in Taiwan will be protected by the Trusteeship arrangement. This will provide for an orderly transition and, most importantly, time in which to solve all the delicate questions of Taiwanese self-determination versus Chinese sovereignty, as well as our own treaty arrangements with the Nationalist government.

In late April, Charles W. Bray 3rd, a State Department spokesman, at a special press briefing, offered as one option the possibility that the future status of Taiwan would be settled by direct negotiations between the Nationalist government on Taiwan and the government in Peking. If the Chinese can't settle this matter between themselves, then the international community must assist in vaulting this high hurdle that has for far too long been a major obstacle in normalizing relations between the U.S. and China.

The road to better relations is bitter and difficult, but we have made a promising start. Unless we break away completely from the syndrome of suspicion and mutual antagonism, and chart a new course, we shall continue the disastrous path we have been following for two decades in Asia. I need hardly point out that peaceful accord with China will drastically reduce, if not eliminate, the rationale used in our chain of military encirclements which led to the Korean and Vietnam wars. There will be little need for our military dominance in buffer states around China if we are on good terms with China itself. Such states could be left to settle their internal affairs without our military involvement.

Continuation on the road of hostility, on the other hand, could lead ultimately to a confrontation with China. The policy that I advocate is designed to prevent that confrontation and to start the process of healing between our two great nations.

### *Summary and conclusion*

We commend and support the recent initiatives by President Nixon which have moved us toward the goal that he has set for his administration—normalizing relations with the People's Republic of China.

In the light of this new atmosphere in bi-lateral regulations between the United States and China, we must now take the next logical step—advocated also by the President—to assure the representation of the People's Republic of China in the United Nations. We should recognize what is inevitable—that the China seat in the U.N. will be occupied by representatives of the People's Republic of China.

The status of Taiwan should be initially handled as a matter for the United Nations Trusteeship Council. We look forward to an ultimate resolution of the status of Taiwan to be decided by the peoples on both sides of the Taiwan straits.

For the United States the necessity of expanding cultural, economic and social relations to include diplomatic relations with the People's Republic of China will become increasingly obvious. We should undertake this step as soon as feasible.

Friendship between the United States and China has been a hallmark of U.S. foreign policy during the last 200 years. The hostility of the last 20 years has been a deviation of that long range policy from which we must return. Let historians write that 1971 was the watershed year which marked a return to an era of friendship and cooperation between the United States and China.

The final paper and recommendations by Representative Patsy T. Mink, Chairman of the U.S. China Committee of the Members of Congress for Peace Through Law was concurred in by the following Members:

Senator Mark Hatfield (Oregon).
Senator Harold Hughes (Iowa).
Senator George McGovern (S. Dak.).
Rep. Bella Abzug (NY).
Rep. John Conyers (Mich).
Rep. Robert Drinan (Mass).
Rep. Don Edwards (Calif).
Rep. Paul Findley (Ill).
Rep. Don Fraser (Minn).
Rep. Mike Harrington (Mass).
Rep. Augustus Hawkins (Calif).
Rep. Robert Kastenmeier (Wis).
Rep. Abner Mikva (Ill).
Rep. Bertram Podell (NY).
Rep. Thomas Rees (Calif).
Rep. Henry Reuss (Wis).
Rep. Donald Riegel (Mich).
Rep. Howard Robison (NY).
Rep. Benjamin Rosenthal (NY).
Rep. Edward Roybal (Calif).
Rep. William Ryan (NY).
Rep. James Scheuer (NY).
Rep. Frank Thompson (NJ).
Rep. Charles Whalen (Ohio).

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## U.S. TRADE NEGOTIATORS MUST SHOW RESULTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

**Mr. SIKES.** Mr. Speaker, Ambassador at Large David Kennedy is in the Far East on a mission critical to the United States, to the U.S. textile industry and to the many suppliers to that industry such as the manmade fibers producers in my district. He is attempting to avoid the need for quota legislation by negotiating reasonable export controls with Taiwan, Korea, and Hong Kong. I have learned and am delighted that the Republic of China has received Ambassador Kennedy with understanding and appreciation for the problems of the U.S. textile industry. We, on the other hand, should all be concerned that preliminary reception of his proposals in Korea has not been reasonable nor cooperative and that if this attitude persists it could bring on a serious chain of events.

A number of us are deeply concerned about unemployment in this country and about industries like textiles which are being sacrificed to imports. We have warned the House many times about the worsening situation. Manmade fiber product imports increased an amazing 54 percent in 1970 over the record high of 1969. Through April of this year, imports of these products are 81 percent over the same period of 1970.

Especially noticeable is the great increase of Korean textile exports to the United States which is the only open market in the world for such products. It is estimated that Korean exports of all manmade fiber goods has jumped from 27 to 212 million square yards equivalent between 1966 and 1970. Korea sends us almost as much manmade fiber apparel as does Japan. Last year, for example, it shipped us 2⅓ million dozen men's dress shirts of manmade fiber; more than from any other country and exceeding in the aggregate those from Japan and Hong Kong.

There seems to be no end to the fantastic year-to-year increases of these imports. The rate at which U.S. textile plants are being shut down due to imports is shocking. Our textile industry and manmade fiber producers have lost 100,000 jobs at a time when the U.S. unemployment figure edges toward an all-time high. What possible reason can we in the Congress accept for lack of an immediate slowing down of the import growth rate?

It is especially difficult for me to understand why Korea should not be cooperative with the United States in this matter. Many of America's sons were killed or wounded in protecting Korea from a Communist takeover. Billions of dollars of the U.S. taxpayers money were expended in this effort. Today, we still help protect Korea from outright invasion from North Korea with men and money. We know, of course, that the Korean plants are Japanese owned but it is the Korean Government with which we must deal. Surely they should welcome Mr. Kennedy's proposal which will not cost Korean jobs but will only slow export growth to a more reasonable rate.

This Congress should immediately serve strong notice to Korea and other countries that the United States will not remain the only open market for their textile exports. Other nations have learned to protect their workmen and their industry.

In fact, all other major countries already control imports of these products. I believe this Congress is in a mood to pass quota legislation like, or tougher than, that passed by the House last year but which missed getting to the Senate floor in the last days of the 91st Congress. I do not think we should delay unless there is a material change for the better in the tenor of negotiations with Korea and elsewhere.

In the present instance I hope others will join me in urging the Korean Government to cooperate fully with Mr. Kennedy reaching promptly an agreement on this vitally important subject.

## POOR POLICY TOWARD RHODESIA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I must call attention to a pending bill, H.R. 5445, which I feel is much too important to be ignored.

The aim of this bill is simple, but the issue which brought about the necessity of its introduction is complicated and strikes at the heart of whether this Congress or the United Nations is to determine the foreign trade policies of the United States.

H.R. 5445 resolves three basic issues:

First. All free countries of the world are to be considered available sources of supply for critical, strategic materials to the United States.

Second. Russia is to be treated impartially and on the same basis as other nations of the world.

Third. The U.S. supply of a critical ore—namely, chromium—will be restored and we will no longer be so greatly dependent on Russia and our own short reserves for our supply of this material.

The situation with regard to chromium ore resulted when the people of Rhodesia declared their independence from Great Britain in 1965. At the time, the British had imposed certain restrictions under which independence would be granted. These restrictions were not compatable with the then existing Rhodesian Constitution, and thus were unacceptable to the Rhodesian people.

At the urging of Britain, the United Nations adopted certain trade sanctions in an effort to force Rhodesia back into the colonial nest of Britain.

Amazingly, the President of the United States went along with this United Nations resolution and in an Executive order dated in 1968, agreed to the mandatory United Nations embargo against Rhodesia.

The fact is, Mr. Speaker, that the U.S. Constitution clearly spells out in article 1, section 8 that—

> The Congress shall have the power to . . . regulate Commerce with Foreign Nations.

While there remains serious question on the legality of the President's Executive order, that is not the issue before us today.

The issue here is H.R. 5445, which will, in effect, rescind the Executive order dealing with Rhodesia and will stabilize our supply of an ore which is in short supply.

Since the U.S. decision to refuse to trade with Rhodesia, we have relied primarily on the Soviet Union to supply us with chromium ore. The price has soared from $31 a ton to $72 a ton.

This price increase is reflected in increased consumer costs for products containing stainless steel, the chief user of chromium ore.

Further, much of our defense effort relies on chromium, a metal essential to missiles, aircraft, ships, and a host of other defense needs.

Thus we find ourselves struggling to defend ourselves against communism while relying almost exclusively on the Communists to supply us with one of our most urgent requirements in metals.

Significantly, the Russians now are purchasing great quantities of chromium ore from Rhodesia. It is very possible the same ore is being transshipped to the United States at a handsome profit to Russia.

I respectfully urge favorable action on H.R. 5445 and/or other bills under consideration which will give the United States the right to buy critical materials from any free country.

We should not restrict our trade policies in order to help Britain resolve a problem with a former colony. Rhodesia is no threat to world peace and has, in fact, been one of the most active nations in resisting Communist influence.

We should not further penalize the people of Rhodesia in their desire to be free, hamstring ourselves in assuring an adequate supply of chromium ore, and pay inflationary prices in order to purchase this ore from a country which has vowed to destroy us solely to satisfy the British.

Rhodesia is Britain's problem, if, indeed, a problem actually exists. It is not incumbent on the United States to knuckle under the United Nations pressure to keep Great Britain's chestnuts from roasting in the fires of a people determined to be free. Our policy toward Rhodesia is a very poor policy.

## CREDIT UNION HOUSING COMPLEX OPENS IN MICHIGAN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on many occasions I have addressed this body on the outstanding work performed by the nearly 24,000 credit unions throughout the country. I have usually remarked that next to the church, credit unions do the most good for people.

Typical of the outstanding work being done by credit unions is a housing development in Oakland County, Mich., that is being put together by the Michigan Credit Union League through its subsidiary, the League Housing Foundation.

The models for the development were recently opened and occupancy of the first units is expected before the end of the summer. Ultimately, the development, Avon Hills, will contain 2,000 dwelling units of which there will be 1,250 townhouses, 330 garden apartments, and 497 single family units. The housing units will be for families whose income ranges from $6,000 to $16,000.

The houses in the development will cost from $19,034 to $27,880, or roughly $3,000 less than comparable housing in the general market. Monthly payments including carpeting, gas heat, two-car paved parking, lawn care, snow removal, insurance, water, reserves for appliance replacement and membership fees in a pool and community club will run from approximately $189 for the one-bedroom unit to $254 for the three-bedroom townhouses. There will even be lower rates for those at the lower income scale.

Mr. Speaker, had it not been for the Michigan Credit Union League and the 2 million credit union members in that State, the Avon Hills development might never have come into existence. But the league and its members, as credit union people all over the country have done, have sought to help people better themselves and this was the guiding light behind Avon Hills.

I am enclosing in my remarks a copy of an address made by Mr. Sidney Blitz, vice president of the League Housing Foundation, made during a press conference announcing the opening of the development. It describes the project completely, and I hope it will serve as a guideline for other credit unions to follow the lead of the Michigan Credit Union League.

The address follows:

### REMARKS BY SIDNEY BLITZ

Our Avon Hills development is located approximately 35 miles north of downtown Detroit in Avon Township, Oakland County, Michigan and just one mile south of the City of Rochester.

The residential area contains 406 acres of rolling hills and wooded areas and thru the use of ecologically oriented planning we were able to preserve many fine hard wood trees as a park area. We have also provided for pedestrian pathways and trails leading to the park and large areas of green space. An elementary school is planned for right on the grounds, as well as two community centers including swim clubs and tennis courts.

Avon Hills when completed will contain 2,000 dwelling units. There will be 1,250 townhouses, 330 garden apartments and 497 single family units. The first year's production will consist of 403 townhouse units to be financed through A Michigan State Housing Development Revenue Bond Issue with a projected interest rate of 7%.

Avon Hills will be marketed as a cooperative and through a mixture of State and Federal financing devices we will be able to accommodate families whose incomes range from $6,000 to $16,000.

A moderate income family will have an average down payment of $1,600 for a two bedroom townhouse unit and monthly carrying charge payments of $222. Included in the payments are principal, interest, taxes, maintenance, lawn care, snow removal, insurance, water, heating and reserves for appliance replacement.

A family at the low end of the moderate scale whose income is between $6,000 and $6,800 would have a down payment of $453 and monthly carrying charge of $129.00. The Avon Hills residential site was purchased by the Michigan Credit Union League and later transferred to the League Housing Foundation. Money utilized to purchase the land and to provide interim development and construction costs was provided by member credit unions who have the corporate power to invest 5% of their members savings in programs to sponsor cooperative housing for their members. This money is loaned to the League Housing Foundation at interest rates similar to that which would have been earned by investing in Central Credit Union of Michigan which is the Credit Union equivalent to the Federal Home Loan Bank. The current interest rate is 5¼% to 5½%.

Typically, interim construction on development loan money costs a builder anywhere from 14 to 20% per year. And it is in this area through the use of low cost temporary financing that Michigan Credit Unions contribute a substantial savings without reduction in the quality of the housing.

A second area of savings is in marking up the land primarily to cover costs. Today, the fair market value of the raw land on which the first 403 units will be situated is more than $806,000. It is being transferred to the cooperative at a projected cost of $403,000. This is another area of cost containment without sacrificing housing quality.

In addition there are substantial savings in large scale housing development and through the use of mass marketing techniques. Ready access to credit union development loans and to the nearly 2,000,000 Michigan Credit Union members make both these approaches possible at lower cost than would otherwise be the case. We were very fortunate in Avon Township to be able to work with a very capable and enlightened Planning Commission and Trustee Board. They sensed our concern to bring a well planned quality housing development into their community and did all in their power to provide the necessary zoning approval and are assisting in solving our other development problems such as sewer and water. The Oakland County Road Commission and Department of Public Works were also very helpful and the same could be said of the Rochester School Board.

Another key development was our good fortune to form an alliance for housing development with Levitt and Sons, Inc. and Levitt Building Systems, Inc. both ITT affiliates. We were able to draw upon Levitt and Sons' vast experience in planning, engineering, marketing, land development and construction encountered by completing over 100,000 dwelling units in North America and we are very confident that we will receive delivery of the finest quality controlled precision housing components which will be produced by Levitt Building Systems at their factory in Battle Creek. The ITT—Levitt Organization is so sure of the quality of their housing product that they are providing the cooperative with a 5-year warranty on defective materials and workmanship. This is 4 years longer than other Michigan Builders are providing.

Governor William G. Milliken and William Rosenberg, Executive Director of the Michigan State Housing Development Authority, have devoted much time and effort in the development of programs to solve Michigan's housing crises. This project could not have happened without the assistance provided by the State of Michigan making available its very special mortgage financing devices.

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## FIRST STUDENT CREDIT UNION COMPLETES THIRD YEAR; NEW CREDIT UNION ON THE WAY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Fort Knox First Student Credit Union, the first credit union in this country to be operated solely by students, recently completed its third year in operation. During that period, the credit union has grown to over $26,000 in assets and it now serves some 280 student members.

The credit union has made loans to its student members for such things as graduation, proms, minibikes, vacations, and presents; and it had a good loan record. It has not had a single default in its loan repayments even though the students may borrow up to $30 for 6 months on their own signature and can borrow up to $5,000 for 18 months on a secured basis.

It is also interesting to point out that these loans are made solely to the students so that there is no requirement that the parents cosign or otherwise make themselves liable for repayment. The credit union has trusted its student members and this trust has paid off. When I first suggested the idea of student credit unions a little over 3 years ago, Mr. Robert Shaffner, who is the manager of the Fort Knox Federal Credit Union, quickly picked up the idea; and, in a matter of months, he had convinced the school board, the parents, and the students to put a student credit union into operation there. He had also convinced his own credit union to oversee the operations of the students and to provide a helping hand whenever possible. For instance, the treasurer of the student credit union is employed during the summer months by the parent credit union not only to work full time on the student credit union but also to become more familiar with credit union operations.

This is not the first time that Mr. Shaffner has responded to a suggestion that I have made. About 5 years ago, the Banking and Currency Committee held an investigation into the financing problems of the serviceman, particularly when he is forced to borrow from high rate loan and finance companies. These loan companies contended that the high rates were necessary because the lower ranking servicemen were poor risks. It was my contention that since the lower ranking servicemen were forced to pay such high interest rates that added burden automatically increased the likelihood that they would be unable to repay the loan. I suggested that lowering the interest rate would give the young serviceman more of a opportunity to repay the loan.

Mr. Shaffner quickly inaugurated a program at his credit union of making low-cost unsecured loans to servicemen from raw recruit on up. The results of Mr. Shaffner's program have been outstanding. Very few of these loans have ever gone into default since the serviceman realized he was being given a break and wanted to make certain that he did not let the credit union down for taking a chance on him.

The student credit union concept at Fort Knox has now been picked up by the Natick Teachers Federal Credit Union in Natick, Mass. Although this credit union is still in the organizational stage, it has shown that it has great potential; and during its first organizational session, more than $250 was collected in shares.

Included in my remarks is a letter to the parents of the students at the Natick High School from the treasurer-manager of the teachers credit union, outlining the program. I am placing it in my remarks in the hopes that other credit unions or teachers groups around the country will use it to begin a credit union in their school.

NATICK TEACHERS FEDERAL
CREDIT UNION,
*Natick, Mass., May 4, 1971.*

DEAR PARENT: A new and very exciting program is being offered at Natick High School—"new" because it is only the second of its kind in the country, and "exciting" because we believe that we have found a way to teach economics and consumer education in such a way that the students will be able to relate very closely to the principles taught in the classroom with what actually occurs daily in the economic life of the community.

Many of us have learned, through the harsh school of experience, the tremendous benefits and the extremely hazardous pitfalls that are inherent in credit buying. But how many of us have made a truly effective effort to teach our children the mechanics of proper money management? Are we, in effect, allowing our personal experiences to go to waste? Are we allowing our children, who will reach maturity in a credit age, to relearn our experiences the hard way?

The Honorable Wright Patman, Chairman of the House of Representatives Banking and Currency Committee, shares our concern. Congressman Patman approached the Fort Knox (Kentucky) Federal Credit Union with the proposal that a "Student Credit Union" be formed in the Fort Knox High School, with the Fort Knox Federal serving as the "parent" credit union. Fort Knox accepted the challenge, and that pilot program is now in its third successful year of operation.

The Natick Teachers Federal Credit Union has agreed that we, too, have an obligation to the young people of Natick. The concept of a Student Credit Union for Natick High has received the wholehearted support of the faculty members who teach the economics and consumer education courses, the administration, and the School Committee.

The Student Credit Union of Natick High School will be structured identically to the parent organization, the Natick Teachers Federal Credit Union. The proposed credit union will function as a branch of the parent credit union, and will be subject to the same Federal regulations, examinations, and insurance benefits as the parent organization. The students will organize their credit union to include its own board of directors, credit and supervisory committees, and staff, as elected and appointed from the student body. The Student Credit Union will accept savings deposits, pay a savings dividend, and make low-cost small loans (with parental permission only) to be repaid in regular installments. Students will be encouraged to save for future needs.

The creation of a savings "nest egg" is a must in today's society. Emphasis will be placed on the "save-now, buy-later" concept, versus the one which we all know so well.

Because the Student Credit Union will be a branch of the Natick Teachers Federal Credit Union, each student's account will be fully insured up to $20,000 by an agency of the Federal Government, life insurance coverage will be immediately afforded each member (a unique service which most credit unions offer their members), and those students responsible for the handling of cash will be covered under the same blanket bond which protects the staff of the parent credit union. The parent credit union will, of course, guarantee the same dividend it pays its regular members, which is currently 5½ per cent, paid quarterly.

One of the objectives of this program will be to educate young people, not only with respect to procedure and cost, but also in the very important area of moral responsibility. Because young people must learn to transact business of their own, there will be no parental liability when a student borrows on a signature basis. However, parents must give their consent in order for a student member to borrow. Even though parents must give their approval in order for a student member to borrow, parents will not be contacted in the event a student defaults on his obligation. It is conceivable, too, that the student credit committee would approve some larger loans, which must be co-signed by parents, for such items as college tuition, a used car, athletic equipment, etc. Of course, in the case of a co-signed loan, responsibility is shared by both the maker and the co-signer.

As you can see, there are many opportunities for learning inherent in this program. All students will be able to learn that it is always less expensive to buy for cash rather than on credit. Those students who will be elected and appointed to official positions will be putting into practice the skills which are required by any sound business—managerial, clerical, decision-making investment, advertising, tact and discretion in dealing with others, promotion, financial analysis, etc.

It is our hope to notify the students in detail about this program and to arrange an organizational meeting next week. We know that we are tackling a big job. But we also know that the facility coordinator who has agreed to be advisor to the students is eager and well qualified. Our Board of Directors feel that any effort or costs expended on our part will be more than compensated for by this very unique opportunity which we are offering the students of Natick High School.

Sincerely yours,

Marion L. Pothier,
*Treasurer-Manager.*

## SUPPLYING THE PENTAGON PAPERS TO THE COMMITTEE ON GOVERNMENT OPERATIONS

(Mr. MOOREHEAD asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, a letter has been circulated among members of the Government Operations Committee, addressed to Secretary of Defense Laird. Permit me to read the text of that letter:

Committee on Government Operations,
*Washington, D.C., June 28, 1971.*

Hon. Melvin R. Laird,
*Secretary of Defense,*
*The Pentagon,*
*Washington, D.C.*

Dear Mr. Secretary: We, the undersigned Members of the House Committee on Government Operations, pursuant to our statutory authority under Title V, Section 2954 of the U.S. Code (entitled "Information furnished Committees of Congress on request"), and in the exercise of our jurisdictional authority under statutes, rules, and precedents of the House of Representatives, hereby request that you furnish and submit to this Committee a full and complete set of all volumes making up the so-called "History of the Decision-making Process in Vietnam." This is the same data referred to by the President on June 23, 1971, in his announced decision to provide copies of these volumes to the Speaker of the House and the President of the Senate. We also request, under the same statutory authority cited above, a full and complete copy of the "Command and Control Study of the Gulf of Tonkin Incident."

Copies of these two separate series of documents are requested to be delivered to Room 2157, Rayburn House Office Building by 5:00 p.m., Wednesday, June 30, 1971.

In view of the reported security classifications assigned to the above captioned documents, the Committee will assure the fullest measures to guarantee their integrity while in custody of the Committee. Only staff members of the Government Operations and Foreign Affairs Committee having TOP SECRET security clearances shall be permitted to study such documents in addition to Members of the House as provided under House Rule XI, Clause 27(c). When not in use, said documents will be stored in locked, GSA-approved security file cabinets.

With best regards,

Sincerely,

Ogden Reid, William S. Moorhead, Henry S. Reuss, John Conyers, Paul N. McCloskey, Jr., John E. Moss, Bill Alexander.

The letter is signed by the following members of the Government Operations Committee: Messrs. Reid, Conyers, Reuss, McCloskey, Alexander, Moss, and myself. Other members of the committee have also asked to sign and will be added. Section 2954 of title 5 of the United States Code requires any Executive agency to submit "any information requested of it in relation to any matter within the jurisdiction" of the House and Senate Government Operations Committees if the request for such information is submitted by any seven members of the House Government Operations Committee. For the past several years, we have seen leading administration spokesmen beat the drums for "law and order." All citizens have been entreated to respect the law and to abide by the laws of the land. Special attention has been paid by the President, the Vice President, and the Attorney General to those citizens whose hair might be slightly longer than the norm.

I submit that if public officials expect Americans to respond to their pleadings to abide by and work through the law, they must set the example. Today, the Secretary of Defense has that opportunity and sacred obligation. His oath of office requires it. I hope that he will counsel with the Attorney General—and perhaps even with the President—and that he will agree to abide by the law of the land—the law spelled out in title 5 of the United States Code in section 2954 and provide the 47 volumes of the so-called Pentagon papers and the Tonkin Gulf study to our Government Operations Committee, where our subcommittee members and staff who are cleared for top secret security, as well as those on other subcommittees may have full access to analyze these documents that are clearly within both the foreign operations and Government information jurisdictional mandates.

## CONFERENCE REPORT ON H.R. 7016—OFFICE OF EDUCATION AND RELATED AGENCIES

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes:

Conference Report (H. Rept. No. 92–309)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) "making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 22, 24, 25, 26 and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 15, 17, 35, 37, 38, 39 and 40, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,565,000,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$146,393,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,993,278,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$612,620,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $20,040,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$115,750,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,625,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$61,300,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$569,027,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ", and part A of title VI"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,341,784,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,074,571,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$12,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$43,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$175,300,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$46,568,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,640,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,109,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,500,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$113,538,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,200,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 14 and 36.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
W. R. Hull, Jr.,
Bob Casey,
Edward J. Patten,
Geo. Mahon,
Robert H. Michel,
Garner E. Shriver,
Charlotte T. Reid,
Silvio O. Conte,
(except No. 18),
*Managers on the Part of the House.*

Warren G. Magnuson,
John C. Stennis,
Alan Bible,
Rober Byrd,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
Allen J. Ellender,
Norris Cotton,
J. Caleb Boggs,
Edward W. Brooke,
Milton R. Young,
*Managers on the Part of the Senate.*

### Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### TITLE I—OFFICE OF EDUCATION

Amendment No. 1: Provides that $1,565,000,000 of the amount appropriated for "Elementary and secondary education" shall be for financial assistance for the education of children from low-income families under Title I of the Elementary and Secondary Education Act, instead of $1,500,000,000 as proposed by the House and $1,650,000,000 as proposed by the Senate.

Amendment No. 2: Provides that $90,000,000 of the amount appropriated for "Elementary and secondary education" shall be for school library resources, textbooks, and other instructional materials under Title II of the Elementary and Secondary Education Act, instead of $85,000,000 as proposed by the House and $95,000,000 as proposed by the Senate.

Amendment No. 3: Provides that $146,393,000 of the amount appropriated for "Elementary and secondary education" shall be for supplementary educational centers and services and guidance, counseling, and testing under Title III of the Elementary and Secondary Education Act, instead of $143,393,000 as proposed by the House and $155,000,000 as proposed by the Senate.

Amendment No. 4: Provides that $50,000,000 of the amount appropriated for "Elementary and secondary education" shall be for equipment and minor remodeling under Title III-A of the National Defense Education Act, instead of $20,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 5: Provides that $60,060,000 of the amount appropriated for "Elementary and secondary education" shall be for the Follow Through program, as proposed by the Senate.

Amendment No. 6: Appropriates $1,993,-

278,000 for "Elementary and secondary education", instead of $1,822,218,000 as proposed by the House, and $2,146,885,000 as proposed by the Senate. This total reflects the agreements reached on amendments 1 through 5 and also includes $35,000,000 for bilingual education programs under Title VII of the Elementary and Secondary Education Act, instead of $27,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 7: Appropriates $612,620,000 for "School assistance in federally affected areas" instead of $607,580,000 as proposed by the House and $677,620,000 as proposed by the Senate.

Amendment No. 8: Deletes appropriation of $60,000,000 for making payments to school districts on account of children residing in low-rent public housing proposed by the Senate.

Amendment No. 9: Provides that $20,040,000 of the amount appropriated for "School assistance in federally affected areas" shall be for construction of school facilities under Public Law 815, instead of $15,000,000 as proposed by the House, and $25,040,000 as proposed by the Senate.

Amendment No. 10: Appropriates $115,750,000 for "Education for the handicapped", instead of $115,000,000 as proposed by the House and $116,500,000 as proposed by the Senate.

Amendment No. 11: Provides that $25,625,000 of the amount appropriated for "Vocational and adult education" shall be for consumer and homemaking education, instead of $21,250,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 12: Provides that $61,300,000 of the amount appropriated for "Vocational and adult education" shall be for adult education, instead of $55,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 13: Appropriates $569,027,000 for "Vocational and adult education", instead of $558,042,000 as proposed by the House and $602,412,000 as proposed by the Senate. This total includes $2,690,000 for State advisory councils instead of $2,380,000 as proposed by the House and $3,000,000 as proposed by the Senate. The managers are agreed that the present formula for State by State allocation of funds for advisory councils should be continued in fiscal year 1972.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971.

Amendments Nos. 15, 16, 17, 18, 19, 20, 21, and 23: Appropriate $1,341,784,000 for "Higher education" instead of $1,215,451,000 as proposed by the House and $1,529,704,000 as proposed by the Senate. The increase of $126,333,000 over the amount in the House bill is composed of the following items: $10,000,000 for educational opportunity grants for the academic year 1971–72; $40,000,000 for college fork-study grants for the academic year 1971–72; $2,500,000 for the upward bound program; $13,000,000 for strengthening developing institutions; $43,000,000 for grants for construction of higher education facilities; $4,960,000 for aid to land-grant colleges; $12,500,000 for instructional equipment; and $373,000 for increased pay costs.

Amendment No. 22: Deletes language proposed by the Senate providing $5,000,000 for State administration and planning of higher education facilities construction programs.

Amendments Nos. 24 and 25: Delete language proposed by the Senate providing that amounts reallotted for grants for instructional equipment shall remain available until June 30, 1973.

Amendment No. 26: Deletes appropriation of $4,000,000 for "Initial funding of programs" proposed by the Senate.

Amendments Nos. 27, 28, 29, 30, and 31: Appropriate $85,109,000 for "Libraries and educational communications" instead of $72,109,000 as proposed by the House and $100,109,000 as proposed by the Senate; provide $49,209,000 for public library services instead of $40,709,000 as proposed by the House and $57,709,000 as proposed by the Senate; provide $9,500,000 for public library construction instead of $8,000,000 as proposed by the House and $11,000,000 as proposed by the Senate; provide $11,000,000 for college library resources instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate; provide $2,000,000 for librarian training as proposed by the House instead of $4,000,000 as proposed by the Senate; and provide $13,000,000 for educational broadcasting facilities instead of $11,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 32: Appropriates $113,538,000 for "Research and development" instead of $105,000,000 as proposed by the House and $122,038,000 as proposed by the Senate. The increase of $8,538,000 over the appropriation proposed by the House is divided as follows: $38,000 for mandatory pay costs; $5,000,000 for drug abuse education which will make the total available for this purpose $13,000,000 compared with $8,000,000 included in the House bill and $15,000,000 included in the Senate bill; $1,500,000 for environmental education which will bring the total available for this purpose to $3,500,000 instead of $2,000,000 included in the House bill and $5,000,000 included in the Senate bill; and $2,000,000 for demonstration programs to evaluate the talents and aptitudes of students in elementary and secondary schools and to guide them to pursue the kind of education or training for which they are best suited, which is a new program proposed to be funded by the Senate and for which the Senate included $7,000,000.

Amendment No. 33: Appropriates $3,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the House instead of $4,000,000 as proposed by the Senate.

Amendment No. 34: Appropriates $51,200,000 for "Salaries and expenses" instead of $47,700,000 as proposed by the House and $51,645,000 as proposed by the Senate.

### TITLE II—RELATED AGENCIES

### *National Technical Institute for the Deaf*

Amendment No. 35: Appropriates $7,619,000 for "National Technical Institute for the Deaf" as proposed by the Senate instead of $4,119,000 as proposed by the House.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $3,500,000 of the appropriation for "National Technical Institute for the Deaf" for construction and provides that the construction funds remain available until expended.

### *Model secondary school for the deaf*

Amendment No. 37: Appropriates $17,482,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $17,460,000 as proposed by the House.

### *Gallaudet College*

Amendments Nos. 38 and 39: Appropriate $13,286,000 for "Gallaudet College" as proposed by the Senate instead of $11,525,000 as proposed by the House and provide that $5,194,000 shall be for construction as proposed by the Senate instead of $4,394,000 as proposed by the House.

### *Howard University*

Amendment No. 40: Appropriates $47,277,000 for "Howard University" as proposed by the Senate instead of $45,543,000 as proposed by the House.

### *Conference total—with comparisons*

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the final year 1971 amount, the 1972 budget estimate, with the House and Senate bills follows:

| | *Amounts* |
|---|---|
| New budget (obligational) authority, fiscal year 1971 | $4,583,206,500 |
| Budget estimates of new (obligational) authority, fiscal year 1972 (including $84,843,000 not considered by the House) | 5,153,186,000 |
| House bill, fiscal year 1972 | 4,800,088,000 |
| Senate bill, fiscal year 1972 | 5,615,918,000 |
| Conference agreement | 5,146,311,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1971 | +563,104,500 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972: | |
| Actual | −6,875,000 |
| Adjusted* | +393,125,000 |
| House bill, fiscal year 1972 | +346,223,000 |
| Senate bill, fiscal year 1972 | −469,607,000 |

*Adjusted to exclude $400,000,000 requested for purchase of student loan notes, subject to authorizing legislation not yet enacted.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
EDWARD J. PATTEN,
GEORGE MAHON,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
SILVIO O. CONTE,
(Except No. 18),
*Managers on the Part of the House.*

WARREN G. MAGNUSON,
JOHN STENNIS,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
ALLEN J. ELLENDER,
NORRIS COTTON,
J. CALEB BOGGS,
EDWARD W. BROOKE,
MILTON R. YOUNG,
*Managers on the Part of the Senate.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEVINE (at the request of Mr. GERALD R. FORD), for June 26 through July 3, on account of official business as U.S. representative to Korean inaugural.

Mr. WAMPLER (at the request of Mr. GERALD R. FORD), for June 29 through July 11, on account of official business.

Mr. HAGAN (at the request of Mr. SISK), for today and the rest of week, on account of official business.

Mr. DENT (at the request of Mr. O'NEILL), for June 28 and the balance of the week, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, today, for 15 minutes.

Mr. Patman, for June 29, for 30 minutes, to revise and extend his remarks and to include extraneous matter.

Mr. Patman, for June 30, for 30 minutes, to revise and extend his remarks and to include extraneous matter.

Mr. Pucinski, today, for 30 minutes.

(The following Members (at the request of Mr. Ware), to revise and extend their remarks, and to include extraneous matter:)

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Hogan, today, for 15 minutes.

(The following Members (at the request of Mr. Begich), to revise and extend their remarks, and to include extraneous matter:)

Mr. Rooney of Pennsylvania, today, for 10 minutes.

Mr. Rarick, today, for 10 minutes.

Mr. McFall, today, for 5 minutes.

Mr. Matsunaga, today, for 10 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ware) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. Wyatt.

Mr. Gubser.

Mr. Derwinski in two instances.

Mr. Forsythe.

Mr. Schneebeli.

Mr. Wyman in three instances.

Mr. Robison of New York.

Mr. Hall.

Mr. Peyser.

Mr. Pettis in two instances.

Mr. Hosmer in two instances.

Mr. Anderson of Illinois.

Mr. McClory in two instances.

Mr. Goldwater in three instances.

Mr. Nelsen.

Mr. Harsha.

Mr. Gude.

Mr. McClure.

Mr. Kemp in three instances.

Mr. Dickinson.

Mr. Duncan.

Mr. Miller of Ohio.

(The following Members (at the request of Mr. Begich) and to include extraneous matter:)

Mr. Fisher in four instances.

Mr. Hamilton in eight instances.

Mr. Fauntroy in five instances.

Mr. Moorhead in two instances.

Mr. Dingell in two instances.

Mr. Murphy of New York.

Mr. Jacobs.

Mr. McFall in six instances.

Mr. Fraser in six instances.

Mr. Rodino.

Mr. Waldie in five instances.

Mr. Danielson in two instances.

Mr. Rees in two instances.

Mr. Rarick in three instances.

Mr. Badillo in three instances.

Mr. Burton in two instances.

Mr. Bingham in five instances.

Mr. Vanik in two instances.

Mr. Aspin in two instances.

Mr. Hagan in three instances.

Mr. Edwards of California in three instances.

Mrs. Griffiths.

Mr. Mitchell.

Mr. O'Neill.

Mr. Eckhardt.

Mrs. Sullivan in two instances.

Mr. White.

Mr. O'Hara in four instances.

Mr. Hanna.

Mr. Blatnik in three instances.

Mr. Dorn.

Mr. Mills of Arkansas.

Mr. Tiernan.

Mr. Gonzalez in three instances.

## ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 25, 1971, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the seven-day period beginning the second Monday in November of 1971.

And on June 28, 1971, he did present bills of the House of the following titles:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

## ADJOURNMENT

Mr. BEGICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 29, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

896. A letter from the Secretary of Defense, transmitting the 47-volume study entitled: "United States Vietnam Relations, 1945–1967"; to the Committee on Armed Services.

897. A letter from the Secretary of Defense, transmitting a copy of a study entitled: "Command and Control Study of the Tonkin Gulf Incident, 4–5 August 1964"; to the Committee on Armed Services.

898. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Department of the Army and the Department of Agriculture to exchange jurisdiction of civil works and national forest lands, pursuant to 16 U.S.C. 505 a and b; to the Committee on Agriculture.

899. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrat for the quarter ended March 31, 1971, pursuant to section 820 of Public Law 91–668; to the Committee on Appropriations.

900. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 71–16, authorizing the furnishing of defense articles and services to a foreign country, pursuant to sections 503 and 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

901. A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting the Annual Report of the Interdepartmental Committee for Atmospheric Sciences for fiscal year 1972, prepared by the Federal Council for Science and Technology; to the Committee on Interstate and Foreign Commerce.

902. A letter from the Chairman, Federal Trade Commission, transmitting copies of complaints proposed to be entered by the Commission against six cigarette manufacturers on or after July 1, 1971, pursuant to section 7(a) of the Public Health Cigarette Smoking Act of 1969 (Public Law 91–222); to the Committee on Interstate and Foreign Commerce.

903. A letter from the president, Communications Satellite Corp., transmitting the 1970 Annual Report of COMSAT, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

904. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 2, 1971, submitting a report, together with accompanying papers and illustrations, on New Albany, Ind., requested by a resolution of the Committee on Public Works, House of Representatives, adopted September 3, 1964; to the Committee on Public Works.

905. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 14, 1971, submitting a report, together with accompanying papers and illustrations, on Drum Inlet, N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 29, 1955. No authorization by Congress is recommended as the desired improvement has been approved by the Chief of Engineers for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

906. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 21, 1971, submitting a report, together with accompanying papers, on Ohio River at Brookport, Ill., authorized by section 7

of the River and Harbor Act approved July 24, 1946; to the Committee on Public Works.

907. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

908. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting an analysis and a comparative text of the draft of proposed legislation transmitted June 22, 1971 (Executive Communication No. 888) to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a site authorization from the Atomic Energy Commission and to provide for a public hearing to be held in proceedings for site authorizations, and for other purposes; to the Joint Committee on Atomic Energy.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee of conference. Conference report on H.R. 7016 (Rept. No. 92-309). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on S. 31 (Rept. No. 92-310). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 9437. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to waive the exclusionary provisions of section 212(a)(19) with respect to certain additional alien relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

H.R. 9438. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 9439. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. CLEVELAND (by request):

H.R. 9440. A bill to amend title 38 of the United States Code to increase the income limitations relating to the payment of dependency and indemnity compensation to parents; to the Committee on Veterans' Affairs.

By Mr. CÓRDOVA:

H.R. 9441. A bill to provide for the construction of a new Veterans' Administration hospital in southern or southwestern Puerto Rico; to the Committee on Veterans' Affairs.

By Mr. DULSKI (for himself and Mr. Henderson):

H.R. 9442. A bill to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD:

H.R. 9443. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 9444. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 9445. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

H.R. 9446. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; and to provide that full benefits thereunder, when based upon the attainment of retirement age, will be payable to men at age 60 and to women at 55; to the Committee on Ways and Means.

By Mr. HALEY (for himself and Mr. Chappell):

H.R. 9447. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. HELSTOSKI (by request):

H.R. 9448. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. KOCH:

H.R. 9449. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 9450. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

H.R. 9451. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which cetain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 9452. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. MILLS of Maryland:

H.R. 9453. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 9454. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself, Mr. Flood, Mr. Dent, Mr. Daniels of New Jersey, Mr. Hawkins, Mrs. Mink, Mr. Clay, Mr. Gaydos, Mr. William D. Ford, Mr. Biaggi, Mr. Mazzoli, Mr. Pucinski, and Mr. Brademas):

H.R. 9455. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. SEBELIUS:

H.R. 9456. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TALCOTT:

H.R. 9457. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 9458. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 9459. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WYATT (for himself, Mr. Duncan, Mr. Halpern, Mr. Morse, Mr. Stafford, Mr. Hosmer, Mr. Anderson, of Illinois, Mr. Buchanan, Mr. Wydler, Mr. Hastings, Mr. Widnall, Mr. Quie, and Mr. Williams):

H.R. 9460. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 9461. A bill to amend title II of the Interstate Commerce Act with respect to the issuance of brokerage licenses to certain persons authorizing them to arrange for the transportation by motor vehicle of groups of passengers and their baggage; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 9462. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS of Arkansas:

H.R. 9463. A bill to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes; to the Committee on Ways and Means.

H.R. 9464. A bill to provide for cessation of the excise taxes which are covered into the Airport and Airway Trust Fund whenever there is a substantial failure to use amounts in such fund for airport development at the rate provided by the Congress; to the Committee on Ways and Means.

H.R. 9465. A bill to provide that the imposition of taxes the proceeds of which are appropriated to the Highway Trust Fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 9466. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9467. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 9468. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. THOMSON of Wisconsin:

H.R. 9469. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

H.R. 9470. A bill to amend section 4 of the Clayton Act (15 U.S.C. 15), and for other purposes; to the Committee on the Judiciary.

H.R. 9471. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.J. Res. 749. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 750. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. HOWARD:

H.J. Res. 751. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week"; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.J. Res. 752. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. SEBELIUS:

H.J. Res. 753. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. VANDER JAGT:

H.J. Res. 754. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. VIGORITO:

H.J. Res. 755. Joint resolution commending the Civil Air Patrol; to the Committee on the Judiciary.

By Mr. ROUSH (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Badillo, Mr. Bingham, Mr. Brademas, Mr. Burton, Mr. Corman, Mr. Danielson, Mr. Drinan, Mr. Eilberg, Mr. Foley, Mr. Forsythe, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Link, Mr. Melcher, Mr. Mitchell, Mr. Pike, Mr. Rees, Mr. Sarbanes, and Mr. Smith of Iowa):

H. Res. 511. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING (for himself, Mr. Aspin, Mr. Bergland, Mr. Carney, Mr. Dellums, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. McCormack, Mr. Mikva, Mr. Pepper, Mr. Podell, Mr. St Germain, Mr. Rodino, Mr. Ryan, Mr. Cotter, and Mr. Burke of Massachusetts):

H. Res. 512. Resolution relative to releasing the National Nutrition Survey; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS of New Jersey:

H. Res. 513. Resolution to provide for free Federal telecommunications system service to patients in veterans hospitals; to the Committee on Veterans' Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

222. By the SPEAKER: Memorial of the Legislature of the State of California, relative to mortgage assistance; to the Committee on Banking and Currency.

223. Also, memorial of the House of Representatives of the State of Ohio, relative to the Emergency Employment Act; to the Committee on Education and Labor.

224. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the method of choosing State delegates to the White House Conference on Aging; to the Committee on Education and Labor.

225. Also, memorial of the Legislature of the State of Florida, relative to the establishment of a National Cancer Authority; to the Committee on Interstate and Foreign Commerce.

226. Also, memorial of the Legislature of the State of Maryland, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

227. Also, memorial of the Legislature of the State of Maryland, relative to sharing Federal tax revenues with the States; to the Committee on Ways and Means.

228. Also, memorial of the Legislature of the State of South Carolina, relative to the importation of textile articles; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 9472. A bill for the relief of Andreas A. Antypas, his wife Barbel Antypas, and their son Alexis Antypas; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 9473. A bill for the relief of Mrs. Rosanna Thomas; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 9474. A bill to provide for the conveyance by the United States of a certain parcel of land in Jefferson County, Ala., to the Mount Olive Civic Association, Inc., for civic and recreational use by the community of Mount Olive; to the Committee on Banking and Currency.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

90. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the declassification of the study on U.S. involvement in Vietnam; to the Committee on Armed Services.

91. Also, petition of the board of directors of the District of Columbia Young Republican Club, relative to a raid conducted by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service; to the Committee on the Judiciary.

92. Also, petition of Miss Marie L. Stack, administrative staff, Blackman's Development Center, Washington, D.C., relative to the creation of a select committee of the House; to the Committee on Rules.

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# EXTENSIONS OF REMARKS

## THE ZION "GOLDEN AGE" FOUNDATION

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. REES. Mr. Speaker, I would like to call the attention of my colleagues to the Zion "Golden Age" Foundation, a senior citizens project concerned with health needs and living care for the aged. The foundation's goal is to establish and maintain homes for retired American Jews in the principal cities of Israel.

In this country, there are a great number of American Jews living in homes for the aged who are lonely and without relatives and friends to cheer them up in times of adversity. For those who would prefer to spend their later years in Israel, but feel unable to adapt to a new language and a new environment, the Zion "Golden Age" Foundation has developed a three-fold program which is outlined below. I commend the efforts of this nonprofit organization in helping our senior citizens:

THE PROGRAM OF THE ZION "GOLDEN AGE" FOUNDATION

(1) To establish and maintain in the principal cities of Israel, such as Jerusalem and Tel Aviv, homes for retired American Jews, so conceived and executed as to enable them to live their retirement in a complex which takes into account their long-established ways of living and comforts, and provides a place where they can live within their financial means.

These homes are to be established on a non-profit basis and will be economically successful because they cater to middle class residents and comprise not less than 100 rooms, divided into 60% single rooms and 40% for couples. Also, this arrangement will make it possible for the residents to pay for their full board and lodging within their retirement income (Social Security and other plans), without the necessity to make inroads into their savings and capital.

The location of these homes must be in town so as to enable the residents, many of whom are unwilling or unlikely to drive in Israel, to travel easily to other parts of town and to places of entertainment; after all, these persons have spent all their lives in large cities, and if such homes were located outside the town, it would bring about a sense of isolation, which is the very feature of life such persons seek to avoid and which would be strange to those accustomed to city living.

Also, the setting of these homes will provide a garden either attached to the home, or a public park adjacent to it, so that there is an attractive neighborhood. The facilities in the rooms will be modern and complete, and the public rooms will be comfortable, spacious and yet warm.

(2) In connection with these homes, and attached to them, will be an Institute for Research and Study of the entire field of geriatrics. Such an Institute will deal with the problems of prevention and cure of the illnesses of old age, the slowing of the aging process, and, in general, the prolongation of human life through all means available to modern science. Because of this connection, the residents of these homes will be the beneficiaries of the research developed by the Institute which will work in close cooperation with the foremost scientists in Israel and throughout the world.

However, under no circumstances will the residents of the home be used as subjects of experimentation in the fields of geriatric research. Also, this home and the Institute do not have to be devoted to the treatment of sick residents, since these persons, as immigrants to Israel, will be referred immediately to competent physicians in Kupat Cholim hospitals and clinics.

On the other hand, one of the aims of this Foundation will be the furthering of scientific research into all areas of the important field of geriatrics, through grants, fellowships, etc., as well as the popularization of this research through lectures, films, publications, etc.

(3) To relieve and solve the problems among the Jewish aged in this country, living in institutions created for them, a group or groups of volunteers will be organized under the auspices of the Foundation. These volunteers will undertake the responsibility of working with these old people, visiting them regularly, bringing them little gifts, and, in general, will relieve their loneliness which, in many cases, can become very depressing.

A preliminary survey has indicated that the owners and administrators of such homes will welcome this cooperation most enthusiastically, so that there will be no problem of assigning the volunteers to residents in specific homes in their immediate vicinity.

In addition to this most gratifying and worthwhile work, these groups of volunteers will sponsor and organize regular meetings at which competent medical and other authorities will lecture about problems of old age, geriatrics research and similar subjects of public interest.

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## REVENUE SHARING

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Monday, June 28, 1971*

Mr. BYRD of Virginia. Mr. President, the Johnson City, Tenn., Evening Press-Chronicle of June 9, 1971, included an excellent editorial on the subject of revenue sharing.

As I have pointed out on several occasions, the principal problem with revenue sharing is that the Federal Government does not at this time have any revenue to share. This point is made strongly in the editorial.

I ask unanimous consent that the text of the editorial, entitled "Here's the Nub of it," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### HERE'S THE NUB OF IT

"Where is the revenue to share?"

This question, asked pointedly by Sen. Harry F. Byrd of Virginia, probably has been given only the scantest consideration by state and local officials who are expecting some kind of bonanza if the Nixon Administration wins its battle for "revenue sharing."

Alas . . .

Catchy phrases are a dime a dozen, but how much money do we have in the bank to back up the phrase "revenue sharing"?

Senator Byrd sizes it up this way in a statement on the floor of the Senate:

"The fact is that, for the fiscal year which ends this month, the federal government will have a federal funds deficit of $25 billion. Under the administration's own calculations, the federal government will have a federal funds deficit for the new fiscal year which begins July 1 of $23 billion. So, Mr. President, in these two fiscal years, the one which ends at the end of this month and the other which begins July 1, the federal government will have a federal funds deficit for the 2-year period of at least $48 billion.

"So I say, Mr. President, that, when they talk about revenue sharing, I would like to have someone answer my question as to where the revenue is to come from."

Government officials—federal, state and local—do not like to come to grips with this kind of question. They prefer to pretend there is no limit to what can be spent here, there and everywhere for all kinds of causes and conditions.

But facts are facts—and it is time to face up to the harsh truth that we are in a fiscal mess which isn't going to be cured by neatly-turned phrases. The cure can come only from national and local discipline of a type we have so far lacked the stamina to employ.

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## CABLE TELEVISION

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WALDIE. Mr. Speaker, I have recently received an informative white paper from Donald V. Taverner, president of the National Cable Television Association, Inc.

It candidly responds to questions raised in the cable television versus pay television debate. This controversy has affected the general public and the broadcast media itself. Cable television has been unfairly castigated and this frankly lays down the facts to deliver the full story.

Cable television's innovative and fresh ideas must not be restrained from coming to the full attention of the public.

Congress will eventually play a vital part in determining future legislative action. It has to have the intelligence data made known to it to determine the most proper course of legislative action.

It is for these reasons I enter the following material:

#### LET CABLE TV GROW

Several years ago a chairman of the Federal Communications Commission characterized television in the United States as a "vast wasteland." Today most critics agree. Very little has changed.

In spite of technology that could give millions of Americans greater variety in TV programming, most viewers are limited to a handful of sometimes difficult-to-receive broadcast TV signals. The irony is that we can easily bring a clear color TV picture live across 225,000 miles of space from the moon—only to find it will probably be distorted between the local station and your television set.

Cable television (CATV) offers a solution to the problems of reception, program diversity, and needed outlets for truly local expression.

This exciting medium began two decades ago in the hills of eastern Pennsylvania and in northwest Oregon to help people cut off from television signals get a good picture. A large antenna was erected where it could catch TV signals. The signals were then fed by coaxial cable to the homes of subscribers. It was not long before many early CATV systems developed a capacity to bring 12 or more channels to these small communities.

Unlike radio and TV, where only a few signals can be broadcast into the air without interfering with each other, CATV with its current technology can bring viewers 40 programming channels. The potential is even greater.

##### THINK OF IT: 40 DIFFERENT CHANNELS

In addition to a greater variety of broadcast programs, there could be skills training and college courses. Ethnic programs, programs for minority groups and minority interests. Programs in different languages. Symphony concerts. City council meetings and Little League baseball. Today in an industry where the average cable system serves less than 2,000 subscribers, about 15 percent of the systems are doing things like this.

##### BUT, THERE IS ANOTHER PROBLEM

The FCC in a series of regulations dating back to 1966 has frozen the growth of the CATV industry. That is why 92 percent of U.S. television viewers cannot enjoy any form of cable television.

CATV should be permitted to grow. And it is the position of the cable television industry that this medium can hold its own in the competitive communications marketplace—if given the opportunity to do so.

The U.S. Justice Department's Antitrust Division, in a series of memorandums to the FCC, agrees. For example, in a 1970 memo, the Antitrust Division said:

> . . . the Commission's purpose must be two-fold: to make efficient use of spectrum space considering all public interests, and to allow development of a combination of broadcast and CATV programming which will serve the public interest. Discrimination against one media because it is newer or more efficient is unjustified.

Change does not come easy. And since Congress has given no statutory instructions on CATV, the protection of broadcasting has continued.

If we are to judge from the past, this is not what Congress intends as Justice also told the FCC this month:

> Nothing . . . makes commercial over-the-air television *the* 'chosen instrument' of Congress for any type of communication. Certainly the (Communications) Act says nothing about suppressing new, non-broadcast modes of electronic communications which may develop and compete with broadcasting. On the contrary, in situations where new modes of service have developed within a regulated industry the Congress has acted to provide that each should be treated on a par and administered so as to promote, develop, and preserve, *not suppress*, the unique advantages of each mode of service.

In addition to the position taken by the Antitrust Division, every major *impartial* study of CATV conducted in recent years has concluded that FCC regulations are so restrictive that the viewing public is deprived of additional programming.

The people who most directly feel the effects of restrictive cable regulation have also spoken out. Numerous mayors from cities around the country have urged and are still urging the FCC to allow cable to develop.

The FCC, after recent extensive public

hearings, is considering changes in cable television regulations.

It is expected that any major relaxation of rules will be contingent on revisions of copyright law in the Congress. The cable television industry, in the interest of developing CATV's potential, is on record as supporting revisions requiring reasonable copyright payments.

There is no valid reason for continuing to stifle cable television's potential through overly restrictive regulations. The industry does not oppose reasonable Federal regulation; it does oppose the continuing freeze on its development.

The issues are clear. Cable has been studied and debated for years. The overwhelming bulk of impartial evidence points to the conclusion that the public is being denied a service it wants. The time has come for action.

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## TYRONE, PA.—THE TOWN THAT REFUSES TO DIE

### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

*Monday, June 28, 1971*

Mr. SCHWEIKER. Mr. President, the town of Tyrone, Pa., has been beset with major economic problems in recent years. The major industry for over 80 years was a papermaking plant, but late last year this industry found it necessary to cut back its activities in Tyrone substantially and well over 500 people found themselves suddenly unemployable.

Nevertheless, Tyrone, Pa., through the Tyrone Improvement Corp., is confidently and aggressively looking toward the future. Tyrone Improvement Corp. placed an ad recently in the Wall Street Journal describing the readiness of this town to undertake new ventures to provide employment for its citizens and to foster the economic rehabilitation of the area. Tyrone has a large supply of skilled and trained people available and has built a new 50,000 square feet shell industrial building to house new industry. In addition, the town has offered to arrange for 100-percent financing for a company willing to move into the new site.

I am indeed proud of this courageous Pennsylvania community. I ask unanimous consent that two articles and an advertisement describing the efforts of local Tyrone people to bring renewed life into this town be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

#### TYRONE IMPROVEMENT CORPORATION—EYES ON THE FUTURE

Tyrone Improvement Corporation—the major industrial development group in this area—is now in the midst of a large-scale promotion of Tyrone.

Focal point of this promotion is a 50,000 square foot industrial shell building now under construction in the Tyrone Industrial Park.

TIC is working closely with Altoona Enterprises in both the construction of the building and the attraction of an industry to occupy the structure.

The Tyrone Development Corporation, forerunner of TIC, was formed to bring the Reliance Manufacturing Co. (now Big Yank) to Tyrone.

In the mid-1940's the group was reorganized under the name of Tyrone Improvement Corporation to bring the Tyrone division of the Chicago Rivet and Machine Co. to the community.

TIC was then inactive for several years and reactivation in 1959 was sparked for the "Jobs For Joes" fund-raising campaign. This effort gained funds in the amount of $90,000.

The purchase of part of the former Athletic Park at a cost of $32,000 has been the major TIC expense. According to recent financial statements made by TIC, the group has on hand approximately $57,000 of the original total collected.

This money, as well as contributions to the current fund drive, will be used to pay for construction of the shell building.

##### SHELL BUILDING

The building is being constructed by Maurice A. Lawruck Builder, Inc., of Altoona at a cost of $282,200.

The architect for the project is N. Grant Nicklas of Hollidaysburg, who has been retained at a cost of $16,920.

The shell structure will measure 250x200 feet. It will be a one-story steel supported building with masonry side base and metal walls. There will be a crushed stone floor and interior height of 18 feet will extend to the horizontal steel girders.

Designed for occupancy by a "heavy" industry, the building is able to facilitate expansion.

It is located adjacent to the Chicago Rivet and Machine Co. plant on the 32-acre industrial park site with railroad siding access at its rear.

It will have access roads off Adams ave. and will include a parking area.

Altoona Enterprises, in cooperation with certain financial institutions in Altoona, the First Blair County National Bank and Improvement Savings and Loan Association have pledged financial support in the project.

Robert Halloran, industrial development director of Altoona Enterprises, has noted that "finding a tenant for the Tyrone shell building is a top-priority aim for Altoona Enterprises."

Local, county and state officials attended the informal ground-breaking ceremonies held Tuesday, October 6. This ceremony marked the culmination of nearly a decade of work on the part of TIC officials.

Bids on the structure were first sought June 15 and seven bids were opened July 10, with the contract being awarded to the Lawruk firm.

TIC funds have also been used to assist Altoona Enterprises in attracting PPG Inductries, Proctor-Silex and L. Grief and Bro. to the Tyrone area.

##### MAIN PURPOSE

The purpose of TIC, as set forth in the organization's by-laws, is "to foster and promote business and industrial growth of the borough of Tyrone and surrounding community by aiding in the establishment of manufacturing and other business plants therein to provide employment for the people thereof; to acquire, hold, mortgage, lease, convey, donate and otherwise manage and dispose of such real and personal property as may be necessary for such purpose; and for such purpose to have, possess and enjoy all the rights, benefits and privileges under said Act of Assembly."

The corporation is a non-profit organization operated solely for the benefit of Tyrone and surrounding area.

Most of the TIC business is conducted by 25 directors elected at the annual meeting to serve three-year terms.

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[From the Tyrone (Pa.) Daily Herald, May 21, 1971]

#### T.I.C.: ONE GOAL IS REACHED—$150,000 "NEW JOBS FOR JOES" PASSED, $200,000 NOW TARGET

The Tyrone Improvement Corp. today raised its sights and fired away toward a target of $200,000 after topping its $150,000 "New Jobs for Joes" fund campaign goal.

An audited report issued today by T.I.C. Treasurer Richard W. Getz shows that 785 persons, firms, organizations and employee groups have subscribed a total of $150,330.40 and a spokesman said there is still evidence of more contributions and pledges to come.

The money will be used in the attempts to attract new industry to Tyrone, to offset the loss of some 550 jobs created last Dec. 2 when Westvaco Corp., the community's largest employer, announced steep cutbacks in its operation here. Westvaco now has about 350 persons at work, compared to more than 900 last year.

##### BEGAN DEC. 8

The intensive campaign was initiated by T.I.C. on Dec. 8, less than a week after the Westvaco announcement. In a 3-hour meeting, T.I.C. directors and committeemen established a goal of $100,000 and J. Thomas Marsden and John A. Hiller were named co-chairmen for the campaign.

Ten days later, on Dec. 18, the goal of $150,000 was recommended by the co-drive chairmen, and T.I.C. directors immediately accepted the plan.

At the end of December the campaign and the effort to offset the economic plight here had been snowballing, with various groups offering assistance.

##### MAJOR OFFERS

One of the major pledges of aid came from the Columbia Avenue United Methodist Church. The church, under its pastor the Rev. Leroy Harrison, for a couple years had been planning to relocate its edifice near the Gray Field practice field, Clay ave. and Garfield st. On Dec. 29 the congregation of the church voted unanimously to provide immediately a guarantee of $100,000 of its building funds to cover pledges to the T.I.C. campaign. This would allow T.I.C. to have money available immediately, should the need arise, rather than being required to borrow against its campaign pledges.

The first four months of 1971 saw additional offers of help roll in to this community.

##### PENELEC POWER

Major offers of assistance came rapidly from the Pennsylvania Electric Co. which put its industrial development experts to work in contacting prospective industries; from the Indiana University of Pennsylvania where its President, a former Tyroner, Dr. William W. Hassler, offered the services of his trained professional educators in devising training and promotional projects; from five townships and Birmingham Borough which sent representatives to A.M.I.D. (Area Municipal Industrial Development) to offer its financial and other aids, and of course Altoona Enterprises, Inc., one of the most highly successful industrial development organizations in the nation, which has been responsible for bringing more than 30 firms into Blair County in some 16 years.

Aiding the cause was the Bureau of Employment Security office and the office of the Blair County Board of Assistance, both of which set up offices in Tyrone to process applications for work and for unemployment benefits, by the mill workers who were laid off.

##### TALENTS OFFERED

Hundreds of individuals and heads of organizations wrote to T.I.C. President Harry K. Sickler offering their specific talents. The Altoona-Johnstown Diocese's Bishop James J. Hogan gave his diocese's offer of help, and the Tyrone Ministerium did likewise.

At Tyrone High School, students went to work under direction of their teachers. They conducted a "Tyrone, I Like It" essay contest and members of the business curriculum offered to help type application and other forms to the laid off Westvaco people.

Tyrone Borough Council was among the

first organizations to offer financial support. At its December meeting it approved a resolution offering assistance and cooperation with T.I.C. At its February meeting it approved the contribution of $4,500 for 1971 to the T.I.C. That same night Snyder Township Supervisors approved a contribution of $2,000 annually over five years toward the project.

AGENCIES HELP

The B.E.S. officials joined in the effort by scheduling a day-long meeting here of leaders in the various state and federal agencies who could assist the community. Robert Johnson, a Tyroner, employed by B.E.S. at Altoona, organized a meeting of CAMPS, an acronym for Cooperative Area Manpower Planning System. The theme of the meeting was "Uniting a Region for Jobs." The various agency representatives outlined their agency's programs and how they could apply to Tyrone's plight.

WORD SPREADING

At this chronological point the word had been spreading of Tyrone's effort to shake off a heavy economic blow. Hundreds of newspapers, radio and television stations found the story unique, and carried the message to thousands.

Penelec and its parent-company, General Public Utilities, came up with the idea of an advertisement in the Wall Street Journal, with national circulation. The advertisement appeared on May 14 depicting some 1,000 Tyroners facing the camera, with the eye-catching line above them "This Town For Hire."

The ABC-TV network got wind of the advertisement and rushed to this community to make what became a 3-minute documentary feature on Tyrone and its problems. The Wall Street Journal adv. had side-benefits. Newspapers picked up the picture and story and spread the word.

Back home T.I.C. was nearing its $150,000 campaign goal, and beginning to wonder if the goal should have been higher.

With warm Spring weather arriving, the T.I.C.'s shell building at its industrial tract at the former Athletic Park began to take physical form. Today, with steel rising above the base, the shell is more than halfway completed. It will provide adaptable 50,000 sq. ft. of work space for an interested firm.

The effort will continue for months to come, with the ultimate goal a viable economy for Tyrone and its environs.

THIS TOWN FOR HIRE

For over 80 years, our town's major industry was a paper making plant. Good labor relations and high worker productivity prompted the company to keep the facility competitive.

But late in 1970, changing marketing conditions forced the company to mothball over half its facilities at the plant.

Five hundred and fifty skilled workers—almost 90% of us in our 30's or younger—were let go. Hundreds more lost their jobs as the ripples spread through the surrounding economy.

Tyrone, Pennsylvania, is ready to go to work for new companies. We have a large pool of trained people—machine operators, woodworkers, electricians, material handlers, foremen and supervisors. But we know it takes more than available labor to attract industry. So we've built a new 50,000 sq. ft. shell industrial building. It's 200'X250', with bays 30' square and 18' high. All utilities are available and the site has access to the Penn Central Railroad.

If your company is looking for a plant site where workers still believe in delivering a day's work for a day's pay, consider this offer:

You can move into our new building without putting up a nickel of your capital. That's right. 100% financing. The same offer applies to several prime industrial sites within our town. We'll even arrange a loan to help cover the cost of capital equipment. And Pennsylvania's VO-Tech program stands ready to retrain as many workers as you require with special skills not available in our labor pool.

We'd like to send you all the facts on Tyrone, it industrious work force, and the 100% financing available to companies relocating here. Clip the coupon and mail it back today. Or for faster action, call Ernest L. Petersen collect at Pennsylvania Electric Co. (814) 536-6611.

TYRONE IMPROVEMENT CORP.,
*Route 220, Wilson Development,*
*Tyrone, Pa.*

GENTLEMEN: I'd like more information on Tyrone, Pa., and details on:

——The new 50,000 sq. ft. shell industrial building.

——Other industrial sites in Tyrone available with the same 100% financing plan.

Name ________________________________
Address ______________________________
City/State/Zip _________________________

## MAIL DELIVERY IN CONGRESSIONAL OFFICES

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. UDALL. Mr. Speaker, in an effort to learn more about the adequacy of mail service to congressional offices, the House Postal Service Subcommittee recently conducted a survey of the first-class mail service to the subcommittee office and to my congressional office.

The 2-week survey was conducted from May 28 to June 15. It consisted of determining the time elapsed between postmark and delivery for every piece of first-class mail received at the two offices. In order to compare mail service, mail received at the offices was broken down into four categories: mail originating in the Second District—Tucson—of Arizona; mail originating in other parts of Arizona; mail originating in the District of Columbia and surrounding metropolitan area, and mail originating in all other parts of the United States. For each category there was a further breakdown between regular first-class mail and airmail.

The most striking finding of the survey was that there is a significant slowdown in moving the mails over weekends. Letters delivered to the two offices on Mondays generally took much longer to reach their destination than did letters received on other days of the week.

The following tables illustrate the point: Table I shows the time of mail service to the offices, excluding mail received on Mondays. Table II shows time of service for Monday mail only. Table III is a summary of all mail deliveries to the offices.

TABLE I

[In percent]

| | District mail | | | Other, Arizona | | | Other mail (excluding District of Columbia area) | | | District of Columbia area | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Regular | Air | Combined | Regular | Air | Combined | Regular | Air | Combined | Regular | Air | Combined | Total |
| Monday excluded: | | | | | | | | | | | | | |
| 1 day | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 3.5 | 92.1 | 0 | 92.1 | 18.4 |
| 2 days | 72.3 | 90.0 | 77.6 | 70.0 | 66.6 | 68.9 | 70.0 | 71.4 | 70.1 | 2.6 | 0 | 2.6 | 58.2 |
| 3 days | 21.2 | 5.0 | 16.4 | 20.0 | 11.1 | 17.2 | 18.0 | 21.5 | 19.2 | 5.2 | 0 | 5.2 | 17.4 |
| 4 days | 6.3 | 5.0 | 5.9 | 10.0 | 11.1 | 10.3 | 8.0 | 0 | 7.0 | 0 | 0 | 0 | 5.9 |
| 5 days | 0 | 0 | 0 | 0 | 11.1 | 3.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

TABLE II

| | District mail | | | Other, Arizona | | | Other mail (excluding District of Columbia area) | | | District of Columbia area | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Regular | Air | Combined | Regular | Air | Combined | Regular | Air | Combined | Regular | Air | Combined | Total |
| Monday only mail: | | | | | | | | | | | | | |
| 1 day | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 |
| 2 days | 10 | 42.8 | 12.9 | 9.5 | 20.0 | 11.5 | 4.0 | 0 | 4.0 | 30.7 | | | 9.6 |
| 3 days | 28.5 | 42.8 | 29.8 | 47.6 | 60.0 | 50.0 | 42.8 | 0 | 42.0 | 30.7 | | | 35.2 |
| 4 days | 38.5 | 0 | 35 | 14.2 | 20.0 | 15.3 | 40.8 | 0 | 40.0 | 38.4 | | | 35.2 |
| 5 days | 22.8 | 14.2 | 22.0 | 25.5 | 0 | 23.0 | 12.2 | 100 | 14.0 | 0 | | | 19.8 |

TABLE III

| | Total |
|---|---|
| Summary of all mail: | |
| 1 day | 10.3 |
| 2 days | 36.9 |
| 3 days | 25.2 |
| 4 days | 18.7 |
| 5 days | 8.6 |

As table III shows, while 72 percent of all mail was delivered within 3 days, 9 percent took 5 or more days to reach the two offices. When letters delivered on Mondays are excluded—table I—the service shows a marked improvement. In these cases, 76 percent of the mail was delivered within 2 days and 93 percent within 3 days. No letters took 5 days or more to be delivered. Finally, table II—Monday deliveries only—graphically illustrates the deterioration of mail movement over weekends and shows why, overall, 9 percent of the mail received at the offices took 5 days or more to be delivered. For the Monday deliveries only, almost 20 percent of the letters took 5 or more days to be delivered. Moreover, in 55 percent of the cases, the delivery time was at least 4 days—compared to deliveries on other days, when 76 percent of the letters reached their destination within 2 days and 93 percent within 3 days.

The figures demonstrate that mail service is reasonably good during the week but seriously deteriorates on weekends. The offices, for instance, received 80 percent of the mail from the Second District of Arizona within 2 days if Monday deliveries are excluded from the figures. But the 2-day service drops to only 13 percent of letters for Monday only deliveries.

The survey suggests that we need to take a much closer look at the weekend mail processing problem. Much of the wide variance in service is attributable to the discretion that individual postmasters have in determining employee work levels during this weekend period. Concern over budgets and other factors may tend to outweigh, in certain cases, the necessity for maintaining a high level of service. In addition, the most experienced postal workers have seniority rights which allow them to refuse weekend work. In effect, the Postal Service has its least experienced and efficient workers available to process mail on weekends.

The public also ought to be informed of this disparity in service. People should know that if they mail a letter on Friday they can expect it to take longer to reach its destination than if they mail it on Monday.

Finally, we need to begin considering what steps should be taken to reduce this disparity and to make mail service consistent throughout the week. Suggestions from other Members on this and other problems affecting the Postal Service will be welcomed.

## PROPOSED RECONFIRMATION OF FEDERAL JUDGES EVERY 8 YEARS BY THE SENATE

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Monday, June 28, 1971*

Mr. BYRD of Virginia. Mr. President, the Fort Worth, Tex., Morning Star-Telegram of June 7, 1971, included an interesting editorial concerning a constitutional amendment which I have proposed requiring reconfirmation of Federal judges by the Senate every 8 years.

The editorial is a balanced treatment of the issues involved in the amendment which I have proposed. It includes the sound comment that—

> If the court is going to decide political questions it ought to be politically accountable.

I ask unanimous consent that the text of the editorial entitled "Political Decisions Need Public Check," be printed in the Extensions of Remarks:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POLITICAL DECISIONS NEED PUBLIC CHECK

Sen. Harry F. Byrd Jr. of Virginia has proposed a constitutional amendment to require that federal judges must have, in order to stay in their positions, reconfirmation by the Senate every eight years. The requirement would apply to Supreme Court justices. The Supreme Court's decision that Hinds County, Miss., must elect its members of the state legislature from single-member districts is added evidence of the merit of the Byrd proposal.

Members of the federal judiciary are appointed for life or for good behavior, and making unwise decisions is not considered poor behavior. There is sound reason for this, or at least there was sound reason for it in the original plan. The idea for life appointment was to keep politics out of the judiciary. If we are going to keep politics out of the courts the courts ought to stay out of politics. But if the judiciary is going to persist in making political decisions the public ought to have a chance, even such an indirect chance as reconfirmation tests by the Senate would present, of judging whether the judiciary's decisions are wise or unwise.

It has been almost a decade since the Supreme Court plunged headlong into the political thicket in Baker vs. Carr, the landmark Tennessee legislative appointment case. Federal courts previously had disclaimed jurisdiction in such political questions. Since then the federal judiciary has become more and more entangled in that thicket, and more and more it is deciding how the people are to be governed rather than sticking to judging whether or not the rules are being followed.

The United States government, as well as our state governments, is separated into three branches—legislative, executive and judicial. Another way to put it would be to say that we have a branch to make the rules, a branch to administer the public business according to the rules and a branch to decide disputes about violations or alleged violations of the rules.

Rule-making—or law-making—was left to a legislative body elected by the public. This authority given to Congress, or to legislatures in the case of the states is, political authority. It is authority to decide how the people are to be governed. The structure of governing bodies certainly is a matter left to political authority, and there is no cause for the federal judiciary to decide either that a state has or that it has not acted wisely in deciding how its legislature is to be apportioned.

But the courts have decided, and they have decided many times that they have that authority. No amount of argument is going to change this.

That is why it is appropriate to say that Senator Byrd of Virginia has something. If the court is going to decide political questions it ought to be politically accountable. It would be better, of course, if this were not necessary. It would be better if the Supreme Court found a way out of the political thicket, but it apparently is not looking for one.

## BRITISH CONTROL OVER U.S. FOREIGN POLICY

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RARICK. Mr. Speaker, we now read that British pressure at COCOM, an agency of NATO was responsible for the decision that the United States must sell Russia two 1906A computers—highly sophisticated electronic computers—for the Soviet Institute of High Energy Physics. In turn, American scientists will be permitted to participate in Soviet research.

A week ago the American people were astounded by the announcement that the Nixon administration had secretly approved a $700 million Mack truck plant for Russia which was also, we must surmise, approved by our British friends.

Then we were notified that trade with Red China was approved in the same category as that which has been extended to Russia.

Americans are beginning to wonder when the British were restored to control of U.S. foreign policy. In 1776, our ancestors freed themselves from British colonialism. In 1971, under the new American revolution of the Nixon administration and party, we seem to have been restored to British control.

In testimony last week before the Committee on Foreign Affairs regarding lifting British-encouraged U.N. sanction against Rhodesia, I said:

> There may or may not be a good reason for being the rubberstamp endorser of British colonial policy. If there is, it has never been even suggested to the American people nor to their representatives in the Congress, much less explained to any of us. I, for one, have had enough of the British willingness to fight to the last American, whether in Rhodesia or elsewhere. I believe the majority of the American people share this view.

I insert several related newsclippings in the RECORD at this point:

[From the Washington (D.C.) Sunday Star, June 27, 1971]

UNITED STATES YIELDS ON COMPUTER FOR RUSSIA

(By Arthur L. Gavshon)

The United States has yielded to a sustained British drive for approval of a huge computer deal with the Soviet Union, informed diplomats reported yesterday.

They said the British have undertaken to obtain safeguards insuring that the Soviets do not assign the computers to their nuclear weapons program.

The American-British arrangement, in its final stage after months of political, military and technical discussion, could mark a breakthrough in Western technological cooperation with the Russians.

An announcement of the imminent agreement is expected in a matter of days after details have been submitted to a 15-nation group which has the job of guarding against trade in war-potential goods with Communist countries.

The Paris-based group, known as COCOM, consists of all the members of the North Atlantic Alliance, with Japan sitting in for Iceland.

The Russians last year first approached International Computers Ltd. of Britain with a request to buy two big and highly sophisticated 1906A computers. They said they wanted them for the Soviet Institute of High Energy Physics at Serpukhev where Western scientists, including Americans and Swiss, are permitted to participate in research operations.

Britain, which has sold 27 of Russia's 33 Western computers, wanted to accept the order valued at up to $24 million. In preliminary talks with the Russians the British say they were assured the computers would be used only for civilian research and could be checked by British inspectors from time to time, although the Russians never before had accepted the principle of on-site inspection in any safeguard system.

American objections snagged the projected deal. These objections were voiced within COCOM, which must authorize exceptions to Allied embargo lists. American military and defense experts were not convinced the Russians wouldn't divert the computers to their nuclear arms program.

Months of tough American-British talking followed. Prime Minister Edward Heath personally raised the issue with President Nixon when they met in December. The President, as a result, ordered an interdepartment review.

A major British argument, sources said, stressed two points:

Soviet assurances of proper checking facilities could insure the computers would not be misused for military purposes.

Soviet assurances of checking facilities could speed the process of opening Russia's long-closed society which has been a consistent aim of Western governments.

Precisely how British technicians will be able to prevent any Soviet attempt to divert the computers was not disclosed by the informant.

The computers sought by the Russians possess a tremendously high speed rate and a magnetic-disc memory system which Soviet scientists have been unable to develop.

There has been intermittent American interest in selling computers to the Russians. Last year an International Business Machines representative visited the Soviet Union to investigate sales prospects. The Russians themselves have made periodic inquiries in this country about buying advanced computers.

Besides the two computers now about to be authorized, the British company is building four smaller models for the Russians. Some of these are destined for use in the Moskvich automobile factory.

Along with these machines the Soviets would want the company to provide technicians to train and support Soviet experts.

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[From the Washington (D.C.) Sunday Star, June 27, 1971]

## IS UNITED STATES-INDIA POLICY BRITISH?

(By Kuldip Nayar)

NEW DELHI.—Mrs. Indira Gandhi, the prime minister, told a meeting recently that America follows Britain when formulating policy on India, Pakistan and other countries in the region. She was answering a question why the United States was not openly siding with India on the question of East Bengal.

More or less, that is the quintessence of Indian opinion. There is a feeling here that despite the liberal traditions of America, Britain has been able to influence it in adopting an "anti-people" policy to preserve the status quo.

It is conceded that U.S. public and press are sympathetic to India's insistence that no refugee from East Bengal can go back unless there is an acceptable government in that part of Pakistan. But it also is alleged that the State Department and the Pentagon, particularly the latter, are unwilling to put enough pressure on Pakistan to alienate it or drive it completely to the Chinese side. And here; as far as India is concerned, is the land of London.

Both the government and the people of India are happy that the visit of Indian Foreign Minister Sardar Swaran Singh to Washington has brought about some change in the U.S. thinking in the sense that the government realizes that President Yahya Khan of Pakistan will have to make major political concessions to create a climate for the return of the refugees.

But the reluctance of the United States to openly condemn Pakistan or to pressure it is deplored. Yet a segment of opinion in the Indian government and among the people believes that had it not been for behind-the-scenes activity by Britain, the United States would have come out on India's side in a more positive way.

U.S. assistance in the wake of cholera in the refugee camps has been appreciated, and the visit of Frank Kellogg, special assistant to the Secretary of State for refugees and migration affairs has been welcomed.

But the feeling persists that America, like most countries in the world, has been tardy in its reactions.

And where Indian opinion feels most sensitive is that the United States has not as vehemently condemned the barbarities of the Pakistan army in East Bengal, particularly on the Hindus, as might have been expected.

"America has rightly felt angry over the My Lai incident; but it is surprising how scores of incidents like My Lai in East Bengal have gone almost unnoticed in the United States," says a top official of the Indian External Affairs Ministry.

However, the real disappointment of the Indian people is not so much from America as from the Arab countries which New Delhi has been supporting all along. Their complete silence over the happenings in East Bengal has come under adverse notice both by the public and the press.

And some quarters are demanding a reassessment of the policy which, according to them has been tantamount to having no contact with Israel lest the Arab countries should feel offended. Indian officials say the fact of Pakistan being a Moslem country has weighed with the Arab countries more than the brutality and the influx of six million refugees into India.

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[From the Sunday Star, June 27, 1971]

## INDIANS BLAST UNITED STATES ON PAKISTAN ARMS

NEW DELHI.—Demonstrators burned an effigy of President Nixon today and the Indian government demanded that the United States halt freighters carrying military equipment to neighboring Pakistan.

"Curse President Nixon!" and "Nixon may be destroyed!" shouted a crowd of 300 persons as they marched on the U.S. Embassy. The demonstrators were led by a member of Parliament from President Indira Gandhi's ruling Congress party.

The State Department acknowledged yesterday that three Pakistani freighters loaded with military equipment had sailed from New York for Karachi after the United States announced a ban on deliveries of arms to Pakistan.

### "REASON TO BELIEVE"

They said they had "reason to believe that the (first) vessel carried equipment for the Pakistani armed forces that was purchased under the United States foreign military sales program and from commercial suppliers" the New York Times reported.

A State Department spokesman acknowledged that while the administration order to halt the issuing of licenses for military sales to Pakistan was meant to have been effective on March 25, it did not actually go into effect until April 6. The first ship left April 2.

He said two additional export licenses were issued to Pakistan after the ban went into effect—one for frequency calibration equipment for radios, dated March 31, and another for aircraft engine spare parts, authorized on April 6. The licenses were canceled yesterday, he said, but he did not know whether the equipment had already been shipped.

### PROTEST LETTER

The New Delhi protesters were halted outside the Embassy gates by police and a small delegation was allowed to deliver a letter of protest addressed to Nixon. The group included Parliament members, members of the Delhi State Congress Committee, students and workers. They set fire to a cardboard effigy of Nixon.

In Parliament, Foreign Minister Sardar Swaran Singh told a noisy session of the lower house today that India had asked the United States to try to stop two Pakistani freighters which have not yet delivered their military cargoes.

Singh said the U.S. government had agreed to take the matter under "urgent consideration" and said India was awaiting a reply.

Opposition members of parliament interrupted Singh repeatedly with shouts of "American Imperialists!"

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[From the Washington Post, June 18, 1971]

## MACK TO BUILD $700 MILLION PLANT IN RUSSIA

(By Frank C. Porter)

The Nixon administration is seriously considering—or may have already secretly approved—a $700 million deal whereby Mack Trucks would help build a huge manufacturing complex in the Soviet Union.

The refusal of officials to reply to queries on the subject yesterday only heightened speculation that the White House gave an informal okay to the project even before Mack President Zenon C. R. Hansen signed a letter of intent with V. N. Sushkov of the Soviet Trade Ministry recently.

Hansen confirmed the tentative contract yesterday after it was reported in detail in the current issue of Business Week. There is reason to believe Hansen would not have done so if government approval was still hanging in the balance.

If implemented, the transaction would dwarf all previous commercial transactions with the Soviet Union—even the big wheat deals after the U.S.S.R.'s massive crop failure in 1963. Last year's total exports to the Soviet Union, for example, were only $125 million—less than a quarter of the amount involved in the truck project.

Earlier this month the White House approved export licenses for $85 million in vehicle-making equipment to the Soviet Union with so little fanfare that it took several days for the press to catch up.

Even then, government officials tried to minimize what foreign trade and political analysts considered a major shift in American foreign policy.

Some who are close to these major moves toward expanded commerce between East and West have explained that the Nixon administration fears that excessive publicity might torpedo them. Conservatives in Mr. Nixon's own party and such avowed anti-Communists in the political opposition as AFL–CIO President George Meany could team up against the trade moves.

The very fact that the Soviets were willing to contract with Americans for a facility that many thought was within the capability of the Soviet Union itself is a bitter commentary on former Soviet Premier Nikita S. Khrushchev's boast of the 1950s that "we will bury you."

What Mack Trucks has tentatively contracted to supply the Soviets is believed to be the huge factory Henry Ford II was dissuaded from building by Defense Secretary Melvin R. Laird last year.

Since then—particularly in Mr. Nixon's dramatic relaxation of the 21-year trade embargo with China—the Laird view has been overruled, in large part by advocates of expanded East-West trade in the State and Commerce Departments.

After the Ford deal fell through last year, there were extended discussions between the Russians and the French government automotive concern, Renault. Jonathan Randal, of The Washington Post Foreign Service, reported from Paris a fortnight ago that agreement appeared to be closer.

It was not immediately apparent yesterday whether the letter of intent signed by the Russians meant that Mack is intended to supplant Renault as prime contractor for the huge Kama River truck manufacturing complex the Soviet Union has long been planning. There was speculation that both might be in on the deal or that Moscow had merely lined up as many alternatives as possible.

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[From the Washington Post, June 27, 1971]

### Sale of Computer to Soviets Backed

The United States had yielded to a sustained British bid for its approval of a huge computer deal with the Soviet Union, informed diplomats reported yesterday.

They said the British, for their part, have undertaken to obtain ironclad safeguards insuring the Soviets do not assign the computers to the Soviet nuclear weapons program.

The American-British arrangement, in its final stage after months of intensive political, military and technical discussion, could mark a breakthrough in Western technological cooperation with the Soviet Union.

An announcement of the agreement is expected in a matter of days after details have been submitted to a 15-nation group which has the job of barring trade in war-potential goods with Communist countries.

The Paris-based group, known as COCOM, is made up of all the members of the North Atlantic Alliance, with Japan sitting in for Iceland.

#### FIRST MOVE BY SOVIET

The Soviet Union last year first approached International Computers Ltd.—ICL—of Britain with a request to buy two big and highly sophisticated 1906A computers. These were wanted for the Soviet Institute of High Energy Physics at Serpukhov where Western scientists, including Americans and Swiss, are permitted to participate on ongoing research operations.

Britain, which has sold 27 of the Soviet Union's 33 Western computers, badly wanted to accept the order valued at anything up to about $24 million. In preliminary talks with the U.S.S.R., the British say they were assured the computers would be used only for purposes of civilian research and could be checked by British inspectors from time to time, although the Soviets never before had accepted the principle of on-site inspection in any safeguard system.

But American objections snagged the projected deal. These objections were voiced within COCOM, which must authorize any extraordinary exception to allied embargo lists. American military and defense experts were not convinced the Russians would resist the temptation to divert the computers to their nuclear arms program.

Months of tough American-British talking followed. Prime Minister Edward Heath last December personally raised the issue with President Nixon when they met. The President, as a result, ordered an interdepartmental review.

#### TWO POINTS STRESSED

A major British argument, sources said, stressed two points:

Soviet assurances of proper checking facilities could insure the computers would not be misused for military purposes.

Soviet assurances of checking facilities could help along the process of opening up Russia's long-closed society which has been a consistent aim of Western governments.

Precisely how British technicians will be able to prevent any Soviet attempt to divert the computers was not disclosed by the informant.

The computers wanted by the Soviet Union possess a tremendously high speed rate and a magnetic-disc memory system that Soviet scientists have been unable themselves to develop.

These qualities placed the machines far beyond the levels of smaller computers which Western countries are permitted to sell Russia. Besides those from Britain, the Soviets have bought three computers from France, two from Italy, one from West Germany.

There has been intermittent American interest in selling computers to the Soviets. Last year, an International Business Machines representative visited the Soviet Union to investigate sales prospects. The Soviet Union has made periodic inquiries in this country about buying advanced computers.

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## EMERGENCY SCHOOL AID

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ANDERSON of Illinois. Mr. Speaker, last December, the House passed the Emergency School Aid Act, a bill to provide assistance to school districts for programs to eliminate or reduce racial isolation in the public schools. Unfortunately, this bill did not become law in the last Congress, and now we must act again.

On April 26, the Senate passed the Emergency School Aid and Quality Integrated Education Act of 1971, a bill similar to the one passed by the House last December. These actions by the Congress have led many of the Nation's school districts to anticipate important new financial support during the coming school year. I am sure that we are all aware of the serious financial problems facing our public schools. Now we have the opportunity to take action which will have an immediate effect on those problems.

The Emergency School Aid Act would authorize $1.5 billion over the next 2 years to assist school districts in providing equal educational opportunity for their students. This constitutes important and timely assistance for our schools in facing one of the most critical problems facing them today. It also provides much-needed support to relieve the general financial squeeze which prevails, particularly in our large urban school systems.

The time for action is growing short. As each day passes, we are steadily diminishing the chances that these much-needed funds will be available to school districts in the fall. This fall will be a critical time for most of our Nation's schools. They will be facing the prospect, in many cases, of inadequate operating budgets for the coming school year as well as demands that they meet the legitimate rising expectations for education in our democracy.

I urge the House Committee on Education and Labor as well as the House as a whole to expedite action on this important measure.

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## MINNEAPOLIS HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, a number of participants in the recently concluded Minneapolis health hearings raised a number of important health related issues. One such issue is the question of family planning and its relevance to State, local, and Federal laws. A number of witnesses concerned themselves with this question and the resulting dialog touched all sides of this question.

Dr. Jane Hodgson stated that her figures indicated a total of 9,000 criminal abortions a year in Minnesota while there were only 77 hospital abortions in all of 1970. Claiming that the question of abortion is one solely to be resolved between mother and doctor, Dr. Hodgson argues for changes in present laws.

Mrs. Marilyn Keating representing the Minnesota Citizens Concerned for Life stated that the question of abortion raises serious moral and ethical questions about the right to life for the unborn child. In essence, the question is a constitutional one in that the Constitution protects life. Mrs. Keating also argues against changes in present abortion laws on other grounds stating unequivocally that such changes are not the answer to complex population problems, nor to the problems of battered and unwanted children.

Katherine Taylor, president of the Minnesota Council for the Legal Termination of Pregnancy favors congressional action on the question of abortion, stating that the vast differences among State laws unfairly discriminates against the poor who are unable to travel to a State with the least stringent law.

The Minnesota Licensed Practical Nurses Association submitted the following statement concerning abortion.

Mr. Frank Mabley representing the Planned Parenthood Association of Minnesota stated that over 65,000 women in Minnesota are in need of family planning services. His statement is also included:

### Testimony Before Hearings on Health Care Delivery, February 27, 1971

(By Katherine W. Taylor)

I would like to urge the National Congress to pass a national abortion law such as proposed by Senator Packwood of Oregon.

There are now almost as many different abortion laws in the United States as there are states. This puts any woman in the position of having to find the particular state which has a law under which she can obtain medical treatment.

Since residency requirements of some states preclude their physicians from treating outstate women in this one medical area, the problem is compounded.

A bill introduced into the Minnesota legislature which asks a $5,000 fine and/or five years in prison for any woman who travels outstate for an abortion increases the need for national legislation.

Minnesota women must travel to either coast, New York or California, at considerable expense to themselves, for abortions.

The inequality of the present state laws invoke a particular hardship on the poor woman.

While Minnesota is renowned for the excellence of its medical care, restrictive laws here do not permit one single segment of its society to benefit from that excellence. In behalf of that segment, women of child bearing age, the Minnesota Council for the Legal Termination of Pregnancy asks that a nation wide abortion law be passed, putting abortion decisions where they belong—with the woman involved and her physician.

### Position Statement on Abortion by the Minnesota Licensed Practical Nurses Association

Last August, the Board of Directors of Minnesota L.P.N.'s adopted the position of the Minnesota Citizens Concerned for Life. We went on record as opposing the violent, destructive, dehumanizing approach represented by abortion on demand or liberal abortion laws. We believe that the Legislature, alone, should determine under what circumstances abortion should be performed. We believe it is the responsibility of the Legislature to protect the life of the child and that the Legislature must set the limits on when abortions may or may not be performed.

The nursing profession takes an oath to preserve life. We don't feel that we would be any more qualified to make a decision on when a life should be ended than would any other group or committee. If life isn't precious at the beginning, it won't be precious at the other end of the spectrum either.

With both of our nursing groups (L.P.N. and M.N.A.) opposing liberalization of Minnesota's abortion statute, one must face the reality of what qualified personnel will be available or willing to participate in abortions, if abortion would become lawful in Minnesota.

We are witnessing more and more the public's response against a liberal abortion policy in Minnesota. With some revisions in our current law clarifying the conditions under which abortions may be performed, and setting forth some procedures, we feel that we will have a statute that will withstand a constitutional test on vagueness as well as protect and respect the life of both mother and child. This, we believe, will be a responsible law and one that reflects the beliefs of most Minnesotans.

### Health Care and Family Planning, Planned Parenthood of Minnesota

The crisis in health care in the United States is obvious and well documented. An integral and important facet of total health care is the provision of contraceptive control to those families who request such services. In broad and general terms it enables families to have loved and wanted children thereby strengthening family life; it improves maternal and child health and can provide the key to a better existence for the economically deprived in our society.

Both experience and numerous studies by government and private foundations have demonstrated that voluntary family planning is the most cost-effective measure to help families overcome poverty, as well as to reduce infant mortality and improve the health of mothers and children. (Note 1.)

According to an OEO study conducted in 1968 there are approximately 70,000 medically indigent women in the state of Minnesota in need of subsidized family planning services.

Currently, subsidized care is available through Planned Parenthood in the Twin Cities and Duluth, City Health Departments in Minneapolis and St. Paul as well as both municipal hospitals and Teen-Age Medical Center. There are 5 smaller programs in rural counties funded by OEO.

However, there are too many women not being reached (approximately 65,000 in 1970). Availability of service is spotty and confined primarily to the Twin Cities and Duluth while 40% of the indigent population is in rural Minnesota where little or no care is available. (Note 2.)

The passage of the Family Planning Services and Population Research Act (PL 91-572) was a major step towards the extension of family planning services in the United States generally and hopefully also in Minnesota.

If we are to reach the 65,000 women in Minnesota still in need of care, substantial Federal monies must be budgeted immediately. It is my understanding that President Nixon has proposed to provide only $57 million to this program for 1971. This is about ⅔ of that allotted by Congress.

We feel that to hold back funding in the field of family planning is both tragic and uneconomical.

NOTE 1

(a) Contraceptive, abortion, maternal, and child care: Comparative basic costs per woman in 1969 (using local Medi-Cal figures):

*Service and cost for the first year*

| | |
|---|---|
| Contraceptive | $50 |
| Abortion | 370 |
| Delivery, pre & post natal care adoption services | 1,825 |
| Delivery, pre & post natal care foster home | 1,825 |
| Delivery, pre & post natal care Aid to family with dependent children | 2,400 |

In a state that forbids abortion this means that for the first year alone the cost benefits are from 36–1 to 48–1 in favor of voluntary family planning.

(b) The OEO has estimated that family planning programs offered to those in need could reduce the poverty rolls by 21.5%.

(c) The Department of Health, Education and Welfare has found that family planning outranks 6–1 in cost effectiveness any other measure to reduce infant mortality.

(d) Studies by economic analyst, Stephen Enke, Dr. Harold Shepard of the Upjohn Institute for Employment Research and Planned Parenthood-World Population show cost benefits of some 70–1 to 100–1 in favor of birth control when taking into account reduced expenditures of maternal and child health, care of mental retardates, ADC costs and higher family incomes through child spacing.

NOTE 2

Dr. Charles F. Westoff and Dr. Larry Bumpass of Princeton University analyzed the data of the 1965 National Fertility Study and presented a paper, *The Perfect Contraceptive Population: Extent and Implications of Unwanted Fertility in the United States.* The study indicated that, at the minimum, 22% of all births in the United States were unwanted by at least one spouse.

Using this 22% and dealing with the 65,932 babies born in Minnesota in 1969, it would appear that 13,186 of these births were not wanted.

A Department of Agriculture study on the costs of raising a child to age 18 ranged from $19,360 to $25,000. If we select the lowest figure, the cost to families able to support their children would result in family expenditures of $225,280,960.00 over the first eighteen years of that 1969 cohort of unwanted pregnancies.

What financial burden those unwanted pregnancies place on the state through school costs, welfare costs, and other public costs is difficult to calculate, but it is safe to assume that such costs exceed the cost of providing the women of this state with the freedom to decide when and how many times they will become pregnant.

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## CONGRESSMAN McCLORY FAVORS ISRAELI FRIENDSHIP TREATY

## HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. McCLORY. Mr. Speaker, I am pleased to join with my distinguished colleague from New York, Representative Seymour Halpern, and Members from both sides of the aisle, in sponsoring House Resolution 509, calling for an American-Israeli friendship treaty. I feel certain that this resolution will significantly serve the cause of peace by dramatizing to potential aggressors that the United States intends to stand firm in its commitment to Israel.

Mr. Speaker, I call this body's attention to the accord signed by Egypt and the Soviet Union on May 27 of this year. This treaty calls for military cooperation and aid "with a view to strengthening the UAR's capacity to combat aggression." This 15-year treaty with its options for perpetual 5-year extensions commits the Soviet Union to unqualified support of Egypt against Israel. Indeed, there is evidence that the treaty may be a device for concealing the shipment of additional Soviet arms to Egypt and prevent a peaceful settlement in the Middle East. Already it has been announced in Cairo that Egypt's new military budget for the year beginning July 1 will be larger than last year's record budget of well over $1 billion. The imbalance of arms between Israel and Egypt could reach dangerous proportions if the United States continues to defer new phantom jet contracts while the U.S.S.R. supplies Egypt with large shipments of its most modern weapons.

Mr. Speaker, for Israel these are most dangerous developments. I strongly believe that the United States can best counter Moscow's 15-year treaty for military assistance to Egypt by negotiating a long-term agreement with Israel This is precisely what our resolution seeks to accomplish. I should point out that unlike the Soviet-Egyptian pact, the American-Israeli accord would not inhibit either party from entering into better relations with other nations and would formally establish the principle of mutuality and lack of domination by either party, a principle which has long characterized existing relations between the United States and Israel.

Mr. Speaker, House Resolution 509 would not obligate the United States to go to war in defense of Israel, but it would reaffirm our commitment to the preservation of the State of Israel—including the maintenance of a balance of force in the Middle East and the sale of arms to Israel in order to assure that it remains able to adequately defend itself.

## HEROIC AMERICANS DISPLAY THEIR METTLE IN VIETNAM WAR

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### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. KEMP. Mr. Speaker, some Vietnam veterans, including medal winners, feel they fought in America's most unpopular war and suddenly realizing this, became ashamed of their heroic acts.

I am sure that political scientists and historians will agree that the War Between the States was and still is the most unpopular war Americans ever fought in. Notwithstanding the fact that Winston Churchill termed the War Between the States as the last of the noble wars, we still had atrocities and defoliation. Yet I do not recall in any history book a report where Civil War veterans were ashamed of their valor or turned in their medals.

Perhaps this did happen, but history certainly has emphasized the positive elements of the Civil War. Lloyd Graham, writing in the Buffalo Courier-Express feels at times:

> The only ones worthy of reportage from Vietnam are the grafters, the goats, the jerks, the sadists, the dope peddlers, the murderers, the embezzlers and the cop-outs, plus those who have espoused the cause of America's enemies.

I call attention to his column "Perspective" appearing in the Sunday, May 30, 1971, issue and include the article at this point in the RECORD:

#### HEROIC AMERICANS DISPLAY THEIR METTLE IN VIETNAM WAR

(By Lloyd Graham)

Traditionally, every war has its heroes, celebrated not only in national records but often in song and story; a hero being a man of distinguished courage or ability, admired for his brave deeds and noble qualities.

For 150 years, every American schoolboy has thrilled to the story of the midnight ride of Paul Revere in the Revolution. There was the extraordinary exploit of Comm. Oliver H. Perry in the Battle of Lake Erie in the War of 1812.

The generation after the Civil War told and retold the stories of many fighting men from privates to generals, not forgetting the Navy's Adm. Farragut and his sensational action on Mobile Bay. Even the Mexican conflict had its heroes at the Alamo, Theodore Roosevelt, among others, won national fame in the War with Spain on Cuba's San Juan Hill.

In World War I, there were innumerable heroes, perhaps the best known being Sgt. Alvin York. During World War II, newspapers with vastly improved reportage carried many stories of heroism.

Up to the Korea fighting and the current conflict in Vietnam there has been great national pride in feats of military heroism. But one might decide from reports from Vietnam that this is a conflict without heroes.

It would seem at times, especially in television, that the only ones worthy of reportage from Vietnam are the grafters, the goats, the jerks, the sadists, the dope peddlers, the murderers, the embezzlers and the cop-outs, plus those who have espoused the cause of America's enemies.

However, it is not true that Vietnam is a conflict without American heroes. It is merely that we have heard relatively little about them.

Without going into the morality or justification of the war itself, or its unpopularity, it seems a pity that human courage and sacrifice are more or less ignored. From time to time, there has been a brief mention of White House ceremonies in which the President has conferred Medals of Honor on veterans of the Vietnam conflict.

But tales of heroism from the scene of conflict have been rare. Perhaps this is the day of the cop-out, when it has become declass and even contemptible to recognize, much less celebrate, human courage and heroism.

This seems to be pointed up by the relish and even derision with which veterans are shown throwing away medals representing honors which they have earned. One might almost think that heroism in American conflict or anywhere else is a thing of the past, that individual courage and self-sacrifice are no longer evident in America life.

However, this is far from the fact, and perhaps this is an appropriate time of year to call attention to the individual acts of heroism, regardless of the right or wrong of the conflict.

Best evidence of acts of heroism is to be found in the records of those who have received the Medal of Honor. Copies of those records have been kindly provided by Rep. Jack F. Kemp of the 39th District.

Society from the beginning of history has found ways to honor courage, loyalty, fidelity, and human sacrifice. It began in this country when Gen. George Washington in 1782 conferred the Purple Heart on three of his soldiers for "singularly meritorious action."

Since that time, there have been and are various awards. But the highest of all is that presented by the President in the name of the Congress of the United States.

This is only presented for a deed of personal bravery or self-sacrifice above and beyond the call of duty while a person is a member of the American armed forces in actual combat with an enemy of this country.

It may come as a great surprise to you that 196 Medals of Honor have been conferred on American fighting men in the Vietnam conflict to date. They have gone to all ranks and to many high in the officer class.

It is significant that more than half of them have been awarded posthumously, the citation involving the story of a man giving his life to help protect the lives of others. "Greater love hath no man. . . ."

Without exceptions, it may be said that each citation represents a gripping tale of adventure and high courage. The most that can be done in a short piece such as this is to give a random sampling of those living and dead, who have received this highest of all medals.

There is the example of Pfc. Gary W. Martini of the Marine Corps, "for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty." Martini was a rifleman with Company F, Second Battalion, First Marine in Vietnam.

On April 21, 1967, his company was operating at Binh Son against an entrenched enemy force.

Marines in Martini's platoon assaulted the entrenched enemy across an open rice paddy. Intense enemy fire developed at short range, pinning the Marines down behind a low paddy dike. Fourteen Marines killed and 18 wounded. Martini moved out from scant shelter to within 50 feet of the enemy and hurled several grenades into their positions, killing several.

Observing several of his wounded comrades helpless in the fire-swept paddy, he raced through the open area and dragged a comrade back to the protected position. Disregarding a wound he received in this rescue, he tried it again, bringing back a wounded companion though he himself had been mortally wounded by the withering enemy fire.

When friends tried to help him rescue the wounded Marine, he shouted to them to remain under cover. In a final supreme effort before he was stopped cold by death, he got the wounded Marine to a position where others could drag him to safety.

"Private Martini, says the citation, "unhesitatingly yielded his life to save two of his comrades and insure the safety of his platoon."

These stories of bravery usually reflect the nature of the service of which the hero is a part. Take the case of Navy Boatswain's Mate 1C, James E. Williams. In October 1966, he was serving as captain and patrol officer abroad a river patrolboat on the Mekong River.

His craft and another came under enemy fire from two sampans. One sampan was put out of action, and the other tried to escape to a nearby river inlet.

Williams pursued the escapee with his patrol boat only to find a strong enemy force along the river bank, plus two enemy junks and eight sampans. He called in armed helicopters to assist, only to discover a much larger force of enemy craft.

Says the citation: "Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through intense enemy fire and damaged or destroyed 50 enemy sampans and seven junks." By now, it was nearly dark. Despite the fact that it made his boats a better target, he ordered searchlights turned on and pressed the attack.

Williams, as cited, "demonstrated unusual professional skill and indomitable courage throughout the three-hour battle." The citation refers to his "extraordinary heroism and exemplary fighting spirit in the face of grave risks."

In view of these facts of gallantry, (and you can multiply them by 50 in Vietnam), who can say that American courage is a thing of the past?

Why? Why does a man cover a grenade about to explode with his own body to save the lives of those around him, as has been done scores of times in Vietnam? Why, indeed? Who are we to pry into his reasons, perhaps hidden in the innermost soul of these men of valor?

The least you can say is that these are no cop-outs.

## A SPECIAL NOTE OF THANKS

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### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BRAY. Mr. Speaker, at this time I wish to call the attention of the House of Representatives to seven persons who deserve a special note of thanks for some outstanding services they rendered to a very special group of people.

Miss Carol Gilbert, of the Rayburn House Cafeteria, and six members of the U.S. Marine Corps: Cpl. Fred T. Herring, Sgt. George R. Bubenhein, Sgt. Peter C. Lang, Lance Cpl. Frederick J. Murock, Sgt. David G. Simmerly, and Cpl. George T. Ratajczak, all of whom are stationed at the Marine Barracks here in Washington.

A good friend and constituent, Mrs. Dorothy Axsom, of Indianapolis, Ind., sponsors and directs Handy-Cap Horizons, which specializes, among other things, in tours for the handicapped. She has brought groups to Washington, D.C., and escorted them all over the world, using wit, commonsense, and a bottomless store of energy to overcome seemingly insurmountable obstacles. My office has assisted her in the past.

There are persons on these tours confined to wheelchairs who simply cannot hope to get around by themselves. The Marine Corps has always graciously provided assistance when needed and those who have helped in the past—and unfortunately I do not have their names—should be listed here, too.

This year the group was larger than usual, and the time when they were here had some of the hottest, most humid weather of the year. The Marines named above, assigned to help, rendered truly noble service and helped these people, many of them realizing the dream of a lifetime, to enjoy themselves very much.

The group had one meal on Capitol Hill in the Rayburn Cafeteria. Miss Gilbert checked them through the line—considering their handicaps it was a difficult process—with gracious, smiling courtesy that was commented on by the entire group.

These seven people gave of themselves, in a heartwarming and encouraging display of kindness and courtesy toward those less fortunate. Their attitude and their acts reminded me of the words in Matthew, XXV, 40:

> Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

## TRIBUTE TO THE LATE R. H. "HOP" HARVARD

### HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. MATHIS of Georgia. Mr. Speaker, on May 25, I lost a friend. His name was Richard Hobson Harvard, but his friends called him "Hop." "Hop" Harvard was a friend to all who knew him, a gentle, devoted man who was dedicated to his family.

His passing saddened all who knew him and moved one of his friends, Editor Frank Raley of the News Examiner in his hometown of Tifton, Ga., to write the following tribute which was published June 17, 1971:

WE MISS OUR FRIEND, R. H. "HOP" HARVARD

(By Frank Raley)

I always called him "Hop" and I may have been in error because his middle name was Hobson and it could be that the correct nickname was "Hob." Anyway, he didn't correct me, so I know it was all right with him.

His full name was Richard Hobson Harvard and he lived on Rt. 2, Tifton.

"He'd do anything in the world for you."

That's the way a traveling companion described Mr. Harvard. You see, on every working day, "Hop" chauffeured a group of Tiftonites to their jobs at the Marine Corps Supply Center in Albany. These men spent a lot of time with him, and they knew him well.

Another who knew Hop is a camping friend:

"He was a quiet easy-going man, easy to know and easy to like."

To us here at The News-Examiner, Hop was what the others said, plus—he was a dependable associate. We have printed the Marine base newspaper for several years, and Hop brought us copy and delivered the newspaper—never failing at either end. And you just don't find much of that type of dependability around anymore.

We miss him. All his friends miss him. And you can imagine what his loss was to his family.

Hop died at 11 a.m. May 25 in Tift General Hospital. He was 57.

He was born Jan. 5, 1914 in Bibb County, the son of John Jordan Harvard and Nora West Harvard. He had lived here for most of his life and was a member of the First Methodist Church.

He was a Mason, Shriner, and a past-patron of Blanche Chapter No. 8 of the Order of the Eastern Star. He held a responsible Civil Service position at the Marine Corps Supply Center.

He is survived by his wife, Mrs. Kathleen Whitfield Harvard; a daughter, Mrs. W. E. Page of Stone Mountain; two sisters, Mrs. C. L. Burch of Tifton and Mrs. Joe Bridges of Tifton; and two grandchildren.

The Rev. Jerry Richards and the Rev. Floyd Richards officiated at funeral services conducted at 11 a.m. May 27 from the Chapel of Bowen-Donaldson Home for Funerals. Burial was in Oak Ridge Cemetery in Tifton.

## U.S. PHANTOM F-4'S VERSUS THE NEW SOVIET MIG-23

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BINGHAM. Mr. Speaker, in recent months, I have been urging cancellation of plans to build the F-14 fighter plane for the Navy and urging instead that we explore the possibility of upgrading the successful F-4 Phantom or developing a new, lighter plane than the F-14.

In the Washington Post yesterday, June 27, there was an interesting article in Parade magazine discussing Israel's experience with the F-4 Phantom. I include the full text of that article in the RECORD at this point:

PHANTOMS VERSUS MIGS

The appearance of Russia's fastest fighters in Egypt doesn't scare the Israelis. Like winged lightning these new Mig-23's can boom out of the blue at three times the speed of sound. They can outrace, outsoar and outfly anything in the Israeli Air Force. They are so new they haven't been seen in operation by Russia's own satellites. Indeed, the Russians themselves are reported to possess no more than 100 Mig-23's. Yet Israeli pilots, quite unperturbed, would rather fly the slower, American-made Phantoms. This is what they have told representatives of the McDonnell Douglas Company which makes the Phantom fighter-bombers the U.S. has been supplying to Israel. The company representatives have been debriefing Israeli pilots to find out how well the Phantoms are performing. The pilots generally agree that the Phantom can beat anything the Russians have sent to Egypt, including the new Mig-23's. In order to engage a Phantom, they point out, the Mig-23 would have to fly lower and slower. At this speed the Phantom can outmaneuver it. Talking to PARADE in Tel Aviv, the McDonnell Douglas representatives boasted that the Phantom is the best plane in the Middle East. Asked how many Phantoms had been lost in the "war of attrition" against Egypt, they said "less than 5 percent." Since Israel has about 370 Phantoms, this would mean a maximum loss of 17. A more realistic figure, obtained from other confidential sources, is about 10. The McDonnell Douglas representatives told PARADE that only one Phantom had ever been shot down in a dogfight. All other losses were caused by antiaircraft fire or crashes. Meanwhile, competent sources suggested that the new Mig-23's are so highly classified that the Russians can't afford to lose one over Israel. This suggests the Russians are using them in Egypt for training purposes. The desert climate and semicombat conditions provide the Soviets with a good place to put the new fighter through its paces.

## HOOSIER PHYSICIAN STILL MAKES HOUSE CALLS AT AGE 90

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HAMILTON. Mr. Speaker, I include an excellent article in the Indianapolis Star about a respected and revered Hoosier, Dr. E. A. Porter.

Dr. Porter, who has been practicing medicine for more than 60 years, exemplified the finest traditions of his profession. At age 90, he continues to see his patients and even makes house calls.

This article, by Bonnie Britton, describes the dedication of this country doctor to the welfare of his community:

HAS PRACTICED THERE 40 YEARS—AT 90, WESTPORT PHYSICIAN STILL MAKING HOUSE CALLS

(By Bonnie Britton)

WESTPORT, IND.—There are no street numbers in Westport, but even the children know where 90-year-old Dr. E. A. Porter lives.

The general practitioner, who turned 90 last Wednesday, has lived in a rambling, white two-story house on Main Street for the last 40 years.

He is the town's only physician, "unless there are some other doctors practicing medicine here on the sly," and serves patients from Westport, North Vermon, Hartsville and other nearby communities.

After attending the University of Louisville for two years, he worked as a grade-school teacher, and then completed his education at the Indiana University Schools of Medicine at Indianapolis in 1908.

He first practiced medicine at Burney and Hartsville, both near Greensburg, before settling in Westport in 1931.

Dr. Porter served as Decatur County health officer from 1933 through 1937 and three terms as county coroner, which he proudly says were nonpolitical appointments.

He still makes house calls, although most of his time is spent at home or at his office nearby, where he works in the afternoon and sometimes in the evening.

He runs the office without a nurse and said he has no plans to retire.

"I sometimes see 30 and 40 patients a day, and I get around pretty good once I get started."

What is most amazing about Dr. Porter is that he underwent an operation in 1969 to implant a pacemaker in his chest.

"I may have to go back soon to get a new battery, since they're only supposed to last about a year," he said.

His heart, which had slowed to "36 beats a minute, is beating at 72 again" with the aid of the pacemaker, he says.

Ten days after his operation, Dr. Porter was sitting in his chair in the living room treating patients, and a month later resumed his regular routine.

Dr. Porter said he only works "five or six hours a day now," but recalled the early years of his practice when he often worked into the night, making house calls in a buggy.

In the early days "I made lots of house calls," he recalls. His first motorized vehicle was a "one-cylinder British that made so much noise people could hear me coming for miles."

The roads, he admits, have gotten a lot better since he first started making house calls. He recalled the many times he got stuck in snowdrifts, one year as late as April.

At his 50th anniversary celebration as a physician in 1958, many of the 3,000 to 4,000 babies he has delivered were there, some of them third generation.

At that time he said, "It's a wonderful thrill to look into the faces of so many people whose first heartbeats I observed."

Two or three years ago he was surprised to receive a letter from the father of the dean of a small Southern college, who said he was enclosing the $15 delivery fee that he owed the doctor, for almost 40 years.

That wasn't the first late or unusual fee however. One elderly patient gave the doctor a painting which hangs in a bedroom of his home, and back in the 1930s during the Depression vegetables of all sorts became substitutes for money.

The worst crisis he remembers was in 1918 when a flu epidemic swept the country.

"I remember going into homes and finding people stretched out all over the place. Most of the people got well, but quite a few died, too," he said sadly.

He always has been a general practitioner, and feels there is still need for the old-style "G.P."

Since he "slowed down" Dr. Porter finds time for the old family farm which he has kept. The deed was signed by President Andrew Jackson.

In his family are his wife Hester of more than 60 years, eight children, 25 grandchildren and 23 great-grandchildren.

One son, Robert A. Porter, is also a doctor and works in Memorial Hospital at Greensburg as a general anesthetist. A grandson has just graduated from medical school, and his son-in-law, Dr. Sidney S. Gaynor, is a physician for the New York Yankees.

The family ties are still close with sons Robert Porter nearby as well as son Jonathan Porter who works at Cummins Engine Company, Inc. in Columbus. The Porter's daughter, Mrs. Gene (after author Gene Stratton Porter) Faulkner lives just across the street.

The other children are Mrs. Marigail Bentzen of Detroit, Mich., Don E. Porter of Milwaukee, Wis., an employe of the General Electric Company, Thomas N. Porter of New York, a production stage manager currently working on Niel Simon's "Last of the Red Hot Lovers."

Also, Mrs. Martha Lucile Gaynor, who is visiting from New York, said her father made several trips there a few years ago when the Yankees were winning, because "he is a big baseball fan, and a basketball fan too," and David who lives at Osgood where he is the basketball coach at Jac-Cen-Del High School.

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## PERSONAL EXPLANATION

## HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. PEYSER. Mr. Speaker, due to official business back in my district I had to leave at 5 last Thursday night, before the House took its final vote on passage of H.R. 9272.

That bill, making appropriations for the next fiscal year for the State, Justice, and Commerce Departments, passed by an overwhelming margin of 337 to 10, and had I been able to be present I certainly would have voted for the bill.

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## THE ADMINISTRATION'S ECONOMIC "GAME PLAN" BAD NEWS FOR JOBLESS

## HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BLATNIK. Mr. Speaker, I rise to direct the attention of the House to a news commentary in yesterday's New York Times, and to the findings of a public opinion poll published in today's Washington Post. Taken together, they add up to bad news for the administration's wrong-again economists, and—far worse news for the more than 5 million jobless Americans who are walking the streets today. The Times said:

> Last week President Nixon had reason to worry that his new game plan for the economy, adopted at the start of the year, isn't working.

Mr. Speaker, we know the President's plan is not working because consumer prices last month jumped twice as fast as they did in the first 4 months of this year, and unemployment rose again to 6.2 percent of the labor force.

The American people are not being fooled either by the optimistic predictions that issue almost daily from the White House. The latest Harris poll, in today's Washington Post, reveals that nearly two-thirds of our citizens are convinced we are in the midst of a recession; 40 percent believe that the administration's economic policies are doing more harm than good; and 79 percent have little, if any, confidence in this administration's ability to reduce unemployment and control inflation by 1972.

And yet, in the fact of this alarming evidence, we are told that President Nixon is about to veto the $2 billion accelerated public works bill which the Congress has overwhelmingly approved, and which offers immediate help to those areas that have been hardest hit by unemployment.

The accelerated public works program cannot of itself undo all the damage that has been caused by the mistaken policies of the recent past. But, if it is implemented aggressively and imaginatively, it can take 400,000 or more of our fellow citizens off the dole and put them to work on public projects of real and lasting importance to our society.

If the President plans to veto this measure, I urge him to reconsider. If he goes through with his intention, I call on the House to override his veto.

Mr. Speaker, I insert the articles from the New York Times and the Washington Post in the RECORD at this point:

[From the New York Times, June 27, 1971]

### IT MAY BE TIME TO CHANGE THE "GAME PLAN" AGAIN

(By Leonard S. Silk)

No one knows better than the nation's No. 1 football fan that when a game plan doesn't work, the coach must be ready to scrap it. Last week President Nixon had reason to worry that his new game plan for economy, adopted at the start of the year, isn't working.

The consumer price index rose in May by six-tenths of 1 per cent, seasonally adjusted—or at an annual rate of 7.2 per cent. This was twice as fast as consumer prices rose in the first four months of this year.

While a one-month change could be a fluke, the breadth of the rise across the range of goods and services consumers buy was disturbing. The relatively small rise in food prices helped restrain the index—but wholesale food prices are climbing and will keep pushing up retail prices. Housing is going up; earlier, the drop in mortgage rates had offset rising rents—but new mortgage costs are going up, too. Transportation is up—with new and used car prices rising, along with the price of gasoline. And just about everthing else is up, with medical bills racing ahead.

The economy is falling behind the target of an average $1,065-billion Gross National Product for 1971, laid out by the President's Council of Economic Advisers as necessary to reduce unemployment. A flash report that leaked out of the Commerce Department indicated that in the April-June quarter GNP rose by only a bit more than $20-billion, after the $31-billion increase in the first quarter. In order to reach the $1,065-billion pace, GNP this year would have to rise by an average of $30-billion a quarter. It promises to average $1,050-billion, as most private forecasters expected.

Actually, the G.N.P. performance is further behind the Administration's forecast than the current dollar figures indicate, because inflation is proceeding faster than the President's economists expected. The over-all GNP price index, which includes government as well as the private sector, rose at an annual rate of 5.6 per cent in the first-quarter; preliminary estimates for the second quarter indicate that inflation declined slightly to a 5.3 per cent rate. If price increases this year average 5 per cent, the real growth rate of the economy will be little better than 2.5 per cent.

With so slow a rate of real growth in output, unemployment is showing no signs of coming down. Unemployment in May rose to 6.2 per cent—the same rate it had attained last December. The June rate is expected to show little change. In fact, little improvement in unemployment appears in prospect for the rest of the year, unless policy changes; the economy would have to grow at a real rate of more than 4.5 per cent to chop into the jobless rolls.

The persistence of unemployment is worrying consumers, causing them to increase their normal rate of saving and putting a drag on the economy. Robert A. Wallace, vice chairman of the Exchange National Bank of Chicago and a former Assistant Secretary of the Treasury, points out that a 6 per cent unemployment rate hits many more people in the course of a year than the 5 million jobless at any given time. Mr. Wallace estimates that, since unemployment turns over, about 17.5 million people will be out of jobs at some time during 1971. In addition, 3.5 million will be forced to work part time, another 1 million will be forced out of the labor market, and 1.5 million more—such as engineers, technicians, and other skilled workers—will be forced into lower paying jobs.

But there are many optimists, inside and outside the Administration, who expect that the economy is going to pick up speed as the year wears on. Foremost among those in this camp are the monetarists—an increasingly heterogeneous band who still march more or less in the same direction under the banner of Prof. Milton Friedman of the University of Chicago. Noting the rapid rate of growth of the money supply—it has been increasing at an annual rate of more than 12 per cent since the start of the year—the monetarists expect a real surge in G.N.P. in the months ahead.

But the monetarists expect that, if recent rates of monetary growth continue, they will sooner or later generate faster inflation. Indeed, one does not have to be a monetarist to regard money growth rates in excess of 12 per cent as too high.

Faced with the persistence of both inflation and unemployment, the President's Council of Economic Advisers is shifting its position away from official satisfaction with the course of the economy. Paul W. McCracken, chairman of the council, now is reportedly leaning strongly toward tax cuts to boost real growth faster. Treasury Secretary John B. Connally shares this position. Resistance both to Democratic spending proposals—such as the public service job bill—together with pressures for a more aggressive wage-price policy is softening within the Administration.

However, George Shultz, director of the Office of Management and Budget, is still holding out against both a tougher incomes policy complete with wage-price review board, and against tax cuts that might further unbalance the budget. Mr. Shultz and others are wary of rekindling the fires of inflation. At the weekend, President Nixon gathered some of his top officials at his Camp David retreat for a review of the budget problems.

Mr. Nixon has been going along with Mr. Shultz. But if conditions on the job front don't improve soon, the current game plan—based on rapid monetary growth and a theoretically balanced "full-employment budget"—may go the way of the original game plan, labeled "gradualism," which produced the recession of 1969–70. Game Plan Three seems likely to involve stronger fiscal stimulus and tougher wage-price restraints.

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[From the Washington Post, June 28, 1971]

## NATION STILL IS IN A RECESSION, PUBLIC IS CONVINCED, 63% TO 23%

(By Louis Harris)

Despite indicators that the country's economy is gradually improving, the American people remain pessimistic about the trend of both prices and unemployment and, by 63 to 23 per cent, still think the nation is in a recession.

As far as the average American family is concerned, a substantial 72 per cent see little abatement in the rate of increase in the cost of living. A cross-section of 2,497 households was recently asked;

*"Do you feel the prices of most things you buy are rising more rapidly than a year ago, about as rapidly as they were then, less rapidly than a year ago, or are they going down?"*

[In percent]

| | June 1971 | March 1971 | July 1970 |
|---|---|---|---|
| Rising more rapidly | 72 | 73 | 71 |
| Rising as rapidly | 20 | 22 | 21 |
| Rising less rapidly | 6 | 4 | 4 |
| Going down | | | 1 |
| Not sure | 2 | 1 | 3 |

Although administration spokesmen have talked optimistically about consumer prices leveling out to a maximum increase of 4 to 4½ percent in 1971, down from a rate of 6 percent last year nearly three out of every four Americans simply feel that inflation is still going at full blast.

At the same time, close to two of every three continue to express concern over unemployment. The cross-section was asked:

*"Compared to a year ago, do you feel that unemployment around here has grown worse, has decreased, or stayed about the same?"*

[In percent]

| | June 1971 | March 1971 | January 1971 |
|---|---|---|---|
| Grown worse | 65 | 62 | 62 |
| Decreased | 4 | 4 | 5 |
| Stayed same | 25 | 29 | 27 |
| Not sure | 6 | 5 | 6 |

The continuing phenomenon of rising prices in the midst of increasing unemployment—as the public sees it—is accompanied by a widespread feeling that we are not yet out of the economic woods.

*"Do you feel the country is in a recession today or not?"*

[In percent]

| | In recession | No recession | Not sure |
|---|---|---|---|
| June, 1971 | 63 | 23 | 14 |
| March | 65 | 21 | 14 |
| January | 56 | 33 | 11 |
| November, 1970 | 62 | 24 | 14 |
| August | 58 | 26 | 16 |

The implications of these results for the Nixon administration are that confidence in the ability of the federal government to lead the country out of the recession is not high. People were asked:

*"Do you feel that the economic policies of the Nixon Administration are doing more harm than good or more good than harm?"*

| | June 1971 | March 1971 | January 1971 |
|---|---|---|---|
| More good than harm | 32 | 34 | 35 |
| More harm than good | 40 | 37 | 39 |
| Not sure | 29 | 29 | 26 |

The repeated claims by administration spokesmen, including the President himself, that 1971 is going to turn into a "good year" economically show little evidence of having persuaded large numbers of the public. In fact, the administration view that 1972 will see economic recovery in the country on a widespread scale with prices leveling out and unemployment down does not evoke a great deal of confidence either. The cross section was asked:

*"Do you have a great deal of confidence that the Nixon Administration will keep the cost of living under control and will reduce unemployment by 1972. Do you have some but not a lot of confidence, or hardly any confidence they will do that?"*

| | June 1971 | March 1971 | January 1971 |
|---|---|---|---|
| Great deal of confidence | 15 | 15 | 18 |
| Some, not a lot | 36 | 38 | 37 |
| Hardly any | 43 | 41 | 38 |
| Not sure | 6 | 6 | 7 |

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# CHALLENGES TO AMERICA'S SPACE PROGRAM

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. GOLDWATER. Mr. Speaker, each of us hear the arguments against further United States activities in space. I strongly disagree with this position. We are just now beginning to see the great benefits from our past years involvement. The following article in Editor and Publisher, April 17 edition, presents some very positive results of our programs:

[From Editor and Publisher, Apr. 17, 1971]

## '70S: PAYOFF YEARS FROM SPACE—NEO (NEAR EARTH ORBIT) SPACE: THE ILLITERATE LEARN TO READ AND WRITE

Some 300 million villagers in India have a direct stake in the United States' space program. That's how many Indians, presently illiterate, who may learn to read or to farm more effectively thanks to American satellites in the 1970's.

India's current population (537 million) is growing at a rate that will reach more than a billion people by 1997. While 82 per cent live in 556,000 small villages, and about 70 per cent of the work force are farmers or agricultural laborers, India still does not produce enough food to feed its people. Education also suffers in India, with less than 50 per cent of primary school age children enrolled in schools. Complicating the educational problem is India's multiplicity of languages; there are 12 major languages and several hundred distinct dialects. Journalism is inadequate, too, since only two per cent of the newspapers go to the small villages where more than 80 per cent of the population lives!

The need for fast, extensive communications in India is obvious to its government which is striving to improve basic education, especially in modern agricultural techniques. To do so, India conducted studies of many alternate approaches, and has concluded that a Direct Broadcast Satellite TV system would be the most cost effective way to help solve these problems. Space TV costs about half of what an equivalent, entirely ground-based, system would cost since satellites can eliminate the need for large earth receiving and transmission stations, and complex relay networks. Broadcast satellites of the '70's will be powerful enough to beam TV programs directly from space to villages equipped with small, inexpensive receiving antennas. India already has found that community educational television has proven its worth in the area surrounding Delhi in an important experiment involving some 80 villages.

Under terms of an agreement India signed with the United States in 1969, their first 5000 villages are expected to be receiving televised instruction from space by 1973. Ultimately, some 600,000 direct broadcast receivers will be set up centrally in their villages with audiences of up to several hundred people at each location. And the multilanguage problem is solved, also, since each TV set will have a selection of dialect audio channels.

Brazil, too, is studying an educational system calling for direct broadcasts via satellite. There, problems are somewhat different from India's: the imbalance caused by very sparse distribution of the population (90 million people spread over 3.2 million square miles) has resulted in an inadequate educational system—there simply aren't enough teachers to go around. Rural schools are served by only 36 percent of the teachers, but have 54 percent of the enrolled primary students. And of the 100,000 teachers in rural schools, some two-thirds have had only primary education. Through communications satellites, Brazil plans to instruct students in the rural areas on modern agricultural methods and to provide sufficient basic education to help overcome the school system's deficiencies. Plans call for direct satellite broadcast to about 150,000 schools, reaching 30 million people, about double the number of people who presently receive schooling in Brazil. Officials estimate that the system would cost one-fifth of an Earth-bound system. In a few years, villagers in India and rural students in Brazil will be telling the world what they think of NEO-Space.

Just what is NEO-Space? It's a dark cold vacuum that surrounds our planet beginning some 2000 miles from Earth and extending to 25,000 miles from the planet. NEO-Space is home for the 427 artificial satellites currently in orbit around our world performing important research and operational tasks for Earthlings ranging from weather description to improved communications. The ability of communications satellites in NEO-Space to help bring the benefits of education to millions in the underdeveloped nations is one of the most profound benefits offered by NEO-Space.

Indians and South Americans aren't the only ones to benefit from communications satellites in NEO-Space. Today we have better television, with live, quality trans-oceanic color telecasts via satellites of news events. And, nations now have a capability of maintaining instantaneous, clear, unimpaired and direct communications with all nations of the world, a significant contribution to international relations. These and other Earthly benefits are available now because the use of NEO-Space has become economically competitive with other ways of doing things on Earth. The costs of using NEO-Space are coming down, and are expected to get even lower:

—The investment cost per circuit year in communications satellites has decreased from $25,000 for the Early Bird satellite in 1965 to an estimated $870 for the current intelsat IV.

Charges for the satellite portion of a one-hour color telecast between New York and Europe in 1970 are 19 per cent of what they were in 1967, a reduction of 81 per cent!

Advances in cable as well as satellite technology have resulted in better and cheaper telephone communications, resulting in actual rate decreases of up to 40 per cent in the price of trans-oceanic phone calls.

And the future of communications satellites holds even greater potential for improving the quality of life on Earth:

Under the terms of a domestic satellite system proposed by one firm, American television networks could cut their annual communications costs from more than $70 million to about $40 million. Such savings represent significant steps in keeping TV production costs down, and help fight inflation.

In air traffic control, particularly over the oceans, communications satellites can lead to an increase in air traffic density without compromising safety. By augmenting the electronic equipment on board, satellites can aid navigation and direct collision avoidance systems in air-lanes worldwide.

Likewise, satellites can make sea shipment and travel more economical and safer by providing continuous communications and accurate navigational aids to ships.

Business use of communications satellites will grow, too. One study estimates that the demand for business and data communications circuits will grow at least by 230 per cent from 1975 to 1985. And, because of time zones, satellites could enable computers to be used and sharer economically around the clock throughout the world.

Direct Broadcast satellites, in the more industrialized nations, could help doctors and lawyers to keep abreast of the latest developments in their fields by transmitting new data and instruction directly into their homes or offices.

These are some of the present and future uses of communications satellites in NEO-Space. By helping to teach more effective farming, the United States space program will be combating starvation; by helping to teach reading and writing, it will help the Earth's standard of living; and by helping improve communications between nations, it will improve world understanding.

During the 70's, we are in the real payoff years in space, an age in which we will see even greater economic gains from the space investments of the 60's. Greatly improved communications is just one area in which NEO-Space is helping to solve the problems on Earth in ways that are economically competitive with other ways of doing things on Earth. We've gained experience, honed our technologies, and now we're ready to fully exploit NEO-Space in the 1970's because we've learned that it's a better and cheaper way to attack some problems on Earth.

## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, it was an honor to have as the leadoff witness at the Minneapolis hearings into the health needs of the citizens of the Twin Cities, Maurice B. Visscher, Ph. D. and M.D. Dr. Visscher has had a distinguished medical career and is presently the president of the National Society for Medical Research. He is also distinguished service and regents' professor of physiology, emeritus, in the Medical School of the University of Minnesota.

Dr. Visscher in his thoughtful analysis, makes a number of perceptive observations and relevant points. According to Dr. Visscher the Federal budget allots three times as much money for training in the Defense Department as it does for education of health professionals.

I commend the remarks of Dr. Visscher to all of my colleagues:

### DISTINGUISHED CAREER

(Maurice B. Visscher, Ph. D. and M.D. Distinguished Service and Regents' Professor of Physiology, Emeritus, in the Medical School of the University of Minnesota)

I wish to testify with regard to four matters in connection with the problems related to health with which the Congress should deal in the current session concerning which my previous activities have given me some special knowledge.

### I. HEALTH MAINTENANCE ORGANIZATIONS

The record of such organizations as the several Group Health Plans in Washington, D.C.; St. Paul and Minneapolis, Minnesota; Puget Sound, Washington; the Health Insurance Plan of Greater New York, the various Kaiser Permanente Plans in several cities, and other smaller examples, have given proof through operating experience that high quality comprehensive pre-paid medical care can be provided in urban communities at substantially lower cost,* with greater efficiency and greater consumer satisfaction through such plans than through the more traditional solo practice of medicine or in fact that by any other fee-for-individual-service type of medical practice.

According to the Social Security Administration Bulletin, Vol. 33, #12, the gross expenditures for all health expenditures in the United States were $67.2 billion of which $22.5 billion is for hospitalization and nursing home care. Physicians' services cost $12.6 billion. The experience of Health Maintenance Organizations is that their comprehensive services, for both professional care and hospitalization, can be provided at a cost lower than that experienced for much more limited coverage in the remainder of the community under ordinary indemnity plans. It has become obvious that plans under which all appropriate diagnostic services are performed on an ambulatory basis are more economical as to hospital costs than are practice plans which involve hospitalization for many simple diagnostic procedures. With every advance in medical diagnostic procedure the need for specialized competence and facilities increases. Consequently the economic disadvantage to society of unnecessary duplication of staff and facilities will grow.

At present it is estimated that about one third of the bed occupancy of general private hospitals is used improperly, i.e. that with more effective ambulatory care, including adequate laboratory diagnostic facilities, hospitalization costs could be greatly reduced. If this waste were eliminated a saving of $7 billion annually could be anticipated.

If the Congress wishes to improve the overall picture for provision of medical care, it should not only permit their operation but it should make ample special funds available for the setting up of Health Maintenance Organizations. It should subsidize the initial stages of development of Health Maintenance Organizations. I speak with experience about the difficulties in starting such operations. The Group Health Plan in Minnesota ran a sizable deficit for its first two years. Today it is a flourishing enterprise. It nearly failed, however, in its first years because it took time to build a large enough membership to run an economical enterprise.

One of the ways in which the Congress can insure the development of Health Maintenance Organizations would be to require that Medical Schools subsidized by Federal funds utilize an HMO for at least a part of its clinical teaching. I wish to recommend that the Congress should require that all Medical Schools that receive Federal subsidy for educational purposes shall promptly set up programs for prepaid comprehensive medical care, i.e. an HMO, as a condition for receiving support, so that all medical graduates of the future may have had experience in the operation of such a plan.

### II. MEDICAL AND RELATED HEALTH PROFESSIONAL EDUCATION

The notion is widely held that education of personnel for the health professions is exorbitantly expensive. Data printed in the November 23, 1970, issue of the Journal of the American Medical Association, assembled by the Association of American Medical Colleges, indicates that for 1968–1969, the last year for which full statistics are available, the total expenditures of all medical schools in the United States for educational purposes (not including research) was $0.76 billion. Comparable exact data for education in dentistry, pharmacy, nursing and other paramedical personnel are not available to me, but I believe that a generous estimate would be an equal sum. The total would then be $1.52 billion or less. The total cost of preventive and therapeutic health care in the United States in 1968 was $57.1 billion (Social Security Bulletin, 1970). The educational cost is thus approximately 2.7% of the total.

It is difficult to make comparisons with other professional and occupational groups in connection with the cost of training. However, I have ascertained from the proposed Budget of the United States for 1972 that $1.8 billion will be used for training and paid drill in the Army, Navy, Marine Corps and Air Force Reserves; in the National Guards; and in the Reserve Officer Training Corps programs, in addition to the funds for other various purposes in those services. I have also ascertained that in the regular Army, Navy, Marine Corps, and Air Force the sum of $13.7 billion is requested for "Training, Medical and General Personnel Activities". The budget item is not further broken down in the budget, despite the fact that the Appendix to the Budget consists of 1,112 quarto size double column pages. I would assume, however, that no less than one-third of the total in the combined set of categories would be employed for training, which would represent $4.5 billion. Adding this to the above figures for the National Guard, Reserves and ROTC, one obtains $6.33 billion. The sum of $75.0 billion has been requested by the Department of Defense for military purposes. The training fraction is 8.3% of that total. This is three times the relative worth given to education for health professionals. If, as is likely, I have underestimated the costs of training in the Army, Navy, Marine Corps, and Air Force, the disparity becomes still greater.

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* The nationwide experience of the health plans for Federal Civil Service employees shows that in 1966, for non-maternity services, the days of hospitalization per thousand persons covered by Blue Cross-Blue Shield was 876 and for all Group Practice Plans combined, was 408.

My point is not that there should be reckless additions to appropriations for training for health professionals but simply to point out that in this country we are far from giving that sector of education an exorbitant fraction of the total cost of the health services outlay. I do, however, make a plea for the reordering of our national priorities in the light of real needs for human welfare in this country. This Congress needs to begin the process of such reordering in drastic ways. A most obvious point to begin is with reductions in the appropriations for military purposes.

### III. SOME SPECIAL ROLES FOR PUBLIC HOSPITALS

The rising costs of hospitalization in all hospitals is a cause of great concern to consumers, providers and government alike. One of the reasons for increased cost is the need to provide more and better services for diagnostic and therapeutic measures that the majority of patients in a private general hospital do not need, or to be more precise, need only rarely. However, more concentration of infrequently used facilities such as those for irradiation in cancer treatment, for cardiac catherization and numerous others, in fewer hospitals, but available to all, would result in considerable economies. A publicly supported and operated hospital is the logical place to install expensive facilities which cannot be used to full capacity in numerous private hospitals.

There is one type of service that, practically speaking, cannot be afforded in private hospitals without special subsidy, namely the effective treatment of major trauma. According to a report in 1966, the NRC Committees on Trauma and Shock stated: "In 1965, 52 million accidental injuries killed 107,000, temporarily disabled over 10 million and permanently impaired 400,000 American citizens at a cost of approximately $18 billion.

This neglected epidemic of modern society is the nation's most important environmental health problem. . . .". The leading cause of death among persons between the ages of one and thirty-seven is accident. An adequate surgical and medical service for the management of trauma requires a large full-time professional staff and supporting staff as well as properly equipped space. It is a very expensive service, but it is not a luxury. It is a money-saving necessity for every community because it not only saves lives, it prevents much disability in persons who survive. If I myself were to be involved in a serious accident in Minneapolis or St. Paul, the only hospitals to which I would want to be taken would be either the Hennepin County General or the St. Paul-Ramsey.

The public hospitals should be specially supported, in other words, not only because they can serve the indigent, but also because they, and they alone, can provide a center for special, and especially expensive services, at minimum cost to the community at large.

I wish to make one more point especially directed at the trauma problem. American society needs to have a broad-based program instituted in applied research and education in relation to accident prevention and treatment. It is hopeful that, due to the efforts of a few persons, especially Ralph Nader, the Congress has written into law some safety features for automobiles. But much more needs to be done in relation to accident prevention, and much more needs doing in relation to trauma management.

### IV. SUPPORT OF MEDICAL RESEARCH

According to the January 1970 report in the Social Security Bulletin, the total expenditure in the United States for health related research (outside the drug industry) was $1.77 billion. Of this sum, $1.5 billion was from Federal sources, $71 million from State and local, with $182 million coming from private sources. The last figure excludes the research expenditures in the pharmaceutical industry, which according to the annual survey report of the Pharmaceutical Manufacturers Association, was $450 million in 1968. Consequently, the above total must be raised by that amount. The more correct grand total therefore is $2.22 billion which is 3.8% of the total national health expenditures for the year ($57.1 billion).

It is of interest that also according to the PMA annual survey report, the amounts spent on research and development as the percentage of total income of the pharmaceutical industry was 11.4%. In other words, the pharmaceutical industry finds it profitable to spend relatively three times as much on research and development as is spent in the overall health enterprise.

It may also be of interest to note that of the total military budget proposed for the Fiscal Year 1972 of $75 billion, which the Defense Department has requested with the approval of the Office of Management and Budget in the White House, the sum of $8.1 billion is earmarked for research and development, which is 10.8% of the total.

When the questions are raised as to whether we in the United States are spending an exorbitant sum of money on health related resources, it may very appropriately be asked whether it is relatively less important to improve opportunities for defense against disease than it is for defense against potential miltary aggressors. The Department of Defense obviously believes that it is appropriate to spend 10.8% of its total funds on R. & D. Is there any good reason to believe that a smaller percentage of what is spent in the health care enterprise should go into research and development? If not, the idea that this country is spending all that it could afford or should spend in its own interest on health research is quite obviously fallacious. Until our overall expenditures reach $6 or $7 billion per annum, there would seem to be no justification for any assertion that medical and related research is overfunded.

Another way of looking at the problem is to compare expenditures for research and development in relation to space exploration with those for health. According to Science, February 5, 1971, NASA will spend $3.11 billion for R and D in Fiscal 1972. Can anyone seriously argue that R and D in the space program is worth $0.9 billion more to Americans than R and D in the entire health field? To pose the question is to answer it. To attempt to justify the NASA research and development expenditures on the basis of the value of the so-called "spin-off" is not valid, because at least in medicine the spin-off has been of minimal value, and in every area a direct attack on a problem of general importance would have been more economical. It has been argued that without the emotional force of national prestige the money would never have been appropriated. This may be true, but if so it only points up the distortion in our order of priorities. Actually the deciphering of the genetic code, done largely by American scientists, has undoubtedly raised American scientific prestige in the world more than our success in landing men on the moon. And it will have much more important practical consequences in the future.

I wish to make one very specific criticism of the budget proposals for Fiscal 1972. This is in relation to the decrease in requests for funds for medical research training. The President is asking for a total of $152.0 million for fellowship and training grants as against appropriations of $196.7 million in 1970. This reduction in requests has been progressive for two years, and has been justified on the grounds that the only way to stop increasing requests for funds for support of research is to limit the production of researchers. There are several flaws in this argument. First, there is no obvious reason why research funding should not increase to a higher level. Second, there is a great need at the present time for increased numbers of medical scientists to man faculties for new medical schools and expanded medical schools, to meet national professional manpower needs. Finally, the result of the squeeze has been to discontinue completely graduate training programs in a number of smaller institutions and to concentrate them in the more prestigious ones. This is certainly not in the best interests of all of the people in the United States. What this country needs is to strengthen rather than to weaken its less well-supported medical schools and universities in order to increase rather than to decrease the supply of competent manpower for medical education.

### CONCLUSIONS

In conclusion I wish to say that I hope that the Congress will develop a program for universal health insurance, with the financing based upon one or another form of equitable taxation, and that I would strongly recommend that great emphasis be placed upon the setting up of Health Maintenance Organizations with the maximum feasible decentralization of authority as to their operation. It would be a disaster to set up a single agency or individual as a czar for all health care. A thousand or more organizations, preferably competing with one another in offering their services, and operating independently under the broadest possible guidelines would seem essential in this country. Those physicians who preferred not to work in such Organizations should, of course, be allowed to continue in their own style of practice. However, their monetary rewards for services paid out of Federal funds should not be greater than the cost of similar services in HMOs operating in the same locality.

I hope too that the Congress will take a new look at the funding of health professional education and research, as well as of the essential public hospitals, the last as a means of improving health service while lowering overall hospital costs.

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## PRESIDENT MAY VETO ACCELERATED PUBLIC WORKS ACT

## HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. TIERNAN. Mr. Speaker, I am extremely distressed over the persisting reports that President Nixon will tomorrow veto the Accelerated Public Works Act.

There is little doubt that the most serious threat to the economy is our persistent unemployment. As has been pointed out so often during the last few weeks, the unemployment rate is presently 6.2 percent, a 9-year high.

If the President does follow through in his reported threat to veto this legislation, I can only infer that he has political and partisan motives. Certainly his public statements indicate that he is aware of our serious unemployment problems. In addition, this bill includes help for the Vietnam veteran, a goal which Mr. Nixon outlined earlier this month. If he now vetoes this worthy legislation, his reputed concern for the plight of the Vietnam veteran will sound a hollow note. Some of my colleagues believe the President does not like the idea of public works projects. And yet, his own manpower report, released in April by the Department of Labor states:

> Less than one-third of the Nation's population is served by sewage systems as well as adequate waste treatment plants . . . solid waste facilities are inadequate and antiquated. It is estimated that 94% of existing land disposal operations and 75% of incinerator facilities are substandard.

Thus, it can only be for partisan reasons that the President would veto this bill. For the sake of the 5.2 million individuals who are unemployed, I urge him to act as President of all the people, not just a chosen few.

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## TESTIMONY OF WILLIAM G. FLORENCE, RETIRED AIR FORCE CIVILIAN SECURITY CLASSIFICATION POLICY EXPERT AT HEARINGS BEFORE THE FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE, JUNE 24, 1971

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee is holding hearings on the crisis in U.S. Government information policies and practices. We have taken testimony thus far on the broad constitutional principles of a free press, the right of Congress to information from the executive, and the right of the people to know of the decisions being made in their behalf by government.

Also, we are examining the complex security classification system that is at the root of much of the confusion in information policies. Last Thursday, the subcommittee received a most important and revealing statement on the security classification system from Mr. William G. Florence, a retired Air Force civilian security classification policy expert.

Mr. Florence served for 43 years in military and civilian capacities for our Government and assisted in the policy preparation of Executive Order 10501 and implementing directives. He retired from the Government just a little over 3 weeks ago after serving for some 4 years in the Pentagon as a Deputy Assistant for Security and Trade Affairs for the Deputy Chief of Staff for Research and Development and the Deputy Chief of Staff for Systems and Logistics, Headquarters, U.S. Air Force.

In this forthright, candid statement, Mr. Florence estimates that about 99.5 percent of the classified documents contain information that could be revealed without prejudicing the defense interests of the Nation. He also said that there are at least 20 million classified documents in existence, and the cost of handling such material costs the American taxpayers more than $50 million a year.

Mr. Speaker, because of the far-reaching interest being focused on this issue here in Congress and throughout the country, I insert in the Extensions of Remarks the full statement of Mr. Florence.

The statement follows:

TESTIMONY OF WILLIAM G. FLORENCE, RETIRED CIVILIAN SECURITY CLASSIFICATION POLICY EXPERT, ON DEPARTMENT OF DEFENSE PROCEDURES FOR CLASSIFYING INFORMATION UNDER EXECUTIVE ORDER 10501 AS PRESENTED TO THE HOUSE FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE AT HEARINGS ON U.S. GOVERNMENT INFORMATION POLICIES AND PRACTICES, JUNE 24, 1971

Mr. FLORENCE. Mr. Chairman, I am truly honored to have been invited here. I am deeply grateful for this opportunity to participate in this exploration of perhaps the most serious Constitutional question that has arisen in my lifetime: the question whether we shall continue to enjoy the freedom of speech.

I am familiar with the work this Subcommittee has accomplished over the past sixteen years, including the landmark legislation known as the Freedom of Information Act. I believe the time has come for another service of perhaps equal, at least equal, maybe even greater importance.

It is my purpose to furnish facts that could be useful to the Subcommittee in reviewing practices of the Department of Defense involving the evaluation, classification, dissemination and declassification of information under Executive Order 10501, 5 November 1953, entitled "Safeguarding Official Information in the Interests of the Defense of the United States," as amended by Executive Order 10816, 7 May 1959 and Executive Order 10964, 20 September 1961.

I also wish to offer suggestions for eliminating unrealistic restrictions which currently are applied by the Department of Defense in the name of national security against the disclosure of information to the public regarding government business.

During my forty-three years of military and civilian service with the government, which ended by retirement 31 May 1971, I worked in many positions involving responsibility for safeguarding defense information.

At Headquarters U.S. Air Force I exercised responsibility from 1945 until 1960 for developing and publishing Air Force policy and procedures for evaluating, classifying, safeguarding and declassifying defense information. This included writing the basic policy in Air Force Regulation 205–1, subject: Safeguarding Classified Information.

During the period 1945–1960 I also served on committees within the Department of Defense and on interdepartmental groups concerned with developing or revising policy for safeguarding defense information within the United States and international organizations such as NATO.

This included contributing to the preparation of policy in Executive Order 10501, which was originally promulgated as Executive Order 10290, and to the preparation of implementing directives issued by the Department of Defense.

I was the author of DOD Directive 5200.9, 27 September 1958, subject: Declassification and Downgrading of Certain Information Originated Before 1 January 1946.

I also initiated the proposal that a policy be established for automatic downgrading and declassification of information on a very accelerated time-phase basis. (Eventually, a policy for automatic declassification was published in DOD Directive 5200.10 and was incorporated in Executive Order 10501 by Executive Order 10964.) It is not a very accelerated time-phase system.

From May 1960 to July 1967 I occupied positions in the Air Force Systems Command involving responsibility for assuring the protection of classified defense information released to or developed by contractors.

In August 1967 I returned to Headquarters U.S. Air Force where I served until 31 May 1971 as Deputy Assistant for Security and Trade Affairs for both the Deputy Chief of Staff, Research and Development, and the Deputy Chief of Staff, Systems and Logistics.

I exercised responsibility for (1) technical program security requirements in general, (2) classifying and declassifying research and development information and weapon systems, (3) reviewing proposals for public release of technical information, and (4) developing the Air Force position regarding proposals from industry to export technical information and munitions of war.

Based on knowledge and experience gained before and since promulgation in 1951 of the first Executive order for safe-guarding official information I submit that Executive Order 10501 should be rescinded.

The basic classification system and safeguarding procedures in the order were originally designed for the very narrow field of military information.

The limited scope of military planning, operations, and logistical support activities before World War II permitted the effective application of policy by the Army and Navy for designating and protecting certain items of information against disclosure outside military and naval channels. It is my understanding that military security regulations of the type that existed up to the conclusion of World War II are not at issue here.

The President is specifically authorized to "make rules for the government and regulation of the land and naval forces." Beginning with World War II, however, responsibility for national defense planning, implementation of defense planning, logistical support operations and the coordination of actual military operations necessarily mushroomed far beyond the limits of military channels. Numerous civilian departments and independent agencies became involved. Requirements for disseminating pertinent information expanded proportionately.

As I recall the facts, a Security Advisory Board operated in World War II to assist in coordinating security procedures among the various government agencies requiring knowledge and custody of military information which had been assigned a security classification by one of the military departments.

Memoranda issued by the Board established standards of protection to be applied by all agencies in the interest of uniformity. However, adherence to the standards was voluntary on the part of each agency. Therefore, the Board developed a draft Executive order for the purpose of having the security standards made directive upon all activities and all information of the Executive Branch.

Notwithstanding the advice of many individuals against expanding the policy for classifying military information to cover all activities and information of the Executive Branch, the draft order was completed and promulgated 24 September 1951 as Executive Order 10290.

Within a short time after issuance I could see that dissemination of classification policy by Executive action had led to a more widespread use of classification markings than existed before the order.

Regardless of such restrictions as my superiors permitted me to include in Air Force regulations regarding the use of classification categories, overclassification increased.

The classification and withholding of information from the public under Executive Order 10290 had become a political issued by the time the newly-elected President took office in 1953, just two years later.

The policy was quickly redrafted by the new Administration in an effort to reduce its scope. It was republished 5 November 1953 as Executive Order 10501.

The major improvement was to stop the misuse of the restricted classification category. This was done very simply and most effectively by eliminating the category from the classification system. We had no more trouble with that classification.

For about two years there actually was some reduction in the use of security classifications in the Department of Defense. But by 1955 the various types of actions taken by the Department of Defense in implementing Executive Order 10501 had permitted and encouraged the overclassification of information to begin increasing again.

Since then the practice has become so widespread that the defense classification system is literally clogged with material bearing classification markings. I would guess that there are at least twenty million classified documents, including reproduced copies, in existence today.

I sincerely believe that less than one-half of one percent of the different documents which bear currently assigned classification markings actually contain information qualifying even for the lowest defense classification under Executive Order 10501.

In other words, the disclosure of information in at least 99½ percent of those classified documents could not be prejudicial to the defense interests of the nation.

Numerous individuals in the Department of Defense, including myself, have attempted to the best of our ability to limit the use of defense classifications to the purpose for which they were intended.

Various officials from the Secretary of Defense down have initiated measures designed to restrict the use of defense classifications.

But hundreds of thousands of individuals at all echelons in the Department of Defense practice classification as a way of life. They came into military service or civilian employment under the policy in Executive Order 10501 which permits the classification of information, and they simply are not going to change their practice as long as the classification system exists.

Let me tell you about the early indoctrination by the Air Force for its inductees at Lackland Air Force Base, for example. These individuals are immediately advised that there must be this safeguarding of military information and are indoctrinated at the very beginning of their service. Each individual participates in determining what information should be safeguarded.

Not only is this indoctrination given at the time before the individual is even acquainted with the service, but there is the complication of another virtually fourth security classification injected into this indoctrination. The Air Force uses the term "unclassified-sensitive" to designate information which technically does not qualify for marking as classified defense information under the Executive order, but the effect is substantially the same as putting a security classification on that information. It makes it so that information not qualifying under the Executive order for the marking of confidential becomes in the minds of these inductees and it extends on through their service, information that could qualify for the classification of confidential if, under this unclassified sensitive concept the individual felt it would be necessary to go ahead and use the Executive order system rather than depend upon the understanding of what unclassified sensitive really means.

My point, Mr. Chairman, is that there is quite a dilution even of the intent and language of the Executive order, much less the dilution of the use of the authorized classification symbols in that order.

Here are some additional facts regarding the classification philosophy of the Department of Defense which I believe are quite pertinent to the Subcommittee review.

1. DOD Instruction 5210.47, covering the classification system of the government and its application by the Department of Defense limits original classification authority in the Department of Defense to a relatively few individuals, very highly placed persons in the Department of Defense.

However, the same directive delegates something called "derivative" classification authority to any individual who can sign a document or who is in charge of doing something.

Such individual may assign a classification to the information involved if he believes it to be so much as closely related to some other information that bears a classification. This is called "derivative" classification authority.

In the past several years I have not heard one person in the Department of Defense say that he had no authority to classify information. The restrictions in Executive Order 10501 on delegating authority to classify have virtually no effect.

Incidentally, it might be recalled that some of the complexities in the government's affidavit regarding DOD classification practices which were submitted to the District Court in the Washington Post case included references to "derivative classifications."

2. The majority of people with whom I worked in the past few years reflected the belief that information is born classified and that declassification would be permitted only if someone could show that the information would not be of interest to a foreign nation.

As one of many examples, I have received correspondence from the Air Force Systems Command objecting to possible declassification of items of information unless it could be proved to them that declassification would actually benefit the Air Force.

More recently, I attempted to obtain concurrence of an Air Staff office in declassifying the external view of the fire control equipment being sold to Japan for use on the Japanese F-4 aircraft.

In addition to other reasons for declassification that I was sponsoring, more than twelve of these sets had been lost in foreign territory. But I was told that concurrence could not be given "until there is positive proof that possible enemy countries have had access to this system." Fortunately I was successful in getting that office overruled. The classification requirements on that information were cancelled.

3. Nearly everyone known to me follows criteria for classifying information which are much broader than the criteria in Executive Order 10501. This stems primarily from inadequate limitations in DOD Instruction 5210.47.

The Office of the Secretary of Defense provides for and encourages the use of lists of examples of information which could qualify for classification. Lists include such generalities as "State-of-the-Art," "breakthroughs," "new thresholds," "production schedules," "manufacturing data," "performance," and so forth.

As a matter of fact, Air Force Regulation 205-29, as published by the Air Force Inspector General, negates the criteria in Executive Order 10501 in some degree by providing for the classification of scientific or technological information if the information would aid a foreign government.

I was asked recently by the Office of the Secretary of Defense to concur in a proposal to classify all rocket propulsion information that is not presently in open literature. This of course is not a criterion or an approach to the reasons for imposing security restrictions on information that is established in the President's Order.

Another point is that people, all of us really, want a simple list to file and glance at, containing instructions about information qualifying for a classification. This is all they will use for assigning classification markings if you give it to them. Thus, instead of judgment classification, we get file-drawer classification. The Department of Defense simply does not make clear the fact that no item of information, regardless of type, can qualify for a defense classification under Executive Order 10501 unless proper authority determines that its unauthorized disclosure actually could be prejudicial to the defense interests of the nation.

4. It is common practice in various Department of Defense activities to assign a defense classification to documents known by the classifier to contain no item of information qualifying for a classification. The reason usually is that the mere association of items of unclassified information warrants security protection and the classification designation. The individuals involved evidently are not aware of the fact that information truly qualifying for classification cannot be divided into separate unclassified elements. In other words, according to Sections 1 and 3 of Executive Order 10501, zero-classification plus zero-classification can never become confidential. There must always be an additional ingredient warranting that classification.

Let me cite some actions that show how utterly ridiculous the theory of association classification can be in practice. These are not very exceptional. They are quite common.

a. Sometime ago, one of the service chiefs of staff wrote a note to the other chiefs of staff stating briefly that too many papers were being circulated with the top secret classification. He suggested that use of the classification should be reduced. Believe it or not, that note itself was marked top secret.

b. The Air Force Electronics Systems Division at Hanscomb Field, Massachusetts, adopted the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned to overall classification of confidential." We attempted some orientation with the definition at this time. I would not say our immediate success lasted too long, because I still see practices of this sort.

c. Not so very long ago, someone in the Navy Department placed the secret marking on some newspaper items of particular interest to the Navy. Subsequently, that action caused some embarrassment to the Department of Defense. As a result, a special directive had to be published to tell people not to classify newspapers. I see recently that practice within the Department of Defense is continuing anyway, the best I can tell from reading the newspapers today about the disclosures in the New York Times, the Washington Post, and the Boston Globe.

d. Last year, the RAND Corporation produced a document containing unclassified lists of electronic equipment, including electronic warfare equipment, that is carried on U.S. Air Force aircraft. This was not like the 47-volume document that is so much in the news today. No classified information was used as source material. Nothing was added by the author that could possibly have qualified for protection under Executive Order 10501. For example, here is a portion of the material that was used, not only of the sort I just mentioned, but it even specifies here as being unclassified. However, in the course of a routine review of the RAND listings within the Department of Defense, one Air Staff Office wrote the following: "In our judgment the document should be classified at the confidential level since it reveals actual electronic warfare configurations of USAF aircraft." Without regard to comments from other offices that the document did not contain classified information, the Department of Defense notified RAND Corporation that the confidential classification should be applied. At the time I retired, my office had not been able to have that classification canceled. You might note the total absence of any thought really as to whether republication of unclassified information would prejudice our defense interests.

Mr. Chairman, I refer again to the government affidavit that was filed in the Washington Post case. That affidavit relating to the use of security classifications and explaining the Executive Order 10501, clearly supported the use of association classifications in the Department of Defense.

5. A great many individuals in the Department of Defense, including highly placed officials, classify or strongly support the imposition of defense classifications on privately owned information, including privately generated applications for patents, regardless of the fact that Executive Order 10501 is clearly limited to official government information. This really spreads classification beyond any possible control. And we can be certain that the tremendous costs which stem from this type of unnecessary classification, as well as all other unnecessary classifications, are charged to all of us as taxpayers.

I could cite numerous recent or current cases involving the assignment of classifications to privately-owned information. Here is one example. Nearly two years ago, a West Coast firm published as unclassified a document describing their privately-dedeveloped electronic system for air surveillance of missile sites. After considerable effort in obtaining a government license for export, the company distributed the document last year, as unclassified, to numerous foreign countries. Of course, it had wide distribution in this country. Late in 1970, the Army came into possession of the company's information. In December, the Army sent a letter to the Defense Supply Agency in Los Angeles advising that the information required the classification "Secret-NOFORN." Incidentally, Mr. Chairman, that "NOFORN" is an acronym for "no foreign dissemination." The Defense Supply Agency was to conduct an inquiry into the purported "security violation." Incidentally, the Army letter itself contained information marked as confidential.

Subsequently, a report of investigation was forwarded to the Department of Defense for action. In March, this year, my own office submitted comments showing that no government classification should apply. Including in our letter was the following: "The fact that a government activity classifies its own use or knowledge of an officially developed item of information does not constitute any legal basis for attempting to classify and restrict a commercial firm's use or knowledge of its privately-developed information, even though both items of information might seem to be identical."

Nevertheless, the pro-classification position prevailed and the Department of Defense later notified the company that the information was still considered to be classified. I do not know whether this matter has been resolved yet.

5. Here is another very serious problem. Many people hold the view that the classification system can and should apply to information in the public domain. This includes the top security policy officer in the Department of Defense. And, of course, that view is reflected at this moment by the government's proposal to review the New York Times papers of 13, 14, and 15 June and make a decision within 90 days, maybe less, as to whether the top secret classification may be downgraded or canceled.

Let me give you some other examples of cases that are common throughout the Department of Defense:

a. When the secretary of defense presented his statement to the House Armed Services Committee 9 March 1971, on the 1972–1976 Defense Program and the 1972 Defense Budget, one of our Air Staff divisions rose up in wrath about the disclosures made by the Secretary. Here is an extract of the report made by the Secretary of Defense to the House Armed Services Committee.

By the way, Mr. Chairman, in all of this critical review of the Department of Defense, I submit that it does about as much good as anyone could hope for when it comes to releasing information to the public regarding Defense planning. The public release machinery works very effectively, in my opinion, in spite of the weird confusion that exists in the classification system. I believe, sir, that this Department of Defense presentation of 9 March, 1971, is a very good example of what I am talking about.

The division in the Air Staff I am referring to issued a statement of its own that same day, 9 March. It developed a list of elements of information, including some that had been published by the Secretary of Defense. The division then assigned its own classification to those elements of information and sent the list of officials to the offices of the Secretaries of Defense and the Air Force, the Air Staff, and the Air Force Systems Command. In requesting comments about the division's own security classification assignments, the covering letter included the statement, "please disregard what you know has been released or compromised."

This was another matter that had not been resolved when I retired last month.

b. Here is another very significant case. Two years ago, the Assistant Secretary of the Air Force for Research and Development advised a subcommittee of the House of Representatives Appropriations Committee regarding "the formulation of a concept which involves the capability of the 949 satellite system to both detect missile launches off the launch pad, and forecast their trajectory and combine those data with long wavelength (LWIR) midcourse tracking." This is somewhat of a technical description, Mr. Chairman, but I beg your indulgence. There were some other excellent disclosures but let us consider this performance function of the program 949 Satellite.

After that my office certainly anticipated being able to issue instructions that would have canceled the existing secret classification specified in Air Force documents regarding the fact that Program 949 had any sort of missile detection capability. But, again believe it or not, we could not obtain noncurrence of people in the Office of the Under-Secretary of the Air Force to cancel the classification. In the past two years, the Commander of the Air Force Space and Missile Systems Organization, the Commander, Air Force Systems Command, and some other individuals have attempted to obtain authority for cancelling the classification on the general purpose of Program 949. A great deal of information is published periodically in the newspapers about this program. Very little so-called leakage of information however has occurred. The program simply is self revealing to anyone who is interested.

But the philosophy in certain offices in the Department of Defense that nearly everything about space programs must carry a defense classification, regardless of exposure, continues to prevail regarding Program 949 and some other space programs. Incidentally, the DOD Director concerning the classification of space programs was assigned the secret classificaiton when it was issued about 10 years ago. It still had that marking last month.

7. My next case shows how deeply embedded and inflexible the "born classified" concept has become.

In April of 1907, the Director of Defense Research and Engineering—Dr. Foster—proposed to make substantial changes in DOD policy with a view toward actually eliminating overclassification and unnecessary classification of research and development information. It was his conclusion that such information as might require classification could not, as a general rule, be protected for more than two years. At the end of that period, the information was to be declassified with very few exceptions. Also, he proposed that any item qualifying for classification be marked and handled as secret—not confidential, but secret—so that it might be effectively accounted for and protected during the two-year classification period. This proposal for automatic declassification of research and development information after two years, and the other highly constructive proposed improvements in policy, were beaten down by objections from the pro-classification people in the Department. It seemed that too many people would have lost some of their classification prerogatives. I personally thought that Dr. Foster should have been awarded the highest of honors for the proposals he made. It really was, and still is, a disappointment that since the date of my blanket declassification action in 1958, the proclassification people can stymie any effort within the Department of Defense that would make the classification system fully workable.

8. The next problem regarding the application of Executive Order 10501 is the total lack of incentive in the Department of Defense for proper classification. An individual who strives to limit the use of defense classifications to information for which they are authorized in the order run a risk of being accused of and punished for a security violation. To my knowledge, no one in the Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone "up the line" thinks that a classification should have been applied.

Mr. Chairman, the foregoing comments reflect the reasons why I have concluded that promulgation of Executive Order 10290 and its reissuance of Executive Order 10501 was a mistake. We can make honest mistakes. I do believe this was a mistake. We should never have been encumbered with a policy permitting an individual to impose, by administrative action and personal choice, any restriction on the dissemination of information to which the people of this country are clearly entitled by the Constitution. I respectfully submit it is my belief that any effort to revise the Executive Order and to require the type of implementing action that might truly serve the interests of the country would be doomed to failure. The fallibility of men and the self-interest we necessarily exercise in our lives simply rule out any hope that administrative choices made as to classification under a new order would be better for the nation than those being made today.

We did not need the broad policy that is in Executive Order 10501 to assure the protection of truly sensitive military information before 1951. Our defense interests could be served better without such a policy.

I respectfully suggest the enactment of legislation for controlling "defense information" or "defense data" similar to that which covers "restricted data" under the Atomic Energy Act of 1954. The Congress could decide upon appropriate language, sufficiently precise, that would include only those elements of military information which warrant and must be accorded effective protection against disclosure. We could easily amend the existing order, but we cannot amend people. The use of so-called classifications or other similar labels should be avoided. Any proposed disclosure not authorized by the statute could be stopped, and any unlawful disclosure could be the basis for penalty. The degree of punishment should be made commensurate with the seriousness of the violation, not necessarily a severe penalty.

Mr. Chairman, I again express my deepest thanks for the invitation to come before the committee and present these facts and suggestions.

## AFTER VIETNAM, WHAT? SPEECH OF HON. JOHN S. MONAGAN

### HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. SCHNEEBELI. Mr. Speaker, my colleague and good friend, Congressman JOHN S. MONAGAN, again showed his great talent as a former college English major and a sound thinker when he recently addressed the graduating class at Post Junior College in Waterbury, Conn.

Most of this year's graduation speeches focused on the prospective withdrawal from Vietnam. I should like to call to the attention of my colleagues Representative MONAGAN's talk which goes beyond an emphasis on withdrawal and asks the Nation to consider the larger policy questions we must face after withdrawal. He wisely suggests that we enlarge the scope of our national debate from a date-of-withdrawal preoccupation to an exploration of the overall dimensions of our future problems, both foreign and domestic, with a plea that we not surrender our responsibilities in the world.

I commend to your attention, the following fine address by Mr. MONAGAN.

#### AFTER VIETNAM, WHAT?

It is a hardy individual today who presumes to make a Commencement Address.

With freedom of thought endemic and personal judgment supreme, these are not times when one mounts the podium to repeat the fulsome generalities of other days or the exhortations to industry, frugality, and optimism that characterized the speeches of bygone Junes. The last decade has produced a deep skepticism of the rhetoric of the past. In our country to dry the adult voice does not command automatic agreement.

While not entirely deifying, the last decade has been an exciting time in which to live. In style it has ranged from the optimistic if inflated Kennedy rhetoric—"We shall pay any price, bear any burden, meet any hardship"—to the obscenities of the New Left; from the orotund platitudes of Norman Vincent Peale to the scatological broadsides of the Black Panthers.

With the current urge to be different and the uniform tendency to non-conformity, it is perhaps significant that a commencement ceremony is being held here today, and while in these times one may never be able to predict the form it may take, it is heartening to be a part of it.

My own memories of graduations go back to the time when the seniors marched in serried and graduated ranks—coming in to the tune of Mendelssohn's "March of the Priests," concluding with the Doxology, and, at least, until the depression, most of the newly-fledged bachelors promptly left the groves of Academe for the canyons of the New York financial district.

What a variety of themes have been sounded at commencements since those years. The depression (grit your teeth and hope), World War II (we fight to preserve our way of life), the Cold War (we shall build a strategy of containment of communism), the New Frontier (ask not what your country can do for you).

Commencement moods have ranged during this period from idyllic to blasphemous and the audiences have run the gamut from soporific to unruly. The last few years have marked the high tide of activism and participation—not to mention personal testimony. Only two years ago people were grabbing microphones all across the land, and it was a sorry institution indeed which did not have its closing ceremonies interrupted with an harangue on Vietnam, or a polemic on university investments in South African business.

Now it appears that another change of mood has made its appearance, both on the campus and in the country at large. Students are reviving long-hidden interests in the "non-relevant" areas of study. Marching and violent demonstrations are left to the minority. Student activism remains, but it has turned to more conventional channels of accomplishment. The sudden increase in law school applications evidences this point.

A college newspaper recently carried an ad which read:

"Wanted—suggestions for desirable subjects for demonstrations."

On the whole, the tendency seems to lead toward greater participation and less confrontation. Perhaps the 18 year-old vote has had something to do with this. Perhaps the emptiness of confrontation policies has become apparent. Or perhaps there has developed a greater capacity to distinguish between measured change and revolution.

In any case, the time has come to ask where this activism, the student group, and the country at large should be heading. I have reminisced today about past commencements, but I have not come here to talk about the past. I have come to discuss the future.

For the last five years, we have experienced passion, anger, and frustration over the Vietnam war. This turmoil, though sometimes justified, has often obscured and subordinated the many other critical problems, both foreign and domestic, with which the United States must deal successfully in the years ahead. For several Presidencies, it has been almost literally true that Vietnam has been the only problem on which our Chief Executives have been able to focus. For a generation of students, Vietnam has been an ever more insistent factor for a major portion of their lives. Now that the military commitment in Vietnam is being reduced, the scope of some of these other problems becomes clearer and their urgency becomes more apparent.

And so this is a good time to look ahead and ask ourselves, "After Vietnam, What?". I should like to examine today some of the problems America must face and answer in the coming years.

Perhaps the most significant event of the past year is that the young have been given the opportunity to play a significant role in contributing to the post-Vietnam future. It is difficult to determine the voting patterns which will emerge from the current extension of the franchise, but what is significant is that the youthful citizens now have an effective channel through which to express their opinions.

Voting reform was not passed without reluctance on the part of many legislators and as one who has college-age children, I have had my doubts about its wisdom; but it is now law and the proof of its wisdom lies with those who are its beneficiaries.

An American politician once stated, "In the age in which we live, in this fast age, men mature both in body and mind at a great deal earlier period than formerly." This argument, expressed by Marcus Bickford at the New York State Constitutional Convention in 1867, is the present basis for extending voting rights.

The new voting rights law will make some 11½ million Americans from 18 to 21 years old eligible to vote. Over 900,000 of these will be in high school, 4 million will be in college and 4.1 million will be working full-time. A million of these eligibles will be housewives, and some 800,000 will be in the armed services. Today young people have been provided with unprecedented resources to enable them to share in shaping the American future. They are formally and technically more qualified than their predecessors ever were. Whether they join in exercising this responsibility and in influencing the future course of events rests with them.

The franchise extension does not mean, of course, that the walls of Jericho will come tumbling down at the first blast of the 18 year old trumpet. Democratic government does not guarantee that the views of the individual will necessarily prevail. It does guarantee, however, that they are heard, and that the individual has a chance to persuade the majority of the correctness of his views.

I call attention to the post-Vietnam challenge with the fervent hope that everyone will take advantage of his opportunity to PERSUADE the majority or to JOIN the majority. After Vietnam, what will happen to today's activism? Its momentum must be transferred to exercise of the franchise, or it will go for naught.

The 18 year old vote, of course, has profound implications for our political parties in the immediate future. The Vietnam War has seriously strained our political system, and has split the Democratic Party, bringing defeat to its candidates on state and national levels. However, the necessity of avoiding such splits and of maintaining the two-party system transcends partisan considerations. We have seen what party fragmentation led to in Germany with the rise of Hitler, and now in Holland the old political joke about holding party conventions in a phone booth is no longer a figure of speech but a fact. A decision on the two-party system may be one of the first political judgments of most of those in this graduating class. I urge all of you to examine the alternatives.

The two-party system was not envisaged by the Founding Fathers who drew up the American Constitution. The party system which we know today developed gradually, through experience, to fulfill the particular needs of the nation. Parties grew out of necessity, and in practical terms, they have proved essential to the operation of our democratic politics.

By providing the political process with depth and a broad base, parties successfully brought order out of the great diversity of America. In contrast to factions which provided the dominant structure of political legitimacy prior to the two-party system, parties encompassed a wide range of groups, provided more room for disagreement, and created greater continuity and stability. The two-party system thus successfully overcame the uncertainties of factional politics to provide a workable means of government.

Our political parties are, of course, not perfect. They are often cumbersome and ineffectual. Despite the obvious shortcomings, however, the dual competition of parties has proved workable and essential in this country. The alternative to the two-party system—fragmentation politics—would be disastrous.

In making a judgment on the political system in 1972, I urge new voters to keep this thought in mind. Change the existing party structure where it is deficient, but accept the two-party system for what it is:

the most effective means of fulfilling the political needs of a large and divergent society. Get involved in politics—and get involved in the every-day activities at the ward and district level, not just with the glamour issues and charismatic candidates—but work within the existing party framework.

The domestic answer to the question, "After Vietnam, What?", depends in large part on how responsible our government is made to our own crucial problems. It can be made responsive only through broad individual participation in the party process, and if any one failure leads the way to our national decay, it will be the failure to share in the gritty and mundane chores of citizenship. It should be more clear here that I do not discuss our myriad domestic problems, but excluding them does not mean lack of acknowledgment of their importance.

Finally, what about the problem of Vietnam itself? Over the past five years, the young have been deeply concerned with the course of that war. Once the United States has withdrawn from Vietnam, where shall we go from there, and what will be the fate of that beleaguered country?

I hope first of all that youthful concern with the course of American foreign policy will continue. Throughout our history, the American public has not been sophisticated or informed on the formulation of foreign policy, but the Vietnam War has provided a current reason for public concern in the field of foreign policy and the young have displayed a willingness to study the complexities of Southeast Asia. This interest must continue after Vietnam.

More than this, however, I also hope that the whole nation will raise its sights beyond Vietnam to explore the larger dimensions of our foreign policy. Vietnam has been judged an error, but judging it an error does not constitute the formulation of a global post-Vietnam policy. Judging it an error does not relieve us of the responsibility for proposing programs to deal with its effects and with the variety of other problems which impend. What will be America's role in Southeast Asia after troop withdrawal? How do we deal with the after effects of this war? Should the United States develop a low profile in the world—in Latin America, the Middle East, and in Berlin—to such a degree that we no longer have effective influence, nor ability to help our friends preserve the peace? What I am suggesting in these questions is that the scope of the national discussion be greatly enlarged; that withdrawal from Vietnam be placed in its larger context. Our foreign policy problems will not be solved simply by troop withdrawal from Southeast Asia. Already the Philippines and Singapore are vestive over Chinese revolutionism. It is not enough now merely to acknowledge the mistakes of the past. We must begin to sketch in pieces of the future.

I do not pretend to suggest the final form which our overall foreign policy should take in the coming decade, nor would I attempt to present many facets of such a complex project in so short a time. I do, however, suggest several broad principles which should be used as guidelines as America moves into the post-Vietnam era.

The first of these is that the United States must maintain its responsibility in the world. Vietnam has proved painful, yet the experience must not cause us to withdraw from all obligation. The extent and nature of foreign commitment must be determined through national debate and the protection of our national interests, but some form of commitment will necessarily remain. America must combat the natural tendency toward isolation following war, and maintain a responsible presence in the world for our own security and the preservation of world order.

Having recognized this responsibility, we must at the same time accept a second general principle—that other nations, particularly underdeveloped nations, have legitimate aspirations and ambitions which must be encouraged to develop. In our efforts to determine and meet our international goals, we must support these aspirations.

Such aims will not be easy to achieve. My point today is that they will never be achieved if America does not begin consideration of these issues now. An obsession with Vietnam threatens to restrict adequate public discussion. We must instead face the larger questions of foreign policy which will affect us in the decades ahead. We must enlarge the focus of our national debate, or enter the post-Vietnam era unprepared.

Thus, the answer to the question, "After Vietnam, What?", with respect to our foreign policy, lies not in any one individual, but in all of us. It lies in how well we rise above the narrow concentration on Vietnam. It lies in how we debate the larger issues of America's global role. All of us here today are responsible for the future of the nation. The shape that future may take depends on our willingness to face and attack the hard problems which the future will bring.

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# A NEW CONCEPT FOR DETERMINING THE APPORTIONMENT OF GENERAL REVENUE SHARING

## HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DANIELSON. Mr. Speaker, in testimony this morning before the Committee on Ways and Means I proposed a concept for determining the apportionment of general revenue sharing which I do not believe has received much attention to date. This concept centers on the determination of tax effort made by a local government by comparing that community's tax base—the fair market value of all property on which taxes are levied—with the amount of revenue which is actually rasied in that community.

I insert my statement at this point in the RECORD:

### STATEMENT OF CONGRESSMAN GEORGE E. DANIELSON

Mr. Chairman, and distinguished members of the Committee on Ways and Means, I have requested this opportunity to appear before you to give you some of my ideas on the subject of General Revenue Sharing in the hope that they may be of assistance to you in coming to a decision on this very prominent issue.

We all know that local and state governments are in desperate need of new and additional revenues in order to continue in operation and to meet their responsibilities.

Whether or not those new and additional revenues are to come from the current General Revenue Sharing proposal is one of the questions this committee must answer. Assuming that such a plan is adopted, we must then be certain that it is equitable in the manner that it shares—or distributes—the revenues, and that it places the shared revenues where the need is greatest.

### MATCHING THE MONEY TO THE NEED

One of our first concerns must be to match the money to the need.

When the Administration's revenue sharing proposal was first presented, being curious as to its effects within my own District, I ran a rough computation as to how my home county and the cities within my District would fare. The results were shocking. Then I extended the same computation to most of the cities in my county. This resulted in the table of proposed allocations which was printed in the Congressional Record of March 18, 1971, on page 7031, and showed such gross distortions as per capita allocations of $47.78 in the City of Commerce, and $24.30 in the City of Beverly Hills, but only $1.31 in the City of Cudahy. The cities that needed the most help received the least; while those which needed the least, received the most.

The fault lay in the overly simplified Administration plan which would share the revenue in proportion to the ease with which the various local governments were already able to raise their revenues. This would freeze into law—would crystalize—the old principle of bad government which provides that the rich get richer and the poor get poorer.

That result would be unconscionable! The justification for revenue sharing is that it is necessary in order to help local governments meet their needs. We *must* match the money to the need.

### PROPOSED IMPROVEMENTS IN GENERAL REVENUE SHARING FORMULA

1. The "local government base" for general revenue sharing should include all local government taxing authorities.

2. The "local government sharing formula" should recognize the existing tax effort of each local government.

As to the "local government base", the Administration's plan excludes revenues raised to support independent school districts and all special districts from revenues used to determine the shares for eligible receivers. When closely examined this is manifestly unjust, since there is no uniform manner of organizing local governments and their functions—either throughout the nation or throughout the individual states. In many places school districts are organized as "dependent school districts, being a part of local government. In my own state of California nearly all—if not all—of our 1,239 school districts are organized as "independent" districts. They and their revenues would be excluded from the computations under the Administration's plan.

Likewise, in my state, for the purpose of efficient operation, many traditional government functions are performed by special districts which may overlap or contain two or more cities or counties or both. These perform such necessary functions as fire protection, sanitation, and the like.

As "special districts" revenues used to support them would be excluded by the Administration's formula, while local governments performing the same identical functions as part of their municipal organization would receive "credit" for and share revenue based upon their tax efforts to support such functions.

My recommendation is that all revenues raised by all types of local governments should be included in the revenue sharing base. To be absolutely clear, taxes raised to support all school districts and all special districts performing governmental functions should be included.

As to the "local government sharing formula", the greatest fallacy of the Administration's plan is that it simply allocates the greatest amount of shared revenue to those who already are able to raise the most revenue with the greatest ease.

The gross error is that it fails to recognize true tax effort.

It is axiomatic that a local government with a "rich tax base" can raise a given amount of revenue with a lesser "tax effort", while a local government with a relatively "poor tax base" must make a far greater effort to raise the same amount of revenue. This clear and marked difference in tax effort must be recognized if "revenue sharing" is to accomplish its intended purpose and if revenue is to be shared equitably.

I propose that in working out the formula for local government sharing, the revenues now being raised by each local government be weighted and adjusted to reflect the percentage of its tax base which is currently being consumed to raise its revenues. The "weighted" or "adjusted" figures would then be the basis for local allocation.

### SHARING BETWEEN COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT (CITIES)

I propose:

1. That the share of each city be allocated on the basis of all revenues collected from its tax base, within its boundaries, excepting only the revenues collected by the county for county purposes.

2. That the share of each county be based upon the sum of all revenues collected on the county's tax rate throughout the county (both within and without city boundaries), plus all revenue collected by special districts in unincorporated county territory—i.e., outside of the boundaries of cities.

The two above proposals would go a long way toward lifting the present heavy burden on real property taxpayers throughout the land. Everyone is a property taxpayer, either directly or indirectly.

### WEIGHTING AND ADJUSTING THE TAX EFFORT AND ALLOCATION THEREON

I. Formula for distribution directly to local governments, based on taxes and tax effort:

This procedure would allow for adjustment of total local taxes collected (including a pro rata share of payments to special districts by residents of a local government) to reflect the effort or burden on local taxpayers.

1. *Standard tax effort.* The statewide standards for taxes collected by all units of local government, expressed as a percentage of the total fair market value of all property within the tax base of all local governments.

2. *Local government tax effort.* For each local government, the tax effort represented by all taxes collected from its tax base, (including special districts and school district taxes, but excluding county taxes in the case of cities), expressed as a percentage of the fair market value of all property within its tax base.

3. *Weighted tax effort factor.* For each local government determine the ratio between its "tax effort percentage" (step 2, above) and the state "standard tax effort" (step 1, above). This ratio is the weighted tax effort factor.

The amount of taxes collected by each local government would then be weighted and adjusted by the weighted tax effort factor (step 3, above).

5. The percentage for adjusted taxes for each local government in relation to the sum of adjusted taxes for all local governments would be determined.

6. Each local government would receive a share of the revenue sharing funds equal to its percentage of adjusted taxes as determined in step 5 above.

II. Alternate formula for distribution through counties and to independent cities:

This procedure would establish the counties as distribution agents between the state and the local governments. Instead of determining a tax effort indicator for each local government, a tax effort measure would be necessary only at the county, or independent city (city and county), level. It would work as follows:

1. The procedure outlined above for allocation to all local governments would be followed, but instead of determining the allocations for cities, data only on a county basis (or independent city if applicable) would be considered.

2. The county would retain the portion of the allocation equal to the percentage its taxes represent in relation to the total taxes of the county and all units of local government combined.

3. The remaining revenue sharing funds would then be distributed to local governments based on population.

Some of the advantages of this second method of allocation are that taxes paid to special districts would only have to be pro-rated at the county level instead of at the local government level, and population would be used to indicate need.

For either of the above methods, terms such as "taxes collected," or "tax effort" should be defined carefully to be sure they include special district taxes, as well as local collections. In addition, a distinction between "units of government" (including special districts) and "local governments" meaning a municipality, county, or township should be included in the description of the allocation procedure.

One problem is likely to arise in connection with the data used to derive "tax effort"—fair market value of property. Since for each state this would be determined locally there could be a wide variation in the methods used to determine fair market value. In addition, this evaluation process might be conducted irregularly, or infrequently. Provision must be made to assure an accurate definition and determination of "fair market value."

Thank you, Mr. Chairman, and members of the Committee.

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## NEEDED: FAIR TRADE

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. PUCINSKI. Mr. Speaker, students of economics are taught that under a free-trade system, the "invisible hand" about which Adam Smith wrote would reward efficient producers of goods and ultimate savings to consumers in every country.

Only the most naive person would suggest that we operate under a free-trade system. While we have played the rules of the game, our trading partners have professed adherence to the rules while undermining them.

The U.S. share of expanding world exports has been declining while imports have been mounting, and our position is getting worse. Foreign governments provide direct and indirect subsidies to exports and barriers to imports.

How are we supposed to compete with countries whose governments are in partnership with industry and labor? Obviously by changing the rules under which we have been operating.

I have received a letter from Mr. Paul Armstrong, vice president of Armstrong Bros. Tool Co. in my district. He enclosed a letter he received from a Japanese firm which shows how closely the government works with industry. The Japanese proposed to Mr. Armstrong that they be allowed to manufacture his product under his brand, which could be done much cheaper in Japan.

Mr. Armstrong rightly points out although the invitation is tempting, acceptance would ultimately result in a loss of thousands more American jobs. He asks that fair trade be the order of the day, and offers some important suggestions on how American manufacturers can compete with other countries if we change some of our laws, such as antitrust, and let our trading partners meet standards that we require and if not, pay a tax for noncompliance.

The timely letter from Mr. Armstrong merits strong consideration from Congress. We can no longer wait for voluntary compliance from our trading partners to reduce their exports to the United States. In fact, voluntary reduction of quotas from the Japanese has been a joke.

An orderly marketing mechanism is needed now to regulate the flow of imports into the United States which are rapidly displacing American production and employment, and we should press for international fair trading standards in world trade. Our laws should be examined in light of present-day realities.

Mr. Speaker, the correspondence from Mr. Armstrong follows:

ARMSTRONG BROS. TOOL CO.,
*Chicago, Ill., June 22, 1971.*

Congressman ROMAN C. PUCINSKI,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN PUCINSKI: Enclosed is a copy of the letter we recently received from a Japanese marketing organization. I hope you will take time to read it over very carefully, since it's an excellent example of the type of competition American manufacturers face from Japan (and to some degree from other countries as well).

If a group of American manufacturers got together and divided up their markets, organized their marketing, and standardized their production in the way these people are doing—at the suggestion and with the financial help of their government—the anti-trust suits would fly like bullets!

From previous correspondence we've had, I believe you are as concerned about the import problem as I, and I felt a copy of this letter might be of some help to you. Let me also suggest one way in which our government could help American manufacturers.

We should make overseas producers subject to the same basic laws domestic manufacturers face—anti-trust, pollution control, safety, minimum wage, etc. Each country should be rated, and an equalization tax applied—at our border—to offset "noncompliance" with these laws (I'm sure a good use could be found for the taxes so collected).

We would have no objections to other countries' applying this same set of standards to us, assuming it was applied *fairly*. But if something of this nature is not done there will eventually be few—if any—manufacturing firms left in the U.S.A.

I guess what I'm suggesting is not "Protectionism" or "Free Trade", but what might be called "Fair Trade", and I think there are a lot of people in this country who would favor it.

Yours very truly,
PAUL ARMSTRONG,
*Vice President.*

P.S.—The invitation to have our products private branded in Japan is, I must admit, very tempting. By doing it we'd likely force our immediate competitors to do the same, so we're talking about the export of possibly 2,000 jobs.

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SHIN-NIHON TOOLS CO., LTD.,
*Osaka, Japan, June 2, 1971.*

Messrs. ARMSTRONG BROS. TOOL CO.,
*Chicago, Ill., U.S.A.*

DEAR SIRS: We know your company very well as the leading manufacturers of tools for industrial machinist use and we have been wanting to write you for long time. We are very interested in establishing business relation with your esteemed firm.

First of all, we wish to explain you about our organization as follows:—

Recently, four leading manufacturers of handtools in Japan, namely Asahi Kinzoku Kogyo Co., Aigo Kogyo Co. Ltd., Mishima Mfg. Co. and Toyo Kiko Mfg. Co have formed a group name Shin Nihon Tools Group, according to suggestion and financial help of Japanese government. The purpose of their forming group are: 1) Rationalize of distributing system. 2) Level up of production technique. 3) Modernize of equipments by financial help of government.

Before, each manufacturer used to handle sales of their products respectively. It was very uneconomical and inefficient and they could not render good service to the customers. In order to solve such problem, it has been decided to establish a sales organization to handle their products intensively. We are the company who have been established for that purpose under joint investments of the above makers. We are formed by experts of tools and foreign trade, and so we are very sure that we shall be able to render you very quick service.

For your reference, we are sending you a leaflet of our products. As you will find in the leaflet, there are wide range of tools and we are very sure there will be some items which you are interested.

Among the all items mentioned on the leaflet, tools for industrial use, such as Striking face wrench, structural box wrench, hook spanner and spanners for heavy industrial use are very well accepted among the customers. In fact, we have been delivering large amount of these items to American Government according to Federal Specification. We are proud of our quality of these items.

We know well that these lines are of your products, as we have one of your catalogue, and we are very sure you are manufacturing these items.

We have heard that production cost of these items in U.S.A. are very expensive compared with those in Japan. Now we wish to propose you one idea, as follows:

If you find the quality of our products quite well which is well compared with your products, and if you find our prices are lower than your production cost of your products. You may pick up our products with your own brand. It will be more profitable for you. If you agree with our above proposal, please write us by return so that we shall send you our quotation and samples.

Thanking you in advance for your favorable reply,

Yours faithfully,

_____ _____.

## BALLOONING PESTICIDE SALES BUGGING CONGRESS

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DINGELL. Mr. Speaker, The Christian Science Monitor of June 22. 1971, carried a news report under the heading, "Ballooning Pesticide Sales Bugging Congress," which I would like to share with my colleagues. Therefore, I insert the text of the news report at this point in the CONGRESSIONAL RECORD:

BALLOONING PESTICIDE SALES BUGGING CONGRESS

(By Peter C. Stuart)

WASHINGTON.—DDT. 2,4-d. 2,4,5-t. "Weed-B-Gon Spot Weeder." "Kills bugs dead." Aerosol cans. Spray guns. Lawn spreaders. Cropdusting airplanes.

Welcome to the pesticide society.

Americans are said to carry in their bodies average pesticide residues greater than their government permits most foods to carry in interstate commerce.

Civilization's pesticides have penetrated to even remote Antarctica and dust high above the Indian Ocean.

Yet these well-traveled chemicals are only now beginning to reach perhaps the most sheltered enclave of all—the agriculture committees of the U.S. Congress.

ACTION IN THE WIND

In both the Senate and House of Representatives, these committees are quietly putting finishing touches on new legislative controls. Reform, however slight, is in the wind.

"I'm frankly surprised," confessed one long-frustrated reformer. "And encouraged."

The agriculture committees, dominated by congressmen from rural constituencies, preside over the nation's pesticide laws as protectively as a cotton farmer might guard his season's supply of DDT.

"I think it is a special responsibility of this committee," House Agriculture Committee Chairman William R. Poage (D) of Texas, who was raised on a ranch, emphasized in opening pesticide hearings earlier this year, "to develop and encourage agricultural programs and practices which will assure that all Americans receive adequate supplies of food and fiber. . . .

EFFICIENCY DEFENDED

"I think [the use of chemicals] plays a considerable part in giving us the efficient agriculture which we have in the United States."

The nation's basic pesticide law—with the mouth-filling name of Federal Insecticide, Fungicide, and Rodenticide Act—hasn't been systematically overhauled since written in 1947, Meanwhile, annual pesticide production has ballooned to roughly five pounds per person, with sales leapfrogging at 13 percent a year.

"Inadequate to protect the public," the law has been branded by a spokesman for none other than the Department of Agriculture, which administered most of it until creation of the Environmental Protection Agency last December.

Some blame the Agriculture Department itself for many of the inadequacies. Chief among them:

Poor enforcement. The department failed to initiate a single criminal prosecution under the law for 13 years, despite evidence of repeated violations, Congress's watchdogging General Accounting Office charged in 1968.

Slow procedures. After the Agriculture Department decided to ban some nonfarm uses of DDT in 1969, six months later even the first appeals step hadn't been completed. The issue wasn't resolved until January, 1971, when the new environmental agency declined a broader ban.

Insufficient safety. Many pesticides—185 in fiscal year 1969 alone—have been registered over the objections of federal health officials, investigators for a House committee found in 1969.

PROPOSALS DRAFTED

As remedies, the congressional committees are weighing reforms such as these:

Tightening controls on uses of pesticides by assigning each a classification. The Nixon administration's bill, leading spokesman for which is Sen. Robert W. Packwood (R) of Oregon, proposes three classes—"general use," "restricted use," and "use by permit only."

Speeding up procedures for barring dangerous pesticides. Hearings and reviews would be cut from the present 400 or more days to 150 days under the chief Democratic bill—offered by two Wisconsin lawmakers, Sen. Gaylord A. Nelson and Rep. David R. Obey.

Broadening federal controls from only pesticides in interstate commerce to those made, sold, and used within a single state.

Stiffening enforcement by permitting citizens to bring court action against any person, company, or governmental agency violating the pesticide law.

The Agriculture Committee in the House is expected to act first—any day now.

How far the lawmakers choose to go in curbing pesticides may affect not just the safety of Americans, but the prices they pay for food. One House committee member, Graham Purcell Jr. (D) of Texas, warns that a total ban (which no one is proposing) could boost consumer food costs "as high as 200 percent."

A federal study group recently concluded, however, that pesticides influence only about 1 percent of retail food costs.

## FIFTIETH ANNIVERSARY OF THE U.S. GENERAL ACCOUNTING OFFICE

### HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. MILLS of Arkansas. Mr. Speaker, it gives me great pleasure to join other Members in extending contratulations to the U.S. General Accounting Office and to the Honorable Elmer B. Staats, the distinguished public servant who heads it as Comptroller General, on the Office's completion of 50 years of service to the Federal Government.

As a member of the Joint Committee for Reduction of Federal Expenditures, my interest for years have coincided with the basic duty laid on the General Accounting Office by law to seek out means of achieving greater economy and efficiency in public expenditures. Those interests, of course, are equally vital to me in my capacity as chairman of the Ways and Means Committee—since a dollar saved is a dollar earned.

The Comptroller General's annual reports to the Congress consistently show substantial measurable savings that are directly attributable to the General Accounting Office's work. The reported savings represent amounts collected as well as reduced expenditures and over the past 5 years have averaged nearly $200 million a year. These amounts actually are on the conservative side since they do not include substantial savings attributable to current-year actions that will accrue in future years on the many continuing programs involved.

Aside from the reported measurable savings, the record shows that there are many other substantial economies as a result of the General Accounting Office's work. These take the form of desired results achieved at reduced cost, more or better results for the same money, and reduction or elimination of planned activities. They are based on actions taken by the Congress or its committees that reflect information and recommendations provided by the General Accounting Office, and by agency heads as a result of General Accounting Office recommendations. As an example of the former, the Appropriations Committee in

1970 reduced programed defense funds by other $100 million after considering General Accounting Office reports and recommendations regarding the activities involved.

On the other side of the coin, the General Accounting Office has been instrumental, through its reports, in unearthing for the Congress information regarding literally billions of dollars of: underestimates of program costs; cost overruns; unnecessary costs borne by the Government; revenues foregone; and uneconomical, inefficient, and ineffective use of resources in terms of accomplishing legislated objectives.

The General Accounting Office directly assists the Congress, its committees, and Members by performing special audits, investigations, or reviews. Although required by law to do so only for the committees concerned with revenues, expenditures, and appropriations, this service is extended as a matter of course to all committees and, to the extent staff is available, to Members. The General Accounting Office also: First, assigns members of its professional staff to congressional committees; second, testifies before congressional committees on matters within its special competence; third, analyzes and furnishes comments on proposed legislation; and fourth, maintains continuing liaison through personal contact with staff members of the various committees.

In anticipation of the increasingly critical need of the Congress for more and better information upon which to base its decisions, the Comptroller General several years ago began diversifying the General Accounting Office's basic professional skills to include additional disciplines in engineering, economics, systems analysis, statistics, automatic data processing, and actuarial science. He thus got a running start in responding to the needs of the Congress for more complex and sophisticated information as required of him by the Legislative Reorganization Act of 1970.

Changes in social, ecological, economic, and political awareness, advances in technology, and turbulence in international affairs have occurred with kaleidoscopic speed. They have tremendously increased the difficult job of distinguishing between wants and needs, and establishing equilibrium between needs and the wherewithall with which to satisfy them, while maintaining economic and fiscal stability. In the short 5 years of the present Comptroller General's incumbency, as the wants and needs have increased, heretofore accepted order has been disturbed, and choices between alternative paths have multiplied both in number and difficulty. Congress' need has become critical for complete, reliable, and especially, unbiased information to solve the complex equations involved.

The General Accounting Office's activities, augmenting as they do the congressional committee and staff capabilities, are invaluable and will become even more so. They affect both the needs and resources sides of those equations, for any change on either side has a directly proportional effect on the other. Programs proposed in budgets must be weighed among themselves and against their effect on the entire economic spectrum in terms of benefits, costs, and effectiveness.

It is for these reasons that, as chairman of the Ways and Means Committee, I am vitally concerned with the General Accounting Office's performance. Whenever, as the result of their activities, the Congress or agencies are able to reduce an appropriation, curtail a program, provide for collection of more revenues, or accomplish more than anticipated, the savings ultimately reflect in reduced consumption and needs for resources relative to the overall needs of the Nation. This is so, even though the savings be absorbed by or diverted to another need.

A half century has demonstrated the soundness of the original idea of exercising control over the public purse through the General Accounting Office as an agency of the Congress. That concept and the agency have been sufficiently flexible to adapt to the drastic changes that have occurred during this period. The General Accounting Office has kept pace with those changes and with the extension of its responsibilities in laws enacted in the interim by developing new professional techniques and upgrading its staff.

If I were called upon to point with pride to the wisdom of the Congress over the years, I am certain that the creation of the General Accounting Office and the Comptroller Generalship, both as a concept and in actuality, would come high on the list. I believe that my colleagues in the House will concur with this view and join me in wishing the Comptroller General and the General Accounting Office continued success and in assuring them of our deep respect and appreciation for their fine assistance over the years.

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## GLASS RECYCLING COLLECTION HITS A NEW MONTHLY HIGH

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RODINO. Mr. Speaker, all Americans are fully aware of the growing threat to our environment caused by increasing amounts of solid waste which are thrown away and not reused. Recycling of these materials has been demonstrated to be one valuable solution to this problem, and I am proud and delighted to learn of an organization in my district which has adopted this method of action. The Bloomfield Area Environmental Action Group has organized a recycling collection which has produced excellent results.

This process, and the group's success, are described in the following article which appeared in the Bloomfield Independent Press:

### GLASS RECYCLING COLLECTION HITS A NEW MONTHLY HIGH

Over 23,000 pounds of glass and 247 pounds of aluminum were collected last Saturday by the Bloomfield Area Environmental Action Group at its monthly recycling pick-up at the School Administration Building parking lot at Broad street and Bellevue avenue.

This is more than two-and-a-half times the amount that was collected in May causing Mrs. Peggy Whittman, chairman of the recycling committee, to say, "I guess we've finally caught on." The committee stages the collection on the third Saturday of every month from 8:30 a.m. to 1 p.m. The next one will be on July 17.

The collection was expanded this month to include aluminum and Mrs. Whittman reiterated that the cans, which can be identified by the fact that they have rounded bottoms and no side seams, should be rinsed and flattened. (The petite recycling chairman does this by stepping on them.)

Glass, she said, should also be cleaned (labels do not have to be removed) and metal rings should be clipped off.

The work at the collection sites is done by volunteers from the BAEAG and other groups using town trucks to carry the glass and cans to the recycling center. The town donates the use of the trucks and the BAEAG pays the town drivers out of the proceeds of the day's collection.

The BAEAG, which recently registered as a non-profit corporation, adopted a constitution and elected officers for 1971–72 at a meeting on June 3 at the Bloomfield Public Library.

The officers are: Tom Heiser, president; John Mola, vice president; Bernard Zweben, treasurer; Mrs. Robert Karg, projects coordinator; Mrs. William Whittman recycling chairman; Debbie Sheehan, corresponding secretary; Vivian Maglio, recording secretary; Mrs. Pamela Gosner, public relations coordinator. Brooks Van Sant, a founder of group, will be permanent member of the executive board.

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## CLASSIFICATION AND PRIOR RESTRAINT

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WYMAN. Mr. Speaker, it is quite true, as Mr. Reston says in the following column, that—

> The fuss over the Pentagon Papers is only a symbol of a much larger problem.

The whole subject of classification—assigning a secret label to material that may or may not have a genuine security aspect—requires careful review and probably clarification by legislation.

Surely no newspaper, even the redoubtable and esteemed New York Times, should have the right to consider itself the ultimate classification reviewing authority. In the same context, there ought not to be a classification of material for the purpose of keeping it from the public when its publication would not harm the national security.

Intentional disclosure of properly classified secret material is a criminal act. Yet it is elementary in the law that the injunctive powers of the courts may not be used to prohibit the commission of crime lest the offender be denied trial by jury—contempt is not for the jury in ordinary circumstances.

Perhaps the Times ought first to have sought declassification before commencing publication of documents otherwise classified. Whatever may be the ultimate outcome of disposition of the "Pentagon

Papers," so-called, the unfortunate part of this matter is that disregard of classification by a prominent newspaper does not contribute to public respect for Executive orders, general law or the media in general.

Of course whatever background of the tragic involvement in Southeast Asia that contributes to a better public understanding of how that involvement came to be and how it can be avoided in the sense of repetition, is a plus. But in the process it would be well to take care that our codes are not compromised and that from all this furor we can genuinely improve our methods of classification and declassification for the future.

The following column by the distinguished columnist James Reston appearing in the Sunday Times, is worthy of careful reading.

The column follows:

### A TROUBLED FRIEND

(By James Reston)

WASHINGTON.—A troubled friend wants to know why the newspapers don't leave the questions of secret documents and national security to the President. Let us suppose that we did.

Presidential power is now greater than at any other time in the history of the Republic. Ever since the invention of atomic weapons and intercontinental ballistic missiles, it is clear that the nation could be mortally wounded before the Congress could ever be assembled on Capitol Hill.

Accordingly, the balance of decisive power in the foreign field—but not over internal policy—has passed from the Congress, where it lay before the two world wars, to the White House. This may or may not have been what we wanted but it was clearly what we had to do.

Other inventions tipped the balance of political power toward the President, especially nationwide television. It is at his disposal whenever he likes, with a studio in the White House. He has instant communications with the people and the world, all of which is necessary. The Congress cannot compete with him in the use of these modern instruments in the conduct of public policy.

But these unavoidable facts raise serious questions. Should such power not be subject to review by the representatives of the people? Should the Congress not know what is going on? Should the executive be free to use the power it needs to deal with the threat of nuclear war in undeclared wars like Vietnam? Should the press shut its eyes to any documents, even old historical documents, the executive chooses to mark top secret?

The fuss over the Pentagon Papers is only a symbol of a much larger problem. It is true that these papers raise questions of "national security," but the greatest threat to national security in this time is the division of the people over a war they have had to fight in accordance with decisions of governments that didn't tell them the truth. The nation is seething with distrust, not only of the Government but of the press, and the issue of the Pentagon Papers is merely whether we should get at the facts and try to correct our mistakes, or suppress the whole painful story.

Fundamentally, this is not a fight between the Government and the press. It is not even a fight over the President's decisive power to defend the nation in an age of nuclear missiles. Congress has submitted to the scientific facts on the ultimate questions of nuclear war.

But now it has been asked, in the name of "security," not even to look at a historical analysis of a war it has financed but not declared, not to question the unelected members of the White House staff, who had access to the papers Congress could not see, and to respect the Administration's right to stamp "secret" on any documents it likes, and to keep them secret years after the event, when officials long out of office are writing their own versions of history out of the "secret documents."

My "troubled friend" has good cause for anxiety. He is right to wonder whether the press knows enough and is responsible enough to publish things the Attorney General wants suppressed. He is right to concern himself with the security of the nation.

But what is being exposed here is not primarily some Government documents that might cause "irreparable damage" to the defense of the nation, but a system of secrecy, of Presidential presumption, of influential staff advice by men who cannot be questioned, of concealment and manipulation, all no doubt with the best motives, but nevertheless a system which has got out of hand and could really cause "irreparable damage" to the Republic.

No doubt the press itself is often poorly informed and clumsy in its efforts to expose the dangers of this system, but the greater the power in the hands of the executive, the greater the need for information and skepticism on the part of the Congress and the press.

My anxious friend might be careful about weaknening the instruments of information and review at such a time. No doubt they are blunt instruments, often misused, but in this case of the Pentagon Papers, or so it seems here, the greater danger is the system of executive secrecy, and the greater danger to the security of the nation is the mistrust this system of secrecy and contrived television propaganda has caused.

James Madison summed up the problem at the beginning of the Republic:

"Among those principles deemed sacred in America, among those sacred rights considered as forming the bulwark of their liberty, which the Government contemplates with awful reverence and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the public mind than the liberty of the press.

"That this liberty is often carried to excess; that it has sometimes degenerated in to licentiousness, is seen and lamented, but the remedy has not yet been discovered.

"Perhaps it is an evil inseparable from the good with which it is allied; perhaps it is a shoot which cannot be stripped from the stock without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America."

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## PERSONAL EXPLANATION

## HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. MURPHY of Illinois. Mr. Speaker, due to medical reasons, I was unavailable for the vote today on Mr. HÉBERT's motion to table a motion by Mr. WHALEN of Ohio to accept the Mansfield amendment to H.R. 6531, the Selective Service extension. The amendment which passed the Senate last week called for the withdrawal of all U.S. forces within 9 months subject to the release of American prisoners of war. If present, I would have voted against Mr. HÉBERT's motion to table as I favored instructing the House conferees to accept the Senate amendment.

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## "NEW PICTURE OF UNWED"

## HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD an article concerning the unwed mother, which appeared in the Detroit Free Press on June 28, 1971. Written by Helen May, Free Press staff writer, the article gives some interesting insights into the facts surrounding this problem in our metropolitan areas and the various cultural aspects between the black and white unwed mother. The article follows:

### YOUNG, POOR AND BLACK: NEW PICTURE OF UNWED MOM

(By Helen May)

Lucretia Scott is a young black girl who looks about 13, She is slightly built with sparkling eyes. She has a cautious way of pausing between her sentences, then speaking softly.

Lucretia (which is not her real name) is 16, however, and has a four-month-old child. She is not married. She didn't use contraceptives because she didn't plan sex. "I was unlucky and got caught the first time," she said. She had no idea that getting pregnant was so simple.

"I was a total failure, especially to my mother," says Lucretia. "I really disappointed her, let her down." Her mother supports Lucretia, her three brothers and sisters and the new baby. Her dad, a disabled veteran, does not live with them.

Lucretia stayed at home until delivery when she went to Booth Memorial Home Hospital for five days "that seemed like five years."

During her pregnancy, she missed her friends at sports—games like hockey and baseball, and dances—"Now that this happened the guys might think I'm loose, so I stay away," she said. At present she's finished school and trying to get child support from her former sweetheart.

They split up when she got pregnant. He's since finished high school, but has no job and no money for child support.

Lucretia, a real girl with a fictitious name, is typically Detroit's unwed mother—young, poor and black. These are girls, who have had to leave school, who can't seek work, and are in a major crisis.

In Detroit, and across the country, there have been programs for unwed mothers for a long time—maternity homes and adoption services. But these have neither stemmed the tide of the number of illegitimate births nor met the needs of the girls.

In fact, the number of illegitimate births has increased while at the same time fewer and fewer girls are using the maternity homes.

For this reason, the Florence Crittenton Maternity Home closed March 31. But the United Community Services (UCS) board of directors approved the creation of an entirely new agency last week for a New Crittenton Program.

It is indicative of the new understanding and new approach to the old problem.

The New Crittenton Program will have a black community board of directors and a flexible full-service program for the unwed mom, her child, its father and their families.

#### CONCEALMENT NOT NEEDED

Why did UCS create a new agency when there's already a proliferation of social service agencies? What is behind UCS action? Why did it move in this direction first? Why not move simultaneously to give greater support to white girls?

For one thing. many white girls no longer seek to conceal their pregnancies. For another the overwhelming number of illegitimate births occur to black girls—6.164, or 66 percent of all illegitimate births in the tri-county area in 1969 were to non-whites.

But sheer numbers is not the only reason. Surveys show that in most cases the crisis the black girls face is even greater than that of the white girl.

Traditional assumptions too are proving wrong:

Attitudes on morality are changing. Maternity homes were created to hide women from society's scorn, but many girls no longer seek concealment. Betty Diehl, director of the former Crittenton Maternity Home, says: "Most girls now come here to continue their education, not to hide their pregnancy."

(Unwed mothers still find it hard to continue in school. Detroit's Continuing Education for Girls (CEG) program is limited to only 110 girls per semester. And Michigan's new law requiring every school district to provide such education has never been funded.)

Popular assumption has been that girls have a child out of wedlock because they want to. To satisfy their egos or to get back at their boyfriend, their parents or society. However, Dr. Phillips Cutright, Ph.D., of Indiana University, who has studied the patterns of illegitimacy, says the opposite is true.

Today's teen, he says, is sexually more active than other generations. However, she does not realize how easy it is to get pregnant. And even if she did, she has no recourse to contraceptives from the community.

Popular belief is that unwed mothers and illegitimate children swell the welfare rolls. However, Detroit's UCS Illegitimacy Study shows less than one third of the children on welfare are illegitimate.

Popular assumption has been that Black culture accepts illegitimacy while the white community does not. More Blacks do have babies out of wedlock than white girls and thus some people calculate that Detroit's increase in the number of illegitimate births has increased with the increased number of Blacks in the city.

Statistics indicate, however, it's more a matter of economics than race. For as the socio-economic level of Blacks goes up, the incidence of illegitimacy goes down.

### WHY BLACKS DON'T MARRY

Mrs. Charles F. Whitten, chairman of the UCS Illegitimacy Study Committee cites facts that are involved in Black illegitimacy.

For one thing, she says, the pregnant white teenager is frequently pushed into marriage since her boyfriend can more readily get a job and support her and the child. The Black girl doesn't marry, since her young boyfriend finds it almost impossible to get work. A 1970 Federal Health, Education and Welfare (HEW) study showed that at least 42 percent of all teen marriages came after the girl's pregnancy.

Also, the poor—Black and white—have no options of abortion, or of trips to faraway places as do the affluent. Says Mrs. Whitten, "There's no measure of what may be called 'illicit sex.' But we know that the affluent have access to contraceptives, to private doctors, who don't record illegitimate births, and to abortion.

"The poor live with the results, while the affluent have ways to get out of the situation.

"For the black mother, her daughter's pregnancy is the end of the world. But she adjusts realistically—as a survival technique.

There are other differences between the black and white unwed mother.

The white unwed mother has always had the option of putting her child up for adoption. But black children were labeled "hard to place." This meant, of course, they were hard to place in the white community.

However, Homes for Black Children has demonstrated the opposite. In the first year of its existence over 100 black babies were placed with Black families. "We have proven that black families will adopt children if they feel comfortable with the agency," says Mrs. Shirley Burnett, a co-director of HBC. (If homes are available, the black girl wants to place her child for adoption as readily as a white girl.)

### LITTLE PRIVACY IN THESE HOMES

Another difference between the races which has bearing on illegitimacy stems from the difference in economics. The blacks with poorer housing have less privacy in their homes.

As Mrs. Burnett says: "With a three room flat, kids can see sex between parents—it's an expression of love. There's no such thing as separate bedrooms."

But there are similarities between the black and white unwed mother. Both need medical services and both are too frightened to seek help. There is the inclination to feel that if the pregnancy is ignored, it will go away.

Many wait until their sixth month before telling their parents or seeking pre-natal help. Some never get medical assistance.

And regardless of race, a girl having a child out of wedlock is a girl in a crisis. She is usually a "child having a child."

"The average age of the pregnant teen is 15–15½," says Nancy Boykin of the Detroit Board of Education's Continuing Education for Girls (CEG) program for pregnant teens. "And that's an age when the girl is still in a very pliable, formative stage. Her needs have much to do with helping her establish life goals and direction.

"And I have usually found that a girl who has conceived out of wedlock has a very low self-esteem and needs building up to cope with life."

The New Crittenton Program is slated to get underway by September and at that time the on-going social services still operating out of the old Crittenton Home will shift to Webb House, which Crittenton has deeded to UCS.

It is a first step in future directions being studied by UCS for the care of all unwed pregnant girls, including an attack on prevention of illegitimacy.

And it comes at a time when statistics show that in 1969 there were 9,395 illegitimate births reported for the tri-county area. Macomb County accounted for 564, Oakland County for 1,108, and Wayne County for 7,723. And the highest concentration of these birth is in the urban center of each county, Warren in Macomb, Pontiac in Oakland and Detroit in Wayne.

The 1970 figures are expected to hit 10,000 for the tri-county area.

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# THE ROLE OF ELECTRIC POWER IN MINIMIZING TOTAL POLLUTION FROM ENERGY USE

## HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. McCLURE. Mr. Speaker, the House Republican Task Force on Energy and Resources, of which I am chairman, and the House Republican Task Force on Nuclear Affairs chaired by my distinguished colleague (Mr. HOSMER) have met in joint session to investigate means for reducing pollution resulting from the production and use of energy. One approach currently under investigation by the task force is electrical substitution in future energy patterns. Dr. James H. Wright, a member of the Sierra Club and the National Wildlife Federation, is the director of Environmental Systems Department for Westinghouse Electric Corp. He has proposed an analysis of the possible reduction in pollution which could be achieved by energy substitution. I am pleased to present Dr. Wright's analysis for the benefit and appraisal of my colleagues:

### THE ROLE OF ELECTRIC POWER IN MINIMIZING TOTAL POLLUTION FROM ENERGY USE

(By Dr. James H. Wright)

Environmental quality is now a national objective. While this concern encompasses all aspects of the national scene, the problem of environmental deterioration is most severe in the urban centers with air pollution, sewage and solid waste disposal problems leading the list of environmental offences. This paper examines the role of energy use patterns and their impact on air and heat pollution.

### SOURCES OF AIR POLLUTANTS

While the increasing rate of energy use[1] has been at 5 percent during the last few years, the average growth of total energy use between 1940 and the present is approximately 3 to 3.5 percent per year. Energy use patterns have shifted continually to show increasing fractions in electric power production.[2,3] In 1970 approximately 70,000 trillion ($70 \times 10^{13}$) Btu of energy was used. The production of electric power and transportation each accounted for about 23 percent of the energy, process heating about 22 percent, and space heating about 17 percent; hot water heating and other smaller uses accounted for the remainder.

It has been estimated[1] that energy use in the year 2000 will be about 170 to 190 $\times 10^{15}$ Btu per year or about 2.5 times the present rate.

Energy derived from burning fossil fuels for energy burdens the atmosphere with materials harmful to the human population and to certain elements of the natural eco-system. The five air pollutants common to energy production are the oxides of sulfur and nitrogen, particulate matter, unburned fuel, and carbon monoxide.

Each of these pollutants has a somewhat different effect on biological systems. Sulfur dioxide, for example, appears to cause damage to flora in the form of diffuse chlorosis at concentrations where measurable effects on fauna cannot be detected. Sulfur dioxide, even at low concentrations, in combination with particulate matter causes stress in the respiratory tract of animals. Carbon monoxide is a systemic toxin and appears to affect the central nervous and circulatory systems. Low dose levels of carbon monoxide are currently attracting considerable attention and concern in public health research.[4,5]

In order to quantify the pollutant emissions from various energy uses, a common denominator must be applied. A pollution index in units of pounds of pollutants per million Btu is determined and used in this paper as the common denominator.

In 1966 The National Air Pollution Control Agency prepared an inventory of air pollutant emissions[6] for the year 1965. By combining energy use data with the pollution inventory information, the pollutant index for different uses may be determined. Table 1 provides a statistical average pollutant index for various forms of energy use in 1970.

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Footnotes at end of article.

TABLE 1.—POLLUTANT INDEX IN ENERGY USAGE FOR 1970

[Pounds per million B.t.u.]

| | Electricity production (fossil) | Transportation | Process heat | Space heat |
|---|---|---|---|---|
| Nitrogen oxides | 0.64 | 0.88 | 0.37 | 0.18 |
| Hydrocarbons | .21 | 1.76 | .74 | .18 |
| Particulates | .64 | .15 | 1.10 | .18 |
| Sulfur oxides | 2.57 | .15 | 1.65 | .53 |
| Carbon monoxide | .21 | 9.79 | .37 | .35 |
| Total | [1] 4.27 | 12.64 | 4.23 | 1.42 |
| Delivered efficiency (percent) | 33 | 15 | 50–60 | 50–60 |

[1] Considers that all energy use for power production is fossil fuel: a composite pollutant index for power generation which includes hydro power would be 3.65 lb per million B.t.u.

Power generator is a factor in both the problem and the solution to the problem. The two principal types of steam electric generation plants—fossil and nuclear—emit to the environment small quantities of radioactivity and large quantities of low-grade heat. Fossil plants also emit quantities of sulphur and nitrogen oxides and particulate matter.

Power is generated from many fossil fuels and the statistical average pollutant index in 1970 for various fuels is given in Table 2.

TABLE 2.—POLLUTANT INDEX IN POWER GENERATION FOR 1970

[Pounds per million B.t.u.]

| | Coal | Oil | Gas | Lignite |
|---|---|---|---|---|
| Carbon monoxide | 0.019 | | | 0.020 |
| Hydrocarbons | .008 | 0.025 | | .020 |
| Nitrogen oxides | .800 | .820 | 0.470 | .700 |
| Sulfur oxides | [1] 5.100 | [2] 2.000 | | [3] 1.860 |
| Particulates | [4] .160 | .027 | .018 | [5] .300 |
| Total | 6.087 | 2.872 | .488 | 2.900 |

[1] 3 percent sulfur.
[2] 1.2 percent sulfur.
[3] 0.7 percent sulfur.
[4] 99.5 percent flyash removal.
[5] 97.5 percent flyash removal.

The production of electric power uses 23 percent of the nation's energy but accounts for only 13 percent of the air pollutants. A solution to the environmental problem, therefore, requires a systems study of pollutant emissions from all areas of energy utilization.

Without considerable improvement in emission control, the year 2000 would realize almost 500 million tons of pollutants in the air.

### AIR POLLUTION CONTROL IN POWER GENERATION

Electric power plants have been involved for most of this century in improving air pollution control equipment. A number of flue gas desulfurization processes[7] are currently in various stages of development. It is assumed that reduction in sulfur oxides will occur in three phases:

(1) 1970 to late 70's—mix of high and low sulfur coal

(2) Late 70's to 1990—flue gas desulfurization, 80 percent effective

(3) 1990 on—flue gas desulfurization, 90% effective

Presently, the composite of all coal plants is about 90 percent effective in removing fly ash while new units being put into operation are 99 percent effective.

Most power plant boilers placed in operation during the last 10 years were designed for maximum fuel efficiency in producing high temperature, high pressure steam. These characteristics inadvertently also maximized the production of nitrogen oxide. Present designs, however, have reduced the fixing of nitrogen somewhat by two-stage combustion and minimizing excess air and flame temperatures.[8] [9] Both oil and coal, however, contain naturally occurring nitrogen compounds which limit the effectiveness of boiler design in $NO_x$ control.

Power plants represent a large energy use at a single location and, for that reason, present the most feasible and economic means for air pollution control.

### TRANSPORTATION

Transportation, while utilizing about the same amount of energy as power production, produces most (60%) of today's air pollutants.

In a recent report, The Georgia Department of Public Health estimates that over 70 percent of that state's air pollution problem is from the automotive group. Land, sea and air forms of transportation all contribute to the national inventory of pollutant emissions, but the land form is the most important to the urban cener. While federal standards call eventually for a 90 percent reduction in automotive pollutants, it is difficult to believe that 100,000,000 automotive units can actually be regulated from an administrative standpoint, even if the technology and the industry's willingness are present. For the purpose of this study, it has been assumed that a 5 percent per year reduction would occur through the year 2000 for a pollutant index of 3.7 in that year.

Electric substitution offers an attractive alternate in urban transportation systems. A whole new look at transportation suggests that electrified mass transit systems have great potential for solving both people and pollution problems. Furthermore, it is not apparent that the electric auto has been given a fair chance to find its way into the urban life style.

Functional specifications used in many electric auto development programs seem designed to produce a one-for-one replacement of today's luxury sedan rather than being geared to short hauls with low pay load. The electric car has no place on the highway at sustained speeds nor should it be required to have constant use of all auxiliary equipment, such as the simultaneous operation of both heater and air conditioning.

In the year 2000, over 40,000 trillion Btu of energy will go into transportation systems of which about 60 percent will be on land and for local travel. Considering both the optimally designed auto for low pay load, short hauls and an extensive electrical mass transit system, electrical substitution in urban transportation will not only significantly reduce air pollution but should provide for savings in raw energy requirements.

### PROCESS HEAT

Process heat currently uses about 22 percent of this country's energy and produces almost 20 percent of all air pollutants, for a pollutant index of 4.2 pounds per million Btu. While the unit pollutant emission from energy use in process heat is about equal to that from electric power production by fossil fuel processes, there are considerable differences in the prospects of pollution control. Process heating involves thousands of individual units, each involving somewhat different types of emissions. From all standpoints—cost, technical develpoment, administrative control—pollution abatement from process heat is much more difficult.

In the model assumed in this paper, the pollutant index projected for the year 2000 is 2.5. Assuming no alteration in energy use patterns, process heat would contribute about twice as much pollutant emission, in the year 2000, as now, even assuming the projected abatement improvement. Reductions in pollutant levels and energy can be accomplished by the substitution of electricity and discharge heat for certain applications. The process heat requirements at the turn of the century will be over 40,000 trillion Btu per year. In general this heat can be subdivided between low temperature heat (drying of pulp paper, for example) and high temperature heat (steel making). Electrical energy substitution in steel making is already on the upswing. Over the years the major steel making processes have evolved from the Bessemer converter, to the open hearth, to the basic oxygen furnace and, now to the electric furnace. The percentage of steel produced by the electric furnace will continue to grow with the demand for specialty metals and with the increasing use of recycle scrap iron.

New applications of discharge heat to processes are currently being developed in agriculture, aquaculture and sewage treatment.[10] In the past the cost of energy has been but a small part of the total processing cost of most production, and heat conservation practices have not been of major concern except in electric power production where the cost of energy input has been almost one-half the product cost. Increasing costs of raw energy and environmental considerations will tend to increase activities in energy management including the use of discharge heat.

The longer range solid waste problems of our society will necessarily emphasize the recycle aspects of our solid waste materials. Indeed, essentially every pollution control process adds to the requirement for electrical power. Electricity should find an expanding role in providing this pollution limiting form of energy in accomplishing waste recycle.

Approximately 40 percent of the process heat requirements in the year 2000 could be provided for by electrical energy and discharge heat. This substitution could reduce the air pollutants by 30 to 40 million tons per year, depending on the type of power plant used.

### SPACE HEATING

A few years back (1940) when uncontrolled coal combustion was the principal source of home heating the pollutant index in space heating was about 15 lb per million Btu, a factor of 10 higher than with today's systems using mostly natural gas and liquified petroleum gas. Electric power offers three exciting new opportunities for energy and environmental conservation to the new city planner:

(1) Power plant discharge heat to both heat and cool urban centers.

(2) Electrically driven heat pumps for both heating and cooling—when the heat effects are two to three times greater than the electrical energy input.

(3) Sophisticated radiant electrical heatsystems which provide equivalent "creature comfort" without equivalent ambient temperatures.

While space heating is required primarily during only one-half the year, electrical production occurs the year round, more or less uniformly.

The use of discharge condenser heat for space heating can be accomplished at an overall efficiency of 50 to 60 percent (heat loss and pumping power) but this value represents total waste energy unless used in some fashion. In the present energy use pattern, if all power plant discharge heat was used for space heating, it would provide only $\frac{2}{3}$ of all space heat requirements.

The remaining 15 percent in the current energy use pattern is used for heating water and other miscellaneous applications for which the current pollutant index is about 4.5 lb per million Btu. It is projected that this pollutant index will be reduced to about 3.5 by the end of this century.

### ELECTRICAL SUBSTITUTION IN FUTURE ENERGY PATTERNS

If the same energy use patterns prevail in the year 2000 as today, a total energy requirement of from 170 to $190 \times 10^{15}$ Btu per year will be required. With no improvement in

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Footnotes at end of article.

pollution control, this would involve a pollutant emission inventory of about 500 million tons per year. If the improvements in pollution control suggested in this paper are achieved, the pollutant emissions at the turn of the century will be about 220 million tons per year or about 50 percent greater than at present with the present energy use pattern.

An alternate pattern of energy use can also be developed by the substitution of electricity and power plant discharge heat in various energy usage components as suggested in Table 3.

TABLE 3—ENERGY SUBSTITUTION-OPTIONAL ELECTRIC

| Primary energy use replaced | Electrical substitution (percent) | Discharge heat substitution (percent) |
|---|---|---|
| Transportation | 60 | None |
| Process heat | 30 | 10 |
| Space heat | 25 | 25 |
| Other | 30 | 30 |

These substitutions, defined as Optimal Electric Patterns, are incorporated in Table 4 and compared to energy use patterns for the year 2000.

TABLE 4.—ENERGY USE PATTERN IN THE YEAR 2000

|  | 1970 pattern | Optimum electrical substitution |
|---|---|---|
| Percent use of primary energy: |  |  |
| Electricity production | [1] 23 | [1] 60 |
| Transportation | 23 | 8 |
| Process heat | 22 | 15 |
| Space heat | 17 | 10 |
| Other | 15 | 7 |
| Total energy used, $10^{15}$ B.t.u./year | 190 | 165 |
| Total pollutant emissions, million tons per year: |  |  |
| No improvement | 500 | 160 |
| As forecast | 225 | 110 |

[1] The source of power generation in the year 2000 is 60 percent nuclear, 30 percent coal, and 10 percent oil.

By incorporating additional electrical substitution and using discharge heat in future energy use patterns, two important environmental advantages will accrue:

(1) Less total raw energy will be required (10 to 15 percent less).

(2) Pollutant emission levels will be reduced by more than 50 percent.

In this energy pattern approximately one-third of the power plant discharge heat is beneficially used in process heat, space heating, hot water supply and other energy requirements of society. While it is conceptionally feasible to use all of this low-grade heat for substitution where low temperature heat is required, it was assumed that the limiting condition would be the rate at which such systems would be constructed. Assuming that all urban dwellings incorporated power plant discharge heat after 1985, it would mean only 30 percent of the dwellings in the year 2000 would be heated in this fashion, if there was no backfitting.

### ENVIRONMENTAL QUALITY IN THE URBAN CENTER

While gross emissions provide some index to the dimensions and alternatives on the natural scene, the plight of the industrialized urban center needs more specific focus.

TABLE 5.—URBAN ENERGY USE PATTERNS

[In percent]

| Year | 1970 | 2000 |  |
|---|---|---|---|
| Population | 4,000,000 | 6,000,000 |  |
| Energy use pattern | 1970 | 1970 | Optimum electrical |
| Primary energy used | $10.8\times10^{14}$ B.t.u./year | $33.0\times10^{14}$ B.t.u./year | $28.5\times10^{14}$ B.t.u./year |
| Electric power | 25.0 | 25.0 | 66 |
| Transportation | 18.3 | 18.3 | 1 |
| Process heat | 23.0 | 23.0 | 14 |
| Space heating | 18.3 | 18.3 | 10 |
| Other | 15.4 | 15.4 | 9 |

The energy use pattern in an industrial city differs from the national scene in two principal ways:

(1) About one-third of all transportation energy is expended in nonurban areas.

(2) It is assumed that all of the power production and process industries are located randomly within the city.

These assumptions provide the basis for the following model:

In the optimum electrical case, essentially all the urban transportation energy requirements are met by electrified vehicles. An index of some of the environmental quality features could be estimated from the emission inventory calculations and a simplified meteorological program.

TABLE 6.—ENVIRONMENT FOR A FUTURE CITY, 1970 EQI [a] EQUALS 1.000

| Year | 1970 | 2000 | 2000 |
|---|---|---|---|
| Energy use pattern | Reference | 1970 | Optional electric [b] |
| Ambient air quality: |  |  |  |
| Sulfux oxides | 1.000 | 1.8 | 0.7 |
| Nitrogen oxides | 1.000 | 2.4 | .8 |
| Unburned fuel | 1.000 | 1.4 | .5 |
| Carbon monoxide | 1.000 | .9 | .1 |
| Particulate matter | 1.000 | 1.7 | .6 |
| Composite, all pollutants | 1.000 | 1.4 | .4 |
| Ionizing radiation [c] | 1.000 | 1.00006 | 1.00032 |
| Atmospheric heat: |  |  |  |
| Flux from energy use [d] B.t.u./hr./ft.² | 18 | [e] 55 | [e] 35 |
| Index | 1.000 | 3.1 | 2.0 |

[a] Environmental quality index.

[b] Assumes continually improving pollution control.

[c] Includes all sources except medical.

[d] Average solar flux 58 B.t.u./hr./ft.², maximum solar flux 380 B.t.u./hr./ft.².

[e] Assumes unused power plant discharge heat is removed by river.

In summary, this examination of urban ambient air quality shows a more significant environmental advantage of optimum electrical energy patterns than does the national scene taken as a whole. With the current energy pattern, the year 2000 would likely find 50 to 100 percent worsening air quality in all pollutants except carbon monoxide which would drop quickly. The optimum electric pattern would develop air quality having less than half the ambient pollutant concentrations as in 1970, even though nearly three times as much energy is used. Oxides of sulfur and nitrogen would show the least improvement (20 to 30%) and the principal contributor at that time would be from process heating. Further air quality improvements could be accomplished by zoning process industries away from the cities.

The increase in ionizing radiation levels for this city would be on the order of 0.0006 to 0.003 mrems per year for the nuclear plants located in the city to meet the growing needs for energy with minimum pollution. When considered in the light of a natural background radiation level of 100 to 200 mrems per year, the radiation from the nuclear plants at these levels is truly insignificant. If reduction in ionizing radiation to the population is a major consideration, an attractive alternate exists in developing and applying codes for building materials for homes and office buildings. Total radiation exposure could be reduced by 20 percent or more (index 0.8003 with building codes and nuclear plants versus 1.0000 with no nuclear plants) in this manner.

The heat flux into the atmosphere from man's use of energy is shown to be somewhere around ⅓ of the average solar flux at present and in the year 2000 could be almost equal to the average solar flux over the 200 square mile area of the city, if an extension of present energy use patterns are forecast. These averages, however, do not allow a look in detail at the seasonal variation. In the winter when the solar flux is lowest, man's use of energy is at its peak and could be more than twice the solar flux. In the summer, when the solar flux is maximum, man's energy use is usually down by 15 to 20 percent.

It is possible that improving the air quality, as described herein, could have measurable effects on the micro climate of the city,[11] possibly resulting in somewhat larger temperature swings between night and day, and somewhat greater visibility.

### CONCLUSION

While considerable progress has been made in reducing air pollutants from energy use, particularly from fossil-fueled power plants, it is clear that much additional effort must be applied just to prevent matters from becoming worse as more energy is consumed by our society. This paper suggests the systems planning of energy use patterns as a practical method of improving environmental quality, particularly in the urban centers.

Increasing electric power as a primary energy converter by a factor of three over present patterns should cut pollutant emissions nationally by more than 50 percent and in the urban center by as much as a factor of 3 or 4. Only with this energy pattern can nuclear power play a really significant role in improving environmental quality.

The added use of electricity and the use of discharge heat from power production in space heating and certain process industries, should provide an annual savings of 10 to 15 percent in this nation's total energy requirements.

### FOOTNOTES

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[3] Environmental Effects of Producing Electric Power, Part 1, Hearings Before the Joint Committee on Atomic Energy, U.S. Govt. Printing Office, 1969.

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[5] Goldsmith, J. R., and Seymour, I. Cohen, *Journal of the Air Pollution Control Association*, Vol. 19, No. 9, Sept. 1969.

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[10] Electric Power and Thermal Discharges, Eisenbud, M., and Gleason, G., P. 417 (J. A. Nutant), Gordon and Brach, New York, 1969.

[11] Landsberg, H. E., *Science* 1970, Dec. 1970.

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## ENGLAND HONORS OUR FOURTH OF JULY AND SELECTS A ST. LOUISAN TO SPEAK AT THE CEREMONY AT WESTMINSTER ABBEY

## HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mrs. SULLIVAN. Mr. Speaker, the British have, down through the years, recognized the Fourth of July with programs, speeches, and church services. In fact, it has become an outstanding celebration. In doing so, the British remind the Americans that George Washington was an Englishman.

This year, when the Fourth of July falls on a Sunday, one of the most important ceremonies will be held at Westminster Abbey and a St. Louisan, Dr. Edmond

LeBeaume Cherbonnier, currently the head of the Department of Philosophy and Religion at Trinity College, Hartford, Conn., who is on a sabbatical year in London, has been tendered the honor of preaching the Fourth of July sermon at the Abbey.

Dr. Cherbonnier was born and reared in St. Louis and graduated from St. Louis Country Day School. He attended Harvard University where he graduated cum laude and served as a Navy pilot in World War II. After the war, he studied at Cambridge University in England, where he received a degree, and later a degree from Columbia University in New York and an honorary degree from the University of Vermont. He is the author of a book on the subjects he teaches at Trinity, titled "Hardness of Heart."

St. Louis is honored to have one of its native sons selected for the high honor of preaching the Fourth of July sermon at the historic and renowned Westminster Abbey and I am sure he will be an outstanding representative of our great country.

## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, the problem of uninsurability is a very real one according to the testimony received at the recently held Minneapolis health hearings.

Rev. Roger Heimer of the First Christian Church testified that he is unable to obtain insurance for his wife who had eye surgery and is now legally blind.

Mr. and Mrs. Patrick Cossetta are both over 60 and uninsurable because of the present state of their health. They were unable to be present at the hearing due to their poor health but submitted a statement for consideration.

H.R. 22, the Health Security Act of 1971, now pending before Congress, would meet and solve the problem of uninsurability by removing the reliance on preexisting conditions and statistical soundness in favor of a system that covers the health needs of our citizens:

### TESTIMONY OF REV. ROGER HEIMER

My personal experience with medical insurance has shown me that the best available insurance does not cover "pre-existing conditions" of medical need or medical risk.

I have spent an inordinate amount of time trying to discover a way to insure my family and particularly my wife's greatest health risk. No individual or group policy could be secured or developed.

My experience must be typical of a sizable group of persons who are unable to insure themselves against what they know to be their greatest health risks. Since private and fraternal insurance have been proved inadequate, provision of insurance through the Social Security system or through some other federal system is now essential.

ST. PAUL, MINN,
*March* 2, 1971.

HON. DONALD FRASER.

DEAR SIR: I wanted so bad to go to that hearing you had at MPL's about health insurance. But just could not. I am writing this letter to let you know I am very interested. I am 64 and my wife is 61. We are both listed as uninsurable, she has bad heart and kidney and I a bad heart and we cannot buy health insurance. There must be a lot more like us. We sure would be thankful if you would help try to get a health bill passed for the uninsurables.

Sincerely yours,
PATRICK COSSETTA.

## FREEDOM OF INFORMATION

## HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BADILLO. Mr. Speaker, over the past several weeks we have witnessed the blatant and ill-conceived efforts by the administration to prevent the dissemination of information regarding our senseless and costly involvement in the Vietnam conflict. We have seen the freedom of the press stifled by those very forces sworn to uphold constitutional rights and freedoms and the inept attempts to prevent the Congress from having access to information critical to its work in considering and passing on appropriations for the Vietnam war and the conduct of our policy there.

Earlier this month the noted and highly respected commentator, Mr. Joseph McCaffrey, furnished a timely and very perceptive analysis of the current furor over the documents on Vietnam. I believe Mr. McCaffrey's observations are most pertinent and deserve our fullest and most careful consideration. I urge our colleagues to heed his remarks and I am pleased to present his commentary herewith for inclusion in the RECORD:

### COMMENTARY OF JOSEPH MCCAFFREY

In the current legal fight over the documents on Vietnam, there is one issue facing both the Government and its people: should the people be told about how we fumbled, bumbled and bulled our way into the debacle of Vietnam? It might be well for the reputation of some Americans that this not be revealed. But we cannot use the top secret rubber stamp to cover up official incompetence and duplicity.

Nebraska's Senator Carl Curtis is probably one of the most cautious men in the United States Senate. Yet Senator Curtis has a feel for what makes the system work: an informed public. So the Senator says, "Let's get all those papers out so that all of us can read them and find out the background of this endless war." Senator George McGovern says we probably owe Senator Barry Goldwater an apology for the way he was treated in the 1964 campaign. One thing about Senator Goldwater, he was honest.

One wonders if this has now become so rare a political commodity that we will now build shrines to the few men who can qualify as honest. And have we learned our lesson about being the quote moral leader unquote of the world?

We agreed to prevent elections in North and South Vietnam for fear Ho Chi Minh would win. One can now wonder if things would be any worse for Vietnam had Ho won; would there be as much destruction, would there have been as many dead? One can wonder. It is about time that we were allowed to read our own history.

We shouldn't be advised as a well known retired general told us on television the other night that we should just be told what those in charge think we should be told, and little more.

One wonders what a really great military man like George Catlett Marshall would have thought about that approach to what we think of as a peoples government. And if we really want to speculate, we can wonder what Thomas Jefferson would have thought of the establishment which, even now after the fact, seeks to keep the American people from learning how they ended up in a war which has cost them 55,000 young American lives, plus billions and billions of dollars.

## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, at the recently concluded Minneapolis health care hearings, Pauline Berryman represented the Greater Minneapolis Day Care Association. She pointed out the need for additional funds for child care training programs. She stated that there may be up to 4,000 unlicensed day care homes in Hennepin County alone. In short, Mrs. Berryman presented a cogent statement dealing with the broadly defined health needs of our children. Her statement follows:

### STATEMENT MADE FOR THE GREATER MINNEAPOLIS DAY CARE ASSOCIATION

(By Pauline Berryman, Chairman)

Good Child Care Is Preventive Health Care. My concern is for the health—mental, physical, emotional—of the children whose mothers are forced to work or who choose a life style that includes their working. What happens to our children strongly affects the present and future health of our community. If the present situation is allowed to continue, we will have deprived children becoming deprived adults in ever-increasing numbers in our community.

Old alternatives for child care are disappearing as women without young children are returning to the work force. New alternatives are not being created fast enough for the mothers who must or decide to work. Without adequate care available, desperate mothers turn to unsatisfactory solutions. Infants and young children are left alone. Older children are taken out of school to care for siblings, or lounge on the streets after school hours when no one is at home. Children are left with adults unfit to care for them. Day care centers often have too few funds to pay for qualified or adequate staff, room, or materials, creating the danger of developing "institutionalized" children like those damaged in the now-discarded orphanage settings. Innovative programs for optimum child care have difficulty being established. Federal money is limited to target areas, work-training programs, or persons in welfare programs. Child development training programs are last priority for child care funds.

These problems exist because our attitudes about providing child care services are many years behind the needs. We think of child care as a welfare cost to get AFDC mothers off the welfare roles. We think in terms of baby-sitting instead of the finest kind of life-preparation we can provide. We do not think of child care as a life style resource, an educational advantage or need. We do not think this care should be made available for every person who needs or chooses such a resource. To say that a mother should stay at home with her children is trying to decide for a family what their life style will be and is unrealistic in light of the inner and outer demands of the world in which we live. I have discovered a growing resentment among women who pay taxes which help provide child care service for others which they also need and cannot receive. Mothers of all economic classes are frustrated by the small number of child care programs that promote the total well-being of the child, which includes being sensitive to the needs and cultural background of the family. The day is gone when we, as a community, can ignore the need for child care services that are supportive of the family and that reinforce the family strength.

The Greater Minneapolis Day Care Association is a community organization created to speak and work for the community needs and wishes for good child care services. We represent parent and civic groups, as well as private individuals, united to provide the best child care settings we can provide for everyone who wants or needs them. We believe that these settings, instead of creating more incapable adults as the present system too often is doing, will stimulate the growth and capacity to responsibly cope with the world we live in.

Recommendations which need national support for realization:

1. Health complexes responsive to and cooperative with child care services.

2. Enactment of legislation that will make financial resources available.

a. Such resources to be made available to more than target areas and welfare recipients.

b. Scholarships to low-income and minority persons to receive child development training.

c. Money for training programs, including those that develop support for the cultural background of the persons served.

d. Financial support of psychiatric and child development research that will enable communities to understand what kind of programs will be healthful for the child and family.

e. Tax laws allowing a realistic deduction for child care costs for working parent.

f. Continued support of Headstart programs.

g. Support of innovative programs that will create new answers for child care problems.

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## U.S. CONFERENCE OF MAYORS ENDORSES ACCELERATED PUBLIC WORKS MEASURE

### HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. McFALL. Mr. Speaker, the public demand for relief from the grip of unemployment grows with each passing day. The Public Works Acceleration Act, S. 575, designed to provide just this relief, is now on the President's desk awaiting his signature. I am proud to be one of the originators of this legislation, and earnestly entreat the President to sign S. 575, which will create nearly 420,000 jobs.

A manifestation of the growing support of S. 575, the recent endorsement of the measure by the U.S. Conference of Mayors, is described in the following article in the Modesto Bee of June 16:

MAYORS ASK OK OF MCFALL WORKS BILL

WASHINGTON.—The US Conference of Mayors, meeting in Philadelphia today, urged President Richard Nixon not to veto a $2 billion accelerated public works measure designed to provide federal aid and jobs for hard-hit areas of high unemployment in Northern California and elsewhere around the country.

Rep. John J. McFall, D-15th, Stanislaus, San Joaquin and Merced Counties, District in California, said he was notified by phone this morning of the passage of the resolution. He is the author of the legislation which passed the House this week as part of an over-all $5.5 billion appropriations bill for Appalachia and Economic Development Assistance.

The prospect of a presidential veto arose during earlier Senate consideration of the bill when administration supporters pushed for a less-expensive substitute to the McFall program.

The House adopted the $2 billion measure by more than the two-thirds vote which would be required to override a veto. But the Senate approved the McFall measure by less than a two-thirds margin.

McFall's measure would help areas of Sacramento, Fresno, Stanislaus, San Joaquin and other Northern California counties which have experienced high unemployment over an extended period of time.

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## CROSS-PURPOSES

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD today an editorial statement from the June 22, 1971, Knoxville, Tenn., Journal concerning the $12 billion bill which includes agriculture, environmental, and consumer protection programs:

CROSS-PURPOSES

Friday the House Appropriations Committee approved a $12 billion money bill which covers agriculture, environmental and consumer protection programs. The bill also well illustrates how the federal government often seems to operate at cross-purposes, with one program designed to correct situations which are either caused or intensified by another program.

The measure approved Friday included $3.6 billion to reimburse the Commodity Credit Corporation for its price support and production and marketing activities. In simplified terms, the bulk of this money goes for paying American farmers various amounts to supplement payments they received on the open market or to replace the income they would have received if they had not kept their land out of production.

With consumer prices on food and related items sky-high, it is anomalous that these same consumers should have to finance through their tax dollars programs designed to keep farm prices at certain levels. On the surface the farm and consumer programs appear to be working against each other.

A partial answer, of course, is that the American farmer has not received the major portion of the higher food prices. The middle men—those who ship, pack and retail food items and who themselves have been hit by soaring labor and materials costs—have claimed the lion's share.

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## INCREASING THE APPROPRIATION FOR THE U.S. COMMISSION ON CIVIL RIGHTS

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1971*

Mr. EDWARDS of California. Mr. Chairman, the U.S. Commission on Civil Rights, which was created by Congress in the Civil Rights Act of 1957, has been for 14 years in the forefront of the movement to achieve and implement civil rights legislation. In its early years the Commission documented the need for civil rights laws to protect the rights of America's minorities. In recent years the focus of civil rights activity has shifted from legislation to administration and enforcement, and again the Civil Rights Commission has, through its research, hearings, and reports, produced invaluable information on the means of achieving more effective implementation of existing civil rights legislation.

The Commission, which is chaired by the Reverend Theodore M. Hesburgh, who also serves as the president of the University of Notre Dame, has requested sufficient funding to restore it to its operating level of 1968. This funding level of $3,397,000 would support a staff of 177, a barely adequate number to fulfill the extensive mandate of the Commission, which includes the investigation of complaints that citizens are being deprived of their right to vote, the study and collection of information on the denial of equal protection of the laws under the Constitution, the appraisal of the Federal laws and policies respecting their impact upon civil rights, and the preparation of reports, findings, and recommendations to the President and the Congress on the securing of equal protection of the laws. The amount contained in this bill, $460,000 less than requested by the administration, would be insufficient to maintain the Commission at its present operating level, and would force the Commission to totally abandon its plans for new programs.

Father Hesburgh, in testimony given yesterday before the Senate Subcommittee on Administrative Practice and Procedure, told how that in meetings with four successive Presidents, he has been told by each that civil rights is the No. 1 domestic priority, yet he has had to note with irony that the Civil Rights Commission, with all of its responsibilities in this area, has been funded at a level of less than one-half the cost of one fighter plane. And now we have before us a proposal to cut even this small appropriation.

The Civil Rights Commission plans the development of an Indian Rights program and a study of the administration of justice in the Nation's prisons during the next year. I can think of no two more important areas of concern, and believe that it would be a national tragedy if we are denied the research which the Commission will bring to bear on these areas. The Indian and the prisoner of any race share a deprivation of rights which must be the concern of the Commission under its mandate, but the Commission will not be able to investigate the denial of rights to Indians or the abominable conditions in our prisons involving denial of rights to prisoners unless the cut in its appropriation is restored.

The Community Relations Service of the U.S. Department of Justice is threatened with a cut of $600,000 in its requested appropriation. The Community Relations Service, created by the Civil Rights Act of 1964, provides assistance to local communities in the resolving of racial disputes. In its 7 years of existence it has proven itself as an effective mechanism for the defusing of community tensions. In light of the increasing polarization and violence between the races in several communities around the Nation in recent months, there should be an increasing of the ability of the Community Relations Service to perform its functions rather than a cut in its requested appropriation for the next fiscal year.

The Community Relations Service requested $5,830,000 and 300 staff positions for fiscal 1972. Instead, it has been given only $5,250,000 and a ceiling of 250 positions has been imposed. The Community Relations Service requested 63 new positions, 52 of which would be in the State liaison program. The State liaison program provides Community Relations Service personnel to the States to help State governments meet racial crisis in their local communities. The Service has a State liaison program now active in 21 States though in nine States the service representative works only on a part-time basis because of lack of funding. The Community Relations Service planned during the next fiscal year to increase this part-time assistance to full-time and to appoint full-time representatives in five new States, bringing the total number of States in which the Community Relations Service will be active to 26. In addition, the Service has established six regional offices to provide support services for its field representatives in the local communities. These field support offices need additional professional personnel in order to adequately serve existing field workers, and if the cut in appropriations is not restored, all available new positions will have to be assigned to these offices in order to maintain even the present level of services. This will mean that there will be absolutely no new field workers at a time when the Community Relations Service's function is increasingly vital to the well-being of many local communities.

Another severely disturbing implication arising from the cut in the Community Relations Service appropriation is the impact such cut will have on the Service's National Service Division. This Division was formed last year to deal specifically with problems of the Spanish-speaking minorities. It has currently a staff of only eight and there is an intention to add six staff members to bring the total to 14. This will not be possible because of the cut in the Service's appropriation. To think of only 14 staff members having primary responsibility for Spanish-speaking minority problems in an agency with a function as important as the Community Relations Service is ludicrous; to further diminish this number to the present eight by accepting this cut in the Service's appropriation would border on criminal negligence.

The Equal Employment Opportunity Commission has suffered a reduction of almost $5,000,000 in its requested appropriation. The Commission, which investigates complaints of discrimination in employment, was created by title VII of the Civil Rights Act of 1954. Since its inception the Commission has had an increasingly heavy caseload of complaints against employment discrimination and now desperately needs a larger staff to deal not only with this increase, but with its very large backlog of cases, which now is approximately 14,000 in number, some going back as far as 2 years. The requested appropriation of $26,620,000 would allow for an increase of 670 positions; the committee's suggested appropriation would permit only 346 new positions. Thus 324 positions, all of which would have been applied by the Commission to backlog programing, have been cut, leaving the bleak prospect of an increasing backlog of cases and perhaps inadequate personnel to deal with the ever-increasing current caseload. It is estimated by the EEOC that it will be receiving over 31,000 annual complaints of employment discrimination by the end of 1972. In 1970, 14,000 complaints were received; the projection for this year is 23,000 complaints. The caseload is growing at an extremely rapid rate, and unless the Commission obtains the staff it needs to investigate the complaints it is obvious that many complaints will not be investigated because they will have grown too stale by the time the Commission gets to them.

It is very true that justice delayed is justice denied. If those who suffer from discriminatory employment practices cannot obtain relief through the channel provided for such relief by the Civil Rights Act of 1964, then they will have no recourse. The Equal Employment Opportunity Commission will no longer function as the Congress intended unless it obtains sufficient funding to provide staff to enable it to keep up with its caseload. We must act to protect the credibility and viability of the EEOC by restoring its appropriation to the requested level.

As Father Hesburgh so eloquently stated in his testimony yesterday, and as he has so often shown us as Chairman of the Civil Rights Commission in the numerous reports and studies issued by the Commission during his chairmanship, there is a tremendous gap between promise and performance in the enforcement of the civil rights of this Nation's minorities. We on the Committee on the Judiciary have recently been struck by the manner in which administrative inaction in the voting rights area is threatening the hard-won gains we thought had been guaranteed by the Voting Rights Act of 1965. The appropriations process is another means of failing to enforce the civil rights commitment which we as a Congress have made through the civil rights legislation of the past decade, and we must be on guard against the type of nation which will leave this commitment as nothing more than empty rheortic. Such action is the proposed cutting of the appropriation requests of the U.S. Civil Rights Commission, the Community Relations Service, and the Equal Employment Opportunities Commission. These funds must be restored to enable these agencies to carry forth their legal mandates. Failure to restore their appropriations to the requested levels will bring into question the commitment of this body to the enforcement of civil rights legislation.

## THE POOR AND PUBLIC HOUSING

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BINGHAM. Mr. Speaker, "Which of the Poor Shall Live in Public Housing?" That is the provocative question addressed by Mr. Roger Starr, executive director of New York's Citizens Housing and Planning Council in a recent article which appeared in the Spring, 1971, issue of the Public Interest.

Mr. Starr argues persuasively that New York City's public housing projects are in grave danger of going the way of projects in other cities which have become virtually uninhabitable. He also makes the point that doctrinaire thinking on the part of those who want to help the poor may sometimes actually hurt them.

I sincerely believe that Mr. Starr's article is must reading for any one interested in the future of our great cities. The article follows:

### WHICH OF THE POOR SHALL LIVE IN PUBLIC HOUSING?

(By Roger Starr)

New York City's public housing projects—which many people claim they can identify at sight, but which they often confuse with partially subsidized "middle-income" cooperatives and rental complexes, and sometimes even with self-styled "luxury" developments—contain about 155,000 families. No one knows how many people this amounts to, but a fair guess puts the number at 600,000. This makes the publicly-housed population of New York City greater than the total population of any other city in the state.

A single trait distinguishes the public housing tenants, however; practically all of them are poor. This does not mean that all of the poor people in New York City live in public housing. There simply isn't that much public housing. The great majority of the city's poor continue to live in old, privately-owned structures. One of the critical questions for public housing management in the city thus becomes: *which of the poor shall live in public housing?*

At this writing, the New York City Housing Authority has a waiting list exceeding 100,000 names. Thanks to such persistent demand, the Housing Authority has some leeway in choosing its tenants. That freedom, however, has been steadily dwindling under pressure from local and national politics, and more recently from the federal judiciary which is insisting that such decision-making be circumscribed by "due process." There is reason to believe that restricting the freedom of the Authority in choosing its tenants may threaten the very existence of its projects.

Anyone who looks at a public housing project is entitled to his own view as to whether it "works" or not. Eschewing all complex value judgments, let us agree that New York City's housing projects "work" by the simplest of all possible criteria: more people want to get into them than are willing to move out of them. This is notably *not* the case in St. Louis, Jersey City, Chicago, and Washington, D.C., as well as a number of other cities, where vacancies have occurred on a large scale and where some public housing projects have actually been abandoned and padlocked.

Why does public housing work in New York City? Is New York's stock of low-rent private housing worse than in other comparable cities? Not demonstrably. Is its public housing architecturally superior? Few architectural critics would accept that proposition. Is the spirit of the place more sympathetic to public ownership of home and hearth? Surely not in the home-owning sections of Queens, Brooklyn, and the Bronx. A more general explanation was suggested in *The Public Interest* two years ago by George Sternlieb, who observed that New York public housing has historically provided "a major source of housing for *the working class."* In other words, New York's public housing is acceptable to the *working poor* while in other cities public housing has become the home primarily of the *non-working, dependent poor.*

In a recently revised edition of Supplementary Paper No. 26 of the Committee for Economic Development, "Who Are the Urban Poor?" Anthony Downs divides all households living in poverty in the metropolitan areas into five categories. He finds that *about one-third of the individual persons who are members of poverty households belong to male-headed households in which the head of the household is working*—but not earning enough to bring the household out of poverty. To this group, one could add a second: the elderly, who constitute some 18 per cent of the poor in the central cities, and most of whom were once part of the working force. In addition, a significant fraction of the 10 per cent of the poor in metropolitan areas who are either in households headed by disabled or unemployed males should also be thought of as "working class families."

These three categories can be constrasted with what might be called "the dependent poor." This latter category is mainly composed of the female-headed households; such households contain approximately 40 per cent of the individuals living in poverty in the metropolitan area in 1968, according to Downs. It would be clearly unfair to assume that *all* female-headed households lack a working-class ethos and pattern of behavior; Downs' own statistics indicate that 15 per cent of the female household heads work full time, while another 25 per cent work part time. It is nevertheless clear, conversely, that 60 per cent of the female household heads do not work at all, and presumably are supported by the Aid to Families with Dependent Children program. Downs tells us that a 1966 survey of the mothers receiving help under this program indicated that, even if they were freed of the responsibility of their children, 70 per cent of the mothers involved would be unable to earn more money by working than they received as welfare payments; their low skills and motivation marked them as being outside the working class.

The difference between the two groups—the working poor and the dependent poor—is not merely economic: the difference finds expression in a whole set of attitudes toward work and life, and in different patterns of behavior. The distinction between the working poor and the non-working poor may escape the middle-class observer, and most especially it seems to escape the observer bent on social reform. But it is clear enough to all members of the working class, and to the poor generally. It is the fatherless households that cause the most vandalism, are responsible for the greatest amount of crime, both on the streets and inside the housing projects.

I must admit that I used to inveigh against the Housing Authority for its reluctance to admit female-headed households into the projects unless it had reason to believe that a specific household was relatively stable. My mind was changed, not by any statistics from the Authority, but rather by the complaints of the tenants themselves at the way their housing project was being disfigured by the activities of alcoholics, junkies, and young delinquents—mostly members of AFDC families. It became clear to me after a while that only the safe middle class can afford to ignore the distinction which the working poor do draw, between themselves and their poor, non-working-class neighbors.

The New York City Housing Authority, catering to only a fraction of the poor has relied on two devices for keeping its non-working class population within limits that would be acceptable to the working-class population of the housing projects. The devices are simple enough, if one assumes that the public housing program will not be big enough to accommodate all poor families. First, the Authority tries to keep out those families whose past records indicate the probability that they will be troublesome to their neighbors and a threat to the physical maintenance of the buildings. Second, the Authority has, over the years, refused to renew the month-to-month tenancy of unruly and destructive tenants who had—to the satisfaction of the Authority's own officials—given evidence of an unwillingness or an inability to live peaceably with their neighbors and in accordance with the rules of the Authority. The possibility of eviction therefore becomes vital to the successful operation of the projects.

Approximately ten years ago—in 1960—the New York City Housing Authority, which had two years earlier been reorganized from a part-time voluntary authority to a three-man, full-time, paid board, took steps to regularize its lease terminations. The Tenant Review Board, which had been established in 1953, was enlarged to include representatives of various branches of the Authority. If a project manager decided that one of his tenants constituted a menace to his neighbors, the tenant in question was called into the manager's office for a conference. If the conference failed to convince the manager that the tenant would or could mend his ways, the tenant would be given notice of the intention of the Authority to terminate his tenancy. The notice described the reasons for the termination, and notified the tenant of his right to appear, with counsel, before the Tenant Review Board to contest the intention of the Authority to evict him, and to offer whatever exculpatory evidence of statements he might wish to plead.

If the decision of the Tenant Review Board went against the tenant, the Authority went into the Civil Court to obtain a summary warrant of dispossess in an action to recover the apartment. If the Authority were a private landlord, there could be no defense against such an action in any court, except under the terms of special legislation like New York City's rent control law from which the Housing Authority is concededly exempt. But because the Authority is, obviously, not a private landlord but a government agency, the tenant can institute proceedings in the Supreme Court of the State of New York to require a judge of the court to determine whether the Authority had acted capriciously or arbitrarily in terminating a tenancy. A series of decisions in New York consistently upheld the New York Housing Authority's procedures as being neither capricious nor arbitrary.

So matters stood in New York City until 1968. Meanwhile, the rest of the country, in which evictions were far more summarily made, sought to catch up with the New York's liberal and humane procedures. In 1967, the Department of Housing and Urban Development issued a circular to the Local Housing Authorities which, like the New York Authority, own and operate housing projects for low-income families built with federal financial support. The circular, dated February 7, 1967, directed the Authorities to tell a tenant, "in a private conference or other appropriate manner, the reasons for the eviction, and (give him) an opportunity to make such reply or explanation as he may wish." The New York City Housing Authority's procedures—including the Tenant Review Board, the statement of the intent to dispossess, and the right of representation by counsel—clearly surpassed the requirement of HUD.

But by 1968 a new issue had been raised in New York City by three teams of lawyers, each representing a different agency funded, at least in part, by the Office of Economic Opportunity. These lawyers sought to challenge the eviction procedures of the Authority on the grounds that they contravened "due process" of law which, under the Fourteenth Amendment, must be afforded any person if he is legally to be deprived of property. This challenge depended on the definition of the right of tenants to occupy apartments in publicly-owned housing projects as a form of "property." Because the issue rested on constitutional grounds, it was brought on in the Federal Court. On October 31, 1968, District Judge Sylvester Ryan of the Southern District of New York dismissed the complaints in all three cases (*Escalera, Rolle,* and *Humphrey et. al. v. New York City Housing Authority*). Judge Ryan said in his opinion: "the act of termination of the tenancy is the final step in a sequence of procedural steps taken with the fullest regard for the tenant's right and those of the other tenants."

That would probably have ended the matter, except for another case which, by chance, also arose in New York City, and also involved a constitutional challenge to an administrative decision, on the ground that property had been taken by an arm of the state without due process. This case—*Goldberg v. Kelly*—was decided by the District Court in favor of the petitioner, Kelly, and against the public official, Jack R. Goldberg, Commissioner of Social Services (read Welfare Department) of the City of New York The facts were hardly in dispute. Commissioner Goldberg decided that Kelly, who was on welfare, was not in fact entitled to receive the benefits he was being paid; Goldberg, under the regulations then in force, immediately and without notice cancelled Kelly's welfare payments. While the case was making its way through the courts, the Department of Social Services amended its procedures to include a requirement that seven-day notice of an intention to terminate benefits must be given to the welfare client. Under the new procedure, welfare benefits could not be cut off until the client had been given an opportunity to submit a written protest to an official of higher rank than the one who made the decision to terminate his benefits. The new regulation continued, however, to provide that this official may terminate the benefits, and that only *after* the benefits are terminated may the former beneficiary demand a so-called "fair hearing" at which he might present evidence orally and cross-examine adverse witnesses.

The District Court ruled that the post-termination hearing was not an adequate substitute for a pre-termination hearing at which the beneficiary could present evidence and cross-examine the witnesses opposed to him. The United States Supreme Court, in an opinion written by Justice Brennan, supported (though not unanimously) the District Court's decision. Justice Brennan quoted favorably an excerpt from the lower courts' decision: "While post-termination review is relevant, there is one overpowering fact which controls here. By hypothesis, a welfare recipient is destitute, without funds or assets . . . suffice it to say that to cut off a welfare recipient in the face of 'brutal need' without a prior hearing *of some sort* [emphasis mine] —R.S.] is unconscionable, unless overwhelming considerations justify it." Justice Brennan then continued to announce the Supreme Court's support of the District Court's ruling. He stated very precisely where the constitutional question lies in the view of the court's majority: "The city's procedures presently do not permit recipients to appear personally with or without counsel before the official who finally determines continued eligibility. Thus a recipient is not permitted to present evidence to that official orally, or to confront or cross-examine adverse witnesses. These omissions are fatal to the constitutional adequacy of the procedures."

Justice Hugo Black, in an interesting opinion, dissented from the majority of the court. He was joined by Chief Justice Burger and Justice Potter Stewart. Justice Black said:

"I would have little, if any, objection to the majority's decision in this case if it were written as the report of the House Committee on Education and Welfare, but as an opinion ostensibly resting on the language of the Constitution I find it woefully deficient. Once the verbiage is pared away it is obvious that this Court today adopts the view of the District Court that to cut off a welfare recipient in the face of . . . "brutal need without a prior hearing of some sort is unconscionable," and therefore, says the Court, unconstitutional . . . Today's balancing act requires a "pretermination evidentiary hearing" yet there is nothing that indicates what tomorrow's balance will be . . . While today's decision requires only an administrative, evidentiary hearing, the inevitable logic of the approach taken will lead to constitutionally imposed, time-consuming delays of a full adversary process of administrative and judicial review. In the next case the welfare recipients are bound to argue that cutting off benefits before judicial review of the agency's decision is also a denial of due process. Since, by hypothesis, termination of aid at that point may "still deprive an *eligible* recipient of the very means by which to live while he waits" . . . I would be surprised if the weighing process did not compel the conclusion that termination without judicial review would be unconscionable . . ."

In his prediction that the rule established in this welfare case—*Goldberg v. Kelly*—would be broadened, Justice Black's prophetic gift was confirmed. *Goldberg v. Kelly* was decided by the Supreme Court on March 23, 1970. On April 29, 1970, the Federal Court of Appeals reversed Judge Ryan's decision in the several housing cases that he had tried more than a year earlier, applying to them the precedent of *Goldberg v. Kelly*. The Federal Court indicated that unless the tenant facing eviction could be granted an evidentiary hearing at which he would have an opportunity to confront the opposing witnesses, he could not constitutionally be evicted from a public housing apartment.

There are a number of ironies in this decision. In the first place, if the Housing Authority were a private landlord, there would be no question whatever of its power to terminate a tenancy on due notice at the end of any 30 day lease period. Second, the *Goldberg v. Kelly* case was decided explicitly on the grounds that the beneficiary had no means of support other than his welfare benefits: the lack of alternative income describes his 'brutal need' of welfare benefits. Yet the need to remain in public housing in the United States cannot be equated with the need for welfare support, because public housing constitutes only a small fraction of the total housing supply in the city of New York; thousands, in fact hundreds of thousands of families in economic and social conditions identical with those of the public-housing tenants live in private accommodations. If the Congress of the United States saw fit to provide the funds with which to build all the housing (or even a very substantial part of the housing) available for people of low income, permission to reside in a publicly-owned project would indeed have the same "brutal" quality as the need for welfare sustenance. But the Congress hasn't, nor can any court appropriate the needed funds. Third, the housing cases involve a party at interest other than the two parties involved in the welfare cases: that party is made up of the other tenants in the project from which the Authority seeks to evict the litigating tenants. Thus, in balancing the equities, the Court merely decided that the suffering of the cut-off welfare client would be worse than that of the government forced to spend a little more money than properly it should. But who measures the suffering of the other tenants in the project as a result of the misbehavior of a tenant whose case awaits a full "evidentiary" review? Who compensates the parents of a neighboring child who has been introduced to drugs by a released, convicted narcotics peddler living in the building? Who pays for the pocketbooks taken by youthful muggers, the children of a family resisting eviction?

The court's answer would, no doubt, be that the Authority should be able to provide its proof by the direct testimony of neighbors under cross examination. But there lies the difficulty. The witnesses are, in fact, neighbors. After presenting their testimony they cannot go home safely anonymous and thus protected against possible retaliation at the hands of the family across the hall, or the friends of that family. Many officials of the New York City Housing Authority believe that the requirement of confrontation will discourage a large majority of witnesses from appearing. They point also to the cost of the procedure; unfortunately, the cost of operating the public housing projects is borne by the tenants themselves, not by the national nor the local government.

At the present moment, attorneys for the Housing Authority and the plaintiffs in the three cases simultaneously reversed by the Federal Court, are seeking to work out a decree setting forth new procedures which will satisfy the court's definition of due process. Whatever the final form of the decree, it will surely provide for direct confrontation between the Authority's witnesses and the tenant against whom they are complaining. The probable effect of this will be to discourage complaints on the part of tenants, and to dampen the interest of housing managers in maintaining a decent quality of life in their projects. It will, ultimately, tend to speed the departure from the projects of the working poor.

This would be disagreeable enough a prospect even if the New York City Housing Authority were not simultaneously under political pressure to accept a constantly growing percentage of the non-working poor.

First, the Authority has been forced to abandon its list of 22 eligibility criteria. This was a set of categories of personal history episodes, such as recent conviction of a felony, or a common-law marriage only a few years old. The Authority always maintained that a negative answer to any of the criteria did not necessarily preclude admission to public housing, but only that the family situation had to be evaluated by the social service staff of the Authority. In practice, however, that staff was so busy, and the list of applicants so long, that applicants with a negative history enjoyed only a guarded prognosis as to final admission. Some offenses did, in fact, constitute absolute bans to admissions.

Pressure from neighborhood groups, particularly with the help of poverty program workers, ultimately produced a change in the list of criteria. Instead of a long list of specific offenses which required evaluation, the Authority set forth general and rather broad grounds on which it could reject a prospective candidate for admission as a tenant. The more general criteria could have been used to cover precisely the same list of behavior traits that had been set forth explicitly in the now-banned list. The change would have had little significance—had it not been for the more important fact that the Authority, since the development of the poverty program, has been under a new set of pressures to accept tenants from public improvement sites, and from families on welfare.

These pressures have come about as the result of the growing abandonment of private buildings in New York City—a cultural and economic phenomenon which has made the relocation of families from public improvement sites much more difficult. The pressures have come also from the stirrings of a taste for "community control." The New York City Housing Authority is by definition a Bureaucratic Monster, unresponsive to the Wishes of the People. Perhaps even more important, it has a habitation in which sit-ins can be staged (unlike most of the private landlords who own buildings in the worst sections of the city). Furthermore it offers a target to people who are not actually living in it, and one of the most obvious motivations for attacking it is its failure to admit people whom the local group can readily believe are the victims of prejudice. This popular pressure is added to the governmental pressure for taking in site tenants to make way for public improvements and for quieting neighborhood protests rather than get the name of the agency into the newspapers. It is scarcely astonishing that the Housing Authority has stopped looking too hard at its applicants.

In addition to these reasons, there is one other which is peculiar to New York City. Because the city has to pay only 27 per cent of the rent bill for welfare eligibles—the remainder coming from federal and state governments—the city Department of Social Services has been willing to pay higher rents in public housing for welfare families than other families pay in identical apartments. The surcharge paid by the city to the Housing Authority runs as high as 60 per cent. At a time when the Authority is running badly in the red, welfare tenants provide it with some financial relief.

The results of these pressures emerge in the New York City Housing Authority statistics. Ten years ago, households receiving public assistance constituted about 16 per cent of the public housing tenancy in New York City. The present public assistance level is over 26 per cent. Current admissions are 56 percent welfare families—about half of them broken families.

None of this means that every welfare family suffers from the kinds of psychological problems that make it a menace to its neighbors. Many welfare families consist of reasonably stable working people victimized by economic events or by personal tragedies over which they have no control. Yet George Sternlieb's study of New York's housing indicates that, for whatever reason, the only variable consistently associated with substandard housing was the presence of welfare families in the building. The Chairman of the Housing Authority himself has noted the growth in crime rates and vandalism in the projects, and the voluntary move-outs by non-welfare families as the percentage of welfare tenants has risen. He has asked the Human Resources Administration to design "supportive social programs" that might help to minimize the problems associated with the risen in the welfare family load; ironically, on the very day of a meeting held to explore these possibilities, the Community Service Society—New York's oldest and largest casework agency—announced that it was phasing itself out of the casework business. Individual family counseling doesn't seem to be effective. And no one has any idea what might be effective.

If the trend to welfare tenancy continues, and the working families stay out of New York City Public Housing, there will be a consequent deterioration of the projects. There will also be, as a further consequence, a growing unwillingness of the federal government to build more low-cost housing. And the major impetus to this disaster will have come from those who have dedicated their lives ostensibly to helping "the poor." In effect, this too often means that they are helping one group of poor at the immediate cost of another group; generally, the disorganized, non-working poor will be favored because their afflictions seem greater, and their dependence on public sources makes it easier to do somthing about their condition. The net result is that destructive behavior is encouraged and exculpated at the expense of the law-abiding poor. It is as though we have, in the interest of justice, provided a system for destroying the incentives to, and the rewards for socially normal behavior. Regrettably words like "socially normal" have come under general scorn. To the committed reformers, they smack of middle-class standards and bureaucratic inhumanity. But their meaning is perfectly apparent—and very welcome—to the tenants in public housing who wonder why they have to bar their doors at night and why a feeling of fear that is coming close to terror is growing in the projects.

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## DO INCREASED WAGES IN THE CONSTRUCTION INDUSTRY CAUSE INFLATION?

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WALDIE. Mr. Speaker, a very informative and clarifying analysis of the impact of wage increases on inflation prepared by Richard Prosten, research director of the AFL–CIO Industrial Union Department appeared in the Government Standard on June 11.

It shows clearly the fallacy of the administration's methods of holding down wages as a way of combatting inflation while, at the same time, granting corporations a tax writeoff.

I request the careful attention of my colleagues to this article as the administration will no doubt again call on us to approve their method of holding down wages and employment programs by telling us it is in the best interests of our economy.

INFLATION: WHY ARE THE VICTIMS BLAMED FOR THE CRIME?

Last year the 91st Congress passed Wage Board legislation urged by AFGE, but President Nixon vetoed it on "grounds" that the modest pay increases it would have yielded would have been "inflationary."

Yet, days later, by Executive Order, he granted corporations a tax write-off that will cost the Treasury an estimated $2 billion, or more, each year, and greatly increase business profits.

Not a word was said about "inflation" when the write-off was announced.

Once again, the wage earner was blamed for "inflation," while the business community was declared not guilty.

What really causes "inflation"?

In this article, reprinted from IUD viewpoint, AFL–CIO Industrial Union Dept. Research Dir. Richard Prosten explains some of the causes and the propaganda which unjustly—but successfully—makes the public swallow the myth that the wage-earning victims of "inflation" are the responsible criminals.

During the last decade, after-tax profits have more than doubled, but take-home pay increased by less than 50 per cent.

During every period of pronounced inflation since World War II, it has been suggested by people who must know better, that the victims are the criminals.

We are treated to speech after speech telling us that workers' demands are "inflationary" and that everything would come up cherries if only working people weren't so "damned unreasonable."

Currently, the effort at shifting the blame has suggested an additional culprit—the consumer.

Perhaps you've seen that ad on TV where the lady of the house is described as a cause of inflation because she buys a new dress. While her sin is being described to us, we see her appearance change to that of a pig.

Obviously, this lady is not the real cause of inflation, nor is the worker who is running as fast as he can in a futile attempt to maintain his economic position.

Inflation has been such a constant factor in American economic life that its opposite—deflation—has become an endangered species, as far as words go.

Indeed, public discussion of inflation consists mainly of applying modifying terms to describe its strength: "moderate" inflation, "rapid" inflation, "skyrocketing" inflation, and so on.

The best that any of us can remember are some brief periods of "relative price stability." Since "relative" is a reference to times of astounding price increase, even these periods of respite are unusually unacceptable.

Currently, non-labor economic discussions of inflation revolve around two broad generalizations which tend to exclude from blame the near-monopoly capital and business interests that dominate our economic life.

The theory that is employed most often to hit workers over the head is the "wage-price spiral" or "cost-push inflation."

It suggests that labor demands so such from employers that the beleaguered businessmen must raise prices to stay in business.

The usually implicit, and many times explicit, corollary to this theory is that Unions are so strong that they can easily dictate the size of economic settlements.

Those who push this theory, however, cannot explain why it is that the average family-man factory worker has less purchasing power (take-home pay adjusted for increases in the consumer price index) today than a few years ago.

Also ignored is the fact that during the last decade the after-tax profits of manufacturing corporations more than doubled, while weekly take-home pay for manufacturing employees increased by less than 50 per cent.

"Demand-pull" is the other stylish explanation of inflation.

It suggests that like the lady who bought the dress, we are all running around glutton-like, consuming so much that prices must be raised in order to control and/or reallocate demand.

Such a theory might have some credibility if industry was operating at 100 per cent of capacity and unable to meet the demands being placed on it. But this is not the case. Industry is currently sitting on a large, unutilized capacity.

The reality is that there is no one explanation of, or solution to, economic inflation.

Each inflationary period since the great depression has had its own causes and different types of inflation that may require different solutions.

During World War II (1939–1945), the average increase in consumer prices was 4.5 per cent per year.

In part, this increase represented the economy's price and growth recovery from the depression, as well as economic speculation which manifested itself in pre-control price increases.

Coupled with tremendous increases in the level of Federal spending and deficits, these factors led to an overstrained economy.

Productive capacity was utilized to the fullest degree possible, and unemployment fell to below 1 per cent.

Since so much production was being diverted from consumer goods to military items, there was intense competition for available goods and services.

The problem was handled by formulating and enforcing wartime controls that, however imperfect, had a more equitable impact than many contemporary proposals.

Between 1946 and 1948, there was another sharp rise in prices.

War production was not quickly enough being replaced by consumer-oriented production, which was required to absorb the large amounts of deferred consumption—savings—that had accumulated during the war.

Moreover, the removal of wartime controls led to large-scale profiteering by big business.

From 1949 to 1951, there was an average rise in consumer prices of about 4.5 per cent per year.

Many economists attribute this rise to scare-buying by those who were afraid that the Korean War would produce shortages similar to those that occurred during World War II.

In both of these post-war situations, however, most of the blame for rising prices was leveled at working people.

After World War II, when Unions sought to recoup wages lost to inflation, they were attacked for being disruptive institutions.

In the general atmosphere of charge and counter-charge, Congress chose to follow the lead of those who blamed Labor for the nation's troubles, by passing the Taft-Hartley Act.

Prices remained stable between 1952 and 1955, with the average increase in consumer prices running under one-half of 1 per cent per year.

Between 1955 and 1958, however, the average annual increase in consumer prices cimbed to 2.6 per cent.

The Eisenhower Administration attempted to counter the problem by bringing real economic growth almost to a halt, while unemployment soared.

Again, workers were forced to foot the bill for stopping inflation.

Unfortnately, the then Vice President Nixon must have missed the point, because when he entered the White House in his own right, he hastily recreated this scenario of recession and inflation.

From 1958 to 1966, we enjoyed a period of economic stability, with annual consumer price increases averaging less than 1.5 per cent per year.

With unemployment at lower levels, this period falsely suggested that we had learned to deal more scientifically with the economy.

During these years, the Government experimented with "wage-price guideposts," which represented a small scale attempt to institute an incomes policy in the United States.

Incomes policies are now being actively considered by the Administration as a cure for inflation.

Because the guideposts did not affect all Unions and employees with equal force and affected some not at all, they were foredoomed.

In order to have been effective, they would have had to go beyond wages and prices and have created a system of more equitable distribution of incomes.

The current inflationary period began at about the time we became heavily involved in Vietnam.

At first, the Government thought that the war would be short and would not require additional taxation to support it.

But as the war dragged on, a 10 per cent surtax was levied on all taxpayers on an across-the-board basis.

The tax was really not sufficient to fight inflation (that is, it did not drain enough money out of the economy), but given the lack of popularity of the war, it was all that seemed politically feasible.

More unfortunate yet, it treated all taxpayers—individual and corporate—alike, as if they were some sort of economic equals.

The problem became even more complex when, in an absurd approach to stopping inflation, the Nixon Administration forced a very severe stagnation upon the economy.

Inflation grew worse and its agony was compounded by severe unemployment.

The resultant chaos deriving from economic stagnation and inflation has been labeled "stagnation" by some critical economic pundits.

Unfortunately, the "stagnation" triggered even more price increases by businessmen who wanted to keep sales figures high and offset decreasing volume.

Hopefully, this episode may have disproved forever the ridiculous theory that massive unemployment is the appropriate cure for inflation. In all of these inflationary periods, it has been workers who have unfairly had to bear both the blame and the burden of erroneous economic policies.

The "wage-price guideposts" didn't really apply to the salaries of corporation executives.

The Vietnam surtax made no distinction between corporate giants with huge profits and individual taxpayers struggling with their day-to-day cost of living expenses.

Engineered "cooling off" of the the economy removed from employment, in its initial phases, the workers who could least afford it.

Moreover, it is the poor and minority group workers who are the last to be rehired when employment picks up.

A worker is tied to his job by a complex set of incentives. To transfer his job is to lose his seniority, vacation, shift assignment, and perhaps even pension rights.

Thus, after those who live on fixed incomes, working men and women are among the most vulnerable to inflation.

Three-year labor contracts are pretty much the rule in industry, and contracts running less than two years are indeed infrequent.

Yet, when they do negotiate and attempt to recoup their losses and perhaps win protection against future inflation, Union actions and policies become grist for the propaganda mills of all the anti-labor fat cats throughout the nation.

It is cruel in the extreme to blame the victims for the crime—but for some in our society, it is much easier to point the accusing finger at labor than to tell it like it really is.

## SLOWLY WORKING ON THE RAILROADS

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## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ROBISON of New York. Mr. Speaker, just recently Congress was again forced to pass emergency legislation to ward off the disastrous effects of a nationwide railway strike. The simple fact that congressional intervention beyond that provided for by the Railway Labor Act has been resorted to seven times since 1963 indicates that Congress has failed to meet the need for effective remedial legislation.

H.R. 9089, a bill in which I have joined in cosponsoring, is a bipartisan effort to give the President an effective means of preventing national emergencies which are spawned by labor disputes in the transportation industry. This legislation would no longer make it necessary for Congress to step in at the last hour to prevent a crippling nationwide strike—thereby eliminating the cumbersome, uncertain state of labor negotiations as they presently exist in this field.

I would like to bring the following Wall Street Journal editorial, dated June 6, 1971, to the attention of my colleagues. It points out the inadequacies of our present situation and the need for some definite action on the part of Congress:

### SLOWLY WORKING ON THE RAILROADS

The Senate Labor Committee, in desultory fashion, has begun considering revision of the Railway Labor Act to handle transportation strikes. Labor Secretary James Hodgson testified this week, and next month there will be another hearing. In September the committee may listen to the views of labor and management witnesses.

It isn't easy to come to grips with the Railway Labor Act, and Congress for years has simply ignored its shortcomings. The act, which in one form or another has been around for nearly half a century, supposedly required labor and management to make every reasonable effort to settle the differences between themselves by peaceful methods. But the law also provided federal mediation, emergency boards and other forms of intervention that, for more than two decades, have made peaceful settlements increasingly rare.

Once the government steps in, collective bargaining usually stops. Unions and management, understandably enough, become much more concerned with presenting their sides of the case to federal officials than in settling their differences with each other.

Eventually, all of the complex procedures of the act are exhausted. The government then improvises, trying to come up with some sort of ad hoc solution. Since World War II, in fact, no rail labor dispute of consequence has been settled without federal intervention beyond the Railway Labor Act. Collective bargaining on the railroads is being replaced more and more by cloakroom haggling in Congress.

A recent Supreme Court case provides a fine example. In the early 1960s the railroads were arguing that they could easily operate trains with fewer employes than were required by union rules. Not surprisingly, the arguments met firm union resistance, even though the railroads were willing to make reasonable arrangements for the welfare of the unneeded workers.

After the Railway Labor Act's provisions were exhausted, a national strike was threatened. Congress then passed a law requiring arbitration, and the arbitrators agreed the railroads could indeed get along with fewer workers. The award, however, expired in 1966 and the United Transportation Union since than has been demanding restoration of many of the unnecessary jobs.

The Chicago & North Western Railroad balked, and the federal government intervened under the Railway Labor Act. Once again the act was of no great help, and a strike loomed. The railroad then went to federal court for an injunction, claiming that the union was not complying with the act's requirement to seek a peaceful settlement.

So what else is new?

True, the Supreme Court can't settle cases with sarcasm. Instead the majority, in a 5-to-4 ruling, held that when the parties don't bargain seriously, as they seldom do, it can be perfectly proper for a federal court to enjoin a strike. Justice John Harlan, writing for the majority, conceded that the decision "falls far short of that definiteness and clarity which businessmen and labor leaders undoubtedly desire" in such areas.

About all that is definite is that the Railway Labor Act does not work and the Supreme Court has empowered federal courts, if they choose, to enjoin labor and management to make it work. No matter how powerful the injunction, it does not have the power to compel the impossible.

Justice Harlan went on to worry that labor and management might now "structure their bargaining positions with an eye on the courts." They probably will, but it's hard to see how this poses a distinctly new danger, since the parties for years have been engaging in so-called bargaining with their eyes primarily on the government.

It should be clear by now that the basic trouble lies in the Railway Labor Act itself; it should at the least be drastically rewritten. The administration last year proposed new legislation to handle transportation labor disputes, and it's surely time for Congress to give the matter more than current snails'-pace consideration.

The Railway Labor Act is far past the point where it can be saved solely by injunctions.

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## U.S. SUBSIDIZES CONFRONTATION—UNO AND ISRAEL

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## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RARICK. Mr. Speaker, last week's passage by a vote of 337 to 10 of H.R. 9272, which contained our U.N. contribution of $52,437,700, must be considered in keeping with the President's international commitment to full support of this perpetual war-making undemocratic body where 10 percent of the world's population can constitute two-thirds of the votes.

Yet as we continue our U.N.-English-OAU sanctions against Rhodesia and ignore U.N. sanctions against Red China and Israel, we exhibit a strange double standard of support and cooperation.

The American people are now advised by the President's Jewish Affairs adviser that Congress will shortly approve of a loan to Israel. This again raises the question of how the United States can rationally support both the U.N. and Israel when the U.N. has condemned Israel in 12 instances since 1966 and has repeatedly deplored its failure to abide by U.N. resolutions.

Since the American people are not permitted to read in the newspapers what has been predetermined to be not in their interest, it is doubtful that many are aware of the U.N.-Israel confrontations—let alone our inconsistency in supporting and financing both.

I include two newsclippings and the text of the U.N. declarations against Israel from the U.N. Chronicle following my remarks. I had earlier commented on U.S. funding of the U.N. at pages 21880–21882 of the Record for June 24, 1971:

[From the Washington Evening Star, June 27, 1971]

### $500 Million in Aid Forecast for Israel

Tel Aviv, Israel.—President Nixon's Jewish affairs adviser said yesterday Congress will approve this year $500 million in aid to Israel—$200 million as a grant and the rest as a loan.

Max M. Fisher, of Detroit, who also is head of the United Jewish Appeal fund-raising mission for Israel, said in an interview Nixon's Mideast policy was unchanged and that he was still sworn to preserve the arms balance and help preserve Israel's existence.

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[From the New York Times, June 10, 1971]

### United States Says Israel Violates Geneva Convention

(By Terence Smith)

The State Department says Israel violated the 1949 Geneva Convention by constructing large apartment projects in the former Jordanian sector of Jerusalem.

Charles W. Bray, the Department spokesman, said yesterday the United States continues to oppose any action by the Israeli government in occupied Arab territories which "could prejudice a peace settlement."

He specifically mentioned the sprawling apartment projects that have been constructed in the hills and valleys on the eastern side of Jerusalem, calling them a violation of the 4th Red Cross Convention on the protection of civilians in wartime that was signed in Geneva in 1949.

The convention, to which Israel is a signatory, prohibits an occupying power from transferring part of its population into occupied territory.

"We interpret this to include construction of permanent facilities which have the intent of facilitating a transfer of population," Bray said.

Despite American and international objections, Israel has formally annexed the former Jordanian sector of Jerusalem. Israeli citizens already have moved into the area that was under Arab control from 1948 until the June 1967 war.

Brady's remarks came in response to a question about whether Israel was using U.S. aid funds to develop the occupied areas. He said that the United States is satisfied that the funds were not being used for that purpose.

The spokesman said he had no specific knowledge of the reported construction of an Israeli factory in the Golan Heights, Israeli-occupied Syria, but that such an installation also would constitute a violation of the 1949 convention if it were built.

The United States first voiced its objection to the Jerusalem housing projects in February. The protest incensed many Israeli leaders and the minister of housing, Zev Sharef, promptly announced Israel's intention to proceed with the construction.

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[From UN Monthly Chronicle, June 1970]

### Record of the Month

### SITUATION IN THE MIDDLE EAST

Security Council Condemns Israel for Action Against Lebanon.

The Security Council on 19 May condemned Israel for its premeditated military action against Lebanon on 12 May in violation of its obligations under the Charter and deplored its failure to abide by Council resolutions of 1968 and 1969. The resolution condemning Israel, sponsored by Zambia, was adopted by a vote of 11 in favour to none against, with 4 abstentions (Colombia, Nicaragua, Sierra Leone, United States).

The Council declared in the resolution that such armed attacks could not be tolerated and warned Israel that, if repeated, it would consider taking adequate measures, in accordance with the relevant articles of the Charter, to implement its resolutions. It also deplored the loss of life and damage to property inflicted as a result of the violations of Council resolutions.

On 12 May, the Council voted unanimously to demand the immediate withdrawal of all Israeli armed forces from Lebanese territory, when it adopted a proposal presented by Spain as an interim measure, without prejudice to further consideration of the matter.

The Council met on 12 May at the request of the delegations of Lebanon and Israel.

#### TEXT OF RESOLUTION 280 (1970)

The Security Council,

*Having considered* the agenda contained in S/Agenda/1537,

*Having noted* the contents of the letter of the Permanent Representative of Lebanon (S/9794) and of the letter of the Permanent Representative of Israel (S/9795),

*Having heard* the statements of the representatives of Lebanon and of Israel,

*Gravely concerned* about the deteriorating situation resulting from violations of resolutions of the Security Council,

*Recalling its resolutions 262 (1968)* of 31 December 1968 and 270 (1969) of 26 August 1969,

*Convinced* that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

*Recalling* its resolution 279 (1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory,

1. *Deplores* the failure of Israel to abide by resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969;

2. *Condemns* Israel for its premeditated military action violation of its obligations under the Charter;

3. *Declares* that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would in accordance with resolution 262 (1968) and this resolution consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

4. *Deplores* the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council.

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[Record of the Month, July-August 1969]

### Political and Security Situation in the Middle East—Security Council Censures Israel

The security Council on 3 July voted unanimously to censure in the strongest terms all measures taken to change the status of Jerusalem and deplored the failure of Israel to show any regard for General Assembly and Security Council resolutions on that city.

The Council had begun consideration on 30 June of a complaint by Jordan against Israel regarding measures taken in Jerusalem. The complaint stated that the measures were contrary to the Security Council resolution of 21 May 1968 concerning that city, and to the United Nations Charter.

The Council, in the resolution—which was submitted jointly by Pakistan, Senegal and Zambia—urgently called once more on Israel to rescind all measures tending to change the status of Jerusalem and refrain from all actions likely to have such an effect. It confirmed that all legislative and administrative measures and actions purporting to alter the status of Jerusalem, including expropriation of land and properties, were invalid and could not change that status. The Council requested Israel to inform it without further delay of its intentions regarding implementation of the resolution. The Council, in addition, determined that, in the event of a negative response or no response from Israel, it would reconvene without delay to consider further action. Finally, the Council requested the Secretary-General to report to it on the implementation of the resolution.

The paragraph calling on Israel to rescind all measures tending to change the status of Jerusalem was voted on separately and was adopted by 14 votes in favour to none against, with 1 abstention (United States).

#### TEXT OF RESOLUTION 267 (1969)

The Security Council,

*Recalling* its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

*Having heard* the statements of the parties concerned on the question,

*Noting* that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

*Reaffirming* the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);

2. *Deplores* the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;

3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

4. *Confirms* that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

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[Record of the Month, April 1969]

### Political and Security Situation in the Middle East

Security Council Condemns Israeli Air Attacks.

The Security Council on 1 April voted to condemn the "recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions". It warned Israel that if such attacks were repeated "further more effective steps as envisaged in the Charter" would have to be considered, and deplored the loss of civilian life and damage to property.

The Council acted by adopting a revised text of a draft resolution submitted by Pakistan, Senegal and Zambia. The vote was 11 in favour to none against, with 4 abstentions (Colombia, Paraguay, United Kingdom, United States). The draft, which was submitted on 29 March, was revised to include an operative paragraph reaffirming Council resolutions 248 (1968) and 256 (1968). Previously, the Council had considered complaints by Jordan and Israel at six meetings held between 27 and 29 March.

### TEXT OF RESOLUTION 265 (1969)

The Security Council,

*Having considered* the agenda contained in document S/Agenda/1466,

*Having heard* the statements made before the Council,

*Recalling* resolution 236 (1967),

*Observing* that numerous premeditated violations of the cease-fire have occurred,

*Viewing with deep concern* that the recent air attacks on Jordanian villages and other populated areas were of a pre-planned nature, in violation of resolutions 248 (1968) and 256 (1968),

*Gravely concerned* about the deteriorating situation which endangers peace and security in the area,

1. *Reaffirms resolutions* 248 (1968) and 256 (1968);
2. *Deplores* the loss of civilian life and damage to property;
3. *Condemns* the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions and warns once again that if such attacks were to be repeated the Council would have to meet to consider further more effective steps as envisaged in the Charter to ensure against repetition of such attacks.

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[Record of the Month, December 1968]

## Political and Security Situation in the Middle East

### SECURITY COUNCIL CONDEMNS ISRAEL

The Security Council condemned Israel on 31 December "for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions" following an attack against the civil International Airport of Beirut, Lebanon, on 28 December.

In a unanimously adopted resolution, the Council considered that such premeditated acts of violence endangered the maintenance of peace. A solemn warning was issued to Israel that "if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions". And the Council considered that Lebanon was "entitled to appropriate redress for the destruction it suffered, the responsibility for which has been acknowledged by Israel".

The Council had been called into urgent session three days earlier at the separate requests of Lebanon and Israel. Both requests were included in the revised agenda adopted by the Council. Also before the Council for its consideration were communications from the United Nations Truce Supervision Organization (UNTSO), regarding an inquiry conducted at the Beirut Airport on 29 December by United Nations Military Observers (UNMO). The Council debated the substance of the complaints by Lebanon and Israel on 29 and 30 December, adopting the resolution the following day.

### TEXT OF RESOLUTION 262 (1968)

The Security Council,

*Having considered* the agenda contained in document S/Agenda/1462,

*Having noted* the contents of the letter of the Permanent Representative of Lebanon (document S/8945),

*Having noted* the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add.107 and 103,

*Having heard* the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,

*Observing* that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,

*Gravely concerned* about the deteriorating situation resulting from this violation of the Security Council resolutions,

*And deeply concerned* about the need to assure free uninterrupted international civil air traffic,

1. *Condemns* Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;
2. *Considers* that such premeditated acts of violence endanger the maintenance of the peace;
3. *Issues* a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions;
4. *Considers* that Lebanon is entitled to appropriate redress for the destruction it suffered, responsibility for which has been acknowledged by Israel.

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[Record of the month, May 1968]

## Political and Security Situation in the Middle East

### SECURITY COUNCIL CALLS ON ISRAEL TO RESCIND MEASURES ON JERUSALEM

The Security Council on May 21 called urgently on Israel to rescind all measures already taken which tended to change the legal status of Jerusalem and to desist forthwith from further action of that kind. The Council took this action when it adopted a resolution sponsored by Pakistan and Senegal in a vote of 13 in favour, none against, with 2 abstentions (Canada, United States).

In the resolution, the Council deplored the failure of Israel to comply with General Assembly resolutions 2253 (ES–V) and 2254 (ES–V) on Jerusalem, adopted in July 1967, and stated that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem, were invalid and could not change that status. The Secretary-General was asked to report on the implementation of the resolution.

The Council, which on April 27 called unanimously on Israel not to hold a military parade scheduled for May 2 in Jerusalem to mark the anniversary of its independence, was informed on that date by the Secretary-General that the parade had been held as scheduled. The Council then adopted a second resolution by unanimous decision stating that it deeply deplored the fact that Israel, disregarding the Council, decision of April 27, had held the parade.

At meetings held from May 3 to 21, the Council continued consideration of Jordan's complaint about the situation in Jerusalem.

### TEXT OF RESOLUTION

### (S/RES/252 (1968)

THE SECURITY COUNCIL

*Recalling* General Assembly resolution 2253 (ES–V) and 2254 (ES–4) of 4 and 14 July 1967,

*Having considered* the letter (S/8560) of the Permanent Representative of Jordan on the situation in Jerusalem and the report of the Secretary-General (S/8146),

*Having heard* the statements made before the Council,

*Noting* that since the adoption of the above-mentioned resolutions, Israel has taken further measures and actions in contravention of those resolutions,

*Bearing in mind* the need to work for a just and lasting peace,

*Reaffirming* that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;
2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;
3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;
4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

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[Record of the Month, March 1968]

## Political and Security Situation in the Middle East

Security Council condemns Israeli Military action.

The Security Council on March 24 voted unanimously to condemn the military action launched by Israel on March 21 on the territory of Jordan "in flagrant violation of the United Nations Charter and the cease-fire resolutions."

The Council, which met on March 21 to take up complaints by Jordan and Israel of renewed fighting in the Middle East, stated in its resolution that it "deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire" could not be tolerated and that it would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts.

Deploring the loss of life and heavy damage to property, the Council called on Israel to desist from acts or activities in contravention of resolution 237 of June 14, 1967, which asked it to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place. Finally, the Council requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

An earlier draft resolution, submitted on March 23 by India, Pakistan and Senegal, which would have had the Council condemn the military action launched by Israel "in flagrant violation of the United Nations Charter and the cease-fire resolutions" was not pressed to a vote. Under that proposal, the Council would also have warned Israel that military reprisals could not be tolerated and that it would have to consider measures envisaged in the Charter to ensure against repetition of such acts; call upon Israel to desist from acts or activities in contravention of the Council's resolution 237 of June 14, 1967; and request the Secretary-General to keep the situation under review and to report to the Council as appropriate.

### TEST OF RESOLUTION (S. RES. 248 (1968))

The Security Council,

Having heard the statements of the representatives of Jordan and Israel,

Having noted the contents of the letters of the Permanent Representative of Jordan and Israel in documents S-8470, S-8475, S-8478, S–8483, S–8484 and S–8486,

Having noted further the supplementary information provided by the Chief of Staff of UNTSO as contained in documents S-7930-Add.64 and Add.65,

Recalling resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,

Observing that the military action by the armed forces of Israel on the territory of

Jordan was of a large-scale and carefully planned nature,

Considering that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,

Recalling further resolution 237 (1967) which called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place.

1. Deplores the loss of life and heavy damage to property;

2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

4. Calls upon Israel to desist from acts or activities in contravention of resolution 237 (1967),

5. Requests the Secretary-General to keep the situation under review and to report to the Security Council as appropriate.

[July 1967]

### THE SITUATION IN THE MIDDLE EAST

Resolution 2254(ES–V), as proposed by 8 powers, A/L.528/Rev. 2, adopted by Assembly on *14 July 1967, meeting* 1554, by roll-call vote of 99 to 0, with 18 abstentions, as follows: *

"*The General Assembly,*

"*Recalling* its resolution 2253(ES–V of 4 July 1967,

*Having received* the report submitted by the Secretary-General,

"*Taking note with the deepest regret and concern* of the non-compliance by Israel with resolution 2253 (ES–V),

"1. *Deplores* the failure of Israel to implement General Assembly resolution 2253(ES–V);

"2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution."

* * * * *

*Abstaining*: Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Iceland, Jamaica, Kenya, Liberia, Madagascar, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

Resolution 2256(ES–V), as proposed by 3 powers A/L.529/Rev. 1, adopted by Assembly on 21 July 1967, meeting 1558, by a roll-call vote of 63 to 26, with 27 abstentions, as follows:

"*The General Assembly,*

"*Having considered* the grave situation in the Middle East,

"*Considering* that the Security Council continues to be seized of the problem,

"*Bearing in mind* the resolutions adopted and the proposals considered during the fifth emergency special session of the General Assembly,

"1. *Requests* the Secretary-General to forward the records of the fifth emergency session of the General Assembly to the Security Council in order to facilitate the resumption by the Council, as a matter of urgency, of its consideration of the tense situation in the Middle East;

"2. *Decides* to adjourn the fifth emergency special session temporarily and to authorize the President of the General Assembly to reconvene the session as and when necessary."

*In favour:* Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian SSR, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, Gabon, Ghana, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Japan, Laos, Liberia, Luxembourg, Madagascar, Malawi, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Sierra Leone, Singapore, Sweden, Thailand, Togo, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom, United States, Upper Volta, Uruguay.

*Against:* Afghanistan, Albania, Algeria, Burundi, Democratic Republic of Congo, Cuba, Guinea, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Pakistan, Saudi Arabia, Somali, Sudan, Syria, Tunisia, United Arab Republic, United Republic of Tanzania, Yemen, Zambia.

*Abstaining:* Cameroon, Ceylon, Congo (Brazzaville), Cyprus, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Guyana, Honduras, Indonesia, Iran, Israel, Kenya, Malta, Nigeria, Panama, Portugal, Senegal, South Africa, Spain, Turkey, Uganda, Venezuela, Yugoslavia.

[July 4, 1967]

Resolution 2253(es-v), as proposed by 6 powers, A/L.527/Rev. 1, adopted by Assembly on 4 July 1967, meeting 1548, by roll-call vote of 99 to 0, with 20 abstentions, as follows:

"*The General Assembly,*

"*Deeply concerned* at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

"1. *Considers* that these measures are invalid;

"2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption."

*Abstaining:* Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Dahomey, Gabon, Iceland, Italy, Jamaica, Kenya, Liberia, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

[July 4, 1967]

Resolution 2252 (ES–V), as proposed by 26 powers A/L.526, adopted by Assembly on 4 July 1967, meeting 1548, by roll-call vote of 116 to 0, with 2 abstentions as follows:

"*The General Assembly,*

"*Considering* the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East.

"1. *Welcome with great satisfaction* Security Council resolution 237(1967) of 14 June 1967, whereby the Council:

"(*a*) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

"(*b*) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

"(*c*) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict;

"(*d*) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

"(*e*) Recommended to the Governments concerned the scrupulous respect to the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949,

"(*f*) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

"2. *Notes with gratitude and satisfaction* and endorses the appeal made by the President of the General Assembly on 26 June 1967;

"3. *Notes with gratification* the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

"4. *Notes further with gratification* the assistance which the United Nations Children's Fund is providing to women and children in the area;

"5. *Commends* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

"6. *Endorses*, bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

"7. *Welcomes* the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

"8. *Calls upon* all the Member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

"9. *Appeals* to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other inter-governmental and non-governmental organization concerned;

"10. *Repeats* the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;

"11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly."

*Abstaining:* Cuba, Syria.

[June 1967]

Resolution on humanitarian aspects of problems arising from hostilities; S/7968/Rev.1–3. Argentina, Brazil, Ethiopia: revised draft resolution.

Resolution 237(1967), as proposed by 3 powers, S/7968/Rev.3, and orally amended by Mali, adopted unanimously by Council on 14 June 1967, meeting 1361.

"*The Security Council,*

"*Considering* the urgent need to spare the civil population and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

"*Considering* that essential and inalienable human rights should be respected even during the vicissitudes of war,

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*At the same meeting, the representative of Malaysia stated that had he been present at the time of voting, his delegation would have voted in favour of the draft resolution.

"*Considering* that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict,

"1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

"2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;

"3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council."

[November 1966]

Resolution 228 (1966), as proposed by Mali and Nigeria (S/7598) adopted by Security Council on 25 November 1966, meeting 1328, by 14 votes to 0, with 1 abstention (New Zealand).

"*The Security Council,*

"*Having heard* the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966,

"*Having noted* the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November (S/7593 and Corr. 1 and Add. 1),

"*Observing* that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,

"*Reaffirming* the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

"*Recalling* the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

"*Reaffirming* the necessity for strict adherence to the General Armistice Agreement,

"1. *Deplores* the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;

"2. *Censures* Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

"3. *Emphasizes* to Israel that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;

"4. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate."

S/7603. Note of 29 November 1966 by Secretary-General.

S/7656. Letter of 30 December 1966 from Israel.

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## LITHUANIA

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RHODES. Mr. Speaker, it was 31 years ago that communism was brutally forced upon the Baltic States of Lithuania.

In the Eastern European struggle against forced Russian domination, Lithuania has severely suffered. Families have been broken and separated, there is a continuous fear of governmental repression and the demoralizing memories of three decades of slavery.

Nevertheless, the Lithuanians are still vigorously seeking the rights and dignity of freedom. I sincerely hope that these valiant people will continue to carry on their cause until someday they, too, shall share in the freedom we all too often take for granted.

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## REPORT TO NINTH DISTRICT CONSTITUENTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following commentary on the Nation's defense spending:

Everybody wants to reduce government spending. The tough question is "where?"

The suggestions are often vague, although many point immediately to our space and foreign aid programs. Without arguing the merits of these programs, it is apparent that they represent only a miniscule part of the total budget of $200 billion-plus. Last year, space expenditures accounted for about 2 percent of the budget; foreign assistance, about 1.8 percent.

If the Congress is really going to make substantial budget cuts, it cannot ignore our defense expenditures, which represent annually nearly 50 percent of the total Federal budget. This year, the President is asking for an increase in defense spending for fiscal year 1972—$76 billion, as compared to about $72.5 billion last year.

The request for increased military spending comes despite a de-escalation of our involvement in Vietnam and promises to set the stage for a sharp debate between the doves and the hawks of the Congress. The parameters of the debate on what is needed to satisfy our defense objectives are likely to range from cutting costs as much as 20 to 30 percent (to about $53 billion) to giving the military maximum priority (about $85 billion.)

The focus of debate will be in two broad categories of defense spending. They are:

1. Strategic forces. Funds for this category maintain our nuclear deterent power, which presently is comprised of a "triad" of sea-based missiles, land-based missiles, and long-range bombers.

The primary consideration in considering funding levels for our strategic forces is one of deciding what kind of "mix" of deterrent weapons we need to maintain. Those opting for a low strategic force budget ($13 billion) argue that we can safely rely on sea-based, nuclear missile-carrying submarines. An intermediate budget ($15 billion) would support a sea-based force plus one survivable land-based force of either missiles or bombers. A high budget, which could be as much as $27 billion, would maintain, and modernize our sea-based force, plus both bombers and missiles.

2. General purpose forces. Funds for this category maintain our tactical land and sea forces which protect this country and our interests and commitments overseas. These forces can be equipped with either tactical, nuclear or conventional weapons.

Our general purpose forces now command about 65 percent of the military budget. Funding level considerations for this category of defense spending center on the kinds of contingencies we must be ready to expect. For example, should we be prepared to fight simultaneously the Warsaw Pact countries in Europe, China and its allies in Asia, and still be able to contend with an outbreak elsewhere? Or should we maintain a force adequate for meeting a major attack in either Europe or Asia, but not simultaneously in both?

Those who support the "two and a half war" contingency plan would allocate expenditures of $58 billion to maintain our general purpose forces. Those who would reduce our contingency strength through troop reductions and more reliance on our nuclear deterrence, would allocate from $37 to $40 billion.

The uncertainties of defense spending make any budget consideration difficult, however. Defense requirements are sensitive to all sorts of external pressures—new communist pressures at points of ferment and crisis around the world; a possible military buildup near a sensitive area, our changing estimates of the external threat, or a breakdown in Strategic Arms Limitation Talks (SALT), to name a few.

As weapon technology changes, the defense budget is strongly affected by internal cost pressures such as cost overruns and weapons modernization to keep them from becoming obsolete. Perhaps the most significant pressure is that of increasing manpower costs, as illustrated by the fact that military pay increases have largely offset the military cost reductions from our de-escalation in Vietnam.

The money we allot to military spending dominates all other budget considerations by the Congress. Everyone agrees we must spend enough on defense for national security. The tough question is: "how much military spending is enough?"

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## HEALTH CARE FOR OUR NATION

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. O'HARA. Mr. Speaker, the maternal and child health program and crippled children's services established as part of title V of the Social Security Act of 1935 were intended to promote the health of mothers and children and to provide services to crippled children in all States. Since the Labor-HEW subcommittee of the Appropriations Committee is presently considering these programs, I would like to bring to the attention of my colleagues the invaluable services these agencies are providing and the inadequacy of administration appropriation requests for their continuation and expansion.

In the maternal and child health program, States use Federal funds, together with the State and local funds, for early detection and prevention of serious illnesses. This involves such services as prenatal and postpartum clinics, visits by public health nurses to help with infant care, well-child clinics for examination and immunizations, and conferences where mothers receive health care information.

The crippled children's services, which

began primarily as a program for children with orthopedic handicaps capable of surgical correction, has expanded to include mentally retarded children, children with multiple handicaps, children with congenital heart defects and children with such handicaps as cystic fibrosis, hemophelia, and leukemia.

In an attempt to extend the benefits of this program to rural areas, many State agencies periodically travel from town to town to locate handicapped children, provide diagnostic evaluation, and then give each child the medical treatment, hospitalization and any necessary continuing care. Nearly half a million crippled children are reached annually. In both the maternal and child health program and the crippled children's services, success can be largely attributed to the efforts of State agencies working in close cooperation with the Federal Government.

We in Michigan are proud of the work that has been done with project grants to the State department of public health. Programs are in operation to provide coordinated medical aid for children with multiple handicaps, to promote the training of badly needed medical personnel and to develop modern techniques for helping child amputees.

The appraisal center at Detroit's Children's Hospital is staffed with a team of specialists to provide a complete and coordinated appraisal of a child's physical, mental, and emotional status. For children with multiple handicaps, this team works to plan the course of treatment and provides periodic reevaluation of the child's progress.

A project at the University of Michigan Medical School, funded by these appropriations has worked to expand and continue training for professional personnel in the care of mentally retarded children. The project involves the education of students for multiple health disciplines and the postgraduate teaching of practicing professionals.

Another Michigan project taking advantage of these funds is the area child amputee program at Grand Rapids. The objectives of the program include the application and evaluation of new prosthetic devices for children, development of standardized procedures for clinical management, fostering and extending specialized educational opportunities to those working with child amputees and the provision of services necessary for diagnosis, treatment and training in the use of prosthetic devices.

Because of the scarcity of available funds, Michigan is experimenting with a new program to deliver services to more children. By using a pediatric home nursing service, they hope to reduce the length and frequency of hospitalization of crippled children.

The goal of all of these projects is to meet the challenge presented to us by the 1965 Social Security Amendments: That service should be made available to all children in each State by 1975. If this feat is to be accomplished, we must be willing to make the necessary financial commitment.

Unfortunately, administration appropriation requests for fiscal year 1972 are desperately inadequate. The minimal increases proposed by the President are far too small to compensate for the drastic effects of inflation on health care costs. The President's recommendation of $119.65 million for formula grants represents an increase of barely 3 percent for the Crippled Children's Services and no increase at all for maternal and child health programs.

Because of skyrocketing medical costs, the results of these sparse budgetary allotments will be substantial decrease in real resources available at a time when State agencies financial squeeze, resulting in many instances in the delay of services, the loss of program personnel, and the elimination of services.

The coalition for health funding has recommended an increase of $38.6 million over the President's request for formula grants. They contend that if the programs are to be successful this increase is absolutely essential. I concur in this belief and urge my colleagues to act to provide these funds which are so critical in improving health care for our Nation's children.

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## PROMISES, PROMISES: BREZHNEV'S PROPOSAL TO NATO

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DERWINSKI. Mr. Speaker, I have consistently emphasized the need to move with great caution in any diplomatic, economic, or cultural exchange with Communist nations; this caution should especially apply to dealings with the Soviet Union. This point is well emphasized in the lead article of the summer 1971 American Bulletin published by Czechoslovak National Council of America. I believe this commentary is especially timely and appropriate.

The article follows:

PROMISES, PROMISES—BREZHNEV'S PROPOSAL TO NATO

There is a "mysterious mushiness" in the political climate in Washington today, wrote Stewart Alsop in his article in Newsweek magazine on May 31, 1971. Analyzing the present situation, Mr. Alsop pointed out that Soviet power is growing steadily, but that some of our leaders on Capitol hill tend to dismiss the hard evidence. In fact, the recent Mansfield amendment was to cut the American troop commitment to NATO in half. It was defeated, said Mr. Alsop, "with a big assist from Leonid Brezhnev, after the Administration had mustered all the elder statesmen, from the 'strong horse' period, including old Harry S. Truman himself." In Mr. Alsop's view, should this trend continue, the United States could lose its primacy and cease to be the world's No. 1 power, and should the Russians then decide to exercise their power, "our country will suffer some sort of traumatic shock" and "this will have a therapeutic effect," like the electric shock treatment. "But I am not at all sure this is a good guess. There is a curious new flaccidity, a mysterious mushiness, about American life and thought that may be incurable."

This is a very pessimistic outlook and Mr. Alsop hopes that he is wrong. Without a doubt, Mr. Brezhnev's courtship requires careful scrutiny. An editorial writer in the Wall Street Journal "wonders why Brezhnev is so generous in his proposal on troop reductions to the NATO countries." Brezhnev volunteered to explain "if anything is not clear to somebody." The Wall Street Journal thinks that "there are so many things that aren't exactly evident. Maybe one point the Russians could clarify is whether they are ready to renounce imperialism and any future acts that would be akin to their 1968 invasion of Czechoslovakia and its continued occupation. A plain answer to that question could form a very solid foundation for troop-reduction talks. But we're still not sure that Mr. Brezhnev means to make things quite that clear."

REMOVAL OF FOREIGN TROOPS FROM CZECHOSLOVAKIA

The Czechoslovak National Council of America voiced its apprehension to the Department of State in its letter of May 26, 1971:

The Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, wishes to make known its concern:

Currently, there are indications pointing to a new Soviet interest in mutually agreed troop reduction in Europe and the creation of a new European security system.

The NATO Powers are similarly interested in a development which might alleviate the burden of military expenditure. Furthermore, the NATO Powers sincerely wish to ease the existing East West tension along the Iron Curtain. Hence a dialogue may ensue which could lead toward a new military situation in Europe.

Presumably, in any such discussions, the so called legitimate interests of both sides shall be duly respected. The presence of Soviet (or any other Warsaw Pact) troops on the territory of Czechoslovakia has never been recognized as a legitimate interest of the Soviet Union or the Warsaw Pact Organization. On the contrary, it represents an evil, unacceptable to the West, which would have to be removed before any serious talks could even be considered.

If the genuine interest of the Soviet Union in any agreed settlement of the pending questions is to be given any credence, the Soviet Union should, first of all, be required to cause the removal of all foreign troops from the territory of Czechoslovakia. Only if this pre-condition were met could the NATO Powers believe that the Soviets intend to enter into meaningful negotiations.

The Czechoslovak National Council of America submits this urgent request: that our Government should insist upon the evacuation of all foreign arms and armed units from the territory of Czechoslovakia as a precondition to any negotiations concerning troop reductions, to be mutually agreed upon, and the creation of a new European security system.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## ACADEMIC FREEDOM

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## HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WYATT. Mr. Speaker, Prof. Jesse F. Bone, Department of Veterinary Medicine, Oregon State University in Corvallis, Oreg., published the following article on "Academic Freedom":

### ACADEMIC FREEDOM

There is a certain amount of truth in the statement that educators are the ultimate egotists. Their demands for "academic freedom," which are actually demands for privilege have no reasonable justification in modern society since educators are neither persecuted nor muzzled. As a class, educators have the innocent conceit that they are experts on (almost) everything and that a specialist in limnology can abandon his shallow ponds and move confidently and expertly through the deeper, more troubled waters of university administration and national policy. As long as this conceit does not spill over into reality, it is amusing but not harmful. But when this concept of academic freedom involves such curious statements as have appeared in Forum papers, such as: "Faculty should be encouraged to freely teach, publish and discuss their views on any issue," and to be responsible but not accountable for "the examination of controversial issues throughout the university, including classroom discussions," it is time to examine an instructor's role in education.

It is disturbing to note that academic-freedom statements virtually all contain the expressed or implied idea that an instructor should have the privilege of abandoning his subject matter and promoting personal attitudes, prejudices and opinions on subjects which may be entirely outside his field of expertise. This is not academic freedom. This is academic license.

It was Dr. Jerome Bruner of Harvard University, I believe, who stated that both the process and the goal of education was disciplined understanding. To attain such ends requires a considerable amount of rectitude on the part of both instructors and students. It involves for the instructor, the professional and moral obligation to stick to the subject matter and refrain from wandering into fascinating bypaths of opinion, and for the student an obligation to learn. It is a two-way street of mutual interaction for the purpose of disseminating and acquiring information and acquiring a methodology for examining, evaluating, storing and utilizing it.

A classroom is not a public opinion forum. It is a narrowly organized assembly gathered together to pursue a specific aspect of human knowledge. In essence, it is a captive audience which has been assembled more or less voluntarily with the implied qualification that the material listed in the syllabus or the catalogue will be the material which is taught. It is, therefore, proper academic conduct for both instructor and students to attend to business. Inappropriate discussion or comment is undisciplined behavior that neither promotes the process nor the goal for which the class is assembled.

I do not wish to convey any idea that I am opposed to freedom of assembly, conscience or speech. I am merely saying that there is a proper time and place for teaching and for pontification and that I oppose the kooky concept that academic freedom is some special kind of license that allows its possessor to commit mayhem in the classroom. Everyone—including academicians—is entitled to the freedoms guaranteed by the law of the land. but no one has any right to inflict personal opinions or attitudes upon a captive audience that has not been assembled by force.

As long as the choice of subject matter is more or less a matter of student option and departmental requirement, it is the responsibility of the teaching faculty to stick to the subject and reserve exotic opinions for specific seminars, the quad, the coffee shop, the faculty senate, the soapbox and the press. Education is too serious a business for either faculty or students to take liberties with it.

I could not let the occasion pass without sharing this very cogent and timely article by Professor Bone with my colleagues and all who are interested in this serious subject.

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## KEYNOTE ADDRESS AT BLACK CAUCUS DINNER

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## HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. CONYERS. Mr. Speaker, the congressional black caucus dinner was historic not just because it attracted some 2,800 supporters from all parts of the Nation, but because it signaled a new era of solidarity, coupled with a renewed determination to make the American political system have relevancy for black Americans. From every part of the country and from all walks of life, men and women came to rededicate themselves to the concept of liberation politics.

The magnificent program was climaxed by a keynote address from one who spoke from a deep commitment to the concept of total justice for every man, Mr. Ossie Davis. Those in attendance came away with the clear understanding that America's racism, not our reaction to it, is the real threat to the Nation's survival.

Mr. Davis's stirring remarks reminded us that the Government operates under several crippling disabilities: A coalition of conservatives who effectively block progress and reform; corporate interests and their lobbyists who exert powerful pressures in the pursuit of profit; a two-party political system which fails to present the electorate with discernible differences between candidates; and an electorate which on occasion has been deliberately misinformed by a calculated management and suppression of information about what its Government is doing domestically and internationally.

Perhaps it is the task of the caucus to address itself to these glaring deficiencies in the body politic and to form a nucleus around which to project major reform in this country.

Mr. Davis' remarks follow:

### REMARKS BY MR. OSSIE DAVIS

Ladies, gentlemen. Brothers, sisters. And friends. This is an historic occasion. A moment we have dreamed and worked and fought for longer than we ourselves have been alive. The light that kept our fathers and our mothers tuned in to possibilities of a better future when they were slaves.

The insights they gleaned, the hopes they hoped, the prayers they prayed, have come one step closer to being answered by what you have collectively done by your presence here tonight. I have been told that there are 2,800 of us here and we occupy facilities which were meant for 2,400. That's a pretty good indication of what price we place on our freedom and on the men and women who are dedicated to fighting for it.

You might have wondered why, I who am an actor and a performer, among other things, was chosen to give the keynote address tonight. And I myself, when called upon to do so, had moments of hesitation and doubt and I wondered, why choose me for such an important task? I guess the one reason which makes sense is that I represent that aspect of Black culture which began in Africa with the storytellers and came down to the great rhetorical giants who have stirred us by their words in the past.

But I think the time has, perhaps, come when rhetoric will begin to take a back seat. And I was so stirred by that possibility that I decided tonight to give my few remarks a subject, a title, a text which I want you to listen to very carefully. The text is very simply: It's not the man, it's the plan. And, for those of us who need more explicit information, those of us still caught up in the dreams that rhetoric will solve our problems, let me state it another way . . . It's not the rap, it's the map.

We have been blessed in our past with many great leaders. Leaders whose qualifications have been proven by what they did and what they said and even by the fact that when the time came they didn't hesitate to give their lives. And their dedication and their hard work has been borne to fruition . . . bears fruition by where we are tonight.

And I don't call for a moment of silence and gratitude for what the fathers have given us, but we shouldn't go forward without remembering that we are a continuous chain. We celebrate tonight, but we don't celebrate the past. We celebrate the future and if anybody has a right to celebrate the future, I'm sure that we must be that particular people.

We have had great leaders in the past who have stirred us with their words, with their hopes and with their dreams. I remember coming to Washington in 1963 when Dr. Martin Luther King stood at the Washington Memorial and he said to the world and to the Congress and to the nation, "I have a dream!" Now that dream of 1963 was not realized then, it was not realized at the time of his death and it has not been realized now.

At the time when Dr. King died in 1968 he was in the process of organizing his forces and calling upon his people to come one more time to Washington, D.C. And I have a feeling that had he come that time would not have said, "I have a dream", he would have said, "I have a plan." And I feel that that plan that he had might have made the difference.

You know, it might do us good to examine what some of the plans our previous leaders have had actually worked and perhaps it is a great misfortune that we never had a chance to get from them either individually or collectively just what the plan was that they had in mind.

And that's why tonight, the burden of my appeal to you, to the 13 Congressional Black Caucus members, to give us a plan of action. Give to us a "10 Black commandments," simple, strong, that we can carry in our hearts, and in our memories no matter where we are and reach out and touch and feel the reassurance that there is behind everything we do a simple, moral, intelligent plan that must be fulfilled in the course of time even if all of our leaders, one by one, fall in the battle, somebody will rise and say BROTHER! Someone will rise and say, "Our leader died while we were on page 3 of a plan, now that the funeral is over, let us proceed to page 4."

You know, what we call for is not without precedent. When Moses led the children of Israel out of Egypt, they had to wander around for a long time in the wilderness trying to get it together. In fact, it took Moses 40 years and a stone tablet beating him in the head every day trying to make Jews out of them. If it took Moses, with God's direct help, 40 years, certainly we can give ourselves a few more days to get our thing together. But, Moses did have the plan and Moses took the plan and he taught it to the children as best he could.

And that's what we need from our leaders now. From our noble 13, we need that they think the problems out, that they investigate the possible solutions, that they codify their results and they present their programs to us, the people, so that we may ratify what they have thought and organized and left to us as a program of action. Now we need a plan because we stand at a dangerous but exciting junction of history.

We might remind ourselves tonight that we are at a spot where the Irish were some hundred years ago. The Irish had the distinction, of course, of being the "niggers" of their day and they responded rather angrily and violently to that classification. I don't know if you were around in 1863, but in July of that year the Irish pitched a dinger in New York which cost the lives of 1,000 people. Now Life magazine has given us the credit of having created the biggest riot in the United States but they forgot that in 1863 there was a riot in New York where over 1,000 people died. At that time, the Irish were so embittered by the treatment they received, that they blackened their faces and put on women's clothes and went into the mines and they blew them up and they shot people and they hung people. They did all kinds of bad things. The Molly McGuires wrote quite a considerable chapter in our history and not all of it was nonviolent.

But the Irish had to learn an additional factor before they were able to walk into the promised land and that factor was that it wasn't enough just to be violent. The Irish had to have a plan. And they had their plan and they got it together in a little town called Boston. They got their thing together. They planned it out and they said to themselves, now look, there's a lot of us Irishmen here in Boston, a whole lot of us and we've been petitioning the white Anglo-Saxon Protestants for years about better schools and better houses and jobs and the drug problem and the drinking problem and what we're going to do for the future and we don't get no response from them. So why don't we Irishmen get together and put our votes into one place and see what we can do if we take power to City Hall. And do you know that that's exactly what they did. They put their votes together according to the plan and they came up with one man, the first Irish-Catholic mayor of Boston whose name was John Fitzgerald. And you can see where I'm heading because that's the first two names of the first Irish-Catholic president who was his grandson—John Fitzgerald Kennedy.

Now, if it happened to the Irish, who certainly don't represent 25 million people, why can't it happen to us? But the Irish had a plan. They thought it out and they got all the Irish together and they said we're going to knock heads and we're going to wield shillelaghs until we get one solid body of Irish opinion. And we might think tonight that we are at that particular junction. And in some degrees we are. We have become hip to the meaning of political power and that's why we're here. This is an exercise in power tonight—we've eaten a good meal, we've paid good money for it. We've had good fellowship. We've heard good music and entertainment. But brothers and sisters, the name of the game is power, and if you ain't playing power, you're in the wrong place.

But at this particular junction in history, the Irish example is not nearly quite enough. Because the circumstances in which we live in our society economically, socially, politically, have qualitatively changed from what they were even 20 years ago, and it is that change which makes our fight different and vital and any plan that we make must take an account of the facts of that particular change that happened in American society. I refer very simply to a very simple but profound phenomenon which has affected our people more than anybody else.

To make it clear, let me go back in history a little. We came to this country not of our own free will. We came over in the boat as slaves. And we became slaves in the South and in the North and that was our designation and that was our station. And no matter what you might say against slavery, how much you might abhor it, as an economic system, slavery did have one advantage—it had 100 percent job security. Now I see you're beginning to get the message. Well, when we had the second American revolution in the 1860s and we wiped out slavery, we changed the title of our labor, but we didn't change the constitution of it very much. We stopped being slave labor, but we became cheap labor. And all of the jobs that nobody else wanted to do were the jobs that were ours by right. We had a right to the dirty jobs. Nobody could keep us from cleaning out the john. Nobody stood between us and cooking the grits for Miss Ann in the morning. Nobody stopped our PhDs from hustling baggage down at the Pennsylvania station. All of the dirty jobs, the hard-working jobs, the unskilled jobs were ours. All of the jobs at the bottom of the pile were ours. And as long as we were content to stay at the bottom, there was a place for us in America—economically, politically, socially and otherwise. And sometimes when we forgot that place, there was a cadre of friends of the Black people called the Ku Klux Klan whose job was to remind us what our place was and to put us back there—our place on the bottom.

But however horrendous that place was it did offer us some kind of economic purchase in our country. And out of those small jobs that we did have, we could send our children to school. We could build our churches, support our newspapers, organize our social clubs. It wasn't much we had, but what little we had, did help us keep going as a people.

But a strange thing has happened to the economy of our country and it's happened very quietly and over a short period. I understand that four years ago, 95 percent of the cotton in Mississippi was picked by a machine. And when you consider that we were brought to this country to pick that cotton, we were tied to that cotton culturally, economically, socially and politically, consider the implication of that single fact. Ninety-five percent of the cotton in Mississippi was picked by machines. What happened to those Black folks who used to pick that cotton? What became of them, half of them stayed on the plantation and rotted; the other half came North and you will find them now in the central cities and that is the source of one of the problems we face, and this is one of the problems which we must solve.

What I'm trying to say is that, ladies and gentlemen, in our . . . among our people, out of every four jobs in the past, three have been in the classification of unskilled, the rough, the jobs that required very little education. Those three jobs out of every four are the natural target of the automation and mechanical revolution by which the country now produces more and more goods every year with the use of less and less manpower. But what I'm trying to tell you is that the Black man and woman in the Black family stand directly in the path of automation and the mechanization of our economic life in this country and this is an irreversible process.

The end results of it now you see on the welfare rolls in our cities. In New York, one out of every five citizens is on welfare. Now you may think that somehow we'll come up with a solution and solve the problem and one day eliminate welfare, but I doubt if that is true. I think the whole process is one way that welfare is the society's answer to its economic dislocation, to its endemic unemployment for which it has no solution, nor the determination or the will to find a solution.

If the masses of Black people who at least did have a place on the bottom of society now suddenly find that even that place is denied us, what recourse have we except what you find already in the inner cities—the fires of rebellion are burning brightly because human beings can only be repressed and ignored and maltreated for so long. Then they must rise.

What is the response of the Black people in our inner cities to this endemic unemployment? What happens to our youth who suffer from 25 to 50 percent unemployment? Some of them take to drugs. Some of them take to crime. Some of them apply themselves and say the solution to the problem is education.

The solution is preparing ourselves to deal with an automated society. To deal with a computerized economy. There are others who say that the society has no alternative, nothing to give me but a tour of duty in Vietnam. Still others say the only recourse is revolution—to change the society in any means we can before the society decides that because we are expendable and Black and poor and dejected and despised that they would rather see us in the ovens of Dachau than solve the problems as rational men.

I do not say that the society is already organized to exterminate Black people—by no means. I say that we must from now on begin to consider all possibilities and to prepare for all eventualities ourselves. If, when the other immigrants came to our society, they at least had the hard jobs to do—the ditches to dig, the baggage to hustle, the docks to wallop, the immigrants who came—the Hungarians, the Jews, the Irish, the Germans—these are the people who came and could work in the ditch, could find the hard work, could make enough with their hard work and their labor so that their children could climb on their backs into the outer society. That if we still had that opportunity we would do likewise.

But what I'm trying to tell you, ladies and gentlemen, is that those ditches that they dug are no longer diggable. That the economy which they fed no longer needs that kind of labor and that even though we now have on our law books many, many more rules and regulations regarding the freedom of the Black people, until we can solve the economic problem of how we get around the fact that people do not climb up as groups in American society by digging ditches anymore, we are in serious trouble. It may be, members of the Congressional Black Caucus, that you may be called upon to prove once and for all that work is an outmoded commodity in America. That men deserve dignity and an income and a definition as valuable citizen whether they have a job or not. It may be that you will have to define work, citizenship, ownership and property in a totally brand new life. That may be your assignment. That may be what history requires of you. Brothers and sisters, I repeat: It's not the man, it's the plan!

We've had great leaders and we loved them. We admired them. And they brought us where we are. But rhetoric will not do it now. Rapping alone will not make it. What we need from you, our honored leaders, and I choose the word advisedly, our honored leaders, what we need from you are your best thoughts, your sincerest dedication, the long thoughts. We need from you a reassurance that there is a needed political alignment even in the Black community now.

We no longer elect our leaders by the value we find that they bring to us or the good they can bring to us in the white community. We elect leaders who represent what we are and what we can do, and if we can spend a quarter of a million dollars on a dinner here, there's a lot that we can do. I think for instance, that the Black Caucus should have a dinner like this in every major city where Blacks are gathered. I think it would be good if they went into the communities as a group to be seen by the Black people so that the Blacks in all areas, in all cities, can participate as you participate here tonight.

Let me say in closing that though I look at the economic structure of our society and I see the unemployment figure creeping higher so that even now executives face an unemployment rate of six percent—and I know what that means in the Black community—though it is dire, though we see drug addiction, we see our inner cities decaying, we see the imminent collapse of much that we've held dear, still, Black Congressmen, you are not without power even at this moment.

When you consider that every Monday morning, the preachers in Harlem bank $1.5 million, maybe you Black Congressmen might tell the preachers, "Brother, it's time for you to put all that money in a Black bank somewhere." When you consider that in the course of a year, in my own Harlem community again, $1.1 million will be spent by churches and social organizations on banquet facilities downtown, you may say to them, "Let us build our facility uptown." Let us spend our money among ourselves and think of this simple little thing here. There is one firm in New York that does the printing for the churches on Sunday at the cost of $250,000 a year. One white firm servicing all the Black churches. $250,000 leaving the community, never to come back. I think our 13 Congressmen might have some solution as to what we should do about things like that. I, for instance, personally need help on a problem that I have. I directed a motion picture called "Cotton Comes to Harlem" which has grossed up to date $6.5 million. I appreciate your applause, but wait until you hear what the problem is. Now, 60 to 70 percent of the money that went across the box office came from Black people. Money that came from the Harlems of all our cities, the Harlems of all our country. Money that goes to Hollywood and it's one way; ain't coming back. I have been instrumental in helping rob, well, not rob exactly, helping borrow from my people money that we need in our own community. I need your help in structuring a way so that when the money goes to Hollywood it only stays for a little while, it doubles and comes back to the Black community.

Ladies and gentlemen, brothers and sisters, I think I've said enough. There's much that could be talked about tonight. But we are here and the fact that we are here is itself eloquent. This is a dinner that could have served without a single word. Because we know the historical significance of just sitting, looking, talking to each other of what this moment means. And if you think there are others who don't know what this moment means, you should be somewhere where the listening devices are tuned up very high.

But all I'm saying to the world, all I'm saying to that cadre of Black leadership that we have, that we want a plan. We want a plan so simple, so easy to remember that we carry it in our heads. So that if the storm of oppression should wipe us out, all out but one family, and that family was crouching somewhere in the dark, one brother would reach out to another and say, "Hey, hey man, what's the plan?"

Let us stop making history by ad hoc methods and by impromptu improvisations. Let us plan the whole thing out and give everybody his assignment and hold him strictly responsible if he doesn't carry it out. That's what it calls for. We are capable of doing it and now is the time to do just that.

Ladies and gentlemen, I can't imagine a better way to end my talk session than by calling for, and presenting to you now, a young man who has made not only a name for himself but for those of us who care about things of the spirit, those of us who care that our genius for insight, wit, love and laughter has caught fire in the person of this one young man. You know him, you love him as I do too, and it's a great honor for all of us and a pleasure for me personally to introduce to you or to present to you rather, Mr. Bill Cosby.

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## THE SHELTERED WORKSHOPS IN SOUTHWEST MISSOURI REPORT PROGRESS

### HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HALL. Mr. Speaker, sheltered workshops came into existence in the State of Missouri in 1965, and since that time, the sheltered workshop program has provided productive employment opportunities to lower-range educable and upper-range trainable mentally retarded people and other handicapped individuals over the age of 16.

Recently, the Missouri Association of Sheltered Workshops notified me of the tremendous progress they have made in regard to the workshops in a number of communities of the Seventh Congressional District in Missouri.

The bulk of the money received from contracted work by these workshops must be paid to the handicapped employees. Many of the additional costs of operation, such as workman's compensation, rent, utilities, and overhead, are placing a tremendous burden on the majority of the shops. Thus, there is a continuing need by this fine industry for additional funds.

The employee of a sheltered workshop reports for work just as he would for any other employment. However, because many of the employees are from extremely low-income families, transportation can not often be provided for these workers to get to and from their work. Therefore, the staff at the workshops have been trained to fluctuate with these problems.

The managers of all of the workshops in the communities in the Seventh District of Missouri have provided me with some pertinent information concerning their progress and development.

The Carthage Area Sheltered Workshop, Inc., under the direction of Mrs. Donna Evans, employs 32 handicapped employees and serves Jasper, Vernon, and Barton Counties. Their work consists of reclaiming cheese, assembly bending wire, and packaging kits.

In Joplin, according to manager Elsya Abernathy, the Sheltered Workshop is now serving 72 handicapped people who have a high productive rate in quality workmanship. The shop does benchwork, subassembly, collating, labeling, sorting, gluing, stapling, food salvage, inspecting, and packaging. Although the workers are not in a United Fund Agency, they participate by giving a great amount of time and work to the United Fund Drive.

The Extended Employment Workshop in Monett, under Charles Meadows, manager, employs 25 handicapped. The employees in Monett have constructed a 24 by 48-foot sheet iron building in which they make pallets, shipping boxes, and other carpentry materials. Custom weaving is also done in the workshop by means of a loom.

Near Neosho, the Crowder Area Sheltered Workshop, under manager Vernon Stonecipher, currently has 56 handicapped employees working on various types of contracts including packaging, light assembly, inspection, assembly line work, sorting and salvage, and simplified machine work. Work is also done for several industries in the Neosho area. I have visited this fine group on two occasions.

The Springfield Workshops, Inc., under manager James House, is employing 95 handicapped workers. The work done by the employees varies as their work consists of making pallets, repairing ladders and furniture, cutting and punching rubber, assembling total-tots, and inspecting cups. More than 50 local industries were used by this shop to provide them with necessary materials needed to operate.

Mr. Speaker, the sheltered workshop program in the State of Missouri has definitely had great success and made remarkable progress toward giving the mentally retarded and physically handicapped new opportunities for accomplishments that were once thought not to be possible. Many other States are now looking to the Missouri Association of Sheltered Workshops for needed guidance in this program. It is with great pride that I commend the managers of these workshops for their dedicated and continued service toward this worthwhile cause.

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## INDIANA HIGHWAY OFFICIALS OPPOSE DIVERSION OF HIGHWAY TRUST FUND

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statements by Mr. Ruel W. Steele, chairman of the Indiana State Highway Commission, and Mr. R. H. Harrell, executive director of the Indiana State Highway Commission, which were made to the Indiana congressional delegation here in Washington recently:

#### INDIANA HIGHWAY OFFICIALS OPPOSE DIVERSION OF HIGHWAY TRUST FUND

(By Mr. Ruel W. Steele)

I would like to start by thanking our Indiana Congressional Delegation for giving of their time to meet with us here today and giving us an opportunity to share with you our mutual highway funding problems in Indiana.

You extended us this same courtesy a year ago and each of you expressed a real interest in these mutual problems. Your continued support of our highway building program in Indiana is most appreciated. You in Congress are where the action is. It is the result of action both Congressional and Administrative at the Federal level that determines, to a large extent, how well we do back in Indiana.

We of the Indiana State Highway Commission are in a continual fight for badly needed funds, both at the State and Federal level, in order to continue our badly needed road building and maintenance programs.

If you could be with us and know that we are continuously attending meetings and listening to the repeated demands of the Mayors, County and Town Officials, Chambers of Commerce and other civic groups throughout the State pleading for the construction of highways which they badly need, you would understand the scope of these demands. The truth is that most of these demands from out in each of your districts are not only justified on a need basis but are long overdue.

It is in this atmosphere that I feel we must oppose the proposed Transportation Revenue Sharing Act of 1971, just as we have opposed all other invasions and diversions of the Federal Highway Trust Fund.

Under this proposed plan approximately ¾ of the projected Revenue would come from the Highway Trust Fund. During the second half of fiscal year 1972, $855 million of the proposed $1,285 billion would come from highway user taxes.

It is interesting to note that the 6 largest States in the United States would receive 34.4 percent of this total fund.

The Federal Highway Trust Fund was created for one purpose only—to construct roads and streets. The use of this money already collected and being collected, for any other purpose, in my opinion, clearly would be breaking faith with the motorists who are taxed for the purpose of providing funds for building and maintaining roads and streets.

In my opinion upwards of $5 billion surplus now in this Federal Highway Trust Fund absolutely should not be diverted for other purposes. From the newspaper articles, editorials and correspondence which crosses my desk daily I can assure you, in all good faith, that I feel without question this is the overwhelming sentiment of the people in Indiana.

Congress can, of course, change the purpose for which the money is used, if it chooses. But even though you should do so, in all fairness it would seem diversion should not be made from funds already collected from the motorists for the stated purpose of building highways.

With accountability for expenditures of Revenue Sharing Funds very loosely defined, the proposed Act would appear to have the reverse effect of discouraging these agencies from committing the sizeable long-term investments required to plan and complete comprehensive transportation projects.

It would further appear that the effect of Transportation Revenue Sharing on the State Highway operations could be most severe and could terminate the Federal-State partnership for all road programs except the interstate system which is nearing completion.

It further appears that the Revenue Sharing Act would, if only during fiscal year 1972, allow Highway and Airport and Airway Trust Fund Money to be diverted without limitation of use, which without question is a direct violation of the intent of the Federal statutes under which the tax was collected and the fund created.

We are trying to give the people of Indiana the very best highway program that can be provided with the dollars available. We are practicing economy to the point that we are perhaps too thin in many areas. We are doing this to try to conserve as much money as possible to let badly needed highway construction projects. We have had two banner years under this Administration but our prospects for the remaining two years are not that good.

Again I want to thank you for your presence and attention and for the many letters I have received from most of you expressing your cooperation with us and your stated opposition to the administrative cutbacks and diversion in any form of the Federal Highway Trust Fund.

I know there is now, and will likely always be, tremendous pressures exerted to divert these funds and use them for purposes other than those for which they were collected. This is true at all levels of Government.

We know that all cities and metropolitan areas need more funds, just as every State Highway Commission needs more funds. The demands for increased government services at all levels, along with the inflationary pressures, undoubtedly augment these diversion tendencies.

In closing let me reaffirm that in no area of government are these pressures greater than on the State Highway Commissions of this Country.

Again, you are our representatives here where the action is and what we are saying is HELP!

(By Mr. R. H. Harrell)

On September 17 of last year, we appeared before this distinguished group to report on our highway needs in Indiana. At that time hearings were being held on what is now known as the Federal-Aid Highway Act of 1970.

We are happy to say that you and Congress voted to continue the Federal-State method of financing road and street construction from the Federal Trust Fund on the Interstate and the ABC System, plus the addition of the "D" System, which provides funds for the construction of needed modern highways in urban areas. The Indiana press, the majority of our citizens and correspondence received in the Highway Department, have supported the position you took on this important Legislation.

We are back here today to again point out to you the need to continue to construct Indiana Highways, on all Federal-Aid Systems (Interstate, ABC, D Systems) with Federal excise taxes collected from Indiana tax payers on motor fuels, new automobiles, motor vehicle accessories etc.

As all of you know, Indiana's constitution does not permit bonding the State to build highways on the State System. Our State has built many modern highways using the 6¢ Motor Fuel Tax, the recently added 2¢ tax passed by the 1969 General Assembly, and with the funds from the Federal Highway Trust Fund.

But, because of the ever increasing vehicle registration and the annual increase in miles traveled by each vehicle, we cannot keep up with our highway needs even under the present method of financing.

To give you an idea of these needs:

The Indiana State Highway Department has 4,367 miles of Primary and Urban highways, and 5,986 miles of Secondary roads that have not had, in the last 25 years, or since the end of World War II, the many critical improvements needed to make these highways safe for the traffic load they are forced to carry today.

Traffic fatalities alone, on all of Indiana's roads and streets, are over 1,600 persons per year, and a major portion of these are occuring on the Primary, Urban and Secondary Systems of Highways.

Over 1,500 miles of our total Primary and Urban System is in immediate need of major new construction and reconstruction. Also, an equal or larger mileage of the Secondary System needs similar type construction. Many of these roads and streets are feeder roads to the Interstate System.

Studies show that over 500 major bridges need replacement either because of their age, condition or inability to safely serve today's traffic volumes.

Railroad grade separations have been another of the forgotten programs which have not moved because of the lack of sufficient funds. The Department has 988 grade crossings on the State System, many without automobile protection.

87 miles of the Interstate System remain to be placed under construction at a cost of about 250 million dollars.

I have estimated that these needs are immediate and by immediate an arbitrary time span is set at 10 years or one decade, since in today's society a six year or more time span is required from the time a project is first set in motion until the project is open to traffic.

The today's total price tag estimated for these seriously needed construction programs is three (3) billion dollars, or about 300 million dollars annually for the next ten years.

Putting it another way, these needs are estimated to cost twice the final cost of completing Indiana's 977 miles of Interstate.

Now to give you an idea of the apparent sources of available funds to finance these needs, should the present methods of financing continue at about the present level, and without diversion of the Federal Highway Trust Fund Vehicle Taxes to other modes of transportation and without reduction for non-compliance with the Federal Billboard Law, now in contention, and periodic cutbacks, either by Executive Order or by reducing obligation authority below apportionment amounts.

After financing operational costs for maintaining our present State Highway System, plus funding all other expenses of operating the Department, at the reduced level we are operating on at the present time; about 40 million dollars remains available annually from the State's 53% share of the 6¢ Motor Fuel Tax, 32 to 35 million dollars from the State Highway's 55% share of the 2¢ Motor Fuel Tax, and 24 million dollars from the Federal Trust Fund, which requires State matching funds and is used for construction on various road and street programs on the Federal Primary, Urban and Secondary Systems.

In addition, the State Highway Department may continue to have about 50 million dollars per year available from the Federal Trust Fund for the next six years to complete the Interstate System.

To summarize apparent funds available for construction projects:

$40 million from the State 6¢ tax.

$33 million from the State 2¢ tax.

$24 million from the present Federal Highway Trust Fund for matching on the ABC System.

$50 million next six years to complete the Interstate System.

$147 million total for each of the next six (6) years, or until the completion of the Interstate.

After the completion of the Interstate a total of less than 100 million dollars per year would be available for the construction of new roads and streets on the State Highway System.

With our needs in the next 10 years set at 3 billion dollars, and our apparent revenue during the same period at less than 1.5 billion dollars, it is easy to see that unless Indiana is able to come up with some additional ways of financing new highway construction, the State will be left with obsolete roads and inadequate funds to make the many necessary improvements.

Indiana has managed to keep an acceptable road building program in effect even though we, and other States, for a number of years, have had cutbacks, frozen obligations, national moratoriums, voluntary restrictions and arbitrary reduction of apportionments to a much lower obligation authority on the Federal Trust Fund money.

In addition, the States have been under constant pressure with possible penalty deductions for non-compliance with various regulations, as well as a reduction in Federal participation on some right-of-way purchases through the years.

With all of these operational restrictions, our State is, and can continue, operating successfully with this Federal-State method of financing road and street construction.

Our State is sharing road and street revenue with Indiana cities and counties from the present two sources of revenue; the 8¢ State Motor Vehicle Tax and the Federal Trust Fund money. From the Federal apportionments to the State Highway Department, all of the TOPICS money and the recently enacted "D" program funds go to the cities. Counties receive about ½ of all Secondary money or about 25% of the 1972 Federal apportionment for the ABCD Systems is now allocated to the cities and counties. In addition the Indiana State Highway Department maintains all State highways in cities and towns. A procedure not followed by many States in the Nation. We are not saying that the cities, counties and towns do not need additional road and street funds, but we are saying that the Indiana State Highway Department is taking a very active part in meeting urban street needs. For example, about 40% of our active construction project monies are being spent in metropolitan areas.

I personally want to thank each of you for the support you are giving our Highway program and for giving me this opportunity to review our road and street needs with you.

## EULOGY ON VINCENT MONZEL

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. McDADE. Mr. Speaker, last Friday afternoon the family and friends of Vincent Monzel gathered in a chapel here in this city of Washington to attend a religious service in his memory. They heard not only the beautiful and consoling passages from the Scriptures delivered by the Reverend Edward Gardiner Latch, our own chaplain here in the House of Representatives, but they heard an eulogy spoken by the man Vince had served so well, our distinguished colleague from North Carolina, Mr. JAMES BROYHILL.

Mr. Speaker, I wish to insert in the RECORD the eulogy spoken by our distinguished colleague as a fitting memorial to his friend.

The eulogy follows:

### EULOGY ON VINCENT MONZEL

We are gathered here as family and friends of Vince Monzel. As individuals, we are not all acquainted with each other. We're from different parts of the United States and some have even come from halfway around the world.

As friends of Vince, it is sad to think that so many of us will never be together again as a group. We're from differing backgrounds, professions, and have different interests. But one common theme runs through our minds at this time—and that is our admiration, respect, and love for our departed friend.

I won't go into the details of his life. Its many parts and facets are known to each one of us. Add together these many parts and they make the man we knew.

All of us knew of his intense interest and devotion to government. During his career on Capitol Hill, he earned the respect and admiration of Congressmen and staff members on both sides of the aisle. His willingness to be of help to new Members and their staffs was well known, his opinions were highly valued, and his advice often sought. But that is only one side of Vince as we knew him.

There were other sides which, viewed together, formed his towering personality. You know, when a diamond is taken from the earth, it has little value and it is dull in appearance.

The skill of the cutter and polisher in placing 58 sides or facets on the stone bring out the true color and brilliance of the gem . . . and as we look at the diamond in the light, we can see different appearances and hues as we view it from all sides . . . so each of us had a different view of Vince. If we were to get together to share these views, no two would be exactly the same because he was a man of many talents and interests . . . a person of tremendous capacity.

There are those here today who know of his love of people and his willingness to work overtime to help any individual no matter what his problem. And because of this interest in people, there are countless numbers who can say that, because of his help and devotion, their lives were given direction and purpose.

He was a devoted husband and father, constantly thinking of his family.

There are those here who know of Vince, the literary man . . . one who could sit and talk for hours quoting passages from the great books and debating the ideas contained therein.

The fact that Vince was a real expert in the field of music, especially opera, is not known to everyone. But the depth of his knowledge of many musical scores was well known to many including my staff, who listened to the opera along with him on Saturday mornings.

And another side of Vince was that he was a man of humor . . . one who enjoyed a good story and loved to describe in graphic detail humorous experiences from his life. I can recall as well as yesterday Vince recounting the story of his visit to the opera in Munich in the summer of 1969. When the curtain fell, the European opera star was seen to bow in Vince's direction, near the stage where he was seated. As the story goes, there was an American opera star appearing in the same performance and those in the audience saw her questioning her European colleague. It was later discovered that the conversation went something like this: "To whom are you bowing?" "I'm bowing to the Senator," said the European Star. "And who is that?" "The Senator from the United States, Senator Monzel," replied the European performer. The American star then bowed, as well, and whispered to those on stage, "Why, he's a good friend of mine."

I know that we can all see the twinkle in his eye and the humor on his lips as he recalled these anecdotes from his vast experience.

Vince had a great philosophy of life. Often have I heard him say, "We are such stuff as dreams are made of." In this quote from William Shakespeare's "The Tempest," Vince was expressing his belief that we have to do our very best, and that life is more than just eating, drinking and sleeping. Life can be as different and as varied in color as our dreams, and man should live life to the fullest, using the talents that his maker has given him.

Yes, he was a many-sided man. Someone has said that his light has gone out. But I do not believe that. Just as the light reflects from the many sides of the diamond showing the brilliance of the stones, so the recollection of the many sides of Vince adds to the brilliance of his memory.

## MAKING DEMOCRACY WORK IN PUBLIC TRANSPORTATION

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BURTON. Mr. Speaker, the National Conference on Public Transportation, involving over 70 national civic organizations, was held in Washington on June 1 and 2.

Moderating this conference was Assemblyman Willie L. Brown, Jr., a member of the California State Assembly representing the 18th Assembly District in San Francisco. Assemblyman Brown also serves as chairman of the assembly ways and means committee.

Of special interest, was an address by Hazel Henderson of the Council on National Priorities entitled, "Making Democracy Work in Public Transportation."

I am placing this address in the RECORD at this time and I am sure that my colleagues will find it most interesting:

### MAKING DEMOCRACY WORK IN PUBLIC TRANSPORTATION

During this conference we have explored most of the reasons why democracy has failed to work in allocating a proper share of our nation's resources to public transportation. They add up to an object lesson concerning the snowballing effect that a group of powerful special interests can have in influencing governmental decisions, economic conditions, the shape and size of our communities, the quality of our environment and our entire culture. We have also come to see how all institutions have an inbuilt predisposition to grow and empire-build until they overstep or lose sight of their original goals, and begin operating as autonomous feifdoms. We see this here in Washington with some of our government agencies, but we also see it in every other large organization, whether religious, military or economic. As J. Kenneth Galbraith points out in his book "The New Industrial State" this phenomenon can now be observed in our large corporations. He believes that their power is now so great that the consumer, whom they originally set out to serve, is no longer king, but these great producing companies which can now manipulate government decisions as well as the consumer through massive advertising.

Nowhere is this state of affairs more clear than in the field of transportation, where the combined corporate power of the auto manufacturers, oil, construction and rubber companies have so dominated the market that they have almost driven out all other competing modes of transportation; and in many cases, making it all but impossible to get around without being forced to buy a car. Henry Ford's proverbial statement that the

American consumer could have any color car he wanted as long as it was black, has become more prophetic than he dreamed! This predisposition of big powerful companies to dictate what kind of products they will produce, and then use hard-sell, saturation advertising to market them is in large part responsible for the backlash of "consumerism" and rising demands for more participation in decisions that shape our lives. We have found that our dollar is no longer enough to signal to companies what we would like to buy, because the choices have become narrower. We cannot choose to buy a pollution-free car and Henry Ford II has just pronounced our Federal clean air goals for 1975 "impossible." We cannot even choose to walk or cycle in safety in many areas!

Economists would call such a state of affairs a "market failure" and it is just this kind of market failure that has occurred over the years in transportation. If the transportation market were operating freely according to the economic textbooks, and the consumer alone were dictating the production decisions (rather than a very few huge corporations, combined will all manner of subsidies favoring automobiles) we might have a very different, pluralistic system, offering a wide range of options to the consumer. They might include safe and adequate provisions for walkers and cyclists for the short trips; quiet, non-polluting individual vehicles, more and better urban subways, buses and jitneys of various sizes for in-city transit; fast suburban-urban trains and express buses on open highway lanes for commuters; intermediate and long-range inter-city trains, as well as the conventional highway and airlines.

So we have gathered here and explored this particular "market failure" and seen how other forms of transportation gradually declined as the power of the auto and highway related industries grew. Gradually they were able to wring favorable subsidies, bond issues and taxes to support their further growth, while "externalizing" from their own balance sheets the increasing, but hidden, environment and social costs, which have only recently become evident in pollution, suburban sprawl and the slow destruction of our cities. To paraphrase the elder Ford, we now find that we can have almost any kind of transportation we want, as long as it is a car!

We have all come together because in one way or another, these social and environmental costs have begun to affect the groups of citizens we represent. We know just how this automobile-dominated transportation system affects or disenfranchises the young, the old, the handicapped, the residents of inner cities, suburbs and rural areas, as well as all of the groups we represent. Other people have not found institutional voices to articulate their problems, perhaps because they merely share my fear of driving in heavy traffic, or on our super highways in between menacingly large trailers and trucks at terrifying speeds.

So how do we go about re-asserting consumer sovereignty in designing a new multi-option transportation system? Many efforts have already been mounted. Some hardy souls take the individual approach by defying city traffic and attempting to bicycle, in spite of the physical danger and overwhelming exhaust fumes. Or according to a recent *Wall Street Journal* article, many business executives have just given up on the commuting snarl and run their affairs by telephone and mail from their homes or country clubs. I'm sure many of us have wondered how many human transactions really need a face-to-face meeting, and whether we could manage as well by using the telephone and other forms of communication which might substitute on occasions for all this frenzied rushing back and forth. Unfortunately, most of us are not as lucky as those corporate executives; we have to show up on the job in spite of the travelling problems! Some communities and cities like New York have taken the approach of trying to win back territory from the automobile by closing streets and creating pedestrian malls with varying success. Many groups have skirmished with highway engineers and insensitive city planners, and managed to block construction of ill-designed freeways in such cities such as San Francisco and New Orleans, and many others. Conservationists have waged a long standing war against badly-planned highways and anti-pollution groups have taken on the noise and exhaust fumes of the internal combustion engine. I think most of us feel a debt of gratitude to Ralph Nader for his tireless, intelligent efforts to improve so many aspects of the consumer's lot, particularly in auto safety. Others have joined the fight for no-fault insurance to lower rates and relieve our congested courts of millions of time-wasting, traffic-related cases, which prevent others from receiving speedy trials. Consumer groups have also worked hard for better-built, longer lasting cars, without meaningless style changes and other frills. A recent study by Bradford Snell in *Yale Law Review* shows that the big 3 auto makers spent $1.5 billion to restyle 1969 models, and yet the U.S. Bureau of Labor Statistics estimated that the 1969's had a net *reduction* of $3 each in performance improvements. Still other groups have pressed for special consideration of the needs of the old and young, the poor and the handicapped, in both public and private transportation. Planners have produced blueprints for dream transit systems, and whole new towns, such as Reston, Virginia and Columbia, Maryland have tried through total design to tame the automobile. Aerospace companies such as LTV, Grumman, Rohr Aircraft and North American Rockwell are announcing in new advertising campaigns that they are eager to serve the market for public transportation, and many of them have won contracts for demonstration projects. Other companies such as General Electric have already helped build new systems, like the Lindenwold line which links Philadelphia with its New Jersey suburbs, and the Turbotrain and Metroliner systems between Boston, New York and Washington.

So, with all this activity, why has there been so little progress? Could it be that up until very recently none of us was sufficiently aware of each others efforts, because we were all working in such very different ways to bring some improvement to the overall transportation system? Could it be that we never realized how many of us there were: enough of us in fact, so that if we got ourselves together we could forge a coalition with enough steam and political muscle to get public transportation up and running? Certainly the multiplicity of concerns that produced our many-faceted activities made it very difficult for us to see them as parts of a larger effort to solve one big problem: the overall, national transportation mess. For example, conservationists opposing a freeway which would divide a park area in Minnesota might not instantly recognize their kinship with inner-city organizations in a city like Washington, who were opposing a freeway which would divide their community just as disastrously. Or public health groups in respiratory or heart disease prevention, who were busy fighting automobile pollution, may not have appreciated their commonality of interest with similar organizations representing the interests of victims of handicapping diseases, or blindness in their efforts for better-designed transportation. And meanwhile, the planners dreamed of funds to implement their blueprints, and companies waited on the sidelines to see if anyone really meant business. I believe that it is largely due to this fragmentation of efforts and lack of communication between groups, that we have never fully come together and explored the commonality of our transportation needs and defined precisely that area where all of our constituencies' vital interests overlap. In fact, we have often been somewhat suspicious of each other's interests and motives, fearing that they were irreconcilable with our own. Sometimes we have almost come to blows. A hearing in Milwaukee last year on whether to complete construction of a freeway was a perfect example. The highway construction companies and the unions demanded that the highway be completed, while the homeowners in its path and the conservation groups bitterly opposed the project. Such situations are indeed complicated by the fact that vital interests of the parties are too immediate to permit assessment of the project by larger, more objective standards. If there were time to develop feasible alternatives, perhaps another more pressing public construction project, or a commuter rail line down the center of an existing highway, such as the one in Chicago; there might have been a way to avoid the clash without human disruption or unemployment. But unfortunately, there is rarely time to work out equitable solutions and often the artificial carrot of Federal funds, pre-programmed for highway spending makes reallocation of priorities all but impossible.

Certainly many group's current interests tend to be vested in an existing system as pervasive as our highway-automobile complex. They include jobs, investments, academic or professional careers, such as highway engineering, as well as all the economic dependents of this vast industrial system; dealers, spare parts and repair shops, gas station franchises and dozens of other small businesses. But in spite of this, many of us are beginning to realize that all technologies have their own peculiar life-cycles progressing through growth to saturation and obsolescence, and that the auto is no exception. It too is reaching the limits of its growth potential. This can be seen clearly not only in proliferating highways, traffic jams and rising pollution, but documented in respected business publications, such as the Wall Street Journal of April 23rd, 1971 and Fortune in several articles over the past year, the latest in April 1971, as well as in Business Week, March 14, 1970.

So we should now stop focusing on what past conditions prevented us from working out ancient, deeply mired conflicts and instead, begin to concentrate on watching the shape of future national priorities and how we can help shape them. If we do this we can begin sharing in the development of new projects in which we can cooperate out of new mutual self-interests. We are now beginning to watch where the new transportation growth will occur as the exponential curve of automobile growth shows the first signs of collapsing. The new growth must surely come in filling the need for fast, clean, efficient public transit systems, and in remaking our cities for more human forms of travel, including walking and cycling. Here is where the new capital must surely flow and where the new jobs will eventually be created. But if this is to happen, we and many others like us, representing the interests of consumers, must come together and define what kind of systems we want and are willing to pay for. But the economics of this new market we are trying to create will have to be a little different from a normal market, which has failed in this area. It will be a special kind of market which economists sometimes call a "public-sector market", which occurs when normal market mechanisms have been thwarted, as they have in transportation. So we create a public-sector market when we group together in sufficient numbers, decide what we want and then buy it as a collective, or "cooperative buying group". We have hundreds of such "cooperative buying groups" today of all sizes, and their numbers are growing because most of our unmet needs are now group needs, rather than individual needs, such as clean air and water or airports and parks. In many cases we use our municipal and state governments as our purchasing agents. They act for us in buying sewage treatment plants, schools or airports. If the item we want to buy is very large, such as a national system for old-age or disability insurance, we empower the Federal Government to act as our purchasing agent, or even set up the system itself, as in the case of Social Security or the new Environmental Protection Administration which is charged with protecting our communal drinking water and air. It's interesting to note that in the case of water, some of us are beginning to exercise our individual consumer demand too, by buying bottled water, and the ordinary market mechanism is now responding by producing an ever larger selection of bottled water from which to choose.

So our challenge now is to begin drawing together a new "consumer cooperative" to service our group consumer demand for a more varied choice of transportation, including the expensive new public systems that only our group, buying power can bring into being. Now we know that our group buying power at the Federal level of taxation is enormous: big enough to have permitted our Federal purchasing agents to spend some $70 billion a year of it on military programs and further billions on space and building more highways. But we should not be surprised at this because we know how large institutions, such as government bureaucracies, tend to forget that they are supposed to be our purchasing agents, and in fact, under pressure from powerful lobbies, they have begun spending our money in ways we didn't intend, anticipate or consent to! So if we want to regain control over the spending of some of our money, we are going to have to form a coalition strong enough to convince our elected and appointed officials that they must forget some of their own pet projects, and start voting the funds necessary to start public transportation rolling. We can also make sure that they realize that as the Indo-China War is being wound down by the Administration, they must resist budget-padding by the Department of Defense, and divert some funds into public transit and other badly needed domestic programs. Furthermore, unemployment rates are high enough now, but we must impress on these officials that they should also imagine the situation when thousands of G.I.'s join the unemployment lines in the months ahead. We need to create new programs to provide jobs for all our workers, but not based on the saturated needs of the past, but the real unmet needs in our public-sector markets of the future; not only public transportation, but health care, housing, new towns and pollution control, grass-roots cable television system to help recreate electronically, the "town-meeting" style of local government, and of course, education and self-enrichment for adults as well as children. These areas of *real* consumer demand will provide opportunities for the growth industries of the next decade; but only we consumers, out of our own self-interest, will have the incentive needed to organize that demand into a coherent and powerful force that can create these public-sector markets. We know we can do it, because we see that it has already happened in the pollution control and recycling field, where ordinary citizens and consumers created such a demand for environmental cleanups that an industry emerged to serve it, which is one of the fastest-growing areas of our economy and is already providing thousands of new jobs. In fact, the U.S. Dept. of Labor Statistics estimates that as of 1970, there were 655,900 new jobs created in environmental control, and that this figure would increase to 1,181,800 jobs by 1980! We cannot expect most of our older, bigger companies to play much of a role in developing these new industries, because they have too much invested in the current and past technologies. But some of our more innovative companies as well as a host of smaller, newer firms are eagerly waiting to serve our transportation needs.

But there is also another important reason why we must take the leadership role in pressing for these new transportation systems, and that is because we represent its future consumers, and if these consumers are to remain sovereign in this new marketplace, we must help them participate in the designs, in setting standards, and only then empower our government purchasing agents to award the contracts. If we do not move soon to define these consumer needs and push for their incorporation into the designs, demonstration projects, appropriations and the contracts; then we will have ceded yet another area to the company lobbyists who are already busy trying to sell their own idea of public transit projects to government agencies at all levels. A perfect example of a project designed by producer in this topsy-turvy way is the SST. There was no great outcry from ordinary citizens demanding an SST, most people can't afford to fly very much in a regular plane. But the aerospace industry and a small handfull of aviation enthusiasts wanted it and almost managed to impose it on us after spending millions of our taxes to pump up the aircraft industry. But the very citizens who joined together to fight the SST proved their conern for the unfortunate workers caught in the middle, by also pushing for new public works and transportation projects to cushion the blow in Seattle and other hard-hit areas.

We can avoid repetitions of such human dislocation by getting together on projects we will all benefit from, and mass transportation is a good area in which to begin. We can start small, hammering away at the simplest projects, such as reserving open lanes on our freeways for express buses, so that they will be able to compete with the automobile in faster commuting time, if nothing else. We can see that environmental pollution standards recently set by the Environmental Protection Administration are enforced, which will finally force municipalities to reduce automobile access to central cities, simply to meet maximum permissible carbon monoxide standards. In the transportation vacuums this move may create, we can push for refurbishing subway and bus services to attract the new riders. During the recent taxi strike in New York, the City's bus and subways added millions in fares. If the strike had gone on for long enough, the City Transit Authority might have actually started making profits! Or consider the possibilities for minority group entrepreneurship in setting up, perhaps with Small Business Administration or MESBIC-type loans, small locally-owned and operated bus and jitney companies to take the often trapped or carless inner-city workers to the suburban industrial parks, where so many of the jobs are moving. In New York City alone, 72,000 jobs evaporated in the past year, and such bus lines could help alleviate the inner-city unemployment problems that the corporate moveouts to the suburbs are creating.

Some communities are discovering that their school bus fleets are under-utilized. They are putting them to work during school hours for shopping runs and after school for trips to theaters, movies and evening sporting events. The revenues help fatten up the school's coffers, or help with maintenance and repairs. All the while we are testing these modest programs, we must form local coalitions to push for funding for the more ambitious projects.

If we can go forward from here, forgetting some of our past or current differences, and concentrate on working towards the positive and exciting goals put forward at this conference, we will not only help create a more human transportation system and more livable surroundings, but also a whole new industry and thousands of new jobs at all levels. We will also help prove that America can re-order her priorities with a minimum of disruption and hardship, away from the military-industrial-complex toward a more humanly-oriented "life-industrial-complex".

### NATIONAL CITIZENS' COMMITTEE ON PUBLIC TRANSPORTATION

American Association of Retired Persons.
American Association of University Women.
American Public Health Association.
Americans for Indian Opportunity.
Boy Scouts of America.
Campfire Girls.
Center for Science in the Public Interest.
Center for Urban Ethnic Affairs.
Central Atlantic Environment Service.
Citizens for a Quieter City.
Committee for Community Affairs.
Concern, Inc.
Conservation Foundation.
Consumer Federation of America.
Council on Economic Priorities.
Environmental Action.
Environmental Defense Fund.
Epilepsy Foundation of America.
Friends of the Earth.
Goodwill Industries of America, Inc.
Highway Action Coalition.
Interstate Research Associates.
Izaak Walton League of America.
League of Conservation Voters.
League of Women Voters of the U.S.
Metropolitan Washington Coalition for Clean Air.
Metropolitan Washington Housing & Planning Association.
Mexican-American Youth Organization.
Minority Contractors' Assistance Project.
National Association for the Advancement of Colored People.
National Association of Conservation Districts.
National Association of Hearing & Speech Agencies.
National Association of Minority Contractors.
National Association of Railroad Passengers.
National Audubon Society.
National Coalition on the Transportation Crisis.
National Committee on Household Employment.
National Consumers League.
National Council of Negro Women.
National Council of Senior Citizens.
National Council on Aging.
National Farmers Union.
National Institutes on Rehabilitation & Health Services.
National Organization of Women.
National Paraplegia Foundation.

National Parks & Recreation Association.
National Recreation & Park Association.
National Rehabilitation Association.
National Retired Teachers Association.
National Tenants Organization.
National Trust for Historic Preservation.
National Tuberculosis & Respiratory Disease Association.
National Urban Coalition.
National Urban League.
National Welfare Rights Organization.
National Wildlife Federation.
Natural Resources Defense Council.
Nature Conservancy.
Opportunities Industrialization Centers.
Paralyzed Veterans of America.
Polis '76, Inc.
Rocky Mountain Center on Environment.
Scientists' Institute for Public Information.
Sierra Club.
Southwest Council of La Raza.
Student Committee on Pollution & the Environment.
The Wilderness Society.
Travelers Aid Association of America.
Young Men's Christian Association.
Youth Organizations United.
Zero Population Growth.

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## WHO SAYS RADIO EXPIRED WITH TV? NOT FOLKS AT WCCO, MINNEAPOLIS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, in the 1930's airmail pilots noted that the Twin Cities darkened shortly after WCCO radio's 10 o'clock evening news reported by the late Cedric Adams ended. A June 21, 1971, story in the National Observer indicates that WCCO radio still plays a very large role in the life of the upper Midwest. And anyone who has lived in the area served by WCCO knows that it is no exaggeration to describe it as "one of the most listened-to radio stations in the Nation."

Michael Putney's feature accurately portrays one of the dominating features of my home area. WCCO is truly a giant of the Midwest.

The article follows:

WHO SAYS RADIO EXPIRED WITH TV? NOT FOLKS AT WCCO, MINNEAPOLIS

(By Michael Putney)

It's 6:30 a.m. on a typical Tuesday morning and those two zany cut-ups on WCCO Radio, Rog Erickson and Maynard Speece, are up to their usual tricks.

"Hey, Rog," Maynard asks innocently between a hymn by Burl Ives and the July wheat futures, "Didja hear the one about the doctor who told his patient, 'Between your big, happy family at home and your big, happy family at the office you've got a big, happy ulcer?'."

Corny? Admittedly. and no one, certainly not the Messrs. Erickson and Speece, would pretend otherwise.

Popular? You might as well ask if it gets cold here in winter. From the tables down at Murray's on Sixth Street to the most remote northwoods hamlet, people are listening to WCCO and loving it. In fact, upwards of 1,300,000 listeners in five states tune in WCCO every week, making it one of the most listened-to radio stations in the nation—and unquestionably the most dominant in any major metropolitan area.

"More people watch WCCO Radio than TV!" trumpets advertising for the station in broadcasting trade journals. If that doesn't quite parse, station promotion manager Chuck Hartley sorts it out: "It means that even when *The Today Show* is on here, we're delivering about 10 times more listeners than they've got viewers."

For the sake of comparison, there are more than 4,300 commercial AM radio stations licensed to broadcast in the U.S., only 23 of them 50,000-watt clear-channel stations like WCCO, whose signal blankets Minnesota, Wisconsin, the Dakotas, and Iowa. Most of the others, judging from what they send out over their airwaves, are animated by H. L. Mencken's aphorism on the intelligence of the American public.

WCCO, however, has grown rich and famous (but not fat) by *not* underestimating the intelligence of its public for the past 46 years. In recent years, specifically, that means programing rooted in the belief that the listener who enjoys waking up to the July wheat futures and corny jokes from the Reader's Digest is the same one who's eager to hear measured, intelligent news reporting and analysis over breakfast.

Too, he's the same one who's interested enough in what his neighbors think to listen to a telephone call-in show, appreciates a fishing report and more news en route home from the office, will tolerate a little polka music by Frankie Yankovic to hear a James Taylor ballad before the Minnesota Twins baseball game begins, and goes to sleep lulled by the slightly dated sophistication of Franklin Hobbs' "Hobbs House."

Nothing startling or unusual in the fare; nearly every radio station has some of it, but almost none does it all or as well as WCCO.

"We're not top-20 or top-40 or top-100 radio," explains Gordon Mikkelson, WCCO special-events director. "It may sound corny, but I guess you could say we're top-10,000 radio—we've got something for everyone.

"We're great believers in building audiences by ones," says Mr. Mikkelson. "If there is any key to our success it's that we serve our listeners very, very well. Call our approach warm or folksy or schmaltzy or whatever, but essentially it means treating our listeners with consideration and respect."

Indeed. First, there are no "ladies and gentleman" in WCCO's 110-county, five-state coverage area, just individuals. Nor are you likely to ever hear a WCCO announcer (a term, incidentally, that is eschewed along with disc jockey in favor of the more grandiose "communicator") refer to a listener "out there in radioland" or even "up" in Brainerd, "out" in Pierre, or "over" in St. Paul. Conversations on WCCO are personal, one-to-one, and intimate even when they're as agonizingly banal as any you can hear on the raunchiest top-40 rocker.

"The men I work with are really masters of communication," says 26-year-old Steve Edstrom, the junior member of the station's announcing staff by at least a decade. "Sure, a lot of what they say may be cornball, but I can't condemn someone for understanding his aduience."

That understanding has been fostered by long-standing corporate and individual involvement by WCCO personnel in a gamut of community activities here and by an intensive effort by Director of Community Affairs Jim Bormann to determine and report on the needs, interests, and problems of communities in WCCO's sprawling nonmetropolitan area.

For 20 years the station's news director, Mr. Bormann now spends every other week visiting with community leaders, public officials, and local news paper editors in rural Minnesota, the Dakotas, Iowa, and Wisconsin. "These people are really pleased that an institution in the Twin Cities is interested in them," says Mr. Bormann. "They're in competition with the Twin Cities in many ways, but they're also drawn to them like a magnet. For these people WCCO is a link to the big city." And conversely, WCCO is a link for many first-generation city dwellers to their rural roots.

Like the old dope peddler whom Tom Lehrer immortalized, WCCO has also done well by doing good. Owned by Midwest Radio-Television, Inc., which also owns WCCO-TV here, WCCO Radio reportedly grossed in the neighborhood of $5,000,000 last year, of which $3,000,000 was said to be profit. For the record, management spokesman simply smile and call the station "profitable." With prime time costing $165 per minute, it should be.

Not everyone, of course, finds something to suit his tastes on WCCO, especially young people who refuse to stomach even a little Frankie Yankovic to get to Elton John when competitors WDGY or KDWB will give them little else but Elton John. Even more dissatisfied recently was Minneapolis Star columnist Jim Klobuchar, who took the station to task for its tornado-warning service, consisting of an "electronic arsenal of blood-freezing klaxons, bleepers, high-pitched whistles, and psysched-up announcers."

That testy criticism bothers WCCO management a lot less than the prospect of complacency. "We're where we are because we have a staff of very professional people," comments WCCO General Manager Phil Lewis. "And we're trying constantly to keep from collecting dust, from getting fat."

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## A RESOLUTION OF THE STUDENT SENATE OF THE UNIVERSITY OF TEXAS AT EL PASO, IN SUPPORT OF ENDING THE DRAFT

### HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WHITE. Mr. Speaker, by the explicit request of the vice-president of the student association of the University of Texas at El Paso, Mr. Porfirio Montes, I should like to request that the resolution of the Student Senate of the University of Texas at El Paso regarding the ending of the draft be entered in the RECORD:

RESOLUTION IN SUPPORT OF ENDING THE DRAFT

Whereas; The U.S. Constitution expressly prohibits any form of involuntary servitude and

Whereas; The Selective Service Act is in violation of that prohibition, and

Whereas; The draft has by its nature discriminated against impoverished, ethnic and racial minorities,

Be It Hereby Resolved; That the Student Association expresses its opposition to the extension of the Selective Service Act.

Be it Enacted; That copies of this bill be sent to all members of congress, the President and the Director of the Draft.

PAT MOSHER,
*President-Student Association.*
PORFIRIO MONTES,
*President-Student Senate.*

## TODAY'S BUILDING INDUSTRY

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. MURPHY of New York. Mr. Speaker, I would like to advise my colleagues of important new developments in the building industry that have a direct bearing on an area of great concern—runaway construction costs.

Despite the current inflationary spiral, a new building concept has been successfully implemented to help hold the line on construction costs for government as well as private sector building projects.

A leading owner-builder Tishman Realty & Construction Co., Inc., has perfected this approach, known as the construction manager technique.

And very importantly, the Tishman organization has demonstrated how Government agencies can utilize this approach to save tax dollars by exercising more prudent construction practices.

The construction manager is not a general contractor. He is not merely a builder who methodically follows a prescribed building plan. The construction manager is a professional, who takes charge of a building project from its earliest design stage to completion.

This consultant/contractor, working with the architect and engineer from the outset, reacts to the project plans with practical, money-saving, alternate suggestions; manages the bidding procedure; and awards the contracts in behalf of the owners.

The construction manager is retained for a fee, directly negotiated with the project sponsor. As a result, the construction management team reviews and evaluates design changes in light of clear-cut cost advantages for the project sponsor. There is little such incentive for austerity in the traditional general contractor approach because design variations can add handsomely to the contractor's price.

In addition to negotiating the bids and passing on savings, formerly absorbed by the general contractor, to the project sponsor, the Tishman construction manager technique stimulates the subcontractors to use their special expertise to provide better, more efficient approaches to their respective phases of a project.

For example, bids on one major project came in significantly over budget because of labor costs in a particular trade. At Tishman's urging, a subcontractor circumvented the problem by using larger units of material to complete the work. The savings in labor costs by far offset the increased material costs.

The management expertise and construction know-how of the construction management staff have a sophisticated computer back-up, namely cost information and scheduling programs.

With detailed cost information, assembled from Tishman field reports, the construction manager can project a realistic budget. He can track costs product by product and trade by trade, anywhere in the Nation.

Cost trends are noted while the project is in progress so that the sponsor knows the exact financial condition of a job at all times. In some cases, awareness of these cost trends can even result in the use of an alternate system or product at considerable savings.

The scheduling program flags timetable variances that may jeopardize the successful fulfillment of the project schedule. Warned of such variances, the construction manager can make necessary adjustments to get the project back on schedule.

This sophisticated system also provides subcontractors with monthly reports indicating what each is to accomplish during a given period to maintain schedule.

Tishman's present-day computer technology is directly related to the fact that the company was able to anticipate the computer's value to the building industry. The available cost data makes the job of projecting a budget a realistic undertaking. This is vital to a developer, who otherwise might underestimate his financial requirements and later have to renegotiate his financing from a disadvantageous position and at an inopportune time. On the other hand, a budget mistakenly calculated as excessive might also persuade a sponsor to abandon his plan to build.

The Tishman organization has compiled its expertise by building commercial and residential facilities for more than 75 years. The company is an owner as well as builder. By 1972, there will be some 12.2 million square feet of commercial space—prime space in key cities across the Nation—in its own portfolio.

Tishman's current construction involvement now exceeds $1.5 billion. Construction is underway on five new Tishman-owned properties, while the company is also active as construction manager on 10 other projects for individual sponsors and quasi-government agencies.

Tishman-owned properties are located in New York, Los Angeles, Chicago, Cleveland, San Francisco, Rochester, among others.

The company applies the same craftsmanship and disciplines used on projects for its own account to the work it does for others as construction manager.

Among the complexes where Tishman has successfully employed the construction manager approach, are the World Trade Center, the Hancock Building in Chicago, Centre Square to be Philadelphia's largest twin office towers and the Theme Complex, the mammoth commercial and entertainment center in Los Angeles.

Tishman also has become involved in airport redevelopment and is even recognized internationally as consultant for Europe's tallest office building-to-be, the Tour Apogee in Paris.

Tishman's role in the redevelopment of Newark airport is a good example of how the construction manager can coordinate a project involving both public and private sectors. Tishman was assigned by the Port of New York Authority to build the shell structures for two terminals, and will also carry out the interior space improvements and operations facilities in one terminal that will house three airlines, Trans World, United, and Piedmont.

Furthermore, the Tishman Organization through its subsidiary Tishman Research Corp., has most commendably devoted its energies to a wide spectrum and public-interest problems such as low-cost housing a fire safety.

Established some 12 years ago, Tishman Research has successfully blended brain with construction brawn in a far-reaching consulting operation that serves clients ranging from industrial accounts to the Government agencies.

#### SAVINGS TAX DOLLARS THROUGH PRUDENT CONSTRUCTION MANAGEMENT

When the Federal Government discovered unhappily that its building programs took too long and cost too much to complete. Tishman Research was hired to study the problem.

Tishman, under contract to the National Bureau of Standards, funded by the General Services Administration, found that the Federal office building projects took twice as long and cost one and one-half times more to build than similar projects handled by the private sector.

An overhaul of Federal construction practices was recommended, patterned after the construction manager approach as developed and implemented by the parent Tishman Co.

The study showed how the Government could reap substantial savings by updating its methodology. The advice: Instead of the antiquated classical general contractor approach, use a professional construction manager working in tandem with the architect to anticipate construction problems and take advantage of opportunities in design; and to bring the competitive bidding process into the open at the level of all the specialty trades. This would allow the Federal Government to keep savings which traditionally belonged to the general contractor.

This was linked to examples of how the parent organization used this approach in the construction of public and private major buildings.

The Public Building Service responded promptly and has announced that it will adopt the new management approach.

Tishman Research Corp. is helping others develop many new and major advances in the building sciences through its technology program which is the only one of its kind in the Nation.

Among those who have been Tishman Research clients are: Alcoa, Dow Chemical, U.S. Gypsum, Owens-Corning, and the Urban Development Corporation of New York, Johns-Manville, American Gas Association, York Division of Borg Warner, U.S. Department of Commerce, IBM, U.S. Steel & Corning Glass. Also, Tishman Research has advised on projects funded by the U.S. Department of Housing and Urban Development—HUD.

Able to identify practical innovation, and then test new products/systems and methods in day-to-day Tishman building projects, the Tishman Research arm, is concerned primarily with applied technology for multistory commercial and residential buildings.

### HOUSING

Much of the present-day thinking on technology for housing rehabilitation has sprung from Tishman's early work in the field. As a consultant on projects funded by the U.S. Department of Housing and Urban Development—HUD. Tishman pioneered a number of new rehabilitation concepts. Tishman also helped HUD's predecessor, HHFA, in the developments of cost-reduction techniques for low-income, multifamily housing.

Today many HUD-financed rehabilitations and new construction projects are using systems and types of construction springing from Tishman Research recommendations and findings on interior partitions, flooring, ceilings, windows, exterior walls, mechanical systems, and many others.

The Tishman organization also introduced split-level apartments on a major project to the United States, and developed a low-cost dry-floor construction for apartment buildings, and led in practical solutions to achieve acoustical privacy between apartments.

As a consultant to New York State's Urban Development Corporation—UDC—Tishman Research outlined 10 innovations with potential savings of 11 percent in construction cost and 36 percent in construction time.

These included prefabricated brick panels, improved time temperature rated interior wall systems, factory-produced plumbing walls, alternative structural systems, and an "instant painting" technique by which a two-bedroom apartment could be painted in 40 minutes.

Tishman also developed a cost assessment analytical tool, called the Analog, to help UDC evaluate new construction concepts in relation to actual context of a building.

The Analog is a series of standard costs taken from standard buildings which may be stored in a computer's memory and periodically updated.

The Analog enables UDC to make a bona fide comparison between the innovation and the components or function it would replace. In short, the tool helps translate benefits in terms of time and money. UDC is using the Analog benefically.

Fire safety—Tishman Research is constantly on the lookout for new ways to fireproof steel without polluting the air—to make safe buildings safer—and expects much progress in this and the entire fire safety area soon.

### NEW BUILDING PRODUCTS

"Dry" building—Tishman anticipated the construction cost spiral that was about to start in the early 1960's. The problem: a way had to be found to somehow condense the construction cycle and minimize costs.

The solution: Tishman assisted its client U.S. Gypsum in the development of a fire rated dry shaft wall, which now replaces conventional masonry and plaster walls and results in astounding savings in both time and labor.

Predecessors to such wall systems could not be used—economically or from a performance standpoint—for elevator enclosures or stairwalls. But the new product changed all that. The parent Tishman company introduced it to several of its buildings with "grade A" results, "debugging" the new system right on the jobs. Once proven, the product was used in the World Trade Center and saved more than $1 million by eliminating the need for temporary 24-hour heat and masonry cleanup chores. A second generation version of the shaft wall has been introduced with additional performance and economic benefits.

The Tishman organization has been the pacesetter for building technology for decades, benefiting the average citizen as well as the business community through achievements in housing and office construction.

In the 1940's and 1950's Tishman led the development of the factory fabricated metal curtain wall, a revolutionary departure from the expensive painstaking use of stone and granite exterior facades. We take this development of only a generation ago for granted now. In the 1960's Tishman led the way of "dry" interior construction. And its' spirit for the seventies' is to pioneer in the area of structural and mechanical systems, while continuing to improve upon the exterior and interior wall developments of the previous decades. However, above all and at all times Tishman strives to put together all the parts of a building more efficiently, effectively, and economically—in the interests of public and private sectors.

I suggest that the expertise evidenced by efforts of the Tishman organization, an outstanding example of a good corporate citizen in the private sector, could well be used in helping to solve some of the problems related to housing and the building industry that we deal with. And, accordingly, I recommend that Messrs. Robert V. Tishman, Alan V. Tishman, and John L. Tishman, the principal executive officers who have directed the company's unparalleled successes, be invited to participate at appropriate conferences called to discuss such matters. In addition, we should also draw on the professional talents of appropriate senior officers and department heads of the company, in particular Joseph H. Newman, vice president of Tishman Research, who was recently named chairman of the building advisory board of the prestigious National Academy of Science.

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## ARTICLE BY GLENN MARTZ

## HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DICKINSON. Mr. Speaker, I would like to share the following article by Mr. Glenn Martz, director of information, seafoods division, of the Alabama Department of Conservation, with my colleagues. The article recently appeared in the Foley Onlooker, an Alabama newspaper, as follows:

### PUBLIC RELATIONS, SEAFOODS DIVISION OF ALABAMA DEPARTMENT OF CONSERVATION

(By Glenn Martz)

Alabama has been aptly described as a gallant Southern lady—head pillowed in the foothills of the Appalachian Mountains—feet dangling in the Gulf of Mexico.

She is all this charming metaphor implies. And much more.

A geographical and climatic contradiction she is a bouquet of camellias and snow-covered hills in the dead of winter—a tarpon leaping high in gulf waters trying to shake a fisherman's hook, a bevy of cardinals flashing through green thickets.

Alabama is a field of white cotton under a canopy of blue sky.

She is a mountain of precious iron ore—a million pines gently swaying in the wind.

She is Mobile Bay and a necklace of lagoons stretching all the way from Perdido Bay through Gulf Shores to Mississippi Sound—a land of ancient oaks, mistletoe, and Spanish moss.

She is the southern loop of the Tennessee River—a strip of sugarwhite beach sand lapped by waters and tides for untold centuries.

Alabama is a fishing trawler bobbing on wind-tossed waves, a school of porpoises playing follow-the-leader, an ocean freighter, a banana boat silhouetted on a distant horizon.

She is a sorghum mill, a turpentine still, a cotton gin, and a space center turning out moonships.

She is a land of neat farmsteads sprinkled with ante-bellum homes, magnolia blossoms, and flaming azaleas—a delta vegetable garden as big as all outdoors, laced with buttercup meadows.

Alabama is Hernando de Soto in search of gold—the playground of legendary pirate Jean Lafitte—the Ave Maria Grotto, an Indian mound dating back to antiquity.

She is Admiral Farragut shouting "Damn the torpedoes! Full speed ahead!"—a Confederate flag flying over fortresses of a lost, but sincere, cause—historic Fort Morgan—the world's largest iron statue—Vulcan—overlooking the "Little Pittsburgh of the South", busy Birmingham.

A scenic wonderland, she is an enchantress without peer.

A lodestar of unspoiled natural beauty and abundance, she was coveted and courted by three major European powers.

More battles have been fought for her possession than any other single area on the continent.

Seven flags have alternately flown over her ramparts signifying successful conquests.

She has enough iron in her hills to build a million battleships—enough timber to bridge the Atlantic.

She has enough fish in her coastal waters to feed her people for all time to come, enough freshwater streams and underground reservoirs to quench man's thirst for untold centuries.

She is the Heart of Dixie beating with unhurried rhythm, a healing sanctuary for those with jaded nerves, a bonanza of unlimited possibilities for men dreaming of industrial empires or quiet retreat.

This is Alabama—charming, unique, friendly, intriguing—Nature's last outpost of natural beauty.

To each and all she beckons with an inviting finger.

Which, in quaint language of the South, signifies "ya'all come! Hear?"

## PROPOSED INTERNMENT OF PRISONERS OF WAR IN NEUTRAL COUNTRIES

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## HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. GUBSER. Mr. Speaker, 7 years and 94 days have elapsed since Capt. Floyd Thompson was captured in South Vietnam and became the first prisoner of war in Southeast Asia. Since that time numerous American military personnel have suffered a similar fate.

The agony endured by those who are being held prisoner, as well as their families who are awaiting their safe return, must not be forgotten as we go about our daily business. These brave men are constantly being subjected to physical and psychological stresses that the average American cannot even imagine, much less survive. We owe them nothing less than our constant efforts to secure their humane treatment and early release.

One such effort is represented by the letter which I, along with 143 of my colleagues, addressed to the Honorable David Bruce, our chief negotiator in Paris, suggesting that we seek the internment of prisoners of war in neutral countries. A copy of this letter follows, together with the reply received from Ambassador Bruce:

APRIL 26, 1971.

Hon. DAVID K. E. BRUCE,
*Head, U.S. Delegation to Paris Meeting on Vietnam, American Embassy, Paris, France.*

DEAR SIR: We, the undersigned Members of the United States House of Representatives, are deeply concerned over the failure of North Vietnam to abide by the terms of the Geneva Convention pertaining to prisoners of war.

We recognize that the United States has repeatedly urged adherence to the terms of the Convention through diplomatic channels and that those efforts have been unsuccessful. We now suggest that it is time other nations joined in an effort to secure adherence by North Vietnam to the terms of the Convention.

Article I of the Convention states: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

"The Commentary" on the Geneva Convention by Jean S. Pictet, Swiss jurist, reads:

"In the event of a Power failing to fulfill its obligations, each of the other Contracting Parties (neutral, allied or enemy) should endeavor to bring it back to an attitude of respect for the Convention. . . .

"The application of the Convention does not depend on whether the conflict is just or unjust. Whether or not it is a war of aggression, prisoners of war belonging to either party are entitled to the protection afforded by the Convention."

Since our efforts to promote inspection of prisoner-of-war facilities in North Vietnam have failed and it is not possible to determine if North Vietnam is fulfilling its obligations under the Convention, it is respectfully suggested that a proposal be made through your good offices calling for delivery of prisoners of war to willing neutral countries, where they would be interned in accordance with the Geneva Convention. We suggest that arrangements be made with such neutral countries and that the United States commit itself to delivering a specific quota of North Vietnamese prisoners held in South Vietnam to such neutral countries. Hopefully, North Vietnam would reciprocate, but, if she refused, it would constitute one more clear example of her unwillingness to abide by the terms of the Geneva Convention.

We earnestly request your consideration of this suggestion.

Yours sincerely,

CHARLES S. GUBSER.
W. C. DANIEL.

The following Members of Congress also wish to be listed as cosigners of this letter:

W. M. Abbitt, Joseph Addabbo, Bill Archer, Leslie C. Arends, Les Aspin, Nick Begich, Page Belcher, Alphonzo Bell.

Charles E. Bennett, Mario Biaggi, Edward G. Biester, Jr., Richard Bolling, Frank T. Bow, Frank J. Brasco, Jack Brinkley, Clarence J. Brown.

John H. Buchanan, Jr., James A. Byrne, Tim Lee Carter, E. A. Cederberg, Bill Chappel, Donald D. Clancy, Frank M. Clark.

Don H. Clausen, Del Clawson, James C. Cleveland, Harold R. Collier, Silvio O. Conte, James Corman, Dominick V. Daniels, Lawrence Coughlin.

Edward J. Derwinski, Samuel L. Devine, William L. Dickinson, Harold D. Donohue, Thomas N. Downing, T. J. Dulski, John J. Duncan, Ed Edmondson.

Edwin Edwards, Joshua Eilberg, Walter Flowers, Gerald R. Ford, Edwin B. Forsythe, Bill Frenzel, James G. Fulton.

Don Fuqua, Cornelius E. Gallagher, Edward A. Garmatz, Ella T. Grasso, Charles H. Griffin, Seymour Halpern, John Paul Hammerschmidt, James M. Hanley.

Julia Butler Hansen, Orval Hansen, James Harvey, James F. Hastings, Ken Hechler, Henry Helstoski, Floyd V. Hicks, Louise Day Hicks.

Lawrence J. Hogan, Craig Hosmer, William L. Hungate, John E. Hunt, Andrew Jacobs, Jr., Charles R. Jonas, Walter B. Jones, William J. Keating.

Hastings Keith, Carleton J. King, Dan Kuykendall, Peter N. Kyros, Manuel Lujan, Jr., George H. Mahon, William S. Mailliard, James R. Mann.

Dave Martin, Robert B. Mathias, Dawson Mathis, Spark M. Matsunaga. Wiley Mayne, Romano L. Mazzoli, John Y. McCollister, Paul N. McCloskey, Jr.

James A. McClure, John Melcher, Clarence E. Miller, George P. Miller, G. V. Montgomery, F. Bradford Morse, Charles A. Mosher, John T. Myers.

Bill Nichols, Thomas M. Pelly, Peter A. Peyser, J. J. Pickle, Alexander Pirnie, W. R. Poage, Walter E. Powell, Graham Purcell.

John R. Rarick, Donald W. Riegle, Ray Roberts, J. K. Robinson, Howard W. Robinson, Robert Roe, Harold Runnels, Earl B. Ruth.

Paul S. Sarbanes, Herman T. Schneebeli, William L. Scott, Richard G. Shoup, Garner E. Shriver, Bob Sikes, John Slack, Henry P. Smith III.

M. G. Snyder, Floyd D. Spence, J. William Stanton, Sam Steiger, Samuel Stratton, Burt L. Talcott, Charles M. Teague, Olin E. Teague.

Fletcher Thompson, Charles Thone, Lionel Van Deerlin, Guy Vander Jagt, Victor V. Veysey, G. William Whitehurst, Jamie L. Whitten, William B. Widnall.

Charles E. Wiggins. Bob Wilson, Larry Winn, Jr., Wendell Wyatt, John W. Wydler, Gus Yatron, Roger H. Zion, Frank Horton.

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U.S. DELEGATION,
PARIS MEETINGS ON VIETNAM,
*May 6, 1971.*

Hon. CHARLES S. GUBSER, and Hon. W. C. DANIEL,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN GUBSER AND CONGRESSMAN DANIEL: Thank you very much for your letter of April 26 regarding prisoners of war. I thoroughly share your concern over North Viet-Nam's continued failure, to abide by the Geneva Convention and by accepted international standards in its treatment of our men.

Your suggestion that we seek the internment of prisoners of war in neutral countries is quite similar to what has recently been proposed here by our side at these talks. The representative of the Government of the Republic of Viet-Nam stated at the 108th Plenary Session on April 8:

"Specifically, the Government of the Republic of Viet-Nam is proposing, in conformity with Article 109 of the Geneva Conventions on Prisoners of War, that the other side agree to conclude an agreement with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity."

Later, at the 111th session on April 29, the same representative repeated this proposal and added that his government was prepared to facilitate the transfer of 1200 able-bodied Vietnamese prisoners of war who have been detained over a period of four years to a neutral country for temporary internment. He asked the Hanoi authorities for suggestions on the choice of a neutral government for that purpose.

We have strongly endorsed this proposal and have called upon the other side to accept it and to designate a third country on which we could agree for neutral internment of these men. We have made clear that our side is prepared immediately to conclude arrangements for such internment. At the same time, we have also called upon the other side to agree to similar arrangements for our men held by their forces

As you know, the President has noted with great satisfaction reports that the Government of Sweden has offered the use of its vessels and its territory to provide internment of prisoners of war from the conflict in Viet-Nam. We have expressed to the other side here his hope that Hanoi would move promptly to negotiate an agreement on this issue to take advantage of this humanitarian offer on the part of the Swedish government.

Unfortunately, we have had no positive response so far from those on the other side. The decision is clearly up to them, and we intend to continue pressing hard for their acceptance of these proposals.

I can assure you and your colleagues that this delegation will persist in its efforts to obtain a full accounting for our missing men and the proper treatment and earliest possible release of those held prisoner. I very much appreciate the support we have always received from the Congress for these efforts. I find your letter a most timely and encouraging example of this.

Sincerely,

DAVID BRUCE.

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## FORCED UNIONISM

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## HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FISHER. Mr. Speaker, a recent survey has confirmed beyond any doubt that a vast majority of the American people are opposed to legislation which would force farmworkers to pay dues to a union or lose their jobs.

The June 9 issue of the Odessa, Tex., American contains an excellent editorial concerning this recently completed survey. A copy of this editorial follows:

### Forced Unionism

Cesar Chavez is not going to like this: The American people, by a lopsided majority of 5 to 1, oppose legislation, which would legalize compulsory union membership for farm workers.

Sorry, Cesar, but that's the way it is.

A nationwide study of the public's attitude on forced unionism was made by the respected Opinion Research Corp. for the National Right to Work Committee (NRWC). In making known the results, Reed Larson, executive vice president of the NRWC, had this to say:

"The prevailing attitude is quite important at this time in view of the intense interest of many members of Congress in farm labor legislation." Somehow "quite important" doesn't seem adequate in this case. But on second thought it probably is. So—

The question posed by the research people was simple and to the point. The researchers asked: Would you want your congressman to vote for compulsory union membership for farm workers?

The results showed 68 percent of the respondents said no; 14 percent said yes; and 18 percent had no opinion.

It was an impressive victory for Larson and the Right to Work Committee. Larson said Sen. Carl Curtis, R-Neb., and Rep. Watkins Abbitt, D-Va., personally sent copies of the survey to their colleagues, and that Sen. Strom Thurmond, R-S.C., made the following statement on the senate floor:

"What the American people are saying, loud and clear, is that there should be no farm labor legislation unless the right to work of all farm workers is protected. It is true that there are some who hold the view that Congress would refuse to pass needed farm legislation unless it includes an authorization for compulsory unionism as a 'sweetener' for union bosses. This, of course, is precisely the same position in connection with the proposal for postal reform legislation introduced in 1969.

"As we know, Congress passed a postal reform reorganization bill in 1970 that included Right to Work for all postal workers. I am hopeful that this Congress will pass meaningful farm labor legislation—but to be meaningful it must include Right to Work protection for the worker against compulsory unionism. The American people believe this, too."

The survey results would seem to indicate that Americans have a decided distaste for forced union membership. The research people say the findings represent the thinking of 2,061 men and women 18 years of age, and over living in private homes in continental U.S.

The findings also serve to negate propaganda put out by supporters of Chavez and his United Farm Workers Organizers Committee that farm workers are falling over each other in a scramble to join the UFWOC. That kind of talk doesn't square with the facts.

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## STATEMENT REGARDING H.R. 1

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RHODES. Mr. Speaker, for the information of my colleagues I would like to insert in the RECORD a statement of the House Republican Policy Committee regarding H.R. 1, the Social Security Amendments of 1971:

### House Republican Policy Committee Statement on H.R. 1, the Security Amendments of 1971

"We will strengthen the Social Security system and provide automatic cost-of-living adjustments. . . .

"Welfare and poverty programs will be drastically revised to liberate the poor from the debilitating dependence which erodes self-respect and discourages family unity and responsibility." (Republican Platform, 1968.)

The House Republican Policy Committee supports the passage of H.R. 1, the Social Security Amendments of 1971.

President Nixon has described H.R. 1 as "an important landmark in the history of both social security and public welfare reform", and "the single most significant piece of social legislation to be considered by the Congress in decades."

H.R. 1 contains significant improvements in the Old Age, Survivors and Disability Insurance Programs and in the Medicare, Medicaid, and Maternal and Child Health Programs. Major provisions include: 1) automatic increases of future Social Security benefits commensurate with increases in the cost-of-living, 2) a liberalized retirement work-income standard, 3) greatly improved benefits for widows and widowers, 4) increased benefits for those working after age 65, and 5) extended Medicare, Medicaid and Maternal and Child Health programs, more efficient, more effective and more equitable.

The "core" of the bill, however, is fundamental reform of our present public welfare system, and provides requirements and incentives to individuals to work and earn.

The present welfare system has failed tragically; it does not provide adequately for those truly in need; it encourages family disintegration; it discourages self-sufficiency, capturing the poor in an unbreakable cycle of dependency—and all at a skyrocketing cost to the taxpayer.

The principal goal of H.R. 1 is to provide the vehicle by which every family in which there is an employable adult may become economically self-sufficient. The Opportunities for Families Program would, 1) require every employable adult to accept employment or training leading thereto, 2) expand federal support for training, placement, public service employment, child day care and other supportive programs, 3) encourage family unity by removing the incentives for parental desertion, and 4) provide financial incentives for recipients enrolled in work training. H.R. 1 will further provide basic assistance to families headed by unemployable or incapacitated adults under a Family Assistance Program, and a new and improved assistance program for needy, aged, blind and disabled persons.

Passage of H.R. 1 has been given the highest of priorities by the Republican Administration. The House Republican Policy Committee urges support of this "momentous step" in social security improvement and welfare reform.

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## ANOTHER EXAMPLE OF RETRAINING FAILURES

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HANNA. Mr. Speaker, as a follow-up to my June 16 speech on the lack of job opportunities for retrained aerospace workers, I am submitting a letter from Mr. George Wandrocke of the Pacific Southwest Universities Air Pollution Association. The letter is another illustration of the magnitude of the problem confronted by the people who want to devote their skills to the improvement of the environment and have found that opportunities to do so are in short supply.

The letter tells of 40 retraining graduates, none of whom were able to find work. I indicated on June 16 that only 28 of 300 retrained people had found jobs. No we must add zero out of 40 to the figures I presented earlier.

The letter also helps to highlight the importance of the hearings held by the Science and Research and Development Subcommittee on H.R. 34. The letter provides another bit of evidence to the case for passage of the bill:

PACIFIC SOUTHWEST UNIVERSITIES
AIR POLLUTION ASSOCIATION,
*June 23, 1971.*

DEAR CONGRESSMAN HANNA: I thought I might be able to provide you with some data in regards to placement of "retrained" aerospace engineers for your current hearings. Out of 20 students in our institute and after two months of effort *none* have been placed as a result of my efforts nor have any of the last 40 graduates. I was able to expose them to 50 jobs in various locations of the country at salaries from $8,000–12,000/year but was unable to stimulate any great interest. It is apparent that the alternatives in opportunities are not attractive enough to hire them.

The institutes providing the training are often not in tune with the day to day problems of the trainees nor are they aware of the additional information or effort needed to make the trainees more "sellable." That information should include guidance in receiving federal civil service ratings where many of the opportunities are in federal government, professional registration where local civil service agencies require it, interview, travel and relocation benefits available through Displaced Persons Project (or similar) or any other information relating to placement improvement. In many cases the problem lies not with the individuals abilities but with his inabilities . . . to write a resume, to perform in an interview and to sell himself.

Very sincerely yours,
GEORGE WANDROCKE.

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## FESTIVAL PLAYERS OF CALIFORNIA

## HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. REES. Mr. Speaker, the Festival Players of California, Inc., has recently completed their 12th concert season, and I would like to take this opportunity to commend their worthwhile activities. The festival was conceived to give children, especially those who are culturally deprived, the opportunity to hear and appreciate some of the world's finest classical music. At a time when modern society tends to constrain a sense of community, the Festival Players have performed an outstanding service in combating this erosion of personal involvement and personal sacrifice for the benefit of others.

Under the dedicated direction of Dorye Roettger, the Festival Players of California have won enthusiastic acclaim throughout California. In thousands of performances in public and private schools, in extensive concert tours of California and neighboring States, through the production of educational recordings and films, and in the Players' original artistic apprenticeship project, where young people participate in actual concert performances, the players are realizing their ultimate goal of offering not only wholesome entertainment for young people, but an educational stimulus for their continued interest and personal involvement in the great cultural achievements of mankind. In bringing fine music and fine arts experience to thousands of young people, this nonprofit organization deserves the highest praise. Their work is a source of inspiration to the Nation.

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## PERSIAN GULF DISCUSSED IN MONITOR SERIES

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HAMILTON. Mr. Speaker, John Cooley of the Christian Science Monitor has just completed a series of articles on the Persian Gulf, an area that should be of increasing interest to Americans as the British withdrawal from the region is completed.

I commend the series to my colleagues.

The articles follow:

### PERSIAN GULF IS YAWNING AWAKE

(By John K. Cooley)

AL MANANAMAH, BAHRAIN.—From the new oil ports of Iran, Iraq, and Kuwait southward to the ancient sultanate of Oman, the Persian Gulf is on the move.

After centuries of slumber in the backwaters of Portuguese colonialism, Arab piracy and slave trading, and Britain's Indian Ocean trading empire, the gulf's people have awakened with a start.

Suddenly they see around them swift change and modernization in education, manners, and technology. Stirring among them is a sudden sense of their own importance at the center of the main oil supplies of the Western and Eastern worlds and as a hub of world communications in the age of satellites.

This breakneck change and above all the sense of change are converting the Persian Gulf—as its Arab citizens prefer, the Arabian Gulf—into one of the world's most exciting and economically adventurous frontier regions.

Every ideology, from raw, 19th-century capitalism to the Chinese-style Maoist socialism of the guerrillas on Oman's southern coast, is found here, sometimes in rough conflict and sometimes in easy coexistence.

The official commitment of Britain and the British to direct the gulf's affairs ends, except in Oman, Dec. 31.

#### INDEPENDENCE EXPECTED

Bahrain, a cluster of agreeable, subtropical islands where good British education and wise use of natural resources have brought prosperous maturity, and Bahrain's wealthy but politically less mature neighbor, Qatar, both expect to be fully independent.

The equally wealthy Trucial States of Abu Dhabi and Dubayy, and their five smaller and much poorer cousins, Sharjah, Ras al Khaymah, Umm al Qaywayn Ajman, and Al Fujayrah, are hoping and groping for some kind of economic if not political togetherness with their rich neighbors.

The Sultanate of Oman, emerging from total isolation and backwardness imposed by the 38-year rule of a tyrant, Sultan Said bin Taymur, whom his son Qabus and the British finally deposed last July, needs the neighborly help of all the world, but finds itself unable to join in any gulf experiments in political federation. As evidence of its "coming out," Oman has applied for membership in the United Nations.

The 1 million or so inhabitants of the Arab side of the gulf are a bewildering mix of Arab, Iranian, Bauuchi, Indian, Pakistani, and European technicians, traders, fishermen, shepherds, and soldiers of all descriptions.

#### A PAPER FEDERATION

The federation that Britain and the gulf rulers hoped would emerge has remained so far on paper only. "The destinies of the gulf people," says a very senior British official now busy trying to make Britain's exit as graceful as possible, "will be decided not in London, Bahrain, Kuwait, or Abu Dhabi. It will be decided in Riyadh and Tehran," the Saudi Arabian and Iranian capitals, respectively.

Saudi Arabian King Faisal and the Shah of Iran are both anxious that Britain should not be replaced by another big power. Each would like this role for itself. Most of the gulf's leaders conceive their own politics in terms of their ties with either Saudi Arabia or Iran, and many believe an early collision between growing Iranian power and burgeoning Arab aspirations to be inevitable.

Yet politics and defense are the concern of only a tiny minority in the gulf. Most of its residents are absorbed in making money fast; in trying to predict and shape the patterns of jet-age change and in importing and learning to use the tools of the 20th-century education and technology.

#### TECHNOCRATS TORN

New-style men are shaping the new gulf with the help of some old-style ones. They include gold traders, arid-zone scientists, petroleum and industrial engineers, former colonial administrators, and others who find themselves suddenly confronted with the responsibilities of power.

Today's typical gulf technocrat, like Dubai's Mehdi al Tajjer, the Dubai ruler's multimillionaire adviser on "rulers and petroleum affairs," is often a man torn between two goals; building the prosperity of his own state and hence competing with neighbors who are doing precisely the same things, but realizing that this prosperity must somehow be made to fit into the larger mosaic of the region.

Mr. Tajjer began his career as a British-trained civil servant in Bahrain before making a fortune in Dubai's thriving transit trade. He sees it this way:

"Duabi's future lies in trade. There is no point in creating industries in places where there is no demand and no aptitude, just for prestige."

#### "NOT BY OIL ALONE"

"Trade has brought us prosperity," he said. "Oil income is welcome as a supplement, but economies based on oil alone"—the case in Dubai's next-door neighbor and rival, Abu Dhabi—"are not healthy or growing economies."

In Bahrain, however, the dynamic head of the development board, engineer Youssef al-Sharawi, has a different view:

"Industry is the answer for an island like Bahrain. We have enough natural gas to power the whole gulf for the next 70 years."

### POLITICAL FUTURE ROILED: PERSIAN GULF HARBORS RICHES—AND EDDIES OVER OWNERSHIP

(By John K. Cooley)

ABOARD A PERSIAN GULF OIL PLATFORM

"Who," asks Alvin Toffler in his bestselling book Future Shock, "owns the bottom of the ocean and the marine life that covers it?"

The question has total relevance to the vast reserves of oil, natural gas, and minerals under the Persian Gulf.

"Ocean mining," as already carried out for coal by Japan, is the new giant step in the race to unlock the huge power resources buried here.

On both Arab and Iranian sides of the gulf the tangled questions of what company, sheikh, or consortium owns which offshore oil and gas concession increase the complexity of the gulf's political future, as Britain relinquishes its defense and political commitments here this year.

A bewildering network of agreed and disputed demarcation lines crisscrosses the gulf's maps. Some neighbor states, such as Dubayy and Abu Dhabi, and Bahrain and Saudi Arabia, have agreed on joint exploitation of fields in "gray" zones touching concession areas in both.

#### GUNBOATS NOW AND AGAIN

In others, near the outer limits of concessions in midgulf, companies and rulers have preferred to leave the lines undrawn. Here the rich offshore fields approach what Iran, determined to be the gulf's major power, considers its own territorial waters.

On rare occasions Saudi Arabian, Iranian, or British gunboats show their countries' flags in "no trespassing" warnings.

Intercompany relations, however, are generally good. On June 21, 17 Western oil firms operating in the gulf are to meet in Bahrain to take joint action to halt growing oil pollution of the gulf, where more than half the entire world's oil supplies passes through the Strait of Hormuz—one potentially polluting tanker every 20 minutes.

From this vantage point 60 miles out in the gulf, where about 40 oilmen of half as many nationalities live and work together on an artificial island standing on stilts in the tepid sea, the shape of a new kind of industrial life on the high seas is clearly emerging.

#### HUGE STORAGE VESSEL

In turquoise water patched with the darting whites and yellows of great schools of fish, the Dubayy Petroleum Company (DPC) operates the world's first underwater storage tank.

Chicago Bridge & Iron Corporation built the tank, called Khazzan 1 and shaped like an inverted steel champagne glass. Despite its concrete lining it was floated and towed into position out here in August, 1969. Of its 205-foot height and 270-foot diameter, only this 40-foot tower protrudes from the gulf's surface.

The tank system and extensive automation make this immense sea-bottom oil field, called Fateh (Arabic for "the unfortunate," bearing no relationship to the Palestinian guerrilla group of the same name), both cheap to operate and self-contained.

Supertankers load directly here at sea. Boats and helicopters move personnel and supplies back and forth.

#### NO ONE HAZARDS ESTIMATE

No one, least of all Sheikh Rashid or DPC, a wholly owned subsidiary of Continental Oil Corporation of the United States, or DBC's French, German, and Spanish partners, were willing to estimate the reserves of the Dubayy offshore field. It adjoins Abu Dhabi's offshore marine area fields operated by British Petroleum, Compagnie Francaise des Petrôles, and three Japanese companies.

Both Abu Dhabi and Dubayy are already well in the 20 million to 30 million-tons-a-year production bracket, though Dubayy has been a commercial producer only since 1969. Each state has a population of less than 100,000, whose per capita income is already soaring close to the world high levels of Kuwait and the United States.

#### WELFARE STATEHOOD PUSHED

Each, after late starts, is spending its money to convert to total welfare statehood where most everything in life is free.

In Oman at the gulf's southern end, oil money has to provide schools, housing, hospitals, roads, and all the other bare essentials which were almost totally denied the sultanate under its former despotic ruler, Sultan Said bin Taymur.

Despite an almost total stoppage of work in the kingdom amid the explosion of popular joy following Sultan Said's dethronement by his son Qabus last July, Petroleum Development (Oman) managed to export more than 17 million tons in 1970.

In its total isolation Oman had no labor laws. But exiled Omanis now returning from abroad, many from lucrative oil jobs up the gulf, are bringing with them demands for social services, fringe benefits, and wages of the more sophisticated gulf states.

Working on this is Nasser Abu Ali, Omani social-affairs director who lived in exile in Britain for years. He is one of a handful of overworked Omani civil servants who, he says cheerfully, "are responsible for just about everything."

#### AMERICAN GAINS CONCESSION

Off Oman's south coast, east of the province of Dhufar, where a tough, Chinese-backed guerrilla rebellion rages against the British-officered army of Sultan Qabus, American millionaire Wendell Phillips has acquired a personal oil concession for offshore exploration about 400 miles long and 40 miles wide.

In Qatar, north of Abu Dhabi, with about 100,000 people, the oil has been flowing for more than a decade.

It is produced by subsidiaries of the Western-owned Iraq Petroleum Company, Japanese firms, and Shell. A new American independent, Southeast Asia Oil & Gas Company, moved into Doha, Qatar's capital, with an offshore concession granted in March, 1970.

#### BAHRAIN'S INTEGRATED SETUP

Bahrain is the only gulf state benefiting from a 34-year-old integrated oil and natural-gas industry. Bahrain Petroleum Company, a Caltex subsidiary, produces relatively small but steady amounts of crude and refines much of it into gasoline and other products on the spot.

Bahrain's natural-gas fields, so huge in reserves that they are still only partially charted, pump power to the refinery and generate electricity for Bahrain's more than 200,000 people, as well as for the big new aluminum smelter which has just begun operating outside Al Manamah, the capital.

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### Reds Resisted: Oman Tugs Economic Bootstraps

(By John K. Cooley)

MUSCAT, SULTANATE OF OMAN.—Guerrillas fighting the Omani Government in Dhufar, Oman's southwestern province, say they want to establish Chinese-style communal government and economies throughout the Persian Gulf.

The gulf's rulers and diplomats are scurrying between one another's capitals, seeking to form some kind of larger political federation or other grouping of the gulf's 10 states that could prevent such an outcome.

Though the political efforts seem to have bogged down, the gulf's native and Western planners are testing two basically different types of economic answers to the guerrillas' Marxist theories of revolutionary terror—detribalization and self-help.

Each type requires application of Western technology. One method imports this and imposes development, in a sense, from the top down. Such an experiment is going on in the scientific use of seawater to farm desert land in the sheikhdom of Abu Dhabi.

#### OTHER METHOD HARDER

The other method consists of building simple basic development units from the bottom up for a population now lacking even basic essentials. This is about to get under way here in Oman, an ancient and once rich country depopulated by despotic rule and resulting ignorance, disease, and malnutrition.

Former Sultan Said bin Taymur, who ruled a diminishing population of around 1 million in a country the size of Minnesota, allowed his people no roads, schools, nor hospitals.

For 18 years an American church mission here provided schooling and health, almost the only facilities in the entire sultanate. Now Prime Minister Tariq bin Taymur's government is preparing to award a contract to a European firm to build six "basic living" compounds near main Omani towns.

#### POWER, WATER, AND POLICE

"The idea is simple," says Salloum al-Shaksi, one of the many former Omani emigrants who grew up in East Africa and who returned to develop their country after Sultan Said's son, Qabus, overthrew his father last July and opened the country to the world outside.

"Besides a school and public-health center each unit will include its own electric power station, driven by diesel generators, water supplies provided by artesian wells and springs, and a police station."

Each package unit will serve towns of around 15,000 or more. Each will serve about another 25,000 persons in the surrounding deserts or mountains.

The cost for all six units is estimated at a modest $9 million.

#### SCHOOLS SPROUT

A year ago all Oman had scarcely two elementary schools worthy of the name. Now, 12 modern primary and elementary schools are already open, including a new girls' school in Muscat, where 1,200 girls attend in two shifts. Twenty more elementary schools, including the six in the compounds, are planned.

"At the start we want quality, not quantity," says scholarship director Ali al-Quadi, a Palestinian to whom the old sultan granted citizenship. "We have about 220 teachers in the country now, mostly former Omani émigrés except for 15 Palestinian men and women."

Oman's concept of growth upward from nothing contrasts with an advanced water power-agriculture project on Sadiyat, a desert island that is part of the shiekhdom of Abu Dhabi. Abu Dhabi's ruler, Sheikh Zayed, agreed in 1969 to finance its start for the arid-lands research center of the University of Arizona, which provides the know-how.

The center distills seawater, generates electricity, and grows vegetables and fruit in desert sand through chemical nutrients sprayed in pressurized plastic greenhouses where the high temperature and humidity are controlled.

#### TECHNIQUES FROM TUCSON

Acording to the Sadiyat program's directors, Drs. James Riley and Miguel Fuentes, the center has imported techniques already studied in Tucson and at the center's experimental station at Puerto Penasco, Mexico.

Lettuce that would take three months to grow in the Temperate Zone greens in giant heads here in three weeks. New heat-resistant tomato strains are being developed Some 100 Abu Dhabi employees, four of whom have been to the United States and Mexico, are getting basic schooling, then on-the-job training in various farming and engineering techniques.

"We'll go commercial this year," says Dr. Riley. "The center will produce food for Abu Dhabi at a time of year when normally everything has to be imported."

The center also lends its know-how to Abu Dhabi government land projects in the Al Ain oasis inland. Dr. Hamdy Qaifisheh, a Jordanian scientist who has written a textbook of modern gulf Arabic, says, "By showing people new ways of using seawater and sand to grow food we are breaking down the traditional Arab disdain for creative manual work—the reluctance to get one's hands dirty, which has been a bane of all development in the Arab world."

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### British Withdrawal Nears: Persian Gulf Looks for Friends

(By John K. Cooley)

BAHRAIN, PERSIAN GULF.—The United States seems bound to play a large part in answering the question of what happens here after British military and political power are phased out at the end of this year.

The biggest part of this question is the projected union or federation of Arab emirates. It has remained on paper since first proposed after the British withdrawal announcement in 1968.

Each gulf state has differing notions about the would-be federation's powers, the site of its permanent capital, the makeup of its legislature and its financial and defense arrangements.

#### POSSIBLE DEFENSE BASE

Britain hopes the latter may be based on the British-officered Trucial Oman Scouts force now based in the emirate of Sharjah and on the Trucial States' development council, which has promoted the financing of useful development projects from oil revenues.

And oil lies at the heart of the gulf dilemma—with the steep world-oil price hikes decided at Tripoli and Tehran conferences earlier this year underlining the situation.

"The U.S. will be forced to keep an eye on the gulf whether it wants to or not," warns one American high up in the oil industry in the gulf.

#### OUTSIDE SUPPORT SOUGHT

Although Western Europe and Japan are the main customers for the gulf's prodigious reserves of oil, the speculation here is that it is the United States which is going to have to shoulder most of the burden of ensuring their security.

Now that British withdrawal is drawing closer, the gulf's rulers are fishing for outside political and moral support, as Saudi Arabia and Iran, the gulf's big rivals, carefully watch.

Kuwait's Foreign Minister and the deputy ruler of the state of Qatar recently were in Cairo, seeking advice from Egyptian President Sadat who earlier dispensed it to Sir William Luce, Britain's roving gulf envoy, who has been trying to patch the federation together.

Another bid for outside support is the membership applications of the Sultanate of Oman to the United Nations and the Arab League. Sultan Qabus, Oman's reform-minded ruler who managed with British help to oust his despotic father last July, is trying to end his country's 40 years of isolation.

#### ARAB CAPITALS TOURED

Qabu's uncle sent diplomatic missions to Arab capitals and one June 2 formally applied for admission to the United Nations.

In a kind of "straw vote," the UN in which it was admitted to the World Health Organization, Oman was opposed only by Albania and South Yemen.

Another foreign power in the area is Peking which backs a guerrilla movement in Dhufar, Oman's southwestern province, which has pretensions in the entire gulf.

Yet another and older current of opposition to the Omani regime in Muscat is still generated by the Imam Ghaleb, an Omani religious leader now exiled in Saudi Arabia who led an unsuccessful war against Qabu's father in the 1950's.

Some Arab governments are highly suspicious of Sultan Qabu's British-officered Army and because of past British political influence in the country and control of Oman's few past relations with the outside world.

Last March 2 the U.S. State Department spokesman said the U.S. would not replace Britain as "protecting power" in the gulf. He praised the interest of Saudi Arabia, Kuwait, and Iran in assuring gulf stability and said the "fundamental interests of Britain and the United States" were not endangered by the British pullout.

This statement came several weeks after three Soviet warships cruised through the gulf. This was a rare event since closing of the Suez Canal has forced Soviet warships in the gulf and Indian Ocean to take the long sea routes around Europe and Africa.

Bahrain, the only visible symbol of U.S. power in the gulf now, is the site of the Middle East force of the U.S. Navy. This consists of two destroyers (sometimes only one) and an auxiliary ship based in Bahrain. They have no connection with the U.S. Sixth Fleet in the Mediterranean and their commander, Rear Adm. Marmeduke G. Bayne, takes orders only from Washington.

### SURROUNDINGS NOTED

Admiral Bayne's headquarters here is within easy hailing distance of the office of Britain's senior gulf administrator, Sir Geoffrey Arthur, the British Resident, and of the main British military headquarters which is phasing down.

Bahrain's Crown Prince and Defense Minister, the son of Sheikh Issab Ibn Sulamn al-Khalifa, the ruler, recently flew to the United States for a year's work at the U.S. Army's general staff school at Ft. Leavenworth, Kans. Both Bahrain and Abu Dhabi have made training arrangements with the U.S.-supplied armed forces of Jordan.

Bahrain's busy port may take on new significance if, as expected, the Organization of Arab Oil Exporting Countries (OAPEC), which met in Kuwait in early June, finally approves construction here of a fleet of Arab tankers and of a $300 million drydock, the only one between Singapore and Amsterdam capable of handling supertankers.

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## SOUTH CAROLINA GENERAL ASSEMBLY CONCERNED ABOUT TRADE WITH COMMUNIST CHINA

## HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DORN. Mr. Speaker, the South Carolina General Assembly has unanimously adopted a resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets by still another low-wage nation. This resolution was authored by State Senators Lake, Bonner, and Long, all outstanding members of the South Carolina General Assembly Textile Committee. I commend this important resolution to the attention of my distinguished colleagues:

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO EXERCISE EXTREME CAUTION IN OPENING TRADE RELATIONS WITH COMMUNIST CHINA AND TO IMMEDIATELY MAKE PROVISIONS FOR ESTABLISHING POTENT SAFEGUARDS TO PREVENT FURTHER EROSION OF DOMESTIC TEXTILE MARKETS BY STILL ANOTHER LOW-WAGE NATION

Whereas, the President of the United States has lifted restrictions on trade with Communist China in forty seven categories, including textile products and machinery; and

Whereas, it is believed that Communist China has a large textile industry, and the President's action simply opens another source of low-wage textile imports that further imperil the wages and jobs of thousands of Americans; and

Whereas, there seem to be no reliable indications at this time that substantial exports can be sent to Red China so far as textiles are concerned; and

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, the revenues of the State Government, county governments and municipal governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short-time, manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, the opening of trade with Red China adds still another competitive burden on the American textile industry and its employees. Now, therefore,

*Be it resolved* by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to immediately take steps necessary to safeguard the American textile industry against further serious inroads into its markets by placing appropriate restrictions on all such items that might be imported into this country.

*Be it further resolved* that copies of this Resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, to the Secretary of Commerce and the Secretary of State of the United States.

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## THE AMERICAN CONSUMER AND PRESCRIPTION DRUG PRICES

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ROSENTHAL. Mr. Speaker, one of the most important aspects of consumer protection concerns itself with the pricing of prescription drugs. The late Senator Estes Kefauver brought this question to public attention as early as 1959. Almost 8 years later, Senator GAYLORD NELSON began probing this problem with his Senate Monopoly Subcommittee. Now, 4 years after the Nelson hearings, the uncertainties and problems of drug pricing are as great as ever for the American consumer.

We have long been aware of tremendous price differences for the same prescription drug from pharmacy to pharmacy within a single neighborhood throughout this country.

Now, we have evidence that even the lowest U.S. prices are frequently higher than those charged for the identical drug sold in Europe and South America, even when these drugs are produced and exported by American manufacturers.

These higher prices at home are made possible by U.S. patent standards which are, in effect, anticompetitive. It gives the drug manufacturer a great amount of leeway in which to price their drugs. This creates an exclusive vacuum for the sole distributors of certain drugs. These practices are revealed by an article in today's Washington Post by Morton Mintz.

All of this information points up the need for penetrating public scrutiny to find out how this happens and what must be done to protect the American consumer from arbitrary high-pricing practices.

To meet the problem of prescription drug pricing in the United States, I have introduced legislation—H.R. 4432—that would allow retailers to advertise prescription drug prices. This would give the consumer more freedom in choosing where he will get his prescriptions filled at the lowest prices possible. The consumer has an undeniable right to know the price of the products he needs and wants; this includes the right to compare prices for like items. Too often, merchants hide behind the cloak of so-called professionalism in refusal to permit price advertising. This protects high prices and inefficient operations, and unfairly harms the consumer. Drug price advertising is all the more important in these times of rapid increase in cost of living.

I am inserting into the RECORD an article by Morton Mintz of the Washington

Post. This article, which clearly delineates the tremendous drug price differences between the United States and other countries, follows:

### TWENTY U.S. DRUGS COST LESS IN EIGHT OTHER NATIONS

(By Morton Mintz)

A new government study shows that manufacturers of 20 popular prescription drugs charge druggists in the United States much higher prices, generally, than they charge pharmacists in eight other countries.

In the case of Darvon, a painkiller that American doctors prescribe more often than any other drug in the years 1967 through 1969, the price was more than four times higher here than it was in Ireland.

Similarly, American druggists pay more than three times as much as their Irish counterparts for: Elavil, a Merck antidepressant; tolbutamide, an oral antidiabetes pill Upjohn sells as Orinase; Librium, a Hoffman-LaRoche tranquilizer sedative; chlorpromazine and trifluoperazine, antidepressants that Smith Kline & French sells as Thorazine and Stelazine, respectively; meprobamate, a sedative/tranquilizer Wyeth Laboratories tradenames Equanil; Doriden, a CIBA sedative and a penicillin that Lilly sells here as V Cillin K.

In other cases, the lowest prices among the eight countries were found in Brazil, Sweden and the United Kingdom, but never in the United States. The highest prices for 12 of the 20 drugs were those charged in this country; three each were higher priced in Canada and Italy, and one each in Brazil and Sweden. Other countries in the survey were Australia and New Zealand.

Edmond M. Jacoby and Dennis L. Hefner, who did the study for the Division of Health Insurance Studies of the Social Security Administration, point out that Ireland, along with New Zealand and the United Kingdom negotiate with pharmaceutical firms for lower drug prices.

Italy and Brazil actually set drug prices, and Sweden regulates them. Australia considers the price of a medicine in deciding whether to include it on the list of drugs for which the government provides reimbursement.

The authors, whose report was published in the May Social Security Bulletin, also note that the United States grants drug manufacturers 17-year patent monopolies, not only on production processes, but on products, as well.

Brazil and Italy grant no patents at all on pharmaceuticals, Jacoby and Hefner say. Sweden grants them on processes alone. The other countries in the study issue patents on processes and products, as does the United States.

Jacoby and Hefner say their data does not reveal the extent to which price variations are caused by "real economic factors," such as differences in labor costs and sizes of markets.

But, they say, "General knowledge of the problem suggests that it would be unwise to assume that price discrimination exercised by drug producers is a minor factor." They go on to say:

"The study shows that prices in the United States for these (the 20) drugs are generally higher than in any other country studied. The lowest price for any drug was usually about one-fourth the highest price. . . .

"Although certain countries exhibited tendencies toward a high or low level of prices, these levels were not consistent for all products. . . . For one category of drugs—tranquilizers—U.S. prices were highest in every case.

Yet for * * * antibiotic, the U.S. price was among the lowest observed."

The authors did not note that this product, which is tetracyline, is highly competitive in price because a patent monopoly was broken in court.

The authors continued:

"The price for Polycillin (an antibiotic) was much higher in Brazil than in any other country, yet for five drugs Brazil had the lowest price. . . .

"Australia, Ireland and Sweden pay part of the retail price of prescription medicines. In Sweden, payment is for one-half of that portion of the price between $1 and $3 and for everything over $3.

"In Ireland, payment depends on the patient's income; in Australia, payment is for everything except a nominal co-payment fee.

"For medicines to treat certain chronic diseases all three countries pay the total price.

"The United Kingdom and Italy pay the full retail price for medicines. New Zealand pays for the least expensive brand of a drug.

"These six governments therefore have a direct interest in the prices at which pharmaceutical items are sold."

The study grew out of an earlier investigation by the Task Force on Prescription Drugs, which the Department of Health, Education and Welfare created in the Johnson Administration.

In the fiscal year now ending, "pharmaceutical services" in HEW-sponsored health care programs will amount to about $1.4 billion, out of a national total of more than $7 billion, the study says.

About a decade ago, the late Sen. Estes Kefauver (D-Tenn.), as chairman of the Senate antitrust subcommittee, established that pharmaceutical houses frequently were charging American druggists more than druggists in countries as distant as New Zealand, even for medicines manufactured in the United States and shipped abroad.

In 1967 Sen. Gaylord Nelson (D-Wis.), chairman of the Senate Monopoly Subcommittee, established that such pricing disparities were persisting.

He brought out, for example, that CIBA's price to druggists for 100 0.25-mg. tablets of Cerpasil, its brand of reserpine, which often is used to lower blood pressure, was $4.50 in the United States—but $1.05 in Bonn, $1.19 in London, $1.24 in Bern, $1.56 in Vienna, $1.52 in Rome, and in Mexico City, $3.00.

Pressed to explain, Charles T. Silloway, then president of the Swiss firm's United States subsidiary, testified about such things as "differing economics" in various countries and "local circumstances."

Nelson said, however, "In every single instance where competition occurs the price is far lower." He also emphasized that the United States grants patent monopolies on both processes and products, while many other nations do not.

## THE PLIGHT OF THE BALTIC NATIONS

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. VANIK. Mr. Speaker, this month marks a tragic anniversary, the 31st year that the Baltic nations of Lithuania, Latvia, and Estonia have been denied their freedom and have been under the subjugation of a foreign power.

On June 15, 1940, the Soviet Union, then working in cooperation with Nazi Germany, invaded the three Baltic republics and imposed their rule on these formerly free nations. A brutal occupation followed with massive deportations of the resident populations. To date, nearly a quarter of the population of these three republics has been removed from their native homelands. This attack on the liberty of these peoples was met with resistance. It is estimated that during the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters alone have lost their lives in a magnificent resistance movement. Although armed resistance has ceased, the spirit of liberty continues in the hearts of these brave people. They live in the hope and belief that some day independence will once again be theirs.

It is our duty to hold, always, the torch of liberty, the example of freedom up high, so that the captive and enslaved peoples of the world may continue to hope and aspire for the return of freedom. By our every example, by our every action, we must stand forth as the champions of independence for all people, everywhere.

I would like to take this opportunity to comment on the rich heritage of cultural diversity and the contributions to liberty which immigrants to America from the Baltic nations have given to this country.

This summer's Smithsonian Folk Art Festival on the Mall in the Nation's Capital is giving special recognition to the crafts and cultural background of the people of Ohio. Among the groups which will be represented are Americans of East European descent. These people, whose homelands are, for the most part, now denied the liberty which is the recognized right of mankind, will demonstrate the crafts and skills which their fathers brought to this Nation—and which helped make this Nation great.

As we participate in this festival on the Mall, let us rededicate ourselves to the cause of freedom which has been denied their homelands.

## HEROIN ADDICTION IN INDOCHINA

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WALDIE. Mr. Speaker, the real tragedy of our involvement in Southeast Asia is reflected in some recent correspondence I had regarding the son of one of my constituents who returned from serving in Vietnam with an undesirable discharge because of drug addiction.

There is a great deal of discussion and planning now for rehabilitation and treatment centers to care for men in this same situation. While I support these plans I do feel that they are missing the main thrust of this tragedy. We must direct our efforts toward withdrawal so that no longer will our young, healthy men be thrust into the horrors of that war and seek drugs as their only escape. I include these letters in the RECORD in the hope that they will bring the full impact of the war to those who would delay that withdrawal:

April 24, 1971.

Hon. Jerome R. Waldie,
*House of Representatives,*
*Washintgon, D.C.*

Dear Congressman Waldie: I have received the reply from the Army relative to my brother, (——— ———). However, the Army has failed to supply the most important information concerning my brother's situation. We, his family, have painfully received this information firsthand and all its heartbreaking ramifications. As far as I'm concerned the Army has shipped home one of the 30,000 walking dead.

While Colonel Proudfoot's letter lists the charges brought agains my brother—and I have no argument against these charges—he forgets to state that at the time this incident occurred (——— ———), a heroin addict, was trying to "kick the habit" and was "coming down" on his own. His addiction was known in Chu Lai, for he had, prior to this incident, applied for the Amnesty Program but had dropped out. Since he was only allowed to go to Amnesty once, he was trying to break his habit on his own. It is interesting to note the way in which the Army treated his sickness—in my brother's case. An addict is locked up, not treated for his sickness, and then discharged undesirably with this grave war wound.

Yesterday, in the Capitol, veterans flung their medals back. How does my brother fling his war medal back—his tortured mind—his punctured arm—his shattered life? My brother needed psychiatric help long before he went to Vietnam, but he was not a heroin addict. That wasn't the answer to the horrors of life in the field, but as you know, that is the unfortunate escape route so many soldiers take.

Now my brother is fighting for his life. He is struggling to stay off the needle. But he has been stripped of all his veteran benefits and his own self esteem is so low that I really doubt he will make it. Unfortunately, my parents are not able to accept addiction as a sickness, but look on it as criminal activity and my father, who served 22 years in the "old" Navy, cannot comprehend, let alone accept, the heartbreak of heroin. And my brother is presently living in this tense situation—trying to piece his shattered life together. Of course my father is also heartbroken about his discharge too. My brother says that after it was known that you helped get him out of the field, undue pressure was exerted on him and that this incident in Chu Lai was a result of that pressure.

I want you to know that my family is very grateful for your help and efforts on behalf of (——— ———). My brother was a weak and disturbed person when he went to that insane, immoral war. Now he is a weak, disturbed heroin addict. Also, I am not trying to excuse my brother or his weaknesses. I desperately want him to receive psychiatric help—but I am bitter about his treatment in Vietnam. He was not treated as a war casualty, as a sick person. He was treated as a criminal and discharged as undesirable. This is punishment, not rehabilitation.

While (——— ———) remains alive there is hope. But his self-esteem is so very low that I do not know how long he will be alive. I have tried to help him—have tried to get him to go to one of the drug rehabilitation programs, but he is so confused and trying to "please" my parents that he won't admit to them or himself that he needs to go. He's getting very shakey lately. I have seen the look of desperation in his eyes. Being off the needle is not enough to keep him off. He must have something to live for. School is out because his G.I. benefits are gone. Jobs are scarce and with an undesirable discharge the outlook is rather grim.

I really don't know if there's anything else you can do for my brother. But I hope that you can do something to stop this immoral, inhumane, criminal treatment of boys who turn to heroin in the service. The Army does very little to stop the flow of these killer drugs, but then punishes those afflicted with the sickness. Insanity reigns these days.

Again, Mr. Waldie, thanks for your efforts on (——— ———) behalf. He would like to write you, but is really unable. He told me to thank you very much for your help.

Peace,

(Name withheld.)

P.S.—Sorry this is so long. I know you're a busy man, but it isn't something you can say in a paragraph or two.

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June 5, 1971.

Hon. Jerome R. Waldie,
*Cannon House Office Building,*
*Washington, D.C.*

Dear Congressman Waldie: I am very glad that upon our meeting last evening I could personally thank you and your staff for all their efforts on behalf of my brother (——— ———). As I said last night, you have my family's permission to put my *letter of April 24th* into the Congressional Record. We would be very grateful if your office could send us several copies of the record when the letter is entered.

I have been unable to answer your letter because the situation with my brother had worsened. He had moved out of my parent's home and was living with a pusher. He was once again on heroin and my husband and I physically removed him from his depressing and self-destructing environment. We brought him here to live with us and my husband, who is a community organizer, was able to get (——— ———) into Opportunities Industrialization Center where he is now enrolled in a welding class.

But (——— ———) is by no means in the clear. Most recently he has started to talk about the horrors of the war, the atrocities he committed. He has trouble concentrating at OIC because the war and his guilt is always on his mind. He has nightmares and cannot get a good night's sleep. As he says, "I can't seem to get my head straight". When I returned home from the cocktail party last evening I told my brother of my conversation with you. He was drunk or stoned out of his mind—but not on heroin. He sat there, the tears rolling down his face, and told me how hurt he was when he'd killed a little puppy. And then there was the family he almost blew up just for the hell of it. And the rice paddies his truck ran over as the "pappason" pleaded with him not to. And there was the women he killed and other accompanying atrocities that the heroin had blocked out. He is still in that insane war. He relives it every day and every night. He is "rotten", "evil", etc. He was very drunk and angry at himself for what he'd done.

I'm trying to get him involved in the Veterans Against the War. Then he can turn his anger and guilt into constructive action to try to abolish "the green machine"—to end the draft and to bring the boys home. Right now all his anger and "evil" feelings are directed against himself, not those who made him kill and then sent him home with an undesirable discharge and a heroin addiction.

I have read what the President proposes to do to stop the heroin addiction in Indo-China. I think his approach is inadequate and I know that the only answer is to bring the boys home and to end this insane war. At least the problem is being recognized. But so far no one has said anything about getting help for those addicts who have been returned home—with their shattered lives, their undesirable discharges and their heroin habit.

I am sure that my brother is only one of hundreds or even thousands who has been discharged undesirably and stripped of his benefits. The government is leaving him with a bleak future and is not bearing the responsibility for his sickness. I would like to see some sort of legislation proposed to deal with this aspect of the Vietnam war, for my brother is a war casualty just as much as the guy who lost his legs. He is losing his sanity, I feel that pressure must be put on the Army to rescind these undesirable and dishonorable discharges and to reinstate rightful benefits to these veterans. He has been unable to even obtain a part-time job and one of the main reasons is that undesirable discharge.

Please let me know what else I can do to put pressure on the government to try to get help for boys like my brother. Who else should I write letters to in the Army and other departments in the government? My brother now resides in Don Edward's district, as do I, and I shall be writing him, but I feel I must do more.

Another tragic result of our personal family situation is that my father had a heart attack about a month ago and my mother may have to have heart surgery. Their conditions may not be completely attributable to my brother's situation—but our family has been living in a pressure cooker ever since we first got letters home from ——— when he was in the field. We are all a nervous wreck. I live with hope in my heart for my brother, but my mother has already buried him several times. I am realistic and am prepared for the worst. However, he is alive—but he is not living.

Peace,

(Name withheld.)

P.S.—You have our permission to use any of our correspondence to help remedy this insanity.

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## NUCLEAR POWER IN MAINE—FOURTH INSTALLMENT

## HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. HATHAWAY. Mr. Speaker, last week I caused to be inserted in the Record of this body's proceedings the first five of seven chapters of a pamphlet entitled "Nuclear Power—The Greatest Threat To Maine," which is the product of the work of a Maine citizens' group called Citizens for Safe Power. These chapters were devoted to the environmental, safety, and other problem which construction and operation of a proposed atomic power plant in Maine could cause, as well as the likelihood that no agency will effectively be able to monitor or regulate these problems. The insertions appear on pages 21717, 21781, and 22109 of the Congressional Record.

Today, I include the sixth chapter of the pamphlet in the Record, together with appropriate footnotes. The chapter is entitled "What are the Alternatives?" The article follows:

### What Are the Alternatives?

First consider whether nuclear fission plants, regardless of hazards, will assure sufficient supplies in the future! At present nuclear reactors provide the steam to generate less than one percent of electricity consumed. Of the 17 nuclear plants now "on the line" approximately half of them are now shut down permanently, or semi-permanently for repairs. Assuming they can be made reliable, is fission nuclear generation the most economical way to produce electricity? Dr. E. P. Radford points out that ". . . there has never been a detailed breakdown of all costs of nuclear power generation to determine just what the total cost to the consumer actually is . . ." (55)

Listed are some costs to the public:

1. Development in reactor engineering.
2. Administration and promotion costs of the AEC.
3. Mining, processing and transporting fuel.
4. Insurance.
5. Waste disposal.
6. Plutonium re-purchase.
7. Costs of shut downs of nuclear power plants when accidents or radioactivity make them inoperable.
8. Environmental monitoring.
9. Damage to the environment, losses in fish, game and contaminated foodstuffs.
10. Disease and deaths of miners and members of public due to allied radioactivity. Joshua Lederberg estimates the health cost of mutations due to AEC's permissible exposure limits will be about $10 billion a year, (56)

Utilities already know that nuclear plants are not as economical as conventional means of generation. That is why utilities demand that public taxes pay 500 million dollars annually of the 560 million dollar insurance bill (Curtis and Hogan, 1969), up to 70% of reactor research and development costs (Karp, 1970) (2 billion dollars for 1970, less than 2% for research of safe waste disposal [Committee on Resources and Man, 1969]), initial fuel costs, essential government monitoring of each plant, AEC administration and promotion costs, etc. The tax subsidy will soon be higher. The AEC states:

"With reactors of current technology, the known and estimated domestic resources of uranium at prices less than $10 per pound of uranium oxide ($U_3O_8$) are adequate to meet the requirements of the projected growth of nuclear electric plant capacity in the U.S. for about the next 25 years." (57)

Since that estimate "nuclear power-plant capacity for 1980 has been increased from 95,000 to 145,000 electrical megawatts without a corresponding increase in the estimates of uranium reserve", and only about two-thirds of the reasonably assured reserves can be produced by 1980. The AEC claims it is developing a breeder reactor that would produce up to two-thirds the amount of fissionable material it burns, thus greatly extending the use of the limited supplies of uranium on earth.

However, Dr. Radford reports:

"Presently in the U.S. only one small experimental breeder reactor is operating in Idaho. A larger one built in Nebraska never operated adequately and has been shut down permanently.

The large Enrico Fermi breeder reactor constructed near Detroit had a loss of cooling capacity in a portion of the fuel elements, a melt down of some of the elements, with the result that it has not been operating since 1966." (58)

If competitively priced uranium runs out before the breeder is developed the AEC and the utilities are not worried. By then present nuclear plant construction will have the U.S. dependent enough on nuclear generation to force tax subsidy of non-competitively priced uranium reserves found in low-grade uranium deposits, granite, and certain soils. Such dependence will also conveniently preempt present safety considerations, and the public will have to accept nuclear generation at any cost.

Theoretically, nuclear fission could be an enormous source of electrical power in the future and scientists agree that if all radioactivity could be contained, if uses could be developed for the deadly radioactive waste, and thermal effluents adequately controlled, nuclear power generation would be acceptable, and we should be strictly researching to achieve these goals and not be accelerating power demands to justify more construction of present wasteful and hazardous nuclear plants. Canada has perfected, through a purely research approach toward nuclear power generation, a nuclear plant cleaner and more efficient than U.S. plants and is buying the necessary heavy water from Russia.

Aside from the AEC-utility rush to commit the U.S. to nuclear power generation, what is the "power crisis?" The most conservative estimates of readily available conventional sources of electricity gives us well over 600 years to perfect safe nuclear power generation. The National Academy of Science estimates at projected consumption rates, we have about 100 years minimum before the peak 80% of known reserves of petroleum (crude oil, natural gas, etc.) are exhausted; about 300 to 400 years to exhaust the peak 80% of coal reserves.

There is no question that solar energy can generate vast amounts of electricity.

The U.S. has installed less than one-third of its river power generating capacity, and we have an annual 255,020,000,000 kilowatt potential in North America alone for generating electricity by tidal power. (Committee on Resources and Man, 1969).

Are there new means of generating electricity? Unfortunately the AEC has kept this Country behind in developing other means by cornering 84% of the electricity generating research dollar for the past 20 years, (Shepard, 1970) for the singular development of nuclear power plants. The Federal Power Commission states that a radically new means of generating electricity called magneto-hydrodynamics (MDH):

"could become an established form of electric energy supply much before the turn of the century" . . . "the requirements for water for cooling MDH generation would be only a fraction of the requirement for fossil-fired or nuclear-powered generation, and MDH generators would contribute little to air pollution . . . MDH, a high voltage potential can be obtained by placing electrodes in a very hot, ionized and highly conductive gas stream as it moves through a magnetic field."(59)

Privately in the U.S., the Pacific Gas and Electric Co. of California now generates 82 megawatts geothermally using natural volcanic steam beds that cover almost the entire Western half of the U.S. and will generate 220 megawatts by 1972. Eleven northern California towns have contracted for their own geothermal generating facilities. Russia is developing a geothermal potential that "is greater than all other Soviet energy sources together." Mexico recently "awed" University of California scientists with their development of geothermal energy. Presently she has a 75 megawatt plant under construction and 300 megawatt plant under design. Ireland, New Zealand, Japan, Hungary, Indonesia, and the Philippines use substantial geothermal energy. Italy has 389 megawatts, and Russia 828.25 megawatts with total capacity in the early 1970's of 1,124.75 megawatts. (Committee on Resources and Man, 1969) Worldwide the steam beds are proving inexhaustible as surface rains are found to seep down and more than compensate for any possible steam release.

Russia now leads the world in development of electricity generation by nuclear fusion (version fission). The National Academy of Sciences cites Bethe in Resources and Man:

"' . . . the enormous amounts of energy radiated from the sun and the stars are produced by the fusion of hydrogen of atomic-mass 1 into helium of atomic-mass 4.'

"The Academy goes on to say:

"The fusion of deuterium and tritium (each a form of hydrogen) into helium in an uncontrolled explosive manner has already been achieved as is the basis for the so-called hydrogen, or thermonuclear bomb.

". . . The relative abundance of deuterium in water (including sea water) is 1 deuterium atom for each 6,500 hydrogen atoms . . .

". . . the fuel equivalents of 1 cubic kilometer of sea water are 269 billion tons of coal, or 1,360 billion barrels of crude oil. . . . The total volume of the oceans is about 1.5X109 cubic kilometers. Should enough deuterium be withdrawn to reduce the initial concentration by 1 percent, the energy released by fusion would amount to about 500,000 times that of the world's initial supply of fossil fuels." (60)

On October 31, 1969 the New York Times reported:

"British scientists, using 5 tons of equipment flown to Moscow to test a Soviet plane widely viewed with skepticism in the West, have found that the Russians underestimated their success in trying to tame the power of the hydrogen bomb.

'The development has injected new life into the effort to develop the reactor power by fusion—that is, by the energy released when two very light atoms merge to form a heavier one. In reactors now in use, the energy is produced by fission—the splitting of giant atoms such as those of uranium.

"Oak Ridge has begun work on a counterpart of the Tokamak series, known as Ormak, which will cost about $1 million. Dr. Postma plans to incorporate some design features that he hopes will make it superior to the Soviet machine. However, he reported recently that the Russians had a long head start." (61)

On February 5, 1971 the New York Times reported:

"Princeton University physicists reported Wednesday that recent experiments deem it may be possible to demonstrate before 1975 that it is scientifically feasible to harness the awesome energy of the hydrogen bomb.

"If so, they said, in another 15 years the nation may see an electric power generating plant operating on thermonuclear fusion . . .

"Grove (Dr. Don Grove, Physicist in charge of fusion experiments at Princeton) told a news conference that recent experiments on the Princeton Tokamak have verified the work done in the Soviet Union and have begun to find out what features of the Tokamak make it work better than any previous device . . .

"Because the research is advancing rapidly, Grove said, electric power utilities are becoming interested. Public Service Gas and Electric Company of New Jersey has made a 50,000 dollar grant and utilities in New York, Philadelphia and other places have expressed interest . . .

"As for safety, Grove commented: 'It is absolutely impossible to have a nuclear explosion in a fusion power plant. There are absolutely no radioactive by-products, no hot fission ashes to be carted away.'

"As a result, he added, 'A thermonuclear plant could be located right in the center of the city.'" (62)

Fossil fuel plants operate at 39% efficiency as compared to 32% for nuclear reactors [such as Maine Yankee], which means 32% of a nuclear plants' heat is converted to electricity and the rest goes into the environment (Seaborg, 1970). Richard F. Post, (Gaugh, Eastlund, 1971) of the Lawrence Radiation Laboratory has proposed a direct energy conversion fusion process which could operate at as much as 90% efficiency. Present fission reactors can only use 1% of the uranium fuel installed before the fuel assembly must be replaced. (Radford, 1969)

According to Ali Bulent Cambel, Wayne State University's Executive Vice-President for Academic Affairs and Director of a sweeping White House inquiry into energy problems:

"There is no doubt whatsoever that the production of power is the main source of environmental blight that engulfs us everywhere. The limitations of energy consumption lies not in any shortage of resources *but in environmental limitations.*" (emphasis added) . . .

"When fossil fuel reserves, uranium and

thorium reserves, the nuclear fusion potential of deuterium in sea water, and nondepletable energy sources (hydro, aero, geothermal, tidal and solar) are all considered together, man need not fear an energy shortage for billions of years. Because some fuels are more abundant than others, however, careful decisions must be made concerning when to switch from one fuel to another but these are easy in comparison to the effectuations of controls over environmental pollution." (63)

We could easily install stack precipitators for an estimated three hundred million dollars on present and additional fossil fuel generating plants and meet all power needs in the foreseeable future, plus assure a huge reduction in polluting emissions (The Advocates, 1971) Dana A. Eldridge, Engineer for Maine's Public Utility Commission writes to point out the practicality of this more conventional and safer approach.

"Originally the cheaper cost of fuel was the prime consideration of nuclear generation with its effect on the general level of rates, however, the long lead time for construction, continually escalating cost of construction, cost of money, and the many safeguards required for operational safety and protection of the environment has offset to a considerable degree the advantage of cheaper fuel and recent planning has indicated a preference for fossil fuel plants with their relatively short construction time and capital cost per kilowatt."

However, in the same letter he recognizes the political reality that the AEC will still push nuclear plants over fossil fuel plants on an uninformed public.

"There will, however, be additional nuclear generation in the late 70's and early 80's for the New England Region, and no doubt States will be selected several years in advance of construction . . . inasmuch as power generation sites are becoming scarce in the more heavily populated sections of New England no doubt more and more attention will be given to Maine's open spaces for future locations of generating plants, both fossil fuel and nuclear." ("One or two more nuclear plants are now proposed for southern Maine by 1980, in the 1,000 megawatt range, and possibly of the more dangerous breeder type.")

LaMont C. Cole, Professor of Ecology, Cornell University, states:

"I am convinced that this rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man." (64)

Resources for the Future, February 1968, reports:

"The Soviet nuclear fission-based power program may come to a complete halt . . . if one takes at face value a reported statement by Kirillin, Chairman of the State Committee on Science and Technology. According to this, no more nuclear power stations are to be built in the Soviet Union because they are not economically competitive with conventional fuel power stations." (65)

However President Nixon's science advisor, Dr. Edward E. David Jr., recently announced that development of the most hazardous, liquid sodium, fast breeder reactor for the production of additional fuel for fission nuclear plants had become one of the country's chief technological goals. Accordingly, the AEC has received 103 million dollars for fiscal 1971 for such breeder development, with a concurrent reduction reduction of funds for fusion research (Sullivan, 1971).

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## RARICK'S TESTIMONY ON RHODESIAN SANCTIONS AND STATE DEPARTMENT POSITION

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RARICK. Mr. Speaker, on June 22 I testified before the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs relative to legislation to limit the economic sanctions employed by our Nation against the Government of Rhodesia.

Subsequently, I received a copy of correspondence from the State Department opposing any end to economic sanctions or resumption of normal trading with Rhodesia and full recognition of the Rhodesian Government.

The letter from the State Department representative clearly shows that that body dwells in the unrealistic world of fantasy, myth, and superstition. For a nation which is usually dedicated to fair play and open trade, even to Communist countries and to Red China, it seems juvenile to maintain that the United Kingdom is the sovereign power in Rhodesia 5 years after the Rhodesians declared their own independence. Had our present State Department been in existence in 1776, one would wonder how many years they would have vacillated before trading with the new American colonies, or if they ever would have.

Nor does it make sense for the State Department of the United States to dodge their constitutional responsibilities to the American people and hide behind the U.N. Charter. Especially is this so when our national policy is subservient to the United Nations in some instances, yet we ignore our so-called U.N. responsibility in other instances and do what our leaders tell us they feel is right.

For example, Red China was condemned as an aggressor nation in 1951. The condemnation has never been lifted or removed. Yet our State Department approved of trade with Red China.

Israel has been condemned 12 times since 1966; yet not only does our State Department continue diplomatic relations and open trade with Israel but also U.S. taxpayers have time and time again subsidized Israel and by so doing condone the actions which have been condemned by the U.N.

Our State Department's foreign policy is certainly an Alice in Wonderland enigma.

I insert a copy of my testimony to the committee and a copy of the letter to the State Departemnt in the RECORD at this point:

STATEMENT OF JOHN R. RARICK BEFORE THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS, COMMITTEE ON FOREIGN AFFAIRS

Mr. Chairman, Members of the Committee: I am thankful for the oportunity offered by this committee to examine our country's policy relating to sanctions against Rhodesia, In my thinking, the entire theory of retributive punishment against a sovereign nation in the hopes of intermeddling in the internal affairs of that nation is wanton folly—sought as a dignified effort to commit piracy.

We are given three basic reasons for refusing to grant diplomatic recognition to Rhodesia, all of them false, as I will demonstrate.

First, we are told that we must honor the sanctions on that country which were imposed by the United Nations Organization. Let us look honestly at these sanctions, from either the point of view of objective evaluatoin of their validity or from the point of view of the interest of the United States.

Objectively the sanctions were either the conniving of the Soviets, manipulating the black puppets of the 42 so-called emerging nations which make up a significant and controllable bloc in the General Assembly or they were the petulant pouting of spiteful children who are going to spit on the pie if they cannot have it to eat.

The idea that peaceful Rhodesia—nonaggressive, and with no announced threat to its neighbors—is a threat to world peace—because some other nation may make an aggressive attack on Rhodesia—is the kind of poppycock that thinking Americans are sick of hearing. Besides, too many Americans have been to Rhodesia to continue swallowing this fabrication which has been invented for political expediency.

Rhodesia has a population of 4,670,000, while Washington, D.C. has a population of 756,510. Yet the District of Columbia police force has 5,100 men while the Rhodesian army totals under 4,000, with less than 1,000 being European or white. Although the Rhodesian army is smaller than the police force of Washington, D.C., no one has yet suggested an embargo against our nation's capital as constituting a threat to international peace.

Even though our treaty obligations are the law of the land under our Constitution, the actions of the United Nations Organization or any of its organs, no matter how prestigious, are binding on us only if we choose to be bound.

Noteworthy, the only conceivable justification for such an act of warfare—and a declared blockade under articles 39, 41, and 42 of the United Nation's Charter is an act of warfare—is the determination by the Security Council that a target nation constitutes "any threat to world peace, breach of the peace, or act of aggression."

This is like saying that a solvent bank is a dangerous threat to law and order in the community because some criminal may rob or burglarize it; therefore, to preserve public peace it must be boycotted and destroyed.

In the debate relating to the imposition of trade sanctions against Rhodesia, it was not shown—nor could it be that Rhodesia was a threat to world peace.

The Security Council procedure during the debate deviated from the U.N. Charter provisions since Rhodesia was not permitted to be present and was even denied the opportunity to be heard or participate in its own trial pursuant to article 32.

Furthermore, under the U.N. Participation Act, the U.N. representatives are authorized to perform in connection with the U.S. in the U.N.O. as the President may from time to time direct.

In some instances it suits our domestic political purposes or our international relations to be bound, and we ratify the U.N.O. decree by our acceptance. In other cases, where it does not fit the policy of the United States, we have many convenient ways of avoiding the impact of U.N.O. mandates.

For example, Israel is in violation of repeated mandates by the Security Council to withdraw within its own borders and cease its aggressive military operations against its neighbors. As a member of the Security Council as well as of the United Nations Organization, it might be urged that we should apply the same standards to the violation of these mandates as to any other, but instead, we are aiding and abetting their repeated daily violation. Not only do we give financial support to Israel, through tax-free bonds enjoyed by no other nation, we actually manufacture and sell to the Israelis the weapons with which to continue their alleged transgressions against U.N.O. authority.

It has been suggested by some critics of our very elastic interpretation of our obligations to the United Nations Organization that the Rhodesians would fare better if there were more Rhodesians voting in New York. I offer no opinion on this idea.

Nor is Israel the only such example of our highly variable standard.

Red China is actually at war with the United Nations Organization—or with the United States, if you desire to pierce the thin veil of illusion. Remember Korea—the U.N. condemnation of Red China as an aggressor nation in 1951. Yet recently the Nixon Administration announced relaxation of trade and travel restrictions and reportedly will back a two-China U.N. seat to the prejudice of our U.S. ally of long standing—Nationalist China. The President also indicated he would like to visit Red China. Perhaps he intends to use his visit to negotiate ending the war in Korea—a war which is interrupted by a shaky cease-fire with U.S. casualties continuing whenever it suits propaganda purposes for the Reds.

The President can take comfort in hiding behind the sanctions imposed on Rhodesia by claiming U.N. cooperation. Red China and Israel have both been condemned as aggressors but without U.N. imposition of economic boycott. So Rhodesia, it can be said, remains saddled with sanctions differing from other U.N. action.

The obviously intended thrust of the U.N. sanctions, participated in by the foreign policy experts of both national parties, was to replace the British government in their hunch that the new revolutionary government of Prime Minister Smith could be toppled in a short period of time. The sanctions must then have been intended as a temporary political expediency to internationally embarrass the Rhodesian politicians and to encourage a "created poverty" in the hopes of stirring dissension and dissatisfaction among the Rhodesian citizens.

That U.N. sanctions have failed is self-evident. Rhodesia continues as a free Republic. U.N. members, including the Soviet Union, trade with Rhodesia whenever trade in strategic materials such as chrome and petalite is deemed necessary to their nations' interest.

As a second reason suggested for continuing sanctions, we are told that we must not offend the United Kingdom by granting recognition to a former colony whose independence does not meet with approval of the British Government—neither with the dictates of the Labor Party formerly in power—nor with the Conservative Party presently in power.

There may or may not be a good reason for being the rubber-stamp endorser of British colonial policy. If there is, it has never been even suggested to the American people nor to their representatives in the Congress, much less explained to any of us. I, for one, have had enough of the British willingness to fight to the last American, whether in Rhodesia or elsewhere. I believe the majority of the American people share this view.

We do not find our British brethren anywhere near as solicitous of our feelings as they desire us to be of theirs. While Americans die in combat in Vietnam, ships flying many of the flags of the British Commonwealth sail in and out of the port of Haiphong, trading with the enemy and supplying him with the necessary materiel for his slaughter of Americans. And this, even though Britain is also a signatory to SEATO. Despite the threat to the United States from the presence of Soviet missiles and missile bases in Castro's Cuba, our Canadian friends, a nation of the British Commonwealth, carry on a sustaining trade with Havana.

For five years the government of Rhodesia has demonstrated that it is here to stay as a stable and responsible government. Nor do even the British suggest a desire to violently overthrow the existing government to restore colonial rule over Rhodesia. Both British parties when in power have always announced that they intend the Rhodesians to have home rule and self-government—the opposition by the British royalty and political leaders is simply that they would prefer a political group of their choosing to be in power in Rhodesia in order to help the political future of Great Britain.

For the U.S. to continue sanctions behind the smokescreen that Rhodesia is but a token rebel government which ought to remain subject to the sovereignty of Britain is to perpetuate the myths and superstitions of unreality.

Our British friends plead for our cooperation in recognizing their plight because they are helplessly out-voted in the U.N. by the Black Racist regimes in Africa, many being their freed former colonies.

Britain and the U.S. have a combined population of over 250 million, while the population of all of Africa is just over 335 million. Yet, while the U.S. and England have two votes in the U.N. General Assembly, the Africans have 41 votes. In fact, under present composition, two-thirds of the U.N. could represent 10 percent of the world population.

Should the U.S. side with Britain in any issue contrary to the best interest of the U.S.? Britain certainly knew in sponsoring her former colonies for U.N. membership that her 55 million people would be out democratized by any "one-tribe, one-vote" theory where there was no equal representation based on the usual requisites to civilization.

A third reason advanced for continuing sanctions against Rhodesia is the concept which has been drummed into American ears for years that there is something bad about the Government of Rhodesia and about the Government of South Africa, because these nations are ruled by civilized white men rather than black masses, be they civilized or savage. A false corollary to this propaganda line is that something must be wrong with the "democracy" in these lands, since where savages manifestly outnumber civilized men, a one-man, one-vote situation would obviously result in a savage and not a civilized government.

A recent report from UNESCO announced that 97 countries of the world have illiteracy rates of 50 percent—and in 20 countries 95 to 99 percent of the inhabitants are illiterate. And, according to UNESCO, the situation contrary to public opinion has grown worse in some countries.

In short, we are urged not to recognize a government using the criterion of whether or not its internal political processes are in accord with some intellectual's theories of "democracy."

Let us examine our foreign policy from this angle, and demolish once and for all this totally inane and dishonest argument.

If we were to honestly accept this as a standard for recognizing a foreign government, we should at once withdraw our ambassadors from half the nations of the earth. Diplomatic relations should be broken at once with the Soviet Union, as well as its satellites Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and even Yugoslavia and Albania. If we listen to the complaints of certain dissidents in Northern Ireland, we might even have to withdraw our recognition of the United Kingdom because of the suppression claimed by the Irish.

Any government which resulted from a coup—or for that matter, from an election not to our liking—would be beyond the pale and diplomatically ostracized. Remember, even the caste discrimination in India can be repulsive and shocking to some.

Foreign policy pronouncements by President Nixon have indicated a relaxing if not an abolition of all trade barriers. Lately the announcement was made that trade by our country with any nation was not to be considered as approval by our nation of that country's leaders or its domestic policies.

President Nixon defined his Nixon Doctrine as:

"In effect we are encouraging countries to participate fully in the creation of plans and the designing of programs. They must define the nature of their own progress. For only in this manner will they think of their fate as truly their own."

Following the election of Allende, the Marxist-Communist in Chile, President Nixon stated:

"The new Government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of the OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.

"Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean government that it is prepared to have with us."

On Romania, President Nixon said:

"In 1969 I visited Romania—a Warsaw Pact country—the first visit by an American President to a Communist country in 42 years. President Ceausescu visited Washington in 1970.

"Romania takes positions on many major issues quite different from our own, but we both recognize the right of every nation to develop its own policies in light of its own interests. Therefore our differences do not preclude consultation or practical cooperation."

On Yugoslavia, President Nixon said:

"In 1970, on President Tito's invitation, I paid the first visit by an American President to nonaligned Yugoslavia. We exchanged ideas on major international issues, especially on the Middle East. We broadened our ties of cooperation on the basis of mutual interest and a mature respect for our acknowledged differences. President Tito has now accepted my invitation to pay a return visit to the United States."

On Red China, President Nixon said:

"We are prepared to establish a dialogue with Peking. We cannot accept its ideological precepts, or the notion that Communist China must exercise hegemony over Asia. But neither do we wish to impose on China an international position that denies its legitimate national interests."

Why persist therefore in a double standard on trade with Rhodesia?

If the United Nations Charter is to be given any significance, article 1, section 7 must be considered.

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

The previous Washington administration implemented the United Nations call for sanctions and issued regulations on both March 2, 1967, and August 13, 1968, that included automatic penalties against any American business or industry trading with Rhodesia.

American investment in Rhodesian chromite mines has been sizable, and American-owned firms were producing most of the chromite ore imported into the United States. Union Carbide Corporation and Foote Minerals Company owned these mines. The Treasury Department was made responsible for enforcing the executive orders that spelled out sanctions against trade with Rhodesia.

The two companies have petititoned the Treasury Department to at least permit them to bring into the United States that chromite ore already mined, paid for, and stockpiled in Rhodesia. Union Carbide has over 150,000 tons paid for and Foote Mineral has 57,000 tons. Both companies are investing sizable amounts of money to keep the mines operating in order to avoid possible flooding.

The second major element, petalite, is even more critical. Rhodesia is the only commercial source of this ore which is used in civilian glass and ceramic manufacture.

What is even worse, we are now buying 60 percent of our total chromite imports from the U.S.S.R., which has steadily increased prices to us since we stopped importing Rhodesian ores. Moscow has raised the cost of chromite 50 percent and has no petalite for us to buy. At least we can be grateful for that.

The official double talk that keeps on trying to make Rhodesia a threat to peace and an enemy of this country is totally unworthy even of people who guessed wrong and don't want to admit it. We should release Rhodesia from the restrictions on trade between our two countries. It is something of a minor miracle that Prime Minister Ian Smith has led the Rhodesians to continue a high regard for American principles, the American people, and our symbol as the world's leader for liberty. The least we can do is to repay that loyalty by recognizing Rhodesia as our friend and an ally of the free world.

Mr. Chairman, I have several bills before the Committee on Foreign Affairs that could remove any obstacle or cloud of excuse preventing the Executive Department from lifting the sanctions, or at least modifying the sanctions where it is known to be in the best interest of the American people and specifically our national defense.

H.R. 8967 contains the phraseology of the Collins Bill and would amend the United Nations Participation Act to remove prohibition or regulation of imports of strategic and critical materials, the produce of any foreign country or area not listed as Communist-dominated.

H. Con. Res. 60, calling for a sense of Congress that the President through the United States delegation to the United Nations take steps to revoke the U.N. economic sanctions against Rhodesia.

H.R. 360, that the U.N. Participation Act of 1945 be repealed in toto. H.R. 360 was introduced with the express intent that two wars and continued adherence to U.N. political rulings have proven that the Participation Act is too broad and has in far too many instances superseded and usurped the Constitution of the United States to the detriment of U.S. citizens.

While I feel H.R. 360 offers the soundest solution; i.e., by repealing and completely relegislating, I also recognize the opposition at hand. Therefore, I feel the provisions of H.R. 8967, or legislation of similar provision offers the American people the fastest relief from the sanctions against strategic and critical materials and would encounter the least resistance or controversy.

The Rhodesians throughout history have been our ally and friend. They fought beside our men in World Wars I and II and offered troops to aid us in Vietnam. The Rhodesians have indicated time and time again they want to be our friends but not at the price of letting us dictate how they should run their country.

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DEPARTMENT OF STATE,
*Washington, D.C., June 17, 1971.*

Hon. THOMAS E. MORGAN,
*Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your request of April 29 for the Department of State's comments on House Joint Resolution 172, House Concurrent Resolutions 5, 6, and 12, and House Resolution 45, all submitted on January 22, 1971.

H. Res. 45 supports U.S. participation in the United Nations mandatory sanctions program on Rhodesia. As this resolution thus affirms present policy as most recently stated by the President and Secretary of State in their respective foreign policy reports to the Congress this year, the Department of State is in favor of it.

The Department opposes H.J. Res. 172 and H. Con. Res. 6 and 12, which call for an end to economic sanctions against Rhodesia, and H. Con. Res. 5, which in addition proposes the resumption of normal trading relations with Rhodesia, and full recognition of the Rhodesian regime. The operative paragraphs of these resolutions conflict with U.S. policy, and we believe that their preambular paragraphs contain statements of fact and law which are inaccurate or misleading.

If the U.S. Government were to act as recommended by these resolutions, the U.S. would be in violation of international treaty obligations which it has freely undertaken. The U.S. has obligated itself in Article 25 of the UN Charter, "to accept and carry out the decisions of the Security Council." We voted for the resolutions in 1966 and 1968 by which the Security Council decided upon mandatory sanctions against Southern Rhodesia and for a Security Council resolution in 1970 which reaffirmed the earlier resolutions and called for more stringent enforcement of the program. In his Foreign Policy Report to the Congress on February 25, 1971, President Nixon stated that the U.S. supports the sanctions program as well as measures which could insure more universal compliance with that program.

H.J. Res. 172 states that "the Congress of the U.S. is vested with sole authority to regulate foreign commerce under Article I, section 8, paragraph 3 of the Constitution, while the only authority delegated by the Congress to the Executive Branch to restrict trade concerns the control of trading with the enemy . . ." This point is also made in H. Con. Res. 5 and 12. In fact, however, Congress has, in the UN Participation Act of 1945, empowered the President to take actions such as that implementing Rhodesian sanctions. Section 5 (a) of the Act, as amended (59 Stat. 619), authorizes the President "to regulate or prohibit, economic relations" when the U.S. is called upon to apply mandatory sanctions under Article 41 of the UN Charter. This authority was cited in the Executive Orders which implemented Rhodesian sanctions.

If sanctions are imposed under Chapter VII of the Charter, all Members of the United Nations are obligated by Article 25 of the Charter to comply with the Security Council decision imposing the sanctions. In the Senate Foreign Relations Committee Report on the United Nations Participation Act, the Committee said:

"The committee realizes that the powers proposed to be granted to the President namely, the prevention of armed conflict." under [section 5] . . . are very great. However, the basic decision in this regard was made when the Charter was ratified and this provision is simply a necessary corollary to our membership in this Organization. The committee also believes that the Security Council must be placed in the most effective position possible to act under Article 41 since the prompt and effective application of economic and diplomatic sanctions by all the United Nations (or even the threat or possibility thereof) may avoid the necessity for the use of the armed forces available to the Security Council.

"The better prepared this country is to participate promptly in action of this kind, the more effective will be the Security Council and the more hope there will be that the United Nations may serve its major purpose,

The Department of State is concerned that any limitation of the authority of the President to carry out mandatory sanctions decided by the Security Council would decrease the effectiveness of the United Nations and might at some point result in the United States being unable to satisfy its treaty obligations. In this connection, it should be noted that the President is also empowered by the Export Administration Act of 1969 (and was empowered formerly by the Export Control Act of 1949) to prohibit or curtail U.S. exports "to the extent necessary . . . to fulfill [the] international obligations" of the U.S.

H.J. Res. 172 states that the United Kingdom supplies our enemy in Vietnam and "has refused our request that it cease doing business with the enemy that is killing American boys every day . . ." In fact, virtually all external assistance to North Vietnam comes from the Soviet Union and Communist China. In the past four years only one British-owned vessel has visited North Vietnam and the British Government has acted to prevent any reoccurrences. The other British flag vessels that have called at North Vietnamese ports are controlled by Chinese Communist interests and registered in Hong Kong.

The British Government is seriously concerned about the use of its flag in this traffic and has succeeded in confining it, for all practical purposes, to vessels based in Hong Kong. The UK maintains that legal and political considerations involving its position in Hong Kong restrict its ability to deal with the matter there. Even so, the effectiveness of British efforts is evident in the decline in the number of vessels operating out of Hong Kong to North Vietnam under the British flag—114 in 1968, 74 in 1969, and 40 in 1970.

In several other respects, the preambular paragraphs of these resolutions state premises which are not consistent with the official attitude of the U.S. toward the white-ruled regimes of southern Africa and with U.S. policy in the area. First of all, as the President stated in his Report to the Congress in February: "Both our statements and actions have, or should have made it patently clear to all concerned that racism is abhorrent to the American people, to my Administration, and to me personally. We cannot be indifferent to apartheid. Nor can we ignore the tensions created in Africa by the denial of political self-determination. We shall do what we can to foster equal opportunity and free political expression instead. We shall do so on both moral and practical grounds, for in our view there is no other solution."

The U.S. voted as it did in the United Nations Security Council in 1966 and 1968 in part because the regime in Rhodesia was adopting measures designed to deny an effective voice to the African majority in the determination of Rhodesia's future. These measures were expanded in 1970 with the regime's unilateral introduction of a new constitution institutionalizing white minority control and racial discrimination. Contrary to the view expressed in H.J. Res. 172, the peaceful measures taken by the UN are designed to forestall bloody struggle in southern Africa, not promote it. We are concerned that the present tensions arising from the denial of majority rule in Rhodesia could lead to serious violence there, a situation which could be exploited by communist states seeking to increase their presence and influence in the area.

Preambular paragraphs of these resolutions which refer to Rhodesia as a "sovereign" nation are inconsistent with the view of the international community, which we share, that the UK is the sovereign power in Southern Rhodesia. Of the 21 countries which maintained some form of consular representation in Rhodesia at the time of the unilateral declaration of independence in November 1965, only South Africa and Portugal continue to do so. No country in the world—not even South Africa or Portugal—has formally recognized the Smith regime or Rhodesian independence.

Accordingly, the Security Council's actions with regard to Rhodesia were not an intervention in the internal affairs of a state, as stated in H. Con. Res. 12. They were rather a response to a request for assistance by a member nation, the United Kingdom, recognized by all as having sovereignty over, and responsibility for the territory, and to the threat to international peace and security which the Council concluded existed as the result of the situation in Rhodesia.

Finally. the statements in H. Con. Res. 5 about chromite and our national security must be judged against the following background:

The matter of chrome ore supply in this country is kept under constant review within the Executive Branch. Our studies indicate that adequate supplies of chrome ore are available to American industry at the present time. While the supply situation might be described as tight, it is premature to suggest that there is a shortage. In fact, inventories of American industry increased last year, while imports and domestic consumption were virtually in balance. Moreover, although some chrome ore is needed for national defense purposes, I should put this in perspective by noting that direct military consumption presently requires about 10% of our consumption.

With respect to U.S. imports of Soviet chrome ore, I would note that American purchases of chrome ore from the USSR did not result solely from the imposition of Rhodesian sanctions nor is the Soviet Union the sole supplier in this area. In the years immediately prior to sanctions. Rhodesia and the USSR each accounted for about one-third of U.S. imports of metallurgical grade chromite. In the period 1967–70 since sanctions, the U.S. has imported approximately 51% of its supplies from the USSR while also increasing purchases from other producers such as Turkey and South Africa.

Some months prior to the adoption of Rhodesian sanctions, the U.S. Government commenced the disposal of chrome ore and its equivalents from the stockpiles which had been found in excess of U.S. needs. Disposals of 885,000 short dry tons were authorized by the Congress in Public Law 89–415 of May 11, 1966, and are continuing.

Soviet and Rhodesian chrome ore prices are not susceptible to comparison as suggested by H. Con. Res. 5. No current Rhodesian price is ascertainable, since Rhodesian chromite is not traded freely, and it would be misleading to compare 1971 Soviet ore prices with 1966 Rhodesian ore prices. Prices for Soviet chromite have doubled since 1966. Lower-quality chromite from other sources has increased in price more or less proportionately to that for Soviet ore. The overall rise in market prices does reflect the impact of sanctions, but it also reflects factors such as inflation and overall demand, which have caused significant price increases in many raw materials over the same period.

I hope that the foregoing is helpful in explaining the Department's position with respect to these resolutions. The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

David M. Abshire,
*Assisant Secretary for Congressional Relations.*

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## EMERGENCY STRIKE LEGISLATION

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BURTON. Mr. Speaker, I should like to place in the Record at this time a copy of a letter from Mr. Albert Lannon, ILWU Washington representative, expressing the opposition of the ILWU to the Emergency Strike Legislation.

In addition, I am also placing in the Record a copy of an article from the New York Times of June 16, 1971, entitled "Dock Union Head Assails Move for U.S. Action in Labor Dispute."

I am sure my colleagues will find these to be of great interest.

The articles follow:

International Longshoremen's
and Warehousemen's Union,
*Washington, D.C. June 23, 1971.*

Re Emergency Strike Legislation

Hon. Harrison Williams, Jr.,
*Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: When the Administration first proposed its Emergency Public Interest Protection Act last year the International Executive Board of the ILWU branded it "a major attack on organized labor, free collective bargaining, and rank and file democracy." We maintain that position, and include in it the Javits bill and any other proposal aimed at harassing and crippling the bargaining strength of workers in the transportation or any other industry. Free collective bargaining—the bulwark of American labor-management relations—is not, as some would imply, somehow unAmerican; it has worked. Whatout governmental interference it will continue to work.

We are told that the nation cannot tolerate a railroad strike, so therefore we must have controls and compulsion on longshore, trucking, maritime and airline workers also. We are told that railroad negotiations are at a constant impasse, conveniently forgetting the fact that it was legislative interference in that collective bargaining process which created the impasse. Employers, in our experience, will never bargain seriously when they can expect the government to bail them out. An example of this can be seen in the attached *New York Times* story exposing a confidential American Association of Port Authorities letter predicting a 90-day East Coast longshore strike and urging support for the Administration proposals—even before negotiations there have begun!

When the Emergency Public Interest Protection Act was first unwrapped in the last Congress, it came at a time when, in addition to railroad, negotiations were under way for a national trucking contract. We believe that was no accident, that the proposal was meant to interject government into those negotiations at the expense of the involved workers. Its re-introduction comes at a time when the ILWU is in coast-wide negotiations and the rest of the longshore industry is preparing for contract talks. That too is not an accident; it is a blatant attempt to interfere with a free collective bargaining process which has served both labor and management well for over 35 years.

The last Pacific coast-wide longshore strike occurred in 1948. Armed with the new Taft-Hartley Act, the employers were trying to accomplish nothing less than the destruction of the union and the democratically-run hiring halls won in the historic 1934 strike. The Act was being used also to harass democratic unions by requiring declarations of political conformity from leaders freely elected by their rank and file. An injunction was issued under a Taft-Hartley provision requiring a government-supervised vote on management's final offer. The rank and file showed what it thought of government interference; the certification of that vote by the National Labor Relations Board read:

| | |
|---|---|
| Number of eligible employees | 26,965 |
| Ballots marked "Yes" | 0 |
| Ballots marked "No" | 0 |
| Ballots challenged | 0 |
| Total ballots cast | 0 |

Since then free collective bargaining has maintained a profitable industry; pioneering collective bargaining agreements have been ratified by the membership without strikes Now, once again, we see legislative efforts which can only benefit the employers introduced while negotiations are in progress. Should our employers again count on governmental intervention, the reaching of a contract agreement will surely be difficult.

As the ILWU membership rejected the "final offer" vote and the political saliva tests of Taft-Hartley and Landrum-Griffin, so they will reject any further efforts to weaken or destroy their bargaining power. Workers, when push comes to shove, have but a single weapon to counter the finances, political pull and economic might of the corporations—workers have the basic right of free men and women to withhold their labor, to strike.

That right has been hard-won. It was opposed with court injunctions, with mass arrests, with vigilante murders and with legal lynchings, with the use of troops, with red scares, and with legislation. The right of working men and women to strike has been won with blood, sweat and tears, and it will not lightly be given up, in the longshore or any other industry.

The President, in resubmitting his proposal, called for action "before there is another crisis in the transportation industry." What crisis? What emergencies is he referring to? In January, 1970 the Department of Labor issued a lengthy study titled *Impact of Longshore Strikes on the National Economy.*

That study, presented by then-Secretary George Shultz, concluded:

"The economic impact of a prolonged strike appears to have been minimal" and "'the economic impact of strikes on the economy are usually seriously exaggerated.'"

The study was of east coast longshore strikes where, in all except one negotiation over a twenty-one year period, Taft-Hartley provisions had been invoked; and in all but one of those situations a strike resulted anyway. There are two points to that: first, that governmental intervention does not assist collective bargaining, and second, that despite strikes in five out of seven negotiations, the industry and the nation managed to survive.

Indeed, Secretary Shultz indicated in releasing that study that Taft-Hartley ought not to be applied, that federal interference ought to be minimized. Clearly this Administration, little more than a month before it first introduced its proposals, was not raising the alarms about "crisis" in the transportation industry. In fact, Secretary Shultz commented then that a potential national trucking strike "was not likely" to become a national emergency.

We ask: why the turnabout? And in the face of other events, we ask if it might not be related to a growing repression in other areas, a repression which sees priests and nuns charged with an absurd "conspiracy;" which sees dissent over the war viciously attacked by high officials; which sees the bugging of Congressional offices; and which sees black and chicano militants shot down in the streets as union militants were a generation ago. We ask: do the employers and those who represent them feel that now is the time to strike also against the labor movement, to try and cripple those organizations which have won decent wages, conditions and human dignity for their members at the expense of super-profits?

We are told that these measures "would establish a framework for settling emergency transportation disputes in a reasonable and orderly fashion, fair to the parties."

What is fair about ordering people to work when they have decided to strike? What leverage does that put on an employer for settlement? By curtailing a strike, for 80 or 110 days, a rank and file impetus might be blunted and the union's bargaining strength thus deliberately weakened. That is not fair.

What is fair about ordering the partial operation of a struck industry? Besides the aspect of compulsion, such a move could only prolong a labor dispute if the employer can reap profits from one side while starving out workers on the other. That is not fair.

What is fair about a compulsory settlement, the empowering of a so-called neutral panel to select "the most reasonable" of one of the parties' final offers? The President tells us that this would "reward reasonableness." We tell you that it would destroy free collective bargaining, destroy the intrinsic pressures on the parties to reach a settlement, and in fact legitimizes a take-it-or-leave-it approach which is the antithesis of negotiating. And that also is not fair.

We find it curious that this measure is proposed at the same time that the President, in his State of the Union message, is calling for a "peaceful revolution in which power was turned back to the people." The Emergency Public Interest Protection Act and like proposals would place further power in the hands of government, in the hands of what the President termed "a bureaucratic elite." The right of the rank and file membership to vote to accept or reject a contract, to strike or settle—that power would be legislatively taken away. That rank and file right to determine its own course of action remains a basic tenet of democratic unionism. To limit that right any further is more than just strike-breaking: it is the denial of our democratic system itself.

We urge no amendments, no qualifying language, no improvements to these proposals. We urge only that the Congress reject them in toto, and thus reaffirm the right of American workers to seek—as the President declared—"a better life, a fuller life, in which by their own decisions they could shape their own destinies."

In conclusion, we felt obliged to make our feelings known at this time, and ask that this letter be included in the hearing record. We will appreciate an opportunity to appear before the Subcommittee at an appropriate time to amplify on our views.

Sincerely,

Albert Lannon,
*ILWU Washington Representative.*

[From the New York Times, June 16, 1971]

### Dock Union Head Assails Move for U.S. Action in Labor Dispute

Thomas W. Gleason, president of the International Longshoremen's Association, said yesterday he was "very disturbed" by the stand taken by a major group of port authorities on the possibility of a strike when the I.L.A. contract expired Sept. 30.

The group is the American Association of Port Authorities. It has asked its members—which include most major port authorities—to join it in calling for Congressional hearings on a bill that, among other things, would empower an independent commission to settle maritime labor disputes by binding arbitration.

Mr. Gleason said in an interview that he was angry at the request because it went counter to what both he and industry negotiators maintained was a good thing—the Nixon Administration's promise that this time there would be no governmental intervention in longshore bargaining.

The association has also told its members that "if past experience and current assessments are any guide," Atlantic and Gulf ports "will be closed for at least 90 days" when the union contract runs out.

The Government has invoked the Taft-Hartley Act and its mandatory 80-day cooling-off period seven times in past I.L.A. contract renewals, and on six occasions the union walked out again—legally—at the end of the injunction period.

Mr. Gleason said yesterday that Government intervention "wasn't of any use" because it made industry unwilling "to put its best foot forward" early in the negotiations. "This time," the dock union's president added, "they're under the gun."

Administration officials say the probability of intervention has resulted in an unwillingness on the part of both sides to get down to hard bargaining without the prodding of an outside board or panel.

Mr. Gleason contended that the stand of the Association of Port Authorities would complicate the negotiations. Paul A. Amundsen, executive director of the trade group, denied this and argued that "on the basis of past experience everybody is expecting a strike."

The I.L.A.'s wage committee has recommended that the union seek an increase in straight-time pay from $4.65 an hour to $7.50. Asked if the figure was "for real" or just "for openers," Mr. Gleason replied: "Does Macy's tell Gimbels?"

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## LOCKHEED LOAN ISN'T SOCIALISM

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. GOLDWATER. Mr. Speaker, a recent column by Holmes Alexander presents an excellent assessment of the Lockheed loan. I wish to present the column at this time:

### Loan to Lockheed Isn't Socialism

(By Holmes Alexander)

Washington.—It is shallow thinking to believe that the requests of Lockheed and the Boeing aircraft companies for Federal financing are any indication that this country is on the skid row into Socialism.

All aerospace manufacturers—indeed, the fabricators of all scientifically advanced equipment—are under compulsion of what we may call the Robert Browning Law: "Ah, but man's reach should exceed his grasp, Or what's a heaven for?"

We won't compete successfully with ourselves (which is what cleaning up the environment means) nor with other industrial nations (chiefly in the transportation of goods and persons) unless we keep trying to extend the state-of-the-art. We must press against the technological borders, as we once pressed against the geographical borders. This is what John Kennedy was talking about when he first mentioned the New Frontier.

Mr. Kennedy knew that popularly priced air movement, supersonic air speeds and space flights were, by his election year of 1960, within "man's reach." He knew that much else was just beyond man's grasp. He foresaw that if America set and maintained a hot technological pace, the social gains would naturally follow. There would be employment and enlightenment as the power plants and the newest products of industry became available to the people's use.

It is always predictable that partial failure and cost overruns will show up when an effort is made to crowd the state-of-the-art. Lockheed had to endure the inevitable in attempting the C–5A military transport which was designed for a huge payload, a long haul, but with short takeoff and landing distances. The financing of the Lockheed TriStar airbus, with imported engines, posed difficulties which were bound to bring setbacks. One of these was that the banks, already heavily invested in Lockheed's future, refused to lend more money without a government guarantee, something the President is now asking Congress to provide.

You hear it said, "But this is socialism!" No, it is not that, and the best word I've heard used to define it is "venture." The President and the Treasury Department are asking Congress and the people to do what American private enterprise has been doing for nearly 200 years, that is, to venture its capital in oncoming technology. George Washington, among others of his day, was an investor in a steamboat that suffered early failures. It would, of course, be better if individuals and private institutions put up all the venture capital, but that has now become impossible because of mounting prices. The question is whether or not the American people want to invest in progress, by entirely legal processes in Congress, or whether to let progress be carried on by Europeans and Communists.

If the Nixon administration were going into Socialism, it wouldn't be asking funds for the Lockheed TriStar or the Boeing Supersonic (SST) prototypes. A Socialistic administration would be financing a perpetual dole, limitless medical care, come and get-'em food stamps and the rest of the social or Socialistic programs. If the American people are venturesome enough, through their Congress, to invest in aviation vehicles for the world market, we won't need the Socialistic alms-basket. The making and selling of Lockheed and Boeing planes will bring payroll money and help block the need of welfare money.

The Boeing firm recently won the coveted Collier Trophy for the "greatest achievement in aeronautics" during 1970, the 747 passenger plane which is larger, quieter, cleaner and, so far, safer than any previous air carrier. That is what progress is. Somebody at the presentation luncheon remarked that progress is also a contest between the Wright Brothers who started commercial aviation and Senator Bill Proxmire who is trying to stop it both for TriStar and SST.

Proxmire is bound to lose in the end, because progress never stops. Sometimes, however, it gets postponed or diverted. This is another way of saying that our generation and our country may be the loser, too.

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## PUBLIC TRANSPORTATION PROBLEMS

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WALDIE. Mr. Speaker, the National Conference of Public Transportation involving 70 organizations ranging from the Sierra Club to the League of Women Voters recently held a conference moderated by a former colleague of mine, the most able California Assemblyman Willie Brown.

I include in the RECORD the address of Hazel Henderson of the Council on National Priorities which I believe contains a message worthy of the attention of this body:

### MAKING DEMOCRACY WORK IN PUBLIC TRANSPORTATION

(By Hazel Henderson)

During this conference we have explored most of the reasons why democracy has failed to work in allocating a proper share of our nation's resources to public transportation. They add up to an object lesson concerning the snowballing effect that a group of powerful special interests can have in influencing governmental decisions, economic conditions, the shape and size of our communities, the quality of our environment and our entire culture. We have also come to see how all institutions have an inbuilt predisposition to grow and empire-build until they overstep or lose sight of their original goals, and begin operating an autonomous fiefdoms. We see this here in Washington with some of our government agencies, but we also see it in every other large organization, whether religious, military or economic. As J. Kenneth Galbraith points out in his book "The New Industrial State" this phenomenon can now be observed in our large corporations. He believes that their power is now so great that the consumer, whom they originally set out to serve, is no longer king, but these great producing companies which can now manipulate government decisions as well as the consumer through massive advertising.

Nowhere is this state of affairs more clear than in the field of transportation, where the combined corporate power of the auto manufacturers, oil, construction and rubber companies have so dominated the market that they have almost driven out all other competing modes of transportation, and in many cases, making it all but impossible to get around without being forced to buy a car. Henry Ford's proverbial statement that the American consumer could have any color car he wanted as long as it was black has become more prophetic than he dreamed! This predisposition of big powerful companies to dictate what kind of products they will produce, and then use hard-sell, saturation advertising to market them is in large part responsible for the backlash of "consumerism" and rising demands for more participation in decisions that shape our lives. We have found that our dollar is no longer enough to signal to companies what we would like to buy, because the choices have become narrower. We cannot choose to buy a pollution-free car and Henry Ford II has just pronounced our Federal clean air goals for 1975 "impossible." We cannot even choose to walk or cycle in safety in many areas!

Economists would call such a state of affairs a "market failure" and it is just this kind of market failure that has occurred over the years in transportation. If the transportation market were operating freely according to the economic textbooks, and the consumer alone were dictating the production decisions (rather than a very few huge corporations, combined with all manner of subsidies favoring automobiles) we might have a very different, pluralistic system, offering a wide range of options to the consumer. They might include safe and adequate provisions for walkers and cyclists for the short trips; quiet, non-polluting individual vehicles, more and better urban subways, buses and jitneys of various sizes for in-city transit; fast suburban-urban trains and express buses on open highway lanes for commuters; intermediate and long-range inter-city trains, as well as the conventional highway and airlines.

So we have gathered here and explored this particular "market failure" and seen how other forms of transportation gradually declined as the power of the auto and highway related industries grew. Gradually they were able to wring favorable subsidies, bond issues and taxes to support their further growth, while "externalizing" from their own balance sheets the increasing, but hidden, environmental and social costs, which have only recently become evident in pollution, suburban sprawl and the slow destruction of our cities. To paraphrase the elder Ford, we now find that we can have almost any kind of transportation we want, as long as it is a car!

We have all come together because in one way or another, these social and environmental costs have begun to affect the groups of citizens we represent. We know know just how this automobile-dominated transportation system affects or disenfranchises the young, the old, the handicapped, the residents of inner cities, suburbs and rural areas, as well as all of the groups we represent. Other people have not found institutional voices to articulate their problems, perhaps because they merely share my fear of driving in heavy traffic, or on our super highways in between menacingly large trailers and trucks at terrifying speeds.

So how do we go about re-asserting consumer sovereignty in designing a new multi-option transportation system? Many efforts have already been mounted. Some hardy souls take the individual approach by defying city traffic and attempting to bicycle, in spite of the physical danger and overwhelming exhaust fumes. Or according to a recent Wall Street Journal article, many business executives have just given up on the commuting snarl and run their affairs by telephone and mail from their homes or country clubs. I'm sure many of us have wondered how many human transactions really need a face-to-face meeting, and whether we could manage as well by using the telephone and other forms of communication which might substitute on occasions for all this frenzied rushing back and forth. Unfortunately, most of us are not as lucky as those corporate executives; we have to show up on the job in spite of the travelling problems! Some communities and cities like New York have taken the approach of trying to win back territory from the automobile by closing streets and creating pedestrian malls, with varying success. Many groups have skirmished with highway engineers and insensitive city planners, and managed to block construction of ill-designed freeways in such cities such as San Francisco and New Orleans, and many others. Conservationists have waged a long standing war against badly-planned highways and anti-pollution groups have taken on the noise and exhaust fumes of the internal combustion engine. I think most of us feel a debt of gratitude to Ralph Nader for his tireless, intelligent efforts to improve so many aspects of the consumer's lot, particularly in auto safety. Others have joined the fight for no-fault insurance to lower rates and relieve our congested courts of millions of time-wasting, traffic-related cases, which prevent others from receiving speedy trials. Consumer groups have also worked hard for better-built, longer lasting cars, without meaningless style changes and other frills. A recent study by Bradford Snell in *Yale Law Review* shows that the big 3 auto makers spent $1.5 billion to restyle models, and yet the U.S. Bureau of Labor Statistics estimated that the 1969s had a net reduction of $3 in performance. Still other groups have pressed for special consideration of the needs of the old and young, the poor and the handicapped, in both public and private transportation.

Planners have produced blueprints for dream transit systems, and whole new towns, such as Reston, Virginia and Columbia, Maryland have tried through total design to tame the automobile. Aerospace companies such as LTV, Grumman, Rohr Aircraft and North American Rockwell are announcing in new advertising campaigns that they are eager to serve the market for public transportation, and many of them have won contracts for demonstration projects. Other companies, such as General Electric have already helped build new systems, like the Lindenwold line which links Philadelphia with its New Jersey suburbs, and the Turbotrain and Metroliner systems between Boston, New York and Washington.

So, with all this activity, why has there been so little progress? Could it be that up until very recently none of us was sufficiently aware of each others efforts, because we were all working in such very different ways to bring some improvement to the overall transportation system? Could it be that we never realized how many of us there were: enough of us in fact, so that if we got ourselves together we could forge a coalition with enough steam and political muscle to get public transportation up and running? Certainly the multiplicity of concerns that produced our many-faceted activities made it very difficult for us to see them as parts of a larger effort to solve one big problem: the overall, national transportation mess. For example, conservationists opposing a freeway which would divide a park area in Minnesota might not instantly recognize their kinship with inner-city organizations in a city like Washington, who were opposing a freeway which would divide their community just as disastrously. Or public health groups in respiratory or heart disease prevention, who were busy fighting automobile pollution, may not have appreciated their commonality of interest with similar organizations representing the interests of victims of handicapping diseases, or blindness, in their efforts for better-designed transportation. And meanwhile, the planners dreamed of funds to implement their blueprints, and companies waited on the sidelines to see if anyone really meant business. I believe that it is largely due to this fragmentation of efforts and lack of communication between groups, that we have never fully come together and explored the commonality of our transportation needs and defined precisely that area where all of our constituencies' vital interests overlap. In fact, we have often been somewhat suspicious of each other's interests and motives, fearing that they were irreconcilable with our own. Sometimes we have almost come to blows.

A hearing in Milwaukee last year on whether to complete construction of a freeway was a perfect example. The highway construction companies and the unions demanded that the highway be completed while the homeowners in its path and the conservation groups bitterly opposed the project. Such situations are indeed complicated by the fact that vital interests of the parties are too immediate to permit assessment of the project by larger, more objective standards. If there were time to develop feasible alternatives, perhaps another more pressing public construction project or a commuter rail line down the center of an existing highway, such as the one in Chicago; there might have been a way to avoid the clash without human disruption or unemployment. But unfortunately, there is rarely time to work out equitable solutions and often the artificial carrot of Federal funds, pre-programmed for highway spending makes reallocation of priorities all but impossible.

Certainly many groups' current interests tend to be vested in an existing system as pervasive as our highway-automobile complex. They include jobs, investments, academic or professional careers, such as highway engineering, as well as all the economic dependents of this vast industrial system; dealers, spare parts and repair shops, gas stations franchisees and dozens of other small businesses. But in spite of this, many of us are beginning to realize that all technologies have their own peculiar life-cycles, progressing through growth to saturation and obsolescence and that the auto is no exception. It too is reaching the limits of its growth potential. This can be seen clearly not only in proliferating highways, traffic jams and rising pollution, but documented in respected business publications, such as the Wall Street Journal of April 23rd, 1971 and Fortune in several articles over the past year, the latest in April 1971, as well as in Business Week, March 14, 1970.

So we should now stop focusing on what past conditions prevented us from working out ancient, deeply mired conflicts and instead, begin to concentrate on watching the shape of future national priorities and how we can help shape them. If we do this we can begin sharing in the development of new projects in which we can cooperate out of new mutual self-interests. We are now beginning to watch where the new transportation growth will occur as the exponential curve of automobile growth shows the first signs of collapsing. The new growth must surely come in filling the need for fast, clean, efficient public transit systems, and in remaking our cities for more human forms of travel, including walking and cycling.

Here is where the new capital must surely flow and where the new jobs will eventually be created. But if this is to happen, we and many others like us, representing the interests of consumers, must come together and define what kind of systems we want and are willing to pay for. But the economics of this new market we are trying to create will have to be a little different from a normal market, which has failed in this area. It will be a special kind of market which economists sometimes call a "public-sector market," which occurs when normal market mechanisms have been thwarted, as they have in transportation. So we create a public-sector market when we group together in sufficient numbers, decide what we want and then buy it as a collective, or "cooperative buying group." We have hundreds of such "cooperative buying groups" today of all sizes, and their numbers are growing because most of our unmet needs are now group needs, rather than individual needs, such as clean air and water or airports and parks. In many cases we use our municipal and state governments as our purchasing agents. They act for us in buying sewage treatment plants, schools or airports. If the item we want to buy is very large, such as a national system for old-age or disability insurance, we empower the Federal Government to act as our purchasing agent, or even set up the system itself, as in the case of Social Security or the new Environmental Protection Administration which is charged with protecting our communal drinking water and air. It's interesting to note that in the case of water, some of us are beginning to exercise our individual consumer demand too, by buying bottled water, and the ordinary market mechanism is now responding by producing an even larger selection of bottled water from which to choose.

So our challenge now is to begin drawing together a new "consumer cooperative" to service our group consumer demand for a more varied choice of transportation, including the expensive new public systems that only our group buying power can bring into being. Now we know that our group buying power at the Federal level of taxation is enormous: big enough to have permitted our Federal purchasing agents to spend some $70 billion a year of it on military programs and further billions on space and building more highways.

But we should not be surprised at this because we know how large institutions, such as government bureaucracies, tend to forget that they are supposed to be our purchasing agents, and in fact, under pressure from powerful lobbies, they have begun spending our money in ways we didn't intend, anticipate or consent to! So if we want to regain control over the spending of some of our money, we are going to have to form a coalition strong enough to convince our elected and appointed officials that they must forget some of their own pet projects, and start voting the funds necessary to start public transportation rolling. We can also make sure that they realize that as the Indo-China War is being wound down by the Administration, they must resist budget-padding by the Department of Defense, and divert some funds into public transit and other badly needed domestic programs. Furthermore, unemployment rates are high enough now, but we must impress on these officials that they should also imagine the situation when thousands of G.I.'s join the unemployment lines in the months ahead. We need to create new programs to provide jobs for all our workers, but not based on the saturated needs of the past, but the real unmet needs in our public-sector markets of the future; not only public transportation, but health care, housing, new towns and pollution control, grass-roots cable television system to help recreate electronically, the "town-meeting" style of local government, and of course, education and self-enrichment for adults as well as children. These areas of *real* consumer demand will provide opportunities for the growth industries of the next decade; but only we consumers, out of our own self-interest, will have the incentive needed to organize that demand into a coherent and powerful force that can create these public-sector markets. We know we can do it, because we see that it has already happened in the pollution control and recycling field, where ordinary citizens and consumers created such a demand for environmental cleanups that an industry emerged to serve it, which is one of the fastest-growing areas of our economy and is already providing thousands of new jobs. In fact, the U.S. Department of Labor Statistics estimates that as of 1970, there were 655,900 new jobs created in environmental control, and that this figure would increase to 1,181,800 jobs by 1980! We cannot expect most of our older, bigger companies to play much of a role in developing these new industries, because they have too much invested in the current and past technologies. But some of our more innovative companies as well as a host of smaller, newer firms are eagerly waiting to serve our transportation needs.

But there is also another important reason why we must take the leadership role in pressing for these new transportation systems, and that is because we represent its future consumers, and if these consumers are to remain sovereign in this new marketplace, we must help them participate in the designs, in setting standards and only then empower our government purchasing agents to award the contracts. If we do not move soon to define these consumer needs and push for their incorporation into the designs, demonstration projects, appropriations and the contracts; then we will have ceded yet another area to the company lobbyists who are already busy trying to sell their own idea of public transit projects to government agencies at all levels. A perfect example of a project designed by producing in this topsy-turvey way is the SST. There was no great outcry from ordinary citizens demanding a SST, most people can't afford to fly very much in a regular plane. But the aerospace industry and a small handful of aviation enthusiasts wanted it and almost managed to impose it on us after spending millions of our taxes to pump up the aircraft industry. But the very citizens who joined together to fight the SST proved their concern for the unfortunate workers caught in the middle, by also pushing for new public works and transportation projects to cushion the blow in Seattle and other hard-hit areas.

We can avoid repetitions of such human dislocation by getting together on projects we will all benefit from, and mass-transportation is a good area in which to begin. We can start small, hammering away at the simplest projects, such as reserving open lanes on our freeways for express buses, so that they will be able to compete with the automobile in faster commuting time, if nothing else. We can see that environmental pollution standards recently set by the Environmental Protection Administration are enforced, which will finally force municipalities to reduce automobile access to central cities, simply to meet maximum permissible carbon monoxide standards.

In the transportation vacuums this move may create, we can push for refurbishing subway and bus services to attract the new riders. During the recent taxi strike in New York, the City's bus and subways added millions in fares. If the strike had gone on for long enough, the City Transit Authority might have actually started making profits! Or consider the possibilities for minority group entrepreneurship in setting up, perhaps with Small Business Administration or MESBIC-type loans, small locally-owned and operated bus and jitney companies to take the often trapped or carless inner-city workers to the suburban industrial parks, where so many of the jobs are moving. In New York City alone, 72,000 jobs evaporated in the past year, and such bus lines could help alleviate the inner-city unemployment problems that the corporate movements to the suburbs are creating.

Some communities are discovering that

their school bus fleets are under-utilized. They are putting them to work during school hours for shopping runs and after school for trips to theaters, movies and evening sporting events. The revenues help fatten up the school's coffers, or help with maintenance and repairs. All the while we are testing these modest programs, we must form local coalitions to push for funding for the more ambitious projects.

If we can go forward from here, forgetting some of our past or current differences, and concentrate on working towards the positive and exciting goals put forward at this conference, we will not only help create a more human transportation system and more livable surroundings, but also a whole new industry and thousands of new jobs at all levels. We will also help prove that America can re-order her priorities with a minimum of disruption and hardship, away from the military-industrial-complex toward a more humanly-oriented "life-industrial-complex".

## PUBLIC WORKS OF ART PROJECT MURALS TO BE RESTORED

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. GUDE. Mr. Speaker, on April 1, 1971, I included in my remarks a statement on behalf of the restoration of the many murals painted during the 1930's under the public works of art project in several Federal office buildings.

My conviction that the restoration and preservation of this artwork would serve as an important step toward maintaining the city's appropriate role as the center of culture of the metropolitan area led me to write to the General Services Administration requesting that consideration be given to such a project and for a status report on these "forgotten" murals.

In response, I have received a most encouraging letter indicating that a program is underway to catalog all such pieces of art in governmental buildings, both in Washington and other cities, and that upon completion of this inventory, a coordinated program of restoration and labeling would begin. I am pleased that the GSA has taken note of these murals, and I am more pleased that efforts are being made to preserve them for the future edification of all who may visit those agencies possessing this art. These pieces of art give visual expression to the hopes and frustrations of the American people during the depression, and I am pleased that their eloqence is to be saved.

I would like to submit the response I received from the General Services Administration for the consideration of my colleagues:

GENERAL SERVICES ADMINISTRATION,
*Washington, D.C.*

Hon. GILBERT GUDE,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. GUDE: This is in response to your letter of April 22 concerning the restoration and preservation of works of art in various Federal Government buildings.

I concur wholeheartedly in your assessment of the value to our heritage of the works of art of the 1933–43 period. I also share your interest in their preservation because I believe they are important threads in the fabric of our culture.

To assure the preservation of all works of art commissioned by the Federal Government throughout its history and still in its possession, we are compiling a Fine Arts Inventory of the works which can be located. While the inventory will include works of all periods, emphasis will be placed on the years of 1933–43, the years of the greatest patronage—unmatched in the history of art. Its first purpose is to provide us with a record of all existing works and their condition which will permit us to conduct an organized program of restoration and continued maintenance. At that time a priority list will be established and every work will receive the necessary attention based on condition. In addition, fixed works of art, such as murals and large sculpture, will be identified on the site with an appropriate informative placard.

We have had an unpublicized on-going program of restoration and maintenance in effect for some time under which we have cleaned and restored several works in the Department of Interior and the Health, Education, and Welfare Building as well as the two large murals in the Rotunda of the National Archives. Our regional offices in Denver, Kansas City, and Atlanta have also been conducting a cleaning and restoration program in their areas.

Funding for this work is through our Repair and Improvement budget because the works of art are considered integral parts of the buildings under our responsibility. Costs for the professional restorers we employ are nominal in relationship to the cost of the art work. We have had, therefore, no funding problems.

In addition to restoration, we have been relocating art works, especially murals, from buildings declared excess or where remodeling work might cause damage to the painting. Where it is not feasible to install them in nearby Federal facilities, we have placed some works on the walls of universities or colleges on a loan basis. If this is not possible, the National Collection of Fine Arts serves as our repository. They are presently holding several large murals pending availability of appropriate wall spaces.

When our inventory is complete, we hope to issue a publication listing the works of art in it. Public interest in the art of the 1930's appears to be growing, and we believe such a pamphlet will fill an urgent need. Federal agencies and departments could use it effectively in conducting the employee tours you suggest. The sections relating to the works of art in Washington's Federal buildings would be excerpted and made available for tourists.

We appreciate your interest in preserving the Government's art collection and we are pleased that you share our enthusiasm.

Sincerely,
HAROLD S. TRIMMER, Jr.,
*Assistant Administrator.*

## JOHN J. RHODES REPORTS

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. RHODES. Mr. Speaker, following is the reprint of my June 28 newsletter which I am sending to my constituents in Arizona's First Congressional District.

JOHN J. RHODES REPORTS

VIETNAM

In the last 6 years, I have written at least 4 newsletters on the subject of Vietnam. I had hoped that I would not have to choose that subject for any more newsletters. However, the upsurge of carping criticism in certain quarters directed at our rate of withdrawal, and the re-doubled efforts on the Congressional level to impose some sort of a timetable for withdrawal on the President, make it obvious that once again it is necessary to try to straighten the record.

Even before the New York Times and the Washington Post saw fit to publish parts of an illegally obtained Pentagon report on Vietnam, we were all aware of certain facts. They are: 1) when President Eisenhower left the White House, there were 684 Americans in Vietnam, acting as trainers and advisers to the Army of South Vietnam. These men were not engaged in combat. Actually, our training establishment in Vietnam was inferior to the military advisers stationed with forces of several other countries; 2) when President Kennedy was assassinated in November 1963, we had something over 16,000 Americans in South Vietnam. Many of these soldiers were with South Vietnamese units, and if their unit was in combat, they engaged in combat roles; 3) during the Johnson Administration, the American troops in Vietnam increased to 540,000. We adopted the role of a full belligerent, and were actually engaged in fighting the Vietcong and North Vietnamese in our own units, under our own Flag; 4) shortly after President Nixon was inaugurated, he announced a twofold policy to get us out of Vietnam: a) he would continue to negotiate with the North Vietnamese and Vietcong in Paris, and press toward a negotiated settlement of the war; b) simultaneously, and as a hedge against failure at the conference table, our forces would undertake the task of "Vietnamization" which means retraining and re-equipping the South Vietnamese forces, systematically turning over the fighting to the Army of South Vietnam, and withdrawing American troops.

There has been no progress in negotiation. However, as a result of the Vietnamization program, the Army of South Vietnam has increased so dramatically in fighting ability and in power that the President was able to announce and carry out various troop withdrawals. For instance: 1) on June 8, 1969, President Nixon announced that 25,000 US troops would be redeployed from Vietnam by August 31, 1969; 2) on December 15, 1969, President Nixon announced that the US troop ceiling in Vietnam would be reduced an additional 50,000 to 434,000 men by April 15, 1970; 3) on April 20, 1970, President Nixon announced plans for the redeployment of an additional 150,000 US troops from Vietnam to be completed by the Spring of 1971; 4) on April 7, 1971, President Nixon announced plans for the redeployment of an additional 100,000 US troops from Vietnam to be completed by December 1, 1971.

*All of these troops reductions were, or are being, accomplished on, or ahead of schedule!* Thus, by December 1, 1971, the authorized US troop strength in Vietnam will be 184,000, a reduction of 365,000 from the 549,500 troop ceiling that was in existence prior to Vietnamization.

When the Nixon Administration came to power, Melvin Laird made the remark that there would be no "credibility gap" in the Pentagon as long as he was Secretary of Defense. Since that time, the Department of Defense has been very careful in its statements, and has scrupulously lived up to its promises. It can reasonably be expected that this policy will continue. It is also obvious that the policy of withdrawal from Vietnam will continue at the fastest pace possible commensurate with (1) the safety of our remaining forces, (2) the safety of our prisoners of war, (3) the continued ability of the South Vietnamese to choose for themselves the type of government they want.

Lest anyone think to the contrary, let it be understood that the policy of the Nixon

Administration is still to press for negotiations in Paris. A negotiated peace is by far the best way to end this war. However, the other side has remained as intractable as it was at the beginning of the negotiations, and not only demands our withdrawal, but in effect demands that as we leave we overthrow the aigon Government and turn power over to them. Obviously, it would be physically impossible for us to do that, and morally reprehensible for us even to try.

The Thieu Government has its shortcomings, but it should be remembered that it has been elected once, and is standing for election again. There will be those who look askance at these elections on the grounds that they are rigged. Our people in Vietnam doubt that there is significant "rigging" in these elections. Certainly, the elections are more like the ones we have in this country than one will find in any Communist country, including North Vietnam, where there are no elections at all.

To sum up the picture at this point: (1) we have helped establish in South Vietnam a viable, if far from perfect, government; (2) Vietnamization has proceeded to the point that the forces of South Vietnam should be capable of defending their country; (3) we have proceeded with American withdrawals with the result that the number of Americans in Vietnam on December 31, 1971, will be only 35 percent of those who were in that country when President Nixon became our Chief Executive; (4) our casualties are down from an average of 281 men a week in 1968 to an average of 45 men a week in 1971; (5) the government is committed to continue withdrawals as rapidly as possible.

Then comes the $64,000 question. This being the case, why do you find in the Congress and in the country this sudden passion to set the rate of troop withdrawal by legislative act? There are many people who honestly believe that Congressional action can and should take us out of the war at a fixed time. These are sincere people, and I respect their opinions. However, there are also those who feel that withdrawal from Vietnam is a prime political issue, and they are doing their very best to climb on this horse and ride it as far as it will go. Also, I am satisfied that there are many people in the peace movement who would like to see this government overthrown completely. Most of them have no idea as to what kind of government that they would put in its place. They only know that they want a change.

This situation becomes completely ludicrous when it is recalled that very few, if any, of these same people raised their voices one decibel when President Johnson was escalating our participation in Vietnam from 16,000 men to 540,000 men. There were no cries of rage from these people when the Gulf of Tonkin Resolution was twisted and distored so as to be used as authority for fighting a ground war in Asia 8,000 miles from our shores. There was no protest by them when we took the war away from the outh Vietnamese and made it an American war. As a matter of fact, one of the loudest protesters, Mr. Clark Clifford, was Secretary of Defense at the time the last escalation of our troop strength in Vietnam occurred! His credentials appear to be rather weak in speaking out for faster troop withdrawal. The fact that he is also one of the chief advisers to the Democratic Party hardly improves his standing.

During the Johnson Administration, there was a feeling in Congress that, in the best American tradition, politics should stop at the water's edge. Although there was much dissatisfaction with the Vietnam war, and many of us spoke out, as I did in my newsletters, to warn American people that this was not an easy war and would last for years as it was being prosecuted, mainly politics did not enter into the Congressional pronouncements. What a contrast that is with the manner in which President Nixon's efforts to end the war are being treated by the opposition! I have heard members of Congress justify supporting various "end-the-war" amendments on the ground that they "really wouldn't hurt the President, because most of these amendments are ineffectual," and as one member put it "are largely symbolic." Nothing could be farther from the truth. Each such effort weakens our position in negotiating with the enemy. They give the enemy the feeling that they can win if they just "sit tight." Therefore, they don't negotiate—there is no incentive for them to do so.

It is no wonder that Ambassador Bruce, our chief negotiator in Paris, purportedly told the President that if one of the amendments placing a time limit on our withdrawal from Vietnam were adopted, it would undermine his negotiating position so completely that he might as well come home.

Each of these "end-the-war" amendments really amounts to a vote of no confidence in President Nixon. Is this really good for the country—especially at this time? Does he really deserve this kind of treatment?

With the record which the Nixon Administration has compiled, I should think that every American would be thankful for the effectiveness of President Nixon's efforts. This is no time for division—it is a time to close ranks behind a President who has proved he knows what he wants to do, and that he is capable of doing it.

### SOCIAL SECURITY BENEFITS

Recent data on social security benefits indicate that by the end of 1970, the social security program was paying monthly cash benefits to over 26 million persons. Of this total 17.5 million were 65 years of age or older, and another 2.3 million were between the ages of 62 and 64. Some 4.1 million beneficiaries were receiving "child" benefits, including over half a million students aged 18–21. More than a quarter of a million individuals aged 18 and over received payment because of childhood disabilities.

Total benefit payments in 1970 amounted to $31.9 billion, roughly $5 billion more than 1969. Nearly three-quarters of the increase is due to the increased benefit rates authorized by the 1969 Amendments to the Social Security Act which became effective in January 1970. The rest of the increase was due to the addition of over 900,000 beneficiaries. The 10 percent increase in benefit rates enacted by Congress in 1971 as well as another net gain in beneficiaries is expected to boost total benefit payments for 1971 to about $36 billion.

The following tables indicate the totals for the Nation, Arizona and Maricopa County:

TABLE I.—OLD-AGE, SURVIVORS, DISABILITY, AND HEALTH INSURANCE MONTHLY CASH BENEFITS IN CURRENT-PAYMENT STATUS AT END OF DECEMBER 1970, BY STATE AND COUNTY OF BENEFICIARY'S RESIDENCE

| | Number of beneficiaries | | | | | | | Amount of monthly benefits (in thousands of dollars) | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dependents of— | | | | | | | |
| State and county | Total | Retired workers | Disabled workers | Retired workers | Disabled workers | Survivors | Special age 72 beneficiaries | Total | Retired workers | Disabled workers | All other beneficiaries |
| U.S. total | 26,228,629 | 13,349,175 | 1,492,948 | 3,210,402 | 1,172,047 | 6,470,433 | 533,624 | 2,628,313 | 1,576,534 | 196,020 | 855,759 |
| Arizona | 222,344 | 113,162 | 13,970 | 28,331 | 11,577 | 52,184 | 3,120 | 22,554 | 13,642 | 1,918 | 6,994 |
| Maricopa | 121,313 | 63,575 | 7,454 | 14,941 | 5,813 | 27,792 | 1,738 | 12,706 | 7,782 | 1,029 | 3,895 |

TABLE II.—OLD-AGE, SURVIVORS, DISABILITY, AND HEALTH INSURANCE

NUMBER OF BENEFICIARIES WITH MONTHLY CASH BENEFITS IN CURRENT-PAYMENT STATUS AT END OF DECEMBER 1970, BY AGE OF BENEFICIARY AND BY STATE AND COUNTY OF RESIDENCE

| | | Under age 60 | | | | Age 60 and over | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Age 65 and over | | | | |
| State and county | Total | Total | Under age 18 | Age 18 to 21 | Age 22 to 59 | Total | Age 60 to 61 | Age 62 to 64 | Total | Age 65 to 71 | Age 72 and over | Men | Women |
| U.S. total | 26,228,629 | 6,023,943 | 3,307,698 | 577,784 | 2,138,461 | 20,204,686 | 359,695 | 2,311,538 | 17,533,453 | 7,496,782 | 10,036,671 | 8,145,042 | 12,059,644 |
| Arizona | 222,344 | 58,887 | 34,472 | 5,586 | 18,829 | 163,457 | 3,199 | 22,556 | 137,702 | 66,577 | 71,125 | 72,429 | 91,028 |
| Maricopa | 121,313 | 29,193 | 16,841 | 2,726 | 9,626 | 92,120 | 1,667 | 12,646 | 77,807 | 37,139 | 40,668 | 39,778 | 52,342 |

### VISITORS

*Mesa*—Mr. and Mrs. J. Darwin Gunnell, Kay and Scott; Stephen J. Carter; Richard S. French; Mr. and Mrs. Dilworth Brinton, Richard and Ann; Mrs. Vida Brinton; Mr. and Mrs. Loren J. James; Mac C. Matheson.

*Phoenix*—Drs. Wm. A. and Gladys T. McGarey; Thomas R. Woods; E. L. Pastor; Roger Ernst; R. Gutierrez; Jim Boice; John C. Stallings; Terri Cruz; Marvin Hansen; Gary W. Gerhard; Ronald Karp; Catherine Zandler; Mr. and Mrs. Eldon R. Stucky; Hon. William Mahoney Jr.; Jack Pfister; Alex Stamatakis; J. Woollson; Robert L. Himmelberger; Mr. and Mrs. Richard Miller; Mr. and Mrs. Joe H. McGee; Wes Steiner; Rich Johnson; Frank Scussell; Robertson M. Fort; Howard E. Kraft; Ted and Wanda Tinkler and Carol; Charles

W. Smith Jr.; Mrs. Louis Ziman; Hon. Lorna E. Lockwood; Joe Stertz; John F. Burnett; Walter Chopiwskyj; Elmer C. Coker; Mr. and Mrs. E. R. Livermore; Hazel Bennett; Walter L. Stephenson; C. L. Lindberg; Dr. and Mrs. Ellis Shackleford, Sue and Brian; Elice Higginbotham; Travis Williams; Rev. and Mrs. Donald G. Sapp and family; Herman Chanen; Mr. and Mrs. N. Warner Lee; Mrs. James R. McDonald, Joe and Jim; John W. Simonds; Mrs. Sam J. Myers, Laurie Myers; Hon. Burton Barr; Mrs. Jerry Wisotsky and Ronnie; Mr. and Mrs. Law L. Lovelace; Joe Ralston; Mr. and Mrs. Ed Singer, Mark and Mitchell; Americo Lazzari; Jane Ralston; Hon. Timothy Barrow; Hon. Robert Stump.

*Tempe*—Barbara Johnson; Adolf P. Echeveste; Mr. and Mrs. John W. Lester, Phil and Janet; David B. Noble.

*Scottsdale*—J. Robert White, Ken and Rob; Mr. and Mrs. D. G. Taylor; Hon. Bud Tims; Wilson H. Young; R. Parker; Mr. and Mrs. Joseph Powell; Jan P. Powell; Paul F. Huldermann; Mr. and Mrs. Craig R. O'Connor; Charles R. Bell; Bob Yount.

*Guadalupe*—Olmedo J. Abeyta; Lauro Garcia; Frank S. Luera.

*Paradise Valley*—Dr. and Mrs. Paul E. Palmer, Kathy, Bruce, Susan, Nancy, and Ellen.

*Tucson*—Howard E. Jones; Mrs. W. D. Kelley; Jacquelynn R. Williams Egan; Wm. C. Jacquin; Mr. and Mrs. Peter D. Herder and David; Mr. and Mrs. J. W. Mandelbaum; Mr. and Mrs. Dale Chastain and Jim; Bob Webb; Helen Weber, Mr. and Mrs. R. V. Ageton Jr., Mary Clare, Don, and Richard.

*Fort Defiance*—George E. Burns; *St. Johns*—Jack A. Brown.

*Eden*—Rod Kempton; *Willcox*—Suzanne Riggs; *Coolidge*—Shari Snitzer.

*Gila Bend*—Eleanor A. Logan; *Holbrook*—John L. Ashe; Ross Barnes; Raleigh W. Johnson; D. M. Gibbons.

*Sells*—Don L. Peterson; *Kearny*—Ivor G. Pickering.

*Carefree*—Joe P. Sparks; *Ganado*—James N. Moss; Larry R. Manuelito; H. Wayne Stuckey.

*Glendale*—Arthur J. Hubbard Sr.; Gerald I. McCulloch; Roland Skinner.

*Yuma*—Tom Choules; Hon. James Duke Cameron.

*Wellton*—C. C. Tabor.

## PRESENT EXPENDITURES ON FEDERAL PROGRAMS FOR CONSUMERS

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to introduce into the CONGRESSIONAL RECORD the response to an inquiry on costs of present Federal programs relating to consumers by Representative H. Sheldon Parker, Jr., an outstanding legislator from Pittsburgh, serving in the Pennsylvania House of Representatives. Mr. Parker's request for information on the amount of Federal funds expended for consumer protection is answered by a letter written by Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs. The letter follows:

THE WHITE HOUSE,
*Washington.*

Hon. JAMES G. FULTON,
*House of Representatives,*
*Washington, D.C.*

DEAR JIM: Thank you for your recent letter concerning the request of Mr. Sheldon Parker as to how much the Government spends in the area of consumer affairs.

Summary statistical data on Federal programs relating to consumers primarily cover activities in the domestic area which are intended to inform, protect, educate, or otherwise benefit consumers as they acquire goods and services in the marketplace.

The programs listed below were reported by the agencies as primarily relating to consumers. These are gross figures which can be misleading if their limitations are not kept in mind. In many instances, agency accounting systems do not provide for isolating the consumer from the non-consumer aspects of an activity. Moreover, since there is no common agreement on what constitutes a "consumer program" there can be disagreement on whether a specific activity should be included or excluded. Within these limitations, a listing of selected significant consumer-related activities in terms of approximate costs to the Federal Government for Fiscal Year 1970 follows:

*Approximate cost in fiscal year 1970*

[In millions]

| | |
|---|---|
| Department of Agriculture: | |
| Consumer oriented research | 40 |
| Meat and poultry inspection | 114 |
| Agriculture product grading | 50 |
| Consumer extension education | 130 |
| Department of Commerce: | |
| National Bureau of Standards programs | 8 |
| Department of Health, Education, and Welfare: | |
| Food and Drug Administration | 75 |
| Other HEW programs | 26 |
| Department of Justice: | |
| Antitrust and other consumer-related activities | 10 |
| Department of Transportation | 24 |
| Office of Economic Opportunity | 20 |
| Civil Aeronautics Board | 9 |
| Federal Communications Commission | 3 |
| Federal Power Commission | 9 |
| Federal Trade Commission | 15 |
| Interstate Commerce Commission | 28 |
| Securities and Exchange Commission | 17 |
| Total | 578 |

Sincerely,
VIRGINIA H. KNAUER,
*Special Assistant to the President for Consumer Affairs.*

## PENTAGON PAPERS

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WOLFF. Mr. Speaker, the events of the last 2 weeks involving the publication of Pentagon documents by the New York Times and the Washington Post have brought before the American people serious questions of constitutional interpretation and the acceptable extent of powers wielded by the executive branch of the Government. Not only will the future of journalistic freedom, guaranteed for almost 200 years by the first amendment, be decisively influenced, but the administration's power to withhold information from the public will be affected by the decision of the Supreme Court.

In the past 2 years the people of this country have witnessed unprecedented attacks on the news media by the administration. This most recent attempt to stifle the efforts of newspapers to print historical documents about the destructive war in Southeast Asia is consistent with these actions and with the desire of this and former administrations to maintain an air of secrecy when discussing certain aspects of the Vietnam situation.

Two newspapers which have large circulations among my constituents in New York have recently printed editorials on the Pentagon papers and the Government's legal action against the Times and the Post. I believe, Mr. Speaker, that these articles will be of interest to my colleagues and to the American public. I feel it is true that when secrecy "becomes a substitute for honesty and when deception becomes synonymous with diplomacy, the goals of this Nation are compromised." I include the editorials at this point in the RECORD:

[From the Long Island Press, June 16, 1971]

TO PRINT, OR NOT TO PRINT

Two far-reaching, separate sets of questions are involved in the New York Times' publication of a secret Pentagon study of the Vietnam War.

One has to do with the First Amendment right of a newspaper to print such information. The other has to do with the ramifications of the substance of the revelations.

This case is developing into one of the most significant in the long history of the great American dilemma raised by the conflict between the public's right to know and the governments privilege of confidentiality.

No one seriously questions the need for classified information in military matters. As State Secretary Rogers pointed out yesterday, publication of secret documents can also, by violating confidences, cause serious breaches in trust in our relations with other governments. The difficulty, however, is that there can be no absolute determination of where security begins and ends. All too often, secrecy has been used to disguise error and questionable policies rather than preserve security.

Atty. Gen. Mitchell in obtaining a temporary injunction against the Times yesterday, charged that publication of the Vietnam report "has prejudiced the defense interests of the United States" and that further publication would "result in irreparable injury to the national defense." It is now incumbent on him to make overwhelmingly convincing case before such an awesome and unprecedented decision be made permanent. Indeed, it should go all the way, if need be, to the Supreme Court.

Mr. Mitchell's case is not clearcut so far. The events dealt with in the report occurred several years ago. Much of the information merely documents what has since, in general terms, become public knowledge, illuminating—sometimes shockingly—the nation's drift into war.

Considering the lives lost, the pain to so many millions of individuals and the extent to which the war has torn the fabric of American society, every responsible attempt to let the public know is not only the exercise of an American right, but an exercise in America wisdom.

While such publication may be a sign of our vulnerability, it is also a sign of our strength. Even as the demonologists are busy picking through the dirty linen for their favorite bad guys, a fact that seems to be overlooked is that the study was not prepared by the accusers, but by the principals themselves.

There is much that is damning, particularly the cynical failure to inform both Congress and the public of national life-and-death decisions. It is also distressing to note the fallibility of leaders. Operating in what they considered the highest national interest, they threw all their talents and energy into an effort that demeaned American power instead of enhancing it, and contributed so to the economic and social turmoil at home.

They thought they were fighting a limited war, and in a sense, they were right; our full military potential was never unleashed. The result, however, was the opposite of the intention to end the fighting; it was a tragic miscalculation in which enough force was used to kill and maim thousands of people and generate a domestic disaster, but not enough to deter the other side's force and terror.

All this documentation, however, is still the raw stuff of history, not history itself, which is the evaluation and understanding of such material. For those who rush to judgment, there must be words of caution. There is much material that has not yet appeared—the reports of other agencies and other leaders and, most significantly material that may never appear, the documents about the inner workings of Hanoi, Peking, Moscow and other protagonists in this frightful struggle.

As the brilliant book by John Toland, "The Rising Sun," reveals in its analysis of World War II as seen through Japanese sources, opinions and prejudices are easy to come by, but awareness of broad historical truths take patient study of all sides.

Instead of trying to bottle this up through the courts, the administration should cooperate with Senate Democratic Leader Mike Mansfield's intention to hold open hearings, "to see the whole story laid out . . ." because "the congress and the people are entitled to all the elements pertaining to this tragedy."

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[From Newsday, June 16, 1971]

### WHO IS THE ENEMY?

The critical issue in the case of the United States vs. the New York Times is: Does the Nixon administration fear the effect of the extraordinary "Vietnam papers" on the enemy or on the American people?

Under terms of a ruling by a federal judge appointed four days ago by President Nixon, it will be at least Sunday before the public can learn the next chapter in the incredible history of duplicity and misinformation that accompanied the nation's descent into the Vietnam morass.

This delay, if not the complete suppression of these startling documents, is the responsibility of the Nixon administration, which sought the restraining order on the grounds that publication could "result in irreparable injury to the national defense." It again widens the breach between the White House and those who question, criticize or dissent from the government's handling of the Vietnam war.

The administration's position seems singularly untenable at this point since the papers in the Times' possession do not cover any activities beyond mid-1968—three years ago—and therefore would appear in no way to jeopardize the lives or performance of any present U.S. military forces.

What the documents do jeopardize, of course, is the familiar governmental assurance that it is telling the truth, keeping the people informed and acting in their best interests.

And while the material appearing in the Times dealt only with previous administrations—and primarily with the Johnson years of escalation—this attempt at suppression by President Nixon and Attorney General Mitchell perpetuates the spirit of obfuscation and concealment that permeates the official behavior described in the published accounts.

The present controversy also emphasizes the role of the press in public affairs. Although the Nixon administration frequently has criticized the media for its negative attitude toward government, the Vietnam papers underline the necessity for skepticism. The current revelations surely would not have created such an impact had the American press pursued its mission more vigorously when the Johnson administration was selling the war to the American people.

The Times has done a distinct public service in publishing this heretofore secret history of U.S. involvement in Vietnam from the end of World War II. Unsettling as the disclosures may be to those who have insisted upon the right of the government not to be questioned, publication of the report fulfills an essential need of democracy—the right of the people to know.

In this history, which was undertaken by Pentagon analysts at the behest of former Defense Secretary McNamara, it is made clear that our participation in Vietnamese affairs has, again and again, been marked by Machiavellian counterplay, by a disregard for public honesty and by the conviction that a small group of White House policymakers can stage-manage domestic opinion and do whatever else they think necessary to justify their narrow concept of American self-interest.

#### TONKIN GULF REVISITED

The famous Tonkin Gulf incident, for instance, according to the government's own account, did not occur in the vacuum suggested by the Johnson administration. The August, 1964, "attack" on two U.S. destroyers by North Vietnam followed months of provocative action by U.S.-supported Vietnamese forces and the development of a battle plan for escalating the war. Congress, lacking this knowledge, was so outraged by the administration's report of the Tonkin Gulf affair that it passed a resoultion essentially ceding war-waging powers to President Johnson in Southeast Asia. And, on that basis, Washington unleashed its formidable air power on North Vietnam with, as the study notes, "virtually no domestic criticism."

The implications of this study—and its release and attempted suppression—must not be minimized. Central to the matter is the power of the presidency, particularly as it applies in decisions affecting war and peace. Obviously, according to disclosures made by the Times, the people and the Congress were willing, albeit unknowing accomplices, to a series of decisions that saw this nation go from a provider of military aid in the Truman era to a major combatant during the Johnson years—all the time without really understanding the implications of our Vietnamese adventure. Yesterday, the Times reported that President Johnson decided to undertake an offensive ground war in April, 1965, despite the existing policy that counseled against another Korean-type land war in Asia. Mr. Johnson made this momentous choice and then, according to the Pentagon history, ordered that the decision be kept secret.

Although the study does not allude to the Nixon administration, there is no reason to believe that the presidency has become less a repository of power under the present leadership. But, whoever occupies the White House, Republican or Democrat, the people should have a basic assurance that their fate—and the fate of this nation—will not be decided precipitately by an overenthusiastic exercise of power or, simply, by an administrative misjudgment or executive blunder. In order to limit presidential war-making power, a bill introduced last month by Sen. John C. Stennis (D-Miss.) merits enactment. The proposed measure would allow the President to dispatch troops only to ward off invasion or protect Americans abroad. If, after 30 days, the Congress had not ratified that presidential action, the troops would return—immediately.

In defending its right to publish the Vietnam chronicle, the Times stated that "it is in the best interest of the people of this country to be informed of the material . . ." To say the least, we agree. If the government is unwilling to level with the people, the press must perform that service. Rep. Paul N. McCloskey (R-Calif.), a critic of the Vietnam war, said after the Times series began that "the issue of truthfulness of government is a problem as serious as that of ending the war itself." Too often he said, government cover-ups are "not a matter of protecting secret information from the enemy." Rather, he said, the "intention is to conceal information from the people of the United States as if we were the enemy."

Secrecy may, at times, be necessary in the administration of even the most open of societies. But when it becomes a substitute for honesty and when deception becomes synonymous with diplomacy, the goals of this nation are compromised. The Times case should be a signal to us all that power has been misused in Washington. The people should take every step to see that the abuse does not continue.

Senate Majority Leader Mike Mansfield (D-Mont.) already has suggested the possibility of hearings into the disclosures. They should be held. As in the case of congressional inquiries into American war crimes, which this newspaper has proposed, the need for the American people to know what has been done in their name is essential if we are to prevent future Vietnams and regain the sense of national pride and purpose that are vital to our survival as a democratic society.

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## CONGRESS' INTEREST IN THE NEW YORK TIMES AND THE WASHINGTON POST CASES

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ECKHARDT. Mr. Speaker, on Saturday, June 26, the Supreme Court heard the New York Times and the Washington Post cases concerning the publication of the secret Pentagon report on the Vietnam war. Just as we did in the District Court for the Southern District of New York, the District Court for the District of Columbia, the District Court for the District of Massachusetts, the Court of Appeals for the Second Circuit, and the Court of Appeals for the District of Columbia, I and 26 other Members filed a brief as amici curiae on the side of the Times and the Post.

As the brief indicates, we believe that Members of Congress have a very special and unique interest in having these documents and "a particular and profound interest in having their constituents obtain all the information necessary to perform their functions as voters and citizens." I urge all of my colleagues to read this brief so as to better understand our sincere concern:

[In the Supreme Court of the United States, October Term, 1970, No. 1873]

The New York Times Co., et al., Petitioner, v. United States of America, Respondent.

United States of America, Petitioner, v. The Washington Post Company, et al., Respondent.

### Brief of 27 Members of Congress as Amici Curiae

This brief is filed on behalf of the following Members of Congress: Phillip Burton, John Dow, Bob Eckhardt, Don Edwards, Michael Harrington, Robert Kastenmeier, Edward Koch, Abner Mikva, Benjamin Rosenthal, William F. Ryan, James Abourezk, Bella S. Abzug, William R. Anderson, Herman Badillo, Jonathan B. Bingham, William Clay, Ronald V. Dellums, Sam Gibbons, Ella T. Grasso, Seymour Halpern, Peter Kyros, Parren Mitchell, Bertram L. Podell, Charles B. Rangel, Donald W. Riegle, Jr., James H. Scheuer, and Lester L. Wolff.

### INTEREST OF AMICI

The Members of Congress, on whose behalf this brief is filed, have a vital interest in the outcome of these cases, distinct from that of the plaintiff, the defendants, or the general public. As members of the national legislature they must have information of the kind involved in these suits in order to carry out their law-making and other functions in the legislative branch of the government. They seek to vindicate here a legislative right to know.

In addition as elected representatives of the people in their districts, Members of Congress have a particular and profound interest in having their constituents obtain all the information necessary to perform their functions as voters and citizens. More than any other officials of government, Members of Congress have relations with the public that gives them a crucial concern with the public's right to know.

We agree with the position of the defendants New York Times and Washington Post that the courts have no inherent authority, absent a statute, to prevent publication of the documents involved here, and that no such statutory authority exists. We confine our argument, however, to the broader constitutional issues and urge upon the Court three fundamental propositions: (1) that information which comes to light other than by strictly lawful process is nevertheless entitled to the full protection of the First Amendment; (2) that the attempt by the Government to suppress publication of these documents violates both the legislative and the public right to know; and (3) that the doctrine of prior restraint forbids advance censorship of material published by the press.

### I. INFORMATION WHICH COMES TO LIGHT OTHER THAN BY STRICTLY LEGAL PROCESS IS NEVERTHELESS ENTITLED TO THE FULL PROTECTION OF THE FIRST AMENDMENT

The general approach which ought to govern solution of the problem now before the Court has been well expressed by James Madison in his Report on the Virginia Resolutions:

"In every State, probably, in the Union, the press has exerted a freedom in canvassing the merits and measures of public men of every description which has not been confined to the strict limits of the common law. On this footing the freedom of the press has stood; on this footing it yet stands. . . . Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth than, by pruning them away, to injure the vigour of those yielding the proper fruits."[1]

The Government's approach has been quite different. The Government conceives of the problem as if the only issue were one of stolen goods. It bases its claim upon a proprietary interest in the information involved, urges that it is entitled to recover its stolen property, and contends that neither Members of Congress nor the general public can have any right to the purloined information.[2]

The Government's position might be valid if all that was involved were a stolen automobile. It might even be sound as applied to the physical documents themselves, or to a copyrighted manuscript of a private author. But this approach has no valid application to *information* about public events. Such information, whether or not it comes to light within "the strict limits of the common law," is part of the common fund of knowledge available to the general public in its role as ultimate decision-maker. This information, therefore, comes within the ambit of the First Amendment and the issue moves to a higher, constitutional level.

It is well known to observers of public affairs that vast amounts of information become available to Congress and the public in a manner which does not conform to the Executive's national security classification scheme. The affidavits of Max Frankel, Benjamin Bradlee, and other newsmen on file in the present proceedings make this entirely clear. Indeed, one of the principal functions of a free press in this country is to ferret out information which the Executive wishes to conceal. Executive officials themselves consistently disclose classified information, or engineer leaks, for the purpose of influencing public decision-making. Much other classified material emerges in memoirs, government documents taken when the official leaves office, and similar sources. The existence of such a communications system in fact marks the difference between a free press and a controlled press, between a democratic system of free expression and a totalitarian system of controlled expression.

The Executive regulations on classification can govern the internal operation of the Executive agencies. They cannot, under the First Amendment, control communication of information outside the government. To put it colloquially, a cat in the bag cannot be treated the same way as a cat outside the bag. Once the information gets outside the Executive—once the Executive loses its control for any reason—the information becomes part of the public domain.[3]

The results that flow from this state of affairs are twofold. First, once having lost control of the information the Government can, as a practical matter, rarely get the information back. The events of the past few weeks fully demonstrate the truth of this proposition. Second, whatever the rights of the Executive may be with respect to the person who first obtained the information in breach of the classification rules, the Executive should not be allowed to try to regain control of the information through muzzling the press. Such an effort, involving suppression of information at whatever point it crops up in the communications system, under the guise of fact or opinion or even art or literature, could only be accomplished by the kind of controls that are characteristic of a police state.

### II. THE ATTEMPT BY THE EXECUTIVE TO SUPPRESS PUBLICATION OF THESE DOCUMENTS VIOLATES BOTH THE LEGISLATIVE AND THE PUBLIC RIGHT TO KNOW

The defendants in these proceedings have, quite naturally, stressed the protection which the First Amendment extends to the speaker, the writer and the publisher of information. This case also presents, in a way no other case in our history has before, the other side of the First Amendment coin—the right to listen, to hear, and to obtain information. Two aspects of this right to know are involved here. We discuss first the right of Members of Congress and second the right of the general public.

#### *A. The legislative right to know*

The legislative right to know derives from the position and function of the legislative branch in the general structure of our government. It has been recognized many times in the decisions of this Court. See, e.g., *Watkins* v. *United States,* 354 U.S. 178 (1957). The legislative right to know also derives from the First Amendment. That constitutional mandate was designed to maintain an effective system of freedom of expression and members of the legislature are entitled, as are private citizens, to share its benefits and protections.

It would be hard to overestimate the importance to our form of government of the legislative right to know. That right is indispensable to the performance of every function of the legislative branch. Clearly legislative access to information ought to be at least on a par with that of the Executive. For the legislative function is not only to initiate the basic policies which the Executive branch must follow, but to review the administration of those policies by the Executive and revise them in the light of that knowledge.

The legislative right to know is of particular importance at this period of development in our national affairs. The constant growth of the executive power has been a major characteristic of our age. More and more the people of our country have been concerned that the expansion of executive power has upset the original balance contemplated by the framers of our Constitution, that monopoly of power in the Executive has resulted in the government losing touch with the needs and desires of its own citizens, and that enhanced power in our elected representatives is imperative to restore a healthy division of authority in government.

There are a number of reasons for this unparalleled and dangerous growth of Executive power in the United States. There can be no doubt, however, that one of the principal reasons is the far greater access of the Executive to information, and its unwillingness to share that knowledge with Congress and the public. In today's world, control of the information process is the key to power.

It is crucial to note, also, that the legislature cannot adequately perform its function upon the basis of "official" information submitted to it by the Executive branch. Every observer of government knows that "official" information, in most situations, tells only half the story. Any bureaucracy, by the nature of the institution, tends to reveal only what it believes will support its own position and advance its own policies. A realistic fund of information must depend upon materials which lie far below the surface. The system of checks and balances cannot rest upon such bland sources of information as Executive hand-outs.

In this process of obtaining fuller, richer and more realistic information the press plays a vital role. It is not too much to say that this is perhaps the most important function of a free press. Obviously it is not a function that can be performed by a press under governmental constraint.

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[1] Report on the Virginia Resolutions, Madison's Works, vol. iv, 544.

[2] After commencement of the proceedings the President, as a matter of grace, made the materials available to members of Congress. *N.Y. Times*, June 24, 1971.

[3] We are not discussing here the right of Congress, one of its members, or the general public to force the Executive to disclose information under powers inherent in the legislature, the First Amendment, or statutes such as the Freedom of Information Act.

There is no need to stress here that the documents involved in these proceedings could not be more relevant to the issues now pending in Congress. Termination of the war in Vietnam, extension of Selective Service, appropriations for the conduct of the war, and numerous other questions are before the House and the Senate at this very moment. In addition, broader problems going to the respective powers of Congress and the President in connection with the making of war and the conduct of foreign relations are pressing for attention. It thwarts common sense that the information here in question should be withheld from Members of Congress.

In sum, to close off access to the kind of material the Government is now attempting to suppress would cripple the legislature in the performance of its constitutional functions. It would go far to relegate the legislative branch to second rate status in relation to the Executive, to jeopardize the balance of power between the branches of governments and to alter the whole constitutional structure.

### *B. The public right to know*

The public right to know has been repeatedly recognized by this Court as a vital aspect of our system of freedom of expression. As Mr. Justice Brennan said in his concurring opinion in *Lamont* v. *Postmaster General*:

"It is true that the First Amendment contains no specific guarantee of access to publications. However, the protection of the Bill of Rights goes beyond the specific guarantees to protect from congressional abridgment those equally fundamental personal rights necessary to make the express guarantees fully meaningful. . . . I think the right to receive publications is such a fundamental right. The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers." 381 U.S. 301, 308 (1965).

The public right to know was the basis of the decision upholding the fairness doctrine in *Red Lion Broadcasting Co. v. F.C.C.*, 395 U.S. 367 (1969), and the right to read what one pleases in *Stanley v. Georgia*, 394 U.S. 557 (1969). Lower Federal courts have likewise applied the principle to uphold the interests of the public as recipients of information in an untrammeled system of freedom of expression. See, e.g., *Office of Communications of United Church of Christ v. F.C.C.*, 359 F. 2d 994 (D.C. Cir. 1966); *Mandel v. Mitchell*, 39 L.W. 2530 (1971).

Members of Congress, of course, have the same interests as other citizens in protection of the right to know. They also have a particular interest as members of the legislative branch. Effective performance of their duties as elected representatives depends upon a knowledgeable constituency. Members of Congress and the people they represent must operate on a shared basis of understanding, upon a common wavelength. It is vital to the functioning of a democratic system that the electors have enough information to grasp the issues upon which their representatives are voting. It is likewise essential to the Member of Congress that he relate to the ideas and responses of his constituents. This reciprocal relation depends upon the fullest access possible to a common store of information. The public right to know, therefore, takes on a special importance when it concerns matters pending before the legislature.

Once again, it is difficult to imagine any information more relevant to the public right to know than the documents which the Government is here trying to keep the public from seeing.

The precise degree of protection afforded by the doctrine of the right to know, as embodied in the First Amendment, has not yet been fully developed. It may be some years before the specific rules can be worked out. Yet the starting point is clear. It is that members of the public have, as a general proposition, the right to know all information upon which decisions that affect their lives and property are based. This is the fundamental premise of a democratic system. Exceptions to the general rule must be narrow and specific. They would be recognized only in such special areas as military weapons and operations, current negotiations with a foreign country, or damage to individual reputation by premature disclosure of investigative data.

Wherever the line of exceptions may be drawn it has not been reached in these cases. Judge Gurfein and Judge Gesell have both found, after a full hearing, that no substantial breach of national security is involved. The withholding of the information here in question has a maximum impact upon the constitutional right to know and the function it is designed to perform. There is no sound ground for not giving full effect to the constitutional principle in these cases.

A genuine and whole hearted insistence upon maintaining the right to know is vital to the welfare of the nation and its ability to cope with the many problems that now confront it. Much of the frustration, mistrust and misunderstanding that prevails in many quarters of the land today is due to our failure to keep the decision-making process on a more open and observable basis. Vigorous enforcement of the constitutional right to know would go far to restore confidence in our institutions and evoke support from the people who are most affected by their operation.

### III. THE DOCTRINE OF PRIOR RESTRAINT FORBIDS ADVANCE CENSORSHIP OF THE MATERIAL HERE INVOLVED

The doctrine of prior restraint, growing out of revulsion to the English censorship laws, holds that governmental restrictions cannot be imposed upon expression in advance of publication. Even though the expression may be subject to subsequent punishment or can otherwise be restricted at a later point, it cannot be proscribed prior to publication. The doctrine was made part of our constitutional law in *Near* v. *Minnesota*, 283 U.S. 697 (1931). It has since been repeatedly confirmed. See e.g., *Lovell* v. *Griffin*, 303 U.S. 444 (1938); *Kunz* v. *N.Y.*, 340 U.S 290 (1951); *Carroll* v. *President and Commissioners of Princess Anne*, 393 U.S. 175 (1968).

The theory of the prior restraint doctrine is that a system which requires a publisher to submit his material in advance to a government censor is so repressive by its very nature as to be inevitably destructive of free expression. The reasons for this have been stated as follows:

"A system of prior restraint is in many ways more inhibiting than a system of subsequent punishment: It is likely to bring under government scrutiny a far wider range of expression; it shuts off communication before it takes place; suppression by a stroke of the pen is more likely to be applied than suppression through a criminal process; the system allows less opportunity for public appraisal and criticism; the dynamics of the system drive toward excesses, as the history of all censorship shows."[4]

So oppressive is a scheme of prior restraint that it is not an exaggeration to say that it smacks of totalitarian rather than democratic methods of control.

All the parties to these cases, and all the courts that have passed on the various aspects of them, recognize the critical importance of the doctrine of prior restraint. The issue here has turned, not on the validity of the doctrine, but upon whether an exception should be made to it in the case of national security. In a dictum in *Near* v. *Minnesota* the Court stated that there might be exceptional cases where the doctrine would not be applied, mentioning "actual obstruction to [the] recruiting service or the publication of the sailing dates of transports or the number and location of troops;" "obscene publications;" and "incitements to acts of violence and the overthrow by force of orderly government." 283 U.S. at 716. An actual exception has been made in the case of motion picture censorship boards to the extent of upholding laws which require advance screening of films against possible illegal obscenity. *Times Film Corp.* v. *City of Chicago*, 365 U.S. 43 (1961); *Freeman* v. *Maryland*, 380 U.S. 51 (1965). No other exceptions have been permitted. It has never been suggested by any court that the press could be subject to any form of advance censorship.

In the cases at bar, for the first time in the history of this country, various formulations have been proposed for an exception applying broadly to national security matters. The Government, if we understand its position correctly, urges that an exception be made for any classified document would per se constitute such a breach. Judge Gurfein would allow an exception for "information or documents absolutely vital to current national security." The Court of Appeals for the Second Circuit approved censorship of items which "pose such grave and immediate danger to the security of the United States as to warrant their publication being enjoined."

We submit that any of the above formulations would effectively nullify the prior restraint doctrine in the area of national security matters and would gravely jeopardize the whole system of freedom of expression. The Government's proposal would permit an injunction against the publication of any classified material unless the publisher could show that the classification was arbitrary and capricious. If this Court sanctions such a rule the press will be at the mercy of the Department of Justice. The Government will be in a position to leak any classified information that serves its own purposes and shut off countervailing information. The Executive would be arrogating to itself dictatorial power over the dissemination of large quantities of information bearing upon national defense, foreign policy, and most of the other important issues of the day.

The formulations of Judge Gurfein and the Court of Appeals for the Second Circuit, although more stringent on their face, would be almost equally destructive of a free press in America. We do not make this statement lightly. We ask the Court to consider carefully how the doctrines put forward in these courts below would operate in practice. Under any of these formulations the Executive can hold up publication simply by alleging that a serious breach of national security would occur. The Court would then issue a restraining order, allow the Government to present its case, and then decide whether there was sufficient danger to warrant issuance of an injunction against publication. *This process in itself is a system of prior restraint.* It involves an examination of the material by Executive officials, an order to withhold publication, and a governmental decision as to whether the material could be published or not. The exception has swallowed up the rule.

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[4] T. I. Emerson, *The System of Freedom of Expression* (1970), p. 506.

Moreover, most of the proceeding—certainly the critical parts—would take place in camera. Both the New York Times and the Washington Post cases followed this procedure, on the ground that otherwise the injury to national security would occur in the course of hearing the case. Only the defendants and their counsel were permitted to attend the in camera session. More than that, no one was allowed to be present unless he was first given security clearance by the Government. Hence the plaintiff in the case was able to dictate what individual defendants, and what counsel, were entitled to participate in determination of the issue. Such a procedure can hardly be recommended in a democratic society.

In any event, we submit that any rule for allowing exceptions which would create a system of prior restraint in the very process of applying the rule cannot be reconciled with the First Amendment. We do not say that under no circumstances can an exception to the prior restraint doctrine be justified. But it seems clear that a rule based, as are the rules suggested above, upon the gravity of the breach of security can only operate to install a full, not exceptional, system of prior restraint in the whole "national security" area.

The task of formulating a workable rule for exceptions is a complex one. Any such rule would probably have to be couched in terms of allowing the exception only for certain very specific kinds of information. As the Court suggested in *Near*, information on troop movements in times of war might fall within the excepted category. Perhaps details concerning the design of military weapons would be another category. Beyond the immediate area of military operations there should be few, if any, classes of information subject to advance restraint. Very little consideration has been given to the problem and no one is in a position to give a satisfactory answer at this time.

Even Judge Gesell's formulation in his opinion refusing a preliminary injunction would raise troubling questions unless considered in the context of his rulings taken as a whole. Judge Gesell, after considering these matters in the preliminary injunction stages, gave a stricter formulation than did Judge Gurfein, requiring a "showing of an immediate, grave threat to the national security . . . in close and narrowly defined circumstances." Applying this test Judge Gesell correctly refused to apply *any* restraint.

The Government's complaint contained no allegation of any concrete facts which would suggest a breach of national security in any specific area that might conceivably be subject to an exception to the prior restraint rule. Under such circumstances no temporary restraining order should have been issued and the complaint should have been dismissed. Therefore, the decision of the Court of Appeals for the District of Columbia should be further elucidated. "Closely and narrowly defined circumstances" must be shown to be as narrow as those exceptional circumstances alluded to in *Near v. Minnesota*.

We urge the Court to follow this course. Especially we urge the Court not to accept any formulation of exceptions to the prior restraint rule which will undermine the force and vitality of that traditional doctrine.

### CONCLUSION

The issues involved in these cases go to the heart of the decision-making process in this country. The tendency of government in recent years has been toward ever more secrecy in its operations, and toward a consequent monopoly of power in the hands of a few high Executive officials. We suggest that this direction of events is fraught with danger. Secrecy in government is fundamentally anti-democratic. It perpetuates bureaucratic errors and leads ultimately to disaster. It is time our constitutional doctrines were called into play in opposition to those forces and invoked to promote conditions under which an open, representative and balanced government will be assured.

We respectfully submit that the complaints in these proceedings should be dismissed.

Bob Eckhardt.
*New Haven, Conn.*
Thomas I. Emerson.
*Washington, D.C.*

Attorneys for Amici.
June 25, 1971.

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## THE VINDICATION OF BARRY GOLDWATER

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. CRANE. Mr. Speaker, the controversy with regard to the Pentagon papers and the New York Times has raised many questions. On the one hand, it poses the problem of whether a newspaper has a right to publish stolen, classified documents. It seems clear that newspaper editors, who have been elected by no one and do not have to return to the people for their approval at a given election date, should not have the right to decide for themselves what is in the national interest and what is not.

The problem we face, however, is not quite so simple. For too long, Government bureaucrats have tended to label as "secret" or "confidential" material which has little relationship to the country's best interests. Often such classifications relate more to the interests of the bureaucrats themselves in avoiding embarrassment as a result of the policies they have initiated, then they do to the vital interests of the country.

One instance of such classification is a document concerning "Operation Keelhaul," an operation under which a million Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. Prof. Julius Epstein of Stanford University is seeking the release of this document, yet more than 25 years after the end of World War II it remains classified and unavailable.

If nothing else, the Pentagon papers which have been published vindicate the position taken in the 1964 campaign by Barry Goldwater. Senator Goldwater told the American people the hard truth that Communist aggression in Vietnam had to be defeated. Lyndon Johnson led the public to believe that Americans would not be sent to war.

In an article appearing in the current issue of Roll Call, Columnist Allan C. Brownfeld points out that—

> Barry Goldwater knew as far back as the 1964 political campaign that despite his campaign rhetoric, Lyndon Johnson intended to step up the war after his re-election. Why didn't Senator Goldwater say so? Precisely because the Times and other papers of its viewpoint had made it impossible for Senator Goldwater to receive a hearing. And if he now emerges as the honest man, where does that really leave the Times?

I would like to share Mr. Brownfeld's important article with my colleagues, and insert it into the Record at this time:

### The Vindication of Barry Goldwater

(By Allan C. Brownfeld)

There are two separate questions involved in the publication of classified documents by The New York Times. One is whether or not the Times had the right to publish such material, and the other is what the material, once published, told us.

With regard to the first question, there are mixed feelings on the part of many. There are, of course, some who hail the Times publication simply because they like the substance of these particular documents. Such critics are against the war in Vietnam, feel that these documents prove that the war was initiated as part of a grand deception, and therefore state that "freedom of the press" demands their publication.

In many respects, this view must be discounted, for it does not take into consideration the larger questions involved. No one, for example, benefits more by the publication of material which shows that the Democrats deceived the public than the Republicans. Yet, it is the Republican Administration of Richard Nixon which is seeking to stop the publication. The reason, of course, is that every government has a responsibility to protect its classified material, and if the Times has the right to publish this classified document, and to decide for itself whether or not it is vital to the country's interests, then it will have the right to do the same with regard to other documents.

If that were all there was to the question, it would be simple to condemn the Times, and support the Administration's case. We have, however, been faced for many years with a situation in which government bureaucrats label as "secret" or "confidential" material which in no way relates to the country's vital interests but does, often, relate to the vital interests of the very bureaucrats who have made the classification.

Let us consider one instance of such classification. Professor Julius Epstein of Stanford University is seeking through the courts access to government documents dealing with "Operation Keelhaul" following World War II. Under this operation, a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the U.S. and Britain. It is commonly believed that they were given long camp terms, if not executed by Stalin.

Professor Epstein states that "In 1954, I discovered the existence of a documentary dossier 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul' in the Historical Records Section of the Army. . . . When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue."

The Times may have no right to publish purloined material which is "classified," but government bureaucrats have no right to label as "classified" all things they would rather keep to themselves. What is necessary is a legislative solution which states clearly what kinds of material shall be classified and which provides criminal penalties for the violation of such classification. In this sense, both the position of the Times and that of the government is less than fully responsive to the real issue we face.

But, beyond this and looking to the Pentagon study itself, what is clearly shown is that, seven years after his defeat, Barry Goldwater has re-emerged as that rarity: an honest man in American politics.

Senator Goldwater, in his 1964 campaign, told the American people the truth. He declared that our vital interests were involved in Vietnam and that it would be necessary to increase our commitment. Lyndon Johnson knew these things to be true and, at the very moment he was telling the American people that he would not send "American boys to fight a war which should be fought by Asian boys," he was planning for an increased American force and for the bombing of the North. Senator Goldwater told the hard truth, while Lyndon Johnson used deception as a successful political tactic.

But, the very papers which now boast of their "right" to publish this classified material were the ones which were most unmerciful in their attacks upon Senator Goldwater and most vehement in their endorsements of Lyndon Johnson. Even today, they draw the wrong conclusions. The war in Vietnam is no less Communist aggression because Lyndon Johnson spoke of "peace" rather than war. After all, Woodrow Wilson spoke the same way prior to World War I, as did Franklin Roosevelt prior to World War II. The subterfuge practiced by FDR prior to Pearl Harbor did not make Nazism any less a threat.

The Times seems to ignore its own commentary of the past, and judges others as if its own views existed in a vacuum. Thus, it now condemns President Johnson for having, in 1963 and 1964, precisely the same view which the Times itself held. A Times editorial just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

Who, we must ask, is kidding whom when shock is expressed at reading in the "classified" Pentagon documents what well informed observers knew anyway? Barry Goldwater knew as far back as 1964 political campaign that despite his campaign rhetoric Lyndon Johnson intended to step up the war after his re-election. Why didn't Senator Goldwater say so? Precisely because the Times and other papers of its viewpoint had made it impossible for Senator Goldwater to receive a hearing. And, if he now emerges as the honest man, where does that really leave the Times?

It is difficult to resist a brief look at the Times' own "deception" of past years. For many years Walter Duranty was the Times correspondent in Moscow. He was there during Stalin's purge trials, during the forced collectivization campaign, and during the famine in the Ukraine. Yet, he reported none of these things accurately to Times readers. Instead, he became an apologist for Stalin. One example will have to suffice at this time. Writing in the Sunday Times of July 19, 1936, he described the Soviet Constitution as "an outward and visible sign of an inward and spiritual change in the Russian people and its leaders. . . . In this nineteenth year of the Soviet state, there is introduced a New Constitution, under which the Russian masses emerge their tutelage and are called upon to receive their rights and undertake their duties as a free and democratic people."

This came to Times readers during what Eugene Lyons, in his volume The Red Decade, calls ". . . the eve of the bloodiest period in Russia's history and the final confirmation of Russia's emergence as a totalitarian state. . . . Confessions were being extorted in G.P.U. cellars while Duranty indited these words."

It is unfortunate that life is not more simple, that we cannot hail the Times and condemn the government, or do the opposite.

Only Barry Goldwater emerges from these Pentagon papers as an honest man. It is indeed ironic to see the newspapers which once sought to destroy him now admit that in a cynical age he was a man who told the truth. Their own reputation for truth-telling, however, is so slight that it is no wonder that they mistook him for a charlatan.

## CHARLES W. HARRIS OVERCOMES DRUG ADDICTION

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. KEMP. Mr. Speaker, I am very pleased to have been named a member of the Republican Task Force on Drug Abuse. This national problem, of course, has no partisan elements and I want to point out that my colleagues on the other, side of the aisle are certainly making efforts within their own research groups to meet the problem.

Our 16-man task force has the responsibility of not determining the facts and finding the best resources to wage the battle against this insidious problem, but we also have to probe and help find solutions to the cause of the narcotic epidemic.

We are all well aware of the heroin problem the United States faces today. I feel we should devote more emphasis and attention to those Americans who have a special interest in seeing this problem solved—the former addict. They, more than anyone else, realize the horrors of drug abuse. They are potentially our greatest asset in combating this problem.

Mr. Speaker, I have received a letter from an ex-addict willing to do whatever he is able in this effort. Mr. Charles W. Harris is 43 years old and will shortly be released from the Attica Correctional Facility in western New York. He received an honorable discharge from our armed services, but subsequently became a drug addict for 25 years.

In offering his assistance, Mr. Harris enclosed a poem "King Heroin," which indicates not only his interest but his initial contribution. It is an excellent warning to all potential users from a person who has been there.

Mr. Speaker, I include the poem at this point:

KING HEROIN

Behold my friends for I am Heroin.
Known to all as the destroyer of men.
From where I first came nobody knows,
I come from the land where the poppy grows.

Whole nations have gathered to plot my destruction
For I am the bearer of crime and corruption,
My little white grains are nothing but waste
Yet I am soft, deadly and bitter to taste.

I came to this country without a passport;
Since that time I've been hunted and sought
By custom agents and plain-clothes dicks,
But mainly by junkies in need of a fix.

I am seldom pure and often diluted
But once in your blood I'll make it polluted.
I'll capture your will and destroy your mind,
And make you commit your whole life to crime.

Into cellophane bags I find my way
To great men in office and children at play,
From the richest of states to the poorest of slums,
From the highest status to the Bowery bums.
Be you black, irish, italian or mex
I can make you forget all about sex;
For I'll cheat the wise and destroy the meek,
I'll misuse a fool and make a strong man weak.

I can make a school boy lay down his books,
And a world famous beauty neglect her looks,
I'll make a good man neglect his wife
And keep him in prisons the best part of his life.

I'll take gold from the rich and make them poor,
I'll take a foolish young virgin and make her a whore,
I'll take your money and poison your brain
With a full course of torture—first pleasure then pain.

Defy this sharp needle and I'll make you sick
With agony and anguish, but I won't let you kick.
More potent then whiskey, stronger than wine,
I am Heroin, truly a threat to all mankind.

Some will sell me, others will buy
For that state of sensation called a "high".
Some think I am a venture of joy and a thrill,
But I'll put a gun in your hand and make you kill.

Now let me tell you about the powers I possess,
About my deeds in the East and my crimes in the West.
I can make a man curse his country and spit on his flag,
And make a girl sell herself for a five dollar bag.
In China I stopped an army and I financed Iran,
I'm honored in Turkey and respected in Japan.
Whole races of people I've helped to enslave—
I've taken their honor and put them in the grave.

I can make an honest man go out and steal,
And make a man in trouble forsake his best friend.
To some I'm salvation, to others I'm a must,
And I'll make their poor souls heavy with rust.
For all the reckless ones who uses the most
I'll claim their lives with an overdose.
Now you've heard my warning and if you don't take heed
Then put your foot in my stirrup and mount my steed,
Sit tight in the saddle and ride me well,
For the White Horse called Heroin will ride you straight to Hell . . .

CHARLES W. HARRIS.

## DONALD S. ROE HONORED

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BROOMFIELD. Mr. Speaker, with the crises affecting all levels of our public school system, knowledgeable teachers and school administrators have become an increasingly valuable community asset.

Occasionally, a community is blessed with this sort of leadership in a man also endowed with ample human qualities of warmth and compassion.

Donald S. Roe, superintendent of the Berkley Michigan School District, is such a man.

That rare combination of understanding, experience, and competence, perfected during 34 years working in schools in Ohio, Tennessee, and Indiana, has been enjoyed by residents of my congressional district for the past 10 years.

That is why we all feel such a profund sense of loss at Don Roe's retirement at the close of this school year.

Yet, we recognize how genuinely that retirement has been earned and sincerely wish only happiness and contentment for Dr. and Mrs. Roe in the years ahead.

The esteem in which Superintendent Roe is held in the community is attested to by the resolutions adopted by the Berkley School District and the city commission of neighboring Huntington Woods and an article from the Daily Tribune which follow:

### CITY OF HUNTINGTON WOODS—RESOLUTION

Moved by Commissioner Peasley and supported by Commissioner Jones, that:

Whereas, Dr. Donald S. Roe will retire from his position as Superintendent of Berkley Schools on July 1, 1971, and

Whereas, Dr. Roe on that date will have completed ten years of faithful service to the Berkley System and thirty-two years in education,

Now, therefore, be it resolved that the Huntington Woods City Commission extends its best wishes for a happy and prosperous retirement to Dr. Roe and his family, and applaud him for his many accomplishments in the field of education, be it further

*Resolved*, that a copy of this resolution be forwarded to the Berkley Board of Education.

Upon being put to a vote the Commission voted thereon as follows:

Ayes: Mayor Bryant; Commissioners Peasley, Alexander, Jones

Nays: None

The Mayor thereupon declared said resolution adopted.

I, Margaret A. Schulte, Acting Clerk of the City of Huntington Woods, do hereby certify that the foregoing is a true and complete copy of a resolution duly made and passed by the Huntington Woods City Commission at a regular meeting held on May 18, 1971.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Huntington Woods this 21st day of May, A.D., 1971.

MARGARET A. SCHULTE,
*Acting City Clerk.*

### SCHOOL DISTRICT OF THE CITY OF BERKLEY, BERKLEY, MICHIGAN—RESOLUTION

Whereas, Dr. Donald S. Roe has served the Berkley School District and its children as Superintendent of Schools for these past ten years, and

Whereas, Dr. Roe has demonstrated consistently his complete professional and personal concern for those school children, and

Whereas, This school district has made significant educational progress during his ten years of leadership and service, and

Whereas, Dr. Donald Roe has chosen to retire from that position as Superintendent of the Berkley School District. Now, therefore, be it

*Resolved*, That this Board of Education does acknowledge his departure with regret, coupled with a loud "thank you" to Dr. Donald Roe for those ten years of devotion to the many thousands of children who have profited educationally from this educational system, and be it further;

*Resolved*, That this Board of Education calls to the attention of all citizens of the Berkley School District the service and leadership of Dr. Donald Roe, and the educational mark it has made on the students, past and present, of our school system.

This resolution unanimously adopted by the Board of Education of the School District of the City of Berkley at its regular meeting on June 14, 1971.

### BERKLEY SCHOOL OFFICIAL HONORED

(By Nancy N. Stark)

"I'm changing my life style—but I've done it before," said Donald S. Roe, retiring superintendent, Berkley Schools.

His 10 years as Berkley superintendent end officially July 1 when William G. Keane takes over the job.

Roe's retirement dinner was held Wednesday at Kingsley Inn, Bloomfield Hills, sponsored by the School Board and the Berkley Association of Administrators.

#### SURPRISE GUESTS

Surprise guests for the dinner were the Roe children—Donald B. Roe and his wife from Washington, D.C., and Mrs. William Fred and her husband from Rochester.

In addition to the party sponsors, other guests included Mr. and Mrs. Ralph Tyndall, he was assistant superintendent in Berkley and is now retired; former assistant superintendent Don Sheldon and his wife, he currently is superintendent, Walled Lake Schools; and Mr. and Mrs. Dana P. Whitmer, he's superintendent, Pontiac Schools. At age 54, Roe is retiring from regular employment earlier than most. "We are fortunate to be able to do what we've planned to do for years—possible with a little luck and some hard work," he said.

#### FUTURE PLANS

Future plans include purchase of an offshore auxiliary sailboat, big enough for two, he said, to be moored in the Bahamas. Immediate plans are to finish changes in the Lake Orion cottage for a permanent home. That will be our home base," said said.

A life-long sailor, Roe said water activities and camping were what the family enjoyed most. "We've sailed in many places, the Greek islands, the Caribbean. We like to sail eastern central America waters," he said.

A gift from the Berkley Board is the sail vessel made of string which hangs in Roe's office. The Administrators Association gave the Roes a camera and resolutions of commendation were presented by the Huntington Woods City Commission and the School Board. A citation from the administrative group also was presented.

#### BORN IN NEW YORK

"No one believes it but I was born and raised in New York City—Brooklyn to be exact. But I also consider Louisiana my home. I finished my education there (begun at Central Michigan, Mt. Pleasant), I married a Louisiana girl, we raised our family there and I had my first job there," he said.

A career spanning 34 years took the Roes to Ohio, Tennessee and Indiana before coming back to Michigan. "We've always liked it here—we courted on the shores of Lake Michigan," he said. "The first thing we did when we came to Berkley was to look for a lake cottage. We found what we like at Lake Orion and that will be our permanent home."

In his 34 years as teacher and administrator, Roe said he doesn't see any great changes except the greater demand for relevance, which is good, he said.

"The best kind of schools create conditions for learning to occur. Forced learning is inefficient, ineffective and mechanical. Most important is self respect and a feeling of self worth," he said.

"I'd like to see more effort directed toward pre-school education and wish I could have done more in that area. I don't like to say I'm retiring because we'll continue to do many things we're doing—but we are moving to a new life style and we're looking forward to it."

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## ASPIN ASKS FOR MORE MONEY FOR FINANCIAL AIDS

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ASPIN. Mr. Speaker, in the past decade colleges and universities have made an intensive effort to recruit students who might otherwise not have been able to go to college. The education of these students is largely made possible through work-study grants and undergraduate scholarships, available through the Federal Government.

Recently, however, the formula for allocating money has been changed and, while many colleges are helped, many are also hurt—especially those with a majority of students in a middle-income bracket. These are students who cannot afford a college education without financial assistance. Yet, under the new formula, and, more importantly, because of inadequate funding, many of these students will lose this much needed financial aid.

The formula, however, is not at fault. The problem lies in inadequate funding of the entire program. Recently, the House allocated $116 million—not including $81 million from fiscal year 1971—for fiscal year 1972 for the work-study program. The Senate subsequently raised this $116 million to $200 million. The bill is now before a joint conference committee.

In my district in southeastern Wisconsin, several small private colleges have been hit hard by this low level of funding. A recent report by Ed Tyler, director of financial aids at Carthage College in Kenosha, makes this very clear. The report shows that Carthage College had its funds cut by 30 percent from fiscal year 1971 to 1972. Milton College also had a 30-percent cut. Beloit College suffered a 15-percent cut.

In a time of increased enrollments and rising costs of education, colleges and universities across the country cannot afford these cuts. Mr. Tyler says:

> As one can observe, the reductions in allocation means that many students who were able to attend these institutions will either have to drop out of college or find other sources of aid to remain in college.

He indicates the frustration that cuts in Federal aid bring both to our students and our colleges.

The House must realize the problem and encourage members of the joint conference committee to agree to the full amount of $200 million for fiscal year 1972 allocated by the Senate. Allocating this money is the quickest and surest way of providing more financial aid to the colleges and students.

Mr. Kenneth E. Smith, president of Milton College, said last month:

> Many of our students who expected Work-Study assistance during the summer will find themselves looking for a job at a time when the job market is very unfavorable. For these low income students, the prospects are bleak: (1) If they enroll in the fall in hopes of finding work, they will be disappointed and may have to drop from school; (2) If they choose not to enroll because of economic conditions, they enter a job market next fall that is already unfavorable. In either case, both the student and the college will lose.
>
> We are sorely disappointed in these reductions because they affect the very students we have worked so hard to recruit.

We cannot allow the work-study program to suffer. It provides a much-needed opportunity for students who might otherwise not be able to go to college, and provides society as a whole with a better educated population.

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# HOUSE OF REPRESENTATIVES—*Tuesday, June 29, 1971*

The House met at 12 o'clock noon.

Rabbi Morton J. Summer, principal, Hebrew Institute of Rockland County, Monsey, N.Y., offered the following prayer:

Our Father, our King—

אבינו מלכנו

It has been said that by three things the world is preserved: by truth, by judgment, and by peace. Grant us in Thy mercy the incisive vision to perceive the truth, to see reality as it swirls and eddies about us. Bless those who strive to make our democracy a more perfect way of life. Assist them with calm deliberation, with peace of mind and with good health so that their judgment be clear and their decisions just.

Grant peace unto our generation, let those who have lived through the horror of bloodshed so many times reach the haven of love and tranquillity. Bless us with the gift of compassion and love for our fellow men and for all human beings.

Create within us a pure heart and steadfast spirit so that we glory not in our wisdom nor in our strength nor in our riches.

Let us rather glory in the justice we do, in loving mercy and in walking humbly with our G-d.

אמן וכן יהי' רצון

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint and a concurrent resolution of the House of the following titles:

> H.J. Res. 744. Joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes, and
>
> H. Con. Res. 346. Concurrent resolution correcting the enrollment of H.R. 5257.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

> S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land;
>
> S. 432. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho, and for other purposes; and
>
> S. 488. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978.

## THE LATE HONORABLE THOMAS ELLSWORTH MARTIN, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. SCHWENGEL. Mr. Speaker, it is my sad duty to announce to the House the death of a former Member of this House, Thomas Ellsworth Martin, formerly, when a Member of Congress, from Iowa City, Iowa; lately, a citizen of Seattle, Wash. He served 16 years in this House with great distinction. Few men have enjoyed the respect of the Members of this House that Congressman Martin enjoyed. Few Members have been loved more as a public servant in his district and in his home State than was Tom Martin. He was always on the job. He was diligent in all things he did. He was completely and utterly dedicated to the great principles of our country, and served his people thoroughly, well, and effectively while he served in the Congress.

Later he decided to run for the Senate. He was successful, and served for 6 years in the other body, also with great distinction.

Mr. Speaker, here he served first on the Military Affairs Committee during a very critical time in our history during World War II. He, probably more than any man in the Congress or in the country, understood the importance of materiel, and while not chairman of the committee, he served effectively on that committee to strengthen the United States and give it every possible help he could with legislation through his great influence, insight, and knowledge.

Later, following the war, he asked to serve on the Ways and Means Committee, and the House honored him. Here again he served with great capacity and dedication.

Here was a man who served in public office many years. He had been mayor, a member of the city council, a member of various committees. He served the public and his community, and served his party well. Most of all, while a great party man, he was a great American, a man of great talent with a great sense of dedication, who served well in every opportunity he was given to serve. In war and in peace he was great.

Mr. Speaker, I have asked for and received unanimous consent to speak on the life, work, and contributions of Tom Martin on July 6 and I invite all who knew him and served with him to be on hand that day to join with me in an accolade and tribute to a very deserving and honored citizen of the United States.

Mr. Speaker, for those who may want to contact his good wife, Dorris, her address is 5101 Northeast Laurel Crest Lane, Seattle, Wash. 98105.

Memorial services for Senator Martin will be held on Friday, July 2, at the University Congregational Church, 4515 16th Street NE., Seattle, with burial in the Willamette National Cemetery on Thursday, July 1. The Adams Forkner Funeral Home, 4214 University Way NE. in Seattle is making funeral arrangements.

In addition to his wife, Senator Martin is survived by a daughter, Mrs. Raymond Reiser, of Seattle, a son, Richard, of Chicago, nine grandchildren, and two great-grandchildren.

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the distinguished gentleman from Michigan, the Republican leader.

Mr. GERALD R. FORD. Mr. Speaker, one of the very first Members of this body whom I met when I came here in January 1949 was Tom Martin. He was friendly. He was helpful. He certainly was an outstanding legislator.

He was particularly interested in new Members. Although he came from Iowa and I from Michigan, he bent over backward to try to make helpful suggestions and to counsel and advise when matters came on the floor of the House that were controversial and complicated.

I admired him as one of the strong members of the House Committee on Ways and Means, and I respected his good approach to the problems which came to the floor of the House.

He left this body and went to the Senate, and his record of public service there, as has been explained by the gentleman from Iowa (Mr. SCHWENGEL) was an outstanding one.

We have lost a good friend. The country has lost a man who had an outstanding record as a public servant.

My wife and I join in extending condolences to his family.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the distinguished majority leader.

Mr. BOGGS. I should like to associate myself with the remarks made by the gentleman in the well and also those of the minority leader. I had the pleasure of serving with our late colleague on the Ways and Means Committee for several terms. He was an able and dedicated man, who served his State and Nation well. Mrs. Boggs joins me in expressing deep sympathy to his family.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Speaker, I suspect some of us are dating ourselves a bit here today by recalling our service with Tom Martin, but, like some others who have spoken, I did have the privilege of serving with him in the House.

He was an honorable man, a sincere man, a man who had great respect for this body in which he served so well.

I certainly want to join with my colleague from Iowa and other Members in expressing my sympathy to the family Tom Martin left behind him.

## PROVIDING FOR ADJOURNMENT OF CONGRESS FROM JULY 1, 1971, UNTIL JULY 6, 1971

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 351) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 351

*Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Thursday, July 1, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, July 6, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, July 6, 1971, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## PROVIDING EXTENSION OF AUTHORITY CONFERRED BY EXPORT ADMINISTRATION ACT OF 1969

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 118

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 14 of the Export Administration Act of 1969 is amended by striking out "June 30, 1971" and inserting "October 31, 1971".

Mr. PATMAN. Mr. Speaker, the enactment of the proposed legislation will extend the Export Administration Act of 1969 for 4 months, to October 31, 1971. The Export Administration Act furnishes the basic authority for the control of exports to Communist bloc countries. It furnishes the authority for regulating the outflow of scarce materials, as well as the authority to regulate exports in furtherance of the national security and foreign policy of the United States. The temporary extension of the Export Administration Act, which would otherwise expire on June 30, 1971, will enable the committee to complete its deliberations.

Continuation of this authority has not been the subject of hearings until now by reason of the extensive hearings which have been held in connection with H.R. 5700, the Bank Reform Act, because of the substantial amount of staff research which has been devoted to the question of Government loan guarantees for Lockheed, and due to the request by the Export-Import Bank that immediate priority attention be given to legislation expanding its authority to finance exports. Extensive hearings on export finance have been held, and the committee has reported H.R. 8181, the Export Expansion Finance Act of 1971, which I hope will be considered by the House as soon as possible.

It is expected that hearings on the regulation of exports will be held in conjunction with certain other international economic policy issues shortly after the August recess.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8825, LEGISLATIVE APPROPRIATIONS, 1972

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 92–317)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) "making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 31, 34, and 44, and agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,162,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$33,476,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate number 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,166,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$971,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$454,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$87,108,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, and 38.

George W. Andrews,
Bob Casey,
Frank E. Evans,
William D. Hathaway,
J. Edward Roush,
George Mahon,
Frank T. Bow,
Elford A. Cederberg,
John J. Rhodes,
Wendell Wyatt,
*Managers on the Part of the House.*

Ernest F. Hollings,
Allen J. Ellender,
Daniel K. Inouye,
Norris Cotton,
Edward W. Brooke,
Milton R. Young,
*Managers on the Part of the Senate.*

### Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

#### SENATE

Amendments Nos. 1 through 30: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with the long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in Senate amendments Nos. 1 through 30.

#### JOINT ITEMS

##### *Capitol Police, general expenses*

Amendment No. 31: Appropriates $232,400 for general expenses of the Capitol Police as proposed by the Senate instead of $134,000 as proposed by the House. The additional $98,400 is for uniforms, equipment, and laundry expenses for the 164 additional police positions provided for the Senate in Amendment No. 15 (similar expenses for recently added House police positions are being temporarily paid from the contingent fund of the House).

##### *Capitol Guide Service*

Amendments Nos. 32 and 33: Reported in technical disagreement. The managers on the part of the House will offer motions to provide for disbursement of this joint appropriation by the Secretary of the Senate as proposed by the Senate instead of by the Clerk of the House as provided in the House-passed bill. The motion will retain the limit of 24 personnel in both versions of the bill, and will also—as a substitute for the Senate language—provide that the personnel shall be employed and their compensation fixed in accord with the applicable provisions of the Legislative Reorganization Act of 1970.

#### ARCHITECT OF THE CAPITOL

##### *Capitol buildings*

Amendment No. 34: Appropriates $2,506,700 for the Capitol buildings as proposed by the Senate instead of $2,479,200 proposed by the House. The additional $27,500 is for two small projects on the Senate side of the building—$13,000 for improvements to the Senate restaurants recommended by the Sanitarian and $14,500 to convert a tiled passageway to office space.

##### *Restoration of Old Senate Chamber and Old Supreme Court Chamber in the Capitol*

Amendment No. 35: Reported in disagreement.

#### SENATE OFFICE BUILDINGS

##### *Extension of additional Senate Office Building site*

##### Senate Garage

Amendments Nos. 36–38: Reported in technical disagreement. These amendments relate solely to Senate activities and the managers on the part of the House will offer motions to recede and concur in the Senate amendments.

#### LIBRARY BUILDINGS AND GROUNDS

##### (Structural and Mechanical Care)

Amendment No. 39: Appropriates $1,162,000 for structural and mechanical care of the Library buildings and grounds instead of $1,202,000 proposed by the Senate and $1,134,000 proposed by the House. The $28,000 added to the House allowance consists of $8,000 for fixing parking areas adjacent to the main Library building and $20,000 for resurfacing certain areas of the main building west terrace where safety considerations are of high priority consideration.

#### LIBRARY OF CONGRESS

##### *Salaries and expenses*

Amendment No. 40: Appropriates $33,476,000 for the main salaries and expenses appropriation of the Library instead of $33,661,000 proposed by the Senate and $33,408,000 proposed by the House.

#### CONGRESSIONAL RESEARCH SERVICE

Amendment No. 41: Appropriates $7,166,000 for salaries and expenses of the Congressional Research Service instead of $8,155,000 proposed by the Senate and $6,800,000 proposed by the House. The conference agreement allows for about 75 additional positions in lieu of about 52 additional under the House bill and about 137 additional under the Senate amendment.

##### *Books for the general collections*

Amendment No. 42: Appropriates $971,000 for books for the general collections of the Library instead of $995,000 proposed by the Senate and $962,000 proposed by the House.

##### *Furniture and furnishings*

Amendment No. 43: Appropriates $454,000 for library furniture and furnishings instead of $505,000 proposed by the Senate and $435,000 proposed by the House.

##### *Administrative provisions*

Amendment No. 44: Provides that not to exceed 15 positions in the Library as proposed by the Senate instead of 10 as proposed by the House may be exempt from certain provisions of appropriation acts concerning the employment of aliens during the fiscal year 1972.

#### GENERAL ACCOUNTING OFFICE

Amendment No. 45: Appropriates $87,108,000 for salaries and expenses of the General Accounting Office instead of $87,598,000 proposed by the Senate and $86,618,000 proposed by the House.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills for 1972 follows:

| | *Amount* |
|---|---|
| New budget (obligational) authority, fiscal year 1971 | $442,904,319 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972 | 535,349,607 |
| House bill, fiscal year 1972 | 449,899,605 |
| Senate bill, fiscal year 1972 | 532,297,749 |
| Conference agreement | [1]529,309,749 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1971 | +86,405,430 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972 | —6,039,858 |
| House bill, fiscal year 1972 | [1]+79,410,144 |
| Senate bill, fiscal year 1972 | —2,988,000 |

[1] Includes $78,430,144 for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

George W. Andrews,
Bob Casey,
Frank E. Evans,
William D. Hathaway,
J. Edward Roush,
George Mahon,
Frank T. Bow,
Elford A. Cederberg,
John J. Rhodes,
Wendell Wyatt,
*Managers on the Part of the House.*

Ernest F. Hollings,
Allen J. Ellender,
Daniel K. Inouye,
Norris Cotton,
Edward W. Brooke,
Milton R. Young,
*Managers on the Part of the Senate.*

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## PERMISSION TO CONSIDER CONFERENCE REPORT ON H.R. 8825, LEGISLATIVE APPROPRIATIONS, 1972, TOMORROW

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow, June 30, 1971, to consider the conference report on the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. HALL. Mr. Speaker, reserving the right to object, I did not object to the prior unanimous-consent request because, knowing the gentleman from Alabama and his good work habits, I presumed the work of the conferees was done and that the preparation of the report of the managers on the part of the House was in process of being prepared for filing by tonight.

May I inquire of the distinguished gentleman from Alabama as to why we again need to have unanimous consent to waive the rules of the House under the Reorganization Act of 1970 and consider this on tomorrow as requested, instead of being printed and in the hands of the Members for 3 days?

Mr. ANDREWS of Alabama. I will just say to my friend in order to expedite an appropriation bill before June 30.

Mr. HALL. Well, Mr. Speaker, as I understand it, this particular appropriation, like all other noncompleted appropriations, would be cared for under the continuing resolution passed by this and the other body; is that not correct?

Mr. ANDREWS of Alabama. That is my understanding.

Mr. BOW. Mr. Speaker, would the gentleman yield to me?

Mr. HALL. I yield to the gentleman from Ohio.

Mr. BOW. I might say on the question of the continuing resolution, it has caused and given me some concern. The other body has amended the continuing resolution and is now considering an amendment which could very probably hold it up over the next several days.

So, I think if we get this through, we will have accomplished at least in the legislative branch the enactment of an appropriation bill. However, I am concerned about the continuing resolution.

Mr. HALL. May I inquire further of either one of the gentlemen if there were any great changes other than those otherwise granted within the so-called comity with the other body, after the bill left the House?

Mr. ANDREWS of Alabama. We are bringing back one amendment in dispute. The other body provided money for the restoration of the old Supreme Court chamber in the Capitol. We bring that back in dispute. This item involves $2,200,000, plus a few additional changes for some of the agencies. However, the bill is substantially in the same form as it was when it left the House.

Mr. HALL. I am personally in favor of the Capitol restoration, but in addition, Mr. Speaker, the bill which the gentleman seeks unanimous consent to consider tomorrow will be a controversial addition involving not only the addition to the Senate Chamber and the taking over of the hotels and the new parking spaces for that body and so forth and so on; but possibly bringing up again the question of our own legislative branch of the Government and its acquisition of property and further development? Is that a possibility?

Mr. ANDREWS of Alabama. That is correct.

Mr. HALL. I am sorely put, Mr. Speaker, to understand, in view of the lack of adequate action taken, as to why we should consider this at this particular time. Perhaps it would do the legislative branch the most good of all, to have an old fashioned "payless payday," as an example. I am not constrained to object however in view of the two gentlemen's statements of my faith in their committee, and, therefore, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

### OUR INVOLVEMENT IN VIETNAM AND ITS COST

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, in connection with the question of whether the American people has any business knowing how it happened that they have been required to pay out more than a hundred thousand million dollars and more than 50,000 young lives in Southeast Asia, one might recall the words of President Kennedy:

> Historians tell us that in 1914 with most of the world already plunged into war, the former German chancellor, Prince Bulow turned to the then German chancellor, Bethmann Hollweg and asked, "How did it all happen?" And Bethmann Hollwegg replied, "Ah, if only one knew."

How did the United States get involved in Vietnam? Ah, if the American public only knew.

Indictment for Ellsberg; nomination for Otepka? How did it all happen? Ah, if only one knew.

### NEW YORK CITY, 51ST STATE—A HALLUCINATION

(Mr. CELLER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. CELLER. Mr. Speaker, some of our colleagues are advocating a separate State for New York City. This idea is not novel: it has appeared on the congressional horizon many times. As far back as the Civil War, Maj Fernando Wood wanted to wrench New York City from New York State, but he failed dismally. Now, with what I believe to be misguided enthusiasm, the idea is resurrected.

As a State, New York City would have to take on the total costs of such programs as welfare, medicaid, additional courts, corrections, probation, a State National Guard, to name but a few. And no tax program could meet these burdens. The tax raising potential of New York City is decidedly limited. Today, the city is being drained of businesses and citizens who are unwilling to pay the ever-increasing taxes demanded by the city, and those who remain cannot hope to bear the financial burden alone.

And what of existing State compacts which redound to the city's benefit? Indeed, in the long run, the rest of New York is a safety valve for New York City. So it is with Chicago vis-a-vis Illinois, Detroit vis-a-vis Michigan, Philadelpha vis-a-vis Pennsylvania, and so forth. The idea of an unalleviated urban State with no diversity of character and interest is not a happy one.

Rather than pursue an hallucination, we might better concentrate our efforts on exploring methods of more direct Federal aid to the cities according to need.

The campaign for the 51st State has my determined opposition.

### PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, on rollcall No. 121, and on rollcall No. 122 I was unavoidably detained on official business in New York. Had I been present I would have voted for passage of the bills.

### LOBBYING EQUITY FOR TAX-EXEMPT CHARITABLE AND EDUCATIONAL ORGANIZATIONS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, current tax laws impose serious inequities on the ability of tax-exempt organizations to present their views and communicate their needs to the Congress and other legislative bodies. Under a 1962 provision, tax-exempt business associations are permitted to carry on lobby activities. But tax-exempt charitable and educational organizations, such as consumer and environmental groups and "public interest" law firms, are prohibited from presenting their views to the Congress if they wish to retain their tax-exempt status.

I believe that every group should have an opportunity to present its views to legislators and to pursue its interests and those of its members whether or not it is tax exempt. That is necessary if the legislatures are to be able to carry out their responsibilities effectively. And certainly if tax-exempt business organizations are permitted to lobby, nonbusiness organizations should have similar privileges.

Mr. Speaker, the American Bar Association and other groups have recommended that this unfortunate inequity growing out of interpretations of the law be rectified and that nonbusiness tax-exempt groups be put on a par with tax-exempt business organizations. Legislation to that effect has been introduced in the House by Congressman SYMINGTON and in the Senate by Senator MUSKIE. I am today introducing similar legislation, and I am pleased to join these distinguished Members of the Congress in urging its enactment.

This legislation will not effect the rules prohibiting organizations from participating in political campaigns. It will simply enable them to present their views on legislation, of direct interest to them, to legislatures and to advise their members about such pending legislation. That, I think, is only equitable and is in the best interests of all of the American publice and of our political system.

### U.S. SUPREME COURT GIVES ANOTHER BLACK EYE TO THE U.S. ARMED FORCES

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, the U.S. Supreme Court has given another black eye to the U.S. Armed Forces. The decision overturning the draft evasion conviction of Cassius Clay is a stinging rebuke to the 240,000 Americans still serving in Vietnam and the 50,000 who have lost their lives there.

Mr. Speaker, I wish the members of the Supreme Court would assist me when I try to explain to a father why his son must serve in Vietnam or when I attempt to console a widow or the parents of a young man who has died in a war that Cassius Clay was exempted from.

In spite of this decision, the world will go on. The Supreme Court members will take their 4-month vacation. Cassius Clay will continue to make hundreds of thousands of dollars in the ring and the grief of 50,000 families whose loved ones did not go before the Supreme Court will go on; for them, there is no relief.

## PRESIDENT'S VETO OF ACCELERATED PUBLIC WORKS PROGRAM

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, there is bad news for the unemployed workman of America today. In the President's veto message just sent up on the measure in which we had authorized an accelerated public works program for this country the President has stated that this bill would not provide help rapidly enough to meet the problem of unemployment in the country.

However, the President has offered no constructive alternative with any earlier hope of meeting the needs of the unemployed in this country.

This bill, as passed by the House, and by the Senate, represented the overwhelming judgment of this Congress on this question.

I regret very much that because of the President's action hundreds of thousands of unemployed in this country will be further delayed in their opportunity to secure work. I also regret very much that hundreds of thousands of families in this country will be delayed the income they so sorely need.

Mr. Speaker, I earnestly hope this ill-advised veto will be over-ridden by the Congress.

## PROPOSED SELECT COMMITTEE TO REVIEW DECISIONS OF SUPREME COURT

(Mr. THOMPSON of Georgia asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, it is becoming increasingly more apparent that someone needs to review the decisions of the Supreme Court and determine whether or not the Court is functioning in a proper role as envisioned by the founders of this country and, indeed, within the Constitution.

I had a constituent write me a letter and make the statement that at present there is no one to call the Court to task if they, indeed, exceed their authority. The administration will not do it—the executive branch will not do it—and there is great reluctance on the part of the Congress to exercise the authority granted in the Constitution to limit the appellate jurisdiction of the Court.

Mr. Speaker, I am today along with the gentleman from Texas (Mr. COLLINS) sending a letter to all Members suggesting the establishment of a select committee to look into the jurisdiction of the Supreme Court and report back prior to the end of this Congress on whether or not the Supreme Court has been exceeding and whether legislation redefining the proper role of the Court should be offered.

## VETO OF THE PUBLIC WORKS ACCELERATION BILL

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, the President's veto of the Public Works Acceleration bill is a brutal blow to the unemployed of the Nation. I would say to my good friend from Ohio that this is not a partisan matter. The Governor of the State of West Virginia, a Republican and former colleague of ours, came up here to Washington to try to persuade the President to sign that bill. The veto is a terrible, shattering blow also to the many communities throughout the Nation, starved for funds necessary to build vital water and waste treatment systems and other needed public works. Revenue sharing is not the answer for these communities needing these facilities. You can't feed unemployed citizens with talk about inflation.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from California, who has been a leader in the fight to enact the public works acceleration bill, and with whom I have been proud to join in his noble efforts.

Mr. McFALL. I share the gentleman's disappointment in the President's veto of the public works acceleration bill. I was interested in what the gentleman from Ohio commented. He said that the bill would not have had any effect for 18 months, and therefore it was unnecessary. I wish I could be as sure as the gentleman from Ohio is that we will not have unemployment 18 months from now. From all present indications, it appears as if 18 months from now we are going to have even more unemployment.

Mr. HECHLER of West Virginia. Even if it is estimated that it will take 18 months to produce an effect, I say let us begin.

## CONFERENCE REPORT ON H.R. 4724, MARITIME PROGRAMS AUTHORIZATION, 1972

Mr. GARMATZ. Mr. Speaker, I call up the conference report on the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 23, 1971.)

Mr. GARMATZ. Mr. Speaker, this bill, H.R. 4724, to authorize appropriations for certain maritime programs of the Department of Commerce for the fiscal year 1972, passed the House on April 20, 1971. The Senate amended the bill in two respects.

By amendment No. 1, the Senate added $320,000 to the amount contained in the House bill—$2,200,000—for financial assistance to State marine schools. This additional amount was divided into two parts—$150,000 would be used for subsistence payments to students at these schools; and second, $170,000 would be used to repair, recondition and equip as necessary and maintain in good repair the vessel *Allegheny* for use as a training vessel by the Great Lakes Maritime Academy.

With respect to the first portion, the Maritime Administration had notified the administrators of each of these State schools in January 1971 that the Federal Government would confine its subsistence payments for the year 1972 to the level of students enrolled at the schools in 1965. Notwithstanding this admonition, several of the schools accepted for admission a number of students which exceeded the 1965 level.

None of the State schools appeared before the House committee in an effort to justify these additional sums. And according to the testimony of the Maritime Administrator, the prospect in the maritime industry for jobs for these State school graduates does not justify enrollments beyond the 1965 level. Under these circumstances, the $150,000 portion of this additional amount was dropped from the bill.

The second portion of the $320,000—namely, $170,000—will be used for reconditioning work on the vessel *Allegheny*, which is owned by the State of Michigan, and turned over to the school for use as a training vessel. The work is needed to recondition the vessel and permit it to meet U.S. Coast Guard safety requirements and State pollution laws.

In the case of all the other State maritime schools, the Federal Government does actually supply a vessel and also pays for its maintenance and repair. Thus, it was the feeling of the conferees that this amount should be retained in the bill.

Amendment No. 2 is somewhat technical in nature and is necessary only by reason of the inclusion in the bill of the $170,000 for work on a State-owned vessel. It would amend section 3 of the Maritime Academy Act of 1958 by inserting a new subsection (c) to authorize the Secretary of Commerce, where prior to enactment he has not furnished a suitable vessel to a State, to repair, recondition and equip, as necessary, and maintain in good repair a vessel which is owned by a State or by a State entity legally designated to receive assistance under the Maritime Academy Act of 1958.

This concludes my explanation of the action of the conferees and I respectfully ask that the conference report be adopted.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 170]

Abourezk
Baring
Blatnik
Brasco
Bray
Chappell
Clark
Clay
Conyers
Davis, Ga.
Dent
Devine
Diggs
Donohue
Eckhardt
Edwards, La.
Fascell
Foley
Ford, William D.
Fraser
Goldwater
Hagan
Hillis
Jones, Tenn.
Karth
Landrum
Leggett
Long, La.
McCulloch
Macdonald, Mass.
Moorhead
Morse
O'Neill
Pepper
Pike
Purcell
Railsback
Rees
Rooney, Pa.
Rousselot
Runnels
Scheuer
Sisk
Taylor
Thompson, N.J.
Veysey
Wampler
Watts

The SPEAKER pro tempore. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9417), making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the time for general debate be not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDade) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9417, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Washington (Mrs. Hansen) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, I bring you the appropriations bill on the Department of the Interior and related agencies.

Before I present the details of this bill, I would like to express my deepest appreciation to all the members of the subcommittee who have so faithfully participated in our committee activities. We have several new members on the committee and it has been a pleasure to work with them.

I also take this occasion to compliment our new ranking minority member of the subcommittee, Congressman Joseph McDade, of Pennsylvania. I have had the privilege of serving with Congressman McDade for several sessions on this subcommittee. His dedication and effort to understand, know and solve the problems of the entire United States is outstanding. I deeply appreciate his courtesy and I salute his work on behalf of our Nation.

All too seldom do those of us who work with the chairman of the full committee, the distinguished gentleman from Texas, remember to thank him for his continuing courtesy, his understanding of our problems and his complete cooperation. Today I would like to do exactly that. He is one of the great gentlemen I have known in public life and it has been a privilege to work with him in the Congress of the United States.

I would also like to take this opportunity to thank the hardworking and excellent staff of our Appropriations Subcommittee, George Evans and Byron Nielson, and Mr. Paul Wilson of the full committee.

I would also like to express my appreciation to each Member of the House who has taken the time and effort to appear at hearings before the subcommittee, who has talked with me and other members of the committee relative to funding of items in this bill and the impact of what that funding means to our total national economy, environment, and progress.

May I also recommend to each and every Member of the House that he or she read our six volumes of hearings. In these you will find a detailed analysis and innumerable facts relative to the operation of the 23 departments and agencies which are funded today as well as a stimulating summary of the management of and for our American land and its people.

You will also find copies of detailed contracts relative to the management of pertinent activities in some of the extremely controversial areas of jurisdiction.

As I present this bill each year I try to give you a short summary of where we have been, where we are, and what we are trying to achieve through the funded activities—indeed to give you a compacted glance of that part of America owned by the people for the benefit of the people.

### SUMMARY OF BILL

The bill is never dollarwise as large as other appropriation bills but perhaps its significance is greater because in it lie management funds for the preservation and orderly development of our natural resources, the enjoyment of recreation on the far-flung areas of our domain, pollution abatement, the welfare and education of approximately 600,000 American Indians and 230,000 inhabitants of the Trust Territory of the Pacific Islands, Guam, and American Samoa. A summary of the bill is as follows:

| Item | Budget estimates, fiscal year 1972 | Recommended in bill | Comparison |
|---|---|---|---|
| Title I, Department of the Interior: | | | |
| New budget (obligational) authority | $1,540,809,000 | $1,515,084,000 | −$25,725,000 |
| Appropriations to liquidate contract authority | 48,200,000 | 48,200,000 | |
| Title II, related agencies: | | | |
| New budget (obligational) authority | 623,760,035 | 644,424,035 | +20,664,000 |
| Appropriations to liquidate contract authority | 142,437,000 | 142,437,000 | |
| Grand total, new budget (obligational) authority and appropriations to liquidate contract authority | 2,355,206,035 | 2,350,145,035 | −5,061,000 |

### SUMMARY OF INCREASES AND DECREASES

Because time is extremely limited in the presentation of all appropriation bills, I am listing now briefly a summary by activities of major increases and decreases in funding for 1972 fiscal year, compared to fiscal year 1971.

Following is a summary by activity of the major increases and decreases in new obligational authority for the 1972 fiscal year compared to fiscal year 1971:

| | |
|---|---|
| Major increases: | |
| Education and welfare services and other assistance to American Indians | +$66,219,800 |
| Major increases—Continued | |
| Conservation and development of natural resources | +$56,625,335 |
| Arts and humanities | +30,150,000 |
| Management, protection, and maintenance of national parks | +29,213,000 |
| Land and water conservation fund | +22,600,000 |
| Conservation and development of mineral resources, including health and safety | +20,386,000 |
| Geologic surveys, investigations, and research | +15,397,000 |
| Smithsonian Institution and related activities | +11,781,000 |

| | |
|---|---|
| Major increases—Continued | |
| Conservation and development of fish and wildlife resources | +$6, 115, 000 |
| Administration of territories | +4, 239, 000 |
| Preservation of historic properties | +1, 447, 000 |
| Offices of the Secretary and Solicitor, Interior | +1, 177, 000 |
| Water resources research | +1, 048, 000 |
| Subtotal, major increases | +$266, 398, 135 |
| Major decreases: | |
| Forest fire control | −82, 000, 000 |
| Helium fund | −29, 277, 000 |
| Subtotal, major decreases | −111, 277, 000 |
| Other increases and decreases (net) | −$1, 261, 000 |
| Net total increase over fiscal year 1971 | +153, 860, 135 |

REVENUE GENERATED BY AGENCIES IN BILL

Unlike many appropriation bills, revenue is generated by agencies funded herein, and the committee has carefully measured each expenditure dollar requested in this budget, bearing in mind the revenue generated. The following tabulation indicates total appropriations to date for fiscal year 1970 and 1971, and the amount recommended in the bill for fiscal year 1972. It compares receipts generated by activities in this bill on an actual basis for fiscal year 1970 and on an estimated basis for fiscal year 1971 and 1972.

| Item | Fiscal year 1970 | Fiscal year 1971 | Fiscal year 1972 |
|---|---|---|---|
| Appropriations | $1, 716, 556, 300 | $2, 239, 052, 900 | $2, 350, 145, 035 |
| Receipts: | | | |
| Department of the Interior | 580, 003, 323 | 1, 501, 243, 445 | [1] 643, 548, 395 |
| Forest Service | 299, 703, 206 | [2] 239, 820, 000 | 371, 895, 000 |
| Total receipts | 879, 706, 529 | 1, 741, 063, 445 | 1, 015, 443, 395 |

[1] Does not include any estimate for OCS leasing. ($932,815 estimated from this source for fiscal year 1971.)

[2] Reduced rate of timber harvesting and lower stumpage prices.

EXTENT OF ACTIVITIES FUNDED IN BILL

What is this bill all about? Why is it important to you? Again I list for you selected items indicative of its extent.

There follows a listing of selected items which indicate the extent of activities funded in this bill:

| | |
|---|---|
| Management of public lands (acres): | |
| Bureau of Land Management | 451, 137, 473 |
| U.S. Forest Service | 186, 899, 958 |
| Bureau of Indian Affairs | 55, 407, 902 |
| Bureau of Sports Fisheries and Wildlife | 30, 410, 357 |
| National Park Service | 28, 543, 111 |
| Total acres | 752, 398, 801 |

| | Current inventory | 1972 construction |
|---|---|---|
| Road construction (miles): | | |
| Bureau of Land Management | 47, 000 | 382 |
| Bureau of Indian Affairs | 21, 664 | 615 |
| National Park Service | 10, 020 | 24 |
| Bureau of Sport Fisheries and Wildlife | 6, 015 | 7 |
| U.S. Forest Service | 196, 565 | 7, 900 |
| Total miles | 281, 264 | 8, 928 |
| | 1970 actual | 1972 estimate |
| Recreation visitations (millions): | | |
| National Park Service | 167 | 184 |
| Bureau of Sport Fisheries and Wildlife | 20 | 21 |
| Bureau of Land Management | 77 | 99 |
| U.S. Forest Service | 173 | 189 |
| Total visitations (millions) | 437 | 493 |

TIMBER PRODUCTION

Forest Service: An estimated harvest of 13.8 billion board feet is anticipated for 1972, with receipts from sales of approximately $352 million. This volume represents about one-fourth of the total timber and 40 percent of the softwood timber cut for industrial purposes annually, and is equivalent to the construction of about 1.5 million average-sized homes.

Bureau of Land Management: Administers the sale of over 1.3 billion board feet of timber annually. Timber receipts are estimated to be $84.5 million in 1972.

SOIL AND WATERSHED CONSERVATION

Forest Service: The national forests of the West—about 20 percent of the area—produce about 50 percent of the water, conservatively estimated at a value of over $1 billion annually.

Bureau of Land Management: Administers an active program of soil stabilization practices on 160 million acres of public lands covering about 1,300 watersheds. Practices are designed to conserve and develop public land soil and water resources and include construction of small water control structures, contouring and cultivation, revegetation, protective fencing, and water developments.

GRAZING

Bureau of Land Management: Administers grazing of approximately 11.6 million head of livestock and 2.7 million big game animals. Grazing receipts are estimated to be over $9.8 million in 1972.

Forest Service: Administers the grazing of 7.3 million head of livestock. This provides a continued and necessary source of grazing required by 18,200 family type ranch units. In addition, an estimated 4.3 million big game animals graze on national forest lands.

INDIAN EDUCATION AND WELFARE

Indian children in Federal day and boarding schools, 60,000.

Indian children in public schools, 87,000.

Indians provided with welfare guidance service, 90,000.

Operation and maintenance of 300 Indian irrigation systems.

MINERAL RESOURCES

Bureau of Land Management: Administers mining and mineral leasing on approximately 760 million acres of land in the continental United States and more than 515 million acres of submerged lands of the Outer Continental Shelf. Mineral receipts are estimated to be almost $340 million in 1972.

Geological Survey: Provides the basic scientific and engineering data concerning water, land, and mineral resources; and supervises the development and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $3.5 billion, with royalties accruing to the Government of $492 million. Bonuses from lease sales this fiscal year will approximate $950 million.

FISH AND WILDLIFE RESOURCES

Bureau of Sport Fisheries and Wildlife: Produces in excess of 5 million pounds of fish a year. The cumulative effect is estimated to support approximately 44 million fisherman-days annually. In addition, this Bureau's refuges accommodate about 1.5 billion waterfowl-use-days, not including Alaska. These refuges also support almost 3 million hunter-use-days.

ADMINISTRATION OF TERRITORIES

The Department of the Interior is responsible for the administration of the Trust Territory of the Pacific Islands—over 2,000 islands covering about 3 million square miles of the Western Pacific Ocean—American Samoa, and Guam. This involves the management of about 985 square miles of land with a total native population of approximately 230,000.

EFFECT OF COMMITTEE ACTION ON PROJECTED BUDGET EXPENDITURES (OUTLAYS) IN FISCAL YEAR 1972

The accompanying bill recommends a net reduction of $5,061,000 in new budget—obligational—authority below the budget requests.

Although there is a decrease in new budget—obligational—authority, outlays—expenditures—projected for fiscal year 1972 will increase by approximately $14,000,000 as a result of committee action on the budget estimate.

PERMANENT OBLIGATIONAL AUTHORITY—FEDERAL FUNDS AND TRUST FUNDS

Permanent legislation authorizes the continuation of certain Government activities without consideration by the Congress during the annual appropriations process. Details of these activities are reflected in appropriate tables appearing at the end of this report. In fiscal year 1971, these activities are estimated to total $720,403,032. The estimate for fiscal year 1972 is $725,808,450, or a net increase of $5,405,418.

The principal item in this category involves $260,000,000 of contract authority for the construction of roads.

### LIMITATION ON UNIT COST OF EMPLOYEE HOUSING

The limitation on the unit cost of employee housing—regardless of the source of financing—in the continental United States, Alaska, Hawaii, and the territories shall be $29,000. This limitation includes engineering and design costs, but excludes provision of utilities to the lot line. Any exceptions to this monetary limitation shall be submitted to the committee for its advance review and approval. Employee houses shall not exceed the standards outlined by the committee in House Conference Report No. 2049, 87th Congress, second session.

### ENVIRONMENTAL ENHANCEMENT

Public lands administered by agencies funded in this bill constitute about one-third of the total acreage in the Nation. Consequently, many of these agencies have a direct responsibility in the total effort to control pollution and improve the environment.

Of the total funds provided in this bill for the Department of the Interior, $29.7 million is for air pollution abatement; $42.9 million is for water pollution abatement; and $8.8 million is for solid waste disposal and recycling. These figures total $81,363,949.

Appropriations for the Forest Service include $18.6 million for water pollution control.

Funds for the Smithsonian Institution include $7.8 million for environmental sciences activities.

### MULTIPLE USE OF NATIONAL FORESTS

The national forests are a resource of diverse benefits—timber, watersheds, forage, wildlife habitat, and recreation. Each is important in its own way to our national well-being. The Forest Service is urged, in these times of conflicting demands, to stress imaginative planning and administration which will provide maximum multiple use of the national forests for the production of needed lumber to meet the increasing social program needs of housing; accommodation of the ever-increasing use of those seeking recreation; and the preservation and development of valuable watersheds.

The committee urges the Forest Service to continue the acceleration of reforestation and timber-stand improvement programs and to conduct ever-widening research in those fields which will decrease insect and fire devastation as well as provide the most esthetic values in forest protection.

### STRIP MINING

The deleterious after-effects of strip mining continue to be a source of concern to the committee.

It is therefore urged that all contracts negotiated by public agencies funded in this bill, including leases or permits, for strip mining on public lands, contain meaningful and effective provisions requiring total reclamation within a reasonable period of all public lands disturbed by any strip mining process.

The committee is pleased to note that bills concerning adequate control of strip mining are before the proper authorizing committees at this time.

### POLLUTION CONTROL ON INDIAN LANDS

The committee commends the Department on its recent proposal to revise the Federal regulations in order to tighten environmental protection stipulation in leases for the surface use of Indian-owned lands under Federal trusteeship. In addition, the Department should monitor existing operations under such leases, to the extent feasible, in an effort to attain the greatest possible degree of pollution control.

### LITTER-VANDALISM-FIRE

Without exception, the bureaus appearing before the committee who are responsible for the maintenance and protection of our national recreational areas and forests testified to the mounting expenditure of funds necessary for cleanup of litter, repair of vandalized facilities, and the damage caused by manmade forest fires. Unnecessary expense and loss in this connection are now of serious import.

Funds expended for this purpose are nonproductive. They contribute nothing to the provision of additional recreation facilities so urgently needed to accomodate the ever-increasing influx of visitors to our national recreation areas.

Additional supervision alone will not correct this situation. The committee urges all agencies to increase their efforts to educate and motivate the general public to appreciate our natural resources and to treat them with reasonable care.

As we approach the discussions of lands, the United States finds itself face to face with a multiplicity of problems stemming from man's overuse, lack of care, and in some instances lack of thought for the future of this tremendous resource.

As I have enumerated earlier there are 752,398,801 acres managed here. This is one-third of the land area of the United States.

As I have already noted, visitations to these lands will total almost half a billion in 1972 and reflect an ever-rising use of every facility. At the same time this third of the United States provides an enormous reservoir of this Nation's wealth. In it are locked resource treasures for the Nation's future.

Dr. Pecora, now the Under Secretary for the Department of Interior and formerly director of the Geological Survey, when questioned about the resources of coal on Federal and Indian lands, replied that although the production of coal from public lands made up less than 2 percent of the total coal now produced in this country, the reserves of coal on public lands represented more nearly 50 percent of our total reserves.

Dr. Pecora also, when questioned about the size of the offshore area for the continental United States, replied that the area of the Outer Continental Shelf can vary by different definitions. By one definition, which is normally in the public mind, the Continental Shelf extends to a depth of 200 meters, or a bit more than 400 fathoms, or 600 feet. This area off the coast of the United States measures about 804,000 square miles or approximately 514 million acres, more than the total of the land areas managed by the Bureau of Land Management.

Dr. Pecora went on to point out that one-half of the total jurisdictional area of the United States available for mineral development is in the public domain. One-quarter is offshore, one-quarter is on land, and the other half is in State or private lands. For those who are interested, there is a chart of page 522 of volume 3 of our hearing records.

It is in this Outer Continental Shelf where oil explorations have proceeded and where oil leases have been made, where we are faced with the necessity of stepping up our knowledge or causing difficulties to water, land terrain, wildlife, and people. If the United States continues to lack the knowledge prior to leasing we can expect disaster. If we do not monitor and supervise the explorations as well as the oil production, the United States would be derelict in its managerial obligations.

An integral part of a problem which confronts the United States in the oil exploratory and production field is that of wisely deciding how to protect our environment, how to measure our energy needs, and take full stock of our resources and, to be repetitious, because I think it bears repetition, to provide all possible safeguards in the use of this form of energy.

Our committee has reminded this Congress through our hearings of this problem and has provided additional funds here and in previous budgets to insure that our management is done for maximum efficiency and minimum disaster. The cost of the Santa Barbara Channel spill is still fresh in the minds of all Americans. The problems confronting the removal of oil from the Arctic terrain are ever present.

The committee held a long and full discussion with Dr. Pecora and with the Office of Oil and Gas, the Bureau of Mines, Office of Coal Research, and the Oil Import Administration on energy problems, energy potentials, and safeguards. These will be found in volume 3 of the hearings.

Dr. Pecora said to the committee, "Many people think that food is the biggest problem of humanity," and to my comment, "Our food supply depends on energy," Dr. Pecora replied:

> That is exactly the point. The agricultural areas of the world are well known and can become productive for the masses if energy is available and distribution systems are worked out. I would consider that the supply of energy for humanity is the No. 1 critical problem for mankind. We in the Geological Survey, as a result of our analysis of oil, gas, coal, and geothermal energy and other unconventional means, see a fairly good supply for a century ahead of us in this country if we are permitted as a Nation to pursue these sources of supply, to develop them for the use of the people. If there are going to be constrictions and restraints, then we need to have our options opened up to use so the decision can be made on the options.

He proceeded to discuss these options with us and explored the shortage areas of the Nation and what our alternatives are. He pointed out that we could reduce forcibly or by law the amount of energy that can be expended so that we have to ration the use of energy to only the most essential requirements. But he stressed repeatedly that if mankind is to succeed on this planet on a continuing basis, he has to have his options open to him and he has to look for all of the evidence he can find so that he may choose the right option at that time. How to continue to provide the social and physical needs of a culture, of a civilization, and provide the economic security is the challenge of the rest of this century.

Interestingly enough, other nations are spending a great deal more than we are to find these answers. On the question of one of my distinguished committee members, Mr. GALIFIANAKIS, relative to the Russian exploratory groups, Dr. Pecora stated that 300,000 geologists are working through the Soviet Union while the United States has about 20,000.

I present these statements only to remind the committee how thoughtfully we must appraise the problems posed by our needs and how we must match these needs by the appropriate amount of expenditure. Warships and armies will mean litle to a nation which is hungry and cold.

### FORESTS

Also in this area of our resources, that of the national forests, the committee and the Nation recognize these forests as a continuing source of our well-being from several standpoints. They are a backlog source of timber which will produce the integral part of the commodities necessary to solve one of the great social problems of this century, that of housing. They also provide forage and range for our cattle and sheep, provide for the survival of our wildlife, the maintenance and development of our watersheds and for the joy that comes to any person who visits the outdoors through the recreation use of these millions of acres. We have water research, we have programs of water development, we have programs of water management, and some of them are almost too late, but in the forests of the United States, public and private, lie one of the sustaining contributions to water supply—our watersheds.

The committee has urged that in these times of conflicting demands, use be made of every imaginative device in planning and administration available to the Forest Service to provide these maximum multiple uses.

There are those who question certain techniques in the Forest Service such as clear cutting, terracing, and so forth. The committee urges that the Forest Service continue its ever-widening research to find the most valuable, the most esthetic way to manage forests.

We are accustomed to thinking in terms that only timber cutting is responsible for our lack of reforestation. This is not true in our national forests. The national forests, remember, were not, in the beginning, dedicated public lands of the United States. These are acquired lands, and these acquired lands were those which needed reforestation; they were the burnt-over, cut areas.

During these years of limited budgets, the Forest Service has found it difficult to fully confront and solve the problem of underplanted and undermanaged areas. It has been a losing struggle, and this year the committee has taken cognizance of the problem by adding moneys for reforestation and timber management, and when I use the term "timber," it is not in the context of commercial products, but in the context of the total use of timber for its multiple-use purposes.

Not only does the problem of reforestation and management lie with the underplanted and undermanaged areas, but insect infestation, natural disasters such as blowdowns, and fires, are also destroyers. Mortality in the national forests from insects and other causes averages between 5 to 10 billion board feet annually, depending on whether major disasters are included. The allowable cut on the national forests as of January 1, 1971, was 13.7 billion board feet of sawtimber and other products. In 1970, 11.5 billion board feet was actually cut and removed.

In 1962, on Columbus Day, Hurricane Frieda severely damaged 11.6 billion board feet of timber in the States of Washington, Oregon, and California. Of this loss, 3.8 billion occurred on Federal lands—primarily national forests and Bureau of Land Management.

In 1968, the Pacific Northwest Region of the Forest Service prepared a report, "Saving Timber Values." It was a program to salvage tree mortality on six national forests in western Oregon and Washington. It projected mortality due to insects and other causes for fiscal years 1969 through 1972. That mortality expected totaled 2.5 billion board feet. These trees would have a stumpage value of about $132 million. In 1970, catastrophic fires swept the Wenatchee National Forest in eastern Washington; 200 million board feet were killed necessitating removal if at all possible in the ensuing 2 years or the volume would be greatly reduced by deterioration. That 200 million board feet mortality has a stumpage value of about $1.6 million.

In testimony before the committee, California fires last year cost $2,836,000 and did not include the loss of timber. Yet, contrary to our expressed interest in environmental concerns, we find that there are ever escalating man-caused fires resulting from recreation, land occupancy, and incendiarism.

For example, in the year 1965, there were 4,123 man-caused fires, and in the year 1970 in the U.S. forests there were 7,174. In the Bureau of Land Management, the figure escalated in 1966 from 674 to 795 man-caused fires. In the BIA, man-caused fires on Indian lands were 54 percent of the total fires and in 1969 they were 67 percent. This increase is substantially attributable to non-Indian people with additional access to Indian forests.

You will note in a few moments that the committee has taken cognizance of these ever-increasing problems of insect infestation and fires by recommending additional funds for research to find some of the necessary answers in order to respond to our challenge in forest management.

I would remind this Congress that we can no longer wait in the field of reforestation. Trees for the year 2000 and later must be in the ground this year and next. And please remember also that as Chief Cliff said at our hearings:

> It is impossible to turn on and turn off reforestation like a water faucet. There are certain ingredients necessary, seed, nursery stock particularly, so that acreages to be done must be carefully analyzed and funds provided.

The Forest Service alone has 5 million acres needing reforestation and according to their own testimony if the rate of replanting until this year were in effect, it would take 38 years to reforest and 50 years to catch up on timber stand improvement.

It might be well to note here that in the country as a whole, the combined total of the U.S. commercial forest land on public, private, Federal, other public agencies, the forest industries, and private ownerships amounts to 510,212,500 acres.

It is also time that we analyzed our total use. For example, in the calendar year 1970, 2.8 billion board feet of logs, 1.3 billion board feet of lumber, 172 million square feet of plywood, and 11.2 million cords of pulpwood—including the roundwood equivalent of pulp and paper—was exported from the United States. The export of logs to Japan is about 18 percent higher this year than last. At the same time, there were 1,463,000 units of housing starts in the United States in calendar year 1970. In Japan there was an average of approximately 1,340,000 units of housing starts annually in the 1966–70 period.

The population of Japan is in the vicinity of 120 million; the population of the United States is 205 million. Their starts were aiming at 1.3 million and U.S. starts at 1.5 million.

Second, what do we do about the use of our forest products and of the recycling or reuse? Let me give you some figures from our hearing record, volume 4, page 242. In 1970, 9.7 million tons of newsprint were produced. Of this amount, only about 23 percent was reused. For a million tons of newsprint, it requires 137,220 acres of timber on a clear-cut basis or 1,231,000 acres if the cutting is on an incremental growth basis. A small example of newsprint consumption is the figure which the Washington Post so generously gave us. They use 180,000 tons of newsprint per year to produce their paper.

Third, we are wasting $17,580,000 on cleanup costs for litter, vandalism, and so forth, as a result of forest users including recreation visitors.

The committee has also been deeply concerned with the way we harvest, if I may use that term, other natural resources. The committee is concerned with the environment as we proceed to develop oil shale lands. It is deeply concerned with strip mining and we are recommending that all contracts including leases or permits negotiated by public agencies funded in this bill for strip mining on public lands contain meaningful and effective provisions requiring total reclamation within a reasonable period of all public lands disturbed by any strip-mining process. The authorizing committees of this Congress have before them bills dealing with this area.

The committee is also disturbed by contracts which have been made in the past and have not been monitored as well as they should have been. Therefore the committee urges that in the administration of our Indian tribal lands the Department closely monitor all contracts between tribes and industry to assure this Nation that adequate provision for pollution abatement is included as a basic requirement of the contract and that contracts now in effect with existing operations be carefully monitored and that the greatest degree possible of pollution control be exerted for the wellbeing of land, air, and water. We urge unceasing supervision of these problems on all public lands funded in this bill.

The committee also wants to call attention of the Members of this Congress and of the American people to a situation which is directly under their control. Almost without exception, bureaus appearing before the committee who are responsible for the maintenance and protection of our national recreation areas and forests testified to the mounting expenditures of funds necessary for cleanup of litter, repair of facilities, and damage caused by manmade forest fires. Unnecessary expense and loss in this connection are now of serious import. Funds expended for this purpose are nonproductive; they contribute nothing to the provision of additional recreation facilities so urgently needed to accommodate the ever-increasing influx of visitors to our national recreation areas. They are destructive of our wildlife habitat and can indeed cause the destruction of mankind itself because, as you are well aware, rodents such as rats carry disease and these rodents are present wherever litter is present. The cost escalation in litter cleanup in the agencies covered here has gone from $21,000,000 in 1971 to $24,100,000 in 1972.

Additional supervision of our Federal facilities alone will not correct this situation. The committee urges that all departments increase their efforts to educate and motivate the American people to appreciate our natural resources and treat them with reasonable care. In fact, I might add, not only with care but with affection.

As I itemize these departments, it is again well to remember what they mean in terms of land, people, resources.

Prior to the consideration of various budget items, I think I should explain to you that increased pay costs for the budget year are shown in a lump sum in the agency report tables and have not been allocated to the subactivities. Therefore, what apparently appear to be reductions below fiscal year 1971 for some subactivities would actually be reflected as small increases if the increased pay costs were distributed throughout the budget structure.

### TITLE I—DEPARTMENT OF THE INTERIOR
### PUBLIC LAND MANAGEMENT
### BUREAU OF LAND MANAGEMENT
### MANAGEMENT OF LANDS AND RESOURCES

| | |
|---|---|
| Appropriation, 1971 | $84,060,000 |
| Estimate, 1972 | 76,080,000 |
| Recommended, 1972 | 76,080,000 |
| Comparison: | |
| Appropriation, 1971 | −7,980,000 |
| Estimate, 1972 | ---------- |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Realty and mineral leasing services: | | | |
| Title, lease, and records service | $6,416,000 | −$794,000 | ------- |
| Records improvement | 874,000 | −31,000 | ------- |
| Resource management, conservation and protection: | | | |
| Land classification and mineral examination | [1] 7,260,000 | +1,021,000 | ------- |
| Range management | 6,098,000 | −242,000 | ------- |
| Forestry | 7,986,000 | +109,000 | ------- |
| Soil and watershed conservation | 13,519,000 | −279,000 | ------- |
| Fire protection | 5,874,000 | +437,000 | ------- |
| Recreation and wildlife | 3,919,000 | +440,000 | ------- |
| Alaska pipeline inspection | 2,012,000 | −34 000 | ------- |
| Cadastral surveys: | | | |
| Alaska | 2,223,000 | −58,000 | ------- |
| Other States | 4,638,000 | +794,000 | ------- |
| Firefighting and rehabilitation | 10,000,000 | −12,000,000 | ------- |
| General administration | 2,501,000 | −103,000 | ------- |
| Increased pay costs | 2,760,000 | +2,760,000 | ------- |
| Total, management of lands and resources | 76,080,000 | −7,980,000 | ------- |

[1] Includes $550,000 for development of land-use plan for northern Alaska.

The Bureau of Land Management is responsible for the conservation, management, and development of about 452 million acres of the Nation's public lands, including 278 million acres in Alaska.

In addition, the Bureau administers mining and mineral leasing on other federally owned lands, on former Federal lands where minerals have been reserved in public ownership, and on the submerged lands of the Outer Continental Shelf.

### CONSTRUCTION AND MAINTENANCE

| | |
|---|---|
| Appropriation, 1971 | $3,310,000 |
| Estimate, 1972 | 4,430,000 |
| Recommended, 1972 | 4,627,000 |
| Comparison: | |
| Appropriation, 1971 | +1,317,000 |
| Estimate, 1972 | +197,000 |

The increase of $197,000 over the budget estimate is for recreation facilities on the Indian Creek Reservoir in Alpine County, Calif.

### PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS
### (LIQUIDATION OF CONTRACT AUTHORITY)

| | |
|---|---|
| Appropriation, 1971 | $3,500,000 |
| Estimate, 1972 | 3,200,000 |
| Recommended, 1972 | 3,200,000 |
| Comparison: | |
| Appropriation, 1971 | −300,000 |
| Estimate, 1972 | ---------- |

This appropriation is required to liquidate the obligations incurred under contract authority provided in the Federal-Aid Highway Act for development of roads and trials on public lands.

### OREGON AND CALIFORNIA GRANT LANDS

The bill continues the indefinite appropriation of 25 percent of the gross receipts from sales of timber and other products, representing one-third of the 75 percent of revenues due the Oregon and California counties.

It is estimated that a total of $19,000,000 will be available during fiscal year 1972 for construction, acquisition, and operation and maintenance of access roads and improvements, and for forest protection and development on the revested lands and on other Federal lands in the Oregon and California land-grant counties of Oregon.

### RANGE IMPROVEMENTS

| | |
|---|---|
| Appropriation, 1971 | $1,795,000 |
| Estimate, 1972 | 2,514,000 |
| Recommended, 1972 | 2,514,000 |
| Comparison: | |
| Appropriation, 1971 | +719,000 |
| Estimate, 1972 | ---------- |

The committee recommends an indefinite appropriation of $2,514,000 to be derived from public lands and Bankhead-Jones Farm Tenant Act lands grazing receipts for construction, purchase, and maintenance of range improvements.

Last year I reviewed for this committee the problems encountered in Alaska. We are providing $3,782,000 for those preliminary studies necessary for the protection of our environment should our Government decide to proceed with Arctic Slope oil distribution. We also provide for pipeline inspection. This is contingent on Interior's approval of such.

In another field, I would hope that as time goes by and our recreational uses increase on our desert lands and areas used so extensively by water enthusiasts that we can increase money for their management. It is mandatory.

We will also, of necessity, have to increase money for protection of people in various safety programs and always there will be an escalating amount expended in each of our facilities for pollution funding.

### BUREAU OF INDIAN AFFAIRS
### EDUCATION AND WELFARE SERVICES

| | |
|---|---|
| Appropriation, 1971 | $244,275,000 |
| Estimate, 1972 | 271,721,000 |
| Recommended, 1972 | 273,487,000 |
| Comparison: | |
| Appropriation, 1971 | +29,212,000 |
| Estimate, 1972 | +1,766,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Educational assistance, facilities, and services | $163,990,000 | +$17,748,000 | +$150,000 |
| Welfare and guidance services | 58,324,000 | +5,664,000 | +2,000,000 |
| Employment assistance | 39,058,000 | −380,000 | −150,000 |
| Maintaining law and order | 7,115,000 | +1,180,000 | ---------- |
| Increased pay costs | 5,000,000 | +5,000,000 | −234,000 |
| Total, education and welfare services | 273,487,000 | +29,212,000 | +1,766,000 |

The increase of $1,766,000 over the budget estimate includes the following additions and reductions:

Provision of higher educational services for the Navajos, +$50,000

Additional scholarships for legal, medical, and nursing students, +$100,000

Renovation of Indian houses in California, +$894,600

Renovation of Indian houses elsewhere on a priority of need basis, +$1,105,400.

Adult vocational training, −$150,000.

Pay increase costs, −$234,000.

The committee is concerned about various reports it has received regarding the alleged misuse of Johnson-O'Malley funds in some States. The committee directs that the Bureau of Indian Affairs makes certain that these funds are utilized for the purpose for which they are appropriated—to fund activities in public schools for the benefit of Indian pupils.

The committee believes that the Bureau of Indian Affairs should reassess its relationship to off-reservation Indians who now constitute 40 percent of the country's Indian population. While the Bureau's primary responsibility is to assist Indians living on reservations, the Bureau can and should do more to assist Indians to adjust to city living. Where practicable, referral and employment assistance services of the Bureau's areas and field offices should be made available to any urban Indian requesting such services.

Bureau personnel should assist urban Indian organizations in the development of new programs to meet the needs of urban Indians.

RESOURCES MANAGEMENT

| | |
|---|---|
| Appropriation, 1971 | $70,847,000 |
| Estimate, 1972 | 76,691,000 |
| Recommended, 1972 | 71,866,000 |
| Comparison: | |
| Appropriation, 1971 | +1,019,000 |
| Estimate, 1972 | −4,825,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Forest and range lands | +$7,283,000 | −$170,000 | |
| Fire suppression and emergency rehabilitation | 1,340,000 | −400,000 | |
| Agricultural and industrial assistance | 13,306,000 | +386,000 | |
| Soil and moisture conservation | 6,576,000 | −158,000 | |
| Maintenance of roads | 6,166,000 | +463,000 | |
| Development of Indian arts and crafts | 638,000 | −13,000 | |
| Management of Indian trust property | 9,394,000 | −12,000 | |
| Repair and maintenance of buildings and utilities | 23,613,000 | +2,194,000 | +$75,000 |
| Operation, repair, and maintenance of Indian irrigation systems | 1,418,000 | −3,000 | |
| Indian business development fund | | −3,400,000 | −4,900,000 |
| Increased pay costs | 2,132,000 | +2,132,000 | |
| Total, resources management | 71,866,000 | +1,019,000 | −4,825,000 |

The net reduction of $4,825,000 below the budget estimate includes a decrease of $4,900,000 for the Indian business development fund and an increase of $75,000 for the youth work-learn program.

Although the Department originally contended that it had legislative authority for the administration of the Indian business development fund, it subsequently agreed to submit a recommendation for specific legislation in this connection. Because of the delay on the part of the Department in submitting its recommendation, the specific legislation has not yet been enacted. Consequently, the committee has deleted this item from the bill.

Within available funds, the committee directs that an additional $50,000 shall be made available for soil and moisture conservation work in the Anadarko Area, Okla.

The committee urges that greater consideration be given in the budgetary process to provision of more adequate funds for reforestation and rehabilitation of Indian lands.

CONSTRUCTION

| | |
|---|---|
| Appropriation, 1971 | $19,885,000 |
| Estimate, 1972 | 36,385,000 |
| Recommendation, 1972 | 37,206,000 |
| Comparison: | |
| Appropriation, 1971 | +17,321,000 |
| Estimate, 1972 | +821,000 |

The increase of $821,000 over the budget estimate includes a reduction of $200,000 for major alterations and improvements and the following increases:

Rehabilitation of drought-stricken area on the Papago Reservation, Ariz., $387,000.

Water exploration, $200,000.

Sanitation facilities for in-lieu fishing sites along the Columbia River, $234,000.

Planning funds for a high school at Rough Rock, Ariz., $200,000.

ROAD CONSTRUCTION

(LIQUIDATION OF CONTRACT AUTHORITY)

| | |
|---|---|
| Appropriation, 1971 | $20,200,000 |
| Estimate, 1972 | 25,000,000 |
| Recommended, 1972 | 25,000,000 |
| Comparison: | |
| Appropriation, 1971 | +4,800,000 |
| Estimate, 1972 | |

This appropriation is required to liquidate obligations incurred for Indian road construction under contract authorization provided in the Federal-Aid Highway Act.

GENERAL ADMINISTRATIVE EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $6,148,000 |
| Estimate, 1972 | 6,257,000 |
| Recommended, 1972 | 6,057,000 |
| Comparison: | |
| Appropriation, 1971 | −91,000 |
| Estimate, 1972 | −200,000 |

The committee recommends a reduction of $200,000 below the budget estimate for general administrative expenses. The committee directs that none of the reduction recommended under this appropriation account be compensated for by the additional allocation of administrative expenses to program operations.

TRIBAL FUNDS

| | |
|---|---|
| Appropriation, 1971 | $16,204.000 |
| Estimate, 1972 | 16,173,000 |
| Recommended, 1972 | 16,173,000 |
| Comparison: | |
| Appropriation, 1971 | −31,000 |
| Estimate, 1972 | |

Funds held in trust for Indian tribes under the provisions of various acts are used for expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians.

To each Congress, the committee tries to report the progress or lack of progress we are making in the field of our Indian programs. This year, as I have already noted, we have increased the Indian budget by $66,219,800. I place here a list of funds from the U.S. Government available to our Indian people through a wide variety of programs.

FEDERAL FUNDING OF INDIAN RESERVATION PROGRAMS, FISCAL YEARS 1970–72 (ESTIMATED)

[In thousands of dollars]

| Agency program area | 1970 | 1971 | 1972 |
|---|---|---|---|
| Agriculture, Department of | 17,364 | 17,624 | 24,893 |
| Farmers Cooperative Service | 35 | 38 | 33 |
| Research Service (farm, etc.) | 967 | 963 | 965 |
| Stabilization and Conservation Service | 3,180 | 3,165 | 3,165 |
| Rural Electrification Administration | 4,436 | 4,533 | 4,580 |
| Soil Conservation Service | 550 | 550 | 550 |
| Food and Nutrition Service | 8,196 | 8,375 | 15,600 |
| Commerce, Department of | 21,793 | 27,400 | 29,797 |
| Business loans | 7,000 | 6,400 | 5,600 |
| Planning, technical assistance and research | 1,075 | 2,000 | 1,200 |
| Regional development programs | 218 | | 1,000 |
| Economic development administration (public works) | 13,500 | 19,000 | 19,000 |
| Pribilof Islands fund | | | 2,997 |
| Defense, Department of—Army Corps of Engineers | 2,200 | 9,300 | 11,000 |
| Economic Opportunity, Office of | 55,500 | 59,200 | 58,039 |
| Legal services | 1,200 | 1,400 | 1,800 |
| Work incentive program (Labor) | 1,400 | 1,400 | 1,509 |
| VISTA | 2,100 | 2,200 | 2,010 |
| Headstart | 9,600 | 9,700 | 3,000 |
| Neighborhood Youth Corps (administered by Labor) | 9,000 | 9,200 | 9,298 |
| Community Action | 17,000 | 18,200 | 23,000 |
| Job Corps | 700 | 2,200 | 2,412 |
| Operation Mainstream (administered by Labor) | 3,700 | 3,700 | 3,812 |
| New Careers (administered by Labor) | 500 | 700 | 701 |
| Concentrated employment program | 5,800 | 5,900 | 5,800 |
| Job opportunity in business sectors | 4,500 | 4,600 | 4,697 |
| Health, Education, and Welfare, Department of | 153,492 | 182,222 | 202,390 |
| Office of Education | 24,343 | 34,165 | 46,025 |
| Health Services and Mental Health Administration | 129,149 | 148,057 | 156,365 |
| Housing and Urban Development, Department of | 22,558 | 25,139 | 34,800 |

FEDERAL FUNDING OF INDIAN RESERVATION PROGRAMS, FISCAL YEARS 1970-72 (ESTIMATED)—Continued

[In thousands of dollars]

| Agency program area | 1970 | 1971 | 1972 |
|---|---|---|---|
| Housing and Urban Development, Department of—Con. | | | |
| Metropolitan development comprehensive-planning grants | 650 | 550 | 900 |
| Model cities and governmental relations | 74 | 916 | 900 |
| Alaska housing | 1,000 | .......... | 1,500 |
| Low-rent public housing | 20,834 | 23,673 | 31,500 |
| Interior, Department of the | 327,929 | 387,878 | 461,689 |
| Bureau of Commercial Fisheries (Priblof Island) | 2,774 | 2,875 | .......... |
| Bureau of Sport Fisheries and Wildlife-(hatcheries) | 600 | 1,300 | 2,700 |
| Bureau of Reclamation (MRBI) | 800 | 200 | .......... |
| Geological Survey: | | | |
| Resources management—oil, gas, and other | 824 | 916 | 980 |
| River clearance—Phreatophyte growth | 204 | 204 | 204 |
| Basic data collection—Ground water-resources | 85 | 85 | 170 |
| Bureau of Indian Affairs | 322,642 | 382,298 | 457,635 |
| Labor, Department of—Manpower Development and Training Activities | 5,000 | 5,700 | 6,202 |
| Small Business Administration | 6,300 | 12,600 | 19,826 |
| Veterans' Administration—Veteran Benefits | 500 | 600 | 1,400 |
| National Foundation Arts and Humanities | 325 | 551 | 800 |
| Total Federal funding | 612,961 | 728,214 | 850,836 |

We hear a great deal from time to time about how we are failing, how we are not doing enough. Of course we are not, because we had to do so much in so few years. Remember, just 5 years ago there were no kindergartens in the entire Indian world. No attempt had been made to break through the language and cultural barrier at this age level to accomplish the kind of educational program enabling Indian youngsters to participate equally with all other American citizens.

In this budget we provide next to the final step for the completion of kindergartens in all of our Indian schools. We completed 59 kindergarten units in 1970, 18 in 1971, and this bill provides for 22. There remain only 31 to be constructed; 1,940 students attend these kindergartens.

In 1963, we had 963 young people attending college assisted by the BIA. In 1971, we are assisting 6,100 and in the fiscal year 1972, we will assist almost 9,000 young students. There will be 293 BIA scholarship-assisted graduate students attending college in 1972.

You will note that we have added $100,000 for scholarships in the fields of medicine, law, and nursing. These three professions have not now as many students in them as there are proportionately in other areas and yet these are three of the most necessary and vital professions for the Indian people.

The committee is also providing $50,000 in scholarships for students attending the Navajo Community College. This college, struggling so hard to succeed, comes from the vision, ideals, and desires of the Indian people to provide an institution of their own to retain their culture and leave it as a priceless heritage for all of us as well as to educate their young people for the kind of world they are living in today.

A few years ago we had no Indian members of school boards. Today there are 500. We carry on training programs so that more and more Indians may manage their schools and activities.

The committee through the years has made sure that wherever public schools exist we assist and support the Indians' attendance and integration at these public schools. It is well to bear in mind, though, that because of the immensity of size of Indian lands, the difficulty of travel and, in some areas, the very existence of water itself, it is not always easy to have students attend public schools on certain reservations.

As I noted last year, Navajo students are scattered from hogan to hogan. There are relatively few communities. Youngsters would have to travel great distances, perhaps get off school buses and walk into blizzards. Some have lost their lives as a result of this kind of experience. Therefore, we have been compelled to provide the boarding school-type education. I will say, and the average American does not realize this, that in the Navajo area alone our boarding schools are making sure that more than 20,000 of these young people are provided with good food which they might not have if they were automatically removed from a boarding facility. In fact, their very attendance at an institution of learning might not be possible. Not all parents enjoy getting up and getting their children off to school, particularly if they live in a remote rural area.

In Alaska the committee has constantly urged the integration of public schools with our Indian young people and we are providing dormitories so that they may attend public schools. I do want to urge people, though, in all these areas adjacent to our reservations and in the Indian world that Americans are not going to solve the problem of the Indian child in a public school by just talking about it and providing money. A great deal of loving kindness and a great deal of integration from the heart is necessary. There are existing situations where a town is desirous of a boarding school but they "do not want the Indian youngsters" in their public schools. This is an unconscionable attitude, and very few dare mention it. I do because facts must come to light as we appraise the public and boarding schools.

There is a continuing discussion now to update the Johnson-O'Malley law to provide more support, to provide and increase our support to supplement impacted-area aid for cities and urban areas. I urge that the authorizing committees hold deep and meaningful hearings on this program. The committee is deeply concerned with the Indian people who go into our urban areas and we hope that the BIA can be of assistance whereever possible in counseling, advising, and working with the Indians' difficulties in adjusting to urban situations.

The intriguing and interesting thing to this Congress should be that the BIA, which has been denounced by every politician running for anything is appealed to now as a source by the Indians "for protection and assistance not only in reservation areas but in urban areas." This I think, is an interesting commentary based perhaps upon success achieved on the long road we have traveled in the last few years with our Indian programs.

It is with some pride that this committee is providing in our construction budget this year a new type of recreation funding for the new Cherokee school—the first swimming pool for Indian students will be constructed in that school. I hope to see the day when every one of these schools has the same kind of facility.

The BIA, at my request last year, has provided for us a summary of the status of their Indian schools as to construction needs and geographical location, et cetera. I think it is most important that the committee have this in order to urge the BIA that wherever possible they develop joint arrangements with our public schools, and then those schools necessarily remaining because of geography may be made showcases of what an education can be.

There is $200,000 on this budget added by the committee to provide for the planning of the Rough Rock School which is one of the truly imaginative schools in the Navajo area. The committee is going to be more than interested in the kind of planning they do for the retention and maintenance of the family kind of culture in connection with their school. You know, our schools, be they Indian or anything else, should be a symbol of the best that is in any community and particularly is this true in the Indian world. I feel that through them is provision made for a community impetus second to none.

The committee is hopeful that the Office of Management and Budget and the BIA will approve increasing funding for the Navajo irrigation project. The key to Indian economy lies to a large extent on the land itself; reforestation of their lands where there exists today a deficit in reforestation of approximately 251,000 acres. Indian forest land totals 13 million acres. Timber stand improvement, reforestation, and cleanup activities are part of an economic resource of which the Indians have great need, remembering that they and the land have always coexisted.

The committee has also added funds here to provide for the renovation of Indian houses in California. The item of $894,600 will provide 426 renovated houses which will close the gap in this category of self-help housing in California. Since HUD is largely responsible for the construction of new homes, the committee sincerely hopes that they move ahead in this area.

There is also $1,105,400 for the renovation of Indian houses elsewhere in this Nation on a priority-of-need basis and a little later in the bill in the Indian health category there will be an item for the sanitary facilities.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $4,170,000 |
| Estimate, 1972 | 3,999,000 |
| Recommended, 1972 | $3,999,000 |
| Comparison: | |
| Appropriation, 1971 | —171,000 |
| Estimate, 1972 | ---------- |

The amount recommended in the bill is the same as that provided in the budget estimate. However, the committee directs that the amount available for nationwide planning be reduced by $300,000 and the amount available for resource area studies be increased by $300,000.

LAND AND WATER CONSERVATION FUND

| | |
|---|---|
| Appropriation, 1971 | [1] $327,400,000 |
| Estimate, 1972 | 380,000,000 |
| Recommended, 1972 | 350,000,000 |
| Comparison: | |
| Appropriation, 1971 | +22,600,000 |
| Estimate, 1972 | —30,000,000 |

[1] In addition, $30,000,000 for liquidation of contract authority.

The following table reflects the action recommended by the committee on the budget request:

| Activity | Budget estimate | Committee bill, 1972 | Change |
|---|---|---|---|
| 1. Assistance to States | $280,000,000 | $255,000,000 | −$25,000,000 |
| 2. Federal land acquisition program: | | | |
| National Park Service: | | | |
| Andersonville NHS, Ga | 353,000 | 353,000 | |
| Apostle Islands NL, Wis | 4,210,000 | 4,210,000 | |
| Bighorn Canyon NRA, Mont.-Wyo | 100,000 | 100,000 | |
| Biscayne NM, Fla | 2,945,000 | 2,945,000 | |
| Cape Cod NS, Mass | 8,309,000 | 8,309,000 | |
| C & O Canal NHP, Md.-W. Va | 9,915,000 | 9,915,000 | |
| Delaware Water Gap NRA, Pa.-N.J | 606,656 | 606,656 | |
| Gulf Islands NS, Fla.-Miss | 1,807,735 | 1,807,735 | |
| Minute Man NHP, Mass | 2,000,000 | 2,000,000 | |
| National Wild & Scenic Rivers System | 2,660,716 | 2,660,716 | |
| Piscataway Park, Md | 1,238,893 | 1,238,893 | |
| Point Reyes NRA, Calif | 2,259,000 | 2,259,000 | |
| Sleeping Bear Dunes NL, Mich | 7,925,000 | 7,925,000 | |
| Voyageurs NP, Minn | 500,000 | 500,000 | |
| Inholdings (other than Everglades) | 12,500,000 | 10,700,000 | −1,800,000 |
| Everglades NP, Fla | 10,000,000 | 10,000,000 | |
| Deficiencies | 1,500,000 | 1,500,000 | |
| Endangered species | 1,000,000 | 1,000,000 | |
| Total, National Park Service | 69,830,000 | 68,030,000 | −1,800,000 |
| Forest Service: | | | |
| Flaming Gorge NRA, Utah-Wyo | 600,000 | 600,000 | |
| Lake Tahoe Lands, Nev | 219,900 | 219,900 | |
| Mount Rogers NRA, Va | 1,600,000 | 1,600,000 | |
| National forest recreation lands | 12,546,700 | 12,546,700 | |
| National wild and scenic rivers | 935,900 | 935,900 | |
| Spruce Knob-Seneca Rocks, NRA, W. Va | 581,000 | 581,000 | |
| Unidentified inholdings (within new areas) | 753,300 | 753,300 | |
| Wiskeytown-Shasta-Trinity NRA, Calif | $1,558,000 | $1,558,000 | |
| Wilderness areas | 857,200 | 857,200 | |
| Total, Forest Service | 19,652,000 | 19,652,000 | |
| Bureau of Sport Fisheries and Wildlife: | | | |
| Endangered species: | | | |
| Attwater's greater prairie chicken, Texas | 1,000,000 | | |
| Black-footed ferret, South Dakota | 550,000 | | |
| Blackwater-NWR, Md | 350,000 | | |
| Columbian white-tailed deer, Washington-Oregon | 1,100,000 | | |
| Hawaiian water birds | 1,000,000 | | |
| St. Johns NWR, Fla | 988,000 | | |
| Total, Bureau of Sport Fisheries and Wildlife | 4,988,000 | [1] 1,988,000 | −$3,000,000 |
| Bureau of Land Management: | | | |
| Rogue River, Oreg., Wild and Scenic Rivers System | 479,000 | 479,000 | |
| Pacific Crest Trail | 20,000 | 20,000 | |
| Total, Bureau of Land Management | 499,000 | 499,000 | |
| Bureau of Outdoor Recreation: Administration | 5,031,000 | 4,831,000 | −200,000 |
| Total, Federal program | 100,000,000 | 95,000,000 | −5,000,000 |
| Grand total, 1972 | 380,000,000 | 350,000,000 | −30,000,000 |

[1] To be distributed by Department on basis of priority needs.

As indicated in the above table, the amount recommended in the bill is $30,000,000 below the budget estimate. The total reduction consists of $25,000,000 for assistance to States; $1,800,000 National Park Service inholdings; $3,000,000 for endangered species; and $200,000 for administration.

The committee concurs with opinions heretofore expressed that acquisition of land under both the State and Federal programs should be accomplished with the least possible delay. To the extent this objective is not achieved, serious escalation in the cost of land to be acquired is experienced.

However, at the beginning of fiscal year 1971, there existed a cash balance of $225,101,970. This amount combined with the 1971 appropriation of $357,400,000 provided a total of $582,501,970 available for expenditure. While it is recognized that all available funds are not expended in any one year, the committee was informed that the Office of Management and Budget had imposed an expenditure limitation of $225,000,000 for the 1971 fiscal year. From a cash available standpoint, this would indicate a carryover into fiscal year 1972 of approximately $357.5 million.

In view of this apparent excessive unexpended balance which will be carried into the 1972 fiscal year, the committee is of the opinion that the funds provided in this bill will be more than adequate to provide for both the State and Federal programs.

The $3,000,000 reduction recommended by the committee for acquisition of land for endangered species has not been designated for any particular activity. The committee expects the Department to allocate this reduction on the basis of priority needs.

The budget program for land acquisition by the Forest Service limited acquisitions, with a few minor exceptions to land associated with scenic rivers, wilderness, and national recreation areas. The committee feels this policy is too restrictive and directs that Forest Service land acquisitions in fiscal year 1972 be on the same general basis that has prevailed heretofore.

The land and water conservation fund is enabling this Nation to acquire a much-needed reservoir of acreage. However, I would remind those working on budgets in future years that the acquisition of this land is going to pose the problem of providing management funds. It is no longer possible to acquire land and let it wait. Problems of safety, overuse, public use, pollution all enter into the escalating costs of public land ownership.

The mobility of our population today has extended the scope of travel by visitors interested in the recreation areas of this country. Consequently, the influx of out-of-State visitors to certain States with popular outdoor recreation sites has greatly increased. In some instances, this has resulted in overcrowding of State facilities to the extent that the areas are not always readily available to inhabitants of the State. In these circumstances, there are some States considering the adoption of a policy whereby out-of-State visitors would be excluded from the State parks. This would be a very unfortunate solution. It should be remembered that the development of many of these State parks was funded through the land and water conservation fund which provides 50 percent of the development cost from Federal funds contributed by all people of this Nation.

If such a restrictive policy were to be adopted by any State, the committee of necessity, would be obliged to give consideration to the reduction of land and water conservation funds to those States which exclude out-of-State visitors from participating in the pleasure of these facilities.

### OFFICE OF TERRITORIES

### ADMINISTRATION OF TERRITORIES

| | |
|---|---|
| Appropriation, 1971 | $17,414,000 |
| Estimate, 1972 | 21,930,000 |
| Recommended, 1972 | 21,537,000 |
| Comparison: | |
| Appropriation, 1971 | +4,123,000 |
| Estimate, 1972 | −393,000 |

The reduction of $393,000 recommended by the committee includes decreases of $19,000 for operating costs of the Office of the Governor of American Samoa, and $374,000 for administrative costs of the Washington Headquarters Office.

### TRUST TERRITORY OF THE PACIFIC ISLANDS

| | |
|---|---|
| Appropriation, 1971 | $59,864,000 |
| Estimate, 1972 | 59,980,000 |
| Recommended, 1972 | 59,980,000 |
| Comparison: | |
| Appropriation, 1971 | +116,000 |
| Estimate, 1972 | |

Funds provided under this appropriation account are for the continuation of the accelerated development program in the fields of education, health, public works, and resource management of the Trust Territory of the Pacific Islands.

The committee is seriously concerned that ineptitude of management in the trust territories has created a dismal reservoir of uncompleted projects. One example of this is in education in the eastern district. It is necessary to provide dormitories in this eastern district in order that students may attend schools; yet the construction programs show us that we have a distance to go. For example, of 700 children graduating this summer from the eighth grade in the Marshalls, only 77 will be able to attend high school.

In the Ponape district, 600 children graduating from the eighth grade will be eligible for high school; more than 400 will not be able to attend secondary school.

The problem of these dormitories is critical and I urge the administration of the territories to step this up, for there is in the territories the matter of the student population already being relatively older than that in our American schools.

To those who are unfamiliar with the situation of the trust territories and question the need for dormitories, it is occasioned by the tremendous number of miles of ocean separating young people from school facilities.

The committee has also repeatedly urged the territorial government there to provide construction for the simple things of improvement such as wells for water supply and outpatient dispensaries. There has been an improvement in the scheduled completion for water and sewer lines, but island after island is still deficient.

I would like to express my personal appreciation to the members of the Micronesian Congress who come so far each year to meet with the Appropriations Committee to share in budget and problem discussions.

I would also like to thank the Legislatures of Samoa and Guam for their participation. Together, we can all achieve our goals.

### MINERAL RESOURCES

### GEOLOGICAL SURVEY

### SURVEYS, INVESTIGATIONS, AND RESEARCH

| | |
|---|---|
| Appropriation, 1971 | $114,603,000 |
| Estimate, 1972 | 126,182,000 |
| Recommendation, 1972 | 130,000,000 |
| Comparison: | |
| Appropriation, 1971 | +15,397,000 |
| Estimate, 1972 | +3,818,000 |

The total amount recommended by the committee as compared with the appropriation for 1971 and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Estimate, 1972 |
|---|---|---|---|
| Special resource and environmental projects | $1,750,000 | +$993,000 | |
| Alaska pipeline related investigations | 1,320,000 | −16,000 | |
| Topographic surveys and mapping | 32,858,000 | +1,819,000 | −$11,000 |
| Geologic and mineral resource surveys and mapping | 32,100,000 | +793,000 | +939,000 |
| Minerals discovery loan program | 263,000 | −5,000 | |
| Water resources investigations | 35,864,000 | +1,138,000 | −11,000 |
| Conservation of lands and minerals | 13,076,000 | +3,406,000 | +3,047,000 |
| Earth resources observation systems | 5,176,000 | +3,255,000 | −3,000 |
| General administration | 2,761,000 | −68,000 | |
| Special purpose facility | | −750,000 | |
| Increased pay costs | 4,832,000 | +4,832,000 | −143,000 |
| Total, Geological Survey | 130,000,000 | +15,397,000 | +3,818,000 |

The net increase of $3,818,000 over the budget estimate recommended by the committee includes reductions of $39,000 for savings in paperwork management and public relations; and $143,000 for absorption of pay increase costs.

Testimony developed during the hearing indicated an urgent requirement for accelerated activity to achieve effective management of oil resources on the Outer Continental Shelf. The bill includes $4,000,000 above the budget estimate for evaluation and monitoring of offshore oil production. The following tabulation reflects the distribution of the additional funds:

[In thousands of dollars]

| Activity | Fiscal year 1971 | Fiscal year 1972 budget | Committee bill, 1972 | Increase over 1972 budget |
|---|---|---|---|---|
| Off-shore geological surveys | 1,315 | 1,510 | 2,460 | +950 |
| Resource evaluation | 1,113 | 1,212 | 2,712 | +1,500 |
| Regulatory functions | 3,041 | 3,313 | 4,063 | +750 |
| Production control (MER) | | | 800 | +800 |

I have spoken earlier of the relationship of Geological Survey to mineral resources. I do want to point that the additional $3,818,000 which we are providing will establish at more effective levels an integrated program of geologic and geophysical investigation to, first, assess resource potential of all the Outer Continental Shelf; second, identify areas worthy of industry exploration; third, progressively provide data for lease selection, evaluation, and management; and fourth, provide for equipment acquisition including computer analysis capability intended to establish capability equal or better than industry's to assess the value of areas to be leased.

This money provides for the acquisition of geophysical and geologic data for tract selection, environmental impact review and tract appraisal. It provides supervision for additional exploration, permits, leases, and for 7-day per week inspections, routine accident investigation procedure, management information system of lease and well data, and a modest research program to stimulate larger industry efforts to improve safety and reliability of drilling, producing, and gathering systems.

The committee found in the hearings that the Geological Survey did not have as much information as industry on the very tracts over which the Bureau of Land Management handled the leasing and the Geological Survey monitored. It is unconscionable for our Government to be so handicapped.

### BUREAU OF MINES

### CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

| | |
|---|---|
| Approriation, 1971 | $49,260,000 |
| Estimate, 1972 | 48,029,000 |
| Recommended, 1972 | 49,000,000 |
| Comparison: | |
| Appropriation, 1971 | −260,000 |
| Estimate, 1972 | +971,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Estimate, 1972 |
|---|---|---|---|
| Research: | | | |
| Coal | $8,770,000 | −$181,000 | |
| Petroleum | 3,000,000 | +225,000 | |
| Oil shale | 2,500,000 | −51,000 | |
| Metallurgy | 13,550,000 | +316,000 | |
| Mining | 4,900,000 | −3,155,000 | |
| Marine mineral mining | | −925,000 | |
| Explosives | 693,000 | −14,000 | |
| Resource development: | | | |
| Statistics | 2,207,000 | −56,000 | |
| Economic analysis | 546,000 | −14,000 | |
| Bituminous coal | 975,000 | −23,000 | |
| Anthracite | 2,788,000 | +984,000 | +$1,000,000 |
| Petroleum | 880,000 | −22,000 | |
| Minerals | 5,593,000 | +768,000 | |
| International activities | 692,000 | −18,000 | |
| Reduction in public relations and paperwork management | −29,000 | −29,000 | −29,000 |
| Increased pay costs | 1,935,000 | +1,935,000 | |
| Total, conservation and development of mineral resources | 49,000,000 | −260,000 | +971,000 |

The net increase of $971,000 above the budget estimate includes a reduction of

$29,000 for savings in public relations and paperwork management, and the following increases:

### RESOURCE DEVELOPMENT—ANTHRACITE

Research and demonstration of techniques for surface mine reclamation, $600,000.

Research on abatement of acid mine drainage problems, $100,000.

Research on using mine waste bank materials for abating mine subsidence hazards, $300,000.

### HEALTH AND SAFETY

| | |
|---|---|
| Appropriation, 1971 | $58,029,000 |
| Estimate, 1972 | 73,643,000 |
| Recommended, 1972 | 73,630,000 |
| Appropriation, 1971 | +15,601,000 |
| Estimate, 1972 | −13,000 |

The reduction of $13,000 below the budget estimate relates to additional savings to be achieved by greater economy in public relations and paperwork management activities.

The committee is seriously concerned with various shortcomings in the health and safety program which have been reported from various sources. By enactment of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act, Congress has indicated the importance it gives to making the Nation's mines a safe place for miners to work. It has also provided necessary funds and personnel to accomplish this objective as indicated in the following tabulation:

| | Budget Estimate | Appropriation | Positions |
|---|---|---|---|
| FY 1969 | $12,546,000 | $12,334,000 | 825 |
| FY 1970 | 15,902,000 | 27,452,000 | 1,380 |
| FY 1971 | 58,029,000 | 58,029,000 | 2,242 |
| FY 1972 | 73,643,000 | [1] 73,630,000 | [1] 2,532 |

[1] Approved by House.

In fairness to those responsible for administration of the program, it should be remembered that many unavoidable problems were encountered in the rapid acceleration of this activity subsequent to the enactment of the Federal Coal Mine Health and Safety Act of 1969. Not only was the program greatly expanded, but there was also the problem of securing skilled personnel and adequate equipment necessary for the operation of the program on an accelerated basis. These problems were discussed at some length in hearings before the committee both in connection with the 1971 and 1972 budget estimates.

Notwithstanding, the committee will expect a greatly improved quality of performance in this program during fiscal year 1972. It would seem that sufficient time has now elapsed to solve many of the problems that have prevailed, and with the concerted attention that should be given to this very important work, there would seem to be no reason why an effective program cannot be achieved within the next fiscal year.

### GENERAL ADMINISTRATIVE EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $1,942,000 |
| Estimate, 1972 | 1,970,000 |
| Recommended, 1972 | 1,970,000 |
| Comparison: | |
| Appropriation, 1971 | +$28,000 |
| Estimate, 1972 | ---------- |

The committee recommends an appropriation of $1,970,000, the budget estimate, for general administrative expenses.

### OFFICE OF COAL RESEARCH

| | |
|---|---|
| Appropriation, 1971 | $17,160,000 |
| Estimate, 1972 | 21,030,000 |
| Recommended, 1972 | 21,880,000 |
| Comparison: | |
| Appropriation, 1971 | +4,720,000 |
| Estimate, 1972 | +850,000 |

The budget estimate provided that for three of the pilot plant projects to be operative in fiscal year 1972, total funding of the operation would be on the basis of two-thirds Federal funding and one-third private funding. This proposal was discussed at length during the hearings. On the basis of information provided, the committee has serious reservations as to the wisdom of venturing on a combined funding basis at this stage of the research projects. Many ramifications are involved, and it is not improbable that such action could be detrimental to the best interests of the Federal Government.

Accordingly, the committee has provided additional funding of $1,050,000 for the Pittsburgh and Midway project at Tacoma, Wash.; and $1,100,000 for the bituminous coal research project at Homer City, Pa. The additional amounts represent the one-third contribution that would have been required from private industry.

The committee also recommends an additional $300,000 for a coal gasification study to be performed in cooperation with the State of Oklahoma.

The bill provides $400,000, a reduction of $1,600,000 below the budget estimate, for the Cresap Pilot Plant at Cresap, W. Va.

It would seem to me in commenting on coal research programs which are so vital to utilization of this source of energy that a national policy on energy must be established. If coal is to provide no further part of that energy source due to accidents to human beings or damage to the land, then research money is ill-spent, and it appears basic to me that the executive branch of this Government in concert with the Congress determine where we are going.

### OFFICE OF OIL AND GAS

| | |
|---|---|
| Appropriation, 1971 | $1,273,000 |
| Estimate, 1972 | 1,570,000 |
| Recommended, 1972 | 1,570,000 |
| Comparison: | |
| Appropriation, 1971 | +297,000 |
| Estimate, 1972 | ---------- |

The bill provides $1,570,000, the budget estimate, to fund activities of the Office of Oil and Gas.

## FISH AND WILDLIFE AND PARKS

## BUREAU OF SPORT FISHERIES AND WILDLIFE

### MANAGEMENT AND INVESTIGATIONS OF RESOURCES

| | |
|---|---|
| Appropriation, 1971 | $59,804,000 |
| Estimate, 1972 | 64,724,000 |
| Recommended, 1972 | 64,794,000 |
| Comparison: | |
| Appropriation, 1971 | +4,990,000 |
| Estimate, 1972 | +70,000 |

The amount recommended by the committee with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Fish hatcheries | $11,114,000 | −$93,100 | −$4,000 |
| Wildlife refuges | 19,308,000 | +206,300 | −12,000 |
| Soil and moisture conservation | 767,000 | −8,800 | ---------- |
| Management and enforcement | 5,167,000 | +290,000 | −2,000 |
| Fishery research | 5,297,000 | +90,600 | −2,000 |
| Wildlife research | 9,944,000 | +510,300 | +46,000 |
| Fishery service | 2,996,000 | +498,750 | +48,000 |
| Wildlife services | 4,117,000 | +166,850 | −4,000 |
| River basin studies | 3,789,000 | +1,602,100 | ---------- |
| Pesticides review | | −568,000 | ---------- |
| Increased pay costs | 2,295,000 | +2,295,000 | ---------- |
| Total, management and investigations of resources | 64,794,000 | +4,990,000 | +70,000 |

The net increase of $70,000 includes a reduction of $29,000 for savings in public relations and paperwork management; and additions of $50,000 for a cooperative wildlife research unit at the University of Wisconsin, Madison, Wis.; and $49,000 for a cooperative fishery unit at the Tennessee Technological University, Cookeville, Tenn.

The committee directs that the Department, in its recently announced over view of the problems of dealing with wildlife depredation, give specific consideration to, (1) insuring that all programs to control predators be carried out in such a way as to give maximum protection to the birds, animals and wildlife in an area; (2) placing more emphasis on the supervision of control actions which will insure that Department guidelines are strictly carried out; and, (3) further efforts which can be made to develop control actions which are limited to the damage causing animals.

Within available funds, the Bureau shall provide technical assistance for development of a fishery program on the Wind River Indian Reservation, Wyo.

The committee recommends that concerted attention be given to the adverse effects supersaturation of nitrogen is having on fish which inhabit areas where large dams are located.

The committee directs that within available funds, a special study be performed to determine the nature and cost of remedial action that should be taken to enhance recreation facilities and fish and wildlife habitat in the vicinity of the Salton Sea, Calif.

### CONSTRUCTION

| | |
|---|---|
| Appropriation, 1971 | $5,144,000 |
| Estimate, 1972 | 4,440,000 |
| Recommended, 1972 | 6,225,000 |
| Comparison: | |
| Appropriation, 1971 | +1,081,000 |
| Estimate, 1972 | +1,785,000 |

This appropriation finances the construction of fish hatcheries and wildlife refuge facilities, and fishery and wildlife research facilities.

The committee recommends an appropriation of $6,225,000, an increase of $1,785,000 over the budget estimate. Additional funding is provided for the following projects:

San Marcos National Fish Hatchery, Tex., $346,000.

Warm Springs National Fish Hatchery, Oreg., $297,000.

Meridian National Fish Hatchery, Miss., $190,000.

Relocation of Fish Control Laboratory, La Crosse, Wis., $480,000.

Relocation of Allegheny National Fish Hatchery, Pa., $277,000.

Complete master plan and begin construction on Muscatatuck Wildlife Refuge, Ind., $195,000.

The 1972 budget estimate contained a listing of selected economies and reforms for 1972. It was stated that the listing of activities for termination "incorporates the results of a diligent search to uncover inefficient, obsolete, or lower priority programs." Included in this category was construction of the National Fisheries Center and Aquarium. The committee is not sympathetic to the proposed action in this connection. For one reason or another construction of the aquarium has been delayed for several years. Funds for the construction of the aquarium were appropriated in fiscal year 1966.

While the committee has received no formal information from the administration as to the reason for the delay, it is aware of the extensive dissension regarding the location of the aquarium.

The committee recommends that $25,000 of unobligated construction funds be used to perform a study of an alternate site for the aquarium, which would not necessarily have to be in Washington, D.C.

### MIGRATORY BIRD CONSERVATION ACCOUNT

| | |
|---|---|
| Appropriation, 1971 | $7,500,000 |
| Estimate, 1972 | 7,500,000 |
| Recommended, 1972 | 7,500,000 |
| Comparison: | |
| Appropriation, 1971 | ---------- |
| Estimate, 1972 | ---------- |

The recommended amount, together with an estimated $6,000,000 to be available in receipts from Federal hunting stamps, will provide a total in the migratory bird conservation account of $13,500,000 for fiscal year 1972 to continue the expanded wetlands acquisition program.

Under the provisions of the wetlands legislation, the appropriation advances to the fund for acquisition of refugees are to be repaid from receipts beginning in fiscal year 1977.

### ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

| | |
|---|---|
| Appropriation, 1971 | $2,326,000 |
| Estimate, 1972 | 2,332,000 |
| Recommended, 1972 | 2,332,000 |
| Comparison: | |
| Appropriation, 1971 | +6,000 |
| Estimate, 1972 | ---------- |

Funds provided under this appropriation are to carry out the provisions of Public Law 91–249, approved May 14, 1970. The purpose of this program is to preserve, develop, and enhance anadromous fishery resources within the several States and the Great Lakes.

### GENERAL ADMINISTRATIVE EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $2,117,000 |
| Estimate, 1972 | 2,205,000 |
| Recommended, 1972 | 2,155,000 |
| Comparison: | |
| Appropriation, 1971 | +38,000 |
| Estimate, 1972 | −50,000 |

The committee recommends an appropriation of $2,155,000, a reduction of $50,000 below the budget estimate. The reduction of $50,000 relates to absorption of pay increase costs.

### NATIONAL PARK SERVICE

### MANAGEMENT AND PROTECTION

| | |
|---|---|
| Appropriation, 1971 | $65,921,000 |
| Estimate, 1972 | 70,882,000 |
| Recommended, 1972 | 71,077,000 |
| Comparison: | |
| Appropriation, 1971 | +$5,156,000 |
| Estimate, 1972 | +195,000 |

The amount recommended by the committee, compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Management of park and other areas | $59,527,800 | +$2,876,100 | +$197,000 |
| Forestry and fire control | 3,314,200 | −163,200 | ---------- |
| Park and recreation programs | 4,957,000 | −834,900 | −2,000 |
| Increased pay costs | 3,278,000 | +3,278,000 | ---------- |
| Total, management and protection | 71,077,000 | +5,156,000 | +195,000 |

The net increase of $195,000 above the budget estimate includes a reduction of $32,000 for savings in public relations and paperwork management; and an increase of $227,000 to provide necessary funds for the management and protection of the Gulf Islands National Seashore authorized by Public Law 91–660, approved January 8, 1971.

Officials of the National Park Service responsible for the administration of the program are currently faced with ever increasing problems in the operation of our national parks. There are several reasons for this, including the greatly increased visitations which tax available park facilities; and a changing personality and backgrounds of visitors utilizing national park facilities. Many of these new visitors are totally unfamiliar with hazards that may be encountered in a natural environment. Consequently, unless adequate preventive action is taken, a serious rise in the accident rate associated with park visitations cannot be avoided.

The committee directs that the National Park Service assign top priority to its safety program and within available funds, allocate an additional $125,000 for administration of an expanded safety program.

### MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

| | |
|---|---|
| Appropriation, 1971 | $50,547,000 |
| Estimate, 1972 | 56,226,000 |
| Recommended, 1972 | 56,230,000 |
| Comparison: | |
| Appropriation, 1971 | +5,683,000 |
| Estimate, 1972 | +4,000 |

The net increase of $4,000 above the budget estimate includes an addition of $30,000 for maintenance of physical facilities at Gulf Islands National Seashore authorized by Public Law 91–660, approved January 8, 1971; and a reduction of $26,000 for savings in paperwork management.

### CONSTRUCTION

| | |
|---|---|
| Appropriation, 1971 | $19,557,000 |
| Estimate, 1972 | 37,859,000 |
| Recommended, 1972 | 37,849,000 |
| Comparison: | |
| Appropriation, 1971 | +18,292,000 |
| Estimate, 1972 | −10,000 |

The reduction of $10,000 below the budget estimate consists of the following decreases and increases:

Road and bridge construction in noncritical areas, −$1,176,000.

Water rights. −$20,000.

Fort Scott Historic Area, Kans., +$65,000.

Planning funds, Indiana Dunes, Ind., +$455,000.

Two locomotive replica, Golden Spike National Historic Site, Utah, +$355,000.

Access road construction and maintenance funds, Canyonlands National Park, Utah, +$50,000.

Planning funds, Greers Ferry National Water Garden Park, Ark., +$50,000.

Pictured Rocks National Lakeshore, Mich., +$211,000.

### PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

| | |
|---|---|
| Appropriation, 1971 | $17,650,000 |
| Estimate, 1972 | 18,500,000 |
| Recommended, 1972 | 18,500,000 |
| Comparison: | |
| Appropriation, 1971 | +850,000 |
| Estimate, 1972 | ---------- |

This appropriation provides for liquidation of obligations incurred for construction of parkways and roads and trails by the National Park Service under contract authority provided in the Federal-Aid Highway Act.

The committee recommends that to the extent funds become available because of slippage in the construction program, planning be accelerated for the Big Horn Canyon Highway and the Natchez Trace Parkway.

### PRESERVATION OF HISTORIC PROPERTIES

| | |
|---|---|
| Appropriation, 1971 | $6,878,000 |
| Estimate, 1972 | 8,205,000 |
| Recommended, 1972 | 8,325,000 |
| Comparison: | |
| Appropriation, 1971 | +1,447,000 |
| Estimate, 1972 | +120,000 |

Funds provided in this appropriation are required to carry out the provisions of Public Law 89–665, approved October 15, 1966. This legislation was enacted to establish a program for the preservation of additional historic properties throughout the Nation. The total amount provided includes:

Grants-in-aid, $5,980,000.

Maintenance of the National Register and administration of grants-in-aid programs, $234,300.

Advisory Council on Historic Preservation, $126,400.

Historic sites survey, $220,500.

Historic American buildings survey, $225,500.

Historic American engineering record, $120,300.

Archeological investigations and salvage, $1,309,000.

Pay increase costs, $109,000.

The increase of $120,000 over the budget estimate is for the Ozette-Makah archeological project, Washington.

### GENERAL ADMINISTRATIVE EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $3,874,000 |
| Estimate, 1972 | 4,006,000 |

| | |
|---|---|
| Recommended, 1972 | $3,956,000 |
| Comparison: | |
| Appropriation, 1971 | +82,000 |
| Estimate, 1972 | −50,000 |

The decrease of $50,000 below the budget estimate is for absorption of pay increase costs.

You will note that the National Park Service has received increasing appropriations through the years; however, problems in the national parks are increasing. Park use for demonstrations, festivals, and so forth demands increased cleanup and policing as does the ever-escalating and tragic use of park facilities for crime and drug consumption as well as drug pushing.

I may say that the committee is also deeply concerned with providing maximum safety for all visitors. However, some of the very physical properties of these parks do not lend themselves easily to the kind of safety precautions present in other facilities. Roads on steep mountains and exciting and unusual physical phenomena in a park should stimulate the most careful use by the public, particularly those with young people in the parks. In fact, if I were addressing myself to the park user, I would say, "Prior to your use of the park acquaint yourself with what you will see, what the problems may be, and educate your children in all the extraordinary safety precautions which must be utilized."

There are those who do not want any roads within a park. However, if we do not repair and keep our park roads up, safety problems are only escalated. Rolling rock, poor shoulders, all create hazards.

Another problem that large national parks face is overuse through an extraordinary number of vehicles. The Park Service is searching for solutions and has already come up with some answers. As time goes by there will of necessity have to be more of these answers. It would also seem to me that the transportation industry of the United States ought to begin to think about access to our national parks and recreation centers through use of public transportation so that we do not have the ever-broadening incidence of increasing vehicular traffic within park boundaries.

I am sure also that on our lakes and streams gasoline pollution from pleasure boats is going to be an increasing subject of discussion among those responsible for carrying out the mandates of a better environment.

EMISSIONS IN THOUSAND POUNDS PER DAY FOR 1967

| | Carbon monoxide | Unburned fuel | Nitrogen oxides | Particulates |
|---|---|---|---|---|
| National Airport: | | | | |
| Turbine aircraft | 6.1 | 1.7 | 1.2 | 0.6 |
| All aircraft | 71.0 | 10.3 | 1.3 | .7 |
| Entire metropolitan area, District of Columbia: | | | | |
| Turbine aircraft | 36.9 | 7.4 | 3.1 | 1.0 |
| All aircraft | 162.0 | 24.0 | 3.3 | 1.2 |
| Kennedy Airport: All aircraft[1] | 8.75 | 11.1 | 4.3 | 2.9 |
| Los Angeles International:[2] All aircraft[3] | 72.6 | 27.9 | 4.8 | 1.5 |

[1] Kennedy is mostly turbine aircraft.

[2] Data were not available for O'Hare so Los Angeles was substituted.

[3] Los Angeles has a high volume of piston aircraft.

I bring to your attention some figures in which I think you will be interested. In fiscal year 1966, the National Park Service managed 26,549,000 acres at a cost per acre of $4.80.

In fiscal year 1971 the Park Service managed 28,553,000 acres at $5.48 an acre.

The total average cost in the United States in areas other than the District of Columbia was $5.48 per acre in the year 1971. In the National Capital Parks metropolitan area of Washington the cost per acre for management and development was $1,041.44 per acre.

DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

| | Total acreage managed (in thousands) | Total amount available for management and development | Cost per acre |
|---|---|---|---|
| Fiscal year— | | | |
| 1966 | 26,549 | $127,446,000 | $4.80 |
| 1967 | 26,551 | 122,726,700 | 4.62 |
| 1968 | 27,215 | 124,302,800 | 4.57 |
| 1969 | 28,385 | 103,469,000 | 3.64 |
| 1970 | 28,524 | 126,897,500 | 4.45 |
| 1971 (estimated) | 28,553 | 156,449,000 | 5.48 |

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

[Total acreage managed, in thousands]

| | |
|---|---|
| Fiscal year 1966 | 26,549 |
| Acreage added in 1967 | 2 |
| Acreage added in 1968 | 664 |
| Acreage added in 1969 | 1,170 |
| Acreage added in 1970 | 139 |
| Acreage added in 1971 (estimated) | 29 |
| Total acreage, 1971 (estimated) | 28,553 |

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
NATIONAL CAPITAL PARKS IN THE METROPOLITAN AREA ONLY

| | |
|---|---|
| Fiscal year 1971 (estimated): | |
| Total acreage managed | 22,858 |
| Total amount available for management and development | [1] $23,805,200 |
| Cost per acre | $1,041.44 |

[1] Includes $3,102,000 for development.

It is with a great deal of pride that the committee takes some measure of credit for the nationwide program which has done a great deal in our cities during the past 3 years, "Summer in the Parks." For those who have no opportunity to visit areas at any distance from a city, these programs give urban residents a chance to use with pleasure and purpose our national parks.

Last year more than half a million participated in the city of Washington alone. There is participation also in New York, the West, and in Philadelphia. One Saturday, my distinguished colleagues, the gentleman from Oregon (Mr. WYATT) and the gentleman from California (Mr. DEL CLAWSON), and I visited Independence Hall and the surrounding area in Philadelphia. It was our pleasure that day to see the kind of park visitation that young people had. A room was especially created to demonstrate the living of that particular time in our history. The teacher explained that schoolchildren came through daily to visit, see, and better understand our country as it began.

The committee provided the first money for "Summer in the Parks," and in fact there would have been no program at all if the committee had not suggested that parks could be used "by people for people."

### OFFICE OF SALINE WATER

### SALINE WATER CONVERSION

A budget estimate of $27,025,000 was presented for consideration of the committee. Hearings were held on the request, but the necessary authorizing legislation had not been enacted when the committee concluded its final consideration of the bill. Therefore, this budget request has been passed over without prejudice.

### OFFICE OF WATER RESOURCES RESEARCH

### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $13,242,000 |
| Estimate, 1972 | 14,490,000 |
| Recommended, 1972 | 14,290,000 |
| Comparison: | |
| Appropriation, 1971 | +1,048,000 |
| Estimate, 1972 | −200,000 |

The committee recommends an appropriation of $14,290,000, a decrease of $200,000 below the budget estimate for administration of the Water Resources Act of 1964—Public Law 88-379—as amended.

The amount included in the bill will provide:

Assistance to States for institutes, $5,100,000.

Matching grants to institutes, $3,000,000.

Water resources research to be performed by any qualified entity or individual as provided under title II of the Act, $4,300,000.

Administrative expenses, $923,000.

Scientific Information Center, $912,000.

Pay increase costs, $55,000.

### OFFICE OF THE SOLICITOR

| | |
|---|---|
| Appropriation, 1971 | $7,626,000 |
| Estimate, 1972 | 6,881,000 |
| Recommended, 1972 | 6,800,000 |
| Comparison: | |
| Appropriation, 1971 | −826,000 |
| Estimate, 1972 | −81,000 |

The committee recommends an appropriation of $6,800,000, a reduction of $81,000 below the budget estimate. The reduction includes $2,000 for savings in paperwork management; and $79,000 for absorption of pay increase costs.

### OFFICE OF THE SECRETARY

| | |
|---|---|
| Appropriation, 1971 | $12,472,000 |
| Estimate, 1972 | 14,475,000 |
| Recommended, 1972 | 13,975,000 |
| Comparison: | |
| Appropriation, 1971 | +1,503,000 |
| Estimate, 1972 | −500,000 |

The committee recommends an appropriation of $13,975,000, a reduction of $500,000 below the budget estimate. The reduction includes the following decreases:

Savings in paperwork management, $2,000.

Increased salary and related costs, $200,000.

Staff to assist industry in production and distribution of minerals and solid fuels in short supply, $40,000.

Adjudication services, $100,000.

Absorption of pay increase costs, $158,000.

### SALARIES AND EXPENSES

### (SPECIAL FOREIGN CURRENCY PROGRAM)

| | |
|---|---|
| Appropriation, 1971 | ---------- |
| Estimate, 1972 | $500,000 |

### SALARIES AND EXPENSES—Continued

### (SPECIAL FOREIGN CURRENCY PROGRAM)—Con.

| | |
|---|---|
| Recommended, 1972 | $500,000 |
| Comparison: | |
| Appropriation, 1971 | +500,000 |
| Estimate, 1972 | |

The committee recommends an appropriation of $500,000, the budget estimate, for various research programs utilizing excess foreign currencies.

### FOREIGN CURRENCY

Criticisms are leveled sometimes against the expenditures of our special foreign currency program. These programs are usually used for translation of documents to which we would have no access were it not for the use of foreign currency. However, the budget this year provides interesting research activities which will contribute to total world knowledge in a wide variety of fields from desalination to oil and water separation which is intrinsic to our knowledge of oil pollutants in water.

### TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE—FOREST SERVICE

### FOREST PROTECTION AND UTILIZATION

The bill includes under this heading a total appropriation of $320,667,000, a decrease of $33,889,000 below the 1971 appropriation, and an increase of $13,050,000 above the budget estimate.

The following is a summary of action taken on the programs included under this appropriation.

### FOREST LAND MANAGEMENT

| | |
|---|---|
| Appropriation, 1971 | $281,502,000 |
| Estimate, 1972 | 233,508,000 |
| Recommended, 1972 | 238,718,000 |
| Comparison: | |
| Appropriation, 1971 | −42,784,000 |
| Estimate, 1972 | +5,210,000 |

The amount recommended by the committee in comparison with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— | |
|---|---|---|---|
| | | 1971 appropriation | Estimate, 1972 |
| FOREST LAND MANAGEMENT | | | |
| National Forest protection and management: | | | |
| Timber resource management: | | | |
| Sales administration and management | $61,164,000 | +$5,440,000 | |
| Reforestation and stand improvement | 31,599,000 | +11,340,000 | +$4,524,000 |
| Recreation-public use | 38,837,000 | +1,405,000 | +140,000 |
| Wildlife habitat management | 6,089,000 | +1,155,000 | +146,000 |
| Range resource management: | | | |
| Management | 6,940,000 | −165,000 | |
| Revegetation | 3,339,000 | −45,000 | |
| Improvements | 4,511,000 | −72,000 | |
| Soil and water management | 8,896,000 | +2,175,000 | +100,000 |
| Mineral claims, leases, and special uses | 5,184,000 | +35,000 | +300,000 |
| Land classification, adjustments, and surveys | 7,089,000 | −142,000 | |
| Forest fire protection | 30,305,000 | −725,000 | |
| Maintenance of improvements for fire and general purposes (including communications) | 7,230,000 | −159,000 | |
| Payments to Employees' Compensation Fund | $1,622,000 | +$163,000 | |
| Subtotal | 212,805,000 | +20,405,000 | +$5,210,000 |
| Amount advanced from Cooperative Range Improvements | −700,000 | | |
| Subtotal, National Forest protection and management | 212,105,000 | +20,405,000 | +5,210,000 |
| Water resource development related activities | 3,698,000 | −77,000 | |
| Fighting forest fires | 4,275,000 | −70,000,000 | |
| Insect and disease control | 10,250,000 | −1,502,000 | |
| Increased pay costs | 8,390,000 | +8,390,000 | |
| Total, forest land management | 238,718,000 | −42,784,000 | +5,210,000 |

The increase of $5,210,000 above the budget estimate includes the following:

Reforestation and timber stand improvement, $4,382,000.

Wildlife habitat management and stand improvement, Clark National Forest, Mo., $210,000.

Mineral evaluation study, Monongahela National Forest, W. Va., $300,000.

Student work program, Boundary Waters Canoe Area, Minn., $140,000.

Watershed management, Beaver Creek project, Arizona, $178,000.

For several years the Forest Service has been considering modifying its payment and scaling practices for national forest timber. The issues have been discussed with this committee on numerous occasions. The Forest Service plans to revise its regulations in this connection effective July 1, 1971. Various involved arguments still exist. It could well be that legislation should be enacted.

In view of the foregoing, the committee directs that there be no change in current Forest Service payment guarantee and deferred scaling practices until September 1, 1971. This moratorium will provide an opportunity for the responsible legislative committees in the Congress to hold hearings on this subject. In the meantime the committee urges the Forest Service to conduct meaningful negotiations with those of opposite views to resolve the controversy.

### FOREST RESEARCH

| | |
|---|---|
| Appropriation, 1971 | $48,891,000 |
| Estimate, 1972 | 49,868,000 |
| Recommended, 1972 | 54,208,000 |
| Comparison: | |
| Appropriation, 1971 | +5,317,000 |
| Estimated, 1972 | +4,340,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— | |
|---|---|---|---|
| | | 1971 appropriation | Estimate, 1972 |
| Forest research: | | | |
| Forest and range management research: | | | |
| Timber management research | $11,243,000 | +$5,000 | +$300,000 |
| Watershed management research | 5,474,000 | +642,000 | +850,000 |
| Range management research | 1,497,000 | −37,000 | |
| Wildlife habitat research | 1,716,000 | +285,000 | +315,000 |
| Forest recreation research | 1,019,000 | −19,000 | |
| Subtotal, Forest and range management research | 20,949,000 | +876,000 | +1,465,000 |
| Forest protection research: | | | |
| Fire and atmospheric sciences research | 5,988,000 | +1,919,000 | +2,000,000 |
| Forest insect research | 5,473,000 | +359,000 | +475,000 |
| Forest disease research | 3,154,000 | +131,000 | +200,000 |
| Subtotal, Forest protection research | 14,615,000 | +2,409,000 | +2,675,000 |
| Forest products and engineering research: | | | |
| Forest products utilization research | $8,770,000 | +$4,000 | +$200,000 |
| Forest engineering research | 1,130,000 | −24,000 | |
| Subtotal, Forest products and engineering research | 9,900,000 | −20,000 | +200,000 |
| Forest resource economics research: | | | |
| Forest survey | 3,266,000 | −78,000 | |
| Forest products marketing research | 1,943,000 | −38,000 | |
| Forest economics research | 1,335,000 | −32,000 | |
| Subtotal, Forest resource economics research | 6,544,000 | −148,000 | |
| Increased pay costs | 2,200,000 | +2,200,000 | |
| Total. Forest research | 54,208,000 | +5,317,000 | +4,340,000 |

The increase of $4,340,000 over the budget estimate includes the following:

Aerial fire suppression techniques, $2,000,000.

Gypsy moth, $275,000.

Urban forestry, $350,000.

Hardwood research, Warren, Pa., $150,000.

Shrub research, $200,000.

Watershed management, Beaver Creek project, Arizona, $400,000.

Disposition of logging residuals, $200,000.

Forest sciences research, Corvallis, Oreg., $650,000.

Maple research, $75,000.

La Grande Range and Wildlife Habitat Laboratory, Oregon, $40,000.

### STATE AND PRIVATE FORESTRY COOPERATION

| | |
|---|---|
| Appropriation, 1971 | $24,163,000 |
| Estimate, 1972 | 24,241,000 |
| Recommended, 1972 | 27,741,000 |
| Comparison: | |
| Appropriation, 1971 | +3,578,000 |
| Estimate, 1972 | +3,500,000 |

This program, carried on in cooperation with the States, encourages private timber management.

The committee recommends an appropriation of $27,741,000, an increase of $3,500,000 above the budget estimate. Public Law 392—81st Congress—which amended the Clarke-McNary Act, authorizes annual appropriations of $20,000,000 for cooperation in forest fire control. The budget estimate for this activity for fiscal year 1972 was $16,494,000. The committee recommends $19,994,000.

CONSTRUCTION AND LAND ACQUISITION

| | |
|---|---|
| Appropriation, 1971 | $15,933,700 |
| Estimate, 1972 | 25,338,000 |
| Recommended, 1972 | 31,858,000 |
| Comparison: | |
| Appropriation, 1971 | +15,924,300 |
| Estimate, 1972 | +6,520,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Forest land management construction: | | | |
| Development of recreation-public use areas | $3,236,000 | −$5,700 | +$2,178,000 |
| Water resources development construction | 1,591,000 | +1,032,000 | +1,037,000 |
| Construction for fire, administration, and other purposes | 2,000,000 | −500,000 | |
| Research construction | 3,305,000 | +2,120,000 | +3,305,000 |
| Pollution abatement | 20,000,000 | +12,852,000 | |
| Land acquisition, Weeks Act | 1,300,000 | | |
| Increased pay costs | 426,000 | +426,000 | |
| Total, construction and land acquisition | 31,858,000 | +15,924,300 | +6,520,000 |

The increase of $6,520,000 over the budget estimate includes the following projects:

DEVELOPMENT OF RECREATION-PUBLIC USE AREAS

Timberline Lodge, Oreg., $951,000.

Recreational facilities, Lava Lands Complex, Deschutes National Forest, Oreg., $300,000.

Recreational facilities, Flaming Gorge National Recreation Area, Utah and Wyo., $200,000.

Planning ($75,000) and construction of facilities in national forests adjacent to Yellowstone National Park, $275,000.

Visitor facilities, Blanchard Springs Caverns, Ark., $138,000.

Robert S. Kerr Memorial Arboretum and Nature Center, Okla., $125,000.

Roby Lake, Texas County, Mo., $89,000.

Recreational facilities, Mount Rogers National Recreation Area, Va., $100,000

WATER RESOURCES DEVELOPMENT

Recreational facilities, Cave Run Reservoir, Ky., $762,000.

Recreational facilities, Turquoise Lake, Colo., $125,000.

Recreational facilities, Wynoochee Dam, Olympic National Forest, Wash., $96,000.

Clark National Forest, Mo., $54,000.

RESEARCH FACILITIES

Southern Forest Fire Laboratory, Macon, Ga., $1,680,000.

Forest Research Laboratory, Durham, N.H., $1,300,000.

Redwood Research Headquarters, Arcata, Calif., $140,000.

Forest Sciences Laboratory, Auburn, Ala.—planning—$110,000.

Land acquisition, Institute of Forest Genetics, Rhinelander, Wis., $75,000.

FOREST ROADS AND TRAILS
(LIQUIDATION OF CONTRACT AUTHORITY)

| | |
|---|---|
| Appropriation, 1971 | $120,220,000 |
| Estimate, 1972 | 138,740,000 |
| Recommended, 1972 | 138,740,000 |
| Comparison: | |
| Appropriation, 1971 | +18,520,000 |
| Estimate, 1972 | |

These funds are required to liquidate obligations incurred under contract authority contained in the Federal-Aid Highway Act.

Within available funds, $50,000 shall be allocated for preliminary planning of the George Rogers Clark Recreation Way.

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

| | |
|---|---|
| Appropriation, 1971 | $80,000 |
| Estimate, 1972 | 80,000 |
| Recommended, 1972 | 80,000 |
| Comparison: | |
| Appropriation, 1971 | |
| Estimate, 1972 | |

Congress has enacted several special laws which authorize appropriations from the receipts of specified National Forests for the purchase of lands to minimize erosion and flood damage.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

| | |
|---|---|
| Appropriation, 1971 | |
| Estimate, 1972 | $26,035 |
| Recommended, 1972 | 26,035 |
| Comparison: | |
| Appropriation, 1971 | +26,035 |
| Estimate, 1972 | |

The act of December 4, 1967 (16 U.S.C. 484a) stipulates that deposits made by public school districts or public school authorities to provide for cash equalization of certain land exchanges can be appropriated to acquire similar lands suitable for National Forest system purposes in the same State as the National Forest lands conveyed in the exchanges.

COOPERATIVE RANGE IMPROVEMENTS

| | |
|---|---|
| Appropriation, 1971 | $700,000 |
| Estimate, 1972 | 700,000 |
| Recommended, 1972 | 700,000 |
| Comparison: | |
| Appropriation, 1971 | |
| Estimate, 1972 | |

Part of the grazing fees from the National Forests, when appropriated, are used for revegetation of depleted range lands, construction and maintenance of range improvements, rodent control, and eradication of poisonous plants and noxious weeds.

ASSISTANCE TO STATES FOR TREE PLANTING

| | |
|---|---|
| Appropriation, 1971 | $1,020,000 |
| Estimate, 1972 | 1,028,000 |
| Recommended, 1972 | 1,028,000 |
| Comparison: | |
| Appropriation, 1971 | +8,000 |
| Estimate, 1972 | |

These funds are used to provide advice, technical assistance, and financial contribution under section 401 of the Agricultural Act of 1956, to carry out increased tree planting and reforestation work on non-Federal forest lands. Grants are matched by the States, and work is conducted in accordance with plans submitted by the States, and approved by the Secretary of Agriculture.

Earlier in my presentation I noted some of our national forest problems. As a result, this year the committee took cognizance of these and have placed in the categories of forest land management an additional $5,210,000 to provide stepped-up reforestation and timber stand improvement, wildlife habitat management, mineral evaluation study, a study work program, and watershed management.

In the field of forest research, as I noted, provision is made for substantial contributions in a wide range of subjects of immediate interest to America. In every urban area of this country we are seeking answers to problems of pollution. A study of what our urban forest may accomplish and what existing problems are with these trees will be of utmost importance.

The $650,000 for the Forest Sciences Laboratory in Corvallis will provide equipment to those scientists seeking to find some research answers to insect infestations which destroy so many billion board feet of timber each year and denude watersheds.

The committee has increased the construction budget by a total of $6,520,000. This is divided among three kinds of categories—recreation and public use areas, water resources development, and basic research facilities to cope with the problem of forest fires, forest genetics, redwood research.

The committee has provided, as you will note, full funding for the Clarke-McNary Act, recognizing the ever-escalating fire problem and the costs related thereto between the State and Federal Government.

It has been a source of increasing interest to the committee that the U.S. Forest Service receives the largest number of recreation visits of any of our national lands, and the committee has discovered through its lengthy hearings that those forests lacking recreation facilities become a far better target for fires than those which provide camping sites.

I have earlier noted the cost of our fires. We are providing $2 million specifically to enable the Forest Service to do research in any field they so wish, including aerospace, for better answers to firefighting methods.

COMMISSION ON FINE ARTS

SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $115,000 |
| Estimate, 1972 | 121,000 |
| Recommended, 1972 | 121,000 |
| Comparison: | |
| Appropriation, 1971 | +6,000 |
| Estimate, 1972 | |

The Commission of Fine Arts is a permanent advisory agency created to give advice concerning aesthetic standards and matters of civic design involved in the orderly development of the city of

Washington; and to furnish expert opinion on questions of art to the President, to the Congress and its committees, and to the heads of various departments and agencies of the Federal and District Governments.

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

### INDIAN HEALTH SERVICES

| | |
|---|---|
| Appropriation, 1971 | $125,974,000 |
| Estimate, 1972 | 141,903,000 |
| Recommended, 1972 | 147,404,000 |
| Comparison: | |
| Appropriation, 1971 | +21,430,000 |
| Estimate, 1972 | +5,501,000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

| Activity | Committee bill, 1972 | Bill compared with— 1971 appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Patient care | $100,801,000 | +$9,838,000 | +$3,726,000 |
| Field health services | 39,960,000 | +7,273,000 | +1,775,000 |
| Administration | 2,316,000 | −8,000 | |
| Increased pay costs | 4,327,000 | +4,327,000 | |
| Total, Indian health services | 147,404,000 | +21,430,000 | +5,501,000 |

The increase of $5,501,000 over the budget estimate includes the following:

To provide an additional 200 positions for patient care, $2,226,000.

To provide additional medical supplies to establish inventories at an adequate level, $1,500,000.

To provide an additional 150 positions for field health activities, $1,600,000.

Pilot urban health project in Minneapolis, Minn., $150,000.

Dental service for the tribes of western Washington, $25,000.

Within available funds, the Department shall give consideration of equal priority with other tribes to the medical needs of the Ute Mountain Tribe, Colorado.

### INDIAN HEALTH FACILITIES

| | |
|---|---|
| Appropriation, 1971 | $18,715,000 |
| Estimate, 1972 | 18,789,000 |
| Recommended, 1972 | 20,289,000 |
| Comparison: | |
| Appropriation, 1971 | +1,574,000 |
| Estimate, 1972 | +1,500,000 |

The recommended increase of $1,500,000 over the budget estimate will provide sanitation facilities for approximately 575 Indian homes. This work is in conjunction with the accelerated housing program provided for by additional funds included in an earlier section of the bill for the Bureau of Indian Affairs.

The committee is concerned with the delay of construction and rehabilitation of hospitals during the past few years. Information provided during the hearings revealed that there is a serious shortage of facilities in this connection, and unless the hospital construction program is reactivated, maintenance and repair costs on existing hospitals will be prohibitive and much more expensive in the long run than if an orderly construction program is undertaken immediately. There are many instances where current hospital facilities are grossly inadequate.

In view of the foregoing, it is the recommendation of the committee that, beginning in fiscal year 1973, an orderly and efficient hospital construction program be inaugurated with the objective of bringing these facilities up to at least minimal standards in the next several years.

I would say to the Office of Management and Budget and the Department of Health, Education, and Welfare, please use public works program money to provide a minimum of at least $30 million per year for construction of Indian hospital facilities. It is well to remember that unemployment and poverty are desperately present in Indian areas and that construction of facilities will serve a dual purpose—provide necessary health care and jobs.

The committee found in its extensive hearings, which I urge each of you to read, that we have a backlog of maintenance and repair of $16,690,000 which could be eliminated with adequate funding in 3 years. Beyond that, 22 of the present 51 hospitals need replacement. Replacement costs would be $171 million. The longer reconstruction and repair are delayed the greater will be the cost. If repairs are not undertaken at the time of their need, then a hospital rapidly passes into the "total reconstruction phase" and cost index figures go up.

The committee has been deeply concerned with the lack of personnel available to carry out Indian health programs. The hours in outpatient clinics and hospitals have been long and personnel is desperately overworked. In the budget quoted above, we have provided $2,226,000 to provide an additional 200 positions for patient care. We have provided $1,600,000 for an additional 150 positions for field health activities. You may say, why did we not add more? The Department told us that this was what they could use in their facilities and could recruit.

We have also added $1,500,000 to provide additional medical supplies to establish inventories in our hospitals and clinics at an adequate level.

I think at this point it might be well to see how we have met the problems of our health programs for Indians. In 1961, the United States spent $8,895,500 for patient care. You will note that this year's figure is $100,801,000. In 1961, field health services were $8,878,000. This year they are $39,960,000. You will see in the charts provided in volume 4 of our hearings that infant death rates for Indian and Alaska Natives have gone down sharply compared with all races. This is down sharper than for other totals.

Our charts also indicate an ever-escalating number of outpatient visits to the IHS hospitals and field clinics. Preventive medicine and care are beginning to pay off, for the number of native admissions to hospitals show a drop. The percentage of live births born in hospitals has increased dramatically. The tuberculosis death rate is down. Incidence is down. There is increased family planning and there has been increased dental care for our young people. There has not been as much money expended on dental care for the ages above 19, but the final chart in our record shows the medical care cost has escalated tremendously. This remains one of our great problems.

Bear in mind also that the cost of our Indian hospitals is not as easy to measure against others as we would wish because our hospitals of necessity are scattered through a low population terrain and bed numbers provided in facilities are usually far below other hospitals, therefore, the management costs are larger.

We have had many requests to provide hospital service for our urban Indians. We are providing a pilot project this year for Minneapolis to provide answers as to what needs to be done in putting all available health services together and to find what health services are available, and how to secure them.

The problem of the urban Indian is rather complicated. Those Indians who move from a reservation with BIA urging or assistance through BIA training and BIA-sponsored employment, are part and parcel of the BIA's responsibility and Congress provides for their care. The reservation Indian, who on his own, takes off for the city under current practices becomes another U.S. citizen eligible for all services to which any other American is entitled. However, some of those States which one would think, because of the voices raised, would be intensely liberal in their treatment of Indians are among those who do little for the Indian population. Indians are shunted from agency to agency, are not informed of programs, and receive little assistance. So it now becomes obvious that the BIA and the Indian Health Service must work with State and local agencies to make sure that the Indian away from a reservation indeed is treated as an equal American with others and shares programs intended for all Americans.

### INDIAN CLAIMS COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $1,000,000 |
| Estimate, 1972 | 1,025,000 |
| Recommended, 1972 | 1,025,000 |
| Comparison: | |
| Appropriation, 1971 | +25,000 |
| Estimate, 1972 | |

The committee recommends an appropriation of $1,025,000, the budget estimate, for the Indian Claims Commission. The additional funding for the 1972 fiscal year is to provide for pay increase costs.

### NATIONAL CAPITAL PLANNING COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $968,000 |
| Estimate, 1972 | 1,351,000 |
| Recommended, 1972 | 1,300,000 |
| Comparison: | |
| Appropriation, 1971 | +332,000 |
| Estimate, 1972 | −51,000 |

The bill provides $1,300,000, a reduction of $51,000 below the budget estimate, for salaries and expenses of the National Capital Planning Commission.

The reduction consists of decreases of

$34,000 for new positions and related personnel benefits; $3,000 for supplies and materials; $10,000 for reallocation of five positions to the next higher grade; and $4,000 for the additional cost of franking monthly news letters.

During the past few years the Commission has put continued emphasis on the reclassification of employees to higher grades. The committee recognizes that to some extent such action is necessary. However, the committee does not approve the transfer of funds which have been appropriated for other activities to finance the additional cost of position reclassification.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $26, 310, 000 |
| Estimate, 1972 | 56, 561, 000 |
| Recommended, 1972 | 54, 460, 000 |
| Comparison: | |
| Appropriation, 1971 | +28, 150, 000 |
| Estimate, 1972 | —2, 101, 000 |

The bill provides a total appropriation of $54,460,000 for activities under this appropriation account. This is a reduction of $2,101,000 below the budget estimate. The following tabulation reflects the distribution of funds as provided in the bill:

| Activity | 1971 appropriation | 1972 budget estimate | Committee bill, 1972 | Increase o decreas |
|---|---|---|---|---|
| National Endowment for the Arts: | | | | |
| Grants-in-aid to groups or individuals | $8, 465, 000 | $21, 000, 000 | $21, 000, 000 | |
| Grants-in-aid to States | 4, 125, 000 | 5, 500, 000 | 5, 500, 000 | |
| National Endowment for the Humanities: Grants and loans to individuals and groups | 11, 060, 000 | 26, 500, 000 | 24, 500, 000 | —$2, 000, 000 |
| Administrative expenses | 2, 660, 000 | 3, 561, 000 | 3, 460, 000 | —101, 000 |
| Total | 26, 310, 000 | 56, 561, 000 | 54, 460, 000 | —2, 101, 000 |

#### MATCHING GRANTS

| | |
|---|---|
| Appropriation, 1971 | $5, 000, 000 |
| Estimate, 1972 | 7, 000, 000 |
| Recommended, 1972 | 7, 000, 000 |
| Comparison: | |
| Appropriation, 1971 | +2, 000, 000 |
| Estimate, 1972 | |

Funds provided under this appropriation account are available for matching in an amount equal to the total amount of gifts, bequests, and devises of money, and other property received by each Endowment during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

Of the total amount provided $3,500,000 is for the National Endowment for the Arts, and not to exceed $3,500,000 is for the National Endowment for the Humanities.

You will note that in essence we have provided $30 million for the arts of which $5,500,000 goes to the States. We have cut the humanities by $2 million since they have not heretofore had a State grant program, and we have reduced the administration of the Foundation by $101,000 which is in proportion to the $2 million.

There always has been and there will always continue to be a diversity of opinion on arts and humanities. Shall our Government interest itself in the preservation of art forms typical of this Nation at any given point in time and assist the artistic development of art forms? This is controversial, of course, among some people. I would remind the House of Representatives, however, that in all civilizations it is not the armies, not the galleons, nor the conquests which have survived. Only the art, music, sculpture, dance, and literature have survived. Not one single bit of the Roman conquest survives today as part of a Roman Empire, yet the beauty that was Greece, the order that was Roman law, the majesty of Roman construction, remain for our civilization to admire.

There are few who remember the individual battles fought by Britain as she struggled toward an imperial destiny, only to lose it, but there are few people in the world who do not know of Shakespeare. The Austrian Empire is gone; the Germany of the past is gone, yet the great music of the era of Austrian greatness remains. The world will never lose the beauty of Mozart's music, the grandeur of Wagner. Those treasures of art which have been preserved in the Louvre and in the other galleries of the world are immortal. Papers, documents and controversial plans of imperial conquest by great nations come and go. The richness of man's thought never dies, and as to whether we measure a poem or a picture as great depends upon the judgment of a given time, but the very fact that this Nation is embarked on trying to build for it a reservoir of creative development and artistic perception, love of beauty, enjoyment of those things which are not material is a tribute to the Nation's thinking process.

I have said many times on the floor of this House that millions of Americans contribute their tax dollars to our land and water conservation fund, to our programs for outloor lovers. Millions will also never leave the pavements of our cities and it seems to me that in this bill which is about America, we would be remiss if we did not join our physical resources with the resources of our soul itself and provide the dollars for a total nation. We would be a poorer land without the beauty of our mountains, our lakes, and our seashores but we would be a land bereft without the mighty words expressed in our Declaration of Independence, our Constitution, and the literature of our heritage. Altogether it creates for us a land which believes that not only does man inhabit the earth but brings to that earth the wealth of his thought.

Dispute what is good poetry or bad poetry—this is an ever-changing source of debate—but never dispute the fact that man's creative poetry has not made this world a better place. So, without apology, I present the arts program. If the council make mistakes, change the council. But let us never change the philosophy that says, "We are a nation which believes that three one-hundredths of 1 percent of the national budget can be spent upon programs which provide us with music, drama, dance, sculpture, and literature.

To those who criticize the humanities, let us remember that this is fundamentally the study of understanding ourselves. One of the interesting stories that comes down to us in history is that of how our Constitution was written. The delegate to the Federal Convention, James Madison, was an avid student, and from Paris, Thomas Jefferson sent James Madison book after book which supplies him with the history and discussion of governments on this earth. Who knows what particular part in those books which James Madison received gave us some part of our treasured Constitution today?

This past week has shown us exactly how the Government itself in the conduct of its business constantly acknowledges the value of our historical perspective. The deliberations of Government can scarcely be made without reference to our antecedents and analogues by which it must be tested.

Mr. Edgerton, in presenting his statement to us said, and said it very well:

> A modern society's capacity to deal with its problems is dependent upon the knowledge resources available to it. Yet, scientific knowledge, important as it has been for achieving American goals, is increasingly recognized as incapable of responding to all of the presently emerging issues in American life . . . solutions rest squarely upon a vastly increased national capacity to understand men as human beings needing values and aspirations. . . . Languages and literature define our capacity to communicate meaningfully in a world increasingly threatened by incomprehension between competing and coexisting cultures. Philosophy's ultimate aim is to clarify, to make available and to extend shared meanings—values—in the service of a richer, more productive, more rational life. . . . The authority of our Government, the power of decision depends upon a fine textured fabric of intellectual and moral authority to which the people give assent. The stability of a society, its power to grow—its very continuance—depends upon the existence of that shared heritage and the authority which is implicit in it.

In concluding this portion of my discussion I would like to pay tribute to Miss Nancy Hanks, the very able and capable Director of the Arts and to Mr. Wallace B. Edgerton the Acting Director of the Humanities. They are both people of whom our Nation can be proud.

### SMITHSONIAN INSTITUTION

#### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $36, 895, 000 |
| Estimate, 1972 | 46, 259, 000 |
| Recommended, 1972 | 45, 259, 000 |
| Comparison: | |
| Appropriation, 1971 | +8, 364, 000 |
| Estimate, 1972 | —1, 000, 000 |

The amount recommended by the committee compared with the 1971 appropriation and the 1972 budget estimate by activity is as follows:

[In dollars]

| Activity | Committee bill, 1972 | Bill compared with— 1971 Appropriation | Bill compared with— Estimate, 1972 |
|---|---|---|---|
| Science | $15,684,000 | +$3,155,000 | −$413,000 |
| History and art | 5,565,000 | +694,000 | −481,000 |
| U S National Museum | 3,303,000 | +135,000 | |
| Public service | 919,000 | +99,000 | −6,000 |
| Special programs | 3,264,000 | +1,711,000 | −211,000 |
| Administrative and central support | 4,993,000 | +450,000 | −87,000 |
| Buildings management department | 10,366,000 | +955,000 | +288,000 |
| Increased pay costs | 1,165,000 | +1,165,000 | −90,000 |
| Total, salaries and expenses | 45,259,000 | +8,364,000 | −1,000,000 |

For the past few years, evening visitations at the various facilities of the Smithsonian Institution during the summer months have declined. There are probably several reasons for this reduction in evening visitors, but the committee is of the opinion that some of the circumstances which may have been responsible for the minimal visitations have improved to the extent that with adequate funding and publicity of the availability of the facilities, the Smithsonian Institution can once again become a focal point of visitation during the summer evening hours for school children and other visitors from various parts of the Nation.

Accordingly, the committee has provided an additional $300,000 for this purpose. With the $160,000 provided in the budget base, a total of $460,000 will be available for this purpose. These funds are especially for evening visitor hours and the committee does not expect them to be dissipated by their allocation to other activities to offset various cost increases.

These evening hours were first provided by the very beloved former chairman of this committee, the distinguished gentleman from Ohio, Mr. Kirwan, who was my predecessor. I shall never forget his statement in that first year of funding:

> I want to create an opportunity for every boy and girl in the District of Columbia to see something other than the streets.

### MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

| | |
|---|---|
| Appropriation, 1971 | $2,500,000 |
| Estimate, 1972 | 5,500,000 |
| Recommended, 1972 | 3,500,000 |
| Comparison: | |
| Appropriation, 1971 | +1,000,000 |
| Estimate, 1972 | −2,000,000 |

This appropriation item is to provide for the special foreign currency program of awarding grants to American universities, museums, or other institutions of higher learning, interested in conducting research in foreign countries. The reduction of $2,000,000 below the budget estimate includes decreases of $450,000 for archaeology and related disciplines; $1,500,000 for systematic and environmental biology; and $50,000 for astrophysics.

### SCIENCE INFORMATION EXCHANGE

| | |
|---|---|
| Appropriation, 1971 | |
| Estimate, 1972 | $1,400,000 |
| Recommended, 1972 | 1,300,000 |
| Comparison: | |
| Appropriation, 1971 | +1,300,000 |
| Estimate, 1972 | −100,000 |

The Science Information Exchange receives, organizes, and disseminates information about research in progress in the life, physical, and social sciences. Its mission is to assist the planning and management of research activities supported by Government and non-Government agencies and institutions by promoting the exchange of information that concerns subject matter, distribution, level of effort, and other data pertaining to current research in the prepublication stage.

This organization was previously funded by the National Science Foundation, but effective July 1, 1971, funding responsibility for this activity will be assigned to the Smithsonian Institution.

### CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

| | |
|---|---|
| Appropriation, 1971 | $200,000 |
| Estimate, 1972 | 200,000 |
| Recommended, 1972 | 200,000 |
| Comparison: | |
| Appropriation, 1971 | |
| Estimate, 1972 | |

The amount recommended under this appropriation item is for the capital improvement program at the National Zoological Park. The amount provided is for minor repair and renovation of various facilities at the National Zoological Park.

### RESTORATION AND RENOVATION OF BUILDINGS

| | |
|---|---|
| Appropriation, 1971 | $1,725,000 |
| Estimate, 1972 | 1,050,000 |
| Recommended, 1972 | 550,000 |
| Comparison: | |
| Appropriation, 1971 | −1,175,000 |
| Estimate, 1972 | −500,000 |

The appropriation of $550,000 recommended by the committee includes $400,000 for the Renwick Gallery; $125,000 for sewer system improvement—South Buildings; and $25,000 for space modification at the Lamont Street Library.

### CONSTRUCTION

| | |
|---|---|
| Appropriation, 1971 | $5,200,000 |
| Estimate, 1972 | 5,597,000 |
| Recommended, 1972 | 5,597,000 |
| Comparison: | |
| Appropriation, 1971 | +397,000 |
| Estimate, 1972 | |

Of the total amount provided, $1,900,000 is for planning and redesign of the National Air and Space Museum; and $3,697,000 is for liquidation of contract authority for construction of the Joseph H. Hirshhorn Museum and Sculpture Garden.

During the past several months, there has been extensive discussion regarding the location of the sculpture garden that is to be constructed in conjunction with the Hirshhorn Museum. It was originally planned that the sculpture garden would bisect the Mall on a north-south axis. This proposal has now been revised whereby the sculpture garden will be on an east-west axis off the greensward of the Mall. The change in plans for the sculpture garden is opportune since the committee is of the opinion and so directs, that none of the funds provided in this bill shall be used for construction of a sculpture garden on a north-south axis across the Mall.

The committee further understands that final approval for the revised plans of the sculpture garden has not yet been granted by the National Capital Planning Commission. Until such approval is granted, the committee directs that none of the funds provided in this bill for the Hirshhorn Museum shall be available for expenditure.

### NATIONAL GALLERY OF ART

### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $4,136,000 |
| Estimate, 1972 | 4,713,000 |
| Recommended, 1972 | 4,713,000 |
| Comparison: | |
| Appropriation, 1971 | +577,000 |
| Estimate, 1972 | |

The bill provides $4,713,000, the budget estimate, for salaries and expenses of the National Gallery of Art.

The National Gallery of Art continues to expand its services to the people of this Nation as is indicated by the following tabulation:

| Fiscal year | Visitations to gallery | Persons (estimated) served by extension service | Total persons reached by gallery |
|---|---|---|---|
| 1966 | 1,577,108 | 1,170,434 | 2,747,542 |
| 1967 | 1,510,967 | 1,780,361 | 3,291,328 |
| 1968 | 1,267,028 | 2,182,000 | 3,449,028 |
| 1969 | 1,283,398 | 2,757,000 | 4,040,398 |
| 1970 | 1,935,533 | 3,161,000 | 5,096,533 |

### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

### SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $750,000 |
| Estimate, 1972 | 695,000 |
| Recommended, 1972 | 565,000 |
| Comparison: | |
| Appropriation, 1971 | —185,000 |
| Estimate, 1972 | —130,000 |

The Woodrow Wilson International Center for Scholars was authorized by Public Law 90-637, approved October 24, 1968, as the Nation's official living memorial to the 28th President. It sponsors a continuous advanced scholar, international fellowship program on various social and scientific subjects of special interest in the world of today.

The bill provides $565,000, a reduction of $130,000 in the Fellowship program below the budget estimate. This $130,000 reduction will be offset as of July 1, 1971, when an identical amount now held in reserve will be released for expenditure, according to information received by the committee.

### FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

| | |
|---|---|
| Appropriation, 1971 | |
| Estimate, 1972 | $37,000 |
| Recommended, 1972 | 37,000 |
| Comparison: | |
| Appropriation, 1971 | +37,000 |
| Estimate, 1972 | |

The committee recommends an appropriation of $37,000, the budget estimate, for the Franklin Delano Roosevelt

Memorial Commission as authorized by Public Law 91-398, approved September 8, 1970. This appropriation will provide funds for the execution of preliminary plans to develop the approved site of the memorial.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $287,500 |
| Estimate, 1972 | 300,000 |
| Recommended, 1972 | 275,000 |
| Comparison: | |
| Appropriation, 1971 | -12,500 |
| Estimate, 1972 | -25,000 |

The bill provides $275,000, a reduction of $25,000 below the budget estimate, for the National Council on Indian Opportunity.

The function of the Council is to encourage full use of programs to benefit the Indian population.

The committee directs the Council to utilize the expertise of the staff of the Bureau of Indian Affairs to the fullest possible extent.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

| | |
|---|---|
| Appropriation, 1971 | $167,000 |
| Estimate, 1972 | 167,000 |
| Recommended, 1972 | 167,000 |
| Comparison: | |
| Appropriation, 1971 | |
| Estimate, 1972 | |

The committee recommends an appropriation of $167,000, the budget estimate, for the Federal Metal and Nonmetallic Mine Safety Board of Review which was established by Section 10 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721-740).

The adjudicative duties of the Board, in docketed cases, involve the hearing and determination of applications filed by mine operators seeking annulment or revision of, and temporary relief from, orders issued by the Secretary of the Interior under sections 8 and 9 of the act.

In conclusion, I am not going to say what a chairman usually does, "This is a good bill," because it could be better. It could provide more money to do the job that 1972 imposes on us but under the circumstances it is the best that can be done. May I say that it is with distinct affection for the Nation that the committee presents this appropriation for your approval.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

[NOTE.—All amounts are in the form of "appropriations" unless otherwise indicated.]

| Agency and item | New budget (obligational) authority appropriated, 1971 (enacted to date) | Budget estimates of new (obligational) authority, 1972 | New budget (obligational) authority recommended in bill | Bill compared with— | |
|---|---|---|---|---|---|
| | | | | New budget (obligational) authority, fiscal year 1971 | Budget estimates of new (obligational) authority, fiscal year 1972 |
| (1) | (2) | (3) | (4) | (5) | (6) |
| TITLE I—DEPARTMENT OF THE INTERIOR | | | | | |
| Public Land Management | | | | | |
| Bureau of Land Management: | | | | | |
| Management of lands and resources | $84,060,000 | $76,080,000 | $76,080,000 | −$7,980,000 | |
| Construction and maintenance | 3,310,000 | 4,430,000 | 4,627,000 | +1,317,000 | +$197,000 |
| Public lands development roads and trails (appropriation to liquidate contract authority) | (3,500,000) | (3,200,000) | (3,200,000) | (−300,000) | |
| Oregon and California grant lands (indefinite, appropriation of receipts) | 18,000,000 | 19,000,000 | 19,000,000 | +1,000,000 | |
| Range improvements (indefinite, appropriation of receipts) | 1,795,000 | 2,514,000 | 2,514,000 | +719,000 | |
| Total, Bureau of Land Management | 107,165,000 | 102,024,000 | 102,221,000 | −4,944,000 | +197,000 |
| Bureau of Indian Affairs: | | | | | |
| Education and welfare services | 243,440,000 | 270,221,000 | 271,987,000 | +28,547,000 | +1,766,000 |
| Education and welfare services (appropriation to liquidate contract authority) | (835,000) | (1,500,000) | (1,500,000) | (+665,000) | |
| Resources management | 70,847,000 | 76,691,000 | 71,866,000 | +1,019,000 | −4,825,000 |
| Construction | 19,885,000 | 36,385,000 | 37,206,000 | +17,321,000 | +821,000 |
| Road construction (appropriation to liquidate contract autnority) | (20,200,000) | (25,000,000) | (25,000,000) | (+4,800,000) | |
| General administrative expenses | 6,148,000 | 6,257,000 | 6,057,000 | −91,000 | −200,000 |
| Payment to the Ute Tribe of the Uintah and Ouray Reservation | 3,561,700 | | | −3,561,700 | |
| Tribal funds (definite) | 3,000,000 | 3,000,000 | 3,000,000 | | |
| Tribal funds (indefinite) | 13,204,000 | 13,173,000 | 13,173,000 | −31,000 | |
| Total, Bureau of Indian Affairs | 360,085,700 | 405,727,000 | 403,289,000 | +43,203,300 | −2,438,000 |
| Bureau of Outdoor Recreation: Salaries and expenses | 4,170,000 | 3,999,000 | 3,999,000 | −171,000 | |
| Land and water conservation fund: | | | | | |
| Appropriation of receipts (indefinite) | 327,400,000 | 362,500,000 | 350,000,000 | +22,600,000 | −12,500,000 |
| General fund | | 17,500,000 | | | −17,500,000 |
| (Appropriation out of the fund to liquidate contract authority) | (30,000,000) | | | (−30,000,000) | |
| Total, Land and Water Conservation Fund | 327,400,000 | 380,000,000 | 350,000,000 | +22,600,000 | −30,000,000 |
| Office of Territories: | | | | | |
| Administration of territories | 17,414,000 | 21,930,000 | 21,537,000 | +4,123,000 | −393,000 |
| Permanent appropriation (special fund) | (118,000) | (367,000) | (367,000) | (+249,000) | |
| Transferred from other accounts (special fund) | (367,000) | (458,360) | (458,360) | (+91,360) | |
| Trust Territory of the Pacific Islands | 59,864,000 | 59,980,000 | 59,980,000 | +116,000 | |
| Total, Office of Territories | 77,278,000 | 81,910,000 | 81,517,000 | +4,239,000 | −393,000 |
| Total, Public Land Management | 876,098,700 | 973,660,000 | 941,026,000 | +64,927,300 | −32,634,000 |
| Mineral Resources | | | | | |
| Geological Survey: Surveys, investigations, and research | 114,603,000 | 126,182,000 | 130,000,000 | +15,397,000 | +3,818,000 |
| Bureau of Mines: | | | | | |
| Conservation and development of mineral resources | 49,260,000 | 48,029,000 | 49,000,000 | −260,000 | +971,000 |
| Health and safety | 58,029,000 | 73,643,000 | 73,630,000 | +15,601,000 | −13,000 |
| General administrative expenses | 1,942,000 | 1,970,000 | 1,970,000 | +28,000 | |
| Helium fund (authorization to spend from public debt receipts) | 29,277,000 | | | −29,277,000 | |
| Helium fund (portion applied to liquidate contract authority) | (35,800,000) | | | (−35,800,000) | |
| Total, Bureau of Mines | 138,508,000 | 123,642,000 | 124,600,000 | −13,908,000 | +958,000 |
| Office of Coal Research: Salaries and expenses | 17,160,000 | 21,030,000 | 21,880,000 | +4,720,000 | +850,000 |
| Office of Oil and Gas: Salaries and expenses | 1,273,000 | 1,570,000 | 1,570,000 | +297,000 | |
| Total, Mineral Resources | 271,544,000 | 272,424,000 | 278,050,000 | +6,506,000 | +5,626,000 |

### COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

[NOTE.—All amounts are in the form of "appropriations" unless otherwise indicated.]

| | | | | Bill compared with— | |
|---|---|---|---|---|---|
| Agency and item (1) | New budget (obligational) authority appropriated, 1971 (enacted to date) (2) | Budget estimates of new (obligational) authority, 1972 (3) | New budget (obligational) authority recommended in bill (4) | New budget (obligational) authority, fiscal year 1971 (5) | Budget estimates of new (obligational) authority, fiscal year 1972 (6) |
| **TITLE I—DEPARTMENT OF THE INTERIOR—Continued** | | | | | |
| **Fish and Wildlife and Parks** | | | | | |
| **Bureau of Sport Fisheries and Wildlife:** | | | | | |
| Management and investigations of resources | $59,804,000 | $64,724,000 | $64,794,000 | +$4,990,000 | +$70,000 |
| Construction | 5,144,000 | 4,440,000 | 6,225,000 | +1,081,000 | +1,785,000 |
| Migratory bird conservation account (definite, repayable advance) | 7,500,000 | 7,500,000 | 7,500,000 | | |
| Anadromous and Great Lakes fisheries conservation | 2,326,000 | 2,332,000 | 2,332,000 | +6,000 | |
| General administrative expenses | 2,117,000 | 2,205,000 | 2,155,000 | +38,000 | −50,000 |
| Total, Bureau of Sport Fisheries and Wildlife | 76,891,000 | 81,201,000 | 83,006,000 | +6,115,000 | +1,805,000 |
| **National Park Service:** | | | | | |
| Management and protection | 65,921,000 | 70,882,000 | 71,077,000 | +5,156,000 | +195,000 |
| Maintenance and rehabilitation of physical facilities | 50,547,000 | 56,226,000 | 56,230,000 | +5,683,000 | +4,000 |
| Construction | 19,557,000 | 37,859,000 | 37,849,000 | +18,292,000 | −10,000 |
| Parkway and road construction (appropriation to liquidate contract authority) | (17,650,000) | (18,500,000) | (18,500,000) | (+850,000) | |
| Preservation of historic properties | 6,878,000 | 8,205,000 | 8,325,000 | +1,447,000 | +120,000 |
| General administrative expenses | 3,874,000 | 4,006,000 | 3,956,000 | +82,000 | −50,000 |
| Total, National Park Service | 146,777,000 | 177,178,000 | 177,437,000 | +30,660,000 | +259,000 |
| Total, Fish and Wildlife and Parks | 223,668,000 | 258,379,000 | 260,443,000 | +36,775,000 | +2,064,000 |
| **Office of Water Resources Research** | | | | | |
| Salaries and expenses | 13,242,000 | 14,490,000 | 14,290,000 | +1,048,000 | −200,000 |
| **Office of the Solicitor** | | | | | |
| Salaries and expenses | 7,626,000 | 6,881,000 | 6,800,000 | −826,000 | −81,000 |
| **Office of the Secretary** | | | | | |
| Salaries and expenses | 12,472,000 | 14,475,000 | 13,975,000 | +1,503,000 | −500,000 |
| Salaries and expenses (special foreign currency program) | | 500,000 | 500,000 | +500,000 | |
| Total, Office of the Secretary | 12,472,000 | 14,975,000 | 14,475,000 | +2,003,000 | −500,000 |
| Total, new budget (obligational) authority, Department of the Interior | 1,404,650,700 | [1] [5] 1,540,809,000 | 1,515,084,000 | +110,433,300 | −25,725,000 |
| Consisting of— | | | | | |
| Appropriations | 1,375,373,700 | 1,540,809,000 | 1,515,084,000 | +139,710,300 | −25,725,000 |
| Definite appropriations | (1,014,974,700) | (1,143,622,000) | (1,130,397,000) | (+115,422,300) | (−13,225,000) |
| Indefinite appropriations | (360,399,000) | (397,187,000) | (384,687,000) | (+24,288,000) | (−12,500,000) |
| Authorization to spend from public debt receipts | 29,277,000 | | | −29,277,000 | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (107,985,000) | (48,200,000) | (48,200,000) | (−59,785,000) | |
| Total, new budget (obligational) authority and appropriations to liquidate contract authority | (1,512,635,700) | (1,589,009,000) | (1,563,284,000) | (+50,648,300) | (−25,725,000 |
| **TITLE II—RELATED AGENCIES** | | | | | |
| **Department of Agriculture** | | | | | |
| rest Service: | | | | | |
| Forest protection and utilization: | | | | | |
| Forest land management | 281,502,000 | 233,508,000 | 238,718,000 | −42,784,000 | +5,210,000 |
| Forest research | 48,891,000 | 49,868,000 | 54,208,000 | +5,317,000 | +4,340,000 |
| State and private forestry cooperation | 24,163,000 | 24,241,000 | 27,741,000 | +3,578,000 | +3,500,000 |
| Total, forest protection and utilization | 354,556,000 | 307,617,000 | 320,667,000 | −33,889,000 | +13,050,000 |
| Construction and land acquisition | 15,933,700 | 25,338,000 | 31,858,000 | +15,924,300 | +6,520,000 |
| Youth conservation corps | 2,500,000 | | | −2,500,000 | |
| Forest roads and trails (appropriation to liquidate contract authority) | (120,220,000) | (138,740,000) | (138,740,000) | (+18,520,000) | |
| Acquisition of lands for national forests: | | | | | |
| Special acts (special fund, indefinite) | 80,000 | 80,000 | 80,000 | | |
| Acquisition of lands to complete land exchanges | | 26,035 | 26,035 | +26,035 | |
| Cooperative range improvements (special fund, indefinite) | 700,000 | 700,000 | 700,000 | | |
| Assistance to States for tree planting | 1,020,000 | 1,028,000 | 1,028,000 | +8,000 | |
| Total, new budget (obligational) authority, Forest Service | 374,789,700 | 334,789,035 | 354,359,035 | −20,430,665 | +19,570,000 |
| **Commission of Fine Arts** | | | | | |
| Salaries and expenses | 115,000 | 121,000 | 121,000 | +6,000 | |
| **Department of Health, Education, and Welfare** | | | | | |
| **Health Services and Mental Health Administration:** | | | | | |
| Indian health services | 125,974,000 | 141,903,000 | 147,404,000 | +21,430,000 | +5,501,000 |
| Indian health facilities | 18,715,000 | 18,789,000 | 20,289,000 | +1,574,000 | +1,500,000 |
| Total, Health Services and Mental Health Administration | 144,689,000 | 160,692,000 | 167,693,000 | +23,004,000 | +7,001,000 |
| **Indian Claims Commission** | | | | | |
| Salaries and expenses | 1,000,000 | 1,025,000 | 1,025,000 | +25,000 | |
| **National Capital Planning Commission** | | | | | |
| Salaries and expenses | [2] 968,000 | 1,351,000 | 1,300,000 | +332,000 | −51,000 |
| **National Foundation on the Arts and the Humanities** | | | | | |
| Salaries and expenses: | | | | | |
| Endowment for the arts | 12,590,000 | 26,500,000 | 26,500,000 | +13,910,000 | |
| Endowment for the humanities | 11,060,000 | 26,500,000 | 24,500,000 | +13,440,000 | −2,000,000 |
| Administrative expenses | 2,660,000 | 3,561,000 | 3,460,000 | +800,000 | −101,000 |
| Subtotal, salaries and expenses | 26,310,000 | 56,561,000 | 54,400,000 | +28,150,000 | −2,101,000 |

Footnotes at end of table.

| Agency and item (1) | New budget (obligational) authority appropriated, 1971 (enacted to date) (2) | Budget estimates of new (obligational) authority, 1972 (3) | New budget (obligational) authority recommended in bill (4) | Bill compared with— New budget (obligational) authority, fiscal year 1971 (5) | Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1972 (6) |
|---|---|---|---|---|---|
| Matching grants: | | | | | |
| Endowment for the arts | $2,500,000 | $3,500,000 | $3,500,000 | +$1,000,000 | |
| Endowment for the humanities | 2,500,000 | 3,500,000 | 3,500,000 | +1,000,000 | |
| Subtotal, matching grants | 5,000,000 | 7,000,000 | 7,000,000 | +2,000,000 | |
| Total, National Foundation on the Arts and the Humanities | 31,310,000 | 63,561,000 | 61,460,000 | +30,150,000 | −$2,101,000 |
| **Public Land Law Review Commission** | | | | | |
| Salaries and expenses | 171,000 | | | −171,000 | |
| **Smithsonian Institution** | | | | | |
| Salaries and expenses | 36,895,000 | 46,259,000 | 45,259,000 | +8,364,000 | −1,000,000 |
| Museum programs and related research (special foreign currency program) | 2,500,000 | 5,500,000 | 3,500,000 | +1,000,000 | −2,000,000 |
| Science information exchange | | 1,400,000 | 1,300,000 | +1,300,000 | −100,000 |
| Construction and improvements, National Zoological Park | 200,000 | 200,000 | 200,000 | | |
| Restoration and renovation of buildings | 1,725,000 | 1,050,000 | 550,000 | −1,175,000 | −500,000 |
| Construction | | 1,900,000 | 1,900,000 | +1,900,000 | |
| Construction (appropriation to liquidate contract authority) | (5,200,000) | (3,697,000) | (3,697,000) | (−1,503,000) | |
| Salaries and expenses, National Gallery of Art | 4,136,000 | 4,713,000 | 4,713,000 | +577,000 | |
| Salaries and expenses, Woodrow Wilson International Center for Scholars | 750,000 | 695,000 | 565,000 | −185,000 | −130,000 |
| Total, Smithsonian Institution | 46,206,000 | 61,717,000 | 57,987,000 | +11,781,000 | −3,730,000 |
| **Executive Office of the President** | | | | | |
| Salaries and expenses, National Council on Marine Resources and Engineering Development | 400,000 | | | −400,000 | |
| **Federal Field Committee for Development Planning in Alaska** | | | | | |
| Salaries and expenses | 224,000 | | | −224,000 | |
| **Historical and Memorial Commissions** | | | | | |
| Franklin Delano Roosevelt Memorial Commission | | 37,000 | 37,000 | +37,000 | |
| American Revolution Bicentennial Commission: Salaries and expenses | 670,000 | | | −670,000 | |
| **National Council on Indian Opportunity** | | | | | |
| Salaries and expenses | 287,500 | 300,000 | 275,000 | −12,500 | −25,000 |
| **Federal Metal and Nonmetallic Mine Safety Board of Review** | | | | | |
| Salaries and expenses | 167,000 | 167,000 | 167,000 | | |
| Total, new budget (obligational) authority, related agencies | 600,997,200 | [3] 623,760,035 | 644,424,035 | +43,426,835 | +20,664,000 |
| Consisting of— | | | | | |
| Appropriations | 600,997,200 | 623,760,035 | 644,424,035 | +43,426,835 | +20,664,000 |
| Definite appropriations | (600,217,200) | (622,980,035) | (643,644,035) | (+43,426,835) | (+20,664,000) |
| Indefinite appropriations | (780,000) | (780,000) | (780,000) | | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (125,420,000) | (142,437,000) | (142,437,000) | (+17,017,000) | |
| Total, new budget (obligational) authority and appropriations to liquidate contract authority | (726,417,200) | (766,197,035) | (786,861,035) | (+60,443,835) | (+20,664,000) |
| **RECAPITULATION** | | | | | |
| Grand total, new budget (obligational) authority, all titles | 2,005,647,900 | [4,5] 2,164,569,035 | 2,159,508,035 | +153,860,135 | −5,061,000 |
| Consisting of— | | | | | |
| (1) Appropriations | 1,976,370,900 | 2,164,569,035 | 2,159,508,035 | +183,137,135 | −5,061,000 |
| Definite appropriations | (1,615,191,900) | (1,766,602,035) | (1,774,041,035) | (+158,849,135) | (+7,439,000) |
| Indefinite appropriations | (361,179,000) | (397,967,000) | (385,467,000) | (+24,288,000) | (−12,500,000) |
| (2) Authorization to spend from public debt receipts | 29,277,000 | | | −29,277,000 | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (233,405,000) | (190,637,000) | (190,637,000) | (−42,768,000) | |
| Grand total, new budget (obligational) authority and appropriations to liquidate contract authority | (2,239,052,900) | (2,355,206,035) | (2,350,145,035) | (+111,092,135) | (−5,061,000) |

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[1] Excludes budget amendments of $15,426,000 contained in H. Doc. No. 92–119.

[2] In addition, $229,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."

[3] Excludes budget amendment of $1,900,000 contained in H. Doc. No. 92–119.

[4] Excludes budget amendments of $17,326,000 contained in H. Doc. No. 92–119.

[5] Excludes Office of Saline Water—authorizing legislation not enacted.

**Mr. HALEY.** Mr. Chairman, will the distinguished gentlewoman yield

**Mrs. HANSEN of Washington.** It is with pleasure that I yield to the distinguished gentleman from the State of Florida, the chairman of the Subcommittee on Indian Affairs, on which I once served as a Member while on the Committee on Interior and Insular Affairs.

**Mr. HALEY.** I thank the gentlewoman for yielding.

I note that the present bill provides $273,487,000 for the BIA Education and Welfare Services.

That is approximately $29 million more than was in the 1971 bill; is that correct?

**Mrs. HANSEN of Washington.** That is correct.

**Mr. HALEY.** If the gentlewoman will yield further, I note that you have $20,289,000 in Indian health facilities. That is an increase of approximately 1.5 million; is that correct?

**Mrs. HANSEN of Washington.** That is correct. Significant increases are required in the Indian health field.

**Mr. HALEY.** I note also there is a slight increase in the Indian Claims Commission. I presume that that small increase is due to the increase in salaries of the employees?

**Mrs. HANSEN of Washington.** That is correct, it is due to pay increases.

**Mr. HALEY.** Mr. Chairman, I thank the gentlewoman for yielding.

**Mr. VANIK.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I yield to the distinguished gentleman from Ohio.

**Mr. VANIK.** Mr. Chairman, I would like to inquire of the distinguished chairwoman of the subcommittee about the specific status of the helium acquisition program.

**Mrs. HANSEN of Washington.** That issue is still before the courts.

**Mr. VANIK.** That is not in the provisions of this bill?

**Mrs. HANSEN of Washington.** There is

no money in this bill for the helium program.

Mr. VANIK. There is no money allocated?

Mrs. HANSEN of Washington. None.

Mr. VANIK. I want to commend the distinguished chairlady for this action.

Mrs. HANSEN of Washington. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am delighted to yield to the distinguished gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman of the subcommittee of the Committee on Appropriations yielding, and I appreciate her lengthy explanation of the bill.

Mrs. HANSEN of Washington. I tried to make it as short as possible.

Mr. HALL. I particularly appreciate the gentlewoman's comment about the need for maintaining the arts and humanities and the relatively small percentage of our national budget which is going to it, and although it escapes me as to why it is the Federal Government's business to assure that everyone has advantage of this, my real question is, Why is the amount double this year over last year's appropriation?

Mrs. HANSEN of Washington. I will be very frank. The committee reduced the humanities budget estimate by $2,000,000. The amount in the bill is the amount of the authorization for the arts. It is also the budget estimate President Nixon sent to Congress. The budget request was for the full authorization. I think the President was entirely right. I think he recognizes that this program can provide great benefits for all of us.

As I have said many times on this floor, there are millions of people in the United States who will never go out with fishing poles or guns, to hunt or fish. But there are millions in the cities and in communities who might avail themselves of opportunities in art, music, drama, sculpture, museums—all the things that we associate with the arts.

Mr. HALL. I appreciate the gentlewoman's statement. May I ask further, referring to pages 30 and 31 of the committee report on the National Foundation for the Arts and Humanities, whether the $54,460,000 recommended by the committee includes the matching grants, including the $7 million recommended.

Mrs. HANSEN of Washington. No, it does not. The gentleman will find the matching grants on page 31. The committee separated the appropriation into two accounts for clarification.

Mr. HALL. The fact remains that the $7 million for matching grants recommended is in addition to the $54,460,000?

Mrs. HANSEN of Washington. Yes, that is correct. May I point out to those of you who have a curiosity about who contributes to these activities, you will find a complete list in the hearing record this year of every amount that has been contributed to both the arts and the humanities, and it goes back for several years.

Mr. HALL. Are contributions from private sources satisfactory to the gentlewoman, may I ask?

Mrs. HANSEN of Washington. It seems so. They seem to be perfectly respectable people.

Mr. HALL. I was speaking of the adequacy of the contributions. Originally we were told that this whole program would be on the basis of private contributions.

Mrs. HANSEN of Washington. They were able to secure donations at least equal to appropriations for matching funds. I would suspect that as time goes on it may be necessary to raise the appropriation for matching grants. It seems to me more and more contributors are making sizable contributions. I found one interesting item in that list. The Klickitat Labor Council in my own district contributed $25 to the arts.

Mr. HALL. They did not contribute enough to complete the National Center for Performing Arts here without the appropriation of Federal taxpayers' money, is that correct?

Mrs. HANSEN of Washington. That is correct.

Mr. HALL. I thank the gentlewoman.

Mr. CULVER. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the distinguished gentleman from Iowa.

Mr. CULVER. I thank the gentlewoman for yielding. I noticed on page 24 of the committee report language that directs the Forest Service to delay their plans for improving payment guarantee and deferred scaling practices for National Forest Service timber.

Mrs. HANSEN of Washington. We set a date of September 1, 1971, in order to give the Forest Service and industry an opportunity to sit down and clear away the clutter that has surrounded this issue. I have received several interesting letters from those who are violently opposed to the payment bond and also from those who are solidly for the payment bond, due to a wide variety of reasons. The Forest Service proposed to terminate this practice on July 1, 1971. It seems entirely proper to provide additional time until September 1, 1971, for further negotiations of this matter.

Mr. CULVER. The thing which is of particular concern to me, and I believe many other Members, is the fact, as the gentlewoman is very much aware, that nearly 2 years ago the Forest Service recommended reforms in the payment of scaling practices with respect to our national forests. At that time such initiatives in terms of improving the public interest situation in this regard were blocked by the Subcommittee on Interior of the Senate Appropriations Committee. Subsequent to that time an 18-month study was ordered.

Mrs. HANSEN of Washington. Will the gentleman yield?

Mr. CULVER. May I complete the point?

Mrs. HANSEN of Washington. Let me emphasize that it was the Senate committee which put the language in originally.

Mr. CULVER. Exactly. I believe the important point to keep in mind is that we have had a study for 18 months, and upon completion of that study the Forest Service once again has recommended reforms based on their findings.

Mrs. HANSEN of Washington. The Forest Service proposed July 1, 1971, as the termination date. The report provides in effect, "Get your house in order before September 1, 1971, because that is it."

Mr. CULVER. Throughout this entire period of time we have had a situation where the Service was in the most direct and closest possible consultation with the forest products industry. We have seen as a result of their findings that they concluded again, at the end of nearly 2 years: "That the current practices did not adequately protect the interests of the Government nor provide equitable treatment of timber sale purchases."

In light of this sizeable delay which already has taken place in this important area of national policy, I should wonder what need there is for further prolonging the period during which the Government of the United States does not get full value for its timber.

Mrs. HANSEN of Washington. I will now yield to the gentleman from Oregon (Mr. WYATT), one of the members of the subcommittee, for further comment in this connection.

Mr. WYATT. If I may respond to the gentleman from Iowa, I believe this is a matter far more complex than we have time to delve into on the floor of the House today.

I would say to the gentleman that the gentleman from California (Mr. JOHNSON) and I have cosponsored a bill which is now pending before the House Committee on Agriculture, dealing with this exact problem. I can give the gentleman almost an absolute assurance that there is no jeopardy so far as the Government is concerned.

What we have done is to ask the Forest Service and the industry to get together and discuss in meaningful terms what can be worked out to bridge this chasm. Actually, by putting on a firm deadline of September 1, it means either something is going to be worked out by negotiation before that time or it will give the appropriate authorizing committee the opportunity to have hearings and act on the legislation.

Very frankly, since Congress will be in recess from around the 6th or 7th of August, this effectively gives about 5 more weeks.

I can assure the gentleman, I believe, there will be nothing adverse to the interests of the United States occurring in that time.

Mrs. HANSEN of Washington. I may say, when one is closing out a program which has been such an inherently basic part of an industry which is troubled by weather and conditions over which it has no control, due consideration must be given all aspects. I believe the Forest Service is right in asking for the curtailment. I believe also it is right to discuss all the facets of what needs to be done by that industry. There are many problems in the timber industry.

As the gentleman knows, I looked at the map and I could not find a single acre of commercial forest land in Iowa. It happens that the entire West is probably one of the greatest timber harvest areas of the Nation, as is the South, and Great Lakes area.

Problems peculiar to the timber industry are woven into the national economy. The committee is as deeply concerned with doing the right job by the Nation's forest as anyone.

Mr. CULVER. I respectfully appreciate remarks of the gentlewoman, but with regard to the nature of the Iowa landscape, I do suggest we have taxpayers in our State. What concerns us is the failure of the U.S. Government to get full value for its timber under these present practices.

Mrs. HANSEN of Washington. May I say to the gentleman that the Forest Service pays its own way, and the receipts are paying not only for timber management but also a major portion of the cost for recreation and research. This is shown in the table of receipts in the report.

Mr. CULVER. The delay that has been determined to be appropriate is most unfortunate, because it will only serve to benefit the 3 percent of the industry that harvests nearly quarter of the public timber. As a result of that study during the 18-month period, we have seen the Inspector General under the Department of Agriculture make an estimation that the U.S. taxpayer has lost $1.4 million in interest costs alone.

Mrs. HANSEN of Washington. The timber receipts cover a major portion of the cost of maintaining the national forest program.

Mr. CULVER. This revenue loss is all brought about as a result of these present practices. In addition to that, it is estimated by the Inspector General that the cost to the taxpayer is $200,000 to $600,000 in loss of revenues because of price changes as a result of deferred scaling—timber cutters are able to cut the timber in the forest when prices are high and get scaling accomplished at a later date and paying for it at that time much to their advantage when the price is low. Furthermore, the Inspector General found that Government logs were damaged because of extra handling, and some were allegedly diverted to private use in the millyard or wasted, and others were misclassified after weathering. In all these instances, the Government lost money. In light of this loss of Government revenue and failure to obtain full value for the Nation's timber, I am mystified how we can sanction further delay under the guise of additional study. Put simply it is a several hundred thousand dollar bonanza to the large timber companies; several hundred thousand dollars that could be better used for reforestation and harvesting timber for additional homebuilding.

Mrs. HANSEN of Washington. I want to tell you about where some of the tax dollars are going.

Mortality in the national forests from insects and other sources averages between 5 to 10 billion board feet annually dependent on whether major disasters are included.

The allowable cut in national forests as of January 1, 1971, was 13.7 billion board feet of timber.

In 1970, 11.5 billion board feet was actually cut and removed.

In 1962, on Columbus Day, Hurricane Frieda destroyed 3.8 billion board feet of timber on Federal lands.

Insect damage from 1969 through 1972 totaled approximately 2.5 billion board feet with a stumpage value of about $132 million.

In 1970, the Wenatchee National Forest loss was 200 million board feet with a stumpage value of $1.6 million.

The California fire last year cost $2,836,000 and this did not include the loss of timber. One of these fires was started by a recreation group that had not been given a permit and which had been told not to use the land. They burned 44,000 acres.

In the year 1965 there were 4,123 man-caused fires, and in 1970 in the U.S. forests there were 7,174. The same is true in the other agencies.

Last year we exported 2.8 billion board feet of logs, 1.3 billion board feet of lumber, 172 million square feet of plywood, and 11.2 million board feet of pulpwood.

There were 1,463,000 units of housing starts in the United States in 1970 for our population of 205 million; in Japan there were 1,340,000 units of housing starts for a population of 120 million.

I now yield to the distinguished gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I thank the gentlewoman for yielding.

I want to express the appreciation of the thousands of Indian people across the country for the very, very substantial addition which the gentlewoman and her committee made to the budget for Indian health services and Indian health facilities.

I think these are long needed improvements in the budget. I think the gentlewoman's recognition of that need is something that speaks eloquently of her heart and of her understanding and compassion and interest in the health needs of the Indian people.

I want to express thanks to her for that again.

Mr. GROSS. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman for yielding.

On page 23 of the bill, at the top of the page, do I understand that the Interior Department is now getting into the foreign aid act?

Mrs. HANSEN of Washington. Does the gentleman mean the White House request for the use of foreign currencies?

Mr. GROSS. I do not care whether it was at the request of the White House or at whose request it was.

Mrs. HANSEN of Washington. Those foreign currencies are to be used in Yugoslavia and Poland. They are doing some extensive work over there on oil pollutants as they affect rivers and streams. This is a very good place to get some valuable information with our foreign currency.

Mr. GROSS. Does this mean that eventually the Interior Department will be in Kuwait and Timbuctu and other countries with foreign aid programs?

Mrs. HANSEN of Washington. As far as the Appropriations Committee is concerned, it does not, but I can not assure the gentleman what the administration might propose in the future.

Mr. McDADE. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, the Interior appropriations bill before the House is one of the most significant pieces of legislation to be considered by the House of Representatives this year. It is the result of more than 2 months of extensive hearings, covering over 5,000 pages of testimony, consisting of six volumes of hearing records. During that period of time, we heard from nearly 100 departmental witnesses. Over 150 Members of Congress and outside witnesses gave additional testimony.

I would be very much remiss if I did not note the skill and dedication with which our distinguished colleague, the gentle lady from Washington (Mrs. HANSEN), conducted those hearings in a most thorough and nonpartisan manner and she is to be complimented for it; and the diligence and hard work of the other members of the subcommittee, all of whose efforts have brought this bill for your consideration.

This bill is most comprehensive in the scope of its activities. It concerns itself with enormously important programs involving history, arts and humanities, recreation, our natural resources, and our energy resources.

I shall not detail each of the sections of this bill, but there are some very significant portions which should be called to the particular attention of the Members of this House.

A first major feature of this bill reaffirms our commitment to provide education and welfare assistance to our Indian and Alaskan Natives. Our neglect of these first Americans has been a national tragedy. This bill will enable us to provide better care for the 60,000 Indian children in Federal day and boarding schools; the 87,000 children in public schools; and the 90,000 Indians currently receiving guidance in welfare services.

Recent years have been years of great progress in our Indian health programs. Infant death rates are down 51 percent from 1955; tuberculosis death rates are down 75 percent; gastroenteritis deaths down 53 percent; and death rates from pneumonia and influenza are down 36 percent over this same period. However, despite these impressive statistics, the general state of Indian and Alaskan health is still some 20 to 25 years behind that of the general population. This great progress must not deter us from recognizing the great needs that still remain.

Also included are significant increases for recreational opportunities. Since its inception in 1964, the land and water conservation fund has acquired 822,000 acres for outdoor recreation projects. In addition, 5,770 grants for development, land acquisition and recreation planning totaling $327.2 million have been made to the States. The money being appropriated in this bill will be another major step toward meeting our ever-increasing needs.

While on the subject of lands, it has been noted in the committee report that the funds appropriated in this bill are used to manage 750 million acres of public lands throughout the United States. It is interesting to note that this acreage represents about one-third of the total land area of the United States. The management of these lands is pointed toward a concept that involves multiple usage.

I have already referred to recreation in the National Park Service. That same usage is part and parcel of the administration of our Forest Service lands and the vast holdings of the Bureau of Land Management. Having said that, we must not lose sight of the fact that these lands are also managed extensively to provide areas to graze cattle, to enable us to harvest timber, to provide wildlife habitat, to help meet the energy needs of the nation, and to provide water in the water-scarce areas of the West.

All of these lands are held in a fiduciary capacity for the 200 million people who live in the United States today and for those who will come after them.

In determining whether we are effectively managing this immense resource, some effort was made to arrive at an asset value of the 750 million acres that we manage through appropriations in this bill.

It belabors the obvious to say that in arriving at such a figure without extensive studies, it is exceedingly difficult. But I think it is of interest to note just for purposes of illustration that the Forest Service estimates that its land area of 187 million acres has a valuation of $18.5 billion.

The Bureau of Land Management estimates that its surface area of 451 million acres is worth $11 billion. It must be noted that this figure of $11 billion does not reflect any valuation for minerals nor does it include the 515 million acres of Outer Continental Shelf lands which produce millions of dollars in royalties and other payments from the oil taken on the Outer Continental Shelf.

The National Park Service, administering 28 million acres of public lands uses a book value figure to try to arrive at an asset valuation of $4.8 billion. The combined total of these assets, and I emphasize that this total can be used only for purposes of illustration and not to arrive at the real value of these lands, is $34.3 billion.

A conservative estimate of the amount of cash flow that these assets will produce each year is in the neighborhood of $1 billion. The self-liquidating nature of the expenses incurred in connection with managing these assets can be seen from the fact that the total cost in this budget for all purposes for these three agencies is $633 million.

But as I indicated when I began these remarks, the efforts at placing a valuation on these lands can be extremely difficult.

During the 1969 budget hearings, our good friend and former colleague, Ben Reifel, asked the National Park Service to determine the asset value of our national parks. After much study, the Park Service found itself unable to establish a value on the worth of the land. There was no way to measure the incomparable pueblo tops at Mesa Verde or the geyser basin at Yellowstone. Yet they did derive an acceptable economic formula for evaluating the return on assets. Using 1969 figures, the park visitations generated $4.8 billion in personal income. This in turn produces $952,000,000 in tax revenues to the Treasury. One would have to invest $119 billion at 4 percent annually to yield $4.8 billion in income. So our national parks in terms of their economic contribution to personal income are worth the equivalent of an asset of $119 billion, earning 4 percent per year. That same year, we spent $103 million, or one-tenth of 1 percent, to manage and operate the parks. I know of no other investment in Government that could yield such a profitable return.

It is noteworthy that an estimated 493 million visitations will be made to our public lands in 1972, an increase of 56 million over 1970. With this increased usage, the problem of maintaining high health and safety standards will grow proportionately. A legislative provision is added to this bill giving the National Park Service increased funding flexibility to meet emergency or law enforcement needs. The cost of repairing damage as a result of demonstrations in our national parks alone for the first months of 1971 is already $827,200.

The bill recognizes the need to conserve both our natural as well as our mineral resources, and to meeting future resource needs. The committee gave its attention to both our renewable and our depletable resources. The conservation of our fish, wildlife, and the development of our water resources were increased by over $7 million. There is a substantial increase for reforestation, yet at the rate reforestation is funded in this bill, it will take us 38 years to reforest the 5 million acres in our national forests that have been ravaged by fires.

We are asking for this additional money because of the increased strain being placed on our forests to supply timber and other wood products. Today our public lands, mostly our national forests, produce about 40 percent of our softwood needs. As a result, we are already importing wood products from other countries and aggravating our difficult balance-of-payments problems.

An even greater problem lies with our depletable resources. The statistics to support this problem are numerous and they are alarming. With 6 percent of the world's population, the United States consumes 34 percent of the world's energy, 29 percent of its steel, and 30 percent of its oil.

It is noteworthy to mention, I think, that testimony in the hearings indicated that if we could increase by 2 to 3 percent the amount of oil we recover from drilling operations in the United States today, we would have an additional oil reserve to draw upon that would be equal to the entire Alaskan oil find.

Our electrical energy requirements will nearly double every 10 years at the present rate. At the current rate of use of crude oil, natural gas, and our domestic reserves, we have an 8-year energy supply remaining.

To meet this energy crunch, coal and other fossil fuels will be in ever increasing demand. Coal is not only our most abundant fossil fuel, but it is the major source of electric energy, providing 55 percent of our electric power-needs. The bill provides increased funds for the Office of Coal Research and necessary funds to the Bureau of Mines for research, resource development and health and safety. Significant programs in recycling and control of urban wastes will receive necessary funding. Increasing funds to the Geological Survey, which has only explored 1 percent of our oil rich Outer Continental Shelf, will insure technological monitoring and evaluation of offshore oil production. Only by planning now can we be sure of meeting these future energy needs.

Despite the significant increases found in this bill, the committee did not simply accept the budget. It added some and cut some with the result that this bill, despite these significant increases, is still $5 million below the budget estimates presented to the committee. In addition, this bill generates enough receipts to be almost self-liquidating. $1.015 billion in receipts are generated, including revenues from timber sales, grazing fees, mineral leasing, OCS royalties and golden eagle and other land use permits.

An important provision of the Interior appropriations bill is a $2.3 million appropriation to the Bureau of Mines for Anthracite Research Development; $1.3 million will be used to fund a new mine flushing technique to be used in the city of Scranton, Pa. This new method of slurry crushed mine refuse into an abandoned mine will spread culm refuse under the buildings and streets of a section of Scranton completely backfilling the entire affected area. Its success will command national attention for two reasons. First, it is only about one-half as costly as previous backfilling methods. Second, by using the old technique, only 43 percent of the mine voids would be filled. This new process will fill 100 percent of these mine voids. To the people of Scranton and surrounding areas, this represents a tremendous investment in their welfare and safety.

The remaining $1 million will be allocated to three related research projects; $600,000 for research and demonstration of new surface mine reclamation techniques, $100,000 for research on the abatement of acid mine drainage problems and $300,000 for research on using mine waste bank materials for abating mine subsidence hazards.

I am deeply grateful to the members of the Interior Appropriations Subcommittee for accepting my recommendations that these projects be funded and for recognizing their importance to the people of the Scranton area.

These projects have had the cooperation of the very capable staff of the Bureau of Mines under the direction of Dr. Elburt Osborn. I particularly want to single out Mr. Joseph Corgan, the very distinguished Chief of the Bureau's Environmental Division, for his most valuable contribution to these projects. He is one of the most intelligent, respected, and competent civil servants in our Government. His guidance and assistance have helped us to successfully combat mine fires in such projects as the Cedar Avenue mine fire, as well as mine fires in Throop and Carbondale, Pa.

Mr. Chairman, the anthracite area of Pennsylvania fueled America for the great industrial growth and expansion in the latter half of the 19th century and the first half of the 20th century. The price has been a legacy of serious problems. Today we are taking a giant step forward in the repayment of this long-standing debt.

In short, Mr. Chairman, I believe this bill represents a tremendous investment in natural, mineral, recreational, and human resources. Its interests cut a broad path across the lives of all Americans. It is a bill worthy of our enthusiastic support.

Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman and Members of the House, I would like to express my deep appreciation for the dedication and devotion of our chairman and of our ranking member and other members of the committee in working on this very comprehensive bill. The testimony on the bill was compiled in six volumes. We were privileged to hear from a number of Members of Congress with respect to various aspects of this appropriation bill.

At the outset, I would like to compliment Secretary Rogers C. B. Morton, the new Secretary of the Interior, for an outstanding job accomplished in a very short time in his new job. He has assembled a very competent group of assistants. I think very obviously he now has his Department under control.

I would like to address my colleagues for a few minutes only in regard to one of our great renewable natural resources, the forestry resources of the Federal Government. You will note that we have increased the reforestation allocation in this bill by approximately $4 million over and above what was requested in the budget. The evidence is very clear that this is a good investment. Every dollar which the Federal Government invests in reforestation and in timber stand improvement returns to the Federal Government somewhere between $5 and $6.

Private industry has long ago learned this and really led the way. The Federal Government has been coming along slowly but surely.

I am frankly very dismayed at the testimony of the Forest Service that it will take 38 years at the present rate of reforestation to completely reforest what now has to be reforested, and I think we would be wise in the future to invest substantially more sums in reforestation and in timber stand improvement. It is only in this way that we are going to have sufficient wood fiber to meet the housing goals of this country, sufficient trees to meet the recreational demands of this country, the wilderness demands, the watershed demands, and the demands of fish and wildlife. I think we should be moving rapidly in the next few years toward a much expanded increase in the rate of reforestation of the Federal timber stands.

As the budget was submitted to our subcommittee, there was no money whatsoever in the Forest Service budget for any construction except in the area of pollution abatement. In other words, all the new construction was limited to pollution abatement construction.

Our committee added a few modest amounts for forest research construction and for forest recreation construction. The fact of the matter is that the demands in these other areas for construction money are really snowballing. The fact that we are concentrating on pollution abatement almost to the exclusion of other construction means that the demands for construction in these other areas just multiply. I believe this is something we have to give much more attention to in the future.

The Office of Saline Water is one of the agencies in which I have been particularly interested. They have done a very good job. Of course, we have no money in the budget for them, because the authorization has not yet been approved. We hope this will be picked up in time for inclusion of the funds in the other body.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to my colleague from Oregon.

Mr. DELLENBACK. I thank the gentleman for yielding.

As one who is deeply concerned about the field as to which the gentleman in the well just spoke so eloquently, I should like to associate myself with his remarks and commend the members of the subcommittee, and particularly my colleague from Oregon, who in my opinion is one of the most knowledgeable, hard-working and able men in the Congress in this field. I wish to commend him and the other members of the subcommittee for what I believe is an excellent job of checking the needs in this particular area and responding with this bill before us today.

Mr. WYATT. I thank the gentleman.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado, the chairman of the authorizing Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Chairman, as usual I should like to thank and congratulate the gentlewoman from Washington and her subcommittee for developing the legislation which we have before the House today. In those thanks, of course, go special thanks to the ranking minority Member, who has a new responsibility in this particular operation.

In my opinion, this is a good bill and the allowances are adequate to carry on the programs which are covered, particularly those in the Department of the Interior that come under the jurisdiction of the Committee on Interior and Insular Affairs. I would also like to thank the chairman of the subcommittee for the fine working relationship that has grown up over the years between her subcommittee and the Interior and Insular Affairs Committee.

At this time, Mr. Chairman, I simply want to take note of and comment on a few items in this legislation. The committee has approved the full budget request for the programs administered by the Bureau of Indian Affairs and the Indian Health Service which call for an increase of about $65 million over the 1971 appropriation. I take no exception to this but I do want to point out to the entire House as I pointed out to the subcommittee that close oversight of these programs by both the Appropriations Committee and the authorizing committee is needed in order to assure the wise expenditure of these funds. I know the chairman of the subcommittee agrees with me on this matter and she is working with the authorizing committee to accomplish this objective.

With respect to the saline water program, the committee has appropriately passed over without prejudice the budget request for about $27 million because the necessary authorizing legislation has not been enacted. For the information of the House, there is pending in the Rules Committee legislation which would authorize the appropriation of the full amount requested. It is anticipated that this legislation will be enacted in the near future and that the funds for carrying on the saline water conversion program can be taken care of in conference.

It is noted that the budget request for $380 million to be expended from the land and water conservation fund has been reduced by $30 million. My concern with respect to this particular decrease goes to the fact that the authorizing committee has had an understanding with the administration that the full amount available in this fund would be recommended for appropriation. It is my understanding that at the beginning of fiscal year 1971 there existed an unexpended cash balance of about $225 million in appropriated funds and that with the 1971 appropriation approximately $580 million was available for expenditure for the Federal land acquisition program and for assistance to the States during fiscal year 1971. It is also my understanding that the Office of Management and Budget imposed an expenditure limitation of $225 million for fiscal year 1971 indicating a carryover at the end of the present fiscal year of roughly $355 million. Practically all of this carryover, of course, is in the part of the program providing for assisting the States, and it is my belief that OMB has purposely overloaded the State assistance part of the program, knowing full well that the expenditure could not be made for many years. I would like to ask the gentle lady chairman of the subcommittee, if she does not agree with this appraisal of the situation and if this is not in fact the reason why the budget request was reduced.

Mrs. HANSEN of Washington. Will the gentleman yield?

Mr. ASPINALL. I will be happy to yield to the gentlewoman.

Mrs. HANSEN of Washington. The gentleman is entirely correct. This is a sum that the States could not possibly use.

Mr. ASPINALL. In my opinion, additional funds could be expended very effectively for land acquisition in Federal areas, and I would like to ask whether the subcommittee considered shifting appropriations from State assistance, where the money cannot be spent, to Federal acquisition.

Mrs. HANSEN of Washington. If the gentleman will yield, we did consider shifting the funds and appropriating the full amount. But I would point out to the gentleman that on page 13 of our report we give a summary of the unexpended balances.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield the gentleman 2 additional minutes.

The gentleman has been a strong advocate of full funding for the land and water conservation fund for several years. He and his committee have worked diligently toward this end.

As stated in the report, the committee concurs in the opinion that land acquisition should be accomplished with the least possible delay in order to avoid to the greatest possible extent the rapid escalation of land prices we are experiencing today. The committee has recommended appropriations accordingly.

The committee would like to have recommended the full budget estimate of $380 million for fiscal year 1972. However, as pointed out on page 13 of the report, current indications are that a carryover of unexpended cash at the end of fiscal year 1971 will be approximately $357.5 million. This carryover balance combined with the recommended appropriation of $350 million will provide a total of approximately $707 million. Based on past experience, even this amount is in excess of what program requirements will actually be if an efficient and economical land acquisition program is administered.

Even though the committee has recommended a reduction of $25 million for assistance to States, the $255 million provided is $69.6 million more than was available in fiscal year 1971.

The committee understands the Office of Management and Budget placed an expenditure ceiling of $225 million on this fund probably for the reason that programs were not moving as fast as had been anticipated. I sincerely hope this will not be the situation which will prevail in fiscal year 1972. I certainly share the gentleman's feeling that the land acquisition program both for the Federal and State portions should be organized so that satisfactory progress can be made in the acquisition of these lands for the purposes set forth in the act. I can assure the gentleman, the Appropriations Committee is inclined to provide all the funds required for a sound and practical program.

Mr. ASPINALL. Mr. Chairman, I wish to thank the gentlewoman for answering these questions and thank the committee for their wise and effective consideration of the matter involved in the legislation before this.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, I want to take the opportunity, first, to commend the chairwoman of the Interior Subcommittee (Mrs. Hansen) the ranking member of the committee (Mr. McDade) and other members of the committee for their efforts in rebuilding the budget we have before us today.

In the hearings before the subcommittee, on which I have the honor of serving, I have always found the gentlewoman from Washington tremendously thorough and knowledgeable about the budgets and programs involved in the bill before this House. The gentleman from Pennsylvania, too, should be complimented for his knowledge and aggressiveness as a leading member of this subcommittee.

While this bill recommends a reduction of $5 million in new obligational authority below the 1972 budget requests, it is important to note that it makes additions in a number of important areas.

The funds available for education and welfare services and other assistance to American Indians, for example, were increased by over $66 million. This may seem high, but the problems presented to the committee are enormous.

One-third of all Indian homes have two rooms or less, and an estimated 66,000 homes are inadequate or in need of repair. Over 20,000 Indian homes will still lack running water and will have inadequate means of waste disposal. In 50 percent of Indian households, the income is less than $2,000. The rate of unemployment among the Navajo was 55 percent.

I think it is clear, then, just why these additional funds are needed.

This committee has added funds also for forest land management, forest research, and reforestation programs. Much of what has been said about the need for reforestation was confirmed during our hearings on this bill.

There are 5 million acres of land in our national forests which need to be reforested. At our present rate it would take 38 years to reforest that area, and 50 years to catch up on the timber stand improvement work which is needed—unless we accelerate our present rate of advancement.

This Nation loses up to 5 billion board feet of timber each year because we do not have adequate research in the area of forest insects. In light of the fact that we lost 556,000 acres of forest lands by burning last year, the largest figure since 1934, it is hard to question the fact that we can effectively utilize additional funds in this area.

The committee has added a significant increase of $4 million to aid our efforts to effectively manage our oil resources on the Outer Continental Shelf.

We learned during hearings that a major company probably spends 10 to 20 times more money to obtain information about lands to be leased by the Government than the Government itself spends to study the character and potential of offshore oil lands. That gap must be narrowed, as it will be with the adoption of this budget, if our Government is to obtain the kinds of information necessary to not only maximize our economic gains from the development of the Outer Continental Shelf, but to make sure as well that this development is carried out in a way which will insure the safety of our marine environment.

This committee should be complimented also for its increase in funds for research on techniques for surface mine reclamation and acid mine drainage problems. Five billion tons of coal have been taken out of the anthracite areas of Pennsylvania alone. Billions of tons more have been gouged out of land areas throughout the country. We heard that it would cost up to $1 billion to reclaim one river polluted by acid mine water.

But reclamation has been accomplished, with fast growing grasses, with the neutralization of acid soil, and with methods which make sure that acid mine water does not escape to contaminate streams.

To match our land reclamation problems with possible solutions, it will take money for research. I am pleased this committee has recognized that.

I hope the Members note, also, the degree to which this committee has expressed a concern over the environmental effects of strip mining.

The committee has urged:

> All contracts negotiated by public agencies funded in this bill, including leases and permits, for strip mining on public lands, contain meaningful and effective provisions requiring total reclamation within a reasonable period of all public lands disturbed by any strip mining process.

I would certainly hope that by this time next year the Congress will have passed legislation, introduced by Senator Nelson and Congressman Hechler, among others, which puts tight controls on the practice of all strip mining.

I should like to emphasize too, Mr. Chairman, this committee's recognition of several specific problems now associated with the Government's predator control program.

The Department of the Interior recently announced its own review of these programs, and the committee has directed that specific consideration be given in that review to:

First, insuring that all predator control programs be carried out so as to give maximum protection to birds, animals, and wildlife in an area;

Second, placing more emphasis on the supervision of persons who carry out Department predator control activities to make sure that Department guidelines are strictly adhered to; and,

Third, further efforts which can be made to develop control activities which make sure that only target animals are the victims of poison programs.

I frankly think the time is fast approaching for us to bring under control what is in effect a Government sponsored program for poisoning the environment. I am hopeful that the Department's study, coupled with the directions of the committee, will help us accomplish that goal.

With these additions, Mr. Chairman, and from reading the committee report on this legislation, it should be obvious that this budget makes some significant efforts to deal with serious problems in both our natural and social environment.

This bill represents a significant restructuring of priorities in environmental areas. For that we can all be pleased. There are nevertheless significant directions in public and private policy which are cause for serious concern, and I would like to mention just a few.

The Secretary of the Interior a few weeks ago, announced an accelerated schedule for oil and gas leasing on the Outer Continental Shelf which would include at least two major oil and gas lease sales each calendar year through 1975. These would take place in the Gulf of Mexico, the Gulf of Alaska, and off the Atlantic coast.

All of us are aware, of course, of the need for additional sources of energy, but we should have serious questions about the continued—let alone accelerated—development of offshore oil until we have the resources and technical knowledge to adequately cope with the environmental devastation which such drilling can cause.

Even more worrisome is the potential devastation which accompanies our oil transportation system. More than 50 percent of oil pollution is caused by tankers and other ships. And the problem with pollution from tankers is getting worse.

More and more tankers are plying the seas and they are getting larger. During hearings some of these tankers were characterized as "rust buckets in the fleet." Moreover, with tankers getting larger and larger, it is not improbable that one day the infamous *Torrey Canyon* spill, which poured 700,000 barrels of oil into the water, could be dwarfed by a spill from a tanker three to 10 times the size of the *Torrey Canyon.*

I might add also that in my judgment the most serious concern surrounding the Alaska pipeline as it is presently proposed is a necessary reliance on the use of tankers to transport oil from Alaska to the continental United States. Certainly, when any final decision is made on that project, this aspect of it ought to be given careful consideration and analysis.

Mr. Chairman, I mentioned before that in addition to advancements in the area of environmental protection, this committee also attempted to deal with some of the social problems over which it has some control.

Thus, this bill contains a significant increase, of about $23 million, for both Indian health services and facilities. That money is critically needed, but even a brief glimpse of the inadequacy of the facilities now available for 420,000 American Indians indicates future budgets must contain even larger increases.

While concentrated efforts have been made for many years to upgrade the health of our Indian and Alaskan Native populations, their general standard of health is still 20 to 25 years behind that of the general public. Their infant death rate is 40 percent higher than the rate for the population as a whole, and their death rate for tuberculosis is 350 percent higher.

The Indian Health Service operates 51 hospitals, but 22 of these are badly in need of replacement.

Much remains to be done. We need to attack malnutrition and alcoholism and provide enough psychiatric care for our Indians in an attempt to bring down a suicide rate which is twice as high as that for the general public.

Lastly, Mr. Chairman, I would like to say a kind word for the support we have given to the National Foundation on the Arts and the Humanities. Some persons question the need for Government support for the program. But I think it is useful to point out that the funds provided in this bill for this program represent less than three-hundredths of 1 percent of our entire Federal budget. Surely a civilized and sensitive people can afford at least that kind of investment in this area.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I am highly impressed with the outstanding work of the distinguished chairman and members of the Subcommittee on the Department of the Interior. This, of course, is one of the most important bills which the House must consider. It relates to a very significant portion of the natural resources of American and the guidelines which are provided have much to do with the preservation and the sound management of those priceless assets. In this time of enlightened concern over the future of forests, and wildlife, the safeguarding of open spaces, and the ecology, and the protection of the beauties of nature for future generations, the appropriations for the Department of the Interior are of vital interest to us all.

I strongly urge that my colleagues in the House study in detail the report on the bill which is now before us. There just is not any other way to comprehend the widespread scope of the work done by this subcommittee or the importance of the subjects with which it treats among many other items. It includes the funding of new park areas, the improvement of America's impressive recreational assets, and the financial support necessary to carry forward the work of the Department itself.

In particular, do I want to express appreciation for this year's recommendations on forestry appropriations. The forests of America are one of its greatest assets, but it is not generally known that the operation and management of publicly owned forest resources constitute one of the Nation's major enterprises. These hundreds of millions of acres not only are important from the standpoint of timber, but they provide a priceless asset in fish and wildlife resources, mineral resources, and recreational assets. To a considerable extent, the Government's forest resources are self-sustaining.

However, this is only one of the important features of the forestry program. Under the direction of the Forest Service, there is forest research in which the Government must take the lead. There is State and private forestry cooperation, a program which carried on in cooperation with the States encourages private timber management. There is the operation of the cooperative forest fire control program conducted with the States, and without which the Nation's forest resources would quickly be lost to uncontrolled fires. In all of these, the subcommittee has wisely provided sound increases which will help to insure a better tomorrow in America's outdoor assets. This bill does more for forestry, all of it needed, than any bill in years.

I am especially pleased that the first full year's funding of the Gulf Islands National Seashore is included in this bill. This wild and beautiful and historic coastal area of Florida and Mississippi is to be protected henceforth and will become an integral part of the Nation's park system.

I am very happy at the action of the House of Representatives in making available for the seashore $2,034,735 for this purpose. This will continue the work instituted earlier this year in acquiring land and staffing the offices in Pensacola and Biloxi.

The money is principally for land acquisition, but it will also provide for an interim staff of 13. When in full operation, the seashore will require the services of 89 permanent employees and approximately 200 seasonal employees, plus contract personnel who will be required to operate concessions. This involves parts of Santa Rosa Island and of the Perdido Key beaches, the Naval Live Oaks Reservation, and the historic forts in the Pensacola area. The seashore will preserve some of the most important sites in Florida's long and important history and, in combination with the magnificent beaches and woodlands which will be included, the park is expected to be one of the principal points of interest in the Nation. The Department of the Interior predicts that millions of visitors annually will come to the park when it is in full operation and it will be well worth their time.

The members of the Interior Subcommittee, working under the chairmanship of our distinguished colleague from Washington (Mrs. HANSEN) have labored long and hard to arrive at one of the best Interior appropriation bills that I have seen brought to the House. Theirs has been no easy task, but the subcommittee has done its work well.

The bill appropriating funds to the Department of the Interior for fiscal year 1972 is important, not only in terms of the immediate impact on the recreational lives of Americans, but on the importance of the future of maintaining free, open, and wild spaces as well as important natural resources for mankind.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I take this time to ask a question of the gentleman from Pennsylvania (Mr. McDADE).

I notice on page 2 of the committee report there is a very substantial decrease of $82 million in forest fire control. While I understand the situation, I believe it would be helpful if the gentleman could respond to some inquiries. I believe it would be helpful to have it on the record.

I wonder if the gentleman from Pennsylvania could explain why the decrease? Are these funds in the pipeline, or are they deleted for some other specific reason?

Mr. McDADE. Mr. Chairman, if the gentleman will yield, let me say to the gentleman from California that this decrease occurs because we have paid that amount of money in the last fiscal year as the actual cost of fire suppression on our public lands.

I would further state to the gentleman from California that we do not normally appropriate money for this activity until such time as a fire occurs and thereafter when bills are submitted and approved we appropriate the money to pay for these costs.

We are extremely hopeful, in fact, we have appropriated $2 million as an increase to try to find additional ways to fight fires on our public lands, that we will not have to appropriate that amount of money in the next fiscal year, because we may have found some new methods of fire control.

Mr. DON H. CLAUSEN. I thank the gentleman.

Serving as I do on the Committee on Public Works, which handles disaster relief legislation, I can assure the Members that we definitely need to maintain the best of programs for forest fire control.

I appreciate the response of the gentleman from Pennsylvania and, in particular, the reference to research funds.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

Mr. Chairman, I take this time of the Committee to direct a question to the gentlewoman from Washington, the chairman of the subcommittee.

I ask the gentlewoman from Washington, the chairman of the subcommittee (Mrs. HANSEN) if there are any funds provided in the bill for planning for the school expansion at Rocky Boy?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I would state to the gentleman from Montana that there are no funds spelled out for planning for the Rocky Boy School, and I will explain why.

We requested the BIA to give us the details on this particular school so that we could consider them. They told us that the land did not belong to the Bureau of Indian Affairs, but to the school district. They did not provide us with the complete details. However, I may say they wrote a letter saying that they were enthusiastic about the program. They have $685,000 for advance planning, and they also have $2,387,000 for project design drawings, so if their enthusiasm for this project is so great I would say to the gentleman from Montana (Mr. MELCHER) that there should be no problem in getting the BIA to begin the planning work on the Rocky Boy School. It would be a matter of their realining their priorities. I recognize the problem of this kind of facility in Montana.

Mr. MELCHER. I thank the gentlewoman from Washington, and I would ask the gentlewoman then if the ownership of the land, as reported by the Bureau of Indian Affairs, has been straightened out, then, so that funding could now go forward?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Apparently ownership of the land is no problem. But if the BIA and all those involved would provide complete detail at a sufficient early date, we could consider these matters more effectively. Apparently they think the Committee on Appropriations is going to continue in session on a particular bill indefinitely.

The gentleman understands, of course, that at this point with relation to the BIA schools, we are trying to make a complete evaluation of what schools should be operated by BIA and what public school facilities should be utilized.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. McDADE. Mr. Chairman, I yield 3 additional minutes to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I thank the gentleman. I yield to the gentlewoman from Washington (Mrs. HANSEN) further.

Mrs. HANSEN of Washington. In other words, may I say to the gentleman from Montana, in order that our best dollar value be achieved and also that we give the kind of education that the Indian child is entitled to, we very carefully weigh where the money should go—to public or Indian schools. It is hoped to get as many as possible in the public schools wherever the facilities are available and the land is available and where the arrangements are made. So I do trust the Bureau of Indian Affairs will be able to develop a meaningful and practical policy in this connection.

Mr. MELCHER. I thank the gentlewoman for her kind assistance with reference to this matter.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. Chairman, I would like to direct a question to the chairwoman of the committee with regard to page 29 of the report—$1,600,000 is provided for an additional 150 positions for the field health activities.

I would like to ask the chairwoman if this money is available to be used in Community Health Representative programs on the various reservations that have requested it?

Mrs. HANSEN of Washington. The $1,600,000 is provided for an additional 150 positions for field health activities. The Department tells us that this is the number of people they can recruit and train and it is for the reservations where the priority need is.

Mr. ABOUREZK. Yes, and specifically I would like to establish whether or not the funds are to be used for community health representative programs, or for some other programs.

Mrs. HANSEN of Washington. No, this could not be used for other purposes. This is provided specifically for field health activities.

Mr. ABOUREZK. I thank the gentlewoman.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I would like to ask the chairwoman of the committee a few questions because I have planned to offer four amendments to the appropriation bill, and perhaps her answers might clear up the matter so we do not have to offer these amendments.

First, on page 5, line 19, and I am specifically addressing myself to the employment assistance funds for Indians—the bill, as reported out, provides $380,000 less than was requested by the committee. I am having some difficulty in understanding the cutback—in view of the unemployment rate in the country generally and according to a study published by the Joint Economic Committee in 1969, the unemployment rate for reservation Indians in 1967 was 37.3 percent. 1967 was a year of overall economic boom; the national unemployment rate was 3.8 percent. Today, Indian unemployment has increased as has national unemployment.

Mrs. HANSEN of Washington. I will be very glad to explain this item.

The only amounts by which the committee reduced the budget estimate was a token reduction in pay costs and $150,000 which, as I explained a little earlier, we transferred because young people have been influenced to go into the direction of vocational grants rather than having an opportunity for college. We put an additional $100,000 into college scholarships for legal, nursing, and medical students because so few have an opportunity to pursue those professions. We also provided $50,000 for provision of higher educational facilities for the Navajos.

The rest of the decrease below 1971 shown below in the report table represents 1972 pay increase costs which were not prorated to the subactivities.

Mr. DELLUMS. I thank the gentlewoman.

My second question goes to the category of Indian arts and crafts development. There was a rather modest sum of $13,000 that has apparently been cut from this item, or at least that is my interpretation of it. Can the gentlewoman inform me the reason for that cut?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. The same reason I have stated applies to this item—the lump-sum 1972 pay increases at the bottom of the column shown in the report table have not been prorated to the sub-activities.

Mr. DELLUMS. My next question goes to the National Foundation of Arts and Humanities. I had planned to offer an amendment which would restore a

$2 million cut by the committee. The amount in the bill is $2 million less than what was requested. Can the gentlewoman give me the justification for the $2 million cut?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. For fiscal year 1971, if the gentleman will recall, the humanities received about $1½ million less than the arts. Throughout the years there has been a formal State grant program by the National Endowment for the Arts. Next year the humanities plans to start a modest State program but no one is sure at this time how successful the program will be. So to try to equalize for the differing State programs, the committee gave the humanities $2 million less than the arts.

May I say to the gentleman that no one is more deeply concerned than the committee relative to the humanities, because most of us realize that our Constitution comes down from an understanding of the humanities.

Mr. DELLUMS. I thank the gentlewoman. I am sure the Chairman agrees that the Woodrow Wilson National Center for Scholars is obviously an extraordinary program. I was planning to offer an amendment which would restore the $750,000, but I learned from you in informal conversation that this figure will be realized. Can the gentlewoman explain that again?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. The Office of Management and Budget saw fit to put $130,000 of 1971 appropriated funds in reserve. They will free those this July 1st, and make available the total budget estimate of $695,000; so there will be about the same operating level of funds available in 1972 that were provided for 1971. We hope that none of this appropriation is put in reserve again.

Mr. DELLUMS. My last question, Madam Chairman, is this: Obviously, being new to this body and trying to research some of the history of congressional action, I have learned, as is often the case, the Senate tends to appropriate at a higher level than the House. I was wondering if that should take place on the Senate side with respect to the Interior appropriation bill, would the committee see fit to support those increases?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. We usually sit down and have a thorough discussion of the bill. I may say that the other body is as deeply concerned about these programs we are funding as we are.

The conference report we bring back for House approval may be higher than this bill because the Senate is considering several budget amendments that were received too late for House consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THONE. Mr. Chairman, the House of Representatives is today considering legislation that includes the appropriation for the National Foundation for the Arts and the Humanities, and it is my hope that the Congress will strongly support this request. My interest in this program has been reinforced by the enthusiastic support of Dr. D. B. Varner, the crackajack good chancellor of the University of Nebraska. Dr. Varner, long active in the development of the arts and humanities, feels that this program should be high on our list of priorities. I agree.

For many years the United States has lagged far behind in cultural achievement, because of the absence of a national commitment to improving our standing in the international cultural community, as well as the absence of the environment and facilities necessary to allow for the development of our talent in these fields. This is no longer the case. Since the inception of the National Foundation for the Arts and the Humanities in 1966, the United States has begun to take its rightful place among the leading cultural nations of the world. But there is much to be done if we are to fully realize our potential and continue to make a meaningful contribution.

The development of the arts and humanities is essential if we are to utilize the talent available and provide man with great art, literature, poetry, and theater—all necessary to a civilized society seeking understanding, knowledge, and beauty.

All of the major nations of the world recognize their responsibilities to cultural achievement, and it is imperative that the United States be willing to provide the necessary tools for the development of its own cultural achievements.

The National Foundation on the Arts and the Humanities is the tool. During its few short years of operation, the Foundation has brought culture to the underprivileged who might otherwise never have experienced it and has supported and encouraged our youth in realizing their talent. The Foundation has strengthened every aspect of the performing and nonperforming arts, has assisted in providing communities all across America with permanent facilities for the continued development of its cultural community, and has provided support for artists to enable them to pursue their careers in the arts. These are just a few of the contributions made by the Foundation, and their plans for the future are more exciting than ever.

There are programs to preserve our history through assistance to museums, historical societies, and educational programs; to support and preserve the cultural history of America's minority groups; to bring to communities all across the country theater, art, sculpture, and literary achievements; and, perhaps most important of all, to provide our youth with a cultural heritage that will be second to none.

Mr. Chairman, the tempo of the times demands that man have some respite from the hustle and bustle of everyday life. The National Foundation for the Arts and the Humanities can provide that respite, but it must have the support of Congress and the American people if it is to continue to grow, to contribute, and to serve.

Nancy Hanks, Mike Straight, Wally Edgerton, the distinguished Councils on the Arts and Humanities, and their most effective barrister, Larry Reger, are to be complimented on the superb administration of this program.

Mr. McKAY. Mr. Chairman, I should like to commend my colleague from Washington and the members of her subcommittee on the fine job they did in producing a most difficult bill. In reviewing the administration budget requests I was highly concerned about the insensitivity shown to many of the needs of our Western United States. I was distressed, for instance, at the administration's lack of concern for the difficulty the Golden Spike National Historic Site would have faced had it lost the locomotives which are so integral a part of its appeal. I was distressed because the administration cut the budget for Flaming George Recreation Area at a time when the number of visitors there is increasing by 7 percent per year. I was concerned by the snails pace at which the access road construction was proceeding at Canyonlands National Park. I was concerned because the administration failed to ask for Clarke-McNary funding to the level of authorization and because the shrub research program did not receive the attention it deserved.

Our colleague from Washington and her subcommittee corrected these unfortunate oversights. Her awareness of and sensitivity to the area of responsibility within the purview of her subcommittee, indeed is remarkable. One difficulty in the administration budget she was unable to correct was its inadequate request for funding oil shale research. Increasing appropriations is of no avail when the administration has minimized the importance of the project and provided no initiative. The rate of depletion of our oil resources has been the subject of many speeches and articles and the development of shale oil has been discussed as a potential new source of this valuable fuel, but environmental and technological problems need to be overcome before this potential can be realized. It would be inappropriate for me to take the time of this body at this time to discuss the formidable problems in this area and some of the imaginative proposals for overcoming them, but I do want to point out that studies by the Department of the Interior and private industrial groups and hearings before a congressional committee have pointed out that any program in developing this resource will require substantial participation by the Government.

The amount requested by the administration reflects its lack of enthusiasm for the challenge of oil shale development. Our colleague from Washington and her committee have shown their interest in this enterprise by giving the administration all that it asks for. It is up to the administration to take the initiative in the future and see to it that this resource is available before the need for it is upon us.

I shall call upon the appropriate officials regularly to obtain this action. Once again, Mr. Chairman, may I commend Mrs. HANSEN and her subcommittee for the keen awareness of the problems of this Nation.

Mr. ICHORD. Mr. Chairman, I rise to support passage of H.R. 9417, but I also want to take this opportunity to express my appreciation to the distinguished lady from Washington, Mrs. JULIA BUTLER HANSEN, for the tremendous task she and the subcommittee have just finished. Mrs. HANSEN has and indeed deserves utmost praise and admiration for a "big job very well done."

H.R. 9417 in its entirety is a good bill and it does contain 3 line items in which I have been expressly interested. It is of paramount importance to me that funds for forestland management have been increased above the 1972 budget estimate. That $210,000 of the appropriation is allocated to be used in Clark National Forest in Missouri for "wildlife habitat management and stand improvement" is "good news."

Wildlife habitat is an area which is now recognized as being in the "critical shortage" category. Attention must be given, therefore, to wildlife habitat as it is included among the Nation's shrinking natural resources. In the last decade conservationists have alerted both State and National Government entities to the fact that in the not too distant future, the "demand will outweigh supply." The time may be "later than we think."

The Nation's abundant and rich resources are the natural treasury with which we have been endowed by the Creator. Certainly, no one will deny that they are the basic reasons and the buttress of our greatness as a people and as a nation, and as legislators we have the obligation of preserving these natural resources for posterity. Many species of valuable wildlife in Missouri and the Nation are rapidly becoming extinct, because of diminishing habitat areas, and unless positive action is taken very soon to provide maximum funds for research in wildlife habitat, it is going to be too late too soon to insure adequate populations of wildlife. Such species as prairie chicken, migratory birds including mourning doves, to name only two important ones, may soon be "species of the past," so any further delay in providing the necessary research funds could and would, most probably, become false economy.

Personally, I believe it will be far less costly to face these matters now and sagaciously plan ahead than to later adopt crash programs and "grandiose" projects as we have in other areas of conservation.

H.R. 9417 also provides for the construction and development of Roby Lake in Texas County, Mo. Roby Lake will become a foremost recreational facility in my area of Missouri and offers camping, picnicking, swimming, hiking, and horseback riding for over 30,000 visitor days annually. The $89,000 recommended by the committee will cover the total cost for the actual construction of the dam and facilities. The outlet works, needed land, and plans and specifications have already been acquired. I have worked for some time in behalf of this project which is urgently needed in the surrounding rural areas. The economical and recreational benefits far outweigh the construction cost.

In addition, Mr. Speaker, I support the $3.5 million be added to the budget estimate for the 50-50 cooperation of the Federal Government with State governments for forest fire control authorized under the Clarke-McNary Act which will bring the total appropriation to $27,741,000. In view of the fact that in the last 10 years wildfires have destroyed great areas of timber land all over the country causing billions of dollars in damage, we certainly must make every effort to strengthen fire prevention and law enforcement efforts to reduce the number of man-caused fires. Additional State facilities, ground equipment as well as new aircraft units are desperately needed for the States to effectively control forest fires, and I am very much in favor of the increased appropriations for this purpose.

H.R. 9417 has my complete support.

Mr. MAYNE. Mr. Chairman, I rise in support of the committee's recommendation that $61,460,000 be appropriated in new budget—obligation—authority for the National Foundation on the Arts and the Humanities, as stated in title II of H.R. 9417.

Although the bill as reported by the committee provides $2 million less than requested in the budget for salaries and expenses for the Endowment for the Humanities, and provides $101,000 less than the budget request for administrative expenses for the Foundation and the endowments, the committee otherwise approved appropriations for the Foundation as requested in the budget. The bill provides $28,150,000 more than was appropriated for fiscal year 1971. In addition to these appropriations, it is estimated approximately $7 million will be available to the Foundation in this next fiscal year through gifts and donations.

The largest proportionate increase in funding provided in the budget and in the bill will go into programs designed to increase creativity, increasing fellowships for painters, musicians, photographers, and experimental art programs. In the humanities, the largest single increase will go to programs to "bring the humanities closer to the average citizen." The Endowment for the Arts expects to add a program to help opera and choral groups, and to increase aid to museums.

The Arts and Humanities Act of 1965 has had broad bipartisan support since its first enactment, as did the extension of that act enacted in the last Congress. As President Nixon said in December, 1969, upon his urging extension of the authorization:

> The attention and support we give the arts and humanities . . . represent a vital part of our commitment to enhance the quality of life for all Americans.

The Endowment for the Arts and the Endowment for the Humanities both have significant contributions to the effort to encourage art and humanistic study and research and to broaden opportunities for public consumption.

Through the activities of the State Art Councils alone, the Endowment for the Arts has made it possible for programs in the various arts disciplines—the visual arts, theater, literature, dance, architecture, music, and arts education—to reach into the lives of more than 30 million Americans. It would indeed be tragic if we did not continue and enlarge upon this stimulation and encouragement to the works of artists and scholars so that their works might become even more broadly available throughout the land to enrich the lives of all citizens.

As President Nixon has pointed out, both of the two agencies comprising the Foundation—the National Endowment for the Arts and the National Endowment for the Humanities—have developed programs that reach far beyond our major cultural centers, "reaching more people than has ever before been possible."

When the legislation authorizing continuation of the National Foundation on the Arts and the Humanities was before the House last June, I brought to the attention of my colleagues on the House floor various articles and editorials from newspapers in my Sixth Congressional District of Iowa, praising the National Humanities Series team visit to Cherokee, Iowa, a community which had already demonstrated its interest in the humanities. The National Humanities Series, developed by the Woodrow Wilson Fellowship Foundation and funded by the National Endowment for the Humanities, was presented by teams last year to this 30 communities throughout the Nation in a program designed to make the humanities—literature, philosophy, art, music, film—relevant to the everyday life of "rural" residents. This program was highly experimental—but it has proved very worthwhile and should be continued and expanded. As a Cherokee Daily Times editorial of March 5, 1970, declared, the Humanities Series was "Food for the Soul," which "if partaken of by us, can give us broader perspective and understanding toward those around us."

Other types of projects of the Humanities Endowment have also helped humanists "stir people to think." Among these have been films and television programs using the humanities, such as the historical documentary "The Trail of Tears." The endowment has also funded workshops and internships for training workers needed desperately by historical societies and museums. Through these efforts the endowment has supported preservation for future generations of actual objects which are part of the American heritage.

As former president of the Sioux City Symphony Orchestra, I must admit special interest in the Arts Endowment's efforts during this current fiscal year in expanding and improving public service and quality of many of the fine orchestras of the land. In many cases these symphony orchestras could have gone under without this small but significant assistance; instead, they are thriving—but from time to time they may need a modicum of help to get them through rough times

An article in Cultural Affairs last fall stated that gross expenses in 1968 for the 88 orchestras with budgets of more than $100,000 were $66,794,000 against earned income of $33,842,000.

As Mrs. Lee Bliesman of Denison Iowa, a member of the Iowa State Arts Council, stated in a recent council newsletter:

> The arts in smaller communities and rural areas are somewhat different than in the cities. We do not have art museums with fine collections of art. Nor do we have nine foot concert pianos readily available.
>
> Ah, but we do have a tangible hunger for the very same cultural enrichment our city cousins have at their fingertips.
>
> There was a time—just a few short years ago—when a rural community could not finance programs by performing artists or were even aware of the fine arts available. What a difference the Iowa Arts Council makes! This central communication center has joined all 99 counties together with a common purpose—to give artists an opportunity to perform for appreciative audiences. With a minimum of funds and a maximum amount of enthusiasm every community, big and small, can enjoy the best that Iowa has to offer in the creative arts. The increasing number of community arts councils is a strong indication that we realize where there are no art patrons there can be no great art.
>
> In a country described as being the most art conscious and receptive in the world it is no mystery why Iowa has a growing appetite for improving the quality of its environment.

I would add my commendation for the work of the Iowa Arts Council, and note that this activity would not be possible without the support it receives from the National Foundation.

President Nixon has shown keen awareness of the great potential of the National Foundation on the Arts and the Humanities for stimulating and improving America's cultural life, accurately stressing the urgent need for protecting and improving our cultural environment, and realistically defining the Federal role in attaining this objective as supportive rather than primary.

The fact that the President and the House Appropriations Committee recommend the substantial increase in funds for the Foundation contained in the bill now before the House, and the fact that this House and the Senate will, I predict, approve this funding, proves that the Nixon administration and this Congress are not just working for our country's material progress but also have deep concern for things of the spirit.

Miss Nancy Hanks has more than fulfilled President Nixon's and the Congress' high expectations in her service as Chairman of the National Council on the Arts. With the full backing of the President, Miss Hanks has developed a very effective program. The funding provided in the bill before the House will enable Miss Hanks and her great team of dedicated men and women to continue to implement these programs. I urge my colleagues to support the appropriation for the National Foundation for the Arts and for the Humanities as reported by the House Appropriations Committee, and to defeat any amendments proposing to reduce that funding.

Mr. FRASER. Mr. Chairman, I strongly support the work done by the Subcommittee on the Interior of the House Appropriations Committee under the extremely able leadership of its chairwoman, Mrs. HANSEN of Washington. This subcommittee has taken two major steps to improve the Federal programs assisting the Indian population of the United States, particularly the urban Indian population.

The first step is in the form of a directive to the Bureau of Indian Affairs. In the report filed by the House Appropriations Committee, House Report 92–308, the committee calls for a reassessment by the Bureau of Indian Affairs of its relationship to the thousands of Indians who live off-reservation. As the report notes, these urban Indians account for 40 percent of the entire Indian population in our society. Further, the committee directs the Bureau to make available to any urban Indian the referral and employment services which are presently only provided for a small number of those Indians living in these settings. This mandate, given to the Bureau of Indian Affairs, emphasizes the congressional intent to deal with some of the major problems facing Indians in cities.

The committee took another major step on behalf of urban Indians. The committee approved funding for a pilot urban health project in Minneapolis, to be funded under the Indian Health Services Division of the Department of Health, Education, and Welfare. The $150,000 earmarked in the report filed by the Appropriations Committee for this project would permit the development of an important health project to serve the health needs of the Indians in Minneapolis. The following letter, from Dr. Jean Smelker, which I will submit for the RECORD, provides startling information as to the health needs facing urban Indians. I particularly want to commend Mrs. HANSEN and the members of her subcommittee for indicating their support for this especially important project.

The letter follows:

APRIL 23, 1971.

Congresswoman JULIA BUTLER HANSEN,
*Chairman, Subcommittee on Appropriations, Department of the Interior, Washington, D.C.*

DEAR CONGRESSWOMAN JULIA BUTLER HANSEN: My name is Jean Smelker, and I write to you as a private citizen. Let me give you a little perspective, so that you may better understand my writing. I am a physician, the director of the Community-University Health Care Center and Assistant Professor, Department of Family Practice and Community Medicine at the University of Minnesota. For the first twelve years of my professional life I was in private practice in Topeka, Kansas, limiting my field to the care of children. For approximately 10 of those years I was also a pediatric consultant for the Indian Public Health Service at Holten, Kansas, and the "unofficial" physician to the majority of the "Urban" Indian children, living in the adjacent Shawnee county, but ineligible for services because they lived in Topeka. For the next three years I was the clinical director of Children and Youth Project No. 641 in Topeka, Kansas. This project delivered continuing, comprehensive health care to primarily minority children in a poverty area of Topeka and during the last year in which I was associated with this project, we elected to serve the Indian children throughout Shawnee county, as well as those living in the more circumscribed area which the project served. In the summer of 1970, I moved, with my family, to Minneapolis, Minnesota and was fortunate enough to step into the recently vacated position of clinic director of a sister project, Children and Youth Project No. 603A, the University of Minnesota's sub-project of the larger Minneapolis Health Department C and Y Project.

One very unique feature of the Minneapolis sub-project is its location in an area where the American Indian population is most heavily concentrated. Geared to serve, in depth, the health needs of low income children in its catchement area and blessed with an evaluation system which is without question the most elegant ever devised for health purposes, the potentiality for studying the health needs and behaviour of the urban Native American has, unfortunately, only recently been fully recognized. The fact that, after four and one half years of operation we are just now beginning to ask "what is comprehensive care for the Indian child (of what does it consist?") is perhaps not merely a reflection of our own stupidity. It seems to be a question that few have asked and fewer still have answered. Building upon the recent survey, done by Minnesota Systems Research, on Health Needs and Behaviour of the Indians in Hennepin County, we are in the process of restructuring our program to get some answers to health needs of urban Indian children. Fortunately, we have some figures to turn to and build upon.

We learn from the foregoing report done by Minnesota Systems Research, that there are approximately 12,000 to 15,000 Indians living in Hennepin County, with the most of them concentrated in the area which our clinic serves. Our project is geared to serve roughly 2,500 children, given our current budget and staffing. About one third of our registrants are Indians under the age of 18 years. This would suggest that our "sample" is roughly that which represents a need eight to ten times as great as we are able to serve. Considering that our outreach has not been one of the strongest elements of our program as far as the Indian population is concerned, the estimate of real and even greater need is probably much greater.

It is possible to break these health needs down into two main categories; those needs related to poverty in general and those which have perhaps a genetic, and certainly at least a cultural or ethnic basis. Undoubtedly there will be some overlapping, but for the sake of simplicity perhaps we can begin here. How health behaviour modifies the needs and fulfilling of these needs is of course a very complex business, but one which cannot be wholly ignored in this discussion either. As a baseline regarding some health needs associated with poverty, let me quote some figures which suggest how some of the urban Indian's health statistics may be related to socio-economic factors, when needs for better jobs, better housing, better education (some sort of stability and/or security?) in short, the need for more dollars. The median number of Indian persons living in the same dwelling is 2.85 in our area. 49.77% of households surveyed receive welfare support, of those not receiving such support 27.41 have a yearly income of $3,000 or less, 37.15% earn between $3,000 and $6,000 and 24.75% earn more than $6,000 per year. Almost half of the households have children of school age and one out of three of these households reported school difficulties due to health problems. In 42.67% of the households surveyed no male over 21 years of age or older is present, in 45.78% of the households at least one person is employed. The median number of years of school completed for this group is 9.89 years. 65.77% of those surveyed do not have a drivers license and only 28.88% of the households have a car available during the day. Almost half, 49.78% of the households, do not have health insurance coverage. The median length of time lived in the present dwelling is 1.11 years, which means that urban Indians move almost once a year within the city. (Shorter time of residence in a dwelling is clearly linked with lower income.) The median length of residence in Minneapolis is 8.95 years and the longer the length of residence in the city, the higher the income tends to be. Just over 81% of the households had someone receiving medical care within the year, one-fifth of that care was received in private situations, one fifth in government-supported centers (including ours) and three fifths in emergency rooms or out-patient departments. Fortunately, almost all pregnancies receive medical care during delivery and most receive at least some pre-natal care. Although 8 out of 10 households judged someone to be in need of dental care, in one out of four households none has received dental care in the past two years. (Two out of three dental visits are for extraction or filling.) An overwhelming 84.88% of households stated that they had no money available for medical care and interestingly almost the same percentage of those interviewed would prefer free medical and dental care versus paying a small fee. Not surprisingly, 94.21% of the households would like to go to a health care clinic with Indian employees. At the time of the interviews, in the fall of 1970, nine-tenths of the respondents would seek future non-emergency medical care in the Twin Cities area and almost all would seek emergency care there.

Three out of five would seek their emergency care at the county hospital and two out of five would seek their non-emergency care in the clinics there (suggesting this is the only real possibility open to them in most cases). Although we are in the midst of collating our figures, one of the most obvious health problems related to poverty seen at our clinic, in the pediatric population, is the marginal nutritional adjustment which so many Indian children have. There is simply not enough money for adequate food in a good many households. Much of the chronic illness, the recurrent infections, must certainly be related to this single factor. Especially in the winter time, the respiratory infections which are almost universal and unending, can in part be related to the inadequate housing as well as to the poor nutrition. Certainly the learning disabilities so common in inner city school populations, are again related to factors that are influenced by poverty and the kind of medical care available to the poor. Most of the new cases of tuberculosis identified in Minneapolis last year lived on the near south side. Problems of alcoholism, suicide and general depression are found, as with all poverty groups. The crossfire of cross-cultural pressures undoubtedly increases the problem. Among Indian children in our area, otitis media—middle ear infection—and its attendant short and long-term hearing handicaps stands out as a problem of major proportion (much as it does in other Indian populations).

Having to stand by and watch—or learn later of—many high risk urban children and their elders as they "fall through the cracks" of existing health services in the cities, I urge your committee to move vigorously towards some realistic plan for health care of the urban Indian. I also urge you to carefully consider the kind of health care system that should be provided for. Experience, amply documented, of comprehensive health care services given over the past four and a half years to some 440,000 children in the Children and Youth Project programs has demonstrated that such care can change the disease pattern of the population it serves. Certainly a change in the morbidity and mortality statistics in the American Indian population is much to be desired. The C and Y experience has also demonstrated quite conclusively the high cost of episodic services, which in most cases is the only kind of care now available to the urban Indians I am acquainted with, both in Topeka and Minneapolis. Although episodic care may relieve the pain temporarily, it does nothing to change the overall disease pattern, in short it is only a temporary favor to those it serves and should not be seen otherwise. The time to provide for continuing comprehensive health care services to the urban Indian, in a way which is accessible to him, available in terms of cost and acceptable to him seems long over due to those of us who have had to be a party to makeshift care for so long. It seems to me that decisions made by your committee could go a long way towards helping to correct this situation.

Sincerely,

JEAN H. SMELKER, M.D.,
*Director, Community-University Health Care Center.*

Mr. VANIK. Mr. Chairman, I was pleased to learn in my discussion with the distinguished Member from Washington, Mrs. JULIA BULTER HANSEN, chairman of the Interior subcommittee, that no funds are appropriated in this bill for the helium fund for fiscal year 1972.

However, it is not clear whether the Government can continue to make purchases and payments out of the helium fund, in which the Government investment is estimated at $403.4 million by June 30, 1972. Of this investment, $288.3 million will be owed to the U.S. Treasury, leaving a net investment balance of $115.1 million.

Apparently it will be necessary to change the basic law to prevent incursions or misuse of the helium fund. It is my intention to prepare legislation which will terminate the legislative authority for the program in order to prevent continued wasteful expenditure by the Federal Government.

The offshore oil leasing program is also of grave concern to me. In the Wall Street Journal, of May 13, 1971, it was stated that—

> For every eight dollars spent for federal offshore leases in the Gulf of Mexico in the last three bonus bidding sales, only one dollar has been spent in actual exploratory drilling.

On that same day, I addressed a letter to the Secretary of the Interior, the Honorable Rogers C. B. Morton, directing his attention to this article stating:

> It seems to me that the federal gas and oil leases should provide that the lessee must exercise prompt and scheduled drilling and pumping, or suffer the termination of his lease. If the federal government is permitting lessees to option off these huge reserves and freeze them from production, it would be contrary to the public interest, would limit American produced supplies, and would increase consumer costs by keeping producing areas out of production.

Thereafter, on June 11, 1971, I was advised by Mr. W. A. Radlinski, Acting Director of the U.S. Department of the Interior Geological Survey that—

> There are no specific contractual requirements in OCS leases for drilling and production within time periods occurring prior to the termination of the 5-year primary term. However, we believe that the present method of competitive bonus bidding for OCS leases encourages both early production and complete extraction. Bonus bidding insures that the operation is undertaken by a capable and financially responsible operator, assures a fair value to the government, and provides efficient lease sale evaluation and administration by the government. The successful bonus bidder is generally quite optimistic about finding oil or gas and has backed this with a substantial amount of money. The lessee will begin exploration as quickly as possible in order to recover his capital or take a tax deduction on his loss.
>
> The term of OCS leases is five years and as long thereafter as oil or gas may be produced in paying quantities or approved drilling or well reworking operations are conducted. This is a relatively short period of time to establish actual production in the offshore environment. The Department of the Interior strictly enforces its rules and regulations requiring diligent development and production of leases. These rules and regulations were developed pursuant to the Outer Continental Shelf Lands Act and represent the maximum feasible standards on performance by lessees.
>
> There are several justifiable reasons to delay development drilling or to leave wells shut in for a period of time on an OCS lease such as; distance from existing pipelines; time to develop additional reserves, construct development platforms, acquire Federal Power Commission certification, or time to negotiate a sales contract. The Department is closely investigating each non-producing lease which is in its extended term. If circumstances warrant such action, additional development and production will be required within a specified time or the lease will terminate as a result of disallowing additional suspensions of production.

It seems to me that in the granting of mineral right leases on the submerged lands of the Outer Continental Shelf there should be a legislative requirement that development and production occur within a mandatory time frame as a condition of the lease.

If official policy does not compel development and production on a realistic timetable, these new fields may not contribute to solving the alleged gas and oil shortage problem.

It would be tragic to sell off mineral rights which belong to the people of the United States to purchasers who endeavor to keep the resources off the market to suppress production in order to protect pricing policies.

Mr. FASCELL. Mr. Chairman, the Appropriations Subcommittee on the Department of the Interior, under the leadership of its able and distinguished chairman, JULIA BUTLER HANSEN, has again demonstrated its longtime commitment to the preservation of our natural resources and open spaces.

The bill before us today provides the funding necessary for vital land acquisition in national park areas throughout the country. Approval of the committee recommendations will provide $10 million for land acquisition in the Everglades National Park in south Florida as well as $2.945 million for acquisition in the Biscayne National Monument. Funds in the fiscal year 1972 budget for Biscayne National Monument will complete acquisition in that area under the current authorization.

The determination to proceed expeditiously wherever possible with land acquisition is a wise one from both an economic and efficiency standpoint as well as from a conservation standpoint. We all have seen difficulties developed with escalating land prices—often resulting in a timelag between authorization and acquisition of as much as 20 years. Not only is this inequitable to private property owners, but it inevitably costs the Federal Government additional money.

From a conservation standpoint, it is vital to the preservation of unique areas that all land within a park's boundaries be administered by the National Park Service. Allowing private "inholdings" to remain endangers the whole area.

I congratulate our colleague, Mrs. HANSEN, for her longstanding record as an advocate of conservation. We are all indebted to her and the subcommittee for their foresight. I thank them in behalf of all of south Florida and the hundreds of thousands of citizens who will visit and enjoy the scenic and recreational areas throughout the country.

Mr. RARICK. Mr. Chairman, I object to the current practice in the House of concealing absurd appropriations behind generalized language that is innocuous and, at first glance, appealing. It is like buying a book for the art work on the cover and finding the contents bore no relationship. Virtually all of the Members of this House depend primarily on the language of the bill being considered as the basis for their vote. Few have the time to read the accompanying committee report, and even fewer Members have the time to read the voluminous hearings conducted by the committee that is reporting the bill.

This is unfortunate, for often the Members give their approval to appropriations for items foreign to the interests of this country, or, in some cases, to those organizations actually opposed to the ideals and beliefs that form the basis of our system of government. Were all of the items contained in one of the generalized appropriations bills that have come before this House ever made public knowledge, few, if any, of the present body would dare stand for reelection.

The bill under consideration, H.R. 9417, "Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes," is an example of my point.

Consider the amount designated by this bill for the "National Foundation on the Arts and the Humanities." This committee has asked the Members to approve an appropriation of $54,460,000 for the fiscal year 1972, or an increase of $28,150,000 over the amount designated for this purpose in the fiscal year 1971. This is a tremendous increase in this appropriation, yet the committee has seen fit to summarize this sizable appropriation in a single page of the bill—33—and actually devotes less than one-half page to this topic in the committee report—30–31—and if one only read this material as the basis for voting, he would probably support the measure.

This, however, is not the full story. The true story of the appropriation of $54,460,000 of our taxpayers' money and how it will be thrown away can be found in volume 5 of the six-volume work that constitutes the "Hearings before a Subcommittee of the Committee on Appropriations." Even a third grader, if he had access to this information, would come to the conclusion that this Congress is bent and determined to give away the wealth of the people of the United States, regardless of the worth and/or absurdity of the intended project.

The data contained in these volumes of hearings is shocking. I would like to quote briefly from pages 452–465 of volume 5 to give this House some indication of where the taxpayers' money is going and what it is being used for. I am certain that this information will shock my colleagues as much as it did me. These answers were provided as representative examples of the types of grants awarded by the National Foundation—The scholars receive taxpayer money—

> To broaden their knowledge of the literature of French Africa.
>
> To explore the origins and development of the independent black church movement between 1790 and 1840.
>
> To continue work on a book he is writing on civil disobedience.
>
> To study the theme of man's alienation from the natural world in 20th-century American literature.
>
> To examine the 16th-century experience with the argument of insanity as a legal defense in criminal cases.
>
> To study the nature of satire in literature as well as in the visual arts.
>
> To study the relationships between ecology and humanistic studies.
>
> To study the black French culture of the Island of Martinique.
>
> To write a book on film esthetics, as a natural extension of two projects: (1) A philosophical examination of the role knowledge about an art plays in criticism; (2) An examination of attempts to do systematic film criticism.
>
> To make a critical study of the man and his work to show his contribution to black culture in particular and to literature in general.
>
> To write a book dealing with art and the esthetic.
>
> To make an in-depth examination of sociolinguistics for its relevance to the study of Mexican-American bilingualism.

The above examples are but a small drop compared to the buckets of money that will be wasted if this bill is approved. The list of trivia continues ad infinitum. I could not have explained to the people of my district why they should support an appropriations bill of this nature while taxes continue to rise and prices go higher and higher while money gets tighter and tighter.

Mr. Chairman, the duplicity involved in the appropriations for the National Foundation for the Arts and Humanities is repeated in other portions of this bill. I could never conceive of forcing the taxpayers of this country to pay for the idle recreation of a select few. I intend to cast my people's vote against H.R. 9417.

Mr. McDADE. Mr. Chairman, I have no further requests for time.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### TITLE I—DEPARTMENT OF THE INTERIOR

### PUBLIC LAND MANAGEMENT

### BUREAU OF LAND MANAGEMENT

### MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $76,080,00.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as I understand it, this bill calls for $2,350,145,035, or an increase of $153,860,135 over the spending for the same general purposes last year. This is beyond acceptance. At a time when this country is desperately in need of drastic savings on the part of the Federal Government, when it is facing a desperate fiscal situation at home and abroad, to bring a bill out with this kind of increase I say again is beyond acceptance.

My friend from Missouri Dr. HALL, mentioned a little while ago the increase for the arts and humanities. I do not know how anyone can possibly justify an increase of $28,150,000, to a total of $54,460,000 in 1 year for the arts and humanities when the taxpayers who have to cough up this increase will not have enough left after they pay their taxes to buy a ticket to the ballet or the opera they are forced to subsidize.

The hearings show it is freely admitted that not one major orchestra, opera or ballet company in this country is operating in the black. Obviously, if the public is so hungry for these things that segment of the public ought to be willing to pay for them.

Not long ago Congress defeated the subsidy program for the supersonic transport. The Government was subsidizing that airplane for the "jet set" by taxing the mass of the people. The mass of the people revolted and forced an end to that Government subsidy.

Now here you are subsidizing the arts, which the great mass of the people obviously neither want nor patronize. You had better look out for a taxpayer revolt in this area, too.

Here are some examples of the way this outfit throws away money.

An English professor is getting a grant to study the movies.

A classics professor has a fellowship to "study the impact of legal thought on the politics, religion and philosophy of the fifth century Athenian democracy."

A physics teacher is studying how scientific disputes are resolved in the scientific community.

A history teacher is making a study of "the oral folk poems of Vietnam." I am sure that will be a brilliant contribution.

A French teacher is studying "the development of social and political consciousness in the main characters of leading representative novels of the 19th century." How nice.

The Foundation is spending our tax dollars for "An historical analysis of the French Army Officer Corps," of the 18th century.

Several thousand dollars is going for "The Peruvian Experience, 1529–1650." What about the recent Peruvian experience, when they learned how to hijack American fishing boats on the high seas, and seized millions of dollars worth of Americans property in Peru for which they have not made restitution.

And more thousands are going for "Mesopotamia—The Classical Phase," whatever that is. Undoubtedly that has already been studied to death.

There's $23,000 for a history of urban renewal in the United States. How many other thousands and hundreds of thousands of dollars are being spent to study urban renewal in the United States?

Then there is the study of Africans in the Roman Empire. I am sure that will lend a lot of help to the situation of the taxpayers of this country.

This bill also provides for "a study of the relations of fishing boat crew members and how they relate to conflict groups in a peasant fishing town in Yugoslavia."

Do you have any idea of what that is all about? And then there is the ecology and behavior of the wild boar in West Pakistan. How is that for a nice little study?

The ecology of gazelles in Israel and mammals in Morocco is under study and there's also a study of the biological rhythms of the catfish——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Yes, a study of the biological rhythms of the catfish in India. These catfish are apparently different than the catfish in the Mississippi River, or would one of my friends from Alabama or Mississippi agree with the statement that the catfish in India have different rhythms than those in the Mississippi River?

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield.

Mr. ANDREWS of Alabama. I know nothing about catfish in India.

Mr. GROSS. How about Alabama?

Mr. ANDREWS of Alabama. Oh, they are good.

Mr. GROSS. I know they are good, but is their rhythm different?

Mr. ANDREWS of Alabama. I do not know anything about catfish rhythms.

Mr. GROSS. So here we are today being asked to spend $154 million more than was spent last year for this and a lot of other claptrap. I would like to hear and see someone get up on the floor of the House today and defend this kind of business. For my part, I am not going to be a party to this raid on America's taxpayers.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law, $73,630,000.

### AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Page 15, at the end of line 17, insert: "No part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners."

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes in support of his amendment.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, I am prone to accept the amendment, at least on this side of the aisle.

Mr. HECHLER of West Virginia. Mr. Chairman, I do not wish to take the time of the Committee with an excessive amount of discussion of this amendment, if it is acceptable to the Committee. I will just take a little time to explain its purpose, because the legislative history is important.

I would merely like to observe that this amendment does tie in very closely with the committee's objectives, inasmuch as the committee report reveals that public relations activities have been cut by the committee in numerous instances. I do not think we can produce safety in the coal mines by a Madison Avenue propaganda barrage. You cannot sell coal miners like you sell soap.

The coal miners of West Virginia and the Nation are not going to fall for this kind of a snow job. Here is a timely editorial in this morning's Washington Post, which comes at a very opportune moment:

### MINE SAFETY: A "CRUEL . . . STUPID" CAMPAIGN

> As if the nation's coal miners don't have enough trouble—risking death and injury in the industry with the nation's highest accident rate—they will soon be the object of a campaign to convince the public that miners, not mine owners, are mostly rosponsible for coal mine tragedies. The Bureau of Mines is about to launch an aggressive public relations and advertising effort, aimed mostly at coal miners, that will use television, radio, print media, billboards, bumper stickers and lapel buttons; the purpose is to convey the message that if miners would shape up while in the shafts and tunnels accidents would not happen.
>
> It will take a considerable propaganda effort to make the point. According to the amply and grimly documented report of the General Accounting Office, issued earlier this month, the major cause of mine accidents is first, the failure of the Bureau of Mines to enforce the 1969 Coal Mine Health and Safety Act and, second, the failure of many coal companies to clean up their mines. It is true that accidents in the past have been caused by lax miners, but the testimony of Elmer B. Staats of the GAO is that nine of every ten underground coal mine accidents can be traced to inadequate safety precautions on the part of the operators. Rep. Ken Hechler of West Virginia, whose hard work helped enact the 1969 law, says the miners of his state "are not stupid enough to swallow" a mass-media public relations campaign. "Why doesn't the Bureau of Mines," ask Rep. Hechler, "get on with the job of enforcing the health and safety law, instead of trying to give the miners a snow job?"
>
> Good question. Last week, the Conservation and Natural Resources Subcommittee of the House Government Operations Committee announced it would investigate the Bureau of Mines' plan and try to find the answer. Chairman Henry Reuss (D.-Wis.) is already skeptical. "This proposal will cost the federal government and taxpayers several hundred thousand dollars. . . In view of the industry's unenviable record of safety violations and fatalities, would not this money be better spent for law enforcement than for publicity experts?"
>
> It is known that the idea for a public relations approach to mine safety came from Harry W. Treleaven Jr., an ad man who directed publicity strategy for the 1968 Nixon campaign and who became a $121-a-day consultant to the Interior Department shortly after Rogers C. B. Morton left the chairmanship of the Republican National Committee to head Interior. Last month, his consulting finished, Treleaven made an unsolicited proposal to the Bureau of Mines for a public relations campaign on safety, proposing that his new company—Allison, Treleaven and Rietz, do the promotion jointly with a Nashville public relations firm. The latter—the Holder-Kennedy Co.—successfully managed the Republican television campaign against Sen. Albert Gore in 1970.
>
> While the Bureau of Mines considers the Treleaven offer, and one from other firms, we direct your attention to a comment by Rep. Hechler that the whole proposal is "cruel, heartless, arrogant and stupid, in that order." There is even a question according to Rep. Reuss, about its legality. His investigation will serve a useful purpose if it can help stop this scheme.

Mr. Chairman, the amendment I offer today is designed to prevent the Interior Department and the Bureau of Mines from using funds appropriated by this bill to finance a campaign to make the miners of this Nation a "fall guy" for mine accidents that daily cause their death.

As of June 1, 1971, 87 coal miners met their death in the Nation's coal mines—three more than the number killed in the comparable period in 1970. The Comptroller General of the United States, Elmer B. Staats, recently said that 90 percent of the accidents in the coal industry are not miner caused. In a comprehensive report of May 13, 1971, the GAO stated that:

> Interior Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable.

Despite this, the Interior Department has decided to embark on a costly program to convince the miners that they are to blame for accidents.

The proposal was first made on May 20, 1971, to the Bureau of Mines by Harry W. Treleaven, Jr., of the public relations firm Allison, Treleaven & Rietz. The proposal was for a "full-scale, all media communications program" to help "motivate miners "to do what is right." And the Bureau thereafter began negotiations on an emergency basis with the Treleaven firm without soliciting bids. When the press got wind of the scheme and publicized it, the Bureau took the Treleaven proposal, made some minor changes, and then sent it out on June 10, 1971, as an invitation for bids. The bids were due back 6 days later on June 16, 1971.

Both the Treleaven and the Bureau's proposal call for the use of television, radio, newspapers, billboards, posters, buttons, bumper stickers, and pamphlets aimed at "motivating workers to adopt safer working habits and in actually changing behavior."

It is estimated that this proposal will cost the Government between a quarter and a half a million dollars.

Mr. Chairman, these funds could be better used for enforcement of the mine safety law rather than publicity campaigns.

I urge adoption of my amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

I have read the language of the gentleman's amendment. I know the gentleman is sincerely interested in the problem of coal mine safety. I want to propound this question to the gentleman.

It is true, is it not, that you are in no way attempting to impede any educational program that might be carried forward in connection with improving safety in the coal mines of America?

Mr. HECHLER of West Virginia. I will say to the gentleman from Pennsylvania, who I know shares my strong belief in better mine safety, that there must be education by the fulltime employees of the Bureau of Mines in order to produce more safety in the mines.

I feel, in response to the gentleman from Pennsylvania, that you cannot substitute public relations or propaganda for education, even if you label such a public relations campaign as "education." What I object to is the use of an outside, nongovernmental public relations firm that has contracted with the Bureau of Mines, and has no relationship, knowledge or understanding of the coal mining industry or coal mines or miners themselves. That can scarcely be called education to improve safety.

Mr. McDADE. Mr. Chairman, if the gentleman will yield further, of course, my friend recognizes the fact that they do use consultants on many occasions for many purposes. I simply want the RECORD to reflect that we are not, if this amendment is agreed to, impeding in any way the Bureau of Mines in its health and safety functions as it makes an effort to improve health and safety in the United States.

Mr. HECHLER of West Virginia. I certainly think that this amendment would not in any way impede health and safety, and I am glad my friend from Pennsylvania raised that question. As a matter of fact, the gentleman will recognize that the language in my original amendment was changed to take out the words "health and safety" and at the suggestion of the chairman of the subcommittee, it merely covers "any promotional campaigns."

Mr. McDADE. On that basis, and recognizing the gentleman's interest in trying to assist the Bureau of Mines in attacking the problem of coal mine safety, I will say that we, on this side, have no objection to the gentleman's amendment.

Mr. HECHLER of West Virginia. I thank the gentleman from Pennsylvania.

Mr. Chairman, I would also like to submit data relating to matters in the pending appropriation bill which relate to strip mining, minerals in the Monongahela National Forest, and certain legal and constitutional issues which relate to these issues.

The pending bill includes a provision for a $300,000 mineral survey of the Monongahela National Forest in eastern West Virginia. The money will be used to start a 2-year study of the minerals, including their ownership and value. The U.S. Forest Service, in a letter to me dated June 28, 1971, estimates that the total cost of the study will be $600,000. Thus, another $300,000 will be required next year to complete the study.

The purpose of the study is to develop the cost estimates leading to an acquisition program by the Forest Service of the minerals underlying the surface. The Forest Service estimates that in four critical areas of the forest the underlying coal deposits totals 659 million tons—Dolly Sods, 65 million tons; Otter Creek Basin, 24 million tons; Cranberry Back-Country, 220 million tons, and Shavers Fork, 260 million tons. The cost of acquiring these minerals is staggering.

I believe that we need not spend this sum if we were to act imaginatively and resolve that the National Forests and other Federal lands are treasures that must be preserved for future generations of Americans. They must be spared the terrible onslaught of the "Big Muskie"—the largest mobile land machine in the world towering 10 stories high and as wide as an eight-lane highway, with a bucket that scoops up 325 tons of earth and rock at a time—and other lesser mining equipment and methods which destroy the environment.

The answer lies in enactment of legislation to halt surface coal mining and to establish effective environmental controls for underground coal mining. H.R. 4556 would do just that.

But some skeptics, and there are many, say "Congress cannot enact such a law, it would be unconstitutional." They cite the fifth amendment to the U.S. Constitution and fast conclude that we would be "taking" one's property "without just compensation." Let me briefly comment on this point. At a later time, I will delve into this matter more deeply.

Article I, section 8 of the Constitution provides:

> The Congress shall have Power . . . To regulate Commerce . . . among the several States . . . [the so-called Commerce Clause] And to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . . [the so-called Necessary and Proper Clause]." It is for Congress alone to determine the subject matter, circumstances, and methods of regulating interstate commerce. *New York Central Railroad Company* v. *United States*, 267 F. Supp. 619, 625 (S.D.N.Y. 1967).

Further, if a Federal act is devoted to such matters as the promotion of safety and efficiency in interstate commerce, if it bears some reasonable and rational relationship to the subject over which it has assumed to act, the power is supreme and may not be denied, although it may include within its scope activities which are intrastate in character. *Rosenhan* v. *United States*, 131 F. 2d 932, 935 (10th Cir. 1942), cert. den. 318 U.S. 790 (1943). However, in enacting legislation within its constitutional authority over interstate commerce, Congress will not be deemed to have intended to strike down a State statute designed to protect the health and safety of the public unless its purpose to do so is clearly manifested, or unless the State law, in terms or in its practical administration, conflicts with the act of Congress or plainly and palpably infringes its policy. *Southern Pacific Co.* v. *Arizona*, 325 U.S. 761 (1945).

Even though there are some early judicial pronouncements that the production of coal in and of itself may not constitute interstate commerce, for example, in *City of Atlanta* v. *National Bituminous Coal Commission*, 26 F. Supp. 606, 608 (D.D.C. 1939), aff'd 308 U.S. 517 (1939), subsequent rulings of the Supreme Court appear to leave little doubt that regulation of an activity such as coal mining by Congress would be upheld under the ever-expanding scope of the commerce clause. For example, see *Wickard* v. *Filburn*, 317 U.S. 111 (1942) and *Katzenbach* v. *McClung*, 379 U.S. 294 (1964).

Thus, the commerce power goes beyond reaching only that which moves or has moved in interstate commerce. If an activity affects interstate commerce or if a purely local activity would make ineffective or more difficult a congressional regulation of interstate commerce if the local activity were left unregulated, then it would seem that Congress has the power to so regulate it.

It might also be argued that the purpose of Congress in enacting a regulation of surface and underground coal mining operations is not to regulate commerce in any meaningful sense of what might be thought of that phrase; the purpose is not to regulate the rates or prices or terms of sale or exchange of something or even to prescribe rules for carrying on commercial and noncommercial trade. The purpose basically, it could be argued, is to protect the health, safety, and welfare of citizens, an exercise which would be a "police power" if performed by a State.

> The statement that the federal government exercises no police powers, although technically correct, is erroneous to the extent that such an assumption involves the conception of a total absence of powers in the nature of police powers in the federal government, because it runs counter to the repeated exercise, by the national government of legislative powers within the sphere of general powers granted to it by the Constitution which are typical of what would, in the case of a state, be designated as "police powers." Once it is assumed that the general subject of a controversy is properly within the scope of the enumerated powers granted to the federal government, that government has as broad powers to prescribe police regulations concerning such subjects as a state government would have concerning

> a subject within its reserved powers. Such powers are analogous to the police power of the states. In other words, the limitation in the Constitution (in the Tenth Amendment) of the powers of the federal government deprives that government of the right to exercise police powers only to the extent that the exercise of such powers may not be connected or associated with one of the powers expressly or by necessary implication granted to that government. It has been stated that the accurate way of putting it is not that the United States has no police power, but that the United States possesses whatever police power is appropriate to the exercise of any attribute of sovereignty specifically granted it by the Constitution. Thus, under the power of Congress to regulate interstate and foreign commerce, and under other powers such as the war power, the power over mails, and power over federal lands, regulatory federal measures have been adopted and held valid which are directly analogous to the police power exercised by state legislatures. And it has been said that a federal power corresponding to the police power of the states arises under the general welfare provision of the Federal Constitution. Moreover, since, under Article 4, Section 3, Clause 2 of the Federal Constitution, Congress has the power to make all needful rules and regulations respecting the territory or other property belonging to the United States, this power of the United States, "analogous to the police power of the state," is clearly applicable where the lands of the United States are concerned. (16 Am. Jur. 2d, Constitutional Law, § 276.)

See, Annotation: Illustrations of exercise by Congress, within the general range of Federal powers analogous to police power exercised by State legislatures—Federal cases (99 L. ed. 40, supplementing 81 L. ed. 938).

Here it is important to note that one must distinguish between a taking of property which is unquestionably subject to the Fifth Amendment prohibition and regulating the use one may make of his property.

Long ago Congress acted to limit one's use of property within the National Forests. In 1897, Congress directed—16 U.S.C. 551, 478—that persons entering the National Forests for the purpose of prospecting, locating, and developing mineral resources must comply with the rules and regulations issued to preserve them as national treasuries. In 1955, Congress added—30 U.S.C. 612—that certain mining claims are subject to the right of the United States to manage and dispose of the vegetative surface resources thereof.

More recently, Congress has enacted statutes, such as the Federal Water Pollution Control Act and the Clean Air Act which, if properly administered, could severely restrict the use one chooses to make of his property. In some cases, full regulation may even mean that the highest and best use of that property is no longer possible. But this is not a taking within the meaning of the Fifth Amendment.

In the case of the 1899 Refuse Act—33 U.S.C. 407—Congress has absolutely prohibited the discharge or deposit of refuse material into navigable waterways without a permit from the Corps of Engineers authorizing the discharge or deposit. Until recently, this act was not fully enforced. But on December 23, 1970, President Nixon issued an Executive order directing the corps to implement a permit program under this act. On April 7, 1971, the corps issued regulations—36 F.R. 6564—to carry out the President's mandate. In order to obtain a permit, the discharger will have to to comply with the regulations. Failure to comply will mean denial of the permit and possibly the shutting down of the discharger's business by regulation. Surely, this is not a taking.

On July 16, 1970, the U.S. Court of Appeals for the Fifth Circuit issued a decision which recognized that the corps' denial of a permit was not a "taking." *Zabel* v. *Tabb*, No. 27555. In that case the court said:

> Landholders own land riparian to Boca Ciega Bay and adjacent land underlying the Bay. It is navigable water of the United States, being an arm of Tampa Bay which opens into the Gulf of Mexico. The Zabel and Russell property is located about one mile from the Intracoastal Waterway.
>
> Landholders desire to dredge and fill on their property in the Bay for a trailer park, with a bridge or culvert to their adjoining upland. To this purpose they first applied to the state and local authorities for permission to perform the work and obtained the consent or approval of all such agencies having jurisdiction to prohibit the work, namely Pinellas County Water and Navigation Control Authority (which originally rejected permission, but ultimately issued a permit pursuant to state Court order),[1] Trustees of the Internal Improvement Fund of the State of Florida, Central and South Florida Flood Control District, and Board of Pilot Commissioners for the Port of St. Petersburg.
>
> Landholders then applied to the Corps of Engineers for a federal permit to perform the dredging and filling.
>
> * * * * *
>
> Congress clearly has the power under the Commerce Clause to regulate the use of Landholders' submerged riparian property for conservation purposes and has not given up this power in the Submerged Lands Act.
>
> * * * * *
>
> Landholders' last contention is that their private submerged property was taken for public use without just compensation. They proceed this way: (i) the denial of a permit constitutes a taking since this is the only use to which the property could be put; (ii) the public use is as a breeding ground for wildlife; and (iii) for that use just compensation is due.
>
> Our discussion of this contention begins and ends with the idea that there is no taking. The waters and underlying land are subject to the paramont servitude in the Federal government which the Submerged Lands Act expressly reserved as an incident of power incident to the Commerce Clause.
>
> The power of the Congress of the United States to promulgate laws for the betterment of the public health, morals, safety, and welfare is beyond question. Whether or not Congress has acted within its powers depends upon whether or not there is a reasonable nexus between the subject matter of the suspect legislation and the results sought to be achieved. If the answer to this question is fairly debatable the legislation must be upheld. *Ortega* v. *Rasor*, 291 F. Supp. 748, 750 (S.D. Fla. 1968).

"In an operation having the magnitude of surface mining in the United States, the relationship existing between the activity and the general public and the degree of control to be exercised in the public interest are of paramount importance." Comment, Constitutional Law—Governmental Regulation of Surface Mining Activities, 46 N.C.L. Rev. 103, 103–104 (1967).

> Safety and health hazards of various types frequently result from surface mining operations. Such operations are characterized by steep slopes and, in many cases, by deep pools of standing water, which constitute an attraction and a hazard for young children. In hilly areas landslides are an everpresent danger for those who live in the valleys.
>
> In agricultural areas farmers complain that grazing cattle often fall on the precipitous and unstable terrain of strip mining areas, that the areas harbor foxes and other predators which prey on agricultural livestock, and that mosquitoes breed on the stagnant pools.
>
> In addition, surface mining operations involve heavy equipment transporting large quantities of materials from the mine to market, spreading dust and debris, and increasing traffic hazards on roads and highways in the area.
>
> The process of surface mining is inherently noisy; there is no quiet way of moving tons of earth and rock. The operation of surface mining equipment can typically be heard with annoying clarity at a distance of several hundred yards from the site, and it is difficult to decrease the noise level except by increasing the distance between the listener and the source of the noise.
>
> The blasting associated with quarrying operations may cause annoying vibrations for a substantial distance, although the extent of actual harm resulting from blasting is a matter of frequent contention.
>
> Perhaps the most serious but least tangible effect of surface mining is in the amorphous area of aesthetics. It is generally agreed that an 80-foot high pile of gray rubble rising from the flat countryside like the tunnel of some monstrous mole, is aesthetically undesirable. Nor can an aesthetic case be made for the denuding of mountains and the destruction of scenic valleys by the gashes of contour mines. Disagreement arises, however, when an attempt is made to determine the extent to which the aesthetic disadvantages of surface mining should be weighed as an important factor in determining where its location should be permitted. The current public mood indicates, however, that aesthetics will be a strong factor in regulatory decisions, perhaps to a greater degree than would have been anticipated by unemotional cost-benefit analysis.
>
> Surface mining also affects the economy of the nation in a more indirect fashion. To the extent that strip mining leaves land in an unusuable condition, it reduces the total available supply of land for productive uses. With the booming population growth of the nation, the existing supply of land in the urbanized regions of the country is proving inadequate to handle all of the uses which society deems desirable. To the extent that surface mining is carried on in such areas, it reduces the supply of land available for other uses.
>
> In agricultural areas, also, the amount of high quality arable land is a finite quantity; to the extent that such land is withdrawn for surface mining and not reclaimed for agricultural use it brings closer the day when such land will be in short supply.
>
> In addition, extensive surface mining can have a catastrophic impact on the tax base of individual counties by creating derelict, nontaxpaying land that makes it difficult for the county to meet its obligations." Bosselman, *The Control of Surface Mining: An Exercise in Creative Federalism*, 9 Nat. Res. J. 137, 142–144 (1969).

A number of local laws prohibiting strip mining within the local jurisdiction have been held to have been Constitutional. For example, in *Village of Spillertown* v. *Prewitt*, 171 N.E. 2d 582 (Sup.

Ct. Ill. 1961), a village ordinance forbidding strip mining in the village was held to be Constitutional as an exercise of police power in the preservation of the health and safety of the citizens of the community. After stating that: "The deep cuts, steep slopes and water-filled holes abutting on public streets, all necessary adjuncts to strip mining, present a real and imminent danger to the safety and health of the public" (at 584), the Court held that if the ordinance is neither unreasonable nor arbitrary, the fact that the exercise of the police power precludes what may be a more profitable use of the property does not violate a person's Constitutional rights. See, also, *East Fairfield Coal Co.* v. *Booth*, 143 N.E. 2d 309 (Sup. Ct. Ohio 1957), and Annotation: Prohibiting or Regulating Removal or Exploitation of Oil and Gas, Minerals, Soil, or Other Natural Products Within Municipal Limits, 10 ALR 3d 1226.

There is no legal right to exploit natural resources wherever they may be found. This principle, in conjunction with the police power to provide for the public health, welfare, safety and morals of the citizenry, furnishes the foundation for governmental units' endeavors to regulate mining activities. Comment, Constitutional-Governmental Regulation of Surface Mining Activities (46 N.C.L. Rev. 103, 105 (1967)). Of course, action in the form of regulation can so diminish the value of property as to constitute a constitutional taking. However, the mere fact that the regulation deprives the property owner of the most profitable use of his property is not necessarily enough to establish the owner's right to compensation. *United States* v. *Central Eureka Mining Co.* (357 U.S. 155 (1958)). The characterizing of a law as prohibiting a beneficial use to which the property has previously been devoted does not reveal whether such is unconstitutional. Every regulation necessarily speaks as a prohibition. If a law is otherwise a valid exercise of the police powers, the fact that it deprives the property of its most beneficial use does not render it unconstitutional. *Goldblatt* v. *Town of Hempstead* (369 U.S. 590, 592 (1962)).

Thus, surface or underground coal mining operations being within the reach of the commerce power, then Congress could be said to have the power under the interpretation of "regulate" in the Commerce Clause (Art. I, § 8, cl. 3), combined with the Necessary and Proper Clause (Art I, § 8, cl. 18), to make all reasonable laws prohibiting or otherwise regulating such activity.

It is time—indeed, way past time—that Congress act to protect our Nation's priceless resources. We cannot afford to allow exploiters to destroy them in the name of progress. Nor can we afford to purchase mineral rights in these areas. We must utilize fully Congress' power to regulate.

In the meantime, the Secretaries of Agriculture and Interior have broad powers to call a halt temporarily to much of the mining activity within lands under their jurisdiction. In separate letters dated May 17, 1971, to both Secretaries, I urged that a moratorium be declared "on all new prospecting, exploration, and development of coal resources" on Federal and Indian lands where a Federal permit, license, lease, or other authorization is required by law, regulation, deed, or agreement from the Federal Government. I would continue this moratorium pending development and adoption of effective regulations or the enactment of legislation in the 92d Congress. At this point, I insert the text of my letters. I have not yet received a reply.

MAY 17, 1971.

Hon. CLIFFORD M. HARDIN,
*Secretary of Agriculture,*
*Department of Agriculture,*
*Washington, D.C.*

I.

DEAR SECRETARY HARDIN: The March 26, 1971, edition of the American Mining Congress Bulletin states that the "U.S. Forest Service has proposed regulations to govern the use of surface resources in connection with mining activities authorized by the mining laws." The Bulletin indicates that the proposed regulations were transmitted to the AMC and that the Service "has invited the American Mining Congress to comment on the proposed regulations, which have also been distributed to other organizations and individuals concerned with development and use of the National forests." Finally, after noting that comments must be sent to the Service by April 30, the Bulletin states:

*"Following Forest Service review of comments, final regulations will be published in the Federal Register."* (Underlining supplied.)

This Forest Service practice of giving those "concerned with development and use of the National Forests" ample opportunity to comment on regulations affecting the public's property and resources, while totally excluding the general public from commenting on them through the established rule-making procedures of the Administrative Procedures Act (5 U.S.C. 553) is unconscionable and should be halted.

It is contrary to the 1969 recommendation of the Administrative Conference of the United States that the exemptions of the APA concerning grants, loans, contracts, benefits, and *property* no longer be utilized by any Federal agency. The Department of Agriculture is a member of the Conference. The Department of the Interior and Health, Education and Welfare have recently adopted the Conference's recommendation.

I urge that the Forest Service publish the proposed regulations in the *Federal Register* and provide an opportunity for public comment thereon.

I would appreciate your supplying the following items:

1. (a) A copy of the proposed regulations in the form transmitted to the AMC by the Forest Service.

(b) A copy of each of the written comments received by the Service from any governmental agency or any organization or person on those proposed regulations.

2. (a) A copy of the Forest Service's draft environmental statement which was also transmitted to the AMC.

(b) A copy of each of the written comments received by the Service from any governmental agency or any organization or person on the statement.

3. A list of those organizations and individuals receiving copies of the proposed regulations and draft statement from the Service.

II

I am gravely concerned that the Forest Service is not responsibly, economically, and efficiently utilizing all of its existing authorities to protect fully our threatened National Forests from the detrimental effects of mining. I believe that the Forest Service should re-examine and reinterpret its laws and regulations to give maximum support to the protection of our environment.

The Service has an obligation to consider all facets of the public interest in administering these laws and regulations. This obligation arises from the national policy and directives expressed in the National Environmental Policy Act of 1969 (Public Law 91–190) and other statutes and in Executive Orders 11472 (34 F.R. 8693, May 29, 1969) and 11514 (35 F.R. 4247, March 5, 1970). In section 102 of the 1969 Act, the Congress *directs* that (1) "the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of the NEP Act, and (2) "all agencies of the Federal Government shall . . . develop methods and procedures . . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economics and technical considerations."

Recently, the United States Court of Appeals for the Fifth Circuit ruled that the ecological aspects mandated by the National Environmental Policy Act may—indeed, must—be considered by the Corps of Engineers when it reviews applications for permits to fill parts of a waterway. The Court therefore reversed a district court order which had directed the Corps to issue a permit to a land developer seeking to dredge and fill in the navigable waters of Boca Ciega Bay near St. Petersburg, Florida, where the fill would adversely affect the ecology of the Bay, even though the fill would not impair navigation. Zabel v. Tabb (C.A. 5, July 16, 1970, No. 27555). The court, in discusing the impact of the 1969 Act on *all* Federal agencies, said:

"*. . . This Act essentially states that every Federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment.* (Footnote omitted.)" (Italic supplied.)

Congress reiterated its environmental directives to all Federal agencies in the Environmental Quality Improvement Act of April 3, 1970, that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development." (Sec. 202(b).)

The Corps of Engineers, to its great credit, has recognized these "environmental directives" and reinterpreted its 1889 Refuse Act to establish a potentially effective anti-pollution program. The Corps did not wait for new specific legislative directives. Rather, the Corps is imaginatively utilizing its old laws in consonant with new ones to achieve faster pollution control.

There is pending before the Congress many bills designed to prevent the detrimental effects to our environment caused by various mining activities. Many of these, including the Administration's bill, apply to Federal lands.

I believe that adequate authority exists today to carry out much of the President's policy expressed in the Administration's bill. Indeed, the authorities just mentioned mandate that this be done. The Forest Service need not and should not wait for the passage of such legislation.

I urge that the Service follow the Corps' lead and act *now* to revise its present regulations to establish effective and stringent procedures and controls to protect the forests and their resources from degradation by mining interests. The regulations should include a prohibition against surface mining until the industry study called for by the Mining and Minerals Policy Act of 1970 (Public Law 91–631) proves that effective "methods" for "reclamation of mined land" exist and will be utilized.

Such a revision of the regulations will, of course, be necessary anyway to comply with the CEQ's guidelines of April 23, 1971 (36 F.R. 7724), the permit program under the 1899 Refuse Act (33 U.S.C. 407) and Executive Order 11574 of December 23, 1970, and section 21(b) of the Federal Water Pollution Control Act.

Pending the development and adoption of such regulations or the enactment of legislation in the 92nd Congress, I believe that it is essential and in the public interest that a moratorium be declared on all new prospecting, exploration, and development of coal resources within the National Forests where a Federal permit, license, lease, or other authorization is required therefore by law, regulation, deed, or agreement from the Federal Government.

I urge that such a moratorium be declared.

### III.

I have recently been informed that one or more coal operators plan to begin coal mining operations in the Cranberry Buck Country of the Monongahela National Forest. The plans, I am told, include the opening of mines in the Little Fork and the Middle Fork.

I would appreciate learning from the Forest Service:

1. What information it has concerning these plans;

2. Whether or not such mining operations can be conducted in this area of the Forest. (Please include copies of each provision of any law, deed, or other instrument, if any, under which such operations could be undertaken and the names and addresses of those persons so authorized to conduct such operations);

3. What provisions of law, regulation, or agreement applicable to such operations exist that the Service can rely on as providing enforceable environmental controls in connection with such operations;

4. Whether or not the Service, using its statutory authorities to the fullest extent, can prevent such mining in this area; and

5. What steps have been taken or are planned by the Service to prevent or control such operations.

Best wishes.

Sincerely,

KEN HECHLER.

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MAY 17, 1971.

Hon. ROGERS C. B. MORTON,
*Secretary of Interior,*
*Department of the Interior,*
*Washington, D.C.*

### I.

DEAR SECRETARY MORTON: Under the Act of March 13, 1879, (43 U.S.C. 31), the Director of the Geological Survey "shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geologic structure, mineral resources, and products of the national domain." The Survey has been classifying public lands since 1906.

In the past three years, I understand that more than 1.5 million acres have been classified as coal lands.

It has recently come to my attention that the Survey revised its coal classification standards in May, 1969, at the recommendation of its Mineral Land Classification Board. The Board is composed of Government employees, but their meetings are not public.

The January 7, 1969, minutes of the Board indicate that the objective of the changes was to classify "a greater amount of withdrawn [public] land as coal land." This objective has apparently been achieved. In Fiscal Year 1970, more than 800,000 acres were classified as coal lands. This is double the amount so classified in the previous year.

One of the principal changes made in 1969 was to increase the depth for coals of minimum thickness. The minutes explain this change as follows:

*"A large increase in the mining of coal by stripping, particularly in recent years, has taken place since the regulations of 1913 were issued. The depth to which strip mining can be carried on economically has increased as machines and techniques have improved. Although the maximum depth of 500 feet for coal of minimum thickness prescribed in 1913 (Smith and others, 1913, p. 75) is adequate for present operations, a depth of 1,000 feet may be more realistic for the future.* Moreover, the change to 1,000 feet will make the classification of coal lands conform more closely to the data on coal reserves published from time to time by the U.S. Geological Survey (Averitt, 1961)." (Italic supplied.)

I understand that the classification of lands for coal is desirable to avoid the possible loss of the resource to surface owners. I am, however, concerned that the above changes in the standards were made without public participation through the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553), and that they have increased the possibility that more lands will be strip mined. The fact that these changes were later published in final form as a GS bulletin (No. 633) does not satisfy the public's need to participate in such matters before they are finalized.

As a matter of fact, the standards preceding these were published in Part 201 of the Code of Federal Regulations (1969 edition), but this part was revoked by the Department on July 8, 1969, (34 F.R. 11299). No explanation is given in the notice of revocation for this action.

I urge that the Interior Department publish these new standards for coal land classifications in the *Federal Register* and provide an opportunity for public comment thereon. I also urge that their use by the Geological Survey be suspended pending such publication.

### II

The leasing of coal lands within the public domain is carried out by the Interior under the Mineral Leasing Act of 1920 (30 U.S.C. 181 *et. seq.*) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359). Several statutes authorize such leasing on Indian lands.

In 1969, the Department issued regulations concerning surface exploration, mining, and reclamation of lands under the above laws (see 43 C.F.R., Part 23 and 25 C.F.R., Part 117). These regulations provide that it "is the policy of this Department to encourage the development of the mineral resources." At the same time, the regulations provide that the "public interest requires that . . . adequate measures be taken to avoid, minimize, or correct damage to the environment." The regulations require a "technical examination" of an area for which a permit or license is applied for. Based on this examination "general requirements" are formulated "for the protection of non-mineral resources during the conduct of exploration or mining operations and for the reclamation of lands or waters affected" thereby. No mention is made in the regulation that the Department might deny the application on environmental grounds.

Similar regulations apparently have not been issued for undeground coal operations, except those set forth in 30 C.F.R., Part 211. But those regulations relate largely to safety in coal mining. Moreover, those regulations are no longer valid because, most, if not all, of them are inconsistent with the Federal Coal Mine Health and Safety Act of 1969. They should be revoked.

The failure of the Department to publish effective environmental regulations for underground coal mines, and its expressed policy of placing priority on development of minerals over the protection of our environment, are not in the public interest.

The Interior Department is not responsibly, economically, and efficiently utilizing all its existing authorities to protect fully our environment from the detrimental effects of surface and underground coal mining.

I believe that the Interior Department should re-examine and reinterpret its laws and regulations to give maximum support to the protection of our environment.

The Corps of Engineers, to its great credit, recently did this in connection with its 1889 Refuse Act (33 U.S.C. 407). The result is an expanded anti-pollution program built upon a 70-year-old law that may do more to save our waterways than other more expensive programs.

The Interior Department has an obligation to consider all facets of the public interest in administering these laws and regulations. This obligation arises from the national policy and directives expressed in the National Environmental Policy Act of 1969 (Public Law 91–190) and other statutes and in Executive Orders 11472 (34 F.R. 8693, May 29, 1969) and 11514 (35 F.R. 4247, March 5, 1970). In section 102 of the NEP Act, Congress mandates (1) that "the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of the National Environmental Policy Act and (2) that "all agencies of the Federal Government shall" develop procedures which will *"insure that presently unquantified environmental amenities and values" be given "appropriate consideration in decision making along with economic and technical considerations."* (Underlining supplied.)

Congress reiterated its environmental directives to all Federal agencies in the Environmental Quality Improvement Act of April 3, 1970, "that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development." (Sec. 202(b).)

These authorities make it clear that the Department's policy of fostering the development of mineral resources is subject to the policies and authorities just mentioned. This point was emphasized by Congressman John D. Dingell during the debate on the House version of S. 719 in the 91st Congress which later was enacted as the "Mining and Minerals Policy Act of 1970" (Public Law 91–631). Representative Dingell said: (CONGRESSIONAL RECORD, vol. 116, pt. 25, p. 32757):

"When the bill passed the Senate, I was concerned about its broad scope and some of the statements in the Senate report on the bill. I was concerned because the Senate's report seemed to imply that this bill did, in fact, provide a new basis for a vast new minerals program. More importantly, I was concerned because these statements seemed to imply that this new policy would override the policies of environmental and health and safety protection established by many statutes, including the National Environmental Policy Act of 1969 and the Federal Coal Mine Health and Safety Act of 1969."

Mr. Dingell then told the House that he was "heartened to read that S. 719 has been completely rewritten" in the House, and that this action makes it clear that it "is subject to the policies and requirements" of no less than 19 existing environmental laws which he listed. (See CONGRESSIONAL RECORD, vol. 116, pt. 25, p. 32758, supra). He noted also that recently the United States Court of Appeals for the Fifth Circuit ruled that the ecological aspects mandated by the Act may—indeed, must—be considered by the Corps of Engineers when it reviews applications for permits to fill parts of a waterway. The Court therefore reversed a district court order which had directed the Corps to issue a permit to a land developer seeking to dredge and fill in the navigable waters of Boca Ciega Bay near St. Petersburg, Florida, where the fill would adversely affect the ecology of the Bay, even though the fill would not impair navigation. Zabel v. Tabb (C.A. 5, July 16, 1970, No. 27555). The court, in discussing the impact of the 1969 Act on *all* Federal agencies, said:

"*. . . This Act essentially states that every Federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment.* (Footnote omitted.)" (Italics supplied.)

The Mining and Minerals Policy Act of 1970 directs that Interior "foster and encourage private enterprise in . . . the study and development of methods for the disposal, control, and reclamation of mineral waste products, and reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing" on our environment.

The President, in his Environmental Message of February 8, 1971, (H. Doc. 92-46), said (p. 16):

"Surface and underground mining have scarred millions of acres of land and have caused environmental damages such as air and water pollution. . . . These problems will worsen as the demand for fossil fuels and other raw materials continue to grow, unless such mining is subject to regulation requiring both preventive and restorative measures."

Many bills are pending before the 92d Congress, including the Administration's bill, which are designed to prevent the detrimental effects to our environment to which the President referred. But, as the Corps of Engineers realized, we cannot afford to wait for new laws and organizational methods and studies to resolve specific environmental problems. The press stories of how Indian lands have been ravaged clearly demonstrates the folly of waiting. We must use existing tools and procedures more effectively.

The Interior Department, buttressed with the new laws, court decisions, and executive orders just mentioned, has broad authority to deal with this problem now on Federal and Indian lands. The Department need not and should not wait for the passage of such legislation.

I urge that the Department follow the Corps' lead and act *now* to revise its present regulations to establish better and more stringent environmental controls on coal mining operations, including prohibition against surface mining until the industry study called for by Public Law 91-631 proves that effective "methods" for the "reclamation of mined lands" exist and will be utilized. I know of no better way to "foster and encourage" such an industry study. A revision of the regulations is, of course, required anyway in order for the Department to comply with the CEQ's guidelines of April 23, 1971 (36 F.R. 7724).

At a recent meeting of the Business Advisory Council on Federal Reports of the Office of Management and Budget, a representative of the coal industry said that 5500 coal mine operations in the United States would, in his judgment, have to file applications with the Corps for permits under the 1899 Refuse Act. These operators will also have to obtain state certificates of compliance with applicable water quality standards under section 21(b) of the Federal Water Pollution Control Act. Such certificates are also required where your Department issues permits under mineral leasing laws for mining operations that may result in any discharge, such as a sluicing or pumping operation, into a navigable waterway. The Department's regulations should make these requirements clear to mining interests.

Pending the development and adoption of such regulations or the enactment of legislation in the 92d Congress, I believe that it is essential and in the public interest that a moratorium be declared on all new prospecting, exploration, and development, under lease, permit, or other agreement, of coal resources on Federal and Indian lands under the Interior Department's various mineral leasing laws.

I urge that such a moratorium be declared.

Sincerely,

KEN HECHLER.

Despite this, it is my purpose to pursue this moratorium. I believe it essential since existing regulations of coal mining in these areas are either nonexistent or toothless.

Having submitted data concerning these additional items, I hope that the committee will support my pending amendment that "no part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### OFFICE OF COAL RESEARCH

#### SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), $21,880,000, to remain available until expended, of which not to exceed $575,000 shall be available for administration and supervision.

#### AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 16, line 17, strike "$21,880,000" and insert "25,880,000".

Mr. MELCHER. Mr. Chairman, I offer the amendment because I have a profound and deep feeling that the pennywise and pound foolish maxim applies with a great deal of force to one item in the Interior Department appropriations bill which we are considering today.

I refer to the $1 million being appropriated for research on magnetohydrodynamics, or MHD, a new method of generating electric power by forcing superheated, ionized gas through an electromagnetic field. It should be many times $1 million.

In 1969, a panel of scientists advised the President that $4 million annually should be put into research on this process, which promises a great increase in fuel efficiency, with almost no pollution of the atmosphere.

However, the administration's 1971 budget called for only $400,000 for MDH research. Our Interior Appropriations Subcommittee raised this to $600,000, which was finally appropriated.

This year the administration requested $1 million, or about one-tenth of the amount that should be put into a program to get MHD generators developed and on the line just as soon as possible.

The potential benefits which this process promises—and tests are far enough along that the benefits have indeed been demonstrated—entitle it to top priority. Other countries, notably Russia, which has already completed an MHD plant, and West Germany and Japan, are years ahead of us in this research field. We have reason to pride ourselves in basic electrical energy research from the time of Franklin to Edison. But with MHD we are negligent, almost indolent only assigning a crumb—not crumbs, but just one little crumb—from the $20 billion feast of funds on the Federal Research and Development table.

What does MHD do?

It will capture 60 percent of the energy in coal, instead of 35 to 40 percent recaptured by the present steam turbine generating process.

It will reduce air pollution close to zero. The only exhaust into the air will be a relatively small volume of clean gases, carbon dioxide, and nitrogen.

It will reduce water pollution, and water requirement for cooling, to the vanishing point.

If there is anything this Nation needs more urgently than a nonpolluting source of massive amounts of low-cost energy, I do not know what it is.

I am not opposed to pure science research, or to research with only theoretical future value to mankind—including explorations in space—but certainly research and development on a process that can meet one of our most urgent and critical national needs—the energy shortage—and simultaneously relieve one of our greatest problems—pollution—deserves all the money that can be effectively used to speed up development.

Mr. Chairman in its November 1970 issue, Fortune magazine carried an article by Lawrence Lessing dealing with MHD, captioned "New Ways to More Power With Less Pollution."

In an overline, the magazine commented:

We don't have to choose between power shortages and ever dirtier air.

At the appropriate time I will request to include in the RECORD portions of that article which are both a status report and an objective appraisal of MHD for the benefit of those who may distrust my appraisal.

I confess that I have an interest in MHD because Montana, the Dakotas, and northeastern Wyoming have the world's largest deposit of coal—trillions of tons—to fuel MHD generators.

With prompt financing of in situ, or underground gasification of coal, which the Director of the Bureau of Mines tells us we are ready to undertake, and speedy development of magnetohydrodynamics, this upper Missouri Basin fossil fuel deposit can meet both energy and pollution problems for a large part of this Nation for generations.

Mr. Chairman, I urge the adoption of my amendment.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Montana (Mr. MELCHER) whether the gentleman had intended to offer the two amendments en bloc?

Mr. MELCHER. Yes, Mr. Chairman, I did.

The CHAIRMAN. Without objection, the Clerk will report the remainder of the amendment.

There was no objection.

The Clerk read as follows:

And on line 19, strike the period, insert a comma, and add the following: "and of which $5,000,000 shall be available for research and development of magneto-hydrodynamics."

Mrs. HANSEN of Washington. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I very much dislike opposing research programs, particularly in the field of the development of energy, but I would say basically before we get too deep in any one of the programs we have to establish some balances.

For example, there are now before the various authorizing committees bills which could prevent strip mining entirely. About 50 percent of the coal reserves in this Nation are those which must come from the strip mines.

The total cost of the MHD program is estimated to be a minimum of $75 million. Obviously this is not going to be a short-term project.

Mr. McDADE. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. McDADE. The Director of the Office of Research testified that it would be 4 or 5 years before he could get to the construction. I think the gentlewoman is making an important argument and I support her and I associate myself with her remarks.

Mrs. HANSEN of Washington. I thank the distinguished gentleman from Pennsylvania.

This bill provides $1 million for MHD for the Office of Coal Research and also $400,000 for Bureau of Mines Research on MHD.

The research people testified before our committee that they are having grave problems with heat in connection with this project.

I think we are going to have to concentrate and do some thinking on the preliminary work. This $1,400,000 I think is all that can profitably be used. I sympathize deeply with the desire to find new sources of energy, but I would not embark at this time beyond the commitment of the $1,400,000 for additional research on MHD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and thirty-seven passenger motor vehicles for replacement only, including not to exceed ninety for police-type use; purchase of one aircraft for replacement only; and to provide, notwithstanding any other provision of law, at a cost not exceeding $50,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a question or two concerning this provision which is to be found on page 22 of the bill beginning at line 2 and running down through to the end of line 6. The language I refer to is as follows:

*Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcment situations in the National Park System.

Does this mean that money can be taken from any funds in the National Park Service for law enforcement purposes?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman.

Mrs. HANSEN of Washington. This language was carried in the second supplemental bill for fiscal year 1971. The gentleman is probably aware that at the present time these unusual demonstration costs are charged to the regular annual appropriation. It is impossible to adequately budget for these greatly varying costs.

So rather than curtail the management of functions at all our national parks across the Nation, the suggestion was made by the Park Service that if we would allow them to use the funds—that is any funds, that are within the Federal park service for that time—then they could come up with the supplemental to repay those items, after the expenditure of the funds.

I am sure the gentleman is very much aware that we have great problems of crime in our national parks.

Mr. GROSS. Yes, but I was concerned as to how reimbursement was to be handled. So funds may be taken from any source within the Park Service for that purpose?

Mrs. HANSEN of Washington. That is correct. It is very similar to the way we have handled forest fire costs which are also quite unpredictable.

Mr. GROSS. Is there any bonding requirement on the part of the Park Service? In other words, demonstrators and others use the Park Service lands, is there any bonding requirement for their use? That was Park Service land, was it not, that was used here in the District of Columbia on the Potomac River near the Lincoln Memorial? Is that not true?

Mrs. HANSEN of Washington. That is correct. National Park Service land was involved in many demonstrations throughout the Nation this year. I thought the gentleman was aware of that.

Mr. GROSS. No, I am not. I have not the vaguest idea where all the Park Service lands are in the District of Columbia or outside the District of Columbia, and I doubt that any Member of this House knows where all the Park Service lands are.

Mrs. HANSEN of Washington. I would say to the gentleman that the Park Service has a limited bonding provision and they use it to the extent they are able.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. Of course, the Park Service in many instances, as my colleague knows, does not have the last decision in stating what will be done with certain lands under its jurisdiction. That was true in relation to our last difficulty in the District of Columbia. The National Park Service desired to take care of the situation in one way. They were overruled. They are put at a disadvantage much of the time because of this question of administrative authority.

Mr. GROSS. I have no doubt of that, particularly in the District of Columbia, where there is so much divided authority.

But does the gentleman think that there are adequate bonding requirements for the use of the park lands?

Mr. ASPINALL. It is my opinion that there is as adequate provision for bonds as the Park Service can use.

Mr. GROSS. Are bonds being exacted commensurate with damage that has been done and we may anticipate will be done if we have more of these incidents?

Mr. ASPINALL. The Park Service is desirous of having more adequate bonds, but they are not permitted to do so in certain instances. This is the difficulty we find, not only in this area, but in certain other areas.

Mr. GROSS. We are putting the pressure on the Park Service? Who put the thumb on the Park Service? The Department of Justice, the President, or who?

Mr. ASPINALL. I would say it was a combination of all of them above the Park Service administrative authority.

Mr. GROSS. So, rather than make those who may use and damage these lands, and perhaps desecrate what is on them pay for the damage, we make the taxpayers liable for the damage that they do, is that correct? And that is because certain officials of Government will not permit the Park Service to require a bond commensurate with the damage that may be done?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. It is a sad commentary on the Congress of the United States, that it does not enact laws that will permit those who are custodians of the public domain to properly take care of the public domain.

Mr. ASPINALL. If the gentleman will yield once more, I would say that we can pass all the laws in the world, we can have all the statutes we desire, but if there is no desire on the part of those who have the ultimate authority to see that those laws are enforced, they will not be enforced. That is our difficulty. The gentlewoman from Washington and her committee have gone into this matter as thoroughly as any committee could go into it. I am sure the Committee on Interior and Insular Affairs has tried to keep up with it every step of the way.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. If I did not agree with the committee in what they are doing here, I certainly would have made a point of order to this language, because it is legislation on an appropriation bill. I agree with the gentleman from Colorado that there are people in this city, apparently in high places, who will not back up the Park Service, but I do believe that somehow or other Congress can enact a law, with teeth enough in it, to make even these people observe the law.

Mr. ASPINALL. If my colleague from Iowa will yield once more——

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. We have in the record of the Committee on Interior and Insular Affairs a statement of the Director of the Park Service as to what he wished to do and he was not permitted to do it.

Mr. GROSS. It is a shame, I will say to the gentleman, that those in the Interior Department who are entrusted with the protection of the people's property, are not permitted to carry out that trust.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. SCHERLE. Mr. Chairman, first, I wish to compliment the gentlelady from Washington, JULIA BUTLER HANSEN, for the excellent work her subcommittee has done on this legislation.

However, I could not help but be very interested in the colloquy by the chairman of the Committee on Interior and Insular Affairs and my colleague from Iowa (Mr. GROSS) concerning the damage done to our National Parks here in Washington, D.C.

On April 7, 1971, I introduced a bill that would have taken care of this problem. It is identical to the legislation which this House overwhelmingly approved in the last Congress 327 to 51. That bill never became law because the other body never considered it.

We were asked by the Park Service to submit this legislation because it was needed; there was not enough in the law by itself to help them take care of the problem. This bill was submitted a month before the May Day demonstrators came to Washington.

It is unfortunate that for the 3 weeks the demonstrators were here the cost to the taxpayers was over $5 million.

I agree with my colleague from Iowa (Mr. GROSS). It is a shame, if the Department needs this type of legislation to contain these incidents here in the Capital and other places throughout the country, that we are not in a position to provide them with necessary tools. My proposal would ban any overnight camping on Federal land in the District of Columbia and would require a bond to cover the estimated amount of destruction that any daytime demonstration would bring.

This legislation is presently pending before the House Public Works Committee. Many of my colleagues have joined with me in urging that this bill be brought to the House floor for immediate consideration. I am sure that this body will once again approve this proposal by a large margin as it did in the last Congress.

As I start my third term in Congress I wish to pay tribute to the tremendous job on behalf of the environment and the public interest that the distinguished chariman of the Interior and Insular Affairs Committee, the gentleman from Colorado (Mr. ASPINALL) and the gentleman from Florida (Mr. HALEY) have been doing. These men typify the very high standard of work which is quietly being performed in this body every day.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### SMITHSONIAN INSTITUTION

#### SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research; preservation, exhibition, and increase of collections from Government and other sources; international exchanges; anthropological research; maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; administration of the National Collection of Fine Arts and the National Portrait Gallery; and operation and maintenance of the National Zoological Park, including purchase, acquisition, and transportation of specimens; including not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; purchase, or rental of two passenger motor vehicles; purchase; rental, repair, and cleaning of uniforms for guards, policemen, animal keepers, and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications, $45,259,000.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

With respect to the Smithsonian Institution, it has been brought to my attention that a number of foreigners are employed there. Did the committee develop any figures as to the number of foreigners employed, the pay of these foreigners, and the manner in which they were recruited?

Mrs. HANSEN of Washington. No. The committee did not delve into that area this year. There are some policies that we think are generally within the jurisdiction of the administrators of the Smithsonian and the Board of Regents of that Institution. We feel we are very fortunate that we have in this Congress and, in fact, in this House very distinguished Members who are Regents of the Smithsonian.

As you are well aware the Civil Service Commission is the agency primarily responsible for jurisdiction over matters of this type.

Mr. GROSS. I raise the question because of the unemployment situation in this country. Unless there is something special about these foreigners, it is my opinion that Americans ought to be hired for these permanent jobs, particularly in the upper grades, rather than foreigners. Of course, if we cannot find Americans capable of administering the Smithsonian Institution, then I suppose the hiring of foreigners would be in order.

Mrs. HANSEN of Washington. Will the gentleman yield?

Mr. GROSS. Yes. I yield.

Mrs. HANSEN of Washington. I can understand in certain categories of programs that distinguished scientists who might have done outstanding work in some fields might qualify. As I say, employment practices are handled by the Civil Service Commission, and certainly the guidelines are set by the Board of Regents.

Mr. GROSS. I thank the gentlewoman for her remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### RESTORATION AND RENOVATIONS OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $550,000, to remain available until expended.

#### CONSTRUCTION

For necessary expenses of the preparation of plans and specifications for, construction of a building for a National Air and Space Museum for the use of the Smithsonian Institution, and for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, to remain available until expended, $5,597,000, of which $3,697,000 is for liquidation of obligations incurred under the contract authorization granted under this head in the Department of the Interior and Related Agencies Appropriation Act, 1969: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

#### SALARIES AND EXPENSES, NATIONAL GALLERY OF ARTS

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed $70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $4,713,000.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I wonder if we might have some kind of a report on this Joseph H. Hirshhorn Museum and sculpture garden. What is the progress or the lack of progress of it and is it going to be built as planned.

Mrs. HANSEN of Washington. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman.

Mrs. HANSEN of Washington. You will find a very detailed discussion in the hearings on this project. Funds provided in this bill are for the final portion of the construction. The language in the report provides that there will be no construction of a sculpture garden on the greensward of the Mall. We have also stipulated that no expenditure of these funds be made until the National Capital Planning Commission gives final approval on the plans for the sculpture garden. The gentleman from Illinois (Mr. Yates), a member of our subcommittee, has spent a great deal of time in preparing some information on this. I hope the gentleman will yield to the distinguished gentleman from Illinois at this point to answer any further questions on this subject.

Mr. YATES. Mr. Chairman, will the gentleman yield to me for an explanation?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. YATES. This is the original design for the Hirshhorn Museum. The rendition on the right was the original design for the Hirshhorn Museum. It shows that there was to be a sculptural garden which went across the Mall and which would have broken the greensward which extends from the Capitol past the Washington Monument to the Lincoln Memorial and then on to the river.

That has been changed now. It no longer will go across the Mall. This is the Hirshhorn building. This was the sculptural trench, you might call it, where they were going to put sculpture figures. This is going to be the sculptural garden for the National Gallery of Art. That is the change. This is the way it will be in the future. No, this is the Hirshhorn Museum. Instead of going across the mall, now it will be lateral. This will be the sculptural garden of the National Gallery of Art. When both are completed, you will have a sculptural exhibit that will make Washington one of the finest establishments throughout the entire world.

Mr. GROSS. Well—and I say this somewhat facetiously—will the name of Hirshhorn be displayed in neon over these sculptural designs?

Mr. YATES. The name, I am sure, will be displayed on the building, but I do not think it will be in neon, however.

Mr. GROSS. Well, perhaps, in living color.

Mr. YATES. I do not know whether it will be living or dead color.

Mr. GROSS. I thought it crossed the Mall. With this alteration from the original plan for what is that land to be used?

Mr. YATES. The original proposal to cut across the Mall has been changed. They will not be using it at all. The greensward will continue from the Capitol to the Lincoln Memorial. The Hirshhorn Museum or its gardens will not be on the Mall at all. They will have the sculpture gardens placed in an area where it will be the center of the tree line rather than the Mall itself.

Does that answer the gentleman's question?

Mr. GROSS. Yes. However, there is one other question. Is this the same Hirshhorn who was in trouble with the Canadian Government?

Mr. YATES. Well, it is the same Hirshhorn that has the contract with the Federal Government, I will say to the gentleman.

Mr. GROSS. All right.

Mr. YATES. I hope I have answered the gentleman's question to his satisfaction.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I would like to report briefly on the history of the Hirshhorn Museum and Sculpture Garden. On October 17, 1966, the House of Representatives unanimously approved the acquisition of this gift and the terms attendant thereon.

Subsequently, a great many questions were raised, and during the last Congress, for the first time in 100 years, there were oversight hearings on the Smithsonian Institution. I might emphasize that the oversight hearings were the first since the establishment of the Smithsonian Institution, of which, incidentally, the members of the committee and I are very proud. The hearings were held by the Subcommittee on Library and Memorials, of which I was chairman.

The chart on my right represents the Hirshhorn Museum, the original design of which was approved by an act of the Congress in 1966. Incidentally, I might say that I made a speech on the day the legislation was passed expressing approval of the acquisition of this collection. At that time I did not know that the sculpture gardens would extend more than 600 feet across the Mall, to be dug into the Mall some 10 feet, and to have a retaining wall on both sides, for the protection, ostensibly, of those who might fall into it. The center rectangle which you see on the chart was to be the sculpture gardens. It was to cut directly across the Mall.

I might say further that on my left of the chart, and on your right, this brown circle here surrounded by the trees, is to be the sculpture garden for the National Gallery of Art.

We did not realize initially that there would be this trespass on the Mall, having the effect of creating a new axis to the Mall.

Further to your left, not shown on this chart, is the National Archives. So that in effect, under the original plan, until last year this transverse of the Mall was to be the sculpture garden.

The Subcommittee on the Library and Memorials discussed this in considerable depth, incidental to the overall hearings on the Smithsonian Institution, which again, I say, reflect credit on that Institution.

Mr. Brademas, Mr. Nedzi, Mr. Schwengel, Mr. Harvey, Mr. Crane, and myself introduced legislation entitled H.R. 2561, at the beginning of this Congress, asking that the Smithsonian Institution and the Regents reconsider the matter and not trespass the Mall. H.R. 2561 directs that a different site for the sculpture garden be found.

As a result of this, Mr. Gordon Bunshaft, the architect, came in with a new plan which, instead of breaking up the unbroken vista from the Capitol to the Washington Monument along the Mall, eliminates this transverse of the Mall. And so the new plan—and I have not to this minute heard of its official status, although I am assured that there will not be a transverse of the Mall—calls for the Hirshhorn Sculpture Gardens be put contiguous to the museum in this direction, which is perpendicular to its former direction. In other words, the sculpture garden will not cross the Mall, but will be parallel to it.

I must confess that, although I feel that perhaps a better alternative plan could have been devised, that we have a contract, we are committed, and that this new sculpture garden plan is acceptable.

The CHAIRMAN. The time of the gentleman from New Jersey, has expired.

(By unanimous consent, Mr. Thompson of New Jersey was allowed to proceed for 3 additional minutes.)

Mr. THOMPSON of New Jersey. This is, in my judgment, an acceptable alternative.

With respect to the collection itself, I think that the paintings and sculpture are an absolutely invaluable asset which we will acquire.

There are some questions about the maintenance and the operation of the collection and the present method of construction. But in the main, I can assure the Members that the community in arts and sculpture is better qualified by far than I am, and is enthusiastic about this acquisition.

It will still, I will say to the gentleman, be named the Joseph H. Hirshhorn Museum and Sculpture Garden. It will be in the position that this House agreed on in November 1966. But the trespass on the Mall will not take place, I am assured. If it does take place or if there is any undertaking to construct the sculpture garden across the Mall, I certainly will be among the first to object.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. BOW. The distinguished gentleman from Texas (Mr. Mahon) is a regent of the Smithsonian, as I am, and I can assure the gentleman that the regents have acted upon this. The regents are opposed to a trespass on the Mall and are in complete accord with the plans that the gentleman has here outlined.

So I can assure you that the regents have had this matter before them and have considered it very carefully and have taken action to see that there is no trespass on the Mall, and that includes the Chancellor who is the Chief Justice.

Mr. THOMPSON of New Jersey. I thank the gentleman for these firm assurances from two distinguished congressional regents.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield to the gentleman.

Mr. YATES. In the committee report on page 33, the committee says this:

> The Committee is of the opinion and so directs, that none of the funds provided in this bill shall be used for construction of a sculpture garden on a north-south axis across the Mall.

The committee also says this:

> The Committee further understands that final approval for the revised plans of the sculpture garden has not yet been granted by the National Capital Planning Commission. Until such approval is granted, the Committee directs that none of the funds provided in this bill for the Hirshhorn Museum shall be available for expenditure.

So the committee is protecting against that eventuality.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(Mr. THOMPSON of New Jersey asked and was granted permission to proceed for 2 additional minutes.)

Mr. THOMPSON of New Jersey. Mr. Chairman, I would like to say—that I am at a total loss to understand why, beginning on page 933 of the hearings of this subcommittee, Mr. Bradley of the Smithsonian Institution took pains to insert in the record numerous statements, including two articles beginning on page 934 to 938; articles which assert that I, as the then chairman of the Subcommittee on Library and Memorials was engaged in a vendetta with the Secretary of the Institution, Dr. Ripley. These articles are absolutely false and, even worse, outrageous, for they accuse me of being anti-Ripley, an anti-Semite and anti-Smithsonian.

I consider this, and I would like the record to show it, on the part of the Smithsonian authorities a gratuitous insult and absolutely unnecessary. I disavow them as being totally false.

I still support in principle the acceptance of the Hirshhorn gift. I would suppose Mr. Bradley, and perhaps Dr. Ripley, were upset that this body had the temerity for the first time in 100 years to oversee their activities.

Now the chairman of the Subcommittee on Library and Memorials is the distinguished gentleman from Michigan (Mr. NEDZI). I am still a member of that subcommittee, but not its chairman. I hope in the future as we exercise, under the law, our oversight responsibilities, that those who are asked reasonably and rationally to come in and report to us, and through us to the American people, will not set forth accusations which are unverified, untrue, and derogatory of Members of Congress.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. SCHWENGEL, and by unanimous consent, Mr. THOMPSON of New Jersey was allowed to proceed for 1 additional minute.)

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I want to join in this colloquy, because I want to say to this House that I was a member of the subcommittee. I participated in all the hearings chaired by the gentleman from New Jersey who spoke to you and who straightened out the records. I agree that this was not a personal vendetta or a vendetta by the committee. This was merely an attempt to get at all the facts. It was done fairly and accurately and in the public interest.

Mr. Chairman, before we move finally on the Hirshhorn donation, we should be more sure of reservations. It seems to many of us that the project was rushed through Congress in a hurry and before all necessary precautions and valuations were made. There are some problems in connection with receiving this collection that need to be explored. Already the plans have been amended and they need to be amended further, I believe. More valuation should be given to the naming of this art center. If the proposition is accepted as now understood, it might not work in the public interest. This calls for more study and some evaluation and then some further decisions.

Mr. THOMPSON of New Jersey. I thank the gentleman. I am really not so upset because of the assurances by the distinguished chairman of the subcommittee, the gentlewoman from Washington (Mrs. HANSEN) as related to us from the record by our colleague, the gentleman from Illinois (Mr. YATES). The fact is that I sincerely feel that we made a mistake in the initial instance of this authorization, in the design of it. We corrected that mistake, and I think it is to the credit of this body that it did exercise its oversight responsibility and bring about, therefore, the change effected in the location of the sculpture garden.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

> SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

### AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ANDERSON of California: Page 38, after line 21, insert the following new section:
>
> "SEC. 302. No part of the funds appropriated by this Act may be expended for any predator control program in which any food, water, or other substance which has been treated with any biocide or toxicant is used as bait to be ingested by the predator, or for any predator control program in which that use is promoted, or in which information concerning that use is disseminated, unless that substance is approved for use by the Secretary of the Interior and the Administrator of Environmental Protection Agency. For the purposes of this section the term 'biocide or toxicant' means direct acting, cumulative, or chain-reacting poison; namely, strychnine, thallium, and compound 1080, (sodium monofluoro acetate)."

Mr. ANDERSON of California. Mr. Chairman, this amendment would require the Secretary of Interior to gain the approval of the administrator of the Environmental Protection Agency before the Division of Wildlife Services may purchase, use, or distribute a poison, such as strychnine, thallium, and compound 1080, in its predator control program.

This Government's schizophrenic attitude toward our wildlife must be reversed. On the one hand, we are attempting to preserve animals, while on the other hand, we are spending millions of dollars to destroy them.

I recognize the need to control specific, individual predators, but the indiscriminate poisoning of any animal that happens to feast on tainted meat must be curbed.

How many animals has the Department slaughtered?

As a starting point, we can use Interior Department figures for fiscal year 1970. Last year—73,093 dead coyotes were discovered, autopsied, and credited to the Department of Interior; 8,403 bobcats were killed under Interior programs; 121 mountain lions were killed under their supervision, and 403 black bears were killed by the Department of Interior.

But, this is only the tip of the iceberg—these numbers represent only the number of animals that were discovered, autopsied, and credited to the Department of Interior. Many more animals died in the wilds and were not discovered.

In fact, the Department of Interior, with only one of their favorite poisons—compound 1080, distributes enough poisoned bait to kill 36.7 million coyotes—and that figure assumes that each coyote ate twice as much poisoned meat as is required to kill it.

Mr. Chairman, the Department of Interior, in its policy of saturation and overkill, last year distributed enough 1080 bait to eliminate every coyote in an area covering 388,800 square miles or an area larger than the entire States of California, Colorado, and Idaho.

This 1080 bait, already enough to kill well over 36.7 million coyotes, is supplemented by 822,043 strychnine baits. Add this to the other poison and we can see that the intent of the Department of Interior is to completely wipe out wildlife in the Western States.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Did the gentleman read the hearings the committee held this year, where it was said exactly 24 pounds had been used throughout millions of acres in the West? I only ask this because we discovered during our hearings there was a multiplicity of partial truths. I just think the whole truth needs to be said. I am for freedom of total information.

Mr. ANDERSON of California. Thank you, Madam Chairman. I have read the hearings and I agree with the gentlewoman that nearly 24 pounds of compound 1080 were used last year in poisoning wildlife. But, I hasten to add that this is diluted into 645,000 pounds of treated bait—an amount sufficient to kill 73.4 million coyotes, since only 1.4 ounces of treated bait is required to kill a single coyote.

Yes, I have read a great deal of the record, and I have read the report on the bill. I commend the committee for their steps in recommending that the Department of Interior give specific consideration to:

First, insuring that all programs to control predators be carried out in such a way as to give maximum protection to the birds, animals, and wildlife in an area;

Second, placing more emphasis on the supervision of control actions which will insure that Department guidelines are strictly carried out, and;

Third, further efforts which can be made to develop control actions which are limited to the damage-causing animals.

In referring to the recent death of eagles in Wyoming, William Ruckelshaus, administrator of the Environmental Protection Agency, testified that—

> This situation graphically illustrates the inadequacy of the present law—we do not have at the present time the controls over the use of environmentally hazardous pesticides that we so clearly need.

Madam Chairman, the funds in this act should be designed to save wildlife.

We need research on methods to selectively control the individual predator that is causing the damage. Reproductive inhibitors should be investigated. Research to discover a "coyote or predator repellent" should be completed.

I would like to thank the wildlife conservation groups such as the Sierra Club, the Friends of the Earth, the Committee on Humane Legislation, the Humane Society of the United States, and the League of Conservation Voters for their support and for their guidance on this matter. In addition, I appreciate the suggestions and support given by my colleagues, Mr. RONCALIO, Mr. RODINO, Mr. RYAN, Mr. YATRON, Mr. DELLUMS, Mr. DON EDWARDS, Mr. WYMAN, Mr. HALPERN, Mr. WALDIE, and Mr. CLEVELAND.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman. The gentleman from California has made some very devastating statements with respect to compound 1080. I should like to ask a question. Does compound 1080 kill endangered species?

Mr. ANDERSON of California. Yes. These poisons are not selective. The Denver Wildlife Research Center conducted research on the cause of death of certain birds. Of 19 dead endangered birds that were examined, 13 contained lethal doses of 1080. These included one California condor, one bald eagle and 11 golden eagles. We are wiping out other animals—some of which are endangered. The black-footed ferret is about to flicker out and die as a species, victim of the poisons that are wiping out the prairie dogs on which the ferret dines.

Mr. DELLUMS. I thank the gentleman.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Oregon.

Mr. WYATT. I should like to say, I did not raise a point of order against the gentleman's amendment but I cannot sit silently without expressing, in as clear language as possible, that I believe this is the poorest possible legislative exercise, to attempt to legislate with no hearings and no facts, and obviously to legislate on an appropriation bill in this manner.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say in agreement with the gentleman from Oregon (Mr. WYATT) and to the gentleman from California (Mr. ANDERSON) that it is very difficult to legislate policy, particularly on poisons, insecticides, and their effect on species of animals, and so forth, in an appropriation bill.

You will find that our hearings have covered several thousand pages. We had divergent viewpoints expressed on all manner of things, including the matter of pesticides and poisoned bait and so on.

You have the problem of the Navajo Indians, who are pitifully dependent upon their sheep that they are trying to graze. You have certain poor people scattered all over the grazing lands of the West who are desperately in need of both food and income. I know exactly how the environmentalists feel, but I do think that the place for this kind of an amendment lies with the authorizing committee. There you have adequate opportunity to hold specialized hearings and utilize the talent and the skill of various scientists and the people qualified to recommend what is best for the Nation.

I am not going to oppose the amendment, since I know the gentleman is very sincere and very well intentioned. I think every Member of this House is well intentioned in this regard, also. I just say that if many Members would be as enthusiastic about writing speeches for the authorizing committees and going before them and bringing the talented people in the various fields of science to those authorizing committees to obtain legislation, you would have a much better Government than you will have by tacking amendments on the tail end of an appropriation bill.

Mr. Chairman, in no way am I being derogatory to the distinguished gentleman from California, but I just warn that this is becoming an increasing practice. I have had some few deals with reform programs. Good reform comes about where we have ample time and talent to fully discuss these things, I do hope in the future that this will happen because we have a grave question here about making long-range policy decisions on an appropriation bill without adequate scientific advice.

Mr. KYL. Mr. Chairman, will the gentlewoman yield to me?

Mrs. HANSEN of Washington. I am delighted to yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I congratulate the gentlewoman for her statement. As a matter of fact, the thing that I am afraid of is someone may think we are accomplishing so much more here than we are. The way this amendment is written, I do not believe it will change a thing, and I do not want anyone to think it will.

As a matter of fact, because of the enthusiasm for amendments of this kind which the gentlewoman spoke of, we preclude more scientific controls.

We had all of the fuss about killing animals from airplanes. If we have a predator like a mountain lion doing damage, the best way to get rid of him is to track him down with an airplane, find him, and then shoot him. However, we cannot do that, either, so alternative methods have to be devised.

I think the gentlewoman is right. Both she and I find poisoning abhorrent, and we believe it is not the way to do the job, but I feel that little if anything will be accomplished by this amendment as it is phrased today.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to say something on behalf of the lambs. It is recognized that coyotes in a pure wilderness area or an area where sheep are not present will survive and satisfy their hunger by eating birds, rabbits, rodents, and, if available, the fawn of deer and antelopes.

But where sheep are raised, coyotes feast on lamb, they thrive on lamb and frequently kill or wound more than they are ever going to eat.

Mr. Chairman, the numbers of sheep are on the decline in the United States, and they are on the decline in the State of Montana. However, the number of coyotes is on the increase in Montana. They are definitely increasing. Somehow, for humanitarian reasons, we have concern for the suffering of these animals or predators when they are controlled by poison. I do want to see that the predators are controlled as humanely as possible, but I do want them controlled because the coyotes cause suffering too. Coyote killing or seriously wounding lambs is not humane. They take more than they can eat. They rip open the throats or the bellies of the lambs and those lambs that do not die immediately, but live or survive for hours or days, dragging their viscera through the sagebrush, receive very inhumane treatment from the coyote. It is not very often that coyotes kill ewes, but they frequently cripple them. They experience considerable pain from the teeth of the killer coyotes.

I think it is prudent that we control predators where they exist.

The control and prudent use of 1080 by the Bureau of Sport Fisheries and Wildlife is not overdone. It is necessary. I have some concern as to its use also, because I find eagles are on the increase in Montana, and some have been poisoned. They were not poisoned by 1080 baits set by the Bureau. The eagles that were poisoned or died recently in Wyoming do not show any 1080 put out by the Bureau. While some 1080 has been found in some of the eagles, it does not contain a tracer that the Bureau uses. The Bureau can positively identify the source of the 1080, if it is theirs, and the eagles that were poisoned or died recently in Wyoming do not show any of the tracer that the Bureau uses with 1080.

Mr. Chairman, eagles do not easily succumb to 1080, but, at any rate, there is a need for the proper use of it.

Balancing the need for controlling killer coyotes against the damage and death they do to thousands of lambs—let me tell you of some recent losses near my home in Montana.

One cold evening last January I met with some 20 sheepmen at Jordan as they listed for me their losses during 1970 from coyotes. Their operations were, for the most part, family-sized ranches. They listed substantial losses of lambs from coyotes. Close to 4,000 lambs on one area were listed in one year. This represents too big a loss for them to take. They cannot afford it.

Airplane hunting, trapping, or other means of control do not get all of the killer coyotes, and the use of 1080, closely controlled, is needed on occasions in specific areas by the Bureau.

I mention this specifically because when a coyote starts killing lambs, he just lives with the flock. That is all he lives on. He hangs with the flock or flocks, in the general area, and he takes all the lambs he wants, eating few but killing or maiming many.

Mr. Chairman, it is better to have 1080 regulated and used by the Bureau as prudently as it is now done, rather than to rely on the individuals using it themselves or using some other form of poison.

Let me say that the people in my area have accepted the control of predator coyotes by the Bureau of Sport Fisheries and Wildlife, and I think the Bureau has done it carefully without excesses and as humanely as possible.

Mr. Chairman, what the gentleman's amendment proposes is taken care of under already existing programs which coordinate the various branches of Government on environmental questions. The Environmental Quality Act of 1970 called for a coordinating group, and this group was chartered by the President under a charter which appeared in the Federal Register of March 27, 1970.

The use of 1080 and other poisons by the Bureau of Sports Fisheries and Wildlife has to be approved each and every fiscal year by the Environmental Protection Agency, which reviews the need and proposed uses.

Executive Order 11514 of March 5, 1970, calls for the very thing the gentleman's amendment would require. It is already part of the law. There is no need for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ANDERSON of California. Mr. Chairman, on that I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 400, nays 5, not voting 28, as follows:

[Roll No. 171]

YEAS—400

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Dickinson
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—5

Bennett
Gross
Hall
Rarick
Schmitz

NOT VOTING—28

Brasco
Bray
Carey, N.Y.
Chappell
Davis, Ga.
Dent
Devine
Donohue
Edwards, La.
Fascell
Hagan
Jacobs
Jones, Tenn.
Landrum
Long, La.
McCulloch
McKinney
Macdonald, Mass.
Morse
O'Hara
Purcell
Railsback
Rousselot
Runnels
Stratton
Taylor
Wampler
Watts

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Morse.
Mr. Brasco with Mr. Chappell.
Mr. Fascell with Mr. Bray.
Mr. Taylor with Mr. McKinney.
Mr. Donohue with Mr. Devine.
Mr. Carey of New York with Mr. Railsback.
Mr. Edwards of Louisiana with Mr. Rousselot.
Mr. Long of Louisiana with Mr. Wampler.
Mr. Purcell with Mr. Davis of Georgia.
Mr. Runnels with Mr. Jones of Tennessee.
Mr. Stratton with Mr. Watts.
Mr. O'Hara with Mr. Jacobs.
Mr. Macdonald of Massachusetts with Mr. Landrum.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

**Mrs. HANSEN** of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 991. An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes.

## HOUR OF MEETING TOMORROW

**Mr. BOGGS.** Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

**Mr. GROSS.** Mr. Speaker, reserving the right to object, what will be the program tomorrow, if I might ask the distinguished majority leader.

**Mr. BOGGS.** I appreciate the gentleman's request.

We have a heavy program for tomorrow. There are two privileged resolutions having to do with the so-called Pentagon papers from the Committee on Armed Services. Also there are two conference reports involving important appropriation bills.

Also scheduled are S. 1700—Treasury borrowing from Federal Reserve and one regular appropriation bill.

We hope to dispose all of this business tomorrow.

**Mr. GROSS.** There is one appropriation bill?

**Mr. BOGGS.** There is one regular appropriation bill and two appropriation conference reports.

**Mr. GROSS.** There are three appropriation conference reports?

**Mr. BOGGS.** There are two.

**Mr. GROSS.** What about the other two bills—I believe they are called the health bills—they are on the program for this week. Will they go over until Thursday?

**Mr. BOGGS.** They are the two health bills. One is the Health Manpower Training Act and the other is the Nurses Training Act which were announced that they will be scheduled on Thursday.

**Mr. GROSS.** Is there any reason why one of those bills could not be taken up today?

**Mr. BOGGS.** Unfortunately, may I reply to the distinguished gentleman from Iowa, many of the Members on our side of the aisle because of commitments early this evening have asked that no further business be scheduled, and we have no further business on the whip notice for today.

**Mr. GROSS.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## ANNUAL REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read, and, together with accompanying papers, referred to the Committee on Science and Astronautics:

*To the Congress of the United States:*

I am pleased to transmit to the Congress the third Annual Report of the National Science Board, as required by Section 4(g) of the National Science Foundation Act, as amended by Public Law 90-407.

Action to meet the needs of today includes laying the foundation for tomorrow's problem solving. For this reason, I suggest that this report of the National Science Board receive your attention.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

## THIRD ANNUAL REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-136)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed:

*To the Congress of the United States:*

I herewith transmit the third annual report on national housing goals as required by Section 1603 of the Housing and Urban Development Act of 1968.

This Report, prepared by the Secretary of Housing and Urban Development, notes the progress toward meeting the Nation's housing needs. Increased housing opportunities have been provided for lower income families through the greatly expanded federally assisted housing programs. Lower interest rates and the increased availability of mortgage capital will permit greatly expanded housing production during the current year.

The Report also makes it quite obvious that we must not be complacent about the progress we have made in the past two years. Several types of problems are emerging. Housing costs continue to rise, pricing many families out of the market for adequate homes. This Administration has taken firm steps to control the inflation in construction costs, but we cannot consider the problem solved.

Other problems highlighted in this Report are equally or more difficult to solve:

—The need to deal with inequities which arise when some families receive subsidies and others do not, the inevitable result of having to allocate scarce resources.

—The need to assure that the effort to meet housing production objectives goes forward in consonance with our deep concern for assuring a desirable overall living environment.

These problems are complex; simplistic solutions will not do the job. This Report raises the problems in a straightforward way so that they can be aired and each of the possible solutions explored openly. Only in this way can realistic answers be found. This Administration is committed to the search for those answers, working in full cooperation with the Congress, private industry, labor and the American people.

I commend this Report to the Congress and to the public as a major step forward in our efforts to meet the housing needs of the American people.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

## PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD.)

**Mr. DULSKI.** Mr. Speaker, I missed several rollcall votes. Had I been present and voting, I would have voted "yea" on rollcall Nos. 147 and 148, and on recorded teller votes Nos. 159 and 160. I would have voted "no" on recorded teller votes Nos. 161 and 163. I would have voted "yea" on recorded teller vote No. 164 and on rollcall vote No. 165.

## DRUG ADDICTION IN OUR ARMED FORCES

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the subject of drug addiction in our Armed Forces has become a matter of national concern. It is estimated that there may be as many as 40,000 American troops in Vietnam alone, who are dependent on hard drugs. We know that many former members of the Armed Forces became drug dependent while in the service; some, in fact, have been discharged because of their addiction.

Aware of the need for a direct legislative approach to meet this situation, for the protection of both the servicemen and society, my colleagues from Philadelphia, Congressmen **ROBERT N. C. NIX**, **JAMES A. BYRNE**, **JOSHUA EILBERG**, and **WILLIAM J. GREEN**, have joined with me to introduce a bill to provide for the detection and treatment of present and former members of the Armed Forces who are narcotic addicts.

This proposal provides for a simple, direct, straight forward approach to meet the situation. It refuses entrance into the Armed Forces to those who are found to be drug dependent. It provides for detection and treatment for members of the Armed Forces, strongly encouraging and providing incentives for voluntary submission to treatment and rehabilitation.

Voluntary submission by the serviceman is encouraged by granting him immunity from disciplinary action. In addition, confidentiality between doctor and patient, which is nonexistent in the military, is established. Even those charged with or convicted of drug-related offenses are to be afforded every opportunity for treatment and rehabilitation while in the service.

At the same time, those adjudged to be addicted to a narcotic drug may not be separated from the service to become a burden on and threat to society. Another feature of the bill is the provision that the addict is required to go through the period of treatment and rehabilitation on his own time. In other words, the addict cannot be discharged from the service until cured and the time it takes to cure the GI would not be included as part of his service time.

The bill overcomes the legal question of extending military service beyond the obligated period and the requirement to defer discharge will serve as an effective deterrent to the taking of drugs. Also, it will stop many GI's who take the drug route as a means of being discharged from the service before their time is up. This course of action, as well as the military practice of discharging the addict, has resulted in countless addicts being turned loose with uncontrollable habits, posing terrifying threats to themselves and to all society.

The bill also provides for treatment of veterans who became drug dependent while on active duty. We know that many former servicemen were introduced to habit-forming drugs while in the Armed Forces, and are drug dependent today. While the VA has undertaken a program to assist drug-dependent veterans it is limited by law to those veterans receiving an honorable discharge. Unfortunately, many veterans were discharged because of drug addiction and received less than an honorable discharge and are therefore not eligible for VA treatment. Provisions in the bill would alter the situation so that these veterans could receive a full range of assistance for drug dependency from the Veterans' Administration or the Public Health Service.

## TEXTILE IMPORTS

(Mr. JONAS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JONAS. Mr. Speaker, the news from the Far East with regard to the administration's efforts to negotiate textile import agreements is anything but encouraging.

While little has been stated publicly, wire service dispatches from Taiwan, Korea, and Hong Kong indicate that those countries are taking a very hard line with regard to proposed restraints.

One report even stated that Korea, one of the largest exporters of textiles and apparel, has suggested a 45 percent annual increase in its exports. This is difficult to understand in view of the very bad economic and employment conditions throughout our domestic textile industry.

Ambassador David M. Kennedy, and a team of U.S. Government negotiators, have been meeting for the past several weeks with Government leaders in Taiwan, Korea, and Hong Kong. After lengthy sessions in each country, Ambassador Kennedy reports that some progress has been made only with Taiwan, where there apparently was general understanding on some of the major elements of an agreement.

This apparently was not the case where Korea is concerned. A leading official of Korea's Ministry of Commerce and Industry was quoted last week as saying that the talks had failed.

The details of what is being discussed have not been released in this country, but it is my understanding that Ambassador Kennedy has, in each country, made a forceful presentation of the textile import problem in this country. He placed particular emphasis on the unemployment which is resulting from the ever increasing level of imports.

We have heard a great deal about Japan's burgeoning imports and her refusal to agree to meaningful controls. Taiwan, Korea, and Hong Kong are playing an equally significant role in the vast buildup of imports which has contributed to the loss of 100,000 textile and apparel jobs in the United States. In my State, alone, where textiles are the largest industrial employer, we have seen 30 plants close. Thirteen have closed in South Carolina and seven in Georgia and Alabama.

Last year, textile and apparel imports reached a record level of 4.5 billion square yards. More than half of these products came from Japan, Taiwan, Korea, and Hong Kong.

Yet, these countries refuse to admit their imports have reached a level and a rate of growth where some reasonable restraints would be in order.

In the case of Korea, her textile exports have more than tripled since 1967, growing from 97 million square yards to 300 million square yards in 1970. Imports from Korea during the first quarter of this year indicate that this figure will rise to 444 million square yards by the end of the year.

The United States has a bilateral agreement with Korea governing imports of cotton textiles, and the growth has been steady, but reasonable. The unregulated area of manmade fiber textiles is another story. Manmade fiber textile imports from Korea have grown from 64 million square yards in 1967 to 254 million square yards in 1970.

The growth of textile imports from Taiwan has been even more dramatic. In 1967, we imported about 197 million square yards, but today imports from Taiwan are entering this country at an annual rate of 625 million square yards.

These dramatic increases have been taking place during a period when the textile market was growing only about 3 percent per year.

It is my impression that Taiwan has evidenced some understanding of the magnitude of the textile import problem in the United States and has shown some desire to cooperate. This may or may not result in a satisfactory agreement.

Korea, on the other hand, apparently has shown no willingness to cooperate. They have pleaded that they need special consideration. It seems to me that we have given Korea a great deal of that special consideration already. We have spent more than $5 billion on economic assistance to Korea since the end of the war. We have given military assistance to the tune of $3.2 billion.

Our Government is not asking that Korea stop her shipments of textiles and apparel to the United States. We all appreciate the value of this trade to both countries. But our trade with Korea and Taiwan and Hong Kong and Japan has reached the point where it is too much of a good thing. Our friends in the Far East are killing the goose that laid the golden egg.

It is in the long-term best interest of all of them to come to terms now, so there can be orderly development of textile trade. The United States can no longer tolerate the unregulated trade which is leading us down the road to longer and longer unemployment lines.

## PERSONAL EXPLANATION

(Mr. VEYSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VEYSEY. Mr. Speaker, recently I

sponsored a major air pollution conference for legislators throughout the Los Angeles-Riverside air basin. This conference and other official business made it impossible for me to be present during the legislative week of June 10–18. I want the record to show how I would have voted had I been present.

On June 10, I would have voted "yea," roll No. 129, on House Resolution 471, the rule under which the Sugar Act was considered. On the Sugar Act, H.R. 8866, roll No. 130, I was paired for and would have voted "yea."

On June 15, I would have voted "yea", roll No. 134, on the conference report on S. 575 Appalachian regional development, which includes public works acceleration.

On June 16, when the House considered military procurement authorization for the fiscal year 1972, I would have voted "nay," roll No. 137, on the amendment that sought to limit ABM funding. On the amendment that sought to strike out $370.2 million for development of the B–I manned bomber, roll No. 138, I would have voted "nay." On the amendment to the previous amendment that would reduce B–I development funds to $200 million, I would have voted "nay." I would have also voted "nay," on the amendment that sought to reduce research, development, and evaluation funds to fiscal year 1971 levels, a cut of $900 million. I would have voted "nay," roll No. 139, on the amendment which was identical to the previous amendment except that it provided a 5 percent increase over last year's levels for inflation. On the amendment that sought to limit authorization to the fiscal year 1971 appropriation level, I would have voted "nay," roll No. 140.

On June 17, roll No. 142, I would have voted "yea" to table the Hathaway motion to agree to Senate amendments to education appropriation bill. On the amendment that provided for a straight cutoff of support after January 1, 1972, with no other provisions, I would have voted "nay," roll No. 143. On the Nedzi-Whalen amendment which was designed, subject to certain provisions, to prohibit the expenditure of new funds after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos, I would have voted "nay," roll No. 144. On the amendment to the previous amendment that extended the deadline by 4 months, and contained provisions regarding POW's, or any cease-fire entered into; I would have voted "nay." On the amendment that called for a cutoff of funds to support the deployment or maintenance of any U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina, after June 1, 1972; subject to certain provisions regarding POW's, I would have voted "nay," roll No. 145. On H.R. 8687, the military procurement authorization for fiscal year 1972, I would have voted "yea," roll No. 146. On the amendment that forbids funds to institutions of higher education that deny armed services recruiting personnel access thereto, I would have voted "yea."

On June 18, I would have voted "yea," roll No. 147, on House Resolution 434, to authorize additional investigative authority to the Committee on Education and Labor. On H.R. 7736, to extend for 1 year the student loan and scholarship provision of titles VII and VIII of the Public Health Service Act, I would have voted "yea," roll No. 148.

## STATE AND LOCAL OFFICIALS NOW SERVING IN CONGRESS

(Mr. SHOUP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matters.)

Mr. SHOUP. Mr. Speaker, many things have been said by Members of this august body, and by others, regarding revenue sharing. Much has been constructive, but a good deal has been ill-throughout. One of the major criticisms of this concept has been leveled at those public officials who would administer these shared funds on the State and local levels.

I am concerned about the attitude of some of my colleagues regarding the fitness of local and State officials to administer the funds shared under the revenue sharing concept.

Having served recently as the mayor of a growing city of 50,000, I have taken these criticisms somewhat personally, and I am sure that many of my colleagues had been offended by such thoughtless cynicism. So, I have done some research on the question and I have discovered that over 400 members of the 92d Congress have held responsible positions in State and local government before becoming Members of Congress. Seventeen Members of this Congress have been Governors of States, 11 have served as Lieutenant Governors, 337 have served in the legislatures of our States. Thirty-six have been city or county executives, and 51 have been members of city or county councils.

Under these circumstances an indictment of local and State officials becomes an indictment of this Congress to a substantial degree.

Mr. Speaker, I would like at this time to insert into the RECORD a list of the Members of this Congress and the positions of responsibility they have held in State and local government before coming here. The major source of information in compiling these listings was the "Official Congressional Directory; 92d Congress; First Session." Therefore, in some cases where the biographical summaries in the Directory are incomplete, the following lists may be likewise incomplete. However, several checks of other sources of information have indicated that these listings are substantially complete:

### LIST BY CATEGORY

### GOVERNORS

Senator Paul J. Fannin, Arizona.
Senator Abraham A. Ribicoff, Connecticut.
Senator James Caleb Boggs, Delaware.
Senator Herman E. Talmadge, Georgia.
Senator Len B. Jordan, Idaho.
Senator Harold E. Hughes, Iowa.
Senator Edmund S. Muskie, Maine.
Senator Henry L. Bellmon, Oklahoma.
Senator Mark O. Hatfield, Oregon.
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Total: 17.

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Representative Leonard R. Blanton, Tennessee.
Representative Wright Patman, Texas.
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Representative Clement J. Zablocki, Wisconsin.
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Representative David R. Obey, Wisconsin.
Representative John W. Byrnes, Wisconsin.
Representative Glenn R. Davis, Wisconsin.
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Representative Robert A. Roe, Wayne Township, New Jersey.

Representative Henry Helstoski, East Rutherford, New Jersey.

Representative Edward J. Patten, Perth Amboy, New Jersey.

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Representative Clarence E. Miller, Lancaster, Ohio.

Representative Wayne L. Hays, Flushing, Ohio.

Representative John J. Duncan, Knoxville, Tennessee.

Representative Earle Cabell, Dallas, Texas.

Representative James C. Wright, Jr., Weatherford, Texas.

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Representative Vernon W. Thomson, Richland Center, Wisconsin.

Total: 36.

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Representative John William Stanton, Lake County, Ohio.

Representative Charles A. Vanik, Cleveland, Ohio.

Representative Walter E. Powell, Fairfield, Ohio.

Representative Lawrence G. Williams, Springfield, Pennsylvania.

Representative Bill Archer, Hunters Creek Village, Texas.

Representative Henry B. Gonzalez, San Antonio, Texas.

Representative David E. Satterfield III, Richmond, Virginia.

Senator Clifford P. Hansen, Teton County, Wyoming.

Delegate Walter E. Fauntroy, Washington, District of Columbia.

Total: 51.

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## A NEW PERSPECTIVE ON WORLD TRADE

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, the news this weekend is not all that good on the foreign trade front. In fact, no less an authority than the Secretary of Commerce predicted a trade surplus of $1 billion or less this year. The United States, according to the Secretary, has been losing and is continuing to lose its competitiveness in world market. As bad as a $1 billion surplus figure would be, the key words in the Secretary's prediction, as far as I am concerned, are the words "or less." For the Secretary went on to confess that we may end up this year, though I am not predicting it, with a trade deficit for the first time in 75 years. The most marked decline has been in the area of technologically intensive manufactured goods. We seem to be losing our competitive edge in this field as foreign countries, with the assistance of investment by our multinational firms in their economy, seem to be catching up with us. Anyone who fails to see the connection between the declining investment of this Nation's GNP in private research and development and the rising unemployment figures among this Nation's technicians and scientific workers simply is not capable of putting two and two together. Furthermore, anyone who does not see the connection between our staggering unemployment figures in this sector and the impact of foreign imports on these figures is not considering all the factors in this elementary equation. While we are on the subject of equations, one only has to look at the healthy balance-of-payments surplus announced for Japan recently and compare it to the $1.4 billion trade deficit that this country had with Japan in 1970 and realize that it is no accident that these figures coincide. I am glad to see that both the Secretary of Commerce and the Secretary of the Treasury are lately in agreement and are at least publicly urging that the United States take a hard-core stand on reciprocity and it is my hope that these public utterances will be reflected in our trade negotiations. It would certainly be a novel approach to judge from past performance.

Against this background, I think it is clear for all to see that the old theory of comparative advantage in world trade isn't working—we've all seen that in the reversal of our balance of payments and in the move of many companies to overseas production sites. Technology has been refined and spread to the point that low-wage labor in any country can build the most advanced electronic equipment—obviously at a lower cost than it could be produced in the United States. And the multinational corporations have taken advantage of this. Their operations now make up more than half our total trade, and they are rapidly becoming one of the most powerful forces in world economics.

The American Federationist recently carried an article by Howard D. Samuel, a vice president of the Amalgamated Clothing Workers of America, discussing these changes in world trade. He emphasizes the fact that the old theories no longer work, and that we need to develop new formulas to meet new conditions.

His suggestions for new ways of dealing with new conditions in world trade make sense to me. I would like to share his ideas with my colleagues, and so I am including this article in the Record at this point.

### A New Perspective on World Trade

(By Howard D. Samuel)

Most of us grew up in a climate of free trade. The spirit of Cordell Hull reigned supreme and the philosophy of David Ricardo, centering on the theory of comparative advantage, still held firm 100 years after it was formulated. Ricardo and Hull both believed that each nation could identify and develop its own economic strengths, yielding its areas of weakness to imports of other nations.

In theory it was a logical and nicely balanced system, and it probably responded quite fairly to the conditions of the world 150 years ago and to a lesser extent 40 years ago. A number of backward nations, endowed with natural resources but without technology or a skilled labor force, could best build their economies around agriculture or mining. And a number of moderately developed nations could only accommodate themselves to a few rudimentary manufacturing processes, such as basic textiles or metals. Finally, a few advanced nations, endowed with both technology and a skilled labor force, could handle the more complex fabricating processes. The higher wage levels of the advanced nations were protected naturally, by technological and capital strength.

For more than 100 years, this formula for free trade made considerable economic sense and, although many nations refused to accept it in practice, in theory it was hard to refute.

For the past several decades, however, the conditions which gave rise to the theory of comparative advantage have been steadily eroding—until today the world economic picture has been so drastically altered that the theory is almost meaningless.

The main factor which has changed has been the world-wide spread of technology. Although many countries still must be classified as under-developed, technological processes have been so rationalized and refined that almost any country can produce almost anything it wants to—so long as it has the necessary capital.

The unschooled girls of Taiwan can do just as well assembling complex TV components as the high school graduates of New Jersey. The untrained workers of Africa or Asian nations can be taught to produce complex products, ranging from tiny transistors to giant turbines, as readily as the skilled workers of Pennsylvania or the West Coast. And the depressed inhabitants of the most squalid slums of the Far East can be taught to make specialty steel products just as well as the experienced workers of Pittsburgh.

The astonishing dispersal of technology is perhaps best illustrated by the case of the General Instrument Corporation, manufacturer of the most advanced kinds of electronic components. General Instrument is the largest single employer in Taiwan—a nation which we would normally classify as under-developed, where native workers would be most suitably employed harvesting rice for export. Instead they are manufacturing diodes—at about 10 cents an hour. Electronic calculators, electric typewriters, automobiles and computer parts are just a few of the kinds of complex technology which have come to roost in what used to be considered the backward nations of the Far East or South America.

Nor is there a shortage of international capital. For the other changing factor has been the spread of multinational corporations—giant companies, most of them based in the United States, others in Europe and Japan, which have set up subsidiaries all over the globe. As one economist, AFL-CIO Research Director Nat Goldfinger, has described it, "through the use of modern means of communication and transportation, through the operation of foreign subsidiary plants and other facilities and through license, patent and other arrangements with foreign companies, these U.S.-based multinationals juggle production, distribution, shipping and sales of parts and components as well as assembled finished products across national frontiers."

This is not a minor part of our trade pattern in 1971. In one way or another, more than half our total trade is the result of the operations of these multinational companies, beyond the reach of normal competitive transactions between Americans and nationals of other countries.

In 1970 alone, U.S. investment in foreign plants and equipment amounted to $12 billion. One of the results has been a steady erosion in our balance of trade position. Eliminating government aid programs, the United States has slipped by several billion dollars in trade in the last decade and is now operating at a deficit. Where the United States once benefitted from a trade surplus, exporting more than we imported, today we are importing more than we export. This means a net outflow of trade dollars, a condition which makes even old-fashioned free traders grim—and has contributed to the current crisis for the U.S. dollar in the international market.

These new factors have transformed the shape of international trade. Neither Ricardo nor Cordell Hull would recognize the normal pattern of trade today, which is not the regular and easy flow of raw materials and manufactured products between nations, but the convulsive moves and counter-moves of corporations closing up plants in one nation to open up in another. Comparative advantages still remain, but the exercise of comparative advantage is likely to be controlled not by individual nations choosing their own future destinies, but of corporate chief executives living on another continent. And in most cases the principal comparative advantage which remains to distinguish one country from another is workers' wages.

Technology, capital and skills can and do cross national boundaries. The only factor which is still anchored fast is the wage level. And in the competition between wage levels, the advanced nations—particularly the United States—will always come out the loser.

Few U.S. industries are immune to the new formulation of comparative advantage among nations. It is not just a question of high wage nations giving up the labor intensive industries such as textiles and apparel. Complex electronic products, machinery, automobiles, chemicals, metal products—all these industries find themselves vulnerable to increased imports from nations which we used to call undeveloped but which now have technology and capital—and low wages.

Technology, capital, invention, skills—nothing can give us the natural protection which was once afforded us, in theory and in fact. If the process continues unabated, the final irony is that we could be reduced to the posture of the backward nations of the 19th century, depending on the sales of agricultural products—we are already a major exporter of soybeans—in order to buy the manufactured products turned out by the nations of Africa and Asia. From shirt-sleeves to shirt-sleeves, in a half-dozen generations—on a global basis!

This is not hyperbole. England and the United States have been playing the role of the advanced nations, exchanging manufactured products for the raw materials of backward nations, along the pattern of comparative advantage drawn up by Ricardo. But the formerly backward nations are now capable of producing computers, airplanes and electronics and they are capable of exporting those products to the United States in trade for our agricultural products.

Does this mean that we should tear down the machinery of trade, close up our ports and retreat behind an impenetrable wall of tariffs and quotas to protect our industrial sector? Of course not. No sensible observer has made the suggestion. But it does mean that we are going to have to recast the economic philosophies of the last century in 1971 terms, to develop new formulas to meet new conditions. We cannot continue to depend on theories which kept us afloat 150 years.

Peculiarly enough, the direction in which we should be heading has already been well charted by many of the same academicians and theorists who today appear to resist any change in our trade policies. For the past 40 years, liberal economists have come to realize that laissez faire—the theory that governed all economics for much of the 19th century—can no longer be supported in today's complex world.

Under the laissez faire philosophy, we got unending and successive cycles of prosperity and depression, unemployment, insecurity, low wage levels, unequal job opportunity, cheating in the market place, monopoly practices, and all the depredations of the public welfare that the robber barons could devise. It became obvious that without government regulations to encourage and enforce a more equal sharing of its yield, the free enterprise system might well be laying the foundation for its own demise. As a result, starting just before the turn of the century and accelerating the past 40 years, we have been passing laws regulating almost every area of our lives.

Finance and banking, utilities, advertisings practices, the manufacture of drugs, food and many other products, safety standards, minimum wages, unemployment insurance and social security are just a few of the areas where government no longer allows the free play of the marketplace. Society generally is demanding more controls, not fewer, to assure that the fruits of our labor are shared more equitably and used more productively.

Surprisingly, international trade is one area where the economists still believe in a large measure of laissez faire. International trade, contrary to some claims, does not play an overwhelmingly important part in our standard of living, since it makes up only about 5 percent of our Gross National Product. But because its effects are confined to the industrial area, the damage caused by unregulated trade can be fairly intensive. We can no longer afford unregulated international trade any more than we can afford unregulated security markets or drug manufacturing or food packaging. Regulation of trade, designed to soften the impact of concentrated imports from other nations with lower wage standards, has become an absolute necessity if we are to avoid growing disruption, loss of job opportunities and sharp rises in our costs of job training and public assistance.

There are some economists who insist that adjustment assistance will solve the dislocations caused by international trade. For the first seven years of its existence, from 1962 to 1969, no cases were approved by the Tariff Commission for adjustment assistance. Then the commission changed its interpretation of the law and about 10,000 workers have received some benefits since. But at best, adjustment assistance provides only temporary relief for the worker whose job has been lost to imports and even then only when dislocations can be measured in terms of an isolated factory or shop, or even in terms of a small industry, employing only a few thousand workers.

Today, however, the growing tide of imports threatens whole segments of the economy. Based on the number of firms and workers in the textile-apparel industry, for example, if only 3 percent a year needed adjustment assistance, it would cost the federal budget several billion dollars a year—for only a small slice of only one industry. Obviously adjustment assistance is not the road to a secure trade policy, even though it has its use in certain cases.

Even in terms of the labor-intensive industries, which might be the first to feel the effects, it doesn't make sense for the nation to support wholesale disruption. In our age of technology, labor-intensive industries offer a last refugee for the low-skilled, inadequately educated worker, of whom the United States still has millions. Not all of these workers can be directed into the service trades—restaurants, discount stores and motels just doesn't have enough jobs to accommodate them. An industry like textile-apparel offers almost 2.5 million jobs, many of them requiring minimal entry skills. Wholesale failures would have a catastrophic effect on our manpower policies.

Some commentators claim we should put a lid on our wage levels, presumably so we could some day compete with other nations. This suggestion is wildly unrealistic. Many of the principal exporters to the United States—in the Far East and in South America—have wage levels so low that it would take generations for them to catch up even if we stood still. In South Korea, which is a large exporter of textiles, apparel and other products, industrial workers are paid at the level of about 10 cents an hour. In Hong Kong and Mexico, average wages are around 35 cents an hour. Little can be done in the near future to moderate the differential.

And that's not to consider the serious social question of why workers have to subsidize American industry to assure our competitive position in the world. This is a problem involving the entire nation, not just working people—who are the least able to afford competitive pressures—and the solution must come through national policies involving all interest.

Finally, it is questionable whether it would be useful for the nation to try to hold back wage levels. We have built the highest living standard the world has ever seen, not by keeping wages low but by allowing all segments of the community to share in our wealth. The process has been far from perfect, but our goal should be to improve the equity of our distribution policies, not reduce it.

The answer to our international trade problems is not adjustment assistance or reduced wages. The answer is to apply to foreign trade the same degree of regulation and control that we take for granted in our domestic transactions.

Will import controls for disrupted industries lead to a trade war? The free traders would have us believe so, but the facts on record do not support their fears. Nations trade with one another for cold, hard economic advantage. Quotas, tariffs, preferential systems and border taxes are common all over the globe and every nation is used to doing business with other nations as best it can despite the barriers. As a matter of fact, even the United States, although more sinned against than sinning, already has quotas on a few products and no one has seen any sign of trade wars.

The controls we need will not cut off or even reduce existing trade. They will simply assure foreign nations their proper—and properly growing—share of the domestic market, at the same time affording breathing time for domestic industry to adjust to changing market conditions. We have already seen the need for such controls in a few industries, as cotton textiles, oil and sugar, and in general our experience has been that we were able to safeguard the ability of domestic producers to meet the challenge of imports, at the same time to provide us with whatever benefits the imports themselves afford.

Other nations have readily accommodated themselves to these quotas—as well they should, since most nations have far more wide-ranging quota systems than we do. Today we should apply the same approach to all imports, to give us the benefit of a steady growing level of products from abroad, but fending off the numbering effects of sweeping increases.

We should begin to install the same kind of safeguards over our international trade that we have over domestic commerce—and the most other nations instituted over their trade policies years ago. Unregulated trade once may have made sense—a century ago. Today it is the road to disaster.

### THE CALL FOR NEW TRADE LEGISLATION

The AFL-CIO Executive Council has called for new trade and investment legislation embracing the following concepts:

One: New tax measures are needed to halt the export of U.S. jobs, remove the incentive to establish production and assembly facilities abroad and create tax disincentives to curb expanded production abroad.

Profits earned by the foreign operations of U.S. corporations should be taxed at the time they are earned. Under present law, corporations are allowed to defer U.S. taxes until they are repatriated to the United States and distributed, which may never happen. Foreign tax payments should be allowed a deduction on U.S. taxes, but the present allowance of a tax credit should be halted.

A Treasury Department study and report should be undertaken to determine the degree of enforcement and compliance with the section of the Internal Revenue Code requiring corporations to attribute their income to the specific foreign subsidiary where the income was earned. Its purpose is to prevent corporations from allocating their foreign income among various subsidiaries so as to pay the minimum possible taxes.

Wherever corporations with global accounting systems are found not in compliance, they should be given a reasonable period for compliance, but compliance should be made mandatory in all instances.

The amount of write-offs that U.S. tax laws presently allow U.S. corporations for depreciation for foreign subsidiaries should be replaced by a sliding scale allowance which relates to the tools, technology and purpose of the facility. If, for example, 100 percent of the capital assets (such as machinery) in the foreign subsidiary was developed at the expense of the U.S. government and the U.S. taxpayer, the depreciation allowed would be zero. However, if the production of the foreign subsidiary serves a great social purpose and has no adverse impact on U.S. trade, the depreciation allowance could be the maximum.

A tax should be imposed on the value of any patents, licenses and technology exported. Further, a tax should be levied on the royalties received by U.S. companies. Items of the Tariff Schedule which invite the transfer of production abroad through low tariffs should be repealed.

Two: Clear legislative direction is necessary to give the President authority to regulate, supervise and curb the outflows of U.S. capital. At the present time, controls on foreign investment are loose, inadequate and not related to trade and production. Authority given the President should include considerations for the kind of investment that would be made abroad, the product involved, the made, the linkage of the investment to the flow of trade and its effect on U.S. employment and the national economy.

The AFL-CIO objects to turning over to multilateral agencies, such as the World Bank, the supervision of private investment abroad for AID purposes.

In addition, a report on enforcement of the Foreign Assistance Act of 1961 is strongly needed. A provision in this law was aimed at keeping development loans from disrupting U.S. production. It requires that not more than 20 percent of production in a foreign factory created by a development loan may be exported to the United States to compete with U.S.-made products. To date no disclosure has been made on the operation—or effectiveness—of this provision.

Three: U.S. government policy has encouraged the export of technology in recent years. U.S. companies have been licensing production to foreign licensees and patentees who produce behind foreign trade barriers for export to the United States.

This policy should be reversed by giving the President clear authority to regulate, supervise and curb licensing and patent agreements on the basis of congressionally determined standards. These would include the kind of investment, the product involved, the country of investment, the linkage to trade flows from such transfers and the effect on U.S. employment and the economy.

Four: Reports should be made to the U.S. Department of Labor on foreign wages paid by the military and U.S. business. These reports should be on the same basis that U.S. law now requires reporting on wages and hours within the United States. The State Department and other U.S. agencies should press for fair labor standards in trade agreements.

Five: It should be the expressed policy of the United States to recognize that the healthy expansion of the world economy is linked to the continuation of a diversified, productive and fully employed economic and social system here as well as abroad. To assure this policy, mechanisms should be established to avoid the continued displacement of U.S. production, tax-base erosion, market disruption and export of American jobs.

Quantitative restraints, with a base year of 1965–69, should be applied to products and parts of products imported into the United States, allowing for a flexible growth factor related to U.S. production of the item.

Exceptions to quantitative quotas could be made where a legitimate voluntary agreement now exists or is negotiated on the item with other supplying countries and where the failure to import the item would disrupt U.S. production and U.S. markets.

To carry out this program, a single agency with quasi-independent authority to serve the Congress should be established. This agency would determine the quantitative limitations, advise the Congress of necessary interim adjustments for items where data are not available and supervise the maintenance of the program. Because of the broad spectrum of its operation, the agency should be composed of the merged operations of the Tariff Commission with the necessary trade-related parts of the Commerce, Labor and Treasury Departments.

Six: Products should be clearly labeled to show the country of origin for components and parts as well as the final product. For example, a TV set made from parts produced and assembled in Taiwan, Hong Kong, the United States and Korea should show the source of the components as well as the final product.

Seven: All imports should conform strictly to all laws designed to protect the safety and health of American consumers.

Eight: Federal standards for international accounting by U.S. firms with foreign operations should be established and enforced. Such accounting standards should be consistent with the uniform accounting required by the Defense Production Act of 1950.

Under current law Customs officials classify imports under general categories related to the collection of tariffs rather than to the actual description of the imported product. The Census and Customs Bureaus should have consistent reporting systems so imports can be related to production in the United States. The tariff law should be amended to require shipping declarations and invoices to include product descriptions.

Nine: The Antidumping Act of 1921 must be modernized to assure effective action against "dumping," the practice of unloading large quantities at prices below their fair value. Under current operations, dumping findings have taken as much as two years. Interpretations of the law have not made clear that employment and working conditions should be part of the test of injury to an industry. The law should shorten the period of a finding of dumping to four months, make the injury determination simultaneous with the determination of sales at less than fair value and place the determinations within the single agency established to supervised international trade.

## PRESIDENTIAL VETO OF PUBLIC WORKS PROGRAM

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, the President, in vetoing the Accelerated Public Works Act of 1971, has acted with foresight and responsibility and in the best interests of our Nation.

The Democrats are now claiming that millions of unemployed could have benefitted from this act. Not even the most optimistic proponent of this accelerated public works program ever suggested that millions of unemployed workers would find jobs as a result of this bill.

We have only past performance on which we can judge the success of such an accelerated employment program. Utilizing that past knowledge—specifically, the 1962 Accelerated Public Works Act—we see that the peak employment period was reached a full 2 years after the enactment of the legislation. And, at that time, only 46,000 workers were actually employed—a number far short of Democrat claims.

We must also consider that this legislation would bring about an expenditure of $2 billion over and above the President's budget. This creates intense inflationary pressures which would actually lower the standard of living of millions of Americans on social security and fixed incomes. Furthermore, millions more could be required to pay additional taxes in order to support this unworkable, extravagant, ineffective attempt to combat unemployment.

President Nixon has offered sound, constructive alternatives to accelerated public works, some of which are outlined in his veto message. Others are outlined in his budget for fiscal 1972.

The President has increased outlays for public works projects by $1.4 billion over last year. He has also requested appropriations of $2 billion per year for the next 3 years for construction of waste treatment facilities. These sums are planned within the budget and are noninflationary. But, as the Democrats proposed, to add $2 billion over and above the President's budgetary allocations is highly inflationary, irresponsible splurging of tax dollars that the Federal Government simply does not have.

Another alternative that the President has already implemented is a multimillion-dollar technology mobilization and reemployment program designed to retrain and employ the scientists, technicians, and other highly skilled workers of the aerospace industry and other technical industries. Unemployment in these fields is at an alltime high. However, the Accelerated Public Works Act which the President has vetoed would in no way whatsoever alleviate unemployment in this area.

An accelerated public works program never has and—by virtue of its nature—never can provide immediate employment. It is a cruel hoax to perpetrate on the unemployed workers of this Nation to lead them to believe that this type of job program can bring immediate help.

Mr. Speaker, I therefore commend President Nixon for he has acted with justification and in the best interests of all Americans. He is attempting to cure the inflationary ills that the Democrats seem bent on continuing and expanding by their reckless spending—regardless of the consequences.

## U.S. TRADE CRISIS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, for the past month a negotiating team headed by Ambassador at Large David M. Kennedy has been attempting to work out textile agreements with Korea, Hong Kong, and Taiwan.

Today's news media disclose that during this same period of negotiations our Nation's position in world trade deteriorated seriously. For the first time in 21 years the United States has reported trade deficits in 2 consecutive months.

The textile industry is especially vulnerable to this flood of low-wage imports, some of it from nations which have been the recipients of massive U.S. economic and military assistance and which nevertheless erect unfair barriers to U.S. manufactured goods.

For that reason those of us fighting to preserve the U.S. textile industry are disappointed in preliminary reports which indicate that Ambassador Kennedy has been met with uncompromising and uncooperative attitudes on the part of some of these governments.

According to reports received in this country, Ambassador Kennedy has tried to explain to the leaders of these countries that their virtually unrestrained textile and apparel imports are creating serious economic problems for the American textile industry, an industry which along with apparel manufacturing, provides employment for about 2.3 million Americans. The reports I have heard indicate that Korea and Hong Kong have turned a deaf ear to the Ambassdor's proposals.

Imports from the Far East are threatening the very future of one of our most essential industries, one which provides jobs at all levels of skills in 49 of our 50 States. We simply cannot afford to sacrifice this type of payroll, particularly in view of the critical unemployment situation in this country.

In my State of South Carolina, more than 200,000 people are employed in manufacturing textiles, apparel, and manmade fibers. Another 23,000 are employed on cotton farms. And countless others, offering supplies and services to the textile industry, depend upon it for all or part of their income. Over 20 percent of the textile work force in my State is black, and in some areas black employment is as high as 40 percent. The textile industry is a vital source of jobs for people with all types of skills.

Yet, today, we see Government policies which have permitted low-wage imports, made at a fraction of the wages paid in this country, reach such volumes that they have displaced the equivalent of 300,000 jobs in textiles and apparel. In addition, there has been an actual job drop of 100,000 in the past year. Just think what 100,000 textile jobs would do to get our economy back on its feet.

In spite of these job losses here in this country, the administration has failed to act decisively to slow the tide of imports which is flooding this country from the low-wage countries of the Far East.

In the past 3 years, imports from Korea nearly tripled, from 177 million square yards in 1968 to 300 million square yards in 1970, and they are running at an annual rate of 400 million square yards this year. Taiwan's imports have tripled since 1968, and Japan's textile exports were in excess of 1 billion square yards last year.

According to press reports from the Far East, Taiwan has shown a willingness to discuss limitations on its textile exports to the United States. Korea, on the other hand, has made excessive demands. They not only want to start at the record high level of 1970, but they want fantastic annual increases.

Japan has come up with a totally unrealistic and unworkable plan of self-regulation. We are willing to share a portion of the future growth of our textile market with these countries, but they seem to be asking for all of our future growth. They plead that they are developing countries, which need big export markets. But they must realize that we have serious unemployment problems in this country. We cannot afford to sacrifice our major job-producing industries to help other countries grow fat.

Japan today has the second largest gross national product in the free world. We helped her get into that position with foreign aid and generous trade policies. We opened our markets freely, while she carefully sheltered her domestic industries from outside competition.

Trade among friendly nations must be fair and equitable to all concerned. Our friends and allies in the Far East must realize that we must maintain a strong economy at home if we are to be in a position to help them. Our economy will not regain its strength until we adopt more realistic trade policies especially where textiles and apparel are concerned. Both our foreign trading partners and the current administration must now understand that this Congress is determined to take action. Unless relief is forthcoming shortly through administrative action or diplomacy, the Congress will pass trade legislation. No promise of negotiations, no fake unilateral declarations or threats of veto will deter this Congress from enacting a fair and equitable trade bill is relief is not otherwise forthcoming.

## VIETNAM POLICY

Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, yesterday this House came close to reclaiming its constitutional position in the field of foreign affairs when 176 Members voted in favor of Mr. WHALEN's motion to instruct our conferees on the Selective Service Act to accept the Mansfield amendment. This amendment would have made it the stated policy of the United States to its military forces from Vietnam, in a prompt and orderly manner, within 9 months. I deeply regret the failure of the House to accept the Mansfield amendment, and I fervently hope that, given another chance, we will accept it, or something like it, in the near future.

Last week, I had the privilege of testifying before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs on the subject of our Vietnam policy. I thank Mr. GALLAGHER, the chairman of that subcommittee, for his keen interest in my remarks, and include at this point the text of my testimony:

### TESTIMONY OF CONGRESSWOMAN BELLA ABZUG BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 24, 1971

Thank you for this opportunity to appear before you today. Whatever your individual views on the war in Indochina, I think we can all agree—particularly in view of the disclosures in the Pentagon papers—that these hearings come late on the scene of history.

The interest of the American people and the interest of truth would best have been served if the House Foreign Affairs Committee, acting on its constitutional authority, had held a continuous series public hearings on the war, beginning in the early 1960's.

Instead, that responsibility to shed light on the sources, rationale and conduct of our nation's foreign policy was, in effect, abdicated to the academic community, which, through a series of public teach-ins, first brought the complex issues of the war before the American people. This was an educational role subsequently taken over by the Senate Foreign Relations Committee and illuminated by one startling disclosure after another in the press and on TV.

We've come a long way since those early teach-ins, and for the American people it has been a journey of discovery from initial detachment to skeptism, questioning, disillusionment, moral outrage, and at last, repudiation of the longest war in our history.

As one who opposed America's role in the war from the beginning, perhaps I should find some moral satisfaction in this progression of understanding as to the true nature of this conflict. I cannot. There has been too much blood spilled, too many dead and wounded, too many—both Americans and Indochinese—who are still dying and suffering unnecessarily as we sit here and talk.

The war goes on long after the American people gave a mandate to this Administration to end it. You have heard over and over again by now, I am certain, that 73% of the public favors a prompt end to the war and that among women, 78% want us to get out. These figures merely ratify what many of us know and sense and see as to the mood of America.

The tide began to turn against the war after the Tet offensive, and went rapidly out with each succeeding disclosure of the moral and political bankruptcy of America's policy in Indochina—May Lai, the case of Lt Calley, the invasions of Cambodia and Laos, and now the latest shocking revelations that Administration after Administration has engaged in calculated deception of the American people.

The response has been successively larger waves of protests, demonstrations and outcries by Americans from all walks of life. In recent weeks we have seen a half million Americans gather on the Capitol grounds. We have seen thousands of Vietnam Veterans baring for us their wounded bodies and consciences. We have seen thousands of young people turning, in frustration, to acts of civil disobedience. We have seen middle America and professionals, lawyers, teachers, businessmen, working people, Blacks, religious groups, the legions of Common Cause, all pleading with Congress to assert its responsibility, to write finis to a war that has brought incalculable torment to the people of Indochina and poison the soul of our own country. It has taken ten years for Americans to learn the truth about this war, even if it is not yet the whole story. And now that they know, they are no longer able to live with themselves, as human beings and as a nation, while this war goes on. And with innate moral courage, they see, too, the outrage of a policy that continues to ask American soldiers to give their lives for a war that has been largely discredited.

The anti-war movement has grown to encompass the vast majority of Americans. It has not failed. It has succeeded in changing the national debate from *if* we should get out of Vietnam, to *when*. But while popular support for the war has collapsed, apologists for a policy that has been exposed as wrong still cling to their enclaves here in Washington, in the White House, in the Pentagon, in our own House of Representatives.

Congress never declared this 10 year war, although under the Constitution it has the sole power to determine when and where this nation goes to war. When Congress passed the Gulf of Tonkin Resolution in 1964 in response to a deliberate trap set by the Johnson Administration, it was abdicating its war-making power to the President. That constitutional power was reasserted in December 1970 when Congress repealed the Gulf of Tonkin Resolution, but thus far it has failed to take the corollary action of terminating the President's authority and capacity to continue the war and cutting off funds to sustain it, as it should do.

Americans rightly wonder what it will take to move to Congress to act. Must we top My Lai? Must we go beyond the disclosures of the Pentagon study which, as Daniel Ellsberg pointed out in a television interview with Walter Cronkite last night, in its entire 47 volumes shows no expression of concern on the part of American policy-makers as to how their decisions and escalations of the war would affect the actual lives of the people of Indochina or of the American people.

A few men in high places played war games, manipulated governments and leaders, contemplated employing nuclear weapons, ordered the use of flesh-searing napalm and the destruction of the Indochinese country-side with poisonous chemicals, expanded the war in Laos, turned the skies over Southeast Asia into arsenals of terror against entire populations—and never paused to ask themselves who gave them the right to kill and mangle and displace a million people.

The House Foreign Affairs Committee can and should ask that question. It can, also, of course, conduct lengthy investigations. There is much still to find out. It should, I believe, have access to the complete 47 volume Pentagon study of the war from 1945 to 1967 which has been turned over as a still-classified document to the House Armed Services Committee. The House has the responsibility, I believe, to make that information available to the entire American people.

In a privileged Resolution of Inquiry presented to the House several days ago, in concert with 25 colleagues, I ask that the President be directed to provide the House with the full and complete text of the Pentagon papers. The House Armed Services Committee will hold hearings on that Resolution this Monday. As representatives of the people, the House is entitled to have that report and to make use of it without any restrictions imposed by the Executive Branch.

In another resolution of inquiry, which I hope will have the full support of Members of this Sub-committee, I also ask that the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be directed to furnish the House within 15 days with full and complete information on:

1. The known existing plans for a residual force of the U.S. armed forces in South Vietnam.

2. The nature and capacity of the government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self—sufficiency, including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunctions and corruption, the depth including but not limited to known existing studies of the economy of the Republic of South Vietnam and of the internal workings of the government of the Republic of South Vietnam.

3. The plans and procedures both on the part of the Republic of South Vietnam and the United States government for the November 1971 election and the Republic of South Vietnam, including but not limited to analyses of the United States involvement, covert or not, in said election.

This is information which I believe the Members of the House must have if they are to make accurate evaluation of the President's Vietnamization week, a majority of members of the House were still implicitly adhering to support of that policy by their rejection of the Nedzi-Whalen Amendment.

In turning aside even this mild version of a proposal that a specific date be set for a total withdrawal of American forces from Indochina, the House was going along with the two conditions set by President Nixon for withdrawal: the prior release of American prisoners and the ability of the South Vietnamese government to maintain itself in power militarily. Neither condition is, I believe, in the true interests of the American people, of the prisoners, or of the Vietnamese people themselves.

Americans are properly concerned with the conditions under which American prisoners are being detained and appalled by the failure of the North Vietnamese government to observe the Geneva Convention with regard to treatment of prisoners. However, there is a growing recollection that the release of prisoners customarily comes at the conclusion of a war, not prior to the end. Furthermore, there have been enough statements and signals from the North Vietnamese as to their willingness to negotiate release of the prisoners once a withdrawal date is set for our government to take them up on that and set a date.

The alternative is a cruel impasse in which the prisoners of war will continue to be cast in the role of political anns and will remain incarcerated indefinitely. And the longer they remain prisoners, the more likely that the executive branch will once again report to reckless military acts that will jeopardize even the current pace of withdrawal.

As for hinging our withdrawal on the liability of the government in Saigon, it has probably been pointed out that President Nixon thus invests President Thieu with a greater say over American foreign policy than he is willing to accord to the elected Congress of the United States.

President Thieu is wholly a creation of American power, and despite the years of coaching he has received from the American Embassy, which still persists in attempting to pass him off as a symbol of democracy, he remains impervious to the fine points of democratic election procedures. After the blatantly unfair election law which he has just forced through the Vietnamese parliament, must we still be insulted by pretext that American bombs and guns are making the world safe for democracy in Vietnam? And must we continue to sacrifice lives for this cause?

We can have no confidence in anything the government of President Thieu says, in proclaiming a victory in Laos or in denying its involvement in drug traffic or corruption. On the basis of the revelations in the Pentagon papers about past weaknesses of various military regimes in Saigon, we can have no confidence in any public statements made about the durability of the South Vietnamese Government by the current occupant of the White House.

It is clearly in order for the House and its Foreign Affairs Committee to demand and to get from the Executive department the complete text of studies on the South Vietnamese government which are known to have been made by the Executive Branch, as called for in my Resolution of Inquiry.

Another resolution that I have introduced calls for an investigation of the relationship between the prolongation of the war and the interests of private American companies in bidding for off-shore oil rights off the coast of Vietnam.

We have a right to know whether there is any basis for persistent reports of long range plans by the Nixon Administration to maintain indefinitely a residual force of some 50,000 men in Vietnam as well as a bombing force stationed in or near Indochina. And we have a right to know if any commitments or even hints have been made to these companies about a continuing American presence in Indochina to protect contemplated investments.

As I said earlier, the House Foreign Affairs Committee could involve itself in lengthy hearings on the war. But I think that not even you would accuse me or other Americans of impatience if we were to state that hearings, even at this late state, are fine, but that at the same time you have a duty, a responsibility, a commitment to conscience to act now to stop the war.

Even without the disclosures of the Pentagon papers, you had ample basis for action. But now there is once again an opportunity to act. As you know, I believe that the war can be ended almost immediately and that the President would have the support of the nation if he would set a nearby date, (I have proposed July 4th of this year), if he would stop sending men to Vietnam and start massive, speeded up withdrawals of our own forces.

Failing this, I have supported the Vietnam Disengagement Bill, which proposed the end of this year as the cut-off point. That too has been turned aside by a Congress that still accords the President, powers far beyond those he warrants constitutionally. Now, in reaction to the events of the past week, the Senate has turned about and has approved the Mansfield Amendment which calls for a total withdrawal from Indochina, no later than nine months after enactment, subject to release of prisoners of war.

The Mansfield Amendment very wisely ignores the Administration's fantasies about the viability of the Thieu government or committing our people to its perpetuation and considers itself solely to the prisoner of war issue calling for negotiations for an immediate cease fire.

Its purposes negotiating an agreement with North Vietnam which 'would provide for a series of phased releases of American prisoners of War, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all military forces of the U.S. by no later than the date established by the President pursuant to paragraph (1) hereof (the nine months date), or by such earlier date as may be agreed upon by the negotiating parties."

Yesterday, the New York delegation, in keeping with my request, endorsed this proposal and asked that Members of the House be given an opportunity to direct their representatives to support it in House-Senate Conferences on the Selective Service Bill.

I would also urge that this Committee report favorably a counterpart of the Mansfield amendment, which is being introduced in the House. It is my belief that if the Congress finally bends to the will of the electorate and adopts even such proposals as the Mansfield Amendment it can, by this single step, revitalize the negotiations in Paris, elicit a favorable reaction from the North Vietnamese, and finally bring the war to a close.

If the Congress finally takes this necessary action and instructs the President to set a date for withdrawal, I believe that the North Vietnamese and the NLF will by the logic of their own public statements have to begin negotiating immediately for the release of our prisoners. I call on them to make such a pledge.

It has always been in the power of Congress to undeclare the war. It has not chosen to do so. I submit that it must do so now.

Our people are asking for a revolution of values in this country; a reversal of priorities. As their representatives, we need to share in this inner revolution—a revulsion from death and destruction, a yearning for full life, for restoring the health and economy of our nation, and for replacing American's world-wide network of military bases with international agreements for peace and mutual security.

Last week it appeared that the Congress had turned its back on the American people. The Mansfield proposal, approved by the Senate, gives us an opportunity to repair that error and to look at our people in the face with good conscience. I urge you to use the full authority of this Committee to so act.

## A NEW SCHEME TO ENRICH THE BANKS THROUGH THE STUDENT LOAN PROGRAM

The SPEAKER pro tempore (Mr. TEAGUE of Texas). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the commercial banking system continues in its attempts to reap large profits from the student loan program.

Since the guaranteed loan program began in 1965, the commercial banks have been seeking means of enriching themselves by exacting greater and greater charges on the students and the hard-pressed educational institutions. At the same time, the banks have been making great public relations claims, leading the public to believe that they were carrying out some kind of benevolent campaign to aid education. They have simply been carrying out an effort to increase the profit margins to the maximum extent possible.

Each year the banks come back asking for more. Under the original provisions, the banks could not charge more than 6 percent to the student—a handsome sum when the program was enacted in 1965. But the banks came back and got congressional approval for a 1-percent increase in the maximum charge—up to 7 percent. Then in 1969, the American Bankers Association came knocking on Congress door again asking for a 3-percent special remuneration to be paid by the Federal Government. The exact amount of this special fee is set by the Secretary of Health, Education, and Welfare and varies from quarter to quarter. But it does allow a potential maximum payment to the banks of 10 percent on each student loan. In other words, the banks have an opportunity to obtain yields several percentage points above many loans being made to businesses around the Nation. Most importantly, these loans are all guaranteed fully by the Federal Government and there is not a chance for even the loss of a single dime by the commercial banks. At the present time, there is legislation pending in the Congress which would establish a secondary market for these loans—a still further sweetener for the participating lending institutions.

A rational person might have thought that the banks' greed would stop at this point. But this is not the case and now the commercial banking industry is seeking a change in administrative regulations which will allow them to collect extra charges from educational instituttions which participate in the student loan program.

To its credit, the Department of Health, Education, and Welfare has—to this date—prohibited the payment of points, the maintenance of compensating balances and other schemes which would give the banks a greater rate on their student loans. HEW has been holding the line on these demands—until just recently.

But last Friday, Peter P. Muirhead, Executive Deputy Commissioner of Education, inserted in the Federal Register a proposed change in the student loan program which would allow educational institutions to maintain compensating balances and provide other benefits to lending institutions which participate in the guaranteed loan program. It is my understanding that the maintenance of compensating balances will in many cases raise the yields to the banks on these loans to 13 percent, 15 percent, and even more interest. In fact, the regulation as proposed in the Federal Register puts no ceiling on the compensating balances or the yields to the banks.

The regulation also opens the door to the payment of points by educational institutions on funds obtained for relending to students. The proposed regulation would omit the prohibition against the payment of such premiums by the institutions.

As usual, the proposed changes in the regulation have been done quietly behind the scenes and placed in legalistic language in the Federal Register. It is no secret that the Federal Register is one of the driest publications in town and that neither the press nor the public pays a great deal of attention to its contents. The full meaning of some of these rule changes are not understood until months after their publication and too late to correct serious injustices. To many, the rule published in last Friday's Register will appear innocuous.

But I hope it is not taken lightly by anyone interested in the future of higher education. Through this new rule the banks will simply be imposing an age-old financial shell game on educational institutions—an age-old shell game known as the compensating balance. Under this device, the borrower must agree to leave a certain percentage of the proceeds of the loan on deposit with the bank.

For example, the borrower of $1 million might be required to leave as much as one-quarter—$250,000—on deposit with the bank in return for the loan. He would have use of only $750,000, thus raising the yield substantially to the lending institutions.

Under the rule proposed by the Office of Education, the banks could demand agreements by schools to maintain a certain level of funds in an account in return for the lenders making loans to the students of such schools. Such an arrangement for compensating balances would raise the cost to the schools substantially and bring the banks millions of dollars in added profits.

It is true that the student will still be prohibited from paying points or other inducements to the banks in return for an educational loan, but the charges will be imposed against the school. And simple arithmetic tells us that these extra charges—imposed by the banks—will be passed on to the students in the form of higher tuition payments and/or poorer quality education. Educational institutions are hard-pressed throughout the United States, faced with rising costs and demands for broader curriculum and they can ill afford to participate in schemes to enrich the banks. Education should not pay this blackmail to lending institutions.

It is difficult to blame the schools which have indicated a willingness to participate in this scheme because they are desperate for funds and extremely anxious to see that the student loans continue. Many of them feel they really have no choice but to go along with the increasing demands of the commercial banks. Many wealthy institutions may be able to meet these demands without great disruption, but for the small and the less well-off institutions, the payment of these additional charges will be difficult in many cases. It is shameful that the Congress has not given these educational institutions more protection and it will be of lasting disgrace to the Congress if we allow this latest bank bonanza to slip through in the Federal Register.

It is regrettable that the Department of Health, Education, and Welfare—through its Office of Education—has filed this proposed rule change. I regret greatly that the Banking and Currency Committee which maintains jurisdiction over the lending institutions involved was not notified in advance or consulted in any manner while the rulemaking process was underway.

Once again, we see the dangers of allowing major Federal programs to be operated through commercial lending institutions in the form of loan guarantees. These massive loan guarantee programs invariably end up aiding lending institutions and imposing greater burdens on the beneficiaries of the Federal programs.

The origin of the latest rule change on the student loan program can be traced to a secret meeting conducted last January 12. It was in this meeting that the banks made their demands for greater rates, for compensating balances and/or points and other special privileges to increase their yields. Participating in this secret meeting were such groups as the American Bankers Association; CUNA International, Inc.; the U.S. Savings & Loan League; the Midwest Federal Savings & Loan Association; the New Jersey Savings & Loan League; the American National Bank & Trust Co. of Chicago; the Central Bank & Trust Co. of Denver; the Omaha National Bank; Texas Bank & Trust Co.; and the Bank of America.

The Office of Education has made a grievous error in following the demands of the lending institutions. The proposed rule as printed on page 12110 of the Federal Register for Friday, June 25, should be withdrawn immediately.

The Office of Education should restate a firm position against the charging of points, premiums, the use of compensating balances or any other devices to raise the yield to the banks above the statutory limits.

The banks ought to be making educational loans at cost; they should not be items of profit. And certainly they should not be vehicles for the imposition of backdoor, under-the-table charges to schools and/or students.

If the banks insist on massive profits from schools and students, the Congress should reconsider the entire student loan guarantee program. The interest charges allowed under the student loan act are much too high, both to the student and to the Federal Government and the Congress would be derelict in its duty if it allowed extra charges to be imposed on top of these already massive bank charges.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yeld?

Mr. PATMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Once again, Mr. Speaker, I wish to state that we are all indebted to the very distinguished chairman of the Committee on Banking and Currency with respect to an infinite number of subject matters in which he has been zealous to protect the public interest.

In this case I want the gentleman to know that this is a matter of vital concern to many constituents who are concerned about the growing cost of education, many of my own constituents, who have written to me in the last month in more than 150 instances seeking information on how to obtain these loans. The gentleman is to be congratulated for bringing this insidious situation to the attention of the House, and I do hope that the Congress will act upon the gentleman's recommendations.

Mr. PATMAN. I want to thank the distinguished gentleman from Texas (Mr. Gonzalez) for his comments and his remarks. I have had the same experience from constituents in my district by the hundreds. They are writing in every day. They cannot understand why we have this extortionist, excessive, usurious interest charge imposed upon the young people of this country.

Mr. Speaker, instead of teaching young people how to pay interest on top of interest, we should be teaching young people how to be thrifty. However, we are not going in that direction. This is a terrible thing, to start young people out paying this excessive, exorbitant interest.

We are paying $160 billion a year, the people of the United States, every year just for interest. That sum is not paid for something that you can wear or something that you can consume by eating or something that is necessary for a family. That is something over and above the necessities of life.

Mr. Speaker, I think we should begin to look around and see if we could not have a thrift campaign and encourage young people to pay their debts and not go into debt unless they absolutely have to do so. But, above all, stop this high interest problem. It is absolutely ruining the country.

Again, I thank the distinguished gentleman from Texas for his contribution.

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### THE SHARPSTOWN FOLLIES—VII

The SPEAKER pro tempore (Mr. Teague of Texas). Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, the Department of Justice declined to follow a full and vigorous prosecution of Mr. Frank Sharp because that would have proved embarrassing to the Assistant Attorney General, Mr. Will Wilson, who does not want it known just how closely he worked with the fabulous fraud from Houston. Mr. Wilson and his boss would be embarrassed if all this were to become generally known. Accordingly, when the Sharp case became public knowledge, Wilson immediately gave notice that he was disqualifying himself from the case, leaving the way clear for Mr. Kleindienst to take any and all steps necessary to keep Wilson from ever being involved, either as prosecutor against his old friend, or as a witness in the case. The first problem, to keep Wilson from prosecuting his old friend Sharp, was taken care of by the disqualification of Wilson himself, the second problem, keeping Wilson from being identified in any way with Sharp, was taken care of by the infamous deal arranged by Kleindienst and the U.S. Attorney in Houston, one Anthony J. P. Farris, to decline any real prosecution of Sharp.

Mr. Sharp received immunity from further prosecution. To show you the real extent of his immunity from further criminal prosecution granted by Judge

Singleton in Houston, it has been extended to Sharp to all and sundry kinds of litigation, civil litigation, other prosecution, and the like.

The Securities and Exchange Commission has had to vigorously protest this and say that the immunity order entered by Judge Singleton in Houston does not cover civil cases and that Mr. Sharp please be made to answer in a court of justice in a civil suit.

It seems that Wilson readily admits to having been a private attorney who did some legal work for Sharp—in fact, he wanted me to think that it had been the casual attorney-client relationship that arises in the course of a man's practice. The truth is that there was far more to it than just that.

It seems that for some time, and right up until the time he left Texas to become Assistant Attorney General, Mr. Will Wilson was one of Frank Sharp's very closest associates, advisers and counselors. When Sharp's biggest base of operations was the Sharpstown State Bank, the general counsel for the bank was none other than Will Wilson. That relationship lasted until about January 15, 1969, when Wilson assumed his present post.

Not only was Wilson general counsel for the Sharpstown State Bank, he arranged to even expand his law firm to bring in a good real estate man, Joe Ridings, to help Sharp's bank work its grandiose real estate schemes. In fact, the law firm had offices right in the Sharpstown State Bank, furnished at the expense of the bank itself, rent free.

Mr. Wilson told me that he did not want Mr. Sharp to get into the insurance business, and that he so advised Mr. Sharp not to buy up this National Bankers Life Insurance Co. But when Sharp decided to buy the company, Wilson negotiated the deal in behalf of Sharp, which brought Sharp 518,000 shares of the National Bankers Life, and control of the company. Wilson says that he was only acting as a private attorney, but the truth is that as soon as Sharp moved into control of that company Will Wilson became its general counsel too, just as he was the general counsel for the Sharpston State Bank.

Further, Mr. Wilson admitted to me that he had no insubstantial amount of shares of stock in this insurance company. He said that he originally bought 5,000 shares, and then an additional 2,500 shares from the vice president of the insurance company, et cetera, et cetera.

Joe Osborn was another Wilson law partner, the third in the firm of Wilson, Osborn, and Ridings. Joe Osborn was on the board of directors of another Sharp company, Olympic Life. When he left that board, Wilson's other partner, Joe Ridings, filled his place. Ridings, and probably Osborn before, carried out legal assignments for Olympic.

So Will Wilson, despite his previous claims that he was just a private attorney, was in fact house counsel for two of Sharp's companies, the biggest two at that. His two partners were house counsel for other Sharp companies. Wilson, of course, had considerable investments in Sharp companies, as I stated.

Now if the Department of Justice had carefully prosecuted Mr. Sharp, all of this would have been revealed exactly. So they made a deal with Sharp. Wilson says he knew nothing of it. Maybe not, but his boss certainly did, and I believe that Mr. Kleindeinst and his associate Mr. Farries wanted to protect Wilson above all.

Would it not be embarrassing to find the chief prosecutor in the Department of Justice so heavily endowed with the defendant?

Had the plans of the Justice Department worked, Wilson would have been in a very good position to move on up to replace his friend and protector Kleindeinst. In fact, he had been under serious consideration for appointment to head the IRS.

Even better than that, the local U.S. Attorney Anthony J. P. Farris, by carrying out prosecutions of the Governor of Texas, the Speaker of the Texas House, and other officials in and out of the State of Texas, would have built considerable political capital. Indeed, Mr. Farris would like to run for Governor of Texas. In fact, Sunday's paper in one of the largest metropolitan dailies of Texas so announced this on last Sunday.

No wonder then that Mr. Farris indignantly denies all that I have been saying. But he does not really deny it—he just says, What is he talking about? HENRY GONZALEZ does not know anything because he is not down here in Houston. Well, I do not have to be in a room to know that there is a whole package of rotten eggs, long rotten and stinking to high Heaven. Of course, Farris has reason to be defensive, but he knows I am speaking the truth. All he can do is to rail at me and call me libelous for he knows, if he is any lawyer at all, that in libel and slander cases, truth is an absolute defense.

He knows, he and his agent, put chicken thieves in jail for 3-year terms but they did not do much about multimillion-dollar swindlers who happen to be closely associated with his bosses. When that happens, Mr. Anthony J. P. Farris closes his eyes, closes his ears and closes his mouth. He, Wilson, and Kleindienst have suddenly become three silent monkeys. They seem incapable of speaking the clear, plain and whole truth about Mr. Sharp, the deal not to prosecute him and the relationship between Sharp and Mr. Wilson, who happens also to be the boss of Mr. Anthony J. P. Farris.

I certainly think that Mr. Farris has a right to be defensive about his actions in this case. He has even said that I do not have any right to speak about it. But the Members of the House know that the Justice Department of late has been habitually trying to tell people what to say, what to print and maybe even what to think, so they are not greatly surprised by such an outburst from a local attorney, the same one and only Anthony J. P. Farris.

I seriously question whether he should have ever been given this type of position even as a district attorney if he is this careless and this guilty of misfeasance and malfeasance in seeking the minimal prosecution of the culprit.

I have been waiting for Mr. Farris to disprove and deny the categorical statements, plainly stated, that I have made. I have even invited him to come and I will extend to him—if I cannot do it myself I will prevail upon one of our colleagues representing that area—or even the Speaker himself—to permit him to come and sit right at the Speaker's front row in the gallery so that he will get the story straight and not get any second handed version.

Well, we have it essentially as we have pointed it out. We have had six particular addresses to make in this respect up to this time and there has been absolutely no rebuttal up to this time.

There has been absolutely no rebuttal. Who knows what tomorrow will bring? I am sure, God willing, I will be back on the floor tomorrow with some additional documentation and with some additional remarks to make. I will wager that there will be yet more evidence to support all these claims plus others. The Justice Department not only did not carry the ball in the case of the United States against Sharp, but it deliberately dropped the ball. Now, grounding the ball intentionally in football calls for penalty. In this case the penalty is going to be revelation of the full facts.

I intend to continue this discussion tomorrow.

I yield back the balance of my time.

## SOVIET ANTI-SEMITISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, I recently obtained a copy of a Soviet publication entitled "Caution: Zionism!" This booklet, written by Marxist "historian" Yuri Ivanov and published in Moscow by Progress Publishers, is a most vicious anti-Semitic piece of work.

Throughout the booklet, the terms "Zionist" and "Jew" are used interchangeably—just as many on the American right use them interchangeably—and the net effect of this blurring is to permit the U.S.S.R. to attack the Jewish religion and culture under the guise of attacking Zionism. Soviet anti-Zionism, in short, provided a political cover for anti-Semitism and anti-Americanism:

> Modern Zionism is the ideology, a ramified system of organizations and the practical politics of the wealthy Jewish bourgeoisie which has closely allied itself with monopoly circles in the USA and other imperialist countries.

Again I note this is precisely what many non-Communists—indeed, anti-Communists—do in America today.

The above passage may be found on page 6 of the preface of "Caution: Zionism," which was printed in the U.S.S.R. in 1970. It may also be found, masterfully plagarized, by V. Bolshakov in his article, "The Zionists' Profession—Anti-Semitism," which appeared in the April 1971 issue of International Affairs, a leading directive publication of the Communist Party, Soviet Union.

The booklet accuses Jews throughout the world of being involved in a grandiose conspiracy. Historian Ivanov drew a picture of a meeting in Paris of Czechoslovakian Zionist counterrevolutionaries who would establish in the French capital a center and a newspaper. Funds would be forthcoming, via the Discount Bank in Tel Aviv, from financiers and business interests in France, such as those of Rothschild and Dreyfus, who were milking the workers of France of their savings. The implication by Ivanov was that the French workers were unwittingly financing the counterrevolutionary Czechoslovak Zionist agents and spies.

If this was not enough intrigue for his readers, the Soviet Marxist historian wove into this synthetic conspiracy the Roman Catholic Church. The instrument by which the Jewish church would work its will was Cardinal Augustin Bea, "who had long ago abandoned his Jewish faith to embrace Catholicism in order to help cement the alliance between the Catholic and the Jewish Church" which would be achieved by means of the Second Vatican Council Declaration of November 20, 1964, and a "cheque in favor of the Vatican."

The Soviet booklet, not only exploited this personal factor in Cardinal Bea's life in order to make it appear that a grand scheme was being perpetuated but also employed the same tactics used by German Nazis to classify Jews. That is, anyone born of Jewish parents regardless of his actual religion was eligible for the infamous "final solution." The old Nazi fantasies about the vast and far-reaching influence of the international Jewish bankers had come full circle as Moscow replaced the Berlin of the early forties as spokesman for such pipe dreams.

To round out the conspiratorial circle, Ivanov tossed in for good measure the neo-Nazis.

> There is another line of approach to the investigation of a fact that is becoming plainer and plainer all the time, and that is that Israel's militarism and West German neo-Nazism are fed from the same source.

The Soviet's local branch office here, the CPUSA has duly received the message. Its internal publication, "Party Affairs," April 18, 1969, warned the party faithful:

> A fear has arisen in this country about the Jewish question; a "dirty word" has been created—"anti-Semi!"

The party's directive organ observed:

> Many of our members and followers fear to speak out what they know is the truth unless they be labeled "anti-Semi." It is about time to look this situation in the face.

Obviously, the junior party is embarrassed by both the adverse anti-semitic image again on the increase in the U.S.S.R. and by its own activities and attitudes here.

Mr. Speaker, it is also disquieting for me to observe that some anti-Communist conservatives fall into the anti-Semitic trap, either inadvertantly or because they are simply anti-Semitic. Communism feeds on such attitudes while Americanism suffers on such unwholesome fare. Hatred of race or religion, or both, by Americans provides additional grist for Soviet propaganda mills.

As a conservative myself, I am disappointed when I see otherwise intelligent Americans of the Right fall for this self-defeating, prejudicial trap. To try to blame the Jews, the blacks or the Anglo-Saxons as a race or class is both un-American and naive. There is all too much of this polarization today and people of good will should fight these prejudiced attitudes. I have always felt a responsibility to counter attitudes that I feel are wrong among those of my own camp.

### THE PARTY LINE AGAINST JEWS

This Communist publication "Caution: Zionism;" has attempted to wed Zionism with neo-Nazism. This has to be the most ambitious piece of editorial sleight of hand ever tried since World War II. Even the American Communist-front publication, "Jewish Currents," direct successor to "Jewish Life," could not digest this morsel of misinformation. "Jewish Currents"—and its predecessor—is edited by identified Communist Party member Louis Harap.

In its lead editorial, "Questions for the Soviet Party Congress," March 1971, it stated, regarding the 20th Congress of the Soviet Communist Party that—

> Will a halt be proclaimed to the provocative practice in the Soviet press of trying to equate Zionism with Nazism or Israeli practice and policies with Nazi theory and practice? We non-Zionists are as much offended by this nasty distortion as are the Jewish people as a whole, and democratic and humanist opinion in general.
>
> To the profound disappointment of Jews everywhere and of friends of the Soviet Union especially, anti-Semitic events and publications did not end with the public recognition of the crimes of the Stalin era.

Referring to the economic trials of 1961–63, "Jewish Currents" stated:

> Criminality was associated with Jewishness, and synagogues as institutions were depicted as centers for criminal and anti-Soviet, unpatriotic activities.
>
> Blatant anti-Semitic tracts were published in many parts of the Soviet Union under the guise of anti-religious propaganda. . . . Restrictions on the practice of the Jewish religion continued. The Yeshiva for training Rabbis set up in 1957 was suffocated after a few years. . . . Jews continued to be represented in heavily disproportionate numbers in science, the arts, journalism, medicine and technological and cultural activities.
>
> * * * * *
>
> Like the Arabs, Soviet publicists are not too scrupulous in avoiding identification of Jews and Zionists, and the attack often passes over into outright anti-Semitism.

One consequence of this campaign, stated the Communist publication, has been to accelerate requests for emigration to Israel.

> It is hardly to the credit of a socialist country that Jews should wish to emigrate. * * * What is saddening is that after 53 years of socialism, the fact as reported by the Moscow correspondent of the Italian Communist daily, *L'Unita*, Jan. 7, that a few tens of thousands of Soviet Jews wish to leave is evidence that something is wrong with Soviet Jewish policy.

Mr. Speaker, what is wrong with Soviet Jewish policy is merely symptomatic of what is wrong, fundamentally, with the Communist system in general. One need search no further back than May of 1971 when, in South Vietnam—of which Korea and the refusal of Communist POW's to be repatriated was the prolog—540 North Vietnamese POW's refused to return to their own homeland. Those who live within the so-called socialist system of Communist bloc nations "want out," while those who are, wish to remain out, be they Jew or non-Jew, friend or former foe. It is simply that elementary. Indeed the grass has never failed to prove actually greener beyond the oppressively drab and dreary life of socialism.

The ink had hardly dried on this critical March issue of "Jewish Currents" when the April 1971 issue of International Affairs, a major directive document of the Communist Party, Soviet Union, pointed out that—

> From the outset, the Soviet Government started a drive against the Zionist underground which was actively working with the counter-revolutionaries. This policy was not, of course, determined by any kind of "anti-Semitism" on the part of the Bolsheviks, as the Zionist then loudly claimed—and as they continue to do today.

Zionists, non-Zionist Jews, and non-Jews everywhere all attest to the continued wholesale harassment of Jews within the Communist-bloc nations, particularly the U.S.S.R. If, by some strange fate of circumstances, Moscow is somehow unaware of this tragedy, it perhaps should subscribe to the Communist-front publication, "Jewish Currents," particularly its April issue for a listing of Soviet measures taken against its second-rated citizen, the Jew. And I use the term "citizen" in this context, more than charity warrants.

Lenin stated in 1919, according to the official Communist publication, "Lenin on the Jewish Question," that—

> Enmity against the Jews can only exist where the landowners and capitalists have kept the workers and peasants in complete illiteracy.

If that be true how is it that one finds the most severe and unrelenting pressure directed at the Jews in the U.S.S.R. after the landowners and capitalists had long since ceased to exist institutionally. Socialism officially came into being in 1936, the year of the Soviet Constitution. This would mark technically, the demise of capitalism and implicity the eradication of any remaining remnants of anti-Judaism, at least if one were to accept Lenin's view.

The facts are to the contrary, however, according to hearings held by the Committee on Un-American Activities June 19, 1968.

Rabbis testified at the hearing that when the Communists took over Russia in 1917, a "massive campaign" to do away with Jewish communal institutions was undertaken by the Jewish section of the Communist Party known as the Yevesekzia. All existing Jewish communal and religious organizations were to be smashed and replaced by a network of Communist-oriented Yiddish-language institutions. "Religion was the special target of the vicious fury of the Yevesekzia.

On the basis of eliminating religious superstition, the Communists hastened to sequester synagogues and convert them into Communist youth clubs called Komsomols. Rabbis and teachers who secretly taught youngsters religion and Hebrew were arrested. Religious schools were closed and "the great Russian Judaism began to dry up at its source—the child and his studies. The word of God was no longer heard on the lips of Jewish children, and what the Czars with all their tyranny had never done, the Communists were now accomplishing."

In 1929, the year of the implementation of the Soviet's first 5-year plan, which had been approved the previous year, calling for the creation of a massive industrial base and the collectivization of the peasants and agriculture, Rabbi Yesroel Meir Hacohen of Poland wrote of the trials of his Russian Jewish brethren:

> Most bitter and fearful is the situation of our brethren in Russia and the Ukraine, may God have mercy. Almost three million Jews find themselves in great danger (aside from the fact that a great portion of them have no economic status and are simply starving). One's hair stands on end hearing of the great suffering of our brethern in Russia due to the overwhelming wickedness of those who desire to uproot our Holy Torah.
>
> They closed the Hebrew schools and Yeskivas. Those Roshei Yeskivas and teachers, who continued to spread learning privately, were sent to Siberia. * * * Those whose livelihood depends on the government are afraid to Judaize their children.

As the years went by, the Yevesekzia grew more vicious, the witness testified. Its schools, forums, newspapers, and books mocked Jewish laws and customs and distorted Jewish history. Wedges were deliberately driven between children and their parents and grandparents. The new generation was being ripped from the bosom of its heritage. Zionism, too, was brutally hunted down and show trials were held for Zionists accused of imperialist's conspiracy against the state.

By 1936, the final liquidation of Soviet Jewry began with the mass arrests of writers and artists. This was also the year of the establishment of the fundamental law of the U.S.S.R., its constitution, which, according to article 124, "recognized for all citizens" freedom of religious worship. Fittingly, 1 year later Yiddish elementary and secondary schools were abolished.

During the Second World War, 3 million Jews vanished in Soviet-controlled areas, according to a featured article entitled "What Stalin Really Did," which appeared in U.S. News & World Report, August 28, 1967.

In one specific geographical area, the eastern portion of Poland controlled by the U.S.S.R. as a result of the 1939 Nazi-Soviet pact and the aggression of those powers against Poland, the Communists arrested "about a million Jewish people who were sent to Siberia." This information was developed in hearings held by the House Select Committee on Communist Aggression, on September 22–23, 1954, as related by Herschel Weinrauch, a Russian journalist.

Khrushchev, who condemned only portions of Stalin's crimes, continued to persecute the Russian Jews when he assumed the leadership of the U.S.S.R. While his anti-Semitic policies were less drastic—and less publicized—because of the "new look" image which he attempted to foster, they were nevertheless effective.

Rabbi Harry Bronstein, vice president of the Rabbinical Alliance of America, official organization of orthodox rabbis, who had made nine trips to the U.S.S.R., testified that spiritual genocide was being conducted against the Soviet Jew. In a country which had boasted of having had thousands of synagogues in the past, there were presently about 60 which might be considered active in the Soviet bloc including only one in all of Moscow. From 1949 to 1956, about 450 synagogues were closed on the basis of one or another pretense. In these instances, the police were aided by the synagogue's presidotels, or presidents, some of whom were police informants. The witness stated that about one of every fourth citizen was an informer in the U.S.S.R.

Jews were not permitted to bake matzoth, a term which means "liberty" or "freedom." The Communists were aware of its meaning. The talis or religious shawl, vital to Jewish religious ceremonies could not be obtained in the Soviet Union because its manufacture had been forbidden when the Communist took power in 1917. Jewish calendars have not been printed in over 50 years and here too the Communist were aware that this omission would curtail religious services because Jews would not know when to observe such special days as Rosh Hashana. Although 5,000 prayer books were published in 1957, they were for foreign consumption rather than for the Soviet Jews. For half a million Jewish residents in Moscow, there was no Jewish cemetery, said Rabbi Bronstein. Jews would sell their few possessions in order to transport their deceased relations to a city where such a cemetery might still exist.

Propaganda which claimed that communism and religion are compatible was the "greatest lie," the rabbi asserted. The fact is that the Communists "are becoming more aggressive toward religion than they have in the past," he concluded.

Hitler had referred to the Jewish situation in Germany and to its resolution as the "final resolution," that is liquidation. Lenin, and his successor characterized the "problem" as the "Jewish question." In essence both regimes meant the same thing and used the terminology they did because they considered the Jew to be expendable. Human beings do not require "solutions," issues do; human beings are not "questions"; they resolve them. Hitler, Stalin, and his successors, were and are constitutionally incapable of grasping the basics of the human equation, the former viewing the Jews in ethnical terms, the latter, including Lenin, in religious and class concepts.

Lenin signed the following decree on August 9, 1918:

> The Jewish bourgeois are our enemies, not as Jews but as bourgeois. The Jewish worker is our brother. The Council of People's Commissars instructs all Soviet deputies to take uncompromising measures to tear the anti-Semitic movement out by the roots. (Lenin on the Jewish Question, International Publishers, New York)

In fact, however, the Communist Party of the Soviet Union proceeded to tear Judaism out by the roots and made no such distinction between the "good" Jewish worker and the "bad" Jewish businessman.

The most saddening commentary contrasting, on the basis of sheer, raw brutality, the Communist system with that of the Nazi, was eloquently described by a prominent Lithuanian Jewish leader, Dr. Julius Margolin. He had regarded himself as a friend of the Soviet Union until World War II when, together with hundreds of thousands of other Lithuanians, he was deported to the Siberian slave labor camps. His comments, published by the Senate Committee on the Judiciary, Subcommittee on Internal Security, in 1970, in a committee print entitled "The Human Cost of Soviet Communism," urged that the cruelty which prevailed in the Soviet system "constitutes the primary obligation of every man in the world."

He wrote:

> Until the fall of 1939, I had assumed a position of benevolent neutrality toward the U.S.S.R. * * * The last 7 years have made me a convinced and ardent foe of the Soviet system. I hate this system with all the strength of my heart and all the power of my mind. Everything I have seen there has filled me with horror and disgust which will last until the end of my days. I feel that the struggle against this system of slavery, terrorism, and cruelty which prevails there constitutes the primary obligation of every man in this world. * * *
>
> Millions of men are perishing in the camps of the Soviet Union. * * * Since they came into being, the Soviet camps have swallowed more people, have executed more victims, than all the other camps—Hitler's included—together; and this lethal engine continues to operate full blast. (Introduction by Senator Thomas J. Dodd to the Committee study, prepared by Robt. Conquest, English expert on Soviet Affairs, and based upon his book, *The Great Terror*.)

In July 1962, Herbert Aptheker, leading spinner of ideological webs for the Communist Party, USA, wrote in his pamphlet, "The Fraud of Soviet Anti-Semitism," that—

> The Soviet government is not guilty of anti-Semitism; on the contrary, it is one of the few governments in the world . . . which illegalizes all expressions or manifestations of anti-Semitism or any other form of racism.

In May 1971, "Young Worker," house organ for the CPUSA's Young Workers Liberation League put it in stronger terms:

> The myth of Soviet oppression of Jews is one of the greatest hoaxes of all times.

Only 1 year before Aptheker had written the above, in defense of U.S.S.R. policy, six lay religious leaders in Moscow and Leningrad were secretly arrested and the presidents of six synagogues in provincial cities deposed. Those arrested were held in prison until October, tried in secret, convicted of alleged espionage and sentenced to prison terms. Following the publication of Aptheker's anti-

anti-Semitic booklet, the great synagogue in Lvov, the only remaining prayer house in the Ukraine, was closed on the alleged charge that it was the center for illicit currency dealings. Other temples in smaller towns were also closed on charges that they were centers for drunkenness, espionage, and black marketing.

This campaign reached its peak in 1963 with the publication of Trofim Kichko's "Judaism Without Embellishment," a villainous anti-Semitic piece which, according to Maurice Friedberg's article, "The Plight of Soviet Jews," carried in Problems of Communism:

> Combined fabrications about the teachings of Judaism (claiming for instance, that Judaism permitted stealing from non-Jews) with cartoons that were so blatantly racist that they were denounced even by a number of Communist parties in the West.

One of the most succinct summaries of anti-Judaism activities was prepared by Rabbi Meir Felman of Brooklyn, who was a member of the International Affairs Commission of the Synagogue Council of America, and who testified before the House Committee on Foreign Affairs Subcommittee on Europe, on May 11, 1965. He said:

> While I will address myself briefly to the Soviet oppression of Jewry and Judaism, the problem as a whole is much larger than only the religious aspect.
>
> Certainly, the religious aspect is, in our values and concepts, a tremendous segment of the total situation. The Soviet campaign of discrimination is a religiously addressed assault and has, since Stalin, taken a tremendous toll of lives and effect on our Jewish brethren.
>
> Let me tell you briefly what the components of the Soviet assault on the Jews as a religious community are:
>
> 1. Closing of synagogues and prevention of prayer meetings (minyonim). In 1956, there were 450 synagogues and now there are only 86. Many have been demolished and a great number have been closed for various tenuous reasons.
>
> 2. Many cemeteries have been desecrated and many have been destroyed outright. For the past 2 years, in Moscow, burial in accordance with Jewish ritual is practically nonexistent. Many Jews are now being forced to be buried in secular, (nonsectarian) ground. No new Jewish cemeteries are being permitted to be opened. In this manner, religiously observant burial rites are being hindered.
>
> 3. Although, there is no prohibition against circumcision, officially, every effort is made to discourage Jews from circumcising their male born children. Those who dare to bring their sons into the Covenant of Abraham either lose their position or lose every chance of promotion in their particular field of activity.
>
> 4. Jews are denied the right to manufacture or import religious articles such as prayer shawls, phylacteries, torah scrolls, magillos, prayerbooks, religious calendars, and other religious items.
>
> 5. The Soviet Government prevents free production of import and distribution of matzoth and kosher food.
>
> 6. The publication of Bibles and religious texts are prohibited. It is over a decade since prayer books, even in small quantities, are being permitted to be printed. The printing of Hebrew language papers and periodicals are prohibited.
>
> 7. The study of Hebrew is not permitted even in the privacy of one's home.
>
> 8. All Yeshivas and Talmud Torahs have been closed. In 1962, there were five students in the Moscow Yeshiva. Now there are none. Many stumbling blocks are placed in the path of willing students, such as resident permits, and so forth. Travel permits are not issued to prospective students to attend such schools, even if they were reestablished.
>
> 9. Seminary applicants are not permitted to travel abroad to study either in Europe, Israel, or America.
>
> 10. Synagogues are infiltrated with state commissars who "control" institutions.
>
> 11. Soviet Russia does not permit organization of federation of synagogues or official exchange between synagogues. The small number of existing Russian synagogues cannot affiliate with international federations of synagogues, such as World Union of Orthodox Synagogues.
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> 12. Soviet Jews are not permitted to make pilgrimages to holy places in Israel.
>
> 13. Those who hold firmly to the tenets of their faith are many times subjects of violent diatribes. The synagogues are portrayed in, to put it mildly, most disparaging terms.
>
> 14. The Soviets are seeking destruction of Soviet Jewry through religious oppression, imprisonment of Jewish leaders, accusations of subversion and economic trials, deprivation of the most rudimentary needs to exist as a religious community. Coersion of Soviet Jews through processes of registration and discrimination in selection and allotment.
>
> 15. A rampant campaign, bitterly antisemetic, has raged in the public press and on radio against Jews and Judaism in all its aspects and values.
>
> 16. Jews who have been separated from their families because of the war and other reasons are not permitted to reunite. Jews, except in rare instances very old people, are not given immigration permits to other countries such as Israel or our country, to be reunited with their families.
>
> "Let my people go" has again become the clarion call to Soviet powers by religious leaders throughout the world.

Yet, in spite of evidence such as this, Aptheker could unhesitatingly pen his, "The Fraud of Soviet Anti-Semitism." Moreover, he could write—after denying that any anti-Semitism existed in the U.S.S.R.—and with a straight literary face that—

> Would, as an American, that I could say the same about the United States.

Rabbi Felman implicitly responded to this allegation during the course of his testimony when, in criticizing the publication, "Soviet Life," which is printed in this country, remarked:

> America, thank God for the blessings we have here, that we can read and argue and that we can discuss what is going on.

Aptheker would not, "as an American," say the same thing about the United States as had Rabbi Felman because he could not, as a Communist.

The status of the Jews in the U.S.S.R. is complicated by the fact that they have been treated not only as a "bourgeois class" but as a nationality. In 1929, for example, the U.S.S.R. decided to create a Jewish national territory, Birobidzhan, an "autonomous" region on the Amur River on the Manchurian border. This effort to "bus" the Russian Jew, after confiscating his belongings and businesses, across thousands of miles of U.S.S.R. territory to a barren Siberian wasteland was an experience which proved to be a colossal flop because it attempted to make peasants out of townspeople, Asiatics out of Europeans. In the first 6 years 19,000 Jews were transported to Birobidzhan, 11,000 of whom left.

Nevertheless, in spite of having their own Soviet "homeland," Jewish citizens were required to carry internal passports, as of course, are other nationalities, but in the case of the former the word "ye" for Yeurei or Hebrew was stamped thereon. According to C. Sulzberger of the New York Times, the only Hebrew nation which Soviet Jews, Zionists, or other non-Zionists Jews could remotedly claim is Israel.

The whole problem is, of course, an embarrassment in logic for the U.S.S.R. They will not let the Jew emigrate because to do so would reflect on the "paradise" of socialism. But if he stays he will not assimilate in the Socialist manner required by the Communist Party; that is, he will not forgo his religious beliefs or his cultural heritage.

Soviet anti-Zionism has become a convenient weapon to fight Judaism. And to the Russian Jew, the "distinction between Zionist and Jew is a very fine one," according to Ben Wattenberg, writing in the Washington Post. He cited the remarks of a woman from Minsk who had stated:

> When the government blames "Zionism" for Russian problems, it becomes very easy for the plain people to blame Jews.

And hence, very easy also to blame Judiasm for Soviet adventures abroad in having backed a horse that never left the starting gate in the 6-day Mediterranean melee of 1967. Moscow cannot rationalize her problems or her Jewish persecutions on the basis of Israel which was founded in 1948 because Soviet problems, most of which were self-created, predated the creation of the Jewish nation and, in fact, extended back to the founding of the Bolshevik monstrosity of 1917.

Indeed, it is not at all surprising that the long-suffering Russian Jew—one hestiates to characterize him as "Soviet" Jew—wishes to leave the U.S.S.R. whether for Israel, the U.S.A., Europe, etc. In fact, one would be surprised if a substantial number of Jews, given the opportunity to leave, would remain in the U.S.S.R. whether an Israel existed or not excepting extenuating circumstances of a personal nature. Indeed, has there not been an exodus, of a magnitude unrecorded in history, of the persecuted of all denominations numbering in the millions fleeing from all Communist bloc nations? Their method of departure staggers the imagination but is nonetheless indicative of the hopelessness of their plight. For example, only recently several Red Chinese nationals fled by means of the ingenious technique of floating to freedom across 5 miles of Deep Bay near Hong Kong by grasping on to plastic bags which had been stuffed with Ping-Pong balls to provide buoyancy. Obviously, the little white spheroids may serve a positive purpose on occasion instead of a diplomatic stratagem.

Today, the harassment of the Russian Jew has increased to the point where he has been tempted to commandeer, as Soviet authorities allege, large jetliners for purposes of fleeing tyranny. The Soviet Party-State would best look to the conditions which it has created which have led to such drastic measures in the first instance. There have been skyjackings in the U.S.A. also but by and large, these have been the work of individuals with severe personal problems, real or imagined. The first and immediate cause of alienation and disaffection in the U.S.S.R. is the overwhelming smothering of the human spirit by the blanket of Marxism-Leninism.

According to Mr. Friedberg, Trofim Kichko author of the anti-Semitic tract, "Judaism Without Embellishment," was awarded a scroll of honor for his "services to atheist propaganda." Shortly after receiving this "honor" Kichko published another gem for atheism, entitled "Judaism and Zionism" which "linked directly the practices and beliefs of Judaism to a hostile political ideology", that is Nazism.

Kichko, stating that Judaism educated the Jews in a "spirit of contempt and even hatred for other people," drew a parallel between the "chauvinist idea of God-chosenness of the Jewish people" and the concept of Messianism and of ruling over the peoples of the world, with the neo-Nazis concept of the superiority of the Aryan race.

Ivanov, in his anti-Semitic diatribe, "Caution: Zionism!" had also asserted that Judaism was characterized by hatred of man, preachments of genocide, cultivation of love of power, and praise of criminal methods for the achievement of power.

Mr. Speaker, the Christian has an opportunity today to come to the assistance, long overdue, of a fellow member of the "religious community"—the Jew. The practicing Christian—Communists worry naught for the other kind—is a threat to the practicing Communists. Such Christians rank high on the liquidation list, as noted below, of Marxist-Leninist governments. Millions of Christians have been sorely affected for striving to live by the bare minimum of their beliefs. They know what suffering is all about as numerous refugees will testify, and for this reason Christians, real Christians should be the first to relate to the Jews in this their moment, and it has been a long moment, of need. I am afraid, however, that too many Christians compose a "silent majority" concerning the plight of the Russian Jew.

While, for historical and other reasons, Jews and Christians have been "badly alienated" from each other, as the Rev. Edward H. Flannery recently wrote in his article, "Christian Ignorant of Jews' Trials in History", in "The Catholic Virginian," there is much which unites them including a common enslavement by a common enslaver. Real Jews and Christians, who are God-loving peoples, enjoy nothing in common with that hard-core, man-hating, power-worshiping cult of super-materialists, the Communists.

In the report, "Antireligious Activities in the Soviet Union and in Eastern Europe," prepared by a subcommittee of the House Committee on Foreign Affairs, the clergy and lay membership of various Christian religions "have suffered prodigiously" in the U.S.S.R. and its satellites. Testimony before that committee revealed:

> 55 bishops, 12,800 priests and religious, 2.5 million Catholics (have been) killed. 199 bishops, 32,000 priests and religious, 10 million believers, imprisoned or deported. 15,700 priests and religious forced to abandon their profession and seek other jobs. 8,334 seminaries closed. 1,600 monasteries nationalized. 31,779 churches closed, 400 newspapers prohibited.

In his article, Father Flannery proposed that because of the Jews' special place in God's revelation and because of the Jewish-Christian estrangement, the dialog between them should command the highest ecumenical priority. Reverend Flannery declared that the Christian was "completely ignorant" of those pages of history from the first century onward which depicted the persecution of Jews. On the other hand, the Jew should understand, he states, the fact of this Christian ignorance of history. If the dialog of reconciliation is to move to better ground, he said, Christians must learn the "facts of history, even the murderous facts."

Christians in this country, however, cannot but be mindful of the tragedy that severely decimated the ranks of European Jews in World War II. They seem less aware unfortunately of the degree to which Moscow succeeded Hitler as head executioner.

Soviet harassment against the Jews has been intensified of late. It would appear most appropriate for today's Christians to ally themselves with the efforts of American Jews and use whatever means they have at their disposal to alleviate the sufferings of the followers of Judaism within the Communist bloc.

As noted above, the Christian and Jew share a common plight, perpetrated by a common antagonist by virtue of their common membership in the religious community of men. In their belief in a greater authority than the state will the Christian and Jew find a mutual solace and a mutual strength.

"Communism and religion are irreconcilable," stated the Anti-Defamation League of B'nai B'rith in its excellent study, "The Profile of Communism," adding that "Communism in theory and practice is atheistic." Pope Pius XI, in his encyclical on Atheistic Communism, declared that "Communism is intrinsically wrong." Genuine Christians, he wrote, should not "collaborate with it in any undertaking whatever." Pope Paul VI in his recent Apostolic Letter of May 14, 1971, also stressed the impossibility of coming to terms with Marxism. He said:

> It would be illusory and dangerous to . . . accept the elements of Marxist analysis without recognizing their relationship with ideology, and to enter into the practice of class struggle and its Marxist interpretation, while failing to note the kind of totalitarian and violent society to which this process leads.

The B'nai B'rith study, noted above, stated that the Judaeo-Christian tradition treats each man as being individually important while communism treats man as an instrument of the state. "Few enemies of Judaeo-Christian ethics," it said, have been as unashamed as the Communist in expressing their own amoral philosophy:

> Communist ethics make it the highest duty to accept the necessity of acting wickedly. . . . Evil transforms itself into good through the dialectic of History (George Lukacs, Commissar of Education in the post-World War I Bolshevik government of Hungary).

The Ecumenical Council, held in Rome, 1963–65, in its Declaration on the Relationship of the Church to Non-Christian Religions, part 4, of October 28, 1965, declared that that Synod recalled "the spiritual bond linking the people of the New Covenant with Abraham's stock." It recalled too that "from the Jewish people sprang the apostles, her foundation stones and pillars, as well as most of the early disciples who proclaimed Christ to the world." Since the spiritual patrimony common to Christians and Jews is thus so great, the declaration went on, it wished to foster and recommend "mutual understanding and respect" which is the fruit above all of biblical and theological studies, and of brotherly dialogs. The Vatican II document concluded:

> The Church repudiates all persecution against any man. Moreover, mindful of her common patrimony with the Jews, and motivated by the gospel's spiritual love and by no political considerations, she deplores the hatred, persecutions, and displays of anti-Semitism directed against the Jews at any time and from any source.

Mr. Speaker, the term, "Soviet persecution of Jews" can be a misleading phrase because the Jews have undergone severe hardships in other communist countries as well. "Communist persecution of the Jews" would indeed be a more apt expression. The hardships faced by Jews in the countries of Eastern Europe, as well as in Communist countries elsewhere clearly reveals that where Marxism-Leninism reigns supreme. there too may be found religious persecution. On Eastern Europe the B'nai B'rith report found that—

> Generally, throughout the satellites, all formerly independent Jewish religious, educational and social activities have been nationalized and are operated by communist party members or have been abolished. All Jewish political parties have been dissolved. The numbers of Jewish schools are dwindling. In some countries the teaching of Hebrew is forbidden. In Hungary, Jewish teachers have been ousted from the public school system and Jewish pupils are compelled to attend school on the Sabbath.
>
> Jewish charity organizations, including orphanages, children's homes and hospitals have been liquidated. Jewish foreign relief organizations have been ousted. Jewish papers are permitted to publish only communist views. Government spies sit in the synagogues, many of which have been invaded and desecrated.

Mr. Speaker, by merely substituting the word "Christian" for the word "Jew," and "church" for the word "synagogue," in the above passage, one would have a fairly accurate rendition of the tribulations suffered in Communist countries by Christians, also.

If the free world had the political clout—and the will to use it—to raise the barriers which cruelly confine the inhabitants of the USSR and its satellites, and the facilities to accommodate those long-suffering humans, the staggering westward exodus would depopulate those nations to the point where their industry and agriculture would come to a virtual standstill. Both free and the unfree nations know this.

What can be done? The trend of events today would seem to indicate that under the policy of so-called peaceful coexistence, in which the free world has apparently acquiesed, nothing. But this does not necessarily have to be. There have been instances of altruistic intervention on behalf of the Jew by American officials in the past. Protests were made to the Governments of Morocco in 1863, Persia in 1897, Syria and Persia in 1915, Italy in 1938, North Africa in 1942, and Argentina in 1943, and on numerous occasions, Nazi Germany. In December 1970, Senator CHARLES MATHIAS cited a few historical intercessions made on behalf of victimized Jews in Russia:

> In 1881, Secretary of State Frelinghuysen directed a strong protest to the czarist court regarding pogroms inflicted on Jews in Warsaw. Again in 1903 President Theodore Roosevelt forwarded to the czar a petition signed by thousands of American citizens of all religions protesting the Kishinev massacre. In 1906, the Senate and House of Representatives passed a joint resolution condemning the continued mistreatment of Jews in Russia. As this proved unavailing, the House of Representatives in December 1911, voted to terminate the treaty of 1832, which had governed trade and commerce with czarist Russia for almost a century.

The plight of the Jew is, or ought to be, the active concern of conservative and liberal Christians alike for the very basic reason that religious persecution is above philosophical politics. An aroused citizenry has every right under the modern ground rules of international affairs to expect their government to express and to take an active interest in considering appropriate measures to let the USSR know of the displeasure in the West concerning the treatment of Jews within their jurisdiction.

Those who would say that this is interference in the internal affairs of another nation are simply unaware of global developments since the end of World War II. Communist nations have persistently injected themselves in U.S. affairs, the affairs of other free world nations, and, particularly in the past decade, in subverting the development of third world nations. In fact, the U.S.S.R. has been conducting such activities, as the public record amply bears out, since its very inception. "Peaceful coexistence" is a hoax dating back to at least the Comintern meeting of 1928. The only countries with which the U.S.S.R. coexists in any sense of the term, is its own satellites and in most instances this has proven to be a rather unpeacefullike existence.

Diplomatic notes of protest concerning the attacks on Judaism, are not sufficient to even warrant a low-level meeting in the Kremlin. The only feasible method to arouse a materialistic Socialist Leninist government to take, or resist any kind of action is to materially affect the Communists where it most counts—in material goods. In mid-1968 U.S. exports to the U.S.S.R. bloc grew substantially. In October 1969 the U.S. embargo on over 1,000 products, many of a war-useful nature, was lifted. Exports for 1971 may reach a third of a billion dollars as a result of this development, and the political forecast points to further increases. This is where the issue must be joined if the Russian Jew is ever again expected to live other than a subhuman existence. Legal demonstrations at Soviet facilities will bring but momentary relief, if that. But representations directed at selected U.S. officials which have the authority to revise or revoke trade relations with Communist bloc nations can prove more effective. The economic clout has a telling effect far greater than that of the political—as the United States has itself discovered by cutting off its own supply of rich chrome ore from Africa and replacing it with a cheaper grade, Soviet ore.

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## THE VETERANS INCENTIVE PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I am introducing legislation to create a veterans incentive program. My bill is designed to encourage young men who are leaving active duty in the military to participate in the Reserve Forces.

By approving competitive pay scales for our men in uniform, both the House and the Senate have taken a significant step toward ending reliance on the draft. Important as this action has been, we should not be content until this Congress has enacted all of the manpower reforms required to produce a highly motivated, effective volunteer force. The 2-year extension of the draft is permissive, not obligatory, and there can be no excuse for delaying actions needed to bring an end to inductions. Changes in military housing and personnel management must be made if we are to enhance the attractiveness of a military career, and I am hopeful that the Defense Department will not tarry in recommending whatever is necessary to achieve this goal.

As we move away from reliance on compulsion, and as we reduce the size of our active force, we will have to place increasing reliance on the Reserves and National Guard to maintain our ability to mobilize in time of emergency. Recognizing this need, Secretary Laird, consistent with his commitment to ending the draft, has declared:

> Guard and Reserve units and individuals of the selected reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

The administration has implemented this policy by reversing the equipment drain associated with the Vietnam buildup, and by supplying the Guard and Reserves with modern tanks, ships, and planes. There can be no doubt that the opportunity to participate in a unit with a clearly defined mission, and to train on combat-ready equipment, will substantially improve the readiness of the Reserve Forces.

The new role of the Reserve Forces is intimately linked to ending conscription. As Assistant Secretary of Defense Roger T. Kelley said during recent House Armed Services Subcommittee hearings:

> This policy . . . means, first of all, that the Guard and Reserve Forces have a vital national security mission. Men should join these units because they want to be a part of that mission, and not to avoid real military service.

Critics of the volunteer force, however, have claimed that the reserves will not be able to meet their manpower requirements in the absence of the draft. These skeptics point to surveys which show that between 70 and 80 percent of the men currently on reserve duty are "draft motivated." It should be remembered, however, that entry pay of a reservist for a full weekend drill is only $17.92—far less than he could make at any part-time job. While it is true that pay alone will not attract men into serving their country in the Reserves, it should be clear to all that present drill pay is a disincentive to such service. As Deputy Assistant Secretary Mr. Theodore Marrs recently noted:

> I believe there are plenty of people around who would like to become members of the Guard and Reserve, but plainly can't afford to with some of the current limitations on time and money.

In fact, Mr. Speaker, I consider it a real tribute to the patriotism of our young people that nearly 30 percent of our Reserve Forces are true volunteers in spite of such low rates in pay. As a result of the tireless efforts of the chairman of the Armed Services Committee, the gentleman from Louisiana (Mr. HÉBERT), active and reserve pay has been raised to a level that is competitive with salaries in the civilian world. These pay scales approximate those recommended by the President's Commission on an All-Volunteer Armed Force to sustain nonprior service accessions to the Reserves—see chapter 9 and appendix IV-2 of the Commission report.

The primary source of entrants into the Reserve structure should be the combat tested veteran. As the Commission noted:

> The man who separates from active service is a highly prized candidate for service in a reserve unit. He has had two or more years of training and experience which qualify him not only for immediate assignment to fill a unit vacancy, but often for a leadership role as well.

The veteran can fill the Reserves requirements for high quality and experienced personnel. Unfortunately, however, although over 1 million first-termers have separated annually in recent years—see exhibit 1—very few have volunteered for Reserve duty. In part, this was due to the low pay and secondary mission of the Reserves, and in part it resulted from the desire of the veteran to concentrate on obtaining meaningful civilian employment.

Mr. Speaker, I have developed a proposal to make participation in the Reserves attractive to the young veteran. Currently, it costs about $3,100 to put a nonprior service individual through his basic training—but for every veteran who enlists in the Reserves, we will need to enlist one less nonprior service recruit. This will not only save $3,100, but it will also give the Reserve Forces a soldier whose effectiveness has been proven by sustained performance on active duty. Consequently, it make more sense to me to provide the veteran with an incentive to join the Reserves, than to continue paying the cost of $3,100 for unproven recruits.

My proposal, which is simple and cost-effective, would allow the services to pay an incentive of up to $3,000 for veterans who join the Reserve Forces. In addition, the legislation is designed to give the maximum flexibility to the services to vary the incentive depending on the criticality of the skill and the cost of individual training.

Mr. Speaker, the concept of a reenlistment incentive, which has been actively promoted by the gentleman from Mississippi (Mr. Montgomery), has been endorsed by Assistant Secretary Kelley. In hearings on the Reserves he stated:

> Part of the virtue of these financial incentives is that even though they cost a lot of money they should cost the taxpayers ultimately less than if we permit a swinging door, highly volatile turbulent operation to turn over people, making it necessary to train new people.

In other words, Mr. Speaker, my proposal is designed to save money. Moreover, the funds to cover initial implementation of this program exist in the President's budget. According to Defense Department testimony during the draft hearings, the $100 million contingency fund in the Project Volunteer account might be applied in the following manner:

> As reliance on the draft declines, it may be necessary to provide additional incentives to insure adequate accessions for the reserve components. The contingency fund provides a means of doing this in FY 1972.

Mr. Speaker, I believe this program will be beneficial for the reserves, and should be enacted now. At the same time, I am confident that it will be attractive to our veterans, who are seeking the means to reestablish themselves in the civilian community, and are also interested in continuing their service to the Nation. Most importantly, it is one more means by which the Defense Department can fill our military manpower requirements on a voluntary basis.

Mr. Speaker, at this point I include the text of the bill:

H.R. 9511

A bill to amend title 37 of the United States Code to provide a Veterans' Incentive Program for participation in the Ready Reserve

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 5 of title 37, United States Code, is amended—

(1) by adding the following new section at the end thereof: "§ 313. Special pay: Participation in the Selected Reserve of the Ready Reserve"; and

(2) by adding the following new section at the end thereof: "§ 313. Special Pay: Participation in the Selected Reserve of the Ready Reserve

"(a) A person is entitled to special pay computed under subsection (b) of this section if—

"(i) he has served in the armed forces on active duty (other than for training) for at least two years unless sooner released because of a reduction in force;

"(ii) on active duty (for training and for other than training) for a period which, when added to his period of satisfactory participation in the Selected Reserve, would qualify him for discharge or transfer from the Selected Reserve.

"(iii) he is accepted for enlistment, reenlistment or extension of enlistment in a unit of the Selected Reserve, and if a prior member of the armed force in pay grade E-3 or above; and

"(iv) he agrees to remain a member of the Selected Reserve for a period of not less than one year.

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(i) for persons possessing critical military skills as determined by the service concerned, up to $3,000 for a six year enlistment, or extension of enlistment with payments for lesser enlistment, reenlistment or extension of enlistment periods limited to 10% of the total for one year; 25% of the total for two years; 40% of the total for three years; 55% of the total for four years; or 75% of the totals for five years; or

"(ii) for persons not covered by clause (i) of this subsection, up to $2,000 for a six year enlistment, reenlistment or extension of enlistment with payments for lesser enlistment, reenlistment, or extension of enlistment periods limited to the same proportionate values as contained in clause (1) of this subsection.

"(c) Special pay authorized under this section—

"(1) may be paid in a lump sum; or installments;

"(2) is in addition to basic pay and any other special pay, incentive pay, or allowance to which the person concerned is entitled;

"(3) is payable for any periods of enlistment, reenlistment or extension of enlistment in a unit of the Selected Reserve which, when added to the person's initial period of military service as required in clause (i) or (ii) of subsection (a) of this section, does not exceed a total period of twelve years military service as computed under section 1332 of title 10.

"(d) Notwithstanding any other provision of law, and regardless of the amount of any previous active duty served by him, a member who voluntarily, or because of his misconduct, does not complete or does not perform satisfactorily during, a period of service for which he received special pay under subsection (b) of this section shall refund that percentage of the amount prescribed by subsection (b) which corresponds to the period of unsatisfactory performance or unfulfilled service.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy."

EXHIBIT 1

SUMMARY OF 1ST ENLISTMENT, ACTIVE FORCE PERSONNEL BEING SEPARATED ANNUALLY BY FISCAL YEAR

| | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971[1] | 1972 |
|---|---|---|---|---|---|---|---|---|
| Army | 238,000 | 294 | 274 | 452 | 552 | 597 | 548 | 462 |
| Navy | 139,000 | 122 | 154 | 160 | 182 | 222 | 194 | 153 |
| Marine Corps | 38,000 | 33 | 54 | 81 | 98 | 143 | 108 | 64 |
| Air Force | 129,000 | 117 | 123 | 123 | 183 | 158 | 151 | 140 |
| Total | 544,000 | 565 | 605 | 816 | 1,015 | 1,120 | 1,001 | 819 |

[1] Includes projections.

## PANAMA CANAL: THE QUESTION OF SOVEREIGNTY

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, Members of the Congress who have specialized in the study, clarification, and presentation of vital issues over a period of years at times see their works reflected in scholarly writings, both articles and books. This has been notably true in the case of the Panama Canal, a subject to which I have devoted a lifetime of study, spoken often, and written extensively. Such consideration in historical writings is the greatest single compensation for the effort involved in responsible leadership in the Congress.

Especially gratifying to me has been the number of students in various colleges and universities who have been choosing subjects dealing with various aspects of the interoceanic canal problem and writing papers thereon using the voluminous documentation in the Congressional Record and other congressional sources. For such research, my volume on the "Isthmian Canal Policy Questions," published as House Document No. 474, 89th Congress, has been a prime source of authentic information.

A recent notable contribution to the cumulating canal literature is a 1971 paper prepared at the University of California, Santa Barbara, by Margaret Swope, a student at that great educational institution. Exceptionally well researched and logically reasoned, this paper establishes a high standard in realistic historical appraisal that could well be emulated not only by students at other centers of learning, but also by educators and authors, especially those who have been so glibly expressing their views in certain recent books on canal problems.

For many months, the revolutionary government of Panama has carried on an organized campaign of unjustified, hate-infected invective and vilification against the United States. One of its typical slogans is "Panamanian sovereignty over the Canal Zone or death." In an address to the House in the Congressional Record of June 17, 1971, under the title of "Panama Canal: Intense Panamanian Hostility Campaign Against the United States," I tabulated some of the cleverly worded diatribes and distortions published in the Spanish language press of Panama attacking U.S. indispensable treaty based sovereignty and ownership of the Canal Zone and Panama Canal. These attacks are being done under government direction as part of its program for securing new canal treaties that would wrest control of the Canal Zone and Panama Canal from the United States.

Regardless of what surrenders that may be contemplated in any agreements reached in the current negotiations, attention is invited to article IV, section 3, clause 2 of the U.S. Constitution, which vests the power to dispose of territory and other property of the United States in the Congress—House and Senate—and not alone in the treaty-making power—President and Senate. This constitutional provision, which is summarized in the eighth whereas clause of the pending Panama Canal sovereignty resolutions introduced or cosponsored by more than 60 Members of the House, is controlling as regards the Canal Zone and the extensive installations therein including the Panama Canal as it would also be in the event of an attempted cession of Alaska to the Soviet Union, the Louisiana Purchase States to France, and Texas and the vast Southwest to Mexico. The courts of our Nation have repeatedly upheld the force and validity of this wise and protective constitutional provision.

The paper by Margaret Swope is so timely in connection with the Canal Zone sovereignty question that I quote it as part of my remarks along with the text of the Panama Canal sovereignty resolutions now pending and extend to her my warmest congratulations:

### THE PANAMA CANAL: A QUESTION OF SOVEREIGNTY

(By Margaret Swope)

Theodore Roosevelt: "We have not the slightest intention of establishing an independent colony in the middle of the State of Panama, or of exercising any greater governmental functions than are necessary to enable us conveniently and safely to construct, maintain and operate the canal, under the rights given us by the treaty."

Since Panama won its independence from Colombia in 1903, the question of sovereignty over the Panama Canal and the Canal Zone has been a source of constant friction and at times open conflict between Panama and the United States. Although the Republic of Panama owes its existence to the canal enterprise and its continued independence to the efficient management and operation of the canal by the United States, radicals in Panama are attempting to force the United States out of the area. Under the Hay-Bunau-Varilla Treaty of 1903 Panama surrendered her sovereignty over the Canal Zone to the United States in perpetuity. The Canal Zone is constitutionally acquired territory of the United States yet since 1936 the legal position and bargaining power of this country in Panama has been lessened. United States sovereignty over the area has not been affected although our government has been following a policy of appeasement to the demands of the Panamanians. In several cases the President and the Department of State have acted against the expressed will of the Congress. The 1960 decision by the Eisenhower Administration to allow the flag of Panama to fly over Canal Zone territory is but one example.

It is more important now than ever before for the United States to assert its sovereign control over the Canal Zone since the Communists also have designs on the Panama Canal. Soviet interest in the canal dates back to the Russian Revolution in 1917 and with the nationalization of the Suez Canal in 1956 they turned their attention to the Panama Canal. Having launched a program of agitation and turmoil against the authority of the United States in the Canal Zone, the Communists continue to pursue their policy of gaining a monopoly over key water routes of the world. "The real issue at Panama is not academic or hypothetical, it is not United States control over the Canal Zone versus Panamanian, but United States sovereignty over the zone versus Communist control."[1] If the United States were to withdraw from Panama, the economy as well as the very independence of that country would be in great peril. It is therefore imperative that the United States maintain its jurisdiction over the canal which Congressman Daniel J. Flood calls an "interoceanic public utility". As the center of civilian and military communications and international security and commerce, the Panama Canal must be kept out of the hands of the Communists. By studying the historical background of the canal and the development of U.S. policy pertaining to the possession and control of the Canal and the Canal Zone we will better be able to understand the gravity of the situation which now faces our country.

Historical Background and Development of United States Policy of Sovereignty over the Panama Canal.

The first attempt to contruct a canal across Panama was made by the French under the guidance of Ferdinand de Lesseps. In the context of the Monroe Doctrine, President Rutherford B. Hayes commented in 1880 on the French attempt to build a canal:

"The policy of this government is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem totally inadmissible."

Continuing he stated:

"Our merely commercial interest in it [the Canal] is greater than that of all other countries, while its relation to our power and prosperity as a nation, to our means of defense, our unity, peace and safety, are of paramount concern to the people of the United States."[2]

In 1889 the French left Panama in defeat and the United States did not have to enforce the Monroe Doctrine.

Although the United States had shown some interest in an interoceanic canal, it was not until the Spanish-American War that our attention became focused on the necessity of such a canal. When the battleship *Oregon* took over two months to reach Cuba from the Pacific by way of Cape Horn—arriving in time to take part in the last naval battle of that war, leaders of this country realized the need for an interoceanic ship canal for the national defense. With two coasts already to defend, the United States had new responsibilities in the Pacific with the acquisition of the Philippines and the Hawaiian Islands. In December 1898 President McKinley pointed out the necessity of a canal and added that "our national policy now more imperatively than ever calls for its control by this Government."[3]

Before any action could be taken on building a canal the Clayton-Bulwer Treaty of 1850 between the United States and Great Britain had to be abrogated. Under this treaty both countries agreed to the neutrality of any transisthmian canal and that neither would "fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America." Fortunately for the United States, Britain was willing to waive its rights to a canal in Central America. The British obstacle to a canal under U.S. control was removed with the signing of the second Hay-Pauncefote Treaty on November 18, 1901. By this agreement Great Britain yielded its rights for a transisthmian canal and acknowledged the exclusive right of the United States to build and regulate a canal. In the same understanding the United States agreed to follow the main points of the Convention of Constantinople of 1888 in its operation of the new canal. Thus it was stipulated that the canal should be "free and open" to "vessels of commerce and of war" of "all nations" on equal terms and the United States was empowered to defend it from "lawlessness and disorder."

It next had to be decided where the new canal was to be built. By an act of Congress the Isthmian Canal Commission was established in March 1899 to "determine the most feasible and practicable route" for a canal across Central America. When the French Company, which stood to lose its entire investment, accepted the U.S. offer of $40 million the Commission presented a supplementary report advising in favor of the Panama route. (In an earlier report a Nicaraguan Route had been recommended.) As part of its report the commission stated that any rights given to the United States for a Canal Zone "must not be for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States. In this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary." Thus U.S. policy concerning the sovereignty of the Panama Canal existed before the canal itself.

Once it was decided to build in Panama the United States had to gain permission from Colombia, which had sovereignty over Panama, to acquire the holdings of the New Panama Canal Company and to acquire other rights essential to U.S. control of the Panama Canal. Under the Spooner Amendment, which passed Congress in June, 1902, the President was authorized to pay no more than $40 million to the New Panama Canal Company, of France, "to acquire from the Republic of Colombia, and for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land" for the Canal Zone, and to begin construction of the canal.

The Hay-Herrán Treaty between Colombia and the United States allowed the U.S. to obtain the holdings of the New Panama Canal Company and to begin construction of the Panama Canal. Although Colombia gave the U.S. rights to a six-mile wide strip of land, she maintained "the rights and privileges granted to the United States" in this agreement were not to "affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges" were to be exercised. This system of dual ownership was to last "for a term of one hundred years, renewable at the sole and absolute option of the United States." Though the terms of the Hay-Herrán Treaty were not those specified in the Spooner Amendment and proclaimed by leaders in this country as being essential for our control of the canal, the Senate of the United States ratified the treaty on March 17, 1903. In

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Colombia, however, the treaty was unanimously rejected on August 12, 1903.

According to the Spooner Amendment, permission for a route in Nicaragua was to be obtained if the President was unable to reach an agreement with Colombia. Panamanians had never felt a close alliance with Colombia so when it saw the possibilities of losing the canal it decided to break its ties with Colombia and reach its own agreement with the United States. On November 3, 1903 Panama declared its independence from Colombia. Three days later on November 6 the United States recognized the independence of Panama and on November 18 the Hay-Bunau-Varilla Treaty was signed by Secretary of State John Hay and Panama's representative Philippe Bunau-Varilla. This treaty with Panama followed the Hay-Herran Treaty with a few major exceptions. Under Article I of the United States was to insure the independence of Panama. Articles II and III gave the United States "in perpetuity the use, occupation, and control" of the Canal Zone as "if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." The existence of the new Republic of Panama was dependent upon the U.S. guarantee of its independence and the success of the canal enterprise. Bunau-Varilla realized that the sharing of sovereignty had been a weakness of the Hay-Herrán Treaty and he wanted "to avoid any sharing of sovereignty in the Canal Zone, a thing which always causes litigation on one point or another.[4]

Theodore Roosevelt, William Howard Taft, and Charles Evans Hughes were three of the important framers of the United States policy over the Panama Canal and the Canal Zone. Roosevelt recognized the strategic value of the canal, its effect on the commerce and international prestige of this county, and he was one of the first to understand the advantages a canal would have.[5] He felt that a canal connecting "the Atlantic and Pacific oceans as must be built by the United States or not at all."[6] Internationalization of the Panama Canal was inconceivable to Roosevelt for "it is our Canal." It is little wonder that Theodore Roosevelt was extremely proud of the Panama Canal and especially the part he played in making the canal a reality.

As Secretary of War, President, and Chief Justice of the Supreme Court William Howard Taft advocated U.S. sovereignty over the Canal Zone as an absolute necessity. In 1909 President-elect Taft contended that the 1903 treaty entitled us to:

"Exercise all the sovereignty and all the rights of sovereignty that we would exercise if we were sovereign, and Panama is excluded from exercising any rights to the contrary to those conceded to us. Now that may be a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip, and we are going to govern it."[7]

Secretary of State Charles Evans Hughes was as adamant in his position concerning Panama as were Roosevelt and Taft. When Panama asked for increased sovereignty over the Canal Zone in December 1923, Hughes replied "this government could not, and would not, enter into any discussion affecting its full right to deal with the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama."[8]

In 1914, the year the Panama Canal was opened, the United States negotiated a treaty with Colombia in which this country expressed regret for the part it played in the Panama revolution and offered Colombia $25 million as compensation. Roosevelt and others denounced the treaty and were able to block its passage in the Senate. Ratification of this Thomson-Urrutia Treaty did not come until March, 1922. In this treaty Colombia recognized the independence of Panama and further recognized that the authority over the Panama Canal and railroad were "vested entirely in the United States, without any incumbrance or indemnities whatever." As a result of this understanding Colombia was given certain preferential rights to the use of the canal and a cordial friendship between Colombia and the United States was restored.

The Hull-Alfaro Treaty of 1936, between the United States and Panama, marked the beginning of a process of deterioration of U.S. jurisdiction over the canal. Article I of the Hay-Bunau-Varilla Treaty, which guaranteed the independence of the Republic of Panama, was abolished. After the 1922 agreement with Colombia, Panama felt its independence was a certainty and that it no longer needed the U.S. guarantee. Although this treaty did not seriously impair the principles of U.S. sovereignty over the canal, the United States relinquished some of its power and authority to Panama. Among the rights ceded by the United States was its right to intervene in Panama's internal affairs. The annuity to Panama was increased from $250,000 to $430,000. Contracted without consent of the Congress, the Hull-Alfaro Treaty met opposition in the Senate and was not proclaimed law until July 27, 1939.

A "hate America" campaign was undertaken by the Communists in Panama in 1946 and 1947. In 1951 President Juan Domingo Perón of Argentina tried to undermine the loyalty of Panamanians working in the Canal Zone. President Remón of Panama desired a revision of the existing treaties between his government and the United States. When President Eisenhower invited Remón to Washington in 1953, he sent two Ambassadors to represent Panama in the new negotiations.

In 1955 further concessions were made to Panama. The Eisenhower-Remón Treaty of 1955 gave additional U.S. rights and properties to Panama and increased the canal annuity from $430,000 to $1,930,000. One of the most important features of the treaty was that the United States was to yield property of the Panama Railroad without the authorization of Congress. To prevent the giveaway of the Panama Railroad, Congress stepped in. The railroad had been acquired by the United States by law and treaty. Colombia's rights to the railroad, granted to her by the Thomson-Urrutia Treaty, were ignored. By the time Congress took action it was too late to prevent the terminal yards and passenger stations from coming under the control of Panama. We now have a railroad without its terminal stations and yards.

With the nationalization of the Suez Canal by Egypt on July 26, 1956, the situation in Panama changed. The Government of Panama endorsed the Egyptian takeover of the Suez Canal. With the backing of Communists, students in Panama began to call for the nationalization of the Panama Canal. Congressman Flood, who for many years has been an advocate of maintaining U.S. control of the canal, realized the danger this posed to the United States. On June 27, 1957, he introduced a resolution in Congress to reaffirm U.S. sovereignty and our Isthmian Canal Policy. Unfortunately Congress did not take action on this measure. This was only the beginning of the conflict between the United States and radicals in Panama who want to gain control of the Panama Canal and drive the United States out of their country.

On May 2, 1958 university students in Panama planted Panamanian flags in the Canal Zone. "Operation Sovereignty" had begun. This was the beginning of the psychological warfare of the Communist party. President Ernesto de la Guardia of Panama announced he would not let the flag issue drop and that he would ask to have the Panamanian flag over the Canal Zone. When a Communist-led movement tried to overthrow the Pananamian government, rioting broke out in the streets of Panama City. Before the students were forced to draw back, ten people had been killed. (It was in this same month, May, 1958, that Vice President and Mrs. Richard M. Nixon were on a good will trip to Latin America. During their visit they were the victims of attacks made by Communists in Peru and Venezuela.) This was however, only the first of several clashes that had resulted over the question of sovereignty.

Later in that same year, December, 1958, Panama attempted to encircle the Canal Zone by extending its territorial limits to twelve miles into the sea rather than the three mile internationally recognized limit. The United States, however, rejected Panama's plan to extend her boundaries. In a note to Panama in January 1959 the Department of State brought out technical objections. Thus, in an attempt to surround the Panama Canal and make it another Berlin, the Panamanians were reminded who had authority over canal activities.

From their base in Cuba the Communists continued their propaganda campaign against the United States. In April 1959 a group composed of Communists from Cuba and radicals from Panama advanced upon the Republic of Panama with the aim of overthrowing the U.S. control of the Panama Canal. This attempt, fortunately, was a failure for the Communists.

On November 3, 1959, the anniversary of Panama's independence from Colombia, there was renewed violence. When the mob marched in to Canal Zone the Governor of the Canal Zone called the U.S. army out for protection. In the disorders of that day the American flag was desecrated in front of the Embassy and a Panamanian flag was raised in its place. Further demonstrations took place on November 28, 1959. Although these events received little attention in the United States, they were of great value to the propaganda campaign of the Communists.

The House of Representatives passed a resolution on February 2, 1960 rejecting the right of Panama to fly its flag over the Canal Zone. One day after Congress adjourned, September 17, 1960, President Eisenhower instructed that the Panamanian flag was to be flown next to the flag of the United States at Shaler Triangle in the Canal Zone. In taking such action, the Eisenhower Administration acted against the expressed wishes of the Congress.

By 1960 the people of Panama were becoming obsessed with the question of sovereignty of the Canal. In hopes of preventing only further trouble in Panama, President Roberto Chiari sent a letter to President John F. Kennedy on September 8, 1961 stating that the terms of the 1903 Hay-Bunau-Varilla Treaty were "a source of constant frictions, disagreements and conflicts between the two Governments and between the Panamanian people and the North American population residing in the Canal Zone." He asked for new talks between the two governments so that they could "find adequate formulas to resolve, once and for all time, a stable and lasting association which" would "enable them to carry out harmoniously the common destiny set out for them by the Panama Canal." President Kennedy was not willing to negotiate a new treaty or to hold talks until the United States had re-evaluated its position in Panama. One reason for Kennedy's reluctance to hold new talks was that the possibilities of building a new sea-level canal were again being considered in Washington.

In 1962 Chiari came to Washington to hold talks with President Kennedy. It was decided that consideration of a new treaty would have to wait until a study of the needs, possible routes, construction methods, and cost of a new canal could be completed. A joint communique issued by Ken-

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nedy and Chiari on June 13, 1962 called for discussions by high-level representatives of provisions of the 1903 treaty which "are not fully satisfactory to one of the parties." Talks were begun in July 1962.

The Thatcher Ferry Bridge across the canal was the scene of new problems between the United States and Panama. On October 12, 1962, just a few days before the Cuban Missile Crisis, the dedication ceremony of the bridge was disrupted by Communists. Panamanians were unhappy that the name of the bridge had been decided by the United States and wanted the name changed to the "Bridge of the Americas." Seeing this as an opportunity to further their cause, the Communists came in and played upon the already high emotions of the people of Panama.

While the situation in Panama remained tense, talks were taking place between the two governments. A joint communique, issued on January 10, 1963, listed the points which had been agreed upon. As a result of these talks the Panamanian flag was to fly alongside the flag of the United States at all points in the Canal Zone where the flag was flown by civilian authorities. Further, Panamanians working in the Canal Zone were to receive increased benefits from the government of the United States. Yet many of Panama's demands, especially their desire for a new treaty, were not met. Frustrated by the slow pace and the lack of accomplishment of these talks, President Chiari ended the talks on July 22, 1963, a year after they had begun.

Relations between the United States and Panama continued to worsen. Zonians (North Americans who live and work in the Canal Zone) felt that the flying of two flags would lead to the eventual loss of control of the Canal Zone by the United States. Gerald Doyle, a United States citizen, filed a suit in the U.S. District Court in the Canal Zone to prevent the flying of the Panamanian flag in the zone. His motion, however, was dismissed on July 8, 1963. A short time later, on August 3, 1963, the United States Ambassador Joseph S. Farland, who was trusted and respected by the people of Panama, resigned. Tension mounted and yet nothing was done by the United States to assert its rights of control over the Canal Zone. U.S. bargaining power and prestige in Panama continued to decline. By 1964 Communist propaganda had softened Panama for its most serious attack on U.S. sovereignty.

The Johnson Administration continued the Kennedy policy of flying both flags. Schools, however, were excluded from this agreement. In January, 1964 students at Balboa High School in the Canal Zone returned to school after Christmas vacation to find that the American flag had been taken down. (Schools were considered a difficult problem so it had been decided that neither flag would be flown over schools.) Feelings of protest developed rapidly among the student body, 96% of which were U.S. citizens. To demonstrate their disapproval of the discontinuance of the flying of the American flag a group of students decided to raise the U.S. flag in front of their school and did so on the morning of January 7, 1964. Officials of the Canal Zone felt this was a violation of the agreement with Panama and lowered the flag while the students were in class. When the students returned after class and found that the flag had been taken down, they raised another U.S. flag and pledged allegiance to the flag. After school students remained to insure that the flag stayed up until it was to be lowered for the night. The next morning they again raised the flag and marched around the flag pole demanding that the flag stay up. That afternoon the Governor of the Canal Zone issued an appeal to the public "to abide by the official commitments of their government." Defying the request of the Governor, the flag was raised on the morning of January 9, 1964. In the afternoon a group of Panamanians marched to Balboa High School to raise their flag. When American students tried to stop the Panamanians, the Canal Zone police interceded. In the fighting that followed a Panamanian flag was damaged. As the Panamanians left the Canal Zone, the first of several nights of serious rioting broke out in Panama City and Colon. On January 12, the last night of violence, a battle occurred between citizens of Panama and U.S. troops. Before it was over twenty Panamanians and four U.S. soldiers had been killed.

There is no doubt that the Communists had a part in the disturbances that rocked Panama early in 1964. Inactivity by this government to affirm its sovereignty and continued concessions to Panama led to an explosive situation which blew up in the face of the United States. During the riots, the United States military forces never left the Canal Zone. It was their job to protect the Canal Zone, and that is what they did; they never stepped outside of their jurisdiction. Relations between the United States and Panama had reached a new low, yet Washington was not yet willing to affirm the sovereignty of the United States over the canal.

Diplomatic relations were severed between the two countries on January 10, 1964. In a complaint presented to the Inter-American Peace Committee of the O.A.S. Panama charged the United States with aggression. This group, however, was unable to settle the problem. Both countries said they were willing to hold formal discussions on existing problems between Panama and the United States. On April 3, 1964 diplomatic relations were restored and special Ambassadors were named to seek a prompt elimination of the causes of tension between the two countries.

In September 1965 President Johnson expressed his willingness to negotiate a new treaty to replace the 1903 treaty. This new treaty would recognize Panama's sovereignty over the Canal Zone and would expire after a pre-determined number of years. Talks were begun to discuss this new treaty and the possibility of a second treaty if it were decided to build a new canal in Panama. Progress in these discussions began to wane, however, as it became increasingly necessary for the representatives to consult their governments on their positions.

President Johnson began studies in late 1964 for a possible new canal. The final report of this study was presented to President Nixon in December 1970. After a six-year study, the Atlantic-Pacific Interoceanic Canal Study Commission gave its recommendations for a new canal and concluded that the present canal is very important to the defense of the United States and that "the United States should retain an absolute right to defend the present canal and any new Isthmian Canal system in the foreseeable future."

### ANALYSIS OF THE PRESENT SITUATION IN THE CANAL ZONE

The most pressing cause of concern in U.S.-Panamanian relations has been and still is the question of sovereignty over the Canal Zone. While Panama's claims to sovereignty are not new, it has been only more recently that demands have been made for the United States to turn the control of the Canal Zone over to the Panamanians. Under the Hay-Bunau-Varilla Treaty of 1903, however, Panama gave "all the rights, power and authority within the zone" to the United States for its perpetual use and "to the entire exclusion of the exercise by the Republic of Panama any such sovereign rights, power or authority." Thus the United States and Panama have claimed sovereign rights over the Canal Zone.

The claim to "titular sovereignty" over the canal by Panama is not new. When Secretary of War Taft first used that term in 1905 he made it clear that "titular sovereignty" was only valid if the United States failed in its treaty obligations. Panama's claim to "titular sovereignty" has been described as an "absolute futility" and a "barren ideality." In 1923 Secretary of State Hughes stated the position of the United States that "It was an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the treaty of 1903."[9]

Even before considering the idea of building a canal in Central America, the United States realized that if a canal were ever built it would have to be under the perpetual and absolute sovereignty of the United States. Under Articles II and III of the 1903 treaty, Panama gave this country the exclusive rights to sovereignty it needed to efficiently operate and manage the Canal. The Canal Zone is the constitutionally acquired territory of the United States. If rights of sovereignty had not been conceded by Panama, the United States would not have used taxpayers' money to build and maintain a canal in an area as politically unstable as Central America. Perpetual and absolute sovereignty was and is a necessity for this country to continue to operate the canal.

The Panama Canal was built for the benefit of world commerce and the defense of the Western Hemisphere. According to law the canal must be self-sustaining, a business enterprise completely separated from the Republic of Panama. Under treaty obligations the United States is responsible for maintaining and keeping the canal open for the use of all nations on equal terms. With improvements in air, land, and sea power, the canal is perhaps not as important for our defense as it was in 1903, but it is the center of commerce, communications, and defense for the Americas. Most of the ships, approximately 70%, that use the canal are either going to or departing from a United States port. The Panama Canal is then an interoceanic public utility and as such it is imperative that the United States continue to maintain and operate it.

Since 1939 the United States has been making continued concessions to Panama which have taken away some of our power, but have not impaired our sovereignty. At times when our sovereignty should have been reaffirmed, such as in 1956 after the Suez Crisis, leaders in Washington were following a policy of appeasement to Panamanian demands. The Republic of Panama seems to forget that it owes its independence and prosperity to the United States and its successful operation of the canal. Panamanians continue to make demands. Much of the recent trouble in Panama can be traced to the effect of these concessions on the people of Panama. For example, the decision to fly the Panamanian flag with the U.S. flag was interpreted by some as a sign of Panama's sovereignty. The late Senator Everett M. Dirksen thought the riots of January 1964 were the result of allowing the Panamanians flag to fly over the Canal Zone. "As more concessions are made and United States influence is phased out, nationalism increases. So intense has this nationalism become that some Panamanians go to great lengths to annoy the United States, and have demonstrated their contempt by supporting such opponents of democracy as Algeria's Ben Bella and Cuba's Castro."[10]

Communists interest in the Panama Canal can be traced back to 1917 and John Reed,

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Footnotes at end of article.

an American Communist newspaper reporter. It is the aim of the Communists to gain control of all major maritime transportation arteries. After the Suez Crisis of 1956, the Communists turned to a propaganda campaign in Panama. When Castro came to power in 1959, they gained a foothold in the Western Hemisphere and a base from which they could launch further attacks against Latin America. We have already seen how the Communists were able to play on the emotions and sense of nationalism of the people of Panama to further their cause. The Flag Riots are but one example of how the Communists were able to take advantage of a situation in which Panamanians felt their national pride had been damaged. There is evidence that many of the incidents that occurred in January 1964 were well calculated and executed by trained Communists. Although friction existed between the United States and Panama before the Communists became active in that area, they were able to heighten the tensions that were already there to turn the people against the United States.

If the United States were to turn the Canal over to Panama or to some international organization, the Republic of Panama would face disaster. The economy and independence of Panama, both of which are dependent upon the United States keeping control of the canal, would be destroyed by the Communists. In their attempts to gain sovereignty over the Canal Zone, the Panamanians are acting against their own best interest. Yet it has reached a point where politicians in Panama must be nationalistic to remain in power. In advancing a policy against "Yankee imperialism" they are hurting themselves as well as all other nations that use the Panama Canal.

Time after time our government has not taken action to reaffirm its sovereign control of the canal. Instead it has continued to follow a policy of appeasement. Time is beginning to run out. Since October 1969 over 100 members of the Congress of the United States have sponsored resolutions stating their belief that the United States must not yield any of its sovereign rights or jurisdictions over the canal to Panama or to an international organization. Rather we must maintain our exclusive rights to Sovereignty.

If the United States had taken a stronger position earlier many of our present problems in Panama might have been avoided. By continually giving into the demands and pressure of the Panamanians, we have been playing right into the hands of the Communists. Just 90 miles off our coast is the island of Cuba, the Communists' base in this hemisphere. We can no longer refuse to recognize this threat or afford to act indifferently to it. The U.S. policy developed by Hayes, Roosevelt, Taft, Hughes, and others, seems to have been forgotten. None of these framers of our policy would have thought of giving away any of the rights of the United States gained in the 1903 treaty. The situation in Panama is explosive. To avoid further violence, such as that of January 1964, leaders in Washington must take some positive action which has been lacking since the 1939 Hull-Alfaro Treaty. Affirming our sovereignty should have been the continued policy of this government. Somewhere along the way we forgot our history and the reasons Roosevelt and others developed our policy of sovereignty as they did. Before it is too late we must assert our treaty rights and powers over the Canal Zone, for if we lose the Canal we lose our key to the defense of the Western Hemisphere. As Congressman Flood has stated, "the real issue at Panama" is "U.S. sovereignty over the zone versus Communist control."

### FOOTNOTES

[1] Daniel J. Flood, *Isthmian Canal Policy Questions, Canal Zone-Panama Canal Sovereignty, Panama Canal Modernization, New Canal*, Selected Addresses by Representative Daniel J. Flood of Pennsylvania. (Eighty-Ninth Congress, Second Session, House Document No. 474. Washington: U.S. Government Printing Office, 1966), p. 521.

[2] Dester Perkins, *The United States and the Caribbean*, Revised Edition. (Cambridge, Massachusetts: Harvard University Press, 1966), p. 100.

[3] Alexander De Conde, *A History of American Foreign Policy*. (New York: Charles Scribner's Sons, 1963), p. 376.

[4] Philippe Buneau-Varilla, *From Panama to Verdun, My Fight for France*. (Philadelphia: Dorrance and Company, 1940), p. 157.

[5] Dwight Carroll Miner, *The Fight For the Panama Route*. (New York: Octagon Books, Inc., 1966), p. 587–388.

[6] Norman Padelford, *The Panama Canal in Peace and War*. (New York: The MacMillan Company, 1942), p. 27.

[7] Flood, *Isthmian Canal Policy Questions*, p. 217.

[8] Flood, *Isthmian Canal Policy Questions*, p. 153–154.

[9] Flood, *Isthmian Canal Policy Questions*, p. 78.

[10] Sheldon B. Liss, *The Canal: Aspects of United States Panamanian Relations*. (Norte Dame: University of Notre Dame Press, 1967), p. 168.

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## H. RES. 154

Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jursisdiction over the Panama Canal Zone.

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its indispensable sovereignty and jurisdiction over the Canal Zone and Panama Canal; and

Whereas under the Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

To express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone.

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, the Republic of Panama granted full sovereign rights, power and authority in perpetuity to the United States over the Canal Zone for the construction, maintenance, operation, sanitation and protection of the Panama Canal and to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority; and

Whereas under the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between Republic of Colombia and the United States, the Republic of Colombia recognized that the title to the Panama Canal and Panama Railroad is vested "entirely and absolutely" in the United States and the United States granted important rights in the use of the Panama Canal and Railroad to Colombia; and

Whereas from 1904 through June 30, 1968, the United States has made an aggregate net investment in said canal, including defense, or over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure, United States abandonment of the canal enterprise, or under any other circumstances; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of Panama Canal traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States as well as of Panama itself; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in proposed treaties under the terms of which the United States would relinquish its control over the Canal Zone and Panama Canal with the gift of both to Panama; and

Whereas the present revolutionary Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty or treaties; and

Whereas the December 1, 1970, report by the Atlantic-Pacific Interoceanic Canal Study Commission revives the entire canal situation, including surrender of the Canal Zone to Panama and operation of the Panama Canal by an international organization not subject to laws of the United States.

Whereas the recommendations of said Commission would place the United States in a position of heavy responsibility without requisite authority and invite a takeover by Soviet power of the isthmus as occurred in Cuba, other Latin American countries, and at the Suez Canal: Now, therefore, be it

*Resolved by the House of Representatives,* That it is the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over said Canal Zone and Panama Canal and that the United States Government should in no way forfeit, cede, negotiate, or transfer any of these sovereign rights, jurisdiction, territory or property to any other sovereign nation or to any international organization, which rights, sovereignty and jurisdiction are indispensably necessary for the protection and security of the entire Western Hemisphere including the canal and Panama.

## CLEVELAND'S SUPER SESQUICENTENNIAL—175 YEARS YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, it is with great pride that I address the House today on the magnificent city from which I come. This year, Cleveland celebrates its 175th birthday anniversary with fanfare and celebration throughout the year, culminating in the coming month of July with great and elaborate programing of history and a great and long view to the future of our metropolitan area.

I think it is very important that the public have a chance to understand the rich heritage and background which has made our area of such importance to the Nation as a whole.

In that connection, I wish to include in my remarks at this point, an extensive history written by Clay Herrick and updated by my good friend, Mr. Sam Abrams, about our rich heritage. It is my hope that the public will enjoy it as much as those of us from Cleveland who take pride in it. The story of Cleveland's 175 years of existence follows:

### CLEVELAND'S SUPER-SESQUI STORY

(By Clay Herrick)

#### THE BACKGROUND

Back in 1662, King Charles of England very generously gave to the little colony of Connecticut, "claim to the strip of land lying between the 41st and 42nd parallels (the width of their colony), and extending westward to the South Sea (then the name for the Pacific Ocean). Of course, no one knew then how wide the new land was, exactly . . . but Connecticut had its "claim", "from sea to sea."

In 1786, after all Thirteen States agreed to relinquish disputed lands to the new Federal Government as a requirement of being admitted to the Confederation, Connecticut asked to reserve a part of that land as compensation for her small size. This area she named The Western Reserve; it extended westward for 120 miles from the Pennsylvania line. Some called it New Connecticut.

The Ordinance of 1787, passed by the Congress of Confederation, established the Northwest Territory, of which Connecticut's 3,500,000 acres of land was a part. In 1792 Connecticut set apart 500,000 acres to compensate citizens who had suffered losses by fire or otherwise during the Revolution, known as the "Fire Lands." The remaining tract was put up for sale in 1795, and bought by the Connecticut Land Company, a group of 49 shareholders who paid 40¢ an acre for unsurveyed lands they bought sight unseen. The $1,200,000 proceeds gave Connecticut a permanent school fund which provides revenue for the State's public schools to this day! General Moses Cleaveland was selected by the group to lead a party of surveyors to go out and "find out what they had bought."

#### THE "BEST LOCATION" CONCEPT

Twenty six years before Moses Cleaveland founded his city, George Washington predicted its location and importance. While surveying in Western Pennsylvania in 1770, Washington studied the crude maps drawn by traders and observed that "where the Cuyahoga River flows into Lake Erie shall arise a community of great commercial importance." He could visualize connecting the Cuyahoga and the Muskingum rivers to link the Ohio River with the Great Lakes—60 years before it was accomplished!

Cleveland is a "natural" best location because of its position on the map, at the halfway point between New York and Chicago. By land, roads and railroads followed the water-level route along Lake Erie until they reached the end of the Appalachian plateau at Cleveland. Then they could fan out south and west—to Cincinnati, Indianapolis and St. Louis as well as Chicago. Going east, all paths funneled through Cleveland to avoid the hills and mountains of eastern Ohio and Pennsylvania.

By water, Cleveland was first accessible from Lake Erie, then became the northern terminus of the Ohio Canal; later became the logical port for ore mined near Duluth; and finally became a world seaport with the opening of the St. Lawrence Seaway.

By air, Cleveland originated the National Air Races here, built one of the nation's first municipal airports, and trained the first astronauts at NASA here in preparation for their historic flights "into space."

In 1950 an Illuminating Company executive gave Cleveland the title of "The Best Location in the Nation."

#### PIONEER VILLAGE

General Moses Cleaveland's party of 45 explorer-surveyors spent all of June, 1796, getting to the new territory. They arrived at Conneaut Creek on July 4th, 1796— the 20th anniversary of American independence, and christened the place Port Independence. They feasted, toasted the President, the State, the Land Company, the new territory, and each other—and fell asleep.

Here, Cleveland divided his party. Some followed the Pennsylvania line southward to the 41st parallel, traveled west five miles and north again, to the lake. Over five miles, they headed south again, charting the new land in five-mile segments which are reflected in the north-south roads you see on Ohio's highway maps today.

Cleaveland's half of the party followed the Lake Erie shoreline and finally reached the Cuyahoga River and the location of the new "captiol town" on July 22, 1796. His party urged General Cleaveland to name the new town after himself, and the leader self-consciously agreed. They completed the initial survey by October, when the party returned to Connecticut, saying, "it was a nice place to visit, but—". Only four persons stayed in Cleaveland that first winter: young Job Stiles and his 19-year-old wife Tabitha; Joseph Landon and Edward Paine. The first white child born in this region was the Stiles' baby boy Charles, who arrived January 23, 1797. The young couple and their baby moved back east when warm weather came; Landon moved on and Edward Paine started a new lake shore community he called Painesville. The first permanent settler came here in 1797: Lorenzo Carter, who arrived in May from Vermont—with his brother-in-law Ezekiel Hawley. Both names are familiar to this day in hotel names: Pick-Carter, and Hawley House.

#### THE VILLAGE GROWS

When Ohio obtained statehood in 1803, Cleveland had one frame house and one whiskey still; no church, no school, no minister. Not until 1810 did the first doctor, David Long—and the first lawyer, Alfred Kelley, arrive. At its first election in 1815 there were 12 voters who produced nine office holders. By 1817 there were seventeen families who raised nearly $200 to build the first school house. In 1818, Andrew Logan brought in the first printing press and produced The Gazette & Commercial Register for a community of 172 persons. By 1820 there were 606 inhabitants, and a touring theatrical company stayed here a week.

Cleveland's first shipyard, which built the first steamboat on the lakes, was started in 1824. In 1828 George Worthington opened a hardware store: Cleveland's oldest business still in operation. The following year the first church building was constructed, which later became Old Stone Church. Meanwhile Trinity Parish had been the first church group, started in 1816 with seven members.

Meanwhile the religious order of Shakers had moved into the area southeast of Cleveland, known as Shaker Heights. They arrived in 1822, flourished for awhile, then moved out in 1888, having left a deep and favorable impression on the entire area.

In nearby Hudson, Ohio, Western Reserve College was started in 1826. Later it moved to Cleveland in 1882 and the Hudson College became Western Reserve Academy. The country's first coordinate college (admitting women) was started at Oberlin in 1833; Hiram College in 1850 and Lake Erie College at Painesville in 1856.

By 1830 the population had grown to 1000 persons.

#### THE CANAL BOOM

After the Erie Canal opened in New York State during the 1820s, a great demand arose for an Ohio Canal. Chief protagonist was Alfred Kelley, the city's first attorney, who legislated for it and made sure that Cleveland was its northern terminus. The Ohio Canal was opened to Portsmouth and the Ohio River by 1832, and suddenly Cleveland had a business boom, at 3 miles per hour! Merchants began to offer products from sister cities, and the sleepy little village started to become a trading area. Northward came wheat, flour, pork, lard, whiskey and rough logs; southward went fish, salt, cut lumber, factory goods and bag iron. From Pittsburgh came glass and printers' supplies; pottery from Cincinnati, woolens from Steubenville and iron from Canton and Youngstown.

The first load of coal in Cleveland was hard to sell. Wood was plentiful and housewives disliked the dirty, black fuel. Industry liked it, however, and soon coal was firing the foundries and steamboats that were now appearing.

In 1836, Cleveland was incorporated as a city, much to the annoyance of Ohio City (now Brooklyn), the community on the west bank of the Cuyahoga River. Soon a "war" broke out between the two, threatening the existence of the two bridges which connected them. Finally, a "merger" was brought about after 20 years of feuding, when Mayor William B. Castle of the west-bank Ohio City became the first Mayor of the united City of Cleveland, in 1854. Three new bridges were built, and the new metropolis moved forward, united.

During the "Golden Age," the Plain Dealer was started in 1842, the Medical Department of Western Reserve began in 1843, and National City Bank in 1845. The first through train to Cincinnati ran in 1851—the same year the first Christmas tree in America was displayed on a Public Square: Cleveland's.

### THE STEEL BOOM

By 1850, Cleveland's population had grown to 17,034. Then years later it had jumped to 43,838, the result of blending iron ore and coal in Cleveland. Charles Whittlesey, a Cleveland geologist, found iron ore in the Upper Michigan peninsula, led there by friendly Chippewa Indians in 1846. After the first six barrels of iron ore arrived in 1852, Cleveland industrialists predicted that the city might become "another Sheffield!" Lawyers, bankers and merchants joined the visionaries and pitched-in feverishly to build Cleveland's greatest industry: iron and steel. Fleets of carriers were built to make Cleveland a shipping center and names still familiar appeared here; Mather, Hewitt, Tuttle, Oglebay, Norton, Brown, Hanna and others. Then converters for boiler plate, rails and other steel products appeared: Otis, Chisholm, Ford, Jones and Stone, among others.

Amasa Stone came from New England to build the Cleveland, Columbus and Cincinnati Railroad, which opened in 1851. The first rails were imported from Europe, but soon thereafter were made right here in Cleveland. In 1866, Cleveland opened "the finest Union Depot west of New York." It was the terminal for six major rail lines.

Steel and shipping formed the basis for many fortunes made in Cleveland. It made the city a social and philanthropic center, and the main street of "The Forest City" soon became known as "Euclid—the avenue of beautiful homes." In 1873 this avenue was changed from wooden-planks to a paved street. Each winter, sleigh races were a highlight of the social set on the snow-covered street.

In the mid-twentieth centry, Republic Steel opened the largest strip mill (96'') in the world, here in Cleveland.

### OIL BOOM

In 1859, Col. Edwin L. Drake drilled the world's first producing oil well—at Titusville in Pennsylvania, only a hundred miles east of Cleveland. This caught the fancy of a drygoods clerk, John D. Rockefeller, who went to see it, and was much impressed. Rockefeller's friend, Samuel Andrews knew how to refine the oil to extract kerosene and paraffin. The gasoline part was then thrown away as useless. In 1862 they built the first refinery where Kingsbury Run meets the Cuyahoga River. Soon they added Henry M. Flagler to their partnership and these three set up The Standard Oil Company.

Soon thereafter they added Stephen Harkness, a descendent of Nathaniel Doan, and the new company set out to dominate the new industry. They cut out the middleman (crude oil dealers) and thereby offered lower prices than their competitors. They established the AGW railroad from Meadville to transport the crude oil from Pennsylvania. They dickered with other railroads to obtain a kickback on rates and thus were able to undersell their competition. Thus they left a trail of ruined and humiliated competitors. When Rockefeller moved to New York and later offered a large bequest to Western Reserve University, the trustees refused the money, and it went to the University of Chicago. However, Rockefeller gave his Forest Hills home to the cities of Cleveland Heights and East Cleveland . . . . an area known as Rockefeller Park to this day.

Other Rockefeller bequests gave park land from the Shaker Lakes to Lake Erie; built Alta House in "Little Italy" and new buildings on Case School campus. These brought applause but little affection to the world's first industrial millionaire.

### THE ELECTRICAL BOOM

Inventors in this area suddenly "electrified" the world. Charles Francis Brush, in his home where the Cleveland Arena now stands, invented the arc lamp: a bright light resulting from the spark gap between two carbon arcs held close together. On April 29, 1879, Cleveland's Public Square became the first spot in the world to be lighted electrically. People came from miles around to witness the event, and brought smoked glasses to prevent eye damage from the intense light they anticipated. Brush's dynamo, driven by a huge windmill in his front yard, was strong enough to power the first electric streetcar in the world: here in Cleveland, in 1884.

Meanwhile, another inventor was at work on a different kind of electric light. Thomas Alva Edison, working in Milan, Ohio 60 miles west of Cleveland, invented the incandescent lamp and brought it out just a few months after Brush's lamp: Oct. 21, 1879. Edison's electric lamp truly transformed the world from a daytime civilization to a day-and-night world. Some time thereafter Brush and Edison joined forces and their tiny companies formed the nucleus for the General Electric Company.

Just before World War I, NELA Park was formed—the first research campus in the United States, and forerunner of scores of research centers in this area. Using the initials of the National Electric Lamp Association, NELA Park quickly became the "light center of the world".

Just a few years before this activity, Jeptha H. Wade had invented the telegraph key and organized the Western Union Telegraph Company here. He even strung some of the lines himself to get his telegraph underway faster. Later he gave to Cleveland Wade Park, the site of the Art Museum, and land for Flora Stone Mather College.

### THE INDUSTRIAL BOOM

By the turn of the century, Cleveland had become a diversified industrial center. The steel, oil, shipping and electric booms had make their impact. Meanwhile two young men had ventured into the paint and varnish business: Henry Sherwin and C. P. Williams had pulverized pigments and experimented with oils to produce paints for commercial and home use. They started the Sherwin-Williams Company, which figuratively "covered the earth" and made Cleveland the paint capital of the world.

Meanwhile Worcester Warner and Ambrose Swasey had started making machine tools and turret lathes which industry needed. Swasey previously had gained fame for his precision telescopes, used by astronomers everywhere. Later, he gave the huge observatory to Case School which stands on the hill in East Cleveland overlooking Lake Erie.

White Manufacturing Company, founded by Thomas White in 1865, was making bicycles and sewing machines. With his sons, White then turned to automobiles, trucks and buses, in addition to improved sewing machines . . . the foundation of two great companies in the city.

By 1920 there were six major car manufacturers in Cleveland in addition to White: Peerless, Jordan, Chandler, Stearns, Winton and Baker. There have been 80 different cars manufactured here! Cleveland produced 85,000 cars in 1920, worth $40 million dollars.

Automotive Cleveland is still the major producer of components: bearings, parts, sheet steel bodies, engines, assemblies, tires, road machinery and countless small parts. Alexander Winton built the first car for sale in the United States, in 1898: a Winton "one-lung chugger" which sold for $1000.

### POLITICAL GIANTS

President James A. Garfield was the first of nationally prominent Clevelanders in politics. His assasination in 1881 shook the community as well as the country. Then Marcus Alonzo Hanna came into prominence. After making a fortune in coal and shipping, Hanna went into politics, and became William McKinley's closest advisor. His efforts put McKinley in the White House, and Hanna gained the title of "the President-maker." Hanna was elected U.S. senator in 1897, served until his death in 1904. He was chairman of the Republican National Committee from 1896 until 1903. McKinley, a native of Niles, Ohio, in the Western Reserve, also was a martyred president.

However, it was Tom L. Johnson, Mayor of Cleveland from 1901 to 1909, who started the new era of politics here. Elected on a "3-cent fare" for street railways, Johnson's efforts produced the Taylor Franchise in 1911, in which the city became the owner of the transit system. It was Tom Johnson who gave Cleveland the nation's first municipally-owned garbage plant. He created Warrensville Farms for the care of the unfortunate. He renamed Cleveland streets by number in 1905, admitting that it was less sentimental, but far more efficient. He envisioned the Group Plan on the Mall. The Federal Building and Court House were built in 1911, City Hall in 1916, Public Auditorium in 1922, and Public Library in 1925—surrounding the Mall.

Newton D. Baker became Mayor of Cleveland in 1914. He commissioned Archibald M. Willard to paint his "Masterpiece Version" of "The Spirit of '76" for the Great Lobby of City Hall—where it remains on display to this day. After a notable administration in Cleveland, Mayor Baker was selected by President Woodrow Wilson to become Secretary of War during World War I. 20 years later, Mayor Harold H. Burton moved from Mayor, to Senator, to U.S. Supreme Court Associate Justice.

Political leaders who distinguished themselves and their city of Cleveland after World War II included Frank J. Lausche, two-term Mayor, who became Governor of Ohio and U.S. Senator from Ohio; Anthony Celebreeze, who moved from Mayor of Cleveland to Secretary of Health, Education and Welfare under President John F. Kennedy and subsequently became U.S. District Court Justice; and George M. Humphrey, former president of the M. A. Hanna Company, who became Secretary of the Treasury under President Dwight Eisenhower.

### THE CULTURAL EXPLOSION

From the days of the business tycoons at the end of the 19th century through the expansive days following World War I, Cleveland took strong leadership in cultural activities. In 1900, the Associated Charities was formed to aid the less fortunate. This grew in stature until 1913 when the Cleveland Community Chest became the world's first coordinated fund drive to help deserving charities throughout the city. What became the nationwide United Appeal had its origins and patterns set right here in Cleveland prior to the first World War. The Cleveland Foundation was established in 1914, and the Welfare Federation soon thereafter, for allocating funds to worthy causes. The School of Art was established in 1906 and the Museum of Art ten years later. Cleveland's famed Symphony Orchestra was formed in 1918, and reached its international fame under Conductor George Szell who directed it during world tours up until his death in 1970.

The School of Music and Natural History Museums were formed in 1920; the Cultural Gardens, conceived by Leo Weidenthal and opened in 1926, were the first of their kind in the world, saluting the ethnic groups which had built this great city by working together. Observed one leader: "Although Cleveland's ethnic groups do not merge, they do know how to cooperate!"

The Cleveland Playhouse, the first continuous repertory theatre in the United States, opened in 1927 with Frederic McConnell its Director Severance Hall and the Lakeside Hospital group opened in 1931 and started an expansion in the University Circle area which has continued for forty years and is projected to greater growth during the next forty years or more. University Circle has become nationally famous as a concentration of cultural institutions unequalled anywhere. In 1940, the Health Museum was opened on Euclid Avenue just west of University Circle and its capacity is being doubled during Cleveland's Super-Sesqui year. Blossom Center, 30 miles south of the city in the broad Cuyahoga valley is the summer showplace for the Cleveland Symphony Orchestra, and was opened in 1968.

### REBIRTH OF THE INNER CITY

When the Terminal Tower was built in 1928 by O.P. and M.J. Van Sweringen, critics observed that they were a generation ahead of their time. Yet the 52-story Terminal building became the tallest structure west of New York City, was the symbol of the Vans' mushrooming railroad empire, and the beacon of travelers from the Shaker Heights community which they developed along with the Rapid Transit system which became the model for many other cities. In the 1960s the expansion of Cleveland's Rapid Transit system to the Hopkins Airport made Cleveland one of only three cities in the world which has rapid transit rail service to its airport!

Meanwhile slum areas and blighted sections have given way to an Innerbelt system that speeds traffic through congested areas. Declining neighborhoods close to downtown have vanished and the Erieview Complex has started to grow and replace them. First the Erieview Tower itself, then the Chesterfield residence, new Federal Building, new Investment Plaza, new Central National Bank, new East Ohio Building, new Cuyahoga Savings Building and new Bond Court. Others are starting up also.

From the Lakefront southward along East Ninth Street (originally Erie Street), the transformation of a re-awakening Cleveland is most apparent. Its new piers to serve Oceangoing vessels through the St. Lawrence Seaway give it an international, cosmopolitan flavor. Its City Hall proclaims that Cleveland became the first major city in the United States to elect a black mayor and that Mayor Carl B. Stokes has given stature to himself and his race in a most creditable manner. He and civic leaders are meeting the problems of a changing city, with its many new crises and opportunities that spell expansion in the future. The entire appearance of the city along Ninth Street southward to the new Cleveland Trust Tower(s) symbolizes the rebirth of the downtown area, and proclaims that we are on the threshold of another boom and that Cleveland's Super-Sesqui Year is truly ushering in a "GREATER Greater Cleveland", by bringing unity in the community and a new goal of growth throughout the Connecticut Western Reserve.

When a city has a history and heritage like ours, a location and potential like ours, a talented people and a civic heart like ours, it can only grow to new greatness so that the BiCentennial of Cleveland in 1996, will be something tremendous, indeed!

## COTTER OPPOSES I–86 THROUGH EAST HARTFORD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, I wish to bring to the attention of this House the plight of the citizens of East Hartford who are being inundated in a sea of concrete. They have appealed to me for help because no one seems to be listening to their plea that "enough is enough."

Briefly, East Hartford does not want one more square foot of its land taken for highway purposes. I do not think this is unreasonable when you consider that about 7 percent of the town is dedicated to highways—exclusive of town streets—and that a proposed new highway, I–86, would raise that figure to an incredible 10 percent.

Their pleas have fallen on deaf ears largely because the highway decision-making process is such a protracted, impersonal process that it is almost impossible to mount effective opposition.

The Congress recognized this in 1968 when it passed Public Law 90–495, section 24, which requires a State highway department to consider "the economic and social effects of (a proposed highway location), its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community."

Unfortunately for East Hartford, when the location decision for I–86 was made more than a decade ago, no such requirement was included in the law. There was no concern for the environment. No concern for its social effects. No concern for its consistency with community goals and objectives.

The plight of East Hartford is best summed up in the following letter I received recently from the chairman of the town council:

EAST HARTFORD, CONN.

Hon. WILLIAM R. COTTER,
*U.S. Representative, House of Representatives, Washington, D.C.*

DEAR SIR: For many years we in East Hartford have boasted that our Town is the "Crossroads of New England" but little did we realize that a callous and unconcerned State Transportation Commission would take us literally and attempt to bury East Hartford under miles of concrete highways.

Our present dilemma is the proposed construction of five miles of Interstate Highway 86 through some of our best residential areas causing the loss of at least forty-five homes and adding to the pollution and further fragmentation of our neighborhoods.

Even before I–86 is constructed we have approximately seven percent of our area under the concrete of interstate highways. It is anticipated this will increase to approximately ten percent if I–86 is constructed as is the present plan of the State Transportation Commission on the basis of studies it made twelve years ago. The Town Fathers and responsible citizens—ten thousand of whom signed petitions against I–86—have exercised and coordinated efforts to convince the State Transportation Commission, State Senate, and the Governor, of the severe consequences that East Hartford will suffer if this road is built. However, up until now our pleas have apparently fallen on deaf ears.

About two years ago a delegation from East Hartford carried our problem to Washington to your predecessor, the two U.S. Senators and Mr. Volpe, and this also has apparently borne no fruit.

I have been asked by our Town Council to carry out pleas to your office. We do not feel that I–86 is necessary and we seek your assistance to prevent its construction through East Hartford. We hope that you might intervene with Mr. Volpe's office to insist that the U.S. Department of Transportation takes a harder look at plans formulated by state transportation commissions with a view to preventing the damage and obvious lack of concern such plans have on our community and other communities throughout the country that suffer the same rape and frustration we are now experiencing.

Furthermore, in those instances where citizens suffer the loss of their homes as a result of interstate highway construction, largely funded by the federal government, there is a great need for suitable and equitable financial relief. True, the State claims that it pays present market value for properties. However, those who have paid-up mortgages or those who now enjoy five percent or six percent mortgages find themselves in the position of replacing their homes with more costly real estate on today's market and required to incur mortgages of eight percent.

I know that you are quite familiar with East Hartford and have a true appreciation of our problem. Thousands of us in East Hartford consider you not only our Representative in Congress but are proud to consider you our friend and champion at the federal level. It is our sincere hope that you will exert the influence of your office to help us in our present plight.

May I extend my own personal sincere good wishes to you and may you remember that a warm and friendly welcome is always available when your busy schedule might permit a visit to East Hartford.

Sincerely,

WILLIAM F. DWYER,
*Town Council Chairman.*

Since the decision to build I–86 along the proposed East Hartford corridor was made without regard to the factors recognized as important by the Congress in 1968 and since circumstances have changed dramatically thus warranting a review of the decision, I have today written the following letter to the Federal Highway Administrator:

FRANCIS C. TURNER,
*Administrator, Federal Highway Administration,*
*Washington, D.C.*

DEAR MR. TURNER: I respectfully request that you withdraw the approval granted by your predecessor, Bureau of Public Roads, to the location of the East Hartford, Connecticut segment of I–86.

Circumstances have changed considerably since BPR approved the proposed corridor a decade ago. These circumstances warrant your reexamination of the project and, I submit, your withdrawal of approval of the location.

Since that approval was granted, East Hartford has become an asphalt jungle with almost 7 percent of its land dedicated to highways (exclusive of land dedicated to municipal streets). If this program goes through, about 10 percent of East Hartford will be under the concrete of the highway system. This is an outrageous burden in comparison to the average of 1.8 percent for other Connecticut communities.

A highway which will cut a couple minutes off the traveling time between New York and Boston does not justify the further rape of East Hartford and the taking of one more home, let alone 45 as presently contemplated.

The fact that 10,000 citizens in a town with a population of 57,500 have expressed their opposition to the highway in a petition is ample evidence of the community's concern about the impact of this road.

I ask that you give this request priority attention before East Hartford becomes inundated in a sea of concrete.

Sincerely,

WILLIAM R. COTTER,
*Member of Congress.*

I expect a quick response to this letter. The people of East Hartford desire immediate action and I will stand by them in their fight.

## PUBLIC AID FOR NONPUBLIC SCHOOLS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, yesterday's Supreme Court ruling, which severely limits public aid for nonpublic schools, cannot help but shock and dismay all those concerned for the quality of education in this country.

Presently the Nation's parochial school system, which serves over 4 million students through 11,000 schools, is facing an unparalleled financial crises.

I am most disturbed by their plight, because it is the schools in the inner city, where their services are most needed, which are closest to bankruptcy. One-third of the parochial schools in northeast Ohio, serving over 11,000 students, face serious budgetary difficulties, and almost all of those are located in the urban areas of Cleveland, Akron, and Lorain. Without additional aid these schools will be forced to close, and their students required to attend already overcrowded public schools in the inner city.

Just last month the President's Commission on School Financing issued a preliminary report which underscores the seriousness of the private schools' financial crisis. The panel stated that it could now identify certain dangerous trends which, if unchecked, "will hasten a collapse whose consequences will adversely affect the public interest."

Yet the Supreme Court has now chosen to erect another road block to the establishment of the type of governmental aid program which is vitally necessary if this collapse is to be avoided.

Using narrow and legalistic arguments, the Court refused in this decision to recognize that aid for parochial education is now a fact of life. In a contradictory ruling, the Court admitted as much by permitting Federal aid for construction at parochial colleges.

Similarly, the Court refused in this decision to recognize that this country has a responsibility to provide all of its citizens with a basic education so that they will be useful citizens. By restricting Federal funds, the Court has denied the children of Catholic parents this right. These parents must pay for a public education which they do not use, and then pay again for parochial schools.

One of the Supreme Court's main objections to existing aid programs is that they will result in "excessive entanglements" of the Government in the affairs of the parochial schools. One of the best ways to provide financial aid to parochial schools within the constitutional restrictions is through the voucher plan. This plan would give parents "vouchers" to buy their children's education at the school of their choice.

The quality of education could be substantially improved through this program, because there would for the first time be competition among the public, and parochial schools. This form of financing would let parents choose the best school for their children, a decision now denied to most parents who are forced to send their children to neighborhood schools in the inner city.

I commend the initiative of the Office of Economic Opportunity in establishing test voucher plans in several cities, and I urge that we in the Congress do all that we can to facilitate the establishment of such a program for financing education.

## CHAPTER IV—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the fourth in a series of articles on children and youth and maternal and infant care programs. Support of H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 65 cosponsors.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD each day descriptions of three maternal and infant care and three children and youth programs.

The material follows:

### MATERNITY AND INFANT CARE PROJECT—NEW YORK, N.Y.

The New York City Maternity and Infant Care-Family Planning Projects program is one of the largest of the over 50 similarly funded programs in the country. Designed to "bring care to the patient," it began service in 1964 with two Health Department maternity clinics in ghetto areas. Now, in 1971, the nearly 700 employees of the MIC–FP Projects provide prenatal, postpartum and family planning care in 12 clinic locations in Brooklyn, the Bronx and Manhattan, and family planning services in 12 additional centers in the 5 boroughs of the city. 16 of these 24 clinic locations are in or within five blocks of the Model Cities areas of the Bronx, Brooklyn and Manhattan.

The objective of the authorizing legislation was to provide comprehensive maternity and infant care of high quality to women (and their infants) who are receiving poor or no prenatal care because of low income or for other reasons beyond their control, who experience a high rate of complications of pregnancy, and who deliver prematurely two or three times as often as the national average . . . all in an effort to prevent mental retardation of the infants born to them. Evidence of progress toward reaching this goal is the achievement by MIC for in patients of pernatal mortality rates 17% lower than those for all private and non-private patients in New York City—this in those areas of the city with the *highest* such rates and where the worst socio-economic conditions prevail.

Medicaid cutbacks and recent changes in hospital fee collection policies have caused an increased flow of patients from the hospital clinics to MIC–FP centers for prenatal care and family planning services. Word of the high quality of care offered by MIC continues to spread, and, with the help of intensified efforts in community education, is probably responsible for some of the increase in patient census noted in 1970: a 13% increase in new prenatal cases, and a 29% increase in new family planners. A total of 149,000 patient visits for prenatal, postpartum and family planning care were served by MIC–FP during the year.

Physical plant expansion has not kept pace with program expansion, and attempts to gain additional space in existing Health Department facilities and to expand the numbers of sessions offered in shared space have proven largely unsuccessful—due equally to lack of funds for acquisition of space and new staff to handle increased caseload, and to the fact that most of the shared facilities are already operating to full capacity with other much needed services.

In the clinics, free prenatal care is currently provided to approximately 13,000 women each year—about 20% of the city's general service prenatal patients. Care includes the services of obstetricians, Certified Nurse-Midwives, public health nurses, nutritionists, social workers, dentists, laboratory technicians and Health Education Technicians. Employees drawn from the communities to which the clinic patients belong are trained and assigned as Public Assistants, Health Education Technicians, Social Work Technicians, translators, clerks, messengers, Family Planning Counselors, etc. They, like 95% of the patient population, non-White (usually Black or Puerto Rican.) Most are bi-lingual in Spanish and English.

Each one of the maternity centers is set up in close relationship with an affiliating teaching hospital (municipal or voluntary), which provides the MIC patients with medical services, including delivery, not available in the centers themselves. These hospitals also provide medical staffing of the related centers with Board Certified and Board eligible obstetricians and Certified Nurse-Midwives, all under the supervision of the Director of the Department of Obstetrics and Gynecology of the hospital.

29% of these prenatal patients are teenagers, and 58% of the teens are unmarried. Special programs for pregnant adolescents have been developed and are in operation in several centers. 38% of all MIC prenatal patients in New York City in 1970 were not married.

It is well known that for the woman of childbearing age, MIC–FP may be her only medical contact during the year unless she suffers an acute episode of illness. Furthermore, the total professional services available from MIC–FP staff during the periods of prenatal, postpartum and family planning care are far more extensive than are now available from most obstetrician/gynecologists in private practice. Yet continued increase in patient population threatens MIC's ability to maintain its open-door policy of patient intake in the present overcrowded facilities and by an overtaxed staff. The MIC–FP Projects have devoted the seven years of their existence to teaching the patient population the value of preventive health care—and a great injustice will be done if such health care is not readily available in the future—either from the Maternity and Infant Care—Family Planning Projects programs or from other agencies in the city.

### MATERNITY AND INFANT CARE PROJECT—BIRMINGHAM, ALA.

The project was funded August, 1966. Since that date, judicious use of these funds (no significant increase since the original grant) has enabled a health department and a University Hospital to work together as a unit and provide *exemplary care to all pregnant women and their newborns in the low income group of the entire country.*

Each year 2600 to 2800 women receive prenatal care in clinics of the health department without cost to the patients. These clinics are located in easily accessible health centers over the county. Patients with complications, needing inpatient or outpatient services of the hospital, are seen at the University Hospital. Fees are paid by the grant. All patients are delivered at the University Hospital. Hospitalization is bought for the high risk maternity patient and the high risk newborn by the grant.

Personnel and equipment from Maternity and Infant Care has helped establish the high quality of care available to all patients on the obstetrical service and in the nurseries of the University Hospital. This hospital serves the low income group.

### Maternal and Infant Care Project—Morgantown, W. Va.

Maternal and Infant Care Project No. 504 is located in the Monongalia County Health Department in the mountainous Appalachian region in the center of the bituminous coal fields and rural farming sections of north central West Virginia. The project offers comprehensive health services including interconceptional care to the indigent and medically indigent women of a nineteen county area.

Hospitalization is covered for low-income mothers with hazardous conditions relating to childbearing. In the past year, 65 per cent of our maternity patients were in the high-risk category.

The greatest problems in health services in the state of West Virginia have been determined to be:

(1) Education
(2) Funding
(3) Transportation
(4) Lack of manpower.

(1) Through patient and community education, there has been an increase of 40 per cent in the number of patients coming for prenatal care in the first and second trimester of pregnancy and a *decrease to 2 per cent* of patients admitted at the time of delivery with no prenatal care.

(2) Funding has been held at the same level for the last three fiscal years and has in the current fiscal year been cut back. Despite these limitations the clinic attendance continues to rise and the project must curtail the number of supportive services in the field.

(3) Public transportation is poor or nonexistent. Many patients do not own a roadworthy vehicle. Without pick-up and delivery attendance at clinic for medical care is not possible.

(4) The prevalent problem of lack of manpower is solved in part by the cooperating agency, West Virginia University, especially its Medical School. This institution offers staff resources as in-kind service and sponsors innovative educational programs which add to project professional staff.

An inter-disciplinary staff works closely with the individual patient to offer supportive services in clinic and home. The staff includes obstetricians, pediatricians, public health nurses, a nurse aide, social workers, a nutritionist and a home economist. An automotive driver and state vehicle answer some of the need for transportation to clinic in hardship cases. Clerical and administrative personnel keep necessary records and provide fiscal management.

Since its inception in May 1964, 3,235 maternity patients and 2,606 infant patients have been authorized for project services.* Family planning and Child Spacing Clinics were established 1 July 1967 and 1,424 women have enrolled for this care.

Two prenatal clinics, two infant clinics and on Family Planning Clinic are offered each week. Individual patient visits to all clinics now total 31,492 for the seven year operation.

In Monongalia County which enrolls 60 per cent of maternity cases, there are 3,385 medically indigent women of child bearing age. An average year of project enrollment would offer care to only 360 women of this total number. The balance of population *at-risk* would be 3,025 women—a target population with great needs for comprehensive, continuous health care.

Maternal and Infant Care Project #504 is located in the mountainous Appalachian Region in an area of intense health needs. It serves a rural, low-income population where economic distress is reflected by inadequate housing, poor nutrition, and scarcity of medical care.

Project #504 is a cooperative program of the Department of Health, Education and Welfare, West Virginia State Health Department, West Virginia University Medical School and Hospital and the Monongalia County Health Department. It was established in May 1964 with the assistance of a Federal grant matched on a ratio of 3:1. These funds are channeled through the State Health Department to two MIC projects in West Virginia. There are no possible means by which State and local sources could support this program of comprehensive health care for mother and infant.

### Children and Youth Project No. 607—Columbus, Ohio

Project 607 began in June 1966. Since that time this project has provided health care to approximately 14,000 registered C & Y patients who have had a total of about 100,000 out-patients and 1,800 in-patients admissions. This project is located in the Out-Patient Department of Children's Hospital, Columbus, Ohio. Children's Hospital has for many years provided reduced rate or free care to many low income children of the community. Because of this arrangement, our C & Y project provides many special services—i.e., psychological evaluation, nutritional guidance, hearing and speech evaluation, social services, genetic counselling, etc., to an additional 30,000 children from welfare and low income families who are not registered as C & Y patients.

In 1970 we saw:

1. 4,650 C & Y registrants who made 20,168 OPD visits.

2. 8,865 Welfare patients who made 30,653 OPD visits.

3. 6,761 low income children who made 20,104 OPD visits.

In 1968 we saw 8,237 C & Y registrants who made 32,262 visits.

The reduction in C & Y registrants between 1968 and 1970 is due to a reduction in available funds for support of the project. These services, as well as similar services throughout the country, will have to be drastically cut unless funding continues.

There is good reason to believe that programs which emphasize preventive and comprehensive care will eventually save money. For example, comprehensive health care asks about the child's environment. Is his home adequate? Is he likely to get lead intoxication?

Does he have adequate nutrition? One case of severe lead poisoning can require months of hospital care (for which someone must pay) and in many cases a lifetime of custodial care since permanent brain damage is a frequent sequela.

Immunizations save money as well as lives. Medical care for 10,000 children who don't get immunized for measles would be:

| | |
|---|---|
| Acute care cost | $50,000 |
| Long term custodial care (for those who get encephalitis) | 90,000 |
| Total | 140,000 |

Cost for immunizing the same 10,000 children $50,000.

Evidence from a number of studies indicates that comprehensive care can reduce hospital admissions and length of hospital stay. In the Columbus Project, average length of hospital stay for C & Y patients in comparison with others was:

| | *1968* | *1969* |
|---|---|---|
| C & Y Patients | 4.59 | 4.05 |
| Private Patients | 5.34 | 5.32 |
| ADC Patients | 6.04 | 5.11 |
| Service Patients | 7.51 | 6.96 |

We also have reason to believe that these projects have contributed to a lowering of the infant mortality rates. In the Columbus Area the rate has fallen:

| | *1964* | *1969* |
|---|---|---|
| Franklin County | 18.6 | 17.9 |
| Columbus City | 20.6 | 17.3 |
| Poverty area of Columbus* | 27.6 | 24.6 |

* Nine contiguous census tracts in the central city—#28, 29, 30, 35, 36, 37, 38, 39, and 53.

This project is providing a great deal of badly needed health care to children who will not be able to obtain it if the program is discontinued.

### Children and Youth Project No. 648—Galveston, Tex.

The Galveston Children and Youth Project is responsible for the total comprehensive care of indigent children in the City of Galveston. The project functions as an integral part of the Department of Pediatrics at the University of Texas Medical Branch. During its three and one-half years of existence 8071 children have been completely evaluated. Inpatient service is provided at the University of Texas Medical Branch Hospital with funds from the project reimbursing the state for the children's hospitalization. The project provides out-patient services, both at the university and at a Satellite Clinic in the heart of the poverty area of the city. This clinic operates two nights a week to allow patients of working parents to be able to attend without any loss of income to the family. Dental services are provided through the Galveston Independent School District Dental Clinic. Funds for this purpose are provided by the Children and Youth Project. This clinic is also located in the poverty area.

The project works closely with some nineteen community agencies. Many of the core staff of the project serve on the advisory boards of such organizations as the Galveston Day Care Center, Family Services, etc. In addition the project works closely with the School Health Program of the Independent School District and the Galveston City Health Department. There are no funds, other than those from the Children and Youth Project available at the present time for payment for in-patient or out-patient services for these children, except for the small number of families who are on the aid for dependent children program. The latter are eligible for medicaid benefits. There is no hospital district in Galveston. The funds provided by Galveston County for patients hospitalized at the university have been limited to adults from the City of Galveston and adults and children from the mainland.

### Children and Youth Project No. 640— San Francisco, California

The San Francisco Children and Youth Project was funded in the spring of 1967 and has been in continuous operation since that time. The project is housed in Mount Zion

Hospital which is the only general hospital in the Western addition, a major poverty area.

Ninety-six per cent of the 2,200 children now enrolled in the project are black and approximately 75% of the children come from families on Public Assistance. For these children and their families the project and the hospital clinic (which provides services to adults) are the sole sources of dignified and comprehensive health care. Prior to the project's advent, pediatric care was fragmented and crisis oriented. At this time, close to 90% of the project's registrants are in the stage of health maintenance, receiving planned, preventive medical services and such supportive care from the paramedical staff as is necessary. One aspect of the program is a comprehensive health, counselling and educational service for teenage-pregnant girls and their infants.

In addition to direct care to project registrants, the staff is elaborately enmeshed with other community agencies and organizations in the provision of cooperative care arrangements, consulting and educational services. A particularly effective program has been developed in cooperation with the San Francisco public schools. The project works closely with its active Community Advisory Board. At a time when county and state medical programs are being severely curtailed, the discontinuance of the project would have a dire effect on health care in the Western addition community. Medical care would inevitably regress to the provision of minimal crisis services. Such significant supportive programs as public health nursing, social services and counselling to families, specialized group programs, nutritional education, the surveillance of children's school progress, special services to children with learning disabilities and all other compresensive, multidisciplinary preventive services would cease altogether.

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## LIMITS OF DUTY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I wish to bring to my colleagues' attention a noteworthy and perceptive article written by Charles A. Reich in the June 19 issue of the New Yorker magazine. Mr. Reich thoughtfully points out that our technological society is hastening the disappearance of moral and legal responsibility for the decisions we make and the actions we take within such a system:

### THE LIMITS OF DUTY

In Washington, D.C., during the May antiwar protests, police in automobiles and on scooters aimed their vehicles directly at demonstrators and drove toward them at high speeds in order to herd them off the streets. If one of the protesters had been hit and killed, the police officer driving the vehicle would have been guilty of murder. Not accidental killing or manslaughter but murder. Thus, every one of these officers was potentially guilty of a crime similar to that for which Lieutenant Calley was tried and convicted.

The applicable principle is deeply embedded in our common law. A leading early example is Halloway's Case (King's Bench, 1628). Halloway was the woodward of woods belonging to the Earl of Denbigh. He discovered a boy named Payne in a tree, attempting to steal wood. Payne had a rope tied around his middle, probably to aid him in climbing trees. Halloway ordered the boy down from the tree, and when he descended struck him two blows on his back with a cudgel. Then Halloway tied the other end of the rope to the tail of his horse. The frightened horse dragged Payne three furlongs, killing him. The question was whether this was manslaughter or murder, and the court held it to be murder, for Halloway knew, or should have known, the reckless and wanton risk he was taking with the boy's life. In such a case, the specific intention to kill is not required. The deliberate taking of the risk is enough. Halloway was hanged.

Students at Yale, where I teach in the law school, tell me that District of Columbia bus drivers also aimed their buses toward protesters at high speed and drove ahead without slowing down. How strange that those long-suffering civil servants the bus drivers are now guilty of reckless driving and assault, and, but for the agility of their potential victims, would be guilty of murder. Yet this is not an aberration. It is a pattern that is crucial to understanding what has gone wrong with America. Evil now comes about not necessarily when people violate what they understand to be their duty but, more and more often, when they are conscientiously doing what is expected of them. And for this evil the question of individual blame seems almost irrelevant.

Two oil tankers collide on a foggy morning in San Francisco Bay. The bay and ocean are contaminated, beaches are coated, wildlife is exterminated, a fragile beauty is destroyed for millions of people. Yet the tanker captains were doing their duty to move the oil on time, and behind them were company officials concerned with the maintenance of production schedules. No investigation, no technical fixing of blame would be likely to disclose what we have normally imagined to be the root of crime—a guilty mind or a malign heart. And what is true of the San Francisco oil spill is true of the other major evils that we see around us. From wiretapping to the prosecution of the Vietnam war, our crimes have been started and carried out by men zealously attempting to serve as they have been taught to serve.

It is this altered problem of evil that rightly troubles us in the Calley case. I believe that Calley was properly convicted of murdering Vietnamees civilians, even though the same result produced by different means is officially held to be wholly legal. Yet we must all believe that Calley, in his own wrong and frightened way, was seeking to perform his duty—to do what was expected of him. The enterprise upon which he was engaged is not condemned, only the means he chose to carry it out. Hence the profound disquiet among so many Americans, taught to serve employer or country, who cannot understand why the law apparently no longer cares about goals but only about a nicety of method. Plainly, our long-accepted criminal law concepts do not fit the crimes of today.

The central reality is that evil today is the product of our system of organization and our technology, and that it occurs because personal responsibility and personal awareness have been obliterated by a system deliberately designed to do just that—eliminate or minimize the human element and insure the supremacy of the system. The whole purpose of this system is to reduce the human component; that is why we have organization charts, a hierarchy of supervision, divided responsibilities, specialization. In the main, it is this rational organization of human effort that has brought us to our present stage of civilization, but we should realize that inherent in the very design of the system is the disappearance of individual blame, and hence the obsolescence of our concepts of individual criminal responsibility.

Let us follow the process of creating an evil more closely. A scientist who is doing his specialized duty to further research and knowledge develops the substance known as napalm. Another specialist makes policy in the field of our nation's foreign affairs. A third is concerned with maintaining the strength of our armed forces with the most modern weaponry. A fourth manufactures what the defense authorities require. A fifth drops napalm from an airplane where he is told to do so. The ultimate evil is the result of carefully segmented acts; the structure itself guarantees an evasion by everyone of responsibility for the full moral act. Indeed, the system, especially when it is combined with advanced technology, makes it unlikely that those who participate in the process will have any real awareness of the ultimate consequences. Neither the scientist nor the man in the State Department nor even the pilot actually sees the horrors of burning napalm on human flesh. The basic result of our system of doing things is to destroy awareness, alienate all of us from the consequences of our actions, and prevent the formation of that very responsibility which has been at the center of our idea of criminal justice.

Our traditional criminal law is based on a standard of conduct that assumes each individual to be a morally responsible human being. A man who runs a speedboat carelessly and kills someone is guilty of manslaughter if his actions fall below the standard. A man who allows his passions or desires to direct his actions so that he harms another person is guilty of assault or murder if, according to the standard, he should have controlled himself. The standard represents an ideal. Sometimes it is a cruel and unreasonable ideal, because the individual defendant lacks the capacity for measuring up to it. But the ideal does have a vital function. It establishes a large, even exalted, concept of man.

In the famous case of The Queen v. Dudley and Stephens, decided in 1884, four English seamen were cast away in an open boat on the high seas sixteen hundred miles from the Cape of Good Hope. After eighteen days, they were reduced to the utmost state of desperation, with neither food nor water. Dudley and Stephens then said that if no hope of rescue appeared one of the four should be sacrificed, so that the others might live. A third man refused to consent to the plan. The fourth, a boy of seventeen or eighteen, was not consulted; he was then in a helpless and weakened state. Dudley and Stephens spoke of their having families, indicating that the boy should be chosen. On the twentieth day, no help appearing, the defendants, after praying for forgiveness, killed the boy, and the three men fed upon his blood and body for four days, after which they were rescued. Dudley and Stephens were brought to England and tried for murder. It was acknowledged that if the boy had not been killed all four would probably have perished before rescue, and the boy would probably have died first. Yet the two men were found guilty.

The opinion of the Queen's Bench was delivered by Lord Coleridge, the Lord Chief Justice of England. Acknowledging that the temptation had been great and the suffering awful, he declared, "We are often compelled to set up standards which we cannot reach ourselves, and to lay down rules which we could not ourselves satisfy." And he went on:

"Though law and morality are not the same, and many things may be immoral which are not necessarily illegal, yet the absolute divorce of law from morality would be of fatal consequence . . ."

Rather than kill the boy, said Lord Coleridge, the men should have been willing to lose their own lives:

"To preserve one's life is generally speaking a duty, but it may be the plainest and the highest duty to sacrifice it. War is full of instances in which it is a man's duty not to live, but to die. The duty, in the case of shipwreck, of a captain to his crew, of the crew to the passengers, of soldiers to women and children, as in the noble case of the *Birkenhead;* these duties impose on men the moral necessity, not of the preservation, but of the sacrifice of their lives for others, from which in no country, least of all, it is to be hoped, in England, will men ever shrink, as indeed, they have not shrunk . . ."

Although the circumstances make this case unique, the basic ideal is found throughout the Anglo-American common law. Commonwealth v. Pierce (1884), a classic American case, written by Mr. Justice Holmes, then a member of the Supreme Judicial Court of Massachusetts, dealt with the problem of a physician whose patient died after he had treated her by keeping her wrapped in flannel saturated with kerosene for three days. Admitting that the physician's intentions were good, Holmes said that if the treatment was morally reckless, judged by the standards of a reasonably prudent man, then the defendant must answer for consequences that he neither intended nor foresaw. If the treatment was dangerous according to common experience, "we cannot recognize a privilege to do acts manifestly endangering human life, on the ground of good intentions alone." Holmes also wrote:

"The very meaning of the fiction of implied malice in such cases at common law was, that a man might have to answer with his life for consequences which he neither intended nor foresaw . . . his failure or inability to predict them was immaterial if, under the circumstances known to him, the court or jury, as the case might be, thought them obvious."

Recently, I was watching the C.B.S. evening news when a few minutes were devoted to films of one of the favorite antipersonnel weapons used by Americans in Vietnam. It consists of a rocket tightly packed with many ordinary nails. The rocket is fired from a helicopter. The nails scatter widely, propelled with such force that they will go right through the body of anyone in their path. One of the advantages of the weapon, it was explained, is that the gunner doesn't need to see the target at all. The consequences can only be imagined, but what can they be except the reckless maiming of all human beings, old or young, innocent or guilty, who happen to be in the way? Lieutenant Calley is guilty, we are told, but the men who designed these instruments, the men who built them, the men who ordered them to be used, and the men who actually used them were all simply doing their duty. What a diminished view of man this purported version of the law gives us! It tells us that we are all "universal soldiers," in the phrase from one of Donovan Leitch's recordings, morally oblivious of the consequences of our actions. Lord Chief Justice Coleridge completed his argument for full moral responsibility by saying, "It is enough in a Christian country to remind ourselves of the Great Example whom we profess to follow." What has happened when the hard-working God-fearing people of America are expected to be moral robots, making and firing the nails for mass killings?

Obviously, our thinking has been strained to adapt itself to the realities of technology and organization. That is why all those fixtures of the old criminal law, the guilty mind, the malign heart, actual or presumed malice, the common experience of prudent men, seem so out of place—indeed, ironic—in the Calley case. We all understand that such standards of responsibility are not expected of any of us. Nor would we feel more comfortable about the prosecution of high-ranking generals or political leaders under the Nuremberg theory. They too, would be found to have been doing their duty.

The Calley case represents a momentary, vestigial reminder of the old law of responsibility. It was unfair to single out one man for such a revival of the old law, to be sure. Still, the reminder sent a shudder of awareness through all of us universal soldiers back home. It was not surprising that President Nixon hastily intervened. What led to his intervention was not just his seeming unconcern for legal processes, or his desire, as the *New Republic* put it, to coddle this particular criminal. The President insists, in every speech he makes, that we should do our small, segmented duties while he—or those in authority—assumes responsibility. The President's intervention was no surprise, because the Calley case confronts us with standards of responsibility that do not fit what the President and others insist are our duties and the limits of our duties. We are all supposed to be motorists on a highway where the maximum speed is sixty and the minimum speed is fifty-nine.

Perhaps the best way to understand those who have resisted the draft—by seeking conscientious-objector status, by going to jail, by fleeing to Canada—is to acknowledge that they are demanding to live and to be judged by the old standards as fully responsible moral beings. They are seeking law, not evading it. Finding no acceptable standard of conduct available in today's organizational society, they have gone to standards that are not their own personal fiat but the old, traditional standards of religion, ethics, and common law. They are saying that they refuse to act in a way that common experience tells them will produce evil—evil that we know about or should know about. Theirs is a revolt for a larger view of man. And for all of us it poses a necessary question: Given that we must all live and work within large organizations, that we must all take only a small part in a large enterprise, how can we restore the awareness, the responsibility, and the law that are the moral essence of free men?

An organization is a hybrid form of machine—one part a tool or system, the other part human. We have made too little use of the human part. We have thought of the humanness as something to be suppressed for efficiency's sake, not something to be valued because it might supply a quality that would otherwise be lacking. All of us who work in organizations should begin to assume a responsibility that is larger than the particular job we do, and this responsibility should ultimately be recognized, protected, and enforced by law. It might take many forms. Perhaps there should be a right—analogous to the long-recognized right to strike for economic objectives—to refuse, on a selective moral basis, to do certain work and perform certain duties. Perhaps this right should be guaranteed to individuals as well as to organized groups. Perhaps the organization should be answerable, on a democratic basis to those who work within it, for its policies and their probable consequences. Surely the present rigid hierarchy of authority must give way to a concept that in an organization all the members have a share of authority.

A corollary to this is that law should be based on the assumption that institutions, far more than individuals, are likely to go astray. Perhaps the primary regulatory work of law should be shifted from that of managing people to that of managing organizations while safeguarding the individuality of the people within them. Because organizations are the most characteristic element of our civilization, the scope of action by the members, employees, or consumers must be widened, and the scope of action by systems and machines must be narrowed and must be supervised by law. In the deepest sense, the purpose of such changes is nothing less than a restoration of one of our richest and most neglected resources—the human potentiality of the great mass of our people. Government by a managerial élite deprives us of the humanity of the many. Policy is made by a few, and the rest are coerced into following by laws that speak in the name of duty. The assumption is made that those who get to the top are naturally qualified to manage and plan for the rest of us, that we must accept what they require of us without allowing our moral knowledge to intervene. Such a neglect of our moral resources is as great a loss as our now well-known neglect of our environmental resources. We need the full participation of each individual. We can no longer afford to be a people who unthinkingly serve.

This brings us back to what happened in Washington. The procedures used against demonstrators who tried to block traffic were flagrantly un-Constitutional. There were arrests without cause—mass roundups, which often included any young person, however innocent, who happened to be visible to the police. Prisoners were not subject to normal arrest procedure. Many were kept at detention centers without being afforded the basic rights of arrested persons. All this, like the murderous driving, was not the product of officers gone berserk but was part of coldly rational plans sanctioned, and later praised, by high authorities. Indeed, the same high authorities have recommended that similar tactics be used again. Can the policemen and bus drivers in question say they are doing all they can to respect the fundamental law of the land if they simply follow orders? Can the civil servants who drove to work that morning, maybe sympathetic to the peace movement but afraid of a demerit, call themselves law-abiding? I am suggesting that following orders is no longer good enough for any of us—not if we want our Constitution preserved. Each of us has a permanent and personal duty to the supreme law of the land. I do not mean the "law" that the Nixon Administration speaks of—something that I would call "force," or "state power." I think the Nixon Administration is deeply contemptuous of law. We cannot count on Attorney General Mitchell to preserve the law, nor, I fear, can we count on the courts. And, from a certain point of view, that is as it should be. It is our Constitution, not theirs. (Charles A. Reich.)

## SIXTY DAYS: ENOUGH

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, on May 20, I introduced H.R. 8606, a bill to shorten presidential campaigns to 2 months by preventing the nomination of candidates for President more than 60 days prior to election.

Recent developments in the field of campaign reform have made congressional consideration of this legislation imperative. In the Senate, for instance, the Committees on Rules and Commerce have reported out two different campaign proposals, and the Senate Finance Committee, the third committee with jurisdiction over reform, has failed to report legislation within the period established by the Senate leadership.

The Congress as a whole is finding difficulty with the complexities of various spending limits, media versus nonmedia regulations, and disclosure requirements. Each person is pushing the merits of his particular remedy, and while many of these suggestions have merit, unfortunately genuine reform is restricted in the abundance, technicality, and politics of the proposals now before us.

Because of this apparent stalemate, I am today reintroducing my 60-day campaign bill as a simple, direct approach which is, at least for presidential campaigns, both workable and enforceable and avoids the complexities that Congress is now struggling with. I am pleased to have as cosponsors of this legislation the following: the gentlewoman from Connecticut (Mrs. GRASSO), the gentleman from Illinois (Mr. DERWINSKI), the gentleman from New York (Mr. HALPERN), the gentleman from Illinois (Mr. COLLINS), the gentleman from New York (Mr. ROSENTHAL), the gentleman from Massachusetts (Mr. MORSE), the gentleman from Minnesota (Mr. FRENZEL).

The advantages that would accrue from the 60-day presidential campaign are numerous. Election spending, for example, is historically related to campaign length, and controlling length will contribute greatly to controlling expenditures. The short campaign will also avoid the tedious over-exposure of our candidates, relieve the electorate of the boredom of a drawn-out campaign, and shorten the interruption in our affairs of state. Campaign excesses can in most cases be directly related to campaign length. Shortening the campaign will automatically reduce and possibly eliminate many of the abuses Congress is now attempting to regulate through other means.

There is of course no special magic to the number 60, and I would be content with even a shorter time period if that appeared desirable. Sixty days is simply a reasonable and adequate time period for voters and candidates to communicate. William Paley, chairman of the Columbia Broadcasting System in 1953 noted that year that long campaigns were once necessary. He stated:

> Those were the days before airplanes and broadcasting. Today a campaign period of four months seems clearly obsolete.

A limitation on the length of our presidential campaigns would not be unique to this country. Nearly every other large democratic nation in the world, including England, Canada, India, and Israel, conduct their national campaigns in approximately 1 month, with no adverse effects upon the electoral process. I would therefore suggest that the 60-day campaign is a workable and enforceable means by which the United States can exercise the same common sense, and at the same time attack a number of ills in our electoral process. The 60-day campaign has received considerable grass roots and editorial support over the years, particularly after an election. It should be made a part of any campaign reform package to emerge from the Congress.

## VFW RESOLUTION ENDORSES DRUG BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I have received a complete set of the resolutions which were considered by the delegates to the 51st Annual Convention of the Department of Connecticut, Veterans of Foreign Wars held in Hartford on June 11, 12, and 13. These resolutions will serve as the basis for the policies, programs, and goals of the VFW organization during the coming year.

Resolution No. 14, "Combatting Drug Abuse and the Rehabilitation for Servicemen Addicted to Narcotics while in Service," is of particular interest to me and to the cosponsors of H.R. 8216, The Armed Forces Drug Abuse Control Act of 1971, which I first introduced on the House floor on May 10.

The key provision of my bill, that servicemen afflicted with drug abuse problems be rehabilitated before being discharged from the service, has been fully approved by the VFW Connecticut Department. I am happy to endorse the work of the VFW in the critical area of drug addiction among our servicemen and to request support for their proposal and for my own bill from my colleagues.

I include VFW Resolution 14 for insertion in the RECORD at this time.

### RESOLUTION NO. 14—COMBATING DRUG ABUSE AND THE REHABILITATION FOR SERVICEMEN ADDICTED TO NARCOTICS WHILE IN SERVICE

Whereas, the abuse of drugs of all kinds has increased considerably during recent years and is reaching alarming proportions in the military service; and

Whereas, servicemen are sent to some world areas where one must defend America's cause and at the same time defend himself from harmful drugs and narcotics that flourish and seem to be a way of life for that area's inhabitants; and

Whereas, when some of these servicemen procure and are found to be addicted to narcotics, they are finally given a discharge other than honorable, depriving them of their rights as veterans and citizens; and

Whereas, there is presently insufficient research data concerning the problems of drug abuse to warrant intelligent consideration of the problem; now, therefore be it

*Resolved*, by the Department of Connecticut, Veterans of Foreign Wars of the United States, that more funds and efforts by civilian and military officials be directed toward research, mass instruction, and indoctrination in combating drug abuse; and be it further

*Resolved*, That proper and essential steps be taken to pursue the cause of rehabilitation for servicemen addicted to narcotics while serving their nation's cause; and be it further

*Resolved*, That a serviceman should first be rehabilitated and then discharged from service and further that such servicemen be afforded all veterans benefits upon discharge from service.

## MORE SUPPORT FOR DRUG CONTROL ACT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, since I introduced H.R. 8216, The Military Drug Abuse Control Act of 1971 on May 10, I have been gratified at the extent of debate and discussion which has been generated concerning military drug abuse and the problem of drug abuse in the larger society. I was pleased also to note that the President has taken into consideration my proposal, as well as those of other Members, in formulating his attack on drug abuse.

Ideas must continue to be generated which may lead to the solution of this pressing social problem. As an example of the continuing valuable examination of this field I commend to the attention of the Members the following column which appeared in the Hartford, Conn., Courant of June 23, 1971, by Mr. James J. Kilpatrick, the noted newspaper columnist and commentator:

### NEW URGENCY SEEN ON DRUG PROBLEM

(By James J. Kilpatrick)

WASHINGTON.—Mr. Nixon's four-point plan for attacking the critical problem of drug addiction includes a stepped-up assault on the heroin pushers, but Iran, I think, has a better idea. Iran puts them to death. Since 1969, according to a recent House report, 86 convicted pushers have been executed by Iranian firing squads.

The President was not prepared last week to recommend any such drastic measures here, but he might find surprising public support for the Iranian approach.

In urging a $100 million crash program, Mr. Nixon spelled out four areas of necessary action—education, rehabilitation, prosecution, and foreign assistance aimed at curbing the poppy harvest in Turkey and in Southeast Asia. Meanwhile, on the Hill, Congressman John Monagan of Connecticut and Senator Harold Hughes of Iowa have stepped up their own efforts to cope with addiction among U.S. troops in Vietnam.

These manifestations of concern are fully justified. Weighed against the frightening problem of hard drug addiction, the marijuana problem, serious as it may be, dwindles to insignificance. A two-man House study mission (Morgan F. Murphy of Illinois, and Robert H. Steele of Cannecticut), in an excellent report on May 27, placed the number of heroin addicts in the U.S. at 250,000. To this should be added an estimated 30,000 to 40,000 addicts among U.S. troops in Southeast Asia.

Under the circumstances, it is difficult to single out one area of overriding concern. Senator Hughes is concentrating his energies upon a plan of amnesty and rehabilitation among the armed forces. He is convinced that "it is utterly unrealistic to assume that the drug epidemic can be controlled by shutting off the supply." He may be right, but Murphy and Steele, of the House study mission, make a convincing case that little will be accomplished until the production of heroin is attacked at the source in Turkey and Southeast Asia.

Turkey has been making some progress toward reducing its poppy harvest. Since 1967, the number of provinces legally permitted to cultivate poppies has dropped from 21 to 7; three other provinces will be eliminated next year. But Turkey has yet to adopt a licensing law, and illicit production continues.

The Turkish poppy gum, converted to a morphine base, is smuggled chiefly into France. There it is processed into the heroin that supplies the bulk of the U.S. market. The House study mission was able to report "a steadily increasing spirit of aggressiveness" on the part of the French, but the number of convicted processors is pathetically low.

The obstacles against "attacking the source" in Southeast Asia are plainly formidable. Widespread corruption feeds upon the drug traffic, and customs controls provide no effective restraint. But the U.S. does have leverage here, and Mr. Nixon must put it to work.

There is no one answer. My own imagination wanders back to Iran.

## THE UNITED STATES IN SPACE—A SUMMARY

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FREY, Mr. Speaker, this is the final paper in a series of seven articles in which I have discussed our U.S. space program. The purpose of the first six was to provide my colleagues with an in-depth background of our activities in space—to provide them with the proper information upon which to base a decision on this year's NASA authorization bill.

That bill has now passed. By a convincing margin of 302 to 64, the Congress reaffirmed its faith in the progress and benefits of this Nation's work in space.

The vote this year was particularly critical. First, the final budget which was passed was raised by the House to a level above that submitted by NASA. Although this increase was less than last year's rate of inflation and will still require program and personnel reductions, our approval was testimony that this Congress opposes the continued curtailment of our space work. By a vote of 302 to 64, we have gone on record against the further erosion of our technological and scientific base of expertise.

The second reason I was pleased at the response of Congress was because this vote demonstrated our program in space has and will continue to stand the legislative test—the test of guaranteeing to the taxpayer a maximum return on every dollar he invests. I hope that the same arguments will be persuasive when the NASA appropriations are considered on Wednesday.

Every year, health, welfare, defense, ecology, and space must compete for dollars. Certain of our programs address today's most pressing needs; certain are more oriented to the future; a few work for both today and tomorrow. The goal of Congress must be to provide for a proper balance between the most desirable of the programs proposed. I, for one, am thankful that there are those who understand the role which research and development play in the growth of a nation. We will always be confronted with those who believe the telephone came as a natural and inevitable step in the refinement of the semaphore, or the airplane as some kind of magically transformed ground transportation. But the majority of the American people appreciate that the steps we have taken to advance our society—regardless of the basic field in which the change occurred—I have had science and technology at their origins.

I think our people further realize that these quantum steps are also the direct result of dollars, hard work, and farsightedness. These three factors have been the essential ingredients in most of the progress which this country has enjoyed thus far, and to no less an extent, will they be the ingredients of the progress our Nation will make in the future.

But permit me to return to our aerospace industry to put straight this point of the relationship between our advancement in research and technology and the growth of our Nation. I think that within the total aerospace industry we can find an interesting and very current example of how we have ignored this relationship and how we are about to suffer the disastrous consequences.

The error we committed concerns the airline industry. Anyone who has traveled by commercial aircraft, I am sure, is very much aware that the overwhelming majority of commercial airliners in the world today are manufactured by U.S. companies. Even in Europe, which has a developed airline manufacturing industry in its own right, a quick inspection at any major airport reveals the heavy reliance upon U.S. aircraft. In fact, statistics show that over 80 percent of the world's aircraft are U.S. manufacture and that over 90 percent of the total airline mileage logged in U.S.-produced aircraft.

How did we gain this predominant position? Dollars, perseverance, and farsightedness. I must also add that to a certain extent the leadership which produced this advantage was the direct result of judicious decisionmaking on the Federal level. The taxpayer may not have understood the necessity of buying new and improved military aircraft, but, with only minimal modification or adaptation of design, our Nation's taxpayer, and for that matter, the entire world, was presented with safer and better commercial air transportation. And just as important, if this country would not have provided the DC–3, or the 707, or the 747, some other nation at some later point in time would have.

Let us continue on with our examination of the commercial airline industry before we return to our discussion of space. But now, instead of examining the 1960's, let us talk of the 1970's. It is true that this decade is only just upon us, but I think that the United States was offered a glimpse of the next 10 years at the 1971 Paris air show. I have heard it called the show that Europe stole and I think that the description is very appropriate.

The new aircraft which were on display no longer bore a U.S. trademark. The latest and most advanced products were from Europe and the U.S.S.R. And the significance was lost on no one. America's undisputed lead in airline manufacturing is being seriously challenged for the first time since World War II. Most European aviation experts are, in fact, astounded at the seemingly purposeful relinquishment by the United States of our lead in aviation.

Here is the point I wish to make. This country as it strives to maintain its leadership in high technology products must continue to commit the necessary dollars and manpower to the task. It is essential to realize that our lead in advanced technology—a lead that produced a favorable balance of trade stronger than in any other general area of export—cannot be maintained without a positive and meaningful commitment. What we must also recognize is that other countries throughout the world are no longer willing to take a back seat to the United States in terms of technology advance. And by technology products, I mean products for space as well as aviation.

What does this mean in terms of our Nation's space program? Throughout most of the past decade this country has held a clear-cut lead in space. We all know of the benefits we have enjoyed in terms of more economical long-distance communications and more accurate weather forecasting, not to mention the many technological spinoffs which are in everyday usage. But what are we doing to provide for our continued growth in the field? How are we guaranteeing our future advance? That is my concern. And I think the airshow might provide the clue.

We should again recall those new aircraft on display. With the introduction of commercial supersonic passenger service by foreign carriers, our carriers will be compelled to update their fleets correspondingly. It would appear only a matter of choice as to whether the U.S. carriers purchase their SST's in Europe or the U.S.S.R. Similarly, the Europeans displayed a new wide-bodied short-range aircraft design touted as the "DC–3 of the 1970's." If the plane lives up to expectations, we can hardly expect our carriers to await the 2 or 3 years before U.S aircraft manufacturers begin producing a comparable U.S. version.

The impact of the large Russian cargo carrying helicopter was no less profound. All 15 of the major oil firms involved in the exploration of Alaska's North Slope expressed interest in the aircraft. This machine is able to carry more than five times the cargo of the largest U.S. design, and, of course, needs none of the runway facilities required by a fixed wing aircraft. The oil companies were only some of the first queuing up to learn the cost and availability of the aircraft.

Clearly, the United States would appear to be relinquishing its long-held lead in the aircraft industry and if either money or general activity are meaningful indicators, we are headed into a similar retreat in space. A closer look at these two indicators shows that the aviation and aerospace industries are all too analogous. Money? As our space spending hits new lows, the spending of the U.S.S.R., which surpassed ours 2 years ago, continues to climb. The U.S. investment of $3.2 billion is only 65 percent of the Russian investment in their civilian space effort. Activity? In 1966 the U.S. enjoyed a comfortable annual launch lead over the Soviet Union of 73 to 44. In 1970, the figures were totally reversed. The United States launched 29 vehicles to the Soviet Union's 81. So far in 1971, Russia is launching at a rate which is 46 percent higher than their record launch rate of last year.

While this Nation remains convinced of the benefits which space will bring—such as communications, earth resources, weather predition and control—we nonetheless appear intent upon turning our back on the facts. Surely none of us is so naive to think that space will go unexplored or that our international neighbors are so dependent upon us that little will be done without the United States at the helm.

We now see this Nation on the verge of purchasing European and Russian aircraft in order to maintain our service on a par with that of the rest of the world. I frankly must ask myself how far off we are from leaning on the space technology of foreign countries in order to bring the latest and fullest benefits of space to our people.

Today, the International Intelsat communication satellite network operates satellites 90 percent designed and built by this country. We can be proud of that, but statistics of this sort are fast becoming monuments to the past. The Europeans are now contemplating implementation of a highly advanced communication satellite system based totally upon a European design. Even more impressive, the Europeans are boldly planning to develop and operate a new navigational satellite system which the United States may very well have to depend upon for precise transoceanic navigation. And how big a step is it before we are depending upon Europe or the Soviet Union for weather or agricultural data or even mineral resources obtained from outer space? The three Soviet cosmonauts who are circling the earth at this moment in the world's first orbiting laboratory are performing important experiments in meteorology, agriculture, forestry, and resource detection. We will not have the same information until 1973, 2 full years away. I pose my thought again. This Nation, as it now contemplates buying Russian helicopters and European SST's, could be heading for a similar dependency upon international space powers for the latest advances in space technology. This could be the future of space to as certain a degree as we have now arrived at that point in aviation.

As grave a threat as foreign dependency may pose and as tragic a loss as our leadership in space may represent, there are even further grounds for concern. I am speaking now in terms of the economic impact of the space program and its overall effect on the country. This merits taking a closer look at the program cost and what it provided, and in this way attempting to understand the implications and dimensions of a program reduction. And we should make this assessment by looking at all parameters—dollars invested, jobs created, and people's lives bettered.

First of all, we should realize that over the past decade the United States has been in space, the $38 billion cost of the space effort has amounted to less than one-half of 1 percent of our gross national product. There is no doubt that $38 billion is a great deal of money, but we should also appreciate that this country spent almost $350 billion on health and welfare programs, and over $625 billion on national defense programs during that same 10-year period.

A look at the ratios between expenditures is even more revealing. The ratio of dollars spent in the space program to dollars spent on health and welfare is 1 to 9. The ratio of national investment in space to investment in the defense effort was approximately 1 to 16. And let us examine these ratios for the fiscal year.

During 1971, the country will spend no less than $77 billion on social programs which will exceed even the defense budget of $73 billion. This fiscal year, therefore, we will run budget ratios of 1 to 24 and 1 to 22 for space to social programs and space to defense programs respectively. These figures explain the little tolerance I have for those who would reduce or curtail our national space effort in the interest of increasing spending for social programs. Total elimination of the space program would provide a whole 4-percent increase.

I think we can see from these numbers that the money directed to our space program is not out of proportion to Federal spending in other categories. But let us talk more about jobs and people.

The aerospace industry and our space program as a major segment of that industry is America's largest manufacturing industry. At its peak production in the late 1960's this industry employed more than 1.4 million people doing an annual business of over $28 billion. More important, $14 billion was the annual payroll for the industry.

There is also an additional aspect to the industry's impact. In the 1960s, during the first decade of our space program, this country saw its gross national product grow from $460 billion to more than $900 billion. Approximately half of that real growth of the gross national product, according to economists, can be attributed to the stimulus of new technological knowledge from research and development investments. And no less than 25 percent of this country's total research and development expenditures was invested directly in our space program.

Looking at NASA in particular, we should realize that the money we have invested in our space program was spent in one of the most labor intensive sectors of the economy—a sector in which the ratio of manpower costs to material costs is on the order of 9 to 1. And this money returned to the economy as wages and salaries to an average of 250,000 people per year. Just as important, the benefits in wages and jobs were felt nationwide. More than 90 percent of our expenditure in space went to 20,000 industrial and business firms in 30 States and 177 cities.

There are other measures of the space program's impact, such as the economic growth from our space effort in terms of the regional impact of space facilities. Employment levels, standards of living, educational opportunities, and industrial development have been multiplied many times with the establishment of such facilities as Cape Kennedy, Houston, and Huntsville. The demand of the space program for highly skilled and highly qualified people clearly exceeded available talent pools and therefore had to be met by training and general upgrading of skill levels. Individuals who received this training have undeniably benefited from the demands imposed upon them by working within the aerospace environment. The increment of skill which was added to the inventory of the individual worker represents a distinct contribution of the space program of permanent value.

I think another observation is in order when we speak of the impact of the space program on the economic growth of our country over the past decade. We must realize that many new and important industries were developed during this period as a direct outgrowth or result of the aerospace industry. Perhaps the most spectacular example is the growth of the computer industry—an industry which developed primarily as a result of NASA's requirements for improved and advanced computer support and as a result of the hardware innovations brought about by space-related technology.

We can use any number of impressive statistics to study the movement of the computer industry to prove the point. As an example, from 1960 to 1970, this country added over 65,000 new computers to its existing base of 5,000. That is a 1,300-percent increase. We can also use investment as a measure. In 1960, U.S. businesses and institutions spent less than $1 billion on computers, data processing equipment, and operating staffs. In 1970, these same businesses and institutions spent almost $25 billion for computer hardware and services. That represents a growth in sales by a factor of 25 with the 1970 dollar expenditure corresponding to over 2 percent of our gross national product.

I emphasize again that the major factors in the growth and dynamism of the computer industry were the demands placed upon computers by NASA and the contribution to the field by our technical space expertise. Clearly, the space program provided monumental impetus to our economic growth—growth which meant jobs and progress both in the space industry and in the many space-created industries.

It is difficult to imagine, therefore, how we can now choose to abandon the space program. But we are gradually doing just that. We are incrementally reducing support in a manner calculated to undermine the entire program. For in the interest of providing continued stimulation to our economy and in the interest of providing greater economic growth and expanded employment, this Nation has chosen to reduce spending in one of the areas most critical to the future health and stability of the economy of our Nation. Our space effort as it returned over $30 billion in salaries to the economy, and as it provided for the gainful employment of over 450,000 skilled workers—our space program has fallen from an annual budget of $6 billion to just over $3 billion.

Jobs and personal advance? Scientific and technological superiority? Increased quality of life? International respect and prominence? The money this country invested for space made a powerful contribution in addressing each of those goals. But incredibly, we now prepare to sound a retreat.

I must stress it is not my intent to alarm. I am convinced that this Nation remains committed to our national space program and that the NASA budget authorized by my colleagues for this year provides for our continued advance. But we nonetheless must recognize that the budget we have recommended is at a minimal level. It is a budget that delays and defers programs which in the national interest should be permitted to progress at a faster pace. And I refer to a faster pace not only in terms of providing quicker return to the public for the tax dollars which have been invested, but also in terms of countering the important advances being made by other members of the international space community. I believe that the recent successes of the Soviets in space, as an example, particularly in manned operations, make it clear that space is no longer simply a place for investigation but a place to utilize and control. The military implication of the recent Russian lab are apparent. We must understand that the rest of the world is intent upon following its own path into space regardless of the plans of America. We must also understand that without continued emphasis in space by the United States, this Nation will soon find itself seriously outdistanced by its international neighbors.

Thus, while Europe and the U.S.S.R. press on with vigorous and expanding space programs, the United States must continue in its pursuit of space at a level which is at best marginally adequate. I believe that those of my colleagues who have closely examined this year's budget will find that it does not fulfill the many opportunities that this Nation has before it for the full utilization of space. And they will also see that the resources and the people we are committing have declined from past levels. But we can be satisfied that the NASA program for this year does preserve our capabilities in the most essential areas.

I therefore congratulate my colleagues for the role they have played in providing for our future progress in space. I believe we all recognize that the techniques and technology we are developing in the conquest of space are our Nation's newest and richest natural resources. We are truly developing the tools and materials which will serve as the keystone for all future progress. And we can rest assured as we venture out to the extremes of space that we will have made the earth a better place along the way.

## COLLEGIATE CARPETBAGGING

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I realize it is only a matter of time until the required number of States will have ratified the amendment to the Constitution approved by the Congress granting 18-year-olds the right to vote. However, I was among those voting against this amendment primarily because I was not satisfied that we had addressed ourselves to the problem facing communities around the country who might happen to be the location of colleges or universities.

It was my concern that university students might be able to join together in support of candidates or issues that might be contrary to the best interests of the permanent residents of a local community and that there was a possibility of irreparable harm being done by the actions of a few radicals who might be able to influence enough impressionable young people to support harmful programs or candidates.

For example this past spring there was an election in Dane County, Wis., for the county board. A college student, Mr. David Stodolsky, had been elected on April 6 as a county supervisor to represent District 5, a University of Wisconsin campus fringe area. Other county board members had been puzzled by Mr. Stodolsky's absence from board meetings, and the mystery was finally cleared up when it was discovered that he had enrolled as a graduate student at Irvin University in Newport Beach, Calif., on April 9—just 3 days after his election to the Dane County Board. He apparently had run for office on a bet or dare and was elected.

I hope those who contend that the reduction of the minimum voting age to 18 does not present any potentially serious problems for college and university communities will take note.

A paper entitled "Collegiate Carpetbagging" written by Mr. Philip M. Sellinger, research director for the Wisconsin Chamber of Commerce, recently came to my attention, and while the thrust of this article is the problem confronted by communities in the State of Wisconsin, it has general application throughout the country I believe, and I ask that the text of the article be placed in the Record at this point, as well as a story appearing in the Wisconsin State Journal in the November 3, 1970 edition.

### A Clear and Contemporary Danger—Collegiate Carpetbagging

(By Philip M. Sellinger)

An apparent oversight by members of Congress—in their haste to demonstrate a willingness to "listen to" the Youth of America by reducing the voting age to 18 years—has created a potentially serious situation which conceivably *could reduce City Hall in many university-host communities to a civic disaster area.*

Pending a test of constitutionality, 18-year-old voting would appear to be virtually a *fait accompli*. Thus, no useful purpose can be served by still another review of pro & con arguments which already have been well-"ventilated" in both the public and legislative dialogue.

Nonetheless, a persuasive—if not compelling—case can be made for serious consideration and further action by Congress to provide realistic, equitable, and *Supreme-Court-proof* safeguards for the permanent, taxpaying residents of university-impacted communities in the conduct of their local government and public affairs.

It is relevant here to note that the term "impacted" undoubtedly will be understood by those Congressmen whose Washington-area property tax burdens are substantially reduced by the federal funds appropriated for the "federally-impacted" elementary and secondary school districts in which they live.

While it is true that 21-year-old undergraduates or graduate students, by meeting minimal residency requirements, already are eligible to vote in municipal elections of many host communities, they represent only a fraction of the total enrollment. However, reduction of the voting age to 18 years under present eligibility requirements conceivably can qualify virtually the entire student body of a university to participate in local elections during three or more years of temporary residency as undergraduates and/or graduate students.

Thus, with exploding enrollments, and in the absence of more definitive franchise requirements, it is entirely possible that university student bodies *could* constitute a very influential—if not decisive—bloc of votes within the permanent, taxpaying electorate of many host communities. Given emotionally-oriented "issues" or circumstances, the demonstrably volatile, sometimes unstable and transient *body academic* conceivably could have substantial power to influence long range public policy at the local level of government in communities where they essentially are temporary residents.

For example, the current enrollment of more than 35,000 students at the University of Wisconsin—with a planned expansion to 42,000 by 1975—already is equal to 45% of the residents registered in the city of Madison, Wisconsin. Three students, elected by their 21-year-old campus contemporaries from three off-campus student-dominated residential wards, currently sit on the city council—with several more on the Dane County Board.

The student-body/resident-voter ratio in host cities for Wisconsin's state university system is even more unnerving. Following are the enrollments expressed as a percent of the permanent-resident voters registered for the spring municipal elections of the nine host cities in 1970:

Eau Claire State University, *43%*; La Crosse State University, *31%*; Oshkosh State University, *45%*; Platteville State University, *144%*; River Falls State University, *156%*; Superior State University, *20%*; Stevens Point State University, *95%*; Stout State University (Menomonie), *144%*; Whitewater State University, *280%*.

Thus, with the entire student body potentially qualified to vote under the reduced voting age, and in the absence of clearly-defined, viable safeguards, in 4 of the 9 host-cities the student body conceivably could elect one of its own peers as mayor, pass or defeat city-wide referenda, and have a substantial influence on the election of state legislators from the district.

In 4 of the remaining host communities—as well as in Madison—the student bodies unquestionably could have very potent ballot-box "clout" if they choose to participate in local and legislative elections.

The possibility of university students exercising this option is illustrated, perhaps, by a long-standing legend at Dartmouth College—where for many years the student body out-numbered the townspeople of Hanover, New Hampshire. By virtue of their presence in the community during the academic year, according to the legend, Dartmouth undergraduates were qualified to participate in the town meetings at which the public business of the community was conducted.

As a result, at one point Dartmouth students "took over" and voted to: (a) pave Hanover's Main Street with gold bricks, and (b) construct a high school 800′ long, 20′ high, and 10′ wide. Despite the obvious frivolity involved, according to the legend, this action had the force of law—until it was eventually rescinded by the New Hampshire legislature.

Admittedly, with each re-telling, any "legend" tends to be exaggeration-prone, but many of them demonstrably have some basis in fact. In any case, under the conditions existing on the campuses of higher education today, it is not unreasonable to concede the possibility of a latter-day repetition of the situation, on a nation-wide scale, by the more politically-conscious and-exploited university students of the present "under-30 Generation."

Emphatically, it is not the intent here to impugn the basic sincerity or motives of the vast majority of *responsible* undergraduates in higher education. At the same time, however, the possibility of massive student response to the exploitation of emotionally-potent socio/political problems or "issues" at the local level of government in their host-communities cannot be wholly discounted—if only because of recent past experience in "town & gown" confrontations throughout the nation.

With all due respect for the undeniable intelligence and sincerity possessed by the normal undergraduate, there is no real basis in fact for the hyperbolic "Generation-Of-Geniuses" syndrome so high and widely touted in the current political dialogue today. Nor is there overwhelming evidence that *exposure* to exploding fields of knowledge and technology, in and of itself, necessarily constitutes "education"—or automatically confers upon the exposee *instant* maturity or infallibility of judgement in the conduct of public affairs at *any* level of government.

In fact, the demonstrably low flash-point of emotionalism and volatility on university campuses during recent years, and the anatomy of "protest" demonstrations and riots, provide a number of persuasive reasons why the possiblity of collegiate carpetbagging in local elections under the reduced voting age should not casually be dismissed as unlikely—*especially since a stated major purpose of reducing the minimum age is to provide a "constructive alternative" to mob-violence and disruption on the campus by allowing and encouraging students to participate in the due process of orderly elections.*

On campus after campus across the nation, student militants and radicals have repeatedly demonstrated their ability to fabricate and exploit emotional issues and involve thousands of their less aggressive but conscientiously-concerned contemporaries in disruptive demonstrations on the streets of host-cities. Furthermore, in many cases, they have been equally successful in "radicalizing" many hundred times their number into commiting wilfully unlawful violence, fire-bombing, property destruction and other acts of anarchy—all in the name of "free speech" and academic freedom.

On the basis of their record in the streets and mass rallies on the campuses, therefore, it is not unreasonable to assume that these self-styled revolutionary reformers and militant activists will continue to fabricate and exploit a whole catalogue of socio-political "causes"—as a means of involving their less activist but concerned campus bretheren in local public affairs via organized "ballot-box protests."

In this context, it can be anticipated that even when the War in Vietnam and the draft are no longer catalysts for student activism there will be a succession of domestic problems and issues for student and faculty militants or radicals to exploit—and translate into undergraduate political action at the local level of government.

For example, University of Wisconsin students comprised over 90% of the unlawful mob which last year seized the State Assembly Chambers to demand an increase in welfare payments—for a handful of actual welfare recipients who remained on the periphery of the near-riot which resulted in mobilization of the National Guard to protect the capitol building from further disruption and destruction. At the same time, increased welfare benefits have been a principal "plank" in the platforms of 21-year-old student-candidates for the Dane County Board from student-dominated residential wards contiguous to the campus.

Arrests made during the seizure and subsequent "seige" of the state capitol during the welfare protest illustrate a key problem in the question of collegiate carpetbagging in local government affairs. More than half the students taken into custody were not residents of Wisconsin—and neither they nor their parents would have been required to pay the increased state & local taxes for financing the welfare benefit increases which they were "demanding" for recipients in Wisconsin.

It is relevant here to note parenthetically that Wisconsin ranks *9th* in the nation for state & local expenditures for welfare programs (per $1,000 of personal income), while it ranks *19th* on the basis of per capita income available for financing welfare programs and other costs of state and local government—*a comparative burden which is substantially higher than that in many of the "home" states of the protesting nonresident students.*

Be that as it may, with the increasing acceptance of the collegiate dogma that political participation is an inherent and essential facet of the educational "experience," local government obviously provides the most readily accessible "laboratory" for political experimentation by newly-franchised undergraduates who have no real interest in, or responsibility to, the future of the host community beyond their graduation day.

Moreover, prominent leaders in the field of higher education have expressed the fear that "politicization" of university campuses, in some cases, already has passed the point-of-no-return—at least for the immediate future. In the lexicon of the student/faculty militants, this distortion of the role of higher education means *"reconstituting the university function to make the campus and curriculum a center for political action."*

Here again, local government provides the most convenient arena for such action, *and* the opportunity for more direct personal involvement with more immediately-visible and tangible results—especially for undergraduates exercising their newly-found political "muscles."

The key to the quandry, obviously, lies in the residency requirements for voter-eligibility. Under present laws in Wisconsin, for example, as interpreted by an Attorney-General, a "statement of intent" to become a permanent resident of Madison currently qualifies a 21-year-old (soon to be 18-year-old) University of Wisconsin student from another state to register and vote in state & local elections. For students who are residents of other communities in Wisconsin, presumably, the residency requirement is even less demanding.

The out-of-state student from New York, Long Island, New Jersey, Illinois or California, for example, can demonstrate his "intent" to become a permanent resident of Madison by registering his car and acquiring a Wisconsin driver's license. In any case, this is a matter of sound economics since Wisconsin's motor vehicle registration fee is substantially lower than in a majority of the states.

It can—and probably will—be argued that a significant majority of the newly-enfranchised undergraduates throughout the nation will prefer to participate in the public affairs of their "home" communities by absentee ballot—or that they will not necessarily abuse the franchise if they choose to register and exercise it in the host community of their temporary academic residence.

While there may be some validity in this assumption—at least as it pertains to the majority—it can be noted conversely that no-one buys liability insurance because he *expects* to have an accident. He simply recognize the possibility.

On the basis of this omnipresent possibility, a persuasive case can be made for legislative "insurance" to preclude irresponsible collegiate carpetbagging—even by a minority of radical, militant undergraduates—*before* a political "accident" occurs, with unhappy or serious civic consequences. This can be accomplished without impairing the right of students to vote in their home communities via an absentee ballot.

Obviously, a simple statement of intent to become a permanent resident of the host community is subject to change "without notice" on graduation day and not an irrevocable guarantee. Yet it would permit undergraduates, as temporary residents, to exert possibly significant influence on long-range public policy, planning and local property tax burdens—with which permanent, tax-paying residents would have to live long after the students had completed their education and departed for home or elsewhere.

Without seeking to impugn the basic sincerity or sense of responsibility of those students who might "opt" to participate in local elections, it should be noted their participation could create other undesirable effects similar to those resulting from their involvement in policy-making and curricula-determination on the campus. With an almost complete turn-over in the composition—and, therefore, the socio/political concepts and philosophies—of a university's student body every four years, its potential influence in local political affairs could make a shambles of continuity and stability in local planning and policy.

The need for legislative or, preferably, constitutional clarification of this situation is further underscored by the reports of boasts by 21-year-old University of Wisconsin students who publicly announced that in the 1968 elections *they had cast two ballots for president*—once as a registered voter in Madison, and once by absentee ballot in their home communities.

Here again, it should be emphasized that it is not the intent here to question the basic honesty and good faith of the average undergraduate. Reasonable adults share the confidence in American youth expressed by Congress in reducing the voting age to 18 years.

Nonetheless, the extension of the franchise to a large and essentially "floating" segment of our population undeniably escalates *the possibility of abuse* of the one-man, one-vote principle—and a further threat to the integrity of our elective process which already is seriously compromised by blatant vote-stealing techniques in districts or cities controlled by long entrenched political machines.

Aside from socio/political considerations of student activists, at least in the case of undergraduates from other states, there could be a significant *economic motive* for establishing legal residence in the host community for *voting purposes.*

In many states, there is a very substantial difference in the tuition fees for non-resident and resident students—a difference which could amount to several thousand dollars over a period of 4–6 years. In the absence of further clarification, it would seem logical to assume that "legal residence" in the host community for voting purposes under the newly-extended franchise would also qualify students from other states for the lower tuition fee.

In any case, the question is: what can Congress, or a state legislature do—if anything—to provide equitable, realistic and viable safeguards for the permanent, tax-paying residents of a university-impacted host community?

A minimal provision would seem to be an unequivocal statement that *any* undergraduate enrolled in *any* university or college outside of his or her "home community" must be considered—for voting purposes—as a transient who is ineligible to vote in the elections of the "host" community or state UNTIL after he/she has received *a bona fide bachelor's degree.*

This provision would serve to separate the political and/or economic opportunists among the undergraduates from the graduate student whose "statement of intent" to become a permanent resident—or at least semi-permanent—while seeking a master's degree or doctorate would be somewhat more credible.

*Unfortunately, there is no real assurance that a requirement of this kind would not be over-turned by the U.S. Supreme Court.*

Not long ago, this same judicial body invalidated state-enacted one-year residency requirements for welfare benefit eligibility. The justices ruled that such requirements "violate" the *constitutional right* of welfare recipients to move to states with the most generous welfare programs—without any loss of continuity in their public assistance.

On the basis of this somewhat exotic backward-leap-in-logic, it must be assumed that The Court similarily might throw out any attempt by state legislatures to limit participation by transient university undergraduates in local elections—on the equally esoteric grounds that such legislation violates their constitutional right to attend the university of their choice without loss of their constitutional "right" to participate in the elections of the community in which they are—at least temporarily—residents, subject to the civil & criminal laws thereof.

This very real uncertainty with regard to the whims & wisdom of the U.S. Supreme Court Justices illustrates the prudence of President Richard Nixon in preferring the constitutional amendment approach for extending the franchise to 18-year-old citizens.

With a provision to clarify residency requirements for purposes of voting—especially under the unusual circumstances facing university-impacted communities with undeniably "transient" student populations—even the Justices, for all their superior and infinite wisdom, *might find it difficult to declare as "unconstitutional" an amendment to the constitution which has been duly approved by the legislatures of the several states through a procedure established by the constitution.*

Unfortunately, a majority in Congress, in their infinite wisdom—*and/or preoccupation with demographic predictions of the vote-potential involved*—so far have seen fit to by-pass the constitution in this major departure from established procedures in the elective process—while at the same time opening what could be a real "can of worms" for those responsible for the conduct of local government in America.

*Sic transit gloria libertati Americani.*

### SUPPLEMENT: "COLLEGIATE CARPETBAGGERS"

Comments by *Madison City Clerk Eldon Hoel* in the news report reprinted on the following page underscore the potential for vote-fraud in a university-impacted community under the reduced voting age UNLESS residency requirements are clarified—or procedures for registration validation are strengthened.

As City Clerk Hoel points out, names of registered voters are not removed from the registration lists until they have failed to vote in two successive general elections. Thus, students who have registered to vote during their *temporary* 4-year residence as University of Wisconsin students are automatically "registered" for two years AFTER they have left the University and City of Madison.

As a result, their names can be kept "active" as voters by other students voting in their names. Conceivably, any group of radical or dissident students—such as the members of the Basset/Mifflin Street Hippy Commune in Madison—could develop and maintain a substantial catalogue of ghost-voters to be passed from class to class as their predecessors graduate and leave.

While it is true there is nothing to prevent them from undertaking this kind of vote fraud at present—if they are not already doing so—reduction of the voting age to 18 years will sharply increase the potential for abuse. There will be an increase in the number of students available to vote in the name of those who have departed as well as in the number of "vacated" names still remaining on the registration lists.

In view of their publicly-stated attitudes and frequently unlawful conduct to achieve their goals, there is little or no reason to share City Clerk Hoel's optimism that vote fraud by this type of student is improbable. It is germane to note that more than 75% of the students attending the university of Wisconsin live off-campus—and approximately 20% of them are from out-of-state.

According to the president of the University student body, there are at least some 6,000 radical students on the campus—ready to go to any lengths to achieve their goal of destroying both the University and our free society. Given their obvious ability to influence many times their number with emotional "causes," their use of a ghost-voter operation could have a serious adverse effect in state and local elections in the Madison area.

At the present time, it would seem that the Wisconsin State Legislature must take the first step to clarify the residency requirement to protect university-impacted communities from undue interference in the conduct of their local affairs—while at the same time preserving the rights of University students to vote in their home states and communities by absentee ballot.

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### IT'S MATTER OF HONESTY: VOTE FRAUD POSSIBLE, BUT NO PROOF IN CITY

It would be easy to vote illegally in Madison, although there are no firm indications that fraudulent voting occurs.

To vote illegally, a person would have to be dishonest, but not very deceptive.

That's because state law requires only a sworn statement of eligibility before a person can vote.

"I can't really believe there's much of it (illegal voting) going on," said City Clerk Eldon Hoel, who is responsible for supervising city elections.

He said he based this on the skimpy file of election complaints he has after being with the city for 23 years. And even those complaints rarely deal directly with illegal voting, but rather with protests about poll procedures.

In 1968, for example, a citizen claimed he wasn't allowed to watch the canvass of a voting machine in the Sixth Ward. In the same year, there was an unconfirmed report that a 14-year-old voted in the 14th Ward.

The greatest possibility for irregularities is in the central city wards, where University of Wisconsin students live.

For example, a spot check of one such ward Thursday showed 10 former students registered to vote who no longer are in the city, according to the ward alderman.

The registration of these people has not lapsed because they had voted within the last two years. After that time period, a person's name is taken off the poll lists.

If an unregistered person knows of someone who has voted recently and no longer is in town, that person could vote today, using the name of the person who has left.

Because of the transient nature of the student community, there probably are several hundred registered voters who are not in Madison. This situation applies to anyone who has left town but has voted within the last two years.

For example, a resident of the 18th Ward showed a reporter Monday that the couple whom he purchased his home from have moved elsewhere but still are registered. If this couple registers elsewhere, officials in that city could notify Madison and their names would be removed from the poll list.

In addition to this type of situation, the process of declaring eligibility is open for deceit. A person merely must swear he is 21, has lived in the state for six months and his precinct for 10 days, and intends to remain a state resident.

State law does not require a person to show proof, although Hoel said registration officials will ask for identification if they are suspicious.

A matter of some confusion has been the requirement that a person "intends" to remain a state resident. There is no way to prove intent, nor is there a stipulated time period other than the six-month requirement.

A student, therefore, could know he plans to leave Madison after graduation but still get away with voting. On the other hand, there are many students who end up living in Madison.

The situation boils down to a matter of honesty.

"If the time comes when we can't accept oaths from people, we're in trouble," said Hoel. He explained that it would require unrealistic amounts of time and people to scrutinize and doublecheck the almost 85,000 registered voters in Madison.

"In the 23 years I've worked with the city, I don't recall ever seeing any intentional fraud," he said. He added that the installation of voting machines in 1948 eliminated considerable mistakes that caused paper ballots to be thrown out.

Examples would be people who voted for more than one candidate for a given office, or crossed party lines in a primary.

Hoel also said the practice of having neighborhood poll watchers from each major party would tend to reduce the possibility of irregularities.

## DECISION TO CALL A STRIKE

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TALCOTT. Mr. Speaker, I have introduced a bill, H.R. 9458 to provide employees the right to decide by secret ballot whether or not to strike—or, if they are already on strike, to decide whether or not they want to continue on strike.

Working men and women should have an effective voice in their union's decision to call a strike. I am pleased to report that many workers do have such a limited voice now. My amendment will assure this voice for all—not just before a strike is called, but also at intervals while the strike is continuing. As a practical matter, today's prestrike vote means very little because in too many cases it is a mere show of hands by those who attend a prestrike union meeting. It is seldom democratic; it is not now a legal requirement.

The nearest provision we have in present law for a strike vote is the provision of section 203 of the Taft-Hartley law. That provides that the Federal Mediation and Conciliation Service will try to persuade the parties to settle their dispute by some means other than work stoppages. The statute states that this will include "submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot." This, of course, is a purely voluntary undertaking and there is no requirement in the statute that a vote be conducted. Also, the statutory language indicates that any vote is to be conducted prior to a strike.

Under these circumstances there is no true opportunity to assess the last offer proposed by the employer. It generally amounts only to a broad vote of confidence in the union leadership which may be useful as far as it goes, but it does not go far enough. The statute does not give employees the chance to vote on a particular and identifiable offer. My amendment will provide this additional opportunity, without impairing in any way the opportunities which these employees now have to vote and express themselves on any and all other aspects of their relationship with their employer.

The amendment I offer here today, Mr. Speaker, improves upon all procedures now available. It permits a meaningful vote 30 days after a strike has started, with authority to repeat that vote at succeeding 30-day intervals. Obviously, it would be necessary that a majority of those voting have control over whatever action would be taken pursuant to my amendment. However, the balloting itself—either prior to the strike or while the strike is in process—could be called on the petition of the union, the employer, or 10 percent of the employees in the bargaining unit.

The balloting would be conducted by the National Labor Relations Board, following its regular secret balloting procedures. It would be an unfair labor practice for a union to call a strike or continue a strike after a majority of the employees had voted against such strike in such a secret election. Additionally, an employee would lose his status as an employee under the law if he took part in a strike after the majority of his fellow union members voted in such an election against such a strike.

My bill would also authorize injunctive relief in the Federal courts upon a showing of reasonable cause to believe that a strike is being carried on in violation of this secret ballot decision of the employees.

Mr. Speaker, all of us know that strikes have become an uncivilized and unnecessary means of settling disputes between employees and employers who should be working cooperatively toward the same objective of supplying better products or services for the consumer.

Until a better legal mechanism can be designed to replace the strike, I believe the worker should have a real voice, and a democratic procedure for participating, in labor negotiations affecting him and his family. I believe the union negotiator also wants, and urgently needs, a legal procedure to which he can refer to enable the rank-and-file union members to share the responsibility of labor negotiations.

Mr. Speaker, my bill seeks to amend the National Labor Relations Act to give the rank-and-file union members this democratic voice in their vital union affairs.

Mr. Speaker, this bill merits the early attention of the House.

## HIGHWAY SAFETY

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the Record.)

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 50,000 people died, 2 million people were injured, and $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the sixties, upwards of one-half million men, women, and children were killed, over 32 million were injured, and $90 billion in economic damages were sustained.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

Indeed, since the dawn of the automobile age, more people have been killed on highways than in all the wars this country has fought since its founding

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted. This frightening correlation was highlighted not long ago in a speech by Secretary of Transportation John Volpe before the National Safety Council:

> An astonishing 44% of the drivers killed in accidents lost their lives because the other driver was drunk.

The percentage would undoubtedly have been higher if drug-related deaths were included.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds. Particularly in the critical area of research, development and implementation of effective alcoholic countermeasures has this been evident.

Forecasts indicate that by the mid-seventies, over $4 billion annually will be required to fund the safety program at the Federal, State, and local levels. If the past be prolog, such estimates will likely prove to be on the low side. Under the circumstances, it seems clear that if safety goals are to be achieved, that is if accidents and injuries over the next decade are to be reduced to an irreducible minimum, an adequate and dependable source of funding must be found.

I should like to suggest a novel one for your consideration. It was first suggested to me by our former colleague, now U.S. district court judge, Robert Denney. Reasoning that since upwards of half of all highway fatalities were attributable to alcoholic abuse, he proposed that half the revenues derived from the sale of alcohol each year be allocated for safety purposes.

My bill embodies this approach. Specifically, it will provide that an amount equal to 40 percent of the revenues generated from Federal taxes on alcohol be set aside to fund the highway safety program.

My aim in introducing this measure is twofold:

First, to provide a legislative vehicle for exploring various approaches to funding the highway safety program, and

Second, to focus attention on what I regard to be perhaps the most difficult aspect of the entire safety problem—the drinking and drug-abusing driver. Believe it or not, if we could completely eradicate the depredations of the problem drinker, we could save 20,000 lives annually—and that is a conservative figure. In addition, we could prevent upwards of 1 million injuries and save literally billions of dollars in property damage.

In introducing this bill, I want to emphasize that this is a bipartisan effort. Over 50 of my colleagues on both sides of the aisle have joined as cosponsors—Chairman Blatnik of the Committee on Public Works among them.

Because of this joint sponsorship, I look forward to early consideration and action on an approach which I believe will add a new dimension to highway safety by correcting one of the major shortcomings of the present program—a lack of adequate and dependable funding.

## PUBLIC SAFETY

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, Americans often ignore situations that threaten the public safety until a personal experience hits them so forcefully that they finally resolve to take preventive measures.

The lives of all who use the streets and highways of this Nation are being threatened daily by those whose immoderate drinking habit is combined with a determination to drive—at any cost.

According to the National Safety Council, over 55,000 people died, over 2 million were injured, and $8 billion in property damages were sustained as a result of traffic accidents on the highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured, and $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development, and implementation of effective alcohol countermeasures.

On Tuesday, June 29, I plan to introduce unique legislation that I believe will, at least partially, remedy the problem of inadequate funding in this area and, thus, be a tremendous encouragement toward reducing accidents and injuries to an irreducible minimum. I am asking my colleagues to join me as cosponsors for this urgently and, at the same time, seek support from the residents of their districts for strict enforcement of present laws and new programs of highway safety.

If there is any doubt as to the need for this bill, I should like to point out a series of articles contained in the Hearst newspapers recently. In a series of five articles, this newspaper group has graphically and dramatically explained the need for increased efforts in the area of highway safety, especially that dealing with drunk drivers.

I commend these articles to my colleagues:

### United States To Yank Drunk Out of Driver's Seat—I

(By Edwin Martin)

Washington.—In the United States today 500 graves are filled each week by victims of highway accidents involving alcohol.

Week after week, the toll goes on. Battle deaths in Vietnam, in numbers, are paltry in comparison. Yet the strangely apathetic attitude of Americans toward the drunken driver persists.

The federal government has set out to shake that apathy. It is now embarked upon a program of massive proportions to reduce the number of traffic accidents caused by drunken drivers.

By year's end, drunken drivers in at least 40 states will find themselves the No. 1 targets of traffic patrolmen, prosecutors and judges.

Warnings like that one have been issued many times, of course, and the inclination is strong to shrug off this one, too.

It is undeniably true that the principal weapon against drungen drivers for decades was propaganda—tons of statistics, dire predictions, pleadings and advertising gimmickry. But no more. This time the $40 million federal program to get the drunk out of the driver's seat has teeth to it.

"I place the highest priority on our alcoholic countermeasures program," says John Volpe, the dapper little building contractor and former Massachusetts governor who heads the U.S. Department of Transportation.

"We mean business. I just hope that all those who are tempted to indulge in an alcoholic beverage before driving will pay heed."

The current federal campaign against the drunken driver had its beginnings in 1968.

It started with Dr. William Haddon, a lean, intense, often arrogant physician who was the first director of the U.S. Highway Safety Bureau.

Dr. Haddon supervised the preparation of a report that was a bombshell in its day, the "1968 alcohol and highway safety report."

For the first time the effects of alcohol on a driver were scientifically documented. Facts replaced preaching.

Perhaps the most startling single item in the Haddon report was the news that most serious crashes are caused by a tiny fraction of drivers who have been drinking far more than the amount of alcohol consumed by most people at a sitting.

The "problem drinkers" number only between 1 and 4 per cent of those on the roads, some seven million individuals. But they are responsible for almost half of the total traffic deaths.

This was a significant finding. At one stroke it exonerated the social drinker as the main villain in traffic accidents.

Says Dr. Haddon:

"The man who downs one or two drinks at the end of the day is generally blameless in highway accident fatality tolls. The hard drinker—there's the enemy.

"Most people have rarely, if ever, experienced the level of intoxication scientists have learned to expect as commonplace in drivers involved in the most serious crashes."

In a Westchester County, N.Y., study supervised by Dr. Haddon, almost half of the drivers killed in single-car crashes during the period 1950–58 had a blood alcohol concentration of .15 of 1 per cent by weight.

To reach that percentage, a 150-pound man would have to drink eight ounces of 80-proof liquor on an empty stomach, or 10 ounces on a full stomach, within an hour.

That much alcohol—four or five times as much as the amount consumed by the social drinker—has a devastating effect on anyone driving a car. Alcohol causes progressive deterioration of such driving skills as judgment, comprehension, ability to concentrate, coordination—and vision.

Alcohol's effect on vision has been compared to the effect of placing a pane of gray glass in front of the eyes.

Strong illumination is needed to distinguish objects through such a barrier, and dimly lit objects will not be seen at all.

The more alcohol consumed, the grayer the "glass" obscuring vision. Eventually, there comes a point, just as folklore has long held, when alcohol makes a drinker "blind drunk."

Letting the social drinker off the hook, focusing attention on the problem drinker, has shaped the entire approach of the National Highway Traffic Safety Administration in devising counter-measures against the drunken driver.

Running NHTSA's operation is a crusty, 30-year Navy veteran named W. Y. Howell, who heads the Office of Alcoholic Counter-measures.

Howell, who admits to being a social drinker himself, says the federal effort is not intended to change the drinking habits of the ordinary American.

It does aim to alter the easy acceptance of drunken driving by many Americans, those who take the "there but for the grace of God go I" attitude.

"European countries have far less acceptance of drunken driving," observes Howell. "They carry out very tough programs indeed against drunk driving."

Finland, Norway and Sweden are among the strictest nations in dealing with drunks at the wheel.

The Finns allow absolutely no alcohol at all to be found in a blood alcohol concentration test of a driver. If the slightest bit shows up, it's too bad.

Finnish penalties are stringent: Up to five months in prison for a drinking driver even when no accident occurred, and imprisonment at hard labor when a drunken driver injures or kills someone.

Norway is almost as tough. A blood alcohol concentration of .05 is allowed but beyond that figure the penalty is a nonappealable jail sentence of at least 21 days.

Sweden attaches great importance to the question of a man's drinking habits when he applies for a driver's license. If he has a record of arrests for drunkenness, even when no vehicle is involved, he cannot get a permit to drive.

The Swedish authorities mete out fines to drivers with blood alcohol concentrations of .05 or less involved in accidents and automatic prison terms to those with higher percentages.

The no-nonsense stance of these Scandinavian countries has resulted in a universal, deep-rooted fear of mixing alcohol and driving.

In Finland and Norway the custom of a driver eschewing alcohol is a way of life. It is commonplace in a Finnish or Norwegian restaurant to see a table of celebrants drinking liquor in huge quantities (and Scandinavians are prodigious drinkers) while one person sticks with soda pop or tea. Invariably it turns out that the non-drinker is ticketed to drive the car of the party.

"If we could only ingrain this custom in Americans, what a long way it would go in cutting the number of alcohol-related accidents," muses Howell.

Emulating Finland, Sweden and Norway cannot succeed here, however, until all state laws on drunken driving are uniformly strict. For fear of certain punishment is the motivation keeping Scandinavians clear of alcohol while driving.

Seeing that all states have uniformly strict laws is a high priority goal of the federal alcoholic countermeasures program.

### State Drunk Laws Are Varied—II

(By Edwin Martin)

Washington.—The drunken driver in the United States gets gentle treatment compared with the tough tactics used against him in Sweden, Norway, Great Britain and other European countries.

In Britain, a blood alcohol concentration of .08 per millimeter is considered proof of intoxication. British police are provided with portable breath testing devices which help them to decide whether to arrest a drunken driver.

In Sweden, the laws are even stricter. Anyone with alcohol in his blood amounting to .05 or more is liable to a fine and a prison term if caught driving. Swedish law is based on a premise that "people drive as they live" and a simple drunkenness conviction is grounds for withholding a driver's license for up to two years.

State laws on drunken driving in the U.S. still reflect the permissiveness to be expected in a nation where drinking is so widespread a custom.

To begin with, the legal definitions of "drunken driving" remain on the liberal side in the opinion of medical and highway safety officials.

Only Utah and Idaho define a drunken driver as strictly as European countries.

In both, a drunken driver is one whose blood alcohol level is .08 per millimeter or higher. This toughening of the standards in Utah and Idaho, it should be noted was made much easier by the presence in both states of large numbers of Mormons. The Church of Jesus Christ of Latter-Day Saints is widely known for its strictures against alcohol.

In 17 States, the blood alcohol level for intoxication is still .15 per millimeter. Thirty states set .10 as the dividing line for drunken and sober driving. Texas does not test blood for alcohol although the legislature now in session, is considering bills to do so.

The American Medical Association and National Safety Bureau recommend .10 as the point of intoxication. So does the federal government.

In point of fact all of the states which fail to recognize the .10 figure are endangering their share of federal highway funds. The 1966 Highway Safety Act provides that states failing to meet federal standards shall lose 10 per cent of their federal highway money. Penalties, however, have never been applied.

Dr. William Haddon, president of the Insurance Institute for Highway Safety, Washington, D.C., says .15 per millimeter is excessively liberal.

"This got into the laws of many states before the effects of alcohol on a driver were fully documented," he said. "Legislators wrote the law to cover the rarity—that person whose body can absorb quantities of alcohol without effect."

Dr. Haddon considers .10 more desirable. The ideal would be even lower.

Alcohol has an effect on the reaction time of a driver and his other capabilities even when only one or two drinks are consumed.

A Department of Transportation study concluded that a driver becomes a distinct highway hazard when the level of alcohol in his blood "reaches .04; at .06, it is twice as great as at .04; at .08, it is about four times as great; as .10, more than six times as great: and at .15, about 25 times as great."

Marvin Wagner, a DOT lawyer, heads up the program in the Office of Alcoholic Countermeasures, which seeks to strengthen state laws on drunken driving, bringing them into conformance with federal standards.

"We have a long way to go before our laws equal those in Europe," he admits. "Nebraska, Delaware and New York have gone the farthest. It is illegal per se to operate a car or other motor vehicle if your body has a blood alcohol content of .10 or more in the case of Nebraska and Delaware or .15 in New York."

Finland is one country with an illegal per se law on drunken driving.

The Finns are adamant: A driver whose blood contains any amount of alcohol—any at all—is subject to a prison term.

Even the advanced laws of Nebraska, Delaware and New York do not go that far.

On another front, the current federal campaign against the drunken driver is striving to change state laws so that problem drinkers and alcoholics are given rehabilitative treatment.

This approach is in line with the Swedish experience and long-standing practice of treating alcoholism and drunken driving as one and the same.

In Sweden anyone applying for a driver's license must provide clear evidence that he is moderate in his use of alcoholic beverages.

The Swedish law says: "Anyone who during the last two years has been convicted of drunkenness may not be issued a driving license, unless it is obviously a question of an isolated lapse by a person who otherwise is of good demeanor."

If the U.S. treatment of drunken drivers followed the Swedish mode, it would mean an overhaul of all state laws governing the issuance of motor vehicle driving licenses.

An applicant's character will play a decisive part in determining whether he would be licensed.

But that is an ideal far down the road. To show just how far away, it is merely necessary to note that more than 20 states still renew driving licenses by mail.

In these states, a driver may have lost an eye, had an arm or leg amputated, suffered complete loss of hearing—or become an alcoholic—since first getting his license, and his application would still be automatically approved upon receipt of a mailed application and proper fee.

"The only way we can take the license of some of the chronic drunks," says a veteran Maryland police officer, "is to remove it from his body when he is killed in a wreck.

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## Problem Drinkers Target—III

(By Edwin Martin)

Washington.—Quick now, without pausing to think about it, what image springs to mind when you hear or read of a "drunken driver."

In your mind's eye, do you see a character straight out of cartoon, hunched over the wheel of a car being driven recklessly down a highway, tie and coat askew, liquor bottles labeled "XXX" strewn on the seat, tongue lolling, helixes for eyeballs to denote his dazed condition?

That picture is outdated. The drunken driver on the road in the United States today is much more likely to be a neatly dressed man indistinguishable from anyone else until his car crashes into yours.

An estimated seven million persons are driving in this country who qualify as "problem drinkers" in the lexicon of the National Highway Traffic Safety Administration, the federal agency now mounting a campaign against drunken drivers.

The problem drinker could be Dr. Joseph R., a St. Louis physician who was 48 years old when he ran his car off the road and struck a tree, killing him outright. His blood had an alcohol concentration of .18 per cent.

It could be David B., a 22-year-old Coast Guardsman, whose car missed a curve at an estimated 100 miles an hour and turned over in Baltimore Harbor, killing him and five companions. His blood alcohol concentration was .21 while the passengers tested at from .09 to .15 per cent.

It could be Horace L., 38, an automobile body assembler, who killed himself and two innocent people in another car in Dallas, Texas, when he failed to stop at a traffic signal. His blood alcohol concentration measured .14 per cent.

Some fairly accurate assumptions can be made about the problem drinker, according to W. Y. Howell, director of the NHTSA's Office of Alcoholic Countermeasurers:

The problem drinker is invariably a man.

He usually has a blood alcohol concentration well above .10 per cent when tested after being involved in an auto crash, indicating that his consumption of alcohol has been far in excess of a social drinker's.

He has had alcohol problems in the past. Perhaps he was merely arrested once or twice for simple drunkenness, or required hospitalization, or had contact with a social agency.

He frequently has had maritial problems, a separation or divorce.

He has often had creditor difficulties.

He usually has a reputation for being a heavy drinker, indicating that alcohol is an escape and not a pleasant diversion.

"We are zeroing in on the problem drinker," says Howell. "Our goal is to perfect the means of identifying him."

Howell's office proposes to spend $40 million in fiscal 1971–72 on the accelerated federal campaign whose target is the problem drinker holding a driver's license.

Demonstration projects in 29 states are underway or ready to begin. Projects in another 11 states are in the works. All are aimed at identifying, separating and treating the problem drinker.

The official policy of the NHTSA is to "separate the problem drinker from the great mass of social drinkers."

"He must be singled out, not just on the highways, even with innovative methods such as the use of video tape recorders and breath testing equipment, but through court records and the resources of social and health agencies, insurance companies and other organizations.

"The program calls for setting up procedures under which these records and other relevant information from police files and driver licensing agencies can be exchanged on problem drinkers and their accident involvement."

"It also encourages social agencies to provide information to driver licensing officials and the courts concerning the identity of problem drinkers, with appropriate safeguards of the physician-patient relationships.

Once identified, the problem drinker who is convicted of drunken driving becomes the problem of the courts and licensing officials.

Those responsible for keeping the problem drinker off the highway can pick and choose from a number of rehabilitative steps.

They can revoke his driving permit outright, secure his cooperation in undergoing treatment for alcoholism or limit his driving privileges.

Alcoholism treatment may include administering a drug called antabuse which, when present in the system, causes vomiting upon ingestion of alcohol.

Limiting driving privileges might involve a restriction on the license prohibiting any driving except to and from work in daylight hours.

A $1.5 million contract has been signed by NHTSA with Washtenaw County, Mich., which includes Ann Arbor and Ypsilanti, to control problem drinkers through antabuse.

Participants come to the county's council on alcoholism once a week where a blood sample is drawn to determine the level of antabuse in their system and they are given a week's supply of the drug.

The project started May 1, and 196 are enrolled.

One of the most comprehensive projects has just begun in Seattle, Wash., where the state of Washington, city of Seattle and King County are all involved.

In the first three months of stepped-up patrolling to stop drunken drivers, the blood alcohol concentration of Washington drivers arrested for driving while intoxicated averaged .16 per cent. The Washington presumptive limit is .10. The figures show that heavy drinkers are indeed the group responsible for drunken driving.

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## Drunk Test Seen Needed—IV

(By Edwin Martin)

Washington.—Your friendly, neighborhood police officer could more effectively keep drunken drivers off the road with the proper tools.

A pre-arrest testing statute in each state similar to the one prevailing in Great Britain is one needed aid.

The problem lies in writing a law which will not abridge the fourth, fifth and fourteenth amendments to the Constitution, the ones dealing respectively with search and seizure, self-incrimination and due process.

A case now before the Louisiana Supreme Court was conceived to test the constitutionality of a model pre-arrest statute.

It arose a result of a project in Baton Rouge, La., sponsored by the Insurance Institute for Highway Safety (IIHS), an organization created by the insurance industry to promote traffic safety and thus lessen auto insurance claims.

The Louisiana city was picked because of the interest of Mayor W. W. Dumas in highway safety. The project began last year.

The IIHS provided the Baton Rouge police with two mobile laboratories, each equipped with breath testing equipment. When an officer stopped someone suspected of driving while intoxicated, one of the vans hurried to the scene.

A breath test—quick, easy and painless to administer—helped the officer in deciding on a formal arrest. It backed up his judgment at a crucial point.

This is much more important in the anti-drunken driver effort than it may appear.

While almost all states now have so-called "implied consent" laws requiring a driver as a condition of getting a license to agree to chemical testing to provide evidence of intoxication, these are post-arrest tests.

In other words, they are useless in helping an officer initially to decide whether a driver is drunk enough to warrant arrest.

In practice, this means that most policemen file DWI charges only against the most severely intoxicated drivers, usually those already involved in an accident, or those observed driving erratically.

To charge anyone less visibly affected by alcohol might expose an officer to a false arrest suit. At the least, it might put him to useless work since there is a possibility the arrest will be tossed out by a court.

The Baton Rouge project was an experiment to (1) generate a court test of the constitutionality of prearrest testing laws and (2) field test equipment and procedures. The project was successful on both counts.

While awaiting the outcome of the Louisiana test case, the National Highway Traffic Safety Administration is planning to put part of the lesson learned in Baton Rouge to work elsewhere.

A demonstration project in San Antonio, Texas, is getting underway. It includes money for two mobile labs. Each of the $7,000 trucks would be equipped with a breathalyzer for on-the-spot testing of suspected drunken driving.

The $2.2 million proposed San Antonio demonstration project also includes funds to train police officers in intensified drunken driving enforcement and an alcoholism treatment project at Bexar County Hospital.

In the state of Washington, a $1.9 million demonstration project with the Department of Motor Vehicles as the contracting agency began at the first of the year and is now well underway.

The federal funds have enabled the Washington state patrol to form an "emphasis patrol" composed of seven troopers which will travel the state highways in King County on days of the week and hours of the day when the highest volume of DWIs can be expected.

Six new officers and a sergeant have been hired by the Seattle police department with money from the federal contract. The new men freed six experienced officers for assignment to a special-anti-drunken driving squad. The King County sheriff's office is also cooperating in the stepped-up campaign against drunken drivers.

The Washington state patrol began its "emphasis" patrol on Jan. 1. Seventy-three DWI arrests were made in January, 77 in February and 64 in March.

The Washington project also includes hiring of pre-sentence investigators who will attempt to aid a judge in disposing of a DWI case by furnishing additional information, including whether the defendant is a problem or social drinker.

Cooperating judges in King County have agreed to delay sentencing of DWI offenders by at least two weeks in order to permit a pre-sentence investigation. Not all judges are cooperating. One declined to have anything to do with pre-sentencing reports. Others limited the reports to second DWI offenders.

The office of alcoholic counter measures of NHTSA also has demonstration projects under way in Denver, Portland, Ore., Wisconsin, Nassau County N.Y., Albuquerque, N.M., Charlotte, N.C., and Vermont.

Twenty other contracts have been awarded to develop proposals for alcohol safety action projects. These include Phoenix, Columbus, Ga., the states of New Hampshire and South Dakota, Indianapolis, Wichita, Kan., New Orleans, Baltimore, Boston, Kansas City, Mo., Lincoln, Neb., Cincinnati, Oklahoma City, Richland County, S.C., Hennepin County, Minn., Cumberland and York Counties, Maine, Fairfax County, Va., Pulaski County, Ark., and Hillsborough County, Fla.

When 11 additional projects are begun, a total of 40 states will be participating in intensive campaigns against the drunken driver—action campaigns, not mere words.

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### PROBLEM DRINKER TARGET–V

(By Edwin Martin)

Preparing to spend $40 million on the effort in 1970–71, the Federal Government has set sail upon a concentrated campaign to reduce drunken driving by striking at the "problem drinker."

Demonstration projects in 40 states are under way or ready to begin, all aimed at the estimated seven million Americans who are classified as problem drinkers, men and women who are either outright alcoholics or heavy escape drinkers.

But there are dissenters. Not everyone is convinced that problem drinkers are the ones mainly responsible for the 25,000 traffic deaths each year attributed to alcohol-related accidents.

Despite accumulated evidence that the villain is the problem drinker, many still put the blame on the social drinker.

The National Highway Traffic Safety Administration (NHTSA) polled the general public and special groups such as policemen and found that old ad campaigns die hard. The emphasis for years in highway safety programs was on avoidance of alcohol in any amount before driving. These campaigns have had an effect.

In the NHTSA poll, a solid 43 per cent of the general public doggedly insisted that the social drinker rather than the problem drinker was most at fault in highway accidents.

Those in the 30–44 age group were most firmly convinced of that fact.

Westerners and Southerners were hardest on social drinkers. Respondents in the Northeast and North Central states seemed more aware that the true culprit was the problem drinker. Perhaps because of their greater life experience, the 60 and over group was convinced by a 52 to 27 per cent majority that focusing anti-drunken driving campaigns on problem drinkers would accomplish the most results.

Somewhat surprisingly, the same poll showed that law enforcement officers are among the most skeptical when it comes to blaming the problem drinker for most alcohol-related traffic accidents.

Statistics say otherwise—but many police officers apparently do not trust the statistics.

One who is leery is Capt. Hugh I. Kavanagh, a 31-year veteran on the Maryland State Police Force who is the department's traffic safety specialist.

"I don't approve of drunken driving," says Kavanagh. "But the statistics used by the government to spend millions of dollars are suspicious to me."

He gave an example:

A Navy chief petty officer stationed at Bainbridge, was involved in a traffic accident after drinking liquor.

"He admitted drinking a fifth of whiskey at the service club before leaving the base," recalls Kavanaugh. "But the liquor had nothing to do with this particular accident. His car was stopped at a stop sign, and another car plowed into him. The investigating trooper smelled liquor on the sailor and charged him with driving while intoxicated. He became a DWI statistic—yet the accident was the fault of a sober driver."

Kavanaugh maintains that traffic deaths attributed to alcohol are frequently caused by something else. "A driver has a heart attack but drinking is blamed because his blood alcohol concentration was high," he said.

"I have been a police officer long enough to have had this experience several times: A car leaves the road on a certain stretch of highway at a certain hour and the driver is killed. His blood alcohol concentration is high, so it's DWI. Later a car leaves the same road under identical conditions and the driver is sober . . . dead, but sober. What's the explanation?"

While steering clear of whether the NHTSA is putting too much emphasis on drunken driving, Rep. John Moss, D-Calif., is critical of the agency for failing to concentrate on car safety. This is the area, Moss maintains, where action is needed.

"I can't understand for the life of me how Detroit can continue to get away with saying that they cannot build safety features into cars right away. When they cannot sell a model they can sure change in mid-year to another model."

Rep. John Murphy, D-N.Y., another legislator who has taken a special interest in highway safety legislation, would prefer that NHTSA put more of its money in encouraging driver education.

He has introduced a bill diverting one mill of the federal gasoline tax to a fund which would be used to produce and buy time on television stations for 60- and 90-second television spots highlighting defensive driving techniques.

"Anti-smoking commercials on television have had an enormous impact," says Murphy. "Why not reach youngsters in the same way with defensive driving techniques?"

The NHTSA program includes a contract with an advertising agency to develop a program aimed at focusing attention on the problem driver. In addition, such giant companies as Allstate Insurance are spending thousands on advertising to educate the public to the drunken driver menace.

The goals of NHTSA:

To get all states to write laws setting a blood alcohol concentration of .10 or lower as the presumptive intoxication level.

To encourage development of detoxification centers and other rehabilitative programs for problem drinkers to prevent them from becoming drunken driver statistics.

To improve present methods of identifying problem drinkers.

To encourage special enforcement of drinking-driver laws, including assignment of special police patrols at peak hours in areas where past experience has shown drunken drivers are likely to be found.

W. Y. Howell, director of the office of Alcoholic Counter-Measures, says service clubs such as Kiwanis and Rotary could aid the cause by spreading the gospel that problem drinkers cause half of the traffic deaths in the United States.

"An evangelistic approach of this sort will help, especially as we approach the summer months when driving is at a peak."

"Our ultimate goal is to extend proved and effective alcohol counter-measures statewide in every state . . . to reduce the barbaric slaughter being created by abusive drinker-drivers."

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## CURE FOR THE SHORTAGE OF COAL MINERS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on June 21, Dr. Elburt F. Osburn, Director of the U.S. Bureau of Mines, made a speech in White Haven, Pa., which may not appeal to the appetities of some segments of the coal industry. Nevertheless, the Director made some dramatic points that bear repeating. The principal theme of his message was this: The cure for declining manpower in the coal industry is strong, effective administration of the 1969 Coal Mine Health and Safety Act.

Many objections have been heard about the act since its passage. Most of the complainers expressed shock at the timetables for meeting the new standards for coal mine safety. The attitude seemed to be—"We are for health and safety in the mines, but give us more time."

Fortunately, the overwhelming majority of the Nation's forward-looking coal producers have recognized the necessity for stringent health and safety standards. They are bending to the task of compliance with the regulations laid down by the Congress in order to improve the lot of the man who labors at the Nation's most hazardous occupation.

Dr. Osborn stated correctly, I believe, that potential miners—

> Have been scared by the industry's bad health and safety record.

The purpose of the 1969 Act is to change that record and I am confident that when that is done, the majority of the problems with "manpower shortages" in the coal fields of America will begin to dissipate.

I am positive the Director's speech was not intended to be simply "after dinner" oratory; that is, something to be applauded and forgotten. His speech was a definite commitment to action by the Bureau through his leadership. Knowing that our colleagues are vitally interested in that commitment, I ask that the full text of Dr. Osborn's excellent address be appended as a part of my remarks.

The speech follows:

### Remarks of Elburt F. Osborn, Director, Bureau of Mines, Department of the Interior, at the AIME Coal Division Meeting, White Haven, Pa., June 21, 1971

We are meeting today to discuss manpower in the coal mining industry. I think it is well understood, however, that the specific reason for the assembly of this panel is a widespread and well justified concern about manpower *shortages* in the coal mines. I have been asked to participate in the discussion as a kind of "outsider"—one who can speak from the viewpoint of the Bureau of Mines, rather than the industry or the professionals it employs. My remarks, therefore, may not sound conventional; this is because my responsibilities as Director of the Bureau require me to use a somewhat different perspective.

Let me begin by analyzing the problem a little further. The term "manpower shortage" refers, not so much to the problem itself, as to the anticipated solution. The real problem is under-production, an excess of demand for coal over output from the mines. Increased manpower could be one solution; improved technology—that is, more productive mining methods—could be another.

There can be no real disagreement about the nature of the problem. Rising coal prices are eloquent proof that demand has suddenly outstripped supply. And future projections for energy requirements leave little doubt that the demand for coal will continue to rise.

Meeting the demand—at least in part—by recruiting more miners is a solution that is both conventional and inevitable. For the short run, at least, there is no other means available to increase production. The problem, however, is that the people who are being solicited to fill the empty jobs are not interested. They have been scared off by the industry's bad health and safety record.

This conclusion may seem harsh, but the facts do not justify any other interpretation. Most of the Nation's coal is mined in regions of high unemployment, yet the industry cannot find enough workers even though the pay is relatively high. The average miner is in his late 40's—an indication that the young men who should make up the backbone of coal's labor force ten or fifteen years from now are staying away in droves, although coal mining has traditionally been one of the occupations taken up by sons in their fathers' footsteps. At the same time, the industry's safety record, the worst in the country, and the black lung problem have become subjects of public controversy. It is obvious that the health and safety issue is responsible to a considerable extent for the industry's recruiting problem.

I frequently encounter people who try to refute this thesis by charging the press, television and radio with distorting the mine safety issue. These media, so the argument goes, have "scared" potential miners away by printing and broadcasting material that exaggerates the mine safety problem. The industry's manpower shortage, it is said, would be far less critical if this kind of "inflammatory" material were not circulated so widely.

Now, I am not going to participate in the current controversy over the performance of the news media. We have our hands full in the Bureau without getting mixed up in *that* one. But I would like to make two points about the line of reasoning I have just summarized. First, the criticism is not pertinent. According to the National Safety Council, coal mining is the Nation's most dangerous major industry—by a large margin. Even if the news reports were exaggerated, people who live in the mining regions know perfectly well how dangerous mining is, and they knew before the reporters did. This brings me to my second point. It is an insult to the intelligence of these people to suggest that inaccurate reporting by the news media could have enough influence to keep them out of jobs they desperately need. These people come from generations of coal miners, and they learned about mine safety through generations of personal tragedy. Treating them like the witless pawns of irresponsible media just might make them mad.

It would seem, therefore, that the only way for the coal industry to meet its immediate manpower problems is to make the mines safer and more healthful. In this effort the industry will find its strongest ally in the Bureau of Mines. The Bureau has a legitimate interest in the coal industry from several viewpoints. We have a responsibility for the health and safety of miners under the Federal Coal Mine Health and Safety Act of 1969. We are also concerned, through earlier laws that created and organized the Bureau, with the adequacy of the Nation's fuel supplies. These two roles are in perfect harmony today. The Bureau wants the mines safer because too many miners are being hurt and killed, and because the country needs the coal—in that order.

Among those who are willing to recognize the effect of the industry's bad safty image on its recruiting problems, there are some who view the problem as a matter of "image" alone. Change the image, they say, and the problem will solve itself. This is wishful thinking at best. I say solve the problem and the image will take care of itself. This difference of opinion—to be charitable about it—highlights the question "How will we know when the mines become safer?" I deal with this question impatiently today because I think the answer should be obvious to everyone. We'll know that the mines are getting safer the same way we know they are now extremely hazardous—by looking at the accident statistics. Specifically, the fatality rate per million man-hours of exposure is our most accurate measure of how safe or dangerous it is to be a miner. This rate may not be a perfect gauge, but there is no way to imagine mines getting safer without a drop in this rate.

Another figure that will be widely used as a measure of mine safety is the absolute number of fatalities per year. As a rough measure this number is useful, although it does not take into account such factors as changes in employment and productivity. I think it is worth remembering, in any event, that both the number of fatalities and the fatality rate rose last year. This can hardly be called an image problem.

How do we get those figures to start coming down? Again, I'm talking about the immediate future—this month and this year. The Bureau of Mines will do its part by rigorously enforcing the Coal Mine Health and Safety Act. I hope this assertion does not dismay anyone; the provisions of the law, after all, were designed to reduce fatalities in the mines. Since the industry cannot begin to solve its recruiting problems until its fatality figures go down, I would hope that companies seriously concerned about their manpower shortages will begin by taking the law seriously. For those who do not, the law provides an economic incentive in the form of penalties which may become progressively heavier, in proportion to an operator's lack of good faith in correcting violations.

Our role under the law is not limited, of course, to enforcement of health and safety standards. Safety education and training are important activities on which we are placing more and more emphasis, frequently in cooperation with progressve elements of the coal mining industry. *Because* mining is dangerous, it is only common sense to teach miners how to protect themselves most effectively.

This approach, however, is most important for new, inexperienced workers, and persuading such men to take up mining in the first place is the problem we are discussing today. Getting substantial numbers of these men to come in for employment and training will require an immediate improvement in the safety record.

I am convinced that a wholehearted, industry-wide attempt to live by the safety standards of the law can bring a dramatic drop in fatalities as soon as this year. Indeed, 1971 could set a new low in coal mine fatalities if we all put our backs into it. The Bureau will do its part by enforcing the law, but improvement will come quicker if operators make up their minds to get fewer violation notices from Bureau inspectors.

As I have said, this is how the industry can best expect to ease the manpower shortage that will cause production problems over the next few months, perhaps the next couple of years. Looking beyond that, however, I don't think we can afford to ignore the option of raising production through the introduction of better technology. It is absurd, in fact, to assume that today's coal mining technology will not be improved on in the next five, ten, or fifteen years. Such an improvement, however, will not automatically spell the end of the industry's production and manpower problems. If coal mining technology continues the haphazard, hasty kind of "progress" we have seen over the past 15 years, we can expect the industry's safety-related manpower problems to continue as well.

If I sound critical of the industry's past technologic advances, it's because I am. These advances, especially the continuous miner, have been widely hailed for their effects on productivity. The survival of the coal industry after World War II, it is said, can be credited to the introduction of mechanized mining techniques that allowed operators to produce a high-volume, low-cost product. This is true enough. It is seldom pointed out, however, that the gains in production were accompanied by an increase—an unnecessary increase—in hazards. And the industry's current manpower shortage can be traced in part to many of these "man-made hazards."

Take the continuous miner as an example. Indispensible as this machine may be, there is no question that, as presently designed and used, it intensifies three of the most serious hazards of mining. First, it exposes new roof faster than supports can be provided. Second, it releases methane in dangerous quantities. Third, it generates large volumes of respirable dust.

All three of these hazards can be adequately dealt with by strict adherence to Federal mine safety regulations. My point, however, is that there should be no need for such regulations in the first place.

Continuous miners could have been designed to minimize such hazards, instead of making them worse. Safety techniques should be *built in* to mining equipment, not added on later by Federal regulation. A serious systems engineering approach to coal mining could produce technology far more safe *and* productive than today's.

It may be possible for us to understand why such an approach was not taken in the 40's and early 50's. The industry was fighting for its life, and the concept of systems technology was then in its infancy. There is no excuse for making the same mistake today, however. An industry concerned about manpower shortages should bend every effort toward the development of coal mining techniques that protect miners, instead of endangering them. A commitment to the development of such technology would certainly make a favorable impression on prospective employees. Next to an immediate reduction in the fatality rate, I can think of nothing that would have a better effect on the industry's "image."

Fortunately, attitudes are changing, and I think we can look forward to new safety commitments across the board in the coal industry. In public statements and actions by the industry—and, I might add, in some private communications as well—I sense a willingness to abandon the outworn belief that high levels of safety and production are incompatible with each other.

This willingness is the key to solving the "manpower problem." It will change present trends and attitudes—trends and attitudes that could only perpetuate the manpower shortage, and thus widen the gap between demand and production. If the gap widens, there will be a crisis in ten or fifteen years when the bulk of the present workforce will have retired, unreplaced by younger men. Such a development could only spur desperate research on new production-oriented technology, and such technology would probably turn out to be as hazardous as it would be productive.

I am increasingly confident, however, that this cycle is coming to an end. My faith will be put to a quick test, for if the industry truly wishes to break the patterns of the past it will try to relieve the immediate manpower shortage by working for a quick drop in its fatality rate. The resulting influx of new workers would give the industry more time to push for the orderly development of new, safety-oriented production technology. By the time the new methods and machines begin to appear in the mines, coal mining will have lost its high-risk image, and manpower problems will have become a thing of the past. The industry will have finally freed itself to make its maximum contribution to the growth of America.

## FEDERAL INSURANCE ADMINISTRATOR MOVES QUICKLY TO IMPLEMENT INSURANCE LAW

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, one of the phenomenons of our Government that I have observed as a Member of Congress has been the slowness with which the executive branch of Government implements legislation passed by the legislative branch. It is not uncommon for the Congress to pass a law and a year later find that because of redtape at the administrator level that law has not been put into effect or that an agency affected by the law does not favor the law and therefore has used administrative devices to restrain its effectiveness.

In the 91st Congress I authored legislation which resulted in the establishment of a Federal program of crime insurance for homeowners and businessmen. The legislation provided that the Federal Insurance Administration, an agency of the Department of Housing and Urban Development, should survey the availability problem of crime insurance throughout the country on a State-by-State basis and, after reviewing its findings, establish a Federal program in those States lacking such insurance. These programs were to be set up not earlier than August 1 of this year. The delay was designed to give States an opportunity to develop their own crime insurance package and thus avoid the need for Federal assistance.

When this legislation was passed with the August 1 date, I fully anticipated that the date would not be met and that it would be an additional period of time before such policies could be written. But, I am happy to report to the Members of this body that Federal crime insurance policies will be available on August 1.

George Bernstein, Administrator of the Federal Insurance Administration, has assured me that his agency will begin issuing policies on August 1, even if they have to go out and sell the policies themselves.

This is a refreshing point of view and I feel it is an indication that the crime insurance program will be a great success.

Mr. Bernstein's agency has alreadv published its proposed regulations for crime insurance, as well as the rates for the policies. He has held a hearing on the proposals and is now in the process of finalizing the regulations. Everything points to meeting the target date of August 1.

Although I at times have been critical of Mr. Bernstein, I do want to commend him for the speed with which he has implemented the crime insurance program and for his attitude of wanting to provide insurance for consumers. The May 28 issue of the Washington Evening Star contains an interview with Mr. Bernstein that outlines his deep commitment to the insurance problems of our country. I am including that article in mv remarks because it mirrors many of the feelings that I have about the state of insurance in our country.

### U.S. DEFENDS CRIME INSURANCE PLAN

(By Miriam Ottenberg)

Federal Insurance Administrator George K. Bernstein said today the government's new crime insurance program is "not an industry bail-out," but an effort to provide crime coverage as fast, cheaply and efficiently as possible.

"We haven't used this program as an excuse for subsidizing private industry," the man who will run the program said in an interview.

Congress has authorized the sale of federal crime insurance after Aug. 1 in any state where private crime insurance is not available at affordable rates. Bernstein has just issued the ground rules for the program with a list of 16 states, plus Puerto Rico and the District of Columbia, where the program is most likely to go into effect.

### D.C. AN EXAMPLE

Berstein used the District as an example of spiraling private crime insurance rates.

In 1962, he said, a District drug store paid $325 for $7,500 worth of coverage against burglary of open stock. The same coverage in 1969 cost $827. In 1962, a furniture store paid $395 to insure $15,000 worth of stock. The same coverage in 1969 cost $1,028.

The coverage against robbery has climbed, too, he pointed out. The drug store operator who paid $212 for $1,000 worth of insurance against robbery in 1962 paid $704 in 1969. The furniture store operator paid $188 for $1,000 worth of robber insurance in 1962. It cost him $606 in 1969.

The District area is one of the 30 metropolitan areas labeled as high risk for insurance.

### "LOW COVERAGE QUOTIENT"

Bernstein, who was first deputy superintendent of insurance for New York State before his federal appointment in 1969, is not at all impressed by the way the insurance industry has run earlier programs spawned by the decreasing availability of private insurance.

He attacked the industry for "stodginess, a lack of creative innovation and a relatively low quotient of courage and responsibility".

Unless there are major reforms, he warned, insurance as a function of private enterprise "will not long survive."

Bernstein thinks the assigned risk plan, for automobile drivers who can't get insurance through the usual sources, and the so-called FAIR plan (Fair Access to Insurance Requirements), for householders who can't get fire and extended coverage, are run efficiently. And he doesn't believe the FAIR plan losses claimed by the insurance companies.

Even accepting the insurance industry loss figures, which he questions, the insurers cleared a profit of $22 million in two years by surcharging city customers 4 percent and suburban customers 2 percent for riot and civil disorder coverage in the 28 states where the FAIR plan operates, he said.

### "KICKING AND SCREAMING"

"They're crying about social problems and making a profit on the FAIR plan," he declared. "They were dragged kicking and screaming into the FAIR plan and they run it inefficiently. They could cut costs, be more efficient and not make 700,000 people now under the FAIR plan feel like second-class citizens.

He attacked the insurance industry's "generalized panic," citing policies canceled indiscriminately and increasing difficulty in getting property insured at all.

"Companies," he said, "are not writing as much insurance as they can safely write because they don't want to. In years gone by, insurance commissioners were worried that companies wrote too much for safety's sake. Today, they're not writing as much as they safely could."

The performance of insurance companies in the FAIR plan, he said, provides the lesson that industry pools such as the FAIR plan are not very efficient. So he plans to use individual companies in each state as fiscal agents for the government in servicing crime insurance.

Under the program, insurance agents get a commission for selling federal crime insurance, companies service the policies, and the government pays the bills.

He said the private companies wanted cost-plus contracts to go into the program but he refused.

"We are not going to indulge the inefficiency of the insurance companies," Bernstein said.

He predicted that if Congress believes people can get more for their dollar by a direct federal program of fire and extended coverage, it may push in that direction.

"But I think the FAIR plan can work better and there is no need for direct government writing of fire and extended coverage as there is with crime," he added.

## CREDIT UNION MAGAZINE HONORS WRIGHT PATMAN—CHAMPION OF THE LITTLE MAN

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the May issue of the Credit Union magazine, a monthly publication of the Credit Union National Association, the worldwide credit union trade organization, includes an in-depth article on the distinguished chairman of the Banking and Currency Committee, the gentleman from Texas, Mr. Patman.

Chairman Patman has earned the title of "Mr. Credit Union" in the Congress, for he has been behind all of the successful moves to help credit unions. Since he authored the Federal Credit Union Act in 1934, he has sponsored every piece of credit union legislation that has been enacted.

The Credit Union article provides not only information about his credit union activities, but covers many sides of the distinguished gentleman that have perhaps gone unnoticed about his brilliant career.

I am including a copy of the article in my remarks as a tribute to a man who has dedicated his life to helping the little people of this country.

### WRIGHT PATMAN—"CONGRESSMAN AT LARGE"

"Scourge of the big bankers."

"The bankers' nemesis." "The last of the Populists." "Something of an idealist." "He fights and fights and fights."

These are some of the ways in which headline writers have referred to Rep. Wright Patman (D-Texas). Privately and sometimes not so privately, some of the people with whom Mr. Patman has not seen eye to eye have made much stronger references to his actions, his beliefs, and his character. These have included bankers, politicians (as high as you can go), members of the Federal Reserve Board of Governors, foundations officials, and many others.

Something else he has been called, and with good reason, is "Mr. Credit Union," and he is frequently referred to as "the best friend credit unions have ever had in Washington."

Mr. Patman is chairman of the House Banking and Currency Committee, ranking member of the House Select Committee on Small Business, vice-chairman of the joint House-Senate Economic Committee, and chairman of the joint House-Senate Committee on Defense Production.

But he probably is best known for his more than 40 years of continuous battling for plentiful credit on reasonable terms and against high interest rates and tight money policies imposed by the Federal Reserve System.

#### WHAT KIND OF MAN?

At 77, Mr. Patman is a big man, well over six feet, and huskily built. His face shines with the pinkness of health, and his manner is always courteous, gracious, almost grandfatherly. He is admittedly old-fashioned in many of his ways and beliefs, and his speech—usually gentle, with more than a touch of Texas drawal—is completely lacking in pseudo-intellectualisms, legislative double-talk, or affected Washingtonese.

His English is plain, straightforward, and when appropriate, has an edge of rural simplicity about it. He likes a good joke and a good story, and a gentle rustic humor often comes through what he's saying. His courteous, homey attitude is an honest representation of the man, but it should not be mistaken for artlessness.

Someone who knows Mr. Patman well relates that he has seen him questioning a witness who obviously was a little contemptuous of Mr. Patman's abilities—and maybe of his intelligence. "This guy was being evasive and very clever and superior, and maybe not quite honest and responsive to questions. Mr. Patman led him out on a long branch, excusing himself for his plain speech and sort of admitting his lack of finesse, and then all of a sudden he sawed that branch right off." While Mr. Patman may seem to take a kind of simple, downhome approach to things, he is a long, long way from being naive, as many an adversary has found out.

It goes without saying that Mr. Patman is a shrewd and accomplished politician. He has been elected to the House 22 consecutive times; only one man, Rep. Celler of New York, has been in the House longer. Mr. Patman has been elected to office 26 straight times, locally and nationally, and is proud of the fact that he won every time by a clear majority; no runoff election ever has been necessary. You don't do that by being politically inept.

#### WHAT ONE MAN CAN DO

Mr. Patman is tough in other ways, too. It takes courage for one man to challenge the President of the United States (especially when he's a member of the same party); to attack and attempt to impeach the Secretary of the Treasury, when his name is Andrew Mellon; to defy and threaten the biggest banks in the country; and take on single-handedly the whole powerful Federal Reserve system—but Mr. Patman has done all of these and more.

One of the accomplishments he's proudest of was his successful fight for the so-called veterans' bonus back in the 1930s. After World War I a law was passed entitling veterans, based on numbers of days served in this country and overseas, to adjusted compensation for their service. These payments were to mature in 1945, but during the Depression much pressure was put on the government to pay the adjusted compensation in a lump sum. The argument was that veterans needed the money right then, and should not have to wait until 1945.

Mr. Patman agreed, and also believed that the lump-sum payment would inject a much-needed shot in the arm to a lagging economy. Though he was considered a "mere upstart from Texas" at the time, and though it made him "very unpopular on the hill," he fought for several years for his bill providing immediate payment to veterans. President Roosevelt vetoed such a bill in 1935, and Mr. Patman fought him on it, although he had campaigned hard for FDR and of course was a fellow Democrat.

Finally, in 1936, the President's veto was overridden and the then enormous sum of $2.49 billion was promptly disbursed to ex-servicemen.

While this was a long time ago, its effects extend right down to the present day, and may well explain Mr. Patman's long-standing feud with the Federal Reserve Board. Shortly after the bonus payments were made, the Federal Reserve doubled reserve requirements on U.S. banks. "I have never forgiven them for that, and I don't believe I ever will," Mr. Patman said. "They tightened up the money supply when my legislation was specifically aimed at loosening it. It prolonged our recovery from the Great Depression."

Mr. Patman's championing of the bonus bill—like most of his activity in Congress through the years—points out his consistent and long-standing support of the "little man" and his opposition to the rich, the powerful, and the privileged.

Probably the most dramatic example of this came in 1932 when he got up on the floor of the House and demanded the impeachment of Secretary of the Treasury Andrew W. Mellon for "high crimes and misdemeanors" that included conflict of interest and indifference to the will of the people. Mellon never was impeached; before he had to answer Mr. Patman's charges he was saved by President Hoover, who made him ambassador to Great Britain.

Mr. Patman has been in innumerable legislative battles and legal fights since he first decided to run for public office, but probably the closest he came to actual physical harm was back in the 20s when he was district attorney. It was a rough area in those days around Texarkana, Texas; because four states come together there, crime was rampant and escape from the law was made easier by crossing one state line or another. Mr. Patman was determined to solve the problem of holdups and robbery, and learned that there was a connection between all this violence and the houses of ill fame that abounded in the area.

In one day he padlocked 24 such places. In short order it developed that here was a very definite connection between vice and crime in Texarkana and certain unsavory characters in Chicago, and Mr. Patman learned from the governor of Texas that an assassin was on the way from Chicago to liquidate him. The governor sent a bodyguard of Texas Rangers to protect Mr. Patman as long as necessary, and the Rangers gave him a six-shooter and made him learn to use it.

"I never had to use it," he said. "I never wanted to use it, and I'm glad I never had to. I still have that old six-shooter around somewhere."

#### A THOUGHT TO PONDER

Fighting for what may appear to be unpopular causes doesn't bother Mr. Patman in the least if he's convinced he's in the right. Many years ago he memorized a bit of favorite verse—he doesn't know the author—and he likes to recite it to himself occasionally even today, sometimes, he says, in the middle of the night:

"He has no enemies," you say.
My friend, your boast is poor.
He who hath mingled in the fray of duty that the brave endure Must have made foes.
If he has none, small is the work that he has done.
He has hit no traitor on the hip; has cast no cup from the perjured lip;
Has never turned the wrong to right;
"Has been a coward in the fight."

Mr. Patman is well known for voting the way he thinks, not necessarily the way his party, or even the folks back home, would want and expect him to. He's also well known for working himself and his staff very hard, indeed, and there's a connection between the two.

"When I first came to Congress I sincerely and honestly believed Congress was made up of good people, the best in their districts; educated, cultured people, and that I'd have to work an hour or two a day extra to keep up with the smarter ones. My first impressions have held up; I have worked with 3,000 or 3,500 people in Congress since I came to Washington, and while there is an occasional rotten apple in every barrel, they are the exception, and these people have proved to be fine, hard-working, honest representatives of the people."

Mr. Patman hasn't changed his mind about the character of people who serve in Congress, and he hasn't given up putting in a "little extra time" to keep up with the best of them.

He averages at least 10 hours a working day, and Saturday is "cleanup day" and he's in the office along with part of his staff. On Sundays he's likely to be found in his office before he attends services at Washington's First Baptist Church—and often on Sunday afternoons too, when there's work he feels must be done. He lives 2½ miles from his office in the Rayburn Building, and usually walks either to or from the office, sometimes both ways.

He reads and attends to all the mail that comes into his office, and there is a lot of it. Only a small portion, interestingly, comes from his own district; because of his reputation as a friend of the ordinary or average man, he receives mail from all across the country. He is proud of this mail, and proud of the fact that he often is considered "Congressman-at-large" for people wherever they happen to live.

He reads everything available about credit unions, including publications and other materials from Credit Union National Association, and he also regularly receives a number of league publications. His staff is instructed to keep up on everything pertaining to credit unions, and to follow up on any credit union matter that needs attention.

Why does he sometimes not vote the way the people back home expect? "I consider that the people sent me here to do what they would do if they were here and voting," he said. "The folks back home must trust me to know more about how to vote than they do; I'm on the scene, I read and study reports, hear debate, keep up with the matter on a day-to-day basis; I *must* know more about it than they. I have to risk reelection every two years to convince them I was right. They do trust me, as the record shows."

### A LONG LIST

The Congressman from Texarkana has sponsored, or co-sponsored a lot of major legislation through the years, some of which he is especially proud. Besides the "bonus bill" these include: co-authorship of the Robinson-Patman Act of 1936, its purpose the protection of small business; authorship of the resolution in 1941 creating the House Committee on Small Business and of most major small business legislation that has passed the House for 20 years; co-authored the Smaller War Plants Corporation Act of 1942; authored the Veterans Emergency Housing Act of 1946; co-authored the Full Employment Act of 1946; co-authored the Area Redevelopment Act of 1961; author of many housing bills including the Housing and Urban Development Acts of 1965 and 1968; and authored much legislation dealing with banks, savings and loan institutions, and the general financial community.

Of course of special interest to the credit union movement is his longtime interest in, support, and sponsorship of legislation for the benefit of credit unions.

It goes back to the Federal Credit Union Act of 1934. "My first credit union connection was back in the early 30s," Mr. Patman recalled, "when I met those fine gentlemen Mr. Filene and Mr. Bergengren. Senator Morris Sheppard of my own state was sponsoring a federal credit union bill, and I told him if he could get it through the Senate I would do my best to get it through the House." Under his co-sponsorship, the bill passed in 1934, and since then Mr. Patman has authored and supported more credit union legislation then any other lawmaker. For this he has earned the movement's highest honor, the Credit Union Distinguished Service Award, and he is one of only three persons ever to receive it. And he has earned credit unions' profound respect and gratitude.

Most recent legislation supported by Mr. Patman, and very important to the future of the movement, was the Independent Agency Bill of 1970, which he originally conceived and of which he was the author. This act established the National Credit Union Administration as a separate agency and gave federal credit unions the same organizational level status as banks and savings and loan associations.

### WHY LITTLE MAN?

Why has Mr. Patman always stood up for the little man, and always taken his part whenever he saw a confrontation between special interests and the people's interest?

"Because the big boys have everything," Mr. Patman said. "They can afford the best lawyers, the brainiest people, the best public relations people. They certainly don't need me. But what about the middle and low-income people? They just don't have anyone especially charged to protect their interests; they're discriminated against because they just don't have the help and support in Congress they should.

"As a Congressman I think I'm here to help people; I've always had that attitude, though sometimes I've been almost alone in the positions I've taken. I've taken a lot of heat and unpopularity over the years, but this hasn't deterred me. Somebody has to stand up for the little man."

And that's what chairman Patman does, seven days a week.

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## PENTAGON PAPERS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, amid all the controversy surrounding publication of the Pentagon papers, the basic issue is still freedom of the press. To date, the Government has failed to demonstrate that there is any clear and present danger to national security that would justify the suspension of this basic constitutional guarantee.

There has been no more eloquent champion of freedom of the press in our times than John S. Knight, president of Knight Newspapers, and president and editor of the Akron Beacon Journal. Two recent articles from the Beacon Journal, one an editorial and the other the most recent Editor's Notebook by John S. Knight, present thoughtful discussions of what is at stake for the press and the Nation in this historical confrontation.

The material follows:

[From the Akron Beacon Journal, June 17, 1971]

### WHAT DOES GREATER INJURY TO THE UNITED STATES?

The administration whose activities are described in "the McNamara Papers" went out of office in January 1969. The last of the events the papers cover was apparently at least several months earlier, and the earliest was more than seven years ago.

Therefore the central question in the case of the United States Government versus the New York Times appears to be:

Can "injury of the United States" be reasonably feared through disclosure to the American public, three to seven years later, of fragments of the truth about how an earlier set of leaders involved them in the longest and most futile war in the nation's history?

In his telegram to the Times Monday, Atty. Gen. John Mitchell said that "further publication of information of this kind will cause irreparable injury to the defense interests of the United States," and asked that the Times stop the series.

Then in the hearing Tuesday that led to a court order halting the series temporarily, the Justice Department argued that through publication of the material "serious injuries are being inflicted on our foreign relations, to the benefit of other nations opposed to our form of government."

In both the telegram and the court hearing, it was charged that in publishing the papers, some of which contain information Mitchell says is still classified "top secret," the Times has violated the Espionage Law.

It is up to judges and not editorial writers to say whether this law, intended as a weapon against spies and their informants and not as a device to outlaw telling the American people historical truth, has been violated by the Times—and, for that matter, by the Beacon Journal and every other newspaper publishing the material.

But meanwhile we can wonder which really does greater injury to the United States:

Giving the American electorate a revealing glimpse of how its past leadership has actually governed, or keeping the truth under a tight lid labeled "top secret."

It is, of course, an indefensible oversimplification to argue that because the public business is the public's business ALL governmental activities of every kind should be conducted in the open and splashed in the headlines instants after they occur.

The framers of the Constitution operated under no such illusion; they drew up the Constitution itself, in fact, in closed sessions of which no official record was kept—and we still don't know, these 194 years later, exactly who said what there.

But their idea was a division of governmental powers requiring debate that would make major business actually public—and thus give the electorate accurate information on which to judge and choose its representatives in government.

No student of American history could seriously argue that this ever worked perfectly. Still, for a long time we worked toward it, envisioning as an ideal a people with enough access to truth to debate and decide intelligently where their nation should be trying to get and how best to get there.

Then, with the rapid swelling of executive power through the last 40 years, we seemed to start drifting the other way. More and more, with spreading secret—or at least unreviewed—executive commitments, our government has come to operate on the Machiavellian principle:

The prince knows best, and selects for release to the "peasants" only that information—and misinformation—which will generate sentiment in support of decisions already made.

"Realistic" government, in this view, is cloak-and-daggerism, manipulation, and then the engineering of public consent. Secrecy becomes a comfortable habit, and the "secret" stamp spreads ever farther. This, after all frees the hand for carefully managed "scenario" and "orchestrations" for the public.

Mentioned in the same breath as the Indochina procedures of the Johnson administration revealed in the McNamara Papers, and the wide-eyed dissembling at home, the Wilsonian hope of such things as "open covenants openly arrived at" seems a sort of sick joke, the dream of a child.

And maybe it is. But if it is only a foolish dream, then so is the hope of Lincoln for an unperishing government "by the people." So is the whole American dream that has made this country unique among the great nations of history, the dream of a people who could become capable of governing themselves.

The McNamara Papers are a product of the Johnson administration, and they can tell us only what that administration did. The Nixon administration insists that it is different—but the public opinion surveys demonstrate that its protestations have not yet sufficed to convince most Americans that Machiavelli has moved away.

Is it, then, really good for us—or for our present leaders—that they shield us from further exposure to these unpleasant bits of truth? Does their suppression help to protect our "form of government"—whatever meaning you give that term in the light of the new information—from its foreign enemies? Will the United States be less "injured" because its people are prevented from learning the truth?

We don't think so.

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### THE EDITOR'S NOTEBOOK—PRESS IS GUARDING YOUR RIGHT TO KNOW

The raging storm of controversy over publication of the Pentagon papers by the New York Times and other newspapers has, if nothing else, given the American people a new insight into the clandestine workings of government.

From the outset, it should be conceded that government must of necessity work in secret with respect to diplomatic negotiations and certainly withhold information which is considered inimical to our national security.

So the queston really turns upon the need for preserving confidentiality, and whether—as stated by the Justice Department—"the nation's security will suffer immediate and irreparable harm" with continuing publication.

Editors of the Knight Newspapers do not believe our published portions of government documents constitute any threat whatsoever to national security.

A case can be made for the government's claim that publication endangers confidentially of communications with other governments. To this the Los Angeles Times offer the observation "it would be much more a consideration if democratic governments around the world did not continually spill the diplomatic beans; and if officials of the American government, from the President down, did not tell state secrets as they saw fit and for their purposes."

As for the breach of security charge, the fact is that the McNamara study is merely a recitation of history and was directed by the former Secretary of Defense, for precisely that purpose.

The revelations deals with the past, not with present or future operations. So one must strain the imagination to detect anything in the Pentagon documents which violates the Espionage Law or endangers the lives of our citizens.

It is interesting indeed that President Nixon, whose Justice Department is now prosecuting the New York Times and the Washington Post, did as a United States Senator accuse the Truman administration of holding back classified documents for political reasons.

The case involved secret talks between Gen. Douglas MacArthur and President Truman on Wake Island on Oct. 15, 1950. Sen. Nixon declared that Gen. MacArthur was being "smeared in the press through connivance with the administration." "Certainly," Sen. Nixon said, "if classified documents are now to be made public, the committees of Congress and the American people should be entitled to see not only those documents which might reflect against MacArthur, but also those which might reflect in his favor."

When the Truman administration did eventually release the documents, as requested by Nixon, it like the present administration, expressed fear of danger to the national security. In 1951, Gen. MacArthur remarked that the six-month-old documents had "just about as much bearing on the problem of Korea as a report on the military operations of Bunker Hill."

The doughty General neatly epitomized our own thoughts on the Pentagon papers, and the ridiculousness of charging that their publication is a threat to national security.

The Chicago Tribune, always a stout defender of the people's right to know but presently pouting that "the Pentagon papers have found a fresh outlet through the Chicago Sun-Times," can recall at least two instances when it was treading deep water on the question of military security.

On Dec. 4, 1941—three days before Pearl Harbor, the Tribune published secret Army war plans. And during the battle of Midway, a Chicago Tribune story revealed on June 7, 1942, that we had broken the Japanese naval codes.

Either of these stories, writes historian Arthur Schlesinger, "might well have caused irreparable injury to the defense interests of the United States. The Roosevelt administration could have made quite a case against the Tribune 30 years ago but in the end declined to do so."

"The question is," Schlesinger continues, "what sort of case the Nixon administration, in these far less stringent and perilous days, can bring against the Times."

In justice to the Chicago Tribune, there was no censorship code in existence before Pearl Harbor. Nor did its publication of the makeup of the Japanese fleet aproaching Midway violate censorship since there was no provision in the code at that time which would bar this story.

While government talks of "irreparable injury" to national security or "exceptionally grave damage to the nation," the case of the Pentagon papers has yet to be made.

For surely, no revelations vital to the national defense have been published, nor are they likely to be.

Having served in the Bureau of Censorship, both at home and abroad during World War II, I can testify that the indiscriminate stamping by the military of government documents as "top secret" came to be regarded with extreme skepticism.

For here in many instances were papers having absolutely no relationship to national security, yet stamped as such according to the whims of those who were exaggerating their own importance.

In such clashes of judgment as came between Censorship and the military, President Roosevelt invariably sided with the Bureau. In that declared war, there were no intentional breaches of security by the press, then operating in cooperation with the government under a voluntary code of compliance.

Such demands for censorship as have been made by the military in this undeclared war are of no validity whatsoever since the Congress has never invoked a state of national emergency.

It is useful to make that distinction before denouncing the editor, or charging that he is a subversive character who ought to be tried for treason.

Finally, it is well to know that our government often makes classified information available to reporters and editors. Why is this done? Benjamin C. Bradlee, executive editor of the Washington Post, explains in the text of an affidavit submitted to the U.S. District Court for the District of Columbia:

1—To influence a reporter's story in a manner which the government official believes is in the best interest of his country, his particular branch of government, or his particular point of view.

2—To create a climate of public opinion—national or international—favorable to such beliefs.

3—To test a climate of public opinion on certain options under deliberation by the government.

4—To curry favor with a particular reporter or a particular newspaper.

5—To influence the American electorate, and in certain instances, a foreign electorate.

It is most important to the American public to realize—as Ben Bradlee points out—that in a totalitarian state, where the press is not free, the government uses the press as an instrument of state. Thus the press prints nothing that is not favorable and advantageous to the state.

Under a democracy such as ours, there exists a free flow of reporting and opinion—a normal, productive adversary relationship between government and the press.

If the press reported only what is advantageous to the government, where lies the protection against exploitation of the people by the government?

And yet, unhappily, a growing percentage of our citizens and especially of our youth, appears to be favoring restrictions upon freedom of expression by the media.

The press is not about to betray this nation.

It seeks rather to enlighten and to serve as a guardian of your precious liberties as granted and guaranteed by the Constitution of the United States for nearly 200 years.

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## THE PEDAGOGICAL DABBLERS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the New York Times of June 27 carried an article which could well be indicative of the direction in which the field of education is heading if the principle of accountability is not applied to education as in other fields. Louis A. Schuker, the retiring principal of Jamaica High School in Queens in New York City, has for his 44 years in the city public schools, realized his responsibility in providing to the best of his ability an education for those under his direction. He has, as in the case of thousands of teachers and school administrators the country over, held himself accountable for performing the basic function of the academic community—preparing the young with the basic knowledge and principles for later life.

Mr. Schuker, who I have never met personally, became controversial when he refused to allow his school to be used as a forum for radicals and steadfastly confronted any efforts to distort the basic educational function. Blessed with good health and a love of his work, Mr. Schuker enjoyed the fruits accruing from dedication and persistent effort. In the Times article he stated:

> I have pride in my school, in its superior faculty, in its excellent, wide-ranging curriculum with provision for all elements in the educational spectrum, in its achievements—musicales, dramatics, publications, athletics, state scholarships, Westinghouse honors—you name it, we're always first or second in the borough.

He struck an oft-repeated theme in questioning the new innovative trend in education:

> One way to innovate is to start new things if you've thought about them or haven't thought about them. You can experiment with almost anything. You can take your food backwards if you want to. An education experiment should be just as experimental as a medical experiment. A doctor should not be an innovator fooling around with his patient.

He continued:

> Today it is a school without walls, or an open campus or a parkway school. I think the basic thing is to have a good school and teach the kids something. I like to see achievement and time that is not wasted.

How many dedicated educators like Mr. Schuker are leaving the field of education because of the pedagogical dabblers is hard to ascertain. One thing is certain: until these experimentalists are held accountable for the students in their charge, the situation is bound to worsen. When parents adamantly insist on an education for their children based on time-proven methods and principles, the Mr. Schukers will once again be more in evidence in our educational system.

The Times article follows:

### Controversial Principal at Jamaica High School Rings Bell for the Last Time

Louis A. Schuker, the controversial principal of Jamaica High School in Queens who has built a reputation as an iron-willed, independent administrator and outspoken proponent of the merit system in hiring educators, is retiring.

He was honored last week at a retirement party in Great Neck, L.I., given by some 500 colleagues and friends from throughout the city.

Mr. Schuker, a past president of the High Schools Principals Association, who has devoted 44 of his 65 years to the city public schools, has decided that, despite his good health and love for his work, this year would be his last at Jamaica High, which he has served as principal since 1955.

His reasons, at first puzzling to those who know him well, were stated recently in a letter to a friend at the Board of Education.

"Jamaica High School, integrated with a 65/35 ethnic ratio [65 per cent white, 35 per cent black] has all the well-known problems of a difficult urban school. We have the usual percentage of sick kids. We also have a number of paranoid blacks (sporting Panther and Liberation buttons) who have been inspired to look for trouble.

### "A HANDFUL OF LEFTISTS"

"We have a handful of white New Leftists. Though I can name them on my fingers, they keep the pot boiling because they're constantly coached by the New York Civil Liberties Union.

"The Board of Education seems utterly indifferent to the imminent destructive effects of this triple combination, constituting at Jamaica of less than 2 per cent of the entire student body. I keep them under control so that we may have a secure and viable school for blacks and whites—but at the expense of becoming more a policeman-detective-district attorney-lawyer rather than a school principal.

"Third: I have pride in my school, in its superior faculty, in its excellent wide-ranging curriculum with provision for all elements in the educational spectrum, in its achievements—musicales, dramatics, publications, athletics, state scholarships, Westinghouse honors—you name it, we're always first or second in the borough.

"However, despite this justifiable sense of success and warm relations with an appreciative community, my amour propre has been assaulted by a Chancellor, who announces with wearisome repetition that the merit system and school system are failures, that the schools should be turned around, that we need fundamental restructuring and that it's five minutes to midnight."

"I am surprised that he's negative in his attitude toward any administrative practice of mine," commented Dr. Harvey B. Scribner, Chancellor of the city schools. "I understand he is one of our finest principals and I've never had any questions about it."

Working within the system has been the trademark of Louis Schuker's administration at Jamaica.

### SCHOOL IS 45 YEARS OLD

He is proud of the fact that the aging hallways of the 45-year-old high school are virtually spotless; that his students have won Westinghouse scholarships every year since he became principal; that his school has led in programs for the disadvantaged, and that the lawns and fields around the sprawling complex are green and have not been vandalized.

But Mr. Schuker's philosophy has also led to a bitter confrontation with elements of the 4,000 students at Jamaica.

In October, 1969, Raymond Miller, a 17-year-old student, was suspended by Mr. Schuker for refusing to stand up or leave the room when his class pledged allegiance to the flag.

Young Miller was permitted to return to school three days later when a Federal judge enjoined the school from suspending him on the ground that he was not infringing on the rights of other students.

Mr. Schuker was again threatened with contempt charges last December for allegedly harassing students who remained seated during the Pledge of Allegiance.

The petition, filed by the New York Civil Liberties Union on behalf of several students, charged that Mr. Schuker and members of his staff had been putting students under pressure to rise during the salute and warning them of reprisals and bad records if they failed to do so.

Recently, a suit was filed in Queens Supreme Court charging Mr. Schuker with keeping a political dossier on David Shaikin, a militant who criticized Jamaica High School and its administration in a radio program on station WBAI.

In a letter to Abraham Wilner, an assistant superintendent at the Board of Education, Mr. Schuker conceded that he had recorded on the student's record the fact that Mr. Shaikin had made disparaging comments about the school and Mr. Schuker.

"We note many things on our record cards when they concern a pupil's activities," Mr. Schuker explained. "The principal of the school has the right and the obligation to record factually any noteworthy activities on the pupil's part, especially if they affect the school."

Mr. Shaikin is asking that the notation be removed from his permanent record card.

Mr. Schuker makes it no secret that his great adversaries in these times are not the students or parents or even American Civil Liberties lawyers, but the people who run the Board of Education.

"They have a man they brought in as Chancellor saying, 'Boys, you have got to innovate.'

"Well," Mr. Schuker continued, "one way to innovate is to start new things if you've thought about them or haven't thought about them. You can experiment with almost anything. You can take your food backwards if you want to.

"An education experiment should be just as experimental as a medical experiment. A doctor should not be an innovator fooling around with his patient.

"Today it is a school without walls, or an open campus or a parkway school. I think the basic thing is to have a good school and teach the kids something. I like to see achievement and time that is not wasted."

The principal has been a strong critic of experiments such as is taking place at John Dewey High School in Brooklyn that has attempted to offer more flexible programing as an alternative to the traditional semester system.

And he has defended the Board of Examiners, which he believes once accounted for higher standards among city educators than is demanded now.

Mr. Schuker opposes decentralization in its present form because he believes it weakens the system and he is against promoting student activism because he feels it is not the job of the school to propagandize.

"We are in a civil liberties syndrome," Mr. Schuker said. "Teachers and principals are looked upon as enemies of the children. If you make a procedural mistake in pressing charges against a student, you stand to lose the case."

Louis Schuker was born in 1905 in Cheyzew, Poland. His parents brought him as a child to Columbia, S.C., where his father, Morris, had set up a general store.

In 1919, his family moved to the Williamsburg section of Brooklyn, where he worked while studying at Eastern District High School and later at City College.

His wife, Millicent, is a guidance counselor in the city school system and his four children, all grown up, are all pursuing careers in the teaching and medical fields.

Mr. Schuker recalls as his greatest moment a reception a large segment of the student body gave him during a farewell speech in an assembly two weeks ago.

As Mrs. Rose Kirchman, chairman of the speech department and a Jamaica High School teacher for 18 years, describes it, "There was an instantaneous ovation from 1,200 students as he finished his speech.

"Even though they have complained and find that the school is not full of what they expect, they cheered the man," Mrs. Kirchman said. "I don't think he has ever sought popularity for its own sake."

Mr. Schuker is uncertain of his future.

Chances are he will lock up his airy office on Thursday as he always does, bid goodbye to his remaining staff, and drive his sporty gray Mercedes once more around Grand Central Parkway and 175th Street.

"I've been sort of a mayor here," he remarked.

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## REVENUE NEEDED TO PAY FOR ESSENTIAL SERVICES

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SANDMAN. Mr. Speaker, I insert in the RECORD at this point remarks that I made yesterday before the House Committee on Ways and Means:

### Statement of Hon. Charles W. Sandman, Jr., a Representative in Congress From the State of New Jersey (2nd)

Mr. SANDMAN. Thank you, Mr. Chairman and members of this distinguished Committee on Ways and Means. I am Charles W Sandman, Jr., a Member of Congress representing the Second Congressional District of New Jersey. My district is comprised of the state's four southernmost counties of Atlantic, Cape May, Cumberland and Salem.

Knowing how busy members of this Committee are, Mr. Chairman, I will endeavor to be brief. I am prepared to defend and elaborate on any point of theory or fact mentioned or referred to in my statement.

### PURPOSE OF TESTIMONY

My appearance here this morning is not for the purpose of joining the bandwagon to heap more proof on the record that some states, counties and cities need new revenues to pay for essential services. I accept this premise as valid.

Taxation on the current sources of state and local revenues is, in too many cases, already excessive. Perhaps a better word is repressive. There is a limit on the extent to which a revenue source can be taxed. And I am prepared to accept the overwhelming opinion of the Governors and Mayors of the nation that such a limit has been reached on main source of state and local revenue: property taxes in particular.

Nor have I asked for these few minutes of your time to dwell upon the obvious shortcomings of the Administration's general and special revenue sharing proposals and the various proposed amendments to them.

I have stated my own objections in the past and others have done likewise during the course of these hearings. Further critical testimony would be, I think, an exercise in overkill.

### A SPECIFIC SOLUTION

Given the need, a clear Congressional desire to meet it and the lack of any fully acceptable solutions proposed to date, my purpose today is to offer a specific plan I feel, based on over 15 years of both state and federal legislative experience, will meet the need and be acceptable to all concerned.

My plan, simply, is for the federal government to relinquish to the states and local governments sources of new revenues they can tax directly to meet their specific needs for new funds.

### "REVENUE SOURCE SHARING"

I call this plan "Revenue Source Sharing." Instead of forcing the Governors and Mayors of the nation to continue to beg to Uncle Sam for larger and larger annual handouts, my plan would give them new sources of revenue for them to tax as necessary.

The sources of revenue I suggest be turned over to states and local governments are (1) all federal excise taxes except trust funds, and (2) the estate and gift tax.

These are the two revenue sources I urge be turned over to states and local governments so they can tax them directly.

### TAX YIELD IN CASH

The President projects that the estate and gift tax will yield $5 billion, $300 million in fiscal 1972. And it is anticipated that the undedicated excise taxes in fiscal 1972 will yield $11 billion, $115 million. Currently, these tax receipts are considered general funds of the federal government: they are not assigned to any purpose.

Therefore, Mr. Chairman, my "Revenue Source Sharing" plan would enable states and local governments to impose, collect and keep taxes from these sources alone in fiscal 1972 in the amount of $16 billion, $415 million, all in cash.

This compares most favorably with the Administration's proposals for revenue sharing that would provide states and local governments with only $5 billion in cash plus an estimated $11 billion in categorical grant programs in fiscal 1972.

It is my opinion that $5 billion in "no strings attached" cash is totally inadequate to meet the need for state and local revenues. My plan would provide over $16 billion, all in cash.

### TRANSFER OF JURISDICTION

The one most attractive aspect of the President's "special" revenue sharing proposal is the assignment of administrative responsibility for some 130 "narrow categorical grant programs" grouped under six broad headings to State and local governments.

This is an effort to decentralize decision-making and to allow state and local governments to administer programs they know best how to handle. These six broad program groups are rural community development, urban community development, education, manpower training, law enforcement and transportation.

The Administration's "special" revenue sharing proposal would give state and local governments wide latitude in determining whether or not they wish to participate in any or all of these 130 separate programs. Clearly, speaking of my state of New Jersey, there are many programs that are of no particular benefit to our citizens.

The second major point of my "Revenue Source Sharing" plan, therefore Mr. Chairman, is for the federal government to relinquish its responsibility completely for the administering and financing of these programs.

In other words, my plan goes one step further than the President's. Instead of just relinquishing the administrative responsibility for these categorical grant programs, my plan also relinquishes all financial responsibility to state and local governments.

### ADMINISTRATIVE SAVINGS

When I first read the Administration's "special" revenue sharing plan and noted the transfer of administrative responsibility for these 130 narrow categorical grant programs from the federal level to the states, I assumed the federal government would realize considerable savings resulting from elimination of several thousand employees now administering these programs and the millions of dollars in overhead assigned to them.

I waited over three months for a Presidential message specifying such a cutback in the federal bureaucracy. When such a message failed to materialize Mr. Chairman, I called The White House to find out about it.

The response I received was unbelievable. The Administration's position is that there are no plans, at least publicly now, to cutback on the number of employees and the costs of administering the agencies that currently handle these 130 programs being turned over to the states. Several more recent inquiries have confirmed this position, as preposterous as it sounds.

I am told that all of the current employees in these agencies will be transformed overnight into advisors and overseers to assist the states in taking over these programs.

Equally as shocking was my discovery that apparently nobody knows what it costs the federal government to run any of these programs or even how many employees are assigned to them. I asked the White House through three Special Assistants to the President; I asked the Bureau of Management and the Budget, the Comptroller General's office, the Internal Revenue Service, the Department of the Treasury and others, but nobody has any idea how many employees are involved or what it costs to administer these programs.

Therefore, Mr. Chairman, the third major point of my "Revenue Source Sharing" plan is to instruct the Executive to phase all of these agencies out of existence during the first fiscal year this plan is in effect.

Specifically, the agencies or parts of agencies that should be phased out are those that currently (1) collect the undedicated excise taxes and the estate and gift taxes and (2) administer the 130 separate grant programs to be turned over to the States and local governments.

I also propose that Congress instruct the Comptroller General to conduct a continuing investigation of the Executive's progress in phasing-out these agencies and to report regularly to Congress.

### FINANCING "REVENUE SOURCE SHARING"

As most of you on this distinguished Committee are, I am proposed to deficit financing. I believe strongly that before Congress enacts any program, we should know where the money is coming from to pay for it and the necessary steps should be taken in advance of enactment to secure the necessary funds.

In the case of my "Revenue Source Sharing," we are not talking about increasing federal expenditures. Quite to the contrary, we are talking about decreasing federal revenues by over $16 billion, using the fiscal year 1972 projections.

To make up for this $16 billion in "lost" revenues the States and local governments would be collecting, my plan calls for decreasing federal expenditures by $16 billion. This is not as hard as it sounds.

Right off the bat, there would be a cut in federal expenditures of approximately $10 billion, using the President's figure, by turning over the financial responsibility for the 130 grant programs to States and local governments.

Secondly, another $1 billion earmarked by the Administration as "hold harmless" money will be unnecessary under my plan. That leaves a $5 billion deficit to cover.

There will be significant savings—though nobody knows how much—from eliminating the agencies specified previously in this testimony.

To make up for the difference, Mr. Chairman, I am prepared to support the imposition of a four percent surcharge on federal income taxes until other budget cuts can be made or until we know actually how much this program will cost in "lost federal revenues." The Internal Revenue Service estimates that such a four percent surcharge would yield $5 billion in fiscal 1972.

### THE TAXPAYERS ARE WILLING

Three months ago, in preparation for this proposal, I included an item in my annual questionnaire to my constituents about revenue sharing. To the question: "Do you favor the Administration plan giving New Jersey $154 million even though it causes a $5 billion federal deficit?" 23% of the 13,022 persons responding said yes, 71 percent oppose the Administration's plan and 6 percent were undecided.

To the question: "Do you favor a return of the Federal alcoholic beverage tax to states which would give New Jersey $290 million and would be supported by a federal 4 percent surcharge on your federal income tax?," my constituents replied as follows: 75 percent favor "source sharing," 20% oppose it as stated and 5 percent were undecided.

I cite these poll results of my constituents Mr. Chairman to point out that even though the questions asked are not as exacting to the two proposals as might be desired, there is a willingness on the part of taxpayers to bear a surcharge burden if necessary. And it is clear that my constituents favor giving New Jersey new sources of revenue rather than more federal handouts.

It seems to me that such a small surcharge is a tiny price to pay for the tremendous benefits of this plan.

### THE NECESSARY LEGISLATION

In a nutshell, legislation to implement my plan would have to repeal all undedicated federal exise taxes and the estate and gift tax. It would relinquish federal responsibility for the administration and financing of the 130 programs and it abolishes the various federal agencies that will no longer be needed.

### MAJOR BENEFITS TO STATES

Briefly, my "Revenue Source Sharing" plan has the following major benefits to States and local governments as compared with the Administration's proposals:

(1) It provides them with sources of over $16 billion in new revenue, all in the form of cash, instead of only $5 billion in cash and $11 billion in categorical grants.

(2) It eliminates the expensive "federal middleman." States would impose, collect and keep all of the shared revenues instead of having it go through the Federal Treasury and various Federal agencies.

(3) It returns a meaningful amount of financial and administrative responsibility to State and local levels of government, thereby contributing to a much needed decentralization of public power.

(4) It more clearly defines federal jurisdiction in relation to that of state and local governments.

I am providing this Committee with copies of a chart which compares my plan with the Administration's proposals. Also provided is a similar chart with respect to the effect of both proposals on my State of New Jersey.

### SUMMARY

I have appreciated this opportunity to present my views and specific plan to this Committee, Mr. Chairman. And I hope this testimony has been helpful and constructive.

The need for increased State and local responsibility and revenues is clear. Both Congress and the President are sincere in trying to find the best way to meet this need. And I respectfully submit that the best way to do so is through "revenue source sharing."

### A Comparison of Costs and Effect Between the RSS Plan and the Administration's General and Special Revenue Sharing Plan

NATIONAL COMPARISON

*Amount of funds to be shared*

Nixon plan: $16,000 million.

Sandman plan: *$16,415* million.*

*Type of shared funds*

Nixon plan: $5 billion in cash plus $11 billion in programs.

Sandman plan: $16,416 million—all in the form of cash.

*Source of shared funds*

Nixon plan: Federal taxes and added Federal debt.

Sandman plan: *State collected taxes* from *sources* turned over by U.S. Government.

*Effect of Federal spending*

Nixon plan: Increase.

Sandman plan: *Decrease.*

*Effect on Federal revenues*

Nixon plan: Increase.

Sandman plan: *Decrease.*

*Restrictions on use of funds by States and localities*

Nixon plan: None on $5 billion; Severe on $11 billion.

Sandman plan: *None.*

*Effect on Federal agencies now administering the 130 grant programs*

Nixon plan: No stated change in cost of operations.

Sandman plan: *Total Phase-out* of these agencies.

*Effect on Federal agencies now collecting the two relinquished taxes*

Nixon plan: None.

Sandman plan: *Total phase-out* of these agencies.

*Effect on the size of the Federal bureaucracy*

Nixon plan: None.

Sandman plan: *Significant Decrease.*

*Distribution of funds to States and localities*

Nixon plan: Arbitrary Formula.

Sandman plan: *Based on State-imposed rates* on certain excise and all estate and gift taxes.

### A Comparison of Costs and Effect Between the RSS Plan and the Administration's General and Special Revenue Sharing Plans

STATE OF NEW JERSEY

*Cash funds shared*

Nixon plan: $154 million.

Sandman plan: $419 million* (minimum).

*Program grants available if State wants to participate*

Nixon plan: $295 million.

Sandman plan: Not applicable.

*Total shared funds for New Jersey*

Nixon plan: $449 million.

Sandman plan: $419 million (minimum).

*N.J. taxpayers' Federal tax burden to pay for shared funds*

Nixon plan: $736 million.

Sandman plan: None. No Federal funds will be involved.

*Federal taxes from New Jersey to pay for shared funds but not returned to New Jersey*

Nixon plan: $287 million.

Sandman plan: None. 100% of money for RRS to stay in N.J.

*Increased Federal taxes assessed to New Jersey taxpayers for shared funds programs*

Nixon plan: $287 million.

Sandman plan: None.

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*Projections are based on excise taxes being imposed at point of productions which are the only figures available. Collected at point of purchase, the same taxes would have the same approximate national totals, but it would be more evenly distributed between the states.

Note: Currently, federal excise taxes on alcoholic beverages and tobacco are collected at the *point of production.* The only state by state breakdown of receipts are on this basis. For the RSS Plan to be most equitable, collections should be made at a *point of purchase.* The figures listed above are based on the point of production statistics available. It is certain that if point of purchase statistics were available, New Jersey's receipts via RSS would be significantly higher than listed above.

For More Information, Contact: *U.S. Rep. Charles W. Sandman, Jr.,* 115 Cannon House Office Building, Washington, D.C. 20515. (202) 225-6572.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The United States has the greatest length of highway in the world with 3,704,914 miles of graded roads at January 1, 1968.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today through Thursday, July 1, 1971, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes today, to revise and extend his remarks and include extraneous material.

Mr. Ashbrook, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Archer), to revise and extend their remarks, and to include extraneous matter:)

Mr. Schwengel, on July 6, for 1 hour.

Mr. Steiger of Wisconsin, today, for 10 minutes.

(The following Members (at the request of Mr. Gonzalez), to revise and extend their remarks, and to include extraneous matter:)

Mr. Flood, today, for 15 minutes.

Mr. Vanik, today, for 15 minutes.

Mr. Cotter, today, for 10 minutes.

Mr. James V. Stanton, today, for 10 minutes.

Mr. Mitchell, on June 30, for 10 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dorn in two instances, and to include extraneous material.

Mr. Perkins, and to include extraneous material.

Mr. Edmondson in three instances.

(The following Members (at the request of Mr. Archer) and to include extraneous matter:)

Mr. Burke of Florida.

Mr. Fish.

Mr. Derwinski.

Mr. Thone in two instances.

Mr. Hall.

Mrs. Dwyer in five instances.

Mr. Wyman in two instances.

Mr. Belcher.

Mr. Anderson of Illinois.

Mr. Mizell in three instances.

Mr. Schmitz.

Mr. Pettis in two instances.

Mr. Arends.

Mr. Keating.

Mr. Chamberlain in two instances.

Mr. Spence.

Mr. McDade.

Mr. Scott.

Mr. Gubser.

Mr. Riegle.

Mr. Robison of New York.

Mr. Steele in two instances.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Begich in three instances.

Mr. Eilberg.

Mr. Rooney of New York.

Mr. Aspin in two instances.

Mr. Corman.

Mrs. Mink in two instances.

Mr. Fauntroy in two instances.

Mr. Gibbons in two instances.

Mr. Evins of Tennessee in two instances.

Mr. Kastenmeier.

Mr. Murphy of New York in two instances.

Mr. Jacobs in two instances.

Mr. Jones of Alabama.

Mr. Daniel of Virginia.

Mr. Rarick in three instances.

Mr. Hanna in two instances.

Mr. Hathaway in two instances.

Mr. Thompson of New Jersey in two instances.

Mr. Hungate.

Mr. Murphy of Illinois in four instances.

Mr. Cotter in six instances.

Mr. Harrington.

Mr. Dingell.

Mr. Pepper.

Mr. Fraser in five instances.

Mr. Long of Maryland.

Mr. Ryan in three instances.

Mr. Eckhardt.

Mr. Preyer of North Carolina.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Committee on Interior and Insular Affairs.

S. 432. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 488. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978; to the Committee on Interstate and Foreign Commerce.

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 5257. An act to extend the school breakfast and special food programs; and

H.J. Res. 744. A joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

### ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 30, 1971, at 11 o'clock a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

909. A letter from the Deputy Assistant Secretary of Defense (Military Assistance and Sales), transmitting a report for the third quarter of fiscal year 1971 on deliveries of excess defense articles at acquisition cost and at the value specified in section 8(c) of Public Law 91–672, pursuant to section 8(d) of the act; to the Committee on Foreign Affairs.

910. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 6, 1970, submitting a report, together with accompanying papers and an illustration, on Murrell's Inlet, Georgetown County, S.C., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 31, 1965 and May 5, 1966 (H. Doc. No. 92–137); to the Committee on Public Works and ordered to be printed with an illustration.

911. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the sale by the Federal Government of the Alaska Railroad; to the Committee on Interstate and Foreign Commerce.

912. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the Annual Report of the Immigration and Naturalization Service for fiscal year 1970; to the Committee on the Judiciary.

913. A letter from the Tulsa regional solicitor, Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Elizabeth Carbonau Vertifelle, deceased half-breed Kaw allottee, pursuant to Private Law 90–318; to the Committee on the Judiciary.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEDZI: Committee on House Administration. Senate Joint Resolution 111. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 92–311). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 514. A resolution providing for the consideration of S. 1700. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (Rept. No. 92–312). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 515. A resolution providing for the consideration of H.R. 8699. A bill to provide an Administrative Assistant to the Chief Justice of the United States (Rept. No. 92–313). Referred to the House Calendar.

Mr. MADDEN. Committee on Rules. House Resolution 516. A resolution providing for the consideration of H.R. 8805. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes (Rept. No. 92–314). Referred to the House Calendar.

Mr. YOUNG of Texas. Committee on Rules. House Resolution 517. A resolution providing for the consideration of H.R. 9382. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–315). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. Report of the administration of the National Environmental Policy Act (Rept. No. 92–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama. Committee of Conference. Conference report on H.R. 8825 (Rept. No. 92–317). Ordered to be printed.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT (for himself, Mr. Nix, Mr. Byrne of Pennsylvania, Mr. Eilberg, and Mr. Green of Pennsylvania):

H.R. 9475. A bill to provide for the detection and treatment of members of the Armed Forces who are narcotics addicts, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 9476. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 9477. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. CASEY of Texas (for himself, Mr. Blanton, Mr. Abernethy, Mr. Helstoski, Mr. Poage, Mr. Price of Texas, and Mr. Halpern):

H.R. 9478. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. DORN (for himself, Mr. Nichols, and Mr. Broyhill of North Carolina):

H.R. 9479. A bill to amend the Tariff Schedules of the United States to increase the rate of duty on certain tops, rovings, and yarns containing over 20 percent by weight of animal hair and on certain woven, knitted, or nonwoven fabrics chiefly used for paddings or interlinings in wearing apparel; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 9480. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 9481. A bill to provide emergency authority for the guarantee of loans to aid certain business enterprises to meet temporary and urgent financial needs; to the Committee on Banking and Currency.

By Mr. HARSHA (for himself, Mr. Blatnik, Mr. Grover, Mr. Kluczynski, Mr. Cleveland, Mr. Gray, Mr. Don H. Clausen, Mr. Clark, Mr. Schwengel, Mr. Johnson of California, Mr. Zion, Mr. Dorn, Mr. Hammerschmidt, Mr. Roberts, Mr. Miller of Ohio, Mr. Howard, Mr. Mizell, Mr. Caffery, Mr. Thone, Mr. Roe, Mr. Baker, Mr. Collins of Illinois, Mr. Begich, Mr. McCormack, and Mr. James V. Stanton):

H.R. 9482. A bill to amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mrs. Abzug, Mr. Hechler of West Virginia, Mr. Roybal, Mr. Charles H. Wilson, Mr. Morse, Mrs. Hansen of Washington, Mr. Hastings, Mr. Yatron, Mr. Collins of Texas, Mr. Scott, Mr. Powell, Mr. Kuykendall, Mr. Biaggi, Mr. Baring, Mr. Hogan, Mr. Halpern, Mr. Nelsen, Mr. Badillo, Mr. Daniel of Virginia, Mr. Mayne, Mr. Buchanan, Mr. Dent, Mr. Rooney of Pennsylvania, and Mrs. Grasso):

H.R. 9483. A bill to amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Anderson of Illinois, Mr. Eshleman, Mr. Denholm, Mr. Vander Jagt, Mr. Veysey, Mr. Abourezk, and Mr. Mann):

H.R. 9484. A bill to amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Corman, and Mrs. Dwyer):

H.R. 9485. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 9486. A bill to suspend the death penalty for 2 years; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 9487. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself and Mr. Dent):

H.R. 9488. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 9489. A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 9490. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF:

H.R. 9491. A bill for the establishment of a Civilian Aviation Academy; to the Committee on Interstate and Foreign Commerce.

H.R. 9492. A bill to provide for a study of the feasibility of the establishment of a quasi-public corporation for oceanographic research and development; to the Committee on Merchant Marine and Fisheries.

H.R. 9493. A bill for the relief of the city of Glen Cove, N.Y.; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Biaggi, and Mr. Brasco):

H.R. 9494. A bill to provide for a program of Federal financial assistance for the installation of noise-suppression devices on aircraft to suppress aircraft noise pollution; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. William D. Ford, Mr. Vanik, Mr. Aspin, and Mr. Bingham):

H.R. 9495. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H.R. 9496. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. BOLAND:

H.R. 9497. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. BURTON (for himself, Mr. Abourezk, Mr. Anderson of California, Mr. Badillo, Mr. Begich, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Foley, Mr. Hawkins, Mr. Holifield, Mr. Kastenmeier, Mr. Leggett, Mr. Lujan, Mr. Meeds, Mr. Melcher, Mr. Ryan, Mr. Stephens, Mr. Tiernan, Mr. Udall, Mr. Vigorito, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 9498. A bill to establish a national recreation area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY:

H.R. 9499. A bill to provide home rule for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FREY:

H.R. 9500. A bill to amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mr. GARMATZ:

H.R. 9501. A bill to amend the North Pacific Fisheries Act of 1954, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 9502. A bill to establish a national system of solid waste management; to the Committee on Ways and Means.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 9503. A bill to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces; to the Committee on Armed Services.

By Mr. LANDGREBE (for himself, Mrs. Abzug, Mr. Barrett, Mr. Bevill, Mr. Burke of Massachusetts, Mr. Dulski, Mr. Duncan, Mr. Flowers, Mr. Fulton of Pennsylvania, Mr. Gude, Mr. Hawkins, Mr. Johnson of Pennsylvania, Mr. Lent, Mr. Mann, Mr. McCloskey, Mr. McDade, Mr. Mizell, Mr. Podell, Mr. Rhodes, Mr. Riegle, Mr. Rosenthal, Mr. Shoup, Mr. Terry, Mr. Wright, and Mr. Yatron):

H.R. 9504. A bill to provide a Federal income tax deduction for expenditures for purchase and installation of air pollution control devices on used vehicles, and to provide for certification of such devices by the Administrator of the Environmental Protection Agency; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 9505. A bill relating to the income tax treatment of charitable contributions of copyrights, artistic compositions, or a collection of papers; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 9506. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself, Mrs. Grasso, Mr. Halpern, Mr. Derwinski, Mr. Morse, Mr. Collins of Illinois, Mr. Frenzel, and Mr. Rosenthal):

H.R. 9507. A bill to establish certain qualifications for election to the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. PEPPER:

H.R. 9508. A bill to amend title XVIII of the Social Security Act to eliminate the provisions which presently prevent an individual from enrolling in the supplementary medical insurance program more than 3 years after his first opportunity to do so; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 9509. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI:

H.R. 9510. A bill to amend the Internal Revenue Code of 1954 to provide for the determination of reasonable additions to bad-debt reserves for loans by banks in the manner for such determinations by mutual savings banks; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 9511. A bill to amend title 37 of the United States Code to provide a veterans' incentive program for participation in the Ready Reserve; to the Committee on Armed Services.

By Mr. THONE:

H.R. 9512. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 9513. A bill to require the Secretary of the Treasury to give 50 days, notice to Congress of any proposed change of regulations or rulings having a substantial revenue effect; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 9514. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. CLEVELAND:

H.J. Res. 756. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. DORN:

H.J. Res. 757. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 758. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. SNYDER (for himself and Mr. Jones of North Carolina):

H.J. Res. 759. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of Judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.J. Res. 760. Joint resolution; Seebee Memorial; to the Committee on House Administration.

By Mr. FREY (for himself, Mr. Biester, Mr. du Pont, Mr. Halpern, Mr. Hastings, Mr. Hogan, Mr. Keating, Mr. Kemp, Mr. Lent, Mr. McClory, Mr. McKevitt, Mr. McKinney, Mr. Peyser, Mr. Ruth, Mr. Schneebeli, and Mr. Steele):

H. Con. Res. 352. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. McCLORY (for himself, Mr. Aspin, and Mr. Hogan):

H. Con Res. 353. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

229. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the Tehama-Coulusa Canal; to the Committee on Appropriations.

230. Also, memorial of the Legislature of the State of California, relative to the expenditure of Federal funds to reduce unemployment; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 9515. A bill for the relief of Milda Risso Colombo; to the Committee on the Judiciary.

H.R. 9516. A bill for the relief of Gisela Hanke; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 9517. A bill for the relief of Pietro Campagnuolo; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

93. Mr. HUTCHINSON presented a petition of Ruth Fischer and 910 other citizens of Berrien County, Mich.; protesting the tax burden upon the workingman resulting from welfare claims, which was referred to the Committee on Ways and Means.

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# SENATE—*Tuesday, June 29, 1971*

*(Legislative day of Monday, June 28, 1971)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of us all, as we prepare to celebrate our national freedom make us mindful of all who are less free—the victims of injustice and oppression, all those yet enslaved, and all those whose personal and national destinies are determined by forces beyond their own control.

Hear our prayer once more, O Lord, for our own people who are prisoners of war, for men missing in action, for sons and fathers and brothers whose lot is known to Thee alone—and for loved ones who lonely wait the day of reuniting. Hear our prayer that they may have bread by day, rest by night, relief in suffering at all times, and in the long and lonely vigil the awareness of Thy presence.

Guide the leaders of the world in the ways of peace. Lead us to the time when the knowledge of Thee and the values of Thy kingdom guide all men and nations.

And to Thee shall be all the praise and glory. Amen.

## MESSAGE FROM THE HOUSE RECEIVED DURING RECESS—REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of June 28, 1971, the Secretary of the Senate, on June 28, 1971, received the following message from the House of Representatives:

That the House had passed a bill (H.R. 9271) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The bill was then referred to the Committee on Appropriations.

Subsequently, Mr. MONTOYA, from the Committee on Appropriations, reported the bill, with amendments, and submitted a report (No. 92–243) thereon, which was printed.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 28, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees, with the exception of the Banking, Housing and Urban Affairs Committee, which I have been requested to except be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 230, 231, and 234.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## STATUS OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

Mr. KENNEDY. Mr. President, we have before us a concurrent resolution that requires that the Public Health Service hospitals and clinics system remain open and continue to perform their responsibilities through fiscal year 1972.

The resolution is made necessary, Mr. President, by the administration's plans to make basic changes in this congressionally mandate system, including the manner in which health services are provided to Federal beneficiaries.

We first heard of these plans through insistent rumors that HEW planned to close these facilities. Later, the President's budget for fiscal year 1972 reflected a radical decrease in funds and staff which gave credence to the rumors.

Together with 29 of our colleagues. I introduced Senate Concurrent Resolution 6 on February 11 in order to give the Senate an opportunity to review the administration's plans. Since that date, the Health Subcommittee of the Labor and Public Welfare Committee has held hearings on these matters.

We have found that the administration does intend to make profound changes in the Public Health Service hospital system. Plans are in preparation to turn the facilities over to the community control. Moreover, while closure of the facilities is not the goal of the plans, the administration is unwilling to rule out closure of some facilities.

Mr. President, the Public Health Service hospital system is one of the oldest and most venerable health institutions in America. It represents one of the earliest attempts by the Federal Government to respond to special health problems among a segment of the American people—namely the merchant seaman. These Public Health Service hospitals and clinics have over the years broadened their services and have established affiliations and associations with other institutions in their communities to assure that they offer the best medical care possible. They have become community landmarks in the areas they serve.

We understand that problems of utilization and efficiency exist in these facilities, and we do not wish to restrain creative responses to these problems.

However, the Congress should insist that any plan for the hospitals and clinics, first, assure that the Federal beneficiaries committed to HEW's charges are provided accessible, high-quality health care at a cost comparable to that currently paid by the beneficiary and by the Government; and second, assure maximum use of these institutions for providing health care to the community in which they are located.

The resolution before us would constrain the administration to a schedule that allows the Senate to review with the Secretary of HEW detailed proposals for each of these facilities in light of these concerns.

Mr. President, it is unfortunate that the Congress must emphasize its right to review administration actions of this magnitude. The General Counsel of the General Accounting Office has indicated that the proposed changes are contrary to the intent of current legislation. Nevertheless, it was clear from the administration's testimony that these plans went a long way before Congress was informed or consulted. The budget has never been changed—it still reflects, for example, a cut in full-time positions from 6,242 in fiscal year 1971 to 970 in fiscal year 1972. Frankly, Mr. President, I do not see how the hospitals can operate until the end of this calendar year—as administration has promised—with these low staffing levels. Every concrete indication I see indicates the administration intends to proceed with their plans with or without congressional consent.

Moreover, it was clear from our hearings that not only had the administration failed to consult with Congress, they also failed to consult with representatives of the Federal beneficiaries who are served by the hospitals, and representatives of the communities in which the hospitals are located. These groups deserve a voice in these matters, and the Congress should assure they are heard by passing Senate Concurrent Resolution 6.

Mr. President, there is an even more troublesome aspect to the administration's actions.

The Health Subcommittee is in the midst of hearings on the health care crisis in this country. We have heard disturbing testimony on how the shortage of health manpower and facilities have driven up the costs of medical care, and how the maldistribution of manpower and facilities has deprived our cities and rural areas of the most basic health services. The hospitals which serve the poor in the inner city are disastrously overloaded and in serious financial trouble. Witnesses have described outpatient departments in public and private hospitals where patients wait hours for service and wards which hold many times their intended capacity of patients.

Given this situation, it would be unconscionable to give up any usable health services or to fail to use these Public Health Service facilities to provide services—especially if these services could be turned toward our poorer citizens, who, of all Americans, suffer the greatest need for health care. We want to explore every possible means of utilizing these hospitals and clinics to this end—including the authority under the Emergency Health Manpower Act of 1971.

Many of the witnesses at our hearing testified to the benefits of using the Public Health Service hospitals and clinics to serve the underserved areas of their communities.

Mr. President, for all of these reasons, I urge the Senate to pass Senate Concurrent Resolution 6.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–238), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PRINCIPAL PURPOSE OF THE RESOLUTION

The resolution requires that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and the Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries and to best meet the needs for health services of the Nation at large—particularly the needs of medically underserved areas identified under the Emergency Health Personnel Act of 1971.

### THE NEED FOR THE RESOLUTION

Senate Concurrent Resolution 6 was introduced in February because of recurrent rumors and a fiscal year 1972 Department of Health, Education, and Welfare budget which implied major changes in the status of Public Health Service hospitals and clinics. The fiscal year 1972 budget for the Public Health Service hospitals and clinics shows a drop in patient care dollars from $100.1 million in fiscal year 1971 to $71.7 million in fiscal year 1972, and a drop in permanent positions from 6,238 in fiscal year 1971 to 970 in fiscal year 1972. This level of funding and staffing is far from adequate to continue operation of the hospitals and clinics at their current level of service.

Hearings were held on Senate Concurrent Resolution 6 by the Health Subcommittee on March 8, 1971, to determine more exactly what the administration plans with regard to these facilities, to determine the appropriate and necessary role of the Congress in any proposed changes, and to provide a forum for communities and beneficiary groups affected by these plans to express the views on the future of the Public Health Service hospital and clinic system.

At the hearing, Assistant Secretary of Health, Education, and Welfare Roger O. Egeberg indicated that the Department does in fact intend to make basic changes in the status of Public Health Service hospitals and clinics, including the manner in which health services are provided to Federal beneficiaries. The primary change which the administration has under consideration is conversion of the facilities to local control and use. Dr. Egeberg, however, would not rule out closure of some of the facilities. These changes are to be implemented at the conclusion of a review of each facility but the administration has assured the Congress that no changes would be implemented before December 31, 1971.

The critical interchange on these matters at the March 8 hearing went as follows:

Senator Kennedy. Thank you very much, Dr. Egeberg, for the statement which you have made.

I suppose the question which occurs to me and I am sure a number of other Members of the Senate is whether the public health hospitals will be closed this year.

Dr. Egeberg. You mean between now and July?

Senator Kennedy. Well, will they be closed between now and July, and then I will ask you between July and——

Dr. Egeberg. No. I am sure this could not be arranged that quickly.

Senator Kennedy. What about the following year? Senator Mathias brought this out, and I think it is important that we try and lay it out as clearly as possible for the people who are affected.

Dr. Egeberg. They will not be closed at all if we can help it. They will be, we hope, transferred to the auspices of some strong local group, and how quickly we can go about that depends on how quickly the arrangements can be made to do as good a job or better than we are doing now.

Senator Kennedy. If you can't find a strong local group within the community prepared to undertake the kind of extraordinary expenses which the Federal Government has been undertaking over the period of recent years, are you prepared to continue to request from the Congress the appropriations necessary to continue to operate these public health hospitals?

Dr. Egeberg. We certainly are going to continue to see to it that the beneficiaries are taken care of. Now, it might be that a hospital in a certain area——

Senator Kennedy. You can't say, then, that if there is not a local group that is strong financially and is prepared to underwrite these facilities, that you are prepared to continue to maintain the public health hospitals?

Dr. Egeberg. Let me say one thing, and then my colleague will take over.

The point is that in some areas the beneficiaries have to come a long way to the hospital, and might do better being taken care of closer to their homes——

Dr. Wilson. There are two issues when you use the word "underwrite." I think that brought into relief two issues under discussion, one, the facilities themselves, which we would like to see turned over to someone in the community; particularly in those communities where the number of patients is apt to be greater from the community than from the seamen.

The other is the fiscal support of the beneficiaries we have. I think the statement is very clear that we intend to continue that fiscal support for the beneficiaries whom we have a responsibility for. So it seems to me that we have to sort out those two issues. We are not asking a local community to underwrite the beneficiaries for whom we are already giving care.

Senator Kennedy. I don't think my question was whether you intended to free yourself from already existing responsibility under the Public Health Service Act.

That was not really the question, because I can understand from both what Dr. Egeberg has stated and the Secretary has stated that you are prepared to do that. You made that quite clear.

The question concerns these hospitals that are in existence. You are unwilling at least at this time to indicate that beyond this calendar year they will exist as they are at present?

Dr. Wilson. That is a fair statement.

Dr. Egeberg. I would like to add one thing. There are, perhaps, some circumstances under which one would close the hospital. The only circumstances that I can think of would be a situation where the beneficiaries could better be taken care of somewhere else, and where the local community did not have the need for those beds.

Now, I think that the local community——

Senator Kennedy. Who is going to make that decision? Is that going to be made solely within your department?

Dr. Egeberg. I would think that would be up to the Secretary.

Dr. Egeberg also indicated that it would require $125–$175 million to modernize the hospital and clinic facilities. Since modernization was recommended by Special Assistant to the President Hornig in 1965, minimal renovations have been accomplished. Dr. Egeberg indicated that adequate provision for necessary renovations would be made in DHEW's plans for each facility.

Subsequent to Dr. Egeberg's testimony, representatives of most of the areas in which major PHS facilities are located testified to the critical roles these facilities play in community service, training of health professionals, and biomedical research. All expressed doubt that the communities could bear the cost of renovating and operating the facilities, and the concern that these essential services would be lost under community control.

These witnesses also testified to the suitability of the hospitals and clinics as focal points for services to medically underserved areas under the authority of the Emergency Health Personnel Act of 1971, Public Law 91–623. The location of most of the hospitals and clinics, their orientation to community service, and their affiliation with the Public Health Service in which the emergency health manpower would serve all suggest that these institutions offer an ideal opportunity to address the critical needs of such medically underserved areas.

Mr. Earl Clark, of the Labor-Management Maritime Committee, and Mr. William O. Moody, of the Seafarers International Union, testified to the higher costs and poor accessibility of services provided to beneficiaries under contract arrangements or by agreement with Veterans' Administration facilities. They testified that the net effect of previous hospital closures was curtailment of services to many beneficiaries due to inaccessibility. DHEW has no studies of the effects of previous closures. It was clear from this testimony that DHEW had not held serious discussions with beneficiary groups—or other affected community agencies—concerning the contemplated changes. A letter from the chairman of the Health Subcommittee to Secretary Richardson in this regard, and the Secretary's reply, assuring consultation with such groups in the future, are appended to this report.

Finally, the General Counsel of the General Accounting Office, Mr. Paul Dembling, testified that the expressed intent of Congress is that the Public Health Service maintain a hospital *system* for offering care to Federal beneficiaries. He indicated the closure or transfer of the hospitals and clinics to community control would be contrary to this intent.

The key interchange on this point in the March 8 hearings went as follows:

**Mr. Dembling.** As was made clear in those opinions, the General Accounting Office would view action by the Department of Health, Education and Welfare to close down the entire public health service hospital system as an unwarranted extension of the legal authority contained in the Public Health Service Act of 1944 under which the Secretary operates and manages these facilities.

In our view, such an action by the Secretary would run contrary to the intent of the Congress as manifested in the 1944 act.

Moreover, as pointed out in our February 23 opinion, this interpretation, of the 1944 Public Health Service Act, is the only one in accord with the long history of the predecessor of the Public Health Service, the so-called Marine Hospital Service which was established by the act of July 16, 1798.

Whether the Public Health Service should be authorized to close the marine hospitals is a matter of policy for the Congress to determine, and one on which we would make no recommendation.

We agree, however, that Senate Concurrent Resolution 6, which expresses the sense of Congress that the present hospital system be maintained and considered as an integral part of the Nation's medical care facility is consistent with the present law and the long history of hospital use in this Nation.

That summarizes my statement, and I would like to offer the complete statement for the record together with the two opinions referred to.

**Senator Kennedy.** They have been included in their entirety. Do I gather that you feel the administration could close the Public Health Service Hospitals with the exception of one and still be within its legal authority?

**Mr. Dembling.** Well, we put it in terms of the intent of the Congress to maintain a public health service system. Whether one could constitute a system is hard to reconcile with the basic concept of having some kind of a system. It was more directed to the fact that if they closed one or two, that might be within the intent of the Congress, but there has to be a system maintained under the law, as we interpret it.

**Senator Kennedy.** Do you think it is completely within their authority to close eight?

**Mr. Dembling.** The closing of all eight would be an unwarranted extension of the legal authority. We felt as we read the law and the legislative history that this would be contrary to the intent of the Congress.

**Senator Kennedy.** Would be contrary?

**Mr. Dembling.** Would be contrary, yes, sir.

**Senator Kennedy.** Even providing for the beneficiaries in contractual kinds of arrangements?

**Mr. Dembling.** That appears to us as not maintaining a system. The long history of the public health service system starting in 1798, was always one where a system was spoken of, and considered.

The transfer of the authority, we felt, was not within that concept.

**Senator Kennedy.** I know we are not getting into the legal niceties on this, but this is what we wanted to get from you. You think it is an unwarranted exercise of authority in closing eight hospitals. What about three?

**Mr. Dembling.** I don't want to beg the question, but I think what has to be considered is what is a system within the concept of the entire Public Health Service. If a system could be maintained with three hospitals or four hospitals and it was considered so by the Congress, then you would have complied with the law as we interpret it.

The clear intent of DHEW to make basic changes in a congresionally mandated system, the at best marginal authority of DHEW to effect such changes without legislative action, and the strong public concern expressed in connection with the proposed changes necessitate congressional action to keep the hospital and clinic system in operation until the Secretary can formulate and Congress review more detailed plans.

### COMMITTEE VIEWS

The committee's consensus is that certain basic principles should be covered by the Secretary's plans for the hospitals and clinics, and that these principles should be the basis for a congressional review of these plans.

### *Basic principles*

1. Any plan for the hospitals and clinics should assure Federal beneficiaries of accessible, high quality health care at a cost comparable to that currently paid by the Federal Government—and by the beneficiary himself.

Many Federal beneficiaries are not covered by employer/employee insurance programs or any other program for financing care. Based on existing data and testimony, care offered to beneficiaries by facilities under contract with Federal Government has proven more costly to the Government and less accessible to the beneficiary. DHEW's plan should show how their proposals for providing care will not leave the seamen to his own frequently nonexisting resources, will not impose higher costs on either the Government or beneficiary, and will not subject the beneficiary to undue inconvenience or delay in obtaining health care. The plan should reflect consultation with beneficiary representation.

2. Any plan for disposition of the Public Health Service hospitals and clinics should assure optimum use of the institutions for providing health care to the community in which they are located.

The plan must reflect exploration of how the institution might be used to address the needs of the community—especially the critical needs of medically underserved areas in the community. Opportunities for expanded use of the institution under the Emergency Health Personnel Act should be fully explored and documented.

A hospital is more than bricks and beds. The DHEW plan should show how the existing organization, programs, and staff relationships can be preserved under the plan. They should also show how the physical facilities will be modernized in a manner appropriate to their functions. In all cases, the plan should reflect the judgments of community organizations concerning the need for the institution and its manner of operation and control in the community.

3. Any plan for major changes in the method of providing care for beneficiaries or in the status of the hospitals and clinics should be clearly justified changes in terms of existing legislative authority and should define areas where new legislation or amendments are required.

### *Costs of the resolution*

To carry out Senate Concurrent Resolution 6 would require that Congress appropriate for "Patient care and special health services" in the Department of Health, Education, and Welfare budget for fiscal year 1972, $91,155,000, and 6,238 permanent positions. The Department of Health, Education, and Welfare concurs in these figures.

The current Department of Health, Education, and Welfare fiscal year 1972 budget shows a budget authority of $71,682,000 and 970 positions in this category. Implementation of Senate Concurrent Resolution 6 would therefore require an increase in the currently proposed fiscal year 1972 budget authority of $19,473,000 and 5,268 permanent positions.

COMPARISON OF FISCAL YEAR 1971, CURRENT FISCAL YEAR 1972, AND PROPOSED FISCAL YEAR 1972 BUDGET AUTHORITY

| | Fiscal year 1971 (estimate) | Current fiscal year 1972 (estimate) | S. Con Res. 6, fiscal year 1972 budget |
|---|---|---|---|
| Medical care for special groups | $100,762,000 | $71,682,000 | $91,155,000 |
| Permanent positions | 6,242 | 970 | 6,238 |

The committee further considers that adequate funds should be appropriated in fiscal year 1972 to cover the costs of such renovations required by each facility to permit its operation in its current or new status. While DHEW estimates that there are modernization requirements of between $125 million and $175 million no estimates of costs can be made until the committee and the Secretary have reviewed plans for the future status of each of the facilities.

PUBLIC HEALTH SERVICE HOSPITAL AND CLINIC DATA

[Location and size of hospitals and clinics]

| State | Hospital | Beds | Clinics |
|---|---|---|---|
| Alabama | | | Mobile. |
| California | San Francisco | 366 | San Diego, San Pedro. |
| Florida | | | Jacksonville, Miami, Tampa. |
| Georgia | | | Atlanta, Savannah. |
| Hawaii | | | Honolulu. |
| Illinois | | | Chicago. |
| Louisiana | New Orleans | 403 | |
| Maryland | Baltimore | 238 | |
| Maine | | | Portland. |
| Massachusetts | Boston | 190 | |
| Michigan | | | Detroit. |
| Missouri | | | St. Louis. |
| New York | Staten Island | 636 | Buffalo, New York City. |
| Ohio | | | Cleveland, Cincinnati. |
| Oregon | | | Portland. |
| Pennsylvania | | | Philadelphia, Pittsburgh. |
| South Carolina | | | |
| Tennessee | | | Memphis. |
| Texas | Galveston | 160 | Houston, Port Arthur. |
| Virginia | Norfolk | 210 | |
| Washington | Seattle | 281 | |
| District of Columbia | | | Clinic. |
| Puerto Rico | | | San Juan. |
| Alaska | | | Annette Island, Juneau. |
| Canal Zone | | | Balboa Heights. |
| Virgin Islands | | | Charlotte Amalie. |
| Total | 8 | 2,484 | 30. |

***Beneficiaries served by hospitals and clinics***

American seamen:

Owners, operators of documented commercial fishing vessels.

Trainees.

MSTS personnel.

Alaska Native Service.

Army Corps of Engineers.

Army Signal Corps.

Fish and Wildlife Service.

Other Federal seamen.

Cadets, maritime.

Motorboat operators.

Applicants for positions as food handlers aboard vessels.

Uniformed service personnel:

National Oceanic and Atmospheric Administration (NOAA), commissioned officers, crewmembers, active and retired, and dependents.

Coast Guard officers and enlisted men, active and retired, and dependents, applicants for enlistment.

USPHS officers, active and retired, or candidates, and dependents.

U.S. Army, Navy, Air Force, Marine Corps officers and enlisted men, active and retired, and dependents.

Armed Forces applicants for enlistment.

National Guard officers (*dependents not eligible*).

Foreign NATO personnel attached to Army, Navy, or Air Force, and dependents.

Dependents of deceased commissioned officers.

Other beneficiaries:

Federal civilian employees.

Discontinued Federal programs.

Other beneficiaries of Federal Government agencies.

Special study (cancer, heart, by referral of private physician).

Miscellaneous: Foreign seamen; immunization and innoculation; emergencies.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was amended, so as to read:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

The concurrent resolution with its preamble reads as follows:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

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## MORATORIUM ON KILLING OF WHALES

The Senate proceeded to consider the joint resolution (S.J. Res. 115) instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales, which had been reported from the Committee on Foreign Relations with an amendment on page 2, line 3, after the word "is", strike out "instructed" and insert "requested"; so as to make the joint resolution read:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State is requested to call for an international moratorium of ten years on the killing of all species of whales.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction, and

Whereas despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and other endangered species of whales continue to be taken in error by whalers, and

Whereas the severely endangered gray whale has increased its numbers successfully after years of protection, and

Whereas whales are mammals with large brains and a complex social life and produce fascinating and complex sounds which have inspired serious musical works, and

Whereas much remains to be learned about these unique creatures through scientific study of their behavior, and

Whereas it is the intent of the Endangered Species Act to prevent conditions that could lead to the extinction of animals, and

Whereas even those species of whales which are not in imminent danger of extinction will become so if present hunting pressures are continued, and

Whereas whales form a resource which may prove of importance to mankind in the future if their numbers are not decimated now, and

Whereas the United States of America has led the world in placing the baleen and sperm whales on the endangered species list so that products made from these and other endangered species may not be imported, and has also moved to end the last whaling by its nationals: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State is requested to call for an international moratorium of ten years on the killing of all species of whales.

Amend the title so as to read: "Joint Resolution requesting the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales."

The title was amended, so as to read: "Joint resolution requesting the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-239), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

For the purpose of focusing attention on the serious depletion of whale stocks, Senate Joint Resolution 115, as amended, requests the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales.

### BACKGROUND

Senate Joint Resolution 115 was introduced by Senator Scott on June 15, 1971. On introducing the resolution Senator Scott pointed out, "In the last decade more whales were killed than ever before in the history of the world—so many that species after species have been reduced to a pathetic remnant of once great numbers." The full text of Senator Scott's remarks is included in the appendix to this report.

Although international efforts recognized the seriousness of this problem as early as the 1930's, there is little evidence that these efforts have produced the desired results. The most determined effort in this regard has been the 1946 International Convention for the Regulation of Whaling which has as one of its primary objectives the creation of ". . . a system of international regulation for whale fisheries to ensure proper and effective conservation and development of whale stocks . . ." This objective was entrusted to an International Whaling Commission which the Convention established. While the Commission has taken some very positive steps, particularly in recent years, to protect several of the more endangered species, there is nevertheless a growing feeling that much more needs to be done and done quickly—if further irreparable damage is to be prevented. This feeling of urgency was expressed by the Administration itself when Under Secretary of State for Political Affairs U. Alexis Johnson told the Whaling Commission on June 21, 1971.

Public opinion around the world clearly is growing impatient with what most people view as a failure by this Commission to move quickly enough to prevent destruction of a unique natural resource.

The full text of the Johnson statement is included in the appendix to this report.

### COMMITTEE ACTION

The Foreign Relations Committee considered S.J. Res. 115 in executive session on June 22 and, again, on June 23, when it reported it out, as amended, by unanimous voice vote.

The Committee's quick action on the resolution came as a result of the urgency which it attached to the problem and the hope that such action would have a favorable impact on the proceedings of the International Whaling Commission which was engaged in its 23rd annual meeting in Washington.

In its consideration of S.J. Res. 115, the Committee gave particular attention to the fact that no formal opposition to the resolution had been brought to the Members' attention. On the other hand, there were a number of personal appeals made in support of the resolution, plus the Committee received a considerable amount of mail—all of it urging positive action on S.J. Res. 115. A sample of the Committee's mail on the matter is included in the appendix to this report.

### AMENDMENT

As originally introduced, S.J. Res. 115 "instructed" the Secretary of State to call for a ten-year moratorium on the killing of all species of whales. The Committee felt that the use of this term might be viewed by the Executive Branch and the Secretary of State in particular as being somewhat abrasive. Mindful of this kind of sensitivity, the Members of the Committee voted unanimously to replace the terms "instructing" and "instructed" with "requesting" and "requested." The Committee felt that this change in terminology would still convey its strong sentiments on the whole issue.

## PROTECTION, MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

**The Senate proceeded to consider the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:**

SECTION 1. That it is the sense of the Congress, consistent with section 101(b)(4) of the National Environmental Policy Act (Public Law 91–190), that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; that these horses and burros are fast disappearing from the American scene; that it is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or unlawful death as a national heritage species, and as a national esthetic resource; and that to accomplish these ends they are to be considered an integral part of the natural ecological system of the public lands.

SEC. 2. As used in this Act, (a) "Secretary" shall mean the Secretary of the Interior, with the cooperation of and in conjunction with the Secretary of Agriculture when lands under his jurisdiction are involved or where it may be necessary to use veterinarians or other personnel of the Department of Agriculture; (b) "wild free-roaming horses and burros" refer to all unbranded and unclaimed horses and burros on public lands of the United States.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands and in addition shall designate, establish, and maintain specified ranges on public lands for the protection and preservation of existing bands of wild free-roaming horses and burros. The Secretary shall manage wild free-roaming horses and burros in such a way as to achieve and maintain a thriving, natural, and ecological balance among fauna and flora; such balance shall be determined by qualified scientists in the field of biology and ecology, some of whom are independent of both Federal and State agencies and may include members of the Advisory Board established in section 6 of this Act; *Provided, however:* That such management activities shall be at as minimal a level as feasible. (b) Where a habitat is found to be over-populated, the Secretary, in consultation with his Advisory Board, may order destroyed in as humane a manner as possible, old, sick, or lame animals, and then if need be, may remove by capture and offer for private maintenance under humane treatment and care, additional horses and burros determined to be in excess provided that such animals shall not be used in rodeos or for monetary gain. (c) Nothing in this Act shall preclude the Secretary from ordering destroyed in as humane a manner as possible a wild free-roaming horse or burro when such action is considered an act of mercy.

SEC. 4. If wild free-roaming horses or burros wander from the public lands onto privately owned land or land leased from the Government, the owners or lessees of such land may inform the nearest Federal marshal or agent of the Secretary, who, in turn, shall arrange to have the animals promptly removed. In no event shall the wild free-roaming horses and burros under the jurisdiction of the Secretary be destroyed except by the agents of the Secretary. However, nothing in this section shall be construed as a prohibition against individuals maintaining wild free-roaming horses or burros on their private lands, or lands leased from the Government so long as these animals are being protected pursuant to the purposes of this Act. Any individuals who maintain such wild free-roaming horses or burros on their private lands shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recovery only to the extent provided by the branding and estray laws of the State in which it is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary is authorized and directed to appoint an advisory board of not more than nine members to advise on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall be reimbursed at a rate not to exceed $50 per diem for expenses in addition to actual travel expenses when engaged in the actual performance of duties vested in the board.

SEC. 8. (a) Any person who knowingly does, or attempts to do, any of the following, without authority, shall be guilty of a crime and punished by a fine of not more than $2,000 or imprisoned for not more than one year, or both:

(i) willfully removing of a wild free-roaming horse or burro, protected by this Act, from the public domain;

(ii) converting a wild free-roaming horse or burro to a private use;

(iii) maliciously causing the death of any wild free-roaming horse or burro or harassing it; and

(iv) processing or permitting the processing of a wild free-roaming horse or burro or its remains into commercial products.

(b) Any person otherwise violating the provisions of this Act, or the rules and regulations adopted pursuant hereto, shall be subject to a civil penalty, to be assessed by the Secretary, of not more than $1,000 for each such violation. No such penalty shall be assessed unless the person has been given notice and an opportunity for a hearing with respect to such violation. Any such penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed pursuant to this subsection the Secretary shall refer the matter to the Attorney General who shall institute, or have instituted, an appropriate civil action to collect such penalty in the United States district courts which shall have original jurisdiction to hear and decide such actions.

(c) Nothing in this section shall preclude the recovery of actual damages and costs, nor shall this Act preclude customary disposal of the remains of deceased wild free-roaming horses and burros, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

SEC. 9. Any designated employee of the Department of the Interior or Department of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 10. The Secretary is authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that he may deem necessary in order to carry out the provisions of this Act.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 12. Nothing in this bill shall be construed to give the Secretary power to relocate wild free-roaming horses or burros to areas of the public lands where wild free-roaming horses or burros do not presently exist.

SEC. 13. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and a reasonable approximation of the number of wild free-roaming horses and burros under his jurisdiction, together with such recommendations for legislative or other actions as he might deem appropriate.

**Mr. SCOTT.** Mr. President, reserving the right to object to the consideration of the bill and I shall not object—I note that the bill requires the protection, management, and control of wild, free-roaming horses and burros on public lands.

I should like the distinguished majority leader to advise me whether that includes members of the Democratic Party. [Laughter.]

**Mr. MANSFIELD.** Well, there are exceptions to every rule, and we are an exception.

**Mr. SCOTT.** Therefore, Mr. President, because I am in favor of wild, free-roaming burros——

**Mr. MANSFIELD.** The Senator will notice that the bill has been reported with an amendment.

**Mr. SCOTT.** I certainly am in favor of wild, free-roaming burros. I believe they are good for other people's causes. I therefore withhold objection.

**Mr. JACKSON** subsequently said: I am certainly pleased that S. 1116, which I introduced for myself and 34 cosponsors who have joined me, is to receive such prompt consideration by the full Senate. I am particularly grateful for the firm support and endorsement by the senior Senator from Oregon (Mr. Hatfield), who was an initial cosponsor of this legislation. This concern for the wild horses and burros of our western range recognizes that a segment of our American heritage is very much in danger.

The need for action is immediate. If enacted into law, this bill will place all wild, free-roaming horses and burros on the public lands under the jurisdiction of the Secretary of the Interior. The slaughter and unspeakable cruelty that these animals have been subjected to is continuing unabated. Unofficial reports and newspaper articles indicate that hunting and harassment of these animals is happening now at the very time this bill is being considered. Unless action is taken promptly, a part of our Nation's pioneer heritage will be lost forever through callous cruelty. What is the price for our Nation's heritage? I certainly hope the answer is not 6 cents a pound delivered at the local slaughterhouse.

Affirmative action by the Senate will be a positive endorsement of the rugged independence and tireless energy of the western pioneer forebearers. The need is now. Since introduction of this measure on March 4, the estimate of the number of horses involved on lands administered by the Bureau of Land Management was revised downward from 17,000 horses to 9,500. This is an alarming trend and serves to illustrate the need for immediate action.

We are dealing with not only the welfare of these animals but with an important part of our history. Boys and girls in our country grow up with tales of pioneers, Indians, and wild horses. This is part of the dream of growing up in America. In spite of public outrage, this bloody traffic continues, and it is time that this senseless slaughter is brought to an end.

I hope that the Senate will demonstrate to the young people of our country the importance, interest, and concern that we have in preserving our wild animals and in particular the wild horses and burros of our great public domain.

I ask permission that portions of the committee report accompanying S. 1116 be inserted at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### COMMITTEE AMENDMENT

Many of the changes made by the committee are minor or technical in nature. However, several of the amendments significantly affect the purpose and intent of the recommended legislation and a brief explanation of the major changes is believed necessary in order that the intent of the committee be clarified.

The emphasis on specific ranges as a management tool for the protection of the wild free-roaming horses and burros as contained in the original version of S. 1116 has been eliminated by the committee. During the course of the April 20 hearing, witnesses repeatedly urged that the wild free-roaming horses and burros be considered a part of the multiple-use system of the public lands and not be placed in set-aside areas for their exclusive use. Testimony by administration witnesses indicated that the animals are already given consideration when programs are formulated for resource use and allocation and the committee believes that this practice should continue. The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use management plans governing the use of the public lands.

A basic difficulty in determining the intended scope of the legislation is the definition of what constitutes a wild free-roaming horse or burro. Particular concern was expressed by witnesses during the hearing that the original text of S. 1116 did not recognize claims by individuals to ownership of unbranded horses or burros on public lands. Addition of the word "unclaimed" in the definition of a wild free-roaming horse or burro serves to give recognition to the valid claims of individuals. In addition, a new section 5 was added to emphasize the ability of an individual to prove ownership of a horse or burro on the public lands under the branding and estray laws of the State in which it is found. It is certainly not the intent of the committee that the right of an individual to claim and prove ownership under the respective State branding and estray laws be abrogated, nor that the appropriate State or local body should not exercise their statutory authority and obligation if the question of private ownership of a horse or burro should be raised.

The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of "zoolike" developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve. A recurrent theme in testimony by witnesses before the committee advocates, in effect, leaving the animals alone to fend for themselves and placing primary emphasis on protecting the animals from continued slaughter and harassment by man. It is the intent of the committee that the protection of these animals from such unlawful death or harassment be paramount in management activities.

The committee recognizes that some control over the numbers of animals may be necessary in order to maintain an ecological balance in an area. Guidelines for reducing the population of wild-free-roaming horses or burros in an area are provided in the measure but it should be noted that any reduction should be carefully weighed before being undertaken. The committee does not intend that the provision for a reduction in numbers as contained in the measure be considered a license for indiscriminate slaughter or removal of the wild free-roaming horses or burros.

Careful consideration by the committee of the penalty provisions contained in the act led to inclusion of civil as well as criminal remedies for violations of the act. It is the belief of the committee that this suggested amendment would provide administrative flexibility thereby enhancing the overall effectiveness of the measure as well as relieving the burden which would otherwise be placed upon the Attorney General.

It is the expressed intent of the committee to remove the possibility of monetary gain from exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro whether or not it is in the authorized possession of a private party. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains of deceased wild free-roaming horses or burros be permitted; as long as the remains are not sold for any consideration directly, or indirectly. For example, this would not preclude an individual who has in his authorized possession the remains of a deceased wild free-roaming horse or burro from permitting the remains to be utilized in a commercial process if that is the customary method of disposal so long as the individual does not receive any consideration.

To insure that adequate provision is made for the enforcement of the act, the committee has amended the measure to confer upon certain employees of the Department of Interior and Agriculture the powers of arrest for violation of the act; such employees having been specifically designated by their respective Secretaries to receive such power. It is envisioned by the committee that such designated employees will be fully informed of the provisions of this act as well as their respective responsibilities for proper enforcement procedure.

Because of the lack of information concerning these animals the committee has included in the measure provisions for needed studies of the wild free-roaming horses and burros. It may very well be that studies of the habits of the wild free-roaming horses and burros may reveal the need for additional legislation in order to provide for their protection, management, and control. The need for flexibility is recognized and provision is made for submission to the Congress every 2 years by the Secretary of the Interior a report which may include his recommendations for legislative or other actions as he might deem appropriate.

### SECTION-BY-SECTION ANALYSIS

Section 1 states the various purposes of the act. Specifically, it states that it is the sense of the Congress that the few remaining wild free-roaming horses and burros be given protection as part of our national heritage. It states that toward this end the animals are to be considered an integral part of the natural ecological system of the public lands.

Section 2 defines "Secretary", and "wild free-roaming horses and burros."

Section 3 places all wild free-roaming horses and burros under the jurisdiction of the Secretary for the purposes of management of the animals as components of the public lands.

Section 4 authorizes the keeping of wild free-roaming horses or burros on private land or lands leased from the Government, if the animals are being protected from the harassment which this bill is designed to alleviate.

Section 5 recognizes the right of an individual to prove ownership of a horse or burro on the public lands under the branding and estray laws of the State in which it is found.

Section 6 authorizes the Secretary of Interior to enter into cooperative agreements with State and local governments and with private landowners, and to issue certain regulations as he deems necessary.

Section 7 calls for the establishment of an advisory board of nongovernmental experts to advise the Secretary of Interior as to carrying out the provisions of the act.

Section 8 provides penalties for those who might violate the provisions of the act or the regulations issued thereunder. In addition, it would permit the customary disposal of the remains of deceased wild free-roaming horses or burros.

Section 9 confers upon certain employees of the Departments of the Interior and Agriculture the powers of arrest for the violation of the act.

Section 10 authorizes and directs the Secretary to undertake those studies of the habits of wild free-roaming horses and burros that may be necessary to carry out the provisions of the act.

Section 11 authorizes the appropriation of sums necessary to carry out the provisions of the act.

Section 12 specifically limits the power of the Secretary of the Interior to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

Section 13 provides for periodic reports by the Secretary of the Interior with respect to the administration of the act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-242), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE BILL

It is the view of the members of the Interior and Insular Affairs Committee that the wild free-roaming horses and burros presently inhabiting the public lands of the United States are living symbols of the historic pioneer spirit of the West and as such are considered a national esthetic resource.

### THE NEED

The wild free-roaming horses and burrors which would be placed by S. 1116 under the jurisdiction of the Secretary of the Interior belong to no one individual. They belong to all the American people. The spirit which has kept them alive and free against almost insurmountable odds typifies the national spirit which led to the growth of our Nation. They are living symbols of the rugged independence and tireless energy of our pioneer heritage.

During the course of this century, the wild horse population has dwindled to a minuscule fraction of the estimated 2 million that once roamed the western plains and mountains. They have been cruelly captured and slain and their carcasses used in the production of pet food and fertilizer. They have been used for target practice and harassed for "sport" and profit. In spite of public outrage, this bloody traffic continues unabated, and it is the firm belief of the committee that this senseless slaughter must be brought to an end.

Widespread concern for the continued survival of these animals and their protection from continuing depredation by man is evident from the mail received by members of the committee. In addition, testimony by witnesses during the April 20, 1971, hearing before the Public Lands Subcommittee on S. 1116 and related measures served to further emphasize the need for prompt action if the remaining wild free-roaming horses and burros are to be protected from extermination.

Estimates of the total number of animals subject to the measure are open to question. However, it should be noted that in the case of the number of horses involved on lands administered by the Bureau of Land Management, estimates were revised downward from 17,000 horses to 9,500. This indicates an alarming trend as well as a surprising lack of information regarding the animals and prompted the committee to include a provision in the bill for necessary studies of the habits of the animals to be undertaken by the Secretary of the Interior.

During the course of the hearing, knowledgeable witnesses urged that emphasis be shifted from a range or refuge concept for protection and management of the animals to consideration of the wild free-roaming horses and burrors as a component of the public lands and an integral part of the multiple use management system. The committee believes that such action would be in the best interest of multiple use resource management and would best serve the overall intent of the legislation.

### LEGISLATIVE HISTORY

National attention was focused on the plight of the wild horses and burros of the public lands of the western United States during the 1950's. At that time, widespread objection was raised to the use of motorized vehicles or aircraft in the pursuit of the animals. The campaign against these activities was culminated on September 8, 1959, when President Dwight D. Eisenhower signed into law Public Law 86-234 which prohibits the use of aircraft or motorized vehicles to hunt certain wild horses or burros on land belonging to the United States.

During the latter part of the 1960's, widespread publicity about the hunting of wild horses and burros served to once again focus national attention and led to increased interest in legislation at a Federal level for their protection. In the 91st Congress, legislation was introduced by Senator Frank Moss which would have designated the Spanish Barb and Andalusian wild mustangs as endangered species. The bill, S. 2166, was referred to the Senate Committee on Commerce but no further action was taken.

The first comprehensive measure to provide for the protection of all wild horses and burros on lands administered by the Bureau of Land Management was introduced in the second session of the 91st Congress by Senator Clifford Hansen. The bill, S. 3358, would have placed all free-roaming horses and burros under the exclusive jurisdiction of the Secretary of the Interior for purposes of management and protection. The bill was referred to the Senate Interior and Insular Affairs Committee but no action was taken.

Four measures were introduced in the Senate in the beginning of the 92d Congress which were patterned after the comprehensive nature of S. 3358. Hearings on the four measures, S. 862 by Senator Gaylord Nelson, S. 1090 by Senators Mike Mansfield and Mark O. Hatfield, and S. 1119 by Senator Frank Moss, were held on April 20, 1971, before the Public Lands Subcommittee of the Interior and Insular Affairs Committee. Following a staff study and consultation with representatives of the Department of the Interior, the committee considered S. 1116 in executive session on June 16, 1971. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 16, 1971.

### COMMITTEE AMENDMENT

Many of the changes made by the committee are minor or technical in nature. However, several of the amendments significantly affect the purpose and intent of the recommended legislation and a brief explanation of the major changes is believed necessary in order that the intent of the committee be clarified.

The emphasis on specific ranges as a management tool for the protection of the wild free-roaming horses and burros as contained in the original version of S. 1116 has been eliminated by the committee. During the course of the April 20 hearing, witnesses repeatedly urged that the wild free-roaming horses and burros be considered a part of the multiple-use system of the public lands and not be placed in setaside areas for their exclusive use. Testimony by administration witnesses indicated that the animals are already given consideration when programs are formulated for resource use and allocation and the committee believes that this practice should continue. The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use management plans governing the use of the public lands.

A basic difficulty in determining the intended scope of the legislation is the definition of what constitutes a wild free-roaming horse or burro. Particular concern was expressed by witnesses during the hearing that the original text of S. 1116 did not recognize claims by individuals to ownership of unbranded horses or burros on public lands. Addition of the word "unclaimed" in the definition of a wild free-roaming horse or burro serves to give recognition to the valid claims of individuals. In addition, a new section 5 was added to emphasize the ability of an individual to prove ownership of a horse or burro on the public lands under the branding and estray laws of the State in which it is found. It is certainly not the intent of the committee that the right of an individual to claim and prove ownership under the respective State branding and estray laws be abrogated, nor that the appropriate State or local body should not exercise their statutory authority and obligation if the question of private ownership of a horse or burro should be raised.

The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of "zoolike" developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve. A recurrent theme in testimony by witnesses before the committee advocates, in effect, leaving the animals alone to fend for themselves and placing primary emphasis on protecting the animals from continued slaughter and harassment by man. It is the intent of the committee that the protection of these animals from such unlawful death or harassment be paramount in management activities.

The committee recognizes that some control over the numbers of animals may be necessary in order to maintain an ecological balance in an area. Guidelines for reducing the population of wild free-roaming horses or burros in an area are provided in the measure but it should be noted that any reduction should be carefully weighed before being undertaken. The committee does not intend that the provision for a reduction in numbers as contained in the measure be considered a license for indiscriminate slaughter or removal of the wild free-roaming horses or burros.

Careful consideration by the committee of the penalty provisions contained in the act led to inclusion of civil as well as criminal remedies for violations of the act. It is the belief of the committee that this suggested amendment would provide administrative flexibility thereby enhancing the overall effectiveness of the measure as well as relieving the burden which would otherwise be placed upon the Attorney General.

It is the expressed intent of the committee to remove the possibility of monetary gain from exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro whether or not it is in the authorized possession of a private party. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains of deceased wild free-roaming horses or burros be permitted; as long as the remains are not sold for any consideration directly, or indirectly. For example, this would not preclude an individual who has in his authorized possession the remains of a deceased wild free-roaming horse or burro from permitting the remains to be utilized in a commercial process if that is the customary method of disposal so long as the individual does not receive any consideration.

To insure that adequate provision is made for the enforcement of the act, the committee has amended the measure to confer upon certain employees of the Department of Interior and Agriculture the powers of arrest for violation of the act; such employees having been specifically designated by their respective Secretaries to receive such power. It is envisioned by the committee that such designated employees will be fully informed of the provisions of this act as well as their respective responsibilities for proper enforcement procedure.

Because of the lack of information concerning these animals the committee has included in the measure provision for needed studies of the wild free-roaming horses and burros. It may very well be that studies of the habits of the wild free-roaming horses and burros may reveal the need for additional legislation in order to provide for their protection, management, and control. The need for flexibility is recognized and provision is made for submission to the Congress every 2 years by the Secretary of the Interior a report which may include his recommendations for legislative or other actions as he might deem appropriate.

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## ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be recognized at this time?

Mr. SCOTT. Mr. President, I yield back my time.

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## CONTINUING APPROPRIATIONS, 1972

The PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate Calendar No. 232, House Joint Resolution 742, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with amendments on page 4, line 8, after "Public Law 91–672", insert a comma and "except that none of the funds provided by this or any other Act may be used to cover costs incurred in connection with the movement of refugees from Cuba to the United States"; and, after line 23, insert:

> activities of the Maritime Administration, Department of Commerce;
>
> salaries of supporting personnel, courts of appeals, district courts, and other judicial services;
>
> activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): *Provided*, That no other funds made available under this resolution shall be available for these activities;.

Mr. MANSFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. STEVENSON). House Joint Resolution 742, Continuing Appropriations, 1972, is the pending business.

Mr. MANSFIELD. I thank the Chair.

The PRESIDING OFFICER. The Chair now recognizes the distinguished Senator from Louisiana (Mr. ELLENDER).

Mr. ELLENDER. Mr. President, the pending joint resolution will serve to continue appropriations after midnight tomorrow, June 30.

The Committee on Appropriations met on Friday, June 25, to consider this joint resolution, which provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1972, have not been enacted, and voted to report the resolution to the Senate with amendments.

The committee recommends the inclusion of a provision to provide for interim funding for the support of Radio Free Europe and Radio Liberty pending the enactment of legislation to provide for the open funding of these organizations. The recommended provision provides for the continuation of these activities at the fiscal year 1971 level pursuant to the authority contained in the U.S. Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437). It is the hope of the committee that the pending legislation with respect to the open funding of these organizations will be solved in the near future.

I understand that a resolution is pending to continue this program openly. It is possible that the legislation will be enacted within the next 3 or 4 weeks.

The committee recommends the inclusion of a provision to terminate the Cuban refugee transportation program. The 1972 budget estimate contemplated continuation of this program at a cost of $1,050,000 to bring an additional 42,000 refugees into the United States. It is estimated that from December 1, 1965 to June 30, 1971, the Government contract airlift from Havana to Miami has furnished free transportation to 240,000 Cubans. By curtailing the airlift, not only will there accrue a savings of over $1 million in direct costs, but an additional $4 million in related costs, for an estimated total savings of over $5 million in fiscal year 1972 alone. These savings would rapidly multiply in future years as the demands are lessened on other programs.

Mr. President, in proposing this amendment, we had hearings before the Foreign Operations Subcommittee of the Committee on Appropriations. The subcommittee is headed by the Senator from Wisconsin (Mr. PROXMIRE). The committee has nothing against Cubans. They have been coming to our shores, now, for over 10 years.

What we are trying to do is to reduce the number of Cubans who are coming in. I am sure that it is not the intention of Congress to have as many as 650,000 Cubans come to our shores. When this program was first started, our unemployment situation was nothing like it is today. We had normal employment of citizens at the time.

It is rather easy at such times to absorb a few more refugees from Cuba, particularly those with trades or who are proficient in certain endeavors.

But since 1965, we have been providing free transportation for Cubans. We have or we have had a contract with certain airlines to carry Cubans from Havana at the rate of 3,200 a month. This program, as I have said, has been going on now for over 6 years. I think it is time to halt the program, not because we are against the Cubans and not because we do not necessarily want them to come here, but because they ought to come through the regular channels.

For one thing, we have high rates of unemployment throughout the country at present. In some areas the unemployment rate is 16 percent. In my area of the country, the unemployment rate is in excess of 6 percent. Yet we are taking in more Cubans—at the rate of 3,200 a month.

Mr. President, in addition to finding employment for these people, we must provide education for their children. We must also provide food and fiber for them if they are unable to provide it for themselves.

As these people come in, they are automatically taken care of by the State of Florida or by whatever State they land in. Congress provides the money to the States to pay for their upkeep and for the education of their children.

Mr. President, I am not advocating that we cut off the program at the present time, because we have a large number of Cubans who are here now. The pending amendment will not affect them at all. What I am trying to do is to curtail or taper off this program to some extent.

We have had proposed to us an increase of almost $32 million this year over last year. That is due to the fact that we have been carrying these Cubans to our shores free of charge at the rate of about 42,000 a year.

Mr. President, we have on our shores now, as I have just stated, between 600,000 and 650,000 Cubans. I think that number is sufficient.

Mr. President, the Cuban refugees who are unemployed and need assistance receive better help than our own people, because we provide funds for their upkeep; and under certain rules and regulations we are compelled through special appropriations to pay the State authorities of the States concerned a sufficient amount to take care of the needs of the refugees, including schooling and things of that kind.

Mr. President, I really believe that we have done enough. I am sure that no one will object to permitting Cubans to come to the United States the same as any other immigrants. My fear is that if we continue a program of this kind from a humanitarian standpoint, we will be asked to take care of many people from Peru. Many people from Argentina are seeking another place in which to live. Many people from Chile also are now seeking other places in which to live.

It seems to me that in this case we have done enough. All I am suggesting is that the program be curtailed to the extent of simply denying the right to free transportation from Havana to Miami at the rate indicated.

Mr. President, I realize that the means advocated may not be popular with some folks. It may be that the place to do this would have been in a regular bill. However, I thought the matter should be dealt with now and this program brought to the attention of the Senate. That is why the measure is before us today.

In addition, language has been included in the continuing resolution for the continuation of programs of the Maritime Administration and for salaries of supporting personnel, courts of appeals, district courts, and other judicial services.

Mr. President, this joint resolution is similar in content and purpose to continuing resolutions which have, of necessity, been enacted in past years so as to provide for the orderly functioning of Government.

Specifically, the joint resolution continues authority and funds available under certain prescribed conditions, until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this Joint Resolution, whichever first occurs. This present resolution expires on August 6, 1971, and in the event that all of the appropriation bills will not have been enacted by that date, additional temporary authority will be considered.

Mr. President, I hope that by that time Congress will be able to enact all of the appropriation bills. That will be possible only if we can get cooperation from the House of Representatives.

As of this date, two of the regular annual appropriation bills have passed both bodies—the Office of Education appropriation bill and the legislative branch appropriation bill for fiscal year 1972. It is my hope that the differences in the House and Senate versions of the bills will be resolved in conference without delay, enabling the bills to clear the Congress before the beginning of the new fiscal year.

In this connection, yesterday the House and the Senate conferees agreed on the education bill, so that bill undoubtedly will be brought before the two Houses and the conference report agreed to before midnight tomorrow.

Also we will have a conference today on the legislative appropriation bill. It is my hope that we can complete the work on that bill so that it can be sent to the President before midnight tomorrow.

With reference to the Treasury-Postal Service-general Government appropriation bill, I was first advised that it would be considered on the House floor on June 22. This was subsequently changed to June 24. Then I understood it would not be considered on the House floor until Monday, June 28. The bill was actually passed by the House last night June 28. At 5 o'clock yesterday afternoon the Senate Committee on Appropriations met, and we were advised a few minutes after 5 o'clock that the bill had been passed by the House. So yesterday I obtained permission to have the Senate receive the bill from the House and report it, so the bill that passed the House yesterday was immediately reported by the Senate Committee on Appropriations and is now on the Calendar. We hope to take up that bill sometime today. So I hope we will have action on that large bill concluded before midnight tomorrow.

With respect to the appropriation bill for the Department of Agriculture-environmental and consumer protection, the bill passed the House of Representatives on Wednesday, June 23, and was received and referred to the Senate Committee on Thursday, June 24. The Subcommittee on Agricultural Appropriations is diligently working on the bill, and we are hopeful that it can be reported and passed by the Senate early in July.

That is a very complicated bill. Quite a few programs under other appropriations were transferred to the agriculture bill. So far as the Senate is concerned, we completed hearings on that bill a few days ago. More than 100 amendments are involved. That is why we were unable to consider the bill and report it to the Senate prior to June 30, as was intended.

In view of the importance of providing authority, under its reorganization, to the new U.S. Postal Service by July 1, the Subcommittee on Treasury, Post Office, and General Government in the Committee on Appropriations of the Senate expedited its hearings and concluded them the middle of June. However, as I say, we have been waiting for the House to pass the bill, and if the House does so on Monday, June 28, I am very hopeful that the Committee on Appropriations of the Senate will be able to report it to the Senate on Tuesday, June 29.

The committee endeavored to get some of the "must" bills through—and I include among them the Treasury-Post Office bill.

As we all know, beginning July 1 the Post Office Department will be under different management than it has been in the past, and it is necessary, I believe, that that bill be enacted before June 30.

The continuing resolution does not touch that phase of our appropriation process.

I was told it is necessary that this bill be enacted before June 30, so the committee devoted its time and energy to reporting it to the Senate, which we have done and we will try to pass it before midnight tomorrow.

The appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies passed the House of Representatives Thursday, June 24. Hearings in the Senate committee will be completed July 8, and the bill should be reported to the Senate for its attention shortly thereafter.

Under the House schedule, the housing and urban development, space, science appropriation bill will pass the House of Representatives June 30. The hearings in the Senate committee will be completed today, and the bill should be reported to the Senate shortly after the Fourth of July recess.

I am very hopeful it does pass. If it does we will have completed the hearings except for a few witnesses and, as I said, the hearings in the Senate are almost complete. The bill should be ready for action by the Senate soon after we return from the July 4 recess.

The Department of the Interior appropriation bill is scheduled for consideration on the House floor on Tuesday, June 29. The hearings in the Senate have been completed on this bill and every effort will be made to report it to the Senate as soon as possible.

The Department of Transportation appropriation bill will not be considered on the House floor until Tuesday, July 13. Hearings in the Senate committee should be completed prior to that date, and I expect no delay in reporting the bill to the Senate.

On the remaining six regular annual appropriation bills, there is no schedule of floor action in the House of Representatives, so far as I have been able to determine. The Senate subcommittee has completed all of the hearings on the Public Works-Atomic Energy Commission bill except for 1 day of hearings after the bill is received from the House, but we are unable to take any action until we do receive it from the House of Representatives.

The hearings on the District of Columbia appropriation bill have been completed for weeks, and we are waiting on the bill from the House of Representatives so that we can make decisions on the figures and report it to the Senate.

The hearings on the Department of Defense appropriation bill have been completed for some time, and we are awaiting the receipt of the bill from the House of Representatives.

The hearings on the military construction, Departments of Labor and Health, Education, and Welfare, and foreign assistance appropriation bills are well underway in the Senate committee, and I am hopeful that the House will soon pass them so that they can be reported to the Senate for consideration prior to the announced August 6 recess.

All of the departments and agencies financed in the bills I have just mentioned will require authority to obligate funds commencing July 1 in the absence of their fiscal year 1972 appropriations. It is necessary, therefore, that this continuing resolution be enacted before that date.

As I stated earlier, this joint resolution is similar to prior-year continuing resolutions, and it provides for the continuation of existing projects and activities at the lowest of one of three rates:

First. The current, fiscal year 1971, rate;

Second. The budget estimate for fiscal year 1972, where no action has been taken by either House; and

Third. The more restrictive authority or rate adopted by either of the two Houses, until final enactment.

To amplify:

In those instances where neither House has passed a particular appropriation bill, appropriations are provided for continuing projects and activities conducted during fiscal year 1971 at the current rate, or the rate provided in the budget estimate for fiscal year 1972, whichever is lower, and under the most restrictive authority. In addition, if there is no budget estimate for a particular program continuing from fiscal year 1971, special provision is made in the resolution for minimum continuance until the matter is resolved in the processing of the regular annual appropriation bill.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the project or activity shall be continued at a rate of operations not exceeding the fiscal year 1971 rate or the rate permitted by the one House, whichever is lower.

In those instances where an appropriation bill has passed both Houses, but is not yet enacted, and the amounts or authority therein differ, the project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

And I assure the Senate that any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, I am very hopeful that the House will continue its hearings on the remaining bills and that the bills will be enacted by the House and sent here to the Senate. Insofar as I am concerned—I think I speak for the Committee on Appropriations of the Senate—we will be ready whenever we receive the bills. I am very hopeful that the authorizing bills will be enacted, particularly for defense and foreign aid. If we can get cooperation from the authorizing committees, it is my hope that, come August 6, we ought to be able to get through with all the appropriation bills. All we need is cooperation from the House of Representatives and Members of the Senate, and I am confident we will get that from the Senate.

I wish to say that the chairmen of the Senate Subcommittee on Appropriations have been working very diligently. My good friend from North Dakota (Mr. YOUNG) and I have attended practically all the subcommittee hearings, whether we were on the subcommittees or not, in order to try to get the hearings through, so that, come August 6, when we will get a little breathing spell, we will be able to have on the President's desk all of the appropriation bills for fiscal year 1972.

It is possible to do that, and, with the assistance—continued assistance, I may say—of the members of the Appropriations Committee of the Senate and the cooperation of the authorizing committees, and also cooperation of the House side, we should be able to get through all these bills by August 6.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I want to compliment the very distinguished Senator from Louisiana (Mr. ELLENDER) on the extremely fine statement he has made, but, more than that, I want to compliment him on the splendid leadership that he is showing as chairman of the Appropriations Committee in insisting upon hearings by the various subcommittees of the committee on appropriation bills in advance of those being enacted by the House of Representatives. I think it is the most remarkable display of diligent and expeditious handling of appropriation bills that I have seen during my 13 years in the Senate.

I congratulate the chairman of the Appropriations Committee. The Senate owes him a debt, and, speaking for the leadership, may I say the leadership is indebted to him and grateful to him for the splendid manner in which he has handled the chairmanship of the Appropriations Committee.

If the other body will get the appropriation bills over to the Senate, as the distinguished chairman has indicated, and if the administration will promptly submit its authorizing requests and if the authorizing committees will likewise act expeditiously, I am sure that the prophetic statement by the chairman—with respect to the completion of appropriation bills by August 6—will be realized.

These are "must" bills. The Congress must pass these appropriation bills if the departments are to function and the people who are employed in them are to be paid. In past years the legislative logjams that have kept the House and the Senate in session until December have often been caused by delay in acting on appropriation bills and appropriations conference reports. I believe that, under the great leadership of the Senator from Louisiana (Mr. ELLENDER) as chairman of the Appropriations Committee, we are not going to see a repetition of those years but that, come August 6, we will have acted on the "must" bills—the appropriation bills—and most of them will have been signed into law.

Mr. ELLENDER. I thank the Senator very much.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I, too, would like to commend the distinguished chairman of the Appropriations Committee for his excellent leadership and the hard work he has displayed. Day after day he has urged the subcommittees to get through their hearings and get to their markups. This year, I think, we are ahead of where we have been on the appropriations bills for many years. The hearings on most bills have either been completed or are about to be completed. If we are not involved in long filibusters on authorizing bills, we could easily get through all the appropriation bills before the recess in August.

Mr. ELLENDER. I thank the Senator from North Dakota. I repeat, I feel confident that, with the least bit of cooperation from the House as well as the authorizing committees, we will have all of these bills on the President's desk by the 6th of August. Then we could go home happy for a 30-day vacation. I know I would enjoy it very much if we could do just that.

I urge the adoption of House Joint Resolution 742.

Mr. GURNEY. Mr. President, on behalf of the distinguished senior Senator from Connecticut (Mr. RIBICOFF), my able colleague from Florida (Mr. CHILES), and myself, we object to the inclusion of the first committee amendment, that is, the language on page 4, beginning on line 8 with the word "except" and through the language on line 11. We object to the inclusion of that language.

And now, Mr. President, I want to talk a little about the first committee amendment and explain why we think this language should not be included in the committee amendment. I do want to say at the very outset that it does not give me the greatest of pleasure to disagree with the very able and distinguished chairman of the Appropriations Committee, the senior Senator from Louisiana (Mr. ELLENDER), or, for that matter, with the distinguished ranking Republican member of the Appropriations Committee, the Senator from North Dakota (Mr. YOUNG).

However, I do think that here there has been a misunderstanding of the whole concept of the Cuban airlift, the so-called Cuban freedom flights.

I would like to first go back into the history of this matter. This refugee program from Cuba has encompassed four different administrations, going back to the Eisenhower administration beginning in 1959. As a matter of fact, in January 1959, when Castro first came into power in the Cuban revolution, the refugee program from Cuba began and it has almost never stopped. At first it was a trickle. At first it existed as certain refugees got on commercial airline flights to the United States, mostly to Florida.

These flights have brought in so many refugees from Cuba that President Eisenhower set up a Cuban Refugee Center as early as 1960 to handle special problems in connection with the Cuban refugee program.

When President Kennedy succeeded President Eisenhower, he transferred this Cuban refugee program into the Department of Health, Education, and Welfare, which was then headed, as we know, of course, under the leadership of the now very able Senator from Connecticut (Mr. RIBICOFF), then Secretary of the Department of Health, Education, and Welfare.

The interesting thing is that back in those years, when the Cuban refugee program first began, the actual numbers who came into the United States during the commercial airflight program was greatly in excess of the number coming into the United States now. As a matter of fact, there were some 1,600 to 1,800 Cuban refugees a week who came into the United States during that period of the refugee flights from Cuban, from the very harsh Communist regime established by Fidel Castro.

Then came the October missile crisis of 1962, when, of course, President Kennedy clamped a quarantine around the island of Cuba. He did that on October 22, and the day after he did so, Fidel Castro stopped all commercial airplane flights from Cuba to the United States; and then, of course, the ability of the refugees who wanted to get out of the island and away from the Communist regime slowed to a trickle, because they had no readily available means to leave Cuba.

However, it did not stop their desire to leave Cuba, and, as a matter of fact, they resorted to all kinds of ways of getting out of the island. They would take old, leaky boats and attempt to cross the Straits of Florida. There were even some who used rowboats to get across. Of course, this precipitated a great deal of publicity worldwide; there were drownings involved, and loss of life, and Fidel Castro was getting such a bad image in the eyes of the world, with many people beginning to suspect that his country was not the paradise he was claiming it to be, that he began to think he ought to change his program of making it hard for refugees to leave Cuba.

And so, on September 16, 1965, he announced to the world that anybody who wanted to leave Cuba could do so. He also announced that he would make one port in Cuba open to boats from anywhere, that could come in and pick up refugees from Cuba who wanted to go. President Johnson, a few days later, on October 3, also took up the matter of the Cuban refugees, accepting the challenge, if you want to put it that way, of Fidel Castro, and said all Cubans who wanted to come to the United States could have an asylum in our country and be free to come in as refugees.

This precipitated a chaotic condition. Boats left Florida and other ports in the United States and Latin America, all headed for this port to pick up Cuban refugees. Many of the boats were unseaworthy and sank, and again there was large loss of life, and something had to be done about it.

The something that was done was the entering of a memorandum of agreement between the United States and Cuba—not directly, of course, but through the Swiss Embassy representing the American Government in Cuba, but nonetheless a binding international agreement between the United States of America and Cuba.

Mr. ELLENDER. Mr. President, will the Senator yield for a moment?

Mr. GURNEY. Yes, of course.

Mr. ELLENDER. I have been informed by the Parliamentarian that we are now proceeding under limited time, and I wish to say to the Senator from Florida that I certainly will yield him such time as he may require. How much more time does the Senator require?

Mr. GURNEY. I would say not long.

Mr. ELLENDER. I yield the Senator 10 more minutes.

Mr. GURNEY. I thank the Senator from Louisiana.

This memorandum of agreement was entered into between the United States and Cuba, which set up the Cuban airlift as a means of transporting Cuban refugees who wanted to get out of Cuba to the United States of America. Between 3,000 and 4,000 Cuban refugees left monthly on this airlift, to come to the United States, and that has been going on ever since December 1, 1965. Approximately 240,000 have been airlifted.

One other fact of great importance is this: After the memorandum of agreement was entered into, the Cuban Government established a list, and on this list anyone could enter his name who wanted to leave Cuba. Scores of thousands of Cubans entered their names upon the list, expressing their desire to leave Cuba on the airlift when their turn came.

Those people were obviously marked people at once. Certain steps were taken by the Castro government immediately. One was the lifting of ration cards; another was the loss of jobs on the part of these Cubans who wanted to leave Cuba. Their property was confiscated, they were given work of the most menial kind of hard labor, working in the cane fields and other agricultural pursuits. The old, the young, the sick were forced to work in this fashion in order to obtain enough sustenance to keep them alive. In other words, as soon as they registered on that list—and, as I say, scores of thousands did so—they became noncitizens in Cuba, really people without a country as far as the Castro regime was concerned, and they were arrested and persecuted.

Now, there are only about 40-odd thousands left on this list of people who want to get out, and those are the people who will be affected by this amendment if it is adopted.

Mr. ELLENDER. Mr. President, will the Senator yield at this point?

Mr. GURNEY. I yield.

Mr ELLENDER. I wish to point out to my friend from Florida that on March 29, 1966, when this program was changed to the way it is now being handled, a question came up in hearings before the House Subcommittee on Foreign Assistance—page 399—as to the number of Cubans who would qualify under the new rules and regulations under which we are now proceeding. The question was asked of Mr. Wynkoop:

> Mr. CONTI. Do you have an estimate of the number of Cubans presently in Cuba in the various priority categories, that you established for the movement, directly to the United States?
>
> Mr. THOMAS. The best figure that we have got is one that the State Department received from the Swiss authorities. It numbers about 200,000.

Mr. President, that was just a few months after this new method of transporting Cubans to the United States was put into effect; and since that time, as I pointed out a while ago, we have received not 200,000 here, but 240,000. What my good friend from Florida wishes to do is to get 42,000 more, which would be 80,000 more than the estimates made when this new method was really decided upon.

I believe we have done enough of that. In other words, the estimate, when the new method was adopted, was that there were about 200,000 Cubans eligible under the new order. But since that time, as I have said, we have received 240,000, and unless this amendment is agreed to, there will be 42,000 more to come, which will be 82,000 more than the estimate made in 1966. There seems to be no end to it.

I thank the Senator from Florida, and I take that out of my own time.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GURNEY. I would comment on that by simply saying that the 200,000 figure the distinguished chairman of the Appropriations Committee has mentioned is only an estimate, and that it is not at all surprising that 200,000 people wanted to leave Cuba, to get away from the Communist regime that Castro instituted. As a matter of fact, I am surprised that the figure was not 300,000, 400,000, or 500,000.

I do not see that that particular argument cuts any ice. When the President of the United States, President Johnson, instituted this program—and I certainly agree with the action he took and back him up all the way—he extended the hand of friendship and the opportunity for freedom to anyone in Cuba who wanted to come to the United States.

That is the important thing here, not that there was an estimate somewhat less than those who finally wanted to come, but the fact that we actually made a commitment to the people of Cuba who wanted to seek asylum in the United States, and extended the opportunity to all who wanted to come.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GURNEY. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. In an effort to create a safe and orderly flow of refugees, the Johnson administration, through the Swiss Embassy in Havana, negotiated a memorandum of understanding with Cuba. Under this pact, the Government agreed to provide air transportation for between 3,000 and 4,000 refugees a month to the United States. In order to reunite families which had been separated, priority was to be given to relatives of Cubans living on the mainland.

To renege on this commitment now would provide Castro with a considerable political, psychological, and propaganda victory. Would we not be accused—and rightly so—of playing politics with the lives and welfare of innocent victims of the cold war?

Mr. GURNEY. The Senator from Connecticut makes an extremely viable point. As a matter of fact, this is what I pointed out in the beginning of my argument. What we have here is an international binding agreement; no question about it. If we should break it, we would indeed be breaching a legal agreement and breaking our side of the bargain.

The Senator does make an extremely viable point.

Mr. RIBICOFF. I recall that one of my first tasks as President Kennedy's Secretary of Health, Education, and Welfare was to organize and administer a program to assist the refugees as they tried to enter the mainstream of American life. Even before I had a chance to settle down to my new duties, President Kennedy asked me to personally go to Miami, and assist the local and State authorities. The President deeply believed, that we in this country had an obligatiton to the Cuban refugees and should make every possible effort to alleviate their burden.

I went to Miami and spent considerable time with the Federal, State, and local authorities who were trying to bring order to a chaotic situation. Florida was the natural place for these refugees to come, because of its proximity, its weather, and the large Cuban community. In order to take some of the pressure off the State of Florida and the city of Miami, we established a program to spread these refugees throughout the United States. During the 10 years, the program has been in operation some 200,000 refugees have been able to move throughout the United States.

What struck me at that time was that the flood of people we were taking in for humanitarian reasons contained some of the most able, dedicated individuals this Nation had ever seen.

Although the flow of escapees has included persons from all walks of life, the men and women have always had a higher skill level than would be found in a perfect cross section of the Cuban population. Castro's loss has certainly been America's gain.

We received accountants, doctors, dentists, nurses, businessmen, technicians, mechanics. Practically the entire faculty of the University of Havana Medical School left for America.

During the past 10 years, either as a public official or as a private citizen visiting Florida, I have noted the contribution the Cubans have made to American life. I am sure the distinguished Senators from Florida are even more aware of the contribution than any of us.

Studies made in the Miami-Dade County area have shown that the refugees who arrived virtually penniless have made dramatic economic advances.

The total annual income of families of Spanish origin—nearly 90 percent Cuban—rose from $342 million in September 1968, to $588 million by October 1970. During the same period, median family income rose 38 percent from $5,200 to $7,200. Nearly 40 percent of these families own their own homes.

Very few refugees have had to receive public assistance. Refugees who do need public assistance apply for welfare in the same manner as other American citizens and are subject to the same eligibility requirements, but unlike normal welfare programs, the Federal Government pays the States 100 percent of the welfare costs for refugees.

It is interesting to note that 80 percent of those on welfare are 60 years of age or older.

It has not been easy for the once penniless refugees especially because of the language barrier, to join American society.

I recall setting up a program in cooperation with the University of Miami Medical School in which the doctors who came from Cuba could be trained to take the medical examination of the State of Florida on a bilingual basis.

I cannot imagine that for a million dollars, and that is all it amounts to, the United States would break its diplomatic and moral agreements.

The entire world has watched this situation. There was great skepticism as to whether Castro would allow these refugees to come to this country, as to whether he would keep his agreement. The thought was that he would just send the poorest and the sickest. But he allowed these people to come.

As of June 4, 1971, over 230,000 Cubans have been airlifted to freedom. Most of these registered for the program shortly after its inception. Many more, however, are still waiting their turn. They have become nonpersons in their native land. Many of their rights and privileges have been canceled because they expressed a desire to leave. They have been forced to forfeit all their property, possessions, and savings and are allowed to carry out only the clothes on their backs and the most meager of personal possessions. They have been removed from their jobs and forced to do heavy agricultural labor. The only reason they are willing to endure their government's wrath is the knowledge that someday they will board a plane for the United States.

The action taken by the Senate Appropriations Committee last Friday deleting the Cuban airlift funds from House Joint Resolution 742 may mean that these men and women may never be able to leave a country which now considers them nothing more than pariahs.

I would hope that the Senate will reverse the decision of the Appropriations Committee. With due respect to the distinguished Senator from Louisiana, the agreements made by President Kennedy and President Johnson, to the people and the Government of Cuba are too important to forsake now. We should not abandon our centuries-old position as a haven for oppressed people around the globe.

Mr. President, we must not forget for one moment that this Nation is responsible for these people unlike no refugee group in history. By agreeing with the Cuban Government to take in those who expressed a desire to emigrate, this Nation placed thousands of Cubans in an untenable position—one for which the airlift is the only solution. For us to turn our backs now would be intolerable. Termination of the airlift would not only betray our historic humanitarian tradition, but would directly penalize those men and women who took us at our word and in good faith registered to leave.

Mr. GURNEY. Mr. President, I am in complete agreement with the eloquent arguments made by the distinguished senior Senator from Connecticut.

He mentioned the Cuban refugee center in Miami. I should like to point out that he had a great deal to do with setting up that center and the extremely able work it did when he was Secretary of HEW.

As a matter of fact, this has become a showplace of freedom. People from all over the world, some in skepticism and some in suspicion about how the United States was handling this refugee problem. In many instances, press people from abroad have left the United States and—even though they were not all friends—have written favorable articles on how we have been handling the matter.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. RIBICOFF. At the time, the refugee assistance program was started we had nothing to go on. We had to start from scratch. In 1961 a program of relief loans patterned on the National Defense Education Act, was set up for Cuban refugees. Under this program, 12,000 college loans have been granted and only 147 of these loans have been declared delinquent. I would challenge any other group in American society who have had loans of any kind from Government to equal that record.

Wherever I have gone around the country, various people in the social service field who have handled similar problems speak in the most glowing terms of how the Cubans have been able to enter the mainstream of American life.

This is something this Nation should be proud of. We should continue the program—not terminate it.

Mr. GURNEY. There is no question about that. I would like to amplify what the Senator has said about the wonderful experience we have had with this immigration. The Senator mentioned the lower amount of delinquencies on student loans. One of the interesting things about the Cuban immigrants is the low unemployment rate. Only 2 percent of the Cubans coming into this country under the refugee program are unemployed. This is far below the national average. The median income for a family in the Miami area is $7,200, which is considerably above the national average. That figure is up 36 percent in the past 2 years. The Cubans do work. The husband works. The wife works. The children work. They have made a tremendous contribution to American society. We have example after example where people who have come from Cuba with literally nothing but the clothes on their backs, and no cash, have begun at once to work hard and provide for themselves. I know one president of a bank in Miami who came from Cuba that way. There are many other success stories like that all over the United States. So they have made a tremendous contribution to American society.

One other point that is extremely interesting: Only 15 percent are on welfare, and those who are on welfare are the old and the sick. The able-bodied Cubans are out working. The rate of those on welfare is considerably lower than the national average, too.

Mr. RIBICOFF. Will the Senator from Florida yield for another thought?

Mr. GURNEY. I yield.

Mr. RIBICOFF. If these people had not been refugees but had always been in the United States, practically all of them would be covered by social security. The result would be that almost no Cubans would be on welfare. Those who are now on public assistance are those that did not have social security of any kind, as most people over the age of 65 in this country have.

Mr. GURNEY. That is true. While the rate of the figures I just gave may have been lower, I think that 17 or 18 percent of those coming here from Cuba are on welfare now; but they help themselves, too. Relatives give money. People coming in and friends coming in do a great deal to help in the private sector by taking care of people, helping them to get started, to buy homes, and to get jobs. They do this more than any other immigrant class we have had in this country.

Mr. RIBICOFF. I think that the Senator from Louisiana (Mr. ELLENDER) would find it interesting to note that the special services programs set up for Cuban refugees have been even more successful than the normal American welfare system. For example, at the outset of the relief program, approximately 3,700 female heads of families with children were receiving public assistance. The day care and training programs for these people were so successful that virtually none of these 3,700 women are now on welfare. The same success rate certainly does not apply to the AFDC program.

The PRESIDING OFFICER (Mr. ALLEN). The additional time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator from Louisiana yield me 5 more minutes?

Mr. ELLENDER. Mr. President, how much time is left?

The PRESIDING OFFICER. Until 1:05 p.m., unless other amendments are called up.

Mr. ELLENDER. I shall be glad to yield 5 more minutes to my good friend from Florida; but before I do so, I yield myself 1 minute in the period of the 5 minutes to ask the Senator from Florida to tell us how many more Cubans have been registered to come here.

When the new program was put into effect, the record shows 200,000 were eligible, but since that time over 240,000 have come in. If this amendment is not agreed to, 42,000 more will be coming in on the airlift. I would like to know how many there are now in Cuba who are eligible to come to this country. It seems there is no end to it. That is what I am fussing about, Mr. President. It is not that I am against Cubans, or anything like that, but there should be an end to it.

Let me say to my good friend from Florida, who may wish to answer this also, that in the welfare hearings, the following was stated:

> Mr. PROXMIRE. What percent of Cuban refugees participating in the program are receiving welfare benefits?
>
> Mr. PALMATIER. At this time, through March 1, our assistance caseload was 78,000 which represents about 18.9 percent of the 414,000 who had registered with us as of the end of March 1971.

Mr. President, that is almost double the present national average.

Mr. GURNEY. May I answer that question?

Mr. ELLENDER. I yield 5 minutes to my good friend from Florida to tell us how many Cubans are eligible to come into the United States, because I am quite certain that the good news goes out to the Cubans in Cuba from those who are here, and that encourages them to want to come to the United States.

Mr. GURNEY. In direct answer to the question, let us go back, first, to how the lists were prepared. In the first place, after the Cuban freedom flights were inaugurated by the U.S. Government, a list was opened up with the Swiss Embassy, with permission of the Cuban Government—the Castro government—to register Cubans to come to the United States where they wanted to live, and scores of thousands registered to do that. I do not know the exact number, but I do know that in May of 1966 the Castro government cut off any further registering. The reason why Castro did that was that he was so embarrassed that so many Cubans wanted to leave Cuba.

As I understand it, there are two lists today. On the first list the Castro government permitted, which was cut off in May 1966, somewhere around 40,000 Cubans wanted to come to the United States. That is all that remains, as I understand it.

There is another list that the State Department has, a list prepared by U.S. citizens for U.S. citizens who had relatives in Cuba.

That list totaled 65,000. There is probably some duplication between the State Department list and the Cuban-Swiss Embassy list in Cuba, but no one knows what the duplication is. We do know that the respective figures are 40,000 and 60,000, with the rate of people coming into the United States through the Cuban airlift being somewhere between 3,000 and 4,000 a month. Thus, it is obvious that there will be no more than 2 to 2½ years more of the airlift when the whole of both lists will have been exhausted. So we are talking about 2½ years and $2 to $3 million being involved. That is what it would take.

Mr. ELLENDER. The Senator should take into consideration the fact that it is not a matter merely of the cost of the airlift, but we have to take care of those people when they come in here. The number we are cutting off here, of 1,050,000, covers only the airlift; but we also are cutting off $4 million, which would be the cost of taking care of the people after they get to this country.

I might add that still later estimates have indicated that the amount to be saved in fiscal 1972 alone could run as high as $15 million. If we continue this program, as I pointed out awhile ago, the proposal is to raise the amount by over $32 million over last year, and this amount will be increased from year to year as we permit more and more Cubans to come in.

Mr. President, we have spent on this program $583 million. We are now spending at the rate of $144 million a year. This amount will increase as the number of Cubans who come into this country from here on out is increased.

Mr. GURNEY. In rebuttal to that argument, I would say that, of course, we have spent a great deal of money on this program, the whole encompassment of it and all the facets of it, but that is what our commitment is. That is what we agreed to. That is exactly what we proposed to do when we established the program in the first instance.

So far as concerns the additional number coming in from Cuba—40,000 to 60,000, or whatever it is—actually the increase in cost which will result from that as compared with what we are spending now will probably be a rather small amount, because of the small portion of people who come in who will actually go on welfare and because of the expenditure of dollars in that regard.

Mr. ELLENDER. How about schooling? We have got to take care of their schooling, have we not?

Mr. GURNEY. Finally, I would say that the economic figures I have seen have meant a tremendous increase in the amount of welfare which has come from the Cuban community itself, integrating business-economics-workwise, not only in Miami, which has half of the program living there—but also from the Cubans who have emigrated to the 49 other States. This has contributed enormously to the economy of this country.

There is no question in my mind that the work product of those people will mean more than the pay for themselves in the end, in terms of what they have put into the economy of this country and what we will get back in taxes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 3 additional minutes to the Senator.

Mr. GURNEY. Mr. President, I want to make one additional point. It is an extremely important point. I know that some Senators will say, "Well, this costs $1.05 million. Why does not the Cuban community carry this burden themselves? They would be able to do this."

The point is that if we interfere with the airlift that is now operating, there is every likelihood that Castro will cut it off completely. Obviously it will be interrupted if this authority expires in a few days.

If the Cubans within the United States try to establish an airlift, they will have to communicate with Castro themselves or through the State Department or some other means. I would say that Castro would not agree to that. He cut off those who were going to come here immediately in a pronouncement of May 1 of this year to the effect that no person, after May 1971, who indicates for the first time that he wants to come to America can come to America.

The best thing we could do for Castro would be to cut off the airlift and avoid further embarrassment to Castro by eliminating the airlift. I would bet that there would be no more people coming out of Cuba after tomorrow. I refer to the people to whom we made a commitment.

Believe me, the nonpersons, as the Senator from Connecticut (Mr. RIBICOFF) described them, would indeed be nonpersons and noncitizens and subject to persecution and harassment. I suppose that they would have little more status than the status of slaves in Cuba.

We made a legal international agreement of a binding nature to go ahead with this program. In addition, we have a moral commitment. We cannot leave those persons at the mercy of Castro.

I hope that the U.S. Senate will not turn its back on the good things that have gone on for almost 300 years, from the first day that people set foot in this country from other areas of the world.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article from the newspaper Diario Las Americas dated June 2, 1971, an article from the U.S. News & World Report dated May 31, 1971, and an article from Business World dated January 11, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### THE FREEDOM FLIGHTS AND THE HONOR OF THE U.S.A.

In the Washington Capitol are now taking place events tending to the drastic end of the Freedom Flights between Cuba and the United States of America, which have been coming since December 1965, in line with the offer made by President Johnson at that time.

As it is known, when in behalf of his government and of his country President Johnson offered the Cuban people the facilities of the Freedom Flights, and this was negotiated through the Swiss Embassy in Havana with the Castro regime, there were thousands of Cubans who, relying on Washington's official word, registered in accordance with procedures set up to leave Cuba fleeing from the communist terror. All those who registered until the registration period was closed in May 1966, have not yet left Cuba. But, from the very moment in which their names were included in the corresponding lists, they began to suffer, in one way or another, the consequences of the communist persecution. This persecution goes from the loss of their jobs to the withdrawal of the ration booklet to buy food. The Cuban communist dictatorship interpreted that all those persons who registered not only were not communists, but were against the regime. And for several years those persons have suffered, with the hope of leaving, the measures taken against them by the communist tyranny.

If the appropriations for the Freedom Flights are eliminated by Congress, as unfortunately it seems is going to happen, those thousands of persons who were already officially registered to leave Cuba will remain marked as enemies of the dictatorship, with all that this implies, and without any possibility of leaving Cuba, because what it seems would be offered to those Cubans is exactly the same that is available for other immigrants. And it is well known what this means. Those persons who believed in the official promise of the President of the United States will feel deceived and despondent. And this involves the prestige and the dignity of the United States of America, whose given word will not be kept in this case.

Let's make clear that what damages the moral position of the United States of America is the fact that individuals who officially registered for the flights when the promise was in force, will not be able to leave the country. Therefore, it is not a question of indefinitely and at any time allowing the registration of Cubans who may want to abandon the communist inferno. It is a question of fulfilling what could be considered as a right of those who, before the registration was closed, had complied with the requisites.

Though everything seems to indicate that much has been advanced towards the elimination of the Freedom Flights, it is to be hoped that in the last stage of the discussions an honorable rectification takes place.

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[From U.S. News & World Report, May 31, 1971]

### FLIGHT FROM CUBA—CASTRO'S LOSS IS U.S. GAIN

In the 12 years since Fidel Castro came to power, nearly 650,000 Cubans have sought refuge in the United States.

Most have found far more than refuge. They have found homes, jobs—and opportunities. Thousands of refugees, in only a few years, have launched new careers in professions and business.

The story of this big wave of immigrants is a success story seldom matched in this country's long history of immigration. Few other nationality groups have taken root so quickly or progressed so rapidly.

#### WARM WELCOME

Some of this rapid progress can be credited to the aid given by the U.S. Government. No other group of immigrants in history has been accorded such a helpful welcome.

Much of the Cuban success, however, is generally attributed to the efforts and ability of the Cubans themselves.

Talk to the Cuban refugees and you get still another explanation.

"What we have found in America is the land of opportunity—the greatest nation on earth," says Carlos Arboleya, who in nine years rose from an almost penniless refugee to be president of a Miami bank.

The mass migration of Cubans to the United States is still continuing. Each month about 3,600 stream in on an airlift financed by the U. S. Government. These are people Castro let go with the contemptuous remark that they were the "worms" of his Communist society.

In America, however, they are proving, by and large, to be capable, hardworking people who are making major contributions to American life.

#### A CROSS SECTION

The Cuban refugees are scattered widely around the country. But about half of them have settled in south Florida. Nowhere else is the Cuban success story so visible as it is in this area.

Wherever you turn, the Cuban influence can be seen and felt. The new mechanic at the corner garage may not speak English fluently—but he can fix your car. The Cuban bus boy in the restaurant, the record suggests, may soon be running that restaurant.

Whole hospitals are now staffed by Cuban doctors. A prime example is the 300-bed Pan-American Hospital in Miami. In all, about 2,000 Cuban doctors have settled in the Miami area.

These refugees, records indicate, are good credit risks. Those who have borrowed money have, for the most part, paid it back. Cubans on relief are generally too old or too ill to work.

The Cuban impact on the U.S. is felt at many levels. There is a growing and articulate Spanish-language press. Movie houses in Washington, D.C., in Newark, in New York and in dozens of other cities show films in Spanish for tight-knit Latin-American communities. Across the land, restaurants with Cuban food and entertainment are opening.

Dade County, Florida, which includes Miami, is the hub of Cuban life in the United States.

Mayor Stephen P. Clark of Miami estimated that 350,000 Cubans now live there. Nobody can be positive about the number—but it is known that some Cubans, after resettling elsewhere, return to Dade because of the mild climate and the proximity to other Cubans and the homeland. Cubans tend to dislike the cold North American winters.

#### TRADE CENTER

Because of the bilingual pool of talent in the Miami-Dade area, more and more American companies have set up their Latin-American trade headquarters there—33 in Coral Gables alone.

Among those companies are Alcoa, Dow Chemical, Chicago Bridge & Iron, Coca-Cola, Goodyear, Atlas Chemical, International Harvester, Johns-Manville and Bemis. Many of these trade headquarters are run by Cubans.

Of course, it's not all clear sailing for the refugees, but in the main their story is one of astonishing achievement.

President Arboleya of the Fidelity National Bank of Miami explains the success formula of his Cuban compatriots in these words:

"They work. The man works, the wife works, the children who are old enough work."

Mr. Arboleya has shown what a refugee can do. In 1960, at age 31, he arrived with his wife, an infant son and $40 in cash. Banking was his field, but banks were not bidding for the services of refugees. He started as an inventory clerk in a shoe factory at $45 a week. Eighteen months later he was the office manager. Eventually, he got a bank job. By 1966, he was executive vice president of Fidelity National. In February of 1969 he became an American citizen—and president of the bank.

#### RETAINING OLD TIES

Mr. Arboleya, whose son became an Eagle Scout at 13, likes to tell of the special camps for Cuban Boy Scouts in Miami, where the Cuban flag is flown alongside the American flag.

"Our Boy Scouts salute the Cuban flag with respect for our homeland," he says. "But," he adds, "they not only salute the American flag—they pledge allegiance to it."

Tully Dunlap, president of the Riverside Bank in Miami, credits Cuban business with lifting his bank out of the doldrums in the mid-'60s.

Deposits started to move up in 1965, breaking a steady downward trend which set in with the flight of American customers to the suburbs in 1961, Mr. Dunlap says, and "Cuban deposits now total over 16 million dollars and we have 18,000 Cuban accounts."

The New York-New Jersey area is another place where Cubans congregate. Some 75,000 are estimated to be living in New York and 52,000 in New Jersey. One of them is Dr. Carlos Marquez Sterling, who was a candidate for President of Cuba in 1958.

Today Dr. Sterling is professor of Spanish literature at C. W. Post College of Long Island University at Greenvale, N.Y. He says this:

"Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, university teaching, accounting, law and transportation."

Oscar Rodriguez was 16 and his brother, Omar, was 20 when they came to New Jersey as refugees in 1960. Their first jobs were as sweepers in a garment factory. Today they run their own garment factory, employing 75 people.

#### A DOCTOR'S STORY

Dr. Ramon Rodriguez-Torres walked away from his own private hospital in Cuba after Castro took over. The doctor, his wife, two small children and his parents arrived virtually penniless in Puerto Rico. A year later he was in Brooklyn's Downstate Medical Center as an instructor in pediatrics. From there, his advancement was swift.

Dr. Rodriguez-Torres studied for and passed several State medical examinations. He is now a full professor and director of the center's pediatric cardiology department. He also started an intensive-care unit for children at Kings County Hospital—said to be the first of its kind in the U.S.

"My family and I are very proud and happy to be in this wonderful country where we have seen all our work and effort rewarded," he says.

At Milledgeville, Ga., 68 Cubans are among the 113 physicians on the staff at Central State Hospital, the big complex for mental patients. Five of the 10 directors are Cubans, each heading units with 700 to 1,000 patients.

Central State's top heart specialist is a Cuban, Dr. Sergio C. Alvarez-Mena. He is chief of cardiology at the hospital and also associate clinical professor of medicine at the Medical College of Georgia.

Dr. Addison M. Duval, director of Georgia's mental-health division, declares: "We just couldn't have made the improvements that we have without the help these people gave us; it was a mutually beneficial thing."

In Atlanta, where most of Georgia's 5,000 Cubans live, assimilation has been no problem. Cuban leaders estimate there are 100 of their countrymen in various businesses, while about 50 per cent of the adults hold positions as college or university professors, doctors, engineers, accountants or business executives.

### A HOUSTON GROCER

Typical of the Cubans who have made good as tradesmen—there are thousands of them—is Hector Cardet, 41, who owns a grocery store in Houston. The store specializes in Cuban foods and is a gathering place for the Cuban community.

Before fleeing Cuba in 1963, Mr. Cardet owned a grocery store in Havana. Like so many others, he reached the U.S. without funds or knowledge of the English language. He found work as a stockman for a chain of convenience grocery stores.

"At night," Mr. Cardet says, "I would load up the back of my car with Cuban-type groceries and sell them door to door to Cuban families in Houston."

In two years, he saved enough to open his own grocery store—and later a restaurant which employs Cubans as waiters and cooks.

Mr. Cardet calls the U.S. "the greatest country on earth." But given the chance, "I'd go back home," he says.

The Cuban population of Ohio has been estimated at 2,300. There are 3,000 Cubans in Michigan. Concentrations of these refugees are found in major cities of both States—especially in Detroit and Cleveland,

Occupations are varied, ranging from the pastor of Our Lady of Guadalupe Catholic Church in Flint, Mich.—Father Eduardo Lorenzo—to an assembly-line worker for the Ford Motor Company in Ypsilanti—Jose A. Cabrera. Mr. Cabrera is also president of the Cuban association of Michigan.

David Caveda, a manufacturers' representative in Columbus and president of the Cuban refugee group there, says he knows of only three Cuban families on welfare, all of them aged. He adds:

"There are no able-bodied Cubans on welfare. We belong to a society where people take care of one another. There is a pattern—the ones established here help the newcomers."

A Cuban refugee in Detroit, Reinaldo Gonzalez, is now an executive for an auto-parts supplier. In 1961, he joined the company as an export clerk. Now, 10 years and eight promotions later, he is responsible for manufacturing schedules for Federal-Mogul Corporation in Western Europe and Latin America.

Mr. Gonzalez explains his attitude toward America and Cuba:

"I feel . . . the way I feel about my mother and my wife. I love both, and my love for one does not interfere with my love for the other."

As the only Spanish-speaking person in his suburban neighborhood. Mr. Gonzalez has a standing joke with his next-door neighbor: "I'm better off than you are—I don't have a Cuban living next door to me!"

### THE CHICAGO SCENE

Between 20,000 and 30,000 Cuban refugees are estimated to be living in the Chicago area. About 500 of these are doctors and there are approximately 100 Cuban lawyers.

One Cuban in Chicago makes this appraisal: "Some have done well, some not so well, depending mainly on how they did in Cuba."

Another refugee took a more positive view, pointing out that a Cuban had to be highly motivated to leave his homeland—overcome the obstacles to getting permission to depart—and then buckle down to work in a strange land. Motivated people, he explained, generally succeed. And, he said: "We were prepared, whether we knew it or not."

In Columbus, Cuban Orlando Alonso, made himself so valuable that he ended up taking over the business when the owner died in 1969.

When Mr. Alonso left Cuba in 1962, he went to work as a truck driver for Columbus Pest Control Company. In a few months, he was chosen to run the business whenever the owner was away. The business had its most profitable year in 1970—under Mr. Alonso's management. He and his wife and three children live in a Columbus suburb. The 18-year-old daughter will soon marry an American.

Cuban family ties, traditionally close, account in part for the low number of failures among the refugees.

A newly arrived refugee often will receive money by mail from relatives and close friends who preceded him. A contribution may be $1.50, or it may be $50—whatever the donor can afford.

The established Cuban will give up something he needs and uses every day to help a relative get a foothold. For example, one head of household returned to his Miami home one night to find the table and chairs missing from his kitchen. His wife had given them to a relative just moving into the area.

These close ties, a willingness to help one another and a fanatical belief that hard work is the key to success lie behind the Cuban experience in America.

Few success stories are more dramatic than that of Mr. and Mrs. José Torres and their daughter, Norma. The Torres family arrived in New Orleans in 1967 with nothing but the clothes they wore—and the Braille ruler Mr. Torres had fashioned from wood. Both he and his wife were blind.

But José Torres was also a skilled cabinetmaker and before long he was hard at work, learning English and setting up shop with borrowed funds.

Business is slow at the moment but he keeps going with sales of doll houses, jewelry cases, candlesticks and liqueur cups. His daughter is an outstanding student in the nursing school at Louisiana State University.

### RECORD AS SCHOLARS

In the field of scholarship loans, young Cubans have been especially responsible in meeting their obligations. Congress recently heard testimony that of the 12,800 loans granted to Cubans for college education, only 147 were delinquent—a performance which outstrips the national average.

The Cuban experience in the U.S. is not an unbroken string of economic miracles. Many old persons find they cannot learn English, or that ill health keeps them from working. There are problems of assimilation in some areas—and complaints of discrimination.

In Los Angeles, the Cuban is in a particularly strange situation—he is a minority within a minority, and thus, in effect, invisible to the indigenous community.

There are some 1.1 million Spanish-speaking persons in this area. The presence there of perhaps 50,000 newscomers from Cuba makes scant impression on people in general.

These Cubans appear to have little interest in becoming part of the Mexican-American scene. They have settled instead in a variety of small pockets throughout the city.

### MASS TRANSPLANTS

Organizations like the International Rescue Committee and the Cuban resettlement division of the Catholic Welfare Bureau have helped some 35,000 Cubans go from Miami to Los Angeles. It is estimated that an additional 10,000 to 15,000 went to southern California on their own.

About 11,000 Cubans in the area are on welfare. Los Angeles County officials say the relief bill for Cubans comes to a million dollars a month—which is refunded by the U.S. Government.

Observers report a lack of rapport between Cubans and other Spanish-speaking persons there. The Cubans seem to identify more with the "Anglos," whereas Mexican-Americans tend to cling to their old Mexican culture.

There is another big difference. The militant Mexican-American sometimes leans leftward politically. Cuban refugees aren't buying anything that smacks of Communism. It's hard to find a Cuban with a Castro-type beard.

Even in Los Angeles, however, there are bright spots for Cubans. A community spirit, for a time dormant among them, has begun to develop. A Cuban Chamber of Commerce now has 100 members. About 300 Cuban-owned businesses have been established. A biweekly tabloid newspaper—"La Prensa"—has a Spanish-language circulation of 15,000, predominantly Cuban.

And like every other area, Los Angeles has its successful refugees.

### A GROWING RESTAURANT

Eddemio Lopez came from Cienfuegos, Cuba, nine years ago—penniless he says, "like everybody." He sold Bibles and encyclopedias door to door. He and his brother saved enough to open a little restaurant. It seated 25. Then the brothers bought an adjoining building and enlarged their operation. Today the prospering restaurant seats 110—and employs 13 Spanish-speaking persons.

In San Francisco, some of the Cubans complain about discrimination, especially when it comes to getting good jobs and job training. Some have had difficulty in finding any jobs at all.

And a discouraged high-school student said: "Florida is the best place for Cubans; there are enough others there to help you, to support your business."

Cubans admit—and express gratitude—that U.S. Government programs help them get started in this country.

On their arrival in Miami on the U.S.-financed airlift, they are welcomed by U.S. officials and given temporary housing in "Freedom House" at the airport. There they register with the Cuban Refugee Program of the U.S. Department of Health, Education, and Welfare, and also with a volunteer agency of their choice.

The volunteer agencies arrange transportation for refugees to homes of relatives, with the cost met by the Federal Government. Refugees also receive checks from the Florida welfare department—$100 for a family, $60 for a person. Washington repays Florida for this.

As soon as they reach their relocation city, refugees are eligible for public welfare, with Washington again reimbursing the States.

All told, from the time the Cuban Refugee Program began in February, 1961, through the end of this fiscal year on June 30, the U.S. Government's obligations for aiding Cuban refugees will total 583.8 million dollars.

### A GOOD INVESTMENT

Federal officials regard this as a good investment. Howard H. Palmatier, director of HEW's Cuban Refugee Program put it this way:

"We cannot overlook the Cubans' incalculable contribution to our nation. They have paid millions of dollars in local, State and federal taxes. Their presence and efforts have created, directly or indirectly, literally thousands of jobs throughout the United States—which generate even more tax revenues. And perhaps most important, they are still making this contribution."

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## Cuban Refugees Write a U.S. Success Story—In the 10 Years Since Castro Came to Power, the Number of Exiles Who Have Made It in Major Companies or in New Careers Has Steadily Grown, Many Have Started Successful New Enterprises

Miguel Amezaga, 64, who fled his native Cuba shortly after Fidel Castro's takeover, on Jan. 1, 1959, took to the complexities of U.S. corporate life like many executives once took to Havana cigars. Today he is a vice-president for the commercial products division of St. Regis Paper Co. "If there's been any problem at all," says Amézaga, "I'd have to say it's been difficult to adjust to the Chicago weather and the lack of domestic service."

In Cuba, Amézaga had a one-third interest in a company that did business exclusively with U.S. companies selling in Cuba, including St. Regis. When he came to this country, he didn't have to search for a job—he was offered one by St. Regis.

Amézaga's experience is typical of that of other Cuban emigres who have done well in U.S. corporations. Those who have made it typically have been well-educated. Most attended U.S. universities (Amézaga went to M.I.T.), and hence were fluent in English. They knew U.S. corporations first-hand because most major corporations operated in pre-Castro Cuba.

Roberto Goizueta, a Coca-Cola vice-president in charge of the corporate technical division, worked for Coke in Havana long before arriving in Atlanta, where Coke transferred him after Castro nationalized its facilities in 1961. Felipe Silva, 49, export manager of American Tobacco Co., worked for a subsidiary in Cuba before coming to the U.S. in 1960; six other Cubans with American Tobacco are veterans of its pre-Castro subsidiary.

### WAVE

More than 300,000 Cubans have arrived in the U.S. in the decade since Castro came to power. The majority have been women, children, and students. But in the first two years of the immigration wave, those who came were mostly the propertied elite and the professional and managerial people who were the first to feel the growing Communist assertiveness of the Castro regime.

"We call ourselves the Cuban Mafia," says Alberto Luzarraga, of the early emigrants. Luzarraga, 31, is vice-president and zone executive for Mexico and Central America at Chase Manhattan Bank. Most of the Cubans who fled knew each other, and many were related, he says.

Like any other kind of pioneer, the Cubans who first reached freedom tended to regard themselves as special. Henry Fanjul, 51, vice-president and Latin American area manager of Marsh & McLennan International, Inc., says: "The ones that came in 1960 were the cream of the crop."

Few Cubans can be found in the top echelons of management, but many are in important positions with companies doing business with Spanish-speaking countries.

"We were skeptical about taking on Cubans at first," says an executive of one U.S. company doing business internationally. "We had the idea they were playboys. But now when we think of sending someone to Latin America, somebody asks, 'Isn't there a Cuban for the job?' "

The result has been an unusually strong concentration of Cubans in international business, particularly in banking and related fields. Says Jose A. Maruri, 43, assistant treasurer of the international division of the Bank of New York: "There are so many Cubans involved in international business that it's easy for us to communicate. We have a lot in common." His boss is vice-president Victor R. Zevallos, 54, a Cuban.

"When I want to know something about another company," says Luzaraga of Chase, "I call on any Cuban in that company. It helps a lot."

### NEW VENTURE

Businessmen who have been able to integrate effortlessly into corporatons or banks have had it easier than their professional brethen, who frequently have been frustrated by the requirements of medical or bar examinations. "The law was a dead end," says Ernesto de Zaldo, 48, a lawyer in Cuba. But the contacts he made while majoring in economics at Yale made it easier to land a job at PepsiCo International, where he is now area vice-president for Southern Europe.

Not all Cuban refugees came here. Some 20,000, for example, landed in Puerto Rico. Elsewhere in Latin America, Cuban exiles frequently run U.S. subsidiaries. In Argentina, for instance, Sherwin-Williams, Seagram, and New Chemical subsidiaries are run by Cubans. Ralston Purina's top man in Caracas, Venezuela, is former Havana lawyer Fernando Macia who lost a brother in the ill-fated Bay of Pigs invasion.

### NEST EGGS

The corporation is not the only opportunity for Cuban emigres. Quite a few of the refugees had sizeable stakes which they managed to salvage from fortunes accumulated or inherited before the Castro takeover. Manual Fernandez Blanco, 75, had his $10-million slaughter-house and packing business confiscated. But he used holdings maintained outside Cuba to start a bakery business in Miami with his son-in-law, Eduardo Sardina. Today, their Wayjay Bakery—specializing in Cuban-style crackers sold in Cuban communities throughout the U.S.—has annual sales of over $475,000.

Some engines have made it without backup funds, Jorge de Quesada, an architect, left behind his own architectural and construction company when he fled Cuba in 1960. Arriving in the U.S. without a dime and unable to speak a word of English, he got a job with a small San Francisco architectural firm headed by a fellow Cuban. Three years ago, he struck out on his own and since then he has designed over $10-million worth of structures, including a $2-million office building for Owens-Illinois.

José Zorrilla, who ran a plastics plant with 40 employees when Castro took over, took a plastics company production job in Los Angeles in 1961 for $165 a week. A year and a half later, with $700 of savings and a $1,300 loan, he made a down payment on a blow mold and was back in business. Today, his Liberty Plastics Co. turns out $1-million worth of plastic turtles, ducks, and other toys a year.

### AMBITIOUS

If there is a common thread uniting most Cubans who have embarked on new careers in the U.S., it is their determination and capacity for hard work. A case in point is that of Justo P. Garcia Du-Quesne, assistant manager of Francis I. du Pont's brokerage office in Miami. For over a year after arriving in Miami on Jan. 1, 1959, he held a variety of jobs, from a night clerk in a hotel to bedding salesman, all the while refusing financial assistance available to needy refugees. "I don't think a young man of 25 ought to be on relief," he says.

Eventually, Garcia signed on as a trainee with Merrill Lynch, Pierce, Fenner & Smith in New York before going to work in the company's Miami office. He switched to Francis I. du Pont in 1962 and began selling sugar futures to his Cuban friends. The commodities market boomed, and Garcia soon became one of the company's top salesmen.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Louisiana, for whom I have the deepest respect. I know that it is not because of any lack of compassion that he raises this question.

Mr. President, I feel compelled to join with the Senator from Florida, my own native State, in saying that, for the thousands of Cubans who reject Communist rule, the United States is a refuge, a haven, a hope, just as it has been a refuge, haven, and hope for so many millions from all over the world. Those of us whose forebears came to this country to embrace freedom cannot now turn our backs on the Cubans who seek our shores.

When one considers that the cost of this program is less than $17 per passenger, can we say that this is too high a price to pay for a man's freedom?

In a report published in the Washington Post of March 28, 1971, the distinguished correspondent, Haynes Johnson, wrote that the Cubans have written one of the most notable American success stories. Coming to Miami with "nothing but their abilities, and often without knowledge of English," they have made their way well in this alien culture. It is estimated that 83 percent of them are fully self-supporting, and their income level is rising steadily.

According to Mr. Johnson's research, the average income of the Cuban family is about $8,000 a year, while in the higher educated and professional groups it exceeds $18,000 a year. Half of the Cubans own their own homes, and 22 percent more are in the process of buying one. Thousands are teaching in public schools and working in hospitals.

I am sure that the American people will not turn back the Cubans who wish to share our freedom. I support the continuation of funding for the Cuban airlift program, and I call on Senators to join in keeping the bridge to freedom open.

Today, 65,000 Cubans are on the waiting list. Their yearning for freedom must not be denied. Many of these people can contribute as much as the fine Cubans who have in the past come to the State of Illinois and are working in hospitals, in professional areas, in the mental institutions, and in many other areas where we have a shortage of personnel. These fine people have contributed much to our society.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield 10 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The junior Senator from Florida is recognized for 10 minutes.

Mr. CHILES. Mr. President, I wonder

if the distinguished Senator from Louisiana would yield for a question before I proceed.

Mr. ELLENDER. I yield.

Mr. CHILES. I notice that the distinguished chairman of the committee, the Senator from Louisiana, said in his presentation that perhaps this matter could have been considered in the regular bill, but that it is his feeling that the problem did need to be brought to the attention of the Senate and should be brought to the attention of the Senate. He said, therefore, that he thought he would offer his amendment at this time.

I wonder if the distinguished Senator, having brought this matter to the attention of the Senate very forcefully by virtue of the amendment to the continuing resolution, would consider withholding the amendment and allowing the matter to be considered in a regular bill. At that time we could get all of the information and bring it into focus.

I think that the distinguished Senator has presented some valid points. He asked whether there are too many people on welfare who are refugees and if so, why; whether there are some malingerers; or whether it is because of the age of the refugees, the young or the old people, who are coming out of Cuba.

I think the points he raises as to how many remain, whether it is an open list that is available for anyone who desires to come, or whether it is limited in number could all be answered through regular hearings.

In a letter of June 2, I requested the right to appear before hearings that were held by the Senator from Wisconsin (Mr. PROXMIRE). The Senator from Wisconsin told me that I would be entitled to appear and that I could present witnesses before his Subcommittee on Foreign Operations. That would be the way to focus attention on this matter and determine whether we are dealing with an unlimited number or are dealing with a question of establishing when the cutoff time could be.

Could the distinguished Senator respond to that inquiry?

Mr. ELLENDER. Mr. President, I would suggest to the distinguished Senator from Florida, as I stated awhile ago, I did not want to take the Senate by surprise, but I felt that I would not inasmuch as we held hearings before the Subcommittee on Foreign Operations, and the matter was fully covered.

Mr. CHILES. Mr. President, I asked for the privilege of appearing before those hearings. I was told that I was going to get the right to do so. My request was prior to that time. I am sure that the Senator from Wisconsin was thinking of the hearings on the regular bill.

Mr. ELLENDER. Mr. President, the continuing resolution would affect the program only until August 6.

There will be ample time to provide more funds if the Senate desires to do so upon the introduction of new evidence. I am awaiting information from those who propose that we continue the airlift as to how far we are going to go with this program. As I pointed out a while ago, in 1966 when this matter was being seriously considered by both Houses and when the so-called agreement—with which I am not familiar—was made with Castro, about 200,000 Cubans were entitled to come under the new rules and regulations.

Mr. CHILES. Mr. President, I know that the Senator pointed out that an estimate was made at that time.

Mr. ELLENDER. I know that. But we have gone over and above that number by over 44,000. Some want to go over and above that by another 42,000. I want to quit now if it is possible.

I ask unanimous consent that an editorial from the Miami Herald of June 11 be reprinted at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### From the Senate: Stop the Airlift

Again, a practical question on whether the Cuban Airlift should continue has come up in Congress. This time Sen. Allen Ellender (D., La.), powerful chairman of the Senate Appropriations Committee, has called for an end to the airlift.

Last year, U.S. Rep. William Clay (D., Mo.) pressed the issue and was narrowly defeated in the House when it came to a vote.

This is one of those questions that has been cussed and discussed for nearly three years. It remains our view the airlift is contradictory of U.S. policy toward Cuba; that it benefits Fidel Castro more than the United States; that it sets up a situation of special federal privilege for Cuban exiles that is denied others in this hemisphere who wish to make their homes in the United States and offers an umbrella of help that exceeds that available even to underprivileged U.S. citizens; that the continually rising cost of the program cannot be justified in light of this country's severe economic strains.

We think that there should not be a separate welfare program for Cubans, but one program under which they and all the other needy in this country receive the same concern and care.

This view is no reflection on the Cubans among us who have distinguished themselves in business and have made contributions to the community in many ways. The fact is simply that the original purpose of the airlift as an emergency humanitarian gesture has been fulfilled. It has developed into a permanent relief program for Cuba.

This year the Congress is being asked to provide an additional $32 million over what it gave last year—a total of $144 million. As long as the airlift continues, the costs will keep going up.

We note that Howard Palmatier, director of the refugee program, told the Senate subcommittee that "a very good resettlement program" is in the national interest.

It always has been, Mr. Palmatier, but the rate at which the Cuban population has grown in the Miami area raises doubts about whether we have one.

Those excellent resettlement percentages so often cited by the program's officials do not seem to match that growth rate.

Mr. CHILES. Mr. President, one of the problems we are trying to pinpoint here is the shock and the reaction of those, not just in Cuba, but really in Latin America and perhaps in other countries in the world, if we go back on a commitment that we made that we will get out anyone that signed up. If people did sign up and as a result of signing up and saying they want to go to the United States they lose their jobs, their ration cards, and their property, and if they have been in the canefields or working since the time, the shock of our saying that we are going to cut off these flights, without phasing them out, or establishing some date, or determining how many are going to come out, is going to hurt the image of this country.

That is why we should consider this in a regular bill so we can see the impact of it. Should there be a cutoff date? Should the cutoff be by date and number? That is how we should determine how we should attack this problem.

Mr. ELLENDER. I say that can be decided when the bill is taken up on the floor later this year.

Mr. CHILES. The Senator is correct, but I think by then we would have had the shock of this decision. I appreciate the chairman's indulgence in allowing me to present this matter because I wanted to know if there was any way that we could have hearings on the regular bill.

In January a year ago, when I was first getting my campaign for the Senate underway, I visited Miami International Airport on the West Side. What I saw there has left an impression with me that I have never been able to shake.

Streaming off an airplane were hundreds of Cuban refugees, men, women, children. They were dressed as one would expect any refugee to dress. They had old clothes for the most part, ill-fitted and nonstylish according to American standards, and carried all of their possessions in a sack. But it was not their clothes that got my attention, it was their hands.

Their hands were raw. Many of their hands were still raw as if they had been hustled straight from the canefields to the airplane, and that is exactly what had happened to them. These people, for the past several years, had spent their time at hard labor. When they signed their name on the list of those wanting to come to the United States, their ration cards, their homes, and their jobs were taken away from them. Their entire lives centered around the fact that someday they would climb aboard an American airplane and leave their Cuban prison.

It was not an easy decision for them to make, because it meant poverty, inhumane treatment, and the scattering of their families. It was their price for freedom.

Mr. President, we have a commitment to uphold today, a commitment made on October 3, 1965, when President Johnson offered asylum for Cuban refugees. He said:

> I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

I think it is significant that the President made this statement on Liberty Island, beneath the Statue of Liberty, the mother of exiles.

Reflect back for a moment. When the earliest settlers poured into an American wild continent, there was no one to ask them where they came from. And so it has been through all the great testing moments of American history. And in Vietnam men are dying, men named McCormick, Swartz, and Fernandez. No one asks where they came from.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. CHILES. I thank the Senator.

Mr. President, earlier this week I received a telephone call from a 16-year-old girl, a Cuban, who had taken a freedom flight 3 years ago. She told me her father was still in Cuba, working in the cane fields. She said she would never see her father again if the airlift was terminated. She said we had promised to keep the airlift going and did not understand what was happening.

What this little girl wanted is what is before us today. We are talking about our commitment to this girl, and thousands of other Cubans who still live under prison conditions. There is an obvious moral obligation on the part of the Congress of the United States to fulfill this commitment.

There is an impression left that those who flee from Cuba, the majority of them, end up on the welfare roles. This is not so. In fact, it seems remarkable, when we consider that these refugees arrive here with nothing but their skills and abilities, 83 percent are fully self-supporting and only 17 percent require any kind of Federal assistance. These figures are quoted by Mr. Howard Palmatier, director of the Cuban refugee program.

Mr. Palmatier also said:

> Cubans know more about the American dream than we do. They really believe that this is a country where you can do anything and be anything . . . so they do it.

We see this day after day in Miami where many of these people have become presidents of banks and hold some of the best jobs in the area.

If the action taken by the Senate Appropriations Committee is upheld, the Cuban freedom flight program will be terminated less than 3 years before it has completed its mission. We cannot, under any circumstances, allow this to happen. The program means just what it says, Cuban freedom flight. We are not talking about a vacation or business flight from one small nation to the United States, we are talking about the freedom of people, freedom we have promised them.

When President Johnson offered his asylum for Cuban refugees, he also said while standing at the foot of the Statue of Liberty:

> Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

I intend to vote today to uphold this tradition. I urge each Member of this distinguished body to oppose the committee amendment calling for an end to the Cuban freedom flights.

Mr. President, it seems to me it could be said that this is the way we reward anticommunism. It could be said we reward anticommunism in this way. Where people have signed their names on the list and signified they would give up their rights to property, their rations, for freedom in this country, we would seem to reward all of that by ending these flights. I do not think we can do that.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "The Freedom Flights and the Honor of the U.S.A.," statements by President Johnson on October 3, 1965, on signing of the immigration bill, and on November 6, 1965, following the reaching of an agreement on procedures and means, and a letter addressed to me by Stephen P. Clark, mayor, Metropolitan Dade County, Fla.

There being no objection, the material was ordered to be printed in the Record, as follows:

### The Freedom Flights and the Honor of the U.S.A.

In the Washington Capitol are now taking place events tending to the drastic end of the Freedom Flights between Cuba and the United States of America, which have been coming since December 1965, in line with the offer made by President Johnson at that time.

As it is known, when in behalf of his government and of his country President Johnson offered the Cuban people the facilities of the Freedom Flights, and this was negotiated through the Swiss Embassy in Havana with the Castro regime, there were thousands of Cubans who, relying on Washington's official word, registered in accordance with procedures set up to leave Cuba fleeing from the communist terror. All those who registered until the registration period was closed in May 1966, have not yet left Cuba. But, from the very moment in which their names were included in the corresponding lists, they began to suffer, in one way or another, the consequences of the communist persecution. This persecution goes from the loss of their jobs to the withdrawal of the ration booklet to buy food. The Cuban communist dictatorship interpreted that all those persons who registered not only were not communists, but were against the regime. And for several years those persons have suffered, with the hope of leaving, the measures taken against them by the communist tyranny.

If the appropriations for the Freedom Flights are eliminated by Congress, as unfortunately it seems is going to happen, those thousands of persons who were already officially registered to leave Cuba will remain marked as enemies of the dictatorship, with all that this implies, and without any possibility of leaving Cuba, because what it seems would be offered to those Cubans is exactly the same that is available for other immigrants. And it is well known what this means. Those persons who believed in the official promise of the President of the United States will feel deceived and despondent. And this involves the prestige and the dignity of the United States of America whose given word will not be kept in this case.

Let's make clear that what damages the moral position of the United States of America is the fact that individuals who officially registered for the flights when the promise was in force, will not be able to leave the country. Therefore, it is not a question of indefinitely and at any time allowing the registration of Cubans who may want to abandon the communist inferno. It is a question of fulfilling what could be considered as a right of those who, before the registration was closed, had complied with the requisites.

Though everything seems to indicate that much has been advanced towards the elimination of the Freedom Flights, it is to be hoped that in the last stage of the discussions an honorable rectification takes place.

### Movement of Cuban Refugees to the United States

(Statement by the President following the reaching of an agreement on procedures and means. November 6, 1965.)

[As read at the Press Secretary's briefing]

"I am pleased with the understanding which has been reached. It is an important forward step in carrying out the declaration I made on October 3 to the Cuban people. I said that those who seek refuge here will find it. That continues to be the policy of the American people."

Note: The statement was read by the Press Secretary to the President, Bill Moyers, at his news conference at 10:04 a.m., c.s.t., on Saturday, November 6, 1965, at Austin, Tex. It was not made public in the form of a White House press release.

For the President's declaration of October 3, made at the ceremony for the signing of the immigration bill on Liberty Island, see 1 Weekly Comp. Pres. Docs. 364 attached in following material.

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### Movement of Cuban Refugees to the United States

(Announcement of exchange of diplomatic notes established procedures and means. November 6, 1965.)

The President announced today that at 9 a.m., c.s.t., the Swiss Embassy in Havana, representing United States interests in Cuba, and the Cuban Foreign Ministry had exchanged diplomatic notes establishing procedures and means for the movement of Cuban refugees to the United States. The arrangements for the movement were set out in a memorandum of understanding incorporated in the notes.

#### SWISS EMBASSY TO CUBAN FOREIGN MINISTRY

The full text of the note from the Swiss Embassy to the Cuban Foreign Ministry follows:

"The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, in its capacity as representative of the interests of the United States of America in Cuba, has the honor to refer to recent conversations which have taken place between the Embassy and representatives of the Government of Cuba with respect to the movement to the United States of Cubans who wish to live in the United States.

"The Embassy also has the honor to set forth below the text, in English and Spanish language versions which shall be equally authentic, of the memorandum of understanding agreed upon in those conversations:

"Memorandum of understanding between the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of Cuba and the Foreign Ministry of the Government of Cuba concerning the movement to the United States of Cubans wishing to live in the United States.

"1. The Government of Cuba agrees to permit the departure from Cuba of, and the Government of the United States agrees to permit the entry into the United States of, Cubans who wish to leave Cuba for the United States, in accordance with the provisions of this memorandum of understanding.

"2. In recognition of the prime importance of the humanitarian task of reuniting divided families, the two Governments agree that persons living in Cuba who are immediate relatives of persons now living in the United States will be given, as a group, first priority in processing and movement. The two Governments agree that the term 'immediate relatives' is defined to mean parents of unmarried children under the age of 21, spouses, unmarried children under the age of 21 and brothers and sisters under the age of 21.

"3. The two Governments agree that they will include as members of this first priority group other close relatives living in Cuba of persons now in the United States who reside in the same household as the immediate relatives when such inclusion is required by humanitarian considerations. In order to protect the integrity of the agreed principle of first priority for immediate relatives, the two Governments agree that it will be necessary to verify the relationship and the actual existence of the humanitarian considerations referred to. The two Governments agree that this task of verification will be carried out by the Embassy of Switzerland in Havana and that the judgment of that Embassy will be accepted by the two Governments as final.

"4. The Government of Cuba agrees to present to the Embassy of Switzerland in Havana as soon as possible a list (hereinafter called 'Cuban Master List A') of immediate relatives living in Cuba of persons now living in the United States, and of other persons living in Cuba described in paragraph 3 above, who wish to live in the United States. The Embassy of Switzerland in Havana will transmit Cuban Master List A to the Government of the United States. The Government of the United States for its part, will have prepared a list (hereinafter called 'US Master List A') based on information supplied by persons now living in the United States who have immediate relatives living in Cuba and who are prepared to receive and are interested in receiving such relatives. It is understood that the lists provided for in this paragraph may be prepared in installments and shall be supplemented from time to time.

"5. Those names which appear on both Cuban Master List A and US Master List A will be incorporated by the Government of the United States in a single list (hereinafter called 'Joint Consolidated List A'), which will be transmitted by the Embassy of Switzerland in Havana to the Government of Cuba. With respect to Joint Consolidated List A, there will be a presumption that the persons on the list will be permitted by the Government of Cuba to depart Cuba and will be permitted by the Government of the United States to enter the United States, but final permission will be granted in the form of approval by both Governments of embarkation lists for each flight from Cuba to the United States.

"6. The cases of persons whose names appear on Cuban Master List A or on US Master List A but not on both (and therefore not on Joint Consolidated List A) will be the object of further examination by the two Governments, utilizing the services of the Embassy of Switzerland in Havana as required, with a view to the inclusion of such persons in addenda to Joint Consolidated List A, or, in any case, in the second priority group described below in paragraph 8.

"7. The two Governments agree that from Joint Consolidated List A, and its addenda, embarkation lists for each flight from Cuba to the United States will be drawn. The two Governments agree that they will make every effort to ensure that the following categories of persons appearing on Joint Consolidated List A are transported in the order of priority indicated: First, parents and unmarried brothers and sisters under the age of 21 living in Cuba of children living in the United States under the age of 21; second, unmarried children under the age of 21 living in Cuba of parents living in the United States; and third, spouses living in Cuba of persons living in the United States. Families and other members of the households will be permitted to travel together in accordance with the principles of paragraph 3 above.

"8. When both Governments agree that the persons appearing on Joint Consolidated List A and its addenda no longer require full utilization of the transportation provided, the movement of other persons living in Cuba who wish to live in the United States will begin. First consideration will be given to relatives living in Cuba of persons living in the United States who do not fall within the definition of immediate relatives.

"9. The Government of Cuba agrees to present, in due course, to the Embassy of Switzerland in Havana, for transmission to the Government of the United States a list (hereinafter 'Cuban Master List B') of all such persons who will be permitted to depart from Cuba. The Government of Cuba agrees to consider, in preparing Cuban Master List B, names of persons living in Cuba submitted by the Government of the United States on the basis of information supplied by friends and relatives living in the United States.

"10. The two Governments agree that Cuban Master List B will form the basis of the preparation of embarkation lists for each flight from Cuba to the United States, in accordance with procedures described below.

"11. The Government of Cuba agrees that, with respect to persons on either Joint Consolidated List A or Cuban Master List B, it will prepare, in consultation with the Embassy of Switzerland in Havana, prospective embarkation lists for individual flights from Cuba to the United States. Such lists will be provided the Government of the United States at least seven days prior to the date of the flight.

"12. The Government of the United States agrees in turn to inform the Government of Cuba without delay, through the Embassy of Switzerland in Havana, or persons on the embarkation lists approved for entry into the United States, with the understanding that final formalities will be completed at the point of embarkation by officers of the U.S. Immigration and Naturalization Service and Public Health Service.

"13. The Government of Cuba agrees to assemble such persons at the airport at Varadero.

"14. The two Governments agree that such persons will be subject to a final departure inspection by officials of the Department of Immigration and the Ministry of Public Health of Cuba and to an entrance inspection by officials of the Immigration and Naturalization Service and the Public Health Service of the United States, at the airport in Varadero. Persons found to be ineligible for departure from Cuba by Cuban officials in accordance with the laws and regulations in force in Cuba or those found by American officials to be ineligible for entrance into the United States under laws and regulations in force in the United States will not be permitted to embark.

"15. The Government of the United States agrees to provide air transportation to carry persons permitted to depart Cuba and to enter the United States from Varadero to a convenient point in the United States.

"16. The Government of the United States agrees to provide air transportation with such frequency and capacity as to permit the movement of between 3,000 and 4,000 persons per month.

"17. The two Governments agree that the first movement under the terms of this memorandum of understanding will begin not later than December 1, 1965.

"18. The two Governments agree that any problems that may arise in the implementation of this memorandum of understanding will be considered jointly by the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of Cuba, and the Government of Cuba.

"In the course of the conversations which led to the memorandum of understanding set forth above, the Government of Cuba stated its position concerning the departure of technicians and men from 15 to 26 years of age in Cuba who are obliged to perform compulsory military service. The Government of Cuba also stated that it would set forth its position on these matters in a separate note.

"The Government of the United States stated that it would reply, through the Embassy of Switzerland, to the note of the Government of Cuba referred to in the preceding paragraph and would set forth its own position on these matters as it had been expressed in the course of the discussions. Furthermore, the Government of the United States stated it would transmit to the Government of Cuba, through the Embassy of Switzerland, a separate note concerning the position of the Government of the United States on the matter of the inclusion in the movement from Cuba of persons imprisoned in Cuba for offenses of a political nature as that position had been expressed in the course of the discussions.

"The Government of Cuba stated that it would reply to the note of the Government of the United States concerning the inclusion in the movement to that country of persons imprisoned in Cuba for offenses against the revolution and would set forth its own position on this matter as it had been expressed in the course of the discussions.

"The Embassy has the honor to propose that, if the understandings described in the memorandum of understanding set forth above are acceptable to the Ministry of Foreign Relations, this note and the Ministry's reply concurring therein shall constitute an acceptance by the Government of the United States and the Government of Cuba of the terms of the memorandum of understanding, which shall take effect on the date of the reply."

(Spanish language version omitted)

A concurring note from the Cuban Foreign Ministry to the Swiss Embassy completed the exchange and put the memorandum of understanding into effect.

In addition to these main notes, there were four other notes exchanged separately at about 9:30 a.m., c.s.t. The first of these, from the Cuban Foreign Ministry to the Swiss Embassy, reads as follows (complimentary introduction and close omitted):

### CUBAN FOREIGN MINISTRY TO SWISS EMBASSY

"The Government of Cuba, in accordance with the statement in the note containing the memorandum of understanding, and in order to prevent errors in interpretation on the part of, or in relation to, certain persons who, by reason of the social function they perform or because of legal obligations from which they cannot be excused, are subject to certain restrictions in regard to their departure or who do not have the right to leave the country, considers it useful to confirm in writing, and also to publish, what was stated orally in the conversations with the Swiss Embassy which preceded the said (memorandum of) understanding, in reference to priorities, form and manner of departure of Cubans who wish to join their relatives or live in the United States, namely that in the case of technicians or skilled personnel whose departure from the country may cause a serious disturbance in a specific social service or in production, because a replacement for such person would not immediately be available, the Government of Cuba will authorize the departure of such person within the period during which the trips will take place, but will postpone it until the time when such person may be replaced in the duties which he performs.

"Likewise, and in conformity with the statement in the Cuban note containing the memorandum of understanding, and for the same reasons set forth in the preceding paragraph, the Government of Cuba considers it desirable to confirm hereby, and at the same time to publish, what it clearly stated during the course of the negotiations; namely that no citizen who under the law is included in the first call-up for compulsory military service, that is, between 17 and 26 years of age, or who will be included in the call-up in the next two years, that is to say, who is at present 15 years of age, has the right to leave the country and therefore will not be authorized to leave."

### SWISS EMBASSY REPLY

The Swiss Embassy replied to this note as follows (complimentary introduction and close omitted):

"During the recent discussions which led to the memorandum of understanding of November 6, 1965, the Embassy of Switzerland made clear that it had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965, would encompass persons in these categories who wished to leave Cuba to live in the United States. Thus, for example, there was no suggestion in that broad statement that any technicians who wished to leave Cuba for the United States would be prevented from departing, even temporarily.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted men subject to military service and certain technicians to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position expressed in the course of the discussions mentioned above and repeated in the note of the Ministry. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of the persons who are the subject of this note through procedures consistent with those established in the Memorandum of Understanding of this date."

### SWISS EMBASSY TO CUBAN FOREIGN MINISTRY

The third separate note was from the Swiss Embassy to the Cuban Foreign Ministry (complimentary introduction and close omitted):

"As the Embassy of Switzerland made clear during the course of the recent conversations which led to the Memorandum of Understanding on the movement of persons from Cuba to the United States, accepted by both Governments on November 6, 1965, the Government of the United States regards with special humanitarian concern the cases of those persons imprisoned in Cuba for offenses of a political nature. It had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965, would encompass persons in this category who wished to leave Cuba to live in the United States.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted political prisoners to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of such political prisoners through procedures consistent with those established in the Memorandum of Understanding of November 6, 1965."

### CUBAN FOREIGN MINISTRY REPLY

The final separate note, a response by the Cuban Foreign Ministry to the note initiated by the Swiss Embassy, read as follows:

"The Ministry of Foreign Relations presents its compliments to the Embassy of Switzerland, representing the interests of the United States of America in Cuba, and in acknowledging receipt of its note dated November 6, has the honor to inform it that the Cuban position on the matter is that expressed in its note of October 12 of the present year."

NOTE: The announcement was released at Austin, Tex.

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### SIGNING OF THE IMMIGRATION BILL

The President's Remarks at the Ceremony on Liberty Island, With His Offer of Asylum for Cuban Refugees. October 3, 1965

Mr. Vice President, Mr. Speaker, Mr. Ambassador Goldberg, distinguished members of the leadership of the Congress, distinguished Governors and mayors, my fellow countrymen:

We have called the Congress here this afternoon not only to mark a very historic occasion, but to settle a very old issue that is in dispute. That issue is, to what congressional district does Liberty Island really belong—Congressman Farbstein or Congressman Gallagher? It will be settled by whoever of the two can walk first to the top of the Statute of Liberty.

This bill that we sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or our power.

Yet it is still one of the most important acts of this Congress and of this administration.

For it does repair a very deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American Nation.

Speaker McCormack and Congressman Celler almost 40 years ago first pointed that out in their maiden speeches in the Congress. And this measure that we will sign today will really make us truer to ourselves both as a country and as a people. It will strengthen us in a hundred unseen ways.

I have come here to thank personally each Member of the Congress who labored so long and so valiantly to make this occasion come true today, and to make this bill a reality. I cannot mention all their names for it would take much too long, but my gratitude and that of this Nation belongs to the 89th Congress.

We are indebted, too, to the vision of the late beloved President John Fitzgerald Kennedy, and to the support given to this measure by the then Attorney General and now Senator, Robert F. Kennedy.

In the final days of consideration, this bill had no more able champion than the present Attorney General, Nicholas Katzenbach, who, with New York's Emanuel Celler, and Senator Ted Kennedy of Massachusetts, and Congressman Feighan of Ohio, and Senator Mansfield and Senator Dirksen constituting the leadership in the Senate, and Senator Javits, helped to guide this bill to passage along with the help of the Members sitting in front of me today.

This bill says simply that from this day forth those wishing to immigrate to America should be admitted on the basis of their skills and their close relationship to those already here.

This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land.

The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only three countries were allowed to supply 70 percent of all the immigrants.

Families were kept apart because a husband or a wife or a child had been born in the wrong place.

Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents.

This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man.

It has been un-American in the highest sense because it had been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.

We can now believe that it will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege.

Our beautiful America was built by a nation of strangers. From a hundred different places or more, they have poured forth into an empty land, joining and blending in one mighty and irresistible tide.

The land flourished because it was fed from so many sources—because it was nourished by so many cultures and traditions and peoples.

And from this experience, almost unique in the history of nations, has come America's attitude toward the rest of the world. We, because of what we are, feel safer and stronger in a world as varied as the people who make it up—a world where no country rules another and all countries can deal with the basic problems of human dignity and deal with those problems in their own way.

Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

The days of unlimited immigration are past.

But those who do come will come because of what they are, and not because of the land from which they sprung.

When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, were they strong enough to clear the land, were they enduring enough to make a home for freedom, and were they brave enough to die for liberty if it became necessary to do so?

And so it has been through all the great and testing moments of American history. This year we see in Viet-Nam men dying—men named Fernandez and Zajac and Zelinko and Mariano and McCormick.

Neither the enemy who killed them nor the people whose independence they have fought to save ever asked them where they or their parents came from. They were all Americans. It was for free men and for America that they gave their all, they gave their lives and selves.

By eliminating that same question as a test for immigration the Congress proves ourselves worthy of those men and worthy of our own traditions as a Nation.

### ASYLUM FOR CUBAN REFUGEES

So it is in that spirit that I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

I have directed the Departments of State and Justice and Health, Education, and Welfare to immediately make all the necessary arrangements to permit those in Cuba who seek freedom to make an orderly entry into the United States of America.

Our first concern will be with those Cubans who have been separated from their children and their parents and their husbands and their wives that are now in this country. Our next concern is with those who are imprisoned for political reasons.

And I will send to the Congress tomorrow a request for supplementary funds of $12,600,000 to carry forth the commitment that I am making today.

I am asking the Department of State to seek through the Swiss Government immediately the agreement of the Cuban Government in a request to the President of the International Red Cross Committee. The request is for the assistance of the Committee in processing the movement of refugees from Cuba to Miami. Miami will serve as a port of entry and temporary stopping place for refugees as they settle in other parts of this country.

And to all the voluntary agencies in the United States, I appeal for their continuation and expansion of their magnificent work. Their help is needed in the reception and settlement of those who choose to leave Cuba. The Federal Government will work closely with these agencies in their tasks of charity and brotherhood.

I want all the people of this great land of ours to know of the really enormous contribution which the compassionate citizens of Florida have made to humanity and to decency. And all States in this Union can join with Florida now in extending the hand of helpfulness and humanity to our Cuban brothers.

The lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more helpful home in America. The future holds little hope for any government where the present holds no hope for the people.

And so we Americans will welcome these Cuban people. For the tides of history run strong, and in another day, they can return to their homeland to find it cleansed of terror and free from fear.

Over my shoulder here you can see Ellis Island, whose vacant corridors echo today the joyous sounds of long-ago voices.

And today we can all believe that the lamp of this grand old lady is brighter today, and the golden door that she guards gleams more brilliantly in the light of an increased liberty for the people from all the countries of the globe.

Thank you very much.

NOTE: The President spoke at 3:08 p.m. on Liberty Island, New York City, N.Y. As enacted, the Immigration bill is Public Law 89–236.

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Hon. LAWTON CHILES,
*U.S. Senate*
*Washington, D.C.*

DEAR SENATOR CHILES: Before leaving for Tel Aviv, Israel to dedicate a South Florida wing to a hospital in Beersheba, I, as Mayor of Dade County, Florida, would like to go on record as requesting of you the good use of your honorable office by interceding on behalf of keeping the Cuba-Miami airlift open. Due to the fact that Western Union continues on strike, I am sending my message to you in the form of this letter.

I firmly feel that to halt the Cuba-Miami airlift is to negate the history and basic principles of the United States of America. The decision taken by the Senate Appropriations Committee, presided by Senator Allen J. Ellender of Louisiana, is extremely unfortunate and is not in keeping with our country's heritage.

Our nation has traditionally maintained its doors open to the suppressed, the persecuted and to those who came to seek brighter horizons in our United States. It is conceivable, in these turbulent times, the Cuba-Miami airlift could be the only means by which our nation can demonstrate to the world that America is, still, a refuge to the persecuted. To stop the freedom flight would be to foresake the principles of our forefathers and to deny that the grandeur of our country is founded upon their quest for liberty and freedom. The Cubans who arrive through the airlift to our shores come, not because they wish to migrate to the United States, but—because they are persecuted by a barbaric, totalitarian, communist-oriented regime—they come to seek the liberty which was found by so many of our ancestors.

As Mayor of Dade County, Florida, where more than 325,000 Cubans reside, I am chief witness to the drama and tragedy of those Cubans who have come to our shores; I am witness to the contribution they have made to our country; and I am witness to and affirm that this contribution more than compensates for the $5 million allocated toward the operation of the freedom flights.

I sincerely hope that the liberty and hope symbolized by the Statue of Liberty in New York harbor will not be defrauded by the Senate nor the House, in spite of the fact that there are some in our country who have, indeed, lost sight of what is represented by this statue and instead measure the price of liberty in dollars and cents.

I wish, today, to reaffirm the position I have taken in the past and declare myself unequivocally in favor of the Cuba-Miami air-lift and say that never before has a migration contributed so much to our culture and economy as the migration of those who are suffering from communistic persecution just 90 miles from our shores.

Respectfully submitted.

STEPHEN P. CLARK,
*Mayor, Metropolitan-Dade County, Fla.*

Mr. SCOTT. Mr. President, I wish to speak in support of continued funding of the Cuban refugee airlift. In doing so, I speak also in support of the continued adherence by the United States to its international commitments, to its humanitarian traditions, and to its strong moral commitment to all of those Cubans who have lost everything because, in good faith, they registered to leave Cuba on an airlift that we established to allow them to do just that.

Over 235,000 Cubans have come to the United States on the airlift since it began on December 1, 1965. Over 100,000 are still awaiting their turn. Who are these people? What happens to them when they get here?

I would recall that the guiding principle of the memorandum of understanding between the United States and Cuba which established the airlift is "the humanitarian task of reuniting divided families." As such, the airlift is, in fact, a family reunion scheme. Almost 65 percent of those who have come on it are the wives and children of Cuban males already in the United States or who are coming to the United States with their families. Of the remainder, over 26 percent are professional and managerial people, clerical and sales personnel, and skilled workers.

It is said that the costs of bringing these people to the United States, and of caring for them when they get here, are too much for the United States to bear. It costs about $17 each to bring them here. Soon after arrival, eight out of 10 become fully self-supporting. They bring valuable and needed skills. They are known as hard workers throughout the United States. The businesses they have established provide employment not only to fellow refugees but to native Americans as well. And most important and relevant, the estimated taxes paid by Cuban refugees in the United States far exceed the cost of this program.

It is also said that we are doing Castro a favor by continuing the airlift—that we are taking all of the people he wants to get rid of. But he himself has been complaining that we are getting many of the people he wants to keep. Over the past year and more he has been complaining that Cuba's shortage of technically qualified people is holding back its economic progress toward communism. He has complained that a lack of qualified teachers has contributed to the problems caused by a poorly staffed educational system. The airlift has brought over 61,000 persons of this kind, including over 2,000 physicians, and countless dentists, architects, nurses, and other professional people.

I submit that abruptly cutting off the Cuban refugee airlift is not the way to deal with a people who give more to us than they receive from us. It is not the way to "punish" Castro—we would merely be providing him a way out of an embarrassing situation. And, most importantly, it is not the way to reward the hopes and dreams of the many thousands of people who, literally at our invitation, signed up for the airlift years ago and have been patiently waiting for their turn on the airplane—waiting while working in the fields, after having been dispossessed of their jobs, homes and belongings because they choose our way of life rather than that offered to them in their own homeland by Castro and his Communist cohorts.

Mr. KENNEDY. Mr. President, I wish to indicate my support for continuing the airlift of refugees from Cuba. To do otherwise would be unconscionable, unless viable alternative arrangements are immediately available to permit the exit of Cubans wishing to leave their homeland to join their family members in this country.

The able Senators from Florida have fully outlined the situation, so I will not burden the record with lengthy comment at this time. Let me just say that I feel very strongly that our country has a very heavy moral obligation to welcome those Cubans, whose names remain on the active waiting lists for airlift to Miami. To abandon them—when they have waited for so many years in an atmosphere of hostility and harassment—would grossly violate a national commitment and the humanitarian traditions of our people.

I fully understand and appreciate the rationale of those who would end the airlift. As chairman of the Judiciary Subcommittee on Refugees, I share their deep concern over the escalating costs of the Cuban refugee program, especially those costs involving welfare. Over the past year the subcommittee has made a definitive inquiry into the program and there appears to be a number of areas where savings could be made. The findings of this inquiry are currently under review, and I anticipate that a subcommittee report will be issued soon.

But this is really an issue separate from what is at stake today. At stake today is a national commitment to welcome refugees—who in good faith added their names to a list some 5 years ago, with the assurance of two Governments that they would be able to join relatives elsewhere.

To snatch away this hope would be unjust and inhumane.

**Mr. STEVENSON.** Mr. President, one of our country's oldest and most honored traditions is that of providing shelter to the oppressed. We all recall the storm of indignation which arose when this tradition was violated last year in the case of the Lithuanian seaman, Simas Kudirka, who was tragically refused safe haven on a U.S. Coast Guard ship. I fear that this tradition would suffer if the freedom flights from Cuba are terminated.

We have a sacred commitment to the Cubans who have risked their lives and fortunes by stating their intention to come to the United States to reunite with their families. They have lost their jobs and have been persecuted because of their decision to leave Cuba. They have been waiting to come for more than 5 years, and during this time the indignities they have been forced to endure at the hands of the Cuban Government have been eased only by the promise of their eventual departure to the United States. To deny them this hope and to renege on our pledge would be a tragic abrogation of our ideals and a violation of our given word. It would discourage the hopes of men everywhere who look to the United States as the land of the free.

**Mr. PELL.** Mr. President, the United States, from its founding, has enjoyed a reputation throughout the world as a place of refuge and asylum for the persecuted and the dispossessed. I believe it would be a grievous error now to reverse this proud humanitarian policy by abruptly eliminating the transportation program for persons who wish to leave Cuba.

I am advised that there are now, in Cuba, from 40,000 to 65,000 persons who have made known their intention to leave their homeland—many of them having done so as long as 5 years ago—and to emigrate to the United States. In most cases, these people have either given up or been deprived of their possessions and their jobs. They are in limbo, awaiting clearance and transportation. By ending the transportation program abruptly and without notice, as the committee amendment proposes, the United States would break faith with these thousands who have looked to our country with hope.

Ending the transportation program would be a cruel act—an act that would, without exaggeration, deprive these people of their future.

If the transportation program is ended, I believe the result might well be a renewal of the efforts by Cubans to leave their country illegally, by whatever means are possible, including hijacking of aircraft and stealing of vessels, at great danger to themselves, and at the risk of international incidents in and over the Florida straits.

I hope very much that the Senate will vote to continue the transportation program and to uphold this country's enviable humanitarian reputation.

**The PRESIDING OFFICER.** Who yields time?

**Mr. BYRD of West Virginia.** Mr. President, may I ask the distinguished chairman if he would like to ask unanimous consent at this point that the committee amendments beginning on page 4, line 24, extending through line 8 on page 5 be adopted, inasmuch as there seems to be no opposition to these amendments?

**Mr. ELLENDER.** As I understand it, I do not know of any opposition to the resolution except the subject we are now discussing.

I further understand that the distinguished Senator from Wisconsin and the distinguished Senator from Maryland are going to offer an amendment to cut back on defense by about $8 billion dollars. They are about ready to begin their remarks. That will consume some time.

As I understand the agreement, we will not vote on any of these amendments until the end of the 4 hours allotted. Is that correct?

**Mr. BYRD of West Virginia.** The Senator is correct. In view of the agreement, the Senate would not be voting on the first committee amendment until immediately following the vote on the amendment which is to be called up by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Owing to the fact, as I understand it, that there is no opposition to the second committee amendment, I wondered if the distinguished chairman would like to ask unanimous consent that that amendment be agreed to so that the only thing remaining so far as committee amendments are concerned would be the first committee amendment.

**Mr. ELLENDER.** Mr. President, I ask unanimous consent that the amendment on page 4, ending on page 5, be adopted, since I do not know of any opposition to it. Therefore, the only remaining amendments to vote on will be the pending one, that is, the committee amendment we are now discussing, and the amendment to be offered by the distinguished Senator.

**The PRESIDING OFFICER.** Is there objection?

**Mr. GURNEY.** Mr. President, I understand the Senator is speaking of the amendment beginning on line 24, page 4; is that correct?

**Mr. ELLENDER.** That is beginning on line 24 page 4, and ending on line 8 on page 5.

**Mr. GURNEY.** I have no objection.

**The PRESIDING OFFICER.** Is there objection to the request? Without objection, the second committee amendment is agreed to by unanimous consent.

The amendment agreed to reads as follows:

> On page 4, after line 23 insert:
>
> activities of the Maritime Administration, Department of Commerce;
>
> salaries of supporting personnel, courts of appeals, district courts, and other judicial services;
>
> activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): *Provided*, That no other funds made available under this resolution shall be available for these activities;

**The PRESIDING OFFICER.** Who yields time?

**Mr. PROXMIRE.** Mr. President, I send an amendment to the desk. This is a modification of the amendment that we had printed earlier.

**The PRESIDING OFFICER.** The clerk will please read the modified amendment.

**Mr. PROXMIRE.** Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I will explain it.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

> On page 4, line 2, before the semicolon at the end thereof insert a comma and the following: "except that such amounts for all military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year."

**Mr. PROXMIRE.** Mr. President, I offer this amendment on behalf of myself, the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), and the Senator from West Virginia (Mr. RANDOLPH).

The amendment proposes that during the life of the continuing resolution a ceiling be placed on the amount the Pentagon can spend for Department of Defense military functions at the annual rate of $68 billion.

In fiscal year 1972, the budget proposes outlays for the Pentagon of $75 billion. Congress has since added $1.7 billion in pay raises. Our amendment, therefor, if effective for the full year, would reduce the rate of spending for the Pentagon from a $76.7 billion rate to a $68 billion rate. This is a cut of 11 percent, or $8.7 billion at an annual rate.

It represents a smaller cut from fiscal year 1971 spending. This year the Pentagon spent $73.4 billion. Our amendment would cut $5.4 billion from the 1971 rate. This is a 7-percent cut. And, of course, it is this rate which the continuing resolution authorizes until August 6.

What this amendment does is provide for this reduction until August 6—only for the period from July 1 to August 6, which is about 37 days. Actually this would amount to about $435 million during that period.

The effect of the amendment is simple. It would limit military spending between July 1 and August 6 to an annual rate of $68 billion. It is as simple as that.

### MILITARY SPENDING UP—VIETNAM SPENDING DOWN

There are many reasons why this amendment should pass. First and foremost, why should military spending go up while Vietnam spending and the Vietnam war are being wound down?

Who stole the peace dividend?

The incremental costs of the Vietnam war have been cut from $24 billion, at the peak in fiscal year 1969, to $8 billion for fiscal year 1972—or by $16 billion.

Personnel in the military services are being reduced from 3.5 million at the peak of the Vietnam buildup, to 2.5 million at the end of next year. That is a cut of 1 million in military personnel. At $10,000 per person, this should save $10 billion. That would add up to a $26 billion saving. But I am not talking about that much. Because it is true that some of this is overlapping, that is, that the cut in the Vietnam war is tied to some extent to our reduction of military spending, but taking that into account, some $20 to $22 billion in gross military cuts have occurred. But where has that savings gone? Even generous estimates for inflation and pay raises leave $8 to $10 billion unaccounted for. And next year the Pentagon proposes to spend from $75 to $77 billion, and is asking for $77 billion in new obligational authority—the key to future spending.

Thus, in fiscal year 1972 the Pentagon is asking for the same $77 billion it spent in fiscal years 1968, 1969, and 1970—the peak years of the Vietnam war.

The purpose of this amendment is to give the hard-pressed American taxpayer a share in the Vietnam savings which up until now the Pentagon has usurped for itself, and which it intends to usurp for itself next year as well.

### THE PRIORITIES AMENDMENT

There is a second reason why this amendment should pass. This is the priorities amendment.

If we are going to have any opportunity to devote our Federal revenues to meeting the very serious problems of this country, they must come largely from some slowdown in military spending.

Former Budget Director Charles Schultz has told us that existing programs will use up every dollar of new revenues generated by an increase in the gross national product through fiscal year 1974 even if unemployment is reduced to 4 percent.

Unless we are prepared for huge deficits, for rigid economic controls over prices and wages, or gigantic tax increases, there is no other major way, except by cutting the military budget, to pay for the needed programs now proposed or enacted.

Unless we cut the military budget, there will be no funds to pay for new health programs, to enlarge the fight on pollution, to meet our national housing goals, for a Federal assumption of State and local welfare costs, or to put a floor under family income.

It is time the Congress and the Senate faced that hard, cruel, objective fact.

And, unless we relieve the pressure on the budget and on spending, the deficit will rise, inflation will increase, and our economy will remain in a condition which has been dubbed stag-flation—inflation and stagnation at the same time.

In this sense, this is the fiscal responsibility amendment.

### THE PENTAGON OBJECTS

The Pentagon opposes this amendment. That is to be expected. In doing so they have brought up their heavy weapons. In a letter to the chairman of the Senate Appropriations Committee, Secretary Laird claims that this small amendment would require "reductions up to 50 percent of our planned military and civilian manpower at the end of fiscal year 1972."

Secretary Laird also says it would require action of "up to a 40 percent cutback in on-going weapons systems and 30 percent in operational levels."

That is a very artful expression by Secretary Laird. He is a brilliant man and he knows how to use language and how to persuade Congress and the public.

Note the words "up to 50 percent" and "up to 40 percent." That is ambiguous language. Is he talking about 1 percent or 2 percent? And is he talking about all weapons systems or just up to 40 percent of one weapon?

It is obviously impossible that an 11-percent cut in proposed spending could bring a 50-percent cut in military and civilian manpower.

The fact is that the Secretary's language in opposition to this amendment is a form of "rhetorical overkill." It is political blunderbuss.

What we want is for the Pentagon to return to the taxpayer some of the $10 billion in personnel cuts already made.

They can save money and improve efficiency by reforming procurement. What about reducing the $33 billion in overruns the General Accounting Office reported for some 61 weapons systems?

### IRRESPONSIBLE CHARGE

The Secretary charges that the amendment would create "a crisis in national security." That is an irresponsible and outrageous charge.

Last year—fiscal year 1971—the President initially proposed a military budget of $71 billion—only $3 billion above the $68 billion we are proposing today. But last year we were spending $13 billion in incremental costs in Vietnam. This year—the new fiscal year—we will be spending only $8 billion. That is a cut of $5 billion. How then can our proposal, which is only $3 billion below what the President himself proposed a year ago, create a crisis in national security when Vietnam costs alone have been cut by $5 billion?

But there is more proof than that. The National Urban Coalition this year proposed a $60 billion military budget. Their estimate was based on detailed studies by former Pentagon experts, including Mr. Robert Benson, formerly in the comptrollers' office in the Defense Department, and the former comptroller of the Pentagon, Mr. Robert Anthony. This was a constructive, detailed, objective job done by those who have worked in the Pentagon. They proposed a $60 billion budget this year. This could be done without endangering national security, according to these Pentagon experts. Thus, our modest $68 billion ceiling, or a cut about half the size they propose, cannot possibly endanger national security. That is nonsense.

### SCARE TACTICS

What we find here are scare tactics, not facts. These small cuts, with intelligent planning, could be put into effect without disruption. By cutting back the fat, the frills, and the waste, we could increase our military strength while reducing costs.

Look at the record. At the end of World War II, we cut military spending by over $60 billion in 2 years. Some 10 million men and women were discharged from the military. That was a cut some 15 to 20 times bigger than we propose here. There was no mass unemployment. No economic catastrophe. Unemployment in 1947 stood at only 3.4 percent.

What we are really being told is that military spending is a form of welfare or a gigantic WPA project. Instead of reordering our priorities and providing for an orderly reconversion from the Vietnam war, we are told we must continue a wasteful procurement system, which the Deputy Secretary of Defense called a "mess," an Army of a million men where less than one in 10 is a combat soldier, an emergency Reserve force and National Guard of almost 1 million men at an annual cost of $2.4 billion, which was not even called up in the Vietnam emergency, and to continue funding many redundant overseas bases numbering some 400 major and almost 3,000 minor ones scattered in 30 countries throughout the world 25 years after the end of World War II.

That is where the money can be saved. Instead of threatening a blunderbuss, the Pentagon should start a major efficiency drive.

Our amendment could start the Pentagon down the road to military efficiency, combat readiness, and reform in procurement.

There is another reason why this amendment should go into effect. In the last 4 fiscal years, Congress has appropriated almost $8 billion less than the Pentagon has spent. How can they spend more than we appropriate? The answer is that they have a backlog of almost $40 billion in obligated and unobligated funds to draw from. When Congress cuts their funds, they dip into this multibillion-dollar kitty to help make up the difference. Here is the size of the kitty.

The Pentagon has $27 billion in their procurement backlog—about a year and a half's supply. But they are asking for $19 billion more this year.

They have a $3.9 billion backlog in R. & D. funds. That is more than half the $7.88 billion they want in new funds in fiscal year 1972.

They have a $2.7 billion construction backlog—more than double the $1.2 billion spent in fiscal year 1971.

They have a $2.8 billion backlog in operation and maintenance, $892 million of military personnel funds, and $2.2 billion in "other" balances.

Altogether the Pentagon has stashed away in its obligated and unobligated balances almost $40 billion backlog.

That is why, like Old Man River, even when we cut the budget, Pentagon spending just keeps rolling along.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two tables, one showing the Federal fund obligated balances and the other an analysis of Federal fund unobligated balances.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1. *Federal fund obligated balances*

[In millions of dollars]

*Obligated balances end of fiscal year 1972*

| | |
|---|---|
| Department of Defense—Military: | |
| Procurement | $16,992 |
| Research and development | 3,896 |
| Operation and maintenance | 2,816 |
| Construction | 1,314 |
| Military personnel | 892 |
| Other | 1,185 |
| Total | 27,095 |

SOURCE: Special Analyses G, Table G-3, Budget of the United States, 1972 p. 103.

TABLE 2. *Analysis of Federal fund unobligated balances*

[In millions of dollars]

*Unobligated balances end of fiscal year 1972*

| Department of Defense—Military: | |
|---|---|
| Procurement | 9,030 |
| Construction | 1,421 |
| Research and development | 956 |
| Other | 1,042 |
| Total | 12,349 |
| Total: Obligated and unobligated Department of Defense balances, end of year 1972 | 39,444 |

SOURCE: Special Analyses G, Table G–2, Budget of the United States, 1972, p. 99.

### NOW IS THE TIME TO ACT

Mr. PROXMIRE. We offer our amendment now, on this bill, because now is the time to act. The fiscal year is just beginning. And the only way Congress has to control military spending is by placing a ceiling—a limitation—on the Pentagon.

Some will say, wait for the authorization bill. Wait for the appropriations bills.

We did that last year. And we offered a similar amendment to the authorization bill, the manager of that bill argued that it came too late in the year for the Pentagon to make plans to cut the budget. He waxed eloquent about how a cut in September would not be effective until even more of the fiscal year had passed, making it impossible for the Pentagon to absorb the cuts in an orderly way.

We offer this amendment now, on this bill, as a specific response to that argument. I hope Senators will not now argue that it comes too early in the year.

### REASSERT CONGRESSIONAL CONTROL

In addition, there is exact relationship between appropriations, on the one hand, and outlays or actual spending, on the other. Outlays are determined by the Pentagon. Unless we place a limit on them, we lose control over military spending.

That is the reason why the more than $13 billion Congress has cut from Pentagon requests in the last 3 years has resulted in a drop in outlays of only $3 billion.

This is the "Return Control Over Pentagon Spending to the Congress" amendment.

Finally, there are those who say, I favor specific cuts but I am against imposing ceilings as a matter of principle.

There are two answers to that.

First, a large number of those who say this, did not vote for the specific cuts to military weapons systems when they were offered. It was argued that the Pentagon experts were the ones who knew where to cut and that we should leave the cuts to them. If those who in the past made that argument will vote for this amendment, it should carry overwhelmingly.

Second, most Senators who have been Members of this body throughout the past 4 years have, in fact, voted at one time or another to impose a ceiling on expenditures of one kind or another. When a Senator says he is against "ceiling" amendments, look at the record. In almost every case one can say to him, "But Senator, you voted for the Cotton amendment in 1970 or the Williams amendment in the same year."

For all of these reasons, this amendment should be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The time for the quorum call will be taken equally from both sides.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, the original amendment that was to be proposed by the distinguished Senator from Wisconsin and the distinguished Senator from Maryland dealt, as I understood it, with expenditures. I wonder—and I do not see them in the Chamber—whether the amendment as now proposed by them affects expenditures or appropriations. I am assuming that the original intent is still there, which is to impose a limitation on Department of Defense expenditures for military functions.

The reason why I am asking that is simply this: We have a backlog of several billion dollars subject to expenditure in the Defense Department. For instance, we are building today two large nuclear powered aircraft carriers, for which the money was appropriated several years ago. We have a lot of other programs going on for which the moneys have been appropriated, and they are subject to existing valid contracts that involved fiscal year 1972 expenditures of about $20 billion.

Mr. President, my position on reduction of expenditures by the Department of Defense and all other Government agencies, I am sure, is well known to Senators. However, I think the proper way to accomplish this is through the appropriation process, which requires Congress and the Committees on Appropriations to make a thorough review of the appropriations requested by the various agencies, and to make reductions based on this examination of the requirements.

The Department of Defense subcommittee has held extensive hearings on the requests totaling $73.2 billion that will be considered in the regular Department of Defense appropriation bill for fiscal 1972. For the most part we have completed our hearings and are in a position to report the bill shortly after it passes the House.

I have in mind certain areas where I believe substantial cuts can be made. However, I cannot support this more or less meat-ax approach for cutting expenditures for military functions. Furthermore, I do not think we should give to the executive branch the right to allocate such a reduction without any guidelines.

The appropriations for military functions involve about 50 different accounts, and if the pending amendment is adopted a system for the control of expenditures for each of these accounts will have to be set up. Of course, this cannot be accomplished by July 1.

The total of $75 billion for military functions expenditures involves appropriations for "military personnel," "Reserve personnel," "National Guard personnel," "retired pay," "operation and maintenance," "procurement," "research and development" and "military construction."

Of this total of $75 billion, about $20 billion is required for going programs under contract. A large amount is required for fixed charges for the support of military and civilian personnel. As I recall there is only about $15 billion for expenditures for new programs.

When you consider that about $60 billion is required for personnel support costs and contracts for going programs it is clear that this meat-ax approach is not a good one. I think it would be a fatal mistake, so far as our security is concerned, for us to adopt the pending amendment.

I am very hopeful that the Senate will leave this matter in the hands of the Appropriations Committee. As I have indicated, we have held hearings on the subject for weeks; and it strikes me that we would be in a better position, as members of the Appropriations Committee, to tell where the cuts should be made in respect to the appropriations for fiscal year 1972.

For fiscal 1971, as I recall the figures, expenditures for military functions exceeded appropriations by $1.9 billion, and this difference came from appropriations previously made. Are we going to cut back on that? Are we going to renege? Are we going to stop contracts that have been in effect for a long time on the construction of many ships, aircraft and other weapons that are now being constructed? Are we going to stop repairing certain ships that we now have under contract? Are we going to stop programs that have have been in effect for 4 or 5 years?

If we make a meat-ax approach, as is contemplated under this amendment, I repeat that either some of these on-going programs will have to be terminated, and this would involve substantial sums for contract termination costs.

As I said earlier, it is our hope to have the Department of Defense appropriation bill before the Senate soon—I hope before August 6, if the required authorizations are enacted by that time.

Mr. President, as chairman of the Appropriations Committee and as chairman of the Defense Subcommittee, I have had the full cooperation of the entire committee, particularly the distinguished Senator from North Dakota. We sat day after day, listening to many witnesses on the fiscal 1972 appropriation requests, and it is my sincere belief that we are in a better position to say what ought to be done as to the appropriation bill for 1972 than to simply take an amendment such as the one now pending.

Before the debate is over, I would like to find out from the sponsors of this amendment what is going to become of all the programs that we now have in effect—the procurement and construction programs. Will this cut apply to those programs? How will this amendment affect the moneys necessary for our defense—that is, to pay the men and women in the Army, Navy, Marine Corps, and Air Force. It is bound to affect them.

This amendment has been changed from its original text, and it now applies for only 5 weeks. That would involve a large amount of work in the Defense Department, where there are about 50 different accounts, and each of these accounts would have to be made subject to expenditure controls. It would mean, in my opinion, the hiring of many more clerks to do this work.

We do not know where this cut is going to be made. The amendment is not specific as to where it is to be made. It will be something that will be left in the hands of the executive, and with the executive it might be pure guesswork as to which of these 50 accounts must be charged with what. It offers a tremendous job which may entail the work of a few more thousand clerks, in order to get the figures straight and in order for the Department of Defense to do a job in keeping with what the amendment contemplates.

The Department of Defense subcommittee has held extensive hearings—running for 6 weeks—on the requests totaling $73.2 billion which will be considered in the regular Department of Defense appropriation bill. I can assure the Members of the Senate that the Committee on Appropriations will recommend some substantial reductions in these requests, but these recommendations will not endanger national security, as, in my opinion, will be done now if the amendment is adopted.

The proposed amendment providing for a ceiling of $68 billion on fiscal year 1972 expenditures for military functions of the Department of Defense represents a reduction of $6,975,000,000 in the estimated $74,975,000,000 expenditures for these purposes as set out in the President's budget. Furthermore, the House of Representatives has approved one version of a military pay increase that will cost about $1.7 billion during fiscal year 1972, and the Senate has passed a different version of a military pay increase which would cost about the same amount. For our discussion of this amendment, I think we have to assume military pay increases coming out of conference on the draft extension bill that will increase fiscal year 1972 expenditures for military functions by $1.7 billion. Therefore, the proposed amendment represents a reduction of $8,675,000,000 in the adjusted planned expenditures.

I regret that we did not have time to hold hearings on the proposed amendment. As I stated, we have spent 6 weeks in hearings on the request for appropriations of $73.2 billion, A comparable period would be required to review fully the impact on national security of an $8.7 billion reduction in military functions expenditures.

In considering the proposed amendment, one has to take into consideration the fact that the estimated fiscal year 1972 expenditures for military functions are based on the availability of $77.8 billion in new appropriations requested for fiscal year 1972 and $37.7 billion provided in prior fiscal years, as I indicated a moment ago. In other words, the planned expenditure program of $75 billion for military functions during fiscal year 1972 is based on a total available for expenditure of $115.5 billion.

This is the amount of money, as I said a moment ago, that will be available for expenditure during fiscal 1972. It has been appropriated and when it will be expended will depend largely on progress made on programs previously funded as well as fiscal 1972 funding.

The source of the appropriations on which the planned $75 billion expenditure estimate is based is another important factor. The total Department of Defense planned expenditures of $76 billion, which includes approximately $1 billion for military assistance programs, will come from the following appropriation sources: fiscal year 1972 funds, $55.1 billion; fiscal year 1971 funds, $13.6 billion; fiscal year 1970 and prior year funds, $7.9 billion; budget concepts adjustments, minus $0.6 billion.

Mr. President, these are the types of factors that need to be thoroughly reviewed in extensive hearings before we vote on an amendment such as we are now considering.

I did request Secretary Laird to review the proposal as it was transmitted to me by its sponsors on June 18. Secretary Laird replied by letter dated June 24, and I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., June 24, 1971.*

Hon. ALLEN J. ELLENDER,
*Chairman, Department of Defense Subcommittee, Committee on Appropriations, U.S. Senate*

DEAR MR. CHAIRMAN: I appreciate the opportunity to furnish comments on the proposed Proxmire-Mathias amendment to the Continuing Resolution, in response to your request for our views on this very important matter.

The amendment would limit Defense expenditures for military functions to $68 billion. In support of the amendments, the proponents claim that the Department of Defense is spending $73.4 billion when only $68.7 billion was appropriated and further, that expenditures in excess of appropriations is a consistent practice of the Department.

The attached statement outlines the erroneous basis upon which the proponents attempt to support the amendment and the very serious impact it would have on our national defense posture.

The supporting data furnished by the proponents contain very significant errors:

Appropriations for FY 1971 are misstated. The amount appropriated was $71.4 billion—not $68.7 billion. After adding the $2.0 billion the Congress directed Defense to use from prior year balances, Defense expenditures programmed at $73.4 billion are equal to the program approved by Congress. Apparently the proponents of the amendment overlooked the Second Supplemental Appropriation of 1971.

The $10.4 billion claimed expenditures FY 1968–71 above appropriations is incorrect. The correct figure is $7.4 billion and this is derived only by using the years selected. If you compare the period FY 1966–72, which more accurately covers the cycle of war spending, Defense expenditures are $7.6 billion *less* than appropriations.

The proponents failed to understand the control your Committee and the Congress exercise over the use of prior year fund balances.

Defense has been required by the Congress to apply billions of such balances over the years to fund current programs, thereby reducing the appropriations enacted. A review of the record by the proponents would have shown the steady decrease in Defense unexpanded balances since the fiscal year 1967 peak, reflecting the actions of the Congress to reduce these balances.

The above factors are serious; but the impact of the amendment on Defense programs would be so extreme as to create a crisis in national security. In summary, the amendment would require unacceptable actions involving:

Reductions up to 50% of our planned military and civilian manpower at the end of fiscal year 1972.

Up to a 40% cutback in on-going weapons systems and 30% in operational levels.

Reductions would be far in excess of the percentage dollar cut because of necessary phasing, transportation, terminal leave, severance pay, etc. The attached statement provides the detailed computation underlying these required reduction actions.

Your Committee has made a detailed review of the planned force structure and operating levels and is aware that significant progress is being made to increase the cost effectiveness of Defense programs and to improve management throughout the Department. This review has emphasized the fact that in dollars of real buying power, the Defense budget is back to the pre-war level while still financing almost $8.0 billion of war costs. Personnel are 133 thousand below pre-war levels indicating the progress being made in eliminating unnecessary overhead staffing as well as force reductions consistent with the Nixon Doctrine.

The Proxmire-Mathias proposal would endanger the national security posture of the United States and should be defeated. Your support in opposition to the amendment is urgently requested.

Sincerely,

MELVIN R. LAIRD.

Enclosure.

TABLE 1.—APPROPRIATIONS AND OUTLAYS, MILITARY FUNCTIONS, DEPARTMENT OF DEFENSE

FIGURES PRESENTED WITH SENATOR PROXMIRE'S LETTER OF JUNE 18, 1971

[Dollars in millions]

| Fiscal year | Appropriations | Outlays | Excess of outlays over appropriations |
|---|---|---|---|
| 1968 | 76.4 | 77.4 | 1.0 |
| 1969 | 76.1 | 77.9 | 1.8 |
| 1970 | 74.3 | 77.2 | 2.9 |
| 1971 | 68.7 | 73.4 | 4.7 |
| Total |  |  | 10.4 |

CORRECT FIGURES

[Dollars in millions]

| Fiscal year | Appropriations | Outlays | Excess of— Outlays over appropriations | Excess of— Appropriations over outlays |
|---|---|---|---|---|
| 1966 | 61,839 | 54,178 | | 7,661 |
| 1967 | 71,935 | 67,457 | | 4,478 |
| 1968 | 76,332 | 77,373 | 1,041 | |
| 1969 | 76,221 | 77,877 | 1,656 | |
| 1970 | 74,386 | 77,150 | 2,764 | |
| 1971 | 71,449 | 73,370 | 1,921 | |
| 1972 (request) | 77,804 | 74,975 | | 2,829 |
| Totals | 509,966 | 502,380 | 7,382 | 14,968 |

Note: Net excess of appropriations over outlays, fiscal year 1966–72, cumulative (7 years), 7,586. The table does not include figures for military assistance.

Mr. ELLENDER. Mr. President, in this letter, the Secretary points out that there is no direct relationship between the total appropriated for military functions and the expenditures for military functions for a given fiscal year. This is true because of the fact that the major portion of the appropriations provided for procurement, R.D.T. & E., and military construction do not result in expenditures during the year in which appropriated. However, more importantly, the Secretary goes on to state:

> . . . the impact of the amendment on Defense programs would be so extreme as to create a crisis in national security. In summary, the amendment would require unacceptable actions involving:
>
> Reductions up to 50 percent of our planned military and civilian manpower at the end of fiscal year 1972.
>
> Up to 40 percent cutback in on-going weapons systems and 30 percent in operational levels.

What I was talking about a while ago. As I said, if such an amendment is adopted, there is no telling the effect it will have on our national security.

Based on 6 weeks of hearings on the planned defense programs for fiscal year 1972 and Secretary Laird's letter, I am convinced that the adoption of the proposed amendment would have a disastrous effect on our defense posture.

Mr. President, I do hope that the amendment will be rejected.

Mr. YOUNG. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. CHILES). The Senator from North Dakota is recognized for 15 minutes.

Mr. YOUNG. Mr. President, I rise to oppose the amendment offered by the distinguished Senators from Wisconsin and Maryland (Mr. PROXMIRE and Mr. MATHIAS).

As the ranking minority member of the Senate Appropriations Committee and the Subcommittee on Defense Appropriations, I cannot help but resent to some extent the offering of an amendment that would cut $8.7 billion from fiscal year 1972 Defense Appropriations when neither of the sponsors even bothered to attend the approximately 2 months of hearings. And when our subcommittee, which listened carefully to both the proponents and opponents of the Defense Appropriations request, has not even had a chance to take any action as yet.

Naturally, action by the Senate Appropriations Committee itself cannot come until after the House sends their appropriations bill to the Senate. This amendment is so out of the ordinary that it is subject to a point of order under the rules of the Senate, unless the amendment has been corrected in the meantime, or changed. The Proxmire-Mathias amendment would be more properly offered to the forthcoming Defense Appropriations bill.

Mr. President, what we are asked to consider today amounts to a reduction of $7 billion in the fiscal year 1972 planned expenditures for the military functions of the Department of Defense. When the expenditure impact of the $1.7 billion in the military pay raise proposals that have recently been passed by both the House and Senate are considered, we are actually considering a reduction of $8.7 billion in the adjusted total of $76.7 billion in estimated expenditures of the Department of Defense.

There are a number of reasons for my opposition to this amendment.

The first of these is its effect on the defense posture of our Nation. I am certain that the authors of this measure do not wish to strip us of the means of adequately defending ourselves. To a degree, at least, this is what it would do.

Secretary of Defense Melvin Laird in a letter to the Chairman of the Senate Appropriations Committee, Senator ELLENDER, stated:

> The Proxmire-Mathias proposal would endanger the national security posture of the United States and should be defeated.

Actually, the Defense budget request for fiscal year 1972 will provide approximately the same level of expenditures for defense as we had in 1964, prior to the Vietnam war. This results from inflation which has added $25 billion to the Defense budget since 1964. Without adding a single man or piece of new equipment, the 1964 Defense program would cost about $76 billion in 1972.

For military personnel, for example, costs have increased by 85 percent since 1964 as a result of pay raises necessitated by inflation. For civilians in the Defense Department, this equals about 56 percent. Between 1968 and 1972 alone civilian salaries have increased by 37.7 percent.

Retired pay costs have tripled since 1964 because of increases related to the cost of living and especially the greater number of personnel now on the retired rolls. During the same period, the cost of living has risen by almost 28 percent.

Since the peak of the war in 1968 the Defense Department has made marked reductions in both manpower and contract spending. Unfortunately, these reductions have not had the dollar impact that one would normally associate with rather widespread reductions because inflation has eaten up the planned savings.

Since 1968 civilian and military personnel have been reduced by 1.2 million. At the same time total personnel costs have sharply increased by over $7 billion.

In a like manner total purchases have been reduced by almost a third from the peak war spending of over $45 billion—$6 billion of this cut, too, has been eaten up by rising prices.

Thus, although our Defense strength is well below the wartime peak, inflation has escalated costs tremendously.

During the last 9 years, the Department of Defense has experienced a cumulative inflation of 49.2 percent. This means that each dollar we appropriate or spend this next fiscal year will produce just about half the defense we obtained from a dollar 9 years ago. As a matter of fact, in a general sense, the cost overruns on such items as the F–14, and the C–5A that have plagued the Department of Defense in recent years can be largely attributed to the unforeseen effects of inflation.

This amendment, therefore, would have a far more serious effect on our military strength than the 10-percent cut in spending which the proposal would impose. The Defense Department has stated that such action would require tremendous cuts in both military and civilian personnel, extensive contract termination, a greatly reduced operating level for our ships, aircraft and land forces, as well as extensive base closures. In today's world I do not believe that we can afford to decimate our military forces, put huge numbers of civilians out of work, and jeopardize our national security.

Disregarding all of these comparisons, the Defense Department today, measured in terms of aircraft, ships, and personnel is at the lowest strength we have had in 20 years. For this reason alone, I strongly oppose the amendment.

But there is another reason why I oppose this amendment, a reason that involves the very nature of our work in the Senate. This amendment is not good legislative procedure. Although I am sure that the sponsors of the amendment do not so intend it, the amendment makes a mockery of all the work of the Apropriations Committees and Armed Services Committees on the budget and authorization requests of the Department of Defense.

The chairman of the Senate Appropriations Committee has conducted many weeks of hearings on the Defense Department budget for fiscal year 1972. Its members have conducted a searching scrutiny into every important aspect of Defense appropriations. I have attended every one of these hearings and I can unequivocally state that never in my experience has there been a more painstaking review of military requests.

Last year substantial reductions were accomplished. I hope and believe that sizable reductions will be made in this year's requests and without harming our vital defense posture. But this amendment would profoundly affect the orderly and studied recommendations of the committee.

We are asked to accept this proposal without hearings and without consideration of its effect.

Some Members might question why expenditures presently are expected to be above requested appropriations. Let me explain. In the first place, there is little direct relationship between appropriations and expenditures for a specific fiscal year. Appropriations that are made in 1 year, particularly in the areas of procurement and research, are translated into expenditures not only in that year but for several years thereafter.

For example, an aircraft carrier for which funds are provided in a given year will have an expenditure impact over a period of about 5 years. Unless we were to go back to the contract authorization method of appropriating, which was largely discarded years ago, research and production money must be provided several years in advance of its use. This is the normal procedure. To change this so that expenditures and appropriations are roughly comparable at this time would mean a reversal of recent past decisions of the Congress.

There is another reason why expenditures, particularly in recent years, have exceeded appropriations. Congress in the last 3 fiscal years has provided four pay raises for the military and civilian personnel of the Defense Department. This amounts to a 43.9 percent pay increase for military personnel and a 33.1 percent increase for civilian personnel in the DOD. The total amount of money added to the Defense appropriations bill by these actions for solving increases is $10.5 billion. Subsequent to these pay raise authorizations by Congress, the appropriations committees have had to increase Defense appropriations to pay for them. Two of these pay increases occurred during the present fiscal year. No doubt, we may have two or three more next year.

Mr. President, these are just two of the many examples that could be given as to why expenditures currently exceed appropriations.

History provides us with a warning. At the end of World War II the United States disarmed unilaterally. Let us not repeat this without being fully aware of the possible consequences of unchecked aggression.

For these and many other reasons, Mr. President, I urge that this amendment be defeated.

Mr. PROXMIRE. Mr. President, would the distinguished Senator from North Dakota yield briefly?

Mr. YOUNG. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I point out that I think the Senator from North Dakota and the Senator from Louisiana have made excellent statements and very persuasive statements. However, the Senator asks why we offer this amendment to this particular resolution. He says that it would be much better if we wait for the military procurement bill to come up, possibly in the coming month.

Mr. President, I quote from a statement by the Senator from Mississippi (Mr. STENNIS) when we tried to do this last year. The Senator from Mississippi said:

> If we impose a strong reduction now of, say, over $2 billion, it would have to be absorbed within the last six months of the calendar year. It is just a fact of life that we have already cleared July and August. We are operating on a continuing resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield an additional 5 minutes to the Senator from North Dakota.

Mr. PROXMIRE. Mr. President, I continue reading:

> This bill cannot possibly be passed and signed by the President in less than a month from now. And that will be three months gone.

If we put this amendment in the bill that is coming before the Senate later, we will have the same problem as we had last year. There is no satisfactory vehicle into which to put this provision. All this does is provide that it will be for the life of the continuing resolution, until August 6. Then we can take another look at it.

So I submit to the distinguished Senator that I understand his point. I think it is a good point. We would have preferred to wait for many reductions, but if we are going to limit spending for fiscal year 1972, we have to make an effort to do it before fiscal year 1972 begins.

Mr. YOUNG. The example the Senator gave is not apropos. The Senator was talking about the statement by the Senator from Mississippi (Mr. STENNIS) with regard to an appropriation after about one-half of the fiscal year had expired.

Mr. PROXMIRE. It was in August.

Mr. YOUNG. Now, we are considering a continuing resolution which provides an extension to August 6, or for only about a month. Certainly the Senator should give some consideration to the Committee on Appropriations and let them have a chance to look over the cuts.

Undoubtedly Senators should have an opportunity to propose cuts, but to do this on a resolution that is only effective until August 6, is bad procedure.

Mr. PROXMIRE. This is only for the next 35 days and it does give the Committee on Appropriations an opportunity to decide what to do at that point. If we do not accept it at that time the Department of Defense is in a position of moving ahead on the $73.4 billion expenditure during the first part of the fiscal year.

Mr. YOUNG. The Senator weakened his own case by trying to impose reductions of this magnitude for only 35 days.

Mr. PROXMIRE. The reduction would be $435 million for the 35-day period.

Mr. YOUNG. How does the Senator expect the Department of Defense to apply the reduction? Would the Senator have them cancel some production contracts? They could reduce personnel but personnel has already been reduced by over 1 million since 1968, and this reduction is continuing.

Mr. PROXMIRE. There are many ways, as the Senator knows, that they could apply it. A reduction in personnel would be the big way. That covers a little more than one-half of the expenditure. They could cut personnel more. In addition, they could cut back on bases. Or they could speed up the withdrawal of men from Europe and Vietnam. They could make some hard, tough choices in procurement.

This is only about a 7-percent reduction at the rate at which they would be allowed to spend under the continuing resolution. So it is not the immense cut the Department of Defense officials have said it would be.

Mr. YOUNG. I do not think that there is a corporation in the United States with a worth of a billion dollars that would be able to effect a 10-percent cut in expenditures in a month or 35 days, much less a huge department of the Government, like the Department of Defense. It involves intricate procedures, military personnel, and even the war in Vietnam.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to support the amendment by the Senators from Wisconsin (Mr. PROXMIRE) and Maryland (Mr. MATHIAS) which would set an aggregate ceiling of $68 million on funds to be expended for Department of Defense military functions for the fiscal year ending June 30, 1972. I do so for the following reasons:

A reasonable ceiling on defense spending has as its principal purpose an overall reduction in defense spending to create a more efficient use of the Nation's material and human resources. Billions of defense dollars are wasted annually through excessive layers of civilian and military staffs, inordinate coordination and duplication, impractical, overlapping and unneeded weapon system, and wasteful stockpiling of nuclear armaments. Such crippling and unproductive defense spending is a major cause of inflation that consumes the taxpayer's earnings.

By curbing overall military expenditures, the amendment will force the President and Department of Defense to restructure defense priorities within the imposed dollar ceiling and undertake significant economy changes of a nature that will not be offset by increased spending in other areas. The ceiling will impose moderate cuts which can be absorbed on a timely basis without endangering national security.

Moreover, the amendment gives the Congress power not just to appropriate funds but to control spending. The Department of Defense consistently spends amounts in excess of congressional appropriations. A ceiling allows Congress to reduce overall military spending by setting a limit, but leaves the specific determination of where to restructure to the President and the Department of Defense with their substantially greater access to information. Once Congress's authority over all spending is established, Congress can deal with specific expenditures without fear that these saving programs will be offset by increased spending in other areas.

In Vietnam, for example, the annual incremental costs of the war have been cut back over $16 billion from the war's peak. Military manpower will be down 1 million men by the year's end. These significant reductions are not reflected in defense spending, however, as the military budget is increasing. The new budget's estimated $4 billion savings due to continued winding down of the Vietnam war will more than be consumed in other areas.

Over the years, military programs have had first call on our Nation's resources. Overall military cost reductions are desperately needed if we are to reorient our national priorities and provide for domestic programs aimed toward overcoming social and economic deprivation, waste of our Nation's resources, urban decay, pollution, and many other domestic problems which need improvement to make our industrial automated societies fit for human existence. Unless excessive defense spending is constrained, revenues and resources generated from increased economic growth will be consumed by the military with serious consequences to human development.

Mr. President, I shall vote for the above reasons.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, once again we are debating the significant issue of military spending and national priorities.

There is no Senator in this Chamber who wishes to jeopardize our national security or the vital interests of this Nation. Every Senator knows that we must be equipped with a strong and viable national defense posture in our lawless world.

The question, however, of spending billions of dollars for our military needs must be approached in a rational and realistic manner. As Richard Barnet has stated in his fine book "The Economy of Death":

> The greatest danger of making a religion of national security is that it discourages the application of either reason or experience to human affairs.

For over a generation the American people have been confronted with a continual buildup of our massive military arsenal. We must question ever more closely and ever more seriously, the real needs of our society and the true needs of our national defense. There have been many careful studies by many highly qualified individuals, committees and groups concluding that for far more drastic reduction called for in the pending amendment are in order.

For example, the National Urban Coalition, in its exhaustive, detailed counter budget, recommends a cut of $24 billion—making a strong case for the view that with the military budget conservantly down to $50.4 billion we would have a stronger, more secure Nation than we do under the current far higher military budget with its many wasteful and inefficient programs.

Although we do not in this amendment purpose the major changes recommended by the National Urban Coalition we should take every safe and sound step we can to eliminate costly military programs which do not really enhance our national security.

The Proxmire-Mathias amendment would limit military outlays to approximately $68 billion. This is clearly adequate for our national defense needs.

The effect of this amendment is to avoid imposing specific cuts on the experts in the Department of Defense. They are not, by this amendment, required, for example, to eliminate the B-1 bomber, while I and some other Senators happened to support, while other Senators oppose it, nor are they required to eliminate the ABM which I and some other Senators happen to oppose, while other Senators support it.

The amendment simply tells the Pentagon: Sharpen your pencils, think this through with all the experience and expertise at your command, eliminate duplication, waste, and cut away at those programs of the least proven and most dubious value, and provide us with the most secure defense you can at a cut of $68 billion.

Finally, Mr. President, we must keep in mind that we are not only discussing the needs of our national defense. In a broader, more significant sense, we are really discussing the critical issue of a deep and fundamental reordering of our national priorities. We must pass this amendment so the process of altering our priorities can begin in a meaningful manner.

In the ultimate analysis our national security does not depend alone on our weapons and our military might. It depends also, to a very, very great degree, on our internal strength, solidarity and security—on our ability to provide for all Americans adequate food, clothing and shelter, and a true equality of opportunity to live a life of one's choosing. It is the hope and faith that this will give to every American in our way of life that will, most of all, make our Nation a secure nation.

That is truly our real security and that is what this amendment attempts to provide. I urge my colleagues to support this amendment.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Maryland (Mr. MATHIAS) 10 minutes.

Mr. MATHIAS. Mr. President, the long debate on military spending once again leaves me somewhat perplexed. As last year, I find I agree with most of the serious arguments made by the opponents of this amendment to cut the Defense budget. I agree that the Soviet Union has made massive gains in recent years in the quantity and quality of their weapons. I agree that in many respects their posture is now comparable to ours. I agree with my distinguished colleague, Senator JACKSON, that—

> Those politicians who downgrade national security and denigrate national defense are mistaken. Too many of them fail to recognize what is really going on in the world—and some of them seem to care less . . .

Senator JACKSON said:

> Those who say we must take risks for peace by cutting the meat from our military muscle are not proposing risks for peace, they are unwittingly proposing policies that would heighten the risk of confrontation and war . . .

I agree with Senator JACKSON. National security and deterrence must be paramount national priorities. Any politicians who downgrade these indispensable objectives—who urge cutting the sinews of our national strength—indeed reveal a twisted view of international realities. For it is clear that the Soviet Union will not become less belligerent as the balance of power shifts in its favor.

I agree, moreover, with the seven members of President Nixon's Blue Ribbon Defense Panel who declared that—

> The consequences of becoming a second rate power, even if national survival is not threatened, could be seriously detrimental to U.S. interests. They are right in contending that the road to peace has never been through unilateral disarmament . . .

As I said last year at this time, only a strong America can insure a safe world—if the military strength of the United States is in jeopardy, so is the global balance of military power that has preserved peace among the great powers since World War II.

In fact, it is because I agree with these principles, asserted by Senator JACKSON as well as by the President and his Secretary of Defense, it is because I agree that world peace will depend in coming decades on the maintenance of American military power, it is because I agree that the American lead in the arms race is threatened for the first time since World War II, it is because of our new security problems—not in spite of them—that I advocate this amendment to set a ceiling of $68 billion on military outlays for fiscal year 1972. I believe this move is urgently needed as a first step toward a thoroughgoing reappraisal and reorientation of our defense policies—a first step to halt the current deterioration in our long-range national security.

And may I say I am perplexed by those who believe that advocates of this amendment "fail to recognize what is going on in the world." How, may I ask, after a decade when the United States spent nearly twice as much money on defense as the Soviet Union, approximately 60 percent more on strategic systems, and perhaps 50 percent more on research and development—all in constant dollars—how, I ask, after such a decade can we seriously suppose that our problem is inadequate spending? The fact is that the deterioration in our national security position has little to do with how much money we have spent—except to the extent that the availability of relatively unlimited funds has cultivated improvident and undisciplined military spending policies.

These policies might have been tolerable during a period when the Soviet Union was far behind. But today, as Soviet strength significantly grows, we can no longer afford any but the most coldly realistic view of "what is going on in the world" and what new strategies and weapons systems are truly responsive to changing world conditions. I submit that an attitude of cold realism toward our national security will not sustain the notion that we have been spending too little money on the military.

In order to understand what went wrong it is necessary to appraise the changing nature of the arms race at a time of accelerating technological progress.

Since World War II, the modes of strategic war have been transformed roughly every 5 years. Bombers were supplanted as the key offensive force by several generations of liquid fueled missiles, which in turn were replaced by solid fueled Minutemen and by mobile Polaris submarines. Strategies depending upon immediate response to enemy attack preparations—and thus on often unreliable intelligence reports—have given way to a policy of waiting out an attack before retaliating. Now the development of multiple independently targeted reentry vehicles—MIRV's—is working another transformation of the criteria of deterrence. The Poseidon missile—a submarine based MIRV system, placing 10 independently aimed warheads on each launcher—seemed until recently the ultimate in mobile, invulnerable retaliatory power. But the Navy is now proceeding with development of ULM's—an underwater long-range MIRV system with much longer reach and greater accuracy.

This pace of change, which has affected conventional capabilities to an only slightly lesser degree, means that most existing military technology is obsolescent. That is, in most cases, more effective alternative or countervailing weapons are already required. Under these conditions, heavy investment in multiplying and embellishing current systems—or implementing current strategies—or responding to current threats—is often wasteful. The real arena of competition has moved ahead to new technologies which dictate changing strategies. In this arena the side that concentrates its resources on obsolescent weapons and strategies may be at a disadvantage, even if it spends more than its opponent on advanced research and development. For scientific genius and technical expertise are limited. If a country employs its best manpower refining old systems, designed to carry out obsolete strategies, it may not be able to compete as well on the technological frontiers no matter how much money it spends. Only long run investments directed at scientific achievements 5 and 6 years from now can redeem a side falling behind in a qualitative arms race.

Research on new systems, moreover, is much cheaper than deployment of old ones. In a qualitative race, therefore, the criterion for success is not chiefly money; it is our resourcefulness in using scarce scientific and technical resources in tandem with changing strategies. Again, spending money in the wrong places will actually retard a side's performance if it diverts scarce manpower. Such are the special constraints of a qualitative arms race.

Although for many years the United States was so far ahead technologically that it could afford to ignore these new realities, that time has now passed. The Pentagon, however, has yet to recognize it The proposals for new bombers, carriers, redundant fighters, new air defense, and other traditional systems necessitate enormous commitments of resources to strategically obsolescent weapons. The fact that they are embellished with the most formidably advanced new technology just means that the waste of resources is compounded by diversion of scarce personnel.

One of the prime examples of this mistake is ABM, used to protect Minutemen. Minutemen in fixed bases are already a technology of predictable obsolescence, for they are ultimately vulnerable to refinement in offensive missile accuracy. ABM, for all its redoubtable intricacy and ingenuity, is also of little usefulness in the strategic environment of the 1970's. It is a system of the 1960's that we wisely refrained from deploying in different forms earlier in this decade despite repeated demands from the military. The Pentagon, in effect, now is putting together two obsolescing technologies in the hope of getting one useful system. And the result is a vast wasteland of money and personnel.

Technologically advanced and conceptually retarded, ABM symbolizes the American defense posture. We overreact to current or impending threats by purchasing, elaborating, and multiplying any technology which lies at hand. Thus we greatly reduce our flexibility in preparing for future exigencies.

Apart from the same $28 billion spent on unnecessary prototypes of missiles that were not deployed, billions have been spent on repeatedly replacing our land-based missiles with new models as soon as they were developed—from successive forms of Atlases and Titans to Minutemen I, II, and III. We have spent many billions trying to maintain our surface naval fleet at near World War II levels—and protecting it with expensive and sometimes ineffective new defenses—despite the increasing vulnerability of all surface systems to Soviet submarines, missiles, and other offensive weapons. Over $15 billion has been spent on air defense against the minimal Soviet bomber threat.

It would be possible, of course, to contrive the nightmare catalog of unpromising weapons we have acquired, in our resolve to deploy every novelty we develop in response to every possible threat, despite our overall superiority—and without any overall strategic plan or scale of priorities. Suffice it to say that the total exceeds $100 billion.

Meanwhile, John Foster, the Defense Department Director of Research and Engineering, suggests that we may be falling behind in some facets of research and development, the one arena that matters most and costs least. In Dr. Foster's own words:

> In the next five years breakthroughs in military technology will tend to occur in the Soviet Union rather than in the United States.

Foster's statistics, showing a Soviet lead in military R. & D. spending, have been challenged by the Federation of American Scientists. And it may be that we are not in fact vulnerable to the kind of technological surprise he envisages. But there is no doubt that the Russians have massively increased their investments in R. & D. Combined with their heavy programs of scientific and technical education, this effort portends danger for the United States.

Foster, however, does not propose new investment in American education. Nor does he advocate new Federal programs of basic research to prevent technological surprise. Instead, he urges continuation of the same mistaken pattern that has brought us to our present position of extravagent futuility. He demands more money to multiply and embellish the obsolescent systems in our arsenal; employing new technology not to produce more cost-effective and useful systems but to redeem old modes of thought and outmoded hardware: New ICBM's, bombers, and carriers—with often futile new defenses for them—redundant fighters and tanks, raised to egregious cost with unnecessarily sophisticated accessories. Even though some of these systems may well be supportable for the moment, they are irrelevant to our problems of technological surprise—except again to the extent they divert valuable manpower from work on the frontiers of development.

It is because the Soviet Union is greatly improving its strategic panoply—greatly expanding its efforts in R. & D.—that we cannot afford to continue our present pattern. It is because Dr. Foster and Secretary Laird and Senator JACKSON are generally right about the long-term Soviet threat that they are hopelessly wrong in their proposals for short-term deployments.

Let me repeat. Even Secretary Laird acknowledges that the threat to our security is not immediate. It resides in the long-term impact of Soviet programs. The persistent problem of our defense policy has been over-reaction to current and sometimes spuriously anticipated threats. The Soviet Union digs some holes; Marshal Grechko makes a speech; and we are provoked into wasting billions. In effect, we have let our adversaries dictate our defenses. And our overreaction to immediate threats has undermined our ability to meet our long-term security problems.

The result has been an erratic course of spending that summons whole defense industries into being—and then dissolves them, when our initial alarms are disproven. We make little effort to promote conversion of valuable facilities to civilian purposes. We demoralize valuable manpower. And for all our expensive effort we never seem to have enough.

I believe that we will have to maintain high levels of defense spending for years to come. If we continue in our current manner, however, there is a real danger that at some future day, we will direly need some form of armament and will not be able to produce it in time. Our huge Military Establishment would then indeed be a pitiful, helpless giant. For if we are really subjected to technological surprise—or to a truly menacing enemy program—we cannot meet the threat by spending more on last year's novelties, or by expanding our maginot lines on ABM's. We will have to have a stable and productive economy; we will require a reservoir of scientists and technicians prepared to work effectively; we will need an industrial base ready to produce new systems; and we will need a society that is eager to support the effort. If we continue on our currently erratice course, we will have an increasingly large Defense Establishment superbly prepared for last year's illusory threat, last year's questionable gap; a society unwilling to believe the new alarms; and an industrial base in disarray. In making these cuts, therefore, I urge, as I did last year, that the Pentagon take a special effort to assure that scientific and other technical manpower are not permanently lost to our national security programs. Over the last few years, our defense procurement programs have been cut by a total of nearly one-third without close attention to the long-term effects. Our future mobilization base has been jeopardized. It is crucial that current retrenchments—like current expenditures—be designed with our long-term security in mind. Conversion of our defense industry for peaceful purposes should not be considered as a part-time concern. Conversion is a necessary instrument of intelligent defense planning, preserving our mobilization base for a future crisis.

In the future our defense spending should be maintained at a relatively steady and balanced level. We should not allow uncertain new appraisals of Soviet intentions and capabilities to panic us into erratic splurges of investment in untested systems. A balanced approach would prevent literal crash programs for new aircraft—and titanic new efforts in divining and forging—that bring public disillusionment and abrupt retrenchment.

There is another point which should be considered as we approach a decision on this amendment. Last week the joint committee on internal revenue taxation estimated that the deficit for this year's budget will reach $23.3 billion. As programs are currently planned, the same report indicates a deficit next year, fiscal year 1972, of around $23 billion again. This report does not include in its estimates many major programs in health, transportation, environmental protection, education, housing, and in other fields which are of vital concern to many members of this body.

The hard fact is that we must make a decision. If we are serious and responsible about our attempts to alleviate these desperate needs at home, we may have to accept a substantial tax increase or an increasingly larger budget deficit with all its accompanying inflationary consequences. I submit that both these alternatives are unacceptable.

There is a third choice. We can and must undertake a basic reevaluation of our defense posture and policies and the national treasure which is expended upon them. For the reasons which I have been discussing, such a step is mandatory to insure our future national security. It is also mandatory for the future security of our citizens, our cities, and our society.

I would like to close by saying that retrenchment of the defense spending is squarely in the Republican tradition. Senator Robert A. Taft in his last public speech appealed for "severe scrutiny of the defense budget." And President Eisenhower, perhaps our most knowledgeable recent President on national security policy, and a man whose wisdom looms greater as time passes—summed up the problem in now famously prophetic words, which I would like to quote again today. For we should never forget them:

> No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economic, intellectual, moral, and military strengths . . .
>
> Let me elaborate on this great truth . . . It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The military establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines.

Beyond all the issues raised in this debate, this fundamental principle still stands firm.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

We had quite a discussion awhile ago on the Cuban refugee problem. Last night I discussed the matter with my counterpart from the House side, Representative MAHON. He said that the House of Representatives has had no hearings on the Cuban refugee problem, and that, if the Senate insists on its amendment, there may be difficulty in having the resolution enacted before midnight tomorrow night.

I know the time is short, Mr. President, and personally I do not want to take any steps that would delay final action on the continuing resolution. I have discussed this matter with my good friend from North Dakota, the ranking Republican member of the Appropriations Committee, Mr. YOUNG, and other Senators, and I am prepared now to withdraw that amendment.

Mr. President, I ask unanimous consent that the language on page 4 of the joint resolution, beginning on line 8 with the comma after the figures "91–672" and ending with "United States" on line 11, be stricken from the joint resolution.

The PRESIDING OFFICER. Is there objection? Without objection, the language will be stricken.

The language of the committee amendment referred to reads as follows: ", except that none of the funds provided by this or any other Act may be used to cover costs incurred in connection with the movement of refugees from Cuba to the United States".

Mr. GURNEY. Mr. President, will the distinguished Senator yield to me?

Mr. ELLENDER. Yes, indeed.

Mr. GURNEY. Mr. President, I wish to express my appreciation to the chairman for this action. I know I speak for my colleague from Florida (Mr. CHILES), who is not now able to speak for himself, because he is occupying the Chair as Presiding Officer, but we do indeed appreciate this action and the compassion and understanding of the chairman.

I am sure that as hearings develop later on other bills, we can look into the matter and come up with some solution that will be fair and equitable to all of us.

I thank the chairman.

Mr. ELLENDER. Mr. President, it is my purpose to get more information on the matter, and the subject matter will be taken up when the Foreign Assistance and Related Programs Appropriation Act of 1972 is considered.

(Mr. PROXMIRE assumed the chair as Presiding Officer at this point.)

The distinguished Senator from Wisconsin (Mr. PROXMIRE) who is now presiding is the chairman of that subcommittee. It will be my purpose, and I am hopeful his purpose, to go more thoroughly into detail about this matter, and to try to fix some definite date and find out the number who can come in under the present setup.

As I said awhile ago, it strikes me that we have gone too far with this Cuban refugee program. It was never contemplated that we would have as many as 650,000 Cubans enter this country under the program. As I pointed out, when the subject was discussed after Castro decided to permit so many to come in, the estimate made then was around 200,000, and it seems that that number increases from year to year.

I believe that subject matter can better be dealt with, and we will get more facts and be in a better position to present it to the Senate, when the bill to which I have referred comes before us for consideration.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. GURNEY. I believe this is the way to get at it, in a full fledged hearing that develops all the facts.

Mr. ELLENDER. As I have heretofore stated, I had discussed the matter with Mr. MAHON, and he made a good point. Last night before I went to sleep I thought about it, and I hinted this morning that I would take that action, because I do not wish to delay the passage of this continuing resolution. The joint resolution must be passed by midnight tomorrow night; if we do not do so, many departments will be without money, and I do not want that to happen. I am willing to wait 5 or 6 more weeks until we can go into more detail and have more facts, so that we can deal with the subject matter more intelligently next month.

Mr. CHILES. Mr. President, I also commend the chairman for taking this action. He has now called the matter fully to the attention of the Senate, and the hearings should be able to determine what number of people we have made a commitment to, and whether it is a commitment that we are obligated under or should be bound by, what are the reasons for these people being on welfare, and we can get all the facts in the hearing. I certainly commend the action of the chairman in withdrawing that amendment at this time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Have I used my 5 minutes?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I take 5 more minutes, Mr. President.

Mr. President, with respect to the amendment that is now pending, as I pointed out earlier, I do not know whether the amendment applies to appropriations or to expenditures. Last year, Congress appropriated for fiscal year 1971 $71,449 million for military functions, and we spent $73,370 million plus.

I am informed by the Defense Department that of the estimated $75 billion for military functions about $40 billion is required for personnel-related costs—this will be about $41.7 billion when we consider the additional military pay increase.

To support ongoing programs that are now under contract, that have been authorized by Congress in prior years, would require $20 billion, in round figures; and for new programs that will be authorized and that Congress will make provision for, or some of which we will make provision for, $15 billion will be required, for a total of $76.7 billion, including the $1.7 billion for the additional military pay increases.

If we simply conclude now that we will spend at the rate of only $68 billion, as this amendment provides, I say to the Senate that our security would certainly be in trouble. Therefore, Mr. President, I am hopeful that this amendment will be rejected.

Earlier I referred to the $20 billion required for many programs for which no new appropriations are requested. Let me cite a few examples.

The Navy's nuclear-powered aircraft carriers: The estimated expenditure for the basic construction for fiscal 1972 is $265 million. We have nothing in the appropriation bill to continue that program, and yet this amendment would affect that.

As to the Navy's general purpose assault ships—LHA—the estimated expenditure is $172.7 million. New appropriations requested for fiscal year 1972, none. Yet, under this amendment, part of that would likely be cut off. These are contracts that have been solemnly entered into by our Government and privately owned concerns. I do not want to contemplate the effect this will have, because the cutback on that means that probably we will have to enter into new contracts. There is no telling what it will cost the Government.

For the Navy's A-4 attack aircraft, estimated expenditures for fiscal year 1972, $42 million. No new appropriation is being asked for in the appropriation bill we are now considering and that, hopefully, will be reported to the Senate next month.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. ELLENDER. I yield myself 2 additional minutes. For the Army's CH-47 Chinook transport helicopter, estimated expenditures, $26.2 million. Appropriations requested for fiscal 1972 are none. That would be affected.

For the Army's UH-1H tactical helicopters, estimated expenditures, $38 million. New appropriations, none. Yet, it would be affected by this amendment.

For the Army's AH-1 Cobra armed helicopters, estimated expenditures, $31.9 million. New appropriations requested for fiscal year 1972, none. Yet, it would be affected.

For the Army's Shillelagh antitank missile, estimated expenditures, $27.4 million. No new appropriations are requested.

For the Air Force's UH-1H Iroquois tactical helicopters, estimated expenditures, $46 million. No new appropriations are requested.

For the Air Force's A-37B attack aircraft, estimated expenditures, $20 million. New appropriations, none.

All these contracts are in effect or in force, and the moneys for them have been appropriated in the past. Yet, under this amendment, those contracts may be affected.

I hope the Senate rejects this amendment.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute, and then I will yield to the Senator from Massachusetts.

I should like to modify my amendment so that it will read as follows:

> Except that the amounts available for expenditure for military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year.

The reason for that correction is that I think the Senator from Louisiana raises a proper criticism of the ambiguity of the amendment. It could apply to appropriations or expenditures. This clarifies it.

Mr. ELLENDER. I am glad the Senator has clarified that, because I interpreted the first amendment as affecting appropriations. So that it will be expenditures.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

The amendment, as modified, reads as follows:

> On page 4, line 2, before the semicolon at the end thereof insert a comma and the following: "except that the amounts available for expenditure for military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PROXMIRE. Mr. President, I might also point out that the Senator from Louisiana, of course, is right, that it is painful and difficult for the Defense Department to adjust to a reduction of 7 percent in spending. That is what this will amount to. There are all kinds of ways in which this can be done. The fact is that we put ceilings on the civilian agencies——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield myself 1 additional minute. I think we can get some time from the manager of the bill.

Mr. ELLENDER. How much time does the Senator want?

Mr. PROXMIRE. An additional 5 minutes.

Mr. ELLENDER. I yield 5 minutes to the Senator.

Mr. PROXMIRE. I yield myself 1 minute now.

I might point out that this ceiling is an old business. Congress has done this several times in the past, and most Members of the Senate have voted for those ceilings. Those ceilings are difficult and painful. We all know the complaints we heard from the civilian agencies. But we know that none of those agencies came to a halt. People were not deprived of their pay. Contracts were not canceled. There are ways this can be done with stretchouts. Choices have to be made. I think it is about time those tough choices were made by the Defense Department, and that is why we are offering this amendment today.

Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I fully support the Proxmire-Mathias amendment to limit Pentagon spending to $68 billion for fiscal year 1972. I urge the Senate to accept the amendment today, as part of the pending "committee resolution," so that the ceiling may take effect for the entire new fiscal year that begins on Thursday.

Today, the Senate has the opportunity to translate our action on the SST earlier this spring into an across-the-board vote on the principle of reordering our national priorities. Like a colossus of the ancient world, the Pentagon budget stands astride all our hopes for real action on the countless domestic issues we face—issues like inflation and unemployment, law enforcement and crime control, race and poverty, health and education, pollution and transportation, and the crisis in our cities.

The President boasts about winding down the war, about hundreds of thousands of troop reductions in Vietnam, about a generation of peace, but the Pentagon budget goes on, virtually unchanged—as though, somehow, it has a life of its own, free of real control by Congress or even by the President.

To be sure, there have been modest reductions in military spending in the past two fiscal years, but hardly of a magnitude that gives us any confidence that we actually have the problem under control.

Time and again, the pattern is the same. Faithfully each spring, as the military budget juggernaut begins to roll in Congress, we get the reports of "terrifying" new weapons breakthroughs by the Soviet Union, followed hard by calls for renewed American commitments—and spending—to meet the challenge.

But, as we have heard so often in recent days, the crisis lies as much in credibility as it lies in substance. After each new wave of spring defense alarm subsidies, and the budget is enacted, calm returns, and once again, we see the inevitable result of the annual process—defense spending programs emerge virtually unscathed, while urgently needed domestic programs have had to run the gauntlet of drastic budget cuts.

We know the dismal figures, but they bear constant repetition. In 1969, for example, for every man, woman, and child in the United States, we spent the following sums: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid; and only 80 cents on cancer research.

Today, however, we can see that things are changing. Priorities have become a major national issue in their own right. Gone are the days of weak and ineffective scrutiny of the annual requests for military spending. Gone is the blank check policy that Congress has given the Pentagon for so long.

That is why I favor a ceiling on Pentagon spending for the next fiscal year. It is the most effective single step we can take at this time if we are to buy the time we need to begin to meet the challenge of the seventies.

In the course of the coming debate on the various individual military appropriations bills, we will have the opportunity to examine spending for specific defense programs. Today, however, we have the opportunity to take the important overall step of setting an outer limit for overall military spending, and thereby to establish the basic framework within which all the later programs will be examined.

The $68 billion figure for the ceiling is essentially the amount appropriated by Congress for the current fiscal year. In light of the substantial force reductions we have already made in Vietnam during the current year, the ceiling is a realistic figure within which the Pentagon can reasonably be expected to operate. If the ceiling must be raised, it is entirely appropriate for the administration to come back to Congress later, when the need arises.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Will the Senator yield me 1 additional minute?

Mr. PROXMIRE. I yield 1 additional minute to the Senator.

Mr. ELLENDER. Two minutes.

Mr. KENNEDY. Unless we take the steps we must to limit the soaring costs of military spending, and to reflect the real force reductions we made so far, all our dreams for progress on our domestic problems will be postponed, and the problems will grow worse. The time has come for Congress to make a comprehensive commitment in favor of new priorities, and to make clear to the people of the Nation that we can practice what we preach. We can begin by setting a realistic limit on defense spending.

I thank the distinguished Senator from Louisiana for yielding to me, and I yield back the remainder of the time of the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, of the 5 minutes the Senator from Louisiana yielded to me, do I have time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes remaining.

Mr. PROXMIRE. Mr. President, may I say to the Senator from Maryland, first, that I am delighted that he stressed, as he did—the fact that we face a deficit of $23 billion this year and probably more than $23 billion for next year.

We all recognize that we must provide more money for our cities, for combatting pollution, for health, and for many other programs. Where is the money coming from? It is true that we may be able to pass some kind of tax increase, but that is doubtful. If we are going to meet these problems to any extent at all, we have to hold down military spending. There is no other answer, as I see it.

Charles Schultz, former Director of the Budget testified that for the next 3 years there will be no fiscal dividend that even if we reduced unemployment to 4 percent and we had a booming economy, we still would not get the Federal revenues. To do more than the limited domestic programs we now have on the books.

Mr. MATHIAS. The Senator is exactly right. We face a serious problem, as I pointed out, of chalking up a $23.3 billion deficit at the end of the current fiscal year. We look forward, at least conservatively, to the same deficit next year, so that it would be over $46 billion. We are probably talking in the ball park range of $50 billion.

As the Senator from Wisconsin asks, where is the money coming from? It has got to come from the people of the United States either in the form of new taxes or in the more insidious, unfair and inequitable form of robbing them through inflation. That is where it will come from. That is really the decision being made here today.

The distinguished Senator from North Dakota (Mr. YOUNG) says—and I am very much interested in his statement, he has a lot of sound wisdom in it—that we are asking the Department of Defense to undertake a 10 percent cut in a 30-day period and that no $500 million or $1 billion corporation in the country could do that.

Well, let me say, those companies are responsive to the disciplines of the markets in which they operate. They react quickly. They see the handwriting on the wall. What I am suggesting to the Senate to vote on here today is that companies like that, which see the handwriting on the wall, corporate boards, and corporate executives, observe these things and they will say either, "Keep going full blast, the signals are up," or "adjust to market conditions." Which button will we push because we have got a customer here that will react to those signals.

Mr. YOUNG. I would be very much interested in knowing where the Senator would suggest the cuts be made. Would he make them in personnel? Would he close some bases? Would he close out military contracts in Maryland or North Dakota? Just where would the Senator suggest the cuts be applied?

When we on the Defense appropriations make cuts, we usually state where they should be made.

Mr. MATHIAS. As the Senator from Wisconsin explained, we have felt that this should be a function of the Defense Department. We are willing to give the Defense Department the widest latitude. This is not an unusual device. It is a device the Senate has adopted before and Congress has adopted before; namely, an overall spending limitation. It has worked in the past successfully. It has worked in terms of the total budget as well as a department budget. I think we can apply this kind of limitation successfully and that we should do it because if we do not, we will face more red ink.

I might inquire of the Senator from North Dakota, as the Senator from Wisconsin inquired of me, where will the money come from?

The PRESIDING OFFICER (Mr. GAMBRELL). The 3 minutes of the Senator have expired.

Who yields time?

Mr. YOUNG. I yield more time to the Senator from Maryland if he wants it.

Mr. PROXMIRE. Mr. President, will the Senator from North Dakota yield me 5 additional minutes?

Mr. YOUNG. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, may I say to the distinguished Senator from Maryland that in the past 2 years we have had five bills proposed to Congress setting ceilings on the amount to be spent by executive agencies. I have here a list of the membership of the Senate, and virtually every Senator has voted for at least one of the ceilings. A number of Senators, including those Senators most vehement in opposing the pending amendment, have voted for all the ceilings—at least four out of five of them.

Further, I point out that this is nothing new. It has been done before. The only way we can get at something that is as complex and as technical and that requires such a high degree of knowledge as the defense budget does is to make the general reduction and leave the specific ones to the agency experts. Time and time again, as the Senator recalls, how we debated the aircraft carrier or the B-1 bomber or some of the technical fighter planes, that time and again we would be told that we did not understand the tremendous complexity of our modern defense establishment, on how important a particular weapons system was, that if we spent a week in study we still would not know as much as the men who have devoted their whole lives to the subject.

We should ask the Secretary of Defense, who is a competent man—I have great faith in his judgment and his ability—as he has back of him the most competent people, people who have devoted their lives to this subject. The Secretary is in the best position to make a careful, thoughtful, priority judgment on where to make the cuts with the least possible damage. It would be better to do that than to wipe out wholesale two or three weapons systems on which we have, unfortunately, in the Senate little knowledge, or even to wipe out some bases on which we can make a foreign policy judgment, or a defense judgment; but I doubt that would be wise, certainly in the limited period we have, that that kind of judgment could be made by the Executive.

Mr. MATHIAS. Let me point out, in response to the Senator from North Dakota, that there has been a lot of alarming talk about what would result from adoption of the pending amendment. The Defense Department indicated that if the amendment is agreed to, they would have to cut personnel 50 percent and procurement 40 percent. Of course, that is ridiculous.

The Secretary of Defense himself has estimated that each U.S. soldier costs the Government $10,000 annually, so that if we took the entire $7 billion cut out of military personnel alone, we would still end up with 1,805,000 plus troops, and that would accomplish the whole thing. Of course, I am not suggesting that we do that, but it is just a measure of what is taking place in responding to the very modest and limited suggestion that is incorporated in the pending amendment.

Mr. YOUNG. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am glad to yield to the Senator from North Dakota, if I have the right to do so.

Mr. YOUNG. A cut like this has not been leveled at the Department of Defense in 20 years, so far as I know. There have been overall cuts in Government spending, but defense cuts have never been singled out before, and for very good reasons. Many people still consider the national security as having the highest priority. To me, without adequate national security, all other priorities become meaningless.

Mr. MATHIAS. I would respond to the Senator from North Dakota by saying that I think national security does have the highest priority. But I think we are finding that our national security priority is being betrayed by fiscal policies that are unwise.

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, how much time does the distinguished Senator from Connecticut desire?

Mr. WEICKER. About 3 minutes.

Mr. ELLENDER. I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. I regret to find myself in opposition to the amendment of the Senator from Maryland and the Senator from Wisconsin, and for the very reason enunciated by the Senator from Maryland, who said that this amendment gives the widest latitude to the Department of Defense to make cuts. That is the whole problem.

Some of us feel that the widest latitude is given to the Department of Defense to go ahead and raise its budget. Clearly, in mv mind, that is a job that belongs to Congress, both as to the cutting of any moneys, and in the way of raising the budget for the Department of Defense. Our job is to consider the specific weapons for a system and to see if, in fact, they enhance the security of the United States.

The defense budget should be examined both in this body and in the House of Representatives. I am not willing in any manner, shape, or form, to give wide latitude to the Defense Department.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. MATHIAS. We are not proposing this amendment without precedent and experience. The distinguished former Senator from Delaware, Mr. Williams, proposed a ceiling on procurement that operated in simple fashion with respect to imposing limitations. Certainly there was no more knowledgeable, more thorough, or more conscientious Member of the Senate than he with regard to fiscal policy. He felt it to be a desirable and responsible way to proceed, and the Senate concurred with him.

Mr. WEICKER. Mr. President, I repeat to the distinguished Senator from Maryland that the job of examining the budget and making cuts is not the job of the Defense Department. It is the job of the Senate. We have ourselves in the bind we are in today because we gave to the Defense Department the job of getting whatever they asked for without coming to Congress. If it applies for one situation, it applies for the other.

Mr. PROXMIRE. Mr. President, what the Senator said has a lot of appeal. I wish we could proceed in that way. However, we tried for years. I do not know of one single weapons system that the Congress ever eliminated. In that connection, the Defense Department stopped the B–70 and temporarily stopped the Cheyenne and several other programs. But not Congress. Congress does not do this for many reasons. One reason is that any big project has involved in it considerable employment in a number of States. Senators feel that they have to fight against that kind of a cutback and for specific jobs back home.

I think that theoretically the Senator from Connecticut makes a very good point and a very logical point. It would be a good thing if we could sit down and convince our colleagues that a weapons system should be cut back. We have tried to do so, but unfortunately we could not.

Mr. WEICKER. Mr. President, of all Senators in the Chamber, the Senator from Wisconsin should realize that a change has taken place and that whereas in the past the Senate did not exercise its right on specific items in the President's budget, we have now seen a turn of events.

The Senator from Wisconsin knows this very well, having focused the attention of the country and the Senate on a matter and succeeded in defeating a project. In times past we handed the authority to the Defense Department and did not contest any single item. It was only with an item such as the ABM system that Congress did start to apply itself and occupy itself with the matter and did not allow the Defense Department to beef up the budget in an instance where more money did not necessarily mean better defense.

I think the time has come when we should scrutinize the budget line by line I am not willing to let them decide where the cuts should be made.

Mr. President, I yield back the remainder of my time.

Mr. McINTYRE. Mr. President, House Joint Resolution 742 provides continuing authority to the Department of Defense to pay for the support of its operation after June 30, 1971, which marks the end of the current fiscal year. My distinguished colleagues from Wisconsin and Maryland have introduced an amendment which would limit expenditures by the Department of Defense during fiscal year 1972 to $68 billion. This amendment would have the effect of reducing defense spending during that year by some $7 billion.

There are a great number of arguments which can be made against this proposed $7 billion reduction in spending, which in its very concept must be considered as bordering on the irresponsible, illogical and self-defeating. Not only would it jeopardize an adequate level of defense, it would retreat from congressional responsibility in such matters by leaving it up to the Pentagon to decide where the spending cuts are to be made. In effect, it defeats its own purpose. Instead of reasserting civilian control, it abandoned it.

I am concerned about the total operation of the Department of Defense, but I am even more concerned about the research and development portion of the total defense program since I have a direct responsibility for that program as chairman of the Ad Hoc Subcommittee for Research and Development of the Armed Services Committee. The proposed amendment would be totally disruptive of the Department of Defense program for fiscal year and would be chaotic in its effect on the research and development program which provides in large measure for the orderly and time-phased development of major weapons systems that spans a period of years.

The proposed amendment would undermine all of the long and tedious efforts of the Armed Services Committee, which has been engaged in an item-by-item review of all of the appropriations comprising the military procurement authorization bill. The entire staff and membership of this committee has devoted literally hundreds of hours in exhaustive briefings and hearings involving each of the Department of Defense programs for which authorization is requested for fiscal 1972. This is the sensible and responsible way to effect savings without jeopardizing national security. I might recite my own experience several years ago when because of the overriding pressures of a lack of time, a lack of experience, and a lack of sufficient numbers of people to conduct a proper review, a somewhat arbitrary percentage reduction was adopted as the basis for cutting the authorization request for research and development. In good conscience and in retrospect, this approach at best was arbitrary and could not withstand the test of logic. When I consider what effect the proposed amendment would have, I am overcome by the same emotional uncertainties and discomfort which I felt when I recommended a percentage reduction several years ago.

The lesson which I have learned and which I would share with my colleagues is the lesson which I have applied last year and again this year in discharging my responsibilities for review of the research and development program. The total defense program, which has been described by the Secretary of Defense as "rock bottom," has been referred to the various committees under established procedure for their review and consideration. The committees do not take their responsibilities lightly. They have been given a task and they are pursuing it with their utmost capability and with keen sensitivity to the serious economic situation which confronts this country.

The reordering of national priorities can be meaningful only if we maintain an adequate level of defense. In my judgment, an adequate level of defense would not be possible if we were to limit spending in such an arbitrary manner.

Moreover, a spending cut of such magnitude is certain to have some adverse effect on the national economy priority.

The economy is in trouble. We all know that. And while I do not believe prosperity must depend on military spending, there is little doubt that a wholesale reduction in military and civilian manpower, the closing of bases, the deactivation of our operating forces, the widespread termination of essential contracts, and the chain reaction throughout industry which would occur if this amendment should pass would deal our reeling economy still another blow.

I strongly urge my colleagues to vote against the amendment and permit the Senate to consider the recommendations of the responsible committees and to make its decision on the merits of the evidence in each case.

Mr. HART. Mr. President, it is estimated that Michigan will receive only enough Federal money in the next fiscal year to fund 25 percent of applications already on hand for public and senior citizen housing projects.

Budget restraints may limit Detroit's summer feeding program to 20,000 poor children rather than the 40,000-child program the city was encouraged to develop.

Senate-House conferees have completed work on the education appropriation bill, and, at least in part, because of budgetary problems, have agreed to eliminate impact aid for communities affected by Federal housing projects and to cutback the Senate-approved increase for title I of the Elementary and Secondary Education Act.

The budget contains no funds to develop many national parks and national forest recreation areas despite the Federal Government's pledge to local communities that early development would help offset loss of tax revenues.

The past weekend we applauded the opening of youth conservation camps, ignoring the fact that we spend billions to operate camps to train people to kill, but only $1 million to train youths for the battle to save our environment.

Detroit has been waiting since 1963 for construction of the Pat McNamara Federal Office Building, a project delayed because of budgetary restraints. In a city with a high unemployment rate, in a city struggling to revitalize itself, the empty, unused lot purchased as the site for this building is both a constant reminder of a commitment not kept and a deterrent to private investment in the future of the city.

A Michigan mother recently wrote about the lack of facilities for her mentally sick son, who, because he is now over 21, is sent to prison rather than to a treatment center. She wrote not to ask for help for her son, but for the mentally ill of the future.

She asked, "Doesn't anyone care?"

The same question is asked by residents of Sault Ste. Marie, where Indian and white alike live in houses without water and sewer service.

"Doesn't anyone care?"

That question is asked not in Michigan alone, but in every State and community in our country.

That is the question which spells out in human terms the sterile rhetoric which calls for a change in national spending priorities.

Today, we can give some meaning to that rhetoric by voting to set a spending limit of $68 billion for military functions.

If we are to hold down Pentagon spending, it is important that we establish an expenditure rather than an appropriations limit.

In each of the past 3 years, the Pentagon, making use of carryover funds, has spent more than Congress appropriated.

For example, Congress last year appropriated $68.7 billion for military functions. It is now estimated Pentagon expenditures for that year will run about $73.4 billion.

The spending limit proposed in this amendment would limit the Pentagon to outlays totaling about what Congress appropriated for the Pentagon last year.

An expenditure limit of $68 billion would be about a 9 percent reduction from the $75 billion the Pentagon anticipates spending this year.

It has been argued that such a limit will force base closings and add to the unemployment rate.

National defense figures and Pentagon budget requests do not support that position.

Spending on the Vietnam war is down from a high of $24 billion a year to an estimated $8 billion for the next fiscal year. That reduction of $16 billion, along with a cutback of 1 million men in uniform by the end of the year, means the Pentagon should be able to absorb a $7 billion decrease without endangering the national security.

Also, the overkill capacity of our nuclear deterrent and the history of arms limitation negotiations indicate that we can safely and should delay expenditures on deploying the Safeguard ABM and MIRV's.

For example, only 400 of 4,200 nuclear warheads are needed to destroy 30 percent of the Soviet Union's population and 70 percent of its industry. Yet we plan to double the number of warheads by putting multiple warheads on our Minuteman and Polaris missiles.

And not only should we delay deployment of Safeguard because of its extremely doubtful effectiveness as a defensive weapon, but history indicates chances for a meaningful SALT agreement would be improved by such a delay.

When President Eisenhower sought a treaty to maintain the Antarctic a nuclear-free zone, he did not embark on a program to deploy nuclear weapons in the Antarctic.

And today we have an agreement not to place nuclear weapons in the Antarctic.

When President Kennedy sought a treaty banning atmospheric testing of nuclear weapons, this Nation did not embark on an accelerated program of atmospheric testing. To the contrary, the President announced that not only would the United States suspend all such testing so long as other nations did not test, but he promised that this Nation would not be the first to resume testing.

And today we have an agreement controlling atmospheric testing of nuclear devices.

When President Johnson sought a treaty to control the proliferation of nuclear weapons, this Nation did not launch a program to give nuclear arms to other countries.

To the contrary, under the leadership of Senator PASTORE, the Senate helped create the atmosphere which resulted in the signing of a nonproliferation agreement.

During the negotiations, Moscow expressed concern that under one guise or another, the United States might seek to transfer nuclear weapons to West Germany.

The Pastore resolution commended the President's efforts to negotiate a nonproliferation treaty. The wording of that resolution, combined with its legislative history, and the expressions of the Senator from Rhode Island in the course of the hearings, helped convince Moscow that we had no intention of transferring nuclear arms to West Germany.

Under the reasoning that we should continue to deploy Safeguard, that resolution should not have been passed; the proper course would have been to amend the Atomic Energy Act to permit the transfer of nuclear weapons to other countries. But today, because of our restraint at the time, we have a nonproliferation treaty.

In brief, there is ample opportunity to cut Pentagon spending without endangering the national security and without widespread closing of military bases necessary for the national defense.

Let us take this opportunity to back up rhetoric about changing national spending priorities by setting a limit of $68 billion on Pentagon spending.

If we do not take this step now at the beginning of the fiscal year, it will be more difficult to establish such a limit later in the fiscal year.

A switch of $7 billion from the Pentagon to domestic programs would not solve all or even many of our problems at home, but it will help.

And let us not forget that in choosing between Federal spending on education, health, and housing programs and on Pentagon projects, the latter type of expenditure is the more inflationary.

Mr. STEVENSON. Mr. President, everyone who has served in the Armed Forces in recent years is aware of military waste and extravagance. Eleven million-dollar aircraft are used to destroy $3,000 trucks in South Vietnam. Expensive equipment is sometimes too sophisticated to be used effectively or even maintained in the field. Legions of uniformed chauffeurs, bartenders, and gardeners are maintained at taxpayers' expense. At one Army facility I visited recently I could detect no activity, except on a well manicured 18-hole golf course. But what concerns me most is that the Armed Forces are the prisoners of old and wasteful habits and obsolete ideas.

The Navy has in recent years built many ships. It wants to build more. But a warship is a platform for weapons—and it has not built the weapons. We now find ourselves with a fleet outfitted with not one surface-to-surface missile. The Soviet Union does not spend money on aircraft carriers. It puts its resources into relatively inexpensive platforms for advanced weaponry, including nuclear submarines with cruise missiles. Not for lack of money, but because of the Navy's misplaced priorities, our fleet and our merchant marine are vulnerable to attack from the sea. The Army still seems to place its confidence in large land armies of conscripts. And yet Vietnam demonstrates, painfully, that wars of insurgency are not won by large conventional land armies any more than by B-52s or helicopter gunships. If wars must be fought again they will be won by men skilled in the arts of counter insurgency—and by others in highly mobile units dependent upon technology for firepower—not by huge armies of semi-trained men forced to serve against their will.

I believe that we in the Congress have cause to wonder if the military will ever break the chains of habit and inertia if we fail to provide it an incentive.

The Proxmire-Mathias amendment offers such an incentive—and at no risk to our national security. No Member of this body disputes the need to spend enough to insure a strong national defense. But I believe it can be proved that to spend $76 billion instead of $68 billion is to contribute $8 billion to the waste in the military. Its problems will not be solved by that money. They will be solved by new ideas and new leadership. And to spend $8 billion needlessly on the military, instead of on education, health, transportation, or on tax cuts for overburdened taxpayers, is to spend it for national insecurity, instead of for national security.

It is entirely possible that this amendment, if adopted, could lead to a leaner, tougher military. Let me, Mr. President, discuss but one example of what I mean. I could discuss the tendency to ever more expensive hardware in the military, the cost overruns and mismanagement in the Pentagon, the millions for dubious activities such as military spying and public relations. Instead, I would concentrate on the largest portion of the military budget: personnel costs.

According to Secretary Laird's statement before the Senate Appropriations Committee, manpower costs amount to 52 percent of the Defense budget. After the recent congressionally enacted pay increases, each man will cost an average of $9,000 per year to maintain in the armed services.

The total number of military personnel is an important factor in determining the total military budget. And manpower levels would be reduced if we had the same level of military manpower per division, ship, and airplane now as we did in 1964. Annual manpower costs would be nearly $3.7 billion less than at present. Public Law 91-441, passed last year, requires Congress to authorize a ceiling on average annual active duty personnel strength for each component of the Armed Forces. It also provides that no funds may be appropriated for military personnel in any fiscal year until this ceiling had been set by Congress.

For fiscal 1972, the Defense Department requested an average annual strength of 2.609 million which is equivalent to an end strength—as of June 30, 1972—of 2.505 million. The request was broken down, as required by law, into the following components:

MILITARY MANPOWER BY SERVICE, FISCAL YEAR 1972

| | Average strength | End strength |
|---|---|---|
| Army | 1,024,000 | 942,000 |
| Navy | 613,000 | 604,000 |
| Marine Corps | 209,000 | 206,000 |
| Air Force | 755,000 | 753,000 |
| Total | 2,601,000 | 2,505,000 |

The House Armed Services Committee, after examining the Defense Department's requests and justifications, observed:

> Inevitably in an organization the size of the Department of Defense, there is adequate room for effecting greater efficiencies in the utilization of military personnel. Therefore, the Committee urges the Department of Defense and the individual services to continue to explore the possibility of substituting the use of civilian manpower whenever practicable, as well as attempting to achieve overall reductions in manpower requirements.

Nonetheless, the committee saw fit to set the manpower ceiling at the level requested by the Department of Defense.

The Senate Armed Services Committee, under the outstanding leadership of Senator STENNIS, recommended a reduction of 56,000 in average strength for fiscal year 1972, the equivalent of a 112,000 reduction in end strength. As a result of these recommendations, the level of military personnel would stand at 2.4 million at the end of fiscal year 1972 and Federal military outlays would be reduced by $1 billion annually—$504 million during the first year. Ninety percent of the reduction recommended by the committee would occur in Army personnel.

The committee did not specify exactly where the cuts should occur. But it did point to two factors which persuaded it to reduce the Department's requests:

First. An acceleration of the withdrawal rate from Vietnam announced by the President after his original submission of manpower requests, and

Second. Excessive command, supply, and logistics personnel in Europe.

Senator STENNIS has announced his intention to hold further hearings this year focusing on the subject of military manpower levels. Without diminishing in the least my respect for the committee efforts, I would suggest that military manpower needs could be satisfied—by an end strength for fiscal year 1972 substantially below the 2.4 million men the committee recommended. This reduction can be made through more effective utilization of military manpower and more efficient personnel management. Additionally, it is possible that other cuts could be made to make our military force levels more consistent with stated national security policy.

The most relevant standard to which the Defense Department's 1972 manpower request can be compared is the baseline general purpose military force in existence at the end of fiscal year 1964—before the Vietnam war began.

Since 1964, we have added 36 additional nuclear attack submarines, and 4 C-5A squadrons. But we have also eliminated three Army divisions, five tactical air wings, eight attack and antisubmarine carriers, 38 escort ships, 64 amphibious assault ships and 19 non-C-5A airlift and sealift squadrons. Strategic—nuclear—force manpower has decreased as well.

Mr. President, I ask unanimous consent that a table comparing the structure of our military forces in 1964 with those scheduled by the Defense Department for the end of fiscal year 1972 be included at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| | End fiscal year 1964 | | End fiscal year 1972 | |
|---|---|---|---|---|
| | Forces | Manpower (thousands) | Forces | Manpower (thousands) |
| I. General purpose: | | | | |
| Divisions | 19⅓ | | 16⅓ | |
| Army division | 16⅓ | | 13⅓ | |
| Marine division | 3 | | 3 | |
| Tactical air wings | 40 | | 35 | |
| Air Force | 22 | | 21 | |
| Navy attack wings | 15 | | 11 | |
| Marine Corps | 3 | | 3 | |
| Naval forces: | | | | |
| Attack and antisubmarine carriers | 24 | | 16 | |
| Escort ships | 265 | | 227 | |
| Amphibious assault ships | 139 | | 75 | |
| Nuclear attack subs | 19 | | 55 | |
| Airlift and sealift forces: | | | | |
| C-5A | 0 | | 4 | |
| All others | 32 | | 13 | |
| Troopships, cargo ships, tankers | 100 | | 98 | |
| General purpose forces | | 1,068 | | 1,032 |
| II. Strategic forces: | | | | |
| Land-based missiles | 654 | | 1,054 | |
| Sea-based missiles | 336 | | 656 | |
| Strategic bombers | 1,277 | | 521 | |
| Strategic forces manpower | | 221 | | 139 |
| III. All other manpower | | 1,398 | | 1,344 |
| Total | | 2,685 | | 2,505 |
| Army | | 975 | | 942 |
| Navy | | 668 | | 604 |
| Air Force | | 857 | | 753 |
| Marines | | 190 | | 206 |

Mr. STEVENSON. Mr. President, despite these reductions in our general purpose force structure, military personnel—although it has fallen by a total of 180,000 men between 1964–72—has not been reduced correspondingly. In its study of the fiscal year 1972 budget, the Brookings Institution calculates that total Army manpower per active division has increased by 19 percent, total Navy manpower per ship has increased by 28 percent, and total Air Force manpower per aircraft has risen by 16 percent.

If the same ratios of total military manpower per division, ship, and airplane existed today as existed at the end of fiscal year 1964, military manpower needs for fiscal year 1972 would be 408,000 less than the Defense Department has requested. Required military outlays for personnel alone would be $3.7 billion less. Those reductions in personnel would be followed by a reduced cost of training and military facilities.

Mr. President, I ask unanimous consent that a table listing 1972 manpower needs based on the 1964 ratios of men per force unit be inserted in the RECORD at this point:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| | Total men per division, ship, aircraft | | Actual 1972 manpower | 1972 manpower based on 1964 rates of men per division, ship, aircraft | Difference |
|---|---|---|---|---|---|
| | 1964 | 1972 | | | |
| Army | 59,632 | 70,829 | 942,000 | 763,000 | 178,980 |
| Navy | 716 | 918 | 604,000 | 495,280 | 108,720 |
| Air Force | 67 | 78 | 753,000 | 632,520 | 120,480 |
| Total | | | 2,505,000 | 2,096,820 | 408,180 |

Mr. STEVENSON. Mr. President, these figures make it apparent that there has been a proliferation of support forces since 1964. But where has this proliferation occurred?

The concept of military support is a confusing one. The Department of Defense divides its military personnel into four classifications: strategic forces personnel, general purpose forces personnel, other mission forces personnel, and general support personnel. Total military personnel has decreased by 182,000 since 1964—7 percent.

Strategic forces personnel man our nuclear deterrence systems. Since 1964, strategic forces personnel has fallen from 221,000 to 139,000—a decrease of 82,000—37 percent.

General purpose forces are prepared to engage in combat or provide direct support or services—such as communication, logistics, transportation, construction, and maintenance—to those in combat. The nonnuclear force structure outlined in table I is manned by general purpose forces. Army general purpose forces are structured into divisions of approximately 16,000 men each. Each division is backed up by an initial support movement capable of providing support for the first 60 days of combat and by a sustaining support increment required for any combat after 60 days. These increments are equal in size to the division itself. A division slice—the division itself, plus its initial and sustaining support increments—consists of about 48,000 men. Since 1964, general purpose forces personnel has decreased from 1,068,000 to 1,032,000—a total reduction of 36,000—3 percent.

In the same period, Army general purpose force personnel has decreased by only 28,000, even though the number of divisions has fallen by three. A decline of three divisions ought to result in a reduction of 144,000 positions and nearly 130,000 men since each division of 16,000 is backed by two support increments of similar size, manned to an average of 90 percent capacity.

Other mission forces personnel engaged in functions such as intelligence and security, research and development, and support to other nations. Personnel for this function has remained relatively stable, increasing by only 9,000—5 percent.

Finally, general support manpower is involved in training, logistics, command, and base support including upkeep, police, construction, and provision of medical services. Army general support manpower is formally outside the division structure and should not be confused with division combat service support increments. Total general support manpower has decreased by 73,000—6 percent.

Mr. President, I ask unanimous consent to put in the RECORD at this point a table comparing our 1964 and 1972 military manpower profile.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| | Fiscal year 1964 | Fiscal year 1972 | Percent change 1964–72 |
|---|---|---|---|
| Strategic | 221 | 139 | −37 |
| General purpose | 1,068 | 1,032 | −3 |
| Other mission | 190 | 199 | +5 |
| General support | 1,208 | 1,135 | −6 |
| Total | 2,687 | 2,505 | −7 |

Mr. STEVENSON. Although the four categories are conceptually distinct, there is actually some spillover and overlap among them. General support forces in some cases act as combat support and combat service support personnel for general purpose forces, particularly for those general purpose forces based in the United States. Similarly, according to the Defense Department, general purpose personnel sometimes perform general support duties, particularly for overseas Army bases—NATO—and on ships at sea. For example, the 2⅓ division sustaining support increments now deployed in Europe are required to perform peacetime functions such as repair, maintenance and operation of commissaries and other services provided for the dependent population, rather than support for the combat divisions.

The Defense Department has focused on the category called "general support forces" in its efforts to prove that the military has not become overburdened with support. Its claim that only 40 percent of total military manpower is in support obviously refers solely to the category of general support. It should be clear that the other 60 percent are not all combat troops—they are strategic personnel, general purpose, and other mission forces, a very small portion of which are actually combat personnel.

I particularly question the increase of manpower within the general purpose forces. Despite the significant cuts in force structure, the number of men in the general purpose force has decreased by only 67,000 since 1964. Although total military manpower at the end of fiscal year 1972 will be 7 percent less than 8 years ago, general purpose forces will have been reduced by only 3 percent—less than one-half the rate. The unexplained slower reduction in general purpose manpower is reflected in the price we pay for it. It actually costs more—even after adjustments for inflation—to pay for our general purpose forces now than it did for the larger force we had in 1964. Using constant 1972 dollars, the Brookings Institution has calculated the cost at $50.5 billion in 1972 compared to $49.5 billion in 1964.

Why has the number of personnel increased in the general purpose forces? We have spent billions of dollars to develop and equip our general purpose forces with more sophisticated weaponry designed to increase the productivity of each person involved in combat. As the productivity of each man increases, fewer men should be needed to accomplish a specific combat mission. Having paid extra costs for machines, we have a right to expect reduced costs in manpower. Yet general purpose manpower per force unit has increased since 1964. The number of command, combat support, and combat service support personnel have burgeoned.

I am well aware of the fact that more sophisticated weapons require increased maintenance. And some of the increased manpower undoubtedly can be attributed to increased maintenance needs. But I seriously question whether all or even a significant portion of it can. Since 1964, an army combat division, for example, has increased in size by about 1,500 men, but, according to Col. Edward King, a former Regular Army officer who served with the Joint Chiefs of Staff, the number of men in a division who are prepared to directly engage in combat has actually decreased from around 9,000 to about 7,500. Combat support and combat service support troops per division have increased by 3,000. I find it difficult to believe that most of this increase is necessary to fill reasonable maintenance needs.

The category of general support—as distinct from combat support and combat service support of general purpose forces—has decreased by 6 percent since 1964, nearly the same rate as total military manpower. General support forces increased rapidly with the Vietnam buildup and then dropped precipitously as Vietnam withdrawals accelerated. Between fiscal year 1970 and projections for fiscal year 1972, general support personnel was reduced by 323,000—22 percent. However, all of the reduction has occurred in three services; since 1970, Air Force general support personnel has increased by 6,000 while Army general support has fallen by 226,000, Navy by 54,000, and Marine Corps by 41,000.

GENERAL SUPPORT PERSONNEL

| | 1970 | 1972 | Percent change 1970–72 |
|---|---|---|---|
| Army | 590 | 364 | −40.0 |
| Navy | 329 | 275 | −16.4 |
| Marine | 129 | 88 | −31.8 |
| Air Force | 407 | 409 | +.5 |

I would also call the attention of my colleagues to the military grade distribution as well as to the excessive number of support personnel. During the Vietnam war, the military has become topheavy with officers and higher ranking enlisted men. At the end of fiscal year 1972, there will be 5,000 more officers holding the equivalent rank of lieutenant colonel or above than there were in 1964. Yet there will be 187,000 fewer enlisted men to command. An example is in the grade of colonel/captain. On June 30, 1969, when the active Armed Forces numbered around 3.5 million men, there were 18,277 colonels/captains on duty, compared to a June 30, 1945 total of 14,898 when there were around 12 million men in the Armed Forces.

Mr. President, I ask unanimous consent to place in the RECORD at this time a table comparing military grade distribution in fiscal year 1972 compared to fiscal year 1964.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| | Percentage of total end strength | |
|---|---|---|
| | Fiscal year 1964 | Fiscal year 1972 |
| Officers | 12.6 | 13.8 |
| Senior enlisted (E–6 to E–9) | 14.5 | 18.3 |
| Middle enlisted (E–4 to E–5) | 31.6 | 38.0 |
| Low enlisted | 40.8 | 29.6 |
| Officer candidates | .4 | .5 |

Mr. STEVENSON. The causes of this inflation of the military grade distribution are no mystery. During all wars, more men get promoted than would normally be expected, and there are shorter waiting periods between promotions. Given an incentive, the Defense Department might take action to bring the grade distribution back into balance. Robert S. Benson, former special assistant to the Comptroller of the Defense Department, has estimated that this top heavy grade distribution will result in $1.3 billion extra in budgetary outlays than if we had the same grade distribution applied to the 1972 manpower levels requested by the Defense Department that we had in 1964.

Management inefficiencies also contribute significantly to excessive manpower levels. Many of these were detailed last year in the Defense Department's own blue ribbon defense panel management study, known popularly as the Fitzhugh Commission report.

First is the question of rotation policy. The short tours of duty for service in Vietnam temporarily increased the frequency and number of permanent change in station moves throughout the military. In fiscal year 1969, at the height of our involvement in Vietnam, 5.1 percent of military manpower slots were set aside to offset productive time lost by personnel in transit. As we have withdrawn troops from Vietnam, the number of slots set aside for rotation because of service in Vietnam has fallen. It is estimated that in 1972, only 175,000 moves will be Vietnam related. Yet the Defense Department is nonetheless setting aside 3.8 percent of its total manpower slots—96,000 men—for this purpose in 1972.

Although it is obviously desirable to rotate personnel frequently when they are stationed in combat areas or hardship areas—and this requires more frequent rotation throughout the force during a wartime situation—I am convinced we routinely rotate military personnel much too frequently during normal times. As my colleague, Senator PERCY, pointed out last year in his effort to reduce appropriations for permanent change of station moves by 25 percent, no business would think of moving personnel around the way the Defense Department does.

The Fitzhugh Commission made two recommendations on rotation policy that have yet to be implemented.

The duration of assignments should be increased, and should be as responsive to the requirements of the job as to the career plan of the officer.

In technical assignments, the officer's replacement should be assigned to the job sufficiently in advance of his predecessor's departure to be ready to take over without loss of momentum when he leaves.

Poor utilization of military manpower is another example of inefficiency. Many tasks now performed by military personnel could be performed more effectively and with lower long-term costs by civilian personnel—as experts inside and outside of the Defense Department have been saying for some time. The Department of Defense itself has long supported civilianization of military personnel slots where appropriate—particularly in the general support category—and has undertaken programs to accomplish this goal.

Civilianization would result in a more efficient performance of tasks because of the lower turnover of personnel and consequently, the reduced need for retraining inexperienced recruits. In addition, primarily as a result of lower turnover, the number of civilians needed to perform civilianized tasks would be less than the number of military personnel now performing them. The Defense Department estimated in 1965 that 10 civilian employees could replace 12 military employees—a ratio of 1:1.2; the Gates Commission last year posited a ratio of 1:1.1. Although total budgetary costs might increase in the short run in order to meet civilian wage scales, there would be substantially lower long term cost due to the lower turnover and the aggregate reduction in required personnel.

In 1965 the Department of Defense identified 373,000 "relatively substitutable" positions and undertook an immediate program to convert 74,300 of them. In 1966 it began the second phase of the program designed to civilianize an additional 40,000 positions. By June 1968, 114,000 military positions had been eliminated and 95,000 additional civilians had been hired. However a GAO study of the civilianization program disclosed that 30 percent of the military positions converted had been vacant before conversion. For this reason, only 70 percent of the positions civilianized actually resulted in the release of military personnel for military duties and an ultimate reduction in military personnel and cost.

In addition, for reasons largely beyond the Pentagon's control, many of the positions civilianized later reverted to military positions. The Revenue and Expenditure Control Act of 1968 put severe constraints on civil service personnel available to all Government agencies. Section 201 of that act prohibited any civilian hiring when the total number of employees in the executive branch exceeded the number employed on June 30, 1966. The same section also permitted a Department to fill only 75 percent of the civilian positions vacated through resignation, retirement, removal, or death. Nearly 30,000 civilian positions were lost during fiscal year 1968.

Although the Revenue and Expenditure Control Act of 1968 was repealed in July 1969, the Budget Bureau nonetheless continued to prescribe manpower ceilings.

However the Office of Management and Budget has recently announced that it will lift manpower ceilings for an experimental 1-year period in fiscal year 1972. This would appear to present an excellent opportunity to recoup past losses in the civilianization program and to move vigorously ahead.

Mr. President, I ask unanimous consent to place in the RECORD at this point, a table comparing civilian personnel strength between 1964–72.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In thousands]

| | Civilian personnel strength | Civilian additions due to civilianized program |
|---|---|---|
| Fiscal year— | | |
| 1964 | 1,035 | |
| 1966 | 1,126 | 60 |
| 1967 | 1,278 | 35 |
| 1968 | 1,287 | |
| 1970 | 1,161 | |
| 1971 | 1,104 | |
| 1972 | 1,082 | |

Mr. STEVENSON. A recent GAO study of four installations found that 10 percent of their personnel were assigned to duties—military occupational specialists—MOS—for which they had not been trained. A similar study conducted in 1964 disclosed only 4 percent of military personnel misassigned. Use of personnel in assignments for which they are not trained results in reduced morale and effectiveness as well as lower productivity per man and requires more men to accomplish the same duties than would be necessary if the men were qualified.

These misuses of manpower resources I have cited indicate we do not require the high number of military personnel requested by the Defense Department. My vote for the Hatfield amendment to end the draft reflected my belief that our real manpower needs could be met entirely through volunteer enlistment. The Senate's acceptance of the Mansfield amendment to the selective service extension legislation was a principal reason for not opposing final passage of a bill containing a 2-year extension of the draft.

In the long run, the level of our military manpower will depend upon the level and distribution of force structures necessary to satisfy our national security needs. And there is reason to question whether our general purpose force levels and allocation are consistent with our stated national security goals.

In his testimony on the proposed fiscal year 1972 defense budget, Secretary Laird reiterates the Defense Department's switch from planning for a 2½ war contingency to a 1½ war contingency.

How does this stated policy translate into force allocations? At the end of the fiscal year 1971 we had 13⅔ Army divisions and three Marine divisions.

According to Secretary Laird, the Defense Department is planning 13⅓ active Army divisions and three active Marine divisions for the end of fiscal year 1972—a reduction of only one-third of an army division. How will these forces be allocated?

Will forces returning from Vietnam be assigned to European contingencies? If so, what changes in the European theater would justify these additional force allotments? Will the returning forces be assigned to Asian contingencies? How would such a decision square with the Nixon doctrine which posits an Asian policy of providing material and logistic support, but not combat manpower to our Asian allies?

I also have questions concerning the size of U.S.-based forces assigned to a European contingency. If all the divisions are necessary, must they immediately be accompanied by their full ISI and SSI components? According to the Defense Department's statement on military manpower defense requirements, the SSI consists of "personnel assigned to nondivisional units required to support a combat division and its ISI after 60 days of combat." Why do we not eliminate the three SSI components associated with U.S. based divisions earmarked for Europe and transfer the support functions of these increments to Army reserve units. The SSI units perform predominantly combat service support duties which are quite closely related to civilian skills held by many reservists, so they would require very little additional training after they were called up. Certainly it should be possible to call up reserve units and transport them to Europe within 60 days of the initiation of combat. Eliminating three SSI units would reduce military manpower by nearly 60,000. An additional 60,000 reserves would be needed, but the cost per man of maintaining reserves is much less than for maintaining active personnel and many existing reserve units could be readily converted to these civilian type duties.

The above option would allow us to retain all active combat divisions assigned to Europe plus the full support—ISI and SSI—components of Europe based divisions. The Europe allocated force structure would include:

| | Division | ISI | SSI |
|---|---|---|---|
| In Europe | 4⅓ | 4⅓ | 2⅓ |
| Dual-based | ⅔ | ⅔ | ⅔ |
| In United States allocated to Europe | 3 | 3 | [1] 2 |

[1] At present, 5 SSI units are in the United States, but allocated to Europe.

Perhaps a similar argument could be applied to our remaining division in Korea, should it prove necessary to maintain a division there. Certainly the argument could apply in Vietnam where most of the original eight ISI and SSI units remain despite the fact that all but two of the combat divisions have been withdrawn.

In summary, the evidence suggests that military manpower levels can be reduced significantly—and consequently so can military expenditures. The burden of proof for justifying the seemingly excessive manpower request lies with the Defense Department. So far a convincing justification has not been made.

Enactment of the Proxmire-Mathias amendment would provide the Defense Department with a powerful new incentive to make the long overdue personnel changes I have outlined above.

Mr. BENNETT. Mr. President, I have become increasingly concerned with the attitude that is developing here in the Senate regarding our Nation's defense. The feeling generated here is one of complacency and growing lack of interest in the state of America's security. I recognize, as we all do, that America faces urgent domestic problems, but I do not believe that the answer to these problems is to be found in hasty precipitous moves, to cut, across the board, large amounts from our defense budget. The long-term effects of such a cutback should be carefully analyzed, not only in terms of what we stand to lose in a security sense, but in a domestic sense as well. I believe that the Proxmire amendment falls short in its consideration of both of these vital aspects.

We have become aware of a gradually and consistently increasing Soviet destructive capability. We cannot afford to remain complacent or uncaring while the Soviets and the Chinese continue to make strides and investments in weapons technology. I am aware of the importance of the SALT talks and of what we hope to achieve there, however, I do not believe at this point we are in a position where we can afford to make across the board nondiscriminatory defense cutbacks.

On April 22, of this year, Dr. John Foster, Jr., testified before the House Armed Services Committee regarding the Safeguard system. Dr. Foster pointed out that the number of Soviet ICBM launchers had risen to 1,440 and was expected to rise to 1,500 by mid-1971. This, compared with the 1,054 operational facilities in the United States at the time. He went on to explain that recent intelligence shows that the Soviets have started a new ICBM silo construction program and that the silos under construction are unlike any previously constructed. We do not know what they are for or how many there will be. In addition, Dr. Foster cited increased missile production and stepped up production of "Y" class submarines.

I cite Dr. Foster to indicate that large-scale indiscriminate cutbacks at this time are foolish to say the least. I would like to look at the proposed amendment in two brief aspects:

First. The concern over DOD expenditures which generated this amendment does not appear to be justified by the actual figures involved;

Second, the disruption to our economy and to the employment situation is certainly not justifiable.

It is claimed that the Defense Department has spent some 4.7 billion in excess of its appropriations for fiscal last year. Defense Department figures indicate that spending was $1.9 billion in excess of the original estimate for last year. That spending was authorized by Congress. The Defense Department was given direct authorization to use its prior balance to meet its needs. In addition, the Department received two supplemental appropriations, the last one in May of this year. The Department has not had a free hand in spending the taxpayers money.

It is true that overall defense needs were lower last year than in previous years—1968–69, and that projections for the coming fiscal year are lower than that; however costs have increased. Manpower needs are down 24 percent, but payroll costs are up. From fiscal year 1969 to fiscal year 1972:

First, military basic pay rates increased by 36.2 percent;

Second, civilian salary rates increased by 29.8 percent;

Third, military retired pay increased by $1.3 billion or 55 percent;

Fourth, the volunteer force, a new item in fiscal year 1972 was included in the budget at $1.4 billion.

Nonpayroll costs found increases through inflation, which was estimated at 12.3 percent from fiscal year 1969 to fiscal year 1972.

If concern over "unauthorized" DOD expenditures was the motivating force behind this amendment, I doubt that it was really warranted. The program pact of a $7 billion cut would be catastrophic for our defense programs, let alone the economic and unemployment impact of such a cutback. A $7 billion cut would involve:

First, a cut of about 1.7 million in military and civilian manpower from the level budgeted for June 1972—nearly one-half—this assumes that $3.5 billion of the cut is applied in the pay area.

Second, terminations affecting about 40 percent of all outstanding contracts for major weapons systems.

Third, cuts of about 30 percent in operating and training rates—ships, aircraft, and land forces.

These reductions would be the minimum required to save $7 billion outright for fiscal year 1972.

I contend that enactment of the amendment would cause serious economic dislocation, increased unemployment, and serious damage to our Nation's defenses.

Senator Proxmire and others have observed that we must reorder our priorities. I submit that today we are changing our priorities. Nondefense spending has increased on the average of $14 billion per year for the last 4 years. We cannot expect to change the face and the attitudes of America overnight, but we can expect progress, and we see progress. I fail to see where a nonselective across-the-board cutback in our defense expenditures could do more than is being done. Indeed, it could succeed in undoing much which has been accomplished and in endangering our security.

Mr. BAYH. Mr. President, I will vote for the amendment introduced by my distinguished colleague from Wisconsin (Mr. Proxmire) and the distinguished Senator from Maryland (Mr. Mathias) to put a ceiling of $68 billion on defense spending for fiscal year 1972.

Such a ceiling would save $8 billion in defense spending. I would like to see these resources applied to the pressing human and social needs of our time, to meet the crisis within that is as deadly to our society as any enemy without.

With $8 billion we could—build 2,600 hospitals of 125 beds each, or—construct 500,000 decent low-cost housing units, or—send 800,000 deserving students through 4 years of public college or university with full tuition, room and board, or—build 120,000 new elementary or high school classrooms, or—eradicate hunger in the United States and create 300,000 public service jobs to find useful work for those who have lost their jobs in the current recession.

Not only could that $8 billion be effectively applied to begin to solve some of the domestic problems which now confront us, but a reduction in defense expenditures in that amount need not mean weaker, less effective U.S. armed services.

I believe the Proxmire-Mathias amendment, by establishing a reduced ceiling on defense spending, is an important and essential first step. It is imperative that we halt and reverse the trend toward an ever-more ponderous and expensive military establishment which seems increasingly inefficient, self-serving, and redundant. This amendment would do so.

Mr. President, I regard the $68 billion figure suggested by this amendment to be a reasonable one. But I believe that the Congress fulfills only a portion of its responsibility by writing into law this or other legislation that cuts Defense spending on a percentage basis or which selects a particular figure as a spending ceiling.

I believe it is our responsibility to examine on a rational and analytic basis each of the components which are part of the Defense budget. We must be sure that we are buying the kind of defense that we really need; that our defense posture conforms in a realistic way to our vital responsibilities and the potential threats we might face; and that we are not spending our national resources on weapons which are unnecessarily redundant or which are requested because they conform to some obsolescent tradition rather than to current needs.

Mr. President, last week the Senate passed by a voice vote an amendment which I and the distinguished Senator from Pennsylvania (Mr. Schweiker) introduced. Among other things it called on the Defense Department to project how it might make a further 10-percent cut in our military manpower levels below fiscal year 1972 levels. I believe that study could show both to the Pentagon and to the Congress new ways in which a more efficient and austere use and deployment of military personnel could result in considerable savings in military spending—without damaging our capacity to protect our truly vital interests.

Should Congress authorize a 10-percent reduction in military manpower—we could save $5.4 billion in the coming year alone.

Beyond possible manpower savings, I believe there are a number of ways in which we can save on military procurement and operations. In coming days I will be speaking on this question in greater detail. But for now let me suggest at least several widely publicized weapon systems on which we could save substantial amounts without damaging our capacity to defend ourselves and meet our vital commitments.

We could save $1.2 billion next fiscal year by postponing further ABM deployment. Not only is the Safeguard system itself highly questionable, but the administration has indicated it believes an ABM limitation agreement at the SALT talks is close. It would be unwise and potentially wasteful to appropriate funds for continued construction of an ABM system which such an agreement might make unnecessary—or even cause to be dismantled.

We could save $1.64 billion by postponing further deployment of MIRV warheads—both for Poseidon submarines and Minuteman III land-based ICBM's. MIRV was justified as necessary to penetrate a Soviet ABM system. The ICBM's we now have are more than sufficient to penetrate the small Moscow ABM system that now exists. If an agreement is reached at SALT freezing the Soviet ABM capability at about the current level, we clearly need no more MIRV's. Even if the SALT talks failed, we could buy and deploy MIRV's next year—still far ahead of the capacity of any Soviet ABM expansion to deal with them.

We could save over half a billion dollars by deferring procurement of the F–14 Navy fighter plane and related weapon systems. The House has already acted to delete funds for F–14, due to serious cost overruns and the questions of some experts about the usefulness and desirability of this aircraft. We need not now make a final decision on this weapon system, but we certainly should defer procurement until cost problems are clarified and until more advanced models are available for "fly-offs."

We could save $370 million by postponing appropriations for the B–1 bomber. The question of whether a "triad" deterrent is essential is currently under serious consideration in the Foreign Relations Committee. But even if some kind of a manned bomber is desirable, it is doubtful that B–1 is the manned bomber we need. B–1, in fact, could be one example of a weapon system derived more from past tradition than from current needs.

This is only a partial list of military items which, if examined carefully enough, could result in savings of at least $8 billion, if not more.

In a different context, 10 days ago Judge Gurfein of New York declared—

> The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions.

What concerns me is that, if we perpetuate the past distortion of priorities, we will allow those institutions and the society from which they have sprung to wither from inattention and inadequate resources. If we do, all the guns and missiles we have will not save America.

### EMERGENCY SCHOOL ASSISTANCE PROGRAMS

Mr. MONDALE. Mr. President, the purpose of the resolution now before the Senate, House Joint Resolution 742, is to extend, at current levels, funding of ongoing programs for which the Congress will not have completed appropriations by the end of the fiscal year, June 30.

I am most disturbed to find that, at the request of the administration, the resolution as passed by the House contains an extension of the $75 million "Emergency School Assistance Program."

This program, funded under the Economic Opportunity Act and other existing authorities, was established in the Office of Education appropriation last year. Its purpose was to assist school districts desegregating under the decision of the Supreme Court in Alexander against Holmes County Board of Education, and it was to be replaced by a comprehensive $1.5 billion program to encourage and assist school integration throughout the Nation.

I and many of my colleagues had serious misgivings at the birth of the program. We doubted that the Office of Education had engaged in sufficient planning and preparation, and we knew that Congress had not been given an opportunity to closely examine the proposed program.

I have no wish to belabor the point. It is clear, however, that our worst fears were borne out. Reports by civil rights groups and the General Accounting Office revealed widespread mismanagement. Major violations of civil rights and program requirements were frequent.

Last April the Senate passed a comprehensive school desegregation assistance measure, as the President had requested. That carefully designed, nationwide proposal is currently awaiting action in the House of Representatives.

I fear that any substantial extension of the ESAP program will jeopardize enactment of that vital legislation.

Secretary Richardson states that additional funds to meet the immediate crisis needs of school districts desegregating under the recent rule of the Supreme Court in Swann against Charlotte-Mecklenburg. I am sympathetic with the Secretary's argument, but I believe that the $6½ million authorized by the continuing resolution presently before this body should be more than enough to accomplish his purpose.

I wish to make clear my very profound hope that the limited extension of the ESAP program here authorized will not be subject to the abuses documented last fall. And I would warn the administration not to take the Senate's action as endorsement of extension of the ESAP program beyond August 6.

I ask unanimous consent that letters to me from Clarence Mitchell, legislative chairman of the leadership conference on civil rights and Secretary Richardson be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
*Washington, D.C., June 28, 1971.*

Hon. WALTER F. MONDALE,
*Chairman, Senate Select Committee on Equal Educational Opportunities, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your inquiry, the Leadership Conference on Civil Rights, which supported the Emergency School Aid and Quality Integrated Education Act passed recently by the Senate, recognizes that the continuing resolution approved by the House last week contains funds to continue temporarily the so-called Emergency School Assistance Program (ESAP). As you know, it was ESAP for which Congress last year appropriated $75 million and in which several civil rights groups and the General Accounting Office have found serious abuses and misuse of the appropriated funds.

The Leadership Conference had been hopeful that the Senate-passed school aid authorization measure or a similar bill would have been enacted by now so that funds could be appropriated under that new authority. In the absence of enactment of such a bill, we have no objection to continuing the funding of ESAP on a temporary basis so that funds might be made available to desegregating school systems to meet emergency additional expenses this fall—to assist in the purchase of buses, for example, in districts which must undertake substantially more transportation of students in order to comply with the standards of integration set forth in the Supreme Court's recent *Swann* decision.

We wish to make it absolutely clear, however, that while we do not oppose the continuing resolution temporarily refunding ESAP until August 6, we would not support any move to secure Congressional approval of a special appropriation along the lines of the $75 million item of last year. We believe the Congress should instead be focusing its attention upon the school aid legislation authorizing $1.5 billion in assistance to school systems which are desegregating and/or reducing racial isolation.

Respectfully,

CLARENCE MITCHELL,
*Chairman, Legislative Committee.*

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THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C.*

Hon. WALTER F. MONDALE,
*Chairman, Select Committee on Equal Educational Opportunity, U.S. Senate, Washington, D.C.*

DEAR SENATOR MONDALE: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid Act designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling is to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
*Secretary.*

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. ARENDS, Mr. O'KONSKI, and Mr. BRAY were appointed managers on the part of the House at the conference.

## ENROLLED MEASURES SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 5257. An act to extend the school breakfast and special food programs; and

House Joint Resolution 744. A joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

## CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year of 1972, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I had in mind addressing myself to a different part of this measure which is a continuing resolution on many matters, but which specifically deals with the emergency school assistance program which is also contained in the continuing resolution.

That involves assistance in the desegregation of the public schools of the country. It will be remembered that we provided $75 million for that purpose, anticipating the emergency school aid program which would amount to $1.5 billion for 2 years as proposed by the President and contained in the budget.

The Senate passed such a bill which I think is a very admirable bill. The House has not yet acted. May I say first that I am deeply regretful that the House has not acted. Members of the Senate have been in consultation with Members of the House in the hope of laying the groundwork for action: I urge the Members of the House of Representatives to act expeditiously upon this very urgently needed legislation. We will perhaps have a conference on the bill. However, we should face up to the responsibility of having the availability of $1.5 billion for such urgently needed purposes in the country which is contained in the President's budget and is unused, although the need is towering and great.

That is my first point, as to the continuation of this operation which would mean, until August 6, a continuance of the right to spend at the prevailing rates in the current fiscal year.

Mr. President, after much thought I have decided to be in favor of the proposal notwithstanding the fact that there are obvious difficulties which I will specify. First, of course, and foremost is the failure existing in the other body to act on the full $1.5 billion to promote equal opportunity. The bill passed the Senate on April 28.

Second, there has been a deep feeling that there is much abuse in the utilization of the $75 million which we appropriated last year.

Mr. President, I ask unanimous consent in respect of the specificity of that which relates to the spending activities unrelated to the desegregation process, and discriminatory activities in funded districts, for example, the in-school segregation among children of a different color as well as wholesale firings and demotions of black principals and black teachers, that excerpts from a report of General Accounting Office to the Select Committee on Equal Educational Opportunity of which I am a member, be printed in the RECORD, as well as excerpts from comments on this program and its operation by a group of voluntary organizations, including the American Friends Service Committee, the NAACP legal defense fund, and the Washington research project.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

### COMPTROLLER GENERAL'S REPORT TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

#### WHY THE REVIEW WAS MADE

At the request of the Chairman, Senate Select Committee on Equal Educational Opportunity, the General Accounting Office (GAO) reviewed the policies and procedures of the Department of Health, Education, and Welfare (HEW) for approving grants of Federal funds to school districts to defray the costs of meeting special problems arising from school desegregation.

To meet the emergency needs of school districts that were desegregating, the President, on May 25, 1970, requested that the Congress appropriate, under six existing legislative authorities, $150 million to be made available immediately to these school districts. On August 18, 1970, the Congress appropriated one-half of this amount and thereby established the Emergency School Assistance Program.

In accordance with the Committee's request, GAO selected grants made to 50 school districts for its review of approval procedures. The 50 grants, which were made by five of the HEW regional offices, totaled about $14 million, or about 25 percent of the approximately $55 million in grants made to 793 school districts as of November 13, 1970.

This review was conducted at HEW headquarters, Washington, D.C., and at five HEW regional offices. No work was done at the grantee school districts. Consequently, this report does not contain comments on the procedures and expenditures of the school districts relating to these grants. As a follow on to this review, GAO plans to make reviews at the school districts to examine into the expenditures of the grant funds.

The Office of Education and HEW have not been given an opportunity to formally examine and comment on this report, although most of the matters were discussed with agency officials.

#### FINDINGS AND CONCLUSIONS

#### *Pocedural weaknesses*

GAO believes that, in many cases, school districts did not submit with their applications, nor did HEW regional offices obtain, sufficient information to enable a proper determination that the grants were made in accordance with program regulations or that the grants were in line with the purpose of the program.

Most of the applications did not contain comprehensive statements of the problems faced in achieving and maintaining desegregated school systems, nor did they contain adequate descriptions of the proposed activities designed to comprehensively and effectively meet such problems. Particularly, there was a lack of documentation in the regional files as to how the proposed activities would meet the special needs of the children incident to the elimination of racial segregation and discrimination in the schools. (See pp. 26, 45, and 55.)

Therefore GAO believes that the applications in many cases did not provide HEW with an adequate means for determining that project approvals were based upon consideration of such required factors as the applicants' needs for assistance, the relative potential of the projects, or the extent to which the projects dealt with the problems faced by the school districts in desegregating their schools.

The files supporting most of the grants reviewed did not evidence full compliance by the school districts with the regulations concerning the formation of biracial and student advisory committees. Also most of the applications did not contain, contrary to the regulations, adequate descriptions of the methods procedures, or objective criteria that could be used by an independent organization to evaluate the effectiveness of each project. (See pp. 38, 39, 47, 51, 58, 61, 67, and 69.)

Officials in HEW's Atlanta Regional Office which made 28 of the 50 grants reviewed, told GAO that they generally did not have detailed information beyond that in the project files concerning the program activities set forth in the applications. Some said that they did not have time, prior to grant approval, to seek additional information and had to rely on school district officials to identify the major problems which the districts faced in desegregating their schools and to propose programs to deal with those problems.

Officials in HEW's Dallas Regional Office, which made 12 of the grants agreed, in general, that many of the applications did not contain adequate statements of the problems or descriptions of the activities designed to meet these problems. Officials in both the Dallas and Philadelphia Regional Offices—the Philadelphia office made seven of the grants reviewed—told GAO that they had satisfied themselves with respect to the merits of the projects, prior to project approval, on the basis of their knowledge of the school districts' problems and of their contacts with school officials to obtain additional information as considered necessary. There was an almost complete lack of documentation in the files with respect to the additional information that was known to, or obtained by these regional officials on the basis of which they had determined that the projects merited approval.

In the Kansas City and San Francisco Regional Offices which approved a total of three applications, the applications seemed to have provided sufficient information to enable regional officials to determine that the proposed activities were in line with the purposes of the program.

#### *Transfer of property in Louisiana*

GAO noted that Louisiana law requires that school districts furnish school books and school supplies to students in private schools and provides that transportation may be furnished to students attending parochial schools. HEW regional officials contacted 14 Louisiana school districts prior to grant approval and determined that the majority had transferred property or had provided transportation to private schools under the State law. For the two Louisiana districts included in GAO's review, HEW determined that neither district had transferred property or had provided transportation to private schools. HEW decided to certify that the Louisiana school districts were eligible for program funding if it had no indications of civil rights violations other than the transfers allowed by Louisiana law.

#### *Questionable Situations*

GAO believes that HEW should have questioned, prior to grant approval, the following situations noted during GAOs review.

One school district appeared to have been ineligible to participate in the program, because it had entered the terminal phase of its desegregation plan prior to the time period specified in the regulations for eligibility. After GAO brought the situation to the attention of HEW officials, payments under the grant were suspended, pending a final determination of eligibility. (See p. 20.)

Information pertaining to another school district indicated that program funds may have been used, contrary to regulations, to supplant non-Federal funds available to the district prior to approval of its grant. (See p. 37.)

Information in the regional files at the time that one districts application was reviewed showed that the ratio of minority to nonminority faculty in each school within the district was not substantially the same as the ratio for the entire school system, contrary to the regulations. (See p. 59.)

GAO noted another case where information that had become available after the grant was made indicated that program funds may have been used to supplant non-Federal funds otherwise available to the school district. (See p. 37.)

#### *Reasons for Weaknesses*

GAO believes that the weaknesses in the HEW procedures and practices were due, to a large degree, to HEWs policy of emphasizing the emergency nature of the program and to its desire for expeditious funding, at the expense of a more thorough review and evaluation of school districts applications, particularly as to the adequacy of described program activities in satisfying program requirements.

GAO believes that, to overcome the weaknesses in the HEW grant approval procedures, HEW should undertake a strong monitoring program to help ensure that the grant funds already made available to the school districts are being used solely for program purposes and not for educational assistance in general. GAO recognizes that postgrant reviews at certain grantee school districts are currently being made by HEW regional officials.

#### RECOMMENDATIONS OR SUGGESTIONS

GAO believes that, in the event additional Federal funding is authorized for similar assistance to school districts to defray the costs of meeting special problems arising from the desegregation of elementary and secondary schools, HEW should strengthen its procedures for approval of grants to school districts. Such action should:

Provide sufficient time for regional officials to make a thorough review and evaluation of each application received so that approval will be based on an understanding of the problems faced in achieving and maintaining a desegregated school system and on an adequate determination that the proposed activities are designed to meet such problems.

Require that all information relied upon in approving school district applications, whether obtained orally or in writing, be made a matter of record so that the basis upon which grant approvals are made will be readily available to HEW program managers or to others authorized to review the conduct of the program.

Provide for an effective monitoring system to help ensure that (1) grant funds made available to the school districts are being used for the purposes specified in their applications and (2) the school districts are complying with HEW regulations or nondiscrimination as well as with the other assurances given in their applications.

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### THE EMERGENCY SCHOOL ASSISTANCE PROGRAM—AN EVALUATION

#### INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregated public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP).[1] The report is based upon personal visits to nearly 300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29—less than 10 percent—did we find no evidence of illegal practices. Specifically, we found:

94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

47 clear and 10 questionable cases of segregation or discrimination in transportation;

62 clear and 4 questionable cases in which faculties and staff had not been desegregated in accordance with applicable requirements;

98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;

12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;

13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

2. ESCP funds have been used to support projects which are racist in their conception, and projects which will resegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides, buying new textbooks and equipment, and repairing buildings—needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored—not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregating districts.

**Mr. JAVITS.** Mr. President, the bill passed by the Senate contains several safeguards against discrimination, as we found in the utilization of the $75 million, safeguards principally contained in section 5(d)(1). I ask unanimous consent that material be printed in the RECORD as well as the findings relative to desegregation activities permissible—and which we think should be permissible—with the use of this money as contained in section 6 of the Senate-passed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ELIGIBILITY FOR ASSISTANCE

* * * * *

SEC. 5(d)(1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any service available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the conduct of an activity described in section 5, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day: *Provided, however,* That the foregoing does not prohibit the use of bona fide ability grouping by a local education agency as a standard pedagogical practice; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

* * * * *

#### AUTHORIZED ACTIVITIES

SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects under the comprehensive districtwide plan submitted pursuant to section 5(a) as necessary and appropriate to carry out the purposes of this Act:

(1) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

(2) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring.

(3) Guidance and counseling services, beyond those provided under the regular school program conducted by the local educational agency, designed to promote mutual understanding among minority group and non-minority group parents, children, and teachers.

(4) Administrative and auxiliary services to facilitate the success of the project.

(5) Community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section.

(6) Recruiting, hiring, and training of teacher aides: *Provided,* That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a).

(7) Inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose.

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[1] The organizations involved in the preparation of this report are: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund, Inc., and Washington Research Project.

(8) Planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects.

(9) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities.

In the case of programs and projects involving activities described in paragraph (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commissioner shall by regulation define the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4(a)(2) with respect to any State shall be available for grants to, and contracts with, local educational agencies in that State making application for assistance under section 5(b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including only the activities described in paragraphs (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

(c) Sums appropriated as set forth in section 6 shall also be available for grants to, and contracts with, any local educational agencies in such State, to assist such agencies in carrying out programs as may be required or provided for in the court order applicable to such agency referred to in section 5(a)(1)(A)(i)(I).

Mr. JAVITS. Mr. President, I express the hope that the Department will issue guidelines under this continuing resolution that are compatible with the judgment of the Senate as contained in its bill.

Mr. President, in withholding opposition to the continuing resolution on this subject, for the reasons I have stated, I am deeply moved by a letter to me from the Secretary of Health, Education, and Welfare, received today. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION AND WELFARE,
*Washington, D.C.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid Act designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling to to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,
Sincerely,
ELLIOTT L. RICHARDSON,
*Secretary.*

Mr. JAVITS. Mr. President, the Secretary points out the urgency of providing some additional and continuing funds for the districts in the country now facing the process of undertaking substantial new desegregation. It will be remembered that the decision in Swann against Charlotte-Mecklenburg Board of Education required busing to achieve desegregation.

Mr. President, may I have an additional 3 minutes?

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. He has no time to yield.

Mr. ELLENDER. Mr. President, I yield time under the bill to the Senator from New York.

Mr. JAVITS. Mr. President, could the Senator from North Dakota yield me 3 minutes?

Mr. YOUNG of North Dakota. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank both Senators.

Mr. President, this letter spells out the fact that these districts which are now under the mandate of busing require ongoing sums in order to do what the country and the Court expects them to do. So, in withholding any opposition to this continuing resolution, I am deeply motivated by the letter.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter from the Leadership Conference of Civil Rights, under the signature of Clarence Mitchell, chairman of its legislative committee. The Leadership Conference is really a consortium of civil rights organizations in this field. They, too, for the reasons which I have stated, feel that we should not stand in the way of the enactment of this particular continuance.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
*Washington, D.C., June 28, 1971.*

Hon. JACOB K. JAVITS,
*Senate Select Committee on Equal Educational Opportunities, Washington, D.C.*

DEAR SENATOR JAVITS: In response to your inquiry, the Leadership Conference on Civil Rights, which supported the Emergency School Aid and Quality Integrated Education Act passed recently by the Senate, recognizes that the continuing resolution approved by the House last week contains funds to continue temporarily the so-called Emergency School Assistance Program (ESAP). As you know, it was ESAP for which Congress last year appropriated $75 million and in which several civil rights groups and the General Accounting Office have found serious abuses and misuse of the appropriated funds.

The Leadership Conference had been hopeful that the Senate-passed school aid authorization measure or a similar bill would have been enacted by now so that funds could be appropriated under that new authority. In the absence of enactment of such a bill, we have no objection to continuing the funding of ESAP on a temporary basis so that funds might be made available to desegregating school systems to meet emergency additional expenses this fall—to assist in the purchase of buses, for example, in districts which must undertake substantially more transportation of students in order to comply with the standards of integration set forth in the Supreme Court's recent *Swann* decision.

We wish to make it absolutely clear, however, that while we do not oppose the continuing resolution temporarily refunding ESAP until August 6, we would not support any move to secure Congressional approval of a special appropriation along the lines of the $75 million item of last year. We believe the Congress should instead be focusing its attention upon the school aid legislation authorizing $1.5 billion in assistance to school systems which are desegregating and/or reducing racial isolation.

Respectfully,
CLARENCE MITCHELL,
*Chairman, Legislative Committee.*

Mr. JAVITS. Mr. President, to make it clear, we emphasize that we reserve the right of opposition to the continuing resolution for this purpose after August 6 in the absence of the passage of a bill by the other body. We feel that to continue the emergency school assistance program by means of a continuing resolution thereafter would only be one way of blocking action on an essential piece of legislation with $1.5 billion waiting to be used for these vital purposes nationwide.

We wish to serve unequivocal notice that we shall not be disposed favorably to a continuance beyond the August 6 date for the reasons stated and we go along with the continuance at this time precisely for the reasons I have set forth and which are set forth in the respective letters of the Secretary of Health, Education, and Welfare, and the chairman of the legislative committee of the Leadership Conference on Civil Rights.

Mr. PROXMIRE. Mr. President, will the Senator from North Dakota yield to me 1 minute so that I may ask for the yeas and nays on the pending amendment?

Mr. YOUNG. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator from North Dakota yield to me 1 minute so that I may ask a question?

Mr. YOUNG. I yield.

Mr. JAVITS. Would the Senator tell me precisely why he picked $8 billion? How does that compare with the situation last year, when, I recall, the figure was considerably less?

As one who has to vote, I am worried about the arbitrariness of the cut rather than the desirability of a cut, with which I agree. I am concerned about its steepness and its arbitrary character.

Mr. PROXMIRE. The reason was that last year the Committee on Appropriations originally appropriated $68.7 billion. After that there was a supplemental. The difference between the amount we are providing in this continuing resolution amendment is about $5.2 billion. This would amount to about 7 percent in reductions below the expenditure of last year. That was about the same percentage. That compares with approximately what we tried to do last year. We made a similar resolution and the difficulty is that this year the administration asked for an increase.

In addition, there is one other complication.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG. I yield 1 minute to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator. The complication is that the Allott amendment was agreed to and a similar amendment was agreed to in the House, which increased pay by $1.7 billion above the budget.

In addition, the President expects to spend more this year. Altogether, we would reduce the requested expenditure, including the pay increase, by about $8.7 billion or about 11 percent. That is a reduction below what they project, but a much more modest reduction below what they are spending this year.

In view of the fact there is a cutback in Vietnam of about $16 billion since the peak, and a cutback in military personnel of about 1 million since the peak, if those savings are added up there is a $26 billion reduction, we should have a peace dividend of some kind. Even with the overlap, there should be at least a $20 billion reduction.

Allowing all that one wishes to for inflation, it would seem there would be $8.5 or $9 billion we could reduce, and permit the Department of Defense to operate as they did. I realize that is in dispute, but that is our hope.

Mr. YOUNG. Mr. President, I yield myself 2 minutes so that I may reply to the Senator from New York.

The unwise or unreasonable part of this amendment is that the House has not acted. They have acted on the authorization but not on the appropriation. The Senate did not act on the authorization. The Subcommittee on Defense Appropriations held hearings for 6 or 7 weeks day after day. We did not have a chance to take action and we cannot until the House takes action.

Why must the Senate take this precipitate action? This only applies for the next 5 weeks.

Where will the cut be made? It would take 1 month to make plans. Therefore, it is unreasonable. The unreasonable part is that the proponents will not give the Committee on Appropriations a chance to take action.

We cut appropriations for defense rather sharply last year. They were deeper this year than I wanted to go. But we should have a chance to act, to consider it, and to consider, particularly, where the cut should be made.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

## ORDER OF BUSINESS

Mr. YOUNG. Mr. President, I suggest the absence of a quorum and I ask that the time be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I yield the remainder of my time to the Senator from Wisconsin (Mr. NELSON).

## EMERGENCY EMPLOYMENT ACT—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of June 28, 1971, pp. 22444–22448, CONGRESSIONAL RECORD.)

Mr. NELSON. Mr. President, the Senate-House Conference Report on S. 31, the Emergency Employment Act, has been filed with the Senate.

Senators will recall that this is the bill which passed the Senate on April 1 by a vote of 62 to 10. It is designed to put unemployed people to work during times of high unemployment by providing Federal financial assistance to State and local governments which will hire unemployed people for vital, necessary jobs which could not otherwise be financed because of State and local budget limitations.

The Senate and House conferees agreed essentially to accept the Senate bill, although a number of features from the House bill—originally H.R. 3613—were incorporated into the conference report at the request of House Members and the Labor Department.

Thus, the bill authorizes a 2-year program of transitional employment, as authorized by the Senate, to help the Nation move from a period of high unemployment to more normal unemployment levels. Funds authorized by the legislation are triggered when the national unemployment rate averages 4.5 percent or more for 3 consecutive months. If the national unemployment rate averages below 4.5 percent for 3 consecutive months, no further funds may be obligated under this legislation, except that even after the national rate of unemployment recedes below 4.5 percent, areas of substantial unemployment—6 percent or more—will remain eligible under the Special Employment Assistance section of the bill.

The original Senate bill authorized up to $750 million in fiscal 1972 and up to $1 billion in fiscal 1973. The conference report authorizes these amounts, triggered by 4.5 percent unemployment, but also authorizes an additional special employment assistance program authorizing appropriations of $250 million each year to be made available to units of general government which have within them areas of 6 percent unemployment or higher.

Other major differences between the original Senate bill S. 31 as it passed the Senate and the conference report are as follows:

The Senate bill included private nonprofit agencies among eligible applicants for public service employment programs. The conference report eliminates such agencies.

The House bill provided preference for veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contained no comparable provision. The conference report requires that special consideration be given to such veterans in filling jobs under this bill.

The House bill provided that no more than one-third of people hired under the program would be professionals as defined in the Fair Labor Standards Act. The conference report adopted this provision. Also adopted was a provision that Federal funds could not pay salaries greater than $12,000 under this act. If a State or a community chose to supplement an employee's salary, the act would not forbid such supplementation.

The conference also adopted the House provision which limits the amount which may be used for training and related expenses under such programs to 15 percent of the funds appropriated under this act, excluding the special employment assistance program.

Mr. President, both Houses of Congress passed a historic comprehensive manpower reorganization and public service employment bill last year entitled the Employment and Manpower Act of 1970. The President vetoed that act for two principal reasons: He expressed fear that the public service employment jobs might become dead-end jobs, and he disagreed with the manner in which manpower training programs were to be reorganized under the bill. I want to emphasize that this bill avoids both of those objections.

In his veto message, the President said:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

After the President vetoed the Employment and Manpower Act of 1970, national unemployment continued to increase. It reached 6 percent and then 6.2 percent, the level at which it presently stands. It appeared obvious to those of us in the Congress who were responsible for manpower legislation that something immediately had to be done. Therefore, during the brief recess period between the adjournment of the 90th Congress and the convening of the 91st Congress we drafted a new bipartisan bill, the Emergency Employment Act, to provide precisely that program of "transitional and short-term public service employment."

The extent to which we succeeded in designing a bill to meet the wishes expressed in the veto is shown by the fact that representatives of the administration informed the conferees that if they would agree on essentially the Senate-passed bill, S. 31, they could have a reasonable assurance that the bill would be signed.

This was very welcome news to conferees in both parties. The willingness of the administration to accept essentially the Senate bill led to a speedy resolution of the differences between the houses. The compromise was agreed to unanimously by all the participants in the conference, and all but one of those appointed as conferees have signed the conference report.

Mr. President, here is how the Emergency Employment Act will work.

It will take effect immediately upon being signed by the President. Of course, appropriations must first be enacted.

Any unit of general government is eligible to submit applications to operate programs under this act to the Secretary of Labor. This includes cities, counties, States, Federal institutions, and public agencies and institutions which are subdivisions of State and local government.

Rather than undertake the development of a new system of prime sponsorship as proposed in comprehensive manpower reform legislation, this legislation emphasizes the eligibility of a broad array of public sponsors so as to achieve the quickest possible implementation of the act, and the maximum benefit toward easing the Nation toward more normal employment levels. While it is recognized that the Department of Labor will have to make choices among applicants on reasonable grounds, it is not intended that a new system of prime sponsorships be established under this emergency program.

The Federal Government will pay up to 90 percent of the cost of any program approved by the Secretary of Labor. The remaining contribution may be in kind as well as in cash. Because the purpose of this bill is to fund additional jobs to reduce unemployment, 85 percent of the Federal cost of any approved program must go to the employees in the form of wages or employment benefits.

Persons employed under this act are to be paid the highest of three possible wage levels—the Federal minimum wage, the State minimum wage, or the prevailing wage for that job—or a comparable job—paid by the same employer. This means that if a person is employed in a city owned hospital, for example, he will be paid the prevailing wage for the job which would be paid any other employee filling that job or a comparable job.

The conference report and the statement of the conferees emphasize repeatedly that the intent is not to create dead-end or make-work jobs. The intent is to provide necessary, bona fide full-fledged jobs throughout the whole range of government service. Conferees emphasized that the phrase transitional employment applies to the nature of the Emergency Employment Act rather than to the nature of the jobs to be filled under the act. The jobs to be filled are not to be inherently temporary. They should be the same as any other job in State or local service. The person to be hired should be no different from any other employees to be hired in State and local service. They may serve in jobs funded under this act for as long as the act is in effect. Neither they nor the unit of government sponsoring the program need make any showing that they are being trained for future placement in some other job. Conferees used the examples of schoolteachers and policemen to indite that the purpose of this act is to employ full-fledged public employees in full-fledged jobs, not to create some new categories of substandard jobs or to impose conditions upon potential employees which are not imposed upon other governmental employees.

The legislation uses the term "transitional employment."

Transitional employment simply describes the fact that a person is being employed for up to 2 years with funds provided by this act—or until the national unemployment rate recedes below 4½ percent or local rates below 6 percent, as the case may be—which period of employment is contemplated by the legislation to be transitional to continued employment or advancement. Such further employment or advanced position can be in public service—although, of course, federally assisted public service employment will depend upon future legislative action. This bill does not prejudge that possibility one way or the other. It is on that basis that members of Congress with differing views as to a permanent public service employment program can join together in supporting this emergency legislation.

But the conferees are agreed that the nature of the jobs must not be prejudiced on account of the transitional assistance under this legislation for employment in such jobs. Public service jobs under this legislation must be like any regular job and the participant's work on the job should not be distinguishable from other persons employed by the the same employer in similar work.

What, then, is the meaning of the legislation's emphasis upon transitional employment?

The legislation is clear in spelling this out. The job itself is in no way different from a regular job; but special training, counseling, and supportive services are required to assist persons in securing better employment if the public service job is not providing sufficient prospects for advancement or continued suitable employment. In any event, as the legislation approaches its expiration or is detriggered due to the unemployment rate approaching 4.5 percent, assistance and counseling must be offered to help the person secure another job opportunity. The joint explanatory statement of the manager enumerates the act's provisions in this respect.

Mr. President, when the Emergency Employment Act was before the Senate on April 1, 1971, I made the following statement:

> It is most important to make clear that that is not the manpower bill—the Employment and Manpower Act of 1970—which the Congress passed and the President vetoed last December 16. That was a much broader and more comprehensive reorganization of Federal manpower training programs, combined with a permanent public service employment program on a much more substantial scale. That bill, which passed the Senate 68 to 6, is deserving of further consideration and will be taken up in due course by our committee along with the administration's recently introduced new manpower bill, the Manpower Revenue Sharing Act. However, no matter how hopeful supporters of these bills may be, there is no question whatsoever that their effective date would have to be delayed until sometime in 1972.

I want to reiterate that statement today. As soon as our subcommittee completes action on bill S. 2007 extending the Economic Opportunity Act for 2 more years, we will begin hearings on comprehensive manpower reform legislation including the administration's manpower revenue-sharing bill, S. 1243, on which we have already had one public hearing. At that hearing the Secretary of Labor testified that the bill was not ready for action and required further work particularly in regard to the development of an allocation formula which he said created certain difficulties.

Mr. JAVITS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. JAVITS. Is debate limited?

The PRESIDING OFFICER. Under the previous order, debate will be terminated at 1:05 p.m., in order to lay before the Senate the business under the order.

Mr. JAVITS. I thank the Chair.

Mr. President, I should like to ask the assistant majority leader when he will call up this conference report for a vote, in view of the parliamentary situation facing the Senate.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry of the distinguished senior Senator from New York (Mr. JAVITS), it will be the intention of the leadership, at some point following the vote on the NASA authorization bill this afternoon, if possible, to proceed to the consideration of the bill making appropriations for the Treasury Department, and, following action on that, to proceed to the further consideration of the conference report on S. 31.

Mr. JAVITS. I thank the Senator.

I should like to state to the Senate that I shall seek the yeas and nays on this conference report and that another member of the minority at least—perhaps other Members as well—will wish to address himself to it. I can find no disposition to delay the matter, but I am not in a position to concur in any unanimous consent request limiting time. I am confident that every effort will be made to expedite this matter and the business of the Senate.

Mr. BYRD of West Virginia. The leadership appreciates the position as expressed by the distinguished Senator, and will act in conformity therewith.

Mr. JAVITS. Mr. President, I commend the conference report on S. 31 to the Senate.

The conference bill is excellently tailored, in my opinion, to respond to five basic aspects of the current unemployment situation which the Nation now faces, and which is very serious.

First we have the unemployment crisis generally—with the national level holding at above the 6-percent level—and its effects being felt not only by the disadvantaged—who suffer even in times of so-called "acceptable" unemployment—but by all socioeconomic groups, many of which have been affected also by cutbacks in defense and aerospace expenditures. The conference bill would help to meet this general unemployment crisis through an authorization of $750 million for fiscal year 1972, and $1 billion for fiscal year 1973 for public service employment programs and related training and services—amounts which could create as many as 150,000 jobs annually. These are amounts which were authorized in the Senate bill; they would be available only so long as national unemployment remains above 4.5 percent—the benchmark included in a similar "trigger" provision first proposed in the administration's own Manpower Training Act of 1969.

Second, we have the particular crisis of local areas where unemployment is continuing substantially above the national average, for example, in poverty areas such as Bedford-Stuyvesant in Brooklyn, N.Y., where the unemployment among certain groups—for example, black teenagers, may be as high as 45 percent. To meet the special needs of particular urban and rural geographic areas, the conference bill adopts with some modifications, the provision of the House bill for special emergency employment assistance to zero-in on areas of unemployment equal to or in excess of 6 percent with an authorization of $250 million for each fiscal year.

Third, we have the individual employment crisis which faces the returning veteran. As noted in the conference report, an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of this year. While there are many groups in our society which face employment difficulties, the situation of the veteran is an especially tragic one. The conference bill, following generally the House provisions, requires that "special consideration" in filling jobs be given to persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. This provision, coupled with the other programs which the President has announced, should provide an important tool to deal with the current situation as it affects this important group.

Fourth, we have the all too familiar welfare crisis—with the welfare rolls almost doubling in the last decade. This crisis can be significantly met by the President's proposed Family Assistance Act, but even upon enactment, it will not go into effect at the earliest until the middle of next year and we need to provide opportunities in the meantime. If we are going to encourage people to work, then we have to be sure they find work. The conference bill contains provisions which I included in the Senate bill, and to a lesser extent in the House bill, insuring that the Secretary can utilize funds to provide financial assistance on an equitable basis among welfare recipients as well as other segments of the population of unemployed and underemployed persons.

Fourth, related to the welfare crisis is the fiscal crisis with States and cities unable to meet new staggering social and environmental needs—and in many cases unable even to maintain past efforts.

There are two substantial assurances that the funds made available under this act will be put into meaningful jobs. The conference bill itself contains a number of provisions against "make-work" jobs, for example, paragraph (8) of section 7(c) which requires applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs." A second lies in the fact that this emergency bill can meet less than one-eleventh of the more than 4.3 million real jobs which studies have indicated could be filled in the public service, and we can assume that public sponsors will direct their efforts to the greatest need.

To meet the fiscal crisis, the conference bill, like the House bill, limits eligible sponsors to State, county, and municipal governments; the Senate bill included also nonprofit organizations.

I wish to state in that regard that my support for this limitation in this context is based solely on the need to reach an agreement on this emergency legislation and that in the consideration of future comprehensive long-term legislation, I regard as an essential element the ability of nonprofit private organizations such as community action agencies, community development corporations, opportunities industrialization centers, and other indiginous groups to serve a prime sponsorship role.

And I suggest to the potential governmental sponsors under this Emergency Employment Act that they look to such nonprofit organizations as subcontractors to insure that these funds reach those most in need and effectively meet those needs.

Mr. President, I commend the conference bill to the Congress and to the administration not only in respect to the focus of public service employment programs in terms of particularly affected individuals and areas—as I have noted—but in respect to the nature of the public service opportunity that would be created.

The conference bill expressly states that the purpose of the act is:

> To provide unemployed and underemployed persons with transitional employment in jobs providing needed public services . . . and wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

As noted in the joint explanatory statement of the committee of conference, the term "transitional" refers both to the fact that we are dealing with a short-term 2-year program, and as to the individual that public service employment opportunities are to lead wherever possible to positions in the public or private sector not supported under the act.

Mr. President, the conference bill contains a number of provisions—many of which were included by myself and other members of the minority in the Senate bill. These include substantial training provisions and a very key provision contained in section 11 of the bill.

These provisions—which were not successful in including the Employment and Manpower Act which was vetoed last year, clearly directs the Secretary of Labor to establish procedures for periodic review of the status of public service employees to insure that "maximum efforts" are made to locate other training or employment opportunities not supported under the act.

Subject to the conditions noted in the Joint Explanatory Statement of the committee of conference—to insure against any arbitrary limit on the length of jobs or on the kind of jobs—this section provides the Secretary with substantial authority to insure the transitional nature of the employment opportunity granted.

Mr. President, I am extremely pleased that the administration—which originally opposed this emergency legislation—now supports it. In that connection, I read from the President's message of today, vetoing S. 575, containing an accelerated public works program:

I hope the two Houses of Congress will soon vote final passage of the Emergency Employment Act of 1971 (S. 31), on which the Conference Committee has now completed its report, which would create new job opportunities in the public sector.

Mr. President, the important aspect of this entire matter is that we need comprehensive manpower training legislation. The principals in these committees of the other body and our own—Senator NELSON, myself, Senator WILLIAMS, our chairman, and Representatives PERKINS, DANIELS, and QUIE—are pledging ourselves to hold hearings on manpower training in this session—that is, this year—and to do everything in our power to report a comprehensive manpower reform bill.

This bill is for 2 years. That makes it transitional on its face, and that is the way we had it in mind, perhaps somebody will go on a public service job for some period of time beyond the 2 years. But the 2-year concept is the program, and it is limited at least to that time, which we will finance.

Second, we have elaborate means for doing everything that humanly can be done to direct the individual worker who comes under this program into permanent nonsupported private and public employment, including supporting services such as training, and so forth. These are the touchstones of the bill. It estimates $5,000 to $6,000 a year as the average cost per job slot.

For all these reasons, it is a bill which comes at the right time, in the right prescription, in the right amount, and in the right term to do the job which needs to be done to carry us over between now, when we are in a crisis, and definitive manpower legislation. I hope that the Senate will agree to the conference report.

Mr. President, I have rarely seen a more statesmanlike conference, without any regard to party, than that chaired in such a distinguished way by the Senator from Wisconsin (Mr. NELSON), with the House counterpart being Representative PERKINS. It was an absolutely magnificent demonstration of yielding everything that men and women held very dear in order to bring about a result at a time when a result was really what counted.

I have every faith that this is a bill which the President of the United States will sign, if for no other reason than in deference to the high order of statesmanship which characterized the negotiation which resulted in this excellent conference report and a piece of legislation very beneficial to our country.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, I endorse the comments of the distinguished senior Senator from New York concerning the bipartisan effort, both within our committee to work out a bill and the bipartisan effort in the conference to work out a bill. It was one of the finest conferences I have ever attended.

I congratulate the Senator from New York, who played such a significant role in the conference, as well as Representative PERKINS and the conferees on both sides of the aisle, on the House side as well as our own.

I wish to say also that we in the subcommittee will conduct hearings as early as possible on a new manpower bill, including specific hearings on the Manpower Revenue Sharing Act introduced at the request of the administration. We will do that at the earliest possible date in the hope and expectation that we will be able to report a new manpower bill to the floor of the Senate yet this year.

Mr. President, I ask unanimous consent that, since the conference report has been printed in the House as a conference report, that the rule for printing this same report as a Senate document be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that a joint explanatory statement of the managers, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

First, on the issue of a "transitional" public service employment program the House receded and accepted the Senate language.

As agreed to by the conferees the word "transitional" describes, first of all, the limited duration of the authorized program, in that this act expires on June 30, 1973, and the fact that funds for the principal program cease to be obligated when the national rate of unemployment recedes below 4.5 percent.

Second, for individuals employed under the program it is the intention of the conferees that public service employment jobs lead wherever possible to positions not supported under this act in the public or private sector.

To acomplish this the application section requires that, to the extent feasible, local programs be designed with a view toward developing new careers or providing opportunities for career advancement, or continued training directly related to the job to be done. But a limitation of 15% is placed on the amount of funds under this act that can be spent on training. Funds for wages and benefits—for jobs—are the first priority.

In addition the conferees agreed that applications shall include provisions setting forth assurances that special consideration will be given to filling jobs which provide sufficient prospects for advancement, and provide persons employed with needed skills, and assurances that jobs are provided in fields likely to expand and a description of career opportunities and job advancement potentialities for participants.

Applications must also provide assurances that the hiring jurisdiction will analyze job descriptions, reevaluate skill requirements at all levels of employment, and reevaluate civil service requirements and practices in order to provide upward mobility within public employment, provide linkages with upgrading and other manpower training programs funded under other authorities to help individuals find permanent, upwardly mobile careers in public or private employment.

Section 11 of the conference agreement provides that the Secretary shall establish procedures for periodic review of the status of persons employed in a public service job in order to help employees secure a better job of his or her choice if one is available.

All this language is intended to make it crystal clear that public service employment shall not be of the "dead end, make work" sort that is feared by the critics of public service employment.

It is the clear intention of the conferees that the program not be administered in such a way as to make of the jobs simply training "slots" with stipends, or, just as bad, a sort of disguised welfare, or transfer payment program. Such a result would be demeaning for the workers, waste taxpayers' money and represent a fraud on the American people.

It was with these concerns in mind that the conferees agreed that the word "transitional" as used in this act—

Does not in any way limit that length of time an individual can stay on a specific public service employment job during the term of this Act—and no regulation may require such limitation;

Does not limit the kinds of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, and other jobs widely recognized as necessary and permanent in nature;

Does not prohibit the re-employment of those who have been laid off regular public service jobs because of fiscal problems at the local level. In fact, the conferees expect that many localities will rehire such employees.

At a time when the unmet needs in the public sector of the economy are so enormous—in health, teaching and child care, in public safety and probation work, in conservation and the environment—it would be tragic if the valuable skills and energies of those employed under this act were wasted on meaningless jobs. Designing programs that will quickly get people into meaningful employment is not easy. Therefore the conferees wish to emphasize the importance they place on paragraph (8) of section 7(c) providing for eligible applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs."

2. The statements of findings and purpose of the Senate bill and the House amendment are substantially similar with one exception. The Senate bill contains the word "transitional" in several instances; the House amendment does not. The House recedes to the language of the Senate bill with the understanding that the word transitional shall be construed by the Secretary in accordance with the discussion of the word "transitional" above.

3. The Senate bill authorizes the Secretary to enter into arrangements with public and private nonprofit agencies; the House amendment authorizes agreements with eligible applicants (which do not include private nonprofit agencies). The Senate bill also stipulates that the employment be transitional and that it enables persons employed thereunder to move into employment or training not supported under this Act, a discussion of which appears above. The conference agreement does not authorize the Secretary to enter into arrangements with private nonprofit agencies.

The House amendment provides that financial assistance under the Act would be made available to meet "the full cost of providing employment" in public service jobs. The Senate bill does not contain this language.

The conference agreement provides that not less than 85 per cent of the funds appropriated shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

It is the explicit intent of the conferees that funds made available under this Act for other purposes, such as planning and evaluation, training and other manpower and supportive services, administrative expenses, and any program costs other than wages and any program costs other than wages and employment benefits, shall be paid for from the funds not set aside for wages and benefits.

4. Both the Senate bill and the House amendment authorize units of Federal, State and general local government, Indian tribes, public agencies and institutions which are subdivisions of state or general local government, and institutions of the Federal Government to be eligible applicants. In addition the Senate bill also makes eligible applicants of private nonprofit agencies and institutions (including local service companies) and other public agencies and institutions. The Senate recedes.

5. The House amendment authorizes $200 million immediately, $750 million for fiscal year 1972 and $1 billion for each of the three succeeding fiscal years. The Senate bill authorizes up to $750 million for fiscal year 1972 and up to $1 billion for fiscal year 1973 with the stipulation that the Secretary shall obligate $500 million when the rate of national unemployment equals or exceeds 4½ percent, and shall obligate an additional $100 million for each one-half of one percent by which the rate of national unemployment exceeds 4½ percent. The Senate recedes with an amendment authorizing $750 million for fiscal year 1972 and $1 billion for fiscal year 1973.

6. The House amendment provides that if, subsequent to a determination by the Secretary that the national unemployment rate has receded below 4½ percent and a cessation of the obligation of funds, the national unemployment rate returns to the level of 4½ percent or more for three consecutive months, the Secretary shall resume the obligation of funds. The Senate bill contains no comparable provision. The Senate recedes.

7. The House amendment contains a provision which transfers any unobligated balances left over at the end of any fiscal year to the Special Employment Assistance Fund. The Senate bill contains no comparable provision. The House recedes.

8. The House amendment provides that, for the purpose of determining national unemployment rates as used in this section only, persons who were being counted as unemployed before their employment under this Act would continue to be so counted. The Senate bill contains no comparable provision. The conference agreement contains the House provision with the stipulation that persons would continue to be so counted as long as they continue to be employed under this Act.

9. The House amendment contains a provision establishing a Special Employment Assistance Fund. The Fund operates separately from the main program of public service employment and is not affected by shifts in the national unemployment rate. It is to be used to provide funds for public service jobs in local areas where the unemployment rate is 6% or more. Eligible applicants are units or combinations of units of general local government, public agencies and institutions which are subdivisions of such units or Indian tribes. For the purpose of carrying out the provisions of the Fund there is authorized $250 million for fiscal year 1972 and such sums as may be necessary for each of the three succeeding fiscal years. In addition, any balances remaining unobligated by the end of the fiscal year in the principal program are transferred to the Fund. The Senate bill contains no comparable provision. The conference agreement authorizes a "Special Employment Assistance Program" similar to the provisions of the House amendment with an authorization of $250 million for each of the fiscal years ending June 30, 1972, and June 30, 1973. The concept of a special fund in the Treasury was deleted from the conference agreement.

The conference agreement also includes a definition of the word "area" as it is used in this section. The conferees intend that the Secretary will exercise discretion, consistent with the provisions of this Act, in determining what constitutes an area for the purpose of this section.

It is the understanding of the conferees that areas within cities (or areas within rural counties) such as Chinatown or the Mission District in San Francisco, Uptown or Lawndale in Chicago, Watts or East Los Angeles in Los Angeles, portions of Seattle, Harlem, or Bedford-Stuyvesant in New York will be so designated by the Secretary.

With respect to rural areas, it is expected that in most cases the entire area served by an eligible applicant will qualify. The conferees wish to make it unmistakably clear, however, that the same principles outlined for cities would apply to counties, and in particular to areas within rural counties, and where such areas qualify the conference agreement requires the Secretary to designate them just as he would an area within a city.

It should be understood that it is not our purpose to encourage the designation of areas which are so small in size as to hold little promise of making an impact on the unemployment problem in that community. While the principal concern is to narrow the area which would qualify for designation, the conferees wish to indicate that any such area should be large enough so that an individual can reasonably commute to a place of employment within such area.

While the conferees intend and the bill states that persons employed in jobs paid for by funds authorized by this section reside within the area designated by the Secretary, it is not our intent that the places of employment necessarily be within the designated area, but merely within the jurisdiction served by the unit of general local government submitting the application.

10. Both the House amendment and the Senate bill require the submission of an application setting forth a public service employment program designed to provide employment and, where appropriate, training and manpower services which are otherwise unavailable, in jobs providing needed public services. The Senate bill also contains the word "transitional" in describing the public service employment program. The House receded with the understanding that the word "transitional" would be construed by the Secretary in a manner indicated earlier in the joint statement.

11. The Senate bill also provides that programs assisted under this Act shall be designed with a view toward: (1) developing new careers, (2) providing opportunities for career advancement, (3) providing opportunities for continued training, and (4) providing transitional employment enabling individuals to move ito public or private employment or training not supported under this Act. The House amendment contains no comparable provision. The conference agreement provides that programs shall, to the extent feasible, be designed with a view toward such objectives.

12. Both the Senate bill and the House amendment require a description of the area to be served, and certain other data. In addition, the House amendment requires the submission of a plan for serving all significant segments of the population within that area. The Senate bill contains no comparable provision. The Senate recedes.

13. The House amendment provides that preference in filling public service jobs will be given to veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contains no comparable provision. The conference agreement provides that special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964 and who received other than dishonorable discharges.

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently return veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to ensure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs.

14. Both the House amendment and the Senate bill contain provisions requiring an annual review of the status of each participant by an appropriate agency, and, where appropriate, assistance to the participant in locating alternative employment or training opportunities. The House amendment requires that this assurance be given in the application submitted by an eligible applicant. The Senate bill makes this a special responsibility of the Secretary. The House recedes.

15. The Senate bill provides that all persons employed under this Act, except for technical, supervisory, and administrative personnel, will be selected from among unemployed persons. The House amendment contains no comparable provision. The House recedes to the Senate language with the understanding that the exception herein created would apply only to those persons hired to provide full-time technical or administrative services to programs funded under this Act, or to supervise persons employed under this Act.

16. The House amendment provides that no more than one-third of the program participants will be professionals as defined by the Fair Labor Standards Act (except school teachers). A waiver is provided in exceptional circumstances. The Senate bill contains no such restriction. The Senate recedes.

17. The Senate bill provides that the Federal share of public service employment programs may not exceed 90 percent of the cost. The House amendment contains no such limitation. The conference agreement retains the provision of the Senate bill with respect to the maximum federal share but adds that the local share may be in cash or in kind. The conferees intend that administrative expenses incurred by eligible applicants in carrying out programs under this Act will count toward the fulfillment of the local share requirement. It is the intent of the conferees that the Secretary take cognizance of the financial plight of state and local governments, and that he will make full use of his authority to waive the matching requirement wherever it would cause a hardship or prevent a community from participating in the programs authorized by this Act.

18. The Senate bill provides that a community action agency in the area to be served shall have an opportunity to submit

comments with respect to a public service employment application to both the applicant and the Secretary. The House amendment contains no comparable provision. The Senate recedes.

19. The House amendment provides for the allocation of 80 percent of the funds according to a formula based on the proportion which the total numbers of unemployed persons in an area bears to the total in that state and the total in the state bears to the total nationally. The remaining 20 percent may be allocated by the Secretary as he deems appropriate. The Senate bill requires the Secretary to apportion funds on an equitable basis among and within states, and among urban and rural areas, giving consideration to the relative incidence of unemployment in the area served by an applicant. The Senate recedes.

20. Both the House amendment and the Senate bill provide that funds appropriated under this Act may be used for training and manpower services for persons employed in public service jobs under this Act. The House amendment limits the amount of the funds which may be used to 15 percent of the amounts appropriated under section 5; the Senate bill limits the amount to 20 percent of the amounts available for carrying out the Act. The Senate recedes.

21. Both the House amendment and the Senate bill contain restrictions against displacing currently employed workers and against impairing existing service contracts or substituting federal for other funds in connection with work that would otherwise be performed. In addition, the Senate bill requires that the public service employment program will not substitute public service jobs for existing federally assisted jobs. The House amendment contains no comparable provision. The House recedes.

22. The House amendment requires that an employer pay his employees the higher of the Federal minimum, the State minimum, or the prevailing rate of pay in the same area for persons employed in similar public occupations. The Senate bill requires that the employer pay the higher of the Federal, State or local minimum, or the prevailing rate that the employer pays for persons he employs in similar occupations, to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.

The conference agreement accepts the Senate language with respect to the prevailing wage "by the same employer," but deletes the proviso "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.".

With particular reference to the language dealing with prevailing wages, the conferees agree that in determining prevailing rates, the determination is to be based upon the prevailing rates of pay for other persons employed by the eligible applicant in similar public occupations. To illustrate, in the case of a city using Federal funds received under this Act to employ nurses in municipal hospitals, the prevailing wage would be that paid to other nurses in the same or similar jobs in municipal hospitals. If, however, another city agency or department—for example, the Department of Public Health—also employed nurses with funds reecived under this Act, the prevailing rate of pay for those nurses would be the rate paid by that department to other nurses even if it differed from the rate paid at the municipal hospitals.

23. The House amendment provides that no person employed in a public service job under this Act may be paid in excess of $12,000 per year. The Senate bill contains no comparable provision. The conference agreement limits the payments under this Act to $12,000 per year per job. The conferees do not intend this provision to limit the total amount an individual can receive, but simply limits the Federal contribution.

24. Both the Senate bill and House amendment provide that participants will have the same fringe benefits and working conditions as other employees of the employer. The Senate bill also stipulates that particpants will enjoy promotional opportunities neither more nor less favorable than other employees enjoy. The House recedes.

25. The House amendment provides that no funds will be used for the acquisition or rental or leasing of supplies, equipment, materials or real property. The Senate bill contains no such restriction. The Senate recedes.

26. The Senate bill contains a provision which stipulates that if the provisions of the Davis-Bacon Act would otherwise apply to a project, nothing contained in this Act shall exempt such project from such coverage. The House amendment contains no comparable provision. The Senate recedes.

27. The House amendment contains a provision requiring that where programs involve physical improvements, special consideration be given to those improvements used by low-income families or located in areas having high concentrations of low-income persons. The Senate bill contains no comparable provision. The House recedes.

28. The Senate bill contains a provision authorizing the Secretary to make expenditures for construction, repairs, and capital improvements. The House amendment contains no comparable provision. The Senate recedes.

29. The Senate bill provides that the acceptance of family planning services provided to participants will be voluntary, and that no participant may be required to accept them in order to qualify for a public service job. The House amendment contains no comparable provision. The Senate recedes.

30. The Senate bill requires the submission of periodic reports to the Secretary including such data as: (1) characteristics of program participants including age, sex, race, health, education level, and previous wage and employment experience, (2) duration in employment situations, and (3) cost per participant broken down into categories. The House amendment contains no comparable provisions. The House recedes.

31. The Senate bill contains a provision requiring the Secretary to review every six months the implementation of the procedures requiring periodic reviews of each participant. The House amendment contains no comparable provision. The House recedes.

32. The Senate bill provides that up to 1 percent of the funds appropriated pursuant to section 5 may be reserved by the Secretary in order to provide for a continuing evaluation of programs assisted under this Act. The House amendment contains no comparable provision. The House recedes.

33. Both the Senate bill and the House amendment require the Secretary to transmit an annual report to the Congress including information on whether or not participants subsequently secure and retain public or private employment or participate in training or employability development programs. The Senate bill requires additional information on the extent to which all segments of the unemployed population are being served, and also requires insertion of the evaluations required under the Act. The House recedes.

34. The House amendment contains a definition of the term "area" as used in section 11 of the Act. The Senate bill contains no comparable provision. The conference agreement retains the definition of the term "area" for the purposes of section 12(c) of the conference report.

35. The Senate bill contains a definition of the term "city." The House amendment has no comparable provision. The Senate recedes.

36. The Senate bill contains a definition of "public service." The House amendment contains no comparable provision. The House recedes.

37. The Senate bill contains a definition of "health care." The House amendment contains no comparable provision. The conference agreement adopts the Senate language but inserts the word "voluntary" before the words "family planning services."

38. The Senate bill contains a definition of "local service company." The House amendment contains no comparable provision. The Senate recedes.

39. The Senate bill contains a definition of "unemployed persons." The House amendment contains no comparable provision. The conference agreement includes the Senate definition of unemployed persons, and adds a definition of underemployed persons as being those persons who are working part time and seeking full time employment and those working full time but earning less than the poverty level income. It is the intent of the conferees that persons already employed by the eligible applicant not be included in the definition of "underemployed persons" for the purposes of this Act.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a number of letters and statements from public officials endorsing the Emergency Employment Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILWAUKEE, COUNTY,
*Milwaukee, Wis., June 16, 1971.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

MY DEAR MR. PRESIDENT: For the past 18 months, Milwaukee County, Wisconsin, has been providing jobs for 500 males and females who have found it necessary to apply for public assistance. Utilization of these 500 job slots has reduced our welfare rolls by more than 4,000 cases during that time.

At present we have a substantial number of individuals who could be placed on public sector jobs if additional funds were made available. Even though there is additional work that could be done within the public sector, there is very little that Milwaukee County can do to provide such jobs under its present financial limitations.

Milwaukee County, which has a population of over one million people, can well attest to the need for public service jobs. We have found these jobs to be most meaningful and helpful to both the individual employed and to the community. Approval of Senate Bill No. 31 would be a great step forward in solving one of our nation's most pressing problems. I can assure you that Milwaukee County would then be in a position to provide meaningful work which would not be a dead end for the person employed.

With kindest personal regards, I remain
Very truly yours,

JOHN L. DOYNE,
*County Executive.*

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ONEIDA COUNTY,
*Utica, N.Y., June 18, 1971.*

Senator JACOB K. JAVITS,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR JAVITS: Since the unemployment rate in our area has exceeded 8% in recent months, I strongly support S. 31, the Emergency Employment Act, which you co-sponsored in the Senate.

In addition to providing the vital jobs necessary now, the bill structures them as short term with job-holders moving to permanent, regular jobs as unemployment decreases. This feature not only provides job opportunities when needed but also insures that they will not become a fixed burden to the taxpayer.

I would also recommend that in the final version of the bill as submitted to the President, local governments should be given flexibility in determining what type of jobs would be made available. This additional safeguard would maximize the total benefits of the Act.

Sincerely yours,
Harry S. Daniels,
*County Executive.*

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County of Hillsborough,
*Tampa, Fla., June 17, 1971.*
The President of the United States,
*The White House Office,*
*Washington, D.C.*

My Dear Mr. President: Due to the critical financial conditions of our urban area government, we urgently request your approval of the Congressional Emergency Employment Act to provide some relief to our area.

Respectfully submitted,
Ellsworth G. Simmons,
*Chairman, Board of County Commissioners.*

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County of Lorain,
*Elyria, Ohio, June 17, 1971.*
Hon. Gaylord Nelson,
*Chairman, Senate Subcommittee, on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.*

Dear Sir: I received your letter of June 7 regarding passage of the Emergency Employment Act, to help relieve unemployment, and have, this day. written letters to Senators Taft, Saxbe and Congressman Mosher to continue assistance on reaching final approval of this bill by the President. The Board of Commissioners and myself will also follow through on the local level to increase its support.

Yours very truly,
D. A.. Dellisanti,
*County Administrator.*

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City of Jackson,
Office of the Mayor,
*Jackson, Miss., June 21, 1971.*
Senator Gaylord Nelson,
*Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.*

Dear Senator Nelson: In regards to your letter of June 7, 1971, the following statistics have been collected:

1) A canvas of all departments that could make use of people who might qualify for employment under the Employment and Training Opportunities Act, the City of Jackson could, in a relatively short time, place 493 disadvantaged and unemployed persons on jobs. It is felt this number would grow rapidly.

2) A cursory survey of the Department of Welfare, Mississippi Employment Security Commission, and Jackson Chamber of Commerce indicate that there is, at present, 4,300 able-bodied adults locally who are not gainfully employed. Indications are that this number will rise to somewhere between 5,000 and 6,000 in the third quarter of 1971. These figures do not include those people who may be involved in manpower development training act programs or training and educational activities, for which the individual or his family is paying. Additionally, I believe, based on conversations with agents of local private industries, that a number of people are currently unemployed, but have not as yet been identified by either the Welfare Department or the Employment Security Commission.

3. There is at present 10,721 welfare cases in the Jackson area. Some of these are, of course, reflected above as unemployed. Clearly, the number on the welfare rolls could be reduced by providing gainful employment.

The 493 jobs that the City of Jackson would be able to provide would be in entree job levels and they would perform such tasks as parks and recreation coordination and facility attendance, street and neighborhood clean-up projects, minor repairs on streets and public works property, pest and rodent control, municipal parks and golf course maintenance and up-keep.

Obviously, the hiring of such a large number of new employees is impossible from the cities current revenues. However, the jobs mentioned need to be done and the degree to which they can be accomplished from the Public Service Employment or Public Service Careers Programs will relate directly to the federal funds made available to the City of Jackson.

Jackson, like all other major cities, is confronted with a rapidly deteriorating inner city, spiraling cost and countless young people for whom there are no jobs and all too limited recreation facilities. We in Jackson attacked this problem vigorously during the summer of 1970 and are continuing again this summer and it is all too clear that, due to lack of funds, we are nowhere near solving the problem. It is evident that help in some form similar to that proposed by the Nelson Bill would go a long way toward helping us solve these problems.

I hope that this information will aid you in your support of Public Service Employment. If I can provide any additional information, please contact me.

Sincerely,
Russell C. Davis,
*Mayor, City of Jackson.*

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City of Canton,
*Canton, Ohio, June 16, 1971.*
Hon. Gaylord Nelson,
*U.S. Senator, Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Senate Office Building, Washington, D.C.*

Dear Senator Nelson: Once again, I am urging consideration be given to passage of a constructive Public Service Employment bill that will help relieve the growing roles of unemployment and at the same time rekindle America's strength through the working man.

It is imperative now, more than ever, that we as Americans take every step possible to put the many available people to work and back into the Main Stream of American life.

Canton and many communities of similar geographic make-up are in need of this type of constructive federal assistance without unrealistic restrictions.

The economic facts of life have put thousands in the Greater Canton area in an "instant poverty" category and the government has the responsibility to seek to correct the current ills.

It tetsimony concerning this type of legislation before a special House committee in February, I indicated my support, without a trigger clause, contending that everyone who is without a job deserves consideration regardless of his geographic location.

I further indicated that the City of Canton is prepared to move forward with such a program that will be constructive to the entire community.

Your support of this bill is mandatory to help maintain the lifeblood of this community.

Very truly yours,
Stanley A. Cmich,
*Mayor.*

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City of Galveston, Tex.,
*June 15, 1971.*
Hon. Gaylord Nelson,
*Chairman, Senate Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Washington, D.C.*

Dear Senator Nelson: Your letter of June 7th, addressed to former Mayor Edward Schreiber, concerning the Emergency Employment Act, is appreciated.

I also share the belief that S. 31 is an effective way for the Federal government to take immediate action against unemployment and inadequate state and local services and am personally in favor of this Act.

Sincerely,
M. L. Ross, M.D.,
*Mayor.*

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City of Atlanta, Ga.,
*April 15, 1971.*
Hon. Gaylord Nelson,
*U.S. Senator, Senate Office Building, Washington, D.C.*

Dear Senator Nelson: Thank you for your letter of April 5, 1971. I was pleased to hear of your success with the Emergency Employment Act of 1971. I feel that this legislation is a major step in assisting cities in meeting the urban crisis.

I would be pleased to lend my continued support to your efforts. If I may be of assistance in expediting this bill, please contact me.

Sincerely,
Sam Massell.

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City of Philadelphia, Pa.,
*June 3, 1971.*
Hon. Gaylord Nelson,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Nelson: Thank you for your letter with respect to the Emergency Employment Act, H.R. 3613. I am aware of the many positive aspects of this legislation which would make federal funds available to fill vital public service jobs.

I do concur with your belief that the Emergency Employment Act is an essential piece of legislation. I have advised our Congressional Delegation on several occasions throughout the past few months regarding the importance of supporting the Emergency Employment Act intact and to defeat any weakening amendments or unacceptable alternatives.

I was gratified to learn yesterday afternoon about the great victory of the Emergency Employment Act in Congress. I believe that prompt action is necessary on a Joint Conference Committee report. Every effort must be made to insure that the President signs this significant legislation.

With all goods wishes and kindest personal regards, I remain

Sincerely yours,
James H. J. Tate,
*Mayor.*

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The District of Columbia,
*Washington, D.C., June 16, 1971.*
Hon. Gaylord Nelson,
*Chairman, Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*

Dear Senator Nelson: Mayor Washington has asked that I respond to your letter of June 7, concerning S. 31, the "Emergency Employment Act of 1971." The Mayor, as I am sure you are aware, is currently out of the country on a trip on behalf of the Department of State.

We share your strong concern about both the national unemployment situation, especially as it affects the citizens of our central cities, and the need for expanded and improved public services, as those services are provided by State and local governments. These problems were discussed at length before your Committee by the Mayors of a number of other large cities throughout the country, and the unemployment problem and public service needs which they described can also be found in the District of Columbia.

The various proposals to meet these problems, including S. 31, are currently under study by the District Government and we will support any appropriate, effective solution to these important questions.

Sincerely yours,

Graham W. Wyatt,
*Deputy Mayor-Commissioner.*

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City of Detroit, Mich.,
*April 14, 1971.*

Hon. Gaylord Nelson,
*U.S. Senator,*
*Washington, D.C.*

Dear Senator Nelson: Thank you very much indeed for your efforts in behalf of the Emergency Employment Act.

We will keep close watch on the progress of this important legislation in the House.

I have read the full text of the statement made by Sam Merrick of the United States Conference of Mayors—National League of Cities staff in regard to this legislation. It seems to me that Mr. Merrick was pointing to the prospect of an often-predicted Presidential veto on this important legislation. Our purpose is not diminished; our role is to secure approval of this important legislation through the House and see to it that the President signs your bill. Our staff is dedicated to that purpose.

The Conference of Mayors and the League of Cities deeply appreciate your efforts in this regard.

Sincerely,

Roman S. Gribbs,
*Mayor.*

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City of Knoxville, Tenn.,
*June 15, 1971.*

Hon. Gaylord Nelson,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Nelson: I have received your letter regarding the Emergency Employment Act.

I am in favor of federally supported public service employment during periods of high unemployment, and have expressed this view to the appropriate members of the Congress some time ago. In addition, I have recently discussed this matter at length with Senator Howard H. Baker.

I appreciate your interest in assisting the cities with the needed resources in order to deal with current unemployment. However, I urge your committee to immediately consider overall Manpower reform legislation, giving local government the needed resources and responsibility to deal with unemployment and its attendant ills on a permanent basis.

Thank you for your interest in this matter.

Sincerely yours,

Leonard R. Rogers.

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Office of City Manager,
*Niagara Falls, N.Y., June 22, 1971.*

Mr. Gaylord Nelson,
*Chairman, Senate Subcommittee on Employment Manpower and Poverty, U.S. Senate, Washington, D.C.*

Dear Mr. Nelson: The City Council of the City of Niagara Falls, unanimously adopted a resolution directing me to communicate with you and indicate our approval of Senate Bill S. 31, the Emergency Employment Act, and urge its adoption.

Very truly yours,

Morton H. Abramowitz,
*City Manager.*

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City of Boston,
*City Hall, Boston, June 23, 1971.*

Hon. Richard M. Nixon,
*President of the United States,*
*White House,*
*Washington, D.C.*

Dear President Nixon: I take this opportunity to urge your support of the Emergency Employment Act recently passed by Congress. I consider this legislatiton to be an important step toward alleviating the unemployment crisis facing our nation today. Moreover, while providing opportunities for employment, this legislation will assist cities, such as the City of Boston, which are confronted with increasing financial problems to provide and maintain essential services for City residents.

I, therefore, respectfully request that you sign the Emergency Employment Act into law as soon as possible.

Sincerely,

Kevin H. White,
*Mayor.*

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Office of the Mayor,
City of Syracuse, N.Y.,
*June 22, 1971.*

President Richard M. Nixon,
*White House,*
*Washington, D.C.*

Dear Mr. President: Given the crisis in our major cities today, I feel quite strongly that some specific type of Public Service Employment Program is a necessity. To be impressed by the need for such a program, you need only walk the street of the Nation's cities and see the idle and languishing human resources. Although I cannot support all of the specifics of current public service employment proposals, I do feel strongly that a program is necessary—perhaps in the context of a general Manpower Program reorganizaiton that you have already proposed.

Let us not make public service employment a purely political issue unrelated to the continuing and long-term needs of the unemployed.

Sincerely,

Lee Alexander,
*Mayor.*

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National Council of
Negro Women, Inc.,
*Washington, D.C., June 15, 1971.*

Hon. Gaylord Nelson,
*U.S. Senate, Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Washington, D.C.*

My Dear Senator Nelson: I am in receipt of your correspondence to our National President, Miss Dorothy I. Height, concerning the Emergency Employment Act.

We are in full support of the act. We feel that employment is key to so many of our national problems. We hope that the act will be passed immediately and implemented on all levels just as quickly.

Unemployment is truly an emergency which must be dealt with in the most effective manner.

Sincerely,

Jane Galvin Lewis,
*Program Coordinator.*

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The American Legion,
*Washington, D.C., June 22, 1971.*

Hon. Gaylord Nelson,
*Chairman, Subcommittee on Employment, Manpower, and Poverty, Senate Committee on Labor and Public Welfare, Washington, D.C.*

Dear Chairman Nelson: Thank you for writing National Commander Alfred P. Chamie on June 7 concerning S. 31, the Emergency Employment Act which is now in conference.

The American Legion supports the provisions in the House passed version of this bill which would provide job preference for war veterans who served in Southeast Asia.

As you know, the unemployment rate among these veterans is the highest of any group in the Nation, ranging up to an estimated 300,000.

Under ordinary circumstances, the Legion would not favor legislation that discriminates against other groups of war veterans. Because of the critical unemployment situation for these young Vietnam veterans, however, we urge you and your Senate colleagues on the conference committee to accept the language in the House version which assures that preference in filling public service jobs will be given to unemployed or underemployed veterans who served in Indochina or Korea after August 4, 1964.

Your continued concern for our Nation's war veterans is appreciated.

Sincerely yours,

Herald E. Stringer,
*Director, National Legislative Commission.*

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Veterans of Foreign Wars,
*Washington, D.C., June 17, 1971.*

Hon. Gaylord Nelson,
*Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*

Dear Senator Nelson: Thank you for your letter of June 7 concerning support for S. 31, the Emergency Employment Act now before a Conference Committee of the House and Senate.

The Veterans of Foreign Wars has been following this legislation closely and supporting the provision therein which would provide Veterans Preference for Vietnam veterans in the jobs created by this proposal.

It is incredible that almost 400,000 Vietnam veterans are unemployed, with the majority being in the 21–25 age bracket. We are pressing the Conferees to hammer out an agreement which will assure that Vietnam veterans will be given preference in referral and placement to the public service jobs authorized by this bill.

Thanking you for inviting our views on this important legislation and hoping it is agreed to by the Conferees in the near future and with all best wishes and kind personal regards, I am

Sincerely,

Francis W. Stover,
*Director, National Legislative Service.*

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Area Manpower Institute,
*Detroit, Mich., April 15, 1971.*

Senator Gaylord Nelson,
*Senate Subcommittee on Employment, Manpower and Poverty, Senate Office Building, Washington, D.C.*

Dear Senator Nelson: I thank you very much for your thoughtfulness in sending to me a copy of Senate Bill S. 31. In view of an extremely critical employment situation in many of the metropolitan areas and the sparsely settled sections of our country, I should like to urge that this bill stand on its own merits not be diluted or otherwise attached to bills pertaining to manpower development and the Economic Opportunity Act.

There is considerable urgency for such legislation as S. 31, and there is considerable need for such public services on a continuing basis if we are to survive in a wholesome physical and social environment. I would be glad to do all I can to expand interest in this piece of legislation.

Very truly yours,

Joseph V. Tuma,
*Director.*

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Leadership Conference
on Civil Rights,
*Washington, D.C., June 17, 1971.*

Hon. Gaylord Nelson,
*U.S. Senate, Old Senate Office Building,*
*Washington, D.C.*

Dear Senator Nelson: We were glad to receive your letter urging us to work in support of the Emergency Employment Act. I think you will be glad to know that this bill has one of our top priorities. Our last three MEMOS devoted considerable space to the bill and I am enclosing copies of them. I certainly hope we can head off a veto.

Sincerely yours,

Marvin Caplan,
*Director, Washington Office.*

[News release]

"PASS, SIGN PUBLIC SERVICE EMPLOYMENT BILL", MAYORS URGE HOUSE AND PRESIDENT

U.S. CONFERENCE OF MAYORS,
*Washington, D.C., June 1, 1971.*

SEATTLE, WASH.—Members of the Legislative Action Committee of the U.S. Conference of Mayors, visiting Seattle, hard-hit by unemployment, have urged the House of Representatives to pass, and the President to sign, a $4 billion public service unemployment bill which has already passed the Senate by a 62–10 vote. The mayors also criticized the President's veto of a similar measure late last year and his refusal to spend monies authorized and allocated by Congress for urban programs.

Mayor Moon Landrieu of New Orleans said that the Administration has done little to help the unemployed, even with the present seven-year high in unemployment statistics. Speaking of the President's December veto of the Emergency Public Service Employment Act, which had passed both Houses of Congress, Landrieu said the President had "killed with the stroke of a pen the employment opportunities for approximately 300,000 Americans. He (the President) also, with that same pen stroke, destroyed the possibility that we mayors could provide direly needed services within our cities." The bill would have placed those now out of work in local governments across the nation.

Landrieu also stated that it would be "reckless irresponsibility" for the President to veto the new bill, should it pass the House, and urged the President and House to not only join the mayors in their push for public service employment, but to be leaders in the expansion of the concept.

In another statement, San Francisco's Mayor Joseph Alioto asked the President to release funds already appropriated and authorized for public housing, urban renewal, water and sewer, and mass transit programs in the cities by Congress. He noted that the Congress had appropriated $41 billion more than the President asked for summer youth employment programs, and questioned, "Will this money be released?" Alioto said that it was time for "the President to stop talking about what he intends to give us next year and let us have *now* what the Congress had vetoed for us this year."

Speaking of Seattle's unemployed aerospace workers, Newark, New Jersey, Mayor Kenneth Gibson stated that aerospace technology could be used for health care, mass transit, housing and environmental improvements in the cities. Gibson said that if the nation failed in giving work to the technologically capable, as in Seattle, then America might well fail as a nation. Speaking of the realignment of national priorities, Gibson said, "They (the priorities) must reflect the simple truth that human resources are America's greatest asset and that our greatest hope lies in the development of all our people.

Continuing, Gibson said, "We are not talking of only saving the aerospace industry or the Newarks of America, we are talking of saving America herself."

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STATEMENT BY MOON LANDRIEU, MAYOR OF NEW ORLEANS, LA.

I am here today speaking for over five million unemployed Americans. Let me begin with a quotation from a high government official about the unemployed. He said: "I want to refer a bit to who these people are. Are they tramps? Are they hobos? Are they unemployables? Are they a bunch of people who are no good and who are incompetent? Well, you take a look at them if you have not and see who they are. There is not a person in this room who does not know of an intimate friend, people whom you have known all your life, fine, hard-working, upstanding people—carpenters, bricklayers, artists, architects, engineers, clerks, stenographers, doctors, dentists, ministers; the whole crowd all caught in this thing the finest people in America, the workers, that is who they are."

Does this sound accurate to you? It does to me. Actually it is a quote from Mr. Harry Hopkins addressing the first meeting of the United States Conference of Mayors in Chicago. The date—September 22, 1933. And its happening, gentlemen, all over again. Five million people, the workers, the finest people in America, bereft of jobs and a decent income for themselves and their families.

Today, in 1971, we claim that we have learned the lessons of the Great Depression.

But there are now over five million people without jobs. Of all the needs of the cities, this is the most crucial and the one that concerns us most as we visit Seattle where, as in other cities, the problem is most severe. I know how we can remedy unemployment. Wes Uhlman and the other mayors also know how we can remedy unemployment. The Congress and the Administration know how to remedy unemployment—and the answer is not welfare.

The answer is a respectable useful public service job in local government for those now unemployed.

This week pending before the Congress there is a bill, "The Emergency Employment Act of 1971," which authorizes up to $4 billion over the next five years for public service jobs. It would provide people to perform badly needed municipal services. The President's Commission on Automation and Technology has reported that public services in health, welfare, recreation, law enforcement, fire protection and other critical areas are in need of some five million additional workers.

By the way, myself and the other mayors here have public service jobs, so do members of Congress and so does the President of the United States. So if you think public service jobs are dead-end or "make-work"—let me say that they are just as important and respectable as those held by public officials throughout the country.

We have the job openings in local government and we have the unemployed people to fill these openings. The missing ingredient is the enactment of this vital legislation—immediately—providing the essential funds. We in city halls would hire them today if we could, but we don't have the money to cope with an unemployment problem which is national in dimension and cause. A national problem requires a national solution. Therefore, the burden of providing the solution falls squarely upon the Federal government—the Congress and the Administration.

The central question facing the nation is: Will the Congress and the Administration summon the courage and the responsibility to deal forthrightly with the national unemployment crisis? That is the question we and the other mayors of America's cities are asking.

The United States Senate has answered by passing public jobs legislation by an overwhelming majority of 62–10.

In December of 1970, with unemployment at 6.2% nationwide, the highest in nine years, the President callously vetoed a three-year, $9.5 billion public service employment bill which had been passed by both the House and the Senate, and thus killed with the stroke of a pen the employment opportunities for approximately 300,000 Americans. He also, with that same pen stroke, destroyed the possibility that we as mayors could provide direly needed services within our cities.

And even today, with the current unacceptable high rate of national unemployment, high Administration officials are telling us, members of the Congress, and the press that such a bill, if it should pass both Houses of Congress, would again be killed by the President with another veto. As we said in New York City on April 21, this would be an act of reckless irresponsibility.

Once again, we call upon the Administration to turn away from the advice of those who are not intimately aware of this grave problem—who are not with mayors throughout the country every day witnessing first-hand our men and women, many with families, now suffering from the lack of employment. We call upon the Administration to encourage this bill, to champion its passage, to sign it into law, and to administer it with enthusiasm and good faith. Such action would be a signal to the nation that Congress and the Administration are alive, working, sensitive and willing to do something about the problems which grip this nation.

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STATE OF ILLINOIS,
*Springfield, Ill., June 2, 1971.*

HON. RICHARD M. NIXON,
*President of the United States,*
*The White House, Washington, D.C.*

DEAR PRESIDENT NIXON: I would like to express my support for and urge your favorable action on public service employment at this time. We in Illinois are more fortunate than some other areas of the country, but nevertheless, we have conditions of unemployment which could be improved significantly by such a program. Moreover, we have a welfare crisis which would be aided by a reduction in unemployment.

I would like particularly to emphasize that public service employment would be a valuable supplement to the work-oriented welfare reforms we are undertaking at the state level without waiting for federal action. The program could not only be of benefit to individuals now on the welfare rolls, but also the jobless not actually on welfare but seeking work and additional earnings.

There is much that can be done in public service by individuals now out of work. Enhancement of the environment, public health, basic public works and many other initiatives of local importance would provide meaningful work for the unemployed.

I recognize that the utilization of federal funds for this purpose will have to be closely watched to insure that the program is truly a program of employment opportunity, and not a political boondoggle. But the need for careful supervision and effective administration certainly should not prevent a course of action which will stimulate the economy, create needed jobs, and provide services and projects in the public interest.

I recognize that, as President, you have many factors to consider in your decision on a matter such as this. I am writing at this time to place before you my views on behalf of the State of Illinois, in the hope that they will encourage your favorable action.

Sincerely,

RICHARD B. OGILVIE,
*Governor of Illinois.*

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[From the Sun-Times Bureau, June 9, 1971]

OGILVIE TO NIXON: OK PUBLIC SERVICE JOB LAW

SPRINGFIELD, ILL.—Gov. Ogilvie urged President Nixon Thursday to reverse his position of a year ago and approve legislation that would provide public service jobs.

"Public service employment would be a valuable supplement to the work-oriented welfare reforms we are undertaking at the state level without waiting for federal action," Ogilvie wrote the President.

"The program could be of benefit not only to individuals now on the welfare rolls, but also to the jobless not actually on welfare but seeking work."

The governor, usually in support of Nixon programs, said unemployment in Illinois, although still lower than in other areas of the country, could be reduced significantly by a public service jobs program of the type Mr. Nixon vetoed a year ago.

He pointed out that he had called for creation of a statewide public service jobs program for Illinois welfare recipients in his special message May 20 to the General Assembly on welfare reform.

"I recognize that the utilization of federal funds for this purpose will have to be closely watched to insure that the program is truly a program of employment opportunity and not a political boondoggle," Ogilvie's letter said.

"But the need for careful supervision and effective administration certainly should not prevent a course of action which will stimulate the economy, create needed jobs and provide services and projects in the public interest."

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State of Alaska,
*Juneau, Alaska, June 24, 1971.*
Hon. Gaylord Nelson.
*Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.*

Dear Senator Nelson: Thank you for your letter regarding the Emergency Employment Act.

Officials in the Alaska Department of Labor are keeping tabs on the legislation and I have directed that they advise me when the minor differences which you mentioned are ironed out so that I can consider offering a telegram of support based on the final provisions of the bill.

Also, as you know, Senator Mike Gravel is one of the bill's sponsors and I am sure he will be working hard for it to become law in a version reflecting Alaska's best interests.

I appreciate your writing to me about this important matter.

Kind regards.
Sincerely,
William A. Egan,
*Governor.*

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State of Kansas,
*Topeka, Kans., June 18, 1971.*
Hon. Gaylord Nelson,
*Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate Office Building, Washington, D.C.*

Dear Senator Nelson: Thank you very much for your communication enlisting support for the Emergency Employment Act which has passed both Houses of Congress and is in the committee to resolve minor differences. I am sure that we all agree there is a need for some form of transitional public service employment to combat the high incidence of unemployment.

I have asked members of my staff to review S. 31, the Emergency Employment Act, and I am confident that they will provide me with sufficient information to give serious consideration to your request.

With every good wish.
Sincerely,
Robert Docking,
*Governor of Kansas.*

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Commonwealth of Pennsylvania,
*Harrisburg, Pa., June 17, 1971.*
Hon. Richard M. Nixon,
*President of the United States, The White House, Washington, D.C.*

Mr. President: The Commonwealth of Pennsylvania is facing one of the worst summer unemployment crises in recent history. Our current unemployment rate is 4.8 percent and there is little indication that it will subside in the near future.

I urgently request you to take prompt action on the Emergency Employment Act as soon as it reaches your desk. This bill would enable cities, states, and counties to employ an estimated 150-200 thousand unemployed people by putting them to work in necessary jobs.

As you know, this bill passed the Senate April 1 by a vote of 62 to 10 and the House on June 2 by a vote of 244 to 142 with strong bipartisan support.

I believe this bill also meets your criteria for "transitional public service employment," a concept endorsed by the National Governors' Conference, National League of Cities, U.S. Conference of Mayors, and the National Association of Counties.

Senate bill 31, the Emergency Employment Act, will provide much needed relief to Pennsylvania and other states which are being hard pressed by the continued high rate of unemployment.

We would appreciate your favorable action on this bill as soon as possible.

Sincerely,
Milton J. Shapp,
*Governor.*

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State of Ohio,
*Columbus, Ohio, June 17, 1971.*
Hon. Gaylord Nelson,
*U.S. Senator,*
*Washington, D.C.*

Dear Senator Nelson: I want to thank you for your letter of June 7 stating to me your concerns with the Emergency Employment Act.

I agree that the Emergency Employment Act represents a positive and important attempt to combat unemployment in our Nation. I have prepared and sent to each House of our General Assembly a Resolution to urge the President of the United States to sign into law the Emergency Employment Act. The measure has already been introduced in the Senate, with strong bipartisan sponsorship, and has been referred to the Rules Committee.

I hope that both Houses of the Legislature will take immediate bipartisan action to approve these Resolutions in order that we in Ohio may express our concern over the Nation's unemployment problem.

I shall advise you at a later time as to the disposition of these Resolutions. For your information, I have enclosed a copy of both Resolutions which we have prepared for the General Assembly.

With warmest regards,
Sincerely,
John J. Gilligan,
*Governor.*

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State of Ohio,
*Columbus, Ohio, June 18, 1971.*
Hon. Gaylord Nelson,
*U.S. Senator,*
*Washington, D.C.*

Dear Senator Nelson: I am happy to report that the Ohio House of Representatives late yesterday afternoon passed by a vote of sixty-four to twenty-four a Resolution to urge the President of the United States to sign the Emergency Employment Act.

The measure was sponsored by a bipartisan group of the members of the legislature, and passed with bipartisan support.

I believe that the Ohio Senate will also be taking action on their Resolution urging the President to sign the Emergency Employment Act early next week. I shall advise you at that time as to the disposition of that measure.

With warmest regards,
Sincerely,
John J. Gilligan,
*Governor.*

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### House Resolution No. 74

A recommendation to the President of the United States that he sign into law United States Senate Bill 31, the Emergency Employment Act

Be it resolved in the House of Representatives of the State of Ohio:

Whereas, Unemployment has just reached 6.2% and our Nation faces its worst summer unemployment crisis in recent history, and

Whereas, State and local agencies desperately need Federal assistance to maintain their most basic functions, and

Whereas, The public service employment concept has been officially endorsed by the National Governors' Conference, National League of Cities, U.S. Conference of Mayors, and the National Association of Counties, and many governors, mayors, and county executives have come to Washington to endorse this measure, and

Whereas, The President has indicated acceptance of transitional public service employment, and Congress has offered the President firm assurances that they will report out within the next few months comprehensive manpower reform legislation, giving state and local government new resources and new responsibilities for manpower programs, and

Whereas, There is an immediate need for jobs, with ninety to one hundred percent Federal funding, as provided by Senate Bill 31, the Emergency Employment Act, and

Whereas, Both Houses of Congress have now passed the Emergency Employment Act, which would enable cities, counties and states to put an estimated 150,000 to 200,000 unemployed persons to work immediately in necessary jobs, and

Whereas, Senate Bill 31 passed the United States Senate April 1 by a vote of sixty-two to ten, and the United States House of Representatives on June 2 by a vote of two hundred and forty-four to one hundred and forty-two, in each case with strong bipartisan majority, and minor differences in the Senate and House bills are being resolved and the final measure should reach the President shortly after June 21, 1971; now therefore be it.

*Resolved,* By the House of Representatives of the State of Ohio that, we strongly support United States Senate Bill 31, the Emergency Employment Act, and be it further

*Resolved,* That we urge the President of the United States to sign this measure into law when it is presented to him by the Congress of the United States, and be it further

*Resolved,* That certified copies of this Resolution be presented forthwith to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and the majority and minority leaders of both parties in each House of Congress, attesting to the adoption of this Resolution by the House of Representatives of the State of Ohio.

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### A New Manpower Bill

Wisconsin Sen. Gaylord Nelson is going to try again at setting up a federal program to alleviate high unemployment by providing public service jobs.

Nelson's last attempt at a manpower bill failed in December because of President Nixon's veto. At the time the senator said he doubted whether a new proposal would have any chance this year.

But his hopes have been rekindled and when congress goes back into session on Thursday, Nelson will offer an emergency public service employment bill that would provide about 200,000 jobs.

The new bill differs from the manpower proposal in various ways. It doesn't call for a reform of all the federal manpower training programs as did the earlier measure. And it also has a built-in device for creating jobs when the unemployment rate exceeds 4½ per cent.

The 4½ per cent figure as a trigger for increased job aid was borrowed from an idea expressed by President Nixon in 1969 when the unemployment rate was in the range of 3 to 3½ per cent.

Now unemployment has climbed to 6 per cent of the labor force, the highest level in nine years. This means 4,974,000 Americans, an intolerably high number, are without jobs.

Nelson will ask the new congress to authorize about $1 billion a year for federal grants to mayors, governors and other state and local government officials who would decide what public jobs should be created.

When Nixon vetoed the manpower bill, he objected to dead-end and make-work "WPA-type jobs."

However, advocates of the bill didn't look on the jobs as make-work at all. They pointed to the established need for job expansion in public health safety pollution control and other areas.

Nixon also objected to the manpower bill because he wanted to decentralize federal control over programs administered by the states and local governments.

This view reflects Nixon's new federalism policy with less red tape control from Washington and letting states and local governments decide how to use federal grants with the greater knowledge of their own needs.

It remains to be seen how Nixon feels about the new Nelson proposal.

Perhaps the only way the bill can get through congress and signed by the President is through some hard compromises.

We hope that some kind of manpower bill is passed this session. Something has to be done to reduce high unemployment. Public service jobs are one way.—Racine Journal Times.

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### Nixon Is Reported To Reverse Stand on Veto of Job Bill

WASHINGTON.—The Nixon Administration has reversed itself and indicated it wants to sign a public service jobs bill into law, Senate sources reported today.

As a result, a Senate-House conference on the legislation set for early this afternoon was rescheduled for next Tuesday. Meanwhile, Senate and House sources said, negotiations with the Administration will continue.

The Senate passed a $1.75-billion version of the legislation April 1. The House increased it to a $5-billion four-year measure on June 2.

Both versions were designed to put 150,000 to 200,000 jobless persons to work in the first year on projects sponsored by states, cities and other government units.

President Nixon vetoed such a public service jobs bill last December and it has been widely predicted that that would be the fate of the new one.

Republicans involved in handling the legislation were saying as late as yesterday morning that it had no chance of White House approval.

However, Senate sources asking not to be named said that word of a change of mind began to circulate yesterday afternoon.

Today, they said, Under Secretary of Labor Laurence H. Silberman came to the Capitol to negotiate with the conferees on the bill to see if something acceptable to Mr. Nixon could be worked out.

It was reported that the Administration was seeking to get the conferees to accept the less broad Senate bill with a veterans preference provision from the House version in the final package.

Mr. JAVITS. Mr. President, I should like to ask the Senator from Wisconsin this question and, because it is phrased in terms I have received from the administration, I will read it in those terms.

I ask the Senator whether he is, in effect, committed to holding hearings on the proposed Manpower Revenue Sharing Act of 1971 and to do everything in his power to see that comprehensive manpower reform legislation is enacted in this session of Congress, which means that hearings will have to be held in this session of Congress as well.

I wish to advise the Senator from Wisconsin that I have and I hereby do undertake that commitment as ranking minority member of the whole committee.

Mr. NELSON. Yes. As the Senator knows, I have stated publicly on previous occasions, including the hearings before the subcommittee, that we would undertake to conduct hearings on comprehensive manpower reform legislation which, of course, specifically includes extensive hearings on the manpower revenue sharing proposal by the administration.

The Senator also knows that he and I have both assured representatives of the administration that we would undertake to conduct hearings and report a bill. As the Senator knows, we have both assured the Secretary of Labor that we would conduct hearings and make every effort on our part to assure that the hearings will be completed and that the bill is marked up and sent to the floor of the Senate.

Mr. JAVITS. Is the Senator aware whether the chairman, the Senator from New Jersey (Mr. WILLIAMS), feels the same way?

Mr. NELSON. I have not specifically asked the Senator, but I have no doubt at all that we will get the time for the hearings and that we will get time set aside for full committee consideration of the manpower bill. I will make that assurance that I am certain the chairman of the full committee is agreeable to that. If I hear anything to the contrary, I shall so report it.

Mr. JAVITS. I thank my distinguished colleague very much.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the conference report.

Mr. BYRD of West Virginia. Mr. President, I yield back the time on the continuing resolution and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings on the consideration of the conference report, which occurred later in the day, are printed at this point in the RECORD by unanimous consent:)

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate now resume consideration of the conference report on S. 31.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the conference report on S. 31.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the final adoption of the conference report.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, with unemployment at a 9-year high—6.2 percent of the workforce is on the street—it is grimly appropriate that Congress is approaching final action on the Emergency Employment Act, introduced last January 25.

The bill that was hammered out in conference over this past week is by no means perfect. It is not a permanent public service employment bill, which the Nation very much needs. It is not large enough to make the needed impact either on the unemployment rolls—those unemployed for 27 weeks or longer now number well over 500,000, more than double the number of jobs authorized in this bill—or to meet the staggering backlog of undone public work. And, over my strong objections in conference, private nonprofit agencies, including the community action agencies and other groups representing the poverty community, were excluded from contracting directly with the Federal Government under this legislation. The House conferees were adamant on this issue.

I wish to point out, however, that the legislation is clear that "public agencies and institutions which are subdivisions of State or general local government," are eligible applicants for public service programs. Such agencies or institutions, which could contract directly with the Secretary of Labor, are school districts, water and park districts, and public health agencies.

Although not enough, the bill does authorize a total of $1 billion for fiscal year 1972 and $1.25 billion for fiscal year 1973, enough for perhaps 200,000 and 250,000 jobs in these 2 years. That represents a good start. We can build on this beginning with a permanent public service employment program when we take up comprehensive legislation this fall.

Meanwhile the conference bill does establish in law the determination of Congress that in times of nationally high unemployment—4½ percent generally or over 6 percent in certain hard-hit areas for 3 months—it is a Federal responsibility to provide funds to put men and women to work on needed meaningful jobs.

The act would also establish a "Special Employment Assistance Program" to provide funds for public service employment to pockets of high unemployment—over 6 percent for 3 months—even when national unemployment falls below 4½ percent. The funds authorized for this special program—$250,000,000 a year—are inadequate, but they also represent a promising beginning

For those of us who have been working for over 2 years to write a public service employment program into law, the conference just completed has been especially satisfactory. I am proud to say that I participated at every subcommittee, full committee, and conference committee meeting considering this legislation and its predecessor bill—S. 3867—vetoed by the President last December 16.

Last December in conference on S. 3867 we had worked out a permanent public service employment program as part of a comprehensive manpower bill only to see it vetoed by the President in the very month when unemployment reached 6.2 percent for the first time in this recession.

We then set to work diligently in January to draft a public service employment bill that could command broader support. That bill, S. 31, was introduced into the Senate January 25, cosponsored by a bipartisan group of 34 Senators. I was greatly privileged to work closely with Senator NELSON in preparing that bill, and many of the amendments I was able to have adopted in S. 3867 were carried over into S. 31 upon introduction or later in committee. S. 31 passed April 1 by a vote of 62 to 10.

It is basically that bill which was agreed to by the conferees last week. We are delighted that all of the House conferees signed the conference report, and all by but one of the Senate conferees signed.

We have every reason to believe that the President will add his signature and support for this act.

If he does sign the act, it will be a victory, not of party, or of faction but for the entire Nation.

At a time when the Nation is being torn apart for lack of investment in those essentials of the common life that can only be purchased and performed through common action—schools and medical service, parks and recreation, fire and police protection, welfare and probation assistance, solid waste, sanitation and other environmental activities, housing and the rebuilding of our cities—at such a time the waste of the vital energies and talents of so many millions of Americans is not so much embittering tragedy for them as individuals as it is suicidal folly for the Nation.

This bill represents a step in the direction of employing these talents where they are most needed.

The conference agreement provides that "special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964, and who received other than dishonorable discharges".

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently returned veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to insure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs."

The conference committee has been especially cognizant of the appalling unemployment problems of returning veterans. For what this measure can mean to our returning veterans alone, I urge that the bill be supported—not to mention other reasons that make its enactment so very important.

The unemployment rates for veterans as compared to nonveterans in the same age group demonstrate the extra sacrifice today's young veterans are being required to make. Veterans 20 to 24 years old are now unemployed at a rate of 14.6 percent, while the rate for nonveterans in that age group is 10.8 percent. Among men 20 to 29 years old the rate for veterans averaged 10.8 percent compared to a rate of 8.4 percent among nonveterans. Furthermore, the rate for veterans 20 to 29 years old is almost 50 percent higher than it was in the first quarter of 1970. This tremendous increase in unemployment highlights the great need to act to stem the rising tide of young veterans' joblessness.

Moreover, and this is a shocking and terribly disheartening statistic, a recent Defense Department study shows that most hard hit by unemployment are men who served in vital combat operations, like infantry, artillery, and armor, and generally those who served in Vietnam.

I cannot emphasize too strongly how important it is that the Secretary of Labor proceed, consistent with the President's June 11 letter to him on veterans' unemployment, to insure that all possible efforts are made to employ returning veterans in public service programs.

This bill represents our opportunity to cut through the rhetoric about "Jobs for Veterans" and to move beyond calling on employers, who are busy laying off employees in this sick economy, to hire veterans—something they cannot do in far too many cases. By moving forward we can actually create jobs for many veterans who are unemployed. It will not provide for all veterans, but it will help many of them who are now jobless to find jobs.

More needs to be done to help our Vietnam veterans find jobs, and that is why, on June 17, joined by the distinguished chairman of the Veterans' Affairs Committee, the Senator from Indiana (Mr. HARTKE), I introduced S. 2091, the proposed "Veterans Employment and Readjustment Act of 1971".

This bill would assist returning veterans by expanding and improving the job counseling, job training, and placement services already available through the Department of Labor's Veteran's Employment Service. It would establish preferences for disabled and Vietnam era veterans in jobs growing out of Government contracts, and provide a coordinated program to encourage Federal agencies to hire these veterans. It would also facilitate the access of disadvantaged veterans to existing manpower training programs.

Other features of the measure include: a provision to insure that the Veterans' Administration's Outreach program will fully advise and assist each returning veteran to take full advantage of the readjustment programs available to him; a provision for medical readjustment counseling for those who request it; and a provision to make reduced-fare air travel available for job hunting or getting to school for up to 1 year after discharge.

Finally, for those veterans who will still need unemployment compensation benefits if we are otherwise unable to assist them, the bill provides a new floor for those benefits in the lower pay grades.

The conference report on S. 31 makes a strong beginning on which S. 2091 and other legislation can build. I urge all Senators to support the conference report.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. JAVITS. I thank my colleague from California for supporting the measure.

Mr. President, I ask unanimous consent that the whole debate on the conference report be consolidated in one place in the RECORD.

Mr. DOMINICK. Mr. President, reserving the right to object. I did not hear what the unanimous-consent request was for. All I heard was that it was a unanimous-consent request.

Mr. JAVITS. It is a request to consolidate the whole debate at one point.

Mr. DOMINICK. Very well. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the adoption of the conference report.

Mr. DOMINICK. Mr. President, I would like to start off by asking a couple of parliamentary inquiries.

First of all, is it appropriate to bring up a conference report when we do not have a printed conference report before this body?

The PRESIDING OFFICER. The Chair is informed that the conference report on the House side was printed in full in the CONGRESSIONAL RECORD. The Chair is further advised that there was a unanimous-consent request that the conference report, as required by the rules, not be printed, and the unanimous-consent request was granted.

Mr. DOMINICK. At what time was that unanimous-consent request made?

The PRESIDING OFFICER. At approximately 1 or 1:30 o'clock.

Mr. DOMINICK. Mr. President, I would like to say for the record that even if the answers had been contrariwise——

Mr. NELSON. Mr. President, I cannot hear the distinguished Senator from Colorado.

Mr. DOMINICK. I will try to make this microphone work.

As a matter of fact, I can operate better without it, so I will leave it off.

I want to say for the RECORD that if there had been a ruling to the contrary, I probably would not have objected to bringing up this bill at this time, because I know how many people in this body are very anxious to go home, and are waiting for final passage of this report. But I am going to rise and object strenuously to the passage of this bill.

My next request is whether or not the yeas and nays have been ordered. I have been tied up in a conference committee for I do not know how long, and have not been able to be on the floor while the Senators debated everything else under the sun.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOMINICK. I thank the Chair.

Mr. President, I find myself in a very anomalous position, and I might as well be frank about it.

When the bill came up before the Committee on Labor and Public Welfare and the Management and Manpower Subcommittee, I was contacted by members of the administration asking if I would oppose it, and I said that I would unless it was a transitional program unlike that which was part of a manpower training program.

I did oppose it in committee and was voted down by a fairly strong vote on our side, and all the other side, voting against me. That is not unexpected in this committee; it happens all the time, and I say so without any derogation of the other side or mine.

Then I took it to the floor at the request of members of the administration, and opposed it on the Senate floor, on the ground that we should not be federally subsidizing all types of public service employment around the country which would become, inevitably, permanent in nature without having considered the manpower training bill and the revenue sharing bills dealing with the same program.

I carried it to a yea and nay vote, and I was defeated on that vote. We then had a conference after the House had passed a 5-year bill—in case anyone thinks this is a transitional program—and at that point, I understood that maybe the situation was shifting, and maybe the administration no longer opposed the bill and might even support it.

As a result of this shift in position, which I felt was somewhat unusual, I did not participate in the conference, and I did not sign the conference report. I do not believe in the bill as it has been brought out, and I intend to specify why in some detail.

Mr. President, this bill, which incidentally carries with it a price level of $1 billion for the first year, counting the special assistance program, and $1.25 billion for fiscal 1973 counting the special assistance program, will provide, as far as we can see, 123,000 jobs at $2.50 per hour. That is all.

Are we really in fact reducing the current emergency unemployment situation by providing federally subsidized public service employment at this rate, or are we in fact making a gesture which will look good to the public and which will not do the unemployment situation any good at all?

I object to the legislation because I think it will create in every local government around this country a permanent pool of permanently subsidized public service jobs.

Let us be honest. This is not a meaningful bill or an emergency bill. All one has to do is read the entire digest of June 28 of the RECORD in the House of Representatives, to see that this does not provide a meaningful program for those people who have been laid off during the recent rapid rise in the unemployment rate.

Where is this increase? It is among the aerospace workers, among the defense workers, among the manufacturing employees. The only group who are among those who account for the increase dealt with in this bill are the veterans returning from Vietnam. But if I am correct in reading the bill, before anything can be done about that, a local municipality, be it Federal, State, or quasi-local or quasi-legislative in nature, such as a school district or something of that kind, must file an application with the Secretary—and he is going to get them from all over the country. The Secretary then has to go through and look at about 14 different requirements, which include determining whether these programs are going to be sufficient for the people who are proposed to be employed, and in addition, the Secretary has to determine whether there is really a large enough pool of unemployed people in that area to warrant the program to begin with.

So I think we can hopefully assume that once this bill is passed, probably by December of this year, some of these application forms will have been printed and sent to the local governments, and some of the local governments will have decided to act on them, and those local governments will, in time, have sent them back to the Secretary, and the Secretary will then have to screen them, and hopefully by March, April, or May of next year a few of them may have gone through and we will start doing something about a problem which is imminent right now.

For the life of me, I cannot understand how this Congress can put forward to the public this type of promise, when they know it is not going to be fulfilled either as an emergency measure or as a transitional program.

I am happy that the veterans have been given a special preference. I think that is good. I think it should be that way. It is a pretty horrible thing for a man to be asked to defend his country in hostilities, and then come home and face the prospect of not being able to get a job. They are given preference under this program, and I am delighted that that occurred.

But that does not really meet the emergency, other than to reduce the number of unemployed by 123,000 to 125,000. It does not provide any comprehensive program to enable aerospace workers to find new jobs; it does not provide jobs for manufacturing employees who are out of jobs because we no longer need defense products. It does not help New England shoe factory employees who are out of jobs because of foreign imports.

Mr. NELSON. Mr. President, will the Senator yield for a very brief unanimous-consent request?

Mr. DOMINICK. I am happy to yield.

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Jon Steinberg and Mr. William Spring of the staff of the Committee on Labor and Public Welfare be permitted to be present in the Chamber in connection with the consideration of the conference report on S. 31.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, I do not know why the unanimous-consent request is necessary. I understood that under the regulations up to four members of a committee staff which has jurisdiction over a matter before the Senate automatically have the privilege of the floor.

Mr. NELSON. We have four here; two of Senator JAVITS' and two of mine.

Mr. BYRD of West Virginia. Mr. President, I think I now have a better understanding of the Senator's request. As I understand it, he is asking for two additional staff members, other than those already here.

Mr. NELSON. That is correct.

Mr. BYRD of West Virginia. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I think it is rather interesting that if we get all the staff members on the floor, we may know something about this bill, which is more than the Senators know otherwise. I may have something more to say about that later.

Mr. NELSON. I agree with the Senator; I think that is interesting.

Mr. DOMINICK. Mr. President, the conferees did leave in the word "transitional," but they define it as "permanent." The only possible claim the bill has to being transitional is that it is a 2-year program.

Proponents of the bill argue that since the program is only authorized for 2 years, it will not provide a permanent subsidy of local jobs. But, as we all know, Federal legislation comes closer to achieving immortality than all the gods of ancient Rome and Greece. We might as well be practical about it. Every program we have had goes on forever in Congress and in this Government. It stays for years.

I can hear the arguments 2 years from now; and unless I get impeached, I will still be here 2 years from now. What will be the arguments?

The arguments are going to be:

> These people have been in the job for 2 years. This is the first stable job many of them have had in their lives. How can we drop these people from jobs now and out onto the streets and on to welfare? We should extend the emergency program another 2 years.

I can write the speech from having listened to it so many times in the past.

Another argument made by the proponents is that it is traditional because the trigger mechanism shuts off the obligation of money after the national unemployment rate has gone below 4½ percent for 3 months in a row, but this has been shattered by two things. The first is the addition of the so-called special employment assistance program. This provides a permanent fund of $250 million a year, to remain in effect regardless of what the national figure for unemployment is, to be used for areas of unemployment above 6 percent. This is truly a permanent Federal subsidy of State and local jobs.

I can foresee that if the unemployment rate nationally falls below 4½ percent—and I certainly hope it will—there will be an attempt by the proponents to transfer any unobligated funds under the emergency to the special employment assistance program.

I am not in the least reluctant to come to grips with persistent and chronic unemployment in this Nation. I was willing to do so last year with the manpower reform legislation, provided that the public service employment component was designed to insure that the jobs and the individuals in the jobs would be transitional into employment and not supported by the Federal Government forever. But we should not try to deal with this chronic, persistent unemployment through a small categorical program, and that is what we are dealing with here.

In addition, the types of jobs which are provided under this program will not be transitional. The only provision of the bill which might establish a transitional program is the section which requires—and I use the word "requires" in its most generous sense—that applications will, "to the extent feasible," provide programs "designed with a view toward" developing new careers and other transitional activities, including training. But the requirement is barely better than no requirement at all.

The conferees have reduced the money available for training to move into other jobs to a maximum of 15 percent of the fund, and out of this 15 percent must come all the administrative costs of administering the program and providing the training.

The real meaning of "transitional" can be seen from the definition as set forth in the conference report as reported in the House:

> It was with these concerns in mind that the conferees agreed that the word "transitional" be included in this act.
>
> Does not in any way limit that amount of time an individual can stay on a specific public service employment job—and no regulations may require any such limitation;
>
> Does not limit the kind of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, other jobs recognized as necessary and permanent in nature;
>
> Does not put any limit on the contracts between the Labor Department and State and local sponsors as to the duration and the nature of the jobs;
>
> Does not put any limitation on full length of employment authorized under the act, or the re-employment of those who have been laid off government jobs because of fiscal problems at the local levels.

From this quotation, I think it can be seen that "transitional" really means "permanent," because individuals can stay on the job for the entire program, and the jobs which can be subsidized are permanent—teachers, policemen, nurses.

I would suppose that other permanent jobs are going to be permitted, whether they be garbage collectors, truck drivers, park attendants, and so forth.

So it is clear that we will not be voting on an emergency transitional program but that we will be voting today to start a permanent Federal subsidy of permanent jobs in the State and local segments of our government.

Let me make this even more clear. In the print I have before me, which I presume is the final bill, section 5(a), first of all, sets out the amount authorized to be appropriated, $750 million, which, with the special assistance program, comes to $1 billion for fiscal 1972 and $1,250 million for fiscal 1973.

Section (b) says that no further obligation of the funds appropriated may be made subsequent to determination by the Secretary that the rate of national unemployment has receded below 4.5 percent, except as provided in section (2). What does section (2) say? If at any time subsequent to this, the rate of national unemployment equals or exceeds 4.5 percent for 3 consecutive months, the Secretary shall, notwithstanding the previous paragraph, resume the obligation of funds appropriated under this section.

So we get an on-again, off-again, in-again, out-again Finnegan, going on all the time, with a 3-month requirement, and nobody knows what months we are talking about.

Then there is the interesting factor of subsection (3). This reads:

> (3) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment shall continue to be so counted if they continue in such employment.

In other words, they are given jobs at Federal expense, and they are still counted as unemployed. Is that an employment bill, or is that a personal and permanent subsidy of Federal and local government? The question provides its own answer.

There is another factor of this bill that I think is important in dealing with this question. Public service employment, in my opinion, is not an inappropriate tool for part of a compresensive manpower policy. It is not inappropriate as a tool for the State and local governments to use it to provide services. But, it is inappropriate, standing alone, as a categorical inflexible program, because it seems to me that we should only consider public service employment as part of a compresensive manpower reform proposal or as a tool which can be used by State and local governments as a part of a revenue sharing program; and we have not even been able to get hearings on the revenue sharing program before this subcommittee. I know that the chairman of the subcommitee has pledged to act this year on a comprehensive program, and I am not going to say that this is not going to happen. But I would strongly suspect that nothing is going to happen with it following the hearings until some time next year at the earliest. I hope that we will act on this. I hope that we will act on the hearings on revenue sharing. I hope that we will get legislation which will supersede it. But I think that to promise this legislation to the American people at this time, on the ground that it is first, transitional and second, an emergency, when there is going to be neither one, is a hoax on the American public and particularly cruel insofar as those who are unemployed are concerned.

One or two more points, Mr. President, which should be made. One, we need a comprehensive program. We need an incentive for new jobs. We need a business growth which is the thing that provides new jobs, by and large. We keep forgetting that the Government cannot give anything to the people that it has not already taken from them. Yet we put in these brand new, pink-ribbon programs designed to capture the imagination of the public as though the money rained down from the clouds and did not come out of the taxpayers' pockets.

Today, we shall be voting on a bill which, at $2.50 an hour—which is shortly going to be the minimum wage—will provide 123,000 jobs. We have 5 million unemployed persons in the Nation today. How can we say that this is going to do a particle of good? The 123,000 people involved will say it is good. That is perhaps better than nothing. But to say that this is an unemployment bill which is designed to cure unemployment is just pablum coming out of people's minds to justify the expenditure of $2,250 million over the next 2 years.

Another point that is fundamental in principle, so far as I am concerned, is: Who should determine what the size of the local government or school district should be?

The Federal Government?

Are we here in this body to say that the citizens of every town across the Nation will have no say in how big their own government will be?

That is what we are saying. We are not giving them any votes to determine how many people they want on the local team in their own governmental system. By passing this bill, we are determining the size of the local labor force by means of the incentive money we supply.

We are saying to them, "We are going to put this bunch of ripe bananas in front of your local leaders, and when they start reaching for them in order to keep themselves in the power situation in which they find themselves, you, Mr. Citizen, who supports that local government and supports the Federal Government, too, will have nothing to say about it."

One of the reasons we have municipalities and local governments all over the country is the desire of the young and the old and the middle-aged people to be responsible for and to participate in the governing of their own communities. Here again we go into a great, broad program, in name only—which, in fact, is not broad—but which costs an awful lot of money, to try to cut back on that power to try to say, "You do not have to worry about your government or your community. The Federal Government will come along and be the great savior of every community in the Nation."

Mr. President, I do not know how the rest of the Senators will vote. I presume most will vote to support the conference report because it will sound great in letters to constituents, that they have done this and that, and provided services for them. I have no quarrel with those who feel that way, but I surely have a quarrel with a program which is put out in language said to be transitional, said to be an emergency, said to control unemployment, but which is not any one of those three.

I think that we are deceiving the American public. We are adding to the lack of credibility which, heaven knows, the Federal Government already has. I, for one, do not intend to participate in it.

[Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. Brock). There will be no displays or demonstrations in the galleries to any speeches made on the Senate floor.

The Senate will be in order.

Mr. TAFT. Mr. President, as a conferee on S. 31, the Emergency Employment Act of 1971, I fully support this bill and hope that it will be enacted into law. This measure would provide approximately 200,000 transitional public service jobs. Unlike WPA, however, these men and women would be employed by their States and local governments. They would be integrated with existing work forces, and consequently we would avoid the creation of a new bureaucracy.

I believe that the public service jobs provided by this bill can be viewed not only as temporary work relief for useful unemployed citizens, but also as temporary assistance to hard-pressed local governments.

If we are going to spend this money, I believe that it is far preferable that these men and women should be engaged in productive work for the States and local governments rather than remaining idle as welfare recipients.

Mr. President, I joined with the Sentors from New York (Mr. Javits) and from Pennsylvania (Mr. Schweiker) in writing to the President on this subject and I attach a copy of that letter to my remarks and ask unanimous consent to have it printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Labor
and Public Welfare,
*Washington, D.C., June 25, 1971.*

Dear Mr. President: As Senate minority conferees on the Senate-House conference on the Emergency Employment Act of 1971, we urge that you act favorably on the conference bill, which should be approved by both Houses of the Congress in the coming week.

We consider this short-term legislation to be a major key both in alleviating the hardship of the current unemployment situation on many groups in our society—particularly the disadvantaged, teenagers and returning veterans—and in making it possible for State, county and city governments to continue to provide essential public services despite the fiscal crises which they face.

We submit that the conference bill will help to meet these individual and public needs in a manner consistent with the objectives of the Administration in a number of major respects.

First, the bill is substantially transitional in that it is limited to a term of only two fiscal years. Moreover, within that period, the greater portion of the funds authorized—$750 million of the $1 billion authorized for the first fiscal year and $1 billion of the $1.25 billion authorized for the second—would be available for use by the Secretary for public service employment programs only as long as appropriations were made available and the national unemployment level remains above 4.5 percent. This "trigger" provision—similar to that which was first proposed in the Administration's Manpower Training Act of 1969—provides a strong assurance against the public service programs becoming permanent. Similarly, the authorization of $250 million for each fiscal year for special employment assistance would be made available only as to local areas experiencing unemployment at the specified level of six percent and at even higher levels.

Second, in a number of provisions, the conference bill makes clear that the employment provided is to be "transitional" and is "wherever feasible, to enable persons to move into employment or training" not supported under the Act. In this regard, we note particularly that the bill includes strong provisions—which we unsuccessfully sought to include in last year's Employment and Manpower Act—authorizing the Secretary to ensure that persons provided with employment are subsequently given the opportunity for regular employment in the public or private sector, and that public service employment itself is coupled with training and related services designed to that end.

Third, the bill requires that "special consideration" be given to Vietnam and other recent veterans, as well as equitable coverage of those who are currently on welfare. These authorities, together with the proposed Family Assistance Act and the special programs for veterans which you have recently announced, should contribute greatly to meeting the very difficult problems of these groups.

We regard the Emergency Employment Act of 1971 as an interim measure designed to meet a short-term need; accordingly, we do not view it as a substitute for long-term comprehensive manpower training legislation.

We pledge, as have the other conferees, a meaningful response to your call for manpower reform and an early consideration of the Manpower Revenue Sharing Act of 1971, which you have proposed to that end.

Sincerely,
Jacob K. Javits,
Richard S. Schweiker,
Robert Taft, Jr.

Mr. WILLIAMS. Mr. President, I strongly urge Senate approval of the conference agreement on S. 31, the Emergency Employment Act of 1971.

This act, which would provide Federal funds so that our cities and other units of the local government can offer those seeking work meaningful jobs in public employment, furnishes the means to begin meeting two of the most pressing domestic crises confronting our Nation today.

One is the crisis reflected in our unremittingly persistent unemployment rate, which has just climbed back to a 9-year nationwide high of 6.2 percent. In my own State of New Jersey, over 220,000 workers are now unemployed, giving our State an unemployment rate in excess of 7 percent. Six of my State's major labor areas are currently classified by the Bureau of Labor Statistics as suffering from substantial or persistent unemployment, and in some of our inner city areas, as is true elsewhere in the Nation, unemployment among disadvantaged groups has soared to levels as high as 40 percent or more.

A large portion of these unemployed workers, moreover, have been without jobs for long periods of time. Throughout the Nation, there are now more than 580,000 workers who have been unemployed for more than 27 weeks, meaning that they have exhausted their eligibility for standard unemployment compensation benefits. The number of persons jobless for 15 weeks or more presently exceeds 1.3 million, indicating that the number of those who have exhausted their standard benefits is likely to experience further increases in the near future.

In addition to this crisis of unemployment, which is not at all likely to improve markedly in the near future, we are faced with the further crisis of our cities and other local units of Government which are unable adequately to provide essential services to their people. As documented in our committee hearings by a succession of public officials, the plight of our local governments in attempting to meet such public needs as antipollution programs, public health, neighborhood improvement, education, public safety, parks, fire protection, sanitation, and others, is becoming increasingly desperate.

And despite the fact that overwhelming numbers of unemployed are looking eagerly for a chance to earn a living once again, there simply are insufficient local resources for hiring people to perform needed functions in these areas.

Indeed, the situation has taken on the nature of a vicious cycle, for the increasing numbers of workers without jobs and without unemployment benefits have seriously augmented the welfare rolls of our States and cities with a resulting drain on their already precarious financial conditions.

The conference agreement now before us represents a modest attempt to alleviate this situation by making available Federal funds which would support some 150,000 to 200,000 jobs of a local public service nature for the next 2 years.

I might emphasize that the conference agreement makes express provision for "special consideration" to be given to veterans who have served in Vietnam and Korea since 1964. This is a most appropriate condition in view of the grave difficulties that veterans—now returning to the civilian labor market at the rate of about 100,000 a month—are experiencing in their attempts to find jobs.

The conference agreement also retains the provision of the Senate bill which requires an equitable distribution of public service jobs among other significant segments of the unemployed population. This would include persons 45 and older, whose unemployment since January 1969 has risen precipitously from 576,000 to 1,085,000, and whose long-term joblessness during this period has more than trebled. I mention this category of workers specifically because they have been given such a disproportionately small share in existing manpower programs, and presently comprise only 4 percent of all enrollees in existing work and training programs. The conference agreement makes clear that these, and all other segments of the unemployed, must be given equitable treatment under this program.

Mr. President, enactment of this legislation will not relieve us of the obligation to consider permanent, more adequate measures for dealing with the requirements of our cities, for coping with the problems of unemployment, for insuring greater effectiveness in our manpower programs, and for better attending to vital public needs—all of which will require more time for consideration. It will, however, provide a start toward meeting some of these problems, and it is a start that can and should be undertaken immediately. I believe that prompt action by the Congress and the President in approving this measure is absolutely essential.

The question is on agreeing to the conference report to S. 31.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Vermont (Mr. PROUTY) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The result was announced—yeas 75, nays 11, as follows:

[No. 131 Leg.]

YEAS—75

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—11

Allen
Bennett
Brock
Byrd, Va.
Cotton
Curtis
Dominick
Fannin
Goldwater
McClellan
Thurmond

NOT VOTING—14

Bellmon
Brooke
Buckley
Eagleton
Eastland
Ervin
Harris
Humphrey
Jordan, Idaho
McGovern
Metcalf
Mundt
Prouty
Saxbe

So the conference report was agreed to.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 7109 which the clerk will state.

The legislative clerk read as follows:

H.R. 7109, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 233 to H.R. 7109. Under the previous order, time is limited to 1 hour, to be equally divided between the Senator from Nevada (Mr. CANNON) and the Senator from Minnesota (Mr. MONDALE).

Who yields time?

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters and communications, which were referred as indicated:

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense submitting, pursuant to law, the first quarterly report showing deliveries of excess defense articles at acquisition cost and value (with accompanying papers); to the Committee on Armed Services.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap (Rept. No. 92–44);

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the court of claims shall have jurisdiction of renegotiation cases, and for other purposes (Rept. No. 92–245); and

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad (Rept. No. 92–246).

By Mr. DOMINICK, from the Committee on Labor and Public Welfare, with amendments, together with individual views:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer (Rept. No. 92–247).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia (for Mr. EASTLAND), from the Committee on the Judiciary:

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina.

By Mr. MAGNUSON, from the Committee on Commerce:

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner;

Dale Wayne Hardin, of Virginia, to be an Interstate Commerce Commissioner;

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner; and

John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PEARSON:

S. 2167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOLE:

S. 2168. A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes; and

S. 2169. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S. 2170. A bill to amend the provisions of the Consolidated Farmers Home Administration Act of 1961 relating to loans in emergency areas in order to authorize loans to residents of such areas for the purpose of attending an institution of higher education. Referred to the Committee on Agriculture and Forestry.

By Mr. HATFIELD:

S. 2171. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes;

S. 2172. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes;

S. 2173. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system;

S. 2174. A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes;

S. 2175. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 2176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes;

S. 2177. A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service;

S. 2178. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial;

S. 2179. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 2180. A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial;

S. 2181. A bill to amend section 857 of title 10, United States Code, to require that pretrial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial;

S. 2182. A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable; and

S. 2183. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes. Referred to the Committee on Armed Services.

By Mr. BAYH:

S. 2184. A bill for the relief of Prem Chand Gupta; and

S. 2185. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. McGOVERN, Mr. MUNDT, and Mr. YOUNG):

S. 2186. A bill to provide that certain lands shall be held in trust for the Standing Rock Sioux Tribe in North Dakota and South Dakota. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 2187. A bill for the relief of Mr. Tevita Talanoa. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 2188. A bill to restore the investment tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 2189. A bill for the relief of Timber Structures, Inc. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BAYH, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. SCHWEIKER, and Mr. WEICKER):

S. 2190. A bill to require the use of recycled materials in procurement and construction under the authority of the National Aeronautics and Space Administration. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. STEVENS:

S. 2191. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act), to conserve and protect U.S. fish resources. Referred to the Committee on Commerce.

By Mr. HRUSKA (for himself and Mr. McCLELLAN) (by request):

S. 2192. A bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 2193. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River Irrigation Project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S.J. Res. 122. A joint resolution to create a Commission on Revision of the Federal Court Appellate System of the United States. Referred to the Committee on the Judiciary.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

### By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

#### GRANT-KOHRS RANCH NATIONAL HISTORIC SITE

Mr. MANSFIELD. Mr. President, on behalf of myself and my colleague from Montana (Mr. METCALF), I introduce for appropriate reference, a bill to authorize the establishment of Grant-Kohrs Ranch National Historic Site in the State of Montana. This legislation would authorize the Secretary of Interior to designate some 2,000 acres of land in the Deer Lodge Valley for establishment as the Grant-Kohrs Ranch National Historic Site. This development will be done under public laws which authorize the Federal Government to develop and preserve historic sites throughout the Nation. Last year the National Park Foundation acquired the core of the Grant-Kohrs Ranch, a site of one of the West's most famed cattle empires, and is now holding it in trust pending development. The purchase was made from Mr. and Mrs. Conrad Warren who donated a vast collection of authentic equipment used at the ranch since its establishment in the 1850's. The reservoir of artifacts is considered by the National Park Service historians as a "time capsule of the western frontier," including such items as wagons, sleighs, tools, saddles, and household furnishings.

This ranch was established in 1853 with the arrival in the Deer Lodge Valley of Johnny Grant, an adventuresome son of a Hudson Bay trader. In 1866 Conrad Kohrs, a Danish immigrant, purchased the buildings. The ranch headquarter structures have been maintained by Mr. Warren, Conrad Kohrs' grandson, much as they developed through the ranch's growth into one of the giant "spreads" of the old West.

The establishment and development of this historic site is most significant as it will be the first unit of the National Park Service devoted primarily to the role of the cattleman in American history. The livestock industry is a very significant part of our Nation's economy and it is appropriate that a ranch of this kind be preserved. Opportunities of this kind are very rare and I hope that Congress will be able to expedite consideration of this legislation so that the National Park Service might proceed with the development of this site.

Mr. President, may I say that I note in the Montana press—I should have caught this for the RECORD—that our distinguished colleague from the First District of Montana, Representative RICHARD SHOUP, has introduced a similar bill in the House. Hopefully, the three of us will be successful in achieving this objective.

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### By Mr. PEARSON:

S. 2167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

#### DRUG INFORMATION ACT OF 1971

Mr. PEARSON. Mr. President, I introduce today the Drug Information Act of 1971 to require the registration of all drugs with the Food and Drug Administration.

Because drugs can be so harmful if not marketed under careful regulation and taken subject to proper direction, the Food and Drug Administration is required to assure the safety and effectiveness of all drugs. But at present the FDA does not know even what drugs are on the market because of a loophole in existing law. Processors, manufacturers, and distributors today have the virtually unlimited freedom to place a drug on the market before notifying the FDA. Drugs which may be utterly ineffective, impure, or even harmful may be marketed without the clearance or even the knowledge of the Government agency charged with protecting us from such drugs.

This legislation, Mr. President, would amend the Food, Drug, and Cosmetic Act to provide for the annual registration of all drugs, including all over the counter, prescription, and antibiotic drugs. It would provide annual up-to-date information on drugs. It would provide the FDA with a listing of each drug's ingredient formula, all labeling used, a copy of all advertising—in the case of a prescription drug—and any production data that the Secretary of Health, Education, and Welfare may require. The information from this registration will be held in confidence by the FDA unless it affirmatively finds that such confidence would not be in the interest of public health.

Mr. President, we assume that all the drugs we buy are checked by the Federal Government through FDA. But in fact they are not. If a drug company wants to manufacture and market a certain over-the-counter drug, for example, it just does it. FDA has no means by which it can be forewarned. Expecting FDA, therefore, to regulate drugs without having a master list of them is much like expecting the Securities and Exchange Commission to operate without a complete list of securities.

In a society where we all depend in varying and increasing degrees on some form of drug from aspirin to prescription remedies, I think it unacceptable that FDA does not have the tools it needs to assure us that available drugs are pure, safe, effective, and properly labeled. For these reasons I invite the Senate to consider the legislation I introduce today.

Further, Mr. President, I ask unanimous consent that this bill be received and printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2167

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the "Drug Information Act of 1971".

SEC. 2. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following new subsection:

"(j)(1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 502(e)) and by any proprietary name) which are being (or, in the case of a person who registers under subsection (c) or (d), proposed to be) manufactured, prepared, propagated, compounded, or processed in each establishment included in such registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) the formula showing quantitatively each ingredient of each drug listed,

"(B) a copy of all labeling used for each drug listed,

"(C) in the case of each prescription drug listed, a copy of all advertising used for such drug;

"(D) in the case of a new drug or antibiotic drug (subject to section 507) listed, a reference to the authority for the marketing of such drug and, in the case of any other drug listed, the data from which it is determined that it is not a new drug or antibiotic drug subject to section 507, and

"(E) any production data the Secretary may require. If any such person proposes to use labeling or advertising a copy of which has not been submitted to the Secretary in accordance with clause (B) or (C), as the case may be such person shall, before using such labeling or advertising submit (in such form and manner as the Secretary may prescribe) a copy of it to the Secretary.

"(2) Every person registered under this section shall, upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a drug not contained in any list filed by such person under paragraph (1) of this subsection, immediately notify the Secretary of such fact and shall include with such notification the information required under such paragraph.

"(3) Every person registered under this section shall immediately notify the Secretary whenever such person ceases or discontinues (in excess of such period of time as the Secretary may prescribe) the production or availability of any drug being manufactured, prepared, propagated, compounded, or processed by him in any establishment and shall include in such notice the reasons for such cessation or discontinuance. Upon resumption of the manufacture, preparation, propagation, compounding, or processing of such drug after such cessation or discontinuance, such person shall notify the Secretary of such resumption and shall include with such notice the information required under paragraph (1) of this subsection."

SEC. 3. (a) Section 510(e) of such Act is amended by adding at the end thereof the following: "The Secretary may also assign a registration number to each drug or class of drugs listed under subsection (j).".

(b) Section 510(f) of such Act is amended by inserting before the period the following: "; except that the Secretary shall exempt from inspection any list filed under subsection (j) and any information accompanying such list unless the Secretary finds that such an exemption would be inconsistent with protection of the public health".

(c) The second sentence of section 510(i) is amended by inserting "shall require such establishment to provide the information required by subsection (j) and" immediately before "shall include".

(d) Clause (1) of the second sentence of section 505(e) is amended by inserting "or failed to comply with the notice requirements of the first sentence of section 510 (j)(3)" immediately after "subsection (j)".

(e) Section 301(p) of such Act (21 U.S.C. 331) is amended to read as follows:

"(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j), or the failure to provide a notice required by section 510(j)(2) or section 510(j)(3)".

SEC. 4. The amendments made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

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By Mr. DOLE:

S. 2168. A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes; and

S. 2169. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### AMENDMENTS TO NATIONAL LABOR RELATIONS ACT

Mr. DOLE. Mr. President, today I am introducing two bills to amend the National Labor Relations Act. The first of these bills would clarify the act's preamble to better express the intent of Congress regarding the rights of employees to join in or refrain from collective bargaining activities. The second bill would clarify, for parties engaged in collective bargaining, the scope and substance of their statutory duty to bargain.

### PREAMBLE

Typically, the preamble to any act of Congress is a general statement. It usually has little effect on specific court decisions relating to substantive portions of the law, for the terms of most statutes are sufficiently explicit to obviate a need for further explanation. However, because the NLRA is in itself a statement of fundamental public policy, its preamble has been regarded with special interest in proceedings attempting to implement that policy. Through the legislative process, the preamble has been refined to enunciate a policy of encouraging collective bargaining as a means for promoting the free flow of commerce. In this context, it seems logical that, when full freedom of workers to bargain collectively is encouraged as a matter of public policy, it is a corollary of that policy to insure these same workers the inherent right to engage in or refrain from such activities as they choose. But over the years the whole thrust of National Labor Relations Board decisions has been to promote the cause of unions and unionism to the detriment and at the expense of the rights of employees which Congress primarily intended to foster.

For nearly 40 years, the board has persisted in taking the act as a blank check for indulging its momentary whims without regard for consistency with the fundamental intent of the Congress to confer upon America's working men and women the right to free choice in matters of collective bargaining and union representation.

Essentially, the changes I propose for the preamble would stress that employees do have full freedom of choice as to whether they shall be represented by a union. This amendment would enunciate a congressional declaration that this freedom of choice belongs to employees—not to employers nor to unions and certainly not to the NLRB.

### THE DUTY TO BARGAIN

The second bill is more extensive. As previously indicated, it deals with what is known as the statutory duty to bargain. Under the law as it now stands, an employer commits an unfair labor practice if he refuses to confer in good faith with their employees' representatives in respect to wages, hours, and other terms and conditions of employment or the negotiation of an agreement. This is as it should be. Collective bargaining is intended to provide a framework wherein labor and management can meet and negotiate on matters of fundamental importance to both parties. If the process operates successfully, it leads to the formalization of a contract which specifies the terms and duration of the agreements reached by the parties.

The reasonable expectation of contracting parties is that their contract is comprehensive and complete. It is expected to settle matters between them to the extent of the life of the contract. But the NLRB has gone far beyond the express authority granted it by Congress in search of new bargaining requirments which substantially expand the obligations imposed on the parties and undermine the assumed finality of agreed-to contract terms. This amendment would answer a number of NLRB decisions which quite improperly and erroneously extended the Board's activities into Congress' realm of formulating public policy.

### MANAGEMENT PREROGATIVES

To illustrate, the Board expanded the concept of section 9(a)'s "other conditions of employment" to include such basic management prerogatives as deciding to change methods of operation in the interest of greater efficiency or even to close down a department or an entire plant. Decisions in the sole province of management were never intended to be the subject of compulsory bargaining with employees. It is entirely appropriate, however, that there be a requirement for informative discussions between management and a union about the impact of such a decision on the employees in a bargaining unit, and this amendment so provides.

### CONCESSIONS

When Congress passed the Taft-Hartley Act in 1947, it emphasized that the duty to bargain does not compel either party to agree to a proposal advanced by the other, nor does it require either party to make a concession in bargaining. Although the Supreme Court has recently indicated its disapproval of at least a portion of the practice, the NLRB has developed a pattern of decisions which finds an employer guilty of an unfair labor practice if he sticks to his own proposals and rejects a union's demands. This position is not only contrary to the statute; it goes against the grain of logic and reason.

Suppose an employer puts his best possible offer on the table at the beginning of negotiations. Suppose he decides he does not want to play games, does not want to spend a lot of time jockeying back and forth, and wants to bring negotiations to a head promptly, so he can get on with the operation of his business. Under the NLRB's holdings an employer cannot follow such a course. The Board has found this practice to constitute "an adamant refusal and an uncompromising attitude". This decision may represent what the NLRB thinks should be done, but it surely does not conform to what Congress intended and wrote in the law. The amendment here proposed would declare once again that bargaining in good faith does not compel one party to abandon its own views; it does not require a party to make concessions. Good faith bargaining does require parties to consider each other's positions and offers. Each has to discuss the proposals presented to it, but neither is compelled to agree with the other. This position seems fair and consistent with the concept of bargaining as a two-way process.

### INFORMATION

In another set of recent decisions the NLRB, with an assist from the Supreme court, has imposed an almost open-ended obligatiton on employers to give unions any information they ask during negotiations on new contracts and on grievances arising during the course of collective bargaining agreements. The Board has held that a union's requests for information arising during the bargaining process are not bargainable matters, but for all practical purposes constitute compulsory demands when the board decides on a hit-or-miss basis that the requested information would be useful to the union. The resulting situation is that no employer knows exactly where he stands when confronted with requests for information. For example, in one case an employer was found guilty of violating the act when he would not furnish a union with the names of employees who worked during a strike. In another case it was held to be an unfair labor practice not to divulge the company's profits and the salaries paid its management people. In still another case it was held to be an unfair labor practice not to furnish the sales prices of the company's products. In several other cases employers were found guilty of violating the act for refusing to give unions the home addresses of employees—an interesting circumstance in these days when many are anxious about infringements on the individual's right to privacy.

It seems reasonable to me that in a bargaining situation each side ought to be permitted to ask for whatever information it thinks would be useful. Having asked for it, however, the procurement of the information ought to be the result of successful bargaining. Not the product of inconsistent orders by the NLRB. The bill I propose would make clear that each party has the right to bargain about information it wants from the other, but neither has an absolute right to obtain it.

### CONTINUOUS DUTY

In still another venture into policy-making, the NLRB recently revived the discredited practice of considering the duty of bargain to be continuous. This policy dates back to the days of the Wagner Act when the NLRB conceived the notion that the duty to bargain did not raise merely when a new contract was negotiated but lingered even after the employer and the union had agreed to a contract for a fixed period. By its enactment of the Taft-Hartley Law in 1947 Congress explicitly rejected this theory, but Congress' directive was disregarded by the NLRB. For the Board to say that the duty to bargain has a continuous duration is to force an employer to bargain during the life of a contract whenever a union raises issues which are not expressly covered in the contract itself. It is hard to conceive of a practice more disruptive of labor-management harmony or better designed to undermine the stability of collective bargaining contracts. The bill I propose provides that neither party to a collective bargaining contract can be forced to bargain about a change in or an addition to a contract that would become effective prior to the time permitted by the terms of the contract itself. In essence it would say that parties can bargain on new issues if they choose, but the NLRB cannot force them to do so.

### DURATION OF CONTRACT TERMS

This bill also deals with the two other novel ULRB views of compulsory bargaining. In the Board's opinion some contract provisions—and we will not be sure just what these provisions may be until the Board further develops this theory—must be continued in effect even after the contract expires. The bill I introduce today restates the rather basic notion of contract law that when a contract expires all rights and obligations arising thereunder cease to exist.

### NONEMPLOYEES

Finally, this bill rejects the Board's developing motion that employees, under the law's mandate to bargain with representatives of their employees, should also be forced to bargain about individuals who are no longer employees within the meaning of the act.

### CONCLUSION

Mr. President, the duty to bargain is a solemn obligation imposed by law upon employers and unions alike. It ought to be applied by the NLRB in an even-handed, impartial manner. Because it has not been so applied, the amendments presented here today merit the earliest possible consideration by the Senate.

I ask unanimous consent that the text of each of these bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 2168

A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the National Labor Relations Act (29 U.S.C. 151) is amended to read as follows:

### "FINDINGS AND POLICIES

"SECTION 1. The denial of or interference with the right of employees to organize, to form, join or assist labor organizations, to bargain collectively, and to engage in other concerted activities or interference with or denial of their right to refrain from any or all of such activities leads to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (1) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (2) occurring in the current of commerce; (3) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (4) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"Inequality of bargaining power between labor organizations and employers substantially burdens the process of collective bargaining and affects the flow of commerce.

"Experience has proved that protection by law of the right of employees to determine whether they wish to organize and bargain collectively encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours or other working conditions.

"Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities that impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by protecting the right of employees to exercise by workers of full freedom of choice in determining whether they wish to designate collective bargaining representatives and, when such representatives have been designated, by encouraging the settlement of industrial disputes through free collective bargaining for the purpose of negotiating the terms and conditions of their employment."

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### S. 2169

A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended to read as follows:

"Section 8(d). For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, or any question concerning the furnishing of necessary and relevant information, if any, requested by the other party in connection with the negotiation of an agreement or any issue arising under such agreement, and the execution of a written contract incorporating any agreement reached if requested by either party: *Provided,* That (1) the failure or refusal of either party to agree to a proposal, or to the making, changing or withdrawing of a lawful proposal, or to make a concession shall not constitute, or be evidence, direct or indirect, of a breach of the obligation imposed under this section; nor shall the Board in any order direct either party to make any concession or agree to any proposal or to make any payment of money except to employees who are reinstated in back pay as provided in section 10(c)(1); (2) this section shall not require any employer to bargain collectively with respect to any person not currently employed or to be employed, or with respect to any decision, not prohibited by other provisions of this Act, to discontinue, contract out, sell, or otherwise change, modify, or dispose of his business, plant, equipment or operations, or any part thereof, except that, on request, the employer (unless the collective bargaining agreement specifies the duties of the parties in such circumstances) without having to defer the decision or any action pursuant thereto, shall meet and bargain with the representatives of any affected employees concerning the effect, if any, of any such action upon such employees; and (3) where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later; Upon termination of a collective bargaining contract in accordance with the requirements of paragraphs (1), (2), (3) and (4), either party shall have the right, upon notification to the other party, to cancel or discontinue any or all of the benefits, privileges, or terms or conditions of employment established under the contract previously in effect. The duties imposed upon empolyers, employees and labor organizations by paragraphs (2), (3) and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, whch is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9(a), and the duties so imposed shall not be construed as requiring either party to a collective bargaining contract for a fixed period to discuss or agree to any modification of wages, hours, and working conditions during the term of such contract, if such modification is to become effective before the subject matter thereof can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer."

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By Mr. TOWER:

S. 2170. A bill to amend the provisions of the Consolidated Farmers Home Administration Act of 1961 relating to loans in emergency areas in order to authorize loans to residents of such areas for the purpose of attending an institution of higher education. Referred to the Committee on Agriculture and Forestry.

### ASSISTANCE FOR STUDENTS IN DISASTER AREAS

Mr. TOWER. Mr. President, I introduce today legislation designed to assist our agriculturally oriented young people. In reviewing legislation, both past and present, which provides Federal assistance to farmers and ranchers as a result of a natural disaster, I found evident a total lack of concern for those students caught in the backwash of the financial burdens of their parents. This vast number of young students suddenly find themselves seeking employment in lieu of college admittance as a result of economic shortcomings compounded by such disasters.

The tremendous technical advancements during the past decade in agriculture, and general farming in particular, are a result of educated young people returning to the farm. The formal education combined with youthful practical experience is a significant avenue to profitable farming and ranching. For this reason it is imperative that the farm and ranch family have available a loan program during times of natural disaster.

This legislation would authorize the Secretary of Agriculture to utilize the facilities of the Farmers Home Administration in managing the college loan assistance program. Applicants would be considered by the Farmers Home Administration Committee, composed of local farmers and ranchers, on a basis of need. The applicant's permanent residence must be in a county which has been declared a disaster as the result of natural causes. The program will be limited to communities of 10,000 or less population, but will not apply to students of farm or ranch families alone. It is possible that we may need to expand this program into other areas, and I will particularly invite testimony on this subject during hearings. My interest is to provide assistance to those individuals who suffer a loss either directly or indirectly as the result of a natural disaster. In rural communities virtually every business is affected by carrying a large number of accounts and by a loss in business volume.

It is my opinion that any student living in a rural community should have the opportunity of continuing his or her education. It is evident that these young people have been ignored in the past while major efforts have been geared to their parent's plight. It is my sincere desire that young men and women be allowed to further their formal education during periods of depressed economy in rural areas, an economy based on a perishable commodity with no guarantee of return for investment. In light of the fact that vast portions of Texas, New Mexico, and Oklahoma are experiencing a severe drought coupled with the probability of another corn blight in the midwest, I urge immediate passage of this bill. It is imperative that the students be allowed time to apply for assistance prior to entering college this fall.

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By Mr. HATFIELD:

S. 2171. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes;

S. 2172. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes;

S. 2173. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system;

S. 2174. A bill to confer jurisdiction on U.S. district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes;

S. 2175. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 2176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes;

S. 2177. A bill to amend section 825—article 25—of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service;

S. 2178. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial;

S. 2179. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 2180. A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial;

S. 2181. A bill to amend section 857 of title 10, United States Code, to require that pretrial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial;

S. 2182. A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable; and

S. 2183. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes. Referred to the Committee on Armed Services.

### INTRODUCTION OF BILLS RELATING TO MILITARY JUSTICE

Mr. HATFIELD. Mr. President, recent events have focused public attention on military justice: The mutiny courts-martial at the Presidio in San Francisco, the court-martial of Captain Levy, the Pueblo incident, alleged violations of law with regard to the PX system in Southeast Asia, and most notably the courts-martial surrounding the alleged crimes at Mylai. I think, however, Mr. President, that it is most important to look at these events within the context of history so that we can better understand them and also gain further insight into our military justice system.

Over the two centuries since our country's founding, the formal codes of behavior which have governed our Armed Forces have undergone many significant changes. First adopted in 1775, the articles of war were a direct adaptation of the British articles of war which had evolved from the 17th century codes set down by Gustavus Adolphus. In each case these rules and regulations were separate from the civil codes, the theory being that it was the military commander's prerogative to maintain discipline through practical punishment in order to deal effectively with the demands of military life.

There were two separate justice systems, one for the Army, the articles of war, and one for the Navy, the articles of the government of the Navy. The three-level hierarchy, of the military courts—summary, special, and general courts-martial—has remained essentially the same for the last 200 years and has generally reflected the philosophy that the military commander should have control over the discipline of his men and should be the final judge as to how to best uphold the proper behavior of his troops. Until 1920 minor changes occurred in the two court systems of the Army and Navy, those revisions taking place in 1806, 1874, and 1916. Essentially, the proceedings were nonjudicial in character. The commanding officer acted as the convening authority, appointed all members of the court-martial and reviewed the decision and sentence. The accused had no right to counsel, although an officer was generally assigned as defense counsel if the accused so requested.

Since World War I, the evolution of the military codes of justice has been marked by increasing influence of civilian common law, this process usually being referred to as "civilianization." It has been the case in our history that major wars in which we have participated have focused public attention on our military justice system. This was the case after World War I—1920—World War II—1950—and Korea and Vietnam—1968. And, it occurred due to the large number of men called into military service and the public outcry regarding reports of unduly harsh sentences and arbitrary and unfair proceedings. Gen. Samuel T. Ansell, the major proponent of reform immediately following World War I, in his 1919 testimony presented numerous examples of injustices which had occurred during his tour of duty with the office of the Judge Advocate General, for instance: a 20-year sentence for being 3 months absent without leave—AWOL—40 years at hard labor for 20 days AWOL; and the conviction and immediate execution of 13 men accused of mutiny at Fort Sam Houston, Tex., without their records being reviewed, nor without any of them having the opportunity to seek clemency.

In spite of revisions subsequent to our World War I experience, public furor again occurred in response to allegedly harsh sentences during World War II.

The revision of the articles of war in 1950 saw all of the armed services brought under one system of law, the Uniform Code of Military Justice—UCMJ. Enlisted men were allowed to serve on courts-martial, the accused was allowed the right to legally qualified military or civilian counsel, and the U.S. Court of Military Appeals was established, its jurisdiction extending to the review of all sentences of less than honorable discharge or confinement of more than 1 year. The commander, however, still determined whether or not to prosecute, appointed the investigating officer, the members of the court, the counsel for the defense and prosecution, the law officer, and the court personnel. He also retained the power to review the conviction and sentences.

The latest revision of the UCMJ, having taken place in 1968, made changes in four areas. First, a military judge with new powers and duties, similar to those of a civilian judge, independent of the commander convening authority replaced the law officer. Various changes in the post-trial proceedings were made, including a provision for deferring a convicted man's beginning to serve his sentence until his case had been completely reviewed, and the authorizing of the Judge Advocate General to modify or vacate a sentence on various grounds. The Military Justice Act of 1968, in an effort to further limit command influence in courts-martial—a long-standing criticism—provided that general lectures or information courses on military justice could not be used to influence a court-martial nor could the commander consider an individual's performance in a court-martial when the commander was preparing an efficiency, effectiveness of fitness report on that individual.

The 1968 act also implemented certain changes with respect to defense counsel. It extended, with certain qualifications, to the accused in a special court-martial the right to be represented by defense counsel who was a lawyer and provided certain criteria which had to be met when a primitive discharge was adjudged. All of these modifications were designed to bring a greater degree of impartiality and provide more structural safeguards to protect the rights of the accused within the military, these reforms being adaptations of certain common law techniques and procedures.

Paralleling the civilianization of our military justice system have been similar developments in other countries. Great Britain, Canada, France, New Zealand, Australia and, most particularly, West Germany, have experienced greater civilianizing influences in many instances than we have in the United States and appear to have met with general success with no adverse effects on discipline. Great Britain, Canada, Australia, and New Zealand, for instance, have civilian tribunals reviewing military trials. In Great Britain the military Judge Advocate General is a civilian officer under the Lord Chancellor, and in West Germany military personnel are subject to civilian courts for all specifically nonmilitary crimes.

Functionally and organizationally, the Armed Forces is analogous to a paramilitary group—such as a police or fire department. Its judicial system has been traditionally viewed like a State's, for example, independent of the Federal judiciary. According to article II, section 2, of the Constitution, the President is the Commander in Chief of the Armed Forces. The Congress, as stated in article I, section 8, of the Constitution, has the responsibility to determine the rules and regulations for military personnel. It is by virtue of the demands of fighting under combat and the training necessary to acquire proficiency for such a contingency that puts special requirements on certain military personnel.

In this regard, the maintenance of discipline is of paramount importance in accomplishing a combat mission; these men have to work efficiently and effectively as a team. It is this fact that separates military from most civilian groups. Beyond the rules and regulations governing the area of specific crimes of a particularly military nature, such as a.w.o.l. and desertion, are crimes generally punishable in any civilian court, such as murder, theft, and forgery. Yet, the distinction between these two types of crimes has not been made within our judicial systems, nor is the analogy between the military judicial system and a State's judicial system proper.

The Armed Forces is an agency of the Federal Government, directly responsible to the President and Congress. It also comprises a great portion of our population, spends about 66 cents of each tax dollar, and does business with domestic and foreign companies, individuals, and governments. In other words, it has a great impact within our country, as well as around the world, and is a direct arm of the Government: A State does not have a commensurable impact, nor is it a Federal agency. Consequently, except in cases which are military by nature, or crimes of a civilian or military nature committed in a foreign country by military personnel, military courts should not have jurisdiction; Federal courts should. Furthermore, there is no reason why the individual's rights should not have the safeguards within the military structure that are present in our civilian sector.

There are three criteria which are helpful in determining the appropriate judicial jurisdiction for a crime committed within the territorial limits of the United States. First, is the act solely a function of military necessity. That is, does the particular act assume a criminal nature because it is committed within the military environment. AWOL and desertion, for instance, are two such crimes. If a civilian employee leaves his job for a short time or leaves without returning, in both cases not notifying and asking permission of his boss, the consequences are not of the same magnitude as they are in the military.

The second criteria relates to cases involving the physical security of all or a portion of our society. If an act committed in the United States in a direct manner threatens the physical security of our country the jurisdiction for the crime would fall within the purview of the Federal court system. Mutiny and aiding the enemy are certainly acts which transcend the question of maintaining proper discipline and have direct consequences of more than an internal military nature.

The third criteria is the complement of the first, namely, is an act of such a nature that it would be viewed as criminal irrespective of one's role in society. Murder and robbery are two such crimes and, consequently, would be within the jurisdiction of the Federal courts when the crime was committed by military personnel within the territory of the United States.

There is a definite positive correlation between the degree of civilization and the decreased problems of maintaining discipline. Not only do we have the experience of foreign countries to look to, but our experience reflects this as well. A good indicator is the frequency of AWOL and desertion cases. Court-martial cases in every branch of the armed services show a significant decline in those two areas over the past 18 years. In 1952, 1 year after article 15—nonjudicial punishment—was instituted, there were 28,827 convictions in the Air Force for AWOL—article 86—and 881 in 1968. For the same time period the Air Force had 320 desertion convictions—article 85—in 1952, and 16 in 1968. In the Army there were 4,107 AWOL general court-martial convictions in 1955, and 1,521 in 1969; for desertion convictions the Army in 1955 there were 1,943, and in 1969 there were 197. In the Navy, in 1960, there were 3,213 convictions for AWOL and 2,901 in 1969; in 1953 the Navy had 1,191 desertion convictions, and 263 in 1969. When these figures are compared to manpower levels over the past 20 years, it is significant to note that not only does the rate of convictions generally decrease numerically, they decrease proportionately, as well. And, even more significantly, this is in spite of increased hostility, particularly among our youth—those most likely to be joining the Armed Forces—to our policy in Southeast Asia and to the draft.

Consequently, I am introducing today 19 bills which I believe will implement the necessary changes to effect a more equitable and effective justice system for military personnel. These revisions should fully eliminate command influence from courts-martial, structurally and procedurally adapt certain civilian techniques to the military judicial system, specifically delineate civilian and military crimes, and insure the maximum individual liberty to military personnel with military effectiveness.

The bills include:

A worldwide judicial system under a unified command;

Random selection of members for courts-martial juries;

Prevention of the possibility of double jeopardy between military and State jurisdictions;

Requiring the Court of Military Appeals to review all cases which include sentences of a bad conduct discharge or confinement for 1 year or more;

Requiring requests to compel witnesses to testify and to compel production of other evidence to be submitted to the military judge for approval before the court-martial;

Prescribing the physical setup in the courts-martial to be similar to that of Federal district courts;

Eliminating the summary court-martial;

Eliminating the death penalty;

Eliminating the General Article, article 134, and listing the crimes previously in the article as specific crimes;

Providing for trial by Federal courts all crimes that are not specifically military in nature for military personnel in the United States;

Ratings of court personnel would be made by the chief judge;

Members of the Armed Forces who have had experience in military law and have reached the rank of Lieutenant colonel or commander would be eligible to serve on the Court of Military Review;

The military judge would have the power to suspend sentence;

Time spent in confinement before trial would be subtracted from any sentence imposed on the accused;

The Court of Military Appeals and the Courts of Military Review would have law clerks from the junior JAG Corps;

The Court of Military Appeals and the Courts of Military Review would have the power to issue orders and writs necessary to protect the rights of military personnel;

Providing for 3-year terms for members of the Courts of Military Review; and

Limiting the President's authority to suspend or modify punishment to any particular geographical area or with respect to any particular offense.

Mr. President, one additional comment I think is necessary. Civilianization is not a panacea for the military justice system. The military has been and remains in many areas ahead of the civil judicial system in our society. These aspects of the Uniform Code should not be jeopardized. Furthermore, the proposals I am introducing today are offered in a constructive spirit, not one reflecting a loss of faith in our military institutions. Any institution is a reflection of the individuals comprising it, and the problems experienced within our Armed Forces are manifestations of difficulties throughout our country.

To attain the standards of justice throughout every sector of our society, which have made this country what it is today, would be a greatly beneficial step toward constructive change and peace. And our Armed Forces are an integral part of this effort. Our ideal of equal justice for all and our reliance on individual liberty form the strength of our country and should be reinforced in every possible instance. These values and the practical consequences of them assume a particularly critical and imposing magnitude when assessing the role of our military. The legislation I have proposed today would help bring the military closer to the mainstream of American life and values.

It would strengthen the role of the individual within the Armed Forces both as a citizen of the United States and as one who bears a great responsibility for our physical security. Besides increasing internal discipline within the military, the proposed legislation would have the overall effect of bringing a greater sense of dignity to military service and reassure those who fear a growing military elitism within our country. Bringing our standards of justice within the military system up to, and in some cases surpassing, the standards of our civil codes would greatly enhance the role of the military within our society and of our society within the world.

Mr. President, I ask unanimous consent that the bills be received at the table and referred to the appropriate committee.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection the bills were ordered to be printed in the RECORD, as follows:

S. 2171

A bill to improve the military justice system by establishing military judicial circuits, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That chapter 47 of title 10, United States Code, is amended as follows:

(1) Subchapter I is amended by adding at the end thereof the following new sections:

"§ 806a. Art. 6a. Armed forces judicial circuits

"(a) The United States and all areas outside thereof shall be divided in judicial circuits. Such circuits shall be known as armed forces judicial circuits (hereinafter in this chapter referred to as 'judicial circuits') and each such circuit shall be under the command of an armed forces judicial circuit officer (hereinafter in this chapter referred to as a 'judicial circuit officer').

"(b) The Judge Advocates General of the military departments are responsible for providing the personnel necessary to staff each judicial circuit. The number of personnel furnished by each Judge Advocate General to any judicial circuit shall be in direct ratio to the personnel strength in such circuit of the military department of which such Judge Advocate General is a member.

"(c) The officer assigned as the judicial circuit officer of any judicial circuit shall be selected in accordance with regulations issued by the Secretary of Defense but shall, whenever feasible, be an officer from the staff of the Judge Advocate General of the military department having the greatest personnel strength within such judicial circuit. All personnel assigned to a judicial circuit shall be under the command of the judicial circuit officer for that circuit; and the judicial circuit officer for any judicial circuit shall be under the command of the Judge Advocate General of the military department of which such judicial officer is a member.

"(d) The judicial circuit officer for each judicial circuit shall be responsible for the preparation of efficiency ratings for personnel under his command.

"§ 806b. Art. 6b. Division of armed forces judicial circuits

"(a) Each judicial circuit shall be divided into four sections as follows:

"(1) a field judiciary section;

"(2) a trial counsel section;

"(3) a defense counsel section; and

"(4) a trial review section.

Each section of a judicial circuit shall function as a separate office but the officer in command of each such section shall be under the command of the judicial circuit officer of that judicial circuit.

"(b) Under such regulations as the Secretary of Defense may prescribe, the commander of the field judiciary section of any judicial circuit shall, in appropriate cases, detail a military judge for the court-martial trial of any accused to be held within such judicial circuit and shall detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission, or court of inquiry held within such judicial circuit. Under like regulations such commander may detail or employ interpreters to interpret for any such court or commission. The commander of the field judiciary section shall be responsible for making all arrangements necessary regarding the time and place for any court-martial trial to be conducted within the judicial circuit in which he is assigned and shall be responsible for notifying the accused, trial and defense counsel, the commanding officer of the accused, and other persons directly concerned with the trial.

"(c) The trial counsel section of any judicial circuit shall detail trial counsel and assistant trial counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(d) The defense counsel section of any judicial circuit shall detail defense counsel and assistant defense counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(e) The trial review section of any judicial circuit shall review all court-martial cases held within such judicial circuit."

(2) The table of sections at the beginning of subchapter I is amended by adding at the end thereof the following:

"806a. 6a. Armed forces judicial circuits.

"806b. 6b. Division of armed forces judicial circuits."

(3) Subsection (a) of section 826 (article 26(a)) is amended to read as follows:

"(e) Military judges shall be assigned to judicial circuits by the Judge Advocate General of the military department of which such military judge is a member. When a military judge is assigned to a judicial circuit he shall serve in the field judiciary section of that judicial circuit. A military judge shall preside over each open session of the court-martial to which he has been detailed."

(4) Subsection (c) of section 826 (article 26(c)) is amended to read as follows:

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the commander of the field judiciary section of the judicial circuit to which such military judge is assigned to duty. No person shall prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge other than a Judge Advocate. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee."

(5) The first sentence of subsection (a) of section 827 (article 27(a)) 's amended to read as follows: "The commander of the trial counsel section and the commander of the defense counsel section of the judicial circuit concerned shall detail trial counsel and defense counsel, respectively, and such assistants as the commander of each such section considers appropriate."

(6) Section 827 (article 27) is further amended by adding at the end thereof a new subsection as follows:

"(d) Defense counsel detailed to represent any accused may be a member of an armed force other than the armed force of which the accused is a member unless the accused requests that defense counsel detailed to represent him be a member of the same armed force as the accused."

(7) Section 828 (article 28) is repealed and the table of sections at the beginning of subchapter V is amended by striking out

"828. 28. Detail or employment of reporters and interpreters."

(8) Section 832(a) (article 32(a)) is amended by adding at the end thereof the following: "The appropriate judicial circuit officer shall, upon written request from the convening authority, detail an investigating officer to investigate the charges. Any person detailed to investigate charges against any accused shall be so detailed by reason of his impartiality, experience, education, and temperament, and shall not be under the command of the forwarding officer.

(9) The second sentence of subsection (b) of section 832 (article 32(b)) is amended to read as follows: "Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the commander of the defense counsel section of the appropriate judicial circuit."

(10) The last sentence of section 832(b) (article 32(b)) is amended to read as follows: "Upon completion of the investigation, the investigating officer shall submit a report of his investigation to the appropriate judicial circuit officer for review. The judicial circuit officer may disagree with any recommendation made by the investigating officer with respect to the trial of any charge, but if the judicial circuit officer disagrees with the recommendations of the investigating officer that any charges not be referred to a general court-martial for trial, the judicial circuit officer shall make a written report on each issue of fact and law raised by the investigating officer and indicate his reasons for determining there is legally sufficient evidence for referring such charges to a general court martial for trial.

(11) Section 834(a) (article 34(a)) is amended by adding at the end thereof the following: "If the investigating officer or the appropriate judicial circuit officer recommends against a trial of any charge by general court-martial, the convening authority shall, if he disagrees with such recommendation, promptly submit the charge to the Judge Advocate General of the armed force of which the convening authority is a member for review by such Judge Advocate General. The Judge Advocate General shall review the charge and determine whether it should or should not be tried by general court-martial. He shall, as soon as practicable after receiving the charge for review, notify the convening authority of his decision and his decision thereon shall be final."

(12) Subsection (b) of section 838 (article 38(b)) is amended by adding at the end thereof a new sentence as follows: "The commander of the defense counsel section of the appropriate judicial circuit is authorized, whenever he deems such action appropriate in the court-martial case of any accused, to detail to such case as defense counsel a judge advocate from the appellate defense counsel section of the Office of the Judge Advocate General of the military department of which such commander is a mem-

ber; and such counsel shall be permitted to represent the accused through appellate review of the case."

(13) Section 854 (article 54) is amended by adding at the end thereof a new subsection as follows:

"(d) The commander of the field judiciary section of the judicial circuit concerned shall require that a verbatim record of the general or special court-martial trial of any accused be made if the accused requests that such a record be made and the commander determines that lengthy or complicated testimony is expected at the trial."

(14) Section 860 (article 60) is amended to read as follows:

"After a trial by court-martial the record shall be forwarded to the appropriate judicial circuit for review and action thereon by the review section of such circuit."

(15) Section 861 (article 61) and the catchline thereof are amended as read as follows:

"§ 861. Art. 61. Review by the judicial circuit

"The review section of each judicial circuit shall review the record of all court-martial trials conducted within such judicial circuit. If any part of a sentence imposed by a general or special court-martial trial remains after review by the judicial circuit, the record of such trial shall be forwarded by the judicial circuit to the Judge Advocate General of the armed force of which the judicial circuit officer of the judicial circuit concerned is a member."

(16) The table of sections at the beginning of subchapter IX is amended by striking out

"861. 61. Same—General court-martial records."

and inserting in lieu thereof

"861. 61. Review by judicial circuit."

(17) Subsections (a) and (b) of section 862 (article 62) are amended by striking out "convening authority" each time it appears and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(18) Subsection (a) of section 863 (article 63) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(19) The catchline of section 864 (article 64) is amended to read as follows:

"§ 864. Art. 64. Approval by the judicial circuit officer"

(20) Section 864 (article 64) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(21) The table of sections at the beginning of subchapter IX is amended by striking out

"864. 64. Approval by the convening authority."

and inserting in lieu thereof

"864. 64. Approval by the judicial cicuit officer."

(22) Section 865 (article 65) and the catchline thereof are amended to read as follows:

"§ 865. Art. 65. Disposition of records after review by the appropriate judicial circuit

"(a) When the judicial circuit officer of the judicial circuit concerned has taken final action in a general or special court-martial case, he shall send the entire record, including his action thereon, to the appropriate Judge Advocate General.

"(b) If the sentence of a special court-martial as approved by the judicial circuit officer includes a bad-conduct discharge, whether or not suspended, or confinement for four months or more, the record shall be sent to the appropriate Judge Advocate General to be reviewed by a court of military review.

"(c) All other special and summary court-martial records shall be reviewed by the review section of the appropriate judicial circuit and shall be transmitted and disposed of as the Secretary concerned may prescribe by regulations."

(23) The table of sections at the beginning of subchapter IX is amended by striking out

"865. 65. Disposition of records after review by the convening authority."

and inserting in lieu thereof

"865. 65. Disposition of records after review by the appropriate juidcal circuit."

(24) Subsection (b) of section 866 (article 66(b)) is amended by striking out "one year or more" and inserting in lieu thereof "four months or more".

(25) The first sentence of subsection (c) of section 866 (article 66(c)) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer".

(26) Subsection (d) of section 867 (article 67(d)) is amended

(A) by striking out "convening authority" in the first sentence and inserting in lieu thereof "judicial circuit officer"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Court of Military Appeals may take action in any case with respect to law or fact."

(27) Section 868 (article 68) is amended to read as follows:

"The Secretary concerned may direct the Judge Advocate General to establish a branch office within any judicial circuit. The branch office shall be under an Assistant Judge Advocate General who may perform for that judicial circuit, under the general supervision of the Judge Advocate General, the duties for that judicial circuit which the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(28) Section 873 (article 73) is amended by striking out "convening authority" in the first sentence and inserting in lieu thereof "judicial circuit officer".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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## S. 2172

A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subsection (a) of section 866 (article 66 (a)) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: 'The President shall establish within each of the armed forces a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. Judges of the Courts of Military Review shall be appointed by the President for terms of three years. The Court of Military Review established for each armed force shall be assigned for administrative purposes only to the office of the Judge Advocate General of that armed force. To be eligible for appointment to the Court of Military Review a person shall be experienced in military justice. No member of the armed forces below the grade of Lieutenant Colonel or Commander shall be eligible for appointment to the Court of Military Review."

(b) Subsection (a) of section 866 (article 66 (a)) is further amended by—

(A) striking out "assigned" in the third sentence and inserting in lieu thereof appointed";

(B) striking out the fourth sentence and inserting in lieu thereof the following: "The President shall designate one of the appellate military judges of each Court of Military Review established by the President under this subsection to serve as chief judge of that Court of Military Review."; and

(C) adding at the end of such subsection a new sentence as follows: "The chief judge shall report only to the Judge Advocate General of the armed force concerned."

(c) Subsections (f) and (g) of section 866 (article 66 (c)) are amended to read as follows:

"(f) The President shall prescribe rules of procedure for Courts of Military Review established under this section.

"(g) A member of the armed forces serving as a member of the Court of Military Review, other than a chief judge, shall during his term on such court be rated on his performance of duty by the chief judge of such court. Whenever the chief judge of a Court of Military Review is a member of the armed forces, he shall be rated on his performance of duty by the Judge Advocate General of the armed force of which such chief judge is a member. Appellate military judges of the Military Courts of Review may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, for mental or physical disability, or for extreme military exigency, but for no other cause."

(d) Such section 866 (article 66) is further amended by adding at the end thereof a new subsection as follows:

(i) The Judge Advocate General of each armed force shall appoint from the ranks of junior ranking judge advocates such number of officers to serve as law clerks to the Court of Military Review of that armed force as he deems appropriate. An officer assigned to duty as a law clerk under this subsection may not serve in such capacity for any period in excess of two years."

SEC. 2. (a) Section 867 (article 67) of title 10, United States Code is amended by adding at the end thereof the following new subsections:

"(h) The Court of Military Appeals shall have authority to issue any order or writ necessary to protect any right under the Constitution, any law of the United States, or any military regulation of any person subject to the provisions of this chapter.

"(i) The Judge Advocate General of each armed force shall make available to the Court of Military Appeals from the ranks of junior ranking judge advocates such number of officers as the Chief Judge of that court may request to serve as law clerks to the Court of Military Appeals. At no time shall the number of officers assigned to duty as law clerks to such court exceed six. An officer assigned to duty as a law clerk under this subsection may not serve in such capacity for any period in excess of two years."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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## S. 2173

A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 47 of title 10, United States Code, is amended as follows:

(1) The first sentence of section 810 (article 10) is amended by striking out "; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement".

(2) Section 816 (article 16) is amended by adding at the end of clause (1)(B) the word "and"; by striking out "; and" at the end of clause 2(C) and inserting in lieu thereof a period; and by striking out clause (3).

(3) Section 820 (article 20) is repealed.

(4) Section 824 (article 24) is repealed.

(5) Subsections (b) and (c) of section 843 (article 43) are amended by striking out "summary" and inserting in lieu thereof "special".

(6) Section 865(c) (article 65(c)) is amended by striking out clause (3) and redesignating clauses (4) through (7) as clauses (3) through (6), respectively.

(8) Section 4711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(9) Section 4712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(10) Section 9711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(11) Section 9712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

SEC. 2. (a) Section 326 of title 32, United States Code, is amended by striking out "general, special, and summary" and inserting in lieu thereof "general and special".

(b) Section 329 of such title is repealed.

(c) Section 332 of such title is amended by striking out "or a summary court officer".

SEC. 3. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2174

A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter IX of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 876a. Art. 76a. Special jurisdiction of United States district courts

"Any United States district court shall have jurisdiction to hear and grant appropriate relief in any case in which any person subject to this chapter claims a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and such person shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. Any such court shall also have jurisdiction to hear and grant appropriate relief to any such person where such person shows that relief by the court is necessary to prevent a chilling effect upon the rights of such person, or other persons similarly situated, under the first amendment of the Constitution of the United States."

SEC. 2. Subsection (c) of section 838 (article 38(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof a new paragraph as follows:

"(2) The defense counsel is authorized to file an action in any United States district court when he considers such action necessary to protect the constitutional rights of any accused he has been detailed to represent; and the costs of such action shall be paid for by the United States."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2175

A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 803 (article 3) of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Where there is a disagreement between civil authorities and the military authorities with respect to which has jurisdiction to try an accused person subject to this chapter for any offense, the accused shall have a right to elect to be tried in a civil court or military court; but the foregoing shall not prevent a subsequent trial of the accused (1) by court-martial if it is judicially determined that the civil authorities did not have proper jurisdiction to try the accused for the offense or, (2) by a civil court if it is judicially determined that the accused was not subject to trial by court-martial for the offense."

SEC. 2. Section 814(a) (article 14(a)) of title 10, United States Code, is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 803(d) (article 3(d)) and under".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2176

A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter XI of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 941. Art. 941. Physical arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel

"(a) The physical arrangement of the furniture and other facilities of any room in which any court-martial trial is conducted shall be as nearly identical to the arrangement of such furniture and facilities in a Federal district court room as practicable.

"(b) There shall be no requirement, formal or informal, for the seating arrangement of persons serving as members of a court-martial to be seated according to rank or grade, except that the president of a general or special court-martial may be required to be seated in the center of the seating arrangement for members of the court or at the end of such seating arrangement which is nearest the military judge, if one has been detailed.

"(c) Military judges shall wear judicial robes while presiding at any general or special court-martial trial."

(48) The table of sections at the beginning of subchapter XI is amended by adding at the end thereof a new item as follows:

"941. 41. Physican arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2177

A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 825 (article 25) of title 10, United States Code, and the catchline thereof are amended to read as follows:

"§ 825. Art. 25. Who may serve on general and special courts-martial; selection for service

"(a) Any commissioned officer on active duty is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

"(b) Any warrant officer on active duty is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

"(c)(1) Any enlisted member of an armed force on active duty who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member of an armed force who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally or through counsel has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-half of the total membership of the court.

"(2) In this article, the word 'unit' means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company, squadron, ship's crew, or body corresponding to one of them.

"(d) Not less than one-half of the total membership of a general or special court-martial shall be composed of members of the same rank and grade as the accused if the accused, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial, or in the absence of such a session, before the court is assembled for his trial, personally or through counsel requests in writing that the court membership be so composed.

"(e) (1) The convening authority shall be responsible under regulations prescribed by the Secretary of Defense and in accordance with this subsection, for selection of persons to serve on general and special courts-martial for the trials of accused persons conducted within the command of such convening authority.

"(2) The name of every officer and warrant officer within the command of the convening authority who is eligible to serve as a member of a general or special court-martial shall be included on a court-martial master roll and the name of every enlisted man within such command who is eligible to serve as a member of a general or special court-martial shall be included on a separate court-martial master roll.

"(3) The selection of officers to serve as members of courts-martial trials shall be made by a random selection method from the court-martial master roll of officers and warrant officers. The names of enlisted personnel shall be selected by a random selection method from the court-martial master roll of names of enlisted members whenever an accused has requested that the court-martial be composed in part of enlisted members. The random selection method shall be used for the selection of members of a court-martial for each separate trial.

"(4) No commissioned officer, warrant officer, or enlisted member shall be exempt from serving as a member of a general or special court-martial unless exempted by Presidential directive. The convening officer may relieve any officer or enlisted member from serving as a member of a court-martial upon presentation of evidence that such service would result in extreme personal hardship or materially interfere with the performance of urgent military duties.

"(5) When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in rank or grade.

"(6) No member of an armed force shall be eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2178

A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 810 (article 10) of title 10, United States Code, is amended (1) by inserting "(a)" immediately before "Any" in the first sentence thereof, and (2) by adding at the end of such section a new subsection as follows:

"(b) Any person subject to this chapter charged with an offense under this chapter shall, upon his or his counsel's request, be released from confinement pending trial of the charges against him unless substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the appropriate Judge Advocate General, that pretrial confinement is necessary to assure the presence of the accused for trial and the Judge Advocate General or law officer, as the case may be, issues an order authorizing the continued pretrial confinement of the accused."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2179

A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 846 (article 46) of title 10, United States Code, is amended by inserting after the first sentence a new sentence as follows: "All requests to compel witnesses to appear and testify and to compel the production of other evidence shall be submitted to the military judge if one has been detailed to the court-martial case or to a military judge designated for such purpose by the appropriate Judge Advocate General if a military judge has not been detailed to the case; and the military judge shall approve or disapprove such requests in accordance with the regulations prescribed by the President."

SEC. 2. (a) The catchline of section 850 (article 50) of title 10, United States Code, is amended by adding at the end thereof the following: "; inadmissibility of certain evidence".

(b) Section 850 (article 50) of such title is further amended by adding at the end thereof a new subsection as follows:

"(d) Any report or other material which cannot be made available for examination by the accused and his defense counsel shall be inadmissible as evidence in a court-martial."

(c) The table of sections at the beginning of subchapter VII of such title is amended by adding "; inadmissibility of certain evidence" immediately after "Admissibility of records of courts of inquiry."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

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### S. 2180

A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter VIII of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 858b. 58b. Sentences: authority of military judge to suspend

"The military judge of any general or special court-martial may suspend the execution of any sentence or any part of any sentence, except a death sentence, adjudged against any accused by any court-martial at which such military judge presided as military judge."

SEC. 2. The table of sections at the beginning of subchapter VIII of chapter 47 of title 10, United States Code, is amended by adding at the end thereof the following:

"858b. 58b. Sentences: authority of military judge to suspend."

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### S. 2181

A bill to amend section 857 of title 10, United States Code, to require that pre-trial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 857(b) (article 57(b)) is amended by adding at the end thereof a new sentence as follows: "Any period during which the accused is held in confinement before or during trial shall be deducted from any period of confinement to which he is sentenced, unless the confinement of the accused during such period was imposed pursuant to the sentence of a previous court-martial trial; but in no case shall any person be credited more than once for the same period of pre-trial confinement.

SEC. 2. The amendment made by the first section of this Act shall be applicable to persons sentenced by courts-marital on and after the date of enactment of this Act.

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### S. 2182

A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 59 of title 10, United States Code, is amended by inserting immediately after section 1161 a new section as follows:

"§ 1161a. Enlisted members: limitations on administrative discharges

"(a) No enlisted member may be discharged from any armed force under conditions other than honorable except—

"(1) by sentence of a special or general court-martial;

"(2) in commutation of a sentence of a special or general court-martial; or

"(3) in time of war, by order of the Secretary concerned.

"(b) Notwithstanding the provisions of subsection (a), the Secretary concerned may drop from the rolls of any armed force any enlisted member (1) who has been absent without authority for at least thirty days, or (2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final."

SEC. 2. The table of sections at the beginning of chapter 59 of title 10, United States Code, is further amended by adding immediately below

"1161. Commissioned officers: limitations on dismissal."

the following:

"1161a. Enlisted members: limitations on administrative discharges."

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### S. 2183

A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 47 of title 10, United States Code, is amended as follows:

(1) The third sentence of section 804(a) (article 4(a)) is amended by striking out "or death".

(2) Section 818 (article 18) is amended by—

(A) striking out ", including the penalty of death when specifically authorized by this chapter" in the first sentence; and

(B) by striking out the second sentence.

(3) Section 819 (article 19) is amended by—

(A) striking out the first sentence and inserting in lieu thereof the following: "Subject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter."; and

(B) striking out "death," in the second sentence.

(4) Section 820 (article 20) is amended by—

(A) striking out "noncapital" in the first sentence; and

(B) striking out "death," in the last sentence thereof.

(5) Section 821 (article 21) is amended by—

(A) inserting "(b)" at the beginning of the present text of such section;

(B) inserting a subsection (a) immediately above the present text of such section as follows:

"(a) No person subject to this chapter may be tried by courts-martial for any offense committed within the United States or in any territory or possession of the United States except for an offense described in section 883 (article 83); 884 (article 84); 885 (article 85); 886 (article 86); 887 (article 87); 890 (article 90); 891 (article 91); 892 (article 92); 893 (article 93); 895 (article 95); 896 (article 96); 897 (article 97); 898 (article 98); 907 (article 107); 980 (article 108); 909 (article 109); 912 (article 112); 913 (article 113); 915 (article 115); 916 (article 116), to the extent that a riot or breach of the peace was committed on a military instillation; 9166 (article 116b), to the extent that the alleged offense under such section involved a court-martial case; 927a (article 127a), to the extent that the alleged offense under such section involved a court-martial case; or 931 (article 131), to the extent that the alleged offenses under this chapter committed within the United States or in any territory or possession of the United States by any person subject to this chapter shall be tried in the district court of the United States for the district in which the offense was committed or in which the accused is found; and jurisdiction is hereby conferred upon such courts for the trial of such offenses"; and

(C) striking out the catchline and inserting in lieu thereof the following:

"§ 821. Art. 21. Limitation on jurisdiction of courts-martial".

(6) The table of sections at the beginning of subchapter IV is amended by striking out

"821.21. Jurisdiction of courts-martial not exclusive."

and inserting in lieu thereof

"821. 21. Limitation on jurisdiction of courts-martial."

(7) Section 845(b) (article 45(b)) is amended by striking out the first sentence thereof, and by striking out the word "other" in the second sentence thereof.

(8) Section 849 (article 49) is amended by—

(A) striking out "not capital" in subsection (d); and

(B) striking out subsections (e) and (f).

(9) Section 850(b) (article 50(b)) is amended by striking out "capital cases or".

(10) Section 852 (article 52) is amended by—

(A) striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) No person may be convicted of any offense under this chapter except by the concurrence of two-thirds of the members of the court-martial present at the time the vote is taken or except as provided in section 845(b) of this title (article 45(b)).

"(b) No person may be sentenced to life imprisonment or to confinement for more than ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken. All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken.

(11) Section 856 (article 56) is amended to read as follows:

"§ 856. Art. 56. Maximum limits

"The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense. The President shall not have authority to modify or suspend punishment with respect to any particular geographical area or with respect to any particular offense."

(12) Section 866(b) (article 66(b)) is amended by striking out "to death,".

(13) Section 867(b)(1) (article 67(b)(1)) is amended by striking out "or extends to death".

(14) Section 871 (article 71) is amended by—

(A) striking out "extending to death or" in the first sentence of subsection (a);

(B) striking out ", except a death sentence" in second sentence of subsection (a); and

(C) striking out ", except a death sentence" in the second sentence of subsection (d).

(15) Section 885(c) (article 85(c)) is amended to read as follows:

"(c) Any person found guilty of desertion or attempt to desert shall be punished as a court-martial may direct."

(16) Section 890 (article 90) is amended by striking out everything after the semicolon in clause (2) and inserting in lieu thereof the following: "shall be punished as a court-martial may direct."

(17) Section 894(b) (article 94(b)) is amended by striking out "by death or such other punishment".

(18) Section 899 (article 99) is amended by striking out in the material following clause (9) the following: "by death or such other punishment".

(19) Section 900 (article 100) is amended by striking out "by death or such other punishment".

(20) Section 901 (article 101) is amended by striking out "by death or such other punishment".

(21) Section 902 (article 102) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(22) Section 904 (article 104) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(23) Section 906 (article 106) is amended by striking out "by death" and inserting in lieu thereof "as the court-martial or military commission, as the case may be, may direct".

(24) Section 910(a) (article 110(a)) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(25) The text of section 913 (article 113)) is amended to read as follows:

"Any sentinel or look-out who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved, shall be punished as a court-martial may direct."

(26) Section 918 (article 118) is amended by striking out "suffer death or imprisonment for life as a court-martial may direct" and inserting in lieu thereof "suffer imprisonment for life".

(27) Section 920 (article 120) is amended by striking out "by death or such other punishment".

(28) Subchapter X is amended by inserting after section 909 (article 109) a new section as follows:

"§ 909a. Art. 109a. Receiving stolen goods

"Any person subject to this chapter who with intent to defraud, receives or buys anything of value which shall have been stolen or obtained by robbery, knowing or having cause to believe the same to have been stolen or so obtained by robbery, shall be punished as a court-martial may direct.

(29) The table of sections at the beginning of subchapater X is amended by inserting

"909a. 109a. Receiving stolen goods."

immediately below

"909. 109. Property other than military property of the United States—Waste, spoilage, or destruction."

(30) Subchapter X is amended by inserting after section 912 (article 112) a new section as follows:

"§ 912a. Art. 112a. Manufacture or possession of a narcotic drug

"Any person subject to this chapter who manufactures, possesses, has under his control, sells, prescribes, administers, dispenses, or compounds any narcotic drug, unless authorized by competent authority to do so, shall be punished as a court-martial may direct. As used in this section the term 'narcotic drug' shall have the same meaning ascribed to the term 'narcotic drugs' in the first section of the Uniform Narcotic Drug Act, approved June 30, 1938 (52 Stat. 785; D.C. Code, sec. 33–401)."

(31) The table of sections at the beginning of subchapter X is amended by inserting

"912a. 112a. Manufacture or possession of a narcotic drug."

immediately below

"912. 112. Drunk on duty."

(32) Chapter X is amended by inserting after section 914 (article 114) a new section as follows:

"§ 914a. Art. 114a. Carrying a concealed weapon

"Any person subject to this chapter who carries concealed on or about his person, except in his dwelling house or on other real property possessed by him, a pistol or other deadly or dangerous weapon capable of being concealed, without official authority to carry such weapon concealed, shall be guilty of carrying a concealed weapon and shall be punished as a court-martial may direct."

(33) The table of sections at the beginning of subchapter X is amended by inserting

"914a. 114a. Carrying a concealed weapon."

immediately below

"914. 114. Dueling."

(34) Section 916 (article 116) is amended to read as follows:

"§ 916. Art. 116. Riot or breach of peace

"(a) Any person subject to this chapter who causes or participates in any riot shall be punished as a court-martial may direct.

"(b) Any person subject to this chapter, who, with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby—

"(1) acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others;

"(2) congregates with others on a public street and refuses to move on when ordered by a proper official;

"(3) shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons;

"(4) interferes with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocketbook, or handbag; or

"(5) causes a disturbance in any public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying other persons aboard such public conveyance,

shall be punished as a court-martial may direct."

"(c) Any person subject to this chapter

who congregates or assembles in any street, avenue, alley, road, or highway, or in or around any public building or enclosure, or any park or reservation, or at the entrance of any private building or enclosure, and engages in loud and boisterous talking or other disorderly conduct, or insults or makes rude or obscene gestures or comments to or about persons passing by, or within their hearing, or crowds, obstructs, or incommodes, the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or enclosure shall be punished as a court-martial may direct.

"§ 916b. Art. 116b. Obstructing justice

"Any person subject to this chapter who corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer of any court, or any member of a court-martial, including the trial or defense counsel or a military judge, or any witness of a court-martial, in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, shall be punished as a court-martial may direct."

(35) The table of sections at the beginning of subchapter X is amended by inserting

"916b. 116b. Obstructing justice."

immediately below

"916. 116. Riot or breach of peace."

(36) Section 919(b) (article 119(b)) is amended by redesignating clause (2) as clause (3) and by striking out clause (1) and inserting in lieu thereof the following:

"(1) by negligence;

"(2) by culpable negligence; or".

(37) Subchapter X is amended by inserting after section 920 (article 120) the following:

"§ 920a. Art. 120a. Adultery

"Any person subject to this chapter who commits adultery shall be punished as a court-martial may direct. When the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery."

"§ 920b. Art. 120b. Lewd, indecent, or obscene acts

"(a) Any person subject to this chapter who makes any obscene or indecent exposure of his or her person, or makes any lewd, or obscene. or indecent sexual proposal, or commits any other lewd, obscene, or indecent act shall be punished as a court-martial may direct for each and every such offense.

"(b) Any such person who commits an offense described in subsection (a), knowing he is in the presence of a child under the age of sixteen years, shall be punished as a court-martial may direct for each and every such offense."

"(c) Consent by a child to any indecent proposal or act prescribed by subsection (a) shall not be a defense, nor shall lack of knowledge of the child's age be a defense."

(38) The table of sections at the beginning of subchapter X is amended by inserting the following:

"920a. 120a. Adultery.

"920b. 120b. Lewd, indecent, or obscene acts."

immediately after

"920. 120. Rape and carnal knowledge."

(39) Subchapter X is amended by inserting after section 920 (article 120) the following:

"§ 921a. Art. 121a. False pretenses

"Any person subject to this chapter who, by any false pretenses, with intent to defraud, obtains from any other person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, or maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and any person subject to this chapter who fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretense, shall be punished as a court-martial may direct."

(40) The table of sections at the beginning of subchapter X is amended by inserting

"921a. 121a. False pretenses."

immediately after

"921. 121. Larceny and wrongful appropriation."

(41) Subchapter X is amended by inserting after section 927 (article 127) a new section as follows:

"927a. Art. 127a. Bribery

"Any person subject to this chapter who—

"(1) promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, credit, or security for the payment of money, or for the delivery or conveyance of anything of value, to any executive, judicial, or other officer or to any member of the Armed Forces, or to any person acting in any official function, or to any member of a court-martial, including trial counsel, defense counsel, or military judge, or any witness of a court-martial, with intent to influence the decision, action, verdict, or evidence of any such person on any question, matter, cause, or proceeding or with intent to influence him to commit or aid in committing, or to collude in or allow any fraud, or make any opportunity for the commission of any fraud; or

"(2) directly or indirectly takes, receives, or agrees to receive any money, property, or other valuable consideration whatsoever from any person (A) for giving, procuring, or aiding to give or procure any office, place, or promotion, or (B) for the purpose of influencing his decision, action, or verdict on any official question, matter, cause, or proceeding;

is guilty of bribery and shall be punished as a court-martial may direct."

(42) The table of sections at the beginning of subchapter X is amended by inserting

"927a. 127a. Bribery."

immediately below

"927. 127. Extortion."

(43) Section 928 (article 128) is amended to read as follows:

"(b) Any person subject to this chapter who—

"(1) commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm;

"(2) assaults another person with intent to kill or to commit rape or sodomy, or to commit robbery, or by mingling poison with food, drink, or medicine with intent to kill;

"(3) commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;

is guilty of aggravated assault and shall be punished as a court-martial may direct."

(44) Section 931 (article 131) is amended by inserting "(a)" immediately before "Any", and by adding at the end of such section a new subsection as follows:

"(b) Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be punished as a court-martial may direct."

(45) The catch line of section 931 (article 131) is amended to read as follows:

"§ 931. Art. 131. Perjury and subornation of perjury."

(46) The table of sections at the beginning of subchapter X is amended by striking out

"931. 131. Perjury."

and inserting in lieu thereof

"931. 131. Perjury and subornation of perjury."

(4) Section 933 (article 133) is amended to read as follows:

"§ 933. Art. 133. Conduct unbecoming an officer and gentleman

"Any commissioned officer, cadet, or midshipman who is guilty of conduct unbecoming an officer and a gentleman shall be subject to punishment under section 815 (article 15) of this title."

(48) Section 934 (article 134) is repealed.

(49) The section analysis at the beginning of subchapter X is amended by striking out

"934. 134. General article."

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By Mr. BAYH:

S. 2185. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes. Referred to the Committee on the Judiciary.

### INTRODUCTION OF THE WOMEN'S EQUALITY ACT

Mr. BAYH. Mr. President, for over a hundred years this body has been engaged in an effort to insure true equality of rights for all our citizens. We have made many important strides in the last decade, especially with the passage of several major civil rights acts. But despite all our efforts, many important gaps remain to be filled. To my mind our greatest legislative failure relates to our continued refusal to recognize and take steps to eradicate the pervasive, divisive, and unwarranted discrimination against a majority of our citizens, the women of this country.

Today I am introducing a bill, the Women's Equality Act of 1971, which would narrow the gap between our obligations and our performance by giving to women the benefit of the major civil rights legislation of the last decade, legislation which confers both legal rights and—of equal importance—the means to enforce those rights. This bill, similar to one introduced in the House by Congressman ABNER MIKVA, a long-time foe of discrimination in every form, implements the recommendations of the President's Task Force on Women's Rights and Responsibilities.

### SUMMARY OF THE WOMEN'S EQUALITY ACT

The Civil Rights Act of 1964, which forms the basis of our civil rights enforcement activities, is meant to eradicate discrimination in five major areas: public accommodations, public facilities, public education, federally assisted programs, and employment. Of these provisions, only one—the section dealing with equal employment opportunities—outlaws discrimination on the basis of sex. And the agency which enforces that section lacks adequate power to enforce its decisions. The Women's Equality Act would prohibit sex discrimination in each of these areas, and it would strengthen the employment provisions of the act.

### A. EMPLOYMENT DISCRIMINATION

This bill would extend the provisions of the Equal Pay Act—which requires equal pay for equal work—to protect women in government service and in executive and professional positions; end the exemption from the employment provisions of the act which is now granted to universities and Federal, State, and local governments; and give the Equal Employment Opportunities Commission—which enforces the employment provisions of the act—the power to issue judicially enforceable cease and desist orders against employers found to be in violation of the act. In addition, sex discrimination of any form would be prohibited in relation to federally assisted programs.

### B. PUBLIC EDUCATION

The bill would give the Justice Department the authority to intervene on behalf of women and parents of minor girls in suits alleging that they have been denied equal access to public education on the ground of sex. It would also direct the Commissioner of Education to conduct a survey documenting the nature and extent of sex discrimination in public and private education and to propose legislative solutions to the problems he uncovers.

### C. EXTENDING OTHER MAJOR CIVIL RIGHTS LEGISLATION TO ELIMINATE SEX DISCRIMINATION

The bill would prohibit sex discrimination in hotels, restaurants, and other places of public accommodation, authorizing those discriminated against to sue for injunctive relief in Federal court, and empower the Attorney General to bring suits to eradicate such practices. It would also prohibit sex discrimination required by State laws, in access to public facilities, and in the sale, rental, brokerage, or financing of individual dwelling units. Furthermore, the Attorney General would be allowed to intervene on behalf of the Government in suits alleging sex discrimination under the 14th amendment.

### D. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

The bill would empower the Civil Rights Commission to investigate, study, and make recommendations concerning sex discrimination. It would in addition serve as a national clearinghouse for information on the legal status of women. And the Secretary of Health, Education, and Welfare would be given the authority to make matching grants to States wishing to set up local commissions to study the status of sex discrimination.

### E. OTHER STUDIES AND REPORTS TO CONGRESS PROPOSING FURTHER LEGISLATION

The Secretary of Health, Education, and Welfare would be required to make recommendations to equalize the treatment of the sexes under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act.

### EQUAL RIGHTS AMENDMENT

I do want to emphasize that passage of this act in no way obviates the continuing need for the equal rights amendment. That amendment, which passed the House last year and was only kept from success in this body by the narrowest of margins, would write into the Constitution the explicit statement that "equality of rights" could not be abridged by the United States or any State on account of sex. Only the passage of that amendment would unequivocally guarantee to all our citizens complete equality of treatment at the hands of the Government, regardless of sex. I have already pointed out to this body many examples of the inequities in our systems of civil, criminal, and labor law which would be affected by the amendment. To repeat but a few examples, in several States, women cannot contract or sign leases until they are 21 while men can do so at 18; in others, there are special restrictions on the right of a married woman to contract; sex discrimination still exists in the labor laws of at least half the States in the Union; 36 States impose limitations on the number of hours worked by women, thus often precluding women from occupying supervisory jobs requiring overtime. Students of women's rights are already too familiar with these examples. Without the equal rights amendment it might be years before the courts finally treat women as the equal of men in the eyes of the law.

But the amendment alone would not do everything that must be done. It would not establish either the specific definition of each person's rights in relation to other individuals or the concrete procedures for enforcement of those rights which only a statute, such as the Women's Equality Act of 1971, could effectively create. Therefore, I present this bill as a supplement to—not in place of—the equal rights amendment. While each is a worthy piece of legislation and could be passed standing alone, I hope that this body will take action to pass both, not in the future, but now.

### NEED FOR THIS LEGISLATION

Today I would like to share with the Senate some observations on the pervasive and patently unfair—yet almost unnoticed—discrimination against women which we allow to exist. Each time that I review the evidence on this subject the economic discrimination stands out, not only because it is wrong in principle but also because it exacerbates nearly every serious social problem discussed in this Chamber. And yet we continue to underestimate its inimical effects. We continue to believe that women's complaints of discrimination are based on emotion rather than real proof of oppression and disadvantage. Too many tend to laugh at women's demonstrations protesting society's glorification of physical beauty and never learn of statistics documenting the grossly unjust limitations placed on women because of assumed physical frailty or other "feminine" characteristics.

I would suggest that available statistics are as vivid and as shocking as those which Michael Harrington uncovered a decade ago when he alerted this country to the depth and extent of the problem of poverty. The statistics and conclusions I am pointing out today are not new; they have been merely unnoticed.

One simple fact highlights the enormity of the problem. The available evidence shows that sex bias takes an even greater economic toll than racial bias. For example, the median earnings of white men employed year-round, full time is almost $7,400, about one and one-half that of Negro men. But Negro men earn considerably more than women, be they white or Negro. In fact, women with some college education earn less than Negro men with little more than a grade school education.

### EARNINGS GAP

Whatever the profession, there is an astonishing earnings gap between men and women at every level. According to the Presidential task force, this gap is largest for sales workers. These women earn less than half—41 percent—of what men doing similar work earn. The gap is smallest for clerical workers and professional and technical workers; even in those fields, however, women earn only 65 percent—a pathetic figure—of what men earn.

One final dramatic index of the gap between men and women is a current population report—1969—of the distribution of workers by earnings levels, showing that 51 percent of women workers, but only 16 percent of male workers, earned less than $5,000 per year in 1969. On the other hand, at the upper end of the scale, 35 percent of male workers but only 5 percent of female workers, earned $10,000 or more a year.

### UNEMPLOYMENT

To make the picture even more bleak, unemployment is relatively high among women. According to the Women's Bureau of the Department of Labor, the unemployment rate in May 1971 for adults 20 years and over was as follows: women of minority races, 10.6 percent; men of minority races, 6.8 percent; white women, 5.3 percent; white men, 4.3 percent.

Even though women have consistently faced as severe unemployment rates as men, an examination by the task force of those Federal programs which attempt to place the disadvantaged or unemployed in permanent jobs revealed that women frequently comprised less than one-third of the trainees. In fiscal 1968, women comprised 49.6 percent of those unemployed. And yet, in on-the-job training programs conducted under the Manpower Development and Training Act, only 31.7 percent of the 125,000 trainees in fiscal year 1968 were women. In JOBS—job opportunities in the business sector—only 24 percent of those hired were females. Only 20 percent of the 33,000 enrollees in the Job Corps were female.

### WOMEN ARE FAITHFUL WORKERS

These statistics are clear proof of America's inadequate concern for the status of women. They reflect a pattern of neglect and bias so persistent and so widespread that it effectively rebuts any attempts to excuse specific instances of "apparent underutilization" or wage discrimination as exceptions. Unfortunately, there are many who would say that the real reason for low wages, lack of promotion, lack of training opportunities, and persistent unemployment is that women "always leave their jobs to get married and raise a family" and so can't be counted on. That rationalization is simply invalid. Even though some young girls may view their jobs as a stopgap to keep them busy until marriage, most working women stay working for much of their lives. While many do leave for a short period of time to have children, for the most part that absence is not permanent, but only temporary. Statistics show that there are only slight differences between men and women in the rate of labor turnover—accessions and separations—in manufacturing. Of all the women who are working, more than half—almost 60 percent—are 35 years of ago or older. That statistic alone would seem to refute any claim that female workers are young women waiting to find a husband. Certainly an employer who is worried about the turnover problem can safely assume that a female worker over 35 is over the age for starting a family and is not likely to quit suddenly. According to the Women's Bureau, the average woman worker has a worklife expectancy of 25 years. Yet despite this long average worklife, the wage and job distribution statistics are so drastically skewed to the disadvantage of women that employers must be treating women—regardless of their age or family situation—as if they were all temporary employees, ready to quit at a moment's notice. Could it be true that our culture not only discourages the specific women who do have children from utilizing their full potential in the labor force, but that it also puts other women at a disadvantage because they have the physical potential for bearing children, whether or not they actually do so? The logic of such a proposition is unacceptable.

### WOMEN SUPPORTING FAMILIES

Perhaps our inattention to this discrimination stems from our belief that working women are assumed to be working for their personal interests, rather than for their livelihood. However, that assumption is largely a myth which ought to have been exploded long ago. In 1969 at least 12 million women, or 40 percent of working women were self-supporting. To be specific, 1.8 million women were divorced, 2.5 million were widowed, 6.5 million were single, and 1.5 million were married with the husband absent. In addition, many families with young children are totally dependent on the earnings of women. In 1969 there were 5.4 million families headed by women. And families headed by a mother who has found full time employment are three times as likely to be living on less than $5,000 per year as families headed by a male breadwinner.

The earnings gap between men and women seems even more serious in light of such statistics. Because the earnings gap has been increasing, the plight of those 5.4 million families has worsened rather than improved over time. Elizabeth Duncan Koontz, Director of the Women's Bureau, has shown that the median salary income of women who work 35 or more hours a week, for 50 weeks a year decreased between 1957 and 1968 from 64 percent of the salary received by men to 50 percent of the salary received by men. Partially as a result of this earnings gap, many families headed by women are forced to survive below the poverty level. For example, 45 percent of the families headed by women workers of minority races lived in poverty in 1968, as compared with 16 percent of those headed by male workers of minority races. Armed with these statistics, we should hardly find the increased welfare costs surprising.

According to the President's Task Force on Women's Rights and Responsibilities:

> Without any question the growing number of families on Aid to Families with Dependent Children is related to the increase in unemployed young women. For many girls living in very poor or disorganized families, the inability to find a job means turning to prostitution or other crime—or having a child to get on welfare. Potential husbands do not earn enough to support an unemployed wife.
>
> The stability of the low income family depends as much on training women for employment as it does on training men. Only through employment of both partners can such families move into the middle class.
>
> The task force expects welfare rolls will continue to rise unless society takes more seriously the need of disadvantaged girls and young women.

A persuasive argument for non-discriminatory payment of women stems from the crucial need to provide the young children of this country with the best care we can provide. The percentage of mothers of preschool children who are employed outside their homes has been rising over the years. In 1950, 14 percent of mothers of preschoolers worked, double the rate of 1940. By 1966, the percentage of working mothers of preschoolers had almost doubled again, to 26 percent. Since nearly half of all working women work to provide vitally necessary support for themselves or others, we can conclude that a good proportion of their wages are spent on food, clothing, and health care for their families. In these cases, low wages can only mean poor health and more undernourished children.

There is a great need to provide all preschoolers with a varied, creative and supportive environment, even before formal schooling starts. To meet this need I have introduced the Comprehensive Child Care Act of 1971, S. 530, and I will continue to support this and other efforts to fund child care centers around the country. But we must also act to assist those mothers who are now working to provide their families with an adequate standard of living. This can only occur if we finally grant to our female citizens both social and economic equality.

### ACCESS TO HIGHER EDUCATION

Each year the bills providing funding for higher education are accompanied by statements of pride about this country's guarantee of equal educational opportunity for all. However, despite these promises, sex discrimination in higher education remains the rule, not the exception.

Between January 1970 and March of 1971, the Women's Equity Action League—WEAL—felt it necessary to file charges of sex discrimination against more than 250 universities and colleges. Among the institutions charged—composing more than 10 percent of our system of higher education—were the entire State college and university systems of Florida, California, and New Jersey. A class action was also filed against all the medical schools in the country.

Something is drastically wrong when only 8.5 percent of medical students and 5.6 percent of our law students are women, although the Office of Education indicates that women tend to do better than men on tests for admission to both types of schools.

The charges compiled by WEAL and others are alarming. They show that in any schools across the country a quota system is used to limit arbitrarily the number of women admitted. At Pennsylvania State University there is said to be a compulsory, artificially set ratio of 2½ men to every female. Until recently the University of North Carolina, a publicly supported institution, advertised its policy in an admission brochure:

> . . . admission of women on the freshman level will be restricted to those who are especially well qualified.

It is unbelievable that a country which professes to believe in the ability of each citizen to utilize his or her full potential by obtaining as much education as is needed continues to allow—and in some cases to actually encourage—such blatant discrimination against one-half of its population.

Even though increasing numbers of women are seeking graduate degrees and teaching positions, women are barely holding their own in the university world. Women now receive 39 percent of all masters degrees compared with 40 percent in 1930. During that same time the percentage of Ph. D.'s earned by women has decreased from 15 to 13 percent. In the United States barely 7 percent of our physicians are women; in the Soviet Union 75 percent of the physicians are women. How will women be able to contribute their full talents to this country if we continue to discourage them from earning the degrees necessary to make that contribution?

### WOMEN ON UNIVERSITY FACULTIES

Unfortunately, the bias against women does not end with admission to college or graduate school. Across the country, schools have far fewer women on the faculty than the numbers of women doctoral candidates would seem to call for. Somehow, these women are deemed qualified to earn doctorates but their doctoral degrees have insufficient weight to earn the same women teaching positions at their universities. WEAL collected the following statistics: Columbia University awards 24 percent of its doctorates to women but has awarded only 2 percent of its tenured faculty position to women; in a study of 188 major departments of sociology, Dr. Alice Rossi found that women accounted for 30 percent of the doctoral candidates, but they comprised only 4 percent of full professors and less than 1 percent of the departmental chairmen. The last time the Department of Psychology at Berkeley hired a woman was in 1924. In other words, just as in other professions, the higher the rank, the fewer the women.

Whatever the speculation as to why so few women are asked to pursue teaching careers at universities, there is plenty of evidence to indicate that it is not because women are uninterested in such careers. Female Ph. D.'s do not often marry and give up their careers; 91 percent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they received their doctorates, 79 percent had not interrupted their career at any time. The diligence of these women is worthy of note: by way of contrast, 10 percent more men than women had interrupted their careers within 10 years of completing the doctoral program.

Of course many factors influence hiring and tenure decisions. In order to fully understand the context of these decisions, the Women's Equality Act requires that a survey be made by the Commissioner of Education and that recommendations be made to eliminate denial of equal education opportunity on account of sex. But once a fair evaluation has been made, the univerities must abide by the law which prohibits employment discrimination on the basis of sex. Our citadels of learning must teach by example as well as by precept.

### ANALYSIS OF THE WOMEN'S EQUALITY ACT

Mr. President, I have tried to outline the nature and extent of sex discrimination in two broad areas, economic discrimination arising out of differentiated employment practices, and discrimination in relation to education. I have concentrated on these two areas largely because facts and figures can be collected which help to give us a true picture of the extent and costs of these types of discrimination. But in other areas discrimination is equally rampant—and equally offensive to our female citizens—even though less subject to precise calculation. The bill I am introducing today would not only deal with discrimination in employment and education, it would also deal with a variety of other forms of discrimination, more easily discussed as I describe the provisions of the bill in detail.

### I. EMPLOYMENT DISCRIMINATION

Discrimination in employment has been shown to be one of the most prevalent and damaging forms of sex discrimination. The women's equality act would make several important changes in the existing law.

### A. EXTENDING THE EQUAL PAY ACT TO EXECUTIVE AND PROFESSIONAL WOMEN

The Federal equal pay act was enacted in 1963 as an amendment to the Fair Labor Standards Act, which sets minimum wages and maximum hours limitations for many workers. The act requires that an employer must not differentiate in pay between the sexes for equal work—

> on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to . . . a differential based on any other factor other than sex.

This requirement applies to a great majority of workers, but government workers, and professional and executive women, among others, are now excluded from the act's protections. My bill would extend the requirement of equality to women in Federal and State Government service and in the higher levels of business and industry.

### B. EQUAL EMPLOYMENT OPPORTUNITIES

Title VII of the 1964 Civil Rights Act (42 U.S.C. 2000e(1964)) starts where the Equal Pay Act left off. It deals with almost all forms of discrimination in employment. Under this provision it is unlawful for any employer to "fail or refuse to hire or to discharge any individual . . . with respect to his compensation, terms, conditions, or privileges of employment" because of race, color, religion, sex, or national origin. Especially in the last few years, the broad language of title VII has proven to be a most effective weapon against sex discrimination in employment. Yet all the recent victories against discriminatory employment practices and State statutes have come about in spite of the fact that the provisions for enforcing the requirements of title VII are tortuously complicated and for the most part ineffective.

Those complaining of title VII violations must first register their complaint with the Equal Employment Opportunities Commission—EEOC. That Commission is empowered to investigate complaints of sex discrimination, but has no power to enforce its determinations. It is limited to using persuasion to entice those charged with wrongdoing into voluntary compliance with the law. Therefore, many complaints are never filed because the chances of success are limited. Of those filed, many cannot be settled within the Commission. The only remaining recourse for a complainant who has not received satisfaction from the Commission is to bring suit on his own in Federal court. See 42 U.S.C. 2000e–5(e)(1964). But bringing suit is costly, time consuming, and two complicated for the great majority of laymen. The net result is that the grand promises of title VII far too often remain only empty promises, with no results.

Each year since the EEOC was established, bills have been introduced which would provide it with stronger enforcement powers, the most important of those being cease and desist powers. Despite strong support from the administration in 1966, 1967, and 1968, and support for such a change in both Chambers of this body, these bills were never finally enacted. One such bill passed the House in 1966 but not the Senate; another was reported in the Senate in 1968 but no action was taken in the other body. As the report of the Senate Labor and Public Welfare Committee stated:

> The deficiency in the 1964 Act is that the EEOC does not have the authority to issue judicially enforceable orders to back up its findings of discrimination . . . Its authority in such cases is limited to conciliation efforts.

I agree with the committee that the EEOC has made a "heroic attempt to ameliorate conditions of discrimination" in employment but firmly believe that we must give the Commission more than empty promises. This bill would allow the Commission to issue a cease and desist order against the offending party, which order could be enforced by the Commission or challenged by the defendant in the Federal courts of appeals. Only such a change can make the EEOC the effective enforcement agency it was designed to be.

### C. ELIMINATING EXEMPTIONS FROM TITLE VII'S COVERAGE

Title VII now has two major exemptions, excluding many workers from the protections of the act—loopholes that to my mind should never have been allowed. I propose to amend title VII so that it will apply for the first time to Federal, State, and local governments. These governments have no business discriminating on the basis of sex, religion, race, national origin, or any other basis unrelated to each individual's ability to perform his chosen tasks.

The other major exemption I propose to eliminate is the one that excludes educational institutions "with respect to the employment of individuals to perform work connected with the educational acitivities of such institution." See 42 U.S.C. 2000e–1 (1964) I have already cited the tragic discrimination that apparently exists on many of our college campuses The simple truth is that women who seek employment in academic fields are not hired to teach at the major universities and four year colleges. In stead, they are forced to turn to the less prestigious—although by no means less important—junior colleges and community colleges. I believe that the time has long since passed that we can afford —or even ought to be thinking of—ignoring the talent of these women, who are every bit the equal of their male counterparts but continue to be denied access to teaching jobs. Therefore, my bill would amend the exemptions of title VII, and subject all education instituitons to the full force or title VII's prohibition against sex discrimination.

### D. FEDERALLY ASSISTED PROGRAMS

Title VI of the 1964 Civil Rights Act prohibits discrimination in employment by and access to federally assisted programs. The present law, however, says nothing about sex discrimination, even though it bars discrimination on the basis of race, color, and national origin. Under the proposed amendment, no person could be "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving Federal financial assistance" on account of sex. Federal financed programs employ thousands of workers. And I firmly believe the projects financed in whole or in part with federal funds ought to be carried out without any trace of dscrimination. Enactment of the bill would make such discriminatory practices easier to eliminate.

### II. PUBLIC EDUCATION

### A. ATTORNEY GENERAL TO AID IN SEEKING EQUAL ACCESS TO PUBLIC EDUCATION

The Task Force recommended amending title IV of the Civil Rights Act, 42 U.S.C. 2000c (1964), to authorize the Attorney General to aid women and parents of minor girls in suits asking for equal access to public education, just as he can now sue on behalf of those who are denied such access because of race, color, or national origin. As the task force report pointed out:

> Discrimination in education is one of the most damaging injustices women suffer. It

> denies them equal education and equal employment opportunity, contributing to a second class self image.

Public education is one of our most important services. It should be equally available to all regardless of their sex. We simply cannot afford to allow any further perpetuation of this second-class image. Therefore this bill would take the recommended steps and amend the act to allow the Attorney General to join in suits involving allegations of sex discrimination in public education. With the help of the Justice Department, I believe that court suits would quickly be able to eradicate this inequitable differentiation between the sexes.

### B. STUDY OF SEX DISCRIMINATION IN EDUCATION; RECOMMENDATIONS FOR LEGISLATION

One of the reasons sex discrimination has been allowed to persist in education is that there has not been enough study of its true extent, its causes, and the remedial measures which ought to be taken in order to eradicate it. Therefore, this bill would require the Commissioner of Education to conduct a survey of the public and private educational institutions throughout the country, in order to determine to what extent equality of educational opportunity is being denied by reason of sex. And within 18 months the Commissioner would have to submit the results of the survey to Congress, along with his recommendations for a comprehensive legislative program to guarantee equal educational opportunity to both sexes.

### III. EXTENDING OTHER MAJOR CIVIL RIGHTS LEGISLATION TO ELIMINATE SEX DISCRIMINATION

### A. PUBLIC ACCOMMODATIONS

The Civil Rights Act of 1964 now provides that—

> All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

Recent well-publicized court cases have illustrated that there is considerable sex discrimination in restaurants and bars which at present is not outlawed by this section of the Civil Rights Act. See *Seidenburg* v. *McSorley's Old Ale House,* 308 F. Supp. 1253 (S.D.N.Y. 1969); *DeCrow* v. *Hotel Syracuse Corp.,* 288 F. Supp. 530 (N.D.N.Y. 1968); *DeCrow* v. *Hotel Syracuse Corp.,* 59 Misc. 2d 383, 298 N.Y.S. 2d 859 (S.Ct. Onondaga Co. 1969). This bill would prohibit sex discrimination in all such places of public accommodations, and make available to those discriminated against the act's provision for injunction relief in Federal courts. Furthermore, the Attorney General would be authorized to initiate suits to end such practices and to intervene on behalf of the plaintiffs if "he certifies that the case is of general public importance."

This provision will fill an important gap in the existing civil rights laws. As the task force pointed out in recommending such legislation—

> While the Task Force does not consider this the most injurious discrimination against women today, it is wrong in principle.

### B. STATE LAWS AND FACILITIES

Section 2000a-1 of title 42 of the United States Code provides that all persons "shall be entitled to be free—from discrimination or segregation of any kind—if such discrimination or segregation is or purports to be required by any law, statute, or order of a State or any agency or political subdivision thereof" if such discrimination is based on race, color, religion, or national origin. Section 3b of the bill I am introducing today would add sex discrimination to the list.

Title III of the 1964 Civil Rights Act allows the Attorney General to bring suit on behalf of anyone who complains that he is being denied the equal protection of the laws by being denied equal access to public facilities other than educational facilities. The Women's Equality Act would apply this section of the act to sex discrimination.

### C. RENTAL AND SALE OF HOUSING

One of the most important provisions of the 1968 Civil Rights Act involved a series of provisions dealing with discrimination in the sale, rental, and use of brokers in transaction involving individual dwelling places. I believe that such discrimination is lacking in any possible justification. Therefore, this bill would amend the provisions of the 1968 act and ban sex discrimination in the sale—including commercial financing—or rental of any individual dwellings.

### D. INTERVENTION IN SEX DISCRIMINATION SUITS BY THE ATTORNEY GENERAL

Private suits alleging violation of the equal protection clause of the 14th amendment often raise issues of national importance. Unfortunately, private litigants often do not have the resources to present the best possible cases to the courts involved. To alleviate this inequality of resources, title IX of the 1964 Civil Rights Act authorizes the Attorney General to intervene in such suits if "the case is of general public importance" and if the discrimination is based on race, color, religion, or national origin. This bill, if enacted, would allow the Attorney General to commit the resources of the Department of Justice in cases alleging sex discrimination, thus helping develop the case law in this vitally important area.

### IV. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

### A. STUDIES BY THE CIVIL RIGHTS COMMISSION

The Civil Rights Commission was established by the Civil Rights Act of 1957 to "study and collect" information concerning the denial of the equal protection of the laws by reason of "race, color, religion, or national origin." This agency has long been a leader in studying the problems of discrimination, and has served a very useful purpose as a clearinghouse for "information in respect to denials of equal protection of the laws." However, the Commission has never been authorized to investigate, study, or make recommendations concerning sex discrimination. As the task force pointed out—

> The hearings and reports of the Civil Rights Commission would help draw public attention to the extent to which equal protection of the laws is denied because of sex.

Therefore, I am proposing to amend the 1957 act to allow the Commission to deal wtih sex discrimination.

### B. CREATING A NATIONAL CLEARINGHOUSE FOR SEX DISCRIMINATION INFORMATION

Under this proposed bill the Civil Rights Commission would be charged with serving as a national clearinghouse for information concerning sex discrimination. The lack of general knowledge of the nature and extent of sex discrimination, and the inability of interested groups to draw on a central information bank to discover facts concerning both problems and progress in other parts of the country has been called "the greatest deterrent to securing improvement in the legal status of women." I believe that the Commission, which already serves as a clearinghouse in other civil rights matters, and which has demonstrated its ability to function effectively in this area, is the ideal choice for such a central source of information.

### C. FUNDNG OF STATE STUDY COMMISSIONS

Sex discrimination varies from State to State in relation to local laws and customs; therefore it ought to be studied at the local level. And as I pointed out before, one of the greatest barriers to progress in eliminating sex discrimination is the lack of knowledge of the general public both about the scope, nature, and extent of the problem and about the legal remedies available to combat dissupply of available information and the dissemination of that information, this would authorize the Secretary of Health, Education, and Welfare, to pay up to 50 percent of the cost of State boards and commissions to study governmental as well as private discrimination, and to recommend the affirmative steps which public officials must take to assure equality of opportunity to women and equal participation by women in all aspects of National and State life.

### V. OTHER STUDIES AND REPORTS TO CONGRESS, PROPOSING FURTHER LEGISLATION

Several other areas of discrimination remain, but we have determined that detailed study and explicit recommendations by the agencies involved are needed before the appropriate remedial action can be taken. Therefore, the bill directs a study of the legislative changes needed to provide social security benefits to husbands and widowers of disabled and deceased women under the same conditions as such benefits are provided under existing law to wives and widows of male workers; to provide equitable retirement benefits to families with working wives under the Social Security Act and the Civil Service Retirement Act; to provide comprehensive child care programs; and to allow families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons to deduct from gross income as a business expense some reasonable amount paid to housekeeper, nurse, or institution for care of children or disabled parents.

### CONCLUSION

Mr. President, I do believe that this subject is worthy of a full and active debate in this body. And that debate will never occur unless some of us speak out—and speak out repeatedly—against these gross injustices.

The bill I am introducing today is a comprehensive attack on the pernicious evil of sex discrimination. But while it would be an effective tool, I wish to remind my colleagues that this bill is not based on untried schemes. It basically extends the provisions of the 1964 and 1968 Civil Rights Acts to cover instances of sex discrimination, and it strengthens our existing civil rights legislation by providing the EEOC with more efficacious enforcement powers and by subjecting Federal, State, and local governments, together with educational institutions, to the fair employment practices provisions of title VII. I hope that this year, after more than a hundred years of struggle, the Congress will pass the equal rights amendment and the Women's Equality Act, thus finally giving true equality of rights to the underprivileged majority of our citizens, the women of this country.

Mr. President, I ask unanimous consent that a summary and the complete text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

### S. 2185

A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Women's Equality Act of 1971".

### PURPOSES

Sec. 2. It is the purpose of this Act—

(1) to confer jurisdiction upon the district courts of the United States to provide for injunctive relief against sex discrimination in public accommodations,

(2) to authorize the Attorney General to institute suits to eliminate sex discrimination in public facilities and public education,

(3) to extend the jurisdiction of the Civil Rights Commission to include sex discrimination,

(4) to prevent sex discrimination in federally assisted programs,

(5) to insure equal employment opportunity in the hiring of Federal, State, and local government employees,

(6) to remove the exemption of educational institutions from equal employment opportunity laws,

(7) to provide the Equal Employment Opportunity Commission with cease and desist powers,

(8) to prohibit sex discrimination in the sale, rental, or financing of housing or in the provision of brokerage services,

(9) to apply equal pay provisions of the Fair Labor Standards Act to women in government service and in executive, administrative, and professional positions,

(10) to authorize the Secretary of Health, Education, and Welfare to make matching grants to States for the establishment of commissions on the status of women,

(11) to require the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of the sexes under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act, and

(12) to require the Commissioner of Education to conduct a survey and report to Congress on the denial of equal educational opportunity because of sex and make recommendations to eliminate such denial.

### PUBLIC ACCOMMODATIONS

Sec. 3. (a) Section 201(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(a)) is amended to read as follows:

"Sec. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, sex or national origin."

(b) Section 202 of such Act (42 U.S.C. 2000a—1) is amended to read as follows:

"Sec. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, sex or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order of a State or any agency or political subdivision thereof."

### PUBLIC FACILITIES

Sec. 4. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b(a)) is amended to read as follows:

"Sec. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he or she is being deprived of or threatened with the loss of his or her right to the equal protection of the laws, on account of his or her race, color, religion, sex, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder."

### PUBLIC EDUCATION

Sec. 5. Sections 401(b), 407(a)(2), and 410 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9) are each amended by inserting after "religion," the following: "sex,".

### COMMISSION ON CIVIL RIGHTS

Sec. 6. (a) Section 104(a)(1) through 104(a)(4) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)(1)–(4)) is amended to read as follows:

"Sec. 104. (a) The Commisison shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice, and before December 31, 1971, make recommendations to the Congress for legislation to guarantee husbands and children of women employees of the Federal Government the same fringe benefits provided for wives and children of male employees in those areas where inequities exist;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;".

(b) Section 106 of such Act (42 U.S.C. 1975e) is amended by striking out "$2,650,000" and inserting in lieu thereof "$3,650,000".

### FEDERALLY ASSISTED PROGRAMS

Sec. 7. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended to read as follows:

"Sec. 601. No person in the United States shall, on the ground of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

### INTERVENTION AND PROCEDURE

Sec. 8. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h–2) is amended to read as follows:

"Sec. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, sex, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action."

### HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

Sec. 9. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3604), is amended to read as follows:

"Sec. 804. As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicaes any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.

"(d) To represent to any person because of race, color, religion, sex, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

"(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, or national origin."

(b) Section 805 of such Act (42 U.S.C. 3605) is amended to read as follows:

"Sec. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion, sex, or national origin of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided,* That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803(b) of this title."

(c) Section 806 of such Act (42 U.S.C. 3606) is amended to read as follows:

"Sec. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin."

### PREVENTION OF INTIMIDATION

Sec. 10. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3631), is amended to read as follows:

"Sec. 901. Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

"(a) any person because of his or her race, color, religion, sex or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(b) any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from—

"(1) participating, without discrimination on account of race, color, religion, sex or national origin, in any of the activities, services, organization or facilities described in subsection (a) of this section; or

"(2) affording another person or class of persons opportunity or protection so to participate; or

"(c) any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations, or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life."

### EQUAL PAY FOR WOMEN IN EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL POSITIONS

Sec. 11. (a) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213 (a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

(b) Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 203(d)) is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization, and shall not include (except in relation to the provisions of section 6) the United States or any State or political subdivision of a State.

### GRANTS FOR FINANCING STATE COMMISSIONS ON THE STATUS OF WOMEN

Sec. 12. (a) The Secretary of Health, Education, and Welfare is authorized to pay up to fifty per centum of the cost of commissions, boards, and advisory panels established by the legislatures or Governors of the several States and of Puerto Rico, Guam, and the Virgin Islands, and by the City Council of the District of Columbia to study any of the following subjects:

(1) the denial of equal protection of the laws to women under the laws, ordinances, rules, regulations, or procedures of the State or of any political subdivision thereof.

(2) private discrimination against women, especially denial of equal employment opportunity, equal access to public accommodations and services, equal educational opportunity, or

(3) affirmative steps necessary by public officials and private citizens to insure equality of opportunity to women and equal participation by women in all aspects of national and State life.

(b) There is authorized to be appropriated the sum of $2,000,000 to carry out the purposes of this section.

### STUDIES AND REPORTS TO CONGRESS

Sec. 13. (a) Within one year from the effective date of the Family Assistance Act of 1970, the Secretary of Health, Education, and Welfare shall submit to Congress his recommendations for legislation—

(1) to provide social security benefits to husbands and widowers of disabled and deceased women workers under the same conditions as such benefits are provided under existing law to wives and widows of men workers,

(2) to provide equitable retirement benefits to families with working wives under the Social Security Act, and the Civil Service Retirement Act,

(3) to provide Federal assistance for child care services to families not covered under the Family Assistance Act and to amend child care provisions of the Family Assistance Act in order that they shall apply equally to families with working husbands and working wives, and

(4) with the approval of the Secretary of the Treasury, to amend the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amount paid to a housekeeper, nurse, or institution for care of children or disabled parents.

(b) The Commissioner of Education shall conduct a survey of the educational institutions throughout the country, including both public and private educational institutions, institutions at all levels of education, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within eighteen months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of educational opportunity between the sexes.

(c) There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

### EQUAL EMPLOYMENT OPPORTUNITY

Sec. 14. (a) Section 701(b)(1) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)(1)) is amended to read as follows:

"(1) an Indian tribe,".

(b) Section 701(c) of such Act (42 U.S.C. 2000e (c)) is amended to read as follows:

"(c) The term 'employment agency' means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such person."

(c) Section 702 of such Act (42 U.S.C. 2000e–1) is amended to read as follows:

"Sec. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with carrying on by such corporation, association, or society of its religious activities.

(d) Section 706 of such Act (42 U.S.C. 2000e–5) amended to read as follows:

"Sec. 706. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers, or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authoring a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State, or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(c) A charge shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted wherever it is reasonable and fair to do so, may amend this answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceeding before the Commission, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (47 Stat. 70 et seq., 29 U.S.C. 101–115), shall not apply with respect to proceedings under subsection (k), (l), or (o) of this section.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party pursuant to this title.

"(o) Whenever a charge is filed with the

Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may, upon referral to the Attorney General, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found withi any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection."

## SUMMARY OF WOMEN'S EQUALITY ACT

### A. EMPLOYMENT DISCRIMINATION

Extends Equal Pay Act to government employees, professional and executive women.

Ends exemption from Title VII coverage of governments, universities.

Gives Equal Employment Opportunities Commission cease and desist powers.

Prohibits sex discrimination in federally assisted programs.

### B. PUBLIC EDUCATION

Justice Department to intervene on behalf of women denied admission to public education because of sex.

Commissioner of Education to survey all sex discrimination in education, to propose legislative reforms.

### C. EXTENDING OTHER PARTS OF CIVIL RIGHTS LAWS TO COVER SEX DISCRIMINATION

Outlaw sex discrimination in:

Public accommodations; those discriminated against to sue for civil injunction in federal courts; Attorney General also to be able to bring suit.

Public facilities.

Cases where required by state law.

Sale, rental, brokerage, or financing of individual dwelling units.

Attorney General to be able to intervene in sex discrimination suits brought under Fourteenth Amendment.

### D. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

Civil Rights Commission to investigate and make recommendations concerning sex discrimination.

Civil Rights Commission to serve as national clearinghouse on legal status of women.

H.E.W. matching grants to finance state study commissions.

### E. STUDIES PROPOSING FURTHER LEGISLATION

Studies concerning equalization of treatment of sexes under: Social Security Act, Family Assistance Act, Internal Revenue Code.

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By Mr. BROCK:

S. 2188. A bill to restore the investment tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

Mr. BROCK. Mr. President, the United States has long led the world in industrial production and technological innovation. This leadership is now seriously threatened. If we are to retain our production and technological leadership, remain competitive in world markets, provide jobs and real wage advances for American labor and achieve our environmental objectives, we must remove our present formidable tax barriers to investment in modern productive facilities. Unless we do this immediately, there will be a continuing critical deterioration in our balance of payments and our balance of trade.

United States industrial productivity is not keeping pace with the startling advances of its foreign competitors. The Commerce Department's revised first quarter figures demonstrate that the United States aggregate industrial production index of quantity output decreased from 172.8 in 1969, to 168.2 in 1970, and was down to 166.4 in April of 1971.

The production index for machinery has dropped drastically from 195.7 in 1969, to 189.5 in 1970, and was down to 174 in April 1971.

Although production of raw and finished steel has increased slightly in the early months of 1971 as a result of strike-hedge purchasing, when compared to similar strike-hedge periods in 1968, steel production continues to lag behind previous years. In the case of raw steel, production in the first 15 weeks of 1971 trailed that of the comparable period of 1968 by about 4 percent or 1.6 million tons. In the case of finished steel, production in January and February of 1971 trailed that of the same months in both 1965 and 1968 by about one-half million tons in each month.

In spite of lagging productivity, as the recent McGraw-Hill industrial survey pointed out, U.S. industry continues to utilize an alarmingly high percentage of obsolete equipment. This inefficient utilization will reach even higher levels if we continue to experience the greatest technological revolution in our history without removing tax barriers to capital investment.

Moreover, while foreign competition continues to take over increasingly large portions of domestic and world markets, American unit labor costs continue to rise without a corresponding increase in labor productivity. And, although several factors necessarily affect labor productivity, increasing the skills of the American labor force will bear little fruit unless American industry replaces obsolete equipment with technologically advanced equipment capable of translating higher labor skills into increased productivity per man hour. In addition, although this administration has succeeded in slowing the inflationary wage-price spiral which it inherited from previous administrations, as long as inflation continues it will not only devour the purchasing power of the wage earner as it has in the past, but will also continue to consume the already inadequate allowances for capital recovery. History has irrefutably demonstrated that the wage earner can break the wage-price spiral and achieve real wage advances only by increasing productivity, and that productivity can only be increased by increasing investment in technologically advanced machinery and equipment. Unfortunately, American industry is not investing in new equipment at a rate which will enable us to meet these challenges. The Commerce Department and Securities and Exchange Commission survey for the first quarter of 1971 recently revealed that businessmen have reduced their capital spending plans. New capital investment in 1971 will be only 2.7 percent higher than in 1970, the smallest increase since 1961. Moreover, because capital goods prices are expected to rise by 4 percent, we can expect a real, or physical, drop in capital investment volume in 1971.

This decrease in capital-spending is particularly disturbing because it comes at a time when our machinery and equipment are becoming increasingly obsolescent as a result of rapid technological advances.

But technological advances are not alone responsible for this increasing obsolescence. The groundswell of public concern with environmental protection makes it necessary for American industry to make vast capital expenditures in order to satisfy our escalating pollution control restrictions and the demand of consumers for environmental protection. In this respect, our recent enactment of new section 169 of the Internal Revenue Code of 1954 which permits rapid amortization of pollution control facilities is only a partial answer. Environmental protection cannot be fully achieved merely by stimulating investment in treatment facilities. American industry must not only treat the undesirable effluent of its production, but must also retool in order to eliminate the source of these deleterious effects from even the most basic production processes. Rapid tax write-offs of pollution treatment facilities offer no assistance in meeting this larger problem of replacing millions of dollars of otherwise productive machinery and equipment in order to achieve our environmental objectives.

Statistics which allegedly show that American industry currently has significant unused capacity do not take into account this rapidly acceleraing obsolescence attributable to environmental concerns. The unused capacity which the statistics claim to reveal is largely obsolete, high cost capacity which can neither satisfy our environmental objectives nor meet the challenge of ever-increasing foreign competition.

The threat to American industry and labor from decreasing production and increasing obsolescence is heightened dramatically by increasing foreign competition. At the same time that American industrial productivity has declined, industrial productivity of other industralized nations continues to rise.

The United States has long been the leader in production of machine tools, the most basic and necessary of all machinery for both defense and commercial production. West Germany will pass the United States in machine tool production for the first time in 1971, and will lead the world in the production of machine tools. Projections based upon current production figures indicate that Japan and the Soviet Union will pass the United States in production of this most basic type of machinery by 1973.

In a speech before the American Bar Association Section on Taxation on May 8, 1971, Secretary of the Treasury Connally predicted that the United States would lose its world leadership in steel production to Japan by 1972. Japan's 1971 total steel production will be more than 10 times its peak steel production during World War II. In a recent article, Anthony Harrigan, executive vice president of the Southern States Industrial Council observed that:

> Not many years ago, America's steel industry dominated the world. Today, the steel industry of the United States faces grave problems. It is no exaggeration to say that, in the long-run, the industrial leadership of the United States is threatened. Japan could become the No. 1 steel-making country in the world and, in the process, the No. 1 power in the world.

Rising American unit labor costs and declining productivity in the face of rapidly expanding foreign productivity, make it increasingly difficult for American industry to compete with foreign industry both at home and abroad.

In the case of iron and steel, the United States continues to experience a serious balance-of-trade deficit. In 1969, the dollar volume of our iron and steel imports exceeded the dollar volume of our exports by about 86 percent. This deficit declined somewhat in 1970 to about 60 percent. However, the recently released figures show that for March 1971 our iron and steel imports exceeded exports by an alarming 180 percent.

In the case of machinery, although we are presently experiencing a favorable balance of trade, exports increased 15.2 percent from 1969 to 1970, while imports increased by 17.8 percent during the same period. The figures for March 1971, further substantiate this erosion of our machinery trade balance. March 1971, exports of machinery increased by 10.7 percent over those for March 1971, while March 1971, imports increased by 17.2 percent over those for March 1970.

These figures clearly demonstrate that our foreign competitors are better able to take advantage of the latest technological advances that increase productivity per man hour. The capital investment advantage enjoyed by our foreign competitors is largely due to the more realistic allowances for capital recovery provided by their governments. The Report of the President's Task Force on Business Taxation pointed out that present U.S. capital recovery allowances are the most inadequate of all the industrialized countries of the world. The tax barriers to capital investment in other industrialized countries are substantially less than those encountered by American industry in the United States. The task force report further observed that:

> In comparisons between allowances for capital recovery, the early years are, of course, very important since the earlier the tax benefit, the sooner cash is freed for the purposes of business, including further capital investment. As matters now stand, the United States appears to give significantly less emphasis than other countries to weighting capital cost recovery heavily in favor of the early years.—Task Force Report at page 10.

The task force report concludes that our own experience demonstrates that the reduction of tax barriers to capital investment will "significantly encourage the development of productive capacity . . ."

Not only is American industry competing with foreign industry for world markets, but also the United States Government is itself competing with foreign governments in trying to keep American companies from transferring their industrial base to foreign countries. The more realistic capital recovery allowances of other countries continue to be a most important factor in luring American capital abroad. During the last 10 years, the lure of increased foreign capital recovery allowances has in large part been responsible for the exodus of American plants and American jobs, and an increasing number of American businesses are investing in foreign plants today. This kind of capital drain not only further imperils the competitiveness of American products at home and abroad, but also siphons away thousands of jobs for American labor. The potectionist devices recently advocated by American labor are designed primarily to curb this foreign job drain.

The recently promulgated Treasury regulations which provide for an asset depreciation range—ADR—system go far towards achieving the kind of realistic depreciation reform which the United States needs so desperately in order to meet these increasingly complex challenges. There is no question in my mind as to the authority of the Treasury Department to issue such regulations without first coming to Congress for legislation. The statutory authority and administrative precedent for such action is clear and the approval of the Treasury action by the experienced tax authorities of the House and Senate confirm this. Moreover, the criticism of the proposed ADR system by Democratic presidential aspirants ignores the legal basis for such administrative action and the broad Democratic support of the novel and necessary 1962 depreciation guidelines which had comparable revenue effect.

The objecting letters of law school professors recently inserted in the CONGRESSIONAL RECORD turned out to be on analysis nothing more than assertions against the desirability of the Treasury's action and not its authority. The legality and propriety of the Treasury's action has been fully documented in the well-reasoned legal brief of a Washington law firm which Congressman ANDERSON included in the CONGRESSIONAL RECORD on April 28, 1971.

The proposed ADR System is a step in the right direction, but it will not reduce tax barriers to capital investment sufficiently to meet the challenges which we presently face. American business must have a substantial stimulus to capital investment in 1971 if the United States is to retain its production and technological leadership, remain competitive in world markets, provide jobs and real wage advances for American labor and achieve our domestic environmental objectives. As important as it is, the ADR System will alone not be sufficient to enable us to meet these challenges. Even with the benefits of ADR, U.S. capital recovery allowances will continue to rank last among the industrialized nations of the world. Moreover, while the ADR System promises considerable long-term stimulus to capital investment, its short-term impact, although helpful, will not be significant. Jobs for American labor, environmental protection and American industries' competitive edge in world markets are at stake. In order to obtain the additional investment stimulus which will enable us to meet these immediate challenges, we must bolster our deficient depreciation tax structure by restoring the 7-percent investment tax credit.

To meet these challenges, we must provide American industry with the immediate stimulus to capital investment which only the investment tax credit can generate. I urge my colleagues to give these problems their thoughtful consideration and join in supporting legislation to provide for the restoration of the investment tax credit.

Mr. President, I am today introducing a bill to restore the investment tax credit for investment in certain depreciable property and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2188

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* that section 49 of the Internal Revenue Code of 1954 (relating to the termination of credit) is amended by inserting after subsection (d) the following new subsection:

"(e) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to property, other than pretermination property (as defined by subsection (b)),—

(1) the physical construction, reconstruction or erection of which is begun after March 31, 1971, or

(2) which is acquired by the taxpayer after March 31, 1971."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years ending after March 31, 1971.

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By Mr. STEVENS:

S. 2191. A bill to amend the Act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect United States fish resources. Referred to the Committee on Commerce.

### AMENDMENT TO FISHERMEN'S PROTECTIVE ACT

Mr. STEVENS. Mr. President, foreign fishing vessels apprehended for violations of U.S. territorial waters or for breaches of fisheries treaties must be penalized in proportion to their offenses. Repeated incidence, often by the same vessels and the same masters, pose a serious threat. What good are penalties if they do not deter continued wrong doing?

An illegal incursion into U.S. waters typically results in temporary delay of a vessel's fishing activities and a fine which can be repaid by selling more illegal fish. Ironically, many of these catches produce high profits through sale in U.S.

markets in competition with American fishermen and processors.

Fisheries treaties consummated in the interest of conservation are violated routinely by foreign fleets in the North Pacific Ocean and Bering Sea. Such violations are punishable only by the parent nation of the offending vessel. Leniency is the rule.

The bill I introduce today is designed to hit an offending foreign fishing operation in the only place it is sensitive to pain—the pocketbook. It provides that importation of foreign fish or fish products into the United States would be prohibited if produced by a nation whose vessels have engaged in an activity dangerous to our fisheries resources. This would apply, for example, when a nation's fishing operations are detrimental to U.S. conservation programs, has breached fisheries treaties with the United States, or has destroyed equipment owned by U.S. fishermen.

Under this legislation the Secretary of Commerce would be responsible for certifying the offense. The Secretary of the Treasury then would prohibit importation of the products into our Nation.

Mr. President, as one who has lost all patience with the violations of our territorial waters and with the futility of so many provisions of our fisheries treaties, I urge the U.S. Senate to adopt this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2191

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act to Protect the Rights of Vessels of the United States on the High Seas and in Territorial Waters of Foreign Countries" approved August 27, 1954 (22 U.S.C. 1973), is amended by inserting at the end thereof the following new section:

'SEC. 8. (a) When the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations in a manner or in such circumstances which would diminish the effectiveness of domestic programs designed to insure the conservation of the United States fish resources by entering the United States' contiguous fisheries zone established in 80 Stat. 908, by engaging in activity which breaches a fishery treaty between the United States and the foreign country of which the fisherman is a national, by engaging in any activity which breaches any other agreement or understanding respecting fishing between the United States and the foreign country of which the offending fisherman is a national, by destroying equipment owned by United States fishermen, or by engaging in any other activity which endangers United States fish resources, the Secretary of Commerce shall certify such fact to the Secretary of the Treasury. The Secretary of the Treasury shall then prohibit the bringing or the importation into the United States of any fish products of the offending country. This prohibition shall also apply to the bringing or importation of fish products processed by any person subject to the jurisdiction of said country and transshipped through third countries to the United States.

"(b) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

"(c)(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

"(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

"(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

"(d)(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

"(2) The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, the judges of the high court for the Trust Territory of the Pacific Islands, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and regulations issued thereunder.

"(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

"(4) Such person so authorized shall have the power—

"(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

"(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this provision of this section or the regulations issued thereunder, then to arrest such person.

"(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

"(6) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish products seized if the process has been levied, on receiving from the claimant of the fish products a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the court or United States commissioner having jurisdiction of the offense, conditioned to deliver the fish food products seized, if condemned, without impairment in value or, in the discretion of the court or United States commissioner to pay its equivalent value in money or otherwise to answer the decree of the court or of the United States commissioner in such cause. Such bond or stipulation shall be returned to the court or United States commissioner and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court or United States commissioner. In the discretion of the accused, and subject to the direction of the court, the fish products may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

"(e) The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

"(f) As used in this section—

"(1) The term 'person' means any individual, partnership, corporation, or association; and

"(2) The term 'United States', when used in a territorial sense, includes all areas under the sovereignty of the United States, its territories and possessions, the Canal Zone, and the Trust Territory of the Pacific Islands."

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By Mr. HRUSKA (for himself and Mr. MCCLELLAN) (by request):

S. 2192. A bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes. Referred to the Committee on the Judiciary.

### DRUG ABUSE PROCEDURES ACT OF 1971

Mr. HRUSKA. Mr. President, on June 24 I joined in the introduction of S. 2140, the narcotic addict rehabilitation amendments of 1971. I mentioned at that time that S. 2140 was one of the legislative measures called for by President Nixon in his message to the Congress on drug abuse.

Today, I am pleased to send to the desk a second bill in implementation of the President's drug abuse message of June 17. On behalf of the distinguished chairman of the Subcommittee on Criminal Laws and Procedures, Senator MCCLELLAN, and myself, I ask that the bill be appropriately referred and that, at the conclusion of my remarks, the full text of the bill and of the Attorney General's letter of transmittal be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, as we consider long range programs to eliminate the demand for dangerous drugs, we must not neglect the supply. Due to the enactment last year of the Comprehensive Drug Abuse Prevention and Control Act of 1970, we have a new body of law to enforce. And although a number of the provisions of this landmark legislation did not become effective until May 1 of this year, it has been observed that some procedural modifications will improve the enforcement of the criminal provisions of this act.

The "Drug Abuse Procedures Act of 1971," as this bill is entitled, proposes two reforms in criminal procedure which are designed to facilitate prosecution of drug abuse cases.

The first modification would permit the admission into evidence of certified findings resulting from chemist's analyses of substances controlled under the Comprehensive Drug Abuse Prevention and Control Act. Such a certified record would be available for defense inspection at least 72 hours prior to trial.

These chemical tests have reached the point where their extreme accuracy is recognized. This is particularly true in heroin cases. Most of the time the actual appearance of the chemist who made the test serves no useful purpose, and instead slows the process of justice. The use of the certificate would save the time of all persons concerned without prejudicing the defendant. The chemist could still be called by the defense upon a showing that such appearance was necessary and material.

The second reform proposed by this bill would further the extraterritorial effect of section 1009 of the Comprehensive Drug Abuse Prevention and Control Act. Future prosecutions under this section for offenses committed overseas will in some instances require the use of evidence obtained in a foreign country. The situation regarding admissibility of this evidence in our courts should be clarified. This modification would amend title 18 of the United States Code to specifically provide that evidence of this nature shall be admissable in courts of the United States, unless the evidence was obtained contrary to the laws of the nation concerned and would therefore be inadmissable in that country.

Mr. President, this bill reflects a commendable desire on the part of the Justice Department to refine criminal procedure in this area still further. While the precise wording of this proposal will have to be examined closely in committee, and some changes could later prove desirable, I believe this bill will make a meaningful contribution to the fight against drug abuse. I am hopeful that it will receive prompt consideration.

### EXHIBIT 1

### S. 2192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Drug Abuse Procedures Act of 1971".

SEC. 2. Section 515 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following:

"(e) In a proceeding for violation of this title, the official report of an analysis of a controlled substance performed by a chemist charged with an official duty to perform such analysis, when attested by the officer having the legal custody of the report and accompanied by a certificate under seal that the officer has legal custody, shall be admissible in evidence as evidence of the facts stated therein and the results of that analysis, if a copy of the certificate is made available for inspection by the defendant or his attorney at least seventy-two hours prior to the trial."

SEC. 3. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Evidence in a foreign country."

"Evidence obtained by a foreign official in a foreign country shall be admissible in evidence in a proceeding in any court of the United States, unless it appears that the evidence was obtained contrary to the laws of that country and is inadmissible in evidence in a proceeding in that country".

(b) The analysis of Chapter 223 of title 18, United States Code, is amended by adding at the end thereof:

"3505. Evidence obtained in a foreign country."

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### EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D.C., June 21, 1971.*

The VICE PRESIDENT,
*United States Senate*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to be cited as the "Drug Abuse Procedures Act of 1971."

Section 2 of this proposal would provide that a certified official record of the results of a chemist's analysis of a substance controlled under the Controlled Substances Act shall be admissible in evidence in a proceeding for a violation of that Act. The defendant in such a proceeding, or his attorney, would be permitted to inspect a copy of the certified record at least seventy-two hours prior to trial.

This provision would expedite the prosecution of drug offense cases, especially those involving illegal traffic in heroin, by eliminating the requirement that the analyst appear as a witness in every instance to attest to his chemical analysis. It is now pointless in a great majority of cases for a chemist to appear and testify because of the high degree of accuracy which is attained in the testing procedures. The accused would, of course, have the right to call the analyst for examination upon a showing of materiality and necessity therefor.

Section 3 of the proposal would add a new section to title 18, United States Code, to provide specifically that evidence obtained in a foreign country shall be admissible in the courts of the United States unless it appears that the evidence was obtained contrary to the laws of that country and is inadmissible in evidence in a proceeding in that country.

The provision is intended to codify existing case law (*Brulay* v. *United States*, 383 F.2d 345 (CA 9, 1967), *cert. denied*, 389 U.S. 986), and is not intended to be a limitation on the admissibility of the evidence. It would in addition be subject to the rule of existing case law that it would be inadmissible if the method of obtaining it had been such as to shock the conscience of the court. See *Birdsell* v. *United States*, 346 F.2d 775 (CA 5, 1965), *cert. denied*, 382 U.S. 963; *United States* v. *Nagelberg*, 434 F.2d 585 (CA 2, 1970), *cert. denied*, 91 Sup. Ct. 935.

Prosecutions for offenses committed under the Comprehensive Drug Abuse Prevention and Control Act of 1970 will sometimes require the admission of evidence obtained in another country. This provision would facilitate prosecutions for offenses involving international traffic in illicit drugs by clarifying the law concerning the admissibility of such evidence.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

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### By Mr. HANSEN (for himself and Mr. MCGEE):

S. 2193. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River irrigation project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, on behalf of myself and the senior Senator from Wyoming, Senator MCGEE, I introduce legislation to reimburse the Shoshone and Araphoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were extended to benefit only individuals on the construction and operation and maintenance of the Wind River irrigation project.

This bill authorizes the Secretary of the Interior to reimburse the tribes for what is estimated to be an expenditure of $75,827.84, of tribal funds. These were not tribal irrigation costs and the Congress in the past has reimbursed the tribes for such expenditures.

I request that the bill be assigned to the appropriate committee and that the Congress take early action.

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### By Mr. BURDICK:

Senate Joint Resolution 122. A joint resolution to create a Commission on Revision of the Federal Court Appellate System of the United States. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, on March 23, 1971, the Judicial Conference of the United States transmitted to the Senate a recommendation for legislation creating a commission to study the feasibility of realining the several circuits of the court of appeals. The need for change in the circuit court system is predicated upon the ever-increasing caseload and, in turn, the increase in the number of judges on the courts of appeals. The Fifth Circuit Court of Appeals now has 15 judges, and the ninth circuit 13 judges. This has created difficulties in administration of a court of such size. The projections for the caseload to be anticipated in the near future as a concomitant of increased population and socioeconomic activities would eventually require a further increase in the judicial manpower in these courts, as well as the district courts. For example, a need for 25 judges on the Fifth Circuit Court is foreseen for the year 1975 if present trends continue.

While it is apparent that a solution, other than pure manpower increases, must be found, there is respectable opinion that realinement of the circuits, involving redistribution of the caseload to courts of appeals having new delineations of territorial jurisdiction, would be only a temporary solution. The benefits of such a realinement may last only until the caseload increases to a point beyond the capacity of the revised courts. Legal scholars in recent years have suggested that a relatively permanent solution to the problems of increased appellate caseload can be found only if the appellate court system itself is redesigned or restructured. The details of the various suggestions which have been made need not be mentioned here. It is probably sufficient merely to mention their existence.

Mr. President, my review and analysis of this problem affecting our circuit courts persuades me to the opinion that if we are to commission a study of the matter, that such study should be broadened beyond the scope of the recommendation made by the judicial conference. Therefore, I am introducing this joint resolution providing for the creation of a commission to study revision of the appellate court system of the United States, including the feasibility of structural changes in the appellate court system as well as the more narrow proposal relating to realinement of the boundaries of the several circuits. It is my belief that such a study will result in specific recommendations to the President, to the Chief Justice, and to the Congress for long-lasting reforms which will enable our courts to handle the increased caseload which is anticipated for the near future.

Mr. President, I ask unanimous consent that the full text of the joint resolution be included in the Record at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

### S.J. Res. 122

Whereas the number of appeals filed in the United States Courts of Appeal increased 14% during fiscal year 1970 over the year 1969 and in the past decade have increased from 3,899 appeals in 1960 to a total of 11,662 appeals in 1970; and

Whereas the number of circuit judgeships in the past decade has increased from 68 to 97 judges but the number of appeals pending at the end of each fiscal year has increased from 2,220 in 1960 to 8,812 in 1970; and

Whereas the Federal Judicial Center has projected that the imput of litigation into the Federal court system will increase from 127,000 cases for fiscal year 1970 to 350,000 cases by 1990 if the trend of recent years continues: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby established a Commission on Revision of the Federal Court Appellate System, whose function shall be

(a) to study the present division of the United States into the several judicial circuits;

(b) to study the problems attendant upon pre-hearing screening of appeals, en banc hearings, intra-circuit and inter-circuit disparity in interpretation of Federal law, and other appellate procedures and problems;

(c) to study the present and anticipated caseloads of these circuits, the workloads of the judges, the time required for appellate review, and the alleviation of the problems arising therefrom by redividing the United States into several judicial circuits or by restructuring the appellate court system, or by other feasible court reforms;

(d) to study the problems arising from present and anticipated caseload of the Supreme Court and the possible alleviation of these problems;

(e) to study other areas of court reform related to the problems specified herein; and

(f) to recommend to the President, the Chief Justice of the United States, and the Congress such alternative changes in the appellate court system of the United States as may be most appropriate for the expeditious and effective disposition of the present and anticipated caseload of federal appellate courts, consistent with fundamental concepts of fairness and due process.

Sec. 2. (a) The Commission shall be composed of twelve members as follows:

(1) two members appointed by the President of the United States;

(2) two members of the Senate, one from each of the two major political parties, appointed by the President of the Senate;

(3) two members of the House of Representatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives;

(4) two judges appointed by the Chief Justice of the United States;

(5) two practicing lawyers appointed by the Executive Committee of the American Bar Association; and

(6) two professors of law appointed by the Executive Committee of the American Association of Law Schools.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum, but three members may conduct hearings.

Sec. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

Sec. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for Level V of the Executive Schedule.

(b) The Executive Director may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates. Provided, however, that such compensation shall not exceed the annual rate of basic pay of Level V of the Executive Schedule pay rates, section 5316, title 5, United States Code.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

Sec. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its function under this joint resolution and each such department, agency and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

Sec. 6. The Commission shall submit its final report to the President, the Congress, and the Chief Justice within two years after the date of his joint resolution. The Commission shall cease to exist ninety days after the date of the submission of its final report.

Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this joint resolution.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 632

At the request of Mr. Jackson, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 632, a bill to amend the Water Resources Planning Act to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.

### S. 1111

At the request of Mr. Ribicoff, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 1111, a bill providing for tuition tax credit.

### S. 1311

At the request of Mr. Pearson, the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Idaho (Mr. Church), and the Senator from New Mexico (Mr. Anderson) were added as cosponsors of S. 1311, the Newsmen's Privilege Act.

### S. 1597

At the request of Mr. Hartke, the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 1597, a bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows.

### S. 1828

At the request of Mr. Dominick, the Senator from Delaware (Mr. Roth), the Senator from Missouri (Mr. Eagleton), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

### S. 2109

At the request of Mr. Hruska, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2109, a bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

### S. 2111 THROUGH S. 2123

At the request of Mr. Javits, the Senator from Illinois (Mr. Percy), the Senator from California (Mr. Tunney), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 2111 through S. 2123, bills dealing with the recycling of materials used in Government procurement and construction programs.

### S. 2135

At the request of Mr. Kennedy, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 2135, a bill to extend title V of the Social Security Act.

## SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO PRISONERS OF WAR IN SOUTHEAST ASIA

(Referred to the Committee on Foreign Relations.)

Mr. TAFT. Mr. President, freedom for our prisoners of war and missing in action is a goal for all Americans. The countless letters, telegrams, and even trips abroad by our concerned citizens demonstrate the depth of our commitment to have these men released. I sincerely commend the individuals and groups who have joined in these efforts.

Our outrage has been heard by the North Vietnamese. Hanoi has responded with an increase in mail service, films and lists of our POW's. But the sad fact remains that our young men have not yet returned to their families and friends.

While the spontaneity and wide participation in private efforts by Americans has proven effective, I am today proposing a resolution which I believe will substantially broaden and enhance these efforts. This resolution, which urges the Executive branch to create a commission to analyze and recommend workable solutions to the POW/MIA situation, was introduced by the distinguished gentlemen from Ohio (Mr. Miller) in the House of Representatives on March 23.

This bill proposes that the membership of the commission include people from a wide variety of backgrounds who may offer realistic insights and meaningful recommendations. I wholeheartedly concur with the distinguished gentleman from Ohio in recommending that the following groups be represented on the commission: First, POW/MIA families; Second, representatives of world church councils; Third, representatives of the academic community—specifically individuals world renowned in international studies, political structures, and ideologies; Fourth, representatives of the American political spectrum; Fifth, representatives of the International Red Cross; and sixth, representatives of commercial business, and civic organizations with international networks.

In addition, the commission should include provisions for a direct channel with the U.S. delegation at the United Nations.

To date, the efforts to free our POW's have been largely American efforts. Another avenue which may prove helpful is the active enlistment of the support of other nations. Where American outrage has not met with success, perhaps the added outrage of other nations including those which North Vietnam recognizes diplomatically may further induce Hanoi to change her policy.

It is my belief that this POW/MIA Commission would play an invaluable role by coordinating and unifying the private and public efforts in our country and around the world to bring our boys home.

The concurrent resolution (S. Con. Res. 32) read as follows:

Whereas the United States Government has ascribed to and abided by the tenets of the Geneva Convention of 1949; and

Whereas in 1957 the government of North Vietnam was a signatory to the provisions of the Geneva Convention and has disregarded those provisions relating to prisoners of war and missing in action; and

Whereas the American people have been deeply concerned with the treatment of members of the Armed Forces of the United States under confinement in North Vietnam or missing in action in Southeast Asia; and

Whereas efforts to date have been unsuccessful to secure humane treatment for known prisoners and an accounting of missing members of the Armed Forces of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the President should act to establish a prisoner of war/missing in action commission to examine and recommend such steps as may be appropriate to obtain an accountability of, humane treatment for, and the release of, all members of the Armed Forces of the United States presently missing or interned by Communist forces in Southeast Asia.

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## EDUCATION AMENDMENTS OF 1971—AMENDMENT

### AMENDMENT NO. 235

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. MONDALE. Mr. President, S. 659, the "education amendments of 1971," is now before the Subcommittee on Education of the Committee on Labor and Public Welfare, ably chaired by the distinguished Senator from Rhode Island (Mr Pell).

In his testimony before the subcommittee, Prof. Morris L. Cohen, president of the American Association of Law Libraries, revealed that law school libraries have found themselves largely unable to participate in financial assistance made available to university libraries under the Higher Education Act of 1965. Professor Cohen testified that—

> Existing legislation in aid of the Higher Education Act or in aid of libraries have not made specific revisions for law libraries. As a consequence, we have received virtually no benefits from any of the existing legislation . . ."

Mr. President, the amendment which I introduce today, if incorporated in the bill presently before the subcommittee on education, would clarify the right of law school libraries to participate in programs under the Higher Education Act.

It would amend title II of the Higher Education Act—college libraries assistance and library training and research—to make clear that financial assistance to institutions of higher education for library resources and training in librarianship is available for law school libraries and for persons in training for law librarianship.

It would amend title VIII of the Higher Education Act—networks of knowledge—to make clear that financial assistance to institutions of higher education for sharing educational resources is available for programs in law schools and other graduate professional schools, and that law libraries as well as other university libraries may be included in such programs.

It would amend title XI of the Higher Education Act—law school clinical programs—to make clear that library resources are included in the equipment which may be purchased with financial assistance for conducting law school clinical programs. I believe that clinical programs designed to provide law students with experience in dealing directly with the problems of the poor and the powerless are the most encouraging innovations in legal education in many years. It is especially important that these programs be furnished resources to provide services and learning experiences of the highest quality—and books are the basic tools of a lawyer's trade.

Mr. President, I have every hope that this amendment, which would clarify the position of law school libraries under the Higher Education Act, will be accepted by my colleagues on the Subcommittee on Education—of which I am a member—and by this body. Although I believe that these amendments only clarify what is already implicit in existing law, they will have an important practical impact on the participation of law school libraries in programs under the Higher Education Act of 1965.

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## ADDITIONAL COSPONSOR OF AMENDMENTS

### AMENDMENT NO. 159

Mr. CHURCH. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor of Amendment No. 159, which is intended to be proposed to the Foreign Assistance Act, S. 1657.

The purpose of the amendment, which has more than 20 cosponsors, is to obtain a suspension of U.S. military and economic aid to Pakistan until food and medical relief, supervised by an international agency such as the United Nations, is instituted on a regular basis throughout East Bengal and the majority of Pakistani refugees now in India are repatriated.

The PRESIDING OFFICER (Mr. Cranston). Without objection it is so ordered.

### AMENDMENT NO. 198

At the request of Mr. Kennedy, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of Amendment No. 198, to terminate the sugar quota for South Africa, intended to be proposed to H.R. 8866, the Sugar Act Amendments of 1971.

### AMENDMENTS 218 THROUGH 223

At the request of Mr. Javits, the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Tunney), and the Senator from Illinois (Mr. Percy) were added as cosponsors of Amendments 218 through 223, dealing with the recycling of materials used in Government procurement and construction programs.

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## NOTICE OF HEARINGS ON PUBLIC LANDS ORGANIC ACT

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs will hold public hearings on September 21 and 22 on S. 921, a bill to make major revisions in public land laws.

The hearings will start at 10 a.m. each day in room 3110 of the new Senate Office Building.

The bill is entitled "Public Domain Lands Organic Act of 1971" and was introduced by me in February. Title I of the bill would apply to the lands administered by the Bureau of Land Management of the Department of the Interior.

Title II of the bill would repeal the Mining Law of 1872 and substitute a mineral leasing system in place of the present patenting system. Other acts the bill would repeal are the Homestead, Desert Land Entry, townsites, and parts of the Taylor Grazing Act.

## ANNOUNCEMENT OF HEARINGS BY THE DISARMAMENT SUBCOMMITTEE

Mr. MUSKIE. Mr. President, on July 6 and July 8 the Foreign Relations Subcommittee on Arms Control will resume its hearings on the arms control implications of the defense budget.

We have already inquired into the rationale for our nuclear triad of three invulnerable strategic weapons systems—land-based missiles, submarine-based missiles, and bombers. On June 16 and 17 we heard administration and outside witnesses discuss these strategic systems and begin to analyze the central question before the subcommittee: the sort of strategic posture that will guarantee our security and not at the same time fuel the arms race or waste billions of taxpayer dollars.

On July 6 and July 8 we will focus on the ABM and MIRV components of the defense budget. We will be particularly concerned with whether the deployment of MIRV and ABM could have the effect of stimulating the arms race and rendering more difficult an arms control agreement with the Soviet Union.

We will want to explore the "bargaining chip" theory according to which the administration argues that continued deployment of these weapons will improve the American bargaining position vis-a-vis the Soviets and facilitate the chances of an agreement at SALT. We will also want to know more about the need for these weapons in meeting what the administration refers to as the "sufficiency" criterion of our strategic posture. In particular, we will want to explore the argument that ABM and MIRV will increase the stability of crisis situations when the nuclear powers come into direct confrontation.

We will also want to know more concerning the latest estimates of Soviet MIRV capabilities and the accuracy of their giant SS–9 missile. The justification for our own ABM system depends upon reliable estimates of these Soviet capabilities, for it is the S–9 missile with its MIRV potential that threatens our Minuteman force that the Safeguard ABM is designed to protect.

Moreover, we will want to know more concerning the rationale for our own MIRV deployments—the Minuteman III, and Poseidon missiles. One possible argument for these deployments is that the Soviets might have the capability of converting a portion of their numerous surface-to-air missile defense systems—designed to protect against bombers—into ABM systems—the so-called SAM-upgrade problem. Our MIRV's, it is argued, are necessary to counteract such a threat.

Another rationale sometimes used for these MIRV deployments is that the President must have the option, after a Soviet first strike, of retaliating against remaining Soviet forces rather than destroying Soviet cities. This is the theory of a limited nuclear war, which holds that a nuclear war might actually be fought and terminated without destruction of civilian centers. MIRV's, it is argued, are necessary to give the United States a number of deliverable warheads to make such a limited counterforce war possible. We will want to know whether the administration holds to this particular nuclear theory.

We have invited administration and outside witnesses to appear at these hearings, and I will report to the Senate when a final list of witnesses is confirmed.

## ANNOUNCEMENT OF HEARINGS ON SPEEDY TRIAL

Mr. ERVIN. Mr. President, in the weeks ahead the Constitutional Rights Subcommittee will hold hearings on S. 895, a bill designed to give new vitality and meaning to the sixth amendment guarantee of speedy trial. We have initially scheduled 4 days of hearings on July 13, 14, 20, and 21.

These will be the first Senate hearings on any specific legislative proposal to bring about speedy trials for all Federal criminal suspects. The bill, which I originally introduced a year ago in the 91st Congress as S. 3936, was widely circulated by the subcommittee in the last 6 months of 1970 to solicit views and suggestions from bar groups, judges, law professors, and others knowledgeable in the field of criminal law. It has received enthusiastic support from the bar, the bench, the press, and the general public.

Support for our position has continued to grow steadily. I ask unanimous consent to have printed at the conclusion of my remarks several recent editorials which manifest that growing support.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, although legislative deliberations on the bill are just beginning, it has already sparked interest and progress in making the constitutional right to speedy trial a practical reality. The President and the Chief Justice in recent speeches have laid great stress on the need to equip our criminal justice system so that justice will be swift. The Second Circuit Court of Appeals has announced speedy trial rules which, among other provisions, carry dismissal as the consequence of inordinate delay by the prosecution. The New York State courts have also announced new speedy trial rules, and just the other day the Judicial Conference of the United States circulated proposed rule changes in the speedy trial provisions of the Federal Rules of Criminal Procedure.

I welcome these first steps on the part of the Nation's judiciary. Ultimately it is to the courts that we must look for enforcement of the constitutional guarantee, as well as strict application of the rules which may be laid down by Congress and State legislatures by statute.

Despite the admirable progress made by the courts in recent months, it is clear that Congress must also act, for there is a limit to what the judiciary is able to do on its own. Clearly the legislature must provide the leadership. This leadership is now being demonstrated by Congress, both in the Senate and the House.

On February 22 of this year 24 of my colleagues joined with me in introducing S. 895, which is substantially the same as S. 3936. By May 12, 1971, 17 additional Senators had decided to cosponsor the bill. Today I am pleased to announce that four more Members of the Senate—Senators Hatfield, Magnuson, Miller, and Percy have chosen to lend their names and support to this bill. That brings the total number of cosponsors to 46.

Mr. President, I ask unanimous consent that at the next printing of S. 895, the following Senators be shown as cosponsors: Birch Bayh, Wallace F. Bennett, Lloyd M. Bentsen, Jr., Alan Bible, Quentin N. Burdick, Howard W. Cannon, Clifford P. Case, Lawton Chiles, Alan Cranston, Carl T. Curtis, Robert Dole, Thomas F. Eagleton, Hiram L. Fong, David H. Gambrell, Edward Gurney, Philip A. Hart, Vance Hartke, Mark O. Hatfield, Ernest F. Hollings, Roman L. Hruska, Harold E. Hughes, Hubert H. Humphrey, Daniel K. Inouye, Henry M. Jackson, Jacob K. Javits, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., John L. McClellan, Gale W. McGee, George McGovern, Thomas J. McIntyre, Jack Miller, Walter F. Mondale, Frank E. Moss, Edmund S. Muskie, Robert W. Packwood, Claiborne Pell, Charles H. Percy, Jennings Randolph, Ted Stevens, Herman E. Talmadge, Strom Thurmond, John G. Tower, and Harrison A. Williams.

Progress in the Senate is being matched in the House as well. In the past 3 months, five bills have been introduced: H.R. 6045 by Mr. Matsunaga; H.R. 7107 by Mr. Mikva with 16 other cosponsors. H.R. 7108, also by Mr. Mikva with 20 other cosponsors; H.R. 7524 by Mr. Charles Wilson; and H.R. 7789 by Mr. Mikva with four other cosponsors.

Mr. President, the primary objective of S. 895 is elimination of the long and unnecessary delay between arrests and trials which has been exacting an unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

Title I of S. 895 would require each Federal District Court to establish a plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirement would be allowed but only on limited grounds such as a defendant's unavailability or a judicial finding that the ends of justice cannot otherwise be met.

Title II of the bill contains provisions to enhance operation of the Bail Reform Act of 1966 by establishing demonstration "Pretrial Services Agencies" in five districts, including the District of Columbia. The new agency would insure that the defendant received the necessary social, employment, and other services which would minimize the temptations to crime and future delinquency in the pretrial period. With its recently increased responsibilities and added personnel and resources, the District of Columbia Bail Agency might well be expanded into one such model pretrial services agency. I believe the provisions of this title, together with the speedy trial provisions of title I, will substantially eliminate the problem of crime on bail.

S. 895 offers us a concrete and workable proposal to bring about speedy trials instead of just another tired, empty slogan about that long-neglected constitutional right. Moreover, it provides a viable and clearly constitutional alternative to the Justice Department's unwise and unconstitutional scheme of preventive detention. It is noteworthy that S. 895 numbers among its supporters those who support preventive detention as well as those who, like myself, oppose it. While I cannot speak for all cosponsors on this issue, I believe there are few who would not dispense with preventive detention if an alternative could be found. It is my hope that S. 895 is just such an alternative.

Those of us who have cosponsored S. 895 fully realize that it is not totally free of problems, but we are convinced that those problems can be successfully overcome. Indeed, they must be overcome if we are to have a speedy, fair and effective system of criminal justice in this country. We all share the firm conviction that S. 895 or similar legislation can make our criminal justice system more responsive to the needs of society in general and criminal suspects in particular.

At the forthcoming hearings, the subcommittee will closely examine all constructive suggestions for changes in the bill. We intend to air all the issues and problems thoroughly and look forward to hearing from the expert witnesses who have agreed to assist us in this important task. As views mature we will hold additional hearings in the future. Despite the overwhelming support developing for this bill, I intend to give a thorough and deliberate examination to the entire problem. As I have said on other occasions in the past, in the critical area of criminal justice and constitutional law the temptation to gain quick political triumphs must be subordinated to the requirement of responsible legislative procedure.

Mr. President, the people whom we represent all across the country are looking to us for deeds instead of mere words. I hope the hearings we plan will be the first of several major and prompt steps toward enactment of speedy trial legislation.

Further information about the hearings can be obtained by contacting the Constitutional Rights Subcommittee office, 102–B, Senate Office Building.

EXHIBIT 1

[From the Albany (N.Y.) Times Union, May 30, 1971]

### CRIME AND PUNISHMENT

Issue: Will the pioneering New York law calling for release of criminal defendants after six months if no action has been taken against them provide a lever for court reform moves?

All law enforcement officials agree on a virtually self-evident truth—that there would be very little crime if punishment were sure and swift. In this crime-ridden country, unfortunately, and especially in its big cities, the ideal of certain and speedy justice has been all but lost in the understaffed, outmoded, over-careful, molasses movement of its courts. The inexorable result is more and more crime.

This possibly trite but deplorably valid comment was stimulated by a notable recent article written by Sen. Sam J. Ervin Jr. The North Carolina Democrat, who is one of the Senate's most qualified and respected legal experts, pointed up the problem as follows in the March 1971 issue of the "Harvard Civil Rights—Civil Liberties Law Review."

"The imminence of judgment for wrongdoing is probably society's greatest deterrent to potential crime activity. . . . But the criminal class is well aware that in America justice is neither swift nor certain, and that there are many opportunities between arrest and jail to slip through the net and avoid justice.

"If arrest led inevitably and quickly to trial, and trial to conviction and punishment of the guilty, the potential criminal would no longer be confident he could beat the rap. Speedy trial must be the first goal of any serious effort to deal with crime."

No ordinary laymen can presume to tell the courts what must be done to make them more efficient, and thus more effective. Even the professionals are divided on how to break up the present court jams, how to streamline procedures, how to cut down on unnecessary and often deliberately-provoked defense delays. But it must be done.

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[From the St. Louis (Mo.) Post-Dispatch]

### SLOW REPLY ON SPEEDY JUSTICE

Although President Nixon and Attorney General John Mitchell are members of the same Administration, they apparently do not talk to each other about some matters of common concern. Both the President and Warren E. Burger, the man he appointed Chief Justice have spoken strongly in support of speedier criminal trials. Yet Senator Sam J. Ervin has said that the Justice Department, under Mr. Mitchell, has still not responded to a request he made more than five months ago for its views on a bill that would expedite criminal justice. The Ervin measure would, in general, require federal criminal defendants to be brought to trial within 60 days.

Federal courts in the southern district of New York have already provided by rule of court that if, through no fault of a defendant, the prosecution fails to bring him to trial within six months of his arrest, it must free him. A similar rule has been adopted by New York's State Court of Appeals, which has also decreed that even after three months the state must release a jailed defendant on parole or reasonable bail, except in cases of homicide. These rules, and Senator Ervin's bill, are designed to correct the injustice done to accused persons, who are still presumed innocent under the law and who are constitutionally guaranteed a speedy trial, especially in federal cases, and yet are imprisoned for long terms while awaiting trial.

It is true that additional expenditures will be required for the extra judges, prosecutors and publicly-paid defense counsel needed to handle the cases of imprisoned poor defendants. But the higher cost would be offset in part at least by the saving of incarceration costs, to say nothing of the intangible savings achieved by enhancing respect for a system of justice which does not force the accused to rot behind bars while it procrastinates over their fate. Sen. Ervin is right when he says the Justice Department should put aside its "vain and false panacea of preventive detention" and support legislation to speed trials.

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[From the San Francisco (Calif.) Chronicle, May 23, 1971]

### PRETRIAL JAILING

Once again, the Administration is asking Congress to give federal judges the right to hold certain accused criminals in jail for 60 days without bail before they have been tried. The new proposal is modified only slightly in form from one that was introduced two years ago and died a proper death in the Senate Constitutional Rights subcommittee.

Senator Hruska (Rep-Neb.), acting for the Justice Department in sponsoring the attempted revival, admits pretrial detention has a constitutional cloud over it. A form of pretrial detention was authorized for the District of Columbia in February to meet that community's problem of bail skippers, but very few persons have been held under it and its constitutionality is yet to be determined.

A defendant charged with "a dangerous or organized crime act" could be held without bail if a judge determined that he constituted "a threat to the safety of the community." In short, he could be held for what he might do rather than for what he had done.

Leading congressional opposition is Senator Ervin (Dem-N.C.), a man of generally conservative views. He calls pretrial detention a vain and false panacea. He suggests that the Administration might better deal with recidivists by providing machinery for speedier trials on charges already filed than by holding them in jail for fear they will commit a new offense.

A free society runs certain risks to remain free. These risks include the possibility that an accused person may skip bail or commit another crime. Senator Ervin adds:

"In my judgment it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit, merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial."

With this, we concur.

## ADDITIONAL STATEMENTS

## TRIBUTE TO SENATOR STENNIS

Mr. TOWER. Mr. President, rarely in my 10 years as a Senator have I witnessed such a masterful job of statesmanship and floor management to compare with the performance of the Senator from Mississippi (Mr. STENNIS).

Senator STENNIS commanded the attention of this entire body throughout the entire 7-week debate on the Draft Extension Act. He did not seek to railroad this bill through the Senate, but, rather gave every Senator the opportunity to call up his amendment and have it fully debated. It was only after 6 weeks of extended debate that Senator STENNIS felt compelled in the interest of national security to file a cloture petition. There is little doubt in my mind that it was the manner in which Senator STENNIS conducted himself during the period of debate that convinced the necessary two-thirds of this body to vote to cutoff debate on this bill.

Mr. President, I am extremely proud to be a member of the Committee on Armed Services, which has as its chairman the distinguished Senator from Mississippi. We, as Senators, cannot offer a tribute to match his leadership qualities. Senator STENNIS does not expect such a tribute because he believes that duty alone binds him to the tasks he carries out. It is this sense of duty, along with such other characteristics as integrity and loyalty that make JOHN STENNIS stand out as one of the greatest men who ever held a seat in this Chamber.

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## FOREIGN IMPORTS HURTING NORTH CAROLINA TEXTILE INDUSTRY

Mr. ERVIN. Mr. President, the Carolina Financial Times for June 21, 1971, contains an article entitled "Foreign Imports Hurting State Textile Industry" which reveals quite clearly the injury being done to North Carolina's textile industry in particular and the American textile industry in general by the foolish trade policies which this country pursues.

As the article clearly reveals, the continued importation into the United States of textile products and clothing is depriving investors in these industries of a fair return on their investments, robbing these industries of their domestic markets, and exporting the jobs of Americans who work in these industries to foreign lands. All of this is done in the name of free trade, when there is no free trade in this world on the part of the nations from which we import goods. All of these nations have artificial trade barriers to deny access to their markets to American goods, and notwithstanding this fact, our nation sticks its head in the sand like an ostrich and ignores the realities which are doing irreparable injury to American industry.

It is to be hoped that the Nixon administration will exert itself to fulfill its campaign promises and take some realistic steps to prevent the continued deterioration of the welfare of the American textile and clothing industries.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

### FOREIGN IMPORTS HURTING STATE TEXTILE INDUSTRY

(By G. H. Simpson)

In 1968, when he was a California lawyer running for the presidency, Richard Nixon said he would "seek international trade agreements to contain rising imports of textiles." He said, "The program to which I am committed will provide this vast industrial-agricultural-fiber complex far-reaching opportunity for employment of American citizens in both rural and urban communities where jobs are needed most."

Like lovers' pledges in the night, campaign promises rarely survive the harsh dawn of day. A nice way of putting it is "credibility gap", but C. E. Connelly, vice-president and treasurer with Cone Mills, Inc. put it more bluntly, "a bunch of stupid, socialistic crap from Washington."

However you chose to term it—the facts belie Nixon's campaign promise. Textile imports reached a record high in April of 527 million square yards equivalent, and as Tom Ingram, executive vice-president of the N. C. Textile Manufacturers Association puts it, "It's tearing the heart out of the textile industry."

During the first quarter of 1971 most North Carolina-based textile companies made little profit and some sustained losses. The reasons are varied but the major problem is imports from foreign nations, especially from Japan and Hong Kong.

The first four months of this year saw textile imports soar to a record high of 1,935 million square yards equivalent which is more yards than were imported in all of 1964. And that is up an incredible 42 per cent over last year's figure. (See chart accompanying this article for more details.)

How is this affecting North Carolina's textile industry? It seems to be a major cause of declining jobs and profits.

The pressure from rising imports are forcing changes. Some North Carolina textile firms have been forced to shut down plants; others are laying off workers; still others are switching their product lines.

Apparently the most successful ploy has been to eliminate product lines that are in direct competition with the imports.

A survey of leading N.C. textile companies painted a relatively bleak financial picture. While Texfi and Fieldcrest were apparently so busy they could not—or would not—comment, the other firms questioned said they were fighting off the import problem in various ways; however, the situation is not good and little improvement is expected in the immediate future.

Hanes Corporation, which sustained a large loss during the first quarter, has been staggering work shifts and operating some plants at "less than a full week."

Dick Roberts, financial vice president of Hanes says the outlook is "fair." Apparently knitwear, underclothes and sweaters are holding their own in sales, but the regular hosiery division has been hard hit.

Last year Hanes began a new, low-priced line of hosiery called L'eggs hose. There were begun specifically to compete with the low-priced imports which have taken away from Hanes' market. Roberts calls it "an indirect affect" where the low-priced imports are reducing the demand for the higher-priced, quality hose that Hanes specializes in.

Hanes hasn't made any product line changes as other companies, but they have begun a joint venture with an Israeli firm to produce a still lower-priced hose, perhaps 99 cents per pair. By this, they hope to counter the flow of imports.

Although the first six months of this year have been bleak for Hanes, Roberts says he expects "the last half of 1971 to be better, primarily because of expected increases in sales of L'eggs."

On the other hand, Blue Bell of Greensboro reports they are "well ahead of last year and doing well." Roger LeMatty, president of Blue Bell, says this is due to their "established" products lines, especially Wrangler jeans, that foreign competition can't touch."

LeMatty claims Blue Bell is perhaps, "one of the most diversified textile industries," with a product line ranging from work shirts to knit wear. Says LeMatty, "Foreign competition has taken the low priced market, but our brand names and styles are in strong positions and are staying ahead of (competition)."

Denim and corduroy are, as of now, untouchable by foreign competition and this has been Blue Bell's salvation, however LeMatty also feels something "has to be done to stop the inflow of imports." He's worried that textiles will be forced to begin manufacturing overseas in order to compete with low-price foreign wages but we don't want that because we want to provide jobs here."

And jobs is a touchy subject around Burlington Industries which two weeks ago closed three plants putting some 1200 persons out of work. Earlier 800 workers were laid off. Connie Robinson, manager of one of the closed plants said the shutdowns were "part of a division-wide consolidation . . . brought about by foreign imports and changes taking place in the men's tailored clothing industry."

In recent testimony before a U.S. Senate subcommittee on International Trade, Ely R. Callaway, Jr., president of Burlington Industries warned "That the great disparity between wage rates and working conditions throughout the world tends to make the U.S. the 'dumping ground' for goods which are produced abroad under conditions that are illegal in the U.S."

He added that "Japan is the most highly protected market in the world. As a consequence, Japan often sells products to its own people at considerably higher prices than they sell the same or similar product to Americans. Americans lose by this practice—because we lose our jobs as a result."

Callaway bemoaned the fact that "Starting in 1958, U.S. textile imports have steadily increased . . . as U.S. textile exports remain relatively stable . . . as of the end of 1970 was in deficit by $1.6 billion."

During the first six months of 1971 Burlington's profits were down some $12 million compared to the same period last year.

Cone Mills' Connelly reports that denims and corduroy are doing well and home furnishings excellent. Cone has switched from fabrics that are in direct competition with imports. Twill has given way to more denim and corduroy. They are "getting into knits" to offset drops in sales of some lines of products and other lines are being dropped altogether.

Connelly sees the import problem as "getting worse before it improves" but realizes the squeeze in on with other U.S. Industries. "Maybe this is good," he said thinking that, as more industries are pushed by imports, the sooner corrective legislation will come.

Dan River Inc. also sustained a loss in operations during the first quarter of 1971, although sales were up 7 per cent over the same period last year. Warp and double knits are apparently the bright spots of Dan River. They expect an increase of 40 per cent in these sales over last year's figure of $26 million.

Speaking for Dan River, Public Relations Manager Thomas L. George said, "Imports continue to have an adverse effect on our operations. Dan River is especially affected because over 70 per cent of our production is geared to the manufacture of apparel fabrics and imports of apparel represent the bulk of the textile products coming into this country."

In March, Dan River, in an effort to reduce clerical, administrative and related overhead expenses, "eliminated" some 600 persons.

Sustaining a loss during 1970, Dan River is expecting "sales this year will surpass those of last year by respectable margin."

"Failure of the Administration to secure import control despite repeated promises was cited as a major factor hampering Dan River's operations." It's the same ol' song.

What is being done to curb imports that are so painfully affecting North Carolina textiles? The fair-trade bill introduced by House Ways and Means Chairman Wilbur Mills has been tabled to "allow the Japanese to implement their own trade restrictions." Since tabling the bill earlier this year, the Japanese have done nothing to reduce the flow of textiles to the U.S.

Ingram of the Textile Manufacturers Association says in addition to import controls we need less merger restrictions in this country. He says, "In order for the small mills to survive they need to merge in market research." But the U.S. has placed severe regulations on this practice.

Ingram added, "Inflation has priced U.S. right out of the foreign market and we're not making any money."

The problem may indeed get worse before it improves. Just last week Nixon announced textiles are included in a list of products now open to trade with Red China. In response Richmond Howard, Chairman of the American Textile Manufacturers Institute, said, "We have more to lose than gain by trade liberalization with China. We have reason to believe China has a large textile industry, and liberalization of trade opens a vast source of low-wage imports that, in addition to those already flowing into the U.S., will help displace thousands of U.S. workers.

Where will it end? Hopefully pressure on the administration will soon yield results. Speaking before the subcommittee, Burlington's Callaway said, "There is solid evidence—if one will only look—that within the 1970's the U.S. economy as a whole faces a major threat to its well-being. This threat is from excessive imports which result not from free trade among nations, but from unfair trade practices. Free Trade simply does not exist."

THE VALUE OF IMPORTS STEADILY INCREASING

To show how much the importation of textiles has risen, the Carolina Financial Times has compiled this chart from the Bureau of Census figures. The figures are in millions of dollars and are a total for all textiles and clothing.

| Year | Textiles | Clothing |
|---|---|---|
| 1960 | $562 | $304 |
| 1962 | 663 | 368 |
| 1963 | 679 | 395 |
| 1964 | 681 | 451 |
| 1965 | 800 | 543 |
| 1966 | 909 | 608 |
| 1967 | 808 | 649 |
| 1968 | 963 | 855 |
| 1969 | 1,018 | 1,106 |
| 1970 | 1,135 | [1] 1,200 |
| 1971 January-April | 741 | [1] 600 |
| 1971 (total) | 1,500 | [1] 1,400 |

[1] Estimated by the Carolina Financial Times from figures supplied by the Census Bureau.

## THE BETTER TRAITS OF MAN STILL LIVE

Mr. AIKEN. Mr. President, at a time when greed and selfishness are rampant to an almost unprecedented degree one is apt to wonder whether there is much of the spirit of kindness and self-sacrifice left in this world.

Indeed, there are many who seem to think that the world itself cannot long survive.

Fortunately, the better traits of man do still live, although the good deeds effected by these traits apparently are not considered news in this day and age.

At this time I shall place in the RECORD one little example of the fact that kindness has not completely vanished from the earth. It is a short article published in Guideposts magazine for May 1971.

It relates to the work of an old-time Vermonter and his wife who live in what is called the "Northeast Kingdom" of Vermont.

The article is self-explanatory, and I hope it will be read.

What the world of today does not seem to know is that there still are millions of Will and Olive Gardners.

They do not seek to buy glory.

They do not try to corrupt governments.

They do not indulge in crimes of violence.

They do not even demonstrate before the microphone and the camera.

They just help their neighbors.

They are the kind of people who help us to keep faith and hope.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE QUIET PEOPLE

If you'd go calling at Will Gardner's farmhouse in Island Pond, Vermont, in the late afternoon of a summer's day, you might find Will bent over the white enamel sink, skinning beets. Again and again, with hands dripping red, his white shirt flecked with beet juice, he moves to the black stove to lift the lids of the kettles to test more beets boiling away. Then back to the sink with its drainboards stacked with pyramids of beet greens.

At the other end of the room you'd see his paralytic wife, Olive, sitting at the kitchen table sorting out recipes trying to find directions for pickling beets.

Day after day all summer this 84-year-old man—Gardner by name and gardener by nature—prepares vegetables from his fields for freezing and canning. Although he earned his livelihood as an insurance salesman, he has been plowing, planting and harvesting crops year after year because he says he likes to see things grow.

Of course when his six girls and four boys were home it was a necessity, but after they left the nest to make homes of their own he was faced with the problem as to how he could continue his hobby and yet not waste what the good earth gave back to him.

Pondering on the needs of those around him he decided to give his produce to those in want. So he cut into the kitchen wall and installed a deep freeze. However this wasn't sufficient so he rented a freezer locker.

When the snow begins to drift, the roads become icy and the thermometer begins to drop, Will Gardner starts supplying food for 11 widows in the little village of East Charleston, Vermont, with what he, with his own hands, has raised, processed, packaged and stored away. He also remembers retired couples who are unable to work a garden.

Will Gardner not only helps feed his neighbor's body but also his spirit through prayer groups in his home, which stem from his Church of the Nazarene. And by his encouragement of young people to continue their education, he shows concern for the whole man.

## SUMMER LUNCHES IN JEOPARDY

Mr. HART. Mr. President, the fate of summer lunches for hundreds of thousands of hungry children hangs in the balance. Quite honestly, I find it difficult to understand why. It seems clear enough that actions of recent years by the Congress and by the administration have irrevocably committed this Nation to feed poor children wherever the need exists. Yet, we have come to the beginning of a long, hot summer and have learned at the final hour that the Department of Agriculture does not have the money to fulfill its commitment to help our cities, towns, and rural school districts feed their hungry children while school is not in session.

Congress has responded immediately by acting to authorize the Secretary of Agriculture to use $135 million in additional funds to meet the urgent needs of summer meal service and other child-feeding programs. The Department of Agriculture's recent announcement that it would seek another $11.2 million to operate summer feeding programs falls far short of the kind of response needed to finance the States' plans. The Department acknowledges that the funds will do nothing more than allow communities which had programs last year to serve as many children again this year. This seems most inhuman in view of widespread unemployment and the increasing numbers of families joining the ranks of the poor.

I have expressed my views in letters to OBM Director George P. Shultz and Secretary of Agriculture Clifford M. Hardin and appealed to them to make good on the Federal commitment to feed hungry children.

Last Friday, the Senate Select Committee on Nutrition and Human Needs held an emergency hearing to enable Members of Congress to gain some understanding of the unexpected financial crisis surrounding the summer meal program. The Honorable Roman S. Gribbs, mayor of Detroit, testified at that hearing. I ask unanimous consent that the complete text of his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### REMARKS OF MAYOR ROMAN S. GRIBBS

Good morning, Mr. Chairman, Members of the Committee.

I am joined here today by John M. Amberger and William M. Nugent of my staff and by Dr. William Clexton, Detroit's Health Commissioner.

We are here on a matter of utmost urgency. There are nearly a half million young people between the ages of 6 and 21 in my city. Nearly 100,000 of them are poor, and most of them receive their only full and complete meal during the nine months of the school year in the School Lunch Program.

To ensure that such youngsters continue to receive adequate meals during the summers, Congress three years ago provided a Special Food Service Program which last summer enabled us to feed 25,000 poor youth every day. Our program was widely acclaimed as a national model. Regional officials of the Department of Agriculture urged us to triple its capacity, to serve 75,000 youngsters every day.

Being somewhat more cautious, we determined that we would try to serve 50,000 youngsters every day this year. We were assured by Agriculture officials that federal funds would be available to us for as many as 75,000 meals a day.

Mr. Chairman, let me tell you what it means to operate a program of this size. One does not merely take one and a half million dollars in Federal funds to a local store and buy food to be scattered throughout the community. Rather, we must undergo a very lengthy and complex planning process which in our city involves more than 2,000 people in addition to the 50,000 to be served. It involves the organization of recreation programs at more than 200 sites throughout the city, communication with the 50,000 youngsters to be served, and with more than 1,600 local citizens who have volunteered to staff the program. We cannot simply turn this program on and off as one would turn a faucet.

We were not informed there were any additional problems until about June 8 when the USDA regional office stated they could not formally approve our application since no funds were available. Alerted to the problem last Wednesday (16 June), both the Senate and House of Representatives have expedited legislation concerning the SFSP, and both bodies have approved stop-gap funding legislation which give the Secretary of Agriculture freedom to fund programs if he wishes.

Our "D" Day for the start of this program was the 21st of June. Despite frequent contact by city officials throughout the past fall, winter, and spring, the 21st of June came and went without final approval by federal officials. Because of the need, the Detroit Common Council advanced $100,000 hoping for reimbursement to make sure that we could start the program on time, that we would not lose contact with the youngsters as school closed, all to ensure that kids did not go hungry.

The Federal Government has left us holding the bag. They have urged us to man the serving lines and then in effect have closed the kitchen. They have told us now that we will be fortunate to serve even as many youngsters as we served last year.

Mr. Chairman, we have asked for 1.3 million dollars, yet Agriculture claims the entire state of Michigan is seeking only $636,000. This is not strictly a Detroit problem. In the past few days, members of my staff have checked throughout the country. We understand that three Texas cities alone are seeking more than $900,000 in summer feeding money, yet Agriculture lists the entire state of Texas as requesting only $115,000. Chicago is seeking 2.5 million dollars for its program, yet Agriculture lists the entire state as needing only 1.9 million.

This pattern is repeated throughout the country. A subsequent survey by my staff in close cooperation with the U.S. Conference of Mayors and the National League of Cities indicated that Agriculture has proposed programs throughout the country for fiscal year 1972 to the tune of 46.9 million dollars, 30.6 million of which are to take place beginning July 1st.

Mr. Chairman, I have enough trouble managing the affairs of the City of Detroit. We have no time to develop programs proposed by the Department of Agriculture which they have no intention of implementing. This department has fallen down disastrously in its management of this program.

It is to your credit and to that of your colleagues in the Senate and in the House of Representatives that you have moved rapidly to permit us to use 135 million dollars of Section 32 money to feed young people this summer. We understand that the administration intends to place a limit of 32 million dollars on spending for this Special Food Service Program throughout the year. That is a limit of $32 million against promised programs of 46.9 million dollars. Such intransigence with regard to spending, following as it does the duplicitous performance by the Department of Agriculture, demonstrates their total lack of commitment.

Gentlemen, time has now run out—and what we need now is immediate utilization by the Agriculture administration officials of the funds that have been made available to them through your recent actions.

## PROBLEMS OF OUR RAILROADS

Mr. PEARSON. Mr. President, in recent months the problems of our Nation's railroads have become increasingly apparent. We have experienced yet another nationwide strike; a quasi-public corporation has begun to operate passenger trains, and each day brings word of another proposed abandonment of a rail line.

The president of the Santa Fe Railroad, Mr. John S. Reed, has addressed himself to these problems and recommended some solutions which I think merit the attention of the Senate. In remarks made in my home State, he urged greater cooperation between major railroads and the Federal Government.

Because of the timeliness and thoughtfulness of this statement, I ask unanimous consent that it be printed in the Record. I invite the attention of the Senate to it.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks by John S. Reed

It is a distinct privilege for me to be with you this morning. As you may know, Topeka is a principal office and shop point on the Santa Fe and it also contains our computer and data processing center for the entire system. Kansas is a major state for the Santa Fe Railway, with our track mileage exceeded—naturally! only by the great state of Texas. Additionally, the headquarters of our large trucking affiliate, The Santa Fe Trail Transportation Company, which operates several thousand more miles of route than does the Railway Company itself, are located in Wichita. Accordingly, I feel right at home and in a position to welcome you to Kansas for your participation in these most important proceedings.

This is a time of great discussion and debate about railroads, Amtrak, the Penn-Central failure, labor difficulties, car supply problems, and the ASTRO Report provide fuel for rhetoric from the halls of Congress to small town street corners. This heightened interest in railroads and their problems is, of course, desirable—and in fact essential to the solution of those problems. The revelation of the financial agonies of the American railroad industry, viewed as a whole, will, I hope, provide impetus to the constructive resolution of some of its major problems. By the same token, in publicizing our difficulties, we of course run the very real risk of creating a public impression that the railroad body is barely warm, is beyond any cure, and is, in fact, about ready for burial. That would certainly be an undesirable reaction. In my view, the mere fact that the railroad industry has survived as well as it has, despite all of the handicaps placed upon it, gives proof to its basic economic soundness. Our survival to date reemphasizes the inherent efficiency of the steel wheel on the steel rail and the high degree of automation represented by the railway freight train. The condition of our railways must be viewed in proper perspective, and we should be looking at the future prospects. The question is: Where can we go from here if some of the ground rules that have plagued us can be changed?

I think it is appropriate, therefore, to remind you of some basics about America's railroads, many of which are often ignored in what is being said and written currently. To the general public we may too often be equated with a blocked street crossing or a vanished passenger train, and the really important facts do not receive an airing.

For example, the advent of Amtrak created the erroneous impression in the minds of many that with a quasi-government operation of passenger trains, railroads would no longer have much reason to exit. We on the Santa Fe have always been closely identified with our passenger trains. We have spent vast sums of money keeping our fine fleet of trains as a showcase to the public, and have retained all of the comforts and high standards that these trains have had in the past. But except for people within the transportation fraternity, I fear the overriding significance of freight operations is largely lost. After all, our passenger trains were never more than a minor source of gross income, although they were a major source of net loss. In 1970, Santa Fe's passenger revenue was approximately 4% of gross revenue, but accounted for a loss of close to $40 million.

So the important contribution of the railroads—now and historically—has been in the movement of freight. For the year 1969, the railroads accounted for 41% of all inter-city freight traffic—almost twice the percentage of the next two modes combined. They carried 46% of all meat and dairy products, about 75% of canned and frozen foods, household appliances, autos and auto parts and lumber, and about 65% of all chemicals and primary metal products. Here in the Midwest, railroads are essential to the agricultural economy and about 75% of this region's grain production typically moves by rail.

The importance of railroads was emphasized during President Johnson's administration when it was estimated a one-month railroad strike would, among other things: Reduce the gross national produce by 13%, raise the unemployment rate to 15%, shut down the coal industry, badly cripple metal, steel and chemical producers, and create a health hazard by cutting off the supply of chlorine for water purification. The lesson was vividly demonstrated last month during the Signalmen's strike.

My whole point here is simply to reemphasize, in case anyone has forgotten, the importance of the railroad industry to this country. Whatever problems are present must be viewed in this light.

Problems in our industry are not new. One of the reasons is that those dealing with the problems in the past have simply not faced up to the need for long-range solutions—and it's not for want of studying and identifying those problems. As far back as 1932 a National Transportation Committee was created with former President Coolidge as Chairman, and Barnard Baruch, Al Smith, and other prominent Americans. Its report had seven major recommendations that would be just as valid today as they were then. And in the intervening years the railroad problem was reviewed by any number of congressional and cabinet committees. It was in 1958 that there were congressional hearings that eventually led up to the Transportation Act of that year, when the authorities finally viewed with alarm the low rate of return on net investment of the railroad industry. It was demonstrated that this rate had dropped from 3.95% in 1956 to 3.36% in 1957, and that it would drop to less than 3% in 1958—all in an atmosphere considered to be highly inflationary. I submit that if the railroads' rate of return was considered with alarm *then*, it must be considered a state of utter emergency today when we find that for 1969 the return was 2.3% and for 1970 less than 1.5%. During this intervening period from 1959–69 railway freight charges—and here I refer to average revenue per ton-mile rather than any index of freight rates—declined about 7%, while the cost of food, housing, and apparel all rose about 25%. We simply must be able to generate a rate of return sufficient to support the tremendous outlay necessary for wages, capital investment (Santa Fe alone has spent $2 billion since World War II on plant and equipment), everyday expenses and dividends. The major responsibility rests upon the railroads, but we must have the cooperation of government and shippers as well.

Whenever the word "Government" is mentioned, one solution is always suggested these days: That of nationalization. Those of you who may have heard or read a talk that I recently gave at the Chicago Traffic Club know how opposed I would be to such a solution, but I suggest if you study the question you'll have little difficulty in agreeing that nationalization is not the answer, and that, it fact, discussion of it needlessly draws attention away from consideration of the real issues. Two points must be considered: First, what we know of nationalization from our own and others' experience, and, secondly, what it would cost—now and in the future.

We tried nationalization once in World War I, when the Federal Government managed to lose $2 million a day trying to run the railroads. By contrast, in World War II, the industry remained in private hands and did well enough to pay federal taxes alone of $3.8 billion.

A look at the nationalized railroads of other countries makes the evils of nationalization even clearer than our own experience. In England, even with a substantial reduction in route miles since 1948 (20,000 vs. 12,500) the British Railways still lost over $350 million in 1968. In 1969 the British Government by various devices provided a massive $355 million transfusion, which produced by modest paper profit.

In other countries the picture of railroads under nationalization is even bleaker. In 1968 the French National Railways were bailed out to the tune of $477 million. The Italian State Railways had a deficit of $410 million, and, notwithstanding a renowned passenger service, the Japanese lost $375 million. I could list them all, but suffice it to say that the story of nationalized railroads is one of staggering deficits.

In making these comparisons, I would emphasize that I have no quarrel with the operating capabilities of railroad men in nationalized systems. Their performance can be enviable and many of the statistical comparisons are not valid because of the vast differences in the service mix and emphasis on passenger operations. The inefficiencies occur not so much from the operations themselves as from the political permeation of the entire enterprise. This frequently turns it into a welfare operation performing services that do not meet the test of economics, and the staffs are loaded up with unneeded employes, sometimes as a convenient means of reducing national unemployment statistics. Finally, there is usually an adoption of social welfare rate structures favoring pressure groups in the society and which have caused the perpetuation of unjustified branch lines and branch line services in those countries. I submit there is nothing in anyone's experience in nationalization which commends it for use here. It solves no problems and invites a host of new ones.

The second point about nationalization is the initial cost. No one really knows what it would be, but a recent study estimates the price in the United States for government takeover (based on fair market value of assets) at 60 billion dollars. In addition, our projections indicate $36 billion will be needed in just the next ten years to finance necessary improvements in plant and equipment to meet the ever-increasing transportation needs of the economy. And remember, nationalized railroads pay no taxes, while in 1969 the American railroad industry paid over one billion dollars to local, state and national taxing bodies.

How can our shippers help? A prime problem (as we all know) is equipment utilization. We simply must have cooperation in making maximum use of our cars. For example, on the Santa Fe we estimate that in March 1971 14.4 days were expended per car for each load handled by our covered hoppers. We call on our shippers for help in reducing the time necessary for handling a shipment. We have asked their cooperation in the success of our clean car campaign. A good deal of the delay is occasioned by shipper detention of equipment, and there is plenty of room for improvement.

For our part, we are at this moment settling out on a campaign with our grain shippers, through direct contacts and an extensive advertising program throughout the Midwest to encourage better car utilization during the 1971 harvest. I have high hopes this season will see few if any car shortage problems on Santa Fe.

We also ask the cooperation of regulators such as yourselves in the matter of plant rationalization. Modern communications and transportation have limited the need for many of the agency stations scattered across the countryside. Continued maintenance of stations when the customers can be just as well served without them represents a totally unnecessary drain on our resources. It should not take months and years to obtain authority to close them. Moreover, in many cases, discontinuances have been denied when there was no real economic need for the service. I call on you as regulators to take a "second look" at these matters and join with us in eliminating unnecessary service by expediting handling of these cases.

The same reasoning holds true for branch line abandonments. We don't file for abandonments out of any malice. If a branch line can pay its way, we certainly want to keep it, however, if it cannot and serves no real economic need, it is in no one's best long-range interest to retain it, and it should not take months and even years to effectuate an abandonment. I sometimes feel that state commisisons have what might be called a knee-jerk reaction to applications for abandonment and file protests without really studying the facts. Maintaining outmoded branch lines detracts from our ability to make necessary investment in productive facilities and, in fact, aggravates the car supply problem by requiring us to commit cars to little-used service, often for a substantial period of time.

In both these areas I urge regulators not to do what was done with passenger trains. For too long we were forced to operate trains which clearly lost money and plainly were not patronized. For some railroads this placed the total financial integrity of the company in jeopardy. For our part, we survived, but at a cost of millions which could have been expended for much needed equipment and facilities to improve service to our shippers. Now the pasesnger service is in *public* hands—a direct result of ignoring the economics involved for far too many years. I hope we have all learned a lesson from this!

In another area of government, we ask the help of Congress in these areas:

(1) Barriers to common ownership of different transportation modes should be removed. All transportation companies should be free to offer the widest range of services.

(2) We need greater freedom in pricing our services. Historically we have been badly shackled in our ability to compete by rigid rules covering rate changes.

(3) Our national policy should encourage mergers in the interest of more economical and efficient utilization of railroad plant and equipment.

(4) Railroads should be freed from discriminatory local taxation. A bill prohibiting this passed the Senate last session and I understand will be considered in both houses soon. I solicit your support of this legislation.

(5) The principle of government participation in highway grade crossing protection and separation is well established for the federal highway system. I urge this approach to be extended to all state, county and local roads.

(6) I invite your study of two congressional bills, one calling for a national freight car corporation, and the other known as the Railroad Equipment Obligation Insurance Act. These bills are designed to increase car supply and increase the ability of the weaker railroads to finance new equipment. Also, I suggest the 7% investment tax credit—so successful in the sixties—be restored.

(7) The public generally I think is fed up with the periodic labor crises which plague our existence. For years the railroad industry has urged some form of compulsory arbitration to resolve these disputes. There are a number of bills pending in Congress, including one introduced by the Nixon administration. The administration bill is a step in the right direction because it at last gives us more than an abstract expression of concern. However, I commend to you a bill prepared jointly by railroads and airlines which hopefully will soon be introduced. This bill would provide four alternatives:

(a) Let the parties fight it out.

(b) Appoint a fact-finding board to make non-binding recommendations.

(c) Submit to binding arbitration.

(d) Appoint a panel to select the most reasonable of the "final offers" of the parties.

I think this approach would guarantee no more strikes of serious proportions and offers a very fair approach to resolution of these disputes.

(8) In the general area of regulations, what is needed is an overhauling of the substantive rules which govern us, and for that matter, a hard look at the organization of our regulatory agencies. There has been much talk of combining all federal regulation of transportation into one agency. This is certainly an area deserving careful study, but as Chairman Stafford has pointed out, our objectives cannot be achieved unless the basic laws are changed—whether administered by one or several agencies. We need to see changes in basic rules and expedited handling in the areas I have indicated earlier.

For example, this week the Secretary of Agriculture asked the Interstate Commerce Commission to grant all railroads blanket authority to substitute truck transportation for agricultural commodities when rail cars are in short supply. This is a very desirable step in relieving car shortages and in minimizing protests in branch line abandonment cases and is a step which the I.C.C. can take without seeking a change in existing law.

I said earlier that the major responsibility for solving the earnings dilemma rested upon the railroads themselves. Unfortunately, in a capital-intensive business such as ours it requires endless millions of dollars to effect the changes in plant that can lead to better service and greater patronage. Few railroads can maintain a major capital investment program such as we have accomplished on the Santa Fe into which one billion dollars have been plowed into plant and equipment in the last ten years. That is the kind of money it takes to equip a railroad with continuous welded rail throughout most of its main line mileage; provide a microwave communication network to serve as the backbone of a sophisticated electronic information and control system; and to pay for other major facilities such as our new automated classification yard at Kansas City. Those are the considerations that have suggested the direct or indirect financial support from the Federal Government.

However, there are some lesser areas of self-help in which improvement can also be made. One recent example, in which the I.C.C. gave a welcome assist, was the execution of a trackage rights agreement between Santa Fe and Norfolk & Western Railway which has permitted us to bring Norfolk & Western trains directly into our new yard at Kansas City, thus saving many hours of delay that would otherwise be incurred in making crosstown deliveries for interchange. Application for these trackage rights was filed March 9 and was very expeditiously approved May 19. This is precisely the sort of mutual cooperation which is essential for all of us to practice.

Even on the research front, where federal assistance, in all fairness, is needed, there is also opportunity for railroads to help themselves. One recent project is development of a proposed coaxial train, designed to permit substantially higher speeds on existing tracks. We are sponsoring, with D.O.T., an 8,000 ft. test track here in Kansas near Wichita to test various track support systems, and hopefully develop improvements in conventional track structure. We have also helped in the construction of D.O.T.'s high-speed test track at Pueblo where experimental vehicles operating at speeds in excess of 200 mph will be tested.

Then a word about the quality of railway performance. This is an area in which the national network is no stronger than its weakest link and a tightening up must occur by all members of that network. It can be done and I would offer you an example. Last week Santa Fe received the esteemed Harriman Gold Medal Award for ranking first in employe safety among all major railroads. We achieved a record of 4.36 injuries per million man hours, a figure which compares favorably with industry generally. I mention this not to brag about Santa Fe's safety performance but to show what can be done when a company really puts it mind to something. While employe and passenger safety has always been a matter of top priority in the operation of a railroad, Santa Fe decided in 1968 to take a new approach to an old problem. In a nutshell, we rose from a ranking of 19th place in 1968 to first place in 1970 and achieved a reduction of 73% in our injury ratio in that 2-year period. We are now focusing new attention on our loss and damage program and have just reorganized our whole approach to the matter of quality control of freight operations—and I hope that the results of this campaign may be equally as rewarding as our approach to the safety problem.

In concluding my remarks, if there is any message that I have for the regulators of our railways, it would be this: I urge you to reexamine your interpretation of what constitutes "the public interest" in your deliberations on such matters as rates, facilities, and services. Was it really in the public interest to require a railroad to perpetuate year after year a branch line train whose revenue passenger load could be counted on the fingers of one hand? Could the financial losses from such services—running into the hundreds of thousands and, in some cases, millions of dollars per year—be better applied elsewhere? Again, is it in the public interest to deny the retirement of sparsely used branch lines—or at least to require time-consuming delays involved in extensive investigations of self-evident abandonment situations? Please bear in mind the tremendous impact on the cash reserves of railways when timely relief is not granted. For those of you who are so close to home in this wonderful grain country of ours, consider whether the avoidable losses of this type could not be better applied in the public interest to the acquisition of new freight cars in which to haul our grain and have more adequate funds with which to maintain the plant and equipment by which it is transported.

If a change of viewpoint does not occur, it will be tragic indeed at some future date—with the railroads flat on their backs—to call upon a freight-oriented Amtrak to step in and carry out in one fell swoop the life-saving steps that were indicated all along. We must have the courage and good common sense to evaluate the situation in the light of the 1970's and to act accordingly.

I am still an enthusiastic optimist about our nation's railroads; about the need this country has for them; about the growth of that need in the years ahead; and about our ability to work out our problems if only the cooperation of all concerned can be obtained. Under those conditions, the basic economic soundness of railway transportation will prevail, and the entire nation will be indebted to you for the part that you will have played.

Thank you very much for your kind attention.

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## FROM NUREMBERG TO MYLAI

Mr. ERVIN. Mr. President, Maj. Gen. Kenneth J. Hodson, the Judge Advocate General of the U.S. Army, made an address before the Minnesota State Bar Association on June 18, 1971. The address is entitled "From Nuremberg to Mylai" and merits the consideration of all Americans who are interested in the subject of war crimes.

Major General Hodson is retiring from his post as Judge Advocate General of the Army after a brilliant career characterized by many substantial achievements. He possesses a highly enlightened legal mind, and an understanding heart, and is responsible in large degree for the drafting and enactment of the Military Justice Act and other pieces of constructive legislation in the field of military justice.

I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### FROM NUREMBERG TO MYLAI

Until 1965, few people had any knowledge of or interest in military law. Commencing with the buildup of U.S. forces in Vietnam in about 1965, the system of military justice entered the public spotlight, largely because of rising anti-Vietnam sentiment and a series of court-martial trials in which that sentiment was expressed. The first case involved Lieutenant Howe, who was convicted of using contemptuous language against President Johnson. Howe had carried a placard in the public square at El Paso, Texas, denouncing the President. The second case involved Dr. Levy, who was convicted, among other offenses, of refusing to train Green Beret personnel in certain medical procedures. The third case involved 27 soldier prisoners in the Army stockade at San Francisco. These soldiers were in confinement for absence without leave and desertion, stemming basically from their dislike of the Vietnam war. When they tried to present a list of complaints to the commander and refused to return to their cells when so ordered, they were charged with and most of them were convicted of mutiny. Even though the findings and sentences were subsequently drastically reduced, this case generated at least two books critical of the Army and its military justice system.

Finally, there is the My Lai incident and the trial of Lieutenant Calley. Until the trial of Lieutenant Calley, critics generally condemned the system of military justice as denying to an accused any semblance of a fair trial. Some of the most violent criticism was based on interviews with defendants who had been convicted by court-martial. The couplet by Alexander Pope is just as pertinent today as it was when he penned it 250 years ago:

> "No thief ere felt the halter draw
> With good opinion of the law."

In any event, but mostly because of anti-Vietnam, antimilitary sentiment, there was fairly widespread condemnation of military justice. However, the professional reporters who observed the trial of Lieutenant Calley have generally been high in their praise of the fairness of the system of military justice. These reporters were impressed by the modern system of justice which they found. Some were surprised to learn that the landmark decisions of the Warren Supreme Court—which had brought about such a revolution in criminal justice in State courts, such as the *Mapp* case, and the *Gideon, Escobeda,* and *Miranda* cases—had been followed in the military for years. They were amazed at the broad right to pretrial discovery enjoyed by a soldier and at the liberality of military appellate review, including the right to a review of the severity of the sentence—rights that are enjoyed by few defendants tried by civilian courts.

I am proud of our system of military justice. I am convinced that Congress has done a good job in carrying out its constitutional mandate to make rules for the government of the land and naval forces. It has effectively drawn a good balance between the rights of the individual to a fair trial and the need of our society for an effective armed force. I think I should also add that the commanders of today's Army are convinced that discipline is enhanced more by the fair treatment of the offender than by the iron-handed punishment of the past. But, as you can see by the title of my address, I did not come here to talk about the administration of military justice.

I am going to talk briefly about war crimes—about the rules of land warfare and their application to the conflict in Vietnam. Hopefully, I may be able to clarify some misconceptions that have been generated by the My Lai incident.

The history of early warfare is replete with instances of savagery. The only rule applicable to early warfare was the law of the tooth and the claw, the law of the jungle, the survival of the winner, and the death or enslavement of the loser. With the growth of the Christian ethic, and the development of the rules of chivalry, certain rules of land warfare came to be recognized. One must understand that these rules developed at a time when wars were small, armies were tiny and were led by professional soldiers. Knighthood was in flower and chivalry flourished. It was in the interest of the military leaders of those days to recognize certain restrictions on the employment of violence, if only for their own self-preservation.

Several factors have complicated the development and observance of rules of land warfare. The first is that warfare has steadily become more deadly and more difficult to restrict as weapons became more deadly and more generalized in their application. Further, as the rules were always based on the last war, weapons and tactics were almost invariably outrunning the rules, thus making it difficult to apply them.

Secondly, the religion-oriented concept of just and unjust war, which was advocated by St. Augustine in 400 A.D. and St. Thomas Aquinas in 1200 A.D., led to savagery on the battlefield simply because the loser was always considered to be unjust, and thus was thought not to deserve any mercy. The philosophy of the just and unjust war is still with us. The Soviet bloc espouses socialist wars of "national liberation" as just. All other wars, to them, are unjust.

The third obstacle to observance of rules of land warfare is the human or nationalistic reaction to a rule which runs in the face of the Darwinian principle of survival of the fittest. A remark attributed to Bismarck illustrates this. He allegedly said, "I can't imagine any head of state losing a war merely because of some rules."

Despite these obstacles, however, by 1625, there were sufficient recognized rules of warfare to warrant Hugo Grotius' setting them down in his book, "The Law of War and Peace." These rules had long been known and respected. For example, prior to the battle of Agincourt in 1416, Shakespeare has Henry V charge his troops as follows:

"We give express charge, that in our marches through the country, there be nothing compelled from the villages, nothing taken but paid for, none of the French upbraided or abused in disdainful language; for when lenity and cruelty play for a kingdom, the gentlest gamester is the soonest winner."

After the Battle of Solferino in 1859, the Red Cross was born, and the concept of humane treatment of wounded prisoners was given great impetus. A few years later in 1863, during the Civil War in the United States, Dr. Franz Lieber of Columbia University was commissioned by President Lincoln to draft rules of land warfare which would be followed by the Northern Armies during that conflict, which because it was influenced by the just/unjust philosophy was marked by incidents of savagery. There followed, as time passed, the Hague and Geneva Conventions, which eliminated the concept of just and unjust war. Under these conventions, it made no difference who started the war or for what reason. The rules were designed to protect all persons who fell into the hands of the enemy, to prohibit unnecessary suffering of combat and noncombat personnel, and to make it easier to achieve peace.

Two basic rules govern combat. The first is the rule of necessity. Violence is permitted only if it can be justified by military necessity. Second, there is the rule of proportionality, which means that the violence applied to accomplish an objective must not be out of proportion to the objective sought. For example, one round of sniper fire from a village in Vietnam will not justify a B–52 raid to destroy the village and all of its inhabitants. Let us now take up the problem of enforcement of the rules of warfare—the law of war. A war crime is a violation of the law of war. If we apply the criminal process to the prevention of war crimes, how do we go about it?

War crimes are not new. War crimes trials are not new. For example, in 1474, Sir Peter Hagenbach was tried by an international tribunal at Breisach for his inhumane treatment of the population of an area of Germany. It may come as a surprise to you to discover that his defense was that he was carrying out the orders of the Duke of Burgundy to terrorize the inhabitants. The defense was rejected, and Hagenbach was convicted and executed. A more recent war crimes trial involved Captain Wirz who was convicted and executed in 1865 because of his inhumane treatment of Northern prisoners at Andersonville during the Civil War.

It may also surprise some of you to learn that this State was the site of one of the largest war crimes trials. Many in this room know about the Sioux uprising in the southern part of Minnesota in 1862 under the leadership of Little Crow. The arson, looting, rape, murder, scalping and mutilation lasted a week. By all accounts, it was the bloodiest Indian massacre the West ever knew. The estimates of those killed ranged from 800 to 2,000. The women and children captives were treated brutally.

Colonel Sibley, the Army commander, convened a military commission to try those engaged in the raids and massacres. They were generally charged with "participation in murders, outrages and robberies," and evidence of participation in one of the battles was sufficient for conviction; proof of personal commission of a crime was not necessary. In a little over a month, 392 had been tried, and 306 were sentenced to hang. Because of political pressure, President Lincoln intervened, ordered the records of trial forwarded to Washington. He approved the death sentence as to 38 individuals, and they were hanged at Mankato the day after Christmas, 1862. Lincoln upheld death sentences only as to those whose records of trial showed personal maltreatment of captives or wanton murder of civilians. He rejected the theory of guilt based on mere participation, just as this theory of guilt was to be rejected at Nuremberg some 85 years later.

In 1902 Brigadier General Smith of the Army was convicted by court-martial of ordering his troops to commit atrocities in the Philippines. This is the essence of the order General Smith gave: "I want no prisoners; I wish you to kill and burn. The more you kill and burn, the better you will please me. . . . All persons capable of bearing arms, those 10 years of age, or older, are to be killed." General Smith was sentenced only to a reprimand, because the evidence indicated that his troops did not carry out his orders. However, by order of President Theodore Roosevelt, he was retired from the Army.

At the conclusion of World War I, the Allies had a list of 896 alleged war criminals which they presented to Germany. Germany refused to deliver the defendants and asserted that it would try its own war criminals. Twelve were tried by German courts; six were convicted and six were acquitted. Two interesting cases were involved. A submarine commander who sank the *Dover Castle*, an Allied hospital ship, was acquitted because of his defense that he had sunk the ship on the basis of intelligence furnished to him that the ship was carrying munitions and troops. Although the intelligence was erroneous, his belief was deemed to be reasonable, and his acquittal followed. On the other hand, the submarine commander who sank the *Llandover Castle*, a Canadian hospital ship, under similar circumstances was convicted. However, he was convicted because he had machine gunned the survivors.

During World War II, the Allies became concerned that if aggressive action were not taken to punish atrocities or violations of the rules of war, these rules would offer little deterrence in the future. The Nuremberg trials were an attempt to apply the criminal process to punish individuals who violate the law of war, just as we apply the criminal process to the prevention of domestic crime. These trials have been condemned as being the enforcement of justice by victors, but there was no reasonable or practical alternative. These trials have also been condemned because they are said to have applied ex post facto standards. This is not so. There were three categories of crime: First, crimes against peace, or the crime of waging aggressive war. This category was a violation of the pact of Paris—the Kellogg-Briand Pact. The second category was crimes against humanity, which relate to the deportation and death of thousands of slave laborers and Jews. It was considered that this type of conduct was violative of the basic rights to which all people of the world are entitled. Prohibitions against such crimes were a part of the customary law of war long before World War II. The third category consisted of conventional or customary war crimes, such as mistreatment of prisoners of war, which were covered by the Hague and Geneva Conventions.

One aspect of the war crimes at Nuremberg that has been the subject of considerable comment is the so-called defense of superior orders Since the time of Bismarck, German law provided that superior orders would be no defense to the commission of a crime. The British and American military field manuals provided, on the other hand, that superior orders would be a defense. As we approached the end of the war, in fact in November 1944, we changed our field manual to provide that superior orders will bar conviction if the accused did not know and could not reasonably be expected to know that the order was illegal. This is the rule that was adopted by the Nuremberg tribunals, and it is the rule which is applied in Vietnam today.

The World War II trials for the violation of customary rules of land warfare involved two types of criminal responsibility. In the Malmedy massacre, we have an example of the direct responsibility of a commander for war crimes. There, an order by Hitler to take no prisoners during the Battle of the Bulge was passed down through the chain of command and resulted in the execution of 86 U.S. soldiers by their German captors. Three general officers, 16 other officers, and 55 enlisted men of the Sixth Panzer Army, including its commander, General Dietrich, were tried and convicted by a U.S. military commission. In this instance, commanders were held responsible because they had ordered or authorized war crimes. The defense of superior orders was rejected because an order to take no prisoners would be illegal as it would clearly violate the Geneva Conventions.

An example of the second type of criminal responsibility—indirect responsibility—is the Yamashita case. The Yamashita case is sometimes erroneously cited as holding a commander responsible for every criminal act of his subordinates. In fact, the case stands for the proposition that a commander is responsible for taking reasonable action to keep his soldiers from violating the rules of land warfare. Yamashita was charged with 125 specifications, the first of which alleged the murder of some 25,000 Filipino civilians. The defense contended that Yamashita did not know of these war crimes and therefore could not be held responsible. The court rejected this defense on the grounds that it was inconceivable that Yamashita could have been unaware of such gross and continuing violations of the rules of land warfare. In short, the court found from the evidence that Yamashita did know of these widespread atrocities and did nothing to halt them.

A number of misconceptions have grown out of the My Lai incident. One question that is frequently asked is this: How can you maintain discipline in the Army if soldiers are permitted to question every order? The people who ask this question are thinking of an order of doubtful legality, whereas, invariably, the orders we are concerned with are those which are obviously and plainly illegal.

In the Calley trial, for example, there was testimony that he was following orders, and there was testimony that no orders were given. As a matter of law, however, the judge instructed the members of the court—the military jury, that is—that an order to kill unresisting human beings in the custody of our forces would be an illegal order. He then instructed the court that an illegal order is not a defense if the accused knew that it was illegal or if a man of ordinary sense and understanding would, under the circumstances, know that it was illegal. The court's findings show that it rejected the defense of superior orders.

In any discussion of the so-called defense of superior orders—which might better be called the non-defense of superior orders—I am usually asked, "Is the average soldier trained so that he can make the fine legal distinction between a legal and an illegal order?" As I have indicated, fine distinctions are not required. We hold him responsible for obeying an illegal order only when the order is one that a man of ordinary sense and understanding would know to be illegal. Holding him to this standard is not too great a burden. It is not more unusual, or no more of a burden, than holding the average person responsible for knowing when he can act in self-defense. Yet, I would say that the law of self-defense is more complex in application than the law relating to the so-called defense of superior orders.

The second question that I am asked is: "Why do you hold an infantryman responsible for killing a few people in a village, when you would not hold the pilot of an aircraft responsible for dropping bombs on the same village and killing hundreds?" This question was answered at Nuremberg. The tribunal gave the following example: If bombs are dropped on a railway yard, a legitimate military target, and one of the bombs falls on a nearby house, killing the civilian occupants, the bomber pilot will be excused. "But," said the tribunal, "That is entirely different, both in fact and in law, from an armed force marching up to these same railroad tracks, entering those houses abutting thereon, dragging out the men, women, and children, and shooting them."

A third misconception that I hear is that, if the Yamashita principle were to be applied to the Vietnam conflict, our senior commanders could be tried and held responsible for war crimes committed by their troops. As a matter of fact, the Yamashita principle does apply to the conflict in Vietnam, but, as I have said previously, Yamashita stands for the principle that a commander must take reasonable action to control his troops. Yamashita was convicted because, knowing that his troops were committing atrocities, he did nothing to stop them. On the other hand, an examination of the actions of our commanders in the Vietnam conflict shows continued concern that our soldiers conduct themselves in accordance with the rules of warfare. Clearly, the trials and convictions of members of our Army for violations of well-known rules, which by training and repeated emphasis become a part of a soldier's response to combat, show our intent to meet our obligations under international law.

The rules of land warfare that we are applying in Vietnam are based upon World War II experience in Western Europe. Our military lawyers are faced with a difficult problem of applying those rules to a different kind of warfare in Vietnam. Further, the enemy has shown a total disregard for those rules. I think that most of you will agree that we should not throw the rules of warfare out merely because the enemy has done so. It is no defense to a war crime—in World War II, Korea, or today—to say that the enemy has committed worse crimes. Applying these rules to the Vietnam conflict requires extra effort on the part of commanders to establish strict rules of engagement in order to prevent, as far as possible, unnecessary harm to innocent civilians. Further, our commanders must investigate alleged war crimes, and when the evidence so warrants, they must place the alleged offenders before an appropriate tribunal. Were they to do otherwise, they would not only be guilty under the Yamashita principle, but they would also return warfare to the law of the jungle, the law of the tooth and the claw. The fact that obedience to the law of war is made difficult by the nature of the war itself, and by the disregard of all principles of humanity by the enemy, makes the commander's job a difficult one, but one which he must face up to.

In President Roosevelt's action dismissing General Smith for his part in the atrocities in the Philippines in 1902, he stated:

"The very fact that warfare is of such a character as to afford infinite provocation for the commission of acts of cruelty by junior officers and enlisted men, must make officers in high and responsible position peculiarly careful in their bearing and conduct so as to keep a moral check over any acts of an improper character by their subordinates."

President Roosevelt's words are just as applicable to today's commanders as they were in 1902.

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## TEXTILE IMPORTS

Mr. AIKEN. Mr. President, although Vermont lost nearly all of its textile industry some years ago, I cannot help being concerned by the fact that we may soon be called upon to make a choice between economic isolation and the loss of an industry employing nearly 2½ million people in the United States.

For that reason, I have read with particular interest the scanty news reports of Ambassador at Large David Kennedy's mission to the textile-producing countries of the Far East.

While Ambassador Kennedy's discussions on textiles in Taiwan, Korea, and Hong Kong are receiving some attention in the press, the reports are not very complete.

However, they do serve to highlight the nature of the problem and the seriousness of the issue to all parties concerned.

In view of this situation, I have undertaken to find out a few facts relating to Ambassador Kennedy's mission.

Our textile problems with Japan are, of course, a matter of public knowledge.

However, I would like to call attention to the fact that we import more manmade apparel items from Taiwan than we do from Japan.

We import practically as much manmade apparel from Korea as from Japan while our imports of manmades from Hong Kong fall only slightly below these levels.

Not only is the magnitude of these textile exports to the United States exceedingly great, but the rates of growth at which they have been flooding the U.S. market are astronomical.

Should the current rates of growth of textile exports to the United States continue—rates now running as high as 75 percent a year from some countries—the consequences for the U.S. textile industry are obvious.

For example, the manmade apparel industry could be virtually eliminated in the near future as a result of abnormally low cost textile imports—imports which customarily sell in the U.S. market well below what they are sold for in the exporting country, and with the apparel industry will obviously go the fiber and fabric producers, under heavy pressure themselves from imports, which provide the materials for apparel products.

The plant liquidation rate in both these sectors of the textile industry is already very great.

The loss of a major U.S. industry is not a welcome prospect in a struggling economy.

Its ramifications in human terms is especially dismaying in this instance in view of the fact that nearly 2½ million workers are employed in the textile industry with roughly a million of these in apparel alone.

Unfortunately, these workers do not possess skills that can be readily adapted to other lines of work.

They are, for the most part, low skilled minority groups in the larger cities where the apparel industry is established or in the smaller rural communities where the fiber and fabric producers are located.

Against this backdrop of rising unemployment and increasing plant liquidation in the textile industry, the administration is making every effort to halt these damaging trends without triggering new barriers to international trade.

For these reasons, Ambassador Kennedy is attempting to reach voluntary agreements with Taiwan, Korea, and Hong Kong whereby their textile exports to the United States may continue to grow but at a slower pace.

In this respect, it is encouraging to learn that the Republic of China has shown great understanding and appreciation for our situation.

Ambassador Kennedy left Taipei with the major elements of an agreement worked out.

Even though the Republic of China's exports to the U.S. market are currently growing at well over 60 percent a year, that country agreed to slow that growth during the next 5 years to a rate slightly below 9 percent—roughly equal to the average growth of its economy.

Our friends in Taipei have, indeed, negotiated with us in good faith on an issue that is as important to them as it is to us.

Korea is also our friend, and I had expected a similar reception for Ambassador Kennedy in Seoul.

But if my information is correct, the lack of understanding and cooperation in Korea on the textile issue was all the more startling when contrasted with the cordial reception in Taiwan.

It is, of course, true that textile exports to the United States are highly important to the continued growth and expansion of the Korean economy.

That is obviously the case in Taiwan as well.

Consequently, in his discussions in Seoul, Ambassador Kennedy asked only that Korea slow its growth of textile exports to the United States to a level approximating the growth of the Korean economy—around 8 percent in recent years.

Since the U.S. market absorbed 20 percent more textile exports from Korea in 1970 than in 1969, it seems entirely reasonable to suggest a reduction in future growth rates to approximately 8½ percent per year.

This is especially true in view of the fact that the United States is prepared to assist Korea in finding new textile markets as well as cushioning, by other means, any foreign exchange losses that might possibly occur.

I find it rather discouraging and disheartening to learn that Korea has refused to seriously consider the U.S. proposal with Ambassador Kennedy.

I find this especially so when I recall that we fought 3 long years for Korean independence and have since spent $5 billion for her economic development as well as another $3.2 billion on a military shield for Korea.

Korea speaks of a special relationship with the United States.

Yet if her reaction to our textile problem, which she is in a position to help resolve, is any indication of her role in this special relationship, then I can only conclude that Korea expects all the benefits to flow in her direction.

Under these circumstances, it is obvious to me that a reexamination of our special relationship—in every detail—is absolutely necessary.

Friendship is a two-way street, and it implies understanding and cooperation on the part of both parties.

I hope Korea will reconsider the crucial elements of true friendship—and the mutual benefits that flow from such a relationship—because that is precisely what we are now compelled to do.

If, however, Korea does not agree to cooperate, the effect will be felt far beyond our relations with a single country or our concern for a single industry.

I have been and still am very much opposed to the establishment of quotas by the Congress but it may be we will have no other recourse.

I want it understood that I am not speaking for the textile industry but am calling attention to a situation which, if not resolved, can lead us into greater economic isolation with more harmful results to our already distressed domestic industry.

## RURAL AND SMALL TOWN DEVELOPMENT

Mr. TALMADGE. Mr. President, a good friend and constituent of mine sent me a letter to the editor that was published in the Denver Post. The letter very effectively points out a compelling need in our country today to concentrate more on rural and small-town development.

I was very glad to read this expression of public concern about a nationwide problem of the utmost importance. As the Senate knows, since assuming the chairmanship on the Committee of Agriculture and Forestry, I and my colleagues on the committee have endeavored to make rural developed a new major thrust. Considerable progress is being made, and we expect in the near future to present major legislation in this area. Massive migration to cities must be stopped, and the Government must put forward every effort to make living and working in rural areas and small towns more attractive.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

### Farmers, Businessmen Need To Unite

We, who surround the small, rural communities in America, are only too well aware of what is happening today.

The exodus of the small farmer, the small businessman, is on an alarming increase. A thoughtful look at facts and figures can give us a pretty good reason why this is happening.

The small farmer is continually faced with increased costs in land, machinery, machinery repair, labor, high food and clothing costs—to say nothing of the staggering high interest rates.

The small businessman, in order to make up for the lack of sales volume that his big, city cousin enjoys, feels it is necessary to raise the price on his goods so that he may be able to stay in business.

Consequently, the small farmer is forced to look for lower costs in the closer, large cities. For if he doesn't, he will soon find himself out of the farming business. Unlike his small town cousin, the farmer can lose his crop, which he has worked hard throughout the year, planting and cultivating, in a matter of minutes.

But does his friendly co-partner, the small town businessman take this blow from nature into consideration? Seldom. Especially if the farmer is starting out on his own with a young, growing family.

The man who is older, and has more experience and capital behind him, can go ahead as usual and successfully do business with his small town merchant friend. Unfortunately, these sort of "good credit risks" are far and few between in today's farming.

Those who are thought of as in the "good credit risk" category are those farmers who were able to start out in the farming business when market prices for wheat and cattle were tops—prices which, I might add, haven't been seen since the '40's.

Then, we have those who have inherited their farm. They are not burdened with that extra worry of paying for the place. Thus, with the false feeling of "success", these "spoon-fed" youngsters are not so much concerned with making the farm a paying thing as they are interested in partying and socializing.

Now we have the latest kind of "farmer"—the big-time investment gambler and trader. He generally comes from the ranks of top-paying professional men—doctors, lawyers, corporations, etc. With lack of places to invest his money, he jumps into the company or private car and heads for the typical, small communities. There he grabs up the biggest and best piece of land available. Before now, this has been the biggest and best tax write-off gimmick going for the big-time investment gamblers.

This man from the ranks of the big spenders does not care whether his newly purchased land is properly farmed. For those whom he gives the opportunity to farm it, they are only in reality, eking out a mere existence, while he, Mr. Big, takes the largest chunk of income and reinvests it in more land.

As for the small town businessman, he couldn't care less about them. He makes his purchases where his own realm of living exists.

Then there are the neighboring farms surrounding Mr. Big's ground. These farmers are faced with his blowing dirt on their growing fields, his broken fences and the moisture-sucking, rapid spreading weeds. It is not hard to envision the results of this kind of monstrosity taking place in rural America.

Since we are already aware of the dilemma of the small farmers and the small town businessmen, we should get together as concerned people, work hard and consistently until this unhealthy state of affairs is straightened out.

If we don't get concerned and now, there will be only death for the small rural communities throughout America. Consequently, the whole people of America will, in time, suffer.

Many a great nation has fallen because of its failure to recognize the importance of its rural communities. In reality, they are the backbone of every great nation.

A Concerned Farmer's Wife,
Mrs. Richard W. Blancken.
Flagler, Colo.

## UNTRUTHS ABOUT OUR NATION

Mr. TOWER. Mr. President, recently, the New York Times Sunday Magazine of June 6 contained an article by Arnold Beichman concerning the calumnies that Americans are telling about their country. The article, entitled "Six 'Big Lies' About America," shows how so many so-called intellectual members of the "liberal establishment" in America spread untruths about our great Nation, mainly through an unthinking prejudice that somehow will not let them accept true facts.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Six "Big Lies" About America

(By Arnold Beichman)

The culture of a free society becomes seriously corroded when lies circulate freely as truths; when an unsupported assertion is accepted as a statement of fact rather than as something to be proved, when the line between possibility and certainty becomes invisible.

In political discourse, one expects lies and half-truths; politicians are not, after all, philosopher-kings. In culture, however, when lies begin to be accepted as worthy of debate by our enormously powerful social critics and literary intellectuals a crisis in values follows. Culture cannot long withstand perversions of truth. When culture becomes politics, revolutionary politics in particular, there can be no criterion for truth and its inseparable companion, rationality, for then every man is his own judge of truth with the right, if he so chooses, to force his truth on the refractory. As André Malraux once wrote: "The path that leads from moral reasoning to political action is strewn with our dead selves."

America today is a country about which more lies are told by Americans than were ever dreamed of in Moscow, Peking or Havana. There is nothing new about this. The earlier highwater mark of such lying came in the nineteen-thirties when leading American intellectuals transformed a nauseating tyrant (see Robert Conquest's "The Great Terror" for confirmation of my description) into a democratic socialist and the personification of a free culture—far superior, of course, to "capitalist" culture. Within the memory of many, there were young people in the English-speaking democracies who swore they would not fight for king or country—the famed Oxford pledge—while at the same time they demanded a system of collective security gainst Fascism, but without rearmament.

What is new is that lying through the perversion of language or distortion of visible fact is now widely accepted as normal, so long as these derelictions are created by "progressives" around "progressive" issues. Take a little lie: the misuse of the phrase "underground press" to describe the left-radical-counterculture newspapers, all of which are obtainable on most 42d Street newsstands or on street corners from the East Village to Haight-Ashbury. The phrase "underground press" formerly defined publications which had to circulate secretly, from hand to hand, because they were against a repressive government, against a ruthless establishment, determined to punish publishers of such publications. There was an underground press in Czarist Russia, as there is one today in Communist Russia. An underground press existed in France during the Nazi occupation. It didn't sell at any kiosks in Paris any more than a *samizdat* paper, like Chronicle of Current Events, sells at kiosks in Moscow.

Our "underground" newspapers and books are sold openly and widely with full instructions on how to make a Molotov cocktail or how to make false claims for "lost" travelers' checks so you can live in the U.S. on "no dollars a day." About the worst fate that can befall the publishers of our "underground" papers is bankruptcy. Why, then, is it the fashion to refer to this press as the "underground press" when so clearly it is not?

Or take the word "blind," a one-way adjective which is attachable only to unprogressive political positions. Robert Heilbroner, the economist likes to talk about "blind anti-Communism," but no true progressive could ever say, for example, "blind anti-Fascism." On the contrary, one must *always* condemn a Fascist dictatorship, but one need condemn a Communist dictatorship only once a year—say, on the anniversary of the second invasion of Czechoslovakia—or during some particularly horrendous event. To keep harping about Communism makes you a "blind anti-Communist." To praise Communist revolutions as a significant modernizing force is to be an unsentimental realist, a scholar; to be doubtful is to be "blind" to reality.

My concern here is not to catalogue little lies but to discuss Big Lies about America, the Big Lies which are now common currency among so many American social critics and their followers:

### I—AMERICA IS EITHER ALREADY A FACIST COUNTRY OR ON THE ROAD TO FASCISM

This is all agreed, among the social critics I am discussing, but there is some dispute as to how soon before American Fascism becomes real Fascism. This isn't as absurd as it sounds. After all, if a polemicist announces over the radio, television, in a newspaper or magazine or in a best-selling book that America is a Fascist country, it might be considered zany to make such a statement. So you get around this problem in rationality by distinguishing between "Fascism" and "real Fascism," without ever making it clear what the distinction might be.

Charles Reich in "the Greening of America" tells us that America is at "the brink of an authoritarian or police state." He tells us that "today [in America] both dissent and efforts at change are dealt with by repression." The Harvard Crimson a few months ago announced with dramatic precision that America will be living under "real Fascism . . . before three years are over." Prof. Herbert Marcuse has said that "as far as I'm concerned, one can speak with complete justification of an incipient Fascism" in America. A few sentences later in the same interview he disclosed the existence in America of "preventive Fascism."

Prof. Philip Slater of Brandeis has written that "liberals will be given the choice, during the next decade or so, between participating in some way the new culture and living under a Fascist regime." Mel Wulf, legal director of the American Civil Liberties Union, has as his formulation sentences like: "Though we are not yet a Fascist state in general . . ." or, "Though we are not now a police state in general . . ."

The usefulness of this charge that America is now or is about to go Fascist is that it is such a Big Lie that no evidence is needed to prove it; or better yet, *everything* is evidence, whatever is handiest. Recently the handy evidence was found, of all places, in Prime Minister Trudeau's Canada, following last fall's assassination of the Quebec Labor Minister by terrorists. Trudeau's "police-state" measures meant—I heard this charge made in a lovely Central West Park cooperative apartment—that America was next. You didn't have to prove that Trudeau's decrees were Fascist; the mere declaration that they *were* Fascist was to imply that these decrees were permanent and that, therefore, Canada had embarked on the road to Fascism. Thus, a correspondent for The New Republic, writing from Montreal as a self-described "draft-refusing" American, said: "The morning of Oct. 16 . . . the country chosen as a refuge and whose government all praised for its tolerance had suddenly, without warning, become a police state."

And since America is Canada's overbearing next-door neighbor and since Canada dare not sneeze without first obtaining America's imperial permission, be assured that Fascism's next stop is America.

Thus by constant reiteration that America is pre- or proto-Fascist, America becomes Fascist and all the scholarly qualifiers, like "incipient" or "preventive" or "not yet a Fascist state in general" get blurry and redundant. In this atmosphere, any unpleasant or awful event in America can be transformed into living documentation that we now live in Amerika. Such demonology can so easily turn a doubtful future into the undoubted present—I think, therefore it is. This sort of "noncognitive" cognition was ably defined by George Lukacs, the eminent Hungarian Marxist: "It is the Stalinist tendency to exclude everywhere so far as possible any sort of mediating concepts and to bring into direct connection the crudest matters of fact with the most abstract theoretical positions."

Take this question: Does anybody really think that President Nixon, Vice President Agnew and Dr. Kissinger would dare impose a Fascist regime on America or that they are contemplating such a *coup d'état?* There are intellectuals who regard it as highly reactionary or at best naive to ask such a question, since it implies there is possible doubt as to such a conspiracy. Not to believe that the nation's leaders, the Pentagon and the military-industrial complex are planning a Fascist takeover is to demonstrate that one has been brainwashed into a state of political cretinism. And to demand some proof of such conscious (or "unconscious") plotting is to place oneself solidly in *their* camp. Were I to argue that Fascism means something specific or were I to suggest that there is a huge difference between being a Republican incumbent President desperately anxious to be re-elected and being an "incipient" Fascist, the grudging concession might be: "Well, maybe Nixon hasn't got there yet, but give him time and you'll see." While it is permissible to add up every act of injustice in America as proof of the existence of Fascism, to use a similar "ethical calculus" about other countries, where acts of injustice are systemic, not episodic, to prove their "Fascism" would be impermissible.

The more scholarly and objective way to pin the "Fascist" label on America is to blur the distinction between this country and the U.S.S.R. For example, the historian Howard Zinn has written: "When the United States defines the Soviet sphere as 'totalitarian' and the West as 'free,' it becomes difficult for Americans to see totalitarian elements in our society, and liberal elements in Soviet society. Moralizing in this way, we can condemn the Russians in Hungary and absolve ourselves in Vietnam."

Let Zinn's Russian peers try to organize a Moscow version of a "March on Washington" or demand an end to Soviet occupations of foreign territory or an end to discrimination against ethnic minorities and he'll see the difference between "totalitarian elements" in America and totalitarian elements in the Soviet Union. But Zinn knows all this—and still he'll keep repeating this same old equation about: U.S. totalitarian elements equals Soviet liberal elements.

The greatest purveyor of the canard about Fascist America is the mythopoeic Professor Marcuse, whose phrases, "repressive tolerance" and "the democratic educational dictatorship of free men," remind me of Robespierre's defense of the Terror: "The revolutionary government is the despotism of liberty against tyranny." When one begins to turn culture into revolutionary politics, the rhetoric of paradox is a most useful weapon, like the New Left phrases "creative disorder" (i.e.—preventing a pro-Vietnam war meeting from taking place at Harvard) or "creative vandalism" (i.e.—destroying 10 years of a professor's research notes during a building occupation). In the same category is Tom Hayden's description of student revolutionaries as "guerrillas in the field of culture."

### II—AMERICA IS GUILTY OF GENOCIDE

If one argues that genocide is something like what happened at Auschwitz or Katyn Forest, the argument shifts: America is guilty of cultural genocide, ethnic genocide, psychic genocide—all of which are ipso facto as bad as physical genocide. If it is argued that China's overwhelming of Tibet, Stalin's seizure of the Baltic countries and the dispersal of their populations, and Soviet counterrevolutionary invasions of East Germany, Hungary, Poland and Czechoslovakia might be considered acts of cultural or ethnic genocide, and that the Kremlin's suppression of Russian intellectual life is metaphorical genocide, the retort may be that all this is "cold war" propaganda. If the debater is too young to have experienced the cold war, the answer may be: "So what? Russia is bad but America is worse."

Usually, the rebuttal is that the debater knows nothing about Russia, China or Cuba and is interested only in America and her infamies; to start talking about Russia or other foreign countries, about which the debater knows only what he reads in an untrustworthy press, is diversionary. Yet often a little later the same debater who had just proclaimed his ignorance of the U.S.S.R., China and Cuba evidences a lot of knowledge about the Greek dictatorship, which America is said to be supporting with enthusiasm; he's an expert on Franco Spain, going back to 1936, and on Thailand, Brazil, the Dominican invasion and all other military dictatorships allied to American "imperialism." Any knowledge of "people's dictatorships" has either escaped his notice or is regarded as irrelevant to America's genocidal crimes.

This kind of moral standard is easily acquired if you believe that Fascist-militarist dictatorships, unlike Communist or "Third World" or "socialist" dictatorships, are unprogressive, backward-looking and antihistorical. Thus Conor Cruise O'Brien said in a recent essay: "It is not enough to say that an underdeveloped country has the right to be nonaligned; it is necessary to recognize its right to 'go Communist' if that is the tendency of the political and social forces inside the country itself."

But supposing the political and social forces wanted to go Fascist, theocratic, anarchic or, heaven forbid, capitalist; or if after they went "Communist," the people decided they had been wrong and wanted to throw out "Communism"—What then? Obviously that would be a C.I.A.-inspired plot.

The same kind of moral standard is visible in cultural-exchange programs. Were the White House to negotiate some huge exchange program with the Greek colonels, it would confirm the State Department's Fascist sympathies. To expand cultural exchanges with Moscow, even after the Czech invasion, is a good thing. Were America to threaten cancellation of such exchanges because of Czechoslovakia, it would mean that the White House wants to revive the cold war.

### III—THE BOMBER LEFT IN AMERICA IS A MORAL FORCE

The Bomber Left may be guilty. But the guilt is pardonable because (1) America is a violent country, (2) violence is the Bomber Left's agonizing answer to the need for a moral response to America's counter-revolutionary refusal to "change"[1] and (3) nobody, except by accident, ever gets hurt during a bombing. So the bomb becomes an abstraction destroying another abstraction: a computer center at Wisconsin (where a student was killed; a faculty club at the University of California, Santa Barbara, where a custodian was killed; a hall at Pomona College,

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[1] Prof. Douglas Dowd of Cornell has written: "Violence on the left by the people who are trying to change things has to be understood for what it is. It is in the first place being practiced by people who have tried many other kinds of things, whether you're speaking of Weathermen now or bombers. They are serious, committed people and the other characteristic is that they're desperate. They've given up the idea that a movement can get any place without violence."

Claremont, Calif., where a secretary was blinded and otherwise severely injured opening a time-bomb package. Political frustration ascribed to the Bomber Left usually evokes among *avant-garde* social critics deep sorrow; a similar indulgence for the "Goldwater Right" is unthinkable; any violence arising out of despair on the "Wallace Right" is, by *avant-garde* convention, backward-looking and contemptible. Violence on the Bomber Left[2] is an aberrant yet progressive step toward the New Jerusalem. Thus Bomber Left violence becomes nonviolence while Bomber Right violence (where is it?) becomes Fascist violence. The Bomber Left is made up of victims of American society; the Bomber Right *is* American society.

Today the most popular question on any sociology or political science examination is: "Discuss political violence pro and con." For some academicians and literary intellectuals—these "officer candidates without an army," as Friedrich Engeles called student revolutionaries in Czarist Russia—"violence" has become the "in" word, there being no other way.

Carl Oglesby, former head of Students for Democratic Society, has written: "The rebel is an incorrigible absolutist who has replaced all 'problems' with the one grand claim that the entire system is an error, all 'solutions' with the single irreducible demand that change shall be total, all diagnoses of disease with one final certificate of death. To him, total change means only that those who now have all the power shall no longer have any, and that those who now have none—the people, the victimized—shall have all."

With such alternatives in so final a form, there can be only one next step. This apocalyptic rage so afflicts an important sector of the student-academic-intellectual left that as sharp a critic of American society as Prof. H. Mark Roelofs of New York University has been moved to say: "The radical not in communion with the society he would remake is condemned to inanity and to thinking and talking in a fantasy world of his own devising."

Yet it is this fantasy world, born out of what Nietzsche described as "the weariness that wants to reach the ultimate with one leap," which has seized the imagination of young men and women and which has persuaded them that there is no way out but destruction, the way described by Bakunin and Nechaeyev in their "Catechism of the Revolutionist."

"The revolutionist is a doomed man. He has no personal interests, no affairs, no sentiment, attachments, property, not even a name of his own. Everything in him is absorbed by one exclusive interest, one thought, one passion—the revolution. . . . Day and night he must have one thought, one aim—inexorable destruction."

### IV.—THE AMERICAN WORKER IS A "HONKY" WHO REVELS IN RACIAL DISCRIMINATION, IMPERIALIST WARS, FASCISM, ANTI-INTELLECTUALISM, "BLIND" ANTI-COMMUNISM AND OTHER POLITICAL BLOOD SPORTS

Instead of producing a race willing and capable of serving High Culture, these latter-day industrial troglodytes, say the critics, have created a disgusting life style far inferior to the thousand-dollar-hi-fi-stereo-Fiat-Spider-Triumph-"Easy Rider"-acid head Progressive Labor-pot life style of their opposites. Surprisingly, these same critics, while condemning the dollar imperialism of the American worker, find it intolerable that there should be any poverty in America. Presumably should this poverty be finally eliminated, the newly affluent workers would then become in the eyes of their putative liberators—such as Marcuse, Oglesby, Reich, Dowd—reactionary, racist, imperialist and puritanical honkies impatient to become high-priced hard hats.

This lie about the American worker is an old elitist one which goes back to Alexander Hamilton, who said: "Take mankind in general, they are vicious." This contempt was more recently expressed by Prof. Andrew Hacker of Cornell, who was absolutely ecstatic that he could announce America's approaching "terminal hour." Its doom was inevitable because even if America "could end poverty and bigotry, diffuse its pyramids of power, and suppress its imperial tendencies, there is no reason to believe that such a society would contain a greater quotient of talented people." He also announced that "the egos of 200 million Americans have expanded to dimensions never before considered appropriate for ordinary citizens." As George Orwell said in another connection, "You have to belong to the intelligentsia to believe things like that: No ordinary man could be such a fool."

### V.—OUR POLITICAL SYSTEM IS AN UTTER FRAUD, PARTICULARLY THE TWO-PARTY SYSTEM

This lie is generally circulated by American academicians who insist that a one-party state is not to be condemned out of hand, that if the one-party system has a "socialist" cachet, it might even be a useful modernizing vehicle. I am not suggesting there is anything particularly sacred about a two-party or multiparty state, nor that such a state is beyond reform. What I am arguing is that a one-party state is a far greater threat to freedom than a two-party or multiparty state.

C. Wright Mills in one of his essays bemoaned the fact that neither in the U.S. nor the Soviet Union "are there nationally responsible parties which debate openly and clearly the issues which the world now so rigidly confronts. The two-party state is without programatic focus and without organizational basis for it. We must recognize that, under some conditions, the two-party state can be as irresponsible as the one-party state." Now, the late Columbia sociologist was no enraptured admirer of the Soviet Union, yet it is humbuggery to talk about how, "under some conditions," a two-party state can be as "irresponsible" as a one-party state. Can a mild adjective like 'irresponsible" apply with equal force to the one-party and two-party states?

If the two-party system or multiparty system has any merit at all it is this simple idea: that no men or group of men will ever become infected by the idea that it is upon them and their party alone that a nation depends; that, ultimately, they are so indispensable that it would be treason for them to surrender power, election or no election, to a democratic opposition. It is one of the curiosities of modern American political thinking that the very intellectuals who mock the two-party or multiparty state as a fiction are among the stanchest supporters of one-party states elsewhere in the world, so long as these states boast a Marxist-Leninist-Maoist inspiration. Or if they are not the stanchest supporters, they are tolerant of Communist one-party systems or "African" one-party systems, where elections always end up with 99 per cent plus for the incumbent one-party regime. Fascist one-party states never benefit from this tolerance, nor do boring no-party states in Africa like Tubman's Liberia or Houphouet-Boigny's Ivory Coast. Since these countries are a avowedly nonsocialist, their one-party (or no-party) regimes are definably reactionary, not progressive like Fidel Castro's Cuba.

Perhaps the American two-party system is faulty. It is possible, however, to build a better two-party system out of an already existing two-party system; it is difficult to build any kind of multiparty system out of a one-party system.[3] Why not then a genuine two-party or multiparty system for all modernizing as well as modernized countries? Why not a kind word for our two-party state, imperfect as it is and one which may, a year hence, become a three-party or four-party system? Why is a one-party "socialist" state preferable to an imperfect two-party state?

### VI.—AMERICA IS ON THE WAY DOWN WHILE OTHER COUNTRIES ARE ON THE WAY UP

All the countries of the world, particularly those which go by the name "revolutionary" or "people's democracies," are privileged, apparently, to have their faults and virtues judged by the standards of history. America, according to the critics we are discussing, is the one country which may be judged by the standards of sociology. This double standard of judgment, of course, makes it impossible ever to grant America the benefit of the doubt or the credit for good intentions.

To view a nation through history is to allow the possibility of a melioristic future. To judge a nation by sociology is to inhibit comparison of its hopeful present with an inglorious past. To believe that anything can improve here without a violent revolution (I insist on the adjective "violent" since everybody today is for revolution, especially President Nixon) is, according to these critics, to demonstrate a benighted chauvinism. What this adds up to is that whatever America does, for whatever reason, America is wrong.

Unlike the other 143 countries in the world, only America is to be judged by the exacting and unattainable standards of a Utopia. If there is full, high-wage employment in America for a decade, then capitalism is merely buying off the workers so that they won't rebel. When unemployment comes, that's the real capitalism. If—so goes this view—the Gross National Product rises and consumer income with it, it merely reflects the materialism of American civilization. If the G.N.P. falls slightly, it's the beginning of the end, thank God. If President Nixon loses two Supreme Court nominations and one SST vote, it doesn't mean much because after all, has anything really changed? It's better to vote for Nixon than for Hubert Humphrey because, as President, Nixon will bring Fascism to America much faster than a practitioner of "repressive tolerance" like Humphrey, and then. . . . (The same political strategy in Weimar Germany was expressed by the German Communist party as *"Nach Hitler kommen wir"*: After Hitler, we will come). Besides, whatever Nixon does as President would be no worse than anything Humphrey might do.

Racism, tribalism, communalism and religious hate burden India, Pakistan, Sudan, Japan, Ceylon, Australia, Britain, Yugoslavia, Algeria with its Berbers, Spain with its Catalans and Basques, Latin America and its Indians, the U.S.S.R. and China and their repressed minorities, and on and on. The world crackles with hate, with racial and nationalistic passions—but only America, in the view of the critics we have been following, is racist. (What distinguishes America from the rest of the world is that we, its citizens, happen to be ashamed of our racism, while most everybody else is busy explaining the rationale of racial and religious discrimination and why it's impossible to abolish it overnight.)

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[2] A similar indulgence of the radical left is granted by some of our social critics when the radical left obviously violates civil liberties. For example, Prof. Warner Berthoff of Harvard's English department defended the breaking up of a pro-Vietnam war meeting at Harvard last March with these words: "Like those on the platform, those in the audience (i.e., those who broke up the meeting) came to say something. They said it. In the circumstances of a political rally, wherever it happens to be staged, the right to shout down speakers is embraced by the same principle of freedom of speech and expression as protects the speakers in their efforts to make themselves heard."

[3] Nikolai Bukharin, the Soviet theoretician, once said: "We might have a two-party system [in Russia], but one of the parties would be in office and the other in prison." Bukharin was later executed by Stalin.

Thus, having neatly caricatured the country and most of its 200 million inhabitants, we can all await the revolution, *we* intellectuals, *we* culture critics, *we* who have helped bring the Day of America's Judgment nearer.

Amerika—Fascist, genocidal, materialistic, violent, paranoid, honky, insensitive, undemocratic, counterrevolutionary, hopeless . . . did ever a country since Nazi Germany so deserve to be utterly destroyed?

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## RETIREMENT OF SECRETARY OF THE ARMY STANLEY R. RESOR

Mr. STENNIS. Mr. President, I want to pay special tribute today to an extraordinary American who has served his country with exceptional distinction in dedicated public service. At the end of this month Secretary of the Army Stanley R. Resor will leave his post after serving the Nation as Secretary of the Army for over 6 years, the longest period anyone has held the position since it was established in 1947.

Secretary Laird, in his letter accepting Mr. Resor's resignation, told him, and I quote:

> You have personified an unparalleled blend of courage, integrity, wisdom, and principle. Your sound counsel and matchless ability for plain hard work have been of special and inestimable value to me on all matters involving the Department of the Army—and on other issues, as well.

I wholeheartedly endorse Secretary Laird's sentiments.

Most of us in Congress first came to know Stanley Resor when he joined the Department of the Army in April 1965, as the Under Secretary of the Army. Three months later he was appointed Secretary of the Army by President Johnson and remained at that post under the present administration. That itself is a measure of the great esteem in which he has been held by both parties throughout the Government.

Secretary Resor's tenure in office has covered one of the most crucial periods in the history of the Army. These have not been easy times for our country, for the Department of Defense, or for the Army. But in handling the very difficult issues with which he has been faced, Secretary Resor conducted himself with distinction and has insisted that the highest traditions of the Army be honored, difficult though that job has sometimes been. During this period, and in addition to his day-to-day responsibilities, he was instrumental in the development of Army air mobility, the reorganization of Reserve components, the development of new management systems for equipment procurement, the development of a ballistic missile defense and a program to modernize the Vietnamese Army. In a position of great responsibility he has met the challenges of the time and has served our nation's senior military services with vigor, skill and efficiency. He has truly served our Nation well.

Stanley R. Resor has exemplified an ideal in American government—the ideal of a citizen devoting some of his most productive years to high government service, and whose service is marked by the highest degree of integrity and competence. I know I speak for my colleagues, as well, when I express my gratitude to Secretary Resor for his service, and wish him well in the future.

I ask unanimous consent that Secretary Laird's letter to Mr. Resor, which expresses his gratitude to Stanley R. Resor for his distinguished public service, be printed in the RECORD.

Over and over again, in my many official dealings with Secretary Resor, I have always been impressed with his continued dedication to principles, to the useful and constructive side of his work and his desire to serve the cause and his country rather than selfish or ulterior motives. He never dodged the hard problems and was never given to compromise on principle. He deserves the gratitude of the people and he certainly has mine.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., May 21, 1971.*

Hon. STANLEY R. RESOR,
*Secretary of the Army,*
*Department of Defense,*
*Washington, D.C.*

DEAR STAN: I understand your desire to leave the Department of Defense after more than six years of distinguished service. I accept your resignation with unlimited admiration and appreciation for your selfless contributions to the Department and to the nation. Both in Congress and as Secretary of Defense, I have been fully aware of your tireless dedication to the cause of national defense. I also must express a deep sense of personal regret in losing such a loyal and dedicated member of our team.

Your family, which has shared in the sacrifices you have made for our nation, deserves the attention you shall now be able to give them. They may be justly proud, as I am, of your superb record as Secretary of the Army.

Drawing on your first-hand experience in World War II as a combat leader, you have always displayed a profound concern for the welfare and dignity of men and women in uniform and their families.

You have personified an unparalleled blend of courage, integrity, wisdom, and principle. Your sound counsel and matchless ability for plain hard work have been of special and inestimable value to me on all matters involving the Department of the Army—and on other issues, as well. I am grateful you agreed in January 1969 to continue in office for another year, and then again responded to my second request that you remain at your post for a further time to participate in the Fiscal Year 1972 budget presentation.

Your departure will come as the time is near at hand when we can turn over ground combat responsibilities in Vietnam to that government. You have directed the Department of the Army admirably through many difficult phases in that complex war. Looking beyond Vietnam, you have moved forward with imaginative innovations in the Army.

Your departure, again, will mean a great personal loss to me and to the Army which you have served so magnificently. I trust I will be able to solicit your wise counsel in the future.

Let me again express a most heartfelt "thank you" to you, to Jane, and to your seven sons, one of whom continues the Resor name on the active roles of the Army. May all good fortune come your way.

Sincerely,

MEL.

## FLYING EXPERIENCES IN A SUPERSONIC TRANSPORT

Mr. GOLDWATER. Mr. President, since I returned from Europe, where I represented President Nixon at the Paris Air Show, many people have asked me what it feels like and what sensations a passenger experiences flying in a supersonic transport plant. Frankly I found it not a great deal different from the sensations one encounters while flying in a subsonic jet.

However, I think the Senate should have the benefit of an account by an expert aviation journalist, Mr. Robert Hotz.

Accordingly, I ask unanimous consent that an editorial entitled "Martinis at Mach 2," published in the magazine Aviation Week and Space Technology for June 7, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MARTINIS AT MACH 2

(By Robert Hotz)

The most sensational aspect of flying as a passenger at Mach 2 in a supersonic transport is that there are no sensations whatsoever that differ from those in the current generation of subsonic jets.

Last week we had the good fortune to be the first American journalist to fly as a passenger in the French 001 prototype of the Concorde through all of the essential elements of a flight profile that would encompass its airline operation between Paris and New York. We have flown supersonically before in the back seat of military aircraft and expected some buffering and noticeable sensations going over the peak of the transonic drag curve into supersonic flight that was typical of the early supersonic military aircraft.

In Concorde there was nothing. At Mach 1 there was a slight tremor that felt very much the way an automobile coughs with a fouled spark plug. During climb from 20,000 to 50,000 ft. and acceleration from Mach 1 to Mach 2, the flight was smooth as silk. My seven fellow passengers and I walked up and down the cabin from cockpit to tail, past the great banks of orange and grey test equipment, studying the flight instruments, chatting with the crew and making tape recordings for posterity. When Aerospatiale Test Pilot Jean Franchi leveled off at 50,500 ft. and the Machmeter needle flickered just past two on the dial and steadied for normal Concorde cruise, one French journalist exploded in disbelief.

"I don't believe it," he said. "You must have a mouse inside that instrument that winds it up to Mach 2."

#### CARTOGRAPHIC VIEW

Outside, the sky was a much darker blue than airline passengers have seen before. We were over the Atlantic Ocean with the Brittany peninsula of France clearly outlined on the left. From the right side windows the southern coast of England was etched in cartographic detail with the Irish Sea shimmering beyond Cornwall and Devon. Farther north and some 25,000 ft. below us were the convoluted patterns of the heavy subsonic jet traffic around London, symbolic of the difference between the old and the new in air transport.

At 11:42 a.m., when Concorde leveled off for Mach 2 cruise, Navigator Guy Lesenfant gave us a time hack and the laconic announcement:

"If we continued on this course we would be over New York at 2:06 p.m."

Settling back in our seat at mid-cabin, we semi-dozed and ruminated on the speed and tranquility of supersonic cruise. The idea of an announcement on arriving in New York in about two and a half hours with the French and British coasts still visible was staggering. The peace and quiet of Mach 2 cruise that made it hard to stay awake was unbelievable. But there it was. There is no doubt in the mind of anyone who flew Concorde during the Paris air show week that the age of routine supersonic transport has truly dawned and will play an enormous role in shrinking the practical size of this planet and knitting its communications into a tighter and more effective pattern.

It will be several more years before less privileged passengers will be able to buy a transatlantic ticket on Concorde. This was the 145th test flight of the French 001 prototype. There is still considerable testing and engineering development ahead for it and its British counterpart, 002, before production Concordes are ready for airline service.

### THOROUGHLY FAMILIAR

But the flight we made from Paris out over the Atlantic encompassed every element of this airline operational pattern. It included sustained cruise for 29 min. at Mach 2, 30-deg. turns at Mach 2, acceleration to supersonic speeds in a climb and deceleration in a descent, holding for 20 min. in the crowded traffic pattern at Le Bourget, and takeoff and landing. We believe it was a fair sample of what a supersonic passenger can expect. Except for the timetable, it will be nothing with which he is not already thoroughly familiar.

There were no sonic booms over land. Mach 1 was reached just off the coast after passing Le Havre. On the return leg, the Machmeter indicated 0.93 as Concorde crossed the French coast at Nantes. Our maximum cruise speed was 2,120 km./hr. (1,314 mph.) or Mach 2.1. Outside air temperature at 50,000 ft. was —56C (—68F), but test instrumentation showed the skin temperature of Concorde's wing was fluctuating between 118 and 114C (245 and 237F). Inside the cabin it was a comfortable 70F (21C).

The only unusual internal noise comes during takeoff briefly from engine rumble. The cabin noise level without full airline-style sound-proofing is about equal to that of a current subsonic jet with only a slight increase near the aft section. Cabin pressurization maintains a constant 6,500-ft. environment even during supersonic climb and descent. During Mach 2 maneuvers, only the changing color of the sky informs the passengers of major banking turns. It is possible and pleasant to walk around during all flight regimes. Stewardae will have no trouble serving martinis and meals. Passengers will find no difficulty consuming them. They will just have to drink a little faster—New York will be only a few hours away.

## PUBLIC WORKS AND INTERIOR COMMITTEES COOPERATE IN WATER SUPPLY AND WASTE WATER TREATMENT

Mr. RANDOLPH. Mr. President, yesterday the Senate passed S. 991 authorizing continuation of the saline water conversion program, with perfecting amendments. I underscore the statement of the able Senator from Washington and chairman of the Committee on Interior and Insular Affairs (Mr. Jackson) on the need for a careful delineation of the differing roles of the Office of Saline Water. He outlined its important water supply development work, and the Environmental Protection Agency's pursuing waste water treatment development.

The agreement resolves the problem of possible duplication of effort which the members of the Committee on Public Works believed was created by the language of S. 991, as reported. The spirit of accommodation and understanding between our two committees is indicative of each committee's very strong interest in effective legislation in the areas of water supply and waste water treatment.

The effect of the perfecting amendments Senator Jackson has presented to the Senate will be to obviate any duplication between these Government agencies involved in important water resource development. It is our intention that to the extent the techniques developed by the Office of Saline Water in purifying contaminated water for consumptive uses have applicability to waste water treatment, that knowledge will be used by the Environmental Protection Agency and duplicating expertise will not be developed.

I make special reference to the efforts of the junior Senator from California (Mr. Tunney), a member of the Committee on Public Works, who was instrumental in bringing to our attention the possible conflicts which the unperfected legislation would have created.

## TRIBUTE TO THOMAS J. DODD

Mr. TOWER. Mr. President, it is with honor today that I join in the tribute to my former colleague, Thomas J. Dodd. Few men during the history of this body have served so selflessly or have given more of themselves to their country. Few men in this country have understood better than Tom Dodd the need for us to remain strong in the face of unceasing attempts to destroy the citadel of freedom. No one was more vocal in his condemnation of totalitarianism, whether it be fascism or communism, than was my friend Tom Dodd.

While he was serving as chief trial counsel at Nuremberg in 1945–46, Tom Dodd not only saw the horror of what the fascists had done, but also came face to face with the equal horrors of communism, a system that brutalized human nature more surely, more completely than any other system devised by mankind. During this time, Tom Dodd began his life-long fight against this new imperialism in every part of the world that it reared its ugly head. He was criticized by many for doing so, but he knew the necessity to keep up the fight.

Mr. President, Tom Dodd had friends not only in this country, but all over the free world in the many troubled lands that he helped. From the captive nations of Eastern Europe to the embattled areas of Asia, many heartfelt messages poured in to the Dodd family. Freedom-loving people throughout the world know what a friend that they have lost in Tom Dodd. I ask unanimous consent that a series of these messages to the Dodd family, including messages from President Nixon and Vice President Agnew, be printed at this point in the Record. I also ask unanimous consent that an article by Allan C. Brownfield about Tom Dodd, from the June 3, 1971, edition of Roll Call be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Key Biscayne, Fla.,
*May 24, 1971.*

Mrs. Thomas J. Dodd,
*Lyme Street,*
*Old Lyme, Conn.*:

My thoughts and deepest sympathy are with you as I share your grief at your husband's death. Tom Dodd was a tireless and distinguished public servant whose friendship I valued and whose advice I appreciated. He never failed to put the national interest above party politics or personal ambitions, and always sought to uphold the national security. He will be deeply missed and warmly remembered by all who cherish our priceless heritage of freedom, and for whom his life's achievements will remain an inspiration and a source of strength. I feel fortunate to be included among these fellow citizens. And I assure you that I will never forget that, despite our party differences, he rose above politics to give me encouragement and counsel at a time when I most needed it. Mrs. Nixon joins me in prayer that God may bless you and your family with the special strength to persevere in these difficult days, and with the hope that proud memories may sustain you in the years ahead.

Richard Nixon.

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Washington, D.C.,
*May 24, 1971.*

Mrs. Thomas J. Dodd,
*Lyme Street,*
*Old Lyme, Conn.*

Dear Mrs. Dodd: I was very sorry to learn of your husband's death.

He was a fine man, and his service to his country and to the State of Connecticut will be long remembered.

Sincerely,

Spiro T. Agnew.

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Federal Bureau of Investigation,
*May 24, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.*

Dear Mrs. Dodd: I was saddened to learn of Tom's passing and want you to know you have my deepest sympathy. While words certainly are inadequate at a time like this, I hope you will derive some measure of comfort from knowing that others share your sorrow. If I can be of assistance in any way, please let me know.

Sincerely yours,

J. Edgar Hoover.

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Washington, D.C.,
*May 26, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.*

I am deeply grieved by the news of the death of your distinguished husband, he was truly a friend in need and I shall always remember him with gratitude. The Nation has lost a statesman and a patriot. I hope that the sincere sympathy of his many admirers and friends will afford some solace.

Lewis Strauss.

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Embassy of the United States of America,
*New Delhi, May 25, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.*

Dear Grace: I was greatly saddened to learn this morning of Tom's death. You, as much as anyone in this world, know how close I was to Tom and how greatly I valued his friendship. There was no one in the Senate whose counsel I held in higher esteem or whose helping hand was more generously and readily extended to me. He was a loyal colleague and a wonderful human being.

I want you and all the Dodd family to

know that you are very much in my thoughts during this sad and difficult time.

Warmest personal regards.

Very sincerely yours,

Kenneth B. Keating.

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May 25, 1971.

Mrs. Thomas J. Dodd,
*West Hartford, Conn.*

Dear Mrs. Dodd: I was terribly sorry to hear of the passing of your dear husband, who was one of the great people of our times. It is unbelievable that he went so suddenly.

My dearest sympathy in your great loss.

Sincerely,

Gene Tunney.

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Washington, D.C.,
*May 25, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

President and Madame Chiang Kai-shek have instructed me to transmit to you the following message: "Mrs. Thomas J. Dodd. We are deeply sorry to learn of the death of your distinguished husband. For many years Senator Dodd valiantly championed the cause of the Republic of China and his staunch friendship for our country and people left a profound impression on us all. We shall long remain indebted to him. We hope the Senator's great achievements as a public figure will help assuage your sorrow. Please accept our sincerest condolences in your bereavement. President and Madame Chiang Kai-shek."

James C. H. Shen,
*Ambassador of the Republic of China, Washington, D.C.*

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Washington, D.C.,
*May 25, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

I am very sorry to learn that Senator Dodd has passed away. Many of his friends in the Republic of China will mourn his death because he had been such a staunch friend of these people. In my earlier visits to Washington I had the privilege of meeting the Senator. He was such a warm-hearted and friendly man. I had hoped to meet him again in my new capacity as the Chinese Ambassador. Now that he is gone, I, too, have a feeling of a great personal loss. Please accept my heartfelt condolences.

James C. H. Shen,
*Ambassador of the Republic of China, Washington, D.C.*

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*May 25, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.:*

Deeply grieved untimely death your distinguished husband whose championship for freedom, justice, friendship towards Republic of China will always be cherished. Please accept my sympathies and condolences.

Chowshuka I,
*Minister Foreign Affairs.*

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Vietnam,
*May 31, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.:*

We in Vietnam are grieved to learn of the passing away of Senator Dodd. Have lost a true friend of Vietnam at a time when his services are so greatly needed. Please accept our deepest condolences at this sorrowful time.

Respectfully,

Colonel Etat,
*Minister of Foreign Affairs, Saigon.*

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Washington, D.C.,
*May 24, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

Most grieved by sudden demise of Senator Dodd. On my own behalf and that of my staff I would like to extend to you our sincere sympathy on this day of sorrow.

Bui Diem,
*Ambassador of Vietnam.*

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Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

Members Vietnam Senate and myself profoundly saddened learning passing Senator Dodd. He left here many friends who know and appreciate his effective championing of VN cause. Please rest assured we share your great loss.

Nguyen van Huye,
*President, Senate.*

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Washington, D.C.,
*May 24, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

I wish to express to you and your family my heartfelt sympathy on the death of Senator Dodd. He was a fine American. I feel greatly honored to have known him personally. My entire nation mourns the loss of a good and loyal friend.

Park Chung Hee,
*President of the Republic of Korea.*

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Paris,
*May 25, 1971.*

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

Deepest sympathy and sorrow for untimely passing of the crusader from Connecticut who has given Korean people constant encouragement in our struggle for peace and justice.

Soo Young Lee,
*Korean Ambassador in Paris.*

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Washington, D.C.,
*May 24, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.:*

I am deeply saddened to learn of the death of your fine husband. I would like to extend to you the condolences of all the Korean people on this great loss. We valued his friendship highly and will greatly miss him.

Dong Jo Kim,
*Ambassador.*

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New York, N.Y.,
*May 25, 1971.*

Mrs. Grace Dodd,
*Old Lyme, Conn.:*

Please accept the sincere condolences of the Assembly of Captive European Nations on the untimely passing of your late husband, Senator Thomas J. Dodd. A figher for justice and freedom both at Nuremberg and in the U.S. Congress, he left a lasting mark in the fields of government and the law. He clearly demonstrated his sympathy for the cause of freedom and self-determination in East-Central Europe by his unwavering support for our efforts. His death has, therefore, had a very profound effect upon us all.

Imre Kovacs,
*Acting Chairman, Assembly of Captive European Nations.*

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May 25, 1971.

Mrs. Thomas J. Dodd,
*Old Lyme, Conn.:*

Permit me with all my heart and love to share in the grief over the loss of your dear husband, voicing on behalf of the Hungarian committee and myself our deepest condolences.

Senator Dodd was one of the greatest patrons of the Hungarian people in their life and death struggle against communism. He was always our great defender. Now when his beloved family and native land mourn him, we Hungarians too—scattered throughout the world and oppressed back home—join in sorrow and pray for him, in deepest gratitude.

Monsignor Bela Varga.

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New York, N.Y.,
*May 24, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.:*

Deeply grieved Rumanian national committee extends sincere sympathy on the passing of your beloved husband. With Senator Dodd's death freedom lost a great fighter for the captive nations, a forceful devoted friend. His memory will live forever in the grateful hearts of the Rumanian people.

Costantin Visoianu,
*President, Rumanian National Committee.*

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West Hartford, Conn.,
*May 25, 1971.*

Mrs. Thomas Dodd,
*Old Lyme, Conn.:*

Our deepest sympathy to you and your family for the loss of a most cherished and beloved friend.

Ukranian National Association of Connecticut.

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### THOMAS DODD: A LONELY FIGHTER

(By Allan C. Brownfeld)

When he was censured by the United States Senate they said of Thomas Dodd that he was corrupt, and his friends said that, no he wasn't corrupt, he was simply like all of the others, and that if he was censured then they should all be censured. Perhaps this only reflects the cynicism of our own age, and it is possible that our overlooking the faults of others is simply a reaffirmation of our own faults and our rejection of the idea of sin. For, in a world in which nothing is right and nothing is wrong, who is fit to cast judgment?

Now Thomas Dodd is dead, and many who attacked him in life have cast aside their harsh appraisals and replaced them with the sugar-coated remembrances that are no more than a sham. If the life, career, and death of Senator Dodd have any meaning at all for us, it may be in a manner we will not want to hear.

For, rather than appearing corrupt, this life casts a far different image upon today's political scene. A pirate, when he was brought before the Emperor Alexander, declared that "I, for stealing some jewels, am called a pirate and an outlaw. You, for stealing the whole world, are declared emperor." Thomas Dodd may not have been fastidious in his handling of the matters of his life, but in the things which are, in reality, the life and death questions of our civilization he was a valiant, and often a lonely, fighter.

Senator Dodd, as chief trial counsel at Nuremburg in 1945–46, said that he was privy to "an autopsy of history's most horrible catalogue of human crime." It was here that he also became an arch foe of communism and he was angered by the effort of the Soviet prosecutors to blame Nazis for the massacre of 15,000 captured Polish officers at Katyn forest, a massacre which Dodd claimed and later history has proven was performed by the Russians themselves.

"I learned of the desperation and terror of hundreds of thousands of Russian war prisoners and slave laborers held by the Nazis whom we, through ignorance, returned against their will to the Soviet authorities," Dodd told The Readers Digest. "I am still tormented by accounts of mass suicides in which men slashed their wrists with tin cans and women jumped with their children from upper-story windows rather than face return to Russia."

Thomas Dodd lived through an era in which many members of his party said that Communism was no longer a threat, and he died at a time when the leadership of the other party was making conciliatory sounds toward both the Russians and the Communist Chinese. Politics in the partisan sense was never of any importance to him. What mattered most was a strong national defense and a concern for freedom. This made Senator

Dodd an increasingly lonely figure in a Senate dominated by those who sought not either defense or dignity, but simply followed the public opinion polls which indicated restlessness with a lingering war and an urge for a new isolationism. Those who fight the times do not always have an easy end. Would Jack Anderson and Drew Pearson, many ask, have launched an attack upon William Fulbright or George McGovern? The answer, these critics state, can easily be seen. In this sense, Senator Dodd paid not only for the data on his tax returns but for his steadfast opinions, which did not follow the tide of the times.

This writer had the opportunity to be associated with Senator Dodd for several years. When making a pronouncement about matters of foreign policy and defense he never consulted the polls, and he never took a count of the letters for and the letters against. His concern was what policy would best advance freedom, what policy would convince world Communism that aggression would not be permitted to succeed, what policy would best maintain the security of our own country. He supported the war in Vietnam, he opposed east-west trade, he defended our commitment to the Nationalist Chinese—not because it was popular, but because it was right. How many men who voted to censure Thomas Dodd can say that they base their votes on principle and not on convenience? Unfortunately, we will never know.

They told Senator Dodd that the Communists were no longer a danger, and that we needed to "reorder priorities." Despite the fact that he was long a domestic liberal, in favor of labor unions and gun control and civil rights, he recognized that without a firm posture in the world all of the domestic "priorities" mattered little. And when they told him he was not modern and was "behind the times," it seems that he simply wondered what they meant.

In his book, The Fish Can Sing, the Icelandic writer Halldor Laxness confronts one of his characters with a young man who believes in neither ghost stories nor any things unseen. In response, he states: "Mankind's spiritual values have all been created from a belief in all the things the philosophers reject. . . . How are you going to live if you reject not only the Barber of Seville but also the cultural value of ghost stories. If it were to be proved scientifically or historically or even judicially that the Resurrection is not particularly well authenticated by evidence—are you then going to reject the B-minor Mass? Do you want to close St. Peter's Cathedral because it has come to light that it is the symbol of a mistaken philosophy and would be more uesful as a stable? What a catastrophe that Giotto and Fra Angelico should have become enmeshed in a false ideology as painters, instead of adhering to realism. The story of the Virgin Mary is obviously just another falsehood invented by knaves and any man is a fraud who allows himself to sigh, 'Pietra Signor.' "

Somehow, Senator Dodd believed all of the old American ideas about individual freedom and human dignity and the need to oppose tyranny and oppression. What kind of "liberals" are they, he wondered, who could overlook Red China's rape of Tibet, the Soviet Union's persecution of Jews, the deprivation of freedom to millions of men, women, and children in Eastern Europe? If in order to be elected to public office you must leave your conscience on the doorstep maybe, he may have mused, it just isn't worth it.

Too many Members of Congress, and of the press corps, have become mere faddists. Senator Dodd would have agreed with C. S. Lewis when he said "We must condemn . . . the uncritical acceptance of the intellectual climate common to our own age and the assumption that whatever has gone out of date is on that account discredited. You must find out why it went out of date. Was it ever refuted? And if so by whom, where, and how conclusively? Or did it merely die away as fashions do? If the latter, this tells us nothing about its truth or falsehood. From seeing this, one passes to the realization that our own age is also a 'period' and certainly has like all periods its own characteristic illusions."

And so, a life is ended. But it was a life which, in the important things, was true to a standard far different from that of the roar of the crowd. Thomas Dodd saw the evils of Nazism and Communist first-hand. He recoiled from their horror only to find in his own country a growing unwillingness to confront evil.

Some will only remember of this man that he was censured by the Senate for income tax irregularities. But that may be the least important thing of all, and we ourselves may have fallen to such a depth that we can no longer recognize the heroic qualities in others. Thomas Dodd fought a lonely battle for the things upon which Western civilization is based and we must hope that in the next generation there will be enough of those to fight this same battle so that civilization itself will be preserved.

Mr. TOWER. Mr. President, I am honored to have known and worked with Tom in this body. His disdain for partisan politics and his willingness to give me counsel were always appreciated. It is Tom Dodd's legacy and his work be continued, that we always fight for freedom; for, in the final analysis, our freedom is the only compelling reason that we continue. Without freedom in this country and in the world, life itself becomes meaningless and even mere existence nearly pointless. I turn to the words of President Nixon to emphasize what the loss of Tom Dodd means to our Nation:

> He will be deeply missed and warmly remembered by all who cherish our priceless heritage of freedom, and for whom his life's achievements will remain an inspiration and a source of strength.

May we always keep his commitment to freedom, for then we shall always persevere.

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## THE PENTAGON PAPERS

Mr. BYRD of Virginia. Mr. President, on June 15—3 days after the New York Times began publishing a series of articles from a secret study of American participation in the Vietnam war—I asserted in the Senate that I found "little of a surprising nature."

I deplored the stealing of the documents and called for the prosecution of the person or persons who stole the top secret report. I also expressed wonder why material which covers a period that ended 3 years ago—and thus in a sense a history of the early days of the war—should be continued to be labeled top secret.

Yesterday, Sunday, June 27, the Associated Press distributed to its member newspapers a news story which documented that through the years the press told much of the Vietnam story, including matters now mistakenly thought to have been revealed to the American people for the first time in the Pentagon Papers.

The article was written by Peter Arnett, an Associated Press newsman who covered the war in Vietnam from 1962 through 1970. In the article he analyzes the significant points in the disclosure of the secret study of the war.

I ask unanimous consent that the Associated Press article by Peter Arnett captioned, "The Pentagon Papers—Opening Government to the Public," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### The Pentagon Papers—Opening Government to the Public

**Editor's Note**: The following story is by an Associated Press newsman who covered the war in Vietnam from 1962 to 1970. In it he analyzes the significant points in the disclosures of secret government studies of the war.

(By Peter Arnett)

What is a citizen to make of the Pentagon Papers, the startling and historic documents whose publication has brought the press and the government into an extraordinary confrontation?

They lift the curtain on the view from inside a government struggling with a war rapidly bulging out of shape, a war never as close to solution as many official public statements made it out to be.

Many interpretations have already been placed on the disclosures from the 47-volume Pentagon study. But an understanding of the war years covered in the disclosures so far requires an examination not just of the secret documents but also of public official statements and press reports and public debate during the period.

A careful study of these elements leads to the following conclusions:

1—That discrepancies between some public statements of national leaders and their private assessments varied from evasions all the way to untruths.

2—That through leaks and reporters' observations in Vietnam, the press told much of the story, including matters now mistakenly thought to have been revealed to the American public for the first time in the Pentagon Papers.

3—That a pattern emerged to the unfolding events as America took fateful steps into the deeper commitment to war. The pattern showed first, decisions taken in secret. Then there followed the manifestations of those decisions in press reports from the field. Then, public controversy in the press and Congress usually followed, and finally came official confirmation of what was happening—sometimes candid, sometimes grudging and sometimes not entirely truthful.

These patterns are clear in an analysis of several major steps in the escalation of the war; for instance, in the decision to bomb North Vietnam and to commit massive numbers of U.S. ground troops to combat. It can be seen, too, in the Gulf of Tonkin incident which is explored fully for the first time in the Pentagon papers.

The real official facts of the crucial Tonkin Gulf incident—that the United States might well have provoked the North Vietnamese into attacking two American destroyers in 1964—remained hidden until the war study surfaced two weeks ago.

Press reports in these early war years revealed several major steps when there was official silence or even official denial.

Much of the controversy surrounding the Pentagon Papers deals with the period of the 1964 Presidential elections and suggestions from the Pentagon analysts that the administration was hiding options and decisions on war escalation from the American public.

However, news reports throughout the year dealt with the burgeoning war. For example:

The Associated Press disclosed in January 1964 that U.S. officials in Saigon were weighing the possibility of asking for American combat troops.

In March of that year, American pilots were shown to be engaged in direct combat in Vietnam. In June, Washington reports had the Johnson administration weighing the possibility of bombing North Vietnam.

In January 1965, the clandestine American air operations in Laos were disclosed by reporters. And in April, despite President Johnson's known desire to avoid "premature publicity" on his order to enlarge the combat role of Marines just sent to Vietnam, the press followed the troops into battle and told what they were doing.

Congress responded.

"The people have a right to know where we are going and what we are doing," declared Sen. Kenneth Keating, R-N.Y., in demanding a full congressional inquiry and review of the war and the U.S. role in it in March 1964.

Republican congressional leaders in April called on President Johnson to end the "fiction" that Americans were not actively fighting in Vietnam.

In May, Sen. Ernest Gruening, D-Alaska, urged an investigation to determine whether facts on the South Vietnam situation had been withheld "not for security reasons but to cover up bureaucratic bungling."

The Pentagon analysts, a team of handpicked experts who began their work on the war documents in 1967, do not treat in detail that public record on Vietnam, particularly in the important years of escalation in 1964 and 1965—the only period fully documented publicly so far. The analysts also lacked Johnson's own White House papers on the war.

Their approach has tended to ignore some facts generally known at the time. For example, Defense Secretary Robert S. McNamara in a news conference in Washington on March 26, 1964, said that one of the Vietnam options then before President Johnson was the initiation of military actions outside South Vietnam, particularly against North Vietnam.

The secretary added, "This course of action—its implications and ways of carrying it out—has been carefully studied."

Yet the documentary confirmation that such alternatives were even considered caused a public stir when the Pentagon Papers first came out two weeks ago in The New York Times.

There were some aspects of the war in which the Johnson administration never did come to terms with press and critics. There's a thread of black pessimism running through many of the key Pentagon documents while at the same time officials voiced a relentless optimism in their public statements.

The 7,000 pages of the Pentagon Papers will no doubt occupy historians for years. But for the purposes of this analysis the secret decisions and proposals revealed in the papers are weighed against official statements and press reporting of the period in three years: the Tonkin Gulf incident, the air war against North Vietnam, and the commitment of American combat troops to the war.

### THE BOMBING OF THE NORTH

The secret history of the bombing war disclosed in the Pentagon Papers shows the Joint Chiefs of Staff making the first recommendation—in January, 1964. They suggested that the South Vietnamese assume open responsibility for the American backed air attacks.

The history further reveals that Ambassador Maxwell D. Taylor proposed in a cable from Saigon in August that year that "something be added to the war effort" to win. That "something" he proposed was "a carefully orchestrated bombing attack on North Vietnam with January 1, 1965, the target date."

A secret White House meeting on Sept. 7 reached a "general consensus", according to the Pentagon Papers, on the necessity of air strikes early in 1965, and in December 1964 President Johnson approved the strike—tit-for-tit reprisal for 30 days and a graduated air war to follow. The bombing began in February 1965.

On the record, McNamara had mentioned possible action outside Vietnam in a press conference in March 1964. In June he reiterated to a Senate committee that to deter the enemy "it may require some military action outside the border."

State Department spokesman Robert J. McCloskey said July 20, 1964, "An extension of the war into the north is regarded by the United States as in the realm of contingency planning for the future." President Johnson said in August, and throughout the presidential elections, that he had turned down advice to bomb the North.

The press was hard on the scent of the bombing trail. A story out of Washington on June 24, 1964, said "The United States is speeding its planning for air strikes by South Vietnamese forces against Communist supply bases in Laos and North Vietnam . . ." The report added, "The possibility of such a move figures high in official thinking, it was learned tonight."

A June 27 report from Saigon reported that American jets were bombing in Laos and one had been shot down. The planes were apparently flying out of bases in Thailand, South Vietnam and on the 7th Fleet, the report said.

A Washington dispatch in July reported that two types of air attacks against North Vietnam were being considered, the first a tit-for-tat retaliation strike to follow Viet Cong guerrilla attacks in the South. There was an alternative strategy and it called for the planned destruction of military targets in North Vietnam "to try and change the policies of the aggressor," the report added. High officials were quoted as saying that no decision on expanding the war had been made although plans of action had been drawn up "and forces either have or will be put into position to carry out quickly any decisions."

The raids against the North eventually took the form as outlined in the Washington dispatch of July 1964.

The United States continued bombing in Laos, but as a news dispatch from Saigon commented mid-January 1965, "The U.S. government is still not ready to acknowledge that it has warplanes in combat outside the borders of South Vietnam." The whole air campaign in Laos was one of the best reported secrets of the war.

An administration view of the scheduling of air raids against North Vietnam with an eye on political considerations emerges from the Pentagon papers. The study said "tactical considerations" required a delay in the launching of the air strikes because "Johnson was presenting himself (in the presidential elections) as the candidate of reason and restraint."

For that reason, the study says, the air strikes were delayed until February the following year. In the 1964 elections, Johnson's adversary, Sen. Barry Goldwater, was cast as the advocate of unleashing air power against the North.

### GULF OF TONKIN INCIDENT

The events that led up to what were officially termed "barbaric, unprovoked attacks" by North Vietnamese PT boats on two U.S. destroyers in the Gulf of Tonkin in August, 1964, had been set in motion early that year by Johnson, the secret papers now reveal.

He ordered Operation Plan 34A which called for U2 flights over Laos, raids on North Vietnam by South Vietnamese and Nationalist Chinese commando teams, and naval bombardment along the North Vietnamese coastline. McNamara had recommended the plan, the documents attest, in hopes that the steadily escalating pressure would force the Viet Cong and the Pathet Lao guerrillas to halt their insurrections.

In these secret operations were American destroyers on intelligence patrols in the international waters of the Tonkin Gulf. The Pentagon analysts say the physical presence of the destroyers provided the elements for the Tonkin clash.

The destroyers Turner Joy and Maddox were hit twice in early August after clandestine South Vietnamese attacks against nearby Communist coastal installations. In the second attack, the secret study reveals, both destroyers were definitely warned that the attacks were going to take place.

Officially, President Johnson went on national television to decry the attacks and announced he had dispatched retaliatory air strikes against North Vietnam. He also demanded a resolution from Congress allowing him to "take all the necessary steps, including the use of armed force," to protect American interests. The result was the much debated Tonkin Gulf Resolution used to support the administration's right to expand the war as it thought necessary, without further Congressional action.

On the public record in Senate Foreign Relations Committee hearings in August 1964 and February 1968, McNamara claimed that neither of the two American destroyers in the gulf had any knowledge of the clandestine attacks. Yet the Pentagon Papers said both destroyers were definitely warned about the clandestine South Vietnamese attacks. He also said that neither the Maddox nor the Turner Joy participated in these activities, a fact borne out by the Pentagon Papers.

Press comment was limited at the time because of the difficulty of reaching the attack scene in the Gulf. An Associated Press report quoted U.S. military men as being baffled by the Communist patrol boat raids on the U.S. ships.

Senator Wayne Morse, D-Ore., was the most vehement challenger of the American position. He charged that the Tonkin Gulf incidents "are as much the doing of the United States as they are of the North Vietnamese. We have been making covert war in Southeast Asia for some time . . . it was inevitable and inexorable that sooner or later we would have to engage in overt acts of war in pursuance of our policy, as we are doing now."

Morse declared prophetically "When the high emotionalism of the present crisis has passed, historians will disclose that for some time past there have been violations of North Vietnamese and Cambodian borders by South Vietnamese, and I am also satisfied that they will disclose that the United States was not an innocent bystander."

### AMERICANS INTO LAND WAR

The Pentagon study revealed comparatively little about the series of decisions that put American combat troops into Vietnam, but two key recommendations were listed. The first was a memo to McNamara by the Joint Chiefs of Staff in January 1964 suggesting that the United States "must make ready to conduct increasingly bolder actions in Southeast Asia." The memo suggested that U.S. forces might be committed "as necessary in direct action against North Vietnam."

On August 18 in a cable from Saigon, the papers reveal, Ambassador Taylor suggested that if air strikes were launched against the North then Army Hawk missiles and U.S. Marines be dispatched to Da Nang to protect the important air base.

Officially, there are few recorded public statements about combat troop commitments, but there are many speculative press reports, and the appointment of Gen. Taylor as ambassador in June 1964 was widely regarded around the world as evidence that the

United States intended to step up its military activity in Southeast Asia.

The day of Taylor's appointment, a news story from Saigon said, "America appears to be facing its closest approach to a general war in Asia since the closing of hostilities in Korea in 1953," and cited the hardening attitude of both sides. "A progressive show of force by both sides could explode at some point into a war," the news dispatch said.

Two battalions of U.S. Marines landed in Da Nang on March 8, 1965, and the secret Pentagon papers indicate that President Johnson ordered a new mission for them within the month. The mission "will permit their more active use . . . the actions themselves should be taken as rapidly as practical but in ways that should minimize the appearance of sudden changes in policy," the papers say.

But even before Johnson widened the Marines' mission the press was reporting a much bolder combat stance from the field. "Privately many are confident that the expeditionary force will soon be strengthened and its assigned job enlarged to include an active role in the fighting against the Communist Viet Cong," said a news dispatch on March 20.

The obvious heating up of the American combat role did not ruffle the official stance. On April 1, 1965, the day the papers say he approved the critical change of mission of U.S. troops in Vietnam to that of combat instead of defense. Johnson told reporters, "I know of no far reaching strategy that is being suggested or promulgated."

On April 10, an Associated Press story from Da Nang said, "technically, all marines coming in are to defend Da Nang airbase, but defense is broadly interpreted in this base. The marines are patrolling and fighting many miles from Da Nang, even in the mountain passes between Da Nang and Hue to sweep Viet Cong from the area. They might even be used on Eagle Flight helicopter assaults."

On June 5, the State Department for the first time acknowledged that American troops in South Vietnam "engaged in combat" if attacked and fired upon.

In July President Johnson authorized the commitment of 200,000 Americans at the urgent insistence of the field commander, Gen. William C. Westmoreland. Johnson ordered that his decision be kept secret.

But already on April 18, Sen. John Stennis in an Associated Press interview had set the scene for the immediate future. "The United States must be prepared to fight a stepped up war in Vietnam for an indefinite period," the Mississippi Democrat said. "America is certain to increase its participation in the war.

He predicted that more American troops would soon be committed to Vietnam.

## TRIBUTE TO SENATOR MATHIAS—ADDRESS BY SENATOR SCOTT

Mr. BEALL. Mr. President, last night in Cumberland, Md., a group of grateful citizens gathered to pay their respects to my illustrious colleague in the Senate, the Honorable Charles McC. Mathias, Jr. This "Mathias Appreciation Dinner," attracting an overflow audience of over 400 people, was given in recognition of Senator Mathias' 11 years of service, both as a Member of the House of Representatives and of the U.S. Senate for the people of western Maryland.

The principal speaker for this occasion was our distinguished minority leader, Senator Hugh Scott, of Pennsylvania, who delivered a very personal and genuine tribute to Senator Mathias. So that Senators may have the benefit of these most appropriate comments by our distinguished colleague from Pennsylvania, I ask unanimous consent that the full text of Senator Scott's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Senator Hugh Scott of Pennsylvania, Republican Leader at the Appreciation Dinner for Senator Charles Mac Mathias, June 28, 1971

Mac Mathias is one of the bulwarks of the U.S. Senate. He is an outstanding Republican and supporter of President Nixon.

He certainly is a prime mover in the Republican caucus to bring vigor and determination and new ideas to the Senate and shows strong sense of pride in supporting programs proposed by President Nixon.

He was the author of reforms in his own party which assured newer Senators of broader recognition, earlier than the old seniority system would have permitted.

He is a man of deep feeling and a deep conviction to serve his fellow man. He has been doing this . . . serving the public . . . since he joined the U.S. Navy as an enlisted man early in World War II.

Pennsylvania had something to do with his early development. He graduated from one of our fine colleges . . . in fact an outstanding Quaker college . . . Haverford, located in a neighboring community to where Mrs. Scott and I have a home.

Mac is one of 26 Members of the Senate who served in the Navy during the war. He holds a Reserve commission as a captain. In fact in our Republican caucus we can pipe aboard 13 men who stood at attention to "Anchors Aweigh."

We look at Mac affectionately as one of the young movers and shakers. He has been a mover, a changer of Senate routine, one who wants to break with tradition and the status quo and get quicker action by making the Senate more responsive. I, too, agree with this approach. Unfortunately we as the minority party can't do much about changing the pace of the Senate until we get the Democrat committee chairmen to move their work faster out of committees or until we move the Democrats out of their chairmanships.

There is an unchartered club of Republican Senators. It is known as the Wednesday Club and our younger Members like Mac and your other outstanding Senator, Glenn Beall, play important roles in shaping where we are going as Republicans. Speaking of Glenn, he is doing a great job since he moved into the Upper House. He is following in his father's footsteps, a man for whom I had great respect, for I served with him when he was a Member of the Senate and had an opportunity to work closely and learn from him.

How fortunate is Maryland! Two articulate, diligent, and highly effective young Senators. Be sure to appreciate them, to work to keep in the Senate two strong, able voices for Maryland.

For 18 years now. Mac has been serving you fine people of Maryland. I would think he looks back at his service as a former prosecutor the way I do . . . as the greatest opportunity to work for justice. His five years as a city attorney following two years as an assistant State attorney general gave him the necessary far-sightedness and compassion to become an elected official and a good one.

And, we all know the record of Mac Mathias since. He has been unbeatable. Since 1960 he has been winning. eight years in the Congress and now his first term in the Senate. He has stood tall in the type of legislative programs he represents and in his support of those legislative programs sent to the Senate by the President.

Take a look at the record. Mac has taken a strong stance on fighting crime. As a member of the Senate Judiciary Committee and a one time prosecutor, he knows we must give the police more tools and stronger support to crack down on the criminal element.

He joined me in sponsoring the Clean Air Act amendments and also co-sponsored the Scott-Mathias election reform bill that should come to the floor of the Senate shortly.

Mac is behind the Nixon welfare reform bill. He has made his point very clear that we don't accomplish anything by just adding to the present system. We must kill the bureaucratic monster and start over again.

One thing about Republicans—we have the most innovative ideas. We are a party of ideas, but the Democrats then outbid us on money. Your money, your tax money. When we finally get a program it costs so much more because of the amount the Democrats add. They can do it. They can get away with it because they are the majority party in Washington.

A good example—the President's far-reaching education bill. The President asked for $5.1 billion. The Senate added $804 million over the $4.8 billion the House asked for. So we have a conference between both Houses.

And I think a recent statement by Senator Mathias on his feeling for President Nixon's revenue sharing program best identifies him with this administration. He said "the Congress will shirk its responsibility to the American people if it does not send relief to local taxpayers by passing President Nixon's revenue sharing plan and plotting a course of financial relief for the Nation's colleges and universities."

These are the works of an outstanding man, an outstanding Republican and a man of great determination for serving his great State of Maryland.

For the Free State demands free men—free to carry the standards of good causes, free to lead. free to lend strength where strength is needed.

Such a man is Mac Mathias.

## A TIME TO REAFFIRM AMERICA'S SUPPORT OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the 195th anniversary of America's independence is fast approaching. On the fourth July Americans and freedom-loving people the world over celebrate the signing of one of the world's foremost documents of human rights.

Yet another document of human rights has remained unacted upon by the Senate for more than 22 years. How can the Senate allow another Independence Day to pass with the Genocide Convention not ratified. How can the Senate justify this inaction?

Attorney General Mitchell has stated there are no constitutional drawbacks to ratification. President Nixon and Secretary of State Rogers support ratification. The committees of the American Bar Association which studied the Convention most closely called for ratification.

At this time of remembrance and renewal the Senate should reconsider the principles upon which this Nation was founded. The Senate should reaffirm America's support of human rights by ratifying the Genocide Convention and the two other human rights conventions still before it.

## THE ALTERNATIVE TO SCHOOLING

Mr. HATFIELD. Mr. President, the Saturday Review of June 19, 1971, contains a fascinating and penetrating article by Ivan Illich regarding education. At a time when we are examining our priorities and the relevance of many of our institutions to the needs of our society, I believe the insights of Mr. Illich to be of particular poignance.

Mr. Illich is the director of the Center for Intercultural Documentation in Cuernavaca, Mexico. His most recent book, "Deschooling Society," is being published this month, and the article appearing in the June 19 edition of the Saturday Review summarizes the ideas put forth in this book. I commend "The Alternative to Schooling" to the Senate and anticipate that it will be a further catalyst in reshaping the future of education within our society and the future of our country.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE ALTERNATIVE TO SCHOOLING

(By Ivan Illich)

For generations we have tried to make the world a better place by providing more and more schooling, but so far the endeavor has failed. What we have learned instead is that forcing all children to climb an open-ended education ladder cannot enhance equality but must favor the individual who starts out earlier, healthier, or better prepared; that enforced instruction deadens for most people the will for independent learning; and that knowledge treated as a commodity, delivered in packages, and accepted as private property once it is acquired, must always be scarce.

In response, critics of the educational system are now proposing strong and unorthodox remedies that range from the voucher plan, which would enable each person to buy the education of his choice on an open market, to shifting the responsibility for education from the school to the media and to apprenticeship on the job. Some individuals foresee that the school will have to be disestablished just as the church was disestablished all over the world during the last two centuries. Other reformers propose to replace the universal school with various new systems that would, they claim, better prepare everybody for life in modern society. These proposals for new educational institutions fall into three broad categories: the reformation of the classroom within the school system; the dispersal of free schools throughout society; and the transformation of all society into one huge classroom. But these three approaches—the reformed classroom, the free school, and the worldwide classroom—represents three stages in a proposed escalation of education in which each step threatens more subtle and more pervasive social control than the one it replaces.

I believe that the disestablishment of the school has become inevitable and that this end of an illusion should fill us with hope. But I also believe that the end of the "age of schooling" could usher in the epoch of the global schoolhouse that would be distinguishable only in name from a global madhouse or global prison in which education, correction, and adjustment become synonymous. I therefore believe that the breakdown of the school forces us to look beyond its imminent demise and to face fundamental alternatives in education. Either we can work for fearsome and potent new educational devices that teach about a world which progressively become more opaque and forbidding for man, or we can set the conditions for a new era in which technology would be used to make society more simple and transparent, so that all men can once again know the facts and use the tools that shape their lives. In short, we can disestablish schools or we can deschool culture.

In order to see clearly the alternatives we face, we must first distinguish education from schooling, which means separating the humanistic intent of the teacher from the impact of the invariant structure of the school. This hidden structure constitutes a course of instruction that stays forever beyond the control of the teacher or of his school board. It conveys indelibly the message that only through schooling can an individual prepare himself for adulthood in society, that what is not taught in school is of little value, and that what is learned outside of school is not worth knowing. I call it the hidden curriculum of schooling, because it constitutes the unalterable framework of the system, within which all changes in the curriculum are made.

The hidden curriculum is always the same regardless of school or place. It requires all children of a certain age to assemble in groups of about thirty, under the authority of a certified teacher, for some 500 to 1,000 or more hours each year. It doesn't matter whether the curriculum is designed to teach the principles of fascism, liberalism, Catholicism, or socialism; or whether the purpose of the school is to produce Soviet or United States citizens, mechanics, or doctors. It makes no difference whether the teacher is authoritarian or permissive, whether he imposes his own creed or teaches students to think for themselves. What is important is that students learn that education is valuable when it is acquired in the school through a graded process of consumption; that the degree of success the individual will enjoy in society depends on the amount of learning he consumes; and that learning *about* the world is more valuable than learning *from* the world.

It must be clearly understood that the hidden curriculum translates learning from an activity into a commodity—for which the school monopolizes the market. In all countries knowledge is regarded as the first necessity for survival, but also as a form of currency more liquid than rubles or dollars. We have become accustomed, through Karl Marx's writings, to speak about the alienation of the worker from his work in a class society. We must now recognize the estrangement of man from his learning when it becomes the product of a service profession and he becomes the consumer.

The more learning an individual consumes, the more "knowledge stock" he acquires. The hidden curriculum therefore defines a new class structure for society within which the large consumers of knowledge—those who have acquired large quantities of knowledge stock—enjoy special privileges, high income, and access to the more powerful tools of production. This kind of knowledge-capitalism has been accepted in all industrialized societies and establishes a rationale for the distribution of jobs and income. (This point is especially important in the light of the lack of correspondence between schooling and occupational competence established in studies such as Ivar Berg's *Education and Jobs: The Great Training Robbery*.)

The endeavor to put all men through successive stages of enlightenment is rooted deeply in alchemy, the Great Art of the waning Middle Ages. John Amos Comenius, a Moravian bishop, self-styled Pansophist, and pedagogue, is rightly considered one of the founders of the modern schools. He was among the first to propose seven or twelve grades of compulsory learning. In his *Magna Didactica*, he described schools as devices to "teach everybody everything" and outlined a blueprint for the assembly-line production of knowledge, which according to his method would make education cheaper and better and make growth into full humanity possible for all. But Comenius was not only an early efficiency expert, he was an alchemist who adopted the technical language of his craft to describe the art of rearing children. The alchemist sought to refine base elements by leading their distilled spirits through twelve stages of successive enlightenment, so that for their own and all the world's benefit they might be transmuted into gold. Of course, alchemists failed no matter how often they tried, but each time their "science" yielded new reasons for their failure, and they tried again.

Pedagogy opened a new chapter in the history of Ars Magna. Education became the search for an alchemic process that would bring forth a new type of man, who would fit into an environment created by scientific magic. But, no matter how much each generation spent on its schools, it always turned out that the majority of people were unfit for enlightenment by this process and had to be discarded as unprepared for life in a man-made world.

Educational reformers who accept the idea that schools have failed fall into three groups. The most respectable are certainly the great masters of alchemy who promise better schools. The most seductive are popular magicians, who promise to make every kitchen into an alchemic lab. The most sinister are the new Masons of the Universe, who want to transform the entire world into one huge temple of learning. Notable among today's masters of alchemy are certain research directors employed or sponsored by the large foundations who believe that schools, if they could somehow be improved, could also become economically more feasible than those that are now in trouble, and simultaneously could sell a larger package of services. Those who are concerned primarily with the curriculum claim that it is outdated or irrelevant. So the curriculum is filled with new packaged courses on African Culture, North American Imperialism, Women's Lib, Pollution, or the Consumer Society. Passive learning is wrong—it is indeed—so we graciously allow students to decide what and how they want to be taught. Schools are prison houses. Therefore, principals are authorized to approve teach-outs, moving the school desks to a roped-off Harlem street. Sensitivity training becomes fashionable. So, we import group therapy into the classroom. School, which was supposed to teach everybody everything, now becomes all things to all children.

Other critics emphasize that schools make inefficient use of modern science. Some would administer drugs to make it easier for the instructor to change the child's behavior. Others would transform school into a stadium for educational gaming. Still others would electrify the classroom. If they are simplistic disciples of McLuhan, they replace blackboards and textbooks with multimedia happenings; if they follow Skinner, they claim to be able to modify behavior more efficiently than old-fashioned classroom practitioners can.

Most of these changes have, of course, some good effects. The experimental schools have fewer truants. Parents do have a greater feeling of participation in a decentralized district. Pupils, assigned by their teacher to an apprenticeship, do often turn out more competent than those who stay in the classroom. Some children do improve their knowledge of Spanish in the language lab because they prefer playing with the knobs of a tape recorder to conversations with their Puerto Rican peers. Yet all these improvements operate within predictably narrow limits, since they leave the hidden curriculum of school intact.

Some reformers would like to shake loose from the hidden curriculum, but they rarely succeed. Free schools that lead to further free schools produce a mirage of freedom, even though the chain of attendance is frequently interrupted by long stretches of loafing. Attendance through seduction inculcates the need for educational treatment more persuasively than the reluctant attendance enforced by a truant officer. Permissive teachers in a padded classroom can easily render their pupils impotent to survive once they leave.

Learning in these schools often remains nothing more than the acquisition of socially valued skills defined, in this instance, by the consensus of a commune rather than by the decree of a school board. New presbyter is but an old priest writ large.

Free schools, to be truly free, must meet two conditions: First, they must be run in a way to prevent the reintroduction of the hidden curriculum of graded attendance and certified students studying at the feet of certified teachers. And, more importantly, they must provide a framework in which all participants—staff and pupils—can free themselves from the hidden foundations of a schooled society. The first condition is frequently incorporated in the stated aims of a free school. The second condition is only rarely recognized, and is difficult to state as the goal of a free school.

It is useful to distinguish between the hidden curriculum, which I have described, and the occult foundations of schooling. The hidden curriculum is a ritual that can be considered the official initiation into modern society, institutionally established through the school. It is the purpose of this ritual to hide from its participants the contradictions between the myth of an egalitarian society and the class-conscious reality it certifies. Once they are recognized as such, rituals lose their power, and this is what is now beginning to happen to schooling. But there are certain fundamental assumptions about growing up—the occult foundations—which now find their expression in the ceremonial of schooling, and which could easily be reinforced by what free schools do.

Among these assumptions is what Peter Schrag calls the "immigration syndrome," which impels us to treat all people as if they were newcomers who must go through a naturalization process. Only certified consumers of knowledge are admitted to citizenship. Men are not born equal, but are made equal through gestation by Alma Mater.

The rhetoric of all school states that they form a man for the future, but they do not release him for his task before he has developed a high level of tolerance to the ways of his elders: education *for* life rather than *in* everyday life. Few free schools can avoid doing precisely this. Nevertheless they are among the most important centers from which a new life-style radiates, not because of the effect their graduates will have but, rather, because elders who choose to bring up their children without the benefit of properly ordained teachers frequently belong to a radical minority and because their preoccupation with the rearing of their children sustains them in their new style.

The most dangerous category of educational reformer is one who argues that knowledge can be produced and sold much more effectively on an open market than on one controlled by school. These people argue that most skills can be easily acquired from skill-models if the learner is truly interested in their acquisition; that individual entitlements can provide a more equal purchasing power for education. They demand a careful separation of the process by which it is measured and certified. These seem to me obvious statements. But it would be a fallacy to believe that the establishment of a free market for knowledge would constitute a radical alternative in education.

The establishment of a free market would indeed abolish what I have previously called the hidden curriculum of present schooling—its age-specific attendance at a graded curriculum. Equally, a free market would at first give the appearance of counteracting what I have called the occult foundations of a schooled society: the "immigration syndrome," the institutional monopoly of teaching, and the ritual of linear initiation. But at the same time a free market in education would provide the alchemist with innumerable hidden hands to fit each man into the multiple, tight little niches a more complex technocracy can provide.

Many decades of reliance on schooling has turned knowledge into a commodity, a marketable staple of a special kind. Knowledge is now regarded simultaneously as a first necessity and also as society's most precious currency. (The transformation of knowledge into a commodity is reflected in a corresponding transformation of language. Words that formerly functioned as verbs are becoming nouns that designate possessions. Until recently dwelling and learning and even healing designated activities. They are now usually conceived as commodities or services to be delivered. We talk about the manufacture of housing or the delivery of medical care. Men are no longer regarded fit to house or heal themselves. In such a society people come to believe that professional services are more valuable than personal care. Instead of learning how to nurse grandmother, the teen-ager learns to picket the hospital that does not admit her.) This attitude could easily survive the disestablishment of school, just as affiliation with a church remained a condition for office long after the adoption of the First Amendment. It is even more evident that test batteries measuring complex knowledge-packages could easily survive the disestablishment of school—and with this would go the compulsion to obligate everybody to acquire a minimum package in the knowledge stock. The scientific measurement of each man's worth and the alchemic dream of each man's "educability to his full humanity" would finally coincide. Under the appearance of a "free" market, the global village would turn into an environmental womb where pedagogic therapists control the complex navel by which each man is nourished.

At present schools limit the teacher's competence to the classroom. They prevent him from claiming man's whole life as his domain. The demise of school will remove this restriction and give a semblance of legitimacy to the life-long pedagogical invasion of everybody's privacy. It will open the way for a scramble for "knowledge" on a free market, which would lead us toward the paradox of a vulgar, albeit seemingly egalitarian, meritocracy. Unless the concept of knowledge is transformed, the disestablishment of a school will lead to a wedding between a growing meritocratic system that separates learning from certification and a society committed to provide therapy for each man until he is ripe for the gilded age.

For those who subscribe to the technocratic ethos, whatever is technically possible must be made available at least to a few whether they want it or not. Neither the privation nor the frustration of the majority counts. If cobalt treatment is possible, then the city of Tegucigalpa needs one apparatus in each of its two major hospitals, at a cost that would free an important part of the population of Honduras from parasites. If supersonic speeds are possible, then it must speed the travel of some. If the flight to Mars can be conceived, then a rationale must be found to make it appear a necessity. In the technocratic ethos poverty is modernized: Not only are old alternatives closed off by new monopolies, but the lack of necessities is also compounded by a growing spread between those services that are technologically feasible and those that are in fact available to the majority.

A teacher turns "educator" when he adopts this technocratic ethos. He then acts as if education were a technological enterprise designed to make man fit into whatever environment the "progress" of science creates. He seems blind to the evidence that constant obsolescence of all commodities comes at a high price: the mounting cost of training people to know about them. He seems to forget that the rising cost of tools is purchased at a high price in education: They decrease the labor intensity of the economy, make learning on the job impossible or, at best, a privilege for a few. All over the world the cost of educating men for society rises faster than the productivity of the entire economy, and fewer people have a sense of intelligent participation in the commonwealth.

A revolution against those forms of privilege and power, which are based on claims to professional knowledge, must start with a transformation of consciousness about the nature of learning. This means, above all, a shift of responsibility for teaching and learning. Knowledge can be defined as a commodity only as long as it is viewed as the result of institutional enterprise or as the fulfillment of institutional objectives. Only when a man recovers the sense of personal responsibility for what he learns and teaches can this spell be broken and the alienation of learning from living be overcome.

The recovery of the power to learn or to teach means that the teacher who takes the risk of interfering in somebody else's private affairs also assumes responsibility for the results. Similarly, the student who exposes himself to the influence of a teacher must take responsibility for his own education. For such purposes educational institutions—if they are at all needed—ideally take the form of facility centers where one can get a roof of the right size over his head, access to a piano or a kiln, and to records, books, or slides. Schools, TV stations, theaters, and the like are designed primarily for use by professionals. Deschooling society means above all the denial of professional status for the second-oldest profession, namely teaching. The certification of teachers now constitutes an undue restriction of the right to free speech: the corporate structure and professional pretensions of journalism an undue restriction on the right to free press. Compulsory attendance rules interfere with free assembly. The deschooling of society is nothing less than a cultural mutation by which a people recovers the effective use of its Constitutional freedoms: learning and teaching by men who know that they are born free rather than treated to freedom. Most people learn most of the time when they do whatever they enjoy; most people are curious and want to give meaning to whatever they come in contact with; and most people are capable of personal intimate intercourse with others unless they are stupefied by inhuman work or turned off by schooling.

The fact that people in rich countries do not learn much on their own constitutes no proof to the contrary. Rather it is a consequence of life in an environment from which, paradoxically, they cannot learn much, precisely because it is so highly programed. They are constantly frustrated by the structure of contemporary society in which the facts on which decisions can be made have become elusive. They live in an environment in which tools that can be used for creative purposes have become luxuries, an environment in which channels of communication serve a few to talk to many.

A modern myth would make us believe that the sense of importance with which most men live today is a consequence of technology that cannot but create huge systems. But it is the technology that makes systems huge, tools immensely powerful, channels of communication one-directional. Quite the contrary: Properly controlled, technology could provide each man with the ability to understand his environment better, to shape it powerfully with his own hands, and to permit him full intercommunication to a degree never before possible. Such an alternative use of technology constitutes the central alternative in education.

If a person is to grow up he needs, first of all, access to things, to places and to processes, to events and to records. He needs to see, to touch, to tinker with, to grasp whatever there is in a meaningful setting. This access is now largely denied. When knowledge became a commodity, it acquired the protections of private property, and thus a principle designed to guard personal intimacy became a rationale for declaring facts off limits for people without the proper credentials. In schools teachers keep knowledge to themselves unless it fits into the day's program. The media inform, but exclude those things they regard as unfit to print. Information is locked into special languages, and specialized teachers live off its retranslation. Patents are protected by corporations, secrets are guarded by bureaucracies, and the power to keep others out of private preserves—be they cockpits, law offices, junkyards, or clinics—is jealously guarded by professions, institutions, and nations. Neither the political nor the professional structure of our societies, East and West, could withstand the elimination of the power to keep entire classes of people from facts that could serve them. The access to facts that I advocate goes far beyond truth in labeling. Access must be built into reality, while all we ask from advertising is a guarantee that it does not mislead. Access to reality constitutes a fundamental alternative in education to a system that only purports to teach about it.

Abolishing the right to corporate secrecy—even when professional opinion holds that this secrecy serves the common good—is, as shall presently appear, a much more radical political goal than the traditional demand for public ownership or control of the tools of production. The socialization of tools without the effective socialization of know-how in their use tends to put the knowledge-capitalist into the position formerly held by the financier. The technocrat's only claim to power is the stock he holds in some class of scarce and secret knowledge, and the best means to protect its value is a large and capital-intensive organization that renders access to know-how formidable and forbidding.

It does not take much time for the interested learner to acquire almost any skill that he wants to use. We tend to forget this in a society where professional teachers monopolize entrance into all fields, and thereby stamp teaching by uncertified individuals as quackery. There are few mechanical skills used in industry or research that are as demanding, complex, and dangerous as driving cars, a skill that most people quickly acquire from a peer. Not all people are suited for advanced logic, yet those who are make rapid progress if they are challenged to play mathematical games at an early age. One out of twenty kids in Cuernavaca can beat me at Wiff 'n' Proof after a couple of weeks' training. In four months all but a small percentage of motivated adults at our CIDOC center learn Spanish well enough to conduct academic business in the new language.

A first step toward opening up access to skills would be to provide various incentives for skilled individuals to share their knowledge. Inevitably, this would run counter to the interest of guilds and professions and unions. Yet, multiple apprenticeship is attractive: It provides everybody with an opportunity to learn something about almost anything. There is no reason why a person should not combine the ability to drive a car, repair telephones and toilets, act as a midwife, and function as an architectural draftsman. Special-interest groups and their disciplined consumers would, of course, claim that the public needs the protection of a professional guarantee. But this argument is now steadily being challenged by consumer protection associations. We have to take much more seriously the objection that economists raise to the radical socialization of skills: that "progress" will be impeded if knowledge—patents, skills, and all the rest—is democratized. Their argument can be faced only if we demonstrate to them the growth rate of futile diseconomies generated by any existing educational system.

Access to people willing to share their skills is no guarantee of learning. Such access is restricted not only by the monoply of educational programs over learning and of unions over licensing but also by a technology of scarcity. The skills that count today are know-how in the use of highly specialized tools that were designed to be scarce. These tools produce goods or render services that everybody wants but only a few can enjoy, and which only a limited number of people know how to use. Only a few privileged individuals out of the total number of people who have a given disease ever benefit from the results of sophisticated medical technology, and even fewer doctors develop the skill to use it.

The same results of medical research have, however, also been employed to create a basic medical tool kit that permits Army and Navy medics, with only a few months of training, to obtain results, under battlefield conditions, that would have been beyond the expectations of full-fledged doctors during World War II. On an even simpler level any peasant girl could learn how to diagnose and treat most infections if medical scientists prepared dosages and instructions specifically for a given geographic area.

All these examples illustrate the fact that educational considerations alone suffice to demand a radical reduction of the professional structure that now imepedes the mutual relationship between the scientist and the majority of people who want access to science. If this demand were heeded, all men could learn to use yesterday's tools, rendered more effective and durable by modern science, to create tomorrow's world.

Unfortunately, precisely the contrary trend prevails at present. I know a coastal area in South America where most people support themselves by fishing from small boats. The outboard motor is certainly the tool that has changed most dramatically the lives of these coastal fishermen. But in the area I have surveyed, half of all outboard motors that were purchased between 1945 and 1950 are still kept running by constant tinkering, while half the motors purchased in 1965 no longer run because they were not built to be repaired. Technological progress provides the majority of people with gadgets they cannot afford and deprives them of the simpler tools they need.

Metals, plastics, and ferro cement used in building have greatly improved since the 1940s and ought to provide more people the opportunity to create their own homes. But while in the United States, in 1948, more than 30 per cent of all one-family homes were owner-built, by the end of the 1960s the percentage of those who acted as their own contractors had dropped to less than 20 per cent.

The lowering of the skill level through so-called economic development becomes even more visible in Latin America. Here most people still build their own homes from floor to roof. Often they use mud, in the form of adobe, and thatchwork of unsurpassed utility in the moist, hot, and windy climate. In other places they make their dwellings out of cardboard, oil-drums, and other industrial refuse. Instead of providing people with simple tools and highly standardized, durable, and easily repaired components, all governments have gone in for the mass production of low-cost buildings. It is clear that not one single country can afford to provide satisfactory modern dwelling units for the majority of its people. Yet, everywhere this policy makes it progressively more difficult for the majority to acquire the knowledge and skills they need to build better houses for themselves.

Educational considerations permit us to formulate a second fundamental characteristic that any post-industrial society must possess: a basic tool kit that by its very nature counteracts technocratic control. For educational reasons we must work toward a society in which scientific knowledge is incorporated in tools and components that can be used meaningfully in units small enough to be within the reach of all. Only such tools can socialize access to skills. Only such tools favor temporary associations among those who want to use them for a specific occasion. Only such tools allow specific goals to emerge in the process of their use, as any tinkerer knows. Only the combination of guaranteed access to facts and of limited power in most tools renders it possible to envisage a subsistence economy capable of incorporating the fruits of modern science.

The development of such a scientific subsistence economy is unquestionably to the advantage of the overwhelming majority of all people in poor countries. It is also the only alternative to progressive pollution, exploitation, and opaqueness in rich countries. But, as we have seen, the dethroning of the GNP cannot be achieved without simultaneously subverting GNE (Gross National Education—usually conceived as manpower capitalization. An egalitarian system does not exist in a society in which the right to produce is conferred by schools.

The feasibility of a modern subsistence economy does not depend on new scientific inventions. It depends primarily on the ability of a society to agree on fundamental, self-chosen anti-bureaucratic and anti-technocratic restraints.

These restraints can take many forms, but they will not work unless they touch the basic dimensions of life. (The decision of Congress against development of the supersonic transport plane is one of the most encouraging steps in the right direction.) The substance of these voluntary social restraints would be very simple matters that can be fully understood and judged by any prudent man. The issues at stage in the SST controversy provide a good example. All such restraints would be chosen to promote stable and equal enjoyment of scientific know-how. The French say that it takes a thousand years to educate a peasant to deal with a cow. It would not take two generations to help all people in Latin America or Africa to use and repair outboard motors, simple cars, pumps, medicine kits, and ferro cement machines if their design does not change every few years. And since a joyful life is one of constant meaningful environment, equal enjoyment does translate into equal education.

At present a consensus on austerity is difficult to imagine. The reason usually given for the impotence of the majority is stated in terms of political and economic class. What is not usually understood is that the new class structure of a schooled society is even more powerfully controlled by vested interests. No doubt an imperialist and capitalist organization of society provides the social structure within which a minority can have disproportionate influence over the effective opinion of the majority. But in a technocratic society the power of a minority of knowledge capitalists can prevent the formation of true public opinion through control of scientific know-how and the media of communication. Constitutional guarantees of free speech, free press, and free assembly were meant to ensure government by the people. Modern electronics, photo-offset presses, time-sharing computers, and telephones have in principle provided the hardware that could give an entirely new meaning to these freedoms. Unfortunately, these things are used in modern media to increase the power of knowledge-bankers to funnel their program-packages through international chains to more people, instead of being used to increase true networks that provide equal opportunity for encounter among the members of the majority.

Deschooling the culture and social structure requires the use of technology to make participatory politics possible. Only on the basis of a majority coalition can limits to secrecy and growing power be determined without dictatorship. We need a new environment in which growing up can be classless, or we will get a brave new world in which Big Brother educates us all.

## THOMAS J. DODD

Mr. INOUYE. Mr. President, I wish to join Senators in paying tribute to the memory of one of our recently departed colleagues, Senator Thomas J. Dodd, with whom I had the pleasure of serving from the time I entered this body through the end of his service at the conclusion of the 91st Congress. His sudden death on May 24 of this year came as a shock and a tragic loss not only to his family but to his former colleagues and many friends in the Senate.

Tom Dodd was a very dedicated Member of this body. His tireless efforts on behalf of drug legislation, gun control, and crime control legislation were great contributions in his later years just as his early years were marked with distinct contributions to the security of our Nation.

Senator Dodd not only looked every inch a Senator, he exerted every effort to perform the duties of a Senator on behalf of his constituents and our nation. He was a most articulate and tenacious defender of the causes he espoused. He was a man of courage and conviction second to none. He was a true patriot.

I wish his family every good wish as they live with fond memories of a man who also meant much to those of us who were fortunate enough to have been his colleague.

## DRUG ABUSE PREVENTION

Mr. PERCY. Mr. President, on Friday, June 19, I introduced S. 2097, to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. This legislation is the result of a great deal of hard work done by the administration and is an indication of the concern and commitment of President Nixon to solving this problem.

The bill obviously will not be a cure-all for the drug crisis we face. It is an auspicious beginning, however, one that holds out great hope for success. It is a program that deserves the recognition and support of all concerned citizens.

The Chicago Daily News of June 21, taking note of this timely legislation, addressed this subject in an editorial. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### HELP COMING FOR ADDICTS

Congress should give President Nixon full support in his effort to mount a major attack on narcotics addiction. The affliction has reached epidemic proportions, spurring criminal activity in many fields as addicts strive to support the habit by any means at hand—shoplifting, mugging, burglary, armed robbery, prostitution, even murder.

Until now anti-drug abuse programs have involved nine separate federal agencies.

Legislation proposed by the President would set up a central authority—the Special Action Office of Drug Abuse Prevention—over all drug abuse prevention, education, treatment, rehabilitation and research activities. It would co-ordinate state and local programs and provide a clearing house for information for all agencies working on the problem.

Several aspects of the program are particularly heartening:

First, it will fill an acute need for a major co-ordinated research program. Many questions about drugs cry for answers: How effective is the methadone program and what are its hazards? Is there a safe substitute to follow methadone that can cushion the withdrawal shock? Exactly where does marijuana fit into the scale of harmfulness? What are its short- and long-range perils?

Second, it will insure that servicemen hooked on drugs because of their easy availability overseas will have access to thorough rehabilitation courses before they are mustered out. Moreover, the Veterans Administration treatment facilities will be expanded to accommodate all former servicemen who come seeking help.

Finally, a comprehensive program will be undertaken to limit the flow of narcotics into the United States as well as to eliminate the pushers from the domestic scene. "We are stopping less than 20 per cent of the drugs aimed at this nation," Mr. Nixon conceded. Co-operative programs will be undertaken with foreign governments to control the export of narcotics.

We congratulate the President for putting together a program of a scale ($155 million) calculated to have real impact on the problem. We congratulate him also for tapping Dr. Jerome H. Jaffe, 37, director of the Illinois Drug Abuse Program, to direct the program from the White House. Dr. Jaffe knows the problem and what must be done. With the help of Congress and the President, he has a chance to make history.

## ERVIN HEARINGS ON PRIVACY (VI): TESTIMONY OF WILLIAM H. REHNQUIST

Mr. ERVIN. Mr. President, during the recent hearings on computers, data banks and the Bill of Rights, the Subcommittee on Constitutional Rights invited the Attorney General of the United States to give his opinion on the constitutional rights of citizens with respect to Government programs involving the use of computers and data banks and particularly those programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans.

In response to our invitation, the Assistant Attorney General of the Office of Legal Counsel, Mr. William H. Rehnquist, appeared before the subcommittee and presented a statement on the "Constitutional and Statutory Sources of Investigative Authority in the Executive Branch of Government."

Mr. President, I ask unanimous consent that both our letter of invitation to the Attorney General and Mr. Rehnquist's statement at the hearings be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
*February 2, 1971.*

Hon. JOHN N. MITCHELL,
*The Attorney General,*
*Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: The Constitutional Rights Subcommittee in continuation of its study of unwarranted invasion of privacy, has now scheduled hearings to study the impact on the Bill of Rights of federal data banks on citizens. The hearings will focus on two aspects of this subject which are of urgent concern to Congress and the public. One is the extent to which the constitutional rights of citizens may be violated by executive department programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans. The second, and broader problem, is the extent to which the requisites of due process are being observed in the increasing governmental use of computers to run nation-wide information systems on individuals.

As chief legal officer of the Federal Government, your opinion on these constitutional issues would be both vital and invaluable to the Congress as it seeks to determine the need for legislation in this area of the law. Therefore, the Subcommittee hereby extends to you an invitation to present your views on this subject on Tuesday, March 9 at 10:30 a.m. in Room 318 of the Old Senate Office Building.

The Subcommittee would like to know what constitutional authority executive branch officials possess to order or conduct surveillance and to acquire information on lawful political activities, personal beliefs, and private lives of citizens where no probable cause exists to believe they are guilty of any crimes. Your opinion as Attorney General on this issue is especially important since the Subcommittee's government-wide survey of such federal programs has elicited varied interpretations of authority by officials who cite in turn the Constitution, Presidential directives, statutes, or other rationale. So far, these responses have been conflicting, confusing, at times highly dubious and in several instances, downright implausible. I believe your testimony on the power of the executive branch departments, including that exercised by the Justice Department, will clarify the constitutional and legal issues immeasurably.

One program of major concern has been the Army's collection, analysis and maintenance of information on civilians in its so-called civil disturbance prevention program. During our investigation of charges of violation of First Amendment rights, Congress has been informed that the Army has cut back its efforts and will henceforth depend on the Justice Department for certain information on individuals and events in this program and for cooperation in covert surveillance. It would be most helpful to learn from you the degree to which the Justice Department has indeed assumed responsibility for this program and for others of concern to the military, as well as for the surveillance of law-abiding citizens which the Army heretofore has deemed necessary.

Secondly, we should appreciate a description of the interdepartmental Delimitation Agreements governing the respective roles of the Armed Services and the Justice Department in investigating of civilians and in retention of dossiers in non-criminal cases. It is hoped that your discussion will include the basis for these agreements and the reason for them.

In the Subcommittee's study of the problems raised by computerized government files on individuals, it would be most helpful if you or your representatives would elaborate on the Department's October 1, 1970 reply to my letter of June 9, 1970. We should like to know what, if any, due process guarantees surround computerization of your major systems, including the National Crime Information Center and Project SEARCH.

In this connection, I believe the recent report by the Law Enforcement Assistance Administration indicates a highly commendable initiative and concern by your Department for the right to privacy in computerized data systems. Issued at a time when computerized dossiers are causing increased public alarm, this report on privacy considerations in Project SEARCH provides valuable insight and offers worthwhile recommendations which should be studied by every Congressional committee and by all federal and state officials contemplating data systems.

The Subcommittee will therefore welcome for the hearing record a description of the Project SEARCH report together with an account of the future plans for the nationwide computer law-enforcement program envisioned by Project SEARCH.

Your testimony, by defining the constitutional scope of the executive power, should guide and enlighten both the Executive Branch and the Congress. Only if all of the facts are candidly set forth by government will any excesses in these programs be limited and will the current public fears be allayed about unwarranted surveillance and official invasion of personal privacy.

I believe you will agree that the interest of the Administration can only be served and the preservation of liberty enhanced by a better public understanding of the needs of government and their relation to the constitutional rights of citizens. I hope you will find it possible to accept this invitation to appear before the Subcommittee and assist us in our investigation.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, Jr.,
*Chairman.*

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## CONSTITUTIONAL AND STATUTORY SOURCES OF INVESTIGATIVE AUTHORITY IN THE EXECUTIVE BRANCH OF GOVERNMENT

(Statement of William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel)

Mr. Chairman: I am pleased to appear before the Subcommittee this morning to discuss the constitutional and statutory sources of the investigative power of the Executive branch of the government generally, and of the Department of Justice in particular. This authority has properly been construed by the Executive to include the use of a wide variety of investigative techniques, among which are modern data processing systems.

The Department of Justice is convinced of the necessity to maximize the potential of these devices in combating organized crime, preventing acts of violence, controlling civil disorders where appropriate, and enforcing the numerous federal statutes. At the same time, the Department is aware of the potential for injury to individuals which could result from unauthorized collection or unnecessary dissemination of such data. We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. We reject the suggestion that the mere potential for abuse of these technological advances is a sufficient reason in itself to dispense with their use in the investigation and prosecution of crime. The Department believes that careful attention to the potential for abuses will enable us to improve methods for preventing these abuses without significantly impairing the value of data processing techniques as an important tool of law enforcement.

### I. CONSTITUTIONAL AND STATUTORY SOURCES OF AUTHORITY

Turning to the central inquiry of your recent letter to the Attorney General, Mr. Chairman, you have inquired as to the Department's position regarding the Executive's constitutional and statutory authority to gather information and the possibilities of violation of individual rights that might result from surveillance of the private lives of individuals unrelated to any legitimate government interest.

The primary source of federal law enforcement power emanates from Article II, section 3, of the Constitution, which assigns to the President the duty to ". . . take Care that the Laws be faithfully executed. . . ." The word "[l]aws" has been interpreted broadly by the Supreme Court as encompassing not only statutes enacted by Congress but ". . . the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of government under the Constitution." *In Re Neagle,* 135 U.S. 1, 64 (1890).

Implicit in the duty of the President to oversee the faithful execution of the laws is the power to investigate, prosecute, and prevent the violation of federal law. Although the *Neagle* case was decided over eighty years ago, it contains language which is quite applicable to the mission of the federal government today.

"It has in modern times become apparent that the physical health of the community is more efficiently promoted by hygienic and preventive means, than by the skill which is applied to the care of disease after it has become fully developed. So also the law, which is intended to prevent crime in its general spread among the community, by regulation, police organization, and otherwise, which are adapted for the protection of the lives and property of citizens, for the dispersing of mobs, for the arrest of thieves and assassins, for the watch which is kept over the community, as well as over this class of people, is more efficient than punishment of crimes after they have been committed." *Id.* at 59.

In addition to the constitutional grant to the Executive of the authority to take care that the laws are faithfully executed, Article IV of the Constitution, and statutes passed in connection with it, are another basis of the information gathering authority of the Executive branch. Article IV, section 4, provides:

"The United States shall guarantee every State in this Union a Republican Form of Government and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

This section of the Constitution represents a unique exception to the framers' conception that the states should have virtually exclusive responsibility in the field of local law enforcement. The exception set forth in this section of the Constitution is applicable where domestic violence beyond the law enforcement capability of the states, such as that which occurred during Shays' Rebellion in Massachusetts in 1786–87, makes federal troops the only available source of authority for restoring domestic order within a state. The turmoil resulting from Shays' Rebellion was fresh in the minds of the framers during their sessions in Philadelphia in the summer of 1787, and Madison, Hamilton and Randolph all favored a provision which would allow the states to seek federal assistance in the event that civil disorder became uncontrollable. After several revisions on the floor and in committee, the Convention agreed upon the present wording of Article IV.

This section of the Constitution was implemented shortly after its ratification, in 1795, by the statutory predecessor of 10 U.S.C. 331. Upon request from the governor or legislature of a state, the President may dispatch federal troops where necessary to suppress an insurrection in the state.

Companion sections to 10 U.S.C. 331 were passed during Civil War and Reconstruction days. They provide that the President may, when he determines that unlawful obstructions make it impracticable to enforce federal laws in the states by ordinary judicial proceedings, use such of the armed forces as he considers necessary to enforce those laws or suppress the rebellion. 10 U.S.C. 332. In addition, 10 U.S.C. 333 provides for similar use of federal troops by the President if he determines that insurrection or domestic violence within a state is resulting in the denial to people within the state of rights protected by the Federal Constitution, and the state fails or refuses to protect such rights.

Upon request from the governors of several states, where local law enforcement capabilities had been overwhelmed, troops were sent on the authority of 10 U.S.C. 331 on several occasions to aid in quelling urban disorders in the late 1960s. Acting under the provisions of 10 U.S.C. 332, authorizing the use of federal troops to enforce federal laws within the states, President Eisenhower used troops at Little Rock, Arkansas, in September, 1957, and President Kennedy used them in Mississippi in 1962, and in Alabama in 1963.

As was indicated by the comprehensive statement to this Subcommittee by the Department of Defense, the previous administration recognized the need for intelligence data concerning the possibility or probability of further civil disturbances that might require deployment of federal troops. Given the frequency with which federal troops were used and alerted, and the possibility that they might be called up on very short notice, investigative activities that were directed to determine the possibility of domestic violence occurring at a particular place or at a particular time would appear to be clearly authorized by the constitutional and statutory provisions referred to above.

The functions and organization of the Department of Justice are outlined in the provisions of Part II of Title 28, United States Code (Supp. V) and regulations promulgated thereunder (28 CFR Part O). The Attorney General, as head of the Department, is the chief law enforcement officer. His duties include the appointment and supervision of investigative officials (28 U.S.C. 533) whose duty it is to ". . . detect and prosecute crime against the United States" (28 U.S.C. 533(1)) and "conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." (28 U.S.C. 533(3)).

Regulations promulgated pursuant to these statutes define the duties of the various divisions of the Justice Department, including the Federal Bureau of Investigation. (28 CFR Part 0). For example, 28 CFR 0.85 states that:

"Subject to the general supervision and direction of the Attorney General, the Director (of the FBI) shall:

* * * * *

"(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center."

With regard to the collection and dissemination of records, section 534 of Title 28 provides as follows:

"(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of, authorized officials of the federal government, the states, cities, and penal and other institutions.

"(b) The exchange of records authorized by subsection (a)(2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

"(c) The Attorney General may appoint officials to perform the functions authorized by this section."

As was stated in the material sent to the Subcommittee from the Deputy Attorney General's Office describing the various computer systems now being used or being planned, section 534 is the primary statutory source of authority for data collection, analysis and dissemination.

In addition, 5 U.S.C. 301 provides in part that:

"The head of an Executive department . . . may prescribe regulations for . . . the custody, use and preservation of its records, papers and property. . . ."

We believe these statutes authorize broad discretion over the control of investigative information that is collected and stored manually or electronically.

## II. PARTICULAR INVESTIGATIVE METHODS

The *Neagle* case, referred to previously, is only one in a long line of Supreme Court decisions that deal explicitly or implicitly authorize a wide range of investigative activities that may be pursued by law enforcement authorities within the bounds of the Constitution. Understandably, such court-approved investigative activities include the use of both overt and covert surveillance. For example, as recently as 1966, the Supreme Court in *Hoffa* v. *United States*, 385 U.S. 293, held that the use by the government of paid informers was not violative of the Fourth Amendment prohibition against unreasonable searches and seizures. Justice Stewart, in announcing the opinion of the Court, stated:

"Neither this Court nor any member of it has ever expressed the view that the Fourth Amendment protects a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it." *Id.* at 302.

While there is obviously no justification for surveillance of any kind that does not relate to a legitimate investigative purpose, the vice is not surveillance *per se*, but surveillance of activities which are none of the government's business.

The Federal Bureau of Investigation uses both undercover agents and paid informers in its criminal intelligence activities. In many cases, arrest and prosecution of lawbreakers can be effected only through the use of such persons. Utilization of the full panoply of lawful investigative techniques is consistent with the oft-expressed desire of this administration to vigorously enforce the federal criminal law. It is our view that the computer is a useful aid in coordinating criminal intelligence gathering and fulfilling the overall purpose of efficient law enforcement. Thus far, we have only recently begun to use electronic data processing. Therefore, it has been of only limited use to date in the investigation and prosecution of crime. Yet we are beginning to realize that the computer with its ability to store, analyze, and quickly retrieve vast amounts of data can be of immense help to law enforcement administration.

Although we are anxious to increase the effectiveness of law enforcement through the use of technology, we do not propose to ignore the increased potential for abuse that arises from the expanded capability we will have to make complex analyses of investigative data. Indeed, we believe that stringent physical and personnel security measures can greatly reduce the risk of improper access and dissemination so that it poses no greater threat to personal privacy than manual data storage.

The function of gathering intelligence relating to civil disturbances, previously confided to the Army, has since been transferred to the Internal Security Division of the Justice Department. No information contained in the data base of the Department of the Army's now defunct computer system has been transferred to the Internal Security Division's data base. However, in connection with the case of *Tatum* v. *Laird*, now pending in the United States Court of Appeals for the District of Columbia Circuit, one print-out from the Army computer has been retained for the inspection of the court. It will thereafter be destroyed.

As should be evident from the print-out attached to the materials sent to the Subcommittee, the data being stored and analyzed by the Internal Security Division relates to specific incidents in which there is evidence that a law has been or may be broken. The information is obtained primarily from FBI reports.

To date the data base of the Internal Security computer has been used to determine the probability of civil disorder in various geographical areas of the country. For example, the computer might be queried concerning acts of violence that have occurred in a given city over a certain period of time. With the decrease in urban disorder and the corresponding increase in individual acts of destruction, such as bombing, there has been a shift in the use of the data base toward preventing and solving these kinds of crimes.

Concerning the nature of the information stored in the Internal Security computer and the potential threat to privacy, it may be instructive to compare the recently declassified Army intelligence guidelines with the print-out supplied to the Subcommittee. The Army document was inserted into the Congressional Record on March 2, 1971 at page 2290. While it is not altogether clear to what extent the Army guidelines were implemented, it should be apparent that the data base used by Internal Security is much more restricted and much more closely related to actual or potential violators of the law.

You inquired in your letter to the Attorney General, Mr. Chairman, about the provisions of the Delimitation Agreement governing the allocation of investigative responsibility between the Federal Bureau of Investigation and various intelligence agencies of the Department of Defense. This Agreement, dated February 23, 1949, allocates responsibility for investigation of espionage, counter-espionage, subversion and sabotage activities. The Agreement generally divides responsibility on the basis of whether the person to be investigated is in active or retired military status, is a civilian, or is a civilian employee of the military. The allocation of responsibility under the Agreement may also depend on whether the investigation is to be conducted within or without the United States.

## III. CONCLUSION

Your letter to the Attorney General, Mr. Chairman, raised the question of whether the constitutional rights of individuals were violated by government surveillance in cases where there was not probable cause to believe that a particular individual had committed a crime. As I have previously said in my testimony, the responsibility of the Executive branch for the execution of the law extends not merely to the prosecution of crime, but to the prevention of it. Given the far-flung responsibilities of the Executive branch for law enforcement, and the large complements of personnel required to discharge these responsibilities, it would scarcely be surprising if there were not isolated examples of abuse of this investigative function. Such abuse may consist of the collection of information which is not legitimately related to the statutory or constitutional authority of the Executive branch to enforce the laws, or it may consist of the unauthorized dissemination of information which was quite properly collected in the first instance.

I know of no authoritative decision holding that either of these situations amounts to a violation of any particular individual's constitutional rights. I think the courts have been reluctant, and properly so, to enter upon the supervision of the Executive's information gathering activities so long as such information is not made the basis of a proceeding against a particular individual or individuals. But the fact that such isolated Executive excesses may not be a violation of individual rights does not mean that they are proper, and it does not mean that appropriate steps should not be taken to prevent their reoccurrence. Departmental regulations of the Department of Justice forbid any employee or former employee to produce any material contained in the files of the Department, or to disclose any information relating to material contained in files of the Department, without prior approval of the Attorney General. This regulation is intended to preserve the confidentiality of information contained in departmental files, and to make certain that it will not be disseminated to unauthorized persons.

With the additional investigative capabilities made available by technological advances, it will undoubtedly be necessary to be vigilant against possible violations of this regulation. Physical security precautions must be improved in order to assure both those within and without the Department that unauthorized personnel do not have access to confidential information. Those in the Executive branch generally, including the Department of Justice, properly alerted to the dangers of excessive zeal by some of the information testified to before this Subcommittee, must make certain that law enforcement intelligence gathering is limited to those areas in which the Executive branch has constitutional or statutory responsibility for law enforcement.

I think it quite likely that self-discipline on the part of the Executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering. No widespread system of investigative activity, maintained by diverse and numerous personnel, is apt to be perfect either in its conception or in its performance. The fact that isolated imperfections are brought to light, while always a reason for attempting to correct them, should not be permitted to obscure the fundamental necessity and importance of federal information gathering, or the generally high level of performance in this area by the organizations involved.

In saying this, I do not mean to suggest that the Department of Justice would adamantly oppose any and all legislation on this subject. Legislation which is carefully drawn to meet demonstrated evils in a reasonable way, without impairing the efficiency of vital federal investigative agencies, will receive the Department's careful consideration. But it will come as no surprise, I am sure, for me to state that the Department will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinarily important function of the federal government.

## THE QUESTION OF THE FEASIBILITY OF AN UNDERGROUND NUCLEAR TEST BAN

Mr. CASE. Mr. President, it is not an uncommon occurrence for scientific findings to be strongly resisted by Government bureaucracies, especially when such findings conflict with entrenched interests or cause the Government embarrassment.

When such bureaucratic resistance is translated into overt manipulation or suppression of the frank opinion of scientists, however, it becomes an abuse of authority which cannot be tolerated. Such I believe is the case with Pentagon handling of recent scientific assessments of the technical advances which might enable an underground nuclear test ban without the requirement for on-site inspections.

Early this year I learned that a conference of this country's leading seismologists sponsored by the Defense Department Advanced Research Projects Agency at Woods Hole, Mass., in July 1970, had presented evidence of a twentyfold gain in our capability to detect and identify underground nuclear explosions in the Soviet Union. Specifically, advances in these techniques enabled identification of testing down to approximately 4.0 on the Richter scale, which is the equivalent of a 1 or 2 kiloton explosion—for purposes of comparison, the relatively primitive weapon exploded at Hiroshima yielded approximately 20 kilotons.

The first indication that an underground test ban treaty might be entered into without the necessity for onsite inspections was of obvious importance and I began a series of efforts to have this Woods Hole report released.

In April I finally received the body of the report, but the summary had been ripped out and the summary was the only portion of the report comprehensible to the layman.

I was subsequently told that the Pentagon's Advanced Projects Research Agency, the conference's sponsor, had decided that it disagreed with this summary and was going to write its own version of what the scientists had had to say.

Not satisfied with simply releasing its statement in disagreement, however, ARPA, on its own initiative, thereupon withdrew the scientists' summary from publication and classified this previously unclassified product of an unclassified conference "For official use only."

Forced to rely on competent, unofficial sources for an assessment, early in May I issued a statement incorporating an unedited evaluation of the significance of these scientific advances. I called for hearings on the prospects for a comprehensive nuclear test ban by the Foreign Relations Arms Control Subcommittee on which I am the ranking Republican, and Senator Muskie, its chairman, agreed to proceed with these hearings in mid-July.

I would have been satisfied to leave this matter to be explored in detail at these hearings. But now it has come to my attention that ARPA is explicitly representing its version of the summary as reflecting the judgment of the scientists who attended the conference. In a Washington Post article of June 13, an ARPA representative, attempting to explain his agency's actions, stated that the original summary failed to reflect a "consensus" of the conference but instead represented the views of only one unnamed man.

This I have confirmed to be simply not true. ARPA apparently did not even bother to get in touch with the Woods Hole participants before issuing its own version of the proceedings.

I am releasing today letters from six of the scientists who presented papers at this conference. These letters clearly rebut the assertion by the ARPA spokesman that the original summary represented the views "of only one man."

The letters clearly underscore the advances which have been made enabling our seismic identification of nuclear explosions in the Soviet Union down to the approximate level of very small blasts of from 1 to 2 kilotons.

However, I would like to emphasize that this briefly summarized affair of manipulation and management of scientific findings has an importance far beyond its seemingly esoteric subject matter.

Because of the way in which the results of the Woods Hole Conference have been handled, I am concerned that the U.S. representatives soon to meet with other members of the United Nations Conference on the Committee on Disarmament at Geneva on June 30 might not be as forthcoming as they might be.

Serious as this incident is in itself, it has particular significance that the Director of ARPA will be one of the U.S. representatives at Geneva. This conference was called at the behest of the Canadian delegation to explore just those advances which I have described.

The non-nuclear countries, some of which have been represented at Geneva, have been pressing for an underground nuclear test ban ever since the Limited Test Ban Treaty was concluded in 1963. These nations in fact entered into Nuclear Non-Proliferation Treaty on the basis of a solemn promise by the nuclear powers to, among other things, bring about a ban on all nuclear testing.

In the words of the preamble to the U.N. resolution of December 7, 1970, which pertains to the June 30 meeting in Geneva and which the Government of the United States agreed to, the United States and other U.N. members, recognize ". . . the urgent need for the cessation of nuclear and thermonuclear weapon tests, including those carried out underground." This recognition, in turn, is based upon the agreed-to statement of the parties of the Non-Proliferation Treaty ". . . to pursue negotiations in good faith on effective measures to the cessation of the arms race at any early date."

I am confident that the United States intends to fulfill this pledge. But even stated national policy can be thwarted by bureaucratic resistance.

These findings of the scientists participating in the Woods Hole conference must be placed clearly on the record so they can be explored without prejudice by the Arms Control Subcommittee and understood by the public. And certainly the technical advances described by them must receive a full and frank airing during our country's negotiations at Geneva.

I ask unanimous consent to have two letters printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 23, 1971.

Dear Senator Case: The following are comments on the two summaries of the recent Woods Hole conference on seismic discrimination sponsored by ARPA.

We have examined both the summary which originally accompanied the two volumes of the working papers and its modified version cleared for publication on May 24, 1971, and we feel that the original summary more adequately represents our views as to the present status of the discrimination problem. Subsequent to the meeting results reported on discrimination of surface waves by both Lamont and UCSD support the conclusions of the original summary.

The modified version deletes some of the important conclusions indicated by the conference, e.g. that data now indicate that discrimination is possible down to magnitude 4.0 given adequate arrays of teleseismic instruments.

One paragraph of the modified statement with which we strongly disagree is the statement that "a major result of the meeting was a clear impression that much research has yet to be done to resolve the discrimination problem." On the contrary we feel that the discrimination problem has essentially been solved down to magnitude 4.0 and what is required is an implementation of adequate instrumentation and analysis techniques.

Similarly we disagree with the statement in the next to the last paragraph of the modified summary that "occasional earthquakes larger than a magnitude of 4.75 do occur that fail to meet all present criteria for discrimination from explosives." We do not know of any such earthquakes.

The modified summary does not adequately emphasize (a) the recent developments in instrumentation which allow detection of 40 second surface waves (b) the extremely powerful discrimination criteria provided by azimuth and depth dependence of amplitude (and phase) spectra.

In conclusion we feel that the data now indicate that teleseismic discrimination is possible to magnitude 4.0 provided existing (recently developed) instrumentation is deployed.

Sincerely,
Prof. Barry Block,
Prof. James Brune,
Prof. Freeman Gilbert,
*University of California at San Diego.*

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June 21, 1971.

Dear Senator Case: We are seismologists who participated in the Conference on Seismic Discrimination sponsored by ARPA and held in Woods Hole from 20 July 1970 to 23 July 1970. We contributed papers that are included in the proceedings.

This letter was stimulated by a recent article that appeared in the Washington Post of 13 June 1971 which discussed a new summary of the material presented in Woods Hole. This new summary is purported to reflect more of a "consensus" than the first summary. We question whether this latter summary is in fact a "consensus" as we were not aware of its existence until we read the article in the Post.

Our reaction to the original summary was that it adequately reported the many recent advances in seismic techniques for detection and discrimination and that it expressed our impression of what was said at Woods Hole.

SIGNATORIES

Peter Molnar, New York, N.Y.
Peter L. Ward, Sparkill, N.Y.
Max Wyss, Valley Cottage, N.Y.

## SUPREME COURT DECISIONS ON AID TO NONPUBLIC SCHOOLS

Mr. PELL. Mr. President, the recent decision of the U.S. Supreme Court, declaring unconstitutional Rhode Island's statute for the assistance to parochial schools, is most disturbing to me as chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare and especially as a Senator from Rhode Island.

As one who is directly concerned with providing quality education in the communities of our State and Nation, and as one who has long recognized the important contribution made by the country's nonpublic schools, I am seriously concerned about the possible ramifications of the Court's decision.

A reading of the decisions in the Rhode Island and Pennsylvania cases, coupled with the dissent in the Connecticut case concerning higher education, points out that the Court may have raised more questions and ambiguities than it has answered, and it may even cause more uncertainties and perhaps more litigation. If this is so, action may be needed to clarify the status of State and Federal aid to church-related education, for those fine educational systems cannot be left in the limbo of not knowing their future legal status.

The Subcommittee on Education has worked many long hours under my chairmanship in the past years, as had, I know, the Rhode Island State Legislature, in drafting statutes which would protect our large investment in nonpublic schools, without violating the first amendment. It is somewhat ironic that it is the very diligence of the State legislature in trying to avoid first amendment problems that is cited by the Supreme Court as the basis of their ruling.

The impact on the parochial school system in our State could go far beyond the dollar amounts involved. The outlook for the future indicates that the fiscal deficits will continue to grow and grow. This will surely cause the closing of even more parochial schools, thus shifting extra costs to the already overburdened local city and town taxpayers. This new fiscal crisis we must not let come to pass.

As chairman of the Subcommittee on Education, which has already produced laws providing books and equipment aid to parochial schools, I believe that the Federal Government should not only investigate this far-ranging problem, but it should think in hard terms about alternative formulas for fiscal relief for parochial schools. For example, serious consideration should be given to the need for a constitutional amendment.

With this in mind, I am planning to hold hearings in Rhode Island to investigate alternative courses of action. I believe that in a government of law, legislation can be drafted which can ease the plight of nonpublic schools; and it is my intent to do so.

## THE MANAGEMENT ASPECT OF WELFARE REFORM: A NEW EMPHASIS

Mr. PERCY. Mr. President, Illinois, like many other States, is facing a crisis in its welfare programs. The crisis has some very obvious symptoms: cost and numbers of people. Illinois welfare costs increased from $431 million in 1969 to about $1 billion this year, and the rate of growth continues. The number of Illinois welfare recipients has reached more than 800,000, or 7 percent of the State's population; 436,000 of these are children receiving assistance through the aid to dependent children program.

Gov. Richard Ogilvie, on May 20, outlined to the State legislature his carefully considered program to deal with the crisis—see CONGRESSIONAL RECORD May 26, 1971, page 17089. The Governor's program is marked by its careful approach to several difficult issues. These are outlined succinctly in an excellent speech by George A. Ranney, Jr., a member of Governor Ogilvie's staff, to the City Club of Chicago on June 7 titled "The Ogilvie Welfare Reform Program in Perspective."

First is the question of welfare fraud. Mr. Ranney said that "large-scale fraud has never been found within the Illinois system." Two-thirds of what at first appeared to be abuses were in fact mistakes by caseworkers themselves.

There is a lesson here for all of us. Emotional overreaction to the myth that significant amounts of cheating normally occur is unfair to the needy and will result in unwise public policy. Governor Ogilvie has responded in a measured, reasonable way to this problem—the State will require that eligibility for assistance be verified, and that the department of public aid fraud detection unit be strengthened—but unreasonable restrictions will not be imposed.

Second is the idea that the program is abused by people who enter Illinois just to receive welfare. In Illinois less than 7 percent of new recipients in 1970 had been in the State less than a year—only 25 percent of these or less than 2 percent of new recipients, went on welfare within 3 months after arrival. Governor Ogilvie chose not to institute a 1-year residency requirement.

Third is the idea that welfare recipients are chronic laggards. In Illinois less than 9 percent of all persons receiving assistance in the State are either able-bodied males or women with children over 6. Thus, of the 800,000 Illinois citizens receiving welfare, about 72,000 may in theory be able to hold jobs. This is a substantial number of people, and helping these people get to work is an important objective with cost-saving results. Governor Ogilvie thus proposed a major new work placement program—again, an appropriate response.

Against the perspective of major efforts in other large States, such as California and New York, to make significant cutbacks in welfare services, and in grants, Governor Ogilvie's program, Mr. Ranney said, is perhaps "as significant for what it does not propose as for what it does."

But Governor Ogilvie's program is distinctively innovative and creative in its focus on the management side of welfare programs. He and his staff have taken a close look at the ways in which Illinois welfare programs are structured, and managed, and have recommended major changes.

In focusing on the management side of welfare programs Governor Ogilvie is breaking new ground. Congress has mandated the terms under which States provide welfare. The Federal Executive has set administrative requirements on the States and the use of Federal moneys. We in Washington have done so with almost no regard for the actual problems of operating welfare programs in the 50 States. We have assumed—though perhaps with some uneasiness—that they would be able to implement their programs effectively. We now have increasing evidence—and recognition by the States themselves—that they have not been implementing their programs well; there seem to be serious weaknesses in the administration and management of State welfare programs. In Oregon a special task force on welfare programs created by the State legislature found that poor administration had resulted in sloppy and overly costly programs. The same conclusion was reached in Illinois. One problem common to both States was that welfare administration had been left exclusively to social workers whose jobs are—properly—to help people with welfare. The Oregon Legislature's task force reported that there was a disinclination to get people off welfare and into productive employment.

The Oregon task force found that:

> The prime objective of the public welfare program is to move persons toward self sufficiency. To our dismay, we discovered that social workers are neither educated nor trained to believe that such an objective is desirable.

In 1970 the General Accounting Office found a number of cases in which inadequate administrative or management systems had resulted in excessive costs and abuses.

California, and at least seven other States, claimed Federal funds for residents of State mental institutions on grounds they were receiving skilled nursing care. GAO investigation showed a very high proportion of the residents of the California institutions were not receiving and did not need to receive such care. GAO recommended appropriate improvements in the system.

In a special review of the Aid to Families with Dependent Children program in New York City GAO found that—

> Changes were needed in the quality control system used by the States to evaluate eligibility determinations, since it did not alert responsible officials to the high rate of ineligibility found during the special review.

Appropriate changes in State eligibility review systems were recommended.

In a study of the Ohio State Department of Public Welfare, the GAO found that in one county assistance was extended to at least 4,300 ineligible people. GAO's conclusion was not that there was fraud on the part of the recipients, but a failure of public administration:

> The failure of caseworkers to obtain and verify information, the frequent turnover of caseworkers, inadequate supervision and training, and complexity of State guidelines.

These are examples of the problem. States are finding they must give much closer attention to the effective management of their programs to insure that programs actually operate to achieve objectives. This requires two prerequisite steps: a closer statement of policy and goals, and administrative and management systems structured to achieve them.

I suggest that the responsibility of Congress extends to the management aspects of welfare reform as well as their substantive nature. The purview of the Senate Government Operation Committee, of which I am acting ranking minority member, includes both effective operation of the Federal Government and intergovernmental relations—the relationships between the Federal and State and local governments. We have the unique responsibility of helping ensure that federally mandated programs are operated effectively and efficiently. In fulfilling these responsibilities, we can call on the unique resources of the General Accounting Office as well as on the experience of the Executive departments and agencies.

Given these responsibilities and with these resources, I suggest we should turn our attention to designing a model framework for the administration of State welfare programs. Such a model could be adapted to the unique requirements of individual States, but it would also serve as a benchmark and a guide.

There is an urgent need for welfare reform. The House has acted, and the Senate I am sure will act to change the nature of the Federal approach in major ways. Though the Federal programs will change, the States will continue in their vital function of delivery of welfare benefits to the people. We must now add a new dimension to our responsibility and concern: to assist the States in effective administration of these critically important programs.

I ask unanimous consent that Mr. Ranney's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### THE OGILVIE WELFARE REFORM PROGRAM IN PERSPECTIVE

On May 20, Governor Ogilvie announced a broad program of welfare reform for the State of Illinois. It has since become more apparent than ever before that welfare reform is a subject of great controversy and interest to people throughout the State, and particularly in Chicago. For this reason, the invitation to address such a distinguished group as the City Club, on this most divisive and important issue, was particularly welcome, and I am very pleased to be here representing the Administration today.

The Governor's message on welfare reform was, I believe, the longest address he has ever delivered to the General Assembly. In it he outlined actions—over 50 in number—that he would be taking to meet this problem. Its major parts are eleven in number:

1. A strengthened work requirement for all able-bodied recipients of welfare.
2. Creation of new jobs in public service to make use of this work force.
3. New training, day care and other backup support for job placement efforts in all parts of the economy.
4. Revamping of our least effective program—General Assistance—to permit funds within the welfare budget to be shifted to job-related programs.
5. A clamp-down on the escalating cost of the medical assistance program.
6. Tightening of welfare procedures to prevent improper use of public funds, and even the appearance of impropriety.
7. Simplification of our absurdly complex system of welfare administration to free caseworkers to concentrate on essential services.
8. Administrative efforts backed by strong sanctions to secure all available existing federal funds.
9. Development of a long-range program to improve family planning and family stability among our low-income population.
10. Top-to-bottom restructuring of the entire social service function of state government at the earliest opportunity.
11. Reform of our basic private laws to insure that every poor family has legal and economic rights equal to others in our society.

Today, I would like to supplement the Governor's remarks, to say some things he did not say because of the length of his own message on the topic or because they were not particularly appropriate for that occasion. My effort is to step back, to put his program into perspective, and hence the title of my talk.

#### I

Whatever one's views on the subject—and whatever they are, they are likely to be strong—almost everyone agrees that welfare is a problem. It is a problem whether viewed from the fiscal, or the human perspective. It is a problem that has always been with us, and is always likely to be. In its simplest terms, it poses the age-old question of who is to be my brother's keeper—with the modern twist, who is to pay for him. And like any problem as difficult as this, it has developed mythical overtones all of its own.

#### II

It is easy to lose sight of the human dimension of the problem. But, this is an extremely important perspective to maintain.

Approximately 7 percent of the total population in Illinois is currently receiving some form of welfare assistance from the State. This is over 800 thousand people. By far the greatest number of these—well over two-thirds or almost 600 thousand are in families eligible for assistance because they include dependent children. In round figures, there are an additional 90 thousand receiving assistance because they are aged, blind, or disabled; another 75 thousand receiving medical assistance only; and still another 65 thousand receiving General Assistance because they need help but, theoretically, do not qualify for one of the other programs.

It is the ADC category which most often comes to mind in any discussion of welfare, and it is this category that is most often misunderstood. The simple fact is 436 thousand, or 73 percent of the recipients in the ADC program are children.

We ask every welfare mother on this program to feed each of her children for 29 cents a day.

Welfare in Chicago means trying to live on an average welfare payment of $3,300 for a family of four—in a city where the Bureau of Labor Statistics says $5,800 is required just to meet minimal standards of living.

#### III

Because of the enormous number of people involved, cash grants even at these minimal levels mount up to colossal amounts.

Next year, for the first time, the total welfare budget for the State of Illinois will exceed one billion dollars.

More significant than the total amount, however, is its rate of growth. Three years ago, the welfare budget was $431 million. This year it is $920 million. Next year, we expect it to be one billion, one hundred and twenty million dollars.

At that rate of growth, a simple straight-line projection indicates that the welfare budget for the fiscal year beginning next July could be over one and one-half billion dollars.

As the Governor pointed out in his message, this rate of growth is producing a crisis in Illinois financing which is every bit as serious as the crisis which led to the passage of the income tax.

Even with the income tax, state revenues grow at less than seven percent a year.

Welfare costs are growing at more than 30 percent. There is simply no way—short of raising taxes—for a state such as Illinois to fund a program of this magnitude when it grows more than four times as fast as available revenues.

As you all well know, in Illinois we have raised taxes. A substantial portion of these new revenues went to welfare. No person can fairly ask this Governor to do more.

#### IV

In no issue facing State government today are two sides of a question so starkly in contrast. There is simply no easy way for a State to reconcile in sensible public policy the human and fiscal perspective I have outlined.

State and local governments throughout the country are facing this dilemma. To my mind, the runaway costs of welfare—which largely are mandated by federal law—pose a fundamental threat to the continuing vitality of the federal system of Government.

It is a situation reminiscent of that which reached the Supreme Court some 150 years ago in the landmark case of *Marbury v. Madison*. There, the Court determined that the power to tax is the power to destroy, and so foreclosed the states from taxing a federal bank.

Today, we see the obverse of that situation. The federal government has created a program, and has required the States to fund it. In so doing, it threatens to destroy them.

The national debate on welfare reform and revenue sharing give some indication that Washington has come to recognize the seriousness of this situation. But, it was only as a desperate measure to preserve existing welfare grant levels that we decided, as we did, to budget $65 million in receipts during fiscal 1972 from the Family Assistance Plan.

The Governor has met with the President and Congressional leaders on this issue numerous times. Undoubtedly, there will be relief from Washington someday. But, until that time, in our search for perspective on this agonizing problem of welfare reform, we must look for guidance elsewhere.

#### V

One place to look for guidance in designing a welfare reform program is to popular sentiment. Everyone has an opinion on welfare. The mail the Governor has received in response to his message demonstrates that this area of government today upon which the average Illinois citizen considers himself most expert, and on which he is likely to have the most pronounced views.

In these circumstances, it might be the better part of valor for a public official merely to accede to the popular will, or what might be called the welfare mythology. The error of this approach would be that a great many of these popular assumptions are incorrect. But, like all myths, they contain elements of truth, and so should not be ignored.

Let us refer briefly to three of the most prevalent welfare myths:

The first is, "Welfare costs are high because so many recipients cheat." Welfare fraud will forever be a heated issue, despite the fact that "large-scale fraud" has never been found within the Illinois system. On a national level, the Department of Health, Education and Welfare concluded that in October of 1969, 11 percent of AFDC cases received overpayments while 10% were underpaid. The Governor took pains to point out in his message that reviews of erroneous payments have revealed that two-thirds of what at first appear to be abuses were in fact mistakes made by caseworkers themselves. He carefully attributed the most flagrant abuses to defects in the system, not personal dishonesty. Despite the assertions in other states that major savings will be achieved through tightened security procedures, it is our belief that forseeable savings will be minor indeed in comparison with the over-all growth of the welfare budget. But, it is also over conviction that with the welfare system under attack it is imperative to avoid even the appearance of impropriety. It is in this perspective that the Governor has proposed a series of measures to reduce the appearance of fraud in the welfare system, without asserting that extravagant savings will result. These administrative reforms include a requirement that pertinent information be verified before eligibility for assistance is determined, and that trained investigators be added to the fraud detection unit within the Department of Public Aid.

A second welfare myth is that "welfare costs are high because so many outsiders come into the State to receive grants." The elimination of the one-year residency requirement has become a favorite scape-goat for opponents of the welfare system. Actually other factors have had a far greater impact upon our burgeoning caseload than has this. Statistics indicate that less than 7 percent of new recipients last year had been in the State less than a year, and only a quarter of these went on welfare within 3 months after arrival here.

It was deliberate that the Governor's program—unlike those of other states—does not include a residency requirement.

A third, and even more destructive, welfare myth is that the typical welfare recipient is a "loafer." The corollary is that costs are increasing because people can make much more on welfare than in available, but low-paying jobs. The announcement last week by two Chicago cab companies that they had openings for a thousand drivers serve to dramatize and feed this belief, to which, there is, like all myths, a modicum of truth. Nonetheless, the statistics show that less than 9 percent of all persons receiving assistance in the State are either able-bodied males or women with children over six; and many of these would undoubtedly be unable to work regularly for reasons their case files do not immediately record. A more likely explanation for jobs going unfilled is that potentially employable recipients have not been matched with available jobs. It is for precisely this reason that the Governor in his welfare message proposed a major expansion of the job placement capabilities of the State Department of Labor. And it is also for this reason that he carefully emphasized his belief that welfare recipients are as inclined to work as are other members of our society.

### VI

Still another source of perspective on the Ogilvie welfare program is to look at similar efforts in other major industrial states. Legislators in California and New York, in particular, are now considering programs which include features quite distinct from the Ogilvie program.

I have already alluded to certain of these features, such as the residency requirement. More important, in terms of existing programs, are those states to change funding patterns and levels, efforts which are notably absent from the Illinois program. Let us look at three such initiatives which could apply in Illinois: a shift of the financial burden to local governments, reductions in service, and cut backs in grants.

(1) State government in Illinois funds almost the entire welfare burden, unlike almost every other state, where local governments fund very substantial percentages of the overall cost. Governor Reagan has proposed that the counties pay even more towards welfare than they currently do. Serious consideration was given to this approach more than a year and a half ago by the Ogilvie administration, but it was rejected because as a policy matter it was thought to be inconsistent with our position that because welfare is far more than a state or local problem, and thus its costs should be borne by governments with the largest taxing base. (Some 70% of all dollars spend in Illinois next year will be in the City of Chicago). Were the same formula which allocates welfare costs between State and city in New York to apply in Illinois, the city of Chicago would be paying over $200 million for welfare. As it is, it pays a total of $9 million, all for a General Assistance program that is administered at the local level.

(2) Significant cut-backs in services have been proposed in both California and New York, particularly in the medical area. No such reductions are included in the Ogilvie program.

(3) The simplest way to cut welfare costs is of course to cut grants. Precisely this has been done in New York, where grant levels have been cut across the board by 10 percent. Major reductions totaling hundreds of millions of dollars have also been proposed in California. The omission of such a proposal from the Ogilvie program is perhaps its most noteworthy feature.

In his message the Governor noted that because of welfare, "we are left with that prospect of a budget badly out of balance." But, instead of embracing the easiest way to balance his budget—a course which, you will recall, secured strong legislative support two years ago—the Governor set out clear guidelines when he said, "We must not be pushed into grant cuts until the last possible moment. If cuts must be made, they should first be made in services such as Medicaid which are of least direct impact upon those in need."

### VII

In our search for perspective on the Ogilvie welfare reform program, we have identified a number of roads not taken. Given the nature of the welfare crisis today, in some respects it is fair to say that the Ogilvie program is as significant for what it does *not* propose as for what it does.

Yet the fact remains that the program includes a number of truly significant initiatives, in addition to those of an administrative tightening nature I discussed before. Among these are extensive simplification of the grant structure to permit caseworkers to spend more time on actually serving recipients, new family planning and counseling, complete restructuring of the State's 15 human service agencies, and basic poverty law reform.

Perhaps the most constructive feature of the program is creation of a new public service job program. In proposing a strengthened work requirement, to gainsay the allegations we have discussed that the welfare rolls are filled with loafers, the Governor noted that "the requirement . . will have meaning only if there are jobs available. In the present economy, it is evident that not enough jobs are available in the private sector to employ persons with considerable skills, to say nothing of relatively unskilled welfare recipients."

The Governor then proceeded to remark that "Nonetheless, there is much work—particularly in the public sector—crying out to be done." And he proposed that the State and local governments cooperatively take steps to place welfare recipients not in make-work but in jobs that need to be done. These could include jobs in education, pollution control, health and housing. They include work in parks, conservation and sanitation projects in rural parks or city alleys, custodial help in hospitals and nursing homes, or day care centers.

The general learning is that public service job programs at the State level are doomed to failure, for two reasons: first, because federal regulations severely restrict them for ADC recipients, and second because major new infusions of federal money will be needed to fund them. The break-through in our development of this program came with the recognition that because General Assistance is funded entirely with State money it not only was not subject to federal restrictions, but also offered the opportunity for creative shifting of up to $117 million. Our hope is to shift a portion of this money from direct welfare grants to recipients to grants to governmental and quasi-public entities which will then utilize it to pay salaries for individuals who would otherwise be on welfare. If this endeavor works, it could be a model for the nation, and a forerunner for the public service job program that both the Governor and Mayor Daley have urged the President to approve. It also may reduce resentment that many taxpayers feel against able-bodied individuals who could be working but who are on welfare instead. Then too, it will mean that some jobs that society needs to have done, are in fact performed.

### VIII

The final perspective is not financial, or human, or comparative in nature, nor is it to be achieved by comparisons with other states or programs. Instead, the true perspective is that of history. Only with that perspective will we really know whether the welfare reform program I have described today has value.

It is worth recalling, however, that Illinois has a great history in the field of welfare. This is the State where Jane Addams gave social work new meaning.

It is the State where in the difficult early days of the Depression, civic leaders set an example for the nation to follow in forming the Public Aid Commission. Through these efforts, Illinois became the first state to secure federal money to fund its welfare program.

We may be on the threshold of similar achievements. Certainly, the challenge is no less.

We must set our sights high and far ahead. Our great hope is that Illinois will again lead the way toward sensible and humanic welfare policy for this Country.

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## THOMAS J. DODD

Mr. HUGHES. Mr. President, I did not have the privilege of knowing Tom Dodd as long as some of our distinguished colleagues who have thus far paid tribute to him. However, my association with him over a period of two and a half years is something I greatly value and will always remember.

I think of Tom as a man who often stood by himself at the forefront of one crucial battle or another through the years. He was a man of extraordinary talent and forcefulness who also had a depth of human compassion that only those who knew him well fully understood.

The chief prosecutor at the Nuremberg trials and the man who had the courage to push for gun control when it was an untouchable political issue also had deep feelings about the victims of war atrocities and the problems of American youth.

Tom Dodd was a pioneer and innovator. He foresaw the perils of the growing drug epidemic in America long before most of our public leaders could see it. In the Senate, he finished a career of nearly four decades of public service, in the midst of the action, where he had always chosen to be.

Mr. President, it is my privilege to know Mrs. Grace Dodd and the Senator's family, and I join my colleagues in conveying to them my deepest sympathy.

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## NOISE POLLUTION

Mr. HATFIELD. Mr. President, yesterday I had the opportunity to preside at the opening hearing on the Noise Control Act of 1971 before the Environment Subcommittee of the Senate Commerce Committee.

As I indicated in my opening statement, noise pollution has been a concern of mine for some time. A meaningful first step toward control of this problem was the passage of the Noise Pollution and Abatement Act of 1970—title IV of the amendments to the Clean Air Act—which established an Office of Noise Abatement and Control within the Environmental Protection Agency. The bill now under consideration by the Environmental Subcommittee would expand the functions of this office to head off growing adverse effects of noise pollution in our land.

Mr. President, I am certain that Senators recognize the need for significant legislation in this area, and I call their attention to the article entitled "Senators Told Noise Makes Auditory Cripples," published in this morning's Washington Post. I ask unanimous consent that the article and my opening statement at the hearings be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### SENATORS TOLD NOISE MAKES AUDITORY CRIPPLES

(By Elsie Carper)

"We are becoming a country of auditory cripples. More and more our conversation is becoming 'what, what, what,' " a hearing specialist told a Senate subcommittee yesterday. Another witness said that noise is literally tearing families apart.

The testimony was on legislation that would set noise standards for certain heavy equipment and require labeling home appliances as to their noise level.

Dr. Moe Bergman of New York's Hunter College described environmental noise as "one of the most serious public health problems urgently requiring solutions and public controls."

Auditory clinics are seeing an increasing number of middle-aged and older adults paying the penalty for the round-the-clock assault on the ears, he said.

Much of this noise is in the home and specifically in the kitchen, making the home no longer the place you go for peace and quiet, said Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin Medical School.

Physicians are seeing "housewives who complain of headaches, gastrointestinal symptoms and nervous tension resulting from a general feeling of being overwhelmed by their home life," he said.

"They are unaware . . . that their symptoms are related to exposure to noise which brings to the surface submerged tensions and results in emotional outbursts, creating friction and conflict between family members."

The source of the noise is all the gadgets that are supposed to make life easier. A dishwasher, a running faucet or a washing machine can produce a narrowing of the arteries, an increase in blood pressure and decrease in blood supply to the heart.

He said a range vent fan, a garbage disposer, an electric mixer, a blender, or a knife sharpener as well as shouting or intense arguing can cause dilation of the pupils, drying of the mouth, loss of skin color, muscular contraction, reduction in the flow of gastric juices and an increase in the heart rate. Generally such noises are augmented by the background noise of the television set.

The kitchen, he said resembles "a miniature boiler factory" with all of its smooth, shiny, non-noise-absorbing surfaces reflecting and augmenting sound levels beyond what would be tolerable in a factory.

A third witness, Dr. William F. Geber, a pharmacologist at the Medical College of Georgia, described a test in which pregnant rabbits and rats were subjected to urban level noises for 10 per cent of the day. They produced defective fetuses 25 per cent of the time while the rate for animals not subjected to the noise was one per cent.

The pregnant animals suffered heart enlargement, and in addition the adrenal glands, blood cholesterol and certain blood cells were markedly altered by the noise exposure, he said.

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### STATEMENT BY SENATOR MARK O. HATFIELD

The national effort to restore our deteriorating environment has unfortunately neglected one of our most devastating and most common pollutants—noise. Excessive noise threatens not only our emotional well being, but as these hearings will establish, noise can be detrimental to our physical health as well.

For too long, the ecological movement has focused only upon the more obvious forms of air and water pollution. While most Americans are incensed because they are deprived of clean lakes and streams, and rightfully deplore the blight of smog, these same Americans are unaware of the toll which excessive noise extracts from their lives.

For over a century it has been known that noise exposure of sufficient intensity and duration produces hearing loss. Yet, we have disregarded known facts about noise and advanced to the point where we now have the dubious distinction of being the noisiest nation in the world. In fact, in the United States it is estimated that 10 to 20 million people have some degree of hearing impairment—the primary cause being overexposure to excessive noise.

It is common knowledge that exposure to a very loud noise such as an explosion, may create deafness—at least temporarily. What is not as well known, but equally as devastating, is that repeated noise builds up to produce the same effect as would a single loud noise. The phenomena, labeled "accoustical fatigue" is capable of producing the same harmful effects upon human hearing.

Loss of hearing, however, is not the only concern when dealing with the problem of increasing noise levels. We are all familiar with the annoyance properties of noise—conversations punctuated with the whir of a blender, television programs distrupted by the passing motor cycle, and a Saturday afternoon nap disturbed by the neighbor's power lawnmower or power saw.

What we do not always realize is that these "irritaions" should be regarded as health hazards as well. Although it is more difficult to measure, there is growing evidence that the levels of noise to which urban Americans have grown accustomed are actually capable of inducing a variety of physical and psychological ills.

Another matter of greater concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States become lethal. To quote Dr. Vern O. Knudsen, physicist and former chancellor of the University of California: "If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners."

It is my understanding that the witnesses will testify to the content and character of this growing problem in some detail so I will not dwell further on this matter at this time.

For a number of years I have been personally involved in trying to bring the noise problem to the attention of American people and my colleagues in Congress. I should at this point like to place in the RECORD copies of remarks I made before the Noise Abatement Council in 1969 and a compilation of State and local noise enforcement laws across the country which was prepared in conjunction with the conference. I am told that this compilation and analysis of existing statutes is the only one of its kind and my office has had numerous requests for it from persons dealing with the noise pollution problem.

I commend the Administration and the Environmental Protection Agency for the bill now before this committee. Too often, legislation follows in the wake of aroused public opinion when the proportions of a crisis have already overwhelmed us. In this case, however, we are presented with the opportunity of being on the offensive—of acting before further damage is done. The Administration has presented us with a bill that would head off what otherwise could be a crisis of the most serious consequences.

The "Noise Control Act of 1971" (S. 1016) if enacted would be a great step forward toward insuring the protection of the human environment from the detrimental effects of noise. This bill allows EPA to co-ordinate all existing Federal noise research and control programs, thus eliminating duplicity and providing for efficient handling of this crucial area.

The Noise Control Act also authorizes EPA to establish criteria for human exposure to noise and authorizes EPA to set standards based upon these criteria to regulate noise emissions on articles which move in commerce. In addition, the bill would authorize EPA to label manufactured goods giving the consumer the benefit of knowing just how noisy a product will be. The bill also provides assistance to states and local governments in establishing noise abatement programs.

The Amendment (216) which has been offered to the Noise Control Act would, in my judgment, serve to strengthen the bill. By setting reasonable time limits for the establishment and enforcement of standards and requiring rather than authorizing the setting of standards, the Amendment would insure that Americans will not be subject to any unnecessary delay in realizing the benefits of this legislation. The Amendment would also serve to guarantee the private citizen recourse against the detrimental effects of noise by allowing EPA to initiate legal action and providing for citizen suits.

I hope that these hearings will prove fruitful in bringing to light the nature of the noise problem and the need to enact this legislation.

## OPPOSITION TO REDUCTION OF CROP PAYMENT LIMITATION

Mr. TALMADGE. Mr. President, I have received from the Secretary of Agriculture a letter urging the Senate to oppose the $20,000 payment limitation for the 1972 cotton, wheat, and feed grains crops that was included by the House as a rider to the 1972 agriculture appropriations bill.

Secretary Hardin is justifiably concerned about the possible imposition of this limitation. He correctly points out that the Nation's farmers would regard it as an act of bad faith. It would certainly be infinitely unfair to them, inasmuch as they have already made production plans on the basis of the $55,000 payment limitation which was enacted last year. To summarily lower the payment limitation to $20,000 at this time would in effect put the Government and the Congress in the position of going back on their word.

The $55,000 payment limitation was enacted by Congress after extensive hearings and debate, and I as chairman of the Senate Committee on Agriculture and Forestry earnestly hope that the Senate will not be a part of this move to lower the limit to $20,000. Present law in this regard should be allowed to stand for the remaining 3 years of the new farm law.

I ask unanimous consent that Secretary Hardin's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., June 28, 1971.*

Hon. HERMAN E. TALMADGE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR TALMADGE: I strongly urge the U.S. Senate to strike the $20,000 payment limitation for the 1972 crops of cotton, wheat and feed grains included by the House of Representatives as a rider to the Department's 1972 Appropriations Bill.

I fear that many farmers will regard this action so soon after the enactment of the Agricultural Act of 1970 as an act of bad faith. Many have already bought land, entered into leasing arrangements, and made farming plans on this basis. Farmers had the right to believe that the $55,000 payment limitation enacted last year after full Congressional debate would be good for the 3-year duration of the new farm law. It would be unfortunate if the Government now reneged. This is not what people expect of the Congress.

The disruption caused by this rider would extend beyond those farmers directly affected. No farmer could plan secure in the belief that the legislative authorization for any program provision would remain unchanged for the life of the law. For example there are some who favor a limitation as low as $5,000 or $10,000 and the precedent set by this rider would encourage such attempts.

At the time we agreed to the present $55,000 limitation we indicated that this was as low as we could go and still hope to operate an effective program. At the lower level voted by the House it will be more difficult to make the programs work. As more farmers are forced out of the program the greater burden of providing the necessary set-aside acreage wall fall on the smaller farmers still able to participate. Further the limit would be made more restrictive before either the Congress or the Department would have an opportunity to measure the impact of the $55-000 payment limit and thus have the benefits of this experience.

There is little doubt however that the payment limit as it goes lower will work against increased farm efficiency. It would be indeed sad for the Congress to enact legislation which would have this unfortunate result at a time when farmers are increasing their efficiency at a rate of roughly 2½ times that of other industry.

It is my strong belief that this rider will be harmful to the farm program operation and to farmers without really benefitting taxpayers. I urge you to oppose it and acquaint your colleagues of its serious consequences in soliciting their support of your position.

Sincerely

CLIFFORD M. HARDIN
*Secretary.*

## DEFICIT IN U.S. TRADE BALANCE

Mr. FANNIN. Mr. President, official statistics compiled by the Commerce Department show that for the second consecutive month there has been a deficit in the U.S. trade balance.

The statistics list a $214.7 million deficit for April and $205 million deficit for May.

These figures are alarming in themselves, but they actually are an understatement of the seriousnes of our trade situation.

The Commerce Department insists on a method of figuring the trade balance that gives Americans an unrealistically rosy picture—until we get into the kind of deep trouble that we are experiencing right now.

Actually, the United States has had a deficit in its trade balance since the mid-1960's. We have received a distorted picture of the trade balance because our Government's official statistics include U.S. exports paid for with our own money through foreign aid and because imports have been valued on a free-on-board basis rather than the cost, insurance, and freight basis which is more realistic and commonly used by other nations in their calculations.

Now even the Commerce Department statistics cannot gloss over the severity of our trade situation. Imports are flooding our home markets; our exports are unable to penetrate the well-protected foreign markets.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal, reporting on the trade deficit, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES HAD DEFICIT IN TRADE IN MAY, SECOND MONTH IN ROW—BALANCE IN RED FOR TWO PERIODS FOR FIRST TIME IN OVER 20 YEARS; 5 MONTHS IN BLACK—BUDGET DEFICIT $3.96 BILLION

WASHINGTON.—The U.S. again ran a trade deficit last month, marking the first time in over 20 years the country's trade balance had been in the red for two months in a row.

Merchandise imports exceeded exports by a seasonally adjusted $205 million in May after a $214.7 million deficit in April, the Commerce Department reported. In May 1970, there was a hefty $33.1 million surplus.

The April trade deficit was the first in more than two years. Not since 1950, when imports exceeded exports in August, September and October, have the trade figures showed a deficit two months consecutively, officials said.

The past two months' deficits nearly wiped out the surplus for the year's first three months. For the first five months of 1971, the trade surplus totaled a slim $11.1 million, down from a $1.08 billion surplus in the comparable 1970 period.

Nixon administration officials have acknowledged for some time that this year's trade picture would be weaker than 1970's, but even some of the more pessimistic analysts didn't anticipate two straight sizable deficits. It's widely expected that these deficits will create new pressure for import restrictions or other protectionist measures.

Harold C. Passer, Assistant Commerce Secretary for Economic Affairs, noted that the rate of increase in exports so far this year "has slowed considerably" from a year earlier. He said this primarily is due to weak demand abroad for industrial materials and equipment. Export increases have been concentrated largely in agricultural products, aircraft and automobiles.

The official also said that the most recent increases in imports were concentrated in industrial supplies, particularly petroleum and steel. The strong advance in imports this year reflects "both the U.S. economic recovery and the continually rising demand of U.S. consumers for foreign goods," he said.

Imports last month totaled $3.99 billion, up 6.1% from April's $3.76 billion and well ahead of the year-earlier $3.34 billion. May exports totaled $3.78 billion, up 6.8% from the $3.5 billion a month earlier and also ahead of the $3.66 billion in May 1970, the report showed.

The government also reported that the federal budget deficit deepened in May. The budget deficit totaled $3.96 billion last month, the Treasury reported, compared with an April surplus of $3.21 billion and the year-earlier deficit of $2.46 billion.

For the first 11 months of the fiscal year ending tomorrow, the deficit totaled $25.58 billion compared with a deficit of $10.07 billion in the year-earlier period. The heavy June tax receipts are expected to cut the deficit, but most analysts still believe the fiscal 1971 budget shortfall will exceed $20 billion.

Expenditures totaled $17.15 billion last month, down from April's $17.82 billion but above the year-earlier $16.45 billion. May receipts totaled $13.19 billion, down from April's $21.02 billion and the year-earlier $13.99 billion.

For the first 11 months of the current fiscal year, receipts totaled $165.88 billion down from the $171.22 billion in the year-earlier period. The most recent government estimate is that receipts this year will total $194.19 billion. To achieve this, June receipts would have to exceed $28 billion. Last year, June receipts totaled $22.56 billion.

Outlays in the first 11 months totaled $191.46 billion, up from the $181.28 billion a year earlier. The administration's latest forecast is that expenditures for the full fiscal year will total $212.76 billion.

## THOMAS J. DODD

Mr. BAYH. Mr. President, our former colleague from Connecticut, Thomas J. Dodd, served with great distinction in this body for 12 years. During that time, a sizable portion of his work was devoted to combating crime in America and easing the problems of the young people of this country. Nothing demonstrates more fully the enormous contribution of Senator Dodd in this field than his legislative record as chairman of the subcommittee on Juvenile Delinquency of the Committee on the Judiciary. Mr. President, I wish to honor Senator Dodd today by reviewing that record.

During his 10-year tenure as chairman of the Juvenile Delinquency Subcommittee, Senator Dodd was active in three related legislative areas: general problems of juvenile delinquency, firearms control, and drug abuse.

Senator Dodd is largely responsible for the enactment of the first Federal juvenile delinquency law, the Juvenile Delinquency and Youth Offenses Control Act of 1961. This act became the first major Federal program to fight delinquency. Many of the provisions of this act served as a blueprint for the national war on poverty and on crime undertaken by President Johnson. Senator Dodd later perfected and extended this law by introducing and securing passage of the Juvenile Delinquency Prevention and control Act of 1968.

In the second major area of legislation, gun control, Senator Dodd first proposed legislation as early as 1963 to limit mail-order traffic in firearms. Finally, in 1968 after 25 days of debate on the floor of the Senate, Senator Dodd obtained passage of the State Firearms Control Assistance Act and the Gun Control Act of 1968, two of the most important firearms laws in our history. These laws resulted in an enormous increase in the number of arrests for gun law violations and a significent improvement in the control of criminal use of firearms.

But perhaps Senator Dodd's greatest contribution has been in the area of drug abuse control. After years of subcommittee investigation and hearings, Congress enacted the Drug Abuse Control Amendment of 1965, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare. This act proved to be extremely effective in protecting young people from the unregulated traffic in dangerous drugs such as amphetamines, barbituates, LSD, and other natural and synthetic substances.

In 1966 Senator Dodd introduced the Narcotic Addict Rehabilitation Act which for the first time enabled federally convicted heroin addicts to get back on their feet rather than make them rot in prison. Then in 1968 Senator Dodd introduced the Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969. This bill was eventually signed into law in 1970 as the Comprehensive Drug Abuse Prevention and Control Act of 1970. It was a recodification of all existing Federal drug laws and as such was the most comprehensive Federal law ever proposed, covering every phase of the drug traffic and abuse problem.

Mr. President, neither this selective summary of some of his legislative accomplishments nor the more complete listing of the laws he has authored which is included at the end of my statement can adequately describe the skill and courage with which Senator Dodd led the Senate for so many years in the area of crime prevention and control. His legislative solutions were often innovative, always sound, and ever devoted to saving the lives and preserving the health of our Nation's young people. This body and the Nation will miss his leadership in this important area.

Mr. President, I ask unanimous consent that a more complete list of Senator Dodd's legislative accomplishments as chairman of the Juvenile Delinquency Subcommittee be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### SENATOR DODD'S LEGISLATION PASSED INTO LAW SINCE 1961

#### 1961

S. 802—*The Juvenile Delinquency and Youth Offenses Control Act of 1961.* Introduced by Senator Dodd. Co-sponsored by Senators Kefauver, Carroll and Hart. Three days of hearings were held by the Juvenile Delinquency Subcommittee on this bill. Representatives of all of the major groups in the United States concerned with juvenile delinquency were heard. Referred to the Committee on Labor and Public Welfare. Reported to Senate as S. 279 on April 6, 1967, Senate Report 144. Passed Senate April 12, 1961, and referred to House Committee on Education and Labor. Passed House, amended, on August 30, 1961. Senate agreed to House amendments on September 11, 1961. Approved September 22, 1961. (Public Law 87-274)

S. 1953—A bill to amend Section 5021 of Title 18, United States Code, setting aside conviction of youth offenders released from probation. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to Full Committee and Senate.) Passed into law, October 3, 1961. (Public Law 87-336)

#### 1962

S. 1691—A bill to provide that any juvenile who has been determined delinquent by a District Court of the United States may be committed by the court to the custody of the Attorney General for observation and study. Introduced by Senator Hruska. Bill processed by the Juvenile Delinquency Subcommittee (hearings, legislative report) and reported to the Full Committee and to the Senate. Passed into law, March 31, 1962. (Public Law 87-428)

#### 1963

S. 1319—A bill to amend chapter 35 of Title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to the Full Committee and to the Senate.) Passed into law December 30, 1963. (Public Law 88-251)

#### 1965

S. 438—*The Drug Abuse Control Amendments of 1965.* Introduced by Senator Dodd. Co-sponsored by Senators Burdick, Fong, Hart, Hartke, Robert Kennedy, Montoya, Ribicoff and Yarborough. This law was developed by the Subcommittee after several years of investigation into the uncontrolled and indiscriminate manufacture, sale and distribution of dangerous drugs. Seven days of hearings were held by the Subcommittee in three cities (Los Angeles, California; New York City; Washington, D.C.). It was reported to the Labor and Public Welfare Committee which held three days of hearings at which Senator Dodd was the major witness. Labor and Public Welfare reported the bill to the Senate on June 21, 1965 and President Johnson signed it into law on July 15, 1965. On that date President Johnson in his published remarks on the signing said: "Certainly, very special mention is due for the courageous public leadership offered to this cause (the control of dangerous drugs) by Senator Tom Dodd, of Connecticut. He was the author of the forerunner of the present Act, which passed the Senate last year." (Public Law 89-74)

#### 1966

S. 2152—*The Narcotic Rehabilitation Act of 1966.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Burdick, Ervin, Fong, Gruening, Hartke, Javits, Lausche, Robert Kennedy, Ribicoff, Scott, Tydings and Yarborough. During 1966 the Subcommittee held 12 days of legislative hearings on S. 2152, "The Narcotic Rehabilitation Act of 1966," introduced by Senator Dodd on behalf of the Administration. This measure was signed into law on November 8, 1966. (Public Law 89-793).

#### 1967

S. 1425—*A bill to amend Title 18 of the United States Code by prohibiting pandering advertisements in the mails.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Fong and Thurmond. Referred to the Judiciary Committee. Three days of hearings were conducted by the Juvenile Delinquency Subcommittee. A similar bill (based on the hearings of the Subcommittee) was passed as part of the Postal Revenue and Federal Salary Act of 1967. (Public Law 90-206)

*Amendments No. 90 to S. 1—The State Firearms Control Assistance Act.* Introduced by Senator Dodd. Co-sponsored by Senators Clark, Fong, Edward Kennedy, Robert Kennedy, Smathers and Tydings. Referred to the Juvenile Delinquency Subcommittee. Twenty-one days of investigative hearings followed by eight days of legislative hearings were held by the Subcommittee on this legislation. The bill was ordered reported to the Judiciary Committee September 20, 1967. The legislation was passed as Title IV of the Omnibus Crime Control and Safe Streets Act of 1968. (Public Law 90-351, June 19, 1968.)

S. 3633—*The Gun Control Act of 1968.* Introduced by Senator Dodd. Co-sponsored by Senators Brewster, Brooke, Case, Clark, Fong, Griffin, Hartke, Inouye, Javits, Lausche, McIntyre, Magnuson, Mondale, Monroney, Muskie, Nelson, Pastore, Pell, Percy, Proxmire, Randolph, Ribicoff, Scott, Smathers, Spong, Tydings and Williams of New Jersey. Referred to the Juvenile Delinquency Subcommittee. Six days of legislative hearings were held by the Subcommittee and the bill was reported to the Judiciary Committee on June 12, 1968. The "Gun Control Act of 1968" was passed into law on October 22, 1968. (Public Law 90-618)

S. 2950—*Auto Master Key Bill.* A bill to amend Title 18 of the United States Code by prescribing criminal penalties for the illegal manufacture and interstate distribution of automobile master keys. Introduced by Senator Dodd. Five days of hearings were held by the Juvenile Delinquency Subcommittee. A similar House bill (based on the hearings of the Subcommittee) was passed regulating the mailing of master keys. (Public Law 90-560, October 12, 1968)

S. 1248—*The Juvenile Delinquency Prevention Act of 1968,* to provide for the training and recruitment of personnel in the juvenile correctional field to develop a model juvenile correctional system, to provide Federal assistance for juvenile courts, probation departments and correctional institutions and to incorporate new methods of delinquency prevention in the public school system. *Introduced by Senator Dodd.* Hearings were conducted by the Subcommittee on Employment, Manpower and Poverty at which Senator Dodd gave the Juvenile Delinquency Subcommittee's position on this bill as the lead-off witness. (Public Law 90—, July 31, 1968)

*Amendments to S. 1248*—to incorporate new methods of delinquency prevention in the public school systems of the United States. Introduced by Senator Dodd. The amendment was adopted by the Senate on July 8, 1968.

### 1970

S. 1895—*The Omnibus Narcotic and Dangerous Drug Control And Addict Rehabilitation Act of 1969* Introduced by Senator Dodd. To reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice. Hearings held before the Juvenile Delinquency Subcommittee September 15, 17, 18, 24, 25, 26, and 29, and October 20, 1969. Reintroduced by Senator Dodd along with Senator Hruska as S. 3246, *The Comprehensive Drug Abuse Prevention and Control Act of 1970*. Reported from the Juvenile Delinquency Subcommittee December 16, 1969 and signed into law on October 27, 1970. (Public Law 91–513)

## A NEW TRAINING PROGRAM FOR MEDICAL SERVICES ASSISTANT

**Mr. JAVITS.** Mr. President, I commend to the attention of the Senate a current opinion editorial by Dr. Arnold Lewis, director of the Brooklyn-Cumberland Medical Center, Long Island University medical services associates program, in the June 16, 1971, issue of Medical Tribune entitled "The Medical Services Associate." I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The editorial describes a demonstration project to train medical service associates—MSA—jointly established by the Brooklyn-Cumberland Medical Center and Long Island University. The MSA's will be equipped to assist general practitioners or internists or surgeons.

A number of trainees are recently discharged armed forces medical corpsmen and representation from the surrounding community is included in the selection committee. Since both the medical center and the university are located in the Fort Greene Bedford-Stuyvesant ghetto of Brooklyn, where both medical manpower and facilities are inadequate, the program aims to upgrade the health care of the community and most candidates are chosen from the area, in hopes that they will remain after training.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE MEDICAL SERVICES ASSOCIATE

(By Arnold Lewis, M.D.)

Why are we not training enough health personnel? Three reasons stand out:

1. The nation lacks a rational, coordinated system of health career development. There are now more than 200 different categories in the allied health professions, and the list expands almost daily to meet pressing needs.

2. Another detrimental influence lies in the "deadend" nature of the work, with little or no opportunity for advancement, transfer, or the utilization of skills already learned in related health professions.

3. Most allied health careers lack status, adequate financial reward, and individual responsibility and authority. Moreover, licensure requirements vary from state to state, creating frustration and geographic immobility.

How should we attempt to remedy these deficiencies?

I would suggest that a master plan be developed to set national goals for the provision of future health services and indicate methods to implement the goals. Judicious research and experimentation must be encouraged at state and national levels. Manpower development must fit into the larger health care picture. Planners must come up with a more rational and economical way of providing the totality of health services.

I would like to describe an approach which originated at the Brooklyn-Cumberland Medical Center which we hope will contribute to the evolution of a revised system of health care delivery.

The Fort Greene-Bedford-Stuyvesant area of Brooklyn is a prime illustration of a community in a socioeconomic crises situation. Paramount among its needs is the delivery of adequate medical care. The community is virtually without general practitioners. Its hospitals and clinics are understaffed. Its level of health is far below acceptable standards.

New approaches to the delivery of medical care have had to be developed. The Medical Center has begun a progressive and realistic program to improve medical services to the depressed area surrounding the hospital. It has begun a network of neighborhood family health centers to provide the comprehensive health care functions of the virtually nonexistent family physician. These facilities will complement the overcrowded hospital emergency rooms, clinics, and home care services.

Central to planning for these centers is a rational staffing pattern. To help cope with this need and provide job opportunities in the community, the Medical Center created a training program for physicians' assistants. We call these new health professionals Medical Services Associates (MSA).

The MSA, under the supervision and direction of the physician, will in many instances make primary contact with the patient, perform preliminary history taking and physical examinations, carry out certain basic laboratory studies, and report back to the physician on his findings.

The MSA training program was instituted as a demonstration project under a grant from the Bruner Foundation, providing for the development of a two-year, year-round, certificate course including academic training at Long Island University and clinical instruction at the Brooklyn-Cumberland Medical Center. Inherent in the spirit of the grant was strong emphasis on participation by the local community.

We had the cooperation of community agencies, state and local manpower service centers, and Department of Defense transition sites in recruiting applicants from the area who already were in low-level, dead-end health careers and eager to further their education and upgrade themselves vocationally. Many were former medical corpsmen, trained to function independently on the battlefield, aboard ship, or in remote military installations.

We selected 23 students—six women and 17 men—who began their training February 2, 1970. They included nine exmedical corpsmen, four licensed practical nurses, one registered nurse, two operating room technicians, a physical therapy aide, and a mental health aide. All but four were from our area and all but three had some pervious health training.

We made clear to the applicants that our operating budget did not include stipend or scholarship funds. This, of course, was a major problem. Much to our gratification, within a few months after the program began we were able to assemble a "package" of support for students through a variety of sources.

Another important consideration was to put the programs into an academic framework. We immediately undertook, with the L.I.U. Committee on Educational Policies and Innovation Programs, the development of a regular university degree. We felt this was the best way to ensure optimal career mobility and status for the new profession. Our program offers basic liberal arts and natural science courses, in addition to clinical training.

As was expected, many of the students initially found it difficult to adjust academically and socially to the new university milieu. Seven students had to discontinue studies for personal reasons. Those remaining have rapidly acclimated themselves and have done admirably in clinical and academic studies. They have also inspired their instructors with their energy, motivation, and desire to succeed.

At the end of two years of training, the student will be equipped to aid a general practitioner, internist, or surgeon. We expect approval of associate degree status soon. Later we plan to supplement the program with training in pediatrics, obstetrics and gynecology, and other specialty and subspecialty areas, and to award a baccalaureate degree at the end of this advanced training. In addition, we hope to develop a shorter, clinically based program for those students who have adequate college training in the liberal arts and natural sciences. To achieve upgrading opportunities for individuals with extensive clinical backgrounds, such as registered nurses and independent duty medical corpsmen, we hope to assist in working out equivalency testing so that acquired skills can be accredited and utilized with minimum additional training.

We also feel strongly that some graduates of such programs will be prime targets for recruitment by medical schools, perhaps in a telescoped two- or three-year course.

As the Carnegie Commission on Higher Education recently pointed out, we will need bold and imaginative steps to alleviate the crisis in health care delivery to the vast majority of the American people. Brooklyn has suffered a devastating 23.5 per cent decline in the number of local registered physicians in the last decade. We are confronted with providing medical care in large areas with too few health service facilities and inadequate medical manpower. Certainly Brooklyn is a community which feels the present health crisis intensely. We must confront this challenge with resolve.

## DR. MAX PARROTT ON HEALTH ISSUES

**Mr. PACKWOOD.** Mr. President, we have heard much about national health insurance this year. It has been said that it is "an idea whose time has come." We have heard, in the Health Subcommittee, on which I serve, many complaints and we listen to much documentation on the shortcomings of our health delivery system.

Unfortunately, much of the rhetoric is not contributing very much to Congress as it seeks to find workable solutions to the very real problems in the health field. Mindful of the need for national discussion, it is a pleasure to place in the RECORD an article from the Wall Street Journal of June 8 concerning the view of the AMA toward health insurance. The article is adapted from a recent presentation to the Health Subcommittee by Max H. Parrott, M.D., chairman of the AMA board of trustees. I am pleased to say that Dr. Parrott is from Portland, Oreg., and is one of a number of leaders of American medicine from the State of Oregon.

Dr. Parrott cites the concern of most physicians about the problems of personnel shortages, distribution and the need to remove financial barriers to good health care for everyone. He expresses quite well the concerns of American doctors that, in his words—

> In pursuit of some health goals we may be charging off in the wrong direction.

For example, Dr. Parrott questions the desirability of imposing any new delivery or financing system nationwide, especially before having any proof of effectiveness or efficiency. He questions the Government's ability as a manager and the limits on Federal funds, graphically demonstrated by limited funds for medical manpower. Finally, he discusses the dangerous notion that medicine can cure health deficiencies that are only partially medical problems.

These are valid questions raised in a thoughtful way by Dr. Parrott. I commend them and I commend his article to all in the Senate who are seriously concerned, and there are many of us, about trying to solve some of the pressing health problems in this country.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### The AMA View of Health Insurance

(By Max H. Parrott, M.D.)

Some 13 proposals for improved health care have surfaced in Washington so far this year, and the end is not in sight. Reading the dialogue generated by these various proposals, one can easily assume that it is not a question of whether we shall have national health insurance in this country. It is a question, rather, of what kind of national health insurance we shall have.

The prospect of national health insurance does not in itself create universal alarm in the medical profession. Quite the contrary. The American Medical Association, representing 82% of the physicians actively engaged in office-based, direct patient care, has vigorously entered its own health insurance bill, Medicredit. The medical profession generally acknowledges the shortages of personnel, the distributional problems and the need to remove the economic barriers to good health care for everyone.

But this is not to say that all doctors survey the health legislation scene with equanimity. Far from it. Most doctors, who usually take an I'm-from-Missouri attitude about nearly everything, have some hard-nosed questions to raise. And they are genuinely worried that in pursuit of some health goals we may be charging off in the wrong direction.

Worry Number One, at least as we at the AMA see it, is the doctor's natural reluctance to apply a new system of health care broadly till we are pretty sure it will work. Most doctors are yet to be convinced that any one system of delivering national health care will necessarily improve on the pluralistic system we have. We believe in innovation, in experimentation. But we want to see the evidence before initiating broad, nationwide changes.

We want to get the test results from the many significant studies, some near completion, others just under way, to identify those forms of medical practice that may be most efficient. But, as yet, few definite answers exist. The AMA, for example, is trying, through a study with the University of Southern California, to find out what economies of scale there may or may not be in group practice. At this point we do not know for sure; and no one else has solid proof either.

The AMA wants better health care for this country, along with everyone else. But I would say that most of our members fear to move into anything untested. We are sincerely concerned over the prospect of any sudden, single, massive, unevaluated experiment that would cast all 200 million Americans in the role of guinea pig. We do not want to try an experiment on a nationwide scale. We prefer to find out the mistakes on a small scale before the entire population is involved.

Worry Number Two focuses on the reservations nearly everyone shares about government's ability as a manager. Doctors, I think it's safe to say, are very interested that our postal system, in the interest of efficiency and economy, has now been restructured to operate more under the dicipline common to a private corporation. Similarly, doctors are aware that our welfare system, at great cost over 30 or 35 years, has not accomplished what it set out to do. Most doctors are dismayed when they look at all the over-utilization and under-utilization in Veterans Administration medicine—and the whimsical distribution of some of its facilities. Doctors raise questions about the occasional sorry estate of municipal medicine. They ask, too, how well we serve our mentally ill in various state programs.

Worry Number Three arises when the matter of priority in government medicine is considered. Doctors seriously wonder whether the American people will get the type of health care we all would like to see if our annual health budget is to compete in the national political arena against more glamorous and immediate demands for things like new highways, interplanetary exploration and defense appropriations.

Actually, that is a problem now. We need more medical assistants, for example, but the Allied Health Training Act is not fully funded by the Congress. We need more nurses, but the Nurse Training Act is not fully funded, either.

And, of course, we need more physicians. But a disturbing number of our medical schools are virtually broke, one reason being a shortage in authorized appropriations for the Health Professions' Educational Assistance Act, which provides construction money for medical schools, covers some operating costs and furnishes scholarship aid to the students.

The AMA has repeatedly urged full support for these programs, without much success.

We are therefore genuinely concerned that in competition with other public programs, health care for the American people just might come out second best.

Worry Number Four is that medicine may be expected to cure health deficiencies that at best can only respond *partially* to medical programs.

Many of our health problems arise more from factors of our society and economy than the absence of medical treatment.

One of the most damaging blows to our health statistics, for example, comes from the very affluence of our society. We do not hear much discussion about this. But the truth is that our fat standard of living does create health problems. We ride when we should be on a bicycle or on foot. We overeat. We overdrink. We smoke cigarets.

And this affluent life style of ours relates directly to some of our most depressing medical statistics.

Up to the time when a person is 45 or so, the most common cause of death is an accident—in a car, on the job or at home. After a person survives his mid-forties, heart disease takes over as the number one killer. And heart disease—many forms of it, anyway—links up very closely with the affluent standard of living most of us "enjoy."

Accidents and heart disease are two of the four principal causes of death in the U.S. Everyone is familiar with them. But is the best and only answer to these two major health problems purely medical? Is plunking down a fully equipped hospital every fifth mile of our $80 billion interstate highway system the most efficient way to prolong life among people under 45? To be sure, increased medical services would help the 55,000 killed on our highways each year and the 2 million injured. But is medicine the way to get at the root of the problem?

By the same token, is doubling or tripling the number of doctors really the best way to attack heart disease? Exercising vigorously, eating less and not smoking cigarets would accomplish more. Again, increased medical services would help. But again, is that the answer to the problem?

Poverty also exists in this country. And poverty, too, affects our health statistics. Infant mortality, though it may only account for 2% of our mortality rate—compared to 38% for heart disease among people after middle age—has, without much scientific basis, become one of the popular indices of health care. Infant mortality, especially in our slum areas, urban and rural, white and non-white, deeply disturbs us.

It probably disturbs the American physician more than it disturbs others. It particularly disturbs me because I am a practicing obstetrician, and I know first hand the tragedy of the new-born-child whose spirit flickers briefly and then dies away. But may I suggest that the best response to this sort of tragedy is only partly medical.

Infant mortality ties in with proper nutrition and high protein intake. It relates to the age of the mother at both ends of the scale. Ill-fed, ill-housed, ill-educated teenage girls are simply not strong enough, quite often, to support a healthy fetus. The real problem is the slum itself. What is to be accomplished by a medical program alone, without an attack on all the other problems as well? If we try just a medical solution we may be in for a sharp disappointment.

But if we could create a broad program to bring dignity into the lives of people in our slums; if we could create a world every mother wanted to bring a baby into, that would do more to improve our infant mortality rates than a hundred fancy facilities.

What the AMA wants to be sure of is that our health dollars are spent on programs that will produce results. By no means will all our major health problems vanish before an onslaught that is only medical. That approach is simplistic.

Our nation did not, for example, attack malaria by doubling the number of hospital beds or tripling the number of doctors. It conquered malaria by draining the swamps and controlling mosquitos.

In slum areas children are bitten by rats. Is the answer to that tragedy more doctors to stitch up the wounds? Or does it make more sense to get rid of the rats—through better garbage collection, better housing, more attention to sanitation?

Slum children suffer, too, a poisoning that comes from lead-based paint peeling from 30-year-old walls. More hospitals would help treat the kids. But wouldn't we do better by enforcing the municipal building laws, in many cases already on the books?

## AMERICAN POLICY TOWARD CHINA

Mr. MUSKIE. Mr. President, on June 24, the Senator from Massachusetts (Mr. Kennedy) testified before the Foreign Relations Committee on the first day of its widely publicized—and very successful—hearings on American policies toward China. The hearings have made an immense contribution to beginning a reasoned debate on the future of U.S. policy toward China.

Senator Kennedy's testimony is a thoughtful analysis of the problems that remain to be overcome in relations between ourselves and China. He suggests what we must do to end China's continued diplomatic isolation, urging, among other things, the admission of

Peking into the United Nations at the earliest opportunity.

I share Senator Kennedy's concerns about the need to develop new policies toward mainland China, and I would like other Senators to have the benefit of his insightful testimony. I therefore ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

### Testimony of Senator Edward M. Kennedy, Senate Foreign Relations Committee Hearings on China

Mr. Chairman and members of the Committee. I am honored to appear before you today and to have the opportunity to testify at these important hearings on American policy toward China.

Like an icebreaker plowing through a frozen sea, the visit of the American table tennis team to the People's Republic of China last April has opened up a new passage to improved relations between China and the United States, relations that have been frozen solid for almost a quarter of a century.

For millions of Americans, our overwhelming reaction to the trip by the team was a sigh of relief and a prayer of hope—relief that at last we are beginning to surmount the hostility and distrust that have dominated our relations for so long, and hope that leaders in both nations would have the wisdom and the will to translate the aura of April into deeper and more lasting progress on all the great issues that divide us.

For more than twenty years, the United States has maintained a policy of diplomatic and political isolation against a nation whose sheer size and population should have entitled it long ago to a major place in the world community. How can we countenance a policy that makes outcasts of a nation with 800 million citizens—one quarter of the world's population—a nation that is a nuclear power, a nation with an immense share of the world's wealth, a nation with enormous potential impact on virtually every aspect of world affairs.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their governments in a state of suspended war toward one another. Tragically, the world's oldest civilization and the world's most modern civilization, the world's most populous nation and the world's richest and most powerful nation, glare at each other across the abyss of nuclear war.

Three times within our lifetime, American soldiers have been sent to fight and die in Asia. Forty-five thousand Americans are dead in Vietnam, in a war whose primary purpose, we have been told, was the containment of Peking. Time and again, we have seen the ancient bond of friendship and reconciliation between Americans and Chinese shattered by the unyielding consequences of a policy based on arms and fear and war.

Now, thanks in large part to the overtures of the Nixon Administration and the response of Peking, we have an unparalleled opportunity to change all that, to lift our policy out of the shadows of the past and into the sunlight of the world as it is today—to achieve, in a word, the true generation of peace that the President seeks, and that only a realistic policy toward China can ensure.

* * * * *

It is to this question that I wish primarily to address my testimony today. The path we choose now must be the right path, because it may well determine the course of our relations for years to come on every other issue we face.

My view on the issue of U.N. representation is clear, and it is shared, I believe, by many members of the Senate, the academic community, and the American people at large. As I urged in 1969, it can be stated in three simple propositions:

*First,* the People's Republic of China should be granted its legitimate seat in the United Nations as the sole government of China, not only in the General Assembly, but also in the Security Council and in all the other principal and subsidiary organs of the United Nations.

*Second,* the United States should make no effort to impose a formula for dual U.N. representation on the People's Republic of China and Taiwan, unless those two governments themselves agree to such a formula.

*Third,* the resolution of the issue of United Nations representation need not await the resolution of the other complex issues dividing the United States and the People's Republic of China, such as the question of the future of Taiwan, or the question of diplomatic relations between the United States and the People's Republic of China. The time has come for the People's Republic to take its seat in the United Nations as the Government of China, whether or not these other issues are settled.

These propositions are set out in Senate Resolution 139, which I introduced in the Senate last week. The Resolution is based on the brief but extremely significant policy statement issued earlier by a distinguished group of 110 of the nation's leading China scholars, coordinated by Professor Allen Whiting of the University of Michigan. The signers of the statement include scholars at fifty colleges and universities in nineteen states, representing a broad cross section of academic opinion in many different regions of the country.

The choice we face is clear. We can abandon the fictions of the past and welcome U.N. representation for the People's Republic, thereby generating the most significant possible improvement in U.S.-Chinese relations at this time. Or, we can continue to nibble around the edge by easing travel and trade restrictions, thereby condemning ourselves to yet another round of the frustration and mutual hostility we have known for so long.

For twenty rigid years, the United States has opposed Peking on the issue of U.N. representation. Through a succession of strategic devices and parliamentary maneuvers in the U.N.—the "Moratorium" tactic in the Fifties and the "Important Question" device in the Sixties—we managed to prevent the People's Republic from occupying China's seat in the General Assembly, the Security Council, and all other organs of the U.N.

Surely, in the entire history of American foreign policy, there has never been a fiction more palpably absurd than the official American policy that the People's Republic of China does not exist, that the rulers of the fourteen million people on Taiwan are also the rulers of the hundreds of millions of Chinese on the millions of square miles of the mainland. It is as though the island of Cuba were to claim sovereignty over the whole continent of North America.

Given the history and consequences of our relentless opposition to Peking in the United Nations, it is fair to ask whether the United States itself—and not Peking—is the real victim of a policy whose folly has been matched only by its futility. How much diplomatic good will have we squandered in our decades of effort to persuade other nations to vote against Peking? How badly have we distorted other vital international programs, like foreign aid, in order to curry favor with nations against Peking? How many opportunities have we lost for real progress on all the vital international issues of our time, while we bargained for advantage against Peking?

The doubts and questions are endless, and we may never know the answers. Perhaps, at some future time, a China Archive will bubble to the surface from the secrecy of our government, and the light of history will illuminate the real and terrible costs the American people have paid as prisoners of our policies of the past.

Still, we can see today, more clearly than ever before, the reasons why the People's Republic of China is entitled to be represented in the United Nations. No world organization that prides itself on the name and on the principle of universal membership can ignore the gaping void imposed by the absence of Peking. Last October, we witnessed perhaps the ultimate absurdity of our policy. The United Nations admitted the Fiji Islands to membership, three days after it achieved independence, and with a population no larger than the City of Indianapolis. Yet, a nation of 800 million Chinese has been kept out for twenty years.

We also now see our "Important Question" tactic for what it is, a procedural device that is being used to frustrate the will of the majority of the members of the U.N. Last November, for the first time, by the vote of 51–49, the nations of the General Assembly voted to seat Peking as the representative of China. Only the American version of the filibuster rule in the U.N., the "Important Question" procedure, which requires that the decision be made by a two-thirds vote, allowed the position of the United States to prevail, in spite of the narrow but clear cut vote of the majority.

The roll call itself was illuminating. Of all the member nations of the North Atlantic Treaty Organization, only Greece and Turkey voted with the American delegation against representation for Peking. The roll of nations voting for Peking contained many of our closest friends—nations like Britain, Canada, Denmark, France, India, Italy, Norway, Pakistan, and Sweden, to name but some. And other countries, like Belgium, Ireland, Luxembourg, and the Netherlands, abstained on the vote, undoubtedly to spare the United States the embarrassment of voting for Peking.

Surely, a nation like ours, founded on the timeless principles of democracy, majority rule, and the responsiveness of government and all its institutions to the will of the people, should also apply those basic principles in our relations with the world community. The logic of our "Important Question" tactic has petrified, and the Administration should give it the burial it deserves. I urge the President, therefore, to remember the noble traditions on which our Republic stands, to forego the regressive "Important Question" tactic in the General Assembly session this fall, and to allow the will of the majority to prevail.

Even apart from the principle of majority rule at stake, however, there are important policy considerations that argue strongly in favor of U.N. representation for Peking.

Some aspects of the issue are obvious. We know that the Peking government may soon have the capacity to deploy intercontinental ballistic missiles, able to destroy America's largest population centers. We also know that we cannot expect Peking to cooperate in U.N. sponsored arms control discussions, unless we acknowledge her as China's legitimate representative in U.N. councils.

Similarly, so long as Peking is excluded from the U.N., we cannot expect China to cooperate in vital U.N. efforts on issues like international economic affairs and world development, the mushrooming world population explosion, the international crisis in refugees, the problems of pollution and ill health, poverty and disease that plague so many nations, or any of the host of other activities that can be of immense benefit to the world community.

The most hopeful sign I see is that the

American people themselves are demonstrating a progressive attitude toward the role of China in world affairs. The national sigh of relief over the table tennis trip and the warm reception of the President's overtures on trade and travel demonstrate that the bitter passions inspired by the McCarthy Era and the China Lobby, the Chinese Revolution and the Korean War have subsided. Americans are prepared to accept reality today, and to view China in a much more objective manner than we could possibly have done a decade ago.

Public opinion in the United States has become increasingly aware of the value of the People's Republic in the U.N. The people of America are far ahead of Congress and the Administration on the issue. The people are ready for change, if only we will listen. On balance, we can now agree, U.N. representation for Peking will be good for the United States, good for the U.N., and good for China.

The U.N. itself will be strengthened by the fact that one of the world's major powers no longer lies beyond its membership. Of course, the entry of the People's Republic will also require adjustments within the world organization. On certain issues, such as the Middle East, Peking may be expected to complicate decision making. Nevertheless, by and large, and particularly in the long run, China's participation will increase, rather than diminish, the U.N.'s capacity to deal with the great international issues of our time.

Moreover, the U.N. may be expected to exert reciprocal pressures on Peking. Membership in the world organization has never been a one-way street. If Peking complicates the U.N.'s decision making, the U.N. will also complicate the decision-making in Peking. Once the People's Republic is part of the U.N., it will be subjected to pressures—from friend as well as foe—to engage in the processes of bargaining, compromise and accommodation that makes it possible for the organization to function. Inevitably, the fact of membership will induce a more flexible, moderate outlook on the part of Peking. Already for example Peking realizes how much it has forfeited in the past 20 years in its role as outcast, and how much it stands to gain from U.N. representation in many areas of interest.

The question, then, is whether the United States will take the high road, and accept the reality of Peking's existence in the world organization, or whether, once again, we will take the low road and draw upon the resources of diplomatic ingenuity in another last-ditch effort to prevent the People's Republic from assuming China's seat at the U.N. I believe that we would be profoundly unwise to make the latter effort.

The only real difficulty in taking the high road is the sensitive question of the status of Taiwan. The problem, of course, centers upon the future of the government of Chiang Kai-shek and the island he controls. Today, more than 20 years after he left the mainland, the Chiang Government still claims to be the government of Mainland China. The claim is patently a fiction, and the time is long overdue for the U.S. to accept the reality that Peking is here to stay, that it is a genuinely Chinese Government and not a Soviet satellite, and that it controls the overwhelming bulk of China's people and territory.

Because of old friendships and alliances, however, the United States and a number of other members of the United Nations are properly reluctant to abandon Taiwan in the U.N. They concede that the Chiang government should not represent China in the Security Council and the other U.N. bodies. But they argue that Chiang is in control of Taiwan, which has 14 million people, and that the people of Taiwan should not be denied a voice in the General Assembly. The nations who adhere to this view do not wish to see Peking in the U.N., until some provision has been made to avoid the departure of the delegation from Taiwan.

In recent months, the United States itself has begun to move toward the deceptive formula of some form of "Dual Representation," a formula that would give Peking the China seat on the Security Council, but which would also seat both competing governments in the General Assembly.

Obviously, if the People's Republic and Taiwan were prepared to accept such a formula, the problem of China's representation in the U.N. could be easily resolved. Unfortunately, the fact is that neither of the rival governments is willing to sit in the U.N. if the other is present. They still regard themselves as engaged in civil war.

However reasonable such a "Dual Representation" compromise might seem to non-Chinese, therefore, it is unacceptable to the Chinese. Both sides have unequivocally rejected either the "Two China" solution or the "One China-One Taiwan" solution. Regardless of the merits of the "dual representation" formula for other divided nations, like Germany, Korea, or even Vietnam, it will not work for China

The conclusion is inescapable. If the United States decides to work actively in behalf of "dual representation" as the basis for inviting the People's Republic into the U.N., we will be promoting a formula to keep Peking out of the U.N. Whatever our government's intention, that will be the inevitable result. The only valid policy is a "One China" policy, and that is the policy we should adopt.

To the People's Republic, "dual representation" looks suspiciously like another tactic in the long line of techniques devised by American diplomats to keep Peking from taking its legitimate place in the U.N. as the sole representative of China.

Of course, unlike the "Moratorium" technique of the Fifties and the "Important Question" technique of the Sixties, "Dual Representation" purports to welcome Peking—but only on terms that neither China can accept. Thus, dual representation is simply a sophisticated new device to accomplish the same old goal—excluding the People's Republic of China from the world community.

I wish the facts were otherwise. In our optimism, we always hope that a reasonable solution can be found for every problem, an accommodation for every antagonism. It would be a happy occasion if, by hard work and good will, we could persuade the parties to a civil war that has been raging in one form or other for half a century to harmonize their differences.

Yet, our policy cannot be based on wishes and hopes. It must cope with reality. We cannot be naive enough to expect that the complex problems arising from the Chinese Civil War, World War II, and the Korean War can all be solved at once. Questions such as the duration of the Chiang and Mao regimes, the status of Taiwan, and the establishment of diplomatic relations between Peking and Washington will take years to clarify. We simply cannot predict what the future holds in store.

It seems extremely unlikely to me that any answers at all will be found to the problem of Taiwan, even in as "brief" a period as the next five years. It might easily take a decade to clarify the relationship of Taiwan to the Mainland. But it may also take twenty-five years, or even longer.

The problem before us is, what are we to do at the U.N. now, while we wait for these harder answers to come?

To me, there is only one valid answer, difficult as it may seem for Taiwan. We must recognize that it is vital to the peace and progress of the world that Peking be brought into the international community, and we must accept the reality that the People's Republic is the sole legitimate representative of China in the U.N.

If we take this route, we must also recognize that now, and for the foreseeable future—until the Taiwan problem is settled—there will be no U.N. representation for Taiwan, because a delegation from Peking would replace the delegation from Taiwan.

Eventually, when the Taiwan question is resolved, Taiwan will be represented in the U.N. in accordance with whatever status develops for the island. In the meantime, Taiwan will join those other nations, including the divided nation of Germany, that operate effectively outside the U.N. And nothing we do would in any way impair our continuing commitment to the defense of Taiwan under our existing treaty obligations. The only change would be in the U.N.

The choice is difficult, but to me the answer is clear. We have to choose the path of certainty, the path that assures the entry of Peking into the U.N. We must reject the Two China formula and other arrangements that will serve only to bring us more years of hostility and division, as we condemn ourselves to repeat the mistakes of the past. Too much is at stake, too much is to be gained from real Chinese representation in the U.N., for use to ignore Peking again.

The United States can ensure Peking's entry by voting in a number of ways. If we cannot bring ourselves to abandon the "Important Question" resolution or to support a moderate resolution that calls for Peking to take China's seat, we can at least abstain from voting on the questions and accept the will of the majority. Even a blind continuation of our past support for the Republic of China would be likely to assure Peking's entry in the near future, since the United States would simply go down with the ship. Even that seems better to me than advocating a "Dual Representation" policy—a policy that would prevent Peking's participation in the U.N. for the foreseeable future and that would add to the already heavy legacy of Chinese-American hostility we bear today.

The Two China policy so prominently urged in some quarters today is not without irony. Since 1950, the United States has rigidly pursued a One China policy—but always it was the Wrong China. Now, at least, when we are within reach of our goal of embracing a One China policy that has the Right China, we cannot allow ourselves to be lured astray by the illusory appeal of a Two China policy.

This is why I have introduced Senate Resolution 139. In spite of the doubts that cloud so many other aspects of our China policy, the opportunity is at hand to take a clear step forward on the issue of U.N. representation. We know the other issues of our China policy will require difficult negotiation and accommodation, a process that may go on for years. Peking's entry into the U.N. is the step we can take today to ensure that this process will begin. It is time to take that step.

## THE UNITED STATES—"SICK MAN OF THE WEST"

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "The United States—'Sick Man of the West,' " published in the New York Times on June 16, 1971, which I wrote following my recent visit to Europe, be printed in the Record. From both sides of the Atlantic, I have received numerous indications of lively and appreciative interest in the ideas expressed in this article and therefore present these ideas for the consideration of the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

### THE UNITED STATES—"SICK MAN OF THE WEST"

(By Senator JACOB K. JAVITS)

The United States is currently regarded in Europe as the "sick man" of the West reminiscent of the Ottoman Empire before World War II. Why is this so and what is to be done about it? The United States is not opting for isolationism and a Fortress America. Europe is still the security threshold of the United States.

The conclusion of many in Europe that the United States is the sick man is principally attributable to the Vietnam war—the way we blundered into it, the destructive effects of the war at home and on the U.S. world position, and our seeming inability to extricate ourselves effectively from the Vietnam quagmire. Europe is acutely aware of our balance-of-payments difficulties and their vulnerability to any vulnerability of the dollar as the world's key reserve currency. The declining competitive position of U.S. production, in sharp competition with Germany and Japan, in the world's markets—and our own—compounds the image of "sickness." Our troubles at home with racial tensions, the urban crisis and inflation with unemployment, as well as the much publicized alienation of American youth, have caused Europe to begin to question the capability of the United States to be the leader of the free peoples, the guarantor of allied security, the financial bulwark of the non-Communist world and the apostle of peace.

In my judgment, U.S. assets—including the most productive economy in history—are as positive as ever; and the current, abnormal U.S. liabilities are in the process of being liquidated or can be liquidated with the cooperation of our traditional friends and allies.

If Europe's perception of America's "sickness" portended merely that free Europe would more fully look out for itself in all fields, there would be relatively little to worry about. The United States could breathe easier and enjoy a respite from what many Americans consider the headache of world leadership. But I do not think that is the case.

Western Europe, as presently organized, cannot stand alone economically, politically, or militarily in the face of the superpowers. The scale and concentration of superpower might is just too overwhelming.

It is my view, and that of many others on both sides of the Atlantic, that a U.S. withdrawal from Europe now would prepare the way for Soviet hegemony over Europe. Two recent French newspapers make this point:

"The American era is ending and Western Europe will have in the near future either to suffer Soviet hegemony or regain the will to exist."—Raymond Aron, Le Figaro.

"The threat of a U.S. strategic aboutface foreshadows Soviet supremacy in Europe."—Combat.

Western Europe is so united to us by tradition, ideas, trade and social and cultural bonds that we would only be courting a war to reclaim the alliance if the present one were dissolved now. Accordingly, we have first to resolve that the Atlantic alliance is indissoluble, and to proceed from this premise.

The danger of the situation for the United States is twofold. The first has been recognized: a precipitate U.S. withdrawal preparing the way for Soviet hegemony. The second danger is more subtle and more challenging.

The Senate's decisive rejection of the Mansfield amendment indicates that the United States will not leave Europe naked before Soviet military power; that the United States will at least see Europe through a transition period in the security field. The crucial question, in my judgment, is what will happen during this transition period of new arrangements in Europe. The old postwar pattern in Europe is giving way at last to a more permanent settlement. In this context, the renewed drive for unity in Western Europe—most crucially Britain's entry into the European Economic Community—is the leading factor. The key question, as Europe reorganizes itself, is what kind of new arrangements and new ties will be forged between the United States and a resurgent, unified Europe presaged by the momentum of present events.

Will Europe seek to insulate itself from the United States with trade and monetary barriers, as well as with a political and cultural separateness? Will the United States be irritable and defensive and hypersensitive about its relations with Europe? Will our domestic troubles leave us too little energy, imagination and resources to occupy the place our capacities command in constructing the Atlantic future which is possible?

NATO needs to be strengthened especially in respect of its much neglected Article II enjoining its members to "eliminate conflict in their international economic policies" and to "encourage economic collaboration." The Organization for Economic Cooperation and Development needs to sponsor a General Agreement for Tariffs and Trade for private investment and related problems. The consultation aspect of NATO needs to be built up to include not only the SALT and Mutual Balanced Force Reduction talks and Berlin, but also the Middle East and Far East problems. Lateral ministerial level meetings need to be put on a regular basis and include not only defense and the environment, but law, transportation, housing, health and education.

A true international currency needs to be developed, and aid to developing countries rationalized and coordinated through the Development Advisory Committee and Bank for International Settlements. Trade relations need to be considered on a regional basis through the O.E.C.D. and even an Atlantic or Industrial Free Trade area—with the Common Market as a member envisaged.

In short, we in the United States must go forward much more intensively to establish the Atlantic community rather than to fractionalize and run away from it—and Europeans must not prematurely write off their strongest element, U.S. participation. For the American people the stakes are greater hope and greater happiness—a more open and a more peaceful world—and a new birth of freedom. For Western Europe the stakes are to be free or perhaps vulnerable to the fate of Czechoslovakia.

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## JOSEPH McCAFFREY: PRIZE-WINNING JOURNALIST

Mr. WILLIAMS. Mr. President, recently one of Washington's most distinguished commentators, Joseph F. McCaffrey, was named as the recipient of the Ted Yates Award.

It is not the first time he has been singled out. Four times, he has won the Washington "Emmy" for his special interview programs.

He has received the Chesapeake Associated Press Broadcaster's Award for having helped police solve a murder, and he is the first nonnetwork correspondent to be elected president of the Radio-Television Correspondents Association.

This latest citation is one given to a Washington television news correspondent who "most closely characterizes Ted Yates' professional qualities of in-depth coverage, courage, and insight as well as his personal qualities of wit and compassion."

All Senators know Joe McCaffrey, and I feel certain that if the judges for the Yates Award had submitted the nomination to us, it would have been confirmed unanimously.

For Joseph McCaffrey is thoroughly professional; he has a reservoir of courage and insight; and certainly he possesses wit and compassion in large measure.

Joe McCaffrey has covered this town for 25 years. No one knows it better, and no one reports on its activities with more insight and depth.

In a Washington press corps that numbers many of the finest journalists in the world, he stands in the first rank.

I think he honors us by his coverage.

All of us owe a debt of gratitude for his tireless efforts in bringing the news to the American public.

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## THE PENTAGON PAPERS

Mr. HATFIELD. Mr. President, the Chicago Sun-Times, the Los Angeles Times, the St. Louis Post-Dispatch, the Knight newspapers, and Newsday have all published articles based upon the Department of Defense's own study of the origin and history of the Vietnam war. We are now at a crucial juncture in our long involvement in Indochina, when the reasons and motives that originally impelled us into this venture are all the more important to understand fully.

I am convinced that the more we understand about the real reasons that have guided our policy of intervention from the beginning, the better able Congress and the American public will be to make judgments about the wisest course for our complete disengagement from Indochina. It is in the interests of the public, as well as for the benefit of Congress, that this information should be made openly and freely available. We are often told that we have been fighting in Vietnam to preserve our ideals of freedom. I would suggest those ideals could best be enhanced by making them a reality here at home, and enabling all Americans to know and judge the historical record of our costly involvement in Southeast Asia. These articles, based upon the internal documentation of the Department of Defense, are an important contribution in educating the American public. I ask unanimous consent that they be printed in the RECORD, along with a statement by the Senator from South Dakota (Mr. McGOVERN). Further, I ask unanimous consent that articles written by James J. Kilpatrick and James Reston about these documents also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR McGOVERN

### PENTAGON PAPERS PUBLISHED WIDELY

Mr. McGOVERN. Mr. President, in the past few days I have been attempting to place in the CONGRESSIONAL RECORD all of the original newspaper reports and reprinted documents relating to the American military involvement in Indochina.

I believe that there is no valid reason for withholding the Pentagon Papers from Congress and the public. The administration should delay no longer in making them public. Only by a study of these and other documents relating to the decision that got the United States into Vietnam can we gain a sufficient understanding to avoid falling into the same kind of trap in the future.

A great number of newspapers have now published summaries and documents relating to the Pentagon study. In addition one newspaper has published a report on the forthcoming memoirs of President Johnson which, it appears, will bear out information revealed in the documents.

I appreciate the help of the Washington bureaus of many of the newspapers concerned and of Ann Cooper in obtaining these articles for insertion in the Record.

1. Chicago Sun-Times, June 23, June 24, June 25—The Pentagon Papers.
2. Los Angeles Times, June 24, June 26—The Pentagon Papers.
3. St. Louis Post-Dispatch, June 25—The Pentagon Papers.
4. Knight newspapers, June 27—The Pentagon Papers.
5. Newsday, June 25—President Johnson's Memoirs.

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### WTOP Commentary, Free Press, June 23, 1971

(By James J. Kilpatrick)

Law of necessity is built on precedents. Bad precedents make bad law, and that is precisely what the Federal courts are giving us this week in the government's proceedings against The New York Times, the Washington Post, and the Boston Globe. Even if we assume that the Supreme Court eventually will lift any injunctions that may have been imposed, the precedent will remain: The three newspapers now have been effectively restrained from printing what they choose to print, when they choose to print it. The whole body of First Amendment law, protecting a constitutional right of free press, has been struck a heavy blow.

This development, it seems to me, is vastly more important than anything disclosed thus far by the Pentagon Papers. If the government, acting through the courts, is able to prevent American newspapers from publishing these particular documents, the foundation will have been laid for censorship, plain and simple. The judge on the bench, and the bureaucrat with his rubber stamp, will have assumed powers they were not meant to have. And a free people will be less free.

The precedent should never have been sought. If the three newspapers violated Federal law, as the government apparently assumes, the proper course was to arrest the publishers and editors on criminal warrants. The cited statute permits prison terms up to ten years and fines up to $10,000. We ought to be testing that law before trial juries. The government protests that such a course would be "foolhardy," and that probably is true. But it would have been far wiser, for the present and for the future, for the government to have risked folly and shunned censorship. Rule of the press by injunction can never be accepted. Never. This is James J. Kilpatrick.

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### James Reston—Central Issue of the Documents

New York.—For the first time in the history of the republic, the attorney general of the United States has tried to suppress documents he hasn't read about a war that hasn't been declared. This is one of the final ironies of this tragic Vietnam war, but it won't work for long.

The constitutional issue can be left to the courts. They need time. The issue is complicated. There is clearly a conflict between the government's desire to preserve the privacy of its internal communications, which everybody recognizes, and its attempt to extend this procedure to old historic documents, which analyze the blunders of the past.

But in practical terms, the documents will not be suppressed. The New York Times will abide by the final decision of the courts, but too many copies of the McNamara papers are around, and too many fundamental issues are involved to suppose that this official record of the war can be censored for long.

It is easy to get lost in the legalities, ambiguities, and politics of this controversy, but the central issue is what former Secretary of Defense McNamara had in mind when he ordered this analysis of the war in the first place.

McNamara was a principal actor in the drama, deeply involved and even incriminated in the struggle, but near the end, he insisted, on his own responsibility, that outside and objective minds should look at the record and try to find out what went wrong and why.

This involved many people—around 30—all of whom have knowledge of critical parts of the Pentagon investigation, some of whom have some of the documents, and a few of whom have copies or access to copies of most of the whole.

McNamara is clearly not alone in feeling that the basic questions—how did we really get involved, how did we lose our way?—should be made clear in order to avoid similar mistakes in the future. And at least some of these men are not going to be silenced by temporary or even permanent court injunctions against publication of the facts.

The attorney general, by seeking for the first time a court injunction before publication, has dramatized the issue. He has transformed an academic monograph, with a very limited audience of politicians, bureaucrats, journalists and scholars, into a world issue on the American war and the First Amendment of the American Constitution on the freedom of the press. And his efforts at suppression, while they may prevail for a short time, will almost certainly fail in the long run.

For the men who know most about these documents do not believe that publication involves national security or would cause, in the attorney general's words, "irreparable injury to the defense interests of the United States."

In fact, many of them in possession of the facts, and a few of them in possession of the documents, believe that the security argument is being used to cover up the blunders and deceptions of the past in Vietnam, and would gladly go to jail rather than submit to the suppression of their information.

Mitchell, consciously or not, has raised a fundamental question: What causes "irreparable damage" to the republic? Publication of documents that expose the weaknesses and deceptions of the government on issues of war and peace? The censorship of these documents in the name of "national security"?

This is the central issue. The attorney general and the secretary of defense have a respectable argument: They have the right to private communication.

Secretary of State William Rogers also has a point: Other nations cannot do business with Washington if their communications are going to end up in the headlines of the American press. But beyond that, and even above it, there is the question of the integrity of the American executive in its dealings with the American people and their representatives in the Congress.

These documents are in the possession of the principals. President Johnson has a copy. Clark Clifford and Robert McNamara are reported to have copies, and other interested parties have copies or access to parts of them, and all are writing their own versions of history. So the legal injunction, as it now stands, is only against making the main documents available to disinterested scholars, and the general public.

This is the main point about these documents and why the documents themselves had to be published. For they demonstrate beyond question, not reporters' opinions or speculations about presidential action, but obvious and even calculated deception in the words of the officials themselves.

It will be interesting to see how the courts, and even the principal personalities, react to this tangle of legal and philosophical questions. But however they react, the objective of the McNamara inquiry is going to be achieved.

The basic facts of the American involvement in Vietnam, many of them idealistic and many of them tragic, are going to be revealed, no matter what the attorney general says, and in the end, we may be a little nearer to the truth.

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[From the Chicago Sun Times, June 23, 1971]

### How JFK and Aides Helped Topple Diem

(By Morton Kondracke and Thomas B. Ross)

Washington.—The late President John F. Kennedy and his leading advisers were intimately involved in the maneuvering that led to the downfall of South Vietnamese President Ngo Dinh Diem in 1963, top-secret State Department and Pentagon documents revealed Tuesday.

The documents show that Kennedy decided at a National Security Council meeting on Sept. 17, 1963, to put "escalatory pressure" on Diem to get rid of his brother-in-law Ngo Dinh Nhu, chief of the secret police.

The documents also recommended action against any Diem moves to counter his generals or negotiate with North Vietnam.

The NSC also decided to send Defense Sec. Robert S. McNamara and Gen. Maxwell D. Taylor on a fact-finding mission to Vietnam.

They reported back on Oct. 2 and from that point, the documents indicate, there was a growing consensus at the top of the administration that it would not be possible to get rid of Nhu without also getting rid of Diem.

The coup came on Nov. 1, and Diem, who had been installed in power by the United States in 1954, was assassinated. The President and his leading advisers disavowed any connection with his bloody end. But two months earlier, Roger Hilsman, assistant secretary of state for the Far East, had recommended in an Aug. 30 memo to Sec. of State Dean Rusk:

"Unconditional surrender should be the terms for the Ngo family. . . . Diem should be treated as the generals wish."

The Aug. 30 memo and another by Hilsman dated Sept. 16—both declassified by President Lyndon B. Johnson in 1968 but until now tightly held—were turned over to The Sun-Times by the Citizens Commission of Inquiry into U.S. War Crimes in Vietnam.

The other documents are included in the top-secret Pentagon history of the war. They reveal a battle over Diem's fate, with the State Department urging his ouster and the Pentagon insisting that the United States stick with him.

#### RFK FOR DISENGAGEMENT

One important voice raised for possible disengagement was that of the President's brother, the late Robert F. Kennedy.

Hilsman's first memo, prepared for an Aug. 31 NSC meeting, warned that Diem might move to open "neutralization negotiations" with North Vietnam.

If North Vietnam threatened to intervene on Diem's side, Hilsman recommended, the United States should "let it be known unequivocally that we shall hit the DRV (North Vietnam) with all that is necessary to force it to desist."

If Diem chose to make a last stand—a "Gotterdammerung" (Twilight of the Gods)—Hillsman urged his superiors to "encourage the coup group to fight the battle to the end and to destroy the Palace if necessary to gain victory."

The Hillsman memos and the Pentagon documents illuminate a period of increasing U.S. dissatisfaction with Diem and his brother-in-law that began May 8 and ended with the Nov. 1 coup.

On May 8, government forces fired on Buddhist celebrators in Hue, and there ensued what became known as the Buddhist crisis, in which several priests and nuns burned themselves to death in the streets of major Vetnamese cities.

The self-immolations were reported throughout the world, bringing down increasing criticism on the Diem regime—and on U.S. government for supporting it. The Buddhists became the rallying point for all non-Communist opposition to Diem and Nhu.

Nhu's wife made matters worse by referring to the priests' self-sacrifice as "Buddhist barbecues."

On Aug. 21, nine days before Hilsman's first memo, government forces under the direction of Nhu and Diem attacked major Buddhist pagodas in Hue and Saigon, killing any monks who resisted.

The government crisis intensified because the attack at first was blamed on the Vietnamese military—which stoutly denied it had any part in the anti-Buddhist moves.

### MILITARY FEARED PURGE

Leading generals reported to U.S. officials that they feared Diem and Nhu might institute a purge within the military—and perhaps seek an accommodation with North Vietnam.

Hilsman wrote the Aug. 30 memo at a time when U.S. officials believed a military coup or action by Diem against the military was imminent. This proved mistaken.

From the end of August until early October, the secret Pentagon study and Hilsman's second memo reveal, the U.S. struggled to decide how to keep Dieam as president but get rid of Nhu.

A conclusion of the Sept. 17 NSC meeting, for example, was that the best of all possible worlds would be for Diem to stay in power with Nhu out of the picture.

In fact, after it was determined that Nhu's special forces and not the army had been responsible for the attacks on the pagodas, the documents make it clear that there was unanimous agreement among Mr. Kennedy and his advisers that pressure should be applied on Diem to purge Nhu.

### ALTERNATIVE LEADERSHIP SOUGHT

The documents indicate that it was also decided at the NSC meeting to identify and begin cultivating alternative leadership—believed to mean the generals.

The decision was made formal after two alternatives were debated at the Sept. 17 NSC meeting—"escalator pressure" and reconciliation," the latter representing acquiescence in the status quo under Diem and Nhu.

The alternatives had been laid out the day before in Hilsman's second memo, which used the terms "reconciliation track" and "pressures and persuasion track."

### NHU "ADVENTURE" FEARED

"My own judgment," Hilsman declared, "is that the 'reconciliation track' will not work. I think Nhu has already decided on an adventure. I think he feels that the progress already made in the war and the U.S. material on hand gives him freedom to launch on a course that has a minimum and a maximum goal.

"The minimum goal would be sharply to reduce the American presence into those key positions which have political significance in the provinces and the strategic hamlet program and to avoid any meaningful concessions that would go against his Mandarin, 'personalist' vision of the future of Vietnam.

"The maximum goal, I would think, would be a deal with North Vietnam for a truce in the war, a complete removal of the U.S. presence, and a 'neutralist' or 'Titoist' but still separate South Vietnam"

The "escalatory pressure" track, as it was explained at the Sept. 17 NSC meeting, called for the withdrawal of AID support for the Diem regime, the removal of support for Nhu's CIA-backed special forces, and an order to Ambassador Henry Cabot Lodge to remain aloof from Diem, i.e., out of contact.

McNamara and Taylor reported on their mission to Vietnam at an Oct. 2 NBC meeting. Afterward, the White House put out a press release.

It said, in part:

"Sec. McNamara and Gen. Taylor reported that the major part of the U.S. military task can be completed by the end of 1965 . . .

"They reported that by the end of this year the U.S. program for training the Vietnamese should have progressed to the point where 1,000 U.S. military personnel could be withdrawn.

"The political situation in South Vietnam remains deeply serious. The U.S. has made clear its continuing opposition to any repressive actions in South Vietnam. While such actions have not yet significantly affected the military effort, they could do so in the future."

Hilsman's Aug. 30 memo recommended that, if Diem chose to leave the country with his family, the United States provide him with a plane but only if he agreed to go to France or another European country.

"Under no circumstances," he wrote, "should the Nhus be permitted to remain in Southeast Asia in close proximity to Vietnam because of the plots they will try to mount to regain power."

Hilsman warned that Diem might appeal to French President Charles de Gaulle "for political support for neutralization of Vietnam."

Hilsman urged Rusk to resist any such arrangement, adding: "We should point out publicly that Vietnam cannot be effectively neutralized unless the Communists are removed from control of North Vietnam. . . .

"Once an anti-Diem coup is started in South Vietnam, we can point to the obvious refusal of South Vietnam to accept a Diem-Communist coalition."

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[From the Chicago Sun-Times, June 23, 1971]

### Text of the Memo

Following is the text of an Aug. 30, 1963, memorandum from Asst. Sec. of State Roger Hilsman to Sec. of State Dean Rusk recommending the United States encourage and assist a coup against South Vietnamese President Ngo Dinh Diem and his brother-in-law, Ngo Dinh Nhu:

The courses of action which Diem and Nhu could take to maintain themselves in power and the United States responses thereto are as follows:

1. Diem-Nhu move: Pre-emptive arrest and assassination of opposition military officers and/or Vice President Nguyen Ngoc Tho.

U.S. response:

(a) We should continue to pass warnings to these officials about their danger.

(b) CAS (code label for the Central Intelligence Agency) should explore the feasibility of prompt supply of a warning system to these officials.

(c) If several general officers are arrested, we should invoke aid sanctions to obtain their release on the ground that they are essential to successful prosecution of the war against the Viet Cong.

(d) Encouragement of prompt initiation of the coup is the best way of avoiding arrests and assassinations of generals.

2. Diem-Nhu move: Sudden switch in assignments of opposition generals or their dispatch on special missions outside of Saigon.

U.S. response: We should recommend that the opposition generals delay in carrying out any such orders and move promptly to execution of the coup.

3. Diem-Nhu move: Declaration of Ambassador Lodge and/or other important American officials in Vietnam as *personae non gratae*.

U.S. response:

(a) We should stall on the removal of our officials until the efforts to mount a coup have borne fruit. This situation again shows the importance of speed on the part of both the U.S. and Vietnamese sides. We should also suspend aid.

(b) Should the GVN (South Vietnam) begin to bring physical pressure on our personnel, we should introduce U.S. forces to safeguard their security.

4. Diem-Nhu move: Blackmail pressure on U.S. dependents in Vietnam, such as arrests, a few mysterious deaths or—more likely—disguised threats (like Nhu's recent threat to raze Saigon in case of a coup).

U.S. response:

(a) We should maintain our sang-froid with respect to threats.

(b) We should urge American personnel to take such precautions as avoidance of unnecessary movement and concentration of families. We should also issue arms to selected American personnel.

(c) We should demand the release of any Americans arrested and should insist for the record on proper protection of Americans by the GVN. (GVN failure to furnish this protection could serve as one of the justifications for open U.S. intervention.)

(d) We should evacuate dependents and other nonofficial personnel at the earliest possible moment that Ambassador Lodge considers it consistent with the over-all operation.

(e) We should intervene with U.S. forces if necessary to protect Americans during evacuation and to obtain the release of those arrested.

5. Diem-Nhu move: Severance of all aid ties with the U.S., ouster of all U.S. personnel (except for a limited diplomatic staff), and demand for removal of all U.S.-controlled military equipment in Vietnam.

U.S. response:

(A) We should stall in removing U.S. personnel and equipment from Viet Nam. This move by the GVN would again, however, underscore the necessity for speed in our counteraction.

(B) If Diem-Nhu move to seize U.S.-controlled equipment, we should resist by all necessary force.

6. Diem-Nhu move: Political move toward the DRV (North Vietnam) such as opening of neutralization negotiations, or rumors and indirect threats of such a move.

U.S. response:

(A) Ambassador Lodge should give Diem a clear warning of the dangers of such a course, and point out its continued pursuit will lead to cessation of U.S. aid.

(B) Encourage the generals to move promptly with a coup.

(C) We should publicize to the world at an appropriate moment any threats or move by Diem or Nhu toward the DRV in order to show the two-edged game they are playing and help justify publicly our counteractions.

(D) If the DRV threatens to respond to an anti-Diem coup by sending troops openly to South Vietnam, we should let it know unequivocally that we shall hit the DRV with all that is necessary to force it to desist.

(E) We should be prepared to take such military action.

7. Diem-Nhu move: Appeal to De Gaulle for political support for neutralization of Vietnam.

U.S. response:

(A) We should point out publicly that Vietnam cannot be effectively neutralized unless the Communists are removed from control of North Vietnam. If a coalition between Diem and the Communists is suggested, we should reply that this would be the avenue to a Communist takeover in view of the relative strength of the two principals in the coalition. Once an anti-Diem coup is started in South Vietnam, we can point to the obvious refusal of South Vietnam to accept a Diem-Communist coalition.

8. Diem-Nhu move: If hostilities start between the GVN and a coup group, Diem and Nhu will seek to negotiate in order to play for time (as during the November, 1960, coup attempt) and rally loyal forces to Saigon.

U.S. response:

(A) The U.S. must define its objective with crystal clearness. If we try to save Diem by encouraging negotiations between him and a coup group, while a coup is in progress we shall greatly increase the risk of an unsuccessful outcome of the coup attempt. Our objective should, therefore, clearly be to bring the whole Ngo family under the control of the coup group.

(B) We should warn the coup group to press any military advantage it gains to its logical conclusion without stopping to negotiate.

(C) We should use all possible means to influence pro-Diem generals like Cao to move to the coup side. For example, Gen. Harkins could send a direct message to Cao pointing to the consequences of a continued stand in support of the Ngo family and the advantage of shifting over to the coup group.

(D) We should use, or encourage the coup group to use: military measures to prevent any loyal forces outside Saigon from rallying to Diem's support. For example, we can jam radio communications between Diem and these forces and we can encourage interdiction of transportation by blowing up bridges.

(E) We should encourage the coup group to capture and remove promptly from Vietnam any members of the Ngo family outside Saigon, including Can and Thuc who are normally in Hue. We should assist in this operation to any extent necessary.

9. Diem-Nhu move: Continuation of hostilities in Saigon as long as possible in the hope that the U.S. will weaken because of the bloodbath which may involve U.S. personnel.

U.S. response:

(A) We should maintain our sang-froid and encourage the coup forces to continue the fight to the extent necessary.

(B) We should seek to bring officers loyal to Diem over to our side by direct approaches by MACV (Military Assistance Command, Vietnam) or CAS inducements.

(C) We should encourage the coup group to take necessary action to deprive the loyal forces of access to supplies.

(D) We should make full use of any U.S. equipment available in Vietnam to assist the coup group.

If necessary, we should bring in U.S. combat forces to assist the coup group to achieve victory.

10. Diem-Nhu move: A Gotterdammerung in the Palace.

U.S. response:

(a) We should encourage the coup group to fight the battle to the end and to destroy the Palace if necessary to gain victory.

(b) Unconditional surrender should be the terms for the Ngo family since it will otherwise seek to outmaneuver both the coup forces and the United States. If the family is taken alive, the Nhus should be banished to France or any other European country willing to receive them. Diem should be treated as the generals wish.

11. Diem-Nhu move: Flight out of the country (this is unlikely as it would not be in keeping with the past conduct of the Ngo family).

U.S. response:

We should be prepared, with the knowledge of the coup group, to furnish a plane to take the Ngo family to France or other European country which will receive it. Under no circumstances should the Nhus be permitted to remain in Southeast Asia in close proximity to Vietnam because of the plots they will try to mount to regain power. If the generals decide to exile Diem, he should also be sent outside Southeast Asia.

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[From the Chicago Sun-Times, June 23, 1971]

### PARTIAL TEXT OF OUSI-NHU MEMO

Following is a partial text of a Sept. 16, 1963, memorandum from Asst. Sec. of State Roger Hilsman to Sec. of State Dean Rusk. Other documents, from the Pentagon study, indicate Hilsman was recommending here that the United States pressure South Vietnamese President Ngo-Dinh Diem to remove from power his brother-in-law, Ngo Nhu:

Attached are two cables—one on the "Reconciliation Track" and one on the "Pressures and Persuasion Track."

I think it is important to note that these are true alternatives—i.e., the "Reconciliation Track" is not the same as Phase I of the "Pressures and Persuasion Track." The difference is in public posture. Phase I of the "Pressures and Persuasion Track" continues to maintain a public posture of disapproval of the GVN's (South Vietnamese) policies of repression. The "Reconciliation Track" requires a public posture of acquiescence in what the GVN has recently done, and even some effort by the U.S. to put these recent actions in as good a light as we possibly can.

If this distinction, which is a real one, is preserved, then it seems to me clear that it will NOT be possible to switch from the "Reconciliation Track" to a "Pressures and Persuasion Track" if the former does not work—except in the event that Diem and Nhu provide us with another dramatic act of repression as an excuse. On the other hand, it WILL be possible to switch from a "Pressures and Persuasion Track" to a "Reconciliation Track" at any time during Phases I and II of the "Pressures and Persuasion Track," although probably not after we had entered Phases III and IV.

My own judgment is that the "Reconciliation Track" will not work. I think that Nhu has already decided on an adventure. I think he feels that the progress already made in the war and the U.S. materiel on hand gives him freedom to launch on a course that has a minimum and a maximum goal. The minimum goal would be sharply to reduce the American presence in those key positions which have political significance in the provinces and the strategic hamlet program and to avoid any meaningful concessions that would go against his Mandarin, "personalist" vision of the future of Vietnam. The maximum goal, I would think, would be a deal with North Vietnam for a truce in the war, a complete removal of the U.S. presence, and a "neutralist" or "Titoist" but still separate South Vietnam . . .

I would recommend adopting as our initial course Phases I and II of the "Pressures and Persuasion Track," testing and probing as we go along and being ready to switch to "Reconciliation" at any moment that it becomes necessary, using the decision to switch as a means of getting at least nominal concessions in order to save as much of our face as possible.

I make this recommendation with the caveat that we do not have sufficient information to make a final and complete judgment on either of the two key issues—where Nhu will lead Vietnam if he remains in power and whether or not enough people will continue to fight the Viet Cong to bring victory.

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[From the Chicago Sun-Times, June 24, 1971]

### MORE VIET SECRETS—HOW KENNEDY SENT LBJ TO PROD DIEM TO ASK GI's

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The late President John F. Kennedy sent Vice President Lyndon B. Johnson to Saigon in May, 1961, with orders to "encourage" South Vietnam President Ngo Dinh Diem to request U.S. ground troops. Diem originally opposed the request, government documents revealed Wednesday.

It was on that trip that Mr. Johnson publicly referred to Diem as the "Winston Churchill" of the Far East.

Diem responded to the unpublicized request that he did not want foreign troops on Vietnamese soil except in the case of direct aggression by North Vietnam. Diem pointed out that U.S. troops would violate the 1954 Geneva accords that ended the French war in Indochina.

Later, the documents show, Diem wrote a letter to Kennedy arguing that the United States should provide material support, not troops, since the presence of U.S. soldiers would tend to give credence to the Communist charge that he was a front for the colonialists.

Diem successfully balked at the Kennedy-Johnson proposal for five months, but with the military situation rapidly deteriorating, he yielded in October and made the solicited request for U.S. troops.

Two years later, the documents reveal, the situation was even worse. So much so that Kennedy's principal Vietnam expert on the working level, Paul H. Kattenburg, Chairman of the State Department's Vietnam working group, told an Aug. 31, 1963 National Security Council Meeting:

"At this juncture, it would be better for us to make the decision to get out honorably."

#### STEADILY DOWNHILL

He warned that Diem would get less and less support from the military and the "country will go steadily down hill."

Kennedy's advisers reacted with shock. Sec. of State Dean Rusk dismissed Kattenburg's remarks as "largely speculative." Defense Sec. Robert S. McNamara agreed with Rusk.

Rusk said:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

And Mr. Johnson argued: "It would be a disaster to pull out . . . We should stop playing cops and robbers and get back to talking straight to the GVN (government of South Vietnam) . . . We should once again go about winning the war."

The report on the session, held at the State Department and led by Rusk in President Kennedy's absence, is contained in a memorandum written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Three months later Kennedy was dead and the conduct of the war passed to Johnson.

The documents, disclosed to The Sun-Times by a number of reliable sources, provide this chronology of how the U.S. involvement deepened during the Kennedy administration.

Upon taking office in January of 1961, Kennedy was confronted by reports from the U.S. Embassy in Saigon that President Diem was in danger of being overthrown because of his repressive policies and the toleration of corruption at the tip of his government.

A message from Ambassador Elbridge Durbrow had urged consideration of "alternative actions and leaders" to salvage the late President Dwight D. Eisenhower's policy of creating a non-Communist South Vietnam.

In March of 1961, the Central Intelligence Agency in a National Intelligence Estimate warned that the Viet Cong were gaining "control and influence over increasing areas of the countryside." The CIA said Diem was growing progressively weaker and was vulnerable to a coup by "non-Communist elements."

Kennedy sought to bolster the regime by authorizing funds to increase the South Vietnamese army by 20,000 men and the Civil Guard by 32,000.

### MILITARY'S HAND STRENGTHENED

In March, Kennedy also approved a plan by the Joint Chiefs of Staff for the military command to by-pass the ambassador, to be in a better position to handle a "hot-war situation."

In May, Johnson was sent to Vietnam with orders to "encourage" Diem to request U.S. ground troops. At first, Diem balked, arguing that he did not want foreign troops on Vietnamese soil unless he was threatened with outside attack.

By October, however, after a summer of deterioration, Diem changed his mind and made the solicited request.

Kennedy had then decided to send Gen. Maxwell D. Taylor and Walt W. Rostow on a fact-finding mission to Saigon. In advance, he requested a Pentagon assessment.

The Pentagon concluded that the "vast majority" of the Viet Cong troops were of local origin and that there was little evidence that they were receiving major supplies from outside. It recommended the dispatch of 22,800 troops—11,000 combat and 11,800 support—to be in a position to seal the border against possible infiltration.

### MANPOWER NEEDS ESTIMATED

The Joint Chiefs of Staff calculated that three divisions, about 100,000 men, would be needed if North Vietnam invaded, and six divisions and possibly tactical nuclear weapons if Communist China intervened.

On the way to Vietnam, Taylor and Rostow stopped in Hawaii, where Adm. Harry D. Felt, the Pacific commander, told him that his plans were drawn on the "assumption" that tactical nuclear weapons would be used if necessary following a North Vietnamese or Chinese invasion.

Upon his return, Taylor urged Kennedy to deploy 8,000 U.S. troops but administration officials put out the word that he had recommended only advisers. Taylor conceded that commitment of the troops ran the risk of the U.S. commitment "escalating into a major war in Asia."

### STRATEGIC RESERVE WEAK

He also acknowledged that the Army's strategic reserve was so weak that the United States could "ill afford any detachment of forces." Nevertheless, Taylor insisted Kennedy should deploy the 8,000 troops, because he did not believe "our program to save South Vietnam will succeed without it."

In an early foreshadowing of things to come Taylor noted that North Vietnam was "extremely vulnerable to conventional bombing" and recommended that the weakness be "exploited diplomatically" in Hanoi.

Taylor posed three options for Kennedy: (1) to remove Diem in favor of a "military dictatorship" that would give dominance to the army's needs; (2) to remove Diem for a "figure of more dilute power" who would delegate more authority to the military; (3) to use a U.S. presence to "force the Vietnamese to get their house in order."

After noting that it would be "dangerous for us to engineer a coup under present tense circumstances," Taylor recommended the third option.

### RUSK RESPONDS WITH WARNING

Sec. of State Dean Rusk responded to Taylor's report with caution, warning against "committing American prestige to a losing horse."

Defense Sec. Robert S. McNamara, on the other hand, viewed the proposed force of 8,000 troops as a move that could get the United States "mired down in an inconclusive struggle." He recommended a "firm initial position," saying the American people would respond better to bold action. He suggested as many as 205,000 U.S. troops might be necessary if the enemy counterattacked against the U.S. military intervention.

Kennedy's decision was to reject Taylor's proposal for an open commitment and to send U.S. troops to Vietnam slowly and quietly as "advisers."

In National Security Memorandum 111, however, Kennedy made it clear that the troops were available for "operational duties" and for "performing crucial missions" to help the South Vietnamese army "win their war against the Viet Cong."

Kennedy deepened his commitment to a non-Communist South Vietnam despite a report by Charles Maechling Jr., chairman of the committee of deputies on the special group, that: "If free elections were to be held in South Vietnam in 1962, Ho (North Vietnamese President Ho Chi Minh) would get 70 per cent of the popular vote."

Maechling estimated that the Viet Cong were getting only a trickle of supplies from North Vietnam and noted that no one had ever found a Chinese rifle or Soviet weapon used by the guerrillas.

He concluded that the "massive aggression theory was completely phony."

Kennedy got essentially the same word from a White House aide, Michael Forrestal, upon his return from Vietnam in early 1963. Forrestal estimated that "the vast bulk of both recruits and supplies come from inside South Vietnam itself."

### SECRET RAIDS ON NORTH

Other matters, related in the documents and previously reported on, show that

President Kennedy ordered an extensive program of secret raids on North Vietnam in March of 1961, three years before the Gulf of Tonkin incident.

The documents show that the raids included airlifting South Vietnamese sabotage teams into North Vietnam, PT-boat attacks on the North Vietnamese coast, and U.S. destroyer patrols to trigger and locate North Vietnamese and Communist Chinese radar.

The documents, disclose to the Sun-Times by several reliable sources, reveal that the raids were carried out under the direction of two super-secret agencies in Washington—the 303 Committee and Special Group Counter-Insurgency, co-chaired by the President's brother, Robert F. Kennedy.

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[From the Chicago Sun-Times, June 24, 1971]

## Anti-Diem Plotter Told U.S. Aides in Advance

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—Top-secret Pentagon documents disclose that a key plotter against South Vietnamese President Ngo Dinh Diem informed the U.S. Embassy 26 days before the successful coup that assassination of Diem was one of three courses of action being contemplated.

The coup, by military officers, took place Nov. 1, 1963, and Diem and his brother, Secret Police Chief Ngo Dinh Nhu, were captured and murdered the next day.

Sources, which involved the Pentagon study, indicate that the administration of President John F. Kennedy did not order or engineer the coup, although it gave many signals that the coup would not be unwelcome, The Sun-Times learned Wednesday.

### LODGE, GENERAL AT ODDS

Before the coup, documents reveal, there was an intense dispute over it within the U.S. mission in Saigon between Ambassador Henry Cabot Lodge, who favored it and Gen. Paul Harkins, U.S. military commander, who opposed it.

When the coup was actually under way, Diem called Lodge at the U.S. Embassy, asking whether the United States supported it. Documents disclose that Lodge's reply was that the United States did not have a position.

Although Lodge expressed concern for Diem's safety in that phone call on Nov. 1, the president and his brother, Nhu, were captured and killed the next day.

The coup followed months of tension between the Roman Catholic Nhu family and Buddhists in the country and increasing U.S. feeling that no successful effort could be waged against Vietnamese Communists under their authoritarian regime.

### DEBATE AT TOP LEVELS

Until Oct. 2, 1963 there was debate within the highest councils of the administration over proposals that Diem be pressured into firing his brother in order to save himself.

On Oct. 2, Defense Sec. Robert S. McNamara and Gen. Maxwell Taylor returned from a fact-finding mission, and from that point forward a consensus developed that Diem and Nhu could not be separated.

In Saigon, on the same day, an agent of the U.S. Embassy met with Vietnamese Maj. Gen. Tran Van Don at Ton Son Nhut Airport.

The embassy had approved the meeting. according to Pentagon documents and other sources.

Don told the embassy agent that a plot was under way for a coup, and that the key to whether it would take place was the II Corps commander, Maj. Gen. Ton That Dinh.

### CONTACTS WITH PLOTTERS OK'D

On Oct. 5, President Kennedy approved of continuing contacts with the plotters, documents reveal.

The President's order was: "No initiative should be taken to give any active covert encouragement to the coup, but urgent efforts should be made to build contact with alternative leadership" should it occur.

On the afternoon of Oct. 5, with Lodge's approval, the embassy's agent met with another plot leader, Gen. Duong Van Minh, who said he had to know what the U.S. position would be if a coup took place.

Minh told the embassy agent that one of three plans being contemplated by the plotters was the assassination of Diem.

### UNITED STATES "WOULD NOT THWART"

The embassy agent was noncommittal, documents reveal, but later on the same day Lodge recommended to Washington that when the plotters again contacted the embassy agent, he should be authorized to say that the United States "would not thwart" a coup and that the United States would review its plans and support a successor regime.

On Oct. 6, Washington confirmed that the U.S. position would be that it would not thwart a coup if it offered the prospect of a more efficient fight against the Viet Cong.

"Security and deniability," Washington decided, were paramount considerations in all contacts with the plotters.

The disagreement between Harkins and Lodge emerged in actions from Oct. 22 to the date of the coup Nov. 1.

### CAUTIONED BY HARKINS

On Oct. 22, Harkins met with Gen. Don and told Don that U.S. officers were not to be approached about a coup because it distracted them from their foremost purpose, which was thwarting the Communists.

Don apparently took this as a sign of U.S. discouragement, and on Oct. 23 renewed his contact with the embassy's agent, asking for clarification. Don was reassured of the U.S. attitude, documents indicate.

On Oct. 24, Diem invited Lodge to his villa in Dalat. The same day, another contact took place between Don and the embassy agent. The agent assured Don that Harkins had been corrected.

Don advised that the coup was scheduled for Nov. 2 and that another meeting would be scheduled for reviewing plans.

That evening, Don told the agent that the coup committee was committed not to reveal plans but that special memos would be filed for Lodge's eyes only.

### TIME FOR ACTION SEEN

On Oct. 25, Lodge argued within embassy circles that the time had come to go ahead with a coup. He took exception to Harkins' reservations.

Harkins reportedly believed that the generals would not be capable of mounting a successful coup.

On Oct. 28, Don informed the embassy that it would receive four hours' notice before the coup.

On Oct. 29—not Nov. 1, as the United States announced to the press—the Navy was ordered to have ships standing by, prepared to rescue U.S. dependents and civilians.

### NO U.S. VIEW, DIEN TOLD

In another discussion Oct. 29, Harkins repeated his disagreement with Lodge's attitude toward the coup, and reiterated that the generals were incapable of accomplishing their mission. Lodge said he disagreed.

On Nov. 1, Gen. Don called Harkins to advise him that the coup was under way.

Diem, according to documents, called Lodge and asked where the United States stood. Lodge "expressed concern for Diem's safety" and said the United States "did not have a view yet."

The plotters, gathered at the Vietnamese joint general staff headquarters in Saigon earlier had called Diem and told him to surrender, but he refused.

### FLEE TO SAIGON SUBURBS

At 5 p.m., the generals again called Diem and this time ordered Col. Le Quang Tung to take the phone and inform Diem and Nhu that even the special forces, which Tung commanded, had surrendered.

After the phone call, Tung was taken out of the headquarters and shot.

At 6:50 a.m. on Nov. 2, Diem and his brother escaped from the presidential palace, which had been surrounded, to a hideout in the Saigon suburbs.

When that was surrounded, they escaped again to a Roman Catholic church, where they were finally caught. They were killed en route to Vietnamese military headquarters.

The following day, Nov. 3, Gen. Don called on Lodge, who promised immediate restoration of U.S. aid programs—cut back to place pressure on the Diem regime—and assured the generals of immediate U.S. support. The United States announced its recognition of the new regime on Nov. 7, the day after it asked to be recognized.

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[From the Chicago Sun-Times, June 25, 1971]

## Ike's Two-Viet Plan Is Revealed

(By Morton Kondracke and Thomas B. Ross)

Washington.—The late President Dwight D. Eisenhower secretly established in 1958 a national policy to eliminate Communist control in Hanoi and reunite North and South Vietnam under a pro-U.S. government, official documents revealed Thursday.

In a National Security Council paper, NSC 5809, dated April 2, 1958, Eisenhower directed the government to "work toward the weakening of the Communists of North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

Eisenhower took the decision, the documents show, at the high point of his confidence in Ngo Dinh Diem's ability to emerge as a truly national, anti-Communist leader.

Diem, who has been installed as prime minister by the United States in 1954, impressed Eisenhower and Sec. of State John Foster Dulles with his unexpected efficiency in putting down a number of dissident sects in 1955.

Just before the crackdown, Gen. J. Lawton Collins, Eisenhower's envoy in Saigon, recommended that Diem be removed. Dulles concurred and the State Department sent a cable to the U.S. Embassy directing that Diem be kicked upstairs into the presidency, then a figurehead position.

Surprised at Diem's forceful performance against the sects, Washington revoked the cable and ordered it burned.

Eisenhower and Dulles were also encouraged by the seemingly mild reaction to Diem's decision to cancel the 1956 national elections, which had been agreed upon in the 1954 Geneva (Switzerland) accords.

### RED VICTORY AT POLLS SEEN

Eisenhower acquiesced in Diem's move on the basis of a Central Intelligence Agency assessment that the Saigon government "almost certainly would not be able to defeat the Communists in countrywide elections."

The documents indicate a growing sense of optimism between 1955 and 1958 in Diem's possibilities as a leader of both halves of Vietnam. But just as NSC 5809 was being promulgated, the Viet Cong launched their insurgency. And although the paper remained national policy, the documents indicate the Eisenhower administration was subsequently forced to concentrate on salvaging Diem's regime.

The documents, disclosed to The Sun-Times by a number of reliable sources, also revealed these previously unpublished facts about the U.S. involvement in Vietnam:

(1) All contingency planning for the bombing of North Vietnam was completed by mid-June, 1964, but the White House passed the order to mark time "during the next six months," that is, until December, the month after the Presidential election.

(2) Former President Lyndon B. Johnson was advised by a top-level panel in early 1964 that bombing North Vietnam would not win the war. Soon after the bombing began it was evident that it was not working and this was confirmed by an exhaustive study in 1967, a full year before it was stopped in November, 1968.

(3) A few days after taking office, Mr. Johnson issued a National Security Memo, NSAM 273, on Nov. 26, 1963 ordering plans for "possible increased activity" in secret raids on North Vietnam.

(4) From the beginning of the direct U.S. military involvement, high-ranking officials had difficulty estimating how many civilians were included in casualty figures. White House adviser Michael Forrestal observed after a visit to Vietnam in 1963: "No one really knows how many of the 20,000 'Viet Cong' killed last year were only innocent, or at least persuadable, villagers."

(5) William Jorden, a key Vietnam specialist, was sent to South Vietnam in 1963 to draw up evidence to support the administration's contention of massive infiltration by North Vietnam. He reported back: "We are unable to document and develop any hard evidence of infiltration."

(7) Gen. Maxwell D. Taylor was the principal exponent of the domino theory inside the Johnson administration. As chairman of the Joint Chiefs of Staff, Taylor warned on Jan. 22, 1964, that the fall of South Vietnam would result in the immediate loss of Laos, Thailand and Cambodia. He also warned that there could be a dangerous reaction in Burma, India, Indonesia, Malaysia, Japan, Taiwan, Korea and the Philippines and possibly similar "unfavorable effects" in Africa and in Latin America.

The CIA, on the other hand, consistently argued that it was unlikely that any other country would go Communist.

### CIA ESTIMATE DISREGARDED

The documents show that the CIA was largely disregarded by the policy-makers from the start of the U.S. involvement. The thrust of the CIA's estimates in the early years was that Ho represented an almost irresistable nationalist force and Diem showed no promise of establishing a solid non-Communist government.

In a National Intelligence Estimate of August, 1954, the CIA said it did "not believe there will be the dramatic transformation in French policy necessary to win the active loyalty and support of the local population for a South Vietnam government. . . .

"Although it is possible that the French and the Vietnamese, even with support from the U.S. and other powers, may be able to establish a strong regime in South Vietnam, we believe that the chances for this development are poor and, moreover, that the situation is more likely to continue to deteriorate progressively over the next year."

### FIND HIGH REGARD FOR HO

The CIA concluded in another document at the time that "the most significant particular political sentiment of the bulk of the population was an antipathy for the French combined with a personal regard for Ho Chi Minh as the symbol of Vietnamese nationalism."

The CIA predicted that the Communists would remain in a state of "relative quiescence" if Diem held the 1956 national elections as required by the 1954 Geneva accords that ended the war with the French. In effect, the CIA argued that Diem provoked the Communist uprising by reneging on the elections.

The documents show that Eisenhower was warned in advance by the CIA that Diem would balk at the elections but did nothing to see that they were held.

### BRANDED A DICTATORSHIP

Eisenhower and Sec. of State John Foster Dulles decided to commit the United States to the regime, despite a 1957 estimate by the CIA that:

"A facade of representative government is maintained, but the government is in fact essentially authoritarian. The legislative powers of the National Assembly are strictly circumscribed; the judiciary is undeveloped and subordinate to the executive; and the members of the executive branch are little more than the personal agents of Diem.

"No organized opposition, loyal or otherwise, is tolerated, and critics of the regime are often repressed. . . . The exercise of power and responsibility is limited to Diem and a very small circle mainly composed of his relatives."

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[From the Chicago Sun-Times, June 25, 1971]

## Bombing of North Vietnam Described as a Failure

(By Morton Kondracke and Thomas B. Ross)

Washington.—Secret Pentagon "war games" indicated early in 1964 that strategic bombing of North Vietnam might be a failure, and other high-level studies in 1967 concluded that the policy had indeed failed.

Despite the warnings of 1964, which emerged from computerized "Sigma games" reminiscent of the movie "Dr. Strangelove"—the administration of former President Lyndon B. Johnson ordered the bombing to begin in March, 1965, under the code name "Rolling Thunder."

And despite the analyses of 1967—which include photos of war materiel leaving Yugoslavia and arriving in North Vietnam—the bombing was not finally halted until late 1968.

The early war games predicted—correctly—that North Vietnam could station civilians on airstrips to deter U.S. bombing and, if they were hit anyway, could use the fact to propaganda advantage.

After the bombing had been under way for 2½ years, the 1967 study showed that exaggerated claims for the success of the bombing had been fabricated in Vietnam and were believed by high-ranking officials in Washington.

Top-secret Pentagon documents and other sources also indicate a set of significant switches in U.S. aims in bombing North Vietnam. At first, the Johnson administration thought bombing stationary targets would break the will of North Vietnam and its leaders. Within a month, however, U.S. officials concluded that bombing would not accomplish that purpose, and the United States began trying to interdict supplies heading from North Vietnam to South Vietnam.

By April 20, 1965, the U.S. command concluded that bombing the north would not win the war, and that victory could come only by defeating the Viet Cong on the ground in South Vietnam.

Nevertheless, the bombing continued until it was stopped totally on the eve of the 1968 presidential elections.

In 1967, a study panel headed by Defense Undersecretary Paul Nitze concluded that the results of the bombing had been largely negative. The study concluded that there was no way to stop the flow of materiel into North Vietnam and no way to interdict it on its way to the south.

Ninety-five per cent of North Vietnam's war supplies entered through Haiphong Harbor—a forbidden target under President Johnson's rules. Had the harbor been attacked, however, supplies could have been shipped in by railroad from Port Biurd in China.

In 2½ years of bombing, the study concluded, North Vietnam had the same number of trucks—11,000—as it had when the bombing began, only they were new trucks in 1967, replacing the old ones of 1965.

The United States had knocked out 70 per cent of North Vietnam's electrical plants, yet the north had more generating capacity than it had before the war started. Diesel generators had been shipped in.

### BOMBS DUMPED AT SEA

Further, evidence indicated that U.S. policy encouraged U.S. pilots to dump their bombs at sea or avoid their primary targets.

Military budgets depended on flying the maximum number of sorties authorized by Washington, meaning that pilots had to make two bombing runs a day. To do that, they would have had to fly the shortest route to target, which were known as "milk runs," that were saturated with enemy antiaircraft defenses.

A pattern developed: Pilots would fly part of the milk run only, drop their bombs short of target or in the sea, fly back to their bases—getting credit for one sortie—refuel, then fly out and bomb secondary targets outside North Vietnam, either along the Ho Chi Minh Trail or elsewhere in Laos.

Documents indicate that the North Vietnamese became accustomed to the pattern and scheduled truck traffic along the Ho Chi Minh trial to coincide with the arrival of second sorties.

Documents indicate that 15 minutes before the planes arrived at their secondary target, the trucks moved off the trail, waited in the bush, watched the bombs drop, then continued on their way.

### STATISTICS REPORTED DOCTORED

There was a high sortie rate and a large consumption of bombs but, indications were that statistics were doctored to make it appear to Washington that the planes were dropping their ordnance on primary targets in North Vietnam.

The Nitze study reached conclusions, after 2½ years of bombing, that were similar to the predictions laid down by top-secret study groups in 1963 and early 1964. One of these was an interagency task force, the Vietnam Working Group, headed by William H. Sullivan, currently deputy assistant secretary of state for East Asian Affairs.

Simultaneously, high-level officials were meeting periodically in the Pentagon's war game rooms to play "Sigma games," the devising of possible U.S. bombing strategies, likely North Vietnamese counterstrategies, and U.S. counter-counterstrategies.

The officials were split into a "Red Team," headed by Marshall Green, assistant secretary of state for East Asian affairs, matched against a "blue team" that consisted of McGeorge Bundy, then President Johnson's national security adviser; his brother, William, from the State Department, and Generals Earle Wheeler, chairman of the Joint Chiefs of Staff, and Curtis E. LeMay, Air Force chief of staff.

### THEY PLAN HANOI ROLES

It was Green's team, playing the roles of Hanoi's leaders, which suggested putting civilians on the airfield runways.

Separately, the Sullivan task force and the Sigma players reached similar conclusions in the spring of 1964; North Vietnam would be able to withstand aerial punishment and expand its aid to guerrillas in the south. Bombing the north would improve the morale of the people there, not break their will, and the United States would inherit the image in the world of "bully."

While documenting a case against strategic bombing, the Sullivan committee recommended Rolling Thunder on other grounds. Its report said: "We must prove to the world U.S. determination to oppose Communist expansion."

The Johnson administration debated through much of election year 1964 whether to institute bombing raids on North Vietnam—but by November the question had become one of how much bombing to do.

### REPRISAL RAIDS DECIDED UPON

On Dec. 1, the Pentagon documents reveal, Mr. Johnson decided to begin with reprisal raids on North Vietnam in retaliation for Communist action in the south, and then to gradually escalate the attacks.

The United States, in February, launched two large-scale reprisal raids against the north, responding to a Viet Cong assault on the U.S. military advisers' compound at Pleiku.

On Feb. 13—following more than a year of planning, but appearing to respond to immediate Communist attacks—Mr. Johnson formally approved the start of continuous Rolling Thunder raids. Those raids actually began on March 2.

It became clear early that North Vietnam was not suffering severely under the raids, government documents reveal. Even before Rolling Thunder started, Defense Sec. Robert S. McNamara complained that the previous retaliatory strikes "left the targets relatively unimpaired."

As the war in South Vietnam continued to deteriorate, a debate broke out about what should be done. The U.S. commander in South Vietnam, Gen. William C. Westmoreland, requested permission to allow U.S. troops to fight offensively. U.S. Ambassador Maxwell Taylor wanted the President to end the limitation that no bombing could take place north of the 19th Parallel.

On March 19, 1965, President Johnson compromised—he rejected proposals for a U.S. ground combat role, but agreed to expand the air war.

He shifted the purpose of the bombing on that date—from the bombing of fixed targets to the interdiction of supplies. This signaled the end of purely psychological bombing and the beginning of bombing supplies heading south.

### A MESSAGE OF DETERMINATION

Westmoreland told the Joint Chiefs of Staff that the new bombing program "by interrupting the flow of consumer goods to (North Vietnam) would carry to the (North Vietnamese) man in the street, with minimum loss of life, the message of U.S. determination."

The Air Force, according to Pentagon documents, urged raids on Hanoi, but Mr. Johnson ruled that out. McNamara and the President retained tight control over target selection, although the Nitze study later showed that the targets were not always being hit.

With pressures on him from Assistant Defense Sec. John McNaughton to commit ground troops to South Vietnam and contrary pressures from CIA director John McCone and Ambassador Taylor to escalate air strikes, Mr. Johnson ordered his key advisers to an April 20 conference at Honolulu.

Secret documents reveal that the conferees agreed—less than two months after the onset of the Rolling Thunder raids—that the Communists were "not going to capitulate or come to a point acceptable to us in less than six months."

McNamara and McNaughton, in a memo of their own prepared at the time, said "this is because settlement will come as much or more from VC failure in the south as from (North Vietnamese) pain in the north, and that it will take . . . perhaps a year or two, to demonstrate VC failure in the south."

Despite the admission that the war could not be won through air power in the north, the conferees agreed that bombing should continue, but decided it was necessary to increase U.S. troop strength by 82,000 men.

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[From the Los Angeles Times, June 24, 1971]

## DIEM'S POIGNANT LAST CALL TO LODGE REVEALED

(By David Kraslow)

WASHINGTON.—The transcript of the last conversation President Ngo Dinh Diem of South Vietnam had with any American is the poignant centerpiece of the Pentagon's secret reconstruction of the coup against Diem on Nov. 1, 1963, and his assassination the following day.

At 4:30 p.m. on Nov. 1, several hours after some generals and the units they commanded launched the rebellion in Saigon, Diem telephoned U.S. Ambassador Henry Cabot Lodge Jr. from the presidential palace.

Diem was under siege. Coup forces and the palace guard were fighting. The rebel generals had demanded the surrender of Diem and his brother, Ngo Dinh Nhu, head of the secret police, and had promised them safe conduct out of the country.

The United States was implicated in the coup at least to the extent that the Kennedy administration had pledged noninterference to the rebels.

"Apparently," the Pentagon study reports, "we had put full confidence in the coup committee's offers of safe conduct to the brothers."

### ROLE TO CONCEAL

It was against this background that a desperate Diem telephoned Lodge to determine where the United States, which had virtually guaranteed the Diem regime's survival for nine years, stood in the coup.

Lodge's role was to conceal that American officials had been in close contact with the coup plotters for some time and to conceal the U.S. government's position that the coup was desirable if it could succeed.

The following conversation ensued:

Diem: "Some units have made a rebellion and I want to know what is the attitude of the U.S.?"

### NOTES TIME DIFFERENCE

Lodge: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. government cannot possibly have a view."

Diem: "But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good senses require. I believe in duty above all."

Lodge: "You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Had you heard this?"

### URGED TO CALL

Diem: "No. (and then after a pause) You have my telephone number."

Lodge: "Yes. If I can do anything for your physical safety, please call me."

Diem: "I am trying to reestablish order."

That was the last Lodge or any other American heard from Diem, according to the Pentagon study.

During the night Diem and his brother escaped from the palace through one of the secret underground exits connected to the sewer system, the study says. They were met by a Chinese friend who took them to his home in Cholon, a section of Saigon. There the brothers spent their last night.

At 6:50 a.m. Nov. 2, after twice receiving assurances of safe departure from South Vietnam in telephone conversations with the joint general staff headquarters of the South Vietnamese army, Diem and Nhu surrendered unconditionally at a Catholic church.

Shortly thereafter, while en route in the back of an armored personnel carrier to the general staff headquarters, they were assassinated.

"The news of the brutal and seemingly pointless murder of Diem and Nhu . . . was received in Washington with shock and dismay," the Pentagon study noted. "President Kennedy was reportedly personally stunned . . . particularly in view of the heavy U.S. involvement in encouraging the coup leaders . .

"Thus, the nine-year rule of Ngo Dinh Diem came to a sudden bloody and permanent end, and U.S. policy in Vietnam plunged into the unknown, our complicity in the coup only heightening our responsibilities and our commitment in this struggling leaderless land . . ."

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[From the Los Angeles Times, June 24, 1971]

## U.S. REJECTED FIRST VIET-PULLOUT ADVICE: KEY RUSK AIDE SPURNED BY TOP KENNEDY COUNCIL

(By Stuart H. Loory)

WASHINGTON.—Advised for the first time that the United States faced a can't-win situation in the Vietnam war, President John F. Kennedy's National Security Council in August, 1963, rejected the recommendation of a State Department expert on Vietnam to pull out honorably, the Pentagon's top-secret history of the war shows.

Instead, Secretary of State Dean Rusk put down such talk from one of his subordinates as "speculative," saying:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

### RUSK OVERRULED ASSISTANT

The expert overruled by Rusk was Paul M. Kattenburg, then head of the State Department's Vietnam Working Group, who had dealt with President Ngo Dinh Diem of South Vietnam for 10 years. Then-Vice-President Lyndon B. Johnson and Secretary of Defense Robert S. McNamara, among other important officials, backed Rusk's view, the account says.

The report on the session, held at the State Department and chaired by Rusk in Mr. Kennedy's absence, is contained in a memorandum written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Krulak's memorandum is included in previously unpublished sections of the report that The Times has obtained. The sections are from the same Pentagon study that was the subject of previous stories in the New York Times, Washington Post and Boston Globe. It was prepared by a team of Pentagon analysts under a directive from McNamara in 1968. The analysts had access to documents only on file in the Defense Department. The analysts did not have access to the complete files at the White House or State Department.

The meeting Krulak describes was called as a "where-do-we-go-from-here" session after a group of Saigon generals failed to bring off a coup against the increasingly unpopular regime headed by Diem.

The meeting was a key session in the period from May to November, 1963, during which non-Communist opposition to the Diem regime grew rapidly and eventually boiled over into the overthrow of Diem and the assassination of him and his brother Ngo Dinh Nhu on Nov. 2.

During the National Security Council session, Kattenburg advanced the suggestion that, in Krulak's words, "At this juncture it would be better for us to make the decision to get out honorably."

The complete text of Krulak's report on Kattenburg's presentation said:

"Mr. Kattenburg stated that as recently as last Thursday it was the belief of Ambassador (Henry Cabot) Lodge (Jr.) that, if we undertake to live with this repressive regime, with its bayonets at every street corner and its transparent negotiations with puppet bonzes (Buddhist monks), we are going to be thrown out of the country in six months.

### WOULD NOT SEPARATE

"He stated that at this juncture it would be better for us to make the decision to get out honorably. He went on to say that, having been acquainted with Diem for 10 years, he was deeply disappointed in him, saying that he will not separate from his brother. It was Kattenburg's view that Diem will get little support from the military and, as time goes on, he will get less and less support and the country will go steadily downhill.

"Gen. (Maxwell D.) Taylor (then chairman of the Joint Chiefs of Staff) asked what Kattenburg meant when he said that we would be forced out of Vietnam within six months. Kattenburg replied that in from six months to a year, as people see we are losing the war, they will gradually go to the other side and we will be obliged to leave.

### NOLTING DISAGREES

"Ambassador (Frederick) Nolting (who had just left his post in Saigon to be replaced by Lodge) expressed general disagreement with Mr. Kattenburg. He said that the unfavorable activity which motivated Kattenburg's remarks was confined to the city and, while city support of Diem is doubtless low now, it is not greatly so. He said that it is improper to overlook the fact that we have done a tremendous job toward winning the Vietnam war, working with the same imperfect, annoying government."

Rusk dismissed the view and McNamara agreed. Rusk then went on to say there was "good proof," in Krulak's term, that the war was being won. Lyndon Johnson agreed, saying that "from both a practical and a political viewpoint, it would be a disaster to pull out; that we should stop playing cops and robbers and get back to talking straight to the GVN (Saigon government) and that we should once again go about winning the war."

### SHARPLY CRITICAL

The Pentagon report on the meeting was sharply critical of the deliberations. It spoke of the officials' "rambling inability to focus the problem, indeed to reach common agreement on the nature of the problem."

The report continues:

"More importantly, however, the meeting is the first recorded occasion in which someone followed to its logical conclusion the negative analysis of the situation—i.e., that the war could not be won with the Diem regime, yet its removal would leave such political instability as to foreclose success in the war; for the first time it was recognized that the U.S. should be considering methods of honorably disengaging itself from an irretrievable situation.

"The other alternative, not fully appreciated until the year following, was a much greater U.S. involvement in and assumption of responsibility for the war. At this point, however, the negative analysis of the impact of the political situation on war effort was not shared by McNamara, Taylor, Krulak nor seemingly by Rusk.

The documents accompanying the account of the precoup period show that Kattenburg's gloomy assessment of the situation dovetailed with the views expressed by South Vietnamese Gen. Duong Van Minh, known as Big Minh, in secret contacts with Lodge.

In mid-September, 1963, when the American high-level military assessment of the war against the Viet Cong was rosy. Lodge cabled President Kennedy:

"I doubt that a public relations package will meet needs of situation which seems particularly grave to me, notably in light of Gen. Big Minh's opinion expressed very privately yesterday that the Viet Cong are steadily gaining in strength: have more of the population on their side than has the GVN; that arrests are continuing and that the prisons are full; that more and more students are going over to the Viet Cong; that there is great graft and corruption in the Vietnamese administration of our aid; and that the 'Heart of the Army is not in the war.' All this by Vietnamese No. 1, general is now echoed by Secretary of Defense Thuan, who wants to leave the country."

### CONFLICTS PERVADE

Conflicts and huge gaps in the information reaching Washington pervade the report of the May-November, 1963, period. Not only had the Kennedy administration, the report indicates, failed to see the deterioration in the war efforts; it did not recognize the growing signs in the spring of 1963 that the Diem regime was losing the support of the people.

Nhu, the head of the secret police and important strategic hamlet program, was growing more and more dominant over his brother, the president, the report notes.

### POWER OBSESSION

Nhu's wife, the report says, was developing a power obsession of her own.

The regime was growing more isolated from the people.

These facts were not comprehended by U.S. officials at the time. Instead, the line was typically expressed in a briefing for McNarama at a strategy conference in Honolulu in May. The paper read:

"The overall situation in Vietnam is improving. And the military sector of the counterinsurgency, we are winning. Evidences of improvement are clearly visible, as the combined impact of the programs which involve a long lead time begins to have effect on the Viet Cong."

Meanwhile, relations between Washington and Saigon were beginning to deteriorate to the point where those matters, rather than the war, began to preoccupy both capitals.

### BIRTHDAY CELEBRATION

The train of events leading to the Diem regime's downfall and the following escalation of the American involvement in the Vietnam war began on May 8, 1963, at a celebration of Buddha's birthday in the ancient city of Hue, where the Buddhists were defying a government ban on the flying of religious flags.

The ban had been put into effect by the government after such flags were similarly flown in Hue a month earlier at a ceremony commemorating the 25th anniversary of Ngo Dinh Thuc, the Roman Catholic primate in Vietnam. Thuc was Diem's brother and a close adviser to the South Vietnamese president.

The Roman Catholic Diem family took the Buddhist flag-flying as an affront. A Catholic deputy province chief ordered his troops to fire to disperse the crowd. Nine were killed, including some children. Armored vehicles allegedly crushed some in the crowd.

The Diem government released a statement that the disorder was started by a Viet Cong grenade and that victims had been crushed in a stampede.

The next day, more than 10,000 Buddhists in Hue took part in a protest, beginning the long series of Buddhist protests that included the now-famous self-immolations of Buddhist monks in South Vietnam's cities.

At first Diem refused to negotiate with the Buddhists and then, on June 16, he reached an agreement that he subsequently refused to carry out. In this reversal, he was prodded by Nhu and his wife, who referred to a suicide at one point as a "barbecue."

By July, an American national intelligence estimate—the combined best judgment of all American fact-finding agencies—foresaw a summer of demonstrations and possible non-Communist coup attempt against Diem if he made no effort to conciliate the Buddhists.

But the U.S. mission in Saigon, the study says, failed to see the realities of the situation. It says:

"The explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963, is among the most ironic and tragic of our entire involvement in Vietnam."

Despite tough talks from Ambassador Elbridge Durbrow in the late 1950s and up to 1961. Diem had learned, the study says, "that the U.S. was committed to him as the only Vietnamese leader capable of rallying his country to defeat the Communists."

He began to ignore Durbrow "with relative impunity," the study says. "He became adept at playing the role of offended lover."

Durbrow grew increasingly cut off from the presidential palace. Mr. Kennedy appointed Nolting to replace him in 1961 and Nolting, trying a different approach, appeased Diem.

"Both tactics failed," the study says, "because of the American commitment. No amount of pressure of suasion was likely to be effective in getting Diem to adopt ideas or policies which he did not find to his liking since we had communicated our unwillingness to consider the ultimate sanction—withdraw of support for his regime. We had ensnared ourselves in a powerless, no-alternatives policy.

"The denouncement of this policy, the ultimate failure of all our efforts to coerce, cajole and coax Diem to be something other than the mandarin he was, came in the midnight attack on the pagodas."

Unable to coax Diem into reforms, neither could the United States withdraw support from him because of the "political instability and erosion of the war effort," the study says.

At a White House meeting in early July, President Kennedy discussed the possibility of a coup with Undersecretary of State George Ball; W. Averell Harriman, undersecretary for political affairs; McGeorge Bundy, White House national security affairs adviser; Roger Hilsman, assistant secretary of state for Far Eastern affairs, and Michael Forrestal, a member of Bundy's staff.

The group agreed, according to a Hilsman memorandum, "that it would not be possible" to get rid of the Nhus. Hilsman said a coup would "most likely" result in a civil war in Vietnam—a civil war that would take place alongside the fight against the Viet Cong insurgency.

The White House session appears to be the first time that a coup was considered at the highest level in Washington.

Meanwhile, optimistic reports continued to flow from the field. Gen. Krulak reported that the political strife had not hurt the war effort. But American correspondents in Saigon were reporting the situation differently and the Pentagon study says those newspaper accounts were, "in retrospect, nearer the reality."

It cites, as typical, a dispatch by David Halberstam to the New York Times on Aug. 15 "presenting a very negative appraisal of the war in the Delta." The study's retrospective view of Halberstam's work is ironic, since Mr. Kennedy in October, 1963, suggested to the New York Times' management that Halberstam be assigned elsewhere. The N.Y. Times refused to do so.

### NOLTING REPLACED

During the summer President Kennedy replaced Nolting with Lodge, who had had long experience in Southeast Asia. While the new ambassador was preparing to go to his post, Nhu arranged the famous Aug. 21 raids on the pagodas in Saigon, Hue and all the other major cities. The buildings were ransacked. More than 1,400 monks were arrested; 30 were injured or wounded in Saigon's Xa Loi pagoda alone.

The raids were carried out by Special Forces troops, trained by the United States government, and Nhu's combat police, although Nhu contrived in a number of ways to make it appear as if the army had conducted them.

### KEPT IN DARK

The American Embassy was kept in the dark, though the American correspondents learned of the impending action.

"It was several days before the U.S. Mission in Saigon and officials in Washington could piece together what had happened," the Pentagon study notes.

Not only were the raids a major challenge to the Buddhists by the Catholic Diem regime, they also were an affront to Lodge. He went immediately to Saigon to take up his new post, arriving the day after the raids.

That same day, the study notes, South Vietnamese generals made their first inquiries about U.S. reaction to a possible coup against Diem, at the same time expressing puzzlement over why the Americans were blaming the Army for the raids.

### CABLES WASHINGTON

Lodge cabled Washington implicating Nhu as the organizer of the raids, noting the inquiries from the generals and asking for instructions on Aug. 24, which was a Saturday.

Hilsman, Harriman, Ball and Forrestal moved quickly and decisively, giving approval for American support of a coup. As it happened, most of the top-level members of the government were out of town.

The Hilsman group's cable to Lodge said:

"It is now clear that whether military proposed martial law or whether Nhu tricked them into it, Nhu took advantage of its imposition to smash pagodas with police and . . . special forces loyal to him, thus placing onus on military in eyes of world and Vietnamese people. Also clear that Nhu has maneuvered himself into commanding position.

"U.S. government cannot tolerate situation in which power lies in Nhu's hands. Diem must be given chance to rid himself of Nhu and his coterie and replace them with best military and political personalities available.

### REPLACEMENT SUGGESTED

"If in spite of all your efforts. Diem remains obdurate and refuses, then we must face possibility that Diem himself cannot be preserved.

". . . You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism . . ."

"Concurrently with above, ambassador and country team should urgently examine all possible alternative leadership and make detailed plans as to how we might bring Diem's replacement if this should become necessary . . .

Lodge quickly endorsed the strong position, proposing even not to bother with a final approach to Diem. He cabled Washington:

"Believe the chances of Diem meeting our demands are virtually nil. At the same time by making them we give Nhu chance to forestall or block action by military. Risk, we believe, is not worth taking, with Nhu in control combat forces Saigon. Therefore, we propose to go straight to generals with our demands, without informing Diem. Would tell them we preferred have Diem without Nhu but it is, in effect, up to them whether to keep him."

### FAVORABLE PROSPECTS

Meanwhile, according to the study, CIA station chief John Richardson was reporting that prospects of a coup succeeding were favorable with Big Minh emerging as the most likely postcoup government head.

Meanwhile, two CIA agents—a Lt. Col. Conein and a Mr. Spera, neither of whom are further identified in the study—made contact with the generals.

By Monday, Hilsman reports, McNamara, Gen. Taylor and McCone began to have second thoughts about supporting a coup. By the next day, Gen. Paul Harkins, the American military commander in Saigon, registered his reservations, cabling Taylor:

"In my opinion as things stand now I don't believe there is sufficient reason for a crash approval on our part at this time."

The clash in views between Harkins and Lodge was to grow to the point that, by late October, Harkins was complaining to higher military authorities that Lodge was not showing him important cable traffic. And Lodge would be complaining that in his absence, Harkins should not be left in charge of the American team.

### INDEPENDENT JUDGMENT

The debate within the National Security Council grew "testy," in the study's word, and concerned President Kennedy so much that he cabled Harkins and Lodge to each submit to him their "independent judgment," Lodge replied.

"We are launched on a course from which there is no respectable turning back: the overthrow of the Diem government. There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as the facts leak out.

"In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration, still less than Diem or any member of the family can govern the country in a way to gain the support of the people who count, i.e., the educated class in and out of government service and military—not to mention the American people."

Harkins replied that Diem should be given an ultimatum to remove Nhu and that after that, there would be time to back the generals. The study does not quote Harkins as it does Lodge.

At a National Security Council meeting, McNamara backed Harkins, the study says, "but the issue was not decided." Rusk cabled Lodge about presenting the ultimatum. Lodge opposed the idea, not wanting to make any approach to Diem.

Meanwhile, the abortive coup died quietly. An obscure colonel sought out a CIA officer on Aug. 30 and reported, according to the study, "that for the moment the plans of his group had stopped because the risk of failure was too great."

### WITHOUT POLICY

Poignantly, the Pentagon analysts described the situation at that point:

"Having at long last decided to seek an alternative to the Diem regime by sanctioning a coup, only to have the attempt fail, the U.S. found itself at the end of August, 1963, without a policy and with most of its bridges burned."

Not part of the Pentagon study was a memorandum from Hilsman to Rusk, declassified on authority of President Johnson in 1968. In it, Hilsman offered several scenarios for dealing with Diem and Nhu, including what he called "a Gotterdammerung in the Palace" with U.S. support of leaders of the anti-Diem coup and destruction of the palace "is necessary to gain victory."

### NEVER PRESENTED

This memorandum was prepared for the N.S.C. meeting in which Kattenburg presented his idea for honorable withdrawal, but Rusk never presented the Hilsman memo to the NSC for consideration.

In September, the Kennedy administration fell into a long period of soul-searching and fact-finding. The month began, however, with a statement by Mr. Kennedy on a television news show reaffirming the American commitment to help the Diem regime if Diem would change personnel and develop policies bringing it into closer contact with the South Vietnamese people.

### OPPOSES WITHDRAWAL

The President went on to say, however, "I don't agree with those who say we should withdraw. That would be a great mistake."

In Saigon, Lodge met with Nhu and extracted from him a promise to resign. Madame Nhu would go abroad, he promised, and Archbishop Thuc, the other presidential brother, would leave the country. In addition, he promised gestures would be made to ease Buddhist tensions and a prime minister would be named in the government as a public relations gesture. Days passed with nothing happening.

### GROWS IMPATIENT

Lodge grew impatient, the study says, and his cables to Washington reflected fears that Nhu was secretly dealing with Hanoi and/or the Viet Cong through the French and Polish ambassadors in Saigon.

Madame Nhu did leave on her trip and Archbishop Thuc did go to Rome but arrests of students by the regime continued, the study says, and "stories of torture and atrocities began to circulate."

Lodge continued to remain aloof from Diem despite an order from Washington to make contact with the South Vietnamese president.

### BACKS KATTENBURG

On Sept. 6, the National Security Council met in Washington. The study notes that Hilsman, in his book, reported that Robert F. Kennedy, the attorney general, picked up the Kattenburg line. According to Hilsman:

"As he (Kennedy) understood it, we were there to help the people resisting a Communist takeover. The first question was whether a Communist takeover could be successfully resisted with any government. If it could not, now was the time to get out of Vietnam entirely rather than waiting.

"The answer was that it could, but not with a Diem-Nhu government as it was now constituted; we owed it to the people resisting Communism in Vietnam to give Lodge enough sanctions to bring changes that would permit successful resistance. But the basic question of whether a Communist takeover could be successfully resisted with any government had not been answered, and he was not sure that anyone had enough information to answer it."

### KRULAK DISPATCHED

The study says: "(Robert) Kennedy's trenchant analysis, however, did not guarantee a . . . reappraisal of U.S. policy. It did stimulate further efforts to get more information on the situation."

President Kennedy sent Krulak and Joseph Mendenhall, a foreign service officer with long experience in Vietnam, to South Vietnam to study the situation. The CIA sent its own top-ranking but unidentified man to make an independent assessment.

Krulak, the report says, made a whirlwind tour of all four corps areas, talking to Harkins, Lodge, 87 U.S. advisers and 22 Vietnamese officers. Mendenhall went to Saigon, Hue, Da Nang and other cities talking to all Vietnamese friends.

Back in Washington, both reported to President Kennedy and the Security Council, Krulak optimistically, Mendenhall with pessimism. Krulak said the war was being won impressively; Mendenhall said it could not be won with the present regime. Krulak said the South Vietnamese military viewed the Buddhist crisis with detachment; Mendenhall said a religious war threatened. Krulak said news of Nhu's ouster would solve problems; Mendenhall said a breakdown of civil government could occur.

President Kennedy said: "You two did visit the same country, didn't you?"

Meanwhile, a similar split in opinions developed in the American Embassy in Saigon, the study notes. Harkins, Richardson and the director of the aid mission argued that the war effort had not been affected by the Buddhist crisis and Diem's loss of popular support. Lodge, Mendenhall and John Mecklin, United States Information Agency director in Saigon, argued that it did.

By mid-September, the Kennedy administration decided not to fan the flames of the coup. After a National Security Council meeting, the White House cabled Lodge:

### ALSO OPTIMISTIC

"We see no good opportunity for action to remove present government in immediate future; therefore, as your most recent message suggests, we must, for the present, apply such pressures as are available to secure whatever modest improvements on the scene as may be possible . . . such a course, moreover, is consistent with more drastic effort as and when means become available."

At the same National Security Council meeting, President Kennedy decided to escalate the level of fact-finders going to Vietnam. He ordered McNamara and Taylor to make a trip. Like Krulak, they returned with an optimistic view of progress against the Viet Cong. They noted that the "serious political tensions in Saigon" (the study's phrase) could "erode the favorable military trend."

In Saigon, McNamara and Lodge called on Diem. Although authorized by Mr. Kennedy, McNamara did not ask for Nhu's removal. Neither did he and Lodge deliver, as they were authorized if they felt wise, a tough letter from Mr. Kennedy to Diem.

McNamara and Taylor reported that continued American pressures on Diem would only harden the regime's attitudes, the study says. But, noting the American dilemma, they reported that without such pressure "past patterns of behavior" would continue.

### RECOMMENDS REVIEW

Militarily, the McNamara-Taylor report recommended that Gen. Harkins should review the war effort with Diem with a view toward winning the war throughout the country except the Mekong Delta area by the end of 1964, and in the Delta by the end of 1965.

The two further proposed withdrawing 1,000 American troops by the end of 1963. Mr. Kennedy approved that, authorized announcement of the withdrawal but ordered that implementation of the withdrawal not be announced.

In the wake of the McNamara-Taylor report, the Kennedy administration, the study noted, settled on the course of applying pressure on its ally in Saigon to make reforms.

Though McNamara and Taylor had found no evidence of a coup in the making, such a move was forming. And on Oct. 2, three days after they left, the generals once again sought out American officials to determine the U.S. attitude toward the prospective overthrow of Diem.

Conein, the CIA man, began a long series of contacts with the generals that were reported in detail by Lodge to Washington. Washington instructed Lodge to react this way:

". . . President today approved recommendations that no initiative should now be taken to give any active covert encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with possible alternative leadership as and when it appears.

"Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of country team. We repeat that this effort is not to be aimed at active promotion of coup but only at surveillance and readiness . . ."

As the planning progressed, with Lodge giving no discouragement, a hitch developed when Harkins approached one of the generals involved and tried to discourage the coup.

Asked by Lodge about this, Harkins replied, according to the Pentagon study, that he had misunderstood the instructions from Washington; that he was only trying to discourage activities by South Vietnamese soldiers that would hinder the effort against the Viet Cong.

A South Vietnamese general later complained to Conein that Harkins' discouragement had forced cancellation of plans to stage the coup on Oct. 26, a Vietnamese national holiday.

The incident, the study says, "once again highlighted the differing outlooks of the ambassador and MACV (American Military Command) and underscored lack of close coordination between them."

The South Vietnamese generals distrusted Harkins. Lodge, responsive to their fears, kept information to himself, the study says.

As planning progressed, Washington began to worry more and more about its success and ordered Lodge to urge a go-slow attitude on the generals, the study says. Lodge replied that the United States was committed.

Harkins, belatedly learning of all the planning, cabled his superiors:

"I would suggest we not try to change horses too quickly. That we continue to take persuasive actions that will make the horses change their course and methods of action. That we win the military effort as quickly as possible, then let them make any and all changes they want.

"After all, rightly or wrongly, we have backed Diem for eight long hard years. To me it seems incongruous now to get him down, kick him around, and get rid of him. The U.S. has been his mother superior and father confessor since he's been in office and he has leaned on us heavily."

By Oct. 30, Harkins was disagreeing with Lodge to such a great extent that Lodge was reporting the fact in his cables. Lodge was reporting he did not have "the power to delay or discourage a coup."

TELLS U.S. INTEREST

On Oct 30, still nervous about the possible failure of a coup, McGeorge Bundy cabled Lodge, saying:

"Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. government that it should succeed."

The rest of the cable outlined instructions on how to act during the coup; reject all appeals for intervention on both sides; perform acts agreeable to both sides "in event of indecisive contest," if coup fails, give asylum, on Lodge's discretion, to those taking part. But they should seek asylum first in another embassy.

NO INTIMATE KNOWLEDGE

By not taking steps to thwart the coup, the United States had acted in complicity with the generals. But nonetheless, neither Lodge nor anyone else on the embassy staff, according to the study and the documents, had intimate knowledge of when the coup would take place.

A day after Bundy's cable to Lodge, preliminary movements by the plotters to secure their forces against counterattack were put into effect. On Nov. 1 the coup was consummated. On Nov. 2, Diem and Nhu were assassinated.

In the coup aftermath, Viet Cong activity heightened. But more worrisome, according to the study, there were indications that under Diem, the real military situation had been distorted by "regular and substantial classification in the military reporting system." The situation had been made to appear less serious than it was. But "as time wore on, the accumulating evidence of the gravity of this military situation displaced the sanguine prognoses."

ANOTHER SESSION

Another Honolulu strategy session was planned for Nov. 20. At Honolulu, the conferees drafted a national security action memorandum stating the purpose of the United States as one "to assist the people and government of that country (South Vietnam) to win their contest against the externally directed and supported Communist conspiracy."

It called for the withdrawal of troops, directing a withdrawal of 300 by Dec. 3. It ordered maintenance of military and economic aid to the new regime and, in the study's words, "plans were requested for clandestine operations by the GVN against the north and also for operations up to 50 kilometers inside Laos; and as a justification for such measures. State was directed to develop a strong documented case to demonstrate to the world the degree with which the Viet Cong is controlled sustained and supplied from Hanoi, through Laos and other channels."

PICKS UP BURDEN

It was a harbinger of the future escalation, drafted on the eve of President Kennedy's assassination.

After the conference—and the assassination—Lodge flew to Washington to confer with President Johnson, who had picked up the burden. The national security action memo, the study says, "was to be extremely short-lived. In the jargon of the bureaucracy, it was simply overtaken by events. The gravity of the military situation in South Vietnam was only hinted at . . . in Honolulu. Its full dimensions would rapidly come to light in the remaining weeks of 1963 and force high-level reappraisals by year's end.

"But probably more important, the deterioration of the Vietnamese position in the countryside and the rapid collapse of the strategic hamlet program were to confront the fragile new political structure in South Vietnam with difficulties it could not surmount and to set off rivalries that would fulfill all the dire predictions of political instability made by men . . . before Diem's fall."

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[From the Los Angeles Times, June 26, 1971]

## A SMALL STEP LED TO ASIAN LAND WAR—PENTAGON STUDY TELLS DECISION TO DEPLOY MARINES

(By Stuart H. Loory)

WASHINGTON.—The Johnson Administration, without extensive consideration, made a watershed decision without recognizing it, that ultimately involved the United States in a land war in Asia, according to the secret Pentagon study.

Gen. William C. Westmoreland and Ambassador Maxwell D. Taylor each recognized the significance of what appeared to be a small step—the deployment of 3,500 marines in March, 1965, to protect the growing air base at Da Nang.

The American press corps in Saigon agreed that the move was pivotal, but Washington saw it only as a step limited to the defense of the air base.

Westmoreland urged the decision for deployment on Washington. Taylor had strong reservations about it and went along reluctantly.

MAJOR HISTORICAL EVENT

"The landing of the marines at Da Nang was a watershed event in the history of the U.S. involvement in Vietnam," the study says. "It represented a major decision made without much fanfare—and without much planning.

"Whereas the decision to begin bombing North Vietnam was the product of a year's discussion, debate and a lot of paper, and whereas the consideration of pacification policies reached Talmudic proportions over the years, this decision created less than a ripple.

"A mighty commandment of U.S. foreign policy—thou shalt not engage in an Asian land war—had been breached. Besides Cincpac (the military commander-in-chief in the Pacific) and Gen. Westmoreland who favored the deployment, Ambassador Taylor who concurred with deep reservation, and (John) McNaughton (assistant defense secretary for international security affairs), who apparently tried to add a monkey wrench, this is a decision without faces.

"The seeming ease with which the marines were introduced and the mild reaction from Hanoi served to facilitate what was to come. It also weakened the position of those who were, a few scant months later, to oppose the landing of further U.S. ground combat forces."

When the 3,500 marines were sent into Da Nang there was little thought that they would presage a troop buildup that would eventually grow to more than 540,000 men. They were intended by President Lyndon B. Johnson and his advisers only to protect the air base at Da Nang against mortar and rocket attacks by the Viet Cong.

At that time, Da Nang, in the northern part of South Vietnam, was a base from which the first of the bombing raids against North Vietnam were being flown.

The air war against the north was begun at a time when the outlook for the survival of the United States-supported Saigon regime was gloomy from almost every point of view. Indeed, the bombing of the north was begun, according to the study, not only to raise the price of North Vietnamese participation in the war but to boost the morale of the South Vietnamese, the study shows.

Portions of the study which the Los Angeles Times has obtained and which were previously unpublished, show that Taylor, a general who had served as chairman of the Joint Chiefs of Staff before taking over as ambassador in Saigon, sought to warn the Johnson administration of the dangers of deploying the marines.

REVERSING POLICY

"I develop grave reservations as to wisdom and necessity of so doing," he cabled Washington. "Such action would be a step in reversing long standing policy of avoiding commitment of ground combat forces in SVN (South Vietnam). Once this policy is breached, it will be very difficult to hold line. . . .

"Once it becomes evident that we are willing to assume such new responsibilities, one may be sure that GVN (government of South Vietnam) will seek to unload other ground force tasks upon us.

"Increased number of ground forces in SVN will increase points of friction with local population and create conflicts with RVNAF (Republic of Vietnam armed forces) over command relationships. These disadvantages can be accepted only if there is clear and unchallenged need which can be satisfied only by U.S. ground forces. . . .

"The use of marines in mobile counter-VC (Viet Cong) operations has the attraction of giving them an offensive mission and one of far greater appeal than that of mere static defense. However, it would raise many serious problems which in past have appeared sufficiently formidable to lead to rejection of use of U.S. ground troops in a counterguerrilla role.

UNSUITABLE SOLDIERS

"White-faced soldier armed, equipped and trained as he is (is) not suitable guerrilla fighter for Asian forests and jungles. French tried to adapt their forces to this mission and failed.

"I doubt that U.S. forces could do much better . . . There would be ever present question of how foreign soldier would distinguish between a VC and friendly Vietnamese farmer. When I view this array of difficulties, I am convinced that we should adhere to our past policy of keeping our ground forces out of direct counter-insurgency role."

Virtually everything Taylor prophesized in Vietnam came true. But when the dire prediction was made, it fell on the deaf ears of policy-makers in Washington.

Taylor's view, according to the study, represented a change in his attitude from the previous August. At that time, in the wake of the Gulf of Tonkin affair, he recommended to Washington the landing of marines at Da Nang to beef up the American support base and defend the airfield.

At that time, the study notes in a footnote. "There is no agonizing over 'white faces.'"

ONLY A BEGINNING

Westmoreland and his staff, according to the study, "saw in the deployment of the marines the beginning of greater things to come . . . The rapidity with which the staff followed on the marine(s) . . . with more proposals would tend to back up such a conclusion.

"It seems hardly a coincidence that Gen. (Harold K.) Johnson (then Army chief of staff) immediately following his briefings by MACV, (American Military Command, Vietnam) returned to Washington and recommended, among other things, that a U.S. division be deployed to SVN," the study says.

However, insignificant in terms of grand strategy the move seemed in Washington, the American press corps in Saigon viewed it as of major significance.

As an example, the study quotes a dispatch from Los Angeles Times Saigon correspondent Ted Sell, which said, on March 10, 1965: "The landing of the two infantry battalions is in its own way a far more significant act than were earlier attacks of U.S. airplanes, even though those attacks were directed against a country—North Vietnam—ostensibly not taking part in the direct war."

CALLED UNDESIRABLE

Sell, the study notes, went on to quote a high official as saying that the deployment was undesirable "but that doesn't mean we won't do it."

The Pentagon analysts who wrote the study could not determine from the record whether those who actually planned the Marine move (as opposed to those at the top of the

Johnson administration who approved it) really meant it as a one-shot proposition to protect the base or as the wedge in the doorway through which more troops would follow.

"In light of subsequent events, it would be facile to conclude that the modest input of some 3,500 marines at this juncture presaged the massive buildup of U.S. fighting power in Vietnam which brought American military strength in the country to over 180,000 by the end of 1965.

"Except for COMUS-MACV (Westmoreland) who did see it as a first step and welcomed it and Ambassador Taylor who saw it as an unwelcome first step, official Washington regarded the deployment as a one-shot affair to meet a specific situation."

But before the year was half over, the door was open all the way and American combat troops were pouring into the Asian land war in ever-increasing numbers, a trend that was to continue for the next four year.

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[From St. Louis Post-Dispatch, June 25, 1971]

### McNamara: Pacification a Failure—Despaired in 1966 of Quick Victory, Papers Show

Washington, June 25.—Secret Pentagon documents obtained by the Post-Dispatch show that Secretary of Defense Robert S. McNamara was calling the pacification program "a bad disappointment" a year and a half after the massive U.S. build-up in Vietnam began.

"Pacification has if anything gone backward," he said in a memorandum to President Lyndon B. Johnson.

Faint signs of development of national political institutions and a legitimate civil government had not filtered down to province level or below, he wrote.

"As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highways cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population; the VC (Viet Cong) infrastructure thrives in most of the country, continuing to give the enemy his enormous intelligence advantage; full security exists nowhere (not even behind the U.S. marines' lines and in Saigon); in the countryside, the enemy almost completely controls the night," he went on.

McNamara gave his bleak judgment in private at a time when he and President Johnson were speaking confidently in public of progress being made in the American military escalation that had begun in the spring of 1965.

"I see no reasonable way to bring the war to an end soon," McNamara wrote.

He told Johnson also that the first year and a half of the bombing of North Vietnam had failed to stem infiltration or to crack Hanoi's morale.

He proposed leveling off the troop build-up at 470,000 and holding the bombing of the north at its current level. The Joint Chiefs of Staff disagreed strongly on both points, the documents showed.

"In essence, we find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything, worse off," McNamara said, comparing the situation with that of 18 months earlier.

"This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action."

The memorandum was quoted in full in parts of a Pentagon history of the United States involvement in Vietnam obtained by the Post-Dispatch. Although other parts quoted by other newspapers in the last two weeks have been described as top secret, the several hundred Xeroxed pages obtained by the Post-Dispatch bore no security classification.

Each Xeroxed page had a blank space at the bottom, however, where a strip of paper had been laid over the place where a security label usually is stamped.

Elaborating on his somber appraisal, McNamara told President Johnson that enemy morale had not been broken.

"He (the enemy) apparently has adjusted to our stopping his drive for military victory and has adopted a strategy of keeping us busy and waiting us out (a strategy of attriting our national will)," McNamara wrote.

He said that the one thing clearly going for the United States in Vietnam over the previous year was the large number of enemy killed in action in the big military operations. He estimated enemy battle deaths at more than 60,000 a year.

"The infiltration routes would seem to be one-way trails to death for the North Vietnamese," he wrote. "Yet there is no sign of an impending break in enemy morale and it appears that he can more than replace his loses by infiltration from North Vietnam and recruitment in South Vietnam."

The narrative history by unnamed Pentagon analysts commented that McNamara's memorandum was a clear no to Gen. William C. Westmoreland, then the U.S. commander in Saigon; Adm. U.S. Grant Sharp, then commander of the Pacific Fleet, and the Joint Chiefs of Staff in their proposals for expanded bombing and major ground force increases.

"But it was a negative with a difference," the historian said.

Among the options it offered was installation of a counterinfiltration barrier across northern South Vietnam, the device later known as the McNamara Line. Another was an intensified pacification program with increased attention paid to physical security, to be provided by having military forces remain in an area after clearing it of enemy troops.

At the proper time, McNamara said, "I believe we should consider terminating bombing in all of North Vietnam, or at least in the northeast zones, for an indefinite period in connection with covert moves toward peace."

On a bombing halt, McNamara proposed that "without fanfare, conditions or avowals" the United States stop bombing all of North Vietnam and then "see what develops, retaining freedom to resume the bombing if nothing useful was forthcoming."

As an alternative, he suggested shifting the bombing largely away from Hanoi and Haiphong to provide the North Vietnamese a face-saving device and "reduce the international heat on the U.N."

He said that the bombing of northeastern North Vietnam could be resumed at any time or spot attacks could be made there from time to time "to keep North Vietnam off balance and to require her to pay almost the full cost by maintaining her repair crews in place."

Actually the bombing of North Vietnam was halted for the first time in 1965 when Mr. Johnson suspended it from May 13 to 19. On Dec. 24, 1965, the bombing was halted again, this time for 37 days.

On March 31, 1968, the air war was halted in the northern part of the country, freeing about 90 per cent of the population of North Vietnam from attack. That was announced in the speech in which Johnson announced he would not seek re-election.

Seven months later, on Nov. 1, 1968, four days before the election of Richard M. Nixon as president, Johnson halted the bombing altogether. President Nixon has resumed the bombing on an intermittent basis.

Other parts of the McNamara package were to try to split the Viet Cong from Hanoi, press contacts with North Vietnam and other parties that might contribute to a settlement, and development of a plan to give the Viet Cong a role in negotiations and in post-war life.

McNamara told Mr. Johnson that the prognosis was bad for a satisfactory end of the war within the next two years. He predicted that neither large-unit operations nor negotiations would accomplish that result, but he said both should continue to be tried.

"The solution lies in girding, openly, for a longer war and in taking action immediately which will in 12 or 18 months give clear evidence that the continuing costs and risks to the American people are acceptably limited, that the formula for success has been found, and that the end of the war is merely a matter of time," he wrote.

McNamara supported his dim view of the so-called Rolling Thunder program of bombing North Vietnam by appending extracts from appraisals by the Central Intelligence Agency, the Defense Intelligence Agency and the Institute for Defense Analyses.

A CIA–DIA report on the bombing through Sept. 12, 1966, said there was no evidence of any shortage of petroleum products or any serious transport problem in North Vietnam, nor any evidence that the air strikes had significantly weakened popular morale. It said that they had curtailed economic growth, but not essential economic activities.

A March 16, 1966, CIA report said that, despite the bombing, Hanoi was as firm as ever in its determination to continue supporting the insurgency in the South. It concluded that air attacks almost certainly could not cut back the infiltration rate significantly.

The Summer Study Group of the Institute for Defense Analyses reported that many intelligence observers agreed that Rolling Thunder did not restrict the flow of supplies into South Vietnam "because North Vietnam is neither the source of supplies nor the choke-point on the supply routes from China and USSR."

Not even closing Haiphong harbor, eliminating electric power plants and destroying the railroads would change the situation, the report said, because the North Vietnamese could improvise alternative transportation.

A month later, however, in a draft memorandum for the President, dated Nov. 17, McNamara took a more optimistic view of the results of both the American military build-up and the bombing of North Vietnam.

He wrote that the introduction of large-scale U.S. combat forces "almost completely neutralized" the large units of the Viet Cong and North Vietnamese. As for the air war, he noted, "the B–52 and tactical air efforts have hurt enemy morale, produced casualties and disrupted his (the enemy's) operations and logistics operations.

The Pentagon analysts observed that the reaction of the Joint Chiefs of Staff to McNamara's October memorandum was "predictively rapid—and violent." They agreed that the war would be long, but they thought he was too restrained in his report of some military progress.

The Joint Chiefs contended, the narrative said, that the memorandum did not take into account the "adverse impact over time of continued bloody defeats on the morale of Viet Cong and North Vietnamese army forces and the determination of their political military leaders."

They said they wanted to reserve judgment on the proposed 470,000-troop deployment ceiling in Vietnam.

On the bombing, the Joint Chiefs were quoted as saying:

"The Joint Chiefs of Staff do not concur in your recommendation that there should be no increase in the level of bombing efforts and no modification in areas and targets subject to air attack. They believe our air campaign against North Vietnam to be an integral and indispensable part of our over-all war effort. To be effective, 'the air campaign should be conducted with only those minimum constraints necessary to avoid indiscriminate killing of population.'"

There was no indication of the source from which the Joint Chiefs' statement had quoted that last sentence.

On pacification, the Joint Chiefs continued to press for transfer of the program to Gen. Westmoreland's military command, warning of costly delays if a civilian agency was created. Later, a civilian agency was established, but a military command eventually took it over.

They explained their disagreement with McNamara over the way to induce negotiations by contending that the bombing was one trump card held by the President.

It should not be surrendered without a quid pro quo, such as "an end to the North Vietnamese aggression in South Vietnam," the Joint Chiefs said, according to the Pentagon analyst.

The unnamed historian said that the heads of the service branches observed that the conflict had reached a stage where decisions taken over the next 60 days could determine the outcome of the war. They wanted, therefore, to provide the President with their unequivocal views on the search for peace and military pressures on North Vietnam, they said.

"The frequent, broadly based public offers made by the President to settle the war by peaceful means on a generous basis, which would take from North Vietnam nothing it now had, have been admirable," the Joint Chiefs said.

"Certainly, no one—American or foreigner—except those who are determined not to be convinced, can doubt the sincerity, the generosity the altruism of U.S. actions and objectives.

"In the opinion of the Joint Chiefs of Staff the time has come when further overt actions and offers on our part are not only nonproductive, they are counterproductive. A logical case can be made that the American people, our allies, and our enemies alike are increasingly uncertain as to our resolution to pursue the war to a successful conclusion."

The analysts said they recommended a "sharp knock" against North Vietnamese installations rather than the current campaign of slowly increasing pressures.

"Whatever the political merits of the latter course," the Joint Chiefs wrote, according to the analyst, we deprived ourselves of the military effects of early weight of effort and shock and gave to the enemy time to adjust to our slow, quantitative and qualitative increase of pressure.

"This is not to say that it is now too late to derive military benefits from more effective and extensive use of our air and naval superiority."

They went on to recommend an increased Rolling Thunder program, authorizing attacks against North Vietnam's single steel plant, the Hanoi rail yards, the thermal power plants, selected areas within Haiphong ports and other ports, selected locks and dams controlling waterways, surface-to-air missile support facilities inside Hanoi and Haiphong, and petroleum installations at Haiphong and other places.

They wanted also to use naval surface forces against North Vietnamese coastal shipping and land routes and against radar and antiaircraft artillery sites along the coast.

McNamara's Oct. 14 memorandum was dated two days before President Johnson left on a 17-day trip that included a meeting with Premier Nguyen Cao Ky at Manila and a military planning conference at Honolulu.

The Johnson Administration was being pressed by the military services to increase the bombing and the troop level and by anti-war groups to reverse the U.S. escalation in Vietnam.

In memorandum that he drafted for President Johnson on Nov. 17, 1966, McNamara spoke again in gloomy terms on the pacification program that was aimed at securing the South Vietnamese countryside from Communist domination.

"The pacification program has been stalled for years," he said. "It is stalled today. The situation in this regard is no better—possibly worse—than it was in 1965, 1963, and 1961."

In the 14 months between July 31, 1965, and Sept. 30, 1966, McNamara said, the government of South Vietnam reportedly gained control of areas containing 1,500,000 more persons, increasing its control from 47 to 55 per cent of the total population, "the highest level to date."

He said that Viet Cong and North Vietnamese control decreased by 6 percent in the same period, a loss of areas containing 800,000 persons. The South Vietnamese government's control of the rural population rose to 35 per cent from 23 in this period, McNamara said, and the Viet Cong's control of rural areas dropped to 28 per cent from 35.

After reciting these figures, however, the Defense Secretary said they were based on available reports of questionable validity.

"It is highly likely that these figures are grossly optimistic," he said. "It should be noted that about 30 percent of the reported gains by the South Vietnamese government" probably resulted from movement of refugees into cities and towns."

"Another report indicates that GVN (the government of South Vietnam) increased its control of area only from 8 to 12 per cent" in the first nine months of 1966.

"Since 1965, the Viet Cong and North Vietnamese army have claimed control of 80 per cent of the South Vietnamese territory and 75 percent of the population.

"At the end of September 1966, GVN controlled about 25 per cent of the vital roads in South Vietnam. It controlled about 20 per cent of the total roads, down from 35 per cent in 1965 and 40 per cent in 1964. The rest were marginal or closed and could be traveled only with adequate security cautions."

By 1966, the pessimistic evaluation of the pacification program was not being concealed by the Administration to the extent that it covered up other aspects of the Vietnam situation.

Earlier in the war, Administration officials had claimed successes in the pacification effort that were disputed by American reporters covering the war.

But on Oct. 14, 1966, the date of the first McNamara memorandum obtained by the Post-Dispatch and a month before the second memorandum, President Johnson said at a press conference that the pacification program "can stand a great deal of improvement."

The President told reporters also, however, that "our military effort, we think, is going very well."

Later that month, Johnson made a dramatic trip to Southeast Asia and South Vietnam. In a radio broadcast from South Vietnam, he painted a glowing picture of the military situation.

"We received an eloquent and encouraging report from Gen. Westmoreland," the President said. "We saw that our military shield is now strong enough to prevent the aggressor from succeeding."

McNamara's dry factual discussion of the military situation in South Vietnam, in his Nov. 17 memorandum, was not so optimistic as Mr. Johnson's public statements.

"Despite the wide variation in estimates of infiltration, recruitment, and losses, the data indicate that current enemy recruitment, infiltration rates and tactics have more than offset the increased (Allied) deployments, enabling the enemy to increase his forces in the past and in the foreseeable future," McNamara said.

"If we assume that the estimates of enemy strength are accurate, the ratio of total (Allied) to total enemy strength has only increased from 3.5 to 4 to 1 since the end of 1965.

"Under those circumstances, it does not appear that we have favorable leverage required to achieve decisive attrition by introducing more forces."

The Defense Secretary was sharply critical of the performance of the South Vietnamese army in combat.

"The increasingly unsatisfactory performance of the ARVN (Army of the Republic of Vietnam) in combat operations is reflected in U.S. Army advisory reports and in ARVN and U.S. operational statistics," he said.

"During the January-September (1966) period for which data are available, U.S. field advisers rated combat effectiveness as unsatisfactory or marginal in up to 32 per cent of all ARVN combat positions.

"Over 115,700 South Vietnamese military personnel (19 per cent of the total ARVN) deserted in 1965, and desertions in 1966 through October were at the annual rate of 130,000, 21 per cent (of the total).

"The poor ARVN performance also shows in the operational statistics. ARVN made contact (with the enemy) in only 46 per cent of its large-scale operations, against a U.S. contact rate of 90 per cent."

In the memorandum, McNamara said the Administration would have to choose between two approaches in 1967: another rapid substantial increase in U.S. combat forces in South Vietnam or a more modest increase.

In the first instance, the additional big build-up would be used for large-scale search-and-destroy operations to destroy large Communist troop concentrations, he said.

If a smaller build-up was decided on, it would be only large enough to utilize, not destroy, the main Communist units "and prevent them from interfering with the pacification program," McNamara said.

"I believe it is time to adopt the second approach, for three reasons," he wrote. "One, if MACV (The U.S. military command in South Vietnam) estimates of enemy strength are correct, we have not been able to attrite the enemy forces fast enough to break their morale and more U.S. forces are unlikely to do so in the foreseeable future.

"Two, we cannot deploy more than about 470,000 personnel by the end of 1967 without a high probability of generating a self-defeating runaway inflation in South Vietnam, and,

"Three, an endless escalation of U.S. deployments is not likely to be acceptable in the U.S. or to induce the enemy to believe that the U.S. is prepared to stay as long as is required to produce a secure non-Communist South Vietnam."

The contrast between McNamara's private assessments of the war and his public statements in 1966 is marked in the extreme.

For example, on May 11, 1966, McNamara told the Senate Foreign Relations committee that captive Viet Cong soldiers said they no longer expected to win the war.

"There seems to be considerable doubt among the ordinary soldiers that even in a protracted war the Viet Cong will win," he said.

A month later he told reporters at a Pentagon press-conference that U.S. military successes in South Vietnam had "exceeded our expectations" in the first quarter of 1966. Communist losses were reported to be three times as great as combined U.S., South Vietnamese and Allied losses.

Another month later, on July 11, 1966, he told a press conference in Washington that "we are gaining militarily" in South Vietnam. While expressing cautious optimism, he added carefully, "We do not look for a short war."

Perhaps the strongest disparity between McNamara's public remarks and his private reports to Mr. Johnson shows up in a press conference on Nov. 5, just three days before the congressional elections of 1966.

After meeting with President Johnson at the LBJ Ranch in Texas, McNamara told reporters that the Communists could not win a military victory in South Vietnam in 1967.

As a result, he said, draft calls would be cut and so would the planned production of bombs and other air ordnance. The increase in U.S. forces in South Vietnam would be "nothing on the order of" the 200,000-man build-up in 1966 and no sharp increases would take place in the level of bombing attacks, he stated.

McNamara said he told Mr. Johnson that the military situation in South Vietnam was dramatically brighter than it had been 15 months before. However, he said, he expected the Viet Cong to "continue to fight on stubbornly."

The pessimistic view that McNamara took of the war in his memoranda of October and November 1966 continued a frame of mind that the Secretary of Defense had exhibited privately the preceding year. The earlier attitude is spelled out in the Pentagon papers obtained by the Post-Dispatch in a section titled "Evolution of the War, U.S./GVN: 1963–1967.

The analyst writing in this section recounts that on July 1, 1965, McNamara submitted a memorandum to President Johnson reviewing all aspects of Vietnam policy. The analyst said that McNamara concentrated on deployment of American fighting forces to Vietnam and "had little to say on GVN's problems."

The Pentagon study said in a section of the memorandum titled "Initiatives Inside Vietnam," McNamara's "only significant recommendations were that we should increase our aid to GVN and that Chieu Hoi program should be improved." The latter program was the so-called "open arms" effort aimed at attracting defectors from enemy forces.

In a second memorandum to the President, written July 20, 1965, after a trip to Saigon, McNamara suggested that the U.S. should lay down some terms for the assistance it provided.

With South Vietnamese leaders "again pressing for more U.S. forces than were available," the study related, McNamara mentioned the possibility of an American veto on bellicose statements by South Vietnamese military commanders suggesting an invasion of North Vietnam and other possible restraints.

The Pentagon historian reported that in this memorandum "McNamara's over-all evaluation was deeply pessimistic, making clear why he recommended increased U.S. forces at that time." The study then quoted from the memorandum:

"Estimate of the situation: 'The situation in South Vietnam is worse than a year ago (when it was worse than a year before that). After a few months of stalemate, the tempo of the war has quickened.'

"A hard VC (Viet Cong) push is now on to dismember the nation and to maul the army. The VC main and local forces, reinforced by militia and guerrillas, have the initiative and, with large attacks (some in regimental strength), are hurting ARVN (South Vietnamese Army) forces badly.

"The main VC efforts have been in southern First Corps, northern and central Second Corps and north of Saigon. The central highlands could well be lost to the National Liberation Front during this monsoon season.

"Since June 1, the GVN has been forced to abandon six district capitals; only one has been retaken. U.S. combat troops deployment and U.S.–VNAF (Vietnamese air force) air strikes in-country have probably shaken VC morale somewhat.

"Yet the government is able to provide security to fewer and fewer people and less and less territory as terrorism increases. Cities and towns are being isolated as fewer and fewer roads and railroads are usable and power and communication lines are cut.

"The economy is deteriorating. The war is disrupting rubber production, rice distribution, dalat vegetable production and the coastal fishing industry, causing the loss of jobs and income, displacement of people, and frequent breakdown or suspension of vital means of transportation and communication; foreign exchange earnings have fallen; and severe inflation is threatened."

Although McNamara's private appraisals of the war in both 1965 and 1966 were dour, he and President Johnson, along with other administration officials, were speaking confidently in public of progress being made in the American build-up in Vietnam.

At a press conference on Oct. 6, 1966, Johnson discussed his forthcoming trip later that month to six Asian countries in connection with the Manila conference on the war. He said the conference would consider the rehabilitation and redevelopment work needed in Vietnam "once aggression has been defeated."

One week later at another press conference, again referring to the approaching Manila meetings, Johnson noted that at the Honolulu conference of February 1966, it had been agreed that American and South Vietnamese leaders would get together again in about six months.

In the interim, the President told reporters, "Much has happened." He referred particularly to the fact that "the North Vietnamese and the Viet Cong monsoon offensive, that gave us concern, failed." He said also that "foundations have been laid and progress begun in the field" for the so-called revolutionary program in Vietnam.

On Oct. 14, the very date of the memorandum disclosed in the Pentagon documents obtained by the Post-Dispatch, the Secretary of Defense, meeting reporters with the President, offered no discouraging words.

To the contrary, he noted that one of the purposes of his just-concluded trip to South Vietnam had been to examine American troop deployment there. He saw no need, he said, for any "substantial increase in the rate of deployment."

He denounced "wild speculation" that he said had been appearing in the press about a possible increase in the pace of American troop assignments to Vietnam and termed such reports "absolutely without foundation."

Throughout his 17-day trip in Asia in October 1966, Johnson struck a firm and confident note about the eventual outcome in Vietnam. In Melbourne, Australia, for example, he likened the Vietnamese conflict to the onset of World War II, remarking:

"As the aggressor marched in the Low Countries in the late 1930s and ultimately wound up in World War II, there are aggressors prowling tonight on the march again. Their aggression shall not succeed."

The Allied forces fighting in Vietnam, the President declared, "are going to stay there until this aggression is checked before it blooms into World War III."

Much of the same theme prevailed near the end of the trip at the Manila summit conference itself. At the opening session on Oct. 24, 1966, Johnson said the most important function of the meeting would be to let the world know "that the nations directly assisting the people of South Vietnam are resolute."

He said there was a general determination of those present "that aggression must fail."

The final declaration of the conference, joined in by Johnson and the leaders of six other nations, including President Nguyen Van Thieu and Prime Minister Nguyen Cao Ky, both representing South Vietnam, set a note of firm determination. The statement, issued Oct. 25, said:

"We shall continue our military and all other efforts, as firmly and as long as may be necessary, in close consultation among ourselves until the aggression is ended."

The statement recounted that "the government of Vietnam described the significant military progress being made against aggression."

This was less than two weeks after McNamara's memorandum to Mr. Johnson had painted such a bleak picture of the 18-month-old American build-up in South Vietnam and the U.S. bombing of North Vietnam.

After the Manila conference, Johnson paid a secret visit to South Vietnam. In a radio report a few hours later to the American people, he spoke glowingly of the accomplishments being made in Vietnam.

He said then that U.S. fighting men were in Vietnam "because somewhere and at some place the free nations of the world must say again to the militant disciples of Asian communism: This far and no further.

"The time is now, and the place is Viet nam."

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[From St. Louis Post-Dispatch, June 25, 1971]

### Partial Texts of War Data

Washington.—Following are excerpts from secret Pentagon papers on United States involvement in the Vietnam War that have been obtained by the Post-Dispatch:

Text of a memorandum to President Lyndon B. Johnson from Secretary of Defense Robert S. McNamara on Oct. 14, 1966:

1. A Memorandum for the President

1. Evaluation of the situation. In the report of my last trip to Vietnam almost a year ago, I stated that the odds were about even that, even with the then-recommended deployments, we would be faced in early 1967 with a military stand-off at a much higher level of conflict and with "pacification" still stalled. I am a little less pessimistic now in one respect. We have done somewhat better militarily than I anticipated. We have by and large blunted the Communist military initiative—any military victory in South Vietnam the Viet Cong may have had in mind 18 months ago has been thwarted by our emergency deployments and actions. And our program of bombing the North has exacted a price.

My concern continues, however, in other respects. This is because I see no reasonable way to bring the war to an end soon. Enemy morale has not broken—he apparently has adjusted to our stopping his drive for military victory and has adopted a strategy of keeping us busy and waiting us out (a strategy of attriting our national will). He knows that we have not been, and he believes we probably will not be, able to translate our military successes into the "end products"—broken enemy morale and political achievements by the GVN (government of South Vietnam).

The one thing demonstrably going for us in Vietnam over the past year has been the large number of enemy killed-in-action resulting from the big military operations. Allowing for possible exaggeration in reports, the enemy must be taking losses—deaths in and after battle—at the rate of more than 60,000 a year. The infiltration routes would seem to be one-way trails to death for the North Vietnamese. Yet there is no sign of an impending break in enemy morale and it appears that he can more than replace his losses by infiltration from North Vietnam and recruitment in South Vietnam.

Pacification is a bad disappointment. We have good grounds to be pleased by the recent elections, by Ky's 16 months in power, and by the faint signs of development of national political institutions and of a legitimate civil government. But none of this has translated itself into political achievements at province level or below. Pacification has if anything gone backward. As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highway cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population; the VC political infrastructure thrives in most of the country, continuing to give the enemy his enormous intelligence advantage; full security exists nowhere (not even behind the US Marines' lines and in Saigon); in the countryside, the enemy almost completely controls the night.

Nor has the Rolling Thunder program of bombing the North either significantly affected infiltration or cracked the morale of Hanoi. There is agreement in the intelligence community on these facts (see the attached Appendix).

In essence, we find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything, worse off. This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action.

2. Recommended actions. In such an unpromising state of affairs, what should we do? We must continue to press the enemy militarily; we must make demonstrable progress in pacification; at the same time, we must add a new ingredient forced on us by the facts. Specifically, we must improve our position by getting ourselves into a military posture that we credibly would maintain indefinitely—a posture that makes trying to "wait us out" less attractive. I recommend a five-prong course of action to achieve those ends.

a. Stabilize U.S. force levels in Vietnam. It is my judgment that, barring a dramatic change in the war, we should limit the increase in U.S. forces in SVN in 1967 to 70,000 men and we should level off at the total of 470,000 which such an increase would provide. It is my view that this is enough to punish the enemy at the large-unit operations level and to keep the enemy's main forces from interrupting pacification. I believe also that even many more than 470,000 would not kill the enemy off in such numbers as to break their morale so long as they think they can wait us out. It is possible that such a 40 per cent increase over our present level of 325,000 will break the enemy's morale in the short term; but if it does not, we must, I believe, be prepared for and have under way a long-term program premised on more than breaking the morale of main force units. A stabilized U.S. force level would be part of such a long-term program. It would put us in a position where negotiations would be more likely to be productive, but if they were not we could pursue the all-important pacification task with proper attention and resources and without the spectre of apparently endless escalation of U.S. deployments.

b. Install a barrier. A portion of the 470,000 troops—perhaps 10,000 to 20,000—should be devoted to the construction and maintenance of an infiltration barrier. Such a barrier would lie near the 17th parallel—would run from the sea, across the neck of South Vietnam (choking off the new infiltration routes through the DMZ) and across the trails in Laos. This interdiction system (at an approximate cost of $1 billion) would comprise to the east a ground barrier of fences, wire sensors, artillery, aircraft and mobile troops; and to the west—mainly in Laos—an interdiction zone covered by air-laid mines and bombing attacks pin-pointed by air-laid acoustic sensors.

The barrier may not be fully effective at first, but I believe that it can be made effective in time and that even the threat of its becoming effective can substantially change to our advantage the character of the war. It would hinder enemy efforts, would permit more efficient use of the limited number of friendly troops, and would be persuasive evidence both that our sole aim is to protect the South from the North and that we intend to see the job through.

c. Stabilize the Rolling Thunder program against the North. Attack sorties in North Vietnam have risen from about 4000 per month at the end of last year to 6000 per month in the first quarter of this year and 12,000 per month at present. Most of our 50 per cent increase of deployed attack-capable aircraft has been absorbed in the attacks on North Vietnam. In North Vietnam, almost 84,000 attack sorties have been flown (about 25 percent against fixed targets), 45 percent during the past seven months.

Despite these efforts, it now appears that the North Vietnamese-Laotian road network will remain adequate to meet the requirements of the Communist forces in South Vietnam—this is so even if its capacity could be reduced by one-third and if combat activities were to be doubled. North Vietnam's serious need for trucks, spare parts and petroleum probably can, despite air attacks, be met by imports. The petroleum requirement for trucks involved in the infiltration movement, for example, has not been enough to present significant supply problems, and the effects of the attacks on the petroleum distribution system, while they have not yet been fully assessed, are not expected to cripple the flow of essential supplies. Furthermore, it is clear that, to bomb the North sufficiently to make a radical impact upon Hanoi's political, economic and social structure, would require an effort which we could make but which would not be stomached either by our own people or by world opinion; and it would involve a serious risk of drawing us into open war with China.

The North Vietnamese are paying a price. They have been forced to assign some 300,000 personnel to the lines of communication in order to maintain the critical flow of personnel and materiel to the South. Now that the lines of communication have been manned, however, it is doubtful that either a large increase or decrease in our interdiction sorties would substantially change the cost to the enemy of maintaining the roads, railroads, and waterways or affect whether they are operational. It follows that the marginal sorties—probably the marginal 1000 or even 5000 sorties—per month against the lines of communication no longer have a significant impact on the war. (See the attached excerpts from intelligence estimates.)

When this marginal inutility of added sorties against North Vietnam and Laos is compared with the crew and aircraft losses implicit in the activity (four men and aircraft and $20 million per 1000 sorties). I recommend, as a minimum, against increasing the level of bombing of North Vietnam and against increasing the intensity of operations by changing the areas or kinds of targets struck.

Under those conditions, the bombing program would continue the pressure and would remain available as a bargaining counter to get talks started (or to trade off in talks). But, as in the case of a stabilized level of U.S. ground forces, the stabilization of Rolling Thunder would remove the prospect of ever-escalating bombing as a factor complicating our political posture and distracting from the main job of pacification in South Vietnam.

At the proper time, as discussed on pages 6–7 below, I believe we should consider terminating bombing in all of North Vietnam, or at least in the Northeast zones, for an indefinite period in connection with covert moves toward peace.

d. Pursue a vigorous pacification program. As mentioned above, the pacification (Revolutionary Development) program has been and is thoroughly stalled. The large unit operations war, which we know best how to fight and where we have had our successes, is largely irrelevant to pacification as long as we do not lose it. By and large, the people in rural areas believe that the GVN when it comes will not stay but that the VC will; that co-operation with the GVN will be punished by the VC; that the GVN is really indifferent to the people's welfare; that the low-level GVN are tools of the local rich; and that the GVN is ridden with corruption.

Success in pacification depends on the interrelated functions of providing physical functions of providing physical security, destroying the VA apparatus, motivating the people to co-operate and establishing responsive local government. An obviously necessary but not sufficient requirement for success of the Revolutionary Development cadre and police is vigorously conducted and adequately prolonged clearing operations by military troops, who will "stay" in the area, who behave themselves decently and who show some respect for the people.

This elemental requirement of pacification has been missing.

In almost no contested area designated for pacification in recent years have ARVN forces actually "cleared and stayed" to a point where cadre teams, if available, could have stayed overnight in hamlets and survived, let alone accomplish their mission. VC units of company and even battalion size remain in operation, and they are more than large enough to overrun anything the local security forces can put up.

Now that the threat of a Communist main force military victory has been thwarted by our emergency efforts, we must allocate far more attention and a portion of the regular military forces (at least half of the ARVN and perhaps a portion of the U.S. forces) to the task of providing an active and permanent security screen behind which the Revolutionary Development teams and police can operate and behind which the political struggle with the VC infrastructure can take place.

The U.S. cannot do this pacification security job for the Vietnamese. All we can do is "massage the heart." For one reason, it is known that we do not intend to stay; if our efforts worked at all, it would merely postpone the eventual confrontation of the VC and GVN infrastructures. The GVN must do the job; and I am convinced that drastic reform is needed if the GVN is going to be able to do it.

The first essential reform is in the attitude and GVN officials. They are generally apathetic, and there is corruption high and low. Often appointments, promotions, and draft deferments must be bought; and kickbacks on salaries are common. Cadre at the bottom can be no better than the system above them.

The second needed reform is in the attitude and conduct of the ARVN. The image of the government cannot improve unless and until the ARVN improves markedly. They do not understand the importance (or respectability) of pacification nor the importance to pacification of proper, disciplined conduct. Promotions, assignments and awards are often not made on merit, but rather on the basis of having a diploma, friends or relatives, or because of bribery. The ARVN is weak in dedication, direction and discipline.

Not enough ARVN are devoted to area and population security, and when the ARVN does attempt to support pacification, their actions do not last long enough; their tactics are bad despite U.S. prodding (no aggressive small-unit saturation patrolling, hamlet searches, quick-reaction contact, or offensive night ambushes) they do not make good use of intelligence; and their leadership and discipline are bad.

Furthermore, it is my conviction that a part of the problem undoubtedly lies in bad management on the American as well as the GVN side. Here split responsibility—or "no responsibility"—has resulted in too little hard pressure on the GVN to do its job and no really solid or realistic planning with respect to the whole effort. We must deal with this management problem now and deal with it effectively.

One solution would be to consolidate all U.S. activities which are primarily part of the civilian pacification program and all persons engaged in such activities, providing a clear assignment of responsibility and a unified command under a civilian relieved of all other duties. Under this approach, there would be a carefully delineated division of responsibility between the civilian-in-charge and an element of COMUSMACV under a senior officer, who would give the subject of planning for and providing hamlet security the highest priority in attention and resources. Success will depend on the men selected for the jobs on both sides (they must be among the highest rank and most competent administrators in the U.S. Government), on complete co-operation among the U.S. elements, and on the extent to which the South Vietnamese can be shocked out of their present pattern of behavior. The first work of this reorganized U.S. pacification organization should be to produce within 60 days a realistic and detailed plan for the coming year.

From the political and public-relations viewpoint, this solution is preferable—if it works. But we cannot tolerate continued failure. If it fails after a fair trial, the only alternative in my view is to place the entire pacification program—civilian and military—under General Westmoreland. This alternative would result in the establishment of a Deputy COMUSMACV for Pacification who would be in command of all pacification staffs in Saigon and of all pacification staffs and activities in the field; one person in each corps, province and district would be responsible for th U.S. effort.

e. Press for negotiations. I am not optimistic that Hanoi or the VC will respond to peace overtures now (explaining my recommendations above that we get into a level-off posture for the long pull). The ends sought by the two sides appear to be irreconcilable and the relative power balance is not in their view unfavorable to them. But three things can be done. I believe, to increase the prospects:

(1) Take steps to increase the credibility of our peace gestures in the minds of the enemy. There is considerable evidence both in private statements by the Communists and in the reports of competent Western officials who have talked with them that charges of U.S. bad faith are not solely propagandistic, but reflect deeply held beliefs. Analysis of Communists' statements and actions indicate that they firmly believe that American leadership really does not want the fighting to stop, and that we are intent on winning a military victory in Vietnam and on maintaining our presence there through a puppet regime supported by U.S. military bases.

As a way of projective U.S. bona fides, I believe that we should consider two possibilities with respect to our bombing program against the North, to be undertaken, if at all, at a time very carefully selected with a view to maximizing the chances of influencing the enemy and world opinion and to minimizing the chances that failure would strengthen the hand of the "hawks" at home: First, without fanfare, conditions, or avowal, whether the stand-down was permanent or temporary, stop bombing all of North Vietnam. It is generally thought that Hanoi will not agree to negotiations until they can claim that the bombing has stopped unconditionally. We should see what develops, retaining freedom to resume the bombing if nothing useful was forthcoming.

Alternatively, we could shift the weight-of-effort away from "Zones 6A and 6B"—zones including Hanoi and Haiphong and areas north of those two cities to the Chinese border. This alternative has some attraction in that it provides the North Vietnamese a "face saver" if only problems of "face" are holding up Hanoi peace gestures; it would narrow the bombing down directly to the objectionable infiltration (supporting the logic of a stop-infiltration/full-pause deal); and it would reduce the international heat on the U.S. Here, too, bombing of the Northeast could be resumed at any time, or "spot" attacks could be made there from time to time to keep North Vietnam off balance and to require her to pay almost the full cost by maintaining her repair crews in place. The sorties diverted from Zones 6A and 6B could be concentrated on the infiltration routes in Zones 1 and 2 (the southern end of North Vietnam, including the Mu Gia Pass), in Laos and in South Vietnam.

To the same end of improving our credibility, we should seek ways—through words and deeds—to make believable our intention to withdraw our forces once the North Vietnamese aggression against the South stops. In particular, we should avoid any implication that we will stay in South Vietnam with bases or to guarantee any particular outcome to a solely South Vietnamese struggle.

(2) Try to split the VC off from Hanoi. The intelligence estimate is that evidence is overwhelming that the North Vietnamese dominate and control the National Front and the Viet Cong. Nevertheless, I think we should continue and enlarge efforts to contact the VC/NFL and to probe ways to split members or sections off the VC/NFL organization.

(3) Press contacts with North Vietnam, the Soviet Union and other parties who might contribute toward a settlement.

(4) Develop a realistic plan providing a role for the VC in negotiations, post-war life, and government of the nation. An amnesty offer and proposals for national reconciliation would be steps in the right direction and should be parts of the plan. It is important that this plan be one which will appear reasonable, if not at first to Hanoi and the VC, at least to world opinion.

3. The prognosis. The prognosis is bad that the war can be brought to a satisfactory conclusion within the next two years. The large-unit operations probably will not do it; negotiations probably will not do it. While we should continue to pursue both of these routes in trying for a solution in the short run, we should recognize that success from them is a mere possibility, not a probability.

The solution lies in girding, openly, for a longer war and in taking actions immediately which will in 12 to 18 months give clear evidence that the continuing costs and risks to the American people are acceptably limited, that the formula for success has been found, and that the end of the war is merely a matter of time. All of my recommendations will contribute to this strategy, but the one most difficult to implement is perhaps the most important one—enlivening the pacification program. The odds are less than even for this task, if only because we have failed consistently since 1961 to make a dent in the problem. But, because the 1967 trend of pacification will, I believe, be the main talisman of ultimate U.S. success or failure in Vietnam, extraordinary imagination and effort should go into changing the stripes of that problem.

President Thieu and Prime Minister Ky are thinking along similar lines. They told me that they do not expect the enemy to negotiate or to modify his program in less than two years. Rather, they expect the enemy continue to expand and to increase his activity. They expressed agreement with us that the key to success is pacification and that so far pacification has failed. They agree that we need clarificationa of GVN and U.S. roles and that the bulk of the ARVN should be shifted to pacification. Ky will, between January and July 1967, shift all ARVN infantry divisions to that role. And he is giving Thang, a good Revolutionary Development director, added powers. Thieu and Ky see this as part of a two-year (1967–68) schedule, in which offensive operations against enemy main force units are continued, carried on primarily by the U.S. and other Free World forces. At the end of the two-year period, they believe the enemy may be willing to negotiate or to retreat from his current course of action.

Note: Neither the Secretary of State nor the JCS have yet had an opportunity to express their views on this report. Mr. Katzenbach and I have discussed many of its main conclusions and recommendations—in general, but not in all particulars, it expresses his views as well as my own.

Excerpts from reports by the Central Intelligence Agency, the Defense Intelligence Agency and the Summer Study Group of the Institute for Defense Analysis:

Extracts from CIA–DIA Report "An Appraisal of the Bombing of North Vietnam through 12 September 1966."

1. There is no evidence yet of any shortage of POL (ed. note: petroleum products) in North Vietnam, and stocks on hand, with recent imports, have been adequate to sustain necessary operations.

2. Air strikes against all modes of transportation in North Vietnam increased during the past month, but there is no evidence of serious transport problems in the movement of supplies to or within North Vietnam.

3. There is no evidence yet that the air strikes have significantly weakened popular morale.

4. Air strikes continue to depress economic growth and have been responsible for the abandonment of some plans for economic development, but essential economic activities continue.

Extracts from a March 16, 1966, CIA report "An Analysis of the Rolling Thunder Air Offensive against North Vietnam":

1. Although the movement of men and supplies in North Vietnam has been hampered and made somewhat more costly (by our bombing), the Communists have been able to increase the flow of supplies and manpower to South Vietnam.

2. Hanoi's determination (despite our bombing) to continue its policy of supporting the insurgency in the South appears as firm as ever.

3. Air attacks almost certainly cannot bring about a meaningful reduction in the current level at which essential supplies and men flow into South Vietnam.

Bomb Damage Assessment in the North by the Institute for Defense Analysis' "Summer Study Group."

What surprised us (in our assessment of the effect of bombing North Vietnam) was the extent of agreement among various intelligence agencies on the effects of past operations and probable effects of continued and expanded Rolling Thunder. The conclusions of our group, to which we all subscribe, are therefore merely sharpened conclusions of numerous intelligence summaries. They are that Rolling Thunder does not limit the present logistic flow into SVN because NVN is neither the source of supplies nor the choke-point on the supply routes from China and USSR. Although an expansion of Rolling

Thunder by closing Haiphong harbor, eliminating electric power plants and totally destroying railroads, will at least indirectly impose further privations on the populace of NVN and make the logistic support of VC costlier to maintain, such expansion will not really change the basic assessment. This follows because NVN has demonstrated excellent ability to improvise transportation, and because the primitive nature of their economy is such that Rolling Thunder can affect directly only a small fraction of the population. There is very little hope that the Ho Chi Minh Government will lose control of population because of Rolling Thunder. The lessons of the Korean War are very relevant to the damage we inflict, and growing. Probably the government of NVN has assurances that the USSR and-or China will assist the rebuilding of its economy after the war, and hence its concern that the damage being inflicted may be moderated by long-range favorable expectations. Specifically:

1. As of July 1966 the U.S. bombing of North Vietnam had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level.

2. Since the initiation of the Rolling Thunder program the damage to facilities and equipment in North Vietnam has been more than offset by the increased flow of military and economic aid, largely from the USSR and Communist China.

3. The aspects of the basic situation that have enabled Hanoi to continue its support of military operations in the South and to neutralize the impact of U.S. bombing by passing the economic costs to other Communist countries are not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors in North Vietnam, increasing the number of armed reconnaissance sorties and otherwise expanding the U.S. air offensive along the lines now contemplated in military recommendations and planning studies.

4. While conceptually it is reasonable to assume that some limit may be imposed on the scale of military activity that Hanoi can maintain in the South by continuing the Rolling Thunder program at the present, or some higher level of effort, there appears to be no basis for defining that limit in concrete terms, or, for concluding that the present scale of VC–NVN activities in the field have approached that limit.

5. The indirect effects of the bombing on the will of the North Vietnamese to continue fighting and on their leaders' appraisal of the prospective gains and costs of maintaining the present policy have not shown themselves in any tangible way. Furthermore, we have not discovered any basis for concluding that the indirect punitive effects of bombing will prove decisive in these respects.

Partial text of a memorandum drafted by Secretary of Defense Robert S. McNamara for President Lyndon B. Johnson, Nov. 17, 1966:

The war in Vietnam has two highly interdependent parts: (1) the "regular" war against the main force VC/NVA battalions and regiments, and the interdiction of their men and supplies flowing down from North Vietnam, and (2) the "Pacification" or revolutionary development war to neutralize the local VC guerrillas and gain the permanent support of the SVN population.

The infiltrated men and supplies serve to bolster the regular units whose function is to support the local VC guerrillas and infrastructure by defeating the GVN forces in the area and generally exposing the GVN's inability to protect the rural populace. The local guerrillas and infrastructure maintain a constant VC presence in their area and support the offensive efforts of the regular units by providing intelligence, terrain guidance, supplies, and recruits. In addition, the guerrillas conduct many of the thousands of incidents of terror, harassment, and sabotage reported each month. The principal task of U.S. military forces in SVN must be to eliminate the offensive capability of the regular units in order to allow the GVN to counter the guerrilla forces and extend permanent control over areas from which regular units have been cleared.

We now face a choice of two approaches to the threat of the regular VC/NVA forces. The first approach would be to continue in 1967 to increase friendly forces as rapidly as possible, and without limit, and employ them primarily in large-scale "seek out and destroy" operations to destroy the main force VC/NVA units.

This approach appears to have some distinct disadvantages. First, we are finding very strongly diminishing marginal returns in the destruction of VC/NVA forces. If our estimates of enemy losses (killed, captured and defected) are correct, VC/NVA losses increased by only 115 per week (less than 15 per cent) during a period in which we increased friendly strength by 160,000 including 140,000 U.S. military personnel and 42 U.S. and Third Country maneuver battalions. At this rate, an additional 100,000 friendly personnel deployed would increase VC/NVA losses by some 70 per week. Second, expanding U.S. deployments have contributed to a very serious inflation in South Vietnam. Prices increased 75–90 per cent in FY66. An extra 100,000 U.S. forces would add at least P9 billion to our piaster expenditures, doubling the 1967 inflationary gap in SVN. Third, the high and increasing cost of the war to the United States is likely to encourage the Communists to doubt our staying power and to try to "wait us out."

The second approach is to follow a similarly aggressive strategy of "seek out and destroy," but to build friendly forces only to that level required to neutralize the large enemy units and prevent them from interfering with the pacification program. It is essential to this approach that such a level be consistent with a stable economy in SVN, and consistent with a military posture that the United States credibly would maintain indefinitely, thus making a Communist attempt to "wait us out" less attractive.

I believe that this level is about 470,000 U.S. and 52,000 Free World personnel and less than half of the ARVN. The remainder of the ARVN, plus a portion of the U.S. force, would give priority to improving the pacification effort. The enemy regular units would cease to perform what I believe to be their primary function of diverting our effort to give security to the population. This, plus the effects of a successful interdiction campaign to cut off their other support, would effectively neutralize them, possibly at the cost of far fewer casualties to both sides than the first approach would allow.

I believe it is time to adopt the second approach for three reasons: (1) if MACV estimates of enemy strength are correct, we have not been able to attrite the enemy forces fast enough to break their morale and more U.S. forces are unlikely to do so in the foreseeable future; (2) we cannot deploy more than about 470,000 personnel by the end of 1967 without a high probability of generating a self-defeating runaway inflation in SVN, and (3) an endless escalation of U.S. deployments is not likely to be acceptable in the U.S. or to induce the enemy to believe that the U.S. is prepared to stay as long as is required to produce a secure non-Communist SVN. Obviously a greatly improved pacification campaign must be waged to take advantage of the protection offered by the major friendly forces. Alternatively, if enemy strength is greatly overstated and our "seek out and destroy" operations have been more effective than our strength and loss estimates would imply—a possibility discussed below—more than 470,000 U.S. personnel should not be required to neutralize the VC/NVA main force.

Attriting Enemy Forces. All of our estimates of enemy strength and variations in it contain very great uncertainties. Thus, any conclusions drawn from them must be considered to be highly tentative and conjectural. Nevertheless, the data suggest that we have no prospects of attriting the enemy force at a rate equal to or greater than his capability to infiltrate and recruit, and this will be true at either the 470,000 U.S. personnel level or 570,000. The table on the following page shows our estimates of the average enemy loss rate per month since April 1965. By 4th quarter 1965, estimated military losses (killed, captured, military defectors) reached 2215 per week. The weekly average for CY66 has remained about the same, although enemy losses increased to 2330 per week in the 3rd quarter and to 2930 in October.

Enemy losses from wounds are included above based on the U.S. Intelligence Board estimate that there are 1.5 enemy wounded for each one killed, with one-third of the wounded put out of action, resulting in a loss of .5 for each VC/NVA recorded killed, or 520 additional average losses per week. (MACV estimates .28 additional losses for each VC/NVA killed, or an average loss of 300 per week.) Also included are defectors not turning themselves into the GVN centers, based on the Board estimate that there is one unrecorded military deserter for each military defector, resulting in another 235 average losses per week.

The enemy loss rate was apparently not affected significantly by the greatly increased friendly activity during 1966, which included: 44 per cent increase in battalion days of operation; 25 per cent increase in battalion sized operations contacting the enemy; and 28 per increase in small unit actions accompanied by a 12 per cent increase in contacts. Moreover, armed helicopter sorties doubled from 14,000 to 29,000 per month and attack sorties in SVN rose from 12,800 to 14,000 per month.

The failure of enemy losses to increase during the first half of 1966 was primarily due to the January Vietnamese New Year lull, the political turmoil during the Spring, the apparent decrease in ARVN efficiency, and an increasing enemy reluctance to fight large battles.

Despite improvements during the past four months, it is impossible to predict the point at which we can expect to attrite enemy forces at the rate he introduces new ones. As the table above indicates, an average enemy total loss rate of 2230 per week has prevailed for the past 13 months, compared to the calculated enemy personnel input rate of 2915 per week for the same period. The input rate is that required to provide the average increase of 685 per week reflected in the VC/NVA order of battle strength figures estimated by MACV, it is not estimated independently. Assuming that the weekly infiltration rate from NVN for the past 13 months averaged 1075 as estimated (MACV indicates that the 1966 figure may be as high as 1638 per week), VC recruitment (input minus infiltration) must have been about 1840 per week. This recruitment rate lies well within the current U.S. Intelligence Board estimate that the VC can recruit and train 1635 to 2335 men per week, and can replace current losses solely from within South Vietnam if necessary. But it lies far above the current MACV recruitment estimate of 815 VC personnel per week.

As indicated in the VC/NVA losses table, enemy losses increased by 115 per week during a period in which friendly strength increased by 166,000; an increase of about 70 losses per 100,000 of friendly strength. There are far too many uncertain variables in the situation to permit a simple extrapolation of these results to the effect of introduction of the next 100,000, or a subsequent 100,000 troops. However, we have no evidence that more troops than the 470,000 I am recommending would substantially change the situation. For example, if it were assumed that new forces would produce enemy losses of a rate equal to the average of all forces deployed by the end of October 1966, each deployment of 100,000 additional friendly troops would produce only 230 more total enemy losses per week compared to the 2915 current enemy input rate. A U.S. force of 470,000 would result in enemy losses of 2450 per week; an extra 100,000 U.S. personnel would increase average weekly enemy losses to about 2680, still less than the 3500 per week that the enemy is supposed to be able to infiltrate/recruit. Moreover, it is possible that our attrition estimates substantially overstate actual VC/NVA losses. For example, the VC/NVA apparently lose only about one-sixth as many weapons as people, suggesting the possibility that many of the killed are unarmed porters or bystanders.

In summary, despite the wide variations in estimates of infiltration, recruitment and losses, the data indicate that current enemy recruitment/infiltration rates and tactics have more than offset the increased friendly deployments, enabling the enemy to increase his forces in the past and in the foreseeable future. If we assume that the estimates of enemy strength are accurate, the ratio of total friendly to total enemy strength has only increased from 3.5 to 4.0 to 1 since the end of 1965. Under these circumstances, it does not appear that we have the favorable leverage required to achieve decisive attrition by introducing more forces. It may be possible to reduce enemy strength substantially through improved tactics or other means such as an effective amnesty/defection program or effective pacification to dry up VC sources of recruitment, but further large increases in U.S. forces do not appear to be the answer.

Enemy Offensive Capability. These estimates of enemy strength, losses and replacement rates raise some important questions. They assume that the enemy has all the battalions carried in the MACV Enemy Order of Battle (OB), and that most of these battalions have retained their offensive capability. Neither assumption can be supported by available data.

In the last 7 months (February-August) for which data are available, friendly forces averaged 35 contacts per month with VC/NVA battalions. If each contact represented a different battalion the contract rate would equal 20% of average reported total enemy VC/NVA battalions: at best, we would contact each battalion once in 5 months. However, analyzing the August OB of 175 battalions, only 112 battalions had been positively identified as contacted during the 7 month period and 59 battalions were unrecorded as to last contact. (The remaining battalions were contacted prior to period.) Other battalions in addition to the 112 positively identified were undoubtedly active during the period. Nevertheless, it appears that the actual existence, or ability to operate, of some of the 59 units with no records of contact with friendly forces is open to question. Moreover, enemy activity rates reflected in the number of battalion contacts initiated by themselves or by us do not show increases that we might expect as the result of the 49 battalion increase reflected in the Order of Battle reports.

Furthermore, the enemy is undertaking fewer large-scale offensive operations in recent months and concentrating his small-scale attacks, ambushes, and harassments against easier targets (troops in the field and isolated military posts). This indicates a possible regression to activities characteristic of earlier stages of guerrilla warfare, is inconsistent with large numbers of battalions and even divisions, and many reflect an increasing inability to conduct large scale operations without incurring unacceptably high casualties. The VC/NVA have not won a significant large-scale military victory in several months. There is every reason to be on guard, as General Westmoreland is, but there is no reason to believe that we need to increase our planned deployment of large units to prevent such victories in the future.

The Interdiction Campaign. The VC force has reportedly increased by 20 battalions (from 74 to 94) since last December, NVA by 43 (from 43 to 86) during the same period. The NVA represented only 25,600 of 249,700 (10%) last December, increasing to 45,600 of 277,000 (16%) in October. The weekly rate of accepted infiltration has been about 1115 in 1966 compared to 945 in 4th quarter 1965 and 510 for all of 1965. MACV has recently reported that infiltration may have been as high as 1630 per week in 1966. The NVA units, equipped almost exclusively with Chinese and Russian weapons, have a much greater requirement for infiltrated ammunition and supplies, thus increasing their dependence on the logistics network flowing from NVN to SVN.

Air Interdiction. The use of air power to interdict enemy infiltration and supply has been very great by any standard. Attack sorties in Laos and NVN have risen from 4750 per month at the end of last year to 9100 in 1st quarter of this year and to 10,600 and 12,900 in subsequent quarters. The interdiction campaign has absorbed most of the increase in deployed attack-capable aircraft in the past years.

A substantial air interdiction campaign is clearly necessary and worthwhile. In addition to putting a ceiling on the size of the force that can be supported, it yields three significant military effects. First, it effectively harasses and delays truck movements down through the southern panhandles of NVN and Laos, though it has no effect on troops infiltrating on foot over trails that are virtually invisible from the air. Our experience shows that daytime armed reconnaissance above some minimum sortie rate makes it prohibitively expensive to the enemy to attempt daylight movement of vehicles, and so forces him to night movement. Second, destruction of bridges and cratering of roads forces the enemy to deploy repair crews, equipment, and porters to repair or bypass the damage. Third, attacks on vehicles, parks, and rest camps destroy some vehicles with their cargoes and inflict casualties. Moreover, our bombing campaign may produce a beneficial effect on U.S. and SVN morale by making NVN pay a price for its aggression and by showing that we are doing what we can to interdict the enemy. But at the scale we are now operating, I believe our bombing is yielding very small marginal returns, not worth the cost in pilot lives and aircraft.

### II. Consolidation and extension of GVN control.

Pacification. Based on available reports of questionable validity, the table on the following page [not printed in the RECORD] indicates the various degrees of GVN and VC–NVA population and hamlet control. In the 14 months between July 31, 1965 and September 30, 1966, the GVN reportedly gained control of an addtiional 1,500,000 people, raising its control of the total SVN population from 47 per cent to 55 per cent—the highest level to date. During the same period VC–NVA control of the total population decreased 6 per cent, a loss of 800,000 people. GVN control of the rural population rose from 23 per cent to 35 per cent, while VC–NVA rural control fell from 35 per cent to 28 per cent during the same period.

It is highly likely that these figures are grossly optimistic. It should be noted that about 30 per cent of the reported gains probably came from movement of refugees into cities and towns. Another report indicates that GVN increased its control of area only from 8 per cent to 12 per cent in 1966 through September. Since 1965 the VC–NVA have claimed control of 80 per cent of the SVN territory and 75 per cent of the population. At the end of September 1966, the GVN controlled about 25 per cent of the vital roads in SVN. It controlled about 20 per cent of the total roads, down from 35 per cent in 1965 and 40 per cent in 1964. The rest were marginal or closed and could be traveled only with adequate security precautions.

The pacification program has been stalled for years; it is stalled today. The situation in this regard is no better—possibly—than it was in 1965, 1963, and 1961. The large unit war, at which we are succeeding fairly well, is largely irrelevant to pacification as long as we keep the regular VC–NVA units from interfering and do not lose the major battles.

The most important problems are reflected in the belief of the rural Vietnamese that the GVN will not stay long when it comes into an area but the VC will; the VC will punish cooperation with the GVN; the GVN is indifferent to the people's welfare; the low-level GVN officials are tools of the local rich; and the GVN is excessively corrupt from top to bottom.

Success in changing these beliefs, and in pacification, depends on the interrelated functions of providing physical security, destroying the VC organization and presence, motivating the villager to cooperate, and establishing responsive local government.

Physical security must come first and is the essential prerequisite to a successful revolutionary development effort. The security must be permanent or it is meaningless to the villager, and it must be established by a well organized "clear and hold" operation continued long enough to really clear the area and conducted by competent military forces who have been trained to show respect for the villager and his problems. So far this prerequisite has been absent. In almost no area designated for pacification in recent years have ARVN forces actually "cleared and held" to a point where cadre teams could have stayed overnight in hamlets and survived, let alone accomplished their missions. VC units of company and even battalion size, too large for local defenses, have remained in operation.

Now that the threat of a Communist large-unit military victory has been eliminated, we must allocate far more attention and a significant portion of the regular military forces (at least half of the ARVN) to providing permanently secure areas in which Revolutionary Development (RD) teams, police, and civilian administrators can root out the VC infrastructure and establish the GVN presence. This has been our task all along. It is still our task. The war cannot come to a successful end until we have found a way to succeed in this task.

Assignment of ARVN to Revoluntionary Development Role. The increasingly unsatisfactory performance of ARVN in combat operations is reflected in U.S. Army advisory reports and in ARVN and U.S. operational statistics. During the January-September period for which data are available, U.S. field advisors rated combat effectiveness as unsatisfactory or marginal in up to 32% of all ARVN combat battalions. Over 115,700 SVN military personnel (19%) deserted in 1965, and desertions in 1966 through October were at the annual rate of 130,000, 21% of forces. The poor ARVN performance also shows in the operational statistics. ARVN made contact in only 46% of its large-scale operations against a U.S. contact rate of 90%. Similar actions for small unit actions are not readily available.

ARVN effectiveness against the enemy has declined markedly during the January-September 1966 period. ARVN kills of VC-NVA dropped from a weekly average of 356 to 238, while the U.S. average rose from 476 to 557 per week. VC-NVA killed per ARVN killed per ARVN battalion per week averaged 1.8 compared to 8.6 for U.S. battalions. Conversely, the friendly killed rates were .6 per ARVN battalion and 1.7 per U.S. battalion per week. The enemy-friendly killed ratios for ARVN and U.S. were 3.2 and 5.4 to 1 respectively.

In view of the ARVN's low efficiency in major combat operations and the increasing difficulties that SVN forces have had in recruiting and retaining the planned forces in an overtaxed economy, I believe that we should not increase the SVN forces (ARVN, Regional and Popular Forces) above the present strength of 158 battalions with 610,000 men. It is likely that GVN control can be extended most rapidly by using SVN forces mainly for revolutionary development, and using additional recruitable personnel for non-military and para-military revolutionary development duty. The ARVN must be retrained and assigned to RD duty, and General Westmoreland plans to do so. The performance of the ARVN and other SVN forces as an instrument for winning popular support for the GVN has been decidely unsatisfactory. Apparently ARVN personnel have not appreciated the decisive importance of revolutionary development and popular support; the importance of these items will be heavily emphasized in the retraining programs.

The Problem of Inflation. To unite the population behind the Government—indeed, to avoid disintegration of SVN society—a sound economy is essential. Runaway inflation can undo what our military operations accomplish. For this reason, I have directed that a "plaster budget" be established for U.S. military funded activities. The intent of this program is to hold military and contractor piaster spending to the minimum level which can be accomplished without serious impact on military operations.

Ambassador Lodge has asked that U.S. military spending be held to P42 billion (piasters) in CY 67. The ambassador's proposed program of tightly constrained U.S. and GVN civilian and military spending will not bring complete stability to SVN; there will still be, at best, a P10 billion (piasters) inflationary gap. It should, however, hold price rises in CY 67 to 10 per cent to 25 per cent as opposed to 75 per cent to 90 per cent in the current year. Unless we rigidly control inflation, the ARVN desertion rate will further increase and effectiveness will decline thus partially canceling the effects of increased U.S. deployments. Further, government employees will leave their jobs and civil strife will occur, possibly collapsing the GVN and, in any event, seriously hindering both the military and the pacification efforts.

The success of our efforts to hold U.S. military expenditures to P42 billion (piasters) depends, among other things, on U.S. force levels. The impact of three differing deployment plans on piaster spending at constant prices is shown in the table below. The actual level of piaster spending associated with each deployment program is, of course, determined by what policies are pursued in saving piasters. The planning factors used in the table are based on little actual experience and may be either too high or too low to serve as a reliable basis for projection. They do, however, reflect first quarter FY 67 experience, MACV planning factors, and expected anti-inflationary programs.

The table clearly illustrated that with the deployment of 463,000 troops the CY 67 goal of P42 billion (piasters) is feasible. The planning factors used, however, entail a "pushing down" of O&M and personal spending from the MACV planning factors ($360 per man year for personal spending, $600 for O&M) in light of past performance and likely future savings; application of the MACV planning factors result in P46 billion piaster spending. If these later planning factors hold, the P46 spending rate would increase the inflationary gap by 40% and would be a severe blow to the stabilization program. If inflation occurs and U.S. expenditures are maintained in constant dollar terms, piaster expenditures will increase and the problem will be worsened. If the CINCPAC construction program were approved, similar problems would result. It appears imperative to adopt a plan, such as the one exemplified in the table above, which will call for a strong effort to reduce spending below the levels embodied in the MACV planning factors.

In addition to U.S. military spending, stabilization of the SVN economy requires strict limitation of RVNAF spending. We must plan to support the RVNAF at no higher than the ambassador's requested level of P50 billion during CY 67.

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[From the Philadelphia Inquirer, June 27, 1971]

## BACK IN 1966, L.B.J. RESISTED PRESSURE TO SEND TROOPS INTO LAOS, CAMBODIA

(By Loye Miller, Jr.)

WASHINGTON.—U.S. military leaders were constantly pressuring President Lyndon B. Johnson to expand the ground war from South Vietnam into Laos and Cambodia during 1966 and 1967, the secret Pentagon papers show.

There was even some serious discussion about using U.S. troops to invade North Vietnam in force.

But Mr. Johnson, Defense Secretary Robert McNamara and other top civilians in the government steadily resisted these requests from the generals, the Pentagon archive indicates.

Mr. Johnson did allow bombing and covert use of Special Forces troops in Laos and bombing in Cambodia.

But it remained for Mr. Johnson's successor, President Nixon, to approve partially the much larger military pleas by expanding the ground war into Cambodia and launching a major foray into Laos years later.

Mr. Nixon sent U.S. and South Vietnamese ground troops into Cambodia on April 30, 1970, setting off a political uproar that swept the campuses in this country and led to the killing of four students by the Ohio National Guard at Kent State University.

The American troops were withdrawn by June 30, but South Vietnamese units are still fighting in Cambodia.

### BADLY BATTERED

And earlier this year, at Nixon's urging, South Vietnamese troops, with heavy U.S. air cover and logistic support, attempted to cut the Ho Chi Minh Trail during a six-week foray into Laos. Some returned badly battered.

The pressure on Mr. Johnson and McNamara to approve far wider incursions into these "sanctuaries" adjacent to South Vietnam began building during 1966.

Massive infusions of U.S. ground troops were resulting in heavy losses to North Vietnamese and Vietcong units in South Vietnam at that time.

But even as these successes unfolded, William Westmoreland, U.S. Vietnam commander, was complaining that "sanctuaries" of Laos and Cambodia and the jungle infiltration routes from them posed a major peril to the security of South Vietnam.

During this period, the limited and secret use of small numbers of U.S. troops in the jungles along the Laotian border was conducted under the code name Operation Shining Brass.

The Pentagon analyst writes that on Feb. 21, 1967, the Joint Chiefs of Staff petitioned President Johnson for a series of new military moves, including expansion of Shining Brass.

### SUGGESTION DENIED

The study shows that Johnson approved extension of the operations up to 20 kilometers (about 13 miles) into Laos, but denied the general's suggestion that "battalion-size forces" be moved across the border.

Later in the spring, McNamara submitted to Mr. Johnson a summary of U.S. activities against Laos, Cambodia and North Vietnam. It noted:

"At the present time, no actions—except air strikes and artillery fire necessary to quiet hostile batteries across the borders—are allowed against Cambodian territory

"In Laos, we average 5000 (air) sorties a month against the infiltration routes and base areas, we fire artillery from South Vietnam against targets in Laos and we will be providing three-man leadership for each of twenty 12-man U.S.-Vietnamese Special Forces teams that operate to a depth of 20 kilometers into Laos.

### 8,000 ATTACK SORTIES

"Against North Vietnam, we average 8000 or more attack sorties a month against all worthwhile fixed and LOC (lines of communication) targround targets across the DMZ (Demilitarized Zone); we fire from naval vessels afloat . . .; we mine their inland waterways."

With U.S. efforts in South Vietnam becoming bogged down, Westmoreland returned to Washington in April 1967 to urge another major escalation in troop levels

The Pentagon study discloses that in meeting with the President at the White House in April, Westmoreland laid out plans to move South Vietnamese troops into Laos and Cambodia.

### UNDER U.S. COVER

The study says the general "believed we should confront the DRV (North Vietnamese) with SVN (South Vietnamese) forces in Laos.

"He reviewed his operational plan for Laos, called High Port, which envisioned an elite SVN division conducting ground operations in Laos against DRV bases and infiltration routes under cover of U.S. artillery and air."

Westmoreland, the study continues, believed that eventually Laos would become "a major battlefield, a development which would take some of the military pressure off the south."

The general also proposed the same type of High Port operation into Cambodia near the town of Chu Pong, "again using SVN forces but this time accompanied by U.S. advisers."

### WHEELER HAWKISH

At this same meeting, the Joint Chiefs of Staff chairman, Gen. Earle G. Wheeler, was even more hawkish.

Wheeler told the President that "U.S. troops may be forced to move" against North Vietnamese troops in Laos and Cambodia, the study says.

Beyond that, Wheeler said, "we may wish to take offensive action against the DRV" by invading North Vietnam with U.S. ground forces.

"The President remained skeptical, to say the least," writes the Pentagon analyst.

Later in the spring, the Joint Chiefs suggested expansion of Laos operations with a new project to be dubbed Prairie Fire and a Cambodian escalation to be named Daniel Boon.

### INTERNAL RESISTANCE

They also wanted to mount an Operation Footboy to build up internal guerrilla resistance to the enemy government within North Vietnam, although all such previous efforts had failed badly.

But the Pentagon study indicates these ideas brought a shower of opposing memos from civilian leaders within the State Department and Pentagon, and were disapproved by the President.

The paper that most effectively summed up these objections was written by Assistant Defense Secretary John McNaughton, who argued that any ground movement into North Vietnam would bring China to the enemy's aid with 'both ground and air forces' and cause the Soviet Union to provoke "a serious confrontation" with the United States elsewhere in the world.

### NEW FRONTS FEARED

McNaughton also argued against any serious troop movement into Laos or Cambodia, warning that this would simply add new battle fronts closer to the North Vietnamese supply lines.

Discussing the idea of a troop commitment to Laos, he predicted "a brigade will beget a division and a division A corps, each calling down matching forces from the Dry (North Vietnamese) into territory to their liking and suggesting to Hanoi that they take action in northern Laos to suck us further in.

"We would simply have a wider war, with . . . world opinion against us. And no solution either to the wider war or the one we already had in Vietnam."

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[From the Philadelphia Inquirer, June 27, 1971]

## Domino Theory Has Led U.S. Policy Since 1950, Papers Show

(By Saul Friedman)

Washington.—On March 27, 1950, President Harry S. Truman gave his approval to "NSC 64," the first National Security Council memorandum to deal solely with Indochina.

That spring, echoes of World War II could still be heard. The cold war had set in. Mainland China had fallen to Mao, and the Korean War would soon begin.

Against that background, according to the opening chapters of the Pentagon's study of the Vietnam War, "NSC 64" gave birth to the "Domino Principle"—the theory that if one country falls, its neighbors in succession will follow.

### SET THE PATTERN

As the history of the Vietnam conflict and the Pentagon Papers available to Knight Newspapers make clear, the Domino principle spawned its own set of dominoes, which fell successively on the administrations of Mr. Truman, Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson.

Dr. Daniel Ellsberg—who is said to have been a source of the Pentagon documents—has called that early period one of the most important chapters because it set the pattern for much of what was to come.

Adopted by the Truman Administration, NSC 64 warned that "the threat of Communist aggression against Indochina is only one phase of anticipated Communist plans to seize all of Southeast Asia."

### SERIES SPELLED OUT

"It is important to U.S. security interests," the still-secret memo said, "that all practicable measures be taken to prevent further Communist expansion in Southeast Asia. . . .

"The neighboring countries of Thailand and Burma could be expected to fall under Communist domination if Indochina were controlled by a Communist-dominated government. The balance of Southeast Asia would then be in grave hazard."

France granted limited independence in February 1950 to Laos, Cambodia and Vietnam.

### ACHESON'S REASONS

On Feb. 2, then Secretary of State Dean Acheson, in a memo to the President, recommended recognition of the three new states.

Acheson gave these reasons: "Encouragement to national aspirations under non-Communist governments in areas adjacent to Communist China . . . and . . . a demonstration of displeasure with Communist tactics which are obviously aimed at eventual domination of Asia, working under the guise of indigenous nationalism."

Two weeks after Acheson's memo France requested U.S. assistance to fight the Communist-dominated Viet Minh.

### BEGAN IN MARCH 1950

Secretary of Defense Louis Johnson backed the request, in language that would be heard many times in the next two decades:

"The choice confronting the U.S. is to support the legal governments in Indochina or to face the extension of Communism over the remainder of the continental area of Southeast Asia and possibly westward."

Thus in March 1950, this country sent to Southeast Asia the first of countless missions. On May 1, Mr. Truman approved the first military assistance funds for Indochina—$10 million.

The French installed as head of government the Emperor Bao Dai, something of a playboy, who had spent the war and the Japanese occupation of his country exiled in Europe.

### SLAP AT BAO DAI

On the emperor's return to Vietnam from exile, the Pentagon study shows, Acheson sent him a sharp cable, telling Bao Dai that "many people, including a great number of Americans, have been unable to understand reasons for emperor's 'prolonged holiday' on Riviera and have misinterpreted it as an indication of lack of patriotic attachment to his role of chief of state." Acheson suggested the emperor shape up.

The Truman Administration was also deep in the Korean war and under criticism as "soft on Communism."

The Pentagon analyst writes, "The 'domino principle' in its purest form was written into the 'general considerations' section of NSC 124–2," adopted in June 1952. It said:

"Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, U.S. security interests.

### SOMEBODY IMPRESSED

"The loss of any of the countries of Southeast Asia to Communist agression would have critical psychological, political, and economic consequences.

". . . The loss of any single country would probably lead to relatively swift submission to or an alignment with Communism by the remaining countries of this group . . . an alignment with Communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East . . . would in all probability progressively follow. Such widespread alignment would endanger the stability and security of Europe."

(At this point, some anonymous reader of the Pentagon documents penned in the margin the word: "Wod.")

### IKE HEEDED JUDD

The National Security Council memo went on to warn that Communist control of Southeast Asia "would" seriously endanger the American position in the Far East and the Pacific and could force "Japan's eventual accommodation to Communism."

"Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. . . .". NSC 124—2 concluded.

### DULLES' WARNING

A few months after later, Dwight D. Eisenhower became President, with John Foster Dulles as Secretary of State. In spring of 1953 they sent a special study commission to Indochina headed by Rep. Walter Judd (R., Minn.).

His report set the tone of the Eisenhower Administration policy. It said: "The area of Indochina is immensely wealthy in rice, rubber, coal, and iron ore. Its position makes it a strategic key to the rest of Southeast Asia.

"If Indochina should fall . . . Communism would then be in an exceptional position to complete its perversion of the political and social revolution that is spreading through Asia . . . the Communists must be prevented from achieving their objectives in Indochina."

Dulles said in September: "A single Communist aggressive front extends from Korea on the north to Indochina in the south."

### FRANCE BOWED OUT

Then in a new NSC paper quoted the domino principle as explicity as Mr. Truman had, and in much the same language.

Washington repeatedly urged the French, after their defeat by Ho Chi Minh at Dien Bien Phu, to refuse to negotiate or even accept a cease-fire. But France agreed at Geneva on elections, which probably would have brought Ho to power throughout the country.

### SUBVERTED ELECTIONS

Dulles who declined even to shake hands with China's Chou En Lai at Geneva—would have none of that, the Pentagon analyst reports.

After trying to get U.S. military aid to the French at Dien Bien Phu, he backed a new strong man for South Vietnam—Ngo Dinh Diem.

Dulles sought "united action" with France and England, preaching the domino principle to them.

Failing in that, the documents say, Dulles told Diem to do nothing that would "instill life" into the Geneva accords. Consequently, the elections were never held.

On Nov. 22, 1961—after several more U.S. missions to Vietnam—President Kennedy approved National Security Memorandum 111. This incorporated much of a memo to him from Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara.

### KENNEDY COURSE

That memo was reproduced in full by the Pentagon analyst because it set the Kennedy Administration's course towards Vietnam. It began: "The loss of South Vietnam would make pointless any further discussion about the importance of Southeast Asia to the free world; we would have to face the near certainty that the remainder of Southeast Asia and Indonesia would move to a complete accomodation with Communism . . . (and) would determine the credibility of American commitments elsewhere. . . .

### JOINT CHIEFS SWAYED

Mr. Kennedy increased military aid to Vietnam and sent helicopter pilots, more advisers and logistical personnel.

According to the Pentagon documents, the Joint Chiefs of Staff, from 1950 to about 1962 (when Maxwell Taylor became chairman), were generally opposed to becoming bogged down in an Asian war. But once U.S. forces were committed, they pressed for more and more. The specter of military humiliation had become an important ingredient in the domingo principle.

In Spring 1964, the new President, Lyndon B. Johnson, ordered a full-scale review of the war, and asked whether it was necessarily true that loss of Vietnam lead to the fall of Southeast Asia.

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[From the Philadelphia Inquirer, June 27, 1971]

## Rusk Feared World Opinion on Sabotage of Peace Talks

(By Robert S. Boyd)

Washington.—Secretary of State Dean Rusk, in a private message to Defense Secretary Robert McNamara, warned of "general international revulsion" if U.S. bombers raided Hanoi during a Canadian peace feeler, the Pentagon papers disclosed.

In early June 1966, Canadian Ambassador Chester Ronning was about to leave for Hanoi to try to find a basis for peace talks between the U.S. and North Vietnam.

On June 7, Rusk, traveling in Europe, learned that the Pentagon was planning to hit petroleum supplies in Hanoi for the first time.

### URGENT CABLE

Rusk flashed an urgent cable to President Johnson from Brussels.

"Regarding special operation in Vietnam we had under consideration, I sincerely hope that timing can be postponed until my return. A major question in my mind is * * *

The next day, the Pentagon papers disclose, Rusk cabled McNamara:

"I am deeply disturbed by general international revision, and perhaps a great deal at home, if it becomes known that we took an action which sabotaged the Ronning mission to which we had given agreement."

Rusk argued that if Ronning failed to find Hanoi ready to talk, "as we expect, that provides a firmer base for the action we contemplate and would make a difference to people like (British Prime Minister Harold) Wilson and (Canadian Premier Lester) Pearson.

"If, on the other hand, he learns that there is a serious breakthrough toward peace, the President would surely want to know of that before an action which would knock such a possibility off the track. I strongly recommend, therefore, against (Bombing on) the 9th or 10th.

That exchange is one of the fascinating glimpses into the world of secret diplomacy that emerges from the Pentagon papers on the history of the war.

The portion of the papers made available to Knight Newspapers does not include an especially sensitive volume devoted entirely to international diplomacy. Government officials contend that publication of this volume could harm the national security even at this time.

The diplomatic maneuvers referred to in the available documents reveal no previously undisclosed secret negotiating channels. But fresh light is shed on the attitude of Johnson Administration figures toward peace talks and toward third parties who were trying to get talks started.

The documents show:

That U.S. officials were not really interested in peace talks in the early years of the war. While publicly professing their desire for peace, they privately maneuvered to avoid talks—except on very favorable terms—until South Vietnam was stronger.

That periodic bombing halts were designed less to bring about negotiations than to prepare U.S. and foreign opinion for further escalation.

That as late as March 1968, less than a month before Hanoi agreed to come to the Paris peace table, senior U.S. officials were arguing that U.S. should stiffen its peace terms and predicting that Hanoi would not accept them.

Discussing the five-day bombing pause in May 1965, for example, the Pentagon analyst who wrote this section of the report said Johnson wanted to see if Hanoi would respond by de-escalating the war. But he added:

"Yet the President also saw a pause as a means of clearing the way for an increase in the tempo of the air war in the absence of a satisfactory response from Hanoi."

In November 1965, discussing plans for the 37-day bombing pause and sensational "peace offensive" of that winter, McNamara argued for what he called a "hard-line pause."

"Under a hard-line pause we would be firmly resolved to resume bombing unless the Communists were clearly moving toward meeting our declared terms," McNamara said. Under a "soft-line pause," in contrast, "we would be willing to feel our way with less insistence on concrete concessions by the Communists."

### DOUBLE PURPOSE

McNamara said the purpose of the pause would be twofold: "First we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war, and second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst noted that these were "not very attractive options," for Hanoi.

After the 37-day pause failed, there was a flurry of peace-making activity by third parties. The Pentagon papers mentioned maneuvers by President Nkrumah of Ghana, President Abdul Gamal Nasser of Egypt, President Charles de Gaulle of France, Prime Minister Wilson, Soviet Premier Alexli Kosygin, Indian President Radharrishnon, Canada's Pearson and Ronning; UN Secretary-General U Thant, Dutch Foreign Minister Luns and various Algerians, Rumanians and Guineans.

### HALT RECOMMENDED

None of these got anywhere, and McNamara, who was rapidly becoming disillusioned with the war effort, recommended in October 1966, that the U.S. halt the bombing and began "covert moves toward peace."

One such move, code-named "Operation Marigold" involved a Polish effort to open talks in Warsaw. It collapsed when the U.S. raided Hanoi in December.

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[From Newsday, June 25, 1971]

## SECRET ESCALATION PLANS IN 1964 DESCRIBED IN JOHNSON MEMOIRS—BOOK SUPPORTS PENTAGON DATA

(By Brian Donovan)

Lyndon Johnson's still-unpublished White House memoirs acknowledge that his administration was privately preparing in early 1964 for large-scale American military involvement in Vietnam, long before the depth of the U.S. commitment was known to the public.

The memoirs, to be published in November, support many of the findings of the classified Pentagon study of the war's origins, which the government has been fighting to keep secret. The former President's book, now largely in galley form at the New York publishing house of Holt, Rinehart & Winston, is entitled "The Vantage Point: Perspectives of the Presidency." Newsday obtained information about the material from a publishing industry source.

Johnson depicts himself in the book as having been hesitant for several months over approving military advisers' recommendations for bombing raids against North Vietnam. But in February of 1965, he writes, he told his aides that he was approving the bombing. " 'We have kept our gun over the mantel and our shells in the cupboard for a long time now,' I said. 'And what was the result? They are killing our men while they sleep in the night. I can't ask American soldiers out there to continue to fight with one hand tied behind their backs.' "

Johnson says in the book that he first decided to pursue President Kennedy's policy of defending South Vietnam's sovereignty while flying back to Washington only a few hours after Kennedy was assassinated in November, 1963.

In the highlights of his chapters on Vietnam, portraying more than five years of growing U.S. involvement, Johnson says:

On March 17, 1964, he approved a recommendation by Defense Secretary McNamara that U.S. forces should be prepared for a "program of graduated military pressure against the North."

During the 1964 presidential campaign, Robert Kennedy volunteeered to go to South Vietnam as the U.S. ambassador.

During the same campaign, all that he meant by his often-quoted statement that he would not send U.S. troops "to do the fighting that Asian boys should do for themselves" was that America should not "take charge" of the war or provoke a conflict with China. "I did not mean that we were not going to do any fighting, for we had already lost many good men in Vietnam."

In September, 1964, Johnson approved a contingency plan for bombing, recommended by the military, to be implemented if Communist forces made a "spectacular" attack in the South. But he then waited until Feb. 7, 1965, to start bombing, twice rejecting military advice to begin earlier.

On Feb. 17, 1965, Johnson met with former President Eisenhower and was urged to mount a "campaign of pressure" against the North.

About three weeks after the first major battle involving American ground troops in a campaign in June, 1965, Johnson authorized a 25,000-man troop increase to 75,000. He writes, "I was convinced that our retreat from this challenge would open the path to World War III."

At the 1967 Glassboro summit conference, Soviet Premier Kosygin told Johnson that if the U.S. stopped bombing, peace negotiations would start, but no mutually agreeable terms for pursuing that peace feeler could be reached.

Johnson prefaces his chronology of his Vietnam decisions by saying, "I have not written these chapters to say, 'This is how it was,' but to say, 'This is how I saw it from my vantage point.' "

In 1964, while taking the steps that led to an extensive U.S. military effort in Vietnam, Johnson writes, "I had moments of deep discouragement, times when I felt that the South Vietnamese were their own worst enemies. The South Vietnamese seemed to have a strong impulse toward political suicide."

Johnson's portrait of his early policymaking stance coincides to a certain extent with the picture drawn in the embattled Pentagon study, indicating a President considering plans for major military operations while hesitating at several points to put those plans into effect. The picture becomes particularly clear in Johnson's account of the steps leading to the U.S. bombing raids.

Although no "formal" bombing proposal had been advanced by his advisers during his first year in the White House, Johnson writes, "the idea of hitting North Vietnam with air power, either on a reprisal basis or a sustained campaign, had been discussed inside the government, in Saigon and in the American press for some time . . ."

According to the classified Pentagon study that has surfaced in recent days, the President, in June of 1964, considered "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn." So he held back, the study said, from seeking any major escalation and from seeking any congressional approval for it.

Then, on Sept. 9, 1964, a little more than a month after the Tonkin Gulf incidents, Johnson received recommendations, from the State and Defense Departments. he writes, supporting the idea of bombing the North. Johnson says he ordered that contingency plans for such raids be prepared. "Acting on [that] order, the military forces made plans to retaliate by air against the North if the North Vietnamese or Viet Cong hit U.S. forces or carried out some kind of 'spectacular' attack in South Vietnam," he writes. "Twice before the year was out, I was asked to put those contingency plans into effect."

The first time, he writes, was after an attack on the air base at Bien Hoa; the second, after the bombing of an American officers' billet in Saigon. It was not until February of 1965, when an attack on a U.S. base at Pleiku killed eight Americans, however, that the strikes finally were authorized, he writes.

Despite the decision to prepare to begin bombing came in September of 1964, Johnson was presenting a far different impression to the public at that time. During a campaign appearance before a gathering of steelworkers in Atlantic City on Sept. 26, Johnson, in a slap at his Republican opponent, Sen.

Barry Goldwater, said: "You know it takes a man who loves his country to build a house instead of a raving, ranting demagogue who wants to tear one down." At another campaign appearance, he described the contest between Goldwater and himself as one "between the center and the fringe, between the responsible mainstream of American experience and the reckless and rejected extremes . . ."

And in another statement that month, Johnson said: "There are those who say, 'You ought to go north and drop bombs to try to wipe out the supply lines,' and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to . . . get tied down in a land war in Asia."

Johnson comments on that statement, and several similar ones he made during the same period, with these words in his book: "I was answering those who proposed, or implied, that we should take charge of the war or carry out actions that would risk a war with Communist China. I did not mean that we were not going to do any fighting, for we had already lost many good men in Vietnam."

According to the Pentagon study, Johnson also ordered, in private meetings with advisers during that same month, several more military steps in addition to the bombing contingency plans. They included the resumption of destroyer patrols off North Vietnam and covert South Vietnamese commando raids in North Vietnam with American support, the study said. Those raids, under the code name of 34A, originally ordered by Johnson to increase pressure against North Vietnam, grew in scope during the summer of 1964, according to the Pentagon papers. During some of the raids, U.S. ships, including destroyers, were standing by in international waters off North Vietnam, the study said. Two of the destroyers, the Maddox and the Turner Joy, figured in a key international incident.

According to Johnson's account, he received a report from a Pentagon duty officer on Aug. 2 that the Maddox had been attacked by three North Vietnamese torpedo boats. Johnson writes that he decided that day against any immediate retaliation. Two days later, Johnson writes, the Turner Joy was attacked. But Johnson's book goes along with other accounts in reporting some confusion at the scene over what actually happened. "The destroyer Maddox questioned whether the many reports of enemy torpedo firings were all valid," he writes.

Nonetheless, the Pentagon study said, Johnson then ordered limited retaliatory strikes against the North, using contingency plans already prepared. "The Tonkin Gulf reprisal constituted an important firebreak, and the Tonkin Gulf resolution set U.S. public support for virtually any action," it said.

Johnson writes that in early 1965, with the full-scale bombing of the North finally underway, he received more advice supporting a further widening of the war. On the night of Feb. 7, the day that Johnson ordered the air strikes, special presidential adviser McGeorge Bundy came back from Saigon with a recommendation that the war policy be one of "gradual and continuing reprisal."

Ten days later, Johnson writes, he met with Eisenhower and was urged to continue a "campaign of pressure." Johnson says Eisenhower told him that during the Korean war, Eisenhower had told the enemy that if a settlement was not reached, the U.S. would remove "the limits we were observing as to the area of combat and the weapons employed."

It was against the background of such advice, Johnson writes, that his administration began in that period to move into a ground war. "In March, I agreed to Gen. [William] Westmoreland's request that we land two Marine battalions to provide security for the Da Nang air base."

According to the Pentagon study, Hanoi's failure to respond to the initial air strikes with an offer of negotiations surprised and discouraged the Johnson administration. After a month, the study said, Johnson decided that the only alternative was to step up the war on the ground as well.

Johnson writes that during the first two days of April, he approved an increase of 18,000 to 20,000 men in American support forces, the deployment of two more Marine battalions and a Marine air squadron, and a change in the previously defensive Marine mission.

That change, the book says, permitted "their more active use" subject to approval from the State and Defense Departments. By the end of April, the total ground troop level had exceeded 50,000, and the U.S. was well on its way to a deeper involvement.

But nearly three months later, on July 28, Johnson was still saying publicly that the troop deployments did not signal any change in the nation's Vietnam policy. At a news conference that day, he said: "It does not imply any change in policy whatever. It does not imply any change of objective."

During the bombings, Johnson writes, the U.S. crews "made fantastic efforts" to avoid killing civilians. But he adds: "They could not be totally successful, it is true, and that was a constant source of sorrow to me."

Johnson's Vietnam chapters also touch on some of the diplomatic maneuvers accompanying the escalation of the war. At one point, his account seems to confirm previously published reports that in February, 1967, Harold Wilson, who was then the British prime minister, received a peace feeler from Hanoi through Alexei Kosygin, then the Soviet premier. Kosygin, in London at the time, said that stopping the bombing and reducing U.S. troop strength would lead to peace talks, Johnson writes.

Johnson responded with his own set of proposals, according to the book, and asked for an answer from Hanoi within 24 hours. Wilson then complained, Johnson writes, that 24 hours was not enough time. In the end, the book says, there was no response from Hanoi. When Kosygin returned to Moscow, the U.S. resumed bombing.

At the Glassboro conference in June of 1967, Johnson writes, Kosygin again said that a bombing halt would lead to peace negotiations. Johnson reiterated his insistence, he writes, that Hanoi not take advantage of a bombing cessation. Kosygin relayed that position to Hanoi, Johnson writes, but the U.S. never received an answer.

At one point in this account, Johnson writes that the concept of turning the war over to the South Vietnamese was a major goal of his administration in 1968. Somewhat pointedly, he writes that that policy was later adopted by President Nixon and called Vietnamization.

At another point, the Johnson book says that two French intermediaries returned to Paris after a visit to Hanoi and told Henry Kissinger, then a Harvard professor and now a key Nixon foreign policy adviser, that Hanoi would begin talks if the bombing stopped. The intermediaries said that the halt need not be billed as permanent step, according to the book.

Johnson writes that the U.S. relayed to Hanoi a message that it would accept those terms if the North Vietnamese pledged not to take advantage of the move by infiltrating troops. Hanoi refused to give such a guarantee, Johnson writes.

Summing up his thoughts on his Vietnam years, Johnson's narrative says, "Looking back as I left the presidency, I knew not everything I did about Vietnam, every decision I made about it, had been correct."

## OPPOSITION TO OCEAN MAMMAL PROTECTION ACT

Mr. STEVENS. Mr. President, in a speech delivered to this body on June 4, 1971, I expressed strong opposition to S. 1315, the Ocean Mammal Protection Act, and similar legislation now pending in the House. In this speech, I contended that the enactment of S. 1315 would be extremely unwise from both an ecological and an economic point of view.

In my remarks, I also mentioned that my staff had contacted Mr. Tom Kimball, director of the National Wildlife Federation, and Mr. Dan Poole, president of the Wildlife Management Institute, both of whom oppose S. 1315 in that it prohibits prudent management on the Pribilofs and requires the termination of the North Pacific Fur Seal Convention.

This view is also held by the leaders of many other prestigious and knowledgeable conservation groups. In separate letters to President Nixon and to all Members of the House and Senate, these leaders stated that programs for the protection and scientific management of marine mammals are being threatened by well publicized, but misguided efforts which, if successful, would destroy the operation of biologically sound activities conducted by the State and Federal conservation agencies. The letters made clear that the "hands off" policy proposed in S. 1315 and similar House bills would severely jeopardize the efforts of responsible fish and wildlife agencies to manage their marine mammals programs in a scientific manner. Thus, the ability of these mammals to survive and prosper would be adversely affected.

The conservationists signing the letter to the President were Mr. William E. Towell, executive vice president of the American Forestry Association; Spencer M. Smith, secretary of the Citizens Committee on Natural Resources; Chester F. Phelps, president of the International Association of Game, Fish, and Conservation Commissioners; Joseph W. Penfold, conservation director of the Izaak Walton League of America; Charles H. Callison, executive vice president of the National Audubon Society; Maxwell E. Rich, executive vice president of the National Rifle Association of America; C. R. Gutermuth, secretary of the North American Wildlife Foundation; Richard H. Stroud, executive vice president of the Sport Fishing Institute; Fred G. Evenden, executive director of the Wildlife Society; Ray A. Kotrla, Washington representative of Trout Unlimited; Daniel A. Poole, president of the Wildlife Management Institute; and Ira N. Gabrielson, president of World Wildlife Fund.

The letter to House and Senate Members, which was accompanied by a comprehensive fact sheet, was signed by Harold J. Coolidge, honorary chairman of the American Committee for International Wild Life Protection; Robert F. Hutton, secretary of American Fisheries Society; William E. Towell, executive vice president of American Forestry Association; Frederick C. Pullman, president of the Boone and Crockett Club; Spencer M. Smith, Jr., secretary of the

Citizens Committee on Natural Resources; Chester F. Phelps, president of the International Association of Game, Fish, and Conservation Commissioners; Joseph W. Penfold, conservation director of the Izaak Walton League of America; Maxwell E. Rich, executive vice president of the National Rifle Association of America; Thomas L. Kimball, executive director of the National Wildlife Federation; C. R. Gutermuth, secretary of the North American Wildlife Foundation; Richard H. Stroud, executive vice president of the Sport Fishing Institute; Ray A. Kotrla, Washington representative of Trout Unlimited; Daniel A. Poole, president of the Wildlife Management Institute; Fred G. Evenden, executive director of the Wildlife Society; and Ira N. Gabrielson, president of the World Wildlife Fund.

In order that the contents of these letters can be shared with the Members of this body and all those who read the CONGRESSIONAL RECORD, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 18, 1971.

*To all Members of the House and Senate:*

An organized press and television campaign is underway to solicit support for banning the taking of certain marine mammals. House and Senate bills to accomplish this are H.R. 6554, S. 1315, and others.

The undersigned national conservation organizations believe such a step would interfere with the needed scientific management of these interesting and valuable animals. Some of these highly migratory animals can be managed only through international agreements. Others come under the various jurisdictions of federal and state government.

Total protection, as is being urged, would halt a number of management programs, some of which have been remarkably successful. The application of science, not emotion, has brought back the fur seal and the sea otter from the shadows of extinction to their thriving and productive population levels of today.

Total protection also would make it impossible to manage any population of marine mammals even though, under future circumstances, a culling may be desirable in the interest of man or to reduce local overpopulations that usually are detrimental to the species itself. In some cases, protection also would eliminate urgently needed sources of income to Eskimos, Aleuts, and Indians and revenue for state and federal treasuries, as well.

We believe that adoption of such a negative policy would be a serious mistake. We believe the government should strengthen its management authorities, including providing more funds and manpower, and should explore new and more effective international agreements. We believe that there is no substitute for scientific fact when it comes to assuring the perpetuation of any species.

The accompanying fact sheets provide more detailed information on the status and management opportunities for marine mammals, should you have the time or need to read them.

Sincerely,

Harold J. Coolidge, Robert F. Hatton, William E. Towell, Frederick C. Pullman, Spencer M. Smith, Jr., Chester F. Phelps, Joseph W. Penfold, Maxwell E. Rich, Thomas L. Kimball, C. R. Gutermuth, Richard H. Stroud, Ray A. Kotrla, Daniel A. Poole, Fred G. Evenden, and Ira N. Gabrielson.

### THE HARVEST OF THE PRIBILOF FUR SEALS

The northern fur seal is a creature of the high seas, the open water. It comes ashore only to breed and bear its young.

Each year the fur seals leave the mist-shrouded rookery islands of the North Pacific to migrate as far south as California, as far west as Japan. And each year their mysterious homing instinct draws them back across the ocean to the same rocky nursery isles.

The adult male, or bull, may weigh 500 pounds or more and the female about 100 pounds. Harems are composed of one bull and as many as 100 females, although the average harem has about 40 females. The pups are born in the early summer and weigh about 10 pounds at birth. By the time they depart for the sea in the late fall, the pups may weigh 30 pounds or more.

The seal is a commercially valuable animal. Its furs are prized for coats; the meat is consumed both by humans and by animals. The annual fur seal harvest on the Pribilof Islands is virtually the sole source of gainful work for the 600 Aleuts who live in its two communities.

The seal herd of the Pribilofs today is thriving, its number estimated at 1⅓ million animals. Its return from a dangerously low level of 200,000 in 1911 is a historic story in the annals of man's effort to conserve wildlife.

That story began when the indiscriminate slaughter of northern fur seals on the high seas was ended.

In the 18th century, the seals' rich fur made them targets of intensive hunting in the Northern Hemisphere.

The Russians discovered the Pribilof Islands in 1786. In the ensuing years Russian hunters reportedly took 2.5 million seal pelts. Initially, harvesting was uncontrolled, breeding females were unprotected in the Pribilof herds were reduced to remnants. In 1834, when the seals had been almost annihilated, the Russians stopped killing females and the herd began to increase. By 1867, when the U.S. purchased Alaska, (including the Pribilofs) the Pribilof herd had recovered to the point that it sustained an annual harvest of 100,000 males for many years.

The United States began its jurisdiction by permitting a number of independent companies to operate. In the first season 300,000 skins were taken. To protect the fur seals, Congress in 1869 set aside the Pribilofs as a special reservation. During the next 20 years, sealing on the Pribilofs was conducted under a leasing arrangement, with some 2 million sealskins taken. A second 20-year lease produced only 343,000 skins, and in 1910 the Federal Government assumed direct management of the approximately 200,000 fur seals that survived.

During this 40-year period, killing at sea had continued. American, Canadian, and Japanese sealers had shot and speared fur seals from ships. They could not tell the sex or age of the animals, many of which were lost through wounding or sinking. When a nursing mother was killed it often meant slow starvation for her pup.

From 1879 to 1909, almost one million fur seals were taken at sea. No one knows how many more were wasted.

The open sea killing was halted by international agreement in 1911, when the United States, Great Britain, Japan, and Russia concluded a convention for the protection of the North Pacific fur seal. In exchange for the ban on pelagic sealing, the United States and the Soviet Union, under the agreement, provide Japan and Canada each with 15 percent of the harvest from the Pribilofs and 15 percent of the harvest from those islands under jurisdiction of the Soviet Union.

In addition to the conservation of the seal herd made possible by this agreement, there is now an economic gain for the State of Alaska, which by the Alaska Statehood Act obtains 70 percent of the net proceeds from the sale of Alaska sealskins.

The majority of sealskins are presently utilized by the European market. A ban placed on the importation of seal pelts into the United States would have little, if any, effect on world seal harvests.

In the United States, the Fur Seal Act of 1966 charged the Secretary of the Interior with management of the fur seals. This responsibility was transferred to the Secretary of Commerce on Oct. 3, 1970. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service supervises the harvest of an average 50,000 fur seals each summer on the Pribilof Islands.

There are now seal rookeries under U.S. jurisdiction on Alaska's Pribilof Islands of St. Paul and St. George in the Bering Sea, on Robben Island, and on the Kurile Islands in the Seal of Okhotsk. There is substantial intermixing between the herds of the eastern and western Pacific Ocean.

The harvest is restricted largely to 3- and 4-year old bachelor males that congregate on the edges of the rookeries. Baby seals, or pups, are not harvested. Females are taken only when it is necessary to keep the number of animals at the most productive level the Pribilof environment can support. Overcrowding brings higher mortality among the pups. The battle for living space causes injuries and leads to disease and starvation. Such mortality, in the past, has taken up to 20% of the pups before they are sufficiently mature to leave the rookeries.

One concern has been the length of the paths along which seals are driven from the shore to the harvest. To reduce discomfort, the drive paths have been shortened by approximately one-half. Experiments are planned with other ground cover to determine whether the drive can be further improved.

Seals are harvested with clubs. They are dispatched quickly with a blow to the head.

For several years, the Fisheries Service has been experimenting with alternative methods including drugs, gases, electricity, shooting, and others to dispatch seals. At this point, despite extensive effort, none has been found which accomplishes the task as quickly and as humanely. The Service's position is that it cannot cause increased suffering, and introduce an element of danger to the men employed in the harvest, simply to provide a cosmetic death. Meanwhile, the quest for a more humane method will be vigorously pursued.

The Service has cooperated closely with representatives of humane societies who observe the seal harvest annually. It will continue this cooperation. Further, the cooperation of the American Veterinary Medical Association's Research Committee is being sought in the Service's continuing search for the most humane way in which to conduct the harvest.

Should the fur seal harvest continue? When the alternatives are considered, the answer must be affirmative.

Should the present managment scheme be unilaterally halted by the United States, other nations would, in all probability, resume the harvest at sea, a wasteful and inhumane process.

If the Pribilof fur seal herd is not managed properly and excess numbers removed, many will succumb to other environmental controls such as parasites, diseases, and physical injury magnified by overcrowded conditions. Their illnesses and deaths, in many cases would be lingering, with pups suffering the greatest losses. It is a rare occasion when "natural" mortality is as humane as current harvest methods.

If proper management harvests are stopped, the single source of employment for the Aleut population in its ancestral home would disappear, with nothing in view to replace it.

As the harvest continues, with its operation under constant review within and outside of the government, the Pribilof fur seal herd will be kept at a level of high, productive abundance, and the resource which has been saved by careful conservation methods will be preserved for the future.

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## Status and Management of Marine Mammals

The marine mammals are a varied group of animals representing four orders of the class Mammalia: Cetacea (the whales, dolphins and porpoises); Carnivora (the sea otter); Pinnipedia (the seals, sea lions and walruses); and Sirenia (the dugongs and manatees). Most of the species are wide-ranging animals which travel extensively through international waters. Due to their extensive movements and distribution and their restriction to a marine environment, with many species breeding in the far north, research on this group has proven to be quite difficult. In recent years, however, there has been an intensification of research effort, with international cooperation in some cases, and man's knowledge of this group is now expanding.

Management needs of the marine mammals vary with the species concerned, as would be expected. In many cases, management is complicated by the animals extensive movements within international waters. With respect to these species, sound management depends on international cooperation.

The following discussion presents current information on the status of the various species, the opportunities for management, present management measures, and the needs for management.

### WHALES AND OTHER CETACEANS

Estimates of the population size of the commercially utilized species of whales indicate that the populations are low and that they are being taken at near or over the maximum sustainable level, mainly by countries other than the United States. Those previously utilized and which are now fully protected as endangered species are, of course, also at a low level. However, the federal government through the Departments of the Interior and Commerce has prohibited after December 1971, both the importing of products from whales and the taking of them by U.S. citizens. This is the ultimate unilateral protection possible by this nation. Additional protection must come from other countries.

Other cetaceans such as the dolphins, porpoises, killer whales, and belugas appear to be at about the optimum population size. They are little utilized by U.S. citizens. Small numbers are being taken mainly for live display in aquariums or research purposes. A few beluga and bowhead whales are taken for local use by the Eskimos in Alaska.

The approximate world population of whales, but based in some cases on limited data, are as follows:

Blue, 8,000.
Fin, 100,000+.
Sei, 120,000+.
Humpback, 4,000.
Right, 2,000.
Bowhead, 1,000.
Gray, 11,000.
Sperm, several hundred thousand.
Killer, 10,000.

The population size of dolphins and porpoises is not known but probably ranges from 10,000 to 1,000,000 for most species.

### FUR SEAL

The Pribilof Islands fur seal population is about 1.3 million which is near the number which produces the greatest yearly surplus. These seals are taken only on the Pribilof Islands under the direct supervision of the federal government. International treaty forbids the killing of fur seals on the high seas. See attached fact sheet on fur seals.

### ELEPHANT SEAL AND SEA LION

The northern elephant seal is thought to number about 20,000 while the California sea lion population is about 50,000. Neither of these species is utilized except for the capture of a few sea lions for zoos and aquariums. The Stellar sea lion numbers about 500,000 of which about 5,000 a year are taken by natives in Alaska for food and the hides. Sea lions are resident species under state jurisdiction.

### HAIR SEALS

Pacific hair seal populations which include the ribbon, ringed, bearded, and harbor seal appear to have stable populations with the exception of the ribbon seal which has decreased in number through excessive kills by the seal fleet of the U.S.S.R. in the Chukchi Sea. Population estimates for these seals are: bearded—300,000, ringed—250,000, ribbon—150,000, harbor—200,000. It is estimated that about 25,000–30,000 hair seals are taken annually in Alaska for food and clothing and sale of pelts primarily by Eskimos, Indians, and Aleuts.

### SEA OTTER

In the early days of this century the sea otter population had been reduced by exploitation to scattered remnants (a few hundred) at a number of different islands. Under a policy of complete protection which began in 1911, the population spread and is today in a phase of rapid growth. Studies by the U.S. Fish and Wildlife Service in the 1950's and early 1960's showed that at that time they had increased to at least 25 to 30 thousand animals and were rapidly spreading into new areas. Aerial surveys have been continued by the State of Alaska, and today it is estimated that the population has grown to about 40 to 50 thousand animals. The rate of population growth in uncrowded areas is at least 10 percent per year. In crowded populations there is approximately a 4 percent rate of increase and at islands where the populations exceed carrying capacity of the habitat (i.e. more than 10 to 15 otters per square mile of habitat) a population decrease has been observed. Scientists believe that stress mortality such as starvation, as well as emigration accounts for the declining populations in such cases. The annual rate of reproduction is about 14 percent. Modern population surveys are in accordance with these findings.

The information presented above indicates that where populations are crowded the sea otter resource could easily be cropped to the benefit of the habitat and the health of the population. Present management in Alaska is attempting to determine whether this is actually the case. This management program consists, basically of three approaches:

1. Experimental harvests are being conducted at Amchitka Island. This population has exceeded the carrying capacity of the habitat and has suffered large juvenile and aged adult die-offs. Approximately 300 otters have been harvested annually since 1965 in an attempt to determine the level of harvest that will benefit the population. All harvesting is done by game biologists and only single, adult otters are taken. No females with young are harvested. Some harvesting from other crowded populations is also being performed by biologists. To date there has been no observable decline in those populations subjected to annual harvest.

2. Transplants of live otters have been made in southeastern Alaska, Washington, Oregon, and British Columbia in areas having suitable habitat but presently lacking otter populations. There is evidence that some of the transplants in southeastern Alaska are being successful; pups have been seen in these areas where otters previously were not seen. Also, otters are still observed on the Washington coast a considerable period of time after release. More time is needed to fully evaluate the success of these attempts, however. Further transplants are planned as these attempts have the double benefit of reducing population pressure in the crowded areas from which the animals are taken and offering the potential for re-establishment of the sea otter in areas from which it had been extirpated. Natural spread of the otter over its former range would take a very long time as this species does not emigrate to new areas until placed under considerable population pressure and natural mortality is occurring. Even then, natural dispersion is slow and limited.

3. Complete protection is given to sea otters where their populations are below the carrying capacity of the habitat and population growth can be expected.

Management of the sea otter, at present, is under state jurisditcion, except where the otters occur on land within a federal refuge or where they occur on high seas outside the 3-mile limit. The sea otter now occurs on the California coast off Monterey, possibly in the transplant areas off Washington, Oregon and British Columbia, and primarily along the southern coast of Alaska, the Aleutian Island, Medny Island, Kamchatka, and certain Kurile Islands, the latter three locations being under the jurisdiction of the Soviet Union.

### WALRUS

By the end of the 19th century, the walrus population was greatly reduced. This reduction was due to the fact that whalers, after reducing northern whale populations (the bowhead in particular), turned to walrus hunting, using Eskimo laborers and guides. When the populations of walrus became greatly reduced, around the turn of the century, commercial hunting of walrus ceased. The harvest of walrus today consists of those taken by natives for food and ivory and those taken by trophy hunters. It is estimated that 2 to 3 thousand walrus have been taken annually by the natives; actually fewer are being taken every year. In 1970 the United States native harvest amounted to 1,304 and an additional 23 walrus were taken as trophies; of these 850 were adult males, 374 were adult females and 103 were calves. The walrus also is under state jurisdiction. Alaska now limits the harvest by natives dependent on walrus for food to 5 adult females or subadults of either sex per season. There is no limit on adult males, and orphaned calves may be taken without contributing to the bag.

The decline in numbers of walrus harvested by natives is primarily the result of two factors. The natives are moving into larger towns, such as Nome, and few return to hunt walrus. This trend will probably continue. In addition. non-natives are now permitted to take one adult male (trophy) by purchasing a $100 permit. Trophy hunters must be taken out by teams of native guides and the natives may not harvest walrus while accompanying trophy hunters. These teams, if harvesting walrus on their own rather than accompanying trophy hunters, might kill more than 100 adult male walrus per day. The trophy hunter will pay at least $2,000 for the services of these natives. Thus, trophy hunting has multiple benefits; it reduces the annual harvest of walrus and at the same time permits economic utilization of the walrus resource by the native population.

Management of the walrus in Alaska has consisted of the following measures:

1. The only major hauling ground regularly used by walrus in Alaska, Round Island of the Walrus Islands in northern Bristol Bay, has been designated as a refuge and complete protection is provided there.

2. The annual harvest of walrus is controlled and the regulations governing the harvest favor the taking of adult males. Since the walrus is polygamous, taking of adult

males, within limits, is not detrimental to the population.

While it is impossible to make any firm estimate of walrus numbers because they are widely scattered, aerial surveys indicate that there are at least 60 to 100 thousand in the Bering Sea population. Walrus are not yet overpopulated, but present evidence indicates that the populations are growing and that the walrus are repopulating areas from which they were extirpated.

The Pacific walrus population occurs in international waters and in territorial waters of the United States and the U.S.S.R. Proper management and regulation of the harvest of this species, therefore, is dependent on international cooperation. At present there is no international agreement governing harvest of walrus.

### HAWAIIAN MONK SEAL

Monk seals are the only tropical-water seals in the world. In the 1,000 mile-long chain of Pacific Islands on which it breeds (Kure Island to French-Frigate Shoals) the species was reduced by commercial exploitation in the mid-19th century to a very low level. The present population is not more than 1,500 animals. Since 1909, when the Hawaiian Islands National Wildlife Refuge was created, the monk seal has been afforded protection by the Federal Government. The monk seal today breeds on only four islands; all within the confines of the refuge.

There are indications that the monk seal populations on the refuge are declining. Attrition by shark bite is quite high and this species will not tolerate human disturbance. Therefore, management consists of complete protection for this species, even to the exclusion of disturbances from visitors. The population is visited only about twice a year to determine current status. This species is presently classified as rare by the U.S. Department of the Interior.

### POLAR BEAR

The distribution of the polar bear is circumpolar and coincides with the Arctic ice pack. This ice pack is in constant motion, circulating with the ocean currents and it is presumed that this motion affects movements of the bears. Due to the adverse climatic conditions present within the range of this species, research has been lacking. There has, however, been an intensification of investigations on this species in recent years.

A cooperative study of polar bears currently is being conducted by Canada, Denmark, Norway, the U.S.S.R. and the United States. This study was initiated following an international meeting held in Fairbanks, Alaska in 1965. Since then two working group meetings were held in Morges, Switzerland. Areas of needed research were outlined, agreements were reached on standardizing research methods and procedures and certain research problems assigned to individual specialists in attendance.

A review of harvest data reported by the involved countries indicates the arctic-wide harvest of bears is now at least 1,250 annually. In 1969, the harvest by country included 128 for Greenland, 346 for Norway, 406 for Canada, 298 for the United States and a few for the U.S.S.R. The harvest in Alaska is controlled by that state which restricts the number of permits issued to 300. It is illegal to harvest females with cubs.

Hunting parties originating in Alaska are required to submit all skins and skulls of polar bears to the Game Commission so that age data may be obtained. Data from bears harvested in Alaska show that the average age of males has been declining since 1966. This means that younger and smaller bears are being taken, but not necessarily that the population has been harmed. The survival of young bears is thought to be enhanced by the removal of older males since they are known to be cannibalistic. Consideration should be given to reducing the kill, however, in order to maintain a better balanced age ratio.

Management of the polar bear is complicated by the fact that five nations have direct interest in this species. Individual bears range extensively over the arctic and it is not known whether any nation has truly a resident population of polar bears. Any management program, to be successful, must be based on international cooperation between the nations concerned.

### MANATEE

The manatee is given complete protection as an endangered species by both state and federal governments.

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June 9, 1971.

Hon. Richard M. Nixon,
*The White House,*
*Washington, D.C.*

Dear Mr. President: Programs for the protection and scientific management of marine mammals are being threatened by well-publicized but misguided efforts which, if successful, would destroy the conduct of biologically sound activities of state and federal conservation agencies.

Conservation of this varied group of animals has been a long and arduous battle in the face of indifference and exploitation. Their management has been made more difficult by the international movements of several of the species involved and insufficient knowledge concerning their habitat requirements. Progress has been and is being made, however.

Some animals, such as the fur seal and sea otter, have been restored to productive numbers. Research is underway into the life histories, habitats, and movements of others.

Much more can be done. This will require the understanding and support of the Administration, support which no Administration heretofore has seen fit to confer in any degree commensurate with the need. Your Administration could gain much support and commendation by requesting adequate authorities and funds to bring federal programs for marine mammals up to necessary levels and by seeking new and more effective international understanding.

Should these many past years of progress be undermined by a complete "hands off" policy forced upon responsible fish and wildlife agencies, such as proposed by S. 1315 and similar House bills, marine mammals under scientific management would suffer a serious set back.

In essence, the issue is whether natural resources will be protected, managed and used on a scientific basis or whether they are to be regarded as something apart from and unaffected by man.

As has been amply demonstrated by the successful management and restoration of other wildlife resources, the latter course is unacceptable. Decisions regarding the well-being of any wildlife resource must be based on fact, not on emotion.

The following national conservation organizations respectfully request that you support programs to improve domestic and international management of marine mammals. Further, we urge the Administration to oppose S. 1315 and similar House bills as being a negative response to a resource management responsibility that should be accepted by the Federal and State Governments.

Sincerely,
William E. Towell, Spencer M. Smith, Chester F. Phelps, Joseph W. Penfold, Charles H. Callison, Maxwell E. Rich, C. R. Gutermuth, Richard H. Stroud, Fred G. Evenden, Ray A. Kotrla, Daniel A. Poole, and Ira N. Gabrielson.

## TOWARD A NATIONAL POLICY ON AGING

Mr. CHURCH. Mr. President, the United Presbyterian Health, Education, and Welfare Association has long been an effective advocate for aged and aging Americans.

At their recent meeting in Detroit, the delegates outlined ambitious goals for the association. Especially noteworthy was their concern that the White House Conference on Aging should lead to a meaningful dialog and national policy on aging. For its own part, UPHEWA has focused its attention on two key concerns of the elderly: First, the need for improving the delivery and financing of our health care structure, and, second, alleviating the "double jeopardy of aged minority groups."

This represents a major undertaking. And UPHEWA should be complimented for its vigorous interest in seeking solutions to some of the crucial problems confronting 20 million older Americans.

These issues are also of major concern to the Senate Committee on Aging, of which I am chairman. In May the committee launched a study into recent proposed cutbacks in the medicare and medicaid programs.

Today persons 65 and older represent about 10 percent of our total population, but they account for 27 percent of the personal health care expenditures. Their average health bill totals $791 per year—six times that for a youth and three times that for a person in the 19 to 64 age category. And medicare now only covers about 43 percent of their health care expenditures.

Additionally, the committee is working with the National Council on the Black Aged on the special problems of minority groups. Among minority elderly persons, the likelihood of being poor is twice as great as for the white aged individuals and four times as great as for our total population.

In 1970, more than 79 percent of all Negro aged women living alone or with nonrelatives fell below the poverty line. And 88 percent of their total would be considered poor or near poor.

In the very near future, the committee plans to issue a report directed at the issues of health care for the aged, and unique and growing problems of elderly minority groups, and other concerns for older Americans. This can help provide a dialog for meaningful discussion by participants before, during, and after the White House Conference on Aging.

Mr. President, because of the timeliness of the resolution by the UPHEWA, I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Resolution

Whereas: This nation is in the midst of study, information gathering in preparation for the 1971 White House Conference on the Aging which will focus on new national policies for work with older adults, we address ourselves to that conference in two urgent concerns.

Be it resolved: That UPHEWA rejects the

present health structure for the delivery of services and financing of health care. We see the Administration proposals for a National Health Insurance program as an inadequate adjustment within a presently defunct system and call for totally new structures for health services which will consider the special needs of the elderly for preventive medicine and long term care.

Be it further resolved: That UPHEWA call attention to the double jeopardy placed upon the elderly of the various minorities of America and ask that concerns and strategies developed by the National Caucus on Black Aged supported by UPHEWA and the Regional Councils and that this Association express its appreciation to that caucus for its work on behalf of older adults.

Be it further resolved: That UPHEWA Secretary submit this resolution in letter form to Presbyterian Life and copies of the letter sent to all U.S. Senators and Congressmen.

That the Board of Directors of UPHEWA give special priority to the development of a comprehensive ministry with the majority of older adults, namely those who are not residents of Presbyterian homes and agencies.

1. To explore ways and means in which essential supportive services and programs may be made available to enable them to live fully and with dignity in their own homes and neighborhoods.

2. That Presbyterian Homes and agencies be encouraged to develop innovative and creative ways and means to extend their services and expertise to non-resident elderly persons in adjacent neighborhoods and communities.

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## INDIVIDUAL VIEWS OF MESSRS. NELSON AND CRANSTON ON S. 1828

Mr. NELSON. Mr. President, we voted to report S. 1828 as amended in committee, and to cosponsor the original S. 34, because we strongly support the objective of the bill.

The bill is designed to expand the resources and intensify the effort to achieve better methods of treating and controlling cancer with the final conquest of cancer as the ultimate objective.

There is no doubt that Congress, the administration, and the Nation are prepared to give extensive support to expanding the effort to eliminate cancer. This is amply demonstrated by the fact that the President asked for, and Congress appropriated, an immediate additional $100 million for cancer research in the second supplemental appropriations bill, Public Law 92-18, for fiscal year 1972.

However, while we agree with the intent of the bill, we have serious reservations about the design and structuring of the approach as spelled out in the language of the bill.

The bill provides that a newly-created independent Conquest of Cancer Agency will be established within the National Institutes of Health with the Director of the Agency and the National Cancer Advisory Board each reporting independently and directly to the President on all matters respecting cancer research, including programs, plans, budget proposals and annual progress reports.

Thus, the Director of NIH is specifically by statute bypassed in the chain of command and communications. We think this is a serious error because the NIH Director has under his jurdisdiction the other nine Institutes, several of which are engaged in continuing cancer and cancer-related research, and he is, therefore, the only individual in or outside of NIH with the overview and responsibility for all cancer-related activities and research.

No credible rationale for bypassing the NIH Director can be found in the testimony. The proponents assert that bypassing the NIH Director will somehow expedite the program, enhance the prestige of the enterprise and assure the acquisition of a higher quality Director. A better argument can be made, we think, that this approach will tend to handicap the program rather than improve and expedite it.

For all practical purposes, this bill creates an independent agency, with its own director and independent advisory board housed within the NIH but in no way responsible to the Director of NIH.

Of course, it is intended by language in the bill—as reported from committee—that the Director of NIH and the Director of the Cancer Agency will engage in whatever cooperative efforts are indicated to implement the program effectively.

We think this arrangement raises very serious practical and policy questions that will impair the effort and set a very bad precedent.

While it is our view that the best approach was spelled out in our proposal to create a special cancer authority within an independent NIH—described in our joint floor statement of May 21, 1971, set forth at the end of our view—we think that at the very minimum, this bill should require that the annual budget and program be submitted to the Director of NIH and that he submit it to the President with his comments and evaluations.

We recognize that the committee report states:

> The Committee intends that the Director of the Cancer Conquest Agency will make a copy of the Agency's annual budget and program plan available to the Director of the NIH not later than the time of its submission to the President. This will give the Director of the NIH an opportunity to submit his comments to the President, without interfering with the Cancer Conquest Agency's budget independence. The Committee believes that such reviews and comments, particularly in development phases, will facilitate progress in both cancer research and in biomedical research generally.

We feel this report language is insufficient.

It is anomalous that the only person in Government with overall responsibility for cancer-related research in the various Institutes within NIH does not have the formal responsibility for presenting his evaluation of the cancer program and budget to the President. The NIH Director's only statutory role concerning the cancer budget and program is as a member of the Cancer Advisory Board, where he is only one voice of 22 members.

Furthermore, there are sharp divisions within the medical and scientific community over the best approach or approaches to the conquest of cancer. When, in fact, there are such substantive divisions over a particular research program or budget, it should be the NIH Director's responsibility to so advise the President.

We also believe that in the interest of efficiency and sound management, the NIH Director should be made responsible for coordinating the cooperative activities of the Cancer Agency with the other NIH institutes.

Congress and the public should recognize that by creating a totally independent Cancer Agency reporting directly to the President, a compelling precedent will have been set for creating similar agencies to deal with other afflictions—for example, an independent Heart and Cardiovascular Disease Institute. The case for creating such an institute can surely be presented in an equally convincing way, and it will be difficult to deny such Institute the same status. Inevitably, cases will be developed for other institutes with arguments for independent status presented as forcefully as cancer or heart and cardiovascular diseases.

Advocates of heart and cardiovascular disease research already have written the Secretary of Health, Education, and Welfare seeking status for the National Heart and Lung Institute equal to that established for cancer research.

Arthritis is a disease which affects literally millions of persons; why should not the National Institute of Arthritis and Metabolic Diseases be given equal status?

In short, we believe that totally independent status for any Institute will tend to weaken NIH, and to hinder the success of an attack on cancer or any other diseases, rather than strengthen it.

The breakup of NIH, probably the finest biomedical research structure in the world, would be, in our opinion, highly undesirable and unwise. S. 1828 as reported poses a clear and present threat of this breakup.

Dr. James A. Shannon—who served as Director of NIH during its period of greatest growth—stated in a letter submitted as testimony on March 9-10, 1971, during hearings on S. 34 before the Health Subcommittee:

> The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind wtihout merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of processes for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgement, balance, flexibility, responsiveness, and responsibility will characterize the country's assaults on the problems of disease, disability, and death.

A large number of management problems arise when one research effort is made independent of others in NIH. Cancer research is heavily dependent on extensive supporting resources of NIH, such as clinical facilities, animals, instrumentation, computer services, central research grant services, and a variety of logistical services. The various institutes share scientific and manpower resources. They deal with the same grantee institutions and the same contractors. They should be governed by common and consistent policies.

We fully recognize that those joining in the committee report have only the best intentions in inserting language calling for communication and coordination between the Cancer Agency and NIH. We believe, however, that what is needed is an interrelationship under the overall direction of the NIH Director, which would be stronger than could be achieved among research institutes of clearly differing rank and authority.

As Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs in HEW, testified at the March 9–10 hearings:

> Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Therefore, we see no compelling reason to set up cancer research as an independent entity, an approach which we suspect may turn out to be more detrimental than beneficial to conquering cancer or any other disease. We believe the answer to a successful attack on cancer is to strengthen NIH as much as possible.

I ask unanimous consent that a statement by me be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

## The Conquest of Cancer Act—Separate NIH To Conquer Cancer

### AMENDMENT NO. 109

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. Nelson. Mr. President, I send to the desk for printing, an amendment I intend to propose to S. 34, the proposed Conquest of Cancer Act. I am sponsoring this amendment along with the Senator from California (Mr. Cranston) and the Senator from Pennsylvania (Mr. Schweiker), and the statement I am making regarding this amendment is on behalf of my fellow cosponsors and myself.

The proposed Conquest of Cancer Act has been a matter of enormous debate and discussion within the Congress, within the medical and biomedical research world, and within the Nation as a whole since the bill was first introduced. On March 9 and 10, the Health Subcommittee, chaired by the distinguished Senator from Massachusetts (Mr. Kennedy), of the Labor and Public Welfare Committee, conducted extensive hearings on S. 34. These hearings fully demonstrated the great concern and broad base of support across the country for establishing a special research program with the objective of conquering cancer at the earliest possible time.

Mr. President, there is no question in my mind, nor that of any Member of this body, insofar as I am aware, that the Congress and the country are prepared to give extensive support to expanding the effort to eliminate this disease. This is amply demonstrated by the inclusion by both Houses of Congress in H.R. 8190, the second supplemental appropriation bill, fiscal year 1971, of an immediate additional $100 million to support the urgent attack on cancer right now. The consensus behind the conquest of cancer is the broadest possible, including Members of both parties in the Congress and President Nixon, as indicated in his February 18, 1971, health message and further amplified in his May 11, 1971, statement on cancer.

The only difference of opinion is over what is the best approach to accomplish this end.

The resolution—Senate Resolution 376 of April 27, 1970—sponsored by the esteemed former Senator from Texas, Mr. Yarborough, then chairman of the Health Subcommittee, authorized the creation of the National Panel of Consultants on the Conquest of Cancer, which conducted the study and made the recommendations calling for this concerted national effort. Senator Yarborough in the last Congress and Senator Kennedy in this Congress moved to implement the panel's recommendations by introducing appropriate legislation (S. 34).

The recent Health Subcommittee hearings on S. 34 brought forth some sharp differences over the particular approach recommended by the panel: that is, to establish an independent, separate cancer agency outside of the National Institutes of Health in order to mount the fight against cancer. As a cosponsor of S. 34 as introduced, I agree wholeheartedly with the objectives of that measure. However, after reviewing the testimony at the hearings and having extensive conversations with physicians, biomedical researchers, health educators, and scientific groups, we believe that the best compromise between S. 34 as introduced and the administration bill (S. 1829), introduced by the Senator from Colorado (Mr. Dominick) on May 11, 1971, is modification of S. 34 to establish the National Institutes of Health as an independent agency outside the Department of Health, Education, and Welfare. Within NIH, this compromise elevates the cancer effort to a new Cancer Authority.

Mr. President, I wish to stress in the strongest possible terms that we believe this modification we are proposing accomplishes all of the objectives of the panel's recommendations. It gives special priority emphasis to cancer research by elevating the cancer effort within NIH to a new Cancer Authority, thereby removing the numerous HEW bureaucratic layers above NIH, and at the same time, meets the very strong objections of the biomedical research community to any proposal to remove the cancer effort from NIH.

The amendment we are proposing is an adaptation of the Kennedy bill (S. 34), retaining all of its major features and making relatively minor changes while maintaining the cancer research program within NIH.

Briefly described, our amendment would create a separate National Institutes of Health as an independent agency of the United States accountable directly to the President, with Presidential appointment of an NIH Director and nine other top-level agency officials. The amendment would create within the new independent NIH a National Cancer Authority, the Administrator of which would also be Deputy Director for Cancer of the new NIH. Thus, only one administrative position—the Director of NIH—would separate the Cancer Authority Administrator from the President.

At present, within HEW there are six bureaucratic layers between the Director of the National Cancer Institute and the President—the Deputy Director of NIH, the Director of NIH, the Deputy Assistant Secretary of HEW for Health and Scientific Affairs, the Assistant Secretary of HEW for Health and Scientific Affairs, the Under Secretary of HEW, and the Secretary of HEW.

The autonomous NIH would be comparable to other Federal research agencies; namely, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the National Science Foundation. It would place biomedical research on a par with space, atomic, and general scientific research. It should be pointed out that these programs are careful to combine both targeted and basic research, so that no research effort is isolated, and no areas of discovery are closed off or ignored.

The scientific and biomedical communities have expressed very strong concern that isolating cancer research energies may result in cutting off valuable, possibly related, research channels. They point out that cancer research is still at the frontier stage, that it is multifaceted and elusive in its present state of the art, and that important discoveries have historically derived, and likely will continue to derive, inadvertently from basic research. They fear that crucial areas of basic research will be dropped, possibly at the expense of such discoveries, and they urge the continued Federal support of the multifaceted activities now supported by NIH.

Dr. James A. Shannon, who served as Director of National Institutes of Health during its period of greatest growth, expressed these fears in a letter submitted as testimony during hearings on S. 34 before the Health Subcommittee.

"The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind without merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of processes for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgment, balance, flexibility, responsiveness, and responsibility will characterize the country's assault on the problems of disease, disability and death."

Dr. Shannon and others are concerned that separating cancer research from other biomedical research will create a divisive competition for funds, which will be counterproductive to the cause of cancer research.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in the Department of Health, Education, and Welfare, testified:

"Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases. . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

The amendment we propose would keep NIH together, would emphasize a cancer program, and establish biomedical research at a priority level comparable to other scientific research.

The infusion of substantial funds will insure an expansion of cancer research. By maintaining cancer within the NIH structure we will insure that all basic research efforts that may touch on cancer will be fully developed in the battle against cancer.

Mr. President, on May 2, 77 chairmen of departments of medicine in the Nation's medical schools endorsed the concept that progress in cancer research can best be achieved within the NIH, utilizing the capacities of the National Cancer Institute, and possibly may be "facilitated by establishing NIH as a separate agency" outside of HEW.

Mr. President, the Health Subcommittee

has scheduled for June 8 another hearing on S. 34 which will also consider the administration proposal, S. 1828. I intend to request the witnesses scheduled to testify at that hearing to be fully prepared to comment on the modification proposed in the amendment I have outlined today.

Mr. President, I ask unanimous consent that, at this point in my remarks, there be printed in the RECORD the full text of the amendment to S. 34 which I have submitted for printing as well as a section-by-section analysis of the amendment.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD, as follows:

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### AMENDMENT NO. 109

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Conquest of Cancer Act".

#### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, treatment, and cure of cancer deserve the highest priority;

(3) that this and other dread diseases such as diseases of the heart and lung, diseases of the nervous system and joints, and diseases related to birth defects have for too long afflicted mankind; and

(4) that great opportunity is offered as a result of recent advances in the knowledge of these dread diseases to conduct energetically a national program for their conquest.

(b) In order to carry out the policy set forth in this Act, it is the purpose of this Act to establish the National Institutes of Health as an independent agency of the United States, and, within it, the National Cancer Authority.

#### NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established within the National Institutes of Health the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall also be Deputy Director for Cancer of the National Institutes of Health, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

#### ESTABLISHMENT OF THE NATIONAL INSTITUTES OF HEALTH AS AN INDEPENDENT AGENCY

SEC. 4. (a) The National Institutes of Health is hereby established as an independent agency within the executive branch of the Federal Government, having as its objective the conquest of cancer and other serious diseases at the earliest possible time.

(b) The agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years and who shall also be the Administrator of the National Cancer Authority. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director, or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the National Institutes of Health a Deputy Director for Science, a General Counsel, a Deputy Administrator of the National Cancer Authority, and not to exceed five Associate Directors.

(d) The agency shall include the existing National Institutes of Health, including its research institutes and divisions and the National Library of Medicine, Bureau of Health Manpower Education, and other such units that the Director determines are necessary to carry out the purposes of this Act, and the Regional Medical Programs carried out under Title IX of the Public Health Service Act.

#### TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 5. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Institutes of Health, its public advisory groups, and except as otherwise specifically provided in section 12, with any function of the National Cancer Advisory Council, are hereby transferred to the agency.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel, including commissioned officers of the Public Health Service, engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

#### TRANSFER OF FUNCTIONS

SEC. 6. (a) Except as provided in subsection (b), there are hereby transferred to the Director all functions of the Secretary of Health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Institutes of Health, the various institutes and divisions of the National Institutes of Health, including the National Library of Medicine, the Bureau of Health Manpower Education, and the various public advisory groups to such institutes and divisions and to the Director.

(2) under the Public Health Service Act which the Director of the Office of Management and Budget determines relate to the administration, conduct, and support of biomedical research, biomedical communications, and the construction and development of health research facilities;

(3) under title IX of the Public Health Service Act.

(b) There are hereby transferred to the Administration of the National Cancer Authority all functions of the Secretary of Health, Education, and Welfare with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(c) Functions transferred to the Administrator under subsection (b) of this section shall be carried out under the general supervision and direction of the Director.

#### FUNCTIONS OF THE NATIONAL INSTITUTES OF HEALTH

SEC. 7. In order to carry out the purposes of this Act, the agency shall—

(1) carry out all functions and research activities previously conducted by the National Institutes of Health, prior to the enactment of this Act, together with an expanded, intensified, and coordinated research program to conquer cancer, heart disease, and other dread diseases;

(2) advise the President with respect to the progress of biomedical research in the conquest of disease and recommend to the President appropriate policies and programs to foster the orderly growth and development of biomedical research facilities and resources, especially in the light of emerging scientific opportunities;

(3) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for cures of cancer, heart disease and other diseases in areas of special promise;

(4) encourage and coordinate biomedical research by industrial concerns where such concerns evidence a particular capability for such research;

(5) strengthen existing cancer centers, and establish new cancer centers, and other centers for the treatment and cure of other diseases as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in such cases;

(6) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer and other diseases for professionals and for the general public;

(7) establish or support the large-scale production of specialized biological materials for health research and set standards of safety and care for persons using such materials; and

(8) support research in the field of cancer and other diseases outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

#### ADMINISTRATIVE PROVISIONS

SEC. 8. The Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Agency in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than four hundred of the scientific, professional, and administrative personnel of the Agency without regard to provisions of such title relating to appointments in the competitive service, of whom not less than two hundred shall be in the National Cancer Authority, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchaper II of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Director deems it necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the agency and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, re-

pair, operate, and maintain comprehensive cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the agency for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriate for construction, repairs, or capital improvement; and

(11) take such actions as may be required for the accomplishment of the objectives of the agency.

(b) Upon request made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the agency in the performance of its functions, with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

### SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to function so transferred shall be continued under the agency. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Director, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the agency as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any part, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which that Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Director or the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Director or the Administrator,

then such suits shall be continued by the Director or the Administrator, as the case may be (except in the case of a suit not involving functions transferred to the Director or Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the agency or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Director and the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

### REPORTS

SEC. 10. (a) The Administrator of the National Cancer Authority shall, within one year after the date of his appointment, prepare and submit to the President through the Director, National Institutes of Health, for transmittal to the Congress, a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time, together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Director shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the National Institutes of Health during the preceding calendar year, including a comprehensive report of the Administrator of the National Cancer Authority. In addition, the report will include such information as is appropriate on the health of the citizens of the United States, and the progress of biomedical research in improving diagnosis, treatment, cure, and prevention of disease.

### NATIONAL CANCER ADVISORY BOARD

SEC. 11. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Director and the Administrator shall be an ex officio member of the Board.

(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall perform all of the functions of the National Cancer Advisory Council, which are hereby transferred to it.

(h) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(i) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(j) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5708, title 5, United States Code, for persons in the Government service employed intermittently.

(k) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

### COMPENSATION OF THE DIRECTOR, ADMINISTRATOR, DEPUTY DIRECTORS, THE DEPUTY ADMINISTRATOR, GENERAL COUNSEL, AND ASSOCIATE DIRECTORS

SEC. 12. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director, National Institutes of Health."

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(56) Deputy Director for Cancer, National Institutes of Health, the incumbent of which also serves as the Administrator, National Cancer Authority.

"(57) Deputy Director for Science, National Institutes of Health."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) General Counsel, National Institutes of Health,

"(132) Associate Directors of the National Institutes of Health (five),

"(133) Deputy Administrator, National Cancer Authority".

### DEFINITIONS

SEC. 13. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority;

(2) "agency" means the National Institutes of Health;

(3) "Authority" means the National Cancer Authority;

(4) "Board" means National Cancer Advisory Board;

(5) "cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(6) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(7) "Director" means Director, National Institutes of Health;

(8) "function" includes power and duty;

(9) "Federal agency" means any department, agency, or independent establishment of the executive branch of the Government including any wholly owned Government corporation.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 14. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

### EFFECTIVE DATE

SEC. 15. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in sections 3 and 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the agency pursuant to this Act.

### SECTION-BY-SECTION ANALYSIS OF AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR S. 94.

*Section 2: Findings and Purpose.*

*Findings:* Similar to existing language of S. 34 except language expanded to include other disease with priority maintained for cancer.

*Purpose:* To establish the National Institutes of Health as an independent agency of the United States and within it the National Cancer Authority.

*Section 3: National Cancer Authority Established.* Headed by an Administrator, who shall also be Deputy Director for Cancer of NIH (Grade III). Except for dual title language, all other language is identical to S. 34.

*Section 4: Establishment of the National Institutes of Health as an Independent Agency.* Provides for Presidential appointment of Director of NIH (Grade II), Deputy Director for Cancer (Administrator of National Cancer Authority) (Grade III), a Deputy Director for Science (Grade III), General Counsel and up to five Associate Directors (all Grade V), Agency includes all existing institutes (other than National Cancer Institute which is absorbed by the National Cancer Authority established in Section 3), the Bureau of Health Manpower, divisions, the National Library of Medicine, the Regional Medical Programs, and such other units as the Director determines to be necessary (for example, the Fogarty International Center).

*Section 5: Transfers from the Department of Health, Education & Welfare to Independent N.I.H.* Provides for the transfers of appropriate employees, assets, etc. from HEW to an independent NIH.

*Section 6: Transfer of H.E.W. Functions to National Cancer Authority.* (a) Related functions of Secretary of HEW are transferred to Director of NIH. (b) Functions of Secretary for National Cancer Institute and Advisory Council are transferred to the Administrator of the National Cancer Authority.

*Section 7: Functions of the National Institutes of Health.* Language with emphasis on cancer restates existing NIH authority.

*Section 8: Administrative Provisions.* Allows Director of NIH to appoint 400 persons to supergrades with not less than 200 within National Cancer Authority. S. 34 now provides 200 supergrades for National Cancer Authority. (Note: at present NIH has 180 supergrades authorized 30 of which are for NCI).

(Note other provisions of Section 8 are routine and identical to S. 34.)

*Section 9: Savings Provisions.* These are routine technical provisions to insure a smooth transition.

*Section 10: Reports.* (a) The Administrator of the National Cancer Authority is required within one year to report to the President and Congress with a national program designed to conquer cancer. This language is identical to S. 34 (section 9) except the report is made through the Director of NIH.

(b) The Director of NIH is required to report annually to the President and Congress on the activities of NIH. This report must include a comprehensive report of the Administrator of the National Cancer Authority.

*Section 11: National Cancer Advisory Board.* These provisions for the Board are identical of S. 34 except for the addition of subsection (g) which follows the recommendation of the National Panel of Consultants on the Conquest of Cancer that it be made clear by statute that the new Board assume all the functions of the old Advisory Council, plus the functions elsewhere provided in Section 11.

*Section 12: Compensation of the Director, Administrator, Deputy Directors, the Deputy Administrator, General Counsel and Associate Directors.*

Director NIH (Executive Grade II).

Deputy Director for Cancer-Administrator, National Cancer Authority (Executive Grade III).

Deputy Director for Science NIH (Executive Grade III).

General Counsel NIH (Executive Grade IV).

Associate Directors NIH (Executive Grade IV).

Deputy Administrator NCA (Executive Grade IV).

*Section 13: Definitions.*

*Section 14: Authorization of Appropriations.* This section continues existing NIH appropriations authorizations without limit as to time or money.

*Section 15: Effective Date.*

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## THE STOPGAP SOCIAL SECURITY INCREASE: HOW HELPFUL?

Mr. CHURCH. Mr. President, approximately 27 million social security beneficiaries received checks earlier this month reflecting a 10-percent increase in their benefits.

Welcome as this raise is, we must still face hard facts.

Even with the 10-percent increase, benefits for the typical retired worker amount to about $1,560 per year, nearly $300 below the poverty threshold.

For the average retired couple, annual benefits total $2,528, which would make them near poor according to Bureau of Census definitions.

And the typical elderly widow receives only about $1,350 per year, approximately $500 below the poverty line. With such an inadequate amount, it is no wonder that 50 percent of all aged women living alone subsist in poverty. And approximately 63 percent would be classified as poor or near poor. In terms of dollars and cents, this means that about five out of every eight single women 65 and over would have total annual income below $2,315.

A recent article appearing in the Wall Street Journal describes in very human terms what the recent 10-percent increase means as to many older Americans.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FOR MANY OLDSTERS, SOCIAL SECURITY RISE DOESN'T DO MUCH GOOD

(By Marguerite Nugent)

NEW YORK.—Today should be a happy day for 72-year-old Rubin Traub, a weary-looking retired garment worker who wears a battered hat and rumpled trousers. In this morning's mail will come a $16 increase in his monthly Social Security check—seemingly enough for a few more groceries or a pair of new shoes.

Not enough at all, says Mr. Traub as he sits forlornly in the dingy basement of an old people's club on Manhattan's Lower East

Side. The increase in Social Security benefits, he explains, won't even cover the $17 a month by which his rent recently rose. Pinned to Mr. Traub's tattered lapel is a small black-and-gold button that says "Senior Power." Pointing to the pin, he laments, "This means nothing. New shoes? Why, I can't even afford a shoeshine."

Others share Mr. Traub's feelings about the 10% rise in benefits. To a large extent, that increase soon will be—or already has been—eaten up by advances in the cost of living, talks with more than 100 elderly persons in New York indicate. And while costs in the U.S. as a whole haven't risen as fast as in this city, many of the nation's 26 million Social Security recipients aren't in much better financial shape than Mr. Traub.

What's more, the elderly complain, whatever they might gain from the 10% increase is being wiped out by cuts in other federal programs designed to help the aged. On July 1, for example, the Health, Education and Welfare Department will stop its funding for food at 26 centers across the nation. The program is designed to provide nutritionally balanced meals for the elderly. Already, nine of the centers have eliminated hot noontime meals—for which they charged 55 to 65 cents.

### SUNDAE IN NEW YORK

As a result, there's a tinge of bitterness when some of the elderly discuss the Social Security increase. "I think I'll get a banana split," says Tom Duffy, a retired transit worker who spends much of his time playing shuffleboard in a Brooklyn park. "Sure, it'll help," sneers Max Tobias, a retired house painter who lives on the Lower East Side. "Maybe I can afford a newspaper every once in a while." But Mrs. Flora Meegan, a widow in her 80s, says she may go to the dentist for the first time in seven years.

The extra money is provided by a bill that President Nixon signed March 17. The increase will be retroactive to Jan. 1 (retroactivity checks will be mailed in June) and will raise the total of national benefits by $260 million from the current level of $2.6 billion a month. The measure also provides for a 5% increase in payments for persons 72 and over who don't qualify for full Social Security benefits.

On the average the rise will mean $125 a month instead of $114 for single recipients and $218.90 intsead of $199 for couples. The minimum payment for single people will rise to $70.40 from $64, and for couples it will go to $105.60 from $96.

Since January of last year, when the previous Social Security benefit rise of 15% went into effect, the cost of living across the nation has risen 5.9%. In New York City, where 1.1 million recipients live, the jump has been 7.4%.

### WOES OF A FORMER FURRIER

A retired furrier, Max Silverman, says all but $4 of his $16 gain in Social Security benefits will go toward a recent increase in his rent.

Rent increases come as no surprise to those who must deal with the problems of the elderly. "Once new benefits go into effect, it isn't long before the landlords start raising their rents to match the increase," says an official at New York City's Office of the Aging. No one could agree more than Mrs. Gurtie Shlakman, who lives in a low-income housing project on the Lower East Side and just had her rent raised 20%. "It's like they give you the money with one hand and take it away with the other," she complains.

The elderly, however, can fight such increases. New York City has a program under which retired persons aged 62 and over may apply for exemptions from rent increases provided their yearly income doesn't exceed $4,500 and their rent is at least a third of that total. Under this stipulation, a group of the elderly in the Bronx is fighting a 15% rent increase.

Housing, of course, represents only one of the rising expenditures that older citizens—as well as Americans in general—must face. Some elderly persons under doctors' care say they can no longer afford certain foods they are supposed to eat. "My doctor says I'm supposed to have liver once a week," says an 80-year-old man sitting on a park bench at Broadway and 72nd Street. Choking on the exhaust fumes of buses that roar by, he adds, "But liver went to $1.15 a pound from 85 cents in one week recently, and I can't afford it any more, even with the increased benefits." And Mr. Tobias, the former house painter, says he is supposed to take lemon juice with his medication but has stopped buying lemons because the price rose so sharply. "Who can afford it?" he asks.

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## SOUTH KOREA: FRIEND OR FOE?

**Mr. PERCY.** Mr. President, Ambassador-at-Large David M. Kennedy's discussions on textiles in Taiwan, Korea, and Hong Kong are receiving their share of attention in the press. The reports are perhaps not as complete as we would like, but they do serve to highlight the nature of the problem and the seriousness of the issue to all parties concerned.

Our textile problems with Japan are, of course, a matter of public knowledge. However, I would like to call attention to the fact that we import more man-made apparel items from Taiwan than we do from Japan. We import practically as much man-made apparel from Korea as from Japan, while our imports of manmades from Hong Kong fall only slightly below these levels.

The administration, through Ambassador Kennedy, is attempting to reach voluntary agreements with Taiwan, Korea, and Hong Kong under which their textile exports to the United States will continue to grow, but at a slower pace.

In this respect, it is encouraging to learn that the Republic of China has shown great understanding and appreciation for our situation. Ambassador Kennedy left Taipei with the major elements of an agreement worked out. Even though the Republic of China's textile exports to the U.S. market are currently growing at well over 60 percent a year, she agreed to slow that growth during the next 5 years to a rate slightly below 9 percent—roughly equal to the average growth of her economy.

Our friends in Taipei have negotiated with us in good faith on an issue that is as important to them as it is to us.

South Korea is also a friend of the United States, and I would have expected a similar reception for Ambassador Kennedy in Seoul. But if my information is correct, the lack of understanding and cooperation in Korea on the textile issue was startling, and all the more so when contrasted with the cordial reception in Taiwan.

It is, of course, true that textile exports to the United States are highly important to the continued growth and expansion of the Korean economy. Consequently, in his discussions in Seoul, Ambassador Kennedy asked only that Korea slow its growth of textile exports to the United States to a level approximating the growth of the Korean economy—around 8 percent in recent years.

Since the U.S. market absorbed 20 percent more textile exports from Korea in 1970 than in 1969, it seems reasonable to suggest a reduction in future growth rates to approximately 8½ percent per year. This is especially true in view of the fact that the United States is prepared to assist Korea in finding new textile markets as well as cushioning, by other means, any foreign exchange losses that might possibly occur.

I find it discouraging and disheartening to learn that Korea refused to seriously consider the U.S. proposal. We fought 3 long years for Korean independence and have spent $5 billion for her economic development, as well as another $3.2 billion on a military shield for Korea.

Korea speaks of a special relationship with the United States. Yet if her reaction to our textile problem, which she is in a position to help us resolve, is any indication of her role in this special relationship, then I can only conclude that Korea expects all the benefits to flow only one way.

In these circumstances, it is obvious to me that a reexamination of our special relationship—in every detail—is absolutely necessary. Friendship is a two-way street, and it implies understanding and cooperation on the part of both parties. I hope that Korea will reconsider the crucial elements of true friendship—and the mutual benefits that flow from such a relationship—because that is precisely what we are now compelled to do.

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## APPOINTMENT OF ADVISORY COMMITTEE TO CONSIDER IMPROVEMENTS TO THE OLDER AMERICANS ACT, OR AN ALTERNATIVE

**Mr. CHURCH.** Mr. President, a little more than a year from now, June 30, 1972, is the deadline to act on legislative proposals to continue or replace the Older Americans Act. Equally important, the Congress must decide what type of an advocate the elderly should have to represent them in the highest councils of government. Additionally, other issues must also be considered:

Should the Administration on Aging be continued as it is presently constituted?

Should it be changed and given new responsibilities?

Or should it be replaced with a successor agency?

These important questions take on an added meaning during this year, the year of the White House Conference on Aging. Moreover, recent reorganization moves have raised widespread concern about the future role of the AOA to serve as the focal point for the aged.

Research and training programs, for example, have been assigned to the Social and Rehabilitation Service regional offices. And the administration's reorganization plan has placed the foster grandparent and the retired senior volunteer programs in a new volunteer agency.

In the view of many experts in the field of aging, these reorganization moves have been contrary to the legislative intent of the Older Americans Act. In addition, this action has raised serious questions about the capability of ACA to function as a strong force for improving and enriching the lives of older Americans.

A few weeks ago the Senate Committee on Aging, in conjunction with the Subcommitte on Aging of the Labor and Public Welfare Committee, conducted 5 days of hearings on this issue as well as other related questions affecting the elderly. At these hearings, Nelson Cruikshank, president of the National Council of Senior Citizens, urged that a task force be appointed to determine:

"What kind of organization could best serve as a visible and articulate Government spokesman for the elderly, commanding the respect and wholehearted cooperation of all our Federal agencies."

This is an important task with potentially far-reaching implications for our Nation's elderly. Without effective organization and leadership, our efforts on behalf of older Americans will continue to be fragmented and haphazard. Therefore, the naming of this panel takes on an added dimension.

For these reasons, as chairman of the Senate Committee on Aging, it gives me great pleasure to announce the appointment of an advisory committee to consider proposals for the most effective advocate to represent the elderly. In addition, the advisory committee will report out its recommendations, at the earliest possible date, to the Committee on Aging.

The appointment of such a task force at this time, I believe, is advantageous from many standpoints. First, the Congress would have the benefit of the input of many renowned experts in the field of aging before acting on the Older Americans Act. Second, the advisory committee will provide a helpful service for delegates to the November White House Conference on Aging.

Mr. President, I ask unanimous consent that the names of this advisory committee be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

ADVISORY COUNCIL MEMBERS

Walter M. Beattie, Jr., Dean, School of Social Work, Syracuse University.

William D. Bechill, Chairman, Social Policy Sequence, School of Social Work, University of Maryland.

Dr. Blue Carstenson, Director Green Thumb, Incorporated National Farmers Union.

Mr. Charles H. Chaskes, Executive Director. Michigan Commission on Aging and President, National Association of State Units on Aging.

Nelson H. Cruikshank, President, National Council of Senior Citizens.

Dr. Wilma Donahue, White House Conference on Aging Staff and former Director, Institute of Gerontology University of Michigan.

Mr. William C. Fitch, Executive Director, National Council on the Aging.

Mrs. James H. Harger, former Director, N.J. Division on Aging and former President, National Association of State Units on Aging.

William C. Hudelson, Director, Division of Services & Programs for Aging, Prince George's County Department of Community Development, Md.

J. R. Jones, Director, Office on Aging, Little Rock, Arkansas.

Dr. Jerome Kaplan, President, Gerontological Society.

Mr. Garson Meyer, Chairman of President's Task Force on Aging (1970) and former President, National Council on the Aging.

Dr. Woodrow W. Morris, Institute of Gerontology, University of Iowa.

Mr. Bernard E. Nash, Executive Director, American Association of Retired Persons/National Retired Teachers Association.

Mrs. Kay Pell, Director, Idaho Department of Special Services.

Mrs. Margaret Schweinhaut, Chairman, Maryland Commission on Aging.

Dr. Harold Sheppard, Staff Social Scientist, W.E. Upjohn Institute for Employment Research.

Clarence M. Tarr, Vice-President, National Association of Retired Federal Employees.

Bernard S. Van Rensselaer, Director, Senior Citizens Division—Republican National Committee.

Frank Zelenka, Associate Director, American Association of Homes for the Aged.

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## RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, as required by section 133B of the Legislative Reorganization Act of 1970—Public Law 91–510—I ask unanimous consent that the rules of the Special Committee on Aging be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE SPECIAL COMMITTEE ON AGING

(As adopted June 12, 1963)

RULE 1. CONVENING OF MEETINGS

Unless the Senate is in session and a different date within the month is ordered and notice given, the Committee shall meet regularly at 10 a.m. on the second Thursday of each month during the session. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary. Regularly scheduled meetings of the Committee may be postponed or cancelled by the Chairman should there be insufficient business before the Committee to warrant such a meeting. Subcommittee Chairmen may call meetings of the Subcommittees at such times as they deem necessary except that no such meetings may be called at a time when the full Committee is scheduled to meet. Special meetings may be called by a majority of all Committee or Subcommittee members upon written notice to the Clerk of Committee. The Clerk shall give at least 24 hours notice to every member of the meeting, time, and place.

RULE 2. PRESIDING OFFICER

The Chairman of the Committee (or Subcommittee) or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

RULE 3. QUORUMS

A majority of the Committee or any Subcommittee shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses and the taking of testimony at hearings.

RULE 4. SUBCOMMITTEES

Matters referred to the Committee shall be considered initially by the full Committee or by such Subcommittees as the Chairman, with the approval of the Committee, shall designate. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee shall be an ex officio member of all Subcommittees. Party membership of each Subcommittee shall be proportionate to Party membership on the full Committee. Each Subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized (a) to hold and report hearings; (b) to sit and act during meetings of the Senate and during recesses or adjournment of the Senate; and (c) to require by subpoena or otherwise the attendance of witnesses and the production of documentary evidence.

RULE 5. AGENDA AND VOTING AT MEETINGS

The business to be considered at any meeting of the Committee or a Subcommittee shall be designated by its Chairman and any other measure, motion or matter substantive or procedural within the jurisdiction of the Committee or a Subcommittee shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee and all Subcommittees.

RULE 6. RIGHT TO COUNSEL

Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

RULE 7. AMENDMENT OF RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULE 8. REPORTS

Staff reports and Committee reports shall be printed only with the prior approval of a majority of the full Committee. The printing, as Committee documents, of materials not originating with the Committee or its staff shall also require prior approval of a majority of the full Committee. The printing of a Subcommittee report shall require prior approval of a majority of the Subcommittee concerned. With respect to the printing of Staff reports, the Chairman is authorized to conduct a poll of the Committee. In such cases, the Minority shall have the right to request reconsideration of the results of such poll at the next meeting of the Committee.

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## FISH ON THE SNAKE AND THE COLUMBIA

Mr. CHURCH. Mr. President, one of the pressing problems that has been troubling those living along the Snake and Columbia Rivers is the loss of anadromous fish because of nitrogen supersaturation, inadequate access to their spawning streams, damage as they pass through turbines, or over dams.

The nitrogen supersaturation problem, a condition very similar to the diver's bends that affects the fish, has become increasingly serious as more and more dams have been constructed along the Snake and Columbia. Water cresting over these dams, particularly during the spring runoffs, plunges into the river with enough force to trap nitrogen at high levels in the water. Fish in this water then suffer the bends when they approach the surface. It has been estimated that as many as 70 percent of the anadromous fish in the Snake and Columbia have been damaged in this spring's runoff.

The Governors of Idaho, Oregon, and Washington have urged the Corps of Engineers and other official bodies to do whatever can be done to alleviate the nitrogen supersaturation problem. A number of private groups and individuals are urging that work on dams now under construction be halted until some relief from the nitrogen problem can be found. The widespread concern about the problem is indicative of its importance to those who live in the Northwest and to those concerned with wildlife.

This spring the Corps of Engineers initiated an experiment designed to lower the nitrogen supersaturation level in the Snake and Columbia Rivers. Special experimental slotted flood gates were installed on three empty—without turbines—bays at the Little Goose Dam. These gates were designed to slow the flow of water and reduce the force of the water as it dropped over the dams and thus reduce the nitrogen trapped in the river. These gates were installed by May of this year during the heavy runoff on the Snake River.

The Corps of Engineers reports that the slotted flood gates have successfully maintained the nitrogen level of the water as it passes over the dam. The nitrogen content of the water is still the same after it has passed through the flood gate· As a result, the Corps of Engineers has requested $12 million from the White House to procure and install slotted flood gates on the empty bays on the Columbia and the Snake. I understand that this request is now being considered by the Office of Management and Budget. I want to take this opportunity to urge the Office of Management and Budget to approve this funding request so that the corps can install the necessary flood gates prior to next year's runoff. Any delay may lead to the total destruction of the anadromous fish runs on the mighty rivers of the Pacific Northwest. I have also urged Director William Ruckelshaus of the Environmental Protection Agency to use his influence to see that an environmental disaster does not occur on the Snake and Columbia.

Shortly after learning of the initial success of the corps' experiments with the so-called holey gates, I received a letter from Mr. W. William Puustinen, chairman of the Legislative and Conservation Committee of the Columbia River Fishermen's Protective Union, expressing concern about the nitrogen supersaturation problem. I wrote back to ask him his opinion of the corps' results with the slotted flood gates. I received a most detailed and informative reply. Mr. Puustinen believes that we should proceed with the installation of the slotted flood gates but he also suggests a number of other steps that should be examined and possibly pursued so that the anadromous fish runs on the Snake and Columbia can be preserved and enhanced.

I have been greatly impressed with Mr. Puustinen's letter and ask unanimous consent that it be printed at the end of my remarks. I have also forwarded copies to the Corps of Engineers, the Bureau of Reclamation, and the Environmental Protection Agency and have asked for their evaluation of Mr. Puustinen's suggestions.

We need to tax our imaginations to the fullest if we are to continue to have anadromous fish in our great rivers. Sports and commercial fishing remain a great natural resource of the Northwest only because we have worked to preserve these fish runs. It is now clear that we need to do more if we are to continue to have the opportunity to fish for steelhead and salmon in the great Northwest. Mr. Puustinen has offered us the benefit of his knowledge. We should take advantage of it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPRINGFIELD, OREG.,
*June 25, 1971.*

Hon. FRANK CHURCH,
*Senator from Idaho,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: Thank you for your letter of June 18, 1971, asking if I think the slotted flood gates to be adequate protection against the nitrogen super-saturation threat to our Columbia and Snake fish.

As far as I know today, this first slotted gate test by the Army Engineers indicated at that site and the conditions there then, that the nitrogen saturation reading above the test was 106 percent of saturation and 104 percent of saturation below. Thus it seems that this first test of that idea did not result in more dissolved nitrogen. However, one such test can not be expected to materially lower or alter the dissolved nitrogen riverwide. I do want to express my sincere appreciation to the Army for even this test. I believe we have in General Kelly of the Army Corps of Engineers a true champion of realistic conservation. I look forward to much constructive progress from any team including General Kelly.

But, you will have to excuse me for other questions and considerations coming to my mind. Forty-five years of active salmon conservation has taught me to look further for satisfactory solutions to the complicated fisheries problems of today. Experience has taught me to anticipate some inherent counters to any new innovation we may try. So it is with the slotted flood gates.

Immediately I begin to wonder about the physical bruising and battering of downstream migrating salmon going through the turbulence of the slotted gates. We know that falling over Grande Coulee kills kokanee. We know that salmon are killed at every power dam on the Columbia to date. Some of these fish are killed outright while others suffer abrasions and wounds which then invite killing fungi and bacteria. Some fish also suffer airbladder damage in the sudden pressure changes involved in their passage through dam vents and other unnatural areas. The slotted gates might give us other physical damages to the fishes we wish to protect.

It seems to me that if we are to realistically envisage a volume redevelopment of our Columbia and Snake salmon and steelheads, we will have to look forward to volume migrations of young fish downstream, most of them by ancient biologic order, right at the time of the regularly occurring spring floods. The slotted gates do not seem any satisfactory fishway here. I would rather explore by-pass channels and tunnels around, through, or over present dams for safe fishways for not only the downstream migrants, but also for ascending mature fish we hope to have utilizing the river all of the twelve months, eventually.

I feel we will have to explore fishways of several designs and at several forebay water levels in order to come up with adequate dam passage facilities for the differing water levels, temperatures and other conditions we will just have to meet in the more complex water-use plans of the future. These multi-form fish passage facilities of the future, whatever their ultimate nature may be, will cost more. But we must not forget that we are looking today at only a very small fragment of the once very heavy and extensive runs of a variety of races of salmon and steelheads originating in the various Columbia tributary habitats. I look forward to the eventual expansion from even our remaining seedstocks of native salmon and steelheads of the Columbia to runs to yield commercial food fish alone worth more than the earnings of a half dozen Bonneville Dams. Add to this our increasing need for recreational fishing and we come up with first priority food values and high priority recreational values far too great for any of us to let slip into the same oblivion we already have lost the above-Grand Coulee runs of June Giant salmon and native Kootenay bluebacks—plus many other Columbia races of spring and fall chinooks, silvers, bluebacks, summer and winter steelheads, and searun cutthroat trout killed elsewhere on the river. We are working today with a very fragile and thin margin of remnants of the once heavy Columbia runs. We cannot afford to monkey around with unnatural gimmicks any longer.

In looking into the future of Columbia water uses, I would seriously suggest immediate attention to such details also as how and where best plan for the inland storages we will need for the intensive agricultural irrigation certain to come for eastern Oregon, eastern Washington and for your own state of Idaho. Nuclear or other forms of future power will make it not only feasible, but necessary for us to plan on inland water storage reservoirs at some distances from the rivers. Such reservoirs should be planned now to take our river water as much as possible from our excessive spring flows. This in itself could lower our nitrogen problem by the amount of water then taken into such inland reservoirs for later local nuclear, industrial and agricultural or other subsequent uses. Such planning is not any one-shot, nor one-day planning. It will take many years to slowly materialize into its ultimate forms and potentials. We need now to begin such studies.

This is some of the thinking which brings me to not be over-optimistic even about the fine effort of the Army Engineers with the slotted gates. Along with utilizing the present shiplocks at the main river dams and even the inactive turbine channels, for emergency flood releases, we will need to study the slot uses even further than this first test. I'm sure our ultimate answer to nitrogen supersaturation will be of several parts relating to much more Columbia Basin planning than just this one aspect of avoiding supersaturation of the dams.

Respectfully yours,
W. WM. PUUSTINEN,
*Chairman, Legislative and Conservation Committee, Columbia River Fishermen's Protective Union.*

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding that the time for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able junior Senator from Iowa (Mr. Hughes) under the previous order, the distinguished senior Senator from Illinois (Mr. Percy) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the Uhited States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT ON NATIONAL HOUSING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-136)

The PRESIDING OFFICER (Mr. Gambrell) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

*To the Congress of the United States:*

I herewith transmit the third annual report on national housing goals as required by Section 1603 of the Housing and Urban Development Act of 1968.

This Report, prepared by the Secretary of Housing and Urban Development, notes the progress toward meeting the Nation's housing needs. Increased housing opportunities have been provided for lower income families through the greatly expanded federally assisted housing programs. Lower interest rates and the increased availability for mortgage capital will permit greatly expanded housing production during the current year.

The Report also makes it quite obvious that we must not be complacent about the progress we have made in the past two years. Several types of problems are emerging. Housing costs continue to rise, pricing many families out of the market for adequate homes. This Administration has taken firm steps to control the inflation in construction costs, but we cannot consider the problem solved.

Other problems highlighted in this Report are equally or more difficult to solve:

—The need to deal with inequities which arise when some families receive subsidies and others do not, the inevitable result of having to allocate scarce resources.

—The need to assure that the effort to meet housing production objectives goes forward in consonance with our deep concern for assuring a desirable overall living environment.

These problems are complex; simplistic solutions will not do the job. This Report raises the problems in a straightforward way so that they can be aired and each of the possible solutions explored openly. Only in this way can realistic answers be found. This Administration is committed to the search for those answers, working in full cooperation with the Congress, private industry, labor and the American people.

I commend this Report to the Congress and to the public as a major step forward in our efforts to meet the housing needs of the American people.

Richard Nixon.

The White House, *June 29, 1971.*

## REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Gambrell) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

I am pleased to transmit to the Congress the third Annual Report of the National Science Board, as required by Section 4(g) of the National Science Foundation Act, as amended by Public Law 90-407.

Action to meet the needs of today includes laying the foundation for tomorrow's problem solving. For this reason, I suggest that this report of the National Science Board receive your attention.

Richard Nixon.

The White House, *June 29, 1971.*

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Gambrell) laid before the Senate a message from the President of the United States submitting the nomination of Fred L. Hadsel, of Ohio, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Ghana, which was referred to the Committee on Foreign Relations.

## APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971—VETO MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Gambrell) laid before the Senate the following message from the President of the United States:

*To the Senate of the United States:*

Expansion of job opportunities for those presently unemployed is one of this administration's highest priorities. Measures to expand job opportunities must be effective; they must hold real promise of providing the jobs when they are needed, where they are needed, for the persons who most need them.

In recent weeks, the Congress has acted on two measures which seek to achieve the same goal of job creation through two quite different approaches.

One meets the test. Another does not. I hope the two Houses of Congress will soon vote final passage of the Emergency Employment Act of 1971 (S. 31), on which the Conference Committee has now completed its report, which would create new job opportunities in the public sector. However, I am returning without my approval S. 575, which among its other provisions would attempt to deal with unemployment through a $2 billion program of accelerated public works.

The administration has been working closely with Congressional leaders on the Emergency Employment Act of 1971 in an effort to ensure its adoption in a form permitting States and localities to move quickly, and on a sound and responsible basis, to create new job opportunities in the public sector. In the form agreed to by the Conference Committee, it would do so. Like the provision for 200,000 public service jobs in the welfare reform bill passed by the House, it would mark a useful addition to the existing programs—including Operation Mainstream and the administration's own Public Service Careers program—which are currently providing public service job opportunities for the unemployed.

In December of last year I disapproved a manpower measure passed by the Congress, because in the form in which it was passed it would have created dead-end jobs amounting to a system of permanent subsidized public employment. However, I have made it clear that the administration considers that our unmet needs in the public sector provide an opportunity to combat joblessness by bringing unemployed men and women into the labor force in selected areas and appropriate circumstances. We have stressed one key point: that these created jobs must be *transitional*—that is, they must be a bridge to permanent, productive jobs, not a substitute for them.

The action taken thus far this year by the Congress on the Emergency Employment Act of 1971 deals effectively with these concerns. Public employment is defined as "transitional." It is targeted on locally-supported jobs of proven need. Moreover, the bill, as it has been agreed to in Conference, would be limited to two years and would be triggered when national unemployment exceeds 4.5%.

I am particularly gratified that the Emergency Employment Act as currently drawn extends special consideration to recent veterans. The level of unemployment among veterans who have served their country so well and so bravely is unconscionable. The Emergency Employment Act would be an installment on repaying the debt that we owe them.

Furthermore, leaders in both bodies of the Congress have indicated that, as soon as action on the Emergency Employment Act of 1971 is completed, they will move with dispatch to hold hearings, and then make every effort to obtain favorable action, on broader manpower reform legislation this year. They will include in these deliberations the administration's proposal for Manpower Special Revenue Sharing.

In terms of its capacity for generating new jobs quickly, the accelerated public works approach—as embodied in S. 575—at best comes out a poor and distant second. Among its deficiencies are these:

—Construction projects have notoriously long lead times. Experience under the original Public Works Acceleration Act of 1962 demonstrates that spending—and hence job creation—under this bill would not become fully effective for at least 18 months at which time further stimulation would be unnecessary and inflationary. Only about 10 percent of the funds would be likely to be spent within the next twelve months. It therefore would not even make a real start on delivering on its implied promise of jobs now, when jobs are needed.

—It would have little effect in reducing joblessness in the areas where it is now most concentrated. The Vietnam Veteran, the unskilled youth, and other persons unemployed because of lack of training or opportunity would have little chance of securing a job on one of these projects.

—Rather than helping the broad spectrum of the presently unemployed, the impact of the bill would focus primarily on the construction industry which already has experienced rapid cost inflation. In no other industry have wage increases been higher. Increases in that industry have affected collective bargaining elsewhere, thus further fueling inflation in the overall economy.

—Because the accelerated public works program has been conceived of as an emergency measure, with an implied promise of quick approvals and a broad scattering of the benefits, insistent demands could be expected for marginal, hurriedly planned, environmentally damaging and uncoordinated projects.

—Finally, false hopes would be created in many communities, and this administration does not wish to be a party to these misleading impressions. The previous Accelerated Public Works program resulted in applications for nearly double the amount of funds available despite early efforts to discourage requests. On the basis of these expectations, communities deferred locally funded projects. Therefore, the net economic impact in many communities was, actually, a delay in needed public works projects.

In addition to accelerated public works, S. 575 also extends—by title II—the Public Works and Economic Development Act of 1965 until June 30, 1973, and extends—by title III—the Appalachian Regional Development Act to June 30, 1975. I agree that our present economic development programs should be extended while the Congress is considering my revenue-sharing proposals. But most importantly, the Congress must act immediately to insure that there is no gap in service to the people in Appalachia and in the economically depressed areas served by EDA. In this connection, I am pleased to note that the House has already provided for the temporary continuance of these programs until new legislation can be enacted. I urge the Senate to do likewise.

I know the problems of these areas. I met with the Appalachian Governors last year for a full half day to discuss the best ways in which we could meet the needs of the people of Appalachia. When I met with the Governors of Virginia, West Virginia, and Kentucky last week, I emphasized that even if I would have to veto the accelerated public works bill, I support the Appalachian program 100 percent.

The Appalachian Regional Commission has been a very useful experimental development program which can be improved upon and can serve in many respects as a model for a national program. This is essentially what I have done in proposing to the Congress rural and urban community development revenue sharing. The record of the Appalachian Regional Commission goes a long way in proving that State and local governments do have the capacity to make revenue sharing work.

The revenue sharing proposals will insure that States and localities will get their fair share of the funds automatically without having to play grantsmanship games. Furthermore, those proposals would eliminate Federal red tape and local share requirements. State and local officials could more quickly provide public projects which are most responsive to local needs. The gap between Federal resources and local needs would be bridged in a way that would strengthen State and local responsibilities and decision-making. These proposals deal with problems which simply will not yield to the old approaches, no matter how they are reworked or expanded. I again urge upon the Congress the early enactment of my revenue sharing programs.

Meanwhile, as a means of providing additional jobs now, the public service jobs approach as it has emerged in the Emergency Employment Act of 1971 is clearly a better answer than the Accelerated Public Works program.

Public sector jobs are labor-intensive: a high proportion of Federal appropriations under that bill would flow into direct wages and salaries for new employees. In community service activities such as environmental protection, health and sanitation, unemployed persons can be put to work rapidly. No long lead time is required for complicated engineering studies.

On the other hand our experience during the early 1960s clearly shows that accelerated public works is a costly and time-consuming method of putting unemployed persons to work. Even the bill's strongest proponents recognize that public works programs are not people-intensive, but money-intensive.

The job of the administration, indeed of any administration, is to search out the best ways to deal with the problems and needs of the Nation. We need more jobs. A bill to do this directly and *now*, when the jobs are needed, is clearly the best answer.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message with respect to the Presidential veto of the Public Works Acceleration Act remain at the desk for future disposition.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum with the same understanding as previously.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished manager of the bill, the Senator from Nevada (Mr. CANNON), I take the liberty of yielding 12 minutes from the time under his control to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for yielding his time to me.

Mr. President, I rise in opposition to amendment No. 233 by the Senator from Minnesota (Mr. MONDALE) which would eliminate the provision for the space shuttle from the NASA authorization.

Mr. President, on April 19 the Soviet Union launched an unmanned "orbital scientific station" called Salute, into earth orbit. Three weeks ago a three-man team of Russian spacemen docked with Salute and have remained in space, conducting a wide variety of experiments, most of which remain deep secrets of the Soviets. We are told, however, that one of the experiments involves the successful growing of plants under artificial conditions and that the spacemen, who have already set a record for living under the conditions of weightlessness are putting on weight themselves.

We are told nothing of the other experiments being conducted, and we are left to wonder and to worry about how many military projects are being performed in that manned space station.

Mr. President, the key words to the new Russian effort are "manned space station."

How many times have we heard the arguments—and are still hearing the arguments—that the manned space program being carried out by the United

States is unnecessary. And those who make this type of argument have pointed to the Soviet Union's moon shots as examples of unmanned flight. But how do those who attempt to detract from our manned space program now explain away the Russian manned space station that even now is traveling in space over our head—human minds and human hands directing its movements from aboard the spacecraft, not from some ground station? The point is that the Soviet Union, like the United States, is developing manned as well as unmanned space programs.

The United States, through the National Aeronautics and Space Administration, has gone through the initial period of exploration and discovery in space and we are on the brink of great returns.

One of our top priority programs for the 1970's is the space shuttle program as proposed and now under study by NASA.

The space shuttle is not a manned spacecraft; it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. It will consist of a booster and an orbiter, both of which can be reused up to 100 times.

Program planners have known for some time that the use of this vehicle 100 times or more will lead to substantial reductions in the cost of space transportation. The cost of placing a pound in orbit and returning it back to earth will be reduced by more than a factor of 10—from $1,000 a pound for the present one-way trip to about $100 a pound to orbit and back to earth.

New economic studies have determined that even greater savings will result in the cost of producing and testing the spacecraft themselves, which will be the shuttle's cargo.

The greatest savings will be in unmanned satellites, which now cost generally between $12,000 and $20,000 a pound. Some are even more expensive. The high present costs result from the need for extensive miniaturization and testing. The machinery within a satellite is much more delicate than that in a fine watch. It must be tested and retested to be sure that nothing will fail to operate properly after it is in orbit.

With the reusable space shuttle, both of these problems will be solved. The shuttle will have as much space and weight-carrying capacity as a large cargo airplane. Thus it will be able to carry less expensive equipment, like that used on earth. Standard, low-cost parts and components will be in general use.

The shuttle will be able to bring satellites back to earth as easily as it puts them into orbit. Thus the costs will be reduced by planning on the reuse of satellites and space flight equipment. Should anything malfunction in space, it will be returned to earth for adjustment, repair, refurbishment, or replacement. And in many cases, scientists or technicians will be able to go into space by way of the shuttle to adjust and operate the instruments, just as they now do in aircraft.

The space shuttle will be the only capability for manned space flight after 1973, when the earth-orbital Skylab experimental space station program will be completed. Without a shuttle, there will be no more U.S. manned space flights after 1973. Even with a shuttle, there will be a gap in manned space flights from 1974 through at least 1977.

Termination of U.S. manned space flight activities by a conscious decision or by failure to provide adequate support to continue a balanced total program would mean—besides the loss of the benefits to science, technology, exploration, and practical applications—that for the indefinite future the Soviets would have manned operations in space as their exclusive domain. The operation of Salute should erase any doubts that the U.S.S.R. is pursuing manned space flight as a continuing major objective to which they are applying very substantial resources.

I am growing increasingly concerned about our Nation's long-term position in space relative to the Soviet Union. I can only hope that we are able to profit from the lessons of history. Surely, this country cannot so soon have forgotten the tremendous shock we faced in 1957 when the first sputnik went beeping around the world to give us warning that another country was challenging our position of technological leadership. It took us many years of hard work and unflagging effort and much of our treasure to regain that position of leadership, and today we see it again being strongly challenged.

If we lose our position of leadership again, we may not have the capacity to catch up. For a period of at least 4 years after our Skylab program is completed, there will be no Americans in space. During that rather long period of time, we can be quite sure that the Russians will continue to make major advances in manned space flight, and specifically, space station technology.

That is why I think it is of the utmost importance that we of the legislative branch give our strong support to the U.S. space program of the next decade. Even more than that, I feel we must urge that all steps possible be taken to strengthen it, to keep us from falling too far behind.

NASA studies of shuttle benefits are quite conservative. For example, they do not assume the great expansion of space flight applications that can be predicted from these sharply reduced costs. They do not anticipate the growth envisioned by many scientists in communications, weather and earth observation satellites, or scientific studies of the earth and its environment. Nor do they presume any expansion to meet the needs of other agencies of the U.S. Government, commercial interests or foreign agencies.

Mr. President, I have been a foremost advocate of leveling off our space activities from the crash program of the past to a more stable program accommodating the national budget and national priorities.

The NASA appropriations contained in the Independent Offices-HUD authorization bill will give us this stability and will enable us to build our future space program on the solid foundations of past discovery and technological achievement.

The space shuttle capabilities form a required part of the total U.S. space program for the 1970's; it is important that we develop these new capabilities soon; and the program NASA is presenting for fiscal year 1972 is calculated to proceed with this development in an orderly step-by-step fashion.

I believe that it is in the best interests of our country that the NASA appropriations be approved without further reduction.

Mr. President, we live in a much too fast-moving era when accomplishments of yesterday are almost overwhelmed in the problems of today and almost lost in the promises of tomorrow. I do not think that it is necessary for me to take time here to recount the achievements made by our civilian space agency during the past 20 years—achievements which all of us should recount with pride. From the successful launching of Explorer I to manned exploration of the moon, the tremendous economic and social growth of the United States has paralleled the accomplishments of our space pioneers.

Neither is it necessary for me to devote time now in ennumerating the gains to our way of life because of our space program. These reach all the way from instant video and audio communications from any point on this earth because of our satellites, to teflon-coated cooking utensils in our homes, resources exploration and pollution detection of our planet and charting the course of dangerous weather conditions throughout the world.

Nonetheless, because of the fast pace we run, I fear that many of us forget the achievements of our space program and we tend to overlook the gains to our way of life because of our space program. In its August 29, 1970, issue, the estimable Christian Science Monitor published an article entitled "Aerospace 'Fallout'—Something for Everyone" written by Eric Burgess, who is a staff writer for the paper. I commend this article to the attention of every Member of this body and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### AEROSPACE "FALLOUT"—SOMETHING FOR EVERYONE

(By Eric Burgess)

Jane Evans heard her husband's voice clearly on the telephone. He had just arrived from across country on a large jet and was about to pick up his automobile at the airport. He said he expected to be home within an hour even though the freeways were slick with rain.

Jane didn't stop to think that her husband's fast trip from the East Coast was a boon of aerospace technology. Even his telephone call had been automatically routed by advanced electronics first evolved to control missiles.

And his drive over the rain-slick freeway was made safe by grooves cut into the pavement to stop skidding—an innovation from aerospace work to improve runways.

As Jane prepared the evening meal for her family she removed a thin plastic that wrapped the meat. It originated from plastic developed for an Echo satellite. The electricity heating her stove was supplied through power-control techniques developed from aerospace research. Nor did she connect the beat music from her teen-age daughter's record player as an indirect product of the aerospace age.

But aerospace is all around—initimately woven into the technological pattern of American civilization. The impact on the United States standard of living is proverbial.

### BENEFITS—DIRECT AND INDIRECT

Specific and direct aerospace benefits include commercial jets, computers, and communications and weather satellites. Indirect ones include new materials, manufacturing techniques, management systems, and a broadened outlook.

Benefits are not solely new gadgets—Teflon-coated kitchen utensils, transistor radios, color TV, micro-computers, flameproof materials—even though these are important spinoffs from aerospace programs. Many experts say the real payoff from aerospace is the broadening of thought—a cognizance by the many of things before known only to a select few.

They say aerospace has helped trigger a new renaissance, a revolution of rising expectations. For the first time in history great numbers of people realize that mankind has tools, resources, energy sources, and knowledge to achieve what earlier seemed impossible.

Earlier technology was applied mainly for better military posture or to amass great wealth for a few. But in the past decade technology expanded man's physical and mental realms tremendously.

Aerospace showed how to discover and invent on schedule for nonmilitary as well as military purposes. In the words of Dr. Kraft A. Ehricke, a rocket expert from Peenemünde and now chief scientific adviser at the Space Division of North America Rockwell: "Our space effort is the first nonwar-oriented technoscientific endeavor large enough to require a national commitment.

"It set a precedent encouraged the conception of many other large-scale efforts, such as the 'war on poverty,' the concept of a national oceans program, and the organization of a national fight against pollution—all of which, ironically, attack or criticize their seedbed, the national space program."

Nor is it by chance, says Dr. Fred Hoyle, world-famous British astronomer, that quite suddenly everyone worldwide has become seriously interested in protecting the environment "Somthing new has happened to create this feeling of awareness about our planet," says Dr. Hoyle, who many years ago predicted that, once men saw the earth from space, "a new idea, as powerful as any in history, will be let loose."

This new awareness parallels the experience of Europeans as they expanded to explore and then develop other continents. Europe blossomed in art, science, social, and religious reform. Now earth as a whole is blossoming in a new awakening and a new reformation that also has many material benefits.

### THRONGS IN LINDBERGH'S WAKE

Dr. Wernher von Braun, when he directed the Marshall Space Flight Center, Huntsville, Ala., once said: "The real payoff [from spaceflight] does not lie in mining the moon . . . but in enriching our economy and our science in new methods, new procedures, new knowledge, and advancing technology in general."

Only 40 years after Charles Lindbergh made his hazardous flight across the Atlantic Ocean, more than 20,000 people cross that ocean by air each day. Aerospace technology breaks down worldwide mental barriers and helps cement international goodwill—it brings the man in the street together with others on an unprecedented scale. Earlier ocean travel was too expensive in time and money.

Aerospace, as America's largest manufacturing industry, employs 1.3 million people with a $14 billion annual payroll. It is one of the great producers of national wealth, exporting (in 1969) $2.9 billion in aircraft and parts. This furthers American purchases of goods and products worldwide.

And there are direct benefits from aerospace technology. One is the communication satellite, which was made possible by application of large rocket boosters, miniaturized electronics, and solar cells that convert sunlight into electrical power.

### REVOLUTION IN WORLD COMMUNICATIONS

Thus, a relatively small, self-contained, unmanned satellite now does the work of many thousands of tons of ocean cables. Such satellites brought a revolution in global communications, helping underdeveloped countries as well as industrial nations.

In 1969 live TV could not be sent across major oceans. Now it is commonplace via satellite. And before satellite it cost $15,000 a month to rent a cable circuit across the Pacific. Via satellite it is only $4,000.

And communication satellites can assist education and link computers. They may one day transmit messages instead of mail and extend their communications links into every home, replacing telephone lines for rapid communications with information stores throughout the world.

Meteorology became a science only through applications of aerospace technology. Meteorological satellites allow weather systems to be mapped and tracked on a global scale for the first time.

If Jane Evans lived in some parts of this country she would receive warnings of hurricanes because of satellites. Since 1966 these satellites have kept close watch on every major storm threatening this nation and have alerted against potential major disasters.

In response to requirements of space and planetary exploration the technologies associated with automatic computation and advanced technical analysis took on a new and vigorous growth. Computer-analysis techniques of tremendous power were developed.

And even the computer itself was developed to meet the needs of aerospace. Now virtually every aspect of human endeavor is enhanced by the commercial application of the digital computer. To cite only a few: airline and travel reservations, accounting, law enforcement, stock market transactions, industrial process control, engineering design, banking, and typesetting.

And the aerospace industry developed computer simulation techniques by which complex human situations can be mathematically modeled and tried out in advance. These simulation techniques brought back the Apollo 13 astronauts from near-disaster. They are being used to find solutions for pollution and traffic problems and to aid business management and planning.

Almost every major computer system in the world is made in America. Without the space effort of 5 to 10 years back these computers would not be available today. And now the computing industry is an $8 billion-a-year business that pays the highest wages of all U.S. industry. It is the fastest-growing industry and contributes most to the American balance of trade. U.S. computer exports increased 1,400 percent in the first decade of the space age.

### AUTO-POLLUTION MINIMIZERS SEEN

Lt. Gen. Sam Phillips, commander of the Air Force Space and Missile Systems Organization, recently told a management group meeting in Chicago: "Of some 12,000 new products and techniques which have come into being in the last decade, a very large percentage are directly attributable to space and missile development."

W. H. Berger, president of North American Rockwell's space division, says he visualizes many applications of aerospace technology. For example, micro-miniaturized computers in automobiles might control fuel injection and timing to minimize exhaust pollution.

Large aerospace programs have revolutionized management techniques. They motivate and bring together many highly intelligent and energetic people of diverse technical skills, keep track of myriads of parallel processes, identify problems quickly, and continually adapt to changes needed as experience produces more knowledge.

These management techniques are capable of solving the socioeconomic problems facing the world today, say aerospace managers.

Aerospace has also made significant contributions to manufacturing technology which are only just beginning to be felt in commerce and industry. Industry now welds complex shapes and exotic new materials and manufactures items in previously impossible configurations.

Computer-controlled machining, metalforming by hydroexplosives, chemical milling, electric-arc sculpturing, and solid-state diffusion bonding are new processes derived from aerospace.

Some manufacturing engineers say that within a few years solid-state diffusion bonding will be applied widely in chemical, petrochemical, nuclear, refining, and air-conditioning industries because it results in metal parts that have joints as strong and leakproof as the materials that are bonded together.

And filament-wound glass structures came from aerospace. Suggested as building materials for homes of the future, they are used now to fabricate large-diameter pipes—an outcome of making cases for solid-propellant rockets.

"The marriage of numerical control, the digital computer, and machine tools is one of the stunning technological innovations of our time," said Willard F. Rockwell Jr., chairman of North American Rockwell, in a keynote address to the Western Metal and Tool Exposition and Conference here.

And this all began back in 1952, he explains, because the Air Force wanted a better way to machine helicopter blades.

Now numerical control of machine tools has spread from aerospace to increase productivity four or five times.

No longer need a product be locked inexorably into an inflexible assembly line. Products can be changed to meet changing markets but still be mass produced.

### APPLICATION IN WATER TRANSPORT

Automated fabrication is seen by many as the next step of aerospace applications to the nonaerospace economy. Factories will automatically manufacture commercial products through computer-aided design now commonplace in aerospace.

System engineering techniques developed for aerospace were used in the multibillion-dollar California water project designed to move more than 2 million acre-feet of water every year from northern to southern California, including the crossing of a 4,000-foot-high mountain range.

Aerospace lasers align tunnelmaking machines with unheard-of precision.

And systems-approach methods are being used to define power scheduling of the Columbia River hydroelectric system for the Bonneville Power Authority to achieve substantial savings in water consumption.

Aerospace has produced a galaxy of new materials—tough steels that are not brittle, lightweight alloys, honeycomb panels, plastics, lubricants, special coatings, fireproof textiles, refractories, and foam insulation.

A van uses foam and honeycomb structure to reduce overall weight by 50 percent.

Trains, autos, buses can use space-age materials that will reject solar heat and keep them 10 degrees cooler.

Aerospace foam provides a lightweight substitute for cork in tuna ships.

Railroad cars fabricated of aerospace materials are half the weight of steel cars.

The roof of the U.S. pavilion at Expo '70 in Japan is a fire-resistant coated beta fabric developed for aerospace. And the National Aeronautics and Space Administration has developed through its contractors a variety of fabrics, panels, plastics, and coatings that if used generally would eliminate most fire hazards in automobile, aircraft, and bus interiors, in home furnishings, and interiors of public buildings.

NASA even has nonflammable paper and nonflammable adhesive and acoustic tiles.

Ron Phillips, director of NASA's Office of Technology Transfer, recently told a convocation at Nebraska Wesleyan University: "In the areas of housing, urban transportation, and the environment, we are only now beginning to make the type of national commitment which was made in space in the 1960's.

"Since this country first made its commitment to space . . . we have vastly increased our technical know-how and put it to use. We have seen overall productivity rise significantly in the United States, and along with it we have come to realize both the magnitude of new problems associated with our growth and the new capabilities which may be brought to bear on them," he says.

### COST PICTURE ROUGHED IN

"Since 1950, the real output of goods and services in the U.S. has grown as much as in the entire period of prior American history dating back to 1620," he explains.

Mr. Phillips says: "We cannot solve our most pressing problems by rhetoric."

Nor is change in itself a panacea for all problems, he adds. "The generation growing up in the '60's was born into the space age and a new era. It is learning a new science, a new cosmology, a different view of man's place in the universe, and it is the recipient of vast new opportunities—on which it alone has the potential to act."

And these new technological opportunities have come mainly from aerospace.

And how much has space technology cost the nation? Less than the money spent yearly on hard narcotics by known addicts; about the same as that spent on tobacco or cosmetics; about half that spent in one city, New York, in legal gambling.

"Investments in space and aeronautics science and technology are, in fact, investments in our future," says Melvin S. Day, acting administrator for technology utilization at NASA. "The total impact, economic and social, will in the long run exceed even our own optimistic predictions," says Mr. Day.

And Dr. Heinrich Haymerle, permanent representative of Austria to the United Nations, told delegates to a recent international conference on communications in San Francisco that the rapid evolution of new technologies from space exploration is about to change the very basis of our existence.

"Perhaps the most challenging effect of the evolution of space technology will be the inevitably increasing gap in technology and involvement between those nations which conduct space programs and those not able to do so," he said.

Jane Evans has something to think about as she unwraps that meat for dinner.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I believe that the space shuttle program is absolutely fundamental to the future of this Nation's space program.

To really understand and appreciate the space shuttle program, we must look at the entire space program and its future in 10- and 20-year terms.

I do not believe there is a person on the floor of the Senate today who has studied the space program who will disagree with the statement that this Nation, and other advanced nations, are in space for keeps and that there will be satellites and space operations as long as man is down below on earth to direct those operations.

The space program is as fundamental as our highways and our air travel systems.

And to accept that fact is to look down the road for 10 and 20 or even 50 years and attempt to analyze what will be happening in space and what we will be attempting to do there.

Certainly we will be operating a worldwide system of communications satellites of all kinds for television, for radio-telephone links for computer data transmitting systems.

We will be operating a worldwide system of navigational satellites for guiding merchant marine and aircraft and for directing that traffic safely.

We will be utilizing and expanding our system of weather satellites, to provide long-range forecasting and warn us against storms and other approaching changes in the weather.

We will almost certainly be operating scientific satellites for analyzing earth resources, for monitoring pollution and other environmental threats, for performing geodetic and astronomic studies and tests.

And we will be in space for preserving peace in the world—for surveillance systems and for providing other information and guidance systems for our defense and that of the entire world. Hopefully, the major powers of the world will be operating some of these systems under a joint agreement to limit the use of arms that now threaten the future of the world.

Today we have dozens of satellites and other devices in space. In the years ahead, there will be hundreds and perhaps thousands of them.

The space shuttle system attempts to anticipate this expanded use of space for man's needs here on earth by providing a basic system of transportation to launch, retrieve, and service those satellites and perform scientific missions to support future operations.

A major justification for the space shuttle system—although not the only one—is that it will substantially reduce the cost of future space operations.

It is true that weather, navigation, and communications satellites are unmanned operations and do not require man in space for their successful operation.

But it is also true that a space shuttle system will:

First, substantially reduce the cost of maintaining these vehicles.

And, second, provide flexibility and versatility in space operations which simply are not available through unmanned missions and with present design of automatic systems and the extensive fail-safe requirements of unmanned satellites.

Cost reductions in the space program are available through the shuttle system because it employs reusable launch and orbiter vehicles, thus reducing the enormous and wasteful costs of one-time-only launch vehicles such as the Saturn used in the Apollo flights.

In addition, however, other cost savings can be effected through:

First, recovery, repair, and reuse of malfunctioning satellites by the shuttle orbiter.

Second, less expensive design and manufacture of satellites by eliminating the need for duplicated systems within the satellite in the event of failure, hardening to withstand launch stresses, miniaturization and other design factors.

Third, maintenance of satellites in orbit.

Full-scale studies of these economic factors have been undertaken for NASA by Mathematica, Inc., of Princeton, N.J., and a preliminary report by that organization indicates a very strong economic feasibility for the shuttle.

The interim report from Mathematica, dated, March 15, 1971, shows that on a projected 500 flights over a 13-year period the return on investment would be 10 percent.

On a projection of 700 flights in the same period the investment return would be 15 percent.

The Mathematica study concludes that the 10-percent rate of return on investment "is among the highest discount rates ever applied in the evaluation of public investments in this country."

The study found that the shuttle is economically justified at only 39 flights per year, far fewer than the actual number of flights planned by NASA and the Department of Defense which estimated an average of 56 flights per year during 1978 through 1993, the time frame when the shuttle will be operational.

It is important to stress the point that the shuttle system is designed to reduce space program costs in the next 20 years, not add to them.

If we are going to have 500 or 700 flights into space in the decades ahead as NASA and DOD estimate we will, then we must find the least expensive way of operating those flights and that is the purpose of the shuttle.

The overall development costs of the shuttle are estimated at about $9 billion over an 8-year period. Nonrecurring costs of the total system is estimated at $12.7 billion.

NASA explains that—

> This includes all research and development costs for the shuttle, a tug which would transport payloads from a low-earth shuttle orbit to higher orbits, all facility costs, and adequate fleets of shuttles and tugs to handle future anticipated traffic of more than 700 flights in 13 years.

NASA's findings from the Mathematica study and its own surveys indicate that launch costs should be reduced from about $1000 to $100 per pound per payload. And costs of the payloads themselves should be halved because of less expensive design and manufacture.

All of these projections are based on use of the shuttle as a transportation system—not as a manned space platform or laboratory. It is true that part of the benefit of the shuttle is that it may be at least partially available as a manned space laboratory or space station, but the cost savings created by the shuttle are not based on this operation.

We have already heard here earlier this month discussion of a report by the Rand Corp., which appeared to challenge some of the assumptions and claims for the space shuttle program. I would like to respond briefly to some of those claims made for the Rand report.

First, as Secretary Robert C. Seamans of the Air Force pointed out in a letter to Senator ANDERSON on May 28 the report does not represent Air Force policy with respect to the shuttle.

Seamans said:

> To the contrary, this report and its conclusions are the work of the author's alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

Seamans pointed out in addition that the work was based on 1969 data and does not, therefore, represent current economic considerations.

Mr. President, the Air Force fully supports the space shuttle concept as Mr. Seamans said in testimony on March 30 before the Senate Committee on Astronautical and Space Sciences and I quote him:

> A reusable space transportation system with proper capabilities and operational flexibility can offer an opportunity to provide an economical way to transport payloads into and out of space . . . Development of space shuttle which employs fully reusable stages rather than expendable ones appears to be the surest way to achieve a sizable cost reduction . . . The Air Force supports the proposed NASA FY 1972 space shuttle effort.

The Air Force supports the shuttle, the Department of Defense supports it, and so do the President's Space Task Group and the chairman of the Space Science Board of the National Academy of Science, Dr. Charles H. Townes, professor of physics of the University of California who said last October:

> A successful space shuttle, including further lowering of costs and the possibility of assembly and adjustment of equipment in space, should produce a marked change in the style with which science and space applications are carried out . . . I believe its study and development should be pursued with vigor.

The key point about the Rand report and other discussions about the shuttle really are the long-range policy decisions about our effort in space.

The shuttle assumes that this Nation will continue to develop its space program and especially those projects that have a strong relationship to improving our life down here on earth.

It also assumes that there will be strong defense and military considerations in the space program.

And those are the reasons why Mr. Henry Rowen, president of the Rand Corp., in a letter to Senator ANDERSON points out that the report very clearly said:

> Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

Without accepting the economic findings of the report, based as they were on inadequate and outdated data, I did not, as others did, find the Rand report an indictment of the shuttle. It certainly raises basic questions about our space effort, and I think we should debate those questions before committing this Nation to a multibillion-dollar effort in space.

But the questions are fundamental ones, and the answers to them cannot be found solely in cost discussions.

It is fair to ask, I believe, that if the space program will continue to draw international attention and interest as it already is doing, who will lead this effort?

Today only two nations have any substantial commitment and capability to operate in space: Russia and the United States.

Our record of international cooperation in space has established this Nation as the acknowledged leader in the field and the country to whom scientists and countries all over the world turn for help, information, and cooperative projects.

In the last 12 years NASA has entered into some 250 agreements for international space projects. We have orbited foreign satellites and flown foreign scientific missions in or own satellites. We have participated in more than 600 cooperative scientific rocket soundings and cooperated with 50 foreign scientists in analysis of lunar surface samples.

As interest in satellites for communications, weather, navigation, earth resources, agriculture, astronomy, and oceanography continues to expand, the nations of the world will look to American shuttle system and American space capability to perform space functions which they are not capable of. These missions shoud not only enhance our international peace efforts but they should help us offset costs of our own space program. Many of these programs are purely commercial and will return many dollars for each invested.

A second fundamental consideration, aside from economic justifications, for the shuttle is its use in national security.

For security reasons, we have not publicly discussed the U.S. military mission in space but every Senator here knows that it is considerable and costly. The space shuttle will enhance our military operations in space, reduce their costs, and, more importantly, help us seek world peace by using space missions to monitor arms limitation agreements.

We are not breaking security in pointing out that national security missions in space involve photographic reconnaissance, electronic monitoring, radar and infrared mapping, communications, nuclear detection, navigation, and weather.

The space shuttle, with its capability of putting expert technicians, engineers, and analysts into space at short notice, affords an additional dimension to our national security which simply could never be possible with a complete reliance on automated, electronic devices.

It is not possible to anticipate every future civilian mission in space and whether those missions will or will not require highly trained astronauts and scientists.

Neither is it possible to anticipate missions for national security which might require manned flights in highly flexible and versatile space vehicles.

The space shuttle program, in addition to reducing long-range costs, gives us the flexibility to meet possible future needs for men in space, needs that we cannot foresee today but which almost surely will arise as we expand our scientific and technological horizons.

Mr. President, I do not presume to say that we have all of the answers to every question about the space shuttle on this day in June 1971.

But I am satisfied that the space shuttle is soundly conceived, technologically feasible and necessary to future space programs.

Like the Apollo program or any other exploration of the scientific unknown there are elements of risk, both in lives and money. But this element of risk did not deter us in our Gemini and Apollo missions. It certainly should not be a bar to development of the space shuttle.

If the debate here today really is centered on the question of whether we should be in space at all, then let us debate that point.

But if we accept the almost unanimous view of scientists and leaders of the last four national administrations from President Eisenhower to President Nixon that our role in space it vital to the future of this Nation and the world, then I say that the space shuttle program must be considered as a prudent and logical extension of that view.

I want to stress that my interest in space, and the interest of the human race in space, and what the shuttle can contribute to space, relates the work done on space right down to its applications on earth, where human beings live and walk, in terms of improving the environment, in terms of providing new means of communication, to bring people together rather than apart, and in many other ways which can contribute to peace and prosperity.

Mr. CANNON. Mr. President, I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I rise in opposition to the amendment which would eliminate the space shuttle from the NASA authorization bill.

The fundamental point in this issue is that in order to continue our space program, we need a less expensive launch system. Our present system throws away the boosters after one use. Also, a minor defect in an orbiting satellite, under the present system, can cause a complete loss of mission. We need a system under which such satellites can be retrieved or repaired.

The shuttle will carry men, space craft, and equipment into orbit, and return to earth for reuse. It is a space transporter, not just another satellite, and it is essential as a means of utilizing all that we have learned, and will learn in the future, of space technology. To abolish the space shuttle is to discard this all-important opportunity.

Those who would economize by eliminating the space shuttle program are attempting to terminate the one program that has the greatest potential for saving vast sums in our space efforts of the future. The amounts of money that can be saved in the next 20 years cannot be concisely estimated, but they are in billions of dollars. Boosters will no longer be one shot, expendable mechanisms. Malfunctioning missions in which there are tremendous investments will not only be adjusted into proper operation, but retrieved for reuse. Cheaper satellites will be used, because they can be adjusted in space, and because the necessity for backup equipment, in the event of malfunction, is much reduced.

The space shuttle has a long leadtime for its development. We should not waste any time in getting on with this essential element of our space efforts.

Mr. President, I have been on the Aeronautical and Space Sciences Committee since soon after its origin, and I remember the tremendous relief to me when the idea and concept of a space shuttle came into being as a means of relief against the enormous expenditures for other missiles and boosters, and at the same time having something that is an actual potential in utilizing our present space achievements and making an investment out of the money we have already spent and projecting itself into the future so as to carry on, at a much reduced cost, further explorations that we are certain to find necessary in the years ahead.

I think that very well represents the thinking of every member of our committee and the House Members with whom we have dealt over the years.

I hope very much that the Senate will keep this relatively modest program alive with necessary funds, not for an overrapid development, not even for a rapid development, but for a certain development and in time a reasonable use. I trust the amendment will be defeated. I strongly urge that the amendment deleting the space shuttle be rejected. I thank the Senator very much for yielding me time.

Mr. CANNON. Mr. President, I reserve the balance of my time.

Mr. MONDALE. Mr. President, if the Congress is looking for a way to waste $25 or $30 billion, I can think of no better way of doing it than to construct a space shuttle and a space station. We have heard much from the proponents of this effort about the cost effectiveness of the space shuttle. If there is any rationalization that can be developed in support of this program, it is that it will cost less to deliver payload into near-earth orbit by a space shuttle than by expendable space boosters; but unfortunately for their case, all of the evidence makes this argument an absurd one.

From everything we can determine, this space shuttle is not cost effective, or anywhere near cost effective, but indeed will be one of the most wasteful, useless projects ever developed by any Federal agency; or, for that matter, by anyone else.

The Rand Corp. conducted a study for the Air Force of the proposed shuttle and concluded that the shuttle "is not easy to justify" and "that criteria other than costs should be used."

And when the Rand Corp. made that determination, the estimated cost of the space shuttle was $9 billion.

Now, 2 years later, it is $12 million, and no one knows where it will end.

Advocates cite the Mathematica Corp. report; but that study, closely analyzed, proves the same point as the Rand report. Indeed, by their own figures, if the cost of the shuttle rises $1 to $2 billion between now and the time of its completion, it would not be cost effective. But a further look at the Mathematica study shows that the shuttle is even less supportable from the cost standpoint.

This morning, Dr. James Van Allen, one of our great space scientists, testified before the Senate Appropriations Committee in opposition to this $12 billion space extravaganza. He said this of the Mathematica study:

> During 1969, there were 19 launches by the U.S. Air Force, details of which are classified and not available to me. The major manned flights Apollos 9, 10, 11, and 12 represent a total launched payload weight of about 370,000 lbs. In the space science and applications field, including all areas of international cooperation, there were 18 launches with an aggregate payload weight of 11,400 pounds. These 18 launches included, among other payloads, three international communications satellites, two meteorological satellites, and two missions to Mars.
>
> In contrast—

I underscore this to show the absurdity of this project—

> the Mathematica study assumes a typical mission scheduled in the 1978–1990 period of about one shuttle flight per week with the delivery into orbit of a payload of 50,000 lbs. on each flight, that is, *about 2,600,000 pounds of payload into orbit per year.*

This compares with 11,400 pounds in 1969 in unmanned payloads, and it compares with 370,000 pounds for four Apollo flights.

This led Dr. O'Leary to conclude that in order to reach that kind of a payload every week, one can imagine having a requirement of nearly empty shuttle flights; either that or having elephants as experimental animals in space, going back to the vacuum tube from the transistor, using lead for casings, and, last but not least, "having weekly manned extravaganzas with multiple linkups and global surveillances. Twenty tons per week is a lot of stuff."

Mr. CHILES. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from Florida.

Mr. CHILES. If you want to make an example in comparison of weights, if you want it back 10 years previously, you would find if you tried to get 40 pounds into orbit, you would consider it very good. So we have certainly exceeded by more than 10 times or 100 times the weight barrier when we first entered into the space business and were trying to get boosters and adapters to get us out into space.

Is not one of the prime reasons for the shuttle the fact that it will be able to get the weight into space? That has been the problem previously. At a much cheaper price, because we can fly in and out, and will be able to take the shuttle up and down. Now we have to worry about the cost of getting any weight into space, and so necessarily we have to worry about the amount of weight we can project into space.

Mr. MONDALE. Dr. Van Allen said on that point that within the clearly foreseeable future, both science and applications can be well served by a relatively small number of satellites in the 500- to 10,000-pound range. The replacement of obsolete and disabled elements in such worldwide operational systems will require the delivery into orbit of only about 50,000 pounds per year.

Compare that with the estimate by Mathematica that we will be producing a space program with the unbelievable annual space payload of 2,600,000 pounds each year. Let me say also that the Mathematica study assumes we will discontinue our expendable booster program. But the military as well as NASA will insist upon a backup system of expendable space boosters. So, in addition to the basic ridiculousness of the cost arguments put forth by NASA—as proved by their own studies—there is the fact that NASA's study assumes payload capacity which simply will not be achieved—at least there is no evidence of any such massive increase in space activity; and it also presumes the discontinuance of the expendable space boosters, which certainly the military will not agree to—and in all likelihood, neither will NASA.

So we come up against a proposed space program which will cost something like $13 billion, under present estimates—the estimates have risen $4 to $5 billion in the last 2 years; a program which the Air Force's own study said is a waste of money; a program which the National Academy of Sciences says cannot be justified on the basis of space science or space applications; a program which Dr. Van Allen, Dr. Gold, Dr. O'Leary, and many other scientists have said will have no cost advantages; a program which will devour a mammoth proportion of the space budget and further starve space science and applications projects; and a program which will lead to—by the end of this decade—a spending level of $6 to $7 billion a year, double the present spending levels.

I ask the Senate, how are we going to sell that to the American people? Has anyone in the Senate ever been approached by a constituent saying he needed a space shuttle or a space station? Do they think that $20 or $25 billion for space shuttle and space station is as important as the problems that we face here on earth, such as the problems of environmental pollution, the decaying city, health care, and health research, and the other problems which face us here in our own society?

If we have come to the point where money is no object, why not spend $20 or $25 billion on such an exotic space adventure; but, if, as I believe, we are in a tight budget situation, we have compelling needs here at home, and this is a waste of money, then I say let us put the money where it is desperately needed.

Some say that this authorization is only $137,000,000 this year. Well, that is one way of looking at it. But that is $27,000,000 more than the Federal Government spends this year for the 5 million handicapped children of this country. That is three times the budget for the OEO emergency food program. That is $9 million more than the Federal Government will spend this year on highway safety, and it is $12 million more than the administration has budgeted for the Federal air pollution programs.

If this space shuttle costs only as much NASA says it will cost, $13 billion—that is four times more than the combined cost of the Federal Government's outlays to fight crimes, to fight pollution, and to fight cancer. Does anyone believe there is a constituent in the United States who thinks a space program is four times more important than our efforts in these areas?

If priorities mean anything at all, if there is any rational sense of allocation of this Nation's resources, then certainly we cannot continue to waste money on this program—which lacks the support of the scientific community and which lacks the support of any rational cost study.

Mr. President, this morning, as I said earlier, we heard from several top space scientists. The leadoff witness was Dr. Van Allen of the University of Iowa, famed for the discovery of the Van Allen radiation belt. This is what he says of the proposed space shuttle:

> Advocacy for the space shuttle program rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.
>
> The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.
>
> Advocates of the space shuttle do, perhaps, join me in enthusiasm for the general objectives that I have discussed above. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. In order to better understand these claims, I have referred to three documentary sources of recent dates:
>
> (a) Testimony of Dale D. Myers, Associate Administrator for Manned Space Flight of NASA before the Committee on Aeronautical and Space Sciences of the U.S. Senate.
>
> (b) Rand Report RM–6244–1–PR of October 1970, "The Space Shuttle as an Element in the National Space Program" by R. D. Shaver, D. J. Dreyfuss, W. D. Gasch, and G. S. Levenson (sponsored by U.S. Air Force).
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> (c) Mathematica, Inc. Report of 15 March 1971, "Benefit-Cost Analysis of New Space Transportation Systems"—Interim Report, Vols. I and II by O. Morgenstern, K. P. Heiss et al. (sponsored by OMSF-NASA).
>
> Further, to gain some perspective with respect to the various cases, or scenarios, that are visualized in these studies, I consulted a summary of U.S. launchings during the calendar year 1969, a good year in space.

And then he sets forth the items to which I earlier referred. He continued:

> This assumption is so vastly beyond any reasonable projection of the requirements of both utilitarian and scientific uses of space that one is forced to conclude that
>
> (a) A large increase in military applications is contemplated and/or
>
> (b) A major program of manned space stations or other vaguely envisioned but huge applications programs are hidden under the basic traffic assumption.
>
> If the principal reason is (a), then I seriously question the propriety of budgeting the space shuttle program under the civilian space agency rather than under the Department of Defense. If the principal reason is (b), I consider the program to be far beyond the realm of well considered or even conscious public policy.
>
> The economic validity of the entire shuttle concept is critically dependent on the anticipated volume of traffic, i.e., pounds of payload into orbit per year, being more advantageous with increasing traffic and less advantageous with decreasing traffic.
>
> At the volume of traffic that I estimate, the shuttle development represents a truly profligate commitment of national resources.

I repeat that—

> A truly profligate commitment of natural resources.

He said further:

> Furthermore, it tends to be an all-or-nothing program with almost none of the downward flexibility to respond economically to "hard times", as does the existing family of boosters. Also the shuttle program requires that a high level of expenditure be sustained over a period of at least eight years before any significant usage can begin and a further decade of a similar level of operational expenditures to amortize the development costs so that it is economically competitive with existing boosters. Such an expectation is rank bravado.
>
> Moreover, the Mathematica report makes it clear that, even if the United States accepts the above commitment, it is only the presumed capability of the shuttle for recovering expensive spacecraft from orbit that gives it any hope of economic advantage. This capability is totally inapplicable to planetary and interplanetary missions, which I expect to dominate the future space science program.

I will repeat that. Dr. Van Allen says that the space scientific effort will be dominated in the future with deep space probes with respect to which the shuttle is totally irrelevant. Yet, he believes that some of the arguments in favor of the shuttle assume payloads being boosted into deep space by the shuttle. Dr. Van Allen also points out:

> The shuttle is also inapplicable to most scientific and experimental applications satellites in earth orbit which usually complete their missions and become grossly obsolete after a few years. In fact the recovery idea seems to be significant only for large space stations or for the special case of a large, general purpose astronomical telescope.
>
> Another way of summarizing the above arguments is as follows:
>
> The advocates of the space shuttle visualize growth of the annual, national space budget to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program (excluding military applications) can be met in a vigorous and effective way by unmanned techniques at the annual level of $2 to $3 billion.

In other words, it is Dr. Van Allen's estimate that for $2 billion, possibly $3 billion, we can have a vigorous and an effective space program—as opposed to the $7 billion which will be necessary if we undertake the shuttle and if we undertake the station. He gives several points in support of that argument and conclusion. Then he concludes:

> Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient resources. My position is essentially that an effort of this magnitude is far beyond the context of any existing national policy on the scope and magnitude of our activities in space during the next two decades. Moreover, I fully expect that concentration on such a development during the 1970's would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.
>
> I come to these conclusions with both regret and distress since I have the highest professional and personal respect for those who advocate the shuttle and who would carry out its development.

Mr. President, I ask unanimous consent to have printed in the Record the full statement by Dr. James A. Van Allen of the University of Iowa, the statement of Dr. Thomas Gold of Cornell University Center for Radiophysics and Space Research, and testimony by Prof. Brian O'Leary of Cornell University.

There being no objection, the material was ordered to be printed in the Record, as follows:

### Statement by Dr. James A. Van Allen

Mr. Chairman and Members of the Committee, by way of personal introduction, I wish to note that I have worked continuously and intensively in the field now known as space exploration for over 25 years, having begun in the winter of 1945–46. During the past 15 years I have testified on behalf of the U.S. space program on 10 different occasions before committees of the U.S. Senate and House of Representatives. I contributed to development of plans for the creation of the National Aeronautics and Space Administration and in 1958 so testified before the Congressional Joint Select Committee (chaired by then Senator Lyndon Johnson) which drew the Space Act of 1958. Since then, my colleagues, students, and I at the University of Iowa have continued a vigorous program of space research and I have served on the Space Science Board of the National Academy of Sciences for 12 years, on the Lunar and Planetary Mission Board and several other lesser committees of NASA, and on President Nixon's pre-inaugural Space Task Group.

During the current month of June, I have made three trips to California to help formulate detailed plans for the scientific exploration of the outer planets of the solar system and have been otherwise engaged in final calibration of flight instruments that I am building for the Pioneer F/G missions to the planet Jupiter in 1972 and 1973.

I mention these matters only to make it clear that there is no one who has a deeper interest in the continuing success of NASA than I do. It is within this spirit that I testify today.

### ON THE FUTURE OF SPACE EXPLORATION

In the early stages of space exploration, vicarious human adventure and the recovery of national prestige following the Soviet success with Sputnik I were driving forces in our national effort. But at the present date we should, in my judgment, shift our emphasis forthrightly and explicitly to the efficient pursuit of two and only two objectives:

(a) Utilitarian uses of space technology, both civil and military, and

(b) Scientific exploration.

A well designed program of *space applications* is one that is closely matched to human needs and desires and is therefore essentially self-justifying, i.e., it "pays its own way". By the same token, the scope and character of such a program must be evolutionary, flexible, and economic. The program must be continuously scaled to customer response in the same way that the capacity of a telephone system must be scaled to customer requirements. It must not be rigidly based on vaguely conceived or arbitrary expectations.

In the area of space applications, I am thinking primarily of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine purposes, *and* of reconnaissance of the earth and its atmosphere, in the broadest sense. Within the clearly foreseeable future, both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 500 lb. to 10,000 lb. range. The replacement of obsolete and disabled elements of such world-wide operational systems will require the delivery into orbit of only about 50,000 lbs. per year.

*Scientific exploration*, the second objective, is of a different and less tangible nature. It feeds man's deep-seated intellectual interest in the origin of the physical universe and in its detailed workings at the present time. This interest is increasingly widespread as the general educational level of our citizenry is raised. As a teacher and lecturer in the physics and astronomy of the solar system, I am ever more impressed by the broad popular interest in purely scientific matters. The close-in study of the huge outer planets by space techniques is a case in point. I believe that the support of science for its own sake is a proper function of the federal government, without apology or obfuscation. It is one of the fields of endeavor that enables man to have a higher purpose in life than bare survival as an animal.

Having made clear my general point of view, I am among the first to admit the difficulty of making a priori judgment on the proper level of effort of federally supported pure science. Rather than attempt to do that, I again appeal to experience and note that the composite scientific research budgets of the National Science Foundation and the Atomic Energy Commission total between one-half and one billion dollars per year, depending on one's interpretation. On this ground, on the basis of specific familiarity with the NASA program in science and on diverse general impressions and discussions, I suggest that durable public support of space science at the level of about one-half a billion dollars per year can be reasonably anticipated. Current planning indicates that this effort will be increasingly toward direct, in situ investigations of the planets and toward other matters of an astronomical nature.

### THE PROPOSED SPACE SHUTTLE PROGRAM

Advocacy for the space shuttle program rests primarily on the intuitive belief that anything that is technologically conceivable shold be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the general objectives that I have discussed above. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. In order to better understand these claims, I have referred to three documentary sources of recent date:

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Further, to gain some perspective with respect to the various cases, or scenarios, that are visualized in these studies, I consulted a summary of U.S. launchings during the calendar year 1969, a good year in space.

During 1969, there were 19 launches by the U.S. Air Force, details of which are classified and not available to me. The major manned flights Apollos 9, 10, 11, and 12 represent a total launched payload weight of about 370,000 lbs. In the space science and applications field, including all areas of international cooperation, there were 18 launches with an aggregate payload weight of 11,400 pounds. These 18 launches included, among other payloads, three international communications satellites, two meteorological satellites, and two missions to Mars.

In contrast, the Mathematica study assumes a typical mission schedule in the 1978–1990 period of about one shuttle flight per week with the delivery into orbit of a payload of 50,000 lbs. on each flight, that, is *about 2,600,000 pounds of payload into orbit per year.*

This assumption is so vastly beyond any reasonable projection of the requirements of both utilitarian and scientific uses of space that one is forced to conclude that

(a) A large increase in military applications is contemplated and/or

(b) A major program of manned space stations or other vaguely envisioned but huge applications programs are hidden under the basic traffic assumption.

If the principal reason is (a), then I seriously question the propriety of budgeting the space shuttle program under the civilian space agency rather than under the Department of Defense. If the principal reason is (b), I consider the program to be far beyond the realm of well considered or even conscious public policy.

The economic validity of the entire shuttle concept is critically dependent on the anticipated volume of traffic, i.e., pounds of payload into orbit per year, being more advantageous with increasing traffic and less advantageous with decreasing traffic.

At the volume of traffic that I estimate, the shuttle development represents a truly profligate commitment of national resources. Furthermore, it tends to be an all-or-nothing program with almost none of the downward flexibility to respond economically to "hard times", as does the existing family of boosters. Also the shuttle program requires that a high level of expenditure be sustained over a period of at least eight years before any significant usage can begin and a further decade of a similar level of operational expenditures to amortize the development costs so that it is economically competitive with existing boosters. Such an expectation is rank bravado.

Moreover, the Mathematica report makes it clear that, even if the United States accepts the above commitment, it is only the presumed capability of the shuttle for recovering expensive spacecraft from orbit that gives it any hope of economic advantage. This capability is totally inapplicable to planetary and interplanetary missions, which I expect to dominate the future space science program. It is also inapplicable to most scientific and experimental applications satellites in earth orbit which usually complete their missions and become grossly obsolete after a few years. In fact the recovery idea seems to be significant only for large space stations or for the special case of a large, general purpose astronomical telescope.

Another way of summarizing the above arguments is as follows:

The advocates of the space shuttle visualize growth of the annual, national space budget to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program (excluding military applications) can be met in a vigorous and effective way by unmanned techniques at the annual level of $2 to $3 billion. In general support of this comparison, I call attention to the following facts:

(a) The President's budgetary request for NASA for the fiscal year 1972 totals $3.27 billion of new obligational authority.

(b) Of the total, about 50% is devoted to science and applications in all of their ramifications, a thoroughly vigorous program.

(c) The other 50% is devoted to manned flight. Yet during FY 1972, only two manned flight missions are contemplated—Apollos 15 and 16. Even these two flights depend primarily on existing facilities and previously paid-for flight hardware. The flights have little utilitarian significance and relatively restricted scientific objectives as viewed in the larger context of space science with all of its richness and diversity.

### CONCLUSIONS

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient resources. My position is essentially that an effort of this magnitude is far beyond the context of any existing national policy on the scope and magnitude of our activities in space during the next two decades. Moreover, I fully expect that concentration on such a development during the 1970's would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justificable cost, i.e., a cost that will enjoy widespread and durable public support.

I come to these conclusions with both regret and distress since I have the highest professional and personal respect for those who advocate the shuttle and who would carry out its development. If the national climate with respect to space exploration improves dramatically during the next decade, I would be honored to join them in a greatly expanded effort.

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## Statement by Dr. Thomas Gold

Mr. Chairman, I would like to present to you the reasons why, in my view, the development of the space shuttle should not now take any precedence over other technical endeavors. Let me stress in the first place that I speak from a conviction that space research and development work is essential for the future well-being of the nation. We must not sink behind others in this essential area or we shall risk a severe loss of economic advantage, military power, prestige abroad, and national self-esteem at home. I would certainly like to see this country pursue a vigorous space program, despite all the other important calls on its resources, for not to do so would in the future weaken those resources themselves by a much larger margin.

The question is what the best program would be—and the points to be considered in this optimization should be the long range effects on the development of technology, and through that, on the economy; the probability of major scientific discoveries, leading in turn perhaps to economic benefits, and certainly to national self-esteem. We do not want to see a world develop where some deep new insights into the nature of our Universe can be gathered only by reading the Soviet press. I am not talking here of some details of interest to scientists only, but I am talking of discoveries that have as general an impact as those of Copernicus for the understanding of our solar system, or of Darwin for the understanding of biological evolution.

If I thought that great discoveries would come from the use of large, manned space stations, then I would favor those and that in turn would make a case for the construction of the shuttle. Or, if in the field of important applications of space technology a large manned station was important, it would also make a case for the shuttle. But in fact neither is the case. I have over the last five years attended many meetings concerned with advising on the space program, and I have there heard many presentations by those who favor a large manned space station program. I have also had many discussions of this topic with senior NASA personnel. I feel certain that all positive arguments that have been developed have been brought to my attention.

Nevertheless, let me tell you the case has been a very weak one. At a time when we were not even willing to use up already constructed Apollo hardware for manned flight to the moon, which is scientifically rewarding, we were pressured into the acceptance of a program for the construction of new hardware for manned earth orbital exercises. No significant science and no significant applications could be advanced for this. In the science field it is of course true that some valuable observations can be made, but equally it is true for every one of those that they could be made by instrumented flight at much lower cost. In the applications field the case was equally weak. Photography and all forms of remote sensing of the earth from orbit have been developed for unmanned vehicles to such a level of perfection that it is hard to see how the presence of a man would help. In many cases his presence is in fact a hinderance by introducing a disturbance level and by introducing the severe operational constraints on the mission.

The one area where undeniably manned space flight is required is the area of qualifying men for space flight. If it is important to know whether men can endure long duration flights and overcome the medical problems introduced chiefly by the absence of gravity, then of course more earth orbital flights would have to be done. Even then one might well argue for earth orbital test flights on a scale much smaller than the large space station which would make the shuttle economical. The commitment now to the shuttle would clearly assume that the medical problems can be solved. That is not a safe assumption on which to base such a large expenditure.

But even if the medical problems could be solved, we still do not know why we want a larger number of men for a longer time in earth orbit. Some people mention manned missions to other planets as an ultimate goal and consider the large space station as the first step in that direction. Perhaps we shall succeed one day in flying manned missions to Mars, but this day is still a long way off and anything we do with our present day technology is hardly of relevance.

If one day new and much more powerful means of propulsion are discovered, then the situation might change. The development of the shuttle now will necessarily take place on lines of technology of today, and freeze hose for twenty years. Such a long-range program will take funds away from other development work and will indeed make a major technology breakthrough less likely. I can not think that it is wise to predict now by what means we will want to fly into space in twenty years' time when many areas of science and technology will have made advances that are totally unpredictable. The solution of the biomedical problem of long duration space flight is not an urgent one and could await a time that a technical possibility and a purpose emerge.

In discussing the development of unmanned, instrumented space flight I submit that the following points be borne in mind. A great deal has been achieved by such means in science, such as the various U.S. and U.S.S.R. missions to the planets Venus and Mars, the pre-Apollo lunar investigations, and now the very important line of development in the U.S.S.R. of a lunar roving vehicle and of automated sample return. These techniques will no doubt one day be used to discover the nature of the planet Mars long before there can be any question of manned exploration of any planet. Instruments are being prepared to explore the outer planets, as well as the innermost, Mercury. All of this can confidently be expected to lead to a new level of understanding of the universe and our particular part in it.

It is often said that no instrument could do what a man could do in its place, since he could observe and think and react in a huge variety of circumstances, many of which could not have been predicted by the designers of the automated instrument. The fallacy there lies in the thought that the instrument would not be able to draw on the full range of human intellect. One is discussing chiefly not robot instruments that work according to a prearranged plan, but remotely controlled instruments, where the personnel on the ground can observe, through remote television eyes, all that a man there can see, and actuate through remotely controlled devices all the many things that a man could actuate. The thinking is done on the ground, but the eyes and the hands are mechanical—but very good ones—in the remote location.

In a location like the surface of the moon, there could be arguments either way. The astronauts would perhaps be able to do some things which it would be difficult to entrust to a remotely controlled machine. On the other hand, a remotely controlled machine with its much longer stay time and much greater range and freedom from operational constraints, can do many other things that the astronauts cannot do. If, however, we are considering confinement to a space vehicle, the discussion is much simpler. There the range of activities of the astronauts in relation to the control of the flight, or any of the instruments that it carries, is very much more limited. Remotely controlled devices can quite readily cope with that limited range. As technology advances, man will develop a closer and closer relationship with remote control machinery, and it will become progressively less important to transport his frail body to a distant place.

In the field of applications everything that has been done so far has been by instrumented flight. Meteorological satellites and communication systems using satellites will no doubt remain for some time the major applications. Neither of those stand to gain much from manned presence. I do not deny that the possibility that the shuttle would give of recovering an expensive instrument from orbit would be useful, so that perhaps errors could be corrected or that it could be reburished to be launched again. Nevertheless, even taking this into full consideration, the shuttle does not appear to be economical except when there is the demand for a large amount of manned flight. Furthermore, most instruments for applications will be wanted in synchronous orbits, and the recovery and return to earth from such a high orbit is a task for which the shuttle is not particularly attractive.

Among the great developments that one can foresee in this area would be the direct radio and television communication from high satellites to the individual listener or viewer on the ground. Very many channels of television could be distributed which will then perhaps make it possible to include programs mainly for their educational or cultural value. Programs could be disseminated over the entire globe, and the cultural and political impacts of this will be immense. This is an area where the United States cannot allow itself to fall behind. It is an area that would warrant the expenditure of substantial sums of money, and I have always regretted that it is not one of the major objectives of NASA.

In the past the pattern has grown up that manned flight and development work related to it uses up around 80 percent of the NASA budget, with only 20 percent for the instrumented flights. I submit that this ratio is quite inappropriate for the future. It was appropriate when we had, as a national commitment and a showpiece to the world, the pledge to land a man on the moon by the end of the decade. I was not opposed to this, and in retrospect I do not think that the policy was a bad one. There is not, however, any comparable commitment to be made now using manned flight, and this should result in a complete re-evaluation of the priorities. A much smaller NASA budget would still allow for a great expansion in the scientifically and economically important areas, if any attempt at large scale, earth orbital, manned missions were given up for the present.

There have been many failures of expensive unmanned systems in recent times. Some have argued that this should be used as a case in favor of doing the tasks by manned missions instead. That argument is quite fallacious. The lower level of reliability of some unmanned payloads reflects above all that much lower general level of expenditure in that field. Even if a higher level of reliability were enforced, the costs for a given task would still be very far below those of doing it by manned missions. The other reason for failures has to do with the fact that one attempts to do a variety of very complex tasks in some of the unmanned missions which one would not be ready to attempt for a long time in manned missions. The launches to the planets are in that category.

It has been the NASA view that the manned flight program is essential for attracting the major funds of the organization, for impressing Congress and the country, and that without such demonstrations the country would lose all interest in NASA. It is this belief, which I think is a mistaken one, which is behind the present pressure for another heavy round of manned flight exercises. I believe that the Congress and the country at large can understand the true values of the various possible types of space programs.

Moreover, I believe that the country will become very disenchanted with expensive manned missions if they do not accomplish much. The time for demonstrations of this nature is past, and whether the next spaceship is a few feet longer or carries more astronauts than the one before will make very little difference to the popular appeal or to the prestige generated. We must not be behind the Soviet Union in areas of promise, but we should do our best to avoid being drawn by them into areas of unproductive, large expense. I actually have the fear that the lack of purpose of these missions will become a public issue, and as a very exposed item of expenditure, it may become a rallying point for opposition to NASA and perhaps even for opposition to a wide range of science and technology. I fear then that such a program may damage even those areas of NASA activity that are most valuable.

In estimating the economics of the shuttle, as was attempted by the Rand Corporation and by Mathematica, Inc., one has to remember that one is forced to extrapolate not only the needs for orbital payloads but a whole range of uncertain technical development. It is very much a policy of putting all one's eggs in one basket, and a very insecure basket at that. It seems to me quite certain that there is a major omission in the economic surveys; namely, that there will continue to be a need to launch into earth orbit by means of expendable boosters, and that therefore a parallel program will be kept going. The shuttle is an extremely vulnerable thing.

Even without considering warfare or sabotage, one would have to be concerned that technical faults or accidents could completely interrupt the entire space program, military and civilian, for long periods of time. A disaster like the Apollo fire, or a fault as on the Apollo 13 flight, would cause the shuttle system to be grounded until the causes are analyzed and cured, and the country could not accept such interruptions in its space program.

From the point of view of military security, many space launches are required, and those cannot be made dependent on the vulnerable shuttle system. For this purpose one has to discuss sabotage or warlike interference as a possibility, and it will then be absolutely essential for the military security that all the tasks proposed to be done for the military by the shuttle could immediately be taken over by an expendable booster system. This will necessitate the development and improvement of boosters and a launch schedule sufficient to assure at all times a readiness of equipment and an adequately high state of training of the crews. All this seems to have been overlooked in the discussion of the economics and must detract heavily from the already very dubious economic advantage that has been claimed.

So long as NASA has a large organization to keep up, its leaders are driven to propose massive, long range programs. If those are not desired, then it will be necessary either to redirect the mission of NASA to include other desirable activities or to take some major components out of NASA and assign a new activity to them. To retain a large and very competent engineering organization and give it insufficient work would constitute a great national loss. There are many major engineering tasks for which parts of the NASA organization would be suitable, and for which there is a clear national need. There is no clear national need for the shuttle. The urge for improvements in space technology must come from the science and applications that require to be done. To commence a very heavy program of engineering in the hope that a purpose for it will emerge is not sound politics. It is more important to be adaptable to new needs as new discoveries are made and new applications become possible, and a long range program like the shuttle would make us less adaptable, since it would greatly decrease the freedom of action of NASA.

In my view the shuttle program would become as large an enterprise as Apollo, and would become the center of NASA activities for very many years. At the time the decision for the Apollo program was made by President Kennedy, it was a conscious decision and the country was ready for it. The shuttle program is not of that kind. The need for it will not be understood by a public who cares little about programs that could perhaps save money by 1990. The scientists will be very divided about the wisdom of the program. There is no clear great purpose to be seen. The commitment for it is introduced by way of a mounting series of expenditures, and we must fear that we will be drawn into the final commitment merely because of the magnitude of the investment made which one is unwilling to give up.

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### STATEMENT OF PROF. BRIAN O'LEARY

Mr. Chairman and Members of the Committee, the $100 million dollars you have been asked to appropriate this year for NASA's space shuttle is merely the tip of the iceberg of what might become one of the nations costliest boondoggles of all time.

When a new technological development costing tens of billions of dollars is first introduced to the American people, it is clear that questions must be raised about such a system's role in a wide range of competing national priorities before any commitments can be made. After taking a careful look at NASA's proposal, I find myself strongly opposed to the development of the shuttle. In particular, I cannot see the relevance of the space shuttle, and therefore of an expanded space program, to the pressing problems facing our nation this decade. These are my thoughts as an American citizen.

But as a space scientist, I am also concerned about the role of the space shuttle in terms of NASA's internal priorities. Although NASA claims the system to be inexpensive, the research and development of the shuttle are estimated to cost $12 billion with many billions more to be spent on shuttle and payload procurement. As I shall point out later, such funds would not only dominate NASA's budget of the 1970's, but would also inflate it to a peak annual funding of at least $6 billion and would very likely exceed this amount, a range greater than the amount NASA spent during the peak year of Apollo.

Once again, NASA seems to be preoccupied with the philosophy of developing a transportation system rather than the business of exploring space. From a scientific point of view, it is obviously more advantageous to have a mission tailored to one's goals in space exploration rather than to have one's goals coming as an afterthought to an operational program. The unmanned science and applications satellites and planetary probes are good examples of missions tailored to science. In Apollo, unfortunately, the tendency has run in the other direction, and I am afraid that the space shuttle portends the same.

Perhaps most significantly from the taxpayers point of view, it is a plain fact that nearly all tasks in space sciences and applications can be done as effectively with existing unmanned spacecraft at less than ten percent the cost of existing manned spacecraft. I believe that fraction would become even smaller when existing unmanned spacecraft were to be compared to the shuttle, whether for manned use or unmanned use.

Why, then, does NASA claim that the space shuttle represents a "low cost space transportation system" and an "essential element in implementing a balanced space program"? Their argument rests on the premise that, because of its reusability, the recurring cost per pound of payload for the shuttle would be considerably less than for expendable boosters. This allows more payloads and bigger payloads, both manned and unmanned, to be hoisted into Earth orbit at a lower cost rate than with existing launch vehicles. For example, satellites can be more refurbished and perhaps even brought back to Earth for repair or for data return.

But let us look at the details. NASA plans to launch one shuttle per week, each one containing approximately 40,000 pounds of payload. To carry less payload on any mission would accordingly reduce the economy of the shuttle in any tradeoff analysis with existing systems. To have fewer shuttle launches would also reduce the shuttle economy. The shuttle would therefore place into Earth orbit more than two million pounds of payload per year, a rate which is five to ten times our present rate. The total tonnage of all payloads put into space to date by both the United States and the Soviet Union would be reached in about two or three years of shuttle operation. Is it desirable to put 20 tons of material per week into space? How much will the added payload cost?

Note that we have the additional constraint of scheduling, that is, one needs to satisfy the rigid weight and volume requirements of the shuttle and to lump diverse payloads together into an orbit of given inclination. On the other hand, expendable boosters represent a broad spectrum of payload-launching capabilities which can be tailored to the needs of a given experiment. In the case of the shuttle an experiment would compete with several others aboard the spacecraft and therefore must be tailored to the needs of the aggregate and of the shuttle launch schedule.

Moreover the short seven-day orbital lifetime maximum of a shuttle, because it is manned, strongly points to the existence of a permanent space station. In spite of the fact that studies have claimed that the shuttle concept is viable on its own merit, I cannot believe it can be decoupled from a space station. How many billion dollars would such a station cost to develop? Will Saturn 5's be needed to launch the larger modules comprising the space station because of the limited payload volume of the shuttles? The relation between the space shuttle and station further constrains the economics of the shuttle and is absent in NASA's discussions this year, in contrast to discussion last year.

Finally one wonders how the development of a lunar base could also fit in with the inflationary NASA budget attributable to research and development of the space shuttle and station. Each of these items by itself is expensive; cumulatively, the cost is staggering, probably exceeding $100 billion as I shall point out later. I think it is completely unrealistic for NASA to expect such funds in these times. In fact, if the shuttle were to be funded, NASA may not be able to afford anything else—no space stations, no lunar missions and no planetary missions.

In spite of these basic economic problems confronting the shuttle, let us assume that it is indeed worthwhile to launch more than two million pounds of payload into earth orbit each year and that a greatly expanded NASA budget during the 1970's is acceptable. Which system is more economical, the shuttle or the expendable booster? Or, stated somewhat differently, how many years will it take before the total cost of sending these enormous payloads with existing boosters exceed that of sending them with space shut-ties? Although various studies conflict there appears to be a general consensus that at least one decade of operation is required before the shuttle becomes less expensive even under the most optimistic assumptions about the shuttle's economy. The short-run higher cost of the shuttle is attributable to the $12 billion required for research and development during the peak funding years in the 1970's.

Nevertheless, let us examine some recent studies of the space shuttle. During the past year, NASA has awarded three companies a total of $1.9 million to study the economic feasibility of developing a reuseable space shuttle system. Aerospace Corporation received $900,000; Mathematica Incorporated received $600,000; and Lockheed was awarded $400,000. As the recently released Mathematica and Aerospace reports indicate, it appears that NASA has gotten just the answer they wanted to hear: by 1990, the space shuttle is less expensive than existing expendable boosters as a transportation system for both manned and unmanned payloads.

Although this conclusion conflicts with that of another report prepared under Air Force contract by the Rand Corporation, stating that shuttle development is "not easy to justify," I shall try to point out that, with only one exception, the quantitative data in the various analyses do agree and that regardless of what assumptions one wishes to make, the space shuttle commits us to an expanded space program over the next two decades with large funding peaks in the late 1970's. Moreover, spending a lion's share on shuttle-related activities does not appear to be the kind of space program which is desirable, as it satisfies primarily the means rather than the ends of space exploration.

The inflated spending for a space shuttle is inevitable because at least $12 billion is required for research, development, testing and evaluation before it can operate. This most recent estimate is an upward revision of $2 billion from the earlier estimate adopted by Mathematica and somewhat modifies their conclusions about the economy of the shuttle.

In order to get the shuttle operating by 1978, at least $3.5 billion must be spent during the peak year 1977 in the development and procurement of shuttles and shuttle facilities. This money is in addition to a minimum of $1.5 billion of administrative costs required to sustain NASA that year and $1.0 billion or more for programs not related to the shuttle. This implies a *rock bottom* NASA budget of $6.0 billion in 1977. A more realistic budget is undoubtedly higher. Can we afford to double or triple the NASA budget in the next five years? The American people, and not NASA, should be asked that question.

It is also difficult to escape the fact that the investment in the shuttle would vastly expand the space budget over the next two decades. In their baseline cases, Mathematica and Aerospace project $44 billion to be spent on the shuttle and its payloads to be launched between 1978 and 1990. Mathematica and Aerospace claim that some $11 to $14 billion in payload costs can be "saved" over the next two decades by using the space shuttle rather than using expendable boosters. On the other hand, the Rand study projects only a $2 billion "savings." If the Rand payload estimate proves to be more reliable than the Mathematica estimate, then the total amount to be spent on shuttles and shuttle payloads to be launched between 1978–1990 in this baseline case would be about $55 billion. And this does not even include about $2 billion per year for NASA administrative costs, space station costs, lunar exploration costs, planetary missions and the costs of payloads too big to fit into a shuttle. What we have, then, is more than $100 billion to be spent in space in the next two decades.

There is considerable evidence that the Rand study is much more realistic than the other studies in assessing payload savings attributable to shuttle use. First there are those payloads whose design and cost remain essentially fixed regardless of the existence of the shuttle: planetary probes, lunar missions, large space station components and other equipment which is too bulky to fit into a shuttle. But even the cost of payloads conducive to shuttle use cannot be reduced by much, since the major cost of most scientific payloads is in its electronics. As a space scientist I am well aware that the cost of electronics designed for a given task cannot be appreciably reduced by making them bigger or sloppier; the days of the vacuum tube are over. And as far as other components are concerned, it would still be nearly as expensive to design and prepare the apparatus. A space experiment, regardless of how it is launched, must still be space qualified and I cannot conceive of a piece of scientific apparatus whose cost per unit weight would go down appreciably just because it goes up on a shuttle.

In fact, for this very reason, many missions have not been weight-limited; rather, they have been cost-limited. For example, in the Mariner 6 and 7 missions to Mars, only 900 of 1500 allowable pounds were used for payload. No money remained to instrument the rest of the spacecraft. There are numerous other examples of cost rather than weight limiting space science and applications payloads. Why send 20 tons of material into earth orbit each week if 20 pounds can do the job? One can easily imagine a requirement of nearly empty shuttle flights because of cost constraints.

Nevertheless, the Mathematica study states that it is even possible to run the shuttle between 1978 and 1990 at the same funding level for both military and civilian space programs during the next twenty years as that during the last eight years. In this case, which they call Scenario 23, the shuttle cost would about equal shuttle savings. However, the ever increasing estimate of shuttle research and development costs, which have risen by about $2 billion just since the writing of their report, plus the probable overestimate of shuttle payload savings of several billion dollars, would easily obliterate the apparent equality of Scenario 23. Moreover, certainly the early funding of the space program at this level would almost solely be on the shuttle and would virtually squeeze dry other activities in space such as lunar and planetary exploration and even manned space flight which ironically is the reason for which NASA proposed the shuttle in the first place. NASA cannot seem to make up its mind as to what it wants the shuttle for. It comes as no surprise that the studies they have contracted have gone to a considerable extent to provide them the answers they wanted to hear.

What concerns me most is, do we want to commit ourselves to a rather narrowly-confined space program which emphasizes the development and operation of a transportation system for the next two decades at funding levels which will be unavoidably higher than our present spending? Is this where we want our priorities? Is this really where the people want to spend tens of billions of their tax dollars? I think not. As the Mathematica report itself concludes,

"Finally, we state with emphasis: any investment can be justified by its goals. This applies to business as well as government, hence also NASA. A new, reusable Space Transportation System should only be introduced if it can be shown, conclusively, what it is to be used for and that the intended uses are meaningful to those who have to appropriate the funds, and to those from whom the funds are raised, as well as the various government agencies that undertake space activities."

The economy argument alone convinces me that proceeding with NASA's space shuttle, as presently configured, is nonsense, *even if one wished to place two million pounds of payload into Earth orbit per year.* It is not a low cost transportation system; it is a very expensive transportation system. I believe that these facts will become more apparent in further revelations, particularly when or if the funding is drastically stepped up, as it must for the shuttle to become a reality. Evidently NASA has not carefully perceived the political and economic climate in which they are operating. They have been grasping for every economic straw, however flimsy, to justify the shuttle while losing sight of the reason for which we went into space in the first place—to explore its exotic environment and enrich human knowledge, not to spend tens of billions of dollars on expensive transportation systems with little left over once the capability is achieved.

Moreover, I believe NASA has not been honest is assessing their motivation for proposing the space shuttle.

In my opinion, the primary reason is not economics; rather it is a commitment to a new technology which would serve as a "make work" project for NASA and its contractors in a crippled aerospace industry. It is not difficult to imagine, however, that once the shuttle becomes operational at the end of the decade and the funds have already reached their peak, aerospace may once again search for a new space technology in order to maintain its accustomed pace. Ironically, such a move would probably supersede and invalidate the economy of a steady shuttle plan encompassing two or more decades. Alternatively, in the absence of developing yet another multi-billion dollar space technology around 1980, vast unemployment of the kind we are suffering now would seem inevitable. In regard to the immediate problem, if you appropriate $100 million to the space shuttle this year and then cut it off next year, then the unemployment problem is only postponed but not alleviated. This highly controversial, highly doubtful program seems to be prematurely creating jobs which may suddenly get cut off at any time; obviously the later this happens the worse the effect.

Would this not be a good time to "make work" for the aerospace industry in solving the multitude of domestic problems through engineering? For the tens of billions of dollars needed to shuttle a privileged few into space, one could shuttle millions of people around our cities. Both shuttle systems cost the same, both shuttle systems would require the valuable skill of the engineer, but only one shuttle system would seem to appreciably raise the value of human life.

I do not feel NASA should fold or dissolve. I believe it can continue its valuable work in space science and applications in a predominately unmanned mode without the shuttle. In that regard, I am disappointed that the funding for the Grand Tour Outer Planets missions, whose ultimate cost is but a tiny fraction of shuttle costs, has been drastically cut this year to a mere survival level whereas the shuttle juggernaut continues to gather momentum.

In conclusion, I do think there is a desperate need for establishing centers for assessment of new technologies, like the space shuttle, free from the controls and vested interests of the Government agencies and industries involved. It is currently very difficult to debate the technical details of such programs from an adversary point of view. For example, nobody received two million dollars, not even two thousand dollars from NASA to give them an answer they didn't want to hear. Nor could they have. There is an insidious self-generating, self-propagating machine-like momentum about certain enormous defense and space expenditures that require much, much more scrutiny before they are allowed to take their toll on human lives and resources. The space shuttle is one such example.

Mr. MONDALE. Mr. President, I understand that the Senator from New York desires time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes remaining.

Mr. JAVITS. I ask the Senator for 3 minutes.

Mr. MONDALE. I yield 3 minutes to the distingunshed Senator from New York.

Mr. JAVITS. Mr. President, I join my colleagues Senators CASE, MONDALE, and PROXMIRE in a bipartisan effort to eliminate the authorization for funds in H.R. 7109 to continue the space shuttle and space station. This amounts to a total of $137.6 million for the 1972 fiscal year but is only the start of an ambitious new space program which is estimated to cost approximately $13 billion by a recent study conducted for NASA by Mathematica, Inc.

I do not believe such large expenditures for this program are desirable at this time when budgetary pressures are so great and when many social programs are being caught in the squeeze of lagging appropriations and a sputtering economy.

This is especially true in view of the serious doubts raised about the space shuttle in the scientific community.

Dr. James Van Allen, the prominent space scientist; Dr. Tom Gold of Cornell University in my own State and a noted space science adviser, and Brian O'Leary, a scientist astronaut from our space program all have expressed serious doubts as to the advisability of proceeding with the space shuttle program at this time. Dr. Van Allen and Dr. Gold have both stated that the shuttle cannot be justified economically, given its present design and its present expected use.

A study of the space shuttle made by the Rand Corp. under an Air Force grant, which was completed in October 1970 also concludes that it is difficult to justify the space shuttle on economic grounds. While the more recent Mathematica study supports the space shuttle, it also estimates the cost at just $1 billion under the break-even point of approximately $14 billion. Given the cost overruns in many of our space programs, it seems highly doubtful whether the Shuttle would come in at the expected cost and there is great likelihood that it would not prove to be a provident venture.

We are already embarked on a large Skylab program for which the committee has authorized approximately $535 million. This program has as its objective utilizing and applying space for man's benefit and knowledge, at the same time demonstrating our capability to live and work in space for long periods of time. This is an ambitious program comparable, but larger in scope than the recent Soviet effort, and I believe that it should be carried on further before launching into the new space shuttle development. Many of the findings from the Skylab program will be useful in the development of the space shuttle.

We are also being asked to approve an authorization of approximately $612 million for two more Apollo flights in 1972. This amount of money is quite large and difficult to justify on the basis of scientific knowledge to be gained. However, it is argued that the existing equipment has already been constructed and great expenditures have been made in preparation for the final two Apollo flights in 1972 and that it would be wasteful to discontinue the flights at this point, and I reluctantly will not oppose this item.

I cite the examples of Skylab and Apollo as two space programs which are ongoing and which require expenditures of over $1 billion. One seems valuable, the other less so, but these large expenditures call into question any efforts to embark on yet another program costing at least $14 billion which appears to be of really questionable validity; that is, the space shuttle.

Last weekend as a member of a Senate subcommittee I toured parts of Harlem and south Bronx, looking into the general conditions of the neighborhoods and particularly the narcotics addiction problem. What I saw appalled me and also appalled those who were with me, Senators HUGHES and SCHWEIKER. A 16-year-old, who looked about 12 years old, could buy heroin, and did, right on the street corner. Dark hideaways were used as "shooting galleries" where heroin addicts gave themselves injections. Housing and general sanitary conditions were unbelievably bad. After viewing this situation, I find it difficult to justify a program such as the space shuttle, when many of our domestic programs are being cut back and even dismantled through nonappropriation.

Congressional authorizations for programs to aid governmental units like New York City have consistently outpaced appropriations and spending. In 1970 appropriations for Federal aid were only 65 percent of the authorizations, leaving a gap of $8.5 billion.

Of the $4.7 billion authorized for elementary and secondary education by Congress for fiscal year 1972, only $1.9 billion is being requested in the Federal budget.

Education for the handicapped authorizations total $436 million, but appropriations requests stand at only $110 million.

There are communities in New York State which have been waiting 10 years and more for urban renewal funds, with no sign of realization as yet.

No money at all has been appropriated for alcoholism treatment and rehabilitation programs for which Congress has authorized $100 million.

Of the $225 million authorized for each of the housing programs under sections 235 and 236, only $175 million has been requested for each program.

The much publicized impounding of funds which have already been appropriated by Congress is another example of misplaced priorities. Included in these impounded funds are $200 million out of $575 million appropriated for model cities, $200 million out of $350 million appropriated for water and sewer facilities grants and $200 million out of $1.2 billion appropriated for urban renewal.

In view of the spending realities, Congress must do all that is possible to eliminate wasteful programs which are not of general benefit to great numbers of people in the country. I believe that the space shuttle is one of these programs. If the Federal Government is going to deliver the needed services to its people which must be delivered, a hard look needs to be taken at even the most glamorous programs such as the space program. I have taken such a look and I urge the Senate to support our amendment to delete the authorization for the space shuttle and space station.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I ask unanimous consent that the Senator from Texas may have 5 minutes, without the time being charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I rise today in support of the committee's request for funding the National Aeronautical and Space Administration during fiscal 1972. The request for $3.27 billion during this fiscal year is just and in fact represents the smallest budget request that NASA has had since 1962. This is an austerity budget that takes into consideration the fiscal straits under which we are working. We simply cannot afford to authorize any less for NASA's activities. To do so would constitute an abandonment of our space program at a time when it is beginning to pay its greatest dividends.

One of the most important items in the current request is the $137 million to continue the space shuttle program. This innovation promises to be one of the truly great advances in our continuing conquest of outer space. The space shuttle is the second generation spacecraft that will facilitate our ability to use the environment of space for a great variety of projects at a reasonable cost. The space shuttle, when fully developed and operational, will be capable of being re-used up to 100 times and will be able to launch a wide variety of destinations. It can accomplish anything from multi-day manned scientific space expeditions to ferrying equipment for building a semipermanent space station where long range experimentation and observation can take place. Within the confines of its range, which is approximately 600 nautical miles from earth, the possible uses of a space shuttle are nearly limitless. When fully developed, this will truly be one of the great achievements of our entire space program.

I find it difficult to understand why anyone would oppose this austere funding request for NASA funding in general and for the space shuttle in particular. John F. Kennedy said in the early 1960's that we will explore outer space because it is there and because it is our destiny to do so. These thoughts are no less true today when our manned space flights are departing from the space port named for our late President. But there are other reasons to continue to explore the regions of space and to sustain our present effort. The contributions that NASA and its affiliates have made to mankind cannot be cataloged simply in the records that we have compiled from our voyages and experiments in space. As a direct result of NASA's activity, there have been numerous strides made in manufacturing techniques that save millions of dollars, in the development of synthetic materials which will help improve the quality of life for many, and most importantly in the medical knowledge of the world.

Among other medical advances, there is the integrated circuiting device that allows increased monitoring of a wide variety of medical problems that need immediate medical attention, usually within minutes or even seconds if the patient is to survive. Previously, it was impossible to observe the change in a patient in so short a time. Now, thanks to developments by NASA in this area, doctors can tell the instant something has gone wrong with an extremely ill patient and can take steps at once to correct the problem, often with other electronic instruments that our space program has also developed.

There are numerous other advances that have accrued to the public as a result of NASA activities which have likewise saved countless lives and which have made life easier and more pleasant for others. The benefits of continuing our space program are many, and there is the great probability of even greater technological breakthrough in the future as we build our storehouse of knowledge.

It is with full confidence in our space program and our men who run it that I will oppose the Mondale amendment to this bill. I have observed the Manned Spacecraft Center in Houston firsthand on several occasions, and am constantly impressed with the dedication of the high-caliber people who work there. I particularly remember the difficult days of Apollo 13 and how admirably the entire organization functioned. To vote now against the space shuttle program, which will be developed with the help of the Center in Houston, would be a breach of faith with these people. I strongly oppose any attempt to cut the funds from this most important program and strongly recommend to my colleagues here in the Senate that they do likewise.

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated June 25, 1971, from Kinsey A. Anderson, Director of the Space Sciences Laboratory of the University of California at Berkeley, Calif., in support of the space shuttle program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, BERKELEY,
*June 25, 1971.*

Hon. CLINTON P. ANDERSON,
*Chairman, Aeronautical and Space Sciences Committee, Senate Office Building, Washington, D.C.*

DEAR SENATOR ANDERSON: I am writing to you to urge that the United States develop an effective space transportation system along the lines advocated by the National Aeronautics and Space Agency. My positive opinion on this matter is based on my own professional experience in space science. For 20 years I have worked in space exploration as a profession. More recently, I have become director of the Space Sciences Laboratory at the University of California, Berkeley. In this capacity I have had contact with most, if not all, of the manifold branches of space exploration, both applied and basic.

My experience leads me to believe that most of these disciplines would benefit from manned observatories in space. Without them much space research and applications will surely become inefficient, unduly expensive, or even impossible. In the future, our national needs and goals will require complete observatories and workshops in space. These will have to be staffed with our best scientists, engineers and technologists. These orbiting workshops will be large, complex, and massive.

In addition to this new component of our space program, the exploration of space far beyond the Earth will continue to be a great challenge. The Moon will continue to give us remarkable insights into the events that have occurred since the formation of the Solar System over 4 billion years ago. The planets, especially the mysterious outer planets (Jupiter, Saturn, Neptune, Uranus, and Pluto), will draw our curiosity far from the confines of the Earth. The level of spacecraft launches that the United States and cooperating nations may wish to carry out may well be economically beyond reach if present expendable vehicles are used.

All of these important goals point to a much more economical and flexible means of space transportation. It is my opinion that a space shuttle system along the lines proposed by the Space Agency will fulfill this need for several decades in the future.

One of the most dramatic effects of space stations and their supporting shuttle systems would be on the scientific fields of astronomy and astrophysics. Traditional astronomical observatories have developed subject to severe constraints imposed by the overlying atmosphere of the Earth. We now know that the traditional methods must be supplemented by space observations if we are to obtain an understanding of our Universe. At present, these observations must be carried out with great inconvenience on balloons, satellites, and rockets.

I visualize that the astronomy laboratory of the future will orbit in space and it will include all important astronomical instruments side-by-side. Thus, a large space telescope, perhaps 2 meters in diameter, will measure the visible, infra-red, and ultraviolet radiations from distant objects while alongside radio telescopes and x-ray telescopes observe the same object at the same time. The results from these instruments would be available on board the space station for study by the finest scientists in the world. I can imagine that the most revolutionary discoveries about our universe will be made in this way in the next century.

After supplying such an Observatory of the Universe, the shuttle vehicle might then visit and service other observatories, perhaps unmanned stations used for radio and television communication and for Earth observation at the geostationary orbit. Further from the Earth and on the Moon might be other observatories made economically feasible by the refurbishing capability of the space transportation system. There are many aspects of the space shuttle which I have not commented on but I am sure others more familiar than I will have pointed these out.

I would next like to convey to you some of the views of scientists at the University of California other than myself. In 1970, after NASA had publicly announced the outlines of a Space Station and Space Transportation System, I asked many engineers and scientists on the Berkeley campus of the University of California how they might make use of such a space platform in their research work. There was a strong and diverse response from both applied and basic research areas. The numerous responses that I have received range from general statements of interest to quite detailed proposals.

I can summarize these interests as follows: About 35 scientists and engineers at this University are now engaged in programs which rather clearly can make use of a manned space station. They represent 20 groups in basic and applied sciences, including biology and biomedicine, earth resources (chemistry, geography, forestry), astronomy (x-ray, infra-red, ultra-violet), plasma physics, magnetospheric physics, cosmic ray physics, and engineering studies (materials science, closed ecological systems, transportation, hydrology, etc.).

There were several somewhat surprising aspects to my survey. The astronomers were very enthusiastic about the possibility of a manned observatory. There was much more interest in this than there has been in the past in the unmanned scientific spacecraft. The response from applied science and engineering researchers was very strong. Finally, there is a general acceptance of the space laboratory concept here among scientists. In fact, no one said that he would rely solely on unmanned spacecraft.

At Berkeley we have trained many students in various fields of space sciences, both basic and applied. Several of these students have expressed an interest in becoming part of a future space station scientific group. The interest and enthusiasm of these young people combined with the educational opportunities of our University, as well as at many other universities, guarantee that the new space programs can be provided with superbly equipped human resources.

I look forward to a vital space transportation/space station under full civilian control and planned in such a way that other important objectives of the nation, especially in the social and environmental areas, are met.

Yours sincerely,
KINSEY A. ANDERSON,
*Director.*

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Director W. F. Libby, a Nobel laureate, of the UCLA, Institute of Geophysics and Planetary Physics, Los Angeles, Calif., supporting the space shuttle program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
*June 21, 1971.*

Senator CLINTON ANDERSON,
*Senate Office Building,*
*Washington, D.C.*

DEAR CLINT: I write about the Space Shuttle and the urgency of keeping it going. It is vitally essential to the Space Program; its cancellation would be tantamount to cancellation of the Space Program.

I know I need not lecture you, who have fought so hard for so many years on other technological frontiers, on the importance of keeping these frontiers open for growth. In times of frontier cutback we fall immediately into recessions and depressions, and I feel cancellation of the Space Shuttle would most certainly cement the present recession into something like the depression of 1930.

Our future depends in large degree on technology and its application to the practical needs of society. Why is the Shuttle important in this context? The answer is that manned stations, which are essential for our future development, are too expensive without it.

Some scientists argue that man in space is not essential for space science, and I am the last to disparage the competence of my scientific opponents in this debate, but I think our success in the Apollo Missions vis-a-vis the Russian unmanned lunar program has clearly answered this question. Who leads in the manned space station effort now? The Russians! A deeply significant question revolves: Are *we* able to recognize our new frontiers? You will well remember how you and I worked day and night to support Admiral Rickover in his building of the Atomic Navy. This is a similar situation. There is no real Space Program without the Shuttle.

How can scientists speak so differently? Well, Clint, there are those who have been through the fire of allocating funds in the support of science. I still remember the cardinal rule we used in the Atomic Energy program—keep the applied projects going as the way to derive benefits from basic science. The benefits are not immediate and are realizable only through projects designed to produce applications. The full benefits to be reaped from the Space Program need the Shuttle for their realization.

The orbiting laboratory with commodious facilities for manufacture and production as well as for scientific research is one of mankind's great new frontiers. In my chemical laboratories at UCLA we have been preparing for years to use the Skylab for chemical manufacture of ultrapure silicon and germanium free of the contaminants derived from air. Such ultrapure materials could be invaluable to the solid state electronics industry. We think it is probable that large diamonds could be grown in the space vacuum by evaporating carbon onto a diamond seed. A thin monolayer of oxide appears to have blocked any practical attempt to do this on earth. We have designed a solar furnace which will deliver 40 megawatts on an area of one square foot or less and which weighs less than one ton. This would furnish the heat for the distillations and evaporations.

We are convinced that the Skylab has enormous potential for important practical uses for mankind. However it is helpless without the Shuttle. For any important practical uses, many trips to and from the orbiter must be made carrying personnel as well as supplies and raw material and finished products. These journeys would be too expensive as now performed and can only be reduced in cost by the Space Shuttle. In fact the Space Shuttle stands athwart the whole manned space effort. Without it we have no program, and valuable as the unmanned scientific achievements will continue to be there is no doubt in my mind that the future practical benefits to mankind of the Manned Space Program are enormous, and I do not believe that this great nation should forgo them.

The Manned Space Program represents an enormous training achievement in the Astronauts. This is likely to be dissipated rapidly unless post Apollo flights are scheduled. Just this week we have learned that one more of our most highly trained Astronauts is leaving—Walter Cunningham—to become a real estate executive! The costs of the training of these brave and dedicated people are totally lost when they leave. Their discouragement is due of course to the lack of assured post Apollo support. The Space Shuttle if approved would change the entire situation and give our Astronaut Corps a new sense of purpose. This would protect our capabilities for developments in the manned space area.

Is it too much to suppose that the Shuttle may be the forerunner of a new system of passenger transport? Several of the country's leading aerospace engineers believe not. The SST in flying in the atmosphere consumes large amounts of fuel with possibly serious contamination effects, whereas a re-entering Space Shuttle could travel to the farthest distance on earth in 50 minutes or so with most of the fuel consumed in the lower atmosphere which is regularly cleansed by rain. Thus many of us believe that the Space Shuttle offers hope for a new and fundamentally superior means of rapid air transport.

Finally, our country's technological corps is essentially underemployed at this moment. This is a very dangerous situation since the most capable scientists and engineers can compete in other areas (such as real estate) and will leave the professions stripping the country of its technological capabilities. We are in no position to suffer such grievous harm with the ever present threat of technological breakthroughs in both China and the Soviet Union. We must always remember that the defense of the nation rests primarily on a technological base. At least as important as any of the armed services is our technology. We do not mind supporting standing armies. Why not support our scientists and engineers in the interests of the common defense?

Yours most sincerely,
W. F. LIBBY,
*Director.*

Mr. CANNON. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Utah (Mr. Moss) on the subject of NASA appropriations—H.R. 7109.

There being no objection, the statement by Senator Moss was ordered to be printed in the RECORD, as follows:

### NASA APPROPRIATIONS—H.R. 7109

Mr. President, I rise in opposition to the amendment by the Senator from Minnesota (Mr. Mondale) which would delete $137.6 million from the bill before us (HR 7109) for the development of the space shuttle, $20 million for shuttle facilities, and $17.6 million for detailed studies and design of the space station.

The Nation's principal space objective of the past decade was to demonstrate leadership in exploration by accomplishing a manned lunar landing and return. Our capability to bring together great national resources in undertaking and carrying out this difficult technical task resulted in great technological advances as well as a lifting of the national spirit. The Nation's space objective, in the forthcoming decade, now must be directed toward a beneficial utilization of space with greater application to science, communication, business, medicine and education. If we are to realize the full promise of space, however, the enormous costs of space flight must be reduced substantially.

Pressing national priorities demand an assessment of our space objectives in light of the best and most efficient use of our resources. The result of the high priority of domestic concerns and $100 billion spent on a futile war in South East Asia is our fiscally constrained space budget. In the past, I voted for substantial cuts in space authorizations on the basis of a cost-resource analysis. It is precisely that budget and resource consciousness, however, which compels my support of a versatile and reusable space transportation system. In my view, the key to economic space operation in the future is a reusable space shuttle which can reduce launch and payload costs and increase immeasurably the space programs' per dollar output.

The space shuttle will bring new capability to military and civilian space programs by replacing all present expendable launch vehicles and carrying spacecraft into orbit for the U.S. Weather Bureau, the communications industry, the NASA space program, and the Department of Defense. The shuttle is designed to bring economics to *transportation, payload,* and *spacecraft* costs. As a result of the programmed reusability of the space vehicle up to 100 times and the fact it will return on land, transportation costs of orbit will be one-tenth of today's costs. The versatility of the system allows *manned* or *unmanned* spacecraft to be placed in orbit; repaired, modified, or updated in orbit; or brought back. Because of large weight and volume capacities of the shuttle, major reductions in payload costs can also be achieved. Moreover, scientists, technologists, and specialists of different skills and disciplines can become passengers in space without qualifying as astronauts.

Our accomplishments in space represent a measure of the state of our technology and bear a direct relationship to the strength and growth of our economy, our standing among other nations, and our capacity to deal more effectively with national problems. The reduction in the cost of space operations made possible by use of the space shuttle will permit greater utilization of space than is now economically possible and will allow a substantial increase in the scope and range of benefits desired from space operations.

Mr. President, I shall vote against the amendment for these reasons.

Mr. TUNNEY. Mr. President, the Senate now has the opportunity to support a balanced space program for the 1970's which will bring real and practical returns to the people of this country. As perhaps few other agencies could, the NASA program and budget requests clearly demonstrate the changing temper of the Nation for a redefinition of spending priorities. It may be instructive to glance briefly at this trend.

The space program was inaugurated some 12 years ago amid the frenzy provoked by the launching of sputnik by the Soviet Union. In the fear that our heretofore unquestioned technological superiority was imperiled, the United States committed itself to a comprehensive program of space exploration and manned space flights. The result was a dramatic display of what American technology can accomplish; from Explorer to Apollo the effort was enormous and the results spectacular. It was a great achievement. When the Eagle landed in 1969, a national commitment was discharged—years ahead of schedule—and the thousands of dedicated people who participated in that effort deserve the warmest congratulations.

But even before the national objective of landing men on the moon was achieved, there were clear signs that the public was turning its attention elsewhere. Pressing problems here at home reached such critical proportions that they could no longer be ignored or subordinated. Domestic needs compelled the realinement of the budget policies which formerly supported the space and other programs at such a high level. Today, the man on the street is demanding that problems here at home have first call on the tax dollar, and justifiably so.

Happily, the appropriations bill before us now represents a concerted effort to bring our space program more in line with the day-to-day needs of our citizens. Administrators and elected officials in preparing this budget, are taking a hard look at the space program and are trying to assess its practical value in terms of all our national priorities. What they are finding may be surprising, and is certainly worthy of note, for it emerges that the earth-related benefits produced are immeasurably great.

The bill before us, H.R. 7109, aside from providing funds for major continuing programs, such as Apollo, appropriates money for the following major program areas:

I. MANNED SPACE FLIGHT PROGRAMS

Surely, the most controversial of these are the proposed space shuttle and Skylab programs. Although these and all other aspects of the NASA budget should be subjected to the closest scrutiny, there are several worthwhile aspects of these programs which have been overlooked and underestimated in recent weeks.

The space shuttle is, first of all, a bridge between the present and our hopes for manned space flight in coming years. It assures that the development of the technology we will need for those flights, when their time comes, will continue at an orderly and sensible pace, rather than in spasmodic spurts authorized in response to developments in other countries. Indeed, the advancement in technology which it promises to bring to the aircraft industry alone is persuasive evidence of its merit.

However, as the distinguished chairman of the committee (Mr. ANDERSON) has stated, the principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient future operations in space. It is in the pursuit of this most desirable flexibility that the space shuttle holds forth its greatest appeal. The fact that it can be used to launch navigation, communication, weather and oceanographic satellites, as well as exploratory vehicles, is testimony to this versatility.

The Skylab program is the forerunner of tomorrow's space station; its most widely publicized purpose will be to test man's physiological responses in space and to study his adaptiveness to such conditions of life. Equally as important as this medical research will be the Skylab studies of the earth's environment and resources and a multitude of scientific experiments in energy process and astronomy. The importance of such an experimental station to our long-range goal of fully operable space stations can hardly be doubted. Again, in order to retain the flexible capability for advanced, manned space travel, certain groundwork must begin now.

And while it certainly cannot be a controlling factor in our deliberations, I need hardly remind Senators of the enormous boon to sagging employment rates that would be promised by the space shuttle and Skylab programs. Available statistics suggest that these two programs will generate nearly 100,000 new jobs in the aerospace industry, not counting technicians and maintenance personnel who will be employed at the launch and retrieval sites for years thereafter. In this most crucial way, the shuttle and Skylab programs will help to save and develop a most valuable national resource—the highly skilled, multidisciplined technical force that is now being rapidly dissipated as a result of other cutbacks in the aircraft and aerospace industry.

It is because of the advantages which the shuttle and Skylab promise to bring us that I find that I cannot support the Mondale-Proxmire amendment. The appropriations authorized by H.R. 7109 will, I believe, prove to be money soundly invested in the future; the shuttle and Skylab, on their merits, deserve our strong support today as a congressional endorsement of the long-range goal of expanded manned space flight in the 1970's.

II. UNMANNED SPACE-FLIGHT PROGRAMS

I alluded earlier to the changing trend of public sentiment as regards budget priorities: the average citizen is rightfully interested in improving our existence on earth, and has demanded programs dedicated to that end. Conveniently, however, several techniques for guiding the improvement of life on earth are inherent in our new-found capabilities in space and the applications that a space ability makes possible. The NASA program of unmanned space vehicles is of particular interest in this respect.

At a time when environmental protection is a chief concern of all Americans, the unmanned space vehicle capable of pinpointing pollution problems and sources is of extreme importance. A properly instrumented satellite can now monitor the formation of smog clouds and, with infrared film, trace the sources of wastes dumped into our streams, lakes, and oceans. This kind of data, available only from the specially equipped EROS—earth resources survey—satellites, is invaluable if environmental pollution is to be dealt with firmly.

Another satellite program showing the immediate earth relevance of our space program is one conducted jointly by the Department of Agriculture and NASA, designed to give advance warning of the onset of insects and disease in forests, orchards, and agricultural crops. It is reported that, had this program been in full operation last year, it could have given a clear warning of the oncoming corn blight in the Midwest, thereby making earlier corrective action possible. This satellite is already scheduled to check for diseased or infested trees in the citrus orchards of California, further evidence of its immediate practical value.

Engineers and geologists are likewise looking to our space program for help in their day-to-day operations here on earth. We stand to gain considerable hydrological information from the satellites which will vastly increase our ability to anticipate and control floods. Engineers are anxiously awaiting readings from satellites which will enable us to locate fault lines to aid in the design and construction of dams in unstable geological areas. For Californians especially, these practical applications are of crucial importance.

Weather forecasting based upon satellite readings is nothing new; but with the photographs and readings expected from our newest and projected orbiting unmanned vehicles, it should be possible for meteorologists to make accurate predictions more than 2 weeks in advance.

The list of benefits to be received from these various aspects of the space program goes on and on; I certainly cannot take the time or space to catalog them here and hope to do justice to the overall NASA program. However, the few examples I have cited exemplify what I think to be a most encouraging trend in America's space program: there is now, more than ever before, a concerted effort to put our technology to human uses. The needs of man here on earth are being reflected in our space program as never before, and the appropriation bill before us today reflects a continued and expanded effort in the direction of a balanced set of goals. This kind of reorientation of programs according to different national needs is a refreshing sign of government's ability to respond to changing times. For its efforts in this direction, NASA deserves both our congratulations and support. Although I certainly concur in the committee report, I also wish to put on record my strong support for the Outer Planets Mission. I hope that the "grand tour" is permitted to proceed as planned, for it would be a shame to abandon the singular opportunity before us to begin explorations of our solar system. When the conferees on this bill meet to consider the full appropriation authorized by the House, I hope that this important aspect of NASA's unmanned program will be given a full and sympathetic consideration.

III. RESEARCH IN AERONAUTICS TECHNOLOGY

Less controversial than the other plans, but no less important, are the appropriations earmarked for research and development of the vertical takeoff and landing—VTOL—and short takeoff and landing—STOL—aircraft and other advanced research in aeronautics technology. These programs, designed to answer the military aircraft and civilian transportation needs of the next decade, will guarantee that this country remains the world leader in the field of aviation engineering. Of vital importance is development of the STOL, as evidenced by the recently released joint study by NASA and the Department of Transportation. Other important projects included in this category are expansion of space satellite tracking systems essential to a growing space program. If this Nation is to retain its ability to meet modern air transportation requirements and its ground-level space ability, these and other similar research and development projects must be conducted now.

It is with this eye to future development in all these respects that I strongly urge approval of the appropriations authorized in this bill.

I ask unanimous consent to have printed in the RECORD an excellent article which appeared in the April 3, 1971, issue of the Saturday Review. In that article, Science Editor John Lear does a most competent analysis of the uses of our unmanned space vehicles in environmental and resource monitoring programs of the type I have been describing. Entitled, "Infrared Exploration—New Light on the Environment," the article goes into considerable detail demonstrating the benefits here on earth of our space program, and I commend it to the attention of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### INFRARED EXPLORATION—NEW LIGHT ON THE ENVIRONMENT

It is long past time for a return to the original purpose of our exploration of the interplanetary space in which Earth floats. We began with a desire to understand obscure relationships between our planet and its star—the sun—and to use those discoveries to better man's condition. In short, we set out to learn our own true place in our grand environment, what destiny that position would reasonably allow us, and how within it we might best realize our individual dreams.

The enterprise was purely scientific, peaceful in intent, open to all the peoples on the globe through agreements deliberately arrived at through the International Council of Scientific Unions. Even an apolitical name was assigned to the undertaking: International Geophysical Year—1957–58.

Only after the Union of Soviet Socialist Republics frightened America-is-superior-in-everything believers half out of their wits by hanging the first man-made moon in the sky did hurt pride in this country turn the extra-terrestrial search for knowledge into a military-oriented race to dominate the moon.

Now that Americans have landed on the moon and found how little the moon means to defense of our earthly territory and how seldom the multimillion-dollar technology that made the moon landings possible can be adapted to solution of human problems here at home, now that thousands of engineers whose pay was inflated by the demand for man-carrying rockets are out of work due to collapse of exaggerated claims for the importance of man's presence in space exploration vehicles, attention is returning to the original proposition that what we need most from the spaceships is not reassurances of human bravery in confronting the unknown but information to help us live in harmony with our immediate environment.

It took ten years for the National Aeronautics and Space Administration's stuntman philosophy to accept a fact clearly demonstrated in principle by the Tiros weather-observing satellites of Earth: that relatively cheap robots could contribute to the lessening of human misery by looking at the planet as a whole. It took a public battle between former U.S. Interior Secretary Stewart Udall and former NASA boss James Webb to persuade NASA to agree to a realistic test of distant satellite capabilities in studying urban growth patterns, analyzing the efficiency of transportation networks, calculating food crop yields, detecting disease and insect infestations of farm lands and of trees in city streets and parks, monitoring forest fires, measuring snow impounded by the mountains, predicting floods and volcanic eruptions and perhaps even earthquakes, and tracing air and water pollutants to their sources. It took a Congressional investigation headed by Congressman Joseph Karth of Minnesota to move the promised test toward reality. Yet today, as General Electric builds the first automatic satellite instrumented specifically to serve an Earth Resources Observation System (EROS), NASA officials are trying hard to create the impression that the value of whatever good eventually comes from EROS must fairly be deducted from the fantastically extravagant bill for the man-on-the-moon expeditions.

If meaningful priorities are ever to be assigned to the accelerating movement toward improvement in the quality of man's total environment, it is imperative to keep the balance of cost and benefit straight in the public mind. Although performance remains to be measured against promise, and there is some danger in expecting too much too soon, the potential rewards of continuous sensing of earthly conditions by distant robot observers is immeasurably great. Only in the most remote Alice-in-Wonderland sense can NASA's emphasis on manned spectaculars be said to have illuminated the rich prospects for what rocket designer Wernher von Braun is now belatedly calling the "bread and butter" aspect of exploration beyond Earth's atmosphere.

The suggestion that Earth satellites might be competent observers of the environment first arose before NASA came into existence. Physicist S. Fred Singer, the man who predicted the presence of the Earth radiation belts later discovered by James Van Allen of Iowa, described to the scientific community in 1953 an invention that he dubbed MOUSE (for minimal orbital unmanned satellite of Earth). Singer said that if the MOUSE were properly arrayed with photoelectric cells and put into the sky, it could radio back to Earth a global image of sunlight reflected from the tops of the clouds and from ice and snow on the planet's surface. In the following year, the late Harry Wexler, chief scientist of the U.S. Weather Bureau, proposed a more sophisticated MOUSE that would return to Earth a TV motion picture of the cloud tops meaningful enough to improve the quality of weather forecasting.

Six years after that, the earliest research model of the Tiros weather satellite that Wexler had imagined was actually orbiting and sending back unexpectedly sharp photographs of Earth's cloud cover. Where breaks appeared in the clouds, geographical features of the planet could be seen in the pictures. This remarkable robot performance came to University of California (Los Angeles) Geology Professor John Crowell's notice just before one of his favorite students, Paul Merifield, arrived for a serious talk, Merifield had completed the requirements for a master's degree and was preparing to move on to the Colorado School of Mines to seek a Ph.D. He needed a timely, pertinent subject for the doctoral thesis. Had Crowell any provocative ideas? Crowell popped one: "Why don't you try to tell us whether satellite pictures like these could be used for geological purposes?"

Merifield accepted Crowell's question as a thesis theme. During the next two years he dug for the answer. In 1962, he sought advice from Paul Lowman, Jr., another young geologist he met in Colorado. Lowman worked for NASA in jobs involving precise photography. Did he have any picture sources Merifield did not know of? Lowman did not, but he thought of a possible way to create some. John Glenn, Jr., had carried a small hand camera with him when he made the first American orbits of the Earth in a Mercury capsule that February. Glenn had passed the photos around afterward. Some of them were recognizable when matched against standard maps. In May, Scott Carpenter was due for a three-orbit trip like Glenn's. Lowman wrote a personal note to Carpenter. Would the astronaut be willing to try some snapshots of craters in the southwestern United States? Carpenter tried, but his pictures were out of focus. Lowman next wrote to Wally Schirra in advance of Schirra's six-orbit Mercury mission in October. Schirra's pictures turned out to be overexposed. L. Gordon Cooper rode twenty-two times around the planet in May 1963. He returned twenty-nine photos to Lowman, half of them useful, one of Tibet's great plateau so stunningly clear that Lowman drew from it the first map ever derived from observations taken beyond Earth's atmosphere.

Lowman continued to compile his space photo album throughout the voyages of the two-man Gemini spaceships and the three-man Apollos, adjusting the picture-collecting rate to whatever time the astronauts could spare for the aiming of their hand-held cameras—until the voyages of Apollo 6 (on which finely calibrated photos were taken automatically) and Apollo 9, when the astronauts snapped the lenses of three fixed cameras simultaneously when instructed from the Earth to do so.

NASA published an official note on Lowman's work in 1964. That same year it sent a request to the U.S. Geological Survey for studies (to be jointly funded by NASA and USGS's parent agency, the Department of the Interior) of the practical potential of then evolving instruments capable of sensing environmental conditions on both the Earth and the moon.

The request traveled through the then Secretary Udall to William Pecora, USGS director, and on to the desk of William A. Fischer, a USGS veteran who had used his scientific skills in interpreting photos for the U.S. Navy in World War II. Since his return from the Navy in 1946, Fischer had been in charge of a USGS program for sensing the state of the terrestrial environment from airplanes. An especially effective tool in those explorations had been infrared (also called "false image") film developed by Kodak to expose camouflage during the war.

The photograph reproduced on the cover of this issue of *SR* is an instructive example of how infrared film reveals hidden realities in the terrain. The photo shows part of the shoreline of Amchitka Island, one of the Aleutians. The Atomic Energy Commission wanted to test a nuclear bomb underground at Amchitka and needed to be sure the explosion would not trigger an earthquake in the geologically unstable neighborhood. Geotronics, an aerial photograph outfit based in California, took the cover picture of the bomb site before the explosion. The controlling element in the photo is the broad fringe of bright red. That fringe is the offshore shelf of the island. It is red because the shelf is covered with vigorously growing seaweed. The presence of any life is betrayed on infrared film by the particular radiation reflected from chlorophyll. If the seaweed were dead, the chlorophyll would be gone and the shelf would appear as gray or brown, the color of the barren island itself. When another photograph of Amchitka, taken after the bomb test, included the same red fringe, as bright as before, its boundaries unchanged, the AEC knew the bomb had not disturbed the geological structure of the island.

Robert H. Morris, in the Denver office of USGS, interpreted the Amchitka photos for AEC. Fellows of his on USGS's staff throughout the country shared his familiarity with the infrared photography technique. It was hardly surprising that Fischer, at the center of such activity in Washington, would fail to enthuse over details of NASA's scheme, which called only for observations from airplanes. Fischer's own group in USGS already had used infrared aerial photos to map the oil fields on Alaska's North Slope and to find rich diggings for uranium prospectors in the American West. They had also flown heat sensors that traced fresh water seeping into the salt water of the Pacific Ocean from the Hawaiian Islands and detected warning signs of eruption of Hawaiian volcanoes before the volcanoes exploded. Further plane flights, with multispectral scanners and microwave radiation detectors, would certainly be welcome to USGS, but Fischer knew that it would take twenty years for aircraft to assemble as much data as could be acquired by a single robot satellite in the seventeen days the robot would take to completely survey the Earth from pole to pole; furthermore, by the end of the twenty years of plane observation, the data acquired through most of the observing period would be out of date.

Fischer raised his voice in favor of an unmanned satellite. USGS Director Pecora expressed his agreement, and Secretary Udall joined in. The paucity of subsequent events raised Udall's personal temperature, and in 1966 he sent NASA a set of specifications for a satellite capable of observing the Earth from a distance of 500 miles. He proposed that this robot should travel a polar orbit in order to cover the whole globe, passing over any given geographical point at 9:30 in the morning of every eighteenth day.

NASA objected that the technology required for such a satellite was just coming over the horizon and had not yet arrived. Udall appealed to the National Academy of Sciences, which appointed a special study panel. The panel reported that NASA was wrong, that the needed technology was available, that it could be provided cheaply and quickly, and that it should be supplied in order to loft the satellite in time to make its findings synchronous with those of the 1970 census.

NASA blocked the conjunction with census data gathering by insisting that its instruments should fly only in airplanes and in manned spaceships. Udall appealed to the Science and Astronautics Committee of the House of Representatives. The committee referred the question to Congressman Karth's subcommittee, which, after an inquiry, supported Udall and the National Academy of Sciences panel. The full House committee offered to shift items in the NASA budget to allow the building and launching of an unmanned satellite assigned to environmental observation. NASA declined the offer, declaring that the White House Budget Bureau would not approve the expenditure. The Budget Bureau confirmed its disapproval, but attributed it to NASA's vagueness in telling what the satellite could do.

That was as much public exposure as NASA could afford. When the 1970 budget came up, it included specific provision for a study of an unmanned environment-observing satellite. The 1971 budget carried an appropriation for the actual building of the robot. Events then took a somewhat ironic turn. Merifield, his Ph.D. thesis successfully completed, had returned to California and become a geological consultant to some of the aerospace giants there. Among his clients was TRW Systems. It entered a bid on the satellite that Merifield's thesis had foreshadowed. But it lost the contract to G–E.

If the present production schedule holds, the satellite will be launched in March 1972. It will broadcast TV pictures to Earth for a year. The nature of the pictures will depend on the number and variety of experiments accepted by NASA from scientists in and out of the government. Proposals must be in NASA's hands by the middle of this month of April. At the end of its effective life, the satellite will be replaced by a succession of three progressively more sophisticated robots. At least one of them will record its pictures on film that will be parachuted back to Earth periodically in capsules designed to be caught by aircraft patrolling the lower atmosphere. Some of the photography will be done in black and white, some in color, some by passive microwave reflection, some by active radar emission. Multi-spectrum scanners will sample different wave lengths of light in quick succession and allow computers to interpret the resulting patterns. But the infrared will remain the main light path to environmental exploration for the very simple reason that infrared indicates life, directly through reflection from chlorophyll and indirectly through temperature differences arising from the presence of Earth's life-cradling substance—water. At first, the cost of the exploration will be shared by NASA and Interior. Gradually, however, Interior will shoulder the whole burden of designing and building the satellites; ultimately, NASA's only responsibility will be to rocket the robots into orbit.

Interior's assumption of responsibility for the project does not imply an intent to make that department the exclusive beneficiary of resource information obtained outside the atmosphere. EROS is managed from within Interior by USGS's William Fischer, but he meets once a month with NASA's Earth observation program chief, John DeNoyer (a former assistant director of USGS), and representatives of the Agriculture Department, the Army Corps of Engineers, and the Surgeon General's office in the Public Health Service.

What possible interest could the Surgeon General have in data relayed from an Earth resource observation satellite 500 miles out in space?

Malaria is still a vicious scourge in many places. Malarial outbreaks tend to occur in the vicinity of newly cleared land, and new clearings show up conspicuously in pictures taken at high altitudes.

The Agriculture Department's involvement in resource satellite development is more widespread. Sick citrus trees in California and Florida have long been spotted earliest from the air. Peach and pecan pest have been detected in the same way, as have leaf diseases of some vegetables. It is believed that if an environment-observing satellite had been orbiting at the time the corn blight struck the Midwest a few months ago, the infestation might have been stopped short of its present disastrous proportions. The people of Denver are now cooperating with the Army in an attempt to save their city's 150,000 stately elm trees from destruction by beetles. The method again is aerial photography in infrared light. A dead elm loses its normal color in the infrared; the beetles lay their eggs only in dead trees; if the dead trees can be removed early enough, the spread of the beetles can be slowed or stopped.

The Army Engineers are interested in exercising control over the behavior of the nation's watercourses. Water shows up black on infrared film. Sufficiently distant photography can record the ramifications of a flood at crest with ease; potential disaster can be minimized or prevented altogether. There are also smaller benefits for the engineers—such as the unsuspected Earth fault line that appeared in one high-altitude infrared photo. The line intersected a dam that impounded a reservoir. The dam had been leaking for some time, but no one could tell where before the photo revealed the secret.

Because of the precision with which geological structures, bodies of water, and vegetation can be mapped at the infrared end of the electromagnetic spectrum, infrared photos and sensors are certain to become a fundamental policy-making tool for the Interior Department. A single application of the sensors alone has already paid the cost of many future years of distant environment exploration. The result of that one employment is a new official appreciation of the extent of geothermal steam basins underlying the states west of the Mississippi River [see "Clean Power from Inside the Earth," *SR*, Dec. 5, 1970]. Another sizable economy in public affairs is expected to result from infrared studies of irrigated lands and grazing ranges, both under Interior supervision. Better estimates of the worth of mining reserve leases, tougher enforcement of strip mine restoration regulations, stronger protection for the national parks through more stable placement of parking lots for visitors' automobiles, more accurate estimates of the proper size for a given year's kill of antelope or the right length for a particular duck hunting season—all these are actual examples of the gains Interior expects from infrared exploration.

The full potential of distant sensing of the environment reaches far beyond the confines of any government department's authority. Ultimately, if not immediately, the White House Council on Environmental Quality and the Environmental Protection Agency will have to take cognizance of the importance of the infrared spectrum in policing air and water pollution. A properly instrumented satellite of Earth can monitor the formation of smog clouds and (because the usual blackness of the water on infrared images gives way to a lighter hue when sediments are present) trace the sources of wastes dumped into streams and lakes and even into the sea. Particular chemical pollutants cannot yet be distinguished, except for one type of pulp and paper mill effluent, which luminesces.

Just as weather forecasting is now slowly being perfected by analysis of what is happening beneath the clouds at the moment when the weather satellites report particular patterns in the cloud tops, so hundreds of "ground truth" seekers will have to match real conditions on Earth's surface against the advice sent down by the environment observers overhead. "Ground truth" is a photo-interpreter's phrase, invented on the assumption that every kind of rock, every variant of soil, every family of tree and vegetable and moss and shrub, has an individual signature exclusively its own. Wheat signs differently from barley, barley differently from corn, corn differently from rice. Recognition of a signature will vary with the time of day, the season, the amount of shadow, the angle of observation. But once the identity is determined, the signature can be picked surely out of a multitude of other signatures, recorded, stored, and run through computers—all automatically. A bank for preservation of such automatically prepared documents is to be constructed as part of the Earth Resources Obeservation System. Citizens of Sioux Falls, South Dakota, have chipped in to a $200,000 kitty to purchase a site for the institution and so assure their neighborhood a master key to the future. The real estate will be deeded as a gift to the Interior Department, which will spend $4.8-million on the bank building and supporting facilities. Eventually, 50,000 images will be added to the bank vaults every year. Where these documents concern other countries, copies will go to their governments on request, under agreements to be negotiated preliminary to the United Nations symposium on the environment scheduled for Stockholm in 1972. About three dozen nations have expressed interest in signing up.

To guarantee the validity of the bank vault contents, William Fischer and his staff are now arranging for massive deposits of "ground truth." Infrared photography missions are scheduled to be flown by EROS planes over designated areas of Arizona, Chesapeake Bay, California, the Pacific Northwest, the Great Plains, and the Everglades; identical flights will be made every eighteen days in simulation of the path fixed for the first environment-observing satellite, and the particular signatures appearing on those pictures will be checked against each other so that a repeatedly verified set of signatures will be ready for use when the satellite begins to return its observations.

South Dakota State University is poised for whatever consequences ensue. It already houses on its campus a Remote Sensing Institute, directed by Dr. Victor Myers, a pioneer in application of infrared photo technology to rural problems. The Willow Run Laboratories of the University of Michigan have been engaged in infrared research for a quarter of a century and periodically play host to national and international symposia on the subject. Other schools actively concerned with distant sensing of the environment are the Colorado School of Mines, Cornell, Kansas, Penn State, and Stanford. A sizable industrial complex has sprung up in response to their intellectual seeding.

NASA is still trying to annex remote environment sensing to its man-in-space extravaganza. Earth resources surveys have been announced for the project Skylab. The special appeal of this vehicle will be that men will be on hand to repair the cameras and the sensors and to ferry film back to

Earth. But the Skylab crews will have many simultaneous jobs to do, and it seems exceedingly doubtful that they will be able to match the impact of repetitive imaging from the EROS satellite at a distance that will enable man to see the forest in spite of the trees and to picture the immensity of his own dependence on the life around him. (John Lear, Science Editor.)

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I thank my distinguished colleague for yielding me this time and should like to comment that as a past trustee of Caltech, I had the opportunity to study the Jet Propulsion Laboratory work under Dr. William Pickering, which includes a number of vital unmanned space programs. I served for 2 years as a member of the Senate Space and Aeronautical Sciences Committee and have served this year as a member of the Appropriations Subcommittee dealing with NASA.

It is with this background and deep interest that I speak in support of the space shuttle program although I have opposed other programs in the past and have worked diligently to prudently reduce the NASA budget in past years.

However, I feel that the space shuttle program is an outstanding one which will help to bring about greater international cooperation, shared cost and great potential for advancing man's knowledge of the universe.

Mr. President, 3 months ago, I commented on NASA's continuing efforts to broaden cooperative space programs with the western world and to develop further a base for cooperation with the Soviet Union. Shortly thereafter, on March 26, the January 1971 agreement between NASA and the Soviet Academy of Sciences was affirmed and went into effect.

Under that agreement, NASA representatives have consummated the first exchange of lunar surface materials with scientists of the Soviet Union. This occurred on June 10. By this exchange, each side gained access to materials characteristic of lunar sites beyond those which it had been able to visit and, at no additional cost, each greatly expanded its perspective on the moon's composition and dynamics. I welcome this concrete illustration of progress in space cooperation.

Under the January agreement, NASA and the Soviet Academy of Sciences have established a number of joint working groups to develop further cooperation in several areas. Preliminary discussions are being held during current—June 28–July 2—meetings of the International Committee on Space Research—COSPAR—in Seattle. These discussions, in the fields of the moon and the planets and meteorological investigations, anticipate formal meetings of the joint working groups in Moscow in August. Other joint working groups, in space medicine and in space investigations of the natural environment, have had preliminary contacts already and will be meeting formally in August and October. Their recommendations can expand cooperation in meaningful basic and applied space research still further, through coordinated projects and carefully structured, highly detailed exchanges of scientific information.

Under the earlier agreement on compatible rendezvous and docking, negotiated last October, joint working groups met recently in Houston. Some 20 Soviet scientists and technicians attended and made appreciable progress with their NASA counterparts toward defining a single set of technical requirements for compatible systems and operations to permit docking of United States and Soviet spacecraft in outer space—whether for missions of common interest or for emergency assistance. Again I welcome these developments and strongly urge that the good work which has begun, be continued.

In the efforts to broaden cooperation with the Western World, progress has also been made. European sources have funded studies of the post-Apollo space transportation system so they may gain the knowledge which is prerequisite to mature consideration and possible commitment to important participation with us. Some $6 million has been devoted to this very preliminary work already. European sources have funded half a dozen German, United Kingdom, and French aerospace firms to assist NASA's prime contractors in the studies of the space shuttle which are currently in progress. European interests are also carrying on very useful studies of a space tug, coordinating effectively with NASA. We cannot now say what will develop from these studies and exchanges, but because of the possibilities for substantial contributions to our program at European cost, every effort to achieve such contributions should be encouraged and freely explored.

All of these developments demonstrate not only the benefits which can result from closer international cooperation but also to a compelling interest in a reusable space transportation system and its potential for future activities in space, not only for the United States but for other countries as well. Certainly, there are and will be problems in working out the terms and conditions for significant participation by other nations, but the clear advantages compel me to urge that maximum efforts be extended to bring these possibilities to fruition.

Mr. President, I should like to also share with my colleagues the benefit of information that I have gained from Dr. Pickering relating to what is known as the grand tour to the outer planets, which gives some concept of the remarkable opportunity we have ahead of us.

Hardly more than a decade ago, the very idea of flying men to the Moon and returning them safely to earth still seemed a long way from realization in this century. It was, in fact, the stuff of science fiction and I must admit that I did not have the vision to foresee all that we have accomplished.

Today, we have already successfully landed three teams of astronauts on the Moon who emplaced scientific instruments for continued study and returned to earth with rock and terrain samples of inestimable scientific value.

We have also flown unmanned, automated spacecraft to both of our neighbor planets—two to Venus and three to Mars. These missions gave us the first close-up data on the composition, temperature, and pressure of Venus' atmosphere, established the surface as extremely hot, and observed the solar wind, dust particles, and magnetic fields in interplanetary space.

In 1965 and 1969, our spacecraft secured the only photographs yet made from the near-vicinity of Mars. For the first time, the planet was revealed as heavily cratered in some areas, mysteriously featureless in others, and chaotically jumbled in still other regions. The instrumented data verified that the planet has an extremely thin atmosphere composed mostly of carbon dioxide and does not protect the surface from lethal solar radiation. The south polar region was seen to be capped with what is apparently frozen carbon dioxide and there was no indication of either a wave of darkening or a definable set of Martian canals.

The scientific yield and the high human adventure made our first decade in space a memorable time in our history. During these highly prolific years, it was necessary to work even beyond the known peripheries of science and technology. Scientists sensed an era of dramatic abundance in the acquisition of new knowledge and responded to the challenge. Engineers and technologists performed unheard-of feats in designing and building equipment and space systems that had only been imagined in the pages of Jules Verne and H. G. Wells. And—as so often happens in periods of deep national crisis and new technical expansion—the key ingredient necessary to implement a widely proliferating technology was available: the modern, high-speed electronic computer.

It followed quite naturally that the U.S. space effort during those turbulent years was essentially confined to our own scientific and industrial communities. With a sizable fraction of our national resources committed to space in what became a contest for international prestige with the Soviet Union, other nations did not actively participate in our space programs, except for launch and facility assistance given to such countries as Italy, France, Canada, and the United Kingdom.

The National Aeronautics and Space Act of 1958 provided that—

> Activities in space should be devoted to peaceful purposes for the benefit of all mankind.

To this end, we have generously shared the planetary data and lunar samples we have obtained, with many Nations, including the Soviet Union. NASA's flight schedule through 1974 includes several missions in which we will cooperate with Italy, Canada, West Germany, the United Kingdom, and the Netherlands. Now, we note one of the most promising developments for international scientific cooperation and one that should go a long way toward implementing the spirit and the meaning of the Space Act: the proposed grand tour to the outer planets, now before the Senate.

These intriguing flights to the little-known outer planets of our solar system are scheduled for launch in 1976, 1977, and 1979, taking advantage of an unusual orbital alinement. For the first time in a multiplanet array, these missions will use the technique known as gravity assist, in which a spacecraft flies near a major outer planet, records data on its characteristics and properties, and is then propelled on to other planets by the large gravitational field. This flight pattern makes it possible, under certain celestial conditions, to visit all the other planets in a much shorter time than would otherwise be required. Jupiter, Saturn, Uranus, Neptune, and Pluto have not been so fortuitously alined since about 1797 and, after 1980, they will not again be until the middle of the 22d century.

Because of the enormous potential for scientific return from these so-called grand tour missions, NASA has established a board of participating scientists who will work directly with the space agency in designing and securing data from the experiments carried into deep solar space. Representatives include 91 U.S. scientists from 37 institutions in 18 States—truly a national effort. In addition, and for the first time, scientists from other nations will participate directly on this board, fulfilling the meaning of the Space Act in its broadest interpretation.

Seventeen distinguished scientists from 10 institutions in Canada, Denmark, England, France, Germany, and Sweden are currently listed. Thus, we will be able to avail ourselves of the technical capabilities of foreign scientists who are experts in their fields. And, we will demonstrate on an international scale that the U.S. space program is uniquely open and beneficial to the rest of mankind. These developments are gratifying during an era of global unrest, mutual distrust, and worldwide and traumatic change.

These grand tour flights are probably the best bargain our space money could buy during the remaining years of this century. Each mission will visit three planets and several moons. The 1976 and 1977 flights will each travel to Jupiter, then to Saturn, and end about 9 years later at Pluto, on the very rim of the solar system. Two flights launched in 1979 will each go to Jupiter, Uranus, and Neptune, requiring about the same transit time. We are not going to see an opportunity like this again for more than 175 years.

The potential scientific reward would be inestimable. Scientists have long theorized that the riddle of the solar system will never be unscrambled until we have had a closeup look with automated, instrumented spacecraft at Jupiter and its mates: all—except Pluto—low in density, high in rotation speed, and covered by heavy atmospheres containing hydrogen, helium, methane, and ammonia. We want to learn about the mysterious red spot below Jupiter's equator, the perplexing ability of Jupiter and Saturn to radiate more energy than they receive from the Sun, and the nature of the incomparably beautiful rings of Saturn. The strange worlds of Uranus and Neptune, far out in the cold depths of the solar system, could be probed at close range. Finally, the airless, forbidding Pluto could be investigated.

One of the most exciting prospects is that spacecraft from earth will probably penetrate the interstellar medium for the first time. All of our earlier interplanetary observations, to the present, have been dominated by energetic particles flowing out from the Sun's corona, and the ever-present magnetic fields. Now, we should be able to escape the region of primary solar influence and measure the galactic presence, probably starting about 1 billion miles out—somewhere beyond Jupiter.

We will be able to read cosmic rays in their pristine form, unadulterated by Earth's atmosphere or the ravages of the solar wind. We can take our first look, in full focus, at page one of the record of the Milky Way.

The grand tour missions could be scientifically rewarding in yet another way. There is good reason to believe that the conditions under which life could have originated on Earth, some 2 or 3 billion years ago, might be repeating now at Jupiter or Saturn. There is a similar combination of hydrogen, helium, ammonia, carbon compounds, and perhaps some form of water. The grand tour instruments could tell us a great deal about these processes.

We see, then, that the grand tour has tremendous scientific merit and that it would constitute a bold step forward in the field of international cooperation in science. Yet, there is hesitance in the Senate to fund the program so that it can make an adequate start in fiscal year 1972.

Of the $30 million requested by NASA, the committee has recommended a 66-percent cut, leaving but $10 million to initiate a program of such vast promise. If this reduced amount is approved NASA will lose the advantages of an orderly program, the 1976 flight would be telescoped into 1977 scheduling, contractual programing would be delayed, and pressure decisions would be substituted for deliberate logic in planning.

Is the difference of $20 million really that critical? Even if invested in other more mundane projects, would the return be comparable? Posterity might well judge against it.

The grand tour deserves full support.

Mr. President, I wish to comment on the Soviet Salyut mission. Today, June 29, 1971, the three cosmonauts in the Soviet Salyut space station completed 23 days in weightless orbital flight and thus equaled the record set by three other Soviet cosmonauts in June 1970.

From that time on, they have been setting another record every moment they remain in space. If they stay until July 4, the duration of 28 days of their flight will equal that planned for the first U.S. experimental space station, Skylab, 2 years from now.

The Soviet Union continues to prosecute exploration in space and the development of space systems with vigor and imagination. The current Soviet launch rate of spacecraft is more than twice that of the United States and its annual budget is greater than our and increasing.

During the decade of the 1960's, the relative position of the U.S. vis-a-vis the U.S.S.R. was characterized by significant leads achieved by the United States in some important areas, such as lunar exploration. Now the Soviets are moving rapidly in the critical area of earth orbital flight with the associated experiments and systems dedicated to practical applications on earth.

The principal goal in space flights like Salyut and Skylab is science and applications investigations and to learn in detail how effectively men can work and live in the weightless conditions prevailing in a space station. Upon analysis of the results of the current mission, Soviet space planners will be in possession of information that will not become available through U.S. flight experiments until 1973.

The U.S. News & World Report published an interesting article on June 21, 1971, on the Soviet Salyut mission. I am not necessarily willing to subscribe at this time to the speculations in that article that deep-seated purposes of the "Space House" are fundamentally military in nature. But it is certainly a view that we need to watch and continue to evaluate.

In any case, it remains clear that the Soviets are continuing resolutely with their program of space development. The challenge to the Free World in this new and still unknown environment remains great.

Mr. President, I ask unanimous consent that the article I referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SOVIET "SPACE HOUSE"—WHY?

One purpose of Russia's June space spectacular: to advance the Kremlin's military ambitions. U.S. won't match the feat for two more years.

Much of the mystery surrounding Russia's long-range strategy in space suddenly evaporated on June 7 with the manning of a "cosmodom"—space house—above earth.

According to Western experts, while the U.S. has concentrated on sending men to the moon a quarter million miles away, the Soviets have staked out a region close to earth for military domination. Unlike the U.S. man-in-space program, which is civilian-run, Russian space work is done by a branch of the Soviet armed forces.

The Russian effort moved briskly ahead when a three-man spacecraft, Soyuz 11, docked with a huge unmanned ship called "Salute" that had been orbiting the earth since April 19. The Soyuz craft was launched from a Soviet spaceport June 6.

### SCIENTIFIC "LABORATORY"

Russian scientists hailed the two-ship unit as the first earth-orbiting "laboratory station"—containing six rooms filled with scienitfic instruments and living quarters.

The 25-ton space lab was operated by cosmonauts Viktor Patsayev, Vladislav Volkov and Georgi Dobrovolsky. Indications were that other manned spacecraft would join the station later.

The Russians say publicly that the mission is intended to determine the feasibility of manning space labs over long periods of time.

Western space experts noted that the Soviet ship is performing such tasks as studying geological and geographical objects on earth.

U.S. scientists assert such work is closely linked with military research. They believe the station will be used to test the ability of cosmonauts and instruments to observe Western and Chinese missile emplacements and large-scale movements.

Some scientists also are convinced the laboratory will help to determine whether such stations can identify—and possibly destroy—U.S. spacecraft. These sources say the Russians may be anxious to find ways to neutralize U.S. spy satellites which photograph Soviet sites for intercontinental ballistic missiles.

Another possibility, American military officals report, is that the Russians may experiment with the use of orbiting missiles that could be directed on radio signal against the U.S.—which would be virtually defenseless against such weapons.

The U.S. is about two years behind the Russians in space-station development. The first such American craft, "Skylab," is to be launched in 1973.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. Brock). The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, we have heard much of the case presented by the Senator from Minnesota (Mr. Mondale) based on two or three scientists at the most. I have submitted for the Record a number of letters and statements from prominent scientists throughout the country, including two Nobel laureates, who support the shuttle; and, I ask unanimous consent that a statement I have in rebuttal to the position of Dr. Van Allen and Dr. Gold be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement Rebutting Drs. Van Allen and Gold

Mr. President: The Senator from Minnesota, Mr. Mondale, bases much of his case against the shuttle on two letters he received. We first saw those letters in a news release early in June. Then, a few days ago, each member of the Senate got copies, and yesterday we heard about them again and they were put in the Record again. These letters were received from two scientists: Dr. James Van Allen of the University of Iowa, whose competence lies in the area of radiation fields; and Dr. Thomas Gold of Cornell University, an astronomer. It is interesting to note that both of these scientists are expressing concern about parts of the space program in which they have no special competence. So, I think it is fair to take a look at what is said in these letters and to comment on them.

In his letter, Dr. Van Allen says:

"Advocacy for the space shuttle rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort."

This statement is unfounded, gratuitous and incorrect. Of all the large R&D programs ever undertaken by the government, the shuttle is perhaps the least vulnerable to this charge. The shuttle is specifically designed to save money by sharply reducing the costs of operation, and not as technology

Dr. Van Allen also demands that, "at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort," except, of course, for his own area of interest which cannot meet this stringent criterion.

Well, the shuttle *can* meet this criterion and give as a bonus to Dr. Van Allen all the scientific payloads he can dream up, for practically little more than the cost of off-the-shelf equipment.

The fact is that the recent Mathematica study, which utilizes severely conservative assumptions, has clearly shown the space shuttle to be cost effective. But in all fairness to Dr. Van Allen, he is a physicist and has probably not had time to study the Mathematica report. I hope he will do so and let us have the benefit of his analysis. It will be interesting to see what Dr. Van Allen's views are on this economic analysis prepared by some of the world's best professional economists.

Dr. Van Allen states that the only two objectives we should have in space are "utilitarian . . . both civilian and military, and scientific exploration."

Let us examine those objectives. Space applications such as communications, navigation, weather and earth resources space programs can be self-justifying, he says. In this I agree with Dr. Van Allen. But even here, the space shuttle can add tremendously to our capability and/or the substantial reduction of costs for equal capability. Again, I would invite Dr. Van Allen, or some of his economist colleagues, to study and comment on this point.

And what about the military? Has Dr. Van Allen given any thought to the tremendous flexibility that the space shuttle would give to our military operations? I wonder if Dr. Van Allen has read the testimony before our Committee of Dr. Robert C. Seamans, Jr., Secretary of the Air Force? This is what Dr. Seamans said:

"Now let me address the Air Force views regarding development of the space transportation system. The DOD supports its development if the results of current NASA phase B studies and our own complementary studies show that such a system is feasible and can offer the desired performance and cost advantages over current systems. Preliminary indications from these studies are that such a system can be developed. If the final study results confirm this, and we think they will, the Air Force will provide a strong recommendation that shuttle development be authorized. When the operational system is achieved, we would expect to use it to orbit essentially all DOD payloads . . ."

And also:

"We are greatly encouraged that the preliminary study results have been so favorable and that it appears that both NASA and DOD requirements can be met with the present, single baseline configuration for the space shuttle."

Perhaps if Dr. Van Allen studies that testimony, or discusses this matter with Dr. Seamans, he will understand why Dr. Seamans is so anxious to have the space shuttle as the vehicle to launch virtually all military payloads in the late 1970's.

Now let us look at Dr. Van Allen's second objective for space: scientific exploration. I, too, am interested in the scientific exploration of space, whether Dr. Van Allen believes that or not. But I want to bring the costs of exploration down so that many scientists, not just the elite few such as Dr. Van Allen, will have the opportunity to conduct their experiments too. For, make no mistake about it, if we follow Dr. Van Allen's advise and abandon the shuttle, we will be condemning all young space scientists of the future to small payloads and historic repetitions of the early Van Allen experiments. For the sake of science, I do not want that to happen.

Dr. Van Allen states that our anticipated payloads in orbit have been grossly overestimated and that costs for developing a shuttle system have been substantially underestimated. Now, Dr. Van Allen is a world renowned scientist and I'm sure that he wouldn't make categorical statements like that that he couldn't support. But we have seen no supporting statements from Dr. Van Allen. Again, I invite Dr. Van Allen to submit to the committee, or to the Senate, or to the public, any creditable data that he may have to support his position. He would be performing a great service to his country if he would do so.

Dr. Van Allen estimates that the "proper" objectives of a space program can be met at an annual level of $2 billion. This, of course, implies that we are going to concede all future manned space flight to the Soviets, abandon any cooperative ventures with the Soviets or anybody else, and consciously relegate ourselves to a second or third rate position as far as space flight is concerned. Do we really want to do this? That's not what I want, and that's not what I think the American people want, and that's not what I think Dr. Van Allen wants either.

Turning to Dr. Thomas Gold's letter, I will not comment at great length except to say that Dr. Gold seems to believe that we can gain advanced technology without going through intermediate steps, and that the best way to advance booster technology is to ignore the advancements that are available to us now and wait 20 years until something better comes along. Almost any one can detect the flaw in that argument. You don't walk before you crawl and you don't run before you walk. Technology comes in a steady stream, each part building on what has come before. Perhaps Dr. Gold has become too concerned with the depth of the dust on the moon to be concerned with such simple truths.

Dr. Gold makes another curious point. He states that the shuttle will have to be used until 1990 before there is any possibility of amortizing it. Of course, it is exceedingly simple to "amortize" our current boosters. You simply write them off at once because they are dumped in the ocean and totally lost. At least with the shuttle—whether you are talking about 10 or 100 flights; whether you are talking about a period until 1985 or 1990 or 2000—you are amortizing over a finite number of uses which, by necessity, brings the unit cost per flight down whatever accounting system you use.

Dr. Gold makes another point that is difficult to understand when he talks about the continued military requirement for expendable military boosters. He seems blissfully unaware of the testimony of Dr. Seamans which I cited earlier; that is, the military will launch virtually all of its payloads with the shuttle, eliminating the need for expendable boosters.

Dr. Gold goes on to say that "Our present policy in space should be to concentrate on applications and on genuine scientific discovery". Right. I agree with Dr. Gold. But with this proviso. These goals should be accomplished on the best cost effective basis we can muster. And this basis, at the present time, turns out to be the shuttle.

And so, Mr. President, I conclude my remarks with this invitation and challenge to Drs. Van Allen and Gold, and all others who aspire to solving our problems by rational means. Look at the facts, study the data, and give us your views.

I believe that a cost effective shuttle is our stepping stone to the future, and I hope that the Senate will continue to support this vital program.

Mr. CANNON. Mr. President, I think the issue here is a simple one, the question of whether we want to save money in connection with our space exploration programs. Throughout the entire space program, we have heard talk about the importance of reducing the cost of the space missions, because once we launch the booster it is gone, and a tremendous investment has been dissipated for that one particular effort.

The whole objective over the course of time, for many years now, has been finding a method to reuse the boosters, and that is the thing we are directing our efforts at now.

As I pointed out, the Mathematica report shows, based on a certain set of circumstances which are entirely reasonable, that we could save $14 billion by having a reusable system such as is proposed here.

I hope that my colleagues will reject the Mondale amendment.

### NO MORE MONEY FOR THE SPACE SHUTTLE

**Mr. PROXMIRE.** Mr. President, I strongly urge the Senate to support amendment No. 233 to the NASA authorization bill. The amendment would delete further research and development money for the space shuttle, and for the space station.

This amendment is similar to the one Senators MONDALE, CASE, JAVITS, and this Senator offered last year. Our amendment last year failed by a narrow four-vote margin. There is ample reason for last year's near-majority to become the majority this year.

Mr. President, earlier this year I wrote to George M. Low, Acting Administrator for NASA, requesting a concise justification for the space shuttle program. My letter, dated April 7, 1971, asked NASA to specify the benefits the space shuttle would be expected to provide. I also asked for an estimate of the ways in which the program would provide tangible rewards for the American taxpayer.

Mr. Low's response to me, dated April 27, 1971, was most unenlightening—but quite revealing. Responding to my inqury about NASA's justification for the program, here is what he said:

> The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on.

Mr. President, this is nothing more than bootstrapping. NASA is saying that we should spend billions of dollars on a new space system, because we want to spend billions of dollars on the space program. Is this a welfare program for the aerospace industry? Has aerospace spending become such a sacred cow, have the vested interests become so firmly entrenched, that holding NASA to a $3 billion annual budget has become unthinkable? For that, after all, is all we are asking the Senate to do. If we do not embark on this multibillion-dollar boondoggle, space spending can level out over the next few years at $2 to $3 billion annually. If we do embark on this venture estimates are that we will be spending in the vicinity of $7 billion a year on NASA before the decade is out.

NASA's only other preferred justification for the shuttle is that it will "save money." But save money from what? The only way we can save money is by very significantly increasing the weight and number of payloads we shoot into earth orbit. According to a recent study done for NASA by Mathematica, Inc. on the cost effectiveness of the space shuttle, it would take 39 flights a year to justify an expenditure of $12.7 billion on the space shuttle.

Naturally, as costs of the shuttle rise, so do the number of annual flights needed to "break even." For example, if the shuttle ends up costing $22.4 billion, then, according to Mathematica, 70 flights a year would have to be made to make the shuttle cost effective.

Mr. President, 39 flights a year would represent a very substantial increase in our space activities. And 70 flights a year would be some three to four times as many flights a year as we are now making. What kind of activities could possibly justify such an increase? What would we accomplish with 39 annual flights—or 70—that we are not now doing? How would such a stepped-up space program improve our life here on earth?

Mr. President, these are legitimate questions. We have the right—in fact, we have the duty—to get answers to these questions before embarking on a multibillion dollar program of this magnitude. And such answers have not been forthcoming. Until they are, Congress should provide no funds whatsoever for development of the space shuttle.

**Mr. HATFIELD.** Mr. President, too little recognition has been given to the tangible benefits that have come to the American consumer from the space program. The long-range implications of the "space investment" for science, industry, theology, and for the human race itself will continue to be the subject of much postulation, as people try to foresee the inevitable impact on the future; but, in the midst of this speculation, there are facts of practical applications already in everyday life that should not be overlooked.

Already, NASA has documented almost 3,000 new ideas that it has passed on to industry and science through its technology utilization program. Most of these innovations have been available to American industry with royalty-free license. There have been at least 10 companies throughout the Nation which have begun solely as a result of spinoff from the NASA programs; dozens attribute major modifications of their production operations to space technology transfer.

The accelerated technological growth in the past 13 years of the space program will continue to shower benefits upon all facets of American life. Improvements that were necessary to achieve success in space will continue to burst upon the civilian sphere as new materials, modifications in existing products, and completely new industrial processes.

The general manager of Douglas Missile and Space Systems in 1968 forecast that the American housewife in 10 years would not be using a single mechanical device that had not been definitely improved by the mass of technology from the space program. In 1971, only 3 years after his statement, the average American homemaker is surrounded by a host of products and materials which are direct or indirect spinoffs from our Nation's efforts to sustain life in the void of space.

Too often these applications slip unnoticed into daily American life, because they are incorporated gradually into the mainstream of consumer products. How many homemakers think of the Titan missile when they use pots and pans lined with a stick-proof material called Teflon? Yet, the substance was originally designed for use in seals and gaskets early in the missile program.

Extremely lightweight, yet strong, ceramic glass cooking ware has become a mainstay in American kitchens in the past decade. This product brings the consumer great savings in replacement costs because of its durability and heat resistance. How many homemakers recall the early research to find a heat-resistant shield for missile nose cones when they use Corning Ware or similar products?

Outgrowths of the space program have had direct bearing on the design of modern appliances. An air bearing designed for handling the Saturn V rocket has been adapted to a refrigerator which can be moved with fingertip force. With the increased utilization of miniaturized electronic components, from spacecraft, TV sets, radios, and tape recorders, boast less bulk, longer life, and higher quality. General Electric's Versatronic oven, which employs the space program's heat pipe principle, can thaw, cook, and brown a frozen roast in an amazing 35 minutes—thus reducing the time necessary for food preparation, and releasing the homemaker for other valuable activities.

Several producers of home and industrial paints have incorporated space technology into their processes to develop a longer lasting, heat-resistant paint which has wide application in home and commercial construction. The coating was first developed at Goddard Space Flight Center to protect spacecraft exposed to ultraviolet radiation at a high temperature.

Spacecraft needs for longer lasting, more reliable and tinier batteries caused NASA to develop battery systems that have now found their way to the public in power units for compact hearing aids, power tools, and flashlights. Black & Decker Manufacturing Co. in Maryland has commercially marketed a battery-powered lawnmower based on battery power technology from the Apollo program. Commercial uses of the fuel cell, another space spinoff, are almost without limit.

Many practical applications of space technology which benefit the consumer are hidden in innovative industrial processes. A major textile firm in South Carolina has adapted to the control of its many high-speed looms a digital computerized system that Marshall Space Flight Center uses to check out Saturn rocket boosters before test-firing them. A 24-ounce, battery operated television camera no bigger than a king-size pack of cigarettes, which photographed the separation of Saturn V rocket stages in flight, sells in a commercial version for monitoring industrial processes. Builders of giant rockets at the Marshall Space Flight Center in Alabama invented an electromagnetic hammer which causes metal to flow like soft plastic and allows one to smooth and shape metal without weakening it. The new tool is now being used in shipbuilding, in the automobile industry, and in aircraft factories.

The list goes on and on, revealing a

wealth of tangible contributions of space technology.

A company which supplied packaged food for the Apollo flights has been engaged in aerospace nutrition research for both military and civilian projects. It now markets a low-calorie, high protein product which is a direct offshoot of aerospace technology.

A division of United States Bedding Co. has adapted fiber glass tube cushion fillers used in the spacecraft to mattresses in hotels and hospitals, cushions in buses, and fillers for chairs. The new material is easier to clean than existing fillers and is more easily sterilized.

Dramatic advances have been made in safety related materials: Fluorel, a plastic with good fire retardent properties is now used in housing construction for insulation purposes, in shipping cartons, and for insulation in the air transportation industry. Luminous devices developed by 3M Co. to assist in safe docking of spacecraft on the "dark side" of the moon now are being sold to airlines for use on aircraft exit signs. Automobile manufacturers have recognized a possible use of the material around keyholes, so motorists would not have to fumble at night to open car doors.

Many consumer products such as bedspreads, draperies, curtains, tablecloths, and pillows now contain a fiber which was used for its fire protection qualities in outer layers of the astronauts' space suits.

Technology which developed to cope with extreme temperature variations in space has been applied to the fabrics industry. An extremely lightweight, compact blanket that fits into a shirt pocket was developed from an aluminum-coated plastic material that was used to make echo balloon satellites. The blanket reflects a person's body heat back to him. One version weighs less than 2 ounces and sells for about $3.

From this brief cataloging of specific transfers of space technology to the products and processes of daily life, it is evident that the successful exploration of space has reaped bonus benefits—ingenius applications in unexpected fields. I conclude that developing technology in a specific area has a mushrooming effect as it infuses itself directly and indirectly into the fabric of our civilization.

There is every reason to believe that the total impact of space exploration will provide benefits that exceed all expectation, as Americans continue to make use of what they already know. The multiple returns from the space investment are already astounding. Our continuing commitment to the space program insures substantial improvements in the future of the entire Nation.

I ask unanimous consent to have printed in the RECORD a release of the National Aeronautics and Space Administration.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

### Benefits From Space

If all goes according to schedule, Apollo 15 will be launched to the Moon July 26. As in the past three successful lunar landing missions, this expedition is expected to yield valuable and unique scientific information—knowledge about our Moon, Sun, and Earth and how man functions in strange environments.

The National Aeronautics and Space Administration, which manages these missions, has a broad responsibility, which includes developing the tools and techniques for expanding our knowledge of phenomena in the atmosphere and space.

NASA's research work in aeronautics and astronautics has revolutionized such fields as weather forecasting and communications and promises even more far-ranging development in monitoring the Earth's resources.

Other fields, medical technology in particular, have benefited from space-related investigations.

### AERONAUTICS

A joint study by the Department of Transportation and NASA gives top priority to the need for reducing aircraft noise and airport area congestion. NASA is currently working on quieter jet engines. The DOT-NASA study asks a reduction of at least ten decibels each ten years until aircraft noise is suppressed into community background noise.

NASA hopes to find a way to provide an effective air transportation system for travellers in smaller cities and less densely populated areas. A concept called the "dial-a-plan" system makes use of computerized routing and could work somewhat as a cross between an air charter taxi operation and a scheduled air shuttle.

The supercritical wing is a new airfoil shape that would allow aircraft of the future to travel farther on less fuel. Shaped almost the opposite from conventional wings, the supercritical wing has a relatively flat top and a rounded bottom to delay the rise in aerodynamic drag until the aircraft is flying at a higher speed.

Borrowing from Apollo technology, NASA will soon begin flight research to demonstrate that aircraft of the future can be flown by an electronic control system like that used in spacecraft.

General aviation manufacturers are usually small compared to other aerospace manufacturers and lack of the large engineering staffs needed to adapt new technology rapidly to their needs. Realizing this problem, NASA contracted for approximately 10,000 aeronautical documents to be organized, catalogued, and evaluated. Material pertinent to the design of light aircraft is presented in the form of abstracts.

### EARTH RESOURCES

NASA research continues to contribute to the increasingly important field of remote sensing of Earth resources. One of the objectives of a recently expanded Airborne Research Program is to simulate over four ecological test sites (one in Arizona, two in California, and the Chesapeake Bay area) as closely as possible the data output of the Earth Resources Technology Satellite (ERTS) scheduled for launch in 1972.

The program will provide government agencies and university scientists who will analyze data with experience in using aircraft-obtained data similar to that which will be obtained by ERTS.

A cooperative smog research program involving space scientists and California air pollution experts has begun. Flights will trace the photochemical production of pollution and their dispersion in the atmosphere. Participation by NASA in smog research is the result of specialized instrumentation and research techniques at the Ames Research Center, Mountain View, Calif., originally developed to explore the evolution of planetary atmospheres and for investigations into the origins of life.

With the Department of Agriculture, NASA is conducting a corn blight watch. Goals of the project are to monitor development and spread of corn blight during the growing season across the corn belt region; evaluate remote sensing techniques in assessing levels of infection in the corn belt; evaluate remote sensing's capability to assess the status and probable impact on corn blight and other plant problems; and evaluate results for feasibility of application to similar situations occurring in the future.

In the Caribbean, the government of Jamaica has asked the U.S. to assist in surveying the island's natural resources. A specially instrumented aircraft will make flights over the island and its surrounding waters at various altitudes to gather the data.

In another international development, Canada and the U.S. have agreed to a joint program for the use of satellites and aircraft in surveys of the natural environment.

The program will investigate remote sensing to monitor air, water, land, forest, and crop conditions, and the mapping of ice movements and ocean currents in Canadian and American waters. Mapping of geologic, hydrologic, vegetation, and soil phenomena will also be carried out.

Means for detecting and determining the size of oil slicks with air-borne sensing devices, and later, it appears, by satellite, have been developed. The sensors can detect and distinguish between heavy and light crude oils and light diesel oil.

### MEDICAL DEVELOPMENTS

Many dramatic developments in the medical field have had their origins in aerospace research.

A NASA scientist conducting basic research into the effects of space radiation on body cells has discovered intercellular linkages that may help in understanding the behavior of certain types of cancer. He was studying the effects of ionizing space radiations in interfering with normal cell division.

Doctors can watch a movie of the beating of a patient's diseased heart—identifying dead spots or scar tissue in the heart wall, aneurisms, and other malfunctions—with a computer method devised by a NASA-Stanford University team.

A small analog computer that can continuously monitor changes in a patient's blood pressure and cardiac output has been developed at NASA's Lewis Research Center, Cleveland.

Scientists from the Stanford University of Medicine and NASA have successfully used sonar to monitor a patient's heartbeat and blood circulation. The studies can be made by a trained person in the doctor's office or at bedside in a matter of minutes.

A brain sensor and radio transmitter system developed for space medical research with test pilots appears to allow major improvements in diagnosis and treatment of schizophrenic mental patients.

The computer used to enhance pictures radioed back from the Moon and Mars has been successfully used to analyze pictures of human chromosomes. Chromosomes in a human blood cell have been analyzed in three minutes, about one-tenth the time required previously.

A pressure suit made for test pilots saved the life of a young woman whose internal bleeding could not be stopped by established procedures.

### OTHER FIELDS

Early warnings from satellites are credited with saving thousands of lives and crops. ESSA has estimated that 50,000 people would have perished when Hurricane Camille hit the Gulf Coast in August 1969, if they had not been evacuated.

Techniques developed in the space program to separate chemical fuels in NASA boosters are now being adapted to separate oil from our natural waters to reduce pollution.

Work done in developing high performance in rocket engines has been adapted for use in reducing industrial pollution.

An entire industry has grown out of research and development in communications satellites. Progress in this field has reduced the cost of a single telephone channel across the ocean from $16,000 to about $600.

The computer industry, stimulated and accelerated by space research requirements, has grown to an $8 billion a year industry employing 800,000 people.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Brock). The Senator from Minnesota has 4 minutes remaining.

Mr. MONDALE. Mr. President, if the issue is cost, the space shuttle should be defeated unanimously today. The Academy of Sciences has stated:

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

An Air Force funded study by the prestigious Rand Corp. concludes that the shuttle could not be justified on grounds of cost. The only argument used to justify the shuttle on the basis of cost is the so-called Mathematica study which assumes that although in their peak year of 1969, NASA launched only 11,400 pounds in science and applications payloads and 370,000 pounds for four Apollo flights, that there will be 2,600,000 pounds of payload launched by the shuttle each year; based on that absurb estimate, Mathematica concludes that a shuttle becomes cost effective.

There is absolutely no basis for any such extravagant expectation. It conjures up the view expressed this morning by Dr. O'Leary that—

> One can imagine having a requirement of nearly empty shuttle flights—either that or having elephants as experimental animals in space, going back to the vacuum tube from the transistor, using lead for casings and last but not least having weekly manned extravaganzas with multiple linkups and global surveillances. Twenty tons per week is a lot of stuff.

The shuttle and statement will require an enormous, wasteful, and useless investment—the likes of which I have not seen in the nearly 7 years since I came to the Senate. It is this investment which will put the valid and necessary part of the space program in jeopardy.

When the American public realizes that we are trying to authorize a space shuttle and space station program that will cost $20 to $25 billion, they will begin to lose faith in the entire program—that part of the space program which is so vital and which we need in the United States.

I am pro-space, but I am not pro-space waste. This is a wasteful project that will cost us $20 to $25 billion at least, before we complete development of the shuttle and the space station.

I am very hopeful that the amendment will be agreed to.

## ORDER OF BUSINESS

Mr. CANNON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. Brock). One minute remains to each side before the vote on the amendment offered by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Maryland (Mr. Mathias) on House Joint Resolution 742.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

## CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year of 1972, and for other purposes.

The PRESIDING OFFICER (Mr. Brock). Under the previous order, the Senate will now vote on the Proxmire-Mathias amendment to House Joint Resolution 742.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from New York (Mr. Buckley). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Missouri (Mr. Eagleton), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Mississippi (Mr. Eastland).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris), and the Senator from Missouri (Mr. Eagleton) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Vermont (Mr. Prouty) is necessarily absent.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Ohio (Mr. Saxbe) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The pair of the Senator of New York (Mr. Buckley) has been previously announced.

The yeas and nays were announced—yeas 24, nays 63, as follows:

[No. 128 Leg.]

YEAS—24

Bayh
Byrd, W. Va.
Church
Cranston
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Javits
Kennedy
Mathias
Mondale
Moss
Muskie
Nelson
Proxmire
Randolph
Ribicoff
Roth
Stevenson
Tunney
Williams

NAYS—63

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
McIntyre
Miller
Montoya
Packwood
Pastore
Pearson
Pell
Percy
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Mansfield, for.

NOT VOTING—12

Bellmon
Brooke
Buckley
Eagleton
Eastland
Harris
Humphrey
McGovern
Metcalf
Mundt
Prouty
Saxbe

So Mr. Proxmire's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to vote on House Joint Resolution 742.

The joint resolution having been read the third time, the question is, Shall it pass? [Putting the question.]

So the joint resolution—House Joint Resolution 742—was passed.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER (Mr. Brock). Pursuant to the previous order the Senate will now proceed to vote on amendment No. 233 of the Senator from Minnesota (Mr. Mondale).

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CANNON. Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TAFT (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from New York (Mr. Buckley). If he were present and voting, he would vote "nay." Having previously voted "yea," I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris) and the Senator from South Dakota (Mr. McGovern) would vote "yea."

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Vermont (Mr. Prouty) is necessarily absent.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Ohio (Mr. Saxbe) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The pair of the Senator from New York (Mr. Buckley) has been previously announced.

The result was announced—yeas 22, nays 64, as follows:

[No. 129 Leg.]

YEAS—22

Bayh
Burdick
Byrd, W. Va.
Case
Church
Fulbright
Hart
Hughes
Javits
Kennedy
Mansfield
Miller
Mondale
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Williams

NAYS—64

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Byrd, Va.
Cannon
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Montoya
Moss
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Taft, for.

NOT VOTING—13

Bellmon
Brooke
Buckley
Eagleton
Eastland
Gravel
Harris
Humphrey
McGovern
Metcalf
Mundt
Prouty
Saxbe

So Mr. Mondale's amendment (No. 233) was rejected.

### AMENDMENT NO. 223

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 223, by the Senator from New York. The time allotted will be equally divided between the Senator from New York and the Senator from Nevada.

The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new section:

Sec. 9. (a) The Administrator of the National Aeronautics and Space Administration shall require that all materials or other products (1) purchased by the Government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such per centum as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Administrator of the National Aeronautics and Space Administration shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator of the Environmental Protection Agency pursuant to subsection (b) or (c) of this section.

(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Administrator of the National Aeronautics and Space Administration shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request that Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

(d) For the purpose of this section, the term "recycled material" means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods.

Mr. JAVITS. I yield myself 5 minutes.

Mr. CANNON. Mr. President, will the Senator yield me a half minute?

Mr. JAVITS. I yield.

Mr. CANNON. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the names of the Senator from Indiana (Mr. Bayh), the Senator from Illinois (Mr. Percy), and the Senator from California (Mr. Tunney) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that at the end of the amendment there be inserted subsection (e), reading as follows:

The provisions of this paragraph shall become effective four months after enactment of this act.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Brock). The Senator will state it.

Mr. JAVITS. Do I require unanimous consent for the modification?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. I send the modification to the desk.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

On page 3, after line 19, insert a new subsection (e):

(e) The provisions of this section shall become effective four months after enactment of this Act.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and the amendment is so modified.

Mr. JAVITS. Mr. President, for the information of the Senate, I have agreed with the chairman of the committee, with the gracious consent of the manager of the bill, that this matter will be subjected to hearing; and as soon as I am through presenting what I would like to present to the Senate, I expect to withdraw the amendment.

Before I do that, let me inform the Senate that this is a critically important question of recycling raw materials for all governmental procurement purposes in the United States. It has a tremendous bearing on the ecology, because many of our materials are waste materials, and it has a tremendous bearing upon the economy of our country.

It is well known that we are altogether too profligate in this country, and we simply have to learn the hard way that everything we have is usable and should and must be used, and, if feasible, reused.

Mr. President, it is in that interest that, together with 15 cosponsors—Senators Bayh, Hatfield, Humphrey, Kennedy, Mathias, McGovern, Moss, Pearson, Percy, Proxmire, Randolph, Taft, Tower, Tunney, Schweiker, and Weicker—I have introduced a series of bills which cover all the major Federal procurement areas, and I intend to propose amendments, as we go along, to those where new authorizations come up, as with respect to NASA.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CANNON. I am wondering whether the Senator is aware of the fact that we do have a Resources Recovery Act of 1970, which is Public Law 91–512. Under that act, studies are required by the Environmental Protection Agency to determine ways in which the Federal procurement process can be used appropriately to encourage the use of recycled material. EPA is in the process of conducting that study at the present time but has not completed this study.

Mr. JAVITS. I thank the Senator very much. We were well aware of that in our studies which led up to this bill. But our thought was, in view of the urgency of the problems I have named, to at least give the responsibility to EPA to establish definitively some proportion of recycled material, thereby leapfrogging the question of what they are going to report and when they are going to report, and to determine what, in particular procurement activities, can be recycled. So this is a definitive proposal. We are learning the hard way that studies, which are very desirable—and which I have had in many cases—should not be permitted to block, when we can find a feasible way to do it, essential and desirable reforms. I respectfully submit that this is an essential and desirable reform.

The main point is that the recycled materials which are called for in the various amendments I have introduced as bills deal with paper, rubber, steel, or any other metal, glass or material which has been used in the production of goods for commerce, including both consumer scrap originating from objects previously sold to the consuming public and production scrap originating from the production of goods sold to the consuming public, but excluding home scrap leftover in the production of the raw material itself.

The important point to be emphasized, and the thing I am trying very hard to zero us in on, is the economic essentiality as well as the ecological essentiality of embarking upon the recycling of materials in a major way, using Government procurement, which represents, in round figures, something in the area of 10 percent of our actual production and, when we add the States and cities, perhaps as much as 20 percent in this country, in order to inaugurate this really new aspect in American production life.

Mr. President, I talked with the chairman of the committee, the Senator from New Mexico (Mr. Anderson), who has advised me that the committee will give me a hearing on this matter, which I shall seek from other committees similarly situated, and I would greatly appreciate hearing from him in this respect.

Mr. ANDERSON. I assure the Senator that there will be hearings on this matter.

Mr. JAVITS. I thank the Senator very much.

I welcome the fact that Senator Cannon, who is very knowledgeable in this field and is very conscious of the need for and is quite sympathetic to recycling materials, probably will be the Senator who will be able to preside at that hearing.

Mr. CANNON. Mr. President, as manager of the NASA authorization bill for fiscal year 1972, I find myself in the very difficult position of arguing against the utilization of recycled material—a concept of which I and most others approve. However, I must oppose this amendment at this time. There have been no hearings on this matter; there is no experience to draw upon; NASA has not had an opportunity to analyze the effect of it upon its contracting procedures; there has been no administrative apparatus established by either NASA or the Environmental Protection Agency for processing the policy of the amendment; no information is available on the cost of putting the policy into effect, including the cost required to administer its provisions; and the result, in my opinion, would bring all contracting by NASA, which is carried out on a daily basis, to a screeching halt. I agree that the purpose of the amendment is a laudable one, but I believe that detailed hearings are necessary before implementing such legislation and it should be worked out so that the policy could be implemented on a Government-wide basis and not agency by agency.

Mr. President, the chairman of the committee has received a letter from NASA commenting on amendment No. 223, and I ask unanimous consent at this time that the letter be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CANNON. NASA recommends against the enactment of the proposed amendment at this time and also points out that the Environmental Protection Agency is now studying means by which the Federal procurement process can be used appropriately to encourage the use of recycled material. Inasmuch as these studies have not been completed, as well as for other reasons, EPA is recommending against the enactment of the proposed amendment at this time.

For the reasons I have outlined, I must oppose amendment No. 223 to H.R. 7109 and urge that it not be adopted.

Mr. President, the objective of this amendment certainly is very worthwhile. I support the objective of it, and I am sure that NASA does, as they point out in their letter. But there are some difficulties. We need to have the study made to which I referred a moment ago by EPA. They are in the process of conducting a study to see what materials can be recycled and used.

The distinguished chairman of our committee has assured the Senator from New York that we will hold hearings on the proposed amendment. I am sure that we all are anxious to find some method of recycling and reusing every possible scrap of material that can be recycled and reused. But, at the same time, in view of the fact that the study has not been concluded, regretfully, I would have to oppose the amendment.

### Exhibit 1

National Aeronautics and
Space Administration,
*Washington, D.C., June 25, 1971.*

Hon. Clinton P. Anderson,
*Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: This is in response to your request for NASA's views on Amendment No. 223 to H.R. 7109, the FY 1972 NASA Authorization Bill.

Amendment No. 223, if enacted, would add a new Section 9 to H.R. 7109 which would require that all materials or other products purchased by NASA or a NASA contractor for NASA with funds appropriated pursuant to the NASA Authorization Act, 1972, shall be composed of recycled materials in such percentum as determined by the Administrator of the Environmental Protection Agency (EPA) and thereafter specified in the procurement contract.

Under the amendment, the Administrator of EPA may determine the percentum of recycled materials required by general regulation or by individual order at the request of the Administrator of NASA based upon an estimate by the NASA Administrator of the nature and quantity of each product or material to be purchased or produced.

Recycled material is defined as virtually any material which has previously been used in the production of goods for commerce other than "home scrap."

NASA supports the objectives of encouraging the maximum appropriate use of recycled material. We note, for example, that the President, in his February 8, 1971, message to the Congress, recognized the need to reverse the decline of the reprocessing of paper, which accounts for about half of all municipal solid waste.

We understand that studies required by the Resources Recovery Act of 1970, P.L. 91–512, are now being conducted by the EPA to determine ways in which the federal procurement process can be used appropriately to encourage the use of recycled materials. We understand further that these studies have not been completed and that for this and other reasons, EPA is recommending against enactment of the proposed amendment.

In its present form, the proposed amendment would appear to cause significant delays in the NASA procurement process and a substantial administrative burden.

As you know, NASA is primarily a research and development agency and our procurements involve highly complex research and development activities. R&D contracting makes up a very significant part of our operations, accounting for more than two dollars out of every three in our budget. In filling the highly complex scientific, technical and other needs of the aerospace program, many of our requirements are pushing the state-of-the-art and often are for one of a kind. Production, as normally understood, is infrequently encountered in NASA. Thus, NASA's procurement operation is unique in that it is almost entirely oriented toward support of research and development efforts.

Accordingly, many items purchased by NASA would be of such a nature that they are not likely to appear on any list of generally purchased products with respect to which the Administrator of EPA could make blanket determinations by regulation under subsection (c) of the proposed amendment. Hence, a significant number of items could be purchased by NASA only after the Administrator of EPA had made individual determinations.

Assuming that the Administrator of NASA could present to the Administrator of EPA, as part of a request for a determination, meaningful estimates of the nature and quantity of each product or material to be purchased or produced—and as pointed out below this could be extremely difficult as a practical matter—the time consumed by NASA in making the estimates and preparing the request, and by EPA in arriving at a determination could easily amount to a delay of months in the procurement process. Because the amendment relates to *all* materials or products purchased, it appears that determinations would be required with respect to the myriad of components constituting the complex items purchased by NASA and its prime contractors and their subcontractors and vendors. If the provision were to be so interpreted, the time delays could be very considerable.

Moreover, in a research and development context, it may be extremely difficult to estimate the nature and quantity of each product of material *prior* to contract, as would be required by the amendment. Prior estimates are required because EPA's determination of the percentum of recycled material to be used is to be included in, and be a requirement of, the contract.

In view of the foregoing, and because NASA believes this is a matter which should be approached on a government-wide basis instead of piecemeal, NASA recommends against enactment of the proposed amendment.

The Office of Management and Budget has advised, that from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,
George M. Low,
(For *James C. Fletcher, Administrator*).

Mr. JAVITS. Mr. President, I would hope the hearings would disclose the capability of acting definitively on legislation in this field, rather than awaiting the study; because I think we can have the best evidence which would come out of the study in respect of each of these major procurement areas, as we would in NASA. I am content that there will be hearings, and that the matter will be considered, because I believe it deserves high national priority.

Therefore, Mr. President, I ask unanimous consent to withdraw the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. If no amendment is to be offered, the question is on agreeing to the committee amendment.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BENNETT. Mr. President, I have listened with considerable interest to the debate that has taken place during the past few days over the fiscal authorization for the National Aeronautics and Space Administration. There are two main points to this discussion which have been mentioned before, and I believe they are important enough to be brought before the Senate again.

The first is that the continuation of the space program is essential to this country's continued technological development. Second, the type of program being developed by NASA would provide for the greatest utilization of the funds we authorize.

In a recent editorial appearing in the Salt Lake Tribune, the point was dramatically made that many of the same men who were able to put Americans on the moon are now unable to find employment or have been forced to find employment in the type of positions that do not fully utilize the highly technical training and skills they have acquired. This is a direct result of the efforts of those men who are opposed to the continued development of the technologically oriented industries in this country. Regardless of the motives behind such an action, the result is the same. We are literally cutting off our technological right arm. Those who continually oppose these projects, those who say the projects of NASA are too far removed from the people, those who say that the funds could be put to better use in other areas, are ignoring the fact that this country has been able to achieve what it has only because it has been a leader in developing new and revolutionary technology. Policies of reducing technological programs will discourage the entry into scientific and technological fields of a new generation. Already the number of college students entering the sciences has decreased markedly. We face the distinct possibility that this country will soon be confronted by a situation of not having the necessary technical capability to meet world competition. We could easily become dependent on the advances and discoveries made by other countries, as seems to be the case with the SST.

Mr. President, let me also say that while I cannot agree with those who would cripple our space effort by reducing the funds to an unworkable level, I can agree with them that during a time when we are confronted by increasing demands for funds we should develop those programs that will provide the greatest possible utilization of available money. After reviewing the situation very carefully, I believe the space shuttle is just such a program. It is based on the concept that a reusable system will make it possible to reduce the payload launch costs from the current $1,000 per pound to $100 per pound. With the space shuttle system it will be possible to reduce the overall cost currently incurred by the present expendable system by nearly one-half. Adapting the shuttle concept would mean that the costs of space launches would be reduced from $13 billion to $5.5 billion, and it would further reduce the payload costs from $40 billion to $26 billion.

Overall, the space shuttle can be developed for approximately $12.8 billion, most of which can be reclaimed through the savings which will result from greater utilization of the existing satellites and the components of the space shuttle. No longer will it be necessary to write off as lost those unmanned satellites which fail to function correctly. Through the use of the space shuttle, it will be possible to retrieve them, repair, and then return them to useful service.

It should also be mentioned that the space shuttle will not be used exclusively for NASA, but rather will become a launching pad for all of this Nation's payloads—science, applications, navigation, communications, earth resources, manned, unmanned, civilian and military.

There are numerous other advantages to the program, but I believe the Senate has been given ample evidence that the continued development of the space shuttle system will result in a substantial savings for the country as it continues its space exploration. Perhaps it would be wise for us to take a look at some of the benefits which have resulted from the space program. No longer do we read in the United States of thousands and thousands being killed in natural disasters resulting from hurricanes or other killer storms. This is due in large part to the ability of the Weather Bureau to track the path of the storm and forewarn the residents of oncoming danger. Meteorological satellites have made this type of accurate weather forecasting possible. The type of coordinated weather predictions that can result from a series of these satellites can, and I am certain will, result in millions and millions of dollars and an untold number of lives saved.

Transatlantic communications have undergone the same type of development, making it possible for people the world over to communicate not only through increasingly effective channels but also with considerably reduced rates. The benefits that result from this type of communication are self-evident.

The list of spin-off developments goes on and on. It includes accurate studies of our environment and what can be done to improve it. It includes the development of computers, food production, and an increasingly detailed understanding of our bodies and what can be done to maintain our health and well-being.

So, Mr. President, after considering all the arguments on both sides of this important question, I believe it is in the best interests of this country to accept the challenge held out by space exploration.

My feelings can best be summed up in a short quotation from Arthur C. Clarke when he said:

> There was plenty to do in Europe when Columbus left it to embark on a voyage which most people considered foolish . . .

Mrs. SMITH. Mr. President, in 1969 I initiated an investigation of the use of consultants by the National Aeronautics and Space Administration. I did so because of allegations of disturbing abuses in this activity of NASA. At my request the Comptroller General of the United States through his General Accounting

Office made an investigation of this matter.

That investigation revealed serious flaws, failures and malpractices in the management of the consultant process by NASA and it led to the Senate Space Committee, at my request, cutting the authorization of funds for NASA consultants in half of the prior aggregate annual expenditure for NASA consultants.

There was the propensity to employ many consultants in general management areas wherein NASA has the employment, salary, and staffing flexibility to do the job with its people. There were cases in which consultant services were not justified, and had the appearance of being used as a device to accommodate the individual—a sort of intellectual subsidy—rather than provide real benefit to the agency. There was the administrative failure to maintain control over the actual performance of consultant services and the incurring of travel expense.

The GAO investigation found that: First, in its employment of consultants NASA had not complied with applicable Civil Service Commission and NASA regulations; second, the procedures for controlling the use of consultants were not fully adequate to preclude payments for unauthorized consultant services and travel expenses; third, instances of improper continuation of employment of consultants by NASA; fourth, an almost total lack of meaningful records as to what specific work was done by individual consultants; fifth, even the sparse time and attendance records were prepared after-the-fact and from the memory of the consultants rather than any knowledgeable regular NASA officials; and sixth, providing, in effect, an educational subsidy in the retention of a former full-time employee as a part-time per diem expert while attending graduate theological study with mutual understanding that he would return to a full-time position upon completion of his graduate theological studies.

In a letter of May 17, 1971, the new Administrator of NASA, Dr. Fletcher, reported on corrective measures being taken in the NASA consultant programs. As in the case of the NASA executive lunch room, Dr. Fletcher is moving to correct conditions that he inherited from his predecessors. I commend him on his actions and consequently I am not this year offering any restraining amendments to the NASA authorization bill.

**The PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

**Mr. BYRD of West Virginia.** I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. ERVIN) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

**Mr. GRIFFIN.** I announce that the Senator from Cklahoma (Mr. BELLMON) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Vermont (Mr. PROUTY) is necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 82, nays 5, as follows:

[No. 130 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Fulbright
Mansfield
Nelson
Pell
Taft

NOT VOTING—13

Bellmon
Brooke
Buckley
Eagleton
Eastland
Ervin
Gravel
Harris
Humphrey
McGovern
Metcalf
Mundt
Prouty

So the bill (H.R. 7109) was passed.

**Mr. CANNON.** Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. SYMINGTON, Mr. CANNON, Mr. CURTIS, and Mrs. SMITH conferees on the part of the Senate.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 351) providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes.

And the enrolled bill was subsequently signed by the President pro tempore.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 235, H.R. 9271.

**The PRESIDING OFFICER.** The bill will be stated by title.

**The ASSISTANT LEGISLATIVE CLERK.** A bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971, and for other purposes.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

**Mr. MANSFIELD.** Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

### ORDER OF BUSINESS

**Mr. GRIFFIN.** Mr. President, I rise for the purpose of asking the distinguished majority leader if he can give the Senate any advice on the schedule for the remainder of the day and week.

**Mr. MANSFIELD.** Yes, indeed. I am delighted that the distinguished acting minority leader has raised that question at this time. I have cleared this matter with him and other interested parties, and at this time I would like to make the following unanimous-consent request covering the pending bill.

### UNANIMOUS-CONSENT AGREEMENT

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that there be a limitation of time of 30 minutes on the pending bill, and 20 minutes on each amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

Will the Senator specify as to who is to have control of the time on the pending business?

**Mr. MANSFIELD.** The manager of the

bill and the sponsors of amendments, to be equally divided, and on the 30 minutes we will let the manager of the bill and the acting minority leader, or whomever he may designate, decided who will do it.

## PROGRAM FOR TOMORROW

**Mr. MANSFIELD.** After we complete action on the pending bill, the Treasury-Postal Service appropriation bill and have the rollcall vote, there will be no further business tonight. Tomorrow we will take up unobjected-to items on the calendar, various nominations, and if the educational conference report is ready, that will be considered tomorrow, as well.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M.

**Mr. MANSFIELD.** Mr. President, I ask for unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## PROGRAM CONTINUED

**Mr. MANSFIELD.** Mr. President, tomorrow several Senators will have speeches prior to the beginning of the morning business. Then, under present plans, if all of these matters are out of the way—and on the education conference report we have to wait for the House to act—we will adjourn at the conclusion of business tomorrow until Tuesday, July 6.

## PROPOSED CONSIDERATION OF PRESIDENTIAL VETO OF S. 575—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

**Mr. MANSFIELD.** I wish to announce, after speaking with the chairman of the Committee on Public Works that this committee intends to meet on Thursday, July 8, 1971, to consider the Presidential veto of S. 575, at which time a decision will be made. If the decision is to override the veto it is my understanding action will not be taken until the week following.

**Mr. GRIFFIN.** If the decision is to override?

**Mr. MANSFIELD.** Yes; and if it is not, that is it.

## SENATOR RANDOLPH BELIEVES PRESIDENTIAL VETO OF S. 575 IS UNFORTUNATE

**Mr. RANDOLPH.** Mr. President, the Presidential veto of S. 575 is, I believe, a serious error of judgment. I, of course, recognize the sincerity of purpose of the Chief Executive.

The President's veto is a blow to millions of Americans who are today suffering the hardships of unemployment. It demonstrates the continuing lack of understanding by the administration of the serious plight of the American economy in which prices and unemployment are steadily increasing.

This bill, carefully developed by the Senate and House of Representatives, was intended to help communities strengthen their economic bases and to mount a direct, immediate attack on the high unemployment that plagues our Nation.

It displayed the determination of the Congress to act affirmatively while the administration assures us that the situation is not as bad as it seems and relies on rhetoric as an answer to the economic sluggishness and deprivations created by unemployment.

The President's veto is based on the inclusion in S. 575 of provisions to reinstitute a public works acceleration program. Public works acceleration is not a new concept. It was adopted in 1962 and proved to be an effective tool in placing tens of thousands of people to work on worthwhile public investment projects. The impact of the 1962 act was broadened by the fact that 1.4 offsite jobs were created by every onsite job resulting from this program. It worked then and it can work again.

The United States is faced with serious economic problems. The unemployment rate has grown rapidly, from 3.5 percent in 1969 to 6.2 percent in May 1971. Among construction workers, those who would be most immediately helped by public works acceleration, the unemployment level stood at 11.2 percent last month. Early this year, one of every four common laborers was without work.

In the second quarter of this year, the gross national product increased by only half as much as expected and was one-third lower than the first-quarter growth.

With our economy operating at only three-fourths of capacity, there is plenty of slack to be taken up. We would not fuel the flames of inflation by a vigorous public works program.

Further attention is focused on the seriousness of our problems by the fact that more people are unemployed for increasingly longer periods. The number of people without jobs for 27 or more weeks grew to 580,000 in May, the highest level in 8 years.

All of this means severe hardships on our men, women, and children. The economic slowdown also is costly to governments as they try to stimulate the economy and aid the people affected by unemployment. The recession this year will cost the Federal Government $30 billion in lost revenues, and hard-pressed local governments will be deprived of $6 billion.

While I am distressed by the veto and the viewpoint it implies, it is gratifying to observe that President Nixon recognizes the validity and effectiveness of the Appalachian Regional Development Act and the Public Works and Economic Development Act, both of which are continued in S. 575.

Their important contributions to developing a sound economy on a long-term basis should, however, be buttressed by the immediate benefits of the public works acceleration program.

## EDUCATION CONFERENCE REPORT

**Mr. GRIFFIN.** Mr. President, is it determined whether or not there will be a rollcall vote on the education conference report?

**Mr. MANSFIELD.** Would the Senator from New Hampshire, the ranking Republican member of the committee, answer?

**Mr. COTTON.** Mr. President, I know of only one item on which there may be a dispute and as to which the Senator from New York and the Senator from Illinois may possibly raise some questions.

I may say to the Senator from New York that a question has been raised as to the possibility of a rollcall during the consideration of the conference report.

**Mr. JAVITS.** Mr. President, I have no idea as to what it will contain, so I really cannot give an answer.

**Mr. MANSFIELD.** Furthermore, Mr. President, we are not at all sure it will be ready. We hope it will be, but the House has to act first.

That is about it.

## COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that on tomorrow all committees may meet during the session of the Senate.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

**The PRESIDING OFFICER.** Who yields time?

**Mr. MONTOYA.** Mr. President, I yield myself such time as I may require.

H.R. 9271, the Treasury, Postal Service, and general Government appropriation bill for fiscal year 1972, which is now before the Senate, recommends appropriations in the amounts of $4,740,702,690, which is $826,756,210 under the appropriations for fiscal year 1971, $68,513,310 under the budget estimates for fiscal year 1972, as amended, and $253,026,500 over the bill as it passed the House of Representatives in the amount of $4,487,676,190.

Not included in the above sums are those permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 31 of the committee report, which is before you. Members will note that the largest item is the $21,150,000,000 for interest on the public debt. This is an increase of $350 million over the fiscal year 1971 level.

Mr. President, I have a few matters to take up by way of technical corrections, and I ask unanimous consent at this time that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, there are at least two amendments which should be discussed, one having to do with the post office at Mobile and the other having to do with the Federal office building in Oxford, Miss. As to the Mobile Post Office building, appearing on page 20, line 13, that item is stricken, and an item for a courthouse and Federal office building at Fayetteville, Ark., is added. The Senator from Alabama understands that that would constitute one amendment. Is that correct?

Mr. MONTOYA. That would constitute two amendments.

Mr. ALLEN. Then, as to the post office at Oxford, Miss., on lines 19 and 20 on page 20, that item is stricken, and the post office at Elkins, W. Va., appearing on page 21, lines 7 and 8 was added. That would constitute one amendment also?

Mr. MONTOYA. The amendment is already in the bill.

Mr. ALLEN. Yes, I understand. So there would have to be a separate vote on each amendment.

Mr. MONTOYA. The purpose for which I am asking unanimous consent is to have the bill as it is presently constituted with amendments to be considered as original text.

Mr. ALLEN. Yes, but the point is that if no agreement is made at that point, if unanimous consent is not given, then it will be necessary for the manager of the bill to seek to amend the original text, rather than put that burden on those who want to stand on the original text.

So as to those items, those two amendments, the junior Senator from Alabama would like to ask that they be considered separately if, in fact, they do constitute two separate amendments.

Mr. MONTOYA. Without any implication that they should be included as a result of this action?

Mr. ALLEN. Then it would take separate amendments to eliminate them from the bill, but before agreeing to the approval of the rest of the amendments en bloc, the junior Senator from Alabama would like to point out to the distinguished Senator from New Mexico that in eliminating the item in Mobile and the item in Oxford, Miss., the overall amount covered by the bill was placed at a lower figure than it would be if the conference committee in its wisdom saw fit to insert the items for Mobile and Oxford back into the bill.

Mr. MONTOYA. May I inform the Senator from Alabama that if this unanimous-consent request is agreed to, then I shall offer a technical amendment to increase the overall appropriations for construction, so that in the event the conference decided to reinstate the building construction money to which the Senator refers, we would have ample room in conference to do so.

Mr. ALLEN. That would make that overall figure——

Mr. MONTOYA. I intend to offer an amendment to increase the construction, public buildings projects figure to $200,440,000 from $188,853,000.

Mr. ALLEN. Very well. That would include both the two items added by the committee and the two items deleted by the committee, if they are added to the bill in conference?

Mr. MONTOYA. That is correct.

Mr. ALLEN. At this time I would like to withdraw objection to the approval of all amendments en bloc with the exception of these two items. I am not saying that I would insist on a separate vote, but I think there should be some colloquy with respect to those amendments; to approve all of the amendments en bloc except the two specifically referred to, one as to Mobile, which was eliminated, and the Arkansas building, which was added, and then the Oxford, Miss., building, which was deleted, and the West Virginia building, which was added.

Mr. MONTOYA. I have no choice in the matter.

The PRESIDING OFFICER. Does the Senator modify his request as suggested by the Senator from Alabama?

Mr. ALLEN. Mr. President, I agree that all amendments may be approved en bloc except the ones dealing with Mobile and Oxford, Miss.

Mr. MONTOYA. Mr. President, may I prevail upon my good friend from Alabama to consider the possibility of a colloquy which will serve the same purpose, and that we proceed to the adoption of the amendments, or their consideration en bloc, at this time?

I think it will facilitate the parliamentary situation here if the Senator will not object to my request.

Mr. ALLEN. That would require the junior Senator from Alabama to put in an amendment to restore the House language.

Mr. MONTOYA. Is it the intention of the Senator to resist the adoption of the committee amendments?

Mr. ALLEN. To use them as a vehicle to discuss the matter, as I stated.

Mr. MONTOYA. Mr. President, I withdraw my request for unanimous consent at this time, and I shall now proceed with my statement.

Mr. ALLEN. Very well.

Mr. MONTOYA. Before proceeding to an explanation of the bill, I would like to call to the attention of the Senate that the present bill carries eight new appropriation items not previously carried in this bill. As a result of a realignment of subcommittee functions early this year, various agencies and activities were transferred to the Subcommittee on Treasury, Postal Service, and General Government—principally from the Independent Offices Subcommittee as it was constituted last session. These new items are:

Civil Service Commission;

Commission on Government Procurement;

General Services Administration;

Civil Defense;

Emergency Health;

Office of Emergency Preparedness;

Office of Telecommunications Policy; and finally a new activity, contained in House Document No. 92–133, the newly created Special Action Office for Drug Abuse Prevention, which was not considered by the House of Representatives. This Office has been created by Executive Order No. 11599 issued June 17, 1971.

The report is before each Member, and beginning on page 33 is a tabulation which gives a complete comparison for each item in the bill. I shall confine my remarks today to the significant changes which have been recommended by the committee, and I shall be happy to answer any questions any Member may have at any time.

Under title I of the bill, recommendations for the Treasury Department total $1,561,080,000. This is $37,590,000 above the House-passed bill, $222,421,000 over the fiscal year 1971 appropriation, but $33,339,000 under the budget estimates for fiscal year 1972. The largest increase under this title applies to the Internal Revenue Service, where the committee recommends $797,500,000 for compliance activities, an increase of $17,500,000 over the House, $7,500,000 of this increase, and 541 positions, are recommended to permit the Internal Revenue Service to launch a systematic drive in cooperation with other Federal, State, and local law enforcement agencies, against distributors and financiers involved in narcotics traffic, and is a part of the total effort of the Federal Government in the area of drug abuse prevention.

For the Bureau of Customs, the committee recommends an appropriation of $189,000,000, an increase of $15 million over the House allowance. House Document No. 92–133 requested an additional $18 million for the Bureau of Customs, to provide funds for 1,000 new positions, additional vehicles, aircraft, and vessels, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs. After full consideration, the committee recommends the appropriation of an additional $15 million for these purposes, a reduction of $3 million in the estimate. In applying this reduction, it was the intent of the committee that priority be given to filling the additional 1,000 positions requested in the revised budget estimate and, as stated in the report, if additional funds are required for equipment later in the year, a supplemental estimate will be considered.

In addition, the committee has restored $1.5 million deleted by the House for site acquisition for a new Denver Mint, and has added $3.2 million to cover the costs of merging the Bureau of Public Debt offices at Chicago and Parkersburg, W. Va., at Parkersburg. This consolidation will greatly facilitate service to bond holders and will result in ultimate savings in administration.

For the U.S. Postal Service—title II of the bill—the committee recommends an appropriation of $1,433,922,000 for payment to the Postal Service fund.

The President's January budget contained an estimate of $1,471,722,000 for payment to the Postal Service fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONTOYA. Will the Senator from Delaware yield me 5 minutes of his time?

Mr. BOGGS. I am happy to yield.

Mr. MONTOYA. The amount recommended is the adjusted and revised sum from the President's original request. This is the result of a refinement in the estimate after submission of the President's budget which accounts for $20.2 million of the reduction; $14 million of the reduction results from congressional reduction of $140.9 million in the fiscal year 1971 supplemental; for example, 10 percent of the $140.9 million supplemental cut equals $14 million. In addition, a reduction of $3.6 million was made for controlled circulation publications to make this comparable to the President's recommendation.

Under title III—Executive Office of the President—a total appropriation of $140,907,000 is recommended. This is $3,912,000 over the prior year's appropriation, $3,500,000 over the House allowance, but $578,000 under the budget estimates.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends the $3 million requested in House Document No. 92–133, referred to earlier. The Office will supervise and direct drug abuse programs now scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects.

The committee also recommends an appropriation of $19,500,000 for the Office of Management and Budget, this is an increase of $500,000 over the House-passed bill, $4,600,000 over the fiscal year 1971 appropriation, but a decrease of $292,000 in the amount requested. In the committee's view, these funds are necessary to permit the employment of additional personnel required.

Under title IV—General Government—a total appropriation of $1,604,406,500 is recommended. This is $106,329,600 over the prior year's appropriation, $4,463,500 under the House allowance and $2,816,500 over the budget estimates.

Included under this title are most of the new items added to the bill which I mentioned in my opening remarks.

The most significant items are the Civil Service Commission for which a total of $620,830,000 is recommended. In regard to General Services Administration the committee recommends a total appropriation of $874,907,500. This amount is $3,752,500 over the 1972 estimate; $4,463,500 under the House; and $79,789,200 over 1971. For construction, the projects provided for in the amount recommended in the accompanying bill are listed by line item in the bill.

For sites and expenses, public buildings projects, the committee recommends $17,749,500 to cover the cost of acquiring sites and for inspection and maintenance of projects.

The committee concurred with the House in adding a new title to the bill. Title V was added to cover payment of claims settled and determined in accord with the Fisherman's Protective Act of 1967 for amounts paid to the Government of Ecuador and certified to the Secretary of the Treasury by the Secretary of State. The amount involved is $837,190, the amount allowed by the House.

Mr. President, under title VI—General Provisions, the House added to section 608 language which appears on page 37 of the bill before you. Subsection (b), added by the House and agreed to by the Senate Appropriations Committee, is with respect to communication between employees in the U.S. Postal Service and Members of Congress, and certain prescribed matters of adequately assuring this privilege. It reads as follows:

> (b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—
>
> (1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or
>
> (2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

That briefly, Mr. President, is the sum and substance of the bill before the Senate.

Mr. BOGGS. Mr. President, first I would like to commend the subcommittee chairman, Senator MONTOYA, for his excellent leadership on this bill. He has been both patient and persistent in the development of the bill.

The proposal which has cleared the Appropriations Committee represents, I believe, is a realistic funding budget for the agencies involved for fiscal year 1972.

The total funds provided for are $4,740,720,690. This figure is $68,513,310 under the budget estimates for the bill.

There are two particular areas in the bill on which I would like to comment.

The first is the action taken on the President's campaign to control the use of drugs. This bill supports that vitally important program to the extent of $25,640,000.

It would appropriate a total of $15 million additional to the Bureau of Customs. This money will allow the Bureau to create 1,000 additional positions to help shut off the flow of dangerous drugs across our borders.

The bill also provides $7.5 million for the Internal Revenue Service for its part in the drug-control program. This money will allow creation of 541 positions to enable the Service to cooperate with Federal, State, and local law-enforcement agencies in cracking down on drug-related violations of the Internal Revenue Code.

There also is $3 million in this bill to aid the establishment of the Special Action Office for Drug Abuse Prevention in the White House, and another $140,000 to allow the Secretary of the Treasury to coordinate the drug-related programs under his direction.

Another section of this bill which is of interest to most of us is the section appropriating funds for the U.S. Postal Service. The bill calls for appropriations of $1,433,922,000.

Although the bill does not spell out the categories in which this money will be spent, the Congress is obligated to support the Postal Service in three areas.

First, the Postal Reorganization Act, passed by the 91st Congress, provided for appropriations each year of 10 percent of the former Post Office Department's fiscal year 1971 budget. This appropriation is intended to cover the costs of the public service aspects of the Postal Service.

Second, there is a figure of $56,322,000, which represents workmen's compensation payments incurred before the creation of the Postal Service. This budget takes that figure into account.

And finally, the Postal Reorganization Act calls upon the Congress to provide so-called "revenue foregone" funds to the Postal Service. This money is intended to allow higher postal rates to be phased in over a period of 5 years rather than be imposed on mailers in their entirety immediately.

The Postal Reorganization Act, as we all know, relieves the Congress of the obligation of postal ratemaking. This job was placed with an independent rate commission established by the act.

The administration has sought a total of $1,433,922,000 to cover all these costs. This figure, combined with postal revenues, should provide the Postal Service with an estimated $10.2 billion it needs to operate during fiscal year 1972. By way of comparison, the Congress in fiscal year 1971 provided subsidies of $2,593,728,000 to a total postal budget of $9.2 billion.

The other body saw fit to reduce this request to $1,217,522,000 without specifying where the cuts should be administered. Our committee, I believe, felt the passage of the Postal Reorganization Act carried with it a commitment for funding equal to the budget estimates and it, therefore, acted to restore the reduction.

The committee has not spelled out the division of these funds between "public service costs" and "revenue foregone" because it believes to do so would be to engage in a form of ratemaking. In other words, if the Congress spelled out how much money should be spent to aid the phasein of mail rates it would, in effect, be giving direction as to what these rates should be.

That was not the intent of the Reorganization Act, and I do not believe it should be our intent here today.

In summary, I believe this bill will allow the Postal Service the opportunity to function as was intended and, hopefully, to improve its operation.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. BOGGS. I yield.

Mr. MONTOYA. Mr. President, I commend the distinguished Senator from Delaware, who attended all the hearings we had on this bill. He was very diligent in his questioning of the witnesses, and he contributed greatly to the deliberations and the consideration of the respective budget requests represented by this bill.

Mr. President, I should like to renew my unanimous-consent request at this point.

Mr. RANDOLPH. Mr. President, will the Senator permit me to make a 1-minute statement, if there is time?

Mr. BOGGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 9 minutes remaining.

Mr. BOGGS. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. I will be glad to wait until the unanimous-consent request is acted upon.

The PRESIDING OFFICER. The Senator from New Mexico has asked unanimous consent that the committee amendments be agreed to en bloc.

Mr. MATHIAS. Mr. President, reserving the right to object, will it be in order to offer amendments to the bill at such time as the Chair may rule on the unanimous-consent request?

The PRESIDING OFFICER. Yes; amendments will be in order.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, at the end of line 8, strike out "$11,300,000" and insert in lieu thereof "$11,640,000";

On page 3, in line 9, strike out "two hundred and three" and insert in lieu thereof "three hundred and fifty-three";

In line 11, strike out "one hundred and ninety-three" and insert in lieu thereof "three hundred and forty-three";

In line 19, strike out "$174,000,000" and insert in lieu thereof "$189,000,000";

On page 4, after line 6, insert the following new language:

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963, as amended (31 U.S.C. 291-249), $1,500,000, to remain available until expended.

In line 15, strike out "$75,990,000" and insert in lieu thereof "$79,240,000";

On page 5, in line 11, strike out "forty-nine" and insert in lieu thereof "ninety-nine";

In line 16, after "vehicles;" strike out "and";

In line 18, strike out "$780,000,000" and insert in lieu thereof "$797,500,000";

On page 6, in line 21, strike out "$1,217,522,000" and insert in lieu thereof "$1,433,922,000";

On page 11, in line 2, strike out "$19,000,000" and insert in lieu thereof "$19,500,000";

On page 13, after line 5, insert the following new language:

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

SALARIES AND EXPENSES

For necessary expenses of the Special Action Office for Drug Abuse Prevention, including grants and contracts for drug abuse prevention and treatment programs, $3,000,000 to remain available until expended: *Provided*, That this appropriation shall be available to reimburse the appropriation for "Special Projects", for expenditures made for the purposes of this appropriation: *Provided further*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

On page 20, in line 4, strike out "$195,919,000" and insert in lieu thereof "$188,853,000";

At the beginning of line 13, strike out "Federal office building, Mobile, Alabama, $8,339,000";

At the beginning of line 14, insert the following new language: "Courthouse and Federal office building, Fayetteville, Arkansas $2,067,000";

Beginning at line 21, strike out "Post office, courthouse, and Federal office building, Oxford, Mississippi, $3,248,000";

On page 21, beginning at line 7, insert "Post office, courthouse, and Federal office building, Elkins, West Virginia, $2,454,000";

At the end of line 18, strike out "project" and insert "projects";

In line 23, strike out "$15,050,000" and insert in lieu thereof "$17,749,500";

In line 24, after "expended", strike out the period and insert the following new language: ": *Provided*, The $4,209,000 appropriated under the heading 'Sites and Expenses, Public Buildings Projects', in the Second Supplemental Appropriation Act, 1971, Public Law 92-18, shall also remain available until expended."; and

On page 22, in line 15, strike out "$2,780,000" and insert in lieu thereof "$2,683,000".

Mr. MONTOYA. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, line 4, strike out $188,853,000 and insert in lieu thereof: $200,440,000.

Mr. MONTOYA. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from New Mexico, the manager of the bill, for yielding time to me.

I appreciate his offering this amendment. It is a technical amendment, but it does make possible action by the conference committee in restoring the appropriation for the Mobile, Ala., post office and for the post office at Oxford, Miss., if, in the wisdom of the conference committee, it does decide that these two projects should be reinstated.

Mr. President, the Mobile post office was authorized by act of Congress almost 10 years ago, and we have been waiting patiently—have been standing in line patiently—seeking to get an actual appropriation for the construction of this post office building which is much needed in Alabama's port city.

At this point, I ask unanimous consent to have printed in the Record a statement by Representative Jack Edwards, the able and distinguished Representative from the Mobile district, with respect to the need of Mobile for the post office.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT ON NEW FEDERAL BUILDING FOR MOBILE

(By Congressman Jack Edwards)

I have struggled with the problem of constructing a new federal building in Mobile for several years. The need for a new facility is clear, but the challenging issue has been where to locate it.

Some have argued that it should be located downtown on the old post office site. They maintain that this would give the sagging downtown economy a lift.

Others have argued that it should be located at the present site of the Corps of Engineers. They say many of the Corps employees reside in that area and they don't want to drive downtown and be confronted with the problem of having to find a place to park.

Still others have argued that we don't really need a new federal building at all. But I believe that all evidence points to the fact that we do need a new federal building. Mobile has some 17 federal agencies, located all over town, which are paying $195,000 rent every year. Obviously, this is inefficient, expensive, and difficult to maintain.

One of the prime considerations for building a new federal building has been the fact that the present Corps of Engineers facility, located between Government Street and Airport Boulevard, consists of World War II temporary barracks which are now obsolete.

The circumstances surrounding the unfortunate closing of Brookley Field must not happen to the Corps of Engineers. Brookley Field was closed because during the 1950's and 1960's, new and permanent buildings were not constructed to the same extent as at other Air Material Bases. When consolidation of the bases occurred, those with the most extensive permanent facilities were retained. I don't want to see the Corps of Engineers in Mobile displaced in this fashion. The Corps must have a permanent home.

Over the last five or six years, a number of federal buildings have been authorized throughout the nation, but very few have received the necessary funds for construction. This year, President Nixon proposed that about 45 of these buildings be constructed under an arrangement whereby the Government would take bids on the building and lease it from the successful bidder for 20 years. This proposal, while providing a way to acquire the buildings, is admittedly more expensive. The Mobile Federal Building was the only one to be considered on this list from Alabama. This lease proposal necessitated special Congressional approval and the required legislation is now pending in Congress. It may be some time before the Bill is approved.

Essentially, the proposal calls for the new Mobile Federal Building to be constructed at the downtown location at a cost of approximately $10 million. The plans specify a nine-story building with an attached multi-story parking garage with a 260-car capacity.

I have been extremely concerned about the price of constructing such a facility and, obviously, I have given careful consideration to the ultimate location. I have looked carefully at the proposed occupancy and it is really apparent that about 85 percent of the new building will be occupied by the Corps of Engineers. In other words, it is basically a Corps building.

The federal government owns three-quarters of the block downtown which adjoins the present federal building. It also owns 10.67 acres at the present Corps site.

Recently, I requested the General Services Administration to send a team of experts to Mobile to restudy the pros and cons of both locations. The GSA team identified the south half of the Corps of Engineers' site, located at the northwest corner of Government Street and Westwood Street, as an excellent potential location for the building. Placement of the building on this portion of the 10.67 acre site would not require demolition of the principal temporary buildings now occupied by the Corps of Engineers until the new building is constructed and ready for occupancy.

Construction of the new building at the Corps of Engineers' site would eliminate the necessity for constructing a three-level parking facility as previously contemplated for the downtown site. The construction of ground level paved areas in lieu of the parking structure would be considerably cheaper. Preliminary studies indicate that the nine-story structure, which has been previously designed for the downtown site, can be readily adapted to the Corps of Engineers' site. However, further studies will be required to determine what engineering changes will be necessary in the foundation design and other features.

If the building is built on the Corps site with its beautiful trees and park-like atmosphere, I believe the employees will be much happier and the people of the Mobile area will be better served. This will also enable GSA to release the downtown site for other potential development.

It is my thought that the present federal building would become basically a Federal Courts Building and the new facility would become the Federal Office Building.

Considering all these factors, including a savings which may be in the order of $1 million, the well being and happiness of many fine federal employees, and the availability of a substantial portion of a downtown city block for development, I have recommended to GSA that the new federal building be located at the site presently occupied by the Corps of Engineers. Administrator Robert L. Kunzig of the General Service Administration has assured me that my recommendation will receive careful consideration and review at the highest levels.

I know there will be a mixed reaction to this decision. But, whatever the reaction, I am prepared to accept full responsibility for the recommendation. I believe it is the right decision.

Having reached the conclusion that the new Federal Building is very necessary, and in fact is long overdue, that substantial money can be saved by building on the Corps of Engineers property, that there may be a delay of at least another year if we wait on the lease approach to materialize, the House Appropriations Committee has today, at my request, included an item for $8,339,000 to fund the construction of the new federal building. Assuming the Bill passes the House and Senate and is signed by the President, construction could start in January, 1972.

Mr. ALLEN. Mr. President, as things now stand, the Fayetteville, Ark., building has been added and the Elkins, W. Va., building has been added, but the post office building in Mobile and the one in Oxford, Miss., have been deleted. But the conference committee will have the power and authority to return those two buildings to the bill.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MONTOYA. In view of the interest expressed by the distinguished Senator from Alabama and the distinguished senior Senator from Alabama (Mr. SPARKMAN), and in view of the interest expressed by the distinguished Senators from Mississippi (Mr. STENNIS and Mr. EASTLAND), I can assure the Senator from Alabama that I will take a second look at this omission in conference, and I will give this matter the most thorough consideration.

Mr. ALLEN. I thank the distinguished Senator from New Mexico for that assurance. We have this assurance, and we have full confidence that other members of the conference committee, both from the Senate and from the House, will see the wisdom of adding the Mobile, Ala., post office and the post office in Oxford, Miss., back to the bill. I believe that would facilitate the passage of the bill when the conference committee report comes back for adoption.

Mr. MONTOYA. If the Senator will yield further, I should like to renew my unanimous-consent request, in view of the colloquy that has transpired.

Mr. ALLEN. I have no objection. I am confident that when the bill is passed, we are going to see the Mobile post office and the Oxford post office in the bill.

I thank the Senator.

Mr. GRIFFIN. Mr. President, has the unanimous-consent request been granted?

The PRESIDING OFFICER. It was agreed to earlier.

Mr. ALLEN. The amendment has not been agreed to, has it?

Mr. MONTOYA. No, the amendment has not been agreed to as yet.

Mr. President, I ask at this point that the Senate act upon the amendment, because I have another unanimous consent request to make.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MONTOYA. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent that typographical errors created in the printing of the reported bill be corrected, as follows:

On page 20, after line 18, insert:

"Post Office, courthouse and Federal office building, Aberdeen, Mississippi, $2,249,000;" and

On page 20, strike out lines 21 and 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, on behalf of the senior Senator from Michigan (Mr. HART) and myself, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

On page 20, between lines 18 and 19, insert the following:

"Patrick V. McNamara, Federal Office Building (substructure) Detroit, Michigan, $11,200,000;".

Mr. GRIFFIN. Mr. President, the senior Senator from Michigan and the junior Senator from Michigan are very disappointed that this bill does not include funds to begin the construction of a Federal building in Detroit which was authorized in April of 1963. This building, which has by resolution, been named as the Patrick V. McNamara Federal Office Building, should have been built years ago. In 1967 Congress appropriated money, and the Federal Government purchased 2.4 acres in the center of the city of Detroit as a site where this building is to be built.

Unfortunately, during the 4 years since the site was acquired, the property has been vacant, weeds have been growing up, and the city has collected no taxes on it. In the meantime, not only has the city of Detroit lost tax revenue but the estimated cost of constructing the building has been going up. When first authorized in 1963, the building could have been built for $27 million. Now the estimated cost is $48 million.

If there was justification in the past for not budgeting and appropriating necessary funds for this building, certainly that justification does not exist now. Unemployment in the city of Detroit is higher than 8 percent. The construction of this building would provide many jobs in addition to the 5,000 people who would be employed in the building once it is completed. Even more important, perhaps, is the psychological lift that would be given to the whole city.

I believe that at least $11,200,000 should be appropriated this year so that construction could go forward on the substructure.

I yield now to my senior colleague from Michigan, Mr. HART.

Mr. HART. I thank my colleague from Michigan, Mr. GRIFFIN, and join him in this amendment.

I hope that we underscore the really nonpartisanship of the proposal and suggest clearly the concern which is reflected in all segments of the Michigan community that we no longer should delay or tolerate an eyesore in the center of a city which, three summers ago, was scarred by the hand of man, and which many years before that was scarred by the omissions of the Federal Government. It sits there, raw land, sort of advertising that it is available to anyone who wants to make the point that the system does not work. Let us get something going on that. This is the message that is sent to us by the mayor, by the greater chamber of commerce there, and by the trade union leadership. It is a message which I hope very much we can respond to promptly.

As my colleague, Mr. GRIFFIN, has stated, the Federal Government authorized the building in 1963. The site was acquired a few years later and the plans were completed a few years later. Thus far, all we can show for it is a bunch of dirt, either muddy or dusty, and an expenditure of $15 million for plans that now sit on someone's shelf.

The longer we delay this, not only do we contribute to the social problems that I hope I have suggested are involved here, but also to the additional cost which each month that passes will be much higher when we finally get around to constructing the building.

The time to build is now, when unemployment is high. I hope very much that the prudence of moving forward at this time will be reflected in favorable action on the amendment, in which I am very happy to join my colleague Mr. GRIFFIN in sponsoring.

Mr. MONTOYA. Mr. President, I am sorry that the two Senators from Michigan have seen fit to offer this amendment to the bill at this time. However, I can fully appreciate the concern of the two Senators for failure on the part of the Government to proceed to the construction of the building which was previously authorized and for which there was a funding for site acquistion. The funding has been expended and obligated already.

The building has been authorized for 1,214,900 square feet. The net area would comprise 779,681 square feet.

The initial cost, or the graduated cost, because of the delay, I understand, amounts now to $48,224,000.

The more delay there is, the more cost will be involved. It has been testified in committee by the GSA that public construction is increasing at the rate of 10 percent per year. That figure is a very good figure across the board.

I regret very much that this matter was not presented to the subcommittee. I understand it is floating in a sea of uncertainty, GSA wondering whether it should go through the leaseback construction route or whether it should go the ownership route. It is in that state of flux right now.

But I hope that the Senator from Michigan will withdraw his amendment because at the first opportunity, whether it arises during consideration of the supplemental request submitted by GSA or during the course of regular hearings next time, I will ask the GSA to clear its position on this matter and to present feasibility testimony to us for our consideration, and we will give it due consideration in light of the interest of the distinguished Senators from Michigan.

Mr. GRIFFIN. Is it understood then, that if there is a supplemental appropriation bill later in this year which includes matters relating to the General Services Administration, that the Senator from New Mexico, who is the chairman of the subcommittee having jurisdiction, would hold a hearing on this particular project and give careful consideration to its merit, with the hope and the possibility that construction funds could be included in such a supplemental appropriation bill this year.

Mr. MONTOYA. I certainly would, and I want to say I have consulted with the minority ranking, member, the Senator from Delaware (Mr. BOGGS), with respect to this, and he agrees with my position as I have stated it.

Mr. GRIFFIN. I appreciate that assurance. It is unfortunate that funds for this project were not requested by the administration to be included in this appropriation bill. The administration did request approval of the project for construction under a lease-purchase arrangement. But I am believe that of the two routes available, the better route would be to secure an appropriation. The senior Senator from Michigan and I intend to press this matter with the Appropriations Committee. With the assurance given by the distinguished Senator from New Mexico, and the indicated support by the Senator from Delaware (Mr. BOGGS), I will respect the request of the distinguished subcommittee chairman; and accordingly at this time I withdraw the amendment.

Mr. MONTOYA. Mr. President, I thank the Senator very much. I might state that questions were submitted to me for submission to GSA. I did submit them and the answers appear on page 1309 of the hearings.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Maryland (Mr. MATHIAS) proposes an amendment as follows:

> On page 9, line 23, after the word "services" strike "$2,424,000" and insert the following: "$2,924,000, of which $500,000 shall be available, in accordance with Executive Order No. 10501, section 4, and related Presidential orders and procedures, to facilitate the declassification of National Security Council documents; provide for the cost of their publication and the publication of a periodic index of declassified National Security Council documents; and to encourage and facilitate the declassification of documents by those departments and agencies which are members of the National Security Council."

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the President of the United States has announced through his press secretary, Ron Ziegler, that there will be a review of the classificatiton of Government documents on which the classification has become obsolete or concerning which changing circumstances would indicate that there is no longer any need for the kind of classification that the documents were originally accorded.

I refer specifically to Mr. Ron Ziegler's statements of June 22 and June 23 which referred to an earlier order by President Nixon on January 15 of this year.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. MONTOYA. Mr. President, I have looked at the amendment and have consulted with my colleagues on the committee. I am willing at this point to accept the amendment.

Mr. MATHIAS. Mr. President, I appreciate very much the feeling of the distinguished Senators.

Mr. President, I yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, will the distinguished ranking minority member of the subcommittee yield?

Mr. BOGGS. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President. I followed with understandable interest the colloquy which preceded these brief remarks in which the able Senator from Alabama (Mr. ALLEN) and the chairman of the subcommittee discussed projects in the States of Mississippi and Alabama and in the State of West Virginia.

My distinguished colleague from West Virginia (Mr. BYRD) and I have supported and believed very much in the two projects for our own State. We actively worked to secure funds for the consolidation of the savings bonds operations of the Bureau of the Public Debt now being conducted separately in Chicago, Ill., and Parkersburg, W. Va. The consolidation in Parkersburg will result in a significant increase in operating efficiency and improve services to the public.

Additionally, Mr. President, it is our desire and the desire of the people of Elkins—that being my home city—to bring into being a new Federal building to provide necessary quarters for postal operations for the people in that community and area, for the operation of the Federal court, with the residence of the Federal judge being in Elkins, and for the housing of other agencies of the Federal Government.

The present post office and Federal courthouse building in Elkins was constructed in 1918 and has become completely inadequate for postal and court purposes. In order to relieve this situation, the General Services Administration recommended to the Congress the construction of a new Federal building.

The Committees on Public Works of the Senate and House of Representatives authorized the construction of this project in May of 1968 in accordance with the recommendations of the General Services Administration. In 1970, the Congress appropriated funds for site acquisition and design of the building. The design, including working drawings and specifications will be completed this fall. However, without appropriations for construction, no further work can progress.

The Postal Service now has indicated that it can no longer function in its present quarters and must proceed with construction of a separate postal facility if funds are not available to start construction of the authorized Federal building the first of next year. Additionally, if funds are not made available fiscal year 1972 for the construction of this project building—and construction is delayed—the Government runs the risk of losing most of the money which has already been invested.

So, although my colleague, Senator BYRD, and I strongly believe in the justification of these projects in West Virginia, we are also mindful of the need for projects in other sections of the country. We understand the concern of the Senators from Alabama and Mississippi for the programs in their States. I know that in conference every effort will be made to insure the inclusion of their facilities and I believe the results will be favorable.

Mr. President, I thank the very able chairman and the members of the Appropriations Committee. The chairman has understandably known of the interest of many Senators in worthwhile projects, constructive efforts to strengthen, not on a provincial basis, the economy of the country, and the general welfare of our people. And I am personally very grateful to the chairman of the subcommittee for his cooperation.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BYRD of West Virginia. Mr. President, how much time remains?

Mr. BOGGS. Mr. President, I yield 2 minutes to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, I want to express my appreciation to the Committee on Appropriations, of which I am a member, and also to the Subcommittee on Appropriations which has conducted hearings on this bill, the able chairman of which subcommittee is the distinguished Senator from New Mexico (Mr. MONTOYA).

Mr. President, the senior Senator from West Virginia (Mr. RANDOLPH), my distinguished colleague, has addressed his remarks to two of the items in the bill, the facilities at Elkins and Parkersburg. I merely want to speak briefly now with respect to the money for Parkersburg and to point out that the two field offices of the bureau presently located—speaking of the public debt facilities—in Chicago, Ill., and Parkersburg, W.Va., are concerned entirely with savings bonds operations, and their operations are complementary. A feasibility study has established that consolidating these two operations into one, and locating it at Parkersburg, would substantially increase operating efficiency, facilitate the recruitment of personnel, and generally improve service to the public. The Department of Treasury officials have informed me that they expect the savings resulting from the consolidation of these two offices to more than pay for the cost of the move within 5 years.

Mr. BYRD of West Virginia. Does the Senator have any other time he can yield?

Mr. BOGGS. I am going to yield to the Senator for 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes remaining. The Senator from West Virginia is recognized for 2 additional minutes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, an example of the savings which will accrue to the Government by virtue of this move is reflected by comparing the cost of renting space to carry out the operations of these field offices. In the Chicago area, available space suitable for this type of operation is currently renting for $9 to $11 per square foot, while the same type of space in Parkersburg currently rents for $5.25 per square foot.

Mr. President, the Bureau of the Budget requested the funds to finance this move but they were not included in the House version of the Treasury-Postal Service appropriation bill.

Some time ago I contacted the distinguished chairman of the subcommittee, the Senator from New Mexico (Mr. MONTOYA) and submitted a letter supporting the inclusion of these funds. My colleague, Senator RANDOLPH, who is an ex-officio member of the committee by virtue of his being the ranking member of the Committee on Post Office and Civil Service, likewise expressed great interest in the inclusion of these funds, and he and I have worked together with the subcommittee and the full committee in bringing about this restoration of the moneys.

I wish to join him in saying I am pleased that the committee has seen fit to reinstate these funds.

I join my colleague in saying to the distinguished Senator from Alabama (Mr. ALLEN) that we certainly appreciate his interest in the facilities to which he addressed himself earlier. I discussed this matter with him this morning, and I understand the feeling and concern on the part of the senior Senator from Alabama (Mr. SPARKMAN) and the two Senators from Mississippi. Certainly my colleague and I want to assure them of our support for the inclusion of their facilities, and we know the distinguished chairman of the subcommittee, the Senator from New Mexico (Mr. MONTOYA), is going to use all of his talent with respect to persuasion and that in conference he will certainly have the support of his conferees. I am confident that in conference everything will be worked out to the good interest of the Senators from Alabama, the Senators from Mississippi, the Senators from Arkansas, and the Senators from West Virginia.

I thank the distinguished Senator from Delaware for yielding.

Mr. McGEE. Mr. President, the bill reported from the Committee on Appropriations appropriates $1,433,722,000 for the use of the Postal Service in fiscal year 1972. Like the House bill, there is no allocation of funds in this appropriation. That is, there is no stipulation that any particular portion of the money will be used for any one of the various authorized expenditures by the Postal Service.

The Office of Management and Budget through its Deputy Director, testified before the Post Office and Civil Service Committee yesterday afternoon that, based on his testimony before the House Subcommittee on Treasury and Post Office Appropriations, because it was uncontested and because the House report was silent on the allocation of funds that the personal viewpoint of the OMB would prevail and the amount of money appropriated for revenue foregone for third-class bulk rate regular mail would not be expended.

Our Post Office Committee held a hearing to examine this particular point, and it was our unanimous opinion at the hearing yesterday that the OMB is wrong, that without language specifically allocating funds either in the bill or in the report, there is no justification for the Postal Service to deny the payment of revenue foregone toward the expenses to be borne by any class of mail. This is what we intended when we enacted the Postal Reorganization Act. We are not naive and we do recognize that some classes of mail pay a greater portion of their overall costs than others. The average American pays the most because he uses only first-class mail and he pays a premium for that service. Newspapers and magazines pay the least, because we value the dissemination of information and literature. Third-class mail, particularly advertising mail, ranks second to first-class mail, because it pays a fairly high rate when you consider the zip code and presorting requirements of postal regulations. Fourth-class books and records, which are primarily a business operation, rank next.

Our intent in enacting the Postal Reorganization Act was that all mailers regardless of their merits or their friends or their enemies would continue to receive a reasonable and fair subsidy for a reasonable period of time, not to exceed 5 years, for everybody to adjust to the full impact of paying the rate prescribed by the Postal Rate Commission as approved by the Governors of the Postal Service. That proceeding is underway. It is premature and inequitable for the Congress to appropriate any money for the revenue foregone on account of the enactment of section 3626 of title 39 last year. It is likewise premature for the OMB to take it upon itself to strike out a line item appropriation for funds necessary for the transition period of the Postal Service.

So, my argument here today is very specific. The only language in the legislative history of this appropriation bill which has any import whatsoever as far as the Congress is concerned, and by that I mean people who are elected to Congress by other people to run this Government are the words of the chairman of the House Subcommittee for Treasury Post Office Appropriations who yesterday said that in his judgment—and that extends for 8 years as chairman of that distinguished subcommittee—that all of the funds necessary for all of the requirements of the Postal Reorganization Act are in this appropriation. It was my understanding that the motion we voted upon in the Appropriations Committee yesterday afternoon, including a mandate that the language of the committee report would include words supporting Chairman STEED's remarks on the floor which I was aware of at the time we met yesterday. I do not see that language in this report and I question its absence. Perhaps it was an oversight. But I want to make it clear that the table in the report on this bill which designates that $481 million of this appropriation is for revenue foregone is diametrically opposed to the colloquy on the floor of the House of Representatives yesterday as to any particular designation of funds. The Postmaster General is at liberty to request a supplemental appropriation if he has a deficiency—that might be a good idea. The Postmaster General is also at liberty to request the Postal Rate Commission either to amend his present rate request or to request an increase pursuant to section 3627 of title 39.

Finally, I think I should advise my colleagues that I am unhappy about this entire proceeding. Despite the very distinguished record and testimony of the Deputy Director of the OMB before our committee yesterday afternoon, I cannot fail to believe that the offices of the OMB saw an atttractive clay pigeon and chose to shoot it down for budgetary and political reasons. We enacted the Postal Reorganization Act partly to avoid this kind of subjective decisionmaking by officials of the Government who truly have no idea at all about how to run a post office. Within the next few days, I shall introduce legislation for the Post Office Committee to consider to resolve this problem on a permanent basis. It distresses me that the OMB, that valued and tireless arm of the White House, has been the first to punch the dike and permit nonpostal matters to reenter postal problems and decisionmaking just 9 months after the enactment of that historical law.

In sum, what I am saying, Mr. President, is that nearly a year ago the Congress enacted legislation creating a new independent postal system. It was designed to take politics and the Congress out of running the post office and particularly in the setting of rates. In making this possible, the Congress set up a graduated timetable for withdrawing public funds from the operations of the post office. This process provided 5 years for profitmaking groups and 10 years for nonprofit groups to adjust their businesses and budgeting activities to the planned new level of bearing their full costs.

For the OMB or the Congress to disrupt that carefully negotiated phaseout of Federal financing of the Postal Service breaks a working process which was negotiated in good faith by all sides.

If the new postal system is to be given a full chance to succeed, all parties to it must respect the terms which were voted into law by the Congress and signed by the President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9271) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Montana Metcalf), and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin) and the Senator from Oklahoma (Mr. Harris) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Vermont (Mr. Prouty), and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower), is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 132 Leg.]

YEAS—85

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—15

Bellmon
Brooke
Buckley
Eagleton
Eastland
Ervin
Harris
Inouye
McGovern
Metcalf
Mundt
Prouty
Saxbe
Taft
Tower

So the bill (H.R. 9271) was passed.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Cranston) appointed Mr. Montoya, Mr. Ellender, Mr. Inouye, Mr. McGee, Mr. Boggs, and Mr. Allott conferees on the part of the Senate.

## ORDER FOR RECOGNITION OF SENATORS TUNNEY AND HUMPHREY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the distinguished Senator from Illinois (Mr. Percy), the Chair recognize the distinguished Senator from California (Mr. Tunney) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks of the distinguished Senator from California (Mr. Tunney) on tomorrow, the distinguished Senator from Minnesota (Mr. Humphrey) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, following the recognition of Senators under the orders previously granted, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY TO PRINT PRESIDENTIAL VETO MESSAGE AS A SENATE DOCUMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Presidential message on the veto of the Public Works Acceleration Act be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I now suggest what I hope will be the last quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROTATING POSITIONS WITHIN THE MILITARY SERVICES

Mr. PERCY. Mr. President, I have set aside 15 minutes tomorrow morning, which I understand will be scheduled at approximately 11:15, in order that I can report to the Senate on a project we undertook to reduce the cost of rotating positions within the military services.

I think that too frequently we take action and then neglect to look back and oversee what has happened as a result of this action.

The distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis), and the Senator from Arizona (Mr. Goldwater) supported the amendment I offered on the floor last year to the defense appropriation bill.

In conference, the House changed it somewhat, and I think probably because the military forces felt that the cut of 25 percent that we were asking them to absorb in this particular account was too harsh and too abrupt and could not be achieved.

I have had many interesting discussions with the heads of personnel of each of the major services since then, as well as officers of the Defense Department. I am very happy to say that they have been extremely cooperative and helpful and that I will be prepared to report tomorrow on the actual results that have been achieved worldwide in coming up to the goal that we established.

I am happy to say ahead of time that I am fully gratified with the results that have been achieved to date, but I realize that continuing progress can be made. But I do this in an oversight responsibility which I feel I have as a member of the Government Operations Committee and a member of the Appropriations Committee.

I thank the distinguished chairman of the Armed Services Committee for the cooperation, support, and help he provided not only on the floor but also in conference.

Tomorrow morning, a little after 11 o'clock, I will be able to report on the actual results achieved.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, would the Chair now recognize the able junior Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I yield to the junior Senator from West Virginia.

## CONVENTION ON PSYCHOTROPIC SUBSTANCES—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on Psychotropic Substances—Executive G, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on Psychotropic Substances, signed at Vienna February 21, 1971. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

Nationally and internationally, we are faced today with a very serious problem posed by a new group of dangerous drugs—the psychotropic or "mind-bending" substances, such as LSD, mescaline, amphetamines, barbiturates and tranquilizers. It is the purpose of this Convention to limit to medical and scientific uses those substances that are liable to abuse but not covered by the existing treaties for the international control of narcotic drugs. The Convention will close an important gap which now exists in international drug regulations.

Nearly all of the psychotropic substances are manufactured rather than derived initially from plants, as are the narcotic drugs—such as heroin—that are involved in so much illicit traffic. As a major manufacturer of psychotropic substances, it is important that the United States cooperate with other countries in efforts to limit the use of those substances to medical and scientific purposes. I urgently recommend, therefore, that the Senate give early consideration to the Convention and that it give its advice and consent, with the reservation as proposed in the report of the Secretary of State in accordance with the provisions of the Convention.

Richard Nixon.

The White House, *June 29, 1971.*

## ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I plan to be speaking for some length of time. At this point in time, I think it might be proper to notify all the staff members—and I might underscore "some length of time." So I would hope that all attachés and staff personnel who must make personal arrangements would make those personal arrangements.

I would, first, not apologize, but say that I regret that I must inconvenience so many people in a personal way, but I think that, within my rights and prerogatives as a Senator, this is permitted to me.

I know that my good friend the Senator from West Virginia has similarly spoken at great length on this floor, and I think he is very understanding of the undertaking I am about.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. Mr. President, I only wish to state that the distinguished junior Senator from Alaska (Mr. Gravel) has informed the distinguished majority leader and me of his intention to speak at considerable length this evening. We appreciate his cooperation, his understanding, and his thoughtfulness in alerting us to the possibility—rather, probability—that this is going to happen; and we certainly recognize and appreciate his right to do so.

In view of this fact, I ask unanimous consent that my statement of the program, made a few minutes ago, appear at the close of the day, whenever that occurs, if possible, just prior to the motion for adjournment which the distinguished Senator from Alaska will make in his own good time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. Hughes, Percy, Tunney, and Humphrey.

At the conclusion of the orders recognizing Senators, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

Mr. President, the distinguished majority leader has already indicated earlier today—and I repeat it now merely for the purpose of emphasis—that the Senate on tomorrow may consider the following conference reports on any one of which or all of which there could be rollcall votes:

The conference report on the Office of Education appropriation bill, H.R. 7016. It is my understanding that the other body will convene at 11 o'clock tomorrow morning and that the first order of business in that body will be the consideration of that conference report. So, it is very likely that the conference report will be messaged over to the Senate at a fairly early hour during the afternoon, and the Senate will then proceed to act thereon.

Other conference reports on which the Senate may act tomorrow are these: The conference report on the legislative appropriation bill, H.R. 8825, and the conference report on the Treasury and Postal Service appropriation bill, H.R. 9271, which was passed just this afternoon by the Senate.

Mr. President, Senators are on notice, I repeat, that conference reports may and undoubtedly will be called up tomorrow.

As the majority leader stated earlier, unobjected to items on the calendar will be taken up by unanimous consent, and other measures may be called up which do not appear on the calendar at the moment but which may be placed thereon overnight.

Hopefully, the Senate can finish its preholiday work tomorrow rather than Thursday, as was previously planned, thus giving Senators an extra day for the holiday. The majority leader stated this hopeful possibility yesterday.

I emphasize once again the possibility—and even the likelihood—of one or more rollcall votes on tomorrow, particularly with reference to conference reports.

### CALL OF THE ROLL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, to permit staff members to make any personal arrangements they might want to make, and I give notice that I will reclaim the floor in about a minute or so.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRIFFIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. Cranston). Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk continued to call the roll and the following Senators answered to their names:

[No. 133 Leg.]

Byrd, W. Va.
Cranston
Gravel
Griffin
Mathias
Scott

The PRESIDING OFFICER. A quorum is not present.

Mr. GRAVEL. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion is agreed to, and the Sergeant at Arms is instructed to carry out the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen
Bayh
Byrd, Va.
Case
Church
Ellender
Hansen
Hart
Hartke
Hughes
Jackson
Magnuson
Mondale
Montoya
Pastore
Pell
Percy
Pearson
Proxmire
Randolph
Smith
Spong
Williams
Young

### ADJOURNMENT UNTIL 11 A.M.

Mr. GRAVEL. Mr. President. I move that we adjourn.

The motion was agreed to; and (at 9 o'clock and 28 minutes p.m.) the Senate, in accordance with the previous order, adjourned until tomorrow, Wednesday, June 30, 1971, at 11 a.m.

### NOMINATION

Executive nomination received by the Senate June 29 (legislative day of June 28), 1971:

Diplomatic and Foreign Service

Fred L. Hadsel, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

# EXTENSIONS OF REMARKS

## LEAGUE FOR INDUSTRIAL DEMOCRACY TRIBUTE TO THE HONORABLE MARTHA GRIFFITHS

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BINGHAM. Mr. Speaker, the idea of national health insurance has been around for a long time, and it has finally come to the forefront as one of the most important legislative issues of this Congress. Martha Griffiths is one of the reasons it has become so important.

Mrs. Griffiths was honored recently at the 66th Annual Conference of the League for Industrial Democracy for her role in making national health insurance a realizable goal, and her contribution to the national health security program—the most comprehensive and well thought out of all the health insurance proposals.

Lane Kirkland, secretary-treasurer of the AFL–CIO, presented the League for Industrial Democracy's 1971 Annual Award to Martha Griffiths. His remarks make clear the advantages of the health security program over all others.

I would like to congratulate Mrs. Griffiths, and include Mr. Kirkland's remarks in the Record:

Remarks of Lane Kirkland

It is said of some ideas that we can sense when their time has come. The idea that all Americans, regardless of age, race, sex or economic circumstances, are entitled to adequate health care—the time for this idea came a long while ago, when Harry Truman made it an issue. But certainly the time has come to translate that idea into reality.

Even before Harry Truman, there were groups like the League for Industrial Democracy that were advocating the then strange and revolutionary notion that the richest society in the world had an obligation to all of its citizens to see to it that no one should suffer poor health and early death because his pocketbook was empty.

But this notion, after all, was propounded by people given to utopian fantasies and idle and mischievous social scheming—or so their critics said. Today the fantasy is clearly realizable. It is a practical necessity. The time for national health security has come, and the time is now.

The time did not come by itself, however. It had to be pulled, prodded, pushed, and escorted all the way. We are here today to honor one of the people who did the moving. Due in large measure to her efforts, with the full support of the AFL–CIO, we finally have a real chance to reach our goal.

Indeed, those who oppose the National Security program argue that their own proposals would achieve the very objectives they once denounced as utopian. But it is a sign of our times, as this audience knows full well, that radical and utopian rhetoric is everywhere appropriated to dress up conservative programs—in the "whereas," if not in the "resolveds."

Nearly a year ago, the President of the United States declared a "massive crisis" in health care. Strong language and accurate, too. Medical costs have been rising twice as fast as other prices, doctors and other medical personnel are in short supply, private insurance companies have not provided adequate coverage, and many Americans have no coverage at all.

But what has been the President's response to this "massive crisis"?

He vetoed a hospital construction bill. He vetoed a measure to provide training for family doctors. He threatened to close down vitally needed public health service hospitals. And he has put before the Congress an utterly inadequate, piecemeal health insurance program.

What is wrong with the Administration's program, is exactly what is wrong with the present system of health care in the United States. It is, as they say, part of the problem and not of the solution.

We need a health program that covers all of the people. The Administration's proposal excludes large groups of workers from coverage.

We need a health program that controls medical costs while providing incentives for quality care. The Administration's proposal would rely on the private insurance companies which have gotten us into our present high-cost, low-quality mess.

We need a health program that expands our medical resources—personnel and facilities—and that reorganizes the delivery of health care. The Administration's proposal would do little to meet these goals, and hence would not curb the inflationary costs of health care.

The Administration's proposal is not the only spurious offering in the field. The American Medical Association has concocted something called "medi-credit", while the private insurance carriers call their proposals "Healthcare". As you might suppose, these are thinly disguised efforts to protect vested interests and insurance company profits.

The position of the AFL–CIO is clear and firm. In a statement issued by our Executive Council in February, we said, and I quote:

"What America needs as the heart of its medical care philosophy is a single primary goal—good health for all its peoples. The profit-making philosophy of the market place—to make money for those who provide and finance medical services—is not an acceptable philosophy for medical care".

For this reason, the AFL–CIO has pledged its unstinting efforts to the passage of the bipartisan National Health Security Program during this session of Congress. This is our number one legislative goal, and we shall not retreat from it.

As the battle shapes up, we know that we can expect to see some alleged "activists" sitting this one out—not in opposition but in boredom. While the issue has come into practical focus, it has not come into radical fashion, and that makes all the difference. To them the issue of national health security does not have that delicious aura of novelty. It belongs in the category of mundane materialistic matters that are lacking in glamour and in revolutionary "relevance".

Maybe, they have a point. After all, enactment of National Health Security will not end the war in Vietnam. (Indeed, it could lead to a lower draft rejection rate). It will not reduce our population growth. It will not end air and water pollution. It will not stop technology in its tracks, re-define the role of universities, or cure alienation.

All it would do is make real the principle that the poor and the deprived and the plain working people of this country have the same right to good health and to life itself as the affluent and the opulent.

We are here this afternoon to honor someone who has dedicated herself to that goal—Congresswoman Martha W. Griffiths.

It is especially fitting that the League for Industrial Democracy, which did much beginning decades ago, to help educate the public to the need for comprehensive health security, should present its 66th Annual Award to someone who has taken the role of leadership in putting this goal on the verge of Congressional enactment.

In the House of Representatives, Martha Griffiths has led the fight for National Health Security. We, in the Labor Movement, who have supported her all the way, are delighted to have this opportunity to express to her our deep appreciation of her efforts.

That appreciation is expressed in the words of the League for Industrial Democracy's 1971 Annual Award.

## HELP COMING FOR ADDICTS

## HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. McCLORY. Mr. Speaker, the President's comprehensive program for meeting the problem of drug addiction affecting our civilian community as well as the veterans returning from Vietnam has met with almost uniform approval.

I was encouraged by a thoughtful editorial which appeared on Monday, June 21 in the highly respected Chicago Daily News.

For the benefit of my colleagues and the others who examine the CONGRESSIONAL RECORD, I am inserting the editorial below:

### HELP COMING FOR ADDICTS

Congress should give President Nixon full support in his effort to mount a major attack on narcotics addiction. The affliction has reached epidemic proportions, spurring criminal activity in many fields as addicts strive to support the habit by any means at hand—shoplifting, mugging, burglary, armed robbery, prostitution, even murder.

Until now anti-drug abuse programs have involved nine separate federal agencies.

Legislation proposed by the President would set up a central authority—the Special Action Office of Drug Abuse Prevention—over all drug abuse prevention, education, treatment, rehabilitation and research activities. It would co-ordinate state and local programs and provide a clearing house for information for all agencies working on the problem.

Several aspects of the program are particularly heartening:

First, it will fill an acute need for a major co-ordinated research program. Many questions about drugs cry for answers: How effective is the methadone program and what are its hazards? Is there a safe substitute to follow methadone that can cushion the withdrawal shock? Exactly where does marijuana fit into the scale of harmfulness? What are its short- and long-range perils?

Second, it will insure that survicemen hooked on drugs because of their easy availability overseas will have access to thorough rehabilitation courses before they are mustered out. Moreover, the Veterans Administration treatment facilities will be expanded to accommodate all former servicemen who come seeking help.

Finally, a comprehensive program will be undertaken to limit the flow of narcotics into the United States as well as to eliminate the pushers from the domestic scene. "We are stopping less than 20 per cent of the drugs aimed at this nation," Mr. Nixon conceded. Co-operative programs will be undertaken with foreign governments to control the export of narcotics.

We congratulate the President for putting together a program of a scale ($155 million) calculated to have real impact on the problem. We congratulate him also for tapping Dr. Jerome H. Jaffe, 37, director of the Illinois Drug Abuse Program, to direct the program from the White House. Dr. Jaffe knows the problem and what must be done. With the help of Congress and the President, he has a chance to make history.

## CULEBRA REVISITED

## HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BADILLO. Mr. Speaker, last Tuesday the Senate Military Construction Authorization Subcommittee held hearings on an amendment offered by the junior Senator from Alaska, Mr. GRAVEL, to the military construction authorization legislation, which authorizes an appropriation of $50 million to the Department of the Navy to construct an artificial island to which shall be transferred all of the naval bombardment and related training activities now being conducted on the small island of Culebra. In addition, Senator GRAVEL's amendment provides for the termination of all firing operations on or at Culebra no later than June 1, 1975, and stipulates that the Navy must advise the Congress, no later than January 1, 1972, of the action it has taken with respect to building the artificial island. On the same day as the Senate subcommittee held its hearings, I introduced Mr. GRAVEL's amendment in the House as separate legislation and appeared before the House Armed Services Committee on Thursday to urge its adoption, either as a committee amendment to H.R. 8655 or separately.

I commend Senator GRAVEL for the initiative he has shown on this important issue and believe last week's events are most timely. Although the Navy agreed, in writing, to take positive steps to find suitable alternatives and to cease firing and training on and near Culebra, there has been little meaningful action in this regard over the past 6 months. Thus, it is clear that the Congress must give the Navy a clear mandate to pursue the construction of an alternate training site and a timetable in which to complete such action and withdraw from Culebra. The time for backsliding by the Navy must cease and it must live up to the commitments it made to the citizens of Culebra in January.

In order that our colleagues may be aware of the efforts being made to effect a responsible program toward Culebra, I present herewith, for inclusion in the RECORD, a copy of my testimony before the House Armed Services Committee; the text of the legislation I introduced on Tuesday; and the statements of Senator Rafael Hernandez Colon, president of the senate of the Commonwealth of Puerto Rico, the Honorable Ramon Feliciano, mayor of Culebra, and Ruben Berrios Martinez, president of the Independence Party of Puerto Rico before the Senate subcommittee. My distinguished colleague from Ohio (Mr. VANIK) has already submitted the useful and interesting testimony of his constituent, Mr. Edward J. Shoupe of Cleveland, the former Navy officer in charge of training at Culebra. In addition, I submit herewith a copy of the agreement which was concluded between the Secretary of the Navy, officials of the Commonwealth of Puerto Rico, and the mayor of Culebra on January 11, 1971. I urge that our colleagues give this issue their full and careful consideration and attention. The mouse continues to roar and the cry for fair and just treatment and to be left in peace will not be silenced.

The material follows:

### TESTIMONY OF HON. HERMAN BADILLO BEFORE THE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, THURSDAY, JUNE 24, 1971

Mr. Chairman, I appreciate your affording me this opportunity to appear before the Committee this morning and to testify in connection with the military construction authorization, H.R. 8655.

My particular interest in this legislation pertains to the funds authorized for the construction of facilities by the Navy in Title II. Specifically, I urge the Committee to authorize an appropriation of $50,000,000 to the Department of the Navy for the purpose of constructing an artificial island in the waters of the Commonwealth of Puerto Rico, to which shall be transferred all of the naval bombardment and related training activities now being conducted on the small island of Culebra and its cays. Earlier this week I introduced legislation in the House, H.R. 9299, providing for the construction of such an artificial island and the termination of all firing operations on or at the island of Culebra, no later than June 1, 1975.

Mr. Chairman, for more than 20 years the small, 28 square mile island of Culebra has been bombed, strafed, and invaded by U.S. naval and military forces. The approximately 750 inhabitants—citizens of the United States—have lived in constant fear of their own lives and safety and the well-being of their real property and livestock. Because of these naval bombardments the islanders have been the virtual prisoners of the Navy and have been prevented from developing a viable economy. They have even been prohibited from enjoying some of the fine beaches of the island.

On January 11, 1971, an agreement was concluded between the Secretary of the Navy, officials of the Commonwealth of Puerto Rico and the citizens of Culebra. This was the culmination of an 18-month-long cold war which was continually marked by intimidation and deceit on the part of the Navy and its representatives. The agreement was a clear commitment by the Navy to take positive steps to find suitable alternatives and cease its firing and training operations on and near Culebra. Although an agreement was signed only six months ago, the fact that a request for appropriations to construct an alternate target site was not made by the Navy is simply another example of that service's duplicity and its footdragging in seeking to identify appropriate alternatives.

Contrary to the claims of Secretaries Laird and Crafee and others, there is simply no strategic military purpose being served by the bombardment of Culebra and I am convinced that the U.S. defense posture would not be adversely affected if such training and target practice were moved to another site. In fact, it would probably be to the Navy's advantage as, in an isolated and unpopulated area, the Navy may be able to practice with more sophisticated weaponry rather than the World War II-vintage which is primarily being used on Culebra. While a number of recommendations for potential alternatives have been made, I feel confident that neither the Navy nor the DoD has fully considered them or has undertaken their own thorough exploration of the availability of alternative target locations in an uninhabited area. With its typical self-serving attitude, the military claims that Culebra is the most ideal or perfect location; but it has never said it is the *only* possible location for its gunnery and training maneuvers.

We cannot fail to bear in mind, Mr. Chairman, that we are considering an area inhabited by over 700 American citizens who are simply attempting to peacefully live their lives under the most trying of circumstances. Living, working, going to school, farming and just relaxing are daily challenges. Consider also, if you will, the implications this situation has on our Latin American relations and the fact that the attitude of the United States Government toward Culebra and its citizens has gravely exacerbated tensions which already exist with our Latin neighbors. Furthermore, the bombardment of the island and subsequent actions has seriously aggravated relations with our country's Spanish-speaking community for we consider Culebra to be a symbol of the government's indifference toward our needs and aspirations. The ill-conceived recommendation, which was fortunately rejected last year, that the Culebrans be resettled to some other area was a serious affront to the more than 4 million Puerto Ricans—on the mainland and in Puerto Rico—as well as to our other Spanish-speaking brothers. Are the Culebrans so unimportant that they can be shunted around like cattle?

Aside from the human and moral elements, I believe it is vital that every possible consideration be give to other factors, such as the ecological uniqueness of Culebra. The cays in the archipelago east of Fajardo and the island of Culebra provide important nesting areas for various migrating oceanic birds, including the sooty tern, the nobby tern and laughing gulls. The Bahama Pintail, a rare and endangered species, is found in the lagoons of Culebra, as are the brown pelican. The clear waters surrounding the island and the cays constitute a magnificent sporting and commercial fishing ground.

Mr. Chairman, the Culebrans—American citizens—have suffered emotionally, economically, socially and physically long enough. The time for the Navy to withdraw completely is long past due. Assuming the Navy would be able to get along without having human beings and livestock serve as targets, I am certain that there are a number of perfectly acceptable alternatives—including areas suitable to permit the construction of artificial islands which the Navy could build to its own specifications. I understand, in fact, that one private firm has already indicated its ability to construct such a practice facility and, further, that the Navy's own engineers have stated that an artificial island or platform could be used as an alternative target instead of Culebra.

Earlier this week the Senate Military Construction Authorization Subcommittee held hearings on an amendment to the Senate version of the military construction authorization offered by the Junior Senator from Alaska, Mike Gravel. My bill, H.R. 9299, contains identical language to Senator Gravel's amendment. During Tuesday's hearing important information was presented to the Senate subcommittee regarding the construction of an artificial training facility and the strong sentiment in Puerto Rico that the Navy withdraw completely from Culebra at the earliest possible date. I am anxious to share this information with you and I request permission that the testimony of Senator Gravel; Senator Rafael Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico; the Honorable Ramon Feliciano, mayor of Culebra; and Mr. Edward J. Shoupe of Cleveland, Ohio, be made a permanent part of this hearing record.

Although the agreement reached in January stipulated that the Navy would be afforded a reasonable time to find an alternative, its continued presence in the area remains as a virtual threat and an affront to the people of Puerto Rico. The Navy must be encouraged to and assisted in expediting its efforts to find suitable alternatives. I believe the provisions of my bill furnish much needed impetus in this direction and I feel that the Congress must make it perfectly clear that the Navy must withdraw from Culebra and pursue its bombing and training at some artificial and uninhabited location.

Mr. Chairman, one of my primary purposes in introducing H.R. 9299 was to focus attention on this critical situation and to enlist the interest and support of our colleagues behind the effort to have the Navy cease its bombardment of Culebra and move elsewhere. Of course, it would facilitate matters to have my legislation included as a committee amendment to H.R. 8655 and I urge that you give this issue your fullest, most careful and sympathetic consideration with a view toward taking prompt and positive action.

Thank you.

## H.R. 9299

A bill to provide for the construction of an artificial island in the vicinity of Puerto Rico which shall be used for those naval training and testing exercises presently carried out on Culebra

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there is authorized to be appropriated to the Department of the Navy the sum of $50,000,000 for the purpose of constructing in the waters in the vicinity of the Commonwealth of Puerto Rico an artificial island to which shall be transferred all naval bombardment and other training or testing exercises involving the firing of weapons now being conducted on the island of Culebra and the cays within three nautical miles of such island.

(b) The Secretary of the Navy shall proceed with the construction of such artificial island at the earliest practicable date. He shall submit a written report to the Committees on Armed Services of the House of Representatives and the Senate not later than January 1, 1972, indicating the action that has been taken with respect to the construction of such artificial island, and shall include in such report a projected schedule for accomplishing the transfer of all firing operations from Culebra (and the cays adjacent thereto) to such artificial island or elsewhere.

(c) The Secretary of the Navy shall terminate all firing operations on or at the island of Culebra and on or at all cays within three nautical miles thereof at the earliest practicable date but in no event later than June 1, 1975.

## Statement by the Honorable Senator Rafael Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico

My name is Rafael Hernandez Colon. I am President of the Senate of the Commonwealth of Puerto Rico.

Let me thank you for inviting me to appear here today. I welcome this opportunity to appear on behalf of the Senate of Puerto Rico in support of Senator Gravel's Culebra amendment to the Military Construction Authorization Act.

I have been increasingly concerned since early last year with the importance of finding an early solution to the problem of Culebra, with which the United States Senate has already become quite conversant. Yet, in spite of the strong, unified sentiment of the Puerto Rican people and the express concern of the U.S. Senate, the small, inhabited Island of Culebra continues to serve as a target for U.S. Navy guns and bombs in training exercises.

Along with most Puerto Ricans, I believe that the problem was on its way to resolution last January 11, as a result of an Agreement signed in Culebra by John Chaffee, Secretary of the Navy; Luis A. Ferre, Governor of Puerto Rico; Ramon Feliciano, the Mayor of Culebra, and myself as President of the Senate of Puerto Rico.

By the terms of this Agreement the Secretary of the Navy pledged to investigate alternatives to the training conducted at and around Culebra, with the purpose of finding feasible alternatives that eventually would permit the transfer away from Culebra of all firing operations conducted there.

The Defense Department has now found such an alternative.

A Defense Department report, "Culebra, Overview and Analysis, April 1, 1971," prepared as directed by the Military Construction Authorization Act of 1970, and submitted to this Committee, concluded that "Culebra can be 'replaced' for at most $50 million . . ." This conclusion by the Defense Department was responsive to the express hope of the three Puerto Rican signatories to the January 11 Agreement. Paragraph 12 of the Agreement stated:

"It is the position of the Puerto Rican Government, Governor Ferre, Senate President Hernandez Colon, and Mayor Feliciano, that the Navy should terminate all training operations on Culebra and its neighboring Cays within a reasonable period. It is the hope of the Signatories listed above that the study that the Department of Defense is required by law to undertake will conclude that this is feasible."

The Defense Department conclusion that Culebra can be replaced also is, I might add, consistent with Senator Symington's view as expressed in the Congressional Record of August 14, 1970. I would like to take this opportunity to express the appreciation of the Puerto Rican people for the firm position taken by Senator Symington and other Senators in favor of the complete prohibition of all naval shelling and air bombardment of the Island of Culebra and its adjacent keys and waters.

The $50 million figure in the Defense Department Report referred to the cost of constructing an artificial island, preferably 3½ miles east of Vieques, Puerto Rico. Since such an artificial island would be uninhabited, transfer of training operations there not only would eliminate avoidable risk to innocent civilian life but also would make possible less restricted, more realistic and varied and, consequently, superior training. To this extent it should enhance our national security.

The Agreement of Jaunary 11, 1971 was, in the view of most Puerto Ricans—including myself—a clear-cut commitment by the Navy to cease its firing and training operations on and near Culebra when a suitable alternative was found. Since that time, however, following a statement by Secretary of Defense Laird on April 1 of this year, there have been growing doubts in Puerto Rico if the commitment were really as firm as we thought. There is particular concern that Secretary Laird's statement may reflect a desire to put off any final Navy decision until after the 1972 election, in the hope that the Culebrans might then be induced to accept an indefinite continuation of firing operations there. The strong accent in the Defense Department Report on suggested public relations activities at Culebra, and on the desirability of creating additional jobs there, gave further currency to this doubt. In the event that the Navy itself does not testify in support of Senator Gravel's amendment, I believe that this will be viewed in Puerto Rico as further confirmation of the growing fear that the Navy is less than candid in its expressed intent to leave Culebra.

I would like to give you some feel here today, not only of the importance of this issue of Culebra to the Culebrans, but even more of its larger importance for relations between the Commonwealth and the mainland United States.

As you know, we are American citizens, but with a difference. Puerto Rico enjoys a large area of autonomy and self-government within the Federal system, in a completely unique relationship which derives from the fundamental recognition by the U.S. Government of Puerto Rico's right to self-determination. We have exercised that right by choosing to maintain close ties with the United States as a self-governing Commonwealth.

In support of our U.S. citizenship, moreover, we have fought in every American war from World War II to Korea and Viet Nam, and Puerto Rican soldiers have earned a disproportionate share of decorations for bravery in these conflicts. In addition, a large part of Puerto Rico, despite our acute shortage of land, is given over to providing bases for the U.S. armed forces. Puerto Rico, in other words, more than holds up its end in the common defense.

Against this background, it is most unusual when virtually *all* Puerto Ricans—covering the entire political spectrum—feel so strongly that a specific operation of the U.S. armed forces has become intolerable. Yet that is the feeling of 99% of Puerto Ricans today as regards Culebra. This strong and unanimous feeling is the essential reason why it is so important to resolve the Culebra matter quickly, and without ambiguity or reservation.

Let me give you some insight into the political problems which Culebra has stimulated. We live at a time in Puerto Rico, as in the rest of the United States, of rising discontent and vocal protest, some of it justified. In Puerto Rico, however, the most radical protest takes the form of anti-Americanism—often in conjunction with the New Left in the United States—and is associated with various splinters of the pro-independence movement.

Until a few years ago, the sentiment for independence was virtually non-existent. In numerous elections over the last two decades, the independentists rarely won more than 2% to 3% of the vote. The pro-Commonwealth center, in normal years, consistently won about 60% of the vote and the pro-statehood party less than 40%. However, there is now visible an appreciable growth in independentist activity. Moreover, in my opinion, this heightened independentist drive is at least partially related to Culebra.

The reason is this: Culebra represents, in Puerto Rican eyes, such a clear case of military insensitivity to human considerations, that it is easy for an emotional orator to paint the Navy as a military gargantua, ruthlessly and knowingly suppressing the Culebrans and making their life a hell. You and I may believe that the normal inertia of a military bureaucracy is a far more plausible explanation of the Navy's visible reluctance to give up a target area which it has held for 35 years. But this is not an easy or comforting explanation to make to the people of Culebra who continue to suffer from bombardments, or to their friends and relatives in Puerto Rico. Therefore, the independentists have seized on Culebra as a rare opportunity to whip up anti-American sentiment, and they have done so with some success.

What this adds up to is that it is most important, in the interests of our larger ties, that every possible step be taken to eliminate quickly any *legitimate* source of potential anti-Americanism. The other independentist arguments fall largely on deaf ears in Puerto Rico, where the great majority of the people have the good sense to put them in sober perspective. But Culebra, if allowed to fester, is certain to become increasingly a "cause celebre" in Puerto Rico, and one which will lead to growing anti-Americanism and thereby play increasingly into the hands of the proindependence forces. For them, Culebra is a made-to-order issue and a political God-send, which they would like to be able to exploit as long as possible. Already, we are aware of plans by the independentists from Puerto Rico to move in considerable numbers to Culebra, living in tents, if necessary, in order to be able to dominate the voting there in upcoming elections. They seek to take over the Island of Culebra politically and to use it as a base for future operations, and also undoubtedly to stir up anti-American sentiment. For most Puerto Ricans, on the other hand, and particularly for those who support Commonwealth, Culebra is a problem which must be resolved as quickly as possible precisely so as *not* to allow anti-Americans to feed on the issue.

Therefore, I believe that responsible leaders in Puerto Rico and here in the United States have a particular obligation to deal with Culebra primarily in a political context, to take it out of bureaucratic channels and put it in the jurisdiction of politically-sensitive bodies and, above all, in the hands of the Congress.

We have been grateful that so many senators and so much of the American press have already shown such understanding and support in reacting to the human drama of the Culebrans. In all likelihood, however, there are probably very few persons in the United States, even in Congress, who are sufficiently aware of the political dangers if the Navy remains in Culebra, or even appears to be *trying* to remain there, despite its firm commitment to leave.

In many ways, therefore, the funding of a suitable alternative is the acid test. If no funds are voted for an artificial island, I fear that at a later date we may hear from the Navy that, since no "feasible" alternate has presented itself for firing operations, it must delay its departure from Culebra—perhaps indefinitely. At that time, moreover, I also fear that the Navy may allege that the Culebrans themselves have had a change of heart, and that they are reasonably contented to allow the Navy to continue its firing.

Any such ploy, however congenial to the bureaucratic mind, would be a political disaster. The U.S. Navy would thereby appear guilty of cynical bad faith and duplicity in the eyes of Puerto Ricans and, by derivation, so would the American Government itself. The anti-American elements and the independentists would have a field day.

Even for the Navy itself, this would be a grave mistake. For the Navy, the greatest risk is that by trying to hold on to Culebra tenaciously, it may so stimulate anti-American feeling that it may eventually compromise its position in far more important bases in Puerto Rico, such as Vieques and Roosevelt Roads. This would be tantamount to elevating short-term tenacity to long-term folly.

I am not unware that $50 million is a sizeable sum. But I believe that it is not excessive to retrieve what is already an unfortunate situation, and to avoid one which might become even more damaging both for the United States and Puerto Rico.

I therefore urge you to approve the Gravel amendment, so that an early solution of the Culebra problem can become a reality.

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STATEMENT BY THE HONORABLE RAMON FELICIANO, MAYOR OF THE ISLAND-MUNICIPALITY OF CULEBRA, COMMONWEALTH OF PUERTO RICO

Mr. Chairman and Distinguished Members of this Committee: My name is Ramón Feliciano and I am the Mayor of the Island-Municipality of Culebra in the Commonwealth of Puerto Rico. In that capacity I come before you today.

It has been with great pleasure that I have accepted the kind invitation extended to me by this Committee; and in doing so, I have done it with only one purpose: to reaffirm—with all the force of my mind and spirit—my endorsement to the commitment made by the Navy and the Defense Department of the United States to substitute Culebra and its adjacent cays with an artificial island as a place for target practice.

Senator Gravel's amendment to the Military Construction Authorization Bill, if enacted into law, would transform this commitment into the reality of peace for Culebra. As the only person authorized to speak on behalf of the entire Municipality of Culebra, I wish to inform this Committee that the people of Culebra overwhelmingly support this amendment which we hope will bring an end to the danger and suffering we have so long endured.

This commitment that I have pointed out is contained in paragraph eleven of the accord signed in January of this year. That accord was signed by all the parties involved *uberrimae fidei*—of utmost good faith. For that reason, and being one of the signers, I am mystified—and cannot accept—the recent proposal advanced by Secretary Laird to study new alternatives in relation to this matter and to hold, later on, a referendum among the citizens of Culebra.

The reality is that a referendum is not needed because the pulse of public opinion in Culebra has been taken on at least four different occasions during the long and anguished years in which we have dealt with this problem. On all those occasions the Culebrans have expressed their firm determination in the sense that the Navy should totally abandon Culebra.

That determination continues firm today even though the Navy is creating jobs in Culebra to try to satisfy us in that manner.

I would like to point out two things and make one proposition in relation to this—not concerning the intentions of this initiative, which I know are the best; but over the way the program is being carried out.

First, the administration of it is in the hands of people who wish that the Navy stay in Culebra; this being in direct conflict with the desires of the great majority of our fellow citizens and of the best interests of the Island. This situation has created a charged political climate and has involved the Navy in a sterile public debate from which no one will derive any benefit. Second, employees from the Roosevelt Roads Base—and I say employees, not officers of the Navy—are trying to get non-Culebrans to move to our Island to take advantage of the new job opportunities and later to vote in the proposed referendum. The situation created is an intolerable one and is, additionally, a clear intromission into the rights that the Culebrans have to decide what course of action they wish to follow, how to use and enjoy their land and the opportunities that may appear in it.

This set of facts moves me to propose to the Navy that it immediately stop negotiating with a group of isolated citizens and instead offer its backing to the local government—which is the legitimate and constitutional representative of the people—and to channel the economic aid that it may wish to offer us through the Mayor's office so as to attain a more equitable distribution of it.

Taking these steps the Navy would be reaffirming its good faith and would be contributing to bring back the ambient of mutual cordiality and sense of justice that made possible the signing of the historic Agreement of this year and which should be the ambient in which to deal with all of our future relations.

That, gentlemen, and nothing less than that, is the position of the people of Culebra.

Thank you.

### STATEMENT OF RUBEN BERRIOS MARTINEZ, PRESIDENT, INDEPENDENCE PARTY OF PUERTO RICO

One year ago, I came to this Congress to demand in the name of the national interests of Puerto Rico the immediate withdrawal of the U.S. Navy from the island of Culebra, and to declare our unalterable intention to make life unbearable for the Navy in Culebra through all the means at our disposal within the context of our philosophy of civil disobedience, non-cooperation, and peaceful militancy. Up to now, we have done what we believe is right to fulfill that promise. But up to now, what has the U.S. Navy and U.S. Executive done with respect to the Culebran problem? That is a question to which we propose to give an opinion regarding the amendment today. There has been in Puerto Rico and this Committee should be informed about it, a history of deception during the last year. There has been in Puerto Rico during the last year and particularly the last six months, a history of deception which this Committee should be aware of in order to take a position. In January, the U.S. Navy, using its colonial subjects in Puerto Rico for the approval of a pact which amounted to no more than bombardment by consent. The pact, hailed by the Secretary of the Navy and the colonial delegates as the "solution" of the Culebra issue did not solve the problem posed: the presence of the Navy in Culebra. It was nothing more than a fraud and a mockery of international respect.

But it did not achieve its objectives, this nor any of the others publicly stated. First because the Navy did not abide by dispositions and violated it constantly. And secondly and mainly because it contradicted the expectations and aspirations of the Puerto Rican and Culebran people. Nobody in Puerto Rico was deceived by the trick. The explicit confession of the fraud and deception was the Department of Defense study on the Culebra situation published first of April. But this study was another escalation in the history of deception.

1. Nowhere does the study stipulate or order or even recommend the withdrawal of the Navy from Culebra. It only says that a decision would be taken by the Secretary of Defense by late 1972. After the 1972 elections.

2. On the other hand, it presents some recommendations that establish the conditions for the postponement of the solution of the issue:

a. It recommends the "improvements of community relations" in Culebra. As if the acute economic and spiriitual problems of the Culebrans could be solved by the magical fiat of public relations:

b. It proposes the employment of more Culebrans by the Navy. A classical example of an attempt of buying out the conscience of the people.

In fact, these hearings today are an admission of the failure of the study despite the claims of the federal government and the colonial authorities to the contrary.

The third stage in this drama is constituted by these hearings. Their purpose is to discuss the feasibility of the construction of an artificial island for the relocation on it of the military maneuvers up to now executed in Culebra.

But the Puerto Rican Independence Party has always insisted that Culebra must and should not be considered as an isolated case. Culbera is the symptom and crisis of the U.S. military's presence in Puerto Rico. The edification of an artificial island near Vieques would mean the reinforcement of this military colonialism in Puerto Rico.

We demand not only the withdrawal of the Navy from Culebra. We demand the complete cessation of the militaristic use on the part of the U.S. of Puerto Rico. This implies that:

a. We insist first on the withdrawal from Culebra;

b. That military training be relocated outside of Puerto Rico;

c. We clearly express our determination to struggle for the demilitarization of Puerto Rico; that is, for the complete eradication of the U.S. military colonialism in Puerto Rico.

The mere fact of discussing the construction of an artificial island reflects a colonial near-sightedness totally outdated in the course of modern history in our opinion. This colonial mentality has expressed itself by means of the argument that it is in the "national interest" to proceed with the military utilization of Puerto Rico and our islands. We ask: Whose national interest? Certainly not the interest of the Puerto Rican nation and people, and as the events of the last week, relating to the disclosure by the New York Times and the Washington Post of the secret escalation of the Vietnam War, have clearly dramatized, not even the interests of the American people. Once again, it appears that what is termed "national interest" refers only to the interest of the United States military establishment.

By now, I do not have to stress this issue to you. The U.S. Congress, who in the American constitutional theory and tradition has the power to decide over peace and war, to provide the appropriations relative to the conduct of war, has seen itself the object of an unprecedented deception in the case of the undeclared Presidential Vietnam War.

We, Puerto Ricans who fight for the national liberation of our fatherland since its intervention and military occupation at the turn of the century, are not willing to tolerate deception or fraud anymore. We warn you that we will carry our struggle up to the last consequences until Puerto Rico takes upon itself the control of its history and destiny.

In Puerto Rico, we have overcome the stage of "credibility gap" suffered by the American people and Congress. For us, there is absolutely no credibility at all regarding the U.S. military establishment.

Regarding the specific issue of Culebra, we suggest the following: that you adopt any of the first two alternative sites mentioned by the Department of Defense study for the relocation of the military training taking place in Culebra, namely Marquesa Key (southwest of Key West) or the Virginia Capes area. I am sure both Florida and Virginia will be willing to contribute in such a way for the national defense of the United States and to receive the benefits that the study of the Defense Department says that proceed from such military maneuvers.

We repeat that we will continue defying the U.S. military activities in Puerto Rico for considering them detrimental to the Puerto Rican sovereignty and the well-being of our people. In the past we have shown our determination to translate into liberating actions our will for freedom.

Thank you very much.

### AGREEMENT

The dispute over the Navy's use of Culebra and its offshore cays for weapons training has dramatically posed the problem of ballancing the need to conduct the training essential for our national defense with the legitimate desires and aspirations of our private citizens. All persons of good will who are interested in the continued close relationship between Puerto Rico and the United States, the security of our nation, and the aspirations of the people of Culebra have hoped that this problem could be amicably resolved. Through the dedicated efforts and good will of all concerned a mutually acceptable balance has finally been found between the training needs of the Navy and the desires of the people of Culebra. We are pleased to announce the terms of that agreement, and to pledge our continuing efforts to assure that it is carried out in good faith.

1. The Navy will not shoot the Walleye missile at Culebrita or at any other target in the Culebra complex, and the Navy will not obtain the easements on the east end of Culebra that were approved by the House and Senate Armed Services Committees.

2. The targets off the east coast of Culebra will be phased out by January 1, 1972, and the lease on North Cay will be terminated on that date. Culebrita and the other target cays in the area will be declared excess as of that date except for several acres on Culebrita near the lighthouse where the Navy intends to establish a small electronics warfare installation (several vans) for use in training fleet units in the open ocean north of Culebra.

3. In addition to the shoreline already announced for release, the Navy will declare excess to its needs the shoreline on the east coast starting at a point immediately east of the base camp and proceeding around the east end of Culebra to the beginning of the Navy property holdings on the north coast (Swell Bay) (see attached map). The Navy will cooperate in preserving the ecology of excessed areas as requested by the Municipality and by appropriate federal and commonwealth agencies.

4. The Navy will relocate its bulls-eye target on Agua Cay to Cross Cay by January 1, 1972.

5. The north-south line bordering the northwest peninsula safety zone will be reoriented as shown on the attached map. The parcel of land marked "A" on the attached map will therefore no longer be part of the naval gunfire support safety zone.

6. The Navy will initiate and support an amendment to the executive order creating the defensive sea area around Culebra so that the order will cover the safety zones for the ship-to-shore gunfire and for the west-range air-to-ground targets (see attached map).

7. Governor Ferre, Mayor Feliciano, and Senate President Hernández Colón solemnly pledge to use all regulatory and legal devices available to the Commonwealth and the Municipality of Culebra to assure that no dwellings or other habitable structures are constructed in the northwest safety zone for as long as the Navy uses the northwest peninsula for naval gunfire support training. If

landowners in the area complain that their property is being taken without due process of law or if, despite the above-mentioned regulatory and legal devices, individual landowners take steps to construct dwellings or other habitable structures in the safety zone, then the Navy will pay such landowners the fair value of foregoing the right to construct said dwellings or other habitable structures.

8. Since the Navy is giving up a substantial number of targets, its remaining targets will become that much more important. In consideration of this action by the Navy and in recognition of the Navy's need to schedule the use of the remaining targets more tightly, Governor Ferre, Senate President Hernández Colón, and Mayor Feliciano will use their best efforts, including moral suasion, to obtain the cooperation of everyone in keeping the land and sea safety zones for the remaining targets clear of people during scheduled training operations.

9. No training operations around Culebra will be conducted on weekends or holidays except to meet an urgent operational commitment. In the event that this becomes necessary the Admiral commanding the Caribbean Sea Frontier, or in his absence the officer acting in that capacity, will be personally aware of and will have personally approved such operations, and the Mayor of Culebra will be personally notified by an authorized representative of the Commander of the Caribbean Sea Frontier at least twenty-four hours in advance of any such training operations.

10. The Navy solemnly and definitively agrees to abandon its plans to acquire easements or any other interest in land on Culebra and its adjacent cays by eminent domain or other means except as provided by paragraph 7 of this agreement.

11. There will be no time limit on the duration of this agreement, but the Navy promises to continue to investigate both technological and geographical alternatives to the training done around Culebra. The purpose of these investigations will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after January 1, 1972.

Dated the 11th day of January 1971.

John H. Chafee,
*Secretary of the Navy.*

Luis A. Ferre,
*Governor of Puerto Rico.*

Ramón Feliciano,
*Mayor of Culebra.*

Rafael Hernández Colón,
*President of the Puerto Rican Senate.*

12. It is the position of the Puerto Rican Government, Governor Ferre, Senate President Hernández Colon and Mayor Feliciano that the Navy should terminate all training operations on Culebra and its neighboring Cays within a reasonable period. It is the hope of the Signatories listed above that the study that the Department of Defense is required by law to undertake will conclude that this is feasible.

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## BAYH: LIGHT OR HEAVYWEIGHT

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BRADEMAS. Mr. Speaker, I believe that most observers of American life today will agree that one of the outstanding figures in the U.S. Senate is the distinguished junior Senator from Indiana, the Honorable Birch Bayh.

The record of leadership that Senator Bayh has compiled in the Senate is commanding more and more attention across the country.

In this connection, Mr. Speaker, I insert in the Record the text of an article about Senator Bayh by Richard Paisner, published in the June 1971 issue of the journal, The New Democrat.

The article follows:

### Bayh: Light or Heavyweight?

(By Richard Paisner)

A reporter from a national publication, as listless as the liberals around him, doodled in his note pad. Finally, when Bayh began to catalogue pro-war statements by Nixon dating back to 1954, the reporter printed his final assessment of the Indiana Senator in block letters across the open notebook: "lightweight."

He was not the first, nor will he be the last, to level this charge—with its clear implications about Bayh's ability to govern the nation. Shortly after his upset victory over Homer Capeheart in 1962, another magazine sent a team of reporters to Indiana to do an in-depth study of the new Senator. After several days in the state, they reported back—not enough depth to justify a story—and Washington had a label ready before Bayh arrived.

What does it mean to call a politician a "lightweight"? Is it possible to question the political sagacity of the man who got to Washington by unseating Capehart, Indiana's only three term Senator; and, who organized and led the Senate opposition to two poor Supreme Court nominations—Haynsworth and Carswell? Author Richard Harris, who is not one to save a reputation unnecessarily, gives Bayh enormous credit for the Carswell defeat—noting his courage in undertaking the task when other liberals shied away; his parliamentary skill in gaining the critical pair of votes that finally beat the Administration; and his impressive moral commitment. Harris's study was a two-part series in The New Yorker which should be required reading for all Bayh-watchers.

### FROM THE FARM

The Bayh life history has already become part of American Presidential lore. Indiana farm family, AB from Purdue in agriculture, University of Indiana law degree. Though he failed the Indiana bar his first time around, Bayh was elected to the State House of Representatives at about the same time he reached voting age. By his thirtieth birthday, thanks to a dramatic Democratic landslide and a fortuitous combination of circumstances involving aging leaders and key counties, Birch Bayh was Speaker of the House. From there—as Minority Leader when the Republicans recovered control—he jumped into a Democratic Senatorial primary fight against the Mayor of Indianapolis, beat him and went on to shock Capehart by 12,000 votes (aided immeasurably by President Kennedy's missile crisis triumph).

A successful vote-getter, an accomplished political-infighter, with all this, could he still be a lightweight? Yes, he could be. But he's not. Given the complexity of the demands that will face the next President, the shrewdness and the luck—as Bayh readily admits—that have carried him this far could prove inadequate to the task. But, as one studies his record in Congress, especially over the past two years, it becomes clear that there is more to the man than the political cunning of the second-rate hack.

### CONSTITUTIONAL AMENDMENTS

As a Senator, Bayh's specialty has been the Constitution and, as one high-ranking staffer of Americans for Democratic Action (a man who views Bayh as a third or fourth choice for the nomination) admits, the Senator understands the Constitutional issues. Following the assassination of President Kennedy, Bayh guided the 25th Amendment through Congress, fixing a legal definition of Presidential disability. In addition, in the current session, bothered by the real possibility of chaos in the 1972 elections unless states adopt the 18-year-old vote already passed by Congress, he has led the successful fight for a Constitutional amendment to speed this process. Further, after five years of staff study, Bayh offered last year a proposed amendment on the direct popular election of Presidents and Vice Presidents. On March 18 of this year, he introduced Bill S1127, a comprehensive attempt to reform the system of military justice by eliminating completely "all danger of command influence, the possibility—or even the appearance—that the commanding officer of an accused man could affect the outcome of his court-martial."

Admittedly, all the research and most of the inspiration for these proposals emanated from staffers or outside sources. Bayh acknowledges this but argues that no President would be expected to develop legislation. "Perhaps I'm not as heavy a weight as I'd like to be," he says, "but I've come to realize that I have an unusual ability to get things done." Part of getting things done is finding a staff that can help you. In the past few years, Bayh, relying heavily on his long-time aide Bob Keefe, has assembled a high-powered group of assistants—young, liberal, efficient. One Bayh supporter in the field reports that several of the newer men demanded—and got—commitments from the Senator on the major issues: the war, the cities, etc. Armed with those commitments, they are now steadily pushing him to the left.

Understandably, the "lightweight" label bothers all those who surround the candidate. Most of them acknowledge that the Senator played a rather small role in national affairs in his first term, but they insist that the last two years have been a broadening of their man. When this happened, and why, is a complex subject.

Mace Brodie, who knew Bayh in the early days in Indiana thinks that the key to the "new" Bayh was his 70,000 vote reelection margin over William Ruckelshaus (now head of the Nixon Administration's Environmental Protection Administration) in 1968. Until then, Brodie argues, Bayh was constantly worrying about winning another six-year term in a state where—according to a poll commissioned by Sen. Hartke in 1970—only 12 percent of the voters consider themselves "liberals." Afterwards, according to this explanation, he decided he could take some chances.

### NATIONAL AWARENESS

While this appears to be a fairly accurate analysis, it is not complete. The Senator himself dates his ability to function on a national level to the Haynsworth battle. It had to be heady stuff: Eric Sevareid told America, Bayh "looks more and more like a mid-west John Kennedy. . . . His record of accomplishment as a Senator already outshines the Kennedy record in the Senate. . . . The image is almost too good to be true; if it holds a serious flaw, that hasn't shown up yet." Jeremy Campbell wrote in the London Evening Standard that "this handsome, young blue-eyed Senator with both guts and charm is a new star suddenly setting the dim firmament of Washington politics ablaze with promise."

He had taken on the President of the United States and beaten him. Yet one piece of the publicity was not highly favorable. Robert Sherill, writing in the New York Times Sunday Magazine, questioned Bayh's depth on the issues in such harsh terms that, says one Bayh staffer, the Senator said that if it were an accurate description of a political candidate, he wouldn't support him. For about three weeks after the piece appeared, the staffer continues, Bayh was in a "blue funk." Bayh himself admits to thinking deeply about the Sherill criticisms, and his press secretary dates the present deepening concern over the issues to the doubts raised by the article. Finally he came to the staffer with a note he had written to be sent to Sherill: "Dear Bob: Thank you very much for giving me a better look at myself."

Whether the man actually changed—and how much—after Haynsworth-Carswell, one thing is certain: his horizons widened. Gradually assembling what Newsweek recently called "the best countrywide organization . . . and most professional Presidential campaign of them all," Bayh began seeking greater recognition.

The mechanics of Bayh's campaign, as fascinating as they are, are tangential to the purpose of this assessment. It is probably adequate to say that as a traveller and an organizer, Bayh has been extremely adept. Should the friends he's making, especially among the second-echelon Party members around the country, stick by him, the 1972 Convention could produce some surprises.

### BAYH'S CONVICTIONS

Because of that—just because Birch Bayh might somehow squeak through the primaries to challenge for the nomination—it makes sense to ask exactly what this man believes. Beyond his obvious triumphs, there can still be legitimate questions about what he would do as President. It is there that the doubts lie: not in his ability, but in his soul.

Forget for the moment that he announced against the SST in 1971 (though a blizzard kept him from the actual vote). Remember that in 1968 and 1969 when Ed Muskie and George McGovern joined William Proxmire's futile attempts to block the SST, Birch Bayh was still on the aerospace team.

Forget that Birch Bayh voted against the ABM, the most publicized of the anti-Pentagon issues in 1969; remember that he voted against a Proxmire amendment cutting back the cost-overrun C-5A military transport, pending a report by the Comptroller-General.

Forget for the moment that Bayh has attacked the surveillance tactics of the Nixon Administration; remember that he voted to allow the Nixon Administration's sop to the right wing—the assignment of Otto Otepka, liberals' arch-villain—to the Subversive Activities Control Board. Forget that he helped Richard Hatcher become Mayor of Gary, Indiana, against strong Party boss opposition; remember that he refused to take a stand in the 1968 Indiana Primary between Robert Kennedy, Eugene McCarthy and Governor Branigan.

Recognize that for all the high-sounding phrases, Birch Bayh scored lower than any other Presidential candidate except Henry Jackson on the 1970 Americans for Democratic Action ratings. Though Bayh participated in Earth Day celebrations, his 1970 voting record on environmental issues was far worse than that of Hughes, McGovern or Muskie. The only groups that gave him perfect voting records were labor organizations, COPE and the AFL-CIO, but then Bayh has long been known as a close friend of labor.

Recognize all this and give it due weight, but then recognize also that Bayh has little intention of campaigning for the Presidency on the hard kinds of "issues" that figure so prominently in ADA or FOE standings. He doesn't do well with issues in a public forum.

On a trip to New York in late April, Bayh appeared at the Statler-Hilton for a speech to the Model United Nations. Unrecognized, he walked up to a pair of teenage girls at the UN registration desk. "I'm Birch Bayh," he said. "Where should I be?" Flustered, one of the girls replied, "Birch Bayh! But you are upstairs speaking!" Bayh laughed, stepped onto the escalator, then turned around; "That must be an imposter speaking, but he'll probably give a better speech than I will." His speech on ways to reform the UN, indeed, like a speech later that night on Vietnam, was pedestrian and boring.

### A LEADER

But, on both occasions, all was changed when he stepped back from his speechwriters and conveyed his personality to the audience. Like John Kennedy in 1960, apparently Bayh has come to think that American people will respond more to a morally strong, dynamic personality than to just another liberal, attractive, Democratic Senator. He is thus seeking to fill the leadership gap—issuing statements on Administration actions, but couching those statements in terms of what is the proper, moral course, not in terms of what is liberal or conservative.

Perhaps the best example of this strategy (if indeed the application of a system of values to political issues can be called a strategy) is Bayh's response to Nixon's intervention in the Calley affair. When the President promised to add his extra legal ingredient, Bayh was out of Washington, campaigning. Reportedly more incensed by the President's action than he had been at the Carswell nomination, Bayh told his D.C. office to prepare a response. Several staffers counseled restraint; Bayh insisted. Though the statement by Calley prosecutor Audrey Daniel obscured Bayh's attack, there was no mistaking how completely he outbid the other Presidential Senators. Skirting the liberal dilemma of whether Calley should be exonerated because he was just a pawn in other people's war, Bayh concentrated his attack on the President's determination "to play politics with the Calley decision and the entire Mylai tragedy." Well-prepared to the point of knowing the charges (ignored by the President) against the 115 other servicemen court-martialled for premeditated murder of Vietnamese citizens, he charged Nixon with undermining the integrity of the legal system that "is what Americans have defended in past wars."

"Most of us today," he continued, "are concerned about the alarming increase in the rate of crime. . . . Well, I happen to believe that law and order is taught by example as well as by exhortation. And I do not believe the President's action is designed to strengthen support for our system of law and order. It is far easier to talk about principles than it is to live up to them."

### INTEGRITY, NOT ISSUES

His will be a campaign that attacks hard the leadership of the Republicans. He will play the moral tune probably more than he will deal with substantive issues. He will criticize actions more because they appear to be illegal—like the recent decision to reduce corporation depreciation taxes by Executive Order rather than Congressional Act—than because they are incorrect policy, though he might believe the policy misdirected. With faith in the Presidency at a low level, Bayh will seek to capitalize on his deserved, though not unbesmirched, reputation for integrity and political courage. Where John Kennedy played his youth as an alternative to Republican lethargy, Bayh will play Haynsworth-Carswell as an alternative to the moral decay of the Republicans.

The approach is having some success. The Washington Star reported on a meeting of delegates to the California Democratic Council: "Bayh, who spoke yesterday after Muskie and McGovern had departed, received by far the biggest ovation, after giving a hard-hitting, emotion-filled speech. There appeared to be a feeling among many delegates, even some who said they were for Muskie, that Bayh could develop into a hot property."

United Press International, noting that Bayh's mail had been running 1000 to one against the Calley verdict when he took his stand, predicted that "when public opinion shifts . . . Bayh's forthright stand will be taken correctly as an act of political courage, rather than a gamble."

One of California's more prominent black politicians thinks that Bayh has the most appeal to minority groups. Comparing the Indianan's willingness to plunge into ghetto crowds with Robert Kennedy's, the state legislator said the blacks and chicanos know Bayh's record on civil rights is as good as any of the other candidates—despite Indiana's Ku Klux Klan past—and they welcome his straightforward manner.

### LAW AND ORDER

If the Calley case is a good example of Bayh's "moral role of law" approach to sensitive issues, then his intervention in two recent racial hot spots supports the argument. In March of 1970, Bayh pressured the Justice Department to investigate a shooting incident at the Indiana Reformatory at Pendleton. Though both the local grand jury and the state police had whitewashed what was essentially a racial attack on unarmed inmates by 11 armed guards and a civilian, Bayh insisted on, and got, a clarifying judgment. Again, he spoke about the structure of the law, not the racial incident itself.

Similarly, in April of this year, Bayh urged the Attorney-General to "undertake a thorough, impartial investigation of complaints my office has received from Texas residents alleging widespread violation of the civil rights of members of the Mexican-American community by law enforcement officers." As Bayh later wrote to the Dallas Times-Herald, he was not making any charges regarding the treatment of Mexican-Americans in Texas, merely seeking to ensure, as "a member of the Senate Judiciary Committee," that no one's civil rights were being violated. No emotional defense of minority rights there—though the minority groups certainly get the message—just going by the book.

### YOUTHFULNESS

To be President, one must evidently sound like Moses but also look like Richard Widmark—troubled but dignified and above all, aging. If Bayh has another weakness as a candidate, it is probably the same boyishness that gave John Kennedy so much trouble eleven years ago. As ridiculous as that sounds, Bayh's youthfulness lacks the gravity which lends weight to a politician's statements. The incredible rapidity of his rise to national prominence leaves him, even today, less knowledgeable than many of the other candidates, particularly McGovern. He lacks experience with the Eastern money-men and on a trip to New York early in the spring, allowed his nervousness to show through to the dismay of the potential contributors. Usually, in person, he is straightforward and sincere with a quality so rare in a politician these days—awareness of his less than godlike capacities. Whether experience will give him added polish and improve his public-speaking stature, whether his speech writers will get a better idea of their boss's natural cadence—something quite different from the Kennedy-Sorensen rhetoric they provide him—these things remain to be seen.

If Bayh's past history is any indication, he will probably overcome these problems. His is a career marked by a remarkable ability to adapt to his surroundings. Just as each man must try to adjust to the varying environments of his life, Bayh has grown and changed with each new political office. Apparently, he has decided that the environmentally proper posture for a Presidential candidate in 1972 is one of personal courage, integrity and honesty. After the Carswell vote, Bayh was asked whether his role in the battle would hurt him back home. "Sure it'll hurt," he said. "It'll hurt like hell. But you have to stand up for what you believe in. I don't have to be a Senator all my life." As phoney as that sounds to hardened political people, it must be said that Birch Bayh either believes it or if he doesn't believe it, has had remarkable success in convincing others that he does. Whichever it is, Bayh is committed to a hard fight for the nomination. It would be a mistake to underestimate him and thus, his chances.

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## PETITION COMMITTEE FOR SOVIET JEWRY

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. KEMP. Mr. Speaker, I was quite pleased to receive a letter from Mr. and Mrs. Enoch Silverstein from Evanston, Ill., informing me of the petition drive which they are sponsoring on behalf of Soviet Jewry. It is to their credit that they have taken upon themselves a task of such mammoth proportions and in the best tradition of the American spirit.

Mr. Speaker, this summer I am planning to visit the Soviet Union with the Education and Labor Committee on which I serve. I hope to take that opportunity to present to the Soviet leaders a petition signed by members of the Buffalo Jewish Community. Should I be unable to enter the Soviet Union with these petitions, I will make every effort to present them to the Soviet Embassy in Washington or to their United Nations delegation in New York City.

At this point I include the aforementioned letter, the petition, and an article from the May 7, 1971, Chicago Sun Times.

The material follows:

PETITION COMMITTEE
FOR SOVIET JEWRY,
*June 18, 1971.*

Hon. JACK F. KEMP,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN KEMP: We are sponsoring the enclosed petition project for Soviet Jewry, as illustrated in the enclosed reprint.

You, as a prominent American, can help Soviet Jews in this effort, if you will lend your support and join the growing list of Americans who signed this petition to release the Jews.

In the interest of humanity and justice, please sign the enclosed petition and return it to us, so we can present it to the Soviet Government.

Very truly yours,
Mr. and Mrs. ENOCH SILVERSTEIN.

TO THE SOVIET GOVERNMENT

We demand that you stop your inhuman persecution of the Jews in the Soviet Union.

We demand that you allow the Jews to leave the U.S.S.R.—this is their legal right, guaranteed by your government. This right of emigration is in "the universal declaration of human rights," article 13-2. The language is clear and unequivocal—"Everyone has the right to leave any country, including his own." Your government is a party to this essential human right. You must honor your word!!

JACK KEMP,
*Member of Congress.*

[From the Chicago Sun-Times, May 7, 1971]

FOR THE JEWS IN RUSSIA: 70,000 PETITIONS MARK THEIR DECISION TO ACT

(By Paul Galloway)

Like most people Enoch and Marjorie Silverstein try to keep up with what's going on in this country and in the rest of the world.

They read newspapers and magazines, watch network news on TV, talk about issues and events with friends.

And like most people, Enoch and Marjorie Silverstein feel very strongly about injustices. They want to do something to help, something more than to make stirring speeches at the dining room table, talk back to Walter Cronkite or mutter cynically.

But unlike most people, Enoch and Marjorie Silvestein did something. They acted. And so far, as a result, they have a basement stacked with more than 70,000 petitions.

PETITIONS FOR SOVIET UNION

The petitions are addressed to the leaders of the Soviet Union. They contain two demands. The first is that the persecution of Jews be stopped. The second is about a citizen's right to emigration, and it is aimed at the Soviet Union's refusal to allow many Soviet Jews who want to emigrate to leave the country.

What prompted the petition drive?

"It was frustrating," Enoch says. "We'd go to meetings and listen to speeches and become eager to do something. Then we'd feel this sense of futility that there was nothing we could do. We'd go home and get back to normal living."

One night two months ago, they sat in the den of their home in Evanston, talking about it. "We decided we should stop saying 'Something should be done' and do something," Enoch said.

"Then we started down the list of ways to translate our concern into action. We rejected any kind of wild emotional approach. We felt our appeal should have a legal basis, because this kind of approach would be the hardest for the Soviet Union to answer. We settled on the idea of the petition."

5,000 COPIES OF PETITION

They took the final text of the petition to a printer and ordered 5,000 copies. It cost about $35.

"We wanted one signature rather than many on each sheet. We felt it would give a greater sense of identity and participation for the signer," Enoch says.

The first time they took the petitions out was a meeting at Mather High School. They set up a booth in the back of the room, and after the main speaker finished, what earlier had been a trickle of signers became a torrent.

"In three or four days, it became apparent that we were going to need more petitions," says Enoch. "I went back and ordered 5,000 more. Then in a few days another 5,000. Then 10,000."

The petitions have since been distributed by 1,000 volunteers in shopping centers, schools, churches and synagogs, at meetings and door-to-door.

MANY VOLUNTEERS PITCH IN

"We haven't solicited any organization, but many have voluntarily joined. One had 40,000 of them printed at its expense."

Besides the stacks ("They must weigh a ton") in the Silverstein basement, at least 120,000 more are being circulated.

"I'm overwhelmed," Enoch says. He has already spent several hundred dollars on the project. "We have had such wide support—every race and creed and all ages have been in on it."

Enoch's motivation is particularly personal. His parents were immigrants from the Ukraine and met in the United States, but his mother's sisters and brothers remained behind and were killed by the Germans in 1941.

The Silverstein petition cites Article 13, Paragraph 2 of the Universal Declaration of Human Rights, of which the Soviet Union is a signer:

"Everyone has the right to leave any country, including his own."

HOPE TO TAKE PETITIONS TO WASHINGTON

"With the information (about treatment of Jews in the Soviet Union) coming to light, how can one ignore it?" he asks. "Some one has described the situation as a spiritual rather than a physical holocaust. How can anyone be indifferent?"

Enoch says he and his wife want to put the petitions in a truck and take them to Washington to present them.

"We're not sure of the protocol, and I'm really open to suggestions about how to use them," he said.

"I really believe they'll do some good," Enoch added. "Great nations are sensitive to public opinion, and I think it'll be an amalgam of many efforts, including ours, that will change the policy."

And, say, Enoch and Marjorie Silverstein there still is room in their basement for another ton or so of petitions.

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## TRADE SHOWDOWN—THE UNITED STATES READIES FOR WAR ON INTERNATIONAL RULES FOR EXPORTS, IMPORTS

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. PUCINSKI. Mr. Speaker, recently the Wall Street Journal carried an excellent article by Mr. Richard F. Janseen concerning the attempts of the United States to update the rules of the international trading game so that we may have at least an even chance to compete.

Mr. Janseen put the matter into proper perspective when he discusses some of the reasons for our imbalance of trade—such as the export of our technology—for which we have spent billions of dollars—to low-wage countries; artificial trade barriers such as tariffs, subsidies, and the value added tax which allows rebates to exporters thus distorting free trade since they work against our greater efficiency in many areas; and the outdated rules of GATT—General Agreement on Tariffs and Trade.

One GATT staffer correctly pointed out a major dilemma in our foreign trade policy—we have none. Policy is spread over several bureaucracies, such as the Commerce, State, and Defense Departments, and the Tariff Commission. Another problem is the creaky working of the international monetary system with its reliance on fixed exchange rates. Some rates are out of line, and the imbalance raises the prices of U.S. exports and cuts the prices of U.S. imports.

Obviously, a trade war would be a losing proportion for everyone concerned.

But by the same token, industries that are going out of business or curtailing their activities, and millions of unemployed Americans, will not be impressed by the fact that we have spent billions of taxpayers' dollars to restore to a healthy state those very countries which are now denying us our rightful access in the world marketplace.

Mr. Speaker, the timely Wall Street Journal article follows:

### Trade Showdown: United States Readies for War on International Rules for Exports, Imports—Americans Say Stacked Deck, Lets Overseas Goods In, but Blocks the United States Abroad—Will "Nightmare" Come True?

(By Richard F. Janssen)

The U.S. government is getting ready for a new cold war—against the rest of the free world.

The field is the presumably peaceful one of international trade. The object: updating the rules to give the U.S. an even break in the $300 billion-plus game of world trade.

Spurring Washington to act is a vision that Europeans deride as "the American nightmare": a dark picture of a world in which other nations combine the newest technology with lower wages to rout U.S. goods from both home and foreign markets. Some in Washington see this situation being hastened by the fact that present trade pacts are enforced slowly, unfairly, or not at all. Says one U.S. strategist: "How do they expect us to survive—as a nation of coupon-clippers and welfare recipients?"

U.S. officials and lawmakers complain that the present system doesn't stop Europe from offsetting the greater efficiency of American farmers through steep tariffs against U.S. foodstuffs and generous subsidies for its own farm exports. They charge, too, that existing rules let other countries encourage exports with special tax rebates, permit growing regional groups to do business duty-free among themselves and allow Japan to keep quota limits against numerous U.S. items while flooding the U.S. with autos, radios and synthetic textiles.

#### THE RESPONSE

In response, the U.S. is taking an increasingly tough stand in international economic organizations, is launching probes of foreign trade practices and is acting more vigorous against allegedly unfair imports ranging from French molasses to Japanese glass. Some officials hint, moreover, that the U.S. ought to cut its military commitments abroad unless there's less discrimination against U.S. wares.

The risks of the undertaking are high. The new American posture threatens to shatter the tenuous constraints against anything-goes competitive practices and protectionism abroad, and American planners concede that their trade aims could strain diplomatic and military relationships.

But they feel there's urgent need to plow ahead anyway. President Nixon was said to have been "bowled over" by the dismal trade projections of Peter G. Peterson, the head of his new Council on International Economic Policy. Mr. Nixon is devoting much time to the situation, aides report, in part because of the world political ramifications. The potential trade conflicts are greatest with Japan and West Germany, the industrial powers that he is said to deem "the key to peace in the world" now.

The first phase of the effort to revise the rules appears to be going smoothly. After Secretary of State William P. Rogers cautioned in Paris this month that "many in the U.S. aren't convinced" that the international trade rules are being applied fairly, the 23-nation Organization for Economic Cooperation and Development agreed to start sorting out the issues.

#### BRITISHER'S ADVICE: HAVE FAITH

But this may be the easiest phase. Serious negotiations may follow in two years or so, and this country's trading partners are determined to defend the status quo. "We understand the U.S. concern, but I'm not so sure we find it justified," says a British trade official in London. While admitting that imports are making sharp inroads in such key U.S. industries as autos, steel and consumer electronics products, he advises the administration "to have faith that one's scientists and engineers will come up with something else."

But administration men fear that any product innovations will swiftly be picked up for cheaper manufacture abroad, mainly through the foreign subsidiaries of U.S. businesses. "Technology gets transferred in a great hurry now," frets Mr. Peterson.

The apprehension is underscored by statistics showing that the U.S. imported $215 million more goods in April than it exported. Officials still expect an export surplus for the full year, but they fear it will be slimmer than last year's $2.7 billion and so will do less to offset the big dollar outflow for military, investment and other purposes.

Nor will technological progress do much good in the longer run, U.S. officials fear, if other countries continue to frustrate American export attempts by what these officials call unfair manipulation of the fair-competition rules of the General Agreement on Tariffs and Trade, the 90-nation authority based in Geneva. "The rules will have to be changed" or at least enforced more evenhandedly, Treasury Secretary John B. Connally declares. Another official adds bluntly, "We've lost confidence in GATT. The Europeans have GATT going their way and why the hell should they give it up?"

#### A MUTUAL MISTRUST

The mistrust is mutual. At GATT headquarters, a pale-green hilltop villa with a breathtaking view of Lake Geneva, an aide describes the Nixon administration attitude as "fantastically dangerous" for the future of a liberal trade order. He denies that the rules or their applications are at fault, and he says the Nixon administration simply doesn't understand GATT.

"I know the U.S. feels cheated" because GATT hasn't swiftly arrested, say, the surge of Japanese textile exports to the U.S., he says. "But GATT isn't a court with police to enforce laws," he says. Rather, it's "a forum for negotiations on the basis of agreed rules and procedures" set up in 1948.

GATT works mainly through "moral suasion," officials say. The most it can do if this fails, they add, is to sanction retaliation by an aggrieved member against an offending one, such as restoration of higher tariffs on some products. To insist directly that a nation stop a disputed trade practice, an official warns, "can unravel everything" by setting off a chain reaction of rule violations or dropouts from GATT membership.

To use GATT successfully, a staffer chides, "a country must have a foreign-trade policy—and the U.S. has none." If the Nixon administration had had a clear concept of how to dovetail the U.S.-Japanese textile dispute with such other policy problems as steel imports and the return of Okinawa to Japan, the official suggests, "we could have helped" by providing a secluded setting and technical support for serious negotiations. But as in other trade issues, GATT analysts complain, the administration couldn't get agreement among such agencies as the Commerce, State and Defense departments and the Tariff Commission to do this.

The administration recognizes this internal disarray. President Nixon's formation early this year of the council headed by Mr. Peterson was intended to unify policymaking. And at least some trade experts in Washington agencies agree that GATT can't be expected to make crisp, legally enforced rulings. "It's more of a foot-shuffling and throat-clearing process," one says.

Nor is GATT totally "loaded against us," some officials concede. It provided the forum for the widely acclaimed lowering of tariffs that President Kennedy initiated, and it routinely extends a rule waiver permitting the U.S. to impose import quotas on cheese, cattle and other agricultural products. Rather than change GATT's basic rules, "we should seek to improve its operations," testifies Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs.

Still, the U.S. dissatisfaction runs deep, not only in the administration but also on Capitol Hill and in the business community. The GATT rules "should be redrawn" because they date from the early post-World War II time when "the U.S. held a virtual monopoly over production and trade," asserts a report by the staff of the Senate Finance Committee. The GATT principles of fair play "are being violated right and left," charges N. R. Danelian, president of the International Economic Policy Association, which represents big U.S. companies.

As U.S. officials start exploring possible reforms, here are some complaints they'll likely make—along with objections they're apt to encounter from other governments:

#### TARIFFS

The most basic GATT principle is that each member should apply to the products of all other members a duty no higher than it applies against the same goods from the "most favored nation." The same rule requires that any other "favor" granted the goods of one nation must also "immediately and unconditionally" be granted to like products from all others.

The U.S. generally honors this principle, it's widely agreed, but GATT permits so many exceptions for others that Mr. Danelian contends the U.S. has fallen into a "least-favored-nation position." The six European Common Market nations are allowed to levy duties against U.S. goods while collecting none from each other, for instance and they have a growing network of more favorable rates for Mediterranean and African countries.

Europe yawns at the American alarm. The poorer, developing countries that make up two-thirds of GATT membership "need special measures to help them expand their exports," asserts Olivier Long, GATT's director-general, and others argue that GATT negotiations have brought tariff rates down so much since World War II that they no longer mean much anyway. The Common Market stresses that by January its rates on industrial goods will average 6.9% of their values, compared with the U.S. average of 10.9%.

#### TAXES

GATT permits "indirect" or sales-type taxes to be rebated to exporters and to be levied against imports, but it doesn't allow this to be done with such "direct" taxes as the corporate income tax. In the U.S. view, this gives a wide pricing edge to countries that rely on sales taxes, such as the European "value added tax" levied at various stages of handling goods.

The distinction is based on an "extreme and arbitrary" economic theory, the Senate staff report charges, and it notes that European countries have sharply raised their sales-type "border taxes" over the decades. But European authorities argue that their income tax rates have gotten roughly as high as American rates, and they suggest that if the U.S. really believes that having a stiff national sales tax is such a good thing it ought to enact one. (The administration is studying the possibility of a "value added tax" for the U.S., but apparently not with any great urgency.)

#### NONTARIFF BARRIERS

This is the broadest and thorniest area of trade disputes. GATT has compiled—by asking each member to tell the nasty tricks others are pulling—a catalog of 800 such obstacles to free trade. They are often "complex and deep-rooted," says Robert McLellan, Asistant Commerce Secretary for Domestic and International Business, and are of "considerable concern" to the administration because they're often directed especially against U.S. products.

These restrictions are often subtle. Foreign governments may offer lower rates for their export goods than for other freight on state-owned railways, or they may encourage their export industries to get together without fear of antitrust actions. There is a "general reluctance" among other nations to give up such practices, Commerce Secretary Maurice Stans says.

The U.S. has formally complained to GATT that Western European nations are developing uniform standards for electronic and electrical products. Washington suspects the aim is to exclude a wide variety of U.S. goods. A European trade official blandly denies that this is "necessarily" the motive. Instead, he argues that on such a highly technical matter "it is simply easier to get agreement among a few countries than among many."

## COMMENTS ON THE McNAMARA PAPERS

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. GOLDWATER. Mr. Speaker, I believe it is critical to put the entire question of the stolen McNamara papers in proper perspective.

I wish to present the following article from Monday, the Republican National Committee's hard-hitting publication. In addition I include a statement I made to the question of the right of America's press media to determine what is in the best interest of national security:

#### ALLIES UPSET OVER DISCLOSURE OF McNAMARA PAPERS, SURVEY SHOWS

Contrary to what the publisher of the New York Times has implied, there is widespread concern among America's allies over publication of the so-called McNamara Papers. Times publisher Arthur Ochs Sulzberger was quoted in the N.Y. Post on June 9 as replying: "Oh, that's a lot of baloney. I mean really," to a question about the U.S. Government's claim that publication of the papers will destroy the faith of foreign governments in the ability of the U.S. to keep confidences.

Monday spoke with an official source at the State Department who strongly disagreed with Mr. Sulzberger. "Almost all our allies in Western Europe and East Asia feel that while it's Top Secret material on Vietnam today that the Times and other papers are publishing, it may well be Top Secret material about their country tomorrow," the State Department official explained. "A second point virtually ignored by the press," the source pointed out, "and this is absolutely crucial, is the chilling effect this publication has on all of our Government's representative's abroad who communicate in writing, and this means almost all communication. If these people feel they cannot report in full frankness what is going on in a given country, this prevents the U.S. from knowing what's going on abroad. And this could have disastrous consequences on our foreign policy."

#### COUNTRIES MOST CONCERNED

The State Department source said countries most concerned about the publication of the classified material are Canada, Thailand, the United Kingdom. Australia and New Zealand. All these countries, the source said, upon publication of the documents immediately asked the U.S. for special meetings to discuss the matter.

A Monday random survey of embassies in Washington also showed concern over the publication of the classified material:

A spokesman of the Israeli embassy explained that because of the situation in his country they are "extremely security conscious" and the disclosure of the material in the Times hit Israel "exceptionally hard." To the people back home, the leak of Top Secret documents is "unthinkable," he declared. "Perhaps we will communicate more orally, I don't know. I don't think the press has the right to declassify such material. They do not have the whole story."

#### FRENCH CONCERNED

A spokesman at the French embassy explained that his country has "a great interest" in and is "very concerned" about the publication of the material. "Such leaks are very likely to happen elsewhere, our government knows this," he declared. "While the material today being published is about Vietnam, tomorrow it could be about France. We are quite concerned. And our concern is definitely not baloney."

A spokesman at the British embassy shared the concern of the French. "There is no question that the publication of this material is unsettling and might have an effect on what we commit to paper in the future,'" he said "We most likely will be more hesitant to put things in writing. The publication of this material has wider repercussions than just about Vietnam."

A spokesman at the West German embassy said: "We realize that in the future documents embarrassing to us could be made public. To that extent we are concerned."

#### SOUTH VIETNAM

A spokesman at the South Vietnamese embassy said: "The whole thing is of concern to us. It is upsetting and will probably change the way we communicate in the future. But at this point it is not clear how."

#### TIMES-POST CHANGE VIEWS

Also virtually overlooked and uncommented on by the press in the whole NEW YORK TIMES-WASHINGTON POST-Vietnam Papers Caper is the 180 degree policy change exhibited by both papers in their publication of the classified documents. As far as the TIMES and POST are concerned it appears that there are good security leaks and bad security leaks. It all depends on who is leaking what to whom.

For example:

In the 1950's, during the so-called Army-McCarthy hearings, Sen. Joseph McCarthy was editorially lashed by both the TIMES and the POST for suggesting that he felt it the duty of every Federal employee to give to his Committee any information they might have about "graft, corruption, Communist and treason." McCarthy said there was no loyalty to a superior officer which could tower above and beyond their loyalty to their country.

#### INVITATION TO ANARCHY

The Times, in an editorial titled "Invitation to Anarchy" blasted McCarthy for "undermining the structure of our Federal system" and encouraging every "malcontent, every disgruntled office holder or office seeker . . . every political sycophant" to disregard the whole fabric of "law and order" that holds this or any government together.

The Post was equally indignant and in an editorial titled "Above the Law" took McCarthy to task for what the paper called "an open defiance of the laws."

In an editorial titled "Breach of Security" in December of 1962, the Times roasted authors Stewart Alsop and Charles Bartlett for a story in the Saturday Evening Post about what went on in a National Security Council meeting during the Cuban missile crisis. Although the Alsop-Bartlett article contained no word from any NSC report or any other secret document, unlike the Vietnam report published by the Times and Post, the Times asserted that the "secrecy of one of the highest organs of the United States Government has been seriously breached."

#### TIMES DEFENDS SECRECY

The Times asked rhetorically: "How can advisers to the President be expected to give advice freely and easily and at all times honestly and with complete integrity if they have to worry about what their arguments will look like in print a few weeks later? What kind of advice can the President expect to get under such circumstances? How can there be any real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique? . . . it is to the point to reiterate the White House statement this week that the various positions of the members of the N.S.C. taken during deliberations must remain secret 'in order to permit access by the President to the frankest expression of views.' The integrity of the National Security Council and of the advice received by the President, is at stake."

In 1963, when State Department security officer Otto Otepka furnished a Senate subcommittee with two classified documents to prove that certain of his superiors had lied under oath regarding him and Department security procedures, both the Times and the Post lambasted Otepka. In an editorial titled "The Congressional Underground" the Times declared: "Orderly procedures are essential if the vital division of power between legislative and executive branches is not to be undermined. The use of 'underground' methods to obtain classified documents from lower-level officials is a dangerous departure from such orderly procedures."

#### POST ATTACKS OTEPKA

The Post labeled what Otepka did "unlawful" and "unconscionable." "He gave classified information to someone not authorized to receive it . . . he had no authority to give it . . .," said the Post. "If any underling in the State Department were free at his own discretion to disclose confidential cables or if any agent of the Federal Bureau of Investigation could leak the contents of secret files whenever he felt like it, the Executive branch of the Government would have no security at all."

As columnist Stewart Alsop wrote last week in Newsweek magazine: "Indeed, the Times series, by the Times' own standards, is the most serious 'breach of security' in modern history. Yet those who wait for the Times to denounce this particular breach will have a long wait."

#### EDITORIAL REBUTTAL—KHS RADIO, LOS ANGELES

(By Congressman BARRY M. GOLDWATER, JR.)

While freedom of the press must be defended, at the same time the press must be responsible. It is not responsible for the press to defy the law by releasing classified documents of the United States Government. The New York Times and other newspapers showed gross negligence in publication of the Pentagon papers. They have set a dangerous precedent for the release of other material in the future. Can a newspaper editor now decide what is in the best interests of our national security? Can he act above the law of the land? Now, I admit that the process of classification is sometimes overused and some of the material need not remain classified. However, it remains as an established procedure under the law to maintain our national security. Any change must be made through either the Congress or the courts. No newspaper editor has the right to make a decision of what laws should or should not be obeyed. No man or business is above the law, including the New York Times.

## THE DUCKSPEAK OF THE "EXPERTS"

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. BRAY. Mr. Speaker, to date this so-called "new era" of U.S.-Red China relations has been all one-sided.

A major relaxation of trade restrictions, complete removal of travel restrictions, kind, hopeful and optimistic words on the part of the United States—and in return, my newest copy of Peking Review, June 18, 1971, carries on page 11 this common Red Chinese slogan, not attached to any article in particular:

> People of the World, Unite and Defeat the U.S. Aggressors and All Their Running Dogs!

One article in the Review is headed "United States-Japanese Reactionaries Warned"—concerning joint U.S.-Japanese naval exercises off Korea—and another article is a reprint from a Japanese Maoist monthly, Mao Tse-tung Thought, with this heading:

> Japanese People's Struggle—A Link in Struggle by World's People Against U.S. Imperialism and Its Running Dogs.

Yet a third is headed:

> Shining Example of Small Countries Defeating a Big Country: People of Indochina growing stronger as they fight in the war against U.S. aggression and for national salvation.

And now we have the experts starting to come out of the woodwork. There are rather disturbing indications that these experts prefer to draw wishful conclusions based on what they think it should be, rather than what it is. We have the above examples to go from, also the fact that to date there has been not one single reciprocal act from Peking, in spite of all our scraping and crawling. Yet, it is most disturbing to me to read that, in a letter to the New York Times on Saturday, June 26, from the co-director of the East Asia Studies Center at Dartmouth, the following; the letter commented on the actual new generation of China scholars:

> These young China specialists don't look on China as an enemy. That there are unfathomable—even frightening—aspects of the People's Republic, few of them would deny. But they know the Chinese language, read everything they can about China, talk to travelers and Chinese diplomats abroad—*and conclude that the Chinese experiment is a great, and even a noble one . . .*" (italics supplied)

Also, last week, the director of East Asian Legal Studies at Harvard told the Senate Committee on Foreign Relations that the United States should apologize to Peking for espionage activity, as a way to get four Americans jailed by the Red Chinese released from their prison cell. This expert said there was a new climate—his word—in Peking toward the United States. I would find this easier to believe if the pages of Peking Review reflected it. From the examples in the June 18 issue, the climate has not changed one whit.

This great and noble Red Chinese experiment meant the deaths—and the total figure will never be known—of an estimated 10 million Chinese. It has resulted in—and even pro-Peking Westerners admit this—a rock-hard, rigid regimentation of the Chinese millions into a gray and faceless mass, tramping along in unison to the thoughts of Chairman Mao.

It has meant the psychotic, thoughly irrational excesses of the Great Cultural Revolution, and the rampages of the Red Guards—which got to be too much even for Mao. It has meant destruction—or attempted destruction—of all that was truly great and noble and a heritage of China's past.

As for the apology suggestion, I would think a simple quid pro quo to Peking concerning the prisoners would be in order: we have gone this far, and we might go farther if, and only if, these men are released.

But not one further step on our part until they are, not one, and make this clear to the Red Chinese ruling hierarchy.

The poet Virgil wrote in his Aeneid the famous line:

> I fear the Greeks, even when bringing gifts.

For myself, and I think the above examples of duckspeak will bear me out, there is reason to fear these self-anointed experts and especially when they come bearing advice. I trust that the administration will deal with Red China on more sound and realistic premises.

## ANNIVERSARY OF THE BATTLE OF KOSSOVO

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DERWINSKI. Mr. Speaker, today is the anniversary of the Battle of Kossovo, the day on which the Serbs commemorate this event of great historical significance. While the battle was fought on June 15, 1389, its anniversary is June 28 under the Gregorian calendar.

The kingdom of Serbia, which had been in existence since 1168, became a great empire during the 14th century. The empire collapsed as a result of the Serbian defeat at Kossovo, when not only Tsar Lazar I but the flower of the aristocracy met death on the battlefield.

Serbia existed as a vassal of Turkey until 1459 when it became part of the Ottoman Empire. It was not until 1878 that it once again became an independent monarchy.

Since World War I, Serbia has been the major part of Yugoslavia, which includes the Croats, Slovenes, and other groups. At the moment, the people of Yugoslavia, who have been subject since 1945 to a Communist government, are concerned with the complications inherent in the Brezhnev doctrine as well as the economic stagnation in the country which results from the fundamental defects in Communist ideology.

Although they have had historic and modern stresses and strains among themselves, the many ethnic and major religious groups present in Yugoslavia coexist in an imperfect, yet impressive, fashion. The yearning for true freedom throughout the history of their respective peoples is evident each year in Yugoslavia, and this is notably so among the Serbs.

I, therefore, take note of this historic anniversary commemorated by the Serbian people. I wish to commend them for their perseverance and unquenchable thirst for freedom and to express my conviction that the tenacity of the Serbs will, in the future, produce a government consistent with their great history and traditions.

## DRUG ABUSE—A PROBLEM OF TRAGIC PROPORTIONS

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. WALDIE. Mr. Speaker, I would like to bring to the attention of the Congress an excellent editorial published in the June 14 edition of the Concord Transcript which makes clear the need for answers to the drug dilemma.

By use of examples, it explains the phenomenal proportions of teenage drug abuse that is occurring in the Concord area as well as an illustration of the crisis across the Nation. But more, it offers a positive solution in beginning to cope with the difficulties faced in contending with this tragic problem.

I include the editorial as follows:

### DRUG ACTION A MUST

Concord has a problem of tragic proportions: drugs. It is a crisis which must be overcome through the efforts of not just some. It must be faced by every citizen.

For those who do not see the problem, those who may wish to bury their heads in the sand, let's look at the record in just the past week.

Police raided a home and seized 35,000 secobarbital capsules, the largest seizure in county history. Secobarbital is a depressant. The capsules are most commonly known as "reds."

Nineteen kids between the ages of 13 and 16 have been detained by police officers because they were unable to care for themselves. Twelve had to be treated at hospitals.

A 14-year-old boy was arrested and admitted pushing "reds" at Glenbrook Intermediate School. A second teen, age 17, was also arrested. Six hundred pills were seized.

Mark S. Hudson, age 15, was fatally shot. Police say the suspect arrested in the case was high on "reds."

We could go on, but the point is clear enough. As Lt. Robert Redfern of the Concord Police Department puts it: "Very definitely it's a hell of a problem here and it seems to be getting greater."

In just a few short days, Concord hopefully will open its Discovery House. That will be thanks to a few, comparatively speaking, dedicated citizens. That Discovery House must open and it must have the support of virtually every resident of Concord. Any other programs which come along must, too, have the support of the community.

The problem of drug abuse by our teenagers cannot and will not go away by itself. We must make it go away.

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## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, Mr. Gleason Glover, the executive director of the Minneapolis Urban League, is a tireless worker for programs which are vital to the well-being of Minneapolis.

His testimony at the recently concluded Minneapolis health care hearings emphasized:

> The health service agencies responsible for the delivery of health services to the minority and disadvantaged communities have only minimal representation from these communities at the decision-making levels in these agencies.

The following testimony and study conducted by the Minneapolis Urban League bear out this point. We must reverse this inequality since widespread participation at the decisionmaking level is essential to the health of our democratic society.

The material follows:

### STATEMENT OF MR. GLEASON GLOVER

Congressman Fraser and fellow citizens, Medical care in the United States is a gigantic, expensive business dwarfed in costs only by the business of defense: (estimated expenditures for 1969: 85.2 billion).[1] In 1969, medical care cost the people of this nation almost 63 billion, roughly 7% of the gross national product and more than we spend either on social security or on the education of our children.[2] Despite the huge investment, the United States ranks 17th among all nations in the life expectancy of women and 14th in the rate of infant mortality.[3] Life expectancy is lower and infant mortality is even higher among the black and the poor. Despite this huge investment, most of our nation's 313,000 active physicians work alone as private entrepreneurs, largely responsible only to themselves.

Another dimension of our national and local health care problem is the absence of health insurance for a large segment of minority and disadvantaged population, especially those who are under 65, who have no health insurance plan. Even those enrolled in health insurance plans have significant gaps on their coverage and therefore, cannot make extensive prolonged use of the health care services currently available. This is most acute for the unwed mother and families who have mental or physically handicapped children.

To compound this already complex health problem is the fact that the health service agencies responsible for the delivery of health services to the minority and disadvantaged communities have only minimal representation from these communities at the decision-making levels in these agencies. The severity of this problem has been clearly indicated in a study completed by the Minneapolis Urban League in the spring of 1969,[4] and our current experiences as a result of the League's Consumer Health Education Program.

This program is designed to train and place the minority and disadvantaged consumer in decision-making positions on Boards of Directors and committees of those agencies and hospitals responsible for the delivery of health services.

Of the 68 private and public health service related agencies and 11 hospitals at the state, county, and local level it was ascertained that only 31 minority and disadvantaged consumers were involved in decision-making process concerning the delivery of health services. Although these institutions provide approximately 90% of health services to the minority and disadvantaged community. It should be noted that three of these institutions and agencies were responsible for approximately 50% of the minority and disadvantaged envolvement.[5] One hospital, which had 60 employees and served over 2,800 black patients, had no black Board participation.

The aforementioned factors clearly indicates a need for radical surgery of our ailing medical care system.

The Minneapolis Urban League, in accord with the recommendations of the National Advisory Panel of Health to the National Urban League, (of which the speaker happens to be a member), urges your leadership and support of a national health care system based on the following assumptions:

1. The national health system should be conceived and function to meet the needs of the consumer and provide opportunity for appropriate consumer participation and control of the system which will serve them—consumer oriented rather than provider oriented.

2. The national health system should be oriented to health and its maintenance rather than disease.

3. More effective delivery of health services to the consumer cannot be achieved without the development and proper utilization of health personnel in innovative job classifications. This is based on a redefinition of roles and tasks and reorientation from disease to preventive health.

4. The most comprehensive health services can only be realized when the disadvantaged consumer has a representative decision making position at all levels in the national health system.

5. The health care system must be designed to provide an even distribution of comprehensive health care services in all communities.

6. A system of tax supported public education with a service commitment for all health professionals is essential to achieve an equitable solution to the manpower needs. The success of this educational system to provide sufficient manpower personnel will require a redefinition of roles and tasks.

In summary, the primary goal of a national health system should be to provide high quality, comprehensive, dignified medical, dental and mental health care and environmental protection for all people in the United States, regardless of race, sex, location, citizenship status or income.

The World Health Organization defines health as a state of complete physical, mental, and social well-being—not merely the absence of infirmity or disease. The Minneapolis Urban League urges your leadership in making this a reality not only for the minority and disadvantaged but for all citizens.

#### FOOTNOTES

[1] New York Times Encyclopedic Almanac, 1970.

[2] Faltermeyer, E. K., "Better Care at Less Cost Without Miracles," *Fortune* 81:80, January, 1970.

[3] Medical Tribune, May 4, 1970.

[4] "A Study of the Participation of Black People on Boards, Staff and Committees of Selected Public and Private Health, Education and Welfare and Employment Agencies in Minnesota," *Minneapolis Urban League,* Spring, 1969.

[5] The statistical information in this presentation does not include minority and disadvantaged membership on Pilot City Health Center Health Board or the planned Advisory Consumer Health Committee for Mount Sinai Hospital.

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### A STUDY OF THE PARTICIPATION OF BLACK PEOPLE ON BOARDS, STAFF, AND COMMITTEES OF SELECTED PUBLIC AND PRIVATE HEALTH, EDUCATION AND WELFARE, AND EMPLOYMENT AGENCIES IN MINNESOTA

#### INTRODUCTION

In 1963 The Minneapolis Urban League conducted a study to determine "The Participation of Negroes in Selected Private Health and Welfare Agencies in Minneapolis." Information was primarily sought "as to whether Negroes were excluded from agency services by policy or circumstance; whether Negroes were served by the agency as a result of a general open door agency policy, and whether Negroes were specifically recruited for agency participation." The main hypotheses of the study were directed toward participation of Negroes in agencies as *recipients of service*. However, board and staff participation statistics were recorded.

Since 1963 major historical events have affected the lives of all peoples of the United States and particularly those who are Black.

The Civil Rights Movement gained public recognition in 1955 with the city wide bus boycott in Montgomery, Alabama. The boycott was instigated by Rev. Martin Luther King and Ralph Abernathy.

The tempo of the movement increased under the varied direction of such leaders as King, John and Robert Kennedy, Stokely Carmichael, and Malcolm X.

The struggle for equality culminated during the summer of 1967 in a series of violent outbreaks in the black ghettos of Detroit, Newark and other large cities. As a result, President Lyndon Johnson established the Kerner Commission to study: "1) what happened in the summer of 1967? 2) why did it happen? 3) What could be done to prevent it from happening again?"

After a year of study the Kerner report was issued March 1, 1968. His ultimate conclusion was that: "what white Americans have never fully understood, but what the Negro can never forget is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it . . . our nation is moving toward two societies—one black, one white—separate and unequal."

A careful examination of American history will reveal that large numbers of Black Americans have been systematically excluded from the decision making. The Black Power that Mr. Whitney Young espouses in his "New Thrust" program for The National Urban League represents a systematic attempt to reverse that practice and to make legitimate participants, not simply *recipients,* out of Black people. In the process of pursuing this goal it is hoped that many of the existing exclusivist social, political and economic institutions can be transformed.

## GENERAL INFORMATION

### *Purpose of the study*

The purpose of this study was to determine whether Black people living in Minneapolis have not as yet been given an equal opportunity in the decision making processes in the major areas that affect their lives.

These major areas are defined as Health, Education, Welfare and Employment.

### *Focus of the study*

In order to compare some statistics this study followed the general outline of the 1963 survey. However, it was determined to expand the study beyond the private agencies to the public agencies. State and county agencies were included as well as city.

One hundred and fifteen agencies were selected. All agencies provided services relating to the major areas defined above. The director of each agency received a letter from the director of the Urban League. The letter explained the purpose of the study and requested cooperation. Included was a short questionnaire.

### *Method of study*

The study was divided into two separate components. The first consisted of the questionnaire. It contained ten short questions requesting statistics on the total number of personnel employed by the agency, and number of Blacks on the staff, board or committees of the agency.

The second phase consisted of interviews with directors of 38 of the selected agencies participating in the study. Each interviewer followed an 18 point interview format. The questions were designed to provide basic information regarding the nature of agency services. Two questions sought to determine whether the personnel of the agency had been involved in any Black sensitivity training programs, and whether the agency anticipated any changes in agency programs that would affect the Black community.

Upon completion of the questionnaires and interviews the numerical data was categorized and tabulated; the general information was summarized.

For comparative purposes the agencies were divided into 15 categories, 1) Family and Child Welfare, 2) Care of Emotionally Disturbed Children, 3) Settlement Houses and or Group Recreation, 4) Service to the Elderly, 5) Corrections, 6) Education, 7) Parks and Recreation, 8) Employment, 9) Health Services, 10) Hospitals, 11) Youth Work, 12) Poverty Programs, 13) Welfare, 14) Rehabilitative/Education Services for Specific Disease Entities, 15) Unclassified.

### *Special problems of the study*

In 1962 the Urban League adopted a resolution regarding social statistics with a racial designation. Realizing the possible misuse of such statistics they nevertheless concluded that for the present their value outweighed the danger. They requested all agencies to keep pertinent statistical data by race in order to aid in research and in program planning.

It was the intent of the staff to interview directors of 60 selected agencies. Time and special circumstances limited the interviews to 39. In spite of this request most agencies have not kept records on the percentage of services directed to Black people. Most of the statistics gained in the interview were rough estimates. However, in the areas of board, staff and committee participation the information given on the questionnaire was precise.

### *Overview: Facts and figures*

118 questionnaires were sent out. Two agencies had merged and the statistics on one questionnaire applied to two related organizations. Thus 115 agencies were contacted. 84 questionnaires or 73% were returned. Contact by phone was made with the remaining 27%. Three agencies refused to participate, the others agreed to, but failed to return the questionnaire.

39 interviews were conducted with directors of the agencies by the staff of the Urban League.

In all statistics reported the two Poverty Program Agencies, Pilot City and Model City, were treated separately because of their innovations in the areas studied.

### *Totals: Personnel—Boards—Committees*

The total number of personnel employed by the 82 agencies as reported on the questionnaire was 18,627. Of that number 717 were Black. Total board membership of those agencies having official boards was 1,902, 85 of whom were Black. Of all agencies reporting active committees a total of 3,051 people were listed as actively participating. Of that number 158 were Black.

## BOARD MEMBERSHIP

*Breakdown by Categories* (All numbers refer to Black Members unless otherwise indicated.)

*Family and Child Welfare:* Family and Child Welfare Agencies showed an increase of 7 board members. One agency reported 4 new members, another 2.

*Emotionally Disturbed Children:* Agencies dealing with emotionally disturbed children had no Black representation on boards.

*Settlement Houses/Group Recreation:* Settlement Houses and Group Recreation Centers revealed an increase from 14 to 23. 15 of these members represent one agency.

*Services to the Elderly:* 3 of the agencies rendering services to the elderly had no Black board members. One agency had 2.

*Corrections:* Correction service agencies revealed incomplete data as 2 large departments had no formal board structure. Of note in these departments was the precise data available regarding racial designation of those individuals incarcerated. Similar data was *not* available regarding employed personnel, governing bodies or committees.

*Education:* In education one single system employing the largest number of personnel of any of the agencies in any category had only one board member. A private institution with a faculty of over 250 and a student body of over 1,500 had no representation.

*Employment:* Public employment agencies referred approximately 225,000 individuals for jobs in 1969. One agency stated that approximately 10% of the 6,500 they served were Black. Only 1 Black man was listed as a board member in employment agencies.

*Health Related Agencies:* In Health related agencies an increase in board membership was noted from 4–16. Interestingly one agency, Planned Parenthood, was responsible for an increase of 5 members. 7 of their 45 member board were Black.

*Hospitals:* Hospitals including Federal, County, and Private, revealed *no* board participation by Blacks. One hospital had employed 60 and served over 2,800 Black patients.

*Youth Work:* Organizations working with youth showed an increase of 8 members. Five of those were appointed since 1966.

*Welfare:* In both State and County Welfare Departments no board participation was reported.

*Rehabilitation/Education:* Rehabilitation and Education Services for specific diseases had the largest number of agencies of any category. Of 17 agencies surveyed only 5 had board members.

*Poverty Programs:* The 2 Poverty Programs in Minneapolis-Pilot City and Model City, were treated separately. Both had shown innovative approaches in developing organizational structures that involved Black people on many levels of decision making. The two programs served different areas of the city. Both areas have a high concentration of the minority population. The two programs had a total staff of 69, 26 of whom are Black Model City with a total board of 107 had 16 Black members. Pilot City with a total of 32 had 11. 25% of the total committee membership was Black. The Committee involvement by Black people in these two agencies alone equals 25% of the total involvement of the 82 other public and private agencies.

## GENERAL DATA RELEVANT TO CONCLUSION AND RECOMMENDATIONS

*Public Agencies:* Public agencies employed the largest number of personnel (14,125), and with only a partial listing served 653,000 people. However, only 5 board members served in organizations where boards were used. Departments without formal board structure showed no participation in decision making roles. 613 Black people were listed as staff members. The majority of these positions were of a clerical or building maintenance nature.

*Board Participation:* The total board membership (Black and White) for the agencies surveyed was 1,902. 85 of that number were Black. 80 of the 85 were board members of private agencies. Only five men were members of boards of public agencies. Of those five two were appointed since 1966. In the private sector 49 new board members had been appointed since 1966. However, this figure represents 28 of the 82 agencies. 29 agencies had no Black representation on boards. The remaining agencies showed some participation but no increase.

*Staff Participation:* The total staff (Black and White) listed for all agencies showed an increase of approximately 4,000 since 1966. The total 18,627 employed in 1969 represented 717 who were Black. This is an increase of approximately 176. However, the increases were all within 24 of the 82 agencies. 15 agencies showed a decrease, 25 had no Black staff. The remaining agencies retained the same number or did not report in this category. Generally the public agencies showed the greatest increase in total staff as well as Black. A total staff of 14,125 was reported with 614 of those Black.

*Sensitivity Programs:* Thirty five directors responded to the interviewer's question regarding sensitivity type training programs for staff. 9 agencies had no experience with this, one of these had plans for a course this summer. 10 agencies had "someone to talk" for one class. 10 agencies had one session conducted by various members of the Black community. 5 agencies reported workshop types of programs. One agency had 5 groups for its clientele but not staff.

*Plans for Change:* Eight directors were "thinking of" plans for future sensitivity programs. 5 agencies planned "outreach" programs into "target areas" as soon as finances and staff were available. Although statistics on new programs were not recorded, some agencies had developed experimental projects to improve their delivery of services to minority groups.

## CONCLUSION

It is recognized that all agencies surveyed have in the past and are at the present providing important services for disadvantaged and minority people. It has however, been demonstrated that it is possible for agencies to plan and implement changes to develop new ways of effectively delivering their services. It has also been demonstrated that it is possible for an agency to seek and to find competent Black people to participate in the decision-making process of the agency.

However, it has generally been supported by the data in the study that basic structural and attitudinal changes which will open the way for equal life results for Black people have not been effected in most agencies. This is particularly evident in the public agencies which affect the greatest numbers of all people.

## RECOMMENDATIONS

1. No agency should be satisfied with having the "opportunity available" for Black people

to participate. This opportunity should be reflected in concrete policies and procedures of the agency which promote that participation.

2. Agencies should develop new institutional structures emphasizing community participation and some policy making representation of all constituent groups. This may involve a restructuring of the Board of Directors. If necessary agencies should be encouraged to develop leadership-responsibility workshops to prepare some constituents for active participation.

3. The Urban League staff should maintain contact with the directors whom they interviewed. Cooperative programs could be sponsored to develop and pursue the goals of each agency. Plans for methods to increase decision making roles for Blacks could be made.

4. Areas of communication among all agencies need to be established. There is mutual lack of knowledge, thus lack of coordination support and use of existing programs and plans.

5. The Urban League should reiterate its request to all agencies to keep data by race in order to aid in research and in program planning.

6. Lastly and fundamentally—A concentrated effort should be made that all staff of all agencies be involved in some systematic and professional sensitivity training programs. There is an urgent need to increase communication across racial lines to destroy stereotypes and halt polarization.

### APPENDIX A

*Code number and categories of agencies surveyed*

#### Family and Child Welfare

(1) Family and Children's Service.
(2) Catholic Welfare Service.
(3) Children's Home Society.
(4) Lutheran Social Service.
(5) Public and Parochial School Child Welfare Committee.
(6) Seton Residence.

#### Care of Emotionally Disturbed Children

(39) Washburn Child Guidance Center.
(40) Oak Park Center.
(37) Volunteers of America.
(38) St. Joseph's Home for Children.

#### Settlement Houses/Group Recreation

(55) Plymouth Youth Center.
(54) Phyllis Wheatly.
(53) Hospitality House Boys Club.
(52) Boys Clubs.
(51) East Side Neighborhood Services.
(50) Pillsbury Waite Branch.

#### Services to the Elderly

(7) Senior Citizen Centers.
(8) Walker Methodist Home.
(9) Ebenezer Home.
(10) Stevens Square.

#### Corrections

(12) Department of Court Services.
(11) Correctional Service.
(13) Department of Corrections.
(83) City Workhouse.

#### Education

(59) Minneapolis Public Schools.
(60) Augsburg College.
(61) Department of Social Work (University of Minnesota).

#### Parks and Recreation

(42) St. Louis Park—Parks and Recreation.
(41) Suburban Recreation Center.
(71) Park Board (Minneapolis).

#### Employment

(69) Minneapolis Civil Service Commission.
(70) Department of Employment Security.
(68) Minnesota Civil Service Department.

#### Health Services

(35) Minnesota Association for Mental Health.
(31) Minneapolis Health Department.
(32) Visiting Nurse.
(34) Red Cross Area Chapter.
(33) 3rd District Nurses.
(36) Planned Parenthood.

#### Hospitals

(58) General.
(57) North Memorial.
(56) Veterans.

#### Work with Youth

(43) Big Sisters.
(44) Big Brothers.
(45) Camp Fire Girls.
(46) Boy Scouts.
(47) Girl Scouts.
(48) YWCA.
(49) YMCA.

#### Poverty Programs

(74) Pilot City.
(75) Model City.

#### Welfare

(66) Hennepin County Welfare.
(67) Minnesota Department of Public Welfare.

#### Rehabilitative/Educational Services for Specific Disease Entities

(27) American Cancer Society.
(26) Arthritis Foundation.
(25) Glen Lake Sanitorium.
(28) Society for Prevention of Blindness.
(29) Curative Workshop.
(30) Opportunity Workshop.
(14) Goodwill Industries.
(15) Minneapolis Rehabilitation Center.
(16) Society for Cripple Children and Adults.
(17) Sheltering Arms.
(18) Cerebral Palsy.
(19) Respiratory Disease.
(22) Hearing Society.
(23) Dental Services.
(24) American Rehabilitation Foundation.
(21) Society for the Blind.
(20) Association for Retarded Children.

#### Unclassified

(76) Council of Churches.
(78) Council of Americanization.
(79) Legal Aid.
(80) Community Information and Referral.
(81) Minneapolis Federation of Jewish Services.
(82) Minnesota Community Research.
(84) Travelers Aid.
(62) Junior League of Minneapolis.
(63) Womens Club.
(64) Career Clinic for Women.
(65) National Council of Jewish Women.
(72) Veterans Administration Center.
(73) Housing and Redevelopment.
(77) Department of Indian Work.

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## HOUSE RESOLUTION 319

## HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

### H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of insuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

*Resolved*, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

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## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. FRASER. Mr. Speaker, the statement by Mr. Charles W. Poe, Jr., executive director of Ramsey County Community Action programs focuses with startling effect on the pressing health needs of the inner city. Mr. Poe's analogy between the Nation's highway system and health care delivery system is apt. It is one more indication that we must reorient our thinking about health needs in order to eliminate the myths that have burdened our system for so long.

The statement follows:

### HEALTH CARE: A NEED FOR NEW DIRECTION

I would like to thank you for this opportunity to appear before you and to speak about the health care problems that are presently facing our community and our Nation. As you already know, Ramsey action programs is the local community action agency for St. Paul, and for Ramsey County. As executive director of this agency, it is a special privilege for me to come before you, because during the past few months, our resident board has designated health care improvement as a specific project during our coming program year. If we are going to be successful during the coming year, we will need more of the kind of concern and support that is being shown here today.

Because our agency's constituency is limited to Ramsey County, I will be limiting my remarks to the problems and aspirations that are apparent in our area. However, I am confident that many of the same problems and aspirations are evident in many other communities throughout our region.

Today, I would like to speak to you about health care in somewhat general terms, but in doing so, I would hope that we could see that there are problems which encompass the entire philosophy of the delivery of health care. In my estimation, these broader concerns must be dealt with before we can develop any effective programs which can provide specific kinds of health care. After discussing these broader concerns I will provide you with some basic guidelines which I hope will be helpful to you and to your colleagues in preparing, or in examining, legislation, which can provide us with the tools necessary to do our job, here, at home.

As I said before, there are some general concerns which have been brought to our agency's attention. Of course, the first of these concerns is the continually rising cost of health care. In his statement of February 18, 1971, President Nixon told us that nationally, the cost of medical care has risen 170 percent in only the past 10 years. In the same period of time, the median annual income of an American family rose only 74.1 percent. In Ramsey County, this same situation is reflected in a 127 percent increase in the cost of a hospital room, with only a 79.0 percent increase in the annual per capita income. Consequently, the burden of medical costs becomes greater and greater each year.

There is aid available to many people through medicare, and medicaid. However, medicare and medicaid are being utilized by only 12.7 percent of the population. And with this use, these recipients may face the problem of having their choice of service limited, simply because they are unable to pay for medical care without the help of public assistance.

As of 1968, we know that approximately 2,200,000 people or about 60% of the residents of Minnesota were enjoying the security of having complete coverage from medical insurance. This is impressive at first glance. But, when we add this 60% with the percentage of people eligible for medicare or medicaid, we find that almost 30% of the people have only partial protection, or no protection at all. These are the people who are the working poor. They are not eligible for medicaid, they cannot afford insurance, yet they are not financially stable enough to stand the shock of a major medical expense.

We are well aware of the results of these prohibitive health costs. People begin to neglect health care because of the cost. And because of this neglect, they increase the possibility of needing more intensive medical care in the future, and in all probability, they will not be able to afford the care at that time. In a very real way, they are faced with a problem that offers no solution.

A second problem which faces our community, is inavailability of quality health care on a comprehensive basis. In Ramsey County, we are fortunate enough to have a total of twelve hospitals; all located within the boundaries of St. Paul. Each of these hospitals offers a wide spectrum of medical services. We are also fortunate enough to have 756 physicians practicing medicine within Ramsey County. This may be calculated to a ratio of 124.7 doctors per every 100,000 residents living in the county. At face value, it would seem that our community would have ample facilities and personnel to provide service to all who need it. However, this is at face value.

Upon closer analysis, we find that health care facilities and personnel are not readily available to a great number of people. For example, of the twelve hospitals in St. Paul, only one, St. Paul Ramsey, is a public hospital. The other eleven hospitals are privately owned and admit the vast majority of their patients through the request of private physicians. Of the twelve hospitals, only St. Paul Ramsey has a comprehensive outpatient clinic which is open to all residents of Ramsey County, and which provides care, payable on a sliding-scale according to family income. I could go on, but I think that I have pointed out what I wanted to say. We do have a large number of hospitals, but this does not mean that they are providing suffcent care to all of our residents.

Certainly, all health care is not obtained within the walls of a hospital. As I have said, there are 756 physicians practicing medicine within Ramsey County, and many of these physicians have offices or clinics located throughout the neighborhoods. Upon closer inspection, we find that of the 756 physicians, 411 doctors are specialists in the fields of surgery, orthopedics, ophthalmology, research, and so forth. This leaves only 345 physicians who are general practitioners, or a ratio of 38 doctors per every 100,000 residents. In itself, this is below the national average. However, this becomes even worse when we find where these general practitioners have their practices. Statistics show that these doctors are migrating away from the inner-city and setting up their practices on the fringe areas. As the doctors move, health care becomes less and less available to the poor and the elderly who are forced to live within the inner-city.

We recognize the fact that health services are being provided through channels other than hospitals and private practice. For example, the St. Paul Bureau of Health offers neighborhood clinics, as does the family nursing service. However, these clinics are by and larged offered to a select and limited constituency. Separate and periodic clinics for family planning, immunizations, or maternal and infant care, do serve a purpose in our community. But, they do not offer the comprehensive medical care that is needed for all of the residents. Care, that not only services the children and the young mothers, but also the low-income male, the senior citizen, and women who are not raising a family.

A third major concern that has been brought to our attention, is the apparent inability of the medical profession to meet the demands for more and better medical care. The first indicator of this is the seeming lack of coordination and planning within the medical community, itself. In preparing this presentation, we contacted a number of agencies, organizations, and groups for the purpose of information that is actually available on health care in Ramsey County. A classic example of this is our contact with the Ramsey County Medical Society. When asked how many physicians were presently practicing medicine within Ramsey County, the executive secretary of the society was unable to tell us. We also contacted no less than ten agencies and organizations, regarding the cost of health care in our community with very minimal results. In such instances, a community cannot plan an effective health program, when such elementary information is not readily available.

A second area of concern is in the updating of the method of health care delivery. As a recent Carnegie Commission medical study reported in the 1970 issue of Commonwealth said, ". . . what is wrong is not a lack of money, nor inferior doctors, nor faltering technology. What *is* wrong is the inadequacy of the system by which medical care is delivered."

The traditional insistence on the qualifications of medical personnel who may be eligible to perform various medical duties, remains unrealistic and detrimental to the efficient and expanded delivery of care. Our primary concern should be: What is most convenient for the health care recipients not what is most convenient and beneficial to the supplier of health care services. The utilization and location of health care personnel merits scrutiny. A change in the use of professionals and para-professionals would help not only the medical community, but also health care recipients.

As I said at the beginning of my presentation, I have spoken about health care problems on a broader basis. I have spoken about the rising costs of medical care, the unavailability of care, and the need for updating the methods of delivering medical services. There is a final concern that is by far the most important. That is the total lack of the community's control of their health services.

The provision of health care is not an open market. People are given options, that really provide them with no choice at all. If they are not satisfied with the type of service offered, they have no recourse but to continue to use that service because no other is available. In the field of health care, we are faced with a seller's market, not with a buyer's market. And at the present time, the sellers have decided to offer the public, particularly those of low-income and the elderly, a product that deals with sickness, not the prevention of it. A product that is inferior and is not always useable. And finally, a product that refuses to change, regardless of the demand for change.

Until this climate changes, until health care consumers begin to have a greater say in the types of care that are offered to them, our present condition will continue to exist, and will probably worsen. We must again make the health care market, a buyer's market. A market that does not favor the prosperous at the expense of the poor, but rather a market that favors the recipient, at the expense of inflation, inefficiency and unavailability.

How do we achieve this? The first step is to insure that any new programs that are proposed include a significant amount of resident participation from their very concept. We must realize that health care programs can not be designed and implemented while operating in a vacuum. Traditionally, programs have been designed *for* people. This is a major reason for the difficulties we now face. It is absolutely imperative that these programs be designed with the constituents who will be using the services. The programs must meet the needs of the total community, as they exist, not the needs of a few, as perceived by an even more select few.

Secondly, the approach of the delivery of health care must be changed. We must become concerned with maintaining the health of our people, as well as, treating their illnesses. Prevention of illness should be our primary objective and our source of greatest satisfaction.

Thirdly, our delivery of health care must be comprehensive and available to all recipients. We should strive for the establishment of neighborhood clinics which can provide care of all types to anyone who walks through its doors at any time. Clinics which provide care that is personable, efficient, and effective.

This kind of approach to medicine is beginning to blossom in Minneapolis, and St. Paul. It is being called community medicine—where a multi-service facility is being used to treat a community's health needs while providing necessary ancillary services. These community medicine projects are cropping up in many diverse communities. Presently, they are depending on volunteer labor from concerned health care professionals; professionals who volunteer their time because others who could act decisively, are not moving far enough or fast enough to meet the growing need for service.

To achieve our goals, to move far enough—fast enough, we will need decisive action at the national level. We will need a national health insurance program which will make insurance available to all of our people. We will need incentives which will allow communities to redirect their present systems of health care delivery, placing an emphasis on health maintenance. Most of all, we will need support in changing the provision of health care to a buyer's market, rather than a seller's market.

And today, the buyers are giving us a clear indication of what that market should include:

1. Comprehensive medical-dental services;
2. Mental health programs;
3. Pharmacy services;
4. Nutritional counseling and low-cost wholesome food; and

5. Health education.

As well as ancillary services such as:

1. Legal assistance;
2. Housing information;
3. Financial counseling; and
4. Community information and referral.

We must insist that control of health care be returned to the people and that they not only be allowed, but that they be requested to determine the future of their health program.

It might be interesting to speculate on what might happen if we operated our Nation's highway system as we presently operate our health care delivery system:

1. Most of the streets and highways would close at 5:00 p.m.—with only a few being open at night and on the weekends—for emergencies.

2. The great majority of the roads could only be traveled if you had a referral card from your private physician.

3. Regardless of the road, there would be toll gates, every mile. A few of the toll gates would charge nothing at all. Many of the tolls would be so high that they would prohibit use of the road. Most of the toll gates would collect whatever would seem appropriate.

4. Road construction would be extensive in the suburbs and in the fringe areas of the cities. Dirt roads would have to suffice in the rural areas or in the inner-city.

5. Public transportation would only be available to those receiving medicare or medicaid, in the form of over-crowded buses going nowhere in particular.

The working poor would ride in horse-drawn wagons. And the affluent? They would ride in their air-conditioned limousines, paying their tolls in monthly billings, but never paying more than 70% of the toll fee.

Thank you.

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## STUDY MAKES CASE AGAINST CLEARCUTTING

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. DINGELL. Mr. Speaker, the Des Moines Sunday Register of June 13, 1971, carried an excellent report by James Risser under the heading of "Study Makes Case Against Clearcutting." So that my colleagues may have an opportunity to be aware of this report, I include the text of the news item at this point in the RECORD:

STUDY MAKES CASE AGAINST CLEARCUTTING—MAY VOID CLAIMS ON FOREST REGROWTH

(By James Risser)

WASHINGTON, D.C.—Experiments now under way in an agency of the Interior Department cast serious doubt on the major justification given by the U.S. Forest Service and the timber industry for the clearcutting of timber in national forests.

Complaints about the aesthetic and ecological havoc wreaked by stripping all trees from large sections of the forests have traditionally been met with contention that clearcut logging is the only way to achieve regrowth of Douglas fir—a prime source of timber from national forests in the West.

Preliminary findings by the Interior' Bureau of Land Management (BLM) indicate otherwise. Not only can Douglas fir be regrown without clearcutting, but in some cases clearcutting actually prevents regeneration, BLM believes.

The time-honored argument, generally accepted by both friends and foes of clear-cutting, was stated in full-page newspaper advertisements placed last month by the American Forest Institute, an industry organization.

### CLAIM SUNLIGHT NEEDED

Douglas fir and some less important eastern hardwoods, the ad asserted, "require sunlight to sprout and grow. Without openings in the forest, these would become endangered species. Others would shade them into oblivion."

Arnold Ewing of Eugene, Oreg., a timber industry spokesman, recently told the Senate public lands subcommittee: "It is a well-established fact that Douglas fir is a species that needs full sunlight to do well."

And Edward P. Cliff, chief of the U.S. Forest Service, said nearly the same thing. Clear-cutting of Douglas fir, he told the senators, stimulates the natural phenomena that gave birth to the old forest stand." Douglas fir, he said, develops and grows best "in full sunlight."

These arguments apparently have persuaded the Senate public lands subcommittee, which at the moment has decided not to even hold hearings on anti-clear-cutting legislation introduced by Senator Gale McGee (Dem., Wyo.).

BLM, which extensively uses clear-cutting in its western Oregon fir forests, has begun to modify the practice and to eliminate it in some areas.

Boyd Rasmussen, BLM director, mentioned to the Senate subcommittee that clear-cutting has recently been found to present regeneration problems, particularly on southern slopes, and may be replaceable by other timber-harvest methods which keep a "continuous canopy" of trees and foliage over the forest floor.

In an interview, Rodney O. Fety, acting chief of BLM's Forestry Division, said clear-cutting on BLM lands in southwest Oregon has resulted in serious regeneration problems. Even with artificial replanting, the young Douglas fir trees would not grow, he said.

### HEAT BECOMES LETHAL

BLM foresters found that removal of all trees subjected the soil to such intense sunlight that "the heat became lethal"—up to 140 degrees on south slopes—and killed seedlings, Fety said.

As a result, BLM dropped clear-cutting as a permissible logging practice in that area going instead to a three-phase cutting which maintains a canopy of trees to protect the regenerating trees from too much sun.

More importantly perhaps, BLM began studies at its Tillamook experimental area in a cooler, more rainy area in northwest Oregon. There, clear-cutting and regeneration seem compatible, but environmentalists have long complained of the scenic damage and the destruction of recreation potential.

The Tillamook experiments are aimed at finding alternatives to clear-cutting of Douglas fir, particularly through what BLM calls "continuous canopy management."

The results are not certain yet, Fety cautioned, but so far the young Douglas fir trees are "growing to beat the band" even though they are being raised in partial sunlight under a canopy of bigger trees.

Whatever use is made of clear-cutting on BLM lands in future years, Director Rasmussen has said it must be done in smaller patches and in ways that blend with natural features of the area.

BLM already has a policy of clear-cutting areas of not more than 40 acres, insulated from each other by intervening timber stands, and with provision for full reforestation, he said.

The Forest Service, whose National Forest timberlands are 25 times as large as BLM's, has not observed restrictions of that type. Areas of 500 acres and more have been clear-cut in Montana's Bitterroot National Forest and in West Virginia's Monongahela National Forest. Only recently has the Forest Service agreed to cut back some of its clear-cutting in response to growing outcries from local citizens.

It still strongly defends clear-cutting of Douglas fir and such eastern hardwoods as black cherry and poplar.

However, one witness at the April hearings of the public lands subcommittee, Syracuse University forestry professor Leon S. Minckler, testified that "it is simply not true that clear-cutting is necessary to establish more valuable timber species such as ash, cherry, oak and yellow poplar."

Minckler said his research in the Kaskaskia Experimental Forest showed that these trees regenerate well when logged "by group selection or by cutting small patches," a system which he said "maintains a continuous forest on the area, preserves integrated uses, and at the same time encourages desired reproduction.

Critics of the Forest Service argue that the agency's use of clear-cutting actually results mainly from industry assertions that it is a more economical logging method.

George R. Staebler of Tacoma, Wash., a forester for the Weyerhaeuser Co., told the Senate subcommittee that "clear-cutting relatively large blocks of trees (100 acres, rather than 40-acre or 10-acre plots) requires less investment in equipment and access roads and reductions in other logging costs, as well as greater per-acre yield and more certainty and greater quality of reforestation.

Forest Service Chief Cliff said logging methods other than clear-cutting "usually require relatively more money to prepare, and many more roads."

A recent analysis of clear-cutting by a forestry consultant for the Sierra Club argues that the industry is wrong about clear-cutting being more economical. The cost of logging the small trees that are taken in clear-cutting averages about $18.36 for each thousand board-feet of lumber obtained, compared with only $7.05 per thousand board-feet from larger, more mature trees harvested by selection cutting, according to the analysis.

A recent study by the Forest Service in California showed a logging cost of $11.37 per thousand board-feet in a redwood forest where selective cutting was used, and a cost of $11.45 per thousand board-feet where clear cutting was practiced, the Sierra Club said.

### MULTIPLE USE REQUIRED

In any event, critics argue, the use of clear-cutting, even if it is more efficient from a logging standpoint, represents a mistaken philosophy about the uses to which national forests are supposed to be put. By law, timber harvesting is one of five multiple uses required of the national forests. The others are recreation, wildlife and fish management, grazing and watershed protection.

The public lands subcommittee will wind up its current hearings on timber management practice in the national forests on June 29, when representatives of the Department of Housing and Urban Development and the National Association of Home Builders testify.

There are tentative plans to hold field hearings later this summer on a tough "Forest Lands Restoration and Protection Act" sponsored by Senator Lee Metcalf (Dem., Mont.) and another timber bill introduced by Senator Mark Hatfield (Rep., Ore.). A third bill, by Senator McGee, would halt clear-cutting for two years while an independent commission examines the practice, but it appears to have little chance.

## REGULATION OF CHEMICALS MUST BE CALM, DELIBERATE

## HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. THONE. Mr. Speaker, the growing controversy over the use of pesticides and insecticides is of concern to all of us. It is of particular interest to those whose livelihoods are derived from agriculture. Mr. Marvin Russell, the distinguished editor of the Nebraska Farmer, has recently written an article pointing up certain aspects of this controversy that we cannot ignore. I wish to present this article for the consideration of my colleagues.

### REGULATION OF CHEMICALS MUST BE CALM, DELIBERATE

The attack on agricultural chemicals may be leading us down the primrose path to disaster.

A drastic statement? Perhaps.

But I'm beginning to run scared.

The reason? In a nutshell: Stifling of continued research, particularly on the part of pesticide manufacturers.

As of right now, I can't name any research by a public agency to develop improved herbicides or insecticides. The role of the public agencies has been to check out new pesticides as they come along—rather than to develop new, improved ones.

This means the fantastic development we have seen in the past 25 years in chemicals to fight weeds, diseases and insects has been the result of research by private companies.

But now what is the future of such research? I have been visited from time to time by representatives of chemical companies "telling me their troubles" as more and more restrictions have been put upon them. Frankly, I have taken these with at least a small grain of salt, figuring they could be just "crying wolf."

Now, however, I have in front of me a copy of a speech made by Mahlon L. Fairchild, chairman of the department of entomology, University of Missouri. It was published in the Missouri Ruralist, state farm magazine for Missouri.

Fairchild reports on some checking he did with a number of basic manufacturers of agricultural chemicals.

#### CONCERNED WITH FINDINGS

"I was quite concerned with my findings," he reports. "The future research programs in industry range from a complete elimination of research in some companies to much curtailed programs in other companies . . .

"Not only is the research on chemicals for insect control in industry being reduced, but one company that was actively working on biological agents has almost eliminated its research program. This is rather discouraging at a time when the request is for new non-persistent selective compounds . . .

"The real impact of today's reduced research and development programs will not be felt for 5 to 7 years. We have compounds available today that are gradually being lost to either resistance or label, but we can foresee a much more serious problem within the next 5 to 7 years when no new compounds will be coming down the line to replace these."

What must be done to reverse the trend described in Fairchild's foregoing remarks?

A spokesman for the chemical industry has put it this way: Responsible regulation, developed in an atmosphere permitting calm, deliberate judgment, is what is needed—not hysteria which has become evident on the part of many who have become excessively concerned with "the environment."

At the same time, all of us in agriculture must recognize our responsibilities to use pesticides and other chemicals with the greatest care.

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## AMERICANISM AND PATRIOTISM

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. EVINS of Tennessee. Mr. Speaker, as the July 4th Independence Day approaches, it is fitting and appropriate that we renew and reaffirm our faith in our great Nation and its heritage.

In this connection, the latest issue of The New Age includes an American creed by Miss Faye McKinney. This excellent article stresses the importance of Americanism, patriotism, and love of country.

Because of the concern of my colleagues and the American people in our great country, I place this article in the RECORD herewith.

The article follows:

### TO BE AN AMERICAN

(By Faye McKinney)

I am an American! The Golden Rule is my rule. In humility and with gratitude to Almighty God, I acknowledge my undying debt to the Founding Fathers who left me a priceless heritage, which now is my responsibility. With steadfast loyalty, I will uphold the Constitution of the United States of America. I will treasure my birthright of American Ideals. I will place moral integrity above worldly possessions. The problems of my country, shall be my problems! I will count my right of voting as a sacred trust, and I will diligently strive to prove worthy of that trust. I will give my full support to upright public servants, but those with unclean hands I will firmly oppose. Each obligation that comes to me as a true American, I will discharge with honor! My heart is in America, and America is in my heart! I am an American! I have patriotism. I stand when the flag goes by, and I light fireworks on the Fourth of July. But patriotism is not only marching behind a band and puffing out your chest. Patriotism is not a flash of fireworks one day of the year. Patriotism is not found in the whooping of the crowd or maudlin flag waving. Patriotism is the sum of three cardinal virtues—Faith, Hope, Charity. It is Faith in the principles of our government, Hope in the future of our country, Charity toward all, and malice toward none.

Patriotism is that spirit that makes us help our neighbors when they are in distress, and extend sympathy when they are stricken. Patriotism is the emotion that makes a lump rise in the throat when some intrepid spirit strives to achieve something that no human being ever before has achieved.

Patriotism is to be unashamed at the moisture that comes welling up into our eyes with the passing of some great and noble soul, who unselfishly devoted his life to the cause of mankind. Patriotism is loving one's country, respecting its traditions, and honoring its people—high or low—rich or poor. Patriotism is standing firm and unselfish for the right for the common good, for the peace and well-being of all; it is sacrificing self, if need be, and standing tall and unafraid against all opposition.

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## THE FAST TAX WRITEOFF TAX GIMMICK

## HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. GIBBONS. Mr. Speaker, the administration's proposals to accelerate depreciation writeoffs for equipment and eliminate the present reserve ratio test are bad economics, and of questionable legality. The Treasury's authority extends to making rules to enforce existing laws, but not to making new laws. Eliminating the reserve ratio test is not enforcing any existing law.

If this measure were put before Congress, I seriously doubt that it would be approved. It is a case of blatant partiality to big business, and lack of concern for the taxpayer. And it is very unlikely to accomplish its stated goal—promotion of economic expansion. With industry operating at 73 percent of its productive capacity, it is clearly pointless to offer incentives to invest in new equipment. Most of the multibillion-dollar tax break will probably end up as hoarded but unproductive wealth.

Nat Goldfinger, chief economist for the AFL–CIO, has clearly explained the deficiencies of this plan in an article in the June issue of the American Federationist. For the information of my colleagues, I am including this article in the RECORD.

[From the AFL–CIO American Federationist, June, 1971]

### THE FAST WRITE-OFF TAX GIMMICK

(By Nat Goldfinger)

A tax giveaway that benefits mainly wealthy businesses runs directly counter to the urgent need for tax reform. The Administration proposal to accelerate depreciation tax write-offs of business outlays for machines and equipment by 20 percent is a tax giveaway which in the main will flow to the nation's largest and wealthiest corporations and unincorporated businesses and add new inequities to the federal tax structure.

This $3 billion to nearly $5 billion annual tax bonanza to business is a wrong-headed move, which will have very little, if any, early effect in providing a much-needed stimulus to boost sales, production and employment.

This proposal is the wrong remedy for the present economic ills that have pushed the number of unemployed up to 5 million, or over 6 percent of the labor force, and cut industry's operating rate down to about 73 percent of productive capacity. In the longer run, it presents a serious danger of adding to the national economy's instability.

The American economy needs steady economic growth, full employment and maximum use of plant and equipment to create jobs, curb inflation, lift the economy out of stagnation and sluggishness and provide the improved public facilities the American people need. It does not need gimmickry to reduce business taxes, which will result in a windfall to business and the eventual development of another lopsided, inflationary capital goods boom, followed by another recessionary decline.

The legality of this action by the Treasury Department is questionable. The economics of the measure is dead wrong—19th century trickle-down economics applied to the 1970s.

It is fantasy to attempt to induce businesses to significantly boost outlays for machinery and equipment when over one-fourth of productive capacity is currently idle.

The Treasury's proposed ruling would:

Speed-up depreciation write-offs of machines and equipment by 20 percent. The guideline lives will be cut by one-fifth. If, under present Treasury rules, a machine is written off in 10 years, the new Treasury rules would permit the firm to write it off in eight years.

Eliminate the present reserve ratio test, which requires business to actually replace machines and equipment at about the rate they are being written off. Once the so-called guideline life is set, the determination will not be questioned. The relation between tax depreciation write-offs and actual replacement will be broken.

Permit business to boost the write-off in the first year. The new rules will permit a business to take a full year's write-off on all machines and equipment that are put into service at any time during the first half of the year. In addition, a half-year's write-off will be permitted for assets put into service at any time during the last half of the year.

The proposed rule goes far beyond a 20 percent acceleration in allowable depreciation write-offs. Through this rule, the Administration is proposing a radically new and different system for determining the amounts of depreciation cost that can be written off against annual income. By eliminating the current "reserve ratio test"—which assured that some relationship existed between the actual useful life of the assets and the tax write-off—depreciation costs become arbitrary decisions between the Internal Revenue Service and the business taxpayer. As a result, the concept of profits for tax purposes becomes equally arbitrary and therefore meaningless.

The immediate windfall tax bonanza resulting from these actions, according to the Treasury's own estimates, will be $800 million for the current fiscal year ending June 30, 1971, $3 billion next year and a peak of $4.7 billion by 1976.

Over the decade, $37 billion of business tax revenue would be wiped out—$37 billion that could be used for rebuilding the urban areas, mass transit, education, healthcare and pollution controls.

Corporate taxes generally would be cut by about 7 percent. For some corporations, the tax reduction could go as high as 10 percent and many high-income unincorporated businesses would receive even greater windfalls.

On top of this, several hundred million dollars' worth of taxes will be forgiven businesses that have failed to comply with depreciation rules under 1962 laws and the liberal transition period instituted in 1965. These firms under the new rules will not be required to fully repay the Treasury for their past excessive depreciation write-offs. In effect, these businesses will be rewarded for their foresight in not conforming to present lawful depreciation procedures.

Although this tax giveaway is being labeled and merchandised as a means to promote economic expansion and improve the administration and enforcement of the tax laws, it will not serve any of those causes. Rather, it is merely another in a series of efforts by the Administration to heap more of the tax burden on the shoulders of wage and salary earners and redistribute still greater shares of the nation's income and wealth to those who need it least.

This pattern was set soon after this Administration took office. It has been followed ever since:

In September 1969, with tax reform as the claimed objective, the Administration proposed a $1.6 billion corporate tax cut and recommended a substantial trimming of the House-passed tax-reform measures to bring tax relief to those of low and moderate income.

In May 1970, the nation's balance of trade was used as the Administration's excuse to advocate a corporate tax bonanza of up to $1 billion—the so-called Domestic International Sales Corporation proposal.

In July 1970, curbing inflation and abating pollution were the veils for legislative proposals to postpone scheduled reductions in federal excise (sales) taxes and to put a new tax on leaded gasoline—taxes borne entirely by the consumer.

Throughout its tenure, Administration spokesmen have launched trial balloons, threatening new consumer taxes, such as the so-called value-added tax, or new corporate tax giveaways such as the reinstatement of the investment tax credit.

Except for the excise tax extension, Congress has not gone along with any of these proposals. Congress, given an opportunity to study and act, would probably also reject the Treasury's proposed accelerated depreciation rules.

Moreover, the depreciation ruling was announced in January, only weeks after the President vetoed a bill passed by both houses of Congress to provide federal funds for the creation of public service jobs for the long-term unemployed and seriously underemployed; it came only weeks after the President vetoed congressional appropriations for housing and urban development; and only weeks after he vetoed funds for education. On the heels of these vetoes of funds to create jobs for the unemployed and provide improved public facilities and services—and at a time when the Administration has frozen billions of dollars of appropriated funds for expanded public facilities—it is incredible that the Administration could announce its decision to provide business with a tax bonanza, through the device of depreciation gimmickry.

The first specific objection to the proposed rulemaking is that this tax giveaway adds to the inequities in the nation's tax structure and runs counter to the completion of the unfinished business of tax reform.

This proposal boils down to the addition of a new loophole in the tax structure. In the main the benefits will flow to the larger and wealthier businesses. And, like most tax incentives, large amounts of public revenues will be totally wasted, since businesses will receive this tax reduction whether they increase their rate of investment in machinery and equipment, decrease it, or carry on as before.

In its most basic sense, every dollar of taxes given away to business and industry is a dollar more that must be paid by someone else, or a dollar's worth of public facilities and services that are foregone. That "someone else" is mostly the American wage earner. He now pays more than his fair share of taxes and increasingly finds it difficult to convince himself that he's getting his money's worth.

The Treasury's ruling would add to the unfair tax burden that is now borne by middle- and low-income taxpayers. Not only would it add a new loophole to the federal tax structure, it would also provide a regressive shift in income, adding to the income-shares of business and major stockholders while reducing the share that goes to the vast majority of Americans.

Ten years ago the corporate share of the federal-tax burden was one-third; individuals paid the balance. In 1968 and 1969, the corporate share was approximately 29.5 percent. By 1970, the corporate share had fallen to less than 27 percent of total federal income-tax receipts. For the current fiscal year, the Treasury estimates that only 25 percent of the federal income tax will be borne by corporations. Part of the decline in 1970 and 1971 is due to the impact of the recession on corporate profits. But the Treasury estimates that only about 28 percent of the federal income-tax burden will be borne by coroporation in fiscal year 1972, even assuming that corporate profits and the cash-flow will bounce back.

A similar shifting of the tax load away from business and onto individuals—primarily middle- and low-income taxpayers—is shown by a recent Advisory Commission on Intergovernmental Relations' study of state and local business taxes. The study shows that between 1957 and 1967, the business tax share dropped from 34.2 percent of the state and local tax load to 29.4 percent. Thus if businesses had kept up their relative share of the tax burden, another $4 billion annually at 1967 tax rates would have been available to help ease the fiscal pressures faced by most states and virually every local government.

The inequities in the proposed rules, however, are not limited to the increase in the relative tax burden of individuals, compared to business. The Treasury action creates serious and haphazardly applied inequities within the business tax structure itself.

For example:

Depreciable assets represent only one production cost—a cost which varies considerably among industries and firms. The tax windfall benefits will be substantial for those industries and firms whose depreciable assets represent a large part of costs, while other—typically smaller firms and industries with relatively small capital investments—will benefit little.

Large corporations and high-income unincorporated businesses will receive the greatest benefits. Since their tax brackets are higher, the value of the additional deduction, provided by the increased write-offs, is greater.

Since salvage value will not be taken into consideration in determining annual cost write-offs under the new roles, businesses which resell their machinery or equipment at high prices will receive disproportionately high tax benefits. This part of the Treasury's proposal adds insult to injury. The Treasury's proposed rules will permit additional depreciation write-offs through the new salvage procedure—business will not have to take salvage into account in its annual depreciation write-offs.

The second specific objection is that by eliminating the reserve ratio test, the Treasury is eliminating any rational basis for tax depreciation write-offs and, therefore, is destroying the concept of business profits for tax purposes.

The so-called guideline lives for machinery and equipment, under present procedures, are quite liberal. They are short for most businesses and depreciation write-offs for tax purposes are typically faster than could be justified by actual experience. However, because of the "reserve ratio test," the business taxpayer could be called upon to demonstrate to the Internal Revenue Service that his depreciation write-offs are consistent with his actual replacement patterns. If the firm failed to meet this test, the Internal Revenue Service could disallow the excess write-off deductions.

However, the Treasury now proposes to eliminate this relationship between actual replacement patterns and depreciation tax write-offs. As a result, the write-off would be, merely a determination between the firm and IRS and the relationship between the write-off and the reality would not be subject to question. Tax depreciation write-offs, therefore, would simply be determined by the firm and IRS. The rational basis for tax depreciation write-offs would be eliminated.

Since depreciation is a cost of doing business—and a major cost for industrial firms—the amount of this important cost factor would be determined by the needs of the company and the whims of IRS. Moreover, under this procedure, the determination of the tax depreciation write-off would obviously affect reported profits, which are a residual, after deducting reported costs.

Therefore the Treasury's proposed rules

will not merely inflate reported depreciation costs for tax purposes and destroy the conceptual foundation for tax depreciation. They will also reduce reported profits and destroy the concept of profits for tax purposes.

In effect the firm and IRS would determine both reported depreciation write-offs and reported profits—with no government test of their relation to reality. Arbitrary determinations will be substituted for the existing concepts that provide some rational foundation for determining reported depreciation costs and reported profits.

In addition the legality of this proposal seems questionable. It is our understanding that the Treasury's rule-making authority is to enforce the Internal Revenue Code and assure that appropriate methods are used in the determination of income for tax purposes. Eliminating the reserve ratio test, however, does not enforce any existing law.

The proposal represents a broad, sweeping switch from a depreciation system, based in principle on actual replacement patterns, to a system of arbitrarily determined capital-consumption allowances. Such a change does not enforce the Internal Revenue Code. It does not improve the determination of income for tax purposes; on the contrary, it destroys it.

Prentice-Hall, Inc., in its authoritative Accountant's Weekly Report, made the point very clearly: "These new depreciation rules are truly revolutionary and depart from long-established practices."

The Treasury's action is offered as a device to stimulate the economy through the reduction of business taxes. To our knowledge, neither the Employment Act of 1946 nor any subsequent legislation confers this authority to the Executive Branch generally or to the Treasury rule-making process specifically. And unilateral actions of this nature and magnitude are inconsistent with American concepts of public policymaking and just plain good government.

Finally, the proposed multi-billion dollar tax bonanza to business will provide very little, if any, significant lift to the economy in the short run, it will add to economic instability in the long run and provide additional after-tax funds to business for investments in foreign subsidiaries, which displace U.S. production and export American jobs.

Stagnation and sluggishness are evident in most parts of the economy, following the recessions of 1969 and 1970.

Industry, according to the Federal Reserve Board, is operating at a rate of merely 73 percent of its productive capacity. This rate of capacity utilization is slightly lower than in 1958, the year of a deep recession; it is substantially below industry's operating rates in the recession years 1954 and 1961.

As a result of this very low level of sales and production, in relation to industry's capacity to produce, the real volume of business outlays for plants, machines and equipment moved down in 1970 and in the first quarter of 1971 it was below the peak reached in the final months of 1969.

The reasons for this situation are clear.

The unsustainable capital goods boom of 1963–1969 was encouraged and subsidized by the federal government's policies—witness the step-up of depreciation write-offs of 1962 and the 7 percent tax credit for investment in machines and equipment, adopted in that year. In almost every year of that period, business outlays for fixed investment shot up much faster than the Gross National Product or any other sector of the private economy. In the six years between 1963 and 1969, the real volume of such outlays soared almost 56 percent or close to 9 percent per year. This unsustainable capital goods boom generated inflationary pressures in the economy. It was inevitably building up for a leveling off or decline, since it was adding to the economy's productive capacity at a much faster pace than the demands for goods and services.

The other major cause of the present very low rate of capacity utilization has been the Administration's engineered recession of 1969–1970, followed thus far by stagnation and sluggishness in most parts of the economy. The inherent and inevitable build-up of troubles of the unsustainable capital goods boom was compounded by the Administration's decision to curb the rise of sales and production. The result has been a decline of industrial production, while new productive capacity was being added. Thus the very low rate of capacity utilization is largely the result of government policies which created economic instability.

The fact that the real volume of business investment outlay has declined somewhat since the end of 1969 stems clearly from the reality that sales and production are substantially less than industry's capacity to produce. What the economy now lacks is enough customers for the goods and services that current productive capacity can produce.

The weakness is insufficient sales and production—not insufficient plants, machines and equipment. The urgent need, at present, is for measures to lift sales, production and employment.

The rational and economically sound way to obtain an increase in the real volume of business investment is to boost industry's operating rate from its present depressed state—through a substantial lift of sales and output. And, in the long run, the major incentive for the sustained expansion of business investment is high levels of capacity utilization and an increasing volume of sales and production.

The American economy, at present, needs increased public investment and increased consumer expenditures. But the current economic situation is one of widespread sluggishness and stagnation.

Under these conditions, it is a fantasy, based on 19th century trickle-down theory, to expect the Treasury's proposed tax bonanza to business to produce any significant rise in the real volume of business outlays for capital goods. Businessmen don't invest money just for the sake of investing money; they're not going to buy machines merely for the sake of buying machines. Businessmen invest money in new machinery and equipment in the hope that they will be able to use the machinery and equipment to produce goods and sell them at a profit.

Business Week, on Jan. 16, pointed out: "There is also scant evidence that liberalizing depreciation at this time will induce many companies to change investment plants." And there is good reason to believe that this tax windfall would be paid out in increased dividends, retained in surplus accounts or used for added investments in foreign subsidiary operations, until the rate of capacity utilization improves substantially.

The clear relationship between industry's operating rate and the volume of demand for capital goods was indicated in a report in the Wall Street Journal quoting J. T. Bailey, president of Warner & Swasey Co.: "Historically, an operating rate of 80 percent is required to produce a good level of orders for machine tools." And a good level of orders for other types of capital goods may require an operating rate of 85 percent or more.

So the problem gets back to not enough sales, not enough customers, not enough public investment, not enough consumer buying power and consumer confidence about the future of jobs and income.

In the short run, therefore, the Treasury's proposal will be entirely—or almost entirely—a windfall to business and to major stockholders, with the probability that part of the tax bonanza will be exported for foreign subsidiary operations, with the loss of American jobs and displacement of U.S. production.

In the long run, after the rate of capacity utilization improves, the Treasury's proposal poses the serious danger of another lopsided, inflationary capital goods boom, as in 1963–1969, followed by another recession. American economic history is full of such instability and the experience of the past eight years is merely the most recent. Moreover, if such a trend develops again, the boom period will probably be much briefer and the recessionary decline may be deeper.

Our recent problems are in no small measure related to the high rate of capacity accumulation that took place during most of the years between 1963 and 1969—fed by misguided tax policies such as the investment credit, depreciation gimmickry and the failure to enact a corporate tax increase soon enough and high enough to stem the capital goods boom.

The Treasury's proposal is as dangerous as it is inequitable. The multi-billion dollar tax bonanza to business will be paid by middle- and low-income taxpayers. It will add yet another loophole to the federal tax structure at the expense of urgently needed public facilities, ignoring the decay of America's cities and urban life.

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## CLEANUP CAMPAIGN OF MASON-DIXON SCOUT COUNCIL

## HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 29, 1971*

Mr. BEALL. Mr. President, last June 5 the Mason-Dixon Scout Council sponsored a massive cleanup campaign in Washington County, Md. and the Pennsylvania counties of Fulton and Franklin.

The campaign was a huge success. Over 7,500 Americans, both young and old, managed to clean the area of 900 tons of trash.

Although this campaign is aimed only at the visual form of pollution, I see in this form of civic action the concern and determination of citizens to combat pollution on all fronts.

Mr. President, I applaud the Mason-Dixon Scout Council's campaign to help make America a more beautiful place to live and of all such efforts of concerned citizens elsewhere.

Mr. President, I ask unanimous consent that the editorial entitled "Keep It Beautiful" that appeared in the June 9 edition of the Morning Herald of Hagerstown, Md., be printed in full in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### KEEP IT BEAUTIFUL

Thanks to a cooperative effort that perhaps set a record for the tri-state area, 900 tons of trash have been removed from the countryside. The Boy Scout-sponsored Keep America Beautiful project attracted 7,500 adult and youthful volunteers and from all reports it was a genuine success.

Now that the countryside in Washington, Franklin and Fulton Counties is more beautiful and more visible, let's keep it that way.

There's no excuse for dumping the hulks of automobiles, mattresses, bottles and cans in fields and along the roadside. There are designated landfills conveniently located for the purpose of disposing junk and trash in large sizes and small.

Harpers Ferry, W. Va., is making cleanup a weekly activity. Citizens gather up their bottles and deposit them for return to recycling plants.

Other communities have gotten into the spirit of the thing and are cooperating in efforts to keep unsightly trash out of eyes' reach.

The Saturday cleanup effort in the Mason-Dixon Scout Area was a success because people were made aware of the litter and decided to do something about it. The idea is to make every day a cleanup day and not permit a return of the clutter.

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## JUSTICE ON TRIAL

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. ANDERSON of Illinois. Mr. Speaker, I recently received a letter from Miss Cindy Hansen of Rockford, Ill., in which she discusses "the astonishing conditions of the justice system" in America. Her letter describes to what extent our courts and jails are overcrowded and antiquated, and why there has been a corresponding decline in respect for our legal system and its officers. She concludes:

> Some form of action is needed now or these problems will become more serious. Congress should discuss this immediate problem and come up with a realistic solution of reform. Nothing can be gained by waiting and nothing can be lost by trying.

At this point in the RECORD I include the full text of the letter from this concerned young constituent, and commend it to the reading of my colleagues:

JUNE 3, 1971.

Hon. JOHN B. ANDERSON,
*Longworth Office Building,*
*Washington, D.C.*

DEAR SIR: Recently, the article "Justice on Trial" was published in the March 8, 1971 issue of Newsweek magazine. It was an informative but frightening article revealing the astonishing conditions of the justice system which presently exist in America. The courts, the jails, and the police all need reforming, and need it now.

The courts definitely are in need of repair. They are bogged down with too many cases, they are undermanned, and they are badly managed—and these are just a few of the many problems which are present in the court system. The system is at its worst in regard to the juvenile and misdemeanor courts where it ought to be at its best. The article states: "Half the nation's judges in juvenile courts don't have college diplomas." Sometimes it gets so bad that they get 300 cases a day. The increase in crime has jammed the courts, but most of the cases crowding the courts are due to the victimless crimes such as: prostitution, drunkenness, drugs, gambling and homosexuality. The article states that "every second case on the Los Angeles criminal-court docket is a pot offense, every fourth arrest across the nation a drunk case" and, says Portland District Attorney Desmond D. Connall, "a drunk clogs up the system more than a felony first offender." Delay is also common in the courts. Often cases are bargained down if a man pleads guilty, his sentence will be reduced. This, too, will need reforming. Former New York Judge Bernard Botein said, "the lower courts have never functioned well anywhere in my lifetime," and he is 70 years old.

Some solutions to these problems recommended in the article are very reasonable. First of all, the tightening of professional standards, that is, the conduct of the judges and jurors, should be improved upon. Also, the management should be more organized by having court executives handle the administrative and technical aspects such as keeping records. Another suggestion would be to relieve the overcrowding of the "victimless crimes" and to handle them in minor courts instead. Finally, setting some standards for the selection of judges should begin. These are only a few ideas, hopefully more and better solutions to this problem will develop in the near future.

Another problem in the justice system is the deplorable conditions of the jails and prisons. Most of them are old and decrepit, dirty and unsanitary, overcrowded, and usually lacking rehabilitation or educational programs. The prisoners are often involved in riots, homosexuality, beatings, rape, whiskey, drugs, and even suicides. Is this the way the jails should be run?

Suggestions for reform are: first of all, an increase in probation to relieve the overcrowded conditions which exist in the jails and prisons. As for the criminals in the jails, the starting of more work-training and rehabilitation programs would be beneficial. Repairs of the buildings and cells themselves are definitely needed. Also it is necessary to have more better-trained guards in the jails. President Nixon and Governor Ogilvie have started some good reform programs, but more action should be taken for the improvement of all the jails in the United States.

As far as the policeman is concerned, he doesn't have a very popular job these days. The police are low-paid, understaffed, abused verbally, and run the risk of endangering their lives. The Negroes especially look down upon the police which therefore creates a feeling of alienation in the police. They're only trying to help and protect the people and the country and this is what they get in return. As stated in the article: "the cops remain under intense pressure on one hand to catch criminals and on the other not to bend any rules in the process." Many policemen are crooks, however, and make deals with the criminals. Again the article states, "The best officers are still compromised by the brutality and corruption of the worst. The cops involved in the bloodiest confrontations of recent years usually are cleared in the courts, but the trade still resents the outraged liberal reaction." It's a rough job and hopefully their jobs can be made easier with some improvements in the system.

The following are suggestions for the reform of the police: more rough treatment of the criminals, more police cars to help catch the criminals, and more moral support from all the citizens. These will all help the police become a better part of the justice system. The article again states: "the mood is not a happy one for the future of justice: policemen so inflamed by their own discontents begin to look on a large sector of society as the enemy." Let us help them change this outlook on society.

Thus, these three essential parts of the justice system are becoming worse with the close of each day and reform is definitely needed. Some form of action is needed now or these problems will become more serious. Congress should discuss this immediate problem and come up with a realistic solution of reform. Nothing can be gained by waiting and nothing can be lost by trying.

Sincerely,

CINDY HANSEN.

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## RHODESIA: AN UNSOUND POLICY

## HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. DANIEL of Virginia. Mr. Speaker, the United States is assisting the Soviet Union in implementing her announced goal of burying the United States economically. This is a strong statement, but justified by the facts. By refusing to purchase chrome from Rhodesia, the United States has been forced to rely on Russia as the primary supplier of chrome ore. The Soviet Union has upped the price of the substance exorbitantly; thus, the United States is fattening the coffers of her chief ideological and military foe.

Having become increasingly concerned over the foolish path which our country has taken, I cosponsored the Collins bill in the House which would remove economic sanctions against Rhodesia. Hopefully, sufficient support can be gained for this position, so that this senseless ban may be lifted.

An editorial which appeared in the Northern Virginia Daily on June 12 emphasized the gravity of our present course regarding Rhodesia. Further, it recognized the mounting congressional effort for changing our policy toward this friendly country. It properly gives credit to the senior Senator from Virginia, Mr. BYRD, for the leadership he has exercised in the Senate. I insert below excerpts from that sound editorial:

### THERE'S HOPE FOR RHODESIA

Because of U.N. sanctions, which the U.S. supports, we have made ourselves dependent on Soviet Russia for strategic chrome, a vital material necessary in the manufacture of military hardware. This dependence is especially ludicrous for two reasons. The first is that Communist Russia could immediately cut off our supply in the event of war, seriously crippling us. The second is that the price has jumped since 1965 from $25 per ton to $72 per ton, an increase of 288 percent which makes it look like we are being taken for a ride price wise.

For many long months, Sen. Harry F. Byrd, Jr. has waged a lone fight in the Senate to have the embargo against Rhodesian chrome lifted on the grounds that it is a wholly insupportable position against a friendly nation. At long last the Byrd bill (S. 1404), and a companion bill in the House introduced by Rep. Collins (H.R. 4712), which would nullify the current ban against the importation of Rhodesian chrome, have begun to get some powerful supporters.

Among them is Sen. Howard Cannon, chairman of the Armed Services Committee's subcommittee on the National Stockpile and Naval Petroleum Reserves. The latest adherent is Sen. John Tower who commented:

"If it is all right to review the trade policy vis-a-vis Red China, a power that constantly threatens the peace of the world and is directly involved in the death of American soldiers in Vietnam, a power that has practiced genocide in Tibet, then it is certainly in order to review our policy of trade with Rhodesia, which was our ally in World War II and Korea. I call upon the Administration to review its policy in this regard and allow those companies who have a need for chrome to buy it from Rhodesia, if that is what they desire."

In our opinion Sen. Byrd deserves the thanks of the nation for his continued and for a long lonesome struggle to eliminate the inequities of the Rhodesian embargo. When this is finally accomplished, as common sense dictates it must be, both the economic and military posture of our nation will be vastly improved.

## A PROPOSAL TO CREATE AN EMERGENCY LOAN GUARANTEE BOARD

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. HANNA. Mr. Speaker, in June of last year I predicted in this body the failure of this administration's piecemeal reaction to economic crises in the country. At that time I categorically stated that the fire brigade approach being pursued would be inadequate and would merely serve to exacerbate the problems. We see now the accuracy of my remarks—our industrial output continues at a reduced pace and our unemployment has now passed 6 percent. We have seen enough of these failures.

Yet we, today, are seeing but another fire bucket being pushed upon us in the form of a loan guarantee for Lockheed Corp. As I noted almost a year ago, while this action may well serve to bolster temporarily this failing giant, it in no way reflects any realization by this administration of the requirements of our economy in remaining healthy. In addition, we serve neither equity nor the principles of our free enterprise system by such selective assistance. And, as for the specific goals noted in the administration's proposed legislation, we shall see achievement only in a microcosm, and an inadequate microcosm at that.

My good friend and colleague from Pennsylvania, Congressman MOORHEAD, recently addressed himself to this problem before this body and analogized these loan guarantee requests by this administration as mere "aspirins at best to treat symptoms." While I do believe that aspirins are necessary from time to time, and that treating symptoms can avert disaster until a panacea may be found, I also feel that Congressman MOORHEAD has introduced a certain quality of candidness and considerable insight into the dilemma which now faces us, and I concur in much of his evaluations.

It still remains our responsibility, however, to seek these larger solutions while dispensing from time to time aspirin as needs be. And this larger solution is, I believe, embodied in the legislation which I introduce today.

I propose today, Mr. Speaker, the creation of an Emergency Loan Guarantee Board, comprised of the Secretary of the Treasury, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve, and the Comptroller General of the United States. This Board will have limited powers to guarantee loans made by private lenders only when the failure of the borrower "could adversely and seriously affect the economy of the Nation or a major region thereof." In contrast to the administration's suggestions, this Board will be a continuing financial entity, available to provide apolitical consideration to such loan requests as we will soon be considering. In further contrast to the administration's request, such a board would be much more consistent and compatible with both the principles of our society and with the much larger and more significant national economic goals which we must responsibly pursue, by confining itself only to activities directly affecting our national security.

The bill which I am sponsoring is, many of my colleagues will no doubt note, similar to measures previously sponsored by the highly respected chairmen of the House and Senate Banking Committees, Congressman PATMAN and Senator SPARKMAN.

I have made, however, some very important changes to two parts of this bill. My most significant concern with the current situation regarding the Lockheed loan guarantee request relates to the potential abuse of such legislative actions for political ends. I am concerned lest the ultimate action taken on this request will, on balance, be in response more to political considerations than to economic and national security principles. In this regard, I felt the three-member Board as envisioned in the earlier versions of this bill might well be responsive to a single branch of our Government. I have, therefore, included in the Board the Comptroller General. We are now guaranteed that any action to guarantee loans can only come about with the support of an independent Board member. This factor, combined with the constant exposure of the Board's actions to the public eye should minimize purely political influences.

Second, my bill expands the criteria under which the Board may guarantee loans. I have included what to my mind should be a common input all such considerations—the authority of the Board to impose management supervision and changes as felt necessary to protect the Government's interests in the guaranteed activity.

I believe, Mr. Speaker, that this measure I am sponsoring, while not meeting certain of the deficiencies inherent in our freely fluctuating economy, will serve to meet the crises confronting our Nation in circumstances similar to the Lockheed problem. With this Board in existence, this particular fire brigade activity will cease and we may move, in the Congress, on to matters more correctly here considered.

I am including at this point, Mr. Speaker, two items which elaborate on my topic and which I commend to my colleagues in the House preparatory to our consideration of the Lockheed matter:

### STATEMENT BY ARTHUR F. BURNS, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, U.S. SENATE

I appreciate your invitation to present the views of the Board of Governors on legislation to authorize government guarantees of loans to business in emergencies.

The need for prudent provisions to deal with credit needs in emergency conditions has been newly underscored by developments over the past year or so. Last spring, within a few months after I assumed my present duties, financial markets suffered an erosion of confidence severe enough to cause widespread concern that the country might face a liquidity crisis—a situation in which even creditworthy firms might be unable to borrow the funds they needed to carry on their business.

The sharpest contraction of credit came in the commercial paper market, following the insolvency of the Penn Central Transportation Company, a prominent borrower in that market. Since commercial paper is wholly unsecured, investors backed away from issuers about which there was any question. Concern spread throughout the credit markets, fed by fears that some borrowers might be unable to obtain sufficient credit from alternative sources to refinance maturing commercial paper and thus be forced into bankruptcy. With investors generally becoming more cautious, companies with credit ratings less than Aaa experienced increased difficulty in borrowing through the bond market, as was evidenced by the sharp widening of spreads in the structure of corporate bond yields. In short, there apppeared to be a risk of bankruptcies spreading to firms that in other circumstances would be regarded as perfectly sound.

Confronted with an incipient crisis, the Federal Reserve System acted promptly to assure the availability of loanable funds to meet the credit needs of firms that were being squeezed by the contraction of the commercial paper market. First, the System made it clear to member banks that the discount window would be available to assist them in meeting such needs. Second, the Board suspended ceilings on the rates of interest member banks could pay on certificates of deposit of $100,000 or more. In this way banks were placed in a much better position to attract funds to lend to their hard-pressed customers.

These two actions helped to restore confidence, and fear of a liquidity crisis abated. We can all take comfort from the fact that the money and credit markets met the tests of mid-1970 successfully. Looking ahead, however, we need better assurance that temporary liquidity problems of major corporations will not be allowed to damage the national economy.

Traditionally, this country has relied on private financial markets to determine whether credit should be granted or denied. I firmly believe that this is a sound principle, and I am concerned, as I know you are, about how we can preserve this principle and at the same time provide standby authority under which the Government might backstop the private financial markets in emergencies. In authorizing Federal credit assistance, the Congress has understandably concentrated largely on helping homebuyers, small businesses, farmers, and others who will, in ordinary circumstances, need such assistance far more than big businesses do.

In extraordinary circumstances, however, even a large, well-established, and creditworthy enterprise may experience difficulty in obtaining needed credit, and failure to provide that credit could be extremely costly to the general public—in terms of jobs destroyed, income lost, financial markets disrupted, or even essential goods not produced. We should be able to find a way to deal with this problem without injuring the free enterprise system.

In testifying today, it is certainly no part of my purpose to suggest that Congress delay its decision about Lockheed. My aim is rather to recommend that your Committee, with Lockheed fresh in mind, address itself to the question of devising more general standards and procedures to govern credit guarantees in possible future emergencies.

The Board believes there are several guiding principles that should be followed in designing such assistance. First, assistance should be offered only to protect the economy against serious injury. I have mentioned the mid-1970 experience as just one example of conditions under which such a need could arise. Whatever the particular circumstances, assistance should be reserved for those rare instances where it is needed to enable a sound enterprise to continue to furnish goods or services to the public, and where failure to meet that need could have serious consequences for the nation's output, employment, and finances.

Second, since the assistance is designed to protect the public interest, it follows that it should not be used simply to protect large firms from failure, or to bail out bad management, or to shield creditors or shareholders from the consequences of unwise investments. Guarantees should be a last resort, issued only when there is reasonable assurance of repayment of the guaranteed loan and when there is no other way to avoid serious injury to the economy. Since any such guarantee would be subject to conditions assuring a preferential status for the government relative to other creditors or shareholders in the event of insolvency, and since guarantees would be available only in emergencies, the existence of the authority should not in any real sense erode the disciplines of the private enterprise system. Rather, it should be regarded as a kind of insurance policy to protect the general public against a highly specialized risk.

Third, assistance should be provided through Federal guarantees of private loans rather than through outright advances of public funds. Aside from its obvious budget savings, this approach would have the advantage of assuring that experienced private lending officers will administer the loans in accordance with Federal guidelines and supervision.

Fourth, to assure thorough and well-balanced consideration of the need for assistance, responsibility for passing on guarantees should be vested in top Federal officials concerned with overall economic and financial policy. We suggest that this function be vested in a board chaired by the Secretary of the Treasury, with the Secretary of Commerce and the Chairman of the Federal Reserve Board as members. No permanent staff would be required, since guarantees would be issued only under exceptional circumstances, and staff could be assigned as needed from the governmental units represented on the board. Thus no bureaucracy would be created with an interest in expanding the "program." There would be no "program"—only standby authority, ready for use in the event of need.

Fifth, Congress should be informed in advance of any proposed guarantee, so that it will have an opportunity to review the proposal to the fullest extent consistent with the need for prompt action. A possible model for such a procedure may be found in the Defense Production Act as amended last year. As you will recall, that Act now prohibits guarantees of V-loans in amounts over $20 million without approval of Congress. It also precludes the use of guarantees of loans under that amount to prevent insolvency except under certain conditions, including a certification by the President, transmitted to the Congress at least ten days in advance. While a $20 million limit would be impractical for purposes of emergency assistance, the certification procedures seems well suited for this purpose. Following that model, a guarantee would be authorized only if the President certifies that it is needed to avoid serious and adverse effects on the economy and a copy of that certification, with a detailed justification, is sent to the Congress and the two Banking Committees at least ten days in advance.

These principles are embodied in a bill, S. 2016, submitted by the Board and introduced by your Chairman and Senator Tower. Guarantees outstanding under S. 2016 would be limited to a total of $2 billion. In addition to the conditions I have already mentioned, guarantees could be issued only if the borrower furnished assurances that the loan is not otherwise available on reasonable terms and conditions, if the lender certified that he would not make the loan without the guarantee, and if the loan could not be guanranteed under the Defense Production Act. The bill also provides that fees shall be charged for guarantees and deposited in a fund from which payments required as a consequence of any guarantee are to be made. In the event that amounts in the fund proved insufficient to make such payments, the Secretary of the Treasury would be authorized to obtain the needed funds through public debt transactions.

Since the Federal Reserve System acts as a lender of last resort to financial institutions, principally its member banks, we are sometimes asked whether we could or should perform the same role for nonfinancial enterprises. This question merits at least a brief comment.

The Federal Reserve Act now includes a provision (paragraph 3 of section 13) that empowers the Board of Governors, in "unusual and exigent circumstances" and by an affirmative vote of at least five members of the Board, to authorize the Federal Reserve Banks to make certain types of direct loans to individuals, partnerships or corporations.

The purpose of this provision of law, which was enacted in 1932, was to permit Federal Reserve Banks to make short-term loans to enterprises that are creditworthy but are unable to secure adequate credit accommodations because of unfavorable conditions within the financial system. The only loans made under this provision were granted between 1932 and 1936, totaling 123 in number and about $1.5 million in amount.

Paper discounted by Federal Reserve Banks under that paragraph must be of the "kinds and maturities made eligible for discount for members banks under other provisions" of the Federal Reserve Act. This means, among other things, that the paper may not have a maturity of more than 90 days at the time of discount. The paragraph further provides that the paper shall be "indorsed or otherwise secured to the satisfaction of the Federal Reserve Bank," which the Board has construed to mean that a Reserve Bank should ascertain to its satisfaction that the indorsement or the security offered is adequate to protect the Reserve Bank against loss.

In light of these restrictions in the law and the background as to the intent of the law, the Board concluded last year that it would not be appropriate to invoke this authority to authorize extension of Federal Reserve credit to Penn Central. Speaking more broadly, since legislation is needed in any event to assure that adequate authority is available to cope with possible future emergencies, the Board believes that guarantee authority such as provided in S. 2016 would be preferable to direct provision of Federal Reserve credit. We make this recommendation not only because we believe assistance should take the form of a guarantee rather than direct lending, but also because we believe that the Congress, the President, and key Administration officials should participate in any decision to extend such assistance.

These are the considerations that lead the Board to recommend enactment of S. 2016. Whatever your decision may be as to the need for immediate action in the case of Lockheed, the Board hopes that you will give the most serious consideration to a longer-range solution such as S. 2016. Experience has convinced the Board that legislation of this type is needed as a protective umbrella for our sensitive economic society.

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### Lockheed Flirts With RFC's Ghost: Loan Plea Could Spawn New Agency

(By Robert Samuelson)

"I had been brought up in the belief that the three most necessary things to a satisfactory life were family, religion, and money."—Jesse Jones, former chairman of the Reconstruction Finance Corporation.

Is the Reconstruction Finance Corporation about to be resurrected?

By the end of last week, it appeared that Congress might just perform something approaching such a supernatural feat. Only 18 years earlier the Congress had said the last rites over the RFC—one of the aggressive, ambitious New Deal agencies, a sort of super-government bank, which, from 1932 to 1953, made more than $40 billion worth of loans to corporations, banks, special wartime companies, and local governments.

A number of prominent Congressmen, including Rep. Wright Patman (D–Tex.), chairman of the House Banking and Currency Committee, have been extolling the virtues of the RFC for years, but their enthusiasm hardly accounts for the sudden wave of popularity. If there is a medicine that will revive the RFC, it is spelled Lockheed.

Lockheed Aircraft Corp. desperately needs what an RFC-like agency is adept at providing: government-guaranteed loans. Unless it receives $250 million worth of those loans (and the company's banks insist they won't supply the money without federal backing), Lockheed will be unable to complete its TriStar jumbo jet, and without the TriStar, the firm will dive into bankruptcy.

A sympathetic Nixon administration proposed a $250 million gaurantee exclusively for Lockheed. Now, after two and a half weeks of hearings, the Senate Banking and Currency Committee is considering a substitute measure, which, if not an identical twin of the old RFC, at least looks like a blood relative. It may fell follow the lines suggested by Federal Reserve Chairman Arthur F. Burns and provide authority for up to $2 billion in loan guarantees to big corporations experiencing financial problems.

Who might ask for the guarantees? No one knows, but more than a few giant firms have flirted—or are flirting—with financial problems that could propel them to Washington for assistance: Chrysler, Pan Am World Airways, or possibly another major aerospace company, like Grumman.

For Lockheed, there are obvious advantages to the switch.

One experienced Congressional aide scornfully characterizes the original $250 million guarantee proposal as a "private bill"—a term usually reserved for a Congressman's legislation to aid constituents on such personal matters as immigration and claims against the government. The broader bill would jettison this narrow "special interest" stigma. Already, Sen. Majority leader Mike Mansfield (D-Mont.), an opponent of the initial proposal, has indicated he could support a more general measure.

Moreover, substitution may divert attention away from some of the more slippery details of Lockheed's current plight. The broader legislation is almost certain to generate its own thick cloud of controversy. Some economists have denounced the idea as an ill-advised scheme that will send shaky companies scurrying to the government for salvation.

"It is the very threat of bankruptcy which often jolts firms, large and small, from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing," economist Alan Greenspan told the Banking and Currency

Committee last week. "To have the possibility of falling back on a guarantor of last resort (the government) must inevitably remove this very valuable prod to efficiency and productivity."

The proposal may also be attacked as an open invitation to political abuse. Anyone who makes this criticism will be able to point to the old RFC. In its dying years, the RFC was a frequent subject of Congressional investigation of charges that powerful Democrats and Republicans improperly influenced the agency—sometimes over the objections of staff—to approve loans to politically-favored firms.

Even without the suggestion of corruption, many economists and businessmen will undoubtedly argue that firms that must seek guarantees probably deserve to expire. Consider the case of Lockheed.

Faithful observers of the Lockheed affair have witnessed a classic episode of attempted industrial assassination. The most vigorous opponents of the loan guarantee are probably to be found among rival aerospace firms. General Electric (which makes engines for the rival McDonnell Douglas DC-10) and North American Rockwell have both openly belittled the proposal. Two top vice presidents of McDonnell Douglas have publicly damned the Lockheed guarantee.

It is not hard to understand why. Squeezed simultaneously by declining government (space and military) spending and static airline orders, the industry has shrunk considerably since its boom year of 1968:

AEROSPACE STATISTICS

[Dollars in billions]

| Year | Total sales | Government sales | Employment |
|---|---|---|---|
| 1968 | $29 | $16.6 | 1,418,000 |
| 1969 | 26.1 | 15.7 | 1,354,000 |
| 1970 | 24.9 | 14.4 | 1,069,000 |

With the future saturated in uncertainty, some economists contend, as Greenspan said, that if Lockheed is permanently propped up, another "major company in the industry must find itself in trouble." The Administration and Lockheed, by contrast, characterize the company's problems as primarily short-range, reflecting trauma of the bankruptcy of Rolls Royce (manufacturer of the TriStar's engines).

To skeptical economists, however, new government loans (or loan guarantees) simply constitute an undesirable subsidy to certain sectors of the economy, diverting funds from areas which deserve and need the funds more.

This strict standard of economic purity may not impress Congress. Aside from tariffs and special tax provisions—all of which provide hidden subsidies—the government already supplies open subsidies to many parts of the ostensibly private economy. For example:

Ship builders and operators have received direct subsidies since 1936 that now total nearly $4 billion as an offset against lower foreign wages.

To provide airline service to smaller cities, the government has been making direct subsidies to airlines for years, with the payment projected at $63 for FY 1971.

Farmers, of course, are the biggest recipients of direct subsidies, which they collect as both price support for their crops (with the government buying their output at a predetermined price level) and outright payment for complying with certain Agriculture Department regulations.

In FY 1971, the total outlay amounts to $2.7 billion.

Some of the proponents of the loan guarantee proposal appear acutely aware of the objections that are likely to be raised.

Federal Reserve chairman Burns says the loan guarantee authority should be used only as a last resort to underpin firms so large that their collapse would do "serious injury" to the economy. The Penn Central's bankruptcy a year ago, he points out, so frightened many lenders that numerous companies experienced temporary problems in receiving needed loans. In the last 18 months, Burns says only two firms would possibly have qualified for assistance under his definition: Penn Central and Lockheed.

The Burns bill would establish a three-man commission consisting of the chairman of the Fed, the Secretary of the Treasury, and the Secretary of Commerce to pass upon applications for loan guarantees; the commission would have no permanent staff, which, Burns says, would have a vested interest in keeping itself busy—i.e. drumming up business.

Burns sees the loan guarantee authority receiving little, if any, use. "I think it's a most humiliating experience for a corporation to come to government," he told the Banking and Currency Committee.

But other proposals suggest a broader application of the guarantees. Sen. Jacob Javits (R-N.Y.) envisions the guarantees going to medium-size firms with temporary problems, and Wright Patman (D-Tex.) champions a Development Bank, which, like the RFC, might extend direct loans to housing or local governments.

Such is the confusion that surrounds Lockheed that there is no assurance that any legislation will emerge from Congress. The circumstances are certainly less compelling than those that first gave birth to the RFC.

Originally created under Hoover, the agency did not really blossom until the New Deal when Roosevelt appointed Jesse H. Jones—an authoritarian, ambitious, independent-minded Texan, who once worked as a lumberman—as chairman. Jones expanded the RFC into a small empire, abandoning the narrow goals of Hoover's appointees to preferred stocks in banks, more loans to business, and establish a host of subsidiaries, many of which survive to this day: The Federal National Mortgage Association. The Commodity Credit Corporation. The Export-Import Bank.

But with the passing of the Depression, the RFC's standing slipped considerably. Congressional investigating subcommittees were climbing all over the agency. The chairmen of the Democratic and Republican Committees, both attorneys, were accused of improperly practicing before the RFC when they occupied important political posts. More serious, there were cliques of Washington insiders with close ties to the RFC's directors. One resourceful young man who started his government career in 1940 as a $1,040 a year messenger, developed into a $60,000 a year "expediter" of RFC loans by 1950.

After one hearing, Sen. J. William Fulbright (D-Ark.), chairman of the investigating subcommittee, was moved to comment: "I have never heard so much lying in my life." And so, in the summer of 1953, Congress quietly put the RFC to sleep.

## OFFENSIVE AGAINST DRUG ABUSE

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. KEATING. Mr. Speaker, today I have joined the distinguished gentleman from Florida (Mr. FREY) in cosponsoring a concurrent resolution supporting the President in his diplomatic offensive against the problem of drug abuse. In this critical area, it is essential that the Congress work hand in hand with the executive branch of Government in combating this ever increasing problem.

I have cosponsored a bill to cut off foreign aid to countries that do not cooperate in limiting poppy growth and heroin processing. This is another step that Congress can take in assisting the President in his diplomatic efforts.

During my hearings with the Select Committee on Crime, I traveled with the chairman to New York to discuss the international aspects of this problem with officials of the United Nations. The concurrent resolution that is being introduced today calls for diplomatic pressure to encourage other nations to contribute to the United Nations special fund for drug abuse control. At the present time, the United States is the only principal contributor to this fund and as drug abuse is an international problem, if we are to have any true answers, we must have international cooperation.

The disclosure of the drug abuse problem in Vietnam has only highlighted a problem that has been growing for several years. Time for action is long overdue and I hope the House will take swift action on the resolution introduced today and the President's comprehensive drug abuse program.

## A TRIBUTE TO THE LATE NEW YORK TRAFFIC COMMISSIONER HENRY A. BARNES

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. MURPHY of New York. Mr. Speaker, I call upon every Member of Congress, public elected officials of the U.S. and educators to participate in traffic safety education programs on Traffic Safety Day, September 16, 1971, to pay tribute to the late traffic commissioner, Henry A. Barnes on the third anniversary of his death. The late traffic commissioner Henry A. Barnes died of a heart attack while working on his job in the New York City Traffic Department on September 16, 1968.

I suggest that every elementary school in the Nation teach children traffic safety education on Traffic Safety Day, September 16, 1971. Alex "Daybreak" Novitsky, journalist and television producer from Brooklyn, New York, is writing and producing a 1-hour television program on Traffic Safety Day, September 16, 1971, paying tribute to the late traffic commissioner, Henry A. Barnes. Mr. Novitsky was the chief of public relations and director of traffic safety education for Commissioner Barnes and he has written and produced over 1,000 radio and television shows including the first live remote television program in Brooklyn on WABC television. The Traffic Safety Day TV program will emanate from New York City and Joe Franklin will host the 1-hour television program. Traffic safety is a national problem and it is a worthy project in which all of our public officials should participate.

This project has the cooperation of the greater New York Safety Council, Institutes of Traffic Engineers, the U.S. Department of Transportation, ABC–TV, NBC–TV, CBS–TV News, Associated Press, and the United Press International News Service.

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## CHAPLAIN JIM YOUNG RETURNS FROM VIETNAM

### HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. HALL. Mr. Speaker, Chaplain Jim Young is a former pastor of St. Paul's United Methodist Church in Joplin Mo. He was born in Springfield, Mo., and attended schools there. This dedicated young man has just recently returned from a tour in Vietnam, where he was awarded the Silver Star for gallantry in action during a North Vietnamese attack on a firebase south of Hue.

Chaplain Young, in an interview with staff writer, Irene Holt, of the Joplin, Mo., Globe newspaper, had many interesting comments and observations about the attitudes of our young soldiers serving in the Vietnam conflict.

I commend this young man of God for the good work he has done, and I offer the following article from the Joplin Globe for the enlightenment of all:

#### Ex-Joplin Minister Returns From War: Lack of Concern for Servicemen in Vietnam Decried

(By Irene Holt)

The lack of concern on the part of the people on what is happening to men in Vietnam is discouraging to Chaplain Jim Young, former Joplin minister and Silver Star recipient who returned to the area this week after a year in that war-torn country.

"Back here it's business as usual," he commented. "No one seems to get excited. These are men from our community, our nation—people don't seem to be aware that we have people over there."

Chaplain Young was awarded the Silver Star for his bravery under fire during an attack last month by North Vietnamese forces on Firebase Rifle, 15 miles southeast of Hue.

With no weapons in his hands, Chaplain Young gave directions to three GIs, who killed four of the attackers. He also tossed back grenades and satchel charges, thrown by the enemy during the attack, some only seconds before they exploded.

"There were about 60 men on the hill," Chaplain Young said "Fourteen men were wounded and one was killed."

The biggest problem of our men in Vietnam is "to stay alive," Chaplain Young said. They don't worry so much when the war will be over, he said. "Their biggest worry is to get through one day and knowing they are one day closer to home."

From the moment a GI arrives in Vietnam, Chaplain Young said he knows that in 364 days he will "go home."

Conversation among GIs generally revolves around "How short are you?" or "How many days?" Chaplain Young said. "Short" means how many days a man has left before he goes home.

The men in Vietnam experience all of the "human problems"—loneliness, fear, separation from home—the same they might have here but magnified by being under a combat situation, Chaplain Young noted.

"People tend to overlook just how important mail is to the men," he commented. "It's their only link with home. Several days without a letter can really put a man into a depression.

"Not hearing from their wife, girl friend, parents—it really affects their morale."

When asked his feelings on war, Chaplain Young remarked, "There is nothing moral about war—all war is immoral. Therefore, I am opposed to it.

"The reality is that we are at war in Vietnam and a man is called on to do what he can to survive. To try to judge a man in Vietnam from standards back here, God is the only one who has the right to pass judgment.

"Since men are placed in this situation, 'kill or be killed,' the human factor of survival is going to take place."

Are the GIs basically religious?

"If you are speakiing of being religious as attendance to church—the outward forms. probably not," he said, "But as to basic Christianity—love God and love your neighbor—I think these young men are very much aware of this."

Speaking of chaplains, Mr. Young commented, "Probably the biggest misconception of a chaplain is seeing him as being different from the pastor of a local church. Basically we have a parish and parishioners just like back here—the only thing is that we are in uniform doing a military job."

Chaplain Young commented that in Vietnam he spent four or five nights a week in the field with the 101st Airborne Division—nine months with the infantry and the last three months with the engineers.

"My people were spread at one time in 11 fire bases—a round trip of around 300 miles," he said. By his own personal count, he clocked 200 hours by helicopter and, during the last three months, 4,000 miles by jeep.

Chaplain Young feels there is a misconception about what the Army does to the young man.

"I am convinced we are responsible for our own actions," he said. "If a man goes into the military as a strong person, he comes out strong. If he goes in weak, he comes out weak. It depends on the individual.

"The military is going to bring out strength in the person willing to be strong and the ones not willing to put out the effort will be affected adversely."

Chaplain Young does not think the narcotics problem is of the "critical nature so many are talking about now. There is a narcotics problem, just as there is a problem back here. But there is no differentiation made between marijuana and heroin.

"But there is a great deal of difference. A lot of men try it just for kicks and are not addicts. But they are a part of statistics—they have used narcotics."

Pointing out that the Army is a cross-section of society, Chaplain Young stated that the people who would use narcotics in a civilian society would naturally use it in a military society.

"It is more readily available," he said. "In any unit that I know anything about, narcotics were not used in the field. That's the quickest way to get killed."

Speaking of Vietnam and its people, Chaplain Young said the average person in Vietnam could live on what an American throws away, both food and clothing.

The country is primarily agricultural, with some light industry, he added. "But it has been torn by war for virtually 30 years."

He commented that the area near Hue is heavily wooded, and that the Vietnamese cut wood and there were a few sawmills and things of this sort. "The land is really very fertile. It will grow three crops of rice a year," he indicated. Temperatures in the area range from 50 to 122 degrees.

Chaplain Young finds his work "a very rewarding type of job.

"I think people only change when they are under crisis and the young men going into the military are definitely under crisis," he said. "Anytime a person goes into entirely different surroundings, it is a very hard time for a man. Outside of being in combat, the initial basic training is the hardest. Life is very regimented as opposed to a man 'doing his own thing'."

Chaplain Young became an ordained minister in 1966 after completing four years of undergraduate work at St. Paul's School of Theology, Methodist, Kansas City, and four years of seminary work. He was born in Springfield and attended Springfield schools. He enlisted in the Navy in 1955, serving four years, and was a National Guard Chaplain in Joplin in 1967.

He was pastor of St. Paul's United Methodist Church in Joplin from April, 1966 to July, 1969. Before his tour of Vietnam, Mr. Young served at Ft. Hamilton, N.Y., and Ft. Bliss, Tex.

Chaplain Young also won the Bronze Star, the Purple Heart, and the First and Second Army Commendation Medals during his tour of duty as a battalion chaplain in the war zone.

He has been assigned to Ft. Leonard Wood, where he will report for duty the latter part of July. His wife, Janey, and their four children, will move to Ft. Leonard Wood from Springfield.

He will be guest speaker at the 9 a.m. service at St. Paul's United Methodist Church, Sunday, July 11.

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## GRADE REPORTS FROM THE AIR FORCE ACADEMY

### HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 29, 1971*

Mr. BENNETT. Mr. President, it is a great honor for me to have received the grade reports from the Air Force Academy and find that we have four young men from Utah who made the dean's list. John Leslie Clay, class of 1971, and Kenneth Franklin McKean, class of 1974, have also made the superintendent's list and the commandant's list in addition to the dean's list. John is the son of Mr. and Mrs. John E. Clay of Logan, Utah, and Kenneth is the son of Mr. and Mrs. Thomas McKean of Salt Lake City. Mark Anthony Leopardi and David Grant Burdick, both of the class of 1974, have made the dean's list. Mark is the son of Dr. and Mrs. E. A. Leopardi of Brigham City, Utah, and David is the son of Mrs. Barbara J. Burdick of Salt Lake City, Utah. We are very proud of these native sons of Utah.

# SENATE—*Wednesday, June 30, 1971*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, make us mindful of the priceless gift of freedom, bestowed by Thee upon man at creation, and in this land assured by a government of the people, by the people, and for the people.

As we make ready for the day of sacred remembrance, we pray Thee to give this land a new birth of freedom. Enable us so to live that this Nation may remain a beacon of hope for freedom-seeking peoples of the whole world.

"Our Father's God, to Thee
Author of Liberty, to Thee—we sing:
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King." Amen.

## CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate having adjourned in the absence of a quorum on yesterday, June 29, 1971, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 134 Leg.]

Allen
Bentsen
Bible
Burdick
Byrd, W. Va.
Cook
Cotton
Ellender
Griffin
Hughes
Jackson
Mansfield
Montoya
Pastore
Randolph
Schweiker
Scott
Tunney
Young

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Montana (Mr. Metcalf), and the Senator from Alaska (Mr. Gravel) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. Inouye), is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Nebraska (Mr. Curtis), the Senator from Vermont (Mr. Prouty), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The PRESIDENT pro tempore. A quorum is not present. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Baker
Bayh
Beall
Bennett
Boggs
Brock
Byrd, Va.
Cannon
Case
Chiles
Church
Cooper
Cranston
Dole
Dominick
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams

The PRESIDENT pro tempore. A quorum is present.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the journal of the proceedings of Tuesday, June 29, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it it so ordered.

## EULOGIES TO THE LATE HONORABLE ROBERT J. CORBETT, OF PENNSYLVANIA

Mr. JORDAN of North Carolina. Mr. President, may I call to the Senate's attention that the closing date for submitting eulogies in the Record to the late Representative Robert J. Corbett, of Pennsylvania, has been set for Friday, July 9, 1971. This will be the last date for all Record insertions that will make up the compendiums of eulogy for this Member of Congress who, but for his untimely passing, would now be serving in the 92d Congress.

## REFERRAL OF S. 1799 TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1799, which has been referred to the Committee on Commerce, be referred to the Committee on Post Office and Civil Service instead.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with New Reports.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDENT pro tempore. The first nomination will be stated.

## FEDERAL HOME LOAN BANK BOARD

The legislative clerk read the nomination of Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## U.S. AIR FORCE

The legislative clerk proceeded to read nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered en bloc and confirmed.

## U.S. NAVY

The legislative clerk proceeded to read nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I make the same request.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are considered en bloc and confirmed.

## DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## INTERSTATE COMMERCE COMMISSION

The legislative clerk proceeded to read the nominations in the Interstate Commerce Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered en bloc and confirmed.

## DEPARTMENT OF TRANSPORTATION

The legislative clerk read the nomination of John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

The PRESIDENT pro tempore. Without objection, the nominations placed on the Secretary's desk in the Air Force and in the Army are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be so notified.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar Nos. 236, 237, and 238.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H.R. 7767) to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-244), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of H.R. 7767 is to continue to the close of June 30, 1973, the existing suspension of duties on certain metal waste scrap, provided by item 911.12 of the Tariff Schedules of the United States.

### GENERAL STATEMENT

Legislation for the temporary suspension of the duties on various metal scrap was first enacted in 1942 (Public Law 497, 77th Congress, act of March 13, 1942, 56 Stat. 171). With various changes the suspension was continued from time to time depending upon the scarcity of the particular metals at the time.

This bill would continue for 2 years (until July 1, 1973) the temporary suspension of the duties on certain metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States, principally such metal scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys. As before, the bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy, nor would it suspend the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten or tungsten alloy.

### ARTICLES TO WHICH BILL APPLIES

Item 911.12 of the Tariff Schedules of the United States applies to—

(1) Metal waste and scrap (provided for in part 2 of schedule 6 of the schedules), except copper, lead, zinc, and tungsten waste and scrap;

(2) Unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted-down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying; and (b) which cannot be commercially used without remanufacture;

(3) Relaying or rerolling rails; and

(4) Articles of metal to be used in remanufactured by melting (except articles of lead, zinc, or tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 of the schedules, and not including unwrought metal provided for in part 2 of schedule 6 of the schedules).

### BACKGROUND INFORMATION

Scrap of various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals, although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel by the open-hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap metals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The rates of duty on the principal types of ferrous and nonferrous metal scrap the suspension of which would be continued by the bill, are shown in the following table:

| Type of scrap | Item number | Rate of duty |
|---|---|---|
| Iron and steel | 607.11 or 607.12 | 7 or 22 cents per long ton plus additional duties on alloy content. |
| Aluminum | 618.10 | 0.9 cents per pound. |
| Nickel and nickel alloy. | 620.02 | Free. |
| Tin and tinplate | 607.10 or 622.10 | Do. |
| Magnesium | 628.55 | 24 percent ad valorem. |

Other metal articles not considered scrap within the meaning of the tariff classifications but imported to be used in manufacture by melting are also exempt from duty items 911.10 to 911.12 of these schedules. Such articles would be dutiable, in the absence of special legislation, at various rates too numerous to mention in this report.

### EFFECT ON THE REVENUES OF THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the effect on the revenues of this bill. The committee estimates that the extension of the existing suspension of duties on metal waste scrap, et cetera, provided by the bill will not result in any additional revenue loss, or administrative costs.

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill. This bill was ordered favorably reported by the committee, without objection.

The committee has received no information which would indicate any opposition to the legislation. Moreover, the committee is informed that the conditions which prompted the initial suspension of duty on metal scrap and the continuations thereof to the present time have not materially changed.

The committee urges the enactment of H.R. 7767.

## AMENDMENT OF RENEGOTIATION ACT OF 1951

The bill (H.R. 8311) to amend the Renegotiation Act of 1951, to extend the Act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-245), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### I. SUMMARY

The Renegotiation Act of 1951, as amended, authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts. In the absence of legislation, this act will expire as of June 30, 1971. H.R. 8311 extends the act for 2 years, or until June 30, 1973.

The bill also amends the Renegotiation Act in two other respects. The first amendment deals with interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous. In these cases the bill provides for flexible interest rates to be determined by the Secretary of the Treasury (at 6-month intervals) on the basis of current commercial rates at the time of the excessive profits determinations. The second amendment provides the U.S. Court of Claims with exclusive jurisdiction over redeterminations of excessive profits determined by the Renegotiation Board. The U.S. Tax Court up to this time has had jurisdiction of these cases.

The bill also makes two minor changes in the present law provisions relating to the U.S. Tax Court. Present law is modified to make it clear that judges who have retired from active duty can be immediately recalled for judicial duty. The bill also provides that their salary base period, for purposes of computing survivors' annuities, is to be the period of 5 consecutive years in which the judges receive the largest amount of compensation for their services.

### II. GENERAL STATEMENT

### A. RENEGOTIATION

### 1. THE RENEGOTIATION PROCESS

The Renegotiation Act of 1951, in general, provides that the Renegotiation Board is to review the total profit derived by a contractor during a year from all of his renegotiable contracts and subcontracts in order to determine whether or not this profit is excessive.[1] The Board is empowered to eliminate those profits found to be excessive in accordance with certain statutory factors. Thus, renegotiation is determined not with respect to individual contracts but with respect to all receipts or accruals from renegotiable contracts and subcontracts of a contractor during a year. These contracts vary in form from cost-plus-fixed-fee to firm fixed-price contracts. Some may be prime contracts, while others are subcontracts, and they may be concerned with many different services and products. With respect to any given year they may also reflect only partial payments made on the contracts.

For purposes of renegotiation, profits generally are defined and determined in much the same way as for tax purposes. This similarity is also reflected in that provision is made in renegotiation for a 5-year loss carry-forward, as well as the offsetting of losses and profits on different contracts within the year.

The Act provides, in general terms, that the Renegotiation Board in determining whether the profits are excessive is to give favorable recognition to the efficiency of the contractor with particular regard to attainment of quantity and quality production, reduction of costs, and economy. The Board must also consider the reasonableness of costs and profits, the net worth (with particular regard to the amount and source of public and private capital employed), the extent of the risk assumed, the nature and extent of the contribution to the defense effort, and the character of the business. Thus, in effect, the Board in its judgment must consider all of these factors, and the producer, where these factors are present to the greatest extent (e.g., is most efficient or make the greatest contribution to the defense effort), is permitted to retain more profit than the producer who satisfies these factors to a lesser extent.

Various types of contracts are excluded from the Act; some on a mandatory and others on a permissive basis. The mandatory exemptions include contracts with a State, local, or foreign government, those dealing with certain agricultural commodities, those dealing with minerals and related products, those with certain regulated common carriers or public utilities and those for standard commercial articles or services.

### 2. TWO-YEAR EXTENSION OF THE ACT

In the absence of legislation, the Renegotiation Act will expire as of June 30, 1971. The committee agrees with the House that in view of existing international conditions, the continuation of the Renegotiation Act is in the national interest. The renegotiation process allows an after-the-fact review of the profits on renegotiable contracts and subcontracts relating to the national defense and space efforts. This is a renegotiation of a contractor's fiscal-year aggregate profits on these contracts; thus, it is completely different from price adjustments or redeterminations with respect to individual contracts. The renegotiation process therefore provides a further check on the reasonableness of the prices (and the related overall profits of the contractor) that the Government has to pay in order to maintain its defense commitments.

Modern military and space procurement is characterized by changing technical requirements and increasing complexity. The nature of the procurement often means that there is a lack of established market costs or prices to guide procurement officers. Accordingly, negotiated contracts are used for the bulk of the dollar amount of these procurements. This includes contracts negotiated with sole-source suppliers as well as contracts negotiated with some degree of market price competition. Negotiated Department of Defense military contracts accounted for 89 percent of the value of the Defense Department's military procurement in fiscal 1970, which was a continuation of the increase in percentage from 82 percent in fiscal 1965 to 87 percent in fiscal 1967. In addition, negotiated NASA contracts represented 99 percent of the value of NASA's procurement in fiscal 1970 as compared to 91 percent in fiscal 1961.

A second factor which indicates the need to extend the Renegotiation Act is the continued high level of defense-related procurement during 1968–70. Total military procurement rose from $28 billion in fiscal 1965 to a peak of $44.6 billion in fiscal 1967, military procurement then declined slightly to $43.8 billion in fiscal 1968, to $42 billion in fiscal 1969 and to $36 billion in fiscal 1970. Although the military procurement level has declined somewhat during 1968–70, the level of overall defense-related procurement is expected to remain relatively high. Moreover, in view of the normal timelag between the time a contract is awarded and the time renegotiation filings are made with respect to the contract or subcontract, the amounts from military procurement awards made during the peak of the Southeast Asia conflict will continue to be reported in Renegotiation Board filings during the next 2 years. For example, although total military and space procurement has declined since fiscal 1967, the level of renegotiable sales filed with the Board increased substantially from $33.1 billion in fiscal 1967 to $48.5 billion in fiscal 1969 and $48 billion in fiscal 1970. The timelag also is reflected by the increase in the number of above the $1,000,000 floor filings received by the Board—from 3,737 in fiscal 1967 to 5,030 in fiscal 1969 and 5,085 in fiscal 1970. Furthermore, the level of excessive profit determinations made by the Board has risen during this period—from $16 million in fiscal 1967 to $21.4 million in fiscal 1969 and $33.5 million in fiscal 1970.

The committee agrees with the House that in view of the extent of our defense effort and the nature of much of defense and space-related procurement, the Renegotiation Act should be extended for a 2-year period, from June 30, 1971, to June 30, 1973. The 2-year extension is in place of the permanent extension recommended by the administration. The nature of the renegotiation process and its inherent reliance on human judgment are factors that lead the committee to consider it desirable to have periodic congressional review of the renegotiation process. The 2-year extension of the Act will give Congress another opportunity to review the renegotiation process and the impact of the military procurement buildup in recent years on defense and space-related profits.

In connection with this extension of the Act, the committee has considered the matter of fiscal year renegotiation. Although renegotiation is conducted on a fiscal year basis, in some cases events occurring in other years are taken into account to improve equity. For example, a contractor may incur high startup costs under a long-term contract and as a result realize deficient profits on his aggregate renegotiable business in the early years of the contract. His profits under the contract, however, may be substantially higher in a later year and the aggregate renegotiable profits in that year may be excessive if considered apart from the early years' startup costs, but quite reasonable in view of those costs. To alleviate inequities in this and other situations, the Renegotiation Board uses a variety of methods to adjust the effect of fiscal year renegotiation:

1. By special accounting agreement with the contractor, the Board may permit preproduction or startup costs incurred prior to the year or years of production to be prorated over the period of production.

2. By special accounting agreement with the contractor, the Board may permit a contractor to adopt for renegotiation purposes the completed contract method of accounting for certain contracts to be performed over a period of more than 1 fiscal year.

3. The Board may permit the use of the periodic estimate method of accounting employed by many large defense contractors (notably airframe and missile manufacturers) for Federal income tax purposes.

4. The Board may consider research and development expenses incurred in prior years when these expenses relate to sales in the fiscal year under review.

5. The Board gives consideration to evidence showing risks through actual realization of losses incurred by the contractor in performing contracts in other years similar to the contracts undergoing renegotiation.

6. The Board gives consideration under the risk factor, in the fiscal year under review, to the possible saturation of the contractor's market in subsequent years.

The committee agrees that methods such as these should be utilized to eliminate the inequities which could otherwise follow from conducting renegotiation on a strict fiscal year basis. Moreover, the committee believes that the Renegotiation Board (and the Court of Claims in redetermination cases) should give greater emphasis to the applicability of these various forms of relief. In addition, the committee believes that consideration also should be given by the Board (and the Court of Claims) to certain other situations where a contractor had deficient profits on renegotiable sales in a year or years prior to that under review. Where it can be established that deficient profits in prior years resulted from nonrecurring costs in the early stages of production which relate to production in the year under review, the committee believes the Board (and the Court of Claims) should take this into account in reviewing the contractor's renegotiable business in the year under review. (This is particularily related to the statutory factor of reasonableness of costs and profits.) Thus, for example, labor costs and a proper portion of the related overhead may be high in the early stages of production because of (a) excessive defective work resulting from inexperienced labor, (b) idle time and subnormal production occasioned by testing and changing methods of production, or (c) the cost of training employees. There may also be high material costs due to abnormal scrap losses. Further, there may be instances where deficient profits resulted in prior years from expenses incurred in the design of a product or of special tooling, in the planning of production processes and layout, or in the rearrangement of the contractor's plant, when incurred for a renegotiable contract or contracts. Of course, in evaluating the extent to which items such as these should be taken into account the Board (or Court of Claims) is to consider the reasonableness of the management practices followed.

Circumstances such as those set forth above which can be present under a long-term contract can also be equally present in the case of a series of two or more short-term successive contracts for the production of the same or similar items.

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[1] Contractors with renegotiable sales exceeding the $1,000,000 statutory "floor" for a fiscal year must file a report with the Renegotation Board, "Renegotiable" contracts and subcontracts are those with the following agencies: the Departments of Defense, the Army, the Navy, and the Air Force, the Maritime Administration, the General Services Administration, the National Aeronautics and Space Administration, the Federal Aviation Administration, and the Atomic Energy Commission.

Matters such as those discussed above may well bear on the reasonableness of the contractor's profits in subsequent years and, where they do, they should be taken into account in determining excessive profits for a subsequent year.

### 3. INTEREST RATES UNDER THE RENEGOTIATION ACT

*Reasons for provision.*—Under present law, a contractor who disagrees with a determination of excessive profits as made by the Renegotiation Board may petition the U.S. Tax Court for a review of the Board's findings. In such circumstancess, the Government does not at that time collect the excessive profits as then determined if the contractor (pursuant to sec. 108 of the act) posts a bond which assures payment of any excessive profits as ultimately determined by the Tax Court. Under existing law, interest at the rate of 4 percent accrues on these unpaid excessive profits beginning 30 days after the Board's determination and running until these excessive profits (or any lesser excessive profits as determined by the Tax Court) are repaid. Interest at the same rate also accrues on any additional excessive profits determined by the Tax Court from the date of the determination until the time of the repayment. Interest at the same rate is also payable on excessive profits determined pursuant to agreement where the Board extends the time for payment.

In any of the situations outlined above the contractor has, in effect, borrowed funds from the Government for a period extending from the time of the Board's determination, or the Tax Court's redetermination, to the time when any excessive profits are repaid. Not to charge realistic interest on these unpaid excessive profits tends to encourage the filing of petitions for redetermination with the Tax Court merely in order to secure low-interest-rate "loans" from the Government.

Although a bond must be posted upon petitioning the Tax Court, the bond may represent the deposit of interest-bearing Treasury obligations which do not significantly increase the cost of the "loan" to the contractor.

Accordingly, the committee agrees with the House that the contractor should be required to pay interest on these "borrowed" funds at a rate which is reasonable in light of the prevailing commercial rates of interest for borrowed money. Although the present statutory rate of 4 percent may have been reasonable when it was adopted, it is unrealistic in view of presently prevailing interest levels.

In the reverse situation, if excessive profits as determined by the Board are repaid and subsequently the court determines that there were no excessive profits or that they were less than the amount determined by the Board, it seems equally clear that the Government has, in effect, borrowed money from the contractor for a period extending from the time of the repayment of the erroneously determined excessive profits to the time of the refund. Under existing law, interest at the rate of 4 percent is paid on such refunds. Here too, the committee agrees with the House that interest should be paid on the refund at a rate which is reasonable in light of prevailing commercial interest rates.

*Explanation of provision.*—The bill provides that the rate of interest to be used with respect to excessive profits is to be determined by the Secretary of the Treasury for the 6-month period beginning on July 1, 1971, and for each 6-month period thereafter. He is to determine the rate by taking into consideration current rates of interest on new private commercial loans maturing approximately 5 years in the future. The prevailing rates are to be determined on the basis of interest charges for such loans for a 5-year period because 5 years approximates the average time over which interest payable on excessive profits recovered in the past has been paid.

The rate of interest, determined in the manner provided above, for any particular 6-month period is to apply to all determinations of excessive profits, and to all overcollections of excessive profits, on which interest begins to run in the period in question. The interest rate once determined in this manner with respect to any specific excessive profits determination is to continue unchanged thereafter with respect to those excessive profits. If subsequently in a redetermination there are additional excessive profits, the interest rate applicable to these additional profits is to be the interest rate applicable for the period in which the redetermination occurs.

Under the bill, the new interest rate provision is to apply on to excessive profits determinations made after June 30, 1971, and to overcollections made after that date. The present 4-percent interest rate is to continue to apply to situations in which the determination of excessive profits or the overcollection was made prior to July 1, 1971.

### 4. TRANSFER OF JURISDICTION OVER RENEGOTIATION CASES FROM TAX COURT TO COURT OF CLAIMS

*Reasons for provision.*—Under present law, in those cases where a contractor on a Government contract (or on related subcontracts) does not agree with a determination of excessive profits made by the Renegotiation Board, he may petition the U.S. Tax Court for a redetermination. In such a proceeding, the Tax Court may determine an amount of excessive profits which is less than, equal to, or greater than the amount determined by the Board.

The committee agrees with the House that for several reasons it is desirable to transfer the jurisdiction over redeterminations of excessive profits to the U.S. Court of Claims. First, the subject matter of renegotiation cases is similar to matters presently being handled in the Court of Claims—for example, actions brought by contractors for refunds in cases involving contracts with the Government. Second, the procedures normally followed in the Court of Claims are believed to be better suited to the process of renegotiation than those which generally prevail in a Tax Court proceeding. It is not unusual, for example, for the Court of Claims to handle cases extending over a long period of time, and for that Court (or a Court of Claims Commissioner) to conduct a lengthy hearing involving a large volume of evidence. Both of these elements customarily exist in a renegotiation case. On the other hand, a Tax Court judge often has a calendar of cases (predominantly tax cases) which must be disposed of as expeditiously as possible, and the technique needed for this type of work is not closely related to the procedures required in renegotiation cases.

Third, the workload of the Tax Court recently has been much heavier than that of the Court of Claims with the result that a shifting of renegotiation cases to the latter should make a substantial contribution to the evening-out of the workload of the two courts. Finally, it is the committee's understanding that both the Court of Claims and the Tax Court believe that this transfer of jurisdiction in renegotiation cases is appropriate.

*Explanation of provision.*—The bill provides that petitions for redeterminations of excessive profits determined by the Renegotiation Board are to be filed with the U.S. Court of Claims, and that the Court of Claims is to have exclusive jurisdiction to determine the amount of excessive profits received or accrued by a contractor or subcontractor in these cases. The Court of Claims may determine that the amount of excessive profits is less than, equal to, or greater than the amount determined by the Board.

As in the case of the present proceeding before the Tax Court, the proceeding in the Court of Claims is not to be treated as a proceeding to review the determination of the Renegotiation Board, but is to be a de novo proceeding. In other words, in excessive profits redetermination cases there is to be a full de novo court trial in the Court of Claims. The decision of the Court of Claims is to be subject to review only by the Supreme Court upon certiorari in the manner provided in the United States Code for the review of other cases in the Court of Claims.

The bill provides that the change in jurisdiction with respect to renegotiation cases is to apply with respect to any case in which the time for filing a petition for a redetermination of an order of the Renegotiation Board expires on or after the date of enactment of this bill. Any petition for a redetermination which is filed with the Tax Court on or after the date of enactment of the bill and within 90 days thereafter is to be considered as if filed with the Court of Claims and is to be transferred from the Tax Court to the Court of Claims within 30 days after the petition is filed. In addition, all cases arising under the Renegotiation Act which are pending in the Tax Court on the date of enactment of this bill are to be transferred within 30 days from the Tax Court to the Court of Claims except where the chief judge of the Tax Court determines otherwise. If he finds that the proceedings have progressed to the point where the case can be more expeditiously decided by the Tax Court than the Court of Claims, he can direct that the case be retained by the Tax Court. Any case remaining with the Tax Court because of the application of this rule after the effective date of this bill or any case on appeal from a judgment of the Tax Court on the effective date of this bill is to be governed by the same rules and provisions of the Renegotiation Act as are applied under present law.

## B. TAX COURT AMENDMENTS

### 1. RECALL OF RETIRED JUDGES

Since 1953, the Internal Revenue Code (as part of the Tax Court judges retirement provisions; Public Law 83–219, 67 Stat. 482) has authorized the chief judge of the Tax Court to recall retired Tax Court judges to perform judicial duties. This provision (sec. 7447(c) of the 1954 Code, sec. 1106(c) of the 1939 Code) applies to any judge "who is receiving retired pay" under the Tax Court retirement system. One of the major reasons advanced for instituting this system was the need to "facilitate the handling of the very heavy workload of the court." (H. Rept. 83–846, p. 4; S. Rept. 83–675, p. 4.)

Frequently, a judge is recalled to perform judicial duties immediately upon his retirement. Recently, it has been suggested that the statute might technically be read to permit recall of a judge only after he or she has actually received some retired pay. The committee does not believe that the statute and legislative history would support such a reading. Nevertheless, the committee agrees with the House that it is appropriate to remove any possible ambiguity currently existing in the statutory language by amending section 7447(c) to provide that the chief judge may recall a judge who *has elected to receive* retired pay, whether or not the judge has actually received any retirement pay before being recalled.

Since this amendment is merely a clarification of existing law, the bill makes the amendment effective as if included in the Internal Revenue Code of 1954 on the date of its enactment and provides that provisions having the same effect as the amendment shall be treated as having been included in the Internal Revenue Code of 1939 effective on and after August 7, 1953 (the date of enactment of Public Law 83-219).

### 2. SURVIVORS' BENEFITS

Under section 7448(m) of the code, a Tax Court judge's survivors' annuity is based on the average annual salary received by the judge for his judicial service and any other prior allowable service during "the last 5 years of such service prior to his death, or prior to his receiving retired pay," whichever occurs first. The effect of this provision is to freeze the base for computation of survivors' annuities at the time that a retired judge first receives retired pay.

A Tax Court judge electing survivors' annuity coverage must deposit in the survivors' annuity fund 3 percent of his retired pay (as well as 3 percent of his salary before retirement and 3 percent of his compensation (in lieu of retired pay) for any period during which he is on recall status; see sec. 7448(c)). If a judge's compensation or retired pay is increased after the time he has first received retired pay, he must deposit into the fund 3 percent of the increased compensation or retired pay.

The committee agrees with the House that it is inequitable to freeze the base for determining benefits while requiring the judge to increase his contributions to the fund. To remove this inequity, the bill provides that the base for determining benefits may take into account the period after the judge has first received retired pay. The bill amends section 7448(m) to provide that the base of the survivors' annuity is to be computed on the period of 5 consecutive years in which a judge receives the largest amount of compensation (treating retired pay as compensation for these purposes) for his services. The bill also clarifies the fact that (as under existing law) the years of service used in computing the amount of the survivor's annuity includes periods during which a judge receives retired pay.

The change made by this amendment is to apply to Tax Court judges dying on or after the date of the enactment of this act.

### III. COSTS OF CARRYING OUT THE BILL AND EFFECT ON THE REVENUES OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the costs to be incurred in carrying out this bill and the effect on the revenues of the bill. The committee estimates that the Renegotiation Board's administrative expenses in carrying out its functions under the Renegotiation Act will be approximately $5 million a year. Accordingly, it is estimated that the 2-year extension of the act provided by the bill (which in effect requires new cases to be filed with the Board for an additional 2 years) will result in additional costs of $10 million. Because the cases to which this 2-year extension applies are likely to be processed by the Board about 2 years after the years to which the cases relate, it is probable that this additional $10 million of expense will be incurred in the period from 2 to 3 years beyond the fiscal year 1972.

On the other hand, based on experience in recent years, the committee estimates that the 2-year extension of the Renegotiation Act provided by the bill will result in excessive profits determinations by the Renegotiation Board in cases filed with the Board during the 2-year period of from $40 to $70 million in total. After allowance of the credit for Federal income taxes previously paid on the profits, the amount actually recovered by the Government will be approximately one-half of this amount or from $20 to $35 million. On the basis of the current trend in commercial interest rates, the committee estimates the change made by the bill in the interest rate payable on excessive profits (and on overcollections of excessive profits) when fully effective will result in a net revenue gain of approximately $0.5 million for a 1-year period. The committee does not believe that the change made by the bill regarding the transfer of jurisdiction over renegotiation cases to the Court of Claims will result in additional costs in the current fiscal year or in any of the 5 following years. The Renegotiation Board agrees with this statement.

The committee estimates that the costs in the current fiscal year and in the 5 following fiscal years of the two changes made by the bill regarding Tax Court judges (i.e., those dealing with the recall of retired judges and survivors' benefits) will be negligible.

### IV. VOTE OF COMMITTEE IN REPORTING THE BILL

In compliance with section 133 of the Legislative Reorganization Act, as amended, the following statement is made relative to the vote of the committee on reporting the bill. This bill was ordered favorably reported by the committee without a roll call vote and without objection.

## AMENDMENT OF SOCIAL SECURITY ACT

The bill (H.R. 8313) to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-246), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of H.R. 8313 is to extend for 2 years, from June 30, 1971, to June 30, 1973, the provisions of section 113 of the Social Security Act, which authorizes the Secretary of Health, Education, and Welfare to provide temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

### GENERAL STATEMENT

It is estimate that more than a million U.S. citizens and their dependents live, work, study, and travel abroad. These people are subject to the same hazards as Americans living at home, including illness, loss of employment, desertion, and family breakup. In the event that these U.S. citizens become public charges in foreign countries, they are subject to deportation.

Section 1113 of the Social Security Act authorizes the Secretary of Health, Education, and Welfare to provide temporary assistance to citizens of the United States who are without resources and who are identified by the Department of State as having returned or having been brought from foreign countries to the United States because they are destitute, or ill, or because of war, invasion, or a similar crisis.

Temporary assistance, financed from Federal funds, to the extent needed, includes financial assistance, reception, care, and transportation from the port of entry to the individual's final destination. The program also provides for help in planning for resettlement, obtaining and using existing resources, and locating friends and relatives.

While this program has helped only a relatively few people, the help has been vital to the individuals who have been involved. The Department of State is responsible for bringing the individuals to the shores of the United States, but it has no authority to provide help after arrival in the United States. Under section 1113, temporary assistance is provided only after an individual returns to the United States and has been referred to the Department of Health, Education, and Welfare by the Department of State, which certifies that the repatriate is a citizen and the reason for his return.

Provisions are also included in the program for reception, care, and temporary assistance for U.S. citizens evacuated to the United States in the event of an international crisis. The range of available assistance and services, the requirement for certification by the Department of State, and the operating methods are essentially the same as those listed above. Most evacuees, however, need only reception services at the port of entry, temporary care, and help in locating friends or relatives. Since 1961, the program has assisted U.S. citizens repatriated from two countries because of international crises—Cuba and the Dominican Republic.

The Social and Rehabilitation Service of the Department of Health, Education, and Welfare is responsible for the administration of this program and arranges for the facilities of State and local welfare agencies to be utilized in carrying out the program. These agencies are reimbursed for their costs.

Section 1113 was enacted as part of the Social Security Amendments of 1961, and originally provided for an expiration date of June 30, 1962. This date has been extended by Congress several times and was last extended by Public Law 91-41 to June 30, 1971.

### EFFECT ON THE REVENUES OF THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970 the following statement is made relative to the effect on the revenues of this bill.

The number of cases referred by the State Department has varied from year to year, but within a rather limited range. In fiscal year 1968, there were 342 referrals; in fiscal year 1969, 440 referrals; and during fiscal year 1970, 376 referrals. Appropriations have varied from $104,048 in fiscal year 1966 to $250,226 in fiscal year 1969. According to the Department of Health, Education, and Welfare, the estimated cost for fiscal year 1971 is $206,000; the estimated cost for fiscal year 1972 is $225,000. The committee feels that this estimate is reasonable.

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill. The bill was ordered favorably reported by the committee without objection.

## ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this is purely a precautionary measure—that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, as

an explanation to my colleague, it is anticipated, barring something unforeseen, bringing up the recess resolution later in the afternoon for consideration and disposal. The first request, I must repeat, was purely precautionary. I hope the Senate will understand.

(Subsequently, the Senate adopted House Concurrent Resolution 351, in accordance with which the Senate will adjourn from today until Tuesday, July 6, 1971 at 12 o'clock noon.)

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

## ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TODAY AND FOR WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the close of the morning business today, I be recognized for not to exceed 45 minutes, provided there is no unfinished business or pending business before the Senate; that is, if a conference report is not up for action, in which case, I ask that the Senate proceed to the consideration of that conference report, and that upon disposition of it, I then be recognized for not to exceed 45 minutes, and that during the consideration of any conference report today the Pastore rule of germaneness operate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none——

Mr. ALLOTT. Mr. President, reserving the right to object—and I shall not object—I want to be sure what the unanimous consent request means. Does that mean we will not have the germaneness rule remain in effect all day?

Mr. BYRD of West Virginia. Just during the consideration of any conference report.

Mr. ALLOTT. During each conference report?

Mr. MANSFIELD. Any conference report.

Mr. ALLOTT. I will not object.

## ORDER FOR RESUMPTION OF MORNING BUSINESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, further, that upon the disposition of any and each conference report and/or at the close of my speech for not to exceed 45 minutes, the period for the transaction of routine morning business be resumed with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Calendar as of now is as clean as it will ever be. It is almost as clean as a whistle, but it is hoped that it will be possible to take up three conference reports this afternoon—Education, Treasury-Post Office, and legislative appropriations.

It is anticipated that on Wednesday next, a week from today, July 7, we will take up the cancer bill, in which the Senator from Colorado (Mr. DOMINICK) and the Senator from Massachusetts (Mr. KENNEDY) are interested. It is hoped, with a fair degree of optimism, that it might be possible to work out a time agreement on that measure at that time.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, for the information of the Senate, I have just checked with the House and they are now in the process of considering the Education Appropriation conference report and they thought it might be sent to the Senate between 12:30 and 1 o'clock.

Mr. MANSFIELD. That is fine, and in accordance with the assurances of the distinguished chairman, the Senator from Washington, and his equally distinguished colleague, the senior Senator from New Hampshire, undoubtedly they will both be prepared at that time to go into action.

Mr. MAGNUSON. Yes, we will.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I have no statement to make.

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Iowa (Mr. HUGHES) is recognized for 15 minutes.

## ALCOHOLISM

Mr. HUGHES. Mr. President, on Friday and Saturday of last week, the Senate Subcommittee on Alcoholism and Narcotics held field hearings in ghetto areas and addiction treatment centers in New York City on hard drug abuse in our country.

Participating with me in conducting these hearings were the distinguished Senators from New York (Mr. JAVITS), New Jersey (Mr. WILLIAMS), and Pennsylvania (Mr. SCHWEIKER).

I am sure that I speak for all four of us when I say we were profoundly shaken and moved by the experience. I know the deep concern that Senator JAVITS, a leader for years in the fight against chemical addiction, has about these problems in the urban areas he represents. I know this same concern is shared by Senator WILLIAMS and Senator SCHWEIKER.

In parts of Harlem and South Bronx where we conducted our investigations, it was as if the area had been bombed out, destroyed, but still strangely not deserted. For many people living in this environment, including children, nothing counts but the next fix, the next high. And walking through the alleyways, ankle-deep in garbage and refuse where the little children play, you can only wonder why the hard drug epidemic is not even worse than it is.

The eyes of the people who live in this area, where hope is dead and the fear of violence never ends, haunt you. "Why can a 10-year old child buy heroin at a hamburger stand as easily as he can buy chewing gum?" They ask. We saw it happen. We had no answer.

As yellow fever and malaria begin in the swamps and the jungle, the drug plague began in these slum areas. And now it has spread to the suburbs, the Fifth Avenues, the exclusive colleges, and even the grammar schools attended by the children of the wealthy and influential.

Already drug abuse is epidemic, particularly in the slum areas where it started. One can only conjecture with horror what will happen if 75,000 veterans are returned to our society drug-addicted or drug-dependent. As you know, measures are being considered to prevent this from happening. But there is no assurance that these measures will succeed—or that the Government's role will be adequate, realistic, and long-range, as it must be for any chance of success.

And if discharged soldiers, burdened with this deadly addiction, return untreated, unrehabilitated to the streets where they live throughout America, the plague will spread like forest fire across the land. It is the nature of the addict to attract others to join him in his habit. The disease is terribly contagious.

If we who live elsewhere in America turn our backs on the great cities in this hour of dire need, when they are fighting the drug epidemic and the conditions that breed it in the slum areas, we will all live to regret it.

And as the blight of drug abuse spreads to other areas of the country, as it is rapidly doing, we will see that the people in these other areas must look to the cities for guidance in methods of controlling addiction. This is where the infection has long been acute; this is where the experimentation in treatment and control has been going on under combat conditions for years.

If we were dealing with the bubonic plague or polio or tuberculosis, we would have it under control by this time. But we are dealing not with a bacterial disease, but with the disease of chemical addiction and dependence, toward which we have a strange, moralistic hangup.

Mr. President, it is a dreadful problem that confronts us—and frankly the solution is not in sight. Worse yet, there is no convincing evidence that our government fully understands the seriousness of the crisis or is willing to take the massive moves necessary to control it.

In working to develop effective methods of controlling drug abuse, we are moving into the area of the unknown, as has been the case with cancer. I only know that we must increase our efforts a hundredfold and never stop until we have found solutions.

But there is one vast area of chemical addiction for which we *do* have tested and proven methods of treatment and control. I refer to alcohol abuse and control.

Earlier this week, Dr. Robert Campbell, a New York psychiatrist, called alcoholism "a much more dangerous addiction than all of the other drug addictions put together."

Every person knowledgeable in the drug field knows that this is the truth.

Alcoholism causes more deaths, more human misery, costs us more money, and blights the lives of more people than all of the other forms of drug abuse combined.

Yet it is treatable, controllable. We have no excuse for inaction.

There is a great deal of conjecture as to which is the "starter drug." Most frequently the uninformed point their fingers at marihuana, a convenient and popular bogeyman.

The truth of the matter is that if there is a "starter drug" which leads ultimately to hard drug addition—a point on which there is, as yet, no clear answer—it could be alcohol.

I remember the case history of one youth from a wealthy family who died at 16 from an apparent overdose of drugs. He had gone through the whole gamut of drugs and narcotics. Schoolmates testified that his favorite "high" was still from alcohol, but he had gone to other substances because they were more easily concealed from his parents.

A recent news story reveals that a number of young people who have been on drugs are now turning to cheap wine, a lethal and easily available drug, long favored by the derelicts of skid row.

Alcohol is far and away the most widely abused dangerous drug we have. Fortunately, we know what to do about controlling it. But unfortunately, we are not doing it.

Up to last year, there was no comprehensive Federal law to enable the Government to launch a national program of alcoholism control on a realistic scale.

But in the closing days of the 91st Congress, such a bill was passed by the Senate and virtually without opposition by the House.

It was signed into law by President Nixon on New Year's Eve.

With the enactment of this law, Mr. President, the hopes of millions of people throughout the country, who have worked with the problem of alcoholism in their communities and prayed for help and leadership in controlling it, went up.

But as the days went by in 1971 and these people awaited the implementation of the widely hailed new law, the lights went out.

It became apparent that the administration had no intention of effectively implementing the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

As a consequence, the programs authorized by this new law, so dramatically enacted by the last session of Congress because of the extreme urgency of the national problem it was designed to meet, are derailed and at a standstill.

Moreover, the administration has deceived the Congress and the people about this tragic derailment by manipulating the facts and figures to make it appear that it is actually making a serious effort to meet the spirit and intent of Congress in carrying out the provisions of this law.

On June 18, the distinguished Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Appropriations, received the following letter from John G. Veneman, then Acting Secretary of the Department of Health, Education, and Welfare:

> DEAR MR. CHAIRMAN: Thank you for your letter of June 2 in which you request our professional judgment on how much money could be effectively used to implement Public Law 91–616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.
>
> The 1972 budget does not propose specific funding of Public Law 91–616, although the Administration's concern with the problems of alcoholism is clearly reflected by recent budget requests. First, the budget which the President submitted to Congress in January proposes to double current support for the prevention and control of alcoholism by the National Institute of Mental Health—from $14 million in 1971 to $28 million in 1972.

Mr. President, I shall explain a little later how that is a deceptive statement.

> Second, the President's Health Message to the Congress on February 18 provided for a further budget add-on of $7 million. Thus, in total, we are proposing an increase of 150 percent in funds made available to the National Institute of Mental Health for this purpose in 1972.
>
> To this must be added the $34 million in the budget for the Social and Rehabilitation Service that is concerned with alcoholism. These funds are administered in the form of formula grants to States.
>
> Additionally the organization of the new National Institute on Alcohol Abuse and Alcoholism authorized by Public Law 91–616 has been approved and its Advisory Council is being appointed. Consequently, we believe we are making a serious effort to meet the spirit and intent of Congress with respect to this legislation.
>
> We do believe this $69 million that the Department of Health, Education, and Welfare has budgeted in 1972 for alcoholism represents what can be "effectively used"—given the context of many other needs, including health, for available Federal resources. These include, for example, the development and redistribution of health manpower, as well as restructuring our systems of delivery of health care.
>
> At the same time you should be aware that in testimony before the Senate Subcommittee on Alcoholism and Narcotics, Senator Hughes asked for a "professional judgment" budget for alcoholism. The document was prepared by Dr. Bertram Brown, Director, National Institute of Mental Health and a copy is enclosed. However, I must point out that this represents costs without regard to the need for funding other health programs within limited financial resources.

Mr. President, with all due respect to Secretary Veneman, who was trying to put the best face on an ugly situation, that letter gives a totally false picture of what the administration has done regarding the implementation of the new law.

Here are the facts:

The administration did not request supplemental budget for 1971. They did not request an expanded budget for 1972 for Public Law 91–616.

To make matters worse, they are cutting back the alcoholism program in the Office of Economic Opportunity—for which the Congress required mandatory funding of $10 million in 1970 and $15 million in 1971 from the $12.8 million actually funded by the administration in 1971 to $2 million in 1972.

It is true that the administration is proposing to add some additional funding to the old Community Mental Health Centers program in 1972.

But the pretense that this represents an increase of 150 percent in funds is flagrantly misleading.

If one looks at the whole picture of earlier established alcoholism programs and the new programs called for by the new law, it is readily apparent that this alleged increase is illusory.

In fiscal 1971, the National Institute of Mental Health will be committing $17.4 million and OEO will be committing $12.8 million to the alcoholism prevention and treatment area—a total of $30.2 million commitment.

In fiscal 1972, NIMH will be committing $34.6 million and OEO will be committing $2 million to the alcoholism prevention and treatment area—a total of $36.6 million.

In short, the administration is proposing a $6 million increase in earlier established alcoholism programs. But it is proposing nothing to fund the vital programs authorized by the new law—$70 million in 1971 and $100 million in 1972.

What this amounts to, Mr. President, is budgetary veto of a law passed overwhelmingly by the Congress and signed in apparent good faith by the President.

It would appear that the administration has the power to wield the axe—but let there be no doubt whose fingerprints are on the handle.

The "professional judgment" budget, prepared by Dr. Brown, Director of the National Institute of Mental Health, to which Secretary Veneman referred in his letter, called for appropriations of over $1 billion to meet the needs of realistic and adequate alcoholism programs over a 5-year period. I ask unanimous consent that Dr. Brown's report be printed in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, my concluding statement is this: We have been misled with respect to the intent of trying to fund the act passed by Congress last year. The hopes of the American people have been raised to an optimum with expectation. We have a requirement in this body to meet the absolute need of what is the worst drug epidemic in this country, of the most vicious drug of all, which is taking the heaviest toll—alcoholism in America.

### EXHIBIT 1

### ESTIMATED COSTS OF IMPLEMENTING A 5-YEAR NATIONAL ALCOHOLISM PROGRAM

The objectives of a national alcoholism program is to reduce the seriousness, prevalence and incidence of alcoholism and alcohol problems in the Nation. Because of a long standing neglect and unique stigma associated with alcoholism and drinking problems, a broad based comprehensive effort is needed. Due to the tremendous overlap among complicated social, psychological, physical and cultural factors associated with the nature and development of these problems, a long term program is necessary. It is estimated that it will take five years at the proposed level of investment to fully implement and derive major results from a national alcoholism program.

This plan has been developed within the framework of a five-year period of time and includes cost estimates which are based upon full program implementation by the end of the fifth year. The implementation of a national alcoholism program requires a strategy which includes the development of a series of program components to be coordinated and implemented at varying rates. The program components described in this plan include:

(a) Prevention and education for responsible drinking.

(b) Rehabilitating employed alcoholics. Special program for Federal civilian employees.

(c) Comprehensive services for all alcoholics.

(d) Public drunkenness offenders.

(e) Alcoholism among Indians.

(f) Reducing automobile accidents (alcohol-related).

For each of the selected program components this plan identifies a target population, explains program methods, predicts the likelihood of success, estimates the cost necessary to meet program components objectives, and describes the benefits of implementing the program component. In some cases there are also estimates of the timing with which the program component can be implemented.

Each of the program components described in this plan have been developed within two dimensions. Specifically, they have been planned to consider varied stages of alcohol abuse or illness and they are designed to be directly responsive to identifiable target populations which are involved with alcohol problems or alcoholism. It is possible that any single program component included in this plan could be achieved more rapidly or more slowly depending upon the influence of factors which are not predictable at this time.

Several requirements are common among each of the program components: the need for particular kinds of training, the need for research, evaluation, education and information, and the necessary availability of treatment services. The mixture of these several requirements, however, varies among the components.

### A. PREVENTION AND EDUCATION FOR RESPONSIBLE DRINKING

The proposed program is one of aggressive Federal leadership in developmental work aimed toward primary prevention of alcohol problems.

1. Target: The attitudes and behavior of the 80 million adults who currently use beverage alcohol, and an additional 17 million young people (ages 14–18) who also experiment with alcohol.

2. Method: The major thrust of this activity is aimed at modifying cultural and peer attitudes which may control that behavior termed intoxication. The focus does not relate to drinking per se but rather to the commonly held acceptance of the social-behavioral state of intoxication. Methods can be designed to create social sanctions and peer pressures which preclude intoxication as an acceptable form of behavior. The theme is one of responsibility as it pertains to drinking habits. This theme must be developed to distinguish responsible from irresponsible drinking behavior. Specifically, the methods will include:

(a) development of educational material for mass media use at local, State and national levels;

(b) Federal support of State and local public agencies for purposes of conducting community education programs;

(c) Federal leadership in the development, stimulation and coordination of educational activities by a variety of national organizations;

(d) a high priority program of research in several areas: the etiology of alcoholism (biomedical and psychological), ways of changing attitudes and behavior related to alcohol abuse, factors involved in identifying oneself as in need for an alcohol abuse problem;

(e) support for the training of professionals who can provide appropriate consultation to community agencies, particularly the public school system;

(f) Federal leadership in seeking changes in: alcohol advertising campaigns (e.g., modification of advertising regulations so that advertising can do more to emphasize responsible drinking);

(g) taxation (e.g., lowering the Federal proof minimum permitted for products labeled "whiskey" and "gin");

(h) retail licensing and conditions of sale (e.g., local groups in newly developing areas are allowed to establish model neighborhood taverns as part of broader leisure facilities).

3. Chance of success: Our national experience suggests that *prohibition* as an approach to primary prevention has no chance of success. The attitudes of responsible drinking behavior are identified and associated with a low incidence of alcoholism. By the use of innovative educational activities based on this knowledge, the program will have a high chance of success.

4. Costs: It is estimated that a minimum five-year cost for such a nationwide program of attacking the pre-abuse population will be $51.6 million which will be devoted to research and evaluation, training, curricula development and educational materials, and operating costs for program personnel.

5. Benefits: Even a small success rate in the prevention of alcohol abuse would have a significant economic saving when applied against the estimated $15 billion annual cost of alcohol abuse.

6. Time: It is our judgment that such a program could begin immediately with gradual increasing payoff and with significant gains within five years.

### B. REHABILITATING THE EMPLOYED ALCOHOLIC

The proposed program is one of Federal leadership, stimulation, and evaluation of industry-based interventions in the population of employed alcoholics.

1. Target: The 6.5 million employed alcoholics in the Nation's work force.

2. Method:

(a) industry-based education camaign,

(b) training of supervisory personnel,

(c) identification of employees with alcohol problems,

(d) referral of those employees to treatment services.

3. Chances of success: There is high receptivity to such a program on the part of many industries. Based on the experience of those industries who have established such a program, more than 50% of the employed alcoholics can be rehabilitated in this fashion.

4. Costs: A five-year national program requires a budget of $18.8 million, including funds for personnel, travel and educational activities and materials, research, including cross-industry evaluation projects, and grants to support the training of professionals who can provide appropriate consultation to industry.

5. Benefits: The HEW program in conjunction with State, local government and industrial participation would bring about a reduction of the $10 billion annual loss of productivity (25% of the salary of each alcoholic).

6. Time: The national program could begin immediately and would probably take a minimum of five years to cover most of the major industries in the country. Obviously, this national program would be dependent upon the development of some comprehensive service system as those described under C below.

A government-wide program for Federal civilian employees would not be solely administered by any single agency. Consultation for program development and other support would be provided through the National Institute on Alcohol Abuse and Alcoholism. In addition, the Health Services and Mental Health Administration is in the process of establishing a pilot alcoholism program for Federal civilian employees within the Department of Health, Education, and Welfare. The cost of a government-wide program would be shared by a number of agencies responsible for Federal civilian employees.

1. Target: The (approximately) 200,000 Federal civilian employees who suffer from alcoholism.

2. Method: Federal agency-based campaign, same steps as outlined for the national program option.

3. Chance of success: A minimum of 50% of the employed alcoholics would be rehabilitated.

4. The Comptroller General of the United States has estimated that the cost of such a program for Federal civilian employees would be approximately $15 million annually. This plan calls for a gradual progression to that level of expenditure over a five-year period. The program for Federal civilian employees would cost approximately $38.5 million over a five-year period without paying for all treatment services—80% of these employees have health insurance which will cover some or all the treatment cost.

5. Benefits: The benefit figures for the Federal program are projected to be—a savings of $1.25 billion over five years, or for $1 spent, $17 saved.

6. Time: The pilot program for employees of the Department of Health, Education, and Welfare will be in operation soon. The full implementation of a government-wide program cannot be accurately predicted at this time, but it is estimated that it can be fully operational by the end of the fifth year.

### C. COMPREHENSIVE SERVICE FOR ALL ALCOHOLICS

Involves (1) intercepting alcoholism by dealing with individuals already known to community agencies for other problems, and (2) responding to the needs of self-identified alcoholics.

1. Target:

A. Most of the alcoholics, though they do not acknowledge their alcoholism, are already in contact with one or more of the major helping agencies, such as welfare agencies, general hospitals, mental hospitals, community mental health centers, and family service agencies;

1. Thirty percent of those admitted to tuberculosis sanitoriums suffer from alcoholism.

2. Estimates indicate that alcoholism is involved in 10% to 25% of welfare cases.

3. In studies of patients admitted to hospitals after attempted suicide, percentage of alcoholics ranged from 11% to 23%. In a study of completed suicides, 31% were found to be alcoholics.

4. A study in Maryland found that 25.4% of males admitted to psychiatric outpatient facilities were excessive drinkers, although

more than half of these persons received diagnosis other than alcoholism.

5. Five percent to 10% of all alcoholics voluntarily seek care for their alcohol problems. Most of these currently enter the treatment system in the late stage of their illness.

2. Methods:

A. General—Develop comprehensive, coordinated treatment network incorporated into existing facilities, centered around care-giving institutions with which alcoholics come into contact: general hospitals, mental hospitals, community mental health centers, and welfare agencies. All such programs must be community-based and should provide a comprehensive range of services, including emergency, inpatient, outpatient, intermediate care services and consultation and education. Identification and referral services should be part of all of the above. Mechanisms for ensuring continuity of care are required.

B. Training programs for all health and care-giving personnel:

1. Training in professional schools and on the job.

2. Training for nonprofessionals and volunteers.

3. Training personnel in roles of client advocate and alcoholism coordinator.

a. Alcoholism coordinator at case level—a facilitator or advocate for client.

b. Agency or community alcoholism consultant, coordinator and advocate (program level).

c. Research on the development, application and evaluation of treatment methods.

4. Coverage for alcoholism under health insurance policies.

e. Hospitals and other care-giving institutions should accept alcoholics on same basis as all other patients.

f. All State health, mental health, welfare and rehabilitation plans submitted to the Federal Government should include attention to problems of alcoholism.

3. Chance of success: Fifty percent of rehabilitating alcoholics who come into contact with health and care-giving agencies under new comprehensive, coordinated system.

4. Costs: NIMH working in liaison with SRS, SSA, MSA to encourage them to provide for alcoholics in their own planning activities, including review of State plans. However, the NIMH would be the primary service agency and, therefore, greatly increased staff and budget needed to develop and augment comprehensive services for alcoholics in all care-giving agencies. In our judgment, approximately $753 million would be necessary over a five-year period to fully implement a comprehensive service program. Costs would be broken down into the following categories, comprehensive services, research, training and staff.

5. Benefits: Fifty percent to sixty percent of all alcoholics could become involved in treatment (approximately 5 million). An estimated 50% of those (2½ million) would be rehabilitated.

6. Time: The national program would probably take a minimum of five years to initiate coverage for the target population. This component could be implemented more rapidly by achieving full Federal participation during the fourth year.

### D. THE PUBLIC DRUNKENNESS OFFENDER

1. Target:

A. Approximately five percent of all alcoholics fit the "Skid Row" description. This population, while constituting a small minority of the alcoholic population, accounts for 40% of all arrests, excluding traffic violations. Currently, most of this population is handled within the criminal justice system, which most authorities agree has been both ineffective and inhumane.

B. This population of alcoholics requires comprehensive services—for shelter, food, transportation, emergency medical services, and services for chronic and severe medical problems.

2. Methods:

A. Treat public intoxication as medical-social rather than legal-criminal problem.

B. Outreach system to draw this population of alcoholics into treatment system.

C. This population can be handled within the comprehensive treatment program outlined in alternative C, but with special program elements and needs: shelter, food, transportation, detoxification, medical care, frequently long-range aftercare, special cooperative case finding and court referral proceedings.

D. Special training needs to be given to the personnel who will be dealing with this target population. Even if public intoxication is taken out of the criminal system, police might still be used for transportation and referral needs. Such police need to be specially trained if the program is to be successful.

E. Research is necessary to evaluate programs.

3. Chance of success: Although research has not yet established the long-term possibilities of rehabilitation for this population, short-term studies have shown that these men can be successfully recruited into rehabilitation programs. For example, a few States such as Maryland, District of Columbia, and Hawaii have already changed their laws and now treat public intoxication within the health rather than the criminal system which seems to be effective.

4. Costs: Most of his needs could be handled by the comprehensive treatment program outlined in C above. Special outreach programs, research and demonstration programs, and training for policemen and special outreach personnel require an additional five-year cost of $85.4 million. The National Institute on Alcohol Abuse and Alcoholism, NIMH, will assume a major role in encouraging communities to develop comprehensive services for the chronic offender population. Close collaboration with the Department of Justice (LEAA) in seeking alternatives to the current ineffective system of coping with chronic public drunkenness is necessary.

A. More than $100 million per year is currently spent in the arrest and incarceration of the public drunkenness offender, and a large amount is also spent in health and welfare services consumed by this population. While it would be expensive to rehabilitate this population, the expense would be less than the current costs. In addition, treatment in the health system has a substantial chance of success (at least 1 out of 4), while "treatment" in the criminal system has been proven to be largely unsuccessful.

B. The many hours spent in the arrest and court procedures would be eliminated, thus allowing the police time to deal with more serious criminal problems.

6. Time: It is estimated that it would take five years to implement and see major gains in this program component. The effectiveness of the program will depend upon the degree and effectiveness with which the judicial and law enforcement systems can collaborate with this program.

### E. ALCOHOLISM AMONG INDIANS

1. Target: The Indian population (675,000 Indians and Alaskan Natives in the 50 States) adversely affected by drinking problems. An Indian Health Service Task Force on Alcoholism in December 1969 stated that "the majority of suicides, murders, accidental deaths and injuries are associated with excessive drinking as are many cases of infection, sclerosis, and malnutrition. By far, the majority of arrests, fines, and imprisonments are the result of drinking (76%)".

2. Method:

A. Comprehensive education, treatment, and rehabilitation programs should be developed within Indian tribal or cultural groups.

B. Special programs developed within schools, especially the Bureau of Indian Affairs boarding schools where the student body is all Indian.

C. Programs developed emphasizing outreach and enabler efforts.

D. Federal investment in research, demonstration, training, and evaluation projects to fill the existing large gap in knowledge.

3. Chance of success: Alcohol problems are intimately tied to the Indians' current problems of employment, health, and housing. Success in the alcoholism effort will be based on the determination with which these other problems are simultaneously handled.

4. Costs: Federal programs for alcohol abuse among Indians over a five-year period would cost $28.3 million, for services, research, manpower and training, and planning.

5. Benefits: Cost benefits cannot be accurately estimated at this time. They should, however, be commensurate with cost benefits estimated for the general alcoholic population of the Nation.

6. Time: Approximately five years would be required to establish comprehensive alcohol programs for all the American Indian groups. The time required to see the effectiveness of those programs will depend upon the speed with which the Nation can effectively mitigate the consequences of other problems which are suffered by Indian people.

### F. REDUCING AUTOMOBILE ACCIDENTS

1. Target: The population who annually account for about 28,000 deaths, 500,000 disability injuries, and another several hundred thousand traffic arrests.

2. Methods:

A. Identify those individuals whose excessive drinking creates a high accident risk. This would involve an educational program for police and social agencies in identification and referral techniques for the problem drinker. Referral would be mainly to medical and social treatment services, but it would also involve driver education and judicious use of legal prohibitions, the latter particularly for those individuals who refuse treatment. (Suspension of drinking drivers' licenses do not substantially keep the alcoholic driver off the road, though this sanction may be effective with social drinkers.)

B. Environmental manipulations such as placing drinking establishments in locations where automobiles would not be used.

C. Instruments such as devices in drinking establishments to test breath alcohol content and devices in automobiles preventing operation by intoxicated person, are being evaluated.

D. Education and re-education programs such as a national program on responsible use of alcohol aimed primarily at future generations as in Alternative A; a shift from current slogans such as, "if you drink, don't drive," which may be ineffective for the problem drinker, to slogans providing concrete alternatives, such as "if you drink, take a cab or get a friend to drive."

3. Chance of success: With intensive efforts to involve the problem drinker in treatment, reasonable estimates would be that 50% of those treated would be rehabilitated. It is impossible at this time to estimate the effects of the proposed environmental manipulations and instrumentation.

4. Costs: Because there is a tremendous overlap between the target populations involved, the costs of this program would be

taken care of under B (Rehabilitating the Employed Alcoholic) and C (Comprehensive Services for All Alcoholics).

5. Benefits: Roughly 40% of the following would be saved: 28,000 lives, 500,000 disabilities, and more than $1 billion in property damage, insurance costs and medical services. Currently, the Highway Safety Bureau and the NIMH are entering into a joint venture of an identification, decision and action program regarding the focusing on and treatment of problem drinkers. Over the next several years over $100,000,000 (mainly Department of Transportation funds) will be spent in demonstration projects in the Nation's large cities. In order for the pilot program to be optimally successful, a five-year budget totaling approximately $105 million to cover costs of identification and referral of this population, as well as necessary staff to achieve adequate liaison, would be adequate. These projects, plus a pooling of present and future resources and information by both agencies, should rapidly provide accurate data regarding further costs, benefits, legislation needed, etc.

6. Time: Intensive efforts could be initiated rapidly.

### SUMMARY

Because of the long term neglect and stigma associated with the alcoholism and drinking problems, a broad based comprehensive effort is clearly needed. A combination of program components is required because of the tremendous overlap among the complicated social, psychological, physical and cultural factors involved with alcoholism and alcohol problems. To only deal with one factor at the expense of others would introduce negative reinforcement to perpetuate the problem. A treatment program without prevention, for example, would be a "holding" action only. It is not realistic to expect this chronic health problem to be controlled solely by treating its casualties. Identification programs, either among employees or drivers with alcohol problems, are equally incomplete without treatment resources to deal with problem drinkers once they have been identified. Conversely, the creation of intensive treatment programs must be coupled with an emphasis on early identification of people with drinking problems to assure that the treatment network will include those people most likely to receive maximal benefits from treatment.

Alcohol problems have a contagious nature and, unless a comprehensive attack is developed, the incidence of new problems will continue to accelerate. Only through the development of a comprehensive, multifaceted national program can significant progress be made.

Where cost benefits have been provided in this document, they are independent of other cost-benefit estimates. The success of some programs depends upon the implementation of others. Program components A and C are core programs and all other program components are very heavily dependent upon the implementation of these core programs. This plan emphasizes the near term (two years) importance of the program component to develop comprehensive services for all alcoholics. A gradual change in emphasis occurs so that longer term (five years) emphasis is placed upon program component A (Prevention and Education for Responsible Drinking).

This budget, based upon professional judgments, relate to the scope and seriousness of alcohol abuse and alcoholism in this Nation. It does not, however, relate to national priorities. Furthermore, these judgments do not include an appraisal of the time at which such a five-year program can be initiated.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—ALCOHOL ABUSE AND ALCOHOLISM, PROFESSIONAL JUDGMENT BUDGET

[In thousands]

| Program area | 1st year | 2d year | 3d year | 4th year | 5th year | Program total |
|---|---|---|---|---|---|---|
| Education | 2, 045 | 4, 090 | 9, 105 | 16, 160 | 20, 175 | 51, 500 |
| Employed alcoholics | 1, 900 | 2, 900 | 4, 000 | 4, 600 | 5, 400 | 18, 800 |
| Comprehensive treatment | 57, 860 | 104, 250 | 162, 125 | 196, 775 | 231, 500 | 752, 510 |
| Public offender | 5, 600 | 11, 200 | 16, 800 | 23, 800 | 28, 000 | 85, 400 |
| Indians | 3, 060 | 4, 590 | 6, 120 | 6, 885 | 7, 650 | 28, 305 |
| Highway safety | 7, 000 | 14, 000 | 21, 000 | 28, 000 | 35, 000 | 105, 000 |
| Total | 77, 465 | 141, 030 | 219, 150 | 251, 020 | 327, 725 | 1, 041, 593 |
| Government employees[1] | [2] 500 | 4, 000 | 7, 500 | 11, 500 | 15, 000 | 38, 500 |

[1] Cost for total civilian Federal government program; costs will be shared by agencies involved with program consultation provided by NIAAA staff.

[2] $500,000 will be used for a DHEW pilot program.

## ORDER OF BUSINESS—RECOGNITION OF SENATORS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes.

Mr. PERCY. Mr. President, in order to accommodate my distinguished colleagues who have important luncheon engagements, I ask unanimous consent that I be permitted to proceed for 3 minutes and then to be followed by the distinguished junior Senator from California for 15 minutes, to be followed by the distinguished Senator from Minnesota for 15 minutes; that at the conclusion of their remarks, I be permitted to continue for the remainder of my time—namely, 12 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I will not object—I thank the distinguished Senator for accommodating our colleagues. I merely state that this does not upset or change the overall program, timewise.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATOR PERCY COMMENDS PRESIDENT NIXON ON TURKISH NARCOTIC AGREEMENT

Mr. PERCY. Mr. President, I wish to express deep satisfaction over President Nixon's announcement that the Government of Turkey, a NATO ally, has agreed to limit the growth of poppies in four Provinces this year and to halt poppy planting in 1972.

As the principal sponsor of the administration's bill to create a Special Action Office for Drug Abuse Prevention in the White House to coordinate the Federal role in combating drug abuse, I believe the decision of Turkish officials to take this significant step, despite its impact on the Turkish economy and Turkish life, reflects extraordinary diplomatic courage. While the use of opium or its derivative, heroin, is practically nonexistent in that country, such use is ravaging the inner core of our own society.

The stench of addiction, and its contribution to criminal behavior, must be eliminated. This action by the Turkish Government will tremendously assist in that effort. Prime Minister Erim, Secretary William P. Rogers, and President Nixon himself, deserve the gratitude of the Nation for their tireless work in negotiating this agreement. I am hopeful that our technological assistance can appropriately compensate the Turkish people for their willingness to cease growing what is, for them, an important agricultural commodity.

Apart from the need for restricting the supply of heroin coming into our country, I hope that Federal drug abuse control will concentrate on hard drugs. S. 2097, which I have introduced with 22 cosponsors from both parties would bring together the prevention, education, rehabilitation, training, research, and treatment efforts of the Federal Government under the direction and coordination of one office located in the Executive Office of the President and reporting directly to the President.

Dr. Jerome Jaffe, former director of the Illinois drug abuse program, has been named to fill that position until such time as the Special Action Office is statutorily established.

Hearings on S. 2097 will commence next week before joint sessions of two subcommittees of the Government Operations Committee—the Subcommittee on Executive Reorganization, chaired by Senator RIBICOFF; and the Subcommittee on Intergovernmental Relations, chaired by Senator MUSKIE.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. I wish to associate myself with what the Senator has said about the agreement with Turkey.

I highly commend President Nixon and the Secretary of State for fulfilling a major American foreign policy goal by negotiating with Turkey, a major and traditional source of opium, a ban on its opium poppy growing fields after 1972. The Turkish people and their Government are also to be highly recommended. This has particular significance to New York where the heroin epidemic—which has hooked more than 100,000 addicts and has become the leading cause of death of persons between 16 and 35—

ravages our people, filling the streets with terror and the homes with despair.

This diplomatic accomplishment by President Nixon is a great step forward, and very much in keeping with my Senate-passed amendment No. 151 to the Military Selective Service Act, which I introduced with Senator Hughes to seek to halt illicit drug traffic. I hope the amendment will survive the conference. When I introduced the amendment, I expressed my confidence that international means can be devised to control illegal drug traffic. The ban negotiated by President Nixon and Turkish Premier Nihat Erim demonstrates that vigorous diplomacy can achieve results.

However, the American people must understand this achievement does not, in and of itself, mean we have come close to completely closing off the source of illegal opium production .

The world's illicit production of opium is an estimated 1,250 to 1,400 tons annually, and although Turkey is now the source of 80 percent of the heroin smuggled into the United States, it only is estimated to have produced 100 illegal tons. In the no-man's land of the triangle composed of Burma, Thailand, and Laos, there was an estimated 700 to 750 tons illegally produced—more than one-half of the world's illicit output. Unfortunately, as we are all too well aware, this newly expanded source has been readily available to our soldiers in Vietnam.

Therefore, although we may have successfully dammed up the supply from Turkey, we must be aware that there is nothing to stop such other countries as Burma, Thailand, and Laos, from "taking up the slack" in the illicit heroin market. However, I am confident that illicit drug traffic can be stopped—as we have in Turkey—if we seek international cooperation and assist opium-producing countries to cease their production and find alternative crops.

Mr. PERCY. I thank the Senator.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Steed, Mr. Passman, Mr. Addabbo, Mr. Roybal, Mr. Stokes, Mr. Mahon, Mr. Robison of New York, Mr. Edwards of Alabama, Mr. Riegel, Mr. Myers, and Mr. Bow were appointed managers on the part of the House at the conference.

## ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

The PRESIDENT pro tempore subsequently signed the enrolled joint resolution.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Williams) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## THE COST OF U.S. FORCES IN EUROPE

Mr. PERCY. Mr. President, once a week, I try to comment on the negotiations we are carrying on with the West German Government and our balance-of-payments problems caused by our NATO troop costs in Europe.

My main concern today, Mr. President, is that no offset arrangement has been agreed upon by the United States and Germany for the next 2 years. Nathaniel Samuels, Under Secretary of State for Economic Affairs, is in Germany today for the third round of the offset negotiations and we certainly wish him godspeed in attempting to get an equitable and fair offset arrangement for the United States.

But Mr. President, I was most disturbed to learn in last week's testimony by Mr. Samuels before the Joint Economic Committee that we may once again be thinking of accepting loans for part of the offset payments.

Loans are not a true offset, with or without interest. They merely postpone the agony a little longer. Loans are like applying a bandage to the outside of the stomach in the hope that it will cure the bleeding ulcer inside.

Germany must absorb more of the share of the costs of NATO. The Federal Republic has a lower level of inflation than we do, has only 1.3 percent unemployment, has a healthy surplus in her trade account and has a balanced Federal budget. She is capable of doing much more than she is doing.

I urged Mr. Samuels in the hearings last week to take a firm stance with the Germans in the offset negotiations and assured him that he would be backed up by Congress. An inequitable agreement will only rekindle demands for troop reductions in Europe. The best way to avoid further calls for U.S. troop cutbacks in Europe is to have our costs offset by West Germany and our other European allies.

I am pleased that this morning I had the opportunity to question Dr. Arthur Burns, Chairman of the Federal Reserve System, as to whether or not he feels that loans to cover our balance-of-payments deficit would be in any measure a satisfactory solution for this problem. I was pleased to have his prompt denial that loans would be satisfactory.

Mr. President, over the past 2 weeks the Joint Economic Committee has held most interesting hearings in the Foreign Economic Policy Subcommittee and in the International Exchange and Balance of Payments Subcommittee on the questions of the U.S. balance of payments and international monetary policy.

Some of the most interesting statements and comments have been in reference to U.S. military expenditures overseas and their effect on the U.S. balance of payments.

Witnesses, both from the administration and from private life, have discussed the burden the United States faces overseas in maintaining and paying for our military commitments.

On June 24, the Under Secretary of the Treasury, Paul Volcker, said:

> Meanwhile, a generation after the Second World War, our far-flung security interests continue to place a heavy burden upon the Nation, absorbing some 8% of our gross national product. That is far more than the proportionate cost to our allies. Nearly $5 billion of our expenditures are abroad, about $3 billion more than offsetting receipts.

Don R. Brazier, Principal Deputy Assistant Secretary of Defense—Comptroller—outlined clearly and succinctly the costs to the United States of our NATO commitment. His statement before the Joint Economic Committee also pointed out the impact of military expenditures on the overall U.S. balance of payments. Col. Edward L. King—U.S. Army (retired)—talked about the costs to the United States of our NATO commitment and what he saw as less than optimum deployment of our troops in Europe. Mr. President, I ask unanimous consent that extracts from the testimony of Mr. Brazier and Colonel King be printed in the Record at this point.

There being no objection, the extracts of testimony were ordered to be printed in the Record, as follows:

### STATEMENT OF PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER) DON R. BRAZIER BEFORE THE SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS OF THE JOINT ECONOMIC COMMITTEE JUNE 21, 1971

#### INTRODUCTION

We fully recognize that expenditures by the Department of Defense represent a substantial portion of Government expenditures abroad. Therefore, we believe we have a responsibility to minimize, to the maximum extent feasible, the impact of our overseas activities on the United States' balance of payments.

The mission of the Department of Defense is to provide for the security of the United States. Therefore, balance of payments considerations cannot be controlling, or indeed, examined independent of requirements stemming from our national security objectives, including our security commitments with other nations. Given the overriding importance of our security objectives and the obligations we have to our personnel, the Department of Defense has emphasized that *first,* essential combat capability must be maintained and *second,* expenditure reductions must be achieved without creating undue hardships for U.S. military and civilian personnel and their families. Our measures affecting personnel must also be equitable in relation to personnel in other agencies of the government.

### RECORD TO DATE

During the period FY 1961 to 1965, we reduced the net adverse balance on the defense account by almost half, from $2.8 billion in FY 1961 to $1.5 billion in FY 1965, even though expenditures started to increase in FY 1965 due to Southeast Asia. As shown in Table I, this reduction was achieved by (1) a fourfold increase in our receipts, which stem primarily from sales of U.S. military goods and services to foreign countries, (2) a reduction in uranium purchases abroad for defense purposes and (3) a successful effort to hold down overseas expenditures in the face of increases in foreign prices and wages and in the pay of U.S. Defense Department personnel. In countries where we had large numbers of foreign nationals, wage increases were particularly significant. For example, based on an index of wage levels published by the International Monetary Fund, from *CY 1961 through CY 1964,* the wage index in France rose 27%, in Germany by 30%, and in Japan by 34%. There also were price increases in the cost of supplies and services we procure overseas. Similarly, for U.S. personnel from FY 1961–1964, military basic pay increased by about 11% and classified civilian salaries increased by about 8%.

Beginning in mid-1965, our expenditures, as shown in Table II, have increased, due primarily to the conflict in Southeast Asia. Although it is difficult to make a clear-cut distinction between expenditures relating to Southeast Asia support and expenditure increases for other reasons including wage and price increases, it is estimated that in FY 1970 roughly $1.5 billion of our total direct balance of payments expenditures of about $5 billion were associated with Vietnam. This compares to incremental budget costs of $17.4 billion. Incremental budget costs cover all the costs for all forces other than our peacetime force levels plus the extra costs above the normal peacetime operating level of peacetime force units supporting operations in Southeast Asia.

It is important to note, however, that there also have been significant price and wage increases affecting the costs of our activities overseas. From CY 1964 through CY 1970, for example, based on data published by the International Monetary Fund, the wage index has rised by 57% in Germany, 98% in Japan, 39% in the UK, and 234% in Korea. Wholesale and consumer prices have also increased abroad and are reflected in the increased costs of procurement. In addition, U.S. military basic pay raises from FY 1964–FY 1970 were 59% and U.S. classified civilian pay raises were approximately 40%. Finally, it has been estimated that the revaluation of the German mark in the fall of 1969 has increased our expenditures at an annual rate of roughly $95 million.

### DEPARTMENT OF DEFENSE EFFORTS TO MINIMIZE THE BALANCE OF PAYMENTS IMPACT OF ITS ACTIVITIES OVERSEAS

In our last appearance before this Subcommittee, we covered in some detail the actions we had taken which served to minimize our foreign exchange expenditures. The basic framework of our balance of payments effort remains as we then discussed it with you. Therefore, rather than restate the details of our individual programs as they have been carried out, I will, at this time, summarize and highlight the more significant areas of our effort.

As you can see by looking at Table I, a significant portion of our expenditures are made by our military and civilian personnel and their dependents. Department of Defense efforts to minimize foreign exchange expenditures by our personnel have focused on (1) reviews of requirements for U.S. military and civilian personnel overseas, (2) actions to reduce personal spending on the economy and (3) actions to hold down balance of payment expenditures related to non-appropriated fund activities.

With respect to our personnel stationed overseas, our efforts have been directed at encouraging participation in voluntary programs designed to channel available disposable income back to the U.S. Actions undertaken in the past which have served this purpose have included internal information programs, emphasis on use of U.S. controlled recreation facilities, a more attractive savings plan, easing of regulations to permit larger allotments and, for military personnel stationed in South Vietnam, a rest and recuperation program in Hawaii.

For non-appropriated fund activities, our policy is to promote the sale of U.S. items. Military exchanges and other non-appropriated fund activities in foreign countries have been directed to take whatever steps are feasible, within the limits of sound business practice, to stock merchandise of U.S. origin to the greatest practicable extent.

As to requirements for U.S. military and civilian personnel overseas, I believe it would be fair to say that this question has received more attention in the last two to three years than in any comparable time period in recent years. Much of this attention has been devoted to U.S. strength in Asia, particularly South Vietnam. But, there also has been much attention, Executive and Congressional, on the question of U.S. strength levels in Europe.

Summary data on military strength are shown in the following table:

DOD ACTIVE DUTY MILITARY PERSONNEL BY LOCATION

[In thousands]

| | All foreign countries and areas | | | United States and related total | United States and foreign total |
|---|---|---|---|---|---|
| | Shore based | Afloat | Total | | |
| June 30, 1968.... | 1,083 | 117 | 1,200 | 2,347 | 3,547 |
| June 30, 1969.... | 1,061 | 94 | 1,155 | 2,304 | 3,459 |
| June 30, 1970.... | 913 | 120 | 1,033 | 2,033 | 3,066 |
| Mar. 31, 1971.... | 785 | 82 | 867 | 1,935 | 2,802 |

Thus, between June 30, 1968 and June 30, 1970, in foreign countries and areas there was an overall reduction in U.S. military strength of 167,000 or about 14%. By March 1971, the reduction from the June 30, 1968 level was 333,000, or about 28%. Most of this reduction, of course, has come about since June 30, 1969.

As may be seen in Table I, the reduction in strength between June 30, 1968 and June 30, 1970 had served merely to retard the overall growth in our personal spending overseas. Personal spending grew from $1.5 billion in FY 1968 to close to $1.9 billion in FY 1970. We do not expect any reduction in these foreign exchange spending levels in FY 1971, even with the additional 14% reduction in strength which has been made through March 31 of this year. Wage and price increases will offset any reduction related to strength.

The Department of Defense also has made substantial efforts to hold down employment of foreign nationals to minimum essential levels. We had made some progress in stemming the overall growth in our foreign national costs by the mid-1960's in spite of substantial wage increases. The major influence on our foreign national employment levels since that time has been the requirement to support operations in Southeast Asia.

While foreign national costs have continued to rise overall, we have, however, made some progress during the past two years in reducing requirements for foreign national employment. Most of this reduction is related to the reduced operating requirements in Southeast Asia although, as shown in the table below, foreign national employment in Europe also has been reduced.

DEPARTMENT OF DEFENSE FOREIGN NATIONAL EMPLOYMENT

[In thousands]

| | Europe | All other | Total |
|---|---|---|---|
| June 30, 1968.............. | 82 | 176 | 258 |
| June 30, 1969.............. | 77 | 184 | 261 |
| June 30, 1970.............. | 71 | 152 | 223 |
| Mar. 31, 1971.............. | 71 | 133 | 204 |

In comparing these data with Table I, it is important to note that while total foreign national employment dropped by about 35,000 or about 14% between end FY 1968 and end FY 1970, our foreign national costs increased by $107 million, or about 19%.

These increases in our direct payroll related expenditures, that is, personal spending by U.S. personnel and foreign national costs are of major significance. Between FY 1968 and FY 1970, in spite of the personnel reductions I have discussed above, our direct personnel expenditures in these two categories increased by approximately $450 million. Total DoD expenditures entering the balance of payments increase during this same period by about $450 million. Therefore, the entire increase is, in effect, in these two accounts. Assuming expenditure patterns remained relatively constant during the period, these increases in turn may be attributed to the increased disposable income overseas provided primarily through pay raises, and the general impact of inflation. This would also reflect pay increases for our foreign national employees. In FY 1970, expenditures in these two categories accounted for more than 51% of our total expenditures entering the balance of payments and is expected to increase in FY 1971.

As shown in Table I, the remaining portion of DoD expenditures, totaling approximately $2.4 billion in FY 1970, generally is associated with procurement, construction and operating costs. These costs are for major equipment, construction, materials and supplies, including petroleum oil and lubricants (POL) and services such as transportation, utilities, etc. In addition, there is some minor amount of offshore procurement under the Military Assistance Program.

Department of Defense policies for a number of years have emphasized the use of U.S. materials and supplies in support of U.S. defense activities overseas. By mid-1963 we were in general applying a 50% differential in favor of U.S. products or services for our materials, supplies and services requirements, including overseas construction. These guidelines remain in effect today.

The use of such a guideline of course reinforces the basic determination which must be made in all cases that the item or service is indeed required for support of our activities overseas. In the case of construction, for example, the guidelines point to the elimination or deferral of all construction not essential to military needs, and to an effort to reduce the foreign exchange cost of essential construction.

In the case of offshore procurement for the Military Assistance Program, the Assistant Secretary of Defense (International Security Affairs) must certify in accordance with the Foreign Assistance Act of 1961, as amended, that failure to procure outside the U.S. would seriously impede the attainment of Military Assistance Program objectives. This requirement is in addition to the use of the 50% guideline.

As shown on Table I, our expenditures for materials and supplies in FY 1970 were $755 million; but about two-thirds of this total was for Petroleum, Oil and Lubricants (POL). Therefore, only a little more than 10% of our $2.4 billion in procurement, construction and operating related expenses overseas in FY 1970 were for other items categorized as materials and supplies.

During the last several years, we have continued our efforts to consolidate activities and take other measures to hold at minimum required levels the numbers and functions of our overseas bases and facilities and to operate these facilities at a minimum cost. Since January 1969, there have been 245 actions taken in 17 foreign countries to reduce or consolidate activities. These actions do not consider reductions in South Vietnam and Thailand. On completion, more than 50,000 military personnel positions and over 30,000 civilian personnel positions will be reduced.

### U.S. FORCES IN NATO EUROPE

There has been considerable discussion recently concerning our forces in Europe and the costs of maintaining these forces. I would like to summarize the difference bases which have been regularly used for expressing these costs to assure there is a clear understanding of each estimate. For FY 1971, estimates have been provided on three bases:

1. *$14 billion* represents the estimated total cost of U.S. general purpose forces both in NATO Europe and those general purpose forces usually based in the U.S. and maintained primarily for use in a European emergency, related support elements and headquarters in NATO Europe, the support in the U.S. such as training and logistics required for these forces, military assistance for NATO countries and the NATO military construction program.

2. *$7–8 billion* represents the cost of general purpose forces stationed in NATO Europe (including the Sixth Fleet) plus the U.S. support base required for these forces, i.e., cost of new equipment and training and logistics support.

3. *$3.1 billion* represents the operating cost of U.S. forces actually stationed in NATO Europe (including the Sixth Fleet). It includes military personnel costs and the costs for operating and maintaining equipment and facilities used by these personnel. It excludes indirect logistics and administrative costs outside of NATO Europe, major procurement and construction costs and the U.S. contribution to the NATO construction program.

The $3.1 billion total is included in the $7–8 billion figure which, in turn, is included in the $14 billion estimate.

In addition to the above budgetary cost estimates, U.S. defense balance of payments expenditures in NATO European countries are estimated at about $1.8 billion in FY 1971.

* * * * *

### SUMMARY AND OUTLOOK

It is extremely difficult to estimate what our expenditures would have been without the programs implemented by the Department of Defense. The procurement and construction programs, for example, as they involve the use of premium budgetary costs, can clearly be attributed to our balance of payments effort. In other areas such as base closures, our balance of payments program has served as an additional impetus to reducing expenditures overseas. It is true, however, that some actions would have been taken in any case in the interest of overall management improvement. As an order of magnitude, however, it is estimated that our balance of payments program has reduced our expenditures overseas by well over $2 billion during the FY 1961–1970 period.

As a result of our past efforts, the "easy" expenditure reductions have long since been made. Our expenditures abroad today are almost completely related to our deployments. Therefore, with continuing price and wage increases (including those associated with a Volunteer Armed Force) and changes in the value of some foreign currencies to the dollar, our expenditures, assuming approximately current force levels except for Southeast Asia and Korea, cannot be expected to even approach the pre-Vietnam level. We expect some slight reduction in FY 71—to a $4.8–$4.9 billion level.

We currently intend to continue our existing programs to hold down our costs overseas. In the long run, of course, the level of our expenditures abroad, in large measure, rests on the size of our overseas deployments. As I noted earlier, balance of payments considerations cannot be controlling or examined independent of requirements stemming from our national security objectives, including our security commitments with other nations.

We also intend to continue the ongoing military sales program, where this is appropriate. In addition, we will continue to work with other government agencies in any negotiations for improving the extent and nature of arrangements to offset the foreign exchange costs of our activities overseas.

TABLE I.—*U.S. Defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

(Millions of dollars)

| | |
|---|---|
| Expenditures: | |
| U.S. Forces and Their Support: | |
| Expenditures by U.S. Military, civilian & dependents | 1, 862 |
| Foreign Nationals (Direct & contract hire) | 680 |
| Procurement: | |
| Major equipment | 189 |
| Construction | 341 |
| Materials & supplies (including POL) | 755 |
| Services | 967 |
| Other payments | 95 |
| Subtotal | 4, 889 |
| Military Assistance Program: | |
| Offshore Procurement | 15 |
| NATO Infrastructure | ----- |
| Other | 30 |
| Subtotal | 45 |
| Net change in Dollar purchased Foreign Currency Holdings | +18 |
| Total Expenditures | 4, 952 |
| Receipts: | |
| Cash receipts | 1, 556 |
| Barter | 315 |
| Total Receipts | 1, 871 |
| Net Adverse Balance (DoD) | 3, 081 |
| Other Expenditures (AEC and other agencies included in NATO Definition of Defense Expenditures) | 11 |
| Net adverse Balance (NATO Definition) | 3, 092 |

TABLE II.—U.S. DEFENSE EXPENDITURES ENTERING THE INTERNATIONAL BALANCE OF PAYMENTS BY MAJOR AREA, FISCAL YEARS 1961–70

[In billions of dollars]

| Fiscal year | Western Europe | Major Asian countries | Canada | Other | Worldwide |
|---|---|---|---|---|---|
| 1961 | 1.6 | 0.7 | 0.4 | 0.4 | 3.1 |
| 1962 | 1.6 | .7 | .3 | .4 | 3.0 |
| 1963 | 1.6 | .7 | .3 | .5 | 3.1 |
| 1964 | 1.6 | .7 | .3 | .4 | 3.0 |
| 1965 | 1.5 | .8 | .2 | .3 | 2.8 |
| 1966 | 1.6 | 1.3 | .2 | .3 | 3.4 |
| 1967 | 1.6 | 2.0 | .2 | .4 | 4.2 |
| 1968 | 1.6 | 2.1 | .3 | .5 | 4.5 |
| 1969 | 1.6 | 2.3 | .3 | .5 | 4.7 |
| 1970 | 1.7 | 2.4 | .3 | .6 | 5.0 |

TABLE III.—*U.S. defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

(Millions of dollars)

| *Country* | |
|---|---|
| Australia | 41 |
| Austria | 3 |
| Azores | 4 |
| Bahrain Islands | 41 |
| Belgium-Luxembourg | 40 |
| Bermuda Islands | 7 |
| Canada | 274 |
| China, Republic of | 83 |
| Denmark-Greenland | 29 |
| France | 17 |
| Germany, Federal Republic of | 1, 030 |
| Greece | 24 |
| Iceland | 20 |
| Indochina | ----- |
| Italy | 109 |
| Japan | 675 |
| Korea | 361 |
| Morocco | 6 |
| Netherlands | 45 |
| Netherlands Antilles | 22 |
| Norway | 15 |
| Pakistan | 2 |
| Philippine Islands | 200 |
| Portugal | 3 |
| Ryukyu Islands | 261 |
| Saudi Arabia | 91 |
| Spain | 54 |
| Switzerland | 12 |
| Thailand | 246 |
| Trinidad-Tobago | 14 |
| Turkey | 45 |
| United Kingdom | 225 |
| Venezuela | 18 |
| Vietnam | 542 |
| Other American Republics | 96 |
| Other | 308 |
| Total expenditures | 4, 963 |
| Receipts | 1, 871 |
| Net adverse balance | 3, 092 |

### STATEMENT OF EDWARD L. KING, RETIRED COLONEL, U.S. ARMY, BEFORE THE JOINT ECONOMIC COMMITTEE, SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS, JUNE 21, 1971

Mr. Chairman and Members of the Committee: My name is Edward L. King. I am appearing today as a private citizen and the views and opinions I state are solely my own.

I am a professional soldier. I retired from the U.S. Army in August 1969 as a Lt. Colonel. I served on active and reserve duty for nearly 23 years as an infantry rifleman, noncommissioned officer, and commissioned officer in the United States, Asia and Europe. The last three years of my service were spent with the staff of the Joint Chiefs of Staff.

The purpose of my testimony today is to focus on what I consider are some of the unnecessarily high overall expenditures and balance of payments costs involved in present national defense concepts and force deployments.

The fiscal year 1971 defense budget included a figure variously estimated at $14 billion for the support of U.S. general purpose forces in Europe and U.S. general purpose forces maintained in the United States but committed to a European contingency. The proposed fiscal year 1972 defense budget includes substantially the same funding support for these forces. The estimated operating cost of maintaining U.S. forces in Western Europe was approximately $2.9 billion last year. This operating figure includes the cost of all military and civilian personnel located in Western Europe, Greece, Turkey and the 6th Fleet as well as the costs of operating and maintaining the facilities used by these personnel.

U.S. defense expenditures entering the international balance of payments in NATO countries including Canada, have been estimated at approximately $2 billion in fiscal year 1970 and about $1.7 billion in FY 1971. A high percentage of these expenses is incurred in the Federal Republic of Germany where over 200,000 of the 300,000 U.S. troops stationed in Europe are located. For example, in fiscal year 1970 about $1.1 billion of the total balance of payments costs were spent in the Federal Republic. The current two year offset agreement with the Federal Republic expires on June 30, 1971. I have heard that the new agreement will not completely satisfactorily handle such problems as costs for local nationals which amounts to $260 million, locally procured material, supplies and equipment which cost $55 million, costs for various services which run $160 million or payment of land taxes to the Federal Republic. The chief criticism of the current method of offset payments has of course, been that it has been a deferral rather than a pure offset. There has been no direct budgetary support given by the Federal Republic since 1961 except for certain expenses involved with maintaining U.S. military forces in Berlin. And it seems that the new offset agreement is again to be more on a loan rather than cash basis.

Many arguments pro and con have been made in regard to the adverse U.S. balance of payments deficit resulting from the stationing of our forces in Europe and other areas of the world. Others have commented on the fact that the U.S. percentage of GNP devoted to defense purposes is much greater than our allies and continues to increase as that of our allies has declined. It has also been pointed out that during the same period our European Allies have consistently maintained a smaller proportion of their population under arms.

What still remains at issue is what are the reasons that these costs remain so high, and are these adverse costs balanced by a comparable combat return to our overall national security. I would like to examine some aspects of the reasons for the costs and relate them to combat return. In Central Europe the heart of our conventional combat forces are four and one-third Army divisions. Each of these Army divisions at full strength contains around 16,000 soldiers. The divisions in Europe have seldom, if ever, been at more than 90 percent of full combat strength. According to the Department of Defense these divisions at full strength are authorized 64.6 thousand soldiers. But since the four and one-third divisions have been reported by the Department of Defense to be at only 90 percent of full strength they do not have more than 59,000 soldiers assigned to them. To support these four and one-third divisions under present planning and Army Tables of Organization, the Department of Defense has indicated that there are in Europe an additional four and one-third initial support increments (ISI) of 16,000 men each and two and one-third sustaining support increments (SSI) of 16,000 men each. The Department of Defense has also stated that there are 88.1 thousand men in these ISI and SSI units (at full strength they should contain about 97.2 thousand soldiers). The commander of the U.S. Seventh Army in Europe has stated that he has 170,000 military personnel assigned to that Army. This means that there are at least an additional 22,900 soldiers assigned to the Seventh Army but not serving in the understrength four and one-third divisions or their sustaining forces.

The majority of the soldiers serving in the ISI and SSI do not fight, their principal mission is maintenance, repair and supply. And within each of the four and one-third combat divisions there are an additional 8,000 or so soldiers who also do not fight and are involved in similar command or support duties. Broken down to basic combat terms this means that out of the 48,000 (16,000 in the division plus 32,000 sustaining it) soldiers required to put a present day U.S. Army division into the field less than 9,000 finally deliver fire on the enemy in defense of our national security. And the two and one-third SSI elements now in Europe are not performing support operations for the divisions. These elements are performing peacetime housekeeping functions such as base operations, repair, maintenance and utilities, and the operation of services for the nearly 200,000 dependent population in Germany with our soldiers. In the event of combat these SSI units have to prepare to make a transition from their peacetime functions and later move to the field to begin supporting the combat divisions. Because of this need for peacetime support the Commander of Army forces in Europe has contended that combat rather than support forces must be withdrawn in any reduction in Europe.

This is very little combat return for the tremendous costs that accrue to the American taxpayer in providing the four and one-third division force in Europe. There are today in Europe over 7,000 officers and enlisted men assigned to headquarter commands alone. Among this number are included 128 general/flag officers, or a ratio of one general/flag officer for each 2,343 soldiers assigned to Europe. Yet few, if any, armed forces units of less than 3,000 men are authorized a general or flag officer as a commander. The Congress could stop this type abuse by beginning to enforce the officer grade ceilings enacted in the 1947 Defense Reorganization Act.

All of this basically means that in order to achieve a conventional combat force of four and one-third divisions with an actual strength of about 59,000 men in Western Europe (of which less than 40,000 fire at the enemy in combat), the United States must pay in excess of $5 billion (and assume the adverse international balance of payments deficit in doing so) to station over 300,000 soldiers and 225,000 dependents there.

Furthermore, what are the probabilities that these conventional forces that cost us so dearly can accomplish the combat mission that we supposedly keep them permanently in Europe for? Assistant Secretary of Defense Roger Kelly has said, "We *assume* that the Soviets are deterred from attacking NATO by the high risk *that a conventional conflict* between NATO and Warsaw Pact forces *would escalate to the level of general nuclear war* and pose grave risks to the Soviet State itself." (Italics added.) In testimony before the Senate Armed Services Committee, Mr. Kelley stated the "threat" that our NATO committed forces face in these terms, *"While we do not consider an unprovoked aggression by the USSR likely,* the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that *could* lead to a conflict *could* arise if the political situation substantially changed in a way which threatened the USSR. Such a crisis *could* escalate to hostilities. Whatever the immeidate cause, the crisis *could* trigger localized hostilities, or mobilization by the Pact and NATO." (Italics supplied.)

If we do not consider an unprovoked aggression likely then how can we envision "localized hostilities" (that remain local) being any more likely? And if a conventional conflict will admittedly escalate to general nuclear war what is the real purpose of four and one-third Army divisions stationed permanently in Central Europe? All Department of Defense spokesmen are careful to include the long-standing, but seldom noticed, caveats that always appear somewhere in their statements about the ability of U.S. conventional military forces to provide any form of successful conventional defense in Europe. I know from experience in writing them that these caveats always take two forms, "assuming a period of sufficient warning and military preparation by both sides" and "NATO has a major conventional capability after a period of mobilization." Both of these caveats are intended to remove the Defense Department from responsibility for what the conventional combat capability would be in the event of a sudden Soviet attack—which is a most likely result of "localized hostilities"—which do not permit time for premobilization evacuation of the U.S. military dependents and troop reinforcement from the United States.

The facts are that in the event of a sudden Soviet attack without sufficient warning and a period of mobilization (usually considered as a minimum of 30 days in duration) the U.S. and NATO divisions must resort to almost immediate use of atomic demolition munitions and low yield tactical nuclear weapons to even hope to save themselves from destruction by the superior Soviet armored forces. Their battle plans include the early use of these nuclear weapons. Crucial to any form of defense is the ability of our tactical air forces to gain early air superiority. A U.S. Air Force general has evaluated this possibility in the terms of "we could either hope for a stalemate or defeat but not superiority." Without this air superiority and additional French airfields, it is highly unlikely that any Army divisions re-deployed to Europe by airlift would be able to land, even if the big lumbering C–141 or C–5A transports, filled with GI's, were not shot out of the air enroute by MIG's. It is more likely that sudden Soviet pre-emptive air strikes, conventionally armed rockets, or armored units would have knocked out all presently available airfields in the first few hours of battle.

Our costly four and one-third divisions stationed in Europe must receive early reinforcement by air if they are to survive even using tactical nuclear weapons, and yet the chances are that Russian tanks would be parked on most of the available air-landing sites a few days after any sudden attack on Western Europe. The United States taxpayer is and has been for the past ten years, paying for an out-dated concept of so-called flexible response that cannot be translated into reality. We are accepting very adverse balance-of-payments problems to maintain a top heavy State and Defense bureaucracy in position in Central Europe long after the time that it could perform the mission it was sent to accomplish.

This featherbedded "bureaucracy" should be reduced in the interest of economic and military good sense. In this same vein the presence of our two Army divisions that have been in Korea for over 20 years should also be reduced. They, like the European-based divisions, remain deployed under a concept that is no longer valid or necessary for our true national security. And they are far too costly for the combat return they make to our national defense.

The American people should not any longer be deceived into continuing to pay billions of dollars annually to maintain these bloated forces permanently deployed about the world. When they actually provide little real combat defense to our national security in return for the hard earned tax dollars that they cost.

If the number of U.S. forces in Europe were reduced from the present 300,000 to an Army Corps force of approximately 150,000 men, I believe savings in balance-of-payments costs in the range of at least $500 million could be realized. These savings could, I believe, be substantially more if certain practices our forces now follow in West Germany were changed and we consider the increased pay scales envisioned for our armed forces over the coming years against the background of a growing European inflationary trend.

This reduction could be accomplished in several ways. For example, 2⅓ European-based divisions and their sustaining elements plus Seventh Army and one Corps Headquarters and one armored cavalry regiment could be brought home and the headquarters and two divisions and their sustaining forces deactivated. This would be a reduction of about 90,000 soldiers from U.S. Army in Europe. It could be combined with a concurrent withdrawal of the 50,000 additional military command and support personnel such as couriers, communications men, etc., that are in Europe but not assigned to the European Command, along with the tactical air units assigned to support the 2⅓ divisions being withdrawn. Such a reduction would produce a proportionate lowering of balance-of-payments costs that we presently sustain in paying for construction, repair and maintenance of facilities these headquarters and troops use. It would reduce the amount of maneuver damage claims that must be paid when U.S. forces go on training maneuvers and damage trees or property of German citizens. And it would substantially reduce the number of dependents in Germany and thus reduce some of the outflow of dollars that many U.S. soldiers must spend on the German economy to house, feed, and entertain their families. Such a reduction would also gain the tactical flexibility of posturing a reinforced two-division U.S. Corps force in Central Europe. Such a force like the present 4⅓ divisions, could be reinforced if the required warning and mobilization period materialized before hostilities began. But in the event of sudden Soviet attack a repositioned smaller Corps force, unlike the 4⅓ division force, could be risked initially in U.S. national interests without an immediate need for the President to grant the use of tactical nuclear weapons to save a U.S. field army and nearly one-quarter of a million American women and children from capture or destruction. The deterrent symbolism of such a force would be as actually meaningful as the representative deterrent symbolism that 4⅓ divisions really provide. But with far less risk of the possibility of forced nuclear escalation or response to a Tonkin Gulf form of "localized" hostilities. It has been estimated the withdrawal and deactivation of two mechanized divisions and their sustaining elements, now stationed in Europe could result in annual savings of at least one billion dollars. For each soldier removed from Germany an approximate saving of $1,650 in individual expenditures on the European economy can be realized.

Another way to reduce the overall costs, but not the balance-of-payments deficits, would be the deactivation in the United States of one of the divisions maintained here but earmarked for use in Europe, along with its ISI and SSI forces. This could be accompanied by a deactivation and transfer of the mission to the Army Reserves of ⅓ of each of the ISI's and all of the SSI's for the remaining two divisions that are maintained in the U.S. for reinforcement of forces in Europe. At the same time the 50,000 non-European Command troops in Europe could be brought home along with some of the excess headquarters personnel that are presently there. This reduction would leave the same combat force structure in Europe. But since the SSI elements that support the divisions normally are not vitally essential to combat operations for a period of around 60 days (and the conventional war would have probably turned nuclear by then anyway) these elements need not be on standby active duty in the U.S. Their functions of heavy rebuild, repair and maintenance are very close to civilian skills and their mission could readily be assimilated in Army Reserve Units that could be called to active service and if needed, follow the divisions to Europe within 60 days.

Assuming the U.S. based division and ISI and SSI units are maintained at least at 90% strength this would be a troop reduction of approximately 82,000 men in the U.S. For example, it costs about $35 million a year less to maintain an armored division and its sustaining elements on active duty in the U.S. than Europe (it has been estimated that it costs approximately $185 million to maintain an Army division on overseas peacetime active duty for a year). This size reduction plus a reduction of 50 to 60,000 headquarters and support troops from the non-European Command forces in Europe, would represent a sizable reduction in the total costs of our overall European troop commitment without reducing the so-called combat forces presently stationed there.

This solution has particular merit when considered in the context of the practical impossibility of being able to safely land airborne reinforcements in Europe in the event of a sudden Soviet conventional attack, and the high probability that any conventional "localized hostilities" or "probes" would have escalated to general nuclear war before these divisions could be airlifted to Europe even assuming they could be safely landed. It makes little military or financial sense to continue to spend millions of tax dollars annually to maintain these 3⅔ divisions in the U.S. to influence a mission in Europe they cannot safely arrive here in time to have any substantive effect on.

Just as it makes little military or economic sense to continue to maintain a field Army headquarters, a Corps headquarters and a logisical command to command and support two under-strength Army divisions and their sustaining units in Korea nearly 20 years after the fighting ended there. The South Korean Army—trained since 1949 by a U.S. Military Advisory Group and equipped by U.S. Military Assistance Funds—numbers over 600,000 soldiers. Yet this Army still theoretically needs a U.S. Army division to stand guard on its border with North Korea, even though the North Korean Army numbers less than 500,000 men and there are no Soviet or Chinese divisions guarding the North Korean border. These U.S. forces should after 25 years, be withdrawn from South Korea, or at least reduced in size and cost, and placed in reserve from guarding the South Korean border where young Americans can be gunned down almost at will by North Korean snipers.

In South Vietnam all but two of our combat divisions have been withdrawn and those two divisions are in the process of standing down for withdrawal. Despite this fact over 200,000 U.S. Command, support and advisory personnel still remain in South Vietnam. Obviously, the ISI's and SSI's of the withdrawn divisions were not removed with the division, nor has the component command U.S. Army Vietnam and five Corps headquarters been withdrawn. Nearly the same basic infra-structure that was required to support 525,000 U.S. Armed forces personnel at the peak of the fighting is still in South Vietnam. This means different things to many people. It should tell the American people that the South Vietnamese Army must require even at this late date, a tremendous amount of U.S. Command and logistical support to prop it up and keep it fighting. This does not cast a very favorable light on the possibility or probability of any early or indeed any, total American withdrawal from South Vietnam. It tells the North Vietnamese military commanders that the U.S. has withdrawn its mobile, quickly returnable combat units, but has not as yet removed any substantial part of its logistical infra-structure that they know is the real key to whether U.S. units can enter an area and fight or not. The North Vietnamese military are probably going to be quite skeptical about our real intention of totally leaving South Vietnam until they see a substantial part of the tremendous U.S. command and support infra-structure being withdrawn. They also have read in our newspapers that the U.S. Army is considering 18-month tours for U.S. Army advisors to be assigned to South Vietnam (with their families), and this may make them doubtful of the true intent of the Nixon Doctrine.

In sum I do not see that there will be anything like a total U.S. military withdrawal from South Vietnam over the next five to ten years. And I do not therefore foresee a total lessening of our budgetary and balance-of-payments costs in Southeast Asia as a result of a so-called winding down of the war. A Korean style solution with a residual force of 40 to 50,000 U.S. servicemen in South Vietnam for an indefinite period into the 1970's and 1980's, appears to me a much more likely event under our present policies. This "residual base force" will generate in my estimation, about the same level of costs and balance-of-payments problems that we have experienced in Korea over the past 20 years. We are embarked on that same road now in South Vietnam.

And the taxpayer will be expected to assume the unseen, but nonetheless just as real, costs of turning over to the South Vietnamese Government (with little or no reimbursement), billions of dollars worth of U.S. supplies and equipment that the taxpayer has already paid for with his past taxes. These mountains of supplies and tons of heavy equipment will be too costly to bring home and will be given to the South Vietnamese Government, or we will be marginally reimbursed in inflated South Vietnamese currency at the current relatively unfavorable rate of international exchange. In any event a lot of the costly equipment will inevitably wind up on Japanese scrap piles and the U.S. taxpayer will have already assumed the costs of buying new defense equipment to replace it.

In my estimation, it is our insistence on maintaining featherbedded military forces that are excessive to our real national security needs, and over-defending against inflated threat analysis that keep the U.S. taxpayer constantly paying for more defense that he needs and paying too much for the defense he gets. The out-dated, worldwide deployment of these same military forces is a major contributor to our enormous defense budget and chronic balance-of-payments problem. It seems to me that what should be done about it is to cause the Armed Services to structure and equip themselves more responsibly and austerely for combat, and to stop scattering them all over the world with missions they cannot hope to legitimately accomplish—and which in truth have no direct relationship to the real combat defense of our country. It is past time that we Americans quit kidding ourselves with delusions of military and economic grandeur. We are a great and powerful people, but we cannot run the world. We do not have the means to answer every world problem. And it is now time that we put our energies and our money more to the tasks of solving our own urgent domestic problems than maintaining a far-flung empire of military bases that get us enmeshed more in the affairs of others than in protecting the security of all Americans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PERCY. Under the unanimous-consent agreement, I must yield at this point, but I will have 12 minutes later, and I will be happy to yield to the distinguished majority leader at that time.

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Chair recognizes the Senator from California for not to exceed 15 minutes.

## TRIBUTE TO FRANK SINATRA

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Illinois (Mr. PERCY) for yielding time to me and to the Senator from Minnesota (Mr. HUMPHREY), so that we can take care of the business at hand, which is most enjoyable for me.

It is a great pleasure to be able to make a few remarks at what I consider to be a very important occasion for the people of California and for the country; namely, the retirement of a man whom I consider to be the greatest entertainer the United States has ever had—Frank Sinatra.

Earlier this month, in Los Angeles, at the Los Angeles Music Center, Frank Sinatra made his last public appearance. It was a show that featured many glamorous names in show business, but Sinatra's as always, stood out.

His career has been well chronicled.

Millions of people throughout the world have followed his fortunes for almost three decades; and during almost all of that 30-year period he has stood at the top of his profession. His talents always have been unequaled.

In the movies, Frank Sinatra is an Oscar winner, a producer, a superstar. In television, his rare appearances have guaranteed that there would be a grace and a talent that few other entertainers could provide. Of course, in the recording world, Sinatra is an unrivaled institution whose songs will have deep meaning for decades to come.

In short, the man is a master of the performing arts. But there is more to Frank Sinatra than just a voice or a fleeting image on television or in the movies. The essence of Frank Sinatra is Sinatra the man, a man of deep feeling, a man who in a thousand silent acts has worked to better the lives of those around him.

To some people he knew well and to others he did not know at all he has been, in a sense, legendary in his good deeds on their behalf. He has been particularly generous to persons whom he has never even met. For example, the widow of a policeman who was killed in Latin America, will have financial security for the rest of her life as a result of what Frank Sinatra did for her. He had never known her but he was moved by reading about her plight in the newspapers.

Thus, whether it is helping children in America or in Europe or in Mexico or in Israel, whether it is building a hospital or a community service center, Frank Sinatra has always been there helping and doing so without fanfare.

He has helped many people both in the entertainment world and out of it. He has helped those who have had good fortune and he has helped those who have had bad fortune. He has helped those who have had no record of fortune whatsoever to achieve good fortune.

The reason he has done all this is that he cares about people.

The name Sinatra symbolizes more than just a star or a legend. It symbolizes a man of genuine warmth and compassion.

Frank Sinatra has had a deep interest in politics all his life. His support of various candidates has been bipartisan. In the last election in California he supported the gubernatorial candidate who was a Republican and the senatorial candidate who was a Democrat. That has been the history of Sinatra. He works for the man he can believe in.

Frank Sinatra's mother was a member of the New Jersey State Assembly for 4 years, the only woman to serve in the assembly. So we can see how he comes by his love for politics.

Several weeks ago, I remember talking to his mother about politics and she said that in her ward in New Jersey she won the election with a 100-percent turnout for the Democrats. When she said that, I felt like wrapping her to my soul with hoops of steel because that is the kind of political action that I believe in. She also said that during her younger years she would dress as a boy and go with her brother to visit my father's training camp in New Jersey and how much she used to enjoy the prize fight game. I think that is reflected in her son because he had quite a few amateur fights himself. He was a good fighter.

Accordingly, Mr. President, I rise today with mixed emotions to salute Frank Sinatra on his retirement from show business. I am saddened because we are losing a great talent, a man who has brought music into the lives of so many men and women, yet a man who will now be able to dedicate his full time and energy to the things that interest him most—that is, helping other people; to teach, to be able to study, to be able to help where help is needed.

I rise to salute his fabulous career. I rise to salute a man who has brought joy to the hearts of so many.

Mr. CANNON. Mr. President, will the Senator from California yield?

Mr. TUNNEY. I am happy to yield to the Senator from Nevada.

Mr. CANNON. I should like to associate myself with the tribute being paid to Frank Sinatra by the distinguished Senator from California.

Frank Sinatra is not technically, perhaps, one of my constituents, as I represent the great State of Nevada, the entertainment capital of the world, but he spent probably as much time in my State as he did in any other State. He certainly brought great fame to Nevada and to the entertainment business there. Countless times he played there. I do not believe there is any entertainer who drew a comparable crowd to the entertainment centers of Nevada as did Frank Sinatra.

On many occasions, on returning to Nevada from Washington, when Frank Sinatra would happen to be entertaining there, some of my friends in the hotel and show business would tell me that they had received calls for reservations not only from people all over the country but also from people in foreign countries, who wanted to come to Nevada in order to hear Frank Sinatra.

He is a great legend, I think greater than any other entertainer in the State of Nevada.

I, for one, regret very much that he is retiring. We all know that there are many people who say they are retiring and then they have a change of heart later on and come back and become active again in their chosen profession.

I would hope that this would be the case with Frank Sinatra because he is truly a great entertainer. It would be a great loss, indeed, to the country, were he permanently to retire, to deprive the people of this country of the great talents with which he is endowed.

I join my colleague from California in paying tribute to a great entertainer.

As I said, I hope that Frank Sinatra will reconsider retiring so that millions of his countrymen may continue to be uplifted by his rare talents.

Mr. TUNNEY. I want to thank the distinguished Senator from Nevada for his comments.

Mr. CRANSTON. Mr. President, will my colleague yield to me?

Mr. TUNNEY. I am delighted to yield to my colleague from California.

Mr. CRANSTON. I am delighted that the Senator from Nevada (Mr. CANNON) did not claim Frank Sinatra. We in California are delighted to share him, but we claim him as our own.

I am glad to join my colleague and others in paying tribute to Frank Sinatra—a great entertainer, whose voice has spanned the generations and whose singing and acting talents gave countless hours of pleasure to countless millions of people throughout the world.

Frank Sinatra will always be remembered with warmth and affection as long as people like entertainment and entertainers.

Unlike old soldiers, great entertainers never fade away. Their music goes on forever. The music of Frank Sinatra will go on forever.

Some may say that Frank Sinatra is all voice. Those who know him well know that he is really all heart. They also know that he is all guts.

My first memory of Frank Sinatra does not go to his voice—I do not know when I first heard his magic voice—but to his guts.

Long ago, in 1944 I believe it was, before I had gotten involved in politics, I went to a rally in Madison Square Garden in New York, at a rather climatic moment when the Democratic Party was trying to draw itself back together after a time of great disruption.

There was a dramatic moment at the rally—I was sitting in the last row with my wife—when Henry Wallace and Harry Truman walked in, arm in arm, after a great division between them and the Democratic Party and they were now appearing together. That walking in was one of the great moments not only of the rally but also of the historic election of that year.

The other great moment at the rally was when Frank Sinatra walked on stage. Before he sang, he said that this was the first time he had ever done anything like that, that there were many who told him it would ruin his career because singers and actors are supposed to stay away from appearances like that, but he said that he believed so deeply in the cause that brought him there, that if it meant the end of the entertaining phase of his life, then so be it, but he was there to do what he felt he could do for his country at a moment of great challenge.

I have never forgotten the Frank Sinatra of that moment as he electrified his audience, first by his remarks and then by that incredible voice as he sang to those not only gathered there but out across the country by radio.

That is the Frank Sinatra I will always remember. That is the Frank Sinatra that this country will never forget. .

Mr. TUNNEY. Mr. President, I thank the senior Senator from California, my distinguished colleague, for his brief comments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TUNNEY. Mr. President, I yield to the distinguished senior Senator from New York

Mr. JAVITS. Mr. President, this is a very felicitous occasion. I have known Frank Sinatra personally and I have known him for a good many years as a friend. I rise today to join in the tributes paid to him for a reason that is perhaps rather unique in my acquaintanceship and friendship with him. I feel that, though he is retired from the show business, perhaps as the Senator from Nevada (Mr. CANNON) has said, it may be only temporary. But he certainly has not retired from life. On the contrary, I feel that he has retired from show business to take a more active part in life. I feel that his impulses and motivations will lead him into a higher role for our times. And I welcome this greatly.

One thing he has taught us, and that is that American life notwithstanding its materialism, can also be romantic and have elements of sympathy that appeal to the rank and file of our people.

I know of no person more able to express the joys and the happiness of the day-to-day life of Americans than Frank Sinatra. He is also able to express manly character.

His greatest success is that "I did it my way." Any man, woman, or child in this country who hears that song can be fully satisfied, because it epitomizes the feelings in the hearts of millions and millions of Americans.

I am so pleased to be his friend and be able to pay tribute to him today.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from New York.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the opportunity to join the distinguished junior Senator from California (Mr. TUNNEY) and other Senators in paying tribute to Frank Sinatra.

It has perhaps not been my opportunity to know the honoree personally for as long as have those who have spoken before me. However, I would like to pay tribute to Frank Sinatra, as a man who has made a great contribution to his fellow man as well as to the field of entertainment. For I believe that the fields of entertainment and public service often overlap.

During my past 9 years in the Senate, I have realized that many people think of public figures only as entertainers.

Certainly there have been moments during some of our more unorthodox debates on the Senate floor when one might have said, "Here are those who are the top doers, stars in the entertainment field." However, as I have had a chance to get to know these "stars" personally, I have discovered that they are all deeply committed to that which is going on around them and that they have a deep sense of social consciousness.

Since I have had the chance to spend some time in California in the last year or two, I have also had the chance to view Frank Sinatra's personal concern and participation in the political process. Of course, I have always been an admirer of Frank Sinatra as an entertainer, a singer, and actor; today I would like to commend him for having given so much of himself to accomplish things for his fellow man.

Mr. TUNNEY. Mr. President, I thank the Senator from Indiana for his remarks.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, may I first yield to my good friend, the distinguished Senator from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. President, I thank the Senator from Minnesota for yielding to me.

Mr. President, I just want to say in conclusion that I think the one thing that has come out during the discussion we have had here today is that Frank Sinatra is a person who is not only great but who has also shown great persistence and perserverance.

The other night, knowing that I was going to be making these remarks today, I went to one of my favorite poems. I thought it might be appropriate to read it today as an example of what Frank Sinatra's career has meant to me.

The poem is by Robert Frost.

ON A TREE FALLEN ACROSS THE ROAD

(To Hear Us Talk)

The tree the tempest with a crash of wood
Throws down in front of us not to bar
Our passage to our journey's end for good,
But just to ask us who we think we are

Insisting always on our own way so.
She likes to halt us in our runner tracks,
And make us get down in a foot of snow
Debating what to do without an ax.

And yet she knows obstruction is in vain:
We will not be put off the final goal
We have it hidden in us to attain,
Not though we have to seize earth by the pole

And, tired of aimless circling in one place,
Steer straight off after something into space.

Mr. President, as far as I am concerned that is representative of Frank Sinatra's career. He was not going to be impeded in his career. He learned a new way of presenting his talents and became one of the most luminous of stars. In my opinion he still represents a brilliant star off in space.

Mr. HUMPHREY. Mr. President, I am very pleased today to have the opportunity of associating myself with the remarks of the distinguished junior Senator from California and others concerning a dear friend of mine who is truly a noted American and a man of great personal talent and achievement, Francis Albert Sinatra, commonly or generally known by friends and the general public as Frank Sinatra.

I compliment the Senator from California on his message and his words today, because they come with a great sense of sincere warmth and friendship which will touch the heart of Mr. Sinatra.

The measure of a man is interpreted in different ways. Viewed by close friends, casual acquaintances, or those who become aware of his purpose in life by chance, he may often appear to be many things to many different people.

Without a doubt, those rare individuals who emerge as stars of the entertainment world are unique in our society inasmuch as they have been cast in a role that is in many ways bigger than life.

As professionals, their highly developed talents have provided the most delicate link for a most personal communication to our hearts, our minds, and our emotions.

The term "star" itself is indicative of the honors we have given to such a gifted personality. Webster defines "star" as "a person of brilliant qualities who stands out preeminently among his fellows." The definition is highly applicable and exceedingly accurate in this case. But one is prompted to wonder if this explanation is at times a bit too generalized to cover everyone privileged to wear this mantle or this title of star.

It is of great credit to the entertainment industry that on many occasions one of their members rises beyond stardom to become, as the Senator from California has put it, a legend in his own lifetime. I take just a moment to thank the entertainment industry for having produced great stars who give of their great talents.

When a person becomes a legend in his lifetime, he typifies the fabled American success story which has been repeated around the world since the days of our Founding Fathers. He is a legend, because he has displayed a sincere interest in humanity which drives him to use his talents, prestige, and unrelenting trust to stretch out a hand and help his fellow man whenever he encounters a need.

This, without question, is a noble extension of stardom in the performing arts and far too often such generosity goes unrecognized and, indeed, without thanks.

Like many Americans, I was saddened to learn of the retirement of Frank Sinatra because this man is so vigorous, so vital, so much a part of the American scene; he is a remarkable man and a star in his own right, and a legend whose touch reached far beyond the footlights.

Sinatra gave and continues to give, and will continue to give for years to come far more than the abilities with which he was blessed. His talent was a magical instrument with the power to help the unfortunate and the infirmed as well as to mark the memorable milestones in the international world of entertainment.

I notice his career included 58 top films, one of the leaders in the film industry, 100 or more albums, more than 2,000 individual recordings and, as has been said, he has been a remarkable star of stage, screen, television, and radio, and of the entertainment field.

I was much impressed with what the Senator from California (Mr. TUNNEY) had to say about Frank Sinatra's other work; for example, his remarkable generosity in helping the unfortunate. This must be a matter of record and history in our country. That generosity extended to many lands, not only to the needy and unfortunate in America but also in Europe, Latin America, and Israel.

Children in America, Mexico, England, Europe, and the new land of Israel have found someone who cares, because of his charitable efforts. A medical center functions to serve people of all ages, due largely to his generosity; and a teen center has recently opened its doors because of the concern Sinatra feels for his community. The deeds of this man seem endless. The moneys he has raised for a wide assortment of charities spiral to astronomical proportions. Most importantly, his concern for mankind is sincere.

I know of his great contributions to education and his generosity in sharing his wealth of talent, as well as his wealth of resources with our great educational centers.

Mr. President, I know of something else I want to record here today. Back in the days of World War II when there needed to be a voice to the young to talk about fair employment practices, or for minorities, that young man who went to the high schools and colleges was Frank Sinatra—not to sing, not to entertain, but to educate, to lead. I know that no man in the entertainment field has done more in the field of human rights; and I know that there are literally millions of people in America today who are better off because this star, this gifted man, used his talents, his fame, his ability, and his resources to speak up for the black man, for the Mexican-American, for the Puerto Rican, for the minorities in every group, a man who had a tremendous following, who spoke for the little people and, indeed, fought for them.

He will be remembered for help to children, he will be remembered for help to education, he will be noted in the annals of American literature, in our press, and in our media for his stalwart courageous stand for human rights. He will be remembered, because he stood by a President like Franklin Delano Roosevelt and like Harry Truman. He was one of the strong campaigners for Adlai Stevenson, a man that I believe brought great honor to American politics, a man who, in defeat, won a great victory for human decency in American political life.

We will remember that Frank Sinatra was a close personal friend of John Kennedy and he did a great deal to help him get elected; and he was a friend during President Kennedy's term in office.

He worked to help President Johnson and he worked to encourage people to vote and register.

I recall in 1964 and in 1968 Frank Sinatra went from city to city under the sponsorship of bipartisan groups and nonpartisan groups offering himself and his great talent to raise thousands of dollars to promote voter registration so people could make a choice. This man did as much, or more, to register voters and to further the registration process as fundamental to politics as any man in our country.

Mr. President, I conclude by saying that Frank Sinatra comes from a family that has always been interested in politics. His father was a hard-working man, born in Hoboken, N.J. As the Senator from California noted, his mother actively participated in politics. His mother wanted Frank Sinatra to be an engineer or a doctor but his talents took him in a different direction, the direction of an entertainer and singer.

He never forgot the neighborhood from whence he came. He has never forgotten the people who helped him along the way. He has been true to his friends, and the quality of loyalty is one of the greatest qualities that this man has had and continues to have.

So I am happy today to join with the Senator from California (Mr. TUNNEY) and others in paying my personal respects to a friend, to a gentleman I have been privileged to know, to a man who has helped me and who has never asked for a thing. All he has ever done has been to say, "Do a good job." He has never sought a personal favor; he has never asked for anything for himself, but has asked that the Congress of the United States and the Government of the United States be concerned with the well-being of people, and all people.

A "star"—a "legend"—yes, both are applicable to Frank Sinatra for they set him apart from all others. Today, however, I feel he may particularly enjoy not being hoisted to such lofty heights for he will henceforth enjoy a rare privilege one can only find in America—the life of a private citizen.

I am very pleased that some of us today are going to have a chance to be with him, not as a star and politician, but as friends and neighbors.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I notice that the distinguished Senator said that Frank Sinatra's interests have always been bipartisan in many respects. I would like to say that one Member of the Senate who had a deep affection for Frank Sinatra was the distinguished former minority leader, Everett Dirksen, who, I think we could say, had always been in show business, in the best sense of that term.

After Everett Dirksen's death a dinner was held in Washington, and Frank Sinatra was invited to appear. I must say that he broke every engagement he had to be there. He did appear, and his presence was absolutely magical. It was dramatic. Nothing meant more to Louella Dirksen, to our colleague Senator HOWARD BAKER, to Joy, Senator Dirksen's daughter, and to his grandchildren, than that wonderful, wonderful performance. It was evident that the performance came right from Frank's heart, and was filled with the spirit of a man of great compassion and tremendous talent, the spirit of a man who willingly gives so much of himself.

I am happy and pleased that our distinguished colleagues, the Senator from California (Mr. TUNNEY) and the Senator from Minnesota (Mr. HUMPHREY), saw fit to reserve this time so that those of us who have admired and respected the talent and life of Frank Sinatra, and the way he has given that life to so many causes, could pay tribute to him.

Mr. HUMPHREY. The only competition that I knew Frank Sinatra to have was from our late friend, the distinguished minority leader, Everett Dirksen, a man with tremendous talent.

It has been my privilege to know Frank's children, Nancy, Teena, and Frank, Jr. I cherish that friendship, particularly with his daughter Nancy, who has been a very close personal friend of mine. I hope to read what she is writing about her father. I think the title is "Gentle Man." I know it will be beautiful, because it comes from a daughter who loves her father dearly.

Mr. PELL. Mr. President, of all the resources of our planet, and our Nation, none is so rare, so scarce, and so valued as human talent. I am delighted today to join in tribute to Frank Sinatra, a man whose rare talents have brought joy to millions of persons throughout the world.

Indeed, I think there is in this country scarcely a person who does not cherish in his heart at least one memorable performance by Frank Sinatra. The legacy of his art is indeed an indelible part of our national cultural heritage.

Less well known than his performing talents are Frank Sinatra's compassion for those less fortunate, and his work and generosity on behalf of charitable and humanitarian concerns. In his personal and public life, he has been in the forefront of the struggle against discrimination and on behalf of human tolerance.

His decision to retire is a great loss to the performing arts. I join with his millions of fans in wishing him well.

Mr. MUSKIE. Mr. President, for an entire generation, popular music has meant Frank Sinatra. The voice, the face, and the style combined to make him

"The Man." His help in the Humphrey-Muskie campaign of 1968 is something I will never forget. I am sorry to see him retire—but he has earned his new life. I hope he enjoys the time of reading and thinking and friendship—what Adlai Stevenson called sitting under a tree and watching people dance. And I suspect we are all deeply grateful for the miracle of recorded sound. It means that Sinatra will always be with us.

I am glad Senator Tunney brought him to the Senate today. And I know my wife and children envy my chance to have lunch with him.

## ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Illinois is recognized for 12 minutes.

## CURRENT STATUS OF PERMANENT CHANGE OF STATION COSTS

Mr. PERCY. Mr. President, today I want to make a report to the Senate on the current status of the permanent change of station costs of the Department of Defense.

It is normally the practice of the Congress to look ahead at what we can do in the future; the money we can save or spend next year. We legislate prospectively, and too infrequently are we able to audit what we enacted last year to see if it has failed or succeeded.

As is evident to those of us who serve on the Government Operations and Appropriations Committee, the Congress does have a responsibility to oversee how our tax dollars are spent. It is with this thought in mind that I today offer to my colleagues a follow-up report on action that we took last year.

Last August 21, I offered Amendment No. 818 to the DOD authorization bill. This amendment called for at least a 25-percent reduction in expenditures for PCS—permanent change of station—moves in fiscal year 1972, as compared with such expenditures made during fiscal 1971. PCS moves basically involve the rotation of military personnel from assignment to assignment.

In the bill reported from the Senate Armed Services Committee, $1.3 billion was earmarked for PCS moves. A total of $460 million was for rotation of servicemen after 12 months of duty in Southeast Asia; another $300 million of the total was to go toward the normal cost of training and separation, and the remainder, $559 million, for other PCS moves. My amendment did not affect the costs of rotation of servicemen from Southeast Asia or the normal costs of training and separation. It called for at least a 25-percent reduction in the remaining costs of $559 million—or a reduction in this account of $140 million.

As it turns out, the estimate of a savings of $140 million was too conservative. I am pleased to report that the estimated savings in PCS costs between fiscal year 1970 and fiscal year 1972 will be more than $318 million.

Mr. President, I ask unanimous consent that the text of that amendment be printed in the Record at this point.

There being no objection the amendment was ordered to be printed in the Record, as follows:

### AMENDMENT NO. 818

At the end of the bill add a new section as follows:

"Sec. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense."

There are three reasons for my offering the amendment.

First, morale: By lengthening tours, there would be less frequent moving from base to base. Consequently, military families would have the opportunity to enjoy a greater degree of stability. Too frequent moves hurt morale of families. This amendment would actually help reduce the high rate of termination of personnel from the military services.

Second, economy: By reducing PCS moves by just 25 percent, a saving of approximately $140 million a year could be realized.

Third, efficiency: Most organizations in the private sector that rotated personnel as frequently as the military services would be bankrupt. The practice was overdone, wasteful, and inefficient as carried out. Officers were being moved from assignment to assignment in an apparent effort to give each member of the Armed Forces enough expertise to become a member of the Joint Chiefs of Staff. Personnel were moved so frequently that job efficiency suffered severely.

It was my feeling that the armed services should allow a man to stay in a job a longer length of time, learn that job well and develop expertise that would offer advantages to the military and himself. I felt he should be transferred only when it would mean greater efficiency and higher morale.

As support for this position, I quoted from the Fitzburgh Report—the Blue Ribbon Defense Panel Report—dated July 1, 1970.

Mr. President, I ask unanimous consent that the portion of the Fitzhugh Report in section III dealing with the practice of transferring officers be printed in the Record at this point.

There being no objection, the extract was ordered to be printed in the Record, as follows:

### Fitzhugh Report

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

A staff study of Army. Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,696 assignments, or an average of 21 per man; the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

It is recognized that some assignments must be of limited duration: for example, operational assignments to hardship or combat duty. School assignments also are of limited duration as these are determined by the length of the course. However, in the case of the other assignments, there are no such inherent limitations.

The driving force in almost all of these assignments (combat assignments excepted) is to give the officer a wide variety of exposure as an aid in his training and development. The problem is that the requirements of the job seem to be secondary to the career pattern which has been mapped out for the officer.

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

This system of rotation not only fails to provide management and leadership needed on the job, but also has deficiencies in accomplishing its stated purpose—the development of the officer himself. Men are not developed by being observers; they must have responsibility to assure growth.

From the point of view of the position to be filled, as well as in the best interests of the officer himself, his job assignments should be of sufficient duration so that he can become thoroughly involved in the work and be fully responsible for results.

There is merit in giving to officers opportunities in a broad spectrum of military responsibilities. Nevertheless, under existing conditions in which technical or professional training in areas other than commanding men have become of increasing importance, the Services' current rotation policies and rates are counter-productive.

In the technical and professional areas, the rotation rules often call for rotation of an officer out of an assignment at a very critical point in the job he is performing. In addition, when an officer is rotated out of a technically complicated job, his replacement often either comes at the time of rotation or later, and therefore, does not have an adequate opportunity to acquire the necessary background before his predecessor leaves.

Mr. PERCY. My amendment was accepted on the Senate floor last year by rollcall vote of 69–0, helped greatly by the act in support of Senator Stennis and Senator Goldwater. One slight modification was made. The words "or hardship areas" were added to make it clear that the reduction in PCS costs did not apply to combat zones or hardship areas.

### CONFERENCE COMMITTEE ACTION

The members of the conference committee from the House, while concurring fully with the general objectives of the amendment, felt that lack of stability in the size of the Armed Forces and the U.S. commitments in Southeast Asia made acceptance of the Senate language impractical at that time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees. The final conference version, which the Senate passed on October 1, 1970, simply called for the Secretary of Defense to promptly initiate new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Mr. President, I ask unanimous consent that the portion of the statement of the House managers dealing with this amendment be printed in the RECORD at this time.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

### LIMITATION ON PERMANENT CHANGE OF STATION ASSIGNMENTS

Included in the Senate language as Section 509 was a Senate floor amendment which directed the Secretary of Defense to initiate new procedures aimed at reducing the expenditures in connection with permanent changes of station for military personnel.

The language of the Senate amendment also directed that there be effected "not less than a 25-percent reduction" in expenditures for permanent changes of station assignments beginning July 1, 1971, "and in each fiscal year thereafter."

The Department of Defense, in commenting on this Senate action, maintained that the enactment of this provision would "present extreme administrative and budgetary problems, as well as problems in manpower programs, especially considering the short time allowed for compliance and the turbulent situation with respect to military manpower."

The Navy advised the conferees that enactment of this provision would have a devastating impact on its already austere ship to shore rotation policy. Among other things, the Navy pointed out that—

"The Navy is a sea duty oriented force and must provide a relatively equitable opportunity for shore assignments because of the privations associated with duty at sea. There are aproximately 335,000 enlisted and 37,000 officer sea billets compared to 151,000 enlisted and 41,000 officer shore billets. Increasing tour lengths of duty ashore would require disproportionate extensions at sea. There are 36 "deprived" enlisted ratings, comprising 46% of the enlisted population. Men in these ratings now spend 12 to 16 years at sea during a normal 20-year career."

The House conferees fully concur in the general objectives of the Senate language. The conferees were unanimous in their view that the Armed Services frequently require military members to change duty assignments without any genuine military requirement for such transfer. These frequently unnecessary permanent changes of assignment are essentially due to either outmoded service policy or poor management, and simply result in unnecessary expenditures of millions of dollars while at the same time causing great inconvenience and hardship to service families.

On the other hand, the House conferees concede that lack of stability in the size of the Military Establishment and the personnel movements required by our commitments in Southeast Asia and other parts of the world make acceptance of the Senate language impractical at this time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees.

The House therefore recedes from its objection to the Senate amendment, with an amendment that reflects the sense of Congress that the Department of Defense must initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Mr. PERCY. The final language adopted by the conference committee and enacted into law as section 508—Public Law 91–441—is as follows:

> "In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time."

Additionally, the fiscal year 1971 PCS budget requests of the military services were reduced 10 percent.

Today, I want to make a report to the Senate on the status of PCS moves in the military since passage of that amendment.

I have recently met with a senior military member of each of the military services:

Maj. Gen. R. J. Seitz, Assistant Deputy Chief of Staff for Personnel, U.S. Army.

Maj. Gen. J. B. Kidd, Director of Personnel Planning U.S. Air Force.

Vice Adm. D. H. Guinn, Deputy Chief of Naval Operations (Manpower and Naval Reserve).

Maj. Gen. E. B. Wheeler, Assistant Chief of Staff, G–1, U.S. Marine Corps.

Col. H. M. Maness, Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs.

Lt. Col. A. S. Cannon, Jr., Deputy Director, Legislative Liaison, Department of Defense.

Their candid, detailed explanations were most helpful to me and it is my pleasure to make known to all Members of the Senate the status of this matter.

As you will recall, PCS funding is divided into six categories:

First. Accession travel.

Second. Training travel.

Third. Operational travel—between duty stations in the continental United States, in overseas areas, and to support at sea requirements.

Fourth. Rotational travel—to and from overseas duty tours.

Fifth. Separation travel.

Sixth. Travel of organized units.

Of these categories, rotational travel and operational travel for the Navy are recognized as offering the greatest opportunity for annual savings in PCS funds. Without question, improvements must be made in these two categories if reasonable stability in individual assignments is to be achieved.

For many years, in consideration of equity and morale, Department of Defense policy has prescribed uniform overseas tour lengths for personnel of all services assigned to the same location or area. Latitude is permitted, however, in the more desirable overseas areas where duty tours when accompanied by dependents may vary from 36 to 48 months. Consequently, the number of personnel assigned to sea duty and to duty in overseas areas, in relation to total force levels, and the length of these tours of duty have the greatest effect on rotational travel for all services, and on operational travel for the Navy in support of its forces detailed to sea duty.

Because it has been necessary for the Army to use worldwide resources to support its forces in Vietnam, however, personnel often must be moved from long tour areas before completing the full tour. For example, Army enlisted personnel in Germany serve an average of only about 18 months and officers average only 24 months of the 3-year tour.

Therefore, a general increase in overseas tour lengths would increase the existing disparity between services as to the actual time members serve in certain overseas locations. For this and other reasons, the Department of Defense believes that the relative lengths of overseas tours as now established are appropriate and has promulgated the following policy guidance:

> The Military Departments shall establish procedures which will assure maximum stabilization in the lives of military personnel and their dependents. To assist in the foregoing and to reduce annual expenditures in connection with the relocation of personnel, the interval between permanent change of station assignments will be increased whenever practicable and consistent with national security. As a minimum, the objective shall be for an individual to complete the appropriate tour of duty prescribed for the area to which he is assigned and, for those members who are acceptable, to be encouraged to extend voluntarily their tour of overseas duty beyond the standard tours prescribed . . . In any event, a genuine military requirement shall exist as a basis for reassigning individuals on permanent change of station, overseas or within CONUS.

The military services have examined the problem in great detail and have taken positive steps to comply with the guidance of the Congress.

At this point I would like to say that sometimes when we try to establish a policy, and it is to be promulgated in the field, I become skeptical about whether or not it actually will be implemented. But in this case I have specific, firsthand evidence that the military have made every single effort to comply with the policy request of the Congress. Certainly we felt that with such overwhelming support by the Senate, it was worth a try to save several hundred million dollars, without any injury to our national defense. It was worth a try to improve the morale of our forces in all the services, and at the same time make available from a hard-pressed budget funds that could be expended in areas like equipment purchases, or the strengthening of the Military Establishment.

I am very happy to say that the following actions that I am going to enumerate are an indication that all branches of the services have tried extraordinarily hard to meet this policy requirement and that great progress has been made.

The following actions and/or policies are examples of specific steps that have been taken.

That only one service may be listed serves to highlight the fact that each must solve the problem within its own particular circumstances and the action may or may not have been taken by other services at an earlier time.

First. The lengths of certain command tours have been extended—Army and Navy.

Second. The tour length for recruiters has been increased and stabilized at 36 months—Army.

Third. The stabilized tour for drill sergeants has been increased to 24 months—Army.

Fourth. Eligible reenlistees for long tour areas are now generated 12 months in the area—Army.

Fifth. Nonprior service combat arms enlistees for U.S. Army, Europe, are guaranteed a minimum of 16 months in Europe—Army. Because of the policy enabling dependents to accompany members of our Armed Forces in Europe, this 16-month guarantee would make it easier for a serviceman to come to an early decision about bringing his dependents with him.

Certainly, if he is guaranteed a minimum of 16 months, in Europe, it would be worth his while to have with him while he is away from home, the stability that only his family can provide.

Sixth. A number of personnel being returned from Europe are now received and processed at a second location within CONUS—designed to serve specific geographic areas to reduce costs—Army.

Seventh. The 36-month overseas accompanied tour has been increased to 48 months—Air Force.

Eighth. Voluntary extension of overseas tours is permitted up to a total of 5 years, rather than 4 years—Air Force.

Ninth. Twelve-month voluntary tour extensions are permitted within CONUS, Air Force.

Tenth. Voluntary overseas tour extensions are being actively encouraged—Army, Navy, and Air Force.

When men are willing to stay abroad, it makes sense to encourage and permit them to do so, so that we do not have the cost of moving their families back and forth.

Eleventh. The number of personnel assigned to short tour areas in relation to the total force level has been improved due to the significant reduction of forces in Vietnam—Marine Corps.

Twelfth. The move from a decentralized enlisted distribution system to full centralization, to improve management of enlisted personnel assignments, has been accelerated to complete in early fiscal year 1973—Navy.

Thirteenth. Shore tour lengths are being increased as sea/shore billet ratio is improved due to inactivations of operating forces—Navy.

Fourteenth. The percentage of no cost operational/rotational assignments has increased from about 8 to 18 percent since fiscal year 1969—Navy.

Fifteenth. Reassignment of personnel within same geographic area has been maximized and the number of cross-country moves reduced—Navy.

Sixteenth. Medical and certain Reserve officers serving obligated periods and not career-motivated are no longer rotated at the mid-point of their active duty obligation—Navy.

Seventeenth. Officer tours are no longer shortened solely because of promotion or nonselection—Navy.

The effect of the foregoing, and other actions taken, is clearly illustrated in the following comparisons of the most pertinent data. Operational PCS is shown for the Navy since that category supports travel associated with the detailing of personnel to and from sea duty—over 50 percent of all Navy billets are categorized as sea duty.

[Amounts in percent]

| | Strength | Total number of PCS | Rotational PCS | Operational PCS | Cost of PCS |
|---|---|---|---|---|---|
| Fiscal year 1971 (projected) versus fiscal year 1970: | | | | | |
| Army [1] | Down 16 | Down 22 | Down 28 | | Down 16. |
| Navy [2] | Down 10 | Down 11 | Down 31 | Down 21 | Down 13. |
| USMC [3] | Down 19 | Down 19 | Down 28 | | Down 6. |
| Air Force [1] | Down 8 | Down 2 | Down 12 | | No change. |
| Fiscal year 1972 (projected) versus fiscal year 1971 (projected): | | | | | |
| Army [1] | Down 15 | Down 23 | Down 25 | | Down 18. |
| Navy [2] | Down 3 | Down 3 | Down 2 | Down 2 | Down 7. |
| USMC [3] | Down 11 | Down 30 | Down 40 | | Down 34. |
| Air Force [1] | Down 1 | Down 4 | Down 2 | | Down 8. |
| Fiscal year 1972 (projected) versus fiscal year 1970: | | | | | |
| Army | Down 28 | Down 40 | Down 46 | | Down 31. |
| Navy | Down 13 | Down 14 | Down 33 | Down 23 | Down 19. |
| USMC | Down 29 | Down 44 | Down 56 | | Down 38. |
| Air Force | Down 9 | Down 6 | Down 30 | | Down 8. |

[1] Reprograming actions for fiscal year 1971 included.
[2] Anticipated fiscal year 1971 reprograming request not included.
[3] Reprograming not anticipated for fiscal year 1971.

The most important figures here are the costs involved in PCS moves. My original amendment had envisioned a 25 percent reduction in PCS in fiscal 1972 as compared to fiscal 1971. Based on this, the Marines made this figure easily with a 34 percent reduction in PCS costs projected for fiscal 1972, compared to fiscal 1971. The other services did not make the 25 percent figure but all had reductions—Army, 18 percent; Navy, 7 percent; and Air Force, 8 percent. But to also show the continuing efforts of the services in this regard, it is instructive to compare fiscal 1972 projections with fiscal 1970 actual figures.

Using these figures, we see that the Marines had a 38 percent reduction in PCS costs over the 2 years, again leading the way. I think we should salute the Marines for this outstanding performance, as they definitely seem to have the best management techniques and control over their costs.

Respective PCS reductions for the other services, computed by comparing fiscal 1970 actual figures to those projected for fiscal 1972, are—Army, down 31 percent; Navy, 19 percent; and Air Force, 8 percent.

I am, of course, disappointed that the Navy and Air Force have not been able to achieve the same economies as the Army and particularly the Marines, but it is encouraging to me to note the sincere effort devoted to this challenge and the meaningful progress that is being made. Even more impressive is the fact that the above results have been or are projected to be achieved during a period of great personnel turbulence and increasing costs. The Navy estimates that the costs of individual moves have increased 12 percent the past 2 years—since preparation of the fiscal year 1971 budget. This increase, which has a similar effect on all military services, is attributable to such factors as increased travel tariffs, per diem rates, cost of moving household goods, storage costs, and inflation itself. Nonetheless, when translated into dollars, the total DOD reduction in PCS costs between fiscal year 1970 and fiscal year 1972 will amount to $318,337,000. Related to active duty average strengths, which will have been reduced approximately 20 percent, PCS costs are expected to drop 22 percent while absorbing the increase in costs noted above.

Mr. President, as progress is made toward the achievement of a more stable peace-time force and as the number of servicemen in short tour—12-13 months—areas decreases in relation to total force levels, longer duty assignments can be realized. In all fairness, however, I recognize that as force levels are reduced, bases are closed, units inactivated, ships decommissioned and actions such as broadening the base of individuals entitled to move dependents are taken to improve overall service attractiveness, the services may realize a higher ratio of PCS moves to total force levels and, in turn, some higher level of PCS costs than during a stable period. Nonetheless, the objectives are being met and I am most happy to make this encouraging report to you.

Just as it is the responsibility of the Congress to plan ahead, it is also our duty to constantly review our actions to insure that congressional intent has become reality.

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## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

(The remarks of Mr. JAVITS when he

introduced S. 2200 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BAKER when he introduced S. 2201 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

### REPORT ON MANAGEMENT STUDY OF NASA ACQUISITION PROCESS

A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting, for the information of the Senate, a report entitled "Management Study of NASA Acquisition Process"; to the Committee on Aeronautical and Space Sciences.

### REPORT ON LOAN TO COLORADO-UTE ELECTRIC ASSOCIATION, INC.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Colorado-Ute Electric Association, Inc., of Montrose, Colorado, in the amount of $12,200,000 (with an accompanying paper); to the Committee on Appropriations.

### REPORT ON LOANS TO CERTAIN DISTRIBUTION SYSTEMS

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans, in the amount of $15,575,000, to certain distribution systems (with an accompanying paper); to the Committee on Appropriations.

### REPORT OF THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Secretary of the Treasury submitting a special report on the proposed replenishment of the resources of the International Development Association (with accompanying report); to the Committee on Foreign Relations.

### REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Acquisition and Use of Software Products for Automatic Data Processing Systems in the Federal Government" (with accompanying report); to the Committee on Government Operations.

### PROPOSED SALE OF THE ALASKA RAILROAD

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the sale by the Federal Government of the Alaska Railroad (with accompanying papers); to the Committee on Government Operations.

### DRAFTS OF PROPOSED LEGISLATION

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize grants for the Navajo Community College, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

### REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of that Service, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION NO. 3

"Relative to the Tehama-Colusa Canal

"Requests President and Congress to fund construction of the Tehama-Colusa Canal to the full capability of the United States Bureau of Reclamation.

"Whereas, The Tehama-Colusa Canal, a 120-mile irrigation canal, serving the Counties of Tehama, Glenn, Colusa, and Yolo, was originally authorized by Congress in 1950; and

"Whereas, The original scheduled date of completion for the canal was 1965; and

Whereas, Construction of the canal was only begun in 1965; and

Whereas, The canal is presently one-third completed at a cost of over 35 million dollars, yet does not irrigate one single acre of land; and

"Whereas, the United States Bureau of Reclamation has a funding capability of $5,465,000 for the Sacramento River Division of the Central Valley Project for the fiscal year 1971–72; and

"Whereas, An increased level of funding is essential to the timely construction of the Tehama-Colusa Canal; and

"Whereas, The proposed budget includes only $1,322,000 for the Sacramento River Division and does not make provision for additional construction of the Tehama-Colusa Canal; and

"Whereas, Completion of the Tehama-Colusa Canal is already five years behind schedule; and

"Whereas, The need for rapid completion is demonstrated by the fact that the water table in the proposed service area is dropping to the point of imperiling the financial survival of farmers who planted irrigated crops depending upon the timely completion of the canal; now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to fund construction of the Tehama-Colusa Canal to the full capability of the United States Bureau of Reclamation; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to all members of the Senate and House Appropriations Committees."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 17

"Relative to the expenditure of federal funds to reduce unemployment

"Whereas, National unemployment reached a nine-year high of 6 percent in December, 1970, and in California and the Fresno area the unemployment rates are 7 percent and 7.2 percent, respectively; and

"Whereas, The President of the United States has indicated that the federal budget for the coming fiscal year would be an expansionary one in order to reduce unemployment; and

"Whereas, The United States is constructing a distribution system for Westlands Water District in order for that district to utilize water from the San Luis Unit of the Central Valley Project; and

"Whereas, The 91st Congress, 2nd Session, passed and the President of the United States signed an appropriation bill which provided construction funds in an amount adequate to meet a reasonable construction schedule; and

"Whereas, The President has impounded the major portion of said funds which has resulted in the shutting down of one construction contract with the termination of over 90 jobs in the Fresno County area; and

"Whereas, The President's proposed budget for the 1972 fiscal year provides for the release of said funds on July 1, 1971, but does not provide for any additional construction funds for said distribution system; and

"Whereas, The immediate release of said impounded funds would not only permit the resumption of the 90 jobs terminated, but would provide the equivalent of 1,000 jobs in this extremely labor-depressed area; and

"Whereas, The release of said funds would be consistent with the President's desire to reduce unemployment; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States is respectfully urged to release at this time from impoundment those funds appropriated by the Congress of the United States for use in furthering construction of the Westlands Water District distribution system and other public works projects in the San Joaquin Valley so that more jobs can be created in Fresno County, a serious area of unemployment, and be it further

"*Resolved,* That the President of the United States is respectfully urged to request the appropriation of, and the Congress of the United States is respectfully urged to appropriate, a substantial amount of additional funds other than those heretofore impounded for use in the 1972 fiscal year in the construction of Westlands Water District distribution system; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTIONS

"Urging the President of United States and the Department of Health, Education and Welfare to revoke the recent decision to change the method of choosing State delegates to the White House Conference on Aging

"Whereas, There is scheduled a national White House Conference on Aging commencing on November 28, 1971, at Washington, D.C.; and

"Whereas, The method of choosing delegates from the commonwealth was to have been that the fifty-four delegates allotted to the commonwealth be chosen by the governor; and

"Whereas, The governor's special planning commission for said White House conference has now been informed that the method of choosing said delegates has been changed so that the governor is required to submit eighty-four names to the White House, of which fifty-four shall be chosen by the national administration; and

"Whereas, This change of method of selection of delegates destroys the freedom of choice on the state level and places final control of the selection power into the hands of the national administration; and

"Whereas, The result of the federal takeover of the selection of state delegates will seriously hamper and infringe upon the effectiveness of said delegation; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the President of the United States and the Secretary of the Department of Health, Education and Welfare to revoke or cause to be revoked the change in the method of selecting delegates to said national White House Conference on Aging and to reestablish the original method planned for choosing the fifty-four delegates from the commonwealth, to wit, that said fifty-four delegates be chosen by the governor; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of the Department of Health, Education and Welfare, Elliot L. Richardson, to the chairman of the national White House Conference on Aging, Dr. Arthur S. Flemming and to each member of the Congress of the United States from the Commonwealth.

"Senate, adopted, June 21, 1971."

A resolution adopted by the Ecumenical Council of the Pasadena Area Churches, Pasadena, Calif., praying for an immediate end to the war in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Nevada Wildlife Federation, Inc., Sparks, Nev., in opposition to additional fees upon individuals hunting, trapping, or fishing on public lands within the State of Nevada; to the Committee on Interior and Insular Affairs.

A resolution of the District of Columbia Young Republican Club; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 2194. A bill to advance by one year the standard deduction provisions of the Tax Reform Act of 1969. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 2195. A bill to provide a general support program for institutions of higher education and to repeal certain existing programs for assisting such institutions. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 2196. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community, to provide for an organized approach to the problems of economic development in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BURDICK (by request):

S. 2197. A bill to amend sections 3466 and 3467 of the Revised Statutes to provide for greater equity for creditors of insolvents and insolvent estates not in bankruptcy by reducing the priority of debts due the United States in such proceedings. Referred to the Committee on the Judiciary.

By Mr. TUNNEY:

S. 2198. A bill to authorize a National Summer Youth Sports Program. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 2199. A bill to authorize the Federal Reserve Board to guarantee loans to aid certain business enterprises to meet temporary and urgent financial needs. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. KENNEDY, Mr. BAYH, Mr. TAFT, and Mr. TUNNEY):

S. 2200. A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the government mores responsive to the needs of the poor and of citizens generally, and for other purposes. Referred to the Committee on Labor and Public Welfare (by unanimous consent).

By Mr. BAKER:

S. 2201. A bill to amend the Servicemen's Group Life Insurance program to extend for one hundred and twenty days to one year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his Servicemen's Group Life Insurance to an individual policy of life insurance. Referred to the Committee on Veterans' Affairs.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2202. A bill to authorize emergency loan guarantees to major business enterprises. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENSON (by request):

S. 2203. A bill to amend section 16-1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia;

S. 2204. A bill to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes;

S. 2205. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes;

S. 2206. A bill to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes;

S. 2207. A bill to authorize the Government of the District of Columbia to engage in certain activities designed to effect community development;

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; and

S. 2209. A bill relating to crime and law enforcement in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. GRIFFIN (for himself and Mr. PEARSON):

S. 2210. A bill to amend the Military Selective Service Act of 1967 to exempt from the draft physicians who agree to practice at least four years in rural and inner city doctor-shortage areas. Referred to the Committee on Armed Services.

By Mr. STEVENSON (for himself and Mr. PERCY):

S. 2211. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 2212. A bill to provide Federal crop insurance against loss of investment. Referred to the Committee on Agriculture and Forestry.

S. 2213. A bill for the relief of certain separated former employees of railroad terminal companies who formerly performed certain discontinued mail handling functions in and about railroad terminals. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 2214. A bill to amend title 39, United States Code, to clarify certain provisions of the Postal Reorganization Act relating to postal revenues and appropriations, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. TOWER:

S. 2215. A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973. Referred to the Committee on Finance.

By Mr. BENNETT (for himself, Mr. SPARKMAN, Mr. TOWER, and Mr. WILLIAMS:

S. 2216. A bill to amend the Investment Company Act of 1940, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUGHES (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. MUSKIE):

S. 2217. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare, and, by unanimous consent, if and when reported, to the Committee on Government Operations, to consider title II.

By Mr. TOWER:

S.J. Res. 123. A joint resolution on reduction of Federal Expenditures Resolution of 1971. Referred to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT:

S. 2194. A bill to advance by 1 year the standard deduction of the Tax Reform Act of 1969. Referred to the Committee on Finance.

Mr. SCOTT. Mr. President, I introduce for appropriate reference legislation to accelerate Federal income tax reductions included in the Tax Reform Act of 1969 by making them effective 1 year earlier than the law now provides. A companion measure is being introduced today in the House of Representatives by my colleague Congressman LARRY COUGHLIN.

My proposal calls for a two part step-up of the increases in the percentage standard deduction which are presently scheduled to take effect on January 1, 1972 and on January 1, 1973.

The minimum standard deduction is now 13 percent of yearly adjusted gross income, with a ceiling of $1,500. In January 1972, the minimum standard deduction will become 14 percent with a ceiling of $2,000 and in January 1973, it will become 15 percent with a ceiling of $2,000. The legislation which I am introducing today makes changes scheduled for January 1, 1972 effective as of January 1, 1971 and the changes scheduled for January 1973 effective January 1972.

I am making this proposal for two reasons. First, these tax reductions will benefit the middle-income taxpayers who are, in most instances, hardest hit by Federal and State taxes. The great majority of middle-income taxpayers do not have sufficient expenses which are deductible on their Federal tax form to make itemizing their deductions advantageous. My proposal will be of direct benefit to these families.

Second, my proposal requires that the Secretary of the Treasury promptly make adjustments in the Federal income tax withholding tables to reflect this step-up in tax reductions. Thus, this additional buying power would be immediately available for the purchase of consumer goods and services and would be a further boost to the employment rolls. It is estimated that my proposal will provide an additional $900 million in such buying power during fiscal 1972 and an additional $200 million in fiscal 1973.

Our Nation has progressed significantly on its long road to economic recovery under the present administration. It has, however, not been a straight road and I believe that my proposal will help us over the last hill to a noninflationary, full-employment economy.

I ask unanimous consent that the full text of my proposal be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2194

A bill to advance by one year the standard deduction provisions of the Tax Reform Act of 1969

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. LOW INCOME ALLOWANCE.

Effective with respect to taxable years beginning after December 31, 1970, section 141(c) of the Internal Revenue Code of 1954 (relating to low income allowance) is amended to read as follows:

"(c) Low Income Allowance.—The low income allowance is $1,000 ($500 in the case of a married individual filing a separate return)."

SEC. 2. PERCENTAGE STANDARD DEDUCTION.

Effective with respect to taxable years beginning after December 31, 1970, section 141(b) of such Code (relating to percentage standard deduction) is amended to read as follows:

"(b) Percentage Standard Deduction.—The percentage standard deduction is an amount equal to 15 percent (14 percent in the case of a taxable year beginning in 1971) of adjusted gross income, but such deduction shall not exceed $2,000 ($1,000 in the case of a separate return by a married individual)."

SEC. 3. WITHHOLDING OF TAX ON WAGES.

In the case of wages paid during the period beginning July 1, 1971, and ending December 31, 1973, the amount to be deducted and withheld under chapter 24 of the Internal Revenue Code of 1954 (relating to collection of income tax at source of wages) shall be determined in accordance with regulations and tables prescribed by the Secretary of the Treasury or his delegate which take into account the reduction in tax for such period provided by this Act.

By Mr. MATHIAS:

S. 2195. A bill to provide a general support program for institutions of higher education and to repeal certain existing programs for assisting such institutions. Referred to the Committee on Labor and Public Welfare.

### HIGHER EDUCATION SUPPORT ACT OF 1971

Mr. MATHIAS. Mr. President, I am very pleased today to introduce a bill which would fundamentally transform both the pattern and the level of Federal assistance to our Nation's colleges and universities.

The bill establishes a National Grants Committee for Higher Education and provides for greatly increased long-term institutional support—approximating some $3 billion in the first year alone. All existing higher education legislation—H.E.F.A. and H.E.A.—except for student assistance programs, would be repealed.

The need for congressional action in this area, Mr. President, could not be greater, nor indeed more urgent. Nearly half of America's private institutions of higher education are this year generating self-consuming deficits; the Carnegie Commission recently reported that two-thirds of our colleges and universities—enrolling 77 percent of our college students—are in financial difficulty or headed for financial trouble.

The deficits are seldom small; more often, they are gargantuan: Johns Hopkins' will this year be $4.3 million, that of Columbia University some $15 million.

Not only is the financial plight of higher education becoming increasingly widespread, it is rapidly compounding; this year's losses, according to the Association of American Colleges, are on average five times greater than those of last year.

As might be expected, Mr. President, the undertaker is at hand. During the last 2 years, 39 institutions of higher education were forced to close. This past April, Maryland's St. Joseph College made the tragic announcement that it, too, would have to close. And last October, a national authority on educational finance predicted that the next 5 years will bring death or absorption to as many as 300 more private colleges.

The extinction of many of our private colleges tells only part of the story, however, since most of them are averting this fate, if only temporarily, by raising tuition and by adopting rigorous internal economies.

One of the hardest pressed is St. Louis University which, in desperation, is phasing out its schools of engineering and dentistry. How tragic this is when today we face a national shortage of 7,000 dentists. At other colleges, faculty are being dismissed, construction suspended, classes swollen, innovations postponed, existing programs curtailed, if not eliminated. Sharply pruned budgets are also stifling enrollment increases; according to one estimate, 50,000 qualified students will be denied State university admission because of self-imposed enrollment quotas due to shortage of classrooms, faculty, and housing. Being cut back also are student counseling, health care, and library expansion.

On the other side of the coin, tuition increases, which are one of the colleges' few means of directly increasing income, are reluctantly but frequently being imposed.

What, we must ask, will be the consequences of these self-inflicted measures to tighten belts and raise tuition? Certainly it is desirable that universities adopt more sophisticated and efficient means of programing, planning, and budgeting. The need for greater accountability and productivity should undoubtedly figure much more prominently in the future.

But let us not stand idly by while our universities immolate themselves. Let us fully realize the indelicacy, indeed the crudity, of the present operations. Too many of our colleges are having to hack into the quick. Emergency budgeting, while in certain respects healthful, is far too blunt an instrument. The longer we compel our universities to postpone or abandon innovation and pioneering to meet the needs of the morrow—much less those of the present—the further we shall proceed from financial deficits to producing long-term quality deficits.

Let us, also, comprehend the implications of raising tuition. Clearly there are limits, and we are fast approaching them. What, we must ask, is to become of our espoused national goal of advancing equal educational opportunity? When, already, youth from families in the bottom half of the income range have but one-third the chance of entering college as those from families in the upper half, what could be more inequitable, what could be more injurious to this declared national objective? Continuation of the tuition spiral cannot but price many colleges out of the range of most Americans. What self-respecting college, I dare ask, wants the dubious distinction of catering only to the monied?

Ironically, our colleges' desperate plight comes at a time when, more than ever before, higher education is adressing itself to the crucial needs of the day. Increasingly, and sometimes dramatically, our colleges are engaging themselves to solve our society's profoundly complex problems.

And yet, financially, the times are passing them by.

If this Nation is to prove equal to its challenges, if the promise of equal opportunity is to prove to be more than platitudinous, if reason is to be given any premium over ignorance, then we must move and move now to insure that our colleges not only survive, but indeed are vastly strengthened.

With the prospect for ever-growing college deficits, Mr. President, some of us may be reminded of the legendary phoenix which, by its own act, consumes itself in fire. Unfortunately, though, the comparison is only partially valid since, unlike the phoenix, our universities have no miraculous power to arise from their ashes to emerge, once again, in youthful vigor.

Needed, then, are mundane, earthly efforts. If we are to insure, let alone pursue, the goal of rescuing and strengthening our colleges and universities, we must be prepared to pay, and pay dearly. Who then, we ask, should shoulder this new burden? Can we ask the States to bear it? Many Federal officials, I am sure, would prefer to defer or, I should say, continue to defer to the States. But that, I think, has very limited possibilities. During the last decade, State appropriations for higher education actually tripled. They in fact, rose 38 percent in the past 2 years alone. But there are limits. Witness the cry of State and local officials for the adoption of revenue sharing.

State and local governments simply do not have the capacity to generate significantly increased funding for higher education. Deriving almost entirely from sales and property basis, State and local taxation is regressive and slow to respond to economic growth. The graduated income tax of the Federal Government, on the other hand, is directly responsive to growth, its revenue rising progressively faster than national productivity. For these reasons, for these built-in reasons, the Federal Government is the only realistic source of new support to meet the needs of our colleges and universities.

That the Federal Government should assume a greater role in rescuing and supporting higher education is entirely proper, since higher education fulfills purposes which, in their scope and impact, are national, as well as regional, and public as well as private. College graduates and holders of advanced and professional degrees are highly mobile geographically; they are participants in what is essentially a continental market. And it is precisely this broad market which has been an important factor in the prosperity of the Nation as a whole.

In urging greater levels of Federal support for higher education, I am not unmindful of the other and pressing national needs for which Federal funds must be allocated. In the broad area of education alone, there are urgent requirements for aid at the primary and secondary levels, as well as for vocational training. Desperately important, also, is the need for greatly expanded student aid so that all Americans can have fair and equal access to higher education. In this bill, though, I have of necessity limited my focus and, in so doing, I am here concentrating on the problems of our Nation's colleges and universities.

If, then, we are to move toward a major new Federal commitment, I must first sound a caution: Both the educators, in seeking, and the legislators, in providing, must look every bit as critically at the form of assistance as at the level of assistance—something we have too little understood in the past.

This, of course, brings us immediately to the question of academic freedom, and to the vital need to both protect and enhance the autonomy and integrity of the academies. For us, the question, boiled down, is essentially this: If Government is increasingly to pay the piper, who is to call the tune?

This, we know, is no new problem; State universities have lived for decades in this uneasy situation—some with stunning success. But, still, it is an important question and one deserving of careful consideration.

The crisis in higher education thus extends beyond mere finance. It turns on the uses, as well as the levels, of support. In first addressing himself to the subject of higher education, in March 1969, President Nixon accentuated what I regard as the foremost consideration in this important area of public policy:

> The independence and competence of the faculty, the commitment, and equally the competence of the student body, are maters not to be compromised.

The implications of this policy declaration are only beginning to be broadly understood; as the President suggested about a year later in his higher education message of 1970:

> It is past time the Federal Government acknowledged its own responsibility for bringing about, through the forms of support it has given and the conditions of that support, a serious distortion of the activities of our centers of academic excellence.

Shaped by legislators and seductive by nature, categorical aid, it is increasingly being realized, is obstructing our universities from setting their own priorities and determining their own objectives. To a great extent this has been fully intended and indeed justified—as with the enormous postwar and post-Sputnik infusion of Federal funds into science and engineering. But now, as the President has so aptly stated:

> The time has come for the Federal Government to help academic communities pursue excellence and reform in fields of their own choosing as well, and by means of their own choice.

Not only has categorical assistance driven professors and students into areas predetermined by the Government, but matching requirements and cost sharing are increasingly siphoning off funds and leaving wanting many of the academic programs in which the Government has taken no financial interest. Academic success has thus come to depend far too much on expertise in attracting Federal funds, and far too little on ability to teach and relate to students. So, far from controlling their internal affairs and setting their own priorities, our universities are having to gear themselves to whichever areas of study happen at the time to enjoy governmental favor. By inducing the universities to do its bidding, the Federal Government has compelled the adaptation of higher educational purposes to suit federally determined objectives, and rather than investing in education as a process, the Government has long been on a course of buying ideas on a piecemeal basis. Categorical aid, I therefore submit, is fundamentally subversive of the principles of academic freedom and nonintervention.

What makes this type of support even more shortsighted, Mr. President, is the failure of the present categorical programs to add up to a coherent national policy. Moreover, because of their profusion and lack of focus, they preclude individual institutions from themselves developing coherent policies of their own.

Our present system of narrowly-oriented, poorly coordinated projects, often overlapping and even conflicting, offers yet other serious disadvantages. As stated in Editorial Projects for Education's Life with Uncle:

> Institutes of higher education must negotiate the maze of Federal bureaus with consummate skill. . . . If they succeed, they must then cope with mountains of paperwork, disparate systems of accounting, and volumes of regulations that differ from agency to agency.

The growing multiplicity of sources of support and compartmentalization within agencies means that a comprehensive academic program is dependent upon an institution's ability to acquire research support from certain divisions within agencies, curriculum development support from other divisions, training support from other organizational units, and development funds for the acquisition of new faculty from yet other Federal agency units. So, as much as educating students, universitydom has become embroiled in a wrestling match for fettered Federal funding. As Charles B. Saunders, Jr. has recently suggested:

> The need now is to think in terms of broader and more effective support for higher education as a whole, rather than in terms of adding more narrow categories.

If, indeed, Mr. President, one of the larger purposes of a State, a democratic State, is to provide for its own criticism, then principles and mechanisms must be devised to insure that such criticism is both cogent and uncompromised. As legislators, we have all observed that whenever an institution comes to depend on support that is closely subject to the political process, it entangles itself in a process that is largely beyond its power to control. And, certainly, it runs the risk of being passed over or victimized by the political forces governing the funding. The danger for academic freedom in all this, as Dr. Stephen Bailey succinctly puts it, is that the potential recipient will likely develop a "prudential restraint first upon his tongue and then upon his mind."

In view of the somewhat arbitrary nature of categorical funding and its inherent proximity to politics, we must thus seek new alternatives for Federal funding—ones that will limit the power of Government over the academies which increasingly it must help to finance. As Mr. Moynihan has said:

> The task of statesmanship in the decade ahead will be to ensure that involvement with the financing of higher education shall not lead to involvement with governance.

We must thus strive to fashion a system of Federal—and of course State and local—support for higher education that is insulated as much as possible from the political tempers of the time.

In attempting to keep our institutions aloof from political interference in these times of unprecedented social strife and change, the struggle is bound to be noisy and at times uncomfortable. It will thus be important to remember that birth has its pains, and new life starts with a squall. This, seen in its proper perspective, is nature's modest compensation for the joy of new and hopeful beginnings.

Today, Mr. President, we are riding the crest of an era in which enrollments have tripled since 1955, higher education budgets have doubled since 1960, and annual expenditures per student have been rising three times as fast as the cost of living. It is little wonder, I think, that many of our institutions have been put to agonizing strain and that a great number of them are barely afloat. An immediate task, equal to the task of preserving academic freedom, must therefore be to save these institutions from being swamped, and fatally, by the pounding of ever-growing deficits. If, indeed, we are to strengthen our universities, we must first assure their viability, their very survival.

The only satisfactory and lasting way out of this deficit dilemma, and at the same time out of the political doldrums, I believe, is to shift from our almost complete reliance upon ad hoc categorical aid to a markedly new system of long-term higher education assistance—what Jack Morse has generally referred to as "support for the system as a system."

The first of my bill's two support mechanisms thus consists of general support payments, based on an objective formula and available to all institutions of higher education. The great number and diversity of our many institutions require, I think, that a substantial portion of any increased Federal support be allocated in a manner necessitating a number of individual judgments and assessments.

The general support payments provided by this bill would total one-half—about $1.5 billion—of the bill's total funding and would be allocated according to the following formula: $300 for each of the first 500 undergraduates, $200 for each of the next 500 undergraduates, and $100 for each undergraduate over 1,000; $300 for each master's degree candidate, and $400 for each doctoral degree candidate. Weighted to give special help to small private institutions, the formula reflects a bias in favor of preserving our manifestly diverse system of higher education. No distinction is drawn between upper and lower division students. The award of general support payments is based upon the number of students enrolled, as opposed to the number of credits earned. To base grants on credits earned or degrees awarded could work to the detriment of those institutions which are seeking to expand their enrollments from among the underprivileged. Such students are in many instances "risk cases" which require considerably more effort on the part of the institution, with an attendant increase in cost. In spite of the successes that are achieved through these efforts, the attrition rate remains above that of the rest of the student body. To the extent that credits were not earned by these individuals, the institution would not be penalized for its efforts in this very worthwhile undertaking.

The general support payment, as a means of channeling Federal aid, has much to commend it. By definition, the objective formula entails no strings, no conditions—and thus promotes the independence and freedom of each institution to pursue its own self-determined objectives. Set at levels which, hopefully, would be maintained if not augmented, the general support funds would provide a basic stability on which institutions could rely, not only in drafting plans but, as important, in executing them.

The need for predictability of funding could hardly be greater; in 1969–70, more than 7 months of the fiscal year had elapsed before the levels of funding were finally established. Uncertainty about prospective levels of support, delays in obtaining funds, and sharp fluctuations have made it extremely difficult to obtain efficient university administration. If Congress is to demand more effective use of universities' physical and human resources, then it must give these institutions a genuine opportunity to plan their expenditures and make personnel and other commitments. Provision of general support payments would clearly go a long way toward achieving this.

I would be among the first to admit, however, that this approach has serious shortcomings. Almost blatantly, it would tend to lock-in the status quo, good and bad alike. Not only would it take no account of the overall educational quality of existing institutions, it would turn a deaf ear to promising briefs for special support. Additionally, it would freeze the adrenalin of academic adventure and stifle the development of any national or regional policy for higher education. In short, it would keep the carrot but drop the stick.

The shortcomings of the general support payment approach are thus formidable. But they can be reckoned with. Quite simply, this method need not be made to stand alone. Alongside this approach, alongside its virtues and its vices, we must establish another equally significant approach—one which not only neutralizes the defects of the general support system, but which in and of itself has very positive merit. I am thus proposing the creation of a system of national and State grant committees for higher education. This would provide substantial project support over and above the automatic general support payments—and in a flexible manner which would reflect both national and State needs and priorities. The financial resources to be allocated by these entities, as authorized by the bill, would be equal to the total amount of the general support payments, or about $1.5 billion.

Ideally, of course, we should institute a scheme of the utmost simplicity. We should, in a word, move this way or that. And, in so doing, we should seek a scheme which is wholly without fault. But this, unfortunately, is impossible, particularly in present-day America. Any attempt to proceed along these lines, I suspect, would precipitate yet another crisis—if indeed for a while it resolved the present one. Our Nation's system of higher education is not only enormous; it is enormously complex. And because of this, I think, no viable new system of support will be able to escape reflecting this diversity, at least in part. We must therefore chart a course between the utter simplicity of relying solely on general support payments and the enticing scylla of falling back on categorical grants. At the same time we must sharply attune our radar to the soundings, the undercurrents, and the long-term implications. We must, in charting this uneasy course, be ever mindful of the need for academic freedom and institutional independence.

To meet these demands and to preserve these values, I would therefore contend, we must institute a dual, a twofold approach—one whose constituent parts, admittedly imperfect when isolated, will combine, canceling shortcomings, supplementing and complementing each other, so as to produce a viable and lasting system of Federal support.

And so, alongside the scheme of general support payments, I propose that we establish a network of higher education grant committees.

In advancing this, I draw upon the model of the British University Grants Committee, of which I have long been an observer. I hasten to add that I am quite aware of the tremendous differences between our two countries' educational needs and circumstances, yet I do believe that the British UGC does afford us the seed of an approach which, with major adaptations, could profitably and happily be transplanted to this country.

The virtues of the grants committee approach, I think, are many. High among them, as I have already suggested, is the harmonious way in which it would blend with the scheme of general support payments. In combining these two approaches, my higher education support bill thus hinges on the cornerstone belief that neither of these means of Federal support—indeed no single means of Federal support—could prove sufficiently viable for our system of higher education.

At this point I shall outline the working and the rationale of these grant committees, as well as describe their foremost benefit: the unique buffer-like role they would play in insulating higher education from politics.

As indicated earlier, about $1.5 billion would be allocated by the Federal Government, in State shares, to be used as directed by higher education grant committees in each of the respective States. Of the total State share, the State committee would be required to apportion one-half in accordance with national educational policies established by a 15-member National Grants Committee for Higher Education.

It is of course provided that the grants committees be broadly representative of the public and of institutions of higher education, both public and private. Appointment to the national committee would be by the President, with the advice and consent of the Senate.

Fundamental to the independence of its status and operation as a buffer between education and politics, the National Committee's members would serve extended, staggered terms of 6 years.

Comparable insularity and broad representation of higher education must of course obtain also at the State level. The State Facilities Commissions—operating under the Higher Education Facilities Act—would be superseded by State grant committees, whose responsibility would be to develop systematic plans to meet the needs for construction, as well as operation and maintenance of both public and private facilities throughout the State. Funds would be provided out of the State allotments to support the planning activities of these foundations.

Key to the foundations' buffer role is the appropriations process. The National Grants Committee would be responsible for funds which come in block form, without strings or conditions; it would thus operate independently to establish national education policies, which would guide the use of half of the States' shares. At the same time, the State committees would buffer educational institutions from both State and Federal Government intervention, the committees being subject, and only partially, to the policies of the National Committee. Neither the President or Congress, nor the Governors or the State legislatures would have power to contest grants by the committees. The only formal lever for governmental control would thus reside in the power of appointment and in the Federal Government's periodical provision of the block appropriation. The requirement that appointees be broadly representative of higher education, as well as of the public, would doubtless combine with the other features to temper any unrestrained use of the appointive prerogative. To a significant degree, then, the resultant would be "judgment by peers."

The amount of the shares going to the respective States would be determined by a formula which takes into account three factors, all of which have long been critical in any distribution of Federal support for education: proportionate enrollment, total expenditures by higher education institutions—both public and private—within the State, and State expenditures as a percent of per capita income. The Federal allocation would thus depend upon, where the students are, the total effort within the State—including private institutions—and the total State government effort.

Because various State constitutions bar State support of private institutions, payments would be routed from the Federal Government—the Commissioner of Education—directly to the respective colleges and universities—in accord, of course, with the recommendations of the State grants committees.

Built into my formula for determining State shares are strong incentives for States to boost their own educational spending: higher expenditures—both State and private—would be directly translatable into a comparative advantage in entitling a State to a larger chunk of the Federal pie. Similarly, the creation of State grant committees, vested with substantial sums and posited with a statewide perspective, would stimulate the universities—all of which would be competing in the eyes of the foundations—to adopt more efficient and economic use of their available resources.

That institutions will have to vie for funds from a State grant foundation will thus provide a prod of some significance—all the more significant since this incentive factor is the key by which the defects of the system of general support payments are substantially offset by the virtues of the discretionary grant-making authority.

From atop their statewide perch, the State grant committees would serve to reduce wasteful use of scarce resources among, as well as within, the colleges and universities. With modern communications and transportation available to neighboring universities, the grants committees would no doubt discourage, both actively and passively, the uneconomic building of duplicative research libraries, esoteric laboratory equipment, mammoth computer facilities, and expensive professional paraphernalia.

In advancing the grants committee concept, I find it useful, also, to draw upon the logic advanced by the Carnegie Commission and, later, by President Nixon in advocating the establishment of a National Foundation for Higher Education. This proposal, embodied in S. 3636, would create a top-level Federal entity to develop a national policy in higher education. With first year funding of $100 million, the Foundation would make grants "to encourage excellence, innovation, and reform in higher education." This proposal, focusing as it does upon innovation, is for that reason alone deserving of the most serious consideration. There is a vital and ever-growing need for curriculum development, new instructional techniques, better resource utilization, and pioneering new programs—particularly as regards the disadvantaged. In recognizing and providing for this, the President's bill thus has much to commend it. I cannot but regret, however, that the proposed level of funding it not greater. Unfortunate, also, is the superimposition of the Foundation onto continued heavy reliance on categorical assistance programs. So, although I find a warm cloak in the President's brief for a National Foundation, I see a need for much higher levels of funding and, equally, for wholely new forms of funding.

The need to develop a coherent, long-range national policy for higher education, thanks to the efforts of the President and the Carnegie Commission, is steadily gaining wider recognition. In the eyes of more than a few of us, this need is becoming downright imperative—blessed as we are with the categorical aid monkey on our back.

Federal support of higher education has now evolved into a patchwork of laws which not only obstructs efficient use of Federal assistance, but is making application by the universities, management by the administration, and oversight by the Congress an enormously complex task.

So rationalize we must, if only partially. All the more so if, in the process, we can simultaneously promote yet other objectives.

It is time, Mr. President, that flexibility, creativity, basic intelligibility be resurrected. It is time to summon the courage and good sense to wean higher education of the aged and far too-entangled umbilical cord of categorical aid. Our universities must be fully set afoot, to flourish unmolested far beyond the shadow of the tallest bureaucrat. The eclipse of institutional independence and initiative must be legislated away. No longer can we afford to graft a benevolent smile onto this disjointed, ill-directed categorical monster. We must move to discard it.

In its stead, let us erect a system that will no longer entrap, but release our Nation's bountiful intellectual talent. Let us not only rescue our financially flagging colleges, let us give them scope and freedom to evolve their own creative ventures; and, all the while, let us develop and insure the pursuit of coherent educational policies, both national and regional.

In concluding these remarks, Mr. President, I submit that the bill I am today introducing will go a long way toward securing these objectives—and will do so on a lasting basis.

The achievement of vital new forms of Federal assistance will be neither rapid nor easy. We have been wearing the present machinery for so long and have grown so accustomed to it that, like a favorite old garment, it will be difficult to cast away. And because my bill, by its very nature, raises as many questions as it answers, it will doubtless pinch like a new shoe, both in being examined and in being worn—should it come to that. For those who may find the exercise too trying, I can only hark back to my earlier remark that birth has its pains, and that new life starts with a squall. There is room for modesty, too, here, and I shall be the first to admit that I may be fathering a stillborn bill. But I trust not.

In any case, there is great need for legislators and educators alike to emerge, if only temporarily, from behind our well-worn systems, from behind our mountains of categorical aid forms. Let us come together in a national dialog and ask not merely how best to toss a financial liferope to our beleaguered colleges, but, rather, how to fashion for these institutions a viable and lasting and unimpeded lifeline. For they are among our Nation's most precious resources.

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By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 2196. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community, to provide for an organized approach to the problems of economic development in the District of Columbia. Referred to the Committee on the District of Columbia.

### THE DISTRICT OF COLUMBIA DEVELOPMENT BANK

Mr. MATHIAS. Mr. President, for myself and the distinguished chairman of the Committee on the District of Columbia, Mr. EAGLETON, I introduce for appropriate reference a bill to establish the District of Columbia Development Bank to mobilize the capital and the expertise of the private community and to provide for an organized approach to the problems of economic development in the Nation's Capital.

This legislation was proposed by President Nixon and transmitted to the Congress by the Secretary of the Treasury as a draft bill on June 10. It is the product of extensive discussion and cooperative effort by administration officials, the District of Columbia government, and many leaders in the Washington business, financial, and professional community.

This proposal has grown out of the recognition that in nearly every metropolitan area in America, there is a vast area of frustration and inaction lying between specific Federal programs for specific urban needs, and the high-profit, low-risk development ventures understandably most attractive to private investment capital. Territorially, this region of stagnation often falls somewhere between the slums and the suburbs. Financially, it discourages many potential economic expansion efforts which are somewhat speculative, require large amounts of initial capital, or demand special technical skills or the cooperation of many individual sponsors.

The District of Columbia Development Bank is an innovative answer to the problem of financing such urban development projects. As proposed, the bank would be created by Congress as a private, limited-profit, but still profit-oriented entity capable of enlisting and coordinating private capital, energy, and leadership in converting plans into high-priority projects. The bank would not supplant either Federal programs or private initiatives; rather, it would be a supplement to both.

The city of Washington, like virtually every American central city, urgently needs major infusions of investment capital and large-scale development. For far too long we have witnessed here the continuing exodus of capital, jobs, and the middle class to the surrounding suburbs, leaving behind aging housing, dwindling job opportunities, congestion, the aged and the poor. It is an all-too-familiar story, retold every year in tones of increasing desperation as the District government brings to Congress an annual budget unbalanced by the growing gulf between lagging revenues and soaring costs for essential social services.

The long-term remedy is neither slashing the city's outlays nor voting endless, self-defeating increases in local taxation. Nor can the city rely on a generous Congress to fill the revenue gap by hiking the Federal payment indefinitely. Rather, Congress and the community must join forces to strengthen the city's economic foundation by expanding the local tax base, enlarging employment opportunities, and generally improving the quality of urban life.

The rapid approach of the national bicentennial in 1976 gives a special impetus to this challenge. For several years community leaders have seen the possibility and the appropriateness of making the Washington metropolitan area a keystone of the bicentennial celebration, not as an exhibition per se, but as a dynamic example of urban vitality and rebirth. An ambitious proposal along these lines was presented to the American Revolution Bicentennial Commission more than a year ago, and widespread interest has been expressed. Yet progress has been small and slow. Construction of one essential new public facility, the Metro system, is now proceeding, but even the plans for the redevelopment of Pennsylvania Avenue, an area of paramount Federal responsibility and interest, are stalled.

From the perspective of the vast majority in the Washington community, the bicentennial will be more an anniversary of frustration than a festival of freedom if they can only celebrate by taking the Metro to Pennsylvania Avenue to watch a parade. We need far more, in many parts of the District, if we are going to raise hopes as well as flags in 1976.

There is no shortage of proposals on the shelves, on the drawing boards or in the first stages of implementation. The list of high-priority plans for Washington includes the redevelopment of the 14th Street, 7th Street, and H Street commercial corridors; urban renewal, Fort Lincoln, the building of growth centers at major Metro stations, better use of the Anacostia waterfront, and the New York Avenue and railroad corridor in Northeast, and many apartment condominiums, shopping centers and small business developments. But all such projects require large-scale investment, skilled planning and management, and a willingness to overcome many economic, social, and political hurdles. In such areas the District of Columbia Development Bank can play a crucial role.

As stated in the declaration of purpose in the legislation I am introducing today:

> It is the intent of the Congress that this institution concentrate on assisting economic development projects that have difficulty in obtaining necessary financial resources or other support from customary private or Governmental sources. Such projects should include innovative or other uncommon ventures, special risk situations, projects of unusually large scale and projects that would otherwise be feasible only if financed collectively or fully committed in advance.
>
> It is the further intent of the Congress that in those projects where financing is already available, this institution should help assure necessary technical resources and effective coordination with other efforts to promote economic development within the District of Columbia. Projects should enhance existing or future development plans of the District and should be designed to increase the employment and economic opportunities of District residents.

Mr. President, just as the District of Columbia is a creature of the Congress, the Washington area is a captive of the Federal Government, uniquely dependent on Federal business and employment, and highly sensitive to every nuance of Federal hiring, construction, and procurement policies. As President Nixon pointed out in his message to Congress on the District of Columbia on April 7:

> Inevitably the Federal Government will remain a dominant factor in the metropolitan economy, but one-industry communities all over the Nation are seeing the wisdom of diversifying, and often it is the major employer in the community which takes the lead in broadening the economic base to create new jobs and wider prosperity. Certainly that should be the case in Washington, and can be if we move to establish the Development Bank.

The District of Columbia Development Bank offers a new approach to a perennial problem: the challenge of mobilizing the private sector to revitalize our cities. The very existence of this proposal reflects the kind of public-private partnership which the bank is intended to promote. By acting promptly on this legislation, the Congress can take a major step toward making the District of Columbia a stronger, more self-reliant community and an example of urban innovation and progress for the Nation as a whole.

I ask unanimous consent to include in the RECORD at this point a memorandum outlining the organizational structure and functions of the proposed development bank.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

### SUMMARY OF DISTRICT OF COLUMBIA BANK LEGISLATION

#### ORGANIZATIONAL STRUCTURE

The legislation would create a body corporate to be known as the District of Columbia Development Bank, which would not be an agency of the United States. The Bank would have a board of directors consisting of eleven persons: the Commissioner of the District of Columbia, the Chairman of the City Council of the District of Columbia, three officers or employees of the United States or the District government designated by the President, and six directors elected by the shareholders of the Bank. One of the elected members would be selected by the board to serve as its chairman. The board would appoint a president of the Bank to serve as the Bank's chief executive officer.

The board would determine policy, authorize borrowing, and give final loan approval. Daily operations and policy implementation would be handled by a staff which would help identify projects, and make loan recommendations to the board. While the board would determine the structure of the operating staff, it is currently expected that there would be, in addition to the president, an executive vice president-treasurer, an operations manager who would be the chief credit officer and would supervise the staff composed of loan officers, economists, financial analyst-underwriters, engineer-architects, lawyers, community relations specialists, and clerical-secretarial staff.

#### FUNCTIONS

The Bank would assist economic development projects embracing housing, commerce and industry by mobilizing the capital and expertise of the private sector, serving as catalyst and lender of last resort.

### *(a) Catalyst*

Too often, the part of the private sector which would be willing to attempt some form of economic development within the city is so fragmented, lacking in technical and financial expertise, or lacking in start-up funds, that it cannot get a project started. This especially is true for large projects—an industrial park, for example—projects which are innovative, or projects which involve special risk situations. The Bank would determine the feasibility of a proposed project, organize the sponsors—no one of which might be able to take on the project individually—into a cohesive group, and mobilize and combine the private, Federal and municipal planning and resources. The Bank would pull together the many separate public, commercial, technical and financial elements necessary to get any major development project "off the ground."

Priority would be given to urgently needed, economically viable and potentially profitable undertakings in order to increase employment in the city, broaden its tax base, and in general, improve the condition and quality of life in the Nation's Capital. The Bank could assist in developing industrial parks for light industry, such as the manufacture or assembly of electronic equipment, commercial development near subway stops, shopping centers, and projects for renovation of substandard housing, and also new housing construction. The Bank also would be authorized to provide technical assistance and training in the preparation and implementation of comprehensive development programs, including formulation of specific project proposals.

### *(b) Lender of last resort*

The Bank would be authorized to purchase debt obligations and equity instruments, and to guarantee debt obligations. Loans and equity investments would be made in accordance with sound and prudent development banking principles, and would be made with the objective of assuring a reasonable return on the invested funds, consistent with the achievement of economic development goals.

To be effective in mobilizing the maximum amount of direct private financial participation, the Bank would project an image as the local lender of last resort. Using its capital and borrowed funds as start-up or seed money, the Bank would seek to induce other lenders and investors to support development projects through loans to and purchase of equity shares in the projects, or a combination of these methods.

In return for its efforts and investment, the Bank would receive interest on its loans and in some cases an equity participation in the project. The equity could be sold for capital gains or held to generate continuing income. All income above operating expenses, prudent loan reserves, statutory dividends, and necessary surplus would be applied as loans and grants to innovative, or high risk projects.

The Bank's function, thus, would be to assume the lead role in putting the project "package" together, through assistance in obtaining any necessary Federal and District approvals, infrastructure, grants, or other public investment. Then the Bank would help arrange for private financing and equity, and, if necessary, provide Bank loan funds and equity participation.

The Bank would not be in competition with private bankers, developers, businessmen, government agencies or community groups. Rather, it would be a logical and necessary complement to their efforts in obtaining the necessary approvals and financing for projects of difficult implementation.

### CAPITAL AND DEBT

The Bank would be expected to obtain its capital entirely from private sources. The Bank would sell common stock, primarily to D.C.-area banks and business firms, with the aim of raising $10 million. It is expected that $10 million would be adequate to guarantee administrative self-sufficiency and provide a reasonable base for equity financing and future bond issues.

The bill would permit borrowings up to 15 times the Bank's capital and surplus. Thus, if the Bank is successful in selling $10 million of common stock, it could borrow $150 million in the marketplace by issuing bonds and notes. Interest on the Bank's obligations would be taxable.

In addition, the Bank would be authorized to issue obligations to the Treasury after the Bank has at least $2 million in paid-in capital. This source would be used only as standby support for the Bank's borrowings in the public market. The Treasury's purchases could not exceed the lesser of twice the amount of the Bank's capital, or $10 million. The interest rate on these issues to the Treasury would be based on the rates paid by the Bank on its other obligations, but not less than the average yield on outstanding Treasury obligations of comparable maturity.

In years that the Bank has net earnings and has no outstanding borrowings from the Treasury, it would be allowed to pay its stockholders dividends limited to six percent on the amount of paid-in capital. The Bank's earnings and dividends would be fully subject to local and Federal taxes.

Too often during the decade of the 1960's proposed solutions for the problems of community economic development were simply proposals to appropriate increasing amounts of Federal funds. Too little thought and attention was given to the availability of private financial resources or to the capacity of the intended recipients of the proposed Federal financial assistance to match such assistance with community development needs. The proposed D.C. Development Bank would seek to fill the gap between needs and available resources and to catalyze local efforts. Thus the Bank would provide technical assistance and mobilize the private expertise and capital necessary to guide local project sponsors through the steps necessary for successful project development and implementation. The Federal role would be limited. No Federal appropriations to the Bank are contemplated. Rather, the Federal charter provided by the enactment of the bill would be indicative of general Federal support for the approach contained in the bill; the modest standby authority for the Bank to borrow from Treasury is intended to provide the assurances necessary for the Bank to issue its own obligations in the market; and the provision for possible designation of a Federal officer or employee to the board of directors of the Bank would provide a formal means for the Bank to maintain direct contact with the Federal Government.

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By Mr. TUNNEY:

S. 2198. A bill to authorize a national summer youth sports program. Referred to the Committee on Labor and Public Welfare.

### NATIONAL SUMMER YOUTH SPORTS PROGRAM OF 1971

Mr. TUNNEY. Mr. President, I rise today to introduce a bill—the national summer youth sports program of 1971—to continue a vital program which is in danger of dying.

We are, Mr. President, a nation of sports lovers. Both as participants and spectators. Throughout my life, I have had the good fortune to have had close contact with the sports world and I am personally aware of the benefit that a sports program can have on a person's mental and physical development.

The National Collegiate Athletic Association is also aware of these benefits and for the past 2 years, it has been running a summer sports program for disadvantaged youths in our metropolitan areas. As outlined by the NCAA, the objectives of the program are fivefold:

First, to provide inner-city youngsters with the opportunity to develop new skills, new interests, and better knowledge of employment and educational opportunities available to them;

Second, to provide disadvantaged youths opportunity for sports instruction and competition which would normally be available only to middle- and upper-middle-class children;

Third, to provide nutritional services, medical examinations and instruction in sound health practices for inner-city youngsters;

Fourth, to provide maximum feasible employment opportunities within the program for residents of target areas;

Fifth, to enable institutions of higher learning to participate more fully in community life and in the solution of community problems.

These, Mr. President, are five highly laudable goals and I think it is most unusual that we find all of them operating successfully within one program.

The summer sports program is as much a success statistically as any program presently supported by the Congress.

It has been receiving funding for the past 2 years through the OEO under an agreement that the maximum government contribution would be 80 percent, but in the 2-year life of the program, this figure has never been approached. This program over the past 2 years has drawn less Federal money. Mr. President, I ask unanimous consent that the financial table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FINANCES

| | 1969 | | 1970 | |
|---|---|---|---|---|
| | Expense | Percent | Expense | Percent |
| Federal Government | $2,714,596 | 57.1 | $2,979,980 | 53.1 |
| Institutional contribution | 1,968,510 | 41.5 | 2,509,177 | 44.7 |
| Private organizations, business, local and State governments | 25,000 | .5 | 75,000 | 1.4 |
| NCAA [1] | 43,000 | .9 | 43,500 | .8 |
| Total | 4,751,206 | 100.0 | 5,607,657 | 100.0 |

[1] Value of NCAA and ABC television coverage not included.

Mr. TUNNEY. Mr. President, the financial outlay in 1970 was approximately $5.6 million. Translated into programs, this allowed 54 cities in 30 States to conduct 98 programs. There were 45,000 participants and the average length of each program was 26.2 days.

One of the keys to the success of the program is the close instructor-student ratio. There were in 1969 and 1970 one instructor for each 15 students. In 1970, there were 2,736 personnel of which 1,616 were employed from the target disadvantaged area.

Mr. President, I ask unanimous consent that at this point in the RECORD, the complete program statistics and employment statistics be printed in the RECORD, and that sections I, II, and III of the guidelines for the 1971 National Summer Youth Sports program also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM STATISTICS[1]

| | 1969 | 1970 |
|---|---|---|
| Total number of cities served | 54 | 54 |
| Total number of States involved | 26 | 30 |
| Total number of projects | 100 | 98 |
| Total number of participants | 43,000 | 45,000 |
| Average daily attendance | 34,000 | 36,000 |
| Number of meals served to youths | (²) | 779,100 |
| Number of medicals given (major finds—poor teeth, poor hearing, heart murmurs) | (²) | 40,600 |
| Average length of each project | (²) | [4] 26.2 |
| Number of jobs: | | |
| Professionals | 880 | 960 |
| Students | 1,366 | 1,295 |
| Supporting personnel | 410 | 481 |
| Total | 2,656 | 2,736 |
| Target area personnel employed | 1,282 | 1,616 |
| Percentage | 48.6 | 59.0 |
| Average of 1 instructor to each | [3] 15 | [3] 15 |

[1] The 1970 figures are not final since some final project reports are yet to be received.

[2] Figures not compiled in 1969.

[3] Students.

[4] Days.

### I. TITLE

The 1971 National Summer Youth Sports Program (NSYSP '71).

### II. OBJECTIVES

A. To expand opportunities for disadvantaged youths to engage in competitive sports and benefit from sports skills instruction.

B. To help young people learn good health practices and become better citizens by utilizing the personnel and facilities of higher education.

C. To enable the institutions and their personnel to participate more fully in community life and in the solution of community problems.

D. To provide a combination of employment and on-the-job training in sports instruction and administration.

E. To serve the major metropolitan centers of the United States and other needful urban areas, within the limits of program resources.

### III. PROGRAM DETAILS

#### A. PARTICIPATING INSTITUTIONS

1. Eligibility: Selected institutions of higher education which are qualified to serve needful, disadvantaged urban areas (even though the institutions may not be located in such areas) are eligible to participate.

2. Facilities: Institutions must provide facilities (pools, gymnasiums, playing fields, tracks, etc.) and non-expendable equipment (mats, gymnastics apparatus, hurdles, etc.) at no cost to the program. Institutions may utilize facilities other than their own, provided such use is arranged at no cost to the program.

#### B. PARTICIPATING YOUTH

1. Status: At least 90 per cent of the participants in each project shall meet the criteria set forth in the Office of Economic Opportunity Poverty Guidelines for eligibility for participation in Office of Economic Opportunity funded programs. However, special screening systems will not be necessary if 90 per cent of the participants are determined by a system of recruitment and referral by the local Community Action Agency (or delegate agency) based on that agency's knowledge of the individual's eligibility for participation in Office of Economic Opportunity funded programs. An acceptable alternative is for 90 per cent of the participants to be selected on the basis of residency within a target are designated for this purpose by the local community action agency.

2. Age: 10 to 18 years old, inclusive, as of June 1, 1971. If individuals outside this age range are enrolled in a project, they are not to be included in NSYSP '71 budget or attendance figures. For youths of legal working age (16 years and over), experience indicates that evening activity sessions are most likely to prove successful.

3. Sex: All projects must include both boys and girls, proportioned according to interest.

#### C. PROJECT SIZE

A minimum average daily attendance of 200 is required; greater numbers are desired as facilities and staff permit. If attendance consistently falls below the projected figure, replacements must be enrolled promptly to fulfill contractual obligations, and the Project Administrator shall inform the National Program Director of steps being taken to restore an effective project.

#### D. PROJECT DURATION

Minimum project length is five weeks, five days a week, or six weeks, four days a week. Maximum project length is eight weeks. No project may operate less than four days a week or more than six days a week.

Institutions desiring to operate for more than eight weeks may request approval of two consecutive five-week, five-days-a-week projects, provided the two projects would serve separate groups.

A project day may be divided into two or more sessions, provided the projected average daily attendance figure is met by the combined attendance at such sessions.

Projects will operate between June 1 and September 3, inclusive, and must provide each enrollee an average of at least two hours of sports activity per day, exclusive of time required for travel, meals, enrichment program, dressing in and dressing out.

Projects must be continuous and must involve substantially the same youth for the full term of operation.

Up to three days of a project may be utilized for enrollment, medical screenings, orientation and staff briefings.

#### E. CONTENT

1. Activities: Institutions must provide instruction and competition in at least four of these sports: swimming, gymnastics, basketball, volleyball, track and field, soccer, tennis, badminton, touch or flag football, wrestling, or one other sport suitable to local interest and available facilities.

Every project must offer at least two activities suitable for participation by girls. Modern dance and several of the sports listed above are acceptable.

Baseball and/or softball may be approved by the National Program Director under special conditions but are discouraged on these grounds: (a) they are relatively expensive in terms of time, space and expendable equipment; (b) their fitness content is relatively low; and (c) they are intensively promoted and sponsored by other programs.

2. Enrichment Program: Each project must devote a minimum of three (3) hours per week to activities designed to promote sound personal health practices, positive attitudes and better understanding of study and career opportunities. In addition to staff members, representatives of academic disciplines, other institutional resources, private business and community agencies should be utilized in this phase of the project.

3. Nutrition: A daily meal must be provided for each enrollee. Cafeteria meals are preferred, and the minimum requirement is a sandwich, milk and fruit. When staff members take their meals with enrollees and utilize this time for discussion and counseling, their meals may be included in the project budget.

#### F. ENROLLMENT

All youths must be enrolled and their names and addresses recorded. There shall be no fees or incidental charges.

#### G. EQUIPMENT AND SUPPLIES

Each enrollee should supply his own personal gear; e.g., gym shoes and shorts. If an enrollee is unable to provide such equipment, the institution should strive to supply it for him. It is suggested that Community and social agencies and local businesses be asked to assist in this regard.

#### H. MEDICAL SERVICES

1. Screening: Each enrollee must be examined prior to participation in the program. The procedure shall include examination of eyes, ears, nose, throat, teeth, heart and lungs, plus checks for ruptures, hernias and obvious orthopedic defects.

2. A youth should be excluded from a project only if participation would aggravate an existing injury or defect, or constitute a threat to his life or health.

3. Treatment: Medical treatment of injuries and illnesses occurring during the program is required, and such services shall be provided on the same basis as they are provided to enrolled students of the institution.

4. Referral: A youth's family and the appropriate health agency must be informed of any health problem discovered during the screening process or during the course of the project.

5. Fellowship: When a health problem is discovered, the institution shall pursue the matter until the problem receives proper treatment, or until all reasonable opportunities for such treatment have been exhausted.

Institutional responsibility for pre-existing medical problems, or for problems unrelated to NSVSP participation, ends with the conclusion of the project.

#### I. STAFF

Each staff shall have a nucleus of trained professionals, such as coaches, physical education instructors and intramural supervisors, to be assisted by student-athletes and others competent to supervise youth sports activities. A social worker, or a similarly qualified person, may be employed as Liaison Officer to assist in such tasks as recruiting medical referral and followup, record-keeping, but he shall retain responsibility for project performance and compliance with contract.

The project shall provide maximum feasible employment opportunities in all staff categories for qualified poor residents of the target area being served.

#### J. INSURANCE

Arrangements have been made with an insurance company for Accident Medical and Accidental Death and Dismemberment Coverage. The maximum coverage in each of these areas is $5,000 per person per accident. In addition there is third party liability and property damage insurance to protect the participants, the staff, the subcontractor and the NCAA to a maximum for bodily injury contractor and the NCAA to a maximum for bodily injury of $100,000 per person, $300,000 per occurrence, and for property damage of $100,000 per occurrence. ($100 deductible on third party liability and property damage insurance). The cost for this comprehensive coverage is six cents per participant day.

Institutions may purchase insurance individually, provided they can obtain equal or superior coverage at the same or a lower cost.

Enrollment forms for this insurance will be enclosed with each Application for Participation in the NSYSP.

### K. COOPERATION WITH COMMUNITY

The Project Administrator shall familiarize the mayor of the community being served with his project plans and shall exert every effort to coordinate such plans with other local programs in a way which will maximize the effectiveness of the project. After NSYSP Administrative Committee preliminary approval of an Application for Participation, but prior to final approval and allocation of funds, the institution shall obtain written approval of its project signed by the mayor of the community being served. A copy of such approval shall be provided to the NCAA prior to final action on the application.

### L. APPLICATION AND REPORTING PROCEDURES

1. Interested institutions shall complete, in detail, the Application for Participation form. Applications must contain items such as projected average daily attendance, budget request, and proposed program content, facilities, staff schedule, etc.
2. Applications are to be submitted to the NCAA, 1221 Baltimore Ave., Kansas City, Missouri 64105, for consideration and action by the NSYSP Administrative Committee.
3. Participating institutions are required to submit three detailed reports, one at the midpoint of the project and the other two reports following the close of the project. These reports shall be made on prescribed forms and shall be forwarded to the NCAA.

Mr. TUNNEY. Mr. President, this is a program with proven value. I have, in my office, a collection of hundreds of news articles from around the country that endorse the summer youth sports program. I have statements of support from the Governor of Virginia, the mayor of Hartford, the mayor of Portland, the mayor of Omaha, the mayor of Riverside, and many more. The summer youth sports program draws out support from all segments.

Yet last year there was grave danger that the program would not be funded. Both OEO and the administration were reluctant to have it continue under Federal auspices, and the program was omitted from the Federal budget. If it had not been for last-minute addition of a specific authorization in the Senate-House conference, the $3 million appropriation for this summer would not be a reality. OEO was designed to fund programs of an experimental nature for a duration of a year or two, but just because this time period has elapsed is no reason for allowing the program to pass by. At the present time, there is no indication that OEO or any other agency or authority plans funding for this project. Once again, the Congress must step in the breach and must pick up the funding for this program on a long-range basis so that through planning and year-to-year coordination, the full benefits of this wonderful program can be realized. This potential cannot be realized for any program when it lives in year-to-year insecurity as to its very existence.

My bill calls for an authorization of $5 million for fiscal year ending June 30, 1972, $7 million for fiscal year ending June 30, 1973, and $10 million for each fiscal year following up to June 30, 1976.

Mr. President, the summer youth sports program merits as wide support in Congress as it has received around the country. It is within our grasp to offer this unique program to many more American youth in the years to come, and judging from the past, this is a most exciting prospect.

I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2198

A bill to authorize a National Summer Youth Sports Program

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Summer Youth Sports Program Act of 1971."

### STATEMENT OF PURPOSE

SEC. 2. The Congress finds that disadvantaged youth benefit from participation in a program concentrated in the summer months, with an opportunity for continued activities throughout the year, which provides sports instruction and competition in a context of high quality facilities and supervision and includes instruction concerning employment and study and career opportunities, regular association with college instructors and athletes and exposure to college and university campuses. Such program creates an opportunity to help equip these youth with new skills, enhanced appreciation of their abilities and a broader perspective on the educational and employment opportunities available to them. The Congress further finds that such a program has been successfully conducted in recent years by the National Collegiate Athletic Association and various participating colleges and universities in cooperation with the President's Council on Physical Fitness and Sports, that the combination of Federal funds and college resources offers leaders in education and athletics an opportunity and a challenge to perform a needed service which they are uniquely qualified to provide, and that this program should be authorized on a permanent basis.

### PROGRAM AUTHORIZED

SEC. 3. (a) The Secretary of Health, Education and Welfare (hereinafter referred to as the "Secretary") shall make grants or enter into contracts for the conduct of an annual National Summer Youth Sports Program concentrated in the summer months, with opportunity for continued activities throughout the year, designed to offer disadvantaged youth living in areas of concentrated poverty an opportunity to receive educational instruction, sports instruction, and health and nutritional services, and to participate in educational programs and sports competitions.

(b) Programs under this Act shall be administered by the Secretary, through grants or contracts with the National Collegiate Athletic Association or any other qualified national organization of colleges and universities. Each such grant or contract shall contain provisions to assure that the program to be assisted will—

(1) expand educational opportunities for disadvantaged youths, designed to provide an opportunity to engage in competitive sports and benefit from sports skills instruction;

(2) help young people learn good health practices and become better citizens by utilizing the personnel and facilities of higher education;

(3) enable the contractor and institutions of higher education located conveniently to areas of concentrated poverty and their personnel to participate more fully in community life and in the solution of community problems;

(4) provide a combination of employment and on-the-job training in sports instruction and administration; and

(5) serve major metropolitan centers of the United States as well as other areas, within the limits of program resources.

Local projects under any such program will be conducted under approved contracts between the principal contractor or grantee and selected institutions of higher education qualified to carry out a program under this Act.

### PAYMENTS

SEC. 4. (a) Except where the Secretary determines that unusual circumstances make a larger percentage necessary to effectuate the purposes of this Act, a contract under this Act with respect to any program may not provide for payment of more than 80 percent of the direct costs incurred in carrying out the total program. The non-federal share may be cash or in-kind contributions.

(b) Payments under this Act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

### LIMITATION ON ADMINISTRATIVE EXPENSES

SEC. 5. (a) No principal grantee or contractor under this Act may charge any fee for general and administrative expenses of supervising a program assisted under this Act. Each such grantee or contractor shall be responsible for financing all of its own expenses from sources other than this Act.

(b) No institution of higher education with which the principal grantee or contractor enters into a contract under this Act may charge any fee for general and administrative expenses incurred in operating a program assisted under this Act.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $7,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for each fiscal year thereafter prior to July 1, 1976, to carry out the provisions of this Act.

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By Mr. JAVITS (for himself, Mr. KENNEDY, Mr. BAYH, Mr. TAFT, and Mr. TUNNEY):

S. 2200. A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the government more responsive to the needs of the poor and of citizens generally, and for other purposes. Referred to the Committee on Labor and Public Welfare—by unanimous consent.

### ADMINISTRATIVE OMBUDSMAN EXPERIMENTATION ACT OF 1971

Mr. JAVITS. Mr. President, I introduce today as an amendment to the Economic Opportunity Act the Administrative Ombudsman Experimentation Act of 1971, a bill designed to provide for experimentation with the use of the ombudsman concept in government at all levels to assist in making government more responsive to the needs of the poor and of citizens generally.

In this bill, I am joined by my principal joint sponsor and coauthor, Senator KENNEDY, and by Mr. BAYH, Mr. TAFT, and Mr. TUNNEY.

The bill is in two parts:

First, focusing on the Federal Government, the establishment of an Office of Administrative Ombudsman in the legislative branch to conduct demonstration ombudsman programs on a regional basis to deal with individual complaints against Federal administrative actions particularly affecting the poor; and

Second, in respect to State and local government, the establishment of an ombudsman foundation in the executive branch, authorized to initiate and support demonstration projects designed to test the effectiveness of the adoption of the ombudsman concept in respect to the administrative actions of States and municipalities.

### THE NEED FOR EXPERIMENTATION

President Nixon, in his state of the Union address of January 22, 1971, stated:

> Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance . . .
>
> As everything seems to have grown bigger and more complex, as the forces that shape our lives seem to have grown more distant and more impersonal, a great feeling of frustration has crept across the land.

Mr. President, there are many factors which contribute to this diagnosis, but there can be little doubt that administrative abuse on the part of a growing Federal, State, and local bureaucracy is a significant element.

During the last decade, Federal employment increased by 25 percent, State employment grew by 73 percent, and local governmental employment expanded by over 57 percent.

At the present time, one out of every 13 working Americans is employed by the Federal Government—which is spending approximately $350,000 a minute, occupying 421,000 buildings and administering laws contained in 11,749 pages which make up the United States Code.

While all citizens are affected, no group suffers from administrative abuse more than the poor—for no element of our society is more estranged and remote from government.

As the President's National Advisory Commission on Civil Disorders—the Kerner Commission—stated in its March 1968 report:

> We are convinced, on the record before this Commission, that the frustration reflected in the recent disorders results, in part at least, from the lack of accessible and visible means of establishing the merits of grievances against the agencies of local and state government, including but not limited to, the police.

Moreover, while more remote than any element of the society from the administrative process, no group is more dependent upon it. A low-income person is often at its mercy for his very existence—as both the beneficiary and victim of the so-called welfare state.

Federal aid benefiting the poor is projected at $30 billion for 1972—three times the level only 10 years ago.

### THE OMBUDSMAN CONCEPT AND THE AMERICAN EXPERIENCE

Mr. President, the Swedish word "ombudsman" simply means, "one who represents someone." However, the concept has in fact evolved into something more; an ombudsman has become a citizen's grievance officer, and an impartial guardian of the people's rights against governmental abuse.

The traditional ombudsman is a legislatively appointed independent grievance officer with wide-ranging investigatory powers; his effectiveness depends upon public confidence in his integrity and upon his resulting power to publicize administrative abuse, since he has no power to change an administrative decision.

Sweden first established the Office of Ombudsman in 1809; other nations including Finland, Denmark, Norway, West Germany, England, and New Zealand have followed suit. Three Canadian provinces have adopted various forms of ombudsman.

While the term "ombudsman" has found a place in the American vocabulary—as a synonym for a "people's advocate"—efforts to implement the concept in the traditional sense on the State and municipal level have been limited, and almost non-existant on the Federal level.

The American Bar Association resolved, at its annual meeting of delegates in 1969 that:

> State and local governments of the United States should give consideration to the establishment of an ombudsman authorized to inquire into administrative action and to make public criticism.

While legislation for the ombudsman is currently pending in 22 States and two territories, only two States—Hawaii in 1968 and Nebraska in 1969, have adopted it.

The first program on the county level was established in Nassau County, N.Y. on May 31, 1966.

The Office of Economic Opportunity has contributed significantly to the American experience by funding a number of model programs at the State and local levels.

The first OEO experiment—the Buffalo Citizens Administrative Service—was conducted from November, 1967 through March, 1969 in conjunction with the Law School of the State University of New York and handled more than 1,224 complaints, received principally from low-income persons through neighborhood offices and directed, for the most part, at administrative acts of municipal agencies.

The results and conclusions of the experiment prompted additional efforts by the Office of Economic Opportunity. Current OEO projects include programs in the Governor's Office in Iowa, and the programs in King County, Washington, and in the Nebraska Legislature, to which I referred earlier.

The first efforts to implement the concept as to Federal agencies were led by Representative HENRY REUSS of Wisconsin—who introduced a Government-wide ombudsman bill in 1963 and by Senator EDWARD V. LONG who, as chairman of the Subcommittee on Administrative Practice of the Committee on the Judiciary, held the first extensive hearings on the subject of ombudsman, beginning in March 1966.

However, there subsequently developed a consensus among those interested in the ombudsman concept that efforts on the Federal level should be undertaken in a measured way and not in the first instance on a comprehensive scale. This was reflected in another section of the American Bar Association ombudsman resolution, to which I referred earlier. It resolved:

> For the purpose of determining the workability of the ombudsman idea within the federal government, the Administrative Conference should experiment by constituting itself on ombudsman for limited areas of federal activity, and encourage and study experimentation by particular agencies with the ombudsman idea.

There appears now to be a developing viewpoint that the resolution was too restrictive, and I am advised that the American Bar Association will review it at its annual meeting to be held next month.

The Chairman of the Administrative Conference of the United States—which is an independent Federal agency charged with developing improvements in the Federal administrative process—has himself indicated that the original resolution is "unfortunate" in light of the fact that the conference does not possess the staff and resources even for an experimental effort. In a letter dated May 19, 1971, the Chairman, Mr. Roger C. Cramton, states:

> There is no subject that is more important today than the development of expeditious, inexpensive and readily accessible devices for handling citizen inquiries and complaints directed at the performance by Federal officers of their official duties. . . . I feel strongly that no legislative, bar association, or other group should defer action that it thinks appropriate pending the outcome of any Conference study. While coordination between the Conference and other groups interested in the same problem is highly desirable to avoid unnecessary duplication of research effort, this field is large enough for a number of independent studies.

In respect to the second part of the American Bar Association's resolution, while there have been a number of efforts to establish complaint offices within certain Federal agencies, no agency has undertaken the establishment of an office with the independence necessary to constitute an ombudsman in the traditional sense.

### A PROPOSAL FOR EXPERIMENTATION AT THE FEDERAL LEVEL

Mr. President, I propose that we experiment with implementation of the concept at the Federal, State, and municipal level in a manner which will test its application to the poor, while providing the basis for expansion to the citizenry as a whole.

Mr. President, with respect to the Federal level, part B of the bill would establish in the Congress an Office of Administrative Ombudsman.

The office shall be under the direction and control of the ombudsman, who would be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, after consulting with the majority and minority leader of each body.

The bill directs that one of the projects is to be conducted in the District of

Columbia and the remaining in two of the regions established by the Office of Management and Budget for the major Federal agencies.

I think it is very desirable that one of these projects be undertaken in the district—not only because it is under represented in the Congress—but, as President Nixon has acknowledged in a number of other fields relating to the administration of justice—its size and problems and proximity to the Federal establishment make it an appropriate area for demonstration.

In order to maintain focus on the poor and avoid political considerations in the choice of regions, I have included a provision directing the ombudsman to select the other two regions taking into account the extent to which they contain areas having high concentrations of low-income families and low-income residents.

In each of the geographical areas chosen, the ombudsman is authorized to receive and investigate complaints in respect to administrative acts or omissions which might be:

Contrary to the Constitution, Federal law, or Federal regulation;

Unreasonable, unfair, arbitrary, or inconsistent with the general course of an administrative agency's functioning;

Based wholly or partly on a mistake of law or fact; or

Based on improper or irrelevant grounds.

These follow generally the categories contained in the model code prepared by Professor Walter Gellhorn of the Columbia Law School, a leading authority on the subject.

The ombudsman is authorized to receive and act upon complaints concerning four major agencies of the Federal Government—the Departments of Health, Education, and Welfare, Housing and Urban Development, and Labor and the Office of Economic Opportunity, each of which spend at least 25 percent of its budget on the poor. Furthermore, he may act only with respect to programs which relate particularly to the poor: health, education, anti-poverty programs and employment and manpower training programs.

While these areas have been chosen for emphasis on the needs of the poor, I wish to make clear that any citizen complaints in these general areas against one of the agencies specified could be properly entertained by the ombudsman. I wish also to emphasize that I have no intention of making the ombudsman office merely a staff adjunct to the efforts of a particular committee of the Congress and that the bill would permit any standing committee of the House or the Senate to direct the ombudsman to conduct programs in other areas, for example, in veterans matters, prisons, and internal revenue.

A complaint against an administrative action would be submitted to the ombudsman by any person including a public or private agency—since the direct grant process will be a principal focus of complaints—either directly or through a Congressman, or a committee of the Congress.

This departs from the original proposals of Congressman Reuss in the important respect that a complaint under that bill would have been required to be submitted through a Member of Congress in any event.

Direct submittal is particularly important in this instance because of the focus on the poor and their representatives—who often do not know to whom to turn, or are less likely to contact their elected representatives.

However, I wish to state that this experiment is not designed to circumvent the Congress' traditional role. On the contrary, I propose this experiment as one of the Congress, rather than pursuing the option of letting the executive branch experiment alone in this area with the built-in conflict of interests that would result.

After investigation, the Ombudsman may recommend to the administrative agency that it consider the matter further, modify or cancel an administrative act, alter a regulation or ruling, or take any other step, and advise the complainants and other concerned parties accordingly.

The bill requires each agency of the Federal Government within the purview of the act to furnish all information requested by the Ombudsman, with the exception of certain information required to be kept secret in the interests of national defense or foreign policy.

The principal function of the Ombudsman is the investigation of complaints and the correction of administrative abuses. As in the traditional model, the Ombudsman would have no power to alter or cancel an administrative act.

The bill specifically exempts a number of matters, including any direct complaints against State or municipal agencies whether or not they are responsible for administration of the Federal programs.

Such complaints would more properly come within the purview of programs developed under part C, which I shall describe in a moment.

I recognize that this will exclude from the ambit of the experiment a large number of complaints affecting the poor, but it will provide a sound basis for assessing the need for a separate Federal Ombudsman, as a complement to efforts on the State and municipal level.

For part B, there would be authorized $500,000 for fiscal year 1972; $600,000 for fiscal year 1973; and $700,000 for fiscal year 1974.

### AMERICAN OMBUDSMAN FOUNDATION

Part C of the bill would establish an American Ombudsman Foundation as an agency of the executive branch—to expand and focus upon the experimental effort begun by the Office of Economic Opportunity with respect to State and municipal agencies, which now approximate 80,000.

The Foundation would be subject to the supervision and direction of a 15-member Board of Trustees, appointed by the President, with the advice and consent of the Senate. The bill requires that the board be made up in equal numbers of individuals who are former officials of State and governments, professionals and representatives of low-income persons.

It would be authorized to:

Initiate and support research and demonstration projects designed to test the effectiveness of the Ombudsman concept to administrative action of States and municipalities;

Make grants to States and municipalities for programs for the establishment of offices similar to that established under part B;

Provide for the continuing evaluation of programs.

The programs are not to be limited to the subject matter coverage of the more proscribed Federal demonstration programs under part B, but in each case the offices established are to give due consideration to the complaints of low-income persons.

While the principal focus of the Foundation is on the State and local level and upon the general development of information in respect to ombudsman programs, limited authority has been provided to enter into arrangements with appropriate heads of departments or agencies of the Federal Government or with educational institutions to test the application of the ombudsman concept in areas that may not be covered under part B, for example, in respect to the establishment of campus ombudsman programs.

For part C the bill authorizes appropriations of $4 million for fiscal year 1972; $6 million for fiscal year 1973; and $8 million for fiscal year 1974 to carry out the functions of the Foundation. At the present time, OEO is expending approximately $1 million on State and local projects.

The activities under each part are authorized for a period of 3 years, with extensive reporting requirements so as to maximize the benefits of experimentation.

### RELATIONSHIP OF THIS PROPOSAL TO OTHER PENDING PROPOSALS

Mr. President, as the term ombudsman has been used in connection with a number of pending programs, I think that it is appropriate that they be distinguished from the proposal which I make today.

First, it has been frequently said that the Consumer Protection Agency which would be established under S. 1177, the Consumer Protection Act of 1971—essentially the same as the bill passed by the Senate last year—would act as an ombudsman for consumer interests. Although this is true in the general sense, that bill, and the one which I propose today, are directed at very different objectives through differing means.

We are all consumers of both governmental services and goods and services produced in the private market place.

The proposed Consumer Protection Organization Act represents a concerted effort at marshalling governmental action to protect the individual from abuses in the private sector, while the bill which I propose is designed to focus on abuse in the public sector.

However, since the Consumer Protection Agency to be established under the former is entrusted with three basic authorities relating to actions by Government, I wish briefly to note these authorities in terms of their relationship with the activities contemplated for Federal, State, and municipal ombudsman programs funded under my bill.

The Consumer Protection Act of 1971 envisions an agency acting as a consumer advocate authorized to represent the consumer interest by intervening in proceedings before courts, agencies, and departments. But in this role the agency acts as a general consumer advocate for a class of persons and would not be involved in obtaining action on individual complaints. This is underscored on page 8 of Senate Report 91–1331 of the Government Operations Committee on the Consumer Protection Act of 1970, where it is stated that, "the consumer interest is in the protection of consumers as a class, not in the fate of the individual respondent." The ombudsman's function directly relates to the interests of the individual complainant and his relationship with Government and the services to be provided.

The Consumer Protection Agency would be authorized to establish a consumer complaint component to forward complaints to appropriate private or governmental parties. Again, the main thrust is to deal with private abuses in the market place or governmental action or inaction related to such abuses. The authority to refer complaints is to be distinguished from the authority of the ombudsman to investigate and recommend corrective action for individuals.

The authority of the Consumer Protection Agency to fund State and local grant programs under title III of S. 4459—which I authored—like the other authorities is aimed primarily at abuses in the marketplace and it may be assumed that the powers given to State protection agencies would parallel those I have described as given to the proposed consumer agency.

It is, therefore, my expectation that these two proposals will complement each other—dealing as they do with two aspects of consumerism in the broadest sense.

The same general distinctions apply also to the Environmental Protection Agency.

Nevertheless, as further safeguards, part B specifically exempts from the Federal ombudsman jurisdiction any complaint from consumer and environmental areas and part C requires appropriate referral of complaints to any consumer or environmental agency established on the State or municipal level.

It should be remembered also that the ombudsman bill I am introducing today is experimental in nature and is of limited duration. One of its purposes is to explore ways to adapt the concept to existing governmental entities. The Congress subsequently will have the opportunity to review the operation of the ombudsman and its relationship to all levels of government.

Second, I consider it important to comment on the Legal Services program under which attorneys serve as advocates for the poor.

The thrust of that program—which would be continued under both legislative proposals S. 1769 and S. 1305 for its conduct by an independent nonprofit corporation—is on the provisions of legal services. However, it is also true that legal services lawyers now spend a significant portion of their time dealing with matters which are in essence complaints against administrative abuse. For example, the report of the Office of Economic Opportunity for the Legal Services Program for 1969 shows that 9 percent of matters covered were specifically classified as administrative problems—such as State and local welfare, social security—and an additional 5 percent was in subject matter areas where public agencies were likely to be involved, for example, in public housing.

I submit that the overlap should be resolved with deference to the ombudsman programs established under the proposed bill so that legal services attorneys—who now reach less than 20 percent of the target group—can devote more time to activities in the courts as to matters which cannot be resolved through an ombudsman investigation.

Toward that end, and for the purpose of insuring that legal matters outside of the jurisdiction of the ombudsman are given any appropriate legal assistance, the bill provides for mutual referral.

I wish also to distinguish this proposal from the commendable one made by Senator Kennedy to establish a Public Counsel Corporation—S. 1413—to provide for intervention in Federal rulemaking for the poor.

This function—which I understand may be handled to some extent by the independent corporation to be established under either proposed legal services bill—resembles more the general powers of intervention on behalf of a class given to the environmental and consumer agencies, than the power of an ombudsman to conduct an investigation of a particular complaint of an individual.

Mr. President, as Dr. Randy Hamilton, an expert on this subject and Executive Director of the Institute for Local Self-Government, has noted—the ombudsman is not a cure-all and not quite a combination of George Washington, Abraham Lincoln, Moses and Will Rogers. However, an ombudsman can deal with many of the difficulties that affect the relationship between government and the citizenry. I consider it appropriate that we measure that potential by spinning off and building upon this demonstration program conducted by OEO in the manner I have suggested so that these efforts can grow—and like the spinning off of programs such as Head Start—eventually benefit all citizens.

Mr. President, I ask unanimous consent that the following documents be printed in the Record. A letter dated May 6, 1971, from the Office of Economic Opportunity describing its current projects in more detail; the letter dated May 19, 1971, from Mr. Roger Cramton, Chairman of the Administrative Conference of the United States; and a letter dated February 25, 1971, from the Office of Management and Budget describing the administrative regions established by that office.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Office of Economic Opportunity,
*Washington, D.C., May 6, 1971.*

Hon. Jacob K. Javits,
*U.S. Senate, Washington, D.C.*

Dear Senator Javits: In response to your request for information concerning the Ombudsman programs funded by the Office of Economic Opportunity, we are pleased to send you the following information.

Ombudsman programs address the individual citizen's problems with the complexities of bureaucracy. Past experience tends to show that those who benefit most from such programs are the poor, who depend most upon government services for life's necessities, and whose access to redress of grievances is most limited than that of the general public. Ombudsman projects provide an intermediary mechanism for raising issues and insuring that they are answered, thus aiding individual citizens and the poor community as a whole, and increasing the effectiveness of government at all levels.

The role of this office in Ombudsmanship is to build on recent increasing interest in Ombudsman programs, and to create new programs in which benefits to the poor are insured to the fullest extent possible. In the course of conducting experimental program models, we expect to learn more about developing programs dealing directly with government policies, as well as producing a foundation for a possible national emphasis program directed at constant reexamination of the effectiveness of government services in reaching the poor, and the ability of the Ombudsman to be accessible and useful to the poor, as a mechanism for increasing the effectiveness of those services.

Attached is a list of projects funded through the Office of Economic Opportunity in fiscal year 1970. We hope to continue these programs in Seattle-King County, the State of Nebraska, the State of Iowa and the University of California, and to find a new start for the city of Newark, N.J. These programs test the Ombudsman concept at the city, county and State level, in both the executive and the more traditional legislative branches of government.

If I can be of further assistance to you or your staff, please let me know.

Sincerely,

Margaret Gaynor,
*Acting Associate Director for Congressional Relations.*

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Grantee: State of Iowa (Governor).
Announced: June 30, 1970.
Amount: $96,280.
Duration: 12 months.

Description: Provided a central office where citizens may turn for information and help in dealing with state agencies. The office steers citizens to the proper department or agency; refers letters to the proper agencies and follows through to see that the views of citizens are given proper consideration; informs citizens what their rights are in dealing with state agencies and departments; and also assists them in framing their questions, voicing their complaints, and giving their suggestions.

The central office also keeps the Governor and the Legislature informed of people's concerns, problems, and unsatisfied complaints with state agencies.

Grantee: King County, Washington.
Announced: June 30, 1970.
Amount: $115,050.
Duration: 12 months.

Description: The program provides these services:

A central office where citizens may lodge complaints concerning the administrative practices, policies and procedures of county or city agencies.

An independent office to bring about a fairer and more just implementation of law through analysis and correlation of patterns of citizens grievances.

Grantee: Nebraska Legislative Council, Lincoln, Nebraska.
Announced: June 22, 1970.
Amount: $70,503.
Duration: 12 months.

Description: This grant provides for the selection of the Ombudsman; his orientation to the working of the Nebraska state agencies; the orientation of his staff; the investigation of complaints and the reporting of these activities to the legislature.

Grantee: Board of Regents, University of California, Berkeley.
Announced: June 26, 1970.
Amount: $60,070.
Duration: 12 months.

Description: This program reviews and analyzes the current Ombudsman and Ombudsman-like programs in the United States. As the role of an Ombudsman, or the legal representative of the people, is not clearly understood in the United States, research provides valuable material and increases the common knowledge and understanding of Ombudsman and provides a resource center for the development and assistance of Ombudsmen programs.

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### Release June 30, 1970, Office of Economic Opportunity

The state of Iowa has been selected to test the effectiveness of an Ombudsman program, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

To be called the Office of the Citizen's Aide, the Iowa pilot project will run for one year and will be funded entirely by a $96,280 grant from the Office of Economic Opportunity.

"We are making this grant to Iowa because of Governor Robert D. Ray's continued interest in seeing that state government remains responsive and accountable to its people and because of his expressed concern about the inability of government as it grows bigger to be cognizant of and responsive to many of the smaller problems of individual citizens," Rumsfeld said.

The grant will provide:

A central office where citizens may turn for information and help in dealing with state agencies; the office will steer citizens to the proper department or agency; refer letters to the proper agencies and follow through to see that the views of citizens are given proper consideration; inform citizens what their rights are in dealing with state agencies and departments; and also assist them in framing their questions, voicing their complaints, and giving their suggestions.

A central office to keep the Governor and the Legislature informed of people's concerns, problems, and unsatisfied complaints with state agencies.

The program, to be administered by the Governor, is designed to test the general concept of whether citizens' grievances can, in fact, be effectively dealt with at the State level through an Ombudsman-like institution.

American experience with Ombudsman programming is extremely limited. Only one other state (Hawaii) currently has an operating program.

Governor Ray had these comments:

"I am extremely pleased Iowa has been selected to test this concept. I have long advocated the need for someone in State government to 'direct traffic' for our citizens. All government must find new ways to be responsive to individual citizens' needs. Government exists, after all, to help people, but this responsibility sometimes becomes obscured by red tape and lost among voluminous policies and complex practices."

"This experiment will enable us to know whether the Ombudsman-type approach is an effective way to make State government more responsive."

"If it does prove out, I am confident the Legislature will want to continue the program."

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### King County, Wash., To Receive Research Grant for Ombudsman Program

King County, Washington, will receive a $115,050 grant to test an Ombudsman program for low-income residents of King County and the City of Seattle, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

The demonstration program will begin operating as soon as enabling legislation has been passed by the City Council of Seattle. The King County Council has already enacted the necessary legislation.

The program will provide these services:

A central office where citizens may lodge complaints concerning the administrative practices, policies and procedures of county or city agencies.

An independent office to bring about a fairer and more just implementation of law through analysis and correlation of patterns of citizen grievances.

As a research program, this is designed to test the general concept of whether grievances of poor citizens can be effectively dealt with at the local level through the institution of the Ombudsman.

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### Nebraska To Receive Grant for Ombudsman Program

The Nebraska Legislative Council, of Lincoln, Nebraska, will receive a $70,503 grant to provide, for one year, an Office of Public Counsel, or Ombudsman for the State of Nebraska, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

This is one of several similar Ombudsman programs that are being funded by the Consumer and Environmental Branch of the Office of Economic Opportunity.

The problem to be addressed by these series of programs is the frequent inability of governmental agencies to respond to both the individual complaints and the individual needs of citizens. The Office of Public Counsel will try to fill this need. This grant will provide for the selection of the Ombudsman; his orientation to the working of the Nebraska state agencies; the orientation of his staff; the investigation of complaints and the reporting of these activities to the legislature.

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### University of California Will Do Research on Ombudsmen

The Board of Regents, University of California, Berkeley, California, will receive a $60,070 grant to review and analyze the current Ombudsman and Ombudsman-like programs in the United States, it was announced today by the Office of Economic Opportunity.

As the role of an Ombudsman, or the legal representative of the people, is not clearly understood in the United States, the research should provide valuable material and increase the common knowledge and understanding of Ombudsman.

As the Office of Economic Opportunity plans to institute several Ombudsman-like programs the research would also prove valuable to these various programs. It would provide a resource center for the development and assistance of Ombudsmen programs.

Professor Stanley Anderson is the project director.

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Administrative Conference
of the United States,
*Washington, D.C., May 10, 1971.*

Hon. Jacob Javits,
*United States Senate,*
*New Senate Office Building,*
*Washington, D.C.*

My Dear Senator Javits: This is to acknowledge your letter of May 4, 1971, with which you enclosed a draft of the Administrative Ombudsman Experimentation Act of 1971. In accordance with our telephone conversation of May 10, I am pleased to furnish you with a brief statement of the activities of the Administrative Conference in this area.

There is no subject that is more important today than the development of expeditious, inexpensive and readily accessible devices for handling citizen inquiries and complaints directed at the performance by Federal officers of their official duties. The Administrative Conference has underway a number of studies that relate to this vital issue. One such study will attempt to develop basic information with respect to the handling of citizen complaints by Federal agencies and departments. The study will compare the handling of complaints by agency, by type of complaint, and by source of complaint. The information developed by this and other studies will be relevant to the broader question whether an Ombudsman should be created, and if so, the form it should take. The results of this study, however, will not be available for twelve to eighteen months.

While the Conference is engaged in gathering information relating to the Ombudsman, it has not initiated a comprehensive study of all facets of the Ombudsman question nor has it attempted to act as an Ombudsman on an experimental basis. The Administrative Conference does not possess the staff and resources that would be required for even an experimental effort as an Ombudsman. A comprehensive study of the applicability of the Ombudsman concept to the Federal Government would be well worthwhile, but it would be a major undertaking that would consume most of the limited resources of the Conference.

It is these reasons—the inability of the Conference under its present budget to perform all of the necessary research or to undetake an experimental program as an Ombudsman—that have led me to conclude that other groups should not defer to the Administrative Conference before moving ahead in this area. I feel strongly that no legislative, bar association, or other group should defer action that it thinks appropriate pending the outcome of any Conference study. While coordination between the Conference and other groups interested in the same problem is highly desirable to avoid unnecessary duplication of research effort, this field is large enough for a number of independent studies.

It is with this background in mind that I wrote Mr. Bernard Frank, Chairman of the Special Committee of the American Bar Association's Section on Administrative Law, on January 12, 1971, urging him to seek modification of Resolution No. 3 (1969) of the ABA, insofar as it stands in the way of further action by that organization pending study by the Administrative Conference. The Administrative Conference was not aware, until after the Resolution had been adopted, that the ABA would defer further consideration of the Ombudsman question at the Federal level pending further study by the Conference. I think this deferral is unfortunate for the reasons indicated, and I have urged Mr. Frank's committee to seek modification of the Resolution so as to permit his Committee to give this subject such study as may be appropriate. It is my understanding that his Committee is now seeking a change in the language of the Resolution

I trust you will understand that nothing I have said above should be construed as in any way an expression of views on the merits of the draft legislation. Such views as we may have will be submitted at a later date.

I am taking the liberty of attaching a brief statement describing some of the current activities in which the Administrative Conference is engaged.

Sincerely,

ROGER C. CRAMTON,
*Chairman.*

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OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., February 25, 1971.*
Mr. JOHN SCALES,
*Committee on Labor and Public Welfare, United States Senate, Washington, D.C.*

DEAR MR. SCALES: I am responding to your recent conversations with Mr. William Gifford and Mr. Syd Freeman regarding Federal regions.

On March 27, 1969, the President directed HEW, HUD, OEO, SBA and Labor to adopt a uniform system of regional boundaries and regional office locations. The necessary realignments and relocations have been completed and we are moving forward with studies of the feasibility and desirability of other domestic agencies adopting the uniform system. As of today, a number of other agencies have adopted the uniform system or are in the process of doing so. These include OEP, OSC, EPA, and components of the Justice, Transportation and Agriculture Departments. Studies are still underway in the remaining components of these agencies and in Commerce, Interior and GSA.

Enclosed for your information are a map of the uniform regions, copies of the President's directives, and a current list of the agencies that have, or are in the process of adopting the uniform system. You will note that some of the agencies do not have ten regions. In such cases, they have adopted the uniform regional system but combined the standard regions where the program activities could not support ten regional offices.

With respect to your question regarding the Veterans Administration, VA has not been included in the regional boundary studies and we have no plans for including them in the immediate future.

Sincerely,

DWIGHT A. INK,
*Assistant Director.*

REGIONAL BOUNDARY CONFORMITY

| Conformed | Committed |
|---|---|
| 10 regions: | |
| OEO | EPA |
| HUD | CSC |
| SBA | DOT-UMTA |
| HEW | |
| Labor, Manpower Administration | |
| Labor, Bureau of Apprenticeship Training | |
| Justice, Bureau of Prisons, Jail Inspection Service | |
| DOT, Secretarial Representatives | |
| DOT, National Highway Safety Bureau | |
| More or less than 10 regions: | |
| Labor, Management Services Administration, —6 | OEP, —8 |
| Labor, Office of Administration, —8 | DOT, FAA, —11 |
| Labor, Bureau of Labor Statistics, —8 | |
| Labor, Bureau of Labor Standards, —7 | |
| Labor, OFCC, —11 | |
| Justice, LEAA, —7 | |
| Justico, Bureau of Prisons, CSD, —7 | |
| Justice, CRS, —5 | |
| DOT, Federal Railroad Administration, —8 | |

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### STATEMENT BY THE PRESIDENT ON RESTRUCTURING OF GOVERNMENT SERVICE SYSTEMS

The Reorganization Act which the Congress has passed and which I am signing today gives the President important tools in his effort to make the machinery of government work more effectively. As a part of that same effort, I am announcing today certain structural changes which I am making in the systems through which the government provides important social and economic services.

It was possible for me to take these particular actions without the authority extended under the Reorganization Act. I announce them at this time, however, because they provide specific illustrations of ways in which we can make significant improvement in the quality of government by making it operate more efficiently.

This restructuring expresses my concern that we make much greater progress in our struggle against social problems. The best way to facilitate such progress, I believe, is not by adding massively to the burdens which government already bears but rather by finding better ways to perform the work of the government.

The work is not finished when a law is passed, nor is it accomplished when an agency in Washington is assigned to administer new legislation. These are only preliminary steps; in the end the real work is done by the men who implement the law in the field.

The performance of the men in the field, however, is directly linked to the administrative structures and procedures within which they work. It is here that the government's effectiveness too often is undermined. The organization of federal services has often grown up piece-meal—creating gaps in some areas, duplications in others, and general inefficiencies across the country. Each agency, for example, has its own set of regional offices and regional boundaries; if a director of one operation is to meet with his counterpart in another branch of the government, he often must make an airplane trip to see him. Or consider two federal officials who work together on poverty problems in the same neighborhood, but who work for different Departments and, therefore, find themselves in two different administrative regions, reporting to headquarters in two widely separated cities.

Coordination cannot flourish under conditions such as that. Yet without real coordination, intelligent and efficient government is impossible; money and time are wasted and important goals are compromised.

This is why I said in the campaign last fall that "the need is not to dismantle government but to modernize it." The systematic reforms I announce today are designed to help in that modernization process. I would discuss those reforms under three headings: rationalization, coordination and decentralization. It should be recognized, of course, that the three elements are interdependent. Without one the others would be meaningless.

I. The first concern is to rationalize the way our service delivery systems are organized. I have therefore issued a directive which streamlines the field operations of five agencies by establishing—for the first time—common regional boundaries and regional office locations. This instruction affects the Department of Labor, the Department of Health, Education and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration. The activities of these agencies—particularly in serving disadvantaged areas of our society—are closely related. Uniform boundaries and regional office locations will help assure that they are also closely coordinated.

The eight new regions and the locations of the new regional centers are as follows:

*Region I* (*Boston*)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

*Region II* (*New York City*)—New York, New Jersey, Puerto Rico, and the Virgin Islands.

*Region III* (*Philadelphia*)—Delaware, District of Columbia, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia and West Virginia.

*Region IV* (*Atlanta*)—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

*Region V* (*Chicago*)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.

*Region VI* (*Dallas-Fort Worth*)—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

*Region VII* (*Denver*)—Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

*Region VIII* (*San Francisco*)—Alaska, Arizona, California, Guam, Hawaii, Nevada, Oregon, and Washington.

I am asking all other federal agencies to take note of these instructions, and I am requesting that any changes in their field organization structures be made consistent with our ultimate goal: uniform boundaries and field office locations for all social or economic programs requiring interagency or intergovernmental coordination.

My directive also asks that the five Departments and agencies involved provide high-level representation in cities where regional offices do not exist. Such physical relocations as are required will be made over the next eighteen months, with special efforts to minimize disruptions to the programs, the employees, and the communities involved.

II. The second step in this reform process emphasizes coordination. It calls for an expansion of the regional council concept from the four cities where it presently operates (Chicago, New York, Atlanta, and San Francisco) to all eight of the new regional centers. The regional council is a coordinating body on which each of the involved agencies is represented. It offers an excellent means through which the various arms of the federal government can work closely together in defining problems, devising strategies to meet them, eliminating friction and duplications, and evaluating results. Such councils can make it possible for the Federal government to speak consistently and with a single voice in its dealings with states and localities, with private organizations, and with the public.

III. The third phase of this systematic restructuring of domestic programs focuses on decentralization. I am asking the Director of the Bureau of the Budget to join with the heads of nine departments and agencies in a review of existing relationships between centralized authorities and their field operations. Participating in the review will be the Departments of Agriculture; Commerce; Health, Education and Welfare; Housing and Urban Development; Labor; Transportation; Justice; the Office of Economic Opportunity; and the Small Business Administration.

This review is designed to produce specific recommendations as to how each agency: (1) can eliminate unnecessary steps in the delegation process; (2) can develop organizational forms and administrative practices which will mesh more closely with those of all other Departments; and (3) can give more day-by-day authority to those who are at lower levels in the administrative hierarchy. Decentralized decision-making will make for better and quicker decisions—it will also increase cooperation and coordination between the Federal government on the one hand and the states and localities on the other. Those Federal employees who deal every day with state and local officials will be given greater decision-making responsibility.

Again, this action is a concrete manifestation of a concern I expressed during the campaign: "Business learned long ago that decentralization was a means to better performance. It's time government learned the same lesson."

Some of the reforms which I am announcing today have been urged for many years—but again and again they have been thwarted. This inertia must be overcome. Old procedures that are inefficient, however comfortable and familiar they may seem, must be exchanged for new systems which do the job as it must be done.

The particular reforms I have discussed

here are part of a broad and continuing process of restructuring the basic service systems of government. The reorganization of the Manpower Administration in the Department of Labor—announced on March 13—is another example of this process. So are the reforms which are being made in the postal system and in the Office of Economic Opportunity.

I have established both the Urban Affairs Council and the Office of Intergovernmental Relations in part so that the government could be better advised on additional improvements in service systems. Further systematic restructuring is on the way. Each reform, I believe, will have a major impact on the quality of American government—an impact which will benefit all of our citizens—in all parts of our country—well beyond the lifetime of this Administration.

The Federal government has been assigned many new responsibilities in the last several decades—many of which it carries and many of which it fumbles. Many of the disappointments and frustrations of the last several years can be blamed on the fact that administrative performance has not kept pace with legislative promise.

This situation must be changed. The actions I announce today are important steps toward achieving such changes. By rationalizing, coordinating, and decentralizing the systems through which government provides important social and economic services, we can begin at last to realize the hopes and dreams of those who created them.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION SUMMARY OF THE ADMINISTRATIVE OMBUDSMAN EXPERIMENTATION ACT

### TITLE IV—THE ADMINISTRATIVE OMBUDSMAN

### *Part A—General provisions*

SEC. 901. *Statement of finding and purpose.* This section expresses the principal purpose of the Act—to explore the possibility of implementing the concept of an ombudsman at each level of government to make government more responsive to the needs of low-income persons and other private citizens and to increase the confidence of such persons in each level of government.

SEC. 902. *Definitions.* This section defines the terms "administrative act", "agency", "low-income person", "municipality", and others.

SEC. 903. *Effective Date.* This section provides that the Act is effective immediately upon enactment.

SEC. 904. *Duration.* This section provides that the programs authorized under this title shall terminate ninety days after the end of fiscal year 1974.

### *Part B—Office of the Administrative Ombudsman*

SEC. 911. *Establishment of Office.* This section establishes the Office of the Administrative Ombudsman in the legislative branch of government (subsection a).

The ombudsman is jointly appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives after consulting with the majority and minority leaders of each House, and solely on the basis of his expertise in analyzing administrative and problems of law. The ombudsman shall not be a candidate or holder of any elected office nor shall he engage in any other employment. (subsections (b) (c))

The ombudsman serves for a term of three years unless removed for cause, by ⅔ vote of each House. The deputy ombudsman assumes the function of the ombudsman when the ombudsman is incapacitated. (subsections (d), (e), (f))

SEC. 912. *Duties of the Ombudsman.* This section authorizes the ombudsman to conduct three demonstration projects—one of which shall be in the District of Columbia and two of which shall be in administrative regions established by the Office of Management and Budget—under which investigations will be made, upon referral of a written complaint from any person, of any administrative act contrary to the Constitution or to federal law, arbitrary, unreasonable, based wholly or partly on mistake of fact or law, or based on improper or irrelevant grounds.

Under the bill, the demonstration projects are limited to acts of the Department of Labor, Health, Education and Welfare, Housing and Urban Development, and the Office of Economic Opportunity in the following subject areas: health, education, antipoverty programs and employment and manpower training programs.

The bill provides however, that the ombudsman may conduct such other similar projects when authorized to do so by any standing committee of the Senate or House.

The ombudsman is required, in selecting administrative regions, to give consideration to the number of low-income individuals and concentrations thereof in such regions.

SEC. 913. *Organization of Office.* This section contains general authority for the ombudsman to appoint personnel for his office; to delegate authority to such personnel; to cooperate with and refer matters where appropriate, to the Administrative Conference of the United States and the legal services programs; to conduct private hearings; and issue regulations.

The ombudsman is also required to prepare and submit annually to the President, the Speaker, and to the President *Pro Tempore* of the Senate, a report on his activities and he is also directed to submit a final report setting forth recommendations for the adoption of the ombudsman concept by agencies of the federal government.

SEC. 914. *Exempted Matters.* This section provides that the ombudsman shall not investigate complaints regarding matters of foreign affairs; administrative acts not included under the definitions; matters occurring outside the United States; personnel matters relating to federal government employees and members of the Armed Services; and matters occurring more than one year prior to enactment.

In addition, the ombudsman is given discretionary authority to decline investigation of complaints he deems to be frivolous and in certain other categories.

SEC. 915. *Recommendations.* This section authorizes the ombudsman, after investigation of a complaint, to recommend that an agency give the matter further consideration; modify a ruling or regulation; or more fully explain an administrative act.

The ombudsman is authorized to recommend such further action as he deems necessary and he may require the agency concerned to inform him of any actions taken upon his recommendations or the reasons for not complying therewith.

Before announcing a conclusion or recommendation, the ombudsman shall provide the agency with an opportunity to take appropriate responsive action or to have its comment or reply appended to such conclusions or recommendations.

SEC. 916. *Availability of Information.* All government agencies are directed to furnish the ombudsman with such information, reports, etc., as he shall require with the exception of matters required to be kept secret relating to national defense or foreign policy.

SEC. 917. *Ombudsman's Immunities.* This section precludes court review of the ombudsman's proceedings, opinions, or expressions. (subsection a)

The ombudsman and his staff are immune from civil prosecution for official acts or omissions (subsection b) and cannot be compelled to testify or provide evidence in any judicial or administrative proceeding as to matters within his official cognizance. (subsection c)

SEC. 918. *Rights and Duties of Witnesses.* This section authorizes the payment of fees and travel allowances to witnesses before the ombudsman as are provided witnesses in the courts of the United States.

SEC. 919. *Effects on Other Laws.* This section provides that no remedy or right of appeal afforded under any law or regulation shall be limited by this Act.

SEC. 920. *Authorization of Appropriations.* This section authorizes $500,000 for the fiscal year 1972; $600,000 for fiscal year 1973; and $700,000 for fiscal year 1974 to be disbursed by the Secretary of the Senate upon vouchers approved by the ombudsman.

### *Part C—American Ombudsman Foundation*

SEC. 931. *Establishment.* This section establishes the American Ombudsman Foundation as an agency in the executive branch of tho government.

The Foundation shall be subject to the direction of a fifteen member board of trustees appointed by the President with the advice and consent of the Senate: Five members are to be former State and local government officials; five are to be from private life; and five are to be low-income persons or their representatives. The ombudsman under Part A is an *ex officio* board member. (subsection b)

Trustees shall serve staggered three year terms. (subsection b)

SEC. 932. *Foundations Officers.* This section directs the President to appoint, with the consent of the Senate, a Director and Deputy Director for three year terms.

SEC. 933. *Authority of the Foundation.* This section authorizes the foundation to conduct research and demonstration projects to test the effectiveness of implementing the ombudsman concept at the state and local level; to make grants to States and municipalities for the establishment or strengthening of ombudsman officers similar to the Administrative Ombudsman Office established by Part B; to arrange with federal agencies or with education agencies conducting nonprofit research for ombudsman demonstration projects; to provide upon request, states and municipalities with technical assistance; and to collect, analyze and disseminate information as well as to conduct continuing, independent program evaluations.

The foundation is required to submit to the Director, the President and to the Congress a final report on its activities.

In making grants, the foundation shall ensure due consideration is given to low-incomo persons (subsection b). However, programs financed by the foundation are not limited to the subject matter areas specified in Sec. 902.

Payments shall be made upon application, in a manner approved by the Board. (subsection c)

SEC. 934. *Grant Limitations.* This section limits grant awards to 90% of the program cost unless waived by the Director due to special circumstances; grants may not cover land or building acquisition; and grants must be made on terms assuring independent program evaluation.

SEC. 935. *Administrative Provisions.* This section contains general administrative authority for the foundation to prescribe regulations; appoint personnel; make expenditures, and other necessary authority.

SEC. 936. *Authorization.* This section authorizes appropriations to the foundation of $4 million for fiscal year 1972; $6 million for fiscal year 1973; and $8 million for fiscal year 1974.

Mr. JAVITS. I send the bill to the desk for appropriate reference, and ask unanimous consent that it be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, during the past decade, we have witnessed a series of bureaucratic explosions as the Congress enacts new laws and as the President orders still another executive reorganizaion. The rapid expansion of government has extended to the State and local levels as well.

In 1957, 8 million persons were employed by Federal and local governments. Today, nearly 13 million persons are employed by all agencies of government.

Too often the average citizen is bewildered by this proliferation of bureaucracies. His legitimate grievances find their way slowly, if ever, through the administrative tangle of rules, regulations, and procedures.

For the knowledgeable citizen, it is difficult. For the poor, it is virtually hopeless. When both Ralph Nader and President Nixon agree that most Americans are "fed up with government at all levels," the call to action is complete.

Today, Senator Javits and I are introducing the Administrative Ombudsman Experimentation Act of 1971 to right the balance in favor of the citizen. It is time to tame the bureaucracy, and the ombudsman is the way to do it.

This bill is offered as an experiment in informal grievance solving at Federal, State, and local levels of government. For that reason, it is presented as an amendment to the extension of the Economic Opportunity Act of 1964. We can test the ombudsman concept best where the need is greatest—among low income persons with the least access to effective redress of grievances.

The National Advisory Commission on Civil Disorders found that the frustrations reflected in urban disorders resulted in part from the inability of citizens to establish the merits of their complaints against local and State governments. The Kerner Commission went on to recommend formal mechanisms for processing grievances. The ombudsman system can be such a mechanism.

The ombudsman bill we are introducing today is the first step to give the citizens a method to slice through the gordian knot of bureaucracy.

First, it will establish an Office of Administrative Ombudsman at the Federal level, responsible to the Congress, to receive and act upon individual complaints directed at the Departments of Labor, Health, Education, and Welfare, Housing and Urban Development, and the Office of Economic Opportunity.

The Ombudsman will be an independent expert in the operations of the Federal Government, assisted by his own investigative staff, easily accessible to the public, and empowered to recommend and publicize his recommendations.

Second, the bill establishes an American Ombudsman Foundation to provide grants and technical assistance to States and municipalities to experiment with and test the effectiveness of ombudsmen at those government levels. The needs for access to prompt and effective government action are just as vital within a State and local officialdom as they are at the Federal level, and the increasing involvement of State and local governments in the programing of Federal funds results in increased Federal responsibility to insure that those governments respond to citizen grievances.

The bill being introduced today complements legislation I introduced earlier this session to create a Public Counsel Corporation to represent the public interest at Federal rulemaking procedures.

The Public Counsel Corporation would be the public advocate at administrative proceedings to carry on the work that public interest law firms have begun.

While the Public Counsel Corporation will be a vehicle for representing the general public during Federal rulemaking proceedings, the ombudsman will be a vehicle to investigate individual complaints against the way Government agencies administer those rules.

Upon receipt of a written complaint from any person, the ombudsman would investigate and determine whether remedial action by the government agency is necessary. He then could publish that recommendation and require the agency to file notices of compliance or reasons for failing to act. Ultimately he could recommend legislation to the Congress.

At a time when institutions are under public attack for failing to respond to the individual citizen, Congress cannot sit idly by without seeking some way to redress the balance. Government for the people has been a slogan honored most in the breach, as all levels of government have expanded beyond the wildest dreams of our forefathers. The ombudsman is one means of returning the Government to the people.

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By Mr. BAKER:

S. 2201. A bill to amend the servicemen's group life insurance program to extend for 120 days to 1 year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his servicemen's group life insurance to an individual policy of life insurance. Referred to the Committee on Veterans' Affairs.

Mr. BAKER. Mr. President, now that the questions concerning the feasibility of ending the draft in 1971 have been answered, I wish to make the record perfectly clear. I voted against H.R. 6531 in hopes of ending this year the longest draft in this Nation's history. Instead military conscription in the United States will continue into 1973 and complete a quarter century in which this country has maintained a draft law calling for involuntary servitude in the Nation's Armed Forces. I contend that the time has come for this Nation to reorder its military objectives and begin planning for the 1980's and 1990's.

This planning should begin with the concept of a volunteer Army. Therein lies my reason for opposing the 1971 Amendment to the Selective Service Act. Although the Army is earnestly working toward the implementation of this concept, I believe that it could and should be done sooner. I am heartened by the inclusion of several amendments which may hasten the day when conscription by draft is only a backup system used for ultimate national defense or meeting the most extreme military emergencies. Particularly the Allott amendment should go a long way toward enacting a volunteer army if the increased pay scales in the lowest grades are maintained. Such wage increases are necessary to obtain the quality of volunteer soldiers vital to a truly professional team upon which our Nation depends. Providing a challenging, dignified, and well balanced Armed Forces to cope with the foreign and domestic problems of the next few decades should be a primary concern of this Congress.

As the war in Southeast Asia subsides and we plot the national course for the future, let us be mindful of the stigma that our younger generations attach to the military draft. Along with President Nixon, I am hopeful that we shall at last have a generation of peace; but, I also fear that our need for a strong, viable military cannot be dispensed with, at least for the immediate future. However, a basic foundation of our democratic society is repugnant to the institution of a standing draft. The current draft has continued since 1948. Let it end in 1973; 25 years is long enough.

I would now like to turn to the future leadership of America and, specifically, I mean the veterans of the Vietnam conflict. At present we have over 2.5 million American servicemen who have gone to South Vietnam and returned. We have over 5 million who have served on active duty during the Vietnam conflict era—August 4, 1964, to the present. And this figure, in my opinion, is not precise, as the first American was killed in Vietnam on January 2, 1961. These veterans, as those of other wars, will make up the nucleus of future leaders of this Nation. But this group of responsible Americans have not been greeted like those of other wars. We hear that in certain segments of society these veterans are antiheroes. It is imperative to our Nation that we insure that these veterans do not feel that service and responsibility given to their country in the prime of life was wasted or unappreciated by their fellow Americans.

I wish to commend my colleagues, Senator HARTKE and Senator MATHIAS, and their cosponsors for entering legislation which would upgrade and make realistic the veterans education program—the GI bill. In support of this legislation, I ask unanimous consent to have printed in the RECORD a comparison of educational costs and allowances compiled by the Veterans' Administration.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

TABLE II.—COMPARISON OF EDUCATIONAL COSTS AND ALLOWANCES (IHL) 55 MONTHS AFTER GI BILLS WERE ENACTED

| | Average tuition | VA allowance[1] | Allowance, less tuition | Percent enrolled public and private | Weighted combined allowance less tuition |
|---|---|---|---|---|---|
| December 1948: | | | | | |
| WW:II, public IHL | $140 | $675 | $675 | 47.8 | |
| In 1970 constant dollars | 231 | 1,115 | 1,115 | | $1,115 |
| WW:II, private IHL | 396 | 675 | 675 | 52.2 | |
| In 1970 constant dollars | 654 | 1,115 | 1,115 | | |
| March 1957: | | | | | |
| Korean conflict public IHL | 173 | 990 | 817 | 61.8 | |
| In 1970 constant dollars | 247 | 1,416 | 1,169 | | 941 |
| Korean conflict private IHL | 589 | 990 | 401 | 38.2 | |
| In 1970 constant dollars | 843 | 1,416 | 573 | | |
| December 1970: | | | | | |
| Post-Korean public IHL | 339 | 1,575 | 1,236 | 77.8 | |
| (In 1970 constant dollars) | | | | | 950 |
| Post-Korean private IHL | 1,627 | 1,575 | (52) | 22.2 | |

[1] Single veteran rate, 9-month school year.

Mr. BAKER. This table shows that the current VA education allowance for a single veteran will not pay the average 1970 tuition of private colleges; not to mention books, room, board, or other subsistence normally considered to be covered by the GI bill payments.

The table shows that average tuition for public schools is $339 per year. This figure seems to me a bit low, but assuming its current validity, I find it difficult to fathom how a veteran can pay for rent, utilities, food, books, and so forth in today's college communities for $137 a month. It is my understanding that most of our veterans must work or take loans to meet their education expenses.

There is another area besides educational benefits that I believe needs upgrading, and that is in the veterans' insurance field. Currently, the Vietnam veteran has 120 days to convert his Servicemen's Group Life Insurance to a commercial policy at the standard rates. While on active duty the serviceman pays a monthly premium of $3 for $15,000 term insurance and this insurance covers him for 120 days after his discharge. During the 120 days he may convert this term policy to an ordinary life policy with any one of over 600 qualified private insurance companies. The conversion policy, in fact, only benefits the physically disabled or substandard risk veterans, as without this program the disabled would have to pay significantly higher premium rates. The physically qualified Vietnam veteran, unlike veterans of our other wars, does not have the opportunity to purchase low-cost life insurance. He only has the 120-day term coverage after discharge without premium payments.

I would like to now introduce a bill that would extend the conversion period to 1 year.

This bill would provide for 1 year $15,000 life insurance coverage for each veteran and guarantee his insurability for that 1 year. I feel that 1 year is a more realistic time for the Vietnam veteran to leave service, settle down and find employment such that he can afford to purchase continuing life insurance. This time frame would also encompass those veterans who may leave service with a latent disease or drug addiction problem.

This bill would open the conversion program for 1 year from date of enactment for all veterans of the Vietnam era who had not previously converted. At present there are fewer than 38,000 substandard risk veterans who have converted under the serviceman's group life insurance programs. Those who have converted prior to June 25, 1970, when the $10,000 ceiling was raised by Congress to $15,000, would now be eligible for the additional $5,000. Also those veterans leaving active duty between August 4, 1964, and September 29, 1965, before the servicemen's group life insurance went into effect would be eligible under this bill.

The cost factor of this program is uncertain as there is no way of determining how many veterans would take advantage of it and how many substandard risks would be involved. There would only be a 1-year Federal outlay, as after the first year the program would be self-sustaining by an approximate 10-percent increase of the monthly premium payments of those servicemen on active duty participating in servicemen's group life insurance—that is, $3.30 in lieu of the $3 current monthly premium.

Although the Senate in 1969 passed a bill to reopen veterans life insurance for all Vietnam veterans, the House blocked it due to the feeling that the Government should not be a competitor in the insurance field. This bill meets that objection and it will give Vietnam veterans a substantial period, 1 year, of term insurance without any premium payments and provide a substantial service for the most deserving of all Americans—the disabled veteran.

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By Mr. STEVENSON (by request):

S. 2203. A bill to amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia:

S. 2204. A bill to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes;

S. 2205. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes;

S. 2206. A bill to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes;

S. 2207. A bill to authorize the government of the District of Columbia to engage in certain activities designed to effect community development;

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; and

S. 2209. A bill relating to crime and law enforcement in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. STEVENSON. Mr. President, I introduce "by request" the following seven bills as part of the legislative package of the government of the District of Columbia:

1. To amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia.

2. To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, and the District of Columbia Traffic Act of 1925, in order to promote increased traffic safety, and for other purposes, to be cited as the "District of Columbia Motor Vehicle Act."

3. To provide for improvements in the administration of the government of the District of Columbia, and for other purposes, to be cited as the "District of Columbia Administrative Improvements Act."

4. To revise the procedural and administrative provisions of the District of Columbia taxing laws, and for other purposes.

5. To authorize the government of the District of Columbia to engage in certain activities designed to effect community development, to be cited as the "District of Columbia Community Development Act."

6. To improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes.

7. Relating to crime and law enforcement in the District of Columbia, to be cited as the "District of Columbia Law Enforcement and Criminal Justice Act."

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By Mr. STEVENSON (for himself and Mr. PERCY):

S. 2211. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENSON. Mr. President, it is not often that we in the Congress have the opportunity to honor a prophet and patriot in his own time. Senator PERCY joins me in suggesting that we have just such an opportunity in the bill we introduce today to name the soon-to-be-developed national park along the southern end of Lake Michigan in Indiana, the Paul H. Douglas National Lakeshore.

That Paul H. Douglas is a man of vision is well known to anyone who had the honor of serving with him in this Chamber.

The Area Development Act of 1961 and the Economic Development Act of 1965, the medicare bill of 1965, the 1960 and 1964 Civil Rights Acts, the Housing and Urban Development Act of 1965, and the Truth-in-Lending Act of 1967 are but a few examples of the legislation whose beginnings can be traced to lonely fights undertaken by Senator Douglas long before the passage of such landmark legislation became a political reality. Paul Douglas was never afraid to stand alone. For me he set the standard of political leadership and courage. When he undertook a fight, it was to plead the cause of human concern and human dignity for those who all too often are not adequately represented in our legislative process. Among all these struggles, the fight to preserve the Indiana Dunes perhaps best characterizes the vision, the hope, and the courage that have assured Paul H. Douglas a special place in American political history.

Paul and Emily Douglas had a summer cottage in the dunes when he taught economics at the University of Chicago following his service in the Pacific during World War II. It may have been during this time that Senator Douglas developed his concern about the dehumanizing effects of an industrial age on life in the big city and the need to maintain easily accessible open space where city dwellers could rediscover themselves.

It was no surprise that he took up the cause of the Indiana Dunes. Against the opposition of powerful business interest, Paul Douglas carried on the battle. It was Paul Douglas who aroused the conservation groups and public opinion. It was Paul Douglas who almost single-handedly enlisted the support of Presidents Kennedy and Johnson. It was Paul Douglas who enunciated and persevered in the commonsense principle of bringing a national park to an urban people.

After an often discouraging fight extending over more than 9 years, Congress authorized the establishment of the Indiana Dunes National Lakeshore in November 1966. Without his persistence and without his determination that this important part of our national heritage be preserved, all of it would have gone the way much of it has already gone, destroyed by invading industry and lost to posterity.

Like much of Senator Douglas' work, it still is not finished. Today, some 5 years after the establishment of the park, there are still those who would destroy what Senator Douglas fought to preserve. Manmade breakwaters are endangering over half the dunes' beaches through unchecked erosion of the lakeshore. And most significantly, the park's 8,000 acres still sit undeveloped, unused, and undedicated.

Officials of the National Park Service informed me 2 weeks ago of their willingness to move their original schedule for development up 1 year so that the first planning funds can be appropriated in fiscal year 1972. Senators PERCY, BAYH, HARTKE, and several Members of the Indiana congressional delegation joined me in urging that funds for dunes development be made available in the fiscal year 1972 budget. Yesterday, the House approved and sent to the Senate an appropriations bill that includes $455,000 in planning funds for the lakeshore. After a 9-year fight, and a 6-year wait, it will not be long before the official dedication ceremonies are held. If future appropriations can be made available on schedule, there is some chance the park can be completed within 20 years of the time Senator Douglas started fighting for it.

What better way to help insure that this vision becomes a reality and also pay tribute to the man most responsible for bringing it about than to have the park dedicated at that ceremony as the Paul H. Douglas National Lakeshore. Back in 1958 at the beginning of his fight, Senator Douglas pleaded with a Senate that was not quite ready:

> With all humility I ask for your support of this bill to create the Indiana Dunes National Monument. I ask it in the name of the people of Indiana to whom it should belong forever; the people of Illinois who depend upon it; the people of the United States who are growing ever more alert to their disappearing natural resources; and the people, the millions upon millions of people who are yet to be born who cannot live and grow and be happy in a tight little world of factories, of smoke, and noise and unrelieved pressures.

Paul H. Douglas was a man of vision and courage who represented and fought for those "millions upon millions of people" who are the real, but often unrepresented, strength of this country.

It is not often we are asked to name a national park after a living person; but it is not often that a man becomes a legend in his own time. It is only proper that those "millions upon millions of people who are yet to be born" have a reminder of their debt to this great man.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the national lakeshore established pursuant to the Act of November 5, 1966 (80 Stat. 1309), known as the Indiana Dunes National Lakeshore, shall hereafter be known as the "Paul H. Douglas National Lakeshore", and any law, regulation, map, document, or record of the United States in which such lakeshore is designated or referred to under the name Indiana Dunes National Lakeshore shall be held to refer to such lakeshore under and by the name of the "Paul H. Douglas National Lakeshore".

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By Mr. HUMPHREY:

S. 2212. A bill to provide Federal crop insurance against loss of investment. Referred to the Committee on Agriculture and Forestry.

### FEDERAL CROP INSURANCE ACT

Mr. HUMPHREY. Mr. President, I am introducing a bill today to amend the Federal Crop Insurance Act to provide crop coverage based upon the cost of investment on the insured farm, subject to such adjustments as the Crop Insurance Board may prescribe. Presently, farmers' crops are insured on an area basis at a maximum level of 75 percent of the average yield or the investment in the insured crops on the farm.

The bill I am introducing expands and adds flexibility to the program. Most farmers invest far more in growing their crops than the area average and obtain much higher yields than average for the area. Insurance limited to 75 percent of the average yield for the area is too low to cover out-of-pocket costs incurred in producing the crops on yielding farms in many cases.

Also, under the present method of offering such protection, a farmer is often penalized if he farms in a county or area that has experienced years of lower yields. Such lower yields reduce the average yield which in turn is used to compute the amount of coverage he can secure. On the other hand, the amount of investment required to produce a crop in that county is the same as in other areas, including those producing higher yields.

Mr. Stanley Stephenson, president of our Minnesota FCIC Agents Association, told me the following to illustrate how the current method of extending coverage does not cover crop investment in his county:

> This county has an average coverage for corn of 30 bushels per acre. The average investment per acre will equal about 65 bushels per acre. If the farmer were to harvest 40 bushels per acre he would not have a loss for which he could collect insurance but he could be losing enough of his investment to be forced to quit farming.

Although the amendment I am introducing to the Federal Crop Insurance Act may cost the farmer somewhat more in premiums, he will have the opportunity to purchase the amount of protection that he wants in relation to his actual investment in the crop.

I also recognize that a sound actuarial and administrative means must be developed to make the program I am recommending both workable and operational. One method that could be employed in developing such data might be to subdivide the areas to be extended such coverage into low and high yielding—and investment per acre—sectors, and develop separate actuarial tables and premium rates for the two segments of the areas.

Although this approach may not initially be feasible on a national basis, I know of no reason why it could not be done on a limited or experimental basis. A national program could be undertaken as the Corporation developed and perfected the methods required to make the program workable and operational on a larger scale.

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By Mr. HUMPHREY:

S. 2213. A bill for the relief of certain separated former employees of railroad terminal companies who formerly performed certain discontinued mail handling functions in and about railroad terminals. Referred to the Committee on the Judiciary.

### SEVERANCE PAY FOR DISPLACED POSTAL WORKERS

Mr. HUMPHREY. Mr. President, the new operation of the U.S. Postal Service is having a disquieting effect on jobs in many cities across this country.

The new system is causing many private terminal companies who use union labor to lay off hundreds of employees.

The reason for this is that the United States Postal Service has elected to change the mail handling procedures. Now procedures call for removing mail from railway cars at downtown facilities and transporting it by trucks either over the road or in railway piggyback service to new suburban facilities.

As a result of this new policy, about 300 employees of the St. Paul Union Depot Co., which has been handling U.S.

mail since the station was completed in 1923, will be affected by the switch.

These 300 people are scheduled to lose their jobs shortly after the first of the year when a new building and sortation system is put in use in suburban New Brighton.

Also lost will be vacation, holiday, insurance, and other benefits negotiated by the union representing the employees.

It is doubtful that the displaced workers will be able to locate new jobs under the existing high unemployment conditions.

At least two-thirds of those to be laid off are long-term employees with more than 40 years of service.

The nonunion mailhandlers are being protected under new Federal contracts.

However, those being laid off and associated with a union are expected to suffer the burden of progress—the loss of their jobs and no consideration of accumulated benefits now accruing to them under existing agreements and Federal laws such as vacations, holidays, life insurance, and welfare benefits and retirement annuities.

I believe that these employees—and those in other cities such as Philadelphia and Washington, D.C.—should not bear alone the costs of such change, especially since the Federal Government itself is responsible for that change in its postal policies.

Therefore, I am submitting a bill, similar to one sponsored in the House by Representative Robert Nix of Pennsylvania. The bill would provide 1 week's pay for each year of service up to and including 10 years, and 2 weeks pay at such rate for each year of service over 10 years plus an amount equal to 2 weeks pay at such rate for each full year by which the age of such former employee exceeds 40 years at the time of separation.

Thus, my bill is chiefly devoted to the payment for discontinuance of jobs due to automation for those employees with long years of service who are less likely to obtain new employment or job training.

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By Mr. BENNETT:

S. 2216. A bill to amend the Investment Company Act of 1940, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, last year the Senate passed what is now Public Law 91-547. It was an amendment to the Investment Company Act of 1940. It was intended to apply to certain types of investment company securities.

In preparing regulations under that act, the Securities and Exchange Commission included variable annuities in with certain types of front-end load securities. It had not been the committee's intention that that should be done, and on June 21 the senior Senator from New Jersey (Mr. Williams), who is chairman of the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs, and I wrote a letter to the Securities and Exchange Commission expressing congressional intention with regard to implementation of statutory provisions added to section 27 of the Investment Company Act of 1940 by Public Law 91-547.

I ask unanimous consent that this letter and Chairman Casey's reply be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 21, 1971.

Hon. William J. Casey,
*Securities and Exchange Commission,*
*Washington, D.C.*

Dear Mr. Chairman: This letter is in reference to the proposals which the Commission is currently considering for the implementation of the new statutory provisions added to Section 27 of the Investment Company Act of 1940. As member of the Committee which considered this legislation, we are quite interested in its implementation. Therefore, we are seriously concerned over the proposed application of the refund requirements of Section 27 of the Act to certain types of investment company securities.

It has come to our attention that the staff of the Commission has recommended that these refund provisions apply to investment company securities whose purchase does not involve any type of "front-end load" sales. To our knowledge, it was never the intention of the Committee on Banking, Housing and Urban Affairs to impose the refund obligations of Sections 27(d) and 27(f) upon "level load" contracts and certificates.

In considering the Investment Company Amendments Act our Committee declined to enact the Commission's recommendations that "front-end load" contractual plans be completely abolished. Instead, the Committee provided refund rights to afford investors a measure of protection against the financial hardships which often result from the early termination of a "front-end load" contractual plan. Such a legislative purpose is wholly absent under a plan where sales deductions vary only slightly, if at all, and do not exceed the statutory limit of 9 percent on any single payment.

We therefore hope that the Commission will reconsider its staff recommendation to apply the provisions of Section 27(d) and 27(f) of the Act to investment securities purchased under "level load" plans. We would, of course, be receptive to receiving the views and comments of the Commission on this matter.

Sincerely,

Harrison A. Williams, Jr.
Wallace F. Bennett.

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Securities and Exchange Commission,
*Washington, D.C., June 25, 1971.*
Hon. Harrison A. Williams, Jr.,
Hon. Wallace F. Bennett,
*Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.*

Dear Sirs: Thank you for your letter of June 21, 1971 stating that, in the recent amendments of the Investment Company Act, it was not intended to impose refund obligations upon "level load" contracts and certificates.

The Commission, in considering the implementation of these amendments, was confronted with the fact that Section 27(f) extends the refund right to *any* periodic payment plan.

The definition of "periodic payment plan certificate" makes no distinction as to the percentage of the payment deducted as "sales load." The amendment gives refund rights to a holder of a "periodic payment plan certificate" whether or not the sales load on any payment exceeds 9 percent. Because there seems to be no ambiguity as to what the Act says on this score, we were unable to see how we could give expression to the fact that the original purpose of the amendment was directed towards and front-end load plans.

We also considered whether we could exercise our powers under Section 6(c) of the Investment Company Act to exempt these periodic payment certificates from Section 27(f). However, to do so, we'd have to find that such an exemption was "necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of" the Act. We are not able to satisfy ourselves that we could find it "consistent with the protection of investors" to take away a refund right that had been granted them by the express language of the law.

I will be pleased to come over and discuss with you how this gap between the intent and the expression of the statute can best be handled.

I am attaching a staff memorandum which indicates how we have grappled with the problem of trying to conform the literal requirements of the statute with the broad purpose and intent as indicated in your letter.

With best personal regards.

Sincerely yours,

William J. Casey,
*Chairman.*

Mr. BENNETT. Mr. President, the Securities and Exchange Commission does not agree with our interpretation of the intent of Congress. Perhaps that is not the way to say it. They maintain that the language in the law is such that they cannot carry out what was obviously the intent of the committee, and in order to comply with the intent of Congress, the Honorable William J. Casey, Chairman of the Securities and Exchange Commission, has said that it would be necessary to amend the act so that the Commission would not be risking the possibility of going against the language of Public Law 91-547.

The Chairman stated that he understands the point of view of the committee, and if the amendment is offered, he will support it before the committee.

Therefore, for myself and Senators Sparkman, Tower, and Williams, in order to clarify the intent of Congress, I submit an amendment to accomplish this purpose.

Mr. President, I ask unanimous consent that a brief statement explaining the problem involved in the difficulty which has required the necessity for this amendment be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement

When Section 27(f) was under consideration, the members of Congress, the Securities and Exchange Commission, the representatives of the mutual fund industry, and the representatives of the insurance industry, all considered the term "periodic payment plan", as used in that section, to be synonymous with securities that were sold with a front-end load. It is entirely inconsistent with the spirit, objective and intention of this legislation to apply the phraseology of this section to contracts which provide for sales load deductions of 9 percent or less from each purchase payment. The Commission did not seek, and the Congress did not intend to grant, any such regulatory power. Accordingly, it would be fully in keeping with the purposes and policies of the Act, to make Section 27(f) inapplicable to such contracts.

The Securities and Exchange Commission's original proposal was that the so-called front-end load plans should be flatly prohibited. A compromise finally emerged. The Congress permitted contracts with the traditional 50 percent first-year load to continue to be sold but with the condition that only 15 percent of the purchase payments could be retained where the contract was terminated within the first 18 months (see Section 27(d)). Alternatively, the company could avoid this refund obligation if approximately the same sales load that would have been deducted over the first four years, under a 50 percent first-year load plan, was deducted over a four-year period with not more than 20 percent deducted from any payment (see Section 27(h)). In both cases, to guard against the possibility that the contracts might be hastily purchased without a full appreciation of the higher first-year cost, particularly by unsophisticated buyers, provision was made in Section 27(f) for the purchaser to surrender his plan—within a 45-day period—after being given notice of his right to do so. This has come to be known as the "45-day free look."

The normal contractual, or front-end load, plan comes within the definition of "periodic payment plan certificate" under the Investment Company Act of 1940. When variable annuity contracts were first issued, the SEC determined that such contracts would also be technically within the definition of a periodic payment plan certificate for purposes of the 1940 Act. It should be noted, however, that variable annuity contracts are generally more closely analogous to the voluntary systematic accumulation plans currently offered by many mutual fund underwriters than to traditional contractual plans. Most variable annuity contracts, like voluntary accumulation plans, provide for payments not for any fixed number of years but rather at the option of the buyer, with no "penalty" imposed if he fails to carry out his investment intention.

I fail to see any justification for treating variable annuity contracts differently from voluntary accumulation plans where the sales load deducted from any payment for the annuity contract is not in excess of 9 percent. In fact, I feel that there is ample evidence in the legislative history of P.L. 91–547 to demonstrate that Congress never intended that the amended Section 27(f) be applied to these contracts. However, the SEC now construes the wording of this section to include variable annunity contracts calling for deductions of 9 percent or less. To eliminate this result, I am introducing this amendment to make it clear that such contracts do not come within Section 27(f). The language of the proposed amendment would accomplish that purpose with a minimum change.

I have been informd by the Chairman of our Securities Subcommittee that he will do all he can to assure early action on this proposal.

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By Mr. HUGHES (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. MUSKIE):

S. 2217. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare, and, by unanimous consent, if and when reported, to the Committee on Government Operations, to consider title II.

### FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1971

Mr. HUGHES. Mr. President, on behalf of myself and Senators JAVITS, WILLIAMS, and MUSKIE, I am introducing the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971."

This bill combines essential elements of the President's emergency program together with provisions of other health-oriented proposals of the past 2 years originating in both House and Senate.

Our reason for introducing a comprehensive drug bill of this nature at this time is that owing to the extreme urgency of the drug crisis, it seems essential to get into the legislative hopper without delay, a workable framework in which these separate, substantive proposals can be combined.

With the drug contagion increasing at its present alarming rate, even a few weeks' delay could make a tragic difference. The hard drug addiction problem among our troops in Vietnam adds special urgency to the need for prompt action.

I have a summary of the provisions of this legislation and ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

### SUMMARY OF FEDERAL DRUG ABUSE AND DRUG DEPENDENCE, PREVENTION, TREATMENT AND REHABILITATION ACT OF 1971

This bill seeks to bring together the best legislative ideas and suggestions which we have seen during the past year into a single, unified proposal which can form the basis for agreement of the Senate at the earliest possible time on action to be taken in the drug area from the prevention and treatment point of view.

Briefly, the bill:

Establishes an Office of Drug Abuse Prevention and Treatment in the Office of the President. The Office would co-ordinate the total Federal efforts in the drug abuse area, including the efforts of the Department of Defense, the Department of Justice, the Department of State, and other government agencies not covered by the President's own proposal. The Director of the new Office would have policy controls over all drug programs, but would not administer those programs directly;

Requires an annual report by the Director of the new Presidential Office which will (1) contain a detailed, comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem from the prevention and treatment point of view; (2) describe the various existent model and experimental methods of treatment and rehabilitation, their advantages and disadvantages, and make recommendations for communities as to their implementation; and (3) set forth the Federal programs conducted, expenditures made, results achieved, plans developed and problems discovered in the operation and coordination of the various Federal prevention, treatment, and rehabilitation programs;

Establishes a National Institute on Drug Abuse and Drug Dependence, in the Department of Health, Education and Welfare, to coordinate that agency's many fragmented programs in the drug abuse and drug dependence area. The overall responsibilities of the new Institute are spelled out in detail in the legislation;

Establishes several new grant programs for assistance to state and local communities in the prevention and treatment area:

(1) An Emergency Supplemental State Assistance Program, in which $100 million is authorized over a 3 year period for emergency supplemental funding to States to provide immediate aid for planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs;

(2) A Model and Experimental Prevention, Treatment and Research Program, in which $180 million is authorized over a 3 year period to (a) establish, conduct, and evaluate model and experimental drug abuse and drug dependence prevention and treatment programs; (b) make grants to finance prevention and treatment programs which are jointly established by a broad cross section of community-based programs providing a broad range of services in a specified area to be served; and (c) conduct a special emphasis research program to stimulate research efforts to discover, develop, or improve chemical substances or techniques for using such substances in the prevention and treatment of drug abuse and drug dependence; and

(3) An Expanded Community Mental Health Centers Drug Treatment and Rehabilitation program, in which the authorizations for that program for the last remaining fiscal year of the program are increased from 60 million to 120 million. Such centers must be prepared to treat drug abusers and drug dependent persons in the area they serve.

Secures treatment and other related rights for veterans. The bill's provisions (1) require the Veterans Administration to provide treatment and rehabilitation services to all veterans for drug abuse and drug dependence, and (2) require that persons who have been discharged from the services under conditions other than honorable as a result of drug abuse or drug dependence and who have successfully been rehabilitated, be allowed to obtain a discharge of honorable character which will allow them to be eligible for regular benefits due to veterans.

Requires that the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees, and guarantee employees with drug dependence the same employment conditions and benefits as persons who are ill from other causes;

Establishes an independent National Advisory Council on Drug Abuse and Drug Dependence, to insure outside evaluation of Federal efforts in this area.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the bill which was introduced a short time ago by the distinguished junior Senator from Iowa (Mr. HUGHES) be referred to the Committee on Labor and Public Welfare, and that if and when it should be reported by that committee, it then be referred to the Committee on Government Operations for its consideration of title II, should such consideration be desired by that committee.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

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By Mr. TOWER:

S.J. Res. 123. A joint resolution on reduction of Federal Expenditures Resolution of 1971; and

S. 2215. A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973. Referred to the Committee on Finance.

### INDIVIDUAL INCOME TAX REDUCTION ACCELERATION ACT OF 1971

Mr. TOWER. Mr. President, in this period of gradual recovery from the economic slump of 1970, it is becoming evident that monetary policy alone is not providing sufficient impetus to the economy to move it as rapidly forward as we would like. Although interest rates dropped substantially in late 1970 and early 1971, consumer spending and business investment have not increased sufficiently to provide a full employment demand level. Consequently, unemployment is holding at around 6 percent and the country is losing the productive efforts of at least the frictionally unemployed portion of that figure.

I am today introducing a measure designed to give the economy a strong boost through acceleration to 1971 of the personal exemption and deduction liberalization provisions of the 1969 Tax Reform Act, scheduled to take effect in 1972 and 1973. If these could be moved forward to take effect this year, the cash effect would take place almost immediately through changes in withholding rates, and extra cash would be immediately available to the consumer. The effect of this acceleration would be to increase the personal exemption from its present figure of $650 to $750 per person, and to increase the standard deduction from 13 percent of income—$750 limit—to 15 percent of income—$1,000 limit—per person.

However, this measure would have an even more important effect than consumer liquidity, and that would be the psychological impact of such a strong, "bullish" action on the attitudes of consumers and businessmen toward consumer spending and business investment, respectively. If the taxpayer feels that economic activity will be boosted by this move, and the prospects for the future of his own job and income are correspondingly improved, he should be willing to spend at a more normal rate than has characterized his cautious behavior over the last year or so. The businessman would also feel that the market for his products is greater with more cash in the hands of consumers, and begin to invest in more capital equipment and inventory. The easing of this caution factor should be the single most important development of accelerated tax benefits, and ought to be able to fuel substantial economic growth before the end of 1971.

It is also important to note that the cost of supporting an individual has been increasing over the years since the $600—now $650—personal exemption and $500—now $750—standard deduction were put into effect, and some substantial relief for the taxpayer in this regard is long overdue, in my opinion.

The purpose of a tax cut within the framework of fiscal theory is to put more money in the hands of consumers, whose spending will help generate economic activity, more income, and more jobs. When the gross national product is below the full employment level, as it is now, either a tax cut or an increase in Government expenditures is needed to cause more demand for goods and services in the economy, which in turn increases the demand for labor and puts the unemployed back to work. This not only benefits such workers and their families, but also the entire Nation, due to the increased production of goods and services that their employment brings about. Also, these now-employed workers pay taxes and go off unemployment compensation or welfare rolls, relieving the heavy strain placed on these programs recently.

Of the two methods of accelerating economic activity toward full employment, increased Government spending and tax cuts, I prefer the tax cut method, because it gives greater control of the Nation's goods and services to the people who produce them, rather than to the almost uncontrollable appetite of the Federal Government to dominate resource allocation. Federal spending, economists say, is a more efficient method of increasing demand, income, and employment, since all dollars allocated to it—taxed and borrowed dollars—are actually spent or transferred to spenders, while the aggregate of the taxpayers spend only part of their tax savings. But if we follow that principle to its ultimate end, the Government would take all earned income, dispense enough for living costs to its citizens, and invest the remainder, always adjusting demand to create full employment. This is obviously undesirable to a country with a tradition of individual freedom, and the only question is, what proportion of our income are we willing to turn over to Government to control?

I feel that we already suffer from too large a Federal tax burden, and rather than to have the Government try to spend us into further economic growth, I would prefer to provide tax savings to individuals and let them decide what the nature of the increased demand will be.

In addition to the tax relief acceleration bill, I have a corollary measure which I feel is needed to keep the Federal deficit from increasing due to passage of the tax relief bill. I propose that the fiscal 1972 appropriations be reduced by an amount equal to the impact of the tax relief on our tax revenues, in order to keep the already planned deficit from increasing further. I realize fully that this deficit is designed to create full-employment demand, with a long-term projection of deficits in weak years and surpluses in strong years which would probably neutralize each other over the long run. And, I realize that in macroeconomic theory, equal reductions of taxes and Government spending will theoretically result in not only offsetting the intended spending benefit of the tax cut, but actually serve to reduce overall spending, because the marginal propensity to spend of the Government is a 1-to-1 ratio, while that of the consumer is more like 3 to 4.

The reason I feel that the tax cut can go hand-in-hand with a corresponding cut in Government spending is the factor of consumer optimism that would be generated by a decisive, "bullish" action such as the accelerated tax cut. The release of the unusual self-restraint on consumer spending that has developed over the last year or so would be the most important consequence of the tax cut, and would, in my opinion, offset the impact of reduced Federal spending. This measure would therefore keep the tax cut from creating an additional Federal deficit, and meet the concern of most Americans that any full employment budget deficits that have to be undertaken are of a reasonable size that can be expected to be offset by future surpluses. This balancing effect over a period of time will assure the people that Government spending has an automatic fiscal governor on it over the long run, and that the Federal Government will not be dominating the financial markets for its own purposes in derogation of business, State, and local government financial needs.

Mr. President, I ask unanimous consent that the text of my bill and resolution be printed at the conclusion of my remarks.

There being no objection, the bill and joint resolution were ordered to be printed in the Record, as follows:

S.J. Res. 123

Whereas the Congress finds that the acceleration to the tax year 1971 of personal income tax exemption and deduction benefits from their scheduled application in 1972 and 1973 is in the public interest in maintaining a rate of economic growth sufficient to fully employ the Nation's labor and capital resources; and

Whereas the reduction in tax revenues accompanying such individual tax-relief acceleration would cause an additional federal deficit to be incurred over and above the already large full employment deficit involved in the Fiscal 1972 Budget; and

Whereas the Congress would prefer to limit deficit financing of federal expenditures to amounts which can be offset by expected surpluses in future years: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America assembled,* That this resolution may be cited as the "Reduction of Federal Expenditures Resolution of 1971"; and be it further

*Resolved,* That the Congress hereby declares it to be the policy of Congress and of the Federal Government to take such steps as may be necessary to reduce discretionary federal expenditures for Fiscal Year 1972 in quantity sufficient to offset the loss of 1971 tax revenues expected to be incurred due to the acceleration of personal income tax benefits, provided for in the "Tax Reform Act of 1969", from tax years 1972 and 1973 forward to the tax year 1971.

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S. 2215

A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Individual Income Tax Reduction Acceleration Act of 1971."

Sec. 2. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of personal exemptions) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "750".

(b) Section 6013(b)(3)(A) of such Code (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "$750", and by striking out "$1,300" wherever it appears therein and inserting in lieu thereof "$1,500".

(c) Subsections (c) and (d) of section 801 of the Tax Reform Act of 1969 are repealed.

Sec. 3. (a) Section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Percentage Standard Deduction.—The percentage standard deduction is an amount equal to 15 percent of the adjusted gross income, except that such deduction shall not exceed $2,000 ($1,000, in the case of a separate return by a married individual).

"(c) Low Income Allowance.—The low income allowance is $1,000 ($500 in the case of a separate return by a married individual)."

(b) Section 802(e) of the Tax Reform Act of 1969 is repealed.

SEC. 4. (a) Section 6012(a)(1) of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended—

(1) by striking out "$600" each place it appears therein and inserting in lieu thereof "$750";

(2) by striking out "$1,700" each place it appears and inserting in lieu thereof "$1,750"; and

(3) by striking out "$2,300" each place it appears and inserting in lieu thereof "$2,500".

(b) Section 941(d) of the Tax Reform Act of 1969 is repealed.

SEC. 5. (a) Section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) is amended—

(1) by striking out "January 1, 1972" in paragraph (3) and inserting in lieu thereof "the 15th day after the date of the enactment of the Individual Income Tax Reduction Acceleration Act of 1971";

(2) by striking out paragraph (4) and by renumbering paragraph (5) as (4); and

(3) by striking out "after December 31, 1972" in paragraph (4) (as renumbered) and inserting in lieu thereof "on or after the 15th day after the date of the enactment of the Individual Income Tax Reduction Acceleration Act of 1971".

(b) Section 3402(b) of such Code (relating to percentage method of withholding) is amended by striking out the table contained therein and inserting in lieu thereof the following:

*"Percentage Method Withholding Table*

| "Payroll period: | *Amount of one withholding exemption* |
|---|---|
| Weekly | $14.40 |
| Biweekly | 28.80 |
| Semimonthly | 31.30 |
| Monthly | 62.50 |
| Quarterly | 187.50 |
| Semiannual | 375.00 |
| Annual | 750.00 |
| Daily or miscellaneous (per day of such period) | 2.10." |

(c) Paragraphs (3) and (4) of section 805 (b) of the Tax Reform Act of 1969 are repealed.

SEC. 6. The amendments made by sections 2, 3, and 4 shall apply to taxable years beginning after December 31, 1970. The amendments made by section 5 shall apply with respect to wages paid on or after the 15th day after the date of the enactment of this Act.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 1534

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1534, a bill to prescribe additional health benefits for certain dependents.

### S. 2161

At the request of Mr. HARTKE, the Senator from Idaho (Mr. JORDAN) was added as a consponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

### SENATE JOINT RESOLUTION 108

At the request of Mr. CRANSTON, the Senator from Colorado (Mr. ALLOTT) and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

## SENATE RESOLUTION 144—SUBMISSION OF A RESOLUTION PROVIDING FOR EMPLOYMENT OF STUDENT INTERNS BY SENATORS

(Referred to the Committee on Rules and Administration.)

### U.S. SENATE STUDENT INTERN PROGRAM

Mr. CHILES. Mr. President, our Nation is faced with an apparent ever-widening gap in the understanding between government and our young people. It is not my intent today to try to pinpoint the reasons for this, for I believe it has become far too complex for anyone to understand fully.

What I do want to call attention to is the desperate need for us to be aware of this growing gap, to be concerned about it and to want to do something positive about it. We must not sit idly and hope that time will close the breach; we must act to do so in any responsible way that we can.

Toward this end, I am today introducing a resolution calling for the establishment of a U.S. Senate student intern program. Its purpose is to bring about direct contact with young people and the legislative process, to create an understanding of the Senate, its role and procedures; and to encourage them to carry this understanding in their future endeavors.

I feel the Senate has a great many benefits to gain by this action. My support of internship programs, beginning with my service in the Florida Legislature, stems from three goals.

First, programs of this kind enhance the chance and opportunity to bring through the ranks potential career professional staff members who have had initial exposure to the legislative process.

Second, many of the interns will become teachers. What better way to broaden their perspective than by allowing them to participate and contribute to the workings of their government. We must never forget many of these interns will be in the classroom working with our young people, guiding and molding opinions of our Government with actual first-hand experience. They will be able to make government real and relevant to their students.

The third reason we can all benefit by this program is that some of these interns will be developing the motivation to some day seek elective office. This incentive should be a positive one and one which should be based on practical experience.

In sum, we have everything to gain from the experience of offering young people another opportunity to roll up their sleeves and come in—the water is fine.

The resolution (S. Res. 144) reads as follows:

### S. RES. 144

*Resolved*, That (a) notwithstanding any other provision of law, each Member of the United States Senate is authorized to hire for two and one-half months during the period June 1 to August 31, inclusive, each year, one additional employee to be known as a "United States Senate student intern". For this purpose, each Member of the Senate shall have available for payment to such intern a gross allowance of $750, at the gross rate of $300 per month, payable from the contingent fund of the Senate until otherwise provided by law. Such allowance and such intern shall be in addition to all allowances and personnel made available to such Member under other provisions of law.

(b) No person shall be paid compensation as a United States Senate student intern who does not have on file with the Sergeant at Arms at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceding his employment a bona fide student at a post high school educational program.

SEC. 2. The Senate Committee on Rules and Administration shall make such regulations as may be necessary to carry out this Act.

## ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 8

At the request of Mr. PACKWOOD, the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Concurrent Resolution No. 8, a concurrent resolution relating to the control of international drug traffic.

### SENATE CONCURRENT RESOLUTION NO. 25

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Concurrent Resolution 25, calling for an International Monetary Conference.

## CHANGE IN HEARING DATES ON INDIAN LEGISLATION

Mr. JACKSON. Mr. President, on June 8, I announced to the Senate that open hearings would be held before the full Committee on Interior and Insular Affairs on July 19 on Senate Concurrent Resolution 26, the national Indian policy resolution, and on July 20, before the Subcommittee on Indian Affairs, on S. 1401, the Indian education bill.

I now wish to announce that it has been necessary to change the dates of these two hearings as follows:

On July 21 the full Interior Committee will hold a hearing on Senate Concurrent Resolution 26 and on July 22, the Indian Affairs Subcommittee will hold a hearing on S. 1401.

The hearings on both days will begin at 10 a.m. in room 3110, New Senate Office Building.

## NOTICE OF HEARINGS ON DRUG ABUSE CONTROL LEGISLATION

Mr. RIBICOFF. Mr. President, for myself and Senator MUSKIE, I announce that on Wednesday, July 7, the Subcommittee on Executive Reorganization and Government Research and the Subcommittee on Intergovernmental Relations will begin joint hearings on S. 1945, introduced by Senator MUSKIE, and S. 2097 cosponsored by Senator PERCY, myself and others. The hearing will be held in room 3302, New Senate Office Building at 10 a.m. A principal purpose of each bill is the establishment of a White House office to supervise Federal drug abuse control programs and promote better coordination among them. Senator MUSKIE and I will rotate the chairing of the hearings.

In the space of a few short weeks it has become a cliche that our country is in the midst of a narcotics epidemic. Newspapers, magazines, and television proclaim the soaring statistics. The Gallup poll shows that in the past 3 months drug addiction has jumped from seventh to third on the list of most important national concerns. The stories of narcotics experimentation among our servicemen in Vietnam add another sad chapter to the tragedy of our involvement in that distant land.

What are the reasons for the alarming rise in narcotics addiction? What can the Federal Government do to halt this dread menace to our younger generation and prevent its spread? What treatment can we offer to those already afflicted which will promote their rehabilitation and return to society as useful citizens?

These are only a few of the questions we will explore in the coming hearings. I look forward to working with the Senator from Maine (Mr. MUSKIE), the chairman of the Intergovernmental Relations Subcommittee, in our search for effective legislation to deal with this urgent problem.

## NOTICE OF HEARING ON BILLS RELATING TO THE FEDERAL CROP INSURANCE PROGRAM

Mr. ALLEN. Mr. President, I wish to announce a hearing on bills relating to the Federal crop insurance program has been scheduled by the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry for Wednesday, July 14. The hearing will include, but will not be limited to, the following bills:

S. 1197, to extend availability of Federal crop insurance and to authorize the appropriation of funds for administrative expenses of the Federal crop insurance program;

S. 1601, to amend the Federal Crop Insurance Act, as amended; and

S. 2212, to provide Federal crop insurance against loss of investment.

The hearing will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the clerk of the committee as soon as possible.

## NOTICE OF HEARINGS ON EMERGENCY LOAN GUARANTEES FOR PRIVATE ENTERPRISES

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will reopen hearings on legislation to provide emergency loan guarantees for private enterprises.

The hearings will be held on Wednesday, Thursday, and Friday, July 7, 8, and 9, 1971, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Dudley L. O'Neal, Jr., Senate Committee on Banking, Housing, and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225-7391.

## ADDITIONAL STATEMENTS

### BIRTH OF U.S. POSTAL SERVICE

Mr. McGEE. Mr. President, Thursday marks the birth of the U.S. Postal Service, conceived somewhat less than a year ago as the result of passage of the Postal Reorganization Act of 1970. But it marks more than that, for the expiring U.S. Post Office has been in existence since a moderately successful Philadelphia publisher named Benjamin Franklin, who also had a bit of diplomatic experience behind him by that time, as well as a record of having been dismissed by the Crown's Postmaster General, was named to head the first official American postal service in 1775—a year before the Declaration of Independence was signed.

Mr. Franklin immediately undertook to drive the King's postal service out of business and started what some cynics might recall was a longtime tradition in the Post Office. He engaged in a bit of nepotism by appointing his son-in-law secretary-comptroller. His daughter's husband, indeed, succeeded Mr. Franklin as Postmaster General in 1776.

In the intervening years, the Post Office grew, as did the United States. But it grew out of all proportion, even, to the amazing growth of this country. The postal service over which Mr. Franklin assumed command extended only from Falmouth, Mass., to Savannah, Ga.

As former Postmaster General James A. Farley has observed, the history of the postal service is in some ways the history of the Nation itself.

As chairman of the Committee on Post Office and Civil Service, and as an author of the Postal Reorganization Act of 1970, I want today to pay tribute to the thousands upon thousands of men and women who made the U.S. Post Office work as it progressed through the throes of the Nation's growth from a very small and uncertain undertaking under Benjamin Franklin into one of the truly great industrial giants of, not only this Nation, but of this world—surpassed as an employer of numbers of people only by American Telephone & Telegraph and General Motors, to the best of my knowledge.

The problem faced by the old Post Office Department was, to put it succinctly, how to cope with the tremendous rate of growth it experienced year-in and year-out—how to provide the people, the machinery and the funds with which to meet the ever-increasing demands of the American people and American business for postal service.

Early in 1967, former Postmaster General Lawrence F. O'Brien observed that the Post Office was in a race with catastrophe. The signs that his diagnosis was correct continued to build up until last year, faced with, among other things, a strike by dissatisfied postal employees, Congress voted to reorganize the postal service.

The portents of this action are not all happy ones. Of course, if we deluded ourselves by thinking the consequences of such a sweeping change would be uniformly satisfactory, we would be guilty of utopianism. Nevertheless, in recent months, complaints about the postal service have risen to all-time highs.

Let me cite a few examples, picked at random, from the mail on my desk as these remarks were being prepared. One item is a brief note from a lady in Kansas City, Kans., complaining that it took 5 weeks for a letter to arrive from her daughter across the Missouri River in Kansas City, Mo.

Another from a professor at the University of Oregon, who enclosed a copy of a letter he wrote to the mail subscription desk of the New York Times. He said:

> The present service would have been objectionable even before the First World War, and at lower rates rather than higher rates. If the *Times* and other publishers and their subscribers and advertisers cannot persuade the Postal Service to offer at least as good service as we had twenty or thirty years ago, could not they find some other organization capable of transporting mail at twentieth-century speeds?

Finally, a letter addressed to me from a member of my own staff in Casper, Wyo., which was carried under frank, took from May 6—the date of its postmark in Casper—until June 18 to arrive.

There are better examples present—some letters transmitted by airmail from Chicago to Cheyenne in 1 or 2 days, and from Washington, D.C., to Seattle in 2 days. Would that there were more of these.

Perhaps it is appropriate to quote Postmaster General Farley, who said:

> If the people of the United States were as interested in superior postal service as, let us say, the people of Great Britain have always been, and if they were just as insistent on the maintenance of excellence, Congress, the Bureau of the Budget, and the Department itself would be far less inclined to make the principle of service subservient to that of

economy. Reasonable economy is, of course, necessary in efficient management, but it should always take second place to the requirements of service.

It is my regret, as I said yesterday, that the administration, through the Office of Management and Budget, has moved to undermine the judgment of Congress regarding equitable treatment for the various classes of mail users during the adjustment period while the Postal Service moves toward self-sustaining status financially. It matters not what class of mail users would be affected, really. The point is that Congress's intention to permit a cooperative readjustment in the interest of achieving a more capable postal service has been disregarded. Indeed, it was disregarded even prior to the official beginning of the new postal system.

It may be, Mr. President, that the people of America have, over the nearly 200 years of history which have passed since the Post Office was instituted by the Continental Congress, come to take the service for granted. If so, there is mounting evidence that they no longer do so. Indeed, it was the widespread unhappiness across the land with the level of postal service which inspired the long and tough deliberations which resulted in the reorganization of our post office operations under a Board of Governors and a Postmaster General removed from the President's Cabinet. The enactment of that law cannot solve all the problems of the Postal Service. It is too early to pronounce any judgment, as some are willing to do, on the new organization and summarily dismiss it as a failure before it starts.

The job facing the new U.S. Postal Service is a big one indeed, and I remain hopeful, Mr. President, that the personnel, from the Governors on down to the junior substitute in each and every post office, will measure up to that job and provide the American people with the type of first-class mail service they deserve and operate so as to fulfill the postal policy of the United States which was set forth last year in the Postal Reorganization Act:

§ 101. Postal policy

(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the over-all value of such service to the people.

(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

## ACCOMPLISHMENTS OF THE FIRST SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, the first session of the 92d Congress convened on January 21 of this year. Thus far, the Senate has met on 92 days, passed over 240 measures, and, through yesterday, had taken 116 rollcall votes.

In the latter part of January, the Senate began to debate the question of changing Senate Rule XXII and the debate extended into early March. The proposed change would have lowered from two-thirds to three-fifths of those Senators present and voting, the number necessary to invoke cloture. While the Senate did not approve the rules change, I do not believe that the amount of time spent on this matter was an exercise in futility. Indeed, it would appear that not only new Members gave deep thought to the significance of cloture vote but that some of our Members with long years of Senate service reflected seriously on a possible change in attitude toward, if not a change in, the rule regarding cloture. Even under the existing rule, the Senate's business can be expedited if Members would try to differentiate between what is the procedural vote of cloture and the vote of substance on the issue itself. It can be entirely consistent in any given situation to vote yea on the former and nay on the latter.

During this session the Senate also has debated at length H.R. 6531, the military selective service-military pay bill. An amendment sponsored by various of my colleagues and myself which would have provided for a cut by one-half in U.S. military personnel in Europe by the end of this year was, along with related amendments, the subject of discussion for several weeks. I regret the Senate did not see fit to call for a reduction of our troop commitment in Europe. Nonetheless, I have no regrets that the proposal was brought before the Senate for an up-or-down vote and it will be brought again, as necessary, in the future.

Also, during debate on the military bill the Senate went in depth into such matters as whether the military draft should be extended and, if so, for how long; the merits of moving toward the formation of an all volunteer armed force; and providing increases in military pay. An amendment providing for the identification and treatment of drug and alcohol dependent persons in the Armed Forces was agreed to by a unanimous vote of 76 to 0.

Additionally, debate focused on various proposals to bring the war in Vietnam to a close. A substitute amendment to bring this about, which was initially sponsored by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and myself, was agreed to by the Senate on June 22 by a vote of 57 to 42 and subsequently given the Senate's endorsement by a vote of 61 to 38. The amendment declares it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government. Conferees are currently meeting to resolve the differences in the Senate and House versions of the bill, and it is my hope—moreover, my expectation—that the action the Senate took in regard to this reasonable "end-the-war" amendment will be sustained. The conference report on the military selective service-military pay bill will receive early attention by the Senate when it returns.

The Senate has achieved significant progress in other legislative areas as well. The Nation's economic problems have not been solved. Nor have they been alleviated in any substantial degree. Congress, however, has passed important measures this session designed to put the brakes on unemployment and put the economy in a higher gear. Just yesterday, the Senate adopted the conference report on the Emergency Employment Act of 1971 which will serve to aid in halting spiraling unemployment.

Congress approved the extension of the Public Works Acceleration Act, Public Works and Economic Development Act, and the Appalachian Regional Development Act. In my opinion, this collection of legislative proposals would serve to attack a broad range of severe economic problems faced by the Nation today. Unfortunately, yesterday President Nixon vetoed this bill because it reactivated the Public Works Acceleration Act of 1962. Reactivation of that act would serve the purpose of increasing employment in areas of greatest need and provide communities with basic and long-neglected facilities. It would create a number of badly needed jobs within the year and return idle workers to the mainstream of productivity. Shortly after the Congress returns from its Fourth of July recess, the Senate will proceed to consider attempting to override what I consider to be an ill-advised and economic hardship veto.

This session Congress has also approved an extension of the interest equalization tax and has extended the authority it has given the President to institute wage and price controls.

Congress has also approved legislation creating a rural telephone bank, continuing funding for child nutrition programs, extending the Juvenile Delinquency Prevention and Control Act, authorizing funds for our maritime fleet, granting a 10-percent increase in social security benefits, and proposing a constitutional amendment to lower the voting age to 18 in local and State, as well as national elections. Both Houses of Congress have passed bills authorizing appropriations for the National Science Foundation and the National Aeronautics and Space Administration and doubtless these measures will be enacted into law soon.

Congress acquiesced in the President's reorganization plan to establish in the executive branch a new agency, ACTION, to administer various volunteer programs. Both Senate and House committees have begun consideration of the President's major proposals to reorganize the executive branch.

The Senate has passed measures dealing with such matters as emergency school aid and quality integrated education, drug abuse, and health improvements. It has also approved a number of measures relating to the establishment of recreational areas and national parks and forests, measures designed to preserve for present and future Americans the bounties of nature bestowed on our land.

With respect to congressional action on appropriations bills, the situation has not been all we would have desired. I should emphasize, however, that the appropriations committees in both the Senate and House have certainly been very actively at work in examining the appropriations requests. It might be added that periodically the executive branch sends forth amendments to its initial budget requests which add to the already heavy burden imposed on the appropriations committees. Developments in recent years, moreover, have led to a congressional confrontation this session with various supplemental appropriations bills for the preceding fiscal year—one single bill involving over $7 billion, in fact. The necessity of action on the supplementals has resulted, of course, in a delay in opportunity for the appropriations committees to devote their full time and attention to the regular money bills for fiscal year 1972.

I am pleased, may I say, that the Joint Committee on Congressional Operations has held hearings this year on proposals to change from a fiscal year basis to a calendar basis the appropriations schedule of the Federal Government. For a number of years, the distinguished Senator from Washington [Mr. Magnuson] has been in the forefront in advocating such a change, and I am a seconder of his proposal. Hopefully, action will be recommended to the Senate by the committee which will enable the time coverage of appropriations bills to coincide with the calendar year.

Prior to adjournment this year, a number of other legislative matters, of course, await the disposition of the Senate. These include campaign reform, military procurement and military construction bills, consumer legislation, the Sugar Act, and welfare and social security reform. Among other matters for consideration will be a foreign aid bill, drug abuse legislation, the atomic energy authorization, economic opportunity programs, higher education, a program designed for cancer conquest, water pollution control programs, and veterans' legislation.

Mr. President, as I noted earlier, this has been a busy and constructive year for the Senate thus far this season. To all Members of the Senate, the Democratic leadership is deeply indebted for their assistance in making it possible to move the Senate's legislative program along in a careful but timely way. To the distinguished minority leader (Mr. Scott) I also wish to express a particular word of thanks at this time. His cooperative manner and mundane sense of humor have contributed in high fashion to enabling the Senate to move along with its business.

Mr. President, I ask unanimous consent to insert at this point in the Record a summary of major Senate legislative activity since the first session of the 92d Congress convened.

There being no objection, the summary was ordered to be printed in the Record, as follows:

### SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, 1ST SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H—Passed House; P/S—passed Senate.

Following is a brief summary of major Senate activity.

#### AGRICULTURE

Burley tobacco—Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley tobacco—Poundage quotas—Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92–10.

Child nutrition programs—Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assistance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. H.R. 5257, Public Law 92–32.

Citrus exports—Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89, Senate adopted 4/1/71.

*Consolidated Farmers Home Administration Act of 1971 Amendments.*—Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans, and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S 5/11/71.

*Cotton ginners reports.*—Amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass; rather than at the March canvass. S. 932. P/S 5/11/71.

*County committees.*—Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee purposes; contains other provisions. S. 1670. P/S 6/21/71.

*Eminent domain pool allotments.*—Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S 6/21/71.

*Feed grain bases or domestic wheat allotments for certain sugar producers; wheat history preservation.*—Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1970, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S 3/25/71.

*Marketing quota review committee members*—Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S 5/11/71.

*Rural telephone bank*—Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural telephone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then to be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92–12.

*Wine promotion activities*—Amends section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. H.R. 1161. Public Law 92–42.

### APPROPRIATIONS

#### *1971*

*Continuing appropriations*—Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority Public Law 92–7.

*Second supplemental, 1971*—Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92–18.

*Supplemental—labor*—Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92–4.

*Urgent supplemental*—Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education and Welfare, Environment Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92–11.

*Office of Education and related agencies*—Appropriated $5,615,918,000 for the Office of Education and related agencies. H.R. 7106. In conference.

#### *1972*

*Continuing appropriations*—Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. H.J. Res. 742. Public Law 92–38.

*Legislative branch*—Appropriated $529,309,749 for the Legislative Branch. H.R. 8825. P/H 6/4/71. P/S amended 6/21/71. House agreed to conference report 6/30/71.

*Office of Education and related agencies*—Appropriated $5,146,311,000 for the Office of Education and related agencies. H.R. 7016. Public Law 92–48.

*Treasury, Postal Service, and general Government*—Appropriates $4,752,789,690 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. H.R. 9271. P/H 6/28/71. P/S amended 6/29/71. In conference.

*Urgent Agriculture appropriations*—Appropriated $17 million to the Department of Agriculture for the summer progam of the non-school feeding programs for children. H.J. Res. 744. Public Law 92–35.

### CONGRESS

*Commission on Art and Antiquities of the Senate*—Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted 4/1/71.

*Female appointees*—Pemits the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex. S. Res. 12. Senate adopted 5/13/71.

*Joint Committee on the Environment*—Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S 3/16/71. H.J. Res. 3. H. Cal.

### CRIME-JUDICIARY

*Juvenile Delinquency Prevention and Control Act Amendments of 1971*—Extended the Act for 1 year, until June 30, 1972 and authorized $75 million for fiscal year 1972 for programs and projects under the Act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. S. 1732. Public Law 92–31.

*Limited copyright in sound recordings*—Provides for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording. S. 646. P/S 4/29/71.

*Patent Office*—Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S 4/22/71.

#### *Patents and trademarks*

Affords patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. S. 645. Public Law 92–34.

Authorizes the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. S. 1253. P/S 4/22/71.

*United States District Court*—Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S 4/21/71.

### DEFENSE

*Disposals from national and supplemental stockpiles*—Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

*Abaca*—25 million pounds. S. 776. P/S 6/21/71.

*Amosite asbestos*—32,839 short tons. S. 763. P/S 6/21/71.

*Antimony*—6,000 short tons. S. 765. P/S 6/21/71.

*Celestite*—12,270 short dry tons. S. 772. P/S 6/21/71.

*Chromite, chemical grade*—324,500 short dry tons. S. 768. P/S 6/21/71.

*Chromium metal*—4,238 short tons. S. 762. P/S 6/21/71.

*Columbium*—5,010,716 pounds. S. 770. P/S 6/21/71.

*Diamond tools*—64,178 pieces. S. 761. P/S 6/21/71.

*Industrial diamond crushing bort*—18,912,000 carats. S. 751. P/S 6/21/71.

*Industrial diamond stones*—4,961,000 carats. S. 769. P/S 6/21/71.

*Iridium*—256 troy ounces. S. 757 P/S 6/21/71.

*Kyanite-mullite*—4,820 short dry tons. S. 778. P/S 6/21/71.

*Magnesium*—78,000 short tons. S 775. P/S 6/21/71.

*Manganese, battery grade*—4,805 short dry tons. S. 760. P/S 6/21/71.

*Manganese, metallurgical grade*—4,424,840 short dry tons. S. 759. P/S 6/21/71.

*Mica*—5,026,987 pounds. S. 758. P/S 6/21/71.

*Quartz crystals*—330,000 pounds. S. 756. P/S 6/21/71.

*Rare earth materials*—8,233 short dry tons. S. 767. P/S 6/21/71.

*Selenium*—475,000 pounds. S. 771. P/S 6/21/71.

*Shellac*—2.9 million pounds. S. 755. P/S 6/21/71.

*Silicon carbide*—166,453 short tons. S. 754. P/S 6/21/71.

*Sisal*—100 million pounds. S. 777. P/S 6/21/71.

*Thorium*—210 short tons. S. 753. P/S 6/21/71.

*Vanadium*—1,200 short tons. S. 774. P/S 6/21/71.

*Vegetable tannin extracts*—46,263 long tons. S. 752. P/S 6/21/71.

*Zinc*—515,200 short tons. S. 776. P/S 6/21/71.

*Military Selective Service—Military pay*—Extends the military draft for 2 years until July 1, 1973; increases military pay; authorizes military active duty strengths for fiscal year 1972; declares it to be the policy of the United States to terminate all U.S. military operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces 9 months after enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government; contains other provisions. H.R. 6531. P/H 4/1/71. P/S amended 6/24/71. In conference.

### DISTRICT OF COLUMBIA

*Commission on the Organization of the Government of the District of Columbia—Extension*—Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971 to March 22, 1972). Public Law 92–25.

*District of Columbia police commendation*—Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capital in May. S. Res. 119. Senate adopted 5/10/71.

*Memorial to Mary McLeod Bethune*—Extends for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator. S.J. Res. 111. P/S 6/18/71. H. Cal.

### ECONOMY-FINANCE

*Adjustment of outstanding currency*—Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S 2/18/71.

*Assistance for U.S. citizens returned from abroad—Continuation*—Extended for 2 years (to June 30, 1973) the authorization for the provisions of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. H.R. 8313. Public Law 92– .

*Duty suspension on certain metal scrap*—Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. H.R. 7767. Public Law 92– .

*Export Administration Act*—Provides a

temporary extension of the Export Administration Act to October 31, 1971. S.J. Res. 118, Public Law 92– .

*Export-Import Bank Act Amendments of 1971.*—Excludes the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempts the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; requires, in accordance with the provisions of the Government Corporation Control Act, as amended, that the President transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank; requires the President to report annually to Congress the amount of net lending of the Bank which would be included in the U.S. Government budget if the Bank's activities were not excluded as a result of this legislation; increases from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increases the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extends the life of the Bank for 3 years (from June 30, 1973, to June 30, 1976); and contains other provisions. S. 581. P/S 4/5/71. H.R. 8181. H. Cal.

*Interest equalization tax—Extension.*—Extended the interest equalization tax for 2 years from March 31, 1971 to March 31, 1973; provide discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92–9.

*Interest rates and cost-of-living stabilization—Temporary extension.*—Provided a temporary extension until June 1, 1971 of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92–8.

*Lost or stolen securities.*—Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

*Public debt and interest rate limitations.*—Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

*Public Works Acceleration Act, Public Works and Economic Development Act, and Appalachian Regional Development Act extensions*—Reactivated and revised the Public Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970 for grants for state and local public works; extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $550 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations of $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. S. 575. President Nixon vetoed 6/29/71.

*Purchase of U.S. obligations by Federal Reserve Banks*—Extends for a 2-year period, from June 30, 1971 to June 30, 1973 the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1700. Public Law 92– .

*Renegotiation Amendments of 1971*—Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. H.R. 8311. Public Law 92– .

*Small Business Amendments Act of 1971*—Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S21/71.

*Small Business Act amendment*—Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment fund of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

*Social security amendments.*—Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7.800 to $9,000 effective January 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

*Transfer of trust funds to the Philippines.*—Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S 3/25/71.

*Wage and price controls and ceilings on deposit interest rates—extension of authority.*—Extended until June 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

*Emergency School Aid and Quality Integrated Education Act of 1971.*—Authorizes $1.5 billion between the date of enactment and July 1, 1973 for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S 4/26/71.

GENERAL GOVERNMENT

*American Revolution Bicentennial Commission*—Authorizes $670,000 for the American Revolution Bicentennial Commission for fiscal year 1971. S. 1538. Public Law 92– .

*Assistant Secretary of the Interior*—Established within the Department of Interior the position of an additional Secretary of the Interior. Public Law 92–22.

*Civil Service retirement*—Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S 5/14/71. P/H amended 5/17/71.

*Commission on Government Procurement.*—Provides the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. H.R. 4848. P/S 6/24/71.

*Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendment.*—Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

*Foreign Claims Settlement Commission.*—Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S 6/23/71.

*Lowering the voting age to 18.*—Proposed an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. P/S 3/10/71. P/H 3/23/71. Received by GSA 3/23/71.

*National Science Foundation authorization.*—Authorizes for the National Science Foundation $703,516,215 for fiscal year 1972 and $900 million for fiscal year 1973 and, in foreign currencies, $3 million for fiscal year 1972 and $7 million for fiscal year 1973. H.R. 7960. P/H 6/7/71. P/S amended 6/29/71.

*Railroad retirement annuities.*—Amends the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. H.R. 6444. Public Law 92– .

*Reorganization Plan No. 1 of 1971.*—Established in the executive branch a new agency, ACTION, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Program now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to ACTION after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected 6/3/71. H. Res. 411 (disapproval resolution). House rejected 5/25/71. Plan became effective 6/4/71.

*Texas land addition*—Gave the consent of Congress to consider the land, acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. H.R. 1729. Public Law 92– .

*Trust Territory of the Pacific Islands*—Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. H.J. Res. 617. Public Law 92– .

*Virgin Islands—Amendment of Revised Organic Act*—Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92-24.

### HEALTH

*Health professions student loans and scholarships—Extension*—Amended the Public Health Service Act to extend for 1 year, until June 30, 1972, the loan and scholarship provisions for students of the health professions H.R. 7736, Public Law 92–

*Public Health Service hospitals and outpatient clinics*—Required that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries to meet the needs for health services of the Nation at large, and particularly of medically underserved areas. S. Con. Res. 6. Senate adopted 6/29/71.

### INDIANS

*Blackfeet and Gros Ventre tribes, Montana*—Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. P/S 3/11/71.

*Iowa Tribe of Oklahoma and of Kansas and Nebraska*—Authorizes division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92-29.

*Pembina band of Chippewa Indians*—Authorizes distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. H.R. 6072. P/H 5/3/71. P/S 6/8/71 amended.

*Sisseton and Wahpeton Tribes of Sioux Indians*—Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians S. 1462. P/S 6/8/71.

*Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe*—Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians. S. 101. P/S 6/8/71.

*Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes*—Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public Law 92-30.

### INTERNATIONAL

*Passport fees*—Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92-14.

#### *Treaties*

*Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America*—Designed for signature of states possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use or threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex.H. (91–2). Resolution of ratification agreed to 4/19/71.

*Bryan-Chamorro Treaty of 1914—Termination*—Ex.L. (91–2). Resolution of ratification agreed to 2/17/71.

*Extradition Treaty With Spain*—Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex.N. (91–2). Resolution of ratification agreed to 2/17/71.

*Treaty With Mexico Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties*—Ex.K. (91–2). Resolution of ratification agreed to 2/11/71.

### LABOR

*Blind and other severely handicapped—Sale of products and services*—Amended the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92-28.

*Emergency Employment Act of 1971*—Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. S. 31. Conference report filed in House June 29, 1971.

*Railway labor-management dispute*—Designed to end a nationwide railroad strike by extending until October 1, 1971 the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92-17.

### MEMORIALS AND TRIBUTES

*Harry S Truman*—Salutes President Harry S Truman for his extraordinary record of national service, and extends to him the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted May 6, 1971. H. Res. 422. House adopted May 5, 1971.

### PROCLAMATIONS

*Human Development Month and Voluntary Overseas Aid Week*—Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted April 29, 1971. House adopted May 5, 1971.

*Medical Library Association Day*—Authorized the President to issue a proclamation designating June 1, 1971 as Medical Library Association Day. Public Law 92-23.

*National Moon Walk Day*—Requests the President to designate July 20, 1971, as "National Moon Walk Day." S.J. Res. 101. P/S 6/21/71.

*National Peace Corps Week*—Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92-20.

*National Star Route Mail Carriers Week*—Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92-26.

*National Week of Concern for Prisoners of War Missing in Action*—Authorized the President to designate the week beginning March 21, 1971 as "National Week of Concern for Prisoners of War Missing in Action." Public Law 92-6.

*Volunteers of America Week*—Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92-3.

*Youth Appreciation Week*—Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. H.J. Res. 556. Public Law 92–

### RESOURCE BUILDUP

*Arches National Park, Utah*—Provides for the establishment in Utah of the Arches National Park to consist of some 73,154 acres. S. 30. P/S 6/21/71.

*Buffalo National River*—Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. P/S 5/21/71.

*Canyonlands National Park, Utah*—Provides for the extension of the boundaries of the Canyonlands National Park in Utah to include certain superlative areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. S. 26. P/S 6/21/71.

*Capitol Reef National Park, Utah*—Provides for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. P/S 6/21/71.

*Glen Canyon National Recreation Area, Utah and Arizona.*—Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,310 acres of land and water. S. 27. P/S 6/21/71.

*Horses and Burros.*—Provides protection to wild free-roaming horses and burros on public lands; places the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contains other provisions. S. 1116. P/S 6/29/71.

*Lincoln Back Country, Lewis and Clark and Lolo National Forests, Montana.*—Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S 4/5/71.

*Middle Snake River—Prohibition of Licensing of hydroelectric projects.*—Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S 6/28/71.

*Minam River Canyon, Oregon, wilderness area.*—Provides for adding approximately 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S 6/4/71.

*Saline water conversion program.*—Extends the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorizes $27,025,000 for fiscal year 1972; redirects the program to reflect the experience of the past 10 years; and contains other provisions. S. 991. P/S 6/28/71.

*Upper Snake River reclamation project.*—Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S 6/28/71.

*Washakie Wilderness and the Shoshone National Forest, Wyoming.*—Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/31/71.

*Water pollution control.*—Extends for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. S. 2133. P/S 6/23/71.

*Water Resources Planning Act Amendments.*—Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

*Whales—Moratorium on killing.*—Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S 6/29/71.

### SPACE

*National Aeronautics and Space Administration authorization.*—Authorizes $3,280,850,000 for NASA for fiscal year 1972 as follows: $2,543,200,000 for research and development; $56,300,000 for construction of facilities; and $681,350,000 for research and program management. H.R. 7109. P/H 6/3/71. P/S amended 6/29/71.

### TRANSPORTATION AND COMMUNICATIONS

*Amateur radio operators.*—Amends the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 485. P/S 5/26/71.

*High Speed Ground Transportation Act extension.*—Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71.

*Maritime authorization, 1972*—Authorizes $229,687,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. H.R. 4724. Public Law 92– .

*Rail passenger system review*—Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S 5/11/71.

*Sonic booms—regulation*—Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S 3/19/71.

*Supplemental maritime authorization*—Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Martime Administration of the Commerce Department. Public Law 92–21.

*Uniform Time Act of 1966 Amendment*—Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S 5/18/71.

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## HEALTH CARE INSURANCE ACT OF 1971

Mr. PACKWOOD. Mr. President, as a member of the Senate Health Subcommittee I have been privileged to participate in a number of hearings this year on a variety of problems in the health field. Foremost among these problems seems to be the cost of health care and the consequent inability of millions of Americans to afford proper health care.

Of almost equal importance, and closely related, is the need to provide additional medical personnel, including physicians, dentists, nurses, and numerous other health professionals and allied health personnel. This in turn would include the expanded use of trained allied health personnel now being released by the armed services.

Implied in the manpower shortage is a real need to provide new means of strengthening our delivery systems and improving patterns of practice to allow physicians to achieve greater productivity. Along with new and strengthened delivery systems, we must continue to develop new health care facilities and modernize existing institutions, but not lose sight of the fact that community facilities, outpatients facilities, and home health carry with them great advantages from both the medical, financial, and psychological perspectives. We do not need to just blindly build more hospitals and more hospital beds without first determining that this is the most effective use of our health dollars.

Another important area the Health Subcommittee has been examining is the need for vital biomedical research to understand and hopefully eliminate a host of diseases which have afflicted man from the beginning of time. Most recently we have been working to upgrade and expand our cancer research effort, but our horizons are wide and far-reaching and every day sees new advances across the whole spectrum of biomedical research. What we need is an intensified effort to conquer the diseases which have for so long prevented man from realizing his full potential, or in too many cases, have brought tragic ends to promising careers.

The tragedy of long and expensive illness brings me to another problem area we have been examining in the Health Subcommittee, catastrophic health insurance—or lack thereof, I should say. Even before hearings on this aspect of health financing begin, I believe Congress is dedicated to the proposition that all Americans should be protected against catastrophic long-term illness.

Throughout all these problem areas, we have dual objective, to assure the high quality of medical care, and to control costs.

### FEDERAL ROLE

In analyzing the health care situation, and in reviewing the work of the Health Subcommittee in recent years, it is apparent that the effort to solve these problems has become a joint endeavor, involving all elements of the private health care system, foundations, and many levels of government, local, State, and Federal. Although the proper role of the Federal Government in the health care system has never been fully defined, it is clearly expanding—Federal expenditures for health have increased tenfold in the last decade alone. This rapid growth in Federal involvement in health care has come about primarily as a result of medicare and medicaid. Both of these programs are aimed at the first health problem I mentioned—the expense of good medical care and the inability of many Americans to finance the care they need. In attempting to define the most appropriate Federal role in the health care system, perhaps we should focus on this aspect—to provide help to those for whom there is a financial barrier to good health care. Thus it follows that some form of national health insurance would indeed be a proper Federal role.

Having concluded that a system of health insurance is a legitimate area of Federal involvement, and a desirable one, we must proceed to examine the nature of that involvement, and the guiding principles which will serve as a basis upon which actual legislation can be drafted.

The first principle which should guide Congress in drafting legislation to remove financial barriers to health care is a clear delineation of the Federal role, confined to the provision of help to those who need it, with graduated assistance tied to income levels. The free-for-all concept which purports to have the Federal Government give health care away to all for free is a cruel joke on the American public and I think will be recognized as such. Health care is never free. The question is merely who pays for the care and how. The "who" will always be the American people. It remains to decide the levels of their contributions—via medical payments and/or taxes—and the "hows" of health care delivery. We here in Congress must not allow ourselves to lose sight of these very basic facts of life.

Another principle which I believe is basic in defining the Federal role is that we must build on the best of the present system, improving it to meet the needs of those Americans who now cannot afford proper medical care. To me improving the present system means, for example, using the health insurance industry rather than destroying it. Indeed, the Social Security Administration, in its annual report on health insurance—Private Health Insurance in 1969: A Review—said:

> Over the years, consumers have been able to buy health insurance on increasingly ad-

> vantageous terms in the sense that they get back increasingly more of their premium or subscription dollar in benefits. Evidence of this trend is the steady decline in the retention ratio—retentions as a percent of premium income. In 1948 the retention rate for all private health insurance organizations was 30 percent; in 1969 it was 11 percent.

It must be borne in mind that insurance companies by and large pay a premium tax of 2 or 3 percent in addition to other local or State taxes from this 11 percent which is retained. This is by far a more advantageous situation in my view than turning this health matter over to the Federal Government for direct financing and administration.

Health insurance subsidies by the Federal Government should require that the health insurance benefits be comprehensive and that they include outpatient care. There must also be emphasis on preventive medicine, because we all know that lives, dollars, and untold pain and suffering can be saved through early diagnosis and treatment of disease. Even more fundamentally, maintenance of good health helps keep disease away altogether.

Most Americans would agree, I think, that a definition of the proper role for the Federal Government includes protecting American families against the risk of losing their savings and even their homes because of a catastrophic illness. We are talking here about protection for the working man against the cost of a crippling disease or accident which might strike him, his wife, or his children. This threat hangs over all of us and is a legitimate area of concern and Federal involvement. We separate this sort of catastrophe from the very real problem of the long-term custodial care of the aged, but they are equally serious in terms of financing the needed care.

### DIVERSITY DESIRABLE

One of the strengths of our current system is its diversity. Americans now receive medical care in a variety of settings using a variety of financing mechanisms. Diversity should be encouraged, not eliminated. A monolithic approach is, in my opinion, highly undesirable, and should be avoided. Free choice in medical care delivery and financing systems should be protected at every stage of our deliberations.

Let us also encourage diversity because we are a diversified nation. What works in the suburbs will not work in rural areas; what works in rural areas will not work in the crowded ghettos. What works for the poor may not work for the rich; what works for the rich may not work for the working man and his family. What works in Oregon may not be desired in Georgia. In short, diversity is a strength. Competition is desirable between different delivery systems so that the patient and the doctor can both find the system that suits them best.

One feature of any health insurance program which is bound to arouse conflicting views is the question of co-insurance and deductibles. These mechanisms serve to hold down overall costs of insurance premiums, but may also have the effect of penalizing those in the lower income groups who are unable to pay the co-insurance or deductible, and so, in effect are unable to obtain the routine medical care they need.

On the other hand, eliminating the co-insurance and deductible requirements may lead to abuse and overutilization of the health care delivery system, a situation we definitely cannot afford. Obviously then, we want to include the advantages of holding down costs and preventing abuse and overutilization, without imposing penalties on those who cannot afford co-insurance or deductible payments. The solution would seem to be to include co-insurance and deductibles, but on a sliding scale which reflects ability to pay.

Another important ingredient in preventing overutilization is peer review. In any health insurance legislation we consider, we must guarantee the effective review of costs, utilization, and quality of the medical care our people are receiving.

Mr. President, with these principles in mind, I have examined the various health insurance programs and proposals which have been submitted in both Houses of Congress. After a thorough review and a great deal of thought, I have concluded that the Health Care Insurance Act of 1971—Medicredit, S. 987—sponsored by my distinguished colleague from Wyoming (Mr. HANSEN), most nearly translates these important principles into legislative action, and I am therefore proud to add my name as a cosponsor.

## STATUS OF TRANSCRIPT OF CLOSED SESSION ON LAOS

Mr. SYMINGTON. Mr. President, in order to bring the Senate up to date on the status of the transcript of the closed Senate session on Laos held earlier this month, I would now briefly review the actions taken so far; and in so doing would assure all Members and the American people that we are making every effort to have as much of the information presented at that session declassified as possible and published at the earliest opportunity.

The transcript, marked "top secret," of the closed session of the Senate, held on the afternoon of Monday, June 7, was delivered to the office of the Committee on Foreign Relations on the same day. The office of every Senator whose remarks appeared in the transcript was called and told that the transcript would be available in the committee office for review by Senators until the close of business Monday, June 14. This deadline was subsequently extended to 3 p.m., Wednesday, June 16.

The transcript was then delivered to an authorized representative of the Government Printing Office so that classified galley proofs could be printed. The galley proofs, also marked "top secret," were delivered to the committee office on Friday, June 18.

Meanwhile, Senator SPARKMAN, as acting chairman of the committee, wrote the Secretary of State on June 15 asking him to "designate a responsible official to review on behalf of the executive branch the transcript of the proceedings of the closed session in the office of the Committee on Foreign Relations, together with members of the committee staff, in order to recommend what material should be deleted."

On June 18, Assistant Secretary of State Abshire replied to Senator SPARKMAN's letter saying that Mr. Joseph Wolf had been designated by the Secretary to conduct this review.

On the morning of Monday, June 21, Messrs. James Lowenstein and Richard Moose of the Foreign Relations Committee staff met with Mr. Wolf, who was accompanied by representatives from the Department of Defense and the Central Intelligence Agency, and began reviewing the classified galley proofs.

By Friday, June 25, the specific points on which there is disagreement between us and the executive branch with regard to the need for continued security classification had been defined. Mr. Wolf has informed us that a memorandum to the Secretary of State, asking for instructions on the points in question, has been prepared and is in the process of being cleared within the executive branch.

## CEILING ON FARM PAYMENTS

Mr. TOWER. Mr. President, I am seriously concerned over action by the House of Representatives to attach an amendment to the Agriculture Appropriations bill placing a $20,000 annual ceiling on farm payments.

The 1970 Agriculture Act carried a $55,000 annual limitation and it constituted a commitment to the farmer that such a ceiling could be depended upon for 3 full years. If the House amendment is written into law, it would constitute the breaking of that commitment and I will not be a part of such action.

Prior to the 1970 farm bill, it was argued that the Government was paying the farmer not to grow crops and that large payments to already wealthy persons owning extensive acreages simply to insure that no crop was grown was just simply a drain on the Government Treasury which enabled rich men to get richer. That argument may have had some credence then, but it has none now. The 1970 Agriculture Act established a program in which the government will support the market price for a certain acreage of a farmer's production, and then allow him to grow crops on additional acreages without that price support benefit. On the additional acreages, the farmer would simply risk the free market price.

Farmers are now carrying on this year's operations and planning next year's operations based on the Agriculture Act of 1970. If Congress should suddenly lower the farm payment ceiling, the Nation's farmers will realize they have based their plans upon a foundation of sand instead of the firm foundation they had been told the act represented.

The farmer has enough problems already without the Congress breaking a commitment which so directly affects his operations.

The per bushel price of corn has fallen from $1.68 in the 1947–49 period to $1.12

today. A bushel of wheat, which brought in excess of $2 in the 1947–49 period, now brings only $1.25 to $1.55. The farmer is being asked to accept a lower price for his produce while he is expected to pay increasing overhead costs. He is forced to pay higher prices for machinery which is produced by manufacturing workers who have enjoyed a 131 percent increase in hourly earnings since 1950. Also since 1950, corporate dividends have increased 235 percent, while the farmer's average return on his investment is now 3 percent less than it was in the 1947–49 period. During the past 20 years this Nation's population has grown by 36 percent, but its farm population has decreased by 50 percent—a measure of the number of farmers who have succumbed to the economics which they face. The total number of farms in this Nation have declined from 5.7 million to 2.9 million over the past 20 years.

These statistics are not new. They should not be shocking to anyone. But they illustrate the problems faced today by the farmer.

The 1970 Agriculture Act took these grim statistics into account. It attempted to deal with the realities of the problems which face the farmer today. We may find after a few years that the act has not been the answer. But I think the Congress should give it at least a reasonable period in which to operate before we begin to tamper with the machinery in bits and pieces such as lowering the ceiling on farm payments.

## FORMER SENATOR THOMAS J. DODD

Mr. PASTORE. Mr. President, the untimely passing of former U.S. Senator Thomas J. Dodd ended a long life of dedication to public service, although this modest man limited his own biography to two lines in the Congressional Directory.

FBI agent, assistant U.S. attorney, and principal prosecutor at the Nuremberg trials, his career in the House of Representatives and the Senate covered 16 years.

A onetime Connecticut Director of the Youth Administration, he brought to Congress a devotion to the interests of youth and his work on the Senate Committee on Juvenile Delinquency and Crime will stand as a a monument to his head and heart.

Tom Dodd was a humble man with human faults; and friendship survived the tests of time—for no man was held in higher esteem as the faithful husband and loving father. He will be sorely missed by his beloved wife, Grace, his splendid children, and all his friends.

Almost the last act of the Senate on December 31, 1970, was to vote that there be printed as a Senate document the tributes of his colleagues to Tom Dodd on the occasion of his retirement.

May these sincere sentiments, expressed in his lifetime, be a treasured legacy to his loved ones to whom we of the Senate offer our heartfelt sympathy.

## RESOLUTION MEMORIALIZING CONGRESS TO EXERCISE CAUTION IN TRADING WITH COMMUNIST CHINA

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed a concurrent resolution memorializing the President and Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets by still another low-wage nation.

The purpose of this resolution is to inform Congress that this may open up another avenue of low-wage textile imports which will further endanger the jobs of large numbers of textile workers. The United States has much experience to prove that any hope of Communist China changing its aggressive policies are in vain. Increasing trade with Communist China is a unilateral action, with Red China accruing most of the advantages. To aid Red China's economy while endangering the livelihood of textile workers is to ignore history and invite catastrophe.

Mr. President, on behalf of myself and my colleague from South Carolina (Mr. HOLLINGS), I ask unanimous consent that the resolution introduced by Messrs. Lake, Bonner, and Long of the State Legislature of South Carolina be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A concurrent resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets to still another low-wage nation

Whereas, the President of the United States has lifted restrictions on trade with Communist China in forty seven categories, including textile products and machinery; and

Whereas, it is believed that Communist China has a large textile industry, and the President's action simply opens another source of low-wage textile imports that further imperil the wages and jobs of thousands of Americans; and

Whereas, there seem to be no reliable indications at this time that substantial exports can be sent to Red China so far as textiles are concerned; and

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, the revenues of the State Government, county governments and municipal governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto shorttime, manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, the opening of trade with Red China adds still another competitive burden on the American textile industry and its employees. Now, therefore, be it

*Resolved* by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to immediately take steps necessary to safeguard the American textile industry against further serious inroads into its markets by placing appropriate restrictions on all such items that might be imported into this country. Be it further

*Resolved,* That copies of this Resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, to the Secretary of Commerce and the Secretary of State of the United States.

## THE SELECTIVE SERVICE ACT

Mr. CRANSTON. Mr. President, the Selective Service Act is due to expire at midnight tonight. Though the President unfortunately will retain his unconditional power to draft men previously deferred, tomorrow will be the first day in 23 years that the country will be free of an unfair and undemocratic law that makes military service compulsory.

But our freedom may be short-lived.

The draft has been part of American life for nearly 30 of the past 31 years. Many people were beginning to accept it as a normal part of American life.

But the draft is not a normal part of American life. Normal American life is dedicated to peace and to the pursuit of a better life for all. The draft is an outgrowth of war that has been allowed to become cancerous, spreading through what should have been peaceful, productive years and corrupting them into years of death and destruction, wasted resources and ruined lives.

We never would have gotten into the Vietnam war had it not been for the draft and the limitless pool of young manpower it made available to the Executive for him to do with as he wished, without consulting the Congress or the American people. Continuance of the draft has slowed our extrication from

Vietnam and has taken a continued toll of American and Vietnamese lives.

But though the draft law will end tonight, we have not seen the end of the draft. A bill that would continue it for 2 more years is now in conference committee and is expected to be acted upon by the House and Senate sometime after Congress returns from the July 4 recess.

What happens then depends on what the American people do in the meantime.

I call upon the American people to commemorate American Independence Day 1971 by making their views on the draft known to their elected representatives.

Over the next week or 10 days, the American people can decide the fate of the draft and with it, the fate of our Nation for the next 2 critical years. The decision should be made wtih the concerned participation of all Americans.

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## WHAT THE TIMES WAS SAYING AT THE TIME

Mr. ALLOTT. Mr. President, it is time to take a look at the not-at-all private files of back issues of the New York Times.

The New York Times these days is full of righteous indignation. It is arguing that the Kennedy-Johnson and Johnson-Humphrey administrations misled the American people by talking restraint while planning and implementing bellicose policies in South Vietnam.

Mr. President, if those administrations did mislead the American people, while they were doing this they were acting on the assumptions shared by, and implementing the policies advocated by, the New York Times.

Mr. President, a survey of the New York Times from those years indicates very clearly that the New York Times was a determinedly hawkish newspaper.

Consider a few examples.

Consider, for example, the editorial voice of the New York Times on November 3, 1963. The Times that day was busy finding the silver lining in the events that had culminated in the murder of President Diem. According to the New York Times, the good news was that the Vietnamese leaders who had staged the coup would be more vigorously anti-Communist than President Diem had been.

Consider:

> Fortunately, the new Vietnamese rulers are dedicated anti-Communists who reject any idea of neutralism and pledge themselves to stand with the free world. It is significant that one of their charges against Mr. Nhu is that he tried to make a deal with Communist North Vietnam along the lines hinted at by President de Gaulle. To the extent that the new Government in Saigon can arouse greater loyalty and support from the Vietnamese people than its predecessor could, the anti-Communist military campaign will take on increased vitality. If the new regime succeeds in identifying itself with the aspirations of the people, it will have taken a long step toward repulsing further Communist inroads through Southeast Asia.

Mr. President, so that all Senators can consider this editorial—nicely entitled "Opportunity in Vietnam"—I ask unanimous consent that it be printed in full as the first exhibit at the conclusion of my remarks.

By the middle of 1964 the New York Times was dividing its energies between working up hysteria about Senator BARRY GOLDWATER and working up a stiff upper lip for the war in Vietnam. On June 21, 1964, in an editorial entitled "War Against China?" the New York Times expressed its earnest wish that a negotiated settlement could be reached. But the New York Times was not hopeful:

> The chief obstacle to such a settlement at the moment is undoubtedly the belief of Peking and Hanoi that they can win control of the entire area by continuing their present tactics. The use of additional American military and economic resources to disabuse Mao Tse-tung and Ho Chi Minh of such illusions is entirely justified.

Mr. President, so that all Senators can examine the New York Times' disquisition on the "entirely justified" use of American force, I ask unanimous consent that the editorial of June 21, 1964, be printed as the second exhibit at the conclusion of my remarks.

Mr. President, Mr. Neil Sheehan is a New York Times reporter. He is also the principle author of the series of articles based on the stolen documents. Mr. Sheehan is very full of indignation about U.S. policy toward South Vietnam in the early and middle years of the 1960's.

Thus it is interesting to examine what Mr. Sheehan was writing about our policy back in those years. The Sunday New York Times of August 16, 1964, carried a long and very strongly opinionated essay by Mr. Sheehan. It was headlined "Much Is at Stake in Southeast Asian Struggle."

In this essay Mr. Sheehan wrote as follows:

> The United States joined battle with the Vietcong guerrillas in the rice paddies of South Vietnam two and a half years ago for two simple but impelling reasons:
>
> (1) The United States is the only Western power capable of meeting the Chinese Communist challenge for hegemony in Asia.
>
> (2) The United States wants to demonstrate to the rest of the world that this country has both the desire and the ability to defeat the Communist strategy for expansion—a formula composed of guerrilla military tactics and political and psychological action that Peking refers to as the "war of national liberations."

There followed more than 20 paragraphs of somber predictions about the disasters that would sweep from New Zealand to Pakistan if the United States withdrew from the battle in South Vietnam. The spirit of Mr. Sheehan's geopolitical discourse was captured in the caption for a map which accompanied the essay.

This was a map of Southeast Asia, with various critical spots marked with numbers running from 1 to 12. The caption under this map read as follows:

> Communist China (1) is seeking hegemony in Southeast Asia. The key to its campaign is South Vietnam (2) where a heavy U.S. commitment is aimed at thwarting a victory by Communist guerrillas. If South Vietnam should fall, the following effects could be expected: China would be emboldened to foster other "wars of liberation" in the region. Russia (3) would be dealt a blow in the ideological war with Peking, encouraging other Communist parties to pursue China's militant course. The shaky coalition in Laos (4) would collapse. Burma (5), Thailand (6) and Cambodia (7) would come under China's domination. Malaysia (8) might break apart under pressure of racial unrest and an expansionist-minded Indonesia (9), already Peking-oriented to further its ambitions, India (10) and Pakistan (11) would come under increasing pressure. And Japan (12) might move toward an accommodation with Peking to preserve its trade.

Mr. Sheehan concluded his essay with these two paragraphs:

> Communist leaders in Southeast Asia, Africa and South America are watching the test case of South Vietnam to see if China's contention will be proven by victory.
>
> If the United States wishes to influence world Communism along less militant lines, it could strengthen the Soviet Union's position in the Chinese-Soviet dispute by demonstrating that China's new strategy for Communist conquest will be as unsuccessful as the previous Communist attempts in Western Europe and Korea.

Mr. President, so that all Senators can examine Mr. Sheehan's opinions, I ask unanimous consent that his article of August 16, 1964, be printed in the RECORD as the third exhibit at the conclusion of my remarks.

Mr. President, Mr. James Reston is a member of the editorial board of the New York Times. He is the Savanarola of the current dispute with the Government. Hell hath no fury like the anger of Mr. Reston when he thinks the Government has behaved improperly. These days Mr. Reston is not at all bashful about telling the world that he thinks the Government behaved very improperly in getting us involved in South Vietnam.

In this regard it is instructive to notice what Mr. Reston was urging upon the Government a few years back. Consider, for example, his spirited column of April 25, 1965.

After some of the talk which was then praised as tough minded—talk about the need to develop a strategy for defeating indirect aggression—Mr. Reston wrote this:

> Vietnam, therefore, is not only a present agony but a warning of future trouble in other areas. One does not have to believe in the domino theory—that if Vietnam falls many other states will follow—in order to recognize the dangers inherent in the triumph of what the Communists call—as in Vietnam—wars of national liberation.
>
> The Communist objectives have not changed. They are determined to extend their influence and control as far as they can. What the Soviets attempted by political pressure on Western Europe, by threats of war over Berlin, by nuclear blackmail in Cuba and by their adventure in Korea, the Chinese Communists are now trying to achieve by subversion and guerrilla warfare in Vietnam.

Mr. Reston concluded his column with these words:

> It is not morally free, for example, to carry the air war into the populous areas of North Vietnam where the really important strategic targets are located. Nor is it morally free to abandon the people who have committed themselves to the battle in South Vietnam and who will be at the mercy of the Vietcong if we pull out.
>
> Even more important it is not free to submit to the triumph of the Communist guerrilla techniques without making them pay dearly in the process, for if they succeed

> in Vietnam, nobody dare assume in Washington that the same techniques will not be applied in all the Communist rimlands from Korea to Iran.—NYT April 25, 1965.

Mr. President, so that all Senators can consider Mr. Reston's opinion, I ask unanimous consent that his column of April 25, 1965, be printed in the RECORD as the fourth exhibit at the conclusion of my remarks.

Finally, Mr. President, it is appropriate to allow the distinguished junior Senator from Arizona (Mr. GOLDWATER) to have the last word in this survey of the New York Times behavior.

The New York Times "op ed" page far exceeded its usual commonsense quotient last Friday because it contained a column by Senator GOLDWATER.

Senator GOLDWATER wrote this:

> Logic alone should have told the people who put down all those erudite words on the page opposite to this one that L.B.J. or whoever was elected to the office of President had to follow one of two courses of action: either to escalate the war and attempt to win it or withdraw completely from the Indochina theater of war.

Mr. President, as a survey of the New York Times editorial judgments reveals, the New York Times was not urging the United States to withdraw from Southeast Asia.

Mr. President, so that all Senators can profit from the clear thinking of the junior Senator from Arizona, I ask unanimous consent that his column be printed in the RECORD as the fifth and final exhibit at the conclusion of my remarks.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

### Exhibit 1

### Opportunity in Vietnam

The overthrow of the Ngo regime by its non-Communist opponents in South Vietnam presents the opportunity—and it may be the last opportunity—to establish there a forward-looking, democratically oriented government with a broad base of popular support, a government that could in fact carry the anti-Communist war to an ultimately successful conclusion.

The coup in Saigon was inevitable, and, given the stubborn refusal of President Diem to institute political reforms that had long been urged upon him, it was by this time highly desirable. Diem served his country well in the beginning by putting it on its feet. His tragedy was in permitting real power to slip into the hands of his tough-minded brother Nhu and his acid-tongued sister-in-law, who embarked on despotic policies that found their elimination in the anti-Buddhist raids. They aroused widespread opposition at home, alienated the American ally and inflamed world opinion to a point that began to hamper the anti-Communist war.

The American protests against these policies, the demands for a change and the curtailment of aid helped to prepare the psychological atmosphere for the coup. It was carried through by Vietnamese generals who began feeling the effect of the Nhu policies in the field and who put the fate of their country above the fortunes of the Ngo family. They had to fight a sanguinary battle to win, and pro-Diem elements are still active in the countryside. But the dancing, cheering crowds that thronged the streets to hail their victory gave dramatic evidence of the hatred the Diem regime had engendered and the popular relief that it was gone.

The victorious generals now rule the country under martial law. But a military government is no real solution. It is, therefore, gratifying that the generals have immediately established a temporary civilian Government headed by Nguyen Ngoc Tho, a Buddhist and former Vice President, and promise to return all power to a new, popularly elected Government as soon as the situation permits. The new regime hopes to rally all the Vietnamese people behind it in a new upsurge of national unity. But the risks involved for both the generals and for us are unmistakable. A somewhat comparable coup in Laos in 1960, for which the United States was blamed, has had disappointing results; and the Laotian civil war goes on.

Fortunately, the new Vietnamese rulers are dedicated anti-Communists who reject any idea of neutralism and pledge themselves to stand with the free world. It is significant that one of their charges against Mr. Nhu is that he tried to make a deal with Communist North Vietnam along lines hinted at by President de Gaulle. To the extent that the new Government in Saigon can arouse greater loyalty and support from the Vietnamese people than its predecessor could, the anti-Communist military campaign will take on increased vitality. If the new regime succeeds in identifying itself with the aspirations of the people, it will have taken a long step toward repulsing further Communist inroads throughout Southeast Asia.

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### Exhibit 2

### War Against China?

The deteriorating situation in Southeast Asia has induced the Johnson Administration to begin an exercise in brinksmanship that could conceivably end in war between the United States and Communist China. Administration spokesmen in Washington have told reporters that North Vietnam and Communist China must leave their neighbors alone or face a war with this country. They have described this nation's commitment in Asia as comparable to the unlimited obligation we have assumed in Berlin. The retiring commander of United States forces in the Pacific, Admiral Felt, says that we are willing to risk war with Communist China to keep her from taking over Southeast Asia.

Against this background there is a clear need for President Johnson to explain to the American people exactly what our policy is, its potential dangers and consequences and the reasons he believes it necessary to take these risks. If possible war with China is what the President means by his San Francisco remarks about opening an "offensive in the pursuit of peace," he should let Congress and the people know in explicit terms.

All this nation's past history shows that Americans are fully prepared to bear the burdens and sacrifices required for national and world security provided they understand why we must act. President Kennedy confronted with the Cuban missile crisis, explained the nature of the crisis to the country and thus engendered the firmest kind of national unity.

It is, of course, the failure to secure implementation of the 1954 Geneva accord on Indochina and of the 1962 Geneva agreement for a coalition government in Laos that has created the present situation with all its catastrophic potential. The goal of American policy in Indochina, as we have repeatedly declared must be the creation of a situation in which those agreements can be truly effectuated. This implies an end to the subversion supported by North Vietnam and Communist China in Laos and South Vietnam, reinstatement of the tripartite coalition in Laos and neutralization of all the four states formed from what used to be French Indochina.

The chief obstacle to such a settlement at the moment is undoubtedly the belief of Peking and Hanoi that they can win control of the entire area by continuing their present tactics. The use of additional American military and economic resources to disabuse Mao Tse-tung and Ho Chi Minh of such illusions is entirely justified.

But such a build-up of United States support should have as its primary aim the reconvening of all the powers responsible for the original Geneva accords to work out more dependable machinery for neutralizing the entire area. Military victory is not possible for either side in this struggle, but the danger of a global conflict seems to be advancing with fearful speed.

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### Exhibit 3

### Much Is at Stake in Southeast Asian Struggle; Loss of South Vietnam to the Communists Would Greatly Enhance Peking's Prestige and Lead to Hegemony in Region

(By Neil Sheehan)

WASHINGTON, Aug. 15—Prince Norodom Sihanouk of Cambodia recently remarked that if the Americans lost the war in South Vietnam, as he so often predicts, he would be greeted on his next visit to Peking with the command from Chou En-lai, "Sihanouk, on your knees." His princely days would be over.

The Prince's prediction is a sobering reminder of the stakes involved in the guerrilla war in South Vietnam and the importance to the United States of what happens in Southeast Asia.

For amid the welter of news on the Vietnamese crisis, it is almost possible to forget why the United States became so deeply committed to South Vietnam and Southeast Asia in the first place.

"So much prestige has been committed now," one State Department official said, "it almost seems idle to ask what's behind it."

The United States joined battle with the Vietcong guerrillas in the rice paddies of South Vietnam two and a half years ago for two simple but impelling reasons:

(1) The United States is the only Western power capable of meeting the Chinese Communist challenge for hegemony in Asia.

(2) The United States wants to demonstrate to the rest of the world that this country has both the desire and the ability to defeat the Communist strategy for expansion—a formula composed of guerrilla military tactics and political and psychological action that Peking refers to as the "war of national liberation."

The men who hold power in Washington and Peking believe the outcome of the battle in South Vietnam will decide to a considerable extent the course of events for the next decade in the rest of Southeast Asia—Laos, Cambodia, Burma, Thailand, Malaysia, Indonesia and the Philippines—and thus will effect Asia as a whole and ultimately the world.

#### SHOCKWAVES

An American defeat in South Vietnam would set off political and psychological shockwaves which could be expected to have roughly the following effects in Southeast Asia:

Laos already has nearly fallen to Communism and would collapse entirely.

There are fears among qualified observers that the clandestine but well-organized Communist party in Cambodia might attempt to assassinate Prince Sihanouk and seize power.

Gen. Ne Win of Burma, under increasing pressure from pro-Communist student and labor groups and with Communist rebels still active in the country, would undoubtedly be forced into virtual satellite status under Peking.

An indication of these possibilities can be discerned from the fact that the so-called neutralism of both Prince Sihanouk and General Ne Win has turned progressively anti-western and pro-Chinese, as the situation has deteriorated in South Vietnam, in efforts to appease Peking.

The pro-Western Governments of Thailand and Malaysia retain power on thin fabrics of stability that might tear under the strain.

It is doubtful if Malaysia's Prime Minister, Prince Abdul Rahman, could survive between the pressures of President Sukarno's "Crush Malaysia" policy from Indonesia and the divisive forces within the loosely cemented federation. Nearly half of Malaysia's 10 million people are Chinese and Peking has long played on the traditional chauvinism of these Chinese and their fear of Malay domination.

The Chinese-controlled Malayan Communist party, now functioning clandestinely because of the defeat of its earlier attempts to seize power through guerrilla warfare, and the pro-Communist Barisan Socialist party in Singapore are patiently awaiting an opportunity to tear the less-than-one-year-old federation of Malaysia apart.

President Sukarno of Indonesia already lends Peking considerable diplomatic support because of his own expansionist ambitions toward Malaysia. His policy of alleged non alignment could be expected to align itself much more closely with Communist China.

The powerful Indonesian Communist party—two million strong and the third largest in the world—has so far been kept out of the Jakarta Cabinet because President Sukarno plays it off against his 500,000-man army. But when the 62-year-old Sukarno dies, the Communists will undoubtedly make an effort to take control of the Government.

There are already signs of reluctance by Southeast Asian nations to commit themselves to pro-American policies because of fears that the United States will fail to defeat the Communist insurgency in South Vietnam. This reluctance also seems to arise from mounting feeling that Communist pressures might better be met by somehow mollifying Peking or developing regional alliances among the Southeast Asian countries.

The fall of Southeast Asia to China or its denial to the West over the next decade, because of the repercussions from an American defeat in Vietnam would amount to a strategic disaster of the first magnitude.

The American position in Asia is preserved by powerful naval and air forces that function through a system of interlocking bases on the islands of the Pacific and along the periphery of the Asian continent from Hawaii to Japan, Taiwan, the Philippines and Thailand to Pakistan. These forces form a shield which protects friendly Asian countries and a sword which can strike at any time along thousands of miles of exposed Chinese coastline.

### VITAL WATERWAYS

Southeast Asia is crucial to this strategy because it lies directly athwart the American line of sea and air communications between the Indian and Pacific oceans. The islands of Indonesia from a wall with narrow openings between the two bodies of water. The Strait of Malacca between Singapore and Sumatra is the third most important waterway in the world and its loss would be comparable to the loss of the Suez or Panama Canals.

Besides seriously crippling the basic American strategy in Asia by cutting the route of communications, the loss of Southeast Asia to China or to unfriendly powers would undoubtedly have other effects on Asia as a whole.

India and Pakistan would come under increasing pressure from Peking and perhaps be forced to accommodate China at the expense of the West.

Japan would also probably have to reach some sort of modus vivendi with China to preserve Japan's markets and raw material sources in Southeast Asia.

The United States would be deprived of its extensive air and sea bases in Japan and the potential war production of Japanese industry—the anvil of our power in Asia.

Australia and New Zealand would be isolated and faced with the menace of an expansionist and Chinese-backed Indonesia to the north.

The acquisition of Southeast Asia, with its extensive food and mineral resources, would also hasten China along the road to industrial and military power. One of the principal brakes on Chinese industrialization thus far has been the need to feed its burgeoning population of more than 700 million.

The second major reason for the United States commitment to Southeast Asia—the desire to prove that this country has both the will and the ability to defeat so-called wars of national liberation—carries an importance just as weighty as the need to meet the Chinese challenge for hegemony in Asia.

But the United States has yet to develop a successful technique to parry the new Chinese strategy of inspiring and supporting "wars of national liberation" modeled on the Chinese Communists' own victorious revolution against the Nationalist regime.

### TERRITORY GAINED

Previous attempts to meet this threat within the confines of South Vietnam and Laos by working with local governments have failed, perhaps largely because these governments were unable to gain the support of the peasantry. The Pathet Lao in Laos and the Vietcong guerrillas in South Vietnam have progressively gained more territory and population.

Washington now appears to be grouping toward a new policy of applying American military power directly to the situation in a limited fashion. The United States reconnaissance flights over Laos in May and the air strikes against Pathet Lao antiaircraft positions after the Communists drove the neutralists off the Plaine des Jarres were significant departures from earlier policy.

Even more significant was the air strike at the North Vietnamese naval installations and an oil depot in retaliation for the attacks on United States destroyers in the Gulf of Tonkin.

The basic issue on which China is challenging the Soviet Union for leadership of the Communist world is the charge that Moscow has betrayed Communist ideals of expansion by adopting a policy of peaceful co-existence. The Soviet Union's policies, Peking contends, amount to a cowardly retreat before the imaginary threat of an American "paper tiger."

### PEKING'S AIM

Peking is demanding the allegiance of other Communist parties by asserting that it possesses a strategy that will "crush" the West and achieve Communist domination of the world.

Communist leaders in Southeast Asia, Africa and South America are watching the test case of South Vietnam to see if China's contention will be proven by victory.

If the United States wishes to influence world Communist along less militant lines, it could strengthen the Soviet Union's position in the Chinese-Soviet dispute by demonstrating that China's new strategy for Communist conquest will be as unsuccessful as the previous Communist attempts in Western Europe and Korea.

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EXHIBIT 4

## WASHINGTON: THE LARGER IMPLICATIONS OF VIETNAM

(By James Reston)

WASHINGTON, APRIL 24.—The war in Vietnam has shown once more that the United States still does not have a satisfactory answer to the problem of limited war.

Washington has an effective strategy for deterring nuclear war, which will probably not start, but not for limited wars, which never seem to cease. And the disturbing thing about Vietnam is that all the other border lands along the Chinese-Soviet periphery from Korea to Iran are vulnerable in one degree or another to the Communist techniques of subversion and indirect aggression.

Vietnam, therefore, is not only a present agony but a warning of future trouble in other areas. One does not have to believe in the domino theory—that if Vietnam falls many other states will follow—in order to recognize the dangers inherent in the triumph of what the Communists call—as in Vietnam—wars of national liberation.

### THE UNCHANGED OBJECTIVES

The Communist objectives have not changed. They are determined to extend their influence and control as far as they can. What the Soviets attempted by political pressure on Western Europe, by threats of war over Berlin, by nuclear blackmail in Cuba and by their adventure in Korea, the Chinese Communists are now trying to achieve by subversion and guerrilla warfare in Vietnam.

The Soviet Government has come to realize the dangers of this process, at least in areas far from their frontiers, but the Chinese have not. There are serious indications that Moscow wants a negotiated settlement in Vietnam, whatever it says publicly, but Peking has another idea. It thinks it can triumph by limited war in Vietnam, and if it does, the problem of countering limited wars from the Sea of Japan to the Persian Gulf will be even more serious than it is today.

### AGGRESSION BY SUBVERSION

How, then, is this aggression by subversion to be stopped? This is the main point. There is no evidence that anything but power will deter the Communists from seeking their objectives. They are the arsenal of rebellion. Therefore, despite all the argument about diplomatic and military tactics in Vietnam, this larger question of how to wage limited wars against their advance remains.

Several theories have been advanced about this. The first is that it is impossible in politically unstable areas right up against China or the Soviet Union for the United States to do anything about it. A variation of this doctrine is that it may be possible to do something about this type of war but only at a cost the American people will not pay.

The second theory, popular during the Dulles-Radford ascendancy in the Eisenhower Administration, is that this kind of frustrating war must be avoided by other means. The Secretary of the Air Force in those days of brave words and small budgets, Donald A. Quarles, explained this theory as follows:

"If it were obvious that limited aggressions would be met with the full force of atomic weapons, I do not believe such aggressions would occur. . . ."

However, when it came time to practice this doctrine, Eisenhower concluded that maybe it wasn't such a good idea.

A third theory is that America can engage in these wars effectively only if it retreats off the continent of Asia and draws the line against Communist aggression farther south where it has blue sky and blue water to exercise its superior air and naval power.

Finally, the fourth theory is what is being applied by the Johnson Administration now. This is that it can hold the populous areas of South Vietnam with its own troops if necessary and meanwhile use its air and naval power to demonstrate that a continuation of the aggression in South Vietnam will cost the Communists in North Vietnam more than they will gain in the South.

### THE PRESIDENT'S CRITICS

It is now popular among the Administration's critics to say that this policy has failed, that the Communists are not impressed by the bombings, and this may or may not be right. What we do know is that in the last few days there have been private messages to the West indicating that Moscow, if not Peking, feels that the conflict must now either go to the conference table with the North Vietnamese and the Vietcong or go forward into a much more serious war—including Soviet and Chinese weapons and "volunteers."

This, therefore, may be a time to give private diplomacy a chance. The United States Government, whether right or wrong, is engaged in a delicate operation. Regardless of the mistakes and miscalculations of the past, it is not engaged in a discussion of what might have been, but in how to avoid a defeat that would have the most serious consequences in Asia and the Middle East.

Washington is not now free to adopt any policy advice. It is not free to avoid the consequences of its past commitments or even of its blunders. Its options are limited.

### LIMITS ON ACTION

It is not morally free, for example, to carry the air war into the populous areas of North Vietnam, where the really important strategic targets are located. Nor is it morally free to abandon the people who have committed themselves to the battle in South Vietnam and who will be at the mercy of the Vietcong if we pull out.

Even more important, it is not free to submit to the triumph of the Communist guerrilla techniques without making them pay dearly in the process, for if they succeed in Vietnam, nobody dare assume in Washington that the same techniques will not be applied in all the Communist rimlands from Korea to Iran.

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### EXHIBIT 5

## GOLDWATER: A BOOBY PRIZE

(By BARRY GOLDWATER)

WASHINGTON.—There is not the slightest doubt in my mind that The New York Times will receive many journalistic awards for its publication of the Pentagon Papers on Indochina. After all, a scoop that runs a million and a half words is not exactly to be sneezed at in journalistic circles.

By the same token, I believe The New York Times deserves some kind of a booby prize for its failure to detect the intentions of the Johnson Administration during the Presidential campaign of 1964.

There was no doubt in my mind seven years ago that President Johnson intended to escalate the war against North Vietnam by bombing and by the possible use of American ground troops. And the indications that such preparations were going forward were all over the place. I picked up indications that bombing sorties to the North were being planned and that troop shipments were scheduled in that period without even trying.

It is true that I had access to some classified information as a member of the Senate Armed Services Committee and as a major general in the Air Force Reserve. But it wasn't necessary to use classified material to figure out what was going to happen.

Logic alone should have told the people who put down all those erudite words on the page opposite to this one that L.B.J. or whoever was elected to the office of President had to follow one of two courses of action: either to escalate the war and attempt to win it or withdraw completely from the Indochina theater of war. Logic also should have told those men who consistently accused me of being "ignorant" and "ill-informed" that the American people would not stand for a precipitous withdrawal from Vietnam at that time.

Consequently, it stood to reason that President Johnson would have to widen the war and that planning to this effect was already under way when the President was assuring the American people that nothing of this kind would happen if he were elected.

In the atmosphere that prevailed in 1964 I have a feeling that logic was not uppermost in the minds of people who were feverishly bent on the election of L.B.J. The New York Times, for example, stated on Sept. 24, 1964, that Goldwater did not inhabit "the same contemporary world" as Lyndon Johnson. This presumably was the conclusion reached by The Times because I chose to tell the American people the hard realities of what we were facing in Indochina.

Today I find that I do not inhabit "the same contemporary world" as The New York Times. And this is because I happen to feel that Government papers marked "secret" and "confidential" should remain secret and confidential until such time as the Government responsible for the material in such papers sees fit to declassify them or change the laws regarding the security of our nation.

I happen to be one of those who believes that too many Government papers are stamped classified and secret. I also believe that the authority to classify certain information has been abused by some administrations that desired to hide their own mistakes. However, I am not about to say that this tendency gives any newspaper editor who wants a license to decide on his own what is best for the security of 205 million Americans.

We live in a nation of laws, not a nation of men. When publishers and editors decide on their own what security laws to obey, I believe it puts them in the same category as those radicals who foment civil and criminal disobedience of laws they disagree with or for moral reasons.

The laws governing classification of Government papers were enacted to protect the majority of our people. They were not designed, as we have been led to believe in somes cases, to thwart the journalistic enterprise of The New York Times, The Washington Post or anyone else who deals in the publication of information for public consumption.

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## REMARKS BY SENATOR PAUL J. FANNIN AT SENATE PRAYER BREAKFAST MEETING

Mr. STENNIS. Mr. President, recently the distinguished Senator from Arizona (Mr. FANNIN) spoke at the Senate prayer breakfast. All who heard his remarks were impressed and inspired.

Beginning with the words of the short blessing given at meals in many homes, and drawing on the theme that man does not live by bread alone, he emphasized that it is the joy and dignity of work that give meaning to life. He stressed that although there is much discontent and frustration in our society, life is intended to present challenges, and that America is equal to any task, provided our people draw on the strength of religion.

He pointed out that only religion can make a truly creative person, by causing him to use the talents given him by God to serve the society in which he lives, and that this is our great need today.

So that Senator FANNIN's thoughtful words may be read and reflected upon by all citizens, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### SENATOR PAUL J. FANNIN, PRAYER BREAKFAST, APRIL 28, 1971

A common prayer used at mealtimes in many homes and as a part of invocation at public gatherings goes "Bless O Lord, this food to our use—and us to Thy service. Amen."

Like many phrases that we become accustomed to through regular use, they become repetitious and lose their meanings. But this prayer, "Bless O Lord, this food to our use—and us to Thy service. Amen," listened to carefully and felt sincerely has a deep meaning and profound significance for practical life and for the solution to many of the problems that confront us today.

It's implicit meaning is that we take food into our bodies to nourish and sustain them, so that, in turn, we will have the strength to serve God more effectively and completely. In other words, the real point of eating is, aside from its enjoyment, that we might more effectively live and work.

One way of describing the philosophy that is at the root of many of our ills, however, is that instead of "eating to live" our society has become one that "lives to eat."

In other words, eating, symbolical, "taking in", "getting all that we can", "consuming as much as possible", with as little effort as possible, has become on *end* in itself . . . The goal of life.

It is no wonder that such a goal and end encourages the selfish side of man, produces hostilities and leaves man dissatisfied and unfulfilled.

For it has always been in *working* that great men have found their reward; they did not live to eat, as it were; they ate to live and work.

Steinmetz, Edison, Curie, Shakespeare, Longfellow, Lincoln, Washington, Jefferson are remembered because behind the scenes of their separate accomplishments were hours of tireless effort.

We are so accustomed to the present day technological-mechanical supports we forget that the railroads which joined this wilderness together were built almost entirely by the muscle of laboring men.

In my State the first great dam in what is now the Nation's reclamation system was built by hand. The stones were cut and shaped by hand. And moved into place without most of the present-day mechanical construction aids.

Many young people, victims of well meaning but mistaken parents who "indulged" them, seek to find an ever-new experience, a new thrill, a new excitement; what they need to discover is the thrill and excitement of a job well done.

The very success of America has created the forces which now threaten to destroy America. For instance, our production line economy has resulted in an impersonal production line society; industry must find ways to let the individual know his labor is an important part in producing the end product.

We despair of the world about us because of the tensions and turmoil and the unrestrained greed which has always disfigured men.

But expressions of despair like marches of protest, political oratory, or pontifical writings alone have never produced a single loaf of bread; at best, they succeed only if they inspire men to work to achieve their goals.

We have in this century endured two world wars. Following the last agony we witnessed the truly remarkable resurgence of modern Germany and modern Japan.

Some observers attribute the phenomenal rebuilding of these two countries to the helping hand we extended to our vanquished foes. No doubt we helped provide the means and methods; but the raw material was theirs. The indomitable energy of these two peoples that enabled them to rebuild their economy and their societies to a position in the world where they now rival that of ours. They did this by hard work.

We have the talent and the resources to redress all the wrongs of the present moment.

The productive capacity of America is equal to any task. We can reach almost any goal we are willing to work for.

We can rebuild our cities . . . educate the ignorant . . . minister to the sick . . . halt the destruction of our environment . . . and bring peace to the world.

We stand on the threshold of a new decade. The future, we are told, is fraught with peril—confounded by new and unknown challenge . . . threatened by civil unrest and frustration.

Gentlemen, has it not always been so?

Life was not meant to be easy.

We are not biological accidents created to wander aimlessly through our allotted years enjoying the comforts and conveniences which sometimes appear to be the only product of the American society.

We are the sons of the pioneers who conquered this land . . . who bridged the rivers . . . who built the institutions of learning and the hospitals . . . who fashioned a new form of government which boldly declared that all men are the children of Almighty God.

Let us then recognize that we are each one commanded to use the talents the Lord God has given us in the time we have on his earth . . . to work toward that goal he established; the biblical concept of stewardship is that two goods are accomplished when individual men seek to find their niche in God's plan: The welfare of the whole world is improved (we move closer to the kingdom of God); and each individual discovers meaning and purpose for his existence.

In honest and productive labor we will discover the dignity and the meaning of life . . . and in the end the mystery of the infinite.

Kahlil Gibran has said, "You work that you may keep pace with the earth and the soul of the earth.

"Work is love made visible.

"And what is it to work with love? It is to weave the cloth with threads drawn from your hearts . . . even as if your beloved were to wear that cloth.

"It is to build a house with affection . . . even as if your beloved were to dwell in that house.

"It is to sow seeds with tenderness and reap the harvest with joy . . . even as if your beloved were to eat the fruit.

"It is to charge all things you fashion with the breath of your own spirit.

"And if you cannot work with love, but only with distaste, it is better that you should leave your work and sit at the gate of the temple and take alms of those who work with joy.

"For if you bake bread with indifference, you bake a bitter bread. It feeds but half man's hunger."

This Congress, and every Congress, is urged to correct the difficulties of the present moment by the enactment of some new law.

Consumers complain that they have been victimized by shoddy products.

Students complain of the poor quality of instruction they are receiving.

We are all aware that certain segments of our economy are threatened with extinction because of foreign imports.

What we do is of great significance in that laws provide the rules to insure that men have equal opportunity and do not abuse their fellowmen. These laws are for the time our work. Let us be sure it is honest work.

But we cannot by legislation make men industrious or provident or moral or thrifty. Our meeting here is a symbol of our hope that God will so inspire this generation.

Can you think of any situation which vexes us at this moment which would not be dramatically improved if we as a people could rediscover the joy and dignity of work?

Not work which is done grudgingly, for that becomes drudgery . . . not work done without love, for that becomes slavery. The discontent and frustrations of this present moment would surely vanish if in a unity of purpose we might again rediscover it is work which gives meaning to life. So let us give our full support to the religious institutions and efforts in the society, for only from that source will come the inspiration that can change men's hearts and make every man know that he is a child of God, responsible to God for the productive use of his life. Only true religion can convince a man that he is a creative being. The highest part of creation, only little less than God himself.

In his second letter to the Thessalonians, St. Paul said, "If anyone will not work, let him not eat. . . for we hear that some of you are living in idleness, not doing any work . . . mere busybodies . . . now such persons we command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living."

We thank God for the mechanical conveniences which enable us to keep warm and dry. We thank God for our system of distribution which can deliver food and clothing to all of our people.

We thank God for the knowledge he has given us so that we can appreciate the significance of labor.

We could not in conscience permit any man to completely starve merely because he refuses to work . . . but we cannot in conscience encourage man to remain idle . . . for we have been told that man does not live by bread alone.

We are, all of us, wayfarers on this earth . . . transients . . . we do not control the day of our birth nor can we control the day of our death. But in the time we have—with God's help—we can employ our talents, use our muscle and our energy, to find satisfaction, not in play or in indulgence, but in work and achievement.

My chosen faith teaches me in all matters to take Jesus Christ as the measuring stick.

Jesus was a laborer. He gave generously of himself during those short years He spent on Earth. As a child he was an apprentice in Joseph's carpenter shop; as a twelve year old we see Him discussing the great issues with His elders in the temple (behind that skill lay hours of reading and prayer, mental and spiritual labor). As He grew into maturity and was recognized by some as the Son of God, He was constantly at the work of teaching, healing, and ministering. To the many requests that came to Him for help, His response was always "let us go at once." Indeed the spirit for which He is most remembered is that understanding of life that caused Him to say, "I have come not to be ministered unto, but to minister," and on another occasion, "my food is to do the will of him who sent me and to accomplish his work."

God grant that such a spirit may capture and save the society that we all love.

## CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ESTABLISH GRANT PROGRAMS FOR CROP LOSSES

Mr. THURMOND. Mr. President, on June 22, 1971, the General Assembly of South Carolina passed a concurrent resolution memorializing Congress to establish a grant program to compensate farmers for losses to perishable crops due to natural disasters.

The severe impact of crop losses due to a natural disaster was recently demonstrated at Johns Island, S.C., where an entire tomato crop was destroyed by a sudden hailstorm.

Mr. President, on behalf of my colleague from South Carolina (Mr. Hollings) and myself, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

A Concurrent Resolution Memorializing the Congress to Take Such Action as is Necessary to Establish Grants for Losses to Perishable Crops Due to Natural Disasters

Whereas, perishable crops are destroyed or severely damaged from time to time due to natural disasters; and

Whereas, there are no feasible protective measures where farmers of such crops can alleviate or mitigate losses resulting therefrom; and

Whereas, perishable crop insurance is either unavailable or too costly; and

Whereas, the csot of operation has increased tremendously resulting in many farmers of such crops being financially unable to recover from such devastating losses; and

Whereas, it is necessary to the general welfare of the whole country that such crops continue to be produced; and

Whereas, the only feasible solution to this problem is for Congress to establish a program of grants to those farmers who sustain devastating losses to perishable crops due to natural disasters. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress is hereby requested to take such action as may be necessary to establish a financial grants program for losses to farmers of perishable crops due to natural disasters.

Be it further resolved that a copy of this resolution be forwarded to each member of the Congress representing South Carolina.

## DISTRICT COURT UPHOLDS ERNEST FITZGERALD'S RIGHT TO OPEN HEARING

Mr. PROXMIRE. Mr. President, on Friday, June 25, 1971, the U.S. District Court for the District of Columbia handed down a decision of far-reaching importance in the Fitzgerald case. The court ruled that Mr. Fitzgerald is entitled to an open hearing before the Civil Service Commission to determine whether he is entitled to reinstatement to his job as cost efficiency expert for the Department of Defense.

The court's decision enjoining the Commission from holding closed hearings is unquestionably right. The public has every right to have this case reported directly and in full. And Mr. Fitzgerald has every right to an open hearing. This is the very essence of due process.

Mr. Fitzgerald was fired by the Pentagon after he revealed the enormous cost overruns on the C–5A program to Congress. He was the victim of innuendoes, false allegations, and rumor from the time he testified in Congress until the Pentagon fired him.

The way to end this scurrilous gossip is with an open hearing. And the way to establish the real reason for his firing is with an open hearing. The District court has now provided that opportunity.

In May, I wrote to Chairman Hampton

of the Civil Service Commission to ask whether there were any statutory obstacles to holding an open hearing. Mr. Hampton's reply acknowledged there were none. The hearings would be closed, Chairman Hampton said, because they had always been closed in the past.

Fortunately, the District court put the right of the public and Mr. Fitzgerald ahead of hidebound tradition. The chances are now excellent that Mr. Fitzgerald will at last be vindicated.

Mr. President, I ask unanimous consent that Judge Bryant's opinion, together with my correspondence with the Civil Service Commission, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 7, 1971.

Hon. Robert E. Hampton,
*Chairman, Civil Service Commission,*
*Washington, D.C.*

Dear Mr. Chairman: I was dismayed to learn that Ernest Fitzgerald's request for an open hearing has been denied by the Civil Service Commission. I can understand that there may be instances when an appellant might suffer by public airing of allegations against him. However, such is not the case where Mr. Fitzgerald is concerned. An official dossier on Mr. Fitzgerald was compiled by the Air Force, portions of which I have been shown. Much of this gossip has been publicized to Mr. Fitzgerald's detriment. Mr. Fitzgerald would benefit, not suffer, from an open hearing in which scurrilous gossip about him could be effectively laid to rest.

Mr. Fitzgerald's truthful testimony before Congress revealed to the public for the first time the enormous and deliberately concealed cost overruns on the C5A transport airplane. His testimony set in motion a chain of events which resulted in his firing almost exactly one year after his testimony. This kind of retaliation is unconscionable. The Commission is right to look into this case. But, it should do so openly.

The abuses which Mr. Fitzgerald's testimony helped uncover has gone uncorrected, with the result that the American taxpayers have been saddled with billions of dollars in excess costs for Pentagon procurement. Only if public servants feel free to bring such waste to public attention will we have a chance to eliminate it. I do not believe they will feel free to do so until the miscarriage of justice in the Fitzgerald case is set right.

I am interested in the Fitzgerald case as it unfolds. My constituents and many other citizens who write to me are interested. We want full details of the hearings as they progress, not long after the fact. It is clear that open hearings would enhance objectivity in this case.

I would appreciate your informing me if there are any legal obstacles to the open hearing which Mr. Fitzgerald has requested. I want to do all I can to see that any statutory obstacles you may cite are removed.

I look forward to hearing from you.

Sincerely,

William Proxmire,
*U.S. Senator.*

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United States Civil Service Commission,
*Washington, D.C., June 1, 1971.*

Hon. William Proxmire,
*United States Senate,*
*Washington, D.C.*

Dear Senator Proxmire: In your letter of May 7, 1971, you raise the question whether there is a legal or statutory obstacle to an open hearing in connection with Mr. Ernest Fitzgerald's appeal from his separation by reduction in force. At the outset it should be understood that the term "open hearing" means open to the public and the press. As explained hereinafter, our hearings are never closed or secret insofar as the parties are concerned.

What obstalcle there is to an open hearing is contained in the policy stated in section 772.305(c)(3) of the Commission's regulation (5 CFR 772.305(c)(3)) which provides:

"Hearings are not open to the public or the press. Attendance at hearings is limited to persons determined by the Commission to have a direct connection with the appeal."

While no right to a hearing has been accorded an appellant under the reduction-in-force regulations, we have traditionally granted a hearing to a preference eligible appellant upon his request and have conducted it in accordance with the hearing procedures set out in section 772.305 of Part 772 of the Commission's regulations (5 CFR 772.305). What is more, upon occasions when courts have remanded cases to us for the purpose of holding hearings on the facts of specific situations, we have conducted those hearings in the same way. Thus, until and unless this long-established regulatory policy is changed, there is no basis for an open hearing even though an appellant may request it.

The obstacle is clearly regulatory rather than statutory, and there is no need for a change in the statutes to permit a change in the regulations. Your having raised the question, and the fact that it became an issue in the Fitzgerald case, are a sufficient basis for us to study the need for change.

I should like to sketch for you some of the problems your question has raised, but I must make it clear that what I say should not be taken as having any bearing on the Fitzgerald case. I know very little about that case, and should it ever come before the Commissioners for review, I should like to learn whatever I learn about it only from the official appeal record. I have no wish to deal with the merits, at this point, of even the procedural issue which is raised in your question. Although this response will, by force of that circumstance, be somewhat general, I shall try to make up for the lack of specificity by thoroughness. Much of what I say is information and advice received from counsel to the Commission.

I am advised that the present regulation (quoted above) has existed in substantially its present form since the Commission issued, on November 7, 1944, its first regulations governing appeals from preference eligibles under section 14 of the Veterans' Preference Act of 1944. The pertinent provisions of that section are now codified in sections 7511–7512 and 7701 of title 5, United States Code. We have had over 26 years of operating experience under the regulation and have had a number of occasions to amend the regulations governing appeals generally by preference eligibles. We have had no demand for a change in this provision. As a matter of fact, we have had very, very few requests for open hearings.

The administrative hearings held by the staff of this Commission are not prosecutorial in nature but are part of an administrative fact-finding process. They are held at the request of the appellant. Most of them involve adverse actions (demotions, suspensions, dismissals) allegedly taken for such cause as will promote the efficiency of the service. The basis of an adverse action is frequently some form of misconduct or delinquency, the evidence concerning which may reflect unfavorably upon the appellant. This factor gives rise to one of the principal reasons for not providing an open hearing in most cases, i.e., the protection of the privacy of the appellant in the case. Of course, this reason may have little validity when it is the appellant who desires an open hearing. Accordingly, the balance of this response will be relevant principally to hearings in which an appellant has requested a waiver of his right to a closed hearing.

Our long experience in the conduct of hearings has heretofore warranted the judgment that we operate best in the search for truth when hearings are freed as much as possible from complicated or rigid procedural rules and distractive formal trappings. Use of simple proceeding which are easy to manage leads to expedition (which also has due process overtones) and low cost. A related consideration which has apparently persuaded us to keep things simple is the need to lessen the burden on appeal examiners who preside at hearings. They are currently trained to handle with competence the matters which have routinely come before them for decision through the years. A judgment will have to be made whether additional training, different accommodations, and additional procedures will be required if our hearings are open to the public. For example, in the face of open press and media coverage, we may have to work out a modification of the exclusionary rule we normally use to insure that prospective witnesses are not influenced by testimony earlier received in a case. At the moment, that has not been a problem.

In connection with the burden on examiners, it may prove important that our appeal examiners do not have the contempt power that judges have, and really have no power to affect those who are not participants in a case. It may also be significant that, depending on the kind of case involved, our examiners are selected for the most part from persons in grade levels GS–12 to GS–15. We will have to determine whether the competence and experience represented by the corps of examiners who actually preside at hearings is adequate to guarantee that the substance of hearings, if the Commission were to conduct open hearings, would continue to receive the "judicial serenity and calm", as well as the detachment, to which every appellant is entitled. The quotation is from *Sheppard* v. *Maxwell*, 384 U.S. 333, 355 (1966), a case in which a conviction was overturned because of the effect of undue news media coverage in the courtroom. I am aware also that in the case of *Estes* v. *Texas*, 381 U.S. 552 (1965), a conviction was overturned because of the effect on the trial of its coverage by television. True, these cases are not directly controlling in our situation, but they do point the need for accommodation between absolute openness and the atmospheric requirements of effective judicial-type procedure.

It would be the sheerest speculation for me to suggest we can currently divine the impact that open hearings would have on the regularity and fairness of the results of our hearings, or on the various participants in them (i.e., the parties, witnesses, and the appeals examiner) in all of the geographical regions in which the Commission operates. We are concerned, however, that a proper balance be struck between the maximum degree of openness and the competing need for the kind of judicial atmosphere, in terms of calmness and decorum, which will assure that results on the merits are reached fairly and correctly by the staff that is available country-wide.

In reflecting upon that desirable balance, it should be remembered that there is no issue here whether hearings should be secret or open to the public. While our hearings are closed to the public and press, they are in no sense secret. The appellant and his counsel are present at all times and the proceedings are recorded either verbatim by a reporter or by an agreed-upon summary. Moreover, there is no general sanction which would prevent the appellant, his representative, or the agency representative, from telling all the world on a daily basis what went on in the hearings. Our question is solely whether, and how well, we can handle hearings which would be open to the public and the press.

In summary, then, the obstacle to an open hearing in cases of this kind presented by Mr. Fitzgerald's appeal is a long-established regulatory policy and practice of the Commission. Current notions of the public accountability of Government operations certainly require reassessment of a balance struck so long ago, but we question the desirability and wisdom of changing precipitously and without study a regulation that has satisfactorily served its purpose without demonstrable damage to the rights of appellants for more than 26 years. Accordingly, I am directing the Commission staff to examine our current requirements to see if a change is necessary or desirable, and to determine the extent to which we can safely be more open. Some of our hearings are open to the public (those involving charges of political activity and those involving the removal of hearing examiners), and our experience there may be quite relevant to any possible change. We would also like to ascertain how other similar administrative hearings (e.g., those held in State and local jurisdictions) are conducted with respect to openness.

It is extremely doubtful that our review of the matter could be completed, or any warranted changes could be made, in time to have an impact on the handling of Mr. Fitzgerald's appeal. We are accountable to various publics, and the momentum of public accountability for rule-making and rule-changing is on the increase. Although as a technical matter rules concerning "agency management or personnel" need not be made the subject of public rule-making procedures under 5 U.S.C. 553, we have increasingly, over the years, found it desirable to engage in consultation with the various groups whose members are subject to our regulations, such as labor unions, bar associations, personnel management professional groups, veterans groups, and other employee associations. At its Second Plenary Session on October 21, 1969, the Administrative Conference of the United States issued its Recommendation No. 16 which urges all agencies to use public rule-making procedures "even when formulating rules of the exempt types." And more recently at its Fifth Plenary Session on May 8, 1971, the Conference confirmed the desirability of public involvement in the articulation of agency policy in its Recommendation No. 25. We feel a strong commitment to having public consultation in advance of regulatory change. We must thus explore, although we cannot predict, what the reactions of our various publics will be to the rules we may decide upon. The time needed for our study and public consultation makes it probable that, like the changes wrought by the Administrative Conference itself, any changes we may make will affect our cases prospectively only.

Sincerely yours,
ROBERT E. HAMPTON,
*Chairman.*

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[United States District Court for the District of Columbia, Civil Action, No. 1109–71]

A. ERNEST FITZGERALD, JAMES DAVIDSON, ROBERT KEPHART, PLAINTIFFS, V. ROBERT E. HAMPTON, CHAIRMAN U.S. CIVIL SERVICE COMMISSION; HERMAN D. STAIMAN, CHIEF APPEALS EXAMINING OFFICE U.S. CIVIL SERVICE COMMISSION, DEFENDANTS

### OPINION AND ORDER

Plaintiff Fitzgerald was separated from his federal employment as Deputy for Management Systems, Office of the Secretary of the Air Force, on January 5, 1970. The termination was purported to be based on the abolition of the position through a reduction in force proceeding. Plaintiff appealed to the Civil Service Commission alleging that his separation from the federal service was contrary to federal law and Civil Service Commission regulations in that it was in fact a retaliatory measure for certain testimony given before congressional committees. He also requested a hearing. The request for hearing was granted, and long prior to its scheduled commencement plaintiff made numerous requests that the proceedings be open to the public and the press. The Commission refused to open the hearing relying on a published regulation that hearings are not open to the public or the press. 5 C.F.R. § 772.305. At the time of the hearing, this request was renewed and again refused. The hearing commenced—closed to the public and the press.

The case came on to be heard by the court on June 14, 1971, on plaintiff's motion for a preliminary injunction. On June 17, the court denied the motion, finding that plaintiff had not made the showing required for that extraordinary form of relief. On the same day plaintiffs moved for summary judgment and for expedited consideration, in view of the fact that the closed hearing the complaint seeks to enjoin was continuing on a daily basis and would be completed long before the court would resolve this case in the ordinary course of events. On June 22, the court issued a temporary restraining order against continuation of the closed hearing, pending the court's expedited consideration of the motion for summary judgment and the government's opposition thereto.

Plaintiff Fitzgerald claims that this closed hearing is unconstitutional and, if allowed to proceed, would result in a fundamental right forever lost to him. The important advantages of a public hearing in judicial and quasi-judicial proceedings have been thoroughly recognized—to the extent of being taken for granted as an ingredient of due process. In federal criminal prosecutions public hearing is guaranteed by the Sixth Amendment to our Constitution. As for civil proceedings, Federal Rule of Civil Procedure 77(b) requires that "All trials upon the merits shall be conducted in open court and insofar as convenient in a regular courtroom."

In *Federal Communications Commission* v. *Schreiber*, 381 U.S. 279 (1965), the Court, per Mr. Chief Justice Warren, upheld the right of an agency to insist upon open hearings, even in an investigatory, rather than an adjudicatory, proceeding. In referring to the FCC regulation at issue the Court said, "The procedural rule, establishing a presumption in favor of public proceedings, accords with the general policy favoring disclosure of administrative agency proceedings." 381 U.S. at 293.

In *Morgan* v. *United States*, 304 U.S. 1 (1937), Mr. Chief Justice Hughes, speaking for the Court, stated:

"[I]n administrative proceedings of a quasijudicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand 'a fair and open hearing,'—essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process." 304 U.S. at 14–15.

Counsel for defendant seeks to avoid the requirements of strict due process procedures by urging that hearings held by the staff of the Commission are not prosecutorial in nature but are part of an administrative fact-finding process. True, the hearing is not prosecutorial in nature, but it is nevertheless one where the final outcome is a decision on the merits of the issues raised, and this decision directly affects the legal rights of an individual. Fitzgerald's right to a livelihood is at stake. The hearing is an adversary proceeding. The Air Force is represented by counsel and so is plaintiff. Witnesses testify under oath and cross examination is extensive. It is an adjudicatory process, and it is quasi-judicial.

If a public hearing is accepted as an ingredient of fair trial, plaintiff's position is further supported by our own Court of Appeals.

"Just exactly how the concept of 'due process' is to be applied will vary with the type of proceeding involved, as we are well aware.

"Its exact boundaries are undefinable, and its content varies according to specific factual contexts. Thus, when governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process." [Citing *Hannah* v. *Larche*, 363 U.S. 420, 442, 1960).]

"At the very least, quasi-judicial proceedings entail a fair trial." *Amos Treat & Co. v. Securities and Exchange Commission*, 306 F.2d 260, 263, 113 U.S. App. D.C. 100, 103 (1962).

A fountainhead case setting out the salutary features of open and public proceedings is *In re Oliver*, 333 U.S. 257 (1958). This case has often been relied upon in support of the principle in other than criminal proceedings. K. Davis, *Administrative Law* § 8.09 (1970 Supp.); *see also*, J. Wiggins, "The Public's Right to Public Trial," 19 F.R.D. 25 (1955).

On Monday of this week the Supreme Court ruled that jury trials are not a constitutional requisite in state juvenile delinquency proceedings. *McKeiver* v. *Pennsylvania* and *In re Burris*, 39 L.W. 4777 (June 21, 1971). Mr. Justice Brennan, after agreeing with the Court that the proceedings were not criminal prosecutions within the meaning of the Sixth Amendment, concurred in *McKeiver* and dissented in *Burris* precisely because trial in the former case was open while the public was excluded in the latter case.

"In the Pennsylvania cases before us, there appears to be no statutory ban upon admission of the public to juvenile trials. Appellants themselves, without contradiction, assert that "the press is generally admitted" to juvenile delinquency proceedings in Philadelphia. Most important, the record in these cases is bare of any indication that any person whom appellants sought to have admitted to the courtroom was excluded. In these circumstances, I agree that the judgment in No. 322 must be affirmed.

"The North Carolina cases, however, present a different situation. North Carolina law either permits or requires exclusion of the general public from juvenile trials. In the cases before us, the trial judge "ordered the general public excluded from the hearing room and stated that only officers of the court, the juveniles, their parents or guardians, their attorney and witnesses would be present for the hearing." *In re Burris*, 4 N.C. App. 523, ——, 167 S.E. 2d. 254, —— (1969), notwithstanding petitioners' repeated demand for a public hearing." 39 L.W. at 4786. [Footnotes omitted.]

As against all the weighty considerations favoring open hearings, the only justification of any substance that defendants have advanced in support of the regulation's flat prohibition of them is the protection of the privacy of the appellant-employee. This consideration is obviously of no validity where it is the appellant-employee who wants the open hearing.

The advantages of an open hearing are powerful but, at the same time, intangible. This latter observation is important to the court's action. In many respects the worst that can be said about the closed hearing presently contemplated by the Commission is that it makes room for the probability of unfairness, but then "our system of law has always endeavored to prevent even the probability of unfairness." *Amos Treat, supra*, 306 F. 2d at 263, 113 U.S. App. D.C. at 113, citing *In re Murchison*, 349 U.S. 133, 136–137 (1955). The court is aware of the admonition of our Court of Appeals that the District Court should not exert judicial power to restrain the processes of a regulatory body exercising quasi-judicial powers which can be judicially reviewed as a matter of right before they become final. The present Chief Justice, then Circuit Judge Burger in *Wolf Corp.* v. *Securities and Exchange Commission*, 317 F. 2d 139, 115 U.S. App. D.C. 75 (1963) stated that:

> "To exert judicial power to stop processes of this . . . category, which can always be judicially reviewed when the story is fully told and recorded, is an extraordinary step in the usual as well as the legally artful sense of that word." 317 F. 2d at 143, 115 U.S. App. D.C. at 79.

It seems that the probability of unfairness presented by non-public proceedings does not lend itself to judicial review when the story is fully told and recorded. What can the record reveal other than that the hearing was closed?

It appears that the doctrine enunciated in *Amos Treat, supra*, justifies this court's intervention to the extent of ordering that the hearings be open to the public and the press. Accordingly, it is by the court this 25th day of June, 1971,

ORDERED that plaintiff's motion for summary judgment is granted, and it is further

ORDERED that the defendants, their agents and employees are permanently enjoined from holding hearings closed to the press and the public in the appeal of plaintiff Fitzgerald.

## ELECTION CAMPAIGN FUNDING

Mr. FANNIN. Mr. President, shortly after the 1968 election, former Census Bureau Director Richard Scammon, one of the foremost authorities on election data, stated:

> The real told story of this election (1968) is the role of the labor unions in it. This is a remarkable story. There is no question but that the trade union movement effort materially affected the outcome and contributed substantially to Mr. Humphrey's total vote.

I believe Mr. Scammon made a very accurate point. I further believe that he would agree, the same effect was created on the 1970 elections by unions.

John Herling wrote in his Washington Daily News column of November 5, 1970:

> By and large, American labor finds considerable satisfaction in the outcome of Tuesday's election. Its spokesmen believe the contributions made by unions in organization—which means manpower and money—made a significant difference in several key states.

After reviewing the results of the 1970 elections, U.S. News & World Report issue of November 16, 1970, concluded that unions through COPE had kept the unions' friends in Congress, and that:

> All in all, AFL–CIO and other unions expect to exert a strong influence on the incoming Congress.

What did the big unions do in the 1969–70 campaign? Unions reported spending a minimum of $10,700,000 in its political efforts.

They spent over $4,200,000 in races for Governor, Senator, and House of Representatives alone. Of that amount, the Democratic candidates received a minimum of $4 million, and the Republican candidates a minimum of $140,000.

And the reported money contributions are only the tip of the iceberg. Not all contributions are reported.

Where do the unions get all this money? Some of the funds come from compulsory union dues. Some of it comes from coercion—union members are forced to make voluntary contributions to avoid harassment or loss of their jobs. Democracy goes out the window when it comes to collecting this money and deciding how it will be used.

In addition, the unions contribute millions of dollars worth of manpower and materiel used in the political wars.

A popular charade played by the union bosses is the creation of "education" or "community action" programs. Union funds are used to "educate" voters to cast ballots for the candidates who have the blessing of the union bosses. "Community action" is aimed at winning the political points that the union leader wants.

One device is the so-called voter registration drive. This is used by the union's political experts as a door-to-door canvass to win votes for specified candidates and to sign up these voters. These drives are bipartisan in name only. Most often the drives are aimed at restricted areas where union strategists have determined the added registration will be of the most benefit to a given candidate who has union endorsement.

Alexander E. Barkan, executive director of COPE spelled out the power of organized labor in an article in "Issues in Industrial Society"—Vol. I, No. 2, 1969—Mr. Barkan stated—in part—

> COPE does not engage in the cosmetic side of politics. We do not appear on network television, do not finance expensive media advertising, do not even make many speeches, except to our own union members. We perform the nuts-and-bolts basics of politics. We engage more in registration than rhetoric, more in organization than oratory, more in getting out the vote than getting into the headlines. Not that we slight the educational and propaganda aspects of campaigning, essential ingredients of any political effort. Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by national COPE to unon members and an additional 60 million-plus distributed by state AFL–CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

He goes on to state:

> The scope of our 1968 activity is suggested by the following facts: Labor's nationwide registration drive put 4.6 million voters on the registration rolls. Most were Humphrey supporters. The figure not only represents trade union members and members of their families but reflects the results of labor's registration drives in the Negro, Puerto Rican, and Mexican-American communities. In many Humphrey states, labor did the registration for Humphrey single handedly; the Democratic party had abandoned the field.
>
> Negro trade unionists were mobilized at a series of conferences in the spring of 1968 which led to the formation of units in 31 big cities to increase the vote in the black community. Three and a half million pieces of literature, especially prepared for the Negro community, were distributed. We were the major national organization working at registering black voters and getting out their vote. The Negro vote for Humphrey exceeded 80 percent.
>
> The labor movement mobilized Mexican-American farm workers; and the AFL–CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. Farm workers' ballot boxes in the state also exceeded 80 percent for Humphrey.
>
> By actual count, prior to and on election day COPE groups operated telephone banks in 638 locations with a total of 8,055 telephones manned by 24,611 volunteers, union men and women, and members of their families. . . .
>
> In many states, a house-to-house canvass was conducted as part of our get-out-the vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.
>
> On election day, 94,457 COPE workers did the bread-and-butter jobs as poll-watchers, baby-sitters, telephoners, materials distributors, and car-poolers. . . .

George Meany once made an interesting remark which can apply to the above:

> . . . when you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

How powerful should organized labor and its bosses be in financing campaigns? When any legislation not favorable to unions comes up, union chiefs will expect strong backing from officials they helped elect last year. I fear that any attempt to present stronger and fairer legislation to bring about election reform will meet strong opposition.

Let me cite you an example of how the union bosses laugh at our laws. Section 305(a) of the Federal Corrupt Practices Act, 1925, as amended, states:

> The Treasurer of a political committee shall file with the Clerk (of the House of Representatives) between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing . . .

Mr. President, as of yesterday afternoon a dozen of the national union political committees still had not filed reports with the Clerk of the House for the quarter ending May 31, 1971. The reports were due between June 1 and June 10 of this year. I ask unanimous consent that a list of these committees and the dates they last filed be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Amalgamated Meat Cutters & Butcher Workmen, February 8, 1971.

International Brotherhood of Electrical Workers COPE, January 26, 1971.

International Brotherhood of Painters & Allied Trades—Political Action Together Program, June 5, 1970.

The Political Committee of the International Typographical Union, January 11, 1971.

Marine Engineers Beneficial Association—District No. 1 Defense Fund, January 5, 1971.

MEBA—Pacific Coast District No. 1—Political Action Fund, January 7, 1971.

MEBA—Pacific Coast District No. 1—Retirees Group, January 5, 1971.

Communications Workers of America, April 15, 1971.

United Rubber, Cork, Linoleum & Plastic Workers of America COPE, December 30, 1970.

Sheet Metal Workers International Association—Political Action League, March 17, 1971.

Textile Workers Union of America—Political Fund, January 28, 1971.

National Maritime Union Fighting Fund, December 14, 1970.

Mr. FANNIN. Mr. President, in the 1970 election, 10 Members of this body received over $50,000 in campaign contributions from the national labor unions. Of these 10, at least three received over $100,000 and one member received in excess of $150,000.

An article in the June issue of Reader's Digest states:

> American labor unions with 18,269,000 members and a net worth of more than $4 billion, constitute the nation's most powerful political force. No other organized group can match labor's bloc of voters, its armies of election workers and lobbyists, its campaign treasury or its immense influence in Washington and in state capitals. Consider just a few of the dimensions of this power.
>
> Some 100 union lobbyists roam the halls of Congress and push labor's viewpoint before federal agencies. Almost every year, labor groups lead the list of top spenders for lobbying in Washington; in 1969 (the latest year for which complete figures are available), two postal unions led with $547,000; AFL–CIO national headquarters spent another $184,938. Boasts AFL–CIO President George Meany: "I think frankly we have the most effective lobby in Washington."

This year let us pass a comprehensive campaign reform law. Let us include all political groups—including unions. It is imperative that such legislation include my amendment to prohibit tax exempt status for any organizations using compulsory dues for political purposes. If we are to protect the rights of individual union members and the integrity of our political system, this provision must be a part of any campaign reform law we pass.

## THE CHILDREN'S DENTAL HEALTH ACT OF 1971

Mr. KENNEDY. Mr. President, I am delighted to cosponsor S. 1874, the Children's Dental Health Act of 1971, introduced by the senior Senator from the State of Washington, Mr. WARREN MAGNUSON. As chairman of the HEW Appropriations Subcommittee, Senator MAGNUSON is one of the Senate's health statesmen. His keen appreciation and sympathetic understanding of the tremendous health needs of the American people are a pillar of great strength for progressive legislation in the health arena.

In my role as the chairman of the Senate Health Subcommittee, which has recently conducted hearings on the health crisis in America, I have become acutely aware of the enormous gap that exists between the health needs of our citizens and the delivery of essential health services.

Dental care is a significant part of our health system to which altogether too small a segment of the American public has access. It is appalling that two-thirds of our children from low-income families have never visited a dentist at all; that in this, the richest country in the world, access to a basic health service is finally determined not by need but by economic status. We cannot permit such deprivation to continue unchallenged.

Because the adverse results of dental disease are cumulative, the dental health status of the adult is largely determined by the adequacy of dental protection afforded him as a child. The blunt fact is, however, that the vast majority of our children receive no such protection.

The development of health programs for our children should have a priority call on the Nation's resources. Dental diseases are the most prevalent and among the most destructive of all chronic diseases attacking our children. By the age of 2, over 50 percent have already experienced dental decay, and at age 15 the average child has 11 permanent teeth damaged or destroyed. This distressing situation does not have to continue; the rampant spread of dental disease can and must be checked.

We, in the Congress of the United States, can help prevent and control dental disease among our children by passing S. 1874, which authorizes the establishment of dental care programs for children of needy families and to others who for reasons beyond their control do not have access to dental care. The bill also authorizes the Federal Government to make grants to assist in fluoridating public water supplies, and promotes training programs for dental auxiliaries who are in short supply. Major emphasis would be placed on assisting returning servicemen with dental experience to find their place in the civilian dental care system.

The arguments for a federally sponsored preventive dental care program are convincing. We cannot continue to ignore the dental needs of our children. Therefore, I am pleased to join with Senator MAGNUSON, and the cosponsors of the Children's Dental Health Act of 1971, in their effort to provide a health service to our children which has been so long neglected.

## FRANK BATES, OF STIEFELTOWN, S.C.

Mr. THURMOND. Mr. President, in a day when our newspapers are so full of accounts of man's inhumanity to man, it is indeed refreshing and heart-warming to read about the other side of the coin.

We are all well aware that man is a creature capable of high levels of love and selflessness. We know this—we just do not publicize it very much.

One such case of man's humanity to man has been publicized, and I would like to share the story with Members of this body.

It is the story of Frank Bates, of Stiefeltown, S.C. Mr. Bates happens to be a hemophiliac and his life depends upon the many citizens of Aiken County who contribute blood and plasma for his use.

Although the life expectancy of a hemophiliac is only 20, Mr. Bates is now 38, and he has hopes for many more years of life thanks to hundreds of donors, most of whom he has never met.

Even with these donors, Mr. Bates' good fortune would not have been possible without the outstanding work of the Aiken County Red Cross. During one 32 day period, this organization provided Mr. Bates with 56 pints of blood. Without the Red Cross, the cost would have been more than $1,400.

The heroic contribution of the Aiken County Red Cross Chapter to the needs of Mr. Bates and other hemophiliacs has been graphically described in an excellent article written by Miss Kay Lawrence for the Augusta, Ga., Chronicle of June 18, 1971. I ask unanimous consent that Miss Lawrence's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HE OWES HIS LIFE TO MANY STRANGERS

(By Kay Lawrence)

STIEFELTOWN, S.C.—Frank Bates owes his life to hundreds of individuals he has never met.

In the past 20 years he has received 1,079 pints of blood through the Aiken County Red Cross blood program.

In addition, he has been given 120 units of plasma, derived from 80 to 90 pints of whole blood.

Afflicted with hemophilia—often referred to as "the disease of kings" because of the number of European royal families suffering from it—he lacks the clotting factor found in normal blood.

It is a hereditary disease transmitted to succeeding generations through the mother.

Bates, 38, lives with his parents, Mr. and Mrs. T. Grover Bates, of Stiefeltown. Although weakened through the years by bouts with the ailment which required long stays in the hospital, he feels he is fortunate.

"The average life expectancy of a hemophiliac is 20." he says matter-of-factly.

He enjoys fishing and hunting at Lake Murray, where one of his sisters has a home. He has received training in TV repair through the State Rehabilitation Department and works at this job when he is able.

His mother, a warm-hearted woman, who has learned to keep an optimistic outlook, thinks of Aiken County's blood donors as personal friends.

"I don't think anybody could have better friends than we have," she said earnestly. She added a grateful word for the staff of Aiken County Hospital and said her son could not have had better treatment "if he had been a millionaire."

Since Frank was born, she has had to face the fact that a minor injury could be disastrous. She lost her oldest son when he was 21, due to hemophilia. Of the Bates' eight children—fours sons and four daughters—two of the sons have escaped the disease and the daughters can only transmit it. But fortunately, all the Bates' grandchildren and the recent great-grandchildren have escaped the disease.

During his school years, Frank had normal energy but had to be protected from injury. Mrs. Bates said his school teachers and classmates were unusually considerate.

A bruise can cause internal hemmorraging and rapid swelling around the area. Cuts, broken bones and tooth extractions are serious hazards, and even minor scratches may be dangerous.

Last summer Frank was in Aiken County Hospital from June 12 to July 14, and received 56 pints of blood. Without Aiken County's Red Cross blood program, the cost at about $25 per pint would have been $1,400.

But even at this cost, it might not have been possible to obtain this much blood for one patient without the program. Miss Lee Ballantine, director of the Red Cross chapter, said only certain types of blood can be used for the fresh frozen plasma needed for hemophiliacs.

The Aiken County chapter is considered to have one of the outstanding programs in the nation. Since it started in 1951, it has collected 62,886 pints, valued conservatively at $1,572,150.

The supply is free to any resident of the county, whether he is treated in a Carolina hospital or at any point in the nation. Families may receive blood in case of an accident or emergency while traveling. A special benefit to donors is that close relatives, such as a mother or father, living in another area may receive free blood.

Joseph M. Thompson, blood program chairman, is concerned because for the first time this year there is a serious shortage in the supply and the chapter needs 450 pints to meet its annual quota of 4,000 by the end of the fiscal year June 30.

He explained that many regular donors—some of whom have donated eight and nine gallons over the years—are reaching the age limit of 65. Other generous donors have been transferred out of the area.

"We badly need new donors," he said. "We need young people to join this cause, and 18-year-olds may now contribute without parental consent. It is a simple procedure and causes no discomfort. Some people actually tell us they feel better since they started giving blood."

Thompson said donors will have a chance to contribute next Tuesday and Wednesday when a Bloodmobile will be at St. Paul's Church in Graniteville from 3 to 9 p.m., and also on Wednesday in North Augusta from 4 to 8:30 p.m. at the Masonic Lodge.

## PRESIDENT NIXON AND OLDER AMERICANS

Mr. CHURCH. Mr. President, President Nixon—at a speech last Friday before the National Retired Teachers Association-American Association of Retired Persons—said that his administration has been moving to insure that our older citizens get that special attention they deserve.

This is an encouraging statement, especially in view of questions which have arisen within recent months about administration policy toward older Americans.

As chairman of the Senate Special Committee on Aging, I should like to draw the attention of the President to several of those questions. I hope that he will deal with them in a forthright and convincing way in order to provide a greater degree of credence to his pledge of administration concern about the elderly of this Nation.

The President paid special attention to long-term care and referred to the need to reform the regulations with regard to nursing homes in this country. To those of us on the committee who have worked with Senator FRANK MOSS, chairman of our subcommittee on long-term care, in his efforts to persuade the administration to implement regulations mandated by Congress 4 years ago, this is an especially interesting statement. I understand that the Senator from Utah (Mr. MOSS) will deal with this issue in some detail, and I will not pursue it here.

But on other matters, I raise these important questions.

Despite a highly touted income strategy for the elderly, this administration has repeatedly urged inadequate social security increases. Earlier this year, for example, the administration requested only a 6-percent raise in benefits—an increase that would not have even kept pace with the rising cost of living. Then it reluctantly accepted a badly needed 10-percent boost in benefits, which was passed by Congress. Now it is attempting to take credit for this action.

Too often this administration has been willing to thrust the elderly into the front ranks in the fight against inflation. This was clearly demonstrated when this year's budget request for the Older Americans Act proposed a $2.5 million slash in funds from $32 million to $29.5 million or about $1.45 for each senior citizen. (Yet, the Pentagon is reported to spend $39 million, and possibly even more, just for publicity to promote its own programs.) Only after joint Senate hearings by the Senate Committee on Aging and the Subcommittee on Aging of the Labor and Public Welfare Committee did the administration reverse its shortsighted position and request an additional $10 million for the Older Americans Act.

In addition, proposed cutbacks in medicare—such as the $10 increase in the part B deductible from $50 to $60 and the $7.50 per day charge from the 31st to the 60th day in the hospital—may further erode the elderly's meager income.

On top of all this, there are numerous complaints by experts in the field of aging and the elderly themselves that the forthcoming White House Conference on Aging may be used for partisan political purposes. Only this week, for example, I had to point out that the administration is apparently attempting to handpick the State delegations, possibly to snuff out any criticism of its policies.

However, the field of aging, I believe, is far too dynamic to settle for an inconsequential conference or policies that will fail to come to grips with problems that beset aged and aging Americans. We have progressed too far since the last White House Conference on Aging in 1961 to accept anything less than a new and effective national policy on aging.

For these and other reasons, I urge the President to reexamine recent administration policies and attitudes which must be changed if he is to fulfill the pledge he gave to NRTA–AARP.

## HUMAN RIGHTS AND CIVILIZATION

Mr. PROXMIRE. Mr. President, how does mankind measure the advancement of a civilization?

I agree with President Nixon when he said—

> For centuries, the advance of civilization has been measured by the progress made in securing human rights. The struggles that divide the world today center on questions of human rights.

The United States has long been in the forefront of the struggle for human rights. The President has also stated—

> It is America's role and responsibility, as the brightest beacon of freedom, so to conduct itself as to provide an example that will truly light the world.

The Senate has before it three conventions which would advance the cause of human rights and thus, the cause of civilization. The Senate must maintain this Nation's beacon. America's leadership in human rights must be sustained.

Ratification of the human rights conventions is one way the Senate can reaffirm America's leadership. Ratification is one way the Senate can advance the march of civilization.

Mr. President, I call upon the Senate to act favorably on all three human rights conventions.

## TEN-PERCENT INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. ROTH. Mr. President, I wish to commend Congress for its action in passing H.R. 6444, and thereby assuring a 10-percent retroactive increase in railroad retirement annuities. Railroad annuitants, like everyone else who lives on a fixed income, are finding it extremely difficult to meet their expenses in face of the continuing inflation which erodes their small fixed incomes.

On March 17, the President signed Public Law 92–5, the debt ceiling bill, which increased social security benefits by 10 percent retroactive to January. The increased social security benefits were mailed out this month while railroad annuitants will have to wait a while longer for their increases. This is unfortunate because, ever since the railroad retirement system was established, railroad annuities and social security benefits have been increased in comparable amounts and at approximately the same time. Thus, this 10-percent increase in railroad annuities must be approved as soon as possible so that it can be mailed to beneficiaries before the summer is over. In this connection, I would point out to the Senate that the law provides for a close coordination between railroad annuities and social security benefits. As part of this coordination, some railroad annuities, mostly survivors' annuities, rise whenever social security benefits go up. Thus, some annuitants have already received their 10-percent increase and, in fairness, we must provide the increase to all annuitants not just to a select few who benefit under the so-called social security guarantee.

I am aware of the financial situation of the railroad retirement program and that additional long-range financing is needed to meet the added costs—estimated at $118 million a year—resulting from paying the higher benefits provided by the bill. It is only because of this situation that I am not objecting to the fact that this increase like last year's 15-percent increase, is temporary. And while the bill says that these increases are temporary—that they will expire on June 30, 1973—my understanding of temporary increase is that they are to be temporary in name only. The existing law provides for a group of knowledgeable people to study the program and to come up with recommendations on how to pay for the increases. After this group reports—on June 30, 1972, under the Senate-passed bill—we intend to come back with legislation improving the financial condition of the system and reenacting last year's 15-percent benefit increase as well as the 10-percent increase included in the present legislation. As a result, not one railroad annuitant has any reason to think that his annuity will be cut back in July 1973.

## EXPANSION OF CHILD HEALTH CARE PROGRAMS

Mr. NELSON. Mr. President, on June 23, 1971, the Senator from Massachusetts (Mr. Kennedy) and I, along with 12 other Senators, introduced S. 2135, a bill to amend title V of the Social Security Act by extending for 5 years the period within which certain project grants may be made.

The bill is designed to sustain and expand federally supported child health care programs, which provide a wide range of services to needy children.

According to the Maternal and Child Health Service—in the Health Services and Mental Health Administration of HEW—there are in existence some 112 programs funded by project grants, which support:

Maternal and infant care (authorized by section 508(a)(1)); intensive infant care (section 508(a)(2)); family planning (section 508(a)(3)); children and youth projects (section 509); and dental health care (section 510).

At present, 35 States have maternal and infant care projects, 30 have children and youth projects, about 42 have family planning projects, five have infant care projects and, by the end of this year, five will have dental care projects.

The 1967 amendments to title V provided that the project grants, or direct targeted Federal support of these projects, would expire by June 30, 1972 and the States would be required to take over the responsibility for the projects, with help from Federal formula matching grant money.

Under the 1967 amendments, title V allocations—which were authorized to reach a ceiling of $350 million annually—have been divided as follows: 40 percent of the total goes to project grants, 50 percent to formula matching grants, and 10 percent to research and training grants.

Formula grant money supports material and child health services—section 503—and crippled children's services—section 50.

The law provided that, beginning July 1, 1972, 90 percent of the appropriation for title V would be distributed as formula grants—10 percent continuing for research and training.

It was not the intention of Congress that the project grants be terminated, rather that the States take them over. By July 1, 1972, each State would be required to have plans for at least one of each of the five types of projects.

However, as the States are increasingly strained financially, there is no way to assure that the projects will continue to be supported, and, in fact, many of them may be cut back or terminated.

This would be a tragedy. More than 1 million people are now benefiting from these health services. The projects have been praised by HEW and by the communities they serve.

We are introducing this bill to insure continued funding of the project grants, so that these services can be continued and new projects started.

It is our hope that new money for projects will be appropriated under the authorization proposed in this bill—$500 million ceiling—so that States which do not presently have project grant programs will be able to get them underway.

These programs are greatly needed because they are largely devoted to preventive care if we are to meet the needs of a nation already challenged by health care needs.

## CUBAN AIRLIFT

Mr. HUMPHREY. Mr. President, I regret that I was necessarily absent from the Senate when the original continuing resolution on the appropriations bill was introduced and voted upon. I, therefore, would like to take this opportunity to announce my support for the reinstatement of the funds for our Cuban airlift program.

The original Senate version deleting those funds would have ignored the circumstances of thousands of Cuban persons to whom our Government has made a personal commitment.

In November 1965, the Cuban and American Governments came to an understanding—that the United States would carry out an airlift program to secure the safe release of thousands of Cuban people who wanted to leave their country, seeking refuge in the United States. Between 1965 and 1970, some 300,000 people had responded to the memorandum and registered for emigration to the United States.

Since that time, we have brought many thousands of Cuban nationals—now productive, concerned citizens—to this country. These Cuban Americans have added to the wealth and culture of our Nation. They have constructively added to the reality of pluralism in America which has so long been a part of our tradition.

There are still roughly 65,000 of the original 300,000 registrants who are waiting to join their families in the United States. Yet their future and that of others like them would have been altered by this bill. If we had left over 40,000 people stranded after 5 years of waiting, then the humanitarian concerns we pledged ourselves to in 1965 would have been for naught.

I am gratified, Mr. President, that the Senate chose not to ignore the significance and importance of this effective airlift program. We would have committed a mammoth disservice to ourselves and to the Cuban people, here and in Cuba, who put their faith and patience in our good will and reliability, by discarding the airlift program. The fact that this proposal was so soundly rejected is, on the other hand, a fine indication of our commitment to basic humanitarian concerns.

## DECENTRALIZATION OF POWER

Mr. THURMOND. Mr. President, there is a basic soundness in President Nixon's revenue-sharing plan in that it provides for much needed decentralization of power. By returning a portion of our tax funds to State and local governments, Mr. Nixon is providing a means to deal with problems at the level where those problems exist.

However, many plans have been suggested which relate to the revenue-sharing concept, and not all of them are good. One plan now being considered by House Ways and Means Committee Chairman Wilbur Mills would provide some $3.5 billion directly to cities, bypassing the State government.

An editorial entitled "Direct Aid to Cities Undercuts Federal System" was published in the State, a newspaper of Columbia, S.C., on June 25. It points out that such a plan would threaten the Federal-State dualism of the American system. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Direct Aid to Cities Undercuts Federal System

More than money alone is caught up in one of the many revenue sharing proposals bouncing around in Congress; the federal system itself is deeply involved.

We refer to a scheme under consideration by Ways and Means Chairman Wilbur D. Mills to bypass the states in distributing some $3.5 billion directly to the nation's financially straitened cities.

There is no denying the need of many cities, perhaps most cities, for considerable revenues over and above that which they currently are producing or which reasonably could be expected from their respective state governments. But if the national government were to become the source of such funds—to the exclusion of any involvement by the states—then the very federal-state dualism of the American system would be eroded.

It is beyond argument that in far too many instances the nation's cities have been ignored, maltreated, or exploited by state legislatures which have reflected neither understanding nor sympathy for municipal problems. And it is likewise true that most states are themselves in such financial difficulties that they can offer little fiscal aid to the struggling cities.

However, the answer does not lie in severing the parental ties which should (but sometimes do not) link the states with their urban political subdivisions. Rather, the solution lies in revitalizing the partnership which ought to exist between state and local governments.

It may well be (although we do not favor the principle) that the current tax structure dictates a sharing of federally collected revenues with those smaller governments which lack the means and the muscle to raise adequate funds. But even so, nothing should be done to further isolate or insulate the cities from the states.

The states themselves, through their executive and legislative branches, must become more intimately involved—and this includes financial involvement—with the problems of the (urban and suburban) areas, which are themselves substantial, should not be allowed to overshadow those of the cities. For, after all, governments exist to meet the needs of people, and people do not lose their legitimate claim upon government by congregating—wisely or unwisely—in metropolitan areas.

There is no easy solution to the complex and interrelated problems which plague governments at all levels. But anything which drives wedges between different constituencies within any given state, as is bound to happen if Uncle Sam bypasses the states in dealing with the cities, will simply make matters worse.

## AMERICA'S HOUSING POLICIES

Mr. RIBICOFF. Mr. President, the Supreme Court's recent decision in James against Valtierra, upholding the constitutionality of California's mandatory public housing referendum law, has caused considerable controversy across the Nation. No one knows what effect the decision will have on America's housing policies. Many commentators have asserted that it should be read very narrowly, while others claim that the Court has closed off the suburbs to low- and moderate-income families.

Herbert M. Franklin, executive associate of the National Urban Coalition, has written a thoughtful review of the James case entitled "Power to the people who got there first" which deserves the attention of every person concerned with lowering the economic barriers now surrounding our suburbs.

Mr. President, I ask unanimous consent that Mr. Franklin's article published in the May/June issue of City magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Power to the People Who Got There First

The recent declaration by a five-man majority of the Supreme Court that local referenda on decent housing for the poor "demonstrate devotion to democracy, not bias, discrimination, or prejudice" should awaken school book memories of our national past.

Our most momentous, and calamitous, friction between democratic theory and the fate of the helpless took place in 1854. In that year Stephen Douglas destroyed the Missouri Compromise by promoting "squatter sovereignty" through the odious Kansas-Nebraska Act that permitted slavery to be voted up or down in those two territories. Historians suggest that Douglas probably sincerely believed that slavery would be voted down. But it took a Civil War and virtually a new Constitution to resolve the questions symbolized by that event. We apparently have some more resolving to do under the complicated circumstances of modern life.

Lincoln's rebuttal to Douglas was essentially that the sacred right of self-government of the few cannot be permitted to override the concerns of an entire nation. It was not the vote in the territories that concerned Lincoln but its impact on the needs of the whole society, as those needs were themselves expressed through less parochial but still democratic means. His argument is still fresh and instructive.

It took long enough, but the Supreme Court's solicitude for racial minorities when they are directly and officially disadvantaged has now been established. But the current slim majority has chosen to ignore what every presidential commission in recent years has documented: the inextricable link between the problems of race and poverty in this society. In so doing, the Court has chosen not to see in the Constitution the guiding principles of economic justice that must undergird a concern for racial justice in urban America. Both require for their solution national policies that are now frustrated by a latter-day squatter sovereignty.

If the conflicts today are less strident than in Lincoln's time, they are just as pervasive. The widening racial and economic disparities in metropolitan areas, now confirmed by the census, will require new national policies that balance the just claims of the needy against the legitimate purposes of local self-government.

For example, a third of our families cannot attain decent housing without a subsidy. The federal government will be subsidizing the construction of 500,000 dwelling units next year. That figure must grow to 750,000 in a few years if our national 10-year housing goals are to be met. During the last decade the federal involvement was a miniscule 60,000 units annually. But we have inherited a dual system of transmitting these increasingly large subsidies to the ultimate beneficiaries. If you are a moderate- or middle-income family you get the benefit of the federal interest assistance subsidies through the Federal Housing Administration and private intermediaries who finance and develop housing. If you are poor you get your subsidy (if you get any at all) only on the initiative of local public officials and, thanks to the Court, perhaps the sufferance of the local electorate. As a result, housing subsidies for low-income families are simply unavailable in vast sections of the nation, including some major cities, while FHA mortgage insurance and subsidies flow to the nonpoor with the market. The only FHA subsidy for low-income people, the rent supplement program, by federal law requires local official approval (even though the project is on the tax rolls). So a perverse symmetry is maintained—a legislated, and now Court-sanctioned, bias against the poor—which is magnified if the enormous automatic income tax benefits to middle- and high-income homeowners are considered.

Short of federal occupation of the field, replacing this dualism by a single-variable housing subsidy for the entire range of eligible income groups, even the moderate-income programs may come under the cloud of the Court's decision. Many local controversies have affected moderate-income rather than low-income proposals. With the federal role in housing increasing the President has stood astride the suburban boundary to oppose "forced integration" and to defend the economic integrity of enclaves of "$20,000 to $24,000" homes probably occupied by families with incomes not significantly higher than those eligible for federal moderate-income subsidies.

Who is protecting whom from what? This is an illustration of how essentially racial tensions can deny opportunities for whites as well as blacks. The President is, in effect, telling the white postal worker or teacher seeking a subsidized dwelling in the suburbs: We're going to treat your needs as though you were black. Even moderate-income housing in the suburbs in popular terms means "black" housing and "economic" integration means "racial" integration. Last year, in fact, the President sent Congress a report in which he asserted that *both* economic and racial discrimination limits sites for federal low- and moderate-income housing programs.

In this context the distinction between economic and racial integration is an arid legalism. Since the federal programs are supposed to open up housing opportunities on an integrated basis, everyone knows that subsidized units potentially can be occupied by blacks. The majority's observation that the challenged mandatory referendum is "neutral" because it applies to all low-income projects and not only to "projects which will be occupied by a racial minority" is an archaic throwback to the now outlawed public housing policy in segregating the races.

Almost one hundred years ago Justice Field said, "When we take our seats on the bench we are not struck with blindness and forbidden to know as judges what we see as men."

For those who can see, the trend is disturbing. The federal housing programs are premised on the interest of private entrepreneurs to work in tandem with government assistance. What is happening lately should give them pause. Projects that increase racial concentrations in the inner city have been challenged successfully under the civil rights laws. Sites in suburbia or "better" areas will meet with various local exclusionary tactics. The vise is beginning to close on the availability of sites, and the risks of delay or total frustration have mounted. As for Secretary Romney's ambition to attract the most highly capitalized concerns into these programs, one can assume these are also the people with the most cautious lawyers.

Lawyers can, of course, find many reasons to limit the scope of the opinion. California's unique history of putting many public questions before the electorate may make similar attempts to single out the poor for electoral consideration in other states more suspect. Situations where racial prejudice is obviously a motivating factor clearly remain subject to successful legal challenge, and these encompass not only referenda but discriminatory zoning, subdivision, and building regulations. But the result will embolden the latter-day squatters who would like to keep anybody out of their privileged sanctuaries.

Indeed, the majority's evisceration of the equal protection clause seems to invite referenda on welfare and other programs for the poor that may "lead to large expenditures of local governmental funds for increased public services and . . . lower tax revenues." Why poor people living in squalid slums (many of them tax-delinquent properties) place a greater burden on public services than poor people in decent housing is not explained. What is implied is that you can vote on whether to let them in at all.

There may be some, even on the Supreme Court, who believe as did Stephen Douglas, that the common sense of the most parochial electorate will recognize poverty as one of the more costly conditions we confront. But with the President describing welfare beneficiaries as shiftless work-shirkers, a compassionate electorate may be too much to expect.

There is other potential mischief in this decision. People are expensive, particularly people with school-age children, and this is so whether they are rich or poor. If you can get the industry and let the new people live in the neighboring town your property taxes will be lower. (If they are poor people, or black people, all the more reason to keep them out.)

If a referendum can purify fencing out the poor (since these, in the Court's terms, are only one of the "diverse and shifting groups that make up the American people"), why not use it as a refuge against urban growth generally? Can the townships of large-lot homes and excessive building size requirements keep out apartments by putting this to a vote of existing residents on the grounds that apartment dwellers will increase the costs of public services? Or how about voting to keep out all but one-bedroom apartments? Indeed, in a recent study of one well-to-do suburb, it appears that because of low assessments on expensive homes, the presence of a good industrial tax base and high per capita school expenditures, a three-bedroom, single-family home valued at less than $100,000 produced a net deficit to the local fisc.

Can that community vote to keep out the $25,000 homes that concern the President? Or must we call on the due process clause to protect the developers' property rights to rationalize the relationships of civilized human values to urban land?

Power to the people is fine. But power to the people who got there first means the continued balkanization of our metropolitan areas.

## AMBASSADOR ROBERT ELLSWORTH

Mr. MATHIAS. Mr. President, public service is a privilege, but it imposes heavy burdens on the talent, the courage, the strength, and the dedication of the men and women who devote their lives to politics and Government. The glamor and the trappings of office have enough glitter so that the hard work is sometimes overlooked until we reach some milestone and look back over the road we have traveled.

Bob Ellsworth has come home from Europe and will make his home in Maryland. He is very welcome and I look forward to a renewed opportunity to learn from him some of the lessons gained from his experience as U.S. Ambassador to NATO.

Ambassador Ellsworth entered the Congress in the election of 1960 and took his seat as a representative from Kansas on the same day that I also took my seat in the House. He immediately earned a leadership role among the Republican freshmen and he retained that role by his industry and ability.

When he left the House and undertook the general practice of law he soon became associated with a successful New York lawyer, Richard M. Nixon. Their professional relationship was such that when Mr. Nixon moved his office to Washington, Bob Ellsworth came along as Assistant to the President of the United States.

He was later entrusted with the delicate and highly sensitive responsibility of representing the President and the people of the United States in the North Atlantic Treaty Organization. During his tenure in Brussels, I had occasion to visit Europe and can testify to the high regard in which Bob Ellsworth was held.

And now we are glad to welcome him back, to thank him for all his good work and to wish him many years of contentment and happiness and success.

## RADIO FREE EUROPE AND RADIO LIBERTY

Mr. McGEE. Mr. President, funding for Radio Free Europe and Radio Liberty is fast approaching the critical point. In fact, as the matter stands, funds for both operations will be running out quite soon.

An editorial published in the Washington Post of June 26 raises very pertinent issues concerning the importance of approving appropriations as soon as possible to enable the two stations to continue their valuable broadcasts.

While Congress is currently hassling over the issue of where financing for both operations should come, we should keep in mind the vital importance of these stations continuing their operations.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE ESSENTIAL BUSINESS OF RADIO FREE EUROPE

Radio Free Europe, which undertakes to tell East Europeans the news about themselves that their own controlled media withhold, is under harsh political attack for that reason from governments of some of the East European countries it broadcasts to. It may face an even greater peril, however, from the confusion of efforts underway in Washington to end its covert financing by the C.I.A. and to finance and operate it on a new open basis. The situation has got to be taken into hand quickly, for as matters stand, funds will run out for RFE—and for Radio Liberty, which broadcasts to the Soviet Union—quite soon. The two stations are much too valuable to be lost in a summer haze.

East European governments resentful of RFE's broad appeal to their populations have long stewed and fulminated about it—along with pulling such dirty tricks as putting poison in the salt shakers of its Munich headquarters. They could do little more, until Willy Brandt opened his policy of reconciliation with the East. Then, sensing an opportunity for leverage, they said that his *Ostpolitik* and RFE are incompatible. In fact, they are not, but Germany was embarrassed. Once Mr. Nixon made clear his position that American troops and American radios in Germany are part of a package, however, Bonn diplomatically told the protesting East Europeans to cool down.

Some East European governments bored in harder when Senator Clifford Case stated publicly what almost everybody had known for years—that the C.I.A. finances RFE (and Radio Liberty). Poland, for instance, called upon the United States last month to put RFE off the air.

Senator Case's point was to get RFE out in the open and so he offered a bill to finance it by direct appropriations, through the State Department. The administration, correctly contending that much of RFE's audience appeal lies in its appearance of independence from the American government, countered with a bill to set up a publicly funded "private" corporation to run both RFE and RL. (West Germany, for its own reasons, favors the latter approach.) In the meanwhile, there arose on Capitol Hill legitimate questions about the cost of the stations, their research functions, their relationship to other American propaganda and cultural programs, and their coordination with political efforts for detente. The administration did not allow enough time for Congress to cope adequately with these questions and, as a result, the stations are now hanging by the thread of a continuing resolution which provides funds only until August.

We do not have dogmatic views on the kind of organizational home the stations ought to have or on the size of their budgets or the scope of their non-broadcasting activities. We would like to make the emphatic point, however, that RFE and RL do an extremely important job and, in our judgment, do it well.

RFE still carries an image of irresponsibility dating from its indeed-irresponsible words of encouragement to Hungarian rebels in 1956. Together, RFE and RL have the reputation of being the voices of bitter emigres and primitive anti-Communists. The two stations, however, have considerably changed and they can no longer be fairly accused of the sins of their past. What they do now is to communicate directly with the people of East Europe who want to listen to them in order to learn what they cannot learn from their own captive press and radio. The stations do not incite to revolution or preach anti-Communism; they say what is going on in East Europe. It would be an unpardonable breach of faith with the stations' millions of listeners to deny them their choice of radio fare.

Detente, if it means anything, means widening the West's contacts with the East, not helping the East to seal off its people from the West. It means the exchange of people, goods, words and ideas. This is the essential business of RFE and RL. The Congress, in its right-minded determination to shake the stations free of the C.I.A. should not lose sight of the reason for letting them continue it.

## THE PENTAGON DOCUMENTS

Mr. THURMOND. Mr. President, we are reading and hearing much today about the stolen Pentagon documents which allegedly reveal that former President Johnson was planning to escalate the Vietnam war even before the 1964 Presidential elections during which he campaigned as the peace candidate.

Many issues have been raised during this controversy, and I am sure that further study and research will uncover other issues.

Few conclusions stand out clearly at this point, but one fact does stand out—a great portion of the American people feel that they have been deceived and lied to.

An editorial entitled "A Monstrous Lie," published in the News of June 27 calls attention to this debate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### A MONSTROUS LIE

Enough of the so-called Pentagon Papers have been published, amid a flurry of federal court injunctions against publication by individual newspapers, to get a glimmer of an idea of what they are and are not.

It is clear that the entire set of documents, even when all are released or made public by other means, will tell only a small part of the Vietnam war story and the decision-making processes involved in American participation in the Indochina conflict. Some indications are beginning to emerge to show that the papers may have been handpicked carefully to create an entirely erroneous concept of how America got bogged down in Southeast Asia.

The further implication is that the Pentagon study ordered by former Defense Secretary McNamara may have been designed to serve the selfish interests of the so-called Kennedy clan and Pentagon Whiz Kids who got America deeply involved in Vietnam in the 1960's then tried to get themselves off the hook.

It is very easy to handpick from among hundreds of differing "contingency plans" devised to cope with every conceivable kind of development and come up with an entirely distorted picture of the planning process and to shift the onus of responsibility from one group to another, almost at will. There are strong indications that this may have been done in the Pentagon study, at least in some instances.

Therefore, the American public would be well advised against accepting as "full gospel" the contents of the voluminous study report as it is revealed, piecemeal or otherwise.

It is possible however, to spot obvious instances in which the American public was lied to for reasons of selfish partisan politics.

One is the matter of the decision to bomb North Vietnam. The Pentagon papers show that a fairly firm concensus to bomb the north had developed in the Johnson administration before the 1964 presidential election. This is disputed by sources close to the former President, who insist he had not made up his mind about bombing and hoped to avoid it. The presidential decision was not made until well after the election in which President Johnson decisively defeated Barry Goldwater.

Granted that President Johnson may not have decided to bomb North Vietnam and still hoped not to do so, it still is undeniable that he was well aware that bombing was a probability and that planning for bombing was under way. The former President simply cannot avoid the fact that he knew well before the election that it probably would be necessary to escalate the war in Vietnam, and was preparing to do so.

In the face of that fact, President Johnson and the Democratic party based his campaign against Senator Goldwater in large measure upon depicting the Republican contender as a "warmonger" and himself as a promoter of peace in Vietnam. Time and time again the Democratic party and President Johnson personally said flatly, in speeches and hundreds of television ads, that Goldwater would escalate the war, if elected, but that Johnson would bring peace. The former President made the flat statement that American boys would not be sent to die in Vietnam in large numbers.

That is the record, which convicts President Johnson personally and the Democratic Party of deliberately lying to the American people and of maliciously slandering Barry Goldwater in the 1964 presidential campaign.

Even though American political campaigns never have been models of truth, and mudslinging and distortion have become commonplace, the magnitude of the 1964 Democratic lie is almost without precedent. It would be difficult to find a more intense, deliberate—and unfortunately successful—campaign to deceive the public.

In these troubled, confusing times, the exposure of a monstrous lie by an American President on an issue of life-and-death proportions badly injures the credibility of the Democratic party and of the presidency.

In 1964 President Johnson and the Democratic party callously demeaned the highest office of the land, and did almost irreparable damage to it. The party should not be allowed to escape the consequences of its injury to the presidency and its gross insult to the American people.

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## TENNESSEE-TOMBIGBEE PROJECT WILL NOT MATERIALLY HARM THE ENVIRONMENT

Mr. SPARKMAN. Mr. President, the Washington Post of June 1 contains an article on an adverse environmental review of the Tennessee-Tombigbee waterway project, prepared by the Southeast regional office of the Environmental Protection Agency.

The Tennessee-Tombigbee waterway project involves the construction of a navigable channel connecting the Tennessee River, at a point in Pickwick Lake, with the Tombigbee River in Alabama. With the link to the Tombigbee navigation will be possible from the Gulf of Mexico through the port of Mobile to the Tennessee River.

The Tennessee River is a part of the inland waterway system. For this reason the Tennessee-Tombigbee project is of vast importance, not only to the area through which it will be built, but to vast areas of the interior of the country. These areas stretch from the Plains States, through Chicago, and as far east as Pittsburgh. The benefits will be derived from more economical shipping routes, better utilization of barge equipment, and increased accessibility to raw materials.

The newspaper account of the report prepared by the Southeast regional office of the Environmental Protection Agency indicates that EPA may not have fully account for these benefits. Much of the EPA criticism seems to go to local effects of the project.

For instance, let me quote a Washington Post excerpt of the report:

> The channelization, the dams and impoundments, the introduction of Tennessee River water into the Tombigbee River system, the increased population and new industries and the construction operations necessary for completing the waterway will all have a profound and lasting effect on the water quality values and the ecology of the entire area through which the waterway passes.

As can be seen from this excerpt the first thing EPA complains about is "channelization, dams, and impoundments." Later in the news account it appears that EPA is worried about the loss of "natural shallow water areas, flood plains, pools and bars and riffles." I am intimately familiar with the conditions EPA would like to preserve—not on the Tombigbee River—but on the Tennessee River in north Alabama, where I grew up.

These conditions no longer exist in the Tennessee River. They have been eliminated through the dams and reservoirs that are part of the Tennessee Valley Authority system. No longer do we have shallow water areas and flood plains to provide breeding grounds for mosquitoes. In my youth, malaria was a house guest of many families in large sections of northern Alabama. In fact, I was a malaria victim myself. The mosquitoes that once bred in these soggy areas are under control and malaria has departed.

The bars and riffles that TVA dams now cover with a safe layer of water at one time so hampered navigation that northern Alabama was effectively land locked. At that time, before construction of dams and reservoirs which EPA's Southeast office seems to dislike, northern Alabama was locked into an agricultural economy based primarily on row crops.

This economy did not provide sufficient economic support for the population of the area. We needed industry to balance our agriculture.

Many of our people had to migrate to urban centers such as New York, Chicago, and Detroit in search of a livelihood. Too many of them were ill equipped with skills necessary to compete in an urban location. I may be mistaken but I do not believe that the Nation's environment is improved by crowding more and more unskilled people into our overcrowded cities.

It makes a great deal more sense to expand job opportunities where they live, give them the opportunity to acquire the necessary job skills in surroundings familiar to them, and not to export one area's problem to another place. This type of progress is what has happened in the TVA area.

The navigable channel built by TVA brought low-cost water transportation to sites that were protected from floods by TVA-built dams. These factors, combined with local people who were willing to work and plan for their future, helped spawn a sizable industrial complex in northern Alabama. Jobs, at good wages, became available and the people of the area acquired the skills demanded by these jobs.

Generally the industries that have located along the Tennessee River are nonpolluting. So much so that today, after a vast industrial expansion, the waters of the Tennessee River are useful for more purposes than they were when TVA was formed.

As the region shifted from an agricultural economy to one containing a major industrial ingredient, the remaining farmers were able to diversify their operations and lessen their dependence upon row crops. This diversification included shifting of large amounts of land to pasture, thus significantly reducing soil erosion.

The TVA system of dams and reservoirs did change the ecology of the area. Fishing opportunities in the TVA reservoirs are greatly expanded from what they were before the river was impounded. The fish resource has grown to such an extent that the problem is to encourage a greater harvest of fish rather than placing restrictions on catch. In fact, the abundance of fish in the TVA reservoirs is so great that the States allow a year round open season for sport fishing in them.

The ecology has also been changed as regards wildlife. Along the Tennessee reservoirs over 85,000 acres of land and water are devoted to national wildlife refuges operated by the U.S. Fish and Wildlife Service. Fish and wildlife programs operated by the area's States provide another 100,000 acres of managed land and water in and around TVA reservoirs.

In 1940, when the TVA reservoir system was incomplete, about 10,000 ducks and geese wintered in the TVA area. A census conducted during the winter of 1969–70 counted over 400,000 migrating waterfowl wintering in the area. Thus it can be seen that the dams and impoundments along the Tennessee River have increased the ability of the Nation to support an abundant waterfowl population.

The second complaint quoted above is that Tennessee River water will be introduced into the Tombigbee River. To quote the Post's paraphrasing of the EPA report:

> That pollution from heavy industrialization of the Tennessee River Valley will contaminate present free-flowing and relatively pure streams with nutrients, mercury and toxicants, including DDT.

As I said earlier, the industries that have located along the Tennessee River are generally nonpolluting. One exception that has affected a small percentage of the Tennessee River systems is mercury pollution—a problem that we, along with other areas of the country, discovered only a year ago.

This problem mainly results from the discharge of inert mercury from industrial plants. The mercury is laid down in the sediment at the bottom of a river or lake and some portion of it is changed into a form of mercury that is assimilated by organisms upon which fish feed and thereby finds its way into fish flesh.

The sources of these industrial discharges in the Alabama portion of the Tennessee River have been identified and are now under control. Although this problem exists in Pickwick Reservoir, where the Tennessee-Tombigbee Waterway will enter the Tennessee River, two things should be noted. First, mercury levels in fish taken from the Yellow Creek embayment of Pickwick Lake, the northern terminus of the Tennessee-Tombigbee, have consistently averaged lower than permissible limits set by the Food and Drug Administration.

Second, the mercury content of the water itself is extremely low. From what I have been able to learn, the mercury question raised by EPA is without foundation.

On the matter of other aspects of water quality the Corps of Engineers' environmental statement stated that the water quality in Yellow Creek embayment is of generally excellent quality based on analysis of a variety of data. Accounts of the EPA do repute, not refute this statement. Therefore it seems that EPA should explain how the introduction of water of excellent quality can harm a river.

It should be further noted that the water from the Tennessee River will be used only for lockage in the upper reaches of the waterway. When the Tennessee-Tombigbee attains full utilization, sometime in the future, only about 2.5 percent of the flow of the Tennessee River will be diverted to the Tombigbee River.

EPA also complains about the increase of population in the waterway area. It can be stated with certainty that the Tennessee-Tombigbee Waterway will not father or give birth to a single child. What it will father is jobs for people who are living today and will be born in the future.

With or without the Tennessee-Tombigbee these people will be with us. They will have to live somewhere. The Tennessee-Tombigbee area as a residence for them is preferable to adding additional population to the Nation's already overcrowded urban complexes. If these people are to contribute to the society in which they live they will have to have jobs. The Tennessee-Tombigbee development will provide a base from which those jobs can be created.

It is a fact, as the EPA notes, that the Tennessee-Tombigbee will involve the building of dams and impoundments and will promote industrialization. The TVA experience, however, shows us that properly located dams and reservoirs provide beneficial, not detrimental, environmental changes. The TVA experience further shows that an area can have industrialization and a healthy environment.

As a final reply to the EPA statement, I feel that the Tennessee-Tombigbee waterway, and other sound public improvements, do present us with a choice. However, it is not a choice between development and the environment—because proper development of an area will benefit its environment. The choice is either providing the level of development necessary to provide a good standard of living for our children or condemning a significant portion of our population to unemployment and the welfare rolls.

Mr. President, I ask unanimous consent to have printed in the RECORD the article that appeared in the Washington Post on June 1 entitled, "Big Waterway Plan Assailed by EPA Unit"; an editorial from the Mobile Press Register of June 5, 1971, entitled, "Tenn-Tom Headed For Clear Sailing"; and an article that appeared in the Birmingham News of June 10, 1971, entitled, "Tenn-Tom Will Pass Ecology Test."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 1, 1971]

### BIG WATERWAY PLAN ASSAILED BY EPA UNIT

(By Elsie Carper)

An Environmental Protection Agency report has raised strong objections to construction of the Tennessee-Tombigbee Waterway, which President Nixon praised at symbolic groundbreaking ceremonies last week.

The report declared that the multimillion dollar project is of "questionable economic value" and would "irreversibly" damage a scenic and natural area in northeast Mississippi.

In urging that the planned 253-mile channel be "reevaluated," the report, written last February, said that even if all known antipollution measures were taken, the project would degrade streams and rivers and the general water supply.

The channel is to link the Tennessee River with the Tombigbee River to form the upper portion of a 470-mile waterway connecting the Tennessee River and the Ohio Valley to the north with the Gulf of Mexico at Mobile.

It will require the digging of a 186-mile-long channel in the Tombigbee River, a 45-mile lateral canal and a 39-mile deep canal piercing a high ridge that divides two river basins. Ten locks are to be built for the $386.6 million project.

#### CORPS SOUGHT REPORT

The report was prepared by the Southeast regional office of the EPA and sent to the Mobile office of the Corps of Engineers. The Corps, which will construct the waterway, had asked for the EPA views in compliance with the National Environmental Policy Act requiring consideration of the environmental impact of major government projects.

John C. White, acting EPA regional director, suggested that the Corps seek a "formal response" from the EPA's national administrator, William D. Ruckelshaus. An EPA spokesman said yesterday that the Corps had not made such a request.

Mr. Nixon spoke at the symbolic groundbreaking in Mobile last Tuesday on his first visit to Alabama since assuming office. The actual groundbreaking will take place later this year.

The waterway was in the planning stage long before the Environmental Protection Agency came into being and before consideration was given to the ecological effect of such massive projects. The President halted a similar project, the Cross-Florida Barge Canal, last January "to prevent potentially serious environmental damage." The canal was about one-third completed when he acted.

In his Mobile speech, Mr. Nixon said the Tennessee-Tombigbee would provide jobs and also "carry out and maintain the beauty of this part of the country . . ."

#### DAMAGE SEEN

But the EPA regional report said insufficient attention had been given to damage the waterway would do to future ecological and water quality values.

"The channelization, the dams and impoundments, the introduction of Tennessee River water into the Tombigbee River system, the increased population and new industries and the construction operations necessary for completing the waterway will all have a profound and lasting effect on the water quality values and the ecology of the entire area through which the waterway passes," the report said.

It warned of the "loss of natural shallow water areas, flood plains, pools and bars and riffles with their associated acquatic vegetation conducive to stream purification," an increase in water temperature, and a change in fish species and organisms in the fish food chain.

It also said that pollution from heavy industrialization of the Tennessee River Valley will contaminate present free-flowing and relatively pure streams with nutrients, mercury and toxicants, including DDT. Barge traffic will add oil slicks and turbidity, it added.

#### ECONOMIC ARGUMENT

Questioning economic arguments for the waterway, the report declared that "the depressed area which it is supposed to help (northeastern Mississippi) is near the most highly industrialized section of southeastern United States, stretching along the Tennessee River from Pickwick Pool to Kingsport in northern Tennessee."

In contrast, it said, the area where construction would take place is "one of the most picturesque and unspoiled areas still remaining in Mississippi," valuable for recreation and for geological formations.

"In view of the rapidly changing public opinion with regard to such areas and the questionable economic value of the project, the EPA believes that a reevaluation of the project should be made, taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated . . . and a scenic and natural area will be irreversibly damaged . . ."

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[From the Register and Press, June 5, 1971]

### TENN-TOM HEADED FOR CLEAR SAILING

Clear sailing appears ahead for an early start on actual construction of the Tennessee-Tombigbee Waterway, despite an adverse comment from a federal bureau known as the Environmental Protection Agency, whose function is primarily in the regulatory field.

This agency suggested a re-evaluation of the long-sought new navigation route between inland mid-America and the Gulf Coast at Mobile, on the premise that it might lead to a "degradation of water quality values" as a "cumulative long-term over-all effect."

But the Council on Environmental Quality, which basically is part of the President's advisory staff, has made plain that it sees no reason to fear any such potentiality.

In fact, a spokesman for this advisory council all but said in the exact words that it fully concurred in President Nixon's recent participation as top figure for the federal government in a symbolic groundbreaking program in Mobile.

"It is obvious," the CEQ spokesman said in Washington, D.C., earlier this week, "we had no objections to the waterway that would prevent the President from participating in the ceremony."

President Nixon's trip to Mobile for the ceremony, coupled with this statement from the Council on Environmental Quality which functions as an instrumentality of his office, may be interpreted as virtually the equivalent of White House clearance for starting construction of the Tennessee-Tombigbee Waterway.

On Capitol Hill, too, the atmosphere is favorable to the project, Congress, of course, having appropriated $1 million for the beginning of construction this fiscal year.

First unit scheduled for construction is the Gainesville Lock on the Tombigbee about 30 miles upstream from Demopolis, itself situated a little more than 200 miles from tidewater at Mobile.

The Mobile District Office of the U.S. Corps of Engineers has selected next Wednesday for the opening of bids on this lock. On the assumption that this history-making event will produce a contract, the first actual construction work on a new inland waterway of far-reaching momentous importance should not be far away.

Still more optimism for the project, which has enormous potential for continuing expansion of service in a variety of vital areas—commerce, industry, recreation—exists in the prospect of a substantially larger congressional appropriation to pursue construction in the new fiscal year which begins July 1.

The multiple benefits of which the Tennessee-Tombigbee Waterway will be capable add up to a magnitude which qualifies the project for enthusiasm regionally and nationally.

[From the Birmingham News, June 10, 1971]

### Say Its Engineer Planners: Tenn-Tom Will Pass Ecology Test

(By Ted Pearson)

Mobile.—Is the Tennessee-Tombigbee Waterway going to pass one of its toughest tests—its impact on the environment?

There is absolutely no doubt about it, say the expert engineers who have planned its construction and will oversee every facet of its development over at least the next decade. These are engineers who have adopted a new and profound consciousness of the effect of big earth-changing projects on the environment—the best technical brains of the U.S. Army Corps of Engineers.

Any fears Tenn-Tom may fall victim to intense ecological pressures—as did the Cross-Florida Barge Canal in the midst of construction—seem to have been pointedly dispelled by a thorough "overall assessment" made by these engineers and greeted so far with favorable reaction or no objection from an array of agencies and people directly involved.

It is an assessment detailed—much of it highly technical—in 56 pages of an initial report completed by the Mobile District of the Corps of Engineers, but not until now given wide attention and publicity.

Purpose of the overall study: To determine if there are "any detrimental effects significant enough to forego development of the project."

Conclusion: "No such adverse effects were revealed by the assessment, and, in fact, the beneficial environmental impacts overshadowed the unavoidable adverse effects."

Before the engineers released the report, they distributed it to every possible federal, state and local agency that might be involved. Each thoroughly reviewed it.

The same agency that successfully got President Nixon to axe the Cross-Florida canal, the Council on Environmental Quality, says it has no such opposition to Tenn-Tom. The council's role is perhaps the most important of all where the environment is concerned. By law, it reviews all water projects of the Corps of Engineers for environmental impact, and makes recommendations to the President.

Many other agencies either simply responded with no comment, praised the completeness of the engineers' study, or had comments, recommendations and suggestions—all of which the engineers say have been reviewed and resolved, or will be handled and adequately resolved in two more in-depth phases of their environmental survey. All this will directly govern the methodology and technological knowhow employed during progress of Tenn-Tom construction as it pertains to land and water alteration.

Most notable of the objections came from the federal Environmental Protection Agency's regional office in Atlanta, which saw Tenn-Tom as leading to overall degradation of water quality in the area covered. Not so, the engineers replied. Erosion control measures, enforced in compliance with federal and state standards, will not only maintain water quality throughout Tenn-Tom, but some areas will see water quality improved considerably.

Significantly, what the Corps of Engineers has concluded so far is only its general environmental assessment of Tenn-Tom and this is highly favorable.

There is much more to come.

The second phase will deal with a detailed evaluation of impacts identified in the overall assessment, which itself required four months of in-depth field studies. Purpose of this second phase is to incorporate all environmental protective measures possible in advanced engineering and design work.

The engineers make this flat, unequivocal assurance: "Alterations in design will be made to increase the gains (in environmental protection) and mitigate the losses." Further, they say, every environmental finding will be updated prior to actual construction of the project's many segments.

The third and final phase of the environmental survey, the corps said, will "involve continued environmental evaluation throughout construction—and operation—of the project."

So technical and so complex are many of the findings in the initial Tenn-Tom environmental assessment, that it is impossible here to detail them.

But some parts dictate brief examination.

Tenn-Tom, the report advises, will directly take in about 70,000 acres of land presently in forests or agricultural use. Much of this, however, will not be completely removed from its agricultural and forest base. And about 40,000 acres of new water surface will be created for all manner of recreational use as a direct byproduct of Tenn-Tom's principal purpose—a new navigable waterway between the Gulf at the Port of Mobile and the nation's mid-continent.

Among other things, the report says that:

Substantial losses will occur in Tenn-Tom's "river section" in prime wildlife habitat and hunting areas and stream fishing, but these effects will be offset by vast new lake fisheries and a great increase in waterfowl hunting areas.

Methods will be used, and enforced, to lessen overall erosion in the Tombigbee River Basin. Coupled with the functioning of newly-created lakes as "sediment traps," the heavy siltload now moving down into the Mobile Bay estuarine area will be substantially reduced.

While construction of Tenn-Tom's "canal section" will require clearing of about 3,000 acres of bottomland and other wildlife habitat, this part of the project "offers wildlife enhancement possibilities" through coordination with a new 11,000-acre wildlife management area planned by Mississippi.

The same situation of certain wildlife habitat losses offset by creating new wildlife opportunities that prevails in the river and canal sections will be existent in the "divide cut" section.

(Tenn-Tom will have a "river section" extending 168 miles north from Demopolis to Amory, Miss., a "canal section" for the next 45 miles parallel to the river and separated from it by levees, and a "divide cut" section for the next 40 miles to connect with the Pickwick Pool of the Tennessee River via Yellow Creek.)

To dispose of an estimated 260 million cubic yards of excavated materials without environmental detriment, methods being considered include its use as fill for roads and highways, rehabilitation of blighted areas, and filling and site preparation for commercial sites. Preliminary investigations indicate that the "efficacious handling" of this material will create "numerous opportunities to provide both short-term and long-range environmental improvements."

Tenn-Tom has "an exceptional potential for development of associated general recreation facilities by local, state and federal agencies, and private interests."

While the project will partially or totally inundate several archeological and historical sites, archeological investigations and salvage activities of endangered sites will be conducted prior to inundation. All steps will be taken for documentation and preservation of historical artifacts.

This is only a sampling of the multiplicity of environmental factors dealt with in the initial study report. The engineers said they had received "numerous communications" from many individuals and groups whose "major concern" was that studies were necessary to determine methods in building Tenn-Tom that "would not result in an ecological disaster."

"This first phase, the overall assessment of environmental effects," the Corps of Engineers concluded, "has been completed and no significant adverse effects have been surfaced which would pre-empt start of construction.

"This assessment should reassure those concerned that, ecologically, the implementation of the project will in no way be disastrous, and in many ways will be beneficial to man's total environment."

Having reached this conclusion, armed with what is tantamount to a green light from the all-important Council on Environmental Quality as a reviewing authority and adviser to the White House, and proceeding with further in-depth studies to keep Tenn-Tom compatible with protecting the environment, the engineers are now on the verge of beginning actual construction.

First construction bids, for building a $10 million lock at Gainesville in Greene County, as the initial segment of the $380 million, 253-mile waterway, are scheduled for opening Wednesday in Mobile, Awarding of contracts is expected to follow shortly.

Even having reached this stage, however, the Corps of Engineers' planners are fully aware that continuing pressures from environmental interests will be intense and that ecological battles are in the cards as Teen-Tom work moves ahead.

"It is vital and important," said one Tenn-Tom engineer "that there is such deep interest and determination to insure environmental protection in connection with this project. To this, we are also totally committed. We are showing—and expect to continue to do so—that Tenn-Tom can and will be built without significant detriment to the environment, and indeed with environmental improvement in a number of ways."

One thing is for certain.

The extent of the environmental role in designing and building Tenn-Tom is unprecedented among the multitude of waterway projects the Corps of Engineers has developed.

Tenn-Tom's primary purpose is, of course economic.

But, as work already done and in process shows, enviromental factors—for the first time in a project of such magnitude—are preceding the ultimate achievement of the economic goal in the Tenn-Tom planning.

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## ELIMINATION OF TRAFFIC IN ILLEGAL NARCOTICS

Mr. FANNIN. Mr. President, on July 14, 1969, President Nixon declared that the elimination of trafficking in illegal narcotics is a matter of national policy.

Today, a little less than 2 years after the President's declaration, we have a most significant milestone in the battle against narcotics.

I would like to add my voice to those praising the announcement by Prime Minister Nihat Erim that the Government of Turkey is moving to end the growing of opium poppies within that nation.

The Prime Minister shows great courage in seeking to end the growing of the crop which produces needed income for so many Turkish farmers—farmers who cannot comprehend the tremendous suffering that comes from heroin addiction in the United States.

President Nixon has carried out an aggressive and effective fight through diplomatic channels to battle the international traffic in narcotics. The administration made a good start in 1969 by working closely with the Government of Mexico to help cut the flow of illegal drugs from the South.

Yet, it has long been recognized that Turkey was the main source for the opium which then was refined in France before being shipped clandestinely to the United States as heroin. More than 80 percent of the heroin reaching this country was believed to travel this route.

At the insistence of the Nixon administration French authorities agreed to step up enforcement efforts to put the squeeze on heroin-producing laboratories in France.

Turkey took a step in the right direction by reducing the number of provinces where opium production is legal. Still, illicit opium continued to flow out of that nation, through France, and into America.

Now, if the Turkish Government can carry through with its new program to eradicate opium poppies a giant step will have been made toward cutting the international trade in heroin.

The efforts by the Nixon administration have been magnificient.

No one can claim, however, that the war against narcotics is won or will be even if Turkey is 100 percent effective in its plan to ban opium poppy production within 1 year. There are other sources of the poppy.

I still believe that S. 694 would give our Government a stronger hand in stopping the international trade in illicit drugs. This bill would provide that not less than 10 percent of the money contributed to the voluntary U.N. Development Fund be used specifically to control illegal traffic in narcotics. It would give the President the power to suspend American aid to nations which fail to cooperate in international narcotics control programs.

This would be one more weapon for the President, and a weapon which could allow him to apply pressure on all sources of narcotics.

Meanwhile, I applaud the zeal with which the Nixon administration has been attacking the international trade in narcotics, and I salute the Government of Turkey for recognizing the problem and charting a courageous course to solve it.

## AFTER THE POPULATION EXPLOSION

Mr. HARTKE. Mr. President, since the time of Malthus we have been aware of the dangers of overpopulation. But awareness is no longer enough. The population of the world is increasing at an ever-more-rapid pace. Unless we translate our awareness into concern and action, we will fall victim to a manmade catastrophe.

Recently I read an article by Harrison Brown, a professor of geochemistry, science, and government at the California Institute of Technology, which raises some rather perplexing questions about the future of our earth.

Mr. President, I ask unanimous consent that Mr. Brown's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### AFTER THE POPULATION EXPLOSION

(By Harrison Brown)

At one time or another almost all of us have asked: How many human beings can the Earth support? When this question is put to me, I find it necessary to respond with another question: In what kind of world are you willing to live? In the eyes of those who care about their environment, we have perhaps already passed the limits of growth. In the eyes of those who don't care how they live or what dangers they create for posterity, the limits of growth lie far ahead.

The populations of all biological species are limited by environmental factors, and man's is no exception. Food supplies and the presence of predators are of prime importance. When two rabbits of opposite sex are placed in a fenced-in field of grass, they will go forth and multiply, but the population will eventually be limited by the grass supply. If predators are placed in the field, the rabbit population will either stabilize at a new level or possibly become extinct. Given no predators and no restrictions on food, but circumscribed space, the number of rabbits will still be limited, either by the psychological and biological effects of overcrowding or by being buried in their own refuse.

When man, endowed with the power of conceptual thought, appeared upon the Earth scene, something new was introduced into the evolutionary process. Biological evolution, which had dominated all living species for billions of years, gave way to cultural evolution. As man gradually learned how to control various elements of his environment, he succeeded in modifying a number of the factors that limited his population. Clothing, fire, and crude shelters extended the range of habitable climate. Tools of increasing sophistication helped man gather edible vegetation, hunt animals more effectively, and protect himself from predators.

But no matter how effective the tools, there is a limit to the number of food gatherers who can inhabit a given area of land. One cannot kill more animals than are born or pick more fruit than trees bear. The maximum population of a worldwide food-gathering society was about ten million persons. Once that level was reached, numerous cultural patterns emerged that caused worldwide birth rates and death rates to become equal. In some societies, the natural death rate was elevated by malnutrition and disease; in others, the death rate was increased artificially by such practices as infanticide or the waging of war. In some cases, certain sex taboos and rituals appear to have lowered the birth rate. But, however birth and death rates came into balance, we can be confident that for a long time prior to the agricultural revolution the human population remained virtually constant.

With the introduction of agriculture about 10,000 years ago, the levels of population that had been imposed by limited supplies of food were raised significantly. Even in the earliest agricultural societies, several hundred times as much food could be produced from a given area of fertile land than could be collected by food gatherers. As the technology of agriculture spread, population grew rapidly. This new technology dramatically affected the entire fabric of human culture. Man gave up the normal life and settled in villages, some of which became cities. Sufficient food could be grown to make it possible for about 10 per cent of the population to engage in activities other than farming.

The development of iron technology and improved transportation accelerated the spread of this peasant-village culture. Indeed, had new technological developments ceased to appear after 1700, it is nevertheless likely that the peasant-village culture would have spread to all inhabitable parts of the Earth, eventually to reach a level of roughly five billion persons, some 500 million of whom would live in cities. But long before the population had reached anything close to that level, the emergence of new technologies leading up to the Industrial Revolution markedly changed the course of history. The steam engine for the first time gave man a means of concentrating enormous quantities of inanimate mechanical energy, and the newly found power was quickly applied.

During the nineteenth century in western Europe, improved transportation, increased food supplies, and a generally improved environment decreased the morbidity of a number of infectious diseases and virtually eliminated the large fluctuations in mortality rates that had been so characteristic of the seventeenth and eighteenth centuries. As mortality rates declined and the birth rate remained unchanged, populations in these areas increased rapidly. But as industrialization spread, a multiplicity of factors combined to lessen the desirability of large families. After about 1870, the size of families decreased, at first slowly and then more rapidly; eventually, the rate of population growth declined.

During the nineteenth and early twentieth centuries, some of the new technologies were gradually transplanted to the non-industrialized parts of the world, but in a very one-sided manner. Death rates were reduced appreciably, and, with birth rates unchanged, populations in these poorer countries increased rapidly and are still growing.

In spite of the fact that the annual rate of population growth in the industrialized countries has dropped to less than 1 per cent, the worldwide rate is now close to 2 per cent, the highest it has ever been. This rate represents a doubling of population about every thirty-five years. The human population is now 3.5 billion and at the present rate of increase is destined to reach 6.5 billion by the turn of the century and ten billion fifty years from now. Beyond that point, how much further can population grow?

An analysis of modern technology's potential makes it clear that from a long-range, theoretical point of view, food supplies need no longer be the primary factor limiting population growth. Today nearly 10 per cent of the land area of the Earth, or about 3.5 billion acres, is under cultivation. It is estimated that with sufficient effort about fifteen billion acres of land could be placed under cultivation—some four times the present area. Such a move would require prodigious effort and investment and would necessitate the use of substantial quantities of desalinated water reclaimed from the sea. Given abundant energy resources, however, it now appears that in principle this can be done economically.

Large as the potential is for increasing the area of agricultural land, the increases in yield that can be obtained through fertilizers, application of supplementary water, and the use of new high-yielding varieties of cereals are even more impressive. Whereas in the past the growth of plants was circumscribed by the availability of nutrients and water, this need no longer be true. Using our new agricultural technology, solar energy can be converted into food with a high degree of efficiency, and even on the world's presently cultivated lands several times as much food can be produced each year than is now being grown.

To accomplish these objectives, however, an enormous amount of industrialization will be required. Fertilizers must be produced; thus, phosphate rock must be mined and processed, and nitrogen fixation plants must be built. Pesticides and herbicides are needed; thus chemical plants must be built. All this requires steel and concrete, highways, railroads, and trucks. To be sure, the people of India, for example, might not need to attain Japan's level of industrialization in order to obtain Japanese levels of crop yield (which are about the highest in the world), but they will nevertheless need a level of industrialization that turns out to be surprisingly high.

Colin Clark, the director of the Agricultural Economics Research Institute of Oxford and a noted enthusiast for large populations, estimates that, given this new agricultural land and a level of industrialization sufficiently high to apply Japanese standards of farming, close to thirty billion persons could be supported on a Western European diet. Were people to content themselves with a Japanese diet, which contains little animal protein, he estimates that 100 billion persons could be supported.

To those who feel that life under such circumstances might be rather crowded, I should like to point out that even at the higher population level, the mean density of human beings over the land areas of the Earth would be no more than that which exists today in the belt along the Eastern Seaboard between Boston and Washington, D.C., where the average density is now 2,000 persons per square mile and where many people live quite comfortably. After all, Hong Kong has a population density of about 13,000 persons per square mile (nearly six times greater), and I understand that there are numerous happy people there.

Of course, such a society would need to expend a great deal of energy in order to manufacture, transport, and distribute the fertilizers, pesticides, herbicides, water, foodstuffs, and countless associated raw materials and products that would be necessary.

In the United States we currently consume energy equivalent to the burning of twelve-and-a-half short tons of coal per person per year. This quantity is bound to increase in the future as we find it necessary to process lower-grade ores, as we expend greater effort on controlling pollution (which would otherwise increase enormously), and as we recover additional quantities of potable water from the sea. Dr. Alvin Weinberg, director of the Oak Ridge National Laboratory, and his associates estimate that such activities will cost several additional tons of coal per person per year, and they suggest that for safety we budget twenty-five tons of coal per person per year in order to maintain our present material standard of living. Since we are a magnanimous people, we would not tolerate a double standard of living (a rich one for us and a poor one for others); so I will assume that this per capita level of energy expenditure will be characteristic of the world as a whole.

It has been estimated that the world's total usable coal reserve is on the order of 7,600 billion tons. This amount would last a population of thirty billion persons only ten years and a population of 100 billion only three years. Clearly, long before such population levels are reached, man must look elsewhere for his energy supplies.

Fortunately, technology once again gets us out of our difficulty, for nuclear fuels are available to us in virtually limitless quantities in the form of uranium and thorium for fission, and possibly in the form of deuterium for fusion. The Conway granite in New Hampshire could alone provide fuel for a population of twenty billion persons for 200 years. When we run out of high-grade granites, we can move on to process low-grade granites. Waste rock can be dumped into the holes from which it came and can be used to create new land areas on bays and on the continental shelf. Waste fission products can be stored in old salt mines.

Actually, a major shift to nuclear fuel might well be necessary long before our supplies of fossil fuels are exhausted. The carbon dioxide concentration in our atmosphere is rapidly increasing as a result of our burning of coal, petroleum, and natural gas, and it is destined to increase still more rapidly in the future. More than likely, any such increase will have a deleterious effect upon our climate, and if this turns out to be the case, use of those fuels will probably be restricted.

Thus, we see that in theory there should be little difficulty in feeding a world population of thirty billion or even 100 billion persons and in providing it with the necessities of life. But can we go even further?

With respect to food, once again technology can come to our rescue, for we have vast areas of the seas to fertilize and farm. Even more important, we will be able to produce synthetic foods in quantity. The constituents of our common oils and fats can already be manufactured on a substantial scale for human consumption and animal feeds. In the not too distant future, we should be able to synthetically produce complete, wholesome foods, thus bypassing the rather cumbersome process of photosynthesis.

Far more difficult than the task of feeding people will be that of cooling the Earth, of dissipating the heat generated by nuclear power plants. It has been suggested that if we were to limit our total energy generation to no more than 5 per cent of the incident solar radiation, little harm would be done. The mean surface temperature of the Earth would rise by about 6 degrees F. A temperature rise much greater than this could be extremely dangerous and should not be permitted until we have learned more about the behavior of our ocean/atmosphere system.

Of course, there will be local heating problems in the vicinity of the power stations. Dr. Weinberg suggests a system of "nuclear parks," each producing about forty million kilowatts of electricity and located on the coast or offshore. A population of 333 billion persons would require 65,000 such parks. The continental United States, with a projected population of close to twenty-five billion persons, would require nearly 5,000 parks spaced at twenty-mile intervals along its coastline.

Again, I want to allay the fears of those who worry about crowding. A population of 333 billion spread uniformly over the land areas of the Earth would give us a population density of only 6,000 persons per square mile which, after all, is only somewhat greater than the population density in the city of Los Angeles. Just imagine the thrill of flying from Los Angeles to New York and having the landscape look like Los Angeles all the way. Imagine the excitement of driving from Los Angeles to New York on a Santa Monica Freeway 2,800 miles long.

A few years ago Dr. J. H. Fremlin of the University of Birmingham analyzed the problem of population density and concluded that several stages of the development might be possible beyond the several-hundred-billion-person level of population. He conceives of hermetically sealing the outer surface of the planet and of using pumps to transfer heat to the solid outer skin from which it would be radiated directly into space. Combining this with a roof over the oceans to prevent excessive evaporation of water and to provide additional living space, he feels it would be possible to accommodate about 100 persons per square yard, thus giving a total population of about sixty million billion persons. But, frankly, I consider this proposal visionary. Being basically conservative, I doubt that the human population will ever get much above the 333-billion-person level.

Now some readers might be thinking that I am writing nonsense, and they are right. My facts are correct; the conclusions I have drawn from those facts are correct. Yet, I have truthfully been writing nonsense. Specifically, I have given only *some* of the facts. Those facts that I have omitted alter the conclusions considerably.

I have presented only what is deemed possible by scientists from an energetic or thermodynamic point of view. An analogy would be for me to announce that I have calculated that in principle all men should be able to leap ten feet into the air. Obviously, such an announcement would not be followed by a sudden, frenzied, worldwide demonstration of people showing their leaping capabilities. Some people have sore feet; others have inadequate muscles; most haven't the slightest desire to leap into the air. The calculation might be correct, but the enthusiasm for jumping and the ability to jump might be very low. The problem is the behavior of people rather than that of inanimate matter.

We are confronted by the brutal fact that humanity today doesn't really know how to cope with the problems presented by three-and-a-half billion persons, let alone 333 billion. More than two-thirds of the present human population is poor in the material sense and is malnourished. The affluent one-third is, with breathtaking rapidity, becoming even more affluent. Two separate and distinct societies have emerged in the world, and they are becoming increasingly distinct and separated. Numerically the largest is the culture of the poor, composed of some 2,500 million persons. Numerically the smallest is the culture of the rich, composed of some 1,000 million persons. On the surface, the rich countries would appear to have it made; in historical perspective, their average per capita incomes are enormous. Their technological competence is unprecedented. Yet they have problems that might well prove insoluble.

The most serious problem confronting the rich countries today is nationalism. We fight among each other and arm ourselves in order to do so more effectively. The Cold War has become a way of life, as is reflected in military budgets. Today the governments of the United States and the Soviet Union spend more on their respective military establishments than they do on either education or health—indeed a scandalous situation but, even worse, an explosive one.

All of the rich countries are suffering from problems of growth. Although the rates of population proliferation in these areas are not large, per capita consumption is increasing rapidly. Today an average "population unit" in the United States is quite different from one in the primitive world. Originally, a unit of population was simply a human being whose needs could be met by "eating" 2,500 calories and 60 grams of protein a day. Add to this some simple shelter, some clothing, and a small fire, and his needs were taken care of. A population unit today consists of a human being wrapped in tons of steel, copper, aluminum, lead, tin, zinc, and plastics. This new creature requires far more than food to keep it alive and functioning. Each day it gobbles up sixty pounds of coal or its equivalent, three pounds of raw steel, plus many pounds of other materials. Far from getting all of this food from his own depleted resources, he ranges abroad, much as the hunters of old, and obtains raw supplies in other parts of the world, more often than not in the poorer countries.

Industrial societies the world over are changing with unprecedented speed as the result of accelerated technological change, and they are becoming increasingly complex. All of them are encountering severe problems with their cities, which were designed within the framework of one technology and are falling apart at the seams within the framework of another.

The technological and social complexities of industrial society—composed as it is of vast interlocking networks of mines, factories, transportation systems, power grids, and communication networks, all operated by people—make it extremely vulnerable to disruption. Indeed, during the past year we have seen that the United States is far more vulnerable to labor strikes than North Vietnam is to air strikes. This vulnerability may eventually prove to be our undoing.

A concomitant of our affluence has been pollution. That which goes into a system must eventually come out; as our society has consumed more, it has excreted more. Given adequate supplies of energy and the necessary technology, such problems can be handled from a technical point of view. But it is by no means clear that we are about to solve these problems from a social or political point of view.

Although we know that theoretically we can derive our sustenance from the leanest of earth substances, such as seawater and rock, the fact remains that with respect to the raw materials needed for a highly industrialized society the research essential to the development of the necessary technology has hardly begun. Besides, it is less expensive for the rich countries to extract their sustenance from the poor ones.

As to the poor countries with their rapidly increasing populations, I fail to see how, in the long run, they can lift themselves up by their own bootstraps. In the absence of outside help commensurate with their needs, I suspect they will fail, and the world will become permanently divided into the rich and the poor—at least until such time as the rich, in their stupidity, blow themselves up.

One of the most difficult problems in the poor countries is that of extremely rapid population growth. If an economy grows only as fast as its population, the average well-being of the people does not improve—and indeed this situation prevails in many parts of the world. Equally important, rapid growth produces tremendous dislocations—physical, social, and economic. It is important to understand that the major population problem confronting the poor countries today is not so much the actual number of people as it is rapid growth rates. Clearly, if development is to take place, birth rates must be reduced.

Unfortunately, it is not clear just how birth rates can be brought down in these areas. Even with perfect contraceptives, there must be motivation upon the part of individuals, and in many areas this appears to be lacking. Some people say that economic development is necessary to produce the motivation, and they might be right. In any event, the solution will not be a simple one.

Although I am pessimistic about the future, I do not consider the situation to be by any means hopeless. I am convinced that our problems both here and abroad are solvable. But if they are ever solved, it will be because all of us reorient our attitudes away from those of our parents and more toward those of our children. I am convinced that young people today more often than not have a clearer picture of the world and its problems than do their elders. They are questioning our vast military expenditures and ask whether the Cold War is really necessary. They question the hot war in which we have become so deeply involved. They are questioning our concepts of nationalism, materialism, and laissez faire. It is just such questioning on the part of the young that gives me hope.

If this questioning persists, I foresee the emergence of a new human attitude in which people the world over work together to transform anarchy into law, to decrease dramatically military expenditures, to lower rates of population growth to zero, and to build an equitable world economy, so that all people can lead free and abundant lives in harmony with nature and with each other.

## A FINE HIGH SCHOOL ECOLOGY

Mr. JAVITS. Mr. President, although the Federal Government has taken great strides recently to protect our environment, it is apparent that not enough is being done. We must encourage a new direction in our scientific endeavors to more properly manage the resources of earth.

The students in the environmental control class of Roslyn High School in Roslyn Heights, N.Y. are a shining example of what could be accomplished if the Government and the private sector—working together toward new goals—harnessed our technology to protect instead of exploit our environment. This class has recently completed a series of "position papers" whose objective is to improve the effectiveness of Federal environmental programs.

These students, who came to Washington and met with a member of my staff to discuss implementation of their suggestions, displayed a keen awareness of problems surrounding pollution control; and their papers contain many bold and immaginative ideas with realistic solutions to the problems of solid waste disposal, noise pollution, water pollution, population explosion, and so forth.

A great deal of credit should go to these students for the understanding they displayed of the complexity of environmental issues; and to their instructors who were instrumental in helping them arrive at such practical, helpful solutions from which I hope we can all benefit.

Mr. President, I ask unanimous consent that extracts from these papers be printed in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

### A New Federal Role in Solid Waste Management

(By Peter Rubin)

I. New Priorities—The Solid Waste Management Field desperately needs funds to rehabilitate old facilities and implement new techniques. Over half the federal budget is spent on defense, yet we are unable to defend ourselves from garbage. As Vietnamization of the War proceeds, less money should be spent on defense and this money must go to trash treatment.

II. Incineration and Landfilling—Some areas are now being treated by adequate incineration and landfilling operations. These facilities are to be left alone for now, but the residue of incineration can be recycled. Some landfilling areas are running out of acreage, and in these areas new programs must be initiated.

III. Recycling—Recycling, or reclaiming of refuse for further usage, must be implemented. Houston, Texas has already been operating a recycling plant for over six years. The necessary technology has already been developed. Federal grants should go towards the construction of reclamation centers in urban areas, where the problem is worst.

IV. Composting—A great portion of Solid Wastes is organic material, which can be graded, and then shredded and cured to produce a fertilizer or soil treatment. This is a valuable method of reusing the organic materials from nature. The composting technique has also been tried, and the necessary technology is ready to be applied. Government subsidies should not be granted to farming operations not using compost as a soil treatment.

V. Tax Proposals, Automobile Disposal Tax—A deposit would be made on all cars bought in the United States. This fee would be refunded to the final owner of the car, if he returned the vehicle to the proper reclamation center. This would encourage the returning of cars, and would help to set up a new waste psychology.

Deductions—Companies alloting funds for research and development in the Solid Waste field should be allowed to deduct such amounts from their corporate tax payments.

### The Army Corps of Engineers and the Environment

(By Lisa Gelfand)

This paper discusses the history and organization of the Army Corps of Engineers. Then the relationship with Congress is explored and the nature of the "pork barrel" phenomenon described. Examples of the ill effects of determining policy by "pork barrel" are given and then a discussion of the economics (or lack of them) in the Corps operations. The conclusion is that neither the Corps' cost figures, benefit figures, or benefit-cost ratio are accurate, and that, due to the "pork barrel", it doesn't matter in the passage of certain projects. Several examples of the Corps' depradations on the land are given, including the cases of the Everglades, the Cross-Florida Barge Canal, and the Rampart Dam.

The conclusion of this paper is that while the Corps has done many fine things for the country, the management of our resources should be shifted into the sphere of comprehensive planning rather than single project building. This would be best accomplished in the Department of the Interior after a clean break has been made from the old "spoils system." Our water is too important to be political prize money.

### Abstract

(By Patty Greco)

1. The SST is extremely detrimental to the environment.

2. Now that the United States' SST project has been halted, we must pass laws in Congress which would prohibit foreign SST's from landing here or flying over the United States.

3. A sonic Boom is a sudden shockwave created when a plane surpasses the speed of sound.

4. The bang-zone is the area of earth which would be hit by sonic booms during flight of the SST.

5. The SST must be prohibited, since it will: (a) cause increased noise pollution and annoyance; (b) increase air pollution; (c) produce climatic change.

6, The funds proposed for the SST should be used to develop an effective mass transit system. We must reorganize our priorities.

### Pesticides and the Environment

(By Jill Feltheimer and Esther Epstein)

Although pesticides have greatly helped to create the spectacular advance in American agricultural efficiency, they are also helping to destroy our environment, and us. It is of the utmost necessity that the federal government take steps to safeguard the American people from the use and misuse of these dangerous chemicals:

1. Federal registration must require testing of the impact of insecticides on the insect communities to which they are applied, or their potential for triggering pest resurgence and secondary pest outbreaks.

2. All chemical pesticides must be labeled as to their exact impact on the environment. Their killing capacity must be noted, as well as the specific uses.

3. The man who analyzes pest problems and recommends the chemicals to be used must be required by law to demonstrate his professional qualifications, as well as possess a federally issued license.

4. The federal government should underwrite some of the developmental costs of selective chemicals by supporting studies concerned with analysis of the material's health hazards, and its effect on the environment.

5. The federal government must consider enforcing a law which would prevent interstate commerce of pesticides.

6. The federal government must research and publicize biological methods of pest control. These methods must be used where and when possible.

### Environmental Education

(By Miriam Hendon and Richard Ruchman)

#### WHY?

1. Out of ignorance many Americans are unknowingly adding to the problem of pollution; and

2. In order to cope with coming ecological crises, the next generation must be prepared.

#### HOW?

1. An environmental studies course in all public high schools;

2. Government supported teacher training programs; and

3. An administrative environmental education agency.

#### WHEN?

Now.

### The U.S. Population Crisis

(By Douglas George Morris)

The absolute population and the population growth of the United States is increasing.

The ecology of this Nation—and planet—cannot accommodate itself to this rising rich population. Because of this increase in this nation's population, valuable resources are being depleted, air and water is being polluted, problems of solid waste are being exacerbated, and tension due to overcrowding is being increased. This nation's population increment and a likely decrease in agricultural production might cause widespread hunger in this nation by or soon after the year 2000.

Population redistribution is not a solution to this crisis.

Families in this nation must average no more than two children. This goal cannot be accomplished by family planning of programs directed only at the poor.

Population control methods must include the repeal of restrictive contraceptive laws, the encouragement of voluntary sterilization by means of government bonuses and tax reductions, the repeal of all abortion laws and the encouragement of abortion by government bonuses, and the encouragement of marrying at a late age.

### Environmental Achievement Program

(By Bonita Sobel)

Precise and planned action must be effected in order to help solve the environmental problems. The Environmental Achievement program hopes to be an organization that will be an actionary force for the environment by precise planning of pro environmental campaigns to educate mankind to take an active part in the fight against pollution. The program will consist of local, federal and regional chapters. Their efforts will try to incorporate environmental education in the school curriculum and to teach the problems and reasonable solutions within the grasp of the ordinary person.

### The Role of the Federal Government In Utilizing Technology

(By Jennifer Kohn)

The utilization of technology has resulted in both benefits and harms to the society at large. As the rate of technological implementations increases with time, we are falling further and further behind in our efforts to control the negative effects of these implementations. As a result, we now face a major environmental and societal crisis. Existing institutions are unable to cope with these harms accrued from technological implementation. To fill in the deficiencies existing in the status quo, a comprehensive interdisciplinary agency needs to be formed in order to help with the management of technology for the social good.

### Power Production for the Future

(By Peter Yohalem and John Abeles)

Presently the United States is facing a power crisis and methods for producing power in the future must be developed. Present day fossil fuel plants should be used until these new methods are developed but devices such as electrostatic precipitators and scrubbers should be installed on these plants.

Nuclear power is not the answer for our power crisis. Vast amounts of radioactive wastes must be disposed of if this is used and this poses a grave problem. Thermal pollution is also another problem posed by nuclear power and can cause irrevocable damage to the environment.

The Federal Government must give huge grants to organizations to research alternatives for producing electrical power. Such processes as fusion power show promise for the future and are safer than nuclear plants. Garbage burning plants show promise in the future as supplementary power plants. Only with research now will we be assured of adequate power for the future.

### Noise Pollution

(By Paul Housberg and John Fromson)

A. Noise may be our most dangerous pollutant.

1. Noise level is twice as loud today as it was fifteen years ago and will probably double by the end of the seventies again.

2. Finding quiet and privacy is becoming impossible.

B. Cost of Adaptation.

1. Physical damage;

a. Hearing loss;

b. Vascoconstrictive reflexes and cardiovascular dysfunction;

c. Gastro-intestinal disorders;

d. Endocrine and metabolic effects;

e. Hypertension, and

f. Damaging to human fetus.

2. Psychologically:

a. Induces tenseness and neurosis;

b. Vertigo, hallucination;

c. Interferes with dream process;

d. Paranoia;

e. Suicidal and homicidal impulses;

f. Noise cannot be gotten used to.

3. Some of our nation's gravest social problems and a great amount of disease and unhealthfulness are connected with the fantastic amount of noise that we are subjected to.

C. Sound can set bodies vibrating and with the proper combination of accoustic energy and frequency can crack windows, destroy rock formations and induce serious structural damage.

D. Millions of dollars are lost as a result of the damage that noise causes to buildings, equipment, and human beings.

E. Noise control in the U.S. is totally inadequate. Other countries, including Russia, have surpassed us in the area of noise abatement.

F. What must be done?

1. Recognize the actual danger and magnitude of the problem.

2. Noise must become an important consideration in the design of appliances, machinery, vehicles, and transportation planning.

3. Government should encourage manufacturers to make noise a consideration in the design of their products.

4. Establish an accrediting board to test and approve products.

5. All products must have decibal emissions displayed on them.

6. Government funding of testing labs.

7. Automobiles should be inspected periodically for noise output.

8. Elimination of SST.

G. Though probably the most dangerous pollutant, noise is probably the easiest pollutant to clean up. We already know how to suppress noise and while funding will be necessary as in any campaign, much of the problem can be solved just through legislation.

### Water Pollution Laws

(By Anita Light)

I. Water pollution is harmful and will eventually destroy us:

A. We are running out of oxygen;

B. We are running out of water; and

C. Water pollution causes and aggravates many diseases.

II. There are certain barriers against anything but Federal control:

A. Pollution crosses political boundaries;

B. States cannot raise the funds to control pollution; and

C. States are in competition for industry.

III. All pollution laws enacted should have pollution control standards set nationally.

IV. All pollution control laws should have provisions to ease the process of updating standards.

V. All existing agencies with jurisdiction in the environmental problems should be eliminated and replaced with one "super" agency restricted to protecting our living environment.

VI. All laws should have fines enacted with a minimum fine and a maximum fine that would serve as a real deterrent:

A. Fine of a percentage of net daily profit;

B. Effluent charge.

### Mass Transportation

(By Carlyn Hirshleifer, Barbara Furman, and Esther Epstein)

In many of our cities, our society is facing the undesirable effects of the present transit systems which have been inadequately addressed for the past few decades. The near strangulation of traffic in our metropolitan areas has cost billions of dollars through delays in the delivery of goods and the performances of services. Even optimists do not believe that the transportation crisis will get much better in less than five years. In reevaluating our mass transit system we urge that:

1. In the older and larger cities which already have an extensive rail system, the Federal government must see that these facilities are satisfactorily operated.

2. In newer cities, rail buses must be instituted to insure efficient mass transportation without the threat of air and noise pollution.

3. Studies to better the integration of different means of transportation must be promoted by the federal government.

4. Efforts to prevent an imbalance in favor of the private car must be taken by the fed-

eral government. The federal government must give its full support to proposals to:

A. Increase tolls on entry to cities over bridges and through tunnels;

B. Restrict cars on certain main streets of the city, and in all downtown areas; and

C. Attempt to make bus travel more desirable by featuring exclusive bus lanes on express and highways.

5. The funds of the Highway Trust Fund must be equitably distributed, and redirected into a general transportation fund.

### PROTECTING OUR COASTAL RESOURCES

(By Jonathan Shenker)

I. Sewage:

A. Legislation requiring secondary treatment; and

B. Federal aid for planning, financing, and construction of secondary treatment plants.

II. Industrial pollution—

A. Rewrite Federal Refuse Act of 1899, providing for larger fines.

B. Oil companies:

1. restrictions on drilling sites;

2. rewrite Water Quality Improvement Act of 1970, providing for larger fines; and

3. set up a government agency dealing with oil spills:

a. regional emergency centers;

b. research methods to control oil spills; and

c. be able to use volunteer civilian and military groups to clean up spills.

III. Prohibit land-fill and dredging, except in special cases.

IV. Shipping—

A. Commercial shipping:

1. improve enforcement of laws prohibiting pumping bilges and dumping wastes near shore; and

2. prosecute offenders under updated version of Federal Refuse Act of 1899 (see II A, above).

B. Pleasure boating:

1. require pollution controls on new marine engines; and

2. marine toilets—

a. require holding tanks on all marine toilets;

b. require inexpensive pumping stations at marinas; and

c. insure that sewage receives secondary treatment ashore.

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## REVIEWS OF MAJOR NEW BOOKS ON HEALTH CARE

**Mr. KENNEDY.** Mr. President, the last 5 years have seen scores of books printed on the subject of America's health care system. They are filled with suggestions for reforming our system. I would like to bring to my colleagues' attention two excellent articles reviewing some of the many books written about our health care system.

Mr. John Lear's article, "Peace, Health and the Doctor," appears in the April 17, 1970, issue of the Saturday Review. Mr. Lear reviews "The Quality of Mercy," by Dr. Selig Greenberg, and "The Gerber Report," by Dr. Alex Gerber. A major area emphasized by these two books is the doctor shortage in America. The United States imports about 1,700 foreign-trained physicians every year. Roughly 14 percent of our present medical manpower is foreign-trained. We undermine our reputation abroad by importing physicians whose presence is essential to adequate health care in their native countries. If we need solid evidence of the dreadful consequences caused by our failure to set meaningful priorities in our health care system, "The Gerber Report" and "The Quality of Mercy" supply many of the facts.

Another important article by Mr. Michael Michaelson entitled, "The Coming Medical War," appears in the July 1 issue of the New York Review of Books. Mr. Michaelson reviews nine books on our health system, with special emphasis on the attitudes of physicians toward themselves and the patient, and the attempts of the American medical profession to meet the current crises in health care and education.

The books under review reveal much about modern medicine. Many of the health care problems that face us today are caused by the neglect of doctors, patients, consumers, and citizens. All of us have contributed to the crisis by what we have not done to guarantee adequate health care. Hospitals and insurance rates continue to rise, doctors become harder to find, hospitals needlessly duplicate expensive equipment, and many operations are performed which are not necessary. American citizens have taken health care for granted—until they become sick and cannot find a doctor. Or, if a patient does manage to find a doctor, he soon realizes that his insurance does not cover everything.

Mr. Michaelson's article focuses on the current debate over medical care in America. "What is good medicine? Who defines it? Will patients, consumers, and citizens make decisions about health and doctors?" Health care is becoming a community problem which deals with nonmedical questions of administration and technology. Who should have the responsibility for planning efficient hospital and doctor distribution? Who will set priorities for medical research and education? How can our health care system be managed by an effective budget to control rising costs? What guarantee exists that health care will not become an extravagant luxury, instead of a right for every citizen? These questions concern and affect every American citizen—doctor, patient, consumer. They are questions that must also be directed to entire communities, because they will need community help to solve.

I believe that the two reviews, "Peace, Health and the Doctor" and "The Coming Medical War," add many insights to our present health care system. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Saturday Review, Apr. 17, 1971]

### PEACE, HEALTH, AND THE DOCTOR

(By John Lear)

One of our greatest prides as Americans is our peace-loving nature. The Indochina war has been corroding it for many of us, but we have reassured ourselves that the stain on our conscience will wash away with the withdrawal of our troops from Vietnam. Now, however, a question about the persistency of our peaceable spirit arises from a source distant from the fighting in the Oriental jungle:

> Why, if our commitment to peaceable pursuits is not experiencing serious dilution, is the recovery rate from war casualties one of the few examples we have of excellent medical care in this country? Why, to be more explicit, is our outstanding record in military medicine so grossly mismatched by our standing in civilian medicine? Why, while we sedulously (and properly) guard the health of our fighting men, do twenty-one other countries have a higher male life expectancy than we do, and why is our infant mortality rate higher than the rate in thirteen other nations, all poorer in terms of money than we are?

The challenge lies in the text of two new books on the art of human healing: *The Quality of Mercy*, by Selig Greenberg, a New England medical journalist, and *The Gerber Report*, named for its author, Dr. Alex Gerber, a California physician and a fellow of the American College of Surgeons. Back-to-back with the above question is a related one that Greenberg simply suggests by quoting Dr. Colin MacLeod, the Commonwealth Fund's vice president for medical affairs: "We should be exporting physicians . . . if we wish to hold up our heads before the world."

What bearing has the export of physicians on our ability to face other peoples with equanimity? It is directly related to our claim to be lovers of peace and to prefer contending with communism on peaceful ground rather than on the battlefield. Dr. Gerber translates the message into nondiplomatic English:

> Though the Soviet [Union's] population is only 17 per cent larger than ours, their medical schools turn out 350 per cent more graduates. The vast training program makes it possible for the Soviets to build and staff hospitals in North Vietnam, Nepal, Burma, Algeria, Ghana, Yemen, and other underdeveloped countries. The number of doctors that the Soviet Union exports annually to emergent countries is reported to be about 2,000. It would take the output of twenty-five average-sized American medical schools to match that number.

Those who are familiar with the tremendous impact that has been made in foreign lands by a single American private effort, the hospital ship *Hope*, can appreciate the effect that this much greater Soviet foreign medical aid is having, not only in improving the health of backward people, but in establishing a humanitarian image for the Soviet Union. Some may argue that Soviet medicine is inferior to ours, but that is an irrelevant quibble. Her physicians look good indeed compared to the witch doctors of Africa and the herb dispensers of Asia.

There is ample documentation in both *The Quality of Mercy* and *The Gerber Report* to establish the fact that our medical support for the spread of Russian influence is not only passive but active. We have contributed to the image of magnanimous communism by helping to create the need the communists are filling abroad. The United States imports about 1,700 foreign-trained physicians every year. They now make up roughly 14 per cent of our available medical manpower, fill almost 30 per cent of our hospital internships and residencies, and account for one in every five doctors licensed in this country annually. The nations from which most of them come are belatedly taking steps to keep them at home. India, for example, now requires all physicians who leave its borders to put up a substantial cash guarantee of their return. Haiti's dictator, François Duvalier, keeps diplomas of all Haitian medical school graduates locked up to deprive any escapee of the professional credentials he would need to get a job elsewhere.

Our practice is "immoral—the height of cynicism," Dr. Gerber says. But, he adds: "If it dries up, this source of medical manpower will have a catastrophic effect on many of our hospitals, especially in the East and Midwest. . . . What would it do to the hospitals of New Jersey, where 87 per cent of all interns and 78 per cent of all residents are foreign-born!"

Should we lack solid evidence of the dreadful consequences of our failure to set meaningful priorities for American society, we would find it in the Gerber and Greenberg books. While we are undermining our reputation abroad by importing doctors whose presence is vital to the future of their native lands, our own medical schools are turning aside two-thirds of the young Americans who apply for training.

Why this tragic paradox? Because the American Medical Association for thirty years selfishly discouraged medical school enrollments in order to keep the number of doctors down and their incomes up. Not only Gerber and Greenberg but the writer of a third current book on medicine—Ed Cray, author of *In Failing Health* (Bobbs-Merrill)—offers detailed accounting of this incredible disservice. After the crippling effects of its policy became clear to and were protested against by everyone else, the AMA in 1966 reluctantly reversed its position. With what result? Practically none.

Here the question of the sincerity of our protestations of peaceable intent as a nation recurs. Dr. Gerber puts it well:

Under the fierce pressure [of the Second World War], medical schools worked twelve months a year rather than nine. They turned out doctors in three years instead of four, and interns served nine months instead of twelve. The doctors who were turned out under that program were, and are, good physicians. A recent study of their present performance showed that they are the equals of the four-year men who were graduated immediately before and after them.

In an article published by *Medical Economics* in 1966 (the year of the AMA turnabout) Dr. Gerber proposed that the wartime intensification of medical teaching be reinstituted to meet the peacetime crisis. The suggestion was ignored. The idea is broached again in *The Gerber Report*, where the author appends to it this comment: "I am acquainted with enough medical educators to know that many of them will resist. . . ."

That remark challenged my curiosity, and I undertook some original research to learn whether the situation holds any hope. I discovered one medical school, the one associated with the University of Tennessee, that teaches the year round. A new class is started every six months, in September and in March. Members of the class have but one brief break in study—a six-week period between the end of the junior and the beginning of the senior year. Instead of leaving the school for a vacation at that time, many students take advantage of available preceptorships to serve as clinical assistants to established physicians.

Tennessee's medical course is completed in thirty-nine months, nine months less than the time students spend in other medical schools. Since the usual Tennessee class has about 100 students, the total output of the school in four years, allowing for attrition and assorted unexpectables, runs between 700 and 800 new doctors. Only unusually big schools like the University of Michigan can match that contribution.

Tennessee got some unexpected attention when the George Washington University Medical School in Washington, D.C., adopted the Tennessee method. Since then at least three years have been spent in execution of the George Washington plan. The entire medical curriculum has been revamped, new buildings have been erected to contain the reorganized classes, and actual enrollment under the intensified teaching system will begin in the fall of 1972.

Big George Washington's frank imitation of little Tennessee caught the eyes of medical education monitors in the United States Department of Health, Education, and Welfare. HEW thereafter began watching Tennessee's performance more closely. A year or so ago, the Bureau of Health Manpower Education in the National Institutes of Health issued a grant to the Stanford Research Institute in California to cover a socioeconomic analysis of the quality and cost of the Tennessee teaching scheme. Two Stanford staffers, psychologist Carl Rittenhouse and economist Sam Weiner, were assigned to make the study. They are now on the point of turning in these findings:

The bill for putting a medical student through Tennessee is about 20 per cent less than the bills at other medical schools.

Tennessee alumni are competent practitioners in their respective fields.

Tennessee graduates qualify in disproportionately large numbers for internships in the better hospitals.

Tennessee students like the Tennessee system because it gets them out into clinical practice sooner.

Tennessee's faculty members complain that they must work harder than their peers at other schools, but they do not make that a major issue because the professors enjoy additional compensation for the added teaching hours and have freedom to do research.

Is there any good reason why the Tennessee system of teaching medicine should not be adopted across the country? I asked psychologist Rittenhouse. Personally, he saw none. But he cautioned that there are many medical men who doubt that the pool of qualified talent is large enough to feed such an accelerated learning mill. Four sentences from *The Gerber Report* recalled themselves at that point:

These dissenters must face the stark alternative. Tens of millions . . . receive little or no medical care or are ministered to by practitioners far inferior to those who would be turned out by an expanded program. These [millions of] people simply will not continue to accept so inferior a status. Either we devise means to give everyone adequate health services as a fundamental right, or involuntary methods will be devised for us.

It is entirely accurate to say, as Dr. Gerber does, that the doctor shortage must be ended before anything else of significance can be done to clean up the prevailing mess in American medicine. If the medical schools need more money to speed matriculations, we could do worse than take it from the rapidly proliferating grants that are now financing biomedical research. Researchers already scent the possibility of such an eventuality and are voicing their anguish loudly. The lamentations are at best premature and at worst insupportable. Research is undeniably important to modern medicine and should be encouraged as amply as the public pocketbook allows. But if a choice must be made between research and teaching under prevailing crisis conditions, the decision belongs to teaching.

Those, I should specify, are strictly my own sentiments, derived as much from reading Rashi Fein and Gerald I. Weber's *Financing Medical Education* (McGraw-Hill) as from the Gerber and Greenberg books, which convey no bold prescriptions of any kind.

Although *The Gerber Report* has an appealing directness, it leaves the impression that for all his experience in the consulting office and operating room, Dr. Gerber is still unsure about appropriate remedies for current problems. Except for the necessity of filling the doctor shortage as swiftly as possible, the only certainty he expresses is the inevitability of the passing of the old-fashioned general practitioner, "the family doctor." He condemns the medical profession's failure to discipline physicians who in one way or another shortchange their patients. But he suggests no clearcut course to correct this abuse. Since the West is a full quarter century ahead of the East in experimenting with new methods of clinical care, and since Dr. Gerber himself is a "team" practitioner in the new tradition pioneered by Dr. Sidney R. Garfield with Henry J. Kaiser's blessing at Grand Coulee Dam in 1938 (Greer Williams tells this part of the story with lucid grace in the Kaiser Foundation publication *Kaiser-Permanente Health Plan—Why It Works*), I expected him to argue for team practice as a replacement for solo medical performance. He does so argue—up to a point. Beyond that point, which he does not fix in either space or time, he insists that the team concept will not work for everybody.

Greenberg's *Quality of Mercy* is hardly more decisive. It, too, bespeaks an urgent need for medical discipline that would put a sharp bite on offenders but the book offers no specifics as to the location of the teeth. Nor does the author very often become explicit about solutions for the many problems he elucidates. Nevertheless, there is a consistency about *The Quality of Mercy* that is lacking in the caustic prose of *The Gerber Report*. For example, Greenberg leaves no doubt of his conviction that some form of team practice is *the* medicine of the future. The type of team he favors is exemplified by a current experiment that the Commonwealth Fund and the Ford Foundation are supporting at Harvard. An adaptation of the Kaiser vehicle, the Harvard team is made up of specialists who together protect their patients around the clock, making house calls when indicated. The patients prepay for their care, which includes hospitalization. Since the share of the payments that goes to the hospitals is lost to the doctors, the doctors—as true disciples of private capitalistic enterprise—do their best to keep the patients out of the hospitals.

The Harvard prepay system of medical care delivery is not as good as it could be, and Harvard knows it well enough to encourage improvements elsewhere. Costs can be brought down by moving the physician team a step away from the university's medical school with its expensive teaching appurtenances. The most effective system will probably turn out to be a team comprising a spectrum of medical specialities, associated with a community hospital, which is backed up by a association with a teaching hospital.

The major obstacle to adoption of some variant of the Harvard plan lies in the fact that team practice cannot begin until a medical team is in being. The team cannot hold itself together without being paid. Adequate payment depends on assemblage of a sufficient number of prepayment patients. Usually three years are required for a profitable arrangement to work itself out. During that shakedown period operating losses must somehow be met. They somehow must be defined to fit each particular case.

At Harvard the definition is simple: philanthropic contributions from the Commonwealth Fund and the Ford Foundation. Elsewhere, the guarantor of start-up money may have to be the taxpayer.

I, for one, would willingly pay my tithe for an opportunity to participate in a system that would deliver all the benefits it seems to promise and would assure me of house calls on those rare occasions when they might be necessary. Yet I share Dr. Gerber's apprehension that the precious aura of the old doctor-patient relationship may dissipate under any attempt to transfer it from the physician himself to paramedical assistants. My experience in hospitals leads me to plead for less emphasis on the state of my individual organs and more on the understanding of me as a composite organism.

We have entered a historic debate, as Harvard Medical Dean Robert H. Ebert observes in his foreword to *The Quality of Mercy*. To prepare for your role in it I beg you not to neglect Greenberg's commentary on Dr. Jack Geiger, head of preventive medicine at Tufts University, often—and I think rightly—described as the conscience of American medicine. What Dr. Geiger has done in the ghettos of Boston and among the poverty-ridden blacks of Mississippi is statesmanship of Nobel order. Somewhere in the maelstrom in which Dr. Geiger has immersed himself, black physicians will appear and assert themselves as representative of their people. For an appreciation of their dilemma I refer you to Dr. James L. Curtis's *Blacks, Medical Schools, and Society*, published by the University of Michigan Press.

## The Coming Medical War

Shaw and the Doctors: by Roger Boxill, Basic Books, 199 pp., $5.95.

The Quality of Mercy: A Report on the Critical Condition of Hospital and Medical Care in America, by Selig Greenberg, Atheneum, 385 pp., $6.95.

In Failing Health: The Medical Crisis and the A.M.A., by Ed Cray, Bobs-Merrill, 257 pp., $7.95.

Michael G. Michaelson:

RIDGEON. I think I did. It really comes to that. . . . I suppose—yes: I killed him.

JENNIFER. And you tell me that! to my face! callously! You are not afraid!

RIDGEON. I am a doctor: I have nothing to fear. George Bernard Shaw, The Doctor's Dilemma.

A Sacred Trust, by Richard Harris, Penguin, 230 pp., $1.45 (paper).

Women in Medicine: by Carol Lopate, Johns Hopkins, 204 pp., $5.95.

Negroes for Medicine: by Lee Cogan, Johns Hopkins, 71 pp., $4.95.

Medicine in the Ghetto: edited by John C. Norman, Appleton-Century-Crofts, 331 pp., $6.95.

Higher Education and the Nation's Health: Policies for Medical and Dental Education: a special report and recommendations by The Carnegie Commission on Higher Education, McGraw-Hill, 128 pp., $2.95 (paper).

The American Health Empire: Power, Profits and Politics: a Report from the Health Policy Advisory Center, prepared by Barbara and John Ehrenreich, Random House, 279 pp., $7.95; $1.95 (paper).

### I

"Let us not wantonly weaken that persistent delusion," Dr. Filerin urges a colleague in *L'Amour medecin*, "which fortunately provides so many of us with our daily bread and enables us, from the money of those we put under sod, to build a noble heritage—for ourselves." Today, however, it is not Moliere, but Shaw who seems to have the squirming physician and surgeon by the collar. In the United States, where most medical practitioners are private entrepreneurs and good health is regarded as a commodity, Shaw's criticism remains fresh after half a century. "It is not the fault of our doctors that the medical service of the community, as at present provided for, is a murderous absurdity," he wrote in the Preface to *The Doctor's Dilemma*.

That any sane nation, having observed that you could provide for the supply of bread by giving bakers a pecuniary interest in baking for you, should go on to give a surgeon a pecuniary interest in cutting off your leg, is enough to make one despair of political humanity.

The medical profession, Shaw was fond of saying, "is a conspiracy to exploit popular credulity and human suffering." As medical care becomes increasingly difficult to find, to pay for, and to be reasonably satisfied with, some of his most cantankerous accusations appear very like the truth.

Shaw emerges from the pages of Roger Boxill's excellent study as an articulate and compassionate critic of the medical profession. Modern "medical sociologists" should be measured against the standard he set. "The course of Bernard Shaw's life (1856–1950) coincides with an eventful chapter in the history of medicine," Mr. Boxill writes. Shaw was a concerned witness to the unprecedented joining of medicine and science—if not in fact, at least (and most important) in the public imagination. The physiological investigations of Claude Bernard, the discoveries of Pasteur and Koch, the methods of Lister and Jenner combined during Shaw's lifetime to invest the art of medicine with the authority of the laboratory. Or so it seemed. In fact the germ theory, antisepsis, and even vaccination have done less than we had supposed to improve the health of anyone, as not only Shaw but, most recently and authoritatively, Rene Dubos has observed.[1]

But at the time, and for the first time, the traditional arrogance of doctors was said to have some basis in demonstrable truth; and there, for Shaw, lay the danger. The pretentious physician might, with the sanction of science and technology, begin to take himself seriously; and, worse, he might be taken seriously by others. When in Britain the Medical Act of 1886 created rigid licensing criteria and a consequent monopoly for the regular, "scientific" practitioners, Shaw complained:

> The assumption is that the registered doctor or surgeon knows everything that is to be known and can do everything that can be done. This means that the dogmas of omniscience, omnipotence, and something very like the apostolic succession and kingship by anointment, have recovered in medicine the grip they have lost in theology and politics.

The pattern which Shaw discerned has perhaps been most fully developed in the United States. Since the turn of the century the American medical profession has enjoyed increasing affluence, the highest social status of any occupational group, and unchallenged control over not merely the social and economic conditions of its work but, as Eliot Freidson points out, its definition as well.[2] By greatly expanding the definition of "medical," the doctors have thereby significantly augmented their own status and power. And, at the same time, they have so restricted access to their domain that not only patients are disenfranchised but, ironically, most of the profession may soon be as well.

Much of this situation derives from that alliance of medicine and technology which began in Shaw's day and whose frightening consequences he foresaw. The medical profession of the United States is extraordinarily rich and its medical scientists are dominant in international research. Citizens of the United States, however, are among the least healthy people in the industrialized world.

Depressing statistics and even entire phrases are becoming familiar: fourteen nations have lower rates of infant mortality (in one Boston slum one of every nine babies dies); in the past decade health care expenditures have doubled while the life expectancy of American males has fallen from thirteenth to twenty-second place in the world; health personnel are badly distributed and in short supply. Five thousand American communities have no doctor at all; the poor and nonwhite populations are effectively denied equal access to health facilities; hospital room rates, doctors' fees, drug and laboratory costs are rising more rapidly than the cost of living; convalescent and old age homes are a disgrace; doctors refuse to make house calls; the incidence of malpractice suits is rising sharply. Patients enrolled in pre-paid medical plans are half as likely to lose an appendix or uterus or a pair of tonsils as patients consulting private practitioners.

Medicaid has failed; Medicare is inadequate; Blue Cross and private insurance premiums are going up annually; hospitals are closing their emergency rooms for lack of funds, and some are in danger of being shut down completely. Even Mr. Nixon claims it's "a massive crisis"; CBS News warns "Don't Get Sick in America";[3] liberal hospital physicians say the AMA is to blame; urban ghetto communities which surround the hospitals say the hospitals are to blame.

A stream of books on such themes began to appear in the mid-Sixties accompanying the national debate over Medicare. Now there are even more books to accompany the news that National Health Insurance is on its way.[4] "Energetic leadership" from the "progressive" elements of the profession, we are told, together with help and ingenuity from the "private sector" and the government, will make us all better again.

In his Foreword to *The Quality of Mercy*, Dr. Robert H. Ebert, the Dean of Harvard Medical School, writes:

> Mr. Greenberg provides a panoramic view of the status of health care in this country, and the reader may well be shocked by what he reads. Still he need not despair, if one reflects for a moment on the intellectual and economic resources of this nation, one cannot but agree that all of the problems catalogued by Mr. Greenberg can be resolved. . . .

And who will help to marshal these resources and direct them most effectively? That new breed of academic medical men—of which Dr. Ebert is a formidable representative. They know that change must come and are aware, Mr. Greenberg reports, that "it is not only foolhardy to try to stay the revolution but that the profession is duty-bound to provide constructive leadership in shaping its course."

To Dr. Ebert and his colleagues the prognosis seems excellent. But is it? Can we trust the doctors? "All that can be said for medical popularity," Shaw wrote in 1911, "is that until there is a practicable alternative to blind trust in the doctor, the truth about the doctor is so terrible that we dare not face it."

The books under review, taken together, reveal much about modern doctors. Indeed, they convince one that the "legacy of neglect," as Selig Greenberg calls it, is genuine and terrible. They make it clear that our present difficulties are in large measure the result of what "organized medicine" has done in the past, and of what it has not done; or, more precisely, the result of what the American people have permitted the doctors to do and permitted them not to do. These books also demonstrate—more by their very existence than by anything they explicitly state—that the apparently monolithic profession of American medicine is in fact sharply divided.

While it remains generally true, as Shaw noted, that "there would never be any public agreement among doctors if they did not agree on the main point of the doctor being always in the right," even *that* most professional of courtesies is being seriously threatened for the first time in nearly a century. American medicine is divided roughly into three factions: the politically conservative American Medical Association, representing generally the interests of the traditional, fee-for-service entrepreneur; the academic, generally "liberal," hospital- and medical-school-based practitioners, with their complicated affiliations and sources of power; and a third faction loosely defined as a "health movement" of radical professionals, consumer, community, worker, and student groups, which is beginning to emerge.

Finally, these books suggest what is perhaps most important of all: that the medical battleground is likely to be the ground of more than merely medical battles. Hospitals, clinics, and doctors' offices may become the center of a debate over critical questions about the uses of technology, the function of expertise, the rights of individuals to control their own lives and deaths, the distribution of social and political power, and the very quality of our lives and our relationships with others.

### II

In eighteenth-century England the practice of medicine was divided between three

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Footnotes at end of article.

guilds: physicians were trained in universities, practiced generally among the upper classes, and, considering themselves gentlemen and scholars, refused to work with their hands as surgeons did or to engage in the sale of drugs. Surgeons rarely held degrees, were trained (if at all) by an apprenticeship system, were addressed as Mister (as they still are in Britain), and were of lower social status than physicians. Apothecaries were likewise "unlearned," selling drugs at first and eventually prescribing them, becoming in effect general practitioners in rural areas and small towns and, in metropolitan areas, doctors to the working classes.[5]

In coloniel America these distinctions were abandoned, probably owing not so much to any egalitarian ethic as to simple pragmatism and the fact that few real physicians chose to leave England. In any case, to become a doctor in the colonies one needed only to announce oneself as one. There was no dearth of willing practitioners. "Few physicians among us are eminent for their skill," one New Yorker complained in 1757. "Quacks abound like locusts in Egypt."

By no means, however, were these "quacks" less effective than academically trained physicians; and, happily, they were often less dangerous. At least during the Revolutionary period most citizens could find someone to hold their hand, catch their babies, and administer what is referred to often disdainfully in medical schools and hospitals today as T.L.C. (Tender Loving Care). In 1775 the ratio of doctors to general population was, according to one estimate, 1:600 nationally, and as high as 1:250 in some cities. It is interesting to compare these figures with those for the Watts section of Los Angeles at present (1:2,500) or even all of Los Angeles County (1:800).

As the standard of living in the colonies rose, sons of the privileged class could afford a fashionable medical education in Europe. There they received liberal instruction in the medical classics and in whatever therapeutic theory (of the many, equally invalid ones) was in favor at a particular school at a particular time. Dr. Cullen of Edinburgh, for example, a teacher who influenced generations of American physicians, regarded disease as an imbalance of "the motions of the system" involving "asthenic" and "sthenic" debility and "spasms of the extreme arteries."

Returning home, the students founded medical schools after the European model, and by the close of the eighteenth century the nation's three largest cities had university-affiliated institutions which were laboring to raise the American medical profession from what Benjamin Rush called its "slavish rank." This meant, in effect, a return to the concept of a medical elite. "Where a proper subordination is wanting," Dr. John Morgan wrote in *A Discourse upon the Institution of Medical Schools in America*, "there is a perversion of all practical knowledge. No more then is a physician obliged, from his office, to handle a knife with a surgeon, to cull herbs with the botanist . . . or to compound drugs with the apothecary."

Morgan, a founder of the University of Pennsylvania School of Medicine, pressed for a graded premedical curriculum, examinations of competence, licensing procedures for "real" physicians, medical "research," and professional control of practice. Richard Harrison Shryock has noted that Morgan "prized the social distinction then implicit in the very concept of a physician. . . . He seems to have realized that in the long run the claim of physicians to guild superiority could be best justified by expanding scientific knowledge and so widening the gap between them and the 'mere empirics.' "[6]

The primary consequence of academic medical education, however, seemed to be that it produced practitioners of vast immodesty, who eagerly followed the current practice of bleeding. Dr. Benjamin Rush, for example, a professor at Pennsylvania and a signer of the Declaration of Independence, taught his classes that all infirmity was caused by excessive, convulsive, or wrong action of the vessels, and that, therefore, there was really "only one disease in the world." To correct the tension of his patient's vessels, Rush would occasionally remove four-fifths of his patient's blood. The euphemism for this was "ehroic" treatment. Rush's somewhat intemperate bleeding and purging during the Yellow Fever epidemic of 1793 prompted a colleague to label it "one of those great discoveries which are made from time to time for the depopulation of the earth."

Five years before, a "Doctors Mob" of New York citizenry had registered its discontent with academic practitioners by attempting to lynch those engaged in human dissection. And as late as the mid-nineteenth century medical efficacy had not much improved, as even physicians themselves would occasionally acknowledge. "If the entire *Materia Medica* were thrown into the sea," Dr. Oliver Wendell Holmes remarked in 1861, "it would be all the better for mankind and all the worse for the fishes."

The American Medical Association was founded in 1847. Comprised largely of academically trained "regular" physicians, the Association was, in the words of its charter, dedicated to promoting "the science and art of medicine and the betterment of public health."[7] In fact, however, it was at least as dedicated to promoting the idea that doctors with a particular kind of education (i.e., with M.D. degrees) were better than other doctors. The physician's prestige in the latter half of the nineteenth century was conspicuously low, and competition was severe. Proprietary medical schools were common: they would admit anyone for the correct fee and, after a year more or less of occasional lectures, would certify him as a doctor.

The "poisoning and surgical butchery" of medical practitioners was denounced in the press, students were termed "coarse" and "licentious," and physicians delivered lectures with such titles as "To What Cause Are We to Attribute the Diminished Respectability of the Medical Profession in the Estimation of the American Public?" In this light it is possible to view the Association's early "reforming" efforts—to rid the profession of unorthodox healers, for example, and to protect the public from nostrum remedies—as less than wholly selfless. They may in fact be understood as part of a systematic attempt by a troubled medical elite to secure its social and economic status.

During the middle of the nineteenth century public hostility to the medical profession seems to have been common. In Jacksonian rhetoric "doctorcraft" was as anathematized as was "priestcraft." Hydropathy, homeopathy, and other sects flourished; and editors warned their readers, according to Charles E. Rosenberg, that "every American must study the laws of health and disease for himself." As the twentieth century approached, however, science began to provide the regular practitioner with the new legitimacy which Shaw recognized. The "laws of health and disease" were said now to be beyond the layman's capability. So the stage was set, at last, for the doctors' coup.

Abraham Flexner's famous 1910 *Report on Medical Education in the United States and Canada*, sponsored by the Carnegie Commission and the AMA's Council on Education, has been credited with "exposing" the proprietary medical school, forcing "quacks" from recognized practice, "rationalizing" and "standardizing" medical education, rescuing the profession from the dark pit of superstition, and raising it to the brilliant heights of science.

Important changes were in any event forthcoming early in the present century. The German model of a rigidly organized scientific medical education, with a strict curriculum and formal entrance requirements (which Johns Hopkins, founded only a few years before Flexner's report, typified in this country), was adopted and remains standard today. Accordingly, Flexner has been revered as a catalyst of medicine's great leap forward; and, to be sure, the new emphasis on laboratory science and research has had useful medical results.

But this much publicized consequence has its Shavian side. By 1930 the number of functioning medical schools in this country had dropped from over 200 (in 1900) to seventy-six. Doctors became richer, more self-important, more exclusive, and harder to find. The new medical priesthood, which for John Morgan was a dream and for Bernard Shaw a nightmare, was firmly invested at last.[8]

American medical history since the Second World War, which some of the books under review obliquely trace, suggests that the attempt to establish an ever more narrow and more influential medical elite has not been abandoned. Indeed, only now are the heirs of Dr. Morgan beginning to fight back—and in these battles all of us are engaged.

The mobilization of scientific and technological resources during World War II, including the development of large-scale medical programs for prophylaxis and treatment, stimulated unprecedented federal expenditures for medical research at the war's end.[9] Although the AMA vigorously opposed federal aid to medical education on the ground that "socialized medicine" would inevitably follow, the financing of medical-school-based research projects was apparently deemed harmless and even useful, probably because each new medical miracle could be expected to augment the status and power of the practicing physician (as well as because, one assumes, the Association's membership thought disease was bad and health was good). The effects of federal financing, however, seem not to have been wholly anticipated.

First, government support (however indirect) of medical schools and hospitals began to enable these institutions to function independently of the community-based private practitioners upon whom they had previously relied. Second, as medical science and technology grew increasingly complex, a serious "town-gown" dichotomy developed between the private practitioner and his academic colleague. A second medical establishment, in many ways more powerful than the first, began to emerge: the urban university medical center. And just as the regular physicians of 1765 and 1847 and 1910 attempted rather arbitrarily to define other practitioners as incompetent and illegitimate, so the university medical elite is attempting today to dismiss the ordinary physician as someone unable to use or understand the most advanced techniques for modern medicine, unable to deal with the problems of the "social aspects" of medicine, unable to "allocate resources" systematically, and so on. The new medical priests are more sophisticated than the old, more powerful, and they have computers.

## III

Most of the books under review are best understood as expressions of the current medical war. Most are part of the offensive of the urban medical centers, which has two goals. The first, and simpler, is to blame the acknowledged crisis on "organized medicine," the American Medical Association. This dead horse is beaten at some length in *In Failing Health*, by Ed Cray. Five years ago Richard Harris did that job more effectively in *A Sacred Trust*, an account of the AMA leadership's fight to stop Medicare. That

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book remains useful and is now available in paper.

The second goal of the offensive is to identify the academic medical elite as separate from the superior to the AMA, as aware of the difficulties faced by medicine today and energetically involved in finding new solutions. On this ground *Women in Medicine, Negroes for Medicine,* and *Medicine in the Ghetto* are important primarily because they exist; they are designed to serve as evidence of liberal awareness and concern.[10] Each is the result of a conference.

Carol Lopate's book on women concludes that the "manpower" crisis in medicine might be solved by making greater use of "womanpower." But Miss Lopate hardly touches on the sexist character of American medical education and the society it "serves." Lee Cogan's book similarly avoids any real analysis of the reasons why blacks account for only 2.2 percent of American doctors. (Incidentally, blacks have always been used "for" medicine as research subjects and teaching material. Dr. Norman's book compiles the speeches delivered at a conference on "ghetto medicine," sponsored by Harvard Medical School and the Boston *Globe* and held, according to the book, in Portsmouth, New Hampshire. In fact it was held at a shore resort spa called "Wentworth-by-the-Sea," on the deck of a hotel which was a make-believe boat. Medical students invited to attend were so offended by the absence of poor people that they slept on the beach in protest.[11]

The Carnegie Commission's report, *Higher Education and the Nation's Health: Policies for Medical and Dental Education,* is a more serious matter. It is the latest in a series of attempts to provide a "new Flexner Report," something the spokesmen of the new medical elite have been advocating for years in their journals and in popular magazine articles for reasons strikingly similar to those of 1910.[12] Respect for doctors is again low as a result of widespread public dissatisfaction with medical care. Partly as a result of this dissatisfaction, non-elite physicians will be less able to resist a move by the elite to consolidate power. ("The professional associations are open to new ideas and are anxious to find better ways to provide better health care—to their great credit and to the nation's great advantage," the report notes.) Most important, the medical generals are ready ("Existing medical and dental schools are expanding. . . . The medical and dental schools have a number of remarkably able leaders").

Certainly the reasons for the Carnegie Commission's concern may be less devious than my reading of the report suggests; as they may have been in 1910: the academic medical elite may be interested not only in power and prestige but in the nation's health. That of course is the claim and doubtless many well-intentioned doctors sincerely believe it. Perhaps it is true that placing control of health facilities and resources in the hands of a narrow, powerful group of "experts" is the best way to make people healthy, although the evidence gathered in *The American Health Empire* would seem to contradict that claim. However, the university doctors and their supporters are not culpable simply because they are advocating the formation of a new elite. They are guilty of hypocrisy and manipulation precisely because they have *not* taken such a position openly.

If, as the Carnegie Commission suggests, we need "to provide more health personnel of the right kinds" and "to achieve a better geographic distribution," "to provide more appropriate training," and "to relate health care education more effectively to health care delivery," then we will also need to decide some very difficult and important questions: what is "right"? What is "more appropriate"? What is "effective"? Will the new medical elite make these decisions because it alone has the information and the expertise to do so? Modern medicine is, after all, very complicated, so complicated that the G.P. trained ten years ago can't keep up (if we are to believe the academics.)

But what *is* good medicine? Who defines it? Will patients, consumers, citizens make decisions about health and doctors? Or will such people pretend to make medical policy while in fact the medical elite makes it (as, for example, we make military policy with the help and advice of the Pentagon)? These cannot be trivial questions. But the liberal medical establishment has been unable to raise them because it has refused to acknowledge openly what it is doing. ("As to the honor and conscience of doctors," Shaw warned, "they have as much as any other class of men, no more and no less.")

So we must attempt to understand what these doctors are doing and to raise questions about their work. Selig Greenberg, a medical reporter for many years and author of the excellent *The Troubled Calling,* might have been expected to do this. But in his new book *The Quality of Mercy,* he has seen only what the doctors he interviewed intended him to see—not what hospitals really are like. Mr. Greenberg is infatuated with the academic medical profession. The university hospital has evolved, he writes, into "the nexus of medical care."

> With the growing complexity of medicine and the consequent need for a concentration of specialized skills and sophisticated equipment, the hospital has increasingly become the place where the latest benefits of science can best be obtained. Here the emotion-charged struggle between life and death is a daily occurrence and new weapons of healing are forged.
>
> This is where the exploration of the grim terrain of disease presents the great intellectual challenge and where apprentice physicians are trained to shift the balance in favor of the prolongation of life and vigor.

With equal fervor he concentrates upon Beth Israel Hospital, one of the Harvard "family," which "has a notable history of service, education, research and innovation" and which is "a germinative center of both men and ideas." The chief of surgery at Beth Israel is "a dedicated perfectionist"; the chief of psychiatry frequently voices "passionate concern" about things and is "levelheaded"; and the man who edits the prestigious *New England Journal of Medicine* ("one of the brightest jewels in the diadem of Boston medicine . . . widely regarded as the best medical publication in the United States and probably in the world . . . a unique blend of passionate zeal and the cool poise of the Boston Brahmin") is "a robust, hearty, articulate and endlessly inquisitive man . . . and a prominent gastro-enterologist." There is no unfortunate portrait of an academic physician in this book.

Unfortunately, not only has Mr. Greenberg been misled, but he is also in a position to mislead others:

> In the meantime a ceaseless battle against death was being waged in the medical and respiratory-surgical intensive-care units set aside for acutely ill patients requiring close monitoring of vital signs and constant care by physicians and nurses. . . . It is generally believed that use of the monitors can reduce deaths from initial heart attacks by at least half.

That statement, like many others in the book, requires closer scrutiny. The battle may be ceaseless, but it soon ends: even if a patient recovers from the "initial" heart attack (and the statistic here is questionable and offered without documentation), a second cardiac arrest often follows soon after. Those of us who have worked on an intensive care unit know how difficult it can be to "bring back" a cardiac patient two or three or four times in the course of a few days, only to "lose" him to another attack that no amount of intracardiac epinephrine and bicarbonate and chest pounding could dissuade.

The cost is $200 per day—if it can be measured in money.

Moreover, while Greenberg reports that these units are "set aside for acutely ill patients," in fact they are as often used to prolong the life of chronically ill patients in the terminal stages of their disease (as were two of the three patients Greenberg describes as being on the unit at Beth Israel). These chronic patients merely die a bit more slowly and painfully on the unit than they would elsewhere; and there is significant evidence of "ICU psychosis." Intensive, expensive care has some advantages, but many fewer than Mr. Greenberg and the doctors he spoke to would have us believe.[13]

Mr. Greenberg refers to "the grasping self-interest of the medical profession"—the other medical profession, that is:

> For purely selfish reasons, the AMA for more than 30 years sedulously fostered a shortage of doctors through its monopolistic stranglehold on the standards and admissions procedures of the nation's medical schools. . . .

Largely because of such a "strangehold," the book suggests, in cities like Boston there is now "the gross divergence between the bright technological potential and the grim reality" in medical care. We do not learn why the guilt is not shared by the "brilliant activists in important positions in the medical schools and teaching hospitals" who have never served the urban—generally ghetto—communities that are literally at their doorsteps. Nor are we told that the staffs of such hospitals have physically ejected black and poor people from their emergency rooms. We learn merely that these "activists" have "innovative ideas" and are "glimmers of hope in the ferment."

Where precisely is the academic medical elite headed? What will happen when the "bright technological potential" is realized? First, Greenberg says, the doctors will have to stay in control because "much of this research is far too arcane for the untutored layman even to attempt to understand." "But," he adds, "all of it is aimed at alleviating pain and warding off premature death." This is not true. There is little current medical research of which the essentials cannot be understood by anyone capable of reading *Scientific American.* Much of this research is aimed more at alleviating pressures to publish and rise in the profession than at alleviating pain.

Second, we learn that in the new and more "rational" health care delivery system, "The proper role for the great medical center . . . is to serve as the pinnacle of the pyramid . . . a sort of umbrella under which all the other parts function." At the pinnacle, the university physician will "act as captain of the health team while aides working under his supervision assume some of the duties he is now performing." It becomes clear that to Greenberg and to the leaders of the profession the primary obligation of the patient will be to recognize his own inadequacy and to follow, as always, the doctor's orders.

Here the Orwellian implications of the plan become clear. "Much of the pleading for a resuscitation of general practice," Mr. Greenberg tells us, speaking for the doctors, "is little more than a nostalgic harking back to the legendary old doc of yesteryear." But that day "is gone forever," and our hopes are a product of "our atavistic longing for personal attention," a failure to recognize that "the pressures for change are relentless, and doctors as well as patients will eventually have to bow to them."

> . . . now there are diagnostic procedures which can penetrate the core of the body's

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processes and yield evidence that makes the patient's feelings superfluous. . . . Patients will have to be educated to a more realistic perception of quality.

"What's the good of free choice to a patient who is unable to make the proper choice?" a prominent medical spokesman wants to know. If ICU nurses become depressed over a dying patient being kept temporarily (and sometimes unwillingly) alive by machines, a staff psychiatrist can be "called in to give them an opportunity to talk out their pity and concern." If patients feel neglected in the modern hospital, that is simply because, Mr. Greenberg assures us, "The patient often regresses to an infantile, egocentric dependence in which he tends to invest his doctor with omniscient ability and at the same time to fret that he is not getting enough attention." In other words, stop complaining! As one doctor put it, "Which would you rather have—warm compassionate care to usher you into the next world or cool scientific care to pull you back into this one?"

The difficulty is that "scientific care" may pull very few people back into this world for long, and can pull no one back permanently. Here a distinction should be drawn between certain advances—antibiotics, insulin, diuretics, and some others—which by no means need to be administered impersonally, and care which is more detached and machinelike by its very nature. In fact, a great deal of expensive, "cool" medical technology causes as much suffering as it prevents, kills or hurts as many people as it "saves."

Heart transplantation, which costs some $40,000 per patient, is a case in point. In a period of two years since the first operation, over 150 transplants were performed: 80 percent of the patients died within four months; the rest lived limited, uncomfortable, fearful lives; and, in view of the imprecision of diagnostic techniques, it is likely that many of these patients would have lived longer with no operation at all, lived in less agony and with less expense to their families and society.

Mr. Greenberg and his academic sources admit as much, but they fail to admit that a similar, if less immediately apparent, case can be made against the efficacy and humanity of many of the most widely publicized medical "advances" upon which their claims of superiority rest: intensive care units, hyperbaric chambers, expensive diagnostic, surgical, and laboratory procedures (some of them unnecessarily painful), esoteric and useless research. There is the serious question, too, of priorities. Even if hyperbaric chambers were of great therapeutic value, which is doubtful, they are still of limited utility and immensely expensive. A chamber costs about three-quarters of a million dollars and some $600,000 each year to operate. In its five years of operation the unit at Mt. Sinai Hospital in New York, according to the authors of *The American Health Empire*, has been used for fewer than 900 patients.

For the same amount of money, the hospital might have handled 20,000 outpatient visits each year, or set up a vast screening program in East Harlem to detect lead poisoning and anemia in children. But such equipment is fashionable and modern, and a "good" hospital must have it if it is to keep up with the others. Doctors have, according to Shaw, "an intense dread of doing anything that everybody else does not do, or omitting to do anything that everybody else does." So, apparently, do hospitals.

Of course, some of the new medical machines and procedures can help some patients if they are humanely used and if the public has an equitable chance to be treated by them. To criticize the excesses of the medical technocracy is not to deny the real achievements of the profession, or the potential of serious medical research. Certainly doctors will always need to be competent diagnosticians and skilled therapists. But they will also need to be concerned with the quality of their patients' lives as well as their length, with the patient as a person and even a friend, as well as an intriguing collection of organs.

The management of a problem like juvenile diabetes, for example, requires less erudition about metabolism than social and psychological sensitivity. To know the protein structure of insulin may be useful, but to know intimately the child's family situation, to be aware of and able to ameliorate feelings of guilt and dependency and fear, may be crucial. The rise of the medical elite, which denigrates the experience of the patient in the way Greenberg describes, distorts the very nature of healing.

## IV

*The American Health Empire: Power, Profits and Politics*, a report from the Health Policy Advisory Center (Health-PAC) in New York City, is the most solid criticism of American health care now available. It may make its readers feel terrible, which is right, because that is how it feels to be a patient, an orderly or technician, a nurse, and even a doctor these days. The "diagnosis" which the authors supply is not of the familiar health care crisis which Mr. Cray and even the AMA are now at last discovering, but of the very solutions which the sophisticated medical experts have begun noisily to offer.

Health-PAC is a research and action collective in New York City which grew out of the Institute for Policy Studies in Washington, D.C., and which for over two years has conducted inquiries into municipal and national health care policies.[14] This book is a selection from the monthly Health-PAC bulletins in a revised and readable form. The authors present the problem of health care as follows:

> Traditionally, liberals have explained that America is not a healthy place to live, in either a medical or a social sense, simply because health and other social services are low priority items in a nation whose resources are committed to military and economic expansion. "If we could only spend the money we spend in Vietnam the money we spend in Vietnam on hospitals, housing, schools . . ." goes the refrain.
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> So we have reasoned. But on looking closer, we began to understand that national priorities are only part of the problem, perhaps the more manageable part. Billions of dollars could be diverted from America's aggressive, defensive, and interplanetary enterprises with no appreciable effect on the quality of health care. For even within the institutions that make up America's health system—hospitals, doctors, medical schools, drug companies—health care does not take the top priority. *Health is no more a priority of the American health industry than safe, cheap, efficient, pollution-free transportation is a priority of the American automobile industry.* [italics added]

The victims, then, are not just the poor, the blacks, the Puerto Ricans, who cannot afford to buy what the health industry is selling, but also all the millions of middle-class and working-class people who try to extract health services from the health industry.

Health-PAC's description of New York City wholly undermines Mr. Greenberg's description of Boston. "Increasingly," the authors note, "control of health resources and facilities has become centralized in a few towering medical-school-linked systems. . . . At least two million New Yorkers are wholly dependent, and another four million partially dependent, on these medical empires for their health and strength." The authors then show that "the private, university-connected empires have failed to deliver in all areas of promised performance." Not only do they contend that there has been demonstrable malfeasance involving large sums of federal, state, and municipal funds, but that "in many cases, the narrow research, teaching, and profit priorities of the private empires have actually led to worsened conditions in the public hospitals, greater fragmentation, dehumanization, and neglect of basic health services."

These are strong accusations indeed, and they are supported by ample documentation in the text. (Neither footnotes nor bibliography nor index are supplied, however; these are serious omissions, not because the authors' statistics are questionable but because the sources used here might provoke further investigations.) The authors expose Medicare and Medicaid, each of the current proposals for National Health Insurance, the Blue Cross Associations, the federal Regional Medical Programs, and Comprehensive Health Planning legislation as constituting "openhanded public subsidy of the unregulated health system [which] is not only wasteful, but leaves permanent distortions." And on the evidence of the New York experience they conclude that the medical elite's current attempt to secure control of American health care is based upon "the philosophy guiding the American effort in Vietnam: if something was a mistake in the past, it deserves another try, but on a much bigger scale." This seems an appropriate comment on the hope Mr. Greenberg saw glimmering in Boston.

A chapter of *The American Health Empire* provides a documented description of the vastly expanding and almost completely unregulated health industries: the pharmaceutical and hospital supplies firms, proprietary nursing homes, and the growing medical technology business. The authors note, "Trustees and upper-level staff of medical schools and hospitals are always welcome on the boards and top staffs of health industry firms and vice versa," and conclude that "the consumer can expect no mercy from the new Medical-Industrial Complex."

But I think the analysis of this alliance, which Shaw was able to foresee, is not carried as far as it can go. If, as it has done in the past, the medical elite continues to rely upon its technological expertise as an excuse for consolidating its power and for continually narrowing and elevating its ranks, the stage will soon be set for a new and unprecedented coup: the technocrats will assume unchallenged control of American medical practice. Our doctors will be computers. This is not humorously intended.

In *Medicines for Man*,[15] Harry F. Dowling, a knowledgeable physician, documents the American pharmaceutical industry's remarkable, almost dictatorial, power over the prescribing habits of physicians as well as its exorbitant profit structure.[16] In the Health-PAC book we are reminded not only that (in the words of one trade journal) "Medicare is the computer manufacturer's friend" but that, because physicians are ill-equipped to evaluate new medical machines, they are willing to buy almost anything; the flashier it looks and sounds, the better. ("As a matter of fact," Shaw said "the rank and file of doctors are no more scientific than their tailors.") In *The Quality of Mercy*, Dr. Howard L. Bleich, a young researcher, "provides a glimpse into the future of medicine as he communed with a small computer console, no bigger than an electric typewriter." Dr. Bleich entered information about the patient, but neglected to enter the patient's weight.

The computer promptly called attention to this omission. After the weight was given, it printed out its evaluation of the patient's acid-base disorder along with the recom-

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mended therapy, the appropriate drug dosage and two references to the literature bearing on the condition. It also politely thanked Dr. Bleich "for referring this interesting patient to us."

To the old arrogance of doctors, then, has been added the arrogance of machines, of technology, of the corporate and governmental forces which control them, which increasingly control the doctors, and indeed all of us. The relationship between doctor and patient is very old, and was considered a "sacred trust" centuries before the AMA thought to insist that its sanctity depended upon the exchange of money. But where is sanctity in an era of medical systems analysis? If we want to touch and be touched by another person when we are sick or hurt or dying are we being immature? Should we "talk it out" with a psychiatrist? with a computer? (They can be programmed now to say "I see" and "Tell me more" and prescribe Librium in a lifelike voice.) If we have difficulty accepting doctors' assurances that we 'need not despair," are we guilty, as Selig Greenberg suggests, of trusting our superfluous feelings, of failing to bow to the relentless pressure for change?

I think the Health-PAC analysis is not clear enough on this point. It rightly criticizes the academic medical leaders for subordinating the health needs of people to narrow research, "education," and institutional priorities. The authors speak (as even the "liberals" now do) of the "ironic" contrast "between the promise of biomedical technology and the tawdry reality of medical care." They recall the liberal vows (in the case of the Regional Medical Program, for example) that "medical excellence" would be decentralized from the current handful of major medical centers to a whole network of little pockets of excellence, all under the general guidance of the medical centers." And, finally, they document the miserable failure of the medical elite to deliver on its promises.

The argument seems to run as follows: the "liberal" answer has not worked; therefore it will not work; and it cannot work, because the liberal doctors and their new corporate colleagues are not interested in making it work; they have other priorities. Therefore "profits must be phased out, for they have no place in an enterprise in which human life is at stake. A publicly accountable system must replace private enterprise in providing all health care and health products."

That conclusion is inescapable. But the medical elite will insist that their "solutions" have not been given enough of a chance; that more money should be allocated for them; that the people then will be served. The Health-PAC position would be enhanced, I think, if it argued that even if the new doctors *could*, at great expense, fulfill their promises, the consequences would be disastrous; that what is considered "medical excellence" is, for the most part, not excellent at all; that the new medical priesthood, by the nature of its increasing dependence upon a complex technology it neither fully understands nor wholly controls, *cannot* have truly human priorities.

The dilemma of Shaw's Dr. Ridgeon was whether he ought to use his cure for tuberculosis to "save" Jennifer's husband, a brilliant young artist whom he detested and of whom he was jealous, or to "save" someone else and let the young man die. He chooses the latter and, in the final scene, presents himself to the widow, certain she will now become his wife. Jennifer has, however, remarried. "Oh, doctor, doctor!" she exclaims. "Sir Patrick is right; you do think you are a little god. How can you be so silly?" And all along, to be sure, Ridgeon's "opsonin" was no cure for tuberculosis at all.

Were Shaw alive today, he would probably understand that the modern medical scientist works not merely for fame and money and power but because he believes that if cancer and heart disease are "conquered" the pain of being alive and mortal will be lessened, the potential for being human will be enlarged. Clearly this is what Shaw hoped for too, but he hoped differently. "Please do not class me," he wrote, as one who doesn't believe in doctors." One of our most pressing social needs is a national staff of doctors whom we can believe in, and whose prosperity shall depend not on the nation's sickness but on its health.

But Shaw's faith was less in science and machines than—as simple as it seems—in people living together more sensibly. This is how the health movement's struggle for the community control of health institutions, described briefly at the end of *The American Health Empire* and now intensifying throughout the country, must be understood. "The social solution of the medical problem," Shaw insisted, "depends on that large, slowly advancing, pettishly resisted integration of society called generally Socialism."

And it was not the doctors, Shaw believed—as arrogant as they might be—who would make the decisions, but the patients themselves and the communities the doctors serve. Shaw hoped that we would learn to insist on certain things: on nationalizing the medical profession, on taking the profits out of dealing in people's health and pain. What was needed in his view was "not really medicine or operations, but *money* . . . better food and better clothes . . . well-ventilated and well-drained houses." "Otherwise," he wrote in the final sentence of the Preface on Doctors, "you will be what most people are at present: an unsound citizen of an unsound nation, without sense enough to be ashamed or unhappy about it."

We might remember Shaw as the medical war intensifies and more people become angry. Precisely because American medicine is in such a mess it presents unique opportunities. The rise of the new medical elite, ominous as it is, is only a relatively recent development. The technocrats may have less of a foothold in the medical system than in any other aspect of our society; by a concerted effort, they may still be stopped. In addition, although the Health-PAC people assert that "the age of the guild-dominated, individual medical craftsman is over" and although AMA membership is rapidly declining, the victory of the medical elite has not been assured.[17]

It is at least possible that the community practitioners may begin to understand that whatever remains sacred in medical practice cannot be preserved by clinging to the idea of fee-for-service, but that it may indeed be saved by alining with the movement to provide medical care in thousands of small community free clinics. The fact is that free clinics are springing up across the country (there are an estimated 200 functioning now or in preparation). The struggle for community control of health facilities is gathering momentum. Workers and patients and students and professionals are beginning to work for the first time as colleagues.[18]

More than the war in Indochina, the military, even the schools, the issue of better and more democratic health care may provide a focus for constructive political action. In the past few years and even months the health movement has grown impressively. Several new chapters of the Medical Committee for Human Rights have been founded (there are now about forty) and the organization is increasingly finding a national voice; meanwhile its local affiliates staff free clinics, perform draft physicals, arrange abortions, provide medical care at antiwar demonstrations, collect medical supplies and literature for North Vietnam, organize within the military itself and in prisons. (Jane Kennedy, a nurse and past national vice-chairwoman of MCHR, remains in the Detroit House of Correction for her part in a raid on the Dow Chemical Research Center in Midland, Michigan, on November 6, 1969, during which magnetic tapes containing critical information about napalm were erased; Dow now produces antihistamines and other pharmaceuticals.)[19]

The Health-PAC collective is now at work on a documentary history of the movement, and similar groups are active in other large cities, such as the Health Information Project in Philadelphia and the Northwestern Health Collective in Chicago. Women, who constitute the majority of both health care "consumers" and workers, but who are especially victimized by the current system, are beginning to press for changes. (Pregnancy and childbirth are now treated by male doctors as routine diseases; the medical hierarchy is exclusively male-dominated; many hysterectomies and even mastectomies are performed without sound medical reasons; labor is too often induced, especially in the case of poor and black women, by oxytocin—an unsafe procedure when unnecessarily done—so that the woman will deliver at the doctor's convenience.) Doctors are resisting the draft which takes them away from patients and from seriously understaffed hospitals. Not only ghetto organizers such as the Black Panthers and the Young Lords, but, increasingly, middle-class church and community groups are becoming interested in the idea of neighborhood clinics.

At the same time, hospital and insurance rates continue to rise, doctors become even harder to find. The air grows more difficult to breathe. The brains of black babies are poisoned by paint. The war for a decent chance to live a healthy life has started too late; but there are signs, at least, that it has started.

### FOOTNOTES

[1] Dubo's *The Mirage of Health: Utopias, Progress, and Biological Change* was first published in 1959, and remains an important book. It is available in a new paperback edition (Harper & Row, $1.25).

[2] *Profession of Medicine: A Study of the Sociology of Applied Knowledge,* Dodd, Mead, 409 pp., $12.50. This is a new, interesting book which is partly a provocative study, partly a depressing reminder of the sorry state of medical sociology; I shall discuss it in a future essay.

[3] Daniel Schorr, *Don't Get Sick in America,* Aurora, 224 pp., $5.95.

[4] Of the earlier group, Roul Tunley, *The American Health Scandal,* Harper and Row, 282 pp., $5.95 (1966). Selig Greenberg, *The Troubled Calling,* Macmillan, 398 pp., $6.95 (1965), and Richard Harris, *A Sacred Trust,* now reprinted, are the best.

[5] For this section I have relied primarily upon Richard Harrison Shryock, *Medicine and Society in America: 1660–1860,* Cornell, 182 pp., $1.75 (paper), as well as a collection of that author's essays, *Medicine in America,* Johns Hopkins, 346 pp., $7.50, and on Charles E. Rosenberg, *The Cholera Years,* Chicago, 257 pp., $2.95 (paper), 1962. These are excellent medical and social histories (Professor Rosenberg's reads like Hofstadter at his best). But most medical history has been written from the top, emphasizing the glory of various physicians and surgeons and their discoveries, and has had very little to say about the critical social aspects of medical practice as it was experienced by the American people (on this point see Rosenberg, "The Medical Profession, Medical Practice and the History of Medicine," in Edward Clarke, ed., *Methods in the History of Medicine,* University of London, 1970, pp. 22–35.)

[6] The growth of the academic medical elite in this country did provide an important link with European medical circles. Beginning with the study of pathologic anatomy in Paris

during the nineteenth century, European physicians were largely responsible for working out the mechanistic view of the human body which prevails today and which has been in many respects fruitful (though in many ways dangerous too). For the purpose of this essay I have emphasized the generally neglected social and political consequences of the rise of a medical elite in this country.

[7] See James G. Burrow, *A.M.A.: Voice of American Medicine*, Johns Hopkins, 430 pp., $12.00 (1963).

[8] See Julius B. Richmond, *Currents in American Medicine*, Harvard, 138 pp., $5.50 (1969), and John H. Knowles, ed., *The Teaching Hospital: Evolution and Contemporary Issues*, Harvard, 152 pp., $4.50 (1969).

[9] More details are available in Richmond, *Currents in American Medicine*.

[10] John Kosa, Aaron Antonvsky and Irving Kenneth Zola, *Poverty and Health: A Sociological Analysis*, Harvard, 447 pp., $12.50 (1970), is a more accomplished example of this sort of book. I have examined it, along with Dr. Richmond's book, in "The Failure of American Medicine," *The American Scholar*, Autumn, 1970.

[11] A firsthand report of this tragicomic conference is available in *Health Rights News*, a publication of the Medical Committee for Human Rights, November, 1969.

[12] Dr. Alex Gerber (*The Gerber Report*, McKay, 242 pp., $6.95.) obviously intends, at least with his title, to fill this gap. He seems most concerned that Russia exports more physicians than we do and so is sneakily winning the cold war. He reduces the diverse and important radical health movement to "medical students going through the wards of municipal hospitals wearing turtleneck sweaters and dangling peace medallions in the faces of sick old ladies." The initials M.D., F.A.C.S. (Fellow of the American College of Surgeons) appear after his name on the jacket in large yellow block letters. I hope someone is suitably impressed.

[13] In addition to exaggerating the efficiency of the new medical practitioner and his complex tools, the academics are conspicuously unfair to their colleagues outside the university hospitals. "There is evidence to suggest," according to one physician cited by Greenberg, "that the actual medical performance of a significant number of American physicians is, within a few years of their departure from medical school and postgraduate training, grossly unscientific and dangerously close to ineptitude and incompetence."

[14] Contributing to this book were: Robb Burlage, Barbara and John Ehrenreich, Oliver Fein, Maxine Kenny, Mills Matheson, Phil Wolfson, Leslie Cagan, Vicki Cooper, Ruth Glick, Kenneth Kimerling, Howard Levy.

[15] Harry F. Dowling, *Medicines for Man*, Knopf, 347 pp. $7.95.

[16] The pharmaceutical industry boasts of ratios of net income/sales and of net income/invested capital which are roughly twice as great as the national industrial median. The companies collectively spend nearly a billion dollars for promotional purposes, more than $3,000 per year on every doctor in the country. About half goes for printed journal ads and circulars (notoriously misleading, discriminatory, or blatantly false), more than a third for "detail men" assigned to push drugs to individual physicians on a personal basis (according to the maxim, as a former Squibb physician has testified, "If you can't convince them, confuse them.")

It is in this sphere that the tactless waxes almost comic. In a single year one general practitioner was assaulted by 3,636 advertisements and samples promoting 604 "different" drugs. New physicians, their prescribing habits still up for grabs, are courted with a special fervor: students and practitioners have been treated to free instruments and leather bags, records, movies, books, drugs (no hallucinogens, to date), cocktail parties, steak and lobster dinners, fishing contests, bowling tournaments, golf lessons, and golf balls stamped with the names of the doctor and of the company in contrasting colors.

[17] Voluntary membership in the AMA is now under 50 percent of practicing physicians nationally, but the organization remains rather more strong than the Health-PAC book suggests. There can be no doubt that the medical elite in New York City is more advanced than it is in other cities.

[18] There is a partial listing of national free clinics in the January-February *Health Rights News*. Copies are available at request from HRN, 1613 E. 53rd Street, Chicago, Illinois 60615. The cost of a single issue is fifty cents; a one year subscription is three dollars.

[19] While in prison, Jane has worked actively to improve health conditions. One of her most recent campaigns was to improve dental treatment in the jail. According to her warden, interviewed in the Chicago *Sun-Times*: "She keeps telling everybody she's a political prisoner. I've been in prison work more than forty years and I've never seen anything like her. Every time she's told to do something, she has to ask why. . . . She started a lot of trouble about the dentist we have here. She said the prisoners didn't like the dentist and wanted a new one. It was her idea they had a right to pick their own dentist because he was working on their teeth. Well, that's none of their business. We pick the dentist we want."

## DUES FOR U.S. MEMBERSHIP IN INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. TOWER. Mr. President, I am very pleased that I have the opportunity to cosponsor S. 2109, a bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

Our financial contributions to Interpol in the form of dues will now be $49,000 a year, an increase of slightly more than $10,000 a year. Unlike some international organizations, the financial support of Interpol is broadly shared by all the countries which are members. For example, the contributions of the United States will amount to approximately 6 percent of the organization's operating budget.

Although Interpol is not an enforcement body nor an investigating body, it does perform a vital function by collecting, collating, storing, and disseminating information on known international criminals. This information is essential for effective international law enforcement.

Interpol is international in every sense of the word. Its very existence is dependent on the cooperation of the national policies of the participating nations. Interpol has prompted this cooperation by restricting itself to very practical and productive activities concerning the exchange of information.

We have recently addressed ourselves to the problem of drug abuse. The majority of these illegal narcotic drugs are smuggled into the United States from foreign countries. One of our greatest aids in combating the drug traffic is the information and assistance that we receive from Interpol. Our participation in Interpol and its special narcotics division, and our utilization of its services, can be a vital part of a comprehensive and effective effort to control the problem of drug abuse.

## OVERRIDE OF PUBLIC WORKS BILL VETO

Mr. HUMPHREY. Mr. President, the President's veto of the Public Works Acceleration Act demonstrates a basic lack of understanding of the critical need of millions of Americans for jobs and for the provision of basic public services.

The passage of this vital legislation marked a decisive action by Congress to substantially expand job opportunities at the same time that cities and towns across the Nation are being enabled to provide critically needed sewer and water systems, hospitals, road systems, parks and recreation areas, and undertake other public projects essential to revitalizing the economy.

I find President Nixon's action incomprehensible in the face of a fantastic backlog of 8,704 applications for public works projects that would be eligible for immediate help under this bill.

His veto of this measure is unnecessary and insensitive to the need of well over 5 million people in our country for jobs.

I find this abuse of the veto power to be a direct affront to some 15 million citizens in the States of the Appalachia region, for this bill also would have extended the Economic Development and Appalachian Regional Development Acts.

Under these laws, extensive areas of our Nation which once knew only the misery and despair of poverty have experienced the influx of thousands upon thousands of new job opportunities, the construction of health centers and schools and decent housing, the building of roads and essential public facilities, and above, all, the restoration of hope and self-respect in countless families.

The $5.5 billion Public Works Acceleration Act can have an immediate positive impact upon our faltering national economy. It can direct Federal assistance into the hardest hit sections of the labor market.

The President has failed to recognize that this act could and should be one part of a comprehensive program to restore our national economy.

Instead, his veto message sets this measure over against the Emergency Employment Act, on which action has just been completed by Congress.

Reversing his earlier position, he now regards this legislation to create 200,000 new job opportunities in the public sector as "sound" and "responsible" and as meeting the test of "providing jobs when they are needed, where they are needed, for the persons who most need them."

Do not our construction workers, confronting an unemployment rate of 11.2 percent, need jobs in public works construction?

Do not our communities across the Nation, facing a critical need to repair and update their public facilities, require help now—today?

Is it not responsible to continue vital programs for the development of the most depressed areas of our Nation?

Beyond giving answers to these questions, the President must realize that action must be taken immediately on several fronts to get this country moving again. That is why both the public works acceleration and the public service employment bills must be signed into law.

That is why our people should be helped to meet the high cost of living through the acceleration of scheduled individual income tax relief measures, the increase of Social Security payments, the enactment of a national health insurance program, and the passage of legislation to raise the minimum wage without delay.

That is why action must be taken on legislation to assist returning veterans and professional and skilled workers who cannot find work, and to provide full Federal financing for the extended unemployment insurance program.

And that is why I have introduced the National Domestic Development Bank Act, to provide a major new source of capital funds and technical assistance for cities and towns across America to undertake a wide range of desperately needed public projects and to provide needed jobs.

These are but examples of the all-out attack that must be launched on many fronts to strengthen our faltering economy, and to give our people that vital sense of hope, of security and confidence, and of self-respect.

I urge the Senate to vote to override the President's veto of the Accelerated Public Works Act. By this decisive action, the will of the people of the Nation can be firmly established, and this administration will be placed on notice that action must now take the place of words.

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## U.S. TRADE POLICY—ADDRESS BY JOSEPH S. WRIGHT

**Mr. FANNIN.** Mr. President, one of the outstanding men in our Nation with practical experience and deep understanding of the problems of international trade is Joseph S. Wright, chairman of the board of Zenith Radio Corp.

In a speech on June 16, 1971, at the first annual appliance suppliers exhibit and conference, Mr. Wright pointed out that the terms "free trade" and "protectionism" stir the emotions rather than the mind.

Mr. Wright then presented a very fine survey of some of the key problems facing American businessmen who find the deck stacked against them in international trade and on the home front.

He makes some very interesting observations, including:

> If the Japanese market were open as is the case in this country, television receivers could be manufactured in the United States and successfully sold in Japan at competitive prices.
>
> In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is immediately struck by the great difficulty in discerning where Japanese business ends and the government begins.

I am quite pleased that Mr. Wright endorses my bill, S. 1476, as an equitable remedy to at least some of our foreign trade problems.

I ask unanimous consent that the text of Mr. Wright's speech be printed in the Record so that Senators may share this very lucid and practical examination of this most urgent problem.

There being no objection, the address was ordered to be printed in the Record, as follows:

### U.S. TRADE POLICY—ARE THE ONLY ALTERNATIVES FREE TRADE AND PROTECTIONISM?

#### INTRODUCTION

When it comes to U.S. foreign trade policy, the statements you most frequently see in the press and other media deal with the subject in terms such as "free trade" and "protectionism"—terms which are intended to stimulate the emotions rather than the mind. Perhaps there is a third term such as "fair reciprocal trade" encompassing rational thought, reciprocity and just plain fairness which may serve to avoid the emotional aspects of the controversy.

The U.S. has been for many years a world leader in efforts to achieve reciprocal trade between the developed nations, with a minimum of commercial burdens by way of tariffs, commercial red tape and all the other non-tariff barriers to trade. We are signatories to the General Agreement on Tariffs and Trade, commonly known as GATT, and proudly boast of having taken the leadership over the past 20 odd years in reducing our own tariffs and other trade barriers into the U.S. purportedly receiving reciprocal undertakings on the part of the other great trading nations.

The current GATT agreements provide, for instance, that most U.S. tariffs on consumer electronic products have been reduced from 20 odd percent just a few years ago to 6% currently and next year to 5%. We have purportedly secured as a consideration of these reductions in tariffs corresponding reductions on tariffs for import of U.S. electronic products into highly developed industrial countries such as Japan. Unfortunately we seem to have a peculiar American tendency to wind up with the short end in negotiating international trade agreements. The fact is that while our GATT arrangements have opened up the U.S. markets to imports on a large scale, we are still left with systematic discrimination against American consumer products throughout most of the world, with tariffs and a whole host of non-tariff barriers which prevent any effective U.S. export competition.

#### THE CONDITION OF OUR INDUSTRY

The consumer electronics products industry has for all of its existence been one of the most highly competitive, efficient and innovative industries in our country. It has made our mass communications the best in the world. Long before there was any competition from foreign imports, our industry invariably passed on to the public in the form of lower prices and better products, the full benefit of our growing technology and productivity.

Television receiver production has always been so extremely competitive that the mortality rate of the companies in the business has been very high. Many great names in our industry just in the past 15 years have found the going so tough they got out of the business—Capehart, CBS, Dumont, Hotpoint, Stromberg-Carlson, Westinghouse, Webcor to name just a few.

In the late 1950's, millions of low-priced Japanese transistor radios poured into the United States. By 1960, 55 percent of all portable radios sold in the United States were of Asiatic origin. By 1968, this figure rose to almost 95 percent and has remained at almost that level through the first quarter of 1971. For total radios, including portables but excluding automobile radios, imports accounted for approximately 91 percent of the market in 1970 and we estimate that the U.S. will produce less than 5 percent of the whole U.S. home radio market of about 40 million sets in 1971. Except for certain specialty types, the manufacture in the United States of radios was made economically impossible within ten years of the invasion by the Japanese.

I would like to turn now to television. In 1962, imports from Japan were 2.4 percent of the total black-and-white television market of 6 million 609 thousand units. In 1970, imports had risen to 51 percent of the total U.S. market of 7 million 47 thousand black-and-white units. In just eight years, imports increased their share of the U.S. market by over 20 times in a black-and-white television receiver market which continues to be of great importance. While 90 percent or more of the imported receivers since 1960 originated in Japan, in recent years black-and-white television receivers are begining to be imported in quantity from Taiwan, Mexico, and other countries, as American manufacturers have sought to compete with the Japanese.

In the area of color television, imports from Japan in 1965 were only 2.6 percent of the total color market of 2 million 649 thousand units. In 1970, imports held almost 18 percent of the total U.S. market of 5 million 219 thousand color units. This increase of market share of seven times in a short span of five years has brought us to the point that in 1970, one out of every six color television sets sold in the total U.S. market—a market which doubled between 1965 and 1970—was imported.

Obviously, this continuously increasing flood of imports has had an extremely adverse effect on our balance of trade. In 1969, the balance of trade in consumer electronic products was a negative 890 million dollars, and in 1970 the deficit rose to over 1 billion 75 million dollars. Actually, the deficit is even greater since the value of imports is understated. Imports are valued f.o.b. country of origin and do not include freight, duty and insurance. In 1970 the U.S. consumer electronics market reached 4 billion 69 million dollars and, even on an understated dollar basis, imports captured over one-fourth of the total U.S. market.

Why our government insists on reporting our trade balances on the basis of f.o.b. values of imports I do not know. As Senator Fannin recently pointed out, this practice, along with inclusion of government financed exports, is used to create the false impression that everything is rosy. It results in our showing a $13 billion trade surplus from 1966 to 1970, when in fact we really had a $16 billion deficit if you deduct government financed exports and add 10% to imports to approximate this landed cost. This is another glaring example of how our government has deluded itself about our trade problems.

Since the beginning of the Japanese invasion into the U.S. consumer electronics market, many American manufacturers, fighting to survive, were forced by this competition first to purchase components from Japanese sources and, when this measure proved insufficient, to make or procure their sets in Japan, Hong Kong, Taiwan, and now Mexico. An alarming movement of American plants to Asia has taken place. Hong Kong, Taiwan and Mexico, providing incentives including cheap labor, have become the new sites of many former American based factories. This trend for survival by moving American plants out of our country is continuing at an alarming rate. Lacking some change in our government's trade policy, which change should include the effective enforcement of *all* applicable existing laws, more and more of our productive facilities for serving the U.S. market will have to be located in foreign countries and our current understated trade balance deficit in consumer electronics will increase from $1 billion plus to between 3½ and 4 billion dollars by 1976.

### JAPAN'S CLOSED MARKET

In order to support her invasion of the U.S. TV set market with the use of extremely low pricing policies, Japan has maintained a closed market to imports of television products and has fixed and kept domestic prices at artificially high levels. With a closed domestic market, insulated against foreign competition, domestic prices can be easily fixed at a high figure. It has been reported that the Fair Trade Commission in Japan recently found six of the larger Japanese TV set makers guilty of fixing retail prices in Japan and that decision coupled with the TV dumping case here in the United States appears to have the Japanese consumer quite upset for he has realized that he has been subdizing exports to the U.S. by paying higher than necessary purchase prices, as well as higher taxes to support Government subsidies.

If the Japanese market were open as is the case in this country, television receivers could be manufactured in the United States and successfully sold in Japan at competitive prices. The Japanese Electronics Industry Association admits that large screen TV receivers made in the U.S. could be delivered to a Japanese importer for a total cost of about $449 even prior to the April tariff reductions. Similar large screen Japanese sets have carried list prices of from $1,200 to $1,600 in Japan. A similar large screen Zenith set with an advanced premium Chromacolor tube carries a suggested retail price of $579.95 in the U.S. A U.S. factory worker in Chicago making $3 an hour must work 193 hours to buy our large screen color set (forgetting about taxes for the moment) while a Japanese factory worker in Japan making 73 cents an hour (excluding his bonus and benefits) must work 1,860 hours, or almost ten times as long, to buy the Japanese set.

It would, therefore, appear that Japan would be a great place for U.S. TV manufacturers to sell sets, but even with the recently lowered tariffs a whole host of barriers still prevent American entry into the Japanese market. Our attempt to enter the market of several years ago was blocked. A recent market study indicates that, while some of the barriers to our entry have theoretically eased somewhat, there are still clear-cut obstacles. Japanese government regulations still block free entry of necessary repair parts, and the Japanese are notorious for applying what they call "administrative guidance" to influence sales outlets in their handling of imported goods.

Along the lines of the disparity in wage rates in the two countries, the monetary crisis that has shaken everyone so in the past few weeks puts in focus the fact that we established the relationship of 360 to 1 between the Yen and the Dollar some time after World War II when Japan was devastated as an industrial nation. I assume that the ratio was arrived at by some sort of determination of the relative positions of Japan and the United States in the world economy. I question seriously now whether this arbitrary exchange rate has any aspect of reality under present conditions. As I previously mentioned, the average Japanese worker gets 73 cents or approximately 260 Yen per hour in the Japanese electronics industry and comparable workers in our own plants get 300 cents per hour. Each of these workers has the ability to maintain a home and to live rather well in the economy of his own country. While the Japanese worker may not have as many automobiles or television receivers as his American counterpart, this can be attributed as much as anything to the fact that such products in Japan are very high priced because of a closed market, price fixing, and government protection of the industry. The Japanese worker does save some 17 percent of his wages and our average savings rate is now less than 8 percent.

It is only the arbitrary exchange rate of 360 to 1 which makes the Japanese worker receive 73 cents an hour in our money as against the more than $3.00 per hour of his American counterpart.

Now I know that our government is never going to get the Japanese to agree willingly to modify this exchange rate to more nearly reflect the circumstances of the workers in the two countries, because this would make it more difficult for the Japanese to sell in the United States and easier for us to sell in Japan. Nevertheless, I can think of many worse things that could happen to us than that the forces of the market would bring the Yen to where it really should be in relation to the Dollar.

### DUMPING

It has long been a well recognized principle in our law that the practice of dumping goods into the United States at prices far less than they are sold for in home or other markets is unfair and illegal. This has nothing to do with whether you are a "free trader" or "protectionist" or anything in between these polarizing terms.

The reason behind this principle is obvious. Dumping is a method of international price competition or, more properly, price discrimination between national markets which is of economic significance to both the exporting country, for example Japan, and the importing country, the U.S. Dumping is simply selling the same commodities at different prices in different markets. Dumping occurs when merchandise is imported into the U.S. and sold for less than the price for which the merchandise is sold in Japan, taking into consideration the conditions and expenses of sale. It is an undesirable method of competition because the resulting cheapness is not due to basic superiority in production efficiency in Japan.

While I won't go into the details of the dumping law here, I am sure it is clear that with a close domestic TV market in Japan, dumping TV sets into the U.S. is an easy task since domestic prices fixed at a high figure help support dumped prices here in the U.S Following a lengthy investigation, the Secretary of the Treasury announced on December 4, 1970 his determination that television receivers imported from Japan were being, or were likely to be, sold in the United States at less than fair value as compared to sales made in Japan. The U.S. Tariff Commission then, in accordance with Federal antidumping law, conducted an investigation to determine whether "an industry in the United States has been or is likely to be injured" by this unfair practice, a finding necessary, under the law, before additional duties can be imposed.

After a thorough study, the Commission on March 4, 1971 unanimously ruled that ". . . the imports of television receivers from Japan, sold at less than fair value, have adversely affected the prices of comparable domestically produced receivers in the U.S. and have caused substantial loss of sales by U.S. producers." In order to correct this unfair practice, all shipments of color television receivers from Japan to the United States since September 1970 will now be examined by the Treasury Department to determine to what extent additional duties are required to be assessed. While the amount of these extra duties is not known due to the nature of the dumping proceedings and will probably vary from set to set, these findings should result in fairer TV set price competition by Japanese imports in the United States market. While Secretary Rossides and his staff must receive high marks for revitalizing a long dormant antidumping activity, there must be some better mechanism for getting the facts and acting quickly. This case has been pending some 3 years and is still not finished.

### SUBSIDIES

In the area of Japanese government export subsidies and incentives, there is good reason to believe that the Japanese government provides a whole host of subsidies beginning with the remission of a commodity tax and including such things as export credits at cut-rate interest, subsidization of R&D, interest-free or low interest production loans, accelerated depreciation and a variety of other tax advantages as well as insurance against loss in export. The existence of such bounties and grants thus discloses yet another factor contributing to Japan's success in the U.S. consumer electronic products market.

The U.S. has a law on its books which requires the imposition of a countervailing duty equal to any bounty or grant which a foreign government makes on export shipments to the United States. The basic purpose of the law is to equalize for American competition the disadvantages of bucking up against such subsidies.

### LEGISLATION

Congress has recently been overwhelmed with proposed legislation—some backed by "protectionists," some backed by "free traders." Some of these bills provide import quotas or make it easier to put displaced workers on our relief and welfare rolls. Neither of these proposals makes much sense in a free enterprise society. Import quotas have built-in problems, and certainly our welfare program is a horrible example that should not be enlarged. What people need is jobs—not relief—and jobs are being exported in wholesale quantities throughout the entire appliance industry. Furthermore, does it make sense to add new laws when the government is so obviously reluctant to enforce the laws we have had on the books for many years?

While the TV antidumping case was based upon a 1921 law, there is also another antidumping law on our books known as the Revenue Act of 1916 which has seen little use. This neglected statute, condemning price discrimination injurious to competition and providing criminal sanctions as well as civil redress, apparetnly was intended to be a part of the antitrust laws. Senator Fannin has recently introduced S. 1476 which expressly declares the 1916 Act to be one of the antitrust laws as it was intended to be. As an antitrust law, the amendment would provide the Government and injured persons with the remedy of injunctive relief, prescribe the statute of limitations to be tolled for injured persons during Government proceedings and further encourage enforcement by making available Government judgments and decrees as *prima facie* evidence in private suits.

One of the most powerful aspects of the bill relates to gathering the necessary evidence which appears to be the biggest bottleneck in enforcing antidumping laws. With the amendment, in a suit under the 1916 Act, failure to comply with requests for evidence would result in the withholding of imports alleged to be dumped until there is compliance with the court's request. The provision would certainly speed up determination of the case thereby reducing the extent of injury to American business. With these amendments to the 1916 Act, U.S. manufacturers would not have to wait for the Government to act since they would have a new, effective weapon with which to fight unfair import competition.

Certainly Senator Fannin's S. 1476 should have the support of every businessman since it is a major step in workable protection of American business from *unfair* foreign competition.

In another area, the Assistant Attorney General in charge of the Antitrust Division has taken a peculiar and ambivalent position. For example, while he is closely watching for violations of the law by U.S. businessmen, he apparently has chosen to take no action against those who have dumped imports into the U.S. in criminal violation of Sec. 72, Title 15 of the U.S. Code which is a criminal section of the Revenue Act of 1916. The Antitrust Division, if anything, appears to be biased away from helping the U.S. businessman injured by imports for the Assistant Attorney General has gone on record in recent testimony before the United States Tariff Commission stating that in determining forces responsible for alleged injury, he is confident that in a number of cases the role of imports will be found to have been greatly exaggerated. And he has taken no apparent note that the Japanese export TV pricing and practices in the United States through their U.S. subsidiaries and agents here are probably just as collusive, anti-competitive, and illegal under our antitrust laws as the Japanese government found their domestic pricing to be under their laws.

### CONCLUSION

One important task before us is to reexamine the proper relationship between government and the business community in this whole area of international business and trade practices. All of us who had any exposure to Japanese competition are immediately struck by the tremendous difference that exists between the Japanese outlook on this subject and our own. In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is immediately struck by the great difficulty in discerning where Japanese business ends and the government begins. There apparently is a way by which the Japanese business community and the government arrive at some consensus of what serves best the national interests of Japan, and then both government and industry do what is necessary to carry out the program. We, on the other hand, fight among ourselves when we are not fighting with the government. I am sure many of us in the business community feel that our government people who deal with high level negotiations on trade matters are thinking almost wholly of political and diplomatic considerations and have no real understanding of or interest in the practical day-by-day problems of business. This is not a one-way street and our government people probably feel that the business community is preoccupied with its problems and not sufficiently interested in the political and diplomatic headaches. Somehow we should find a better mechanism for insuring that trade problems have a higher priority in high level government policy.

It is interesting as background to the Japanese government-industrial combination, which has been called Japan, Inc., that in the beginning of industrial development in Japan in many cases it was the government itself which commenced business enterprises as government functions and they were later turned over to private companies formed for that purpose. It has been suggested that this serves to explain what still remains as a very close working relationship between Japanese business and government. I am very happy to see some signs lately that our own government and business community is concerned about more effective cooperation in the area of our common national interests and I am glad to see that the President has initiated a number of steps to explore how this can be improved, including the appointment of Pete Peterson of Bell and Howell.

This brings me to a related subject. The Japanese are great pragmatists and they have an exceptional ability quickly to adapt their course of action to the realities of the situation. Despite the fact that there has been a great outcry by the Japanese on the textiles, shoes, steel and electronics issues, they have felt considerable pressure from various domestic industry sources and from their government to moderate their assaults on our market through dumping and other similar practices. But when we have widespread publicity campaigns against "protectionism" and organized efforts to stop any enactment of new laws, or against enforcing old laws, our Japanese friends are misled into thinking that American public opinion will permit them to continue dumping and similar unfair practices and that they can continue keeping a closed market to American manufactured goods with various discriminations against our products. It is not until we get sufficiently tough with them that they will realize that they are required to conduct their business practices in accordance with the rules against dumping, government subsidies and similar practices. I would like to suggest that this be carried out in the full without resort to labels as "free traders" or "protectionists" and that we really get down to the basic facts of what our trading policies ought to be.

As an absolute minimum we should insist that the highly developed nations who take advantage of our very liberal trade policy accord us complete reciprocity.

There was a recent joke in Europe to the effect that in January scientists in the United States announced a new fundamental invention; in February the Russians announced that they had invented it ten years before; and in March the Japanese commenced large scale commercial shipments of the device into the United States. Somehow that doesn't seem as funny to me now as it did when I first heard it.

Traditionally, the United States has opened its doors to the trade of the world. We have a challenge in our industries and in our government to be as hard-nosed and practical in dealing with our trade problems as our trading partners have been. If we do that and insist that trade with our trading partners be put on a reciprocal, rational and fair basis, then our industries with their tremendous resources of engineering and technology, of production and of marketing know-how will compete effectively both here and abroad, and despite the very obvious advantages that are inherent in such factors as the much lower wage levels of the Far East.

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## THE 1971 CATALOG OF FEDERAL DOMESTIC ASSISTANCE

Mr. ROTH. Mr. President, the Office of Management and Budget recently issued the 1971 "Catalog of Federal Domestic Assistance Programs." This 914 page publication provides a complete listing of all known Federal domestic aid programs. According to this compilation, there are now 1,049.

This is the first catalog of Federal programs issued by the Office of Management and Budget. Until July 1, 1970, the function has been performed by the Office of Economic Opportunity. The purpose of this catalog is to provide potential program beneficiaries with information including the location, purpose, and requirements of aid programs, ostensibly the same purpose as legislation I have introduced, the Program Information Act, S. 718. The catalog also enhances coordination within the Federal Government at a time when we are working for increased efficiency in our federal system.

I am concerned that we in the Congress have not been doing enough to reduce the size of this catalog. We need to do more things in the way of grant consolidation and funding simplification to decrease the amount of overlapping and duplication of Federal activity. While the President's proposals for reorganization of the executive branch and for special revenue sharing would aid in providing a more manageable Federal assistance system, there will still continue to be many of the same problems that I have talked about here and in the other body with the excessive number of Federal programs calculated to achieve similar ends. I will, however, leave expansion of this thought to another day.

As I have constantly said when I first began the quest for a catalog of this sort, that once the operation got under way, those performing the task would constantly improve it. Like its predecessors, the 1971 catalog has improved upon the previous version. For example, the catalog provides a new category in related programs; a new index category entitled "Program Numbers and Titles by Agency"; improved financial information; and, improved descriptions of the various programs. The catalog is now in a hardcovered, looseleaf form and generally more readable.

I view the inclusion of related program information as an important step forward. This information categorv was part of my 1969 study of operating Federal programs. This is also one of the information categories which Midwest Research Institute in its 1967 study, "Federal Aid Program Information: A Survey of Local Government Needs," denominated as essential for any catalog of Federal programs. The institute noted:

> Under present conditions it is difficult for local officials, particularly in new problem areas, to learn about the alternative aid channels which may be open to them in dealing with a specific local problem. Because so many assistance programs are now underway, local officials can't be sure that they have looked at all the options.

The financial information included, although improved, still falls short of the standards set out in the Program Information Act. Section 6(3) of that bill would require the catalog to include "financial information, including current authorizations and appropriations funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent information."

This year's catalog does not include incurred obligations or unobligated balances because, according to OMB officials, the present accounting system is incapable of supplying that information on a program-by-program basis. S. 718 will require the executive branch to work toward the inclusion of the type of program financial information needed by those seeking Federal assistance.

The status of program funding is, however, an important aspect of this catalog. I believe that it is imperative that this type of information be conveyed to those using the catalog. To illustrate the need for this type of information, the 1967 study by the Midwest Research Institute survey pointed out the second most important program information element is the status of program funding. The first is anticipated application processing time, which the OMB catalog appears to provide.

I can state confidently that this information is critical, partially because of the recent experience of two small Delaware communities. They had applied on their own for assistance under the standard urban renewal program administered by the Department of Housing and Urban Development. However, the communities were told by the Department officials that there were no funds available for the present fiscal year for that program and that there would be no funds provided for the program in fiscal year 1972. Thus, they have been advised to file another application under another program. In effect, all their investment of time and money was wasted. Since this type of information should be generally dispersed, those preparing the catalog should take special note of this need and devise some mechanism to fill it.

The 1971 "Catalog of Federal Domestic Assistance" is an important addition to the information now available on the activities of the Federal Government. It is a useful source of pertinent information on most Federal domestic activities and thus becomes an important source of information for those seeking Federal assistance or information on Federal activities. It is available to everyone from the Government Printing Office at a cost of $7.25.

## RESOLUTIONS OF THE 1971 ANNUAL MEETING OF THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 14, 1971, I addressed the 1971 Annual Conference of Mayors in Philadelphia. This was the 38th annual meeting of the conference. More than 600 officials of the Nation's cities of 30,000 population and over gathered in Philadelphia to discuss the common concerns and aspirations of their cities. This was like a family reunion for me, for as the mayor of Minneapolis 25 years ago, I was an active participant in the conference and, of course, I have kept in close touch with the organization during my career here in the Senate and as Vice President of the United States.

These mayors do not pose as experts on the great national and world issues, but they do know how these issues and problems have impact on their cities and their communities. They see first hand the effects of war, economic recession, unemployment, and all of the great problems facing our Nation.

The Conference of Mayors also passed a number of resolutions on conversion and priorities, national growth, revenue sharing, welfare reform, and other topics.

I believe that these resolutions merit the attention of my colleagues. I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

### Resolutions Adopted at Annual Meeting of U.S. Conference of Mayors, Philadelphia, June 16, 1971

#### 1. NATIONAL COMMISSION ON CONVERSION AND PRIORITIES

Whereas, present national policies are not such as to meet the promise of the Constitution to insure domestic tranquility and promote the general welfare; and

Whereas, the general economic situation has substantially deteriorated over the past eighteen months with a record level of unemployment and degree of inflation; and

Whereas, the nation's mayors have repeatedly called for an examination and reordering of our national priorities so as to meet the urgent needs of our urban communities by using funds from programs which prudently can be deferred—such as programs in space, military, agriculture, highway construction, and research in these areas, and also that funds can be reclaimed from the elimination of waste in spending and by reform of the tax structure; and

Whereas, the United States Conference of Mayors at its 1969 and 1970 Annual Conferences called on the President to give leadership in this matter and pledged its support to the President, his Cabinet and the Congress in achieving the reordering of priorities,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to immediately establish a "National Commission on Conversion and Priorities," and to vest this Commission with responsibility for developing a plan which will reallocate national resources to insure the domestic tranquility of this nation and mount domestic programs on a scale equal to the dimensions of the nation's problems; and

Be it further resolved that the Congress provide that membership on such Commission be made up of governmental officials, governors of states, mayors of cities and federal officers, in addition to representatives of the academic community, labor, minority groups and business sectors of our economy; and

Be it further resolved that the President be requested to issue a report within 180 days on whether he will accept or reject its findings.

#### 2. REVENUE SHARING

Whereas, a substantial number of our cities are facing a fiscal crisis which virtually threatens their very existence as viable governing entities; and

Whereas, the demands upon cities for public services have multiplied in recent years and will continue to grow at a rapid pace; and

Whereas, the ability of cities to raise adequate revenues to meet this demand is gravely handicapped by virtue of their reliance on the property tax; and

Whereas, the property tax is inelastic, regressive and already overburdened and the only major source of revenue available to most cities; and

Whereas, while categorical grants-in-aid provide funding for capital improvement, cities are without adequate sources of revenue for operating expenses; and

Whereas, revenue sharing is a matter of basic and lasting relevance to the future viability of our federal system of government; and

Whereas, further delay by Congress only compounds the crisis in the cities,

Now, therefore, be it resolved that the United States Conference of Mayors calls on Congress to enact, with all deliberate speed, a general revenue sharing bill which provides at least $10 billion, the minimum amount needed to save our cities.

NOTE—Proposed Resolution No. 3 (on general and special revenue sharing) was tabled by the Philadelphia Resolutions Committee.

#### 4. BICENTENNIAL

Whereas, the Congress of the United States in 1966 created a Commission, the American Revolution Bicentennial Commission, to plan, encourage, develop and coordinate all commemorative aspects for the 200th anniversary of the nation in 1976; and

Whereas, the Congress of the United States, and both Presidents Lyndon B. Johnson and Richard M. Nixon have charged the Commission with the responsibility of making the Bicentennial national in scope, by providing opportunities for participation on the part of all Americans, transcending through every level of Government; and

Whereas, the President, in discussing the concept of a Bicentennial Era, beginning in 1970 and continuing through 1976, the focal year, stated, "We want this celebration to be national. It must go directly to the people and derive its strength from the people. And we want people all over this land to sense the greatness of this moment, to participate in it, and help us all to discover what that national spirit is."; and

Whereas, the President and the Commission have endorsed a community goals-setting program as a call for achievement from coast-to-coast and border-to-border within the nation under the concept of "Horizons '76" to urge the people to survey the conditions of their communities, to determine their goals and priorities for achieving and answering the challenge that confronts cities and communities across the land; and

Whereas, Philadelphia, the site of the 38th Conference of Mayors, has been selected by the President as the focal point for an international exposition of an inspirational and cultural nature,

Now, therefore, be it resolved, that this United States Conference of Mayors endorses the goals and concepts of the American Revolution Bicentennial Commission, and especially the community goals-setting program, as a worthwhile and meritorious aspiration for improving the quality of life within the American community throughout the period of the next five years, known as the Bicentennial Era; and

Be it further resolved, that the Mayors here assembled shall join the United States Congress and the President in encouraging the goals of the Bicentennial Commission to commemorate the anniversary of this great nation and honor the challenges of the day and rekindling the spirit of '76 by asking the people of each community to answer the call for achievement and to join in a national spirit of improvement, redevelopment and local planning.

Be it further resolved, that the Mayors of the Cities of the United States lend their support to the planning and execution of an outstanding international exposition in Philadelphia in 1976.

NOTE.—Proposed Resolution No. 5 (on flying the flag twenty-four hours each day) was referred by the Philadelphia Resolutions Committee to the Conference Staff for further study.

#### 6. NATIONAL GROWTH POLICY

Whereas, the Housing and Urban Development Act of 1970 mandated the establishment of a National Urban Growth Policy; and

Whereas, the United States Conference of Mayors has strongly supported the development of a National Growth Policy; and

Whereas, the Domestic Affairs Council has, unfortunately, failed to demonstrate a sense of urgency in complying with Congress' mandate; and

Whereas, in the absence of a National Growth Policy, the Congress and the Administration are now considering several pieces of legislation that would have significant impact on national growth; and

Whereas, such legislation tends to perpetuate the patchwork character already widespread among Federal programs and the irrelevant criteria based upon distinctions of size and proximity to metropolitan areas.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President and the Domestic Council to begin immediately to develop recommendations for a National Growth Policy; and

Be it further resolved that such a National Growth Policy should encourage a balanced population among cities, suburbs, and nonmetropolitan areas, with assurances of full economic, political, social, and environmental opportunity; and

Be it further resolved that such policy have as a specific goal the revitalization of existing neighborhoods and communities regardless of size or location through direct federal assistance to local units of government; and

Be it further resolved that the Conference urges Congress to consider all legislative proposals involving national growth questions in light of the objectives of Title VII of the Housing and Urban Development Act of 1970; and that Congress refrain from enacting piecemeal growth legislation until the Administration has submitted its report.

### 7. MODEL CITIES PROGRAM

Whereas, the Model Cities Program was initiated as a collaborative effort of Federal, State, and local governments to deal with the most pressing human and physical facilities needs facing the nation; and

Whereas, the planning and administrative machinery for this program has been created and is now operational; and

Whereas, the hopes and expectations of affected citizens have been raised through extensive participation in the development of the program; and

Whereas, the gap between promises made in governmental programs and performances of these programs is a continuing and growing problem for all levels of government; and

Whereas, the Executive Branch of the National Government through a series of recent legislative proposals, Executive Branch reorganization, etc., has left in serious question its commitment to this program,

Now therefore be it resolved that the U.S. Conference of Mayors urges that the Model Cities Program be maintained in its present form and not be absorbed into the Administration's proposed Community Development legislation, so that an orderly continuation of this demonstration effort might be carried out to its completion; and

Be it further resolved that the Conference calls on the Congress to approve full funding of the five-year action programs in each of the Model Cities.

### 8. ECONOMIC OPPORTUNITY AND DEVELOPMENT

Whereas, according to the Census Bureau there were 25.5 million poor persons in our nation in 1970, representing a rise of 1.2 million over 1969; and

Whereas, the increase of five per cent in one year follows a period in which the number of the nation's poor decreased by an average of five per cent a year; and

Whereas, the overwhelming increase in poverty families was accounted for by those residing in urban America; and

Whereas, the United States Conference of Mayors has for years called on the Administration and the Congress and all levels of government to launch an all-out attack to eradicate poverty; and

Whereas, the eradication of poverty from among our midst can only be accomplished with an attack on the multiple causes of poverty with a national commitment commensurate with the problem; and

Whereas, through the procedure of direct Federal grants providing local initiative funds to localities has been helpful in tailoring local programs to meet local needs and poverty at the local level; and

Whereas, funds and services are scarce in the cities, and there should be no increase in the local share of antipoverty programs, causing further hardship,

Now, therefore, be it resolved that the United States Conference of Mayors expresses its concern to the Congress and the Administration over the recent sharp increase in the number of the nation's poor by insisting that the elimination of poverty be given top priority to insure that vast human resources will not be lost, that the nation's poor may develop their talent and enjoy the benefits that this nation offers; and

Be it further resolved that the Congress and the Administration extend the antipoverty program, double the funding for local initiative programs and increase the funding for other local antipoverty programs now operating in our cities; and

Be it further resolved that once the Congress authorizes and appropriates antipoverty funds, the Conference urges the President to use his office to make certain that the Office of Management and Budget releases these funds so vital to providing for the disadvantaged within our cities; and

Be it further resolved that in view of the financial crisis and shortage of services in the cities, the Conference urges the Congress to reduce the local funding share now required in local antipoverty programs.

### 9. SUMMER YOUTH PROGRAM

Whereas, each summer brings an increasing need for employment and recreational opportunities for our nation's youth; and

Whereas, the present high rate of unemployment representing over five million Americans, including returning Vietnam veterans and older people seeking employment, coupled with the scarcity of jobs now present in the private sector, indicates stiff competition for those few jobs available, and indeed, an overall bleak picture of employment opportunity to the thousands of disadvantaged youths now residing in cities throughout our nation; and

Whereas, the non-profit sector, both public and private, particularly including local government, can offer meaningful employment and recreational opportunities which will contribute to the individual youth and the community at large; and

Whereas, for the summer of 1971 the number of summer Neighborhood Youth Corps jobs that the cities can effectively utilize is 641,639; and

Whereas, these jobs should be full opportunity summer jobs, a ten-week period at $1.60 per hour or $480 per individual; and

Whereas, despite the cities' demonstrated ability to effectively use 641,639 NYC slots, costing $308.6 million, the Administration is currently planning to provide $164 million for summer 1972; and

Whereas, administrative funds provided with current Neighborhood Youth Corps funds enable local sponsors to hire only one supervisor for every 150 enrollees, a clearly inadequate number of supervisors; and

Whereas, summer youth programs have for the past several years been funded on an emergency basis with inadequate dollars, little planning and at the last minute.

Now, therefore, be it resolved that the United States Conference of Mayors urges the Administration to begin now to develop plans for the summer of 1972 for the purpose of assuring the youth of American cities that their employment opportunities will not be deficient, as is the case for the coming summer; and

Be it further resolved that the Administration place top priority on this area of neglect and place competent staff at the federal level to make certain that the funds available arrive in ample time for orderly planning; and

Be it further resolved that the Conference urges the Administration to carefully survey the employment needs of youth within our cities and request adequate funds to fill this void so critical to the well-being of our youth and our cities; and

Be it further resolved that the federal government provide additional funds so that local governments might hire sufficient supervisory personnel so that the enrollees and the community might receive the maximum benefit from the program; and

Be it further resolved that the Conference urge the Congress to appropriate funds above the Administration request, if necessary, to assure that this critical need be met; and

Be it further resolved that the President instruct the Secretaries of Housing and Urban Development and Interior to make available all possible discretionary funds available for open space and outdoor recreation for purposes of enlarging recreation opportunities for youth for this and future summers; and

Be it further resolved that the Conference urges the President to act now by instructing the Director of the Office of Management and Budget to release immediately all funds appropriated by Congress for the specific purpose of hiring the disadvantaged youth now seeking employment in our nation's cities.

### 10. AEROSPACE TECHNOLOGY AND URBAN PROBLEMS

Whereas, antiquated technology and management systems have failed to provide adequate responses to the critical problems of housing, transportation, crime, health, and environmental control that plague our cities; and

Whereas, it has been demonstrated that the applications of aerospace technology to solve some of these problems have been successful; and

Whereas, shifts in defense and aerospace requirements have created a pool of trained and experienced manpower who possess the technical skills suited to solving the problems facing our cities; and

Whereas, the United States Department of Labor and the United States Department of Housing and Urban Development have requested the United States Conference of Mayors, in cooperation with the National League of Cities, to undertake a pilot program designed to develop jobs and to place many of these skilled personnel in local government positions.

Now, therefore, be it resolved that the United States Conference of Mayors endorses this concept of bringing to bear the technical skills of the defense and aerospace industry on solving city problems and urges all of its member cities to participate in the successful conduct of this program.

### 11. CHANGE IN FEDERAL FISCAL YEAR

Whereas, the fiscal year July 1–June 30 for the Federal Government has a rational history in the developing years of our nation; it has no present seasonal or economic justification; and

Whereas, a significant portion of the funds available through Federal appropriations are intergovernmental in nature—to be spent in connection with state and local funds; and

Whereas, interrelated state-local-federal expenditures require reliable fiscal year determinations; and

Whereas, since World War II the Congress of the United States has found it difficult, if not impossible, to meet the present fiscal year calendar of the Federal Government;

Whereas, inability to meet the present schedule on the part of the Congress results in gross problems of mismanagement and resource allocation by government at all levels,

Now, therefore, be it resolved that the United States Conference of Mayors urges a change in the Federal Fiscal Year to the calendar year January 1–December 31.

### 12. LOCAL ENCOURAGEMENT OF VETERAN TRAINING AND EDUCATION

Whereas, our entire nation has an obligation to returning veterans; and

Whereas, the Congress has enacted a G.I. Bill which provides education and training opportunities; and

Whereas, past experience indicates that many veterans who need the education and training benefits often do not avail themselves of them; and

Whereas, combining employment opportunities with education and training would encourage greater utilization of education and training opportunities; and

Whereas, mayors can encourage local efforts to combine work opportunities with education and training; and

Whereas, the United States Conference of Mayors has joined with others in the Veterans Education and Training Action Committee to encourage utilization of G.I. Bill benefits

Now, therefore, be it resolved that the mayors of each member city consider the establishment of a "Jobs For Veterans Committee" within his community; that this "Jobs for Veterans Committee" cooperate with the Veterans Education and Training Action Committee.

### 13. JOINT CONGRESSIONAL COMMITTEE ON URBAN AFFAIRS

Whereas, the nature of our developing urban communities and the public policy considerations in connection therewith require a continuing comprehensive review; and

Whereas, the federal Congress has an important role to play in such a review and oversight function; and

Whereas, the present committee structure of the House and Senate is oriented to limited functional areas,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to establish a "Joint Committee on Urban Affairs". The Committee's purpose would be to provide a forum for the comprehensive Congressional investigation of the urban condition, to evaluate Administration urban policies and to recommend urban legislative proposals to appropriate House and Senate standing committees. The Committee would not act or pass on legislation itself, rather, its power, function and operation with respect to national urban policies would be similar to that of the Joint Economic Committee's activity with respect to national economic policies.

### 14. POST OFFICE PAY LOCAL TAXES

Whereas, on August 12, 1970, the President of the United States signed Public Law 91–375, the Postal Reorganization and Salary Adjustment Act; and

Whereas, said Act reorganized the Post Office Department and the postal system into a new and independent U.S. Postal Service; and

Whereas, said U.S. Postal Service was created as an independent government corporation which could hire its own top management, set rates, borrow money, and bargain collectively with its employees, and thereby re-establish the ailing postal system on an efficient, financially sound, and business-like basis.

Now, therefore, be it resolved that existing law be amended to provide that the U.S. Postal Service directly pay taxes to state and local governments, which now are forced to exempt postal property from local taxation, so that the Postal Service could thereby be really self-supporting.

### 15. UNDERGROUNDING OF UTILITIES

Whereas, utility lines placed above ground can severely harm the aesthetic qualities of many urban areas; and

Whereas, the technology is available to place utility lines underground without any significant harmful effect upon the quality of utility service,

Now, therefore, be it resolved that the United States Conference of Mayors urges all cities to initiate programs, in cooperation with other utility suppliers, to promote the accelerated placement of overhead utility distribution lines underground; and

Be it further resolved that the Conference urges the federal government and private industry to improve research to develop better methods of undergrounding utility lines, particularly very high voltage lines.

### 16. ENERGY SHORTAGE

Whereas, there is the threat of a worsening shortage of fuels, including natural gas, coal and oil, which directly affects cities in providing services for the welfare of their citizens; and

Whereas, this shortage has been accompanied by price increases of fuel; and

Whereas, there appears to exist significant corporate control over the production and processing of oil, natural gas, coal, oil shale and uranium which could lead to the reduction or elimination of price competition between various fuels, thereby raising the cost to the consumers,

Now, therefore, be it resolved by the U.S. Conference of Mayors that the President and the Congress take all measures necessary to assure the nation of an adequate fuel supply in future years by prosecuting all violations of existing antitrust laws, limiting the export of coal and relaxing as necessary restrictions on the import of oil and all domestic oil reserves, including an Alaskan pipeline, be developed and furthered with all due dispatch; and

Be it further resolved that the United States Conference of Mayors join the National League of Cities to establish an "Energy Task Force" to extensively study the issues as they affect cities.

### 17. IMPOUNDED FUNDS AND NEED FOR FULL FUNDING

Whereas, the Congress has responded to the needs of the nation's cities by making available certain funds for a number of important urban programs, such as urban renewal, water and sewer, public housing and mass transit; and

Whereas, the President's action in impounding nearly $800 million in funds for these four programs for fiscal year 1971 has had disastrous consequences for the viability of the programs nationwide; and

Whereas, the President has indicated his intention to impound over $200 million in available contract authority for the public housing program in fiscal year 1972; and

Whereas, the United States Conference of Mayors has repeatedly called upon the President to release these vital funds; and

Whereas, the President has refused to request, and the Congress has failed to enact, appropriations for the full authorizations available for a wide range of other critical urban programs,

Whereas, the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, by filing appropriate class action in law and in equity, have raised the serious questions of the constitutionality of Presidential impounding of appropriated funds and line item veto; and

Whereas, existing contract obligations to various cities and Federal agencies are based upon reliance on funding as determined solely by action of the United States Congress,

Now, therefore, be it resolved that the United States Conference of Mayors again calls upon the President to respond to the urgent needs of our cities by releasing the impounded urban funds; and

Be it further resolved that the Conference calls upon the President to request and the Congress to approve full funding for the many critically important urban programs; and

Be it further resolved that the Conference endorses in principle the issues raised by class action brought by the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, and recommends to redevelopment agencies and housing authorities throughout the nation that they investigate the feasibility, where appropriate, of joining in the said class action as co-plaintiffs.

### 18. PUBLIC TRANSPORTATION FUNDING

Whereas, many cities must undertake costly programs to upgrade the facilities and operations of their public transportation systems; and

Whereas, rapid increases in operating costs for publicly-owned mass transportation systems and the financial crisis of the cities are causing great difficulties in maintaining necessary levels of public transportation service; and

Whereas, Congress has recognized the need for major improvement in local public transportation systems by adopting the 1970 Urban Mass Transportation Act, granting the federal government authority to obligate up to $3.1 billion for assistance to local public transportation systems; and

Whereas, despite the hopes of cities that a large portion of this $3.1 billion would be immediately available for grants, Congress has imposed a ceiling of $600 million on obligations which can be made in fiscal year 1971, and the Administration has indicated that it plans to obligate only $400 million in fiscal 1971, and $600 million in fiscal 1972,

Now, therefore, be it resolved that the United States Conference of Mayors urges that Congress and the Administration remove ceilings currently imposed on obligations which may be made under the Urban Mass Transportation Act and reject any future attempts to impose such ceilings; and

Be it further resolved that the Conference urges the Administration to move quickly to undertake obligations to meet the needs of those communities whose grant applications are currently pending and, if necessary, to propose an increase in the obligational authority granted under the Urban Mass Transportation Act so that assistance may be provided to all communities who meet the standards of the law; and

Be it further resolved that the Conference urges that the Urban Mass Transportation Act be amended and its funding levels increased, so that the federal government may provide support, where necessary, for the operation of local public transportation systems.

### 19. SOLID WASTE MANAGEMENT

Whereas, the collection and disposal of solid waste is among the most difficult and costly problems facing city governments today; and

Whereas, difficulties in the solid waste management area are largely beyond the control of cities, being created by an expanding population and the increased tendency toward disposable packaging and consumer goods without reuse or recycling; and

Whereas, national policies must be developed discouraging the proliferation of solid wastes through assertion of federal leadership in the solid waste management field; and

Whereas, Congress took a major step toward establishing such leadership with the Resource Recovery Act of 1970, authorizing over $150 million in grants to aid the development and construction of new and improved solid waste management techniques and facilities; and

Whereas, despite the urgent need for greater action in this field, the Administration has seen fit to request an appropriation of less than $19 million for the solid waste program in fiscal 1972.

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to appropriate and the Administration to spend the full amounts authorized for solid waste management improvement programs under the Resource Recovery Act of 1970; and

Be it further resolved that the Conference urges adoption of taxing, spending, and purchasing practices at all levels of government which will discourage the greater proliferation of solid waste and induce greater recycling and reuse of materials to preserve natural resources and cut local costs for solid waste management.

### 20. FUNDING OF WATER POLLUTION CONTROL PROGRAMS

Whereas, restoring waters that are seriously polluted and providing water to meet the needs of a growing population are among the greatest challenges facing the nation today; and

Whereas, a study by the United States Conference of Mayors reveals that public expenditures of approximately $35 billion will be required for a water pollution control program over the next five years; and

Whereas, local governments, which have provided the greater share of public expenditures for water pollution control over the past few years, will be unable to meet such expenditures that are necessary; and

Whereas, the Clean Water Restoration Act of 1966, which expires June 30, 1971, has provided valuable assistance, but has also created problems for local clean water programs because of the tenuous nature of its appropriations-supported financing and the low level of costs borne by the Federal government.

Now, therefore, be it resolved that the United States Conference of Mayors urges the federal government to guarantee a continuing level of funding to effectively control water pollution; and

Be it further resolved that the Conference urges extension of the grant-in-aid program under the Federal Water Pollution Control Act for another five years with financing provided through a long-term contract authority provision allowing immediate obligation of up to $15 billion with annual expenditure limits established to spread actual outlay of funds over the five-year period; and

Be it further resolved that the Conference urges that the federal share of costs for all programs be increased to at least 75 per cent regardless of the extent of state participation in project financing.

### 21. AIRPORT CONSTRUCTION ASSISTANCE

Whereas, the Airport and Airway Development Act of 1970 established a trust fund to support airport improvements, and directed that at least $280 million be obligated annually for local airport improvement grants; and

Whereas, cities urgently need assistance authorized by Congress under this Act to improve their airport facilities; and

Whereas, the Administration has determined that it will limit obligations for local airport grants to $170 million in fiscal 1971 and $205 million in fiscal 1972, and divert unused trust fund revenues to support the day-to-day operations of the Federal Aviation Administration, despite the intent of Congress that such funds be used first for necessary capital facilities.

Now, therefore, be it resolved that the United States Conference of Mayors, urges the Congress to reaffirm its intent that not less than $280 million annually be obligated for the airport program and urges the Administration to obligate funds at the level directed by Congress to assure adequate assistance for airport progams; and

Be it further resolved that the Conference urges Congress to adopt legislation to clarify the intent of the 1970 Airport and Airway Development Act that no airport trust fund revenues should be diverted to support the operation of any federal agency until it is assured that all capital facilities needs have been met, and the directives of Congress relating to fund obligations have been compiled with.

### 22. REVISING ALLOCATIONS FROM FEDERAL HIGHWAY TRUST FUND

Whereas, urban areas urgently need a significant increase in resources to upgrade the quality of highways and related transportation systems to improve traffic circulation within the urban area and cut traffic congestion which currently threatens the viability of many core cities; and

Whereas, increasingly strict air pollution abatement regulations make it imperative that other means of moving traffic in central cities be developed as alternatives to the present substantial reliance on the private automobile; and

Whereas, more than half of all vehicle miles traveled are within urban areas, and more than half of all gas tax revenues are generated within urban areas; and

Whereas, allocations of federal and state gas tax revenues to urban areas are grossly inadequate in comparison with assistance provided for non-urban areas and construction of the Interstate Highway System; and

Whereas, highway assistance that is made available to urban areas is closely controlled by federal and state regulations, which prevent local officials from exercising discretion in using funds to meet particular local needs; and

Whereas, despite the urgent pleas of cities, Congress and the Administration in adopting the 1970 Highway Act, maintained urban assistance at present inadequate levels, and thereby assured that the gross imbalance in assistance will continue at least through 1973,

Now, therefore, be it resolved that the United States Conference of Mayors can no longer accept this continuing inequitable allocation of federal and state gas tax revenues and will not support further extension of the Federal Highway Trust Fund unless very basic reforms are made in fund allocation practices to give city officials more assistance and greater discretion in developing solutions to their particular traffic problems; and

Be it further resolved that the Conference believes that reforms in the highway program must include:

A new allocation formula which assures that urban areas will receive a substantial portion of the gas tax revenues they generate; and

A mandatory pass-through of funds to assure that each urban area within a state will receive a portion of that state's fund allocations to be used as the elected leadership of that urban area determines; and

Authority for state and local officials to use trust fund revenues as they deem necessary to improve transportation services in their jurisdictions. Such uses would include support for all rail rapid transit systems where deemed necessary by the state and local officials involved.

### 23. HOUSING OPPORTUNITIES

Whereas, there are inadequate housing opportunities for low and moderate income families in many metropolitan areas; and

Whereas, zoning and land use restrictions are sometimes used to impede equal housing opportunities throughout metropolitan area; and

Whereas, some cities do not have adequate land and few cities have the additional financial resources necessary to provide adequate housing, education, police and fire protection, public works, health, and other public services; and

Whereas, the U.S. Constitution, the Housing Act of 1949, and fair housing legislation has established that the provision of and access to and adequate supply of low and moderate income housing regardless of income or race in all parts of our country is a vital national goal; and

Whereas, in furtherance of this goal, each level of government, whether it be federal, state, county, or municipal, has an affirmative duty to assure that a full range of housing opportunities becomes a functional reality; and

Whereas, the federal government, pursuant to the Civil Rights Act, has an affirmative obligation to administer its programs and to allocate its resources with this national policy firmly in mind; and

Whereas, President Nixon's policy on equal housing opportunities announced on June 11, 1971 raises great concerns about its potential effectiveness in achieving such opportunities; and

Whereas, low and moderate income groups, including blue and white collar workers, returning war veterans, the elderly, the young and minorities, cannot afford new single family housing, for all of which in 1970 median sales price was $23,500 including subsidized 235 lower income housing;

Now, therefore, be it resolved that the USCM strongly urges President Nixon to support the incremental initiative taken by Secretary George Romney of the Department of Housing and Urban Development (HUD), and direct all other appropriate federal agencies to cooperate with HUD to promote the development of low and moderate income housing throughout all Standard Metropolitan Statistical Areas, including suburban communities; and

Be it further resolved that President Nixon, or where appropriate Secretary Romney, direct federal agencies administering programs such as, but not limited to, highway appropriations, public works projects, and FHA mortgage loan guarantees, as well as community development projects, to advise all communities that the future availability of federal funds for these projects will depend upon the applicant-community's commitment to provide low and moderate income housing, and that to refuse to cooperate in this regard will serve to terminate all such federal assistance; and

Be it further resolved that the federal government should take great care in analyzing the availability of housing opportunities when locating a government facility or when awarding a federal contract to a private company, and that where cooperation is not forthcoming from the community or company in question, the federal government should refuse to so locate the facility or approve the contract; and

Be it further resolved that the USCM requests that a delegation of mayors meet with the President to discuss the ramifications of his policy on the development of low and moderate income housing for the nation.

### 24. UNIFORM RELOCATION

Whereas, the United States Conference of Mayors strongly supported passage of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970; and

Whereas, the purpose of that legislation is "to establish a uniform policy for the fair, and equitable treatment of persons displaced as a result of federal and federally assisted programs," and to assure consistent land acquisition policies in the many federal programs; and

Whereas, federal agencies have failed to comply with this mandate of Congress by promulgating unnecessarily long and confusing regulations which are often inconsistent with each other and which, therefore, seriously frustrate centralized relocation procedures; and

Whereas, cities will be required to bear a part of relocation and acquisition payment and assistance costs after July 1, 1972, which costs are now totally reimbursed by the federal agency and which will have the effect of substantially increasing total project costs,

Now, therefore, be it resolved that the U.S. Conference of Mayors calls upon the Office of Management and Budget and all affected federal agencies to comply immediately with the Congressional intent of the Uniform Relocation Act by establishing one set of regulations and procedures for all agencies, with allowances for appropriate distinctions between agencies. This should include the assurance that displaced citizens will be relocated in housing equally as valuable and up to the physical and health standards of the property from which they are displaced; and

Be it further resolved that the United States Conference of Mayors urges Congress to delete the local matching requirement after July 1, 1972, so that all relocation and acquisition costs will be reimbursed by the federal agency.

### 25. URBAN RENEWAL FUNDING

Whereas, the nationwide demand for urban renewal funds continues to expand; and

Whereas, the estimated backlog of unfunded requests continues to be approximately $3 billion; and

Whereas, for fiscal year 1971, the President requested $1 billion, the Congress approved a bill appropriating $1.35 billion, and the President vetoed that bill; and

Whereas, for fiscal year 1971, the President impounded the $200 million in urban renewal funds above his original request; and

Whereas, for fiscal year 1972, the President has requested only $600 million for the first six months while the total available authorization is nearly $2.6 billion,

Now, therefore, be it resolved that the United States Conference of Mayors call upon the Congress to approve full fiscal year 1972 funding of $2.6 billion for the urban renewal program for a complete twelve months; and

Be it further resolved that the Conference once again urges the Congress to approve a program of advance funding for urban renewal in order that a greater continuity of effort may be established; and

Be it further resolved that the Conference urges the President to release the funds which are appropriated.

### 26. COMMUNITY DEVELOPMENT GRANT CONSOLIDATION

Whereas, there is an increasing need for greater reliance upon the decision-making capabilities of local elected officials regarding local priorities; and

Whereas, there is a clear need for the simplification and streamlining of the various physical development categorical grant programs now administered by the Department of Housing and Urban Development; and

Whereas, recent experience has shown that a successful community development program should include, as a supportive element, certain appropriate "software", or social service activity; and

Whereas, the Department of Housing and Urban Development currently has the responsibility to respond to the community development needs of cities, towns and counties of all sizes throughout the nation; and

Whereas, the cities have long supported and called for a program which could provide increased continuity of effort, including mechanisms for multi-year funding by Congress and long-term commitments to individual communities; and

Whereas, the Administration's "urban community development special revenue sharing" proposal would involve an automatic distribution of federal funds without application or eligibility requirements, would upset the present federal-local ability to respond to the requirements of many smaller communities and would seriously jeopardize current expectations of future program growth in scores of other cities by confusing a community's need for a sustained annual program level with the liquidation of previous federal commitments.

Now, therefore, be it resolved that the United States Conference of Mayors supports comprehensive legislation which would consolidate the physical development categorical grant programs administered by the Department of Housing and Urban Development—urban renewal, water and sewer grants, rehabilitation loans, neighborhood facilities, and open space—into a single consolidated grant program. This program, which would avoid arbitrary population distinctions between communities for the purpose of dispensing federal funds, would be the responsibility of the Department of Housing and Urban Development. Each community seeking development funds from the Department of Housing and Urban Development would be expected to present periodic applications, substantially simplified from those currently in use, which would set out the community's development plan and its capabilities to perform according to that plan. An integral component of any such application would be a statement of the community's program to eliminate or prevent slums and blight, to promote rational growth, and to provide low and moderate income housing; and

Be it further resolved that such legislation would also include a feasible and equitable procedure to provide communities with relatively stable annual program amounts which could expand to meet future needs and which could be established according to actual need and to past history of actual program participation. Such a program should insure that no community would be eligible for less annually by way of new funding commitments than it has been receiving under the total of the separate categorical programs being consolidated; and

Be it further resolved that Model Cities be maintained as a separate program, and that it not be included in any consolidation of physical development programs administered by the Department of Housing and Urban Development; and

Be it further resolved that, until such grant consolidation legislation is fully discussed and enacted, all existing Department of Housing and Urban Development programs must continue to be funded on a full twelve-month basis, and that the new programs insure an orderly transition to the consolidated grant approach.

### 27. SECURITIES INVESTOR PROTECTIVE CORPORATION

Whereas, recent legislation establishing the Securities Investor Protective Corporation, provided for an assessment against the gross earnings of investment banking firms; and

Whereas, this assessment will have a serious adverse affect upon the small to middle-sized investment banking firms which traditionally underwrite state and municipal obligations; and

Whereas, there are certain exemptions from the assessment provided in the law, but municipal obligations are not exempt,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to so amend the law to exclude revenue derived from the sale of state and municipal bonds from the assessment for the Securities Investor Protective Corporation.

### 28. UNIFORM SYSTEM OF LOCAL GOVERNMENT COST ACCOUNTING

Whereas, the various governmental units and agencies have adopted many systems of accounting which makes comparison difficult; and

Whereas, it would be beneficial for one agency to evaluate its operations against that of others,

Now, therefore, be it resolved that the United States Conference of Mayors work toward the establishment of a uniform system of cost accounting as it pertains to cities, counties, and other inter-governmental agencies, so that the cost benefits of one government agency to another can be evaluated and measured against its tax contributions.

NOTE.—Proposed Resolution No. 29 (on uniform regional planning laws) was withdrawn by its sponsor.

### 30. ASSISTANCE FOR LOCAL POLICY PLANNING AND MANAGEMENT

Whereas, federal guidelines increasingly require local chief executives to integrate projects planned under separate categorical grant-in-aid programs and to insure that such projects complement and reinforce one another; and

Whereas, the thrust of the current national Administration places additional responsibilities upon local chief executives to develop local priorities and management strategies; and

Whereas, the ordering and integrating of local priorities should be based upon the most complete information and most thorough planning possible; and

Whereas, the administrative cost allowances for the execution of individual projects by local line agencies do not cover the attendant policy planning and management costs of local chief executives.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Administration and the Congress to develop, enact, and adequately fund a grant program to provide local chief executives with policy planning and management capability, and to provide that such a program be administered at a level where executive direction can be given to various departments and agencies of the federal government engaged in the administration of current and proposed Federal grant-in-aid programs.

### 31. LOW- AND MODERATE-INCOME HOUSING PROGRAMS

Whereas, the Congress set the nation's ten-year housing goals in 1968 at 26 million units, which projected the need for the provision of 600,000 units of low and moderate income housing units each year; and

Whereas, at the end of fiscal year 1972, the nation will be over 450,000 units, or 25 per cent, behind its original low and moderate income housing goal, which will include falling short 51 per cent for rent supplement units, 38 per cent for public housing units, 17 per cent for Section 236 rental units, 15 percent for Section 235 homeownership units and 14 percent for rehabilitation; and

Whereas, the President is impounding nearly $200 million in available public housing contract authority at this moment, and the President has announced his intention of withholding over $200 million in such funds during fiscal year 1972; and

Whereas, the President has refused to request appropriations for full amounts authorized for the rent supplement, rehabilitation loan, Section 235 and Section 236 programs for fiscal year 1972,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to recommit itself to meet the stated national housing goa's by approving the necessary full funding for fiscal year 1972 for the several housing programs, including $225 million for Section 235, $225 million for Section 236, $153 million for rent supplements, and $150 million for rehabilitation loans; and

Be it further resolved that the Conference urges the President to request full funding from the Congress for all federal housing programs; and

Be it further resolved that the Conference urges the President to release all available public housing contract authority funds for both production and operating subsidies during fiscal year 1971 and 1972.

### 32. PUBLIC HOUSING—IMPACT AID/FULL TAX PAYMENT

Whereas, by the end of fiscal year 1972, well over one million units of low-rent, public housing will be under management throughout this country; and

Whereas, these public housing units do not pay local property taxes, and the fractional payments in lieu of taxes fail to cover even a significant part of the cost of minimum local public services; and

Whereas, passage of the important "Brooke Amendment" which limited basic rental payments to no more than 25 percent of income has further served to reduce this already small payment in lieu of taxes; and

Whereas, the cost of providing educational and other vital municipal services, particularly to neighborhoods containing a high concentration of large families, is increasing at an alarming rate; and

Whereas, the Congress, recognizing this burden, has amended the "impact aid" to education program to authorize payment to local school boards for children living in low-rent public housing,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to amend the existing public housing law to require that all annual contributions contracts shall include sufficient funds to enable payments equivalent to full property taxes, to be made to the appropriate local government units; and

Be it further resolved that the Conference calls upon the Congress to fully fund the public housing entitlement of the "impact aid" to education program and urges the Administration to support the full funding of this program.

### 33. HEALTH SERVICES

Whereas, an unacceptably high portion of the United States' population—especially the young, the old, and the poor—lacks access to quality preventive and curative mental and physical medical care and rehabilitative services; and

Whereas, the cost of a universally accessible and efficiently managed health care delivery system must be our goal,

Now, therefore, be it resolved that the United States Conference of Mayors urges the adoption of a comprehensive national health program with the following features:

(1) National health insurance, which would be available to all citizens;

(2) Provision of adequate preventive, nutritional, prenatal, mental, dental, and nursing care, rehabilitation services, and medication, as well as the traditional medical and surgical services;

(3) Linkage of national health insurance with the Family Assistance Plan to assure that families facing catastrophic illness are protected from financial ruin;

(4) Creation and expansion of facilities and programs for training medical, paramedical, nursing, and other health care personnel;

(5) Establishment of standards and incentives for managing the health care delivery system in a way that will reward cost reduction, efficient use of resources, accessibility to users, and quality care in urban, suburban, and rural neighborhoods; and

(6) Creation of a resources development fund to support research and development of innovative health programs, improvements in health manpower, education, training, transportation, public health services, organization of medical practice, and related aspects of the delivery of health care.

NOTE.—Proposed Resolution No. 34 (on improved census) was referred by the Philadelphia Resolutions Committee to Conference Staff for further study.

### 35. ECONOMIC DEVELOPMENT

Whereas, the economic vitality of cities is required for a sound nation and a sound national economy; and

Whereas, past and present federal programs and policies, and the lack of a national growth policy have had the effect of weakening the economic foundations of cities and urban areas and encouraging inefficient distribution of economic activity, with consequent (1) discouragement of business locations and growth in cities, (2) flight of industry to the suburbs, (3) failure of marginal city enterprises, and (4) deterioration of the tax base and less ability of the city to provide vital services and maintain the infra-structure upon which economic growth depends; and

Whereas, such economic decline and urban decay increase the numbers of unemployed, whose jobs either disappear completely or are moved to the suburbs, and such workers are precluded from seeking employment in the suburbs because of discriminatory land use restrictions; and

Whereas, migrants from rural areas find there are no jobs available in the cities and that they too, are excluded from living close to the expanding suburban job market; and

Whereas, alternative growth patterns designed to relieve the population pressures on the cities, such as new towns and rural revitalization, will not come into full effect for many years, and consequently, are not real solutions to the immediate urban problems, but will divert scarce resources from the task of maintaining the economic life of the cities; and

Whereas, Congress and the President have allowed these conditions to exist, and in particular, the Economic Development Administration has been given inadequate statutory authority in the past, and inadequate levels of funds in the present, to make any significant impact toward improving this condition of the cities' failing economic health; and

Whereas, the economic vitality of the nation has been seriously constrained in recent years by reduced availability of credit; and

Whereas, this has resulted in intolerable levels of unemployment concentrated in our urban centers; and

Whereas, increased levels of employment can only be achieved through industrial diversification; and

Whereas, the economic recession has made industrial diversification extremely difficult for areas of the country most severely hit by the present state of the economy; and

Whereas, many of these areas need the help of the federal and state governments to finance the diversification effort; and

Whereas, city capital improvement projects were significantly curtailed during 1969–1970 because of the high interest rates in the municipal bond market; cities with low bond ratings are finding it increasingly impossible to secure financing through the municipal bond market; and several federal programs require that local capital matching funds be raised by the sale of taxable municipal bonds (which are subsidized and guaranteed by the federal government) through independent federal agencies uncoordinated with one another,

Now, therefore, be it resolved that the U.S. Conference of Mayors urges that the process of developing and maintaining the economic vitality of the cities, as the foundation for a sound urban and national economy, must be assigned high national priority; and

Be it further resolved that Congress and the President respond to this national priority by adequately funding and giving sufficient power and jurisdiction to the Economic Development Administration, or if necessary, to an entirely new comprehensive body, with a clear mandate to reverse the economic stagnation and decline the cities now face; and

Be it further resolved that such a body should work directly with locally elected officials in creating and implementing economic development efforts. Assistance should be in the form of planning and technical assistance as well as direct financial aid; and

Be it further resolved that an economic development component shall be an essential element of any national, regional, or local growth plan; and

Be it further resolved that government and industry should be encouraged to remain in, locate to, and grow in the cities. Industrial and government relocation from cities to suburbs where adequate housing will not be available for all employees should be strongly discouraged; and

Be it further resolved that the U.S. Conference of Mayors call upon the President and Congress to enact legislation that would encourage industries to expand or locate in depressed urban areas. This might be done through investment credits, accelerated depreciation benefits, or simple tax benefits; and

Be it further resolved that the federal government establish a program to broaden the market for the sale of municipal bonds in order to lower the interest rate, that the federal government assist cities with low bond ratings in the marketing of their bonds, and that the federal government centralize its financial assistance to cities for bonds sold pursuant to federal programs.

NOTE.—Proposed Resolution No. 36 (on funds to combat alcoholism) was referred by the Philadelphia Resolutions Committee to the Conference Staff for further study.

### 37. DRUG ABUSE

Whereas, the widespread abuse of drugs and the easy availability of dangerous drugs is a serious national problem, causing addiction and harmful effects on citizens throughout the nation; and

Whereas, the use of amphetamines has been particularly subject to widespread abuse; and

Whereas, over 50 per cent of the 8 billion dosage units of legally manufactured amphetamines in the United States are diverted into illegal channels; and

Whereas, only the federal government can control the flow of this enormous quantity of dangerous drugs that is manufactured without medical justification, and only federal action can prevent the psychological addiction and debilitating effects on users that result from the illicit sale of these drugs; and

Whereas, the United States Conference of Mayors has for two straight years urged that the federal government exercise its responsibility to meet this crisis in drug addiction by providing these controls; and

Whereas, there is presently pending before the Congress of the United States legislation which would (1) mandate the Attorney General to set quotas for the production of these substances; (2) make it illegal for any person to distribute these substances without a written order issued by the Attorney General; (6) provide that these substances may be dispensed only by a physician with a written prescription, and require a doctor's permission for a refill; and (4) tighten the import and export restrictions on these substances by requiring that a license be issued by the Attorney General; and

Whereas, the United States has signed an international treaty on psychotropic substances, designed to assist this country and other countries in combating the problems associated with these substances; that treaty will require the advice and consent of the United States Senate,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress of the United States to adopt this legislation, which would enable the federal government to establish and strictly enforce quotas for the production of amphetamines and other dangerous substances; and

Be it further resolved that the Conference urges the United States Senate to provide favorable advice and consent to the treaty on psychotropic substances.

### 38. FEDERAL NARCOTICS TREATMENT AND RESEARCH AGENCY

Whereas, the explosion of the drug culture among all groups of American citizens poses a serious threat to the health and well-being of our Nation; and

Whereas, in the United States today drug addiction knows no neighborhood lines, no state, county or city boundaries, and no racial or ethnic distinctions; and

Whereas, the shattered minds and hopeless futures of thousands upon thousands of our children are grim testimony to government's inadequate response; and

Whereas, in America today, the narcotics plague ravages our people, fills our streets with terror and our homes with desperation; and

Whereas, the federal government has a fragmented effort bereft of coordination and hence, local officials waste time and energy attempting to weave the fragmented federal contributions into a focused local program; and

Whereas, the plague of narcotics addiction will not yield to anything less than a total commitment to treatment and research, focused in a single agency at the national level and funded with real awareness of the devastating human and dollar cost of the narcotic problem.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the federal government, both the Congress and the President, to provide for a single, professional, fully-funded "Federal Narcotics Treatment and Research Agency" with the goal of a billion dollar program in three years, providing basic financing for each city to establish a local comprehensive drug treatment program to rid our nation of this evil.

### 39. CHILD DEVELOPMENT

Whereas, the United States Conference of Mayors has repeatedly supported the Head Start Program and other childhood education programs; and

Whereas, the unfortunate fact is that Head Start reached only one-tenth of the approximately four million pre-school children of low-income families; and

Whereas, over four million pre-school-age children have working mothers and day care facilities available can care for less than 700,000 children in this country,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Administration to propose, and the Congress to enact, legislation now which will provide for a more comprehensive range of quality services for pre-school children, giving local government the opportunity to plan and coordinate such comprehensive programs at the local needs can best be determined.

### 40. THE PHILADELPHIA RESOLVE

#### *Preamble*

At this 1971 meeting of the United States Conference of Mayors, we Mayors of the nation, in the fervent desire to realize the promise of the federal Constitution, do call upon all citizens to join us in demanding a reordering of national priorities and a realignment of our common revenues to stem the rising tide of distress in urban America.

It is appropriate that we do issue this call from historic Philadelphia, for it was here that the future of mankind was lighted almost 200 years ago by the Declaration of Independence, and it was here that the American adventure in federalism was charted through a Constitution that still speaks directly to all of us today—

*We the people of the United States . . .*

Not, "we the states," but "We the people" united in a common concern . . . Millions of poor Americans are fleeing from unemployment, hunger and intolerance to seek a better life in the nation's cities while urban dwellers are fleeing to the suburbs, leaving the cities with diminished resources to meet increased needs.

*. . . In order to form a more perfect union . . .*

The cities are not responsible for this dilemma and should not bear the enormous costs alone, without help from the nation as a community of concern. The shapers of federalism stressed the need for an equitable distribution of the public burden, and guardianship over those least able to fend for themselves.

*. . . Establish justice, insure domestic tranquility, provide for the common defense . . .*

What language could more pertinently address itself to the contemporary struggle for equality of opportunity, for safety in our streets and security in our homes?

*. . . Promote the general welfare . . .*

In our mobile society the care of health, the availability of quality education and the preservation of dignity are national in scope and effect, not parochial community obligations; they are national goals affecting all Americans.

*. . . Secure the blessings of liberty to ourselves and our posterity . . .*

The national government has the right, and indeed, the Constitutional mandate to establish standards of decency, and must use its common resources to equalize the burden on its citizens.

*. . . Do ordain and establish this constitution for the United States of America*

This Constitution shall be the supreme law of the land, not the law of the respective States, but an umbrella shielding and embracing all the people of these United States.

#### *The Philadelphia resolve*

Whereas, today "We the people" are urban America—seventy-five percent of the nation's population live in metropolitan communities and are embroiled in civil turmoil, at the mercy of elemental forces over which they have little control; and The United States dare not ignore the magnitude of the needs or so many of its citizens, for a nation can stand only as long as there is an awareness of common concern; and The goal of the Constitution, according to James Madison, was to enable the national government to be "armed with a positive and complete authority in all cases where uniform measures are necessary.",

Therefore, be it resolved, that we, the United States Conference of Mayors, do address the people of America, and do invite them to join us in calling upon the federal government to assume its constitutional responsibility for the well-being of all the people through a form of revenue sharing that helps the cities, the governmental entity closest to the people; through federal guarantees of full employment, decent and adequate housing, and equality of educational opportunity; through facilitation of mass transportation, and by the establishment of uniform national standards for health care and welfare systems; and

Be it further resolved that copies of The Philadelphia Resolve be transmitted to the President and the Congress of the United States, to the governors and other presiding officers of those states, all of whom share with the mayors, the obligation, the commitment, and the responsibility for We the People.

In convention here assembled at the site of the birth of this nation, and in the very context of the language and the dream of the founding fathers, we mayors do urge all Americans to join in seeking the realization of the federal promise.

### 41. WITHDRAWAL FROM VIETNAM AND RECORDING OF NATIONAL PRIORITIES

Whereas, city governments fully understand and accept the leadership of the national government in international affairs; and

Whereas, the war in Vietnam has brought such serious division to the people of our communities that it has become a proper concern to city governments; and

Whereas, President Nixon has taken encouraging steps to end the American involvement in the Vietnam conflict; and

Whereas, the continuation of the Vietnam conflict badly distorts national priorities and the allocation of national resources; and

Whereas, both Congress and leading elements in the private sector have undertaken serious study of the problems involved in conversion from war expenditures to domestic expenditures; and

Whereas, city officials and civic leaders, along with governmental officials and leaders in the private sector at all levels, must have some clear guidelines if the achievement of their conversion goals and new program directions are to be realistic,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President to do all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner; and

Be it further resolved that the United States Conference of Mayors calls upon the Congress to work with the President in the development of a constructive program of peacetime conversion which will give national priority to the needs we face in the fields of housing, education, health, child development, law enforcement, and other pressing domestic needs.

### 42. POLICE AND FIRE SURVIVORS INSURANCE PROGRAM

Whereas, President Nixon has proposed a program whereby families of slain police officers will receive $50,000; and

Whereas, President Nixon intends to submit the proposal to Congress in the near future; and

Whereas, firemen, like policemen, frequently put their lives in jeopardy in the fulfillment of their duties; and

Whereas, it must be recognized that firemen, too, subject themselves daily to the chance of losing their lives in an effort to protect the lives and property of our citizens; and

Whereas, Atlanta's most recent tragedy, when four members of its Fire Department were killed by an explosion while helping to extinguish a blaze, points out the occupational dangers of fire fighting similar to police work,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President to include in his police survivors insurance proposal to the Congress a similar provision for firemen, and

Be it further resolved that the United States Conference of Mayors urges the Congress to act immediately on a proposal to provide $50,000 survivors insurance to policemen and firemen.

### 43. CONTINUATION OF SPECIAL FOOD SERVICE PROGRAMS

Whereas, the Special Food Service Program (SFSP) of the Department of Agriculture's Food and Nutrition Service has enabled city governments to feed daily hundreds of thousands of young people every summer; and

Whereas, the SFSP provides many of these poor youngsters their sole nutritious meal each day during the summer; and

Whereas, the authorizing legislation for this program—a portion of the Child Nutrition Act of 1966, as amended—expires June 30, 1971; and

Whereas, the Food and Nutrition Service now has on hand requests for funding of special food programs in the amount of $31 million and expects more,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to immediately pass authorizing legislation to extend, subject to modifications, the Child Nutrition Act of 1966; and

Be it further resolved that appropriate action be taken by the Congress to provide funding equal to the proposed authorization of $32 million for the SFSP; and

Be it further resolved that the Congress complete such action as soon as possible, in no event later than June 30, 1971, so as to enable the nation's cities to continue to provide nutritious meals daily to the Nation's poor youth.

### 44. PUBLIC BROADCASTING

Whereas, city governments in the United States have begun to recognize the unique potential of non-commercial television and radio for providing education and public information and encouraging greater citizen involvement in government; and

Whereas, public broadcasting is bringing the work of the local government directly to the citizens in a large and growing number of cities through programming focusing in-depth on local issues and problems; and

Whereas, public broadcasting is encouraging greater citizen participation in the political process through expanding coverage of political candidates, conventions and elections, and programs which give citizens opportunities to hear from and respond to their mayors and other elected officials; and

Whereas, during the two and a half years since its creation, the Corporation for Public Broadcasting has provided direct financial and technical assistance which has strengthened many of the more than 200 television stations and over 100 radio stations and created interconnected national networks in both television and radio; and

Whereas, during this same period the programs provided by public television and radio have won an unprecedented amount of awards and critical acclaim, as well as sharply increased audiences; and

Whereas, the United States Conference of Mayors has provided regular counsel to the Corporation through its participation in CPB's Advisory Committee of National Organizations,

Now, therefore, be it resolved that the United States Conference of Mayors endorses and encourages cooperation betweeen local public broadcasters and elected officials in developing programming which informs and involves citizens regarding the work of local government; and

Be it further resolved that the United States Conference of Mayors urges the Nixon Administration and the Congress to develop and approve a system of long range financing for the Corporation during the current session of Congress to provide insulation from outside influence and the means for developing an effective national system of public broadcasting to serve the citizens of the United States.

### 45. COMMENDATION OF HUD FOR NEW LEASING PROCEDURES

Whereas, the traditional landlord-tenant relationships have been substantially changed in recent years by statutes in many states, as well as by a long series of legal decisions to provide greater balance between the rights of tenants and landlords; and

Whereas, this has been particularly true in public housing, the courts indicating that local housing authorities have duties and obligations which cannot be avoided or circumvented; and

Whereas, the traditional public housing leases have resulted in unnecessary friction and strain between management and tenants and in litigation which is costly to management, tenants, and taxpayers; and

Whereas, the United States Department of Housing and Urban Development issued two Circulars on February 22, 1971 designed to improve the living environments of public housing tenants to protect and balance the legal rights of both management and tenants; and

Now, therefore, be it resolved that the United States Conference of Mayors commend HUD for its issuance of the new Model Lease and Grievance Procedure Circulars: and

Be it further resolved that the United States Conference of Mayors call upon every local housing authority to promptly and fully implement these new Circulars.

### 46. WELFARE REFORM

Whereas, public assistance rolls have increased dramatically over the last decade; and

Whereas, the poverty population for the first time in ten years increased in 1970 by 1.2 million American people over 1969; and

Whereas, the present tax burden of financing welfare is now inequitably distributed throughout the nation and is in part financed by regressive taxes, such as sales and real property, which unfairly burden low and middle income families; and

Whereas, the U.S. Conference of Mayors has repeatedly called for a total reform of the welfare system and the establishment of basic income supplement payments for all people unable to work and whose income falls below the officially recognized level of poverty; and

Whereas, the House Ways and Means Committee has reported out a welfare reform bill with an income maintenance payment of $2400 a year for a family of four; and

Whereas, the underlying principle of eligibility for public assistance should be the need of the recipient rather than his category of disability, employment status, family status, age, sex, or place of residence; and

Whereas, mayors and local governments have demonstrated a commitment to assume greater leadership and responsibility for manpower and social services at the local level but cannot raise the funds needed to meet long-delayed health, welfare, education and social services and to train and employ participants in the Opportunities for Families Program; and

Whereas, Title XX of last year's welfare reform proposal provided the large cities the opportunity to be the prime sponsor of the delivery of social services; and

Whereas, the city itself is in the best position to determine the needs of its citizens, evaluate its economic and social resources, organize and operate manpower programs, and deliver social services effectively; and

Whereas, state and local governments need immediate relief from spiraling welfare costs this year; and

Whereas, the proposed funding formula would provide inadequate, uneven, and disproportionate relief for state and local governments that provide welfare costs this year.

Now, therefore, be it resolved that the United States Conference of Mayors again affirm its support for welfare reform with these features, among others:

1. An adequate basic supplement for the working poor and payments to other American citizens who are unable to work and whose income falls below the officially recognized poverty level;

2. Eligibility based on need, rather than category;

3. A federally funded, comprehensive social services delivery system that governments of localities—regardless of their population—may have an opportunity to coordinate and administer, if they choose to do so;

4. Immediate federalization of the funding of public assistance programs this year;

5. Federal matching of supplementary state benefits to assist jurisdictions that provide benefits at a higher level than will be supported by full federal funding;

6. One hundred percent funding of the public service jobs to be created under the Opportunities for Families Program and provision for integrating activities into planning, coordinating, and operating of ongoing manpower programs at the city level;

7. Provision of vendor payments on recurring items, as well as nonrecurring items, at the option of the recipient, and exploration of this concept through demonstration projects and studies.

### 47. PUBLIC SERVICE EMPLOYMENT

Whereas, over 5 million Americans are without jobs and the overriding domestic concern at the persent time is the rising rate of unemployment; and

Whereas, the unemployment problem no longer faces a few large cities, since the problem of general unemployment has spread to cities, both large and small, throughout the nation; and

Whereas, the National Commission of Automation and Technology has reported that public services in health, welfare, recreation and social services are in need of some 5 million additional workers; and

Whereas, the cities are without funds to meet the long-delayed services and to provide jobs for the unemployed; and

Whereas, the Congress last year passed through both Houses manpower reform legislation which included a massive public service employment program, which was unfortunately vetoed by the President without consultation on the part of the nation's mayors, and over the protests of mayors confronted daily with the unemployment problem and the shortage of services in cities throughout the nation; and

Whereas, this year after recommendations by the nation's mayors the Congress has passed through both Houses the Emergency Employment Act soon to be considered by the conference committee,

Now, therefore, be it resolved that the United States Conference of Mayors urges prompt action by the conference committee and the House and Senate in sending the Emergency Employment Act of 1971 to the President; and

Be it further resolved that the Conference of Mayors urges the President to meet with the nation's mayors for consultation before he acts on this desperately needed legislation; and

Be it further resolved that the President reverse his indicated position and sign this vital measure into law at the earliest possible date.

### 48. ACCELERATED PUBLIC WORKS LEGISLATION

Whereas, unemployment is at its highest levels in nearly a decade; and

Whereas, because of the local financial crises many cities are unable to construct urgently needed public works facilities; and

Whereas, the Congress has passed the Accelerated Public Works Act to provide $2 billion to aid localities in areas of high unemployment construct needed public works facilities; and

Whereas, the Accelerated Public Works Act, in combination with the public service employment legislation, will aid significantly in solving unemployment problems and upgrading the quality of municipal services,

Now, therefore, be it resolved that the United States Conference of Mayors urges the President to sign the Accelerated Public Works Act; and

Be it further resolved that the Conference urges the Administration and the Congress to appropriate and commit to local projects the full $2 billion in assistance authorized in the Accelerated Public Works Act.

### 49. JAMES H. J. TATE

Whereas, James H. J. Tate of Philadelphia has served the United States Conference of Mayors with honor and distinctive leadership as its President; and

Whereas, the leadership and commitment for urban America Mayor Tate has demonstrated in leading the nation's mayors to the forefront in our cause for our cities before the public, the Congress and the Administration deserves the highest possible commendation of all mayors.

Now, therefore, be it resolved that the delegates to this Annual Conference meeting commend Mayor Tate to the highest degree and demand that he continue to serve as a great leader among mayors and thus continue in his campaign toward an urban America, free, safe, and healthy, not just for our cities but for our nation as a whole.

### 50. PHILADELPHIA—THE CITY OF BROTHERLY LOVE

Whereas, Philadelphia, the City of Brotherly Love, the birthplace of our nation has opened their hearts and extended warmth and hospitality in its finest tradition to the delegates of this Annual Meeting of the United States Conference of Mayors; and

Whereas, Mayor James H. J. Tate and members of his staff and departments in the government of the City have worked continuously to make our Conference productive and enjoyable.

Now, therefore, be it resolved that the Conference extend their deepest thanks and appreciation to Mayor Tate and all associated with him for a most significant meeting.

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## CONSERVATIONISTS IN STRONG SUPPORT OF PROPOSED NEW DEPARTMENT OF NATURAL RESOURCES

**Mr. PERCY.** Mr. President, the proposed Department of Natural Resources, one of the four proposed new departments to be created by the President's executive reorganization bills, has received enthusiastic support from the conservation community. The Sport Fishing Institute, which speaks for an influential element of American conservationists, said in its bulletin for June 1971:

> Over a period of years the conservation community has generally been recommending the creation of just such a comprehensive Department of Natural Resources to replace the outmoded Department of the Interior and to include many related functions scattered among various departments and agencies throughout the Federal government.

The Sport Fishing Institute believes that the President's proposal for the creation of a Department of Natural Resources "ought to win the fullest possible active support from all citizens of all ages and predilections who share a concern for the quality of the American environment.

The support of the Sport Fishing Institute for the new department is another sign of the popular support for executive reorganization. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FEDERAL CONSOLIDATION IN NATURAL RESOURCES

On March 25, 1971, contending that form should follow function in government, President Richard Nixon sent to the Congress his long-awaited plan to consolidate seven cabinet departments into four. In the process, the President resolved a sharp policy dispute between environmentalists and national security specialists over the proper location of the civil construction activity of the Army Corps of Engineers. President Nixon's decision, a compromise of sorts, was to transfer the planning, funding and evaluation functions—and, thus, the control—of the Corps activity into one of the new departments but to keep the construction personnel under the Department of Defense.

The President's reorganization plan follows the basic outline of a plan presented to Mr. Nixon by the Advisory Council on Executive Organization. Roy L. Ash, the president of Litton Industries, who headed the advisory panel, has estimated that the changes could save taxpayers $5 billion a year. The Ash Council recommended that the civil functions of the Army Corps of Engineers be placed under the control of the Department of Natural Resources. But it suggested that only the planning and evaluation functions actually be transferred fom the Department of Defense.

The Office of Management and Budget, however, was said to favor transfering the entire 29,000-man civilian component of the Corps to the proposed civilian agency, including the field offices, construction facilities and contract offices. This proposal was said, plausibly enough, to have been opposed strongly by the Pentagon.

Environmentalists have charged that the Corps of Engineers is insensitive to the effect that its public works projects have on ecosystems. The Pentagon argued that its ability to mobilize the Engineers during an emergency would be seriously impaired if the Corps was removed from Defense Department jurisdiction.

President Nixon's compromise was to recommend shifting only the decision-making function—along with about 2,500 employees—to the proposed new department.

The President said, in transmitting four bills proposing the four new departments, that "it is important that we move boldly" to consolidate major activities. "At this moment in our history," he said, "most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises. The great danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith." What is needed, Mr. Nixon said, is a new structure rather than tinkering with the old one, because "good people cannot do good things with bad mechanisms."

Accordingly, the President called for dismantling the seven departments that were not part of the first American Government. They are the Departments of the Interior, Labor, Agriculture, Commerce, Transportation, Housing and Urban Development, and Health, Education and Welfare. Their functions would be rearranged and reassigned, along with some functions of the independent agencies, under these four new, goal-oriented departments: Department of Natural Resources, Department of Economic Affairs, Department of Community Development, and Department of Human Resources.

The Department of Natural Resources, the President said, would "conserve, manage and utilize our resources in a way that would protect the quality of the environment and achieve a true harmony between man and nature." Its projected 110,700 employees and $5.1 billion budget (combined existing staffs and funds) would be divided among five subagencies: Land and Recreation Resources; Water Resources; Energy and Mineral Resources; Oceanic, Atmospheric, and Earth Sciences; and Indian and Territorial Affairs (cf. accompanying organization chart). The various elements making up these component agencies and budget would be derived as follows:

*From the Department of the Interior:* Bureau of Outdoor Recreation; National Park Service; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Reclamation; Office of Saline Water; Office of Water Resources Research; Geological Survey; Bureau of Mines; Power Marketing Agencies; Bureau of Indian Affairs; Office of Territories; Office of Coal Research; Office of Oil and Gas; Office of Minerals and Solid Fuels; Oil Import Administration and Appeals Board; Defense Electric Power; Underground Power Transmission Research; departmental administration.

*From the Department of Agriculture:* Forest Service; Soil Conservation Service; Agricultural Research Service's Soil and Water Conservation Division; Economic Research Service's Natural Resources Economics Division; Farmers Home Administration watershed loans.

*From the Department of the Army:* Corps of Engineers planning and funding.

*From the Atomic Energy Commission:* Uranium Raw Materials; Uranium Enrichment; Civilian Nuclear Power Reaction; Plowshare (funding and certain planning functions only).

*The Water Resources Council.*

*From the Department of Transportation:* Oil and Gas Pipeline Safety Programs.

*From the Department of Commerce:* National Oceanic and Atmospheric Administration.

Over a period of several years the conservation community has generally been recommending the creation of just such a comprehensive Department of Natural Resources to replace the outmoded Department of the Interior and to include many related functions scattered among various departments and agencies throughout the Federal government. Since early June, 1969, when President Richard Nixon proposed the partial dismemberment of the Interior Department to create the independent Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, conservation forces have been vigorously advocating immediate creation of the new Department as the right (rather than the expedient)—if difficult—reorganization to undertake.

Partly because the conservation community felt very strongly that the need and the time exactly coincided, they opposed the President's Reorganization Plan No. 4 (recently approved by Congress) that created the NOAA within Commerce. The remainder of the rationale for opposition to Plan No. 4—while supporting Plan No. 3 to create the EPA—was based on the conviction that the responsibility for resource conservation (essentially regulatory and protective in function) should not be placed together with the responsibility for resource development (essentially promotional in function). This was viewed as a conflict of interest and purpose. Ironically, the official justification for creating EPA—under Plan No. 3—was to separate such conflicting functions.

Most commendably, if belatedly, President Nixon has now proposed—among proposals for three other departments—that a Department of Natural Resources (DNR) be created. As detailed above, virtually all existing functions of the Interior Department would be absorbed in the new DNR. Presumably Indian Affairs logically could and would be transferred to Community Development or to Human Resources at a later date when the affected peoples might see advantage and express the desire.

Major components of the Department of Agriculture, particularly the Forest Service and the Soil Conservation Service, would be placed in the new Department of Natural Resources. Additionally, the Coastal Zone Management function, currently up for grabs as between Interior and Commerce, would evidently be assigned to the land component of the DNR.

It is not clear to us at this juncture whether the intent would be to place the entire Soil Conservation Service or only its planning function within the DNR. On the other hand, with respect to the Civil Works function of the Corps of Engineers, the apparent intent is to remold that function to one of contract engineering, alone. But the SCS and the CE are politically potent and may be expected to resist the change, no doubt overtly.

The recently-created National Oceanic and Atmospheric Administration (NOAA) would be transferred as a unit from Commerce to the DNR, thereby realigning, with those concerning other related resources, the responsibilities for a major segment of the nation's renewable natural resources. Together with transfer of jurisdiction over other major components of the environment, "this corrective move would essentially complete the make-up of the comprehensive new Department of Natural Resources that has been so long advocated by the conservation community." It would properly set the stage for dealing effectively with the accelerating environmental problems that will confront the nation throughout the balance of the twentieth century, at least . . .

It is gratifying to find a marked similarity between earlier proposals by conservationists and the current proposal by President Nixon (closely reflective of recommendations by the Ash Commission on Executive Organization). Indeed, it is most encouraging to see evidence that principle rather than expedience dominates the current thinking.

We believe there is a great deal of merit to the President's new proposal for a comprehensive Department of Natural Resources along the lines being considered. A large part of earlier objections by conservationists to the piece-meal reorganization plans proposed during late 1969 derived substantially from the conviction that such plans did not go nearly far enough.

The President's reorganization proposal—at least that for creation of the Department of Natural Resources—ought to win the fullest possible active support from all citizens of all ages and predilections who share a concern for the quality of the American environment and of the American life style. It's in the Nation's best interest to let the President and the Congress know your views, soon, on this important issue, whatever they may be. . . .

## DEATH OF THE SOVIET COSMONAUTS

Mr. STEVENSON. Mr. President, a universal sense of grief accompanies the death of brave men who have given their lives in the pursuit of human knowledge. This is the feeling which all of us share over the tragic death of the three Soviet cosmonauts. The conquest of space has made us aware as never before of our common destiny on this planet, and I hope that the families of Viktor Patsayev, Georgiy Dobryvolskiy, and Vladimir Volkov will derive solace from knowing that they died in the service of all mankind. Their deaths may foster a new spirit of cooperation in space so that man will achieve there what has eluded him on earth. That frontier of new discovery could lead the way to harmony in a world which is finally beginning to understand the need to live together in peace.

## ADMINISTRATION OF POISON PREVENTION PACKAGING ACT

Mr. MOSS. Mr. President, 6 months ago the House and Senate agreed to the language of the Poison Prevention Packaging Act which requires special packaging for certain types of household substances which would be dangerous in the hands of small children.

Even though the Department of Health, Education, and Welfare estimates that annually there are some 600,000 accidental poisonings due to medicines and cosmetics, 150,000 accidental poisonings due to cleaning products, and 75,000 poisonings due to pesticides, it took the Department 5 months to appoint the Technical Advisory Committee called for in the legislation. Small children cannot be protected by warnings which they do not understand; they must be physically prevented from opening these packages.

Following the Technical Advisory Committee's first and only meeting on May 13, at which they decided to issue standards for liquid drain cleaner packages, the Bureau of Product Safety in the Food and Drug Administration decided that the committee will not meet again for more than 4 months. Can this be so in the face of literally hundreds of thousands of poisonings annually?

I am sure that the distinguished members of the Technical Advisory Committee would be willing to work through the summer in order to bring about this needed protection for American children. So why does not the staff get them together again?

How many more children must have their stomachs pumped from the accidental swallowing of aspirins? How many more children will succumb to the lure of red furniture polish and suffer severe trauma from swallowing this toxic material while the Poison Prevention Packaging Act languishes on the shelves of HEW?

If this kind of performance is indicative of the priority given by HEW to product safety, then I shall seek to remove all authority for poison prevention packaging and toy safety from HEW at hearings beginning July 19 on legislation to create a Consumer Product Safety Agency.

Furthermore, I do not believe that it is too late to also consider removing from HEW all authority for administration of the food, drug, and cosmetic laws and placement of this jurisdiction in the Consumer Product Safety Agency. Considering the dearth of effort being expended in the executive branch on consumer regulatory matters, witness the shoddy job being done by the Department of Commerce on flammable fabrics.

I think the time has come to protect the consumer from bureaucratic mismanagement and nonmanagement and place these important issues before an agency sensitive to the needs of the American people.

## LANDMARK DECISION BY THE SUPREME COURT

Mr. COOPER. Mr. President, earlier today I commented briefly on the cases before the Supreme Court, before I had seen its decision, and expressed the hope that it would clarify the important constitutional question before it and lay down guidelines for the future.

I have now the printed opinion of the Court, per curiam, in the cases of New York Times Co., petitioner, against United States and United States, petitioner, against the Washington Post Co. and others, with concurring and dissenting opinions.

I ask unanimous consent that this record and landmark decision be printed in the Record.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[Supreme Court of the United States, Nos. 1873 and 1885, October Term, 1970]

New York Times Company, Petitioner, v. United States

On writ of certiorari to the United States Court of Appeals for the Second Circuit.

United States Petitioner, 1885 v. the Washington Post Company et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Per Curiam.

We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy."—U.S.—(1971).

"Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity." *Bantam Books, Inc.* v. *Sullivan,* 372 U.S. 58, 70 (1963); see also *Near* v. *Minnesota,* 283 U.S. 697 (1931). The Government "thus carries a heavy burden of showing justification for the enforcement of such a restraint." *Organization for a Better Austin* v. *Keefe,* — U.S.—(1971). The District Court for the Southern District of New York in the *New York Times* case and the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit in the *Washington Post* case held that the Government had not met that burden. We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the Court are vacated. The mandates shall issue forthwith.

*So ordered.*

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[Supreme Court of the United States, Nos. 1873 and 1885, October Term, 1970]

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On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Marshall, concurring.

The Government contends that the only

issue in this case is whether in a suit by the United States, "the First Amendment bars a court from prohibiting a newspaper from publishing material whose disclosure would pose a grave and immediate danger to the security of the United States." Brief of the Government, at 6. With all due respect, I believe the ultimate issue in this case is even more basic than the one posed by the Solicitor General. The issue is whether this Court or the Congress has the power to make law.

In this case there is no problem concerning the President's power to classify information as "secret" or "top secret." Congress has specifically recognized Presidential authority, which has been formally exercised in Executive Order 10501, to classify documents and information. See, *e.g.*, 18 U.S.C. § 798; 50 U.S.C. § 783.[1] Nor is there any issue here regarding the President's power as Chief Executive and Commander-in-Chief to protect national security by disciplining employees who disclose information and by taking precautions to prevent leaks.

The problem here is whether in this particular case the Executive Branch has authority to invoke the equity jurisdiction of the courts to protect what it believes to be the national interest. See *In re Debs*, 158 U.S. 564, 584 (1895). The Government argues that in addition to the inherent power of any government to protect itself, the President's power to conduct foreign affairs and his position as Commander-in-Chief give him authority to impose censorship on the press to protect his ability to deal effectively with foreign nations and to conduct the military affairs of the country. Of course, it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander-in-Chief. *Chicago & Southern Air Lines, Inc.* v. *Waterman Corp.*, 333 U.S. 103 (1948); *Hirabayashi* v. *United States*, 320 U.S. 81, 93 (1943); *United States* v. *Curtiss-Wright Export Co.*, 299 U.S. 304 (1936).[2] And in some situations it may be that under whatever inherent powers the Government may have, as well as the implicit authority derived from the President's mandate to conduct foreign affairs and to act as Commander-in-Chief there is a basis for the invocation of the equity jurisdiction of this Court as an aid to prevent the publication of material damaging to "national security," however that term may be defined.

It would, however, be utterly inconsistent with the concept of separation of power for this Court to use its power of contempt to prevent behavior that Congress has specifically declined to prohibit. There would be a similar damage to the basic concept of these coequal branches of Government if when the Executive has adequate authority granted by Congress to protect "national security" it can choose instead to invoke the contempt power of a court to enjoin the threatened conduct. The Constitution provides that Congress shall make laws, the President execute laws, and courts interpret law. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). It did not provide for government by injunction in which the courts and the Executive can "make law" without regard to the action of Congress. It may be more convenient for the Executive if it need only convince a judge to prohibit conduct rather than to ask the Congress to pass a law and it may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the Executive has probable cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system of government.

In this case we are not faced with a situation where Congress has failed to provide the Executive with broad power to protect the Nation from disclosure of damaging state secrets. Congress has on several occasions given extensive consideration to the problem of protecting the military and strategic secrets of the United States. This consideration has resulted in the enactment of statutes making it a crime to receive, disclose, communicate, withhold, and publish certain documents, photographs, instruments, appliances, and information. The bulk of these statutes are found to chapter 37 of U.S.C., Title 18, entitled Espionage and Censorship.[3] In that chapter, Congress has provided penalties ranging from a $10,000 fine to death for violating the various statutes.

Thus it would seem that in order for this Court to issue an injunction it would reqiure a showing that such an injunction would enhance the already existing power of the Government to act. See *Bennett* v. *Laman*, 277 N. Y. 368, 14 N. E. 2d 439 (1938). It is a traditional axiom of equity that a court of equity will not do a useless thing just as it is a traditional axiom that equity will not enjoin the commission of a crime. See Z. Chaffe & E. Re, Eqity 935–954 (5th ed. 1967); 1 H. Joyce, Injunctions §§ 58–60a (1909). Here there has been no attempt to make such a showing. The Solicitor General does not even mention in his brief whether the Government considers there to be probable cause to believe a crime has been committed or whether there is a conspiracy to commit future crimes.

If the Government had attempted to show that there was no effective remedy under traditional criminal law, it would have had to show that there is no arguably applicable statute. Of course, at this stage this Court could not and cannot determine whether there has been a violation of a particular statute nor decide the constitutionality of any statute. Whether a good-faith prosecution could have been instituted under any statute could, however, be determined.

At least one of the many statutes in this area seems relevant to this case. Congress has provided in 18 U.S.C. § 793(e) that whoever "having unauthorized possession of, access to, or control over any document, writing, code book, signal book . . . or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits . . . the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than ten years, or both." 18 U.S.C. § 793(e). Congress has also made it a crime to conspire to commit any of the offenses listed in 18 U.S.C. § 793(e).

It is true that Judge Gurfein found that Congress had not made it a crime to publish the items and material specified in § 793(e): He found that the words "communicates, delivers, transmits . . ." did not refer to publication of newspaper stories. And that view has some support in the legisaltive history and conforms with the past practice of using the statute only to prosecute those charged with ordinary espionage. But see 103 Cong. Rec. 10449 (remarks of Sen. Humphrey). Judge Gurfein's view of the statute is not, however, the only plausible construction that could be given. See my Brother WHITE'S concurring opinion.

Even if it is determined that the Government could not in good faith bring criminal prosecutions against the New York Times and the Washington Post, it is clear that Congress has specifically rejected passing legislation that would have clearly given the President the power he seeks here and made the current activity of the newspapers unlawful. When Congress specifically declines to make conduct unlawful it is not for this Court to redecide those issues—to overrule Congress. See *Youngstown Sheet & Tube* v. *Sawyer*, 345 U.S. 579 (1952).

On at least two occasions Congress has refused to enact legislation that would have made the conduct engaged in here unlawful and given the President the power that he seeks in this case. In 1917 during the debate over the original Espionage Act, still the basic provisions of § 793, Congress rejected a proposal to give the President in time of war or threat of war authority to directly prohibit by proclamation the publication of information relating to national defense that might be useful to the enemy. The proposal provided that:

"During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same." 55 Cong. Rec. 1763.

Congress rejected this proposal after war against Germany had been declared even though many believed that there was a grave national emergency and that the threat of security leaks and espionage were serious. The Executive has not gone to Congress and requested that the decision to provide such power be reconstructed. Instead, the Executive comes to this Court and asks that it be granted the power Congress refused to give.

In 1957 the United States Commission on Government Security found that "[a]irplane journals, scientific periodicals, and even the daily newspaper have featured articles containing information and other data which should have been deleted in whole or in part for security reasons." In response to this problem the Commission, which was chaired by Senator Cotton, proposed that "Congress enact legislation making it a crime for any person willfully to disclose without proper authorization, for any purpose whatever, information classified 'secret' or 'top secret,' knowing, or having reasonable grounds to believe, such information to have been so classified." Report of Commission on Government Security 619–620 (1957). After substantial floor discussion on the proposal, it was rejected. See 103 Cong. Rec. 10447–10450. If the proposal that Senator Cotton championed on the floor had been enacted, the publication of the documents involved here would certainly have been a crime. Congress refused, however, to make it a crime. The Government is here asking this Court to remake that decision. This Court has no such power.

Either the Government has the power under statutory grant to use traditional criminal law to protect the country or, if there is no basis for arguing that Congress has made the activity a crime, it is plain that Congress has specifically refused to grant the authority the Government seeks from this Court. In either case this Court does not have authority to grant the requested relief. It is not for this Court to fling itself into every breach perceived by some Government official nor is it for this Court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

I believe that the judgment of the United States Court of Appeals for the District of Columbia should be affirmed and the judg-

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Footnotes at end of article.

ment of the United States Court of Appeals for the Second Circuit should be reversed insofar as it remands the case for further hearings.

FOOTNOTES

[1] See n. 3, *infra*.

[2] But see *Kent* v. *Dulles*, 357 U.S. 116 (1958); *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[3] There are several other statutory provisions prohibiting and punishing the dissemination of information, the disclosure of which Congress thought sufficiently imperiled national security to warrant that result. These include 42 U.S.C. §§ 2161 through 2166 relating to the authority of the Atomic Energy Commission to classify and declassify "Restricted Data" ["Restricted Data" is a term of art employed uniquely by the Atomic Energy Act]. Specifically, 42 U.S.C. § 2162 authorizes the Atomic Energy Commission to classify certain information. 42 US.C. § 2274, subsection (a) provides penalties for a person who "communicates, transmits, or discloses . . . with intent to injure the United States or an intent to secure an advantage to any foreign nation. . " "Restricted Data" Subsection (b) of § 2274 provides lesser penalties for one who "communicates, transmits, or discloses" such information "with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation . . ." Other sections of Title 42 of U.S.C. dealing with atomic energy prohibit and punish acquisition, removal, concealment, tampering with, alteration, mutilation, or destruction of documents incorporating "Restricted Data" and provide penalties for employees and former employees of the Atomic Energy Commission, the armed services, contractors and licensees of the Atomic Energy Commission, 42 U.S.C. §§ 2276, 2277. Title 50 U.S.C. Appendix § 781 (part of the National Defense Act of 1941, as amended, 55 Stat. 236) prohibits the making of any sketch or other representation of military installations or any military equipment located on any military installation, as specified; and indeed Congress in the National Defense Act conferred jurisdiction on federal district courts over civil actions "to enjoin any violation" thereof. 50 U.S.C. App. §§ 1152. 50 U.S.C. § 783(b) makes it unlawful for any officers or employees of the United States or any corporation which is owned by the United States to communicate material which has been "classified" by the President to any person whom that governmental employee knows or has reason to believe is an agent or representative of any foreign government or any Communist organization.

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[Supreme Court of the United States, Nos. 1873 AND 1885.—OCTOBER TERM, 1970]

NEW YORK TIMES COMPANY, PETITIONER, v. UNITED STATES

On writ of certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, v. THE WASHINGTON POST COMPANY ET AL.

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice White, with whom Mr. Justice Stewart joins, concurring.

I concur in today's judgments, but only because of the concededly extraordinary protection against prior restraints enjoyed by the press under our constitutional system. I do not say that in no circumstances would the First Amendment permit an injunction against publishing information about government plans or operations.[1] Nor, after examining the materials the Government characterizes as the most sensitive and destructive, can I deny that revelation of these documents will do substantial damage to public interests. Indeed, I am confident that their disclosure will have that result. But I nevertheless agree that the United States has not satisfied the very heavy burden which it must meet to warrant an injunction against publication in these cases, at least in the absence of express and appropriately limited congressional authorization for prior restraints in circumstances such as these.

The Government's position is simply stated: The responsibility of the Executive for the conduct of the foreign affairs and for the security of the Nation is so basic that the President is entitled to an injunction against publication of a newspaper story whenever he can convince a court that the information to be revealed threatens "grave and irreparable" injury to the public interests;[2] and the injunction should issue whether or not the material to be published is classified, whether or not publication would be lawful under relevant criminal statutes enacted by Congress and regardless of the circumstances by which the newspaper came into possession of the information.

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the Executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press. Much of the difficulty inheres in the "grave and irreparable danger" standard suggested by the United States. If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for the material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press. Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions. Moreover, because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials. To sustain the Government in these cases would start the courts down a long and hazardous road that I am not willing to travel at least without congressional guidance and direction.

It is not easy to reject the proposition urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerably dispelled by the infrequency of prior restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable and the efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtfult at best.

What is more, terminating the ban on publication of the relatively few sensitive documents the Government now seeks to suppress does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do. Prior restraints require an unusually heavy justification under the First Amendment; but failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication. That the Government mistakenly chose to proceed by injunction does not mean that it could not successfully proceed in another way.

When the Espionage Act was under consideration in 1917, Congress eliminated from the bill a provision that would have given the President broad powers in time of war to proscribe, under threat of criminal penalty, the publication of various categories of information related to the national defense.[3] Congress at that time was unwilling to clothe the President with such far-reaching powers to monitor the press, and those opposed to this part of the legislation assumed that a necessary concomitant of such power was the power to "filter out the news to the people through some man." 55 Cong. Rec. 2008 (1917) (remarks of Senator Ashurst). However, these same members of Congress appeared to have little doubt that newspapers would be subject to criminal prosecution if they insisted on publishing information of the type Congress had itself determined should not be revealed. Senator Ashurst, for example, was quite sure that the editor of such a newspaper "should be punished if he did publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works, and all that sort of thing." 55 Cong. Rec. 2009 (1917).[4]

The criminal code contains numerous provisions potentially relevant to these cases. Section 797[5] makes it a crime to publish certain photographs or drawings of military installations. Section 798,[6] also in precise language, proscribes knowing and willful publications of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations.[7] If any of the material here at issue is of this nature, the newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish. I would have no difficulty in sustaining convictions under these sections on facts that would not justify the intervention of equity and the imposition of a prior restraint.

The same would be true under those sections of the criminal code casting a wider net to protect the national defense. Section 793(e)[8] makes it a criminal act for any unauthorized possessor of a document "relating to national defense" either (1) willfully to communicate or cause to be communicated that document to any person not entitled to receive it or (2) willfully to retain the document and fail to deliver it to an officer of the United States entitled to receive it. The subsection was added in 1950 because pre-existing law provided no penalty for the unauthorized possessor unless demand for the documents was made.[9] "The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand." S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950). Of course, in the cases before us, the unpublished documents have been demanded by the United States and their import has been made known at least to counsel for the newspapers involved. In *Gorin* v. *United States*, 312 U. S. 19, 28 (1941), the words "national defense" as used in a predecessor of § 793 were held by a unanimous court to have "a well understood connotation"—a "generic concept of broad connotations, referring to the military and naval establishment and the related activities of national preparedness"—and to be "sufficiently definite to apprise the public of prohibited activities" and to be consonant with due process. 312 U. S., at 82. Also, as construed by the Court in *Gorin*, information "connected with the national defense" is obviously not limited to that threatening "grave and irreparable" injury to the United States.[10]

It is thus clear that Congress has addressed itself to the problems of protecting

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Footnotes at end of article.

the security of the country and the national defense from unauthorized disclosure of potentially damaging information. Cf. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U. S. 579, 585–586 (1952); see also *id.*, at 593–628 (Frankfurter, J., concurring). It has not, however, authorized the injunctive remedy against threatened publication. It has apparently been satisfied to rely on criminal sanctions and their deterrent effect on the responsible as well as the irresponsible press. I am not, of course, saying that either of these newspapers has yet committed a crime or that either would commit a crime if they published all the material now in their possession. That matter must await resolution in the context of a criminal proceeding if one is instituted by the United States. In that event, the issue of guilt or innocence would be determined by procedures and standards quite different from those that have purported to govern these injunctive proceedings.

### FOOTNOTES

[1] The Congress has authorized a strain of prior restraints against private parties in certain instances. The National Labor Relations Board routinely issues cease-and-desist orders against employers whom it finds have threatened or coerced employees in the exercise of protected rights. See 29 U.S.C. § 160(c). Similarly, the Federal Trade Commission is empowered to impose cease-and-desist orders against unfair methods of competition. 15 U.S.C. § 45(b). Such orders can, and quite often do, restrict what may be spoken or written under certain circumstances. See, *e.g., NLRB* v. *Gissel Packing Co.,* 395 U.S. 575, 616–620 (1969). Art. I, § 8 of the Constitution authorizes Congress to secure the "exclusive right" of authors to their writings, and no one denies that a newspaper can properly be enjoined from publishing the copywrighted works of another. See *Westermann Co.* v. *Dispatch Co.* 249 U.S. 100 (1919). Newspapers do themselves rely from time to time on the copyright as a means of protecting their accounts of important events. However, those enjoined under the statutes relating to the National Labor Relations Board and the Federal Trade Commission are private parties, not the press; and when the press is enjoined under the copyright laws the complainant is a private copyright holder enforcing a private right. These situations are quite distinct from the Government's request for an injunction against publishing information about the affairs of government, a request admittedly not based on any statute.

[2] The "grave and irreparable danger" standard is that asserted by the Government in this Court. In remanding to Judge Gurfein for further hearings in the *Times* litigation, five members of the Court of Appeals for the Second Circuit directed him to determine whether disclosure of certain items specified with particularity by the Government would "pose such grave and immediate danger to the security of the United States as to warrant their publication being enjoined."

[3] "Whoever, in time of war, in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall publish any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense calculated to be useful to the enemy, shall be punished by a fine . . . or by imprisonment . . . ." 55 Cong. Rec. 2100 (1917).

[4] Senator Ashurst also urged that ". . . 'freedom of the press' means freedom from the restraints of a censor, means the absolute liberty and right to publish whatever you wish; but you take your chances of punishment in the courts of your country for the violation of the laws of libel, slander and treason." 55 Cong. Rec. 2005 (1917).

[5] Section 797, 18 U.S.C., provides:

"On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

[6] In relevant part 18 U.S.C. § 798 provides:

"(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

"(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

"(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

"(3) concerning the communication intelligence activities of the United States or any foreign government; or

"(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

"Shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

[7] The purport of 18 U.S.C. § 798 is clear. Both the House and Senate Reports on the bill, in identical terms, speak of furthering the security of the United States by preventing disclosure of information concerning the cryptographic systems and the communication intelligence systems of the United States, and explaining that "[t]his bill makes it a crime to reveal the methods, techniques, and materiel used in the transmission by this Nation of enciphered or coded messages. . . . Further, it makes it a crime to reveal methods used by this Nation in breaking the secret codes of a foreign nation. It also prohibits under certain penalties the divulging of any information which may have come into this Government's hands as a result of such a code-breaking." H.R. Rep. No. 1895, 81st Cong., 2d Sess., 1 (1950). The narrow reach of the statute was explained as covering "only a small category of classified matter, a category which is both vital and vulnerable to an almost unique degree." *Id.*, at 2. Existing legislation was deemed inadequate.

"At present two other acts protect this information, but only in a limited way. These are the Espionage Act of 1917 (40 Stat. 217) and the act of June 10, 1933 (48 Stat. 122). Under the first, unauthorized revelation of information of this kind can be penalized only if it can be proved that the person making the revelation did so with an intent to injure the United States. Under the second, only diplomatic codes and messages transmitted in diplomatic codes are protected. The present bill is designed to protect against knowing and willful publication or any other revelation of all important information affecting the United States communication intelligence operations and all direct information about all United States codes and ciphers." *Ibid.*

Section 798 obviously was intended to cover publications by non-employees of the Government and to ease the Government's burden in obtaining convictions. See H.R. Rep. No. 1895, *supra*, at 2–5. The identical Senate Report, not cited in parallel in the text of this footnote, is S. Rept. No. 111, 81st Cong., 1st Sess. (1949).

[8] Section 793(e) of 18 U.S.C. provides that:

"(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it;"

is guilty of an offense punishable by 10 years in prison, a $10,000 fine, or both. It should also be noted that 18 U.S.C. § 793(g), added in 1950, see 64 Stat. 1004–1005 (1950); S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950), provides that "[i]f two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy."

[9] The amendment of § 793 that added subsection (c) was part of the Subversive Activities Control Act of 1950, which was in turn Title I of the Internal Security Act of 1950. Sec. 64 Stat. 987 (1950). The report of the Senate Judiciary Committee best explains the purposes of the amendment:

"Section 18 of the bill amends section 793 of title 18 of the United States Code (espionage statute). The several paragraphs of section 793 of title 18 are designated as subsections (a) through (g) for purposes of convenient reference. The significant changes which would be made in section 793 of title 18 are as follows:

"(1) Amends the fourth paragraph of section 793, title 18 (subsec. (d)), to cover the unlawful dissemination of "information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation.' *The phrase 'which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation' would modify only 'information relating to the national defense and not the other items enumerated in the subsection.* The fourth paragraph of section 793 is also amended to provide that only those with lawful possession of the items relating to national defense enumerated therein may retain them subject to demand therefor. Those who have unauthorized possession of such items are treated in a separate subsection.

"(2) Amends section 793, title 18 (subsec. (e)), to provide that unauthorized possessors of items enumerated in paragraph 4 of section 793 must surrender possession thereof to the proper authorities without demand. Existing law provides no penalty for the unauthorized possession of such items unless a demand for them is made by the person entitled to receive them. The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand. The only difference between subsection (d) and subsection (e) of section 793 is that a demand by the person entitled to receive the items would be a necessary element of an offense under subsection (d) where the possession is lawful, whereas such a demand would not be a necessary element of an offense under subsection (e) where the possession is unauthorized." S. Rep. No. 2369, 81st Cong., 2d Sess., 8–9 (1950) (emphasis added).

It seems clear from the foregoing, contrary to the intimations of the District Court for the Southern District of New York in this case, that in prosecuting for communicating or withholding a "document" as contrasted with similar action with respect to "information" the Government need not prove an intent to injure the United States or to benefit a foreign nation but only willful and knowing conduct. The District Court relied on *Gorin* v. *United States,* 312 U.S. 19 (1941). But that case arose under other parts of the predecessor to § 793, see 312 U.S., at 21–22—parts that imposed different intent standards not repeated in § 793(d) or § 793(e). Cf. 18 U.S.C. §§ 793 (a), (b), and (c). Also, from the face of subsection (e) and from the context of the act of which it was a part, it seems undeniable that a newspaper, as well as others unconnected with the Government, are vulnerable to prosecution under § 793(e) if they communicate or withhold the materials covered by that section. The District Court ruled that "communication" did not reach publication by a newspaper of documents relating to the national defense. I intimate no views on the correctness of that conclusion. But neither communication nor publication is necessary to violate the subsection.

[10] Also relevant is 18 U.S.C. § 794. Subsection (b) thereof forbids in time of war the collection or publication, with intent that it shall be communicated to the enemy, any information with respect to the movements of military forces, "or with respect to the plans or conduct . . . of any naval or military operations . . . or any other information relating to the public defense, which might be useful to the enemy. . . ."

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Stewart, with whom Mr. Justice White joins, concurring.

In the governmental structure created by our Constitution, the Executive is endowed with enormous power in the two related areas of national defense and international relations. This power, largely unchecked by the Legislative [1] and Judicial [2] branches, has been pressed to the very hilt since the advent of the nuclear missile age. For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government.

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratc government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Yet it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident.

I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is.[3] If the Constitution gives the Executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the Executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully. It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. But be that as it may, it is clear to me that it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense.

This is not to say that Congress and the courts have no role to play. Undoubtedly Congress has the power to enact specific and appropriate criminal laws to protect government property and preserve government secrets. Congress has passed such laws, and several of them are of very colorable relevance to the apparent circumstances of these cases. And if a criminal prosecution is instituted, it will be the responsibility of the courts to decide the applicability of the criminal law under which the charge is brought. Moreover, if Congress should pass a specific law authorizing civil proceedings in this field, the courts would likewise have the duty to decide the constitutionality of such a law as well as its applicability to the facts proved.

But in the cases before us we are asked neither to construe specific regulations nor to apply specific laws. We are asked, instead, to perform a function that the Constitution gave to the Executive, not the Judiciary. We are asked, quite simply, to prevent the publication by two newspapers of material that the Executive Branch insists should not, in the national interest, be published. I am convinced that the Executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate, and irreparable damage to our Nation or its people. That being so, there can under the First Amendment to put one judicial resolution of the issues before us. I join the judgments of the Court.

FOOTNOTES

[1] The President's power to make treaties and to appoint ambassadors is of course limited by the requirement of Article, II, § 1, of the Constitution that he obtain the advice and consent of the Senate. Article I, § 8, empowers Congress to "raise and support Armies," and "provide and maintain a Navy." And, of course, Congress alone can declare war. This power was last exercised almost 30 years ago at the inception of World War II. Since the end of that war in 1945, the Armed Forces of the United States have suffered approximately half a million casualties in various parts of the world.

[2] See *Chicago & Southern Air Lines* v. *Waterman Steamship Corp.,* 333 U.S. 103; *Hirabayashi* v. *United States,* 320 U.S. 81; *United States* v. *Curtiss-Wright Export Corp.,* 299 U.S. 304; cf. *Mora* v. *McNamara,* cert. denied 389 U.S. 934.

[3] It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results. Indeed, so clearly is this true that the first President refused to accede to a request to lay before the House of Representatives the instructions, correspondence and documents relating to the negotiation of the Jay Treaty—a refusal the wisdom of which was recognized by the House itself and has never since been doubted. . . ." *United States* v. *Curtis-Wright Corp.,* 299 U.S. 304, at 320.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 *v.* UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 *v.* THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Brennan, concurring.

I

I write separately in these cases only to emphasize what should be apparent; that our judgment in the present cases may not be taken to indicate the propriety, in the future, of issuing temporary stays and restraining orders to block the publication of material sought to be suppressed by the Government. So far as I can determine, never before has the United States sought to enjoin a newspaper from publishing information in its possession. The relative novelty of the questions presented, the necessary haste with which decisions were reached, the magnitude of the interests asserted, and the fact that all the parties have concentrated their arguments upon the question whether permanent restraints were proper may have justified at least some of the restraints heretofore imposed in these cases. Certainly it is difficult to fault the several courts below for seeking to assure that the issues here involved were preserved for ultimate review by this Court. But even if it be assumed that some of the interim restraints were proper in the two cases before us, that assumption has no bearing upon the propriety of similar judicial action in the future. To begin with, there has now been ample time for reflection and judgment; whatever values there may be in the preservation of novel questions for appellate review may not support any restraints in the future. More important, the First Amendment stands as an absolute bar to the imposition of judicial restraints in circumstances of the kind presented by these cases.

### II

The error which has pervaded these cases from the outset was the granting of any injunctive relief whatsoever, interim or otherwise. The entire thrust of the Government's claim throughout these cases has been that publication of the material sought to be enjoined "could," or "might," or "may" prejudice the national interest in various ways. But the First Amendment tolerates absolutely no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result.[*] Our cases, it is true, have indicated that there is a single, extremely narrow class of cases in which the First Amendment's ban on prior judicial restraint may be overriden. Our cases have thus far indicated that such cases may arise only when the Nation "is at war," *Schenck* v. *United States*, 249 U.S. 47, 52 (1919), during which times "no one would question but that a Government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931). Even if the present world situation were assumed to be tantamount to a time of war, or if the power of presently available armaments would justify even in peacetime the suppression of information that would set in motion a nuclear holocaust, in neither of these actions has the Government presented or even alleged that publication of items from or based upon the material at issue would cause the happening of an event of that nature. "The chief purpose of [the First Amendment's] guarantee [is] to prevent previous restraints upon publication." *Near* v. *Minnesota, supra*, at 713. Thus, only governmental allegation and proof that publication must inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport already at sea can support even the issuance of an interim restraining order. In no event may mere conclusions be sufficient: for if the Executive Branch seeks judicial aid in preventing publication, it must inevitably submit the basis upon which that aid is sought to scrutiny by the judiciary. And therefore, every restraint issued in this case, whatever its form, has violated the First Amendment—and none the less so because that restraint was justified as necessary to afford the court an opportunity to examine the claim more thoroughly. Unless and until the Government has clearly made out its case, the First Amendment commands that no injunction may issue.

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[Supreme Court of the United States, Nos. 1878 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Douglas, with whom Mr. Justice Black joins, concurring.

While I join the opinion of the Court I believe it necessary to express my views more fully.

It should be noted at the outset that the First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech or of the press." That leaves, in my view, no room for governmental restraint on the press.[1]

There is, moreover, no statute barring the publication by the press of the material which the Times and Post seek to use. 18 U.S.C. § 793(e) provides that "whoever having unauthorized possession of, access to, or control over any document, writing. . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates . . . the same to any person not entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both"

The Government suggests that the word "communicates" is broad enough to encompass publication.

There are eight sections in the chapter on espionage and censorship, §§ 792–799. In three of those eight "publish" is specifically mentioned: § 794(b) provides "Whoever in time of war, with the intent that the same shall be communicated to the enemy, collects records, *publishes*, or communicates . . . [the diposition of armed forces]."

Section 797 prohibits "reproduces, *publishes*, sells, or gives away" photos of defense installations.

Section 798 relating to cryptography prohibits: "communicates, furnishes, transmits, or otherwise makes available . . . *or publishes*."[2]

Thus it is apparent that Congress was capable of and did distinguish between publishing and communication in the various sections of the Espionage Act.

The other evidence that § 793 does not apply to the press is a rejected version of § 793. That version read: "During any national emergency resulting from a war to which the U.S. is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy." During the debates in the Senate the First Amendment was specifically cited and that provision was defeated. 55 Cong Rec. 2166.

Judge Gurfein's holding in the *Times* case that this Act does not apply to this case was therefore preeminently sound. Moreover, the Act of September 23, 1950, in amending 18 U.S.C. § 793 states in § 1 (b) that:

"Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect." 64 Stat. 987.

Thus Congress has been faithful to the command of the First Amendment in this area.

So any power that the Government possesses must come from its "inherent power."

The power to wage war is "the power to wage war successfully." See *Hirabayashi* v. *United States*, 320 U.S. 81, 93. But the war power stems from a declaration of war. The Constiution by Article I, § 8, gives Congress, not the President, power "to declare war." Nowhere are presidential wars authorized. We need not decide therefore what leveling effect the war power of Congress might have.

These disclosures[3] may have a serious impact. But that is no basis for sanctioning a previous restraint on the press. As stated by Chief Justice Hughes in *Near* v. *Minnesota*, 283 U.S. 697, 719–720:

". . . While reckless assaults upon public men, and efforts to bring obloquy upon those who are endeavoring faithfully to discharge official duties, exert a baleful influence and deserve the severest condemnation in public opinion, it cannot be said that this abuse is greater, and it is believed to be less, than that which characterized the period in which our institutions took shape. Meanwhile, the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect, emphasizes, the primary need of a vigilant and courageous press, especially in great cities. The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraint in dealing with official misconduct."

As we stated only the other day in *Organization for a Better Austin* v. *Keefe*, —— U.S. ——, "any prior restraint on expression comes to this Court with a 'heavy presumption' against its constitutional validity."

The Government says that it has inherent powers to go into court and obtain an injunction to protect that national interest, which in this case is alleged to be national security.

*Near* v. *Minnesota*, 283 U.S. 697, repudiated that expansive doctrine in no uncertain terms.

**The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarassing to the powers-that-be. See Emerson, The Svstem of Free Expressions, c. V (1970); Chafee, Free Speech in the United States, c. XIII (1941). The present cases will, I think, go down in history as the most dramatic illustration of that principle. A debate of large proportions goes on in the Nation over our posture in Vietnam. That debate antedated the disclosure of the contents of the present**

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[*] *Freedman* v. *Maryland*, 380 U.S. 51 (1965), and similar cases regarding temporary restraints of allegedly obscene materials are not in point. For those cases rest upon the proposition that "obscenity is not protected by the freedoms of speech and press." *Roth* v. *United States*, 354 U.S. 476 (1957). Here there is no question but that the material sought to be suppressed is within the protection of the First Amendment; the only question is whether, notwithstanding that fact, its publication may be enjoined for a time because of the presence of an overwhelming national interest. Similarly, copyright cases have no pertinence here: the Government is not asserting an interest in the particular form of words chosen in the documents, but is seeking to suppress the ideas expressed therein. And the copyright laws, of course, protect only the form of expression and not the ideas expressed.

Footnotes at end of article.

documents. The latter are highly relevant to the debate in progress.

Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public questions there should be "open and robust debate." *New York Times, Inc.* v. *Sullivan*, 376 U.S. 254, 269–270.

I would affirm the judgment of the Court of Appeals in the *Post* case, vacate the stay of the Court of Appeals in the *Times* case and direct that it affirm the District Court.

The stays in these cases that have been in effect for more than a week constitute a flouting of the principles of the First Amendment as interpreted in *Near* v. *Minnesota*.

FOOTNOTES

[1] See *Beauharnais* v. *Illinois*, 343 U.S. 250, 267 (dissenting opinion of MR. JUSTICE BLACK), 284 (my dissenting opinion); *Roth* v. *United States*, 354 U.S. 476, 508 (my dissenting opinion which MR. JUSTICE BLACK joined); *Yates* v. *United States*, 354 U.S. 298, 339 (separate opinion of MR. JUSTICE BLACK which I joined); *New York Times* v. *Sullivan*, 376 U.S. 293 (concurring opinion of MR. JUSTICE BLACK which I joined); *Garrison* v. *Louisiana*, 379 U.S. 64, 80 (my concurring opinion which MR. JUSTICE BLACK joined).

[2] These papers contain data concerning the communications system of the United States, the publication of which is made a crime. But the criminal sanction is not urged by the United States as the basis of equity power.

[3] There are numerous sets of this material in existence and they apparently are not under any controlled custody. Moreover, the President has sent a set to the Congress. We start then with a case where there already is rather wide distribution of the material that is destined for publicity, not secrecy. I have gone over the material listed in the *in camera* brief of the United States. It is all history, not future events. None of it is more recent than 1968.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Harlan, with whom The Chief Justice and Mr. Justice Blackmun join, dissenting.

These cases forcefully call to mind the wise admonition of Mr. Justice Holmes, dissenting in *Northern Securities Co.* v. *United States*, 193 U.S. 197, 400–401 (1904):

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases.

Both the Court of Appeals for the Second Circuit and the Court of Appeals for the District of Columbia Circuit rendered judgment on June 23. The New York Times' petition for certiorari, its motion for accelerated consideration thereof, and its application for interim relief were filed in this Court on June 24 at about 11 a.m. The application of the United States for interim relief in the *Post* case was also filed here on June 24, at about 7:15 p.m. This Court's order setting a hearing before us on June 26 at 11 a.m., a course which I joined only to avoid the possibility of even more peremptory action by the Court, was issued less than 24 hours before. The record in the *Post* case was filed with the Clerk shortly before 1 p.m. on June 25; the record in the *Times* case did not arrive until 7 or 8 o'clock that same night. The briefs of the parties were received less than two hours before argument on June 26.

This frenzied train of events took place in the name of the presumption against prior restraints created by the First Amendment. Due regard for the extraordinarily important and difficult questions involved in these litigations should have led the Court to shun such a precipitate timetable. In order to decide the merits of these cases properly, some or all of the following questions should have been faced:

1. Whether the Attorney General is authorized to bring these suits in the name of the United States. Compare *In re Debs*, 158 U.S. 564 (1895), with *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1962). This question involves as well the construction and validity of a singularly opaque statute—the Espionage Act, 18 U.S.C. § 793(e).

2. Whether the First Amendment permits the federal courts to enjoin publication of stories which would present a serious threat to national security. See *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931) (dictum).

3. Whether the threat to publish highly secret documents is of itself a sufficient implication of national security to justify an injunction on the theory that regardless of the contents of the documents harm enough results simply from the demonstration of such a breach of secrecy.

4. Whether the unauthorized disclosure of any of these particular documents would seriously impair the national security.

5. What weight should be given to the opinion of high officers in the Executive Branch of the Government with respect to questions 3 and 4.

6. Whether the newspapers are entitled to retain and use the documents notwithstanding the seemingly uncontested facts that the documents, or the originals of which they are duplicates, were purloined from the Government's possession and that the newspapers received them with knowledge that they had been feloniously acquired. Cf. *Liberty Lobby, Inc.* v. *Pearson*, 390 F. 2d 489 (CADC 1968).

7. Whether the threatened harm to the national security or the Government's possessory interest in the documents justifies the issuance of an injunction against publication in light of—

a. The strong First Amendment policy against prior restraints on publication;

b. The doctrine against enjoining conduct in violation of criminal statutes; and

c. The extent to which the materials at issue have apparently already been otherwise disseminated.

These are difficult questions of fact, of law, and of judgment; the potential consequences of erroneous decision are enormous. The time which has been avaliable to us, to the lower courts,* and to the parties has been wholly inadequate for giving these cases the kind of consideration they deserve. It is a reflection on the stability of the judicial process that these great issues—as important as any that have arisen during my time on the Court—should have been decided under the pressures engendered by the torrent of publicity that has attended these litigations from their inception.

Forced as I am to reach the merits of these cases, I dissent from the opinion and judgments of the Court. Within the severe limitations imposed by the time constraints under which I have been required to operate, I can only state my reasons in telescoped form, even though in different circumstances I would have felt constrained to deal with the cases in the fuller sweep indicated above.

It is a sufficient basis for affirming the Court of Appeals for the Second Circuit in the *Times* litigation to observe that its order must rest on the conclusion that because of the time elements the Government had not been given an adequate opportunity to present its case to the District Court. At the least this conclusion was not an abuse of discretion.

In the *Post* litigation the Government had more time to prepare; this was apparently the basis for the refusal of the Court of Appeals for the District of Columbia Circuit on rehearing to conform its judgment to that of the Second Circuit. But I think there is another and more fundamental reason why this judgment cannot stand—a reason which also furnishes an additional ground for not reinstating the judgment of the District Court in the *Times* litigation, set aside by the Court of Appeals. It is plain to me that the scope of the judicial function in passing upon the activities of the Executive Branch of the Government in the field of foreign affairs is very narrowly restricted. This view is, I think, dictated by the concept of separation of powers upon which our constitutional system rests.

In a speech on the floor of the House of Representatives, Chief Justice John Marshall, then a member of that body, stated:

"The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Annals, 6th Cong., col. 613 (1800). From that time, shortly after the founding of the Nation, to this, there has been no substantial challenge to this description of the scope of executive power. See *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–321 (1936), collecting authorities.

From this constitutional primacy in the field of foreign affairs, it seems to me that certain conclusions necessarily follow. Some of these were stated concisely by President Washington, declining the request of the House of Representatives for the papers leading up to the negotiation of the Jay Treaty:

"The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers." 1 J. Richardson, Messages and Papers of the Presidents 194–195 (1899).

The power to evaluate the "pernicious influence" of premature disclosure is not, however, lodged in the Executive alone. I agree that, in performance of its duty to protect the values of the First Amendment against political pressures, the judiciary must review the initial Executive determination to the point of satisfying itself that the subject matter of the dispute does lie within the proper compass of the President's foreign relations power. Constitutional considerations forbid "a complete abandonment of judicial control." Cf. *United States* v. *Reynolds*, 345 U.S. 1, 8 (1953). Moreover, the judiciary may properly insist that the determination that disclosure of the subject matter would irreparably impair the national security be made by the head of the Executive Department concerned—here the Secretary of State or the Secretary of Defense—after actual personal consideration by that officer. This safeguard is required in the analogous area of executive claims of privilege for secrets of state. See *United States* v. *Reynolds, supra*, at 8 and n. 20; *Duncan* v. *Cammell, Laird & Co.*, [1942] A. C. 624, 638 (House of Lords).

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* The hearing in the *Post* case before Judge Gesell began at 8 a.m. on June 21, and his decision was rendered, under the hammer of a deadline imposed by the Court of Appeals, shortly before 5 p.m. on the same day. The hearing in the *Times* case before Judge Gurfein was held on June 18 and his decision was rendered on June 19. The Government's appeals in the two cases were heard by the Courts of Appeals for the District of Columbia and Second Circuits, each court sitting *en banc*, on June 22. Each court rendered its decision on the following afternoon.

But in my judgment the judiciary may not properly go beyond these two inquiries and redetermine for itself the probable impact of disclosure on the national security.

"[T]he very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." *Chicago & Southern Air Lines* v. *Waterman Steamship Corp.*, 333 U.S. 103, 111 (1948) (Jackson, J.).

Even if there is some room for the judiciary to override the executive determination, it is plain that the scope of review must be exceedingly narrow. I can see no indication in the opinions of either the District Court or the Court of Appeals in the *Post* litigation that the conclusions of the Executive were given even the deference owing to an administrative agency, much less that owing to a co-equal branch of the Government operating within the field of its constitutional prerogative.

Accordingly, I would vacate the judgment of the Court of Appeals for the District of Columbia Circuit on this ground and remand the case for further proceedings in the District Court. Before the commencement of such further proceedings, due opportunity should be afforded the Government for procuring from the Secretary of State or the Secretary of Defense or both an expression of their views on the issue of national security. The ensuing review by the District Court should be in accordance with the views expressed in this opinion. And for the reasons stated above I would affirm the judgment of the Court of Appeals for the Second Circuit.

Pending further hearings in each case conducted under the appropriate ground rules, I would continue the restraints on publication. I cannot believe that the doctrine prohibiting prior restraints reaches to the point of preventing courts from maintaining the *status quo* long enough to act responsibly in matters of such national importance as those involved here.

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SUPREME COURT OF THE UNITED STATES,
NOS. 1873 AND 1885.—OCTOBER TERM, 1970

NEW YORK TIMES CO., PETITIONER,
VERSUS UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, VERSUS THE
WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[JUNE 30, 1971]

Mr. JUSTICE BLACK, with whom Mr. JUSTICE DOUGLAS joins, concurring.

I adhere to the view that the Government's case against the Washington Post should have been dismissed and that the injunction against the New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment. Furthermore, after oral arguments, I agree completely that we must affirm the judgment of the Court of Appeals for the District of Columbia and reverse the judgment of the Court of Appeals for the Second Circuit for the reasons stated by my Brothers DOUGLAS and BRENNAN. In my view it is unfortunate that some of my Brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country.

In seeking injunctions against these newspapers and in its presentation to the Court, the Executive Branch seems to have forgotten the essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no Bill of Rights to safeguard certain basic freedoms.[1] They especially feared that the new powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assembly, and speech. In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens that these great liberties would remain safe and beyond the power of government to abridge. Madison proposed what later became the First Amendment in three parts, two of which are set out below, and one of which proclaimed: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; *and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.*"[2] The amendments were offered to *curtail* and *restrict* the general powers granted to the Executive, Legislative, and Judicial Branches two years before in the original Constitution. The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion, and assembly. Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government adopted in the original Constitution should be interpreted to limit and restrict the specific and emphatic guarantees of the Bill of Rights adopted later. I can imagine no greater perversion of history. Madison and the other Framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood: "Congress shall make no law . . . abridging the freedom of the press . . ." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, or prior restraints.

In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washnigton Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Viet Nam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do.

The Government's case here is based on premises entirely different from those that guided the Framers of the First Amendment. The Solicitor General has carefully and emphatically stated:

> "Now, Mr. Justice [BLACK], your construction of . . . [the First Amendment] is well known, and I certainly respect it. You say that no law means no law, and that should be obvious. I can only say, Mr. Justice that to me it is equally obvious that 'no law' does not mean 'no law', and I would seek to persuade the Court that that is true. . . . [T]here are other parts of the Constitution that grant power and responsibilities to the Executive and . . . the First Amendment was not intended to make it impossible for the Executive to function or to protect the security of the United States."[3]

And the Government argues in its brief that in spite of the First Amendment, "[t]he authority of the Executive Department to protect the nation against publication of information whose disclosure would endanger the national security stems from two interrelated sources: the constitutional power of the President over the conduct of foreign affairs and his authority as Commander-in-Chief."[4]

In other words, we are asked to hold that despite the First Amendment's emphatic command, the Executive Branch, the Congress, and the Judiciary can make laws enjoining publication of current news and abridging freedom of the press in the name of "national security." The Government does not even attempt to rely on any act of Congress. Instead it makes the bold and dangerously far-reaching contention that the courts should take it upon themselves to "make" a law abridging freedom of the press in the name of equity, presidential power and national security, even when the representatives of the people in Congress have adhered to the command of the First Amendment and refused to make such a law.[5] See concurring opinion of Mr. JUSTICE DOUGLAS, *post*, at ——. To find that the President has "inherent power" to halt the publication of news by resort to the courts would wipe out the First Amendment and destroy the fundamental liberty and security of the very people the Government hopes to make "secure." No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this Nation for all time.

The word "security" is a broad, vague generality whose contours should not be invoked

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Footnotes at end of article.

to abrogate the fundamental law embodied in the First Amendment. The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic. The Framers of the First Amendment, fully aware of both the need to defend a new nation and the abuses of the English and Colonial governments, sought to give this new society strength and security by providing that freedom of speech, press, religion, and assembly should not be abridged. This thought was eloquently expressed in 1937 by Mr. Chief Justice Hughes—great man and great Chief Justice that he was—when the Court held a man could not be punished for attending a meeting run by Communists.

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." [6]

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FOOTNOTES

[1] In introducing the Bill of Rights in the House of Representatives, Madison said: "[B]ut I believe that the great mass of the people who opposed [the Constitution], disliked it because it did not contain effectual provisions against the encroachments on particular rights. . . ." 1 Annals of Congress 433 (1834). Congressman Goodhue added: "[I]t is the wish of many of our constituents, that something should be added to the Constitution, to secure in a stronger manner their liberties from the inroads of power." *Id*, at 426.

[2] The other parts were:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed.

"The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances, for redress of their grievances." 1 Annals of Congress 434 (1834). (Emphasis added.)

[3] Transcript of Oral Argument, at 76.

[4] Brief for United States, at 12.

[5] Compare the views of the Solicitor General with those of James Madison, the author of the First Amendment. When speaking of the Bill of Rights in the House of Representatives, Madison said: "If they (the first ten amendments) are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights." 1 Annals of Congress 439 (1834).

[6] *DeJonge* v. *Oregon*, 299 U.S. 353, 365 (1937).

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES CO., PETITIONER, VERSUS UNITED STATES

UNITED STATES, PETITIONER, VERSUS THE WASHINGTON POST CO., ET AL.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

MR. JUSTICE BLACKMUN.

I join MR. JUSTICE HARLAN in his dissent. I also am in substantial accord with much that MR. JUSTICE WHITE says, by way of admonition, in the latter part of his opinion.

At this point the focus is on *only* the comparatively few documents specified by the Government as critical. So far as the other material—vast in amount—is concerned, let it be published and published forthwith if the newspapers, once the strain is gone and the sensationalism is eased, still feel the urge so to do.

But we are concerned here with the few documents specified from the 47 volumes. Almost 70 years ago Mr. Justice Holmes, dissenting in a celebrated case, observed:

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure . . . " *Northern Securities Co.* v. *United States*, 193 U.S. 197, 400–401 (1904).

The present cases, if not great, are at least unusual in their posture and implications, and the Holmes observation certainly has pertinent application.

The New York Times clandestinely devoted a period of three months examining the 47 volumes that came into its unauthorized possession. Once it had begun publication of material from those volumes, the New York case now before us emerged. It immediately assumed, and ever since has maintained, a frenetic pace and character. Seemingly, once publication started, the material could not be made public fast enough. Seemingly, from then on, every deferral or delay, by restraint or otherwise, was abhorrent and was to be deemed violative of the First Amendment and of the public's "right immediately to know." Yet that newspaper stood before us at oral argument and professional criticism of the Government for not lodging its protest earlier than by a Monday telegram following the initial Sunday publication.

The District of Columbia case is much the same.

Two federal district courts, two United States courts of appeals, and this Court—within a period of less than three weeks from inception until today—have been pressed into hurried decision of profound constitutional issues on inadequately developed and largely assumed facts without the careful deliberation that, hopefully, should characterize the American judicial process. There has been much writing about the law and little knowledge and less digestion of the facts. In the New York case the judges, both trial and appellate, had not yet examined the basic material when the case was brought here. In the District of Columbia case, little more was done, and what was accomplished in this respect was only on required remand, with the Washington Post, on the excuse that it was trying to protect its source of information, initially refusing to reveal what material it actually possessed, and with the district court forced to make assumptions as to that possession.

With such respect as may be due to the contrary view, this, in my opinion, is not the way to try a law suit of this magnitude and asserted importance. It is not the way for federal courts to adjudicate, and to be required to adjudicate, issues that allegedly concern the Nation's vital welfare. The country would be none the worse off were the cases tried quickly, to be sure, but in the customary and properly deliberative manner. The most recent of the material, it is said, dates no later than 1968, already about three years ago, and the Times itself took three months to formulate its plan of procedure and, thus, deprived its public for that period.

The First Amendment, after all, is only one part of an entire Constitution. Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety. Each provision of the Constitution is important, and I cannot subscribe to a doctrine of unlimited absolutism for the First Amendment at the cost of downgrading other provisions. First Amendment absolutism has never commanded a majority of this Court. See, for example, *Near* v. *Minnesota*, 283, U.S. 697, 708, (1931), and *Schenck* v. *United States*, 249 U.S. 47, 52 (1919). What is needed here is a weighing, upon properly developed standards, of the broad right of the press to print and of the very narrow right of the Government to prevent. Such standards are not yet developed. The parties here are in disagreement as to what those standards should be. But even the newspapers concede that there are situations where restraint is in order and is constitutional. Mr. Justice Holmes gave us a suggestion when he said in *Schenck:*

"It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right." 249 U.S., at 52.

I therefore would remand these cases to be developed expeditiously, of course, but on a schedule permitting the orderly presentation of evidence from both sides, with the use of discovery, if necessary, as authorized by the rules, and with the preparation of briefs, oral argument and court opinions of a quality better than has been seen to this point. In making this last statement, I criticize no lawyer or judge. I know from past personal experience the agony of time pressure in the preparation of litigation. But these cases and the issues involved and the courts, including this one, deserve better than has been produced thus far.

It may well be that if these cases were allowed to develop as they should be developed, and to be tried as lawyers should try them and as courts should hear them, free of pressure and panic and sensationalism, other light would be shed on the situation and contrary considerations, for me, might prevail. But that is not the present posture of the litigation.

The Court, however, decides the cases today the other way. I therefore add one final comment.

I strongly urge, and sincerely hope, that these two newspapers will be fully aware of their ultimate responsibilities to the United States of America. Judge Wilkey, dissenting in the District of Columbia case, after a review of only the affidavits before his court (the basic papers had not then been made available by either party), concluded that there were a number of examples of documents that, if in the possession of the Post, and if published, "could clearly result in great harm to the nation," and he defined "harm" to mean "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate. . . ." I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements have possible foundation. I therefore share his concern. I hope that damage already has not been done. If, however, damage has been done, and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate," to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the Nation's people will know where the responsibility for these sad consequences rests.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

New York Times Co., Petitioner, versus United States

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

United States, Petitioner, versus the Washington Post Co., et al.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Chief Justice Burger, dissenting.

So clear are the constitutional limitations on prior restraint against expression, that from the time of *Near* v. *Minnesota*, 283 U.S. 697 (1931), until recently in *Organization for a Better Austin* v. *Keefe*,—U.S.— (1971), we have had little occasion to be concerned with cases involving prior restraints against news reporting on matters of public interest. There is, therefore, little variation among the members of the Court in terms of resistance to prior restraints against publication. Adherence to this basic constitutional principle, however, does not make this case a simple one. In this case, the imperative of a free and unfettered press comes into collision with another imperative, the effective functioning of a complex modern government and specifically the effective exercise of certain constitutional powers of the Executive. Only those who view the First Amendment as an absolute in all circumstances—a view I respect, but reject—can find such a case as this to be simple or easy.

This case is not simple for another and more immediate reason. We do not know the facts of the case. No District Judge knew all the facts. No Court of Appeals judge knew all the facts. No member of this Court knows all the facts.

Why are we in this posture, in which only those judges to whom the First Amendment is absolute and permits of no restraint in any circumstances or for any reason, are really in a position to act?

I suggest we are in this posture because these cases have been conducted in unseemly haste. Mr. Justice Harlan covers the chronology of events demonstrating the hectic pressures under which these cases have been processed and I need not restate them. The prompt setting of these cases reflects our universal abhorrence of prior restraint. But prompt judicial action does not mean unjudicial haste.

Here, moreover, the frenetic haste is due in large part to the manner in which the *Times* proceeded from the date it obtained the purloined documents. It seems reasonably clear now that the haste precluded reasonable and deliberate judicial treatment of these cases and was not warranted. The precipitous action of this Court aborting a trial not yet completed is not the kind of judicial conduct which ought to attend the disposition of a great issue.

The newspapers make a derivative claim under the First Amendment; they denominate this right as the public right-to-know; by implication, the *Times* asserts a sole trusteeship of that right by virtue of its journalist "scoop." The right is asserted as an absolute. Of course, the First Amendment right itself is not an absolute, as Justice Holmes so long ago pointed out in his aphorism concerning the right to shout of fire in a crowded theater. There are other exceptions, some of which Chief Justice Hughes mentioned by way of example in *Near* v. *Minnesota*. There are no doubt other exceptions no one has had occasion to describe or discuss. Conceivably such exceptions may be lurking in these cases and would have been flushed had they been properly considered in the trial courts, free from unwarranted deadlines and frenetic pressures. A great issue of this kind should be tried in a judicial atmosphere conductive to thoughtful, reflective deliberation, especially when haste, in terms of hours, is unwarranted in light of the long period the *Times*, by its own choice, deferred publication.

It is not disputed that the *Times* has had unauthorized possession of the documents for three to four months, during which it has had its expert analysts studying them, presumably digesting them and preparing the material for publication. During all of this time, the *Times*, presumably in its capacity as trustee of the public's "right to know," has held up publication for purposes it considered proper and thus public knowledge was delayed. No doubt this was for a good reason; the analysis of 7,000 pages of complex material drawn from a vastly greater volume of material would inevitably take time and the writing of good news stories takes time. But why should the United States Government, from whom this information was illegally acquired by someone, along with all the counsel, trial judges, and appellate judges be placed under needless pressure? After these months of deferral, the alleged right-to-know has somehow and suddenly become a right that must be vindicated instanter.

Would it have been unreasonable, since the newspaper could anticipate the government's objections to release of secret material, to give the government an opportunity to review the entire collection and determine whether agreement could be reached on publication? Stolen or not, if security was not in fact jeopardized, much of the material could no doubt have been declassified, since it spans a period ending in 1968. With such an approach—one that great newspapers have in the past practiced and stated editorially to be the duty of an honorable press—the newspapers and government might well have narrowed the area of disagreement as to what was and was not publishable, leaving the remainder to be resolved in orderly litigation if necessary. To me it is hardly believable that a newspaper long regarded as a great institution in American life would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents. That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, Justices and the New York Times. The course followed by the *Times*, whether so calculated or not, removed any possibility of orderly litigation of the issues. If the action of the judges up to now has been correct, that result is sheer happenstance.[1]

Our grant of the writ before final judgment in the *Times* case aborted the trial in the District Court before it had made a complete record pursuant to the mandate of the Court of Appeals, Second Circuit.

The consequence of all this melancholy series of events is that we literally do not know what we are acting on. As I see it we have been forced to deal with litigation concerning rights of great magnitude without an adequate record, and surely without time for adequate treatment either in the prior proceedings or in this Court. It is interesting to note that counsel in oral argument before this Court were frequently unable to respond to questions on factual points. Not surprisingly they pointed out that they had been working literally "around the clock" and simply were unable to review the documents that give rise to these cases and were not familiar with them. This Court is in no better posture. I agree with Mr. Justice Harlan and Mr. Justice Blackmun but I am not prepared to reach the merits.[2]

I would affirm the Court of Appeals for the Second Circuit and allow the District Court to complete the trial aborted by our grant of certiorari meanwhile preserving the *status quo* in the *Post* case. I would direct that the District Court on remand give priority to the *Times* case to the exclusion of all other business of that court but I would not set arbitrary deadlines.

I should add that I am in general agreement with much of what Mr. Justice White has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense.

We all crave speedier judicial processes but when judges are pressured as in these cases the result is a parody of the judicial process.

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## PRESIDENT NIXON'S VETO OF THE PUBLIC WORKS ACCELERATION ACT

Mr. MOSS. Mr. President, the decision by President Nixon to veto the Public Works Acceleration Act of 1971 comes as a grave setback to those who have supported this legislation. It comes as a much greater setback to those communities of our Nation especially hard hit by high unemployment, who would have benefited most from the increased Federal assistance. To the hundreds of thousands of unemployed in these areas, to the many small businesses that would have gained from the increased purchasing power of their customers it comes as a bitter expression of Government disregard. It is to these people that the Nixon administration's economic "game plan" has become more and more to look like a "raw deal."

Last year the President vetoed the Manpower Training Act of 1970; now he has refused to sign accelerated public works. To date the Nixon administration has rejected every effort to deal with the Nation's unemployment problem directly. With 6.2 percent of the labor force, 5 million workers looking for jobs but unable to find them, it has vetoed a proposal which would have given work to hundreds of thousands through direct public works employment and through the expansionary effect of this legislation on the rest of the economy.

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[1] Interestingly the *Times* explained its refusal to allow the government to examine its own purloined documents by saying in substance this might compromise *their* sources and informants! The *Times* thus asserts a right to guard the secrecy of its sources while denying that the Government of the United States has that power.

[2] With respect to the question of inherent power of the Executive to classify papers, records and documents as secret, or otherwise unavailable for public exposure, and to secure aid of the courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required.

The value of accelerated public works to my home State of Utah would have been substantial. Under similar legislation in the Kennedy administration the State completed needed projects in water and sewage treatment, conservation, and wildlife preservation, fisheries development, and land treatment. I have made recent estimates which show that over $25 million in such projects upon which planning is complete require only further Federal funding to begin work. Due to President Nixon's action, these projects will have to wait. Those who would have received useful employment in this work of lasting value to their communities will also have to wait.

## PROVIDING FIRST QUALITY MEDICAL CARE FOR DISABLED VETERANS: HIGHER FISCAL YEAR 1972 APPROPRIATIONS FOR THE VETERANS' ADMINISTRATION

Mr. CRANSTON. Mr. President, yesterday, June 29, I testified before the Subcommittee on Housing, Urban Development, Space, Science, and Veterans' Appropriations of the Appropriations Committee, recommending the addition of approximately $391 million to the fiscal year 1972 original budget request for the Veterans' Administration. About $358 million of this would be for the VA hospital and medical program. I was most cordially received by the distinguished subcommittee chairman, the Senator from Rhode Island (Mr. PASTORE) and the distinguished ranking minority member, the Senator from Colorado (Mr. ALLOTT) and was delighted to accept their generous invitation to work with them personally on my individual recommendations in detail.

Mr. President, of the $391 million additional I am recommending, almost $20 million—$19.76 million has been requested by the administration in recent budget amendments—making my recommendation about $371 million above the President's amended VA budget, including about $344 million for the VA hospital and medical program.

Of the $391 million I am recommending, the Appropriations Committee in the other body has recommended adding—or will do so on the floor today, I believe—a total of almost $140 million, making my recommendation about $250 million higher than the bill likely to be passed by the House today—about $224 million of which is for the VA hospital and medical program.

Included in my recommendations, Mr. President, was a total of $21,120,000 for veteran drug addiction and drug abuse treatment and rehabilitation over and above the $14.1 million proposed for the VA by the President in his June 17, 1971 omnibus drug control message. These additional funds would be double the proposed VA capacity—6,000 patients annually—to 12,000 patients in treatment and rehabilitation for drug addiction annually.

I beseeched the subcommittee to do all in its power to direct the VA to begin immediately to gear up for the comparatively large increase proposed by the President—from five to 32 drug treatment centers—let alone the doubling I propose—in order to give some instant substance to all the rhetoric and concern expressed about the drug addiction epidemic, which, according to reports of testimony yesterday by Dr. Jerome H. Jaffee, the President's newly appointed "drug czar," has already claimed, 25,000 recent veterans now back in the United States. Expansion of the VA's shockingly meager current program of specialized drug treatment—now about 220 patients at five drug centers with about 115 on the waiting lists there—must not be permitted to await final enactment of the HUD, space, sciences, veterans fiscal year 1972 appropriations bill.

Mr. President, because I know of the great concern which so many Senators have expressed to me about the hospital and medical program for our disabled veterans, I ask unanimous consent that the complete text of my June 29 testimony yesterday and the four appendixes submitted with my statement, Appendix I and IV of which capsulize the thrust and effect of my dollar recommendations, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR ALAN CRANSTON, DEMOCRAT, OF CALIFORNIA, CHAIRMAN, HEALTH AND HOSPITALS SUBCOMMITTEE, COMMITTEE ON VETERANS AFFAIRS, BEFORE THE SUBCOMMITTEE ON HOUSING, URBAN DEVELOPMENT, SPACE SCIENCE, AND VETERANS APPROPRIATIONS, COMMITTEE ON APPROPRIATIONS—THE FISCAL YEAR 1972 BUDGET FOR THE VETERANS' ADMINISTRATION, JUNE 29, 1971

Mr. Chairman and distinguished members of the subcommittee, I thank you for giving me the opportunity to testify before you again, this year on the FY 1972 budget for the Veterans' Administration. Attached to my statement are four Appendices presenting supplementary materials for your consideration: Appendix I is a narrative of my recommendations; Appendix II contains backup justification for certain items in Appendix I; Appendix III contains representative excerpts from our VA Hospital Crisis Hearings of April 27, 28, and 29, 1971; and Appendix IV contains comparative appropriation bill figures for the VA's request to the Office of Management and Budget, the President's budget request, and my recommended additions.

I also am making available to you and your staff a set of reports (not yet published) covering our April 27–29 and June 15 and 23, 1971 (veterans drug addiction) hearings, as well as two documents (prepared by the House Veterans Affairs Committee) regarding my General Operating Expenses recommendations. I would appreciate return of these (to 4230 NSOB) at your earliest convenience.

I had hoped last year that all would be well in VA medicine by now. I am extremely grateful to Chairman Pastore and ranking minority member Allott for all their great cooperation last year and again this year with respect to the VA FY 1971 appropriation. I know all veterans of America join me in thanking them, as well as the full Committee Chairman, Senator Ellender, and the ranking minority member, Senator Young, for their great concern and compassion for our disabled veterans.

Most of my recommendations deal with the VA hospital and medical program and grow out of my experience last Congress as Chairman of the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee and this Congress during five days of hearings as Chairman of the Health and Hospitals Subcommittee of the new Veterans Affairs Committee.

My basic recommendations this morning are that you add the following amounts to the following appropriation items: Medical care—$331,020,000; Medical and Prosthetic Research—$18,216,184; Medical Administration and Miscellaneous Operating Expenses—$1,100,000; Construction of Hospital and Domiciliary Facilities—$7,860,000; and General Operating Expenses—$32,740,000. This is a total recommended addition of $390,936,184, of which $358,196,184 is for the first four items—the VA hospital and medical program.

#### A. MEDICAL CARE

I believe you all are generally aware of the events leading up to the widespread national concern that developed last spring over conditions in VA hospitals. Our Veterans Affairs Subcommittee held seven days of oversight hearings which culminated in my appearance before your subcommittee on May 27, 1970, and, with your support, ultimately resulted in the appropriation of an additional $105 million for the VA medical care item.

Unfortunately, as I spelled out in my May 7, 1971 letter to Chairman Pastore, "not one penny of the $105 million was spent for adding the doctors, nurses, or other health and housekeeping personnel so urgently needed" in VA hospitals. Again, thanks to your great assistance, we have added $8 million in supplemental FY 1971 funds (P.L. 92–18) which has enabled the V.A. to hire as of this date 6,443 new hospital personnel; 381 physicians, 16 dentists, 1,198 nurses, 1,270 L.P.N.s and Nursing Assistants and 3,578 other health and housekeeping personnel and to receive commitments for employment from approximately 2,200 others—a grand total of 8,644.

As I emphasized in my May 7 letter and May 19 floor statement calling for this supplemental funding, we must now provide the funds to pay the full FY 1972 salaries of these 8,644 new employees. Otherwise, we have only somewhat speeded up recruitment but make no lasting improvement in the quality of VA health care. Annualization of these 8,644 salaries (FTEE), requires approximately $97.5 million at the applicable FY 1972 average salary of $11,279.

The FY 72 request for the medical care item, although nominally $124.7 million ($138.5 million with the special drug treatment money) more than appropriated for FY 1971, is in no way a step ahead. About half of the increase has already been eaten up by inflation in fixed charges on capital items, such as utility charges. Half of the remaining $60 million or so has already been largely eroded by realization of a higher average salary per employee than budgeted. Thus, the V.A. now has no funds for 2,518 new employees (FTEE) who were included in the FY 1972 budget. This eliminates fully two-thirds of the FTEE increase (3,823) projected in the budget request.

Moreover, I wish to stress that the $97.5 million for the new employees' salaries are absolutely necessary over and above the $120 million which the House Appropriations Committee has recommended be added for medical care in order to forestall a drastic cutback to 79,000 in the average daily census. I applaud the House Committee's action in this respect and in mandating an 85,500 minimum average daily census in the bill (although 84,500 would probably be more realistic and preferable), and I commend both these actions to you for approval.

On the question of the census cutback in the FY 1972 budget, I agree philosophically with what I understand the Chairman and Senator Hruska said at last week's hearing with the Administrator on the BA budget: that a minimum census requirement may run counter to sound medical judgment and that the admission or discharge of a patient to a VA hospital is properly left to a physician's professional judgment. Indeed, that is just my point about the census cutback.

The Office of Management and Budget—to save money and cut back the VA—has arbitrarily required this cutback to 79,000 from a cumulative projected census of about 84,500 for FY 1971. No medical judgment is involved in this decision. Quite the opposite, it is contrary to medical judgment. When during this fiscal year physicians were left to decide how best to handle admissions and discharges of sick veterans, the VA cumulative average daily census through April 1971 was running at 84,647—far above the FY 1971 budget estimate of 83,000.

During this period, the VA was experiencing an almost unprecedented level of demand, as evidenced by record high monthly applications for hospitalization and actual hospital admissions and the highest waiting list for domestic VA hospitals in four years. That is why the VA budget submission to the O.M.B. was premised on an average daily census of 84,371, not 79,000 for FY 1972. And that is why a minimum census, such as the House inserted, is absolutely necessary.

Otherwise, there is only one way that this census cutback will be, and is already being, implemented; that is, by closing beds and wards. To illustrate this beyond any doubt, I refer the subcommittee to the first exhibit in Appendix II which shows the Birmingham, Alabama VA Hospital Chief of Medical Service recommending closure of 58 beds (including 23 beds in one full ward) "in compliance with the recent order to reduce the VA operating bed capacity. . . ." This hospital has been authorized an FY 1972 average daily census of 382 as compared with a 410 FY 1971 authorized level and an actual census running around 450. (Although this hospital may decide finally not to close down the 23-bed ward, the point is that its administrators believed they needed to do so, and many others are closing, or already have closed, comparable wards.)

Let us be perfectly clear that the $120 million and the minimum census requirement both are predicated on the notion of the VA hospital system standing still. Indeed, the $120 million is a restoration of the exact amount cut from the VA's medical care submission by O.M.B. The VA medical program cannot really stand still. It either goes forward or deteriorates by trying to hold the line. It is that process of deterioration, I fear, that the Office of Management and Budget forecasts for the VA medical program. It cut $188 million from the VA hospital and medical budget, and has placed a freeze on all VA new construction.

The $120 million will sustain the census at the level of staffing and overall care provided in FY 1971. It is quantitative, and not qualitative. The need for improvement in the quality of care is at least as great today as it was one year ago when I testified. This was made abundantly clear in our VA Hospital Crisis hearings in April. I call the subcommittee's attention to Appendix IV containing excerpts from those hearings and to the full record which I am making available to you prior to printing.

Appendix II, second item, contains the most appalling and tragic evidence of inadequate care yet submitted to us: four statements from physicians at the Wadsworth VA hospital detailing the deaths of three veteran patients and the near deaths of two others in January, and February of this year to inadequate staffing and equipment. The shortages of the most basic types of life-saving devices at Wadsworth Hospital, attested to by these statements and numerous others submitted at the hearings, underscores my recommendation for $52 million more to eliminate equipment purchase ($27 million) and maintenance and repair ($25 million) backlogs.

Likewise, the enormous fee dental backlog I called to your attention a year ago (45,000 examinations and 8,600 treatments plus 25,000 new exams and 20,000 new treatments) was of the same magnitude as the 60,000 examinations and 30,000 treatments backed up now as we enter FY 1972. This backlog remains even after expenditure of $31 million above the FY 71 budget request taken from the $105 million added by this subcommittee. You may not recall it clearly, but the record clearly shows that the Administrator of Veterans Affairs last June in rebuttal to my testimony firmly protested that he couldn't use any more fee dental money. For that matter, he also said he could not use any more equipment or maintenance and repair funding—I recommended $22 million and $24.6 million, respectively. But the V.A. proceeded to spend $20.2 million and $5 million, respectively, for those two purposes from the $105 million we added to the budget.

I trust the committee will regard similar protests this year with such credence as last year's experience warrants—none.

Under the medical care item I recommend an addition of $21,120,000—in addition to the $13.8 million requested by the administration pursuant to the President's Omnibus Drug Control Message—to open 28 more drug treatment centers than the 32 proposed in that message. These funds would include $5 million for contracts with non-VA drug rehabilitation programs for treatment and outreach purposes.

Our hearings these past two weeks indicated how great is the need—80,000 to 90,000 veteran addicts needing care during FY 1972—and how comparatively small would be the VA's treatment capacity to meet this need—6,000 patients by the end of the fiscal year. Right now the budget of just the City of New York for drug rehabilitation is about $85 million and the state of New York spends annually a sum equivalent to the full $155 million the President is requesting.

I need not further dramatize or elaborate the trials of the addict and his effect on himself and society. It should be enough that the VA has the ability to do more to fight this awful epidemic—persons to staff units are unusually available now—which all agree has reached national crisis proportions. By adding this additional money, we would be providing for the treatment and rehabilitation of another approximately 6,000 veteran addicts.

As the VA drug program expands, we must take full advantage of the expertise acquired to wage the far broader fight against alcoholism. According to the former Assistant Secretary of H.E.W. for Health and Scientific Affairs, alcoholism is America's number one health problem. And according to the VA Chief Medical Director, there are approximately 1.3 million veteran alcoholics or alcohol abusers, most all of whom are eligible for VA hospital care. Yet the VA now has capacity to treat only about 12,000 alcoholics annually. The funds I urge be added would double the VA's present treatment capability to 24,000 annually.

Appropriate administrative moneys to support these increases in drug and alcohol treatment are also covered (Appendix I, items C.2 and 3).

I also recommend we pick up where we left off last year with regard to the staff/patient ratios on Spinal Cord Injury units. Staffing has improved somewhat since we focused national attention on the paralyzed veteran's plight last year. As of March 1971, the average staffing had reached 1.21 to 1 as compared with 1.02 to 1 a year before, and further increases to 1.7 to 1 are anticipated during FY 1972. My recommendation would provide for another 340 employees (FTEE) to raise the ratio to 2.0 to 1—the level set as a goal by the VA—which still is considerably lower than the 2.17 to 1 ratio in a comparable non-VA facility in New York.

Finally, under the medical care item, in view of the aging World War II population—the average age of hospitalized veterans is 54 years—I recommend converting 1,000 more VA beds for nursing care use.

### B. MEDICAL AND PROSTHETIC RESEARCH ITEM

My total recommendation for research is an additional $18,216,184—about $10 million more than O.M.B. cut from the VA submission to it. I have very carefully investigated this item and particularly call the committee's attention to the detailed justification in Appendices II and III for this item (B). The VA research budget request for FY 72 is regressive, as the VA Chief Medical Director and Controller testified before you last week. I strongly believe that a strong VA research program will contribute very importantly to improved patient care—especially regarding drug treatment—both directly and indirectly by strengthening the now eroding relationships and affiliations between VA hospitals and medical schools and helping the VA recruit top flight professionals.

### C. MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES ITEM

I recommend an additional $1,100 million for MAMO, which the O.M.B. cut by $99,000. All of my recommendations are necessary to carry out expansions of other programs I am recommending—drug and alcohol treatment and design of hospital air conditioning. They are adequately explained in Appendices II and III (item C).

### D. CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

It is now one year later and the VA has proceeded with air conditioning designs for only four of the 43 hospitals I cited last year as unair-conditioned but qualified for air conditioning. It is no answer at all to sweltering patients to say that a particular hospital in the South—such as Gulfport, Mississippi; Amarillo, Bonham and Temple, Texas; North Little Rock and Fayetteville, Arkansas; and Columbia, South Carolina—is scheduled for air conditioning or even replacement five years hence. These hospitals should be air conditioned *now*.

Also, there are six VA hospitals ready, willing and able to undergo replacement if only The White House and O.M.B. would lift the VA construction freeze. Despite interim alterations and improvement in certain facilities at the Bronx, N.Y., and Wadsworth, Los Angeles, hospitals which I talked about last year, these two facilities—Wadsworth constructed in 1927 and the Bronx in 1901 and 1941—are absolutely unsuited for providing modern or even semi-modern medical care. The same is true for the hospitals at Augusta, Georgia (1920); Columbia, South Carolina (1932); and Martinsburg, West Virginia, and Richmond, Virginia (both early 1940's temporary Army hospitals turned over to the VA in 1946). Replacement hospital planning and designs for these obsolete facilities are years overdue and should get underway this fiscal year.

I am recommending an addition of only $7.86 million more for construction even though (1) there is a far greater need than that; (2) O.M.B. cut the VA by $59.964,000 for this item and (3) the VA in FY 1971 obligated $30 million more than is proposed for obligation ($90 million) in FY 1972. My caution on construction is because I believe that O.M.B. may very well hold up indefinitely allotment or even the amount already in the budget and thereby let the system deteriorate with the effect that more and more hospitals will become underutilized and eventually be closed down. But I think proceeding with these air conditioning and replacement designs is a matter of high priority and Congress should go on record in that regard for the veterans receiving inadequate care due to these outdated physical facilities.

E. GENERAL OPERATING EXPENSES ITEM

This is the only non-medical item in my recommendations. Altogether I urge that $32.74 million be added. I fully described the need for the Outreach Services Program in my testimony last year and as the author of that program in P.L. 91–219. At our Veterans Affairs Subcommittee hearings on Unemployment and Overall Readjustment Problems of Returning Veterans on November 25, the Administrator of Veteran Affairs admitted that employment had been increased in contact work only about 5 percent since that program became law. The need remains great to reach out to the educationally disadvantaged veteran and urge him to enter training or education or help him to find a job. Now, only 9 percent of high school dropouts use their GI bill benefits.

The bulk of the $11 million I recommend for data management are fully justified as cost effective expenditures in Appendices I and II (Item E.2).

Finally, I recommend $9.2 million to meet the very pressing need for more field office personnel to process applications, conduct property appraisals and generally expedite benefit work at VA Regional Offices. The need for this staff is fully documented in the House Veterans Affairs Committee survey, a full copy of which is submitted for your study, and in the material in Appendices I and II (Item E.1). Since the administration has now requested $5.6 million more for 407 additional such staff (FTEE), my recommendation on this part of this item is only for $3.6 million additional (or $2.2 million if Chairman Teague succeeds in raising that amount to $7 million on the House floor).

One final thought: this Wednesday, June 30, the other body is scheduled to take up H.R. 9382, the HUD, Space, Veterans Appropriation bill, which at a minimum will include $139.8 million above the original President's budget. I am sure you will all agree that it is vitally important for the VA now to take full advantage of the unique recruitability of qualified personnel available for the next several months, especially for the new drug treatment centers. I strongly urge the Subcommittee to add to the next continuing resolution authorization for the VA to expend funds in FY 1972 at the House-passed level (assuming the VA does not yet have its appropriation by early August)

Mr. Chairman, related to this point is the need for the VA to begin immediately to expand its drug treatment program, as the President has proposed and I have most urgently recommended this morning. The VA is now providing comprehensive drug treatment to only about 220 veterans in- and out-patient at its 5 drug centers. I beseech you to do all you can—through direct communication to the Administrator of Veterans' Affairs, Committee Report language and whatever additional means are available to you—to authorize and direct that the full drug treatment buildup begin without any delay for the FY 72 Appropriations process to be completed. I remember, along with you, last year's experience with the bill's veto and enactment deferred until December 17. Any such delay—indeed any delay—in maximum gearup to treat the thousands of addicted veterans already on the streets, or soon to be there following discharge from service, would be a national tragedy and disaster after all the rhetoric that has surrounded this drug issue.

In closing I want to pay special tribute and thanks to the Chairman of the House Veterans Affairs Committee, "Tiger" Teague, for his and his staff's always great cooperation with me in this effort and so many other matters.

That concludes my statement, Mr. Chairman. I thank all of you for your most serious consideration of my recommendations and would be delighted to answer any questions you may have.

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APPENDIX

(Additional funds for V.A. FY 1972 appropriation in H.R. 9382, Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies appropriation bill, 1972—recommended by Senator ALAN CRANSTON, June 29, 1971).

A. MEDICAL CARE ITEM

1. Funds to Continue Average Daily Patient Census at 84,500 (included in House amendment), $120,000,000.

2. Funds to support in full FY 1972 8,644 staff added through FY 71 supplemental $8,000,000 (FTEE 8,644), $97,500,000.

3. Funds for Drug Training Centers (above $13,800,000 VA request added by House) to provide 28 additional new centers (at $540,000 per center = $16,120,000) to treat 5,600 more addicted veterans plus funds for contract care in community facilities and increased outreach work (5,000,000), $21,120,000.

4. Funds for Alcohol Treatment Centers to provide 40 new centers (at generally about $416,500) and upgrade 32 existing centers (at from $19,000 to $67,000) to treat 12,000 more alcoholic veterans, $16,500,000.

5. Funds for Spinal Cord Injury Unit Staffing to bring SCI units staff-patient ratio up to V.A. recognized desirable level of 2:1 by adding 340 FTEE (rather than projected 1.7:1) by end of FY 1972, $3,400,000.

6. Funds to eliminate equipment ($27,000,000) and maintenance and repair ($25,000,000) backlogs, $52,000,000.

7. Funds to eliminate fee dental ($21 per examination) backlog of 60,000 cases (30,000 of whom all require treatment, $14,500,000.

8. Funds to activate 1,000 additional nursing care beds (through conversion of unused present hospital beds; administration requested funds to increase average daily patient census 811), $6,000,000.

Total, $331,020,000.

B. MEDICAL AND PROSTHETIC RESEARCH

1. Funds to establish 7 drug dependence research centers in conjunction with expanded V.A. drug treatment and rehabilitation effort (3 centers at $500,000 and 4 centers at $250,000), $2,500,000.

2. Funds to maintain current program level (capital items inflation increase of 4.4%—$702,000; average salary increase of $185 per employee over FY 1971—$685,000), $1,387,000.

3. Funds to provide 10% growth in ongoing research (increase of 370 FTEE employment—$6,460,000; average salary increase over FY 1971—$754,000; capital items inflation—$685,000), $7,899,000.

4. Funds to activate 7 new research facilities (FTEE 288 employment at Cincinnati, Columbia, Mo., Denver, Oklahoma City, San Diego, Tampa and Washington, D.C. VA hospitals), $2,930,184.

5. Funds to research psychological readjustment problems of returning Indochina veterans (designed to decrease long-term hospitalization need), $3,500,000.

Total, $18,216,184.

C. MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES ITEM

1. Funds to support Central Office personnel (6 FTEE) and training ($6,800 per unit) for 28 additional drug treatment units (recommended in item A.3, above), $300,000.

2. Funds to support comparable costs for 40 new and 36 upgraded alcohol treatment units (recommended in item A.4, above), $300,000.

3. Fund 25 more architects/engineers to carry out 33 new air conditioning designs (recommended in item D.1 below; at $20,000 per position—only 6 additional designs can be made by present staff), $500,000.

Total, $1,100,000.

D. CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

1. Funds to expedite design for air conditioning of 39 V.A. hospitals (listed in Appendix II; at $140,000 per design), $5,460,000.

2. Design plans for replacement hospitals at 6 sites (Augusta, Ga.; Bronx, New York; Columbia, S.C.; Martinsburg, W. Va.; Richmond, Va.; and Los Angeles, California (Wadsworth); at 8% of estimated cost), $2,400,000.

Total, $7,860,000.

E. GENERAL OPERATING EXPENSES ITEM

1. Fund 820 additional FTEE employees at VA Regional Offices (for contact, CPEE, Loan Guaranty, Legal, Administrative, and Finance personnel which Regional Offices advised House Committee were needed to process increased workloads; alternative is overtime which is 30% more expensive; administration in new budget amendment has requested $5,600,000 more for 407 more FTEE), $9,200,000.

2. Fund additional personnel (FTEE) and purchase rather than lease $10,000,000 worth of computer equipment for Department of Data Management (to meet increased demands of D, M&S and D.V.B.), $11,000,000.

3. Implement new "Outreach Services Program" of P.L. 91–219 (VA estimate in comment on proposed bill was $25,078 252; 2 years allowed for implementation), $12,540,000.

Total, $32,740,000.

Grand total, $390,936,184.

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PROPOSED INCREASE TO RETAIN AVERAGE DAILY PATIENT CENSUS

1. In compliance with the recent order to reduce the VA operating bed capacity, the members of the Department of Medicine have agreed that probably the best approach is to close the following areas:

(1) 6-South—Tuberculosis ward. We plan to reduce the operating bed capacity from 40 to 10 beds. This is a tragic decision but necessary because most patients admitted to this hospital are acutely ill.

(2) Close 9-South. Beds on this ward, which were formerly used for rheumatology, immunology, and renal patients, will be closed. These patients will be admitted to general medicine.

(3) 7-North. Five beds will be closed on the Neurology Service. This will leave 12 operational beds for neurological patients.

(4) The General Medical Service will remain intact.

2. This decision is regrettable and was made after considerable deliberation for the following reason. The turn-over rate on Medicine is approximately 14 beds, if we do not include the patients on the TB ward. Most of our patients have acute medical problems, i.e., myocardial infarctions, diabetic coma, etc. Our choice was simple. We must care for the acutely ill rather than the chronically ill.

THOMAS W. SHEEHY, M.D.

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PROPOSED ANNUALIZATION OF END FISCAL YEAR 1971 STAFFING INCREASE AND FUNDING TO ELIMINATE EQUIPMENT AND M. & R. BACKLOGS

During the evening January 29, 1971, there were four acutely ill patients in the "bleeding room" of AGE (Gastroenterology). Primarily responsible for these patients were two aides whose duties include vital signs usually every two hours, irrigation of nasogastric tubes, changing and checking I.V.'s and recording all this data. There is no facility for lighting this room without turning on all the ward lights; therefore most of the work is done either in poor light or by flash-light. Although these aides are very hard workers, they are not trained properly for such important work, and since the RN must also cover AGW, she is not readily available.

Mr. Nathan Weitz, a 78 year old man was a disposition problem who probably also had a cerebral vascular accident and pneumonia. Throughout the evening his blood pressure was falling and his temperature rising. It was not until his blood pressure had fallen from 180/90 to 120/0 at 5:00 a.m. that the house officer was notified and even then, he was not told of the high temperature. It is obvious that poor staffing and inadequate working facilities are present in such an important part of the hospital and that patients will be the ones to suffer.

Mr. Weiz died at 8:15 a.m. on January 30, 1971.

ALAN WIRTZER, M.D.,
*Intern in Medicine.*

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### MEMORANDUM

I would like to cite in this memorandum certain events which took place in the Respiratory Care Unit of Wadsworth Hospital between February 10 and February 12, 1971 and elsewhere in this hospital during the week of February 10 and February 16, 1971. My purpose is to illustrate the deficiencies in both properly functioning respiratory equipment and numbers of adequately trained personnel, which I feel has resulted in the delivery of substandard medical care to large numbers of veterans.

#### 1. COMPRESSED AIR AND OXYGEN SOURCE RELIABILITY

On February 10, 1971 two critically ill patients with respiratory and cardiac disease expired in the Respiratory Care Unit despite vigorous efforts to resuscitate them. Subsequently malfunctioning of several of the artificial respirators in the unit was discovered. The major difficulty preventing proper respirator function proved to be marked loss of and variability of pressures in the compresed air and oxygen lines necesary to drive the respirators. Compressed air and oxygen are fed into the unit via lines which ultimately connect with storage tanks located outside of the R.C.U. proper. These tanks supply compressed air and oxygen to various other areas in the hospital. Variability in line pressure may result from excessive utilization elsewhere in the hospital . . . for example in the dental clinic or from inadequate pressures in the main tanks, leaks in feeding lines, etc. Unfortunately there is no way to independently regulate and assure constant and adequate air and oxygen pressures inside the respiratory care unit; nor are there adequate emergency back-up facilities to insure continuous air and oxygen at proper pressures should the central systems fail. Between February 10 and February 12 marked drops in compressed air and oxygen pressures were noted, impairing proper respirator function and as a result adversely affecting survival of the several patients who required continuous artificial respiration to support life.

#### 2. EQUIPMENT DEFICIENCIES

On February 11, 1971 and February 12, 1971 several vital pieces of equipment malfunctioned or failed completely, including: one Bird Respirator, three air-mix cartridges, vital for proper respirator function, three ultrasonic nebulizers, one Bennett Spirometer and one Wright Spirometer. Although there are a few back-up respirators, these are not readily adaptable for R.C.U. use. There are no back-up air-mix cartridges and inadequate numbers of other back-up equipment for emergency use. Fortunately, in spite of marked delays in repairing existing equipment, no additional patients expired between February 11 and February 12.

#### 3. EQUIPMENT SERVICE AND SUPPORT

In addition to the lack of properly functioning back-up equipment for use in emergencies, there is presently no arrangement for regular servicing of existing equipment. Such servicing is absolutely necessary. Considering the fact that existing equipment is utilized almost continuously, seven days a week, it is only fortuitous that additional catastrophes such as occurred between February 10 and February 12 have not occurred in recent months.

#### 4. STAFFING

An additional and important problem directly affecting patient care is lack of adequate numbers of nurses and aids. It is usual to have one registered nurse and one or two aids on duty in the R.C.U. between 3:00 pm and 7:00 am. Two critically ill patients can barely be given adequate nursing care with this number of personnel. However, it is usual to have three or four critically ill patients in the R.C.U. at any one time. Consequently in spite of, in most instances, outstanding efforts by the existing personnel, inadequate patient care often results.

#### 5. LACK OF PROPER FACILITIES FOR INTENSIVE RESPIRATORY CARE ELSEWHERE IN THIS HOSPITAL

The glaring inability of our hospital to provide proper respiratory (and other intensive care) to all of the many deserving veterans goes far beyond the respiratory care unit. There are only four beds in the R.C.U., usually far too few to accommodate the many patients requiring intensive respiratory care. Unfortunately, proper facilities do not exist in our hospital outside of the R.C.U. to care for these patients. Most of the general medical and other wards have insufficient numbers of proprely trained nurses and aids and equipment to properly care for critically ill patients with respiratory or other diseases. Several examples can be cited:

(a) Mr. O. K., a patient on ward B–1–W with well controlled chronic renal disease was doing well until acquiring a severe bilateral pneumonia. He was treated vigorously with existing equipment. The major difficulties encountered were in assuring adequate but at the same time known concentrations of oxygen and in assuring adequate ventilation—that is, respirations of sufficient depth to supply enough oxygen to portions of lung still capable of functioning. These difficulties would have been largely surmounted if two relatively inexpensive but vital pieces of equipment had been available. The first, an oxygen-air mixing cartridge would have allowed the administration of known and fairly constant concentrations of oxygen. It is important to avoid wide fluctuations in oxygen concentrations because with excessive concentrations toxic damage to the lungs is rapidly produced. With concentrations that are too low, damage to all tissues in the body, particularly heart and brain, results. The second essential but unavailable item is a spirometer, a simple device which records the amount of oxygen-rich air that actually reaches the air-exchange units of the lung per breath or per minute.

Primarily because of lack of such equipment outside of the respiratory care unit (which was filled with patients at the time) this particular patient did not receive proper respiratory care. He expired February 16, 1971.

(b) There were at least two other instances in which lack of the availability of the equipment described above impaired the survival of critically ill patients outside of the R.C.U. during the week of February 10, 1971 through February 16. One patient, Mr. H. M., a seriously ill cardiac patient in the coronary care unit with respiratory complications almost expired because of the latter. His survival can only be attributed to the enormous efforts expended by the already overworked doctors and nurses in charge of his care. Another patient, W. B., with primary urologic problems but complicating pneumonia after surgery, almost succumbed to his respiratory infection. Again the problems were, for the most part, lack of proper equipment, and in this case, insufficient nursing personnel. Fortunately, the patient is slowly recovering at this time.

The answers to the above problems seem obvious. Wadsworth Hospital must have more nurses and aids and specifically, personnel trained in the modern management of critically ill patients. We need more properly functioning respirators and ancillary equipment for both routine and back-up use. We need regular servicing of this equipment.

It need not be underscored that our present "make-do" approach has failed. Only the virtually super-human effort of the nurses and doctors have aborted other emergencies. The present servicing arrangement and lack of equipment back-up has created such a frustrating situation that the toll in nursing morale may become insurmountable. But most importantly it is only a matter of time until further tragedies are repeated.

The responsibility for these incidents must rest squarely with those who have continued to ignore this and other warnings and recommendations of the staff of this hospital.

LAWRENCE KRUGMAN, M.D.,
*Resident in Medicine.*

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### MEMORANDUM

Mr. Arthur Ford was admitted to Wadsworth on 12/13/71 with a diagnosis of chronic renal failure which was fairly well compensated with diet and occasional koyexalate. While awaiting indefinitely for placement into an extended nursing care situation and because of the nursing shortage on this ward, the patient was not given adequate oral fluids and died from dehydration aggravating his renal disease. It is intolerable that someone should die because of lack of personnel to give an occasional glass of water.

WILLIAM D. BEZDEK, M.D.,
*Junior Medical Resident.*

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On February 18, 1971 Mr. Henry W. Schmeir, SS No. 554 10 9217 underwent open heart surgery for rheumatic heart disease and the replacement of his mitral valve with a prosthetic valve. As was stated above, the procedure was "open" requiring a pump oxygenator circulatory assist apparatus.

At the cessation of the intracardiac portion of the surgery, the surgeon stated he wished to "come off" the pump," which means that artificial oxygenation must be provided by an anesthesiologist until the patient awakens and resumes his own spontaneous respiration.

Apparently there was approximately a 5–6 min. lag between the time the pump was stopped and the anesthesiologist (a resident *without* supervision) noted the oversight. Corrective measures were instituted and fortunately, the patient survived with no apparent central nervous system or cardiac residuals.

The cause of this near fatality and absolute malpractice situation was not the fault of the resident anesthesiologist, nor the surgeon; it was the fault of the VA Hospital Administration which has allowed the occurrence of daily exposure of life-threatening situations in the department of anesthesia without an adequate attending staff.

The consequences of this action must be borne by this Administration and cannot be passed down the line. The Thoracic Surgery service has notified us that to obviate further incidents of this nature, all cardiac surgery in this institution has been cancelled until this emergent situation is corrected.

I submit that full knowledge of a lack of qualified supervisory staff in Anesthesiology was known to this administration for the last 6 months. As added impetus, the Resident and Intern Association of Wadsworth Hospital has called attention to this shortcoming in a letter to Dr. Seymour Dayton that was presented to the Administration in

January of 1971. Speaking as President of the Resident and Interns Association, errors like this that threaten the health and welfare of our patients cannot be tolerated, and must be rectified by placement of qualified supervisors in Anesthesiology immediately.

JOHN C. MESSENGER, M.D.,
*President, Residents & Interns Association.*

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### PROPOSED VA RESEARCH PROGRAM: "PSYCHOLOGICAL AND BIOLOGICAL STUDY OF DRUG DEPENDENCE"

(Item B.1., Appendix I)

The purpose of this program is to provide an initial framework for the intensive study of psychologic, biologic and sociologic aspects of drug abuse or addiction, the characterization of individuals and relevant environmental factors, and the development and evaluation of treatment methods. Although all types of psychoactive drugs, such as LSD, hashish, marijuana and amphetamines, will be studied, emphasis will be placed on heroin and other opiate compounds.

Specific aims of the program involve several areas of research and treatment: (1) to provide greater knowledge about the biologic changes associated with the acute and chronic use of drugs. The effects on brain, liver, blood and other organ systems will be explored in both longitudinal and large cross-sectional programs. (2) to develop new, easier and more effective means to identify individuals who are dependent upon or addicted to drugs. An attempt will be made to perfect an automated method suitable for the mass screening of populations. The current technique that uses thin-layer chromatography for the determination of drugs or metabolic products in urine is time-consuming, expensive and technically demanding. (3) to evaluate the psychologic and biologic effects of methadone maintenance and detoxification. Variations on the presently used regimens will be explored in an attempt to improve the efficacy of this widely used drug. Information is urgently needed as to what effect, if any, methadone has on brain, liver, bone and other tissues of the body. Possible specific effects on the reproductive systems of men and women need special attention. (4) to develop new therapeutic agents that will be safer and less addictive than methadone or similar drugs. (5) to evaluate comprehensively the currently known opium antagonists. (6) to conduct basic biologic research into the nature of the effects of opiates on the central nervous system. These investigations may explain the specific chemical changes that result in addiction and, thus, provide new insights into the function of the human brain. (7) to conduct psychologic and sociologic studies on the personality and life styles of drug users. An attempt will be made to define those elements of personality that indicate a potential for addiction. The impact of environment will be studied in an effort to identify and modify those factors that lead to drug use and drug abuse. Recent information suggests that previous studies in this area (1920 to 1960) may no longer be relevant in a culture so influenced by the availability of drugs and their use and abuse by many individuals in the population.

The VA hospital system is ideally suited to conduct urgently needed research in this field. The large patient population in VA affords an opportunity to carry out large cross-sectional studies to obtain valid statistical data. Other research programs, with access to patients in relatively small numbers, may require years to complete studies of equivalent validity.

In many situations, affiliations with medical schools and non-VA research groups will bring additional expertise into the programs. The close working relationships of all VA hospitals in the system will permit an easy exchange of research data and, when indicated, will allow for the transfer of patients from one program to another.

The drug dependence treatment program at the Washington, D.C. VA hospital, having a close affiliation with the NIMH and local universities, will be well suited as a prototype effort.

### PROPOSED DRUG DEPENDENCE TREATMENT RESEARCH CENTERS FY 1972 COST

Three centers, $500,000 each, $1,500,000.
Four centers, $250,000 each, $1,000,000.
Total: $2,500,000.

Initial basic equipment for the Research Center is estimated $75,000 each.

A typical major Center would include the following personnel:

2 Principal investigators (M.D. or Ph. D.).
1 Research pharmacologist.
1 Research chemist.
2 Nurses (one Research Nurse).
1 Secretary.
1 Research psychologist.
2 Laboratory technicians.
2 Rehabilitation counselors.

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### EXPLANATION OF PROPOSED INCREASE IN VA MEDICAL RESEARCH PROGRAM

(Items B.2, 3, and 4)

The VA medical research program has a distinguished record of valuable contributions to medical knowledge. Since the program objectives are chiefly focused on practical clinical problems, its contributions are directly applicable to the care of veteran beneficiaries.

In addition, very important secondary benefits arise from the research program. The opportunity to participate in research constitutes one of the strongest incentives for the recruitment and retention of highly qualified professionals who, in turn, carry out a large proportion of patient care activity in the system. The existence of research programs is essential to our valuable affiliations with non-VA institutions.

The urgency of the current need for more VA research funding is generated by several factors:

(1) The very small increase in research funds for FY 1971 over FY 1970 ($303,000) has resulted in a net loss to the program due to inflation;

(2) The increasing veteran population, and especially the new problems introduced by returning Viet Nam veterans, has sharply increased the need for new relevant research;

(3) The opening of new and replacement hospitals and the activation of new bed sections in fiscal year 1972 will require additional research support;

(4) The increase in professional and technical staff associated with VA general efforts to improve patient care will increase the number of individuals who wish to participate in research;

(5) New affiliations will require a substantial increase in research funding;

(6) Psychobiological problems of the Viet Nam veterans, with special emphasis on "hard" drug dependence and total rehabilitation demand large and intensive research efforts (supported in separate item);

(7) VA massive programs of dental care, use of prosthetic devices, and care of spinal cord injury patients all need research support far beyond that anticipated in the FY 1972 budget.

More specifically, the general research needs (totalling about $17,500,000) are:

1. Many VA hospitals are operating well below their optimum level of relevant research programs. This is producing problems in the recruitment and retention of qualified technical and professional staff. Approved but unfunded research projects now total no less than $8,000,000;

2. Three new hospitals are expected to open in FY 1972 (San Diego, Columbia, Mo., and Tampa). Included in the construction of these three hospitals is 93,000 net square feet of research space. The anticipated staffing is 203 new research workers. Salary, equipment, supplies and other research support in FY 1972 will be approximately $1,800,000;

3. Additional research space to be activated in FY 1972 at four other stations (Cincinnati, Denver, Oklahoma City and Washington, D.C.) will total 26,500 net square feet. Fund requirements for these facilities is estimated at $1,130,000 in FY 1972.

4. Several stations (including Northport, Reno, Tucson, and Lubbock) are in a position to develop strong affiliations with medical schools now being planned or activated. Only Tucson has a funded research activity. New funds required in FY 1972 will total $1,500,000;

5. It is estimated that the current recruitment program will add 1500 new professional staff to VA hospitals. Past experience indicates that one-half of these will be attracted by the research potential in VA and will wish to take part in the program. The minimal cost estimated for FY 1972 would be about $5,000,000.

Some specific research program examples (totalling $10,500,000) are:

1. New psychiatric research programs aimed at the problems of Viet Nam veterans will generate a cost in FY 1972 of approximately $3,500,000. These programs include model health delivery programs at VAH Brentwood, Northport, St. Louis, Tuscaloosa, and elsewhere. Among other things, these programs are designed to decrease long-term hospitalization while improving ambulatory care, home care and outreach activities;

2. The surgical treatment of coronary artery disease is now being extensively used in VA hospitals. Funds have been insufficient to support a proper research program to evaluate this treatment or to develop optional approaches. The cost of such a program in FY 1972 is estimated at about $1,000,000. VA can take a decided position of leadership in this field;

3. The role of diet in the production of arteriosclerosis (resulting in coronary heart disease, strokes and other consequences) was initiated in VA a number of years ago. However, funds have not been sufficient to support a large scale cooperative study to confirm and follow up the original findings on a massive scale. This important study is estimated to require about $5,000,000 in FY 1972;

4. VA is in the forefront of research and clinical studies concerned with the transplantation of human organs. Very recent findings by VA investigators, still unpublished, are calculated to advance this field by the use of a new immunosuppressing agent. Additional research funds required in FY 1972 will be $750,000;

5. VA has made an important start in the development of Clinical Pharmacology Centers at Boston and Minneapolis. Three more centers are needed at an initial cost of $100,000 for a total of $300,000. This is a modest investment for work that can reduce the cost of drugs in VA and bring safer and more effective treatment to thousands of patients.

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### PROPOSED INCREASE IN CENTRAL OFFICE DRUG TREATMENT PERSONNEL AND TRAINING UNITS

In addition to the funds for the Drug Treatment Units in item A.3, Appendix I, additional funds must be made available in VA Central Office Alcohol and Drug Dependence Service for new staff positions and expenses.

| | |
|---|---|
| a. Personnel: | |
| Chief professional programs (GS–15) | $28, 942 |
| Chief, evaluation section (GS–13) | 21, 198 |
| Statistical clerk (GS–7) | 10, 242 |
| Secretary (GS–7) | 10, 242 |
| Secretary (GS–6) | 9, 224 |
| Secretary (GS–5) | 8, 280 |
| Subtotal | 88, 128 |
| b. Staff travel (3 additional persons) | 7, 200 |

c. Training (annually):

| | |
|---|---|
| Eight in-patient staff, $400 each | $3,200 |
| Nine out-patient staff, $400 each | 3,600 |
| Total each unit annually | 6,800 |
| For 28 units | 190,400 |
| Total | 285,728 |

### UNAIRCONDITIONED VA HOSPITALS—39—QUALIFYING FOR AIRCONDITIONING AND FOR WHICH NO DESIGN FUNDS ARE REQUESTED IN FY 1971

(ITEM D.1, APPENDIX I)

Albuquerque, N. Mex.
Amarillo, Tex.
Aspinwall, Pa.
Bay Pines, Fla.
Bonham, Tex.
Brecksville, Ohio
Castle Point, N.Y.
Chillicothe, Ohio
Coatesville, Pa.
Columbia, S.C.
Dayton, Ohio
Downey, Ill.
East Orange, N.J.
Fayetteville, Ark.
Fort Howard, Md.
Fort Lyon, Colo.
Fort Thomas, Ky.
Grand Island, Nebr.
Grand Junction, Colo.
Gulfport, Miss.
Huntington, W. Va.
Indianapolis, Ind. (CRS)
Kerrville, Tex.
Knoxville, Tenn.
Lebanon, Pa.
Lincoln, Nebr.
Lyons, N.J.
Marion, Ind.
Martinsburg, W. Va.
Montrose, N.Y.
Mountain Home, Tenn.
Newington, Conn.
North Little Rock, Ark.
Perry Point, Md.
Salem, W. Va.
Salisbury, N.C.
San Fernando, Calif.
Temple, Tex.
Wichita, Kans.

### PROPOSED 820 ADDITIONAL EMPLOYEES AT VA REGIONAL OFFICES

(ITEM E.1, APPENDIX I)

The following data is drawn from a survey, conducted by the House Veterans Affairs Committee, of each VA Regional Office regarding anticipated workload increases during FY 1972. The House survey included station-by-station information regarding additional employment requests for 1972, the percentage of increase in contact, C.P. & E. Legal, Home Loan, Administrative, and Finance standard man-hour workload and the percentage of increase in loan guaranty closures and appraisal requests from the previous year. A copy of the full survey has been made available to the Appropriations Subcommittee, and only a brief summary is presented here:

ADDITIONAL EMPLOYMENT REQUESTED BY STATIONS ON HVAC REPORTS

| | Contact | C.P. & E. | Loan guarantee | Home Loan | Legal | Administrative | Finance |
|---|---|---|---|---|---|---|---|
| Area I | 17 | 24 | 12 | 2 | 22 | 10 | 87 |
| Area II | 40 | 64 | 52 | 2 | 48 | 33 | 239 |
| Area III | 24 | 41 | 53 | 4 | 33 | 28 | 183 |
| Area IV | 40 | 97 | 73 | 7 | 58 | 36 | 311 |
| Total | 121 | 226 | 190 | 15 | 161 | 107 | 820 |

The situations in the Los Angeles and San Francisco Offices are instructive of the nationwide problem, although even more critical. In order to meet enormous increases in anticipated workloads as shown below, the Los Angeles and San Francisco Regional Directors estimated the need for an additional 65 and 108 FTEE's, respectively.

STANDARD MAN-HOURS PERCENT OF CHANGE FROM PREVIOUS YEAR

| | Los Angeles | | San Francisco | |
|---|---|---|---|---|
| | 1971 | 1972 | 1971 | 1972 |
| Contact | 21.0 | 21.0 | 10.0 | 11.0 |
| C.P. & E. | 11.7 | 17.4 | 18.3 | 12.2 |
| Loan guarantee: | | | | |
| GI application received | 21.0 | 16.0 | 45.0 | 45.0 |
| GI loan closed | 2.0 | 53.0 | 2.0 | 98.0 |
| Appraisal requested | 65.0 | 30.0 | 59.0 | 18.0 |
| Legal | 4.9 | 3.5 | 5.6 | 7.5 |
| Chief and administrator | 9.9 | 5.7 | 8.6 | 10.7 |
| Finance | 3.7 | 8.7 | 12.5 | 8.2 |

### PROPOSED INCREASE IN VA DEPARTMENT OF DATA MANAGEMENT FISCAL YEAR 1972 BUDGET

(Item E.2, Appendix I)

The Congress has consistently sought to provide the VA with sufficient funds to render service to all veterans, and particularly to our returning Vietnam servicemen. Already Congress has provided $8 million in supplemental funds to the Department of Medicine and Surgery for FY 1971 and will add over $130 million for FY 1972 over the Administration request for medical care. Congress is also considering an increase of $5.6 million requested by the Administration in a budget amendment, plus $1.4 million more to be proposed on the House floor, in funding for the Department of Veterans Benefits regional offices for FY 1972 in order that their workload can be handled in a timely and efficient manner.

However, if the Department of Medicine and Surgery and the Department of Veterans Benefits are to carry out their functions in a timely and efficient manner, there is an additional department in the VA that requires more funds. The Department of Data Management provides automatic data processing support to all program elements of the VA. This support is furnished through new systems and development, the use of computers, other electronic equipment, and communications. A major part of veterans benefits workload processing is assisted by use of computers. For example, the initial notice of discharge of every serviceman (almost one million per year) is received at the VA Data Processing Center, Austin, Texas. With the aid of a computer, the VA makes early contact with the returning veterans and VA regional offices are furnished essential information to facilitate personal contact and follow-through. The VA is using computers in practically every veteran program. The computer plays a major role in compensation, pension, education, insurance, loan guaranty, and maintaining patient treatment records. Significant progress has been made through the use of computers for clinical laboratories, such as VA Hospitals Boston and Durham; biophysical monitoring at VA Hospital Minneapolis; pharmacy information; patient census, and multiphasic personality inventory. Support-type activities such as logistics, personnel, fiscal, and management reporting are accomplished through the use of computers. When workload increases in any department of the VA, it results in an increase in the Department of Data Management also. If the VA was not utilizing computers, the fund requirements of the other departments would be much greater.

If the VA is to render timely and efficient service and at economical cost, adequate staffing and funds must be provided for the Department of Data Management. To properly execute its responsibilities, that Department needs 100 additional people and $1 million in FY 1972.

The VA's record of success in applying computers to its operations is exceptional. The taxpayer has benefited by reduced operating costs. The veteran has benefited through improved service. Many millions of dollars in operating cost have been saved through the use of computers in the VA. Conservative estimates place recurring savings at more than $20 million per year. Many more millions could be saved if the VA were furnished funds to puhchase computers it is now leasing. The attributes of purchase versus lease of computers have been carefully reviewed by the General Accounting Office (GAO), and the Congress, and purchase is strongly encouraged. The Office of Management and Budget (OMB) and the General Services Administration (GSA) encourage purchase of computers when funds are available and established criteria are met.

The VA determined many years ago that its computer needs met established criteria for purchase and purchased computers to the extent that funds were available. However, for the past several years, the OMB has denied funds to the VA for further such purchases in use and, consequently, VA operating costs are higher now than if computers had been purchased when funds were sought. Future operating costs can be reduced if computers on lease are purchased. To permit VA to follow the mandates of the Congress, GAO, OMB, and GSA, the VA should be provided an additional $10 million in FY 1972 to purchase computer equipment meeting established OMB and GSA criteria. Delay in purchase of computers imposes an unnecessary financial burden on the U.S. taxpayer and increases VA operating costs.

### APPENDIX III: EXCERPTS FROM APRIL 27–29, 1971, HEARINGS BEFORE THE HEALTH AND HOSPITALS SUBCOMMITTEE OF THE VETERANS' AFFAIRS COMMITTEE ON THE VA HOSPITAL CRISIS

Over 17 months ago, one of the most effective and forceful witnesses at the oversight hearings by the Labor and Public Welfare Committee's Subcommittee on Veterans' Affairs, which I chaired, was Capt. Max Cleland, of Lithonia, Ga., U.S. Army, retired. On April 29, Captain Cleland, a triple amputee, returned to testify before the Health and Hospitals Subcommittee of the Veterans' Affairs Subcommittee, having been elected a Georgia State senator since he testified in December 1969, Senator Cleland told us:

> The Atlanta VA serves metro Atlanta and North Georgia. It has the additional responsibility of being a Regional Amputee Center for the Southeast, treating mostly Vietnam veterans, though with no significant increase in staff or funds.
>
> It is a new hospital and still has two wards not in use because of inadequate staff. Applications to get into the hospital are running almost 2,000 ahead of this period last year, but admissions are down, not up, and the waiting list is over 100. The proposed 1972 reduction would take 20 beds out of circulation that are in use now.

The VA hospital in Augusta, Georgia, was built to handle a maximum of 800 patients. It handles nearly 1,000. It suffers from inadequate staff and ward personnel and has a backlog of almost 70 patients on its waiting list.

Applications by veterans to get into the Augusta VA are up almost 1,000 over this time last year, but if funds are not restored by Congress to the VA medical budget, the Augusta VA will be forced to take over 100 beds out of circulation.

The third Georgia VA hospital is in the southern part of the State, and experiencing shortage of doctors. It has only one orthopedic surgeon for a hospital that can handle 500 patients. The current patient level is 376 and the hospital is having difficulty providing adequate staff for that number. . . .

All in all, applications of veterans seeking admission to VA hospitals in Georgia are up 3,000 over this time last year. If the current VA medical budget is not supplemented, the Georgia VA hospital will have to cut back over 170 beds and add to a state waiting list already approaching 400.

Also, at our recent hearings, we heard a second round of testimony—1 year and 1 day after their original testimony last year—from Dr. Bernhard Votteri, Fellow in Pulmonary Disease, and Dr. J. Gary Davidson, chief medical resident, Wadsworth VA Hospital in Los Angeles. Here are some most disturbing extracts from their April 29 testimony:

Dr. VOTTERI. Although some improvements have been made since we met with you last year, the operation of the hospital continues to be plagued by deficiencies in nursing staff, convalescent patient placement, anesthesia, inhalation therapy staff, medical and respiratory care units, cardiovascular surgery, renal hemodialysis, messenger and escort service and laboratory services.

We have appealed through channels at all levels and although people listened to us, appropriate corrections are not forthcoming. The situation is so critical that further temporizing is not acceptable. The physicians in training are almost totally disillusioned and tired of words without action.

If immediate action and correction are not forthcoming, the physicians in training have advised us that they will "heal-in" the hospital. Such an action which should be and can be obviated by corrective measures now will have the effect of forcing the eligible veteran to seek aid at other hospitals. . . . The physicians state, and rightly so, that if substandard care continues to be all the VA can afford to support then, in good conscience, they can no longer quietly deliver care under such restrictions. Deficiencies in staff, equipment and supplies cannot continue to be made up by the superhuman efforts of nurses, paramedical personnel, and physicians without the blame for these inequities being placed squarely on those who would remain unresponsive to the needs of the veteran.

Dr. Baldwin Lampson, Director of Hospital, UCLA, School of Medicine, in his thorough analysis of the Wadsworth Hospital in 1970 [at Senate Veterans Affairs Subcommittee hearings] pointed out that the UCLA Hospital Inhalation Therapy Staff consists of 52 people including a physician head. The Wadsworth Staff was found to be inadequate to provide direct patient treatment. In addition there was no night and weekend coverage in inhalation therapy. As a result in 1970 and still in 1971, necessary inhalation therapy must be handled by overworked and understaffed nursing service.

The situation is so urgent at the Wadsworth Hospital now that the Chief of Anesthesia and Chest Medicine have recommended that these services which are indispensible and lifesaving will have to be curtailed in the interest of reducing the spread of infection. Forcing the patient to breathe dirt and bacteria which may result in lung infections cannot and will not be tolerated. The prevention of this disaster is simple. The recommendations have been made, the solutions await only financial support.

Recently our open-heart surgery case load went to four per week. Shortly after this the Chief of Surgery was beseiged by complaints from the nursing service to reduce this, as their staffing was inadequate, both in the operating room and in the surgical intensive care unit. The Chief's initial response was an admonition to the cardiac surgeons to reduce this work to the previous level—approximately two cases a week. His stated reason was "our facilities cannot handle it."

This is the greatest plea for mediocrity that we have heard yet. As a matter of fact, Wadsworth has two fully-trained cardiac surgeons, a fully-trained open-heart-pump team capable of operating five-six major open-heart surgery cases per week.

The Cardiology Department can evaluate up to four surgical candidates per week presently, and with the opening of the new catheter laboratory in May, '71, this capability will increase to six a week.

It is obvious with the current crisis in surgery and anesthesia that our potential will not be realized and a great number of veterans will go wanting for much needed heart surgery. It seems inconceivable that a health system that has been designated as a regional care center for cardiac disease could be rendered inert by deficiencies in staffing in anesthesia and nursing. Furthermore, it is most inconceivable that the response to this crisis is to reduce the amount of health care.

Dr. DAVIDSON. The Assistant Chief, Infectious Diseases, at our hospital, has listed for your perusual, and states the following:

Listed below are the names of three patients with whom I have had direct contact, who expired at Wadsworth General Hospital during the months of March and April, 1971. While no one can say that these patients would have survived if more intensive observation and care had been provided, it is my opinion that such intensive monitoring and special nursing care was indicated, would have been available at a first-class hospital, and was not available or was provided too late and in a suboptimal fashion at this hospital. I intend this statement in no way as a criticism of the nursing personnel who cared for these patients but rather to indicate that sufficient special nursing personnel and adequate intensive care facilities are currently unavailable at this hospital.

Dr. VOTTERI. Must we come to this legislative body each year to present a chronicle of horrors to get adequate support for our veterans? The answer is a resounding no. It is unacceptable medical practice and morally wrong to continue to provide substandard care for our veterans. We hope that the needs of the veterans will at last be recognized and adequate funds and vigorous management will combine to finally rectify these inequities.

I would like to emphasize that, at this point, that all of us, as Doctors here, have completed our training in the Veterans' Hospitals, and we will be leaving to go into the community. Whether further support to the Veterans' Hospital will ever be forthcoming will have no direct effect upon us.

However, we are sincerely anxious that these gains should accrue to patients, and this is why we testified today, and this is why we testify in behalf of the persons in training at the Wadsworth hospital.

Regarding the Birmingham VA Hospital, we heard from Dr. S. Richardson Hill, vice president for health affairs of the University of Alabama and director of the Alabama Medical Center. Dr. Hill testified on April 28 as follows:

The Veterans Administration Hospital staff are dedicated and well-qualified individuals who are loyal to the Veterans Administration and to the mission for which they are held accountable; namely, quality health care for the veteran patient. The facilities which are available to them vary from excellent to poor, but the ability to employ health professionals is far less than necessary to maintain the quality of health care available either within the University Hospital or within other leading community hospitals. The simple facts are that there are insufficient numbers of staff available to do the job that must be done.

Some of the facilities, I am told, are underutilized because of the limited staff at night and on weekends and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

We, therefore, have undertaken a continual and critical review of these problems in order to determine whether or not it is fair to our health professional students to expose them to health care experiences in such an environment. I would urge this Committee to exert its influence to help provide the resources necessary for these hospitals to operate efficiently and effectively as a component part, not only of the University Medical Centers, but of the health care delivery system of our country as well. Our Veterans Administration hospitals desperately need an increased staff as well as updated technical equipment and mechanisms for maintaining continued progress in the rapidly advancing technical ability to manage patients more effectively and efficiently.

My comments have principally been related to the Veterans Administration Hospital which I know best; namely, the one in Birmingham. It is my understanding that comparable problems for the coming year are anticipated at the Montgomery, Tuscaloosa and Tuskegee, Alabama VA Hospitals, as well as other VA hospitals in the country."

. . . The staffing problems with regard to nurses and with regard to technical staff particularly and clinical laboratory, gets very low. We have sometimes no laboatory technicians within the Veterans' Administration hospital. We do have some on call but we need more staff.

Senator CRANSTON. How many beds are there in the wards there?

Dr. HILL. 30 to 40 per ward.

Senator CRANSTON. In the middle of the night how many nurses are available?

Dr. HILL. There may be one nurse available for two such wards on a floor.

Senator CRANSTON. That can lead to considerable difficulties, can't it?

Dr. HILL. Yes, it can, and they are not registered nurses.

Senator CRANSTON. How does that compare to the situation in the University Hospital?

Dr. HILL. In University Hospital there are two nurses for a 40-bed ward at night.

Senator CRANSTON. About one-fourth of the Staffing at the VA hospital?

Dr. HILL. Yes.

Another returning witness was Michael Burns, now executive director of the Paralyzed Veterans of America and himself a quadriplegic. Mr. Burns had testified on January 9, 1970, at hearings in Los Angeles by the former Veterans' Affairs Subcommittee when he was president of the California PVA. On April 28 he stated:

As a direct result of those hearings, a supplemental appropriation for the hospital care of veterans was voted favorably by the Congress. It amounted to $105 million, and was specifically intended to relieve the immediate crisis situation within the Veterans Administration.

Those hearings and that appropriation told us that Congress cared about the plight of those left ravaged by the war, about those who gave a part of themselves in the service of their country. For this, all veterans were grateful.

The final testimony of those hearings was presented just one year ago. What has the Veterans Administration done since? What have they told us by their actions, about how they feel about this plight?

I submit that by diverting these funds into other areas that patient care, or by simply not expending them, that the VA has told us that it still maintains that it did not need help, it did not need supplementation, and it did not want either advice or Congressional generosity.

Within this appropriation were funds specifically earmarked for use by the Spinal Cord Injury Service. Initially, $169,000 was released for five centers determined to be in the most critical need. Subsequently, other centers were included, and more funds were released. I cannot emphasize strongly enough that these funds were to be used to upgrade hospital care, primarily through the recruitment of new staff.

These funds were released. They were sent to the field. Allegedly, over $1.3 million eventually went to these ten centers to upgrade staffing.

Our reports and the Veterans Administration's own figures prove that these monies were never spent. This money never reached the level for which it was intended.

As proof of this statement, one need only compare the staffing ratio per 100 patients in December, 1969, which averaged 1.21 for all centers to the same ratio eight months later.

August, 1970's ratio should have begun to reflect the impact of these funds. Yet, what was the ratio? A mere 1.27.

Even one year later, the December 1970 figure shows only 1.39, and at the end of March this year, it reads 1.38.

Are we to assume then, that the $1.3 million bought the Spinal Cord Injury Service .17 in staff?

Rather, I believe we should assume that the money was not spent at all. The hypocrisy of a system which tells you to believe what they say and not what you see, must be questioned. This hypocrisy must be dispensed with if we are to work together diligently for the betterment of the plight of all America's veterans.

How does that situation appear to be now?

Mr. Burns. I would not say it has changed to any great degree, except when Senators come to visit.

Senator Cranston. Finally, for the benefit of those who are present, who haven't visited one of those wards under the prevailing circumstances, or who have not heard a description of what happens in those wards when there is inadequate personnel, I wish you would briefly describe what happens to a veteran when there is not enough people on the staff to deal with his human needs.

Mr. Burns. The circumstances regarding a spinal cord injury individual in a hospital, if I may, I will take Long Beach as the example, that was the place at which I was rehabilitated.

First of all, you are faced with a situation where the staff is, at best, adequate, not in the sense of their abilities, but in the numbers.

After 4 p.m., everything ceases to exist, except the very basic patient needs. That is, we must feed him, we must get him into bed, we must care for him medically, we must give him his prescribed medicine. That is all.

In Long Beach, there are five wards, 205 patients. They operate at 95 percent capacity during the winter months. They have 42 beds on a ward. During the day they average 2 RNs, 1 LPN and 6 aids.

In the evening hours, in my last visit, they were averaging 1 RN and 3 technicians.

In the night hours, between 11 and 7, 1 nurse and 2 patient care technicians.

Their sole purpose in the evening hours, is to deal with the basic functions. Feed those who need the assistance in being fed, get the medication to the patients.

These patients require, especially the high-level quadriplegic, who are unable to care for themselves, constant turning. They are turned every two hours. If you take two patient care technicians, provided they are male, and provided they are strong and willing to work, they can go through a ward and turn every person in that ward in an hour, which means that leaves them another hour to attend to all of the other things they must attend to, including cleanliness of the ward. And then they must start the process over again. And this goes on for eight hours.

In the meantime, recreationwise, we might as well consider it negligible. We are talking about 24-year-olds and less, Vietnam veterans. I would hesitate to call the Vietnam veteran a new breed of veteran. He still requires the same type of things, only perhaps they are a little different these days than they were before.

Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and now chancellor of the University of California at San Francisco, also returned to tell us that the Ft. Miley VA Hospital remained seriously understaffed more than 16 months after he first testified. That hospital will now receive 37 more staff.

A strikingly clear picture of the continued deterioration of the VA hospital staffing situation was provided in a May 9, 1971, article in the Miami Herald by June Kronholz, entitled "Care 'Second to None', But Veterans Alone Neither in Waiting Nor Dying" and another piece in the same paper "As War Began to Fill the Hospitals, Pressure Mounted for Cuts in Budget."

These two pieces are extremely significant in light of the January 27, 1970, testimony to the former Veterans' Affairs Subcommittee by Dr. Douglas J. Stewart, then a second-year resident at the Miami School of Medicine. He detailed for us the shortage at that time of 25 ward secretaries, 26 inhalation therapist technicians, 50 laboratory technologists, and numerous nurses at all levels.

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[From the Miami Herald, May 9, 1971]

## CARE "SECOND TO NONE," BUT VETERANS ALONE NEITHER IN WAITING NOR DYING

(By June Kronholz)

The old man had cancer. You could see he was dying.

He came to the Miami Veterans Administration hospital to relieve the pain knowing that at least he could die here. He had lived alone; he didn't have to die alone.

His nights were difficult. He coughed up mouthfuls of blood and splattered his white sheets with red. In the morning a nurse would lift him onto a litter and he was wheeled around the hospital for X-rays, cell counts, and tests his doctor ordered.

His afternoons were just as hard. A volunteer wheeled him back to his room, back to a bed still soaked in dried blood and unchanged. He looked at it and remembered the pain and sorrow of dying.

"Take me out into the hall," he pleaded. "I will wait there until they can clean it up. I can't look at it. You know. . . ."

And he waited and he waited, but he wasn't alone in his waiting.

In half-empty rooms, on half-empty floors of the sparkling new $18.1 million Miami hospital, waiting is not uncommon. Nearly a full year after a U.S. Senate subcommittee charged that the facility was hopelessly understaffed, conditions have changed little.

Red tape, delays, postponements and interminable waits are part of any visit.

"Our problems have their solutions in adequate staffs," explains one well-known VA doctor. "If only we could afford the staff."

The Miami VA hospital was built four years ago to house 1,026 in-patients. Today it has beds for 893 veterans, but on an average day only 640 of them are filled.

Room after room is empty or has been turned into an office or a doctor's lounge. The five-man wards hold desks or sofas or empty beds or spare equipment—or nothing at all.

Even operating at just over half its designed capacity the hospital is understaffed, under-financed and personnel are overworked.

Some 1,330 staff members—resident doctors, nurses, therapists, cooks, housekeepers and administrators—are assigned to the facility.

In addition to the 640 in-patients housed in roomy, bright five-man wards, the VA hospital cares for 550 out-patients every day—130,000 out-patients every year—with a staff of almost 300 persons.

It is these patients who wait longest. As many as 20 of them—many with bandages or casts—sit on molded plastic chairs for up to four hours to be seen by a resident doctor.

"It's like a meat market down there," growls a former Marine who had spent six hours strapped to a stretcher, his back shooting with pain, before a doctor had time to examine him.

Long waits are not limited to the clinics, however. Down the hall, in the first floor corrective therapy room as many as 60 patients a day clamor for the attention of three dedicated, over-worked technicians.

The ideal work-load for therapists in other hospitals is eight or nine patients a day, but at the VA that number is often 20. The rush, complain the patients, means incomplete treatments.

"The therapy here is good," says 20-year-old John Metz, a Vietnam veteran, "if you have the time to wait about 15 years for it."

On the upper floors the shortages continue. Only 146 registered nurses working three eight-hour shifts are available to care for the 640 patients the hospital houses daily. During daytime hours only two registered nurses are stationed on each floor section of 40 to 63 men. In the evening, that number slips to one nurse.

In intensive care, where the most critically ill patients fight for their lives, only two registered nurses care for 10 acutely ill men—at least three nurses short by most hospital standards.

The shortages extend to housekeepers and technicians too. Beds go unchanged for hours, patients go unwashed—not because the staff wants to ignore them, but because they are so overworked they can do nothing else.

Tucked away in some of the empty upper floor wards, stored away and idle, sits a small fortune in heart monitoring equipment. "We don't have the staff to operate it," explains Dr. Elisio Perez-Stable, assistant chief of the hospital's medical service.

Not in as abundant supply as the heart monitors are wheel chairs and litters. When the supply runs low on either one—and it often does—a bedridden patient has no alternative but to cancel the blood test or therapy or X-rays his doctor ordered.

The staff and money shortages also mean needed programs must be ignored.

With one of the highest alcohol and transient rates in the country, the Miami hospital still has no alcohol rehabilitation program and a drug program is still 15 months away.

The hospital has no emergency room and no plans to add one, either.

"An out-patient who needs emergency treatment goes to Jackson Memorial Hospital for it," explains Dr. Robinson. "Then if he needs to be admitted he can come back here."

And finally, there are statistics. For every patient in the Miami VA facility there are 2.1 hospital employes—the lowest ratio of any major hospital in Dade County. Jackson Memorial Hospital boasts 3.6 employes for every patient while Mt. Sinai has a ratio of 3.5 to one.

To the patient, that means less care and to the hospital that means a lower patient turn-over rate. In most private hospitals each bed will change patients 36 times a year—a figure that means fast care and cure.

But in the VA system a change of 15 patients a year is considered admirable. A smaller staff means slower care and slower care means that fewer patients can be admitted.

Robinson and Perez-Stable nevertheless contend that the Miami VA hospital provides medical care "second to none in the city."

They probably are right. No one has questioned the hospital's medical competency.

But as only one cog in the 165-hospital VA system, the 12-story Miami facility is a victim of circumstances.

While all over the country hospital costs—for staff members, equipment, construction and maintenance—are skyrocketing, the VA budget has inched upward. And even those increases were granted by Congress over the objections of two U.S. Presidents.

The Miami hospital's $20.7 million budget for fiscal year 1970-71 represents a $3.7 million increase over last year's allotment.

But when Dr. Albert Tomasulo, former director of the hospital, learned of the increase, he told reporters it would only make matters worse for the hospital staff.

With that increase, the hospital administration opened another 210 beds on the upper floor of the 12-story building. The hospital this year is operating with an average 114 patients a day more than it was last year.

At an average cost of $68 a day for each patient's care, $2.8 million of that increase was immediately consumed. Additionally, plans were made to open a coronary care unit and an acute respiratory care unit, the hospital's extended care program was expanded from 20 to 40 beds and the first beds of what eventually will be a 40-bed ward for spinal cord injuries were opened.

By the time the new programs were funded, however, the hospital was left with an almost minute budget for expanding its housekeeping, nursing and medical staffs.

Funds were appropriated for 70 more nurses, but the VA can barely compete with the salaries and fringe benefits offered at private hospitals and 30 of these 70 nursing jobs are consistently vacant.

More funds were provided for additional clerical help, X-ray technicians and laboratory assistants—all of whom were in seriously short supply last year. X-rays and blood tests couldn't be performed as ordered for want of technicians and vital information wasn't being recorded on patients' charts by the over-worked ward clerks.

But even with the added staff the VA cannot muster the around-the-clock operation its doctors say it needs.

"This is an 8 to 4 hospital," lamented one young physician, "and you'd better not get sick any other time."

Despite its staff shortages, the VA cannot turn away a qualified veteran—that is, one who was injured while in one of the armed services or one who served his stretch of duty during wartime, and they can't discharge him against his wishes.

"The alcoholics, the hypochondriacs, the old men with nothing else to do but come here, they all make it tougher on the rest of us," moaned a Vietnam veteran one afternoon.

To the veteran on the critical list, those staff shortages could mean the difference between receiving a blood transfusion when it's needed, or three hours later, between fast emergency nursing treatment and delayed, over-due attention, perhaps between life and death, the hospital's young doctors contend.

Dr. Robinson, however, claims that only the "frills" are hurt by staff shortages—the niceties that patients in private hospitals pay for but that patients in government-supported facilities cannot expect.

To the men in the VA hospital, the "frills" are not as superfluous as Dr. Robinson would have them think.

A pajama-clad veteran in his 50s, confined to a wheel chair since a stroke left him almost immobile, explained it this way:

"This morning I asked the nurse if I could have a shower and shave. 'What for?', she asked, 'the doctor isn't seeing you today.' "

His hair uncombed, a two-day growth of beard on his cheeks, his pajamas stale and unchanged, he sat there.

"Do they think we want to be clean FOR somebody? Don't they think we want to be clean for ourselves?"

And then his expression changed. "Of course they know that. They're good, good people. The trouble is there just aren't enough of them."

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[From the Miami Herald, May 9, 1971]

### As War Began To Fill the Hospitals, Pressure Mounted for Cuts in Budget

The American public turned its eye from the war to its wounded in June 1970 when a Senate Subcommittee on Veterans' Affairs declared that U.S. soldiers injured in Vietnam were receiving second-rate medical care in the nation's Veterans Administration hospitals.

Witness after witness detailed the horrors of the VA hospital system, the largest in the world.

The testimony was not all technical, either. Capt. Max Cleland of Atlanta, Ga., cautiously testing new artificial legs, strode to the microphone to tell the senators how he had lost two legs and an arm in Vietnam in 1968, then vegetated in a hospital for more than a year without so much as a wheelchair of his own.

Finally, he convinced doctors to admit him to a special Prosthetics Center in New York. There it took him 10 weeks to master his new artificial limbs. The VA, he complained had cost him a year of his life.

In another war it might not have been so. In World War II or Korea, Max Cleland might have died before he ever reached a hospital.

But in this war, helicopter teams evacuate the wounded within minutes to well-staffed, well-equipped support hospitals where miraculous treatment has saved twice as many lives as in previous wars, even though battle injuries tend to be far more devastating.

From Vietnam the wounded—more than 297,800 of them to date—are flown home and many, instead of being committed to army hospitals as in other wars, are discharged and admitted to one of the 168 VA facilities across the country.

There they face recuperations much more lengthy than in other wars where disease hospitalized almost as many men as did battlefield wounds.

In the jungles of Vietnam, where skirmishes put enemies at arms' length and landmines pepper the countryside, missing or paralyzed limbs are common injuries.

As a result of the war the VA hospitals were called upon to care for and rehabilitate thousands of battle injured men as well as old World War I and II patients—patients with cardiac, respiratory and just plain old age problems.

Today, 12 to 14 per cent of the patients in the country's VA hospitals are young Vietnam veterans.

Ironically, just as the war was increasing in intensity and the hospitals were filling with thousands of young patients, pressure to cut the VA budget began.

In 1966, Congress imposed on the VA system an arbitrary personnel ceiling that made it impossible to add more doctors and nurses—just as Vietnam casualties continued to pour in.

The objective was to try to control inflation—inflation originally caused by the war.

The Senate hearings dominated newspaper headlines for a few weeks and sent reporters scurrying through most of the VA facilities in the country.

The furor was short-lived, however, and the 1971 ($1.9 billion) was not substantially larger than the 1970 allotment ($1.7 billion).

The 1972 budget—at $2 billion—will not allow the Veterans' Administration to perk up its image, either. The entire medical budget proposed by the Nixon Administration for 1972 is less than the cost of one month of fighting in Vietnam.

REVISED APPENDIX IV.—FISCAL YEAR 1972 BUDGET REQUESTS FOR VA HOSPITALS AND MEDICAL PROGRAMS

[Dollar amounts in thousands]

| Appropriation | VA submission to OMB | Initial congressional submission | Difference | Amended budget [1] | Senator Cranston recommendations | Total with the Cranston recommendations |
|---|---|---|---|---|---|---|
| Medical care [2] | $2,147,559 | $2,027,750 | —$119,809 | $2,124,647 | $331,020 | $2,455,663 |
| Medical and prosthetic research | 70,295 | 62,000 | —8,295 | 64,707 | 18,216 | 82,927 |
| Medical administration and miscellaneous operating expenses [2] | [3] 19,300 | [3] 19,201 | —99 | 20,252 | 1,100 | 21,352 |
| Grants to the Republic of the Philippines | 2,100 | 2,100 | | 2,100 | | 2,100 |
| Grants for the construction of State extended care facilities | 10,000 | 8,000 | —2,000 | 8,000 | | 8,000 |
| Construction of hospitals and domiciliary facilities | 149,964 | 90,000 | —59,964 | 90,418 | 7,860 | 98,278 |
| Total | 2,399,218 | 2,209,051 | —190,167 | 2,310,124 | 358,196 | 2,668,320 |
| General operating expenses [4] | 281,312 | 266,250 | —15,062 | 285,110 | 32,740 | 317,850 |
| Grant total | 2,680,530 | 2,475,301 | —205,229 | 2,595,234 | 390,936 | 2,986,170 |

[1] Includes (A) budget amendment (H. Doc. 92-93) of Apr. 19, 1971, for $85,673,000 ($68,597,000 medical care; $2,207,000 research; $751,000 MAMO; $418,000 construction, and $13,200,000 GOE) and $14,500,000 in medical care for reclassification of Nursing Assistants and (B) budget amendments described in footnotes 2 and 4.

[2] Includes budget amendment (H. Doc. 92-133) of June 21, 1971, proposed in the President's June 17 omnibus drug control message for $13,800,000 more in medical care and $300,000 in MAMO to expand VA drug treatment and rehabilitation program and part of budget amendment described in footnotes 1.

[3] Does not include $2,000,000 proposed legislation for extension of exchange of medical information program.

[4] Includes budget amendment (S. Doc. 92-24) of June 24, 1971, for $5,660,000 in GOE for 407 FTEE for loan guaranty and OJT outreach work at VA regional offices and part of budget amendment described in footnote 1.

## THE PRISONS OF HANOI

Mr. MILLER. Mr. President, the April issue of Reader's Digest contains an article entitled "Inside the Prisons of Hanoi," written by Louis Stockstill, which merits the attention of everyone, especially those who may have any doubts about whether the North Vietnamese have flagrantly violated the Geneva accord on the treatment of prisoners of war.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

(NOTE.—The following report on the shocking conditions within the prisoner-of-war camps of North Vietnam, and on the threat these conditions pose to the survival of hundreds of U.S. citizens, has been drawn from lengthy interviews with some of the men who have been released, and from informed sources in Washington, Saigon and Paris.)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors double-time him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls. Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,* its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

#### NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking daylight will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

Now it is winter, bringing the cold he detests and fears most. He had wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

Gongs and Judas Holes. Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gong," a metal ring periodically assaulted by a metal rod. It echoes and re-echoes. And as it fades, he strains to hear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judah Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a wash-day, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guard shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guard slams open the Judas Hole to check.

Body and Soul. As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

Shattered Rules. How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatend with each passing day. Some of the POWs have already died.* Others face almost certain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

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*There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

* North Vietnam has told U.S. anti-war groups and Senators that 23 prisoners have died. But the list cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "showcase" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. There is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

But conditions are still deplorable. You can show your concern over Hanoi's treatment of our prisoners-of-war by signing the statement below (adding a personal message if you wish) and sending it at once to: "Help Our POWs," American Red Cross, P.O. Box 1600, Washington, D.C. 20013. The Red Cross will tabulate the responses and see that your message gets to the government of North Vietnam. Millions of protests from indignant Americans cannot fail to have impact, even in Hanoi. Don't wait. Sign and mail your letter right now, then call a friend and ask him or her to do the same. The one hope these prisoners have is that their fellow Americans will not forget them.

## DESEGREGATION STATISTICS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD correspondence between the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare and me concerning the Department's policy on issuing statistics on school desegregation nationwide.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., June 18, 1971.*
Hon. JACOB K. JAVITS,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JAVITS: Thank you for your letter of May 18 in reference to the floor remarks which Senator Stennis delivered on April 14.

As you indicate, a portion of the speech dealt with the manner in which the Department has published school racial statistics, and I think it would be appropriate, in answer to your inquiry, to take up the allegations individually and respond to each of them.

1. In the first instance, let me assure you that the Department, and specifically the Office for Civil Rights, has not altered and does not intend to alter the format of presenting the final results of the 1970–71 school survey.

The Department plans to issue a final report on the 1970–71 school data as soon as all survey forms returned by the school districts have been edited for corrections and computerized. The process is now nearly completed. The final report will be similar and comparable to the State-by-State and major-city breakdowns provided in releasing the final report based on 1968–69 data.

I regret that the information, which is derived from individual school district figures, was not available prior to Senate consideration of the proposed Emergency School Aid and Quality Integrated Education Act of 1971. But we could not have issued a final and accurate report at that stage because all survey forms had not been completed and returned, and the data derived from them had not been included in the computerized calculations which produce the State-by-State and major-city breakdowns.

2. The 1970–71 racial enrollment figures released on January 14, 1971, were preliminary and unedited projections. In no sense were these preliminary regional tables intended to take the place of the final and accurate accounting which is forthcoming, and we stated this to the press, the public and all concerned with complete clarity.

3. The issuance of preliminary and partial survey results on January 14 is not a departure from past procedure. For instance, on January 16, 1969, the Department issued a set of tables indicating the extent of desegregation in the 11 Southern States based on 1968–69 survey data. The figures used then were preliminary and incomplete, and, because of less sophisticated accounting methods then in use, they were probably less accurate than the Department's 1970–71 preliminary figures.

4. Whereas the preliminary figures based on 1968–69 data, which were released in January 1969, covered only the 11 Southern States, the preliminary figures based on 1970–71 were nationwide projections. Since the preliminary report of last January contained regional breakdowns, it is now possible to compare the extent of racial separation in the 32 Northern and Western States to the extent of racial separation in the 11 Southern States.

In reporting preliminary data this time on a nationwide basis, instead of confining the data to the Southern States as in the past, our purpose was precisely to permit comparative analysis and to avoid any sectional bias. In issuing a preliminary report, the "rules of the game" were not changed with respect to the 1970–71 school data, and, in making nationwide statistics available, the preliminary report of January 14 does not represent a double policy in the release of statistics but a conscious decision to present them on a nationwide scale.

5. In regard to the timing of the release of statistics, we have already indicated that many large urban school districts had not completed the 1970–71 survey forms in time for purposes of inclusion in the preliminary release of January 14.

In the first place, the preliminary report based on 1968–69 survey forms was issued on January 16, 1969. The preliminary report based on 1970–71 survey forms was issued on January 14, 1971. In both cases, therefore, the preliminary report was issued approximately 4½ months after the start of the academic year.

Secondly, the final report based on 1968–69 survey forms, which included the State-by-State and major-city breakdowns to which you refer, was not issued until January 4, 1970—nearly 15 months after the survey returns were due. We anticipate that the final report based on 1970–71 survey forms, including breakdowns, will be available by June 15, 1971—eight months after the survey returns were due.

The timing of the final report for 1970–71 is dependent primarily on the speed and accuracy of school districts or States in completing and returning the survey forms. Some State departments of education prefer to handle the individual district forms themselves, which has caused some delay. For instance, no returns from one State were received until April 16. Although returns were due at the Office for Civil Rights by October 15, 1970, many school districts, particularly the large urban systems, have found it difficult to meet this deadline.

It also takes time for our contractor, the George Washington University Social Research Group, to check each incoming form to determine whether the additions are correct or whether the school district has answered all questions properly. Frequently, when errors are uncovered, the contractor must consult the school district. Keypunching of data for the computer runouts must also be verified.

We do not believe that the eight-month period required to develop a final report is really unreasonable when you consider that we must depend upon the cooperation and efficiency of officials in 70,000 schools and about 8,000 school districts and State departments of education to obtain nationwide enrollment data covering 45 million pupils.

I hope this summary will help to clarify the record, and if the Department can be of further assistance, please let me know.

With kindest regards,

Sincerely,

JOHN G. VENEMAN,
*Acting Secretary.*

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MAY 18, 1971.

Hon. ELLIOT L. RICHARDSON,
*Secretary, Department of Health, Education and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: In a statement delivered on the Senate floor on April 14, 1971, Senator Stennis made some very serious allegations concerning your Department's methods of presenting statistical summaries on the extent of racial segregation in school systems throughout the United States. I would appreciate receiving from you, at your convenience, a response to these allegations.

With warm personal regards,

Sincerely,

JACOB K. JAVITS.

## DEATH OF FORMER SENATOR THOMAS E. MARTIN OF IOWA

Mr. MILLER. Mr. President, it is with sorrow that we mourn the passing of a former Member of this body, Thomas E. Martin, whom I succeeded in the Senate in 1961.

Tom Martin, who died Sunday at the age of 78, earned a reputation as one of the hardest working Members of Congress during his 16 years in the House of Representatives and 6 here in the Senate.

Born in Melrose, Iowa, of a pioneer Iowa family, Tom Martin ably pursued four careers—citizen soldier, accountant, lawyer, and politician. He earned his degree in accounting from the State University of Iowa, in Iowa City, and followed that profession before and after overseas service as an infantry lieutenant in World War I.

Following that war he returned to Iowa City as a Reserve Officers Training Corps instructor and accountant and then decided to study law. He received his law degree in 1927 and an LL.M from Columbia University a year later.

He was city attorney and then mayor of Iowa City, where he earned a reputation in cracking down on gambling. He then served in the House of Representatives from 1939 to 1955, when he took his Senate seat.

The pinnacle of his career was perhaps reached when he won his Senate seat from the incumbent, Senator Guy Gillette, in a tremendous campaign in 1954. Then a Representative, Tom Martin waged an uphill battle against a very able and distinguished opponent who was known for his independence. The outcome was eventually decided on the basis of Tom's more intensive personal contact during many 16- and 18-hour days of campaigning—a lesson that I, as a young, aspiring politician, have always remembered.

As we salute a gallant warrior and dedicated public servant, Mrs. Miller and I express our condolences to Tom Martin's good wife, Doris, and their children; his brother, Sterling; and his many friends.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is concluded.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. LONG). The distinguished Senator from West Virginia (Mr. BYRD) pursuant to the previous order, is now recognized for 45 minutes.

## CONQUEST OF CANCER ACT

Mr. BYRD of West Virginia. Mr. President, for the purpose of making it the pending business, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 239, S. 1828.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 1828, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. President, there will be no action on the bill today. It is merely being laid before the Senate for the purpose of making it the pending business.

### UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished majority leader to make the following unanimous consent request. Having consulted with the very able assistant Republican leader and other principal parties, I therefore proceed as follows:

I ask unanimous consent that on Wednesday next, July 7, 1971, at 12 o'clock noon, the Chair lay before the Senate Calendar No. 239, S. 1828, the Conquest of Cancer Act, and that time during further debate thereon be limited to 3 hours, the time to be equally divided between and controlled by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the equally distinguished Senator from Colorado (Mr. DOMINICK); ordered further, that on amendments thereto, the time be limited to 1 hour on each amendment, the time to be equally divided between and controlled by the mover of such amendment and the manager of the bill; that the time on any amendment to an amendment be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill; provided further, that no amendments not germane be received; ordered further, that Senators in control of the time on the bill be authorized to allot therefrom time to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER (Mr. LONG). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the previous order, providing for the laying before the Senate of Calendar Order No. 239, S. 1828, a bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer, be amended to provide that the Chair lay that measure before the Senate on Wednesday next at 2 p.m., rather than at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia later said: Mr. President, with respect to the time on Wednesday next at which the Chair will lay before the Senate Calendar Order No. 239, I ask unanimous consent that the time be changed from 2 p.m. to 3 p.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on Calendar No. 239, which the Senate will consider on Wednesday next.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, for the information of Senators, could we know that the vote will come in the afternoon rather than in the morning, or first thing when we walk in the door? Because Senators like myself need to know, and plan to get here.

Mr. BYRD of West Virginia. Yes. Mr. President, may I say in response to the Senator's appropriate query that the bill will not be laid before the Senate until 3 p.m. on Wednesday next.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. What was that date?

Mr. BYRD of West Virginia. Wednesday next, July 7. I ask for the yeas and nays.

The yeas and nays were ordered.

The unanimous consent agreement reads as follows:

*Ordered*, That on Wednesday, July 7, 1971, at 3:00 p.m., the Senate will proceed to the consideration of the unfinished business, S. 1828, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer, and commencing at that time debate on the bill shall be limited to 3 hours to be equally divided and controlled respectively by the manager of the bill (Mr. KENNEDY) and the Senator from Colorado (Mr. DOMINICK).

*Ordered further*, That debate on any amendment, motion or appeal except a motion to lay on the table shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill.

*Ordered further*, That debate on any amendments to amendments be limited to 20 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill.

*Provided*, That time on the bill may be allotted to any Senator during the consideration of any amendment, motion or appeal.

*Provided further*, That amendments not germane to the provision of the said bill shall not be received.

## THE ROLE OF THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the role of the Judiciary in preserving this Republic for our children cannot be underestimated.

All of us have noted the recent breakdown in order in this country. We have noted a trend, now quite pronounced, to reject authority of any sort, to decide for oneself whether a particular law or rule is to be observed. It is a matter of great concern to the people and considerable moment to the courts, since the power which courts have is pretty much dependent on the willingness of the parties to obey rulings even when they disagree with them. It is only necessary to refer to a remark frequently ascribed to President Jackson that Chief Justice Marshall had made his decision, now let him enforce it; or to Alexander Hamilton's overworked phrase about the Court having neither purse nor sword; in order to appreciate that it is the authority of the courts which inevitably suffers first and greatest from a disposition not to be bound by rule or authority—which disposition unfortunately has gained wide currency in our society.

Since this is true, it is more than passing strange, then, that many persons believe that some of the Federal courts, and in particular the U.S. Supreme Court, have done more than any other branch of government—local, State, or Federal—to foster such a feeling and mood and disposition in our society—more indeed than any other institution with the possible exception of the American educational establishment.

I realize the obligation all lawyers necessarily feel to accord the greatest amount of respect to the U.S. Supreme Court. I feel that obligation; my feeling of respect is considerable; I honor the Court as an institution. But I need not quote the remarks of distinguished judges lawyers, and scholars that respect does not require loss of critical faculty.

I hope that it will not be thought presumptuous of me to state my views and the conclusions and thoughts which I hear expressed frequently in the Congress and in the conversations and letters from constituents about the Supreme Court and what are considered its errors of recent years.

There are, of course, many areas in which the Court's rulings carry out the Constitution and the laws and promulgate standards for sound governance of society. But while these are welcome, my objections run to the fact that the Court has in many areas appeared not to follow the Constitution—or has followed strained interpretations of it or has ignored congressional direction in matters subject to statutory regulation.

Thus, while the Allen decision last year was welcomed, authorizing trial judges to take the necessary steps to deal with obstreperous defendants by setting them outside the courtroom or binding and gagging them or citing them immediately for contempt of court—and while it is to be hoped the same standards will be applied to riotous defense counsel—one cannot ignore the evidence that the Court itself has contributed to the problem by applying Court-created constitutional limitations on the inherent powers of trial judges to deal with contempt committed in their presence or outside their presence. The unprecedented application of jury trial requirements to contempts when the sentence may exceed a certain limit, the rulings in Mayberry this term, and the Mississippi case within the last month limiting the authority of judges to deal with contempts directed at them—these and other rulings appear to be expressing a feeling that trial judges who are sworn to uphold and defend the Constitution are not to be trusted to be fair and just.

In other words, one can perceive this series of cases only as carrying over to the trial judges the Court's well-known aversion to trusting Congress and the legislatures to uphold the Constitution. When a body of men forming the court of last resort in this country becomes seized of such a fear—a fear of their lower court brethren and of legislators and, for all we know, of the President, as well—then there is a substantial danger that rigid rules will be laid down to circumscribe the discretion of everyone.

And unless my reading is wrong, there is danger that this mistrust so recently applied to the trial courts is soon to be transferred back to the legislatures. The Court recently granted review of an appellate court decision sustaining the power of the Wisconsin Legislature to imprison summarily Father Groppi for leading a raid on the floor of the legislature while it was in session to protest a legislative decision. It would not surprise me at all to find the Powell and the Bond decisions, and the decisions curbing the power of Congress and the legislatures to investigate, expanded and applied to infringe on the inherent power of legislatures—and of Congress—to punish for contempt without invoking the aid of the courts. We Americans simply cannot afford to submit to further chipping away at the powers and prerogatives of legislators and trial judges.

Thus, even when the Court, as in the Allen case, reaches an eminently correct result, it may be that the problem was either created or compounded by earlier Court decisions or still remains a problem because the Court persists in error.

I would not contend that the Justices have been actuated by anything but high motives or pure ideals. The problem, instead, has been that they have made bad laws and rendered wrong decisions in pursuit of those high motives and pure ideals rather than admit that, however socially desirable something might be in abstract principle, it should not be attained except within the context of applicable constitutional principles.

Let me illustrate what I mean by noting the recent decision involving the closing of a number of swimming pools in Jackson, Miss., after their desegregated operation was decreed by a local Federal district court. In a 5-to-4 decision, the Court held—and, I think, rightly—that the Constitution did not compel the city of Jackson to reopen those pools.

Some of the Justices may have felt that the Jackson officials closed the pools because of an impure motive, a refusal to operate them so as to permit white children and adults and Negro children and adults to swim together.

But that was not the question which faced the Court. The question was whether the U.S. Constitution compelled the city to reopen and to operate those pools. It was a question of constitutionality, and I think that Chief Justice Burger's concurring opinion capsuled the matter in a way that cannot be bettered:

> All that is good is not commanded by the Constitution and all that is bad is not forbidden by it.

In the spirit of judging the issue by what the Constitution commands or forbids, then, the majority noted that insofar as the equal protection clause was concerned everyone in Jackson was deprived of public swimming pools. The city was not attempting surreptitiously to preserve racial separation by seeing that the pools were kept in operation in collusion with private groups. The pools were closed. Thus, said the majority, whatever the motivation of public officials, their acts were not forbidden by the Constitution nor did the Constitution require them to operate what was in essence a luxury.

The minority did not look at the matter that way. It was enough for them that Jackson officials had been actuated by bad motives: Because their thoughts were impure their actions were constitutionally tainted and the Court ought not let them "get away with it."

It should be said that some Justices resist the impulse to sit in judgment on the innermost thoughts and motivations of others and, instead, judge their actions by the standards of constitutional commands and prohibitions. But other Justices, unfortunately, appear to psychoanalyze motives and approve or condemn actions on the basis of what such an exercise in psychology reveals.

It is this proclivity which comes through clearly if we look at the "sit-in" cases of the early 1960's, which illustrate how a majority of the Court has often confused good intentions with lawful actions, starting the Nation on a path leading to disorder and contempt for law.

The essence of the philosophy of the "sit-in" movement was the conviction that if law protected the prejudice of an owner of private property in being selective regarding his choice of customers, then the law would be disobeyed. It would be violated by persons placing their bodies in forbidden areas and inviting arrest. I should say that if all these people wanted was to bear witness to their objection to racial discrimination by inviting arrest and submitting to conviction for violating clearly neutral and constitutional laws, thereby petitioning for legislative change outlawing private discrimination, that would be one thing. The actions might be disruptive but the viability of law to preserve order would not be called into question.

But neither the demonstrators nor the Supreme Court was willing to leave the matter at that. The demonstrators did not submit to conviction as a method of bearing witness; they appealed, seeking to void their convictions by obtaining a ruling that the 14th amendment either outlawed all private discrimination or else prohibited the enforcement of trespass and other laws by which the States and localities lent some assistance to store owners and other owners of private property. Such a ruling, of course, would have had enormous consequences for American constitutional jurisprudence, all of it bad. Some Justices, notably Mr. Justice Douglas and Mr. Justice Goldberg, were willing to go that far. A majority of the Justices did not feel so inclined. But that did not mean that the demonstrators were out of luck. The Court simply used every device which could be thought of to reverse all convictions without ever reaching the ultimate decision.

The result was that not any conviction

involving a "sit-in" which was appealed to the Supreme Court was sustained. No doubt the majority was impressed with what they considered to be the general "good" motivation of the demonstrators. No doubt the majority thought that some means, almost any means, were justified in order to let the "pure in heart" off. The radiations from these decisions show what a monumental mistake this sentimental conclusion from the heart instead of from the head was in fact.

Can anyone doubt that the waves of campus demonstrators, arrogantly presuming themselves qualified to dictate educational decisions, were undertaken with the realization, conscious or unconscious, that the demonstrators in the "sit-in" cases had succeeded. No doubt the fact that the earlier demonstrators had not had to pay to bear witness with jail sentences inspired the cry for amnesty which accompanied every demonstration, every trashing, every invasion of a dean's office, which the students undertook. Or it may be that the amnesty cry simply reflected the puerile character of the affluent college student as contrasted with the serious purpose underlying the Negro demonstrators' actions.

Whichever is the case is really irrelevant. The earlier Court decisions which affirmed that a degree of "purity" of motive could excuse law-breaking bore fruit, not only in the college demonstrations, but also in the riots, when apparently respectable people went to looting to secure what they wanted and in the "rock" festivals where young people flaunted their distaste for all values by engaging in open nudity, open public copulation, open marihuana smoking, and open destruction of property.

Bitter fruit, indeed, but the lesson is unlearned where the learning of it would be most valuable. Evidence? On June 7 of this year, there was a 5-to-4 decision of the Supreme Court which reversed the California conviction of disturbing the public peace by offensive conduct of a youth who appeared in the crowded corridors of a courthouse in the presence of women and children with the four-letter word "F— the draft" printed on his jacket. The Court's opinion was written, incredibly, by Mr. Justice Harlan, and at one point he solemnly assures us that it is "often true that one man's vulgarity is another's lyric." In the same paragraph, he says:

> Surely the State has no right to cleanse public debate to the point where it is grammatically palatable to the most squeamish among us.

So, objection to the profusion of four-letter words and the most open profanity is appalling only to the "squeamish" among us. The power of government to prevent children and objecting adults from being subjected to the most objectionable and callous obscenities means nothing more to the Justices than making "public debate—grammatically palatable." It is nothing short of astounding. It would help the Justices in the majority to take a walk around a few blocks of their Court building and just observe and listen to the nauseating language and the sickening abuse of verbal sexual assault which any woman, no matter how old or how young she may be, is subjected to. The streets are unfit for decent people now and it is tragic to notice how young children so casually utter the most obscene, barnyard language which they have picked up by simply listening.

More evidence? On June 1, the Court struck down as being in violation of the right of assembly a Cincinnati ordinance which punished persons who congregated on the public streets and engaged in annoying conduct. The majority was not even concerned with the conduct the particular defendants had engaged in. Mr. Justice Stewart simply pronounced that:

> No government could make criminal the exercise of the right of assembly simply because its exercise may be "annoying" to some people.

Further, he said:

> Government could not proceed against persons who annoy others because of their ideas, their lifestyle or their physical appearance.

With all due respect, I submit that this is ridiculous. Of course, merely assembling to express ideas or protest may not be prohibited if it should annoy some persons. But what about a crowd of rowdies who harass passers-by, who throw trash around them, who congregate outside a church and throw a drunken revel. Is there any doubt in any of our minds that such annoying conduct should be punishable? The Court should have restricted the city's application of the ordinance; it is not difficult to distinguish between protected and unprotected conduct. But the Court blithely struck the whole ordinance down.

And what is wrong with applying such an ordinance to the sort of grimy loafers who are familiar to us all if their "lifestyle" involves public nudity and public copulation or simply who gather in unsightly conglomerations which affront every decent person.

Thus, the trend which began with the "sit-in" cases continues unabated. A majority of the Court seems content to preserve the right of everyone, in the current vernacular, "to do his thing" no matter how nauseating it may be to his fellow citizens. But we have come so far from the "sit-in" cases that we do no longer have as an excuse the argument of purity of motives. Some of the "sit-iners" may have had good motivation; many of these people now are simply bums, addicted to drugs and immorality and avoidance of work. But somehow they have a constitutional right to their own "lifestyle."

I am very much afraid that what has happened to the Justices is the sort of thing which afflicts people who think only in concepts and abstractions instead of thinking in "things," as I believe Justice Holmes once recommended. Abstractly, it may be a good thing that each person should have a large degree of control over his person in the sense that his choice of "lifestyle," of language and dress and leisure and the like is pretty much unfettered by the legal system. But the actuality of the matter is that society then is at the mercy of the lowest common denominator of "lifestyle" and behavior.

Society has an interest in having clean, safe streets. And if a subclass of people persist in attempting to turn those streets—or parks or whatever—into pestilential mudholes in which unsightly individuals using nauseating language indulge in obnoxious behavior, then society is obligated to sweep them off the streets. It does us little good to speak of the uplifting qualities of individual freedom if our children and our women, indeed any decent human being offended by such things—and there is no reason men may not be so offended—are subjected to spectacle after spectacle of degrading public activities.

And yet, the Court gives no sign of recognizing the fact that freedom for all cannot exist without the exercise of responsibility for all and the fact that if there are persons in the society incapable of balancing their exercise of freedom with the exercise of responsibility, then society must rein them in. Instead, the Court has just granted review of two vagrancy cases and we may expect that in the coming term the ability of police, of society, to deal with petty criminals, professional bums, and obnoxious characters will be further curbed.

This is not idle prophecy. We need only look at other cases to notice how concentration on abstractions has created a gulf between the Justices and the reality which the rest of the people must live with.

A good example is in the area of forced integration in the public schools. The desegregation decision of 1954 was right and proper, in my judgment. I believe that decision is supported by a majority of the American people. I believe further that a majority of white Americans want black Americans to have the opportunity for education and economic advancement which they rightfully should have. But those desirable goals, in my judgment, will not be reached by some of the means that have been resorted to to effectuate forced integration.

I shall not dwell on that matter here except to say that the almost fanatical efforts to force an artificial racial mix in the schools only serve to push the suburbs ever outward and inevitably hasten the decay of the inner cities, together with their public school systems. Forced integration has not yet produced better education for black or white, and I do not believe that it will. Indeed, it may have done just the contrary. The numbers game being played with respect to forced integration is doomed to failure, and the American people in general, in my opinion—black as well as white—would like to see an end to this folly which threatens to convert the primary purpose of the public school system from that of education to that of integration.

Under the equal protection clause of the 14th amendment, no child may be discriminated against on the basis of race in the assignment to a public school. That, in essence, was the meaning of the 1954 school decision. And it was the right decision, based on the Constitution as amended.

In the 17 years that have since intervened, not one "jot or tittle" has been changed in the verbiage of that amendment. Yet, children today—by virtue largely of Federal court decisions—are being assigned to public schools throughout the South, specifically and wholly on the basis of their race, and that alone.

How long will the people tolerate the seeming obsession of the courts in this profitless pursuit of abstract social goals rather than pursuit of reality?

Another example of concentration on abstractions is in connection with the rash of instances of flag burnings and other acts of desecration we have witnessed in the last few years. It would no doubt have astonished the drafters and enacters of the first amendment had it been suggested that they might be immunizing a shoddy practice of protesting something though the desecration of the flag; such a "symbolic speech" as a concept and a fact would undoubtedly have merited only contemptuous rejection from Madison and the members of the first Congress. It is simply absurd to permit the flag to be so treated simply because someone wants to make a splashy show of protesting a grievance—a grievance often feigned rather than real.

The tragedy is that at a time when patriotism is at low ebb and devotion to country is something too many people snicker at, the Court is lending support to further erosion not out of any sympathy for such a sorry trend but because the attention of the Justices is focused on an abstraction, on a concept of speech as an absolute.

It is this same single-minded focus, I believe, which forms the basis for the Court's incredible performance with regard to obscenity. From Roth to the cases this term, the Court—Justices Black and Douglas dissenting—has pronounced obscenity to be outside the area of protection of the first amendment. So much for official doctrine. The result, as the Court has proceeded through the cases, is that less and less is held to be legally obscene, from the printed page of the grubby paperbacks produced solely to titillate, to the peep shows, to the feature movies which throw in a little something "socially significant" to justify the 98 percent raw sex.

The Court seems to be so tied up in single-minded concentration on free speech in the abstract that its rules and standards for defining what is obscene and for suppressing what is obscene have so hemmed in the police and the lower courts that they are incapable of protecting the vast majority of the public from constant exposure to all this sordidness. As a result, free speech is not advanced any, but a lot of fast-buck, seedy operators are making a lot of money off a clientele of pathetic people who are being made even more pathetic by the exploitation to which they are subjected.

The entire area of first amendment jurisprudence is infected with the Court's beguilement by an abstraction. The infection can also be seen in the Times against Sullivan case and following it in which the Court is immunizing more and more libel and slander from legal accountability. Certainly, it is one of the prime functions of the first amendment to protect public discourse on public issues. Free press and free speech are absolutely necessary to the functioning of a free government. But freedom, I assert again, without responsibility is detrimental and destructive of the values of a free society.

Now the Court tells us the defense of truth is inadequate to protect the freedom of the media. The first amendment protects lying too, unless a libeled person can psychoanalyze the offender and show the jury that malice lay at the base of the lying. So far, the burden of such a rule has been on public officials and candidates for public office who have always been considered fair game anyway, but in the recent Rosenbloom case, the Court extended the rule to libels and defamations of private individuals connected in some way with an event the media finds "newsworthy."

I think that it is fortunate when we turn from the area of first amendment jurisprudence to the area of criminal law and criminal procedure that we see reflected in recent Supreme Court cases a dissatisfaction with abstraction and a dedication to realism which the criminal cases of Chief Justice Warren's tenure wholly lacked.

With the possible exception of search and seizure, which still remains a morass of contradictory rules and arbitrary limitations, the Burger court is moving away from a hyperactive concern with the rights of criminal defendants in the abstract and deciding cases on the basis of the effect of constitutional rules in real cases.

I will not dwell on the cases which bear out these statements. They are generally familiar decisions. Nor will I dwell further on my point about the Court's abstraction with theory versus reality as evidenced in the Bruton case in 1968, the Harrison case in the 1967 term of the Court, or in Miranda, Escobedo, Wade, and the like, except to say the importance of cases like Miranda is not so much the damage that is actually done in keeping out valid confessions or authentic reliable evidence. The damage lies in the fact that every crook is thereby encouraged to think that a hypertechnical Court is turning their confederates loose. An increase in confidence that, if caught they can "beat the rap," has without doubt contributed to the increase in crime.

It is in that sense I think that we have to acknowledge the influence of court decisions on crime. Criminals, normally, do not read Supreme Court decisions or lower court decisions. But once a court begins to lean hard on the police and issues a few rulings that are publicized which make it more difficult to convict, criminals are encouraged simply because the impression is about that their chances are better.

Severity of sentence in my opinion is a deterrent to crime. Equally effective is the belief generally abroad that the chances of getting caught and being convicted and serving time are substantial. The principal fault of the courts in recent years is that they have made possible a contrary opinion.

But not only criminals are subject to such prevailing influences. I have no doubt that trial courts also now—State and Federal—have for years been afflicted with the fear of reversal by the higher courts so that they have grown more and more lenient on sentences, given defendants more and more of the doubt in ruling on suppression motions, and generally have made the jobs of prosecutors more difficult. I have no doubt that, for example, a study of the district courts in the District of Columbia would show that the supersensitive-to-defendants attitude of the court of appeals has made trial judges lean over backward in favor of defendants.

There would appear to be little doubt then that a change in the Supreme Court on criminal law should correct this attitude. It will be none too soon in my opinion. If we are to call a halt to the spiraling increase in crime we must speed up trials which means cutting out a lot of the waste and the coddling which goes on. Stiff sentences have to be handed out upon conviction. Habeas corpus must be returned to traditional limits so that once a defendant has exhausted his appeal rights he cannot simply, over and over again, clog up the courts with frivolous petitions.

I have no doubt at all that if the exclusionary rule at one end of the process and habeas corpus at the other end were returned to their traditional orientation the clutter in the courts could be cleaned up faster, trials could be more expeditious, sentences would be more meaningful, and justice would be done society as well as the criminal.

Regrettably, I must except from my generally complimentary remarks about the Court's very recent criminal law trends its search and seizure doctrines. As the Collidge decision handed down only last week demonstrates, the Court is still mired in confusion of its own earlier making with respect to the fourth amendment, and, through its unwise extension of the unwise exclusionary rule to the States, the confusion afflicts all 50 States. Collidge is particularly illustrative since there the majority held that police who had come lawfully onto the defendant's property to arrest him lawfully were held forbidden to seize and impound his car which was parked in plain view in his driveway and which police knew had been used in the commission of a brutal murder of a 14-year-old girl.

Worse still, on the same day in the Bivens case a six-Justice majority held that any crook who claims that Federal agents had committed an unlawful search and seizure could sue for damages in the Federal courts. No act of Congress gives them this right; the fourth amendment says nothing about it. But the Court implied the remedy from the "spirit" of the amendment.

The harm to law enforcement is obvious Collidge demonstrates that the Justices cannot agree on what constitutes illegal searches, but if law enforcement officers in the field guess wrong they are subject to suit under a judicially created tort theory.

No more can society live in a state of fear of crime than it can suffer the degradation of many of its members to abuse of the right of speech and press. We were once in a state where these excesses did not exist and no one can argue we were less free. Then, a man could take his family out without fear of robbery or rape or subjecting his children to the brutalization of language and immorality and fear which now exists. That man and his family were free. We can have that state of existence again but it takes discipline and rejection of what passes for intellectual counsel these days. It takes perseverance and dedication to first principles. And we can do it.

Let me repeat, in closing, that I have respect for the Supreme Court as an institution. But I shall continue to be disturbed by what my colleague in the Senate, Sam J. Ervin of North Carolina—a distinguished jurist in his own right—has called the "misty idealism" of many of the Court's decisions in recent years. Woodrow Wilson once said:

> Constitute them how you will, governments are always government of men, and no part of any government is better than the men to whom that part is entrusted . . . The courts do not escape that rule. So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse.

The Federal judiciary bears a heavy responsibility in the years ahead for a return to order and tranquillity in our society, a restoration of respect for law and the courts, and the preservation of constitutional government.

(At this point, Mr. Chiles assumed the chair.)

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I must applaud the Senator from West Virginia for the very fine statement he has made.

I notice that the major crimes in this country continue to grow in number while the Court continues to move in its effort to allow permissiveness to engage in antisocial conduct and unlawful or previously unlawful conduct across the land.

Certain Justices on the Court have now indicated they are going to rule on whether the death penalty constitutes cruel and unusual punishment. Certainly those who wrote the Constitution never had any such thing in mind.

I think it is important, it is in order, and I think it is a duty of Congress to initiate constitutional amendments to correct some of this wave of permissiveness instituted by the Court, if only to state that the Constitution means what we have always thought it means.

It is unfortunate that that might be necessary, but in my judgment it has become necessary if we are to bring to a halt and reverse some of this unfortunate wave of permissiveness which has been spawned by the Supreme Court.

The Senator from West Virginia is quite correct in what he has said. I, too, am a lawyer, and I feel it is my duty to try to uphold the Court and defend the Court when the Court is doing its duty as it conscientiously believes that duty to be; but I cannot find it in my conscience to defend Justices who deliberately strike down the Constitution as written, and laws as they were intended to apply. That is frowned upon by me as a lawmaker and I do not believe my position as a lawyer places a burden on me not to speak out when the Constitution is being destroyed by certain Justices on that Court.

The Senator from West Virginia has rendered a real service and I applaud him for bringing this matter to the attention of the Senate.

It is not beyond Congress to be able to do something about this persistent and deliberate misconstruction of the Constitution and the law.

If nothing else, a constitutional amendment could be proposed to remove some person or persons from that Court on the ground that the Nation simply does not need them any longer. If there is no other way to do it, I suppose a constitutional amendment, voted for by a two-thirds majority of the Senate and the House, and ratified by three-fourths of the States, might have some distinct possibility. Perhaps we could make some progress then toward stopping this continuous assault upon the Constitution and the well-established laws of this country.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Louisiana, who is greatly senior to me in this body, a highly respected Member of this body, and an outstanding lawyer, for the expression of concern he has indicated and for his very fine contribution. I appreciate it.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 14 and 36 to the bill and concurred therein.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Miller of California, Mr. Teague of Texas, Mr. Karth, Mr. Hechler of West Virginia, Mr. Fulton of Pennsylvania, Mr. Mosher, and Mr. Bell were appointed managers on the part of the House at the conference.

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

## ORDER FOR RECOGNITION OF SENATORS TALMADGE, AIKEN, HUMPHREY, AND YOUNG ON WEDNESDAY, JULY 7

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, July 7, immediately following the recognition of the majority and minority leaders under the standing order, the following Senators be recognized for 15 minutes each to speak in the order stated and to engage in a colloquy in connection with the introduction of a bill: the Senator from Georgia (Mr. Talmadge), the Senator from Vermont (Mr. Aiken), the Senator from Minnesota (Mr. Humphrey), and the Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT OF THE CONGRESS UNTIL JULY 6, 1971

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership, I ask the chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 351.

The PRESIDING OFFICER (Mr. Stevenson). The Chair lays before the Senate House Concurrent Resolution 351, which the clerk will state.

The assistant legislative clerk read as follows:

> H. Con. Res. 351
>
> *Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Thursday, July 1, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, July 6, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senator proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I send to the desk two amendments on behalf of the joint leadership and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

> Page 1, line 2, strike out "two Houses adjourn" and insert: "House of Representatives adjourns".
>
> Page 1, line 3, after "1971," insert: "and when the Senate adjourns on Wednesday, June 30, 1971,".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, that negates the order entered into unanimously earlier, by means of which the Senate was to have come in at 10 a.m. tomorrow, July 1, 1971. So that when the Senate completes its business today, it will stand in adjournment until noon on Tuesday next, July 6, 1971.

The resolution as amended was agreed to as follows:

H. CON. RES. 351

*Resolved by the House of Representatives (the Senate concurring)*, That when the House of Representatives adjourns on Thursday, July 1, 1971, and when the Senate adjourns on Wednesday, June 30, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, July 6, 1971.

The title was appropriately amended, so as to read:

"Providing for the adjournment of the House from July 1, 1971, and the Senate from June 30, 1971, until July 6, 1971".

## OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of June 28, 1971, pp. 22490–22491, CONGRESSIONAL RECORD.)

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the requirement that the conference report on the Office of Education and Related Agencies Appropriation Bill, 1972 (H.R. 7016) be printed as a Senate report be waived inasmuch as under the Rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a joint explanatory statement of the committee of conference and a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

There being no objection, the joint explanatory statement, with accompanying tables, was ordered to be printed in the RECORD, as follows:

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### TITLE I—OFFICE OF EDUCATION

Amendment No. 1: Provides that $1,565,000,000 of the amount appropriated for "Elementary and secondary education" shall be for financial assistance for the education of children from low-income families under Title I of the Elementary and Secondary Education Act, instead of $1,500,000,000 as proposd by the House and $1,650,000,000 as proposed by the Senate.

Amendment No. 2: Provides that $90,000,000 of the amount appropriated for "Elementary and secondary education" shall be for school library resources, textbooks, and other instructional materials under Title II of the Elementary and Secondary Education Act, instead of $85,000,000 as proposed by the House and $95,000,000 as proposed by the Senate.

Amendment No. 3: Provides that $146,393,000 of the amount appropriated for "Elementary and secondary education" shall be for supplementary educational centers and services and guidance, counseling, and testing under Title III of the Elementary and Secondary Education Act, instead of $143,393,000 as proposed by the House and $155,000,000 as proposed by the Senate.

Amendment No. 4: Provides that $50,000,000 of the amount appropriated for "Elementary and secondary education" shall be for equipment and minor remodeling under Title III–A of the National Defense Education Act, instead of $20,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 5: Provides that $60,060,000 of the amount appropriated for "Elementary and secondary education" shall be for the Follow Through program, as proposed by the Senate.

Amendment No. 6: Appropriates $1,993,278,000 for "Elementary and secondary education", instead of $1,822,218,000 as proposed by the House, and $2,146,885,000 as proposed by the Senate. This total reflects the agreements reached on amendments 1 through 5 and also includes $35,000,000 for bilingual education programs under Title VII of the Elementary and Secondary Education Act, instead of $27,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 7: Appropriates $612,620,000 for "School assistance in federally affected areas" instead of $607,580,000 as proposed by the House and $677,620,000 as proposed by the Senate.

Amendment No. 8: Deletes appropriation of $60,000,000 for making payments to school districts on account of children residing in low-rent public housing proposed by the Senate.

Amendment No. 9: Provides that $20,040,000 of the amount appropriated for "School assistance in federally affected areas" shall be for construction of school facilities under Public Law 815. instead of $15,000,000 as proposed by the House, and $25,040,000 as proposed by the Senate.

Amendment No. 10: Appropriates $115,750,000 for "Education for the handicapped", instead of $115,000,000 as proposed by the House and $116,500,000 as proposed by the Senate.

Amendment No. 11: Provides that $25,625,000 of the amount appropriated for "Vocational and adult education" shall be for consumer and homemaking education, instead of $21,250,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 12: Provides that $61,300,000 of the amount appropriated for "Vocational and adult education" shall be for adult education, instead of $55,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 13: Appropriates $569,027,000 for "Vocational and adult education", instead of $558,042,000 as proposed by the House and $602,412,000 as proposed by the Senate. This total includes $2,690,000 for State advisory councils instead of $2,380,000 as proposed by the House and $3,000,000 as proposed by the Senate. The managers are agreed that the present formula for State by State allocation of funds for advisory councils should be continued in fiscal year 1972.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971.

Amendments Nos. 15, 16, 17, 18, 19, 20, 21, and 23: Appropriate $1,341,784,000 for "Higher education" instead of $1,215,451,000 as proposed by the House and $1,529,704,000 as proposed by the Senate. The increase of $126,333,000 over the amount in the House bill is composed of the following items: $10,000,000 for educational opportunity grants for the academic year 1971–72; $40,000,000 for college work-study grants for the academic year 1971–72; $2,500,000 for the upward bound program; $13,000,000 for strengthening developing institutions; $43,000,000 for grants for construction of higher education facilities; $4,960,000 for aid to land-grant colleges; $12,500,000 for instructional equipment; and $373,000 for increased pay costs.

Amendment No. 22: Deletes language proposed by the Senate providing $5,000,000 for State administration and planning of higher education facilities construction programs.

Amendments Nos. 24 and 25: Delete language proposed by the Senate providing that amounts reallotted for grants for instructional equipment shall remain available until June 30, 1973.

Amendment No. 26: Deletes appropriation of $4,000,000 for "Initial funding of programs" proposed by the Senate.

Amendments Nos. 27, 28, 29, 30, and 31: Appropriate $85,109,000 for "Libraries and educational communications" instead of $72,109,000 as proposed by the House and $100,109,000 as proposed by the Senate; provide $49,209,000 for public library services instead of $40,709,000 as proposed by the House and $57,709,000 as proposed by the Senate; provide $9,500,000 for public library construction instead of $8,000,000 as proposed by the House and $11,000,000 as proposed by the Senate; provide $11,000,000 for college library resources instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate; provide $2,000,000 for librarian training as proposed by the House instead of $4,000,000 as proposed by the Senate; and provide $13,000,000 for educational broadcasting facilities instead of $11,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 32: Appropriates $113,538,000 for "Research and development" instead of $105,000,000 as proposed by the House and $122,038,000 as proposed by the Senate. The increase of $8,538,000 over the appropriation proposed by the House is divided as follows: $38,000 for mandatory pay costs; $5,000,000 for drug abuse education which will make the total available for this purpose $13,000,000 compared with $8,000,000 included in the House bill and $15,000,000 included in the Senate bill; $1,500,000 for environmental education which will bring the total available for this purpose to $3,500,000 instead of $2,000,000 included in the House bill and $5,000,000 included in the Senate bill; and $2,000,000 for demonstration programs to evaluate the talents and aptitudes of students in elementary and secondary schools and to guide them to pursue the kind of education or training for which they are best suited, which is a new program proposed to be funded by the Senate and for which the Senate included $7,000,000.

Amendment No. 33: Appropriates $3,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the House instead of $4,000,000 as proposed by the Senate.

Amendment No. 34. Appropriates $51,200,-

000 for "Salaries and expenses" instead of $47,700,000 as proposed by the House and $51,645,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

*National Technical Institute for the Deaf*

Amendment No. 35: Appropriates $7,619,000 for "National Technical Institute for the Deaf" as proposed by the Senate instead of $4,119,000 as proposed by the House.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $3,500,000 of the appropriation for "National Technical Institute for the Deaf" for construction and provides that the construction funds remain available until expended.

*Model Secondary School for the Deaf*

Amendment No. 37: Appropriates $17,482,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $17,460,000 as proposed by the House.

*Gallaudet College*

Amendments Nos. 38 and 39: Appropriate $13,286,000 for "Gallaudet College" as proposed by the Senate instead of $11,525,000 as proposed by the House and provide that $5,194,000 shall be for construction as proposed by the Senate instead of $4,394,000 as proposed by the House.

*Howard University*

Amendment No. 40: Appropriates $47,277,000 for "Howard University" as proposed by the Senate instead of $45,543,000 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills follows:

| | *Amounts* |
|---|---|
| New budget (obligational) authority, fiscal year 1971 | $4,583,206,500 |
| Budget estimates of new (obligational) authority, fiscal year 1972 (including $84,843,000 not considered by the House) | 5,153,186,000 |
| House bill, fiscal year 1972 | 4,800,088,000 |
| Senate bill, fiscal year 1972 | 5,615,918,000 |
| Conference agreement | 5,146,311,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1971 | +563,104,500 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972: | |
| Actual | −6,875,000 |
| Adjusted [1] | +393,125,000 |
| House bill, fiscal year 1972 | +346,223,000 |
| Senate bill, fiscal year 1972 | −469,607,000 |

[1] Adjusted to exclude $400,000,000 requested for purchase of student loan notes, subject to authorizing legislation not yet enacted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

THE 1972 EDUCATION AND SPECIAL INSTITUTIONS APPROPRIATION BILL, H.R. 7016 (INCLUDES EXTENSION LEGISLATION; EXCLUDES NEW LEGISLATION)

| Agency (1) | 1971 comparable appropriation (2) | 1972 budget estimate (3) | House allowance (4) | Senate allowance (5) | Conference agreement (6) |
|---|---|---|---|---|---|
| SUMMARY | | | | | |
| Office of Education | $4,485,307,500 | $5,031,558,000 | $4,684,861,000 | $5,493,674,000 | $5,024,067,000 |
| Special institutions | 74,899,000 | 86,628,000 | 80,227,000 | 87,244,000 | 87,244,000 |
| Total, HEW | 4,560,206,500 | 5,118,186,000 | 4,765,088,000 | 5,580,918,000 | 5,111,311,000 |
| Corporation for Public Broadcasting | 23,000,000 | 35,000,000 | 35,000,000 | 35,000,000 | 35,000,000 |
| Total, HEW and related agencies | 4,583,206,500 | 5,153,186,000 | 4,800,088,000 | 5,615,918,000 | 5,146,311,000 |

| Appropriation/activity (1) | 1971 comparable appropriation (2) | 1972 budget estimate (3) | House allowance (4) | Senate allowance (5) | Conference agreement (6) |
|---|---|---|---|---|---|
| OFFICE OF EDUCATION | | | | | |
| Elementary and secondary education: | | | | | |
| (1) Aid to school districts: | | | | | |
| (a) Educationally deprived children (ESEA I) | $1,500,000,000 | $1,500,000,000 | $1,500,000,000 | $1,650,000,000 | $1,565,000,000 |
| (b) Supplementary services. (ESEA III): | | | | | |
| (1) State plan programs | 123,712,820 | 123,716,432 | 123,716,432 | 133,700,000 | 126,134,000 |
| (2) Special programs and projects | 19,680,180 | 19,676,568 | 19,676,568 | 21,300,000 | 20,259,000 |
| Subtotal | 143,393,000 | 143,393,000 | 143,393,000 | 155,000,000 | 146,393,000 |
| (c) Library resources (ESEA II) | 80,000,000 | 80,000,000 | 85,000,000 | 95,000,000 | 90,000,000 |
| (d) Equipment and minor remodeling (NDEA III) | 50,000,000 | | 20,000,000 | 90,000,000 | 50,000,000 |
| Subtotal | 1,773,393,000 | 1,723,393,000 | 1,748,393,000 | 1,990,000,000 | 1,851,393,000 |
| (2) Dropout prevention (ESEA, Sec. 807) | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| (3) Bilingual education (ESEA VII) | 25,000,000 | 25,000,000 | 27,000,000 | 50,000,000 | 35,000,000 |
| (4) Strengthening State departments of education (ESEA V-A) | 29,750,000 | 33,000,000 | 33,000,000 | 33,000,000 | 33,000,000 |
| (5) Follow Through: (Economic Opportunity Act 1964, Sec. 222) | | | | | |
| (a) Operations | 67,981,000 | 58,700,000 | | 58,700,000 | 58,700,000 |
| (b) Program direction | 1,019,000 | 1,360,000 | | 1,360,000 | 1,360,000 |
| Subtotal | 69,000,000 | [1] 60,060,000 | (2) | [2] 60,060,000 | 60,060,000 |
| (6) Planning and evaluation (Gen. Ed. Prov. Act, Sec. 402) | 8,825,000 | 3,825,000 | 3,825,000 | 3,825,000 | 3,825,000 |
| (7) Previously unfunded programs | | | | [3] 2,000,000 | |
| Total | 1,915,968,000 | 1,855,278,000 | 1,822,218,000 | 2,148,885,000 | 1,993,278,000 |
| School assistance in federally affected areas: | | | | | |
| (1) Maintenance and operations (Public Law 874) | 536,068,000 | 425,000,000 | 592,580,000 | 592,580,000 | 592,580,000 |
| (2) Construction (Public Law 815): | | | | | |
| (a) Program | 13,900,000 | 14,300,000 | 14,300,000 | 24,300,000 | 19,300,000 |
| (Obligations) | (27,424,000) | (24,300,000) | (24,300,000) | (34,300,000 | 19,300,000 |
| (b) Administration | 707,000 | [4] 740,000 | 700,000 | [4] 740,000 | [4] 740,000 |
| Subtotal | 14,607,000 | 15,040,000 | 15,000,000 | 25,040,000 | 20,040,000 |
| (3) Public housing | | | | 60,000,000 | 0 |
| Total | 550,675,000 | 440,040,000 | 607,580,000 | 677,620,000 | 612,620,000 |
| Emergency school assistance: | | | | | |
| (1) Special education personnel and programs | 57,500,000 | | | | |
| (2) Community participation programs | 7,500,000 | | | | |
| (3) Equipment and minor remodeling | 7,900,000 | | | | |
| (4) Federal administration and technical assistance | 1,953,000 | | | | |
| Total | [5] 74,853,000 | (6) | | | |
| Education for the handicapped: | | | | | |
| (1) State grant programs (EHA, part B) | $34,000,000 | $35,000,000 | $37,500,000 | $37,500,000 | $37,500,000 |
| (2) Early childhood projects (EHA, part C, sec. 623) | 7,000,000 | 7,500,000 | 7,500,000 | 7,500,000 | 7,500,000 |
| (3) Teacher education and recruitment: | | | | | |
| (a) Teacher education (EHA, part D) | 32,600,000 | 34,645,000 | 34,645,000 | 34,645,000 | 34,645,000 |
| (b) Recruitment and information (EHA, part D, sec. 633) | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 |
| Subtotal | 33,100,000 | 35,145,000 | 35,145,000 | 35,145,000 | 35,145,000 |

Footnotes at end of table.

| Appropriation/activity (1) | 1971 comparable appropriation (2) | 1972 budget estimate (3) | House allowance (4) | Senate allowance (5) | Conference agreement (6) |
|---|---|---|---|---|---|
| **OFFICE OF EDUCATION—Continued** | | | | | |
| (4) Research and innovation: | | | | | |
| (a) Research and demonstration (EHA, part E) | 15,300,000 | 15,755,000 | 15,755,000 | 15,755,000 | 15,755,000 |
| (b) Regional resource centers (EHA, part C, sec. 621) | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 |
| (c) Deaf-blind centers (EHA, part C, sec. 622) | 4,500,000 | 5,000,000 | 7,500,000 | 7,500,000 | 7,500,000 |
| (d) Media services and captioned films (EhA, part F) | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 |
| (e) Specific learning disabilities (EHA, part G) | 1,000,000 | 1,500,000 | 1,500,000 | 3,000,000 | 2,250,000 |
| Subtotal | 30,350,000 | 31,805,000 | 34,305,000 | 35,805,000 | 35,055,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, Sec. 402) | 550,000 | 550,000 | 550,000 | 550,000 | 550,000 |
| Total | 105,000,000 | 110,000,000 | 115,000,000 | 116,500,000 | 115,750,000 |
| Vocational and adult education: | | | | | |
| (1) Grants to States for vocational education: | | | | | |
| (a) Basic vocational education programs (VEA, pt. B) | 315,632,400 | 377,012,000 | 377,012,000 | 377,012,000 | 377,012,000 |
| (b) Programs for students with special needs (VEA, sec. 102(b)) | 20,000,000 | | 20,000,000 | 20,000,000 | 20,000,000 |
| (c) Consumer and homemaking education (VEA, pt. F) | 21,250,000 | | 21,250,000 | 30,000,000 | 25,625,000 |
| (d) Work study (VEA, pt. H) | 5,500,000 | | 6,000,000 | 6,000,000 | 6,000,000 |
| (e) Cooperative education (VEA. pt G) | 18,500,000 | | 19,500,000 | 19,500,000 | 19,500,000 |
| (f) State advisory councils (VEA. pt A. sec. 104) | 2,380,000 | | 2,380,000 | 3,000,000 | 2,690,000 |
| Subtotal | 383,262,400 | 377,012,000 | 446,142,000 | 455,512,000 | 450,827,000 |
| (2) Vocational research: | | | | | |
| (a) Grants to States for innovation (VEA, pt. D) | 16,000,000 | | 16,000,000 | 16,000,000 | 16,000,000 |
| (b) Curriculum development (VEA, pt. I) | 4,000,000 | | 4,000,000 | 4,000,000 | 4,000,000 |
| (c) Research: | | | | | |
| (1) Grants to States (VEA, pt. C) | 35,033,600 | | 18,000,000 | 18,000,000 | 18,000,000 |
| (2) Special projects (CRA) | | 36,000,000 | 18,000,000 | 18,000,000 | 18,000,000 |
| Subtotal | 35,033,600 | 36,000,000 | 36,000,000 | 36,000,000 | 36,000,000 |
| Subtotal | 55,033,600 | 36,000,000 | 56,000,000 | 56,000,000 | 56,000,000 |
| (3) Adult education: (Adult Education Act) | | | | | |
| (a) Grants to States | 45,000,000 | 45,000,000 | 45,000,000 | 80,000,000 | 51,300,000 |
| (b) Special projects and teacher education | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| Subtotal | 55,000,000 | 55,000,000 | 55,000,000 | 90,000,000 | 61,300,000 |
| (4) Planning and evaluation (Gen. Ed. Prov. Act) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000 |
| Total | 494,196,000 | 468,912,000 | 558,042,000 | 602,412,000 | 569,027,000 |
| Higher education: | | | | | |
| (1) Student assistance: | | | | | |
| (a) Grants and workstudy [7] | 327,700,000 | [8] 971,300,000 | 528,000,000 | 708,800,000 | 578,000,000 |
| EOG's | (167,700,000) | [9] (435,600,000) | (165,300,000) | (270,700,000) | (175,300,000) |
| Workstudy | (158,400,000) | [9] (534,000,000) | (361,000,000) | (436,400,000) | (401,000,000) |
| Cooperative education | (1,600,000) | (1,700,000) | (1,700,000) | (1,700,000) | (1,700,000) |
| (b) Subsidized insured loans: [7] | | | | | |
| (1) Interest on basic NDEA-type loans | | [8] 65,000,000 | | | |
| (Amount of new loans subsidized) | | (800,000,000) | | | |
| (2) Interest on special NDEA-type cost-of-education loans | | [8] 20,000,000 | | | |
| (Amount of new loans subsidized) | | (250,000,000) | ( ) | ( ) | ( ) |
| (3) Purchases of loan paper (including advances) | | [8] 400,000,000 | | | |
| (4) Proceeds of sales of loan paper | ( ) | [8] (−400,000,000) | ( ) | ( ) | ( ) |
| (5) Interest on subsidized loans | 143,200,000 | 160,000,000 | 196,600,000 | 196,600,000 | 196,000,000 |
| (Amount of new loans subsidized) | (1,000,000,000) | ( ) | (1,160,000,000) | (1,160,000,000) | (1,160,000,000) |
| (6) Reserve fund advances | (2,000,000) | (2,234,000) | (2,234,000) | (2,234,000) | (2,234,000) |
| (7) Program administration | 4,600,000 | [10] 6,971,000 | 6,800,000 | [10] 6,971,000 | [10] 6,971,000 |
| (c) Direct loans (NEDA II) | 243,000,000 | 5,000,000 | 293,000,000 | 293,000,000 | 293,000,000 |
| Subtotal | 718,500,000 | 1,628,271,000 | 1,024,400,000 | 1,205,371,000 | 1,074,571,000 |
| (2) Special programs for the disadvantaged: (HEA 1965, title IV): | | | | | |
| (1) Talent search | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| (2) Upwardbound | 30,061,000 | [11] 30,169,000 | 30,100,000 | [11] 35,169,000 | [11] 32,669,0000 |
| (Administration) | (1,535,000) | (1,669,000) | (1,600,000) | (1,669,000) | (1,669,000) |
| (3) Special services in college | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| Subtotal | 50,061,000 | 50,169,000 | 50,100,000 | 55,169,000 | 52,669,000 |
| (3) Institutional assistance: | | | | | |
| (a) Strengthening developing institutions (HEA III) | 33,850,000 | [12] 53,850,000 | 38,850,000 | [12] 53,850,000 | 51,850,000 |
| (b) Construction: | | | | | |
| (1) Subsidized loans | 21,000,000 | 29,010,000 | 29,010,000 | 29,010,000 | 29,010,000 |
| (HEFA III): | | | | | |
| (Obligations) | (21,894,000) | (39,993,000) | (39,993,000) | (39,993,000) | (39,993,000) |
| (Amount of new loans subsidized) | (600,000,000) | (620,000,000) | (620,000,000) | (620,000,000) | (620,000,000) |
| (2) Grants (HEFA I and II) | 43,000,000 | | | 78,000,000 | 43,000,000 |
| (3) State administration and planning (HEFA I) | 6,000,000 | 3,000,000 | 3,000,000 | 5,000,000 | 3,000,000 |
| (4) Federal administration (sec. 406, HEFA) | 2,496,000 | [13] 2,530,000 | 2,397,000 | [13] 2,530,000 | [13] 2,530,000 |
| (c) Language training and area studies (NDEA VI; Fulbright-Hays Act) | 8,000,000 | 15,300,000 | 15,300,000 | 15,300,000 | 15,300,000 |
| (d) International education | | | | 500,000 | 0 |
| (e) University community services (HEA I) | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 |
| (f) Aid to land-grant colleges (Bankhead-Jones Act) | 10,080,000 | | 5,040,000 | 12,120,000 | 10,000,000 |
| (g) Undergraduate instructional equipment (HEA VI) | 7,000,000 | | | 25,000,000 | 12,500,000 |
| (h) Law school clinical experience | | | | 1,000,000 | 0 |
| (i) Previously unfunded programs | | | | [14] 1,500,000 | 0 |
| Subtotal | 140,926,000 | 113,190,000 | 103,097,000 | 233,310,000 | 176,690,000 |
| (4) College personnel development: | | | | | |
| (a) College teacher fellowship (NDEA IV) | 47,350,000 | 26,910,000 | 26,910,000 | 26,910,000 | 26,910,000 |
| (b) Training programs (EPDA, pt. E) | 10,000,000 | 10,044,000 | 10,044,000 | 10,044,000 | 10,044,000 |
| Subtotal | 57,350,000 | 36,954,000 | 36,954,000 | 36,954,000 | 36,954,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000[1] |
| Total, higher education | 967,737,000 | 1,829,484,000 | 1,215,451,000 | 1,531,704,000 | 1,341,784,000 |

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

THE 1972 EDUCATION AND SPECIAL INSTITUTIONS APPROPRIATION BILL, H.R. 7016 (INCLUDES EXTENSION LEGISLATION; EXCLUDES NEW LEGISLATION)—Continued

| Appropriation/activity (1) | 1971 comparable appropriation (2) | 1972 budget estimate (3) | House allowance (4) | Senate allowance (5) | Conference agreement (6) |
|---|---|---|---|---|---|
| OFFICE OF EDUCATION—Continued | | | | | |
| Education professions development: | | | | | |
| (1) Personnel training and development (EPDA, pts. B, D, and F, sec. 504) | 67,900,000 | 59,700,000 | 59,700,000 | 59,700,000 | 59,700,000 |
| (2) Special programs serving schools in low-income areas: | | | | | |
| (a) Teacher Corps. (EPDA, pt. B-1) | 30,800,000 | 37,435,000 | 37,435,000 | 37,435,000 | 37,435,000 |
| (b) Career opportunities and urban/rural school programs (EPDA, pt. D) | 35,100,000 | 36,665,000 | 36,665,000 | 36,665,000 | 36,665,000 |
| Subtotal | 65,900,000 | 74,100,000 | 74,100,000 | 74,100,000 | 74,100,000 |
| (3) Planning and evaluation (Gen. Ed. Act, sec. 402; EPDA, sec. 503) | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Total | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 |
| Libraries and educational communications: | | | | | |
| (1) Public libraries: | | | | | |
| (a) Services (LSCA I, III) | 40,709,000 | 18,000,000 | 40,709,000 | 57,709,000 | 49,209,000 |
| (b) Construction (LSCA II) | 7,092,500 | | 8,000,000 | 11,000,000 | 9,500,000 |
| Subtotal | 47,801,500 | 18,000,000 | 48,709,000 | 68,709,000 | 58,709,000 |
| (2) College library resources (HEA II-A) | 9,900,000 | 5,000,000 | 10,000,000 | 12,000,000 | 11,000,000 |
| (3) Librarian training (HEA II-B) | 3,900,000 | 2,000,000 | 2,000,000 | 4,000,000 | 2,000,000 |
| (4) Educational broadcasting facilities title III, pt. IV, Communications Act of 1934) | 11,000,000 | 4,000,000 | 11,000,000 | 15,000,000 | 13,000,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 400,000 | 400,000 | 400,000 | 400,000 | 400,000 |
| Total | 73,001,500 | 29,400,000 | 72,109,000 | 100,109,000 | 85,109,000 |
| Research and development Cooperative Research Act, except as indicated): | | | | | |
| (1) Educational research and development: | | | | | |
| (a) Educational research | 11,959,000 | 7,500,000 | 7,000,000 | 7,000,000 | 7,000,000 |
| (b) Development | 3,041,000 | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 |
| Sesame Street | (2,000,000) | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000) |
| (c) Institutional support (laboratories and centers) | 33,406,000 | 34,000,000 | 33,000,000 | 33,000,000 | 33,000,000 |
| (d) Libraries and educational technology | 2,171,000 | 3,000,000 | 2,750,000 | 2,750,000 | 2,750,000 |
| (e) Nutrition and health | 2,000,000 | 500,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| (f) Drug abuse education (Drug Abuse Education Act of 1970) | 6,000,000 | 6,024,000 | 8,000,000 | 15,024,000 | 13,024,000 |
| (g) Environmental education (Environmental Education Act) | 2,000,000 | 2,014,000 | 2,000,000 | 5,014,000 | 3,514,000 |
| (h) Career education | | | | 7,000,000 | 2,000,000 |
| Subtotal | 60,577,000 | [15] 62,038,000 | 63,750,000 | [15] 80,788,000 | 72,288,000 |
| (2) Experimental schools | 12,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| (3) National achievement study | 4,500,000 | 6,000,000 | 5,500,000 | 5,500,000 | 5,500,000 |
| (4) Demonstrations | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 |
| (5) Evaluations | 4,000,000 | 4,000,000 | 3,750,000 | 3,750,000 | 3,750,000 |
| (6) Dissemination (Gen. Ed. Prov. Act, sec. 412) | 8,500,000 | 8,500,000 | 8,000,000 | 8,000,000 | 8,000,000 |
| (7) Training | 3,250,000 | 4,000,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| (8) Statistics | 3,000,000 | 3,250,000 | 3,250,000 | 3,250,000 | 3,250,000 |
| Total | 98,077,000 | 105,038,000 | 105,000,000 | 122,038,000 | 113,538,000 |
| Educational activities overseas (special foreign currency program—Public Law 480) | 3,000,000 | 3,000,000 | 3,000,000 | 4,000,000 | 3,000,000 |
| Salaries and expenses | 46,048,000 | [16] 51,645,000 | 47,700,000 | [16] 51,645,000 | [16] 51,200,000 |
| Student loan insurance fund (HEA IV-B) | 18,000,000 | | | | |
| Higher education facilities loan fund (HEFA III): | | | | | |
| (1) Loans to higher education institutions | | | | | |
| (Obligations) | (35,000,000) | | | | |
| (2) Participation sales insufficiencies | 2,952,000 | 2,961,000 | 2,961,000 | 2,961,000 | 2,961,000 |
| (Obligations) | (30,150,000) | (33,003,000) | (33,003,000) | (33,003,000) | (33,003,000) |
| Total | 2,952,000 | 2,961,000 | 2,961,000 | 2,961,000 | 2,961,000 |
| Total, Office of Education | 4,485,307,500 | 5,031,558,000 | 4,684,861,000 | 5,493,674,000 | 5,024,067,000 |
| American Printing House for the Blind | 1,517,000 | 1,580,000 | 1,580,000 | 1,580,000 | 1,580,000 |
| National Technical Institute: | | | | | |
| (1) Academic program | 3,608,000 | 4,119,000 | 4,119,000 | 4,119,000 | 4,119,000 |
| (2) Construction | 21,836,000 | [17] 3,500,000 | | [17] 3,500,000 | [17] 3,500,000 |
| Subtotal | 25,444,000 | 7,619,000 | 4,119,000 | 7,619,000 | 7,619,000 |
| Model Secondary School for the Deaf: | | | | | |
| (1) Academic program | 2,212,000 | 2,524,000 | 2,502,000 | 2,524,000 | 2,524,000 |
| (2) Construction | 250,000 | 14,958,000 | 14,958,000 | 14,958,000 | 14,958,000 |
| Subtotal | 2,462,000 | [18] 17,482,000 | 17,460,000 | [18] 17,482,000 | [18] 17,482,000 |
| Gallaudet College: | | | | | |
| (1) Academic program | 5,879,000 | 7,476,000 | 7,131,000 | 8,092,000 | 8,092,000 |
| (2) Construction | 1,400,000 | 5,194,000 | 4,394,000 | 5,194,000 | 5,194,000 |
| Subtotal | 7,279,000 | [19] 12,670,000 | 11,525,000 | 13,286,000 | 13,286,000 |
| Howard University: | | | | | |
| (1) Academic program | 24,912,000 | 31,158,000 | 30,321,000 | 31,158,000 | 31,158,000 |
| (2) Construction | 1,000,000 | 2,490,000 | 2,490,000 | 2,490,000 | 2,490,000 |
| (3) Freedmen's Hospital | 12,285,000 | 13,629,000 | 12,732,000 | 13,629,000 | 13,629,000 |
| Subtotal | 38,197,000 | [20] 47,277,000 | 45,543,000 | [20] 47,277,000 | [20] 47,277,000 |
| Total, Special Institutions | 74,899,000 | 86,628,000 | 80,227,000 | 87,244,000 | 87,244,000 |

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[1] Includes proposed budget amendment of $60,000 for increased pay which was not considered by House.

[2] Not considered by House.

[3] Includes $500,000 each for grants to strengthen local educational agencies (ESEA V-B); Comprehensive planning and evaluation (ESEA V-C); school nutrition and health services (ESEA sec. 808) and education in correctional institutions (ESEA, sec. 809).

[4] Includes proposed budget amendment of $40,000 for increased pay which was not considered by House.

[5] Excludes $425,000,000 proposed for separate transmittal.

[6] Excludes $1,000,000,000 proposed for separate transmittal.

[7] HEA 1965, title IV.

[8] Dependent on proposed extension legislation.

[9] Only an estimate of how institutions would split funds between work-study and educational opportunity grants.

[10] Includes budget amendments of $171,000 for increased pay which was not considered by House.

[11] Includes budget amendment of $69,000 for increased pay which was not considered by House.

[12] Includes budget amendment of $15,000,000, not considered by House.

[13] Includes budget amendment of $133,000 for increased pay costs which was not considered by House.

[14] Includes $500,000 each for the following: Networks for knowledge (HEA V-B), Public service education (HEA V-C), improvement of graduate programs (HEA X).

[15] Includes proposed budget amendment of $38,000 for increased pay which was not considered by House.

[16] Includes budget amendment of $2,666,000 for increased pay which was not considered by House.

[17] Includes budget amendment of $3,500,000, not considered by House.

[18] Includes proposed budget amendment of $22,000 for increased pay which was not considered by House.

[19] Includes the following budget amendments not considered by the House: $1,278,000 for Kendall School for the Deaf, and $132,000 for increased pay costs.

[20] Includes proposed budget amendment of $1,734,000 for increased pay which was not considered by House.

Mr. COTTON. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, we on the committee are saddened by the fact that Mr. Herman Downey, who for many years was the chief clerk of the subcommittee, passed away last week, and his funeral takes place this afternoon. The minority staff member who would normally be in attendance is necessarily at that funeral. Therefore, I ask unanimous consent that I may have a member of my own staff present during the consideration of this measure, and, should there be votes, that he not be compelled to leave the Chamber during those votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I join with my colleague in tribute to Mr. Downey. He served long and well on the subcommittee, and was one of the right arms of the Appropriations Committee. I regret and grieve his death.

Mr. President, before I move the adoption of the conference report on H.R. 7016, I would like to comment very briefly on several aspects of the bill as agreed to by the conferees.

First, the total bill, as reported out of conference is $5,146,311,000, which is under the Senate bill of $5,615,918,000 by $469,607,000.

The conference figure, however, does provide $346,223,000 more for education than was in the House bill of $4,800,088,000.

A comparison of the conference bill to the budget estimate is somewhat awkward and complicated. Based on the actual estimate sent to the Congress, the conference figure is $6,875,000 below the administration's figure as presented in the budget.

However, if we adjust the estimate to exclude $400,000,000 requested for the purchase of student loan notes, which has not been authorized by the legislative committees, then we are $393,125,000 over what the President said was enough for education this year.

The conference figure is over the fiscal year 1971 comparable appropriation of $4,583,206,500 by $563,104,500. The House, today, adopted this conference agreement by a rollcall vote of 376 to 15.

I am hopeful that the Senate will also indicate its strong support to providing an additional $346.2 million over the House in meeting the needs of education.

We can then send this bill to the President for his signature. If signed, this bill will then become somewhat of a historical document. First, because it provides more Federal funds for education than any bill ever to pass this Congress, and, second, because it is one of the earliest education appropriation bills ever to clear Congress, before the fiscal year has ended.

The Congress spent many long hours deliberating on this education money bill. I think it is a good bill—not as much as the Senate thought it ought to be, but more than the House and HEW thought it should be, and that is what a conference is all about.

Some of the Members of the Senate are disappointed that we could not do better on certain specific items—particularly one—in conference. I was hoping, and did try, as did all the Senate conferees, to return to this Chamber with a larger amount. However, if anyone has ever been in conference on any appropriation bill with the House—one realizes how difficult it is to prevail on any Senate increase.

It just seems to me that we cannot, on some of these critical education needs, continue to fail to meet our commitments with promises that are likely to be discarded like Dixie cups.

However, the educators and the students need to know what this Government's contribution will be for this fiscal year and they need to know it now—and this committee needs now to turn its attention to other pressing matters.

For the record, let me cite the areas where the conference figures exceed the President's budget estimate and the House allowance

Elementary and secondary education, $1,993,278,000.

School assistance in federally impacted areas—what is known as impacted aid—$612,620,000.

Education for the Handicapped, $115,750,000.

Vocational and Adult Education, $569,027,000.

Libraries and Educational Communications, $85,109,000.

Research and Development, $113,538,000.

Special Institutions, $87,244,000.

Mr. CASE. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. MAGNUSON. I yield.

Mr. CASE. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. MAGNUSON. These increases cover every major part of the bill except higher education. The Senate action provided an opportunity for an increase in every portion of this education appropriation bill. Based on existing legislation and not pending or proposed legislation, the conference figures provide more in this area, also.

That, Mr. President, briefly, is the substance of the conference agreement. I know that other Senators, including the ranking minority member of the subcommittee, the distinguished Senator from New Hampshire, wish to make some remarks, also. So, in concluding, let me just add that, as chairman and manager of this appropriation bill in the Senate, I have some very strong feeling about this Nation's educational system, and we evidenced that in this bill and this conference.

In education, we once represented a kind of beacon light to the world. We should—and I hope we can again. This Nation represents great wealth and great power. These resources should be directed toward human needs and enlightenment and the learning process, not toward ventures more easily associated with greed or destruction.

I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I will not detain the Senate. I am sure certain specific matters will be raised by Senators, both on the committee and off the committee, regarding the acceptability of the conference report. I would rather reserve my statements until then.

The general explanation of the bill has been well covered by the distinguished chairman of the subcommittee, the Senator from Washington.

There always is a certain fuzzy area. I have waited for years for the day I could stand up and say, that we are over or under the Bureau of the Budget estimate by $x$ number of dollars. Somehow, that time never comes, because there always are complications.

As already has been mentioned by the distinguished chairman, the recommendation of the Office of Management and Budget, included money for appropriations for programs which we had no authorization. The authorization bills have not been passed by Congress. Accordingly it was impossible for us to appropriate for these programs. So it is somewhat misleading when we compare the ultimate result of the conference report with the total recommendations of the Bureau of the Budget; because in the budget were recommendations that could not be appropriated, and in their place certain appropriations were made that do not conform. I assume, these increases do not have the entire approval of the President or the Department of Health, Education, and Welfare.

But the vital comparison is, with respect to the House bill, which was extremely frugal—almost too much so, many of us felt because of the great needs of education—that comparison indicates that the conference report exceeds the original House bill by $346,223,000. We on the subcommittee, and I think on the full committee, are unanimous in feeling that this increase is thoroughly necessary and justifiable.

If the conference report is adopted, I have high hopes that it will be acceptable to the administration, even though the overage over the House bill will not be entirely satisfactory. I have no ground for saying this. It is just my own individual opinion and hope. I do not attempt to predict what the administration's attitude will be.

We have the same old problems that we have every year, and one of the most acute problems is the matter of the aid to the Federally impacted area. Included in the Senate bill was $60,000,000 for funds in those localities having loss of taxes and revenue because of property devoted to public housing. Every member of the conference committee representing the Senate, on both sides of the aisle, endeavored to hold that appropriation in the conference report. But the House conferees were adamant.

As a matter of fact, it is the individual opinion of the Senator from New Hampshire, after some 10 years on this subcommittee, that the perplexing and vexing problem of impacted area funds never will be brought into control until we legislatively change the entire approach and reach the time when it is openly and frankly a matter of payments to make up the loss of taxes. When we approach that, we do not have all these distinctions between the A and the B and the C classes. We will not have the distinction between Federal installations and federally assisted public housing. We would approach it as money in lieu of taxes, and we have one standard and one measure to apply. It is the hope of this Senator—I do not know how soon it will come, but before he terminates his service in the Senate—that we can try that kind of approach, because it is realistic and all inclusive and avoids many of the distinctions, and, I might say, the discriminations in this matter of impacted area funds.

I think that we are agreed on the committee, as a result of the conference and the bill we brought in, that from all standpoints it is a good bill and represents the best we can do today to satisfy the many and diverse needs of education.

Mr. President, before I relinquish the floor, the distinguished Senator from Washington (Mr. MAGNUSON) cited for the RECORD the total amounts of the items when the conference figures exceeded the House allowance. I would like to place in the RECORD at this point for each of those items, the specific amount the conference report exceeds the House bill in each instance.

The figures are as follows:

| | |
|---|---|
| Elementary and secondary education | $171,060,000 |
| Impact area aid | 5,040,000 |
| Education for the handicapped | 750,000 |
| Vocational and adult education | 10,985,000 |
| Higher education | 126,333,000 |
| Libraries and educational communications | 13,000,000 |
| Research and development | 8,538,000 |
| Salaries and expenses | 3,500,000 |
| National tech. inst | $3,500,000 |
| Model school for deaf | 22,000 |
| Gallaudet College | 1,761,000 |
| Howard University | 1,734,000 |
| Total | 346,223,000 |

Mr. MAGNUSON. Mr. President, if there are no questions, and I know that the Senator from New Jersey, the Senator from New York and the Senator from Illinois may have a few remarks to make or may wish to ask questions, let me yield the floor to any of those Senators who wish to speak at this time.

Mr. CASE. Mr. President, my remarks will be very brief, but I hope to the point.

Mr. COTTON. The Senator should use his microphone.

Mr. CASE. I thank the Senator from New Hampshire. It is nice to know that what I shall have to say may be of interest to my colleagues.

Mr. COTTON. I want to hear it.

Mr. CASE. I hope that it will be of interest. I believe that it will be. I recognize that the bill which the conference committee has reported contains funds which are urgently needed by many educational programs, but I refused to sign the conference report and I intend to vote against it. That in no way reflects any lack of concern on my part for approving funds for the various educational programs far enough ahead so that the school boards can plan their budgets for the coming school year. I have long urged that this be done. I think it is a very good thing and I am glad that we are getting action on the bill at this time. I wish the action were even sounder than it is. Although in a number of respects it has been said by our chairman and the ranking minority member that the Senate has improved the bill as it came over to us, I wish we had carried that improvement further.

As I said, my major objection to the conference report could be remedied quickly to adding to it the funds to compensate school districts for the cost of educating children whose parents live in low-income public housing. We are dealing with the question of equity here. The conference report contains no funds—none at all—to enable the local school districts to cover the cost of educating children living in public housing. Yet there is an identifiable economic need for this assistance, since those living in public housing are at or near the poverty level.

I want to point out, Mr. President, that last year Congress authorized a program of $300 million a year for the category C. Last year, the Appropriations Committee recommended no funds for that program and it was not funded. This year the Senate committee received the bill from the House containing no funds and, properly, the Senate committee proceeded to add $60 million for that particular purpose. Unfortunately, the zeal of Senators and the majority of the members of the conference committee exhausted itself in that action, and its resistance to opposition by the House conferees was not what I would call spirited. Contrary to the usual practice, when there is a difference in the amount between Senate and House bills the difference is split, but we did not split the difference in this case. The majority just caved in.

As I said, the bill contains nothing for category C. I think, frankly, although I am a member of the Appropriations Committee and I have great respect for it, that it exceeds the proper competence of the Appropriations Committee to kill a program authorized by Congress. I think it can adjust the funds in amount. It can adjust the schedule of appropriations particularly in relation to the economic needs of the country, but to take the position that the Appropriations Committee has the authority to say no as a matter of substance to a program that Congress authorized, it seems to me is something that should be protested by the Senate as a whole—and I do make that protest now.

This is no part of the function of the Appropriations Committee of the Senate or of the House. In this matter, the House Committee was more arrogant than any I have ever known before in dealing with matters of this kind, in deciding to kill a program because they do not happen to like it even though it has been authorized by the Congress as a whole.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield at this point to the Senator for New York.

Mr. JAVITS. Mr. President, the program to which the Senator from New Jersey (Mr. CASE) so eloquently referred was sponsored in the Senate by the Senator from Missouri (Mr. EAGLETON) and myself. It sought to repair the long-standing inequity and discrimination existing against city districts which experienced impacted areas because of federally backed installations of Federal housing. Whatever might be the pros and cons of that argument, it all has been passed upon by the Congress and the President. It is now part of Public Law 91–230.

I thoroughly agree with the Senator from New Jersey. I have served on the Appropriations Committee, and I have run into the brick wall just as he did. I did it in connection with something called the Teachers Corps. We may recall that we had to reject the conference report in that case. It is unlikely that we will reject this conference report. However, that is the only way we can ever get any redress in this kind of a situation where the Appropriations Committees of both Houses in a sense, because of the conference report, just cancel out what Congress has done.

The only remote excuse is that of priority. In other words, there is one priority which exceed another. However, when we appropriate over $600 million for impacted areas and then refuse to allow 10 percent of that amount to the cities, notwithstanding the fact that there is just as much grave question about the entire $600 million as there is about the $60 million by the impassioned person who might argue for or against it, it does not provide equity.

It would seem that the only way the cities have in which to protest is by our rejecting the conference report. However, that action would be unlikely to be successful at this time.

Many would question why for a matter of $60 million we might reject an excellent conference report. I am the ranking minority member of the Labor and Public Welfare Committee which is the authorizing committee. I think the conferees did an excellent job. However, looking at the matter from the point of equity and seeing how the cities will ever get redress, we find that there is a kind of rural bias and people tend to think that the only good things happen in the country rather than in the cities. That is shown by this action. There is not any hope for equity at this time.

I thoroughly agree with the Senator from New Jersey, having learned the hard way. I think it is the only way to progress.

I hope, as the Dodgers used to say when they played in New York, "Wait until next year." I say that we should wait until next year when we can gear ourselves up so that we will have an organized movement, which we do not have at the present time, to reject the conference report.

Mr. CASE. Mr. President, I appreciate the comments of the Senator from New York and his efforts in this regard. I agree with the Senator. We will not win this time, but there will be another year.

The only question that I have at all concerning anything that he said in his eloquent remarks is something that I think the Senator from Illinois is anxious to say himself. This does not affect only the cities. There are public housing installations in many of the small towns. We have something like 60 small towns in New Jersey that will benefit in large measure from the $60 million if it were to be included in the measure.

If the Senator from Illinois wants to make some remarks I would be happy to yield for that purpose.

Mr. PERCY. Mr. President, I would be very happy to comment at this time. I would like to begin by saying that the Senator from New York (Mr. JAVITS) served on the Appropriations Committee for a long time and I have just recently begun my service on that committee. I consider my appointment to the Appropriations Committee a distinct honor and privilege. Many times I leave the meetings with a feeling of exhilaration. There are no reporters or TV cameras there, but this is where the real work is done.

In those instances, when we are able to shift funds from a low-priority item to a high-priority item, I experience some of the most exhilarating feelings I have ever had in the Senate. However, when I left this conference, I was quite depressed in spite of the fact that the Senate had included money for impacted areas for public housing. I felt we had met with conferees whose attitude appeared to be: "We have made up our minds. Do not tell us the facts. We do not want to know we know. We are adamant. We are rigid. Do not open up a Pandora's box. We do not want to hear about it."

I found this very disturbing. There were two weak arguments given as to why Federal assistance for public housing should not be provided.

The first was, that this would be a double dividend because, after all, an annual contribution is made.

I dug under the covers to see what was going to happen to that annual contribution. In the 1972 budget which is coming up, in the HUD request, I found little or nothing. In fact, I found that the annual contribution, instead of being increased, is being phased out.

Under the Housing Act of 1937 an annual contribution was authorized for the local housing authorities. The appropriations have been so small that they barely pay 10 percent of the cost of operating the housing units. There is not a penny that goes to the school boards. Litle wonder, then, that although we have a great civil rights revolution, although we decide that we will have an integrated society, that there will be no barrier between the black and the white communities, there has not been any action. The courts have said that this should be done. The President of the United States has said it. The Congress has said it. It is no surprise that a community would not welcome with open arms public housing projects when no money is given to help educate the children who are brought in. There are over 100,000 people who have migrated to Chicago to look for better opportunities. What happens? The people of the city of Chicago have to run down the rest of the school system to absorb these additional children.

The second cliche that was offered was that somehow there is something very righteous and very good about representatives sitting around the conference table and talking about funds for housing in cities such as Los Angeles, Chicago, and New York.

When I tried to make my point—that the funds would not go primarily to big cities—no one on the House side even wanted to listen. So, I would like to put the figures into the RECORD to show where the public housing actually is.

Today, in cities with populations of 2,500, we have 84,284 public housing units. That is 7 percent of the total.

In cities with populations of 2,500 to 4,999, we have 48,412 public housing units. That is 4 percent of the total.

In cities from 5,000 to 10,000 population—certainly those cities are not great metropolises by any means—we have 70,133 public housing units. That is 6 percent of the total.

So, when we look at communities of less than 10,000 in the United States, we find 17 percent of the public housing projects. These communities are penalized by our forgetting the fact that by putting public housing units there, we encourage low-income people to live there and we deprive these communities of any assistance in the added cost of education imposed by the number of children added to the school system.

When we consider cities with a population of 10,000 to 25,000—and that category would not include New York, Chicago, or Los Angeles—we find 116,092 public housing units, or about 9 percent of the total.

When we consider cities with a population of 25,000 to 50,000, we have 103,925 public housing units, or another 9 percent. In cities of 50,000 to just under 100,000 in population, we find 129,073 public housing units, or 11 percent. This indicates that 46 percent of all public housing exists in cities with populations of less than 100,000.

Under the next category, that is, of cities with a population of 100,000 to 250,000, we have 146,144 public housing units or another 12 percent of the national total.

In cities with populations of 250,000 to 500,000, there are 171,115 public housing units, or another 14 percent.

Without even having approached cities of the size of New York, Los Angeles, or Chicago, we can see a total of 73 percent of public housing in cities of less than one-half million.

The next category is cities with a population of 500,000–1,100,000 and there we find 161,225 public housing units or 13 percent of the total. So in cities of less than 1 million—not New York, Chicago, or Los Angeles—we have a total of 85 percent of all public housing units.

In the category of 1 million or more, we have 186,979 public housing units, or 15 percent.

The conferees on the House side who were voting on this issue, who felt it was a big city deal, were absolutely incorrect in their calculations. They have hurt the big cities, but they have hurt rural America even more.

They have done more to set back the cause of a society integrated on a logical and sensible basis by this step than by any other they could take. They have reversed much of the struggle of the last 10 to 15 years during which time the legislative, executive, and judicial branches have been trying to find out how we can make a better, more homogenous, and integrated America.

I thank the Senator for yielding. I have a few comments to make on other phases of the bill, but I yield at this time.

Mr. CASE. I thank my colleague, the Senator from Illinois.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield.

Mr. MATHIAS. Mr. President, I appreciate the Senator from New Jersey yielding. I will be brief but I am concerned, as he is, by this omission of a very important category of impacted area funds.

The impacted area aid has been vital to the very survival to the educational system of Maryland. We have in some respects benefited from our proximity to the Nation's Capital, but also it has its burdens. Some equity has been provided through the impacted aid system, some breathing space and breathing time, and it has been very important to us.

Here we find that in the low income areas, the housing of those in federally authorized and operated low rent housing is by definition, or virtually by definition, omitted from the entire impacted area program. This is going to have the worst effect where it will hurt the worst.

In the city of Baltimore today where we are suffering all the pangs that other big cities are suffering we are going to bear the major brunt of the impact that this cut will cause. I shall not talk long about it but I would like to point out the escalating effect of the problem.

The city of Baltimore today is down to the point where about 10 percent of the population is carrying the whole tax load to start with. In other words, 10 percent of the people are providing all the tax moneys that are needed to operate the city for the entire 100 percent. We cannot go on like that in Baltimore or in any other city that is in virtually the same situation.

The impacted area funds for those living in Government housing projects and low-income housing was one way to get over this terribly difficult time. Now, we have closed the door and cut off the aid, and every dollar that is withdrawn from the educational system in Baltimore will have a major adverse impact on the educational system of the city and the quality of education. That is a matter of importance to every American, no matter where he may live. This is a great tragedy and one that I hope can be rectified, but in the meantime we are going to have to pay dearly for the next 12 months.

Mr. CASE. I thank the Senator.

Mr. President, we are dealing with a question of equity.

The conference bill contains no funds—absolutely nothing—to help local districts cover the costs of educating children living in public housing. Yet there is an identifiable economic need for this assistance since those living in public housing are at or near the poverty level.

At the same time, this bill contains $592.6 million for operating funds for districts that provide an education for children whose families live on Federal property or work at Federal installations—the so-called impacted areas aid program.

Every administration since I have been a Senator—both Republican and Democratic—has criticized the inequities in the impacted areas program and has suggested either total abolition or drastic revision of the program.

Montgomery County, Md., a very affluent county, often is cited as an example of the inequities in the impacted aid program. Despite its affluence, Montgomery County is a major beneficiary of impacted areas aid because it houses so many Government employees who work in neighboring Washington, D.C.

Nonetheless, we in the Congress have continued the program to avoid working an extreme hardship on many deserving school districts which are burdened by the obligation to educate large numbers of children whose parents are employed at government installations that are exempt from local taxes.

But last year the Congress, at the Senate's initiative, went further and took a significant step to incorporate greater equity into impacted aid. It authorized the same payments in lieu of taxes to school districts impacted by public housing as had been authorized previously for districts impacted by other government installations. And this year, at my urging, the Senate approved an appropriation of $60 million for this purpose.

Over 3,000 communities in all 50 States have public housing. Reports on the 1970 census indicate that suburban public housing will continue to expand during this decade. This is a problem which will touch more and more as the years go by.

In my view, this new category of impacted aid, called category C, is one of the most meritorious and one related most directly to identifiable public economic need.

The legislation establishing the new category C specifically provided that payments for the education of children living in public housing would not be made at the expense of funds for payments of impacted aid to districts with Government installations.

And this provision of the legislation was adhered to by the Senate Appropriations Committee and by the full Senate when separate funding was provided for category C and other forms of impacted aid in the Education Appropriations bill we passed.

Although we provided for up to 90 and even 100 percent of entitlement for some districts impacted by government installations, we provided for only 20 percent of entitlement for category C children. And even that represented a reduction from the 25 percent of entitlement or $75 million, I originally proposed to the Appropriations Committee.

I am confident that it will only be a matter of time before funds are provided for this program. I am sure this issue will be back before us very quickly. But in the meantime school districts struggling to educate children living in public housing are deprived of resources they urgently need. That is why I am compelled to vote against the conference report.

Mr. President, the benefits that would have come from the category C program would be spread country-wide. As for my own State, I should like the Record to show that more than 60 New Jersey communities have public housing and would benefit from the category C program. Under the bill approved by the Senate, New Jersey school districts would have received a total of almost $3.9 million. Newark alone would have received $1,156,793 and Jersey City would have received $332,399.

Mr. PERCY. Mr. President, I wish to conclude my comments on public housing and then go into those areas of the bill in which I fully concur and with respect to which I wish to commend my colleagues for their leadership and study. Just because we have one disappointment is not to say there are not many fine areas in this bill.

However, in the area of public housing, this matter is so important in the city of Chicago, the city of East St. Louis, and to the State of Illinois that the superintendent of public instruction, a Democrat, came down to meet with the entire Illinois delegation to talk about the school crisis we face and to talk about the fact that there are not sufficient funds to keep our schools going during the school year, and the fact that East St. Louis, a difficult area, indeed, and one we are working on very hard to preserve, may have to close its schools.

The mayor of East St. Louis, who was recently elected—and sometimes one wonders why men run for the office of mayor of a city like East St. Louis because of the problems they face; surely a man of great determination—came down and pled and begged for assistance in connection with his schools. The arguments are simply these:

Impacted aid has been provided for many years and it can be justified. If impacted aid is justified for category A and category B it is justified for category C programs, in their opinion.

The school board of Chicago came down to see me to emphasize that point. Category A is for students whose parents live and work on Federal installations. Category B assistance is for students who either live on Federal property or whose parents work on Federal property. Public housing is in that same kind of category. It has been erected to take care of and provide adequate housing for low-income people.

These are students who normally do not reside, and possibly would not, in some of these areas, residents of public housing, who pay little in taxes and very often are a tax drag on the community in that they contribute to welfare and public health expenses as well as problems of crime and delinquency.

It is for this reason that in this area of most critical need we should try to find ways to give these young people a chance for a decent education, to have them proceed while they are in their local schools. To say we cannot provide financial aid for them when we see fit to house them, and then not give them the same consideration for education, seems foolish to me.

I am grateful to the Senator from Washington (Mr Magnuson) and the Senator from New Hampshire (Mr. Cotton) for the support they gave, for writing this provision into the Senate bill, for recognizing this need.

Last year this Congress amended Public Law 874 and authorized $300 million to school districts who qualify for payments on the basis of students residing in public housing—and yet not a penny has been put up. I would have hoped that we would have provided more than the $60 million; but, being realistic about it, putting up $60 million this year indicates that our colleagues in the subcommittee took a giant step forward, which it is necessary to recognize this great need.

I was deeply disappointed that the House did not see fit to recede on this point at least in part. For that reason, we have to simply wait for another year. For that reason, I cannot support the bill.

I do wish to commend the subcommittee and the conference for working out additional funds for bilingual education, which is increasingly important in many of our States.

I wish to commend them for aid to school districts for educationally deprived children, for supplementary services, and for library resources. I think this is going to be very well received. Already my office has received innumerable commendations on the action that the subcommittee and the full Appropriations Committee took.

Also in our report we gave cognizance to the fact that we must do something about providing help for middle income, and particularly lower middle income, Americans in higher education for their children. It is just a backbreaking load on families struggling on $8,000, $9,000, and $10,000 a year. Fifteen years ago having that income would have seemed to them to be in seventh heaven, but today they cannot even meet their basic expenses, let alone support 1 or 2 children in college. So the least we could do is take a look at this problem to ascertain what we might do to provide assistance.

That help could possibly come in several forms. I am not in favor of handouts, but these people will make a higher income and return more in taxes as a result of higher education. There may be some way to defer taxes. There may be some way to provide loans that can be repaid by the students or parents. There may be ways to increase the eligibility of families, even in the $10,000 to $12,000 class, to receive loans. I defy anyone to send any child to more than a community college in his own community at that income level, and it is even more difficult if that family has several children who need an education.

We took a step forward also in providing some funds for college construction. This is a very important need in many States, and in my own State, where we have some 57 community colleges now with very little construction funds for them. Assistance and help in this area is going to mean a great deal.

Lastly, I would like simply to say that funding for drug abuse education and for environmental education once again demonstrated to me that we have in this subcommittee—and I have personally had the opportunity to witness this—men who have creativity and imagination. Sometimes this legislative body looks as if it is rigid as cement in resisting change. I am happy to see we have had a change on the floor recently with wonderful girl pages. I am glad to see that my colleagues are ahead of me when it comes to providing funds for education in drug abuse. We are proceeding with imaginative and bold steps.

By my criticism in one area, it in no sense should be taken as indicating that I criticize the overall effort which has been made and which is based on the solid foundation of experience of finding a way to continue the educational system of America, the finest in the world.

Mr. MAGNUSON. Mr. President, I thank the Senator for his kind remarks. We think we have a good bill, within our capabilities. There are many things we would like to have had in the bill——

Mr. PERCY. Mr. President, will the Senator yield to me for one further comment?

Mr. MAGNUSON. I yield.

Mr. PERCY. I do want to thank our staff. I had some skepticism when it was pointed out that there were no minority members of the staff, but I want to say that on the Appropriations Subcommittee they are bipartisan. I really cannot tell where the appointment came from, but I have never been turned down for assistance and help. In one subcommittee I am having 3-hour shifts to educate myself in matters concerning the Department of the Interior. The committee staff member said he will stay as long as I want to stay, and we are having quite lengthy sessions these days. He is willing to stay there to give me the background I need to help me carry out my responsibilities. So we have a fine staff on the Appropriations Committee.

Mr. MAGNUSON. I join the Senator in his comments about the staff. I do not know what we would do without them on so complicated a bill, particularly the whole Labor-HEW bill. As a matter of fact, we do not have enough staff for that bill.

We have two or three people, who work hard and long hours and who go into this subject, but we notice in the hearings that there are 15 people from the Department with briefcases ready to stand up and give answers. Yet we have only two or three staff members. So it is pretty hard to answer them sometimes. The Department has all the answers in those briefcases. It is difficult because HEW is a big, complicated Department.

The Senator from New Hampshire and I have almost come to the conclusion—I do not know whether we are going to finally conclude this—that the day is coming when we had better have a separate Department of Education. There is just too much in the HEW Department. The Office of Education should have Cabinet rank.

As I started to say, there are several things we would like to have had included in the bill. In the field of drug abuse, I would say to the Senator from Illinois, we could go only so high, because some legislation is pending, and we expect to have a supplemental bill on that item. In the field of student assistance loans and grants, we had serious House opposition. The educational opportunity grant program would help the people that the Senator is talking about. We did fairly well with that, after much haggling in the conference.

As to aid for higher educational institutions, particularly small colleges and some black colleges in the South that are struggling, we succeeded in getting the House to add a substantial amount for that item.

I see the Senator from Montana (Mr. MANSFIELD) and the Senator from Louisiana (Mr. ELLENDER) looking at me. We had an awful fight on the aid to land-grant colleges. There again, I would say to the Senator from Illinois, and the Senator from New Jersey, and the Senator from New York, when it is said that the Appropriations Committee is thwarting legislative intent, the Senator from New Hampshire and I said, "If you do not want any money for aid to land-grant colleges, why do you not be honest about it and ask Congress to repeal the Bankhead-Jones Act?"—which they will not do and could not do. So we got a little more for that item.

We are never satisfied with an education appropriation bill, but this is a good bill.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I want to say that, along with my distinguished Chairman, we are thoroughly aware, and were thoroughly aware, of the absolute justice of the statements that have been made on the floor by the distinguished Senators from New Jersey, New York, Illinois, and Maryland.

I have had the same sensations year after year, in dealing with our friends from the other body, that the Senator from Illinois has expressed; the only difference is that it burst on him suddenly in all its grandeur. I think the main objection of the House conferees, that they uttered in their usual very positive manner, is the same objection that is frequently made, that when we start a program with an appropriation of $60 million, it actually just opens the door. If we are going to be just at all with all the cities, large and small, this item will expand until it goes on into several hundred million.

There is some justice to that. The answer, of course, was given by the Senator from New Jersey. The Appropriations Committee of necessity must hold down appropriations in all fields where authorization has been made—because if we appropriated all that was authorized, we would be appropriating untold billions of dollars, and would double or triple our budget. Nevertheless, it has long been my position, that the Appropriation Committee, does not have the right to say, "We will appropriate under the authorization for this particular cause or this particular project, and we will refuse to appropriate anything for another program which has been authorized by Congress, and we are not bound to take it into consideration."

That was the reason that I was willing, and went along, to the best of my ability, in trying to hold the $60 million appropriation which has been questioned today.

It is an unfortunate thing, Mr. President, that we must have this constant push between the legislative and the appropriating committees of Congress. The legislative committees report and the Congress passes with reckless abandon these vast authorizations. Then the appropriations committees, in order to try to give heed to and comply with the wishes of Congress, gives a pinch here and a pinch there, just like Aunt Jemima making a cake. When we get all through, we have spread very thin appropriations in a multitude of areas.

I do not know how that can be changed, but it makes the task of the appropriations committees very difficult. I regret that we did not hold this appropriation, and I sympathize entirely with the feelings of the Senators. I join my chairman in saying this is the best we could do. I hope it will be satisfactory to the Senate and to the executive branch.

Mr. BENTSEN. Mr. President, I am in support of the conference report on H.R. 7016, the appropriations bill for the Office of Education and related agencies.

Mr. President, the budget requests submitted by the administration for education programs earlier this year were clearly inadequate, and I was pleased to see the House and then the Senate raise these requests to more reasonable levels. The House failed by only four votes to add an additional $728 million for education, but it did manage to increase support for these programs by over $100 million.

The Senate Appropriations Committee, wisely I believe, added some $804 million to the House passed bill, and the conference committee settled on an amount $346,223,000 above the House bill and $393,125,000 above the original Nixon budget request.

The amount agreed upon by Senate-House conferees represents a substantial victory for American education and a substantial rebuke to an administration which has failed to accord education its proper place on the ladder of our national priorities.

Mr. President, cutbacks or leveling off of education appropriations do not represent a legitimate method of fighting inflation; they are false economies, directed at a segment of our society least able to afford them.

The original budget requests submitted by the administration for education completely omitted funds for school equipment under title III of the National Defense Education Act, for vocational work-study programs, for students with special vocational education needs, for the NDEA student loan program, for grants to construct undergraduate academic facilities.

In addition to the elimination of these critical programs, the administration requested only a standpat budget for a number of other programs, despite the fact that education, like other fields, is subject to inflationary pressures. In fact, Mr. President, a study prepared by the

National Education Association indicated that educational costs in fiscal 1971 rose by 9 percent while the population served rose by less than 1 percent.

Under these circumstances, it is apparent that educational support at the same level as a previous year's appropriation actually represents a decline in dollars spent for our students, schools, and colleges.

Added to that is the widening gap between education authorizations and appriations. In 1968, Congress appropriated 60.48 percent of the money it had authorized for education; in 1969, the ratio was 46.29 percent; in 1970, 37.27 percent; and in 1971, 36.65 percent. These figures reveal a tendency for the Congress to underfund our projected needs in education at an accelerating rate, a tendency that must be reversed if we are to aid our overburdened schools and to improve the quality of American education.

There are two or three measures in the education appropriations bill that I would like to single out for particular attention.

The first of these is the Drug Abuse Education Act. Last year, Mr. President, this bill passed the Senate and the House unanimously, despite the opposition of the administration which claimed that there were enough resources already available to utilize for drug education programs. Under sharp questioning in the House, however, administration sources revealed that only $900,000 was being channeled into these efforts, in spite of a drug problem that had reached the level of a national emergency.

Drug education is a necessary complement to more effective law enforcement, research, rehabilitation, and international control in the area of narcotics abuse. The more we know about the effect of dangerous drugs, the more likely we are to prevent their use. Yet the administration requested only $6 million for this program in fiscal 1972; the current bill provides a more adequate $13,024,000.

Another program which received considerable attention last year was the Environmental Education Act, which passed both Houses of Congress, again over administration opposition. The thrust of this legislation was to supplement our increasing efforts to counteract pollution by launching a major educational effort directed at developing a better understanding of an attitude toward our environment so that future generations will not be faced with the problems we are only now beginning to confront.

The bill received a seed money authorization of $2 million in fiscal 1971 to establish planning and to set up a series of pilot projects in schools, colleges, and among community groups to increase environmental awareness among schoolchildren and adults alike.

The administration requested only a token increase over the $2 million appropriated last year which would have stagnated this program, but the current bill raises that level to a more respectable $3,514,000, and allows for some expansion in an educational effort which could have a profound impact on our citizens of all ages.

A third program worth noting, Mr. President, is the Bilingual Education Act, which has been chronically underfunded since its inception in 1968. This imaginative measure, conceived during the Johnson administration, opened the door to expanded Federal aid to school districts to meet the special needs of children who have a limited knowledge of the English language.

Yet the promise of the Bilingual Education Act has never been fulfilled, for the program has generally been funded at less than one-half of its authorized levels. This year the administration requested only $25 million for the program, exactly one-quarter of the authorization.

We cannot do an adequate job of working with children and adults who have language difficulties when we talk about that kind of money. There are an estimated 3 million children in this country currently in need of bilingual education, and we are currently spending less than $10 per child.

The present bill raises the appropriation for this program to $35,000,000, a major step forward.

Mr. President, these are but a few of the programs benefiting from increased congressional concern about adequate funding for education. As I promised during my campaign for the Senate, education will be a top priority item with me. I hope that the President will reverse recent policy and make it a top priority of his administration.

I want to commend Senator MAGNUSON, the chairman of the Senate Appropriations Subcommittee which handled this legislation, for his long-time support of education and for his efforts in bringing this measure to the floor in its present form.

Mr. SCOTT. Mr. President, while I am delighted to see the Congress about to send its first appropriations bill to the President before the new fiscal year begins, I am, nevertheless, dismayed to see that bill deny a $60 million increase in payments to school districts for children who reside in public housing. As my colleagues are well aware, the purpose of this additional money would have been to compensate for the loss of local tax revenues resulting from public housing projects.

The Education Appropriations Conference Committee has deleted the Senate's amendment appropriating this $60 million increase. Our Appropriations Committee spent a great deal of time considering the amendment, but they did support it, if only at a somewhat reduced figure. An effort to delete the money on the Senate floor was defeated after a second round of debate. The Senate then approved unanimously the entire education money bill.

The action of the Conference Committee has dealt a severe blow to large school districts across the Nation. Pennsylvania alone would have received nearly $4 million, while Philadelphia would have been allocated nearly $1 million. My Commonwealth will now be particularly hard hit for several reasons. First, the Pennsylvania Supreme Court has declared Governor Shapp's income tax unconstitutional—thus bringing on an obviously large revenue loss. Second, the U.S. Supreme Court has just declared Pennsylvania's parochial school aid law unconstitutional—thus releasing a new crush of students on the already overburdened public school districts. Philadelphia's school system, in chaos for years, has just terminated its interscholastic athletic program. Mr. President, need I say more?

The amendment appropriating this extra money was authored by my good friend and geographical neighbor Senator CLIFFORD CASE. A leader in the fight for better education in New Jersey and the Nation for many years, Senator CASE has focused on a very serious problem. The Senate, wisely, accepted his proposal. I respect, and sympathize in, his refusal to sign the conference report and his refusal to support the education bill in its present form. Clearly, if Congress does not heed the calls of Senators like CLIFFORD CASE, urban school districts will be conducting classes much as we conduct hearings, from 10 to noon every once in a while.

I shall support this conference report with serious reservations. I am hopeful, however, that we can soon come to grips with this whole thorny issue of impacted area aid. If we do not, any investment we make in our children's education will be tragically truncated.

Mr. HUMPHREY. Mr. President, a word of sincere commendation is due the managers on the part of the Senate and the House on the conference report on H.R. 7016, making appropriations for the Office of Education and related agencies for fiscal 1972. Their swift action on this legislation of major importance to our schools and colleges across the Nation provides educators, for the first time in years, with the opportunity to undertake budget planning with the firm knowledge of the exact amount of Federal assistance that can be made available.

Senator ALLEN J. ELLENDER, chairman of the Senate Committee on Appropriations, and the 11 other Senate conferees on this bill deserve our thanks for a job well done. In addition to expediting its final enactment by Congress, they have worked hard to raise Federal assistance to education to meet the serious needs across America. Providing some $540 million more than was originally requested by the administration, for a total appropriation of $5,024,067,000, they have demonstrated a clear recognition of the critical problems confronting local school districts, of the great need to assure disadvantaged children and youth the access to full educational opportunities, of the serious financial problems confronting institutions of higher education, particularly our black colleges, and of the demand for a major expansion of postsecondary education opportunities in America.

We must continue to press for an expanded Federal investment in education—a national resource of the highest importance to the future of our country, This commitment was reflected in the higher level of appropriations previously passed by the Senate, including important new categories of Federal assistance.

It is clear that this commitment was

given strong advocacy by the Senate conferees on the education appropriations bill—an advocacy buttressed by the expertise brought to the conference by Senator WARREN G. MAGNUSON, chairman of the Senate Appropriations Subcommittee on Labor and Health, Education, and Welfare, and Related Agencies.

I am, however, displeased with the decision of the conference committee to delete $60 million from the item for aid for impacted areas—$60 million needed for those schools serving public housing areas—$60 million that could be of help to suburbs which are being asked to accept low-income housing projects—$60 million desperately needed for the inner city schools.

However, I urge Senate approval of this conference report, and the immediate continuation of legislative action to strengthen the education foundations of our Nation offering lives of hope and promise to all our children and youth.

Mr. WILLIAMS. Mr. President, it is with some regret that I rise today to comment on the 1972 education appropriations conference report. When that same bill was passed on this floor just 20 days ago, I rose to commend the Appropriations Committee, and especially the Education Subcommittee on the sensitive and responsible work that they had done in preparing for the Senate the 1972 education appropriations bill. Although I realize the obstacles which the Conferees encountered, as chairman of the authorizing committee for this legislation, I am deeply disappointed and worried about what the individual appropriations for programs will mean for all levels of education in this country.

In particular, I would like to call to the attention of the Senate the omission of any moneys for education assistance for children in public housing—category C of aid to federally affected areas. This category which was authorized by the Congress last year under Public Law 91–230 provides compensation for school districts for undertaking the additional burden of educating public schoolchildren who reside in low-rent public housing units. Since about one-half of public education costs is funded by local property taxes, and the land on which public housing units are built becomes tax-exempt, the construction of public housing units in a local school district means that that school system must raise an average of $450 per student from other sources in order to pay the costs of educating these children.

This action will cost the State of New Jersey, whose property taxes are among the highest in the Nation, almost $4 million. And in our older cities, like Newark, the absence of this money will only serve to maintain a highly precarious fiscal condition.

The Senate-passed education appropriations bill would have provided $60 million to help compensate these local school districts. The conference report, however, eliminates all moneys for this program.

I am very concerned that the Congress does not appear to feel that it has any responsibility to help out our local school districts who are helping to provide elementary and secondary education for our children. This program is not simply a large city program. There are currently over 3,000 communities in all of the 50 States that have public housing and the 1970 census indicates that suburban public housing will continue to expand during this decade.

I believe that the Senate should take account of this fact in its future reflection on this program. As chairman of the Labor and Public Welfare Committee that authorized this program, I am today going on record to express my disappointment at the omission of these funds, and to indicate my strong support for this program, and the compensation that it provides.

Mr. STEVENSON. Mr. President, I intend to vote against the conference report on education appropriations because the report falls short of meeting our real education needs in two important respects. First, it eliminates the $60 million the Senate had originally voted for payments to school districts based on the number of students residing in public housing. Similar payments are made based on the number of students whose parents live on Federal installations. The rationale—and it is a good one—is that Federal property is exempt from local property taxes which are the primary source of public school revenues. Public housing is similarly tax exempt and should, therefore, be treated similarly. Chicago alone would have received $4.5 million of the $60 million the Senate appropriated, but which has now been eliminated. Other municipalities with public housing in Illinois and throughout the Nation also would have benefited from these well-deserved funds.

Second, the conference report limits aid for bilingual education programs to $35 million—$15 million less than the Senate had voted. As chairman of the Migratory Labor Subcommittee of the Labor and Public Welfare Committee, I am concerned with the well-being of millions of migrant workers and their children—many of whom do not speak English as native language. Expanded and improved bilingual education programs are vitally needed for many of these families as well as for the growing Spanish-speaking population in many of our large cities, including Chicago.

For these reasons I will vote against the report so the measure can be reconsidered in conference. My vote in no way implies disapproval of the many excellent programs which the bill does fund and which I strongly support.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Nebraska (Mr. CURTIS), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Hawaii (Mr. FONG), the Senator from Kansas (Mr. PEARSON) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 74, nays 5, as follows:

[No. 135 Leg.]

YEAS—74

Aiken
Allen
Allott
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Case
Javits
Mathias
Percy
Stevenson

NOT VOTING—21

Anderson
Bellmon
Brooke
Buckley
Curtis
Eagleton
Eastland
Ervin
Fong
Gravel
Harris
Inouye
Metcalf
McGovern
Mundt
Packwood
Pastore
Pearson
Prouty
Saxbe
Smith

So the conference report was agreed to.

## STATEMENT BY SENATOR EAGLETON REGARDING HIS VOTE ON THE CONFERENCE REPORT ON H.R. 7016

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Missouri (Mr. EAGLETON) in connection with the vote on the conference report on education, H.R. 7016, be printed in the RECORD.

There being no objection, the statement by Senator EAGLETON was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EAGLETON

Mr. President, I have asked that the announcement be made that, were I not absent on official business, I would vote against the adoption of the conference report. I believe the Senate is well aware of my concern for the educational needs of the country and my strong support for appropriations for Federal programs to meet these needs. In normal circumstances, I would enthusiastically vote in favor of this generally excellent conference report.

However, the deletion by the conferees of the $60 million amount voted by the Senate for the public housing category of impact aid requires, in my judgment, that the voices of those of us who support these education programs be raised in protest.

Accordingly, Mr. President, I would vote no on the adoption of the conference report on the sole ground that no funds are included for public housing-type impact aid. Were it not for this action by the conferees, the report would have my support.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 through 30, inclusive, to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 32, 36, 37, and 38 to the bill, and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 33 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted on its disagreement to the amendment of the Senate numbered 35 to the bill.

## THE DEATH OF THREE RUSSIAN COSMONAUTS

Mr. SCOTT. Mr. President, I note with deep sorrow, on behalf of the Senate, and I am sure of the distinguished majority leader and all its members, the death of three gallant and valiant men who have participated in the eternal quest for knowledge, the conquest of outer space, the three Russian cosmonauts who were lost so sadly almost at the moment of their safe return. This is a loss not only to the people of the Soviet Union but also to all human kind as the cosmonauts dared mightily, ventured bravely, and sought the truths of the great unknown.

I sadly take note of this tragic occurrence and wish, with the consent of the distinguished majority leader on his side, on behalf of the entire Senate, to extend our condolences—as I understand it, the other body has already done so—to the Government of the Soviet Union and to the families of the lost cosmonauts.

Mr. MANSFIELD. Mr. President, if the distinguished minority leader will yield, I wish to join in the sentiments and the remarks just expressed by the distinguished Senator from Pennsylvania and to say, on behalf of the joint leadership, representing the full membership of this body, that we do extend our sympathy to the Russian people and to the families of the bereaved because these three men who died were gallant men indeed, men of high courage and men who suffered in the cause of science.

Let me express the hope that sometime in the near future, instead of carrying on separate expeditions, it might be possible for the Soviet Union and the United States, and other like-minded nations, to work together cooperatively to the end—as one of our own astronauts has already said—that giant steps can be taken on behalf of all mankind.

I note that the distinguished Senator in his remarks speaks for every Member of this body in his expression of regret, sympathy and condolence.

Mr. SCOTT. I thank the distinguished majority leader and wish to note that some 2 or 3 years ago, I publicly made the same suggestion: that the United States and the Soviet Union and other countries interested in space exploration would do well to join in a common venture into space, so that we could all share in the commonality of the feeling of adventure and of discovery which such a daring exploration might achieve for the betterment of public understanding and for the advancement of better relations among humankind.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I have prepared a speech to be made later in the day along these lines. I think it is great that the Senator from Pennsylvania, with his deep foresight, has joined with the majority leader and with the whole Senate in this expression.

Whatever fault we might find with the people of the Soviet Union, their bravery and the great progress they have made are always unquestionable.

I pray for the day when space exploration may be jointly made on an international scope. I pay tribute to these heroes of exploration of a new world.

## LEGISLATIVE APPROPRIATIONS BILL, 1972—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. TAFT). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of June 29, 1971, pp. 22568–22569, CONGRESSIONAL RECORD.)

Mr. HOLLINGS. Mr. President, I have only a brief statement to make on the conference report on the legislative appropriations bill. Unless some Senator particularly desires the yeas and nays, they will not be requested.

The bill as it passed the Senate recommended appropriations in the amount of $532,297,749. This figure was $82,398,144 over the House-passed bill. Of this sum, $79,639,144 related to strictly Senate items, including the Senate Office Buildings, Senate garage, and extension of the Senate Office Building site, which the House conferees have accepted in full except for $1,209,000 for restoration of the Old Senate and Old Supreme Court Chambers which I will discuss later.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? This is an important conference report.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, the Senator should be heard. The galleries ought to be in order. The Senate ought to be in order.

The PRESIDING OFFICER. The galleries will please be in order. The Senate will please be in order.

The Senator will please proceed.

Mr. HOLLINGS. Mr. President, part of the balance of the increase over the House bill represented $68,000 for Library buildings and grounds; $60,000 of this amount was programed to replace certain west terrace paved areas on the west side of the Main Library Building, and $8,000 was intended for the development of an additional parking area on the Library grounds. The conferees agreed to recommend an appropriation of $28,000. This will provide $20,000 for replacement of defective surfaces now constituting a pedestrian hazard with stone matching the existing surface, and $8,000 for the parking area.

For the Library of Congress, the committee had increased the House bill by the sum of $1,711,000. This increase provided an additional 85 employees for the Congressional Research Service, and 13 additional employees under the main appropriation, Salaries and Expenses, to support the anticipated impact of the expansion of the Congressional Research Service.

The House Committee on Appropriations had originally recommended 37 additional positions for the Congressional Research Service. This figure was increased to 52 positions on the floor of the House, and the Senate, in its recommendations, approved a total of 137, an increase of 85. In conference, it was agreed that the CRS would be granted 75 new positions, and the other appropriations affected by the impact of these CRS positions, namely, the additional employees in the Office of the Librarian, the purchase of books, and furniture and furnishings, have been adjusted accordingly.

For the General Accounting Office, the House allowed an appropriation of $86,-

618,000 and 93 new positions. The Senate approved an appropriation of $87,598,000 and an additional 84 positions, for a total of 177 new employees. In conference, the Senate increase of 84 positions was reduced to 42, for a total of 135, with the final sum for the General Accounting Office amounting to $87,108,000.

The Senate will recall that an appropriation of $1,209,000 was provided in this bill as it passed the Senate for the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. This Senate amendment was the most controversial amendment in the bill. The Chairman of the House Appropriations Subcommittee and the Chairman of the full committee insisted that this sum not be included at this time. The amendment—No. 35—was placed in disagreement in the conference report and the House has now voted to insist upon its disagreement.

In summary, excluding the $1,209,000 for the restoration of the two Chambers just referred to, and which is reported in disagreement, the conference bill totals $529,309,749, which is $6,039,858 under the budget estimates for fiscal year 1972, $79,410,144 over the House version of the bill, and $2,988,000 under the Senate version of the bill.

I have given a résumé of the important items which were decided in conference, and I would be pleased to answer any questions any Member may have with respect to this bill.

I officially thank the distinguished senior Senator from New Hampshire (Mr. COTTON) who sat with us and guided us so successfully through this conference. I think it was a very successful conference. I am very much indebted to him for his counseling during the conference and for bringing about this particular result.

Mr. President, I also thank the able members of the staff for their assistance.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I wish to commend the distinguished Senator from South Carolina, the chairman of the subcommittee, for his very able leadership in this appropriation bill. I join him in commending the staff for the assistance we have received from them. This legislative bill is not like the other appropriation bills. It involves the housekeeping and the efficiency of Congress. It often involves, as it did this year, rather delicate subjects that were necessary to handle without irritating or increasing friction between the two bodies that might endanger the effectiveness of our whole legislative work on the Hill. At the same time, it occasionally necessitates concessions on the part of one or the other of the bodies.

The distinguished chairman has very aptly summarized the conference report and I merely want to address myself for a moment to the disagreement on the matter of restoring the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. It involves slightly over $1 million. If it had been done 7 years ago, when it was originally attempted, it would have cost less than half of that amount. Although no one expresses any lack of confidence in the administration's endeavor to stem inflation, the possibility remains that if we wait a while longer, it might cost twice what it would cost at the present time.

The bicentennial celebration of this Nation is coming up shortly. I am one of the Senators appointed to sit on the American Revolution Bicentennial Commission. Frankly, I have been rather appalled at times at some of the grandiose plans that the Commission has had before it. The President has sent their recommendations to the Congress.

Some of these proposals involve large expenditures to not one or two cities, but many cities throughout the land, commemorating various anniversaries. At least one city envisioned using the bicentennial funds for all kinds of slum clearance.

Yet here in the Capitol of the United States we have these historic rooms, one of which, the original Senate Chamber, is on this floor. Thousands upon thousands of schoolchildren and visitors pass by and never have a chance to see the room where so much of the Nation's history was enacted. It is in a deplorable condition. It is unpainted and obviously falling into decay. The idea that we should hesitate to restore that room, with the bicentennial soon to be upon us, seems to this Senator to be extremely pennywise and pound foolish.

On the floor below, the original Supreme Court Chamber is used for a storeroom. The restoration of both of them could cost approximately $1 million—a small amount compared to the bicentennial programs to which I have referred. Our friends on the other side would not even consider restoring one of the rooms.

One of the suggestions made was that if the old Senate Chamber was restored, it would not be useful any longer as a conference room by the two bodies. It seems obvious to this Senator, and he has made inquiries and been informed by many of the staff of the Senate, on the history of this building, that that old Chamber is in the Senate wing of the Capitol. If we are going to be refused the opportunity of putting it in decent shape for the many, many Americans who would like to look at it, I think it is well within the authority of this body to close it for the use of conferences. I am not suggesting that be done, and by all means we did our best throughout the conference to preserve the relations between the House and the Senate.

I cannot resist expressing my very keen disappointment that we could not proceed with this. It seems to me that restoration of these rooms would be one of the necessary things to do when the time comes to appropriate, perhaps, many millions of dollars for the bicentennial celebrations throughout the country. With the fiscal situation we are in, it will be the duty of the appropriating committees of Congress to look very carefully at those proposals. We may have to restrain somewhat the enthusiasm of those who, with great sincerity and devotion, are planning many of these rather ambitious projects.

But I think the matter of restoring the original Senate Chamber and the old Supreme Court room to their original form will come about. I just hope we can prevail the next time, and that our friends in the other body will view it with more lenience, particularly in view of the fact that it is a part of the Senate wing of the Capitol. We have tried to respect the control by the House of all of its workings.

This may sound comparatively insignificant but to this Senator this matter is extremely important. I feel that the Senate has a duty to see to it that these rooms are restored and preserved as part of the great heritage of this building in particular, and of the Nation in general.

I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague. I join in his keen disappointment with respect to the old Senate and old Supreme Court chambers, as I know the Senate does. The Senator worked as hard as he could and made headway. I think with further conferences during the year and personal contact we can have these rooms restored, hopefully in time for the bicentennial.

Mr. President, unless there are other questions, I move that the conference report be agreed to.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

The legislative clerk read as follows:

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment,

"Capitol Guide Service

"For salaries and expenses of the Capitol Guide service, $328,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than twenty-four individuals, who shall be employed and compensated in accord with the applicable provisions of the Legislative Reorganization Act of 1970."

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendment of the House to amendment No. 33 of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the second amendment in disagreement.

The legislative clerk read as follows:

*Resolved,* That the House further insist on its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill.

Mr. HOLLINGS. Mr. President, I move that the Senate recede from its amendment numbered 35.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the requirement that the conference report on the legislative branch appropriation for fiscal year 1972 be printed as a Senate report be waived inasmuch as under the rules of the House it has been printed as a report of the House and the reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing the fiscal year 1971 appropriations, the budget estimates for fiscal year 1972, the House and Senate allowances, and the amounts agreed to in conference for each item in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1972—H.R. 8825

SUMMARY OF BILL

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972[1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| SENATE | | | | | |
| Vice President and Senators | | | | | |
| Compensation and mileage of the Vice President and Senators | $4,713,165 | $4,719,125 | | $4,777,495 | $4,777,495 |
| Mileage, President of the Senate and Senators | 58,370 | 58,370 | | | |
| Expense allowance, Vice President, majority, and minority leaders | 16,000 | 16,000 | | 16,000 | 16,000 |
| Total, Vice President and Senators | 4,787,535 | 4,793,495 | | 4,793,495 | 4,793,495 |
| Salaries, Officers and Employees | | | | | |
| Office of the Vice President | 400,439 | 414,510 | | 414,510 | 414,510 |
| Office of the President pro tempore | 45,893 | 50,514 | | 50,514 | 50,514 |
| Offices of the majority and minority leaders | 191,694 | 198,276 | | 198,276 | 198,276 |
| Offices of the majority and minority whips | 97,988 | 101,352 | | 101,352 | 101,352 |
| Office of the Chaplain | 18,752 | 18,696 | | 18,696 | 18,696 |
| Office of the Secretary | 1,975,756 | 2,043,360 | | 2,107,812 | 2,107,812 |
| Committee employees | 5,582,769 | 6,496,368 | | 7,535,472 | 7,535,472 |
| Conference, majority | 138,580 | 143,418 | | 143,418 | 143,418 |
| Conference, minority | 138,580 | 143,418 | | 143,418 | 143,418 |
| Administrative and clerical assistants to Senators | 30,309,231 | 31,349,994 | | 31,349,994 | 31,349,994 |
| Office of the Sergeant at Arms and Doorkeeper | 6,202,779 | 8,018,946 | | 8,064,948 | 8,064,948 |
| Offices of the secretaries for the majority and minority | 234,365 | 241,572 | | 241,572 | 241,572 |
| Total, salaries, officers and employees | 45,336,826 | 49,220,424 | | 50,369,982 | 50,369,982 |
| Contingent Expenses | | | | | |
| Senate policy committees | 568,750 | 589,210 | | 589,210 | 589,210 |
| Automobiles and maintenance | 59,200 | 61,060 | | 36,000 | 36,000 |
| Furniture | 31,190 | 31,190 | | | |
| Inquiries and investigations | 9,991,555 | 11,310,655 | | 11,310,655 | 11,310,655 |
| Folding documents | 55,430 | 57,320 | | 57,320 | 57,320 |
| Mail transportation (motor vehicles) | 16,560 | 16,560 | | | |
| Miscellaneous items | 6,443,430 | 6,417,788 | | 5,356,972 | 5,356,972 |
| Postage stamps | 120,233 | 138,425 | | 138,425 | 138,425 |
| Stationery (Revolving fund) | 378,250 | 378,400 | | 383,600 | 383,600 |
| Total, contingent expenses | 17,664,598 | 19,000,608 | | 17,872,182 | 17,872,182 |
| Other, Senate | | | | | |
| Legislative Counsel | 447,765 | 460,885 | | 460,885 | 460,885 |
| Payment of heirs of deceased Senator | 49,500 | | | | |
| Total, Other | 497,265 | 460,885 | | 460,885 | 460,885 |
| Total, Senate | 68,286,224 | 73,475,412 | | 73,496,544 | 73,496,544 |
| HOUSE OF REPRESENTATIVES | | | | | |
| Gratuities, deceased members | 340,000 | | | | |
| Salaries, Mileage for the Members, and Expense Allowance of the Speaker | | | | | |
| Compensation of Members | 20,165,950 | 20,262,420 | $20,262,420 | 20,262,420 | 20,262,420 |
| Mileage of Members and expense allowance of the Speaker | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| Total, Members compensation and mileage | 20,365,950 | 20,462,420 | 20,462,420 | 20,462,420 | 20,462,420 |
| Salaries, Officers, and Employees | | | | | |
| Office of the Speaker | 175,240 | 182,350 | 182,350 | 182,350 | 182,350 |
| Office of the Parliamentarian | 171,400 | 178,020 | 178,020 | 178,020 | 178,020 |
| Compilation of precedents of House of Representatives | 15,775 | 16,345 | 16,345 | 16,345 | 16,345 |
| Office of the Chaplain | 19,770 | 19,770 | 19,770 | 19,770 | 19,770 |
| Office of the Clerk | 2,729,100 | 2,852,030 | 2,852,030 | 2,852,030 | 2,852,030 |
| Office of the Sergeant at Arms | 3,498,100 | 3,737,615 | 3,737,615 | 3,737,615 | 3,737,615 |
| Office of the Doorkeeper | 2,714,600 | 2,953,180 | 2,953,180 | 2,953,180 | 2,953,180 |
| Office of the Postmaster | 774,200 | 815,535 | 815,535 | 815,535 | 815,535 |
| Committee employees (standing roll) | 6,809,010 | 8,162,000 | 8,612,000 | 8,162,000 | 8,162,000 |
| Special and minority employees: | | | | | |
| 6 minority employees | $195,930 | $199,350 | $199,350 | $199,350 | $199,350 |
| House Democratic Steering Committee | 61,710 | 62,990 | 62,900 | 62,990 | 62,990 |
| House Republican Conference | 61,710 | 62,990 | 62,990 | 62,990 | 62,990 |
| Office of the majority floor leader | 135,885 | 144,220 | 144,220 | 144,220 | 144,220 |
| Office of the minority floor leader | 124,830 | 128,465 | 128,465 | 128,465 | 128,465 |
| Office of the majority whip | 101,795 | 104,075 | 104,075 | 104,075 | 104,075 |
| Office of the minority whip | 101,795 | 104,075 | 104,075 | 104,075 | 104,075 |
| 2 printing clerks for majority and minority caucus rooms | 22,420 | 23,180 | 23,180 | 23,180 | 23,180 |
| Technical assistant, office of the attending physician | 18,540 | 20,840 | 20,840 | 20,840 | 20,840 |
| Official reporters of debates | 391,845 | 406,555 | 406,555 | 406,555 | 406,555 |
| Official reporters to committees | 477,210 | 493,125 | 493,125 | 493,125 | 493,125 |
| Committee on Appropriations (investigations) | 1,145,000 | 1,219,000 | 1,219,000 | 1,219,000 | 1,219,000 |
| Office of the Legislative Counsel | 610,160 | 795,000 | 739,160 | 739,160 | 739,160 |
| Total, salaries, offices, and employees | 20,356,025 | 22,680,710 | 22,624,870 | 22,624,870 | 22,624,870 |
| Members' Clerk Hire | | | | | |
| Clerk hire | 53,900,000 | 55,320,000 | 55,320,000 | 55,320,000 | 55,320,000 |

Footnotes at end of table.

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972 [1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| CONTINGENT EXPENSES OF THE HOUSE | | | | | |
| Furniture | $300,000 | $589,550 | $587,000 | $587,000 | $587,000 |
| Miscellaneous items | 6,675,000 | 7,325,000 | 7,325,000 | 7,325,000 | 7,325,000 |
| Government contributions | 4,806,925 | 5,245,000 | 5,245,000 | 5,345,000 | 5,245,000 |
| Reporting hearings | 422,500 | 422,500 | 422,500 | 422,500 | 422,500 |
| Special and select committees | 8,010,000 | 10,770,000 | 10,770,000 | 10,770,000 | 10,770,000 |
| Telegraph and telephone | 3,800,000 | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 |
| Stationery (revolving fund) | 1,368,000 | 1,529,500 | 1,529,500 | 1,529,500 | 1,529,500 |
| Postage stamp allowances | 320,390 | 321,090 | 321,090 | 321,090 | 321,090 |
| Revisions of laws | 35,000 | 39,980 | 39,980 | 39,080 | 39,980 |
| Leadership automobiles: | | | | | |
| Speaker | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| Majority leader | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| Minority leader | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| New edition of the District of Columbia Code | 150,000 | | | | |
| New edition of the United States Code | | 160,000 | 160,000 | 160,000 | 160,000 |
| Total, contingent expenses | 25,880,135 | 30,456,410 | 30,453,860 | 30,453,860 | 30,453,860 |
| Total, House of Representatives | 120,842,110 | 128,919,540 | 128,861,150 | 128,861,150 | 128,861,150 |
| JOINT ITEMS | | | | | |
| Joint Committee on Reduction of Federal Expenditures | 66,440 | 68,980 | 68,980 | 68,980 | 68,980 |
| Contingent Expenses of the Senate | | | | | |
| Joint Economic Committee | [2]1,119,845 | 640,860 | 640,860 | 640,860 | 640,860 |
| Joint Committee on Atomic Energy | 466,925 | 481,260 | 481,260 | 481,260 | 481,260 |
| Joint Committee on Printing | 284,215 | 284,140 | 284,140 | 284,140 | 284,140 |
| Total, contingent expenses of the Senate | 1,870,985 | 1,406,260 | 1,460,260 | 1,406,260 | 1,406,260 |
| Contingent Expenses of the House | | | | | |
| Joint Committee on Internal Revenue Taxation | 712,280 | 756,720 | 756,720 | 756,720 | 756,720 |
| Joint Committee on Defense Production | 128,930 | 133,180 | 133,180 | 133,180 | 133,180 |
| Joint Committee on Congressional Operations (including Office of Placement and Office Management) | | 425,000 | 425,000 | 425,000 | 425,000 |
| Total, contingent expenses of the House | 841,210 | 1,314,900 | 1,314,900 | 1,314,900 | 1,314,900 |
| Office of the Attending Physician | | | | | |
| Medical supplies, equipment, expenses, and allowances | 77,300 | 92,900 | 92,900 | 92,900 | 92,000 |
| Capitol Police | | | | | |
| General expenses | 134,000 | 232,400 | 134,000 | 232,400 | 232,400 |
| Capitol Police Board | 1,009,865 | 1,009,865 | 1,009,865 | 1,099,865 | 1,009,865 |
| Total, Capitol Police | 1,143,865 | 1,242,265 | 1,143,865 | 1,242,265 | 1,242,265 |
| Education of Pages | | | | | |
| Education of congressional pages and pages of the Supreme Court | 129,850 | 129,850 | 129,850 | 129,850 | 129,850 |
| Official Mail Costs | | | | | |
| Expenses | 11,244,000 | 14,942,000 | 14,594,000 | 14,594,000 | 14,594,000 |
| Capitol Guide Service | | | | | |
| Salaries and expenses | | 376,300 | 328,000 | 328,000 | 328,000 |
| Statements of Appropriations | | | | | |
| Preparation | 13,000 | 13,000 | 13,000 | 13,000 | 13,000 |
| Total, joint items | 15,386,650 | 19,586,455 | 19,091,755 | 19,190,155 | 19,190,155 |
| ARCHITECT OF THE CAPITOL | | | | | |
| Office of the Architect of the Capitol | | | | | |
| Salaries | 993,800 | 1,128,700 | 1,095,700 | 1,095,700 | 1,095,700 |
| Contingent expenses | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 |
| Total, Office of the Architect of the Capitol | 1,043,800 | 1,178,700 | 1,145,700 | 1,145,700 | 1,145,700 |
| Capitol Building and Grounds | | | | | |
| Capitol buildings | 2,707,526 | 2,506,700 | 2,479,200 | 2,506,700 | 2,506,700 |
| Reappropriation | 125,000 | | 105,000 | 105,000 | 105,000 |
| Restoration of Old Senate Chamber and Old Supreme Court Chamber in the Capitol | | 1,209,000 | | 1,209,000 | |
| Capitol grounds | 901,800 | 1,047,000 | 1,047,000 | 1,047,000 | 1,047,000 |
| Senate office buildings | 4,123,100 | 4,692,600 | | 4,692,600 | 4,692,600 |
| Extension of additional Senate Office Building site | 510,000 | 31,500 | | 31,500 | 31,500 |
| Senate garage | 82,100 | 83,600 | | 83,600 | 83,600 |
| House office buildings | 6,245,000 | 7,549,000 | 7,899,000 | 7,899,000 | 7,899,000 |
| Capitol Power Plant (operation) | 4,251,300 | 4,449,000 | 4,449,000 | 4,449,000 | 4,449,000 |
| Reappropriation | | | 178,000 | 718,000 | 178,000 |
| Expansion of facilities, Capitol Power Plant (liquidation of contract authorization) | (50,000) | (285,000) | (285,000) | (285,000) | (285,000) |
| John W. McCormack Residential Page School | 50,000 | | | | |
| Total, Capitol buildings and grounds | 18,959,826 | 21,568,400 | 16,157,200 | 22,201,400 | 22,201,400 |
| Library Buildings and Grounds | | | | | |
| Structural and mechanical care | 1,565,200 | 1,202,000 | 1,134,000 | 1,202,000 | 1,162,000 |
| Reappropriation | 89,500 | | 26,000 | 26,000 | 26,000 |
| Library of Congress James Madison Memorial Building | 15,610,000 | 71,090,000 | 71,090,000 | 71,090,000 | 71,090,000 |
| Total, Library buildings and grounds | 17,264,700 | 72,292,000 | 72,250,000 | 72,318,000 | 72,278,000 |
| Total, Architect of the Capitol | 37,268,326 | 95,039,100 | 89,552,900 | 95,665,100 | 95,625,100 |
| BOTANIC GARDEN | | | | | |
| Salaries and expenses | 714,800 | 746,200 | 738,650 | 738,650 | 738,650 |

Footnotes at end of table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1972—H.R. 8825—Continued

SUMMARY OF BILL—Continued

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972[1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| LIBRARY OF CONGRESS | | | | | |
| Salaries and expenses | $23,183,000 | $34,641,000 | $33,408,000 | $33,661,000 | $33,476,000 |
| Copyright Office, salaries and expenses | 3,906,000 | 4,586,000 | 4,586,000 | 4,586,000 | 4,586,000 |
| Congressional Research Service, salaries and expenses | 5,653,000 | 9,659,000 | 6,800,000 | 8,155,000 | 7,166,000 |
| Distribution of catalog cards, salaries and expenses | 9,000,000 | 10,098,000 | 9,726,750 | 9,726,750 | 9,726,750 |
| Books for the general collections | 800,000 | 1,090,000 | 962,000 | 995,000 | 971,000 |
| Books for the law library | 140,000 | 175,000 | 156,500 | 156,500 | 156,500 |
| Books for the blind and physically handicapped, salaries and expenses | 7,647,000 | 8,591,000 | 8,550,000 | 8,550,000 | 8,550,000 |
| Organizing and microfilming the papers of the Presidents and other great Americans, salaries and expenses | 150,500 | | | | |
| Collection and distribution of library materials (special foreign currency program): | | | | | |
| Payment in Treasury-owned foreign currencies | 2,148,000 | 2,625,000 | 2,625,000 | 2,625,000 | 2,625,000 |
| U.S. dollars | 241,000 | 278,000 | 266,000 | 266,000 | 266,000 |
| Furniture and furnishings | 350,000 | 570,000 | 435,000 | 505,000 | 454,000 |
| Revision of Hinds' and Cannon's Precedents, salaries and expenses | 30,000 | 76,000 | 76,000 | 76,000 | 76,000 |
| Revision of Annotated Constitution, salaries and expenses | 110,709 | | | | |
| Total, Library of Congress | 53,359,209 | 72,389,000 | 67,591,250 | 69,302,250 | 68,053,250 |
| GOVERNMENT PRINTING OFFICE | | | | | |
| Printing and binding | 32,000,000 | 38,000,000 | 38,000,000 | 38,000,000 | 38,000,000 |
| Office of Superintendent of Documents, salaries and expenses | 12,236,000 | 14,445,900 | 14,445,900 | 14,445,900 | 14,445,900 |
| Government Printing Office revolving fund | 22,000,000 | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| Total, Government Printing Office | 66,236,000 | 55,945,900 | 55,945,900 | 55,945,900 | 55,945,900 |
| GENERAL ACCOUNTING OFFICE | | | | | |
| Salaries and expenses | 79,991,000 | 87,598,000 | 86,618,000 | 87,598,000 | 87,108,000 |
| COST-ACCOUNTING STANDARDS BOARD | | | | | |
| Salaries and expenses | 820,000 | 1,650,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| Grand total, new budget (obligational) authority | 442,904,319 | [1] 535,349,607 | 449,899,605 | 532,297,749 | 529,309,749 |
| Consisting of— | | | | | |
| 1. Appropriations | 442,689,819 | [1] 535,349,607 | 449,590,605 | 531,988,749 | 529,000,749 |
| 2. Reappropriations | 214,500 | | 309,000 | 309,000 | 309,000 |
| Appropriation to liquidate contract authorization | (50,000) | (285,000) | (285,000) | (285,000) | (285,000) |

[1] Includes amendments submitted in H. Doc. Nos. 92-93, 92-101, 92-120, and S. Doc No. 92—.

[2] Includes $500,000 in 2d Supplemental Appropriation Bill, 1971, for a 2-year study of welfare programs.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will resume the consideration of routine morning business with a limitation of 3 minutes on statements therein.

## DEATH OF RUSSIAN COSMONAUTS

Mr. MONDALE. Mr. President, earlier the distinguished minority leader and the distinguished majority leader spoke for all of us when they expressed deep sadness on the death of the cosmonauts following the tragic conclusion of their recent long duration space flight. I certainly join with them and with all Americans in expressing our sadness as Americans at this enormous tragedy which befell these heroic human beings.

I wish to make this point because I think it has often been lost during the course of debate over space policy. There has been very profound concern expressed in the past by many of our top scientists in this country about the risks to human life from long duration weightless space flight.

I would remind the Senate that a few years back at great expense we funded what was known as a biosatellite effort, an effort to test the physical consequences of long duration by first experimenting with space craft directed by trained monkeys. The flight was aborted, I think, at the end of the eighth day and returned to earth, and the animals died as a result of that experiment.

Then we had the Soyuz 9 flight, which I think went for some 18 days, piloted by the Russian cosmonauts.

Following the return of that flight to earth, the cosmonauts had several days following the flight when it was almost impossible for them to walk, and several weeks of extreme physical discomfort. The reports from Soviet doctors indicated great concern about the health of those cosmonauts.

Now we have the death of three cosmonauts following 20 days of long duration flight. The news did not tell us what happened, so this can only be speculation, but I do believe that these sad facts joined together should cause our space agency and the Russian space counterpart to seriously reconsider the plans which have led to these tragedies and risks to human life and ought to cause us to look more seriously at present plans, which we authorized yesterday for a space shuttle, which assumes the possibility of long duration flights and calls for the establishment of a space shuttle simply for the purpose of establishing a space station which again assumes the physical practicality of long duration space flights.

It is a tragedy that we lost the cosmonauts. It may be for reasons other than those I am suggesting, because we do not have the information, but, in any event, there has been broad and wide discussion in the scientific community as to the risks of long duration flights.

I would hope that the space agency, in addition to seeking cooperation with the Russians in their space efforts on manned space flights, would seriously reconsider, in light of this tragedy, what implications there might be arising from this tragedy for our own space program.

Mr. PERCY. Mr. President, I shall confine my remarks to 3 minutes. I do wish to differ with my distinguished colleague.

I did have the great honor and privilege of serving on the Space Committee for 2 years when I first came to the Senate. The most difficult task that we had at that time, in January 1967, and for the next few months, was to try to study and understand the reason for the tragic loss this Nation suffered when our astronauts were burned in a terrible accident. We analyzed, we appraised, we probed, we changed many procedures. We considered all phases of the safety problem.

As a consequence of that investigation, none of us wished to adhere to a schedule if it would involve any danger to human life. In fact, time and again we told the NASA officials that if there was a danger that could not be taken fully into account, we wanted to wait until it was as certain as man could be that the flights would be safe. As a result of that caution, we were able to continue our space program safely, and went on to magnificent achievements.

I do respectfully disagree with the conclusion that we should scuttle our space shuttle program, because I have such great faith that this particular program offers a unique opportunity for us to share space efforts—to have international exploration of space.

In the next few years, an event will take place that has not occurred since 1700, namely, an alignment of the planets making it possible to have an instrumented grand tour. This event will not occur again for 175 years. I would hope that mankind, particularly the Soviet Union and the United States, the two superpowers, would now, in the aftermath of this great tragedy, reaffirm our belief that we should work together in space, that we should reduce our costs, that we should share the program. I hope we can agree that we should not attempt to seek an advantage, nor use space for military purposes, but should cooperate to find a way to push back the frontiers of knowledge in the field of space exploration.

Mr. President, we all join in expressing our deepest regret over the tragedy that has struck the Soviet Union. We extend our deepest sympathy to the Soviet Government, to the people, and particularly to the families of the cosmonauts.

As a fitting memorial to the Cosmonauts, I would hope that we would commit ourselves to working jointly in space, with the Soviet Union and other countries. That is the spirit in which I hope we will conduct ourselves in the future.

Mr. MONDALE. Mr. President, if I may have just 1 minute, and I shall be through, apparently the Senator from Illinois did not understand what I was saying. My question arose surrounding solely the question of long duration manned flights. That was involved in the 20-day flight disaster. That is not involved in any sense in the so-called grand tour, which is an instrumented flight.

The truth of it is that NASA is now embarked on a multibillion-dollar program which assumes the safety of long duration manned flights. I think what I have said raises great doubts about that.

I yield the floor.

## THE INCREDIBLE RISE IN THE COST OF THE SAFEGUARD ABM

Mr. SYMINGTON. Mr President, according to a wire story just received, the estimated cost of the Safeguard ABM system, now before the Senate, is up by $4.6 billion from 2 years ago, to a total of $18 billion. But its former development chief says, "There is no one at fault."

Lt. Gen. A. D. Starbird, until April 1 system manager for the controversial antiballistic missile program, said in testimony published today, the cost overrun is due partly to inflation, partly to a stretchout ordered by Congress, and to a lesser extent to design changes and revised cost estimates

The total includes $1.1 billion in atomic energy costs of nuclear warheads and approximately $3 billion in development costs of predecessor systems going back to 1965.

The press account further reports that, sticking strictly to Army costs for the projected 12-site Safeguard system, Starbird said the estimate has risen from $9.1 billion 2 years ago to $10.7 billion last year to a current figure of $13.7 billion.

"Is anybody at fault?" asked Representative DANIEL J. FLOOD, a member of an Appropriations Subcommittee conducting the hearings.

"No, sir," Starbird replied. "There is no one at fault."

Starbird said inflation accounts for $1.9 billion of the $3 billion increased cost estimate over last year, and that this may turn out to be a too conservative figure. A slowdown on the program added $700 million to the estimate, and design changes cost $400 million.

Starbird, since retired from the Army, and now deputy assistant to research and development director, Dr. Foster, said in the March 23 closed-door testimony, published today, that each month's stretchout in approaching the total program costs about $30 million.

For some time I have said that this program is the greatest single boondoggle that I have seen since I have been in government—and that is saying a lot. I hope that all Members of the Senate would realize that if the United States continues to try to defend itself by getting behind a modern technological Maginot line, the same thing could well happen to this country as happened to France.

Mr. GOLDWATER. Mr. President, I was interested in the colloquy a few moments ago between the distinguished Senator from Minnesota and the distinguished Senator from Illinois.

During the recent Paris air show, it was my pleasure to have met two of the Russian cosmonauts in company with our astronauts. During the course of the conversation, we got into what would be the major differences between the cosmonauts' experience and the astronauts' experience. It turns out that very few of the cosmonauts are pilots; they are engineers. Only one American astronaut, in my memory, has been an engineer. So the Russians have not experienced weightlessness as our pilots have. It frightened them; they were never able to overcome their concern with it, while our men have never been particularly bothered by it.

It was interesting to learn that weightlessness was a matter of concern to the Russians where it was not to our astronauts. The one man we had who was an engineer was taught to fly supersonic jets, and had experienced weightlessness.

I read in a newspaper today that a suspected cause of the death of these three cosmonauts was the effect of gravity on their hearts as they returned to a weighted condition from a weightless condition I join the other Members of the Senate and all the people of this country in feeling great sorrow over the loss of these brave men, but I would hate to think that that would cause us to stop our quest for knowledge. What would have happened to the United States if we had quit after the first test pilot was killed? What would have happened if we had stopped our drive to the West after the first locomotive engineer lost his life, or after the first stagecoach driver was killed by Indians? What would have happened to the growth of this country if, after the first unfortunate accident, we had given up?

I think we have already given up far too much in our quest for technology, and I hope, while we express our sorrow over the loss of these brave men, that we will not, at the same time, use it as an excuse to restrict the growth of our great American technology.

Mr. PERCY. Mr. President, I am pleased, indeed, to concur in the statement of my distinguished colleague from Arizona. He knows that while I served on the Space Committee, we did cut the space budget substantially. I worked for 2 years to cut several billion dollars out of it, and the fat has been removed. But we are going to totally demoralize the people in the space program if we do not give them a feeling now that there can be some continuity in their programs.

## THE SUPREME COURT DECISION ON THE PENTAGON PAPERS

Mr. PERCY. Mr. President, I take the floor at this time to comment on the Supreme Court decision with respect to the publication of the Pentagon papers.

This has truly been a landmark case. It has presented perhaps the first and certainly the most dramatic test of the principles of freedom of the press and the confidentiality of Government in this country's history. The Supreme Court decision is, in my judgment, well-founded and right.

The public has a right to know and the press has a right—indeed, an obligation—to publish the facts revealed in these documents. The courts have considered and confirmed the fact that their publication does not jeopardize in any real sense the national security. They divulge little more than history.

But their real significance extends beyond specific history to the revelations that the American people have been mislead, deceived, manipulated, and unconsulted. For a Government based on the principle of an informed and active citizenry, it would be tragic to prevent the free flow of information concerning matters which citizens are called upon to decide and that so vitally affect their lives and treasure.

I am deeply disturbed by the contempt that was shown for public opinion and for the public's elected representatives, the Congress, which is constitutionally entitled to share the responsibility for foreign policy decisions. But I am more disturbed and alarmed by the contempt that we seem to have held, as a Government, for the truth. We seem to have lost sight of the fact that it is the truth that makes us free.

Mr. President, in no sense do I want these comments to be interpreted as partisan. Many, many times, through Democratic and Republican administrations alike, this Government has withheld from the public the truth and has tried to prevent the truth from being published. I have seen it happen not only in the executive department, but in Congress as well.

I think we must scrutinize carefully everything that we do, to preserve the right of the people of this country to know. Although I had a chance to study only four volumes, I did not find a single document in the Pentagon papers that would in any way involve our national security. No one wants to have published some confidential remark he may have said about someone else, whether he is an Ambassador, a foreign diplomat, or a Member of Congress. But personal embarrassment does not endanger the national security.

Through the Supreme Court decision, the entire world will have the chance to see that we do mean what we say when, in our Constitution, we guarantee a free press, which I regard as one of the greatest of our American institutions.

I think there is one other aspect of this matter that should be brought out. As I went through the papers—and I feel free now to discuss them, though I did want to maintain the top secret category as long as that was imposed on us—I did find some things in them that are extremely important.

I checked carefully the area that dealt with atrocities committed by both sides, but particularly by the Vietcong, because I had been in the village of Docsongh 4 days after the Communists had come in with torches at midnight and burned to death several hundred people. We have had atrocities that we have freely admitted—in fact we have prosecuted our own people who were accused of responsibility for those atrocities. But here was evidence in intelligence reports that provided irrefutable proof that atrocities had been committed as a result of top level planning. These atrocities were part of a scheme to exterminate thousands of village chiefs and, through this, to try to bring down the government in Saigon.

I think it serves our national interest to have that kind of information revealed. I think there is little to be lost and much to be gained all the way around by the publication of these reports.

Mr. COOPER. Mr. President, I agree with the general principles of the statement made by the Senator from Illinois. The first amendment is a part of the Bill of Rights, which was made a part of the Constitution to protect against an abridgment of the rights of the people by the executive and legislative branches of our Government.

However, I note, in reading the AP and UPI ticker reports on the decision, that nine separate opinions were written by the Court. I have not read these opinions, and I do not know what they hold. In the short account by the wire services, it was stated that the question was in substance, are there any limitations upon the first amendment? But the leading line quoted on the opinion of the majority of the Court was that, in substance, there is a strong presumption against prerestraining orders against publication.

So I must wait to read the opinion to know whether or not that presumption is rebuttable. Whether the Court held that the first amendment has no limitations and that no restraining order could be issued against the publication of the papers, or whether it held that the presumption against issuing such a restraining order, strong as it is, could be rebutted and overcome by clear evidence of danger to our national security.

I hope very much that the Court will lay down guidelines.

The decision may be that the first amendment is without limitation, or it may say there is such a strong presumption against issuing such a temporary restraining order, that, on the face of the papers upon which the court had to pass, that presumption had not been overcome.

I will comment that once these papers came into the hands of the press and were published generally throughout the country, I believe that if I had had the authority to make the decision, I would have released all the papers and let the country as a whole and the press as a whole and the Congress have a chance to inform themselves about all the papers.

I might say that this is a very broad and large question, one which is of profound importance. I believe there is another issue which is also of importance, which deals with the information that Congress can receive. We have an act on the books which provides that certain intelligence can be made available to the Executive, proscribes it being made public, and it does not have any exemption so far as the knowledge of Congress is concerned. I think this is a situation with which we have the legislative right to deal.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BAKER. Mr. President, I yield whatever time I have to the Senator from Kentucky.

Mr. COOPER. When Congress has to pass upon great questions relating to national security, relating to the development of foreign policy, Congress should have the same intelligence as a matter of right that the Executive enjoys.

Last year, I prepared a bill to insure that appropriate committees of Congress and other Members of Congress could have that right. I refrained from introducing it at that time because of examinations that were going on in the Committee on Foreign Relations with respect to our commitments. I intend to introduce the bill next week. It is within the scope of the question that the Supreme Court will pass upon. But I must say that I think Congress, as the elected representatives of the people, in order to make proper decisions, in order to have its constitutional share in the development of foreign policy and national security policy, must have the same intelligence that now is provided as a matter of right to the Executive.

Mr. HUMPHREY. Mr. President, I have listened with considerable interest to the commentary of the Senator from Illinois and the Senator from Kentucky, and I am sure that many of us in this Chamber have already been interviewed by the press as to our reactions to the Court decision.

I should like to say very directly that I believe this decision does serve the national interest. I think it is a landmark decision. I believe that the Government, in bringing this case through the process of the courts, has also served the national interest.

The issue of the so-called Pentagon papers and the right to publish is fraught with emotion, with all sorts of contention and the judicial process. While it may have disturbed some people with a temporary injunction, the rapidity with which the processes worked has tended to take an issue that was in the pits of passion and emotion into the arena of reasoned judgment.

I believe that on this basis we have once again strengthened the fabric of constitutional government in this country.

The first amendment is a very precious amendment, and those who use it or exercise their rights under it obviously are subject at times to serious criticism. In this instance, of course, many people were in support of the press and its right to publish. Others have used the first amendment as a minority, so to speak—their right to dissent, their right to publish, their right to demonstrate. All these rights under the first amendment, whether it is a majority or a minority, are so precious that the presumption in any court of law or in any parliamentary body must be that the right of free speech and free press prevails.

I listened to the very reasoned remarks of the Senator from Kentucky—he is a lawyer and has been a judge—as to what the individual judges ruled or what their individual decisions were, whether or not there was a feeling that there was no presumption on the part of the Government, no right to seek an injunction, or whether or not, if one sought injunctive relief as a member of government, the burden of evidence had to be so overwhelming in support of the so-called national interest or national security interests that there could be no doubt whatsoever.

I am not a lawyer, but I am a legislator and have served in several areas of government. I think it is fair to say, Mr. President, that a so-called historic adversary proceeding has prevailed between government, on the one hand, and the people, on the other, and in some instances between the executive branch and the legislative branch. It has not been easy for us, over the years of our history, to make decisions that reflected what was the public interest.

I sent to my office for a little quotation from Thomas Jefferson. We are always quoting Jefferson as the great libertarian and obviously one of our truly great presidents. I think that today it might be worthwhile to hear what he had to say about the press and what he had to say about freedom. When he was President—it should be noted what period of time this was—he said:

> Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. I will add that the man who never looks into a newspaper is better informed than he who reads them. . . .

That was President Jefferson.

Now, Mr. President, here is citizen Jefferson in the full maturity of his life, in 1823, just 2 years before he died:

> The press is the best instrument for enlightening the mind of man, and improving him as a rational, moral, and social being. (1823)

We see that it sometimes depends upon where one stands.

I guess, on balance, we would have to say that Thomas Jefferson believed in full freedom because he was, above all, the author of the first amendment. So I want to come down today on this point that, on the one hand, Government was given its day in court and in the Government's pursuit of that day in court I think it performed a service; on the other hand, the Court, listening to the arguments, has performed a most valuable service, I believe, for many a year, in this period of tension, bitterness, division, and emotion, to say with great clarity that the rights under the first amendment are so precious and so much a fundamental part of our whole system that even though it may be, as the Senator from Illinois has said, an embarrassment to Government, even though it may be proven that judgments were ill-conceived and poorly arrived at even though there may be all kinds of difficulties, that the first amendment prevails.

I think that this is a great day for freedom in this land.

May I suggest that we in Congress, who have been highly critical of the executive branch regarding its secrecy, might very well examine our own procedures, because when we take a look at how many executive sessions we have had, and how many hours of meetings we have had which have not been made public, where the information and even the votes have not been made public, we might feel that we will want to examine our own procedures lest we become the subject as a body—not as individuals—of some attack from the free press.

There is one other point in light of what my good friend from Illinois for whom I have such high regard has said, that once the papers were published—and also as the Senator from Kentucky has indicated—once a part was published, it has been my view, even though it may be the subject of some embarrassment to me as part of the previous administration, that the fiction about the unpublished documents would be worse than the so-called truth. Without getting into the argument of whether they should have been published, that is pretty well determined by the rule of the court that the fact they were partially published indicated to me they should all be made available.

Mr. President, we in Congress have a very big responsibility ahead of us. The documents have been delivered to this body. The public is going to watch us very carefully to see how we handle them and what procedures we set up, what kind of procedures for analysis and evaluation, and ultimately what conclusions and recommendations we make. Some of us individually have had more than our fair share to say about the so-called Pentagon papers. Now we are on the spot. The executive branch has gone through its exercise. Now it is in our ball park. I would hope that we would not get into a contest in Congress as to which committee or which subcommittee is going to have the unique privilege of examining into all these matters.

I would hope that the leadershp, as it has on so many other occasions, will give us a sense of direction that we will review these documents, and others—because there are others—with a sense of objectivity, a sense of great responsibility, because we are talking about matters that do relate to judgments made in the past, to be sure, but we should have some guidelines for the future.

Let me leave my colleagues with this thought: If all we are going to do is talk about our yesterdays, then hearing "God Bless America" is no longer going to be something to cheer us on but will become more or less a benediction. We must take a look at where we are going and not so much where we have been. We must think more of tomorrow rather than about yesterday. Everyone has 20-20 hindsight. I wonder whether we can have some degree of foresight, so that out of all this we can learn a valuable set of lessons both for the Executive and Congress and the relationship between the people and government.

The important thing today is to restore confidence in the processes of government, not in a Cabinet officer or a President or any one administration, but in the processes of government.

Will our Government be responsive to the needs of the public?

Will it be willing to share its judgments with the people?

The PRESIDING OFFICER. The time of the Senator has expired. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

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## THE FISCAL SITUATION IN THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, today is red letter day for the U.S. Government. More descriptively, it is red ink day. Today, June 30, is the last day of the fiscal year 1971. Our Government will end this day and end this fiscal year with a Federal funds deficit of approximately $27 billion.

The estimates for fiscal year 1972, which begins tomorrow, indicate that our Government will end the next fiscal year with a Federal funds deficit of at least $25 billion.

Mr. President, in 2 fiscal years this Government will have added an accumulated Federal funds deficit of more than $50 billion. Yet, persons wonder why the purchasing power of our dollar has decreased and why the dollar has been experiencing the great difficulties in Europe that it has been.

Mr. President, it seems to me that it is inevitable that the dollar will lose value as long as the Government continues to run these tremendous deficits.

During the last 3 years of former President Johnson's administration, the accumulated Federal funds deficit was $49 billion. During the first 3 years of President Nixon's administration, the accumulated Federal funds deficit will be $64 billion. So in that 6-year period, our Government will have run an accumulated Federal funds deficit of $113 billion.

I say that today is in many respects a sad day for the United States. Certainly it is a red figure day for the United States. It is a red ink day for the United States.

It is unfortunate, I think, that the question of government finances is such a dry question. It is not one that creates spicy newspaper headlines. Yet it is a question that affects the daily lives of every man, woman, and child in our Nation and affects every wage earner's paycheck. It affects every housewife's grocery dollar.

Mr. President, if this Government—and by the "Government" I mean the executive branch and the legislative branch—wants to help the wage earners of this country, if it wants to help the housewives of this Nation, then I say that the best way to help them would be to put the Government's financial house in order.

Mr. President, in studying the figures it is significant to note that, going back some 25 years to a period after World War II, the 2-year period which up to that point had the largest accumulated deficit was the fiscal years 1967 and 1968. The deficit in those 2 years alone totaled $33 billion. We know what happened after the 1968 fiscal year. We know that inflation accelerated and that it was necessary for Congress to enact a very substantial tax increase.

Mr. President, that $33 billion in those 2 fiscal years—1967 and 1968—is not a circumstance to the more than $50 billion deficit which the Government will run for fiscal years 1971 and 1972. The deficit in those two fiscal years, 1971 and 1972, will be 50 percent greater than the deficits for fiscal years 1967 and 1968.

Mr. President, I think that there is just cause for the business community of this Nation and for the individual citizens of this Nation to be lacking in confidence as to the economic outlook for the United States.

Mr. President, if the Government's fiscal situation is to be got under control, it must be a joint effort by the executive branch and by the Congress. The Congress cannot say to the President "You do it." And the President cannot say to the Congress "You do it." We have to do it together. Unfortunately, together we are going in the opposite direction.

The President in January brought in a deficit budget, and the Congress gives every indication of adding to that deficit budget.

Mr. President, I say again on this 30th day of June, 1971, the last day of the fiscal year, it is a sad day when one contemplates what is happening in the field of Federal finance, and that is translated into the daily lives of the American people because this continued inflation is eating into the pay check of every wage earner and it is eating into the grocery money of every housewife. So when we are talking about Government finances here in the Capital of the United States we are talking about human needs, because, Mr. President, when you reduce the value of the dollar you are reducing the purchasing power of all of our people.

Yes, Mr. President, this June 30, 1971, the last day of the fiscal year, is a red-letter day for our Government, it is a red-figure day for our Government, and a red-ink day for our Government.

## PRESIDENT'S VETO OF S. 575

Mr. BAKER. Mr. President, I want to take this opportunity to express my approval of the President's decision to veto S. 575, the bill which would have provided extensions of both the Appalachian Regional Development Act and the Public Works and Economic Development Act of 1965, but which also included what I feel is generally considered a bad piece of economic legislation—the Accelerated Public Works Act. I am genuinely disappointed that S. 575 has followed the course that it has. It is disconcerting and deeply frustrating to have important legislation such as the Appalachian program become the vehicle for questionable programs. I am relieved that the prospects for freeing the Appalachian program of its burden are brightened by the President's action in vetoing this bill. I hope that I can now see the end of the struggle to legislatively disencumber the important programs embodied in titles II and III of S. 575 from the albatross which the House appended in the form of title I.

The faults of the accelerated public works program as an unemployment countermeasure are many and have been inventoried countless times in this body accurately and in detail in the statements of Senators COOPER, JAVITS, DOLE, BUCKLEY, and myself on the floor in debate on the conference report and also in the President's veto message which came to Congress this past Tuesday, June 29. No further restatement of the shortcomings of this piece of legislation is needed. Suffice it to say that accelerated public works is—or was—a bad piece of legislation. Now, hopefully, it is a dead issue.

It is my intention to vote against the motion to override the veto of the President of S. 575. I do not conceive this action to be any threat to the continuation of the Appalachian and EDA program embodied in titles II and III of S. 575. With the passage of the general appropriations extension resolution, the Congress has provided itself until August 6, 1971, ample time to reintroduce and pass the extensions of these important programs. I am hopeful that Congress, realizing the wisdom of the President's rejection of title I of S. 575, will sustain his veto of that program and will undertake immediately to enact the extensions of these important programs.

The President in his veto message has carefully pointed out his support for the Appalachian regional development program, the Congress has continually expressed its support for this excellent program, and the Appalachian Regional Commission has consistently reinforced that faith in the administration of its responsibilities. I firmly believe that the sustaining of the President's veto will be but the first step in the passage of the extensions of this program and the EDA program which originally had constituted the Senate version of S. 575.

## QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSTITUTIONAL AMENDMENT ALLOWING 18-YEAR-OLD VOTE RATIFIED BY ILLINOIS

Mr. PERCY. Mr. President, I was delighted to learn yesterday of the action by the Illinois General Assembly ratifying an amendment to the Constitution allowing 18-year-olds the right to vote in State and local elections. Their action made Illinois the 35th State to ratify this amendment.

This action is particularly significant in light of an earlier decision by Illinois voters to reject an 18-year-old vote proposal as part of their recently redrafted constitution. The earlier vote, however, had come prior to the Supreme Court decision affirming the constitutionality of Congress' efforts to extend the right to vote in Federal elections to 18-year-olds.

It seems clear, Mr. President, that the Illinois Legislature recognized and acted to avoid the confusion and inequity of a legal situation wherein certain citizens would be empowered to vote in Federal elections but precluded from similar participation in State and local elections.

My position in favor of the 18-year-old vote has been one of long standing, and I will not take the time here to reiterate the reasons I think this privilege should be extended to this class of citizens. But I do wish to commend the legislature for its decision to reconsider the issue and for its wisdom in ratifying the constitutional amendment.

I ask unanimous consent to have printed in the RECORD an article from the Chicago Tribune and the Washington Post of June 30 announcing this action.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 30, 1971]

### ILLINOIS RATIFIES VOTE AT 18

(By Michael Kilian)

SPRINGFIELD, ILL., June 30.—Illinois today became the 35th state to ratify the 18-year-old vote for all elections.

The action came in the Senate, where a ratification measure was passed, 36 to 18. It had been passed by the House late last night after Republicans who had tied up the measure agreed to move it.

Only three more states are needed to ratify the vote extension for it to become law. An estimated 11.5 million Americans between the ages of 18 and 21 would become eligible to vote if the amendment is approved.

### 3 STILL IN SESSION

Alabama, North Carolina and Ohio are the only states with legislatures still in session, altho Gov. David Hall of Oklahoma has ordered his legislature into a special session Thursday to take up the matter.

Alabama, said to be in favor of ratification, is expected to act soon. Ohio, which had been waiting for the results in Illinois, also is expected to act quickly.

Because of a United States Supreme Court decision several months ago, 18-year-olds already have the right to vote in federal elections for President, United States senator and congressman.

### OPPOSITION WAS STRONG

The constitutional amendment would extend this right to all state and local elections.

The proposal drew strong opposition thruout the country, particularly in Illinois where voters last Dec. 15 overwhelmingly rejected a provision in the new state constitution calling for an 18-year-old vote.

Downstate Republicans said they could not support a federal proposition when the voters in their districts already had turned down a state one. They also opposed ratification on the ground that students would use the 18-year-old vote for takeovers of local government in college and university towns.

A Republican measure to prevent students from registering in college towns was passed by the G.O.P.-controlled House but tied up in the Democrat-controlled Senate. Republicans threatened to block ratification if the Democrats did not pass the antistudent registration bill. However, Democrats, led by Sen. Cecil Partee (Chicago), president pro tem, killed the bill anyway.

### MOVE TO RATIFY

After sitting on ratification for several weeks, the G.O.P. finally gave in and moved the ratification measure for passage. The Republican leadership said it did not want to be blamed for failure of ratification of the 18-year-old vote.

Ratification passed the House, 115 to 42, with only one Democrat in opposition. All 18 Senate votes against it this morning were morning were Republican; 28 Democrats and eight Republicans supported ratification.

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[From the Washington Post, June 30, 1971]

### ILLINOIS RATIFIES VOTE AT 18

Illinois ratified the 18-year-old vote amendment to the Constitution yesterday to become the 35th state to do so. Two more legislatures appeared poised to push the proposal to the threshold of final approval.

The Alabama legislature, which has passed ratification measures in both houses, is held up on conference between the two chambers.

In North Carolina, where the House already has passed the ratification, the issue was postponed by the Senate until Wednesday, but ratification is expected.

With these two states in, only one more state would be needed to reach the 38 required to make the measure the 26th amendment to the Constitution.

That could come as early as Thursday, when the Oklahoma legislature answers Gov. David Hall's call for a special session to ratify. Failing that, Wyoming comes into a special session next Tuesday for the same purpose.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives announced that the House had passed without amendment S. 1700, an act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The message also announced that the House had passed the bill—H.R. 9417—making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. BYRD of West Virginia. Mr. President, with the understanding that when the Senate reconvenes following the recess this afternoon, the period for routine morning business at that time be resumed, with statements limited to 3 minutes therein, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and at 4:30 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 5:15 p.m. when called to order by the Presiding Officer (Mr. Griffin).

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. Hughes when he introduced S. 2217 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

## RECESS

Mr. BYRD of West Virginia. Mr. President, with the understanding that when the Senate reconvenes following a recess, the period for the transaction of routine morning business be resumed with statements limited therein to 3 minutes, I move that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and at 5:16 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 5:32 p.m., when called to order by the Presiding Officer (Mr. Taft in the chair).

## RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the same understanding as in the instances of recesses earlier today.

The motion was agreed to, and at 5:36 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:44 p.m., when called to order by the Presiding Officer (Mr. Stevenson).

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. Bennett when he introduced S. 2216 are printed in the Record under "Statements on Introduced Bills and Joint Resolutions.")

## ADDITIONAL INTRODUCTION OF BILLS

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. COOPER:

S. 2218. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. Bentsen, Mr. Eagleton, Mr. Hughes, Mr. Mansfield, Mr. Mondale, Mr. Randolph, Mr. Nelson, and Mr. Williams):

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

## ADDITIONAL STATEMENTS ON INTRODUCED BILLS

By Mr. COOPER:

S. 2218. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers. Referred to the Committee on Labor and Public Welfare.

Mr. COOPER. Mr. President, I introduce today a bill to amend the Railroad Retirement Act of 1937. The purpose of this bill is to increase the amount of the annuities payable under the Railroad Retirement Act of 1937 to widows and widowers.

The bill I introduce today is identical with the bill, H.R. 5521, which Congressman Pepper introduced in the House on March 3, 1971.

By Mr. CRANSTON (for himself, Mr. Bentsen, Mr. Eagleton, Mr. Hughes, Mr. Mansfield, Mr. Mondale, Mr. Randolph, Mr. Williams):

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

### VETERANS ADMINISTRATION HEALTH MANPOWER TRAINING ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, on behalf of myself, Mr. Bentsen, Mr. Eagleton, Mr. Hughes, Mr. Mansfield, Mr. Mondale, Mr. Nelson, Mr. Randolph, and Mr. Williams, S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

When the Senate reconvenes after the July 4 recess, I will present a comprehensive statement, as well as a section-by-section analysis, regarding of S. 2219, the proposed Veterans' Administration Health Manpower Training Act of 1971.

Mr. President, at this time I ask unanimous consent that the full text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2219

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Veterans' Administration Health Manpower Training Act of 1971".

Sec. 2. The Congress hereby finds and declares—

(1) that there is a great shortage of physicians, other health professionals, allied health personnel, and other health manpower in the United States;

(2) that it is estimated that there is a shortage in the United States now of at least 48,000 physicians, 17,800 dentists, 150,000 nurses, 8,700 optometrists, 12,000 podiatrists, and 266,000 allied health and other health personnel;

(3) that the Veterans' Administration operates the largest medical care system in the United States with over a quarter century of experience in the education and training of health manpower;

(4) that the Department of Medicine and Surgery of the Veterans' Administration maintains an active and close affiliation with eighty-one medical schools, 51 dental schools, 287 schools of nursing and approximately 400 universities, colleges, and junior colleges which educate and train health manpower;

(5) that it is essential that the health manpower pool of the Nation be expanded;

(6) that if the training of sufficient numbers of physicians, other health professionals,

allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

(7) that because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical, other health and allied health professions schools, and area health education centers in the establishment of new public non-profit medical, health professions and allied health schools and area health education centers, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

(8) that it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans.

SEC. 3. Section 4101 of title 38, United States Code, is amended by deleting subsection (b) and inserting in lieu thereof the following:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administration shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower, acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health or allied health professions; other institutions of higher learning; medical centers; academic health centers and area health education centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate. For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) a separate line item showing the estimated expenditures by the Veterans' Administration during such fiscal year for the education and training of health manpower."

SEC. 4. Section 5001 (c) of title 38, United States Code, is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that any new hospital shall be constructed in close proximity to a school of medicine or osteopathy which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education and Welfare and which has agreed to affiliate with the Veterans' Administration through such hospital and shall include such classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds as are necessary to make the hospital suitable for health manpower education and training in accordance with the purposes of chapter 82 of this title".

SEC. 5 (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter:

"CHAPTER 82—UTILIZATION OF VETERANS' ADMINISTRATION HOSPITALS TO IMPROVE AND EXPAND EDUCATION AND TRAINING OF HEALTH MANPOWER

"Subchapter I — COORDINATION WITH OTHER PROGRAMS; AUTHORIZATIONS FOR APPROPRIATIONS; GZNERAL PROVISIONS

"Sec.
"5061. Coordination with other programs.
"5062. Authorization for appropriations.
"5063. Limitation on agreements; regulations.

"Subchapter II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"Subchapter III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"5065. Declaration of purpose.
"5066. Definitions.
"5067. Pilot program assistance.

"Subchapter IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"5071. Declaration of purpose.
"5072. Definitions.
"5073. Grants.
"5074. Payments.

"Subchapter I—COORDINATION WITH OTHER PROGRAMS: AUTHORIZATION FOR APPROPRIATIONS; GENERAL PROVISIONS

"§ 5061. Coordination with other programs

"The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this chapter and programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"§ 5062. Authorization for appropriations

There is hereby authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the five succeeding fiscal years. Funds appropriated pursuant to this section shall be used for entering into agreements and making grants pursuant to this chapter. Funds appropriated pursuant to this section shall remain available until expended. Not more than 2 per centum of the funds appropriated pursuant to this section for any fiscal year may be used for administrative expenses in carrying out this chapter in such fiscal year.

"§ 5063. Limitations on agreements; regulations

"(a) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter after the close of the sixth calendar year after the calendar year in which this chapter takes effect.

"(b) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter without prior consultation with an Advisory Subcommittee on Programs for Assistance for Health Manpower Education and Training, which the Administrator is hereby authorized to establish, of the Special Medical Advisory Group established under section 4112 of this title. The Assistant Chief Medical Director for Research and Education in Medicine shall be an ex efficio member of such subcommittee.

"(c) The Administrator shall ensure that qualified persons who have been separated or discharged from the active military, naval or air service shall be given priority for admission to health manpower education and training programs assisted under this chapter or any other provision of this title and that among such qualified persons those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty shall be given the highest priority.

"(d) The Administrator, after consultation with the advisory subcommittee referred to in subsection (b) of this section, shall prescribe regulations covering the terms and conditions for entering into agreements under subchapter III and making grants under sub-chapter IV of this chapter.

"Subchapter II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL, EDUCATION AND TRAINING CAPACITY

"§ 5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5062 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (A) the necessary extension, expansion, alternation, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (B) special allocations (including trainee stipends and instruction salaries) to Veterans' Administration hospitals for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training.

"Subchapter III PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCTION CENTERS

"§ 5065. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to implement a pilot program under which he may provide assistance in the establishment of new public nonprofit health professions and allied health schools, and area health education centers if such schools and centers are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5066. Definitions

"For the purpose of this subchapter—

"(1) The term 'area health education center' means a public nonprofit educational facility or other public nonprofit institution affiliated with a Veterans' Administration hospital for the conduct of or the providing of guidance for education and training programs for health manpower in association with State, community, or other nonprofit colleges or universities, other hospitals and health facilities, or professional health or medical organizations in a particular geographical area to serve as an instrument of cooperation between the medical school and its education, research, and health service programs and the framework of health facilities and organizations and activities for the betterment of health in a given area.

"(2) The term 'health professionals school' includes any public nonprofit school of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry or public health which is, or there is reasonable assurance will be, accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

"(3) The term 'State' means the several States, the District of Columbia and the Commonwealth of Puerto Rico.

"§ 5067. Pilot program assistance

"(2) Subject to subsection (b) of this section, the Administrator, in consultation with the Secretary of Health, Education, and Welfare, may enter into an agreement to provide to any public nonprofit college or university the following assistance to enable such college or university to establish a new health professions or allied health school or an area health education center:

"(1) The leasing to the college or university for nominal or no consideration, under such terms and conditions as the Administrator deems appropriate, of such land, and such buildings and other structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for the establishment and operation of such school or center. Any lease made pursuant to this subchapter to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter to any public non-profit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, improvement, remodeling, or repair of buildings and structures (including the provision of initial equipment, and replacement of obsolete or worn-out equipment) and, where necessary, the addition of hospital teaching beds provided under paragraph (1) to the extent necessary to make them suitable for use as health professions schools or area health education center facilities.

"(3) The payment of grants to reimburse the college or university in part for the cost of the salaries of the faculty of such school or center during the initial twelve-month period of operation of the school or center and the next five such twelve-month periods, but payment under this paragraph in the case of any college or university shall not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first three twelve-month periods of operation, and

"(B) 50 per centum of such cost during the second such three twelve-month periods.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) the college or university has declared its clear intention, and submitted to the Administrator a plan under which it agrees, to provide during the term of the agreement its share of the financial support for the proposed school or center, including full financial support for all other educational programs and facilities necessary to assure compliance with the provisions of clause (D) of this paragraph and to provide full salary support for the proposed school or center thereafter;

"(B) the overall plans for the school or center meet such professional and other standards as the Administrator deems appropriate in consultation with the Secretary of Health, Education, and Welfare as to the education and training programs and include significant programs for (i) cooperative interdisciplinary training among health professions and allied health schools with emphasis on the use of the team approach in providing health services, (ii) training for new roles, types, or levels of health manpower, including training of physicians', dentists', or other health professions' assistants and of nurse practitioners, providing the fullest opportunities for career advancement and mobility, or (iii) recruiting, enrolling, and retraining qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged;

"(C) the school or center will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as well be mutually beneficial in the carrying out of the mission of the medical facility and the school or center; and

"(D) with regard to health professions and allied health schools, after consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) The Administrator shall not use the authority under this subchapter to assist in the establishment of more than ten new public nonprofit health professions and allied health schools and area health education centers. Schools and centers established with assistance under this subchapter shall be located in geographically dispersed areas of the United States.

"Subchapter IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to carry out a program of grants for eligible health manpower training institutions and area health education centers which maintain affiliations with the Veterans' Administration in order to assist such institutions or centers to expand and improve their capacities to train health manpower.

"§ 5072. Definitions

"For the purpose of this subchapter, the term 'eligible institution' means any public or private nonprofit—

"(1) health professions school of the type defined in section 5066(b) of this title,

(2) area health education center of the type defined in section 5066(a) of this title, or

"(3) institution for the training or education of allied health or other health personnel,

which maintains an affiliation with the Veterans' Administration.

"§ 5073. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is affiliated, projects and programs for the expansion and improvement of such institution's capacity to train health manpower. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate. Grants under this subchapter which provide for the construction of facilities may include only the extension, expansion, alteration, improvement, remodeling or repair of existing structures (including provision of initial equipment and replacement of obsolete or worn-out equipment).

"(b) An application for a grant under this section may be approved by the Administrator, in consultation with the Secretary of Health, Education, and Welfare, only upon the Administrator's finding that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution, and will result in a substantial increase in the number of students trained at such institution, or;

"(2) there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at that institution;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter;

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his function under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports; and

"(5) the application sets forth significant programs for the education and training of physicians', dentists', and other health professions' assistants, nurse practitioners, and other new types of health personnel, providing the fullest opportunities for career advancement and mobility."

"§ 5074. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and in advance or by way of reimbursement in installments, and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine."

(b) The table of parts and chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part IV of such title are each amended by adding

"82. Utilization of Veterans' Administration Hospitals to improve and Expand Education and Training of Health Manpower ----------- 5060"

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ------ 5001".

SEC. 6. During the two-year period immediately following the date of the enactment of this Act, no part of any real property which is under the jurisdiction of the Administrator of Veterans' Affairs on the date of the enactment of this Act shall be determined to be excess to the needs of the Veterans' Administration or transferred or otherwise disposed of pursuant to any provision of the Federal Property and Administrative Services Act of 1949.

## ADDITIONAL COSPONSOR OF A BILL

### S. 1872

At the request of Mr. Case, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 1872, a bill for the relief of Soviet Jews.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, the Senate has been awaiting action by the other body on the conference report on the bill making appropriations for the Treasury and Post Office Department.

Indications are that it may be an hour and a half, before the House of Representatives acts on the conference report. Due to the fact that the distinguished Chairman of the Committee on Appropriations of the Senate (Mr. Ellender) wants the Senate to act on the conference report today, the Senate has been awaiting the action of the other body, and in view of the circumstances which I have just related, I move that the Senate stand in recess until 7:30 p.m. today.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the senate took a recess until 7:30 p.m.

The Senate reconvened when called to order by the Presiding Officer (Mr. Allen).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the resolution (H. Con. Res. 351) entitled "Concurrent resolution providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971."

The message also announced that the House has agreed to the amendments of the Senate to the resolution (H.J. Res. 742) entitled "Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes."

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the House has receded from its disagreement to the amendments of the Senate numbered 6, 14, and 22 to the bill, and concurred therein.

## ENROLLED BILLS SIGNED

The message further announced that the Speaker has affixed his signature to the following enrolled bills and joint resolution:

S. 1700. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap.

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad.

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate of excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes.

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

## NEW OMNIBUS BILL ON NARCOTIC DRUGS

Mr. JAVITS. Mr. President, I have the great pleasure of joining with Senator Hughes in introducing legislation with respect to establishing a new Federal mechanism for dealing with the totality of the narcotics abuse epidemic which afflicts our Nation today. In this bill we have attempted to consolidate into one bill the best and most innovative proposals that have been presented to deal with the drug problem. It combines the essential elements of President Nixon's emergency program, together with provisions of other bills, including S. 1835, the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act which Senator Hughes and I introduced this year.

As Senator from New York, I have a deep concern about the narcotics problem. While my State has about 10 percent of the population of this country, it is estimated to have half the Nation's heroin addicts. Indeed, my experiences in New York City this past week have reaffirmed my belief that immediate action must be taken at the Federal level.

In essence this bill provides:

An Office of Drug Abuse Prevention and Treatment in the Office of the President to coordinate the total Federal efforts in the drug abuse area, including the efforts of Government agencies not covered by the President's own proposal. The director of the new office would have policy controls over all drug programs, but would not administer those programs directly;

An annual report by the Director of the new Presidential Office which will contain a comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem; describe existing model and experimental methods of treatment and rehabilitation implementation, and make recommendations for community implementation.

A National Institute on Drug Abuse and Drug Dependence, in the Department of Health, Education, and Welfare, to coordinate that agency's programs in the drug abuse and drug dependence area.

A new grant program for assistance to State and local communities in the prevention and treatment area:

First. A 3-year $100 million emergency supplemental State assistance program for emergency supplemental funding to States to provide more effective prevention, treatment, and rehabilitation programs;

Second. A 3-year $180 million model and experimental prevention, treatment, and research program, to conduct, and evaluate prevention and treatment programs; finance community-based programs providing a broad range of services; and conduct a special emphasis research program for chemical substances or techniques in the prevention and treatment of drug abuse and drug dependence; and

Third. An expanded community mental health centers drug treatment and rehabilitation program.

Treatment and other related rights for veterans by requiring the Veterans' Administration to provide treatment and rehabilitation services to all veterans for drug abuse and drug dependence, and further require veterans discharged under conditions other than honorable as a result of drug abuse or drug dependence and successfully rehabilitated, be allowed to obtain a discharge of honorable character.

That the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees.

An independent national advisory council on drug abuse and drug dependence, to insure outside evaluation of Federal efforts in this area.

This legislation will provide an essential comprehensive framework to meet the narcotics plague which ravages our Nation.

## SUPREME COURT DECISION ON PRESS FREEDOM

Mr. JAVITS. Mr. President, today's Supreme Court decision is an historic reaffirmation of freedom of the press. The Court did not free the press of all restraint; rather, it placed the burden on the Government of proving such grave danger to the national interest as to warrant prior restraint, which was not proved in this case.

Thus, this decision reaffirms the good judgment and high patriotic sense of the New York Times and the Washington Post in disclosing details of the Pentagon study of the Vietnam war. These disclosures are very much in the public interest because only a well-informed people will keep our free institutions strong and hopefully will help us to avoid repetition of such tragic errors as Vietnam.

I ask unanimous consent to have printed in the Record two editorials on the subject.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

### CENSORSHIP

(WCBS Newsradio Editorial)

Further court tests lie ahead for the Government's attempts to exert censorship of the press.

The Attorney General has challenged the right of several newspapers to publish excerpts from a classified Pentagon analysis of United States involvement in Vietnam—from its beginnings.

In the case of the *New York Times*, Judge Murray Gurfein's ruling—lucid and refreshingly free of legalistic jargon—penetrated to the heart of the matter. He grappled with the massive and overriding issue: The conflict between an Administration's wish to shield Government error from public scrutiny. And Constitutional protection of the public's right to know.

Judge Gurfein, a Nixon appointee, weighed the two demands. He examined carefully the Government's secret testimony in support of its argument that publication of the Johnson Administration papers posed a vital threat to national security.

Judge Gurfein concluded that the Government had failed to make its case. As he saw it:

"The security of the nation is not at the ramparts alone. Security also lies in the value of our free institutions."

Judge Gurfein continued:

"These are troubled times. There is no greater safety valve for discontent and cynicism about the affairs of Government than freedom of expression in any form."

This Pentagon study is a doleful narrative of duplicity.

It provides further documentation of a point we have stressed repeatedly:

There has been a lack of candor by successive Administrations on Vietnam policy. It is this, rather than the embarrassing vigilance of the news media, which is eroding the public's confidence in their Government.

### CENSORSHIP—II

(WCBS Newsradio Editorial)

Does an Administration—any Administration—have the right to withhold from Congress or the public any document it chooses?

Should any Federal agency have the power to suppress information—without having to prove a grave threat to national security?

Who are the Government officials who make these judgments and how do they arrive at them?

These are questions that concern the housewife in Hackensack and the salesman in Queens. They go far beyond the current dispute between the press and the Nixon Administration concerning publication of the Pentagon papers on Vietnam.

The people's right to be informed—adequately and truthfully—on Government policy is protected by the Constitution. But does this protection of the free flow of news have equal meaning today? The courts will decide this larger question.

In the meantime, leading figures involved in recent years at the top level of decision-making believe the time has come to reassess the Government's classification system.

Theodore Sorensen, who was special counsel to President Kennedy, has commented on "the rather arbitrary and loose way" in which Government documents are classified as secret "without serious consideration of the right to know of the public or Congress."

James Hagerty, President Eisenhower's press secretary, believes the question of classification must be attacked "intelligently, with candor and sensitivity".

And consider a charge in 1951 by then-Senator Richard Nixon that the Truman Administration was holding back classified documents on the Korean war. Mr. Nixon said then:

"The new test for classifying secret documents now seems to be not whether the publication of a document would affect the security of the nation but whether it would affect the political security of the Administration."

The way the question is ultimately settled has vital implications for us all.

## VISAS FOR SOVIET JEWS

Mr. JAVITS. Mr. President, I have today joined as a cosponsor of S. 1872, a bill introduced by Senator CASE of New Jersey, to amend the Immigration and Nationality Act so as to provide 30,000 refugee visas to Soviet Jews wishing to come to this country. Similar legislation has been introduced in the House by Congressman KOCH of New York.

While it is not expected at this time that such a large number of Soviet Jews will either receive exit permits from the Soviet Union or choose to come to this country instead of Israel, it is the intention of the sponsors of this bill to remove all doubt and all possible impediments to a fair share coming here. Present law limits the number of political refugees who can be admitted from the Soviet bloc annually to 10,200, and we want to make it perfectly clear that we can and will admit more as necessary.

It should also be pointed out that even in the absence of this legislation, the Attorney General has the discretion, under section 212(d)(5) of the act to parole into this country an unlimited number of political refugees. Indeed, prior to the passage of the 1965 act which first established quotas for refugees, section 212(d)(5) was used to admit tens of thousands of refugees particularly Hungarians and Chinese. Since 1965 it has been used to admit large numbers of Cubans and Czechs. I have no doubt that should an emergency arise before this act can be passed, the Attorney General would use his power of parole for the benefit of Soviet Jews. But because I believe that the intention of Congress should be made clear and a certain and orderly means of issuing visas provided, I urge passage of this bill.

The Soviets are denying to their citizens of Jewish faith fundamental religious and cultural rights which are guaranteed them by Soviet law itself. Therefore, if the Soviet Union will not permit its Jewish citizens to enjoy even these religious and cultural rights guaranteed them by Soviet law or those human rights guaranteed by the U.N. charter, human decency demands that they be permitted to go and live elsewhere in freedom.

The Soviet Union should look deeply into its own soul and learn from the experience of the world's reaction how much it can profit from letting these people go, and it would introduce a note of humanity into its own operations.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1972 CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of today.)

Mr. ELLENDER. Mr. President, I regret that the Senator from New Mexico (Mr. MONTOYA), who is the chairman of the Treasury, Postal Service, and General Government appropriations subcommittee and handled this bill, had to leave for New Mexico. As chairman of the full committee, I agreed to handle the report for him.

I wish to pay my compliments to him for having held hearings on this bill, so that we were able to have it enacted and, I hope, sent to the White House tonight before midnight.

The bill as it passed the Senate recommended appropriations in the amount of $4,752,789,690, which was $265,113,500 over the bill as it passed the House of Representatives, but $56,426,310 under the budget estimates submitted for fiscal year 1972.

The amount of the bill as agreed to by the conferees is $4,528,986,690. This is $41,310,500 over the House-passed bill, $223,803,000 under the Senate version of the bill, and $280,229,310 under the budget estimates.

Under title I, Treasury Department, the conferees agreed to the figure of $11,640,000 for the Office of the Secretary, which was the amount approved in the Senate-passed bill.

For the Bureau of Customs, $189 million was agreed to, as recommended by the Senate.

With respect to the "Construction of Mint Facilities" item, the conferees agreed to $1,500,000, to remain available until expended. This sum is for site acquisition for a new Mint at Denver.

For the Bureau of Public Debt, the conferees agreed to a figure of $77,490,000 for fiscal year 1972. This amount is $1,750,000 under the Senate allowance but $1,500,000 over the House appropriation. While the full amount was not allowed to merge the Chicago and Parkersburg, W. Va., field offices at Parkersburg, W. Va., the conferees feel that the amount allowed will permit the Bureau to proceed in an orderly fashion but at a less accelerated pace than had been anticipated.

For compliance activities of the Internal Revenue Service, the conferees allowed the sum of $792,500,000, an increase of $12,500,000 over the House allowance. The increase agreed to by the conferees includes $7.5 million to be used in connection with the crash drug control program as contained in House Document No. 92–133, and $5 million for regular activities under this head.

For the U.S. Postal Service, title II of the bill, a figure of $1,217,522,000 was agreed to by the conferees. This is the same amount as approved by the House, $216,400,000 under the Senate recommendation, and $254,200,000 under the amount requested in the 1972 budget.

Under title III, Executive Office of the President, three items were in conference.

For the National Security Council, salaries and expenses, the House figure of $2,424,000 prevailed.

For the Office of Management and Budget, the conference agreement was $19,250,000—a reduction of $250,000 below the Senate bill, but an increase of $250,000 over the House-passed bill.

The third item in conference under this title was the Special Action Office for Drug Abuse Prevention. The Senate has included $3 million in the bill, as per House Document No. 92–133, for the activities of this Office, which was the amount of the budget estimate, this item was not considered by the House. However, the conferees agreed to the $3 million figure. This Office has just been established for the purpose of coordinating the work of all agencies involved in the fight against illegal entry and use of dangerous drugs and narcotics in this country.

With respect to the General Services Administration, under title IV, three items were in conference.

One, "Construction, public buildings projects"—the Senate bill carried a total of $200,440, 000, compared with the House bill total of $195,919,000. The conferees agreed to $200,440,000, which will fund the projects added by the House and Senate—namely, at Oxford, Miss.; Mobile, Ala.; Fayetteville, Ark.; and Elkins, W. Va.—in addition to those contained in the budget.

The second item, "Sites and expenses, public buildings projects," carried a figure of $17,749,500 in the Senate version of the bill, while the House had approved $15,050,000. The conferees accepted the Senate figure and this is the amount provided in the conference agreement. In addition to the projects listed in the budget, the sum agreed to will permit the acquisition of sites for Federal projects in Las Cruces, N. Mex., and New Orleans, La., as well as cover management and inspection expenses.

For "Expenses, U.S. court facilities," the Senate bill reduced the House allowance of $2,780,000 by $97,000, for a Senate total of $2,683,000. In the conference, the sum approved by the House, $2,780,000, was agreed to.

That concludes my summary of the conference agreement, Mr. President, and I will be pleased to answer any questions any Member may have.

If there be no questions, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,490,000".

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$792,500,000".

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$19,250,000".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 7, 10, and 13.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1972 be printed as a Senate report be waived, inasmuch as under the Rules of the House of Representatives it will be printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table comparing the conference agreements with the amounts for fiscal year 1971, the budget estimates for fiscal year 1972, and the amounts recommended in the House and Senate versions of the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT BILL, 1972

TITLE I—TREASURY DEPARTMENT

| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference action compared with— Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| Office of the Secretary | $10,310,000 | $11,736,000 | $11,300,000 | $11,640,000 | $11,640,000 | +$1,330,000 | −$96,000 | +$340,000 | |
| Federal law enforcement training center: | | | | | | | | | |
| Salaries and expenses | 1,122,000 | 1,545,000 | 1,500,000 | 1,500,000 | 1,500,000 | +378,000 | −45,000 | | |
| Construction | 5,000,000 | 36,477,000 | 21,000,000 | 21,000,000 | 21,000,000 | +16,000,000 | −15,477,000 | | |
| Bureau of Accounts: | | | | | | | | | |
| Salaries and expenses | 51,740,000 | 50,685,000 | 50,685,000 | 50,685,000 | 50,685,000 | −1,055,000 | | | |
| Government losses in shipment | 400,000 | 700,000 | 700,000 | 700,000 | 700,000 | +300,000 | | | |
| Bureau of Customs | 148,000,000 | 192,535,000 | 174,000,000 | 189,000,000 | 189,000,000 | +41,000,000 | −3,535,000 | +15,000,000 | |
| Bureau of Engraving and Printing fund | | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | +3,000,000 | | | |
| Bureau of the Mint: | | | | | | | | | |
| Salaries and expenses | 20,300,000 | 26,167,000 | 25,000,000 | 25,000,000 | 25,000,000 | +4,700,000 | −1,167,000 | | |
| Construction | | 1,500,000 | | 1,500,000 | 1,500,000 | +1,500,000 | | +1,500,000 | |
| Bureau of the Public Debt | 69,367,000 | 79,240,000 | 75,990,000 | 79,240,000 | 77,490,000 | +8,123,000 | −1,750,000 | +1,500,000 | −1,750,000 |
| Internal Revenue Service: | | | | | | | | | |
| Salaries and expenses | 28,096,000 | 32,010,000 | 32,010,000 | 32,010,000 | 32,010,000 | +3,914,000 | | | |
| Revenue accounting and processing | 238,318,000 | 282,438,000 | 281,000,000 | 281,000,000 | 281,000,000 | +42,682,000 | −1,438,000 | | |
| Compliance | 712,026,000 | 808,511,000 | 780,000,000 | 797,5 0,000 | 792,500,000 | +80,474,000 | −16,011,000 | +12,500,000 | −5,000,000 |
| Total, Internal Revenue Service | 978,440,000 | 1,122,959,000 | 1,093,010,000 | 1,110,510,000 | 1,105,510,000 | +127,070,000 | −17,449,000 | +12,500,000 | −5,000,000 |
| Office of the Treasurer | 8,780,000 | 9,805,000 | 9,805,000 | 9,805,000 | 9,805,000 | +1,025,000 | | | |
| U.S. Secret Service | 45,200,000 | 58,070,000 | 57,500,000 | 57,500,000 | 57,500,000 | +12,300,000 | −570,000 | | |
| Total, title I, Treasury Department | 1,338,659,000 | 1,594,419,000 | 1,523,490,000 | 1,561,080,000 | 1,554,330,000 | +215,671,000 | −40,089,000 | +30,840,000 | −6,750,000 |

TITLE II.—U.S. POSTAL SERVICE

| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| Payment to the Postal Service fund | 2,593,728,000 | 1,471,722,000 | 1,217,552,000 | 1,433,922,000 | 1,217,522,000 | −1,376,206,000 | −254,200,000 | | −216,400,000 |

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| Compensation of the President | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | | | | |
| Council of Economic Advisers | 1,233,000 | 2,134,000 | 2,100,000 | 2,100,000 | 2,100,000 | +867,000 | 34,000 | | |
| Disaster relief | 90,000,000 | 85,000,000 | 85,000,000 | 85,000,000 | 85,000,000 | −5,000,000 | | | |

### TITLE I—TREASURY DEPARTMENT—Continued

| | | | | | | Conference action compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
| Domestic Council | $960,000 | $1,898,000 | $1,898,000 | $1,898,000 | $1,898,000 | $+938,000 | | | |
| Emergency fund for the President | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | | | | |
| Expenses of management improvement | 350,000 | 550,000 | 400,000 | 400,000 | 400,000 | +50,000 | −$150,000 | | |
| National Security Council | 2,182,000 | 2,424,000 | 2,424,000 | 2,924,000 | 2,424,000 | +242,000 | | | −$500,000 |
| Office of Emergency Preparedness: | | | | | | | | | |
| Salaries and expenses | 6,019,000 | 6,288,000 | 6,288,000 | 6,288,000 | 6,288,000 | +269,000 | | | |
| Defense mobilization functions | 3,360,000 | 3,314,000 | 3,314,000 | 3,314,000 | 3,314,000 | −46,000 | | | |
| Office of Intergovernmental Relations | 300,000 | 311,000 | 311,000 | 311,000 | 311,000 | +11,000 | | | |
| Office of Management and Budget | 14,900,000 | 19,792,000 | 19,000,000 | 19,500,000 | 19,250,000 | +4,350,000 | −542,000 | $+250,000 | −250,000 |
| Office of Telecommunications Policy | 2,033,000 | 2,702,000 | 2,600,000 | 2,600,000 | 2,660,000 | +567,000 | −102,000 | | |
| President's Advisory Council on Executive Organization | 505,000 | | | | | −505,000 | | | |
| Protection of visiting foreign dignitaries | 1,650,000 | | | | | −1,650,000 | | | |
| Executive residence | 1,154,000 | 1,245,000 | 1,245,000 | 1,245,000 | 1,245,000 | +91,000 | | | |
| Special Action Office for Drug Abuse Prevention | | 3,000,000 | | 3,000,000 | 3,000,000 | +3,000,000 | | +3,000,000 | |
| Special assistance to the President | 700,000 | 735,000 | 735,000 | 735,000 | 735,000 | +35,000 | | | |
| Special projects | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | | | | |
| The White House Office | 8,899,000 | 9,342,000 | 9,342,000 | 9,342,000 | 9,342,000 | +443,000 | | | |
| Total, title III, Executive Office of the President | 136,995,000 | 141,485,000 | 137,407,000 | 141,407,000 | 140,657,000 | +3,662,000 | −828,000 | +3,250,000 | −750,000 |
| TITLE IV—INDEPENDENT AGENCIES | | | | | | | | | |
| Administrative Conference of the United States | 380,000 | 408,000 | 408,000 | 408,000 | 408,000 | +28,000 | | | |
| Advisory Commission on Intergovernmental Relations | 664,000 | 718,000 | 718,000 | 718,000 | 718,000 | +54,000 | | | |
| Civil Service Commission: | | | | | | | | | |
| Salaries and expenses | 50,858,000 | 59,936,000 | 59,000,000 | 59,000,000 | 59,000,000 | +8,142,000 | −936,000 | | |
| Annuities under special acts | 1,180,000 | 1,161,000 | 1,161,000 | 1,161,000 | 1,161,000 | −19,000 | | | |
| Government payment for annuitants, employees health benefits | 70,405,000 | 109,568,000 | 109,568,000 | 109,568,000 | 109,568,000 | +39,163,000 | | | |
| Payment to civil service retirement and disability fund | 495,657,600 | 436,870,000 | 436,870,000 | 436,870,000 | 436,870,000 | −58,787,600 | | | |
| Federal Labor Relations Council, salaries and expenses | 700,000 | 731,000 | 731,000 | 731,000 | 731,000 | +31,000 | | | |
| Intergovernmental personnel assistance | | 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 | +12,500,000 | | | |
| Revolving fund | | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | +1,000,000 | | | |
| Total, Civil Service Commission | 618,800,600 | 621,766,000 | 620,830,000 | 620,830,000 | 620,830,000 | +2,029,400 | −936,000 | | |
| Commission on Government Procurement | 2,100,000 | 2,800,000 | 2,800,000 | 2,800,000 | 2,800,000 | +700,000 | | | |
| General Services Administration: | | | | | | | | | |
| Public Buildings Service: | | | | | | | | | |
| Operating expenses | 358,950,000 | 407,734,000 | 406,000,000 | 406,000,000 | 406,000,000 | +47,050,000 | −1,734,000 | | |
| Repair and improvement of public buildings | 83,280,000 | 92,900,000 | 92,000,000 | 92,000,000 | 92,000,000 | +8,720,000 | −900,000 | | |
| Construction, public buildings projects | 133,560,300 | 183,832,000 | 195,919,000 | 200,440,000 | 200,440,000 | +66,879,700 | +16,608,000 | +4,521,000 | |
| Sites and expenses, public buildings projects | 20,661,000 | 15,050,000 | 15,050,000 | 17,749,500 | 17,749,500 | −2,911,500 | +2,699,500 | +2,699,500 | |
| Payments public buildings purchase contracts | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 | | | | |
| Expenses, U.S. court facilities | 1,000,000 | 2,780,000 | 2,780,000 | 2,683,000 | 2,780,000 | +1,780,000 | | | +97,000 |
| Additional court facilities | 19,150,000 | | | | | −19,150,000 | | | |
| Federal Supply Service: | | | | | | | | | |
| Operating expenses | 88,252,000 | 89,487,000 | 89,000,000 | 89,000,000 | 89,000,000 | +784,000 | −487,000 | | |
| Automatic data processing fund | 20,000,000 | | | | | −20,000,000 | | | |
| National Archives and Records Service: | | | | | | | | | |
| Operating expenses | 26,362,000 | 29,246,000 | 29,246,000 | 29,246,000 | 29,246,000 | +2,884,000 | | | |
| National historical publications grants | 350,000 | | | | | − 350,000 | | | |
| Transportation and Communications Service: Operating expenses | 7,023,000 | 7,494,000 | 7,494,000 | 7,494,000 | 7,494,000 | +471,000 | | | |
| Property Management and Disposal Service: Operating expenses | 32,478,000 | 38,446,000 | 37,696,000 | 37,696,000 | 37,696,000 | +5,218,000 | −750,000 | | |
| Office of Administrator: Salaries and expenses | 1,309,000 | 1,368,000 | 1,368,000 | 1,368,000 | 1,368,000 | +59,000 | | | |
| Allowances and office staff for former Presidents | 343,000 | 418,000 | 418,000 | 418,000 | 418,000 | +75,000 | | | |
| Total, General Services Administration | 795,118,300 | 871,155,000 | 879,371,000 | 886,494,500 | 886,591,500 | +91,473,200 | +15,436,500 | +7,220,500 | +97,000 |
| U.S. Tax Court: | | | | | | | | | |
| Salaries and expenses | 3,438,000 | 3,525,000 | 3,525,000 | 3,525,000 | 3,525,000 | +87,000 | | | |
| Construction | | 18,712,000 | 18,712,000 | 18,712,000 | 18,712,000 | +18,721,000 | | | |
| Department of Defense: | | | | | | | | | |
| Civil Defense: | | | | | | | | | |
| Operation and maintenance | 51,050,000 | 55,103,000 | 55,103,000 | 55,103,000 | 55,103,000 | +4,053,000 | | | |
| Research, shelter survey and marking | 22,000,000 | 23,200,000 | 23,200,000 | 23,200,000 | 23,200,000 | +1,200,000 | | | |
| Construction of facilities, civil defense | 496,000 | | | | | −496,000 | | | |
| Total Civil Defense | 73,546,000 | 78,303,000 | 78,303,000 | 78,303,000 | 78,303,000 | +4,757,000 | | | |
| Department of Health, Education and Welfare: Emergency health | 4,030,000 | 4,203,000 | 4,203,000 | 4,203,000 | 4,203,000 | +173,000 | | | |
| Total, title IV, independent agencies | 1,498,076,900 | 1,601,590,000 | 1,608,870,000 | 1,615,993,500 | 1,616,090,500 | +118,013,600 | +14,500,500 | +7,220,500 | +97,000 |
| TITLE V—CLAIMS | | | | | | | | | |
| Claims under Fishermen's Protective Act of 1967 | | | 387,190 | 387,190 | 387,190 | +387,190 | +387,190 | | |
| Grand total, titles I, II, III, IV, and V, new budget (obligational authority) | 5,567,458,900 | 4,809,216,000 | 4,487,676,190 | 4,752,789,690 | 4.528,986,690 | −1,038,472,210 | −280,229,310 | +41,310,500 | −223,803,000 |

Mr. COOPER. Mr. President, I congratulate Senator ALLOTT, Senator BOGGS, and Senator MONTOYA, and all the members of the committee on the fine work they have done on the Treasury, Post Office appropriation bill.

At this point, however, I would like to say that with respect to the post office reorganization program, I believe that Congress made a mistake with respect to the selection of postmasters in communities with population less than 50,000, and rural route carriers.

I spoke and voted against removing the recommendation of nominees for these positions generally, and I believe more strongly than ever, that Members of the Congress have better information concerning the qualifications for these positions than the remote committees that have been established under the reorganization plan to make these choices.

Postmasters in small communities from 50,000 population down and rural route carriers are the most intimate representatives of the U.S. people.

We know our States, our districts, our people, and we did make better choices, than committees who do not know the characteristics of the people they serve.

It is a human, responsive quality that is needed, as well as competing, which, of course, is preeminent if the Government is to be close to the people.

I am glad that I advocated this viewpoint, when the reorganization bill was before us.

## AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that from the time of the adjournment of the Senate today until 3 p.m. tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY FOR THE PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that from the time of the adjournment of the Senate today until 3 p.m. tomorrow, the President pro tempore be authorized to sign duly enrolled bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, JULY 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the recognition of the majority and minority leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, JULY 7, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday next, immediately following the recognition of the Senators under the order previously entered, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. I ask unanimous consent that all committees be authorized to file reports until 3 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TUESDAY, JULY 6, 1971, UNTIL JULY 7, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business on Tuesday, July 6, 1971, it stand in adjournment until 12 o'clock noon on Wednesday, July 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Does the distinguished senior Senator from Kentucky wish to be recognized at this time?

Mr. COOPER. No.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Tuesday and Wednesday next, as well as it can be determined at the moment, is as follows:

On Tuesday next, the Senate will convene at 12 o'clock noon.

Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

As the majority leader has indicated, the Senate is expected to consider unobjected-to items on the Consent Calendar on Tuesday next, together with any bills and resolutions which may have been reported by committees during the holiday, and there may be conference reports to be considered on Tuesday.

As of now, it appears that there will be no rollcall votes on Tuesday next, but there is always the possibility of such, and Senators will so understand.

As far as Wednesday is concerned, the Senate will convene at 12 o'clock noon. Of course, that convening order is subject to change. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized in the order stated, each for not to exceed 15 minutes: Messrs. TALMADGE, AIKEN, HUMPHREY, and YOUNG.

Immediately following the recognition of Senator YOUNG and the completion of his remarks on Wednesday next, the Senate will proceed to the consideration of routine morning business for a period not to exceed 30 minutes, with statements therein limited to 3 minutes.

Under the previous order, on Wednesday next at 3 p.m., the Senate will proceed to the consideration of what is now the pending business, Calendar No. 239, S. 1828, a bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

Under the agreement, there will be 3 hours of debate on S. 1828, with 1 hour on each amendment thereto and 20 minutes on any amendment to an amendment. The yeas and nays have been ordered on passage of S. 1828, so Senators are on notice that there will be at least one yea and nay vote on Wednesday, July 7. There could, of course, be other yea and nay votes on amendments. There may be other business on Wednesday.

## ADJOURNMENT UNTIL TUESDAY, JULY 6, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 351, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday, July 6, 1971.

The motion was agreed to; and (at 7 o'clock and 49 minutes p.m.) the Senate adjourned until Tuesday, July 6, 1971, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate June 30, 1971:

### DEPARTMENT OF THE INTERIOR

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior; new position.

### U.S. NAVY

Vice Adm. Lloyd M. Mustin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title X, United States Code, section 5233.

### PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR PERMANENT PROMOTION

*To be medical director*

Gordon Allen
William B. Barr
Tom D. Y. Chin
Hilary H. Connor
John L. Fahey
Donald L. Fry
Murray Goldstein
Edward A. Graykowski
William D. Hawley
Felix P. Hurtado
Donald E. Kayhoe

Leonard Laster
Edward J. Leonard
Enrico A. Leopardi
William E. Newby
Michael Potter
David P. Rall
Jacob Robbins
William M. Smith
Frederick Snyder
John L. Stephenson
Richard H. Thurm
Donald L. Toker
Donald P. Tschudy
Martha Vaughan
Tamarath K. Yolles

*To be senior surgeon*

Maurice B. Burg
Jack Butler
Lawrence F. Dietlein, Jr.
Eugene J. Gangarosa
Herschel C. Gore, Jr.
Peter Gouras
Robert I. Gregerman
Andrew F. Horne
Emery A. Jordan
Michael W. Justice
William R. Martin
Peter D. Olch
Carroll B. Quinlan
Jack C. Robertson
Gordon S. Siegel
John R. Trautman
Robert W. Weiger

*To be surgeon*

T. Carey Barr, Jr.
David L. Child
Uel D. Crosby, Jr.
Lionel H. Demontigny
Ronald E. Gillilan
Charles W. Gorodetzky
David H. Groth
Douglas I. Hammer
Robert C. Hastings
Charles A. Herron
Paul V. Holland
Vilis E. Kilpe
Robert L. Krebsbach
Larry W. Lassinger
Carl R. Merril
William G. Prescott
George A. Reich
Thomas L. Robertson, Jr.
Calvin D. Sanders
Charles R. Westley
Robert E. Wills
Margaret C. Woodbury

*To be dental director*

Joseph Abramowitz
Albert C. Adams
William O. Engler

*To be senior dental surgeon*

Howell O. Archard
Edward M. Campbell
William A. Gibson
Christopher E. Kennemer
James J. Laubham, Jr.
Robert J. Lucas
James R. Nixon
Anthony A. Rizzo
Selvin Sonken
Gunnar E. Sydow
Anderson F. Williams

*To be dental surgeon*

William S. Driscoll
Robert H. Dumbaugh
John L. Elliott
Wayne A. Jenkins
Bruce E. Johnson
James P. Johnson
Edward Kuzma
Sheppard M. Levine
Gene P. Lewis
Rudolph E. Nicik
Richard W. Mittelstadt
Joseph R. O'Neil, Jr.
Lynn A. Thomson, Jr.

*To be nurse director*

Eileen M. Coviello
Florence E. Gareau
Helen M. Hanlon
E. Arline Heath
Anne J. Lello
Sara K. Marsh
Mary E. McGovern
Mary L. Mills

*To be senior nurse officer*

Margaret M. Albrecht
Dorothy C. Calafiore
Geraldine L. Ellis
Jean F. Kaplan
Betty J. Klingenhagen
Barbara T. Lanigan
Vivian R. Mercer

*To be nurse officer*

Barbara J. Bowman
Paul V. Donnelly
Christine H. Johnson

*To be sanitary engineer director*

Howard E. Ayer
Delbert S. Barth
Frank A. Bell, Jr.
Leland J. McCabe, Jr.
John H. McCutchen
William H. Magonnell
Walter F. Meyers, Jr.
James P. Sheehy
George R. Shultz

*To be senior sanitary engineer*

Ian K. Burgess
Henning M. Eklund
Robert H. Neill
Robert E. Novick
Joseph P. Schock

*To be sanitary engineer*

Donald A. Anderson
Malcolm C. Bruce
Ralph W. Buelow
George J. Butler
Elmer G. Cleveland
Richard L. Douglas
Dewayne E. Durst
Jack R. Farmer
Henry L. Fisher, Jr.
R. Frank Grossman
Richard S. Kramkowski
F. Donald Maddox
Robert G. Raymond
Paul B. Smith
Daniel A. Stock
Donald T. Wruble

*To be senior assistant sanitary engineer*

Dennis A. Degner
Thomas R. Horton

*To be scientist director*

Norman A. Clarke
Byron L. Harriman
George J. Hermann
Margaret A. Howell
George E. Jay, Jr.
James G. Murphy
Myron J. Willis

*To be senior scientist*

Donald S. Boomer
William J. Campbell
Robert J. Ellis
Vernon J. Fuller
William J. Goodwin, Jr.
Herbert F. Hasenclever
William F. Hill, Jr.
Norman A. Hilmer
Julius A. Kasel
William A. Mills
George E. Thompson
Kenneth W. Walls
Billy West

*To be scientist*

Gregory J. Barone
John J. Bartko
Laurence T. Carroll
Alfred Hellman
Frank S. Lisella
Norman L. Richards
Harold F. Stewart

*To be sanitarian director*

Warren S. Dobson
Irving H. Schlafman

*To be senior sanitarian*

Alfred Castavelez
Virgil D. Grace
Jack H. Lair
Elmer D. McGlasson
Joe L. Perrin

*To be sanitarian*

Vernon R. T. Bargman
Ralph J. Bicknell
Victor L. Casper
Kurt L. Feldmann
Douglas H. Keefer
Robert A. Marsland
James R. Reed
Johnny R. Sanders
Dale J. Vandonsel
Thomas S. Willett

*To be pharmacist director*

Adelbert E. Briggs
Felix A. Conte
Paul H. Honda
Ernest S. Lentini
Boris J. Osheroff
Lowell R. Pfau
Edward J. Vesey

*To be senior pharmacist*

James E. Bleadingheiser
Thomas D. Decillis
Richard A. Hall
Frank W. Hollister

*To be pharmacist*

Elmer W. Akin
Ray D. Crossley II
Jean P. Davignon
Lawrence E. Gustafson
Jerome A. Halperin
Donald E. Hill
Edmund F. Kropidlowski
Jon R. May
John J. Miescier
Michael J. Tuohy
Arthur C. Willman
Gary J. Wold

*To be senior assistant pharmacist*

James G. Tauer

*To be veterinary director*

Andrew C. Wheeler

*To be senior veterinary officer*

Anton M. Allen
Paul Arnstein
Denny G. Constantine
Kenneth D. Quist

*To be veterinary officer*

Ezra Berman
James A. Peters
Stephen Potkay

*To be dietitian director*

Merme Bonnell
Jean M. Pope
Charlotte E. Smith

*To be senior therapist*

John B. Allis
Dean P. Currier
James C. Hufsey
Forrest N. Johnson
Richard S. Mazzacone
Walter S. Sekiya

*To be therapist*

James D. Ebner
William W. Murray

*To be senior assistant therapist*

Gene A. Diullo
Richard I. Hetherington

*To be health services director*

Leah Bigalow
Mary P. Byrd
Mary A. Fugitt

*To be senior health services officer*

John E. Baker, Jr.
Cecilia C. Conrath
Ernest D. Ficco
Howard L. Kitchener
Peggy S. Pentz
Mary L. Skinner

*To be health services officer*

Wayne G. Brown
Robert S. Callis
Robert F. Clarke
George F. Creswell
Donald E. Gardner
Earl W. Robinson
Wilbert Shimoda
William H. Spillane
Roger W. Turenne
Charles T. Wilson

*To be senior assistant health services officer*

Joseph S. Arcarese
Steven Brecher
Kenneth R. Envall
Karen S. Gallaway
Selden C. Hall, Jr.
James W. Rolofson
Mark O. Semler
Dennis R. Shipman

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## CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1971:

### FEDERAL HOME LOAN BANK BOARD

Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1975.

### DEPARTMENT OF DEFENSE

Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

### IN THE AIR FORCE

The following officers to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Richard P. Klocko, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Robert H. Warren, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

### IN THE NAVY

Vice Adm. Bernard M. Strean, U.S. Navy, and Vice Adm. Arnold F. Schade, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

### DEPARTMENT OF JUSTICE

P. Ellis Almond, of North Carolina, to be U.S. Marshal for the middle district of North Carolina for the term of 4 years.

### INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977.

Dale Wayne Hardin, of Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977.

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972.

### DEPARTMENT OF TRANSPORTATION

John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

### IN THE AIR FORCE

The nominations beginning Warren G. Abolt, to be colonel, and ending Carol LeVann Holley, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 1971.

### IN THE ARMY

The nominations beginning Russell R. Blackwell, to be first lieutenant, and ending John C. Zimmermann, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 1971.

The nominations beginning Thomas J. Collins, Jr., to be lieutenant colonel, and ending Ralph G. Synakowski, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 1971.

# HOUSE OF REPRESENTATIVES—*Wednesday, June 30, 1971*

The House met at 11 a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*God is not far from any one of us: For in Him we live and move and have our being.*—Acts 17: 27, 28.

O Lord, our God, before whom we bow in prayer and from whom we receive that uplift of spirit which enables us to live creatively through critical times, we pray for wisdom and strength to undergird us as we face the difficult duties of this disturbing day. Fill our minds with thoughts that are positive and our hearts with love that is persistent that we may live nobly, speak wisely, do justly, and walk truly with Thee.

Thus may we lead our Nation forward and upward with unfaltering steps to the glorious day when men shall learn to live together in peace, for freedom and with justice for all: And to Thee be the glory now and forever. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7109. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 9271. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7109) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. SYMINGTON, Mr. CANNON, Mr. CURTIS, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9271) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. McGEE, Mr. BOGGS, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 31) entitled "An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes."

The message also announced that the Senate had passed a bill, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S.J. Res. 115. Joint resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; and

S. Con. Res. 6. Concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

## RESOLUTION OF INQUIRY ON THE PENTAGON PAPERS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, in a few moments we will have an opportunity to vote on House Resolutions 489 and 490, privileged resolutions of inquiry introduced by myself and 25 colleagues last Monday.

The purpose of the resolution is to provide an opportunity to Members of Congress to have access to the Pentagon papers in a meaningful way, access that complies with the procedures governing resolutions of inquiry. When the President transmits a document to the Speaker in response to such a resolution, the Speaker "lays it before the House," customarily by reading it.

Certainly, the procedures we all received yesterday from the chairman of the Armed Services Committee preclude any such effective laying before the House. We will not be able to take notes on it, or even quote it from memory. We will not be able to have the assistance of experts or of our own staff members in evaluating it. We will no doubt receive a more effective "laying" before our doors when we receive our morning newspapers tomorrow, after today's Supreme Court decision.

In short, I do not believe that the limited access we will have to this report satisfies either the language of the resolution or the rights of Members of Congress to make a proper use of this material. I submit to the Members of the House at this point, the testimony I gave before the Armed Services Committee just 2 days ago to further clarify my position.

### TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG BEFORE THE HOUSE ARMED SERVICES COMMITTEE ON HOUSE RESOLUTIONS 489 AND 490, JUNE 28, 1971

I welcome this opportunity to discuss with you House Resolutions 489 and 490, which with 25 co-sponsors I introduced just a week ago today. These Resolutions of Inquiry would obtain for the use of the Members of this House the 1968 Pentagon study entitled variously, "The 1968 Vietnam Task Force Report," "History of United States-Vietnam Relationships, 1945–1967," "History of United States Decision-Making Process on Vietnam Policy."

I wish to congratulate the Chairman of this Committee, Mr. Hebert, the Speaker of the House, Mr. Albert, and the President, for acting with such speed on these Resolutions as to make the matter of inquiry almost moot. Almost but not quite.

A Resolution of Inquiry is an infrequently used device provided for under Rule XXII, Sections 855–859, and further refined throughout Hind's and Cannon's precedents from the 18th Century until last used, in 1965.

They are privileged resolutions asking facts of the executive branch, and must be reported out of the committee to which referred within seven legislative days.

Once passed, the President (or other executive requested) must comply with the resolution and transmit the information to the Speaker, "who lays it before the House." Such laying is consistently interpreted in the precedents to be a reading to the House of the information transmitted.

Despite the rapid response of the President and this Committee, the purpose of my Resolution is thwarted by the method of transmittal. The Resolution asks that the President and other executive officers furnish *the House of Representatives* with these documents. But as I understand present plans, the documents are not to be "laid before the House" in any meaningful way.

Eventually, all 435 Members of Congress will have access to the entire 47-volume study. But they cannot make notes, cannot have staff people review and comment, cannot report on what they have read. Under such limitations, a Congressman must have an elephantine memory to retain the facts that would enable him to exercise his constitutional duty.

Further, if we wait our turn, by seniority, for a reading of the documents, the 92nd Congress will have passed into history before a freshman Congresswoman from New York gets a chance to read it. And the study will be another couple of years older and staler.

I therefore call on this Committee to report out these resolutions, 489 and 490 favorably. I urge stricter compliance with the procedures governing resolutions of inquiry such as these resolutions under consideration today. I urge that the information be made truly accessible to the full House so that Members can fulfill their duties. I think that the procedure ought to be realistic rather than formalistic: that Members be able to take notes and that the appropriate staff have access. I suggest obtaining several copies, to be kept in the office of the Speaker of the House rather than by one Committee. Referral to this Committee on Armed Services surely does not imply that the history of the last decade in Southeast Asia has been solely a matter of military policy, and that the decisions made have been those of the Pentagon alone.

We must remember that the Vietnam Study and appended documents so far published do not describe, and contain no information about, "military" or "Naval installations or equipment," or about the "movement, numbers, description, condition or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States." As pointed out in the amicus curiae brief filed by the ACLU in *U.S.* v. *New York Times Co.*, the study has nothing to do with battle plans, defense fortifications, code books, signals, photographs, blueprints, maps, models, instruments, appliances or electronic equipment. The study involves solely what former Vice President Humphrey has called "matters relating to political decisions." And as to the possibility that the enemy might get the key to deciphering our codes, if we are still using the same codes as we did in the mid-Sixties, someone ought to be fired. And surely the Congressional equivalent to security clearances ought to carry more weight than the prerogatives of some civilian GS15 or 17 at the Pentagon.

There is further information which is imperative if the members of this House are to fulfill their duties: the studies known to be made by the Department of Defense on the condition of the economy in Southeast Asia, the efficiency of the government of the Republic of South Vietnam, our plans for residual forces, and plans for the Vietnamese elections in the fall. Such information should normally flow to the elected representatives of the people; but the bureaucracy has labeled them "top-secret sensitive." Deprived of such vital information, how can we in the Congress supply any meaningful legislation? I for one was not elected to rubberstamp the decisions of the Pentagon and the Defense Department. Rather I was elected to keep a watchful eye on such decisions. If all our watchful eyes are blindfolded, how dare we pretend to represent the public interest?

To remove such restraints, I introduced a second resolution last Monday: H. Res. 491 supported by 18 of my colleagues. The seven legislative days in which the resolution must be reported out of committee will expire this Thursday, July 1. I urge that action be taken today to ensure our access to this essential information.

Events of the past week point up the necessity for full review of our classification procedures. Therefore I am introducing a Resolution expressing the sense of the House that a Joint Committee of both houses be immediately appointed to determine what, if any, material should be withheld from the public. It has been estimated that 99% of the documents classified "secret," "top secret," "top secret sensitive," have no reason to be so labeled. Documents from World War I are still top secret. More pointedly, a history of decision-making completed four years ago—and not even seen by the current President and his top security advisor, until last week—is still a matter for great controversy between the supposedly free press and the restraining hand of the Executive. At this point the suggestion in the morning's New York Times by former Assistant Secretary of State for East Asian Affairs under President Kennedy, Roger Hilsman, is very timely:

"If the arguments above are valid the positive and lasting benefit that might derive from all this furor would be regularized procedures by which an arm of the Government independent of the executive could examine and decide on the release of such documents. A number of procedures are possible, but my own preference would be an arrangement by which copies of all documents relevant to a particular policy problem would be periodically delivered to the appropriate committees of Congress. The Committee would then be charged with examining the documents, conducting whatever hearings and investigations that seemed necessary, and deciding on a specific date for release—whether that day, a year later or ten years later."

Judge Gurfein in New York and Judge Gesell in Washington find that the government has failed to show irreparable injury to the national defense in the publication of parts of the Vietnam study. Administration officials have expressed concern that publication may cause loss of faith in government. What could possibly cause greater cynicism than the withholding of information, not only from the public but from their elected representatives?

The strength of this country has rested primarily in the freedom of full debate of political questions. The shame of the past decade is the secrecy with which the lives of all Americans were changed by decisions in which they—and their representatives—had no part. Now that the Congress and the people alike have become aware and partially informed there is a tremendous opportunity to rebuild a nation on the verge of crumbling with distrust. We can rebuild if we in this Congress demand that decision-making be done openly, by those elected to participate in it; if we move quickly, now, to end government by stealth and secrecy.

Despite the anomaly presented by the fact that the representatives elected by the people of this country to represent them in decisionmaking will be the last to have the information on which to base both past and future decisions, despite this fact, the Committee on Armed Services has voted to report out the resolutions of inquiry adversely. If there is a motion to table these resolutions, I urge the Members of this great body to assert their constitutional rights and vote against the motion to table.

## A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

WASHINGTON, D.C.,
*June 26, 1971.*

Hon. CARL ALBERT,
*The Speaker, House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of Section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are the following:

Texas, Ecleto Creek, 2646, June 23, 1971.

Virginia, Ni River, 2646, June 23, 1971.

Texas, Pond Creek, 2646, June 23, 1971.

Texas, Sanderson Canyon, 2646, June 23, 1971.

Alabama, Tallaseehatchie Creek, 2646, June 23, 1971.

Georgia, Cedar Creek, 590, June 23, 1971.

Illinois, Lower McKee Creek, 590, June 23, 1971.

Illinois, Upper McKee Creek, 590, June 23, 1971.

Kansas, W. Sector Whitewater River, 590, June 23, 1971.

North Dakota, Middle S. Branch Forest River,[1] 590, June 23, 1971.

Oklahoma, Deep Red Run-Coffin Creek, 590, June 23, 1971.

Tennessee, Little Bigby, 590, June 23, 1971.

West Virginia, Mill Creek, 590, June 23, 1971.

Kindest personal regards.

Sincerely,

JOHN A. BLATNIK,
*Chairman, Committee on Public Works.*

## BIRTHDAY GREETINGS TO THE HONORABLE H. R. GROSS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker and my fellow colleagues, I take this opportunity on this very happy day to inform the House that this is the birthday of our distinguished friend and colleague, H. R. GROSS. Although commonly known as H. R., his real name is HAROLD ROYCE. Of course, the ROYCE is an indication of Rolls Royce, a distant cousin.

We know him as a great friend, a beloved friend, as a matter of fact, and I would like, on behalf of myself, to wish him an extremely happy birthday and many more.

I understand that his personal physician, Dr. HALL, is going to give us a report.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am delighted to yield to the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I would like to join the gentleman from New Jersey in congratulating our distinguished colleague and friend on this birthday. It might be nice to offer a bill, H.R. 144, making H. R. GROSS' birthday a national holiday.

Mr. THOMPSON of New Jersey. I wonder, Mr. Speaker, if you would accept an amendment including a little travel for our distinguished Member, H. ROYCE GROSS? If so, we can even provide a round-trip ticket. You see, Mr. Speaker, he now thinks that we would authorize only a one-way ticket. We want him back.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, as the gentleman from New Jersey was speaking I looked around the room to see whether or not the gentleman from Iowa (Mr. GROSS) was in his usual spot, a seat near the aisle and near the table, on our side, and I noticed that he was not in that usual position. We all know that H. R. GROSS has, to my knowledge, never taken a trip outside the United States, a junket, as some call it, and all of us know that he is almost without exception on the floor of the House. I wonder on this occasion if, by any chance, on his anniversary he has disappointed us by going abroad.

Mr. Speaker, I wish the very best on his birthday anniversary.

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

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[1] Supplemental.

Mr. HALL. Mr. Speaker, since this is apparently the age of "full disclosure" and a time to reveal even the most intimate details about the workings of our Federal Government, I feel that I have reached a point, a "Gravely" point, where I can no longer remain silent; and must "Get off my chest" certain secrets that have heretofore been known only unto me. Risking a ruptured-duck doctor-patient relationship, I have decided that the time has come to declassify the details of the first physical examination that I administered to the gentleman from Iowa, the Honorable H. R. Gross.

As you well know, Mr. Speaker, shortly after I was born into this body in the year 1960, I became the unofficial physician to the floor of the House, and the official, albeit self-appointed physician, to Mr. Gross, whose natal date is today.

One day, armed only with my trusty stethoscope and a temperature thermometer, I received the consent of that august Member to minister unto him. As I recall it was while we were fishing on the Rappahannock.

As I checked the gentleman's right ear, I noticed a bit of soil clinging to the extreme part of the ear lobe. I asked why it was there? Mr. Gross replied, "I guess it comes from always keeping my ear to the ground." Closer examination revealed a rather long, almost invisible scar running the length of his nose. 'Have you been in an accident?" I asked. "No," said the gentleman from Iowa, "That comes from keeping my nose to the grindstone."

As my gaze continued to move upward, I noticed his slightly thinning locks and receding hairline. When I queried Mr. Gross about his premature loss of hair, he told me that he had calculated that, for every $1 billion that this Nation piles on the national debt, he loses 10 hairs. You can understand how it saddened me to explain to my colleague that there is no known cure for his ailment—alopecia craniae—and that I feared he would soon be totally bald.

When I checked Mr. Gross' hands, I found that his right index finger was heavily calloused and slightly longer than the one on his left hand. This interested me intensely as I have similar attributes—primus digiti dextra doctylia—but for other reasons. My inquiry brought the reply that this came from constantly pointing with pride to the State of Iowa, and years of keeping his finger on the pulse of the people.

My final act was to take the temperature of my good friend in the usual and routinely approved manner of any great diagnostician, and I ascertained something most unusual. Mr. Gross' temperature has a tendency to rise every time an appropriation bill comes before the House, and lowers only when a satisfactory cut in funding has been accomplished by point of order, amendment, or defeat. My diagnosis was that at the current pace of the Congress, his temperature should reach 250° by the middle of July.

All in all, Mr. Speaker, my examination revealed a very healthy and remarkable specimen: A slight man who loves his nation as a giant, and wants to see it prosper; a dedicated servant of the people of Iowa; the conscience of this body of Congress; and the best friend a man ever had. It is my pleasure to enjoy his counsel, the fellowship of him, his wife and family, and the knowledge that, following the birth of H. R. Gross of Iowa, they broke the mold.

Mr. Speaker, may I wish a heartfelt happy birthday to a truly great American.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with the deserving remarks just made by my distinguished friend the gentleman from Missouri (Mr. Hall). I am sure the reason the gentleman from Iowa (Mr. Gross) has not accepted any trips abroad is not because he fears it may only be one way, and I would hate to see the time that the gentleman would not be here to represent the people of Iowa in this body. Few Members realize that H. R. has taken one Government sponsored trip overseas as a doughboy in World War I.

Mr. Speaker, we are very proud and honored to have a man with the stature of H. R. Gross to represent not only his district but the State of Iowa and the Nation as well.

As a colleague of the gentleman I am very proud to be called his friend. H. R., the entire House membership wishes you a happy birthday and with your wife Hazel, sons Alan and Phil, grandson Gary, a joyous occasion.

## APPOINTMENT OF CONFEREES ON H.R. 9271, TREASURY DEPARTMENT AND OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Messrs. Steed, Passman, Addabbo, Roybal, Stokes, Mahon, Robison of New York, Edwards of Alabama, Riegle, Myers, and Bow.

## PERMISSION TO FILE A CONFERENCE REPORT ON H.R. 9271, TREASURY DEPARTMENT AND OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

Mr. STEED. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, is this a request to file a report by the managers on the part of the House that have just now been appointed, within the last 5 minutes?

Mr. STEED. Mr. Speaker, if the gentleman will yield, may I say to the gentleman from Missouri that we have had some preliminary discussions with the other body on the changes they have made in the bill, and since the fiscal yearend is near on us, when the Postal Department becomes the Postal Corporation on that date, we were hopeful that we could adjudicate our differences some time this afternoon and have the report ready for filing before the day is over.

Mr. HALL. But the conferees have not met officially, the report is not in preparation, and agreement has not yet been reached. Is that a true statement of the situation?

Mr. STEED. That is correct.

Mr. HALL. Then I would presume, Mr. Speaker, that the gentleman from Oklahoma plans to ask unanimous consent to again violate the Reorganization Act of 1970, and bring this conference report up later today, if the conference report is filed, or tomorrow, the last day of meeting this week before the Independence Day recess?

Mr. STEED. If the gentleman will yield further, let me state that if we are able to reach agreement today the only way in which to consider the conference report would be by unanimous consent.

Mr. HALL. So the gentleman's plan is to ask unanimous consent for that purpose, either late in the day today or tomorrow?

Mr. STEED. If we expect to finalize the bill before the end of the fiscal year there would be no other recourse for us but to do that before the end of the week.

That is the only way we have of meeting the deadline.

And so, as I say, I just cannot see where we would be able to have it ready by today, and we will probably be very fortunate to have it ready by tomorrow.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I will be happy to yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, since the House is anxious to finish its scheduled pre-July 4th business today and tomorrow, and since tomorrow is the beginning of the new fiscal year 1972, it occurred to me that it might be possible to get unanimous consent to bring up this conference report as soon as it is filed, which could be later today. If Congress could clear the Treasury-Postal Service-general Government appropriation bill today; clear the legislative branch appropriation bill; clear the education appropriation bill; and clear the pending continuing resolution, we would have finalized a significant portion of the appropriations business before the new fiscal year begins.

I have not had a chance to confer in detail with the gentleman from Oklahoma (Mr. STEED) about this matter, and of course we do not know just what conflicts there may be, if any, between the two bodies with respect to the conference on the bill.

But I would hope that if the conference report can be prepared later today, and we are in session later today, that the conference report could be considered today.

Mr. HALL. Of course, the gentleman's very statement is the reason why a unanimous-consent request should not be asked, at least until the conferees have met. And that is the only reason I have for rising, and albeit I am not one of those who is convinced that a payless payday would not be a good thing for America, and maybe shock it into realizing that we need to stop authorizing and appropriating for everyone's whim, and indeed move toward balancing the budget; nevertheless I shall not object to this unanimous-consent request for permission to file by midnight, and that will give us time to decide whether or not we should again violate the rules of the House adopted last October to the effect that conference reports should be printed and in the hands of Members for 3 days before being called up for consideration.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I want to say that I deeply appreciate the fairminded approach the distinguished gentleman from Missouri (Mr. HALL) has taken with regard to this matter. When we know more about it we will confer with the gentleman.

Mr. HAYS. Mr. Speaker, will the gentleman yield

Mr. HALL. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I just heard, as I walked into the Chamber, the statement made by the gentleman from Missouri that a payless payday might be a good thing for the country, and it reminded me of the answer that Calvin Coolidge gave to a questioner during a press conference one day when the questioner said, "How many people work in the Government?" And he said, "About half of them."

Mr. HALL. Mr. Speaker, I thank the gentleman from Ohio for his usual inimicable observation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## NORTH VIETNAM HAS PROBLEMS, TOO

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, at a time when our Vietnamese involvement is very much on the minds of all Americans and at a time when differences of opinion between the leaders of this country and the citizens of this country are being very much exploited and publicized, I think it is appropriate that we remind ourselves that the leaders in North Vietnam are having problems of their own.

It was recently reported that Gen. Vo Nguyen Giap, who was the leader of the Communist victory over the French at Dienbienphu in 1954, has been shunted aside as North Vietnam's principal military strategist.

The recent North Vietnamese National Assembly demoted the general from vice chairman of the National Defense Council, a post he had held since 1960, at the same time the group was being upgraded and given the principal role in military planning.

Mr. Speaker, to me this demotion of General Giap as a leading military architect for North Vietnam is a visible sign that perhaps the determination and perhaps the will of the North Vietnamese leaders is itself beginning to weaken.

In this country, where disagreement with official policy receives full play, let us give a little publicity to the fact that we are not facing a monolithic dictatorship in North Vietnam. Cracks are beginning to appear. Troung Chinh, No. 3 man in the Politburo of the Lao Dong Communist Party of North Vietnam, broadcast on the radio that—

> It is absolutely necessary for the people's democratic dictatorship to use violence against counterrevolutionaries and exploiters who refuse to submit to reform. The proletarian dictatorial state determinedly prevents the use of slogans of democratization of the regime in order to weaken or abolish the proletarian dictatorship.

The government has decided it necessary to arrest and convict a pop music group for playing "golden music"—apparently copying Western music and styles. They were accused of "disseminating depraved imperialist culture" and the leader was sentenced to 15 years in prison, while others received lesser sentences.

Problems for the Communist forces are becoming evident. A statement by the top political general of all Communist forces in South Vietnam quotes him as saying—

> The combat of our armed forces and people has now become increasingly critical, difficult, and fierce . . . Many units have to fight in extremely difficult conditions with a shortage of everything . . .

The currency black market in Hanoi and the wide shortages in consumer goods as reported in Hanoi newspapers suggest hardships in North Vietnam which are not compatible with the ideal Socialist state.

## THE PENTAGON PAPERS

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, very shortly we will vote upon a privileged resolution pertaining to the now famous purloined Pentagon papers.

I for one believe that classification has been abused, that many things which do not deserve classification are being classified. But I think the question we must decide today is, Who has the right to classify and who has the right to declassify? We all admit that classification is essential. In recent days—in fact today—we have witnessed a situation where these controversial papers are being read into the public record because they are in the possession of a Member of the Congress. Even though those papers are labeled as top secret they will be declassified by a member of Congress who will be immune to prosecution.

I think that is wrong, and I think that no man—a Congressman, a Senator, or otherwise—has the right to take something which is labeled "top secret" and, based upon his personal judgment, declassify it and make it public.

Perhaps we need to revise our laws with respect to classification, but let us not be in the position today of saying that Congress has the right to declassify.

## THE PENTAGON PAPERS

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, this House will have an historic opportunity within a few minutes when the resolution of inquiry is before us. I have cosponsored this resolution, and last Monday I testified before the Armed Services Committee in support of it. I hope that we will have a full debate on the merits of the resolution before any motion is made which would preclude the debate.

House resolution 489 directs the President to furnish the House of Representatives with the full and complete text of the study on the war in Vietnam which the New York Times and the Washington Post and other newspapers have partially published. It is an assertion of congressional responsibility. Members of Congress have a unique interest in knowing the contents of these documents, for Congress needs this essential information in order to act on issues of war and peace.

Believing not only that Congress but, more importantly, the American people have a right to know the truth about our involvement in Vietnam, I and 26 other Members filed a brief as amici curiae in support of the New York Times and the Washington Post.

Although the President has provided the documents to Congress, the matter is not moot. In the first place, we should assert our independent right to them. Second, the Armed Services Committee has imposed unacceptable conditions on access to them.

The letter from the chairman of the Armed Services Committee outlining the procedures under which limited access is made to Members to review the documents entitled "United States-Vietnam Relationships, 1945–67" is tantamount to no access. It is unduly restrictive, and virtually makes it impossible for Members of Congress to review these documents and understand what is in them.

The rules prohibit Members from taking notes even on what they have read. And before being allowed to read, they will be required to identify the document or information they desire to read. This is absurd, in view of the fact that much of this material is already in the public domain, having been published in the press and the CONGRESSIONAL RECORD. Also the Solicitor General has narrowed to a very few the number of documents over which there is any longer any controversy.

I urge my colleagues to support the resolution of inquiry and to vote against the expected motion to table.

## THE PENTAGON PAPERS

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABOUREZK. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, the resolution of inquiry, House Resolution 489 and 490, is intended to give an opportunity to the Members of this body to be informed so that they can act intelligently as informed representatives of the people of this country. The Armed Services Committee has voted; the chairman has informed me he will report the resolution with a motion to table, which will cut off any opportunity for this House even to debate this important question of access to the Pentagon study.

A letter has been sent by the Armed Services Committee indicating the conditions under which we can read the 47 volume study. We have to come into a locked room. We have to register our names. We have to know the specific document we wish to ask for. This is not access. There are documents being published in the newspapers while we in the House of Representatives are being deprived of an opportunity to see the information on which we base political decisions for which we are held responsible. It seems to me we must not only debate this question but we must defeat the motion to table. We must insist that the resolution of inquiry be made meaningful; not formalistic, but realistic, so that Members of the House will truly have access to the information we need.

## THE PENTAGON PAPERS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I certainly agree that the need to know is important, and perhaps there is an emphatic need to know on the part of Members of the Congress. But the fact still remains that the papers we are talking about today bear the classification "top secret," and the question is, Is each individual Member of Congress going to take unto himself the right to declassify? That is the question.

A gap in the law has been clearly exposed and certainly the question of classification must be carefully considered. Certainly there is plenty wrong, which needs correction. But that is a future responsibility of the Congress and does not justify taking unto ourselves the right to declassify.

Mr. PELLY. Mr. Speaker, I yield back the remainder of my time.

## THE PENTAGON PAPERS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I came into this discussion a little late. I am not sure what is about to go on here. I see the distinguished chairman of the Committee on Armed Services in the Chamber.

I wonder: Are we going to have any time to discuss this matter at all, or are we going to be faced with a motion to lay on the table? Could the gentleman tell me what he has in mind?

Mr. HÉBERT. I will say to the gentleman from Florida, this matter has been discussed in the well this morning. The whole proposition becomes a moot question. The House has the papers. They are in the custody of the House Armed Services Committee. They are available to the members under the rules of the committee. Therefore, there is no reason to debate. We all know what the situation is.

Mr. GIBBONS. So the gentleman intends to move to table immediately the motion of the gentlewoman from New York (Mrs. ABZUG)?

Mr. HÉBERT. That is right.

Mr. GIBBONS. I thank the gentleman for giving me this information.

## APPOINTMENT OF CONFEREES ON H.R. 7109, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, TEAGUE of Texas, KARTH, HECHLER of West Virginia, FULTON of Pennsylvania, MOSHER, and BELL.

## REQUESTING THE PRESIDENT TO FURNISH THE TEXT OF THE STUDY ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945–67"

Mr. HÉBERT. Mr. Speaker, by direction of the Committee on Armed Services, I submit a privileged report (Rept. No. 92318) on the resolution (H. Res. 489) and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 489

*Resolved,* That the President be, and he is hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with the full and complete text of the study entitled "United States-Vietnam Relationships, 1945–1967", prepared by the Vietnam Task Force, Office of the Secretary of Defense.

MOTION TO TABLE OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I move to table the resolution.

The SPEAKER. The question is on the motion to table offered by the gentleman from Louisiana.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 113, not voting 48, as follows:

[Roll No. 172]

YEAS—272

Abbitt
Abernethy
Alexander
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Bennett
Betts
Biester
Blackburn
Boggs
Bolling
Bow
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Garmatz
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minshall
Mizell
Mollohan
Monagan
Montgomery

Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

### NAYS—113

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Bingham
Blatnik
Boland
Brademas
Burton
Celler
Chisholm
Collins, Ill.
Conyers
Corman
Cotter
Culver
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Foley
Fraser
Fulton, Tenn.
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Howard
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
Madden
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
Pepper
Pike
Podell
Pryor, Ark.
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Snyder
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Waldie
Whalen
Wolff
Yates
Yatron

### NOT VOTING—48

Anderson, Ill.
Bevill
Biaggi
Blanton
Brasco
Brinkley
Byrne, Pa.
Carey, N.Y.
Clay
Colmer
Coughlin
Davis, Ga.
Dent
Devine
Donohue
Edwards, La.
Ford, William D.
Fountain
Galifianakis
Gallagher
Gaydos
Gray
Hagan
Harrington
Holifield
Jacobs
Jones, N.C.
Jones, Tenn.
Kuykendall
Landrum
Long, La.
McClure
McCulloch
McKinney
Macdonald, Mass.
Mills, Md.
Morse
Passman
Pucinski
Purcell
Rangel
Rousselot
Runnels
Smith, N.Y.
Stanton, James V.
Taylor
Wampler
Watts

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Harrington against.

Mr. Fountain for, with Mr. Brasco against.

Mr. Taylor for, with Mr. Carey of New York against.

Mr. Passman for, with Mr. Clay against.

Mr. Colmer for, with Mr. William D. Ford against.

Mr. Jones of Tennessee for, with Mr. Rangel against.

Mr. Anderson of Illinois for, with Mr. Byrne of Pennsylvania against.

Mr. Devine for, with Mr. Gallagher against.

Until further notice:

Mr. Holifield with Mr. Coughlin.

Mr. Biaggi with Mr. Kuykendall.

Mr. Watts with Mr. McClure.

Mr. Macdonald of Massachusetts with Mr. Morse.

Mr. Donohue with Mr. McKinney.

Mr. Purcell with Mr. Rousselot.

Mr. Runnels with Mr. Smith of New York.

Mr. Blanton with Mr. Wampler.

Mr. Bevill with Mr. Mills of Indiana.

Mr. Davis of Georgia with Mr. Edwards of Louisiana.

Mr. Landrum with Mr. Jones of North Carolina.

Mr. Gray with Mr. Jacobs.

Mr. Pucinski with Mr. Galifianakis.

Mr. Hagan with Mr. Gaydos.

Mr. Brinkley with Mr. Long of Louisiana.

Mr. MATSUNAGA changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## REQUESTING PRESIDENT TO FURNISH TEXT OF STUDY ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945–67"

Mr. HÉBERT. Mr. Speaker, by direction of the Committee on Armed Services, I submit a privileged report (Rept. No. 92–319) on the resolution (H. Res. 490) and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

### H. Res. 490

*Resolved,* That the President be, and he is hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with the full and complete text of the study entitled "United States-Vietnam Relationships, 1945–1967" prepared by the Vietnam Task Force, Office of the Secretary of Defense.

### MOTION TO TABLE OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I move to lay the resolution (H. Res. 490) on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

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## CONFERENCE REPORT ON H.R. 7016, OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1971.)

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering the conference report on the education appropriation bill for fiscal year 1972 which passed this House on April 7. Today is the 30th of June. If we adopt this conference report today and if the other body and the President cooperate, this bill can become law late tonight or very soon after the beginning of the fiscal year.

Mr. Speaker, this would be a godsend for the people concerned with the administration of these funds at all levels and for the schoolchildren and college students of this Nation.

Mr. Speaker, we have taken the education appropriation out of the original Labor, Health, Education, and Welfare bill in order to expedite these appropriations. This year we will establish some kind of a track record for the early enactment of education appropriations in the recent history of this House.

I know that Members receive many letters from back home, Mr. Speaker, and that the Members have many, many inquiries about appropriations for education programs. I know you will want to hear these figures.

The total recommended in the bill, as agreed to by the conferees—and I want you to hear this figure—for education, imagine if you had heard this 10 years ago, you would not have believed it—is $5,146,311,000.

This is $563,104,500—now, that is more than half a billion—over last year's appropriation for these programs. Not bad, is it?

It is $346,223,000 above the amount in the bill as it passed the House on April 7, but it is also $469,607,000 below the amount of the bill as it passed the Senate on June 10.

It is very difficult to make a valid comparison with the budget request because—and you know the system in the Congress—the budget request included very large amounts to be spent under proposed new legislation for higher education which has not yet been enacted, and of course we could not act on it. But we think that under a fair and objective comparison, this conference agreement is $393,125,000 over the amount requested in the budget for fiscal year 1972.

I do not intend, Mr. Speaker, to go into great length and in detail on the many, many very fine programs that are funded in the bill because I am sure that the Members are anxious to adopt the report, and get on to other business.

There were 40 Senate amendments in conference, many of which involved several separate and distinct programs.

I will place in the RECORD for your benefit, at the conclusion of my remarks, a very detailed table. I do not like tables, but this one you will like. It gives all the information which anyone here could reasonably want to know about this conference agreement for each and every program, and how it compares with last year, how it compares with the budget request, how it compares with the House bill, how it compares with the Senate bill. You cannot possibly want any more than that. It will be there.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. QUIE. There is one piece of information that I want to be certain about and that is the guaranteed student loan program.

Am I correct in my understanding that this bill appropriate funds to enable the Commissioner of Education to make payments to reduce the students interest cost on loans taken by students who will be borrowing in the fiscal year 1972 for the first time under this program and to enable the Commissioner to pay the special allowance to lenders on those loans, am I also correct in my understanding that the effect also of these provisions of this bill will be to authorize the Commissioner to insure, and to provide reinsurance for, loans to students who will be borrowing in the fiscal year 1972 for the first time under this program?

Mr. FLOOD. The answer is "yes."

Mr. QUIE. I thank the gentleman because this is of concern to us that these funds will be available.

Mr. FLOOD. Yes. It is certainly our intent to do just what the gentleman has stated.

Mr. Speaker, we have all received a landslide of correspondence from our colleges and universities about the funds for the student assistance programs, and particularly for educational opportunity grants and work study programs.

There is a great deal of confusion on this subject—and I propose to insert a table in the RECORD which I hope will clarify the situation and will help you to respond to questions you receive from your constituents.

As agreed upon by the conferees, this bill together with the funds appropriated in the fiscal year 1971 will provide $177,700,000 for educational opportunity grants for the school year which begins in September.

Now this is $12,700,000 more than is available in the current school year for exactly the same thing.

For the college work study grants, the bill together with the 1971 appropriations provides a level of $237,400,000 for the coming school year.

Now, look—this is an increase of $58,425,000 or over 30 percent—over the school year 1970–71, which we have just completed.

Now, to round out the figures. We should mention that both the House and Senate versions—both of them—include $293 million for NDEA student loans. That is an increase of $50 million over last year's appropriations. Both versions of the bill provide for a continuation and expansion of the insured student loan program, as I pointed out in my colloquy with the gentleman from Minnesota (Mr. QUIE). That was unanimous.

Mr. Speaker, in summary, as agreed to in conference, the bill contains substantial increases for educational opportunity grants, work-study programs, NDEA student loans, and insured student loans for the coming school year.

As far as the subsequent school year, 1972–73, is concerned, the conference agreement provides the same amounts for student assistance programs which were included in the House bill. We fully expect that these amounts will be increased either in a supplemental appropriation bill for 1972 or the 1973 appropriation, after Congress has enacted new legislation—and I am sure it will—for aid to higher education.

Of course, a conference report is of necessity a compromise. When you go to conference with the Senate you must expect to negotiate, and to yield—up to a point. But let me assure you they do the same thing. So this is in the purest sense a compromise in the best tradition. That is why we asked you not to impose binding instructions on the House conferees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Since it is my friend's birthday, I not only yield to him, but I salaam.

Mr. GROSS. I thank the gentleman. I do not suppose there has been time to make an adjustment in this bill as a result of the Supreme Court decision that came earlier this week, or would the gentleman anticipate that there would be an adjustment based upon that decision, affecting as it will, the elementary and secondary education funds?

Mr. FLOOD. That is entirely remote from this matter, as of now, entirely remote. As I was saying, we yielded to the Senate on quite a few items—a total of $346,223,000 worth. Let me just list a few of the increases over the House bill which we agreed to in conference:

Title I, Elementary and Secondary Education Act, $65 million.

Equipment and minor remodeling, $30 million.

Bilingual education, $8 million. That has become a big deal. I remember a couple of years ago bilingual education was hardly a known phrase here, and I mean a couple of years. Now it is a big deal, and properly so. This is not just Spanish Americans, but other language groups, too. The bill now contains a total of $35 million for bilingual education projects under title VII of the Elementary and Secondary Education Act. This is an increase of $10 million over the 1971 appropriation.

We think this program will continue to increase, and it should. We believe the facts we have heard.

Consumer and home education, $4,375,000.

Adult education. $6,300,000. This will provide a total of $61,300,000 for the coming year.

Higher education. Higher education facilities construction grants. Members know about that. Why should I gild the lily? How much? It is $43 million over the House figure.

Aid to developing institutions, $13 million. That could be translated. It means a lot of things. Among some of the things it means improvement of the black colleges, which are in bad shape, and others.

Library services and construction. Who in the world is going to be against that? Not a man or woman in this House or on the committee, including the clerks. Imagine that. That is $10 million over the House figure.

And the increase for drug abuse education, $5,024,000. Of course, many of us, including myself, would have liked to but we could not possibly go along with all of the Senate increases. We just cannot do that. But we believe, Mr. Speaker, we have agreed to those which most—most, most, most, most—of the Members of this House would consider to be of the very highest priority.

Mr. Speaker, I urge the adoption of the conference report, and I ask unanimous consent to include the two tables which I mentioned earlier in the RECORD at this point:

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1972 (H.R. 7016)

NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY

TITLE I—OFFICE OF EDUCATION

| Agency and item | 1971 enacted | 1972 | | | | Conference agreement compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Budget estimate | House bill | Senate bill | Conference agreement | 1971 | Budget 1972 | House | Senate |
| ELEMENTARY AND SECONDARY EDUCATION | | | | | | | | | |
| 1. Aid to school districts: | | | | | | | | | |
| (a) Educationally deprived children (ESEA I) | $1,500,000,000 | $1,500,000,000 | $1,500,000,000 | $1,650,000,000 | $1,565,000,000 | +$65,000,000 | +$65,000,000 | +$65,000,000 | −$85,000,000 |
| (b) Supplementary services: (ESEA III) | 143,393,000 | 143,393,000 | 143,393,000 | 155,000,000 | 146,393,000 | +3,000,000 | +3,000,000 | +3,000,000 | −8,607,000 |
| (c) Library resources (ESEA II) | 80,000,000 | 80,000,000 | 85,000,000 | 95,000,000 | 90,000,000 | +10,000,000 | +10,000,000 | +5,000,000 | −5,000,000 |
| (d) Equipment and minor remodeling (NDEA III) | 50,000,000 | | 20,000,000 | 90,000,000 | 50,000,000 | | +50,000,000 | +30,000,000 | −40,000,000 |
| Subtotal | 1,773,393,000 | 1,723,393,000 | 1,748,393,000 | 1,990,000,000 | 1,851,393,000 | +78,000,000 | +128,000,000 | +103,000,000 | −138,607,000 |

| Agency and item | 1971 enacted | 1972 |  |  |  | Conference agreement compared with— |  |  |  |
|---|---|---|---|---|---|---|---|---|---|
|  |  | Budget estimate | House bill | Senate bill | Conference agreement | 1971 | Budget 1972 | House | Senate |
| 2. Dropout prevention (ESEA, sec. 807) | $10,000,000 | $10,000,000 | $10,000,000 | $10,000,000 | $10,000,000 |  |  |  |  |
| 3. Bilingual education (ESEA VII) | 25,000,000 | 25,000,000 | 27,000,000 | 50,000,000 | 35,000,000 | +$10,000,000 | +$10,000,000 | +$8,000,000 | −$15,000,000 |
| 4. Strengthening State departments of education (ESEA V–A) | 29,750,000 | 33,000,000 | 33,000,000 | 33,000,000 | 33,000,000 | +3,250,000 |  |  |  |
| 5. Follow through: (Economic Opportunity Act, 1964, sec. 222) |  |  |  |  |  |  |  |  |  |
| (a) Operations | 67,981,000 | 58,700,000 |  | 58,700,000 | 58,700,000 | −9,281,000 |  | +58,700,000 |  |
| (b) Program direction | 1,019,000 | 1,360,000 |  | 1,360,000 | 1,360,000 | +341,000 |  | +1,360,000 |  |
| Subtotal | 69,000,000 | [1]60,060,000 | (1) | [1]60,060,000 | 60,060,000 | −8,940,000 |  | +60,060,000 |  |
| 6. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 8,825,000 | 3,825,000 | 3,825,000 | 3,825,000 | 3,825,000 | −5,000,000 |  |  |  |
| Total | 1,915,968,000 | 1,855,278,000 | 1,822,218,000 | 2,146,885,000 | 1,993,278,000 | +77,310,000 | +138,000,000 | +171,060,000 | −153,607,000 |
| SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS |  |  |  |  |  |  |  |  |  |
| 1. Maintenance and operations (Public Law 874) | 536,068,000 | 425,000,000 | 592,580,000 | 592,580,000 | 592,580,000 | +56,512,000 | +167,580,000 |  |  |
| 2. Construction: (Public Law 815) |  |  |  |  |  |  |  |  |  |
| (a) Program | 13,900,000 | 14,300,000 | 14,300,000 | 24,300,000 | 19,300,000 | +5,400,000 | +5,000,000 | +5,000,000 | −5,000,000 |
| (b) Administration | 707,000 | [2]740,000 | 700,000 | [2]740,000 | 740,000 | +33,000 |  | +40,000 |  |
| Subtotal | 14,607,000 | 15,040,000 | 15,000,000 | 25,040,000 | 20,040,000 | +5,433,000 | +5,000,000 | +5,040,000 | −5,000,000 |
| 3. Public housing |  |  |  | 60,000,000 |  |  |  |  | −60,000,000 |
| Total | 550,675,000 | 440,040,000 | 607,580,000 | 677,620,000 | 612,620,000 | +61,945,000 | +172,580,000 | +5,040,000 | −65,000,000 |
| EMERGENCY SCHOOL ASSISTANCE |  |  |  |  |  |  |  |  |  |
| 1. Special education personnel and programs | 57,500,000 |  |  |  |  | −57,500,000 |  |  |  |
| 2. Community participation programs | 7,500,000 |  |  |  |  | −7,500,000 |  |  |  |
| 3. Equipment and minor remodeling | 7,900,000 |  |  |  |  | −7,900,000 |  |  |  |
| 4. Federal administration and technical assistance | 1,953,000 |  |  |  |  | −1,953,000 |  |  |  |
| Total | 74,853,000 | (3) |  |  |  | −74,853,000 |  |  |  |
| EDUCATION FOR THE HANDICAPPED |  |  |  |  |  |  |  |  |  |
| 1. State grant programs (EHA, Pt. B) | 34,000,000 | 35,000,000 | 37,500,000 | 37,500,000 | 37,500,000 | +3,500,000 | +2,500,000 |  |  |
| 2. Early childhood projects (EHA, Pt. C, sec. 623) | 7,000,000 | 7,500,000 | 7,500,000 | 7,500,000 | 7,500,000 | +500,000 |  |  |  |
| 3. Teacher education and recruitment: |  |  |  |  |  |  |  |  |  |
| (a) Teacher education (EHA, Pt. D) | 32,600,000 | 34,645,000 | 34,645,000 | 34,645,000 | 34,645,000 | +2,045,000 |  |  |  |
| (b) Recruitment and information (EHA, Pt. D, sec. 633) | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 |  |  |  |  |
| Subtotal | 33,100,000 | 35,145,000 | 35,145,000 | 35,145,000 | 35,145,000 | +2,045,000 |  |  |  |
| 4. Research and innovation: |  |  |  |  |  |  |  |  |  |
| (a) Research and demonstration (EHA, pt. E) | 15,300,000 | 15,755,000 | 15,755,000 | 15,755,000 | 15,755,000 | +455,000 |  |  |  |
| (b) Regional resource centers (EHA, pt. C, sec. 621) | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 |  |  |  |  |
| (c) Deaf-blind centers (EHA, pt. C, sec. 622) | 4,500,000 | 5,000,000 | 7,500,000 | 7,500,000 | 7,500,000 | +3,000,000 | +2,500,000 |  |  |
| (d) Media services and captioned films (EHA, pt. F) | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 |  |  |  |  |
| (e) Specific learning disabilities (EHA, pt. G) | 1,000,000 | 1,500,000 | 1,500,000 | 3,000,000 | 2,250,000 | +1,250,000 | +750,000 | +750,000 | −750,000 |
| Subtotal | 30,350,000 | 31,805,000 | 34,305,000 | 35,805,000 | 35,055,000 | +4,705,000 | +3,250,000 | +750,000 | −750,000 |
| 5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 550,000 | 550,000 | 550,000 | 550,000 | 550,000 |  |  |  |  |
| Total | 105,000,000 | 110,000,000 | 115,000,000 | 116,500,000 | 115,750,000 | +10,750,000 | +5,750,000 | +750,000 | −750,000 |
| VOCATIONAL AND ADULT EDUCATION |  |  |  |  |  |  |  |  |  |
| 1. Grants to States for vocational education: |  |  |  |  |  |  |  |  |  |
| (a) Basic vocational education programs (VEA, pt. B) | 315,632,400 | 377,012,000 | 377,012,000 | 377,012,000 | 377,012,000 | +61,379,600 |  |  |  |
| (b) Programs for students with special needs (VEA, sec. 102(b)) | 20,000,000 |  | 20,000,000 | 20,000,000 | 20,000,000 |  | +20,000,000 |  |  |
| (c) Consumer and homemaking education (VEA, pt. F) | 21,250,000 |  | 21,250,000 | 30,000,000 | 25,625,000 | +4,375,000 | +25,625,000 | +4,375,000 | −4,375,000 |
| (d) Work-study (VEA, pt. H) | 5,500,000 |  | 6,000,000 | 6,000,000 | 6,000,000 | +500,000 | +6,000,000 |  |  |
| (e) Cooperative education (VEA, pt. G) | 18,500,000 |  | 19,500,000 | 19,500,000 | 19,500,000 | +1,000,000 | +19,500,000 |  |  |
| (f) State advisory councils (VEA, pt. A, sec. 104) | 2,380,000 |  | 2,380,000 | 3,000,000 | 2,690,000 | +310,000 | +2,690,000 | +310,000 | −310,000 |
| Subtotal | 383,262,400 | 377,012,000 | 446,142,000 | 455,512,000 | 450,827,000 | +67,564,600 | +73,815,000 | +4,685,000 | −4,685,000 |

Footnotes at end of table.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1972 (H.R. 7016)—Continued

NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE I—OFFICE OF EDUCATION—Continued

| Agency and item | 1971 enacted | 1972 Budget estimate | 1972 House bill | 1972 Senate bill | 1972 Conference agreement | Conference agreement compared with— 1971 | Conference agreement compared with— Budget 1972 | Conference agreement compared with— House | Conference agreement compared with— Senate |
|---|---|---|---|---|---|---|---|---|---|
| **VOCATIONAL AND ADULT EDUCATION—Continued** | | | | | | | | | |
| 2. Vocational research: | | | | | | | | | |
| (a) Grants to States for innovation (VEA, pt. D) | $16,000,000 | | $16,000,000 | $16,000,000 | $16,000,000 | | +$16,000,000 | | |
| (b) Curriculum development (VEA, pt. I) | 4,000,000 | | 4,000,000 | 4,000,000 | 4,000,000 | | +4,000,000 | | |
| (c) Research: | | | | | | | | | |
| (1) Grants to States (VEA, pt. C) | 35,033,600 | | 18,000,000 | 18,000,000 | 18,000,000 | −$17,033,600 | +18,000,000 | | |
| (2) Special projects (CRA) | | $36,000,000 | 18,000,000 | 18,000,000 | 18,000,000 | +18,000,000 | −18,000,000 | | |
| Subtotal | 55,033,600 | 36,000,000 | 56,000,000 | 56,000,000 | 56,000,000 | +966,400 | +20,000,000 | | |
| 3. Adult education: (Adult Education Act) | | | | | | | | | |
| (a) Grants to States | 45,000,000 | 45,000,000 | 45,000,000 | 80,000,000 | 51,300,000 | +6,300,000 | +6,300,000 | +$6,300,000 | −$28,700,000 |
| (b) Special projects and teacher education | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | | | | |
| Subtotal | 55,000,000 | 55,000,000 | 55,000,000 | 90,000,000 | 61,300,000 | +6,300,000 | +6,300,000 | +6,300,000 | −28,700,000 |
| 4. Planning and evaluation (Gen. Ed. Prov. Act) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000 | | | | |
| Total | 494,196,000 | 468,912,000 | 558,042,000 | 602,412,000 | 569,027,000 | +74,831,000 | +100,115,000 | +10,985,000 | −33,385,000 |
| **HIGHER EDUCATION** | | | | | | | | | |
| 1. Student assistance: | | | | | | | | | |
| (a) Grants and work-study (HEA 1965, title IV) | $327,700,000 | [4] $971,300,000 | $528,000,000 | $708,800,000 | $578,000,000 | +250,300,000 | −393,300,000 | +50,000,000 | −130,800,000 |
| —Educational opportunity grants | (167,700,000) | [5] (435,600,000) | (165,300,000) | (270,700,000) | (175,300,000) | (+7,600,000) | (−260,300,000) | (+10,000,000) | (−95,400,000) |
| —Work-study | (158,400,000) | [5] (534,000,000) | (361,000,000) | (436,400,000) | (401,000,000) | (+242,600,000) | (−133,000,000) | (+40,000,000) | (−35,400,000) |
| —Cooperative education | (1,600,000) | (1,700,000) | (1,700,000) | (1,700,000) | (1,700,000) | (+100,000) | | | |
| (b) Subsidized insured loans (HEA 1965, title IV): | | | | | | | | | |
| (1) Interest on basic NDEA-type loans | | [4] 65,000,000 | | | | | −65,000,000 | | |
| (Amount of new loans subsized) | | (800,000,000) | | | | | (−800,000,000) | | |
| (2) Interest on special NDEA-type cost-of education loans | | [4] 20,000,000 | | | | | −20,000,000 | | |
| (Amount of new loans subsidized) | | (250,000,000) | | | | | (−250,000,000) | | |
| (3) Purchases of loan paper (including advances) | | [4] 400,000,000 | | | | | −400,000,000 | | |
| (4) Proceeds of sales of loan paper | | [4] (−400,000,000) | | | | | (+400,000,000) | | |
| (5) Interest on subsidized loans | 143,200,000 | 160,000,000 | 196,600,000 | 196,600,000 | 196,600,000 | +53,400,000 | +36,600,000 | | |
| (Amount of new loans subsidized) | (1,000,000,000) | | (1,160,000,000) | (1,160,000,000) | (1,160,000,000) | (+160,000,000) | (+1,160,000,000) | | |
| (6) Reserve fund advances | (2,000,000) | (2,234,000) | (2,234,000) | (2,234,000) | (2,234,000) | (+234,000) | | | |
| (7) Program administration | 4,600,000 | [6] 6,971,000 | 6,800,000 | [6] 6,971,000 | 6,971,000 | +2,371,000 | | +171,000 | |
| (c) Direct loans (NDEA II) | 243,000,000 | 5,000,000 | 293,000,000 | 293,000,000 | 293,000,000 | +50,000,000 | +288,000,000 | | |
| Subtotal | 718,500,000 | 1,628,271,000 | 1,024,400,000 | 1,205,371,000 | 1,074,571,000 | +356,071,000 | −553,700,000 | +50,171,000 | −130,800,000 |
| 2. Special programs for the disadvantaged: (HEA 1965, title IV): | | | | | | | | | |
| (1) Talent search | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | | | | |
| (2) Upward bound | 30,061,000 | [7] 30,169,000 | 30,100,000 | [7] 35,169,000 | 32,669,000 | +2,608,000 | +2,500,000 | +2,569,000 | −2,500,000 |
| (Administration) | (1,535,000) | (1,669,000) | (1,600,000) | (1,669,000) | (1,669,000) | (+134,000) | | (+69,000) | |
| (3) Special services in college | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | | | | |
| Subtotal | 50,061,000 | 50,169,000 | 50,100,000 | 55,169,000 | 52,669,000 | +2,608,000 | +2,500,000 | +2,569,000 | −2,500,000 |
| 3. Institutional assistance: | | | | | | | | | |
| (a) Strengthening developing institutions (HEA III) | 33,850,000 | [8] 53,850,000 | 38,850,000 | [8] 53,850,000 | 51,850,000 | +18,000,000 | −2,000,000 | +13,000,000 | −2,000,000 |
| (b) Construction: | | | | | | | | | |
| (1) Subsidized loans (HEFA III) | 21,000,000 | 29,010,000 | 29,010,000 | 29,010,000 | 29,010,000 | +8,010,000 | | | |
| (Obligations) | (21,894,000) | (39,993,000) | (39,993,000) | (39,993,000) | (39,993,000) | (+18,099,000) | | | |
| (Amount of new loans subsidized) | (600,000,000) | (620,000,000) | (620,000,000) | (620,000,000) | (620,000,000) | (+20,000,000) | | | |
| (2) Grants (HEFA I and II) | 43,000,000 | | | 78,000,000 | 43,000,000 | | +43,000,000 | +43,000,000 | −35,000,000 |
| (3) State administration and planning (HEFA I) | 6,000,000 | 3,000,000 | 3,000,000 | 5,000,000 | 3,000,000 | −3,000,000 | | | −2,000,000 |
| (4) Federal administration (sec. 406, HEFA) | 2,496,000 | [9] 2,530,000 | 2,397,000 | [9] 2,530,000 | 2,530,000 | +34,000 | | +133,000 | |

Footnotes at end of table.

| Agency and item | 1971 enacted | 1972 | | | | Conference agreement compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Budget estimate | House bill | Senate bill | Conference agreement | 1971 | Budget 1972 | House | Senate |
| (c) Language training and area studies (NDEA VI; Fulbright-Hays Act) | $8,000,000 | $15,300,000 | $15,300,000 | $15,300,000 | $15,300,000 | +$7,300,000 | | | |
| (d) University community services (HEA I) | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 | | | | |
| (e) Aid to land-grant colleges (Bankhead-Jones Act) | 10,080,000 | | 5,040,000 | 12,120,000 | 10,000,000 | −80,000 | +$10,000,000 | +$4,960,000 | −$2,120,000 |
| (f) Undergraduate instructional equipment (HEA VI) | 7,000,000 | | | 25,000,000 | 12,500,000 | +5,500,000 | +12,500,000 | +12,500,000 | −12,500,000 |
| (g) Law school clinical experience (HEA XI) | | | | 1,000,000 | | | | | −1,000,000 |
| Subtotal | 140,926,000 | 113,190,000 | 103,097,000 | 231,310,000 | 176,690,000 | +35,764,000 | +63,500,000 | +73,593,000 | −54,620,000 |
| 4. College personnel development: | | | | | | | | | |
| (a) College teacher fellowship (NDEA IV) | 47,350,000 | 26,910,000 | 26,910,000 | 26,910,000 | 26,910,000 | −20,440,000 | | | |
| (b) Training programs (EPDA, pt. E) | 10,000,000 | 10,044,000 | 10,044,000 | 10,044,000 | 10,044,000 | +44,000 | | | |
| Subtotal | 57,350,000 | 36,954,000 | 36,954,000 | 36,954,000 | 36,954,000 | −20,396,000 | | | |
| 5. Planning and evaluation (Gen. Ed. Prov. Act sec. 402) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000 | | | | |
| Total, higher education | 967,737,000 | 1,829,484,000 | 1,215,451,000 | 1,529,704,000 | 1,341,784,000 | +374,047,000 | −487,700,000 | +126,333,000 | −187,920,000 |
| INITIAL FUNDING OF PROGRAMS | | | | [10] 4,000,000 | | | | | −4,000,000 |
| EDUCATION PROFESSIONS DEVELOPMENT | | | | | | | | | |
| 1. Personnel training and development (EPDA, pts. B, D, and F, sec. 504) | 67,900,000 | 59,700,000 | 59,700,000 | 59,700,000 | 59,700,000 | −8,200,000 | | | |
| 2. Special programs serving schools in low-income areas: | | | | | | | | | |
| (a) Teacher Corps (EPDA, pt. B–1) | 30,800,000 | 37,435,000 | 37,435,000 | 37,435,000 | 37,435,000 | +6,635,000 | | | |
| (b) Career opportunities and urban/rural school programs (EPDA, pt. D) | 35,100,000 | 36,665,000 | 36,665,000 | 36,665,000 | 36,665,000 | +1,565,000 | | | |
| Subtotal | 65,900,000 | 74,100,000 | 74,100,000 | 74,100,000 | 74,100,000 | +8,200,000 | | | |
| 3. Planning and evaluation (Gen. Ed. Act, sec. 402; EPDA, sec. 503) | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | | | | |
| Total | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 | | | | |
| LIBRARIES AND EDUCATIONAL COMMUNICATIONS | | | | | | | | | |
| 1. Public libraries: | | | | | | | | | |
| (a) Services (LSCA I, III) | 40,709,000 | 18,000 000 | 40,709,000 | 57,709,000 | 49,209,000 | +8,500,000 | +31,209,000 | +8,500,000 | −8,500,000 |
| (b) Construction (LSCA II) | 7,092,500 | | 8,000,000 | 11,000,000 | 9,500,000 | +2,407,500 | +9,500,000 | +1,500,000 | −1,500,000 |
| Subtotal | 47,801,500 | 18,000,000 | 48,709,000 | 68,709,000 | 58,709,000 | +10,907,500 | +40,709,000 | +10,000,000 | −10,000,000 |
| 2. College library resources (HEA II–A) | 9,900,000 | 5,000,000 | 10,000,000 | 12,000,000 | 11,000,000 | +1,100,000 | +6,000,000 | +1,000,000 | −1,000,000 |
| 3. Librarian training (HEA II–B) | 3,900,000 | 2,000,000 | 2,000,000 | 4,000,000 | 2,000,000 | −1,900,000 | | | −2,000,000 |
| 4. Educational broadcasting facilities (title III, pt. IV, Communications Act of 1934) | 11,000,000 | 4,000,000 | 11,000,000 | 15,000,000 | 13,000,000 | +2,000,000 | +9,000,000 | +2,000,000 | −2,000,000 |
| 5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 400,000 | 400,000 | 400,000 | 400,000 | 400,000 | | | | |
| Total | 73,001,500 | 29,400,000 | 72,109,000 | 100,109,000 | 85,109,000 | +12,107,500 | +55,709,000 | +13,000,000 | −15,000,000 |
| RESEARCH AND DEVELOPMENT | | | | | | | | | |
| (Cooperative Research Act, except as indicated) | | | | | | | | | |
| 1. Educational research and development: | | | | | | | | | |
| (a) Educational research | 11,959,000 | 7,500,000 | 7,000,000 | 7,000,000 | 7,000,000 | −4,959,000 | −500,000 | | |
| (b) Development | 3,041,000 | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 | +5,959,000 | | | |
| "Sesame Street" | (2,000,000) | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000) | (+3,000,000) | | | |
| (c) Institutional support (laboratories and centers) | 33,406,000 | 34,000,000 | 33,000,000 | 33,000,000 | 33,000,000 | −406,000 | −1,000,000 | | |
| (d) Libraries and educational technology | 2,171,000 | 3,000,000 | 2,750,000 | 2,750,000 | 2,750,000 | +579,000 | −250,000 | | |
| (e) Nutrition and health | 2,000,000 | 500,000 | 2,000,000 | 2,000,000 | 2,000,000 | | +1,500,000 | | |
| (f) Drug abuse education (Drug Abuse Education Act of 1970) | 6,000,000 | 6,024,000 | 8,000,000 | 15,024,000 | 13,024,000 | +7,024,000 | +7,000,000 | +5,024,000 | −2,000,000 |
| (g) Environmental education (Environmental Education Act) | 2,000,000 | 2,014,000 | 2,000,000 | 5,014,000 | 3,514,000 | +1,514,000 | +1,500,000 | +1,514,000 | −1,500,000 |
| (h) Career education | | | | 7,000,000 | 2,000,000 | +2,000,000 | +2,000,000 | +2,000,000 | −5,000,000 |
| Subtotal | 60,577,000 | [11] 62,038,000 | 63,750,000 | [11] 80,788,000 | 72,288,000 | +11,711,000 | +10,250,000 | +8,538,000 | −8,500,000 |
| 2. Experimental schools | 12,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | +3,000,000 | | | |
| 3. National achievement study | 4,500,000 | 6,000,000 | 5,500,000 | 5,500,000 | 5,500,000 | +1,000,000 | −500,000 | | |
| 4. Demonstrations | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 | | | | |
| 5. Evaluations | 4,000,000 | 4,000,000 | 3,750,000 | 3,750,000 | 3,750,000 | −250,000 | −250,000 | | |

Footnotes at end of table.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1972 (H.R. 7016)—Continued

NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

### TITLE I—OFFICE OF EDUCATION

| | | 1972 | | | | Conference agreement compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| Agency and item | 1971 enacted | Budget estimate | House bill | Senate bill | Conference agreement | 1971 | Budget 1972 | House | Senate |
| **RESEARCH AND DEVELOPMENT—Continued (Cooperative Research Act, except as indicated)** | | | | | | | | | |
| 6. Dissemination (Gen. Ed. Prov. Act, sec. 412) | $8,500,000 | $8,500,000 | $8,000,000 | $8,000,000 | $8,000,000 | −$500,000 | −$500,000 | | |
| 7. Training | 3,250,000 | 4,000,000 | 3,500,000 | 3,500,000 | 3,500,000 | +250,000 | −500,000 | | |
| 8. Statistics | 3,000,000 | 3,250,000 | 3,250,000 | 3,250,000 | 3,250,000 | +250,000 | | | |
| Total | 98,077,000 | 105,038,000 | 105,000,000 | 122,038,000 | 113,538,000 | +15,461,000 | +8,500,000 | +$8,538,000 | −$8,500,000 |
| **EDUCATIONAL ACTIVITIES OVERSEAS (special foreign currency program) (Public Law 480)** | 3,000,000 | 3,000,000 | 3,000,000 | 4,000,000 | 3,000,000 | | | | −1,000,000 |
| **SALARIES AND EXPENSES** | 46,048,000 | [12] 51,645,000 | 47,700,000 | 51,645,000 | 51,200,000 | +5,152,000 | −445,000 | +3,500,000 | −445,000 |
| **STUDENT LOAN INSURANCE FUND (HEA IV-B)** | 18,000,000 | | | | | −18,000,000 | | | |
| **PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES** | 2,952,000 | 2,961,000 | 2,961,000 | 2,961,000 | 2,961,000 | +9,000 | | | |
| Total, Office of Education | 4,485,307,500 | 5,031,558,000 | 4,684,861,000 | 5,493,674,000 | 5,024,067,000 | +538,759,500 | −7,491,000 | +339,206,000 | −469,607,000 |

### TITLE II—RELATED AGENCIES

| | | 1972 | | | | Conference agreement compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| Agency and item | 1971 enacted | Budget estimate | House bill | Senate bill | Conference agreement | 1971 | Budget 1972 | House | Senate |
| **AMERICAN PRINTING HOUSE FOR THE BLIND** | | | | | | | | | |
| Total | $1,517,000 | $1,580,000 | $1,580,000 | $1,580,000 | $1,580,000 | +$63,000 | | | |
| **NATIONAL TECHNICAL INSTITUTE FOR THE DEAF** | | | | | | | | | |
| 1. Academic program | 3,608,000 | 4,119,000 | 4,119,000 | 4,119,000 | 4,119,000 | +511,000 | | | |
| 2. Construction | 21,836,000 | [13] 3,500,000 | | [13] 3,500,000 | 3,500,000 | −18,336,000 | | +$3,500,000 | |
| Subtotal | 25,444,000 | 7,619,000 | 4,119,000 | 7,619,000 | 7,619,000 | −17,825,000 | | +3,500,000 | |
| **MODEL SECONDARY SCHOOL FOR THE DEAF** | | | | | | | | | |
| 1. Academic program | 2,212,000 | 2,524,000 | 2,502,000 | 2,524,000 | 2,524,000 | +312,000 | | +22,000 | |
| 2. Construction | 250,000 | 14,958,000 | 14,958,000 | 14,958,000 | 14,958,000 | +14,708,000 | | | |
| Subtotal | 2,462,000 | [14] 17,482,000 | 17,460,000 | [14] 17,482,000 | 17,482,000 | +15,020,000 | | +22,000 | |
| **GALLAUDET COLLEGE** | | | | | | | | | |
| 1. Academic program | 5,879,000 | 7,476,000 | 7,131,000 | 8,092,000 | 8,092,000 | +2,213,000 | +$616,000 | +961,000 | |
| 2. Construction | 1,400,000 | 5,194,000 | 4,394,000 | 5,194,000 | 5,194,000 | +3,794,000 | | +800,000 | |
| Subtotal | 7,279,000 | [15] 12,670,000 | 11,525,000 | [15] 13,286,000 | 13,286,000 | +6,007,000 | +616,000 | +1,761,000 | |
| **HOWARD UNIVERSITY** | | | | | | | | | |
| 1. Academic program | 24,912,000 | 31,158,000 | 30,321,000 | 31,158,000 | 31,158,000 | +6,246,000 | | + 837,000 | |
| 2. Construction | 1,000,000 | 2,490,000 | 2,490,000 | 2,490,000 | 2,490,000 | +1,490,000 | | | |
| 3. Freedmen's Hospital | 12,285,000 | 13,629,000 | 12,732,000 | 13,629,000 | 13,629,000 | +1,344,000 | | +897,000 | |
| Subtotal | 38,197,000 | [16] 47,277,000 | 45,543,000 | [16] 47,277,000 | 47,277,000 | +9,080,000 | | +1,734,000 | |
| **CORPORATION FOR PUBLIC BROADCASTING** | 23,000,000 | 35,000,000 | 35,000,000 | 35,000,000 | 35,000,000 | +12,000,000 | | | |
| Total related agencies | 97,899,000 | 121,628,000 | 115,227,000 | 122,244,000 | 122,244,000 | +24,345,000 | +$616,000 | +7,017,000 | |
| Grand total | 4,583,206,500 | 5,153,186,000 | 4,800,088,000 | 5,615,918,000 | 5,146,311,000 | +563,104,500 | −6,875,000 | +346,223,000 | −$469,607,000 |
| Adjusted grand total [17] | 4,583,206,500 | 4,753,186,000 | 4,800,088,000 | 5,615,918,000 | 5,146,311,000 | +563,104,500 | +393,125,000 | +346,223,000 | −469,607,000 |

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[1] Not considered by the House including budget amendment of $60,000 for increased pay.

[2] Includes budget amendment of $40,000 for increased pay which was not considered by the House.

[3] Excludes $1,000,000,000 proposed for separate transmittal.

[4] Dependent on proposed legislation to modify and extend the Higher Education Act.

[5] Estimate of how institutions would split funds between work-study and educational opportunity grants.

[6] Includes budget amendment of $171,000 for increased pay which was not considered by the House.

[7] Includes budget amendment of $69,000 for increased pay which was not considered by the House.

[8] Includes budget amendment of $15,000,000 not considered by the House.

[9] Includes budget amendment of $133,000 for increased pay costs which was not considered by the House.

[10] Includes $500,000 each for Grants to strengthen local educational agencies (ESEA V–B); Comprehensive planning and evaluation (ESEA V–C); School nutrition and health services (ESEA sec. 808); Education in correctional institutions (ESEA sec. 805); International education (International Education Act); Networks for Knowledge (HEA VIII); Public service education (HEA IX); and Improvement of graduate programs (HEA X).

[11] Includes budget amendment of $38,000 for increased pay which was not considered by the House.

[12] Includes budget amendment of $2,666,000 for increased pay which was not considered by the House.

[13] Includes budget amendment of $3,500,000 not considered by the House.

[14] Includes budget amendment of $22,000 for increased pay which was not considered by the House.

[15] Includes budget amendments of $1,278,000 for Kendall School for the Deaf and $132,000 for increased pay costs which were not considered by the House.

[16] Includes budget amendment of $1,734,000 for increased pay which was not considered by the House.

[17] Excludes $400,000,000 requested under "Higher education" for purchase of student loan notes, which was included in the budget estimate, but not included in either the House or Senate bills because of lack of legislative authority.

Key to legislative authorities: ESEA (Elementary and Secondary Education Act); NDEA (National Defense Education Act); EHA (Education of the Handicapped Act); VEA (Vocational Education Act); CRA (Cooperative Research Act); HEA (Higher Education Act); HEFA (Higher Education Facilities Act); EPDA (Education Professions Development Act); LSCA (Library Services and Construction Act).

EFFECT OF CONFERENCE AGREEMENT ON H.R. 7016, OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL
EDUCATIONAL OPPORTUNITY GRANTS AND COLLEGE WORK-STUDY COMPARISON BY ACADEMIC YEAR

| | School year 1970–71 actual | School year 1971–72 | | | | School year 1972–73 | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Revised budget[1] | House | Senate | Conference | Revised budget[1] | House | Senate | Conference |
| Educational opportunity grants: | | | | | | | | | |
| Appropriation (in thousands of dollars) | $165,033 | [2] $167,700 | [2] $167,700 | [2] $207,700 | [2] $177,700 | $270,700 | $165,300 | $230,700 | $165,300 |
| Number of grants | 290,500 | 280,100 | 280,100 | 347,000 | 296,800 | 437,100 | 266,700 | 372,400 | 266,700 |
| Average grant | 550 | 580 | 580 | 580 | 580 | 600 | 600 | 600 | 600 |
| College work-study: | | | | | | | | | |
| Appropriation (in thousands of dollars) | 178,876 | [3] 197,400 | [3] 197,400 | [3] 281,000 | [3] 237,400 | 320,000 | 24,600 | 236,400 | 244,600 |
| Number of grants | 430,000 | 453,000 | 453,000 | 645,000 | 545,000 | 701,000 | 536,000 | 518,000 | 536,000 |
| Average grant | 500 | 525 | 525 | 525 | 525 | 550 | 550 | 550 | 550 |

[1] The President's budget estimate for student assistance as submitted in January was based on proposed legislation. Due to anticipated late enactment of the new legislation, the Secretary of HEW, in a letter to the Senate of April 23, revised this estimate to reflect operation in 1972 under existing authorities.

[2] $167,700,000 is from fiscal year 1971 appropriation.

[3] $81,000,000 is from fiscal year 1971 appropriation.

(Mr. FLOOD asked and was given permission to revise and extend his remarks and include tables.)

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may use.

(Mr. MICHEL asked and was given permission to revise and extend his remarks and include tables.)

Mr. MICHEL. Mr. Speaker and Members of the House, it is rather unfortunate that the bland, black and white CONGRESSIONAL RECORD which will reach your desks in the morning and be distributed to the libraries around the country tomorrow will not really describe the flair and the sartorial splendor of the gentleman who preceded me in the well to discuss this conference report. It is indeed unfortunate, because he does such a tremendous job and it is so enjoyable to listen to him.

Anything I may add would be superfluous, but I think there are several other figures here that you might use very well in your discussions with your constituents.

As the chairman of the subcommittee said, the bill now amounts to a total of $5,146,000,000 for education. This, incidentally, is $563 million over the appropriation for these education items for the fiscal year 1971. So we are better than half a billion dollars over last year's expenditures in the field of education.

The chairman made mention of the fact that this bill was $393 million over the budget. Another way of putting it is that it is $346 million over the bill passed by the House, but that increase includes some $84.8 million of items which were not considered in the House but certainly would have been favorably acted upon.

So in effect what we have here is a bill that is about $261 million or $262 million over what the House would have passed had we had those additional items to contend with at the time.

Then, too, in quick summary, we are $469.6 million under the Senate-passed bill. So I think the House conferees have done an outstanding job on balance in dealing with the other body to arrive at this particular figure.

Mr. Speaker, I will include with my remarks a table, which sets forth very clearly each one of these items that were in conference—what we spent in 1971 and what the House-passed version was and what the Senate bill called for and what our agreement was so that it will be very clearly set out for you in answering the mail that you receive, I am sure, from your constituents.

Mr. Speaker, I might comment further on several of the specific figures that will appear in the table that I shall place in the RECORD at the conclusion of my remarks. We added $65 million to title I of ESEA, split the difference on title II, added $3 million to our figure on title III, and added $30 million to title III of NDEA.

The No. 5 item for the so-called Follow-Through program was not considered by the House, but is carried in the bill at $60,060,000.

The bilingual education program is now at a level of $35 million and this program has had a meteoric rise in funding over the past several years.

The impacted aid item to implement Public Law 874 is carried in this conference report at the House-passed figure, or $60 million below the Senate version. We have never to date funded any impacted aid based upon public housing units, and I am personally very glad that we have sustained the House position on this item and not embarked upon a course that would surely have us up into the hundreds of millions of dollars within a year or two.

This is also the first year for sometime now that we have an increase in Public Law 815 construction funds, splitting the difference between the House- and Senate-passed versions.

Many of you have received correspondence from your home economics people and there is another increase of nearly $4.5 million on this item.

The chairman made mention of the $6.3 million increase for adult education and that item is now carried in this conference report at a total figure of $61.3 million. Our chairman has also pointed out the increased funding for education opportunity grants, work study, and NDEA loans.

I should make mention here that we are carrying a very significant increase of $13 million over the House bill for developing institutions, bringing this item up to a total of $51,850,000.

There was nothing in the budget for construction grants, so your conferees agreed to carry this item at last year's figure of $43 million.

The land-grant colleges will be getting $10 million in this conference report, and personally I am sorry we had to compromise that figure at that high a level, for this is one of the old, established programs that ought to be phased out, and we on the House side were prepared to do this over a 3-year period. Unfortunately, for the Senators there was apparently just too much heat from the land-grant institutions in each of the 50 States. In my home State, for example, the University of Illinois has an operating budget of over $233 million, and receives $276,000 under this program, or 0.12 percent. If this Bankhead-Jones Act was so good, we should have been increasing the figure by $5 million or $10 million each year since its enactment to make a meaningful contribution to these institutions. It is our hope that if the Education Committees in both the House and Senate come up with some kind of general institutional assistance legislation, we can phase this program out, for there certainly is no relevance to need in the obsolete formula under which the land-grant institutions have been receiving assistance under Bankhead-Jones.

Moving on, Mr. Speaker, there is also a significant increase here for institutional equipment. While there was $7 million spent in 1971, there was nothing requested in the budget, and we carried none in our House bill. But the Senate measure carried $25 million, and we agreed upon $12.5 million.

Mr. Speaker, I think special mention should also be made of the fact that there was $4 million carried in the Senate bill for the initial funding of eight new programs, but this would have been getting the nose under the tent for wholesale expansion in untold amounts in future years, and we insisted in sustaining our House position.

On the item of public library services, we split the difference and that item is now carried in this conference report at $49.2 million. The construction item is also split and is now in this conference report at $9.5 million. And the library resources item at $11 million. Educational broadcasting is now up to a figure of $13 million.

I believe, Mr. Speaker, this pretty well covers the significant items in the conference report, and while as I said at the beginning of my remarks, it is considerably over the budget. It would be totally unrealistic to think that we would not have to compromise our differences with the so-called upper body.

It is no secret that the term "upper body" comes about because the Senate, without any exception to my knowledge, has made a practice of "upping" every one of our House appropriations bills. I do think we did the best that could have been expected and would urge my colleagues to support the conference report.

The table follows:

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972—CONFERENCE REPORT

| Item | 1971 appropriation | House bill | Conference agreement | Senate bill |
|---|---|---|---|---|
| 1. ESEA I | $1, 500, 000, 000 | $1, 500, 000, 000 | $1, 565, 000, 000 | $1, 650, 000, 000 |
| 2. ESEA II | 80, 000, 000 | 85, 000, 000 | 90, 000, 000 | 95, 000, 000 |
| 3. ESEA III | 143, 393, 000 | 143, 393, 000 | 146, 393, 000 | 155, 000, 000 |
| 4. NDEA III | 50, 000, 000 | 20, 000, 000 | 50, 000, 000 | 90, 000, 000 |
| 5. Follow Through | 69, 000, 000 | Not considered | 60, 060, 000 | 60, 060, 000 |
| 6. Bilingual Education | 25, 000, 000 | 27, 000, 000 | 35, 000, 000 | 50, 000, 000 |
| Total, elementary and secondary education | 1, 915, 968, 000 | 1, 822, 218, 000 | 1, 993, 278, 000 | 2, 146, 885, 000 |
| 7. Total, Impact Aid | 550, 675, 000 | 607, 580, 000 | 612, 620, 000 | 677, 620, 000 |
| 8. Public Law 874 | 536, 068, 000 | 592, 580, 000 | 592, 580, 000 | 652, 580, 000 |
| 9. Public Law 815 | 14, 607, 000 | 15, 000, 000 | 20, 040, 000 | 25, 040, 000 |
| 10. Education for the handicapped | 105, 000, 000 | 115, 000, 000 | 115, 750, 000 | 116, 500, 000 |
| 11. Consumer and homemaking education | 21, 250, 000 | 21, 250, 000 | 25, 625, 000 | 30, 000, 000 |
| 12. Adult education | 55, 000, 000 | 55, 000, 000 | 61, 300, 000 | 90, 000, 000 |
| 13. State advisory councils | 2, 380, 000 | 2, 380, 000 | 2, 690, 000 | 3, 000, 000 |
| Total, vocational and adult edcuation | 494, 196, 000 | 558, 042, 000 | 569, 027, 000 | 602, 412, 000 |
| 14. (Grants to each State not less than in fiscal year 1971 under adult education.) | | | | |
| 15, 16, 17, 18, 19, 20, 21, 23: | | | | |
| EOG's | 167, 700, 000 | 165, 300, 000 | 175, 300, 000 | 270, 700, 000 |
| Work-study | 158, 400, 000 | 361, 000, 000 | 401, 000, 000 | 436, 400, 000 |
| Upward-Bound | 30, 061, 000 | 30, 100, 000 | 32, 669, 000 | 35, 169, 000 |
| Strengthening developing institutions | 33, 850, 000 | 38, 850, 000 | 51, 850, 000 | 53, 850, 000 |
| Construction grants | 43, 000, 000 | None | 43, 000, 000 | 80, 000, 000 |
| Land grant | 10, 080, 000 | 5, 040, 000 | 10, 000, 000 | 12, 120, 000 |
| Colleges instructional equipment | 7, 000, 000 | None | 12, 500, 000 | 25, 000, 000 |
| 22. (Deletes Senate language providing $5,000,000 for States' administration—Construction.) | | | | |
| Pay costs | | Not considered | 373, 000 | 304, 000 |
| Total, higher education | 967, 737, 000 | 1, 215, 451, 000 | 1, 341, 784, 000 | 1, 529, 704, 000 |
| 24, 25. (Deletes language proposed by Senate providing that amounts reallotted for grants for instructional equipment shall remain available to June 30, 1973.) | | | | |
| 26. (Deletes Senate appropriation of $4,000,000 for funding 8 new programs.) | | | | |
| 27, 28, 29, 30, 31: | | | | |
| Public library services | 40, 709, 000 | 40, 709, 000 | 49, 209, 000 | 57, 709, 000 |
| Public library construction | 7, 092, 000 | 8, 000, 000 | 9, 500, 000 | 11, 000, 000 |
| College library resources | 9, 900, 000 | 10, 000, 000 | 11, 000, 000 | 12, 000, 000 |
| (27, 28, 29, 30, 31): | | | | |
| Librarian training | 3, 900, 000 | 2, 000, 000 | 2, 000, 000 | 4, 000, 000 |
| Educational broadcasting | 11, 000, 000 | 11, 000, 000 | 13, 000, 000 | 15, 000, 000 |
| Total, libraries and ed. com | 73, 001, 500 | 72, 109, 000 | 85, 109, 000 | 100, 109, 000 |
| 32. Research and development | 98, 077, 000 | 105, 000, 000 | 113, 538, 000 | 122, 038, 000 |
| (See Conference Report for breakdown of this item ) | | | | |
| 33. Educational activities overseas | 3, 000, 000 | 3, 000, 000 | 3, 000, 000 | 4, 000, 000 |
| 34. Salaries and expenses | 46, 048, 000 | 47, 700, 000 | 51, 200, 000 | 51, 645, 000 |
| 35, 36: Technical Institute for Deaf | 25, 444, 000 | 4, 119, 000 | 7, 619, 000 | 7, 619, 000 |
| 37. Model Secondary School for Deaf | 2, 462, 000 | 17, 460, 000 | 17, 482, 000 | 17, 482, 000 |
| 38, 39: Gallaudet College | 7, 279, 000 | 11, 525, 000 | 13, 286, 000 | 13, 286, 000 |
| 40. Howard | 38, 197, 000 | 45, 543, 000 | 47, 277, 000 | 47, 277, 000 |
| Total, OE and related agencies | 4, 583, 206, 500 | 4, 800, 088, 000 | 5, 146, 311, 000 | 5, 615, 918, 000 |

Mr. Speaker, I would like to yield at this time to the distinguished gentlewoman from Illinois (Mrs. REID), a member of our subcommittee, whose appointment to the Federal Communications Commission, is expected to be announced tomorrow. We certainly hate to see her leave the committee and membership in this House, for she has contributed so very much to our deliberations. Because she has applied herself so diligently, it was natural for her to receive the appointment, and we know she will do just as outstanding a job at the FCC as she has done here in the House of Representatives.

Mrs. REID of Illinois. Mr. Speaker, I rise in support of the conference report on H.R. 7016, the Office of Education appropriation bill. As others have explained, the compromise school and college appropriation for the fiscal year which begins tomorrow totals about $346 million above the original House version but it is about $470 million below the amount approved by the Senate.

As a member of the conference committee, I feel that we have met our responsibilities in representing the position of the House and agreeing to a realistic compromise. I realize, of course, that the needs in education are great—it is a well-known fact that all of our schools from the elementary level through higher education can always use more money if it is available. However, our resources at the Federal level are not unlimited and therefore we have had to give very thorough and thoughtful consideration to all items and establish priorities in the funding of those programs which have proved to be effective and worthwhile. To mention just a few; all of us are aware of the importance of good books and library services in the educational process. In order to further encourage the emphasis on improvement of reading skills which was initiated by the Office of Education last year, we reached a compromise with the Senate to provide $90 million for school library resources, textbooks, and other instructional materials in lieu of the $85 million approved by the House and the $95 million approved by the Senate.

Another item in which there has been much interest expressed is in the area of higher education, with particular reference to assistance for needy college students. The committee has not been able to fund the budget recommendations entirely because most of the President's new proposals for financial aid have not as yet been authorized. However, we have reached an agreement with the Senate to provide an additional $10 million for educational opportunity grants—$40 million more for college work-study grants—and an additional $2.5 million for the upward bound program. The sums included should be sufficient to renew those grants previously made to students and provide some 113,000 new grants to first-year college students. Furthermore, it seems likely that additional help for needy students will be provided in a supplemental bill later after the authorizations have cleared the Congress.

The two items which I have mentioned—school libraries and higher education—are just examples of the agreements we have reached on the 40 amendments that were in disagreement as explained in the conference report. I would like to point out that this action on the education appropriation bill is the earliest in many years. In the past, educators have frequently complained—with good reason—that it is very difficult to go into a new school year without knowing how much Federal aid to expect. The dedicated and hard-working men and women who finance and administer schools at every level, public and private, in classroom and library, in laboratory and shop, have stressed the importance of early and accurate funding information so that they can do a better job in the public interest. In a very real sense, early consideration of this bill is a benefit which hopefully will repay dividends of accomplishment and economy and which will increase the efficiency of our educational operations.

Education is one of our Nation's largest businesses. It has been estimated that during the coming school year well over $75 billion will be spent for education by Federal, State, and local governments. This represents about 7.5 percent of our gross national product.

There is no question as to the importance of education and as to the need for a Federal aid program. The question is to allocate our limited resources to those programs which have proved to be effective and worthwhile. This is what we have tried to do in our compromise agreement with the Senate on H.R. 7016, and I hope the House will approve the action we have taken.

**Mr. CONTE.** Mr. Speaker, I had the distinct privilege of participating in my first conference on the education appropriations bill last week and I want to commend all my colleagues for their efforts on this matter. Hard decisions had to be made. Strong arguments on behalf of various positions were vigorously asserted. But I feel all of us were guided by the fact that Federal support of our Nation's educational system is one of our Government's most vital concerns.

As Carl Olson pointed out almost 3 years ago, education is rapidly becoming our Nation's largest and most important activity. More than 60 million Americans are involved in education as students, teachers, administrators, or board members. This figure exceeds that of any single industry in the United States.

To support this huge undertaking, $5.1 billion was approved by the conferees. This represents an increase of about $393 million over the administration's request. I believe this figure is one we not only can live with but also can be eminently proud of.

I must point out, however, that I had certain reservations about some of the conference's actions. I was most disappointed that it failed to approve any funds for law school clinical experience programs under title XI of the Higher Education Act. The other body had recommended $1 million which I felt would be a modest investment to test the desirability of this type of program.

Law students stand to gain much more from their academic endeavors if they are able to engage in legal work experience outside the classroom. Added to the educational benefits that this experience provides is the fact that many public service institutions such as district attorneys' offices, juvenile courts, correctional institutions, and legal aid organizations—receive an invaluable contribution in the work provided by these dedicated students. Thus, under the clinical programs envisioned by the act, society would benefit in the short run from the services rendered and in the long run through better trained lawyers. My hope is that this kind of program will ultimately receive Federal support.

I was also disappointed that the conference members failed to approve the additional $1 million that the other body provided for the special foreign currencies program.

The use, under Public Law 480, of excess foreign currencies owned by the U.S. Government abroad to support programs and activities of American educational institutions represents a unique opportunity to improve the quality of educational experience for our students at no additional cost to the American taxpayer.

Moreover, the kinds of programs and activities which can be supported with these funds are directly related to aspects of our formal educational system which have been long neglected and are in urgent need of being strengthened because they relate to overriding and continuing national needs widely recognized by those in positions of leadership in the United States. A recent GAO report on the use of foreign currencies in India stresses the importance of making better use of these resources for the benefit of American education. I look forward to legislative action next year that will result in a substantial increase for this significant program.

On the other hand, I was most gratified at the conference's decision to provide $10 million in aid to land-grant colleges. This is roughly the same as last year's appropriation. I wish this figure was a great deal more. But small as it is, it will be a tremendous help for all the land-grant colleges in the Nation, including those in the South whose primary responsibility is to black students.

There is no substitute for aid to land-grant colleges in any other Federal program. Thanks to the breadth of the statutory language, these funds support a wide range of instructional activities, including teacher training and purchase of equipment. Until and unless the Congress provides direct institutional assistance to higher education it is imperative to retain this program. And it should be fully funded.

Of course, H.R. 7016 contains funds for many other crucial programs. And it is important to note that history will ultimately judge our Nation not on the quantity of its armaments but in the quality of its civilization. Our continuing efforts to support the education of our young people will go far toward insuring a favorable judgment.

I therefore urge my colleagues to adopt the conference report on this bill.

Thank you, Mr. Speaker.

(Mr. CONTE, at the request of Mr. MICHEL, was granted permission to extend his remarks at this point in the RECORD.)

**Mr. FLOOD.** Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BADILLO).

**Mr. BADILLO.** Mr. Speaker, I intend to vote for the bill because I have no choice, but I do want to point out that there is, in my judgment, no reason for congratulations on it. The figures cited by the distinguished chairman were not the figures that have to do with authorization but what was appropriated.

When you compare the bill to 5 years ago or 10 years ago, sure, there has been some improvement. But the problem is that, in terms of what the House authorized, this bill provides in most cases less than 50 percent.

With respect to bilingual education, for example, the amount of money that is being appropriated in this bill is totally inadequate and will not provide bilingual education for more than 3 percent of the Spanish-speaking children of this country that need it. This only includes Puerto Ricans, Mexican Americans, Cubans, and other Spanish-speaking groups and the figure is lowered when you take into account the other language groups which are supposed to be included in bilingual education programs.

Although I agree with my colleague from Pennsylvania that the concept of bilingual education is being approved, I believe it is equally important to approve the necessary funds to implement urgently needed and meaningful bilingual education programs. The figure before us today is a travesty and represents only an $8 million increase beyond what the House had originally approved. Thus, although the Senate had the foresight to raise the original authorization to the much more acceptable level of $50 million—and I particularly commend the senior Senator from New York (Mr. JAVITS) for his outstanding and tireless efforts to have this authorization increased—its action now becomes virtually sterile and countless numbers of children will be prevented from participating in these high priority programs.

By failing to approve a more significant increase in these funds, the Congress is failing to exert its authority in encouraging and expanding bilingual education. Title VII has consistently been underfunded and positive action is urgently required. We can certainly take little pride in our actions this afternoon by agreeing to the barely minimal funding for this important educational effort.

**Mr. SMITH of Iowa.** Mr. Speaker, I think it is especially noteworthy that this bill, making appropriations for Federal education programs, is actually being enacted by Congress prior to the beginning of the fiscal year during which the money is to be used. The vast majority of the money in this bill goes for revenue sharing and educational institutions receiving the money need to know how much money they will receive in order to use it most efficiently. This is the first time in 14 years that an education appropriations bill has been completed by the Congress prior to the beginning of the fiscal year.

In the past 3 years we have seen a contrast between different approaches in working out bills and actually accomplishing objectives. Two years ago, the Subcommittee on Education Appropriations reported a bill for fiscal year 1970 on July 24, 1969. It recommended to the House a bill which revised the administration's request by shifting some funds, and also recommended a substantial overall total increase. A Joelson amendment, increasing those recommendations by $800 million, passed in the House, which guaranteed that the bill would be vetoed, and it was later vetoed. That veto was sustained and a new bill for fiscal year 1970 had to start the obstacle course through the House and the Senate. By the time it was finally enacted, we were 8 months into the new fiscal year and, in the end, in order to pass a bill many programs had to be cut below the amount that was in the original bill recommended to the House 8 months prior. The new bill for fiscal year 1970 was enough in line with a compromise position so that it finally became law in March of 1970.

The net result of that experience should have made it obvious that the way to help education the most is to take a practical assessment of the situation and pass that kind of a bill which will secure a two-thirds majority in the House and Senate if necessary to override a veto and to follow the tried procedure of passing a substantial bill in the House which provides balance among the programs—but admittedly may need to be revised upon further reflections in appeals to the Senate. After the Senate increases the programs which apparently justify a bigger share of the education resources, a conference is held and a bill is worked out in time so that the education institutions can use the money effectively.

Although the failure of the approach used on the fiscal 1970 bill should have been apparent, the same approach was tried on the fiscal 1971 bill by some who claim to be super friends of education. It failed again.

For this fiscal 1972 bill which we are taking final action upon today, the House Appropriations Subcommittee reported a bill which was $132 million over the budget. Although I think there were some shortcomings in the bill, I felt it should be supported and appeals taken to the Senate on some items. A group which seems to want to have an issue more than results again proposed an amendment so big that it would guarantee a veto. But this time, a majority in the House of Representatives refused to go along. Instead, the tried and successful approach was used and the bill almost as recommended was sent to the Senate where appeals were taken on some of the items and in the House-Senate conference further consideration was given to those items. As a result, the bill before you today totals $5.1465 billion and is $477 million above the budget. Under this procedure we are actually getting this money to the school districts prior to the beginning of the new school year and this in and of itself is of considerable value. Those who are really interested in results should take a look at what happened this year compared to what happened under the procedure used 2 years ago when the big temporary increase resulted in an eventual loss both in terms of money and time. It proved that the true friends of education are not those who propose the biggest amendments.

Although I think some items in this bill should have been different, I believe this is overall a good bill. For example, I supported the $1 million request added in the Senate for a law school clinical program. To me, this represents the practical approach in education which is not used enough. I also would have supported more grants for college facilities instead of using the loan subsidy program so heavily. I think the loan subsidy program is not satisfactory as the total tool to finance facilities and also it costs the Government more in the long run.

I realize there is some criticism of title I of ESEA and a substantial number of claims have been made to the effect that it is not accomplishing the results intended. However, it does channel money to the school districts which are educating the children from low-income families. Certainly those school districts with a concentration of these children would be the most in need of help in providing an adequate educational opportunity. Funding for the program has increased rather rapidly and is now in this bill at $1.565 billion. However, in comparison with some of the other programs and in spite of some shortcomings that have been alleged, I think it is a program justifying both revision and enlargement.

With the considerable increase in the cost per student of operating higher educational institutions and considerably higher tuition rates, financial aid for students at the undergraduate level is an important matter to many families. The administration has insisted upon using the guaranteed bank loan approach to the maximum extent possible. It is not only more expensive to the government and the student in the long run, but also not satisfactory in many cases because many of the students that need the money the worst are unable to get the money at a private bank. We provided all the interest money needed for maximum use of that program but considerably increased the money available under other programs. Other programs include educational opportunity grants—scholarships—work study grants and direct loans under the National Defense Education Act.

The budget did not include any new money for NDEA direct 3-percent loans. Our House subcommittee recommended $293 million in new money for this purpose and the Senate accepted that figure. In addition to that, there will be $40 million in repayments to the colleges which can be used again. I think the fact that there is a $140 million in repayment money and that it is increasing each year in and of itself proves that this program is working and should be strongly supported.

We also provided in this bill for $58.5 million more for work-study programs for the school term beginning this fall than they had last year and forward funded $236.4 million for the following year. I assume the 1972 money will be supplemented next year in accordance with the need at that time. This will make $237.4 million available for the 1971 fall semester for work-study and according to some reliable sources this is all that can be used on meaningful jobs in colleges. There is a limit to how fast they can develop jobs that are meaningful and a 30-percent increase in 1 year is a substantial increase. We have heard complaints that some colleges are not really providing jobs but are putting some students on work-study payments while letting them sit around. The students themselves do not like this kind of business and I certainly hope that those instances where this is happening will be corrected and that the professors will take the time to find satisfactory work for these students. Unless they have too many professors, an institution should be able to use more student help in many of these institutions and in that way also save the institution some much needed dollars.

We also provided for a total of $177.7 million in grants or scholarships. Altogether for the school year starting this fall, this makes $850 million available in addition to the bank loans. We also forward funded $467 million of the money needed for grants and work-study for the following year.

A number of programs were changed slightly or revised and overall the bill which passed the House at a level of $4.802 billion is now at a level of $5.146 billion as it emerged from the conference. Although each Member would probably change emphasis among programs some, overall, I believe it is a balanced bill and deserves overwhelming support of the House.

**Mr. RARICK.** Mr. Speaker, I rise to express surprise at the conference report submitted to accompany H.R. 7016, the bill "making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes."

I am certain that I speak for my people when I protest the addition of $346,223,000 to this bill over and above the original $4,800,088,000 appropriated by the House.

The absurdity of the educational situation facing this country today is appalling. The Supreme Court of this country has already ruled in the Charlotte-Mecklenburg case that we must bus our children to achieve racial proportions, thus destroying any hope this country had of maintaining any semblance of quality public education.

There were some who hoped that educational standards could be maintained through private institutions devoted to excellence. This hope, however, was destroyed in a decision handed down by the Supreme Court in the Lemon cases only this week, prohibiting any type of governmental aid to private or parochial schools.

The private citizen—who has already paid for one school system, only to see it destroyed by Court order—is now faced with bearing the total cost of sending his child to private institutions—a decision that he must make to insure a good education for his child. Yet, he is also forced to continue to support, at an ever-increasing rate, second rate public education in a system that he has been forced to abandon by Court decisions that demand "racial balance."

I cannot begin to explain to the people of my district the logic of the Supreme Court decisions nor what they intend to do with our children, much less how this Congress can justify spending this exorbitant amount of money over and above what was originally approved by this House for the Office of Education. Especially is this true in the face of the

Supreme Court ruling in the Lemon case forbidding aid to private and parochial institutions.

This conference report follows this decision by the Supreme Court, yet instead of deleting the appropriations to institutions that are affected by this ruling, the conferees have added an additional $346,223,000.

I intend to cast my people's vote against this conference report on H.R. 7016.

Mr. FLOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. O'HARA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 376, nays 15, not voting 42, as follows:

[Roll No. 173]

YEAS—376

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stafford
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Ashbrook
Bow
Clancy
Collins, Tex.
Colmer
Crane
Dennis
Gross
Hall
Jonas
Landgrebe
Mann
Rarick
Saylor
Schmitz

NOT VOTING—42

Alexander
Anderson, Ill.
Blatnik
Brasco
Chamberlain
Clay
Coughlin
Davis, Ga.
Dent
Devine
Diggs
Donohue
Edwards, La.
Fulton, Tenn.
Gallagher
Gray
Hagan
Halpern
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Landrum
Leggett
Long, La.
McClure
McCulloch
Macdonald, Mass.
Madden
Mills, Md.
Pickle
Purcell
Railsback
Riegle
Rousselot
Runnels
Springer
Staggers
Stanton, James V.
Symington
Taylor
Wampler
Watts

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.
Mr. Brasco with Mr. Chamberlain.
Mr. Donohue with Mr. Springer.
Mr. Edwards of Louisiana with Mr. Riegle.
Mr. Purcell with Mr. Railsback.
Mr. Runnels with Mr. Rousselot.
Mr. Long of Louisiana with Mr. Wampler.
Mr. Taylor with Mr. Coughlin.
Mr. Hagan with Mr. Halpern.
Mr. Pickle with Mr. Mills of Maryland.
Mr. Landrum with Mr. Devine.
Mr. Jones of Tennessee with Mr. McClure.
Mr. Blatnik with Mr. Johnson of Pennsylvania.
Mr. Alexander with Mr. Staggers.
Mr. Davis of Georgia with Mr. Fulton of Tennessee.
Mr. Macdonald of Massachusetts with Mr. Madden.
Mr. Gray with Mr. Diggs.
Mr. Leggett with Mr. Clay.
Mr. Symington with Mr. Watts.
Mr. Jones of North Carolina with Mr. Gallagher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 4, line 4, strike out "Act." and insert: "Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971."

### MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: On page 8, line 20, insert the following: "of which $3,500,000 shall be for construction and shall remain available until expended."

### MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

## GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous material on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## RESOLUTION EXPRESSING CONDOLENCES ON THE LOSS OF RUSSIAN COSMONAUTS

Mr. MILLER of California. Mr. Speaker, I offer a resolution (H. Res. 518) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 518

*Resolved*, That the House of Representatives expresses its condolences upon the deaths of the three Soviet cosmonauts, Georgy Dobrovolsky, Vladislav Volkov, and Victor Patsayev and extends its sympathy to their wives, families, and to the Russian people.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, this resolution was introduced by the gentleman from Pennsylvania (Mr. Fulton) and me to express our condolences and sympathy to the families of the three cosmonauts who were found dead upon landing today. These people have made a great contribution to science and the space effort.

It is unfortunate they did not return to earth safely. I do not know that anyone knows any more than you see in the public press about them. Tass, the Russian paper, reported that they were alive and in contact with them until just before the Soyuz landed, but when the group that went out to recover the cosmonauts opened the ship they found them dead.

At the time when we had our trouble with the 204 fire, the Russians extended to us their sympathy, and I think it only fitting that we extend them our sympathy on this very sad occasion.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I will yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, we citizens of America, congratulate Cosmonauts Dobrovolsky, Volkov, and Patsayev on their courage and pioneer spirit; we, with the U.S.S.R. people, mourn these three brave men who have lost their lives, after setting a new world record of almost 24 days in space. We believe it is a sad time indeed for everybody in the human race, that these dedicated men should be lost to the future scientific advances in space.

It is a fine thing that there has been cooperation, and continuing cooperation between the U.S.S.R. and the United States in space. For example, our space agencies of each country are now working out joint docking procedures so that either our U.S. astronauts can rescue U.S.S.R. cosmonauts or they can rescue our astronauts in case there is need of a rescue in space.

As a matter of fact, on the scientific level it is encouraging how much cooperation there has been among every nation in the world, and among the scientists in the world, including those of the United States and U.S.S.R. This gives us hope for a new world for the future.

As the gentleman from California (Mr. Miller) has said, when the United States lost three fine astronauts in the Apollo 204 fire at Cape Kennedy, we received expressions of sympathy and condolences—even to personal telephone calls—expressing the sympathy of the Russian people and their Government over the death of our astronauts and wishing us well for the future. We people working on U.S. space programs wish U.S.S.R. cosmonauts success in the future for the peaceful exploration of space. Just as we in the United States have many successes, and our U.S. astronauts have returned safely, we wish the same for the future space exploration by the U.S.S.R. cosmonauts. These astronauts are fine brave young pioneers and will go down in history as pushing outward man's progress in science and space.

I include the following news release:

All three cosmonauts were married. Dobrovolsky, the flight commander who was 43, and Patsayev, 37, each had two children, while Volkov, 35, had one son.

Soyuz 11 carried them into space at 7:55 a.m. on Sunday, June 6. It was the first space flight for Dobrovolsky and Patsayev, but Volkov had made 80 earth orbits in October 1969 aboard Soyuz 7.

Soyuz 11 linked up on June 7 with the 17½-ton space laboratory Salute, which had been orbiting the earth unmanned since April 19. The cosmonauts transferred to the bigger space lab and orbited the earth in it for nearly 23 days in what appeared to be a highly successful advance toward the permanent manned space station which is the goal of the Vkesent Soviet space program.

Daily telecasts from space showed the cosmonauts in obvious high spirits and enthusiastic about the capabilities of the space station. By noon Tuesday they had made 358 orbits of the earth and Dobrovolsky reported "all cosmonauts feel fine."

Last Thursday they broke the space endurance record of 17 days 16 hours and 59 minutes set last June by the two-man crew of Soyuz 9.

President Nixon sent a message of "deepest sympathy" on behalf of the American people to Soviet President Nikolai V. Podgorny on the death of the three Soviet cosmonauts.

The text of the message released by the White House today:

"The American people join me in expressing to you and the Soviet people our deepest sympathy on the tragic deaths of the three Soviet cosmonauts. The whole world followed the exploits of these courageous explorers of the unknown and shares the anguish of their tragedy. But the achievement of cosmonauts Dobrovolsky, Volkov and Patsayev remains. It will, I am sure, prove to have contributed greatly to the future achievements of the Soviet program for the exploration of space and thus to the widening of man's horizons."

The National Aeronautics and Space Administration issued a statement shortly after first word of the death of three Russian cosmonauts was received.

Deputy Administrator George Low said:

"The loss of the three cosmonauts is a terrible tragedy. I extend my deepest sympathy to their families and their colleagues. We have the greatest respect for their achievement in space and our hearts go out to them in their loss."

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Space Center, Houston, Tex.—The American Astronaut Corps sent condolences today to the Soviet cosmonauts and the Russian people in the loss of three Soviet spacemen.

The message, addressed to Brig. Gen. Andri G. Kuznetsov, commandant of the Soviet's Star City Space Complex, said, "It is with great sadness we received the news of the tragic ending of Soyuz 11.

"We share with the world community a deep sorrow for the loss of cosmonauts Dobrovolsky, Volkov and Patsayev and we mourn with all Russian people the deaths of three of their brave countrymen."

The statement said, "Please accept and convey to members of the cosmonauts' families, to their associates in the Soviet space program and to the Russian people our profound condolences."

The message was signed by the chief of flight crew operations, Donald K. Slayton, "for the U.S. astronauts."

A leading U.S. expert on Soviet space activities said today the tragic death of the Soyuz 11 cosmonauts may raise new doubts about manned space programs both in Russia and the United States.

Dr. Charles Sheldon III, chief of science policy research for the Library of Congress, forecast that space research would be "called into question by people who want to make their own points of views on a lot of pending projects in both countries."

Skylab, a space shuttle and the space station are U.S. programs of the type that may be subjected to new scrutiny, Sheldon told a reporter.

Sheldon, former member of the President's space council, said it is far too early to draw any conclusions, since little information on the Soviet Soyuz-Salute mission has been released.

"Naturally, we think of two main avenues of inquiry, as to whether the accident was due to mechanical failure or to physiological stresses that we don't understand," Sheldon said.

"If the failure was mechanical it was regrettable, but it can be fixed.

"If it was physiological, then the potential for major policy changes in space research would be much greater.

"That would be, philosophically, in the ultimate disheartening, since it could mean that man would be imprisoned forever on this speck, the earth.

"I do not think that is likely. It would be premature to make any conclusion."

Astronaut David R. Scott, commander of next month's Apollo 15 moon mission, learned of the deaths of the three Soyuz 11 cosmonauts while jogging on nearby Cocoa beach early today.

Newsmen stopped him and showed him a newspaper with the story of the tragedy. His only comment was: "Oh, my god."

Scott had a near-disastrous experience in space in March 1966. He and Neil A. Armstrong had just linked their Gemini 8 spaceship to an unmanned satellite when a jet thruster stuck open and sent the combined ships tumbling out of control. They managed to disengage, stop the thruster and make an emergency landing.

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Bochum, Germany.—The Bochum observatory said today the three Soyuz II cosmonauts probably suffocated when their landing module's oxygen system was knocked out during re-entry into the earth's atmosphere.

Heinz Kaminski, director of the observatory, said there also was the remote possibility that the cosmonauts, weakened by 23 days in orbit, died as a result of abnormal physical strains in the re-entry phase.

He said the observatory received radio transmissions from Soyuz 11 as the craft began its 382nd earth orbit in preparation for re-entry.

"The radio signal showed no abnormal signs," Kaminski said.

I include the resolution introduced today by myself and Congressman Miller of California:

H. Res. 518

Resolution expressing the condolences of the House of Representatives on the deaths of the Soviet cosmonauts.

*Resolved*, that the House of Representatives expresses its condolences upon the death of the three Soviet cosmonauts Georgy Dobrovolsky, Vladislav Volkov and Victor Patsayev, and extends its sympathy to their wives, families and to the Russian people.

Now, Mr. Speaker, may I make a final comment on the Russian cosmonauts who have just landed and unfortunately been killed in the line of duty. I believe everybody in this House sympathizes with the families of Georgy Dobrovolsky, Vladislav Volkov, and Victor Patsayev. These young men are pioneers in space and have shown that a space laboratory can be operated for a period of 24 days. They may also have saved the lives of American astronauts, because returning from extended space trips, may be as if one were coming up to the surface from a diving apparatus. If a person is in outer space for a lengthy period of time without adequate artificial gravity, then it may react like one who is exposed to the bends from deep diving. This has been overcome by science. These men, when they come in on a descent, are subject to the equivalent of 500 pounds of pressure on all parts of their body. This is then a question of what we should do. I believe it may have been a misfunction, as NASA believes, of the descending equipment. If it is not that, then these three astronauts have done a great service for space exploration and have done the American people a great service. We should be very grateful that these pioneers were willing to give their lives.

Thank you.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## TO RECOGNIZE THE IMPORTANCE OF JULY 4, 1971, HONOR AMERICA DAY CELEBRATIONS

Mr. SCHERLE. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 354) recognizing the importance of the July 4, 1971, Honor America Day celebrations, and ask unanimous consent for the immediate consideration of the concurrent resolution.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the concurrent resolution, as follows:

### H. CON. RES. 354

Whereas the Congress wishes to lend support to the rekindling of the American spirit of patriotism and respect for the individual liberties that made America great; and

Whereas the Congress wishes to underscore the fact that though Americans face problems as individuals and as a nation they are proud of the country and welcome the opportunity to honor America: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress recognizes the importance of the July 4, 1971, Honor America Day celebrations and calls upon the people of the United States to observe such celebrations with appropriate ceremonies and activities.

Mr. SCHERLE. Mr. Speaker, last year this House unanimously passed in record time a concurrent resolution calling upon Congress to recognize the importance of the July 4, 1970, Honor America Day celebrations, and urging the people of the United States to observe such celebrations with appropriate ceremonies and activities. I am at this time introducing a resolution identical to that passed by the House last year.

Citizens throughout the country are joining together to make July 4, 1971, a day of honor for our flag and celebration for freedom. It is only appropriate that the Congress of the United States lend support to the rekindling of the American spirit of patriotism and respect for the individual liberties that made America great.

Furthermore, inasmuch as July 4 falls on Sunday this year, it seems fitting that the history and role of religion in America's heritage and history should be the focal point of the weekend observance. The idea of reverence for a Supreme Being has been an important part of the Nation's development since its founding, and it is especially significant because America is a nation of many religions.

Therefore, I call upon all my colleagues to underscore the fact that, though Americans face problems as individuals and as a nation, they are proud of their country and welcome the opportunity to honor America.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 8825, LEGISLATIVE BRANCH APPROPRIATIONS, 1972

Mr. ANDREWS of Alabama. Mr. Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 29, 1971.)

Mr. ANDREWS of Alabama. Mr. Speaker, the conference report on this bill is printed in this morning's CONGRESSIONAL RECORD and is available in leaflet form at the Clerk's desk. You have just heard the Clerk read the joint explanatory statement as to conference action on each of the Senate amendments.

There were 45 Senate amendments and 35 of those amendments related solely to Senate housekeeping matters. Of the remaining 10, two relate to the Capitol Guide Service, one relates to Architect of the Capitol and proposed restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol, six relate to the Library of Congress and one to the General Accounting Office.

As shown in the tabulation at the end of the joint statement, the conference agreement is $79,410,144 over the Senate bill; however, $78,430,144 of this amount is for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The conference total is $529,309,749.

The conference total is $86,405,430 over 1971 appropriations and includes $71,090,000 for construction of the James Madison Memorial Building. The remainder of the increase is attributable to pay increases, the impact of the Legislative Reorganization Act and increased workload.

The conference total is $6,039,858 below the budget estimate for 1972.

The conference total is $2,988,000 below the Senate bill.

I will insert in the RECORD, when I revise my remarks, a tabulation summarizing these figures by major activities in the bill. The table follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 8825), CONFERENCE SUMMARY

| | | | | | | Conference action compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| Item (1) | New budget (obligational) authority, fiscal year 1971 (2) | Budget estimates of new budget (obligational) authority, fiscal year 1972 (3) | New budget (obligational) authority, recommended in House bill (4) | New budget (obligational) authority, recommended in Senate bill (5) | New budget (obligational) authority, recommended by conference action (6) | New budget (obligational) authority, fiscal year 1971 (7) | Budget estimates of new budget (obligational) authority, fiscal year 1972 (8) | New budget (obligational) authority, recommended in House bill (9) | New budget (obligational) authority, recommended in Senate bill (10) |
| Senate | $68,286,224 | $73,475,412 | | $73,496,544 | $73,496,544 | +$5,210,320 | +$21,132 | +$73,496,544 | |
| House of Representatives | 120,842,110 | 128,919,540 | $128,861,150 | 128,861,150 | 128,861,150 | +8,019,040 | −58,390 | | |
| Joint Items | 15,386,650 | 19,586,455 | 19,091,755 | 19,190,155 | 19,190,155 | +3,803,505 | −396,300 | +98,400 | |
| Architect of the Capitol | 37,268,326 | 95,039,100 | 89,552,900 | 95,665,100 | 94,416,100 | +57,147,774 | −623,000 | +4,863,200 | −$1,249,000 |
| Botanic Garden | 714,800 | 746,200 | 738,650 | 738,650 | 738,650 | +23,850 | −7,550 | | |
| Library of Congress | 53,359,209 | 72,389,000 | 67,591,250 | 69,302,250 | 68,053,250 | +14,694,041 | −4,335,750 | +462,000 | −1,249,000 |
| Government Printing Office | 66,236,000 | 55,945,900 | 55,945,900 | 55,945,900 | 55,945,900 | −10,290,100 | | | |
| General Accounting Office | 79,991,000 | 87,598,000 | 86,618,000 | 87,598,000 | 87,108,000 | +7,117,000 | −490,000 | +490,000 | −490,000 |

LEGISLATIVE BRANCH APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 8825), CONFERENCE SUMMARY—Continued

| Item | New budget (obligational) authority, fiscal year 1971 | Budget estimates of new budget (obligational) authority, fiscal year 1972 | New budget (obligational) authority, recommended in House bill | New budget (obligational) authority, recommended in Senate bill | New budget (obligational) authority, recommended by conference action | Conference action compared with— New budget (obligational) authority, fiscal year 1971 | Budget estimates of new budget (obligational) authority, fiscal year 1972 | New budget (obligational) authority, recommended in House bill | New budget (obligational) authority, recommended in Senate bill |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| Cost-Accounting Standards Board | $820,000 | $1,650,000 | $1,500,000 | $1,500,000 | $1,500,000 | +$680,000 | −$150,000 | | |
| Grand total, new budget (obligational) authority | 442,904,319 | 535,349,607 | 449,899,605 | 532,297,749 | 529,309,749 | +86,405,430 | −6,039,858 | +$79,410,144 | −$2,988,000 |
| Consisting of— | | | | | | | | | |
| 1. Appropriations | 442,689,819 | 535,349,607 | 449,590,605 | 531,988,749 | 529,000,749 | +86,310,930 | −6,348,858 | +79,410,144 | −2,988,000 |
| 2. Reappropriations | 214,500 | | 309,000 | 309,000 | 309,000 | +94,500 | +309,000 | | |
| Appropriations to liquidate contract authorizations | (50,000) | (285,000) | (285,000) | (285,000) | (285,000) | (+235,000) | | | |
| Memorandum: 1. Appropriations and reappropriations including appropriations for liquidation of contract authorizations | 442,954,319 | 535,634,607 | 450,184,605 | 532,582,749 | 529,594,749 | +86,640,430 | −6,039,858 | +79,410,144 | −2,988,000 |

The major items considered in conference included the Senate items mentioned earlier. The Senate proposed language under the Capitol Guide Service which would have separated the jurisdiction of the guides to one-half under the Senate and one-half under the House in contravention of the Legislative Reorganization Act. The conference agreement provides that personnel—still limited to 24—are to be employed and their compensation fixed in accord with the Legislative Reorganization Act.

The Senate again proposed the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. The House managers have brought this amendment back in actual disagreement and will offer a motion to insist on the House position that the chambers not be restored at this time.

A number of amendments under the Library of Congress section of the bill relate to an increase in the Congressional Research Service. The conference agreement provides for about 75 new positions for the CRS which will provide a total of 438 during the next fiscal year. The House provided 52 new positions and the Senate increased it to 137. All of the other Library amendments related to the expansion of the research service are adjusted accordingly.

The Senate proposed 177 man-year positions for the General Accounting Office. The House bill provided 93. The conference agreement will allow 135.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to my friend from Missouri.

Mr. HALL. I appreciate the distinguished gentleman yielding. I noticed that there is some confusion on the floor as to whether the amendment from the other body that is considered in disagreement in the joint statement of the managers is concerned about renovation under the Capitol Architect of the Old Senate Chamber or the combined Senate-Supreme Court Chamber.

Some of us who have been interested in the history of the Capitol think of the Chamber on this level of our Nation's Capitol as being the Supreme Court Chamber. Indeed, the Supreme Court did occupy it through June of 1936, and it was in this room that the Emancipation Proclamation was signed by President Lincoln. It also is preserved now almost in that antiquity, and is used for conferences between the two bodies on occasions and, indeed, the Joint Commission on the Reorganization of the Congress, from 1965 through 1968, met there regularly. That is on this level.

Is this the Chamber that is being considered for renovation and conversion into a museum which would bar further conference committees meeting there, or is it, indeed, the chamber on the first floor beyond the Jefferson designed corncob capitals on the Senate side of the Nation's Capitol which has recently been rediscovered where the Senate did originally meet, where the floor has been leveled off, and the theater-type of approach has been destroyed and the room is now used for a storeroom, or are both in this bill for renovation?

Mr. ANDREWS of Alabama. I would say to the gentleman they are both a part. They are not in the bill. They were in the Senate bill. The room on the second floor which is now used for conferences would be renovated as the Old Senate Chamber. The room directly under it on the first floor would be renovated as the old original Supreme Court Chamber. There are many reasons why a majority of our conferees concluded that this work should not be undertaken at this time.

Mr. HALL. I thank the gentleman. He has answered my question. They are both involved for renovation if the Senate portion of this bill prevails, is that correct?

Mr. ANDREWS of Alabama. That is correct.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to my friend from Kentucky.

Mr. PERKINS. Mr. Speaker, perhaps I should state that the Committee on Education and Labor has had much difficulty in recent years obtaining a suitable room for conferences with the Senate. Up until a year or so ago we were able to utilize the Old Supreme Court Chamber which, in my judgment, is the most suitable conference room in the entire Capitol or any of the surrounding buildings, because it has the bells of both the House and the Senate already installed.

About a year ago it became most difficult to obtain the Old Supreme Court Chamber for a conference room. Since that time we have been utilizing space of the Senate Appropriations Committee. A room that we used, off the Senate chamber, has been utilized recently, mostly for Senators with luncheons and so forth.

Space for conferences around here is a real problem, especially when we appoint a considerable number of conferees, and we need adequate space. I believe it would be real folly for this House to vote to take away the most suitable conference room in the Capitol and let it be renovated at this time for other purposes. The Old Chamber should be renovated in the future, but now is not the time. There is no reason why the Old Chamber should not be open to the public when not being used.

If we had extra space it would be something else, but this room is vitally needed. It is halfway between the Senate Chamber and the House Chamber. We encounter difficulty getting Senators over on the House side for conferences. We just cannot get them to come to the House side.

I believe it would be a mistake if we went along with the Senate and let them deprive the House of the right to utilize the Old Supreme Court Chamber for conferences, until more space is made available.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to say to the gentleman from Kentucky, it does not take very much to get Senators over here for a conference. If he will just stand up and say, "You come over here half the time or there will not be any conferences," that will do it. That is the way I do. I go over there one-half the time and they come over to my room one-half the time. To say that we cannot get them to come over, and we do not want to fix up the Old Supreme Court Chamber, is not the solution. All the gentleman needs to do is to lay down the law. We are just as coequal as they are. They are not God. They do not run this Capitol. They are just a coequal body.

What the gentleman is doing when he goes over there is that he is going over to their side of the Capitol, where it is convenient for them. Why does he not just say, "Look. We do this 50–50. We go to your conference room half the time and you come to ours half the time, and if you do not do that there will not be any conference."

It is not very complicated.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the distinguished chairman of the Committee on Appropriations (Mr. Mahon).

Mr. MAHON. I should like at this point to say that the working relationships between the Senate Appropriations Committee and the House Appropriations Committee are excellent. We have fine cooperation. I should like to see it remain that way.

Some Members will recall the time when there was a delay of weeks over a controversy between my predecessor as chairman of the Committee on Appropriations and the other body in regard to a meeting place. This was an unfortunate incident in which I myself personally did not participate. Nevertheless, the matter was resolved.

We have a place to meet on conferences. It is an ideal place. A conference is going on there now, on the Treasury-Postal Service and general Government appropriation bill. We met there last week. We have conferences there with respect to all of our bills. I believe other committees seeking places to meet for conferences have used it from time to time.

I should like to see the House support the position of the conferees, namely, that we should not now take steps to deprive ourselves of this conference room. I feel perhaps I represent the views of the majority of the Members, that eventually we ought to undertake to restore this area, but not until we have more working space in the Capitol.

We have blocked ourselves in on the Madison Memorial Library project. We have not yet taken steps to extend the west front. Most of us, I believe, are in favor of restoration of the old chambers when we can have the proper space to use for our work.

The House needs space. Nobody knows this better than our distinguished Speaker, and the committee chairmen and committee members who most frequently meet in conferences with the other body. We have difficulty finding places to meet.

I was just recently talking to members of the Committee on Armed Services. They meet first in one place and then in another for conferences. I was talking to the gentleman from Kentucky (Mr. Perkins), the chairman of the Committee on Education and Labor, on the problems they have in this respect. Many committees have this problem. I would not like to see the House deprive us of this meeting place which is so valuable to us and which is so frequently used.

Of course, it might be desirable at some time in the future, if we have space from the extension of the west front, to restore the old meeting place of the House of Representatives, which is also a sacred place—a more sacred place, in the viewpoint of some, than even the Old Senate and Old Supreme Court Chambers.

So I hope we can hold this in abeyance this year, as we have in prior years when the matter was presented to us. That was the position that the House conferees took with the other body. It is not a matter of being against restoration but just of wanting to hold onto this space until we have adequate space provided elsewhere, either in an extended west front or somewhere else.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. BROOKS. I thank the gentleman from Alabama for yielding to me.

I want to say that, as the newly elected chairman of the Joint Committee on Congressional Organization made up of Senators and House Members, Republicans and Democrats, we have found it very difficult to find a place to meet. There is virtually no space in the U.S. Capitol for a joint committee to have an office. There is none available now. I have talked to the Speaker and to Gerry Ford and to Mike Mansfield on the Senate side. The Senators on that committee are willing to meet anywhere that we can get space. In the last meeting we had, we begged space from the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon) and met in his own office because there was no other space for us to go to. We have borrowed space from the Joint Committee on Atomic Energy. They have graciously allowed us to use it. We have begged and borrowed space.

This Congress has an obligation to restore the Supreme Court room, but our first obligation is to conduct the business of this Congress. Ultimately we should restore the Supreme Court room, but, until we can get adequate space for the committees of this Congress, our first responsibility is that.

Mr. ANDREWS of Alabama. Mr. Speaker, I yield to the gentleman from Iowa (Mr. Gross) after wishing him a happy birthday.

Mr. GROSS. I thank the gentleman for his good wishes.

Mr. Speaker, I am sure there are many Members of Congress as well as myself who have been troubled by reports of heavy money losses in the food-serving operations in the Capitol. I am sure that good progress has been made by the gentleman from Ohio (Mr. Hays) in bringing some order out of a bad situation on the House side.

Mr. ANDREWS of Alabama. I would like to say that he has done an excellent job.

Mr. GROSS. That is right. We have excellent reports coming from his work in straightening out the situation on this side of the Capitol.

Some of us are interested in the expenditure of the taxpayers' money regardless of who is doing this spending. I wonder if the gentleman can tell us what the situation is like on the other side of the Capitol.

Mr. ANDREWS of Alabama. This bill includes $497,000 under "miscellaneous items of the Senate for the Senate restaurant," I assume it is to cover a deficit, or whatever you want to call it, of $497,000.

Mr. GROSS. A deficit in that amount?

Mr. ANDREWS of Alabama, Well, that is the amount they inserted for the Senate restaurant.

Mr. HAYS. How much was that?

Mr. ANDREWS of Alabama. $497,000.

Mr. HAYS. That is for which restaurant?

Mr. ANDREWS of Alabama. The Senate restaurant. I might say to the gentleman from Iowa, that under the able direction of the gentleman from Ohio (Mr. Hays) the so-called deficit for the operation of the House restaurant has been cut down to less than $300,000. We have 435 Members, as you know, and he has shown great progress in two or three of the food facilities on the House side.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Ohio.

Mr. HAYS. I thank the gentleman for his comments and also the gentleman from Alabama. But, I am told that the deficit in the other body was much higher because a part of it was loaded onto the Architect's payroll; is that true or not?

Mr. ANDREWS of Alabama. I do not know about that, but I know that there was a figure of $497,000 involved with the Senate restaurant under Public Law 87–82. I assume it is for a deficit in the operation of that restaurant for 1 year.

Mr. HAYS. I was told that some of their employees are being charged to the Architect's office insofar as that item is concerned.

Mr. ANDREWS of Alabama. We do not know. The gentleman from Ohio well knows that we never look into their housekeeping functions.

Mr. HAYS. Well, I might look into the Architect's payroll before it is over with.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. I dislike to suggest that the gentleman from Ohio (Mr. Hays) be sent on a distasteful mission, but, perhaps, it would be well if somehow or other we tried to give the Members of the other body the benefit of his experience and the work he has done on this side in bailing the House out of a very bad situation.

Mr. ANDREWS of Alabama. There is a very fine suggestion.

Mr. HAYS. I thank the gentleman for that statement, but I have found it very difficult to give advice to any single Member of the other body. I have tried from time to time to do such, let alone to give advice to a collective group. So, I think I really ought to thank the gentleman but respectfully decline his offer.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I take this time to say that I am in full support of the House conferees on this matter of the utilization of the Old Supreme Court Chamber and the Old Senate Chamber. As a member of the Joint Committee on Atomic Energy for many years, until they found space, we met in the attic up there and used the Old Supreme Court Chamber as our meeting room. It was the only room in which we could hold hearings. It is a very useful place. It is situated between the two Chambers and it is easy to assemble there.

The House Appropriations Committee is short on space. I know this, because I have discussed the matter with the chairman of the Committee on Appropriations.

I think these rooms should be loaned to the other committees that need them if they are not in use. I have practiced that policy in the Government Operations Committee's main hearing room as well as in the subcommittee rooms. But I do want to say—and I do not want this to detract from the House conferees—what I said when we had a discussion of the Madison Library up here on the floor. I want to say that the House of Representatives does not take care of its own, and it is our own fault. It is not the fault of the Appropriations Committee. We do not take care of our own business here, in my opinion, in the manner in which we should.

I am having an inventory made now of the leasing that is going on throughout not only the city of Washington but in the adjoining areas such as at Crystal City and Rosslyn and every place else where the executive branch is renting tens of thousands of square feet in every office building they can get into. There is no restriction on them. But here we are squeezing ourselves down to the point where we cannot take this room; it should be a national shrine and a historical room should be made available to the people of the United States when they visit here, but we need it badly. However, until we can take care of ourselves, at the proper time I hope we can get this extension on the west side of the Capitol. I think we have to have this room for conferences now.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Speaker, I thank the gentleman for yielding. I have supported my chairman, as several others on the subcommittee have, in objecting to the Senate putting this in at this time. But I want to tell the House that there are some questions in my own mind as to whether I will continue this support if we really want to restore these two Chambers. The Architect of the Capitol tells us that if this is restored it can still be used for conferences.

The Chamber below on the first floor was the original Supreme Court Chamber, and it is being used for storage. If it is restored it could be used for conferences and you would thus pick up a room that is now used only for storage.

I think we should also clean up our Old House Chamber now called Statuary Hall. I think I was successful with one of my suggestions, and received the support of my chairman in getting them to quit using the gallery there for the storage of old picture frames and things of that nature. There are still some pieces of woodwork in the old gallery, but I think it is important that this Chamber should be partially restored. I do not mean to put chairs in it, and keep the public out, but to put in draperies and some of the old accoutrements that made it a beautiful room in the old days.

We should in all fairness, if we are ever going to do it, it should be done as soon as possible, we do not have to have it this year in this appropriation. I think we ought to think about it, because there has been work done on it by the Architect, there are plans made, and samples of materials have been obtained—things of that nature. If you want to wait until the west front of the Capitol is completed that is your decision, but if you do not want it done, period, then let us not use any other excuse. You and I who have been in other parts of the world have seen great monuments being built and restorations being done, and you and I know that our money is paying for much of such restorations. Let us do some at home.

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa (Mr. Kyl) such time as he may consume.

Mr. KYL. Mr. Speaker, rather than prolonging the debate I would simply ask the chairman if in his good nature he would have printed in the Congressional Record at an early date a list of the rooms under the jurisdiction of the House which are now used by political organizations, caucuses, et cetera, which could be utilized for other purposes and, secondly, the rooms that might be available in the areas under the jurisdiction of the House when the police force, et cetera, move from their present quarters to the Congressional Hotel. So instead of a long debate I would just ask the gentleman if he would cooperate to the extent of seeing to it that that is printed in the Record at some time in the future.

Mr. ANDREWS of Alabama. We shall look into it, I will say to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

Mr. ANDREWS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. O'Konski).

Mr. O'KONSKI. Mr. Speaker, I am well aware of the rules of comity between the two Houses. What conclusions are drawn from my remarks referring to the Members of the other body are strictly coincidental.

I would like to tell you about a dream I had the other night. It turned into a horror and later a nightmare.

I dreamed I went to a country called "Shangri-la." When I arrived in that country I became interested in their form of government. They had a body called "Etanes." I wondered what "Etanes" stood for. I wondered how they arrived at the name of that great body. Then I thought of Serutan, and I remembered that Serutan is "Natures" spelled backwards. "Etanes" is the Senate spelled backwards. This is strictly coincidental. It has nothing to do with the other body. I do not want to disrupt the comity between our two Chambers. That is why I emphasize this point.

"Etanes", which is the Senate spelled backwards, in Shangri-la is made up of 100 members plus one called the devil's advocate—a little different from our system. Each time a member of "Etanes" that is the Senate spelled backwards, got up and made a speech or made a proposal or a condemnation the devil's advocate always responded and asked questions of the reformist, egotist or member of "Etanes."

There happened to be one member of this body of "Etanes" who thought he was quite an authority on cost overruns. He was complaining about the cost overruns of planes, war materials, baby books and just about everything. When he finished, the devil's advocate got up and said, "Why wouldn't this great authority on cost overruns tell us about the 900,000 percent cost overrun for the restaurant of this great body called "Etanes", which is the Senate spelled backwards. The great authority on cost overruns embarrassed took his seat.

Then another member of this body of "Etanes" addressed "Etanes" telling automobile manufacturers how to build cars. He told how to build planes and he even told Carter how to make pills. Then the devil's advocate got up and said, "I would not tell everybody how to run everything when we cannot even run our own restaurant without losing $900,000 a year to feed 100 "Etanes" at a cost to the taxpayers of $9,000 per member just to feed us.

Then the dream turned into a nightmare. Almost half of the members of "Etanes", that is the Senate spelled backwards, announced that they wanted to run for President of their country. Then even the devil's advocate gave up in despair and took off his horns, got up and said, "If you cannot even run a restaurant without losing $900,000 of the taxpayers money a year, that is $9,000 a year cost to taxpayers to feed each one of us, how can you become the President of your country? Shame on you. You cannot run a restaurant, yet you want to be President."

At that point I awoke. I miss Shangri-la now that I am awakened. But my first thought after I awakened was, "Thank God I live in the United States of America and not Shangri-la." Such things could not happen here in this country. And now I am confused. Was it really a dream and a nightmare or was it a reality we are faced with right here in our Nation right now?

The SPEAKER. The gentleman from Ohio (Mr. Bow) is recognized.

Mr. BOW. Mr. Speaker, I appreciate the gentleman from Alabama yielding time to me. I am in support of this conference report and there is no reason to take the time of the House since we have a long schedule this afternoon.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

### AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. ANDREWS of Alabama. Mr. Speaker, inasmuch as amendments Nos. 1 through 30 relate solely to housekeeping operations of the other body in which by practice the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 1 through 30 be considered as read and printed in the RECORD, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The amendments of the Senate are as follows:

Senate amendments Nos. 1 to 30:

## SENATE

### COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

### COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,777,495.

### EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

### SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

### OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $414,510.

### OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $50,514.

### OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $198,276.

### OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $101,352.

### OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,696.

### OFFICE OF THE SECRETARY

For office of the Secretary, $2,107,812, including $81,672 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1971, the Secretary may appoint and fix the compensation of an assistant printing clerk at not to exceed $19,680 per annum, a clerk (office of printing clerk) at not to exceed $11,070 per annum, a delivery clerk (office of printing clerk) at not to exceed $8,364 per annum, a secretary to the Curator at not to exceed $12,546 per annum, an assistant secretary of the Senate in lieu of a chief clerk at not to exceed the per annum rate of compensation currently specified for the chief clerk and all laws, rules, resolutions, and orders referring to the chief clerk of the Senate shall be deemed to refer to the assistant secretary of the Senate; a registration clerk at not to exceed $17,466 per annum in lieu of a bill clerk at not to exceed such rate; a bill clerk at not to exceed $12,546 per annum in lieu of an assistant bill clerk at not to exceed such rate; an assistant bill clerk at not to exceed $8,856 per annum in lieu of an assistant chief messenger at not to exceed such rate; a senior reference assistant at not to exceed $16,974 per annum in lieu of an assistant librarian at not to exceed such rate; a senior reference assistant at not to exceed $12,546 per annum in lieu of an assistant legislative analyst at not to exceed such rate; an assistant librarian at not to exceed $12,054 per annum in lieu of a secretary in the library at not to exceed such rate; a secretary in the library, an assistant indexer, and five reference assistants at not to exceed $10,086 per annum each in lieu of seven reference assistants at not to exceed $10,086 per annum each; a chief indexer at not to exceed $14,760 per annum in lieu of a legislative analyst at not to exceed such rate; a staff assistant, official reporters at not to exceed $17,466 per annum in lieu of a clerk at not to exceed such rate; and a custodial assistant, document room at not to exceed $8,610 per annum in lieu of an assistant chief messenger at not to exceed such rate.

### COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,535,472, including hereunder, effective July 1, 1971 and thereafter, the positions authorized on a continuing basis by Senate Resolution 66, agreed to February 17, 1949, Senate Resolution 342, agreed to July 28, 1958, Senate Resolution 355, agreed to August 18, 1958, Senate Resolution 30, agreed to February 2, 1959, Senate Resolution 247, agreed to February 7, 1962, Senate Resolution 253, agreed to February 10, 1964, Senate Resolution 14, agreed to February 8, 1965, Senate Resolution 224, agreed to April 20, 1966, Senate Resolution 74, agreed to February 20, 1967 and Senate Resolution 66, agreed to February 17, 1969.

### CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $143,418.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee $143,418.

### ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $31,349,994.

### OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,064,948: *Provided*, That effective July 1, 1971, the Sergeant at Arms may employ a driver-messenger at not to exceed $11,316 per anum in lieu of a truckdriver at not to exceed $10,578, four additional driver-messengers, one for the Vice President, one for the President pro tempore, one for the Majority Leader, and one for the Minority Leader, at not to exceed $11,316 per annum each, one additional automatic typewriter repairman at not to exceed $11,316 per annum, three additional lieutenants, police force at not to exceed $14,760 per annum each, nine additional sergeants, police force at not to exceed $12,300 per annum each, eight plainclothesmen, police force at not to exceed $10,086 per annum each in lieu of six plainclothesmen at not to exceed $9,840 per annum each, six K–9 officers, police force at not to exceed $10,086 per annum each, twelve technicians, police force at not to exceed $10,086 per annum each, one hundred thirty-two additional privates, police force at not to exceed $9,348 per annum each, and the per annum compensation of the programer, service department may be fixed at not to exceed $19,434 in lieu of $18,450.

### OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $241,572.

### OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $460,885.

### CONTINGENT EXPENSES OF THE SENATE

### SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $294,605 for each such Committee; in all, $589,210.

### AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

### INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $496,770 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,310,655.

### FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.17 per hour per person, $57,320.

### MISCELLANEOUS ITEMS

For miscellaneous items, $5,356,972, including $497,000 for payment to the Architect of the Capitol in accordance with Section 4 of Public Law 87–82, approved July 6, 1961: *Provided*, That nothing herein shall prohibit the free transfer between the telephone and telegraph accounts at any time.

### POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $320; and for air mail and special delivery stamps for the Office of the Secretary, $410; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355: *Provided*, That the maximum allowance per capita of $1,056 is increased to $1,215 for the fiscal year 1972 and thereafter: *Provided further*, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional $305 each fiscal year; in all, $138,425.

### STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $368,400; and for stationery for committees and officers of the Senate, $15,200; in all, $383,600: *Provided*, That, effective with the fiscal year 1972 and thereafter, the allowance for stationery for each Senator from States having a population of ten million or more inhabitants shall be at the rate of $4,000 per annum.

### ADMINISTRATIVE PROVISIONS

Effective July 1, 1971, the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out that first portion thereof, down through "fiscal year, and the", and inserting in lieu thereof the following:

"The contingent fund of the Senate is hereby made available for reimbursement of actual transportation expenses incurred by each Senator in traveling on official business, and such expenses incurred by employees in that Senator's office in making round trips on official business, by the nearest usual route, between Washington, District of Columbia, and the home State of the Senator involved, or within that State during such travel. The total amount of such expenses for which each Senator and the employees in his office may be reimbursed in any fiscal year shall not exceed a sum equal to forty times (in the case of a Senator from a State having a population of less than ten million inhabitants), or forty-four times (in the case of a Senator from a State having a population of ten million or more inhabitants), fourteen cents per mile for the number of miles certified by the Senator as the distance between Washington, District of Columbia, and the place of his residence in his home State, if such distance is less than 375 miles; thirteen cents per mile, if such certified distance is 375 miles or more but less than 750 miles; twelve cents per mile, if such certified distance is 750 miles or more but less than 1,000 miles; eleven cents per mile, if such certified distance is 1,000 miles or more but less than 1,750 miles; ten cents per mile, if such certified distance is 1,750 miles or more but less than 2,250 miles; nine cents per mile, if such certified distance is 2,250 miles or more but less than 2,500 miles; eight cents per mile, if such certified distance is 2,500 miles or more but less than 3,000 miles; or seven cents per mile, if such certified distance is 3,000 miles or more. In any fiscal year in which a Senator does not occupy the office of Senator for the entire fiscal year, the total amount of such expenses for which that Senator and the employees in his office may be reimbursed shall not exceed the greater of (1) the amount determined under the preceding sentence times that fraction which has as its numerator the number of months (counting the portion of any month as a month) during that fiscal year the Senator has occupied such office and has as its denominator the number 12, or (2) 50 percent of the amount determined under the preceding sentence. Reimbursement for such expenses by employees of the Senator shall be made only upon vouchers approved by the Senator containing a certification by such Senator that the round trip was performed in line of official duty. No payment shall be made to a newly appointed employee to travel to his place of employment. Reimbursement under this paragraph shall be in addition to reimbursement for official travel which is otherwise authorized pursuant to law.

In the case of round trips made by employees in a Senator's office, the amendment made by this paragraph shall apply only with respect to such round trips commencing on or after July 1, 1971, except that a round trip commenced but not completed prior to such date and for which reimbursement may not be charged to amounts made available for such round trips for fiscal year 1971 may be charged to amounts made available under such amendment during fiscal year 1972.

Effective July 1, 1971, the second paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is repealed.

In lieu of the volumes of the Code of Laws of the United States, and the supplements thereto, supplied a Senator under section 212 of title 1, United States Code, the Secretary of the Senate is authorized and directed to supply to a Senator upon written request of, and as specified by, that Senator—

(1) one copy of each of the volumes of the United State Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume, each annual pocket part, and each pamphlet supplementing each such pocket part to the United States Code Annotated; or

(2) one copy of each of the volumes of the Federal Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume and each pocket supplement to the Federal Code Annotated.

A Senator is entitled to make a written request under this paragraph and be supplied such volumes, pocket parts, and supplements the first time he takes office as a Senator and each time thereafter he takes office as a Senator after a period of time during which he has not been a Senator. In submitting such written request, the Senator shall certify that the volumes, pocket parts, or supplements he is to be supplied are to be for his exclusive, personal use. A Senator holding office on the date of enactment of this Act shall be entitled to file a written request and receive the volumes, pocket parts, and supplements, as the case may be, referred to in this paragraph if such request is filed within 60 days after the date of enactment of this Act. Expenses incurred under this authorization shall be paid from the contingent fund of the Senate.

Section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961 (40 U.S.C. 174j–4), is amended by striking out the last sentence and inserting in lieu thereof the following new sentences: "Any amounts appropriated for fiscal year 1972 and thereafter from the Treasury of the United States specifically for such restaurants as a 'Contingent Expenses of the Senate' item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account."

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who has performed or performs duty in addition to the number of hours of his regularly scheduled tour of duty during any period on or after March 1, 1971, with respect to which the Capitol Police Board determined or determines that emergency conditions existed or exist, shall be paid compensation for each such additional hour of duty, in lieu of compensatory time off, at a rate equal to his hourly rate of compensation in the case of captains, lieutenants, and special officers, and at a rate equal to one and one-half times his hourly rate of compensation for other members of such force referred to herein. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Such compensation due officers and members shall be paid by the Secretary, upon certification of such additional hours of duty by the Chief of the Capitol Police as approved by the Sergeant at Arms of the Senate, from funds available in the Senate appropriation "Salaries, Officers and Employees" for fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 30, inclusive, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32. Page 26, line 22, strike out lines 22 to 25.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33. Page 27, line 18, insert:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide service, $328,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four individuals, of which number twelve individuals may hereafter be appointed by the Sergeant at Arms of the Senate at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on Rules and Administration of the Senate, and twelve individuals may hereafter be appointed by the Sergeant at Arms of the House of Representatives at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on House Administration of the House of Representatives.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"Capitol Guide Service

"For salaries and expenses of the Capitol Guide Service, $328,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four individuals, who shall be employed and compensated in accord with the applicable provisions of the Legislative Reorganization Act of 1970."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 30, line 4, insert the following:

Restoration of Old Senate Chamber and Old Supreme Court Chamber in the Capitol

To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers, $1,209,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House further insist on its disagreement to the amendment of the Senate numbered 35.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. ANDREWS of Alabama. Mr. Speaker, this amendment deals with the subject that has been discussed in connection with the restoration of the Old Supreme Court and Senate Chambers in the Capitol. We urge the House to go along with us in our position on this matter. There is a definite need for working space in the Capitol Building. If you do not believe it, ask the Speaker. We think that this is not the right time to go forward with the work proposed in the Senate amendment.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the distinguished gentleman from Texas.

Mr. MAHON. The House needs to express its position on this issue of what to do about the restoration of the Old Supreme Court and the Old Senate Chamber in the Capitol Building. I think it is the sentiment of the Committee on Appropriations, and the sentiment of the House generally, that eventually this work ought to be done. But at this time, when we are so badly in need of work space, it would clearly seem to be inadvisable to spend $1,209,000—which probably will escalate to a higher figure—to make this room unavailable for conferences with the other body.

After looking at the restoration plans, I am convinced that the old Senate Chamber which is on the second floor, would not be practical, in its restored condition, for the purpose of holding conferences, which are numerous. It may be that we could use the downstairs room—the old Supreme Court room—for conferences after it is restored. But this is a problem that must be looked into further.

This, it seems to me, is a matter we should look at with some degree of sympathy, but we should not begin this work at this time. The world is on fire. We have problems, problems, problems. The national debt is estimated to go up this year about $27 billion and next year by perhaps as much as $35 billion, and it just seems to me not to be the moment to take time out to deny ourselves the working space and begin this project which, in its right time, when we have provided ourselves with ample work space otherwise, can be a very popular and important improvement in the Capitol building.

I thank the gentleman for yielding.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I have a suggestion to make, which I have made from time to time, with relation to the various depictions and illustrations of Indians in the U.S. Capitol. I have pointed out from time to time that it is usually the Indian who is depicted as being discriminated against and the white man made noble. But I have observed in the Capitol Rotunda in a stone carving, there is depicted an Indian that for once is really taking his due with a tomahawk on a white trapper who has already stabbed somebody.

I think that these scenes of violence in the Capitol and scenes that misrepresent various historic groups in this country ought for once to be removed. I hope the committee will see this is done.

The next point I wish to make is this: I am always discouraged in looking at the beautiful view from the front of the Capitol down the mall toward the Washington Monument and finding there the caissons, horses, artillery, and soldiers and other group statuary showing the charge of the North against the South from the Civil War, aiming toward Virginia.

It is about time that Congress took all those cannons out from under the Capitol and forgot the Civil War. Congress should send a lot of the old statues of generals in Washington, D.C., which are just pigeon roosts, back to the battlefields and the States from whence they came, and let their citizens honor them there. I think it is about time that we took a good look at this kind of thing, as these are remembrances of violence, disaster, and sorrow for the American people.

Then the committee should walk through the subway to the Longworth Building, and look on either side, you will find a lot of space that is used for storage. If you look into that space, you will observe that it appears like a scene from one of Shakespeare's plays. The space is unused except for storage of unused equipment, furniture, and plain trash, and things of that type, completely unused. I wish the committee would look into that, if space is so badly needed.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. Andrews).

The question was taken; and on a division (demanded by Mr. Andrews of Alabama) there were—ayes 87, noes 3.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36; On page 31, line 4, insert:

### SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,294 each, from and after January 10, 1971; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,692,600: *Provided*, That, any buildings in Squares 724 and 725, acquired under authority of Public Law 91–145 and Public Law 91–382, occupied by the Senate and/or the Capitol Police, shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)) and the Act of July 31, 1946, as amended (40 U.S.C. 193a–193m, 212a, and 212b): *Provided further*, That, hereafter, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales): *Provided further*, That annual and sick leave balances of such personnel, as of the date of enactment of this provision, shall be credited to the leave accounts of such personnel, subject to the provisions of 5 U.S.C. 6304, upon their transfer to this appropriation and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: On page 32, line 12, insert:

### EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

For an additional amount for "Extension of Additional Senate Office Building Site", $31,500 to be expended for the purposes authorized under this heading in the Act of August 18, 1970, Public Law 91–382 (84 Stat. 819).

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: On page 32, line 18, insert:

### SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $83,600.

### MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

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## GENERAL LEAVE

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislative branch appropriations and that I be permitted to include a tabulation summarizing the action.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## TREASURY BORROWING FROM FEDERAL RESERVE

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution as follows:

### H. RES. 514

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1700) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Tennessee (Mr. ANDERSON) is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 514 provides an open rule with 1 hour of general debate for consideration of S. 1700 to extend the authority of Federal Reserve banks to purchase U.S. obligations direct from the Treasury. The extension would be from June 30, 1971, to June 30, 1973.

Since World War II the Federal Reserve banks have been authorized to purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time.

The authority has been used in recent years only in periods just prior to tax payment dates. Thus, it permits the Department to operate with lower cash balances than would otherwise be required and its availability is important as a standby means of providing a ready source of funds in the event of any emergency. It has been very sparingly used in the past.

Mr. Speaker, I urge the adoption of the resolution in order that S. 1700 may be considered.

Mr. SMITH of California. Mr. Speaker, in the interest of saving time, I may say that the gentleman from Tennessee has appropriately explained the rule. I concur in his remarks. I think we can almost pass this bill unanimously.

Mr. Speaker, the purpose of the bill is to extend for 2 years—through June 30, 1973—the present authority of the Federal Reserve banks to purchase U.S. public debt obligations directly from the Treasury.

This authority was first created during World War II. It has been extended regularly since that time, with the most recent extension approved in 1970.

Under the terms of the existing authority, no more than $5 billion of such purchase may be held by the banks at any one time. The authority is used only sparingly, generally just prior to taxpayment dates. Its use allows the Treasury to operate with a much lower cash balance than would otherwise be possible.

The bill was reported by a vote of 22 to 1.

There are no minority views; the administration supports the legislation.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1700) to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1700, with Mr. ABBITT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation has been before the Congress many times in the past. It was first enacted some 30 years ago and has been extended for a 2-year period ever since that time.

What the legislation basically does is to provide a temporary authority under which Federal Reserve banks may purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time.

The other body has passed this bill and, if this House does not similarly act, the statute now on the books will expire today.

The committee report on the bill, I believe, fully explains the purpose and intent of the legislation, Mr. Chairman. The authority of the Treasury to borrow from the Federal Reserve banks permits the Department to continue its activities utilizing lower cash balances than would otherwise be required. The other justification for passage of this legislation is that the direct purchase authority is important as a standby means of providing a ready source of funds in the event of a disruption in the private financial markets.

Mr. Chairman, included in the committee report is a table indicating how often and to what extent this authority has been used since the calendar year 1942. In many of these years the authority was not used at all. The authority was used in recent days in order to assist our Government in steadying the value of the dollar in Europe. Mr. Chairman, this legislation is endorsed by the administration, including the Federal Reserve Board of Governors and it passed your House Banking and Currency Committee by a vote of 22 to 1.

Were it not due to the fact that this legislation expires today, Mr. Chairman, many interesting issues could be raised concerning this matter. However, given the desire of the administration for its prompt enactment, I have not, and will not take the opportunity to do so.

Mr. Chairman, I urge the passage of the bill and reserve the balance of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Texas has informed the House correctly as to the action of the committee and the fact that this bill came out of the committee by a vote of 22 to 1.

The authority of the U.S. Federal Reserve banks to purchase U.S. obligations directly from the Treasury has existed since World War II. It has not been used very frequently but the times it has been needed it has worked well in the administration of our financial affairs.

As the chairman explained to the House it was recently used in connection with the monetary crisis. The incident at that time occurred as a consequence of providing foreign governments with investment opportunities for dollars flowing into their central banks. The U.S. cash balance was built up significantly. Much of these foreign central bank investments were of a very short-term nature and, as a result, the U.S. cash balance in recent days has been depleted abnormally. As a result and in anticipation of heavy receipts by the Treasury after June 15, the Treasury has borrowed from the Federal Reserve in an amount of slightly over $600 million in recent days.

This proved to be a very helpful loan at a time of a short monetary crisis.

I think that during the time that this statute has been on the books it has served our Nation well. It seems very wise to extend the present existing law for a period of 2 years, from June 30, 1971, to June 30, 1973.

Mr. Chairman, I urge the enactment of the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield 2 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I am opposed to this bill. I have always been opposed to it. I am pleased that it has not been abused up to this time, but I want to reiterate what I have said on other occasions—that this is a $5 billion printing-press money bill. There is nothing to preclude this Government from having outstanding at the termination of this legislation on June 30, 1973, $5 billion in printing-press money.

I simply rise to point out the potential danger of this measure. I do not intend to make an issue of it for I am well aware, as in the past, that the House is prepared to vote approval no matter what the consequences may be.

Mr. Chairman, I yield back the balance of my time.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from Iowa refers to this as printing-press money. Of course, all paper money that is used is printing-press money, but all of our money—and I think it is about as good money as there is in the world, unless it is gold, which is not used in many countries of the world—but I believe that all of our money is good money.

Second, it is legal tender, and it is good for the payment of all debts, public and private, including taxes, of course.

Now, that makes it very good. Take, for instance, we have in this country taxes aggregating huge amounts each year, not only for the Federal Government, but the States and local communities. We have in the United States 81,299 entities of government. Most of those entities of government owe obligations, and taxes are due for the payment of those. We have debts in this Nation aggregating, both public and private, $1,850,000,000,000. Therefore it is inconceivable with the amount of debts and taxes we have that our money could ever be worth less than it is today, certainly when a person or corporation is required to accept it in payment of any debt.

I learned the other day that a person went out to the Middle West and wanted to hire one of these rental cars like Hertz and Avis have that you drive, and you pay so much a day, and so much mileage. He did not have a credit card, and they would not let him have the car. He said, "Well, now, I have money here, any amount that is required." But he did not have a credit card, and they refused to let him have the car.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Chairman, I yield myself 2 additional minutes.

And so, Mr. Chairman, a Member complained to me about this.

Now, if he had gone ahead and signed the contract with Hertz, or whatever company it was that was going to rent the car, why, then the rental company would have been compelled to accept that money. But this took place during part of the negotiation period, and in the negotiations they required the credit card, and nothing else, which they had a right to do. And the reason for that was that the office was not prepared to take care of cash and money, and therefore they restricted their operations to credit cards, which is perfectly legal.

But any obligation that is owed to anybody, to the gentleman from Iowa (Mr. GROSS) or to anyone else, or to any corporation or entity in America, and this money that we are talking about is tendered in payment of that debt, it must be accepted in payment of the debt, or the debt will be considered canceled. So it is pretty good money.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. GROSS. I can think of currencies of other countries that are better today than that of the United States and two of them are the Japanese yen and the German mark.

I think I owe the House something of a mild apology for even stating an objection to this bill for I might have known that I would touch off the gentleman from Texas on a subject dear to his heart, and that is printing press money and green backs.

Mr. PATMAN. Of course, I have never been a greenback advocate. I am only for good, sound money—and this is good, sound money.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

S. 1700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973" and by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABBITT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1700) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, pursuant to House Resolution 514, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 9382, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 517

*Resolved,* That during the consideration of the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, all points of order against the provisions contained under the heading "National Aeronautics and Space Administration" beginning on page 11, line 14 through page 13, line 9, and under the heading "National Science Foundation" beginning on page 13, line 10 through page 15, line 4, are hereby waived.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 517 provides for waiving points of order against certain provisions contained in H.R. 9382, the appropriation bill for the Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies. The points of order are waived against the provisions contained in the appropriation for the National Aeronautics and Space Administration, beginning on page 11, line 14, and against the provisions contained in the appropriation for the National Science Foundation, beginning on page 13, line 10.

The authorization bills for both agencies have passed the House but have not been enacted into law and the appropriations in both instances are less than the amounts in the authorization bills.

Mr. Speaker, I urge the adoption of the rule.

I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in the interest of saving time, I concur in the remarks of the gentleman from Texas. What he has said is in accordance with my understanding of the rule. Both authorizations, the National Aeronautics and Space authorization and the National Science Foundation, have passed the House. However, we cannot take the appropriation bill up today unless we waive points of order, because those bills have not yet reached the President.

I see no objection to the rule. However, the bill may have a few problems. I urge adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS UNTIL MIDNIGHT TOMORROW

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tomorrow night to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9382, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 1 hour, and the gentleman from North Carolina (Mr. JONAS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today we bring to you a bill on which the committee has held extensive hearings. As the chairman of the subcommittee, I wish to express my appreciation to all the members of the subcommittee on both sides of the aisle for their attendance and for the work they have done on this bill. I also wish to express my appreciation to the subcommittee staff that has done such yeoman service on the bill.

It is the considered judgment of the committee that this is a good bill. I know I do not have to explain to the House the importance of this bill. It carries funding for some of the most important agencies in the Government.

In addition to the Department of Housing and Urban Development, the bill provides for the National Aeronautics and Space Administration, the National Science Foundation, the Veterans' Administration, the Federal Communications Commission, the Securities and Exchange Commission, and a number of other agencies.

These agencies were all funded in the Independent Offices and Department of Housing and Urban Development Appropriation Act last year. However, with the growth in size and significance of the HUD programs, since the creation of that Department, there was some feeling that it should have more recognition in the appropriation process. The new title is more descriptive of the functions and activities that are now covered by the bill and provides proper recognition to HUD.

The committee recommends a total of $18,108,203,000 in new budget authority for the activities to be covered by the bill in 1972. This is $1,111,315,000 over the amount appropriated for 1971, and an increase of $656,846,000 over the budget estimates. These totals, however, present a misleading comparison because the budget includes only one-half year funding for the model cities, urban renewal, and rehabilitation loan programs of the Department of Housing and Urban Development, but does not include funds proposed in the overall budget for special revenue sharing. Legislation for revenue sharing has not been acted upon in the Congress, and funding of the presently authorized programs seems by far the preferable course to take at this time. The bill recommends funds to cover the full year for these three housing programs.

On a comparable basis, including the funds included in the overall budget for a new program of special revenue sharing to replace some of the housing programs, the bill is $193,154,000 below the adjusted budget requests.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The totals recommended by the committee for various kinds of authorities in Department of Housing and Urban Development programs, when added together, are very impressive. They go a long way, in the judgment of the committee, toward meeting the needs of our society.

The bill provides substantial new increments of Federal funds for housing and urban development programs in virtually every area. These include urban renewal, model cities, community development, housing assistance to elderly and low-income families, diverse mortgage credit programs, and broad-based efforts in housing research and technology.

The total of appropriations recommended for housing and urban development programs in the next fiscal year is $3,206,324,000. The $775,000,000 that has been held in reserve by the Office of Management and Budget for programs in this bill in 1971 should also become available, for a total program of $3,981,324,000 in 1972. This compares with a budget program level of $2,790,681,000 for comparable activities in 1971, or a net increase of $1,190,643,000.

An increment of $394,300,000 is added to the present annual contract authorities in various housing subsidy programs. This has an ultimate value of between $5,163,000,000 and $14,122,000,000 when measured in terms of the future payments to be made over the 30 to 40 year duration of such contracts. Public housing programs provided by basic legislation will add another $4,791,000,000 to $4,875,000,000, making the ultimate new commitment for the 1972 housing assistance programs between $9,954,000,000 and $18,997,000,000.

The overall total of appropriations and total cost of new annual contract authorities in the bill will be no less than $13,935,324,000, and could reach a maximum value of $22,978,324,000 before the commitments on the 1972 program are fully funded in future years.

Support of home mortgages is provided under various insurance programs. The amount to be written in 1972 is expected to increase by $14,713,000,000, for a total of $94,511,000,000 insurance written and in force by the end of the year.

It is sometimes said that little is being done to assist low-income families to achieve better housing. The committee recommends in this bill the full budget estimate of $1,373,800,000 for interest subsidy, rent supplement, and annual contribution payments in 1972 for low-income tenants and families under contract authorities previously provided by the Congress. This is a very large item, and is up from $849,100,000 in 1971. The actual number of units under payment at the end of fiscal year 1970 was 932,349. This is estimated to increase to 1,317,000 in 1971, and to 1,825,500 by the end of fiscal year 1972.

The contract authorities recommended by the bill will provide for 553,500 additional starts in 1972. When measured in terms of the value of future payments to be made over the 30- to 40-year duration of the annual contract authorities through 1972, the ultimate present commitment for low-income housing assistance is between $53,906,000,000 and $81,265,000,000.

In connection with some of the specific items of appropriation for the Department of Housing and Urban Development, the committee recommends $55 million of annual contract authority for the rent supplement program. This is the same as the amount provided in 1971.

For the sections 235 and 236, homeownership and rental housing assistance programs, the committee recommends additional annual contract authority of $165 million for each program. The increase for the section 235 program is $35 million above the 1971 level, and the increase recommended for the section 236 program is $30 million more than the present level in 1971. These additional sums are estimated to support 208,500 new units in the section 235 program, and about 221,700 units of rental housing in the section 236 program.

Several investigations and studies of the section 235 homeownership assistance program have been made in recent months. There have been some abuses and the program has grown rapidly. It needs to get back on a sound footing, which the committee feels is provided for with the $165 million annual contract authority recommended in the bill.

The committee recommends a new appropriation of $3 million in this bill for counseling services authorized by section 237 of the National Housing Act. This is the first time that the committee has recommended funds for this program. It gives recognition to the fact that many families need help in buying and maintaining homes, particularly those with low and moderate incomes. The modest amount recommended will provide needed guidance and direction on an experimental basis this year. It has been testified that such assistance, in its overall effects, may save the Government substantial amounts of money and prove to be a very wise investment. By providing better credit risks, it is anticipated that there will be fewer losses in insurance programs through defaults in the future. Furthermore, it may well provide better and more, it may well provide better and more satisfied tenants, and it will certainly assist those that need and deserve help and are trying to help themselves.

Annual contract authority of $9,300,000 is recommended for the college housing program. This will finance $300,000,000 in loans for college housing in the private market. It is not expected that any direct loans will be provided in the next fiscal year, but if it should develop that direct loans are required, adequate funds are presently available in a revolving fund for this purpose.

The bill carries $59,355,000 for comprehensive planning grants. The Housing and Urban Development Act of 1970 amended and expanded the scope and eligibility for grants in this program. This is an increase of $9,355,000 over the current year. Additional authorizing legislation is pending for an increase of $50,000,000 and the amount recommended at this time exhausts the present authorization for appropriations.

During hearings on the bill, some specific examples of the redtape attached to the comprehensive planning grant applications were revealed, and the report of the committee suggests that substantial improvement should be made in the administration of this program before supplemental funds are provided.

For the new communities program the budget estimate is $5,000,000, and the committee recommends the full amount. The 1970 housing legislation substantially expanded this program, and the assistance to be provided. The Department is in the process of developing the procedures and program standards for the expanded program. The committee will give proper consideration to a request for supplemental funds after such program criteria have been developed.

The $3,000,000 requested in the budget for the community development training and urban fellowship program has been increased by $500,000 above the budget request to include funds to continue the fellowship program in 1972. The budget proposed to eliminate such urban fellowships. The limited amount of $500,000 will only provide for 100 such grants nationwide, so they are necessarily highly competitive. The committee is of the opinion that this is a good investment for the future in facilitating improved administration of housing programs at all levels of government.

The budget proposes to eliminate the model cities program halfway through the fiscal year, along with the other programs to be replaced with special revenue sharing. The $575,000,000 appropriated last year has not been touched and all of it will be available in 1972. In addition, the committee recommends an additional $150,000,000 for a total of $725,000,000 for this program. Many of the cities will go into their second, third, and fourth action years, and the full $725,000,000 will be required.

An appropriation of $1,200,000,000 is recommended for continuing the urban renewal programs. The budget proposed $600,000,000 for only the first half of 1972, which, together with the $200,000,000 of current funds that has been held in reserve in the current fiscal year, would provide $800,000,000 for the urban renewal program. The bill carries $1,200,000,000 for the full year. This provides the same level of appropriation as 1971, which, with the $200,000,000 carryover, will provide for a total availability of $1,400,000,000 for urban renewal programs in 1972.

The committee increased the budget estimate of $40,000,000 for the rehabilitation loan fund to $90,000,000 to cover the full year. This fund provides 3-percent loans for tenants and owners in urban renewal areas to make properties conform to code requirements on a coordinated basis within a community The committee regards this as a good investment.

Grants for neighborhood facilities are continued at $40,000,000, the amount of the budget request and the same as the amount for this year.

The budget estimate for the open space land programs was $200,000,000. The Department has submitted a proposal to increase the authorization by $100,000,000, but no action has been taken on this proposal. The committee recommends $100,000,000 at this time. The language of the bill continues the requirement that these funds be used on a matching basis to make the maximum use of the funds provided.

An appropriation of $35,000,000 is recommended by the committee for research and technology in housing and urban programs. This is not the reduction it may appear to be as Operation Breakthrough was a 3-year program and is being completed for funding in 1972. Operation Breakthrough required $27,500,000 in 1971 and only $10,000,000 in the coming year. The other research programs and contracts were estimated to grow from $14,900,000 in 1971 to $31,200,000 in 1972. The committee recommends the more modest increase of about $7,000,000 over the present level, or an amount of $22,050,000 for such research.

The overall administrative costs of the Department are covered in a number of items of appropriation and limitation for both administrative and nonadministrative expenses. The total recommended for all salaries and expenses for the Department is $292,952,000. This is an increase of $36,199,000 over the amount presently available for administration. This amount recommended by the committee will provide for an estimated staff of 16,583, which is an increase of 965 positions above the present level, to continue the necessary support of the expanding responsibilities and scope of the programs the Department administers.

### VETERANS' ADMINISTRATION

The bill provides $10,858,756,000 for the programs of the Veterans' Administration. This is an increase of $949,351,000 over the amounts provided in 1971 and $120,053,000 over the amounts requested for 1972. This is the largest amount provided in the history of the Veterans' Administration.

There are 28 million veterans in our country today, about 65.5 million family members of veterans and 3.6 million survivors of deceased veterans. Thus about 97.1 million persons are potential recipients of veterans' benefits provided by the Federal Government.

The amounts provided in the bill will amply provide for the veterans assistance provided by law. A significant change to the budget, recommended by the committee, is the addition of some $120,000,000 above the budget for medical appropriations. This will provide for an average of not less than 85,500 patients per day in VA hospitals, instead of reducing the level to 79,000 as proposed by the budget program. Three new VA hospitals are scheduled to be opened in 1972, and the committee does not feel that it is realistic to reduce the total number of beds in the VA hospital system at this time when the workload and need for care of aging veterans of World War II is increasing, and higher numbers of Vietnam veterans are now returning and needing rehabilitation.

There is a growing recognition of the need of the VA to deal more effectively with the drug problem. The bill provides $17,252,000 to expand the drug rehabilitation program for former servicemen. This will provide 32 drug rehabilitation units in VA hospitals, each with 15 beds and the capacity to handle 200 outpatients. Last week the President covered this requirement by an amended budget estimate. This is reflected in the bill.

The largest item recommended in the bill is the full budget estimate of $6,248,000,000 for compensation and pensions. This is $357,621,000 above the amount for the current year. It will provide for over 1.6 million of veteran survivor cases; 1,070,128 veterans receiving pensions; 2,184,330 veterans receiving disability pensions; plus other benefits.

There is also $1,888,700,000 in the bill for readjustment benefits which will provide for 1,757,000 post-Korean veterans receiving training; 55,000 sons and daughters of veterans receiving training; 9,400 wives and widows receiving training; and 33,900 veterans receiving some vocational rehabilitation.

In addition, at the proper time, I will offer an amendment to increase the general operating expenses of the Veterans' Administration by $7,000,000. A request for $5,660,000 was transmitted by the President last week, but was received too late for consideration in the committee.

We feel that $7,000,000 is needed to take care of the increased volume in guaranteed home mortgages, for the work to be done with the Department of Labor and the National Alliance of Businessmen to create 88,000 job openings for Vietnam veterans, and to handle the large increase in workload in other veterans benefits programs.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

We are recommending a total of $3,271,500,000 to carry on our efforts in space. This amount is $41,119,000 below the amounts appropriated in 1971 and $29,135,000 below the budget request. Although this may appear to be a very large amount, it is the smallest amount provided to NASA since 1962.

The report accompanying the bill adequately explains the committee's action on the budget request, but I would like to mention one specific action. The committee has deleted language that would have continued the 5 percent transfer authority between appropriations. This action was justified when we were trying to land men on the moon within a decade. However, such latitude does not appear to be necessary or any longer warranted.

### NATIONAL SCIENCE FOUNDATION

The budget request for the National Science Foundation is $623,150,000, including the 1972 increased pay costs and $3,000,000 in foreign currencies. The committee recommends $582,000,000 in appropriation, plus the $3,000,000 requested in foreign currencies, for a total of $585,000,000. This is an increase of $72,000,000 over the level of appropriation in 1971, and $38,150,000 below the budget estimate.

The budget proposed a substantial increase in the level of support of basic research projects, partly to assume responsibility for about $40,000,000 of basic scientific research formerly supported by mission agencies, and also an increase in applied research projects, particularly the RANN program. The budget also proposed that overall science education support be further reduced from the $120,000,000 in 1970 and $100,000,000 in 1971, to $77,000,000 in 1972.

The bill restores the science education support to $99,300,000, almost the present level, and the amount approved in the authorizing legislation by the House earlier this year. It also continues funding for several highly successful specific grant programs, including the student science training and undergraduate research participation programs, that have been strongly supported by the Congress for some time. The committee will expect the foundation to utilize the funds included in the bill for science education as they are clearly intended by the Congress.

### OTHER AGENCIES

An appropriation of $500,000 is recommended for the National Aeronautics and Space Council to continue the present level of funding for 1972.

The Office of Science and Technology is charged with advising the President in all scientific matters, and in overseeing the development and progress of scientific and technological programs in the departments and agencies of Government. The committee recommends an appropriation of $2,300,000 for these activities, a reduction of $61,000 from the request of this agency.

The bill also includes $650,000, the full budget estimate, for the Commission on Population Growth and the American Future. The Commission expects to complete its work and make a final report in May 1972.

The full budget request is recommended for both the Federal Communications Commission and the Securities and Exchange Commission. The bill includes $31,454,000 and $24,730,000 for each of these agencies respectively. Both are faced with demanding workloads and expanding responsibilities. It is an increase of $4,610,000 over the current funding level for the FCC, and an increase of $1,115,000 for the SEC. The Office of Management and Budget and the Securities and Exchange Commission are jointly undertaking a comprehensive study of the workload and needs of the Commission to properly administer its responsibilities for the regulation of mutual funds, Securities Investor Protection Corporation legislation, and workloads in ongoing programs. A supplemental request is expected by the committee after such studies are completed.

At one time earlier in the year, the Selective Service System had under consideration a plan to relocate and consolidate many of its local board activities. The committee is advised that these plans have been abandoned. An appropriation of the budget request of $82,235,000 is recommended to continue administration of the records and to maintain this system at essentially the present level in 1972.

The Renegotiation Board continues to experience a relatively high workload and the bill contains $4,754,000 to continue the present staffing level next year.

The last item I would like to mention is the funding levels for the Federal Home Loan Bank Board. This is in the corporate section of the bill. The Committee recommends a limitation of $8,000,000 in the bill for the administrative expenses of the Board, and $16,923,000 for expenses of auditing and providing supervision and inspection of member institutions.

The Emergency Home Finance Act of 1970 authorized the new housing opportunity allowance program. This program grants $20 per month allowances to assist families whose incomes are too high to enable them to qualify for interest rate subsidies, but too low to qualify for conventional loans for a period of 5 years, after which the home buyer makes the full payments.

With the easing of the mortgage market and interest rates, the amount of $40,000,000 recommended in the bill should adequately provide for the essential needs of this program in the next fiscal year.

Mr. Chairman, this completes the summarization I had planned to make for the bill as presented by the committee. If there are any specific questions I shall do my best to seek to answer them. We feel that the bill provides a very constructive program for each of the agencies and the department covered, and the committee recommends its adoption.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. RYAN. I thank the distinguished gentleman for yielding.

Mr. Chairman, I know of the gentleman's deep concern over the devastating disease known as childhood lead posioning.

In fact, I recall the gentleman's statement on the floor on June 14, when he said—

> Unlike mercury and DDT poisoning, lead poisoning has not been made into a modish cause celebre.
>
> Yet, it poses a far greater danger to the Nation's health.

As you continued:

> It is time to stop talking about environmental hazards and to start doing something about them.

As you know, there is now on the statute books a law which authorizes a Federal assault on childhood lead poisoning. The law, the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695), not only authorizes HEW grant funds for screening and treatment of victims. It also authorizes the Department of Housing and Urban Development to conduct a research and demonstration program aimed at determining methods to eradicate this disease, which takes 200 lives a year and causes between 4,000 and 6,000 cases of permanent mental retardation.

Specifically, title III of the law states:

> The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing.

For fiscal year 1972, $3,340,000 is authorized to carry out this title. And inasmuch as no moneys were appropriated for fiscal year 1971, the $1,670,000 authorized for that year is available to be appropriated in this fiscal year—making a total of $5 million authorized for fiscal year 1972.

The bill before us—H.R. 9382—provides, on page 8, an appropriation of $35 million for research by the Department of Housing and Urban Development. Of this, $10 million is to be allocated, according to page 12 of the Committee Report (H. Rept. 92–305), for completing Operation Breakthrough, and $22,050,000 for other research.

My question basically is this: Can you tell me if it is intended that part of the $22 million is to be employed for implementation of title III of the Lead-Based Paint Poisoning Prevention Act beyond any funds otherwise being spent on this problem by HUD?

Mr. BOLAND. I appreciate the gentleman's question. I wish to compliment him on his activity in this area. Childhood lead-based paint poisoning is a very serious problem. I know the gentleman has expressed his concern, not only on the bill under consideration, but also in the appropriate committees of the Congress, to try to solve this problem. I congratulate him.

As the gentleman has indicated, there is in the authorizing legislation passed last year, $5 million for the HUD program for a demonstration and research program. My understanding is that the Department of Housing and Urban Development will contract with the Bureau of Standards to determine the level of the lead-based paint hazard and to set out a program to develop and evaluate techniques of how to solve the problem. I also understand that the money for this program will, as the gentleman has indicated, come out of the research and technology funds that are provided in this bill. There is $35 million in this bill for research and technology, and for a plethora of research programs in which the Department is engaged. It is the hope of this committee, and I am sure it is the hope and desire of the gentleman from New York, that sufficient funds be provided for a research and demonstration project by HUD into childhood lead-based poisoning. The Department of Housing and Urban Development knows that this is the desire of the committee and they have $500,000 assigned to get the program off the ground.

As the gentleman knows, the big problem is not so much in HUD as it is in the Department of Health, Education, and Welfare, and the authorizing legislation does provide $25 million for that agency. I understand the administration has requested only about $2 million for HEW. I am sure the subcommittee, chaired by the distinguished gentleman from Pennsylvania, would not accept that recommendation. I hope it does not. I feel that the amount should be increased.

Mr. RYAN. I thank the gentleman. If the gentleman will yield briefly further, I understand that the $500,000 contract with the National Bureau of Standards is for a project HUD will do in any event, in order to carry out its obligations to report by the end of the year, under title III of the Lead-Based Paint Poisoning Act. My concern is that considerably more of this $22 million allocated for research be used to carry on further demonstration efforts to detect, and find ways of eliminating, lead-based paint, which is the cause of the poisoning. I fervently hope that HUD will do so.

Mr. BOLAND. I agree with the gentleman from New York. I share that hope.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. HANNA. I appreciate the gentleman yielding.

I wish to give my personal accolades to the gentleman's work and that of the members of his committee in this very complicated appropriation bill that they have brought to the House.

It has come to my attention, Mr. Chairman, that we have had one of these swings that so often happen in an agency. When they have a problem, they tend to overreact to it, especially if it is brought to their attention by the House. If you will recall, in the 235 program for ownership-rehabilitated housing, we had some incidents where houses had been sold to poor people that were not in a rehabilitated condition and would not support the mortgage.

We brought this to the attention of HUD. I believe the gentleman will agree with me that HUD has done a very good job in taking care of that problem and bringing it up to date. The thing that concerns me now is that this reaction has now swung over to the unsubsidized sales of used housing.

The HUD authorities are asking for certifications which are absolutely unreasonable and have, up to this point in time, almost completely stopped the effective use of FHA in selling unsubsidized used housing. This country can ill afford to have any impediments as to the efficient utilization of its available housing units.

I do not believe the gentleman's committee has indicated this should be done, and I know personally that the authorizing committee, on which I serve, has in no way indicated this is its desire to HUD.

It is somewhat disturbing to find that in the various FHA offices in the metropolitan sections of this country it is now almost impossible to get an approved sale.

Mr. BOLAND. Because of certification requirements?

Mr. HANNA. Because of unreasonable certification requirements now being utilized. I bring this to the gentleman's attention because I am sure this was not known to him, and he would not have been expected to look for this kind of reaction on the part of FHA.

Mr. BOLAND. I appreciate the gentleman's bringing that problem to the attention of the committee. It is a problem which should be looked at.

The FHA program, as the gentleman mentioned, is an unsubsidized program. I do not know exactly how many units are bought and sold on the market under this program.

Mr. HANNA. It is very considerable, and has been. There has been an effective utilization of what we have as an available shelter for the people of America. This is a very recent development, I would say over the past 2 months to 6 weeks, but it is becoming a traumatic attitude, effectively, and in a sense has almost stopped completely a sale that did not cost the program a dime, that was really helpful to the people looking for housing.

Mr. BOLAND. I appreciate the gentleman's bringing the matter to our attention. Working with the legislative committee I am sure all of us may be able to resolve this problem.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. DEL CLAWSON. I am glad the gentleman from California has brought this matter to our attention, because within recent weeks a number of complaints have come to my office from the Los Angeles area, and they bear upon this statement that the traditional FHA loan procedure has almost come to a standstill because of the requirements with respect to this type of housing. We cannot afford to have the FHA program we have known throughout the years to suffer as a result of any new program coming in. These are completely unsubsidized houses.

Mr. BOLAND. I appreciate the comments of the gentleman from California, who is a very valued member of our committee. His concern also will be important to this committee, in bringing this matter to the attention of the Department.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the distinguished gentleman from Pennsylvania, the chairman of the Housing Subcommittee.

Mr. BARRETT. Mr. Chairman, I rise in support of the bill, H.R. 9382, Department of the Housing and Urban Development-Space-Science appropriations bill for fiscal year 1972. First, I would like to commend the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) who is chairing this most important Appropriations Subcommittee for the first time. He has brought to the House an appropriations bill for our Housing and Urban Development programs, that is greatly needed. He and the distinguished ranking minority member, the gentleman from North Carolina (Mr. JONAS) are to be commended for the hard work that went into this most important appropriations bill.

The administration requested funds for the urban development programs for only the first 6 months of fiscal year 1972, leaving the remaining half of the fiscal year to be funded through the proposed special revenue-sharing program for community development. The administration proposal is presently pending before the Subcommittee on Housing. I feel that the Appropriations Committee has made the right decision at this point in time. I wrote to the distinguished chairman of the subcommittee, Mr. BOLAND, requesting his subcommittee to fund the urban development programs for the full 1972 fiscal year. Of course, I am happy they have decided to do so. I can state to the Members of the House that the Subcommittee on Housing will give consideration to the administration's special revenue-sharing proposal, as well as a number of other similar proposals that are presently being developed.

The Housing Subcommittee during the past 9 months has been making a far-reaching study of the Federal Government's Housing and Urban Development programs. Legislation will be introduced as a result of the study. This legislation will have a special revenue-sharing proposal which parallels to some degree the administration's proposal. A Housing Subcommittee report will be available for consideration by the Members of the House and the public at large.

H.R. 9382 provides increases in most of our Federal housing programs. These are much-needed dollars for housing programs. The total appropriations in this bill is $3,206,324,000. The $775 million that is presently being held by the Office of Management and Budget should become available and will bring the total program level for HUD up to $3,981,324,000 for fiscal year 1972. The committee has taken a hard look at the need for housing money and so this bill proposes some $900 million more than the Congress appropriated in 1971. I am happy that the committee took note of the investigations and studies that the Committee on Banking and Currency made into the 235 homeownership program and their recognition of some of the problems that have developed in this program. We on the Housing Subcommittee will certainly continue our efforts to make these programs more workable and less subject to difficulties that we all too often see.

It is pleasing to see the appropriation of $3 million, for the first time, for the section 237 program which will provide budget, debt management, and related counseling services to the families receiving 235 assistance payments. The 1968 housing bill authorized this counseling program. Such a counseling service should go a long way to help these families meet the problems that develop in homeownership. I congratulate the committee for appropriating these funds which are badly needed and in the long run will save taxpayers' dollars.

Under the forceful direction of our colleague, the gentleman from Ohio (Mr. ASHLEY), the Congress, in the 1970 Housing Act, expanded the new community assistance program. Apparently the administration does not want to see this program implemented; and, so only requested a meager sum of $5 million for the planning of this far-reaching program. I would urge HUD to report promptly to the Appropriations Committee the procedures to implement title VII of the 1970 act in order to have this expanded new community development program operation. The Housing Subcommittee worked long and hard on this provision and greatly regrets the administration's reluctance to move the program beyond the discussion stage.

I believe the urban development programs have been adequately funded in this bill, particularly the urban renewal and the rehabilitation loan program. The $1.4 billion made available for commitments under the urban renewal program for fiscal year 1972 is a step in the right direction to provide our cities with much needed funds. I am very pleased to see the 312 rehabilitation loan program adequately funded for the first time. This program makes loans available to owners and tenants to rehabilitate their properties in urban renewal and code enforcement areas. This is one of the few programs which encourages people to rehabilitate their homes instead of demolishing them. To keep our existing stock of housing in our central cities from deterorating and being abandoned, the 312 loan program must be continued and funded at an adequate level.

Mr. Chairman, I urge the adoption of this most important appropriations bill.

Mr. BOLAND. I appreciate the remarks of the gentleman from Pennsylvania, and thank him very much.

(Mr. DRINAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DRINAN. Mr. Chairman, I am deeply concerned about the quality of medical care which is available to America's 28 million veterans. It is no less than injustice to the men and women who have served our country to provide them with shoddy and underfunded treatment in our 165 veterans' hospitals.

That is why I am disturbed that the administration proposes to reduce the average daily census in our VA hospitals from 85,000 today, to 79,000 in 1972. At a time when need for veterans' hospitalization is rising, at a time when over 800,000 veterans are being discharged each year, at a time when medical costs are rising sharply, I think it is callous to inhibit the availability of veterans' hospitalization for purely political reasons.

I say these reasons are purely political, because cut backs in services bear no relation to reality. Despite the compassion and dedication of the staffs at our VA hospitals, despite the tremendous job they do in providing the best medical service for the money available, the fact remains that care in VA hospitals is deteriorating. For example, the Jamaica Plain Veterans' Administration Hospital, in Boston, provided medical and surgical care for 866 beds in 1961, at a cost of $8.19 million. Because of sharply rising costs in the medical field, for that hospital to have provided similar care in 1970, $18.267 would have been required. But in fact, the Jamaica Plain hospital had to make do with only $13.806 million. Generally, funding for veterans' hospitals has been increasing at 5 percent a year, but the costs of medical care are increasing at a much faster rate. As a matter of fact, medical costs have risen 125 percent in the past 10 years.

That is why our veterans' hospitals cannot provide the innovative, sophisticated treatment available in private hospitals. That is why the VA hospitals lag behind in kidney transplants, intensive care units, and surgical innovation. The costs of hospitalization in a private hospital run up to $150 per day. But the VA must get by with only $50 to $60 per day. The VA needs more than a 5-percent increase to meet its responsibilties. It needs at least a 20-percent increase.

In Vietnam, we provide the fastest, most comprehensive battlefield care ever given. That care saves lives, but it also puts a greater and greater load on our VA hospitals. Today, 54 percent of discharged disabled veterans have lost a limb, or are partially or wholly paralyzed. In Korea, that figure was 28 percent. In World War II, 21 percent. These men need VA hospitals; they need to continue to receive care comparable to that which saved their lives on the battlefield. It is my firm conviction that we owe them no less than the best care this country can provide.

Mr. JONAS. Mr. Chairman, I yield myself 10 minutes.

Mr. JONAS. Mr. Chairman, the distinguished chairman of the subcommittee, our colleague from Massachusetts (Mr. BOLAND) has made a masterful explanation of the contents of this bill, and it is an involved and complicated bill. He has spent 30 minutes explaining all of the different sections in the bill, so I will not trespass upon the time of the committee to repeat a detailed discussion of the bill, since he has covered the subject so well.

Mr. Chairman, in addition, the Committee on Appropriations has prepared and presented for your information a 41-page report which contains a discussion of line items in the bill, and an explanation of the actions taken by the subcommittee. This report is available to all Members and I commend it to your review. If it does not contain answers to all of your questions, members of the subcommittee on the floor today will try to supply them.

I do not intend to repeat the detailed analysis made by my friend from Massachusetts but will make a few general observations and then discuss in some detail the provision of title I which contains the funds for the Department of Housing and Urban Development, leaving to my colleagues on the subcommittee the responsibility of discussing the contents of the other titles.

I think it is worthy of noting that the subcommittee conducted extensive hearings on this bill and on the budget requests for funds to finance the operations of this important department and these important agencies, commissions and independent offices. We listened to the testimony of 255 department and agency witnesses, including Members of Congress. All who desired to testify were heard and their testimony, including cross-examination by members of the subcommittee, was reduced to writing and published in three large volumes running to 4,108 pages. These hearings are also available to the House Membership and the public.

### GENERAL STATEMENT

This bill appropriates $18,108,203,000 to finance the 1972 operations of the Department of Housing and Urban Development and 11 independent agencies and offices, including National Aeronautics and Space Administration, National Science Foundation, Veterans' Administration and several regulatory agencies.

At first glance this total would seem to be $656,846,000 above the budget requests which totaled $17,451,357,000. But the budget estimate exclude the cost of special revenue sharing, or one-half year funding, for model cities, urban renewal, and rehabilitation loan programs of HUD. If these costs are included, and indeed they are included in a separate place in the budget as a proposed supplemental in the amount of $850 million, the adjusted budget requests would total $18,301,357,000—$17,451,357,000 plus $850 million—and the bill therefore would be $193,154,000—$18,301,357,000 minus $18,108,203,000—below the budget.

The majority of the subcommittee elected not to assume that the revenue-sharing program will be approved and therefore voted to include a full year of funding for these programs. If revenue-sharing is approved, the necessary transfers can be made to merge these appropriations into the new program.

### COMPARISON OF BILL WITH 1971 APPROPRIATIONS

Undoubtedly the question will be asked how much is the bill above the funds appropriated in 1971 and why the increase. Last year Congress appropriated $16,996,888,000 to run this department and these agencies during fiscal year 1971. The budget for 1972 called for appropriations totaling $17,451,357,000 to finance the same activities, including certain new and additional responsibilities imposed by Congress. This is an increase of $454,469,000 requested for fiscal year 1972 over the funds made available for fiscal year 1971. But if the $850 million included in the budget as a proposed supplemental is included, as mentioned above, the 1972 request would be $1,304,469,000 more than was appropriated last year.

Actually, the bill under consideration provides $1,111,315,000 more than Congress appropriated last year and this is, as previously reported, $193,154,000 below the sums requested in the adjusted budget. But the fact that this bill appropriates $1,111,315,000 more than was appropriated last year calls for an explanation and I will try to explain it.

The increases in this bill above last year's appropriations occur in the following activities:

| | |
|---|---|
| Veterans' Administration | $949, 351, 000 |
| Department of Housing and Urban Development | 165, 343, 000 |
| National Science Foundation | 72, 000, 000 |
| Federal Communications Commission | 4, 610, 000 |
| Selective Service System | 4, 038, 000 |
| Securities and Exchange Commission | 1, 115, 000 |
| Commission on Population Growth and the American Future | 650, 000 |
| Renegotiation Board | 194, 000 |
| Office of Science and Technology | 133, 000 |

The foregoing increases over 1971 are offset by decreases in the following activities:

| | |
|---|---|
| Federal Home Loan Bank Board | $45, 000, 000 |
| National Aeronautics and Space Administration | 41, 119, 000 |

### INCREASES IN THE BILL ABOVE LAST YEAR

### VETERANS' ADMINISTRATION

The increases in the bill for the Veterans' Administration, above the funds provided in 1971, fall in the following categories:

| | |
|---|---|
| Compensation and pensions | $357, 621, 000 |
| Readjustment benefits | 232, 000, 000 |
| Insurance and indemnities | 1, 400, 000 |
| Medical care | 303, 077, 000 |

The increases in the first three categories listed above are mandatory and therefore beyond the subcommittee's control.

### DEPARTMENT OF HUD

The increases in the bill for HUD, above the funds provided last year, are itemized in the table attached to the committee's report. The heaviest increase is in the housing subsidy payments which are mandatory under the annual contract authority previously granted. The increase in this category is $524,700,000 above 1971, and is accountable from the fact that the Government will be paying subsidies in 1972 on 1,862,500 units as compared with 1,317,000 units in 1971.

There are other increases shown in the table. But there are substantial offsetting decreases, the principal one being $425,000,000 for model cities—because the appropriation last year was for 2 years.

When a balance is struck between the increases and decreases, the result shows a net increase for HUD, above the sums appropriated last year, of $165,343,000.

### COMPARISON OF BILL WITH BUDGET

As I have already reported, this bill contains appropriations of $656,846,000 above the sum requested in the budget, excluding the $850 million discussed above as proposed in the budget for a supplemental. But please remember what I have previously said on this subject: The bill would be $193,154,000 below the budget if the $850 million proposed in the budget as supplemental is considered—as it must be to get a true comparison.

The only increases above the budget occur in the funds provided for the Veterans Administration and the Department of Housing and Urban Development: $120,053,000 for the Veterans Administration and $649,147,000 for the Department of Housing and Urban Development. Let me explain why a majority of the subcommittee voted these increases.

### VETERANS' ADMINISTRATION

The bill appropriates $10,858,756,000 for the Veterans' Administration. This is $120,053,000 more than the budget request and all of the increase is for Veterans medical care.

The budget had proposed to reduce the average daily patient census in Veterans' Administration hospitals from 83,000 in 1971 to 79,000 in 1972 by reducing the average length of stay of patients in hospitals and accepting fewer nonservice connected cases. It was the opinion of the subcommittee that this would not be advisable so additional funds were included to provide for not less than an average of 97,500 operating beds in Veterans' Administration hospitals during 1972 and to provide in-patient care and treatment for an average daily patient load of not less than 85,500 veterans. This accounts for $106,253,000 of the $120,053,000 increase.

We also have an increase of $13,800,000 above the original budget in medical care attributable to the decision of the subcommittee to provide $16,952,000, instead of the $3,152,000 called for in the original budget, to activate 32 drug rehabilitation units, and is in line with the drive to attack the drug abuse problem recently announced by the President. This increase was called for in an amendment to the budget submitted by the President in House document No. 92-133.

### HUD

The bill appropriates $3,206,324,000 for the Department of HUD. This is $649,147,000 above the budget.

This increase is shown on a line item basis in the table attached to the committee's report. There are a number of line item decreases shown on that table also. But the net figure shows an increase of $649,147,000 above the budget.

As previously stated, the net increase is attributable to the decision of the subcommittee to provide a full year of funding for model cities, urban renewal and the rehabilitation loan program instead of half-year funding as called for in the budget in anticipation of enactment by Congress of the special revenue sharing program proposed by the President.

The budget had included $850 million as a proposed supplemental to cover said programs. If this should be taken into consideration, the budget requests would be increased and the bill would be substantially below the budget—by $193,154,000 to be exact.

### ADDITIONAL OBLIGATIONAL AUTHORITY

While it is correct to say that the pending bill provides direct new obligational authority—appropriations—in the sum of $18,108,203,000, it must be noted that substantial additional obligational authority is made available by permanent legislation to continue certain activites that are not subject to annual appropriations. The following table will show how substantial this spending authority is:

*Permanent new obligational authority—Trust funds*

| | |
|---|---|
| National service life insurance fund | $790, 082, 000 |
| U.S. Government life insurance fund | 43, 047, 000 |
| General Post Fund, VA National homes | 2, 550, 000 |
| NASA | 12, 050, 000 |
| National Science Foundation, donations | 5, 000 |
| | 847, 734, 000 |

*Permanent new obligational authority—Federal funds*

| | |
|---|---|
| Federal Housing Administration | $60, 000, 000 |
| College Housing Fund | 8, 905, 000 |
| Government National Mortgage Association | 6, 521, 000 |
| Public Facility loans | 1, 426, 000 |
| Interstate Land sales | 1, 170, 000 |
| Total | 78, 022, 000 |

*Administrative and nonadministrative expenses—Limitation on amounts of corporate funds to be expended*

| | |
|---|---|
| Federal Housing Administration: | |
| Nonadministrative expenses | $148, 426, 000 |
| Administrative expenses | 15, 850, 000 |
| GNMA | 6, 600, 000 |

| | |
|---|---|
| Federal Home Loan Bank Board: | |
| Nonadministrative expenses | 16,923,000 |
| Administrative expenses | 8,000,000 |
| Federal Savings and Loan Insurance Corporation: | |
| Administrative and Nonadministrative expenses | 497,000 |
| Total | 196,296,000 |
| Annual contract authorizations | 394,300,000 |
| Total | 1,516,352,000 |

So, if we include the direct new obligational authority — appropriations — granted in the bill—$18,108,203,000—and the new obligational authority arising from permanent legislation listed above—$1,516,352,000—it will be seen that this bill includes a grand total of new obligational authority in the amount of $19,624,555,000.

### MAGNITUDE OF SPENDING AUTHORIZED

But this summary of the bill does not tell the full story of the total burden this bill places upon the taxpayers of the country next year and following years until all the new contract authority provided in the bill is liquidated. Let me give you the shocking facts:

I have shown in the above table that $394,300,000 in new contract authority is granted in this bill. This is not a one-shot proposition but it means that authority is granted the Department of HUD to sign contracts obligating the Government to pay out $394,300,000 each year during the life of the contracts, which in this instance will be 30 or 40 years depending upon which section of the Housing Act is involved.

It is fair to say that HUD contends that many of the contracts will be liquidated before the 30 or 40 years periods expire. For example, if John Smith is beneficiary under a section 235 subsidy to enable him to buy a house, the subsidy will cease if and when he moves up the economic ladder and his income increases to the point he no longer is eligible for the subsidy—and this would reduce the length of the Government's obligation on the contract. The same will apply to the case of a man who is a beneficiary of a rental subsidy under section 236.

So it is impossible to determine for sure how long these contracts will run and it therefore becomes necessary to make estimates. The subcommittee estimates, and the estimates are based upon figures obtained from HUD, that the ultimate cost of the new annual contract authority granted in the bill—$394,300,000—will be not less than $5,163,000,000 as a minimum and could run as high as $14,122,000,000 as a maximum. If new contract authority provided in basic legislation for public housing projects is added, the total cost of the housing subsidies provided in this bill alone will be something between $9,954,000,000 and $18,997,000,000.

The $5,163,000,000 minimum and $14,122,000,000 maximum figures listed above apply only to the new contract authority—$394,300,000—granted in this bill. To understand the total impact of these programs, you have to add the contract authority previously granted in prior years. When you do that, the result is indeed staggering. Let me give you the cumulative figures from inception through fiscal year 1972 for the 5 big housing programs involved: Public housing, rent supplement, section 235 homeownership, section 236 rental assistance, and college housing.

### PUBLIC HOUSING

From the inception of this program through the period covered in the bill before you today—fiscal year 1972—the total annual contract authority granted for low rent public housing amounts to $1,037,000,000. These contracts run for a maximum of 40 years; 20 years for leasing. So the total liability of the Government under these contracts could reach $36,261,000,000. But HUD estimates the actual liability is something between $35,576,000,000 and $36,261,000,000. If we should stop public housing at the end of 1972 and never build another unit, the cost to the taxpayers of this program will be at least $35,576,000,000 and could go as high as $36,261,000,000.

### RENT SUPPLEMENT

From the inception of this program through fiscal year 1972, the total annual contract authority granted for rent supplements amounts to $232,000,000. These contracts run for a maximum of 40 years. So the total liability of the Government on these contracts will be $232,000,000 times 40, or $9,280,000,000. But HUD estimates that the actual liability will be something between $4,243,000,000 as a minimum and $9,280,000,000 as a maximum. But if we stop the rent supplement program after fiscal year 1972, the cost of this program to the taxpayers will be at least $4,243,000,000 and could go as high as $9,280,000,000, depending upon whether some of the contracts are liquidated ahead of time.

### SECTION 235 HOMEOWNERSHIP SUBSIDIES

From the inception of this program through fiscal year 1972, the total annual contract authority granted under section 235 amounts to $490 million. These contracts run for a maximum of 30 years. So the total liability of the Government under existing contracts—including those made under authority granted in this bill—will be $490,000,000 times 30 or $14,700,000,000. HUD estimates the actual liability will be something between $4,886,000,000 as a minimum and $14,700,000,000 as a maximum. But if we never sign another section 235 contract after 1972, the cost of this program will be at least $4,886,000,000 and could go as high as $14,700,000,000, depending upon whether some of the contracts are liquidated ahead of time.

### SECTION 236 RENTAL ASSISTANCE

From the inception of this program through fiscal year 1972, the total annual contract authority granted under section 236 amounts to $490,000,000. These contracts run for 40 years. So the total liability of the Government under existing contracts—including those made under authority granted in this bill—will be $490,000,000 times 40 or $19,600,000,000. But HUD estimates the actual liability will be something between $8,026,000,000 as a minimum and $19,600,000,000 as a maximum. If we never sign another section 236 contract after 1972, the cost of this program will be at least $8,026,000,000 and could go as high as $19,600,000,000 depending upon whether some of the contracts are liquidated ahead of time.

### COLLEGE HOUSING

From the inception of this program through the period covered by the bill before you—fiscal year 1972—the total annual contract authority granted under this program amounts to $35,600,000. These contracts run for 40 years. So the total liability of the Government under existing contracts—including those to be signed under authority granted in the bill before you—will be $35,600,000 times 40 or $1,424,000,000. But HUD estimates the actual liability will be something between $1,175,000,000 as a minimum and $1,424,000,000 as a maximum. If we never sign another contract under this program after 1972, the cost of it to the taxpayers will be at least $1,175,000,000 and could go as high as $1,424,000,000, depending upon whether some of the contracts are liquidated ahead of time.

The following table will show how the cost of these programs is growing as new contract authority granted by Congress is implemented:

[In thousands of dollars]

| | 1970 | 1971 estimate | 1972 estimate |
|---|---|---|---|
| Rent supplements | 23,000 | 46,600 | 91,300 |
| Sec. 235 | 23,500 | 124,000 | 299,000 |
| Sec. 236 | 3,000 | 24,000 | 149,000 |
| Low-rent public housing | 473,500 | 654,500 | 824,500 |
| College housing | 2,500 | | 10,000 |
| Total | 525,500 | 849,100 | 1,373,800 |

### SUMMARY OF SUBSIDIZED HOUSING COSTS

If we should stop these five subsidized housing programs in their tracks at the end of fiscal year 1972 and never sign another contract under any of them after 1972, the burden on the taxpayers will be staggering. The total cost could go as high as $81,265,000,000. But if all the rosy estimates of HUD come to pass and some of the contracts are liquidated ahead of time, the total cost will be at least $53,906,000,000.

I will include the following table listing for each of the five programs the total annual contract authority granted, including the authority granted under the bill now under consideration, and the estimated maximum and minimum costs. You can clip this table and keep it for ready reference whenever you are answering charges made by some mayor that Congress is not doing very much in providing housing for the poor.

HUD TOTAL CONTRACT AUTHORITY

| | Contract authority | Cost | |
|---|---|---|---|
| | | Minimum | Maximum |
| Rent supplement (40 years): | | | |
| Through 1971 | $177,000,000 | $3,377,000,000 | $7,080,000,000 |
| For 1972 | 55,000,000 | 866,000,000 | 2,200,000,000 |
| Total | 232,000,000 | 4,243,000,000 | 9,280,000,000 |
| Homeownership, sec. 235 (30 years): | | | |
| Through 1971 | 325,000,000 | 3,344,000,000 | 9,750,000,000 |
| For 1972 | 165,000,000 | 1,542,000,000 | 4,950,000,000 |
| Total | 490,000,000 | 4,886,000,000 | 14,700,000,000 |
| Rental housing, sec. 236 (40 years): | | | |
| Through 1971 | 325,000,000 | 5,578,000,000 | 13,000,000,000 |
| For 1972 | 165,000,000 | 2,448,000,000 | 6,600,000,000 |
| Total | 490,000,000 | 8,026,000,000 | 19,600,000,000 |
| College housing (40 years): | | | |
| Through 1971 | 26,300,000 | 868,000,000 | 1,052,000,000 |
| For 1972 | 9,300,000 | 307,000,000 | 372,000,000 |
| Total | 35,600,000 | 1,175,000,000 | 1,424,000,000 |
| Total of above: | | | |
| Through 1971 | $853,300,000 | $13,167,000,000 | $30,882,000,000 |
| For 1972 | 394,300,000 | 5,163,000,000 | 14,122,000,000 |
| Total | 1,247,600,000 | 18,330,000,000 | 45,004,000,000 |
| Public housing, basic legislation (40 years; 20 years leading): | | | |
| 1937 through 1971 | 887,000,000 | 30,785,000,000 | 31,386,000,000 |
| For 1972 | 150,000,000 | 4,791,000,000 | 4,875,000,000 |
| Total | 1,037,000,000 | 35,576,000,000 | 36,261,000,000 |
| Grand total: | | | |
| Through 1971 | 1,740,300,000 | 43,952,000,000 | 62,268,000,000 |
| For 1972 | 544,300,000 | 9,954,000,000 | 18,997,000,000 |
| Total | 2,284,600,000 | 53,906,000,000 | 81,265,000,000 |

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, this is an appropriation bill—a dollar and cents bill—for research and development—particularly for science, space and earth applications—Housing and Urban Development, the Veterans Administration and other independent agencies.

The committee has spent considerable time, this year and in previous years, interrogating government officials, studying programs, visiting facilities, and listening to public and private witnesses—trying to adjust the priorities involved between the Department and Agencies included in this bill, and also among the other urgent demands upon the Federal taxpayers' hard earned dollars.

Obviously, every dollar figure, or line item, will not please, or satisfy, every taxpayer. Many special interests become highly organized and insistent about the Budgets in this bill. Some of the toughest lobbyists in the business have "zeroed in" on our subcommittee. We have responded to all demands and needs to the limit to which the Treasury and the other Departments and Agencies can be fairly accommodated.

Many items and dollar amounts in this bill are obligatory now. Previous Congresses have already authorized various programs; and expenditures, pursuant to these programs, have been contractually obligated. We now have no recourse but to pay these obligations.

Agencies requests in this bill are among the most glamorous, appealing or necessary of all budget requests. Who can deny to a veteran anything but the best in adjustment benefits, hospitalization and medical care? Who will deny that next to liberty and sustenance that shelter is a most basic human need? Who will deny that research and development is not the most essential ingredient of a progressive nation in this age of technology? Who can deny that our cities, towns and counties are in a financial crisis?

Our committee has recognized these needs. I believe our committee has provided, consistently over the years, appropriations that have guaranteed the best care for our veterans, the best housing for our families, and the most advanced research and development in space and earth sciences that any country in the history of mankind has provided.

The delicacy of the balance between the appropriation, or expenditure, of funds for these important purposes and the ability of the taxpayer to continue payment is becoming more and more apparent.

The gentleman from North Carolina (Mr. JONAS) has quite accurately and forcefully presented facts and figures which should shock the younger generation whose earning capacity is being heavily mortgaged to pay some of the obligations we are heaping upon them in the future to satisfy some of our rather selfish and greedy immediate desires.

When we mortgage the earnings of future generations for housing which will be slums or demolished by the time or even before, they are amortized, we greatly restrict the options that our youth may wish to exercise when they reach the age and authority for making some of the decisions we are making today. They may rightly wish to make other decisions, change priorities, develop new programs—but they will be hindered, if not prevented, because of the encumbrances which we are heaping upon them today.

Imagine in only 3 years, under "rent supplements," we have initiated projects which have obligated taxpayers to "pony up" in the amount of $232 million in fiscal year 1972, and can accelerate to 10 times that in 1975. If you are shocked by the amounts that the Congress has obligated the taxpayer to pay in 1972 for this single housing program, consider what the future taxpayer will think in 1980 when this program really gets going.

Already we have obligated the future taxpayer to pay between $4 and $10 billion for rent supplements.

And, Mr. Chairman, this is only one of many housing programs administered by HUD.

Other housing programs, including public housing, home ownership subsidies—section 235—home rental subsidies—section 236—college housing interest subsidies, housing for the elderly, housing rehabilitation subsidies and others, will multiply the tax burden of future generations many fold. We are not now able to predict the billions of dollars of obligations we are adding to the burden of the Treasury and the future taxpayer.

In addition to housing programs under the jurisdiction of HUD, there is a dozen other housing programs funded wholly or in part by the taxpayer—Farmers Home Administration housing, FHA insured loans, military housing, FHLBB's housing opportunity allowance program HOAP—and others.

The American taxpayer has been generous to a fault in the support he has given to the housing of fellow citizens. The time is fast approaching, if not already past, when the enormous housing subsidies must be tightened and the home occupant tax user must assume a more proportionate load of the taxpayer's burden for housing.

Along with the organized clamor for higher and better benefits for veterans, we are hearing from the unorganized taxpaying citizen—veterans and nonveterans alike—to the effect that duplicative services are not necessary to demonstrate our gratitude for our veterans' enormous sacrifices.

We hear in louder tones from more citizens, including many veterans, that the VA hospitals and medical services should be solely for service-connected injuries and illnesses—and that veterans with non-service-connected illnesses, injuries or medical problems should be treated just as other citizens.

I am grateful for the quality and the quantity of benefits, compensation and services our Government has provided our servicemen—particiularly the serviceman returning with combat disabilities. If anything we should make certain that the disabled combat veteran is accorded every opportunity to quickly and fully readjust to civilian life as a first-class citizen. If we are to guarantee an even higher level of care and consideration for combat disabilities, we must carefully guard against overloading the taxpayer with the cost of services for the non-service-connected problems of veterans.

I believe this appropriation bill attempts to strike the delicate balance we must achieve between the tax benefits and tax payments among fellow citizens—between the tax user and the taxpayer.

Another delicate balance has been achieved in the recommendation of the committee for NASA. Certainly a vital, progressive nation must explore. The entities which spend money for research and development—whether individuals, businesses or governments—are much more likely to survive and to progress. Certainly a nation with our scientific and technological genius and leadership ought to pursue its talents. In the foreseeable future our world leadership will depend more upon our scientific and technological developments and contributions than upon our productivity, craftmanship or mass production. Surely, after we have developed the most highly skilled research and development team in history we will not permit it to wither. Surely we cannot permit this extraordinary team of space and earth scientists, researchers and developers to be disassembled and leave aeronautics and space research to some other nation or to be simply neglected.

After a crash program designed to land a man on the moon within the decade of the 1960's—and with the inherent waste of a crash program—we have now reduced and "leaned out" the space and "space applications" programs to a manageable size.

We are now pacing this essential research and development program. We are now more carefully selecting projects, more thoroughly administering contracts, and managing the whole administration in a more businesslike manner. The taxpayer can be more satisfied now. The scientist can still see progress and accomplishment.

The scale appears to be noticably tipping against the adequate funding of NASA. A lack of confidence in the future support from the Congress is beginning to take its toll. Just recently we learned that astronaut Walter Cunningham, one of the most competent pilot-scientists in our space program, and one of the most articulate exponents of the value of space applications here on planet earth, has left the program—giving as his reason the apparent lack of support in both funds and interest, as well as understanding by the Congress and the administration. Astronaut Cunningham is not just an exception.

He is the peak of an iceberg of disenchantment. Other high level officials will leave, and the flight of a few top officials can lead to a "competency exodus" which would effectively emasculate this extraordinary team, jeopardize the system and greatly reduce our space prestige and the accomplishments which we now have every right to expect from our previous and continuing investments.

I hope the House will approve the recommendations including the amendment of the committee.

I would like to comment briefly on—and to express my strong support for—the funding recommended in this bill for the fiscal year 1972 requirements of the National Aeronautics and Space Administration.

With the fiscal year 1972 NASA budget, we will complete the transition from the space program of the 1960's—which was dominated by the single goal of the Apollo program—to a more balanced and in many ways a richer program of the 1970's. While there may have been justification for a "crash program" to establish this Nation's capability in space, I support the transition to a paced effort, one in which we can gain maximum benefit from the taxpayers' investment.

At the same time, I am concerned that we may be losing a valuable national resource by dismantling the dedicated and capable teams doing work on NASA programs. Five years ago there were more than 390,000 people in industry and universities working on NASA programs. This figure is now about 108,000.

With the funding provided by the bill for NASA this downward trend will be halted in fiscal year 1972. In future years, if funding constraints ease, hopefully the trend can be reversed. Meanwhile we must do all we can to apply the talents of the people no longer working on space projects to other uses—and this is not an easy task.

The total amount of our proposed bill is $3,271,500,000. For research and development the amount recommended in the budget is $2,517,700,000. The committee proposes the same amount but rearranged some of the line items. For instance, in relation to the Apollo program, the amount was reduced somewhat to better pace the program. We thought the funds for the Skylab program should be increased to provide a rescue capability of $15 million, and we reduced the amount to be spent for space science and applications by $15 million, and suggest an additional $5 million be spent for research and development for different types of aircraft.

For the construction of facilities we have recommended an amount $22,500,000 below the amount recommended in the budget, a total of $33,800,000. Part of this was for the space shuttle facilities.

For research and program management we have recommended $6 million less than what was recommended in the budget, because we felt the administration could be brought under better management control for a total of $720 million.

We also deleted some language which would have continued the 5-percent transfer authority between line item appropriations, which had been given NASA in the early days but which is no longer deemed to be necessary.

Mr. Chairman, the funding recommended for NASA reflects a view—I believe one that is shared by all members of the subcommittee on which I am privileged to serve—that space is an important and continuing element of our national priorities. The programs recommended in the bill will provide down-to-earth benefits to the American taxpayer:

In direct applications such as weather and communications satellites, and earth resources survey work in aircraft and Skylab and with automated spacecraft;

In technology in aeronautics and space systems;

In indirect but equally important and tangible benefits such as advances in computers, communications, materials research, systems management approaches—it is difficult to name a field that the challenge of space does not advance;

In national security, where space is used in a variety of ways for accomplishing functions in support of DOD missions;

In science, where direct payoffs will result, although, perhaps not immediately; and

In exploration, satisfying man's insatible thirst to understand the unknown, to push back the frontiers of knowledge.

As President Nixon stated last year in defining this Nation's objectives in space for the 1970's,

> We must realize that space activities will be a part of our lives for the rest of time. We must think of them as part of a continuing process—one which will go on day in and day out, year in and year out—and not as a series of separate leaps, each requiring a massive concentration of energy and will and accomplished on a crash timetable.

Appropriations recommended for NASA for fiscal year 1972 will support a balanced and integrated program, one designed to maintain this Nation's leadership in space. It deserves the support of the Congress and the people of this Nation.

In the decade of the 1960's we witnessed the attainment of the principal objective of the Apollo program, the landing of men on the Moon and returning them safely to Earth. Achievement of this goal was made possible through the cooperative effort of the Federal Government and the outstanding scientific and technical competence and dedication of NASA employees, business, educational institutions, and private research organizations.

Today as we consider the NASA appropriations for fiscal year 1972, we are in essence determining the direction of this Nation's space effort in the decade of the 1970's.

The Appropriations Committee recommends the full budget estimate of $2,517,700,000 for research and development activities. This is a $47,300,000 reduction from the 1971 appropriation and a $592,727,000 reduction from 1970. The committee feels that this figure is the minimum at which NASA can viably operate and simultaneously pursue the space requirements of this Nation. To further reduce the NASA budgetary request would serve to aggravate an already depressed segment of our economy.

NASA research and development has had a salutary effect on the U.S. balance of payments, as a most significant inducement for a positive balance is through our high-technology products. Space programs stimulate this capability and therefore contribute greatly to a favorable balance; conversely, as space activity declines, so does our balance of trade. Continued realistic funding to NASA is economically advantageous as a boost to related industry and a hedge against further high unemployment in the technical fields.

The unemployment of space technicians results in a tremendous loss of human resources and expertise. It is not easily compensated for nor possible of future rectification. A less obvious result of past space appropriation reductions has been an educational trend away from engineering and scientific studies in colleges. The United States is inducing a brain gap—a shortage of qualified technical workers in the near future when they will be desperately needed. Not only has enrollment in technical studies dropped drastically in recent years but many engineers and scientists have deserted their careers and professions in bitterness over layoffs and canceled programs.

### PRACTICAL BENEFITS

There have been many questions asked domestically about the value of our space effort in the terms of practical benefits. Our extraterrestrial expeditions have yielded valuable and unique scientific information and knowledge about our Moon, Sun, and Earth and how man functions in strange environments; but meanwhile we are also rightfully interested in improving our existence on Earth. Conveniently, several techniques for guiding the improvement of life on Earth are inherent in our new-found capabilities in space and the applications that a space ability makes possible. Aerospace research and development is not specifically oriented toward providing a direct benefit to the general public—but the common citizen will continually benefit from the impact of NASA technology on the computer, electronics, materials, and other associated industries. The magnitude and the challenge of the space program has led to revelations in almost every conceivable science and technology.

In the 1960's, spacecraft became commercial communication tools and began to provide worldwide meteorological data. The TIROS satellites of the environmental satellite system are contributing materially to better weather forecasts, more reliable warnings of weather dangers and environmental hazards, more accurate maritime bulletins, improved hydrological and space environmental services. Satellites are the basis for extremely accurate and reliable navigational systems used by both aircraft and ships. Utilization of satellite data is still in its infancy but feasible uses for the 1970's and the future include application to cartography, oceanography, hydrology, geology, forestry, geography, and agriculture. As an example, satellite photographic interpretations can improve predictions of crop yields and can aid in insect and fire detection.

### MEDICINE BENEFITS FROM SPACE RESEARCH

Discoveries made during the development of space hardware have been transferred into everyday life where possibly the greatest beneficiary of space research has been the field of medicine.

Bioinstrumentation is an aerospace developed system to provide acceptable physiological data without frightening or traumatizing the patient. Major examples include the Apollo electrocardiographic, the Gemini blood pressure signal conditioners, and implant biotelemetry. The monitoring of patients through bioinstrumentation has improved diagnostic techniques, saved lives, proved economical, and has freed our limited supply of doctors for more urgent tasks.

Diagnosis of infant hearing defects is now being aided by improved techniques for EEG's by adapting a space helmet technique of audiometry.

An outgrowth of semiconductor technology developed by a NASA contractor is now being used to measure muscle fiber membrane tension for better understanding of the mechanisms of the beating heart.

A NASA scientist conducting basic research into the effects of space radiation on body cells discovered intercellular linkages that may help in understanding the behavior of certain types of cancer.

A brain sensor and radio transmitter system developed for space medical research with test pilots appears to allow major improvements in diagnosis and treatment of schizophrenic mental patients.

The computer used to enhance pictures radioed back from the Moon and Mars has been successfully used to analyze pictures of human chromosomes.

The clean room technology of spacecraft has become equally adaptable to improve and maintain sterile conditions in hospital operating rooms.

The automated multiphasic health testing system developed by NASA is a rapid computer generated summary of 40 medical measurements conducted in a one-half hour physical examination that costs the patient a nominal $25 annually.

Dry, spray-on electrode techniques enable an electrocardiogram to be taken, for instance, in an ambulance on the way to a hospital. Sensors smaller than the head of a pin can be inserted into a vein for measuring blood pressure without interfering with circulation. An automatic living cell analyzer can produce almost instantaneous blood counts. A switch is now in existence which can be operated by eye movements of a paralyzed patient.

Many additional dramatic developments in the medical field have had their origins in aerospace research but are much too numerous to list or adequately describe.

### AERONAUTICAL DEVELOPMENTS

In the field of aeronautics, NASA is currently working on quieter jet engines and methods to reduce aircraft engine pollution; is investigating a way to provide an effective air transportation system for travelers in smaller cities and less densely populated areas; and is developing a new airfoil shape supercritical wing that would allow aircraft of the future to travel farther on less fuel.

### ENVIRONMENTAL BENEFITS

With the broad public interest in ecology, NASA aerospace technology is contributing important solutions to the aggravating problem of pollution.

Techniques developed in the space program to separate chemical fuels in boosters are now being adapted to separate oil from our natural waters while work done in developing the high performance in rocket engines has been adapted for use in reducing industrial pollution.

The environmental monitoring technology that NASA developed to insure a non-toxic environment in space cabin atmospheres is suitable to air pollution monitoring on a broader scale. Mass spectrometers used by NASA are being developed to detect and analyze gaseous constituents of the atmosphere while the NASA trace gas analysis procedures are suitable for use in air pollution research facilities to monitor special manufacturing processes.

Means for detecting and determining the size of oil slicks with air borne sensing devices, and later, it appears by satellite, have been developed. A cooperative smog research program involving space scientists has been initiated in California to trace the photochemical production of air pollution and its dispersion in the atmosphere.

### MANY AND VARIOUS DEVELOPMENTS

Developments in many other, varied disciplines has likewise shown the impact of space technology on the average citizen.

The 360 computer system designed for NASA is now being used in accounting, banking, technical data banks, and data processing. Microelectronic circuitry has found commercial use in telephone switching equipment, television and small computers. Teleoperators, which are general purpose substitutes for man's limbs have proven applicable for work in medicine, ocean research, hazardous environments as well as use in prosthetic devices for the handicapped. Solid lubricants developed for space propulsion show a large market potential for use in the automotive, heavy electrical metal working and marine industries. Space fuel cell technology may lead sometime in the future to each building having its own self-contained power supply. New materials have been developed in response to the quest for lightweight, strong, heat-resistant components used in space: a new type of plastic-fiberglass mortar pipe for water systems, a polyurethane spray foam for insulation, fire resistant materials used in garments, new plastics for packaging meats, adhesives, resins, semiconductors, and so forth.

A number of public-sector potential transfers have reached the stage of adaptive engineering and performance test evaluation. Included in this group are: Portable life support systems for use by miners, firemen, aquanauts, and others; detection and recovery of indented writing as a support for law enforcement agencies in their laboratory investigation; sensor measurement and monitoring of coal mine air flows and dust as preventive measures for mine disasters and black lung disease; low-cost, reliable fire warning systems for use in residential dwellings; and development of rural sewage disposal units.

### BASIC KNOWLEDGE ENRICHED

Other less tangible benefits have resulted from our space effort. Our basic knowledge has been enriched enormously in many fields: the biosciences, physics, astronomy, geology, engineering. Space research has resulted in technological advances ranking with mankind's most significant discoveries. Space has been among our best salesmen abroad. Few of our accomplishments are so influential in demonstrating our capabilities, in demonstrating our goodwill through the services of space satellites, and in enhancing U.S. prestige around the world. The transfer of knowledge by intent and coincidence will continue, stimulating our economy, and benefiting society.

### NASA BUDGET IS CONSTRAINED

The NASA budget for fiscal year 1972 is fiscally constrained. At the same time, it allows the Nation to move forward in aeronautics and in space, and meets the basic goals of our space program: the exploration of the unknown, the increase of scientific knowledge, and the practical applications of that knowledge for the benefit of man on earth.

The NASA appropriation is not just for research and development in space, with earth applications. It is an investment in our future. We have no more precious asset. We should use every reasonable means to enhance it.

### NASA-DOD RELATIONSHIP RELATING TO THE SPACE SHUTTLE

The versatility and flexibility of the space shuttle and its low operational cost will be of significant value to the Department of Defense. The shuttle development is therefore fully supported by the DOD as reported to Congress by Dr. Robert Seamens, Secretary of the Air Force, and Dr. John S. Foster, the DOD Director of Defense Research and Engineering. NASA studies with DOD have concluded that it is practical to develop a shuttle system to meet the needs of both agencies. By agreement, NASA will produce this shuttle for joint utility by both of the agencies. The Air Force acts as the executive agent for the DOD and they are responsible for determining DOD needs and transmitting these technical requirements to NASA for inclusion into the shuttle design.

Cooperation has existed between the Department of Defense and NASA on this program since the inception of the shuttle concept. In April 1969, the Secretary of the Air Force and the administrator of NASA established terms of reference for the phased study of space transportation systems; and in February 1970, they established the NASA/USAF space transportation system—STS—committee which coordinates program requirements and plans for the space shuttle.

Recently this coordination has been effective in many areas. Air Force specialists participate in design review boards, source evaluation boards and all technology panels. DOD personnel have been assigned to the space shuttle program offices in OMSF, NASA headquarters; MSC, Houston; and MSFC, Huntsville. Their personnel have provided technical advice to help define the desirable characteristics for the shuttle. These mechanisms have successfully coordinated Air Force participation in the NASA-managed space shuttle and assured that national requirements are factored into shuttle studies.

The USAF has contracted, through NASA, with each of the definition phase B contractors for a supplement to the basic NASA phase B contracts to study their specific requirements. Important technical contributions have come from Air Force laboratories in areas such as rocket propulsion, airbreathing propulsion, structures, thermal protection, and materials research. In addition, NASA is studying the use of DOD facilities for design verification efforts and possibly for operational use later in the program.

This continuing cooperation between NASA and DOD is essential to maintain improvement in the performance—cost management. Both agencies normally deal with the same contractors and we cannot afford to levy separate requirements for costly and different systems.

Although NASA will make the final decisions in terms of space shuttle requirements, the support and continuing advice and cooperation of the Department of Defense is necessary.

This will enable us to achieve the desired national operational utility in a timely and orderly manner at a minimum of cost.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from California yield?

Mr. TALCOTT. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I fully support the funding of the space programs provided for in the National Aeronautics and Space Administration portion of this bill.

Those of us who represent areas with NASA installations know of the great value of the space effort. Because Marshall Space Flight Center in Huntsville is in the district which I represent, I have been intimately acquainted with the program since its inception and I am aware of the significant contributions which have resulted throughout the country from the investment in space work.

The committee is to be commended for increasing the appropriations for the Skylab program. It is unfortunate that budgetary restrictions inhibit more adequate funding of other vital phases of NASA's research and development effort.

The initial phase of our national space effort has been successfully directed to the demonstration of our ability to reach the moon and return. Human life here on earth has been improved as a result of new techniques, which have resulted from research directed in the space endeavors.

Through national effort we have assembled a throughly competent team of scientists and technicians. It is essential to our country's progress in a wide range of fields that the space program be funded at levels sufficient to hold this team intact and functioning.

Now as the space program matures, we stand on the threshold of even more beneficial utilization of this effort. The initial work will involve the long-term flight of the Skylab. This is the necessary first step in developing a capacity for an extended manned operation in earth orbit.

The Skylab program will be the basis for a space shuttle which will be a fully reusable vehicle capable of carrying passengers, cargo and a combination of the two back and forth from an orbiting station.

These long-term flights will be at a minimum operating cost and at a maximum productivity for advancement of the earth and space sciences.

It is essential that we proceed now toward a realization of these programs at an adequate funding level. Any further delays and reductions would injure the effective and efficient team which has been assembled to pursue our Nation's space work. The dismantling of this team and the failure to engage it at its most efficient level jeopardizes our Nation's program and ultimately adds unnecessary expenses to our goals.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, at the outset I want to commend our chairman, the gentleman from Massachusetts (Mr. BOLAND) who has done an outstanding job in chairing this subcommittee this year.

I also want to commend my colleagues on the subcommittee, and particularly the gentleman from North Carolina (Mr. JONAS) who certainly has a great grasp of this complicated subject, not only in respect to housing but also in respect to the other areas which we consider in our subcommittee.

I concur with many of the comments the gentleman from North Carolina (Mr. JONAS) made concerning the total investment in the housing program we have at the present time.

Even if we consider just that amount of housing which we have authorized and appropriated to the present time, if we spread it out over the lifetime of the program, 30 to 40 years, we recognize we are committing ourselves to many, many, many billions of dollars.

I believe the most important thing that the Congress can do, and certainly that this Committee can do, once it completes this appropriation, is to review the entire range of subsidized housing in the United States, to see whether our approaches are right, to see whether or not we should initiate new approaches, even to go to the extreme of looking into whether or not we should subsidize people who live in houses rather than subsidize the construction of houses.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the minority leader.

Mr. GERALD R. FORD. I was reading through the committee report. I particularly noted the request for section 235 and section 236 housing, where the administration asked for $175 million for each of those two programs. The committee recommended $165 million in each instance.

Later on I was looking through the

total subsidy figures for public housing, for rent supplements and for interest subsidy. If I recall the figures correctly, for fiscal year 1972 that total will be $1,334 million, which is an increase, again if my memory is accurate, from the figures for this fiscal year of $800 million or more, which is roughly a half billion dollar increase comparing fiscal year 1972 to fiscal year 1971.

Let me ask this question about section 235 housing. If I recollect accurately, after a 2-year period somebody—I presume the HUD—is supposed to check every purchaser to see whether or not there has been an improvement in the purchaser's economic situation. If there has been, then there is to be a termination of the interest subsidy for that particular purchaser. We have had now about 2 years of the section 235 program. Did the committee go into the question as to whether or not HUD has made any checks and have there been any revisions or changes and, if so, how many and in what dollar amount?

Mr. GIAIMO. I myself am uncertain, but if the gentleman from North Carolina would like to address himself to that, I will be glad to yield to him.

Mr. JONAS. I thank the gentleman for yielding.

Actually, this program has been rolling for only 2 years, but we have developed some information on the subject. Some people have grown out from the program by virtue of economic improvement in their personal condition. On the other hand, reports indicate that there is a little over 1 percent of defaults that have already occurred in section 235.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I will be glad to yield the gentleman 5 additional minutes in order that I can respond to other remarks made by the gentleman from Michigan. The total subsidy payments this year will be $1,373 million. That is contrasted with $849 million last year. The reason for this is that additional units are coming onstream and the units that will receive subsidies next year will total 1,862,000 housing units which are now receiving either rental assistance or homeowner assistance or rent supplement payments. There will be 116,900 rent supplement units in 1972. There will be about 457,100 section 235 units, 223,500 section 236 units, and 1,065,000 public housing units for a total of 1,862,000 units.

Mr. GERALD R. FORD. Will the gentleman yield for one other question?

Mr. GIAIMO. I yield to the gentleman.

Mr. GERALD R. FORD. The section 235 program would expect to have a higher default rate than, I think, other private housing programs where the Federal Government participates, but on the question of a monitoring of the mortgages and the capability of the mortgagee to move from one economic circumstance to another, this is important because, if somebody or a family improves their economic situation, under the law the interest subsidy is to be eliminated.

Mr. JONAS. That is correct.

Mr. GERALD R. FORD. Does the FHA have an up-to-date, modern monitoring system so that when people have a change in economic circumstances and when their economic circumstances do improve then the subsidy stops?

Mr. JONAS. They conduct a check every 2 years and are required to do so by the law itself.

Mr. GERALD R. FORD. Is the committee convinced that that is sufficient?

Mr. GIAIMO. Speaking for the gentleman from Connecticut I can say I am not convinced that it is sufficient. I think we really ought to look into every aspect of these housing programs.

I am not being critical of HUD because I think they have done a fairly good job under the circumstances. However, I think the unit cost of housing, for example, has increased tremendously. I think we have today speculators in the housing field, speculators in subsidized housing for profit, and I think we have to look at this total picture in which billions of dollars are involved. I think it should have constant oversight in order to see to it that we are getting the most we possibly can for our money with reference to the number of subsidized housing units.

Mr. JONAS. Mr. Chairman, will the gentleman yield further?

Mr. GIAIMO. I would be glad to yield further to the gentleman from North Carolina, except I have two or three other points to make, but I do yield to the gentleman with the admonition that my time is running out.

Mr. JONAS. I thank the gentleman from Connecticut.

Mr. Chairman, I think the gentleman from Michigan (Mr. GERALD R. FORD) should listen to this testimony:

> Mr. BOLAND. In your judgment, is the Section 235 program a good program? Is there a better way to provide housing for low- to moderate-income families, other than this Section 235 program?
>
> Mr. GULLEDGE. I believe it is both my personal conviction and the department's that the 235 program is certainly not the best way. It is the best way on the books at the moment.

So, I concur in the view which has been expressed by the gentleman from Connecticut that the legislative committee should be looking into these programs and, in fact, the Committee on Banking and Currency has already made an investigation of the section 235 program.

Mr. GIAIMO. I think the legislative committee should do this and I think that the Committee on Appropriations should do it also.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I would like to point out to the House that there is one housing program in our Government housing program, the direct loan for veterans, which was created and furnished money with which to build houses in the rural areas. That program has made some $280 million but yet this year the administration has canceled that program.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Missouri.

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. I would inquire of the gentleman from Connecticut—and I believe it comes under the 236 program rather than the 235 program, where nonprofit-making organizations can purchase housing which has been constructed for low-rent public housing projects?

Mr. GIAIMO. That is right.

Mr. HUNGATE. I wonder if the committee is acquainted with a couple of instances as to some of the cross references between Government housing under section 235 and section 236 and the situation with reference to the Tax Reform Act?

Mr. GIAIMO. I think there is a very definite connection.

Mr. HUNGATE. That is to say, whereby a builder could build for $1.4 million these units and sell them to a nonprofit group for $1.7 million under this type loan and make that profit? And the interest rate is subsidized down to 1 percent.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. BOLAND. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further——

Mr. GIAIMO. Briefly.

Mr. HUNGATE. There is some question as to whether the rent can be subsidized before 2 years, but, certainly, after 2 years the rent of such properties can be subsidized; and if an individual or a corporation makes the sale at a profit above $1.4 million when sold at $1.7 million, he can reinvest it in public housing within 1 year and he pays no income tax on that property? The situation on 235 and 236 housing is well described in an article by Stanley Surrey in the February 1970 Harvard Law Review and in an article by C. Willis Ritter and Emily M. Sunley, Jr., in the winter, 1970 Maryland Law Review.

Mr. GIAIMO. That is my understanding. There are many tax gimmicks involved in this type of construction.

In view of the questions that have been asked here, I think we should really look into this. I think the Congress has the duty to do it.

I would like to stress two points here today. One involves the Federal Communications Commission. For years our subcommittee and the Select Committee on Small Business of the House has been insisting that the Federal Communications Commission look into the critical problem of the allocation of the radio spectrum.

For years we have been getting promises and a lot of lip service from the FCC, but no substantial reallocation of the spectrum. There is great need for spectrum usage and reallocation in this country.

Many years ago the Government grabbed off a large portion of the radio spectrum and the major broadcasters grabbed off another large portion. The remaining bits and pieces in this limited spectrum were to be used by the other users, and to be allocated for other usages.

One of the largest industries in this country is communications, which runs into the billions of dollars, and the land mobile radio users are a good example of that, yet they have great difficulty in obtaining spectrum usage and allocation of frequencies.

Last year our committee recognized the tardiness and the delay of the FCC by language in the report that said:

> The Committee is concerned that too small a part of the resources of the Federal Communications Commission may be devoted to comprehensive policy planning to attack major problems confronting the Commission and the communications industry. Our attention has been particularly drawn to the need to insure optimum use of the spectrum in the public interest, to develop sound and effective policies regarding violence and obscenity on television, and to develop the full potential of this medium to enhance the quality of American life. The Committee is of the opinion that the funds recommended herein for appropriation will adequately support an increased effort in this regard.

This language was in last year's report, and yet another year has passed and we have received more promises and no concrete action, no substantial action on the part of the FCC to reallocate substantial portions of the spectrum.

The other area that I would like to discuss is in the budget of the National Science Foundation.

The Chairman described the total amount which we gave to the National Science Foundation. I would like to stress that in this budget we are asking the National Science Foundation—in fact, we are directing it to not cut the institutional support for science programs or the science education programs, as the NSF intended to do, and as it did do in the budget sent to the committee.

We feel these programs for upgrading the quality of science in the American schools at the undergraduate level, the graduate level and in the high schools are essential, and we feel this is a great national contribution to the future of the country and to the future technology which we are going to need in this country.

The National Science Foundation has sought to cut these two items as I have indicated and chooses instead to beef up its scientific research support program and its national and special research program. The NSF wanted to increase the scientific research support program from $175 million to $257 million. It wanted to to increase the national and special research programs from $82 million to $166 million.

Now, I am for basic research, and I think we should provide funds to continue that too, but we do not want to see the National Science Foundation changed from an agency dedicated to the upgrading of our institutions of scientific knowledge and instruction in our educational institutions in the United States, into a basic research organization, stressing research applied to the national needs, including social research and research directed to social problems.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. BOLAND. Mr. Chairman, I yield 2 additional minutes to the gentleman from Connecticut.

Mr. GIAIMO. We have many agencies in this country which are doing a great deal of work in research concerning national needs and social problems of the United States, many of them well funded, I might add. I want to see the National Science Foundation continue in the direction for which it was originally created to upgrade the quality of the scientists in this country, as it has done so well. I do not want to see the NSF turned into a scientific OEO program.

Mr. MILLER of California. Mr. Chairman, would the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I agree very much with the statement of the gentleman from Connecticut. We do not want them to do this, but when funds are curtailed for research and development in other very important programs they have turned to the National Science Foundation to pick this research up and continue it. So I think it is not the National Science Foundation that we have got to look to, it is perhaps the other agencies that are trying to shift this burden.

Mr. GIAIMO. I agree with what the gentleman from California (Mr. MILLER) says. And let me just say that we did nct cut their research money. We did increase two large research programs from $175 million to $230 million, and from $82 million to $123 million.

Mr. MILLER of California. I realize that, but I just wanted to call it to the attention of the gentleman.

Mr. GIAIMO. We increased the research moneys. But we did not give the NSF as much as it wanted in these programs.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Chairman, as a junior member of the committee, I want to publicly thank the chairman for his fairness in the conduct of these hearings and also in dealing with the members of the committee and extending time for questioning. The eminent way in which witnesses and committee members were recognized by the chairman, the gentleman from Massachusetts, deserves our compliments and praise for his willingness to let all of us be heard. That also is true of the ranking Member, the gentleman from North Carolina (Mr. JONAS) and I want to thank them publicly for their courtesies extended to this Junior member.

Mr. Chairman, the committee has done a very thorough job in the hearings. They have certainly questioned all the witnesses who wanted to appear and no one was cut off. We talked of housing, we talked of space, we talked of science and of every program under the committee's jurisdiction. Many of the obligations of this $18 billion plus appropriation bill are those of a contractual nature over which we have no control in dollar amount. As a result, it is necessary that they be funded. As you have heard from the gentleman from North Carolina some commitments extend thirty to forty years in their contractual obligations.

The space program has leveled off. There is no crash program. We have not set a time limit on any program into space beyond those already planned and, in my opinion, the program can be and should be funded at a level that will result in efficient handling of the entire space program.

One argument was presented that, I thought, was very dramatic in showing what can happen in the space program if we fail to continue at the level that is now intended and can be sustained over the next few years. That was in connection with what we call the launch window. As a layman who has no knowledge of the space program from a scientific point of view, I was intrigued by the witness who testified that during the next decade there will be a launch window open that will not occur again for 179 years. The launch window does not have anything to do with the launching pad or the launching station, but the launch window is the interrelationship of those bodies in space whether they be planets or celestial bodies and their relationship to each for space exploration. If this grand tour of space during this next decade is not accomplished, then it will have to be deferred for 179 years—which means that your grandchildren and your great grandchildren will not witness the event.

However, my purpose in occupying the well at this particular time is in connection with one section on page 3 of the bill which deals with counseling service as a part of section 237 of the National Housing Act. This is the section the chairman has indicated was in dispute, perhaps because of my own personal opposition as a result of my experience in housing and my own background in the field of housing for over 20 years in both public and private housing, I feel that this particular money is not necessary.

It provides for the first time in our history a $3 million appropriation for counseling services; the counseling services funded in this bill are not restrictive. There have been some who have said that this would be for section 235 program counseling in connection with mortgage funding and mortgage financing.

However, that is not the interpretation nor is it the intent of this section of the act. Counseling service is a broad term used in this particular section. It might mean counseling service for marriage. It might mean counseling service for child care. It might mean counseling service for prenatal care. It might mean counseling service for health and hygiene or it might mean counseling service for building maintenance, for public housing projects where they experienced maintenance problems. It might be counseling service of any kind and if we can believe some of the witnesses who came before the committee, the housing authorities throughout the entire Nation are having problems in their public housing programs with tenants, and in project maintenance. They have some crime problems in public housing and in some projects the buildings are being literally destroyed because of the failure to maintain properly or require tenants to take care of the property as they should.

In my opinion, this $3 million will be used as much in public housing as it will in any other field.

Getting back to my experience during the 20 years that I worked as a project manager, housing management adviser, and executive director of a corporation that had a rather large housing development, I discovered ample resources within almost any city or urban area where these services can be secured by any executive director of a housing authority, or any project manager who is worthy of the title. I took the liberty of checking here in the Washington metropolitan area, and there are some 565 separate counseling service organizations or individuals, profit and nonprofit, for fee or without fee, that are available to people here in this metropolitan area. It is in a little pamphlet entitled "Where to Turn."

These are provided for those who want to call on them. I am sure that any project manager or any executive director of a housing authority could refer his tenants or his people to these agencies in order to get the kind of counseling they need.

At the appropriate time I intend to offer an amendment to delete the section of the bill found on page 3 that provides this $3 million for counseling services.

Mr. Chairman, I yield back the balance of my time.

Mr. JONAS. Mr. Chairman, I have no further requests for time.

Mr. BOLAND. Mr. Chairman, will the gentleman yield to the gentleman from Tennessee?

Mr. JONAS. I am pleased to yield 5 minutes to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I want to associate myself with the remarks by the distinguished chairman, the gentleman from Massachusetts (Mr. Boland) and support the committee and this bill—the Department of Housing and Urban Development; space, science, veterans, and certain other independent agencies appropriations bill for fiscal 1972.

This is a big bill and an important bill.

This bill touches the lives of virtually every American directly or indirectly.

I want to commend the chairman, my colleague, the gentleman from Massachusetts, Eddie Boland, for his great work on this vital and important bill.

I have served on this committee for 17 years—and for 5 years as chairman. Because of the rules of the House, I relinquished the chairmanship this year as I serve as chairman of the Subcommittee on Public Works Appropriations.

However, I have continued to serve as a member of this committee and my deep interest in the programs included in the many facets of this bill is continuing.

Mr. Chairman, I support the committee and the recommendation of the committee for appropriations totaling $18,108,203,000 to fund the programs in this bill—benefits for our veterans—continuation of the space program—continuation of the vital programs of HUD in housing, model cities, urban renewal, neighborhood facilities, planning grants, among others.

I support the newly authorized contract authority for sections 235 and 236 for housing assistance programs—homeownership and rental housing—as well as the recommended authority and funding for the rent supplement program, public housing and other major housing programs.

I support the recommended appropriations of $10,858,756,000 for the vast programs of the Veterans' Administration as new veterans from Vietnam continue to return home and avail themselves of these benefits.

There are some items in the bill which some Members would like to cut and reduce. There are other items which some would prefer to provide increases. Over all the committee has done a creditable job.

This is a well considered bill, a sound bill, a forward-looking bill, and I urge its passage.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. McDade).

Mr. McDADE. Mr. Chairman, I would first like to commend the chairman of the subcommittee, the distinguished gentleman from Massachusetts as well as the able ranking minority member, the gentleman from North Carolina and the other members of this subcommittee for their hard work and their outstanding efforts in bringing this bill to the floor for our consideration.

The substantial increases found in title I of this bill: $600 million for urban renewal, $150 million for model cities, $50 million in rehabilitation loan funding—will enable this country to pursue a major domestic priority facing our nation—that of building a nation of liveable cities and towns. The magnitude of this appropriation is proportionate to the magnitude of the task we face.

To improve our environment, $100 million is provided for the open space land program that will encourage the additional development of neighborhood parks and other open and green space areas. This bill has retained the limitation requiring local matching funds for the Federal contribution to this program. I regret the retention of this language, and I am hopeful that ultimately we will be able to change this program to make it a 100 percent federally funded program.

Also included in this bill is a $134 million increase for our veterans' medical care programs. I believe that the Congress as well as the President is determined that American veterans, especially our returning and disabled Vietnam veterans, shall receive the highest quality medical care available. This increase will go a long way toward insuring this care for the 85,500 patients in our VA hospitals. It will also provide for an improved staffing ratio of employees to patients.

One aspect of this bill that has concerned me deeply is our attempt to alleviate the growing problems of the communications industry. There is growing concern about the quality of our television programing. The committee has shared my concern and last year language was inserted into our committee report requesting a comprehensive policy study of this problem by the FCC. As noted in this year's committee report, and as revealed in our hearings, there has not been any substantive progress made with this request.

I am certain that this lack of progress is no reflection of a lack of concern about this problem on the part of the FCC. The Commission is a most competent agency and they are wrestling with many sided problems. Yet, I want to stress my sincere desire to pursue this problem with the goal of making more quality television programing available for our children. We expect to see the FCC and the networks provide increased leadership in this area; $24.7 million is provided to the Securities and Exchange Commission. The committee was unanimous in its belief that this agency should have all necessary funds with which to discharge its varied activities and diverse responsibilities at this very difficult time.

This bill, appropriating money to HUD and the 11 other agencies and offices, contained therein is important not only in terms of the immediate impact on the lives of all Americans, but in terms of the future of this Nation as well. It addresses itself to present needs in housing, environment, veterans' affairs, and communications. It concerns itself with challenging questions of the future, such as space exploration, scientific knowledge, and the building of liveable homes and communities. I urge its adoption by this House.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Ashley).

Mr. ASHLEY. Mr. Chairman, in his state of the Union message in 1969 President Nixon asked the Congress to address itself to two areas of need. He asked that we develop the legislation necessary for an evolving national urban growth policy and he requested greatly expanded assistance for new community development.

In the Housing and Urban Development Act of 1970 the Congress responded. The first provisions in title VII established responsibility in the White House for developing a national urban growth strategy. That legislation provided a land mark in new community assistance.

I am most disappointed, Mr. Chairman, that 6 months after this legislation was signed into law by the President, no effort whatsoever has been made by the White House to implement the national urban growth provisions enacted by the Congress. Only in recent weeks has there been an identifiable unit in the Domestic Council of the White House that has been assigned the responsibility, and, to the best of my knowledge, they have not yet met.

I am also disappointed that in the legislation before us there is no provision for planning funds for new communities. It was well established last year that new communities are an essential component of national growth policy. We expect 100 million more in population by the end of this century and it is well established and documented that new communities must provide assistance, shelter, and a suitable environment for much of this increase in growth.

I should like to ask the chairman of the subcommittee or his associate on the Republican side if there is any particular explanation as to why no planning funds are available in this legislation, as provided in section 720 of last year's Housing and Urban Development Act. Does this reflect, on the part of this distinguished subcommittee, a disinterest in the concept of the program for new communities? Is there an explanation that would be helpful to those of us who feel this is an area of considerable importance.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I share the gentleman's concern that only $5 million was requested by the Department of Housing and Urban Development for the entire new communities program as approved in the 1970 Housing Act.

The gentleman is probably the best authority on the new communities program, since he is the father of it. His concern about inadequate funding for this item is certainly appreciated by me and by Members of the committee. The only amount provided in this bill for new communities is the $5 million requested in the budget for supplementary grants.

There is a provision under section 720 of the HUD Act of 1970 which does provide $5 million in 1971 and $5 million in 1972 for planning assistance for the new communities program in 1972.

It is my understanding that there has been a request made by HUD to the Office of Management and Budget to fund planning assistance under the new communities program.

I hope the Office of Management and Budget will approve the request.

Insofar as I personally am concerned, if it should develop that an amendment for this program should go to the Senate and is approved, it would be my hope that in conference we could agree on an amount that would be acceptable to all of the members of the subcommittee and to the House.

As you have indicated, this is landmark legislation. I feel there is a great future for new communities, not only the satellite communities and the peripheral communities but those new communities that are the new in-town communities, such as Welfare Island, N.Y. This is a great breakthrough for the developers of new communities that will provide proper atmosphere, climate, jobs, and homes not just for those who can afford them but for those in the low- and moderate-income brackets. You have my assurance that if any action is taken with respect to planning grants, that I would support that action.

Mr. ASHLEY. I appreciate the assurance that the gentleman from Massachusetts has expressed. He is entirely right when he points out that there are applications or proposals pending or under consideration from every part of the country for new-towns-in-town that are desperately needed in many of our great urban centers and for the other types of new communities provided for in this legislation. It would be little short of a disaster if there were no planning funds available to launch the program this year. We simply can't wait until 1973 or sometime thereafter to begin planning.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLAND. I yield the gentleman 2 additional minutes.

Will the gentleman yield to me further?

Mr. ASHLEY. I yield to the gentleman.

Mr. BOLAND. I would agree with the gentleman from Ohio that it would be little short of disaster if we did not have planning funds for this new program. That was one reason why the New Communities Act of 1968 was a bit of a failure. It was really a failure because it failed to provide the necessary planning funds. The new communities program provided for under the HUD Act of 1970 is a giant step forward—and I am sure that the gentleman from North Carolina will agree—in funding new communities and making guarantees under the Treasury authority of $500 million so that developers, both public and private, can participate in the program. In my judgment, it is a great program. There is a lack of planning funds, and I am not talking about the lack of feasibility studies by the developers themselves, but I am talking about the planning funds after feasibility studies have been made. I think it is necessary for this program.

Mr. ASHLEY. The gentleman is most knowledgeable in this area.

Mr. Chairman, let me conclude by saying that the whole thrust of the new community legislation is better planning for our physical environment. That planning is provided for in the 1970 legislation and must be funded this year. To do otherwise is to say that there are loan guarantees available, but not planning money. This is the kind of absurdity that characterizes our current pattern of development that has provided such widespread and wasteful sprawl.

Mr. JONAS. Will the gentleman yield?

Mr. ASHLEY. Yes. I yield to the gentleman from North Carolina.

Mr. JONAS. I think it is fair to say the budget submission that we considered was prepared under the old act. The 1970 act was not signed into law until last December 31, which was the last day of the year. They are asking in the budget for $5 million for assistance in planning new communities.

Mr. ASHLEY. This would be for public facilities.

Mr. JONAS. That is true. But under the old act they had money for planning and for facilities. The authority was divided in the 1970 act, which has one section dealing with planning and another with supplementary grants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Under the 1970 act, section 718(a) provides for supplementary grants and section 720(a) provides for planning assistance.

However, I join the gentleman from Massachusetts in understanding that representations are being made to the Office of Management and Budget. It is very likely another budget submission will will go to the other body.

It will be some time before we will be in conference. If funds are put in the bill by the other body for planning, we will give consideration to that action in conference.

Mr. ASHLEY. I appreciate that statement from the gentleman from North Carolina very much indeed.

Mr. ROSTENKOWSKI. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Chairman, at this time, I would like to express my strong support for the statement of my good friend, the distinguished representative from Ohio, THOMAS L. ASHLEY.

I would agree with the Congressman that $10 million for planning funds to the appropriation for new community development, would greatly hasten the establishment of planned new communities as were first envisioned under title VII of the Housing Act of 1970.

As I am sure most of my colleagues are very well aware, title VII, was authored chiefly by the gentleman for Ohio, a man whose leadership in the area of urban planning and development is, by now, well known.

Mr. Chairman, my own city of Chicago is in the process of developing some new "towns-in-town" proposals which will be eligible for assistance under title VII. I personally feel that this act provides a unique approach for solving the increasingly complex problems brought about by urban living, and I have encouraged my city to participate in the program in every possible way.

Knowing of the problems that we have encountered in the development of our new "towns-in-town" communities in Chicago, I would agree with Congressman ASHLEY when he says that sound planning is fundamental to the overall success of these projects.

Although $10 million for planning would be but one small step toward the goal of workable new "towns-in-town" communities, it would be a much-needed first step.

Mr. BOLAND. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with respect to the question raised by the gentleman from Ohio in which he engaged in colloquy with the gentleman from North Carolina and myself, the budget document itself and the justifications sent to our committee indicated the need for additional funding for new community activities. That is being considered in the Department now. We know this is so. In the context of total budget requirements, there may be a supplemental request or an amendment to the 1972 budget when plans to implement the program are completed. When that is before the committee we will be happy to look at it and give it careful consideration.

I feel that something more should be done to carry out the program as authorized last year by the Congress than the $5 million that is requested and recommended in the bill at this time.

Mr. ASHLEY. I see other members of the Committee on Banking and Currency present here on the floor and I know they share my deep concern in this matter. I appreciate the courtesy of the gentleman from Massachusetts very much indeed.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I want to commend the gentleman from Massachusetts for the increase which his subcommittee has voted in aeronautics and also the increase in technology utilization which is provided for in this bill.

I would call attention to the recently completed study by the civil aviation research and development policy group, which emphasizes the development of STOL, and for which additional funding of $5 million above the President's budget has been recommended by the Appropriations Committee. There are many other worthy developments in the field of aeronautics which also deserve our support, and I trust that additional support may be forthcoming in the future for increased emphasis on noise control, safety factors in general aviation, airport design and construction, and the encouragement of more young people to enter the area of aeronautical engineering.

In increasing the amount for technology utilization $1 million above the President's budget, the Appropriations Committee is taking a definite step in the right direction. I share the disappointment expressed in the committee report that NASA has not exhibited sufficient imagination in carrying forward this potentially valuable program. It has been my custom to ask the numerous directors of technology utilization who annually appear before my Subcommittee on Advanced Research and Technology how many predecessors they have had in their job. It is rare, indeed, when the director of this office knows how many people have preceded him in his job. Thus there is little continuity of effort in the assignment. Furthermore, the announcement has just come across my desk that Ronald J. Philips, the current Director of the Office of Technology Utilization has announced his resignation from the National Aeronautics and Space Administration effective July 3. I hope that NASA will not only place more emphasis on technology utilization, but will also provide more continuity of leadership in this important office.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Thank you very much. I appreciate the gentleman from Massachusetts yielding time to me. I want to associate myself with the remarks of my distinguished colleague, Mr. EVINS, the gentleman from Tennessee, in support of this bill.

I respectfully request your indulgence in establishing a foundation for a question, Mr. Chairman.

One of the sections of the Housing Act of 1968, section 106(a) has never been funded heretofore.

Section 106(a) authorized the Department of Housing and Urban Development to provide technical assistance in housing to aid low- and moderate-income families to obtain housing assistance from the Federal Government.

Preliminary figures from the 1970 census show that there are 200,807 occupied units of housing in South Dakota. Some 34,617 of these housing units lack plumbing or are overcrowded and fall into the category that the Census Bureau defines as substandard. Approximately one out of every six South Dakota families need better housing.

In South Dakota, 90.2 percent of the substandard housing is in the rural areas or small towns. There is not adequate private sources of mortgage credit, especially for the low-income families available for housing in rural areas and small towns. The people of rural America are in need of sources of mortgage credit to improve the quality of life and to maintain themselves in their own homes.

The low-income families of the rural communities of this country must have the advantage and opportunity of the benefits of the Federal housing program to improve essential and necessary housing requirements.

It appears to me, Mr. Chairman, that the bill includes $3 million for a low-income sponsor fund.

Further, it appears that——

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr BOLAND. Mr. Chairman, I yield 3 additional minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Further, it appears that the funding proposed is for interest-free loans to nonprofit sponsors which will be incurring and paying the preliminary costs of the housing development. The Chairman is requested to explain the intent of the committee in inserting the $3 million in funding this part of the bill, and to clearly delineate the legislative intent thereof.

Mr. Chairman, what does the $3 million actually include—and how do you propose that it be used to assist low- and moderate-income families of rural America in respect to housing?

Mr. BOLAND. I presume the gentleman from South Dakota is referring to the $3 million added by the committee for counseling services.

This would be utilized, we hope, under contract to counsel people in low-to moderate-income levels with regard to their budget, with regard to spending, with respect to financial management, and other counseling services so necessary in maintaining one's dwelling and family. This kind of advice and counseling may enable them, for example, to put aside some money for a down payment on a home so they can actually take advantage of the section 235 program.

I think the gentleman from South Dakota (Mr. DENHOLM) raises a very significant point. As the gentleman has indicated, these are, undoubtedly, programs that are probably totally unknown to some of the poorer people not only in some of the farm areas, but in other areas in the United States as well. The problem is, how do you get this information to them, and how do you counsel these people. In a sense you could counsel them under the counseling services program, and I hope that there may be some provision by HUD to do it. It would be my hope, as the sponsor—and I offered the amendment in the subcommittee for the $3 million for counseling services—that the Department would not use this money to staff its own headquarters or for counseling alone in the urban areas, rather, that there should also be an effort made to get into the rural areas and to provide counseling for the families about whom the gentleman from South Dakota is interested.

I commend the gentleman from South Dakota for bringing this to the attention of the committee.

Mr. DENHOLM. Mr. Speaker, I thank the chairman of the subcommittee. And may I specifically ask the distinguished chairman (Mr. BOLAND):

Is it the intent of the committee and the sense of the proposed legislation to provide for the funding of incurred costs of nonprofit organizations such as church groups, cooperatives, community groups, labor groups, nonprofit business groups, or welfare groups?

Mr. BOLAND. I think there should be a contract made with a nonprofit organization, such as a church group, a labor organization, or any other organization that may be in the area, who is attuned to the physical and social needs of that particular community.

Mr. DENHOLM. Mr. Speaker, I thank the chairman of the subcommittee, the able gentleman from Massachusetts (Mr. BOLAND) and the members of the committee for the expressed intent of the committee and the declared intent of the proposed legislation in the administration of funds designated for counseling services.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield, the question comes up on Federal housing projects that are already in existence, as to the present inadequacy of the contribution made by the Federal Government to take care of local taxes and community municipal services of all kinds. In these local communities, of course, the taxes and costs have gone up tremendously. But Federal contributions to local communities in lieu of taxes have not been increased to keep pace with these higher local costs. So our local taxpayers are required to help subsidize the schooling, police, sanitation, and municipal services for the Federal Housing projects.

I would ask the gentleman what is being done to assist the local governments so that these already developed Federal housing projects pay their just and fair percentage of local taxes and local government expenses.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. JONAS. I have no further requests for time.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman from North Carolina yield a short amount of time?

Mr. JONAS. I understood the Chairman to say that all time had expired.

The CHAIRMAN. The Chair will state that the time of the gentleman from Massachusetts (Mr. BOLAND) has expired. The gentleman from North Carolina (Mr. JONAS) has 18 minutes remaining.

Mr. JONAS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FULTON) after which I will yield back the balance of my time.

Mr. FULTON of Pennsylvania. Mr. Chairman, the serious question should be emphasized on the increasing tax burdens on these local communities such as boroughs, townships, cities, large and small, where there are these Federal housing developments, because of inadequate Federal contributions in lieu of taxes. Federal contributions in lieu of taxes are not keeping pace with local costs. It is a plain fact that these Federal contributions do not cover the increasing expenses of these local communities.

Is there any provision in this bill that will increase the Federal contribution for Federal Housing projects, to cover the high local expenses that are now being suffered by the local communities, for assistance for these local taxpayers who are also in the lower income levels?

Mr. BOLAND. If the gentleman will yield, are you speaking of the $3 million for counseling services that is now in the bill?

Mr. FULTON of Pennsylvania. I am not speaking of counseling services. I am talking of Federal payments toward the cost and in lieu of local taxes—when adequate local taxes are not being paid by the Federal housing authority in that particular community.

Mr. JONAS. The section 235 and 236 programs are both programs under private enterprise and the owner of the project would pay the taxes along with the upkeep of the property.

Mr. FULTON of Pennsylvania. My question is on previously constructed Federal housing projects under the Federal Government that are not paying their proper share of the local municipal expenses and taxes.

One other comment is to be made—when a specific Congressman strenuously objects and a local community and its officials and citizens, to a housing project being built in a location by HUD within his district because he knows of the inaccessibility and high costs of site development and the high costs of the future of community services, why does HUD go ahead and override the Congressman and provide funds to the local housing agency, to build the housing project? In fact, that is what happened recently in my district.

Mr. JONAS. Because your local housing authority makes the decision where these projects are built.

Mrs. ABZUG. Mr. Chairman, I was dismayed to learn that our Appropriations Committee had decided to authorize only $165 million for new contracts under sections 235 and 236 of the Housing Act during the coming fiscal year. The Department of Housing and Urban Development had requested $10 million more than this, and the authorization permits $60 million more.

The program under section 236 applies to rental housing. Subsidy payments are made to reduce the rents and carrying charges on a building, thus indirectly aiding low-income tenants or cooperators, as the case may be. In New York City, in addition to constructing FHA-insured projects under section 236, we are also using 236 funds in conjunction with our Mitchell-Lama program to reduce rents and carrying charges. In some cases, the cost to the tenant of living in a Mitchell-Lama project has been reduced by over 40 percent. Nearly 8,000 units of housing receiving some assistance under section 236 were begun in New York City during 1970.

The section 235 program provides home ownership for low-income families through subsidies on mortgage interests to reduce an eligible individual's payments to that which would be required if the mortgage bore an interest rate of 1 percent, or 20 percent of the family's income, whichever is greater. The U.S. Commission on Civil Rights reports that the program has been quite helpful to minority group families "by enabling them to obtain decent housing and to enjoy the benefits both material and psychological, of homeownership."

In my district, which includes the Lower East Side of Manhattan, is found some of the worst housing in this country. Programs such as those funded under sections 235 and 236 are the only hope which many of the poor people there and elsewhere in the country have of getting to live in housing which is fit for human habitation. When I speak, as I so often do, of the need to reorder our national priorities, I am talking about programs such as these—programs which are oriented to the needs of the needy. I deeply regret the fact that this bill does not at least meet the $175 million requested by the Department of Housing and Urban Development. If our national policies were as they should be, the full amount authorized—$225 million—would have been appropriated in this bill.

Mr. RYAN. Mr. Chairman, we have before us today the bill appropirating funds for fiscal year 1972 for the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the Veterans' Administration, and numerous other agencies. In some respects this legislation is commendable, in others it exhibits serious deficiencies.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The measure for assessing the fiscal year 1972 appropriation for the Department of Housing and Urban Development must be the landmark Housing and Urban Development Act of 1968. That law sets forth a declaration of policy which is the standard by which we may assess our endeavors in providing a decent home for every American. It states:

> The Congress affirms the national goal, as set forth in Section 2 of the Housing Act of 1949, of "a decent home and a suitable living environment for every American family."
>
> The Congress finds that this goal had not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and there exist in the public and private sectors of the economy the resources and capabilities necessary to the full realization of this goal.

We have not met the goal set in 1949. We have not been meeting the goal affirmed in 1968. And we are not going to meet that goal, in light of the progress forecast by the bill before us today. I realize, of course, the difficulty of meeting all the needs which exist under the numerous housing programs, and I commend the distinguished chairman of the subcommittee, Mr. BOLAND, for his excellent leadership in shaping this bill. But I do hope that the gaps which I intend to detail are not allowed to remain.

Let me first point to some of the more positive aspects of the appropriation for the Department of Housing and Urban Development.

### HUD FUNDING: COUNSELING SERVICES

The administration requested no funds for counseling services under section 237 of the National Housing Act. The bill before us, however, provides $3 million under the open-ended authorization. These funds may be utilized for counseling to mortgagors whose mortgages are insured under section 237, as well as to families receiving assistance under the section 235 homeownership assistance program. This $3 million funding is a commendable first step in implementing a program which unfortunately has been thus far unfunded.

### HUD FUNDING: MODEL CITIES

H.R. 9832 appropriated $150 million for the model cities program. This, combined with the $575 million appropriated for fiscal year 1971, which will not be used until 1972, produces a total of $725 million for model cities obligations in 1972. But, this $150 million appropriation is still $100 million under the authorization.

The model cities program is particularly important. Title I of the Demonstration Cities and Metropolitan Development Act of 1966 first authorized the provision of grants and technical assistance to cities of all sizes to assist them in planning and carrying out local model cities programs. These are programs to improve the social, economic and physical living conditions of people living in selected slum or blighted areas, through local scheduling, coordination, and concentration of Federal, State, and local public and private efforts.

### HUD FUNDING: URBAN RENEWAL

The HUD appropriations bill provides $1.2 billion for urban renewal. This is $600 million in excess of the amount requested by the administration. This, combined with $200 million of the 1971 appropriation which is to be used in 1972, produces a total of $1.4 billion available for commitment on urban renewal programs. Despite the commendable step of providing this $1.2 billion, that amount is still $1.387 billion below the full authorized amount.

The urban renewal program is essential for the revitalization of our decaying cities and towns. Created by title I of the Housing Act of 1949, this program authorizes Federal assistance in the form of loans, grants, and technical assistance to carry out urban renewal activities. These activities may consist of acquiring and clearing a slum or blighted area, either residential or nonresidential, and then disposing of the land for redevelopment in accordance with planned uses; rehabilitation of structures in such area by the property owners, accompanied by improvement of community facilities by the local government, thereby resulting in conservation of the area; acquisition and rehabilitation of residential properties by local public agencies; or any combination of these. It is particularly crucial, therefore, that the urban renewal program receive maximum funding.

### HUD FUNDING: SECTION 236

The Department of Housing and Urban Development appropriations bill for fiscal year 1972 provides $165 million in increased annual contract authority for the section 236 program. This is a full $60 million less than the maximum—$225 million—which could be provided. This failure to provide full authority is indeed a very serious blow because—without any exaggeration at all—this program is absolutely essential to solving the desperate housing needs of our cities, particularly New York City.

The inadequacy of this $165 million is emphasized by the fact that the hearings before the Subcommittee on HUD—independent offices of the House Appropriations Committee reveals that the backlog of requests for section 236 funds, as indicated by the documents presented in the hearings, amounts to almost $300 million. And, as the documentation in the hearings further explained, the demand for section 236 funds "continues to grow."

Some measure of the need can be demonstrated by looking at New York City alone. The need there is for $60 million in fiscal year 1972—the very amount by which the appropriation bill before us falls short of the full authorization level.

The section 236 rental assistance program was established by the Housing and Urban Development Act of 1968. Its aim was to assist moderate-income families by authorizing interest reduction subsidy payments by the Federal Government. These result in a reduction in the rental charge or carrying charge to the tenant or cooperator. The payments, made to the mortgagee on behalf of the tenant or cooperator, reduce the interest costs down to as low as 1 percent.

In New York City, section 236 is particularly crucial for the viability of the State and city Mitchell-Lama programs. These programs are eligible for the section 236 program by virtue of my legislation adopted and incorporated in the Housing and Urban Development Act of 1968 and the Housing and Urban Development Act of 1970. Unfortunately, because of a lack of funds, New York City has never received sufficient section 236 funds for these projects.

The reason why section 236 is so crucial can be seen by examining the shocking statistics. New Mitchell-Lama buildings are now coming in with rentals and carrying charges of as high as $75 or $80 per room per month. Moderate-income families simply cannot afford these massive expenditures for what is a basic necessity—shelter.

Older Mitchell-Lamas are in the same straits. Buildings which at one time had reasonable rentals are now being hit with enormous increases. One reason for this is increased maintenance expenses. Taxes also account for the rise. And, in addition, buildings which have to go into permanent financing have to pay current high interest rates, much in excess of the rates being paid while they remained on temporary financing.

Section 236 subsidies can bring these rentals and carrying charges down drastically, so that moderate-income families can in fact afford the apartments which are now so costly. The rule of thumb is that each percentage point of interest being paid on a mortgage translates into $4.50 per room per month in rental or carrying charges. Thus, if a Mitchell-Lama project is covered by a mortgage whose interest rate is 7 percent, and the section 236 subsidy is used to bring that rate down, in effect, to 1 percent, the renter of a four-room apartment can experience a rental reduction of 6 times $4.50 times 4, or $108 monthly.

Now, I want to stress that while I have dwelled upon the Mitchell-Lama program, similar programs exist in numerous other States, including Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Michigan, and Pennsylvania, and West Virginia. So section 236 funding is not a matter of parochial concern. It is a dire national need.

I also want to stress that even were full funding provided, there would still be problems with the section 236 program. These must be corrected.

One problem exists in the fact that the Department of Housing and Urban Development has resisted implementing section 118 of the Housing and Urban Development Act of 1970, which incorporates my legislatiton making State and locally financed limited housing projects—for example, Mitchell-Lamas—which were built prior to 1969 eligible for assistance. Last December, when that act was being considered by the House, the administration opposed section 118. Despite its efforts, the will of the Congress prevailed and the provision was passed, an amendment to strike it being defeated. Now the administration claims as excuse for its nonimplementation lack of funds. Inasmuch as the $165 million being provided by the appropriations bill before us today is, although below the full authorization level, $30 million above the funding for fiscal year 1971, I think that the administration cannot legitimately claim such excuse. I expect to see section 118 implemented.

Another problem which currently exists with the section 236 problem resides in the rent-income ratios currently in existence. Section 236 requires that tenants and cooperators receiving section 236 assistance must pay 25 percent of their income as rental or carrying charge. This simply is not a credible figure. Moderate-income families cannot afford to expend such large amounts on shelter, as is statistically demonstrated by the fact that nationally the average rent-income ratio for a "Lower Living Standard Budget," as determined by the Department of Labor's Bureau of Labor Statistics, is just 16.4 percent. The onerous requirement set by section 236 is 8.6 percent above that national average.

The harsh fact of the matter is that moderate income families, living in high cost areas such as New York City, have such tremendous demands on their budgets—for food, transportation, health, education, et cetera—that they cannot afford to allocate a full one-fourth of their income to the cost of shelter.

To remedy this situation, I have introduced H.R. 13, which reduces the section 236 rent-income ratio from 25 percent down to 20 percent. Subsequently, I introduced this legislation as H.R. 6183 with the following cosponsors:

Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer.

Another problem with section 236 is that the income eligibility limits currently set by the law unwarrantedly exclude many families who are in severe need of section 236 assistance. Rising costs have priced much of decent housing—particularly in New York City—out of the market of moderate-income families. Yet the rigid income limits set by section 236 bar these very families from the help of section 236. To remedy this situation, I have introduced H.R. 53, which changes the section 236 limits to either 90 percent of the limits prescribed by the Secretary of Housing and Urban Development for occupants of section 221(d)(3) below-market-interest-rate projects, or 135 percent of public housing continued occupancy limits, whichever is higher. In effect, this means that the section 236 income limits would be set about 50-percent higher than they currently are, opening up section 236 assistance to a large number of families who desperately need help. I subsequently introduced this legislation as H.R. 6184, with the following cosponsors:

Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer.

Still another problem with the section 236 program, and one which must be corrected, is that the statutory mortgage limits have failed to keep pace with rising land and construction costs in New York and other cities. For example, the current limit of $26,680 for a two-bedroom apartment is more than $3,000 below per unit actual costs in New York City. In fact, New York City FHA-insured projects approved, or pending, at the Board of Estimate in early 1971 averaged almost 15 percent above the present limits.

To deal with this severe situation, I have introduced H.R. 54, which provides that the Secretary of Housing and Urban Development may authorize increases in mortgage ceilings to meet increased construction costs. Subsequently, I reintroduced this legislation as H.R. 6185 with the following cosponsors:

Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER.

Unfortunately, with inadequate funding, New York City and other cities around the country cannot even begin to meet the housing needs of their citizens. Thus, I am particularly hopeful that the Senate, when it undertakes consideration of funding for section 236 for fiscal year 1972, will provide the full authorized amount, and that the House conferees will accept the Senate version, recognizing the dire need which I have detailed.

### HUD FUNDING: RENT SUPPLEMENTS

One of the particular gaps in the appropriation bill before us today concerns the rent supplement program. The administration requested an inadequate $60 million increase in annual contract authorization—$93 million less than the authorized level. The committee has failed to even meet that figure, providing in H.R. 9382 for only an increase of $55 million in fiscal year 1972. I appreciate the committee's concern, as stated at page 5 of the report (H. Rept. 92-305) on H.R. 9382, that the eventual cost of contract authorizations thus far provided, and the $55 million increment provided by this bill, will be large as these contracts are paid out. But, that is no real solace for solution for the devastating lack of housing which exists today.

The rent supplement program is particularly crucial in meeting the needs of lower-income families, who face such a desperate lack of decent, affordable housing. Enacted in the Housing and Urban Development Act of 1965, this program provides for rent supplements on behalf of needy tenants. Housing provided is privately owned and operated, and primarily privately financed. A market rental rate sufficient to cover applicable debt service, maintenance, and management expenses is established for each rental unit. Eligible tenants are required to pay 25 percent of their income toward the rental rate, with the deficiency being made up in the form of a rent supplement payment directly to the project owner.

As initially enacted, the rent supplement program did have some flaws. It still does, but one which has been corrected concerned the barring of State and locally financed limited profit housing programs from eligibility. By virtue of my amendment adopted in the Housing and Urban Development Act of 1968, this bar was removed. Thus, in my own State and city, Mitchell-Lama developments are now eligible for rent supplements. This was a particularly crucial step in helping to meet the disastrous lack of decent, affordable housing for many New Yorkers. Subsequently, in the Housing and Urban Development Act of 1970, another amendment of mine was incorporated in the bill as section 118. This made Mitchell-Lamas built prior to 1969 eligible for rent supplements, thereby removing the bar which had remained even after adoption of my previous amendment in 1968.

There still remain other flaws in the rent supplement program. One of these is the requirement that families participating in the program must pay 25 percent of their income as rental. This is an inordinately high amount, particularly when it is matched against the comparable 20 percent requirement under the section 235 homeownership program. Under that program, not only is the family which is receiving Federal assistance in securing home ownership only required to pay 20 percent of its income. It also is building up equity, and obtaining the benefit of the income tax deductions for interest expense. Neither of these benefits accrues to the needy rent supplement family paying 25 percent of its income as rental.

To reduce this requirement down to 20 percent, I have introduced H.R. 13, and subsequently introduced this bill as H.R. 6183 with the cosponsors I previously listed.

Still another problem with the rent supplement program inheres in the administrative rent limits set by the Department of Housing and Urban Development in determining a project's eligibility to receive rent supplement assistance. These simply have not kept pace with the rapid increase in development costs since the inception of the program, and they do not reflect current market rentals for new and rehabilitated housing in New York City and other high-cost areas.

This is seen in the fact that in the 6 years since the passage of the 1965 HUD act, which created the rent supplement program, the monthly rent limits have been adjusted upward only 18 percent, which averages out at just 3 percent yearly. Over the same period, however, and particularly in the last 2 years, construction costs have been rising at a rate of more than 1 percent a month. Thus, present rent limits do not reflect these increases. To provide the assistance which the program is in fact intended to supply, the administrative rent limits must be geared to actual market conditions.

To remedy this situation, there should be at least a 40-percent increase over the original rent limits. At the same time, to allow high-cost areas to utilize rent supplements in federally insured market rate and State and locally assisted developments—such as the Mitchell-Lama and municipal loan rehabilitation projects in New York City—the high-cost area adjustment in the administrative rent limits should be increased from 25 percent to at least 45 percent.

Finally, the rent supplement income limits must be adjusted, because at present many families who do, in fact, desperately need the assistance of the rent supplement program are barred by virtue of their having incomes which are, under the present limits, too high. To correct this situation, income limits and the definition of income governing the rent supplement program should be administratively changed, as they can be and as I have requested by letter of November 7, 1970, to Secretary Romney.

Obviously, the prime issue before us today is the level of funding of the rent supplement program. As I have noted, the level set by H.R. 9382 is $93 million below the maximum. This is very unfortunate. At the same time, not only must we secure adequate funding, but we must also correct the present deficiencies of the program which I have detailed.

### HUD FUNDING: FAIR HOUSING

There are some additional aspects of the programs implemented by the Department of Housing and Urban Development which the occasion of the bill funding this department make appropriate to discuss.

One program of particular concern is the section 235 homeownership assistance program. There have been serious problems concerning the implementation of the program, and certainly among the most serious are those highlighted by the recently issued report of the U.S. Commission on Civil Rights, entitled "Homeownership for Lower Income Families." The finding of this report is that section 235 program has been operated to the disadvantage of the northeastern section of the country. In this region, which contains a substantial portion of the Nation's population, only 6 percent of the section 235 units have been provided. By contrast, nearly half of all section 235 houses have been located in Southern and border States. And, as the Commission report states on page 92:

> If the program is to benefit lower-income families on an equitable basis and not have the effect of discriminating against families because of the geographical area in which they happen to live, some flexibility must be provided in the statutory cost limits to enable the program to operate everywhere.

More serious is the finding by the Commission that the section 235 program has been implemented in such a way as to maintain "the traditional pattern of separate and unequal housing markets for white and nonwhite families," (page 89). The Commission points to the administration of the program as producing this segregated, unequal product. There is only one answer: The section 235 program must be administered so as to provide equal benefits to all Americans. Maintenance of segregation cannot be condoned.

This analysis of the section 235 program by the U.S. Commission on Civil Rights leads to the next issue, and really the larger one, which I want to address. This is the fair housing policy of the Federal Government. On June 11, the President issued his so-called equal housing statement. He promised to enforce laws against racial discrimination, but he maintained that communities would not be forced by the Federal Government to accept low- and moderate-income housing. He said:

> We will not seek to impose economic integration upon an existing local jurisdiction.

Thus, communities remain free, in terms of executive policy, to employ restrictive zoning to preclude housing for low- and moderate-income families.

I cannot accept this view of the role of the Federal Government. Granted, the President said that he would "not countenance any use of economic measures as a subterfuge for racial discrimination." But, that qualification is insufficient—the ability to establish that restrictive zoning was used for racial discrimination will be difficult. Perhaps more importantly, that qualification represents a policy of passivity—of response to an evil to which attention is called—whereas what is needed is a policy of aggressive pursuit of fair housing. That aggressive policy has been lacking heretofore, and the President's statement forecasts a like policy of passivity for the future.

That policy of passivity does not square, I believe, with title VIII of the Civil Rights Act of 1968—the fair housing title—which provides, in section 808(d):

> All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title. . . .

Affirmative action is mandated by the law. That is not what the President's housing policy statement prescribes. What it does prescribe is acquiescence to economic segregation. And in this Nation, in this day, economic segregation means racial segregation. The vast majority of blacks and Puerto Ricans and Mexican Americans and American Indians fall within the groupings of low- and moderate-income families. It is they who need the ability to obtain, decent, affordable housing in the suburbs, where living conditions are amenable and where so many jobs have migrated. The President's policy does not answer this need. It rejects it.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

I have dwelled considerably on the appropriations for the Department of Housing and Urban Development because that Department is responsible for the housing programs which ostensibly are aimed at alleviating a domestic need of the utmost priority.

There is sad irony in noting that in the same bill providing a total of $3,206,324,000 for that Department, there is also provided a larger amount—$3,271,500,000—for the National Aeronautics and Space Administration. Few more object demonstrations of our misplaced priorities could be provided.

I do not deny that the space program provides jobs. This is the argument often heard when one questions the billions spent by NASA—these billions go to provide employment. That is true, but it is no justification for spending these billions on the space program. Those same moneys, expended for other programs which do meet our domestic needs, would equally create employment.

So, the fact is, at least to my mind, that we are spending direly needed funds for programs which really carry a very low priority on the agenda of America's needs. We have inadequate housing, inadequate mass transportation, inadequate health facilities, inadequate educational facilities, and hundred other inadequacies. To spend over $3 billion for the National Aeronautics and Space Administration is to fail to meet these needs, and to sustain the misplaced priorities which continue to govern.

### VETERANS' ADMINISTRATION

Unlike the funds spent for the National Aeronautics and Space Administration, the funding for the Veterans' Administration is particularly necessary and important. H.R. 9382, the bill before us, provides $2,244,700,000 for medical care. This is more than $300 million above the appropriation for fiscal year 1971, and more than $120 million above the amount requested by the administration. This increase will, according to the committee report, assure that sufficient funds are available for not less than an average daily census of 85,500 patients in VA hospitals, and provide for an improved staffing ratio of employees to patients.

Having personally visited the Bronx Veterans' Administration hospital just a little over a year ago, I am convinced that there is a pressing need for improved facilities and staffing. At that time, I asked Dr. A. M. Kleinman, hospital director, about nurse staffing. Our colloquy pointed up the dire situation:

> Mr. RYAN. In regard to this question of nurses. It is stated that one nurse covers three wards—two wards for spinal injury cases and one for rehabilitation.
>
> You mentioned 2–C and 3–C. Are those on different floors?
>
> Dr. KLEINMAN. Yes.
>
> In this case the three wards she covers at night—I am talking about the night shift, 1–C, 2–C, and 3–C.
>
> Mr. RYAN. Three different floors for one nurse?
>
> Dr. KLEINMAN. Yes.

Needless to say, I found conditions at Bronx VA hospital very distressing. Thus, the more than $2 billion provided by H.R. 9382 is particularly important.

Also particularly crucial is the provision, as a component of this $2.4 plus billion, of almost $17 million for the drug rehabilitation program for former servicemen. Obviously, $17 million does not even approach dealing with the program, and certainly my concern and the concern of my colleagues will generate a supplemental appropriation later this year to provide more funds. But at least this funding before us now will provide for 32 drug rehabilitation units, each with 15 beds and the capacity to handle 200 out patients.

I am also pleased to note that H.R. 9382 provides $64,707,000 for medical and prosthetic research. Such research is essential to maintain and develop medical care for our veterans. I, for one, have made no secret of my opposition to the war in Indochina. One of the great tragedies of this war has been the thousands of wounded and maimed young men who have been its victims. To them we owe the finest medical care available. They have paid a very heavy price for the errors of this Nation, and we cannot compound those errors by failing to provide that care for these men.

H.R. 9382 also provides $90,418,000 for construction of hospital and domiciliary facilities. Again, to our veterans we owe a heavy debt. It is essential that we have the facilities to pay that debt.

I do want to make clear that while I am gratified to support these funds for medical care for our veterans, I do not believe that the medical care which has been provided thus far is adequate. It is not enough to just appropriate funds. It is required that we assure that those funds are being used to provide the best services and the best care. Thus far, we have not done enough.

Mr. FREY. Mr. Chairman, today we are voting to increase the annual contract authority for both the section 235 and 236 housing assistance programs to $165 million—an increase of $35 million and $30 million, respectively.

Although I am concerned that we pass the appropriation bill in order to prevent any dry period in funding for these programs as occurred last year, I strongly feel that the program in my congressional district has been seriously mismanaged.

During the past 2 years, when massive unemployment was taking place in Brevard County where the Kennedy Space Center is located, many homeowners were anxiously attempting to sell their homes to prevent foreclosure. In fact, there were 750 vacant homes in the northern section of Brevard County. At the same time, however, the FHA regional office in Tampa continued to permit the construction of new homes under the 235 subsidy program.

After 3 months of correspondence and meetings with FHA officials, a decision was announced to halt the issuance of conditional commitments for the speculative production of new homes until the housing market situation justified additions. However, the FHA order did not pertain to signed purchase contracts or to southern Brevard County. Although the situation has not been as severe in southern Brevard County, there are still many vacant homes which could and should be utilized.

Moreover, many of the homes that were built under the 235 program have been repossessed. In Brevard County alone almost 1,000 homes sold under the 235 program have been repossessed.

Why should it be continued to construct new homes under the 235 program, many of which are repossessed, when vacant, new, or used homes, which fit the requirements of this program are in existence?

Furthermore, there has been lacking a careful analysis of the location of "235" housing. In Indian Harbour Beach, Fla., for example, an ultra-exclusive Brevard community of $20,000 to $50,000, 10 homes under 235 subsidies were built.

The highest priority should be given to decent housing for all Americans. But, the FHA has an obligation to all homeowners not to upset the housing market in an area where it insures the greatest majority of homes.

Mr. BEVILL. Mr. Chairman, a recent survey of all 57 regional offices of the Veterans' Administration reveals that practically all of these offices are underfunded and understaffed. The Veterans' Administration requested over $280 million for general operating expenses for fiscal 1972 largely to operate these offices. When the request was reviewed by the Office of Management and Budget, the general operating expense item in the budget was slashed by over $15 million which will prevent VA from giving timely service to veterans, especially those from the Vietnam era.

Mr. Chairman, a review of the needs of the Montgomery, Ala., office, according to the manager of that office, reveals a need for $154,545 in fiscal 1972. Practically all of this money is for increased staffing where substantial workloads increases exist. At the Montgomery office, the workload factors in compensation, pension, and education have increased by 22 percent; in loan guaranty, 15 percent; administrative, 13 percent.

Mr. Chairman, it is obvious that this situation is getting out of hand. The Office of Management and Budget permitted the VA Administrator to ask for $5.6 million more for general operating expense a few days ago before a Senate committee but most of these funds will be allocated to other areas such as job counseling and will not materially assist or clear up some of the serious backlogs which exist in various divisions of our regional offices. Therefore, I believe we should add a minimum of $7 million on top of what the administration has requested.

Mr. Chairman, the simple facts are that with the discharge of about a million new veterans each year, the Veterans' Administration has more customers. The VA must have the additional required staff to keep pace with this increased workload on a timely basis and they must also look to the future. On the survey form submitted to the Veterans Affairs Committee, the director of the Montgomery office stated:

> Training and employee development suffer from continuous heavy press of employee time to remain current on workloads. We absolutely must train and we do find some time for special job training. There is a great need however, for more training and development to be ready for increasing workloads and for replacements of expected retirements. In the next five years we will experience a great increase in the number of retirements of experienced people. In addition to the 15 extra personnel we have indicated we need in fiscal year 1972, there is a general need, in all the VA Regional Offices, I believe, for several extra personnel ceiling points to enable us to recruit likely prospects when they are available in order to be training them before the actual retirements of the many who will retire in the next few years. With extremely tight fund allocations of the past few years, it has not been possible to carry out a satisfactory program for updating of office machinery and equipment. While this is a built-in part of VA budgeting and fiscal operations, it takes second place to personnel needs as we continue extremely heavy workloads.

Mr. Chairman, I support the addition of $7 million for general operating expenses of the Veterans' Administration. I also want to take this opportunity to congratulate both the Appropriations Committee and our Committee on Veterans Affairs for their cooperative efforts to forestall administration efforts to cut back the hospital program. In an effort to save $3.6 million, the administration had ordered a 250 reduction in average daily patient census in the four Alabama hospitals. I am happy to see that the committee restored funds in this bill to preclude this cutback which would have totaled over $120 million nationwide.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I would like, first of all, to commend the Committee on Appropriations and its Subcommittee on Independent Offices under the able chairmanship of my colleague, the distinguished gentleman from Massachusetts (Mr. BOLAND) for a very fine bill.

I am particularly pleased at the increase in funding over the present fiscal year for the National Science Foundation.

Two NSF programs which especially interest me, and which I was happy to see received additional funding from the committee, are scientific research support and national and special research programs. Both have been increased substantially over the current year.

It is difficult to overemphasize the importance of basic research to the national need for problem-solving. It underlies, really, all the special thrusts we have mounted or need to mount in pursuing some accommodation with the furious evolution the Nation is undergoing.

There is no question that the basic biomedical research funded in the bill is an absolute prerequisite to this Nation's success in conquering cancer, genetic defects, and the uncertainty of organ transplants which it seeks in trying to achieve and maintain the highest possible standard of health.

At the same time, basic research can also hopefully find answers to the many social and economic problems that plague us. There is a particular item of $50.4 million in this bill for a program known as Research Associated with National Needs. Its specific purpose is to focus on and stimulate the applicataion of science and technology to national problems and areas where social benefits can be realized.

Mr. Chairman, I know of no problem better suited to this approach than the very difficult and perplexing situation which finds literally thousands of highly trained, highly qualified scientists and engineers victims of the Nation's gradual shift from a war to a peace economy.

These people, of which there are 10,000 in my State alone, were part of the tremendous national effort first to achieve a military technology commensurate with our role as defender of the free world and then to maintain a superiority in the face of constant threats to that role.

Now, Mr. Chairman, they are being abandoned as the Nation turns to plowshares, and I think, that as victims of geopolitics beyond their control, they are due some consideration by a government they have helped to sustain.

I believe the Government has been derelict, first of all, in not foreseeing this situation and moving to take some of the wrench out of it for these people before they were cast out into a situation not of their own making. Having failed to do that, the Government should now make every effort rectify what is a very real and pressing national problem. What better way than by using this same science and technology to find the solution?

There are several pending bills in this body which authorize National Science Foundation research into ways and means of easing the disruption of conversion. It seems to me we should not and cannot wait for the legislative process to catch up with the situation. Surely part of the $50.4 million can be put to use upon enactment of this bill to begin an attack on the problem that much sooner.

The other part of this bill in which I am vitally interested, Mr. Chairman, is the funding for the Veterans' Administration, whose Administrator, Donald Johnson, is to be commended for the generally excellent job he does in providing and caring for the 28 million Americans who have fought our wars.

I commend the committee for adding $120 million to keep the average daily census at 85,500 at VA hospitals in the face of a proposed budget cutback which I believe is ill-conceived and ill-timed. The VA system maintains a very excellent staff of medical and nursing personnel which performs well and devotedly against great odds. To shortchange them and the growing numbers of veterans requiring care and treatment would not be in the best interest of this Nation. Even maintaining the present level is really not enough.

I was likewise pleased that the committee approved $16.9 million for new special treatment of drug-addicted veterans, although I, would like to have seen that amount increased even more for as well funded an attack as possible on this newest and potentially most damaging wound of war.

I have cosponsored a number of pieces of legislation designed to sharply expand and upgrade treatment and rehabilitation both military and veterans addicts. Again, we cannot afford to wait for the legislative mill to grind these out. We are making a beginning with this bill which must be made without another day's delay. Neither these funds nor the 32 drug centers they will support are totally adequate, I believe, but they are a beginning.

I intend, Mr. Chairman, to support the amendment of the gentleman from Massachusetts (Mr. BOLAND), in requesting additional funds for the VA's general operating expenses and I will speak to that question at the appropriate time.

In the meantime, I repeat my congratulations to the committee and urge this body to act quickly and decisively on the bill which represents a definite step forward in coming to grips with some of the many problems that face this Nation.

Mr. SCHMITZ. Mr. Chairman, although I approve of some of the items in this bill, such as the appropriation for space activities, I will vote "no," because there are many more objectionable items in it such as funds for the "Commission on Population Growth and the American Future" and many of the programs of the Department of Housing and Urban Renewal. These items, and others of lesser objection, are of such potential injury to our society that I cannot in conscience support the measure.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

### COUNSELING SERVICES

For counseling services, authorized by section 237 of the National Housing Act, as amended (12 U.S.C. 1715x–2(e)), $3,000,000.

Mr. CASEY of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, the subcommittee chaired by the gentleman from Massachusetts has done an excellent job on a very momentous bill, but I do want to call the attention of the committee and the Members of the House and the subcommittee handling the bill that there is great danger in the manner in which some of our housing programs are being carried forth. By that I mean to say the idea is good—we want the private sector to get into building all the low cost housing that we can and to do so we have encouraged them by offering them depreciation write-offs, that is, accelerated depreciation write-offs on the housing. We are offering them interest subsidies on their loans.

The only control the Federal Government has is in fixing the maximum amount of rent that they can charge, which is to keep their return on their investment within reason—and I believe it is 6 percent.

I am talking primarily about section 236 housing. Now on this section 236 housing program there is always someone who is a little smarter than we are who write the bill and they are smarter than those who administer the bill. The section 236 housing program is being used by some wealthy people as a write-off against other income. They are not housing people. They are looking for a way out. True—they are building the housing, but mind you when they get through with the fast write-offs on depreciation, which is in about 5 years, they are going to drop it. We have no control as to maintenance. We have no control as to how it is kept up. They are going to drop it and it could be a slum on a moment's notice. If they lose money, they are going to use that loss as against other income where they would be in a high bracket.

In my city there is no zoning. So they say, "well, that is your problem." Well, that is your problem too because the administration of this program, the FHA, should be cognizant of the way this housing is located.

You hear them say from Pennsylvania Avenue: "We are not going to break up neighborhoods with any of our housing programs. We are not going to ruin a neighborhood."

Some officials in other parts of the country are not listening to Pennsylvania Avenue because they are allowing and approving this type of housing, 250 units in some instances, to be placed in small, modest areas, overloading the schools, overloading the streets, and they are located where there is no bus service; there are no plants around where low-income people can get a job. So I say they do have a responsibility on approval of these units as to where they are located, whether there is zoning or there is no zoning.

We need the housing, but put it where it is needed. Put it where the people need it, near their jobs, near transportation, and let us do it right.

I am now hearing other of my colleagues voicing the same objection that I raised a year ago. I could get no support for an amendment to have local authority approve projects.

With regard to the city of Houston they in HUD now say, "We have reached an agreement with the city."

But that agreement states:

> We will give the city 10 days' notice before we will approve a commitment. But that does not mean the city has veto power over the site.

So take a look at this program. I want you to watch it. I hope and trust the committee will watch it and see that this housing is put where it is needed, not merely on the basis of where they might get a tract of land fairly reasonable and some investors might get a fast return on their dollar invested.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I am glad to yield to the gentleman from Texas.

Mr. CABELL. I thank the gentleman for yielding. I would like to associate myself with the remarks of my colleague from Texas. The exact situation prevails in my area, in the Dallas metropolitan area, where these housing units have been placed. We have good middle-income home-owned locations, and within 60 days after the first 3 or 4 section 235 houses are built, the surrounding values have dropped as much as 25 percent.

I certainly commend my colleague for bringing this matter to the attention of the House.

Mr. CASEY of Texas. The gentleman has had the same experience we have had in our area where people have been working and paying for their homes, modest homes in the $15,000 to $20,000 range, and here comes a 200-unit housing deal next door to them, overloading their schools, and they have no recourse. What do the people affected say? We are having to pay the bill to ruin our own neighborhood and depreciate the value of our homes. I think it is a legitimate gripe. I urge the committee and Members of the House to keep a close eye on this problem and, if necessary, help me amend the act.

### AMENDMENT OFFERED BY MR. DEL CLAWSON

Mr. DEL CLAWSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DEL CLAWSON: On page 3 strike out all of the language appearing in lines 10, 11, 12, and 13 inclusive.

Mr. DEL CLAWSON. Mr. Chairman, during general debate I spoke upon the subject very briefly in connection with the amendment that I have offered. The amendment would strike out that section dealing with the counseling services. The $3 million was not requested by the agency. The $3 million was not approved by the Office of Management and Budget. It is the first time that it has ever been appropriated or even proposed by the subcommittee.

Let me read to you from the committee's report in order that you might see how general the subject of counseling services is, because it is not limited or restricted to section 235, section 236, or to any other sections of the housing program. It would amend section 237 of the National Housing Act. The report states as follows:

> Section 237 of the National Housing Act authorizes budget, debt management, and related counseling services to mortgagors whose mortgages are insured under that section as the Secretary may determine to be necessary. The law also authorizes counseling to other eligible families who lack sufficient funds to supply a down payment to help them save the amount necessary. Counseling may also be provided to families who are eligible for assistance payments under Section 235, and to families living in public housing units.

In my opinion this provides all kinds of counseling services, regardless of what they might be; whether they are counseling services having to do with marriage, or counseling services having to do with hygiene or prenatal care. Whatever it might be, we are going to find that the counseling services can be just as general as the law implies, and certainly not restricted to any advice on section 235, nor to give advice just to mortgagees using this type of subsidized housing.

It is also my opinion this is only a token of what it will eventually be if we open up the door for this kind of counseling service. It is the camel's nose under the tent.

Members already have heard the discussion of layer upon layer upon layer of housing programs in existence today, which are funded and subsidized by the Federal Government. If we continue this kind of layer cake we are going to have more and more counseling services, and it would not be out of order at all to predict that next year this will be $6 million, and perhaps increased each year in increments of that amount in future.

In my office it took one girl who has been in the office only 2 months to check the metropolitan area of Washington, D.C., to find out what is available in counseling services of various forms at this time. She was provided with a little booklet, along with several other mimeographed sheets of supplementary counseling services in Washington, D.C. The little booklet provides some 565 different organizations, individuals and groups that give counseling of almost every description.

Let me refer to one section of this booklet. It is this:

> House Counseling Service. Housing and Urban Development. FHA.

I took the liberty this afternoon to call the telephone number under this particular kind of housing counseling. This service is provided by a HUD agency. This is a housing agency of HUD, of FHA.

I asked what kind of counseling they would provide if I wanted to come in by appointment. They said:

> We will give you any kind of counseling in connection with the housing programs of the Federal Government.

I asked:

> Are you funded by HUD?

They answered:

> Oh, yes, we are funded under the FHA and HUD programs.

I asked:

> Will you advise me on 235?

They answered:

Yes, sir, we will be happy to. All you have to do is to call and make an appointment.

HUD already is providing this counseling service. It is already doing the job under some kind of account that is not called counseling service. So in my opinion this $3 million is unnecessary. We do have to have it in the budget. They are already doing the job with existing funds. Why start out now and embark upon an entirely new program that has not been previously funded and that is not a part of the request of the housing agency?

I urge that the amendment be adopted by the Committee.

Mr. SHIPLEY. Mr. Chairman, I rise in opposition to the amendment.

I appreciate the remarks of the gentleman from California and I know that he is highly qualified to discuss this problem. For years I have opposed an appropriation for counseling. On two previous occasions funds have been requested but not approved by the Congress.

With the tremendous amount of money we have been providing for housing, the $3 million we are talking about really is a very nominal amount if it will meet the objectives of the basic law. In testimony before the committee, HUD presented a study of 174 families. In that study they found that out of the 174 cases, each of the families on the average had increased its short term debt by $2,000 in 6 months time. This means that as soon as the families had moved in they felt they needed many new and additional things.

It shows that somebody is failing with the counseling service. During the several years I have been on the committee, each time we consider these funds someone will say, "We already furnished these services. The labor organizations or nonprofit organizations can furnish this service." The fact is these services are not provided. Probably the best evidence one could see to this effect would be to visit any of the large metropolitan housing projects in this country. There you will find that we have suffered millions of dollars in destruction and other losses over the years.

This counseling service is a good investment. If HUD has an opportunity to use these funds—as intended by the committee—on an experimental basis, they will have to report the specific results to us before any additional funds are provided.

I will say to the gentleman from California, maybe they will need to increase these funds in years to come. I know that his statement was factual, we do have an overabundance of counseling services in this country, but they are just not doing the job. We do have the problem, and it may take a little money to cure it.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SHIPLEY. I am glad to yield to the chairman of the subcommittee.

Mr. BOLAND. I join the gentleman from Illinois in opposing the amendment offered by my distinguished colleague, the gentleman from California (Mr. DEL CLAWSON).

It is difficult to follow the distinguished and beloved gentleman from California. He has had many experiences in the housing field and is a very valuable member of this committee. He contributes a great deal to our subcommittee.

What he says about the list of organizations that do offer counseling services in particular areas is true. In the city of Washington the list is long, and they are very effective and very persuasive, and they do offer good counseling services. This is not so, of course, throughout the Nation. So what we provide with the $3 million in this bill is really an opportunity to implement section 237 of the National Housing Act as it was amended in the Housing Act of 1970. It authorizes budget, debt management, and related counseling services to mortgagors whose mortgages are insured under section 237 and under any other sections of the Housing Act, such as section 235. We think there is an opportunity here to provide constructive assistance in properly maintaining properties, so that in the areas where there has been some concern about building under section 235—the homeownership housing program, for example—these homes will be maintained in proper condition. The people will be counseled properly and they will be aided in managing their debts properly Then the home they own in the area will be one they can be proud of and their neighbors can be proud of.

As the gentleman from Illinois suggested, this item has been offered in the budget in prior years and turned down twice. I presume the only reason why HUD and OMB did not present it this year was because the request was turned down last time.

This is an important item for an experimental program. We are going to find out precisely what can be done with this kind of a program, if it will save money, and where to go with this kind of counseling.

I hope that the committee will go along with the recommendation of the committee this year. We are getting into this program on an experimental basis. In another year, if it is not any good, then we will not have it again.

Mr. RIEGLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I, too, want to pay my respects to my colleague from California and to say that I, too, respect the intent of his amendment here. However, I feel very strongly about this particular program because of the experience that we have in my own district in Flint, Mich.

We are far down the road in the 235 and 236 programs. I can tell those of you, if you have not yet experienced the full force of this program in your own districts, that it has many problems.

I think it is a worthwhile program and that it is one where we will have to think more effectively than we have in the past as to how this program is to be implemented so it can win community acceptance.

We are only talking here about $3 million, and that is a lot of money, but if you think of it in terms of the overall amount involved, $300 million that we have for section 235 and section 236 housing, we are talking about a figure that is less than 1 percent of that total amount to be used for counseling services.

Under section 235 housing a person moves into a neighborhood with people who are already homeowners who have built and maintained their homes, but these people have not had the opportunity of having to finance, maintain and upkeep a home poses a very real and difficult problem. If you have people who move into these houses under these circumstances but who do not understand all of the problems of homeownership and what the function of homeownership is, you build up a tremendous amount of resentment and hostility.

In the last 10 days in Flint, Mich., we have had two houses burned to the ground. These were arson cases. If this continues, it is only going to be a matter of time where you will find this kind of resentment boiling over and the people who move into these homes will be burned out because they do not understand all of the problems involved with home ownership. I think this investment is a wise one and this program should be implemented but implemented properly.

But, Mr. Chairman, to think in terms of spending 1 percent on counseling services so we can put this program into effect in the manner that it should be operated and to avoid these hostilities but create places where people can work together, I feel is absolutely critical.

Mr. Chairman, I seldom rise on the floor in debate on these appropriation bills, but I do in this instance because of the experience in my district is such that I cannot emphasize too strongly the fact that we need counseling services of this kind.

Mr. Chairman, if we are not prepared to spend less than 1 percent for these kinds of counseling services, I am not sure that we ought to go ahead with this kind of program especially in view of the fact if we do not ease some of these community concerns and help the people make the transition to homeownership. We are not really doing the job at the present time. This is a program that can be highly effective, but we need this small amount of money to make it work properly. You will find the situation which I have described exists in your own districts; you will find that these families are in need of this counseling service and desperately need it.

So, I hope we can defeat this amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I join the gentleman from Michigan in his statements. I think the $3 million that we would spend for counseling would save a tremendous amount of dollars for the taxpayers.

Mr. Chairman, people are coming from other States. They are in the low-income category. They do not exactly know the mode of living in the Northern States. These people will be counseled who occupy these section 235 houses as to how to live, how to budget their money, and how to meet their obligations. It would provide for a good environment. We have up to this point, up to March, built 198,000 section 235 houses and, certainly, we can continue on with this type program and give people the opportunity of homeownership who would never otherwise have it. We will give them the type of mode of living that the people in the Northern States are accustomed to.

Mr. Chairman, I certainly hope this amendment is defeated.

Mr. ROBERTS. We will be glad to give it back to you.

Mr. TALCOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Chairman, I would like to suggest that the gentlemen who have spoken just before are probably correct that counseling is a good idea—an admirable objective. I think we need to counsel people.

Also, I am convinced that $30 million would not be adequate for the necessary kind of counseling that people need, particularly in housing projects. But that is not the point here, for there are many agencies, there are many volunteer agencies, groups and individuals who provide all kinds of valuable counseling. I think the most regrettable aspect of this $3 million item for counseling in this bill is it is going to dry up many times that amount of counseling. By this provision in this bill we are going to lose not only the quantity of counseling that we need and now enjoy; but we will lose the quality of counseling we need because everyone is going to say, "now that counseling is provided by HUD, we no longer need to do it."

So I urge a vote for this amendment.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record.)

Mr. BARRETT. Mr. Chairman, the House has been consistent in its expression of the need for providing homeownership counseling services to low income famliies, starting with section 237 of the National Housing Act and section 106 of the HUD Act of 1968 and again by section 903 of the 1970 HUD Act.

HUD is also convinced of the need for counseling services and is making efforts to have these services made available by voluntary public or private organizations. Unfortunately, an examination of these organizations reveals that many are operating on shoestring budgets, holding on and hoping for some source of financial assistance. The success of these voluntary organizations has been well documented in a study conducted by the Mortgage Bankers Association of America. I think the most revealing point made in this study is the great need for Federal funding to maintain these counseling services.

Many of the abuses in the section 235 program, which we have been hearing about might never have occurred had the families been adequately counseled as to what to look for and what to expect in the way of a section 235 home. There appears to be substantial evidence that counseling will do much to reverse the trend toward a higher rate of foreclosure in the section 235 program. The Mortgage Bankers Association's national delinquency survey report, compiled as of March 31, 1971, shows that the rate of loans in foreclosure for all FHA-insured home mortgages, aside from section 235 mortgages is 5.5 per 1,000 while the foreclosure for section 235 mortgages is 10.7 per 1,000. The section 235 foreclosure rate is almost double the rate in the other home mortgage programs. Surely, counseling in money management and family budgeting would help correct this situation. The MBA report shows that the foreclosure rate has been extremely low in areas where counseling has been available.

If we are to obtain maximum effectiveness in the section 235 program I feel that we must take every step necessary to assure that low-income families are given the best possible chance to make a go of their first opportunity to own their own home. Counseling service is needed and the funds for the counseling program should be approved.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the proposed amendment. If this amendment is defeated, it will be the first step in funding a previously unfunded program and like all other programs, it will continue to expand with the annual cost of the program drastically increasing each year.

We do not now need any additional counseling for those living in public housing or other types of housing which are subsidized by the Federal Government. The fact is that there is ample counseling available right now. The further fact is that most of the tenants do not want tenant counseling and will not accept it.

The Greater Chester Movement is the OEO Agency for the city of Chester, Pa., which has a population of approximately 56,000.

The Greater Chester Movement only 2 weeks ago received a grant just under $900,000 for funding its operation and much of this money will be spent in counseling and guidance of all kinds.

Just last week, the Greater Chester Movement received a grant of $40,000 and the type of grant was a housing related development grant for tenant counseling. The purpose of this $40,000 grant is to provide technical and administrative assistance to low-income families and individuals so that they can more effectively utilize existing programs.

And, this week the Greater Chester Movement received a grant of $99,591 for a 9-month period to provide legal services to low-income persons.

The fact is that in every city in this country, the biggest problem in public housing, and other types of housing subsidized by the Federal Government, for low-income families, the public and subsidized housing is being torn up faster than it can be rehabilitated.

When a family moves out of this type of housing, and sometimes before they even move out, the plumbing fixtures are removed and sold as is the copper tubing and anything else which can be sold or "fenced." I know personally the owner of one contracting company who does a substantial amount of work for the Philadelphia Housing Authority. He has informed me that he has rehabilitated innumerable homes three times in 1 year. Even though this means revenue to him and his company, he deplores this complete waste of the American taxpayers' money.

What we need in public housing and in federally subsidized housing is a management that says these are the rules, you will abide by them or you will not live here. This the only way we are going to stop squandering millions of dollars every year and begin to catch up on the number of livable family units we need for low- and moderate-income families.

Tenant counseling has proven to be a failure and I urge the Members of this House to vote for the amendment of the distinguished gentleman from California (Mr. Don H. Clausen).

Thank you.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, ordinarily I do not talk about any other committee's bills because most of the time I do not know about what they are trying to do. But I have had a lot of experience with this 235. I have had more criticism of this 235 program than all the public housing programs that have gone alone in the last 20 years. People say, "Well, we are just earning too high a salary to get 235, but this guy down the street just makes a little less money than I do and he can get it."

Two or three different employers down in Tulsa talked to me and said—"Our employees came in and said, 'Will you cut my salary and put it away so that I can get 235 housing and after I get the housing approved and so forth, then you can give it back to me.' "

Will the counseling service that you are setting up be able to counsel those people as to how they can get their salaries cut and get under the 235 program and still not lose any salary?

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. DEL CLAWSON. As I indicated in my statement, that is not intended for section 235 only. This counseling service is for all of the programs that have HUD subsidized housing programs and it will be used more for public housing than it is for section 235 housing.

Mr. BELCHER. Could these people find out how to get in to public housing by getting their salary cut and will that counseling service tell them how to cut their salaries to get under the public housing programs without losing any of their money?

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. JONAS. Of course, in order for John Smith to get a subsidy under the section 235 program, he must qualify incomewise. If he pulls himself up the economic ladder and has more income than entitles him to eligibility, his subsidy and the contract is canceled. That is why HUD estimates that these 30-year contracts will all be paid off in 10 years.

I call that a rosy hope, but at least if a man gets out of the income eligibility track, he loses his subsidy.

Mr. BELCHER. As I said a little while ago, I do not talk on any other committee's bill but I do want to know how to tell these people to get under public housing without losing any of their salaries.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. WILLIAMS. I thank the gentleman for yielding. I would like to agree with his comments on the section 235 program.

Actually, there was difficulty with this program and HUD, or the FHA department of HUD, made a survey of low- and moderate-income families who had purchased homes under section 235 program which subsidizes interest rates. These people were complaining that the houses were not in good condition. But the single major and largest complaint was about the peeling and chipping paint.

I really wonder what has happened to our American initiative where a person who buys a home with the interest rate subsidized by the Federal Government cannot go to the corner hardware store, buy a scraper, a can of paint, a paint brush, and there get a book of directions about how to put it in.

Mr. BELCHER. I do not ask anybody to agree with me, because I do not know what I would agree with. But I just came up here to ask for information on how to get my people under this public housing 235, or anything else, without losing any of their money, when they have too much money to get under the section. If anybody can tell me about that, how this counseling service will do that, I will be very, very happy to obtain the information.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that each of us has had his own experiences in his own district with this program of homeownership and rent supplements. We have had rent-supplement programs in my district. They both went through great agonies during the construction period. One of them was vandalized so often that the builder had to put a wire fence around it before it could be built.

I want to read to you a letter that a lady wrote to a developer of one of those projects on June 3 of this year:

GRANADA HILLS, CALIF.

DEAR MR. MANN: Apathy has never been a part of my make up. Civil duties are an important part of my life, so as a citizen who has, and always will, act in the interest of her community, I was instrumental in forming the opposition to the intrusion into our community of the Granada Gardens project.

In all fairness, I find it gratifying to be able to inform you that my original conception and fears have been allayed. The long months of apprehension have been rewarded by the well-planned and beautiful complex you have built. So often developers make grandiose promises that are never kept. In this case, you have truly been the exception.

It has been my pleasure to meet and observe the manager and his wife, so it came as no surprise to me to note the fine type of tenants they have selected to fit into our community.

I feel the project is certainly an improvement over the undeveloped site we had before, and I have confidence that Mr. Harris will strive to maintain the excellent standards now in force.

Thank you for a job well done.

Sincerely,

SHIRLEY SILVERSMITH.

That project was opposed by literally hundreds of people because of misapprehensions and misinformation about the purpose of the project and the kind of people who would be occupying it. I just wanted to call that to the attention of the committee and to suggest that if this $3 million will help in part to cut off that kind of misinformation and fears, it will be money well spent.

I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DEL CLAWSON).

The question was taken; and on a division—demanded by Mr. DEL CLAWSON—there were—ayes 32, noes 41.

TELLERS VOTE WITH CLERKS

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WILLIAMS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DEL CLAWSON, SHIPLEY, TALCOTT, and ROUSH.

The Committee divided, and the tellers reported that there were—ayes 164, noes 217, not voting 53, as follows:

[Roll No. 174]

[Recorded Teller Vote]

AYES—164

Abbitt
Abernethy
Archer
Arends
Ashbrook
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Coughlin
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Dennis
Derwinski
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Ford, Gerald R.
Forsythe
Frey
Fulton, Pa.
Fuqua
Gettys
Goldwater
Goodling
Griffin
Gross
Haley
Hall
Hammerschmidt
Harsha
Hastings
Hays
Henderson
Hillis
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Keating
Keith
King
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McCollister
McDade
McEwen
McKinney
McMillan
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
O'Konski
Passman
Pelly
Pettis
Pirnie
Poage
Powell
Price, Tex.
Railsback
Reid, Ill.
Robinson, Va.
Robison, N.Y.
Rogers
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Ware
Whalley
Widnall
Wiggins
Williams
Winn
Wright
Wydler
Wylie
Young, Fla.
Zion
Zwach

NOES—217

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brooks
Broomfield
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Dow
Drinan
Dulski
du Pont
Dwyer
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Ichord
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kuykendall
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitehurst
Whitten
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—53

Alexander
Anderson, Ill.
Anderson, Tenn.
Baring
Bell
Blanton
Blatnik
Brasco
Davis, Ga.
Dent
Devine
Donohue
Eckhardt
Edmondson
Edwards, La.
Flynt
Gubser
Hagan
Halpern
Hawkins
Hébert
Jacobs
Jones, Tenn.
Kee
Kemp
Landrum
Long, La.
McClure
McCulloch
McDonald, Mich.
Melcher
Mills, Ark.
Mills, Md.
Moorhead
Morse
Murphy, Ill.
Podell
Poff
Purcell
Quie
Rarick
Rhodes
Rousselot
Runnels
Schwengel
Stokes
Taylor
Ullman
Vander Jagt
Wampler
Watts
Wilson, Bob
Wilson, Charles H.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order to the provisions of the bill?

Are there any amendments to the bill?

### AMENDMENTS OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

(The portion of the bill to be amended reads as follows:)

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,517,700,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mrs. Abzug: Page 11, line 23—strike out "$2,517,700,000" and insert in lieu thereof "$2,417,700,000".

### PARLIAMENTARY INQUIRY

Mr. JONAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Carolina will state his parliamentary inquiry.

Mr. JONAS. Mr. Chairman, the bill has been considered as read and open to amendment at any point. I presume the gentlewoman from New York (Mrs. Abzug) wishes to offer both of her amendments at one time.

The CHAIRMAN. The Chair will state that the gentlewoman from New York (Mrs. Abzug), offered only her amendment that refers to page 11, line 23, as the Chair understands.

Mrs. ABZUG. Mr. Chairman, I gave the Clerk both amendments.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. Abzug) desire to offer both amendments and have them considered en bloc?

Mrs. ABZUG. I do, Mr. Chairman, and ask unanimous consent.

The CHAIRMAN. The gentlewoman from New York (Mrs. Abzug) has offered two amendments, and has asked unanimous consent that they be considered en bloc.

Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

(The portion of the bill to be amended reads as follows:)

Sec. 504. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

The Clerk read as follows:

Amendment offered by Mrs. Abzug: Page 29, insert after line 6 the following:

"Sec. 505. No part of any appropriation contained in this Act shall be used to further in any way the research, development or construction of any reusable transportation system or space shuttle."

Redesignate the succeeding section accordingly.

Mrs. ABZUG. Mr. Chairman, the first of the two amendments to this bill, if not passed, would render the second amendment unnecessary, but the cumulative effect of both amendments would be to delete the funds earmarked for research and development on the space shuttle and to prohibit NASA from using other funds for this project.

Mr. Chairman, the space shuttle is another camel's nose stuck under the tent of a three-ring circus; it permits the United States to spend at least half as much money on a shuttle as it did on the Apollo mission to the Moon. But this time, NASA aims not for the Moon or Mars, but for the nothingness of orbit, where men have been shown to have very little value.

NASA has asked us to approve the $100 million initial appropriation for research and development of the space shuttle system on the ground that because the craft is reusable it must be economical.

The Rand Corp., which was involved in comprehensive research on the space shuttle, reports that only after $141 billion is invested in an expanded manned space program will this vehicle prove to be economical.

This—in the context of $141 billion program as part of an overall manned program—this might be cheaper than a nonreusable shuttle. But in the context of a phasing out of the manned space program in favor of unmanned programs, which is the direction that we seem to be projecting, it is not practical.

What adds to the absurdity of this program is the fact that the scientific community, which is usually quick to back funds for such projects, is apprehensive and doubtful about this one.

Dr. James A. Van Allen of Van Allen Radiation Belt fame, as well as Dr. Thomas Gold, Dr. Brian O'Leary and many other scientists have opposed the space shuttle program.

The National Academy of Sciences in a recent report entitled "Priorities for Space Research 1971 to 1980," stated that—

> It is clear that space science and application by themselves are insufficient to justify the cost of developing the space shuttle.

Should not we heed the advice of experts in the field before committing ourselves to an expensive, long-term program?

Furthermore, while the success of the overall program rests upon the development of extensive space stations, no definitive evidence of man's ability to withstand the absence of gravity for long periods of time is available. The Skylab mission, which will seek to produce some data on this question, will not begin until 1973. In light of yesterday's Russian tragedy, very extensive research on the consequences of long absence from earth must be conducted before we can in good conscience subject our astronauts to these conditions.

Moreover, we are told that the reusability factor will be economical only if we make as much use of the shuttle for classified military purposes as we do for civilian purposes. Before we commit ourselves to giving the military accessibility to space, we must consider the serious international ramifications of this action. We have pledged ourselves fully to the nonmilitary use of outer space, and we must not involve ourselves in any enterprise that will jeopardize our goal of peaceful development of outer space.

I believe that there exists a wide consensus that our space efforts be devoted to unmanned space flights; this is the view of most scientists. Unmanned flights would accomplish NASA's stated objective of reducing the costs of space flight without hampering our exploration of space.

Some of my colleagues express the fear that abandonment of the space shuttle program would result in our being ranked second in the "space race" and that it would prevent us from carving another notch in our technological six gun. To me, the way that this House can improve our national image is to see to it that we rank first in addressing the real priorities of our Nation by investing in programs that are designed to alleviate the massive problems that we face in the field of health, housing, and education.

Mr. ANDREWS of Alabama. Mr. Chairman, I ask unanimous consent that the gentlewoman from New York may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. PELLY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I will conclude my remarks by suggesting that we have many times in this House embarked upon a research and development program only to find that it has cost us billions upon billions of dollars, and we have then had to abandon the project. Our experience with the SST and our experience with the Apollo program should be sufficient warning to this House to support an amendment to strike the expenditure now of $100 million on a program which will cost us $13 billion before we are finished. This amendment addresses itself to $100 million to be expended for research and development. It has been projected by scientists and by the Rand Corp. that the manned space program of which the shuttle is a part will cost between $25 billion and $75 billion of the taxpayers' money before we are through—money needed for housing, health, education, and jobs.

I think we should scuttle the shuttle and turn our attention to the crying needs of the American people right here on earth.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment. I commend the gentlewoman from New York for her consistency, and I wish to commend her also for her spirit and her sense of priorities.

These arguments have been presented before. The gentlewoman from New York offered the same amendment to the authorization bill, when it was on the floor. I ask that the amendment be defeated and ask for a vote on the amendment.

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the space shuttle program is very much worthwhile and should be located at Vandenberg Air Force Base, Calif., for the following reasons:

### STRATEGICALLY ESSENTIAL

Reportedly, over 93 percent of America's orbiting space shots are polar. Thereby observing the Earth perpendicularly at every latitude as it rotates below. America's polar shots start from Vandenberg.

Retrograde shots achieve sun-synchronous orbits to view the Earth consistently in sunlight or dark; 133 of America's 136 retrograde shots were fired from Vandenberg.

The majority of shots America evidently deems strategically essential are made from Vandenberg. Prudently, we should assure our strategic obligations first, our less essential obligations thereafter.

### DEMONSTRATED NECESSITY

Vandenberg's necessity is evident from the decision to develop our capability there even though initiating the Cape Kennedy space site.

Since 1957 the need for a Vandenberg capability has been developed and demonstrated; a necessity not satisfied elsewhere.

### FOREIGN AVOIDANCE

Shots from Vandenberg avoid flight over foreign territory during initial ascent. For Space Shuttle, a California launch site also avoids the booster's return flight over foreign territory.

The problems of having dropped missile parts upon Cuba from Cape Kennedy, the threat of the Cuban missile crisis years later, and the national policy decision to avoid Cuban overflights underscore the shortcomings of Cape Kennedy for polar and some retrograde shots which comprise the bulk of our space azimuth-angle needs. Space shuttle shots to the south from Cape Kennedy would overfly Cuba and Panama; boosters would be returning over Cuba vulnerable at a 13,000-foot altitude. Such a possibility induces the likelihood of exploitation of our foreign neighbors by our international competitors.

### FAVORABLY SITUATED

Vandenberg is strategically located. It offers coastal availability and semirural locale but nearby metropolitan requirements, southerly for thrust of Equatorial-nearness yet Western in weather advantages and convenience to aerospace centers and suppliers.

### OPTIMUM CLIMATE

Predictable weather and evenness of climate aid operations. California affords a less pervasive coastal humidity than that deteriorating Cape Kennedy facilities. Minimum necessity for protection from weather extremes favors operations.

At Vandenberg thunderstorms occur less than 5 days a year, while thunderstorms at Cape Kennedy average 75 annually. Lightning activity, which is almost unknown at Vandenberg, occurs 100 days a year at Cape Kennedy where lightning strikes between 20 and 40 times within a square mile each year.

The modest wind gust level at Vandenberg is tolerable, compared with gusts approaching hurricane velocity at Cape Kennedy.

### EXISTING FACILITIES

The largest launch area in the western world, Vandenberg maintains 44 launch sites of which 30 are active. With a range ten times the size of Cape Kennedy, the Vandenberg base comprises 100,000 acres traversed by 327 miles of roads, dotted with 3,500 buildings—1,400 of which relate to base operations, and 2¼ million square feet of which are occupied by missile contractors. Vandenberg represents a construction investment since 1957 of $2.4 billion.

Vandenberg admirably satisfies the caveat in site selection: "make maximum use of existing facilities."

### CONVENIENT FUEL

California already has both the natural gas network as well as plant facilities for converting natural gas to liquid hydrogen. California's liquid hydrogen plants can produce more than the 90 tons-per-day the shuttle will require during its peak operation. California has over three times the liquid hydrogen plant capacity of any other State.

Within 150 miles of Vandenberg, plants can supply by tank truck more than adequate fuel for the shuttle's initial years.

By contrast, the Cape Kennedy site requires a 740-mile haul by truck or train for most of the liquid hydrogen consumed. One study concluded: the costly alternative is to dismantle one of California's plants and reconstruct it in Florida.

A California site also makes unnecessary another alternative, that of an international agreement for converting crude oil to liquid hydrogen in another country for shipment to America, thereby avoiding American import duties of crude oil.

### AIRFIELD CAPABILITY

Vandenberg's airfield adjoins a likely shuttle launch complex. Adequacy is demonstrated by its use for training by commercial pilots of 747 aircraft which approximate the booster in size. Extensive flat land surrounds the strip, making expansion of its 8,000 feet convenient to achieve.

### WATERBORNE ADAPTABLE

Coastal accessiblity makes Vandenberg convenient by boat or barge to all the Pacific aerospace ports from Seattle to San Diego and to shipments from the gulf coast.

A sheltered lagoon exists on Vandenberg's 36-mile coastline within a short distance of the intended shuttle site. Limited dredging could prepare this convenient natural port to receive shuttle barge shipments. Reportedly, the sand bottom is coarser and less subject to silting and wave action than the Cape Kennedy barge channel.

Over a decade of logistics experience has been perfected at Vandenberg in missile and aerospace shipments by plane, truck, and rail. Shuttle shipments can adapt this knowledge in the handling of large and awkward components.

### ACCESSIBLE MANUFACTURERS

Convenience to manufacture and assembly is a cost-efficiency criterion in selecting a base site.

Virtually every manufacturer earmarked as a likely participant, including payload and servicing contractors, has a major installation in the nearby California and Pacific coast aerospace complex. Most are located within an easy drive of Vandenberg, making shipment less time consuming, servicing convenient, and reducing the costs for rotation of personnel.

### ASCENDING IMPORTANCE

Vandenberg's importance and frequency of use will correspondingly increase as the Apollo era ends and as space lab is completed.

The diminishing of space work elsewhere, and the 4- or 5-year hiatus in manned space flight, increases the reliance on and need for this major remaining site.

The continuing necessity for Vandenberg's capabilities, the steady schedule of operations, a readily accessible work force, and a physical plant maintained in response to current operations increase in legitimacy of Vandenberg's importance.

### ELIMINATES MOTHBALLING

Cost savings occur when our space program can avoid incurring the relatively unproductive expense of mothballing and the follow-on reactivation expenses.

Facilities at Vandenberg will continue to be used in a regular schedule of operations and the expense of mothballing while awaiting the shuttle era can be avoided. Furthermore, construction at Vandenberg could be scheduled when timely and feasible rather than being initiated in the near future as a means to stretch out, prolong, and maintain an otherwise declining level of activity.

### OVERWATER TRAJECTORY

Vandenberg's bay window on the Pacific scans 210 degrees of ocean front, from 120 degrees to 330 degrees.

The overwhelming preponderance of our current space shots, both polar and retrograde, capitalize on these overwater trajectories from Vandenberg.

Therefore, if an overwater trajectory is advantageous during the Shuttle's development as well as for frequently used azimuth angles . . . yet paralleling relatively nearby emergency or alternate landing sites in the continental United States without requiring foreign landing rights—Vandenberg's location combines these favorable factors.

### SAFETY ZONED

Vandenberg encompasses 100,000 acres. This provides an important buffer margin of safety. The nearly vertically rising Shuttle will have reached a 100,000-foot elevation before traversing 20 miles on the ground. Although engineered for intact abort, a catastrophe-prone critical period could occur during the initial rise prior to separation before sufficient altitude is reached for guided landing.

In this interim, a margin of safety is assured for the off-base populace if debris falls within the perimeter of a large land-area base. Narrow or limited-area base sites cannot offer this safety-zone afforded by Vandenberg and Edwards, two of America's largest bases in ground area.

### SPARSELY INHABITED

Vandenberg has a unique feature: sparsely settled, low-population density nearby, yet easy accessibility to the cosmopolitan advantages of major metropolitan centers.

Both satisfy a preference specified by one study: low-population density for the initial 1,100 miles down range along the most likely used azimuth angles.

The desert immediately surrounding Edwards is one of America's least populated areas; Vandenberg is in the heart of a sparsely settled, primarily rural area. Likely eastward shuttle corridors pass over lightly inhabited national forest and desert terrain.

### CASUALTY AVOIDING

Edwards and Vandenberg claim at least seven factors that aid in minimizing casualty possibilities: First, extensive, immediate base-site perimeter; second, available down-range corridors; third, overwater corridors for heavily used flight azimuths; fourth, low-population density for at least the first 100 miles of a corridor; five, opportunity for the shuttle to achieve substantial altitude before overflying even moderate-sized population centers; sixth, clearly defined landing alternatives, either scheduled or emergency; and seven, consistently reliable weather, making advance planning possible.

### DISPERSING SONIC BOOM

Orbiter sonic booms can be dispersed on return over the Pacific Ocean for all Vandenberg eastward launches; southerly launches can disperse orbiter sonic boom off the Pacific coast by means of a dogleg return glide angle. This offshore dispersal of orbiter sonic boom is achievable by practically no other candidate site without the costly establishment of alternative landing sites developed solely for that purpose.

Most orbiter returns to Edwards will also disperse their sonic booms in the sparsely settled desert test range where aircraft sound effects have long been isolated from the public.

Booster flights south from Vandenberg disperse their sonic booms over the Pacific; eastward booster flights effect booms largely within the Edwards test range, national forest or southwest desert country.

Unlike some other candidate sites, California launched shuttles will subject no other international neighbor to our sonic booms.

### COMPATIBLE MATING

Most engineering studies tend to prefer horizontal mating of the booster and orbiter, either during preparation, concurrently with roll-out, or at the launch pad. Some studies advocate lifting booster and orbiter, at the pad, by strong-back and mate at that time.

Cape Kennedy's vertical vehicle assembly building imposes an obligation to examine at length the possibility of vertical mating and crawler-transporter roll-out.

Vandenberg does not impose the obligation of devising engineering techniques or modifications of the shuttle to satisfy extensive existing structures. Either method, horizontal or vertical, is thereby adaptable to the California site, whichever represents priorities of practical engineering and orbiter and booster design.

### COST EFFICIENT

An array of inherent Vandenberg advantages contribute to efficiency and the minimizing of cost, both in initiating as well as long term operating of a shuttle base.

Strategic need is satisfied without assuming costs of duplication to achieve that capability elsewhere. Test development facilities at Edwards could cost-effectively translate into retrieval base operations serving Vandenberg. Favorable climate has cost advantages. Existing facilities minimize new construction costs. The expense of additional natural gas network system is not needed. Nearby liquid hydrogen plants reduce new plant expense. Existing airfields make construction minimal. Coastal accessibility reduces costs of accommodating larger components. Nearby manufacturers diminish several expenses of accommodation. Vandenberg's continuing operation minimizes otherwise costlier stretchout elsewhere. Mothballing expenditures are unnecessary. Manning facilities may reduce new construction costs. Competitively available manpower indicates cost efficiencies.

### AEROSPACE COMPATIBILITY

Historically, California is an accustomed partner in the development of flight. Californians are attuned to aerospace activity, accept it as natural to modern life, are agreeable to its presence, industry is attuned to its requirements, and the economy is conscious of its practices.

California's level of understanding and sophistication about aerospace makes it an accepting environment for the establishment of a shuttle base.

### MANNING CAPABILITIES

The manned orbiting laboratory with its allied training, launch, housing and servicing facilities exists at Vandenberg. The base has been brought to the threshold of manned space flight as a natural adjunct to its unmanned capabilities. This readiness could phase into shuttle use.

### ENVIRONMENT CONSCIOUS

All site candidates should be studied for their likely effect on man and nature, their respect for land use, their impingment upon other needs, and their effect on natural terrain.

Vandenberg has witnessed several generations of use, yet has maintained a pleasant accommodation with nature, preservation of most of the natural terrain and phenomenon, and has had a minimum of unsightly nearby commercial exploitation. Local residents are aware of continuing this responsibility toward the total environment.

### SKILLED MANPOWER

Numerically, the total of California's experience aerospace manpower is over twice that of nearly all other major site-contending States combined.

In duration, California's aerospace manpower experience is frequently two generations in depth and often over three decades in length.

The size of the working populace, 7½ to 8 percent of which are now unemployed—the majority being aerospace—indicates a larger total unemployed aerospace populace than any other State or combination thereof.

For Shuttle base staffing this implies: First, cost advantage of competitive availability; second, many applicants per opening thereby making selection for quality more likely; three, a work force already residing in an area of predetermined preference; fourth, less necessity for costly inducements to relocate at isolated locations; and fifth, unlikely need for extensive education to upgrade the work force.

### RECEPTIVE ECONOMY

California's extensive and highly diversified economy could absorb the infusion of Shuttle-related activity without shock of dislocation. On the contrary, even the placement of nearby all shuttle-related work in California would not equal or offset the larger loss of aerospace work which California has suffered in recent years.

Unlike isolated or rural shuttle base candidate sites in other States, a study concluded that location of the shuttle base at Vandenberg would only moderately affect the nearby local economy by maintaining the same modest rate of growth experienced during the past 10 or 15 years.

California's gross national product is equivalent to that of the world's seventh largest nation, ranking in between that of the United Kingdom and Italy. The scope of California's economy, the size of populace and area, make it equivalent to a major American region than the limited and conventional interpretation of a State.

### CUMULATIVELY SUPERIOR

In total, the reasons for California shuttle-site suitability are numerous. In importance of contribution toward satisfying shuttle needs, the reasons are influential. In necessity, the reasons are logical.

The foregoing has scanned the more obvious qualifications. Each is worthy of greater investigation. Each will reveal an increasing number of justifications for establishment of a shuttle base at Vandenberg, justifications which compare favorably with other candidates, justifications which cumulatively endorse California, and justifications which continue an already established importance of the California site for space endeavors.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to emphasize to my colleagues that the shuttle vehicle will provide a savings of over 90 percent in all future space missions. We must realize that the key to future space operations is economy and the key to that economy is the shuttle. This vehicle is a reusable space transportation system that will revolutionize present day space operations by furnishing an airline-type accessibility to space at low operational cost.

Two major sources of cost reduction are associated with the use of the shuttle system. In addition to the substantial operational savings generated by reusable hardware, there are significant economies to be realized in the payload area due to relaxed weight and volume constraints, capability to return payloads and in-flight checkout of payloads.

The shuttle is planned as a two stage vehicle which will possess an all azimuth capability and have an operational availability such that it can be launched on short notice. It will take off vertically under rocket power with the booster accelerating the orbital stage to the outer fringe of the earth's atmosphere where separation will occur. The booster will then decelerate and cruise to a designated landing field and land horizontally. The orbiter will proceed to orbit, powered by its own rocket engines, to deliver its payload and perform its assigned mission. After spending up to 7 days in orbit, the orbiter will reenter and return to a conventional airport runway and also land horizontally. After a short turnaround period of approximately 2 weeks both shuttle stages will be ready for another mission.

The shuttle will be designed for 100 or more flights with a minimum of ground maintenance. Payload transportation will be similar to commercial airline practice. The orbiter will contain a large compartment of about 10,000 cubic feet to accommodate a varying payload mix of satellites, passengers, and cargo. In a passenger mode, 10 people plus a crew of two can be accommodated. Moderate G loads and a shirt sleeve environment will allow average people in good health to fly into space without extensive flight training.

Once developed, the shuttle can replace essentially all the present day launch vehicles except for very small vehicles of the Scout class, and the very large Saturn V. Its low operational cost and its versatile capability can accomplish a variety of missions including transportation to and retrieval of satellites from low earth orbit, visiting orbiting satellites for periodic servicing, delivery of propulsive stages and payloads for high-energy missions to low earth orbit, short duration science and applications missions, serving as a space research laboratory, and the transportation of personnel and cargo to space stations in low earth orbit.

Current plans for the shuttle focus on the beginning of horizontal flight testing in the mid-1970's, with a full operational capability by the end of the decade that will provide this country a space flight operations capability which by its unique and versatile nature will be unmatched for years to come.

The shuttle vehicle consists of a fully reusable booster and orbiter each using high pressure liquid oxygen/liquid hydrogen fueled rocket engines for propulsion. The shuttle's payload capability will range from 25,000 to 65,000 pounds depending on altitude, inclination, and orbiter configuration.

The fiscal year 1972 program provides for detailed design and development on the engine—the longest leadtime component of the shuttle. It also provides for proceeding on an orderly step-by-step basis with the shuttle airframe design. This effort may lead to detailed design or initiation of development depending on the progress of studies now underway.

Two concurrent definition studies are underway for the vehicle to provide data upon which to select configurations that can be carried forward with the design phase. Supplemental feasibility studies of alternate vehicle concepts are also being conducted.

In fiscal year 1972 vehicle definition will be advanced by wind tunnel testing to define the precise aerodynamic heating, launch aerodynamics, staging separation forces, re-entry stability and control characteristics, and atmospheric propulsion effects. Dynamics testing will proceed to determine wind loads, vehicle flutter effects, and the acoustic environment which will exist. Design of long lead time hardware and subsystems, test devices and tooling fixtures will be performed.

Test demonstrations to verify design concepts constitute an important part of the shuttle study program and will include tests of the static and dynamic performance of structures proposed for fuselage, wings, tanks, and attachment mechanisms. Mission simulations will be performed in combination with thermal protection systems. Analysis and test of many new alloys and promising materials are planned. A flight research program will investigate attitude maneuvers for the defined configurations, determine control system requirements, and provide the necessary flying test bed for flight system components.

A principal focus in the development of the engines for propulsion is the long lead time required for engine development. An early initiation of design effort is required to have the engines properly integrated into the vehicle system. This engine will have increased performance by virtue of developing higher specific impulse at much lower weight. A considerable base of technological experience with advanced hydrogen-oxygen engines has been developed over the last several years which provides a high level of confidence that the required shuttle rocket engine will be successfully developed.

Drawing upon data developed from feasibility studies that have been completed, the main engine characteristics being used as baseline in the definition studies now underway include a throttlable, high pressure, hydrogen-oxygen engine that will be clustered for use on both the orbiter and the booster. Three concurrent definition contracts are underway, and the main engine design and development is scheduled to begin in mid-1971. In fiscal year 1972 main engine efforts will include development testing of the thrust chamber and engine controls, and design of a prototype engine. Propulsion subsystem test facilities will be modified and development hardware tested. Fabrication of a prototype engine will be initiated during fiscal year 1972.

I would like to expand further on the engine program for this year and the impact the elimination of shuttle facilities will have. Decisions on engine test facilities are proceeding on an earlier schedule because the engine is regarded as the longest leadtime item in the development of the shuttle. Engine test facilities requirements have been identified by the three industrial contractors currently performing phase B studies for the main shuttle engine. The requirements identified by these contractors, as well as those identified separately by NASA have been reviewed by a special site evaluation board. The board has now completed its report and a decision on the location of shuttle engine test facilities has been made. That facility is to be located in Mississippi.

The impact of a cut in facilities can therefore be understood. The shuttle program can proceed but the overall pace is hampered due to the engine being a critical lead item. To delay this vehicle is to impede the efforts of this country to pursue space with maximum economy, flexilibity, and utility.

The shuttle for NASA represents a vehicle which could not only supply a space station but could also serve as an orbital taxi. It could, for example, capture and carry in its belly a satellite that had malfunctioned. The satellite could then be worked on in a drydock section of the shuttle or carried to the space station for repairs and ultimately on another shuttle flight, redeployed in orbit.

The shuttle's huge payload capacity and volume might enable it to serve as a satellite ferry—carrying and orbiting an entire array of satellites while going about its other missions. The shuttle could shift orbit, deploy one or more satellites, change to another orbit and deploy more satellites, and so on, until the entire payload was distributed on proper course. Since it could be launched on short notice and could maneuver in orbit, the shuttle holds further interest for NASA as a rescue vehicle.

This is particularly so after the tragedy of Soyuz II. Return from extraterrestrial visits and deep space orbits will be significantly safer, more reliable, and more routine. This aspect of the shuttle functioning as a rescue vehicle cannot be overemphasized.

I would like to comment further on the shuttle's advantages.

One of the basic objectives of the shuttle is to create an environment in which engineers and scientists can be transported with ease and comfort without undergoing training as extensive as that required for astronauts. As a result, the orbital vehicle cannot be exposed to strong gravitational forces upon reentry.

The craft will also have to withstand searing heat upon reentry. Engineers believe that a stub-winged vehicle coming in at a high angle, perhaps as much as 60 degrees, could spread the heat over enough of the underside to dissipate it safely. New metal alloys, careful design, and a delicate touch with the maneuvering jets could keep the shuttle at the proper angle and thus overcome the problem.

The shuttle would remain in its high-angle flight attitude through descent, to approximately 40,000 feet. At this point, the nose would be pushed down and the vehicle would dive until it reached adequate velocity for level flight. The turbojets would then start up, and the shuttle would fly to its landing site, using standard aircraft procedures. Once passengers and cargo had been discharged, the shuttle would be refueled, resupplied, linked with a booster, and readied for another mission.

With respect to the economy of the shuttle to future space missions, the shuttle promises to generate across-the-board cost reductions in all classes of space hardware. Today's satellite must either function with near-perfection or drift uselessly and endlessly in orbit. Because of the resultant high-reliability requirements, instrumentation aboard these satellites costs about $1,000 a pound. With the repair capability offered by the shuttle, these costs might be brought more toward the level of earthbound laboratory equipment—no more than about $100 a pound.

The reusability of the shuttle also means less emphasis on miniaturization of payload, which is now necessary to get the most capability into space per launch. It has been projected that 50 shuttle flights could be made at a total operating cost less than that of a single Apollo/Saturn 5 flight.

The shuttle would also do away with the need for large fleets to be stationed at sea to pick up returning spacecraft and crews. It would land near, if not beside, its launch site and would be equipped with all the flight equipment that a commercial airliner carries. Should it be necessary, the shuttle could put down at any major airport.

The shuttle is truly an important advance forward. It also makes a major contribution in furthering this Nation's manned space program. But it is important to recognize that the shuttle follows on the heels of a hiatus in manned space flight by the United States of 5 to 6 years. This hiatus is unnecessary and can be reduced. I further recommend that such action be taken.

This gap in manned activity can be reduced in a number of ways, one of which is to extend the Skylab orbiting laboratory program.

Regarding extended Skylab missions following the Apollo 17 mission and the three manned Skylab visits, NASA will have a considerable equipment inventory which could readily be used for further manned activities. In particular, there will be four command and service modules, two lunar modules, and one Skylab workshop, in addition to two Saturn V launch vehicles and three complete Saturn I-B launch vehicles. In spite of a number of potentially valid applications of this flight hardware, no missions have been planned. It is felt to be an extremely poor use of resources to allocate funding for the indefinite storage of this equipment as the alternative to flying subsequent missions designed to enhance our capabilities in space. I want to see this equipment used.

I also recommend this country continue to investigate cooperative manned experiments with the Soviets. I am encouraged by favorable reports regarding Apollo-Soyuz Skylab-Salyut experiments and wish to see all alternatives explored. Not only will such a program emphasize the spirit of international cooperation but greatly benefit our scientific advance in space.

Mr. MILLER of California. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MILLER of California. Mr. Chairman, I have no intention of taking the 5 minutes. I merely wish to call the attention of the House to the fact that this ground has been plowed many times before, as the distinguished chairman of the subcommittee has said. It was plowed no later than yesterday in the Senate, where this amendment was defeated by a vote of 64 to 22.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York.

The amendments were rejected.

### AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The portion of the bill to be amended reads as follows:

### RESEARCH AND TECHNOLOGY

For grants and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (84 Stat. 1784), including carrying out the functions of the Secretary under section 1(a) (1)(i) of Reorganization Plan No. 2 of 1968, $35,000,000 for the fiscal year 1972, to remain available until June 30, 1973: *Provided,* That not to exceed $2,950,000 of the foregoing amount shall be available for administrative expenses.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Page 8, line 19, strike out "$35,000,000" and insert "$45,000,000", and on line 22, delete the period and insert the following: ": *Provided further,* That $14,000,000 of the foregoing amount shall be available only for demonstration grants under section 505 of such Act".

Mr. BINGHAM. Mr. Chairman, the problem of abandoned housing is a problem of increasing severity and urgency in New York and other cities. In New York, housing abandonment is the city's third most chronic problem, after crime and drugs. It is the second costliest problem, after welfare. According to a detailed study printed in the New York Daily News, buildings are being abandoned at the rate of 20,000 apartment units per year. To replace with an equal number of apartment units those buildings that have been abandoned only in the last 5 years, at an average replacement cost for public housing units of $30,000 per unit, would cost an incredible $3 billion.

The cost of abandoned buildings can not be measured only in terms of dollars for there is an indirect cost and a social cost as well. Abandoned housing units now constitute 1 percent of all the buildings in New York City but 27 percent of all fires occur in such abandoned dwellings. The former tenants who must be relocated add to the city's cost. Then there is the crime and disease that are bred in these buildings which are inhabited by junkies, winos, and rats.

Nobody has really pinned down the causes for abandonments but it is clearly related to the rising costs in the cities. Disenchanted landlords walk away from profitless buildings, leaving tenants without heat or hot water, and leaving the city with a lot of property on which it cannot collect any tax revenues. The landlord would rather forfeit the building to the city in lieu of taxes than pay the costs of fixing the building to meet housing code standards. As the tenants move out, the addicts and rats take over.

Mr. Chairman, this is a problem of great severity in my own district in the Bronx. I recently met with Father Marold of the Claremont League for Urban Betterment. Father Marold spoke to me about the condition of abandoned buildings on several streets in his neighborhood. He gave me a list of nine buildings on Washington Avenue, three on Claremont Parkway, one on East 173d Street, two on East 172nd Street, and four on Third Avenue. Mr. Chairman, that is 19 buildings in just one small section of my district. In New York City as a whole, abandonment has made homeless more people than the great Chicago fire or the San Francisco earthquake.

On December 31, 1970, the Congress took a significant step to rectify this problem. The Housing and Urban Development Act became law, containing an authorization of $20 million to start pilot projects dealing with abandoned housing. This was a very small sum given the scope of the problem but it was a start. Yet to date, no money has been appropriated for these projects. Even the bill before us today sets aside no money specifically for the program set up only 6 months ago. The Appropriations Committee has even cut $10 million from the administration's request for the Office of Research and Technology in the Department of Housing and Urban Development, under whose jurisdiction the program for abandoned housing falls.

Accordingly, I am introducing an amendment at this time which would do two things. First, it would increase the appropriation for the Office for Research and Technology from $35 million to $45 million, the amount requested by the administration. Second, my amendment would earmark $14 million for demonstration projects with respect to abandoned housing.

In fiscal 1971, $45 million was appropriated for the Office of Research and Technology. This year, Operation Breakthrough, one of the programs within this office, is being concluded and the administration requested $17 million less for this program than it did last year. The administration did, however, request that this saving be transferred to other programs within the same Office to be used for other research. The Appropriations Committee, however, has cut the budget of this office by $10 million. I would normally applaud such a saving of the taxpayers' dollars if the need were not so acute for this money to be spent on other urgent needs, such as abandoned housing.

The administration requested $4 million on this program in fiscal 1972, but this is far from enough. My amendment would restore the $10 million cut from the Office of Research and Technology and would earmark this money, along with the $4 million just mentioned, for demonstration projects dealing with abandoned housing.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and I commend him for his amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Bingham) which would add $10 million to the $35 million available for research and technology functions in the Department of Housing and Urban Development.

There is an urgent need within the city of New York and other major urban centers for research into the problem of abandoned housing. It has been estimated that approximately 50,000 housing units are abandoned each year in the city. This becomes an even more startling figure in light of the fact that the city suffered a net loss of housing units averaging 40,000 a year over the last 5 years.

With rents and housing costs skyrocketing it is becoming criminal to let substantial housing remain empty on the streets. Yet no one has figured out a way to keep these units operating at a rent level that will permit lower income tenants to live in them.

This $10 million addition could help provide that answer and could be instrumental in reversing the trend of abandonment of housing units in our Nation's major metropolitan areas. I urge adoption of the amendment.

Mr. BINGHAM. I thank the gentleman for his contribution.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the distinguished chairman of the subcommittee.

Mr. BOLAND. Mr. Chairman, I appreciate the gentleman's reasons for offering this amendment.

There is $4 million provided in the research and technology section for HUD to study and work on the problem he is talking about. The question is whether or not we ought to spend $4 million or $14 million at this time.

I know that thousands of units are being abandoned in New York yearly and it is a very serious problem.

The concern is not so much with respect to those which already have been abandoned. The real concern is with respect to those areas that might yet be abandoned. There will be studies made and research conducted in order to determine how best to keep these particular areas in New York and in other large cities around the Nation in proper development. It is not something that will be solved in 1 year, but I am sure will take a considerable period of time. It is a difficult problem.

Mr. BINGHAM. I appreciate the chairman's statement.

Do I correctly understand it is the intention of the committee that the $4 million requested for this program be included in the amount the committee has recommended?

Mr. BOLAND. In the judgment of the committee this is a very important program. We believe $4 million can do the job this year, although the research will not be completed this year. It is the judgment of the committee that the amount provided is sufficient for 1972.

Mr. BINGHAM. I am gratified by the chairman's statement. I still believe the amount is insufficient, Mr. Chairman, and I ask for a vote.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to propound some inquiries to the chairman of the subcommittee.

It was announced several years ago that the Space Administration had nine extra vehicles for flights to the moon. Because the Space Administration had nine extra vehicles, nine additional flights to the moon were proposed. There was some talk earlier this year that all would not be flown, however.

As I recall, the cost per vehicle is in the neighborhood of $325 to $350 million. The cost of flying the vehicle to the moon is approximately $100 to $125 million.

Is that information correct, may I ask the gentleman?

Mr. BOLAND. The information the gentleman has just given is essentially correct.

Mr. YATES. There are three flights to the moon provided for in this bill; is that correct?

Mr. BOLAND. There are three more manned flights to the moon.

Mr. YATES. Are there additional Apollo flights scheduled beyond this year?

Mr. BOLAND. There is one additional Apollo flight scheduled beyond fiscal year 1972.

Mr. YATES. Then the three flights which are provided for in this bill will terminate the Apollo program?

Mr. BOLAND. At the end of calendar year 1972 the manned space flight program is to be ended.

Mr. YATES. It will be ended?

Mr. BOLAND. This is the testimony.

Mr. YATES. So that the three flights provided for in this bill will be the last manned space flights to the moon, and the additional four flights that had been originally scheduled will not be scheduled?

Mr. BOLAND. My information is that there will be only three more flights to the moon. I would be willing to yield to any member of the authorizing committee to confirm it.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The final scheduled Apollo flight is for December 1972. I believe that runs into fiscal year 1973. However, there is equipment around that has been backup equipment. So it may end the flights to the moon, and probably does, but it will not end the manned space flights.

So we do need to do some more of that. If we can scrape together funds and materials through our committee and NASA in order to get the manned space flight equipment that would otherwise go unused, we might try to put in another flight about 3 years from now. Otherwise there may be a gap or a hiatus of 4 years in manned space flight. Some of us feel it can be done, but there is no definite plan on that procedure. The gentleman is right.

Mr. JONAS. Will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. JONAS. I was going to comment that all of our information indicates they are not planning but three additional manned space flights, one this year and two in the next calendar year. I do not think there is any authorization beyond that.

Mr. FULTON of Pennsylvania. That is right. But if we can get enough equipment and if we have the personnel, we might try one more.

Mr. YATES. Mr. Chairman, I had intended to offer an amendment to cut back on the number of flights to the moon had the original number of flights been retained. In view of the cutback in the number of flights and the delay in the three flights over an extended period, I will not offer my amendment. I yield back the balance of my time.

### AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The portion of the bill to be amended reads as follows:

#### MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans' Administration, including care and treatment in facilities not under the jurisdiction of the Veterans' Administration, and furnishing recreational facilities, supplies and equipment; maintenance and operation of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901–5902); and aid to State homes as authorized by law (38 U.S.C. 641); $2,244,700,000, plus reimbursements: *Provided*, That the foregoing appropriation shall not be apportioned to provide for less than an average of 97,500 operating beds in Veterans' Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972: *Provided further*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 17, line 22, after the semicolon, strike out "$2,244,700,000," and insert in lieu thereof the figure "2,344,700,000,".

Mr. REID of New York. Mr. Chairman, I am offering an amendment to increase the appropriation for Veterans' Administration medical care by $100 million.

Anybody who has visited Veterans' Administration hospitals and has read the testimony before the Veterans' Affairs Committee regarding the quality of medical care in the Veterans' Administration cannot fail to be shocked by the conditions to which we, the Congress, have permitted our veterans to be subjected in Veterans' Administration hospitals.

Much of the problem results from a serious shortage of medical personnel—doctors, psychiatrists, anesthesiologists, nurses, nursing assistants, administrative personnel, and others. To the patient, Mr. Chairman, this means inadequate medical attention. It means that a psychiatric patient may get to see his psychiatrist for only 1 hour a month. It means that a patient who is paralyzed—and we have many quadriplegics—may have to lie in discomfort for hours without being turned over. For lack of sufficient ward personnel, especially at night and on weekends, a patient goes through the night frequently without care; and since many VA hospitals, including over 30 in the South, presently have no air conditioning, the discomfort is all the greater.

I recently visited one of the best Veterans' hospitals in New York, where the ratio in many of the wards at night was one nurse for three wards, with anywhere from 20 to 50 patients in each ward.

It means that patients undergoing physical therapy might well have to remain in the hospital for extra weeks and months because of a lack of specialized equipment and an insufficient number of therapists.

Mr. Chairman, I would like to commend the Committee on Veterans' Affairs and the Committee on Appropriations for adding and restoring $134 million originally requested by the VA of the Office of Management and Budget. These funds will permit the addition of 8,600 additional people by July 1, including, by estimates given to me by Donald Johnson, director of the Veterans' Administration, 400 doctors. According to figures of the Committee on Veterans' Affairs, however, there would still be a shortage of over 1,000 doctors.

In addition, as the distinguished chairman of the Committee on Veterans' Affairs (Mr. TEAGUE of Texas) has made plain, and as the report of the committee made manifest, there is an overall shortage of 25,000 personnel, minus the 8,600 that will be provided shortly—leaving almost 17,000 short.

I talked with Mr. Johnson earlier today, and he pointed out that there is still a shortage of psychiatrists and anesthesiologists. In my judgment, we are understating the problems of drug treatment as well. He noted that the VA plans to treat 12,000 drug cases in 1972; but surely, in my view, this cannot be sufficient, when in sum we should be treating something on the order of 80,000 drug addicts, 30,000 presently in the service who will soon be discharged, and 50,000 veterans.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding and I would like to associate myself with his remarks.

Mr. Chairman, it seems to me there is nothing we could do better at this point than to take care of our returning veterans.

I am quite cognizant of our financial situation which exists in this country, but I think this is a good amendment and I commend the gentleman for his approach.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from California.

Mr. TEAGUE of California. I am a member of the Committee on Veterans Affairs and it is with reluctance that I oppose this amendment. I think the Committee on Appropriations has done very well by the veterans. They have recommended almost $1 billion for the veterans over what was spent last year, $127 million over the present budget. I think that is all we can recommend based upon reason and good judgment. I think it is all that can be properly and wisely spent.

Therefore, I reluctantly again suggest that the amendment be defeated.

Mr. REID of New York. I appreciate the gentleman's comments. I understand the progress that has been made with reference to the veterans' program.

But let me just read from a recent report to the Congress, given in testimony on January 27, 1970, by Dr. Douglas J. Stewart, a doctor at the VA hospital in Miami, before a Senate Subcommittee on Veterans Affairs:

> I have often stood at a patient's bedside, watching him vomit large amounts of blood and attempting to keep him alive while waiting for transfusible blood unnecessarily delayed in processing due to lack of clerical help, transporters, and laboratory personnel. I have waited as long as three hours for blood that in an adequately staffed hospital is made available in 30 minutes . . . I have had many patients with heart attacks situated in rooms with the latest, modern devices for monitoring heart beat, rhythm and rate, but have seen this possibly life-saving equipment left unused due to lack of personnel . . . There is often only one nurse responsible for 40 acutely ill patients. If an emergency develops, the other 39 patients may go unseen for an hour or more. To have two emergency situations develop on a ward at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos."

Mr. Chairman, it is nothing short of disgraceful that such conditions are permitted to exist. Surely we can—and should—do better for our veterans. We have the power to improve the quality of medical care in the VA hospital system, and in my judgment we will be derelict if we do not take immediate meaningful steps to do so.

The additional medical personnel to which I have referred will be needed to give the VA system a minimum acceptable staffing ratio of two full-time hospital employees for each patient in general hospitals, and one full-time employee for each patient in neuropsychiatric hospitals. As the committee report accompanying this bill notes, the present staffing ratio for general medical and surgical beds is only 1.59 to 1, and the appropriations contained in this bill are expected to raise that ratio to only 1.74 to 1, although this represents an improvement of 14 percent over the past 2 years. By way of comparison, the comparable ratio in private sector hospitals is 2.72 to 1. Clearly the VA is operating with insufficient resources. And equally clearly, I think, we in the Congress have an obligation to give the VA and the veterans the resources they need. And bear in mind that with the greatly expanded drug treatment program now being developed by the VA, the need for more medical personnel is all the more acute.

In proposing to add $100 million to the appropriation bill before us, it is my intention and hope that this would be used principally to hire those additional medical personnel needed to bring VA medical care to something approaching what it ought to be.

The amount I propose is a reasonable estimate of the annual cost of hiring these additional personnel. It is a large figure, but no larger than the problem itself. Some might say we cannot afford to spend that much. I say we cannot afford not to spend it. We are talking about the very lives and health of hundreds of thousands of our citizens.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly regret the fact that I feel it is necessary for me to rise in opposition to this amendment.

Mr. Chairman, the Congress added about $1 billion in benefits last year. Our committee worked as hard and did as much as any committee could do to learn the status of our VA hospitals. We found that they were lacking in money. We got $105 million added last year to the VA hospitals and there is about $134 million more in this bill than the administration asked for. I do not think that is enough, but I think we should proceed in an orderly manner.

Mr. Chairman, I commend the committee on both sides of the aisle for the work they have done. That work has been going on for 2 or 3 years and we are still short of money.

But, I think it is only right to proceed in an orderly manner.

We have heard witnesses, we have talked together, we have argued together and consulted together as people trying to determine what to do to better our situation.

We do need more money and this bill does represent considerably more money.

Let us support the committee and we can come back next year and ask for more money, but in all good conscience I have to say that I go along with the committee.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Florida.

Mr. HALEY. The problem is not only money with reference to the Veterans' Administration hospitals. The problem is just like every hospital in this Nation. You do not have the qualified personnel, you do not have the doctors and the nurses. So, you can appropriate all the money you want but you still cannot obtain the personnel that you need.

Mr. TEAGUE of Texas. The gentleman is saying that the necessary personnel is not available, and there is a lot of truth in that statement.

Mr. Chairman, I commend the gentleman from New York. I think the gentleman has done a lot of work. We have discussed this matter on numerous occasions. I think, however, it is only fair to go along with the committee.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I appreciate the remarks of the gentleman from Texas, the chairman of the Veterans' Affairs Committee. I can also appreciate the remarks of the gentleman from New York. I know that the gentleman from New York has spent a considerable amount of time in veterans hospitals in his area.

The thrust of the amendment goes to medical care. The subcommittee has recommended an increase of $303 million above the 1971 appropriation for the VA medical care program. We have put more than $120 million above the budget in the bill for medical care. And, as the gentleman from Texas (Mr. Teague) has indicated, we added $8 million in a supplemental last month for additional staff in the hospitals in 1971. At the present time the staff ratio of staff to patients runs about 1.59 to 1 in medical and surgical bed sections. With this amendment we are providing the largest amount ever provided to the Veterans' Administration in its entire history. The staffing ratio in a single year is being raised to about 1.74 to 1 in 1972.

In private hospitals, it is somewhat higher, but they have maternity and certain other care that VA hospitals do not need to provide. The objective of VA hospitals is about 2 to 1 and we are getting up there. We think that the amounts provided in this bill are sufficient for this year. I can understand that in the years to come there is a real possibility that additional increases may be required to provide only the best of care.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I thank the gentleman from Texas for yielding, and I would like to ask the chairman of the Subcommittee on Appropriations if it is not true that this committee recommended almost $1 billion more this year than was spent last year?

Mr. BOLAND. Mr. Chairman, if the gentleman will yield, the amount recommended in this bill for the Veterans' Administration is $949,351,000 over and above the total amount provided last year.

Mr. REID of New York. Mr. Chairman, would the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comments, but I would ask the gentleman if it is not true that his committee on February 17 indicated that there was a shortage of some 25,000 personnel in the VA, and particularly that there was a shortage of psychiatrists and anesthesiologists, who are M.D.'s, as I understand it, those who administer anesthesia.

Mr. TEAGUE of Texas. There is not any question but that there is a shortage.

Mr. REID of New York. And would the gentleman not agree that the committee should continue to try to get additional personnel so that those soldiers who have served their country so well can receive the proper hospital treatment?

Mr. TEAGUE of Texas. I would say that it is very probable that we will be back to the House for additional requests because some of the hospitals are 100 years or 80 years old, and they have to be rebuilt or repaired, and I think that we are proceeding in an orderly manner.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I just want to invite the attention of the House to just what is actually being done with respect to medical care.

There are over 10,000 new jobs provided for the Veterans' Administration in this bill. About 9,733 jobs are going into medical care.

I am sure you have heard from the veterans organizations and others in your areas, because of an effort in the budget to cut back the daily patient load from 85,500 to 79,000 beds in the VA hospitals.

In this bill we write into the language of the bill a requirement that no operating beds be closed in the VA hospitals and that the average daily patient load be maintained at 85,500. There is a waiting list in some areas, and it does not make good sense to reduce the number of beds in VA hospitals when they are clearly needed and the committee added $120 million above the budget, which is the only sensible thing to do.

I want the Members of the House to understand this, and I want to assure them—and I know that the gentleman from Texas (Mr. Teague) agrees with me—that this committee has provided sufficient funds and medical personnel to take care of an average daily patient load of no less than 85,500 patients in the next fiscal year.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from New York (Mr. Reid).

The amendment was rejected.

### AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

(The portion of the bill to be amended reads as follows:)

### GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $2,500 for official reception and representation expenses; purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $279,450,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work.)

The Clerk read as follows:

Amendment offered by Mr. Boland: On page 19, line 6, strike out "$279,450,000" and insert: "$286,450,000".

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the committee amendment to provide $7 million in additional funds for the operation of the 57 Veterans' Administration regional offices.

The Baltimore VA regional office, which has about 140,000 active files, needs 11 more positions than it has been authorized for fiscal 1972 in order to meet anticipated workload increases. Present levels of service are not good—veterans have an average wait of almost an hour to speak with a contact representative; GI home loan applications are delayed 4 to 6 weeks—because there are not enough personnel to handle workloads. The long-term absence of just one file clerk, such as on extended sick leave, places a heavy burden on the other employees. I have also been advised by the office of the Director that peak seasons—such as the fall enrollment period for education benefits—are contributing heavily to the overall backload, because funds available for overtime have been slashed. In 1972, the Baltimore office will be authorized $13,215 for overtime—1971's authorization was $36,000, and that did not do the job. The Baltimore office foresees increases of 8 to 25 percent in various categories of assistance for fiscal 1972's workload. From the complaints I have received about slow service, delayed payments, and nonpayments (which always seemed to result from cursory, rushed review of the claims), I can see a very grim picture during the next 12 months for the veterans in Baltimore—and from the reports of other regional offices, for the entire United States.

Our veterans deserve better service. We must provide the means to deliver to them the benefits we have promised.

For many, veterans' benefits are the only source of income. From my experience with the regional office which serves my constituents, Mr. Chairman, I think that this additional $7 million is necessary.

Mr. BOLAND. Mr. Chairman, I have offered this amendment to H.R. 9382 which would add $7 million to the general operating expense funds for the Veterans' Administration. My reason for doing so is that the 57 regional offices operated by VA to process veterans claims for compensation and pensions, education benefits, home loans, et cetera, have experienced steadily increasing workloads over the past several years without receiving additional funds and personnel in order to keep pace with the claims being filed by ex-servicemen who are being discharged at the rate of about 1 million per year.

Mr. Chairman, for example, since 1969 the average workload in all divisions of the 57 regional offices has risen by almost 25 percent while the average employment has only increased by 3½ percent. The Office of Management and Budget reduced over $15 million from general operating expense funds of the Veterans Administration intended primarily to operate these 57 offices on a timely schedule, before the budget was sent to Congress. My amendment proposes the restoration of about one-half the funds the Office of Management and Budget reduced from the original VA request.

Mr. Chairman, these funds are vitally needed. If we do not vote to increase this budget item, each one of your offices will be receiving an increasing number of complaints from veterans and their dependents who are not receiving proper service by VA field offices.

Mr. Chairman, our subcommittee conducted in-depth review of the medical program which has resulted in maintaining medical care at current levels and thus rejected administration plans to reduce average daily patient census in VA hospitals throughout the Nation. The committee increased the medical care budget by over $120 million and have also added substantial sums to escalate, activate, and better fund drug abuse centers.

Mr. Chairman, these funds are also needed to better staff the board of veterans appeals. Their workload is currently running 11 percent ahead of the budget estimates contained in the 1972 budget which we are now considering, and they have the same level of employment which they had last year. The same sort of situation exists in the department of data management. Their personnel has remained virtually static since last year but with the largest veteran population in our history. They cannot be expected to operate at prior employment levels. This is an efficient department. A good example of their efficiency occurred when Public Law 90–493 was enacted authorizing compensation rate increases effective January 1, 1969, that affected about 2 million veterans. With VA's computerized system they were able to automatically adjust about 98½ percent of the awards. Only 30,000 cases required manual adjustment. If this program had not been served by a computer, the estimated cost to VA would have been more than $4.3 million, but with the computer the cost was only $87,000. Since 1963 the VA estimates that it has saved over $28 million because of its automated system but they need more employees because of their increased workload and a portion of this increased funding should be allocated to this department.

Mr. TEAGUE of Texas. Mr. Chairman, the amendment to add $7 million to general operating expenses which has been offered to the 1972 VA appropriations bill would restore less than half the funds which the Office of Management and Budget cut from the Veterans' Administration request intended primarily to operate 57 VA regional offices throughout the country. These offices service veterans claims for service-connected compensation, pensions, education benefits, home loans and other important veterans benefits.

Mr. Chairman, for the past several years the military services have been discharging at the rate of about 800,000 and the President stated a few days ago that over 1.1 million would be discharged during the coming year.

Mr. Chairman, workloads in VA regional offices, therefore, have risen sharply but funding for processing veterans claims, particularly Vietnam era veterans, has not kept pace with sharply rising workloads. For example, since 1969 the average workload in all divisions of the 57 regional offices has risen by almost 25 percent while the average employment has only increased by 3½ percent. A recently completed survey of all VA regional offices revealed shocking backlogs in adjudication of veterans claims; appraisal requests for GI loans are up by over 51 percent from 1969; eligibility determinations for loans are up by 42 percent and applications for education and training under the GI bill have increased by over 36 percent without significant personnel being added to process any of this increased workload.

Mr. Chairman, the general operating expense item in the VA budget not only covers the 57 regional offices, it also covers the Board of Veterans Appeals, the Department of Data Management, staff offices in the central office, and so forth. Each one of these departments has likewise experienced sharp workload increases. For instance, the workload of the Board of Veterans Appeals is currently running approximately 11 percent ahead of the budget estimates contained in the 1972 budget now before this body. In fiscal 1969 the case workload of the Board was almost 22,000 cases and employment totaled a little over 280. In fiscal 1971 the case workload had increased by almost 3,500 and the average employment has remained the same. Such a trend cannot continue without resulting in poor service to veterans and their dependents. Present trends indicate that the 1972 workload may reach a peak of 27,000 cases in fiscal 1972, requiring additional personnel at a cost of about $300,000 annually.

Mr. Chairman, another department covered in the general operating expense item of the VA budget is the department of data management. When compensation, pension and other benefit rates are changed by the Congress, it is possible through the computerized system existing in the Veterans' Administration to automatically adjust the vast majority of these awards. A good example occurred when Public Law 90–493 was enacted authorizing compensation rate increases effective January 1, 1969, that affected about 2 million veterans. With VA's computerized system they were able to automatically adjust about 98½ percent of the awards. Only 30,000 cases required manual adjustment. If this program had not been served by a computer, the estimated cost to the VA would have been more than $4.3 million, but with the computer the cost was only $87,000. Since 1963 the VA estimates that it has saved over $28 million because of its automated system.

Mr. Chairman, I am sure that all of us have had problems with computers. A computer reacts to input and output, for the most part, involves people to feed the computer with the necessary information in order for it to react. With the discharge of almost 3 million servicemen during the past 3 years it does not seem reasonable to me that we can expect the department of data management to operate at almost the same level of personnel that it had in 1970. Accordingly, I believe that a portion of the funds proposed in my amendment to increase employment in this important department should be allocated to handle their increased workloads. Mr. Speaker, I strongly feel, as I believe all of my colleagues do, that we should try to give the best possible service to all our veterans. We have the largest veteran population today in America's history. They cannot receive timely service if Congress does not provide the funds to take care of their needs. The Office of Management and Budget has made persistent efforts to thwart the will of Congress by not permitting the Veterans' Administration to request enough funds to properly operate the veterans benefit programs on a timely basis. Time after time, throughout several administrations, attempts have been made by this same arm of the executive branch to whittle away and starve the VA medical program. Each year the Congress has had to take the initiative to keep the program operating on a respectable basis. With the exception of funds recommended by the Appropriations Committee for VA general operating expenses, I think our Appropriations Committee has presented an exceptional and most acceptable bill for us to consider.

Mr. Chairman, on behalf of all the veterans of this country and their dependents, I especially want to commend my distinguished colleagues on the Appropriations Committee for their outstanding cooperation this year in providing more realistic funding for our veterans programs than was originally proposed in the President's 1972 budget. I especially want to commend the Subcommittee on Housing and Urban Development, Space and Science for the in-depth review they made of the 1972 medical care budget which has resulted in maintaining medical care at current levels and thus rejected administration efforts to reduce the average daily patient census in VA hospitals from present operating levels of 84,500 to 79,000. This action is most laudable, but serious problems still exist in the VA hospital system. For example, the problem of construction and modernization of VA hospital facilities is reaching a crisis stage. The executive branch of our Government has broken faith with the Congress by failing to keep VA medical facilities updated as agreed during the Eisenhower administration. The Congress, therefore, must take the initiative and give priority attention to developing a sensible plan to update outmoded and inefficient VA hospital facilities which, because they are out of date, cannot give first-class care to our Nation's veterans. The Office of Management and Budget, for the past 2 years, has imposed a virtual moratorium on the VA and other Federal agencies to ask for new appropriations to construct and undertake badly needed hospital modernization and construction projects. This situation must not be allowed to continue.

In the field of medical research, more than $8 million of approved research programs have been deferred because the Office of Management and Budget has not permitted the VA to ask for the funds needed to begin vital research projects that will help preserve and prolong human life. This important VA program has gained much distinction during past years and has made material contributions to our Nation's medical research efforts, and should be fully utilized.

Mr. Chairman, favorable action on this bill today will prevent the erosion of medical care for America's wounded, sick, and disabled veterans which was masterminded by the Office of Management and Budget. But we have merely held the line, and I think the Congress must take bold action to keep the VA hospital system viable and on par with private sector medical programs so that the Veterans' Administration can truly provide second-to-none medical care for America's veterans.

Mr. Chairman, I know that most Members of this body are aware of the history of the problem of underfunding which has taken place over the years in the area of VA medical care. The Bureau of the Budget and its successor, the Office of Management and Budget, have not permitted the Veterans' Administration to seek the funds needed to properly carry out its mission. After the Committee on Veterans' Affairs completed a comprehensive investigation during the last Congress, which disclosed serious staffing and funding deficiencies in the VA hospital system, Congress voted $105 million more than the President had requested in his budget for VA medical care. On May 11, 1971, the Appropriations Committee added an additional $8 million in the 1971 supplemental which has permitted the Veterans' Administration to already add over 6,400 additional hospital personnel. Seventeen hundred of these new employees are Vietnam era veterans. There is an exceptionally large percentage of Vietnam era veterans who are unemployed and the $8 million appropriation which was passed in May is achieving two goals—permitting better VA hospital staffing and reducing the number of unemployed veterans. The latest report I have received indicates the following breakdown on new employment in the VA medical program permitted because the House Appropriations Committee and the Congress had the foresight to proceed with this additional funding in fiscal 1971:

VETERANS' ADMINISTRATION DEPARTMENT OF MEDICINE AND SURGERY—NEW EMPLOYMENT BY CATEGORY, CUMULATIVE THROUGH JUNE 18, 1971

| Category | Full-time | Part-time | Total |
|---|---|---|---|
| Physicians | 310 | 71 | 381 |
| Dentists | 16 | | 16 |
| Nurses | 1, 171 | 27 | 1, 198 |
| LPN's/NA's | 1, 259 | 11 | 1, 270 |
| Other GS | 2, 264 | 76 | 2, 340 |
| Wage Board | 1, 177 | 61 | 1, 238 |
| Total | 6, 197 | 246 | 6, 443 |
| Vietnam veterans (included above) | (1, 678) | (30) | (1, 708) |

Mr. Chairman, I urge all of my colleagues to support my amendment. I have offered it only after careful investigation and study. I assure each one of you that these funds are vitally needed. If Congress does not vote these funds and if they are not allocated properly by the Office of Management and Budget, each one of your offices will be receiving an increasing number of complaints from veterans who are not receiving proper service by VA field offices.

Mr. Chairman, I include letters from officials of several of America's veteran organizations concerning the need for increased funding:

VETERANS OF FOREIGN WARS,
*Washington, D.C., June 30, 1971.*

Hon. OLIN E. TEAGUE,
*Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Additional personnel are needed to take care of the increased work loads in Veterans Administration Regional Offices.

However, the 1972 Veterans Administration budget does not have the additional money requested by the Veterans Administration to carry out its responsibility of processing claims for service connected compensation, pensions, education and training benefits, GI home loans, and other veterans rights and benefits.

Much of the cause of the increased work loads in VA Regional Offices is due to the Vietnam veterans, who have been returning to civilian life at the rate of more than 800,000 per year. Over 1.1 million are expected to be separated from the military service during this coming year.

Accordingly, the Veterans of Foreign Wars is extremely pleased that you will offer an amendment to the 1972 VA Appropriation Bill which will partially remedy this intolerable situation concerning the backlog of claims in Veterans Administration Regional Offices.

This is to indicate the full support and endorsement of your amendment to provide additional staff for Veterans' Administration Regional Offices. The favorable consideration and approval of your amendment by the full House of Representatives and the Congress will be deeply appreciated by the more than 1.6 million members of the Veterans of Foreign Wars of the United States.

Sincerely,

H. R. RAINWATER,
*Commander-in-Chief.*

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AMVETS,
*Washington, D.C., June 24, 1971.*

The Honorable OLIN E. TEAGUE,
*Chairman, House Committee on Veterans' Affairs, Washington, D.C.*

DEAR CONGRESSMAN TEAGUE: Your Hospital Subcommittee recently held hearings on the Veterans' Administration Hospital Program and invited AMVETS (American Veterans of World War II, Korea and Vietnam) to present our views on the current effectiveness of this vital activity. In preparing a statement for your Hospital Subcommittee, it became apparent to me that a study by our AMVET National Service Officers in the field was necessary in order to provide you with worthwhile information.

Acting upon instructions from me, a survey was conducted, specifically covering the proposed reduction in daily bed census for FY 1972. Other areas of V.A. activity were studied and reported, such as planned programs to treat veterans with drug addiction, backlogs in examinations and processing dental applications, and specific problems in their Regional or field activity. Attached is copy of my memorandum and the replies received on this survey.

An analysis of the replies reveals that some hospitals have already implemented or plan to implement the reduction in the daily bed census. Please note the situation in Massachusetts, Michigan, North Carolina, Illinois, Ohio and Washington, where reductions or planned reductions are reported either through closing of wards or discharging of patients to meet the reduced bed capacity requirement. A limited number or waiting lists are reported; only North Carolina and Washington reported service-connected cases on the waiting list. The three (3) service-connected cases reported on the waiting list by the VAH, Tacoma, Washington, on June 10 were admitted as reported to me by telephone on June 17. It is also apparent that less and less consideration is being given the hospital treatment of eligible veterans for non-service-related ailments. Some hospitals report waiting lists of non-service-connected cases, while other hospitals simply don't maintain waiting lists, although it is an established fact that high rejection rates do exist. It is expected that the continued rejection by V.A. hospitals of veterans for necessary treatment of non-service-related disability is a problem area which your Committee will want to study in the near future.

As you can see from this study, very little is being done to treat veterans with drug addiction. This problem requires immediate and imaginative attention, with time-honored traditions, such as the requirement of an honorable discharge waived for treatment of drug addiction. The Sepulveda V.A. Hospital has fifteen beds to treat drug-addicted veterans in Los Angeles County, which has roughly 175,000 Viet Nam veterans requiring treatment for drug addiction! "Plans are being made to treat veterans with drug problems" is the comment that dominates the submitted reports, leading to the conclusion that the Veterans' Administration has not yet faced up to the enormity of the problem.

Some problems regarding delays in compensation, pension and hospital admittance examinations were reported. The delay in authorizing dental treatment, which a few months ago had reached peak proportions due to funding shortages, is not now evident from the reports I have received. Staffing problems are, however, reported by many Regional Directors, principally in their Contact, Adjudication (which includes processing of Education applications) and in the Finance activities. We find backlogs, particularly, in the Loan Guaranty activity in all Regional Offices because of new legislation. The Veterans' Administration is being asked to handle increasing work loads without a corresponding increase in the personnel to handle the increased activity.

In conclusion, the reports submitted by the AMVETS National Service Officers reveal that funds must be added to the FY 1972 budget to prevent bed census reductions, and to provide additional staffing in the Regional Offices to handle increased work loads. The highest possible priority should be given the implementation of a drug-addiction treatment program within the Veterans' Administration. It is obvious that the announced program of the V.A. is woefully inadequate, unrealistic and will not begin to solve this increasing problem in our Viet Nam veteran population.

It is hoped that the findings submitted in this report will aid you in your well-known and respected efforts on behalf of our Nation's veterans. Be assured of the continued support of AMVETS, and please contact us if further information is needed.

Sincerely yours,

LEON SANCHEZ,
*National Service & Legislative Director.*

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THE AMERICAN LEGION,
*Washington, D.C., June 24, 1971.*

Hon. OLIN E. TEAGUE,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN TEAGUE: On Monday, June 28, the House will consider H.R. 9382, the Fiscal 1972 Appropriations Bill for the Veterans' Administration. As reported, the measure falls over $15 million short of the amount needed by the VA to operate its fifty-seven regional offices throughout the country. These offices process and service veterans' claims for compensation, pension, education, training, home loans and other benefit type programs.

In preparing its budget for these activities, the VA estimated it would need $281,312,000. The Office of Management and Budget reduced this amount by $15,062,000 and this reduction is reflected in H.R. 9382. The American Legion is deeply concerned that the VA may be under-funded at a time when the regional offices are struggling to provide to the veterans and their dependents the services to which they are entitled under existing law.

A survey recently conducted by the House Committee on Veterans' Affairs reveals a 25% increase in the average workload of the VA regional offices since 1969 while the average employment has increased by only 3.5%. In addition to large backlogs in adjudication of veteran claims, requests for G.I. home loan appraisals and applications for education and training under the G.I. bill have risen sharply during that period.

The President has said that over one million servicemen will return to civilian life in Fiscal 1972. These veterans, along with some 28 million existing veterans and their dependents, will place unusual demands on the VA regional offices in servicing and adjudicating claims for benefits. Although current workloads and those projected clearly show a need for more personnel, only 257 additional persons have been authorized in Fiscal 1972 for the Department of Veterans Benefits.

In our appearance before the Subcommittee on HUD–Space-Science last month, the Legion testified as to the need for restoring the full amount of the $15.062 million reduction by the Office of Management and Budget for general operating expenses.

Congressman Olin E. Teague, Chairman of the House Committee on Veterans' Affairs, has informed us that he intends to offer an amendment to H.R. 9382 to add $7 million to the VA appropriations for Fiscal 1972. $7 million is less than half of the OMB reduction but that amount will provide a part of the additional funds which the VA needs to handle its increased workload. The American Legion supports the Teague proposal and respectfully urges that you vote for his amendment.

Sincerely yours,

HERALD E. STRINGER, *Director,*
*National Legislative Commission.*

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DISABLED AMERICAN VETERANS,
*June 23, 1971.*

The Honorable OLIN E. TEAGUE,
*Chairman, House Committee on Veterans' Affairs, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing to let you know that the Disabled American Veterans shares your concern over the inadequate level of funds requested for operation of the Veterans Administration's hospital and medical care program in fiscal year 1972. I also want to take this opportunity to commend you for your efforts to secure increased appropirations to improve the quality of medical care provided for our nation's sick and disabled veterans.

At a time when the total veteran population is increasing tremendously, when applications for hospital care are rising and will continue to rise because of the increased Vietnam discharges and the increased age of the World War I and World War II veterans, it seems tragic that budgetary considerations and unrealistic tragic that budgetary considerations and unrealistic economy measures have forced the Veterans Administration to reduce its level of patient care. The budget projects an accelerative decrease in the average daily patient census from 84,500 to 79,000 in 1972. This is a most critical situation brought on by the Office of Management and Budget's actions to slash the VA medical budget by some $120 million.

As you know, the VA is embarking on a crash program to help solve the drug abuse problem among returning Vietnam veterans. In this regard, the VA expects to have 18 drug dependence treatment units in operation at the end of July; and a total of 32 such units, each with an ultimate capacity for treating 200 patients a year, is now planned. Recent newspaper stories, however, indicate that if necessary, the VA would increase this number.

It is the feeling of the Disabled American Veterans that unless these drug facilities are fully and completely funded, very little progress will be made in this field, which means that several million dollars in addition to that already requested by the VA must be appropriated.

Another matter of concern to the Disabled American Veterans relates to the funding for operation of the 66 VA Regional Offices. The VA is estimating workload increases in nearly all of its programs in the 1972 budget. All of these increases in workload necessitate increased funding to cover administrative costs of operating these Regional Office programs.

It is our understanding, Mr. Chairman, that when the appropriations measure comes up for consideration on the House floor early next week, that you will offer an amendment calling for an additional $7 million to carry on the programs above described.

We believe that approval of such an amendment is a matter of urgent necessity if the VA is to provide adequate services to America's veterans'

I want you to know, Mr. Chairman, that the Disabled American Veterans heartily supports your amendment; and we express the hope that the House of Representatives will recognize the need for its adoption.

Sincerely,

CHARLES L. HUBER,
*National Director of Legislation.*

Mr. Chairman, I also include selected comments of VA regional office directors gathered from Veterans' Affairs Committee recent survey of 57 VA regional offices:

SELECTED COMMENTS OF VA REGIONAL OFFICE DIRECTORS GATHERED FROM VETERANS' AFFAIRS COMMITTEE SURVEY OF 57 VA REGIONAL OFFICES

Boston, Mass.: "Numerous complaints are received that veterans are unable to reach Contact personnel because of 'constantly busy' telephone lines. A 'busy signal' recorder on the Contact Officers desk indicates a daily 'busy signal' of 800 to 900 . . ."

Nashville, Tenn.: In commenting on the workload in the Adjudication Section of this regional office, the director stated, "Under present staffing we are unable to keep pending workloads under control and provide timely and quality service to veterans. Two other important areas, namely, the Compliance Survey function and liaison activities are receiving only minimal attention and additional personnel are required to give the attention they deserve." In commenting on the Loan Guaranty Section at the Nashville station, the regional director stated that one of his most pressing problems was "inability to give prompt efficient service to program participants caused by abnormal increase in workload without a corresponding increase in personnel."

Chicago, Ill.: Additional staffing is needed to provide time for training and increasing the efficiency of the younger employees who are now replacing retiring older employees in ever increasing numbers. Also to maintain currency in workload areas in which use of overtime is either not practical or not authorized."

Little Rock, Ark.: In commenting on some of the more pressing problems facing this office, the director stated, "Maintaining currency in processing new applications . . . and workload of the remote control transcription unit. Mail activity is also running high as expected by increased workloads. Acceleration of servicemen being separated will itensify these problem areas. For several years we have been unable to update equipment to meet optimum needs . . . Extending the use of equipment indefinitely leads to down time and loss time as well as uneconomical repair charges."

Winston-Salem, N.C.: The director of this station made the following statements in connections with various divisions of this regional office. "There is a general feeling of frustration especially among supervisors. The constantly increasing workloads and new programs without adequate personnel has resulted in a continuing situation where we are putting out fires and not furnishing the timely service that is due the veterans of North Carolina. We badly need additional people, and we also need more young people to take the place of those of the class of '46 who will soon be retiring. Because of the pressure of work we are doing an inadequate job of training those we do have to take our place. We believe our military program is one of the best, but lack of personnel will not allow full implementation of the Outreach Program as envisioned and authorized by Congress."

*Los Angeles, Calif.:* In describing some of the most pressing problems at this large VA regional office, the Director stated, "We believe it is vitally essential that personnel staffing must have a reasonable relationship to current workload trends. In the absence of such a correlation we simply cannot provide the quality or timeliness of service that veterans and their dependents have a right to expect. A public relations problem results due to inability to timely authorize benefits. Understaffing creates an inordinate volume of complaint mail which further increases the backlog of the already overburdened divisions. There also appears to be a direct correlation between the increase of check inquiries and a proportionate increase in Congressional queries. It is anticipated that the high volume of applications received in the current fiscal year will continue in view of the depressed economic situation, and potential veterans due to be discharged from the service will very likely apply for schooling under the GI bill. This will affect the workload in all areas including incoming mail, processing of applications including assignments of claim numbers, claim folder lookups, filing of computer generated letters. We are also seeing a decided upturn in notices of deaths and applications for pensions due to the advanced age of World War II veterans."

*San Francisco, Calif.:* The director of this regional office described some of the pressing problems at his station as follows, "Faced with the problem next fiscal year of significantly increasing workloads with only a minimal increase of 9 positions, we can foresee tremendous workload pressures, probably continuous overtime, etc. which leads to an increased turnover rate, a possible drop in productivity, deterioration of quality, out of line situations, and adverse effect on employee morale. Although we are most conscious of our responsibilities to our veterans, we are also aware that our responsibility to our employees should receive attention. We refer to an urgent need that has existed for some time and that persists even now to give adequate training to our employees, particularly to many of our bright young employees in the Adjudication Division who are in need of more formal instruction to enhance their value to our agency and to their potential. We are also mindful that within five or six years many of our key employees, particularly those occupying staff positions, will be eligible for retirement. The need to establish training programs for successors to these positions has been of concern for some time. With everyone working to capacity to cope with increasing workloads, our training programs, by necessity, have had to be decelerated and in some instances suspended." The division chiefs at this station listed as some of their most pressing problems the following:

*Contact*—"Inability to provide timely and meaningful assistance to veterans and their dependents. A shortage of VA personnel has contributed to the backlog. Shortage of telephone personnel to process telephone inquiries."

*Adjudication*—"Inadequate staffing to meet the ever increasing workload. Our production per employee is tops in the U.S. but still we have a backlog.

*Loan Guaranty*—"Lack of sufficient full time employees to process current and anticipated workload on a timely basis. The reduction in productivity occasioned by the increasing inquiries re status of cases as a result of our backlogs. The adverse criticism being evidenced by program participants, particularly veterans who cannot understand our inability to process their applications timely."

*Finance*—"Our workload has grown substantially with no significant increase in our staffing resulting in deterioration of quality and timeliness. Areas of particular concern are timely processing of payment rejects and the work generated by a 56% increase in accounts receivable discovered during the 12 month period ended March 1971 over the comparable period ended March 1970."

*Pittsburgh, Pa.:* The director at this large regional office described his most pressing problems as follows: "Keeping current during peak periods. There was a drastic reduction in the amount of overtime permitted during FY 1971 as against FY 1970. Amounts requested for overtime were either drastically reduced or denied altogether. For example, in the Finance Division in fiscal year 1969 we spent $11,005. In fiscal year 1970 in order to stay current during peak periods we spent $11,266. During fiscal year 1971 we were allocated and spent $1,122. we were able to stay as current as we did only through the employees working far beyond their physical endurance."

*Houston, Tex.:* The director at this regional office stated: "The steadily increasing workload makes it more and more difficult to provide the timely service to the veterans that they deserve and that the VA desires to furnish. We explore every avenue of management and procedural improvements in an effort to save even seconds of time on any transaction, but the growth and volume of cases processed is likely to make it impossible to meet our timeliness standards without additional staffing. Telephone incoming calls have increased to such an extent that five Contact Representatives are assigned to this operation alone. With one Contact Representative being assigned to Vietnam for six months beginning in July this year, the problem will become more complex. Constantly increasing workloads without an accompanying percentage of increase in staffing has been the most pressing problem facing the Finance Division. Practically all of this increase has been in the automatic data processing phase of our operation and has been very rapid since the enactment of Public Law 89-358. The effect has been mounting backlogs and periodic delays in the issuance of compensation, pension and educational assistance checks."

*New Orleans, La.:* The director stated: "The main problem confronting us is to provide the high quality of service which we expect to provide to veterans within the constraints of a continually increasing workload without a corresponding increase in staffing."

*Louisville, Ky.:* The director stated: "The most pressing problems are delays in timeliness of service to veterans and their dependents. The curtailment of compliance surveys of schools is also resultant which could prove costly to the government."

*Seattle, Wash.:* The director at this regional office stated: "While overtime has been of material assistance, consistent use of overtime results in a diminishing return of employee productivity due to overworking. This plus the increased workloads with no relief in sight is beginning to adversely affect employee morale." Division chiefs at this station described some of their more pressing problems as follows:

*Adjudication*—"This division is inadequately staffed to cope with the increasing workloads. Repeated overtime has been helpful, but this is not the permanent solution. Timeliness in the processing of claims has not been attained regularly. Compliance surveys have not been accomplished due to limited personnel. This division has had and anticipates more retirement of trained personnel. Replacement for these personnel should be employed now to attain a better degree of proficiency."

*Loan Guaranty*—"Loan Guaranty workloads have increased greatly in the last five months due to an active real estate market; a larger share of the market going GI rather than FHA; and legislative changes which restored expired eligibility extending benefits to wives of servicemen 'missing in action' or 'prisoners of war' and adding new programs to cover mobile homes. condominiums and refinancing. Processing time is now very high, at about six weeks for appraisals and three weeks for loan applications. Program participants have generally been patient, but are becoming more demanding."

Jackson, Miss.: The director at this station stated: "Old equipment should be replaced. Some employees are postponing their vacations and supervisory personnel are voluntarily working extra hours in an effort to handle the pressing workload as timely as possible. This may be a normal practice in unusual, emergent or seasonal circumstances, but should be avoided on a continuing basis."

Columbia, S.C.: Among the most pressing problems listed at this station were the following: "Deterioration of quality of end products, both timeliness and accuracy. Inability to provide complete services because of constant pressure of backlogs and normal tendency to get rid of cases as soon as possible. Inability to properly train new employees, the few which are made available and lack of adequately trained replacements for increasing numbers of employees retiring. Decreased employee morale due to excessive overtime demands, constant pressure of backlogs and lack of adequate training. Inability to replace equipment and furniture on a timely basis or procure new essentially needed items. The most frustrating problem is the long delay experienced during the past four years or more in attaining firm allotment of funds in personnel ceilings, e.g. we did not receive firm allotment of funds for FY '71 until March '71 or near the fourth quarter of the fiscal year."

Albuquerque, N. Mex.: The director of this station stated: "The lack of and/or uncertainty of funds has made it impossible to have a realistic equipment replacement program. The shortage of overtime funds this fiscal year has forced us to work compensatory time during heavy work periods. We have found it creates problems after these periods of work to give this time off as we schedule vacations between peak periods."

Denver, Colo.: The director at this station stated: "The continuous use of overtime will definitely cause personnel morale problems. Additionally the backlog of work creates a pyramid of problems such as a fantastic increase in the number of inquiries received from veterans and beneficiaries as well as Members of Congress." Some of the division chiefs at the Denver station listed among their most pressing problems the following:

*Contact*—"Inadequate manpower to handle the current and anticipated workload created through the increased scope of veterans benefits due to recent legislation and including job assistance responsibility."

*Adjudication*—"We are experiencing difficulty meeting division processing goals. The 7 day time limit imposed on education cases causes us to fail to meet goals in other areas. Additional staffing is required to remedy this situation but budget limitations preclude significant staff increases."

*Loan Guaranty*—"Inability to furnish timeliness of service in processing requests for appraisals, loan applications, loan guaranty certificates, and Certificates of Eligibility."

Mr. PICKLE. Mr. Chairman, I am pleased that the chairman of the committee has offered the amendment to provide an additional $7 million for the continued good work of the VA regional centers and other operations. I know these funds are desperately needed nationally for personnel in the related VA operations and services—particularly in the data management divison. We are all glad to see additional funds for VA hospitals and other needed benefits.

This extra money, however, will increase the workload of the data management division and it is good to know this section will be able to obtain extra funds through this amendment. To do otherwise would not avail computer technology to be used to its fullest. To do otherwise would not allow this division to keep abreast with the fine growth of the other VA divisions.

I am particularly pleased with, and certainly endorse the forceful statement presented by the chairman of the Veterans' Affairs Committee, the Honorable TIGER TEAGUE. I support this amendment, Mr. Chairman.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment of the gentleman from Massachusetts (Mr. BOLAND), calling for an increase of $7 million to the Veterans' Administration appropriation for administrative purposes.

A review of the situation reveals the Office of Management and Budget reduced the request of the Veterans' Administration for general operation expense which is needed to operate 57 regional offices throughout the country. As a matter of information, if this $7 million can be restored it will mean that much money for our regional offices and appeals board and data communication. This last category may not sound very important but it means the use of electronic devices which can help a man get his check on time and if he is entitled to an increase, it means he can get that increase in a matter of days rather than weeks and months which it would take by manual method.

Additional personnel are needed to take care of the increased workloads in Veterans' Administration regional offices. But as the bill comes out of committee they will not have the additional money requested to carry out its responsibility of processing claims for service-connected compensation, pensions, education and training benefits, GI home loans and other veterans rights and benefits.

The President has said that over 1 million servicemen will return to civilian life in fiscal 1972. These veterans, along with some 28 million existing veterans and their dependents, will place unusual demands on the VA regional offices in servicing and adjudicating claims for benefits. Although current workloads and those projected clearly show a need for more personnel, only 257 additional persons have been authorized in fiscal 1972 for the Department of Veterans' Benefits.

With the military services discharging thousands in recent years, workloads in these regional offices have risen sharply and funding for processing veterans claims, particularly Vietnam veterans, has not kept pace with sharply rising workloads. The chairman of the Veterans' Affairs Committee has estimated since 1969 the average workload in all divisions of the 57 regional offices has risen by almost 25 percent while the average employment has only increased by 3½ percent. Appraisal requests for GI loans are up by over 51 percent from 1969; eligibility determinations for loans are up by 42 percent. Applications for education and training under the GI bill have increased by over 36 percent, without sufficient personnel to process this workload.

Mr. Chairman, it is not a case of hearsay but a matter of personal experience when I tell my colleagues how much we need the services of the VA regional offices. Back in 1965 we lost ours in the Kansas City area. It was moved to St. Louis. The operation has not been as efficient. Service has neither been convenient, timely or by any other standard as good as it was when we had a regional office in western Missouri. But now that all of our people in the State must rely on the St. Louis office it should certainly be adequately manned and staffed and that will not happen unless this amendment is passed.

For my part, I would have preferred the figure of $10 million rather than $7 million. Maybe the other body will add additional funds although we should never come to the time when we rely upon the other body to do our work.

Now, fiscal year 1972 is no time to reduce any funding for the Veterans' Administration. There has never been a time in the past that there is such a very heavy workload as there is today in the Veterans' Administration. Why is this true? First, because World War I veterans who are left are requiring more hospitalization for longer hospital periods. Some of our World War II veterans are requiring increased hospitalization. But the real load is from those thousands upon thousands of our young men who have come back wounded and with broken bodies from Vietnam that should call for the very best of attention and the finest medical care that our country can produce.

We may all have different views as to how to end the Vietnam war. But there should not be any difference of opinion among any of us that we must provide for those returning veterans who need the care this country owes them in our veterans hospitals. This has been a war in which there is no one to welcome these men back as heroes—no bands, no confetti and no receptions. They simply come home and thousands and thousands of them need administrative services and hospital care from the Veterans' Administration.

Mr. Chairman, repeating, the heavy workload the VA is called upon to perform is growing today. It is no time to reduce these funds. The amendment from the gentleman from Massachusetts (Mr. Boland), is a step in the right direction. It should be more but let us pass the amendment as proposed promptly and unanimously.

Mr. BROOKS. Mr. Chairman, I support the amendment offered by Mr. Boland of Massachusetts and long supported by my colleague from Texas (Mr. Teague), the distinguished chairman of the Committee on Veterans' Affairs.

A time when more and more servicemen are being discharged and therefore becoming eligible for veterans benefits is no time to cut back on the services provided in administering veterans programs.

The caseload of all VA offices will undoubtedly increase substantially in the coming months as thousands of veterans readjust to civilian life. They will be seeking jobs, education, housing and medical care. A lengthy delay in processing the paperwork could severely compromise the value of the programs we in the Congress have created for their benefit.

In my own area, in southwest Texas, the VA office in Houston already requires five employees to be assigned full-time to answering telephone inquiries. the director of that office is seriously concerned with the mounting backlogs and delays in handling veterans' problems. The VA Hospital in Houston has done a tremendous job of caring for veterans in that area, but is always crowded and the staff overworked. I don't think reducing administrative funds is going to help the situation.

Adoption of this amendment to restore $7 million of the reduction will enable the VA to carry out its program functions with more expedience and more effectively.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I support the amendment offered by the gentleman from Massachusetts (Mr. Boland) to restore $7 million to the general operating expenses of the Veterans' Administration.

The committee, under Mr. Boland's perceptive leadership, has approved the full $279.45 million estimated in the budget for this item, but that amount had been reduced by $15 million prior to its submission to the Congress.

The amendment seeking to restore nearly half that amount, is absolutely essential if the VA is to keep pace with the increasing number of veterans and their increased needs.

There are now approximately 28 million living Americans who have served in the Armed Forces and their ranks are expected to grow by slightly more than 1 million this year.

Significantly, 1.5 million of the total are veterans of World War I whose average age is 76. And the largest bloc—some 15 million—are World War II veterans with an average of 52.

And then there is the increasing number of Vietnam veterans.

All of these have special problems, requiring specific handling. And the touchpoint for most of them with the Government they have served is one of the 57 regional VA offices throughout the country to which they turn for assistance and guidance.

The demands on these offices has risen 25 percent in the last 2 years, whereas their personnel has increased only 3½ percent. A continuation or enlargement of the imbalance can only result in a breakdown in service to veterans. And that is self-defeating as far as the national interest is concerned.

Therefore, Mr. Chairman, I believe it is incumbent on this body to keep the Nation's promise to these men "to care for him who shall have borne the battle."

Mr. DANIEL of Virginia. Mr. Chairman, I rise to support the amendment to add $7 million to the general operating expenses for the regional offices of the Veterans' Administration.

We have charged our VA regional offices with the responsibilities of fulfilling our Nation's commitment to rehabilitate veterans and to help them toward adjustment to civilian life.

In the Commonwealth of Virginia on the average we have between 1,900 and 2,000 Vietnam veterans returning to civilian life each month. This is in addition to hundreds of regular retirees from the military service.

It has been my privilege to work very closely for the past 20 years with the Veterans' Administration in my State of Virginia, and I know of its dedication and desire to give our veterans and their dependents the highest priorities and as expeditious services as possible.

But in spite of their desire to do so, they just simply have not been able to keep pace with the workload that has been thrust upon them by the returning Viet veterans coupled with greater demands of the veterans of World War I, World II, and the Korean war for adjustments in compensation, pension, home loans, and hospitalization.

Many of our returning veterans of the Vietnam war are eager and ready to pursue their education. It was long the policy of our regional office to issue certificates of eligibility for educational assistance the day it reached the office. Because of the additional workload and failure to provide adequate personnel, it now takes up to 15 days or longer to issue these certificates. Inquiries from veterans relative to educational benefits or transfers between colleges are taking up to 30 days. These delays are causing frustrations not only to our veterans, but to our institutions of higher learning.

For years the staff of Virginia's Regional Office prided itself on carrying out the Nation's commitment to our disabled veterans in the processing of claims for pensions and compensation within a 21-day period. Because of the influx of a new and heavier workload, these claims now take twice as long and in many cases from 4 to 5 months to be processed.

I am pleased and wish to commend my distinguished colleagues on the Appropriations Committee for providing additional funds for medical services, so urgently needed.

This has been an area of concern to us in Virginia, where we have three VA hospitals to serve a veterans' population of nearly 500,000, which number is growing daily.

For the fiscal year 1970, there were 2,585 beds in these three hospitals. Now we are told that the daily bed census for the fiscal year of 1972 will be 2,088, a reduction of nearly 500 beds within a 3-year period.

In my judgment, we can ill afford such drastic reductions at a time when the demands for hospitalization of our returning Vietnam veterans and those of our other wars are at an alltime high.

In Virginia many of our war service veterans are forced to be admitted to State mental institutions because of the lack of proper facilities provided for this care in VA hospital. Until 1968 we had one of the finest psychiatric wards in Virginia at the VA hospital at Richmond. Today this 200-bed facility stands empty, while veterans are being admitted to seriously overcrowded mental hospitals.

The fulfillment of our commitment to our veterans is a time-honored obligation. We must provide the necessary funds to assure that we honor these commitments, which not only benefit our veterans, but contribute to the health and well-being of the whole Nation.

Mr. LEGGETT. Mr. Chairman, I yield to no Member of this body in my dedication to reordering national priorities to better serve the needs of the American people. For 3 years I have offered amendments to the military procurement bills to delete funds for the Safeguard antiballistic-missile system, which I regard as an ineffective and wasteful WPA-type program. I have also offered amendments to reduce the funding for the B-1 bomber, which in my view does not promise an improvement in national security commensurate with its cost. And for many years I have opposed the most expensive and unproductive program of all: our ill-conceived and supported war in Southeast Asia.

On the other side of the coin, I have consistently supported authorizations and appropriations for health, housing, food for those who cannot afford it, and so forth. More often than not, I have critized these programs because I felt they should be more substantial and more substantially funded.

As we debate the space shuttle program today, I am dismayed to find some of my liberal friends, with whom I generally agree, lumping this project with the ABM and the Vietnam war. This is not valid.

For one thing, the space shuttle is not designed to kill people, and it does not contribute to the arms race. I would rather we explored space in cooperation with the Soviet Union, rather than in competition with it. But if we are going to compete, I say let us compete in this way rather than in a strategic arms race that sooner or later will wipe us all off the face of the earth.

Now consider the constructive and desirable aspects of the program.

First, it will enable us to put men in orbit reliably and at relatively low cost per flight. This will open the door to a host of socially beneficial activities that are not possible under the present combination of unmanned flights and superexpensive and delicate manned flights.

Second, it will widen the range of individuals who will be able to spend time in orbit. The space shuttle will be able to operate without exceeding 3g acceleration. This is in marked contrast to the 10g required by current manned-space vehicles, which restricts space travel to relatively young men in peak physical condition.

Parenthetically, we should note that it may not be possible for anyone to remain in space for extended periods without a low-acceleration space shuttle. The tragic death of three Soviet cosmonauts yesterday suggests that even a strong and vigorous human body may be unable to tolerate high acceleration if it is preceded by a prolonged period of weightlessness.

But the principal reason for going ahead with the space shuttle is, of course, economic. If we have 30 manned or large unmanned orbital launches per year—I am talking about military and civilian launches combined—the space shuttle will pay off its $8.3 billion development cost in 6 years, and will save us $2 billion per year thereafter. If the space program is larger, the break-even point will come sooner and the savings will be larger. And of course if the space program is smaller, the savings will be smaller.

So the question that is really before us is this: Should we or should we not have a vigorous space program?

I believe we should. It's one of the things that separates us from the apes.

Consider some of the promising future applications of an orbital space program:

First. Patterns of transport and diffusion of air pollution, including interaction with weather and climate, can be tracked by satellite. In this way, we can identify which sources of pollution are causing the most harm to humanity, and we can concentrate our efforts accordingly.

Second. Orbiting navigation satellites can assist air traffic controllers to pinpoint the location of aircraft with an accuracy of 1 mile. As air traffic density progressively increases, this ability is going to become increasingly important if we are to hold midair collisions to the absolute minimum.

Third. Satellites can aid in mineral prospecting, and in oceanography.

Fourth. It seems worth considering that we will be able to filter and culture varieties of drugs and vaccines in space with an effectiveness that would be impossible under the gravity and ever-present contamination of earth.

Fifth. There is the military application. I am not referring to orbital bombardment systems, whose expense is exceeded only by their inaccuracy and inflexibility. Rather, I am referring to the use of satellites to detect and report an ICBM launch almost before the missile leaves its silo. In this way, the surprise advantage of a first strike is reduced, and with it the probability that either side will ever try a first strike.

These are objectives we can all agree on. For these and other reasons, I urge that the space shuttle program be continued and that this amendment be rejected.

Mr. BIAGGI. Mr. Chairman, I rise in support of the appropriations increase for the Veterans Administration and point out that even with the proposed increase the amount is still grossly inadequate.

On one particular point, new hospital construction, it is my understanding that no new projects have been included despite the overwhelming need to replace antiquated and deteriorated hospitals or to build new facilities.

In the Bronx, Kingsbridge Hospital was the subject of a scandalous magazine exposé last year. Subsequent investigations by Chairman TEAGUE and his committee pointed out the urgent need to replace the facility. It is expensive to operate, terribly inefficient and totally inadequate to meet the demands placed on its present and anticipated future services.

Therefore, I would propose that one million be added to the present appropriation for construction purposes. This amount would represent funds for the design stage of a new Kingsbridge replacement facility in the Bronx. The preliminary planning is complete and no further delays should be countenanced by this body.

The veterans organizations in my district recently conducted a petition compaign calling for the construction of a new facility. Over 50,000 citizens signed those petitions in the space of a few days. The Veterans' Administration can ill afford another scandal exposing the poor health care facilities available for veterans especially the large number of returning Vietnam veterans.

I would add that the Appropriations Committee has wisely included funding for 32 drug abuse treatment centers in our veterans hospitals. In light of the increasing number of Vietnam soldiers falling victim to this plague, these 32 facilities may be inadequate. Nevertheless it is a significant start. Last fall I had urged the Veterans' Administration to expand their program for treatment centers from six to fifty. At the time, the

VA felt they were adequately meeting the need with six. I am pleased that the committee saw that the scope of the problem is far greater than anyone in the administration was willing to admit.

With the demands placed on our Armed Forces defending this Nation and other free peoples the world over, the least we can do is see that the health needs of our servicemen are properly cared for once they return to this country. But today, as I have witnessed in the veterans hospital in the Bronx, soldiers face a far more difficult existence when they return wounded from the battlefield.

Many of these men who are faced with being in and out of hospitals for the rest of their lives need help not only for their physical needs but also for their mental and emotional states. In this area, the Veterans' Administration has been sadly lacking. Educational and rehabilitation programs as well as psychological counseling need to be expanded.

I sincerely hope that the Veterans Committee will further investigate the overall treatment of our returning veterans as well as the facilities in which they are treated. In particular, as long as the present Bronx facility is still in service, I cannot honestly say that our veterans are receiving the best treatment possible.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Massachusetts (Mr. BOLAND). This amendment would provide an additional $7 million to cover administrative costs at regional offices of the Veterans' Administratiton.

The offices, which service veterans' claims for compensation, pensions, education benefits, home loans, and other important veteran benefits, are presently overworked and underfunded. Without additional funds provided by this amendment, the constantly increasing workloads and backlogs will continue climbing higher than their already unmanageable levels.

Before I document my reasons for supporting the increase in appropriations, I would like to emphasize that this amendment is supported by four of the most responsible and most highly respected veterans' organizations in the United States—the American Legion, the AMVETS, the Disabled American Veterans, and the Veterans of Foreign Wars. I would like to remind my colleagues that we have for years relied upon the expert knowledge and advice of these four distinguished organizations on veterans' affairs.

The additional funds are needed because the workload for providing services for veterans in the 57 regional offices throughout the Nation has increased rapidly during the past few years, while the number of employees providing these services has remained relatively stable. The survey recently conducted by the House Committee on Veterans' Affairs reveals that since 1969, the average workload of VA regional offices has increased by 25 percent, while the corresponding increase in manpower is only 3.5 percent.

The regional office in Detroit, Mich., which serves thousands of veterans in my own congressional district, is just one example of the need for these additional funds. The director of this facility indicated that almost $509,000 more will be required in fiscal year 1972 than he is due to receive in his office, alone.

The contact division of the Detroit office has indicated that furnishing adequate service to veterans and their dependents by telephone and furnishing outreach service to the educationally disadvantaged has become a major problem. This division indicates that the workload for fiscal year 1971 has increased by approximately 27.5 percent while manpower increased by less than 10 percent. The workload is expected to increase again in fiscal year 1972, yet no noticeable increase in the number of employees is anticipated.

Similar situations exist in each separate division of the Detroit office—high rates of increase in workloads, accompanied by little or no increase in manpower.

Perhaps the two most shocking areas are those of loan guaranty and adjudication. The figures from the Detroit office indicate that GI loan applications have increased at the rate of 17 percent in 1969, 5 percent in 1970, and 36 percent in 1971 and are expected to increase again by an estimated 47 percent in 1972. Requests for appraisals in the Detroit office rose 29 percent in 1969, 18 percent in 1970, 68 percent in 1971, and are expected to climb by 41 percent in 1972.

The workload in all the other categories of the loan guaranty division has risen during these same years, yet the number of full-time employees has actually decreased from 93.3 in 1969 to 82.2 for 1971. And the number of full-time employees is expected to decrease even further in 1972 unless we in Congress appropriate more funds.

In the adjudication division the workloads are also extremely heavy, the delays in pending cases continue to increase both in number and in duration, and the need for more personnel to adequately service the rising workload has become critical. In this division alone almost 2,000 families have been forced to wait more than 90 days for adjudication of compensation and pension cases—and I would hope the opponents of this amendment would consider for a moment before casting their votes, the meaning, in human terms, of a family having to wait for more than 3 months before their claim is even decided.

Mr. Chairman, I could continue, almost indefinitely, to cite statistics and reasons for supporting more funds for our veterans. But I think the message is perfectly clear—we simply are not appropriating enough funds to provide our veterans with the proper services and treatment to which they are entitled. By adopting this amendment Congress can demonstrate to the veterans of this country that we do care about their needs, that we do appreciate the service which they have performed for their country.

Mr. Chairman, I urge my colleagues from both sides of the aisle to show their appreciation to the veterans today by voting for the amendment for additional funds for the regional offices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The portion of the bill to be amended reads as follows:

SEC. 505. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 29, after line 9, insert: "No part of any appropriations contained in this Act shall be withheld nor denied to any community, otherwise qualified to receive them, due to failure or refusal of that community to apply for funds under any other section of this Act."

Mr. THOMPSON of Georgia. Mr. Chairman, I offer this amendment because I am concerned that certain administrative officials have announced plans to force and require communities to install certain types of projects otherwise they would not be eligible for sewer funds, grants, urban renewal, or veterans' benefits.

I specifically call your attention to a television broadcast by Secretary George Romney in which he stated that the Department of Housing and Urban Development was establishing criteria which would require that all communities make room for and accept low-income, taxpayer-subsidized housing otherwise they would not approve nor allow funds for sewers and other vital services.

Mr. Chairman, the kindest word that you can give to this action is that it is blackmail—it is blackmail of the people with their own money to require them to accept something they do not want themselves, if they are to receive some of their money back for veterans, sewers, or other grants.

The Supreme Court in an action a little over a month old upheld the constitutionality of a referendum action in California whereby the people in a community in California may decide for themselves whether or not they want low-income, taxpayer-subsidized housing.

Mr. Chairman, this is a relatively simple amendment. It states simply that each project should stand on its own merit. The Secretary of HUD should not insist that a community accept something that they themselves do not want as a condition of receiving tax money back in other areas.

Mr. Chairman, I urge the adoption of the amendment.

Mr. BOLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am unclear as to what this amendment would do, and whether or not it is as simple as the gentleman from Georgia indicates. I do not believe it should be added at this time without knowing more about it. Regretfully, I must say to the gentlemen, I have to oppose the amendment offered and ask for a vote.

The question was taken; and on a division (demanded by Mr. Thompson of Georgia) there were—ayes 83, noes 87.

Mr. THOMPSON of Georgia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Thompson of Georgia and Mr. Boland.

The Committee again divided, and the tellers reported that there were—ayes 118, noes 121.

So the amendment was rejected.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make a point dealing with the security of this country. On page 16 of the report of the committee, which is a good report, it says in paragraph 2:

> 2. The Committee recommends that the $20,000,000 proposed for space shuttle facilities be deferred at this time. When more definite requirements have been set, proper consideration will be given to a request for funds on the basis of full funding of projects based on well considered estimates.

I am not going to use the full 5 minutes, Mr. Chairman, but I think this is a very important point that should be made for the benefit of the security of this country.

It has been stated earlier on the floor that the shuttle has no real merit and that it is not now necessary. The pacing item for the building of the shuttle is the fact that the shuttle facilities are necessary to be started and planned now at the places where we are going to decide where to use the shuttle. Each shuttle will be operable for 100 missions, so it is a tremendous advance in space operations. It can be used both for civilian purposes and for military purposes.

We are moving into a new field. The Air Force is talking about manned orbiting interceptors as a substitute for ground-based interceptor jets, because it can give us quicker defense and quicker reconnaissance. So we are really talking about one of the most strategic things that this country can do here, in discussing the shuttle program. At the present time, the shuttle the engine contracts are going to be let in the next 30 days both for the booster and for the orbiter. We are moving along very well on that end of it. But now we do need the shuttle facilities built. I would like to point out to the committee that we should go ahead with these facilities as soon as possible.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to ask the previous speaker a question. Is the gentleman saying that one of the purposes of the space shuttle is to extend the strategic warfare capabilities into outerspace and thereby promote the arms race or the activities of the arms race?

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield, I said that they were not going to carry nuclear weapons because there is a treaty on that proposition between the United States and the U.S.S.R. But I did say for early warning we must have a substantial type of plane that can go up and be reusable for support missions. It would be for defense only. I did not make the suggestion that nuclear weapons be placed in space. However, this is a very important point with reference to the security of the United States and our advanced warning system.

I am glad that the gentleman from Ohio is interested in it.

Mr. SEIBERLING. What nature of weaponry would the manned orbiting interceptor be equipped with?

Mr. FULTON of Pennsylvania. It would have the usual airborne warning and control system, AWCS, that is on the ordinary type plane used by the Air Force. This is for early warning so that if there are enemy-manned bombers of any type or variety of manned fighters, we will be able to know about them ahead of time. It is for the purpose of defense and early warning and not for carrying nuclear weapons.

Mr. SEIBERLING. I thank the gentleman for clarifying the matter.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as Members of the House know, we are trying to conclude some very important appropriations business. The hour is late. We have a conference report to present on the Treasury-Postal Service-General Government appropriation bill which will take some time.

Then, we have the continuing resolution for the new fiscal year which begins tomorrow. It has passed this body and has passed the other body, but there are three amendments added by the other body which must be disposed of.

The pending bill is a rather large and important piece of legislation and I assume practically everyone will vote for it, as I expect to vote for it. If we have a rollcall vote on the pending bill, it will of course take more time of the House at this late hour. Therefore, under the circumstances the House might prefer to pass this bill by voice vote.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. O'Hara), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. BOLAND. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include tables and charts, and other extraneous material and also to extend their remarks on the amendment I offered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

> H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the Act for two years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes,
>
> H.R. 8313. An act to amend the Social Security Act in order to continue for two years the temporary assistance program for United States citizens returned from abroad, and
>
> H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

> H. Con. Res. 351. Concurrent resolution providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 33.

The message also announced that the Senate recedes from its amendment No. 35, to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) entitled "An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes."

## PROVIDING FOR ADJOURNMENT OF CONGRESS FROM JULY 1, 1971, UNTIL JULY 6, 1971

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 351) providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971, with the Senate amendments thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 2, strike out "two Houses adjourn" and insert "House of Representatives adjourns".

Page 1, line 3, after "1971," insert "and when the Senate adjourns on Wednesday, June 30, 1971,".

Amend the title so as to read: "Concurrent resolution providing for the adjournment of the House from July 1, 1971, and the Senate from June 30, 1971, until July 6, 1971."

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I move that the House concur in the Senate amendments to House Concurrent Resolution 351.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. BOGGS).

The motion was agreed to.

So the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

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## CONFERENCE REPORT ON H.R. 9271, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

Mr. STEED submitted the following conference report and statement on the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies:

CONFERENCE REPORT (H. REPT. No. 92-326)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 12, 16, 18, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 15, 17, 19, 20, and 21, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,490,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$792,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,250,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 14, and 22.

TOM STEED,
OTTO E. PASSMAN,
JOSEPH P. ADDABBO,
EDWARD R. ROYBAL,
LOUIS STOKES,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
DONALD W. RIEGLE, Jr.,
JOHN T. MYERS,
FRANK T. BOW,
*Managers on the Part of the House.*

JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
J. CALEB BOGGS,
GORDON ALLOTT,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—TREASURY DEPARTMENT

*Office of the Secretary*

Amendment No. 1: Appropriates $11,640,000 for salaries and expenses as proposed by the Senate instead of $11,300,000 as proposed by the House.

*Bureau of Customs*

Amendment No. 2: Provides for purchase of 353 passenger motor vehicles as proposed by the Senate instead of 203 as proposed by the House.

Amendment No. 3: Provides for purchase of 343 police-type vehicles as proposed by the Senate instead of 193 as proposed by the House.

Amendment No. 4: Deletes one word for technical clarity as proposed by the Senate.

Amendment No. 5: Appropriates $189,000,000 for salaries and expenses as proposed by the Senate instead of $174,000,000 as proposed by the House.

The increase over the House allowance is to provide funds to implement the President's Drug Abuse Program which was not considered by the House.

The managers agree that the funds provided in this bill to carry out the President's Drug Abuse Program should be utilized by the agencies to which appropriated in the manner best calculated to achieve the purposes of the program.

*Bureau of the Mint*

Construction of Mint Facilities

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $1,500,000 for purchase of a site for a new mint facility, and provides that the funds remain available until expended.

*Bureau of Public Debt*

Amendment No. 7: Appropriates $77,490,000 instead of $75,990,000 as proposed by the House and $79,240,000 as proposed by the Senate.

*Internal Revenue Service*

Compliance

Amendment No. 8: Provides for procurement of 99 vehicles as proposed by the Senate instead of 49 as proposed by the House.

Amendment No. 9: Deletes one word for technical clarity as proposed by the Senate.

Amendment No. 10: Appropriates $792,500,000 instead of $780,000,000 as proposed by the House and $797,500,000 as proposed by the Senate.

TITLE II—U.S. POSTAL SERVICE

*Payment to the Postal Service fund*

Amendment No. 11: Appropriates $1,217,522,000 as proposed by the House instead of $1,433,922,000 as proposed by the Senate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

*National Security Council*

Amendment No. 12: Deletes language proposed by the Senate to provide for declassification and publication of National Security Council documents.

*Office of Management and Budget*

Amendment No. 13: Appropriates $19,250,000 for salaries and expenses instead of $19,000,000 as proposed by the House and $19,500,000 as proposed by the Senate.

*Special Action Office for Drug Abuse Prevention*

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $3,000,000 for the Special Action Office for Drug Abuse Prevention in the Executive Office of the President to coordinate the President's drug abuse program.

TITLE IV—INDEPENDENT AGENCIES

*General Services Administration*

Construction, Public Buildings Projects

Amendment No. 15: Appropriates $200,440,000 for public buildings projects as proposed by the Senate instead of $195,919,000 as proposed by the House.

Amendment No. 16: Appropriates $8,339,000 for a Federal office building, Mobile, Alabama, as proposed by the House.

Amendment No. 17: Appropriates $2,067,000 for a courthouse and Federal office building in Fayetteville, Arkansas, as proposed by the Senate.

Amendment No. 18: Appropriates $3,248,000 for a post office, courthouse, and Federal office building in Oxford, Mississippi, as proposed by the House.

Amendment No. 19: Appropriates $2,454,000 for a post office, courthouse, and Federal office building in Elkins, West Virginia, as proposed by the Senate.

Sites and Expenses, Public Buildings Projects

Amendment No. 20: Changes appropriation title.

Amendment No. 21: Appropriates $17,749,500 as proposed by the Senate instead of $15,050,000 as proposed by the House. The additional language provides funds for sites and expenses of the following public building projects: Fayetteville, Arkansas; New Orleans, Louisiana; Las Cruces, New Mexico; and Elkins, West Virginia.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to ratify the intent of the period of availability of the appropriation contained in the Second Supplemental Appropriation Act, 1971.

Expenses, U.S. Court Facilities

Amendment No. 23: Appropriates $2,780,000 as proposed by the House instead of $2,683,000 as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills for 1972 follows:

| | *Amount* |
|---|---|
| New budget (obligational) authority, fiscal year 1971 | $5,567,458,900 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972 | [1] 4,809,216,000 |
| House bill, fiscal year 1972 | 4,487,676,190 |
| Senate bill, fiscal year 1972 | 4,752,789,690 |
| Conference agreement | 4,528,986,690 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1971 | [2] −1,038,472,210 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972 | −280,229,310 |
| House bill, fiscal year 1972 | +41,310,500 |
| Senate bill, fiscal year 1972 | −223,803,000 |

[1] Includes budget amendments of $28,640,000 contained in H. Doc. 92–133 which were not considered by the House.

[2] Direct comparability between 1971 and 1972 figures is not possible due to change in formula for calculating costs pursuant to Postal Reorganization Act, Public Law 91-375.

Tom Steed,
Otto E. Passman,
Joseph P. Addabbo,
Edward R. Roybal,
Louis Stokes,
George Mahon,
Howard W. Robison,
Jack Edwards,
Donald W. Riegle, Jr.,
John T. Myers,
Frank T. Bow,
*Managers on the Part of the House.*

Joseph M. Montoya,
Allen J. Ellender,
Daniel K. Inouye,
J. Caleb Boggs,
Gordon Allott,
*Managers on the Part of the Senate.*

Mr. STEED. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

Mr. STEED (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEVITT. Mr. Speaker, I want to compliment the conferees on the Treasury, Postal Service, and General Government appropriations bill for their excellent work and especially for including funds for a site for a new Denver Mint.

The conferees demonstrated foresight. If Congress continues to support this vital project, the new Denver Mint should be in operation by 1980, or just at the time when the Nation's coin needs will be outpacing present mint capabilities.

With existing facilities, the Bureau of the Mint is capable of providing about 9 billion coins per year. By 1980, it is estimated this need will increase to about 12 billion coins per year and, by 1985, the estimated need will be about 16 billion.

The new Denver Mint not only will benefit Denver but it will benefit the Nation.

There was some urgency in this appropriation because the Bureau of the Mint must find a suitable site in Denver so that work can begin.

Again, my compliments to the conferees for their foresight in this matter.

Mr. BROTZMAN. Mr. Speaker, I join my colleague from Colorado (Mr. McKevitt) in congratulating the conferees on providing $1,500,000 for a new mint in the Denver area. While the mint is not located in my district, many of my constituents work at the mint to produce the coins so badly needed by our Nation. They will heartily applaud this action.

Mr. STEED. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

### AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6. On page 6, line 7, insert:

"CONSTRUCTION OF MINT FACILITIES

"For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963, as amended (31 U.S.C. 291–249), $1,500,000, to remain available until expended."

### MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14. On page 13, line 13, insert:

"Special Action Office for Drug Abuse Prevention

"SALARIES AND EXPENSES

"For necessary expenses of the Special Action Office for Drug Abuse Prevention, including grants and contracts for drug abuse prevention and treatment programs, $3,000,000 to remain available until expended: Provided, That this appropriation shall be available to reimburse the appropriation for 'Special Projects', for expenditures made for the purposes of this appropriation: Provided further, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

### MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 22. On page 22, line 9, insert "*Provided*, the $4,209,000 appropriated under the heading 'Sites and Expenses, Public Buildings Projects', in the Second Supplemental Appropriation Act, 1971, Public Law 92–18, shall also remain available until expended."

### MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

## CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the resolution (H.J. Res. 742) making continuing appropriations for the fiscal year 1972, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 4, after line 20, insert:

"activities of the Maritime Administration, Department of Commerce;".

Page 4, after line 20, insert:

"salaries of supporting personnel, courts of appeals, district courts, and other judicial services;".

Page 4, after line 20, insert:

"activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): *Provided*, That no other funds made available under this resolution shall be available for these activities;".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have a brief explanation of the Senate amendments?

Mr. MAHON. Mr. Speaker, this is a continuing resolution which passed the House last week, which was modified in a very limited way by the other body. We are proposing to send it to the President without going to conference.

Insofar as I know, the Committee on Appropriations is unanimous in support of the resolution. It was modified in a very small way because certain funds were knocked out on House floor points of order in a bill passed recently in the House, relating to the Maritime Administration and an item in the judiciary. We informally asked the Senate Committee to make two of the amendments on that account. If we do not make provision for these agencies to continue at the beginning of the new fiscal year, they will be without funds beginning tomorrow.

The third change made by the other body was a provision separately specifying the inclusion of funds for continuing the activities of Radio Free Europe.

The Radio Free Europe activities were already included in the resolution as it passed the House. But the other body chose to name it specifically as one of those programs which would be supported. Otherwise, the continuing resolution is identical to the resolution which passed the House, and when it passed the House it provided that Government activities could continue at certain minimum levels of expenditure, to August 6, when the summer recess is scheduled to begin.

Mr. GROSS. I thank the distinguished Chairman for his explanation. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DELLENBACK. Mr. Speaker, reserving the right to object, may I ask a question of the chairman of the committee? Mr. Chairman, do you have an estimate for us of how many dollars we are acting on in this particular instance in relation to this continuing resolution?

Mr. MAHON. It is estimated that the Federal Government during the forthcoming fiscal year, which begins tomorrow, will spend about $229 billion. That was the original January budget estimate. That is the expenditure program, which includes social security, all the trust funds, and other programs and activities. The appropriation bills that the resolution will temporarily substitute for run to about $150 billion. The resolution merely enables the Government to carry on at certain levels which are prescribed and which have been time-honored through adoption of continuing resolutions by the House and the Senate in the past. The resolution covers the whole Government.

The House has now completed action on 7 of the major annual appropriation bills; three of them will go to the President this weekend. It is estimated that the remaining seven regular appropriation bills may very well be considered during July. Certainly we expect that most of them will be passed by the House during that period. It may be that the Defense appropriation bill cannot move because of lack of authorization.

But it would seem that we have done, if I may say so, a good job in moving the bills in the House of Representatives, and I must say also that the other body is cooperating fully in this undertaking.

I think we have done a good job in June in moving appropriation bills, and if we can do as well in July as we have done in June, I think we will have reason to be proud of our accomplishments with respect to the handling of these particular measures.

Mr. DELLENBACK. May I say to the Chairman that I join in the feeling that the Appropriations Committee is moving in a very commendable fashion. May I also say that I think it is imperative that we pass a continuing appropriation resolution. But do I correctly understand, Mr. Chairman, if you will yield for a further inquiry, that this action we are now taking is, in effect, authorizing spending depending upon the passage of other appropriation bills involving literally billions of dollars?

Mr. MAHON. The gentleman is absolutely correct. This is a very important measure. Without this measure, which is a stop-gap arrangement pending enactment of the regular appropriation bills, the Government would come to a shrieking halt. This is one of the means by which we are able under our system to continue the operation of the Government.

### PARLIAMENTARY INQUIRY

Mr. DELLENBACK. I thank the Chairman.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DELLENBACK. May I ask the Speaker to explain to the House, so we may have no misunderstanding as to the nature of the matter upon which we are now being asked to give unanimous consent, will there be a chance to vote on this particular measure if we withdraw objection to the unanimous consent request?

The SPEAKER. There are Senate amendments to a House-passed resolution. These amendments have to be acted upon. They are to be voted upon by the House.

Mr. DELLENBACK. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DELLENBACK. If this Member is desirous of asking for a rollcall vote on the approval of this particular continuing appropriation measure, would this be the time to bring it to the attention of the Chair and withdraw the reservation of objection?

Mr. MAHON. Mr. Speaker, if I may say a word, the request for unanimous consent was to take from the Speaker's table House Joint Resolution 742 making continuing appropriations for the fiscal year 1972, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments. The request, I believe, would not open up the measure for a rollcall vote. We would have to use a different procedure if we wanted a rollcall vote on the measure, as I see it. The Speaker, of course, will make his own ruling.

The SPEAKER. The gentleman is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, actually is not the continuing resolution at a lower rate than the proposed budget for fiscal year 1972, so that it is really a saving to vote for the continuing resolution?

Mr. MAHON. Mr. Speaker, the gentleman from Pennsylvania is absolutely correct, because the rate of spending under the budget for fiscal year 1972 is higher than would be permitted under the continuing resolution in many instances.

May I say also that in cases where funds are expended for any given program, when the regular appropriation bill for 1972 takes effect the sums expended, under the resolution will be subtracted from, or charged to, the amount made available, in the regular bill. That is provided for in the resolution.

We are using this consent technique merely to save the time of the House, with the thought that there is probably complete unanimity in support of the resolution.

Mr. FULTON of Pennsylvania. So this is a savings, rather than an increase. It is a savings, and this is an economy measure.

Mr. Speaker, I withdraw my reservation.

Mr. DELLENBACK. Mr. Speaker, further reserving the right to object to the unanimous consent request, I do not know whether this question is truly a parliamentary inquiry or a question to the chairman of the committee. It would be my interpretation, from what the Speaker has said, that we will proceed after the unanimous consent request to consider this matter to a point where we can have a vote.

If I correctly understand the manner in which the chairman of the committee made his request, this is pulled together. If it is desirable that we at least obtain the will of the House, as to whether there will be a vote on this appropriation, literally spending billions of dollars, it will be necessary for me to object, and to ask for a vote.

The SPEAKER. The gentleman is correct.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I am glad to yield to the minority leader.

Mr. GERALD R. FORD. I know the gentleman from Oregon has indicated he wants a rollcall on all appropriation bills. He has notified me and the Members on our side, and perhaps all Members. Would it not be better, under these circumstances, inasmuch as the gentleman does want a rollcall vote, for the chairman of the committee to withdraw the unanimous consent request and to move in a different manner?

Mr. MAHON. Mr. Speaker, I withdraw the request previously made.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution, House Joint Resolution 742—making continuing appropriations for the fiscal year 1972, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 20, insert:

"activities of the Maritime Administration, Department of Commerce;".

Page 4, after line 20, insert:

"salaries of supporting personnel, courts of appeals, district courts, and other judicial services;".

Page 4, after line 20, insert:

"activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): Provided, That no other funds made available under this resolution shall be available for these activities;".

Mr. BOW. Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Is there objection to the unanimous-consent request to take from the Speaker's table the joint resolution, House Joint Resolution 742—with Senate amendments thereto and consider the Senate amendments?

There was no objection.

Mr. MAHON. Mr. Speaker, I propose to offer motions to concur in the three Senate amendments.

The SPEAKER. The gentleman can move that the Senate amendments be concurred in.

### MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that the Senate amendments be concurred in. The Senate amendments—1, 2, and 3—have been explained heretofore, involving the Maritime Administration and the other matters.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

### PARLIAMENTARY INQUIRIES

Mr. DELLENBACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DELLENBACK. If we concur in the Senate amendments we in effect have acted as a House to approve the appropriations involved; is that correct?

The SPEAKER. Just the Senate amendments. The House already has passed the appropriation resolution. These are just the Senate amendments.

Mr. DELLENBACK. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DELLENBACK. Is this the last vote that we will have on the question, in effect, of approving in final form the appropriation involved in the continuing resolution?

The SPEAKER. The gentleman is correct.

Mr. MAHON. Mr. Speaker, I move to concur in the Senate amendments.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred eighteen Members are present, a quorum.

So the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the House joint resolution just passed and that I be permitted to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, on rollcall No. 173 I am recorded as not being present. I was addressing a national association group at the time the vote was taken. Had I been present I would have voted "aye."

## PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, I was absent yesterday at the time of the rollcall vote on final passage of the bill H.R. 9417. Had I been present, I would have voted "aye."

## PERSONAL STATEMENT

Mr. BEVILL. Mr. Speaker, at the time of rollcall No. 172, I was attending graduation ceremonies of the Federal Bureau of Investigation at the request of my constituent who was in the graduating class. Had I been present on the motion to table House Resolution 489 I would have voted "yea."

## BOBBY MITCHELL WINS CLEVELAND OPEN

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. DANIEL of Virginia. Mr. Speaker, I rise today to speak in praise of excellence—excellence, in this instance, as displayed by a young man from my district, Mr. Bobby Mitchell, of Danville, Va.

When this fellow was caddy for me, I addressed him as "Bobby." His performance last week, in earning first place at the Cleveland Open, has won him the title of "Mr. Mitchell."

You will note I said "earning first place"—not winning. For in the field Mr. Mitchell has chosen—professional golf—honors are not won or bestowed, they are earned. They are earned by hard work, by practice, by constant, day-by-day striving until the time arrives when public recognition is achieved.

This young man's whole life has centered around his goal of becoming a professional golfer. He started caddying when he was quite young, and took up the game as a participant at the age of 13. By the time he was 15, he was named assistant pro at the club, and his talent, combined with a dogged determination to succeed began to become obvious.

Fortunately for Bobby, no one told him when he was a young boy that he was "disadvantaged"; no one reminded him, day after day, that society owed him something. Instead, Bobby felt he was the debtor, and recognized a responsibility to his parents and to his younger brothers to help out as best he could by caddying.

Bobby's performance at the Cleveland Open netted him $30,000—not a bad week's pay for a high-school dropout. But that really is not significant. What is significant is that Bobby has persevered, despite early-life hardships and professional setbacks. For this was Bobby's first big win in 6 years on the professional circuit.

There are many things I might say about Bobby Mitchell, but he says them better for himself, as quoted in the Danville Bee:

> I thought I could play like I did the other 3 days. I was not trying to protect, or anything. I just wanted to go out there and play good.

And he did.

At another point, Bobby said—

> Everything fell in place this week.

I believe he was being far too modest. Fifteen years of effort, practice, and continual striving for excellence were rewarded. He accomplished this himself—nobody gave it to him.

### BOBBY: I KNEW WHAT TO DO

(By Al Milley)

Bobby Mitchell, usually a late sleeper, awoke at 7:30 Sunday morning and was unable to go back to sleep.

The 28-year-old Danville pro didn't tee off until 2:01 and he would have liked to have slept longer. The more time he had to think the more nervous he became and it was a long morning sitting in the hotel room.

Mitchell was in the driver's seat with a four-shot lead going into the final round of the Cleveland Open but he'd been there before.

In the 1970 Azalea Tournament at Wilmington, N.C., Mitchell took a four-shot lead into the final round only to three-putt the final three holes and lose by one.

"That was on my mind a lot Saturday night and I had a lot of time to think about it Sunday morning," remarked Mitchell today before returning to Danville with his family and a check for $30,000 after scoring his first pro victory in six years with a final round 65.

"I think I learned something at Wilmington and I felt that if I ever got in that position again I'd know what to do. I thought I could coast around that final round last year and it didn't work out so this time I decided to keep playing my game and go for birdies the way I had the first three rounds."

The long morning didn't seem to affect Mitchell's game as he opened with three straight birdies, holing 12-foot putts at one and two and tapping in a two-footer at three after narrowly missing a hole-in-one. "I hit an eight-iron about six feet past the pin and it backed up and lipped the cup before stopping two feet in front. Those three birdies got me over my early jitters and gave me a lot of confidence but I still wasn't ready to coast."

Mitchell scrambled for a par at four, holing a five-footer, and went four under for the day with a birdie at six, knocking in a 10-footer. He missed a 10-foot birdie putt at nine and made the turn in 31 for a five shot lead over the field . . . and still not ready to coast.

A hint of possible trouble came at 10 when a bad tee-shot put him under a small pine tree. "The ball was about an inch from the base of the tree and I had to chip out." Despite having to play a safe shot, Mitchell almost birdied the par five hole when he put his third shot (a four-wood) 15 feet from the pin and two-putted for a par.

The lead ballooned to six shots with a two-foot birdie putt at 11 but Mitchell still wasn't ready to start coasting.

He snaked in a 10-foot downhill putt to salvage par at 12 and made routine pars on the next five holes to maintain his lead.

At 17, he birdied from 15 feet and he went to the 18th tee with a seven shot lead . . . and now he was ready to coast.

"It really felt good to have a seven-shot lead on the last hole. I knew I had it then and I really let out off the tee and hit one of the best drives I'd hit all week. I just had a nine-iron to the green and I left it about 20 feet from the hole. I knew I could six-putt the green and still win so I figured I had it."

Mitchell lagged up for his par and the first place check for $30,000.

His round included 22 birdies, one eagle and two bogies and his 22-under for the tournament was just one shot off the all-time low set this year by Miller Barber at Phoenix.

"If I had known I was that close to an all-time record I might have played those last few holes a little different but I was just glad to make par."

The victory hiked Mitchell's winnings for the year to around $50,000 with the tournament season just half gone. Last year he won around $36,000 in official money.

"I'm probably over $53,000 now in unofficial money this year and this win will most likely mean a lot more than $30,000.

"I'll collect on some contracts I've already signed and there'll probably be other endorsements as a result of winning. It also means I'm exempt for next year and it gets me in the $200,000 match-play tournament at Pinehurst in August and it gets me in the Tournament of Champions next year.

"I waited five years for this and it really felt great. The people in Cleveland were really behind me and they let me know it when I walked up the 18th fairway. It's something I'll never forget.

"I've been playing real good recently and I hit the ball real good at the Open but I didn't score too well. Everything fell in place this week and after three good rounds I was just trying to avoid that 75 round that could blow everything."

Mitchell avoided the 75 and the nightmare at Wilmington showed him what to do . . . and he went out and did it.

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## IT IS TIME TO QUIT PIDDLING AROUND ON MHD

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, during my attempt yesterday to obtain increased funds for MHD, or magnetohydrodynamics, research for the Office of Coal Research in the Interior appropriations bill, I alluded to an article in Fortune magazine on "New Ways to More Power With Less Pollution."

I now submit it for the Record, for it is an important statement of our energy situation, and the potential solutions to it.

Fortune comments that research and development work in the energy source field has been at a standstill for over 2 years because of inadequate funding.

I can vouch for that. The administration asked a paltry $400,000 for MHD research last year. We did get it raised to $600,000, but that was still paltry measured by need.

The appropriation this year is $1 million for MHD studies. I sought to raise it to $5 million, and it really should be $10 or $15 million.

Development of MHD generation will cost $50 to $75 million. The scientists say that, adequately funded, it can be done in 5 or 6 years.

Fortune magazine tells us in their article that new energy alternatives, including MHD, do not offer instant solutions to our energy shortage "for mucn hard development still lies ahead, but they need vigorous support now to meet the goals of 1980."

Fortune is right, and we are not going to have MHD ready to go on the line with needed low-cost, low-pollution energy by 1980 if we continue to appropriate a piddling $1 million a year to accomplish a $50 million job.

If we need clean energy sources by 1980—and we need them right now—we should be appropriating $10 million annually to MHD research.

The Fortune article follows:

[From Fortune Magazine, November 1970]

### NEW WAYS TO MORE POWER WITH LESS POLLUTION

(By Lawrence Lessing)

As the pall of power dimouts and pollution creeps over the U.S., warnings are increasingly sounded, particularly by the utilities, that we must either do with less power or put up with more pollution. Some of the gloomier environmentalists go so far as to propose that the U.S. resign itself from here on to a lower standard of living. And the present "energy crisis" in fossil-fuel supplies, examined in the preceding article, may bring some taste of that. But these pessimistic views assume that basic developments in electric power are at an end. They ignore a great body of advanced, but largely neglected, technology that promises much more efficient ways of generating and transmitting electricity than those used at present, with much less pollution and defacement of nature.

Three major new power developments have come into view over the past decade, in science's almost prescient, self-correcting way. One of these—called magnetohydrodynamics—is a method of generating electricity directly from a supersonic flow of hot ionized gases; this has already been demonstrated on a practical scale. Another development, still in the conceptual state but based on known and tested technology, is a method of gathering solar power in space. And finally, entering into these and other advanced methods of handling power, there is the revolutionary development known as superconductivity, the carrying of electric current without resistance or loss. These developments form a complex, synergistic mix that could begin to raise electric power to an entirely new level of efficiency.

Efficiency is the key. The higher the efficiency of an energy system, the more usable power is produced per unit of fuel, and the less pollution and waste. Conventional steam power plants, after nearly a century of refinement, barely reach an efficiency of 40 percent; the rest of the energy from burning coal, gas, or oil goes off in waste heat, smoke, and such partial-combustion products, or pollutants, as oxides of nitrogen and sulphur. The steam-generating process, which currently accounts for over three-fourths of the nation's power, is essentially a ponderous three-stage mechanical system. Water is heated to high-pressure steam in a furnace boiler; the steam then spins a huge turbine, which in turn drives a big rotary motor generator, whirling a copper-wire armature through a magnetic field to produce electric current. Energy is lost at each stage, and more is lost in transmission lines. The whole system still reflects nineteenth-century attitudes that the earth's resources are so limitless that we can afford, as the shortest route to the greatest profit, to waste most of them.

Even more inefficient than conventional steam are the nuclear power plants. Contrary to popular impression, they do not get electricity directly from the atom, but link a nuclear reactor to the old steam turbine. The reactor merely replaces the fossil-fuel furnace in heating the boiler. Efficiency reaches only about 30 percent, for only a small part of the nuclear heat is converted to electricity. The bulk of the heat, some 50 percent greater per unit of power than that from fossil-fuel plants, goes to waste in cooling water. While nuclear fuel eliminates nearly all air pollution, except for a minuscule amount of radioactive gases, the heated water, discharged into rivers, lakes, or oceans, raises the threat of thermal pollution and carries with it some additional radioactivity, By the year 2000, at the present rate of power growth, about a third of the average daily runoff of fresh water in the U.S. will be required to cool power plants. The excess heat raises the water temperature around the discharge by ten to thirty degrees, with potentially disastrous effects on aquatic life.

These are the dimensions of the current dilemma. Since U.S. power capacity is projected to double again by 1980 to more than 600 million kilowatts, the next decade is crucial. Even with the most energetic measures to reduce the more noxious pollutants from present systems—patchwork at best—over-all pollution will continue to rise with this massive increase in capacity. Only by developing radical, more efficient means of generating and transmitting electricity can the power industry begin to cut pollution at the source. Unfortunately, the most promising alternatives so far have had only meager support from either the industry or the government. And in the present deep recession in science and technology, largely induced by federal budget cuts and tight-money policy, most of the work has been at a standstill for over two years. None of these alternatives offer any instant solutions, for much hard development still lies ahead, but they need vigorous support now to meet the goals of 1980.

#### A WAY TO OVERCOME RESISTANCE

The most basic of the forward-looking developments, running like a thematic thread through all of them, is superconductivity. In 1911 the Dutch Nobel Prize physicist Heike Kamerlingh Onnes discovered that at temperatures near absolute zero (minus 460° Fahrenheit) certain metals suddenly lose all resistance to an electric current and become perfect conductors. That is, they carry current without any heat or other energy losses. Ordinary copper conductors, operating at normal temperatures in a power system, may run up cumulative current losses of 20 percent or more. Since conductors are the heart and arterial system of all electric equipment, this basic discovery of a means to carry power without energy loss early raised visions of revolutionary lightweight, highly efficient electromagnets, generators, motors, transformers, circuits, and transmission lines.

For more than forty years, however, superconductivity remained a laboratory wonder. All the elemental metals that were investigated and found to be superconducting, such as mercury, lead, and tin, carried so little current that they had no practical use. As increased current induced a higher magnetic field around the conductors, superconductivity was extinguished and the metals reverted to their normal conductive state. In 1953–54, however, physicist Bernd Teo Matthias, leading a research group at Bell Laboratories, discovered two bimetallic compounds that could withstand very high magnetic fields and therefore carry high superconductive currents. Both were compounds of the element niobium (also called columbium). One of them, niobium-tin, became superconductive at eighteen degrees above absolute zero, the highest transition temperature of any superconductor up to then. But it took nearly another decade to solve some of the basic technical problems posed by these complex new materials.

To reach the extremely low operating temperatures required, even by niobium-tin, it was necessary to bathe the superconductors in liquid helium, the coldest of liquefied gases at minus 452° Fahrenheit. This was a strange, forbidding region, not yet adapted to industrial uses. Moreover, the new superconductors themselves were strange, brittle materials, difficult to fabricate. It took seven years to develop methods of forming niobium-tin wire, and longer to discover that the materials operated best in or on a copper matrix, which served as a support and as a heat sink and shunt in any disruption of the superconducting current. Efforts to get the materials into working circuits and machines encountered further problems. Researchers found that the superconductors carried only direct current without loss; when carrying alternating current, they ran losses nearly as high as in conventional copper. After the first burst of enthusiasm, many laboratories dropped out. Gradually, however, the problems gave way.

The first major use of superconductivity, employing one of its more magical features, was in electromagnets. Ordinary magnets of this kind are made of copper coils helically wound around an iron core, and require a constant and sometimes enormous input of direct current to maintain their magnetism. An electromagnet with superconductive coils, however, needs only one large injection of current, which then circulates in the coils almost endlessly without loss, so long as the coils remain supercooled. (Measurements on one coil indicate that the original current might run down in about 20,000 years.) Such powerful, economical magnets had an immediate appeal in high-energy physics and other areas of research, and a small industry sprang up to supply magnets or materials.

The biggest superconducting research magnet built thus far is a cylindrical giant, seventeen feet in diameter, which went into operation last year in the Argonne National Laboratory near Chicago. It is wound with some twenty-five miles of niobium-titanium copper strip, supplied by Norton Co., and generates a powerful magnetic field around a bubble chamber. A conventional magnet of the same capacity would have required 10 megawatts of power, enough to supply a good-size town, plus thousands of gallons of cooling water per day. The Argonne magnet requires only 300 kilowatts, most of it to run its helium refrigerator, at a saving in power costs of $350,000 to $400,000 a year—which gives some idea of the scale of superconductor economy.

Electromagnets are not confined to esoteric uses in laboratories; they are basic to all power production. Potentially, superconducting magnets could markedly raise the efficiency of generators, transformers, and motors, while greatly reducing their bulk and cost. In addition, as will be seen later, they are indispensable for developing new and cleaner forms of power generation, more efficient nuclear systems, and ultimately thermonuclear power. Yet the U.S. has done relatively little research and development in these industrial directions. Honors for the first industrial-scale development go to Britain, where this year International Research & Development Co., Ltd., installed in a power plant a 3,250-horsepower superconducting DC motor to pump water; it is the forerunner of lighter, more advanced designs for other heavy industrial uses. James Watt's famous steam engine, which powered the first industrial revolution, began with the same sort of task, pumping water from mines.

### A REFRIGERATED MAGNET

A more immediate and greater role for superconductivity, many believe, lies in power transmission. Big losses of current are sustained in the distribution of power from central stations; superconductive lines could cut these losses, making more power available without added generating capacity and its accompanying pollution. The U.S., moreover, has done more basic work on superconducting cables than on generators or motors, largely through the efforts of one company, Union Carbide Corp.

Carbide had a basic interest in superconductivity from the start of Matthias' work with niobium. Its mining and metals division is the country's largest producer of niobium, a lustrous gray metal, long used as an alloy in stainless and tool steels. The Linde division is the leader in liquefied gases of all kinds and in cryogenic techniques. In the great acceleration of research on cryogenic liquids for fueling rockets and supporting space vehicles, Linde developed superinsulating materials to contain the liquid gases at their frigid temperatures almost indefinitely, with only slight losses. Such extremely low-temperature fluids as liquid helium and hydrogen became industrial materials, shipped by tank car, and handled with no more difficulty than other materials. Carbide therefore had no inhibitions about considering the use of liquid helium to supercool miles of superconducting cable.

The big problem was that in the U.S. nearly all electric power is transmitted as alternating current, which none of the superconductors then known could carry without excessive loss. Outside the U.S., high-voltage DC power transmission has had a wide resurgence in the past decade (see "DC Power's Big Comeback," FORTUNE, September, 1965). It can carry bulk power more economically than AC over long distances, underground, or underwater, and link big power grids more securely. So far, however, the only DC transmission line in the U.S. is the Pacific Intertie, which shuttles power between Oregon and southern California. In other areas, utilities say, conversion of DC to AC for local distribution would be too costly, though economical solid-state converters are available. A super-conducting DC line would offer the ultimate in transmission without loss, but utilities show little interest.

To make superconductive power transmission feasible in the U.S., Carbide scientists began a search in the early Sixties for a superconductor that could handle AC. By 1967 they discovered that a thin film of ultrapure niobium, electroplated on a copper backing by a special process, carried AC with extremely low losses. Moreover, this film could carry some twenty-five times more current than the largest copper cable. So promising was the discovery that the Edison Electric Institute commissioned Carbide's Linde division to make a study. This culminated early last year in the successful demonstration of an experimental twenty-foot-long, supercooled cable. Potentially one full-scale, 345-kilovolt superconducting line, twenty inches in diameter, could carry more power than is now used in all of New York City. It would take twenty-two conventional cables, ten inches in diameter, to carry the same amount of power.

### UNDERGROUND ADVANTAGES

Projecting such a development into a transmission line, however, is a complex technical exercise. The calculations have to weigh savings in current against capital costs. Superconductors entail the added expense of refrigeration, and moreover must run underground for the most efficient operation. At present power loads, niobium cable could not possibly compete in cost, at least at the start, with conventional overhead bare-copper transmission lines, which at high voltages minimize loss of current. But underground, niobium could show immediate advantages over conventional underground cable, which costs about ten times more per mile than overhead lines, and is limited to lower voltages with much higher current loss. Losses in underground copper cable run about twenty times higher than in superconducting niobium. At higher voltages, conventional cable requires water, oil, or other forms of cooling to reduce excessive losses. Some electrical manufacturers are pushing development of an ultrapure copper cable cooled by liquid nitrogen; though not superconducting, it would increase current tenfold. But pure niobium more than doubles this, at only somewhat higher cost.

The economics of superconductivity, in transmission lines as well as in generators and other equipment, will not really be known until larger-scale developments are worked out. Carbide last year proposed, at the Edison Institute's request, an $8-million program to build a short three-phase superconducting line for field tests. But money to meet more immediate utility needs has been so tight that so far no funds have been forthcoming. Since the project will require two to three years of research and development, and some ten years to build the line and establish its reliability to the utilities' satisfaction, delays now could put off completion of the test until the mid-1980's or later. Meanwhile, as power loads continue to climb, as more new power plants are forced to locate farther away from center cities to reduce urban pollution, as more and longer transmission lines to bring the power in are forced underground by aesthetic as well as practical land-use considerations, the need for superconductive power-carrying capacity will become urgent.

### SPACE-AGE POWER

In much the same stage of development is magnetohydrodynamics, or MHD (see diagram, page 79). The basic principle goes back to 1831 and Michael Faraday's historic discovery that the movement of a conductor in a magnetic field induces a current in the conductor. But MHD became feasible only with the intensive development of gas dynamics and high-temperature materials in rocket and aerospace technology. In place of the copper-wire armatures in rotary generators, MHD substitutes a high-velocity stream of hot, conductive gases in a long, rocket-like tube, surrounded by electromagnets. Current is continuously drawn off by electrodes along the length of the tube. MHD reduces the three stages of the steam-generating cycle to a single continuous process, requiring no turbines or other moving parts. Operating at 4,000 degrees to 5,000 degrees Fahrenheit, well above steam temperatures, it has a potential efficiency of close to 60 percent.

MHD, like superconductivity, stirred great initial enthusiasm a decade ago. But the first crude apparatus produced disappointingly low power, and as the problems of development stretched out, interest waned. Both General Electric and Westinghouse did some early work on it, but, as monopolists in the production of heavy steam-turbine generators, they displayed no great fervor and soon dropped out. The only developer to stick stubbornly with MHD through the decade was Avco Corp., largely through the initiative of its research director, Dr. Arthur R. Kantrowitz, an authority on high-temperature gas dynamics. In 1959 Avco demonstrated the first small MHD generator, delivering 10 kilowatts. Step by step, to reach higher outputs, the rugged components were developed to contain MHD's blasting hot temperatures. By 1965, in a joint $10-million development program with a utility group led by American Electric Power, Avco had solved most of the basic problems, and with Defense Department support had built a pilot generator, the Mark V. It achieved for short spans an electrical output of 32 megawatts (32 million watts), the highest up to then.

Mark V was designed for only short-term operation, sufficient to prove its ability to reach the megawatt range. Smaller generators had been operated for hundreds of hours in the kilowatt range to prove long-term reliability. The next step was to build an experimental MHD base-load plant, closer in scale to commercial operation, combining both high and continuous output. All the components were in hand, save one. Mark V was forced to operate with conventional electromagnets, and sustaining their magnetism consumed some 8 megawatts of the MHD power produced. For economic, full-scale power generation, an MHD base plant would need superconducting magnets. Foreseeing this, the Kantrowitz team dug into superconductivity and came up with some basic developments. It pioneered the use of a copper matrix to develop a strong niobium-zirconium strip. And, concurrent with the Mark V development, it built an experimental superconducting magnet, five feet long and twelve inches in diameter, the largest up to then, which demonstrated the feasibility of large superconducting magnets for MHD.

In 1966, therefore, Avco proposed to build a 30-megawatt MHD prototype base-load plant. The utility group agreed to raise some $13 million for it, providing the federal government put up a matching sum. But federal funds were denied, and the utilities withdrew. Avco doggedly continued its MHD work in other directions. That same year, as an outgrowth of its Mark V generator, the company installed at the Air Force's Arnold Engineering Development Center a similar but advanced MHD unit to supply short bursts of peak power to operate a hypersonic wind tunnel. The practical success of this unit moved a group of New England utilities and Edison Electric Institute to join with Avco last year in a program to develop an MHD generator with a longer operating span to meet emergency or peaking demands in power systems. The MHD unit has the advantage of high capacity, at about half the capital cost of a gas-turbine standby system. But progress toward an experimental MHD plant for primary power generation—which might now be operating and ready for commercial development—has been virtually halted since 1965.

Meanwhile, progress in MHD has been moving much faster in other countries, particularly West Germany, Japan, and the Soviet Union. Indeed, next year the Russians, whose engineers were attentive participants in all the early MHD symposia, will take the lead by bringing onstream the world's first large-scale MHD prototype plant, now nearly completed.

### A FLAMING CUT AT POLLUTION

Only in the last few months has MHD surfaced again in the U.S. on the rising tide of concern over power and pollution. An obscure ripple had appeared more than a year ago when a special panel of the President's Office of Science and Technology delivered a report entitled "MHD For Central Station Power Generation: A Plan For Action." It called for a "modest R. and D. effort of several million dollars" to determine whether a large prototype plant should be built, and about $4 million in annual funds to continue research. But the panel had been convened by the previous Administration, and its report, couched in terms not likely to penetrate the average density of the political mind in Washington, was ignord.

Nevertheless, implicit in MHD from the start was a generating system, the only substantial one on the horizon, that promised greatly reduced pollution from fossil fuels. Because of its very high and concentrated operating temperatures, MHD promotes more complete combustion of hydrocarbons, producing about one-third less effluent from its stack than a conventional power plant of the same capacity. Because the MHD process requires the "seeding" of its gas stream with potassium crystals to enhance conductivity, and this "seed" must be economically recovered at the outlet for re-use, it has a built-in recovery system that can also be designed to remove nearly all particulate matter, as well as nitrogen and sulphur pollutants. Because MHD needs no cooling water to condense steam, it discharges no thermal pollution into bodies of water but dissipates its waste heat into the air. And since MHD produces more power per pound of fuel than steam generators, it could show a substantial saving in fuel. The Office of Science and Technology study estimated that development of MHD could effect a fuel saving at present coal prices of some $11 billion between 1985 and the year 2000, thus cutting costs as well as pollution.

These advantages were reviewed with some bite late last year when Arthur Kantrowitz appeared before a Senate subcommittee hearing on emerging power techniques. The sensible course of development as he saw it, since five years had been lost on the larger project, was to press on with construction of an MHD plant of the intermittent type for emergency and peak-power use, which would meet an immediate economic need, lay the foundation for a viable MHD industry, and provide additional technology for a full-scale MHD power plant. One of the major missing links is a more efficient method than is now available for recycling MHD's hot exhaust gases back into the system to get out the ultimate amount of power. The first MHD plants are therefore likely to be hybrids. The Soviet MHD unit is coupled at the exhaust end with a steam turbine to wring additional power out of the still-hot gases and reach a total of 75 megawatts. Such a hybrid will use less than half the cooling water of a conventional steam plant of equal capacity, and could have other nonpolluting features. Alternatively, MHD can be coupled to an air or a gas turbine, which would reduce water needs to virtually zero. Later, as more efficient means of recycling are found, MHD would reach peak efficiency on its own.

### A FORERUNNER OF THERMONUCLEAR POWER

Despite these prospects, all that came out of that Senate subcommittee hearing was a $600,000 appropriation from the Department of Interior promoted by western Senators, to investigate the burning of low-grade western coal for MHD power. This is hardly enough to get such a study off the ground. To bring MHD to its present stage, Avco has obtained contracts for $13 million, and has spent some $4 million in risk money of its own. Avco's work has shown that the use of powdered coal as a fuel is feasible, but presents such difficult problems of corrosion, erosion, and ash deposit that the better strategy would be to move first on cleaner, more easily handled oil or natural gas. But there is no over-all U.S. energy policy or strategy for following up such promising developments as superconductivity and MHD.

Yet MHD's significance goes well beyond getting more power with less pollution out of conventional fuels. The MHD principle also applies to the development of more efficient nuclear power plants. This application involves a different type of system, called closed-cycle MHD, on which various laboratories are working. Instead of getting power from a stream of combustion gases that pass through the apparatus and out the stack, closed-cycle MHD employs a high-velocity stream of liquid metals or helium gas endlessly circulating in a closed coil of pipes or tubes, heated by a nuclear source. Electric current is drawn off in a high magnetic field, as in open cycle MHD. So far these closed systems are being applied only to small nuclear power sources for military and space uses. But they can be scaled up, once more advanced high-temperature or gas-cooled reactors are developed, to replace the inefficient steam turbine in converting nuclear heat to electricity; this would eliminate the great burden of waterborne thermal pollution. When and if sustained thermonuclear power is achieved, it will be by a further extension of MHD. For MHD is the intermediate step toward a thermonuclear generator, in which an ultrahigh-temperature stream of hydrogen gas in an ultrastrong superconductive magnetic field will be fused into helium to produce electric current.

There is no lack of imaginative developments to solve the twin problems of power and pollution, given the will to pursue them. One of the most provocative is a scheme presented two years ago by Dr. Peter E. Glaser, head of engineering sciences at Arthur D. Little, Inc., for wresting electric power directly from the sun. He proposed development of a large space platform, composed of a mosaic of solar cells, that would convert sunlight to electric power (see diagram page 81). A flexible superconducting cable, two miles long, would convey the power to a satellite station, where it would be converted to microwave energy for transmission to earth. There it would be reconverted to usable power. All the working elements for such a system are here or close at hand.

Glaser calculates, in a recently refined systems study, that a thin, five-mile-square array of solar cells in stationary orbit some 22,300 miles above the equator could transmit enough power (10,000 megawatts) to supply New York City. The receiving antenna would have to be six miles in diameter, but it would consist of a flat, open mesh of wires, under which cows could graze, for its power density would be only one-tenth that of sunlight reaching the earth. All together, Glaser's calculations indicate, power could be delivered to earth at a capital cost of about $500 per kilowatt at the start, compared to $140 to $280 a kilowatt for steam power, about the same for MHD, and $200 to $400 for present nuclear plants. But "fuel" would be free and pollution nil.

This cost estimate is contingent on NASA's launching a space station and space shuttle service, which would reduce the cost of lifting bodies into orbit to $50 per pound. It also assumes development of techniques for fabricating large structures in space, on which the Soviets have made a start but the U.S. has not. The space program has now been so deeply cut, however, and has fallen so far out of favor with Congress, the Administration, and a distracted public, that it would be unrealistic to foresee construction of an experimental solar-power station much before 1985–90. A common plaint against the spaceprogram is that it has had few, if any, industrial spinoffs. But it already has greatly contributed to all these advanced power techniques, as well as to other forward technologies; the hitch is that they are not being industriously pursued and used.

### THE DEVELOPED-COUNTRY PROBLEM

It may well be asked why anything so far out as solar power from space is worth considering, since more advanced nuclear plants are coming along and the Atomic Energy Commission predicts that they will be providing half the total electric power by the end of the century. But projected energy needs in this period are immense, both for the U.S. and for the rest of the world if it is to reach any measure of equality with the U.S. Most authorities agree that the world will need to develop every available source of power, especially nonpolluting ones. This includes not only solar power, but also geothermal power (see "Power from the Earth's Own Heat," FORTUNE, June, 1969), generating electricity from hot water and natural steam trapped in the earth's crust.

To develop all the cleaner alternatives

would take a sizable amount of money, but nothing like the more than $2 billion in federal funds spent so far to bring nuclear power to commercial status. It has been estimated that an investment of at least $500 billion will be required by the year 2000, in both conventional and nuclear power, to meet U.S. energy demands. With the preservation of clean air and water becoming a part of capital costs, the increasing added expense of antipollution devices, cooling towers, and the like should broaden the incentives for developing more direct alternatives. For, while conventional steam power is almost at the end of its development, the newer systems, such as MHD, are only at the beginning of theirs, in a position to make wide strides toward cleaner, more economical power systems.

So far the total amount of money spent on the new developments has been minuscule, considering the size of the problem and of the industry involved. It is noteworthy that the recent innovations were made not by the electrical industry proper, but by aerospace, chemical, and electronic interlopers. The electric-utility industry itself spends less than one-quarter of 1 percent of its operating revenues on research and development. And most of this, except for some token grants to advanced research projects, goes merely to improvements in present systems.

The government's support is little better than the industry's. Research spending in fiscal 1970 amounted to about $350 million, of which some 85 percent went directly to nuclear energy and the rest was thinly scattered elsewhere. Glenn Seaborg, Chairman of the Atomic Energy Commission, has said that someday using the heat of nuclear fission with MHD may produce spectacular results. More recently, before an international meeting of scientists, he unfolded a dazzling vision of a worldwide grid of electric-power generation and distribution via satellites, microwaves, laser beams, and superconducting transmission lines. But neither the AEC nor any other government agency is doing much to promote these promising developments, and the support of advanced research falls between the stools.

The problem of pressing new and beneficial technologies in a highly developed nation such as the U.S. is becoming more obdurate than any of the problems facing underdeveloped countries. The immense investment in the internal-combustion engine precludes any intensive development of the fuel cell or other electrical alternatives for a truly nonpolluting automobile. The dead capital weight of obsolete railroad and mass-transit systems, sucked dry, blocks the concerted development of advanced high-speed electric ground transportation systems, already appearing elsewhere in the world. And the U.S. electrical industry, which might be contributing to solutions in these areas, is showing some of the same capital inertia. The country that built the world's first central power station is now in danger of losing its leadership in the new level of technologies the times require. Snug in the complacency that U.S. technology leads all the world, the country has not kept its eye on the major index of modern industrial civilization—energy.

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## TRANSFER OF INTELLIGENCE SCHOOL

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, the Army has misled Congress about the transfer of the Intelligence School from Fort Holabird in Baltimore to Fort Huachuca in Arizona. Here is the record.

Army promise: In April an Army fact sheet listed approximately 600 homes and apartments for rent.

Fact: Two months later in June the Army confessed a deficit of over 1,000 housing units for military personnel alone—and could not even estimate the civilian deficit.

### REPORT ON FAMILY HOUSING CONDITIONS AT FORT HUACHUCA, ARIZ.

General—In early April 1971, Fort Huachuca forwarded to higher headquarters the results of the housing survey for Calendar Year 1971. The survey results differed markedly from that information previously furnished by the Department of the Army to the Office of the Secretary of Defense and subsequently to the committee. As a consequence of this disparity, a member of the Office of the Secretary of Defense housing staff, accompanied by an Army representative, visited Fort Huachuca during the week of April 19 to survey the housing situation.

The data contained in the fact sheet provided to the committee was subject to misinterpretation due to the use of the term "available" in regard to off-post rental housing. This data was evidently meant to depict the number of existing adequate rental units in the area and not the number of vacancies. Rental vacancies are scarce, and realtors have waiting lists. Vacancies seldom stay on the market for more than a few days, and generally, impending vacancies are taken up in advance of availability. The bulk of housing starts is in the "for sale" category, although relief is expected in rental housing in the near future.

### CURRENT SITUATION FOR ELIGIBLE MILITARY FAMILIES

The current housing situation of our military personnel eligible for housing is as follows:

| | |
|---|---|
| Effective requirements | 2, 320 |
| In Military controlled housing | 1, 728 |
| Suitable | (1, 668) |
| Unsuitable | [1](60) |
| Involuntarily separated | [1] 164 |
| In private housing | 428 |
| Own homes (includes mobile homes) | 159 |
| Suitable | (71) |
| Unsuitable | [1](88) |
| Rent | 269 |
| Suitable | (116) |
| Unsuitable | [1](153) |

[1] The current gross deficit of 465, less 10% of effective requirements as a safety factor to preclude overbuilding, equates to a current programmable deficit of 233. Additionally, there are 200 units of on-post family housing under construction which would further reduce this programmable deficit to only 33.

### PROJECTED SITUATION FOR MILITARY FAMILIES

The projected, long-range programmable deficit for military personnel eligible for family housing at Fort Huachuca is 669. The increase in this deficit above that which was reported earlier is a result of procedural errors by which the total requirement for family housing units was initially underestimated.

Although we do not program family housing for military personnel who have not demonstrated any intention of making military service a career, these personnel admittedly do have an impact on the private housing market. The Department of the Army is projecting an effective family housing requirement for "ineligible" personnel of 561 and a deficit in suitable housing for same of 410. In this regard, the Department of Defense initially requested the Federal Housing Administration—FHA—to provide 200 units of low- and moderate-income housing subject to military priority occupancy for Fort Huachuca, which we expected would help relieve the situation for our "ineligibles" in the lower pay grades and also reduce the competition for suitable housing in the private sector currently experienced by civilians. However, FHA has taken the position that it cannot support such housing since it has determined that the nonmilitary connected need would not sustain the project, should Fort Huachuca become inactive, or substantially reduce its scope of operations.

### CIVILIAN HOUSING

Fort Huachuca currently employs approximately 3,045 civilians and this number is projected to increase by some 350. Since the Department of Defense does not survey civilian requirements and such information was not available from local sources, it is not possible to determine how many families this equates to, how many are unsuitably housed, or what part of the projected increase would represent newcomers to the area. We have been told by developers and realtors in the Fort Huachuca area that a number of new arrivals who are being transferred from Fort Holabird, Md., with the Intelligence School, have already purchased homes.

### INCREASE IN HOUSING STARTS TO MEET OUR NEEDS

In regard to community support, the representatives from the Office of the Secretary of Defense and the Department of the Army met with community developers on April 22. Realtors, contractors, developers and chamber of commerce members were unanimous in their immediate desire to provide for our housing requirements. They appear to have the capability, and site work has begun at two locations which will ultimately provide an additional 900 units. One of these projects involves 500 units composed of modular and mobile homes which will become available in increments, with occupancy starting within a month. Although FHA mortgage insurance is in limited supply, we were told that conventional mortgage financing is being obtained. The interest expressed by the private sector and its optimism about meeting the needs of our civilian and military personnel indicate the general housing situation at Fort Huachuca will improve in the near future.

In view of the prospect of community support to be realized in the near future, and our policy to rely on communities near our installations as the primary source for meeting our housing needs, we shall closely monitor the efforts of private industry during the coming months to provide additional housing in the Fort Huachuca area. Should the community be unable to meet our needs within a reasonable period of time, we will consider on-post construction for military families at Fort Huachuca in relation to the needs of other military installations.

An official Army telegram warns that the waiting time for Huachuca housing is up to 6 months for officers and up to 27 months for enlisted men—and prohibits the shipping of household goods pointing out a complete lack of storage space within 200 miles of Fort Huachuca.

Telegram—June 22, 1971.

Sent by Commander, Western Area Military Traffic Management and Terminal Service to: the Commanding General of the Service.

It was then forwarded to all U.S. installations, on June 24.

Storage in Transit—Fort Huachuca, Ariz.

1. Due to complete saturation of storage-in-transit facilities at Sierra Vista, and Tuscon, Arizona area, request personal property shipping facilities worldwide be advised to utilize any storage-in-transit required at origin for all members being transferred to Fort Huachuca, Arizona, unless the property owner has a definite delivery address at new duty station.

2. Waiting time for housing at Fort Huachuca is as follows:

Colonel—2 to 3 weeks.

Lieutenant colonel and major—3 to 6 months.

Company grade officers: 2 bedroom, 6 months; 3 bedroom, 7 to 12 weeks.

Enlisted personnel: 2 bedroom, 27 months; 3 bedroom, 6 to 7 weeks; 4 bedroom, under construction, no completion date.

3. Personnel transferred to Fort Huachuca area should be advised to ship only essential items by an expedited mode for use in temporary quarters, pending assignment to permanent quarters or locating local housing.

4. Personal property household goods shipments now in transit will be placed in storage-in-transit at nearest approved facilities in Phoenix, Arizona area, a distance of approximately 200 miles from Sierra Vista area.

General Yates told my military construction subcommittee that he is "very embarrassed" that the Army gave misleading information. Embarrassment is not enough. The Intelligence School should be moved back to Baltimore. It would be far cheaper than spending $20 to $30 million for housing in Huachuca for which there is such a total lack of long-run need that the FHA refuses to guarantee loans for private home construction.

## 1972 DEMOCRATIC NATIONAL CONVENTION TO BE IN MIAMI, FLA.

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, yesterday, Lawrence O'Brien, chairman of the Democratic National Committee, announced that Miami Beach, Fla., had been selected as the site for the 1972 Democratic National Convention. As most people are aware, the alternative city under consideration for the convention was my own home city of Louisville, Ky.

I would have been honored to represent the district in which the convention would be held. But, this is not now to be. Certainly congratulations are in order for Miami Beach for having secured this outstanding event. Their representatives did a good job of selling the merits of one of America's leading cities.

But, Mr. Speaker, congratulations are also in order for the members of the Louisville convention committee for having done a superlative, simply fantastic, job of promoting the advantages of Louisville, my home city, as the convention site. Jay Crouse, John Waits, John Brown, Jr., Charles Greer, Bob McLeod, and Lew Tingley, to mention but a few of those involved with this effort, worked long, hard hours and devoted much time and energy to the task of hosting the 1972 convention.

Credit must also be paid to the united, bipartisan support the convention committee received from Kentucky Gov. Louie Nunn, Louisville Mayor Frank W. Burke, Jefferson County Judge Todd Hollenbach, and many other office holders of both parties. Their help was invaluable and kept the Louisville bid in the forefront at all times.

My good friend and my party's national committeewoman from Kentucky, Mary Helen Byck, represented Louisville in the most dignified and effective way possible. The bid for the convention would never have reached the pinnacle it did without Mary Helen's energetic and unflagging support.

Although I and the others who were actively and passively involved in this convention bid are disappointed that our fair city was not chosen by the site selection committee, I know what a thankless, difficult job these fine selectors had. I really do not envy their task, and I am sure they are happy this phase of convention activities is out of the way at last. They have my every thanks for the even-handed, objective and thorough way they approached this task. I thank them also for giving Louisville every possible consideration in these site deliberations.

Finally, Mr. Speaker, I must say for the record that the Democratic National Committee need not look beyond my home city of Louisville when it begins the search for a site for the 1976 national convention.

We might be through for 1972; but we have the picks for 1976.

## THE SHARPSTOWN FOLLIES—VIII

The SPEAKER pro tempore (Mr. Flynt). Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, in the executive branch this is the last day to spend all the money that was appropriated for this fiscal year; what is not spent today will never get spent at all, so there is a great rush of business being done on this day. It being the last day of the fiscal year, I believe that it is also a day of accounting, a day to summarize what has happened so far, and to speculate on what might come tomorrow, when a new fiscal year rolls around.

Therefore I believe that today is an appropriate time for me to wrap up the Sharpstown Follies in one large, malodorous package. I want to summarize the story as it now stands, and say most regretfully that it will be necessary for me to add more details to it tomorrow. I realize that the Sharpstown Follies is a rotten story, and I dislike to burden my colleagues with it. But it is my duty as a Member of this House to tell you about this shameful mess, for distasteful as the Sharpstown Follies are, the truth must be known about the whole sordid show.

The "Sharpstown Follies" concerns the rise and fall of Mr. Frank Sharp, and the deeds and misdeeds perpetrated by Mr. Sharp and his associates. It is a story of wheeling and dealing in its rawest form. There must be somewhere in this whole tragedy a touch of humor, but I have yet to find it. I will continue looking for comic relief, but on the whole this is a tragic story in which there are no winners at all, no heroes at all, nor any redeeming events. It is a story of ambition, greed and gross misdeeds.

To begin, there was once a poor country fellow by the name of Frank W. Sharp. This young man hit the city of Houston in the mid-forties, and by hard work, skill and luck got a foothold in the housing business. Now Houston is one of the fastest growing cities in America today, and it was booming back in those days too. It was not long before Frank Sharp made a considerable fortune in real estate and homebuilding.

After a while, along about 1960 or so, Frank Sharp was big enough to have built his very own town, which he called, Texas-style, Sharpstown.

Along about this time Mr. Sharp determined to go into the banking business, so he made application for a State bank charter. The bank was to be in his town, Sharpstown, so he called it the Sharpstown State Bank. The charter application was reviewed and approved by the State Banking Commission of Austin. One of the commission members was the honorable Will Wilson, who was attorney general of Texas, and who later ran for the U.S. Senate, but was defeated. Wilson approved the Sharpstown State Bank application as a banking commissioner, and says today that the application certainly merited approval. I have no way of knowing.

In any event, that is where Frank Sharp and Will Wilson first crossed paths, insofar as the "Sharpstown Follies" story is concerned. A little later on, Wilson and Sharp became very close associates indeed.

The Sharpstown Bank opened its doors for business, and after a while, when Wilson had left public life, he became general counsel for the Sharpstown State Bank.

By 1968 Mr. Sharp is said to have been worth about $15 million. He had control of a whole cluster of companies, many of them bearing his name. There was his town, his bank, his realty company, his investment company, and many more. But it was not enough. Frank Sharp decided to enter an even more lucrative field, that of life insurance.

It is certainly appropriate for a man of Sharp's means to be a generous giver, and Sharp certainly played the role of philanthropist. Late in 1967 he gave 20,000 shares of his Sharpstown State Bank stock to the Jesuit Fathers of Houston, who were in the process of building a prep school. According to the Securities and Exchange Commission, the gift was a Trojan horse, made to gain the confidence of the fathers. If he meant to gain their confidence, he did a smashing job. The Pope himself commended Sharp, and he was made an honorary member of the Jesuit order—no doubt the first of his particular religious persuasion ever to be so honored.

But soon after the fathers received their stock, Mr. Sharp employed them in a curious transaction, one that probably was illegal.

Sharp, according to the Securities and Exchange Commission, caused the fathers to borrow $3,000,000 from the Sharpstown State Bank. The fathers in turn loaned the money to Sharp, who applied it toward increased capitalization for the bank. Thus, the capital structure of the bank grew immensely, and its loan limits were also increased immensely, and all with money that had actually been borrowed from the bank in the first place.

In the first half of 1968, the Sharpstown State Bank was wheeling and dealing in real estate at such a pace that its general counsel, Will Wilson, determined that it would be a good idea to add a good real estate man to the legal staff. He picked a man by the name of Joe Ridings, and the firm of Wilson, Osborn, and Ridings was formed. Wilson and Osborn had offices in Austin, but the new junior partner was installed in the Sharpstown State Bank Building. The bank paid Ridings a good retainer, and furnished him an office rent free. In addition to representing the bank regularly, Ridings did work for other Sharp companies such as Sharpstown Realty and Olympic Life. The latter company was ostensibly owned by W. H. Haden, who was Sharp's son-in-law, but in fact Sharp himself controlled the company through its financing at Sharpstown State Bank.

At about this same time Sharp was busily wheeling and dealing in other areas too. But more important to the account today, is the fact that by mid-1968 Sharp had decided to buy control of National Bankers Life Insurance Co.

Will Wilson, Sharp's general counsel at Sharpstown State Bank, and presumably his close confidant and adviser in such matters, says that he told Sharp that getting into the life insurance game involved considerable risks, and that he advised against the move. But Sharp determined to go ahead, and Counselor Wilson arranged for Sharp to buy 519,000 shares of the about 1 million outstanding in National Bankers Life Insurance Co. Wilson himself eventually bought about 7,500 shares of the company's stock for himself, despite his unease about Sharp's being in control.

Sharp named Will Wilson to be general counsel of National Bankers Life effective July 1, 1968.

By late 1968, Sharp was beginning to operate his various schemes in high gear. Then, following the election of Richard Nixon, his adviser and counselor Wilson was named to be Assistant Attorney General of the United States, heading up the criminal division. Thus, Wilson, ex-attorney general of Texas, ex-candidate for the U.S. Senate and sundry other posts and ex-Democrat, left the employ of Frank Sharp about the middle of January 1969.

During the year 1969 Sharp continued his financial machinations. Eventually some of the deals that he made came under attack from banking authorities. In one case, he quietly moved one loan from a bank in Dallas—which his associates controlled, thanks to other loans from Sharpstown State Bank—to another. But the prying eyes of Federal Deposit Insurance Commission and even Texas bank examiners seemed to irritate the bankers at Sharpstown State Bank. Accordingly, some examiners suddenly started getting loans from Sharpstown State Bank, through a special conduit. Then a Sharp associate, John Osorio, is said to have drafted a bill that would have created a Texas bank deposit insuring company, one that would allow banks like Sharpstown to leave FDIC and presumably escape pesky supervision.

In any event, there are claims and allegations that Sharpstown State Bank started making large loans to highly placed officials in Texas, and that those same officials used the loans to buy large amounts of stock in National Bankers Life Insurance Co., which of course Sharp also controlled. Some of the officials report that they made big profits on the sale of their NBL stock. Whatever the case may be, the bill Sharp wanted sailed through a special session of the state legislature, only to be vetoed by Gov. Preston Smith.

Not long thereafter, Sharp's balloon started collapsing. As the SEC revealed his stock manipulations, the large loans that Sharpstown State Bank had made to finance the Sharp deals, public confidence in his bank collapsed, and Sharpstown State Bank folded. The FDIC had to transfer $50 million to Houston to pay off depositors; no one knows yet how great the final loss will be.

National Bankers Life and Olympic Life went into receivership; their stock values collapsed almost completely.

The Jesuit Fathers discovered that they had lost something like $6 million through Sharp's deals.

Others found that they had lost, too, and no one knows yet how many or how much.

That was the rise and fall of Frank Sharp.

A few weeks ago, Frank Sharp answered for his crimes. He entered a plea of guilty to false entry on certain financial transactions. Though he could have been given a 10-year jail term, the judge assessed a 3-year suspended sentence, a $5,000 fine, and granted Sharp complete immunity from any further prosecution. This was on the recommendation of the Department of Justice. Thus, phase two of the Sharpstown Follies began.

Phase two of the Sharpstown Follies consists largely of an attempt by the Justice Department to conceal the relationship of its own Assistant Attorney General, Will Wilson, to Frank Sharp.

In order to conceal this relationship, the Department of Justice created an interesting scenario. First of all, way back in the beginning of the year, when disaster struck the Sharp empire, Wilson disqualified himself from the case. The thing that remained was to disassociate himself from his former friend and employer, Frank Sharp.

Accordingly, in order to conceal Wilson's former role and disassociate him from the case, none other than Deputy Attorney General Kleindeinst recommended that a deal be made with Sharp. In return for his immunity, Sharp would help the Government make a case against his former associates.

The better to conceal the deal, the Government decided to try as many of the Texas political figures as it could involve with Sharp. Kleindeinst and the local U.S. attorney figured that the heat and dust from these trials would cause the public to completely forget the deal that had been made with none other than Frank Sharp, and that people would certainly never bother to ask why such a deal had been made.

Wilson, of course, in keeping with his role of being disqualified from the case, and in keeping with his hopes to be disassociated from his old friend Sharp, claimed that he had nothing to do with the deal arranged by his boss Kleindeinst and his subordinate, Anthony J. P. Farris.

Unfortunately for Wilson, the truth about his relationship with Sharp is beginning to become known.

Though Wilson once said that he had been an attorney for Sharp, he never got around to admitting that he was also general counsel for the Sharpstown State Bank.

And though Wilson readily admitted that he negotiated Sharp's purchase of the National Bankers Life Insurance Co., he never got around to admitting that he had a piece of the action in that company, too.

And, of course, Wilson never mentioned that he had also been general counsel for National Bankers Life Insurance Co.

Certainly he has never mentioned that his junior law partner was brought in just for the purpose of laboring over the real estate deals that were being cooked up in the Sharpstown State Bank.

Nor of course has he ever mentioned the law work that his partners did for other Sharp companies, or the fact that they were on the board of Sharp's Olympic Life Insurance Co. And so on and so on.

As for the local U.S. attorney, Mr. Anthony J. P. Farris, he never bothered to mention to the Securities and Exchange Commission just what kind of a deal he had cooked up with Frank Sharp.

Nor did Mr. Farris ever bother to mention that Sharp's case was heard before a judge who seems to have had some connection with Sharp himself, and who probably should have disqualified himself from the case.

Nor has Mr. Farris ever explained how it is that the same U.S. attorney's office can obtain 3-year jail terms for chicken thieves, but cannot seem to make much of a case against bank frauds.

Mr. Farris merely says that nobody but he knows the facts, which of course is a complete falsehood.

Anthony J. P. Farris has a problem. First he has to protect his boss from exposure while working up a good case against people who are enemies of his boss, in a political sense. He has to even up some old scores for his boss while at the same time preventing anybody from learning what role his own boss played in the great Sharpstown scandal. And Mr. Anthony J. P. Farris would like to occupy the Governor's chair over in Austin, and he hopes that his forthcoming prosecutions will turn that trick for him.

As far as Mr. Anthony J. P. Farris is concerned, the less that is said about his handling of the Sharp case, the better it is for him. Certainly he does not want to talk about the malodorous deal he made. Certainly he does not want anybody to discuss the case. Certainly he is nervous about being criticized; he is even more nervous that his strenuous efforts to protect his boss will fail.

So there we stand, Mr. Speaker, at act 8 of the Sharpstown Follies.

We have the biggest fish of them all swimming clean out of the nets of the Justice Department.

We have mysterious deals by the Justice Department, and a pure, golden silence from the man they are trying to protect.

And we have strange utterances from Mr. Anthony J. P. Farris, who actually cut the holes in the net that allowed the great fraud to get away clean.

From the office of Kleindienst, there is imperial dignity.

And from Houston there is the smell of rotten eggs, or rather, should I say fish.

The Sharpstown Follies is a long show. It has a lengthy list of characters. Like a soap opera, it will continue its run tomorrow.

It would not need to continue, if the Justice Department were to only abandon its follies. I am not asking that people who might be guilty of crimes not be tried, not at all. But I am demanding that all those implicated be given equal treatment, even if they should happen to be high officials of the Justice Department itself. And I am asking that the big fish at least stand trial in some court of some description. Judge Singleton surely did not mean that the chief defendant should not even have to answer in civil courts for the damages he has done, which amount to the millions of dollars. Yet that is what Sharp is claiming even now, challenging even the fundamental action of the Securities and Exchange Commission to bar him from further violations of the securities laws. No, surely the good judge did not mean that Sharp is exempt even from an injunction to stop wheeling and dealing—but that is what Sharp thinks. Who knows? The case is so bizarre thus far that maybe he will get away with his claim.

Tomorrow there will be more, Mr. Speaker. I am sad to say that the Sharpstown Follies will continue tomorrow with its ninth act. In it, we shall learn more about why Will Wilson not only wants to be disqualified from this case, but disassociated from it. He would rather not even be on the same planet with Frank Sharp at this moment, and I cannot say that I blame him. After all, Sharp's deals are the stuff that destroy political dreams, and if many people learn just how involved Wilson was, then his ambitions may well be blasted along with the long-dead dreams of Sharp himself.

## SUPREME COURT DECISION SETTING ASIDE DEATH SENTENCE OF RICHARD SPECK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the U.S. Supreme Court decision setting aside the death sentence of convicted mass murderer, Richard Speck, and 39 other convicted felons on a technicality is another dramatic example of the liberal-leaning Court bending over backward to protect the rights of criminals.

While some persons might peg the High Tribunal's ruling in Speck's case as a gesture of mercy, I cannot believe those same persons have never stopped to consider the lack of mercy exhibited by Speck when he snuffed out the lives of those eight defenseless nurses in Chicago in 1966. It was a brutal and shocking crime; one which, in the eyes of rational, civilized society, can never be forgotten.

Much has been written and spoken about the so-called inhumanity of keeping a man penned up in prison awaiting a decision as to whether or not his death sentence will be commuted. And yet, little if anything is being heard these days about the inhumanity surrounding the suffering of the loved ones of the victims of crimes.

I keep looking for a light at the end of the tunnel in response to the anguished plight of these victims and their loved ones. All I have been able to see is the Supreme Court blocking the tunnel entrance with their cold, technical decisions which appear to give all the advantages to the Richard Specks of the country and very little thought to their victims.

## "POLLUTION STOPS HERE" SAYS DELAWARE'S GOVERNOR PETERSON

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. Saylor) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, it takes a high and unusual degree of courage for anyone to "take on" the oil industry. In Delaware, Gov. Russell W. Peterson and the Republican legislature have just challenged the oil industry to a contest on the subject of the environmental future of the State.

Under Governor Peterson's initiative, the legislature has enacted a measure which would, in general, protect the remaining open spaces in the State, and in particular, would prohibit the construction of a multibillion dollar oil refining complex and other giant industrial facilities.

There are a number of reasons for congratulating Governor Peterson and the citizens of the State of Delaware for their innovative new law to protect their environment; however, the one I wish to highlight is that of "State responsibility." The people of a State, in this case Delaware, through action of its chosen leadership has made a magnificent decision. In short, Delaware has said "pollution stops here."

The State of Delaware was threatened and the State of Delaware acted. They did not come running to the Federal Government for money, legislation, regulations, or a shoulder to cry on. The State's leaders acted on the basis of the threat to the State's environment and in doing so, have set the proper pattern for the protection of natural areas throughout the United States.

Pollution—industrial, commercial. governmental, and individual—is a national problem but that problem is made up of thousands upon thousands of local, State, and regional problems. Delaware has taught us once again that the best place for control of pollution is at the level of government directly affected by the potential pollution.

The State of Delaware can expect from the oil industry a sustained and well-financed counterattack in the press and the courts against the new law. Nevertheless, I am confident that the daring of Governor Peterson's "open space" law will be vindicated and his leadership in the protection of his State's environment will be confirmed.

A few days ago, the Washington Post brought the innovative Governor's action to the public's attention and I ask that that article be appended to my remarks.

The article follows:

[From the Washington Post, June 26, 1971]

### DELAWARE CHOOSES CONSERVATION: OVER BIG BUSINESS

(By Tom Huth)

The state of Delaware, choosing open space rather than big business, has decided to prohibit any further heavy industry along its coasts and to ban offshore oil and coal transfer to terminals that had been planned for Delaware Bay.

The uncompromising legislation, opposed by the U.S. Commerce and Treasury Departments, apparently is the first of its kind in the nation.

The measure was a reaction to proposals by the Shell Oil Co. and others to industrialize more of the state's 100-mile Delaware Bay coast and to build two shipping facilities in the bay itself. The action also protects the state's 25-mile Atlantic Coast, where resorts such as Rehoboth Beach attract hundreds of thousands of summer tourists, many from the Washington area.

The shorelines already are threatened by the dumping of municipal sewage sludge in the ocean near Rehoboth and by pollution from the heavily industrialized upper Delaware Bay and Delaware River. Now the state has called a halt.

In many ways, the legislative action indicates a growing official recognition of a need to protect open lands and waterways:

The measure was initiated and supported strongly by first-term Gov. Russell W. Peterson, a Republican and long-time executive of the du Pont chemical company, the state's biggest private employer. Before taking office in 1969, Peterson was in charge of finding new business ventures for du Pont.

The bill was passed this week by two Republican-dominated houses in a traditionally conservative state. The chief sponsor, Rep. Andrew Knox, is a du Pont research chemist.

Although the oil companies and the State Chamber of Commerce lobbied against the bill, stronger pressure appeared to come from conservation groups that sprang into action after the legislation was introduced.

The new law arose partly from the fear that new heavy industry would bring air and water pollution. But it also reflects a simple choice to save land for recreation and tourism rather than for economic interests.

As the governor said in March in reference to Shell's proposed refinery complex, "As far as I'm concerned, even if Shell can build a plant 100 per cent free of pollution, I'm still opposed."

A month before, Peterson wrote to the Chamber of Commerce:

"We have been fortunate that man has seen fit, as he swarmed into this eastern megalopolis, engulfing our neighboring areas in vast industrial complexes and honky-tonk tourist traps, to ignore most of our little peninsula, leaving it pretty much in its natural beauty.

"Our turn has now come! Strong economic forces in our modern world now point to Delaware Bay as the most attractive place on the East Coast for building a major transportation and industrial complex. The operators of huge marine vessels, now being built around the world to provide low-cost transportation for oil, coal and iron ore, find that Delaware Bay offers the best deep-water port on the East Coast."

It is precisely this prospect of a deep-water port to attract supertanks that aroused federal government opposition to the Delaware bill.

On June 4 Peterson was called to Washington to meet with Commerce Secretary Maurice Stans and other officials. He was told, he said, that "you are interfering with the prosperity and security of America."

Andrew E. Gibson, assistant secretary of Commerce for maritime affairs, said that "we are anxious to have port developments keep pace with shipping technology."

He said what bothered his department was that Delaware was proposing an outright ban on offshore transfer platforms rather than simply regulating coastal development, as other states have done.

He said he and the others told Peterson on June 4, "You can pass any kind of reasonable regulations you want . . . but you don't give a damn whether it pollutes or not. You just don't want it—and he agreed!"

The Delaware side of the Delaware Bay is the logical spot for a supertanker port, Gibson said, because a fault in the continental shelf provides a natural deep channel. No port on the East Coast can now accommodate ships of the size contemplated for the Delaware Bay.

On June 16, John R. Petty, assistant secretary of the Treasury for international affairs, wrote to the Delaware House Natural Resources Committee:

"Unless the United States is able to receive these bulk carriers, our ability to compete will be seriously damaged . . .

"The overwhelming natural interest argues for finding a way of establishing deep-water port facilities that is consistent with the integrity of the environment. Instead of an absolute ban, we would suggest that the focus should be on assuring that port development is consistent with ecological considerations."

### BREAK THE CYCLE

Peterson argues that the cycle of industrialization must be broken, that if there are no facilities for supertankers, smaller boats will be used and the United States in the meantime should accelerate its search for more compatible forms of energy.

As for the economic effect of his bill on Delaware, Peterson insists that, with its favorable corporation laws and without a glut of heavy industry, the state can attract corporate headquaters, research laboratories and relatively clean manufacturing plants.

The area affected by the bill is a coastal strip one to six miles deep along the Delaware Bay and Atlantic shores.

"Absolutely prohibited" in the coastal zone are transfer platforms and heavy industries, defined as those with certain equipment that "has the potential to pollute when equipment malfunctions or human error occurs."

### SPECIFIC BANS

Specific examples of heavy industry mentioned in the bill are oil refineries, basic steel manufacturing plants, pulp paper mills and petrochemical complexes.

Of several published plans for development inside the zone, the one that had caused the most concern was the 200,000-barrel-a-day refinery planned by the Shell Oil Co. on 5,400 acres northeast of Smyrna.

Peterson wrote to the Chamber of Commerce in February: "The first steps must be to stop Shell from constructing its refinery . . . and to prevent the building of the transshipment islands in the bay."

Shell's refinery would be the state's second and the first outside of the industrialized northern tip of Delaware around Wilmington. The Getty Oil Co. Refinery of Delaware City has had recurrent pollution problems, state officials say.

Two transfer facilities have been proposed a few miles off the coast near Milford, in the middle of the state.

A consortium of 13 oil companies has announced a plan to construct a docking facility there that would accommodate two supertankers at a time. The oil would be piped to seven refineries of the Delaware estuary, which extends north toward Philadelphia. The consortium holds 1,785 acres near Milford for possible use as a tank farm.

It is this prospect, that offshore platforms would spawn industrial development on the nearby coast, that worried state officials as much as the platforms themselves.

Peterson said in an interview this week that the threat came home to him when he went to New York to receive an award this spring.

A number of "determined and dedicated key leaders of the oil industry" were there talking about their plans for Delaware Bay, he said. "And I began to realize, my God, this was a lot more extensive than I had anticipated."

A Texas firm, Zapata-Norness, Inc., also has asked permission to build an island off Milford for storing millions of tons of coal for shipment to Europe and Asia.

"Subsequently," Peterson has written, "they would like to enlarge the island to several square miles to store mountains of iron ore for transshipment over a causeway to the mainland to feed steel mills."

The bill passed this week regulates other types of industry in the coastal zone by establishing an industrial control board and a process of hearings and appeals.

### DEMOCRATS LAG

The legislature's minority Democrats, caught off guard by the popular Republican initiative, introduced an 11th-hour bill this week that would have regulated residential and commercial development on the coast as well as industrial growth.

Their bill would have instituted strict controls on heavy industry and offshore platforms rather than banning them. The Democrats insist that the class nature of the Republicans' ban will be ruled unconstitutional. Shell is reported to be planning a lawsuit.

The Democratic bill, drawn up with the guidance of former Interior Secretary Stewart L. Udall, was introduced by House Minority Leader Sherman W. Tribbitt, the leading candidate to oppose Peterson for reelection next year.

Tribbitt "was not going to allow the governor to co-opt the environmental issue," a Democratic source said. "If we wouldn't have come out with opposition on this, it would have almost guaranteed him re-election next year."

The lobbying effort against coastal zoning included a Shell Oil tour for about a dozen legislators to Shell refineries near New Orleans and Seattle.

## THE VITAL ROLE OF A FREE PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, in the particular case before the House Committee on Interstate and Foreign Commerce, the Federal Communications Commission has ruled that the "Selling of the Pentagon," did not violate the fairness doctrine. Furthermore, Mr. Speaker, I believe that for Congress to inquire into the editorial judgments of a broadcast news operation is contrary to the first amendment. I believe efforts by a government body to subpena editorial materials are prohibited by the first amendment directive that Congress shall make no law, "abridging the freedom of the press."

Excluding matters of national security, editorial judgments of the press have never been questioned and should not be. By the same token, television stations and networks that dramatize their editorial judgments through films as well as words should not be restricted because that media happens to have more impact.

Therefore, Mr. Speaker, I am opposed to the intent of the House Commerce Committee to cite Dr. Frank Stanton of CBS for contempt for having declined to comply with the subcommittee subpena which called for materials not broadcast in the program. This goes beyond what was broadcast—it is Government intervention into the editorial judgment of the news staff.

Asking for notes of the program infringes upon the ability of broadcasters or print media to develop a story. I, therefore, feel committee action citing Dr. Stanton for contempt would be highly restrictive and dangerous to a free press, and I will vote against a contempt citation if it comes to the floor.

Mr. Speaker, Dr. Stanton codified CBS operating standards on June 28 and I include along with this an excellent editorial from the Wall Street Journal:

[From the Wall Street Journal, June 23, 1971]

### THE VITAL ROLE OF A FREE PRESS

(By Michael Gartner)

The press of America is under governmental attack as never before.

Last winter the government sought to subpoena the notes of a New York Times reporter. This spring Congress sought (and is still seeking) to subpoena some unused footage from a controversial CBS television documentary on the Pentagon. And now, of course, the Nixon administration has gone to court to seek to stop the Times, the Washington Post and the Boston Globe from printing the contents of some secret documents on the history of the war in Vietnam.

The Vice President, meanwhile, has been firing occasional broadsides at the Eastern press, and others in Washington have been trying to get in some licks, too. The other day, for instance, in a little noted speech to the New York County Lawyers Association, GOP Sen. Jack Miller of Iowa proposed that a reporter or newscaster be required to pass an examination of competence by his peers—and he suggested that perhaps the federal government should oversee these standards.

"But wouldn't this be a form of public censorship?" he asked rhetorically. "Well," he answered, "that doesn't necessarily condemn it."

Politicians and newspapermen have always quarreled, but until now the politicians have always recognized the need for a free, uncensored press. James Madison said that "whatever facilitates a general intercourse of sentiments . . . particularly a circulation of newspapers through the entire body of the people . . . is favorable to liberty." And Thomas Jefferson wrote that "were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Nowadays, however, one gets the feeling that many people in Washington would prefer the former. What would be the consequences of a restricted press? As it happens, a New York law professor has for the past 18 months been considering the entire scope of freedom of the press in the U.S. His name is Morris D. Forkosch, he is a professor of law at Brooklyn Law School, and he has just completed a 60,000-word (and 596-footnote) paper that is called "Freedom of Information in the United States" and that will be the U.S. contribution to a survey of freedom of information in 50 countries. The survey has been commissioned by Italy's National Research Council. In the U.S., the paper soon will be published in the DePaul Law Review.

Some excerpts follow.

"While now and then the United States has swerved from its basic articles of political faith, still, over the past two centuries, it has remained true to its national credos involving freedom of information. America's future in this area thus seems fundamentally sound and secure, despite the occurrence of aberrations, exceptions and even the commission of egregious acts of repression at times.

"The free and untrammeled flow of information is today as much an economic and social necessity as it is a political one, and it therefore follows that anyone seeking to prevent this stream from being dammed is, at least to this extent, supporting the American 'capitalistic' system. Those who seek to circumscribe these two freedoms are thus not political conservatives but anarchists who, by disavowing such mainstays, cause decay and disintegration. . . .

"Man's creativity and his genius must be free from any and all attempts by any person or government to regiment, coerce, license, censor, intimidate or otherwise exercise any degree of control over him. . . . For without the indispensable freedom of, and to, information, as well as its dissemination and receipt, man would remain ignorant, wallow in the abyss of irrationality, and stagnate ethically, scientifically and socially. . . . It is significant that in 1941 Franklin Delano Roosevelt gave, as the first of his 'four essential human freedoms,' that of 'freedom of speech and expression—everywhere in the world.' . . .

"It is of the essence for a government in which the people have any voice that they be informed; and the more they become so enlightened, the more the government not only is benefited but is more responsive and stable. Rebellions and revolutions are less likely the greater the diffusion and depth of knowledge, so that a government's self-interest is furthered by upholding one's freedom" of information. . . .

"It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences . . . That right may not constitutionally be abridged either by Congress or by (the Federal Communications Commission). . . .

"The responsible press rejects governmental quarter-lies, resents governmental secrecy and reports whatever it ferrets out. Many scandals are so uncovered, and to an extent governmental secrecy and misinformation are kept under some disciplines. . . .

"Included in the beliefs of the early Americans, as members of a free and independent society, was the philosophic and political one that reason and the human mind, and its ideas and conjectures, were to be free of censorship and governmental inhibitions. Such theories espoused as these should circulate freely and without fear of reprisal. It was to secure these rights and beliefs, as well as to create a more stable society, that a new form of government was being instituted. . . . So it was written by Thomas Jefferson that '[w]here the press is free, and every man able to read, all is safe,' and echoed by one justice [Justice Black] that: 'I view the guaranties of the First Amendment as the foundation upon which our government structure rests and without which it could not continue to endure as conceived and planned. Freedom to speak and write about public questions is as important to the life of our government as is the heart to the human body. In fact, the privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.' . . .

"Free speech, therefore, as well as free press, is subject to two overall qualifications or limitations, namely that stemming from the equal rights of other persons, and that based upon the necessary security of the nation (even though what these other 'rights' and 'necessary security' means and include are open to interpretation and application.) The first may be illustrated by compelling each person to be responsible for what he does *vis-a-vis* his fellow-man, *e.g.*, perjury, false advertising, even though in the areas of libel and obscenity there has intruded the public interest so as to limit this responsibility, and the second may be illustrated by what he does *vis-a-vis* his government, *e.g.*, sedition. . . .

"There is no general government interest which can be validly invoked" for the government to license a reporter. . . .

"The conclusion which flows irresistibly from all of the preceding is simply expressed—that the almost-absolute freedom of information is a necessity for nation and individual and, it may be added, for the family of nations. It is not only a right of all persons themselves to seek out and obtain, edit, publish and distribute all forms and types of information, but also a duty of all governments to make available and cooperate in all of this, and a coin-face right of all persons to receive, discuss, dissent, reply and otherwise engage in a free and untrammeled debate concerning the substance and merits of such information. . . . And in this ebb and flow of the information tide the governments have no business or power creating locks or dikes, save, unfortunately, in the direst of emergencies and then only as needed for a temporary period. . . .

"The fundamental principles of our democracy have continued upon the foundation erected in the 18th century and so cogently expressed in the Virginia and Kentucky Resolutions of 1799 as a second response to the obnoxious [Alien and Sedition Acts of 1798]:

"'In every State, probably, in the Union, the press has exerted a freedom in canvassing the merits and measures of public men, of every description, which has not been confined to the strict limits of the common law. . . . Some degree of abuse is inseparable from the proper use of everything; and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States that it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigor of those yielding the proper fruits.

"'And can the wisdom of this policy be doubted by any who reflect, that to the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity, over error and oppression; who reflect, that to the same beneficent source the United States owe much of the lights which conducted them to the rank of a free and independent nation; and which have improved their political system into a shape so auspicious to their happiness. Had "Seditions Acts," forbidding every publication that might bring the constituted agents into contempt or disrepute, or that might excite the hatred of the people against the authors of unjust or pernicious measures, been uniformly enforced against the press, might not the United States have been languishing at this day, under the infirmities of a sickly confederation; might they not possibly be miserable colonies, groaning under a foreign yoke?'"

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## CBS Operating Standards: News and Public Affairs

(By Frank Stanton)

In November, 1959, a memorandum on standards and practices was issued to the CBS News organization to assure that programs produced by CBS News are actually what they purport to be. Since then, to implement this overall objective, a number of memoranda have been issued which set forth CBS News policies in specific areas. The purpose of this memorandum is to collate and restate those policies and to confirm their continuing applicability to *all* CBS news operations.

It is impossible, of course, and inadvisable, to prepare policy guidelines which will cover every conceivable situation which may arise. There are too many variable circumstances—and we must rely, in the final analysis, on the essential good sense and journalistic integrity of the professional journalists employed by CBS around the world. There is a basic underlying guideline, however, which was expressed in a memorandum from Mr. Salant to the CBS News organization in June of 1963 reaffirming the memorandum on standards and practices issued in November, 1959:

"[T]here shall be *no* re-creation, *no* staging, no production technique which would give the viewer an impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential. The only way there can be certainty is not to let the bars down at all. Anything which gives the viewer an impression of time, place, event, or person other than the actual fact as it is being recorded and broadcast cannot be tolerated.

"I recognize that strict application of this policy will result in higher costs or in a less technically perfect or interesting 'show' in certain instances. But our field is journalism, not show business."

These are the operating standards which apply to all CBS produced news and public affairs broadcasts, network and station, television and radio:

1. *Filming a news event*. It is essential that CBS personnel not stage, or contribute to the staging—however slight—of any news event or story. Specifically, nothing should be done that creates an erroneous impression of time, place, event, person or fact.

There are some events such as, for example, speeches, press conferences and demonstrations of various types which occur only because coverage by the press is anticipated. The sole factor which determines whether any such event shall be covered is, of course, the basic newsworthiness of the event. But personnel should be alert at all times to the possibility that attempts may be made to "use" CBS cameras and microphones.

Coverage should be as inconspicuous as possible. If, in the course of covering riots, demonstrations, rallies or similar events, it becomes obvious that, but for the presence of cameras, disorders would not be taking place, or would diminish sizably, or terminate, the cameras should be capped or removed. On-the-spot judgments by producers, correspondents, reporters or cameramen that a situation may be eased by capping or removing the cameras will be fully respected.

Producers, correspondents and reporters working with camera crews are responsible for the actions of the crews.

In appropriate circumstances, such as, for example, in the coverage of a space flight, simulations and earlier rehearsals may be broadcast if appropriate disclosure is made.

2. *Interviews and discussions*. This section refers to broadcasts wholly or in part made up of interviews, discussions, forums, debates, and the like, and the term "interviews" will be used to cover all such kinds of broadcast content.

Where an interview broadcast is spontaneous, unrehearsed (other than rehearsal of physical position and movement on camera) and carried in its entirety, it may be identified on the air (opening and closing) as "spontaneous and unrehearsed," and if on film or tape "spontaneous, unrehearsed and not edited."

An interview is considered spontaneous and unrehearsed if not more than an outline of the general areas from which specific questions will be drawn is discussed with or transmitted to the interviewee. An interview is not considered spontaneous and unrehearsed if

a. questions are submitted in advance to the interviewee; or

b. there is an agreement not to use a particular general area as the basis for specific questions; or

c. there is an agreement not to ask specific questions; or

d. the film, tape or transcript of the interview is submitted to the interviewee after completion so that he may participate in the condensation and editing.

To the extent that any interview is not spontaneous and unrehearsed, that fact must be adequately disclosed on the broadcast. The interviewee should be advised, prior to his on-camera appearance, that this will be done.

Interviews which are not spontaneous and unrehearsed (i) should be avoided except in unusual cases where the identity of the interviewee and the circumstances of the interview are such that the importance of the proposed broadcast clearly outweighs the disadvantages of the procedure and there are sound reasons for such procedure and (ii) will be permitted, in any event, only upon specific approval by the President of CBS News or the General Manager of the station involved.

3. *Editing*. Editing is an area, obviously, which does not lend itself to broad and universally applicable rules. There are many varying circumstances. But there is one basic requirement. We must continue to be meticulously careful, in all circumstances, that the editing results in a clear and succinct statement which reflects, fairly, honestly, and without distortion, what was said.

Individual reaction and reverse shots made out of natural time sequence are generally a "convenience" technique. They are permissible (except as noted below) but may be used only when they are shot in the presence of the interviewee or his representative or, if the interviewee or his representative does not want to wait around, only after an explanation to him about what is to be done and the receipt of his express consent.

It shall continue to be the responsibility of the editor and/or producer to examine and compare all actual questions with reverse questions, as well as reaction shots and composite editing to determine that there is no distortion or alteration of content or meaning from its original sense. In any case, where the reverse question differs from the original question in tone, in character, or in content, the reverse question may not be used. Reverse questions (and composite editing) shall not be used to clean up a poorly phrased or poorly stated original question.

In broadcasts which consist of a single interview, or in magazine broadcasts where an entire segment is devoted to a single interview in which the interviewer plays a significant part, multiple cameras shall be used, except where space and time preclude it, obviating the need for reverse questions or reaction shots which do not occur at the precise time that the interviewee is saying the words being heard.

In addition to the foregoing, the following rules are applicable to documentary broadcasts:

a. If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in leads-in narration, bridging narration lines during the interview, or appropriate audio lines.

b. If more than one excerpt from a speech or statement is included in a broadcast, the order of their inclusion in the broadcast will be the same as the order of their inclusion in the speech or statement, unless the broadcast specifically indicates otherwise.

c. Transcripts of the entire interview will be made available to the interviewee after the broadcast, upon request of the interviewee.

4. *Prerecording and sound effects*. Where a filmed or taped excerpt is used in an otherwise live broadcast and is so juxtaposed with the live segment that the fact it is filmed or taped is not readily apparent, the disclosure that the excerpt is filmed or taped shall be made immediately in connection with the use of such film or tape if the element of time is of special significance.

Whenever a dramatized or recreated scene on film or tape which was originally made for one broadcast or purpose is taken out of its original context and used in another broadcast that fact should be made clear and there should be proper identification of the original source.

Sound may be added when it is needed to maintain the continuity of natural sound already established and when editing techniques require the insertion of segments of a story that were filmed without sound because of technical considerations, such as equipment limitations. In those instances where the maintenance of sound "presence" is necessary, the use of sound should be limited to the minimum required to achieve the effect of sound continuity, and should be limited to natural sound obtained at a time and place related to the story.

*Sound effects* may not be used with a silent film story to give the impression that the story was filmed with natural sound. However, *actuality sound* recorded on tape at an event may be used with silent film of the event when the sound segments are compatible with the scenes being used.

Natural sound, whether on film or magnetic tape, may not be magnified or diminished from its actual level for the purpose of achieving a deliberate editorial effect. However, volume may be adjusted to meet technical requirements and the sound intelligibility of a story.

If a speech or a statement is filmed or taped either before or after its delivery before the group to whom it was addressed, it should be clearly identified when broadcast, as having been specially delivered for cameras and microphones.

Reporting that the viewer or listener is being taken to a given locality is forbidden unless in fact a switch is made to that locality at the time of the broadcast. Such a statement is prohibited when the film or tape is being carried not from the original locality but rather has been transported to the place of the broadcast which is other than the original locality.

5. *Film not made in the presence of a CBS correspondent*. Material obtained from stringers and other non-staff sources may be used so long as producers and others involved are reasonably satisfied that the material is what it purports to be. When footage is obtained from other than normal stringer channels, the source should be identified on air and any other special circumstances worth noting, including any doubts about the film, should be explained on air when the film is used.

We must avoid giving the impression that the report of a correspondent is first-hand when it is not. When a correspondent providing narration over film identifies himself, he must always indicate his location. Such identification must be made whenever there is a narration insert in a news broadcast. The lead-in to a film piece should identify the narrator (but not his location.) The fact that the narrator was not on-scene at the filming should be further clarified by carefully choosing the operative verb, i.e., John Doe now describes . . . John Doe now narrates . . John Doe now explains. At the end of the narration over such film pieces, there will be *no* sign-off by the correspondent and the broadcast will move back to the anchor desk for the next news item. Adherence to this practice will avoid the impression that the broadcaster reported from the scene of the story when in fact he did not cover the event.

6. *Correspondents' sign-off*. Where there is a taped insert of a correspendent's report in a news broadcast, it is essential that the public is not given the impression that the correspondent is actually participating then and there in the live news broadcast. Thus, we must avoid even the minor artifice of having a correspondent at the end of a taped report gesture in any way as if to turn the broadcast back to the anchorman.

7. *Payments to interviewees*. In hard news and hard news-oriented broadcasts interviewees will not be paid for participating in the broadcast. Participants in other broadcasts may, of course, be paid nominal sums for releases, as required by the Law Department, to assure our rights to the use of their names and likenesses.

In public affairs broadcasts which are not primarily hard news oriented, payments, in addition to the nominal sums paid for releases, are permissible in the following circumstances:

a. where the broadcast is built around a single public figure and the broadcast is in the nature of an electronic version of memoirs or is in the nature of an electronic version of an article by a well-known columnist or author;

b. where a central figure is used for a group of broadcasts;

c. where professional, non-public experts such as professors, economists, etc., appear on public affairs discussion broadcasts and payment would be in the nature of a lecture fee;

d. in general public affairs series where, in certain circumstances, important guests in special fields (entertainment, newspaper columnists) can be secured only through payments.

Appropriate fees may, of course, be paid to informants, consultants and others who perform liaison or contact services in connection with the preparation of news broadcasts.

8. *Investigative reporting*. The General Manager of each CBS Owned station is responsible for its day-to-day operation. The station's investigative reporting must, therefore, be conducted under his general supervision and control. In exercising these responsibilities, the General Manager shall set up procedures adequate to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness. While the General Manager retains this day-to-day responsibility for the operation of the station, he is, of course, encouraged at any time to

discuss station matters with his superiors. When the General Manager determines that a particular investigation may raise questions of special importance or of interpretation of basic CBS policies, the matter should be immediately brought to the attention of the Division President.

Investigative reporting by CBS News must be conducted under the general supervision and control of the President of CBS News, who similarly will take steps to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness.

Whether information about a potential crime obtained by CBS personnel during the course of an investigation must be made available to public authorities will depend on the facts of each case, considered in the light of the potential crime involved and the purpose of the investigation. There will be instances when no such notification will be called for (obviously investigative reporting of misconduct by public officials would be frustrated by reporting the investigation to those very officials). On the other hand, if information is obtained that a potential crime endangers an individual's person or property (e.g., arson, rape, murder, riot), appropriate public officials shall be notified promptly.

The Law Department should be consulted prior to the commencement of an investigative project and should be kept advised to the appropriate degree as the investigation proceeds. Our past experience indicates that the extent of Law Department involvement will differ considerably from situation to situation. This does not imply any change from past practice in this area. Our lawyers will continue to be lawyers, not participants in coverage of the news.

Particular reference is made to the following policies with respect to the implementation of the foregoing guidelines.

CBS personnel will not knowingly engage criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime. There may be exceptions which ought to be made on an *ad hoc* basis even to so absolute a rule. For example, certain kinds of issues have often in the past and might again call for investigative reporting which involves the commission of acts which are in technical violation of criminal statutes, such as, for example, the purchase or possession of hand guns where they are forbidden, or of liquor in a dry state, in connection with a report on how easy it is to acquire these articles. Even such exceptional instances are never to be undertaken lightly. At the other extreme, of course, are acts which cannot be countenanced, no matter how important the subject under investigation, the most obvious example of which would be injury to another person. Between these extremes lie many hard questions. One principal purpose of these standards is to assure that these questions will never be approached without a thoughtful regard for the heavy responsibilities involved.

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## ON COMPREHENSIVE TEST BANS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. Hosmer) is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, on May 20, 1971, I addressed this House about the Cannikin nuclear test and why it must be done. At the opening of my statement I referred to an article in the April 11, 1971 issue of the Washington Post about a supposed, and erroneous, claim that the United States can detect and identify even a one kiloton underground nuclear explosion. This news article was based entirely on the summary of an Advanced Research Projects Agency meeting which was held on July 20 to 23, 1970, at Woods Hole, Mass., to discuss advances in seismic discrimination. This original summary was not approved for publication by the Department of Defense since it was one man's opinion of what had transpired at the meeting. This is now being referred to as suppression of evidence by the executive branch of the United States' ability to enter a comprehensive test ban. What an unfortunate conclusion to be reached by those uninitiated and untrained in seismological studies.

I am not a trained seismologist, but it seem to me that when I read the last three paragraphs in the "not approved" summary of the Woods Hole meeting, I find the following three statements:

### FROM DISAPPROVED SUMMARY

> A significant research effort in delineating in greater detail the source time function for earthquakes should be investigated this year. Such a program will be formulated and considered.
>
> The implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation in present data acquisition and analysis procedures.
>
> Everything said above is not intended to obscure the fact that occasional earthquakes do occur that fail to meet all present criteria for discrimination from explosions. Such events evidently are not randomly distributed in space but are a function of local geological or geophysical conditions. Understanding of such events is important to the VELA program.

I request permission to publish the entire document at the end of my speech.

On page 22773 of the Congressional Record for June 29, 1971, there is a letter by three professors from the University of California at San Diego, who claim that the United States is ready today to enter into a comprehensive test ban based on their knowledge. These are trained seismologists. The key sentence in their letter reads as follows:

> On the contrary, we feel that the discrimination problem has essentially been solved down to magnitude 4.0 and what is required is an implementation of adequate instrumentation and analysis techniques.

I would like to know what "essentially" means on an everyday basis of being able to discriminate earthquakes from underground nuclear detonations. I would like to know the time and funds involved, primarily the time, to "implement adequate instrumentation and analysis techniques." I would like to know if there is adequate instrumentation available, and have we developed appropriate analysis techniques. These questions are left completely open in the letter, which purports to show that the summary cleared for publication by DOD was not telling the entire truth.

What I read as the conclusion of the approved summary, and I would like to print this entire paper at the end of my speech, is as follows:

[From approved summary]

### Direction of Future Research

> A major result of the meeting was a clear impression that much research has yet to be done to resolve the discrimination problem. Depth, source type, corner frequency, stress drop, etc., however, all appear to be determinable.
>
> Future work should be concentrated on devising stations which provide signals at teleseismic distances so that the theoretically predicted separation of earthquake and explosion populations can be tested experimentally. Attention should be given to developing an understanding of those high stress-drop earthquakes which generate less surface wave energy than most earthquakes and thus may be mistaken for explosions. Do these earthquakes exhibit a special pattern in region of occurrence, focal depth, azimuthal variation of spectrum which will lead to their identification as earthquakes? Can the world be regionalized into a reasonable number of blocks each with its own source mechanism and propagation characteristics so that scatter can be reduced and the two populations can be separated further? These are some of the problems considered by the Conference as worthy of special effort.
>
> It should be noted that occasional earthquakes larger than magnitude 4.75 do occur that fail to meet all present criteria for discrimination from explosions. The number of such events increases rapidly at lesser magnitudes. Such events evidently are not randomly distributed in space but possibly are a function of local geological or geophysical conditions. Research which might ultimately lead to understanding of such events is important to the VELA program.
>
> The implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation in present data acquisition and analysis procedures.

I would like to point out, contrary to the statements by some people that the results of the meeting, what should be called the data, have not been changed. The summary was changed because, in the opinion of those who are charged with making such decisions, it did not represent the conclusions of the meeting.

I am sorry that the character and resolve of a dedicated U.S. Government servant has been impugned in certain articles in the Congressional Record. This man, the Director of the Advanced Research Projects Agency, Dr. Steven Lukasik, is at the moment representing the U.S. Government at disarmament talks in Geneva, talks which are concerned with the probability of being able to identify all seismic events which could be either nuclear or natural in origin. I request permission to include Dr. Lukasik's statement in the Record tomorrow when I will have a verbatim copy.

I consider it unfortunate that in this country there are so many who jump on every opportunity to point out what they consider defects in the American way of life before trying to find out if their decisions have really taken into account all sides of a question.

### Summary of ARPA Seismic Discrimination Meeting July 20–23, 1970 at Woodshole, Mass.

(This is the original version of the summary)

These meetings were intended to:

1. determine the discriminating power of the criteria developed to date as a function of magnitude (at least to $m_b$ 4);
2. give a review of our understanding of the processes controlling the seismic signatures of earthquakes and explosions;
3. make recommendations for further research to expand and improve our discrimination capability.

Adequate data were presented on $M_s$:$m_b$ values to establish that discrimination by $M_s$:$m_b$ is on the average as well done at $m_b$

4 as at $m_b$ 5, whether discrimination be based on 10, 20 or 40 second Rayleigh waves. The problem of application of $M_s$:$m_b$ at small magnitudes is one of signal-to-noise ratio, not of convergence of signal types. Inspection of Ogdensburg long period data as a function of source region suggests that a 10 db gain of signal-to-noise ratio over that obtainable by visual inspection of the Ogdensburg records is adequate for detection of the surface waves of mb 4 earthquakes at distances of greater than 60°.

There was considerable discussion of the $M_s$:$m_b$ criterion when using 40 second waves and of discrimination based upon the amplitude spectra of Rayleigh waves with some attendees claiming that spectral shape itself could be used as a discriminant (20–50 second ratio greater for explosions than earthquakes). Theoretical results make it clear that this is not the case and that source orientation has a drastic influence on the shape of the surface wave spectra. For example, a shallow focus dip slip fault will give a 20–50 second ratio even greater than those for explosions. A much more sophisticated analysis of observed spectral data is required than rough spectral data.

However, such sophistication is possible and should lead to extremely powerful discrimination criteria (azimuth and depth dependence of amplitude spectra).

Only limited new data on long period P, S and Love waves were presented but two important points did emerge. Ratio of Love to Rayleigh waves should be a powerful but as yet undeveloped discriminant since even NTS explosions with their "high" amplitude Love waves do not have high enough Love waves commensurate with their observed Rayleigh waves to be expressive of an earthquake mechanism. Also the P wave spectra (3 to .03 Hz) of MILROW and LONG SHOT were drastically different from the P wave spectra of Aleutian earthquakes of comparable $m_b$, the earthquakes having their corner frequency approximately 1 decade lower in frequency than explosions.

Little new work on short range discriminants was reported. This lack should be remedied during the coming year. An interesting presentation was given on the use of time versus frequency versus db plots (i.e., standard mode of presentation of hydroacoustic data) for discriminating earthquakes and explosions by use of data taken at ranges of 1,000 to 3,500 kilometers. The high frequency content of P signals and the low amplitude of shear waves of explosions was clearly indicated. This technique should be applied to a large suite of events.

Multi-variant analysis has lagged due to an inadequate data source. No new ideas on short period discriminants were presented. Only one significant new idea on depth determination was forthcoming, master events and S-P at $\Delta \leqq 15°$ remaining the best bets when working solely with the P signal. Data presented suggested that the amplitude spectral shape of Rayleigh waves may be a very powerful technique for establishing depth of focus, there being the possibility of differentiating between depths of 1 and 4, kilometers.

Work at several laboratories suggest that virtually all long and period noise of period greater than 25 seconds is non-propagating and is induced by local atmospheric conditions. Its suppression depends on using either arrays of closely spaced long period seismometers (correlation distance of this noise is very short), on deep bore-hole seismometers (Ogdensburg has approximately 30 $m_\mu$ noise level at 40 second), or on optimizing site selection (stable atmosphere). The design details of a long period seismometer which is deployable in deep bore-holes were presented. This instrument will soon be placed in the Ogdensburg mine for comparison with the Pomeroy-style installation.

Data on signal enhancement of long period signals by matched filters, band pass filters, and array processing were presented New results on a 7-element ALPA array indicate gains of 16 db (12–20) against coherent 16–20 second noise when steering for Asian earthquakes ($\sqrt{n}=$ 7 db)). It was also pointed out that multipathing problems can severely degrade usefulness of match filter for some source station pairs (Kurils to LASA).

The discussion of the theory of seismic sources was complete and excellent. Broad band investigations of near source data and $M_s$:$m_b$ data on small magnitudes indicate that the corner frequency for small earthquakes is at such periods that one must conclude that such earthquakes are generally characterized by very small stress drops (very few psi). Their source dimensions remain large relative to those of explosions of comparable $m_b$. The shape of the hard rock $M_s$:$m_b$ and of Y:$m_b$ curves for explosions appear to be explained theoretically as a corner frequency phenomenon, i.e., not surprisingly the same fundamental factor controlling the $M_s$:$m_b$ relationship for earthquakes.

A major result of the meeting was a clear presentation of the reality of being able to determine most source parameters from broad band recording of seismic signatures. Depth, source type, corner frequency, stress drop, etc., are all determinable. Tectonic stress release associated with some or most explosions is, in a surveillance context, no real problem.

A significent research effort in delineating in greater detail the source time function for earthquakes should be investigated this year. Such a program will be formulated and considered.

The implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation in present data acquisition and analysis procedures.

Everything said above is not intended to obscure the fact that occasional earthquakes do occur that fail to meet all present criteria for discrimination from explosions. Such events evidently are not randomly distributed in space but are a function of local geological or geophysical conditions. Understanding of such events is important to the VELA program.

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## Summary of ARPA Seismic Discrimination Meeting, July 20–23, 1970 at Woods Hole, Mass.

### INTRODUCTION

This Conference on Seismic Discrimination was intended to examine criteria for discriminating between the seismic signals arising from earthquakes and explosions, to review our understanding of the processes controlling seismic signatures, and to consider what further research may be required to expand and improve our discrimination capability.

The Conference demonstrated the close connection between the problem of discriminating earthquakes and explosions and the problem of the earthquake mechanism which is receiving much attention. It revealed that many diverse aspects of solid earth geophysics are involved in a complete understanding of the problem. For example, crustal and mantle structure, particularly lateral as well as vertical variations, tectonic release from explosions and earthquakes, and the theory of elastic wave propagation.

It was of interest to note the progress that has been made in the theory of the seismic source to take into account realistic earth models as well as source models. The effect of the initial time function, the source dimension, the symmetry and asymmetry of explosive and earthquake sources respectively, the focal depth and realistic earth structures are taken into account by the theory. It is possible to make synthetic seismograms which match experimental records. The theory for the first time explains the basis of several methods of distinguishing earthquakes from explosions.

Thus in the $M_s$:$m_b$ method it is believed that the source time function affects $m_b$ for earthquakes in a manner different from explosions and the source dimension function results in a more efficient radiation of surface waves for earthquakes than for explosions.

In a similar manner the effect of depth of focus, as well as source time and dimension, affect the spectra of surface waves and body waves from explosions and earthquakes. Although the question of why some earthquakes may be high stress-drop events is not fully resolved, the general consensus was that the theory of the seismic source as it is now understood indicates that the separation of earthquake and explosion populations applies in principle to low-magnitude events. However, it will be necessary to first determine and ultimately allow for regional variations in stress-drop, attenuation, and surface wave propagation to utilize the method. The main problem will be to obtain sufficient signal energy at a sufficient number of stations at appropriate distances and azimuths from the source to apply the diagnostic criteria effectively.

### The $M_s$:$m_b$ Criterion

Data were presented on $M_s$:$m_b$ values to indicate that the method for discrimination which applies at $m_b$ 5 extends below $m_b$ 4.5, whether discrimination is based on 10, 20, or 40 second Rayleigh waves. It should be noted, however, that there is some overlap of the earthquake and explosion populations, particularly at lower magnitudes, and that the body of $M_s$ data for Rayleigh waves recorded at well distributed stations at teleseismic distances is quite limited. Both of these factors currently limit the effectiveness of $M_s$:$m_b$ for discriminating between low magnitude earthquakes and explosions at teleseismic distances.

Research into this problem continues, particularly with respect to the enhancement of the signal to noise ratio for Rayleigh waves. The long period research arrays recently completed in Norway and Alaska, and the research with very long period seismographs, specially installed at carefully selected, deeply buried, very quiet sites are designed to do this.

The Ogdensburg very long period installation is an example of the latter approach to Rayleigh wave signal to noise enhancement and provides data for research in the longer period part of the seismic spectrum. The arrays, and the experimental very long period installations are expected to provide the body surface wave data, at teleseismic distances, needed to determine the effectiveness of the $M_s$:$m_b$ discriminant at magnitudes less than $m_b = 4.5$.

### SPECTRAL RATIO CRITERIA

There was considerable discussion of discrimination based upon the amplitude spectra of Rayleigh waves with some attendees claiming that spectral shape itself could be used as a discriminant. Theoretical results make it clear that this is not the case, and that source orientation has a drastic influence on the shape of the surface wave spectra. For example, a shallow focus dip slip fault will give a spectrum similar to that of an explosion. Clearly a much more sophisticated analysis of observed spectral data is required.

### P, S, AND LOVE WAVE CRITERIA

Only limited new data on long period P, S, and Love waves were presented, but two important points did emerge: The ratio of Love to Rayleigh waves may be a useful but as yet undeveloped discriminant since even NTS explosions with their "high" amplitude Love waves do not have enough Love waves commensurate with their observed Rayleigh waves to be indicative of an earthquake mechanism. Also the P wave spectra (3 to 0.03 Hz) of MILROW and LONG SHOT were drastically different from the P wave spectra of Aleutian earthquakes of comparable $m_b$, the earthquakes having their corner frequency approximately one decade lower in frequency than explosions.

### SOURCE TERM THEORY

The factors of source dimension, source time, depth of focus, and azimuthal variation occur as a product in determining the spectrum of the seismic signal. Although there was some disagreement as to the relative contributions of the separate factors, the general belief was put forward that the product of all factors was essentially different for earthquakes and for explosions at the magnitudes for which data were available.

There was much discussion on tectonic energy release from explosions and earthquakes. There was a difference of opinion as to whether actual tectonic energy is released, or, whether the tectonic fabric in the vicinity of the explosion source was responsible for the generation of Love waves and the azimuthal variation of the surface wave radiation. Tectonic energy release was, in general, thought not to be a problem in the separation of earthquakes and explosions.

Little new work on short range discriminants was reported. An interesting presentation was given on the use of amplitude contours of time versus frequency plots (i.e., standard mode of presentation of hydroacoustic data) for discriminating earthquakes and explosions by use of data taken at ranges of 1,000 to 3,500 kilometers. The high frequency content of P signals and the low amplitude of shear waves of explosions was indicated. This technique should be applied to a larger suite of events to assess its utility.

### SIGNAL ENHANCEMENT TECHNIQUES

Multivariant analysis has lagged due to an inadequate data source. No new ideas on short period discriminants were presented. Only one significant new idea on depth determination was forthcoming: master events and the S-P arrival time differences at distances less than 15° remains the best discriminant when working solely with the P signal. Data presented suggested that the shape of the Rayleigh wave amplitude spectrum may be useful for establishing depth of focus.

Work at several laboratories suggests that virtually all noise of period greater than 25 seconds is non-propagating and is induced by local atmospheric conditions. Its suppression depends on using either arrays of closely spaced long period seismometers (correlation distance of this noise is very short), or deep bore-hole seismometers (Ogdensburg has approximately 30 $m\mu$ noise level at 40 seconds), or on optimizing site selection (stable atmosphere). The design details of a long period seismometer which is deployable in deep boreholes were presented. A prototype instrument will soon be placed in the Ogdensburg mine for comparison with the Pomeroy-type installation.

Data on signal enhancement of long period signals by matched filters, band pass filters, and array processing were presented. New results on a seven-element ALPA array indicate gains of 16 db (12–20) against coherent 16–20 second noise when steering for Asian earthquakes ($\sqrt{n}=7$ db). It was also pointed out that multipath problems can severely degrade usefulness of matched filters for some source-station pairs (Kurils to LASA).

### DIRECTION OF FUTURE RESEARCH

A major result of the meeting was a clear impression that much research has yet to be done to resolve the discrimination problem. Depth, source type, corner frequency, stress drop, etc., however, all appear to be determinable.

Future work should be concentrated on devising stations which provide signals at teleseismic distances so that the theoretically predicted separation of earthquake and explosion populations can be tested experimentally. Attention should be given to developing an understanding of those high stress-drop earthquakes which generate less surface wave energy than most earthquakes and thus may be mistaken for explosions. Do these earthquakes exhibit a special pattern in region of occurrence, focal depth, azimuthal variation of spectrum which will lead to their identification as earthquakes? Can the world be regionalized into a reasonable number of blocks each with its own source mechanism and propagation characteristics so that scatter can be reduced and the two populations can be separated further? These are some of the problems considered by the Conference as worthy of special effort.

It should be noted that occasional earthquakes larger than magnitude 4.75 do occur that fail to meet all present criteria for discrimination from explosions. The number of such events increases rapidly at lesser magnitudes. Such events evidently are not randomly distributed in space but possibly are a function of local geological or geophysical conditions. Research which might ultimately lead to understanding of such events is important to the VELA program.

The implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation in present data acquisition and analysis procedures.

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## ADMINISTRATIVE OMBUDSMAN EXPERIMENTATION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, in the past decade people from all parts of American society have expressed doubts about the very ability of administrative government to meet the basic needs of individual citizens in our society. Perhaps it is no coincidence that the name "ombudsman" has gained wide usage in the United States during this same decade. Many of us in Government have noted a growing sentiment in favor of the ombudsman as a defender of the citizen in his complaints and dealings with State and Federal agencies.

President Nixon's former aide, Clark Mollenhoff, described his function in the White House as one similar to an ombudsman. His duties involve getting the facts, and serving as a check on maladministration.

The American Assembly aptly described the ombudsman as "an independent, high-level officer who receives complaints, who pursues inquiries into the matters involved, and who makes recommendations for suitable action." The 32d assembly strongly urged American experimentation with the ombudsman concept as a means of assuring responsive administrative government. The house of delegates of the American Bar Association has commended the institution of the ombudsman as a way of improving governmental grievance procedures.

Today I am pleased to be joined by my Wisconsin colleague (Mr. REUSS) whose pioneer interest in an American adaptation of the ombudsman system dates back to 1963. We are introducing a bill that would amend the Economic Opportunity Act to provide a means for congressional experimentation with the concept of ombudsman in a few limited areas of activity.

Under this proposal the office of ombudsman would be established in the legislative branch. The ombudsman would be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate—"a person well qualified to analyze problems of law, administration, and public policy not actively involved in partisan affairs"—for a term of 3 years.

There is successful precedent for establishing an ombudsman in the legislative branch. The British Parliament appointed such an ombudsman in 1967. From all reports his office is functioning very effectively, even though the British commissioner can investigate only complaints referred to him by members of the legislature.

Unlike the Parliamentary Commissioner, the ombudsman proposed to assist Congress could receive citizen complaints directly from individuals as well as from Members of the House and Senate. Duties would include determining matters for investigation, holding private hearings, and making recommendations limited to the following four administrative areas: Health, education, and antipoverty programs; and employment and manpower training programs.

The Administrative Ombudsman Experimentation Act is submitted as an amendment to the Economic Opportunity Act because low-income citizens have voiced particular frustration in obtaining redress of problems requiring administrative action, and, accordingly, the proposal designates that priority attention go to areas having a concentration of low-income families.

In each of the geographical areas chosen for pilot projects, the ombudsman is authorized to receive and investigate complaints in respect to administrative acts or omissions that might be: Contrary to the Constitution, Federal law, or Federal regulation; unreasonable, unfair, arbitrary, or inconsistent with the general course of an administrative agency's functioning; based wholly or partly on a mistake of law or fact; or based on improper or irrelevant grounds.

These follow generally the suggestion in the model code prepared by Prof. Walter Gellhorn Betts professor of law at Columbia University, who is a leading authority on the ombudsman system.

In introducing the companion bill in the Senate today, the chief author and sponsor of our proposal, Senator JAVITS, has expressed assurance that this experiment is not designed to circumvent the traditional role of Congress as overseer and constituent representative. On the contrary, Senator JAVITS has pointed out, this experiment enables Congress to pursue our traditional role, "rather than letting the executive branch experiment alone in this area with the built-in conflict of interests that would result. The principal function of the ombudsman is the investigation of complaints and the correction of administrative abuses. As in the traditional model, the ombudsman would have no power to alter or cancel an administrative act."

It is the hope of sponsors in both the House and Senate that this experiment will improve our procedures for reviewing the case of a citizen who alleges denial of rights or benefits, or improper penalties, resulting from official action or failure to act.

The complete text of the proposal follows:

### H.R. 9562

A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the government more responsive to the needs of the poor and of citizens generally, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Administrative Ombudsman Experimentation Act of 1971."

SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

### "TITLE IX—ADMINISTRATIVE OMBUDSMAN

### "PART A—GENERAL PROVISIONS

### "STATEMENT OF FINDINGS AND PURPOSE

"SEC. 901. (a) The Congress hereby finds that—

"(1) there is a growing sense of frustration on the part of private citizens in dealing with government at all levels;

"(2) the increasing multiplicity of agencies of the Federal Government and of the States and localities and expanding administrative discretion of such governmental agencies, has had a serious impact upon the ability of private citizens to cope with the operation of government, to obtain information concerning governmental activities affecting them, and to achieve a timely and meaningful resolution of problems requiring administrative action;

"(3) low-income persons are particularly frustrated in obtaining redress of problems requiring administrative action and any failure of government to provide timely and meaningful resolution is especially detrimental to their well being.

"(b) It is the purpose of this title to explore the possibility of implementing the concept of an ombudsman at each level of government to make government more responsive to the needs of low-income persons and other private citizens, and to increase the confidence of such persons in each level of government.

### "DEFINITIONS

"SEC. 902. As used in this title, the term—

"(1) 'administrative act' includes any action, omission, decision, recommendation, practice, or procedure;

"(2) 'agency' means the Department of Labor, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, and the Office of Economic Opportunity, and any officer, or member thereof acting or purporting to act in the exercise of his official duties, including and limited to the following functions

"(A) health;

"(B) education;

"(C) anti-poverty programs; and

"(D) employment and manpower training programs; but does not include—

"(i) the President and his immediate staff (but does include offices established in the Executive Office of the President);

"(ii) the Congress;

"(iii) the courts of the United States;

"(iv) the governments of the States and municipalities;

"(v) courts-martial and military commissions; or

"(vi) military authority;

"(3) 'Board' means the Board of Directors of the American Ombudsman Foundation;

"(4) 'Foundation' means the American Ombudsman Foundation;

"(5) 'low-income person' means a person whose adjusted gross income in a particular period is less than the equivalent of the cost of family consumption of the Lower Living Standard Budget as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(6) 'municipality' means any city, town, village, borough, or other municipality or any county, township, or other political subdivision of a State or any city and county or other such subdivision acting jointly, having general governmental powers, and may include any federally recognized Indian reservation;

"(7) 'Office' means the office of the Administrative Ombudsman; and

"(8) 'Person' includes an individual, partnership, corporation, association, or public or private organization;

"(9) 'State' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

### "EFFECTIVE DATE

SEC. 903. This Act shall take effect immediately upon enactment.

### "DURATION

SEC. 904. The provisions of this title shall terminate ninety days after the fiscal year ending June 30, 1974.

### "PART B—OFFICE OF THE ADMINISTRATIVE OMBUDSMAN

### "OFFICE ESTABLISHED

"SEC. 912. (a) There is hereby established in the legislative branch of the Government the Office of Administrative Ombudsman. The Office shall be under the direction and control of the Ombudsman.

"(b) The Ombudsman shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, after consultation with the majority and minority leaders of each house, without regard to political affiliation and solely on the ground of fitness to perform the duties of the Office. The Ombudsman shall be a person well qualified to analyze problems of law, administration, and public policy and shall not be actively involved in partisan affairs.

"(c) No person may serve as Ombudsman while a candidate for or holder of any elected office, whether municipal, State, or Federal, or while engaged in any other business, vocation, or employment.

"(d) The Ombudsman shall serve for a term of three years unless removed as provided hereafter. The Congress of the United States, by two-thirds vote in each House, may remove the Ombudsman from office when, in the judgment of the Congress, he has become permanently incapacitated, or has been determined by a court of competent jurisdiction to be guilty of any felony, misconduct, or any other conduct involving moral turpitude, and for no other cause and no other manner except by impeachment.

"(e) If the office of Ombudsman becomes vacant for any cause, the Deputy Ombudsman shall serve as Acting Ombudsman until an Ombudsman has been appointed for a full term.

"(f) The Ombudsman shall receive the same salary as the Comptroller-General of the United States.

### "DUTIES OF THE OMBUDSMAN

"SEC. 913. (a) In order to carry out the purposes of this title, the Ombudsman is authorized to conduct or cause to be conducted, in such manner as he determines to be appropriate, not more than three demonstration projects of which one shall be conducted in the District of Columbia and the remaining shall be conducted in two administrative regions established by the Office of Management and Budget for the administration of programs by the appropriate departments and agencies of the Federal Government. In addition he may conduct such other demonstration projects as may be authorized by any standing Committee of the House of Representatives or of the Senate.

"(b) Full and complete investigations under each such project will be made, upon receipt of a written complaint from any person forwarded by such person or by a Member of the Senate or the House of Representatives or any standing, special, or Select Committee of the Senate or the House of Representatives with respect to an administrative Act not exempted under section 914, which Act might be—

"(1) contrary to the Constitution, Federal law, or Federal regulation;

"(b) unreasonable, unfair, arbitrary, or inconsistent with the general course of an administrative agency's functioning;

"(3) based wholly or partly on a mistake of law or fact; or

"(4) based on improper or irrelevant grounds. In selecting administrative regions under this section, the Ombudsman shall take into account the number of areas therein having high concentrations of low-income families and the extent of low-income persons residing in such areas.

### "ORGANIZATION OF OFFICE

"SEC. 914. In order to carry out the provisions of this part, the Ombudsman is authorized to—

"(1) appoint and fix the compensation of such professional persons, clerks, consultants, and other personnel as may be necessary to carry on the work of the Office, and such personnel shall be appointed without reference to political affiliations and solely on the basis of fitness to perform the duties of their offices;

"(2) designate one of his assistants to be the Deputy Ombudsman, with authority to act in his stead when he himself is disabled or protractedly absent;

"(3) delegate authority for the performance of any such duty to any officer or employee of such Office;

"(4) enter into arrangements with the Administrative Conference of the United States and with the agency or institution responsible for legal services programs for the referral of complaints more appropriately resolved by said conference or such agencies or institutions; and

"(5) conduct investigations and hold private hearings with either the complaintant or officers or employees of the agency concerned or both;

"(6) delegate authority for the performance of any such duty to any officer or employee of such Office;

"(7) prepare and submit annually to the President, to the Speaker of the House of Representatives, to the President pro tempore of the Senate and to the Administrative Conference of the United States a report on the activities of the Office during the previous year and submit no later than ninety days after the fiscal year June 30, 1974 a final report setting forth his recommendations (including any recommendations for legislation) for the adoption of the Ombudsman concept in respect to administrative acts by agencies of the Federal Government, including but not limited to those specified under section 902(2).

### "EXEMPTED MATTERS

"Sec. 915. No complaint shall be subject to investigation by the Ombudsman under the provisions of this part if such complaint involves—

"(1) any matter certified by the head of any executive department as affecting the relations between the United States and any foreign government or any international organization;

"(2) any administrative act that is not included in the functions set forth in section 902(2) of this title;

"(3) any administrative act that occurred outside the United States;

"(4) any administrative act concerning the appointment, removal, discipline, benefits or other personnel matters with respect to—

"(A) any member of the Armed Forces of the United States;

"(B) any officer or employee of the Government of the United States;

"(5) any administrative action, which occurred more than one year prior to the date on which the person complaining of such action had actual notice thereof, except in unusual circumstances, the ombudsman may investigate a complaint of an administrative action that would otherwise be exempt under this paragraph;

"(6) any administrative act based upon a complaint upon determination by the ombudsman exercising his discretion that—

"(A) the complaint pertains to a matter outside the Ombudsman's power;

"(B) the complainant does not have sufficient interest in the subject matter of the complaint;

"(C) the complaint is trivial, frivolous, vexatious, or not made in good faith;

"(D) the Ombudsman's resources are insufficient for adequate investigation; or

"(E) the complaint has been too long delayed to justify present examination of its merit.

"The Ombudsman's decision to decline to investigate a complaint shall not, however, bar him from proceeding on his own motion to inquire into the matter complained about or into related problems.

### "RECOMMENDATIONS

"Sec. 916. If, having considered a complaint and whatever material he deems pertinent, the Ombudsman is of the opinion that an administrative agency should consider the matter further, modify or cancel an administrative act, alter a regulation or ruling, explain more fully the administrative act in question, or take any other step, he shall state his recommendations to the administrative agency, the complainant, the forwarding member, or committee, and others who may be concerned. If the Ombudsman so requests, the agency shall, within the time he has specified, inform him about the action taken on his recommendations or the reasons for not complying with them. Before announcing a conclusion or recommendation that criticizes an administrative agency or any person, the Ombudsman shall provide that agency or person with an opportunity to take appropriate responsive action or to have its comment or reply appended to upon such conclusions or recommendations.

### "AVAILABILITY OF INFORMATION

"Sec. 917. (a) Notwithstanding any provisions of section 552(b) of title V of the United States Code, each agency of the Federal Government is authorized and directed to furnish all information, including data, reports, suggestions, estimates, and statistics to the greatest practicable extent consistent with other laws to the Ombudsman in pursuance of his functions.

"(b) This section shall not apply to matters specifically required by Executive order to be kept secret in the interest of national defense or foreign policy.

### "OMBUDSMAN'S IMMUNITIES

"Sec. 918. (a) No proceeding, opinion, or expression of the Ombudsman shall be reviewable in any court.

"(b) No civil action shall lie against the Ombudsman or any member of his staff for anything done or said or omitted, in discharging the responsibilities contemplated by this Act.

"(c) Neither the Ombudsman nor any member of his staff shall be required to testify or produce evidence in any judicial or administrative proceeding concerning matters within his official cognizance, except in a proceeding brought to enforce this Act.

### "RIGHTS AND DUTIES OF WITNESSES

"Sec. 919. A person required by the Ombudsman to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the courts of the United States.

### "EFFECT ON OTHER LAWS

"Sec. 920. The provisions of this part shall be in addition to and do not in any manner limit or affect the provisions of any other law or regulation under which any remedy or right of appeal is provided for any person, or any procedures is provided for the inquiry into or investigation of any matter, and nothing in this part shall limit or affect any such remedy, right of appeal, or procedure. The powers conferred on the Ombudsman by this Act may be exercised by him notwithstanding the fact any other remedy or right of appeal, or procedure may be provided and notwithstanding any other provision of law to the effect that any administrative action or omission shall be final or that no appeal shall lie in respect thereof.

### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 921. There are authorized to be appropriated for this Part, $500,000 for the fiscal year ending June 30, 1972; $600,000 for the fiscal year ending June 30, 1973; and $700,000 for the fiscal year ending June 30, 1974. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Ombudsman.

## "PART C—AMERICAN OMBUDSMAN FOUNDATION

### "FOUNDATION ESTABLISHED

"Sec. 931. (a) There is hereby established in the executive branch of the Government an agency to be known as the American Ombudsman Foundation.

"(b) The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of fifteen members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom five shall be appointed from among individuals who are former officials of State and municipalities, five shall be appointed from among individuals from private life, including professionals, attorneys, and others, who are recognized by virtue of their experience or education as specially qualified to serve on the Board, and five of whom shall be low-income persons or their representatives. The Ombudsman shall serve as an ex officio member of the Board. In making appointments to the Board, the President is requested to give due consideration to the appointment of individuals who, collectively, will provide appropriate regional and political balance on the Board.

"(c) The term of office of each appointive trustee of the Foundation shall be three years; except that (1) the members first taking office shall serve as designated by the President, five for terms of one year, five for terms of two years, and five for terms of three years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(d) Members of the Board shall, while serving on business of the Foundation, be entitled to receive compensation at rates fixed by the President, but not exceeding $135 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The President shall call the first meeting of the Board of the Foundation no later than ninety days after the date of enactment of this Act, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of enactment of this Act. Thereafter each Chairman and Vice Chairman shall be elected for a term of one year in duration. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the members of the Board to fill such vacancy.

"(f) A majority of the Board of the Foundation shall constitute a quorum.

"Sec. 932. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. In making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive officer of the Foundation. Each shall serve for a term of three years unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

"(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Board may delegate to him consistent with the provisions of this Act.

### "AUTHORITY OF THE FOUNDATION

"Sec. 933. (a) The Foundation is authorized to—

"(1) initiate and support research and demonstration projects designed to test the effectiveness of and the most effective ways to implement the ombudsman concept in respect to administrative actions of public agencies of States and municipalities, with due consideration to the timely and effective investigation and resolution of complaints from low-income persons;

"(2) make grants to States and to municipalities for a program for the establishment of an office with objective and functions similar to the Office established under part B of this title, or the strengthening of such an office, which the Director determines will—

"(A) give due consideration to complaints from low-income persons;

"(B) be a demonstration project with limited jurisdiction designed to test the practicability of establishing such an office, or be a permanent office having jurisdiction to investigate all or a significant portion of the complaints of the residents of that State of unjust administrative action by public agencies of that State; and

"(C) be conducted in a practical, fair, and effective manner, including provisions to assure that the head of such an office has the authority to investigate the resolution of complaints received by him.

"(3) enter into arrangements with the appropriate head of any department or agency of the Federal Government or with educational institutions conducting nonprofit research, for demonstration programs or projects for the establishment of an office with objectives and functions similar to the office establish under part B of this title;

"(4) provide, at the request of any State or municipality directly or through other arrangements or technical assistance for the establishment of an office with objectives and functions similar to the office established under part B of this title;

"(5) conduct or cause to be conducted, workshops and other short-term training institutes for personnel who are or will be engaged in the operation of any ombudsman office of a State or municipality;

"(6) provide, at the request of any educational institution, technical assistance for the establishment of an office similar to the office establishment under part B of this title for the processing of student grievances;

"(7) collect, analyze, and disseminate relevant information on the adaptation of the ombudsman concept by States and municipalities;

"(8) to the extent consistent with the purposes of this Act, provide for continuing independent evaluations of programs conducted under this Act; and

"(9) (A) prepare not later than ninety days after the fiscal year June 30, 1974 a complete report on the activities of the Foundation, including recommendations (including any recommendations for legislation) concerning the best methods by which the ombudsman concept may be employed to provide to the public generally with due consideration to low-income persons, more responsive government, (B) furnish such report to the Director of the Office for his recommendations, to the President, and to the Congress; and (C) prepare and submit to the Congress such interim reports as the Director may deem appropriate.

"(b) In making grants under subsection (b), the Director shall prescribe, in consultation with the Director of the Office of Economic Opportunity and with any appropriate community action or similar agency in the jurisdiction to be served, such conditions as he shall deem necessary to insure due consideration is given to low-income persons.

"(c) No payment may be made under this section except upon application therefor which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

"(d) Programs under this part may include administrative actions relating to functions other than those specified in section 902(2) provided however that arrangements shall be made for the referral of complaints relating to environmental or consumer protection or other matters more appropriately handled by a state or municipal agency.

"LIMITATION ON GRANTS

"SEC. 934. (a) No payment shall be made pursuant to this part in excess of 90 percentum of the cost of the program, project, activity, or award for which an application is made unless the Director determines that special circumstances or other provisions of law warrant the waiver of this requirement.

"(b) Assistance pursuant to this part shall not cover the cost of any land acquisition, construction, building acquisitions, or acquisition of major equipment.

"(c) No grant shall be made pursuant to this part unless adequate provisions are made to assure an independent evaluation of the project or activity to be assisted.

"ADMINISTRATIVE PROVISIONS

"SEC. 935. In addition to any authority vested in it by other provisions of this part, the Foundation, in carrying out its functions, is authorized to—

"(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

"(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

"(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this part without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate prescribed for GS-18 in the General Schedule under section 5332 of title 5, United States Code;

"(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

"(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

"(7) enter into contracts, grants, or other arrangements or modifications thereof to carry out the provisions of this part, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

"(8) make advances, progress, and other payments which the Board deems necessary under this part without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

"(9) make other necessary expenditures.

"AUTHORIZATION

"SEC. 936. There are authorized to be appropriated $4,000,000 for the fiscal year ending June 30, 1972, $6,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for the fiscal year ending June 30, 1974, to carrying out the provisions of this part."

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## HORTON PAYS TRIBUTE TO GEORGE B. KELLY, FORMER CONGRESSMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, over the weekend, my congressional district, the people of the State of New York, and the country lost a good friend, an outstanding legislator and a dedicated public servant.

George B. Kelly, who was among the leaders in Monroe County legislative activities for more than four decades, died June 26 in a hospital in Lyon, France, at the age of 70, while on a European trip.

Beyond the fine legislative record which George accumulated while serving in the New York State Legislature as assemblyman and senator, and in the U.S. Congress as Representative, is his praiseworthy personal dedication to serve the people of the Rochester area. He was willing to risk great political odds, often sacrificing personal job security, in order to do this.

He was a Democrat in a predominantly Republican area of upstate New York. But to George, this was no reason to despair or give up. With incredible perseverance and an unending desire to bring constructive changes to the Greater Rochester area, he accomplished much for the people of his district, State, and country. The results of legislation he introduced and guided to enactment are still being felt today.

Because of his notable legislative accomplishments, but largely because of his character, his dedication and his steadfastness—personal traits, which we as legislators should strive to emulate—I would like to share George Kelly's record with my colleagues in the House.

In November 1932, after spending some time in the men's clothing business in Rochester, George was elected to the New York State Assembly—becoming the first Democrat to win an assembly post in Monroe County in more than 40 years. He was reelected and in 1934 was elected to the State senate from the 45th district.

In the State senate, George was chairman of the agriculture committee and also sponsored many successful bills. He relinquished his post when he defeated an incumbent in the Democratic primary to run for a congressional seat.

He was elected to Congress in 1936 on a New Deal platform.

Within 2 years, a Republican insurgence lost George his seat in Congress when he was defeated for reelection.

In 1939, George was appointed the first regional director of the newly formed Wage and Hour Division for New York and Connecticut under the U.S. Department of Labor. He left the position in 1940 to run again for Congress and while he lost by 6,800 votes in the old 38th district, he led his party's ticket.

In 1941, Gov. Herbert H. Lehmann appointed George to the State mediation board, on which he served until Republican Thomas Dewey was elected to his first term as Governor.

He spent the next few years in business, including serving as president and general manager of radio station WRNY and becoming a licensed life insurance broker.

In 1957, he ran for the State senate and, although he was defeated, he polled the highest total of votes of any candidate on the Democratic ticket in the Senate district.

Still, George refused to turn away from service to the people of Rochester.

During the presidential year of 1960, he served as campaign manager for Charles F. Stockmeister, who was elected to the State assembly by 2,700 votes and scored the only local Democratic victory. He was also Stockmeister's campaign manager in successful runs for the assembly in 1962, 1964, 1965, and 1966. In 1967, he was campaign manager for City Court Judge Andrew G. Celli, when he was elected to the Rochester City Council.

Last November, George retired from his post as industrial redevelopment adviser in the city of Rochester Department of Urban Renewal.

Mr. Speaker, I know my colleagues in the House will agree that the career of George Kelly, my personal friend and a predecessor to this congressional seat, is a praiseworthy one. Despite setbacks that would have discouraged others, George was determined to serve the people of the Greater Rochester area. He did—most outstandingly and honorably. For this, we are grateful.

I know that all of my colleagues will join me in this tribute to Congressman George Kelly's memory, and in extending the condolences of the entire Congress to his wonderful wife, Cassie, to his family and to his many, many friends.

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## WORK BEING DONE BY THE MAJOR APPLIANCE CONSUMER ACTION PANEL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah (Mr. McKAY) is recognized for 10 minutes.

Mr. McKAY. Mr. Speaker, I would like at this time to call to the attention of Congress the work being done by the Major Appliance Consumer Action Panel—MACAP—headed by Dr. Virginia F. Cutler, department chairman of family economics and home management at Brigham Young University at Provo, Utah, and a member of my congressional district.

President Johnson first appointed a task force to investigate guarantees and servicing problems for major home appliances. This group recognized a need for a more coordinated effort to serve consumers better.

President Nixon reactivated this task force in his message to Congress on October 30 of 1969 and called for a report of progress being made by the appliance industry in implementing recommendations made by the initial panel.

MACAP, under the able direction of Dr. Cutler, has been working since that time in attempting to bridge the communication gap between industry and consumer and in providing a channel for consumer voice to industry.

Dr. Cutler lists five very important consumer rights that are being considered by MACAP and each of which I feel is very important:

First. A consumer voice to industry.

Second. A meaningful choice of products for varying household conditions.

Third. Product information at point of sale for use and care of product.

Fourth. Safe products.

Fifth. And, integrity in the marketplace.

In essence, this panel serves, in the words of Dr. Cutler:

> As an "appeals board" for individual consumers in their relationship and "negotiations" with major appliance dealers, service agencies, and/or producers. The panel was established to review all evidence in each complaint and make disposition recommendations to the individual firm or firms involved, as well as informing the concerned association or associations of the "opinion" rendered. The panel also is empowered to make broad studies and recommendations in significant areas.

I would like to commend Dr. Virginia Cutler and the MACAP panel for the work they are doing for all of us. Their work has enabled the consumers voice to be heard more effectively in our society.

## BUS TRAGEDY ON PANAMA CANAL BRIDGE USED AS PROPAGANDA LEVER AGAINST UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the Thatcher Ferry Bridge across the Panama Canal at Balboa has a four-lane breadth. At its eastern end, the bridge connects with 4th of July Avenue, a two-lane street; at its western end, it joins the Thatcher Highway, also a two-lane road. The road span between the four-lane bridge and the two double-lane highways with which it connects has three lanes, all appropriately marked.

In the early morning of Monday, May 24, 1971, the Thatcher Ferry Bridge was the site of a tragic bus accident in which 38 Panamanians lost their lives, including 23 men and 15 women.

The facts as established by witnesses are simple:

First. Two Panamanian buses going toward Panama City from the west bank of the Panama Canal were racing across the bridge at an estimated speed of 50 miles per hour.

Second. One bus crossed the no-passing double yellow line to pass the other bus, but swerved sharply back into its own lane because of an on-coming car from the east and went out of control by reason of excessive speed.

Third. It then crossed the opposite lane, hit the 9-inch curb and went into the air going over the 23-inch high retaining wall, clipping off the hand railing of two 4-inch molded aluminum pipes.

Fourth. It plunged 160 feet into the oil tank farm in the vicinity of the Canal Zone College, killing 38 Panamanian passengers and starting a fire that was quickly extinguished by Canal Zone firemen.

Fifth. Isthmian authorities rendered every possible assistance as required by the tragedy, including the hospitalization of the few passengers who escaped death.

The facts in the case as I have given them were published in the Panama press and generally accepted by the Isthmian public as true. Subsequently, however, stories began to appear in the Spanish-language papers of Panama to the effect that the responsibility for this calamity was not with the racing drivers but because of the failure of the United States to construct a bridge of adequate design for traffic purposes. Therefore, say these stories, the United States is responsible in damages to the relatives and estates of those killed or injured. Thus, this impressive bridge, built at a cost of $20 million of our taxpayers' money to supplant the Thatcher Ferries and to satisfy Panamanian demands for quicker passage over the canal is being condemned by Panamanian demagogs as a failure in bridge design induced by pecuniary considerations of Canal Zone authorities. This is but another instance, and a tragic one, where these self-same people and newspapers of Panama seek to ignore facts and hold the United States responsible for an adverse situation caused by Panamanians themselves. As a matter of fact, the bridge was designed by one of the most outstanding bridge designers in the United States and is adequate for every local purpose.

The bridge catastrophe is not calculated to impress the world at large with the care and prudence of some of the busdrivers of Panama in the use of the bridge. The bridge was adequately guarded by Canal Zone police. However, the impulses of the two drivers to race seem to have developed after their buses entered the bridge from the west and no one could possibly have anticipated that they would commit an action so stupid, dangerous, and unprecedented.

The May 24, 1971, bus accident, as well as anything that I have read in modern Panama Canal history, emphasizes the importance of the United States retaining its full sovereign powers over the Canal Zone with the "right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary" as was originally recommended in 1902 by the Isthmian Canal Commission under Rear Adm. John G. Walker and was subsequently provided for in both treaty and law. This fearful accident amply illustrates the value of such protective provision in the basic treaty.

Mr. Speaker, on behalf of Members of the Congress who follow the canal situation closely, I believe that I reflect their views when I express full sympathy with the survivors of the bus accident and the families of those whose lives were lost. Let us hope that the tragedy was not without some value by way of demonstrating the absolute need for the lawful use of the bridge and that it will help to dispel the wave of the indicated propaganda against the United States that now plagues the Isthmus.

As partial documentation for the facts as stated in the foregoing summary, I include a newsstory and a letter to the editor published in the two leading Panamanian newspapers as parts of my remarks:

[From the Panama (R.P.) Star and Herald, May 25, 1971]

### Bus Race on Panama Canal Bridge Leaves 38 Dead; Vehicle Falls 160 Feet to Tank Farm

A bus that carried 38 Panamanians to sudden death when it plunged 160 feet off the Panama Canal bridge at Balboa early yesterday was racing another just before the accident, according to the Canal Zone Police.

Five other occupants were injured. Of these, one was in serious condition, three were in fair condition and one was in surgery.

Police Chief Gaddis Wall told newsmen physical evidence at the scene and eye-witness reports indicate the bus, carrying commuters from La Chorera to Panama, went over the no-passing double yellow line in an attempt to pass the other, but swerved sharply to get back into its lane because of an oncoming car and went out of control. Its estimated speed was 50 miles per hour according to Chief Wall.

The vehicle, a 1966 Chevrolet licensed for 40 passengers, then crossed into the opposite lane, hit the 9-inch curb and went into the air, going over the 23½-inch high retaining wall but clipping of the hand railing of two 4-inch molded aluminum pipes.

The bus plunged 160 feet into the oil tank farm in the vicinity of the Canal Zone College, landing some 150 feet from the nearest tank. Sparks from the impact started a fire which was quickly extinguished by Canal Zone firemen reporting to the scene within minutes. Police said some of the victims bodies showed burns, but that none of the deaths were attributed to burning.

The evidence where the bus fell, according to police, indicated that the vehicle landed on its top and then bounced to come to rest on its wheels.

### TRAPPED INSIDE

All of the victims were trapped inside the flattened bus, police said. A crane raised the top of the vehicle to facilitate the extraction of the dead and injured. No torches were used in the rescue operation.

Asked about reports that the bus went out of control after losing a wheel, Chief Wall said the physical evidence at the scene did not bear that out. The only marks on the bridge pavement were skid marks for a distance of 110 feet, he reported.

The ill-fated passing attempt, according to the police, was made a short distance beyond the convergence of the double lane into a single lane for Panama-bound traffic. The two buses had been racing all the way from the west bank, according to the police information.

The other bus in the race, Chief Wall declared, has been identified and the Panama National Guard has been asked to assist in locating its driver. Whether charges such as speeding or reckless driving will be brought against him will depend on the outcome of the investigation.

The driver of the fatal bus was among the dead. He was Florentino Ramos, 37, who had a record of two fines in the Canal Zone—the last one in January of this year—for passing violations.

Of the 38 persons killed, 23 were men, including two teen-agers, and 15 were women, including one teen-ager. Thirty-seven of the dead had been identified up to 4 p.m. yesterday. The unidentified corpse was that of a woman.

### FLAGS LOWERED

President Demetrio B. Lakas ordered the national flag half-masted. He and his deputy, Arturo Sucre, and Minister of Government Juan Materno Vasquez, issued a statement of condolence to the kin of the dead.

The Archbishop of Panama, Monsignor Marcos McGrath, joined in the expressions of grief over the loss of life in within hours, and another the traffic tragedy.

"We call upon all citizens," their statement said, "to reflect on the causes of these tragedies and to strive to avoid them in the future."

At Balboa Heights, Gov. David S. Parker also ordered all flags in the Canal Zone lowered to half-staff through Wednesday. He issued a statement of condolence to the families of the victims.

The first report of the accident was received by Balboa Police from a La Boca resident who was in his kitchen and heard the crash of the falling bus and noted that the time was 6:15 a.m. Police responded immediately and alerted the Fire Division and Gorgas Hospital and later called the U.S. Army for assistance in the removal of the dead and injured. Police also asked St. Mary's Church in Balboa to send priests to the scene.

Canal Zone, U.S. Army and later Panama ambulances reported to the scene. Gorgas Hospital medical personnel first concerned themselves with providing first-aid to the living. The count of dead-on-arrival at Gorgas Hospital reached 35. Two of the injured in the hospital died last night.

### WORST IN HISTORY

Radio stations in Panama began broadcasting news of the tragedy shortly after it happened. As the magnitude of the accident—the worst in the history of Panama—became apparent, hundreds of residents made their way to the Gorgas Hospital morgue. The crowd grew quickly in response to broadcast appeals for persons who could help in the identification of the dead.

The Mayor of Chorrera, Temistocles Arjona, came to the hospital and helped organize the grim task of identification of the corpses. In groups of five each, residents of Chorrera who had relatives or friends commuting by bus to the capital went into the morgue to look at the dead and tell whom they knew.

Some of the viewers suffered near-collapses as they recognized loved ones among the stretchers lined up in the morgue. Outside, anxious relatives broke into wails of grief as the names of the lifeless became known, one by one.

An information post was set up at the Red Cross office across the street from the morgue. The names of the dead were broadcast as soon as available over mobile radio broadcasting units. The identification process continued for hours and by early afternoon all but one had been identified. Canal Zone authorities made arrangements for the quick delivery of the identified bodies to relatives. Yesterday afternoon, a procession of Panama ambulances took 12 bodies to Chorrera, where they will be interred today.

### NAMES LISTED

Three of the dead passengers were members of the National Guard—Guardsmen Jose H. Gutierrez, 64, and Edilberto Rodriquez, and Mrs. market Guardsman Rodriguez, died at 9:30 o'clock last night.

The list of dead—all Panamanians—issued by the Canal Zone Police at 3:30 p.m. yesterday:

Florentino Ramos, 37, the bus driver.

Carlos Real, 27.

Mrs. Berta M. de Quiel, employed in the National Guard super-market.

Florencio Ramos, 36, a cabinet maker.

Leon Perez, age unknown, a peddler.

Mrs. Natividad Perez, age unknown, wife of Leon Perez.

Luis de Hoyos, 35, chief accountant at the Institute of Culture and Sports.

Agustina Mena, 40, a nurse at Santo Tomas Hospital.

Mrs. Erlinda Ruiloba de Victoria, 32.

Tomas Martinez, 41, an employee of the Wright Plumbing Store.

Ramiro A. Peralta, 30.

Fidelina Saavedra, age unknown, an employee of the Civil Registry.

Elizabeth Chong, 17, a student at the Gaston Faraudo Accounting School.

Isaac Martinez, 36, an employee of Amado & Co.

Martin Montenegro, 33.

Eliseo Alvear Castillo, 33.

Mrs. Elisa Reina de Castillo, 28, a seamstress, wife of Eliseo Alvear Castillo.

Wilfred Henry Innis C., age unknown.

Jose H. Gutierrez, 64, a National Guardsman.

Edilberto Rodriguez, age unknown, a National Guardsman.

Esteban Castillo, 44, an employee of Terminales Panama.

Eloisa Rodriguez, 21, an employee of Dayan Bros. and a sister of Guardsman Rodriguez.

German Bernal, Jr., 22, an employee of the Ministry of Government and Justice.

Mirta Arelis Soo, 20.

Cristina Torrero, 52.

Eloisa Herrera, 17.

Guillermo McKenze, age unknown.

Rigoberto Herrera, 15.

Mrs. Telma Brenes de Guerrero, 22.

Pedro Morgan, 45.

Victoria Jaen, age unknown.

Mrs. Ruth Naomi George de Innis, age unknown.

Cesar Daniel Escurra, age unknown.

Santiago Soo, Jr., 19.

Carlos Real, 27.

Jose del Rosario Sanchez, 26.

Luis A. Jimenez, Jr., 13.

Armando Jose Perez, age unknown.

Still alive but reported in serious condition and under intensive care:

Pablo Concepción.

Fulvia Silva.

Delia Dames.

Sarah Prieto.

Candida Rodriguez.

Several residents of Chorrera reported they were alive because they missed taking the fatal bus to come to work. One of them, Rodrigo Sosa, an employee of the Governor's residence at Balboa Heights, said the driver turned him down because the bus already was filled. Another said his 9-month-old son kept him awake part of the night and he overslept; when the bus came by at 5:40 a.m. he wasn't ready. One teacher was reported to have actually taken the bus, but left it to retrieve a book he had left at home.

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[From the Panama American, May 27, 1971]

### The Real Cause?

The following letter, received today, is reprinted here as it expresses another viewpoint on the recent tragedy in which 38 persons died.

Dear Sir: The principal cause of accidents on the Thatcher Ferry Bridge is not speed. The speed excuse is just a smokescreen thrown up by Canal Zone authorities anxious to hide the real cause—idiotic lane design justified on the basis of economy.

Canal Zone authorities convinced Washington that they could save a few dollars by building three-lane approaches to a four lane bridge. After all, wasn't a $2,000,000 saving worth more than 40 Panamanian lives?

That tragic bridge is another monument to the Canal Zone mentality. Where in the world but in Canal Zone would one find a three lane approach to a four lane bridge?

Remember that the bus driver would not have been racing to get to the single lane part if the bridge approach had been the same lane width as the bridge.

Now is your time to prevent future tragedies General Torrijos. Remember, this is not the first time children have been orphaned on that bridge, nor will it be the last.

You have the opportunity General Torrijos to pressure the U.S. into building one extra lane on each approach.

While you are at it, how about stronger guardrails too.

If all I see shortly is more police on the bridge, more signs, new guardrails, but no new lanes; then I will know that two to three million dollars is worth more than 40 Panamanian lives. Then you, General Torrijos, and I will have lost out again to the Zonians.

A Concerned Citizen.

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## PRESIDENT NIXON'S VETO OF THE ACCELERATED PUBLIC WORKS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Blatnik) is recognized for 15 minutes.

Mr. BLATNIK. Mr. Speaker, with 5.2 million jobless Americans walking the streets and no sign of early improvement in the unemployment rate, President Nixon's veto of the accelerated public works bill can only be described as blindly illogical or callously indifferent.

Mr. Nixon's veto of the most important legislation to come out of the 92d Congress thus far was based largely on his contention that, first, it would add to existing inflationary pressures; second, it would not create the promised jobs for "at least 18 months;" and third, it would not provide help where help is most needed.

All three claims are demonstrably wrong. Let us examine them in order:

First. Inflation: The country right now is spending billions of dollars for unemployment compensation and welfare assistance. The accelerated public works program would not pump more money into the spending stream, it would use funds now being doled out for compensation and welfare for productive construction of public facilities that are badly needed in cities and towns all over the United States.

The unemployment compensation and welfare statistics speak for themselves.

Last September, unemployment compensation payments amounted to $298.4 million. In the ensuing months, they have escalated sharply, as follows:

| | *Million* |
|---|---|
| October | $304.2 |
| November | 342.1 |
| December | 460.6 |
| January 1971 | 526.7 |

More importantly, to the victims of unemployment at least, the number of jobless men and women who have exhausted their unemployment compensation benefits totaled 1,294,000 in 1970, and had risen to a monthly level of 160,000 by the beginning of this year.

We spent almost $4 billion on compensation payments in 1970, and right now we are running far ahead of that rate to almost $6 billion per year—a 50-percent increase. In fact, we are paying people more money every 15 weeks or so for not working, than the $2 billion accelerated public works program would cost over its entire 2-year life.

The welfare picture is much the same. Including money payments under medicare assistance for the aged, these are the figures for the past 4 years:

| | *Billion* |
|---|---|
| 1967 | $4.9 |
| 1968 | 5.8 |
| 1969 | 6.9 |
| 1970 | 8.8 |

And currently, we are spending close to $1 billion a month for welfare—public assistance—a rate of $12 or more billion per year.

Mr. Nixon's logic in referring to accelerated public works as inflationary is mighty hard to follow.

Second. Public works projects take too long to get started and thus would provide no immediate work for the jobless.

For the past 10 years, ever since enactment of a much smaller program in 1962, applications have been pouring into Washington from municipalities all across the country for Federal aid for a wide range of badly needed local facilities, such as water and sewage treatment plants, hospitals, nursing homes, and the like. Right now, there are literally thousands of such projects on which the architectural planning, engineering, and local financing arrangements have been completed; projects which have been approved for Federal aid and are all ready to go—as soon as Federal funds are made available. Many of these projects are smaller ones which could get underway within 60 to 90 days after they get the go-ahead, meaning that many thousands of jobless men and women could move from the dole to the payroll in very short order.

CURRENT BACKLOG OF PUBLIC WORKS PROJECTS

[Dollar amounts in millions]

| | Applications | Federal funds | Total project cost |
|---|---|---|---|
| Waste treatment plants, EPA | 3,000 | $2,100 | $5,900 |
| Water and sewer, HUD | 900 | 485 | 970 |
| Hospitals, public health centers (HEW) | 1,919 | 2,000 | 4,900 |
| Farmers Home Administration loans | 1,076 | 82 | 164.6 |
| | 1,809 | 235.2 | 235.2 |
| Total | 8,704 | 4,902 | 12,170 |

APPLICATIONS RETURNED (LACK OF FEDERAL FUNDS) SINCE 1967

| | Number | Amount |
|---|---|---|
| Grants | 2,847 | $308,000,000 |
| Loans | 4,420 | 868,100,000 |
| Total | | 1,100,000,000 |

Third. Accelerated public works would not provide jobs where they are most needed.

This is the most wildly illogical of all the reasons advanced by the President for his veto. The fact is that this bill was drafted specifically to provide "rifle-shot" help to those areas that have been hardest hit by unemployment, areas where the jobless rate is "substantially higher" than the national average. The national average is 6.2 percent; that is tragically high, but it does not come close to the jobless rate in the areas this bill was designed to help.

In many cases, small local projects would be the first to get started under this program and these would by their very nature have an immediate impact on their localities in the form of new jobs and overall economic recovery. It has been estimated that the program, if aggressively and imaginatively implemented by the administration, would provide upward of 170,000 on-site jobs and 250,000 or more related jobs, for a total of more than 420,000 jobs—all of them in the areas of greatest need.

Furthermore, these are not leaf raking jobs of the sort that were widespread in the 1930's. On the contrary, the Federal aid would go to local governments—a rather effective kind of revenue sharing—for projects would have a permanent, beneficial effect on the quality of life in those communities.

Certainly, the work needs to be done and local governments are ready to get going. We must reduce our nonproductive spending and substitute for it meaningful investment in our society.

We are told that the long hot summer is now upon us. Across the length and breadth of our land, Americans young and old are looking for work. Accelerated public works is no panacea, no cure-all for the unemployment crisis that has been aggravated by this administration's economic policies, but it will help to relieve the hardship of many, many of our people who have suffered the most from those policies.

If the President's veto is permitted to stand, it will have a crippling effect on all our efforts to balance the economy properly and it will have a tremendous psychological effect on all our fellow citizens who need this help so desperately.

All interested groups and individuals across the Nation—State, county, and local leaders, representatives of American labor, and all the private organizations that have supported this accelerated public works bill in its passage through Congress—should inform their elected representatives in the House and Senate that this veto must be overridden and the legislation enacted into law.

## SUPREME COURT DECISION ON THE "PENTAGON PAPERS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, this afternoon the Supreme Court announced its decision in regard to the so-called "Pentagon Papers," ruling that this material could be published.

Although there are many aspects of this whole affair that are still left unsettled, including the very important matter of the liability of those responsible for the unauthorized distribution of the classified information, I welcome the Court's decision for it is in keeping with the public's right to know, consistent with the requirements of national security. This is a most extraordinary decision affecting a most extraordinary case for clearly there is presently no ready-made formula for settling this type of controversy and it is well, I believe, that the matter has been taken to the highest tribunal of the land for resolution.

One of the most immediate questions that now comes to mind is the obvious need for a searching reexamination of the whole process of the classification of documents.

The first amendment guarantees of free speech and freedom of the press are not without limit, and indeed neither can they be. In times of emergency where the national security of the Nation is at stake there is ample precedent throughout our history where certain temporary, but necessary limitations have been placed upon freedom of expression.

However, I have long been concerned and even critical, especially during my years of service on the House Armed Services Committee, of the classification process used by the Defense Department in the handling of information. The fact is that there is a definite tendency to overclassify material beyond the actual security needs of the Nation. In a free society such as ours the frivolous or expeditious use of the "secret" stamp can neither be justified nor tolerated. I strongly believe that the American people have the right to be informed of the activities of their Government, the only exception being the dissemination of information which would clearly prejudice the security of the Nation.

As regrettable as I find many aspects of this incident to be, there is a measure of satisfaction in knowing that this longstanding problem has now been brought into the open and I hope that something can at last be done to bring reason and a degree of consistency to the Government's classification process. It is encouraging to note the current suggestions for establishing some sort of congressional or civilian committee on national security which would deal specifically with the classification of governmental documents. Such a concept has great merit and demands thorough exploration for the faith of the American people in their Government must be preserved.

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## EMPLOYMENT OPPORTUNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, on June 17, 1971, I introduced the Employment Opportunity Act of 1971. More than a dozen cosponsors assisted this effort to substitute employment opportunities for welfare payments and restore the individual dignity and self-respect which flows from productive self-sufficiency. Functioning under the Secretary of Labor, this act will provide counseling, child care, training and job placement service in private employment, public service, and work programs and projects established by the Secretary.

Private employment will come from contracts between the Secretary and private enterprise, with preference given to export production. Such employers will be reimbursed 50 percent of a worker's pay while he undergoes on-the-job training; 25 percent during the next 2 years, and 10 percent for another year. Such workers will be subject to all conditions applied to other workers.

Public service jobs will be in such areas as health, education, social service, beautification, pollution control, and urban and rural development with State and local governments reimbursed 40 percent of the cost of providing the jobs. Work programs and projects established by the Secretary of Labor will provide jobs in such areas as State and local capital improvement projects through which the public will benefit for many years to come.

This is not a guaranteed annual income. Those persons placed in jobs must work to be paid. Leaving such a job will not result in their being returned to welfare rolls. Private enterprise and governmental jurisdictions will agree to continue to employ these workers after the Federal reimbursement assistance ends as long as their employment does not jeopardize the jobs of others.

Not subject to determination as employable will be the elderly, the mentally and physically infirm, and mothers of two or more children born before July 1, 1972, at least one of whom is under the age of 3 and being regularly cared for by the mother. At first, this program may cost as much as our present welfare system. As the transition from dependency to productivity advances, the cost will decrease in proportion to the resultant phase-down of welfare programs.

Progress is being made on H.R. 7088, my bill introduced to establish the Tinicum Environmental Center. Favorable reports have been received from the Interior Department and this is a major step in preserving and restoring the 900-acre Tinicum Marsh area.

### VIETNAM

New York Times publication of Johnson administration documents provided unprecedented insight into the extent of the Vietnam mess inherited by President Nixon and into his monumental job in extricating us in a manner worthy of our sacrifices. The Times printed verbatim a number of messages transmitted between Washington and Saigon in code. This can enable the Communists to break our code and decipher everything they have intercepted.

Amid the publication controversy, Secretary of State Rogers said it would not be "in our national interest" to announce a total U.S. troop withdrawal deadline while Hanoi continued to hold U.S. prisoners for "ransom." He noted that Hanoi's top Paris peace negotiator, Xuan Thuy, said that, in return for such a U.S. announcement, Hanoi would only "discuss" a prisoner release.

With the Hanoi hierarchy engaged in "hawk-dove" turmoil, any U.S. announcement under those conditions would hand the hawks a major victory and embolden them to intensify their demands. This would be consistent with the Hanoi thinking which has rejected such positive U.S. proposals as a ceasefire in place and withdrawal of all foreign troops.

Meanwhile, 18,000 U.S. troops have been withdrawn during each of the last 2 months. Thus, only 240,000 U.S. forces remain while Hanoi's forces continue responsible for 75 percent of the Communist combat role in South Vietnam. President Nixon's program is achieving the results we all desire.

### REVENUE SHARING

I cosponsored the Revenue Sharing Act of 1971 (H.R. 4192). Without excessive tax increases, it would help State and local governments meet demands for services and facilities and provide resources to make those governments more effective. In its first operational year, it would send approximately $5 billion in new money to every general purpose governmental jurisdiction, with no project strings attached, and distribution automatic. The moneys going directly to State and local governmental jurisdictions would eliminate much of the mess currently caused by the Federal bureaucracy; the largest, most costly bureaucracy the world has ever seen. Pennsylvania would receive almost $247 million. Of this, 44.46 percent would move to county and local jurisdictions. Another $11 billion would go to State and local governments during the first operational year of the administration's six special revenue-sharing proposals for transportation, urban and rural community development, education, law enforcement, and manpower. The Federal revenue-sharing proposals would eliminate bureaucratic redtape and would permit State, county, and municipal governments to put the money promptly to work on projects benefiting their people.

### BUREAUCRACY CONTINUED

On June 2, 1971, the House chose between two bills to provide programs of public service jobs during high unemployment. H.R. 3613 provided that all public service employment programs be administered entirely by the Federal Government. Its applications section contained 5½ pages of requirements of what States, counties, and municipalities must prove when filing for a Federal grant. It demands six specific categories of assurances plus such other assurances, arrangements and conditions as the executive department deemed necessary to prescribe. Obviously, it would take at least a year or two for any applicant to meet all provisions. During this time, nothing would be done to decrease unemployment. H.R. 8141 provided that money for public service employment programs go directly to the States, counties, and municipalities to begin to reduce unemployment as soon as it was signed into law and fund distribution begun. H.R. 8141 was rejected and H.R. 3613 was passed. Since H.R. 3613 would continue a massive Federal bureaucracy and require a greatly enlarged U.S. Labor Department to administer it, its public service employment programs are doomed to failure.

### STABILIZATION NEEDED

On at least two occasions, I have urged President Nixon to use Public Law 92–15 to institute controls on wages, salaries, prices, and rents, and establish regional economic stabilization boards with meaningful powers to correct inequities, give wage and salary increases where increased productivity is proved, and give price and rent increases where increased costs are proved. The continuing upward spiral of wages and prices is hurting everyone, causing inflation and has priced most U.S. products out of the world market. Noting that 40,000 construction workers were out of work in the Philadelphia area, I warned the President that this could spread; that stabilization offered the only assurance against continued inflation and devastating strikes such as threatened for August 1, 1971, in steel. On June 3, 1971, following the settlement in which 30,000 aluminum workers gained raises of about 31 percent over a 3-year period, I reiterated my concern. I believe that stabilization is necessary to improve our economy and I will continue to urge the President to use the powers given him in Public Law 92-15.

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## SST STRUGGLE NOT OVER

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, the struggle over the SST is not yet over. We assured that our Government will not misallocate its resources in this manner, but other governments have not seen fit to do so. While this is certainly their prerogative we must be cognizant of the effect that the decisions of the Soviet Union, the United Kingdom, and France to continue production will have upon this country. As long as one SST flies there are pressures on the other airlines of the world to join this insane race.

I received a statement on the domestic effects of the Concorde and the TU-144 from the International Executive Board of the United Auto Workers, pointing out these pressures and the hardships that SST service to the United States by foreign airlines would impose upon our domestic carriers. It is easy to see how these pressures could lead to introduction of the SST domestically by means other than direct Government subsidy. A private consortium, with or without governmental support or guarantees, could bring this environmental abomination to our skies.

Presently there are regulations that prohibit domestic supersonic flight, but these do not touch the basis of the problem. SST flights from foreign countries will land at coastal or nearly coastal airports. Their approach to these airports could easily, if not necessarily, be subsonic. So a ban upon supersonic flights alone does not protect the domestic airlines.

In addition, the environmental implications of this aircraft are not confined to the countries over which it will fly supersonically. Thinking only of the airport itself, we are terrified at the possibilities of the takeoff. According to George Chatham and Dr. Franklin P. Huddle, specialists in science and technology with the Library of Congress, during takeoff exhaust emission per passenger-mile of an SST rises 114 percent of that of a subsonic aircraft during comparable maneuvers.

And we must not forget that U.S. citizens do not remain within the confines of the Continental United States. Just off the Atlantic Coast, there are large collections of pleasure and fishing boats. This would be the area where the sonic boom would be the loudest and most damaging, since a plane leaving the United States is heaviest then, with its full load of fuel.

Finally, there are the worldwide implications, the possibility of irreversible climatic damage from the discharge of water, carbon dioxide, and numerous other pollutants. Even the most ardent SST proponents do not claim that such a change is not possible. This makes it our duty to discourage all supersonic transports, not just our own.

In view of all these considerations I have cosponsored H.R. 8760 a bill to prohibit any flights to the United States by commercial supersonic aircraft, whether at supersonic speed or not, until determination has been made of both the domestic noise and environmental implications of commerical flights to this country.

It is with pleasure that I insert the statement of the International Executive Board in the RECORD:

### STATEMENT ON CONCORDE AND TU-144

The American SST is dead but our country nevertheless still faces serious problems raised by both sides in the great national debate that preceded its demise.

Supporters of the SST argued, among other things, that without it the U.S. would lose its position of leadership in the world aerospace market, which makes an important positive contribution to the nation's balance of payments, and the large number of job opportunities that SST production would provide.

Opponents contended, among other things, that the SST presented serious environmental dangers and that it would be uneconomic—imposing heavy additional costs on American airlines already seriously overburdened financially as each new generation of planes follows too closely upon the heels of the preceding one without sufficient increases in traffic to support rapidly expanding capacity.

Unless the U.S. now takes further steps, competitive pressures from the Anglo-French and Soviet SST's (the Concorde and the Tu-144) may leave our country in the worst of both worlds—without an SST of its own and yet beset with the problems foreseen by both advocates and opponents of an American SST.

If airlines in other countries should be compelled or induced to buy SST's, competing U.S. airlines will then have little alternative but to follow suit. In that case, a large part of the export market for U.S. subsonic transport planes will have been lost and along with it many thousands of jobs in U.S. aerospace plants; the U.S. balance of payments will suffer; the environment here and throughout the world will face the hazards which Congress sought to avoid and American airlines, already hard-pressed financially, will be saddled with the additional burden of uneconomic planes. Thus there would come to pass what both supporters and opponents of an American SST sought to avoid.

The danger is very real and immediate. Although U.S. airlines as well as those headquartered in other countries apparently would prefer not to add Concordes and Tu-144s to their fleets, under present conditions they are being impelled inexorably to acquire them. As *Newsweek* magazine (May 31, 1971, issue) put it in a report on the Paris air show:

"As far as the SST's are concerned, their potential customers will be digging in their heels. For the fact is that most of the airlines of the world wish that the supersonic transports would zoom off into the sky and never come back. The airlines may be forced to buy them and fly them, to protect their competitive position, but even Air France, which the Concorde builders—the government-owned Aerospatiale complex—expect to be the first airline to buy the plane, is lukewarm. 'Our studies have not given us complete satisfaction about profitability,' says Air France general secretary Gilbert Perol.

"The Concorde salesmen's biggest ploy is the Russian threat. Says Aerospatiale president Henri Ziegler: 'Moscow wants better and faster relations with the rest of the world. They will fly Moscow-Khabarovsk with the Tu-144 next year and will open up internationally by 1973. It is unbelievable that we could leave all this to Moscow when we have a comparable machine'."

After reporting on the doubts that airlines in other countries have concerning the value and significance of Soviet certification of the Tu-144, Newsweek continues:

"The carriers fervently wish as well that they did not have to take a chance on the Concorde. But it appears that they may have no choice. The French and British governments, to get back their huge investments, may force or persuade their government-backed airlines to buy the Concorde. Or the Soviets, by opening up Siberia and the Moscow route to Japan Air Lines as part of a deal, may be able to sell the Tu-144 to Japan. If either happens, other airlines will be forced to join the supersonic age—or risk losing passengers. 'It's a damn shame,' says the executive of one international carrier, 'that the airlines and the public should be squeezed this way in an international game of peacock pride'."

American airlines are already beginning to respond to the competitive pressures. According to the New York Times (May 27, 1971) a Boeing engineer attending the Paris air show:

"reported that several United States airlines were now negotiating with Concorde officials on specifications and guarantees. He predicted they would sign firm contracts in six to eight months."

It is not yet too late to ward off the danger that the U.S. may suffer the disadvantages of the SST without having any of the advantages that advocates of its American embodiment projected.

Production of the Concorde and the Tu-144, which may well require governmental subsidies in any event (on top of the huge research and development subsidies already provided) would clearly become totally uneconomic if they were denied access to U.S. airports and thus to the most heavily traveled trans-Atlantic routes. The richest potential market for the SST's would have been eliminated. Without it, at the least, competitive pressures on reluctant airlines would abate and, more likely, production plans for both the Anglo-French and the Soviet SST's would be abandoned.

As the New York Times pointed out editorially on May 11, 1971, before the final vote in Congress on the U.S. SST:

"The opposition in this country to subsidizing an American-built plane was based in part on the judgment that it would be a misuse, if not an outright waste, of public funds. But equally important were the concern about the plane's excessive noise and the fear that it would pollute the thin air of the stratosphere. These latter objections weigh just as heavily against foreign SST's as they do against an American-built plane. Yet the Russians, the French and the English are going ahead with their planes. The danger is very real that SST's may soon be flying regularly across the Atlantic because these Governments are prepared, if necessary, to subsidize their publicly owned airlines to operate an unprofitable plane. President Pompidou's remarks after his flight in the Concorde the other day demonstrate that national prestige rather than economic or environmental common sense is the controlling consideration."

The Times concluded that:

"This country should make clear to foreign countries now that it regards the noise and pollution of supersonic flight as an intolerable threat to the environment of this planet and that it is not prepared to welcome any SST's to American airports."

The Times was apparently under the impression that SST's could be barred from landing at U.S. airports only under state laws regulating airport noise and not by the Federal Government. We believe that is incorrect since trans-Atlantic travel is clearly foreign commerce over which the Federal government has unquestionable jurisdiction (in addition to having unchallenged power to legislate to protect the national environment).

We therefore call upon Congress to move promptly to enact legislation which will deny access to U.S. airports to SST's whether owned by foreign or by domestic airlines, unless and until it is clearly established, first, that they present no environmental or noise hazards and, second, that they can be operated economically by U.S. airlines so as to avoid any necessity for imposing fare and freight-rate increases upon American travellers and businesses. We believe that Congress should, in addition, direct the State and Commerce Departments to undertake discussions with other governments with a view to persuading them to take similar action in order to lessen even further the likelihood that the Concorde and the TU-144 will be put into production.

In so doing, we would not only safeguard our environment and that of other countries, but would also preserve our pre-eminence in the world aircraft market and its reflection in our balance of payments, provide employment for thousands of areospace workers by blocking unfair competition from an uneconomic and heavily subsidized product and avoid needless increases in the price level resulting from increases in air fares and freight rates.

It is only the Anglo-French combine and the Soviet Union that now have an interest in inflicting the SST's upon the world—and their interest, as the Times noted, is for national prestige rather than for economic purposes. The rest of the world has as little reason as the U.S. to welcome the supersonic monsters. We therefore would serve not only our own national interests but those of the world's peoples by banning SST's from our airports.

## ENERGY CRISIS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, the Small Business Subcommittee on Special Small Business Problems, of which I am chairman, conducted hearings last fall on the energy crisis. Witnesses included:

Hon. A. K. Bissell, Mayor, Oak Ridge, Tenn.

Hon. James A. Burke, Representative from Massachusetts.

Nat Caldwell, Nashville Tennessean.

Robert E. DeBlois, President, New England Fuel Institute.

Hon. Hollis M. Dole, Assistant Secretary, Mineral Resources, Department of the Interior.

Hon. Richard Fulton, Representative from Tennessee.

Hon. Robert N. Giaimo, Representative from Connecticut.

Hon. Michael J. Harrington, Representative from Massachusetts.

William S. Jones, President, National Oil Jobbers Council.

Hon. George A. Lincoln, Director, Office of Emergency Preparedness.

Hon. John V. Lindsay, Mayor, New York, N.Y.

D. Bruce Mansfield, President, Edison Electric Institute.

Cloyd C. McDowell, President, Harlan County Coal Operators Association, Harlan County, Ky.

Hon. John N. Nassikas, Chairman, Federal Power Commission.

Alex Radin, General Manager, American Public Power Association.

Dexter Raines, Tennessee Land & Mining Co.

Herbert Stein, Council of Economic Advisers, Executive Office of the President.

Hon. Joseph C. Swidler, Chairman, New York State Public Service Commission, Albany, N.Y.

Hon. Aubrey J. Wagner, Chairman, Tennessee Valley Authority.

Jack Walls, Walls & Coker Coal Sales, Inc., Oliver Springs, Tenn.

Ted Q. Wilson, Esq., Attorney at Law, Oneida, Tenn.

Evidence produced by those hearings has been widely used and several of the recommendations at least partially adopted. One recommendation was for the development of a national energy policy and at least the first steps toward this has now been taken by the President. Other steps resulting from the hearings included actions to secure additional supplies of fuel oil for conversion to electricity last winter. However, the energy crisis is by no means over and will not be for several years. Therefore, we are going to continue these hearings and the next hearings are scheduled to commence on July 12. This series of hearings will concentrate on the investigation of the problems relating to oil companies acquiring competing fuel resources and other corporations making acquisitions in the energy field which may have the effect of lessening competition. We will also hold hearings on the validity of data used by the Federal Power Commission in estimating natural gas reserves and the relationship of such data to price increases.

Several large oil companies have gained control of a majority of the 15 largest domestic coal producers. Some have claimed that this concentration by competing raw fuel suppliers of energy resources may have contributed to the recent shortage of coal available for use in the generation of electric power, resulting in increases in electric rates.

The effect of utility price increases on the small businessman and the consumer is harsh. Both large and small coal users complain that they are unable to obtain adequate supplies at reasonable prices. Many areas of the country face the possibility of brownouts and blackouts because of the unavailability of coal for use in the generation of electricity or other generation facilities. It is the small businessman, the homeowner and the consumer who will suffer the most since they will ultimately have to pay for the lack of coal supplies by increased utility bills.

Vast coal reserves exist in this country. Yet, recently available supplies have dwindled to critically short proportions. The presence of coal reserves under the control of large oil companies and conglomerates could lessen competition, artificially driving up prices and raising barriers to prospective entrants into the coal industry. The Subcommittee will examine the extent of the concentration in the coal industry to enhance our understanding of the facts surrounding recent price increases and the trend toward concentration of competing raw fuel suppliers.

The hearings will include representatives from the following: Continental Oil Co.; Humble Oil Co.; American Public Power Association; Tennessee Valley Public Power Association; National Rural Electric Co-Op Association; American Public Gas Association; American Petroleum Institute; Federal Trade Commission; Atomic Energy Commission; Department of Justice; Department of the Interior; Federal Power Commission; Center for the Study of Responsive Law; the Environmental Protection Agency, and the Council on Environmental Quality.

The energy supply picture is not bright and will continue to grow dimmer unless a concerted effort is made to encourage competititon among raw fuel suppliers in order to maintain a price structure that will provide the public with energy at the lowest possible prices.

## U.S. DEFENSES REQUIRE AN F-14

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the recent publicity about the cost of the Navy's F-14 air superiority fighter has led to suggestions that the program be canceled. In view of what we face in a growing and modern Soviet Navy and its worldwide implications, the idea is inconceivable. To terminate a program which will provide the Navy with its only new and fully modern aircraft that possesses a margin of superiority over the challenging Russian threat would be preposterous.

The Secretary of Defense, in his fiscal year 1972 defense report, pointed out that:

> We maintain the full range of air, sea, and ground forces needed to meet our planning goals. In addition the Secretary made clear that our naval forces form an essential part of our assets for realistic deterrence across a broad spectrum of possible conflicts. Since the United States has been and remains a maritime nation, a strong Navy is essential.

In order to support this strategy, our naval forces rely on carrier task forces to protect our sea lines of communication and to project U.S. forces overseas. Effective naval strategy requires that these forces be protected and enjoy control of the air above the seas. That is the basic reason why Navy fighters are now needed, and will continue to be needed in the future.

Capable fighter aircraft are fundamental to effective and sustained employment of sea-based tactical air striking forces and to defense of our fleet. U.S. Navy fighters must provide fleet air defense of our tactical forces at sea and must be able to intercept and destroy enemy aircraft and their air-to-surface missiles, as well as cruise missiles launched from ships and submarines. The Navy's fighters must also fill other fighter roles that are related to such carrier task force objectives as strikes, reconnaissance, close air support, and fighter sweeps. It should be emphasized that any of these missions can involve combat with enemy fighter aircraft, and the fighter must be capable of meeting the variety of threats it faces with both long-range and short-range weapons. To fulfill these missions, the fighters need a variety of capabilities such as a long-range air-to-air missile system, a high level of air combat maneuverability, and the short-range weapons essential for fighter-to-fighter encounters.

If the United States is to continue to retain its ability to project sea power, its deployed task forces will be required to engage a wide spectrum of hostile airborne targets. These include highly maneuverable fighter aircraft, supersonic bombers with long-range air-to-surface missiles, as well as antiship cruise missiles.

In the past, the Department of Defense has provided analyses of these threats. The fiscal year 1972 defense report identifies several new aircraft already developed by the Soviets that could significantly increase the threat during the 1970's over that presently posed by existing Soviet fighters. The Soviets already have a number of new fighters with estimated performance comparable to the present F–4 at low and middle altitudes, but with higher top speeds and ceilings.

The adequacy of our present fighters to meet the threat from new and highly maneuverable Soviet fighters in air superiority combat is a continuing problem that must be faced. The Soviets have devoted a substantial amount of resources to improving their tactical fighter capabilities. They have developed 12 new fighter prototypes during the past 10 years and have also deployed improved versions of some of their older model fighters. Examples of newer models of Soviet aircraft include the latest all weather version of the Mig–21 Fishbed, the mach 3 Foxbat, the small mach 2 Flagon, the swing-wing Flogger, and the mach 2 Fiddler, all of them now operationally deployed. The Soviets have several thousand fighters and light bombers in operational units of their tactical air forces. About 40 percent of these aircraft are available for close air support, air strike and interdiction missions, and a similar percentage for air defense. The balance is available for reconnaissance and reconnaissance strike.

The DOD has also outlined publicly the treat posed by the large land-based naval bomber force of the Soviets. This force includes over 200 badger medium bombers equipped to carry anti-ship air-to-surface missiles with significant standoff ranges. The land-based Badger's have a long unrefueled combat radius and are fully integrated with Soviet surface and submarine forces and they participate in exercises with these forces.

DOD and the Navy presently envision the primary air threat to the fleet as attacks by masses of land-based bomber aircraft carrying air-to-surface missiles—ASM's—from large distances away from the carrier task force. The Navy's objective is to provide a defense in depth. In the fleet air defense role, the combat air patrol and deck launched interceptors provide the first line of defense against the attacker, the presence of which is detected by early warning aircraft. The first objective of the defense is to intercept the bombers beyond the range of their ASM's before they can launch them. Bombers or missiles that penetrate the fighter screen would then be engaged by SAM's and close in defense systems.

The bomber/ASM threat can be compounded by inclusion of escort fighters which may be armed with medium- and long-range air-to-air missiles as well as guns. This, of course, necessitates the ability to counter highly maneuverable Soviet fighters. Attacks on our ships by fighter aircraft carrying bombs can be expected.

In addition to the threat of air-launched weapons, a grave threat is also posed by antiship cruise missiles fired from submarines and/or surface ships. At the present time, the Soviet Navy includes 20 major surface combatants, 65 submarines—roughly half of which are nuclear powered—and 160 patrol craft armed with long-range antiship cruise missiles. These antiship missiles are both nuclear and nonnuclear. Their maximum standoff ranges vary, for the most part, from the visible horizon to up to 450 miles. Their inflight control and terminal homing systems are of high accuracy. The terminal homing systems include active radar or passive infrared homing, or a combination of both. The cruise missiles must be countered by the same fleet air defense system as the bombers and ASM's.

When used in operations over land—such as strike operations from carriers—the Navy's fighters must be able to counter the most maneuverable of Soviet fighters.

All told the threat to the fleet and to U.S. air superiority is a formidable one. The next generation of Navy fighters must be able to cope effectively with all of the threats described above. The need for improved fighter performance is essential if the United States is to maintain air superiority and control of the vital sea lanes during the 1970's and 1980's.

The current Navy fighter inventory contains only the F–8 Crusader and the F–4 Phantom. The F–8 is a single engine, gun-bearing day fighter that is also equipped to fire sidewinder air-to-air missiles. The design is more than 15 years old. The F–4J, the latest version of the F–4 series, is a twin engine fighter that can carry sparrow and sidewinder missiles. Although this is the present first-line fighter, and a very capable aircraft, the basic design of the F–4 series is also some 15 years old. Propulsion and airframe limitations of the F–4 series will prevent this aircraft from meeting the projected Soviet fighter threats. The growth capacity of the basic F–4 airframe has largely been used up, although there will be efforts to make further improvements to provide increases in its capabilities wherever possible.

The need for improvements in our present Navy fighters in the fleet air defense mission must also be explained in order to understand the need for a new fighter. The threat from air and surface launched cruise missiles requires a countering weapon with greater capability than now possessed by the F–4 armed with Sparrow missiles.

A multi-shot fire control system incorporating the ability to track-while-scan, coupled with a much longer range missile, can provide a great increase in fleet air defense effectiveness. That is precisely what the Phoenix missile and fire control system is designed to provide—and this is the only system currently under development which will possess all these capabilities in the required time frame.

The F–14 is a new fighter designed to provide the increased capabilities needed during the mid-1970's and beyond. It is capable of providing air superiority and fleet air defense through a variety of weapons systems improvements, such as the ability to operate in the search mode while tracking targets, and armaments including Phoenix, Sparrow, and Sidewinder missiles, and a high performance 20MM gun. In addition, it will have a significant air-to-surface attack capability.

The F–14 is specifically designed to provide the Navy with increased air-to-air capabilities needed in an early time frame. F–14 aircraft will provide significantly improved fighter to fighter performance over that of the F–4. The design of the aircraft has emphasized air combat maneuvering capability in its fighter configuration. At the same time, the F–14 is capable of carrying six Phoenix missiles in what is technically described as an "overload" condition for fleet air defense. Armed with Phoenix, the F–14 will be able to make multiple missile launches against widely spaced targets—such as enemy ASM-carrying bombers, or air and surface launched cruise missiles.

Because of these circumstances I am confident the F–14 will provide this country with a much needed capability. The F–4, even with improvements, will not suffice. The Navy has remained consistent during the past three budget cycles. They have told us repeatedly what they face and how they plan to use the F–14. Now it is our duty to see that the F–14 is introduced into the fleet as soon as possible. We cannot afford to do otherwise.

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## ANOTHER FOURTH OF JULY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, standing as we do on the eve of the 195th anniversary of the declaration of America's independence, one cannot help but wonder what the framers of that memorable document would think if they could but view their creation in today's light. How abused have become stirring words such as freedom, liberty, justice, honor, and independence which are sprinkled with great care throughout our Declaration.

Today, freedom to some has come to mean the right to destroy the property of another without fear of punishment. Liberty for some is the right to advocate the violent overthrow of our Government. Honor, for some, has come to mean the right to remain silent in defense of the enemies of America.

In short, Mr. Speaker, the Declaration of Independence, molded so carefully into the 1,337 words which inspired the world, has ceased for some to be a document which lives, is perishable unless nurtured with sweat and blood, and instead has evolved into a right to be called up on demand with no thought for the obligations or the responsibilities which are entailed.

Liberty and freedom are not rights, Mr. Speaker. Those brave men who were meeting just 195 years ago knew that full well; knew that they faced whatever peril might befall them in pursuit of liberty to prove that only love and protection will preserve the essence of liberty.

As we look about us today, and listen to the chants of those who shout their demands for freedom from the streets, one wonders if any of these people would have had sufficient courage, sufficient strength of conviction, to have been among the original signers of the Declaration of Independence.

Is there a Jefferson among them? I doubt it, for they have not been called on to face up to the times of Jefferson. Nor do they have within them the sheer poetry of a Jefferson who sat down at his handmade desk and brought forth a dream for all mankind.

And so, what would the Jeffersons think if they were to return to the land they carved from their minds and hearts? Would they be distressed, downcast, disheartened?

Disturbed, yes; but not disheartened. There is here a great monument to their work. They could look at the state of their America today and be proud that their words and deeds—their lives, their fortunes, and their sacred honor—have brought forth a land which has been strong enough to withstand the deadbeats of democracy. But I think they would be very concerned at the manifestations of softness, the indifference of the people to the threat of disaster, the failure of so many in the high places to stand up for America's true virtues in the face of constant heckling by the malcontents.

America is 195 years old because of the strength of life in our land which enables it to overcome the cries of those who demand instead of contribute. But how long can this strength endure without a stronger showing by those who believe in America and want it to continue in the great patterns which have been our trademark to the world.

Even so, our Founding Fathers would be proud that their dream has endured and that their country remains strong and can still make allowances for those who do nothing in its behalf.

They would, I believe, wish us all tranquillity on the anniversary of their inspiration, but they would also pray for Godspeed for an awakening to the dangers which are among us and around us.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Secretary of Agriculture Clifford M. Hardin, in a recent speech, noted that farmers financial situation is improving. In 1965, farming income was running 71 percent per capita after taxes, in the general average. Last year it was up to 78 percent—a gain of 4 percent since 1968.

American consumers are getting their food for 16.5 percent of their income, an alltime low. Farm exports this year are expected to hit a new high of $7.5 billion, up from $5.7 billion 2 years ago.

## THE DRINKING AND DRUG-ABUSING DRIVER

(Mr. BAKER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BAKER. Mr. Speaker, I am anxious to join with the gentleman from Ohio (Mr. HARSHA) in the introduction of legislation to deal with one of our most difficult aspects of highway safety—the drinking and drug-abusing driver.

This is an area to which I have given special attention during the time I served in the Tennessee General Assembly and since I have come to the House of Representatives. The bill we introduce today gives special impetus to these efforts in providing what we hope to be adequate funds to carry out this safety crusade.

It will take more than money to get the job done, but the funds authorized under this legislation are a vital ingredient in the formula of a successful attack on the problem.

In joining in this effort at the national level, I would be remiss if I did not call attention to some of the ways we are "getting tough" in Tennessee to get the drinking driver off the road and keep him as immobile as possible.

Under a new amendment to our State law, motorists charged on their first conviction of driving under the influence will be incarcerated for a 48-hour period. The recent amendment also requires that second offenders be jailed for 5 days, while third and subsequent convictions on the same charge require a jail term of not less than 60 days.

Another law affecting motorists in Tennessee will permit municipalities to adopt an ordinance which would allow a driver to surrender his driver's license in lieu of bail bond pending court action on traffic charges.

Last year, 7,135 motorists in Tennessee had their driver's licenses revoked or suspended because of convictions for driving while intoxicated. Tennessee law presumes a driver to be under the influence of an intoxicant when an alcohol blood test registers 0.10 on the scale.

It is so highly important to get drinking motorists off our streets and highways, we must attack the problem at all levels. Through more rigid state regulations as well as through more comprehensive direction and funding, nationally.

It bears repeating that almost half of all automobile accidents in the Nation are attributed to the drinking driver. Each year some 30,000 fatalities and 800,000 automobile crashes in the United States are due to the misuse of alcohol. Most of these accidents are caused by chronic drinkers, not just the party-goers.

I have long fought for stiffer penalties and better enforcement of the implied consent law for drinking motorists in Tennessee, and I feel the bill we introduce today will go a long way toward providing the wherewithal to do what has to be done to eliminate this menace to the Nation's health and safety. I commend the gentleman for his leadership. He will have my wholehearted support as we press for enactment.

## THE INSIDE STORY OF GENERAL PATTON'S LAST DAYS IN THE U.S. ARMY

(Mr. STRATTON asked and was given permission to extend his remarks at this point, and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker in view of the recent interest created in the career of Gen. George S. Patton by the brilliant motion picture, "Patton," I believe Members will especially want to read a most interesting article on General Patton's concluding days in the Army, before his tragic death in a motor accident in Germany, which appeared in the June issue of the magazine Army.

The article was written by a close friend and military associate of General Patton, the popular and hard-hitting columnist, Col. Robert S. Allen.

Under leave to extend my remarks I include the article in question:

### PATTON'S SECRET "I AM GOING TO RESIGN FROM THE ARMY, QUIT OUTRIGHT, NOT RETIRE"

(By Robert S. Allen)

Before he was fatally injured in an auto crash, Gen. George S. Patton had decided to dramatically resign from the Army, with a characteristically spectacular statement that he was taking this unusual step "to be free to live my own way of life."

This plan of the famed World War II combat commander can now be told for the first time, more than 25 years after his tragic death.

As a 61-year-old West Pointer with more than 30 years of active service, including command of his country's first tank force in World War I, Patton was eligible to retire as a four-star general. As a retired officer, he would have continued to be subject to military discipline and control.

So Patton had privately made up his mind to cut all ties with the Army by resigning as a resounding rebuke to superiors for relieving him of command of his beloved Third Army because of an outspoken comment in reply to a provocative question at a press conference.

Independently wealthy, Patton was in position to give vent to his outraged hurt and frustration with such a gesture. So, with typical spirited forcefulness, he was determined to resign rather than retire.

Bringing this poignant story to light at this time, after a quarter of a century, is impelled by a recent rumor that there was something sinister about Patton's fatal accident. These accounts vary in minor ways, but all are similar in two key respects:

They are devoid of details or particulars regarding the nature and purpose of the reputed mystery; at the same time, the inference is pronounced that in some manner Patton was the victim of a dastardly plot to kill him.

The stories are wholly untrue. They are entirely without foundation or a scintilla of evidence in the emphatic opinion of those closest and dearest to Patton.

They include his late wife, who was with him throughout the 12 days he fought a losing struggle for life; his long-time chief of staff and close friend, Lt. Gen. Hobart R. Gay, who was with him at the time of the accident; Patton's two surviving children, Brig. Gen. George S. Patton Jr., Assistant Commander of the Armor School and Ruth Ellen Totten, widow of an artillery brigadier. Also, Horace L. Woodring, driver of Patton's car, and Robert Thompson, driver of the truck into which Patton's sedan crashed.

Just where, how and why the rumor got started is as baffling as the tale itself. Inquiries about the source invariably bring vague and ambiguous answers.

But there is an ironic relation between the fatal accident and Patton's secret decision to throw up his commission by dramatically resigning.

Had he not made up his mind to quit with a reverberating blast of indignation, it is highly unlikely the trip on which the auto accident occurred would have been made. So, the tragic event came to pass as an indirect consequence of his anguished determination to end his glory-studded military career by demonstratively resigning rather than routinely retiring.

Gen. Patton was definitely marked for inactivation in a few months.

A month earlier, in November 1945, he had passed his 61st birthday. Shortly before, he had been summarily removed from command of Third Army—which under his meteoric leadership had made epic history sweeping across France, smashing Hitler's desperate panzer-powered surprise offensive in the Ardennes, annihilating two German armies in the Palatinate in one week, and then slashing across the Rhine without air or artillery support and racing across Germany for Dresden, until stopped in the Thuringen corridor by Supreme Headquarters, Allied Expeditionary Force (SHAEF).

Following Third Army's hard-fought capture of Kassel, western anchor of the Thuringen corridor, Patton was visited by a British general for whom a briefing was staged in Third Army's famed war room. Afterwards, the obviously impressed English visitor asked Patton. "When do you expect to be in Berlin?"

"I can't say. But I can get there in a very short time if permitted."

"General Eisenhower has invited me to dine with him in Berlin after it's taken," boasted the British general.

"That will be very nice," dryly responded Patton. "But one thing is certain: General Eisenhower won't get there unless I get there first—but you don't have to tell him I said that."

When halted on 3 April, to enable U.S. First and Ninth armies to come up on line with the Third, its trip-hammer tank spearheads held positions 20 miles from Leipzig, 30 miles from Dresden and 10 miles from Czechoslovakia.

At a meeting with Gen. Omar N. Bradley, 12th Army Group commander, Patton asked, "When do you expect to contact the Russians?"

"That's still uncertain," replied Bradley.

"Just disconnect me with any telephone hookup with SHAEF," urged Patton, "and I'll contact the Russians for you in a few days."

"I'm sure you would," laughed Bradley, "but it isn't as simple as that. I wish it were. A lot of high-level politics are involved."

On 17 April, Patton was again given his head and final mission: shift the axis of Third Army's main attack southeast to gain contact with Soviet forces in the Danube valley, and seize the eastern portion of the so-called "National Redoubt."

That long-reported Nazi stronghold proved to be a myth. Captured documents confirmed that it had been planned, but Patton's crushing victory in the Palatinate, followed by his daring slash across the Rhine and shattering rupture of central Germany, had aborted the Hitler-Himmler scheme to fortify the Alpine region into a last-stand bastion.

VE-day found Patton's command post at Regensburg on the Danube, almost in the middle of Third Army's 185-mile front, extending from Karlsbad in Czechoslovakia to the Enns River in central Austria.

The next day, a group of correspondents called on Patton for a press conference. One asked why Third Army had not occupied Prague. Reconnaissance units reached the Czech capital, but had been withdrawn to Pilsen.

"I'll tell you why we didn't take Prague," said Patton. Tensing, the newsmen readied for a hot story. "We didn't take it," he continued blandly, "because I was ordered not to."

"Who gave that order?"

"Ask SHAEF," smiled Patton. No further questions were asked.

In June 1945, Patton returned to the United States for a series of victory celebrations arranged by the Pentagon. Everywhere he was jubilantly hailed by vast and idolizing throngs.

In Boston, more than 750,000 people jammed the 20-mile parade route roaringly cheering him every foot of the way. Comparable crowds welcomed him in Los Angeles, his home town, Denver and other cities. He was the hero of the hour——and he loved every minute of it.

Everywhere Patton went, he spoke with characteristic pungency and wry humor.

In Boston, Mrs. Patton's home town, he told a jam-packed luncheon that he was "amused at the amount of formality afforded me. That may account for the stuffiness of some generals," he added with a broad grin. "But perhaps as long as I can see the funny side of it, I'll be spared that unhappy affliction."

In Los Angeles, he was asked at a press conference how he was able to get such outstanding competence and devoted loyalty from his staff.

"I never tell people how to do things," replied Patton. "I tell them what to do but not how. If you give people responsibility, they will surprise you with their ingenuity and reliability. Also, I never indulge in the discreditable habit of naming the next superior as the source of adverse criticism while crediting myself with complimentary remarks. Loyalty operates both ways, down as well as up."

A speaker in Denver effusively hailed Patton as "one of the greatest generals of all time."

Patton began his brief reply with, "I appreciate the high compliment paid me but, in all frankness, I should tell you that I am really a better poet than a general. Publishers haven't recognized that as yet, but it's the truth, just the same."

Patton eagerly hoped for a command in the Pacific in the contemplated invasion of Japan. But that was turned down by Gen. Douglas MacArthur. Patton's name was on a list of six submitted to MacArthur by the War Department, but although they reputedly were long-time friends, MacArthur rejected Patton—to his deep disappointment.

He returned to Third Army, which was in charge of administering Bavaria, and dropped out of public sight until 22 September, when he held a requested press conference at his headquarters in Bad Tölz, south of Munich.

That affair was the beginning of the end for Patton—professionally and personally.

Within a few hours after his meeting with the newsmen, Patton was again in the headlines and once more in hot water with civilian and military superiors. What happened was this:

As the conference was closing, a correspondent, who had never attended a Patton session before and who in several previous questions had evinced an unfriendly attitude, asked why Nazis were being retained in office in Bavaria. The question was obviously loaded, with the evident purpose of causing embarrassment.

Gen. Gay, Patton's able and devoted chief of staff, vigorously shook his head signaling him not to answer. Patton saw Gay's warning, but disregarded it.

"I despise and abhor Nazis and Hitlerism as much as anyone," he said. "My record on that is clear and unchallengeable. It is to be found on battlefields from Morocco to Bad Tölz. In supervising the functioning of the Bavarian government, which is my mission, the first thing that happened was that the outs accused the ins of being Nazis. Now, more than half the German people were Nazis and we would be in a hell of a fix if we removed all Nazi party members from office.

"The way I see it, this Nazi question is very much like a Democratic and Republican election fight. To get things done in Bavaria, after the virtually complete disorganization and disruption of four years of war, we had to compromise with the devil a little. We had no alternative but to turn to people who knew what to do and how to do it. So, for the time being we are compromising with the devil to that extent.

"It's regrettable, but a very urgent and vital job has to be done to put this shattered country back on its feet again. We are trying to do that as best we can with the personnel available. That's the whole story.

"I don't like Nazis any more than you do. I despise them. In the past three years I did my utmost to kill as many of them as possible. Now we are using them for lack of anyone better until we can get better people."

Patton's explanation was entirely reasonable and realistic. Further, he was doing exactly what was being done by all other U.S., British and French commanders and civilian authorities throughout occupied Germany—with one all-important difference.

They were not comparing the Nazi holdovers they were retaining to Democratic and Republican politicians.

That was Patton's mortal error.

His indiscreet candor, largely taken out of context, was flashed to the United States in sensational radio and press bulletins. The reaction was instantaneous and vehement. Once again he was in the doghouse. Broadcast commentators fulminated, editorials declaimed indignantly, and bleeding-heart politicos and self-righteous do-gooders ranted and yowled.

The next day, Patton issued a statement expressing regret for the "unfortunate analogy."

At SHAEF, that was deemed insufficient by Gen. Eisenhower. The war over and Patton's battlefield genius no longer in pressing need, Eisenhower had reached the end of his patience. Patton was peremptorily summoned to SHAEF, located in the giant and curiously unbombed I. G. Farben plant on the outskirts of decimated Frankfurt.

After a 2½-hour meeting, they emerged sternfaced and unsmiling. Neither would say anything. Patton returned to his headquarters, and the next day a number of Nazis in the Bavarian government were abruptly dismissed.

On October 5, the same fate befell Patton. SHAEF brusquely announced his ouster as Third Army commander and assignment to command of Fifteenth Army.

Fifteenth was an army in name only, a paper outfit with no troops, no equipment and no mission. Created while the fighting was going on to relieve the combat armies of the onerous responsibility of administering the civilian population behind their lines. Fifteenth Army consisted solely of a small staff quartered at Bad Nauheim, in the interior of Germany. At that time it was keeping itself busy collecting and sorting documents and material for the compiling of histories of the war in the European Theater.

Explicity ordered to hold no more press conferences, issue no statements and make no speeches, Patton took the heartbreaking blow in silence. But while outwardly subdued, inwardly he seethed in anguished fury and searing despair.

He was baffled as to just where and how he had erred. He could not understand the reason for the rancorous storm of abuse and castigation. He had done no more than other Allied commanders administering occupied areas! So why pick him? If he was wrong, why weren't they?

Particularly he was cut to the quick by Eisenhower's stinging rebuke in their talk. Patton felt that not only was that wholly uncalled for, but grossly ungrateful and unfair. From Africa to the ETO, he had given Eisenhower the utmost in loyal, unstinting and peerless service. Eisenhower himself had called him the "greatest ground gainer," and when the Battle of the Bulge erupted it was to Patton that he instantly turned and said, "George, you take charge and fight this one."

Patton did in those bleak and terrifyingly uncertain days and nights in the ferocious cold and snow of the Ardennes. He triumphed resoundingly and then in a quick succession of devastating blows demolished Nazi armies and rule in western, central and eastern Germany.

Surely simple gratitude alone warranted more than a humiliating verbal spanking in private and degrading condemnation in public. For that reason alone, Patton indignantly felt, he should have been treated with more consideration and appreciation.

To him the whole debasing affair confirmed strongly a suspicion that had long been brewing in his mind that malicious and envious forces in and out of the Army were determinedly bent on destroying him and discrediting his matchless record as a battle commander.

The more he agonized over it, the more he became convinced that his curt dismissal as Third Army commander was not only completely unwarranted and gratuitously unfair, but an intolerable manifestation of the covert conspiracy against him.

He determined to put up with such insufferable indignities no longer. He began to think how best he could strike back and assert himself fully and freely.

While brooding over his course and future, Patton sorrowfully bade farewell to the officers and men of Third Army headquarters and departed for Bad Nauheim, the command post of Fifteenth Army. To the disconsolate Third Army staff he was too overwrought to say more than a few words. They poignantly summed up the deep emotions of both.

"All good things must come to an end," Patton said haltingly as he looked bleakly at them. "The best thing that has ever come to me is the honor and privilege of having commanded Third Army . . . Goodbye, and God bless you."

The staff of Fifteenth Army tensely awaited Patton's appearance at a meeting he had ordered to be held immediately upon his arrival. Under its previous commander, the staff, occupied with administrative and logistic functions, operated in a relaxed manner and tempo. Patton was widely known for his taut discipline and vehement insistance on meticulous attire and unfailing workmanship. So his introductory session was anticipated with foreboding.

This concern became outright alarm when, tight-lipped and grim, he strode into the crowded hall. For a few moments he eyed the staff somberly and critically. Then, abruptly he relaxed and said affably: "There are occasions when I can truthfully say that I am not as much of a son of a bitch as I may think I am. This is one of them."

The relieved staff roared with surprised delight. From then on, it was as wholeheartedly for him as the Third Army staff had been.

At Bad Nauheim, Patton spent the time reading, poring over the voluminous war journal he had accumulated and numerous other writings, sending letters to his beloved wife Beatrice and other members of his family and close friends, and composing a series of articles expounding his views on combat, leadership, tactics, discipline and horsemanship. Assembled under the title *War As I Knew It: or, Helpful Hints to Hopeful Heroes*, the pungent and dynamic expositions were distributed by the War Department to service schools for the instruction of both faculties and students.

He also made short trips to visit old friends in France, Britain, Denmark and Sweden, where more than 30 years previously he had made a warmly favorable impression as a young cavalry lieutenant representing the United States in the military pentathlon in the Stockholm Olympics.

But all the while Patton continued to fume inwardly over what had befallen him, and to mull over incessantly what his next step should be. These inflamed thoughts and the consuming anger that prompted them never left him.

Finally, one night at dinner, he said to Gen. Gay:

"I have given this a great deal of thought. I am going to resign from the Army. Quit outright, not retire. That's the only way I can be free to live my own way of life. That's the only way I can and will live from now on. For the years that are left to me I am determined to be free to live as I want to and to say what I want to.

"I have given this a great deal of thought. It has occupied my mind almost completely the last two months, and I am fully convinced this is the only honorable and proper course to take."

Gay, startled and deeply perturbed, pressed Patton "not to be hasty; don't do anything you might regret later." Particularly Gay urged Patton to discuss the matter with people close to him.

"Talk it over with your wife," Gay said. "You owe that to her. Also with Fred Ayer [a brother-in-law whom Patton regarded highly] and Harry Semmes [patent lawyer of Washington, D.C., who was a young officer in Patton's World War I tank brigade and remained close to him through the years]. There are others you ought to talk this over with. These people are part of your life and you don't want to make a decision as momentous as this, and which will affect them as much as it will you, without discussing it with them."

"I haven't the slightest doubt that Beatrice and Fred will see it just as I do, and agree fully with my decision," replied Patton emphatically.

As the days passed, Patton became increasingly tense and restless. He took long drives by himself, and at times nervously paced the floor of his office. At dinner, he said little and went to his quarters early. He smoked more cigars than usual.

It was obvious he was undergoing deep and gnawing turmoil.

Early in December, he informed Gay he intended to spend Christmas with Mrs. Patton at their home in Hamilton, Mass., near Boston.

"Admiral Hewitt has invited me to accompany him to the U.S. on his flagship, the *Augusta*," Patton said. "I'll fly to London on Monday and join him there. When I get home, I am going through with my plan to resign from the Army.

"I'm going to do it with a statement that will be remembered a long time. If it doesn't make big headlines, I'll be surprised. As I told you, I am determined to be free to live my own way of life, and I'm going to make that unforgettably clear."

As Patton talked, it was obvious he was under great emotional strain. His long, slender fingers drummed nervously on the table, and he puffed tensely on his cigar.

Gay, who had become profoundly concerned about the inner torment and agonizing Patton had been going through for weeks, anxiously cast about for something to divert and calm him. Suddenly an idea struck Gay. Striving hard to be nonchalant, he said to the general.

"You haven't done any hunting for quite a while. How about going out tomorrow? They tell me the countryside is overrun with pheasants. With the men away during the war, the birds became very plentiful. You could stand a little relaxation before you take off for home.

"I'll have a car pick us up early in the morning, and I know exactly where to go for some good shooting. It will do us both a lot of good to tramp around outdoors for a couple of hours. And you can try out that new gun you got a while back. You can see whether it's as good as claimed. It certainly is a beauty, and seemed to handle well."

It was a lucky try. Patton perked up instantly, and evinced keen interest.

"You've got something there, Hap," he exclaimed. "Doing a little bird-shooting would be good. You're right. I haven't been out much of late, and before I leave I ought to see how good that gun is and whether my hunting eye is as sharp as it used to be.

"Yes, let's do it. You arrange to have the car and guns on hand early tomorrow and we'll see how many birds we can bag."

December 9 was typically raw, cold and gloomily overcast for that part of Germany. Patton's sedan was driven by Horace L. Woodring, a 20-year-old private first class, now living in Union Lake, Mich. Patton sat on the right side of the rear seat with Gay on his left—as military custom prescribes; the junior always on the left of the senior.

There was some ground haze, but no traffic. The car traveled steadily on the empty highway, stopping as regulations prescribe at a rail crossing. Following is Woodring's account of how the tragic accident occured near Necker Stadt:

"A 2½-ton truck that appeared out of the haze coming towards us suddenly made a left-hand turn to get on a side road leading off the highway. I don't know whether the driver didn't see us or what was the reason for his abrupt swerve. We were going too fast to stop and smashed into the truck. General Patton was thrown forward and his head struck a metal part of the partition between the front and back seats."

Although Patton was obviously severely injured, he did not lose consciousness. He bled considerably, and had difficulty breathing. His first thought was about the others.

"Are you hurt?" he asked Gay.

"Not a bit," Gay replied.

"How about you, Woodring?" Patton asked the youthful driver.

"I'm all right, sir," he answered.

"What about the other man?" asked Patton. He was assured he was unhurt. "See that nothing happens to him," Patton told Gay, "it wasn't his fault." Gay nodded.

After a pause, Patton said to Gay, "What a hell of a way to die. I think I'm paralyzed. I can't move my arm. Rub it, will you?"

It was a very different way to die than was envisioned by Patton eight months earlier at the last staff briefing at Third Army headquarters on VE-day, in a bomb-battered kaserne on the outskirts of Regensburg near the Danube River. Patton had listened intently to the reports of G2, G3 and other sections. Then he rose and in his slightly squeaky voice said quietly:

"This will be our last operational briefing in Europe. I hope and pray it will be our privilege to resume these briefings in another theater that still is unfinished business in this war. I know you are as eager to go there as I am. One thing I can promise you. If I go, you will go.

"I say that because the unsurpassed record of this headquarters is your work. It has been a magnificent and historic job from start to finish. You made history in a manner that is an imperishable glory to you and to our country. There probably is no army commander who did less than I did. You did it all, and the illustrious record of Third Army is due largely to your unstinting and outstanding efforts. I thank you from the depths of my heart for all you have done."

That was all. He stood silent for a few minutes looking at the staff and they at him.

Then he nodded to Chief of Staff Gay and, snapping his fingers at Willie (his homely bull terrier), started for the door at the end of the long war room. As the staff rose to its feet, Patton said, "Keep your seats."

Gay began the day's announcements by stating that starting the following day, Third Army would discard the steel helmet and wear only the fiber liner. From the doorway Patton broke in, "And make damn sure those liners are painted and smart looking. I don't want any sloppy headgear around here."

Everyone smiled. That was "Georgie" true to form.

As he left the chamber, he turned to the aide by his side and said wistfully, "The best end for an old campaigner is a bullet at the last minute of the last battle."

But that wasn't the way it happened eight months later.

Taken to the 130th Station Hospital at Heidelberg, Patton was found to have a fractured neck and other spinal and internal injuries. For a brief period, Patton appeared to be improving and his cast was removed.

But it was an illusionary change. Pneumonia developed, and on 21 December, 12 days after the accident, he began to fail rapidly.

To his wife he whispered, "It's too dark. I mean too late." Several hours later he died.

A special train took Patton's body to Luxembourg for burial in the U.S. military cemetery at Hamm. On Christmas Eve, 1945, in a pouring rain, he was laid to rest among the men who had fought under him in the Battle of the Bulge.

It was exactly one year to the day that he broke the back of Hitler's surprise panzer offensive by relieving beleaguered Bastogne.

As the casket was lowered, a chaplain intoned one of Patton's favorite sayings: "Death is as light as a feather."

## SST

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. SEIBERLING. Mr. Speaker, in the May 24 issue of Chemical and Engineering News, there is an article on the destruction of stratospheric ozone caused by an accumulation of nitrogen oxides. It is of particular interest in that it sets forth the specific chemical reaction by which nitrogen oxides convert ozone to ordinary molecular oxygen.

The article, if correct, reaffirms the wisdom of the Congress in turning back the effort to revive the SST, for the threat to the stratosphere from nitrogen oxides emitted from SST's is far greater and more immediate than the breakup of ozone caused by water vapor.

This potential threat also underscores the importance of taking action to prevent the creation of a fleet of foreign made SST's, at least until such time as this threat and the sonic boom and other environmental hazards associated with the SST can be eliminated.

I again urge my colleagues to give serious attention to House Joint Resolution 672, which would have the President call an international conference to deal with these hazards and would ban commercial SST landings and flights in or over the United States. Eight Members have already cosponsored House Joint Resolution 672, and I plan to recirculate it to enable others to do likewise.

It is not too late for such action. No airline has yet contracted to buy the Anglo-French Concorde or the Russian SST. Whether this hesitancy is based on the poor economics of SST operations or the current state of the airline industry, the possibility remains that competitive pressures may cause airlines to order SST's within the next few years.

However, the mere initiation by the United States of the actions proposed in House Joint Resolution 672 would further discourage any airline, foreign or domestic, that might be contemplating the purchase of SST's.

House Joint Resolution 672 provides an opportunity for those who supported the SST out of fear of foreign competition to make common cause with those who opposed the SST out of fear of environmental hazards. The time to act is now—not after the airlines have signed contracts to buy foreign SST's.

The text of the article follows:

### SST: Threat to Ozone

As politicians and lobbyists strove unsuccessfully last week to breathe new life into the U.S. supersonic transport program, information released from Berkeley, Calif., added a new and alarming dimension to the worldwide concept of using supersonic aircraft. Chemistry Professor Harold Johnston, at the University of California, has calculated the rate of destruction of stratospheric ozone that would result from the accumulation of nitrogen oxides presumably emitted in the exhaust gas of the high-flying craft. This rate is much faster than that of ozone destruction due to water vapor from SST exhaust proposed by other scientists during the past year. In both cases, less ozone, in turn, would open the way for harmful wave lengths of ultraviolet radiation to reach the earth's surface from outer space.

Key to the potential problem is the catalytic role of nitric oxide and nitrogen dioxide in converting ozone to molecular oxygen:

$$\begin{array}{c} NO+O_3 \rightarrow NO_2+O_2 \\ NO_2O \rightarrow NO+O_2 \\ \hline O_3+O \rightarrow {}_2+O_2 \end{array}$$

The cycle is repeated, so that a small amount of nitrogen oxides destroys a large amount of ozone.

Dr. Johnston has made a series of detailed calculations of a variety of aspects of the chemistry of interactions involving ozone, oxygen, and nitrogen oxides. In his mathematical models, he uses the Federal Aviation Administration's assumptions that by the summer of 1985, 500 SST aircraft will be in flight through the stratosphere for an average of seven hours daily. Instead of taking the FFA emission estimates of 100 p.p.m. of nitric oxide in the SST exhaust, however, he chooses the more conservative value of 350 p.p.m., the performance level of present-day jet aircraft. Even on this basis, the 500 SST aircraft could reduce by half the total ozone content in the stratosphere during a two-year period, he claims.

Each SST will likely emit about 1 ton of nitric oxide during each hour of flight, he says. In the stillness of the stratosphere, this will remain as a thin ribbon. Overlapping ribbons of the planes will rapidly reduce the ozone at cruising altitudes of 20 kilometers.

## AMENDMENTS TO THE FEDERAL PRIVACY ACT, H.R. 854

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am today introducing an amended version of my Federal Privacy Act, H.R. 854. This bill contains all of the provisions of the original legislation, but includes two new and important sections.

Under present law, an individual is completely in the dark as to whether a Government agency keeps a file on him, and, if it does, what the file contains. The Federal Privacy Act is designed to remedy this situation, and it would require that any Government agency which maintains records on individuals do the following:

First, notify the individual that such a record exists;

Second, notify the individual of all transfers of such information;

Third, disclose information from such records only with the consent of the individual or when legally required;

Fourth, maintain a record of all persons inspecting such records; and

Fifth, permit the individual to inspect his records, make copies of them, and supplement them.

Exception to the disclosure rule would be made in the case of records that are required by Executive order to be withheld in the interest of national security and for purposes of criminal prosecution. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons.

Of the two sections I am adding to the bill, the first creates a Board to supervise the administration of the provisions of the bill. In particular, it would permit an appeal by an individual seeking the removal of erroneous or misleading information contained in his file. The Board would also hear complaints that an agency had not complied with other requirements of the bill.

The second section adds a new requirement to the five listed above: that an agency remove erroneous or misleading information from an individual's file.

The "Federal Privacy Board" would be composed of seven members, three appointed by the Speaker of the House, three by the President pro tempore of the Senate and one by the President from the public at large. If the Board found that one or more requirements of the Federal Privacy Act had not been met, it could issue a final order directing the agency to comply. The order would be binding on the individual and the agency. Appeals from the Board's decision could be made to the Federal district court.

There are many who believe that a substantial amount of erroneous and misleading information is contained in the existing government agency files. The information may be out-of-date, incomplete, or just plain false. Certainly it is in the interest of both the agency and the individual to have this information removed from these files. However, with the increasing trend toward computer storage of individual data, the amount of information that may be kept is multiplied, but the checks for accuracy of this information are not correspondingly increased. Thus, the current safeguards on data gathering are inadequate to deal with a growing problem.

My Federal Privacy Act, with its additional provisions, is designed to curb the uninhibited data gathering by Government agencies, and will provide some recourse in those cases where the information gatherers have erred.

The bill follows:

H.R. 9527

A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that shall maintain records concerning any individual which may be retrieved by reference to, or are indexed under, the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—

"(1) notify such individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure: *Provided, however,* That if disclosure of said record is required under section 552 of this chapter or by any other provision of law, the individual concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) maintain an accurate record of the names and positions of all persons inspecting such records and the purposes for which such inspections were made;

"(4) permit any individual to inspect his own record and have copies thereof made at his expense;

"(5) permit any individual to supplement the information contained in his record by the addition of any document or writing containing information such individual deems pertinent to his record, and

"(6) remove erroneous information of any kind."

"(b) Each agency may establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to an individual, and otherwise to implement the provisions of this section.

"(c) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

"(d) The President shall report to Congress before January 30 of each year on an agency-by-agency basis the number of records and the number of investigatory files which were exempted from the application of this section by reason of clauses (1) and (2) of subsection (d) during the immediately preceding calendar year.

"(e) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(f) If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, orders, records, and proceedings.".

Sec. 2. (a) There is established a Board to be known as the Federal Privacy Board (hereinafter referred to as the "Board").

(b) The Board shall consider complaints from any individual that one or more of the requirements of section 552a(a) of title 5, United States Code, have not been met, with respect to the records specified in such section, by the responsible agency. The Board upon finding that one or more of the requirements have not been met, shall issue a final order directing the agency to comply with such requirement or requirements, and this order shall be binding on the parties to such a dispute.

(c) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. Three members shall be appointed by the Speaker of the House, three by the President pro tempore of the Senate, and one by the President. No more than two of the members appointed by the Speaker of the House shall be of the same political party. No more than two of the members appointed by the President pro tempore of the Senate shall be of the same political party. The member appointed by the President shall be from the public at large. Any vacancy in the Board shall be filled in the same manner the original appointment was made.

(d) Members of the Board shall be entitled to receive $100 each day during which they are engaged in the performance of the business of the Board, including travel time, but members who are full-time officers or employees of the United States shall receive no additional compensation on account of their services as members.

(e) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(f) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

(g) The Board shall hold hearings in order to make findings upon each complaint, unless there are reasonable grounds to believe that the complaint is frivolous or irrelevant. The Board may examine such evidence as it deems useful, and shall establish such rules and procedures as it determines are most apt to the purposes of this section, including rules ensuring the exhaustion of administrative remedies in the appropriate agency.

Sec. 3. The amendments made by this Act shall become effective on the ninetieth day following the date of enactment of this Act.

## CHAPTER V—CHILDREN AND YOUTH AND MATERNAL AND INFANT-CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the fourth in a series of articles on children and youth and maternal and infant care programs. Support of H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 65 cosponsors.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant-care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record each day descriptions of maternal and infant care and children and youth programs.

The material follows:

Maternity and Infant Care Project

*Augusta, Ga.*

Dear Congressman Koch: I would like to extend my heartiest appreciation to you for your interest and support of Maternity and Infant Care Programs as indicated by your introduction of House Bill 7657. I have served as Director of this Project since 1966, viewing with alarm, concern, and compassion, the lack of resources the people in rural Georgia have to obtain medical, nutritional, social, and dental care to meet their most basic needs. Although this Project has never been able to obtain sufficient funding to do more than just scratch the surface, you will note from the short summary of the Project enclosed herewith that we have accomplished meeting some of these needs, saving some lives, and even giving some of the oppressed some hope.

Here in this Project, we have the ability, the concern, the enthusiasm, and the compassion necessary to accomplish this job of meeting these people's needs in this area if we can obtain more time and more money. If we cannot obtain additional funds, then I would certainly hope that we could obtain another five years as you have proposed. Although each year for several years services have had to be cut back due to the lack of additional funds to meet rising cost, the additional time after 1972 would at least make it possible to help the most dire needs of these people. This is a progressive and affluent nation, but we have people living in conditions as bad or worse than the most undeveloped countries here in rural Georgia. With the passage of time, availability of medical care continues to dwindle in the rural areas with the passage of granny midwives, movement of physicians to larger communities, and those who remain discontinuing the handling of even private maternity cases, leaving the impoverished with little or no access to basic medical needs. Until such time as we can devise and develop other means and methods of meeting this need, we certainly need the resources which have been afforded by MIC Funds.

Thanking you again for your interest and concern and offering any assistance I might be able to offer you, I remain

Sincerely,

DANIEL H. C. GLOVER, M.D.

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### A BRIEF RESUME OF MIC PROJECT 506

After searching for a solution to the perplexing problem of how to supply maternal and infant care services to the people of rural Georgia in dire need of these services, the availability of funds under Title V of Social Security Act which would meet some of these needs was an answer to a prayer. As a result of the availability of these funds, the Medical College of Georgia, the Georgia Department of Public Health, the Richmond County Health Department, and ten rural counties coalesced into a cooperative interdigitated program to afford comprehensive obstetrical and infant care to low income, high risk expectant mothers and infants of these mothers.

The Project was started with funding from the Children's Bureau in 1964 and for the first time high risk maternity cases referred from rural counties began making regular visits to the medical center's obstetrics outpatient clinics. Project funding made it possible for the impoverished to avail themselves of this medical center's services by affording them a means of transportation from their community to the center. The Project was responsible for obtaining and maintaining nutritionists, social workers, nurses, obstetricians, and pediatricians to afford hitherto unavailable services to these impoverished people referred to the Project from the eleven county area.

From its inception, the Project's objective has been comprehensive medical care and patient education with the hope that the education received by the patients along with the comprehensive medical care would result in the reduction in infant mortality and mental retardation and maternal morbidity.

The nurses employed by the Project perform many duties and services with emphasis on patient education with their primary responsibility being coordinating the medical services between the local community, county health department, and the outpatient clinic at the hospital in which the patient is to deliver. Due to the lack of sufficient nutrition personnel, nutrition services have necessarily been limited primarily to direct patient service in the out-patient clinics. Additional funding would make it possible to extend nutrition services more extensively into the home situation.

Social service staff employed by the Project are working in the area of the social needs of the people and coordinating the efforts of the county welfare and health departments to those of the outpatient clinic in the hospitals participating with the Project. Social service staff is also involved with many other community agencies and organizations that give services to patients such as the Community Action Agency, voluntary organizations, and other community agencies in an effort to obtain services for patients which they otherwise would not receive. The staff has been able to solve many perplexing problems for these people such as where the money was to come from to feed the infant, how the mother might obtain Aid to Dependent Children, Medicaid, Food Stamps, and other services.

The Project was responsible for starting a transportation system which makes it possible for patients to get to the outpatient clinic and hospitals for service. The Project also made it possible to send professional staff such as obstetrician and pediatricians to remote areas where little or no medical services are available.

It is not possible to meet all the needs with the amount of funding received; however, many of the needs are met.

It is not possible to give hospital services to all the patients due to the shortage of funding; however, many of the most needy patients have their hospital bills paid with Project funds. Without these funds, delivery of these mothers would be left to the few granny midwives still in existence or to some community hospitals where sometimes delivery services can be obtained often under much less than satisfactory conditions and duress.

The Project also created a service to afford drugs for patients, the drugs being obtained from the patient's neighborhood druggist and the druggist being reimbursed with Project funds.

This program is responsible for giving care over and above standard care when comprehensive care is not available in any other facility in the project area outside of the medical center in Augusta.

Since the inception of this program, more than 7,000 obstetrical patients have been delivered of which more than 2,400 had their hospital bills paid with Project funds. During the period 1965 to 1971, there have been more than 50,000 obstretrical patient visits and more than 6,000 pediatric visits made to the project clinics in Augusta alone. Other clinic visits have been afforded by local health departments in the counties of the project area. In addition, home visits have been made by project nurses to the high risk prenatals (approximately 2 per month) and to postpartum and high risk infants (approximately 10 per month) over distances of as much as 80 miles from project headquarters.

Social service staff also makes home visits to maternity and infant homes where there are social problems averaging approximately 8 visits per month to prenatals and 3 visits per month to infants.

Nutrition staff makes home visits when they are needed badly enough to require the attention of a trained nutritionist which cannot be taken care of by another discipline. Approximately 150 trained nutritionists visits have been made to antepartum and postpartum patients in the rural counties. There have been a large number of high risk patients seen who need a home visit but the home visit cannot be made due to a small staff which cannot give services in both places at the same time. The Project has been given insufficient funding; however, much has been accomplished. The infant mortality rate is now less than it was upon inception of the Project. The maternal death rate is extremely low. The infant mortality rate is higher in both races than it should be but it is much higher in the blacks particularly in the more remote rural areas. The infant mortality rate is higher in the remote areas because of the lack of attention to such matters as housing, nutrition, and medical attention in the community. The Project can supply comprehensive medical care in the Augusta area but without sufficient funding cannot furnish this quality of medical care to remote areas.

The Project cannot be all things to all people; however, with sufficient funding, it can produce a reduction in infant mortality rate, maternal death rate, and mental retardation by affording comprehensive medical care and by directing attention to other matters which will assist in producing a reduction, such as housing, nutrition, and medical care on a local level which is more accessible for immediate emergencies.

The Project is approaching its sixth year of operation and much has been accomplished; however, much remains to be accomplished and must be accomplished if this country is to be compared to other developed countries with reference to their infant mortality rate. We can reduce the infant mortality rate if we are given sufficient funds and expansion of the program is allowed to cover more area and more projects are started. It is felt that this must be done if we are to resolve many of our social problems during this generation.

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### MATERNAL AND INFANT CARE PROJECT NO. 531, CHARLESTON COUNTY, S.C.

The Maternal and Infant Care Project No. 531 for Charleston County, South Carolina was approved in mid-year of Fiscal 1966.

The Project is under the management and technical control of the S.C. State Board of Health through the S.C. State Health Officer. Operational control is vested in the Director, Charleston County Health Department.

Provision of services, and the necessity for twenty-five per cent (25%) "Matching Funds", required the coordination of (1) the efforts of the State supported Medical College (now University) of South Carolina, and (2) Charleston County Council's medical program, which includes the primary support of the Charleston County Health Department under the jurisdiction of the Charleston County Board of Health.

This cooperation and correlation remain effectively in being.

Initial services identified to M.I.C. Project No. 531 were provided in April of 1966. When begun, even though the additional Federal funds alleviated the costs of out-patient and in-patient care, the Project required extraordinary demands upon and reassignment of available personnel in participating units to the temporary detriment of established programs by the S.C. State Board of Health and on down.

Progressively, through five (5) years, the Project has provided the ability to establish a "core" staff to pursue the specific objectives for which the Maternal and Infant Care Projects are designed.

Specifically, the Project has provided to patients of Charleston County:

1. Vastly increased personal consultation by one or more of the following:
   (a) Public Health Nurse
   (b) Medical Social Worker
   (c) Nutritionist

2. Individually and in groups, an array of health information and good health practices, by personnel oriented or trained in Health Education.

3. Dental care to maternity patients, although restricted by the degree of medical essentiality prior to delivery due to the limited availability of dentists.

4. Improved facilities, with congenial attendants, that aid medical personnel as well as improve patient attitude.

5. Reduced concern over ability or method for the financial impact of pregnancy and childbirth.

The effect of M.I.C. Project No. 531 has been:

1. An improvement in obtaining patients for earlier prenatal care.

2. Assurance of best available total care and services for "high-risk" maternity patients.

3. Increased surveillance of the newborn and more intensive follow-up on physical defects and prematurity.

4. Assessment of known problems, such as teenage pregnancy, malnutrition, etc., for local definition and operational emphasis.

5. Cooperation in providing community health data, including information for Special Research Project No. 700 of the Department of Health, Education and Welfare.

### CONCLUSIONS

It is unlikely that optimum staffing of any project, or medically oriented activity, shall be possible pending a much higher availability of medical professionals and paramedical personnel per capita.

The continuation of the "level" funding of the past is an injustice to both the past recipient of services and the potential recipient of the same services because of historically rising costs of labor and supplies. *This is accentuated by failure to appropriate funds previously authorized on an annual escalating basis.* It is also deleterious to a "professional" attitude, and extremely so to a *potential* "professional".

Legislation for the continuation of Maternal and Infant Care Projects should be considered as soon as possible in order to let the recipients, and the providers, of services who live and work outside of *their Capitol,* know what to expect and *they* can plan for it.

### Children and Youth Project No. 606–B, Baltimore, Md.

The Sinai-Druid Comprehensive Health Center, Project 606B, is a community based program located in the "Inner City" of Baltimore. It is also within the Model Cities and Community Action Agencies target area. The majority of residents in the center's area are poverty stricken and economically disadvantaged.

Not unlike other major urban areas the maldistribution or shortage of doctors in the immediate area is acute. On October 3, 1966 the Sinai-Druid Center opened its doors, the original patient goal was arbitrarily assigned at a level of 5,000 children residing in five census tracts surrounding the health center. As of October, 1968 we had exceeded the assigned level and our present census is 6,296 drawn from three census tracts with registration of new patients, except for emergency cases, suspended. In addition to the 6,296 children who are registered for continuous comprehensive services an additional 21,000 children have utilized the services on an emergency basis. Sinai-Druid does not turn away any sick child for acute diagnostic care who resides within the assigned census tracts or neighborhood community. This has proven to be of great benefit in the acceptance of Sinai-Druid by the community and in the recognition of Sinai-Druid as the neighborhood health center for children. The ineligible children that come in for acute care treatment are carefully screened for proper referral to both Well Baby and Sick Baby Clinics in nearby hospitals as well as highlighting occasional families whom the center feels would be an appropriate family for processing for entrance into the center's program.

The most dramatic feature about the Sinai-Druid Center is the large number of specialty clinics housed under the same roof. Consequently, the 6,296 children (or 1,800 families) registered with the center are offered a wide spectrum of services and are also able to see the same doctor at each visit (set up this way, in order to establish good doctor-patient relationships). The center is opened from 8:30 A.M.–9 P.M. Monday through Friday and on Saturday from 8:30 A.M.–12:30 P.M. For all hours that the center is closed, a patient has only to call the center's telephone number and they will be connected with the Chief Resident of Sinai Hospital.

The various specialty clinics referred to previously are:

*Appointment Clinic*—These clinics are for eligible registered patients on an appointment basis. All children of any one family are assigned to their "own" doctor, exactly as if he were their private Physician.

*Acute Care Clinic*—This clinic is for children with acute illnesses who must be treated immediately. Both the appointment and acute care clinics are staffed by 15 local pediatricians who work at the center on regular schedules.

*Eye Clinic*—This clinic offers the combined services of an Ophthalmologist, Optometrist and Optician.

*Chronic Disease Clinic*—This clinic offers complete medical care to children with chronic diseases (and to their siblings, as well), such as congenital heart disease, diabetes, epilepsy, rheumatic fever and cerebral palsy. Because of the disruptive nature, family wise, of these problems, these children are seen more often with more intensive follow-up.

*Learning Disability Clinic*—This clinic is for children with specific learning handicaps, this clinic tests the children and then makes recommendations for tutoring, for care in one of the other specialty clinics, for enrollment in the cultural enrichment program or for medication, where appropriate. As in other clinics and with all services, parents, who must accompany their children, receive counseling on how to deal with their problems.

*Speech and Hearing Clinic*—This clinic gives tests for speech and hearing defects as well as speech therapy.

*School Health Services Team*—Composed of a consulting psychiatrist, psychologist, speech and hearing clinician, psychometrist, special education consultant and medical typist. In addition to counseling and referral services, where needed, to one of the other clinics, the team is designed to help children who are having adjustment or learning problems in school.

*Dental Clinic*—The dental staff consists of two full time dentists, an oral surgeon, an Orthodontist, a Pedodontist and two dental assistants. It is the dental area where the greatest need for service among Sinai-Druid patients have been shown.

In addition to all of the previous named clinics and services, the Sinai-Druid Center has on its staff an ear, nose and throat specialist, an allergy clinic, a tutorial, staffed by volunteers, and cultural enrichment program. The center requested and worked with the Baltimore City Public School System to set up an adult education program for children whose education progress was being retarded by their parents limited education.

For three summers through funding from other agencies, the Sinai-Druid Center was able to offer an extensive camping experience to a large number of its children.

The majority of Sinai-Druid's staff are persons from the community surrounding the center or a similar community, both paraprofessionals, ancillary personnel and professionals. As a result of their work exposure, dedication to service and opportunity, a significant number of Sinai-Druid employees are working on undergraduate, graduate degrees, nursing diplomas, high school equivalencies and license practical nursing training.

Parents are involved in the center's activities at many levels. A Parents' Advisory Council was developed to assist the staff in planning and refocusing clinic services, they are presently involved in the continuous assessment of services as well as working with the staff in developing better methods for delivering services to the residents of the Sinai-Druid community.

A recent addition to the Sinai-Druid Center is a Neighborhood Adolescent and Young Adult Drug Program funded through Model Cities and administered by the Center. This program has its emphasis on prevention rather than treatment.

As with most Children and Youth Projects, the Sinai-Druid Center has attempted and succeeded with limited success to involve itself with the community. As a result of our involvement and concern, the community has demonstrated its appreciation on several occasions. When word of the first budget cut made its way around the community, several families organized a large number of community people and went to see the Baltimore City Commissioner of Health, fortunately this was not his doing. When one of our physicians (a Native of the Philippines) returned to her home the parents helped to plan a surprise for her.

The loss of this center to the community would be tragic. Since the opening of Sinai-Druid, two hospitals have moved out of the area, for some families, Sinai-Druid is their last hope.

### Children and Youth Project No. 613 Charlottesville, Va.

C&Y Project No. 613, granted to the Department of Pediatrics of the University of Virginia, serves a primarily rural, poverty population of 2,500 children from birth to 16 years of age who are scattered over the 721 square miles of Albemarle county. The full diagnostic and therapeutic resources of medicine, dentistry, nursing, social work, speech and hearing, nutrition, and psychology are utilized maximally. Quality, comprehensive health delivery extends the full spectrum from home visiting to satellite mobile clinics to central city clinics to the full facilities of the University Medical Center.

In 1970, these children had 7,700 visits with the pediatricians and a total of 32,070 contacts with project professionals. It is obvious that the loss of this project would have tremendous impact—not only on the families presently served, but on the entire community.

The project families would be returned to a system of completely fragmented health care. Whereas all these children are now participating in a planned, preventive health care program, they would return to the crisis-initiated visit pattern of care. Some 200 children with handicapping malocclusions would be without access to orthodontic treatment. Patients with physical and mental handicaps precluding routine dental therapy would be denied care through our general anesthesia program. Our population with its documented incidence of 80% language deficit, 22% significant speech deficits and 22% hearing impairment would proceed without intervention to school where cumulative and irreversible lag would occur. Families would be once again without the knowledge of, and the means to connect with existing community resources. Many patients who are now receiving psycho-social therapy would soon return to the domestic and juvenile courts.

The community impact would be far greater than simply the increased demands by project families on existing practitioners, clinics and agencies to provide the level of care to which the C&Y Population has been educated to expect. Community resources are simply not available to meet either these needs or demands. That the community lost a project actively demonstrating a delivery system of rural health care would have continuing affects over the next decades, both in the loss of a working model for the practicing health professionals in the area, as well as the education of student health professionals. The C&Y Projects at present is an exciting teaching milieu for medical students, house officers, fellows in community pediatrics, dental hygiene students, nursing students, graduate social work students, graduate speech and hearing students, and doctoral students in psychology. The consultative expertise of the trained C&Y professionals would no longer be available to the entire University community. In addition, the staff has extensive community involvement as evidenced by its active participation and consultation with the public health department, the school system, the courts, the welfare departments, the housing development agency, and the Head Start and C.A.O. programs . . . all of which would be lost.

In summary, five years' effort in creating a sophisticated, multi-discipline health team oriented toward the improvement of today's and the prevention of tomorrow's health problems in children would be lost. Once again, we would return to crisis oriented care rather than primary prevention.

### Children and Youth Project, No. 650, Los Angeles, Calif.

The East Los Angeles Child and Youth Project has provided comprehensive health services to approximately 10,000 Mexican-American children and youth ages 0–19, over a period of three years.

The clinic facility, located within the community, serves a geographical area of ten square miles with a population of 47,000 almost entirely of Spanish ethnic background.

The vitally needed health care service provided by the Child and Youth Clinic to this community has yielded the following tangible results:

1. Rate of hospitalization for acute illnesses has been drastically reduced for the child population served.
2. Consumer involvement and participation with the clinic program has significantly grown and developed for the overall strengthening of the program and for greater self-determination of the community.
3. Increased acceptance of planned preventive health care services in conjunction with better utilization of emergency, episodic care services—which are the concepts emphasized through coordinated community health education efforts.
4. Greater and more effective utilization of non-physician health care providers with emphasis on community health manpower training opportunities.
5. As a demonstration health care service model, the project provides leadership in program planning, implementation and evaluation, as well as unique training opportunities to many agencies/organizations/individuals in the area of community/neighborhood health care.

The loss of the Child and Youth Project to the East Los Angeles community would have significant effect on the general health level of the community. The most detrimental effects can be described as follows:

1. Thousands of Mexican-American children and youth would have no alternate source of health care.
2. Loss of the Clinic's team approach to the multifaceted socio-environmental handicaps encountered by this unique population, would seriously and adversely affect thousands of families who seek and need this unprecedented assistance provided for them in this facility.
3. Ineffective and inappropriate utilization of the already limited hospital in-patient services would significantly increase and hospitalization costs would increase accordingly for the child population served.
4. Adverse and untimely effects on the process of community education and self-determination at a time of community unrest and rapid social change.
5. Efforts to raise the health level of the community through health education emphasizing prevention would be seriously curtailed. The opportunity to provide preventive education has been greatly enhanced by the fact that the clinic program offers a comprehensive integrated team approach, combining curative and preventive total health care.
6. The loss of this invaluable resource for manpower training as well as for demonstration of newer and more effective health delivery models for poverty communities would significantly be felt in this community.

## TURKEY TO BAN OPIUM PRODUCTION

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is with a deep sense of satisfaction that I learned today that Turkey has agreed to ban all opium production after 1972. I applaud this action by our ally and commend Prime Minister Nihat Erim for his forthright leadership in this matter.

My House Select Committee on Crime has received testimony that at least half and perhaps as much as 80 percent of the heroin that reaches this country originates as opium in Turkey. The growing of opium in Turkey has long been a legal activity, but by law the crops must be sold to the Government, which then sells it to legitimate pharmaceutical firms. But the demand for heroin has made it possible for the black-marketeers to offer a higher price for the farmer's opium, and, consequently, much diversion has taken place.

With today's decision, the Turkish Government has taken a major step forward toward worldwide opium eradication. You will recall, Mr. Speaker, that in my committee's report on heroin to the 91st Congress, I advocated that the United States work toward a total worldwide ban on the cultivation of opium. I urged this course of action because our hearings made it abundantly clear that as long as growing opium was permitted, diversion into illegal channels would take place. The economics of the heroin trade are such that the black market can always afford to pay a higher price than any legitimate government or company which would use the opium for conversion into illicit morphine.

We also said that the need for opium-based medical drugs was a thing of the past. Ample testimony at Crime Committee hearings demonstrated that adequate synthetic painkillers were presently available for virtually all the present uses of opiate drugs. Thus, the ban on opium would not adversely affect the health and welfare of this country or any other.

I recall, Mr. Speaker, that when I made this proposal, the reaction of many in Government amounted to a snide snicker. They thought that no country would be willing to ban the cultivation of a good cash crop. Today, I feel vindicated. Our Turkish allies have often been abused in the press for what was interpreted as a lack of interest in our domestic narcotics problem. Today's announcement proves Turkey's detractors wrong. When we realize that Turkey has no opiate drug abuse problem of its own, we must gratefully admit that they are taking this action only to help the United States combat its addiction crisis. That Turkey is abandoning a centuries old tradition to benefit the citizens of the United States is an act of international generosity and friendship that is without parallel in recent history. All Americans today owe the Government and people of Turkey a deep and sincere debt for this selfless act.

Now that Turkey has taken this momentous step, the United States should do everything possible to induce, with maximum assistance on our part, the other 11 opium producing nations in the world to follow Turkey's lead.

We should also accelerate our development of synthetic painkillers so we could eliminate any legitimate use of opiate based drugs such as morphine and codeine. If we could develop completely adequate synthetic drugs, there would be no legitimate need for opiate based drugs. If that large market were taken away from the opium producing nations, it would perhaps make less difficult their curtailment of production and their enforcement of any prohibition that these governments might initiate.

## PERSONAL EXPLANATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker I was not recorded on the selective service measure passed on Monday of this week. Unfortunately my plans to be in the House were altered when my plane, due to mechanical difficulties, was delayed leaving Austin for approximately 1½ hours. That put me a good 2 hours late for my planned arrival time in Washington—time enough to have been present had the misfortune not occurred.

Had I been present, I would have voted for Mr. Hébert's motion to table.

## OUR OBLIGATION TO THE POW'S

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I am pleased to have this opportunity to speak out on an issue that we must seek to keep in the headlines as long as it remains an issue—the tragic situation of American POW/MIA's in Southeast Asia.

It was on March 26, 1964, that an American Army adviser, Capt. Floyd J. Thompson, was captured in South Vietnam and thus became the first American POW. Today, over 7 years later, he is listed with over 1,600 other Americans as prisoners of war or missing in action. Our concern has certainly been demonstrated by a number of resolutions; however, I am not satisfied by this display of concern alone. It is essential but it does little to help our men who might be locked in bamboo cages or filthy cells by an enemy who refuses to follow the rules of the Geneva Convention. These men have paid a dear price for their country and now we have an outstanding debt that we must pay to them.

I cannot overemphasize the need to focus world attention on the plight of these men until they are free. We must prod the news media to measure up to their responsibilities to keep the POW/MIA situation in their headlines and on their front pages and to help mobilize international public concern to demand compliance with the Geneva Convention and to promote humanity among all men. By attracting world attention to the plight of our men, we could help to bring additional pressure to bear on North Vietnam to comply with international agreements on warfare and move toward release of our POW's. We must stop at nothing until these men are returned home and reunited with their loved ones.

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## TRAGIC SHOOTING

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, new evidence has come to light in the tragic shooting June 7 of a Silver Spring, Md., man by Federal agents and county police who smashed down his door, Gestapo-style, to execute a search warrant.

When I addressed the House on June 14, outlining the circumstances of this sordid episode, it was clear to me that such outrageous and irresponsible operations by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service made it imperative that a thorough investigation be conducted immediately to bring to account those responsible, and put a stop—once and for all—to these storm trooper tactics.

I had written a letter that day to Mr. Connally, the Secretary of the Treasury, informing him that the facts to which I then had access were most disturbing, and were casting his Department—of which IRS is a part—in the worst imaginable light. I strongly urged him to investigate, but I regret to say that I have yet to receive a substantive reply.

Briefly, the background was this: According to newspaper accounts, ATFD agents and Montgomery County police—some of them dressed in casual, or "hippie"-style clothes, and some of them bearded—obtained a search warrant to look for supposedly "unregistered hand grenades" in the Quebec Terrace apartment of Mr. Kenyon F. Ballew, a pressroom employee of the Washington Post and the Evening Star.

The warrant appears to have been issued on the recitation of second- or third-hand hearsay, some of which had no connection whatever either to Mr. Ballew or to any wrongdoing. The agents bashed down his door with an 85-pound battering ram while Mr. Ballew was taking a bath, and shot him.

For all this, what did the officers find? They found four empty, harmless, dummy handgrenade casings of types used by the Army for training or practice purposes. Mrs. Ballew said her husband had had them since he was 15 years old, and their 7-year-old son played with one of them as a toy.

The acting superintendent of police of Montgomery County, Col. Kenneth Watkins, held a press conference last week to justify this deplorable affair. He said that he had conducted an investigation of the incident, but then he admitted that he had talked only with the officers who took part in the raid. His conclusion, therefore, was not surprising, but the phraseology must rank among the year's most pretentious. He said:

> The search was legally and procedurally conducted in the proper manner.

Though Colonel Watkins insisted that his department participated in the raid only at the request, and in support of, the ATFD, he found nothing particularly objectionable about using police dressed as thugs to invade private homes. He refused to rule out similar escapades in the future.

Colonel Watkins did not explain why such disguises were necessary to begin with, especially since the proper first step in executing any warrant is to make one's identity as a police officer unmistakably known. If the ATFD has any such explanation, it has not been forthcoming.

Which brings us to the particularly interesting part of the superintendent's statement. The officers allegedly knocked on the door and announced: "Federal agents with a search warrant. Open up." According to the official story, the officers received no response from within. All of them claimed that they heard movement in the vicinity of the door which every one of them described—coincidentally, of course—with exactly the same word: "scuffling." Again, unsurprisingly, even the superintendent adopted that term. In his words, there was "no verbiage, only scuffling." After a few moments, according to this official account, having thus been "denied entry," the six officers—only one of whom was in uniform—broke down the door.

All this is important because officers executing a Federal search warrant have no authority to break down a door unless they have first been denied admittance.

Now, Mrs. Ballew, who was dressed only in panties at that moment, has said all along that she went to the door when she heard violent pounding and shouting outside, and that she asked repeatedly: "Who is it—who's there?" She said she could not understand the response because of all the commotion they were making, so she went to get her husband. It would seem odd indeed that all these officers could so plainly hear what they called "scuffling" inside—which must have been the relatively soft sounds of Mrs. Ballew moving to and from the door—but were unable to hear her voice when she asked who was there.

Well, it has now come to light—from previously unrevealed written statements made by two of these officers at police headquarters the night of the shooting—that in fact they did hear her answering them. Not once, but twice. and that they were unable to understand what she was saying.

So what did they do? They disregarded it completely. Evidently, they made no attempt to find out what she was trying to tell them. They heard her voice—they admit it. They did not know what she had said. And they went ahead and broke down the door anyway.

There were dozens of things this woman might have been trying to tell them, like: "I'm not dressed; wait until I put on a robe." Or, if the door had a double cylinder lock: "Wait until I find the key." In fact, however, Mrs. Ballew was asking who was there. The officers had failed to identify themselves to her, and she hardly can be blamed for not opening the door immediately to shouting and pounding strangers, particularly when she was undressed.

Mr. Speaker, one can conclude only that the behavior of these officers in forcing their way into that apartment, if not an act of criminal negligence, was in reckless disregard of the rights and safety of the persons who lived there. As a direct result of callous indifference and overzealous haste, these officers precipitated a confrontation that left Mr. Ballew critically wounded with a bullet in his brain.

Now I would like the ATFD, or Colonel Watkins, or anybody else to explain how that is "legally and procedurally proper." Until the officers outside know what the person inside is trying to say to them, how can they conclude that they have been denied admittance? And I stress under title 18, United States Code, section 3109, until they have in fact been denied entry, they have no right to break down the door.

This is a very serious matter, for either Colonel Watkins has not been telling the truth, or someone has not been telling him the truth. I might add that these documents which have been brought to my attention are official police reports, and were readily available to him long before his press conference.

Some other interesting facts also have been revealed in the past few days. The search warrant issued for the Ballews' apartment specified on its face that the officers were limited to "serving this warrant and making the search in the daytime." As any first-year law student knows, a warrant is valid only under its terms; in short, it expired at sundown for the night. What time was sundown on June 7? It turns out to have been 8:31 p.m. What time did the officers write in the blank provided on the warrant for time of execution? Exactly—what a coincidence—8:31 p.m.

But even this ingenuity does not save them. The officers served the warrant by making the entry; even if one accepts that they scooted in under the wire, it was physically impossible to even begin, let alone complete, a search in the daytime, as specified in the warrant.

It also was claimed by police that they fired only after being fired upon by Mr. Ballew. Mrs. Ballew says she saw her husband's antique cap and ball gun flash as he slumped to the floor, very slowly, after being hit in the head by a police bullet. Police documents now show that Mr. Ballew's gun discharged only one shot, and that a spent slug was recovered from the wall about eight inches from the floor next to where Mr. Ballew fell. The police would not say, but Mr. Ballew's attorney says the slug pierced a bookcase in a direction at right angles to the line of fire between the officers and Mr. Ballew.

By its position, he says, it could have come only from Mr. Ballew's antique revolver. If that is true, it bears out Mrs. Ballew's account that the police opened fire first. The police, it is now conceded, fired a total of seven shots.

This entire evening, insofar as the Internal Revenue and the Montgomery County Police Department were concerned, was a complete foul-up from start to finish. It was bad enough that the officers brutally mishandled Mrs. Ballew, shoving her out in the apartment house hallway, half-naked, while they ransacked the apartment and carried away dozens of articles of personal property, without lawful authority. But in the grisly aftermath, one ATFD agent even chased down to the hospital, where doctors were struggling to save Mr. Ballew's life, and proceeded to extract powder residue samples from the unconscious man's hands.

Another search made simultaneously by other ATFD agents in a second apartment directly over the Ballews' was an even more obvious bungle. In this case also, a search warrant specified "unregistered hand grenades." I recently received a copy of the sworn affidavit submitted by ATFD Special Investigator Marcus J. Davis to obtain that warrant from U.S. Magistrate Archie Meatyard.

Incredibly, there is not even a mention of hand grenades in that affidavit. Rather, it recites a vague tale of an attempt by one James Russell Thomas to sell some unnamed person a sawed-off shotgun. There was also a discussion of police reports of some unknown persons shooting what sounded like a gun somewhere in the neighborhood of Quebec Terrace on several unspecified occasions in the past. An identical allegation had appeared in the affidavit for the Ballew warrant. In neither case did it have any discernible connection with either Mr. Ballew or with the occupant of the apartment upstairs, who, it turns out, is a Mrs. Murphy and her daughter. The fact that the same allegation appeared in both affidavits clearly shows how nebulous it was—the agent apparently could not make up his mind who to pin it on, so he pinned in on both of them. And, incredibly, the magistrate approved them both.

The agents searched the Murphy apartment, but found no hand grenades, no sawed-off shotgun, or—for that matter—no one who had ever even heard of James Russell Thomas. The officers left a copy of the warrant with Mrs. Murphy. It read, simply: "No items seized."

It would appear that not only was the anonymous police informant unreliable, but that his information had no more to do with hand grenades than with marijuana or numbers slips. So my question is: did this magistrate even bother to read the affidavit applying for the search warrant? Or does he just rubber stamp any request, no matter how preposterous?

I am appalled to find that the constitutional protections enjoyed by the American people from unreasonable and arbitrary search of their homes have been so completely eviscerated. I have said before, and I say again: If Federal agents are going to be able to obtain search warrants from magistrates based on information that is not only flimsy, but totally irrelevant, the Congress ought to take a hard look at tightening up these procedures to provide more safeguards for the rights and security of innocent citizens.

Mr. Speaker, the issues in the shooting of Kenyon Ballew are of national significance. This was an operation undertaken by an agency of the Federal Government and it could have occurred anywhere in the country. The Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service has acquired enormous power as a result of recently passed firearms laws. If the behavior of ATFD in this matter is representative of its regular procedures, literally no citizen is safe in his home. It appears the agency is totally out of control. One may look for similar situations in nightmares or in the Orwellian age of 1984. It strains the imagination to contemplate a Federal agency with its agents careening wildly about the countryside, costumed as hippies, executing process at doubtful hours by smashing in householders doors, often in the wrong domicile, terrorizing children, frightening citizens, shooting householders, and dishonoring their women. Yet that appears to be exactly what happened in this instance.

Some very grave questions have been raised, and I believe the American people deserve honest and complete answers. So far they have not received them. The Internal Revenue Service has had 3 weeks to frame the answers and to explain its behavior. The long delay and the circumstances are beginning to raise questions as to both integrity and whitewash.

In Montgomery County, the State's attorney's office has announced that the case will be presented to a grand jury July 12. But grand jury hearings are, of course, secret proceedings, and there is no assurance that the jury will receive anything more than the official police story. More important, the grand jury may not have available to it certain facts it must have to blame or absolve anyone. It is still not known, for example, which officer shot Mr. Ballew. Only ballistics tests can tell, and the bullet remains lodged in Mr. Ballew's head, where it cannot be removed at present. And, Mr. Ballew—whose testimony is certainly crucial—is in a coma and cannot testify.

So what is going to be accomplished by a premature presentation to a grand jury? One suspects that the grand jury will be unable to affix fault to anyone, and that the case will then be in a legal posture to be closed and forgotten.

It seems to me that the only way we are going to get to the bottom of this is to have a full, thorough, and—above all—a public disclosure of all the facts. I again call on Secretary Connally to do precisely that. The public interest demands that this case not be buried or whitewashed, and I urge the Secretary not to let that happen. Those responsible for this travesty should be brought to account, and steps taken to insure that it never recurs.

A related investigation by county authorities, according to today's Washington, D.C., Daily News will receive statements only from police officers and perhaps from Mrs. Ballew. One must wonder what can be gleaned from such an investigation, when the first "investigation" involved exactly the same parties. I am curious how wrongdoing can be discerned in the analogous case of hearing only from the driver charged with reckless driving.

I insert at this point in the RECORD an editorial from the Washington Daily News of June 25, entitled "Tragic Bungling in Police Raid"; an editorial entitled "Tragic Raid," broadcast June 14 on stations WMAL–TV and WMAL–AM and FM, Washington, D.C.; two articles by Washington Post columnist Bill Gold, which appeared June 15 and 18; and a news item from the June 30, 1971, issue of the Washington Daily News carried under the headines "Raid Statements Challenged," "Police Documents Contradict Chief":

[From the Washington Daily News, June 25, 1971]

### TRAGIC BUNGLING IN POLICE RAID

In the three weeks that have gone by since the shooting of a 27-year-old gun collector during a raid on his Silver Spring apartment by U.S. Treasury agents and Montgomery County police, nothing has happened to erase our original suspicion that the whole tragic operation was ill-conceived at the start and bungled at the finish.

If Kenyon Ballew was guilty of anything other than trying to protect his family from what to an ordinary man must have seemed to be a terrifying assault by strangers upon his home, no one has shown it.

The fact that he is under intensive care at a hospital with a bullet in the brain does not explain why he hasn't been charged with keeping hand grenades (those that were seized in the raid were "dummies," empty casings, according to his wife) and police themselves admit that the guns in his collection were legally his.

Treasury agents had secured a search warrant from U. S. Magistrate Archie Meatyard on the basis of information which an unidentified source had passed on to a Prince Georges County policeman who in turn had tipped the Treasury. The frailty of this information is demonstrated not so much by the double or triple hearsay as by the simple fact that after the raid and the shooting nothing appears to have been found to justify the action in any way.

It's acknowledged that "no-knock" raids entail some possible perils other than those to the Constitution, but this was not exactly a "no-knock." The lawmen, some of whom, at least, appeared to be dressed in "hippy" clothes, smashed down the door at dusk with a battering ram (the warrant did not permit a nighttime raid). How much warning they gave of their identify and intention is hard to tell. The way things went, it would take an immoderately trustful householder to believe that he had nothing to fear from the intruders.

If there's any good excuse for what happened to the Ballews, we'd like to hear it, starting with Mr. Meatyard, who seems to have licensed a search without first determining what less traumatic measures might be taken first. Like how about sending a policeman around in uniform some morning to knock on the door and make polite inquiry as to the armaments kept therein? Who knows, he might have been shown around.

Finally, there is no excuse for the action of Montgomery's Acting Police Chief Kenneth Watkins who still insists upon keeping secret the facts in this case, public information which the people have every right to know.

It is necessary to remind Col. Watkins that police business is public business, and that police, even when they make mistakes, are responsible to the people and to no one else.

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[WMAL editorial, June 14, 1971]

### Tragic Raid

The outrageous behavior of lawmen invading the apartment of a Silver Spring gun collector demands an investigation at the highest levels. Montgomery County police and federal agents, some dressed in civilian attire, banged on the door of 29-year-old Kenyon Ballew while he was taking a bath and his wife was undressed. According to Mrs. Ballew, the strangers did not make clear their identity as police; Ballew was shot when he attempted to defend his household against what he thought were intruders. The police explanations so far have been unsatisfactory.

This tragic case of mistaken assumptions could have been avoided if the police had more properly identified themselves. Why did they think it necessary to conduct a Hollywod-style door-busting raid? Why did not they clearly say "Police," instead of muffled pounding at the door? Most importantly, why did some come calling in old clothes that made their mission look menacing? Such behavior by lawmen cannot be tolerated, wherever it occurs. It is too late for Kenyon Ballew. But future raids should be conducted by uniformed police who identify themselves clearly.

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[From the Washington Post, June 15, 1971]

### The Defense Is Resting

(By Bill Gold)

"Don't use my name," writes a Hyattsville gun collector. "I don't want to be the next one that gets his door broken down by the police.

"I just want to put a simple question to you.

"There was a raid over in Silver Spring the other day in which the police broke into a man's home and the first thing he saw when the door came down was a couple of hippies with beards and sloppy clothes and so forth, so he began firing. I'd have done the same thing and maybe would have shot a little straighter.

"All I want to ask you is this: Why do they use plainclothes police on an assignment like breaking down the door to a man's home? At the very least, shouldn't the householder see a uniform first? You are always defending everything the police do, I would like to hear how you defend this."

I do not defend it.

And I think my correspondent will agree that he overstated his case when he said I defend "everything" the police do.

I support actions and ideas that I consider right, and I criticize those I consider wrong. Ordinarily, I think policemen are on the side of the right, and they are therefore supported here.

But the raid referred to by my correspondent was quite another matter. If plainclothesmen were used to lead the way into the raided apartment, I think bad judgment was used. Anybody can shout "Open up, we're the police," but cautious householders are aware that not everybody who claims to be a policeman really is. Having plenty of uniformed policemen in plain sight would appear to be rigid requirement on raids of this type.

Let me ask a simple question of my own. Numbers slips and horse bets can be destroyed in seconds. But in this case, the police were searching for "hardware"—guns and grenades. So why was it necessary to break down the door to gain immediate entry? It there was contraband inside, it would still be there a minute later.

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[From the Washington Post, June 18, 1971]

### Allen's Alley Was Unique

(By Bill Gold)

People who pound on my door irk me. I don't know why, but they do, and I appraise you at the outset to put you on guard against any bias that may creep into these lines.

People who pound on my door are usually meter readers, deliverymen or others with legitimate business to transact.

Solicitors, salesmen and others who are not sure of a warm welcome usually ring the doorbell or, at the very worst, knock politely. They don't bother me. The people who irk me are the ones who pound instead of knocking, and at the same time keep a finger on the bell.

On the old Fred Allen program, Fred used to knock on various doors along Allen's Alley and the doors would be opened at once by Titus Moody and Mrs. Nussbaum and all the other regulars on the show. When you consider that Allen paid these actors a handsome wage to stand by the door and be ready to respond on cue, it's not hard to understand why they answered so quickly.

However, most householders cannot stand by the door all day, poised to spring to attention at the first indication that somebody is coming up the front steps. They have chores to perform elsewhere in the house, so it sometimes takes them a few seconds to answer the door.

Yesterday morning, for example, I was in my bedroom when the doorbell sounded and in that same instant somebody began pounding on the front door with such intensity that the house shook.

"Who is it?" I yelled through the open window, but the doorbell and the pounding created so much noise the pounder couldn't hear me. "All right, all right," I yelled at the top of my lungs. "Keep your shirt on."

I might as well have saved my breath. The deliveryman at the door hadn't heard me, and by the time I got to the door, he was back in his truck and grinding his gears for a fast getaway.

Perhaps if I were a deliveryman or a meter reader or a person with similar duties, I would also become impatient with householders who fail to open the door at once. I might even become suspicious of all doorbells because one or two in my experience had proved to be out of order. Perhaps I would develop the habit of pounding on the door with one hand as I kept a finger on the doorbell with the other. And if this irked crabby householders like Bill Gold, so what? Knocking on doors all day long and waiting for slowpokes to open up is also irksome.

I was about to dismiss the entire matter from my mind when I suddenly found myself wondering whether something of this kind might have taken place in the recent police raid in Silver Spring. Did the door pounding and bell ringing prevent the housewife from hearing the raiders announce that they were policemen? Did this same commotion prevent the raiders from hearing her response?

Before any additional misunderstandings put lives into jeopardy, it would be well for policemen in all of this area's jurisdictions to review their procedures. In the District and in other places, policemen refused immediate entry have used everything from bullhorns to telephones in attempts to communicate peacefully before resorting to battering rams. Knocking down the door should in many instances be a last resort, not an opening move.

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[From the Washington Daily News, June 30, 1971]

### Raid Statements Challenged: Police Documents Contradict Chief

(By Diane Bauer)

Confidential documents from the files of Montgomery police and federal agents, obtained by The Washington Daily News, contradict a report released three weeks ago by Police Chief Kenneth Watkins on a raid in which Kenyon F. Ballew was critically injured by a police bullet.

Police and Treasury agents, some bearded and in hippie clothes, on June 7 had used a sledge hammer to force their way into Mr. Ballew's apartment at 1014 Quebec Terrace, Silver Spring, with a search warrant for illegal hand grenades. They found only souvenir grenade casings which were part of his legal gun collection.

The reports made by Treasury agents and county police in the raiding party failed to support charges in a report commissioned by Col. Watkins that Mr. Ballew fired first at police or even the chief's later assertion that Mr. Ballew and the raiders fired simultaneously.

Altho the police reports state that Mr. Ballew was holding a pistol, no member of the raiding party reported that Mr. Ballew fired the pistol at any time.

#### POLICE FIRE

The leader of the raiding party, Treasury agent William Seal, said in a statement taken the same night at the Silver Spring police station, that when he broke in and saw Mr. Ballew, "I fired one round from my pistol at him and yelled, 'He's got a gun' . . . I fired once more and at the same time I heard weapons firing from behind me which I believed to be covering my attempt to gain cover."

Five separate police reports state that officers fired as a result of hearing agent Seal's cry "he's got a gun" and because of the subsequent gunfire.

Saralouise Ballew, now in the 22nd day of a vigil at her critically-wounded husband's bedside, stated that her husband had picked up an antique gun from his collection to defend her from the intruders.

John T. Bonner, the Ballew's lawyer, said that Mr. Ballew's ancient cap and ball pistol discharged as he sank to the floor wounded by a hail of police bullets.

Mr. Bonner said that the physical evidence at the scene of the raid and his own personal inspection of the police reports showed that Mr. Ballew never fired at the police officers and that his gun fired in a direction away from the raiding party.

Criticism on the floor of Congress from Rep. John Dingell, D-Mich., and Gilbert Gude, R-Md., plus inquiries from the White House, resulted last week in the ordering of a second review of the incident by Republican County Executive James P. Gleason.

The county executive said that the new investigation will not include testimony from residents of Quebec Terrace, who observed police behavior during the raid, and will be limited, like the first report, to the testimony of police officers, with the possible inclusion of a statement from the victim's wife.

### CHARGES

The confidential documents state, "in the event Mr. Ballew recovers from his wounds, warrants will be obtained charging him with aggravated assault on the officers."

Andrew L. Sonner, Montgomery County State's Attorney, said on Monday no charge will be made against Mr. Ballew and that no charges against police will be made.

"Not unless the grand jury does something," Mr. Sonner said. "But I don't expect anything to come out of that grand jury. You know—there will be a report in September, saying that police procedures should be different."

Mr. Ballew, 27, is in the intensive care unit of the Washington Sanitarium with a police bullet in his brain. Hospital officials said he has only a 40 per cent chance to live and that he has suffered permanent brain damage which will cripple him for the rest of his life.

## THE DILEMMA OF RETURNING VETERANS UNABLE TO FIND GAINFUL EMPLOYMENT

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, one of the harsh consequences of U.S. involvement in Indochina has been the dilemma of returning veterans unable to find gainful employment. As you know, the unemployment rate for Vietnam veterans is double that of the national average. Some efforts have been made to help relieve this critical situation. Federal and State Governments have helped to set up the jobs for veterans task forces. In the House, we have just recently passed an accelerated public works bill which includes an amendment offered by myself that would declare additional areas eligible for benefits under this act that have a substantial number of unemployment Vietnam veterans.

Just recently, the Providence Journal Co., which publishes the Providence Journal and Evening Bulletin in my home State, announced that it will provide Vietnam veterans free, employment-wanted advertisements in their classified columns. I believe this to be constructive and helpful action on the part of the company. Hopefully, it will help to relieve the burden of unemployment that these veterans are now experiencing.

I extend personal thanks to the Providence Journal Co. and its publisher, Mr. John C. A. Watkins. I am certain that they have the deepest appreciation of all Rhode Island veterans.

At this point, Mr. Speaker, I include in the Record a news story from the May 24 edition of the Providence Journal.

### Journal Offers Free Ads to Viet-Era Vets

The Providence Journal Co., joining a growing effort to find jobs for unemployed veterans, announces today that jobless Vietnam-era servicemen can place free employment-wanted advertisements in its classified columns for up to one week.

Stanley E. Finsness, classified advertising manager of the Journal-Bulletin, said the free ad program was designed because of continued reports of higher than average joblessness among veterans. There are about 900 recently discharged servicemen now receiving unemployment compensation in the state, he said, adding that others have exhausted these benefits.

Under the Journal-Bulletin program, Mr. Finsness said, ads of reasonable length will be run without charge for up to seven days. Eligible, he added, are honorably discharged men and women veterans of any armed forces branch who served six months or more on active duty after Aug. 5, 1964, the date of the Gulf of Tonkin incident.

Mr. Finsness said that the Journal-Bulletin will assist veterans in drafting the advertisements. They can be placed in person between 9 a.m. and 4 p.m. Monday through Friday at the Journal Building or by mail. Veterans must present or mail a copy of their DD 214 separation form to prove eligibility.

The advertisements, Mr. Finsness said, will be placed in a special classified classification, "Jobs for Vietnam Veterans." It is hoped, he added, that potential employers will consult the column.

The program, Mr. Finsness said, was developed at the request of John C. A. Watkins, president of The Providence Journal Co. and publisher of the Journal-Bulletin. It is being launched, he said, with the cooperation and approval of the regional office of the Veterans Administration in Providence and the State Department of Employment Security.

William J. Jordan, contact officer for the VA in Providence, estimated there may be as many as 1,800 to 2,000 ex-servicemen out of work in Rhode Island. His figures, he said, are based on national statistics that show that more than 10 per cent of all Vietnam-era veterans are jobless.

"Many of these men, instead of starting jobs when times were good, went right into service from high school," Mr. Jordan explained. "Now they have come back after two or three years to poor times."

In all, approximately 18,000 Rhode Islanders have been discharged from military service since the Gulf of Tonkin incident, which officially began U.S. involvement in the Vietnam conflict. But efforts to determine precisely how many of these men or women are out of work were not successful.

However, Miss Mary C. Hackett, director of the state Department of Employment Security, said there is no doubt in her mind that many more veterans than the 900 now receiving unemployment compensation benefits are out of work. The figures for unemployment benefits, she said, do not reflect those who have exhausted their benefits.

Figures on those whose benefits have been exhausted are not available. But Miss Hackett said she is certain there are many in that category.

Both Miss Hackett and Mr. Jordan also agree that the veterans' plight is worse than that of others in the job market here. It could be more severe in Rhode Island than elsewhere because the state's current overall jobless rate of 7 per cent is about one per cent higher than the national average.

The problem, Miss Hackett noted, is one which will continue. Last year, she explained, 3,645 Rhode Islanders were separated from military service. Another 698 came back to the state in the first three months of this year.

Miss Hackett also is chairman of a jobs for Veterans Task Force, a group appointed recently by Governor Licht. The task force, she said, is now meeting in attempts to formulate a comprehensive program.

In the interim, Miss Hackett said, the group has arranged for public service announcements on radio and is waiting to see the results of the Journal-Bulletin program. Information on the availability of veterans for work also has been circulated among the state's employers, she said.

Governor Licht, Miss Hackett said, sends a letter to each returning serviceman. It is followed, she said, by a letter from the DES which outlines available services.

Mr. Jordan, who said he is extremely optimistic that the Journal-Bulletin program will be successful, said his office attempts to match veterans with jobs when calls from employers are received. But, he said, there have been few such calls.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fountain (at the request of Mr. Steed), for until 12 o'clock noon today, on account of official business.

Mr. Keith (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pettis) to revise and extend their remarks and include extraneous material:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mr. Chamberlain, for 30 minutes, July 1.

Mr. Kemp, for 5 minutes, today.

Mr. Kemp, for 15 minutes, July 1.

Mr. Hosmer, for 20 minutes, today.

Mr. Steiger of Wisconsin, for 10 minutes, today.

Mr. Horton, for 10 minutes, today.

Mr. Chamberlain, for 5 minutes, today.

Mr. Williams, for 15 minutes, today.

(The following Members (at the request of Mr. McKay) to revise and extend their remarks and include extraneous material:)

Mr. McKay, for 10 minutes, today.

Mr. Fraser, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Blatnik, for 15 minutes, today.

Mr. Mitchell, for 10 minutes, July 1.

Mr. Flood, for 60 minutes, July 21.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Monagan.

Mr. Brotzman, prior to the vote on the Treasury-Postal Service conference report today.

(The following Members (at the request of Mr. Pettis) and to include extraneous material:)

Mr. Wyatt.

Mr. Pelly.

Mr. King in two instances.

Mr. Esch.

Mr. Rhodes in five instances.

Mr. Schwengel in two instances.

Mr. Wyman in two instances.

Mr. Schneebeli.

Mr. Springer in three instances.

Mr. O'Konski.

Mr. Reid of New York in two instances.

Mr. Edwards of Alabama.

Mr. Whalley.

Mr. Brown of Ohio.

Mr. Frey in two instances.

Mr. Steele in two instances.

Mr. Sandman.

Mr. Miller of Ohio.

Mr. Chamberlain in two instances.

Mr. Landgrebe.

Mr. Scott.

Mr. McClory.

Mr. Pettis.

Mrs. Heckler of Massachusetts.

Mr. Coughlin.

Mr. Schmitz in two instances.

Mr. Derwinski.

Mr. Keating in three instances.

Mr. Seiberling.

Mr. Halpern.

Mr. Kemp.

Mr. Ashbrook in two instances.

Mr. Terry.

Mr. Lent.

Mr. Findley.

Mr. McCloskey.

Mr. Thompson of Georgia.

(The following Members (at the request of Mr. McKay) and to include extraneous material:)

Mr. Corman.

Mr. Albert of Oklahoma in two instances.

Mr. Eckhardt.

Mrs. Abzug.

Mr. Leggett.

Mr. Dellums.

Mr. Rostenkowski.

Mr. Karth.

Mr. Carney.

Mr. Jacobs.

Mr. Downing in four instances.

Mr. Flood.

Mr. Diggs in five instances.

Mr. Fulton of Tennessee in two instances.

Mr. Rooney of New York.

Mr. Harrington.

Mr. William D. Ford.

Mr. Brademas in eight instances.

Mr. Giaimo in 10 instances.

Mr. Moorhead in two instances.

Mr. Vanik in two instances.

Mr. Rarick in three instances.

Mr. Hébert in three instances.

Mr. Fraser in three instances.

Mr. Griffin in two instances.

Mr. Annunzio.

Mr. Boland.

Mr. O'Neill in two instances.

Mr. Mitchell in three instances.

Mr. Rees in two instances.

Mr. Hungate in three instances.

Mr. Evins of Tennessee in four instances.

Mr. Danielson.

Mr. Kyros in two instances.

## SENATE BILL, JOINT AND CONCURRENT RESOLUTIONS REFERRED

A bill and a joint and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

S.J. Res. 115. Joint resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; to the Committee on Foreign Affairs.

S. Con. Res. 6. Concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics; to the Committee on Interstate and Foreign Commerce.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap;

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the Act for two years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes;

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for United States citizens returned from abroad;

H.R. 8825. An act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

## SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1700. An act to amend section 14(d) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; and

S.J. Res. 118. Joint resolution to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

## BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 29, 1971, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 5257. An act to extend the school breakfast and special food programs; and

H.J. Res. 744. Joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

## ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, July 1, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

914. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for the Atomic Energy Commission (H. Doc. No. 92–138); to the Committee on Appropriations and ordered to be printed.

915. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for the Commission on Marihuana and Drug Abuse (H. Doc. No. 92–139); to the Committee on Appropriations and ordered to be printed.

916. A letter from the Secretary of the Treasury, transmitting a special report of the National Advisory Council on International Monetary and Financial Policies on the proposed replenishment of the resources of the International Development Association (H. Doc. No. 92–140); to the Committee on Banking and Currency and ordered to be printed with illustrations.

917. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

918. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

919. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the reconveyance to the original Indian grantors, their heirs or devises, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs; to the Committee on Interior and Insular Affairs.

920. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

921. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico; to the Committee on Interior and Insular Affairs.

922. A letter from the counsel for the Pacific Tropial Botanical Garden, transmitting a report of the audit of the Corporation for 1970, pursuant to section 10(b) of Public Law 88–449; to the Committee on the Judiciary.

923. A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting a report on the examination of accounts of the Council as of December 31, 1970, pursuant to

section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

924. A letter from the Comptroller General of the United States, transmitting a report on the acquisition and use of software products for automatic data processing systems in the Federal Government; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. House Resolution 489. Resolution requesting the President to furnish the text of the study entitled "United States-Vietnam Relationships, 1945–67" (Rept. No. 92–318). Referred to the House Calendar.

Mr. HÉBERT: Committee on Armed Services. House Resolution 490. Resolution requesting the President to furnish the text of the study entitled "United States-Vietnam Relationships, 1945–67" (Rept. No. 92–319). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6968. A bill to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor (Rept. No. 92–320). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 7718. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America. (Rept. No. 92–321). Referred to the Committee of the Whole House.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. House Joint Resolution 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel; with amendments (Rept. No. 92–322). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 9265. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; with amendments (Rept. No. 92–323). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 19. A bill to provide for a coordinated national boating safety program; with amendments (Rept. No. 92–324). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 9388. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92–325). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of conference. Conference report on H.R. 9271. (Rept. No. 92–326). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 9518. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. BURKE of Massachusetts (for himself, Mr. Mitchell, Mr. Anderson of Tennessee, and Mr. Gude):

H.R. 9519. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 9520. A bill to amend section 101(1)(2) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself and Mr. Leggett):

H.R. 9521. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. DIGGS:

H.R. 9522. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 9523. A bill to establish a Federal Finance Corporation to provide loans and guarantees to aid commerce and industry, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE:

H.R. 9524. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS (for himself, Mr. Clay, Mrs. Chisholm, and Mr. Conyers):

H.R. 9525. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Service Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 9526. A bill to authorize certain naval vessel loans, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH:

H.R. 9527. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mrs. MINK (for herself, Mr. Begich, Mr. Helstoski, Mr. Leggett, Mr. McCormack, and Mr. Udall):

H.R. 9528. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL (for himself, Mr. Baring, Mr. Biaggi, Mr. Brasco, Mr. Broyhill of Virginia, Mr. Burke of Massachusetts, Mr. Carter, Mr. Collins of Illinois, Mr. Collins of Texas, Mr. Cotter, Mr. Danielson, Mr. Denholm, Mr. Dent, Mr. Dowdy, Mr. Dulski, Mr. William D. Ford, Mr. Gallagher, Mrs. Grasso, Mr. Halpern, Mr. Harrington, and Mrs. Hicks of Massachusetts):

H.R. 9529. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. O'NEILL (for himself, Mr. Johnson of California, Mr. Kee, Mr. King, Mr. Kuykendall, Mr. Kyros, Mr. Matsunaga, Mr. Michel, Mr. Miller of California, Mr. Morse, Mr. Moss, Mr. Nix, Mr. Rarick, Mr. Rosenthal, Mr. St Germain, Mr. Spence, Mr. Stephens, Mr. Tiernan, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Yatron):

H.R. 9530. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 9531. A bill to amend title 10, United States Code, to provide that officers appointed in the Medical Service Corps of the Navy from other commissioned status shall not lose rank or pay or allowances; to the Committee on Armed Services.

By Mr. SHRIVER (for himself, Mr. Aspinall, Mr. Bolling, Mr. Bray, Mr. Brotzman, Mr. Byron, Mr. Dennis, Mr. Devine, Mr. Gude, Mr. Hays, Mr. Lloyd, Mr. Miller of Ohio, Mr. Mollohan, Mr. Myers, Mr. Randall, Mr. Roy, Mr. Sebelius, Mr. Skubitz, Mr. Whalley, Mr. Whalen, and Mr. Winn):

H.R. 9532. A bill to designate certain segments of the Interstate System as the "Dwight D. Eisenhower Highway"; to the Committee on Public Works.

By Mr. SISK (for himself, Mr. Johnson of California, Mr. McFall, and Mr. Moss):

H.R. 9533. A bill to amend section 202 of the Rail Passenger Service Act of 1970 (84 Stat. 1329); to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, Mr. Burton, Mr. Ruppe, and Mr. Wylie):

H.R. 9534. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. VEYSEY:

H.R. 9535. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 9536. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself and Mr. Robinson of Virginia):

H.R. 9537. A bill to amend title 10 of the United States Code to permit officers with regular commissions to hold civil offices pursuant to such conditions as shall be prescribed by the Secretary of Defense; to the Committee on Armed Services.

By Mr. WHITEHURST:

H.R. 9538. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 9539. A bill to incorporate Recovery, Inc.; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 9540. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Johnson of Pennsylvania, Mr. Kuykendall, Mr. Gray, Mr. Burton, Mr. Minshall, Mr. Archer, Mr. Mazzoli, Mr. Nichols, Mr. Dulski, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Brinkley, Mr. McKinney, Mr. Montgomery, Mr. Aspin, Mr. Hays, Mr. Shoup, Mr. Frey, Mr. Michel, Mr. Bennett, Mr. Alexander, and Mr. Hungate):

H.R. 9541. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 9542. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such function from the Atomic Energy Commission to the Administrator of the Environmental Protection Agency subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. BURKE of Massachusetts:

H.R. 9543. A bill to provide that the acquisition of taxable real property by the Federal Government shall not result in any revenue loss to State and local governments; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 9544. A bill to amend the Revised Organic Act of the Virgin Islands to permit sessions of the legislature at places other than Charlotte Amalie, Saint Thomas; to the Committee on Interior and Insular Affairs.

H.R. 9545. A bill to amend the Revised Organic Act of the Virgin Islands to provide that the legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG:

H.R. 9546. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. COLLINS of Texas:

H.R. 9547. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

By Mr. COUGHLIN:

H.R. 9548. A bill to advance by 1 year the standard deduction provisions of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 9549. A bill to amend the Federal Firearms Act to prohibit the use in the commission of certain crimes of firearms transported in interstate commerce; to the Committee on Ways and Means.

H.R. 9550. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee (for himself, Mr. Addabbo, Mr. Broyhill of North Carolina, Mr. Conte, Mr. Corman, Mr. McKevitt, and Mr. Smith of Iowa):

H.R. 9551. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. GARMATZ (for himself, Mr. Pelly, Mrs. Sullivan, Mr. Mailliard, and Mr. Downing):

H.R. 9552. A bill to amend the cruise legislation of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. HAWKINS:

H.R. 9553. A bill to amend title II of the Social Security Act to provide a 50-percent, across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 9554. A bill to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN (for himself and Mr. Broyhill of Virginia):

H.R. 9555. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles; to the Committee on the District of Columbia.

By Mr. PEPPER (for himself, Mr. Buchanan, Mr. Baring, Mr. Mitchell, and Mr. Mikva):

H.R. 9556. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas (for himself, Mr. Mazzoli, and Mr. Davis of Georgia):

H.R. 9557. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 9558. A bill to establish a program under which, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in a dangerous location or unsafe condition or are otherwise deficient; to the Committee on Education and Labor.

By Mr. SEBELIUS (for himself, Mr. Andrews of North Dakota, Mr. Camp, Mr. Kazen, Mr. Poage, Mr. Thone, Mr. Wright, and Mr. Pickle):

H.R. 9559. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway"; to the Committee on Public Works.

By Mr. SPRINGER:

H.R. 9560. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. STEELE (for himself, Mr Murphy of Illinois and Mr. Sarbanes):

H.R. 9561. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin (for himself and Mr. Reuss):

H.R. 9562. A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the Government more responsive to the needs of the poor and of citizens generally, and for other purposes; to the Committee on Education and Labor.

By Mr. CHAPPELL:

H.J. Res. 761. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. COLLINS of Texas:

H.J. Res. 762. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. GRAY:

H.J. Res. 763. Joint resolution authorizing the President to proclaim May 4, 1969, as "Chaplains' Sunday"; to the Committee on the Judiciary.

By Mr. HUNGATE (for himself, Mr. Adams, Mr. Boland, Mr. Dellums, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Leggett, Mr. McCormack, Mr. Nix, Mr. Reuss, Mr. Roybal, Mr. Schwengel, and Mr. Yatron):

H. Con. Res. 355. Concurrrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 519. Resolution relative to designating "National Italian Week"; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas (for himself and Mr. Hosmer):

H. Res. 520. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. STRATTON:

H. Res. 521. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McFALL introducted a bill (H.R. 9563) for the relief of Antonio Padilla-Lomeli, which was referred to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By the SPEAKER: Petition of the House of Representatives, Republic of the Philippines, relative to the sugar quota of the Philippines; to the Committee on Agriculture.

95. Petition of William J. Van Schelven, Brownsvile, Tex., relative to additional Veterans' Administration hospitals; to the Committee on Veterans' Affairs.

# EXTENSIONS OF REMARKS

## ANNIVERSARY OF THE POZNAN WORKERS' REVOLT

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. ROONEY of New York. Mr. Speaker, to those of us who have heartfelt sympathy for the enslaved people of Poland nothing gives us greater satisfaction than news of overt resistance on the part of our friends. We anxiously awaited developments resulting from the revolt launched at Christmastime in Poland's port cities. We were inspired with the stories of the bravery of the patriotic citizens of Gydnia, Gdansk, and Szczecin who defied the Kremlin and bosses set up to rule Poland.

We are, indeed gratified over the steady assertion of strength by the Polish workers as the upset and make life increasingly more unbearable for the Communist bureaucrats who have so long kept them in bondage. The February strike of the Lodz textile workers is the type of successful revolt which encourages us to feel that the throttleholds of the Reds is slowly but surely being broken by these courageous workers who have reached the limit of being able to endure increasing oppression and economic strangulation,

Mr. Speaker, June 28 has historic significance because 15 years ago yesterday thousands of workers in Poznan rose up against the oppressive Communist regime which held them in virtual bondage. Lovers of liberty throughout the world were thrilled with the news of this spectacular defiance of Kremlin bullying. Polish people at home and abroad were heartened and gained new hope as they learned of the courage and valor of the Poznan workers.

Although millions of jubilant Polish sympathizers were shocked and saddened by the suddenness of the Soviets' use of troops to quell the revolt, they recognized the significant long-range effects which the uprising was bound to have on the Kremlin and the puppet bosses ruling Poland. Never again would the Polish people feel that resistance was futile and that improved living and working conditions were unattainable. Never again would the Red tyrants feel smug and secure in having complete domination of the Polish people.

Every year since that fateful day, June 28, 1956, people of Polish blood have observed the anniversary of the Poznan workers' revolt. And it well deserves such recognition not only to remind us all of the courage of those who defied the Russians, some giving up their lives in doing so, but this date marks one of the most successful cracks made in the formidable Kremlin wall.

Fifteen years ago today the workers of Poland demonstrated that the Polish people themselves possess the weapons needed to rout the enemy that keeps them enslaved. With each uprising and each manifestation of defiance since the Poznan incident, the Red bosses have had to yield one concession after another.

Every time these bosses sought to institute new repressive measures or exact heavier tribute without adequate representation, the Polish people have demonstrated resistance sufficient to modify or adjust such objectionable acts. Each time new cracks in the Kremlin wall are made by brave Polish patriots, more freedom seeps through for the oppressed people. Each such crack gives all of us renewed hope for rapid improvement of the lot of the people so long living in servitude. Each crack convinces us that sooner or later the whole wall will tumble and the last shackles of enslavement will be thrown off. But such an eventuality will not occur without our help and our renewed assurances of our determination to win freedom for all people who have suffered the illegal and inhuman oppression of the Soviet Communists.

Mr. Speaker, let us today pay homage to the courageous workers of Poznan for the splendid example they set 15 years ago. Let us pay homage to the ship workers, the textile workers, and the thousands of other Polish workers who have so successfully defied their Communist overseers. Let us wish all the people of Poland the maximum of easements from the extant restrictions under which they are forced to live. Let us assure them of our continuing deep friendship and our determination to achieve complete freedom and lasting independence for all of them.

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## PLAYING POLITICS WITH NATIONAL SECURITY

### HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. ARENDS. Mr. Speaker, the editorial entitled "Playing Politics With National Security" which appeared in the Washington Sunday Star of June 27 merits reflective reading by every Member of Congress and every U.S. Senator.

It cogently sets forth the basic reasons why the Mansfield amendment to the pending draft bill should not be adopted. As indicated by the editorial, the amendment constitutes a transgression on the President's constitutional responsibility for the conduct of foreign relations. It would "both rob the President of all flexibility and relieve the Communists of the slightest need to negotiate." And while the amendment is essentially meaningless in a legal sense, its adoption will nonetheless be construed abroad as a vote of "nonconfidence" in our President.

There is no question but that the adoption of this amendment would seriously handicap our President in the grave responsibilities that are his for the conduct of our foreign relations, and particularly in his efforts to bring about meaningful negotiations with North Vietnam. By legislative action we will have removed any incentive to Hanoi to negotiate.

We used to have a fine old tradition in this country known as a bipartisan foreign policy. It used to be said that partisanship stops at the water's edge. But of late this principle that all partisan or political considerations should not enter into our decisions with respect to foreign policy and with respect to national security seems to have been discarded.

I take considerable pride in the fact that yesterday the House voted not to instruct the conferees on the draft bill to accept the Mansfield amendment. As I expressed in my remarks on the floor at the time of this vote, to instruct the conferees would make it impossible to carry on meaningful negotiations on the issues, including the Mansfield amendment, which the draft bill presents.

The editorial from the Sunday Star follows:

### PLAYING POLITICS WITH NATIONAL SECURITY

When the Senate passed the Mansfield amendment on Tuesday, we were inclined, reluctantly, to support it as the cost of ensuring passage of the two-year extension of the draft, which is essential to our national security.

The majority leader's amendment, passed by a 57–42 vote, would make it the declared "policy of the United States" to "terminate at the earliest practicable date all military operations of the United States in Indochina" and provide for the withdrawal of "all United States military forces not later than nine months" after enactment, conditional upon the release of all American prisoners of war held by Hanoi and its allies.

Our original objections to the amendment were threefold. It has been our contention all along that no useful purpose would be served by the enactment of any legislation, however vague, which would unilaterally and publicly establish a withdrawal schedule for the American forces in Vietnam. For this would both rob the President of all flexibility and relieve the Communists of the slightest need to negotiate.

Our second objection to the Mansfield amendment was a constitutional one. The amendment is a transparent attempt on the part of the Senate to formulate and execute foreign policy. Congress does have a role to play in the sphere of foreign relations. But its functions in this respect must be limited; the initiative is and must be in presidential hands—for the responsibility for the success or failure of foreign policy is fundamentally his.

Our third objection was that the Mansfield amendment legally is essentially meaningless, amounting as it does to little more than a sense-of-the-Senate resolution. Nevertheless, the amendment constituted the first major victory of critics of the Nixon administration's handling of the Vietnam war.

These objections to the Mansfield amendment were real and fundamental. But our conviction of the absolute necessity of obtaining rapid passage of legislation to extend the draft for two years was so deep that we were on the verge of supporting the amendment as a necessary evil. Had we done so, we now feel we might have made a grave error.

The decision to stick by our original position of opposition to legislative enactment of any withdrawal schedule was occasioned by the return to Paris Thursday of Le Duc Tho, a powerful member of the North Vietnamese politburo who has been overseeing the stalled peace talks. Tho's travel plans never are casual. He left Paris at the time of the Cambodian incursion, declaring that he would return "when the development of the situation warrants it." He has returned and we can only presume that "the situation warrants it," that something is afoot, that if a breakthrough has not been made the possibility at least exists that one *may* be made.

And our contacts with the White House suggests that this is the view from Pennsylvania Avenue. Administration spokesmen are letting it be known that Mr. Nixon plans to fight the Mansfield amendment with all the forces at his disposal and that he intends to do so on grounds that passage would—or could—seriously prejudice the chances of achieving a negotiated peace and the return of the American prisoners.

We do not by any means accept everything the White House says at face value. But in the absence of any obvious ulterior motive on the part of the administration, we are prepared to believe—if others are not—that Mr. Nixon says what he means and means what he says. We believe he is trying to disengage the United States forces from Southeast Asia and to achieve the return of the POWs: Since he and he alone will bear the final responsibility for the success or failure of his policies, we cannot deny him the room for maneuver necessary to execute those policies, particularly at a time when some movement seems possible. So we return to our first principles and urge the House to reject the Mansfield amendment.

This means a fight and there is considerable risk involved. The main difficulty is not likely to lie in the House, where the Armed Services Committee conferees are certain to oppose the Mansfield amendment, although there is a chance that a floor fight might develop.

But the return to the Senate of the draft law without the Mansfield amendment surely would provoke a major confrontation there, with the prospect of a lengthy filibuster by Senators Gravel, Cranston and perhaps others. This would continue well past the expiration of the present draft law on Wednesday.

The ability of the administration's supporters to enforce cloture, which requires a two-thirds vote, is highly suspect (the vote for cloture after attachment of the Mansfield amendment was only 65–27, three more than necessary). So, barring a return to rationality on the part of dissenting senators, the only limitation on debate is likely to be their physical durability.

But talk as they will, the filibustering senators will not be able to hamstring the Defense Department. Draft boards will continue to function and the nation's manpower needs will be met, if necessary, by conscripting youngsters who are already registered but have been granted deferments. Nevertheless, this could provoke a wave of resentment throughout the country given the existing mood of anti-militarism and isolationism: Nobody wants to be drafted when the draft law has expired.

So it can be seen that the nation soon may be facing yet another crisis, a constitutional crisis in the Senate and one of confidence in the country. We do not welcome this struggle but it is one that must be both faced and won.

We feel this way not out of any particular affection for Richard Nixon. We supported him in 1968, but it is by no means certain that we will do so in 1972. This is not an issue of partisan loyalty and it goes beyond the question of presidential prerogative, although that in itself is not an unimportant issue.

The two questions of substance are these: Is the President or Congress better placed to negotiate peace? And is a draft law necessary to the nation's security at this time?

To us it is clear that the President and only he can bring about an end to our military involvement in Southeast Asia and the return of the POWs to their families, ends ardently desired by us all. Congressional intrusion into this field can only confuse the other side and dim the prospects for agreement. Hanoi has to know with whom it must deal, and that person is the President of the United States.

As for the necessity of a draft law, that is too obvious to require detailed discussion. The initial steps have been taken to lay the groundwork for the creation of an all-volunteer army. But that time is not yet, and until it arrives there must be a draft law on the books.

Although publication of the Pentagon Papers did not reflect adversely on the Nixon administration—they dealt only with earlier years—it is clear that the turmoil surrounding their appearance in print had an effect on the Senate when it voted to pass the Mansfield amendment. There is a bitter mood of recrimination and denigration loose in the land and the effect has been to make the Vietnam negotiations and the draft—both of which are national security questions—political issues.

If we are to survive as a free people it is essential that we rediscover a sense of national unity and purpose, that we achieve a consensus of shared ideals and goals free of political partisanship.

A good place to start is with the presidency. Mr. Nixon, whatever his faults may be, happens to be the only President we have. All of us, including United States senators, have an obligation to support him in his effort to extricate this country from Vietnam and to maintain its national security.

Accordingly, we urge the House to defeat the Mansfield amendment and the Senate to accept the draft law without that pernicious rider.

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## EMPEROR'S NEW CLOTHES

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. JACOBS. Mr. Speaker, the following may be of some interest:

#### Emperor's New Clothes

A few years went by. The North Vietnamese were planning to take over all of South Viet Nam by elections because there were more Northerners to vote than Southerners and because the communists would make sure, by force if necessary, that more people would vote for the North than for the South. The leaders of South Viet Nam refused to take part in elections that they knew would not be fair. This made the communist leaders of the North very angry, and they decided to take over South Viet Nam by force. (U.S. State Department document, "An Explanation of the War in Viet Nam for Primary School Children").

#### Plain Pipe Rack

I am convinced that the French could not win the war because the internal political situation in Viet Nam, weak and confused, badly weakened their military position. I have never talked or corresponded with a person knowledgable in Indo-Chinese affairs who did not agree that had elections been held as of the time of the fighting possibly 80% of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Dai. ("Mandate for Change," by President Dwight D. Eisenhower).

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## H.R. 5612 TO AMEND THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. MURPHY of New York. Mr. Speaker, I ask that a statement I gave before the House Judiciary Committee on June 23, 1971, be printed in the Record in its entirety. The statement concerned itself with H.R. 5612, a bill I introduced to amend the Narcotic Addict Rehabilitation Act of 1966. My staff and I have spent several weeks talking to the people who run the NARA programs and to State officials with similar programs. I feel that we must amend this law as quickly as possible to help the Federal Government meet its commitment to the narcotic problem of the 1970's. I ask Members to read this testimony as it contains some of the latest information on an important Federal program that is in need of change.

The statement follows:

#### Statement of Representative John M. Murphy, Before the House Committee on the Judiciary, H.R. 5612: Amendments to the Narcotic Addict Rehabilitation Act of 1966, June 23, 1971

Mr. Chairman and members of the committee: I appreciate the opportunity to appear here today to testify on my bill, H.R. 5612, to provide new procedures for the civil commitment of drug dependent persons.

The amendments expand the scope of the Narcotic Addict Rehabilitation Act of 1966 (NARA) to include in the definition the term "drug dependent persons," replacing the previous definition of a narcotic addict. This means persons not only addicted to the opiates (heroin, morphine, and the synthetic opiates), but also persons with drug dependencies on the amphetamines, barbiturates, marihuana, the hallucinogens, or a combination of these, would become eligible for Federal treatment and rehabilitation under this amendment. As you know, NARA contained four titles which I will briefly summarize as a reference point.

Title I provided for the civil commitment and rehabilitation of narcotic addicts in lieu of prosecution of charges against the addict ("drug dependent persons" covered by this amendment).

Title II provided for sentencing to commitment for treatment of addicts in lieu of sentencing to a penal institution (drug dependent persons" covered by this amendment).

Title III provided for voluntary civil commitment of addicts not charged with nor convicted of an offense (drug dependent persons" covered by this amendment).

Title IV provided for rehabilitation and post-hospitalization, for care programs and for assistance to States and localities.

The original Narcotic Addict Rehabilitation

Act had amended three previously existing laws and added a completely new law, title III, the civil commitment provision. In effect, the old NARA really only had one new title (III)—the rest of the legislation amended existing law (titles 18 and 28 U.S.C. and section 341 of the Public Health Service Act). I decided that in order to simplify and focus on the major section of the bill I would move the civil commitment of non-criminal addicts to title I. (Since the inception of NARA, 91% of those treated have come under title III as opposed to 9% under title I.) I then combined the criminal users under title II (titles I and II of NARA); that is, the civil commitment and rehabilitation of drug dependent persons, and placed the beefed up treatment section under title III. Title IV of my bill contains the conforming amendments.

Under my amendment, certain preclusions to eligibility for handling under NARA have been deleted from the law so that (1) persons with two previous convictions or with three prior civil commitments would be eligible for treatment; (2) persons convicted or charged with crimes of burglary and housebreaking would be made eligible for treatment; and, (3) persons *charged* with sale for their own personal use would become eligible for treatment just as *convicted* persons are eligible under old title II of NARA.

In title I of my bill (Title III of NARA) the term "related individual" has been deleted so that only the addict himself could make the application for civil commitment rather than a relative.

The definition of hospital of the Public Health Service has been broadened to include other treatment facilities approved by either the surgeon general or the attorney general.

Finally, Section 341 of the Public Health Service Act has been broadened to include "drug dependent persons" as addicts.

Mr. Chairman, as you all know, the Narcotic Addict Rehabilitation Act was enacted in 1966 in response to the serious narcotic problem in America during the mid-sixties, and represented a major change in the attitude of the Federal Government toward the treatment and rehabilitation of opiate addicts.

Those of us in Congress who had high hopes for the program were disappointed at the results that were achieved in the first years of operation. However, I believe that the leadership at the national Institute of Mental Health and at the Federal Bureau of Prisons has begun a program that has promise for the future. In my discussions with officials at NIMH and at the Bureau of Prisons I was impressed by the desire on the part of the managers of this law at the administrative level to see it function at a greater level of efficiency and with broader scope in the years to come. In talking to these people I have become aware of certain restrictions and shortcomings in the law which H.R. 5612 attempts to rectify. For example, as the earlier legislation was passed, it denied treatment to a large percentage of our Federal addicts because it excluded addicts charged with housebreaking or burglary, addicts who had previously failed under three or more civil commitments, and addicts with two or more felony convictions.

I have discussed my amendment with officials in both the Bureau of Prisons and at NIMH. Three years ago they would have objected to the removal of these restrictions because of the newness of the program and the shortage of treatment personnel. However, they now feel that NARA has progressed to the point where they could and should handle these offenders under the progressive provisions of the law.

The face of drug addiction has changed greatly in the United States since the congressional hearings of 1965–1966. In times past, the drug of choice of different abusers appeared to be mutually exclusive, that is, once a heroin user, always a heroin user: once a barbiturate addict, always a barbiturate addict. However, in recent years, we have seen the phenomenon of multiple drug use where heroin users may use a wide variety of drugs. Conversely, multiple drug users now dabble in heroin. Because of this, I think the law should be changed to cope with the problem of the seventies—the multiple drug abuser. That is why my amendments would expand our Federal drug treatment programs by including those persons dependent upon the depressant and stimulant drugs including the amphetamines (pep pills), the barbiturates (goof balls), and the hallucinogens (marihuana and LSD). Further, my amendment would provide that persons with two prior felony convictions or three previous civil commitments be made eligible for treatment and rehabilitation.

This means that hundreds of drug dependent persons presently excluded from rehabilitation programs would have medical and psychological treatment made available. For example, to date under the NARA program under Title II in the Bureau of Prisons, five institutions housing intensive treatment units have studied 1,077 cases. Of these 744 have been accepted for treatment. The remaining 333 cases were found ineligible and were rejected primarily because of two or more felony convictions on their record. It became increasingly evident to the management of the Bureau of Prisons that while a large segment of the offender population with drug problems did not meet the standards for inclusion under NARA for treatment, they had needs the same as those who were eligible. As a result of these exclusionary clauses, the Bureau of Prisons has begun to set up a stop-gap secondary drug treatment program similar to NARA in an effort to get at federal addicts who need treatment but who are excluded under current law.

This treatment program within a treatment program began on June 1, 1971 and it will treat those offenders currently in the federal prison population for whom drugs are a contributing cause to their criminal behavior but who do not qualify under NARA. There is no need for two programs to handle the same kinds of addicts. My proposed amendment would eliminate the need for such a wasteful process.

Figures made available to me indicate that under Title II even though the number of inmates is comparatively small, the plan does seem to work. As of December 30, 1970, 414 inmates had been released to aftercare following an average institutionalization of slightly over 15 months. 297 or 72% were still active, and 28% had violated or absconded. I feel the fact that 72 percent were in a relatively law absiding condition is a tremendous improvement over the old figures we used to hear of a 2% cure rate of addicts in federal institutions. I feel that the provision to expand those eligible under NARA is a critical one. Only 1,000 addicts have been found to be eligible. This despite the fact that 30 percent of all admissions to the Bureau of Prisons have regularly used narcotics or marihuana.

That means that in any one year, between 6,000 and 7,000 federal prisoners are regular users of drugs.

There is ample evidence that three civil commitments should not prevent an addict from benefiting from treatment the fourth, fifth, or even the ninth or tenth time around. Medical experience has shown that the more relapses an addict experiences the closer he is to ultimate abstinence from narcotics and partial if not total rehabilitation. Addiction is a chronic disease where relapse is the expected rather than the exceptional behavior. Medical experience has shown that every relapse may bring the addict closer to rehabilitation and that with proper help addicts tend to mature out of their dependence on drugs, especially after the age of 30.

Most important of all, however, the three previous civil commitment exclusion did not take into consideration the fact that the treatment programs for addicts differ throughout the country both in nature and quality and since all such programs can be expected to improve as we gain more experience, failure under any program in the past should not deny an addict the improved treatment methods of the future. While many Members of Congress anticipated it, experience has now proven that the original restrictions have excluded many of those addicts who could obtain the greatest benefit from treatment offered under the act. In testimony before Congressional committees, legal groups who represent drug addicts on a day to day basis have testified that the act is self-defeating and that the standards for eligibility border on the absurd.

In this amendment I have recommended deletion from the current law the offenses of housebreaking and burglary from the definition of crime of violence. According to officials from NIMH and the Bureau of Prisons, these are fundamentally property crimes which make up a large percentage of the offenses committed by narcotic addicts and drug dependent persons. In 1966 many Members of both Houses fought this particular exclusionary provision, especially those in the field of law enforcement who were familiar with the crimes of drug addicts. Events since the passage of the Act have proven that these provisions were over-reactive. The amendment we are discussing today is consistent with the socio-legal-medical view that large numbers of addicts who are actually treatable were eliminated from treatment and given straight confinement in penal institutions.

For example, Charles P. Lamb, Jr., a prominent Washington attorney who served on the Legal Aid Agency of the District of Columbia testified before a congressional committee on the experience of that agency with the restrictions in NARA. He said, "after the passage of NARA, many defendants who were in need of hospitalization were denied it because they did not fall within the criterion of an 'eligible offender'. Specifically, excluded from the scope of the act are those who have been convicted of housebreaking at night. A rather absurd criteria. Consequently, many addict defendants who had to be incarcerated and could not qualify for NARA could get no treatment whatsoever, the Lorton Reformatory being totally lacking. The defendants could expect little more than to serve out the 3 to 9 or 5 to 15 year sentences with little hope for parole and to re-enter the community as they had left—a drug addict in remission."

Under the old law we provided that a related individual could sign a petition and civilly commit a person who is addicted. A father could turn in his son. A wife could turn in her husband, and so forth. Experience under title III of NARA has shown that this provision has not met the expectations of its advocates. If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially if he is committed or has not been arrested for any crime.

Officials at Nimh who run the NARA program have told me of case after case of failure with this type of commitment because the addict was intractable and simply did not want treatment. In one bizarre case in New York City, a wife turned in her addict husband. He subsequently pulled a gun on the psychiatrist in charge and threatened to murder him if he did not certify him, the addict, ineligible for treatment. For this reason, the professionals in this area have supported the deletion of the term "related individual." Experience in various State civil commitment programs supports this position. For example, Milton Luger, the chairman of the Narcotic Addiction Control Commission for New York State informed my staff that civil commitments by a relative or a third party constitute "the most difficult cases to handle in treatment." These addicts are most resentful because they are put in against their will. Their attitude is that "somebody else turned me in." Luger claimed that they are not motivated for treatment and that there is "little we can do with them."

Another State where addicts can be turned in by a relative or a third party is in California. In that State there are two classes of petitioning. Either by a relative or a friend, or by a police officer or probation officer. Roland Wood, the head of the entire California narcotic addiction program informed my staff that only four percent of the addicts in California's treatment program (130 cases) were admitted by relatives in 1970. Seven percent were committed by police officers or probation officers. While California has experienced minimum success with the commitments made by relatives, in the latter category Wood explained that the addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in. The California experience is not really comparable to NARA, however, because there is no minimum amount of time that a civilly committed addict must serve. The minimum is zero. This means that, unlike NARA where the addict is advised that treatment may last 42 months with a possible 36 months in an institution, the addict is not faced with the prospect of spending long periods of time in incarceration.

While this is an area of some controversy, I feel the facts speak for themselves. Psychologically, and in terms of treatment, the total experience in the United States with civil commitment by a relative or a third party has not been successful. I would urge the committee to consider this amendment to remove the term "related individual" from the civil commitment provisions of NARA.

Another desirable provision in H.R. 5612 would allow a person to be eligible for civil commitment in lieu of prosecution if he has been charged with the sale of dependent drugs for his own personal use. This is a justifiable provision in my judgment and is completely in line with the provisions of the comprehensive drug abuse prevention and control act which passed the Congress just last year.

Finally, the amendment stipulates that not only the facilities and programs of the Public Health Service, but that other facilities approved or established by the Secretary of Health, Education and Welfare, be used for the treatment of all drug dependent persons. The reasons for this are obvious to anyone who reads the newspapers. They are compelling. We must expand the Nation's facilities for the treatment and rehabilitation of drug dependent persons. We not only have an out of control drug problem in this country, but we also have the problem of our returning servicemen, young boys who have been exposed in a foreign land to an avalanche of highly potent, easily available heroin, marihuana, opium, and all the drugs commonly found in the pusher's bag of drugs. This means there are thousands upon thousands of returning servicemen who will need immediate and long range treatment for drug dependency. Yet recent testimony before Congress indicates that only 50 percent of the people committed under NARA could be retained for treatment because of a shortage of staff and facilities. And while a major step has been taken with the doubling of funds available to the Narcotic Addict Rehabilitation Branch of NIMH for fiscal year 1972 I am certain that this will not be enough to handle the colossal drug problem that is facing this Nation.

In summation, Mr. Chairman, I offer this bill as a vehicle to expand the commitment of the United States Congress to the treatment and rehabilitation of our young narcotic addicts here at home and those who will return from serving their country overseas. Until now, the Federal program for addiction has fallen far short of our expectations. The Narcotic Addict Rehabilitation Branch at NIMH reported to me that there were 10,481 addicts in some phase of treatment as of April 30, 1971. 1,860 were in Fort Worth, Lexington and 5 community in-patient facilities. Another 8,416 were in 23 community programs funded by NARA grants.

This is not nearly enough when we realize the size of the addict problem in this country.

However, we have established under NARA a cadre of people with expertise in the field as it has set up a sub-structure of patient care and community assistance grants that *should* be expanded and *must* be expanded as quickly as possible to handle our rampaging drug problem.

That is what my amendment is designed to do: *Make all drug dependent persons eligible* who need treatment, and *make all the facilities and assistance available* for those who need it.

Mr. Chairman, I have some exhibits that I would like to have included in the record relative to the NARA program and a brief comparison of my bill with NARA.

### TITLE COMPARISON OF N.A.R.A. AND H.R. 5612

| P.L. 89–793: (NARA) | H.R. 5612: (DRUG DEPENDENT PERSONS REHABILITATION ACT OF 1971) |
|---|---|
| *Title I*<br>Civil commitment in lieu of prosecution. (Amended title 28 U.S.C.) | *Title I*<br>Civil commitment of persons not charged with criminal offense. (Similar to title III of NARA) |
| *Title II*<br>Sentencing to commitment for treatment. (Amended title 18 U.S.C.) | *Title II*<br>Sec. 201—Civil commitment and rehabilitation of drug dependent persons. (Amends title 28 U.S.C.) (Similar to Title I of NARA)<br>Sec. 202—Drug dependent persons. (Amends title 18 U.S.C.) (Similar to title III of NARA) |
| *Title III*<br>Civil Commitment of persons not charged with any criminal offense. | *Title III*<br>(Similar to Title I of H.R. 5612) |
| *Title IV*<br>Rehabilitation and post-hospitalization care programs and assistance to states and localities. | *Title IV*<br>(No change) |
| *Title V*<br>Sentencing after conviction for violatiton of law relating to narcotic drugs or marihuana. | *Title V*<br>(No change) |
| *Title VI*<br>Miscellaneous provisions (Amends Sec. 341 of the Public Health Service Act.) | *Title VI*<br>Title III: Rehabilitation programs under the Public Health Service Act. (Amends Sec. 341 of the Public Health Service Act.) |

### NARCOTIC ADDICT REHABILITATION BRANCH

#### PATIENT DATA

[Number of patients remaining in Branch treatment programs]

| | NARA I | NARA III | Grants | Total |
|---|---|---|---|---|
| Apr. 30, 1971 | 205 | 1,860 | 8,416 | 10,481 |
| June 30, 1970 | 159 | 1,497 | 3,165 | 4,821 |
| June 30, 1969 | 80 | 991 | 2,021 | 2,862 |
| June 30, 1968 | 35 | 272 | (1) | 307 |

(1) No data.

### BUDGET HISTORY

#### NARCOTIC ADDICT REHABILITATION BRANCH

| | 1968 | 1969 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|
| Patient care contracts | $1,682,000 | $2,233,000 | $4,295,000 | $7,194,000 | $10,346,000 |
| Community assistance grants | 4,000,000 | 8,000,000 | 9,900,000 | 14,500,000 | 27,000,000 |
| **CLINICAL RESEARCH CENTERS** | | | | | |
| Lexington, Ky | $6,401,000 | $6,010,000 | $6,310,000 | $6,594,000 | $7,090,000 |
| Fort Worth, Tex | 4,652,000 | 4,175,000 | 4,590,000 | 4,855,000 | 1,428,000 |

## REVENUE-SHARING PROPOSAL INTRODUCED

### HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. PETTIS. Mr. Speaker, the Ways and Means Committee will be shortly beginning executive deliberations on the issue of general revenue sharing. After listening to extensive public testimony on the matter, I have introduced a bill, H.R. 9347, which I consider to be the most balanced and equitable revenue-sharing proposal. This measure is identical to S. 2080, introduced by Senator Roth of Delaware, and is composite and refinement of the various proposals made to date.

We can all concur that our States and localities are in desperate financial shape, and can all adhere to the goal of revitalizing our federal system. However, in our desire to alleviate their plight, we must not rush headlong into a program that would fail to help those areas most in need, that would not encourage State and local entities to develop their own taxing power to meet their specific needs, or that would violate the principle that the level of government that imposes the tax should be responsible for the manner in which it is spent.

The measure which I have introduced has some unique features which I believe meet the above objections.

This bill is only a temporary revenue-sharing measure. It would allocate—for use by State and local governments—1.3 percent, or about $5 billion, of total Federal income taxes collected each year—but only for a 5-year period. Each State would receive the portion of the total revenue-sharing fund derived from that State, but it would be put on notice that these funds would be coming only for a limited time. This would induce them to improve their own tax-producing capabilities in order that they would be able to meet their specific needs.

As an incentive for them to accomplish this task of raising revenues, a tax-credit system would be phased-in during the last years of temporary revenue sharing. A taxpayer would be allowed as a credit against his Federal income tax payment 40 percent of State and local income taxes paid. Hopefully, this would encourage the States to utilize the progressive income tax which is the most equitable method of taxation, and would satisfy the principle that the unit of government which is expending funds for its particular needs has the responsibility for raising these funds.

This measure would be more beneficial to urban areas—the places where additional revenues are so urgently needed. It limits the immediate pass through of funds to cities of 50,000 or more, and cities above 75,000 which are located in standard metropolitan areas above 500,000 in population would receive a share equal to 1.25 times the city's percentage of the State population.

I have mentioned some of the features of this legislation which I believe make it a unique cross between revenue sharing and tax sharing. It will help the States and localities over their immediate fiscal crises while at the same time providing a means to enable them to meet their problems in the future.

You will, I think, find the following tables of interest as you compare this legislation with other proposals:

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATION BILL, AND PRESENT AID SYSTEM [1]

| State and region | S. 2080 share [2] | Percent of United States | Administration share [3] | Percent of United States | Ratio of percent of Federal aid to percent of Federal taxes [4] |
|---|---|---|---|---|---|
| United States | $5,000,000,000 | 100.00 | $5,000,000,000 | 100.00 | 100/100=1 |
| New England | 351,800,000 | 7.016 | 266,000,000 | 5.320 | [5]1.150 |
| Maine | 17,900,000 | .358 | 23,000,000 | .460 | 1.200 |
| New Hampshire | 17,100,000 | .342 | 15,000,000 | .300 | .880 |
| Vermont | 8,400,000 | .219 | 12,000,000 | .240 | 2.240 |
| Massachusetts | 164,500,000 | 3.290 | 136,000,000 | 2.720 | .830 |
| Rhode Island | 24,800,000 | .495 | 21,000,000 | .420 | .970 |
| Connecticut | 119,100,000 | 2.382 | 59,000,000 | 1.180 | .521 |
| Mideast | 1,297,300,000 | 25.946 | 1,063,000,000 | 21.260 | [5].995 |
| New York | 612,200,000 | 12.245 | 534,000,000 | 10.680 | .842 |
| New Jersey | 225,700,000 | 4.514 | 154,000,000 | 3.080 | .510 |
| Pennsylvania | 298,800,000 | 5.977 | 246,000,000 | 4.920 | .790 |
| Delaware | 17,400,000 | .349 | 13,500,000 | .270 | .602 |
| Maryland | 120,600,000 | 2.412 | 92,500,000 | 1.850 | .610 |
| District of Columbia | 22,600,000 | .452 | 23,000,000 | .460 | 2.640 |
| Great Lakes | 1,112,100,000 | 22.242 | 902,000,000 | 18.040 | [5].755 |
| Michigan | 247,000,000 | 4.940 | 229,000,000 | 4.580 | .752 |
| Ohio | 284,800,000 | 5.695 | 212,500,000 | 4.250 | .690 |
| Indiana | 123,900,000 | 2.478 | 116,000,000 | 2.320 | .740 |
| Illinois | 358,800,000 | 7.176 | 220,000,000 | 4.400 | .719 |
| Wisconsin | 97,600,000 | 1.952 | 124,500,000 | 2.490 | .873 |
| Plains | 331,800,000 | 6.636 | 411,000,000 | 8.022 | [5]1.448 |
| Minnesota | 78,200,000 | 1.564 | 107,500,000 | 2,150 | 1.082 |
| Iowa | 56,200,000 | 1.123 | 74,500,000 | 1.490 | 1.005 |
| Missouri | 105,800,000 | 2.107 | 96,500,000 | 1.930 | .959 |
| North Dakota | 7,900,000 | .158 | 20,500,000 | .410 | 2.400 |
| South Dakota | 9,200,000 | .085 | 19,000,000 | .380 | 2.500 |
| Nebraska | 28,000,000 | .560 | 39,000,000 | .780 | 1.100 |
| Kansas | 46,500,000 | .930 | 54,000,000 | 1.080 | 1.040 |
| Southeast | $758,100,000 | 15.160 | $1,044,000,000 | 20.880 | [5]1.586 |
| Virginia | 99,300,000 | 1.986 | 104,500,000 | 2.090 | .940 |
| West Virginia | 29,500,000 | .590 | 41,500,000 | .830 | 2.100 |
| Kentucky | 50,200,000 | 1.003 | 78,000,000 | 1.560 | 2.110 |
| Tennessee | 70,200,000 | 1.403 | 87,000,000 | 1.740 | 1.300 |
| North Carolina | 83,000,000 | 1.661 | 113,500,000 | 2.270 | 1.110 |
| South Carolina | 37,400,000 | .748 | 56,500,000 | 1.130 | 1.300 |
| Georgia | 81,000,000 | 1.621 | 107,500,000 | 2.150 | 1.402 |
| Florida | 146,000,000 | 2.921 | 167,500,000 | 3.350 | .750 |
| Alabama | 50,000,000 | 1.000 | 82,000,000 | 1.640 | 1.900 |
| Mississippi | 24,500,000 | .490 | 61,500,000 | 1.230 | 2.400 |
| Louisiana | 62,000,000 | 1.240 | 101,500,000 | 2.030 | 1.800 |
| Arkansas | 25,000,000 | .500 | 43,000,000 | .860 | 2.140 |
| Southwest | 329,900,000 | 6.598 | 390,000,000 | 7.800 | [5]1.901 |
| Oklahoma | 43,800,000 | .875 | 63,500,000 | 1,270 | 2.100 |
| Texas | 237,900,000 | 4.758 | 243,000,000 | 4.860 | .963 |
| New Mexico | 15,500,000 | .310 | 32,000,000 | .640 | 3.100 |
| Arizona | 32,700,000 | .654 | 51,500,000 | 1.030 | 1.500 |
| Rocky Mountain | 92,000,000 | 1.840 | 139,000,000 | 2.780 | [5]2.200 |
| Montana | 10,800,000 | .217 | 19,000,000 | .380 | 2.300 |
| Idaho | 11,200,000 | .223 | 20,000,000 | .400 | 1.710 |
| Wyoming | 6,600,000 | .131 | 11,500,000 | .230 | 3.400 |
| Colorado | 46,200,000 | .925 | 60,000,000 | 1.200 | 1.400 |
| Utah | 17,200,000 | .345 | 28,500,000 | .570 | 2.300 |
| Far West | 700,900,000 | 14.018 | 753,000,000 | 15.060 | [5]1.802 |
| Washington | 90,400,000 | 1.807 | 92,000,000 | 1.840 | 1.020 |
| Oregon | 45,700,000 | .914 | 57,000,000 | 1.140 | 1.400 |
| Nevada | 15,800,000 | .315 | 14,000,000 | .280 | 1.200 |
| California | 549,000,000 | 10.981 | 590,000,000 | 11.800 | 1.300 |
| Alaska | 6,800,000 | .137 | 8,500,000 | .170 | 4.230 |
| Hawaii | 19,000,000 | .379 | 23,500,000 | .470 | 1.741 |

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.

[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.

[3] Based on population and revenue effort.

[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for calendar year 1968.

[5] Average.

**CHART 2.**—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S .2080) than under population-revenue-effort formula (administration)*[1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.

Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.

Great Lakes: Michigan, Ohio, Indiana, Illinois.

Plains: Missouri.

Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969[1]

| Region | Total (in millions of dollars) | Per capita | Percent of State and local government general revenue |
|---|---|---|---|
| New England | 1,173 | 101.93 | 17.9 |
| Mideast | 4,113 | 97.01 | 15.2 |
| Great Lakes | 2,989 | 74.92 | 14.0 |
| Plains | 1,511 | 93.40 | 17.0 |
| Southeast | 4,530 | 107.21 | 22.8 |
| Southwest | 1,714 | 116.33 | 21.2 |
| Rocky Mountain | 665 | 136.30 | 23.3 |
| Far West | 3,043 | 115.25 | 14.9 |
| United States | 20,287 | 100.47 | 17.4 |

[1] Found in special analysis of the 1972 budget, p. 240.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

| State, city | Intergovernmental Revenue Adjustment Act of 1971[1] | Administration plan[2] |
|---|---|---|
| Alabama: Birmingham | $5,437,500 | $3,531,004 |
| Arizona: Phoenix | 13,364,875 | 6,360,085 |
| California: | | |
| Anaheim | $5,490,000 | $1,390,130 |
| Garden Grove | 4,117,500 | 530,287 |
| Los Angeles | 99,261,250 | 34,721,456 |
| Riverside | 4,792,500 | 962,580 |
| Sacramento | 8,921,250 | 3,179,135 |
| San Bernardino | 3,431,250 | 1,127,197 |
| San Diego | 24,018,750 | 6,382,633 |
| San Francisco | 24,705,000 | 23,954,657 |
| San Jose | 15,783,750 | 3,452,094 |
| Santa Ana | 5,490,000 | 967,647 |
| Colorado: Denver | 13,686,750 | 10,527,896 |
| Connecticut: Hartford | 7,741,500 | 2,322,391 |
| Delaware: Wilmington | 3,197,250 | 1,823,650 |
| District of Columbia | 28,250,000 | 2,915,149 |
| Florida: | | |
| Fort Lauderdale | 3,832,500 | 1,981,867 |
| Hollywood | 2,920,000 | 968,786 |
| Jacksonville | 14,235,000 | 2,859,870 |
| Miami | 8,937,500 | 4,617,813 |
| St. Petersburg | 5,837,500 | 4,276,375 |
| Tampa | 7,482,500 | 3,981,297 |
| Georgia: Atlanta | 10,935,000 | 7,647,341 |
| Hawaii: Honolulu | 9,975,000 | 4,917,712 |
| Illinois: Chicago | 134,998,500 | 47,601,259 |
| Indiana: | | |
| Gary | 5,265,750 | 1,848,739 |
| Hammond | 3,407,250 | 1,045,054 |
| Indianapolis | 22,302,000 | 5,612,259 |
| Kentucky: Louisville | 7,028,000 | 8,661,641 |
| Louisiana: New Orleans | 12,710,000 | 9,907,090 |
| Maryland: Baltimore | 34,974,000 | 14,285,058 |
| Massachusetts: | | |
| Boston | 32,907,500 | 10,700,523 |
| Springfield | 5,963,125 | 2,191,749 |
| Michigan: | | |
| Detroit | 46,621,250 | 24,901,847 |
| Grand Rapids | 7,101,250 | 2,215,551 |
| Minnesota: | | |
| Minneapolis | 11,143,500 | 5,143,400 |
| St. Paul | 7,917,750 | 3,734,244 |
| Missouri: | | |
| Kansas City | 14,283,000 | 9,114,435 |
| St. Louis | 17,721,600 | 15,120,157 |
| Nebraska: Omaha | 8,190,000 | 3,459,983 |
| New Jersey: | | |
| Clifton | 3,103,375 | 1,000,362 |
| Jersey City | 10,156,500 | 4,246,309 |
| Newark | 14,952,625 | 7,551,318 |
| Paterson | 5,642,500 | 1,928,007 |
| North Carolina: Winston-Salem | 2,697,500 | 1,036,046 |
| New York: | | |
| Albany | 4,821,075 | 1,100 900 |
| Buffalo | 19,896,500 | 5,846,479 |
| New York City | 329,057,500 | 189,348,578 |
| Rochester | 12,244,000 | 3,341,859 |
| Syracuse | 5,356,750 | 2,338,845 |
| Schenectady | 3,290,575 | 571,380 |
| Ohio: | | |
| Akron | 10,093,000 | 4,421,170 |
| Cincinnati | 15,664,000 | 13,508,542 |
| Cleveland | 25,276,000 | 11,227,393 |
| Columbus | 18,156,000 | 5,225,749 |
| Dayton | 8,188,000 | 4,124,377 |
| Youngstown | 4,984,000 | 1,547,709 |
| Oklahoma: Oklahoma City | $7,165,000 | $7,554,222 |
| Oregon: Portland | 10,625,250 | 7,928,286 |
| Pennsylvania: | | |
| Allentown | 3,361,500 | 940,735 |
| Philadelphia | 60,252,500 | 39,781,536 |
| Pittsburgh | 16,434,000 | 7,433,529 |
| Rhode Island: Providence | 5,828,000 | 2,243,861 |
| Tennessee: | | |
| Memphis | 13,952,250 | 5,408,621 |
| Nashville-Davidson | 10,003,500 | 5,732,847 |
| Texas: | | |
| Dallas | 22,005,750 | 10,557,412 |
| Fort Worth | 10,408,125 | 4,658,714 |
| Houston | 36,577,125 | 12,953,581 |
| San Antonio | 17,247,750 | 4,685,184 |
| Utah: Salt Lake City | 3,547,500 | 2,547,835 |
| Virginia: | | |
| Norfolk | 8,192,250 | 3,805,469 |
| Portsmouth | 2,979,000 | 1,055,155 |
| Richmond | 6,702,750 | 3,510,825 |
| Washington: Seattle | 17,628,000 | 8,820,093 |
| Wisconsin: Milwaukee | 19,764,000 | 7,942,274 |
| Total for United States | 5,000,000,000 | 5,000,000,000 |

Footnote at end of table.

[1] Calculated from the Advance Reports 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970: statistics made available by the Advisory Commission on Intergovernmental Relations.

[2] From Department of the Treasury, General Revenue Sharing, February 1971.

**CHART 5.**—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.

2. Tax rates which are already more burdensome than elsewhere.

3. Relatively greater expenses in areas not aided by Federal and state governments.

4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.

5. Necessity of providing services for nonresident, often non-taxpaying, commuters.

6. Increasing proportions of "high cost" citizens—the poor, aged, etc.

7. Social conditions which leads to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

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[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these tax payments

[In billions of dollars]

| Hypothetical conditions | 1st year, 1970 | | | | 2d year, 1971 | | | | 3d year, 1972 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Estimated State income tax collections | Federal revenue foregone[1] | | State-local revenue gain | Estimated State income tax collections | Federal revenue foregone[1] | | State-local revenue gain | Estimated State income tax collections | Federal revenue foregone[1] | | State-local revenue gain |
| | | Total | Due to credit | | | Total | Due to credit | | | Total | Due to credit | |
| 1. No change in present law (deduction of State-local income tax payments) | 8.5 | 1.9 | | | 10.0 | 2.2 | | | 12.0 | 2.6 | | |
| 2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections)[2] | 9.4 | 3.1 | 1.2<br>(1.1) | 0.9 | 11.5 | 3.8 | 1.6<br>(1.5) | 1.5 | 15.0 | 5.0 | 2.4<br>(2.2) | 3.0 |
| 3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections)[3] | 10.6 | 4.5 | 2.6<br>(2.5) | 2.1 | 14.0 | 5.9 | 3.7<br>(3.5) | 4.0 | 19.2 | 8.1 | 5.5<br>(5.1) | 7.2 |
| 4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections)[4] | 13.6 | 6.9 | 5.0<br>(4.7) | 5.1 | 20.0 | 10.2 | 8.0<br>(7.4) | 10.0 | 30.0 | 15.3 | 12.7<br>(11.7) | 18.0 |

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-percent credit—42 percent; 50-percent credit—51 percent.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

## GEN. ROBERT L. SCOTT, JR. SPEAKS TO AMERICANS

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## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. RARICK. Mr. Speaker, in a speech entitled "The Bitter Cost of a Bogus Peace," Brig. Gen. Robert L. Scott, Jr. retired professional soldier, emphasizes in an impassioned tone his love of dedication to God and country while elaborating on the bitter price we pay for a tenuous, bogus peace the—erosion of liberty and of the God-given freedoms bequeathed to us by our U.S. Constitution.

Being the realist that he is, General Scott rejects the "inevitable wave of the future" propaganda being repeatedly hammered into the consciousnesses of the American people to condition them to accept apathetically without resistance the "blowing winds of change" even when they are obliterating our U.S. Constitution and traditional American way of life.

General Scott knows from first hand experience that people cause things to happen. Someone is prohibiting our military commanders from winning the Vietnam war which retired military commanders affirm could be won with conventional weapons in a matter of months. The exportation of sophisticated electronic computers to the Soviet Union and such items as diesel engines and parts, aircraft propeller assemblies, electron tubes, and generators to East European satellites of Russia—countries which provide 80 percent of the materials of war to North Vietnam for use against American servicemen—just did not come about automatically or by accident. They were the result of people. Certain anti-Americans made these decisions. Just as when the dedicated patriot Otto Otepka was dismissed from his State Department security position where he exposed actual and prospective employees as security risks, one or more real persons at a higher level ordered him purged.

General Scott, best known for his bravery and achievements as a World War II flyer and for his several books, especially "God Is My Co-Pilot," reminds his audience that while each new administration promises changes, America keeps losing; and he states:

> At last, though, there is a faint glimmer of hope. Not that we are about to win even a scrimmage, but that finally, more Americans come to realize that our bungling policymakers are not stupid fools or just doing the best they can in their complicated thankless job, but are part and parcel of the greatest, the most insidious conspiracy the world has ever known. Following carefully-laid plans for our convergence with the Soviet Union as the base for dictatorial government of the world. (Where, as Senator —— says, there'll be no armies, no navies, no air forces except those of the United Nations. In fact, there'll be no United States as we know it.)
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> On the west side of Park Avenue in New York City, sit two imposing buildings sort of kitty-corner to one another. One is the Soviet Embassy to the United Nations, the other the Headquarters of the Council of Foreign Relations, the infamous C.F.R. Probably the most influential, surely the most secretive of societies, not only for the foreign policy of the United States, but for the world. That *one* world. Formal membership is composed of 1400 of the most elite names in the worlds of government, labor, business, finance, communications, the foundations, and the academies. And despite the fact that it, the Council of Foreign Relations, has staffed almost every key position of each administration since F.D.R., it is doubtful that one American in a thousand so much as knows its name. Or that one in ten thousand can describe anything about its function. Such anonymity can hardly be an accident.

I insert the text of General Scott's timely and significant speech at this point in my remarks. I urge that our colleagues read this speech and get better informed with facts about the Council on Foreign Relations—CFR—the influential organization which has led and continues to lead America on a retrogressive course of destruction, by reading "The Invisible Government" by the noted writer, Dan Smoot.

Since the national news media is afraid to tell the American people about the CFR, I exhort our colleagues to do so in order that the people may know the truth, a knowledge of which is essential for taking prudent action to reverse the present trend and to preserve our country and Constitution.

If the people know the truth, they will keep America free.

The speech follows:

### THE BITTER COST OF A BOGUS PEACE—IS THE BROKEN CROSS OUR SYMBOL OF BETRAYAL?

(By Brig. Gen. Robert L. Scott, Jr.)

When the man who is the President of the United States now, made the best of acceptance speeches that ever has been made, at Miami Beach in 1968, every American must have been not only pleased but thrilled, because in the strongest of voices he said words such as these: "When the nation which can land an army upon the shores of Normandy in 1944, and capture a continent, cannot now take a dinky little beachhead of guerrillas in Vietnam, then I say this nation needs a change in leadership." And on and on he went, inspiring all Americans. There was the new Administration, the new leadership we had all been praying for. He promised the stopping of riots in our streets, dignity would be restored to our police, our nation's campuses would be freed of revolutionaries parading as dissatisfied students. We would aid the enemy no longer. We'd recognize the Communist for what he was—the enemy—and go to work. All of these things if only we elected him. There would be changes.

Well, we believed him. And we elected for America a new Commander-in-Chief. And now we would have leadership. Only, there has been nothing but more of the same. We still wage that no-win war of attrition bogged down right where the enemy wants us, using weapons that enemy carefully selected for us, and back home we are torn apart internally, primarily because there is no leadership. So, disgusted at all this, we sit down and write letters to Mr. Nixon asking why, and sometimes there are replies such as this one.

"THE WHITE HOUSE,
"*November 5, 1970.*

"DEAR SIR: On President Nixon's behalf, I wish to acknowledge your letter and to thank you for letting him have your views. You may be sure your comments on problems facing our Nation at home and abroad have been fully noted.

"The Administration believes that the massive destruction of facilities in the cities of North Vietnam would not spell victory but would instead admit defeat by indicating the inability of the United States and its allies to cope with 'a war of national liberation.' This sophisticated form of aggression uses terror and subversion to gain the allegiance or the submission of those it purports to liberate.

"Such aggression must not be allowed to succeed. Our objective therefore is not the annihilation of one country but the protection of another. This is the victory we seek."

Oh, there was more of the double-talk in the reply that I received, given gratis in the name of the President, but surely as you let those words rattle around in your mind, there's no need to further bore you with additional quotes. I can only be respectful to the White House and the President, even with this idealistic guff. Yet what frightens me, given as it is, it has to be the policy of this Administration. Signed by one Noble N. Mellonkamp, Staff Assistant to the President of the United States. Wishing me best regards, and adding finally, "you may be sure that President Nixon is determined to continue the pursuit of our country's goal of a just and lasting peace in Vietnam."

Ladies and gentlemen, as a professional soldier, I feel flattered when I receive any communication, even indirectly, from the Commander-in-Chief. But after reading and re-reading such utter drivel, I am astounded that we are so naive. Can it be that we are already in the hands of the enemy? We are not only being buried as Khrushchev shouted while he beat his shoe upon the U.N. desk; we are helping the dirt being shoveled into our own graves.

Now my mother used to say to me, those last years of her life when I was Director of Information of the United States Air Force, and I dared even then to find fault with the way the White House was running this same no-win war: "Son, she would admonish me, please don't criticize the President. I'm certain he does the best he can." And she would terminate the discussion by adding, "though things may look dark, I truly believe everything will come out alright in the end."

In fact, that last is just about the essence of the opinion I hear voiced across the United States as I cover this land making speeches. And there comes upon me the horrible realization that the way things are going, the President of the United States does not run this country. Doesn't run it as my mother used to think, and as the average American rests assured of today. What a blatant thing to say! What would my mother say if she heard me now?

Administrations come and go with elections—particular heads vested in the Nixons and Johnsons and Kennedys, promising changes and improvements—but nothing really changes except the name. The riots and the treason and the no-win fiasco bleeding us to death continue. America keeps losing.

At last, though, there is a faint glimmer of hope. Not that we are about to win even a scrimmage, but that finally, more Americans come to realize that our bungling policymakers are not stupid fools or just doing the best they can in their complicated thankless job, but are part and parcel of the greatest, the most insidious conspiracy the world has ever known. Following carefully-laid plans for our convergence with the Soviet Union as the base for dictatorial government of the world. (Where, as Senator Blank says, there'll be no armies, no navies, no air forces except those of the United Nations. In fact, there'll be no United States as we know it.)

On the west side of Park Avenue in New York City, sit two imposing buildings sort of kitty-corner to one another. One is the Soviet Embassy to the United Nations, the other the Headquarters of the Council of Foreign Relations, the infamous C.F.R. Probably the most influential, surely the most secretive of societies, not only for the foreign policy of the United States, but for the world. That *one* world. Formal membership is composed of 1400 of the most elite names in the worlds of government, labor, business, finance, communications, the foundations, and the academies. And despite the fact that it, the Council of Foreign Relations, has staffed almost every key position of each Administration since F.D.R., it is doubtful that one American in a thousand so much as knows its name. Or that one in ten thousand can describe anything about its function. Such anonymity can hardly be an accident.

Now don't worry. I'm not going to give you a lecture on that diabolical society. But if you doubt my implications, as my mother would surely have doubted them, and you are interested enough and want proof, well in the back of this room there are books on sale at half-price. And if you don't want to even invest in them at that figure, I will pay for them for you, if you will only read them and pass them on to other Americans before it is too late. Read about the C.F.R. and come to know it, because this is the society that designed the United Nations, under whose banner your sons and brothers and husbands die in Vietnam, while you keep thinking they died under Old Glory.

Designers of disaster are they, with good American names such as Harold Stassen, John J. McCloy, John Foster Dulles, Adlai Stevenson, Dean Acheson, Nelson Rockefeller, the Fords, all lumped unassumingly together with brother members who call themselves Owen Lattimore (the most articulate conspirator within our C.I.A., much to do with our sell-out of our allies at the Bay of Pigs), right along with Alger Hiss (a convicted Communist spy), right along further with 47 members who were among the United States delegates to the founding of the United Nations in San Francisco in 1945. Right along with others who were at the elbow of President Roosevelt at Tehran, Potsdam, and Yalta, when hundreds of millions of human beings were delivered into the hands of a Communist murderer named Josef Stalin.

In fact, one more reason for you to know your enemy, is that so completely has the C.F.R. dominated the United States Department for over 40 years that every Secretary of State except Cordell Hull, James Byrnes, and the present Mr. Rogers has been a member in good standing of the Council. So maybe President Nixon's Cabinet looks better than most, with the absence of a Secretary of State who is a member of the C.F.R. Except, of course, that every major sub-Cabinet job is held by one of the brotherhood. Besides, what does Mr. Rogers really matter after all? Henry Kissinger is not only a member, but is on the super-staff of that Council, and being President Nixon's chief advisor on all foreign policy, we have the story.

So like they say, Administrations come and go like the Ides of March, but Spring never arrives because the C.F.R. is always there. Its dedicated one-world members staffing everything, just as the Communists staff the United Nations. The fix, you see, is at the top, where these insiders bent on control of the world, pull the strings as though we were puppets. We have been sold out! Not so much by our Communist enemies, whom we may have suspected, as by Americans among us, some of them we proudly elected to office.

And the bitter price we pay is the future eroding away of liberty, and our God-given freedom under the Constitution, what was once the United States. Our Constitution, that sacred document, divinely inspired and written by the hands of our Founding Fathers, guaranteeing freedom to the people and unequivocally limiting government, provided that government is one of law, not of men.

But even there, once that document was written, its preamble, its seven articles, and it was approved by our Founding Fathers, still they didn't trust it. So they went right to work on that 17th day of September, in 1787, and immediately drafted and set down and voted approval to the first ten amendments, to be called the Bill of Rights. Each one of these further guaranteeing the rights of the individual and limiting mighty government from impertinence. In fact, the ninth and tenth amendments take it from there and spell it out, seeming to reiterate, "if we forgot anything to further protect the rights of the people, let these two catchall amendments protect those people, protect Americans yet unborn."

It is in such a state thus that we arrive today in our predicament. Our Constitution, drastically altered and abridged and reinterpreted by our Supreme Court, to become a shell of what it was once envisioned to be by those staunch men who put it all together. Today we find it reinterpreted, used as a seal for generacy. Further, protecting misfits in society, granting amnesty to our criminals, our revolutionaries, our anarchists, protecting even the infiltrated enemy in our midst. This, along with finding our once great Nation hopelessly bogged down in a land war of attrition in Vietnam—a war which our military professionals could have won in a few weeks, much less years and years, if we had only allowed them to win. And should our soldiers there fight and destroy the enemy, we bring them home in disgrace and try them as war criminals, while our enemies laugh in glee.

And rest assured all of this is not the simple destruction of a drop-out lieutenant named Calley, but the cold-blooded planned destruction of our professional armed forces.

Now in case I've been misunderstood, I stoutly maintain that Vietnam was rigged. All of it. Just as the thing in My Lai was rigged. That no effort whatsoever has been made to allow our men to win. And that war could have been won, as acknowledged in sworn testimony by the Joint Chiefs of Staff of the Armed Forces before the Senate Armed Services Committee. You don't have to take my word, they swore to this. And this victory could have come without risking the intervention of Red China and Red Russia. In fact, that demonstration of guts by the United States would have been the best way to guarantee they would not enter.

Far worse, morally, we persist in supplying the enemy with the goods of war with which to murder our sons. In fact, again we make a mockery of what is an honorable profession, the training and deployment, and the logistics of military might. Take Cambodia. We informed the enemy where, when, and how we would go in. And even added as an addendum how we would retreat. Take our feeable attempts at rescuing our prisoners. Through the United Nations we informed our enemy of our intentions. Therefore, is it any wonder that we made our men fail again, as they were sent in to rescue their brothers? It was such a carefully planned failure, which brings us right down to the crux of it all.

You see a great part of our failure has been made possible by the most educational media of all times, our modern television. The way we permit it to be used, it has become the most dangerous weapon of all, replacing the dreaded bomb. Look back! The architects of Communism have been warning us for a long, long time—just telling us this, unemotionally, not bothering to threaten or to warn—setting it down in their books: "We will never fight you. We will not have to. We will just wait until you are ready, and fall into our hands like ripe fruit. We will just wait."

And besides that, here they say are rules for revolution: Corrupt the young. Divide America: the young against old, white against black. Destroy the integrity of the military, destroy them without having to face them on any battlefield. Be entertained. Keep American minds off of the important things. Keep them busy with inconsequentials like ping-pong. And we do all that for them with our television, instead of carefully explaining why we are in Vietnam.

Distasteful as this war is, there are some very honorable and some very valid reasons why we are there. And these have not been explained by this mighty educational and entertainment media of ours. Such as, we are in Vietnam to stop the tide of Communist aggression, which has been enveloping the world like a fog ever since World War II—unopposed! We are there because we have made promises to brave allies, regardless of whether we agree with their politics or understand their oriental customs. They are fighting and dying alongside our men in Vietnam, and too, they do this amid the destruction of their own families and their own homes. We are in Vietnam for the cause of peace, and not for one iota of aggression, no matter what our highly-paid television commentators keep telling us to the contrary.

And lastly, we come to My Lai, the lies of My Lai. I have to call them that, because Pinkville fiasco could have been explained too. First it appeared in the Communist *Daily Worker* and only after that was it taken up and mushroomed by the whole media, as we actually paid for its distribution. The propaganda of our enemy—and we paid to distribute it.

And though I must have been subjected to a million words about My Lai to date, in the staccato voices of Roger Mudd and Walter Cronkite, or the patronizing measured cadence of the John Chancellor types, not once have I heard the simplest truth or explanation about what Pinkville really was. The networks presidents have had their chances, and even the President of the United States could have done so. He has innumerable press conferences; why couldn't there have been one about Song My, My Lai, and Pinkville? I think it's important to justify such a thing. I went there and walked among the villages and questioned and talked with natives who were there, and talked with sergeants and corporals—no officers (By then they were so scared, they were scared of the very names of the villages!).

Here the media commentators moved. They have the best intelligence system. They all slanted the news. They all implied Pinkville was an area of innocent native villages, and our sons were murderers. That's all it was.

It was a hard core, combat ready, enemy stronghold. And had been so for over twenty years, dating back to the French failure in the days of Dienbienphu. Regardless of the ages and the sex of those who did the dirty work, they were the enemy. Certainly, all of this should have been explained to Americans, especially to this young generation. Listen to what a sergeant who was there told me.

"We would go to this village. There would be nobody there but women and children. Where were the young men? They had been taken away by the V.C. We would search the huts for weapons. They had to be there because we had been fired on from that village many times, we had been booby-trapped from there. Well, when the other sergeant took some men into those huts, claymore mines went off, and many of them were killed. They were blown up, my buddies and the sergeant. A little old lady, sitting on some string—which she pulled when she saw our men going to the right hut. They had prepared mines. Even innocent looking kids were used at My Lai by the Cong. Any time you see a kid holding out his arms as though he want to hug you, grinning at you, begging for candy, look out. Chances are he's got a grenade in that little box or clutched tightly to his chest. He's been taught by the Cong to pull the pin soon as he has his arms around your neck, hugging you. All he wants to do is give the Yank a surprise, like the Vietcong told him to do. Sure the kid blows up along with your buddy, only the kid wasn't told anything about that."

Then there was my own experience at Song My. I was driving a jeep toward the village, was almost there, and we came upon two little girls digging in the dirt of a narrow road right in the ruts. They couldn't have been more than three or four years old. I steered around them real slow, almost stopped and talked, but there was a truck behind us and I didn't want to block the road. Barely seconds after we had passed, there was this sharp explosion, and as I looked back they had just disappeared. There was a hole right in the rut on that side of the road, from the mines they had been planting. Had we come out a few seconds later, I guess we would have been the ones to blow up, or that truck of GIs behind us.

None of these accidents or incidents have ever been explained on television or in the press as far as I know. Nor has it ever been brought out that 40% of Lt. Calley's Charley Company was wounded and booby-trapped and sniped at and nearly destroyed by that nice little village of Vietnamese. So I don't know exactly what Lt. Calley did. But had I been there in his place, in the same circumstances that I've found out a little about, I would probably have done the same as he did. Even to those women and children. We were both soldiers. We just fought in different wars. And what strikes me right in the nerve, maybe a lot of it was due to the way it was handled on national television. Of course, way back there in World War II, there wasn't any such thing to destroy the people back home, in living color with instant replay.

But be that as it may, Calley and My Lai are far more important than just this drop-out lieutenant and a burned-out little jungle village in the Quong Ngai province of Indo-China. They are both pretty big milestones along the route of the systematic destruction of our professional military system. And they both surely will make it more difficult for such a panacea for the draft as any so-called volunteer army.

When I was a boy I'd have crawled across my state of Georgia to enlist and wear the uniform of my country. And had I had half the assurance that I could fly in Air Force planes, I'd have made that journey crawling over broken glass. Well, I volunteered then, over forty years ago, and I got to fly all those planes, millions and millions of miles. But I don't know that I would do it now, not under the present circumstances, not in uniform, not in the uniform I've been proud to wear most of my life, because now all that morale and *espirit de corps* has changed.

We have all sat by, and let it be erroded away by the enemy. Why today, when I see a man in uniform, who dares to be seen in it, I feel like saluting him. Just for having the guts to put it on, and taking the abuse he's likely to be subjected to, in that most honorable attire. No, I wouldn't volunteer, nor would I recommend the service today as any career. It used to be stated proudly, on every post office, on every bill board, Uncle Sam pointing his finger, "*I want you!*" But now cringing and weakly pleads, "the Army wants to join you." It may be an overused worn-out cliche, but I know nothing else that fits the occasion so appropriately: How stupid can we get! How lowly the mighty recruiting sergeant has fallen. I surely wouldn't want to spend a career in a service that we have sat by indifferently and permitted to be perverted by the enemy. And as for the possibility of a drug problem among our servicemen in Vietnam, if my country trained me to kill my enemy with the most sophisticated weapons of all time, displaced me from my home and family and just sent me over to those Hell holes, and then instead of letting me fight and win, and come home as fast as the job can be done, made me sit out there in abject boredom, maybe I would try to loose myself in the feelings of pot, too. *If* there is a drug problem, then our leaders are responsible for that, too.

None of our young men that we ordered anywhere to fight for us, had anything to do with involvement in Vietnam. None of our old soldiers had anything to do with being there either. In fact, every professional I've ever heard of, from General MacArthur on, advised strongly *against* any land involvement in Vietnam. Our men were ordered there by the failure of our diplomats and other politicians, after another generation of young men had fought, and many of them had died, and had won a victory. But then our diplomats and our politicians, and those of the enemy, met and decided they couldn't keep the peace. And so when they had admitted failure they called on the military again.

This time we gave our troops no chance. We forgot them, we never backed them, we broke all the rules, we gave our sons the backs of our hands. They had all the obvious lessons, but they had none of the least obvious and the most important—such as our unswerving support. The war we failed to make our Congress tell what it was, a war. Propagandized by our enemy with our help, to be the most unpopular conflict in history. Propagandized until we all became sick and tired of the word Vietnam, became disgusted, became *conditioned*. Only in such a way can we have become soulless enough to sit indifferently by and watch our armed services used, even brought home in chains to be tried as war criminals. Exactly what the Communist enemy had counted on, from what they called "the fat, decadent democracy." They have found a way to destroy our armed forces without ever having to face them in combat.

If our men were backed by us at home, no enemy on the face of the earth would have had a chance. I can't help comparing my return from World War II with that one today of the long-suffering GI. Surely, I was as much a murderer, if soldiers are such in the performance of their duty, as was Lt. Calley, because I doubtless killed more enemy human beings—not just those in the planes I destroyed in aerial combat—but in my strafing of troop columns through innocent native villages then in Burma, and China, and Indo-China and Korea.

But murderer that I could have been, my home town gave me a full fledged parade, because they still loved me. They even rented a water buffalo at great trouble and expense from a circus in Florida, so I could ride in splendor up Cherry Street in Macon, Georgia. Oh, but they didn't know how much I despised that cantankerous sharp-horned animal, or how much I learned in China from experience how much he hated me. But nevertheless I rode him, though that ride was just as harrowing as any of my combat missions. But I had to ride him, for the Governor had declared it Robert Scott day. How could I get out of it? Anyway, like I started to say, compare that with the return of the men in uniform today. Our modern Jobs I call them. They're not all treated as badly as Lt. Calley, but the uniform certainly has lost its so-called glamour. And those *real* forgotten ones, the sixteen hundred prisoners we foregt more each day, that the enemy tortures and starves! Never forget what that miserable Presidential hopeful, Senator ———, said about them a few weeks ago, when reminded that to just arbitrarily pull out of Vietnam as he advocated in his campaign speeches would leave all those sons of ours hopelessly abandoned. All he said was, "So what? They never should have gone over there, fighting in this war of aggression."

Sometimes when our boys do come home—at least their ashes return in those pathetic plastic bags—we award them our best insult, by our failure to make certain they are honored by every single American they died for, especially by every member of this young generation. Every other American belongs to that crucial category, which aggregates some 100 million young Americans. By just the numbers alone, they represent our most vital society. Therefore, it's not only imperative they understand, but that they and all these facts be accurately presented on this great entertainment and educational media of ours, television.

The picture I'm shown does not portray this generation accurately. Now those who die for America and fight for it, or those millions who grow up and go to school to be good Americans, right there could be the heart of this problem. Could it be that somebody, other than real Americans as we think we know them, has gained control of that communication miracle, television? Think back to what George Washington told his men that cold Christmas night nearly 200 years ago. He had every opportunity to make a long and stirring speech, because they were out-numbered and all they had to do was listen across the Delaware River and they could hear the Hussein mercenaries shouting what they were going to do to this "bedraggled rabble" who dared oppose them.

But all General Washington said was, "Get into the boats. And let us tonight be certain that only Americans are on guard." And that dear friends, is exactly what I advocate we make certain of now. Even to including the jealous freedom of the press, even the national television, are they in the hands of real Americans? Because the battle for Vietnam never has been fought over there in that far country, it's been fought right here at home in the press and on television, with squadrons of actors and writers, commanded by producers and high corporate officers.

I cannot conceive them to be Americans who do not simply report the news impartially, but shape it, slant it, evaluate it, interpret it and sometimes, utterly destroy that with which they do not agree by a casual shrugging of the shoulder. Whether it's a high ranking Admiral from Vietnam—oh, that equivocal raising of a high-solid eyebrow. Let us run a check on all of them, all who claim they are Americans. This is the dangerous control I feel the news media have over our minds today, especially young minds among us and their most pliable years. And as this benefits Communist enemies I must conclude that Communists planned it that way, because I know the Communists never leave anything to accidents.

In just such a way have most Americans been taught to have a guilt complex about that horror we invented called the atomic bomb. As terrible an accomplishment as that was, I still see as a trust assigned this nation, we were made custodians by the will of God; delivered unto our hands for stopping World War II and the saving of a million American lives who were supposed to be lost in the invasion of the Japanese islands. And after that would remain a true deterrent. But to remain a true deterrent it would have to remain a secret.

For preventing further wars—and it could have done that—what that capability actually meant was stability for the entire world. The United States had the power to dominate the people. There was no need to destroy any part of this world, but we could have guaranteed peace with absolute power. Never before in history had any nation such an overwhelming superiority over its enemies nor such a sacred trust to hold for its weaker friends.

In 1945 the United States held that key. Held the power to lead for freedom. Instead of leading, we retreated, and we have been retreating ever since. The enemy disarmed the United States with propaganda, by instilling in gullible people—who love comfort and so-called "peace" more than they loved honor and heritage—by instilling in them a mission for the frantic search for a bogus peace which to me is ideally represented in that pagan "broken cross" symbol.

This became our goal above all else—peace—so American might was nullified. The free world was open to Communist aggression. Stalin wasn't disturbed because, first of all, Americans were giving him and selling him atomic secrets right out the front door of the White House. And besides he knew too well the dying Roosevelt's fixation to create a permanent peace through a fanciful dream, the United Nations. A fixation that had surfaced before, in the time of another President named Woodrow Wilson, when the same idea was the League of Nations. Only where Roosevelt had his Harry Hopkins living right there in the White House, Wilson had a man named Col. Edward House living there, the architect of the C.F.R. we started out talking about.

Well, is it too late? And even if not quite too late, what can we mere people do about it? Essentially, it's a matter of people like you and me working even harder than we've ever worked—then we ever thought we could work—to inform the uninformed, the indifferent people in this tottering country; the old and the not so old; the middle aged and especially the young.

Real Americans must be united to throw the rascals out of government. Throw them out legally with votes. And this can be done by making certain that people receive the unadulterated truth. That is the way! Truth to the grass roots levels of our society. Every Democrat, every Republican from the top to the bottom, who has been supporting the elected policies and the taxes for this one-worldism cancer should be replaced as rapidly as the electoral process will permit.

Public officials can no longer be equated in terms of being nice, merely possessing seniority much less being good television personalities. Each must be coldly scrutinized: is he or she an American? If there be any question or if there be any evidence he is a mere lackey of the Establishment, be he a fellow-traveler, be he a dupe, he has to go. Establishment henchmen should all be replaced by men and women who are totally committed to restoring the norm of society to its traditional position within the framework of the United States Constitution, that which was visualized by those founding fathers of ours.

If you study carefully any of the failures that we have had you will find that practically every one is related to violation or series of violations of our Constitutional principles. We had a great system going which had been betrayed.

So back to the first question; is it too late? Not if we become as aroused as we evidently became for an injustice to an Army lieutenant named Calley; not if we become as involved and as loud as the revolutionaries in our midst; become as dedicated and work as hard for America as they work against it; become as diligent as our enemies. That's all.

Rise and demand that our elected leaders, from the President down, explain why we have betrayed our men in Vietnam by ordering them to face an enemy we as a nation supported and still are supporting. And explain too why this present Administration, and the one before that, and even the one before that, guaranteed sanctuaries to our Communist enemies. Why we guaranteed his war making capacity, while denying our men their unalienable right to destroy that which made it possible to be murdered. Such a parallel to this last cannot be found in recorded history.

A warning though, in closing: Our enemy will do all he can to prevent this drastic change in the indifferent rank and file of the American people. Because there is nothing the Communists fear so much as that the "Silent Majority" will awaken in time and learn the truth. It's the same right here at home with the traitors among us. Many are in positions of influence and power; they are counting on you becoming tired and more disgusted and giving up. Well, are we going to give up? That's the heart of the question.

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## LOSING THE NO. 1 SKY SPOT?

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. DORN. Mr. Speaker, Col. Ansel E. Talbert, executive editor of Air Transport World magazine, is a gifted writer and a dedicated American. He has won many writing awards including the prized Strobig Trophy of the Aviation Space Writers Association. Colonel Talbert is a former war correspondent and military and aviation editor of the old New York Herald Tribune.

Colonel Talbert recently prepared an editorial for 900 television and radio stations throughout the Nation. I commend this editorial to the Congress and to the American people.

#### Losing the No. 1 Sky Spot

The United States aircraft manufacturing industry—now second to none in the world—has been hard hit by the cancellation of its commitment to build a supersonic transport plane with government funding. Skipping arguments about the merit of the action, it's going to throw as yet uncounted thousands out of work, not only at the plants of the prime contractors, Boeing and General Electric, but at factories engaged in subcontracting.

There is another threat to the industry, now a cloud no larger than a man's hand, but one which is likely to spread and grow during the next five years. This is the sales program which the aircraft industry of the Soviet Union is launching throughout the world. And for the first time, the Soviet Foreign Office has informed the U.S. State Department officially that it wants to negotiate a general "airworthiness agreement" between the two world aircraft manufacturing leaders—a necessity before sales of any Russian aircraft could be made here.

Much discussion centers around the possibility of the Russians selling their supersonic transport, the Tupolev Tu–144, to us and to European airlines, now that we decided against building one. This may happen, but airlines, almost without exception—favor the British-French Concorde SST. The reason: good reputation of both British and French for spare parts availability. The Tu-144 may go in other parts of the world, however, where trade agreements based on barter might be arranged.

The Russian Yakovlev Yak–40, a tri-motored smaller jet plane, fits into a slot where there is no competing U.S. type now being developed.

This same aircraft carries up to 34 passengers; can operate on paved runways, and needs only limited areas for takeoff and landing.

Yes, it can happen here!

An aircraft dealer in Louisiana announces that he has made a deal to sell Soviet aircraft in the U.S.—from the Yak–40 to the supersonic Tu-144.

With foreign automobiles, television sets and many other items making inroads into U.S. domestic and overseas markets, this Soviet aircraft sales effort is something which Congress and all Americans better watch with an eagle U.S. eye.

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## HE IS CALLED WARMONGER BY MINISTERIAL FRIEND

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. SPENCE. Mr. Speaker, the other day I read an essay which made me feel as if a fresh wind had temporarily blown away the tiresome stench of anti-everything which has hung in the air for so long. The article was written by the Reverend Norman C. Miller, pastor of the Morgan Park Methodist Church in Chicago, and printed in South Carolina's The State newspaper.

It seems that Reverend Miller returned from 2 weeks' Army Reserve duty and was promptly branded as a warmonger by his colleagues in the clergy. The good reverend is not one to let this now common type of drivel go unchallenged, however, and his eloquent reply is well worth reading.

As is usually the case, Mr. Speaker, those who most need exposure to well-reasoned arguments such as those advanced by Reverend Miller will never bother to read and consider them. But in hopes that there is still time to reach the closed-minded, I ask that Rev. Norman C. Miller's article be printed at this point in the Record.

#### He Is Called Warmonger by Ministerial Friend

(Editor's Note: The following was written by The Rev. Norman C. Miller, pastor of the Morgan Park Methodist Church in Chicago.)

I have just returned from my two weeks Army Reserve duty at Camp McCoy, Wis.

During my absence I missed a ministerial meeting. Last week when I attended the meeting, one of my ministerial friends smiled as I walked in, "Well, here comes the warmonger."

He aroused my anger and I said, "Why are you fellows in the ministry?" One replied, "We want to help where we can. We want to save souls and lives, not take them."

"I admire your zeal and your enthusiasm," I said, "but why are you so selective as to whom you will help and save?" I could see they were puzzled.

"You are saying a man drafted by his country to serve in the Armed Forces is not worthy to receive the word of God. You told me you had no words of comfort, no compassion for the wounded and maimed, no benediction for the dying. You tell me, in your action, that you have no consolation for the heartbroken parents, for a shattered dream of a wife and children."

I feel sorry for those who have college degrees, yet are able only to see life in one aspect, and come to only one conclusion.

We had one of our young men who served in Viet Nam return to a base in California. His sergeant told him, "If you go into town don't wear your uniform. But if you must wear your uniform, for God's Sake don't wear your Viet Nam ribbons . . . you will be called a butcher and a murderer."

What is wrong with a nation which calls its young men and women to fight for freedom and the abolition of the oppressed and then rewards them by ridiculing and degrading them?"

War is horrible and tragic. It is a shame so many are called to die to protect freedom. Yet, in the last year America has lost over 58,000 in automobile deaths. More than the total lost in the Vietnam war. However, you do not find young men burning their drivers license in protest, or dismantling their autos. Have you ever seen a well-meaning clergyman, solemnly intoning the names of the 58,000 automobile deaths from the steps of the national or state capitol?

I admit I find it very difficult to understand those who plead for peace and are willing to use any violence to obtain it. Who preach love and peace while their faces mirror abject hatreds; who break the laws, rejoice in the spilled blood of authority, who greet those who disagree with them with shouts of "pigs."

These are those who claim "establishment," without realizing that there is always the establishment." Russia, China and Cuba, whom they admire so much also have an establishment, an establishment that does not allow criticism, no freedom to march, no freedom of speech.

I hate war and know what war can do to the human spirit, as well as the body. Yet I will not join the peace moratorium, I will not be a party to the vilifying of our President and our Nation. For my Bible tells me there is something worse than war, it is human slavery, human bondage, in which man is no longer man, either in spirit or body.

I shall work for peace, and pray for peace within the framework of my government and I shall hope in God.

## ANNIVERSARY OF THE DESTRUCTION OF THE FREE BALTIC STATES

## HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. EILBERG. Mr. Speaker, from June 12–16, Baltic peoples all over the world were mourning the 31st anniversary of the annexation of their homeland by the Soviet Union, and with it the destruction of these States as independent countries. At that time, the United States raised its voice in protest. It is only fitting that it be raised again and again until the pressure of world public opinion becomes so strong that the restoration of liberty in the Baltic States is achieved.

Their's has been a long history of brief independence, thwarted time and time again by expanding empires. The peoples living on the eastern shore of the Baltic Sea have long been the victims of the accident of geography.

In the late 18th century, the States of Estonia, Latvia, and Lithuania were overrun and incorporated into Czarist Russia. Through more than a century of oppressive czarist rule, the Balts retained their distinct national traditions and their undying love for independence.

At the end of World War I, in 1918, they achieved their national goal of independence, only to have it taken from them again in the late 1930's. First it was the Soviets who robbed these peoples of their sovereignty in June 1940. Under extreme pressure from Red army guns, "elections" were held. The Kremlin then claimed that Lithuania, Latvia, and Estonia had voted for inclusion into the Soviet State.

This was just the beginning of one of the most brutal occupations of all time. Hundreds of thousands of Balts were either killed or shipped out to the Arctic or Siberia. The Nazis employed similar abhorrent practices during their occupation from mid-1941 on for about 3 years. Then, in late 1944, the Soviets reoccupied the Baltic lands.

However, since the very beginning of the Soviet occupation, the Balts have utilized both organized resistance and, more recently, passive methods in their continuing fight for freedom.

These brave peoples have persisted in their struggle for freedom and we in the Congress and in the United States should commend and support the Baltic State's efforts for self-determination. Therefore, I commend efforts calling for freedom for Lithuania, Latvia, and Estonia, to my colleagues as being a proper step toward mounting world opinion pressure on the Soviet Union.

On this 31st anniversary of the destruction of the Baltic States, I join with others in Congress and around the world, who pay tribute to the courageous Baltic peoples and fervently hope that their day of self-determination and peace will be close at hand.

## QUESTIONNAIRE RESULTS

## HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. FISH. Mr. Speaker, in April I mailed my 1971 questionnaire to every boxholder within my 28th Congressional District of New York. Within 30 days I received 26,757 returns. For the benefit of the other Members of Congress, I am introducing the results of this poll in the CONGRESSIONAL RECORD:

CONGRESSMAN HAM FISH, JR.—CONSTITUENT RESPONSE

[Amount in percent]

| | Male | Female |
|---|---|---|
| 1. What do you feel is the best U.S. policy in Vietnam? | | |
| (a) Increase military effort to achieve a military victory | 7.3 | 5.1 |
| (b) President Nixon's policy of removing U.S. troops by steps, while strengthening South Vietnamese forces to assume own security | 59.2 | 56.8 |
| (c) Withdraw all U.S. troops immediately | 20.4 | 23.6 |
| (d) Publicly setting an absolute date for withdrawal, regardless of events | 10.6 | 11.0 |
| (e) No opinion | 0.5 | 0.9 |
| No response | 2.0 | 2.6 |
| 2. To fight inflation which action would you favor? | | |
| (a) Wage and price control | 54.9 | 53.8 |
| (b) Spend less on domestic programs | 12.2 | 10.1 |
| (c) Spend less on national defense | 23.1 | 25.4 |
| (d) Raise income taxes | 1.3 | 0.9 |
| (e) No opinion | 2.9 | 4.1 |
| No response | 5.6 | 5.8 |
| 3. To fight unemployment which action are you willing to have the Federal Government take this year? | | |
| (a) Establish public service employment programs to create jobs | 52.7 | 53.7 |
| (b) Adopt President Nixon's full employment budget with its projected deficit | 20.7 | 18.2 |
| (c) No opinion | 15.2 | 17.1 |
| No response | 11.4 | 11.0 |
| 4. President Nixon has proposed a program of national health insurance, which one would you favor? | | |
| (a) A program financed and operated by the Federal Government | 21.4 | 21.8 |
| (b) A federally operated program financed by employer and employee contributions | 26.9 | 26.5 |
| (c) Income tax credits for the cost of purchasing private health insurance | 26.8 | 25.3 |
| (d) No new legislation in this area | 15.1 | 12.5 |
| (e) No opinion | 5.1 | 8.0 |
| No response | 4.8 | 5.9 |
| 5. Do you favor returning a share of Federal tax to State and local governments to help solve local programs? | | |
| Yes | 66.9 | 66.4 |
| No | 20.8 | 16.4 |
| Undecided | 7.5 | 9.7 |
| No response | 4.8 | 7.4 |
| 6. To fight pollution would you support: | | |
| (a) Enactment of President Nixon's $10,000,000,000 clean water program? | | |
| Yes | 37.3 | 34.0 |
| No | 8.8 | 7.0 |
| Undecided | 7.2 | 8.7 |
| No response | 46.7 | 50.2 |
| (b) Spending even more money and passing stricter laws? | | |
| Yes | 33.4 | 31.3 |
| No | 11.6 | 10.0 |
| Undecided | 3.8 | 4.9 |
| No response | 51.1 | 53.8 |
| (c) Imposing user fees and/or taxes on all polluters and users of water in order to fully finance Federal water pollution abatement programs, even if this means higher prices? | | |
| Yes | 45.9 | 43.3 |
| No | 8.0 | 6.9 |
| Undecided | 4.3 | 5.6 |
| No response | 41.8 | 44.3 |
| (d) Leaving the job up to the States? | | |
| Yes | 18.7 | 19.9 |
| No | 26.8 | 25.1 |
| Undecided | 3.8 | 5.0 |
| No response | 50.7 | 49.9 |
| 7. Would you favor legislation I have introduced calling for $100 minimum Social Security benefit, an increase of the earnable allowance from $1,680 to $2,400 and an automatic cost-of-living increase clause? | | |
| Yes | 83.0 | 83.1 |
| No | 9.1 | 6.4 |
| Undecided | 4.3 | 5.2 |
| No response | 3.7 | 5.4 |
| 8. What action should the Federal Government take in connection with possession and use of marihuana? | | |
| (a) Legalize it and eliminate present penalties | 17.3 | 14.6 |
| (b) Reduce present penalties | 16.8 | 18.4 |
| (c) Retain present penalties | 15.3 | 15.5 |
| (d) Increase present penalties | 41.1 | 42.0 |
| (e) No opinion | 4.5 | 4.5 |
| No response | 5.1 | 5.2 |

CONGRESSMAN HAM FISH, JR.—CONSTITUENT RESPONSE—Continued

[Amount in percent]

| | Male | Female |
|---|---|---|
| 9. Federal farm controls and subsidies should be: | | |
| (a) Phased out within 5 years | 50.2 | 43.3 |
| (b) Continued substantially as is | 2.2 | 2.2 |
| (c) Made permanent with increased subsidies | 1.6 | 1.4 |
| (d) Continued with a limit on amount any one farm could receive | 32.4 | 30.2 |
| (e) No opinion | 8.1 | 14.0 |
| No response | 5.5 | 8.9 |
| 10. Regarding consumer protection, the Federal Government should: | | |
| (a) Limit its role to consumer education | 11.0 | 8.7 |
| (b) Push for more stringent controls over manufacturers | 68.3 | 70.8 |
| (c) Continue only to enforce existing laws | 11.9 | 9.0 |
| (d) No opinion | 3.1 | 4.0 |
| No response | 5.7 | 7.4 |
| 11. As an alternative to the present welfare system, President Nixon has proposed a work incentive and job training program while calling for a basic level of financial assistance. Would you favor such a program? | | |
| Yes | 79.1 | 75.0 |
| No | 8.4 | 7.2 |
| Undecided | 5.9 | 5.7 |
| No response | 6.6 | 12.1 |
| 12. How do you grade the Nixon administration so far? | | |
| (a) Excellent | 9.1 | 8.5 |
| (b) Good job in most respects | 44.9 | 44.2 |
| (c) Only fair | 26.0 | 25.9 |
| (d) Poor | 14.8 | 14.1 |
| No response | 5.1 | 7.3 |

## COUNCIL FOR EXCEPTIONAL CHILDREN LEGISLATIVE STATESMANSHIP CITATION TO CONGRESSMAN JOHN BRADEMAS

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## HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. PERKINS. Mr. Speaker, I was pleased to learn that the Council for Exceptional Children recently awarded a citation for legislative statesmanship to our colleague, Congressman JOHN BRADEMAS.

During the last Congress, Congressman BRADEMAS, who is chairman of the Committee on Education and Labor's Select Education Subcommittee, shepherded two major pieces of legislation of benefit to exceptional children—

Public Law 91-61, which provides for a National Center on Educational Media and Materials for the Handicapped;

Public Law 91-587, which authorizes Gallaudet College to maintain the Kendall School as a demonstration elementary school showing new media and methods for teaching young deaf children.

His continued interest and leadership in additional legislation for education of exceptional children—the brilliant or the slow to learn, the gifted and the handicapped—is also indicated by the attention he and his subcommittee have given to legislation which would create a National Information and Resource Center for the Handicapped and to provisions to safeguard the interests of handicapped children in the comprehensive child development bill.

At this point, Mr. Speaker, I should like to place in the RECORD the Council for Exceptional Children's Citation for Legislative Statesmanship, and Congressman BRADEMAS' remarks at the presentation in Bloomington, Ind., June 18, 1971:

THE COUNCIL FOR EXCEPTIONAL CHILDREN CITATION FOR LEGISLATIVE STATESMANSHIP IS PRESENTED TO JOHN BRADEMAS

The Council for Exceptional Children commends The Honorable John Brademas, member of Congress from Indiana, for his leadership in securing legislation to meet the educational needs of exceptional children. Of particular note are his efforts in securing passage of the Handicapped Children's Early Education Assitance Act, the National Center on Educational Media and Materials for the Handicapped Act, and the Act which allowed Gallaudet College to operate the Kendal School as a demonstration elementary school for the deaf. The Council is most appreciative and expresses its gratitude for Congressman Brademas' efforts to achieve greater educational opportunity for our nation's exceptional children.

JAMES J. GALLAGHER,
*Chairman, Awards Committee.*
S. C. ASHCRAFT,
*President, The Council.*

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Ladies and gentlemen:

It is a pleasure and an honor to be with you tonight, men and women who have dedicated your lives to teaching handicapped persons.

As a member of Congress and Chairman of the subcommittee with responsibility for legislation that affects the education of the handicapped, I want to talk to you tonight about the subject that is our common concern.

The opening lines of the report of the Joint Commission on Mental Health of Children can serve as an eloquent beginning for what I have to say to you this evening:

"We proclaim that we are a nation devoted to its young. We believe that we have made great strides toward recognizing the needs of children and youth. We have enacted child labor laws, established a public education system, created treatment services for our disturbed and handicapped and devised imaginative programs such as Head Start for our disadvantaged young.

Yet we find ourselves dismayed by the violence, frustration, and discontent among our youth and by the sheer number of emotionally, mentally, physically and socially handicapped youngsters in our midst. It is shocking to know that thousands of children are still excluded from our schools, that millions in need go untreated, and that many still suffer from hunger and malnutrition. . . .

In spite of our best intentions our programs are insufficient; they are piecemeal, are fragmented and do not serve all those in need. Unwittingly, we have failed to commit our vast resources to promote the healthy development of our young. We have yet to devise a strategy which will maximize the development of our human resources."

I can understand how difficult it must be for you who have dedicated yourselves to the task of educating handicapped youth to sense the great wealth of our nation and still live with such harsh realities as these:

That 60% of our 7 million handicapped children receive no special education assistance at all;

That over 1 million handicapped children are excluded from school and exist in a noman's land among school, institution, and home;

That 70% of handicapping conditions could be prevented or ameliorated with appropriate early intervention and yet in 1969, only 10% of the 2.5 million handicapped children under age 6 received any type of service under the various Federal preschool education and day care programs;

That out of the $1,000 per citizen spent by the Federal Government, only 50 cents is directed toward educating handicapped children;

That in our own State of Indiana, there are approximately 150,000 handicapped children of whom only 90,000 are receiving the special education they need, and

That it is estimated that an additional 7,000 special teachers will be required here in Indiana to do the job.

I can remember vividly that bright, sunshiny day in August of 1963 when Martin Luther King, standing on the steps of the Lincoln Memorial, spoke of his dream for America. "I have a dream", he said, echoing what Carl Sandburg had said years earlier about America:

"The republic is a dream," said Sandburg, adding that "Nothing happens unless first a dream."

So let us all dream for a moment, let us look away from the despair of America today to foresee a time which the opportunity to develop one's potential to the fullest is a birthright, a time when the institutions of our society are responsive to the uniqueness of the human spirit.

Let us dream of an America where the opportunity for the basic needs of life will be a right for everyone and not a charity; of a society where every child can receive the education and health he needs without having to plead for assistance or wear the label of deviance implanted on his forehead.

Let us dream of an America:

Where deaf children can learn the vocational skills necessary to work on an equal basis with those who hear;

Where the severely retarded child of poor parents can live a life of self-fulfillment and social benefit like that of the retarded child whose parents happen to be wealthy;

Where *all* children will be free of the ravages of Rubella and of other crippling diseases.

I suggest to you the dreams like these must be our dreams, and I am glad to be able to report to you that during my 13 years in Congress, I have observed such dreams become more and more reality.

Just reflect for a moment on these facts:

That thirteen years ago, the concept of a Federal role in helping meet the problems of education, health, and poverty was considered heresy . . .

That thirteen years ago, only 10% of the nation's handicapped children were receiving special educational assistance, while today 6 times that many are being helped.

Just recall that . . .

Thirteen years ago, the Federal Government spent less than $1 million on the education of the handicapped, but that this sum has grown over 200-fold.

Or turn your minds to this fact, too:

You and I know that thirteen years ago, the benefits of early education and day care programs were limited to a fortunate few. But during that period, Head Start and the Handicapped Children's Early Education Assistance Act began to turn the attention of the nation toward these critical earliest years, and more and more young children are now being served by these programs.

Of course, there are those in Washington who would suggest that the last thirteen years of Federal activism and initiative have been an excursion into folly and that we ought to return to the "good old days" where the needs of the handicapped were left totally to the whims and politics of State and local government.

I suggest to you that had this philosophy prevailed over the past thirteen years, this meeting might not be held today, that special education training and research programs might not even exist, and that today might not be brighter than yesterday for handicapped children. Fortunately, this philosophy of hostility to a role for the Federal Government in supporting programs to benefit the handicapped has not prevailed and does not hold sway today in Washington, D.C.

Even as recently as the last Congress, the 91st, we have sought to push back the frontiers of darkness and widen the horizon for the handicapped child. I refer to legislation, written by my own subcommittee, to create a National Center for Educational Media and Materials for the Handicapped and to expand the role of the Kendall School in Washington to enable it to act as a demonstration center for learning new ways of teaching deaf children.

Both these laws are based on the sure knowledge that here are developments—new inventions and techniques pioneered by men and women like yourselves—which can help the handicapped if only they are made available.

The National Center for Educational Media and Materials is now law and in the planning stage within the Administration, the Act will broaden the opportunities for handicapped persons and the parents of handicapped children to find the talking books or captioned films, the special teaching materials and appropriate learning aids which can alleviate the effects of their handicaps.

The Kendall Elementary School for the Deaf at Gallaudet College in the nation's capital has historically served the very young. With the new authority made possible by our action in the 91st Congress, the Kendall School will now be a working demonstration center where new techniques, media and technology can be used, improved and shown to educators across the country.

So we have been moving ahead, but we still have a long way to go to devote enough resources to meeting the needs of the handicapped.

In this respect, I am pleased that the U.S. Commissioner of Education, Dr. Sidney Marland, has designated education of the handicapped as one of the national priorities of the Office of Education. Under the capable leadership of Dr. Ed Martin, the Bureau of Education for the Handicapped has become a potent voice for handicapped children within the Administration and the chambers of Congress. National organizations, such as the Council for Exceptional Children have pledged an invaluable role in stimulating a sense of consciousness about the handicapped in Washington.

But, as I have said, we still have a long way to go.

Let me take advantage of this opportunity to tell you about two legislative measures with considerable significance for education of the handicapped, before the Select Subcommittee on Education, which I chair.

For the past 2 years, during the 91st Congress and now the 92d, our subcommittee has worked hard on a major bill that takes seriously the knowledge we now have that what happens to a child in his first 5 years of life can have an immense impact on the rest of his life.

The legislation on which we are working is known as the Comprehensive Child Development Act. This bill, while giving priority to economically disadvantaged children, will open child development programs to children from all income groups. Such programs would include education, nutrition, physical and mental health services, and family consultation.

I am pleased to say that last week and this week we have been working to "markup" this bill. This means we are in the last stage of subcommittee work prior to reporting the bill favorably to the full Education and Labor Committee. You will be interested to know that in the course of markup, it has been proposed that at least 7% of funds under the Child Development bill be set aside for handicapped children, and I can assure you here tonight that I will support that amendment.

So I hope this pioneer legislation will become law in this Congress and I hope, too, that the Nixon Administration will support the necessary resources for its full implementation. The potential of the Child Development bill for all children is great, but its implementations for handicapped children are monumental.

I should add, by the way, that our bill requires that communities, in planning for the needs of their preschool children, include planning for their children who are handicapped.

Let me turn now to the second important matter before my subcommittee, educational research.

One of the most exciting proposals for American education is the National Institute of Education, proposed by President Nixon in his 1970 Message on Educational Reform. As President Nixon put it at the time:

> As a first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.

The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.

We spend annually in this country over $65 billion dollars on education. Yet of this whole amount less than .3%—under $200,000,000 a year—goes to research, development, and directed innovation . . . 3/10ths of one per cent, by way of contrast with 10% of all national defense expenditures earmarked for research and development, or the nearly 5% of our health expenditures we put into research and development.

If the same happened in defense, we would still be flying B–29's. If agriculture were operated with so little research, there would be no land-grant colleges, no county agents, no soil test stations, and precious little advance in genetics, biology or veterinary science.

Yet, with so little investment in research into new ways of teaching and learning, we are surprised that there are problems in education!

It is now more than forty years since John Dewey write his book, "The Sources of a Science of Education". Yet Charles Silberman can comment even now in his "Crisis in the Classroom" that:

> "The degree of ignorance about the process of education is far greater than I had thought. Research results are more meager or more contradictory and progress toward the development of usable theories of learning and instruction is far slower."

Clearly the effort being made by the National Center of Educational Research and Development in the Office of Education is like watering a desert with a garden hose; we have to do better.

We need a system through which we can find out as it happens what is going on in our classrooms, what the results are for the children, and which strategies of investment in curriculum, teacher training and other kinds of educational change can improve the ways in which people learn.

More immediately, we need hard thought and experimentation to find out how to provide genuine equality of educational opportunity for all our school children.

The vehicle for the major effort in research and social engineering, development and directed innovation which will be needed to confront these problems can be the National Institute of Education. And clearly one of the areas to which the NIE must turn significant resources and energies is education of the handicapped.

These then, are two of the most important events in education today, the effort to extend to all young children the benefits which some have had under Head Start and the effort to create a research base for the reform and renewal of American education. And both these measures, to reiterate, are rich in potential benefits for America's handicapped children.

As I close tonight, let me leave with you some words of a man—a physically handicapped man—which represent a challenge to you—as special educators, and to me, as a legislator:

"For the test of progress," said President Franklin D. Roosevelt in his second inaugural address, "is not whether we add more to the abundance of those who have too much. It is whether we provide enough for those who have too little."

You who are providing for the needs of some of these who have too little, the handicapped, should know then that you are engaged in America's most important work.

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## ADDRESS BY DR. NATHAN PUSEY OF HARVARD

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. DORN. Mr. Speaker, Dr. Nathan Pusey retires tomorrow after 18 years as president of Harvard University. Dr. Pusey's last speech to the Harvard student body is especially significant and timely, and I am pleased to include here a press account from the New York Times:

[From the New York Times, June 16, 1971]

PUSEY CALLS REVOLUTIONARIES "DELUDED"

(By Robert Reinhold)

CAMBRIDGE, MASS.—In his last speech to students before retiring as president of Harvard University, Nathan M. Pusey denounced today the "power-hungry revolutionaries" who have made the last few years so difficult for him. He termed them "grievously, even malignantly, deluded."

"In recent years," Mr. Pusey said, "campus revolutionaries, here and elsewhere, have held that a debilitating and dehumanizing contagion, allegedly springing from the interests and arrangements of the world outside, has so deeply penetrated and widely infected the activities and structures of academic societies, and has so controlled them—has made them so thoroughly deceitful and corrupt—that the only acceptable attitude toward them must also be one of hatred, denigration and attack.

"This has disturbed me more than any other development during recent years."

"If they are to be believed, the world, unready as yet to be set right by them, is totally corrupt—governed, controlled and manipulated by schemers, of whom I suppose, at least in the minor way, I must be considered one," he went on.

He said he could not "see any significant correspondence between the world which I have experienced and have come to respect and the world they describe."

Mr. Pusey, a 64-year-old classicist who will retire on June 30 after 18 years as head of the country's oldest college spoke at the school's annual baccalaureate service. About 200 of the 1,337 Harvard and Radcliffe seniors who will be graduated Thursday attended the service in Memorial Church.

### LEGACY SEEN INFLUENCED

After retirement, Mr. Pusey will head the Andrew W. Mellon Foundation in New York. He stepped down, two years earlier than had been expected, in the wake of sometimes tumultuous student demonstrations in 1969 and 1970.

The bitter legacy of those days appeared to influence his words today.

"We profess to eschew materialism, aggressive self-interest, competition and derogation," he said. "We talk endlessly of love and one escape from crassness of feeling. Yet we manifest less and less regard for others outside the immediate circle of our intimates."

"In the midst of much bitter name-calling, love or even charitable regard for others—unmarred by self-seeking or the desire to impress or to impose a personal viewpoint on others—would seem rapidly to be vanishing from the earth," he said.

Specifically, Mr. Pusey complained about those who "express rhapsodic concern for the environment," yet who burn automobiles and buildings, tack posters on trees, spray paint walls and public monuments, break down bushes, trample grass, discard trash by the roadside."

And he decried those who "amplify their rhetoric in public parks, shriek their calls to action over bullhorns and sound trucks within the groves of academe, repetitively spreading private—and usually very inane—doctrines."

"It is hard to discern in all this just who is kidding whom, but surely something is sadly mixed up, and there is room in our society for serious doubts about motives and behavior," he added.

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## LEGISLATIVE SKIN GAME TAKES TAXPAYERS FOR A RIDE

## HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BURKE of Florida. Mr. Speaker, the great 92d Congress "legislative skin game" is underway with billions of dollars of uncollected taxpayers' dollars tossed in the pot. In fact, the thief of Baghdad could learn a few tricks by reading the Congressional Record, and so would the taxpayers who will be losing their shirts, and probably more, if many of these Federal programs are implemented as planned.

For instance, the House passed a $1 billion per year Emergency Employment Act, which will presumably create approximately 200,000 jobs in the public service field for the unemployed, with the Federal Government financing 90 percent of the program and the local governments financing the other 10 percent.

Not content with establishing this makeshift work program, the House just this week passed H.R. 1, the so-called welfare reform act, which also includes still another provision to create public service jobs. This so-called welfare reform bill authorizes $800 million in Federal funds to pay for 200,000 public service jobs only in this program the Federal Government will pay 100 percent of the cost the first year; 75 percent in the second; and 50 percent in the third. Of course, you can bet this will later be changed to allow the Federal Government to pay all the costs, if the cities can not meet their obligations once the program begins.

Proponents of this new idea of the old WPA jobs claim that there is a difference in the two programs on the basis that the Emergency Employment Act of 1971 will allow any unemployed person to be eligible for the city and State jobs; but H.R. 1, however, allows only welfare recipients to qualify for these new jobs.

Furthermore, it is made clear in both bills that the Federal minimum wage must be paid to those employed unless the local prevailing wage is higher.

The new Federal jobs will be created on a first-come basis immediately upon the President's signing of the Emergency Employment Act into law. The plan will continue for 2 years if the unemployment figure remains at 4½ percent or higher. Areas having 6 percent or higher unemployment rate will receive additional Federal funds for the program.

Under H.R. 1, if it becomes law, public service jobs will be created upon its enactment, but it still must be debated in the Senate and who knows what the money figures will be then.

Supporters of both these programs argue they are needed to reduce the high unemployment rolls. Unfortunately, I cannot see how more and more Federal spending will improve the economy of the country, especially since it is so plagued by inflation caused, to a large degree, by the current deficit Government spending. Our Nation is in financial trouble as can be readily seen from our national debt figure.

In the past, we encouraged private industry to take care of the unemployed by giving tax incentives and considerations on taxes. We used to assist the private sector, so our economy could expand enough to take care of unemployment, train the unskilled, and put them to work.

But today, the attitude is different. Instead of less Federal interference and less taxes, we are witnessing ever-increasing Federal programs to create jobs. All of which creates a greater burden on the taxpayer, and will drive many to the poor house.

The cost of these new public service jobs alone will total a minimum of $2 billion annually.

But this is not all. We must also include the new welfare reform act—it would better be called the taxpayers deform act—which is estimated to increase the Federal outlay by $13 billion per fiscal year, and $17.7 billion per year by our 1976 bicentennial.

The new so-called welfare reform act will upon enactment double the number of Americans who will be on relief rolls, as almost 26 million Americans will be eligible for relief of some kind under this act, one in every eight Americans.

The guaranteed annual income part of the bill will allow a family of four to receive $2,400 per year and more depending on the size of the family, but you can bet that politics and demagoguery being what they are this amount will be increased in just a matter of months.

Already, the welfare rights organization, which is a group of unionized welfare recipients, is demanding a $6,500 guaranteed income per family, per year. Some in Congress are encouraging this figure as the base, and if all this does not sound like socialism or communism then I do not know what does.

The worst part of the passage of H.R. 1 is that it is tied up with a social security increase, which in my opinion, was an insult to those on social security. Instead of being effective immediately, it provides for an increase of only 5 percent effective next year.

I want to charge now that the Social Security System is close to bankruptcy, if in fact it is not actually bankrupt now.

The Congress may, or may not be able to save it, but one thing is sure, the present attitude of the Congress regarding social security is nothing but plain demagoguery. To do the job, the Congress must begin to review the entire program from its very beginning.

To me, it is an insult, not only to the social security recipients, but to those employers and employees who are paying social security taxes to have this program coupled with awelfare reform bill.

Congress must, if it is to save the social security program, look into the increased costs of this entire program; find out where the social security funds are; or what substitute security there is. The true costs of the social security pensions must be determined as to who gets them and how much they will actually receive; what these are costing all taxpayers in goods and services; what interest is being payed into the fund by those who have the use of these huge sums; and more important what guarantee there is to recipients in the event of an economic collapse.

Let us hope the "Big Spenders" learn before it is too late, or we may have a sad, sad 1976.

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## SPACE SHUTTLE

## HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. PETTIS. Mr. Speaker, yesterday morning an article appearing in the Washington Post on the space shuttle program disturbed me deeply. It cited some arguments put forth by the distinguished senior Senator from Minnesota, Mr. Mondale, which I feel are fallacious and which I cannot in good conscience let go unchallenged.

The Senator queries the types of dividends that would flow from this program, asks why the Air Force itself does not request funds for the project, and questions whether the program can, indeed, be justified economically.

The prime justification for the space shuttle program is the greatly increased capability and flexibility that it can bring to both our civilian and military space operations.

In the first place, the shuttle would have a beneficial impact on our military operations. It would provide additional flexibility that would enhance our ability to respond quickly, it would assist in unplanned mission changes, it would improve the potential of our communications network; and it would aid us in the area of military detection and surveillance. Certainly, even though there is a strong tendency to want to reduce military-related expenditures, we cannot completely disparage those ventures which will redound to the benefits of our national defense and provide us with an increased military potential.

The tangible benefits which will accrue to our society from the operations of this shuttle are almost limitless.

Sensors and equipment can be flown aboard the shuttle for such things as weather observation and prediction, pollution detection and environmental studies, mineral and water resources studies, and crop and forest surveys. Because the shuttle will be ready for flight in about 2 hours, it can also be utilized for spot assignments dealing with checking earthquake damage, tidal waves, hurricanes or tornadoes, or storm fronts.

Automated satellites, such as weather, earth resources, and other scientific satellites, will be placed in earth orbit by the shuttle and later brought back by the shuttle for repair and reuse or modified and repaired in orbit. Many benefits for mankind are inherent in this program, and anyone not cognizant of this suffers from myopia.

The Senator accused the Air Force of having no interest in the program where the truth is the administration made the decision to contract funding of the program under civilian direction. It was agreed that military would supplement the program in the area of defense needs.

I wish to cite testimony by the Air Force Secretary, Dr. Robert Seamans, which elucidates their role in the development of the shuttle:

> The USAF role for the present is to provide to NASA the data necessary to help assure that the Shuttle configuration will be of maximum utility to the DOD. At the time, we will plan, as necessary, for DOD use of the system when it becomes operational. Funding for development will be the responsibility of NASA. We will continue to support the NASA budget requests based upon our needs. The DOD investment over the next two to three years is planned to be small. However, in the future, we will require major funding to equip a DOD fleet and to provide unique DOD hardware, facilities and operational support. Depending on development progress, this could be a requirement during the middle and latter part of this decade. I would like to say that the DOD investment should amortize itself in a few years: in fact, as presently visualized, the national investment could be amortized in about a decade after the system becomes operational.
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> Let me now move on the area of coordination between the Air Force and NASA. I want to emphasize the effective working relationship which exists between these two agencies. We have always worked closely since there are so many large areas of common interest in space and aeronautics, and this is particularly true in the case of the Shuttle program. Our goal, of course, is to achieve the highest possible degree of hardware and operational commonality, while satisfying mission requirements in a manner that best serves the national interest.
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> Because of the need for frequent coordination, a joint Space Transportation System Committee was established by agreement between the Air Force and NASA in 1970.
>
> The Committee activity has enabled the Air Force to acquire a detailed understanding of the NASA program.
>
> We feel that NASA has been responsive to the overall national needs and that the Shuttle configuration which is evolving holds promise for providing an economical and effective means of launching both DOD and NASA payloads.

I feel that NASA has been completely open and aboveboard insofar as the economics of the shuttle is concerned. Last year it placed Mathematica, Inc., under contract to conduct an independent analysis of the shuttle so as to preclude the bias that tends to creep into any in-house assessment of this type. It represents an economic analysis of the shuttle as a national system using combined NASA, Department of Defense, and other user traffic models. This study is now nearing completion and some conclusions have already been reached.

Mathematica concludes that using even the most conservative economic analyses that, at a 10-percent social discount rate, the allowable nonrecurring costs for "buying" a fully reusable space transportation system are $12.9 billion at an annual activity level of 46 space shuttle flights. Average U.S. yearly flights for the period of 1964 through 1969, in which the shuttle could have been used if it had been available, were five.

These conclusions are based on what Mathematica considers to be realistic and, indeed, conservative projections of space activities in the 1980's—with most of the projected unmanned space programs operating below the level maintained during the 1960's.

The Mathematica analysis has been conducted entirely on the basis of quantifiable estimated benefits, specifically associated with the shuttle launch savings and payloads savings. However, I am convinced that benefits of the shuttle go beyond those that are measured only in this way, and include the benefits to our national economic posture, to our national security, and to our world leadership that evolve from the thrust of the development effort and the yet-to-be discovered uses of the capability that will be realized when the system is in operation.

It is irresponsible for any of us to suggest that the program does not have any earth benefits in it.

At this time I want to state for the record that I fully support the NASA shuttle request.

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## THE 1972 AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION ACT

### HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. HULL. Mr. Speaker, on June 23, 1971, the House passed H.R. 9270, the fiscal year 1972 agriculture-environmental and consumer protection appropriation bill. This bill will benefit all Americans, either directly or indirectly. It is particularly significant because this is the first year that environmental and consumer programs have been reviewed by one committee of Congress. This joint review will help assure that comprehensive programs are developed, while at the same time guarding against expensive, and unnecessary duplication.

The bill, as passed by the House, includes a total of $12,423,896,050. This is $321,182,200 over the budget as submitted by President Nixon, and $2,874,988,500 more than the funds appropriated for similar programs last year.

The bill includes four titles, and some of the most significant provisions of each title are as follows:

Title I.—Agricultural programs—total $5,260,771,050.

A total of $279,186,650 is provided for agricultural research. Of particular importance is an increase of $500,000 for corn blight research. This, together with $1,500,000 in the cooperative State research service—state experiment stations—provides a total of $2,000,000 for an attack against this important disease.

A total of $320,400,000 is provided under the Public Law 480 program. Under this program long-term credit arrangements are developed to improve our exports of farm products abroad. In addition, surplus agricultural commodities are donated to friendly nations and peoples in disaster situations and to help developing economies—Food for Peace.

The sum of $2,500,000 is provided for the dairy and beekeeper indemnity program. This, together with $3,500,000 provided in an earlier supplemental, will make a total of $6,000,000 available to indemnify dairy farmers and beekeepers who, through no fault of their own, suffer economic damages either because of pesticide residues in their milk, or because their bees are killed by pesticides.

The sum of $13,000,000 is provided to the land grant colleges of 1890, which includes Lincoln University, at Jefferson City, Mo. While the exact distribution of the funds has yet to be determined, this is a very significant action since only $289,000 was provided for similar purposes last year.

Title II.—Rural development—total $932,847,000.

The sum of $230,000 is provided to establish a separate rural development service in the Department of Agriculture. This action by the Congress is intended to demonstrate the deep concern for the development of rural America.

The sum of $545,000,000 is provided for the Rural Electrification Administration.

This is $208,000,000 more than was provided for the same program last year. This is the biggest 1-year increase in the history of the REA program and should be of tremendous importance.

The sum of $30,000,000 is appropriated for the new Rural Telephone Bank. This new corporation is intended to help improve telephone service in rural America, and this initial funding is a very important first step toward this goal.

The Congress added $75,000,000 over the amount requested by the President for farm operating loans. This will provide a total of $350,000,000 for this very important program which helps give farmers the working capital required to plant and harvest their crops.

The bill includes $1,605,000,000 for insured loans by the Farmers Home Administration. These funds will help meet the vital needs of rural America for housing.

A total of $100,000,000 is provided for rural water and waste disposal grants. This is $58,000,000 more than requested by the President, but the Congress felt a larger program was necessary to meet the large backlog of needs in this area.

Title III.—Environmental protection—Total $3,467,255,000.

The sum of $2,432,100,000 is provided for the Environmental Protection Agency. This is the first full year financing for the Agency, and an increase of $1,128,696,000 over the amounts spent for environmental programs last year. This almost 50 percent increase includes an extra $1,500,000,000 for waste facility plants to treat sewage, a primary pollutant and a critical problem.

The bill also includes $2,300,000 for the Council on Environmental Quality. The Council is the principal adviser to the President on the entire range of environmental questions, as distinct from the Environmental Protection Agency which is the primary regulatory agency.

A total of $700,000,000 is included for water and sewer grants in HUD. This is $500,000,000 more than the President requested and again is an indication of the vital importance Congress places on pollution problems.

The sum of $315,305,000, an increase of $43,238,000 over last year and $1,011,000 more than the President requested, is included for the Soil Conservation Service. The SCS is one of the original environmental agencies, having been engaged in conservation projects for over 30 years, and this large increase is an indication of continued confidence.

The sum of $195,500,000—$55,500,000 more than the President requested—is provided for the rural environmental assistance program. This program, formerly called the agricultural conservation program, has also for many years provided for many environmental improvements. The committee also condemned the executive branch for its failure to spend the full amount of funds approved by the Congress last year.

Title IV.—Consumer protection and services—total $2,763,023,000.

The sum of $1,400,000 is provided for the Office of Consumer Affairs, which is the primary office advising the President on consumer activities. This includes $450,000 for a newly established Consumer Products Information Coordinating Center, which will make available to consumers the information the Government obtains in making its own purchases.

The sum of $99,681,000, an increase of $14,060,000 is provided for the Food and Drug Administration. These increases will provide for increased food inspections, review of the efficacy of drugs, and increased emphasis on product safety.

The sum of $2,001,184,000 is provided for the food stamp program. This is $331,184,000 more than was available in 1971, and will help assure that food is available to needy individuals at prices they can afford. The committee also tried to get at the problem of abuses by providing additional moneys for investigations, and by directing that cases of violations be turned over to State welfare agencies.

The Congress also approved $140,000,000 for the special milk program. This program, which provides milk to children in school, has been deleted by the President in his budget request, but the Congress added it back in.

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## HOUSE SMALL BUSINESS COMMITTEE HEARINGS SCHEDULED ON ENERGY CRISIS AND CONCENTRATION IN ENERGY FIELD

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. EVINS of Tennessee. Mr. Speaker, the Subcommittee on Special Small Business Problems of the House Small Business Committee will resume hearings July 13 on the energy crisis and the problems in the field of fuel and energy production.

The gentleman from Iowa (Mr. SMITH), chairman of the subcommittee, is to be commended and congratulated for this initiative as I am confident these continuing hearings will be helpful and informative.

Because of the interest of my colleagues and the American people in this most important subject, I place a news release concerning the hearings in the RECORD herewith.

The release follows:

### SMALL BUSINESS COMMITTEE SCHEDULES HEARINGS ON ENERGY CRISIS AND CONCENTRATION BY COMPETING RAW FUEL INDUSTRIES IN THE ENERGY MARKET

Representative Joe L. Evins (D-Tenn.), Chairman of the House Small Business Committee, today announced that the Subcommittee on Special Small Business Problems, chaired by Representative Neal Smith (D-Iowa), will conduct hearings on July 12, 13, 14 and July 20 and 22, to investigate problems related to oil companies acquiring competing fuel resources and other corporations making acquisitions in the energy field which may have the effect of lessening competition. Price increases and the reliability of natural gas reserve estimates will also be examined.

Chairman Evins said, "Several large oil companies have gained control of a majority of the 15 largest domestic coal producers. This concentration by competing raw fuel suppliers of energy resources may have contributed to the recent shortage of coal available for use in the generation of electric power, resulting in increases in electric rates. The lessening of competition through acquisition and mergers may have resulted in artificial price levels which render economic injustice upon those who can least afford it."

Congressman Smith stated that "The effect of utility price increases on the small businessman and consumers is harsh. Both large and small coal users complain that they are unable to obtain adequate supplies at reasonable prices. Many areas of the country face the possibility of brownouts and blackouts because of the unavailabilty of coal for use in the generation of electricity. It is the small businessman, the homeowner and the consumer who will suffer the most, since they will ultimately have to pay for the lack of coal supplies by increased utiilty bills.

"Competition which is predicated upon unrestricted entry into economic markets must be encouraged. Vast coal reserves exist in this country. Yet, recently available supplies have dwindled to critically short proportions. The presence of coal reserves under the control of large oil companies and conglomerates could lessen competition, artificially driving up prices and raising barriers to prospective entrants into the coal industry. We hope to determine the extent of the concentration in the coal industry to enhance our understanding of the facts surrounding recent price increases and the trend toward concentration of competing raw fuel suppliers.

"The course of these hearings have been expanded to include an investigation of the validity of data used by the Federal Power Commission in estimating the natural gas reserves and their relationship to price increases. Due to the importance of certain FPC documents which have come to our attention, we feel it necessary that the public should be given the facts about the reliability of FPC reserve estimates.

"The energy supply picture is not bright and will continue to grow dimmer unless a concerted effort is made to encourage competition among raw fuel suppliers in order to maintain a price structure that will provide the public with energy at the lowest possible prices."

The hearings will include representatives from the following: Continental Oil Company, Humble Oil Company, American Public Power Association, Tennessee Valley Public Power Association, National Rural Electric Co-Op Association, American Public Gas Association, American Petroleum Institute, Federal Trade Commission, Atomic Energy Commission, Department of the Interior, Federal Power Commission, Department of Justice, and the Center for Study of Responsive Law, the Environmental Protection Agency and the Council on Environmental Quality.

The Members of the Subcommitee are Neal Smith (D-Iowa), Chairman, Joseph P. Addabbo (D-N.Y.), William L. Hungate (D-Mo.), Fernand J. St Germain (D-R.I.), Joseph M. McDade (R-Pa.), James T. Broyhill (R-N.C.).

Representatives Evins, Chairman of the full committee and Silvio O. Conte (R-Mass.) ex officio Members of the Subcommittee.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

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## MINNEAPOLIS HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. FRASER. Mr. Speaker, the mental health need of our society were aptly demonstrated by testimony received from psychiatrists and psychologists at the recent concluded Minneapolis health hearings.

Dr. William Hausman, professor and head of the University of Psychiatry at the University of Minnesota, emphasized the need for "research on socially relevant therapy" to assert minority groups alienated from the broader spectrum of society. In my opinion this type of psychiatric service is of the highest priority. Dr. Hausman, in response to my request also undertook a review of the provisions of H.R. 22, the Health Security Act of 1971, relating to psychiatric services. That is included also.

Dr. Paul E. Meehl, regents professor of psychology, raised some very crucial points concerning the role of psychologists and coverage for services performed by these mental health professionals. The points raised by Dr. Meehl are of great importance in light of the hearings shortly scheduled to begin in the House on the various health reform bills.

Dr. David J. Vail, director of the Medical Services Division of the Department of Public Welfare for the State of Minnesota presented a statement adopted at the Surgeon General's Annual Conference of the State and Mental Health Authorities. Dr. Vail also undertook an evaluation of H.R. 22 and discussed, among other things, the State's role in mental health services. I commend his remarks to my colleagues.

Dr. William Jepson of the Hennepin County General Hospital addressed the problem of shifting responsibility in mental health care especially as it relates to the needs of alcoholics and those addicted to drugs. He calls for providing a specific location, rather than permitting a continuation of the present shifting responsibility among Federal, State, and local governmental units.

I have also received the following letter from Dr. Robert Challman who is chairman of the legislative committee of the Minnesota Psychological Association. Dr. Challman has asked that I include his letter setting forth his concern about H.R. 22 as well as a statement from the Minnesota Psychiatric Newsletter of January 1971 in the hearings. Dr. Challman in his letter raises some very interesting and relevant points concerning health reform legislation. His comments and suggestions are thoughtful and deserve very careful consideration by all those vitally concerned with the reform of the delivery of health services.

The material follows:

HEARING ON HEALTH CARE REFORM HELD BY REPRESENTATIVE DONALD FRASER, MINNEAPOLIS, FEBRUARY 27, 1971

In responding to your request for participating in these important hearings on Health Care Legislation, I view this as an opportunity and a responsibility to express myself on the *mental health* aspects of possible new legislation.

I speak in the role of Professor and Head of the Department of Psychiatry at the University of Minnesota, as Director of the Psychopathic Hospital at the University Hospitals and as an individual who for many years has had a strong commitment to the concept of social and community psychiatry. Prior to coming to Minneapolis in 1969 I had the opportunity to participate in planning for the mental health aspect of a pre-paid health care program developed by Johns Hopkins School of Medicine in the new city of Columbia, Mayland. That experience gave me some perspective into the importance of the matching health care delivery plans to the needs and unique characteristics of the community in which the program is to be established, a principle which I feel should be kept in mind in the writing of any legislation affecting the health needs of the nation.

My remarks will be limited to some thoughts on the mental health aspects of any federally sponsored health care system and particularly as they relate to the needs of the Twin Cities and the state of Minnesota. In planning for a system of health care it is essential that the needs of the psychiatrically handicapped individual be met as an integral part of any comprehensive health care system. If this is not accomplished a large number of seriously handicaped people will be deprived of needed care and thus of their capacity to earn a living and to maintain their roles in society, and their self-esteem. On the basis of survey data it is estimated that between 10 and 24 percent of our population suffer from "mental disorder" or are "seriously impaired by mental disorder", 2% or more will suffer from schizophrenia during their lives. The early recognition of mental illness and the early availability of appropriate therapy can be expected to have long range consequences for the psychiatrically ill patient and for his family in terms of costs to them of subsequent treatment and in terms of incapacity. There is a developing body of data which points to the need for early recognition and effective intervention to avoid extensive hospitalization and chronicity. Psychiatric care is, of necessity, expensive because it involves a great expenditure of professional time to carry out effective treatment in any setting. The average individual, including those in the middle class, cannot afford such cost and thus is often deprived of the benefits of early treatment. At present most private insurance programs are limited to payments only for brief periods of hospitalization.

As an educator in the field of psychiatry it is evident to me that there is a continuing need for training in the mental health professional and subprofessional fields. Such education requires the availability of patients for treatment and the employment of faculty who have the time available to work in depth with trainees in order to assist them in developing appropriate skills and competence. Any system of payments for the treatment of the mentally ill should be written in such a way as to recognize the needs not only of the private sector and public mental health centers but also of the special requirements of educational programs in this area.

Another aspect of the treatment of the mentally ill, particularly of those in lower socio-economic groups, and especially the various ethnic minorities is the need for research on socio-economically-specific and ethnically-specific treatment approaches. It would be most valuable for the well being of this country if a bill for funding medical services could recognize the need for research on socially-relevant therapy approaches to include pilot programs that could test and model specific techniques for the mental health needs of those minority groups that find themselves alienated from the broader society and unable to make effective use of treatment approaches that are now basically designed for a middle class society.

In considering priorities for funding of mental health services in any new legislation special emphasis should be placed upon the availability of support for a variety of treatment approaches. These start with crisis therapy and should also include brief psychotherapy, day hospitalization, brief hospitalization (2 to 6 weeks) and follow-up care programs. Despite an ambitious start the federal community mental health program has failed, due in large measure to lack of available funds to reach the goals originally envisioned in the Kennedy mental health bill. For this reason some provision for the development of community mental health programs should alse be included in any new legislation intended to reform the health care system.

Other issues that are essential in considering care for the psychiatrically disabled include designs for systems that recognize the dignity of the patient and the need for the mentally or physically handicapped person to maintain and increase self-esteem as a first step toward a return to health. Such programs should also approach the issue of community participation in a more sophisticated way than has been evident in the past. This topic would require much more elaboration than is possible in this statement but is clearly an issue that will become increasingly significant during the next decade. Child psychiatry needs special development at all levels, including a major emphasis on training professional workers in this area. Finally, a recognition of the need for programs for training sub-professional mental health workers and for supporting their activities, especially with ethnic minority groups, should be built into health care reform legislation or into companion programs.

In taking advantage of the opportunity to present my views at this hearing, I have focused more upon general issues relating to mental health care than to specifics of the needs of the University Hospitals. It is my understanding that a statement will be presented at this forum by representatives of the Clinical Chiefs of the University Hospitals and therefore I have attempted to avoid redundancy with the remarks of those colleagues.

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UNIVERSITY OF MINNESOTA,
*April 30, 1971.*

Hon. DONALD M. FRASER,
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: Before I comment on the proposed Health Care Legislation, HR22, of which you are a co-author, I would like to express my great thanks to you for your interested response to my last letter and for your assistance in helping with the fiscal crisis that we in psychiatric education are approaching as a result of recent administration policies. I feel particularly concerned about this as I believe we are on the threshold of developing more socially relevant programs for our field and find it painful to learn that some of our support may be held back just as the field is beginning to come of age.

I have read your bill several times and have gone over the section by section analysis, provided to me by Hal Hegburg, in some detail. In this letter I would like to comment on those aspects of the bill where I feel competent to make considered judgments. I am fully aware that fiscal and political considerations must inevitably enter into the final product.

I will make my comments on a section by section basis following your outline, with emphasis on the areas involving psychiatric care. I am particularly impressed with section 22, subparagraph 2, in part A. I would agree that it is unrealistic to expect such legislation to encompass long term support of psychotherapeutic activity by private psychiatrists. This section appropriately encourages the development of mental health centers, with or without coordination with other types of medical programs. I also agree that where the center is organized on a capitation basis there is no need to set limits on the number of consultations covered. Rather the budget should include funds to be allocated for psychiatric care. It may be helpful, in considering the solo practitioner, however, to recognize those unique situations in which a patient needs brief supportive visits throughout the year in order to maintain him in society and out of the hospital. Wording that would permit brief visits, either in groups or individually, at a cost that might be pegged at a figure no greater than one quarter of ordinary consultation charge might permit the long range follow-up of the otherwise-hospitalized patient, particularly in areas where no mental health center is available. This would place that individual in a position comparable to the sort of arrangements that would be set up by an effective mental health center for the chronic patient needing support out of the hospital setting.

Section 24, paragraph 2, limits the psychiatric benefits to 45 *consecutive* days of active treatment. Unfortunately some of the patients who require hospitalization may profit from a series of brief hospitalizations far more than they would from one longer period of treatment. It might be helpful if the term "consecutive" were omitted to permit a total of 45 days of active treatment during the benefit period. Better still, the bill might consider a total of 60 days of active treatment including no more than 45 consecutive days on any admission.

In Section 27 the bill prohibits payment to the independently practicing psychologist. In many communities such professionals provide effective care for patients who are not under regular medical supervision. My reading of recent developments in the mental health field suggests that psychologists are receiving increasing recognition by insurance carriers and others for their services. While I would prefer to have most of them working in mental health centers I think it may be considered unreasonable to preclude the possibility that fees might be paid to appropriately licensed clinical psychologists for services to certain classes of psychiatric patients. If you would like I can probably get more documentation in this area from the psychologists on our own staff.

Moving to Part C, I fully agree with the provisions of Section 44 and feel that this provision will be a helpful one in many states in insisting upon the differentiation of custodial from active treatment care. In subsection (a) of the same section it may be important to define the services that a health care organization must furnish as including psychiatric care of an active type or including evidence of collaborative arrangements with an appropriate phychiatric treatment program to provide such services. It may be helpful to designate a minimum proportion of the capitation payments to support the phychiatric program. The reason for this is that in many traditional settings psychiatric care is considered an "add on" luxury, and where funds are limited it may be excluded, often to the detriment of those patients who have need for psychiatric consultation and active treatment. My own impression is that such an approach rather than increasing the cost will often tend to reduce the cost of repeated visits to the clinic as individuals who have psychiatric problems, in lieu of effective psychiatric care, continually present themselves for treatment to practitioners in inappropriate medical specialties. Without such provision being built into the funding of comprehensive programs it is possible that this type of service will be shunted aside, based on more traditional patterns of medical care in this country, and the patient will be the loser.

I fully agree with Section 48 which insists that the medical foundation must accept for enrollment any resident of the area it serves. Unless such a provision is in the law it is quite likely that we will continue with the segregated patterns of health delivery that exist in the largely middle-class-oriented practice patterns of today.

I note that under Section 49, subsection (a), (3) the Board may contract directly with public or other non-profit mental health centers and "mental health day care services." This latter provision, in my view, is particularly important if health care delivery is to become more appropriate to the needs of our patients and if we are to move away from the very limiting provisions of current insurance carriers which do not provide for day care or other partial hospitalization and thus increase the cost to the carrier and to the community. We need to take a major step forward in partial hospitalization services. It may be important to consider this factor also in the world of some of the earlier sections which deal with hospital services for psychiatric patients. One example of this, moving back to part A, section 24(2) might be to consider the funding of partial hospitalization for a greater number of days than allowed for full hospitalization inasmuch as the costs are proportionally lower while the care provided is often equivalent or even better. In our own situation, I know that such a provision would serve as a major incentive for us to move more actively into the day care area with the knowledge that such a program would not entail fiscal penalties.

Moving to Part E, Section 82, I am particularly pleased to see the special recognition in subsection (c) for the position of practitioners in remote or deprived areas. I think that this group must have special recognition as in many of these remote areas, particularly in Minnesota, it is not presently feasible to consider the grouping of practitioners. The reimbursement for continuing education is particularly pertinent to the needs of these individuals.

Section 84 appears quite reasonable in the case of the separate psychiatric hospitals.

In Part F, Section 104 I agree with the need to support the development of programs that organize medical facilities for providing comprehensive care if we are to avoid simply placing old programs into new clothing. Somewhere in here also I would suggest that there be specific provisions for the training of health care administrators who can develop the sophisticated knowledge necessary to institute and successfully carry through the new types of programs that you propose. A part of their training certainly should focus upon the very complex and important issue of consumer participation. Perhaps some wording of this sort might be placed into section 105.

Section 134, which attempts to discriminate between treatment facilities in order to maintain fewer beds for overlapping functions is, I believe, important if the program is going to maintain any degree of fiscal responsibility. In my view this area and many others are overbedded for certain types of disorders. Such a practice tends to result either in inefficiency of hospital management, with resulting increase in per day cost for the patients or in overutilization of hospital beds when such utilization is, in fact, inappropriate. It might be useful, however, to suggest here, or in other parts of the bill, a recognition of the special needs of primary teaching hospitals for including a cross section of patients in order to carry out their teaching requirements. Under such circumstances they probably should take priority in any consideration of closing down parts of hospitals so that they do not become handicapped by this progressive legislation. This is particularly important because the teaching hospital generally represents a more expensive base for treatment and therefore one that may be more easily singled out for reduction of services.

As you can no doubt surmise from my comments I am generally enthusiastic about the concept embodied in H.R. 22 and believe that it is a well thought out and sophisticated attempt to resolve many of the difficulties and dilemmas in current medical practice. Its principal problem, in my view, is its cost. However, sooner or later we must come to terms with that factor if we are to make medical care equally available to all of the people in this country at a cost that is not prohibitive.

I wish you success in the hearings on this bill and again repeat my willingness to be of assistance in any way that you may wish during the course of your guiding this legislation through Congress.

Sincerely yours,

WILLIAM HAUSMAN, M.D.,
*Professor and Head.*

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UNIVERSITY OF MINNESOTA,
*March 9, 1971.*

Re health bill.

Hon. DONALD M. FRASER,
*Minneapolis, Minn.*

DEAR CONGRESSMAN FRASER: I did not respond to your invitation to contact your Minneapolis secretary about appearing personally at the public hearings on the health bill, because I did not feel that what I have to say in this letter is of sufficiently general importance to the overall problem of health care to warrant taking up time at a public hearing. Nevertheless, speaking as a *mental* health professional, I believe that the issue I am raising in this letter is of considerable importance. I want to discuss the exclusion of clinical psychologists as qualified psychotherapists in the language of the present bill (assuming that it is the bill printed some months ago in the Congressional Record after having been introduced, if I recall correctly, by Senator Kennedy in the Senate). Since legislators become understandably case-hardened and cynical about persons writing in support of their particular "trade union," I may point out, before embarking on the argument, that I personally do not have the faintest economic stake in this. Being mainly a University teacher and researcher with a deliberately limited private practice, and being one of the top-prestige psychologists in my geographical area, "getting patients" has never been my problem! As a matter of fact, beginning about 1951 (when I took over the chairmanship of the Psychology Department at the University of Minnesota) my main problem about patients has been the lack of really competent psychotherapists in the Twin City area to whom I could make referrals with a straight face. Over the last twenty years I have probably averaged a ratio of 10 patients or clients referred elsewhere to every one case accepted. I have therefore been very "choosey" about clientele, taking only persons (a) Whom I believed I could help, (b) Of types I found scientifically interesting, and (c) From the University community. I could charge (literally) twice as high a fee as I do, and get it, from persons in this community—some of whom would have insurance coverage for my professional services, others not (but able and willing to pay). What I am saying is that while I naturally have an identification with my profession, I do not write out of any personal financial concern about this legislation.

Knowing how busy Congressmen are, I shall not write at length. I merely wish to challenge some of the supporting language that appeared at the time the Kennedy version of the bill was first introduced, where outpatient psychotherapy by clinical psychologists was explicitly excluded from insurance coverage, the justification for this exclusion being that psychologists do not provide complete professional care. I take this to mean that psychologists cannot prescribe psychotropic medication, which of course we cannot. This argument is not devoid of all merit. But it is, on balance, not persuasive, given the present state of the mental health professions and their delivery of services. My rebuttal is based on two considerations. I am confident that if you press these two considerations with any physician, whether he is a psychiatrist or in some other medical specialty, you will find that he has *great* difficulty replying to either of them. I would be surprised to find many younger-generation psychiatrists who would even be interested in replying. Most young psychiatrists with whom I have contact would take the same position I am taking in this letter.

1. The concept of one professional providing "complete professional care" to the patient is not the current concept in the healing arts generally, as almost any person who had had contact with physicians in recent years can attest from his own personal experience—unless he happens to live in a rural area or be lower middle class. If he is middle class or above, he will go to a practitioner who will, more often than not, refer him to a *specialist* on anything that doesn't come under the heading of internal medicine. If he is too poor to afford this, he will go to a charity hospital or clinic, where he will also make the rounds of the specialities. The referral to those professionals having greater expertise bearing on the particular patient's problem is (a) a matter of social fact and (b) generally advocated as preferable treatment. The point is that whether we talk about the M.D. or Ph.D. in the mental health area, or *within* those helping professions, it is generally taken for granted that one professional rarely provides "complete care." My personal physician for many years, Dr. Howard L. Horns (Chief of Medical Services, Nicollet Clinic) has referred me or members of my family to at least a half-dozen other physicians, most of whom are on the staff of the Nicollet Clinic (but even that has not been invariably the case).

2. More important than the preceding, which might conceivably produce some tortured disagreement, is the following, which I will assert dogmatically without the tiniest fear of successful contradiction: There is no professional who provides "complete" care in the mental health area. Setting aside legal or "trade-union" considerations, I will absolutely guarantee that you cannot locate *one single professional person* (M.D., Ph.D., M.S.W., Marriage Counselor, Clergyman, or whatever) that is competent—or will even *claim* to be competent—in all of the following procedures:

(a) psychoanalysis.

(b) (non-classical) psychoanalytic therapy.

(c) behavior modification.

(d) desensitization.

(e) rational psychotherapy.

(f) aversive conditioning.

(g) psychotropic medication.

(h) electroconvulsive shock.

(i) hypnotherapy.

(j) ethico-philosophical counseling.

(k) educational-vocational counseling.

(l) group therapy.

(m) psychosurgery.

(n) nondirective psychotherapy.

All 14 of these techniques are relevant to psychological problems, and each of them is, at times, the treatment of choice. But there is nobody—I repeat and emphasize—*nobody* who would be so foolish as to claim real professional competence in even half a dozen of them. Most practitioners would claim competence in only one or two. (If you doubt this, try *asking* a few psychologists and psychiatrists.) I want to emphasize that the above is not a cooked-up list in which, in order to make a long list, I have dragged in all sorts of odd-ball kinds of wizardry and quackery. If one were to include all kinds of psychological helping that are presently practiced by reputable, professionally trained persons with doctorates in medicine or psychology and who have post-doctorally taken their specialist board examinations (for M.D.'s, in psychiatry or child psychiatry; for Ph.D.'s, in clinical, counseling or industrial psychology) and who are licensed or certified to practice medicine or psychology in their respective jurisdictions—I mean all sorts of things like sensitivity training and Gestalt therapy and psychodrama and existential analysis—the list could have been expanded to two dozen or more. (Dr. Robert A. Harper, in a paperback which we used to use here in our psychotherapy training program, lists some 33 different therapeutic approaches!) No, the point about the above list is that these are all techniques for which more than a tiny minority of the professions concerned will go to bat, and some of which (e.g., behavior modification, developed by psychologists rather than by psychiatrists, I may say) have strong evidential support of a quantitative nature.

If you run into any psychiatrist or hear any psychiatric testimony in consideration of this legislation which takes the form of claiming that only a psychiatrist can provide complete care for psychological disorders, I strongly urge that you *press him on the points in the above list*. And *don't* let him simply "write off" some of them as not being good methods—ask him whether he has any scientific evidence that they are not good methods in comparison with those he happens to prefer. I myself am competent at only three of the above. (Many practitioners are dubiously competent at any, although I don't wish to press that point here!) I am not skilled, for instance, at hypnosis. When I have a patient for whom hypnosis seems to be indicated as a good possibility for treatment, I refer him. I don't ask myself whether the hypnotist to whom I refer him is a physician or a clinical psychologist, which is irrelevant. (The membership of the American Society for Clinical Hypnosis is, I believe, about evenly divided between physicians and psychologists—plus some dentists.) I ask myself whether he is a qualified hypnotist, whether I have had success referring patients to him in the past, whether he is financially and geographically accessible to the particular patient, and the like. This is what all professionals do who are concerned primarily with patient care and not mainly with getting rich or bolstering up their own "trade union."

I presume you are aware that psychiatrists, while physicians, do not usually perform a physical examination of the patient or accept the responsibility for the strictly "medical" aspects of his troubles (e.g., peptic ulcer). Psychiatrists strongly in the Freudian tradition avoid doing a physical examination on principle. Many psychoanalytic psychiatrists avoid prescribing drugs. Is this complete care by one professional?

I do not enter into the details of how I think the legislation ought to be amended with regard to psychologists. At the very least, I would want to argue that psychotherapy by a clinical psychologist who is a Diplomate of the American Board of Professional Psychology and who is licensed or certified as a psychologist in his jurisdiction, should be covered by Federal health insurance. An oddity I noted in the Kennedy bill: Outpatient psychotherapy by clinical psychologists is covered if the patient is seen in a Federally-supported hospital or Community Mental Health Center, but not—as I read it—in a group practice medical clinic. Does this make any sense? In the Nicollet Clinic, where I work part-time, it is preposterous (and considered so by my medical brethren) that if an internist or gynecologist or dermatologist refers a patient for the kind of psychotherapy that my psychiatrist colleagues Drs. Cranston and Lane provide, the patient's group insurance will usually cover it—although not always, if he is seen on an outpatient basis. Whereas, if the referral is from one of the clinic physicians to me, or to my psychologist colleagues Drs. Powers or Underwager, there is a good chance that the particular policy will not cover it. I can tell you concretely what this means in practice: It means that if Doctors Cranston and Lane are currently "full up", and the patient is not economically well-heeled, he will go essentially untreated. It also means that a patient for whom my particular training and skills may be optimal cannot always be referred to me by one of my psychiatric brethren because of the insurance coverage problem. I cannot think that we want to embody this kind of social absurdity in Federal health legislation.

Should you wish to discuss this with me further, when you are next in Minneapolis, or even perhaps wish me to testify before a Congressional committee, feel free to get in touch with me.

Cordially,

PAUL E. MEEHL, Ph. D.,
*Regents' Professor of Psychology, Adjunct Professor of Law; Past President, American Psychological Association.*

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STATE OF MINNESOTA,
DEPARTMENT OF PUBLIC WELFARE,
*St. Paul, Minn., January 18, 1971.*

Hon. DONALD M. FRASER,
*U.S. Representative, House Office Building, Washington, D.C.*

DEAR CONGRESSMAN FRASER: In view of the increasing national concern for some form of federal health insurance and in view of the forthcoming consideration of this subject by the Congress I would like to call your attention to the attached resolution from the Annual Conference of the State and Territorial Mental Health Authorities.

I would like to call to your attention the recommendations of this group that considerable attention be given to providing incentives that will help keep down and/or reduce costs, such as providing reimbursement for outpatient and partial hospitalization services when ever possible. These can be delivered substantially cheaper than can the same service if the person must be hospitalized on a 24 hours basis in order to qualify for insurance coverage.

We would hope that such forthcoming legislation as the Congress may pass would also address itself to the relationship between the public and private health care sectors.

We strongly urge that attention be given to coverage for mental health services in any forthcoming legislation. As you probably know, Minnesota is moving ahead in the improvement of its services to persons cared for in our state hospitals. In addition our entire state is covered by a network of community mental health programs that are second to none in the nation. The state has borne the brunt of supporting these services in the past and will undoubtedly be a major supporter of them in the future. At the same time we would look to assistance from the federal government in meeting the ongoing operational costs which are not covered by the Comprehensive Community Mental Health Centers Act or by the provisions of Titles 18 and 19.

Your consideration of these recommendations is greatly appreciated. Please be assured that I will be happy to provide you with any additional information that you may request relative to these matters.

Sincerely yours,

David J. Vail, M.D.,
*Director, Medical Services Division.*

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Resolution: Surgeon General's Annual Conference of the State and Territorial Mental Health Authorities, November 4–6, 1970

Whereas: The delivery of health services is variable from area to area and from person to person,

Whereas: Existing prepayment plans emphasize economic relief primarily,

Whereas: Existing private and Federal plans have tended to increase the demands on the health care system and to encourage use of high-cost services,

Whereas: Increase in demand escalates cost,

Whereas: Public mental health services are cost-controllable and are of wide availability,

Now therefore be it resolved that:

1. The major thrust of planning for a Federal Health Insurance program must emphasize as a first priority the improvement of delivery of health services, and

2. Planning for Federal Health Insurance must include planning for inclusion of public as well as private health care delivery systems, and

3. Planning for Federal Health Insurance must include the utilization of and payment for services within mental health delivery systems whether the services are provided under public or private auspices.

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State of Minnesota,
Department of Public Welfare,
*St. Paul, Minn., February 22, 1971.*

Hon. Donald M. Fraser,
*U.S. Representative,*
*House Office Building, Washington, D.C.*

Dear Congressman Fraser: I would like to express my thanks for your referring a copy of H.R. 22 to our office. We are deeply interested in the progress being made by Congress on this matter of a national health plan.

After reviewing H.R. 22, I feel that generally the proposed bill is far reaching and comprehensive in scope. Of particular interest is the specific reference made to preventive services. If any positive impact is to be made on the health level of our nation's populace, I feel that a sizable effort will have to be exerted in the preventive sphere of health care. As I'm sure you are aware, all too little third-party coverage emphasizes preventive medical care thus, among other things, failing to provide the proper incentives to medical care providers for keeping people optimally healthy.

Also, psychiatric care is an element of the health care spectrum that historically has not been given adequate consideration, leaving a sizable gap in the achievement of a comprehensive health care system. We here in Minnesota have been actively carrying on community mental health programs since the mid-fifties and feel that the community-based approach best provides for the needs of the individual patient and the community. Thus, I feel that the inclusion of outpatient psychiatric services, as provided by community mental health centers, in the coverage of the bill will strengthen what I feel to be an essential and much needed community resource. By allowing community mental health centers to be designated as participating providers new dimensions in treatment modalities can be molded, thereby expanding the heretofore rigid physician dominated "medical" model of psychiatric care by allowing paramedical professionals a greater role in the treatment process.

This, I feel, will lead to a more efficient and effective use of scarce professional mental health manpower from the psychiatrist to the trained psychiatric technician, and allow maximum flexibility for the entire treatment team to respond to individual patient needs.

However, there are certain segments of the bill that leave some questions in my mind. Specifically, I refer to Part C—*Participating Providers of Services* and Part E—*Payment to Providers of Services.*

First, Part C. In Section 47(a) a comprehensive health service organization(s) as a provider is defined. As I read the provisions, it appears that only a nonprofit organization can be designated as a comprehensive health service organization and that only indirectly can profit-making entities become involved. I question the wisdom of such a measure in that it would seem that many potential provider resources would be eliminated or at least limited in their ability to participate.

In its present form the Bill would require an intermediary between such a profit-making provider and the payment source, similar to the present Medicare program. I feel it would be to the benefit of the proposed health security plan to do away with this middleman and allow the profit-making providers and the payment source direct contact.

I say this because, to my knowledge, most prepaid group practices are profit making ventures and the simpler the administrative structure required of such organizations, the more attractive participation will be. This is to say nothing of the reduction in administrative costs that would result.

Closely linked with this are my comments regarding Part E. In this section, participating providers are given two distinct options: (1) to be independent practitioners or be affiliated with a health service organization and (2) be reimbursed by the fee-for-service or by the capitation (prepaid) method. As I read this section I feel that, if anything, the incentive is for practitioners to opt for independent status and the fee-for-service reimbursement method, a choice I do not feel to be in the best interest of a national health plan.

I say this because, first of all, one can seriously question the efficiency of the old independent practitioner system (cottage industry) of medical care and, secondly, the fee-for-service reimbursement model places the emphasis on treating sickness, as compared to maintaining positive health.

Would it not be better to provide more positive incentives to practitioners for choosing the prepaid group practice model, a model that (based upon all available information) provides a higher level of health care and in a more efficient manner.

For example, such incentives as special consideration in terms of availability of loans for facilities construction, equipment, etc., could be proffered prepaid group practices consisting of, say, four or more physicians aggregately providing a certain minimum of primary and secondary medical services; also, special financial incentives could be given to such groups willing to locate in poor health areas.

In your letter you also asked my view regarding the future role of the state in the field of mental health. Regarding this, I feel that mental health resources should be developed on the local level with the financial aid of the state government with the state per se providing only those services proving too costly to be economically provided on the local level. Thus, the state's role would be that of providing financial aid to local communities for the development of local resources and of setting operational standards for these resources. Services provided directly by the state would be restricted to those persons not responding to the treatment modes available at the local level—the chronic mental patient requiring maintenance services for the most part.

This would seem to fit into your proposed national health plan in that the psychiatric services covered therein are of the type provided in an active treatment program of care, excluding maintenance per se.

In closing, please accept my thanks for allowing me to express some of my ideas regarding this very important issue of national health. Feel free to contact my office at any time regarding this or any other matter you feel I can be of assistance.

Sincerely yours,

David J. Vail, M.D.,
*Director Medical Services Division*

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June 16, 1971.

Hon. Donald Fraser,
*Longworth House Office Building,*
*Washington, D.C.*

Dear Mr. Fraser: We are writing you on behalf of the Minnesota Psychological Association with respect to H.R. 22—the Health Security bill.

First, we believe the bill to have many desirable features. Among these are 1) the emphasis on group practice of a non-profit, prepaid, and preventive character, 2) the emphasis on quality of care through peer review, continuing education and the like, 3) the coverage of effective drugs and appliances, 4) the provision for medical service to underserviced areas, 5) the encouragement of the use of paramedical employees and finally, 6) the provision of representatives of the consumer on the advisory boards (in our opinion, however, the consumer should be given still more influence).

As to the role of psychologists, however, we believe the bill needs marked revision. Including psychological services as one of the "supporting services" Sec. 27(b) "to assure that whenever services of this nature are provided they are under appropriate medical supervision . . ." (quoted from Section-by-Section Analysis) ignores a number of facts. For one, the Committee on Allied Professions of the Minnesota Psychiatric Association states, "The committee affirms that each profession (psychiatry and psychology) is autonomous." Secondly, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) compensates psychologists for their services without a physician referral. Thirdly, the laws of seven states (Kentucky, Colorado, California, Utah, Michigan, New Jersey, New York) require that a psychologist be reimbursed by health insurance plans for mental health services exactly the same as a psychiatrist would be reimbursed. Fourthly, although psychologists share many techniques with psychiatrists and social workers, they have special proficiencies in the assessment of behavior, counseling, behavior modification, desensitization, aversive conditioning, and non-directive psychotherapy.

In addition, when the supply of mental health professionals is so scanty in relation to the need, no law should *decrease* the availability of mental health services to the public. Instead, it should obviously increase them. As we see it, this can best be accomplished in H.R. 22 by adding the phrase "or qualified psychologist" whenever the word "psychiatrist" appears. (For example, this would permit the qualified psychologist as well as the psychiatrist to have twenty consultations with a patient in any benefit period).

One of us, Dr. Challman, is looking forward to discussing this question and related ones with you in your office at 1:30 p.m. Monday, June 28th.

Sincerely yours,

Sam C. Scher, Ph. D.,
*Executive Officer.*
Robert Challman, Ph. D.,
*Chairman, Legislation Committee.*

[Reprinted from Minnesota Psychiatric Association, Newsletter, January 1971]

Dr. Jepson, Chairman of our Committee on Allied Professions, received from Dr. Herbert Klemmer, Chairman of the Assembly of District Branches Committee on Allied Professions, reports from that committee and also from the Fall committee of the Council on Professions and Associations. They are essentially congruent and report a rather substantial consensus of the leaders of the APA. The following statements on psychiatry and psychology were moved and approved by the committee.

(A) The committee affirms that each profession (psychiatry and psychology) is autonomous.

A profession is responsible for the maintenance of standards, the definition of its fields of practice, the quality of training, the competence of its practitioners, and the protection of the public.

We should, in every positive manner, inform the public about the specific skills of the psychiatric profession.

(B) The concept that psychotherapy is a medical procedure only places us in a vulnerable and indefensible position.

Since there are overlapping areas of practice which could lead to public confusion, it is incumbent upon the psychiatric profession to define what its skills are to the public.

(The committee recognizes the potential dangers of stirring up controversy and of polarizing the membership. It felt, however, the responsibility of leadership. The issues and arguments are old and stale, nothing is gained by obscurity and a defensive posture. In addition, because of the manpower shortage, the battle over exclusive rights to psychotherapy is one we are obviously going to lose).

(C) Responsibility in collaboration.

1. In a medical setting the responsibility is medical. The social worker and psychologist are ultimately responsible to the psychiatrist.

2. In a psychological setting or social work setting, as in clinics operated by these disciplines, ultimate responsibility resides in the professions operating the clinics even though psychiatrists are utilized as consultants.

3. In private practice settings a psychiatrist may refer a patient to a psychologist or social worker for psychotherapy or case work, treatment and terminate his treatment of the patient. The psychiatrist should be explicit about this to the patient in making a referral. The responsibility is then the psychologists or the social workers. Their professional autonomy makes further consultation or supervision by the psychiatrist unnecessary unless requested. Since psychiatric treatment is terminated under this arrangement, matters of payment to the psychologist or social worker should be decided by the government or insurance company that may be involved. (The treatment under these circumstances is either physchological work or social work, not medical).

If the psychiatrist refers a patient to other professionals, but also continues his treatment, collaboration follows the model of treatment in the medical setting and the psychiatrist retains the ultimate responsibility.

Where the psychiatrist sees a patient in consultation on request of a social worker or psychologist, the psychiatrist does not assume responsibility. He reports to the referring professional in the same fashion as when he is consultant to a fellow physician. He should, however, be aware of his responsibility both legal and moral to the patient and to the person requesting the consultation.

If a patient who is in psychotherapy with a psychologist or social worker requests a consultation with a psychiatrist without referral by the psychologist or social worker the patient should get acquiescence from his therapist. If he does not then the decision is an individual one, but it is recommended as a general guideline that the psychiatrist relate to the psychologist as he does to physicians.

If a patient is under medical care the physician has the responsibility for arriving at a diagnosis. Otherwise, the autonomy of allied professionals at arriving at a diagnosis should be respected.

Each profession should be responsible for its standards, its training, and the protection of the public. Psychiatrists should continue to cooperate with other professionals in their training programs by making its facilities and patients available, reserving however the final responsibility of the psychologist. If psychologists wish to establish independent training facilities this should be their decision.

Scientologists, marriage counselors, pastoral counselors, etc. should not be regarded as professionals in the same sense as our psychologists and social workers since they are not yet recognized professionals.

With regard to Standard 15, the committee favored a psychiatrist with administrative skills as the program director of a psychiatric facility that is not a hospital (e.g. a community mental health center, but on a practical level this does not now seem feasible).

This certainly represents a liberalization of the APA position although it remains acutely aware of its responsibility to the public and no longer seeks to discharge this concern by determining what other professions may or may not do. Instead this is an effort to more clearly define the role and scope of psychiatrists' responsibilities. It also makes more explicit the practices involved in the collaboration with the APA which were heretofore vague. Furthermore, it recognizes that the care of persons with mental and emotional illnesses and certain problems of social disruption does not lie entirely in the domain of psychiatry. Over the years there has been far too much polarization in our relationships with our associates and we can all be pleased that our organization has made a positive step toward improving these relationships in the interest of the patients we serve. It is certainly timely.

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## THE CONTROVERSY OVER FREEDOM OF SPEECH AND PRESS: ONE AVENUE OF APPROACH

## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. HUNGATE. Mr. Speaker, in view of the current controversy over freedom of speech and press, the following quotation in the June 27 Washington Post indicates one possible avenue courts and legislators might explore.

The quotation follows:

> In just the last few years, a new reading of the First Amendment has been developed by some legal scholars which puts modern newspaper management on the defensive. The theory holds that "freedom of the press" belongs to everyone, not just the people who own the newspapers, and the crucial test is whether everyone's viewpoint is given fair access to the news columns. That departure raises deep and largely unexplored questions about who controls the printing presses and whether monopoly ownership inhibits the freedom protected by the First Amendment.

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## WELFARE REFORM NEEDED

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mrs. GRASSO. Mr. Speaker, I voted for H.R. 1, the Social Security Amendments of 1971.

No single piece of legislation can cure the social ills of a nation that have evolved over many generations.

No single piece of legislation is perfect in every way, and certainly H.R. 1 is not an exception.

There are both weak and strong points in this bill, but I think it is legislation that had to be passed.

It has been clear for a long time that we must have welfare reform. And the only way to accomplish this difficult feat was for the House to pass H.R. 1, despite its defects, and give the Senate the opportunity for an essential second look that hopefully can be adjusted by a committee on compromise.

In the first place, title IV, the welfare section of H.R. 1, offers a constructive beginning in the long needed reform of the Nation's welfare program. According to the Department of Health, Education, and Welfare, the number of welfare recipients in the AFDC category—families with dependent children—has risen by 50 percent, or 3,441,000 persons, during the last 2 years.

It is unjust that so many people, including large numbers of children, are dependent on the chaotic and unfair terms of present AFDC programs. Title IV replaces AFDC with two programs, both offering a Federal floor of $2,400 for a family of four. The family assistance plan—FAP—to be administered by HEW, would assist families with no adult member who is able to work, while the opportunities for families—OFF—to be administered by the Department of Labor, would assist families with a member who can work or is eligible for job training. This provision requires the Secretary of Labor to develop training, counseling and employment plans for all persons receiving benefits.

Administration of these two programs by the Federal Government is an important and positive step. However, it is unfortunate that H.R. 1, unlike last year's bill would not provide supplementary payments to welfare recipients who live in States now providing higher combined Federal-State payment than the proposed Federal payment of $2,400.

It is my view that a matching provision of 30 percent should have been included in the bill as reported by the Committee on Ways and Means, and in April I urged Chairman MILLS to include such a provision before the bill was reported. At that time I wrote:

> If the $2,400 base figure is used, Connecticut, for example, will have to supplement this grant with $1,324, as the present average payment is $3,724. As you are well aware from the testimony, Connecticut has suffered severe budget deficits as a result of the increased demand for welfare assistance. The situation is equally critical in a number of the northern states. . . .

If the 30% figure is adopted, Connecticut would receive a Federal matching supplement of about $400 per family on the average. This will mean a total of $10.3 million savings which would free funds for sorely needed education, recreation and related projects which have experienced cutbacks in recent years.

On a nationwide basis the $2,400 figure reportedly under consideration by your Committee is a substantial step toward its goal for welfare reform. However, the cost of living in a number of the larger cities and states is such that a state supplement will be mandatory in order to insure even a minimum subsistence level. Unfortunately, these states are often the ones with extreme budgetary problems and dwindling tax bases.

It is therefore my hope that the Senate will include provisions in its bill to require that no welfare recipient will receive less under the new welfare program than he received previously. I hope that the Senate will also include a 30 percent matching provision to ease the welfare burden on the budgets of States whose welfare recipients already receive payments well above the $2,400 figure.

Important social security provisions are also contained in H.R. 1, such as the increase in social security benefits for widows and dependent widowers, the special minimum benefits of up to $150 for people who have worked under the program at low earnings for many years, and the increased benefits for workers who delay their retirement beyond age 65.

The 5-percent increase in social security benefits has my strong support; yet, I do not think this is an adequate raise, and am therefore cosponsor of legislation that would provide a considerably larger and realistic increase. Certainly, until such legislation is passed, the automatic increase provided by H.R. 1 for any year that the Consumer Price Index rises 3 percent or more will be very helpful.

I am deeply concerned about some of the medicare provisions in H.R. 1. True, this legislation would extend medicare to 1.5 million social security and railroad retirement fund recipients who were not previously eligible—and that is as it should be. But the provisions that medicare part B deductible would be raised from $50 to $60—meaning the patient would pay the first $60 of his hospital bill instead of the first $50—is indeed a step backward.

So are other provisions. For example, there would be a one-third cut in Federal payments for hospital care under medicaid after 60 days, and the same cut for nursing home care. The bill also includes a one-third cut in Federal payments after 90 days for a patient in a mental hospital and a final cutoff after 275 additional days.

I understand that these provisions were included because a system of national health care, which would provide for the health needs of all our citizens, is under discussion. But I find this argument unconvincing.

Illness will not wait upon the actions of Congress. And as everyone knows, quick action is rarely a virtue of the Congress, even for matters as urgent as health care.

A single illness can wipe out the savings of a lifetime and rob a person of independence and dignity as he becomes a burden to loved ones. Medicare, which has been the saving grace for millions, now covers less than half the total medical bill of the average older American, leaving uncovered a health bill considerably larger than the total health bill for the average younger person.

It is my fervent hope that the Senate will correct the many deficiencies of the medicare section of this bill.

Mr. Speaker, H.R. 1 could be substantially improved—and hopefully the Senate will make positive changes in the bill.

Still, H.R. 1 is landmark legislation. It sets a new course, a constructive beginning upon which to build in the future.

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### A BRAVE PEOPLE

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. RODINO. Mr. Speaker, I am sure that all are aware of the gallant, persistent nature of the Baltic nationals of Lithuania, Latvia and Estonia. The dauntless spirit of these nationals has shown no indications of relenting despite 30 years of Soviet domination.

In commemorating this 30th anniversary, the Star Ledger of New Jersey has provided an excellent portrayal of the Baltic plight.

I share in the dream of the Baltics for the freedom which is their right.

The article follows:

#### A BRAVE PEOPLE

For the Baltic people—nationals in Lithuania, Latvia and Estonia and Americans of Lithuanian descent—this month has a poignant sadness, a sense of an enduring tragedy. It's been 30 years since the Soviet Union invaded the Baltic states and seized the three independent republics, ignoring non-aggression pacts when it no longer suited its convenience.

These tiny nations, brave in spirit and independent in mind, had no alternative but to bow to the superior military might of their aggressive neighbor. The Kremlin moved behind ultimatums that dissolved the governments of the Balts, putting in their place regimes that were politically subservient to Russia.

There was, of course, the mockery of "free elections," the window-dressing that was supposed to provide a respectable facade, the face-saving device of having puppet parliaments that supinely requested admittance to the Soviet bloc.

The Balts are a proud people who have been subjected to the indignity of living in demeaning, demoralizing atmosphere of a police state. They have been repeatedly denied independence while the Kremlin has been trying to Sovietize the Baltic states with an infusion of Rússian migration and a rigorous imposition of its language and culture on a still unwilling people.

To the eternal credit of the indomitable spirit of the Balts, there are still tangible vestiges of independence among the people, which the Kremlin no doubt finds extremely discomfiting. This is a measure of the unflagging will of a people who refuse to be crushed by a cruel exercise of power—three decades after an unconscionable conquest of a people who stubbornly, and courageously, resist the finality of complete submission.

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### THE EMMITSBURG CHRONICLE, EMMITSBURG, MD.

## HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BYRON. Mr. Speaker, the Elder family of Emmitsburg, Md., has published the Emmitsburg Chronicle for almost 50 years, over a span of 3 generations. The newspaper now has a new publisher, Mr. Robert Wentworth. The Elder family can be proud of the excellent newspaper they have published since 1922. The Emmitsburg Chronicle of June 25, 1971, contained an editorial giving the history of the newspaper and the story of the Elder family connection with it. I would like to add my voice to those who have been grateful for this excellent paper over the years and say to Mrs. C. Arthur Elder and her son, Arthur S. Elder, congratulations on a job well done.

The editorial follows:

#### THE EMMITSBURG CHRONICLE, EMMITSBURG, MD.

This is the last edition of the Chronicle under the Elder Banner. For fifty years and three generations, the Elder family has published this newspaper at the same location on South Seton Avenue.

Mr. Robert Wentworth is your new publisher. Mr. Wentworth, a Newport News, Virginia, newsman, is taking over the duties of owner and publisher of your favorite newspaper.

The Emmitsburg Chronicle, as we know it today, had a humble beginning. One hundred and thirty years ago, 1840, the Emmitsburg Banner was first published here. Five years later, in 1845, the paper took on a new name and a new ownership. Mr. C. Grate published the Emmitsburg Star. This publication continued for a few years. Just how long Mr. Grate continued to publish the Star is lost in history.

Mr. Samuel Motter, at the insistence of family and friends, published the first edition of the Emmitsburg Chronicle in 1879. Mr. Motter died March 21, 1889 and his widow, Mrs. C. Motter, took charge.

Mr. W. H. Troxell purchased the paper in 1899. Troxell continued publication until he sold out to Mr. Sterling Galt in 1906. Mr. Galt changed the name of the paper to the Weekly Chronicle, in 1909.

At the death of Mr. Galt, Mr. William Sugars bought the paper. Mr. Sugars sold out to a local combine of businessmen: Henry M. Warrenfeltz, J. Ward Kerrigan and Michael J. Thompson.

On January 16, 1922, this combine was dissolved and John D. Elder and Michael J. Thompson operated the paper on a partnership basis. During this ownership, the Chronicle was moved from East Main Street to its present location.

Mr. John D. Elder bought out Mr. Thompson in 1927, starting a fifty year, three generation ownership of the paper. This represents the longest uninterrupted ownership during the newspaper's colorful and sometimes stormy history. At John D. Elder's death, January 31, 1943, the paper suspended publication for five years. This was during World War II.

Resumption of publication was made under the ownership of Mr. C. Arthur Elder and Mr. Edward G. Stull, in 1948. C. Arthur Elder became sole owner and publisher in 1958. C. Arthur Elder died April 1, 1971. His widow, Mrs. Virginia Elder, and his son, Arthur Spalding Elder, have carried on to the present.

The Elder family has mixed emotions about handing over the reins of publication of the Chronicle. We will miss the frantic, never ending spector of the deadline, the constant search for the inevitable, "Who, What, When, Where and Why", of each news worthy item in each edition.

We hope we have served you well. We have tried.

We are also very sure that the high standards of John D. Elder, his son, C. Arthur Elder, and his grandson, Arthur Spalding Elder, will be continued under the able guidance of the new publisher, Bob Wentworth. The Chronicle will continue to be published at the old stand on South Seton Avenue.

Arthur Spalding Elder will continue to operate the Chronicle Press Inc. All your job printing needs will still be handled under the personal attention of Arthur S. Elder and his competent staff of Ernie Rosensteel and Tom Sayler.

If, we of the Chronicle staff, have but one thing of value to leave as a legacy it will be Integrity. When a lifetime of business transactions are simmered down to the basic essentials and stripped of all the tinsel, it becomes evident that without Integrity and Responsibility, there is no tomorrow.

We wish the new publisher well. We thank you all for your cooperation and help over the years.

So with a heavy heart we write "30" to our part in the production of the Emmitsburg Chronicle.

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## BLASTING THE BLAST

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BEGICH. Mr. Speaker, last month I testified in Anchorage before the Atomic Energy Commission, regarding the proposed nuclear testing on Amchitka Island next October. At that time, I raised several questions regarding the overall feasibility of this project.

Some of the questions that I have raised have been articulated by James E. Bylin in an article appearing in the June 24 issue of the Wall Street Journal. I believe this article expresses clearly and concisely some of the ideas and facts that point out why the decision to test nuclear weapons on Amchitka Island should be reconsidered.

The article follows:

### BLASTING THE BLAST—AEC'S PLAN TO STAGE ATOM TEST IN ALASKA BRING SHARP DISSENT

### CRITICS FEAR QUAKES, WAVES, HARM TO U.S.-SOVIET TIES; NO DANGER SEEN BY AGENCY

*But is this test necessary?*

(By James E. Bylin)

ANCHORAGE, ALASKA.—It sounds like the governmental agency for all seasons.

Here in Alaska, it's transplanting sea otter, rescued from the edge of extinction, to build new herds in their old habitats. It maintains archeological digs that have shed new light on the arrival of man in North America. It helps in air and sea rescues. Forty-five percent of its work force are minority-group members.

But it also has a scheme that, many Alaskans and non-Alaskans fear, could produce a catalog of catastrophes, including earthquakes, tidal waves, radioactive poisoning and even a rupture in delicate U.S.-Soviet relations.

The agency is the Atomic Energy Commission, and it has embarked on what promises to be one of its most controversial campaigns since the days of atmospheric nuclear testing a decade ago. This fall, probably in October, the AEC plans to detonate the biggest underground nuclear test in U.S. history on isolated Amchitka Island in Alaska's Aleutian Islands. Code-named Cannikin (the AEC says its code names have no meaning), it would be nearly five times larger than any underground blast ever undertaken by the U.S. The test would be a five megaton "event," to use an AEC term, equal to five million tons of TNT and 250 times larger than the bomb dropped on Hiroshima in 1945.

#### A REPLAY

The AEC says the test should be perfectly safe. But it is being questioned and criticized by Alaska officials as well as conservationists and scientists nationally. The opposition is spearheaded by Mike Gravel, a U.S. Senator from Alaska, who argues that the test should "be canceled and the island fully restored and that the AEC count Amchitka and Alaska out of any future plans for the detonation of atomic bombs." Meanwhile, Aleuts, the natives who inhabit the Aleutians (though not Amchitka) are threatening to go to court to block the test.

In a sense, the dispute is a replay. The AEC tested a nuclear device on Amchitka in October 1969 amid vociferous protests. This time, though, the stakes are much higher. That was a one-megaton explosion, about as large as any set off in the AEC's southern Nevada testing grounds, to determine whether the Amchitka site could safely handle bigger tests. The AEC's conclusion: it could.

At first glance, Amchitka would seem the ideal site for underground tests. The treeless, 42-mile-long island is utterly remote from large population centers. It is 1,400 miles west-southwest of Anchorage and 2,500 miles west-northwest of Seattle. Nearly 10,000 troops were stationed on the island during World War II, leaving behind a system of airstrips and roads. Today, rats are the only land mammals on Amchitka besides AEC personnel.

The island, however, happens to straddle one of the world's most active earthquake zones, raising the concern that the blast, which itself is expected to register 7.0 on the Richter seismic scale, could trigger a giant temblor and perhaps even a tidal wave. (Scientists prefer "seismic wave" or the Japanese term, tsunami, to the misnamed tidal wave.) And Alaskans have reason to worry about earthquakes. Much of the state was devastated by the Good Friday quake in 1964.

#### THE AEC'S POSITION

That quake, Sen. Gravel says, began with a shock of about 6.5 and triggered itself to a peak of 8.4. (The recent San Fernando Valley quake was 6.6.) Referring to Cannikin, Sen. Garvel says, "what type of energy can be released with that kind of trigger? No one knows. Would Cannikin's 7.0 Richter scale reading, combined with a 7.0 natural earthquake, remain a harmless 7.0 event? The odds shift markedly against such an eventuality occurring without some toll."

The AEC claims the chances it would set off a quake are remote, but it does acknowledge that "because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out."

One AEC scientist says that earthquake country may be a "good place" for underground testing and that if an earthquake happened to be triggered it might actually be beneficial, in a manner of speaking. Exploding a bomb in a site like Amchitka, he says, would "represent much less a departure than in another place where quakes aren't common." And in the unlikelihood a quake is triggered, it would undoubtedly have been "ready to go" anyway and its force could be less than if mother nature hadn't been preempted, he reasons. Also, he claims, any quake would be localized, little different from what occurs frequently there.

#### RADIOACTIVITY IS FEARED

The 1964 Alaskan quake unleashed a massive seismic wave that smashed coastal areas throughout the Pacific Ocean basin; 27 blocks of downtown Crescent City in northern California were leveled by the wave, for instance. Cannikin's chances of duplicating this disaster are "negligible," according to the AEC. William G. Van Dorn, a Scripps Institute of Oceanography, seismologist working for the AEC, says that "no large tsunami has originated in recorded history" in the western Aleutians, where Amchitka is located. In 1965, Mr. Van Dorn says, a 7.5 magnitude quake only 20 miles from Amchitka "produced only a small, local tsunami." The key reason, he explains, appears to be that tsunamis tend to happen where quakes produce vertical ground motions. Unlike in the eastern Aleutians, the motions are horizontal in the western Aleutians, he adds.

For many critics, the earthquake-seismic wave questions are secondary. "These threats are real, but more real is the threat of radioactive contamination as the result of an accidental venting because these have happened with remarkable regularity," charges Earl J. Bell, a spokesman for the National Audubon Society, which opposes the test.

Since the signing of the limited test ban treaty in 1963, the AEC has exploded 230 underground devices, of which 17 "leaked radioactivity detectable offsite," the AEC admits. The one leak Cannikin opponents won't let the AEC forget occurred last December in Nevada, causing the AEC to suspend tests. Project Baneberry, a 20-kiloton device (equal to 20,000 tons of TNT) was detonated at a depth of 910 feet. Though the AEC thought it was fully familiar with the area's geology because it had conducted other tests nearby, the earth's surface suddenly cracked and radioactivity was spewed over several states. The AEC now blames unexpectedly high water content at the test depth for the accident. It exploded its first post-Baneberry device in Nevada June 16 and said the explosion didn't cause any radiation leakage. So, the AEC says, "we will be conducting other tests in the relatively near future." But it can't test in Nevada devices as big as that planned for Amchitka because of the effect on high-rise buildings in Las Vegas.

James E. Carothers, the AEC's assistant director for nuclear testing, claims that the bigger the test's yield, the safer it is as far as radioactivity is concerned. Two factors cause this phenomenon, according to Mr. Carothers: The bigger devices are buried deeper, thus placing more layers of rock between the device and the surface, and the bigger detonation tends to melt more of the rock about it, sealing off the cavity. Cannikin would be detonated at a depth of 5,875 feet.

Alaskans are particularly concerned over the possibility of another kind of radioactive contamination: seepage into the Bering Sea. The Aleutians are the crossroads for the spawning migrations of Pacific salmon. "Should contamination of these salmon occur, the economic disaster to one of Alaska's largest industries would be of very large magnitude," warns Wallace H. Noerenberg, commissioner of the Alaska Department of Fish and Game. In 1970, Alaska fishermen hauled in $60 million worth of salmon.

#### A DISAGREEMENT ON DILUTION

After Cannikin is detonated, the explosion-formed cavity is expected to collapse, creating a rubble-filled "chimney" to the surface; it should fill with water within 150 to 500 days. Leonard M. Gard, the AEC's supervisory geologist from the U.S. Geological Survey, says radioactive water shouldn't reach the surface of this sink. What is most likely to occur, Mr. Gard says, is for the radioactivity to be trapped underground, seeping out to the Bering Sea in about 1,000 years, at which time it would be harmless. The "very unlikely" alternative would be for the radioactive water to reach the Bering Sea in two or three years at about 1,200 times safe levels and continue to be discharged for 130 years, he says.

"In this unlikely event, the mixing with ocean waters in longshore currents would introduce an effective dilution factor," Mr. Gard says confidently.

But Jerold Lowenstein, a radiation expert at the University of California Medical Center in San Francisco, scoffs at the "magic of dilution" and says low levels of radioactivity can accumulate and be reconcentrated in the food cycle. Sen. Gravel adds, "In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific."

Conservationists are especially enraged because the Aleutian Islands, including Amchitka, are a national wildlife refuge. But when he established the refuge in 1913, President Taft provided that Amchitka could be used for military purposes. Says the Audubon Society's Mr. Bell, "I think it is perfectly clear that coaling stations and the like were the kind of military purposes that President Taft considered commensurate with wildlife refuge status. It is obvious that he could not have conceivably imagined that this might include testing five-megaton nuclear weapons."

#### "NO ENVIRONMENTAL IMPACT"

Cannikin, the AEC claims, will cause "no significant environmental impact" on Amchitka. The island is home to the endangered sea otter, which the AEC has been helping transplant to other habitate in an effort to expand its ranks. Perhaps as many as 20 sea otters "could suffer measurable physiological effects" from the test, the AEC says, but the overall impact will be "negligible." The AEC adds that "a few fish of commercially important species may be killed by the shock."

As far as the Aleuts are concerned, the Aleutians should belong to them under a complex Alaskan native land claims settlement now pending before Congress. Iliodor Philemonof, president of the Aleut League, which is threatening a lawsuit, says the Aleuts "were and are entitled to the protection of provisions of the Constitution. Property should not be taken without due process." The proposed explosion, he alleges, is another example of the white man subjecting Aleuts to "mistreatment and misfortune."

But the overriding issue in the controversy may be whether the test is actually necessary. Officially, the AEC hasn't disclosed the precise purpose of the $160 million project except that "the test is considered of vital importance to national security." In testimony to a Senate committee in April, an AEC official admitted Cannikin will be to test the warhead for the Spartan antiballistic missile.

If that's the case, some scientists allege, then Cannikin is pointless. Jeremy J. Stone, director of the 2,000-member Federation of American Scientists, claims Cannikin was conceived by the AEC in 1966 under President Johnson to test the Spartan missile, an anti-Chinese missile defense system. However, Mr. Stone contends, the Nixon administration in early 1969 revised the ABM program to have the defense of Minuteman ICBM's against a Soviet threat as its primary purpose, with the defense of cities from a China attack as a supplemental program. "There now is ample reason to believe that a majority of the U.S. Senate will not support an anti-Chinese ABM," he says, adding that the Spartan missile isn't necessary in the ICBM defense system.

"Basically," Mr. Stone argues, "Cannikin is a bureaucratic oversight—an experiment that has been waiting to be canceled."

The final green light for Cannikin must be flashed by President Nixon. The Anchorage Daily Times, quotes "reliable sources" in Washington as saying the administration may cancel Cannikin because of its "potential political risk" in the wake of the recent agreement with the Soviet Union at the Strategic Arms Limitation Talks to negotiate limits on defensive ABM systems. (One AEC official grumbles that the Russians earlier this year set off a six-megaton test on an Arctic Island and "you didn't hear too much about that.")

Like its smaller Amchitka predecessor in 1969, Cannikin is generating much international ill will, especially in Canada and Japan, two fishing nations. Patrick Moore, a Canadian conservationist, points out that Japan, Canada and even the Soviet Union (which is 800 miles from Amchitka) are closer to the blast sits than is the contiguous U.S., and thus "exposed to a more serious threat." His suggestion: If the U.S. wants "to indulge" itself in the test, explode it in the geographic center of the U.S. in central Kansas.

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## THEY MOUTHED MORALITY

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. RIEGLE. Mr. Speaker, I rise to direct the attention of the House to today's news commentary section of the New York Times, where Charles Frankel has presented a very informative and clarifying analysis of Walter Rostow's view of "moralism" in policymaking for Vietnam:

#### They Mouthed Morality

(By Charles Frankel)

Walt Rostow has stated the moral case for the war in Vietnam in these pages. No one who knows Mr. Rostow doubts his sincerity or depth of moral commitment. But the issue is not what it has been said to be—that those who made the decisions about the war were indifferent to moral considerations. The issue is the impersonal one as to the actual nature of these considerations, and the kind of logic that should be used in thinking about them.

It is odd for Mr. Rostow to call on George Kennan's animadversions against "moralism" to support the position he takes. His position is a study in moralism. Reading him, I have the same feeling again that I had when I discussed the war with some of its defenders in the Johnson Administration. It was the feeling of running into a blank wall, and turning around and running into another.

The first was a wall of fact to which I wasn't privy. ("If only you knew the facts that we know about Vietnam, you wouldn't hold the position you do." Well, now I know some of those facts, and they are quite unlovely.) But the other wall was and is the Great Wall of Moral Absolutes, a wall of principles to which one clings against the facts, against experience, against feeling.

Mr. Rostow begins, in effect, by telling us to keep our guard up against moral doubts. He sets up an impossilbe ideal—absolute pacifism—and confesses to a feeling of sadness that we can't attain it. But we can't; life is hard. "All national policy—like the human condition itself—is morally flawed."

The operative moral question about the war in Vietnam is not whether war in general is "ugly and sinful." It is about *this* war, its necessity, its purposes, whether these purposes could be accomplished, whether they were worth accomplishing given the cost in human suffering.

And what about this war? Mr. Rostow says that it meets one condition for being moral because the "national interests" we have pursued in Vietnam are parallel to those of the South Vietnamese, who, in 1961 and 1965, wanted to fight for an independent destiny. *The* South Vietnamese? Which ones? Which government? What about the South Vietnamese who are with the Vietcong?

Again, Mr. Rostow says that a war, if it is to be moral, must be conducted "so as to minimize damage to civilian lives." The argument, when offered in defense of the Vietnam war, is ghoulish. What is the relation of this abstract principle to mass transfers of populations, free-fire zones, the ghastly weapons we have used? Does the fact that all national policy is "morally flawed" relieve us from the responsibility of looking at facts?

The rest of Mr. Rostow's statement is similar. He says that our basic "power interests" in the world are morally legitimate because they are wholly "negative": We simply wish "to prevent the dominance of Europe and Asia by a single potentially hostile power." But what of the specific ways in which we have pursued this "negative" goal?

We cannot draw the lessons from Vietnam that some of its critics wish us to. The war is not a product of "the system." It is the product of the Cold War mentality, of the inordinate influence of the Pentagon and its satellites, and of policies that were adopted only by circumventing the system of consultation with the electorate and its representatives. But the way we got into the war, the way we have argued about it, tells us something about our national life.

It tells us that the habit is widespread of asserting airy moral principles without looking at their content and consequences. Highly intelligent men, products of the best education we have to offer, think that they have done their duty by morals when they mouth abstractions whose living meaning is left unexamined, and cling to lofty goals without ever asking whether the legitimacy of these goals is affected by what is done in their pursuit.

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## RADIO FREE EUROPE AND RADIO LIBERTY

### HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. STEELE. Mr. Speaker, on Thursday, June 24, I joined Mr. Reid of New York in sponsoring of H.R. 9330, a bill to provide for the creation of an American Council for Private International Communications, Inc., as a funding and management mechanism for Radio Free Europe and Radio Liberty. Last Saturday, the Washington Post published an editorial regarding RFE and RL. I bring to the attention of my colleagues this very informative piece:

#### The Essential Business of Radio Free Europe

Radio Free Europe, which undertakes to tell East Europeans the news about themselves that their own controlled media withhold, is under harsh political attack for that reason from governments of some of the East European countries it broadcasts to. It may face an even greater peril, however, from the confusion of efforts underway in Washington to end its covert financing by the C.I.A. and to finance and operate it on a new open basis. The situation has got to be taken into hand quickly, for as matters stand, funds will run out for RFE—and for Radio Liberty, which broadcasts to the Soviet Union—quite soon. The two stations are much too valuable to be lost in a summer haze.

East European governments resentful of RFE's broad appeal to their populations have long stewed and fulminated about it—along with pulling such dirty tricks as putting poison in the salt shakers of its Munich headquarters. They could do little more, until Willy Brandt opened his policy of reconciliation with the East. Then, sensing an opportunity for leverage, they said that his *Ostpolitik* and RFE are incompatible. In fact, they are not, but Germany was embarrassed. Once Mr. Nixon made clear his position that Americans troops and American radios in Germany are part of a package, however, Bonn diplomatically told the protesting East Europeans to cool down.

Some East European governments bored in harder when Senator Clifford Case stated publicly what almost everybody had known for years—that the C.I.A. finances RFE (and Radio Liberty). Poland, for instance, called upon the United States last month to put RFE off the air.

Senator Case's point was to get RFE out in the open and so he offered a bill to finance it by direct appropriations, through the State Department. The administration, correctly contending that much of RFE's audience appeal lies in its appearance of independence from the American government, countered with a bill to set up a publicly funded "private" corporation to run both RFE and RL. (West Germany, for its own reasons, favors the latter approach.) In the meanwhile, there arose on Capitol Hill legitimate questions about the cost of the stations, their research functions, their relationship to other American propaganda and cultural programs, and their coordination with political efforts for detente. The administration did not allow enough time for Congress to cope adequately with these questions and, as a result, the stations are now hanging by the thread of a continuing resolution which provides funds only until August.

We do not have dogmatic views on the kind of organizational home the stations ought to have or on the size of their budgets or the scope of their non-broadcasting activities. We would like to make the emphatic point, however, that RFE and RL do an extremely important job and, in our judgment, do it well.

RFE still carries an image of irresponsibility dating from its indeed-irresponsible words of encouragement to Hungarian rebels in 1956. Together, RFE and RL have the reputation of being the voices of bitter emigres and primitive anti-Communists. The two stations, however, have considerably changed and they can no longer be fairly accused of the sins of their past. What they do now is to communicate directly with the people of East Europe who want to listen to them in order to learn what they cannot learn from their own captive press and radio. The stations do not incite to revolution or preach anti-Communism; they say what is going on in East Europe. It would be an unpardonable breach of faith with the stations' millions of listeners to deny them their choice of radio fare.

Detente, if it means anything, means widening the West's contacts with the East, not helping the East to seal off its people from the West. It means the exchange of people, goods, words and ideas. This is the essential business of RFE and RL. The Congress, in its rightminded determination to shake the station free of the C.I.A. should not lose sight of the reason for letting them continue it.

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## BIERNE SPRAGINS HONORED AS PUBLIC CITIZEN

## HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. JONES of Alabama. Mr. Speaker, a recent editorial in the Huntsville, Ala., Times honored Mr. Bierne Spragins, one of Alabama's most outstanding residents. I have known Mr. Spragins for more than 25 years, and I have never known a more dedicated public citizen.

The editorial remarks in the Huntsville Times cite the high points of his illustrious career of service to his community and its constant improvement. Beyond this record he is congenial and friendly. He is most gallant and chivalrous in all his deportments. I am grateful that he has allowed me to be his friend through the years.

At this point I wish to include the comments of the editorial as a part of my remarks:

### BIERNE SPRAGINS WAS THERE

Things have changed these past 50 years for Huntsville and its Rotary Club; but then some things are pretty much the same. For instance, when Rotary met this week, just as in 1920, Bierne Spragins was there.

The local club, for no special reason but for lots of good ones, therefore, paid tribute to its longtime member and former president (1932–33) for a life-time of effort in behalf of this community's development. We lend our applause.

Mr. Spragins is known generally as a banker. And that he is, having begun at the First National in 1919, soon after returning from World War I service in France. After an interlude operating the family's ice-and-coal company, he returned to First National Bank in 1933 as executive vice president and in 1935 succeeded his father, the late R. E. Spragins, who had served in that capacity since 1909.

But Mr. Spragins has served this community, to which his family came in 1820, in more ways than financial. For he has harbored a steadfast enthusiasm for its economic and cultural development. He was, for example, among the 18 men who organized the Huntsville Industrial Expansion Committee in 1944, and he served as its second president. He also served as president of the Chamber of Commerce in 1946.

In the words of one of his friends, "Bierne probably has had a hand in recruiting every new industry that has come to Huntsville in the past 25 years—except maybe the other banks."

Over the years, Mr. Spragins has garnered his share of accolades for his services. He received the C of C Distinguished Citizens Award in 1964, and in recognition of 21 years of service as chairman of two Army advisory committees, Huntsville's and the Third Army's, he received the Department of the Army's highest civilian award, the Outstanding Civilian Service Medal.

The recognition of his fellow Rotarians added sheen to the illustrious record.

Well, things may have been pretty much the same at Rotary, 1920 and 1971. Bierne Spragins was there.

But things surely are not the same in Huntsville, and in no small measure because Bierne Spragins was here.

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## BOOKBURNERS AND CULTURAL CENSORS AT WORK

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. RARICK. Mr. Speaker, in nearby Montgomery County of Maryland the bookburners are back censoring and suppressing free speech in education.

The latest cultural work to be purged is "Little Black Sambo," printed in 1899 and enjoyed for generations by our youth with no qualms of conscience or psychological backlash.

The retort of the censor that the decision was not to be construed as bookburning clearly shows a guilt feeling and psychotic defensive reaction.

If all books in the library that might be offensive to someone were destroyed, there would be few books remaining in the library. Yet no reason was given to purge the book which degraded police officers as "pigs" nor was any book ridiculing whites suggested for suppression.

It appears that Montgomery County has a biased and prejudiced director of educational media and technology on its hands.

In the meantime, another federally funded organization, the Smithsonian Institution, has scoured the country to locate backwoods people, representative of American folklore to come to Washington at taxpayers' expense and give a demonstration of living culture in America.

Included in the conglomeration is said to be a black Ohio Colonial blues band comparable to a New Orleans blues band. Certainly by our Maryland standards of censorship, this could be regarded as "ridicule of black people"—specially if someone white told them so.

The material follows:

[From the Sunday Star, June 27, 1971]

### SAMBO "DISMISSED" BY COUNTY SCHOOLS

(By Thomas Love)

"Little Black Sambo," the story of a boy with new clothes who outsmarts several tigers who want to eat him, has been ordered removed from Montgomery County schools.

Following a complaint by a mother of two elementary school children, a system official has ordered all copies of the book removed from school libraries, along with film strips and records telling the story.

"This decision is not to be construed as 'book burning,' but rather as book selection," Nancy C. Walker, director of the department of educational media and technology, said in a memo to all principals and librarians.

In May, Barbara Smith, of 11212 Skuykill Road, Rockville, whose two children attend Rockinghorse Elementary School, complained to the school administration that the book is a "ridicule of black people."

The black mother asked that the books be withdrawn from school libraries. After a month-long investigation, a committee of principals, librarians, teachers and a central office staff member recommended that her requests be granted.

" 'Little Black Sambo' is derogatory. It's not good literature for children."

She said the book implies that "black people are preoccupied with 'fine' clothes, indiscriminate in their choice of food, gluttonous and live in or near jungle."

### PUBLIC LIBRARIES NEXT

Now that she has prevailed with the school system, "the public libraries are my next target," she said.

Her whole campaign started when she saw a copy of the book in a county library. "It upset me," she said. "I didn't think they still had things like that in the libraries."

When she investigated, she found that while her children's school library did not have the book, it had a "Little Black Sambo" film strip. She then filed her complaint.

The book was written in 1899 by Helen Bannerman, an English woman living in India, for her two children.

It tells the story of Sambo, his mother Mumbo and his father Jumbo. The boy has a new outfit and goes into the jungle, where he meets several tigers who say they want to eat him.

He convinces each tiger to let him go in return for an article of his new clothes. The last tiger almost refuses the boy's shoes, because there are only two, until the animal is convinced that they would be attractive on his ears.

Finally, the tigers, each jealous of the other's apparel, chase each other around a tree until they melt into "tiger butter."

Sambo retrieves his clothes and takes the tiger butter home where he and his parents have a feast of hotcakes, smothered with the butter.

The seven-member school committee voted 6–1 to remove the book from the shelves of the libraries. The only dissenting vote came from one librarian who called the book fantasy, and said, "Humor is good for everyone."

Other members called it "inappropriate," and "not in keeping with good human relations," although one principal who wanted the book banned said it was "popular and in constant use."

### CONCERN FOR SELF-CONCEPT

A kindergarten teacher on the committee said, "My concern is aroused at the suggestion that a poor self concept may be reinforced. Building a child's self-concept is something I struggle with every day and I cannot overemphasize its importance.

"Progress is sometimes so fragile that it can be reversed by a book and any positive relationship established by a teacher brought to an end. It is my opinion that 'Little Black Sambo' would not be a positive reinforcement for blacks or whites," she continued.

Last year, the school system banned "The Little Fellow" as racially offensive. The book is about a colt and its groom, a black who spoke in dialect and was caricatured in the illustrations.

However, both the Montgomery and Prince Georges County school systems refused to ban "Sylvester and the Magic Pebble," an animal book in which policemen are depicted as pigs, even though there were a number of complaints.

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[From the Sunday Star, June 27, 1971]

## SMITHSONIAN SLEUTH: COMBINING A NATION FOR ITS FOLKLORE

(By Jack Kneece)

The Smithsonian Institution's fifth annual Festival of American Folklife—to be held on the Mall Thursday through July 5—will owe much of its success to Ralph Rinzler's cultural sleuthwork.

Rinzler, the 34-year-old director of the festival, spends much of his time combing the backwoods of the nation for singers, musicians and craftsmen representative of American folklore.

The search almost cost him his life once as he walked along a mountain creek. But such perils were compensated for somewhat recently when he found a small blues band in Columbus, Ohio, which is part of this year's festival.

As in past festivals, dancers, musicians and craftsmen will demonstrate the living culture of America. Ohio will be the featured state this year.

### AMERICA'S CONTINUING FOLK HERITAGE

The festival, which attracted 700,000 persons last year and becomes more popular each year, is a conscious attempt by the Smithsonian's division of performing arts to focus national attention on the continuing American folk heritage.

As Rinzler said, it is more graphic and informative to see and hear living culture than to depend on a static exhibit.

This year, food processing demonstrations representative of Ohio tradition will include maple sugaring, making apple butter, and baking of Moravian love feast buns.

Another feature of this year's festival will be a musical presentation representing Ohio, including Ukrainian bandura players, a blues and a bluegrass band and mountain string bands.

Indians and their crafts from the northwestern coast of the U.S. will take part in the festival. A program displaying various aspects of American Indian life was begun at last year's festival. It continues through 1976.

Another focus this year will be the American working man as a member of organized labor. This, too, will be the first in a six-year program series on organized labor and the working man designed to culminate at the 1976 Bicentennial.

Demonstrations and performances will be held daily from 11 a.m. to 5 p.m. Concerts will begin at 8 p.m.

A popular part of the festival will be the availability of foods—this year foods traditional to Ohio and some Indian food.

Rinzler and James R. Morris, director of the performing arts division, work with a full staff all year long to stage the festivals.

### ELEVATOR OPERATOR SHOWED THE WAY

But Rinzler said that moment was compensated for by his experience this year in Columbus.

He said he casually asked an elevator operator if he knew of any musicians or bands in the area. This led to the discovery of a black blues band which Rinzler said is sensational—comparable to a New Orleans blues band.

The puzzling part of it to Rinzler is how the group had avoided the attention of music buffs.

This blues band—along with an Ohio mountain string band—will provide the public a chance to gauge Rinzler's discovery.

For Rinzler and Morris, there is little respite. Said Rinzler: "We're already working on next year's festival."

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## HOUSE RESOLUTION 319

## HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp

"—the question of releasing captured military men."

*Resolved,* That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

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## SAVE THE ARCTIC HEALTH RESEARCH CENTER

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BEGICH. Mr. Speaker, the insensitivity of the Nixon administration to the necessity of full support for programs which have effectively met the vital social needs of the American people is vividly shown in the cutbacks in the appropriations for the Arctic Health Research Center. The $347,000—25-percent—fund reduction for the College, Alaska, facility comes at a time when concern for the Nation's health has reached a peak. The cut, which will result in a decrease from 83 employees only 3 years ago to 47 positions next year, will seriously hamper the cause of medical research, not only in Alaska, but throughout the United States.

Gov. William E. Egan of Alaska has actively fought this devastating reduction of a program which has received widespread attention, nationally and internationally, for its success in combating cold weather problems. Because of the importance of health facilities to all Americans, the particular value of the Arctic Health Research Center, and the important work of Governor Egan in this area, I share this letter from the Governor which details the crisis nature of this situation:

JUNEAU, ALASKA,
*June 11, 1971.*

Hon. NICK BEGICH,
*Congressman for Alaska,*
*Washington, D.C.*

DEAR NICK: The news that the reduction of staff of the Arctic Health Research Center at College, Alaska, has been delayed, pending further study, is welcome. I am glad that there was recognition of the consequences of such an abrupt and damaging action. Though the matter is now under study, I still want to express the deepest and most urgent concern of the state of Alaska about the planned staff reduction for the Arctic Health Research Center. This move will reduce the activities and services of this outstanding organization which is so indispensable to Alaska and to other U.S. citizens in relation to preventive health care and medical education.

The Arctic Health Research Center is nationally and internationally known for its outstanding contributions in the area of arctic and sub-arctic health research, tuberculosis control, health education and long term studies of zoonotic diseases transmissible to man. Further, it is the only basic and applied research center of its type in the United States. The reduction from the 1968 authorized strength of 83 to the proposed 47 positions will extinguish essential health and biomedical programs on which the state of Alaska is dependent for critical health services. This will not only seriously cripple vital ongoing health research and medical education projects, but also jeopardize activities that have been responsible for the discovery of previously unrecognized diseases peculiar to northern climates. The loss of the scientific personnel, many of whom are world renowned in their respective fields, of supportive staff and ancillary facilities such as the library, animal colonies or virus laboratory will be tragic and damaging not only for Alaska, but for the United States as well.

The abrupt, planned cutback in positions will unavoidably and necessarily reduce the effectiveness of the Arctic Health Research Center as a vital link which is without question essential to the protection and health of all Alaskans. It should be pointed out that the population of Alaska includes Federal and military employees and dependents numbering 55,000, approximately 20 percent of the total State population. Furthermore, Alaska will be placed in the impossible position, without lead time for planning and appropriations, of having to produce equivalent laboratory and research staff, equipment, facilities and related services necessary for health protection amounting to a minimum of $350,000 for only the most urgent of these functions. While this is a virtual impossibility in itself, so also is the problem of securing adequately trained and experienced research scientists with the information which has been gained by Arctic Health Research Center from investigatory work and direct services in Alaska during the past 20 years. The precipitous action as is already planned for the Arctic Health Research Center is contrary to the interests of Alaska, its citizens, and the Federal Government. The latter stands also to lose, in the long run, both from the impact upon the health of its citizens and funds for subsequent corrective and rehabilitative services and research.

At the present time, there are no less than 48 vital health studies of importance to Alaska being conducted at the Center. They represent studies and research in northern climates of both immediate and long-range significance to Alaska and the other states. It includes results of original research and accumulated knowledge of human studies affecting the health of individuals and population groups, of animal studies of importance to human beings, and the wise development of technical equipment, scientific educational materials, animal colonies and other expertise that cannot be measured in terms of dollars alone without equal consideration of human values.

I wish to provide just a few examples that will indicate the essential nature of this work.

1. Rabies. Rabies among the wildlife in Alaska is prevalent and poses a constant threat to all persons in not only the outlying villages, but to domestic pets and in turn man in our urban areas. At the present time, rabies has reached epidemic proportions in Southcentral Alaska and threatens to spread into Canada. The Arctic Health Research Center has conducted all of the investigative and surveillance studies on rabies in the arctic and sub-arctic regions and is defining endemic areas and determining natural reservoirs of infection that maintain rabies virus between epidemic periods. They have also determined the cyclic pattern of wildlife rabies in Alaska and are assisting the State in predicting and planning control methods for epidemic periods. The Center has served as the rabies laboratory for the state of Alaska and has furnished the primary diagnostic facilities for the examination of suspected rabid animals. This has enabled physicians to promptly treat individuals exposed or bitten by rabid animals. This capability must be maintained in Alaska to avoid serious delays in the treatment of individuals. The state of Alaska, to avoid costly duplication of services did not equip laboratories for this work and to do so now would require an immediate outlay of $50,000 per year.

2. The WAMI Program (Washington, Alaska, Montana, Idaho), University of Washington Medical School and University of Alaska. The Arctic Health Research Center is an essential component in the development of the WAMI Program which the Alaska State Legislature and I have wholeheartedly endorsed. This involves the training of Alaskans as physicians under an arrangement with the University of Washington Medical School and is a project to relieve the medical manpower shortage that exists in Alaska and the Pacific Northwest. Alaskan students will receive their basic science training at the University of Alaska relying heavily upon the health scientists and facilities at Arctic Health Research Center. This program has already been set in motion with the entering students commencing in September, 1971. Cutback in staff at Arctic Health Research Center jeopardizes and weakens this entire program with its importance for Alaska and the Pacific Northwest. The need for physicians in Alaska is a desperate one. This program must not be compromised.

3. Trichinosis. Arctic Health Research Center established the fact of the existence and extent of animal trichinosis in Alaska where it has been discovered in bears and marine mammals. Human infections and fatalities were also unveiled. Previous to this research, the true extent and nature of the infection was not known. Many natives and other persons who have eaten raw or partially cooked bear meat have suffered from this disease with some reported fatalities. Only through the work of Arctic Health Research Center in this field has it been possible to learn enough about the natural history of the parasitic infection in the animal population in Alaska to begin to be able to control it, to educate the public relative to use and preparation of foods likely to contain trichina and to protect Alaska's population.

4. Hydatid Disease (Echinococcosis). The original research on both forms of this disease, prevalent in Alaska, was and continues to be carried out at the Arctic Health Research Center. Scientists at the Center have painstakingly worked out the life cycles in the animal hosts and described this disease which occurs in benign and malignant forms in man. The malignant form is fatal when it initially involves the liver, and later the cysts spread to other parts of the body, particularly to the brain. It is not curable by surgery in the terminal stage.

This disease was initially recognized on St. Lawrence Island through importation of dogs from infected areas in Alaska. The disease has now spread to the fox population of North Dakota and South Dakota and now presents a health hazard to man in these states. The complex life cycle of the parasite in different animal hosts has been worked out so that the onset and spread may be mapped and controlled. It was discovered to be confined to the area along the west coast of Alaska. The most important fact is that the disease is picked up during early childhood. If children are screened early, infected children can be detected and treated successfully. If not found early, the disease is fatal. It has taken 15 years of study to come to the present point at which it will be possible to program the diagnosis and the detection of this disease and put controls into effect.

With sorrow I wish to point out that Florence Melegwotkuk, Gambell, Alaska, an Eskimo artist, particularly famous for her pen and ink sketches of Bering Sea scenes, died three weeks ago of the malignant form of hydatid disease. She was in her forties. Had we progressed more rapidly by this point in time her disease may have been detected at an earlier age when successful treatment would have been possible. Others may now be saved if the continuing work on this disease is not slowed or terminated. Early detection in childhood saves lives. Allowing the infection to progress until adulthood means serious complications and loss of life. Does it make sense to reduce services, such as these, at this stage when lives can be saved through early detection of this disease?

5. Virus Laboratory. Since the early days of the Arctic Health Research Center, the virus laboratory has been serving the needs of the people within the State. This has been a cooperative undertaking with the Department of Health and Welfare and other agencies. The State has not developed a duplicate viral laboratory since this would be inefficient, costly, and a wasteful undertaking. Consequently, Alaska continues to depend on the viral laboratory for assistance with human specimens. These include diagnostic work during epidemics of viral infections that occur frequently within the State.

In 1970 an epidemic of meningitis occurred in the Kotzebue area. Without a viral laboratory it would have been impossible or too slow to determine the cause of the meningitis and methods of control. With the help of the Arctic Health Research Center the diagnosis of ECHO virus aseptic meningitis was made and consequent controls instituted. The State relies upon Arctic Health Research Center for help in nearly all epidemiological problems. These services are indispensable to Alaska, to travelers in Alaska and to international epidemic surveillance activities, since Alaska is the first point of entry from the Orient and crossroads stop between East and West.

To replace this laboratory by the state of Alaska would require a minimum of $300,000 for the first year.

6. Black flies and mosquitoes. This major problem in Alaska is one which also has implications, as do the above examples, for construction and maintenance workers on the pipeline and the development of resources within Alaska. Studies on black flies and mosquitoes have been taking place at Arctic Health Research Center over a period of years relative to identification of the specific insect vectors and studies on breeding habits and control techniques. Without this fundamental research it would be impossible to control this potential health hazard and would markedly depress the activities of man in the development and use of the interior of Alaska.

Nearly endless additional examples could be given that would simply strengthen the point I have already made, which is the devastating effect of a cutback of 14 to 16 positions in the Arctic Health Research Center in College, Alaska. Other examples include the detection and classification of anemia among the Eskimo population, basic nutrition studies which indicate the type of native foods which are of importance to the health and growth of children compared to imported, commercially prepared foods and genetic counseling and cytogenetic studies among the residents of Alaska. These constitute fundamental, unique and practical efforts of importance to the health of the Alaskan people.

At this time it is important to advance these many practical studies and research which will elevate the level of health of Alaskans and prevent illness, accidents and other costly, unnecessary disease. How shall we justify cutbacks under these conditions when the Federal Government itself is alarmed at the spiraling costs of medical and health care and is urging and encouraging states to stress prevention and preventive health practices? Arctic Health Research Center and the state of Alaska have been functioning as a team to complement one another's services and research and to discover and control diseases and other threats to human health. This is prevention and optimal cooperation in its finest sense. It must not be destroyed. It is too rare to find these days. Federal agencies and publications constantly proclaim the virtues of preventive health services as essential for economical, social and health reasons. Yet the action in cutting positions at Arctic Health Research Center is inconsistent and achieves exactly the opposite. There is nothing that I am aware of that can be more egregious and harmful to the people of the state of Alaska than to permit the cutback of these positions and the weakening of the Arctic Health Research Center upon which we all depend.

I urgently request your active support in restoring the staff to the previously authorized level and rescinding any plans to reduce the staff. I am ready to testify before any committee on the importance of these developments.

Sincerely,

WILLIAM A. EGAN,
*Governor.*

## NUCLEAR POWER IN MAINE—CITIZEN ACTION CALLED FOR

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. HATHAWAY. Mr. Speaker, in the past several days, I have inserted in the RECORD of our proceedings the first six of seven chapters of a pamphlet entitled "Nuclear Power—The Greatest Threat to Maine," which has been compiled by a Maine citizens' group known as Citizens for Safe Power. The chapters were devoted to the problems which operation of the proposed atomic plant in Maine could cause, the likely inability to solve or even minimize these problems, and several of the more reasonable available alternatives to nuclear power. The insertions appear on pages 21717, 21781, 22109, and 22549 of this journal.

Today, I include the seventh and final chapter of the pamphlet together with appropriate footnotes and the pamphlet's epilog. The chapter's title asks the question "What Then Can Citizens Do About Nuclear Plants in Maine?" Its paragraphs suggest a number of impressive answers:

#### WHAT THEN CAN CITIZENS DO ABOUT NUCLEAR PLANTS IN MAINE?

Regulation of the AEC has proved impossible from the onset. Due to the complexity of nuclear physics, the necessity of classified information, privileges of eminent domain, dispersal of responsibilities over a maze of divisions, offices, boards, panels, committees, and establishment of a complicated system of arbitrary overseers, the technology involved and the agency necessary for its management have now become so vast that the AEC bureaucracy has grown second in size to the Pentagon and has become even greater than its formal structure indicates, now reaching down through all the major utilities and construction firms, hundreds of thousands of personnel all the way down to the field inspector and construction foreman. "We have circumnavigated the globe many times over, spreading the gospel about the peaceful atom" (66) states AEC Assistant General Manager, Howard B. Brown, Jr. Utilities have now become franchise outlets of the AEC, which designs and develops the product, conducts the construction and operation licensing, controls all inspections, and determines operation and production procedures.

The most realistic way for Maine citizens to do something about the AEC is to try to protect themselves from Maine Yankee and future nuclear plants in Maine. The key to any control is public awareness of the issues involved. Can you afford to let ignorance and apathy shape Maine's nuclear future? The urge to do nothing is great. Nuclear power advocate, Chet Holifield, Chairman of the Joint Committee on Atomic Energy, believes that the public will "never" know enough about radiation "because it's too complicated" but "that doesn't mean that precautions aren't being taken by those who know, to protect the person who does not know." (67)

Mr. Harold A. Campbell, Head Selectman of Wiscasset for 21 years and employee of Stone and Webster, Builder of Maine Yankee, knows. According to the AEC's accounting of the Wiscasset hearing in 1968:

"Mr. Harold A. Campbell, Chairman, Board of Selectmen, Town of Wiscasset, who spoke on behalf of the Board and the citizens of the Town, informed this Board (Atomic Safety and Licensing Board) that the Applicant and its lead sponsor, Central Maine Power Company, have been solicitous of the Town's interests in the proposed plant, that the Town endorses the application, and that it relies upon the Commission [AEC] with respect to matters of safety." (68)

Wife of Maine Yankee's Engineer who will be monitoring the environment, Mrs. Valmar S. Thompson, is Secretary and sparkplug for the Westport Conservation Commission. She knows:

"I have absolutely no reservations about Maine Yankee. I'd be glad to have my children swim near the plant." (Feb. 1970, planning meeting for SRBCA)

After several attempts were made to get the Westport Conservation Commission to investigate the impact of Maine Yankee on Westport, the Commission began to beautify their dump. Westport lies directly downstream and downwind of Maine Yankee.

Galen L. Rose, Research Associate, Maine Department of Economic Development, knows:

"We feel that nuclear, electrical generating plants are advantageous to Maine's growth, and we will welcome them until some actual (as opposed to imagined) danger becomes apparent." (Jan. 27, 1971, letter)

John Cole, Editor of the Maine Times, knows:

"Maine Yankee has a $100,000 staff with nothing to do but find any little fault in what you say, and drive it home until you hear nothing else. One slip and you're dead." (Feb., 1971, personal interview)

Marshall Burk, Executive Director of the Natural Resources Council, knows:

"They (Maine Yankee) have gone too far. I wouldn't touch them with a 10 foot pole." (Mar., 1970, personal interview)

These are the people who know, or do they? And thusly your representatives have spoken or remained silent for you, and the vital decisions are now being made accordingly.

Most people in Maine do not even know what Maine Yankee is, partly because the public has no legal role in decision making for construction or operation of nuclear plants, and largely because Maine Yankee has maintained a very "low profile." At the intersection leading to Maine Yankee on Route 1, their two by two foot sign that reads "Maine Yankee"—the words "Atomic Power Plant" have been neatly covered with a strip of matching cardboard. When concern or interest does arise their Consultants, Engineers, Information Coordinator, and/or Public Relations Department control any public meetings that evolve by either actually arranging the meeting or smothering it with "expert testimony". Maine Yankee experts do have an advantage over the public. One nuclear power advocate recently explained that you can tell all lies to the public and they'll never know the difference. They can't go back and read the source material (The Advocates, 1971). Actually however, there is only a five to ten year lag between the scientists' findings and general public awareness. Unfortunately the AEC has had 23 billion tax dollars to censor and rebuke these findings. Most people in Maine, including the Deputy Attorney General, assume there is no law against withholding information requested by the public. Thus Maine Yankee ignores specific requests for information from the public while cultivating public ignorance and frustration. Actually there is a Freedoms of Information Act which the Civil Liberties Union recently used to extract information on the environmental effects of the SST. However, there is no one, no State agency or organization, not even the smallest local group, doing anything but accepting passively all the partial and misleading information offered by Maine Yankee. No one is seeking other sources of information or publicly questioning Maine Yankee's design of operation. In this information void Maine Yankee, the AEC, and all other utilities have become dangerously glib.

What does the nuclear power industry say of Nobel Prize Winners Linus Pauling, Dr. Joshua Leberberg, winner of the Nobel Prize in Genetics; Drs. Gofman and Tamplin; Dr. Sternglass; Dr. Radford, Dr. Charles Huver; Dr. Benjamin Sonnenblick, Zoologist at Rutgers University; Dr. Eipper, Dr. James Crow; Dr. E. P. Radford, and the hundreds of other top scientists deeply concerned and trying to regulate questionable nuclear plant operations?

"the radical environmentalists . . . those who would roadblock the avenue to nuclear power need to make their own risk analysis of the consequences of zero growth (Ralph E. Lapp)." (69)

"we are pleased to host Maine Yankee . . . the advantages must be weighed against such disadvantages unless we choose to live again as cave men." (Galen L. Rose, Maine Department of Economic Development, Jan. 27, 1971, letter)

"I guess we can say that these mandatory hearings are at least a safeguard against these extremists anti-nuclear people holding a kook-out." (Representative Hosmer, 1967 Joint Congressional Committee on Atomic Energy.) (70)

However, the critics are not asking that the utilities stop producing electricity; they are only asking that it be produced safely and with minimal cost to our health and limited environment for the sake of mankinds' future.

Most groups opposing nuclear plants simply ask for more stringent radioactive release rates and monitoring and perhaps cooling towers. In the face of the utilities' refusal to acknowledge any hazards and make the slightest concessions, concerned citizens are usually forced into court action to stop construction or defer operations. In a few cases plants were stopped by concerned citizens for other reasons such as in California where a group of citizens stopped a reactor from being built 1,000 feet from the edge of the San Andreas Fault, one of the largest and most unpredictable earthquake zones on earth. Perils of the Peaceful Atom reports:

"The citizens called in Dr. Pierre Saint-Armand, a professional seismologist from the Naval Ordnance Test Station at China Lake, California. After studying the excavation he reported two crucial findings.

First, the reactor site lay in an area where great strain accumulates in the geological formations. Here exceptionally high earthquake intensities develop when the material finally breaks, producing the quake movement or "fling." He even suggested that a great earthquake could be expected within the lifetime of the reactor, a view which has since been confirmed by a number of authorities. In such an event the site would probably undergo some three or four meters permanent horizontal displacement.

"Second, Saint-Armand found that the reactor was being built, in effect, on sand. After describing the ways in which the foundation material of crushed rock and alluvium would shift or transmit shock waves, resulting in serious damage to the reactor, its cooling system and supporting structures, Saint-Armand concluded: 'A worse foundation situation would be difficult to envision' . . . The AEC decided to bring in a couple of members of the U.S. Geological Survey, who said (a) the rock in that area could have slipped in recent geologic time, but left no evidence of the shear; and (b) whatever had happened in the past had no bearing on what could be surmised to happen in the future . . . PG&E filed an amendment to its hazards report which proposed building a structure surrounded by a layer of compressible material, allowing for movements up to two feet without critical damage, 'even though the possibility of such movement occurring is not considered to be credible.' Seven months later, when the excavation turned up a secondary earthquake fault, the bodega head plans were dropped." (71)

In New York a group of Cornell University Scientists stopped the construction of an 830 megawatt boiling water reactor on Lake Cayuga. They pointed out:

"Waters of Cayuga Lake are currently used to supply drinking water for many private residences and the communities of Aurora, Cayuga, Hibiscus Harbor, Seneca Falls, Trumansburg and under extenuating drought conditions, Interlaken. Several other towns or villages obtain water from wells with possible ground water connections with the lake. Concentrations of strontium-90 which could exist in Cayuga Lake after several years of discharge at maximum permissible concentrations greatly exceed those recommended by the National Technical Advisory Sub-Committee for Public Water Supplies and Agricultural Uses. (72)

"It is difficult to conceive of any appreciable benefits to the lake's present ecology from thermal pollution . . . heated water . . . will increase the settling-out of organic material . . . increase the rate of oxygen consumption . . . reduce total oxygen available for animal life . . . entrophication . . . reaches a point where the water was a dilute 'pea-soup' appearance . . . development of blue-green algae, many of which produce foul odors, tastes, and substances which may be toxic to fish, birds or mammals . . . small aquatic crustaceans . . . are the basic food source for young of fish. . . . It is not likely that these forage organisms could survive the extremely rapid temperature rise in the cooling system." (73)

The Conservation Society of Southern Vermont has challenged the operation of the Vermont Yankee Nuclear Power Plant. As reported in the Massachusetts Audubon Newsletter, February '71:

"It should be emphasized that at no time has the Conservation Society attempted to halt construction of the plant or prevent its operation . . . The status of the case is as follows: Some months ago, Vermont Yankee applied to the Vermont Public Service Board for a permit to secure permanent financing. The PSB is bound to consider the general public good in issuing such a permit, and the Conservation Society went to great efforts to introduce evidence and expert testimony regarding the environmental impact of the plant. The PSB considered the evidence, but in issuing a partial financing permit failed to make environmental findings. The Conservation Society threatened to appeal the permit on the grounds that environmental findings were necessary . . . appeal would have delayed the financing. With this strategic lever the Conservation Society, now joined by the National Wildlife Federation, the Lake Champlain Committee and the Vermont Natural Resources Council, was able to force Vermont Yankee to agree by contract to abide by State radiation standards, regardless of AEC standards . . . the contract is unprecedented, and Vermont Yankee might void or circumvent it in court, thus leaving the AEC standards as the sole controls." (74)

It should be emphasized that all of these actions entail lengthy and expensive opposition from the utilities and only accomplish something through "due process" of the law.

The "allusory imaginings of radical environmentalists" are in fact the reasoned judgments of the most recognized scientists in America today. The utilities cannot plead for more time. The AEC has been warned and begged by the best minds in the world since the early 1940's to acknowledge and investigate the consequences of all man-made radiation exposures to populations. Likewise the utilities have been warned by scientists and state and federal agencies to acknowledge and investigate the consequences of their thermal effluents. Even at present, neither the utilities nor the AEC show signs of conducting meaningful investigations, regardless of well publicized researched grants, into areas that might challenge nuclear construction and promotion. Should the public give them 20 more years to rebuke qualified critics and polish up their own public records and press releases?

By their saying that no one can actually say what will happen for a specific plant in any specific situation until it has been operating, utilities are telling the public to stick its collective head in the guillotine and not protest until it knows for a fact that it has been cut off. Based on utility logic one can never avoid harm until it is done, and once damage is done the public must accept any outrage for services rendered, because utilities have the power to deny alternatives. Nuclear Physicist, Ralph Elapp explains:

"The whole thrust by a utility is to live up to its franchise of providing abundant, low cost and reliable power while at the same time earning a hefty profit for its stockholders." (75)

The way to do something about Maine Yankee and future nuclear plants in Maine is to seek information beyond the voices of people on CMP-Maine Yankee payrolls. The greatest service any organization could do for Maine now would be to arrange talks by Dr. Gofman, Dr. Eipper, Dr. Radford, or any of the other top scientists deeply disturbed about the consequences of operating Maine Yankee and much larger nuclear plants in Maine. There is a growing host of top scientists committed to informing the public and by simply paying their travel expenses any of them would speak before Maine people. Many citizens groups commonly present 10-15 top scientists from all over the U.S. to testify at AEC hearings. Wherever the public becomes informed nuclear plants are forced to install adequate safeguards or to defer construction or operation. Simply, begin by reading information on nuclear power plants. There are a growing number of recent paperbacks, recent senate hearings and scientific reports found in college and university libraries, even a variety of magazine and newspaper articles. Check the references of any information you read to see whether resources are more interested in promoting nuclear plants or protecting the public's health and environment. When you are concerned enough contact anyone who has organized public support for environmental action in Maine, or people and groups that have tackled nuclear plants elsewhere (see appendix). If there are no groups in Maine interested in facing the dilemma and gaining experience from those other groups send what contributions you can to these out-of-state groups as one certain way to direct your concern to Maine Yankee.

In a taped interview a scientist from Brookhaven Laboratories, where AEC research on reactor safety is conducted, sums up the heart of most concern:

"Implicit in the question about the siting of plants in Maine is a value judgment, not a scientific judgment, and that is, whether it is acceptable that 5 people get cancer as a result of the construction of a plant but not acceptable that a hundred people do. That's value judgment that people have to make. . . . When a person says that a 0.1% increase in the death rate from cancer is negligible then he's implicitly assuming that he's not going to be one of the 0.1%. On the other hand all human activity has a risk of a kind.

"People become upset when the risk becomes apparently calculable. I would guess that the reason Maine has been chosen, for the site of plants is the fact that the population density is low and the people of Peoria would say it is better to site these plants in a low population density area than a high one simply because of the fact that we're going to have a fewer number of people that suffer."

Maine people have not been allowed to make that value judgment . . . While AEC officials in Washington in collaboration with Maine Utilities have made the decision to make Maine residents the expendable guinea pigs for the rest of the nation. State government has absolutely no jurisdiction over this decision. Maine people can make their own value judgment count by civil suits or direct initiative referendum that could serve an injunction to force more stringent safeguards or deter operations until the public feels adequate safeguards are instituted. The court precedents for deferring operation of nuclear plants after construction is completed have been established elsewhere when the public became aware of the issues and acted. Concerned citizens nationwide refer to Maine Yankee when they successfully appeal for deffered construction or operation to "wait and see what happens elsewhere." Elsewhere is going to be Maine. In 1968 the Northeast Regional Advisory Committee to the FPC reported that Maine, with her cold water inlets and low population density "offers special advantages for the location of thermal [nuclear fission] power plants . . . Attempts will likely be made to generate large blocks of electrical energy along the Maine coast for export out of state to serve the megalopolitan areas to the south." The report made one estimate of 20–30 nuclear plants in Maine by 2020 (Sleeper, 1971). Such '68 estimates are presently running nationwide about 65% below actual applications to construct. (Committee on Resources and Man, 1969). In 1970 Ken Travis, Environmental Engineer for Maine Yankee stated that some 80 nuclear plants are now proposed for New England and Maine would be the ideal site.

Perhaps individuals, particularly people downwind of Maine Yankee should sue because the involuntary jeopardy and expendibility inflicted on their lives by the hazards created by Maine Yankee is unconstitutional. The strength of the suit would lie in a substantial and growing body of scientific evidence that cancer and leukemia as well as extensive environmental damage has resulted from normal operations of other nuclear plants and that the AEC cannot disprove such claims. The Federal Radiation Council reports:

"It is not prudent therefore to assume that there is a level of radiation exposure below which there is absolute certainty that no effect may occur . . . every use of radiation involves the possibility of some biological risk either to the individual or his descendant." (76)

Dr. Dean E. Abrahamson continues in a plea before the AEC's Atomic Safety and Licensing Board 1968:

"The evaluation of whether or not to accept this risk is not, however, a scientific question, but one involving social and political decisions based on an evaluation of the risks and the costs to eliminate or reduce the risks. Yet, we are being asked to assume a risk, which involves also our descendants, with neither a clear definition of the risk nor a statement of the costs to avoid the risk. In this instance, the only apparent gain is lower electrical costs, and even this cost has not been stated." (77)

At issue is the basis for an environmental bill of rights legislation and the impending national crisis in which the various vast and complex technologies of our Country are singling out individuals and minorities to involuntarily pay the price for the benefits distributed throughout an often separate majority.

Perhaps if Maine Yankee is allowed to operate it should be forced to pay, as a part of the cost of profit making, for all necessary devices and programs to adequately contain heated effluents and radioactivity and for the necessary monitoring to guarantee 100% effectiveness of this containment for the safety of area residents. At present the public will pay for the shareholders' profits in increased consumer rates, in State and Federal taxes for up to 70% of the "research and development" of Maine Yankee's reactor construction. There have been massive cut backs this year on reactor safety research, the bulk of the research dollar goes to making a reactor run that is already committed or even fabricated for a particular plant, for the bulk of insurance costs and initial fuel costs, for State monitoring and study programs, and for present planned and projected damage to the public's health and environment, plus all AEC promotion and administration of all nuclear plants. At present Maine Yankee will be activated next December on the unregulated, irrational basis of waiting to see, after the reactor runs a few years, if any harm is detected. Of course, under present plans and responsibilities monitoring of possible radioactivity exposures to residents from all known sources will not be undertaken, and comparison background data has not been collected that would establish whether operation of Maine Yankee caused other environmental damage.

Under the direction of a private testing laboratory citizens should implement a comprehensive and independent program for continuous 24-hour monitoring of air and water and all possibly affected foods, domestic and wild for specific isotopes within a 15 to 20 mile radius of Maine Yankee.

Perhaps a case for a closed "dry cooling tower" system should be made on the basis that there is every indication that present discharge practices will eliminate the last of a once one million dollar harvest of shellfish and marine worms in Montsweag Bay. According to the Federal Water Pollution Control Administration there are mechanical draft cooling towers in operation that could control Maine Yankee thermal pollution and release only dry air, not the clouds of salt mist Maine Yankee threatens. They would cost the average consumer 75c to $1.50 a year and assure no harm to the environment from thermal pollution. Plants can also be forced to ship all their radioactive waste to reprocessing plants or install closed systems rather than dumping them into the local air and waters. These safeguards could be imposed on Maine Yankee by an informed public.

There is now a standing offer from a group of citizens of 25,000 dollars for anyone who initiates court action to stop or control Maine Yankee, and almost unlimited funds once the merits of a specific case are well established. The Western Sierra Club has a corps of lawyers willing to advise and one Boston member-lawyer, whose specialty is nuclear plants, is anxious to avail free services to any citizen group ready to organize concern about Maine Yankee.

Scientists from 15 countries have made a world-wide appeal for any specific data on radiation exposure to humans. This group (U.N. Committee on the Effects of Atomic Radiation) has been closely studying civilian radiation exposures for the last 15 years and now feels peaceful uses of atomic energy such as nuclear generating plants and their affiliated re-processing plants and miscellaneous radiation discharges have outstripped bomb tests as a threat to world health through radiation. They will make their concern a major point of the World Conference in Stockholm in 1972 (Brewer, 1970). It would seem reasonable for Maine people to demand at least a few months postponement of the activation of Maine Yankee's reactor until the findings of the '72 Stockholm World Conference on radiation hazards are made public and time given for evaluation of these findings.

At the very least citizens should have a record for the incidence rates for cancer, leukemia, emphysema and fetal mutations and mortalities within a hundred mile radius of Maine Yankee. Such records will give some indication of the consequences of the Plant's radiation, particularly 15 and 20 years from now.

Maine people have got to get started now and not be sidetracked, intimidated, or discouraged by Maine Yankee's assaults or State agencies and organizations that drag their feet. Right now, the coastal Maine resident from Kittery to Lubec who thinks Wiscasset's reactor is a local problem that is none of his concern, is just begging for a reactor in his own backyard—aside from misbelieving that Wiscasset's radioactivity won't reach him. Individuals must begin to inform themselves, take initiatives, and write to editors at local papers and their representatives expressing their sentiments. As L. E. Minnick, Vice-President of the Yankee Atomic Electric Company succinctly points out:

"You say that the AEC 'has grabbed 84% of the Federal Energy-Research dollar for the past 20 years.' A far more accurate statement would have been that 'the people of the United States, through their duly elected representatives in Congress and under both Democratic and Republican Administrations, have allocated 84% of the Federal Energy-Research dollar to the AEC' . . ." (78)

You should demand that tax appropriations be cut from the AEC's nuclear generating plant construction and operation subsidies, and restrict funds to breeder research and research of safe radioactive disposal methods. Thus the AEC would be relieved of its runaway promotional role and left to be strictly the research regulatory agency it should be. The remaining appropriations should be diverted to current research of other developing alternatives for power generation.

Citizens should support the proposal of Senator Mike Gravel to establish an Energy Commission that could decide what generating methods should be employed and where the research dollar should go among alternatives, and what pollution devices must be installed—not just promote nuclear power as the Atomic Energy Commission now does.

It is frightening to see how thoroughly Maine industry has diverted public attention away from the big issues to talking in circles about detergents and re-cycling trash, and even to the point where almost anyone will now defend criticism of nuclear power with an automatic "well where are we going to get the power?" A group of the states most qualified lawyers have found legal justification to defer operation of Maine Yankee but refuse to initiate action because present public apathy and ignorance would seriously jeopardize their case at the public hearing required. The issue of oil coming to Maine has been a very effective cover for the enormous strides made in rigging Maine for fantastic nuclear power generation in the very near future—without a murmur from the public. Nothing meaningful has been decided or accomplished locally on the oil issue which largely depended on the Alaska pipeline recently approved by the Department of the Interior. The pipeline decision was based strictly on economics completely ignoring the arguments of ecologists and conservationists. Considering the Machias Port hearings, one recalls many lengthy, self-serving shows, a few very earnest attempts to accomplish something, and a net result of greater distraction from the inconspicuous, ever-busy Maine Yankee construction. Most of the principles so earnestly defending Maine from oil before the NBC TV cameras, were fully aware and informed of what was going on in Wiscasset. These same people have yet to say anything about Maine Yankee. The hearings now being conducted to actually site individual refineries are restricted to a very small sector of the public, and decisions are privately prearranged in Augusta or at local law firms.

The public is very likely to be caught in the very near future in a trade-off between a federally sponsored Dickey Lincoln type or tidal generating project and another nuclear power plant, the logical next location being another Wiscasset situation such as Cousins Island off Falmouth Foreside or near the former reactor site proposed in the Arcadia area. The public will simply lose either way in this unwarranted industry induced power spiral unless the public can organize to effectively say what it wants. Maine people must inform themselves because, aside from possible massive algae blooms and occasional fish kills that will be noticed by residents near Montsweag Bay, there will be no obvious change or effects from the operation of Maine Yankee. Radiation is undetectable to the human senses. The AEC and the utilities are confident that the Maine public will endure in quiet ignorance the tragic burden of greatly increased but scattered incidences of genetic damage and cancer. It is frightening that the public has yet to say a word about Maine Yankee because the public offers the only force that can do something to control or stop Maine Yankee. The State's politicians, agencies, and organizations are simply watching out for the public's reactions.

If you are concerned, write a letter, send it to your representatives in Augusta and Washington but be sure to send a copy also to the distributors of this pamphlet. They will publicize your desires and if there evolves a general consensus among enough Maine voters, a direct initiative referendum would be insured that would force compliance with your desires.

Until next December the choice is yours—whether you want to extend yourself beyond your immediate personal affairs and do something to inform and protect yourself from Maine Yankee and much larger future plants, or bury yourself deeper into personal affairs, accepting the imposed additional incidence of disease and death and environmental destruction under the ever present potential of total destruction. Once Maine Yankee is activated, contamination is irreversible and the precedents are set for similar operations all along the coast.

### EPILOG

Discussion of the threats to our environment and health from nuclear power plants cannot be termed accurate at any level, because of the unknowns and controversy that presently exist in the minds of our top scientists and because state and federal regulatory agencies are not making specific data available to the public. It is fundamentally wrong for concerned citizens to take the time of industry personnel. Our public health and environmental agencies should have, readily available, all the information the public seeks, and the services the public needs to protect its health and environment that lie beyond industry's private property. If the general public does not make its agencies and representatives effectively serve public interests, then the small citizen groups that are trying to avert the continuing sacrifice of the public's environment and health are forced to futile confrontation with state government and industry. Unfortunately the general public only reacts as a matter of expediency by initiating stop-gap measures after environmental and health harm has been done. Unfortunately, industry acts foremost to earn a profit.

When Paul Erlich, Ralph Nader, and segments of the public argue that our survival depends on "good old Mother Earth", they fail to recognize that maintenance of the natural biosphere is increasingly less feasible or as profitable as is controlled destruction of the natural biosphere. The less the public can depend on the natural biosphere the more they must depend on technology. The giant industries that have grown from man's need for private transportation and communications systems will be miniscule compared to the new complex of industries that is beginning to produce substitutes for the natural biosphere that supports man's survival—for a price.

As a friend concluded, the basic issue in conservation is aesthetics. The nuclear industry explains that I am that part of the "lay culture" that wants to hinder the national economy to preserve a natural earth, while our technocrats are building a brave new world where those that pay the price will ulitmately orbit in titillating space stations around a dead and poisonous earth-warehouse of raw materials.

As Roy Gallant, science writer, and I entered the mammoth dome at Maine Yankee, Don Laubenstein, Maine Yankee's information coordinator, turned and said, "We are going to create infinite power and save mankind." Both Mr. Laubenstein and Plant Supervisor, Mr. John Randazza then argued that man can consume and produce *ad infinitum* by means of conversion and substitution. They argued that only technology can solve critical problems because man will never stem his population growth or change his values in time. Can the general public think about and act upon its future now? Our choice of life styles is becoming considerably less as we continue each day to mind our own business and increase consumption per family.

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## O HAPPY "BUST DAY"

## HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to have this fine article by a constituent of mine, Mr. Jenkin Lloyd Jones, inserted in the RECORD:

[From the Tulsa Tribune, May 22, 1971]

### O HAPPY "BUST DAY"

(By Jenkin Lloyd Jones)

Something called the National Bust Day Committee, headquartered in Allendale, Mich., has issued a call to all pot smokers to celebrate National Bust Day on June 5 by a massive clogging of the courts.

The idea, according to a release sent out to college newspapers, is for 10 million potheads (that's the Bust Day Committee's figure) to supply themselves with enough marijuana to be in clear violation of the law, and then to hurry down to police stations, display the weed, and demand jury trials.

Thus, according to the Bust Day strategists the courts will become hopelessly snarled and enforcement of all anti-grass laws will collapse.

This is undoubtedy the best idea since the miniskirt. For June 5 could be the day when America begins to get cleaned up. All that it will take will be a few simple preparations.

First, just before June 5 arrives the courts should appoint small delegations of leading citizens with reputations for impeccable truth-telling to sit around the police stations on Bust Day in order to corroborate police reports on who showed up with what. These citizens could back up the prosecution against any defendants who later might get cold feet and try to deny everything.

Special juries could run through the cases at high speed. After all, what kind of a defense can you put on for the character who waves contraband at a cop?

Any defendant who insisted on taking the stand in his own behalf could be asked the simple question, "Why did you go to the police station?" This would give him the option of throwing his own case or committing perjury.

As soon as the jails were filled, camps could be set up in public parks with tents and camp kitchens supplied by the national guard. Escapes should be no problem, since even old hands at pot-smoking could quickly grasp the fact that escape after conviction ceases to be a hilarious bash and becomes a serious matter.

Prisoners could then be divided into two groups—those willing to work and those unwilling.

Those unwilling would be fed army surplus K and C rations. K rations taste like goldfish food and C rations like dog food. They are both healthy—a scientific blend of vitamins and minerals and GI's under combat conditions have lived on them a long time.

Such rations have been in storage by civil defense agencies for years and ought to be eaten up, anyway. People who would lie around the camps wouldn't need much—about 1,200 calories a day.

Those who would choose to work would be fed regular army chow, which isn't bad and costs about $2 a day. So that court and jail funds would not be embarrassed, luncheon clubs, patriotic organizations and civic groups could call for Sponsor-a-Pot-Head funds to which many millions of citizens would contribute willingly.

One of the first jobs for the workers would be to get out to the scences of rock festivals called to protest the ruination of the ecology and clean up the ruination of the ecology.

Then they could be hauled around to streams and watercourses where they could pick up old tires and accumulated trash. With all that manpower it would be feasible to hoist abandoned autos onto flatbeds and get them to junkyards for the benefit of county funds. Then the tidying-up of streets, alleys, highway rights-of-way and recreation areas could begin.

If, as the Bust Committee hopes, ten million pot smokers choose to get busted, let's say five million would lie around retching over K and C rations and five million would get hungry and busy. In 30 days that would produce 150,000,000 mandays for the benefit of environment and ecology. America would shine!

At the end of 30 days governors could pardon everybody. This would eliminate a lot of paper work.

In a year or two, when the country begins to get messed up again, another Bust Day could be organized, possibly at the instigation of F.B.I. agents dressed like hippies.

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## FORCED BUSING ENDANGERS SCHOOL ATHLETICS

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. YOUNG of Florida. Mr. Speaker, recent Federal court decisions ordering massive forced busing of southern schoolchildren to create artificial racial balances is having a tragic impact on many youngsters and their school programs. School life means more than classroom instruction—it means learning about citizenship through clubs, bands, and sports, and the cementing of lasting friendships.

All of this is now in jeopardy because the court decided to deny the right of children to attend their neighborhood school because of their color.

To correct this tragic wrong, I have introduced a proposed constitutional amendment, House Joint Resolution 600, guaranteeing that the right of students to attend the public school nearest their home shall not be denied or abridged because of race, color, national origin, religion, or sex.

The potentially devastating impact of forced busing on the school athletic program in my home district, and on the athletes themselves, was examined by Bob Chick, sports editor of the St. Petersburg Independent.

This thoughtful column gives insight into yet another problem caused by forced busing, and is offered here for the consideration of our fellow Congressmen:

### ROTATING BUSING COULD HURT ATHLETICS

(By Bob Chick)

Though the athletic program will not be the overriding factor in the busing of high school students, it might still be appropriate to examine this area.

It has been suggested, but not yet adopted, a rotating district be established whereby a student would be bused one of his three years in high school.

Such a setup could endanger athletics as they are today.

First, put yourself in the position of the coach.

Joe Bullneck has played junior varsity football for you at such-an-such a school as a sophomore. Midway through the season you elevated him to the varsity and now as a junior he's sharing the load at fullback.

It's the fourth quarter. The coach looks to his bench and sees Bullneck along with Johnny Lightning. One player has to go in.

So the coach thinks.

Lightning will return next year. Bullneck will not be back. He'll be bused to your cross-town rival for his senior year.

Who is sent in? Not Bullneck. He won't be around and, rightfully, the coach is looking out for his own interest.

What happens to the boy, too, who spends his sophomore year at school Y, is bused to school X his junior year and then returns to school Y as a senior. Chances are it would be his first year at school Y on the varsity and if there are two boys with equal talent, a coach will undoubtedly go with the player with the most eligibility left.

Under those circumstances, adjustments to different systems of coaching could ruin a boy's high school career. A coach at one school might emphasize defense, whereby another system might be based on an offensive structure.

And how about competitiveness?

What about a player for school X in a head-to-head meeting with school Y. He might know the following year he'll be going to school Y. Will this take some of the edge away? Can you maintain desire under such a set of circumstances?

And when would such busing zones be announced?

So that indiscriminate moving from one zone to another would be eliminated, would the school board wait until the latest possible moment to announce the zones for the following school year?

If so, it could further damage the athletic picture.

Coach Y might have two quarterbacks he has worked extensively with during spring practice. Come fall and both his players have been bused and the coach is left without the key position to his entire team. One stroke of the busing zone could wipe-out, for example, an entire offensive line.

And how do you key a boy up about transferring from a school that went 9–1 to one school with little tradition and a 2–8 season? What would be the thoughts of such an athlete knowing if he stayed at school X, the club might have had an opportunity to play in the state playoff?

Any athlete playing for two schools in three years might find it difficult, too, to pick up an athletic scholarship. His talent could be wasted at one school because the coach knows the boy won't be back the next year. Gone, then, could be college scholarship assistance of as much as $12,000–$15,000 for a full four-year ride.

The borderline athlete might not go out for sports, knowing he lives 10–12 miles away, the bus taking him home leaves right after school and if he stayed out for the team he might not be able to make the arrangements to get home every night.

Football, involving 1,000 Pinellas County athletes, would not be the only sport in serious trouble with a rotating busing arrangement. An entire basketball starting five could be moved out during a single season. A baseball coach could lose his top pitcher and a track coach watch his relay team shattered.

Athletic programs are important to schools. Justly, the athlete should be weighed for what he is worth before any final decision is reached.

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## THE NEED FOR A VA HOSPITAL IN EASTERN CONNECTICUT—H.R. 8693

## HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. STEELE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following, which I submitted this morning as testimony to the House Committee on Veterans' Affairs. The need for new medical facilities in Connecticut is urgent. The Congress, and the Veterans' Administration, must act quickly to prevent a worsening situation from becoming a crisis. The material follows:

### TESTIMONY OF REPRESENTATIVE ROBERT H. STEELE

Mr. Chairman, I appreciate the opportunity of submitting testimony to this Subcommittee in support of H.R. 8693, a bill to provide for the construction of a Veterans' Administration hospital in the county of New London, State of Connecticut.

I am fully aware that this Subcommittee has heard testimony from the Administrator of Veterans' Affairs regarding the necessity of cutting the fiscal 1972 budget to bring it in line with the President's budget request. I am also aware of the unquestioned necessity of continuing to provide quality medical services to those who have served their country in time of crisis.

I urge this Subcommittee to provide new funding for the Veterans Administration to construct badly needed hospital facilities. And I specifically request this Subcommittee and the Administrator of Veterans' Affairs to review the need for a new facility to serve the veterans of eastern Connecticut, western Rhode Island, and Fishers Island, New York.

H.R. 8693 would authorize and direct the Administrator of Veterans' Affairs to construct a three hundred fifty bed hospital in New London County, Connecticut. Veterans' hospital facilities in Connecticut and Rhode Island are currently inadequate to meet the growing demand for quality medical care. Increasing numbers of instances in which veterans have been unreasonably delayed in being admitted for treatment or denied emergency care are on record.

Moreover, veterans from this area have to travel fifty miles or more for treatment and medical care, and at considerable personal expense. Outpatients spend significant amounts of time travelling back and forth, thus reducing their employment attractiveness and job security. Long term patients must bear the loneliness of having their families too distant to make frequent visits; or an entire family's life-style must change to accommodate the inconvenience, expense, and hardship.

There are approximately eighty thousand veterans in the counties of New London, Middlesex, Tolland, and Windham, all of which are in my District. Additionally, there are several tens of thousands of veterans in western Rhode Island which would be served by such a facility.

The need for construction of a new hospital in Connecticut is evident from the public statements of support collected from local governments. Resolutions of support from the City of New London, the City of Norwich, and the Towns of Waterford and Groton are included in my supporting materials for your review.

On May 20, 1971, Mrs. Thelma Scarano of Groton, Connecticut informed the Administrator of Veterans' Affairs that she would donate ten to fifteen acres of her property to the Veterans Administration, if they would build a VA hospital on it.

In June 7, 1971, representatives of local chapters and posts of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans, Amvets, and World War I Veterans presented petitions signed by 8,000 of my constituents in support of the construction of a new VA facility in New London County. The petitions state that "as residents of eastern Connecticut [we] request the erection of a sorely needed veterans hospital in our area. With the mass return of discharged men and women from our armed forces in increasingly large numbers in the past six years and the advancing ailments of our older veterans there is a great need of this hospital as of today. We urgently press this request of the Veterans Administration."

For the eighty thousand veterans of eastern Connecticut, for the thousands of western Rhode Island, and for the eight thousand persons concerned enough to lend their names to the effort to obtain a badly needed and long overdue medical facility for the veterans of this area, I ask that this Subcommittee give careful consideration to the need of a new hospital in eastern Connecticut.

Thank you.

### PROCLAMATION, CITY OF NORWICH, CONN.

Whereas, many thousands of veterans in the Norwich Area are in dire need of a Veterans Hospital, and

Whereas, the nearest Veterans Hospital is over sixty miles away from the City of Norwich,

Therefore, we, the City of Norwich, do endorse and favor having a Veterans Hospital located in the eastern Connecticut area.

THOMAS H. HISSOM,
*City Manager.*

Attest:

JOHN J. RYAN,
*President of Council.*

### RESOLUTION

Whereas, the Town of Waterford, Connecticut, as well as the surrounding communities, has a large veteran population, and these veterans may find themselves in need of hospital services, and

Whereas, the distance to the present Veterans Hospitals is at least fifty miles and admittance to these facilities requires a considerable waiting period, and

Whereas, the difficulty in visitors making trips to these facilities is considerable, be it

Resolved, that the Waterford Representative Town Meeting supports the construction of a Veterans Hospital in the greater New London Area. The RTM urgently requests that this Hospital be constructed as quickly as funds can be appropriated by the Federal Government.

FRANCIS J. PAVETTI,
*Town Clerk.*

RESOLUTION OF THE COUNCIL OF THE CITY OF NEW LONDON ENDORSING THE ESTABLISHMENT OF A VETERANS HOSPITAL IN THE NEW LONDON AREA

Whereas, there are three Veterans' Hospitals in the State of Connecticut and said hospitals are over an hours travel time from the New London area; and

Whereas, Veterans and patients in these hospitals, which are over-crowded, are frequently disappointed because visitors are unable to travel these distances; and

Whereas, there are over sixty-six thousand Veterans in the New London area and this number will grow with the younger men coming home from Viet Nam; and

Whereas, there are long waiting periods to get into existing facilities in the state as well as local hospitals,

Now, therefore, be it resolved by the Council of the City of New London, as follows:

We hereby support the construction of a Veterans Hospital within a ten (10) mile radius of the Gold Star Memorial Bridge which spans the Thames River;

That this hospital be created as quickly as funds can be appropriated by the Federal Government for this needed program in order to facilitate the medical needs of the Veterans of southeastern Connecticut.

Adopted by the Council of the City of New London at its meeting held on Tuesday, December 8th, 1970.

Attest:

GRACE M. PODESZWA,
*City Clerk.*

Dated at New London, Connecticut, this 9th day of December, 1970.

RESOLUTION

Requesting the President of the United States and the Administrator of Veterans' Affairs to construct a veterans' hospital in southeastern Connecticut

Whereas, there is an urgent need for hospital facilities for veterans throughout the Southeastern Connecticut, Western Rhode Island and Fishers Island, New York, areas, and

Whereas, the number of veterans in said areas has increased substantially over the past several years, without any increase in hospital and medical facilities to said veterans, and

Whereas, there are extreme conditions of overcrowding and inadequate or reduced hospital and medical facilities throughout said areas, and

Whereas, the veterans of World War I, World War II, the Korean conflict and the Vietnam conflict, deserve and are entitled to accessible and adequate hospital care and medical services, of which they are presently being deprived, be it

Resolved, that the Town Council of the Town of Groton urgently requests the President of the United States to approve, and the Administrator of Veterans' Affairs to provide for the construction of a new veterans' hospital with all necessary facilities, adequate to serve the hospital, medical and surgical needs of those who have served their country in time of war and conflict, such facilities to be located convenient and readily accessible to the veterans residing in the Southeastern Connecticut, Western Rhode Island and Fishers Island, New York, areas, and be it further

Resolved, that the Town Manager is hereby requested and directed to forward copies of this resolution to the President of the United States, Richard M. Nixon, and to the Administrator of Veterans' Affairs.

This is to certify that at a meeting of the Town Council of the Town of Groton held January 4, 1971, the above resolution was adopted.

Attest:

SALLY M. SAWYER,
*Town Clerk.*

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## HENRY TAYLOR ON GREECE

## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. SCHMITZ. Mr. Speaker, the following four columns were written by the well known columnist Mr. Henry J. Taylor during a recent visit to Greece.

Mr. Taylor is no newcomer to the Greek scene, having been in that nation during all three attempts by the Communists to seize control of the last Balkan State remaining outside of the Soviet Bloc. He points out that although Greece bravely resisted the Nazi invasion during World War II, almost defeating Nazi forces five or six times stronger than her own, that—

> In all those horrible years of Nazi invasion and occupation Greece's casualties did not equal the incredible 250,000 Greek men, women and children killed during those two Red attempts to take over Greece (following World War II).

Mr. Taylor goes briefly into the strategic importance of Greece as an ally to the United States and the deteriorating condition of the U.S. 6th Fleet.

The following articles, released by United Features Syndicate Inc., on June 16, 18, 21, and 23, are recommended reading.

The article follows:

### HENRY TAYLOR ON GREECE—I

(By Henry J. Taylor)

ATHENS, GREECE.—Premier George Papadopoulos conducted a two-hour discussion with this writer in his office here. Only our interpreter was present. I submitted no questions in advance. And the prime minister agreed that all he said, from start to finish, was on the record.

First, he mentioned his so-called "government of colonels." There are only three colonels in it. Greece has a civilian government by any reasonable definition, even though it resulted from the military take-over of April 21, 1967. This fact accounts for the great gap so noticeable here between public opinion (and support of the government) inside Greece and the impression abroad.

The government is pro-U.S.A., pro-NATO, pro-free world and anti-Communist. Premier Papadopoulos described the struggle to keep it that way.

The result is an "underdog" situation in the Balkans and the eastern Mediterranean so vital in the American interest that this struggle literally becomes ours, too.

The prime minister turned to the map in defining Greece's problem. His country's entire 700-mile northern frontier borders on Communist countries. Greece is the only Balkan nation not behind the Iron Curtain. It is flanked by two NATO countries now showing increased instability and demoralization—Italy and Turkey. A stable Greece is a strategic imperative in the American interest.

This works two ways. What is our meat is the Communists' poison. Accordingly, anything that can be done to discredit the government here is a major objective in Moscow. The prize for success is enormous, the tools for the objective are worldwide, and the campaign goes on day and night.

"We feel it everywhere," said the prime minister. "But surely this should be no surprise in the United States or throughout the free world."

Mr. Papadopoulos is a soft-spoken man, instinctively courteous, and when I asked why such a transparent attack was not better understood abroad he pointed to the incomparable strength of the worldwide machinery available to those who would benefit from the Greek government's collapse.

This systematized attack includes creating discouragement within the government itself. It centers on a point on which the government appears vulnerable. At the time of the 1967 takeover the government declared itself a "provisional government" and few here doubt that this was its honest intention. But the admittedly irresponsible behavior of young King Constantine in making totally unrealistic personal demands, the traditional impact of Greek political factionalism and the immense dimensions of the essential economic rehabilitation has battered that intention.

The preparation of the new Constitution was overwhelmingly approved in a national referendum vote. But the timing of the termination of the provisional government—by announcing an election date as a result of outside pressures—encounters large questions of foreign and internal confidence in which the timing is not as consequential as the realities.

"Admittedly, the delay can be construed as self-serving," Prime Minister Papadopoulos stated on his own initiative, "but I wish every member of the U.S. Senate and House of Representatives would come here and judge our intentions. In fact, anyone is entitled to that judgment. All that we ask is that they come to Greece, travel throughout Greece and judge for themselves.

"Our task," he continued, "is to avoid the outside discouragements and pursue, instead, the aspirations of the Greek people themselves by every possible encouragement to them—their security, their liberty, their industry, their patriotism and their honest pride in this country.

"The Greek is a man of many parts. He loves liberty—sometimes in our history even to the point of governmental anarchy—and we know it is ridiculous to envision that a government could survive here for long by authoritarian means.

"The Greek is also, by nature, suspicious and does not give his confidence easily. He has suffered greatly and he is no fool. We can succeed, in his eyes and our own, only as we struggle in his behalf as fellow-Greeks whose aspirations are identical."

All that honorable men anywhere can do is struggle for the good of their country, and struggle even harder as the external forces of destruction grow greater. There is bravery here—and ability—totally justifying the helping hand of the United States.

### HENRY TAYLOR ON GREECE—II

(By Henry J. Taylor)

PLATAEA, GREECE.—Almost 2,500 years ago the young soldiers from this Greek city ranged the left flank of their Athenian allies and stared across the Plain of Marathon. Through the early morning haze they saw an enormous mass of Medes and Persians.

Persian King Darius I led this army and he threatened to engulf Greece and, with that, conquer the remainder of the known Western world. And, had this Persian succeeded on this plain 26 miles northeast of Athens, Western civilization never would have developed as it did.

But the warriors of Plataea and Athens defeated the Persians here and gave Greece time enough to consolidate its states into the resemblance of a united nation that could defeat the Persians at sea in the battle of Salamis when they stormed Athens itself.

The story of Greece is a story of 25 centuries of bloodshed and this has continued into the lives of nearly all who live here today.

Greece was an anti-Nazi country that did not collapse. She fought heroically against, and almost defeated, Nazi forces five or six times stronger than her own. In fact, Greece was the only Western ally to sustain a successful land campaign against the German-Italian axis on the European continent for the first four years of the war. In our own country let that not be forgotten.

The British deserted the Greeks in their final hours of crisis and there were hundreds of British soldiers left stranded here when the British withdrew to the island of Crete, yet not one British soldier was betrayed to the occupying Nazis. The Greeks hid them, fed them, and cared for every one—and all of this at the risk of their own lives.

This country lived under that Nazi invasion and occupation longer than any of our NATO allies. In fact, of the 15 NATO nations only eight were ever occupied by the Nazi forces. Then came two Communist take-over attacks, both of which I witnessed here. And in all those horrible years of Nazi invasion and occupation Greece's casualties did not equal the incredible 250,000 Greek men, women and children killed during those two Red attempts to take over Greece.

Every mile of this lovely land's 300-mile northern frontier borders on a Communist country. West to East, these are: Albania, Yugoslavia, Bulgaria—all Red and all ready. Greece dangles like a plum under them—today the only Balkan nation outside the Iron Curtain.

The third Red attempt was made in 1967 and I was here then, too. I moved that April the entire distance along the three Red borders in the north. The conveniently mountainous terrain made (and still makes) guerrilla infiltration as ideal as from Red North Vietnam into South Vietnam. It was apparent that someone had to act, or Greece was on the verge of being another South Vietnam or a Castro Cuba.

On April 21 Col. George Papadopoulos and an officer group overthrew the shaky government of Premier Panayiatis Canelloponos. On December 14 young King Constantine II fled to Rome, along with Premier Constantine V. Kollias, whom the King had preferred in April after the coup, which resulted in today's government misnamed cryptically abroad the "government of the colonels".

The alternative to this government could well be a Red government—a fact many propagandists in our country and elsewhere make it their business to ignore.

Yet this is the essence of the American interest—or should be. By the present government America's interest, not the interest of the U.S.S.R., is served. Greece is our country's NATO partner. It fully supports NATO and our foreign policies as a whole. The Red attackers who were stopped by "the colonels" publicly swore to withdraw Greece from NATO, and they remain to this day as anti-American as the Red leaders in Hanoi.

The Soviet clearly threatens the free world in the Mediterranean. It is a countering of this threat which is indispensable in the American interest. We need an ally, not an enemy, in Greece. The relation of this government to the security of the United States is the basis on which Greece should be judged. And the internal situation here is the subject of another article.

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### HENRY TAYLOR ON GREECE—III

(By Henry J. Taylor)

CORFU, Greece.—Our U.S. 6th Fleet is here and I have come to this Greek island to be with it. Its visiting range is tragically limited. Greece, in fact, is the only country in the entire eastern Mediterranean where our 6th Fleet can congenially call.

It cannot go to neighboring Turkey, long a solid anchor of NATO in the eastern Mediterranean, without provoking street riots, protest bombings and crippling internal strikers. That represents a complete reversal of our defense capability in this explosive part of the world.

Moreover, west of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is hostile to us. Syrian, Egyptian and Libyan harbors are available to the immensely expanded Soviet Mediterranean fleet. Algerian President Houari Boumedienne's denials notwithstanding, our Office of Naval Intelligence finds that he has offered the Soviets the use of the former immense French Mers-el-Kebir naval and air base near Algiers. This established the U.S.S.R. within 260 miles of Gibraltar, prepared to block the Gibraltar Strait and confront, or deny, the access of Western navies to the Mediterranean.

The U.S. 6th Fleet today consists of about 50 vessels, including helicopter carrier, two aircraft carriers and 200 aircraft. Its personnel numbers 25,000, plus only a combat-ready battalion landing team of a scant 3,000 Marines.

Its ships are badly aging. The fleet's commanders do not see how they can compensate for time's natural disintegration. Typical of our Navy as a whole, an alarming proportion of the 6th Fleet was built during the 1939–45 war period and is nearly 30 years old.

It faces a nearly-new Soviet fleet. Typical of the Red navy as a whole, only one per cent of the Soviet vessels in these waters is 20 years old.

Nor is that all. Our 6th Fleet is short of manpower, including sufficient technicians; short of planes; short of other combat equipment; short of ammunition reserves, vital electronic parts, and spare parts as a whole; and it has insufficient logistic backup.

In a hypothetical showdown between the Soviet Mediterranean fleet and our 6th Fleet in which the Russians would fire first, I find not one American officer of flag rank who is willing to give me clear assurance of the outcome.

As for Greece, its naval force is largely assigned to submarine operations in its NATO responsibility. But the submarines are antiquated American and British vessels, and, even though the Greeks have been great sailors from time immemorial, our Navy men take a dim view of the Greek effectiveness in this role for that reason.

Domestically, this NATO member country is not too worried about enemy Tito in neighboring Yugoslavia. Actually, and surprisingly, the eye of the Greek army is on Bulgaria. And when President Nixon authorized the resumption of military aid to Greece in spite of criticism of the "government of colonels"—so much of it totally unjust—the Soviet's buildup of Bulgarian forces was an undisclosed but important factor.

Bulgaria's infantry is now highly mobile and new tank formations are constantly entering service. Also, the Bulgarian air force is receiving the best fighter and bomber planes being used by the Soviet Union itself and joint maneuvers with the Soviet air force are a regular thing.

The morale of the Greek army is high. But the number of its "divisions"—that elastic term of military measurement so often quoted in deception and self-deception—is largely meaningless. For their equipment has been sparse and thus the defense capability was proven to President Nixon to be very limited. On the air side the same applied, even though we assisted in the training of Greek airmen, and they are excellent flyers.

Moreover, a hodgepodge of foreign equipment has so contaminated the effectiveness of Greece's armed forces as a whole that the hodgepodge nearly defies logistic support and combat refurbishing.

Admittedly, before President Nixon stepped in and authorized the resumption of military aid, Greece's entire armed forces could not have restrained an attack by the Bulgarian forces alone—just the Bulgarian forces—for more than two or three days. Militarily, this lovely land was ripe for the plucking. Absorbing the contrived criticism promoted outside Greece, President Nixon could not reveal the whole story.

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### HENRY TAYLOR ON GREECE—IV

(By Henry J. Taylor)

DELPHI, Greece.—I have spent long periods in this lovely land, returned many times, and have always liked and admired the people, their colorfulness, their history, their bravery. This ageless place—Delphi—is in Greece's hinterland and in the hinterland the people are poor. But it is here, close to the soil, that you find the true Greek.

Most Greek peasants still measure time by such ancient ruins as are here and in donkey-hours of travel. The adjective Spartan is suitable. Nearly all have known in their lives that inner feeling when a man defies his own limits. But among Greece's peasants the word for a friendly American translates as "guest," and you encounter at once the peasants' simple delight in doing anyone a service.

What they want is close around them. Their families, their land, their livestock—and the security of these—mean everything. They couldn't care less about the Athens government's ideology or anything having to do with Athens so long as they feel safe. They went no trouble out of Athens, and surely no bloodshed, and they abhor those Greek emigres who sound like trouble, blast the government and shout at them from afar, "Let's you and him fight."

Criticism abroad of today's "government of the colonels" ignores the priority of this national feeling for order is now the order of the day in this strife-weary country. This has great popular appeal—as it might in our own country—and makes up for a great deal more than we may think.

Moreover, emigres, such as movie star Melina Mercouri, who shout from abroad that it is unsafe to visit Greece are bitterly resented as hurting their homeland. They're quite openly called liars, besides. Foreign spenders visiting Greece are like Zeus descending on Danae in a shower of gold. They are this country's largest single source of income.

Through June of this year tourists will exceed 560,000—up 24 percent from 1969. Their 1971 spending will nudge $160 million. Mercouri-like damage to this tourism bonanza ruffles Greek feathers like a fox in a henhouse.

In simple truth, there is not a section of this country that could conceivably be safer for the ordinary visitor. You find that this safety extends from the most-crowded districts in the cities—like Athens' old Plaka section pressing on the Acropolis or the Salonika waterfront—to even the remote, ancient troglodyte houses built in the hinterland's cliffsides during the Turkish occupation and many of which are still occupied.

As one result, able, experienced and highly impressive Minister of Coordination Nicholaos Makarezos tells me he finds it significant that for the first time in postwar Greek history more than a million Greeks now have savings accounts—a 400,000 increase in the past four years—and that these represent more than half the nation's entire bank deposits. Minister Makarezos regards this is individual votes of confidence by the people in the country's stability.

A Balkans-poor country—and a scattered country about the size of Alabama but with 166 inhabited islands—Greece is lifting itself now by its bootstraps. Only one-fourth of the total area is arable. Only bauxite is present in abundance and new, costly hydroelectric developments have had to take the place of coal.

Under Secretary George Georgalas tells me that, in spite of all this, in 1967 Greece's gross national product increased 4.8 per cent, in 1968 it increased 5.5 per cent, and in 1969 another 8.5 per cent. In 1970 the increase exceeded 10 per cent and this year's increase is expected to exceed even that. Workers' incomes have risen 10 per cent per annum. Meanwhile, the average industrial share on the Athens Stock Exchange has climbed 140 per cent since 1968.

Actually, the economic advance here now exceeds that of any country reporting its status, even Japan, and, astoundingly enough, in the past four years Greece has shown the least rise in prices of any country in the entire world reporting same.

One key to its success is Minister Makarezos' assurance to foreign investors that their investments will not be confiscated. This contrasts with the nearby southern rim of the Mediterranean where confiscation is rampant in Syria, Egypt, Libya, etc. The current American losses alone through confiscation or shotgun marriages with governments are running into the billions of dollars, and with no end in sight.

"Greece in view! O, joy!" sang Byron—and so sing the tourists and the investors alike.

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## RODEO STOCK PROTECTION ACT OF 1971

## HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. RYAN. Mr. Speaker, cruelty to animals is always offensive. Cruelty justified in the name of entertainment is even more offensive.

While the Congress has been responsive to some extent in bringing a halt to the inhumane treatment of animals—by passage of the Horse Protection Act of 1970, Public Law 91-540, for example—it has not yet attempted to bring a halt to inhumane treatment inflicted upon rodeo animals.

Horses, steers, and calves are an integral component of rodeos, which last year attracted some 40 million Americans to their shows. The unhappy aspect of these productions is that often the animals are subjected to cruelly painful abuses. Devices such as electric prods and flank straps are used to induce horses to buck by means of the inflicting of pain. Steer busting and calf roping are contests which likewise inflict pain and injury on the animals.

To end this cruelty, I have introduced the Rodeo Stock Protection Act of 1971, H.R. 9027, reintroduced as H.R. 9389. This legislation makes it unlawful to transport in interstate commerce any animal which is used or intended to be used for the purpose of steer busting, calf roping, steer wrestling, or which is subjected to the various pain inflicting devices such as flank straps. In addition, the Rodeo Stock Protection Act of 1971 makes unlawful the buying or transporting in interstate commerce of these devices, when the buyer or transporter has reasonable cause to believe they will be used in the course of a public performance, such as a rodeo.

I want to make clear that not all rodeos are guilty of the abuses which I have recounted. But many are. For the animals used in those rodeos, protection is needed. This is not to say that the cowboys who participate in rodeos do not also suffer injuries. That they do is clear. But I believe the crucial distinction is this—the men and women who perform in rodeos do so of their own volition, and for monetary gain. On the other hand, the animals who suffer in calf roping contests and the animals on whom are inflicted flank straps have not chosen this fate.

Three recent articles point up very well the issues involved in considering the Rodeo Stock Protection Act of 1971. The June 28 issue of Newsweek magazine includes an article entitled "Ride 'Em Cowboy—Gently." In this article, the author quotes naturalist Roger Caras, who states:

> This Roman arena syndrome should no longer be tolerated. I am not out to destroy the rodeo. I believe it is legitimate Americana. But there are parts of it that are unconscionable.

I share Mr. Caras' sentiments. My aim is not to end rodeos, but only to assure that the animals used in them are not subjected to inhumane treatment.

In the June 17 issue of the Village Voice, M. Stuart Madden writes of rodeos, also, in an article entiled "Ambushing the Rodeos: How the West Was Won." Mr. Madden points out, in the course of his article, the abuse inflicted by the bucking strap:

> Most of the roping and bucking stock in the modern rodeo is thoroughly domesticated and pathetically confused. A bronc bucks in a frenzy because of the pain of the bucking strap and the shock of the prod, and the animal soon learns that it must throw its rider to escape the pain. Immediately after the ride a clown or chase cowboy will gentle the bucking strap and lead the stock away.

In addition, Bob Addie, in his June 18 column in the Washington Post, discussed the rodeo stock issue, and particularly the response of the Rodeo Cowboys Association to the legislation which I have introduced.

At this point, I am including these three articles in the CONGRESSIONAL RECORD:

[From Newsweek Magazine, June 28, 1971]

### RIDE 'EM COWBOY—GENTLY

It was once the spirited pastime of working cowhands who drove great herds of beef to marketplaces in the north. Lusty, ragtag affairs, "ridin' and ropin' contests" were little more than colorful tests of manhood, and the simple lure of the sport was best summed up in an old cowhands' maxim: "Never a cowboy who couldn't be throwed, never a bronc that couldn't be rode." From such modest frontier origins, the rodeo has grown into a vast network of highly profitable shows staged everywhere from dusty hamlets to big-city arenas. Last year alone, some 40 million Americans turned out to see 3,000 rodeos.

But now, in an age of ever-proliferating causes, the rodeo is under vehement attack from naturalists and humane societies for alleged cruelty and inhuman treatment of its animals. Not surprisingly, cowboys regard the charges as unjust and the critics as prissy Eastern dudes. And last week, in a counterattack, officials of the Rodeo Cowboys Association hired a public-relations firm, and then flew into New York themselves to stage a benefit performance to set the city slickers straight. "I've never heard any complaints out West," says RCA secretary-treasurer Dave Stout. "It's all coming from the East. The folks around these parts deserve to hear the truth."

Naturalist Roger Caras disagrees violently. "It's high time these people are exposed," he told NEWSWEEK's Peter Bonventre. "This Roman arena syndrome should no longer be tolerated. I'm not out to destroy the rodeo. I believe it's legitimate Americana. But there are parts of it that are unconscionable." The author of fourteen books on pets and wildlife, Caras takes the rodeos to task for a whole gamut of alleged cruelties from steer busting to abuses of the bucking horse.

Steer busting in fact has already been outlawed in 47 states. In this "contest," a rider lassos a steer by the horns and lets the rope run taut along the steer's right flank. Then, the rider gallops off at an angle to the left in hopes of catching the steer's hind legs and tripping it. But actually, the maneuver doesn't simply trip the steer; it hurls the animal high into the air. After crashing to the ground, the steer is dragged at full gallop around the arena until "stunned," and then the rider dismounts and ties its legs. As a result steers regularly have their horns broken, their ears ripped and their eyes gouged. This event was held only nine times last year in RCA-sanctioned rodeos, but RCA president Dale Smith hardly helps his cause when he admits, "It's like a pro football game. If those boys were playing touch, who would come?"

Abuses: Caras and his supporters claim that even worse abuses are inflicted on rodeo horses. They say that the majority of rodeo horses are actually saddle-broken animals that have been on the circuit for twenty years or more and must be driven to buck—usually by kicking or using electric prods, spurs and, particularly, the flank strap. The RCA vehemently denies that any of its cowboys kicks horses and insists the electric prod is never used in connection with an actual event, but rather as the most humane method to move recalcitrant livestock.

"That is categorically an untruth," responds Caras. "I have seen prods in the hands of gatemen and I have seen horses kicked. They use those prods to get the horse to come out of the chute like a bat out of hell."

The most controversial rodeo device of all is the flank strap, a fleece-lined belt that is tied about the horse between the rib cage and the hind legs. Beyond a doubt, this area of the animal is highly sensitive, and the anti-rodeo forces regard the strap as nothing less than "an instrument of torture." For its part, the RCA maintains the flank strap is simply a painless aid to "help" the horse buck more vigorously. "Would you like someone tying a string around your testicles?" says Caras. "That strap is painful. Technically, once the horse has thrown his rider he should stop bucking. In the rodeo, you will notice he doesn't; that's because he wants to get rid of the strap."

Dr. Donald Delahanty, a prominent Cornell University professor of veterinary surgery, retorts that the strap is secured over the intestines, not the genitals, and insists that "the flank strap is an annoyance. It cannot cause any physical harm. Pain is not an issue; it has been made an issue." Delahanty believes that the horse's response to the strap may eventually become Pavlovian in nature. "A horse can learn to respond to simple tricks rather quickly," he notes. "Just as a race horse responds to a starting bell, a bucking horse knows he has to perform when he's got the belt on."

Code: To its credit, the RCA has willingly cooperated with the American Humane Association, and both groups have worked out a uniform nationwide code of nineteen rules that govern the handling of rodeo livestock (among them, that there shall be a veterinarian on the premises and that all injured animals be removed immediately from a show). But while AHA officials rgularly inspect RCA-sanctioned rodeos, it is impossible to police all of them. The RCA participated in 547 rodeos last year—which was only one-sixth of the total number held throughout the country. The remaining five-sixths were conducted by other professional outfits, high-school and college teams and a large number of unsupervised amateur performers.

The richest and most glamorous group in the rodeo world, the RCA is making a concerted effort to insure the respectability of the sport. If it can't, others will try to impose controls from the outside.

"We are putting the rodeo on notice," says Caras. "It is no longer facing little old ladies in tennis shoes. It is up against people who are concerned about their self-image. We will be looking over their shoulders from now on."

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[From the Village Voice, June 17, 1971]

## AMBUSHING THE RODEOS: HOW THE WEST WAS WON

(By M. Stuart Madden)

"If you ever had the blues, you know just how I feel,
Puts you on the wander, makes you want to squeal.
When you take the blues, can't figure what to do,
Jus' find yourself a rodeo and ride the whole world through."

Enjoying a history as colorful and elaborate as that of any sport in the world, American rodeo is no longer the provincial pastime of the Old West. In the last five years the rodeo has become an unbridled coast-to-coast attraction, and is likely to be an annual event in areas anywhere from Daytona to the Cow Palace. "Keep the children happy, keep the ladies happy," barks a balloon man at one of last year's 3000 rodeos, "Be a Rodeo Daddy for a Day!" Sunburst and spangled jalopies, clowns and stock shows have made some modern rodeos into barnyard extravaganzas, while even the smallest shows can bring out entire broods for rodeo fun like "Jackpot Roping," an event for every member of the family. For everyone the rodeo's promise is no less than that of a day to bask in the myth of roughhewn Old West history.

To meet the demand, the Rodeo Cowboys Association, formed in a 1936 cowboys strike at Madison Square Garden, is now joined by the newer and for the most part younger independent Rodeo Association. Between the two professional cowboys leagues, RCA- and IRA-sponsored rodeos last year commanded the paid attendance of 25 million fans, half again as much as college football.

This month rodeo sportsmen are fit to be tied over the spring offensive of the Humane Society of the United States. Under its new president John Hoyt, the HSUS is challenging stock breeders, rodeo sponsors, and some 5000 professional cowboys to "tell it like it is in rodeo advertising." In brief petition to the Federal Trade Commission the HSUS has asked the government to investigate "alleged deceptive acts and practices" by the rodeo industry. The HSUS says America's most glorified native entertainment is rigged, and that the bucking broncos and Brahmas are no more "wild and unbroken" than the gunslingers in a Disneyland deguello are genuine outlaws or apt to bleed real blood. Specifically the group maintains that the bulls, calves, and horses in the rodeo's roping and bucking events perform only after the cowboys' use of painful bucking straps and electric prods with the homey nickname of "hot-shots."

This is not the first legal ambush the rodeo has sustained. In an on-going fight with the Ohio state legislature, the rodeo as it is now produced is banned from that state. Ohio law now forbids the use of bucking straps, electric prods, or other inhumane devices for the maneuvering of rodeo stock. Rodeo men have taken to calling past and current attacks the "destruction of a wholesome sport by people who don't know which end of a horse you hang a bridle on," and the RCA has now hired the services of the New York public relations firm Ruder and Finn. According to the Rodeo Sports News the advertising group charged primarily "to combat anti-rodeo groups more than to promote the sport." For the year, the sport's face-lifting may cost the RCA $68,000.

Today's "Rootin' Tootin' Wild West Rodeo" had its origins, of course, in the necessary range work of the expanding West, with its mythic cattle drives, the taming of wild horses, and the fashioning of nature for (white) man's use. M. S. Robertson's lengthy history of the sport scatters tinted daguerrotypes of early California round-ups among photos contemporary rodeos to reinforce the connection between the modern entertainment and the original ranch skills, making rodeo "a traditional native American sport, a product of our heritage."

Cowboys, on the other hand, will tell you the need for such work went out with the turn of the century. The ranges for the most part fenced and whatever romance there was in range work left unrequited, the cultural slack was soon picked up by traveling Wild West shows. The ragtag troupes like Bill Pickett's, with his frontier bands and singing cowgirls, re-affirmed the dying arts of range and rope work and introduced new stunts, some of which were never a part of stock work to begin with. By way of example, steer wrestling, in which the cowboy leaps from his horse, buries his knees in the steer's chest, and slams its horns to the ground, was never a range-developed skill. Any cowboy who broke a steer like this would find himself busted from a job. Equally artificial is the history of "Bull-dogging," invented by Bill Pickett himself. In "Bull-dogging" the cowboy sinks his teeth in the steer's lower hip or nostrils to insure a clean take-down.

It's not unnatural that what was once Western fact turned to fancy. The present 20th century order of life is now confirmed, however sorrowfully, along with its industry and institutional tyranny. In the face of this the cowboy myth serves up the memory of unending Western ranges and the continental adventure at a time before it dropped in America's lap like an over-ripe fruit. The rodeo, as this Western myth's modern liturgy, tells those who listen that a man can still buy his own whiskey, rope his own cattle, and even mete out the people's justice with two-fisted certainty.

No description here intends to belittle the danger faced by a rodeo cowboy, who in pursuing a very modest wage may be gored or trampled if his grip is hasty, but who will likely be out of the money if he errs on the side of prudence. Rodeo judges will tell you they grade the cowboys on "style and economy of movement, like a springboard diver," but the competing cowboy knows he works against time. Depending upon the roping or tying event, a contestant may have less than 20 seconds to win a potential 20 points in categories from "spurring and general control" in the chase to knot tying after the tackle. If a cowboy can stun an animal in the fall, then binding the unconscious steer's legs is no problem. For the steer with its horns pegged to the ground or the calf with its neck snapped, though, the 15-second show is barbarous and final. Dead or wounded stock are ordinarily sledded from the arena while the rodeo clowns may re-assemble the barrel boundaries and the announcer assures, "Don't worry folks, it's just had the wind knocked out of it."

Rodeo fans shouldn't look to learn this and other trade secrets from the advertising and hustle when the rodeo hits town. The rodeo is presented to the public as the "last frontier," the electrifying drama of man over beast "brought to you straight from the Old West where men were men" and women worth their oats behaved like men too. As rodeo advance men recently hyped a local show for a Miami columnist, "You take a few wild bulls, and some mean horses, a number of steers, several calves, and then throw in a couple hundred cowboys to rope and ride these critters and you have America's most exciting and challenging sport, the rodeo."

To the rodeo's public presentations of self, the HSUS might reply that the only electrifying drama in a bronc's spasms to shake its rider comes from the electric prod in its flank as it explodes from the chute. In truth there are next to no wild horses left in this country. Even if for the sake of hypothesis all the remaining mustangs were in America's rodeos, ranch hands everywhere aver that the worst way imaginable to accustom a horse to the saddle would be to torment and terrify it. Most of the roping and bucking stock in the modern rodeo is thoroughly domesticated and pathetically confused. A bronc bucks in a frenzy because of the pain of the bucking strap and the shock of the prod, and the animal soon learns that it must throw its rider to escape the pain. Immediately after the ride a clown or chase cowboy will gentle the bucking strap and lead the stock away. Without the bucking strap the stock stills quickly, and the ruse is there played out for everyone to see. By this time, however, the crowds have fixed their attention on the fallen cowboy or the next "wild" ride.

Bull bucking events also need this deliberate coaxing to turn a one-ton Brahma into an unnatural terror, even though these bulls are never ridden, even for sport, on any but the "dude" ranches. To impute a native rivalry between Western man and the Brahma bull is to forget that these same bulls lounge peaceably in the streets of India's cities, where they endure the bustle of motorists and the mischief of children with an eccleisastic patience.

Most onlookers are unaware of the bucking strap's use on broncs and bulls alike. Rodeo backer Robertson says the strap "is no more annoying than a girdle is to girls," but this is clever nonsense. The iguinal and flank areas of bulls and broncs serve to protect the reproductive organs and are extremely sensitive. Moreover, as former HSUS president Mel Morse writes in his book "Ordeal of the Animals," "There may be barbed wire under the bucking strap, or sharp tacks or heavy needles placed there to guarantee that the bull will buck. Most spectators . . . are probably unaware that the bull, before he was driven into the chute, was beaten, whipped, and goaded. The combination of fear and pain turns the bull into an exciting performer, and the wilder he reacts, the higher the fee his devoted owner can demand at the next show."

Robert M. Miller, DVM, calls this malarkey, and told the Western Horseman, one of the sport's trade magazines, that "rodeo serves as a mental and physical outlet for energy, which if not properly channeled could easily lead to less desirable activities . . . Let's not be maudlin about this. Fear for a calf or a bull is not necessarily a bad thing. In fact, fear can even be stimulating or challenging.

although a gentle old dowager might find that concept a bit incomprehensible."

Miller quotes liberally from Genesis to affirm man's just domination "over the cattle and over everything that moves upon the earth," The veterinarian goes on to remind critics that the rodeo animal's work hours cannot be beat, for the stock only bucks for several minutes a week. "If I were a horse," Miller says, "I'd want to be a rodeo bucking horse."

In spite of Miller's claims, even the rodeo men who rail bitterly over the Buckeye legislature and the HSUS admit the systematic stock manhandliing and shocking in the rodeo. In justification they say the broncs and bulls are "Mexican," and perforce unpredictable or "sour." Others agree with Miller that the rodeo animal is downright lucky not to be pulling a plow, or in the case of the older animals, shipped off to the renderers.

The HSUS attorneys do not expect any radical auto-critique or self-suggested revisions by the RCA and IRA as all three groups await a decision from the federal agency. In the meantime the HSUS is running a series of anti-rodeo advertisements in national magazines, one of which under the headline, "Is This the Way the West Was Won?" shows a photograph from a recent rodeo. The cowboy and the bronc are still in the chute, and behind the rider are the judges who measure the quality of the critical first few bucks. To the horse's other side are two cowboys entrusted to assure just that quality. One is putting his full weight into tightening a strap around the bronc's underbelly, another is jabbing the horse with a cattle prod. The humane group says it hopes the paying public, given a candid explanation of the fraud and cruelty within the rodeo, will no longer support the sport. Furthermore, recognizing the intimacy and confidence Americans place in television, the HSUS has urged the Federal Communications Commission to enjoin televised rodeos, with two nation-wide and several regionally telecasted round-ups last year, until producers explain to their audiences the posturing of the events.

In response, the RCA has made the informal but taunting invitation for HSUS president Hoyt to "ride one of our broncs," without accounterments, "if he thinks they're so tame." It was a sentiment shared by Arthur Godfrey, recently rehabilitated as an ecological saint, who rasped on nationwide radio, "John Hoyt doesn't even know if horses roost in trees." It can be seen that the rodeo, counting its constituency if not its members, has an expansive cultural pool from which to draw allies to its defense. But until Ruder and Finn can turn on a high power public rebuttal, it would seem the rodeo reaction is stalled at the level of Biblical incantations and a theory of Mexican bile.

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[From the Washington Post, June 18, 1971]

### Rodeo Bucks Back: Bob Addie

Followers of the late show occasionally run into a rodeo movie where "Tex" rides "Black Fury," the bucking bronc, and gets to keep the horse while losing the girl. Rodeos have been with us for some time as a reminder of our heritage and the old West, and they're just as popular in the East as in cowboy country.

Outside of movies, few people ever think about rodeos or the people and animals in them. But a rodeo stock protection bill was introduced in the House last week by Rep. William F. Ryan (D-N.Y.) charging that "while the rodeos are enjoyable entertainment, they are based on intentionally inflicted cruelty upon the animals used."

That brought a more furious buck from the Rodeo Cowboys Association than any bronco ever gave its saddled members. Along with Ryan's charge, the Humane Society of the United States petitioned the Federal Communications Commission to prohibit the broadcasting for rodeos.

The Humane Society wanted the FCC to obtain "full disclosures of any and all methods or devices used to cause the rodeo animals to buck, act wildly or otherwise appear to be 'wild,' 'unbroken' or 'dangerous.'" The FCC decided not to issue a complaint against the rodeo promoters.

There may be some purists who object to calling rodeo a "sport" or the cowboys "athletes." But then, a rodeo is as much of a sport as a horse race or an auto race. It takes skill, stamina and nerve to take part in a rodeo and at last count there weren't many old cowboys competing.

Ryan's bill brought a detailed rebuttal from the Rodeo Cowboys Associaton which is to rodeo what the NCAA is to intercollegiate sports or the PGA is to golf. And, along the way, some interesting facts were uncovered.

For instance, the RCA supervised 547 rodeos in the United States and Canada last year. There is even a World Series of rodeo in December. This year it will be in Oklahoma City and tickets are no easier to get than for the baseball version.

Rodeo cowboys, like Little Leaguers, start young. From junior rodeos the youngsters go on to national high school competition and then to college—that's right, college rodeos. There is a National Intercollegiate Rodeo Association which, surprisingly, has 88 member schools.

It's a tough racket for a cowboy. He has to pay his travel expenses plus rodeo entry fees. He gets no "appearance" money or guarantees. He draws down only what he can win in a performance. A highly skilled cowboy, if he is lucky enough to escape injury, will average around $40,000 a year. But it isn't like a golfer who can make that much winning a couple of tournaments. The rodeo cowboy has to hit the circuit for 12 months a year, with perhaps time out for the Christmas holidays, to make that kind of money.

Most cowboys are little guys, weighing around 150 pounds. They pit that 150 pounds against a 2,000-pound bull, and it does get a little tougher than even football.

Bucking horses are hard to find. Usually, they are animals that have refused to become gentle. They will accept care, such as watering and feeding, but they won't allow anybody to ride them.

The RCA says it is not unusual for horses to be bucking when they are 20 years old, equivalent to an 80-year-old human being. The bulls don't last as long but there are many still performing in rodeos from 10 to 13 years of age.

Humans, on the other hand, don't last as long. It's a rare cowboy who has been performing in rodeos for 10 or more years.

In his speech before the House last week, Ryan touched on some of the "cruel practices" employed in some rodeos such as an electric prod in a sensitive area, to make the horse jump out of the chute, and a flank strap pulled tightly around the horse's groin. Not true, says the RCA which explains that the prod is used only on the shoulder or hip and is more humane than a whip. As for the strap, the rodeo group says this covers the underbelly of the horse and is not harmful.

The RCA points out that not even Congress could be as stringent in its control of rodeos. The group adds that every cowboy must carry with him the official rule book listing 19 rules to insure humane treatment of livestock.

"Which way would you vote if you were a horse?" asks the RCA academically. "Would you like to buck approximately two minutes a month in the rodeo arena and receive feed, shelter and medical care all year long until you come to a natural end or would you rather meet an early end in a dog food can?"

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## MINNEAPOLIS HEALTH HEARINGS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. FRASER. Mr. Speaker, an overview of the existing situation in the field of pharmacology was aptly presented by Dr. L. C. Weaver, dean of the College of Pharmacy, of the University of Minnesota, at the recently completed Minneapolis health hearings.

Among other things, Dean Weaver effectively presents a case for continued stability in Federal health manpower programs. The failure of the Federal Government to maintain a sufficient level of support to promote the growth of these programs to meet our growing needs would have a disastrous impact on our future.

Dean Weaver points out that those in the field of pharmacy are a well-trained but underutilized group of people. His remarks follow:

### Presentation: Health Policy Issues

(By Dr. L. C. Weaver, Dean, College of Pharmacy, University of Minnesota, February 27, 1971)

#### PHARMACY MANPOWER

The 73 accredited schools of pharmacy in the Continental United States and the one in Puerto Rico are responsible for the nation's supply of pharmacy manpower. Currently, there are 128,842 pharmacists in practice in the United States and its territories (Minnesota, 2,269). The supply in relation to the population decreased gradually for nearly two decades, but it has been increasing for the past two years and now stands at 63.2 per 100,000 of population.

The educational program requires a minimum of five years beyond high school. Two schools require six years (four years following two years of preprofessional work) and several schools also offer the long program on an optional basis (Minnesota in 1971).

The 73 schools in the Continental United States have an enrollment of 15,326 students (Minnesota, 252) in the last three years, and 22 percent are women. During 1969–70, there were 4,716 graduates (Minnesota, 75), a number less than that required to replace those who leave the practicing pharmacist population annually.

About 83 percent of the pharmacist population of 128,843 is practicing in the 52,500 community pharmacies and about 8.5 percent is practicing in the hospitals throughout the country. The remaining 8.5 percent is employed in the control, research, or product development laboratories of the manufacturing plants; as medical service representatives to the physicians; in our schools; in government; and in the Armed Forces.

In hospital pharmacy where about 11,000 pharmacists are employed, the demand is greater than the supply. Of the approximately 7,000 hospitals, only 67 percent had a pharmacy with a registered pharmacist in 1967.

In addition to the demands of the hospitals, the profession is attempting to meet the pharmaceutical needs of the many nursing homes and extended care facilities. Through training courses offered by the schools and pharmaceutical associations, community pharmacists are being instructed in order that they can serve as consultants to these facilities and to small hospitals. About 1,000 community pharmacists have received such instruction in the last years.

Thus, the continually greater demand for pharmaceutical services of our increasing population necessitates an increased output of pharmacists. In 1969, 1.24 billion prescriptions were filled—about 71 million more than in 1968. Therefore, the annual increase in the number of prescriptions alone is demanding that the community pharmacist and the hospital pharmacist devote more and more of their time to strictly professional services. In fact, it has been estimated that by 1978 community pharmacies will be called on to fill 3.1 billion prescriptions annually and that, because of the shortage of pharmacists, there will be a "prescription gap" of between 400 million and 1 billion, i.e., this number of prescriptions would go unfilled under the present system of pharmaceutical service.[1]

The Office of Research and Statistics of the Social Security Administration recently completed an informal, technical analysis of the probable impact of third-party programs on retail pharmacy by 1975. This study shows that, on the basis of the current system of the delivery of pharmaceutical services and with 50 percent of the population on third-party programs, the nation is likely to be faced with a critical shortage of pharmacy manpower by the middle of the decade.

In retail pharmacy (community pharmacy) the analysis shows that there will be an apparent gap (shortage) by 1975 of from 3,500 to 18,400 pharmacists and in hospital pharmacy a shortage of from 1,000 to 3,000 pharmacists. For all of the areas of employment the predicted shortage ranges from about 6,000 to 71,000 or more.

The increasing number of women enrolling in pharmacy soon will have an impact on our manpower needs, since the number of years they are active in the profession is much less than that for men. Women now constitute 22 percent of the students enrolled in the last three classes of schools of pharmacy, whereas 11 years ago they made up but 10 percent of these classes. Also, the rate of increase in the percentage of women students is accelerating; the increase from 15 to 20 percent occurred during the three year period 1967–1970, whereas the increase from 10 to 15 percent required seven years.

### THE ROLE OF THE PHARMACIST

Through the years the pharmacist has traditionally served as the distributor of drugs. The schools of pharmacy provided programs which made their graduates experts on drugs.

In recent years, however, it has been realized that to play a more meaningful role in the increasing need for health services, the pharmacist must be not only an expert on drugs, i.e., drug oriented, but also he must be knowledgeable with the disease state, i.e., he must be patient oriented as well.

The University of Minnesota College of Pharmacy recognized this need early and initiated experimental clinical pharmacy programs during 1967. These programs have been expanded as rapidly as faculty resources would permit. We have used affiliated institutions such as hospitals, nursing homes, mental hospitals, group practice clinics, community pharmacies and other health education facilities to give our students a patient orientation. Minnesota is recognized as a pioneer in exploring these new avenues for the preparation of a more useful pharmacist.

Thus, the patient-oriented pharmacy graduates, because of these new clinical experiences, can serve an even more important role than is now being served in the physician-patient-pharmacist relationship. This role, including health education, preventive medicine, and a triage (screening) function of patients, can serve to supplement and complement the role of the physician in both the rural and the urban areas. Projects to test these potential roles for the pharmacist will be initiated as soon as proper planning can be completed.

The group practice concept, perhaps through Health Maintenance Organization now being advocated, would permit the utilization of the pharmacist's potential to the maximum. He could serve an important role in advising patients on the use of non-prescription drugs, in referring to physicians those who need attention, in advising patients regarding the proper use of prescription drugs, and in health education and preventive medicine.

### FEDERAL ASSISTANCE

Schools of pharmacy along with schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, and podiatry are eligible to participate in all programs of the Health Professions Educational Assistance Act (Public Law 88–129 and amended by Public Laws 89–290 and 90–490). The programs provide for construction funds, scholarships and loans, and for institutional and special project grants.

*Construction.* As of June 30, 1970, there was a backlog of approved but unfunded applications for construction grants totaling $465.4 million, of which $9.2 was for schools of pharmacy. The total amount of unfunded grants for pharmacy, veterinary medicine, optometry and podiatry was $85.4, with the remainder of the $465.4 million for schools of medicine, dentistry and osteopathy.

It is understood that for the present funding cycle some $7 to $8 million of funds have been frozen which should be available for the construction of schools of pharmacy, veterinary medicine, optometry and podiatry. Your assistance is respectfully requested in freeing these funds for the use intended.

The University of Minnesota College of Pharmacy is in the process of preparing a federal grant application for a new facility in the health sciences complex. We believe that the eventual development of a health team has the best chance in an environment where faculty and students prepare themselves together to serve the patient. We see no solution to funding without federal assistance. This latter continues to be inadequate. Something must be done to make more construction funds available to all health units, particularly those that have not been financed in the past.

*Scholarships and Loans.* The need for financial assistance to students of the health professions is well established. Without adequate assistance, the objective of the legislation cannot be achieved.

While the proposed budget for *loans* for FY 1972 is $22.027 million, about 12 percent less than that provided by Congress in 1971, the *Appendix to the Budget for FY 1972* shows that the estimated number of loans to students of pharmacy, veterinary medicine, optometry and podiatry will be 4,159 compared to an estimated 7,560 in 1971. This is a 45 percent decrease for students of these four schools while the number of loans to medical and dental students in 1972 is essentially the same as in 1971.

Again, it is respectfully requested that you assist in maintaining the loan program at least at the 1971 level for schools of pharmacy, veterinary medicine, optometry and podiatry.

The number of *scholarships* to be awarded to schools of pharmacy, veterinary medicine, optometry and podiatry in FY 1972, according to the President's budget, will not suffer the marked reduction to be experienced in the loan program. The number to be awarded in 1972 is the same as in 1971, 6,325. For medicine, osteopathy and dentistry, a total of 11,930 are to be available in 1972, the same as in 1971. We are grateful.

*Institutional and Special Project Grants. Institutional grants* are made to schools on a formula basis in order to strengthen their base of financial support, thus increasing their enrollments and the number of graduates and to improve the quality of their programs.

Schools of pharmacy received about $10.2 million under this program in FY 1970, the first year of eligibility. An amount about equal to this is anticipated in 1971.

Some of the deficiencies in the programs of colleges of pharmacy could have been corrected years ago and, perhaps, the pharmacists would be providing a more meaningful contribution to health care today, had federal funds been available as they have been for dentistry and medicine. If pharmacy is to accomplish the important health roles envisioned by many, this federal aid must be continued at an effective level. We solicit your continued assistance.

*Special project grants* are awarded on a competitive basis for the development of new programs, to increase enrollments, to increase the faculties, to improve curriculums, to develop training programs for auxiliary health personnel, and to assist schools in serious financial straits.

Schools of pharmacy became eligible for these grants in FY 1970 for the first time. However, because of the need to continue grants awarded in previous years and the need for funds to assist schools of medicine and dentistry in dire financial straits, only two schools of pharmacy received grants although about 65 schools made application for grants totaling nearly $10 million.

The President's budget for 1972 holds no greater hope for an increase in the number of grants to schools of pharmacy unless Congress increases markedly the appropriations for this program category.

I was a part of the pharmacy review committee concerned with these applications for 1971 and 1972. You can be assured that there were many worthwhile proposals and several which would have had a favorable effect toward improving health care. We are desirous of initiating a new professional Doctor of Pharmacy program which will prepare a pharmacist to serve in the capacity of "applied clinical pharmacology." The resources to initiate this important program are not yet available.

*Need for Stability of Health Manpower Program.* The Health Professions Educational Assistance Act has provided the health professions with most essential financial assistance, albeit limited in some categories.

However, it mut be stressed that there is a distinct need for stability in the program. While the level of funding is, of course, important, the schools must be assured of a program for a sufficient period to enable them to plan wisely over a period of years. The best possible use of funds can be made, and hence the greatest improvement in the quality of the educational programs will result, only if there is a stable program. For example, the attraction and retention of additional well qualified staff members can be achieved only through such stabilization. In many instances, the parent institution would be unable to provide the necessary "backup" in the event federal funds are not available.

### COMPREHENSIVE HEALTH PLANNING

It would appear that Public Law 91–515 strengthens the health planning authorities of Public Law 89–749. In Minnesota we see the development of an effective Comprehensive Health Planning organization. All of the 314(b) areawide agencies will be active before the end of the year. It is imperative that resources be made available to test the full potential of this "Partnership in Health" approach. It is important that you stay informed of the progress of Comprehensive Health Planning in Minnesota in order that you can assist in all ways available to you.

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[1] Rodowskas, Jr., C. A., Journal of the American Pharmaceutical Association, NS10, 196 (1970).

## ECONOMY PRESENTS SERIOUS PROBLEMS TO LABOR AND MANAGEMENT

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### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. THOMPSON of New Jersey. Mr. Speaker, the troubles of our economy present serious problems to both labor and management representatives at collective bargaining tables. And the Nixon administration is complicating these problems with its present economic policies.

I agree with AFL–CIO president George Meany that collective bargaining—with the accompanying right to strike—is essential to the functioning of a free economy and society. With steel negotiations going on and other important ones coming up, this subject is an interesting and timely one. For that reason I was particularly interested when Mr. Meany presented his views on collective bargaining and its relationship to our ecenomy to the Collective Bargaining Forum in New York recently. I include his remarks in the RECORD at this point.

FOLLOWING IS THE TEXT OF AN ADDRESS BY AFL–CIO PRESIDENT GEORGE MEANY BEFORE THE COLLECTIVE BARGAINING FORUM LUNCHEON MEETING AT AUTOMATION HOUSE, 49 EAST 68TH STREET, NEW YORK, N.Y.

These are interesting times for students and practitioners of collective bargaining. Besides all the usual factors that have to be considered in labor-management relations, we have some unusual and even mischievous influences to take into account.

So today I would like to talk to you briefly about the backdrop and the context in which negotiations are taking place these days.

First, we have severe dislocations in the economy at large. We have the almost unique problem of simultaneous inflation and recession. We have high unemployment and low production, and yet prices continue to climb.

Management of many companies, other than banks, are dissatisfied because profits are not rocketing upward as they did before this Administration took over. Workers are dissatisfied because their earnings are lagging behind the cost of living and lagging badly. The way their purchasing power is being squeezed, they urgently need higher wages just to break even.

So both labor and management negotiators have their work cut out for them to reach just, fair and workable settlements in an economic climate that can only be described as difficult.

These problems are being compounded by the unusual amount of doctrinaire advice unions and managements are receiving about what decisions they should reach at the bargaining table. Not much of this advice is useful or constructive. Some of it adds up to dangerous interference with the machinery of collective bargaining.

A great deal of this misguided advice stems from a complete misunderstanding of what collective bargaining is.

Those critics who keep telling us, in the face of all the evidence, that collective bargaining won't work, look on the bargaining table as an arena of conflict from which victory emerges for one side and defeat for the other.

But those closest to collective bargaining, who understand how it works, know that problems are not created at the bargaining table. That's where they're solved.

And when the bargainers don't find an immediate settlement—when there is a strike—that too is part of the collective bargaining process. A strike isn't a tragedy; it doesn't signal the collapse of collective bargaining, no matter how often ill-informed editorialists profoundly declare the process dead.

I don't like strikes. As a matter of fact, I've never met a union leader who preferred a strike to a settlement.

But I do like the right to strike. That right is essential to freedom; in fact, it is the hallmark of a free society. And, as President Eisenhower said, "There are some things worse, much worse, than strikes. One of them is loss of freedom."

And even when there is a strike, the ultimate agreement is at the collective bargaining table.

Something like 97% or 98% of collective bargaining negotiations are settled without a strike. This is a good record. We should do better. I hope we will do better. But we must not tamper with the right to strike—that's too basic to a free society.

So we think quite highly of the collective bargaining process and quite scornfully of those who routinely write its obituary.

And we view with real hostility those who would try to destroy collective bargaining between employer and employee no matter what weapon they use—government intervention in favor of one side; naked union-busting or the favorite solution of some academic theorists—compulsory arbitration.

We know collective bargaining is not a perfect instrument. It couldn't be for it is the creation of imperfect men.

But it does work. And, in my book, that's the test of democratic devices. It is a responsible method for resolving the conflicts that naturally arise between investors who want the highest possible return on the money they invest, and workers who want the highest possible return on the labor they invest.

Obviously successful collective bargaining agreements can't be concluded except by the free consent of the people who have to live with them. Such agreements have to produce specific solutions to specific problems. They have to be drawn by the people who know what the problems are, and what resources can be found and what compromises can be reached to resolve them.

Of course, the parties can agree to let an impartial umpire decide disputed issues. That method, voluntary arbitration, has a respected—and I think—growing role in labor-management relations, But once again it is the element of free choice—the free decision of both parties to arbitrate—that is the essential ingredient.

I said we had hostile reactions to those who, in the name of political expediency or because they fear the free decision of free men, would disrupt this sensitive instrument of decision. Let me list a few for you.

First is the Council of Economic Advisers—those busybodies who helped create today's economic mess and who now seek to inject themselves into the basic steel negotiations before the parties have begun to talk.

I say this not simply because the Administration is attempting to stack the cards in management's favor, but because it is wrong for the Administration to interfere on behalf of either side.

For the President's advisers to attempt to dictate terms is a violation of the rights and responsibilities of both sides and it is harmful to both sides.

If the government dictates what wages workers will receive, it is simultaneously dictating what wages management must pay. And from there it isn't much of a step to dictating how many workers management shall employ, and how much it shall produce and what and what prices it shall charge and what profit it may make.

A free society cannot afford government efforts to undermine and short-circuit the collective bargaining process no matter how momentarily appetizing it may appear to the favored party.

And then there is Dr. Arthur Burns, the economic tinkerer whose "game plan" brought about the Nixon recession.

He wants to do away with collective bargaining altogether and substitute compulsory arbitration in key industries.

He wants the government to establish an "income policy"—that is, a wage ceiling—on the earnings of workers.

Dr. Burns blames America's collective bargaining system and the high wage economy for all of the nation's economic ills. He argues that workers should have a smaller share in the nation's economic pie, and it seems he is doing what he can to make it smaller.

This architect of President Nixon's tight-money policy, this inventor of the Nixon "game plan", this man who sent interest rates to their highest level in a hundred years, this academic economist whose economic theories deprived 2½ million Americans of their livelihood and put the national economy in a nosedive, isn't satisfied.

Dr. Burns wants compulsory arbitration and he wants it to restrain wages. He makes no secret of it.

I suppose there will be short-sighted men in management, and some instant-solution-seekers among the commentators, who like this idea. While it would undoubtedly hold down wages, it would also undermine the nation's consumer purchasing power, the life-blood of our economy.

Coupled with court injunctions, it could—for a brief time—even stop a strike. But, of course, that kind of labor peace, the peace of tyranny, wouldn't last—for, as history has proven time and again, slaves revolt. Workers denied their freedom, denied their just share of the wealth they help create, just won't work—no matter what the law or how stringent the injunction.

And, let me remind you, a free, just and democratic society rests on the conviction that no man can be free unless all men are free. To accept and condone and profit by the destruction of other men's freedom is to insure the destruction of one's own freedom.

Personally, I am convinced that management generally, which values its own freedom, will reject compulsory arbitration just as firmly as workers do.

Let's talk for a moment about an incomes policy, although I have in mind one that is vastly different from the Burns' concept. I think this nation is long overdue in establishing a concrete scale of economic justice. We need a humane floor that will prevent suffering and guarantee at least a modest but adequate standard of living to all Americans.

If the nation needs an incomes policy ceiling—and only the President can make that decision—it must apply to every form of income, without loopholes, exceptions or evasions.

Nothing else is acceptable.

We have said many times that, if any such controls are found necessary, and if they are applied fairly, justly and across the board, American workers will cooperate.

But Dr. Burns never talks about ceilings on bank profits, interest rates, dividends, rents, expense accounts, hospital charges, doctors' fees, insurance rates and stock options.

He talks about wages. His incomes policy would be designed to prevent workers from negotiating the wage increases they need for a decent standard of living.

As for setting floors on incomes, Dr. Burns wants to go the other way. He opposes a $2 minimum wage. He says it would be inflationary for every full-time worker to have as much as $80 a week, or $4,000 a year, to live on. He goes farther than that. He wants to wipe out the existing $1.60-an-hour minimum wage for anybody who isn't 21 years old.

Well, setting ethics aside, Dr. Burns' proposals in this area, as well as others, are destructive from a business point of view. They can only destroy still more purchasing power and undermine the high-wage, mass-market economy even more dangerously.

President Nixon has set the very ambitious goal of increasing the Gross National Product to one trillion, 65 billion dollars this year.

That goal can't be reached by following Dr. Burns' prescriptions or by issuing more optimistic press releases. It can only be reached by making good on promises to stimulate economic activity, and by vastly increasing mass purchasing power.

Workers are going to do their part to help President Nixon reach his "1065" goal through expanded purchasing power. They are going to keep pressing for more jobs, and they are going to keep pressing for the wage levels that mean increased buying power. They will do all they can to expand activity in the marketplace.

Some will say that this is inflationary. They ignore the fact that the effect of wage increases on inflation has been fantastically exaggerated and distorted.

Without going into exhaustive detail, I would like to say a few words about the position of workers in one industry—one I know well for it is my own industry—construction.

Dr. Burns favorite target is the construction worker. He says they are overpaid, and that they receive a disproportionately large share of the nation's economic product. He blames high wages for all the troubles of the construction industry—for high rents and high mortgage payments, as well as for the nation's abject failure to meet its peoples' needs for housing.

To get the construction industry on its feet, Dr. Burns prescribes lower wages for construction workers.

It is a fact that union wage settlements in the construction industry last year brought increases that averaged 11.9 percent. Dr. Burns says that is inflationary. But he says nothing about the 34% increase in mortgage rates in the months between January 1968 and mid-1970 or the 66¢ rise since 1965. Soaring interest rates aren't inflationary to him.

When the banker makes more, that's ok in the Burns book but when the worker makes more, the good doctor charges "inflation."

I've yet to hear him comment on the report of the National Association of Home Builders that the cost of labor, as a percentage of the price of a new home, was cut almost in half over the 20-year period from 1949 to 1969. It dropped from 33 percent of the purchase price to 18 percent. But the price of land doubled, and so did the builder's financing charges. Again, Dr. Burns doesn't have much to say about the costs that doubled. He assails only the one that was cut in half. And he wants it cut further.

Finally, let's consider the construction worker's income. Union members who worked on construction jobs in cities of more than 100,000 population last year earned $6.18 an hour, according to the Bureau of Labor Statistics. But they didn't work the standard 2,000 hours—50, 40-hour weeks. They worked an average of 1,400 hours, and they earned an average of $8,600.

Now if you remember that the BLS also says that the head of an average urban family of four needs an income of $11,000 a year to support his family "modestly but adequately," you will discover that the average urban union construction worker falls more than 25 percent short of earning what the government says he needs for a family of four.

In January of this year, the average big-city construction wage was $6.39 an hour. If the average worker puts in the same number of hours as last year, he will have less than $9,999 to meet his obligations, pay his taxes and care for his family. For him, that "modest but adequate" living standard is still only a dream and a goal.

And this is the princely income that so offends Dr. Burns.

Now last year, when construction wages rose 11.9 percent, bank profits were going up much more steeply. At J. P. Morgan it was 21.9 percent; 19.2 percent at the First National Bank of Dallas; 16.1 percent for Chase Manhattan; 15.2 percent for Bankers Trust. Interest inflation did that.

Workers are not competing in that race. Workers are not interested so much in money as in the things they need money to buy. They are pressing for wage increases not because it gives them pleasure to see large numbers on their paychecks, but because they want to be able to pay their bills and care for their families decently.

Labor believes that every American family has a right to live at a "modest but adequate" living standard, and, to us, the collective bargaining table is where we can achieve that goal.

We believe we can achieve it fairly and honestly and, we hope, without strikes. But if it takes strikes to achieve economic justice, we won't hesitate to withhold our labor.

That's the frame of mind in which we approach the collective bargaining table in the negotiations of 1971.

We want our fair share of the economic pie and we will not be intimidated, frightened or stopped. And we won't relinquish the right to bargain collectively any more than we will surrender the right to strike.

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## VINCENT MONZEL

## HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. PREYER of North Carolina. Mr. Speaker, recently our North Carolina congressional family lost one of its most valued members when Vincent Monzel passed away. Vince was not a native Tar Heel but he had spent many years serving the people of our State and his interest in North Carolina and her people was genuine. He leaves us with warm memories of him as a man and deep respect for his loyalty and effectiveness as a congressional aide. Our distinguished colleague, Mr. JAMES BROYHILL, delivered an appropriate and moving tribute to Vince last Friday which I wish to insert in the RECORD.

The eulogy follows:

### EULOGY ON VINCENT MONZEL

We are gathered here as family and friends of Vince Monzel. As individuals, we are not all acquainted with each other. We're from different parts of the United States and some have even come from halfway around the world.

As friends of Vince, it is sad to think that so many of us will never be together again as a group. We're from differing backgrounds, professions, and have different interests. But one common theme runs through our minds at this time—and that is our admiration, respect, and love for our departed friend.

I won't go into the details of his life. Its many parts and facets are known to each one of us. Add together these many parts and they make the man we knew.

All of us knew of his intense interest and devotion to government. During his career on Capitol Hill, he earned the respect and admiration of Congressmen and staff members on both sides of the aisle. His willingness to be of help to new Members and their staffs was well known, his opinions were highly valued, and his advice often sought. But that is only one side of Vince as we knew him.

There were other sides which, viewed together, formed his towering personality. You know, when a diamond is taken from the earth, it has little value and it is dull in appearance.

The skill of the cutter and polisher in placing 58 sides or facets on the stone bring out the true color and brilliance of the gem . . . and as we look at the diamond in the light, we can see different appearances and hues as we view it from all sides . . . so each of us had a different view of Vince. If we were to get together to share these views, no two would be exactly the same because he was a man of many talents and interests . . . a person of tremendous capacity.

There are those here today who know of his love of people and his willingness to work overtime to help any individual no matter what his problem. And because of this interest in people, there are countless numbers who can say that, because of his help and devotion, their lives were given direction and purpose.

He was a devoted husband and father, constantly thinking of his family.

There are those here who know of Vince, the literary man . . . who could sit and talk for hours quoting passages from the great books and debating the ideas contained therein.

The fact that Vince was a real expert in the field of music, especially opera, is not known to everyone. But the depth of his knowledge of many musical scores was well known to many including my staff, who listened to the opera along with him on Saturday mornings.

And another side of Vince was that he was a man of humor . . . one who enjoyed a good story and loved to describe in graphic detail humorous experiences from his life. I can recall as well as yesterday Vince recounting the story of his visit to the opera in Munich in the summer of 1969. When the curtain fell, the European opera star was seen to bow in Vince's direction, near the stage where he was seated. As the story goes, there was an American opera star appearing in the same performance and those in the audience saw her questioning her European colleague. It was later discovered that the conversation went something like this: "To whom are you bowing?" "I'm bowing to the Senator," said the European Star. "And who is that?" "The Senator from the United States, Senator Monzel," replied the European performer. The American star then bowed, as well, and whispered to those on stage, "Why, he's a good friend of mine."

I know that we can all see the twinkle in his eye and the humor on his lips as he recalled these anecdotes from his vast experience.

Vince had a great philosophy of life. Often have I heard him say, "We are such stuff as dreams are made of." In this quote from William Shakespeare's "The Tempest," Vince was expressing his belief that we have to do our very best, and that life is more than just eating, drinking and sleeping. Life can be as different and as varied in color as our dreams, and man should live life to the fullest, using the talents that his maker has given him.

Yes, he was a many-sided man. Someone has said that his light has gone out. But I do not believe that. Just as the light reflects from the many sides of the diamond showing the brilliance of the stones, so the recollection of the many sides of Vince adds to the brilliance of his memory.

## NATIONAL HEALTH SECURITY: A CLEAR ANSWER

## HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. CORMAN. Mr. Speaker, the national health security program which I have introduced was recently discussed by Andrew J. Biemiller, AFL–CIO legislative director, in an article in the American Federationist. In that article, he pointed out that national health security is the only program which would both provide quality medical care for all Americans and control costs.

The rhetoric used to describe many of the other plans, plus their lower price tags, may have shadowed the facts. The facts are that health security would provide more benefits to all people, with cost controls and efficiency incentives to prevent continued inflation of medical costs. In the long run the total cost of health care, the cost paid by the American people, would be less under national health security.

I think this article makes clear the strengths of health security, and reveals the weaknesses of the other programs Therefore, I am including it in the RECORD at this point:

### NATIONAL HEALTH SECURITY: A CLEAR ANSWER

(By Andrw J. Biemiller)

When you get past the 50-cent words, the mountains of statistics and the emotionalism, any national health insurance program worth its salt must meet these two objectives:

Provide quality medical care for all Americans as a matter of right.

Control the soaring costs of medical care.

If a proposal doesn't meet these goals, it's a mockery of the term "national health insurance."

Cost control and providing medical care as a right—this is what the national health insurance fight is all about.

National Health Security meets these twin goals—and it is the only program before Congress that does.

President Nixon, the insurance companies and the American Medical Association all have a big financial stake in preserving as much of the status quo as possible.

The health care system is working quite well for these groups. But that doesn't mean it is working well for the American people—in fact, it isn't working at all well for the American people.

Medical care costs—even for routine care—are a very real threat to the financial stability of virtually every family in America. The runaway escalation of health care costs keeps many families from seeking proper health care.

The chairman of the House Ways and Means Committee, Rep. Wilbur Mills (D-Ark.), pointed out the reason health costs are so out of line: cost plus reimbursement.

Very simply, "cost plus reimbursement" means that every hospital is paid on the basis of its costs, plus something more.

Doctors have a similarly inefficient system—fee-for-service. The doctor gets a certain amount for every office visit or treatment. The doctor sets that "certain amount" and also determines the number of services.

And when you add up the totals, the dollar figures are overwhelming.

Mills told a group of Westinghouse executives what the total health cost to the American people for 1969 was more than $60 billion. He also pointed out that this was a five fold increase over the 1949 figure of $12 billion. The Social Security Administration estimates that health expenditures may double by 1975—to $120 billion. By 1980, health care expenditures are projected to cost a minimum of $156 billion and possibly as much as $189 billion. And despite the fact you're paying a lot more, you aren't going to be getting better health care.

The case for National Health Security must be based on the facts. And the facts are that Health Security is the only proposal that provides real cost controls and, at the same time, meets the goal of providing quality health care for all Americans as a matter of right.

This goal is not to be confused by rhetoric or the traps set by the opposition's scare tactics.

"Socialized medicine" is the cry from some corners. Yet every single health care proposal before the Congress is based on using federal funds. Even the American Medical Association's proposal—"medicredit"—would use federal monies, although that is about all it has in common with Health Security.

However, National Health Security does not propose that the federal government hire the doctors, own the hospitals or manage the health care resources and their distribution.

Health Security is a national system—just as Social Security is a national system. Health Security is a system of financing and paying for comprehensive health care for all Americans. But it is still a voluntary system—doctors will be free to join community health service organizations or remain in solo, fee-for-service practice; patients will be free to go to either type of doctor, but with the cost covered by National Health Security.

It should be pointed out to the purveyors of fear that true "socialized medicine" now exists in the United States and has existed for many years. The government owns and operates health care facilities—the Veterans Administration hospitals, the U.S. Public Health Service hospitals and the medical facilities for armed forces personnel and their dependents.

Under National Health Security, we propose that all health care be budgeted for a year and that Congress act as the watchdog. Control must be placed in a responsible body. We think the best repositories for this control are the people's elected representatives.

The VA and PHS hospitals are now operated under the careful scrutiny of the Congress. And that system has worked to control costs. For example, VA hospital per diem costs in fiscal year 1970 were $49.22 for general hospital care. Public Health Service hospitals estimate their daily rate at approximately $60. Both of these figures are well below the national average of $80 a day for care in a hospital.

So, national budgeting and congressional control do help keep costs down.

If we are to properly use our experience to develop a national health insurance system, then we must also examine the failures of the present system.

The private health insurance industry is one of these failures. Its record in coverage, benefits, service, cost control and quality control is pathetic.

Insurance companies have taken a "public-be-damned" attitude about cost and quality controls. Hospital and doctor bills are almost always paid without question. When medical costs go up, insurance premiums go up, because the insurance companies are also paid on a "cost-plus" basis. And when insurance premiums go up, our problems in obtaining good contracts for our members also escalate.

The "plus" for insurance companies last year amounted to more than $2 billion. Of the $14 billion insurance companies collected in premiums, they used $2 billion for advertising, executive salaries, commissions, overhead and profits. We think that $2 billion should go for health care. No corporation should make a profit out of health care.

Insurance companies have resisted quality controls. They don't want to know how many operations are unnecessary, because that might force them to lower insurance premiums.

Look at the future of the insurance companies—premiums are expected to double in five years, while the amount of the patient's health bill that will be covered will increase only slightly.

The Wall Street Journal reported recently that insurance companies have figured out a new way to control costs—they are planning to increase the cancellation of policies of subscribers who make too many claims. In other words, if you get real sick, you're financially dead.

The private insurance industry has its staunch supporters. It even has its own bill. As a matter of fact, President Nixon's proposal is a financial bailout amounting to billions of dollars for private, profit-making insurance companies.

The facts do not justify giving private insurance companies a huge windfall of federal money to continue doing an inadequate job of protecting Americans.

President Nixon says we should stick with the insurance companies. He wants workers to pay part of the premiums and a large share of their health costs because that's the only way we're going to get what he calls "cost consciousness" about medical care.

Workers have been conscious of the cost of medical care for years. But up until now, they haven't been able to do a thing about it.

Workers now pay—out of their own pockets—the deductibles and partial payments and the things that inadequate insurance doesn't cover. President Nixon says this will be the cost control under his system. It isn't working now; it isn't ever going to work and that's why we need National Health Security.

Deductibles, co-insurance, co-payments—the fancy words that mean you pay out of your pocket—do not work. In fact, they often drive up medical costs.

It is far cheaper and less dangerous to treat an illness as soon as possible. If the insurance company only pays for treatment in a hospital, then people are more likely to be treated in the hospital—even when that treatment can be performed as well in a doctor's office at less cost.

Patients really have very little to do with medical costs except pay them. It is the doctor, not the patient, who decides which patients need to be treated and where and for what fee. It is the doctor who decides who should enter the hospital and for what and for how long. It is the doctor who prescribes what drugs the patient should purchase and whether the price will be $5 for a brand name product or $1 for a chemically equivalent generic drug.

If we want to control medical costs, we must begin with the doctor—not the patient.

A national financing mechanism—fair and equitable contributions by employers, employes, the self-employed and the federal government—will provide the money. Then we set up a comprehensive benefit structure, covering all physicians' and surgeons' services and all hospital services. And all of those bills will be paid directly by National Health Security on a fair, equitable basis in accordance with established schedules. Quality controls will protect the consumer and prevent unnecessary surgery and hospitalization.

People will be encouraged to take physical examinations because they will not be charged for them. Illnesses will be detected and treated early. Patients won't have to go into the hospital for treatments that can be performed just as well in a doctor's office.

Preventive medicine and early diagnosis and treatment are the basic principles of prepaid group practice. Prepaid group practice works—and works well. It is less costly to the patient; more efficient for the doctors; better in terms of health because unnecessary surgery is eliminated. The patient is treated as a whole human being—not an arm at one doctor, the chest some place else and the eyes at still another.

National Health Security will provide sufficient funds to increase the number of prepaid group practice plans and expand existing ones to serve more people. Prepaid group practice plans operate on a budget—figuring the total health care needs of their patients and living within that budget.

Health Security will operate in a similar manner. An annual budget would set the limit of medical care costs. If charges are more than budgeted amounts, then payments will be pro-rated. At no time will health care be denied anyone. Health Security would live within its budget. No other proposal now before Congress has cost controls.

The opponents of National Health Security—seeing that they cannot match the benefits and the cost and quality controls—have decided to use scare techniques, such as calling National Health Security "womb to tomb" health care. They try to make National Health Security sound evil and bad and un-American.

The "big" scare is the next step of the opponents of National Health Security. "Look at how much it is going to cost the federal government. Bad. Bad," they say.

Some of the other proposals may cost less in terms of federal dollars, but what they don't tell you is that their health plans are going to do much less.

It doesn't matter whether the money comes straight out of our pockets or out of our tax dollars—health care is still going to cost money.

What happens when we all put our money together into a national system like National Health Security is that we can begin to control costs. We'll have the financial leverage to reform the health care delivery system.

And without cost controls and needed reforms in how health care is delivered, the cost of medical care is going to continue to soar and bring financial ruin to American families.

When the Nixon Administration says its proposal will only cost the federal government $2.8 billion more—ask them how much it is going to cost the individual.

Under the Nixon plan, an individual would have to pay part of the premium cost—between 25 and 35 percent; the first two days of hospital care; 25 percent of everything after that; plus a deductible of $100 a person for other medical expenses. And still not everything is covered.

The difference between the Nixon program and National Health Security is that our costs are not in the open. The Nixon plan hides its true cost.

Health Security will cost about $57 billion in 1974. That is about 70 percent of the total personal health care expenditures of the country. It will cost each worker 1 percent of his income up to $15,000—or a maximum of $150 a year. Workers are now paying 0.8 percent of the first $7,800 for Medicare tax. This tax would be eliminated. The differences are 1 percent of everything above $7,800 and medical care now, not just at age 65.

In short, National Health Security would provide a dollar's worth of health care for each dollar we spend.

A national health insurance bill is going to be passed by Congress. Whether that bill just protects vested interests—or really controls costs and provides medical care for all Americans—is dependent on how well we make our case for National Health Security.

### HOW NATIONAL HEALTH SECURITY WORKS

To meet its basic purpose of making a broad range of quality health services available to all residents of the United States, National Health Security will bring about major improvements in the organization and delivery of health care so as to increase its availability, control cost, safeguard quality and increase manpower and facilities.

Under National Health Security, the following benefits would be paid in full for all Americans:

All necessary physician services—primary medical services, furnished by general practitioners or other primary physicians and specialized services, including surgery if furnished by a specialist on referral.

All necessary hospital services, hospital-affiliated skilled nursing home care, approved outpatient services and home health care without limit. Included are pathology, radiology and all other necessary services. Other skilled nursing home care will be covered up to 120 days.

Active psychiatric treatment to any outpatient, including preventive, diagnostic, therapeutic and rehabilitative treatment. No limitations would be imposed as long as the psychiatric care is furnished by a comprehensive health service organization, hospital or other approved mental health facility. Otherwise, consultations would be limited to 20 a year and coverage would include 45 days of inpatient care and 60 days in a day care clinic.

Dental benefits, initially limited to those under 15. Benefits include cleanings, fillings, diagnostic and therapeutic services (except cosmetic orthodontic work). Everyone, regardless of age, will be covered for rehabilitation following injury, disability or disease. Eligibility for all benefits will increase until everyone is covered. Persons covered initially are entitled to benefits for life.

All medicines provided to inpatients and outpatients by a hospital and to persons enrolled in comprehensive group practice plans. Otherwise, drug coverage is limited to chronic conditions requiring long and costly drug therapy.

Approved therapeutic equipment, including eyeglasses and prosthetic devices.

There will be no cut-off point in dollars, numbers of days or age, except as noted. There will be no exclusion of coverage for pre-existing conditions; no limitations on physical examinations and other preventive medical services; no co-insurance; no deductibles; no waiting periods.

Health Security will make all payments directly to the providers of health care. No bills will be sent to the patient.

The money to pay benefits will be guaranteed through the Health Security Trust Fund, similar to the Social Security Trust Fund. Money will be raised from these sources: 50 percent from federal general tax revenues; 36 percent from a tax (3.5 percent) on employers' payrolls; 12 percent from a tax (1 percent) on wages and unearned income up to $15,000 a year; 2 percent from a tax (2.5 percent) on income of the self-employed up to $15,000 a year. Employers may pay all or part of the workers' contribution if agreed to in bargaining.

Under this system, Health Security will pay more than $3 billion in health care expenditures now paid by state and local governments, through Medicaid, public assistance programs, city and county hospitals and medical programs. State and local governments also will be exempt from paying the employers' tax. This is a saving of $3.2 billion.

It will also require prior budgeting for the costs of personal health services, providing overall control.

The Health Security Board will budget funds to regions of the country. Each region will determine its needs and priorities.

For example, New England might allocate more for hospital services, while the Rocky Mountain area might use more for emergency transportation for rural areas.

Hospitals, skilled nursing homes and other institutions will develop and operate on budgets, which will be reviewed and approved at the regional level.

Funds allocated for payment to individual providers, such as physicians, dentists and optometrists, will be distributed to local areas within the region on a per capita basis. The budgeted amount will be divided between the different providers according to the number of consumers who elect to receive care from those providers.

For example: In a city of 100,000 people, 25,000 may enroll in comprehensive health service organizations. If the amount budgeted for physician services in that area is $65 per person, Health Security will pay these organizations $1,625,000 ($65 × 25,000) for physicians' services. The other 75,000 individuals elect to receive physician services from fee-for-service practitioners. Health Security will create a fund of $4,875,000 ($65 × 75,000) to pay all fee-for-service bills submitted in accordance with a fee schedule set by the board.

Comprehensive group practice organizations and professional foundations which accept responsibility for providing or securing all covered services for a defined population will receive the total amount budgeted for all services. Thus they will share in any savings achieved by reducing costs.

## SENATOR McGOVERN TESTIFIES ON BEHALF OF A NEW CHINA POLICY

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mrs. MINK. Mr. Speaker, on June 24, 1971, the Honorable GEORGE S. McGOVERN, of South Dakota, testified before the Senate Committee on Foreign Relations in support of more mature relations between the United States and the People's Republic of China.

He asked for adoption of Senate Resolution 82, which he sponsors, proposing that our Nation support a United Nations General Assembly resolution acknowledging that the People's Republic is the sole representative of China in the General Assembly, the Security Council, and all other organs of the United Nations.

Senator McGOVERN's resolution further proposes that the United States seek negotiations toward the establishment of diplomatic relations with the People's Republic. It also calls for travel, trade, and cultural initiatives such as those which have recently been implemented.

Because of the significance of Senator McGOVERN's remarks, I feel that my colleagues should have the opportunity of seeing his testimony in full.

Senator McGOVERN's testimony follows:

### Testimony By Senator George S. McGovern

Mr. Chairman, let me first commend you and the Committee for undertaking this examination of United States policy toward China.

These are timely hearings. I say that not so much because we are forced to a reassessment of our position because of the prospect of a defeat at the United Nations this fall, but because you are initiating precisely the kind of action that is required if we are to redeem the sacrifices of years of brutal war in Indochina.

That war has been the fruition of the twenty year old doctrine that we can and should seek the military encirclement and containment of the People's Republic of China. It has always been described in those terms.

Yet even in that sense it has been a thumping failure. Instead of reducing Chinese influence in Asia, we have seen since last year, for the first time in history, the forging of a formal coalition among nationalist revolutionaries in Indochina and the People's Republic. Rather than retard it, the war has clearly expanded Chinese influence in the region.

We have misread the threat and we have been entirely wrong in assessing the probable results of our involvement. The war constitutes a disaster beyond rescue.

If it leads to a more enlightened American policy toward Asia, and I think that process has already begun, then we will have gained something of great value from our losses. If they help stimulate a new American posture toward China, then the Committee's deliberations can do more in this respect than almost anything else we might try—certainly far more than any tragic effort to justify blood already spilled by spilling more.

The resolution I recommend for your consideration, Senate Resolution 82, addresses three interrelated aspects of our policy toward the People's Republic of China.

It calls for travel, trade and cultural initiatives which have already been implemented to a great extent by the Nixon Administration, and I heartily commend those moves. I regard as especially significant the decision to drop the shipping restrictions on agricultural commodities which have closed off to American producers large agricultural markets not only in China but in the Soviet Union and Eastern Europe as well. I fought those restrictions when they were imposed in 1963 and 1964, and I regard their removal as a vitally important step both in our own self-interest and in the interest of further accommodation.

Through such actions we have, in the span of a few months, become vastly more capable of addressing the most serious issues impeding normalized relations with the People's Republic, the question of United Nations membership and the question of diplomatic recognition. The Administration should be given the strongest possible mandate to proceed to those issues, and the strongest possible encouragement to approach them forthrightly.

My resolution further proposes first that the United States support a United Nations General Assembly resolution, ". . . acknowledging the fact that the People's Republic of China is the sole representative of China in the General Assembly, the Security Council, and all other organs of the United Nations."

Second, I propose that the United States should, ". . . seek negotiations toward the establishment of diplomatic relations with the People's Republic of China, and should announce that the United States is prepared, through such negotiations, to recognize the People's Republic as the sole legitimate government of China, leaving the future status of Taiwan to a peaceful resolution by the people on both sides of the Taiwan straits."

Before discussing these actions more specifically, let me suggest that if we are at last ready to adjust our policy, then we ought to think carefully about our objectives.

I believe we have been in fundamental error since 1949, and I am deeply troubled by the spectacle of the world's most powerful Nation clinging, at exhorbitant cost, to an absurd and unrealistic position.

I state quite frankly that I offer Senate Resolution 82 in the belief that it is in the best interests of the United States for the People's Republic of China to sit in the United Nations, and for us to establish normal diplomatic contact with Peking. These are developments to be welcomed and expedited, not because they will lead to speedy resolution of our profound differences of interest and outlook with the People's Republic, but they will allow us to consider and respond to those issues less hampered by the ignorance, misapprehension and fear which have been the inevitable results of our isolation.

I earnestly hope, therefore, we will not miss the opportunities afforded by the recent softening in attitudes on both sides, by yielding to the temptation of new artificial formulas—including those demanding some form of "dual representation" in the United Nations—in order to make the ascent from error less disquieting. While creating new legal and logical nightmares to replace the old, and while inviting the wrath of both Peking and Taipei, such solutions can only delay the inevitable and perpetuate needless hostility.

The price of improved relations is quite clear. We must recognize the 1949 outcome of the Chinese civil war, and we must end our involvement in its remnants.

While I believe there is real hope for accommodation on some issues, this is one point on which we can expect no compromise. The Chinese have been unmistakably explicit, as exemplified by Premier Chou En-lai's statement in an interview with journalist Edgar Snow last year:

"Taiwan is China's internal matter and the Chinese people alone have the right to liberate it. United States armed aggression there is another question, an international question, and we are ready to negotiate on that. The door is open. But it depends on whether the United States is serious in dealing with the Taiwan question."

Our role on Taiwan is at once the most critical issue from the standpoint of the Chinese and the most painful and difficult for the United States. It raises perplexing legal, military, and moral questions for us to resolve.

Because they are apt to be decisive, I want to devote the remainder of my testimony to those questions.

If we adddress them without hysteria, I believe we can meet them with almost complete confidence in the outcome.

#### ORIGINS OF UNITED STATES-TAIWAN TIES

The Nationalist Government on Taiwan claims our allegiance as the legitimate government of all of China.

Yet there no longer seems to be much dispute over the identity of the government of China. It is quite that the Communists govern the 750 million Chinese people. They have done so for a generation, and it is impossible to give credence to perennial reports of their imminent collapse. The growing unification of American attitudes on this point is perhaps best illustrated by President Nixon's recent use of the proper term, "Peoples' Republic of China," in his references to the government in Peking.

It is also clear that this state of affairs does not exit because of any failure on the part of the United States. Remaining feelings to that effect can only be traced to self-deception with respect to the Chiang Kai-shek regime and to the political abberations of the McCarthy era.

Former Secretary of State Acheson has written in his memoirs that after World War II:

"Chiang controlled the greatest military power in Chinese history, supported and given economic backing by the United States. Four years later his armies and his support both within country and outside it had melted away. He was a refugee on a small island off the coast. . . . To attribute this to inadequate foreign support . . . was to miscalculate entirely what had been going on in China and the nature of the forces involved. The most inexhaustible patience of the Chinese had ended. They had not overthrown the Government. There was nothing to overthrow. They had simply ignored it. The Communists were not the creators of this situation, this revolutionary spirit, but had mounted it and ridden it to victory and power."

Chiang Kai-shek dealt from a position of political weakness and military ineptitude at the end of the war and those were conditions of his own making. He nonetheless spurned the attempts of the United States, through General George C. Marshall, to mediate between warring Chinese factions toward a coalition government, to salvage something from a deteriorating situation.

Most accounts suggest that when the fighting resumed in 1947, Communist forces were welcomed, by a population thoroughly disenchanted with Chiang's government, as they moved to capture control of the country. Whole armies surrendered without significant resistance. The civil war of 1947 to 1949 was a rout for the Kuomintang, notwithstanding the enormous amounts of military assistance supplied by the United States for the war effort against Japan, only to be hoarded by Chiang for use against the Communists. Chiang and 2 million followers were forced to flee from the Mainland to Taiwan.

The answer to the question "Who lost China?" could not be more obvious.

In fact we did comprehend that answer from October of 1949 until late June of 1950. President Truman declared in January of 1950 that the United States regarded Formosa as Chinese territory without qualification and that—

"The United States has no predatory designs on Formosa or any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time, nor does it have any intention of using its armed forces to interfere in the present situation. The United States will not pursue a course which will lead to involvement in the civil conflict in China . . . similarly, the United States government will not provide military aid or advice to the Chinese forces on Formosa."

A few days later Secretary of State Acheson, amplifying the President's statement, defined the American defense perimeter in Asia to exclude both Korea and Taiwan.

Events in the several months following President Truman's 1950 statement provide a chilling lesson on the speed with which international postures of wisdom and prudence can be abandoned, and almost entirely as a consequence of domestic political considerations.

President Truman's position was roundly condemned by Chiang's friends in the United States. It promised to emerge as the dominant political issue in the 1950 Congressional elections.

We have no way of knowing whether President Truman would have held firm despite the pressure. The Korean war intervened. We saw the attack of North Korea against the South in mid-1950 as the first in a series of moves by the new Chinese government to build an empire in East Asia, just as the Soviet Union had done in Eastern and Central Europe. The 7th Fleet was quickly dispatched to patrol the waters between Taiwan and the Mainland, in effect preventing what was then the inevitable perfection of the Communists' rise to power.

The United States made a 180 degree turn in the space of a few months, moving from a firm policy of nonintervention in January to one which interposed American warships directly between the Communists and the beaten Kuomintang forces.

If it was not clear at the time it is clear now that China did not initiate the Korea war; that the attack was instead encouraged by the Soviet Union. It is also clear that when China did intervene it was in response to the threat of American forces, having achieved their initial limited objective of driving the North Koreans back across the 38th parallel, racing toward the Yalu river amidst discussion in this country of an invasion of Chinese territory.

Neverthless the Korean war ended with the United States inextricably caught up in the civil conflict in China.

### RESOLUTION OF TAIWAN'S STATUS

My resolution proposes that the future status of Taiwan be left to a "peaceful resolution by the people on both sides of the Taiwan straits." If this is a legitimate position, then it must initially be squared with the ambiguity with respect to Taiwan's present status.

The United States first developed a formal position on Taiwan through the Cairo Declaration in December of 1943, in which President Roosevelt, Prime Minister Churchill and President Chiang Kai-shek agreed that, "All territories Japan has stolen from the Chinese, such as Manchuria, Formosa and the Pescadores, shall be restored to the Republic of China."

This allied statement of intent was confirmed in the Potsdam Declaration of July, 1945, with Premier Stalin of Russia joining Roosevelt and Churchill in pledging that the terms of the Cairo Declaration would be fulfilled.

Acting in behalf of the signatories to those declarations, President Chiang Kai-shek accepted the Japanese surrender of Taiwan in 1948, although reoccupation had already occurred in 1945 and 1946. In the general and special peace treaties of 1951 and 1952, Japan renounced all claim to Formosa and the Pescadores.

In a step inspiring all of what ambiguity exists about Taiwan's status today, however, Japan did not name a beneficiary to receive what she gave up.

United States questions on this point were raised most recently, in April of this year, by State Department spokesman Charles W. Bray, who suggested that sovereignty over Taiwan and the Pescadores remains an open question subject to international settlement. Speaking through Foreign Minister Chow Shu-kai, the Nationalist government reacted with some vehemence to that suggestion, citing the Cairo and Potsdam declarations as clearly affirming that Taiwan and the Pescadores have been restored to China. From Peking, the New China News Agency offered comment that was virtually identical in substance, that: "there is only one China on earth and Taiwan is an inalienable part of Chinese territory."

From these statements it appears that the legal dilemma is not as complex as it might seem. The Chiang government makes no claim to Taiwan that is independent of his claim to sovereignty over all of China. Indeed it would be impossible to sustain such a claim, unless we were to locate a novel doctrine holding that international agreements such as those declared at Potsdam and Cairo flow to individuals rather than to countries, or to governments in a personal capacity instead of to governments acting for the people they govern at the time.

Thus we can, if we are willing, regard the obligations accepted at Potsdam and Cairo as fulfilled by the Republic of China's acceptance of Japan's surrender of Taiwan in 1948. The subsequent civil war leaves the final resolution of the issue to the two civil war protagonists, as provided by my resolution.

But whether or not we grasp this legal interpretation, I submit that we are forced in any event to accept the same result in a practical sense. In the first instance, the United States is powerless to create an alternative solution unilaterally, without the participation of the United Kingdom, the Republic of China and the Soviet Union, the other participants in the Cairo and Potsdam declarations. Beyond that, I'm sure none of us can envision a way to establish Taiwan as something other than disputed territory in China's civil war without the cooperation of the government which now maintains physical control of the island, that is, the Chiang government.

There are compelling arguments in favor of self-determination for the 12 million native Taiwanese, for the vast majority on the island who feel, as far as we know, no direct ties with the mainland. Pleas for the application of American influence toward that end have special weight in light of the nature of the government which has existed on that island with United States support since 1949.

Those who describe Chiang's government as a bastion of freedom and liberty in Asia perpetrate a hoax of monstrous proportions.

The Chinese Nationalist "liberators" who took control of Taiwan in 1946 soon proved to be more oppressive than the Japanese. The native population demonstrated in protest against their exploitation in February 1947, but their protest was brutally crushed. In the 1945 to 1949 period an estimated 20,000 were executed, with at least half that number attributed to reprisals for the February incident. Indigenous leadership was either eliminated or driven abroad.

Since his arrival on the island in 1949, Chiang has maintained martial law on the premise that he remains at war with Peking. Strikes, petitioning and demonstrations are forbidden under penalty of death. Constitutional guarantees have been suspended, and political crimes are outside due process of law. Although no major underground "Formosans for Independence" exists on the island, the number of political prisoners is estimated in the thousands.

Chiang brought with him from the Mainland a 3,000 seat national assembly, in which 32, or about 3 percent, of the 1400 seats presently occupied, are held by natives of the island, as a result of the 1949 elections covering a small number of seats. No other assembly elections have been held since 1949. When it appeared in 1960 that a quorum could not be mustered because of attrition in the membership due to deaths and defections, the government conveniently lowered the quorum requirement from one-third to one-fourth of the membership. The assembly, in turn, dutifully reelects Chiang each six years.

In truth we perpetuate tyranny on Taiwan. It mocks the terms to talk of liberty and democracy in connection with that government. And I am therefore in total sympathy with those who seek self-determination, perhaps through a plebiscite, for the population of Taiwan.

But I despair of finding a means for the United States to enforce that kind of solution.

We can, however, at least move to a position nearer neutrality on this issue.

At present the United States is actively hostile to the Taiwanese independence movement. Our support of Chiang's regime guarantees that the Taiwanese must suffer under his rule, or that of his successors, indefinitely.

Adjustment of those guarantees will at least broaden the realm of possibilities. In the past the People's Republic has repeatedly indicated a readiness to hold direct discussions with authorities on Taiwan and to entertain proposals for making Taiwan an autonomous region.

While we can do no more than speculate on the ultimate outcome, therefore, I believe that by refusing further involvement in a civil conflict, we can significantly improve the outlook for the native population on Taiwan. Certainly that step will encourage the direct negotiations which the Nationalists have repeatedly refused.

### THE DEFENSE OF TAIWAN

The most troublesome remaining issue is our obligation to defend Taiwan, as provided by the 1954 Mutual Defense Treaty.

"Regard an armed attack directed against Taiwan and the Pescadores as a danger to its own peace and safety and would act to meet the danger—such action to be in accordance with our own constitutional processes."

The treaty is supplemented by a series of antecedent and subsequent Executive agreements.

In addition the Congress has, through the Joint Congressional Resolution to Defend Formosa of 1955, empowered the President to, "take such measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

Let me say at this point, Mr. Chairman, that I wholly endorse the proposal offered by Senators Church and Mathias to repeal that resolution. We have been assured by successive Administrations that it will not be treated as Congressional authority for military action in any event. If we are at all concerned about Congressional powers over war and peace, then certainly we ought to scrap this open-ended and virtually limitless authorization for war in Asia.

On the treaty itself it must, of course, be noted that the commitment itself raises a troublesome paradox. We are obliged to regard such treaties as binding until they are canceled, a process requiring, in the case of our defense treaty with Taiwan, a year's notice by either party. At the same time it is hardly open to dispute that intervention in civil war violates both international law and our own concepts of sovereignty.

But resolution of that issues is a question for negotiation in any case, as has been recognized by Peking.

But what we must do now is reexamine the status of our obligation to defend Taiwan.

We are under no commitment to station forces on Taiwan or the Pescadores.

We are not committed to defend the offshore islands of Quemoy and Matsu.

We are not commited to defend Taiwan in the event of Nationalist actions taken without prior U.S. agreement.

And we are not, of course, commited, to take or refrain from taking any position concerning recognition of the People's Republic of China, the China seat in the United Nations, or the ultimate status of Taiwan.

I believe our commitments under the treaty of 1954 have been fully met, to the point where it is now possible to both reduce the size and adjust the nature of our involvement.

During the course of our alliance with Taipei we have supplied directly some $2.5 billion in military assistance, along with vast additional sums made available through other means. Chiang's defenses are formidable indeed.

Peking, meanwhile, has neither in being nor in production the offensive capability, either in amphibious landing capacity, air-drop or bombers, to mount an effective attack against defenses as solid as those on Taiwan.

With or without direct American involvement, therefore, the prospect of a Communist attack on Taiwan is exceedingly remote. I would say it is virtually nonexistent.

Under such circumstances it is clear that we can, without fear of the consequences, fully remove our forces from Taiwan and from the Taiwan strait and terminate our military assistance to the Nationalist Government. We can do so without abrogating our defense commitment to Taiwan, since the 1954 agreement can in no way be construed to demand further action than that required to deter attack.

Hence the door is open to end in very real terms our involvement in China's civil war. I believe we should move speedily to do so, thus clearly placing the burden of achieving a solution where it must eventually reside in any case—in the hands of negotiators representing Peking and Taipei.

TOWARD A NEW LEVEL OF UNITED STATES-CHINA RELATIONS

I believe the considerations I have outlined offer a clear path toward more mature relations between the United States and the People's Republic of China. It is a path we take without abrogating any obligations, moral or legal, to the Nationalist Government, and without withdrawing anything that government has a legitimate right to expect of the United States.

As my resolution proposes, the People's Republic of China should assume the China seats in the United Nations, and that decision should not await resolution of the Status of Taiwan by the parties involved.

We should meanwhile end our diplomatic challenge to the legitimacy of Peking's authority on the Mainland, by announcing our willingness to establish diplomatic relations with that government as the sole government of China and to withdraw such recognition from the Taiwan regime.

And, particularly since they are no longer required in any case, we should remove the very real symbols of our physical intervention in China's internal affairs, by withdrawing all U.S. forces from Taiwan and the Taiwan Strait and by ending further military assistance to the Taiwan government.

In pursuing these steps we must avoid both unrealistic expectations and exaggerated fears.

They will not cause the People's Republic to abondon her aspirations for influence in Asia and her ambition to serve as an inspiration for wars of national liberation.

But neither will they lend her assistance or encouragment in those efforts.

These steps will not halt China's nuclear weapons development programs and their concomitant additions to China's considerable military and diplomatic power.

But neither will they accelerate those programs. And they will certainly improve the prospect for Chinese adherence to international limitations on these ominous devices.

The initiatives I recommend will not of themselves end the hostility that a generation of Chinese feels for the United States, nor speedily end Chinese views on the probability of conflict between our two systems.

But neither will they make China more dangerous. They are instead the one way in which we can begin to break down the animosity so carefully constructed over twenty years, and to move toward a more realistic Chinese understanding of the United States.

The United States and China do have serious differences. They will persist.

But our substantive disputes do not supply an argument for continued attempts to isolate and exclude China. Instead they offer still more reason for establishing the sort of international relations which ought to exist between mature societies.

The road ahead is a difficult one regardless of the course we choose.

But it is also a road of opportunity, if we can bring ourselves to heed the lesson taught by a Chinese scholar to an American in 1895:

"Our politics must be infinite, reaching to both ends of time and leading a thousand million men from their fathers to their sons, in lines neither broken nor tangled. You who know so many things do not know the most ancient and powerful, and you rage with desire for what is immediate and you destroy your fathers and sons together . . . You can see that we are not to be despised; we invented gunpowder—but for shooting off fireworks in the evening."

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## PEOPLE'S HOME RULE BILL INTRODUCED

# HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. FAUNTROY. Mr. Speaker, I am pleased to introduce a home rule bill on behalf of the people of the District of Columbia. Early in May, my staff and I drafted a tentative home rule proposal that was submitted to the people of the city in a series of eight public hearings held in each of the wards. The main feature of that tentative proposal was an elected mayor-city council form of government. The Council was to be composed of 15 members, eight elected from wards and seven at large. The Mayor and the City Council were to serve 4-year terms. Under the tentative proposal, the District government would be given broad legislative authority, including the power to set taxes. In addition, provision was made for an automatic Federal payment, pegged at 32 percent of city revenues in 1972 and going up to 40 percent in 1976.

The public hearings in each of the city's eight wards produced valuable discussion of the tentative proposal. Not only was the analysis of the tentative measure sharp and incisive but many alternatives and highly innovative suggestions were put forward, many of which have been incorporated into the home rule bill I am introducing today. My staff and I carefully reviewed the record of these hearings, and we closely considered the many suggestions and comments that were advanced.

Before discussing the bill in detail, several important points should be made clear. First, while the bill reflects the best thinking of those District citizens who testified at the hearings, and also the soundest technical advice available, this bill is not perfect. No legislation is. There no doubt will be many refinements, improvements, and changes as the bill moves through the legislative process.

Second, in many cases, difficult decisions had to be made between reasonable alternatives on such questions, for example, as the size of the City Council and whether service on the Council should be full or part time. Because one choice was made does not mean that other options were not reasonable and sensible. All alternatives were considered, but in order to frame the tentative proposal decisions had to be made, and in many cases the judgments were very close.

The home rule bill I shall introduce today, like the tentative measure, proposes an elected mayor—city council form of government with broad legislative authority, including the power to levy taxes. The City Council would be composed of 11 members, eight elected from wards and three elected at large. The provision for an automatic Federal payment going up to 40 percent of city revenues in 1976 was retained. In addition, three totally innovative proposals have been added to the bill. First, in response to the rightful claim of the young to have a greater share in government, a youth advisory council would be formed. Second, in order to investigate the possibilities of bringing greater decisionmaking down to the neighborhood level, a District of Columbia Government Decentralization Commission would be established. Finally, a new ingredient to the Federal payment formula is added by the creation of procedures to compensate the District government for expenses incurred in connection with assemblages, marches, and other demonstrations in the District which relate solely to the Federal Government.

With this introduction, I shall now discuss the bill in some detail.

THE CITY COUNCIL AND MAYOR

The City Council would be composed of 11 members, three elected at large and eight elected from each of eight wards. Council members will serve 3-year terms, and the chairman and vice chairman will be elected from among the Council members—section 301. The chairman of the Council will receive an annual salary of $25,000, the vice chairman $24,000, and the remaining members $22,500—section 303(b). These levels are set in the bill so that those initially running for the Council may have some notion of what the salary is likely to be. Once elected, the Council is free to decrease or increase its compensation in line with whether its members view the job as full-time or part-time. Presumably, the level of compensation will be subject to change based on the experience of the Council over a period of time.

The District government is given the legislative power with respect to "any subject as to which Congress could exercise its authority as the legislature for the District, including the imposition of appropriate taxes and fees."—section 325 (a). The Council is given the authority to pass acts with respect to the municipal courts—section 325(d). Judicial appointments will be made by the Mayor with the advice and consent of the Council—section 325(e). In this connection, one new feature of this legislation is that each judge must be a resident of the District and continue his residency as long as he is a judge—section 325(f). Finally, the express reservation of congressional authority that was contained in section 325 of the tentative proposal has been deleted. While this deletion probably does not alter Congress' constitutional authority over the District, many witnesses at the hearing sensibly argued that this section invited congressional intervention in local affairs.

The office of the Mayor created under the bill possesses the chief executive functions of the District Government. The Mayor will serve a 4-year term, and will be elected in odd numbered years—section 401(a). The Mayor will receive $40,000 annual salary, although this amount may be increased or decreased by the Council, but any decrease will only apply to future terms of the Mayor—section 401(c). The Mayor possesses the full executive power and has the authority to appoint his department heads—section 402. The bill would also create the office of city administrator to assist the Mayor. The city administrator will be appointed and removed by the Mayor. The city administrator performs those duties that are assigned to him by the Mayor—section 403.

### BUDGETARY FUNCTIONS

The District government would be given complete authority to set its budget—title V. The Mayor and City Council would be limited with respect to the budget of the Board of Education, however. The District government would only be free to set the maximum level of Board of Education expenditures, but it would have no authority to dictate line budget expenditures for the Board—section 707. Further, the District government would have the authority to finance its capital program through the sale of municipal bonds, as do most other municipal governments—title VI. The bonds would not be tax exempt, but the Federal Government would subsidize the added interest rate cost to the District government of issuing bonds with no tax-exempt status. In addition, the Federal Government would pick up the entire capital cost necessary to build adequate facilities for the District's institutions of higher education—section 611.

### THE ANNUAL AUTOMATIC FEDERAL PAYMENT

The Federal Government would pay to the District government an automatic annual Federal payment "in recognition of the unique character of the District as the Nation's Capital City." The Federal payment would be set at the following levels: For fiscal year 1972, an amount equal to 32 percent of District revenues; for fiscal year 1973, 34 percent; for fiscal year 1974, 36 percent; for fiscal year 1975, 38 percent; for fiscal year 1976, 40 percent—section 731. In addition, as a new feature, the District government would be reimbursed by the Federal Government for expenses in connection with national demonstrations; as we have seen, the recent antiwar demonstrations directed at the Federal Government have cost the people of this city almost $4 million. These are costs that should properly be shouldered by the Federal Government and not by District residents.

### ELECTIONS

Unlike earlier home rule proposals, this bill provides for election of the Mayor and the City Council on a partisan basis—title VIII. While there was some sentiment expressed at the hearings for nonpartisan elections, this was largely based on the fear that Federal employees could not participate in local elections if the elections were held along party lines because of Hatch Act restrictions. This view has considerable merit, and it is clear that some statutory change is necessary. This was not proposed in the context of the home rule bill so that the discussion of the merits of the home rule would not be diverted by other possibly controversial questions. Within the next several months, I shall introduce legislation, independent of the home rule bill, that will allow Government employees to participate in local elections, whether partisan or not. The restrictions contained in the present Hatch Act protecting employees from coercion and political influence would be retained.

There was much testimony at the hearings in favor of party elections, and as was indicated, this approach was adopted. It seems clear that party elections set a much stronger framework for community political action. The creation of strong political parties heightens political awareness and thus creates greater and more broadly based citizen involvement. This occurred in connection with the Delegate race, and deserves to be further encouraged.

The bill would also restore the right to vote to ex-felons once they have been "pardoned of such offense or completed the sentence of imprisonment required for such offense." This point was mentioned at every public hearing and obviously has strong citizen support. It is clear that the time has come when we must cease treating ex-convicts as second class citizens and bring them into our society as full participants—section 801.

The mechanics of electing the Mayor and the City Council will be much the same as those that applied in the Delegate election. Nominees for City Council seats from the wards must collect 250 signatures from the ward in which the candidate is running. Candidates for at-large seats and the Mayor must collect 250 signatures in each ward of the District. The winners will be selected in party primary elections and in a general election. Local officials will be subject to recall—section 803.

### DISTRICT OF COLUMBIA DECENTRALIZATION COMMISSION

At the hearings on the tentative home rule proposal, a number of witnesses expressed a strong desire for some mechanism to bring government more effectively down to the neighborhood level. Obviously, this is a proposal that deserves much work and careful consideration. Consequently, the home rule bill would establish a Commission to "conduct a full and complete study of, and recommend to the Council a plan for, the establishment in the District of Columbia of neighborhood councils which shall have delegated to them those functions which can be administered on a neighborhood basis."—section 1102. The Commission would be composed of 12 members, eight appointed by the Mayor and four by the chairman of the Council—section 1103. Within 1 year, the Commission must submit its plan to the Council. The Council may approve the plan, approve it with revisions, or disapprove it. If the Council fails to take action within 60 days after the plan is submitted, the neighborhood councils will be established in accordance with the plan—section 1106.

### YOUTH ADVISORY COUNCIL

It should be plain that youth are demanding and deserve a voice in determining the government policies affecting them. This was a major theme of much of the testimony at the neighborhood hearings. The home rule bill responds by creating a highly innovative youth advisory council. The youth council would have the duty of advising the City Council on legislation concerning youth, recommend legislation on matters affecting youth, and discuss, study and report to the Council generally on the problems affecting youth in the city—section 1122. The youth council would be composed of one member elected from each of the accredited public and parochial high schools in the District. The members would receive a stipend of $1,500 a year for service on the youth council—section 1123. The youth council will be provided administrative support and services by the City Council—section 1124.

### CHARTER REFERENDUM

Upon passage of the home rule bill by Congress, and approval by the President, the bill will be submitted to the people of the District for approval—section 1401. If the majority of the voters of the District accept the bill, it shall become law—section 1405.

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## THE WORKER IS NOT THE SCAPEGOAT

## HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 1971*

Mr. ECKHARDT. Mr. Speaker, there is a lot of discussion about who's to blame for our current economic problems—the worker, profits, the money supply or the interest rate. The easiest and the current favorite scapegoat is organized labor.

A quick look at the economic history of the past few years shows this simplistic answer is unreasonable—many other costs, and many companies' and banks' profits, have increased more rapidly than labor costs. Furthermore, in real dollars the worker is falling behind. When he negotiates for a substantial increase in wages, he is only trying to keep his head above water. Those who blame him for inflation should remember—he is also among the first to suffer from soaring prices.

But the administration is not only trying to put the blame on the worker, it is making him the victim of its solution. Workers suffer from unemployment, from the administration's opposition to a meaningful increase in the minimum wage, and now from meddling in the collective bargaining process—meddling that looks suspiciously like it could become compulsory arbitration.

The most definitive description of what the current economic problems mean to American workers comes, of course, from the spokesman of organized labor in

America, George Meany. He recently presented his views on the economic situation and on the administration's attempts to deal with it at the Seventh Convention of the International Insurance Workers Union. Because I think his statement is both interesting and informative, I include it in the Record at this time:

### An Address by AFL–CIO President George Meany to the 7th Convention of the International Insurance Workers Union at Miami Beach, Fla., on May 27, 1971

Yes, I am a plumber. I don't know how humble I am but I always try to stress the importance of the plumbing business. I say plumbers in a good many cases are more important than lawyers. You can put millions of people in a great city and get along without lawyers but you couldn't put them in there without plumbers. So I must warn you never to underestimate the importance of a plumber. In fact, I know anyone who has ever got a bill from a plumber doesn't underestimate them.

I would like to congratulate the Insurance Workers on the tremendously good job being done by this organization in a very difficult field, and when I say it is a difficult field to organize, I say that because of experience over many years; and I think under Bill Gillen the organization is showing real progress in its effort to bring benefit of trade unionism to the insurance workers of this great country.

Now I could discuss with you this morning many problems of interest to us as trade unionists and as Americans. Of course, we can always talk about the war. We have demonstrations and, of course, we have the criticism of the President and all the pros and cons in Congress about the war, but there is one thing there seems to be agreement on, that we should try to get out of Vietnam, get our boys home and turn our attention to the very important business that we have at home. Of course, they talk about a definite cut-off date, and while I certainly hold no brief for President Nixon I think we have to be absolutely fair and realize that when he became President we had 540,000 in Vietnam. He said that he would wind the war down and turn it over to the South Vietnam team and get our boys back as fast as he could; and in a period of a little over two years he has brought a couple of hundred thousand home, and we are down now to 260,000. So I think that we can say that within a reasonably short time this problem will certainly be out of the way.

But we have many problems here at home, many problems I could talk to you about—environment, clean air, clean water. After a century of doing business as usual, polluting the streams, polluting the air, we now find that everybody is concerned about environment. In my book, they should be concerned because this is a real problem.

And, of course, we have the problem of the generation gap. We have Women's Lib and the drug problem, poverty problems, and all that. But as trade unionists we are interested in the No. 1 problem, that is, the economy and jobs, and our business is jobs, decent jobs and under decent conditions with adequate pay, so the worker can get a fair share of the wealth that is produced by this democratic society we have here in the United States.

Everything that we do legislatively, organizationally, politically, is directed toward jobs and securing an adequate share of the wealth produced by the workers we represent.

So when we look at the economy today we see a rather sad picture. We are in trouble economically, and I think we should take a look at it and see how we got to this position.

We have now 6.1 percent of our people, our working force, unemployed, which adds up to five million people. Of course, these are statistics, basic figures, but in human terms, the loss of a job is a serious thing. More and more of the unemployed are running out of their unemployment insurance and are turning to welfare and to other means of getting by.

How did we get to this position? In January, 1969, when the present Administration took office in Washington we had come through 90 consecutive months of continued economic improvement measured by every measuring rod that we used to see how the economy was going. We had something like 2.7 percent of our people unemployed at that time, which was the lowest figure in many, many years. And, of course, we had inflation which is always part of our problem. So when the new Administration came in, they announced they were going to do something new, that they were going to lick this problem of inflation, they were going to cool off the economy, slow it down. They were going to tighten up on money. They were going to restrict credit, but they were going to do this without increasing unemployment. President Nixon in a letter to the Executive Council of the AFL–CIO in early February, 1969, put it in writing. He said he was going to cool off the economy, he was going to bring the prices down but he was going to do it without adding to unemployment.

Of course, economists as a general rule felt when you slow down, when you tighten up on money, prevent business expansion, the natural result is that you do add to unemployment, but President Nixon said this was not going to happen.

Well, what did happen, They cooled off the economy all right. They slowed it down, and in two years we lost 2,200,000 jobs. We have seen the interest rates in this country go to the highest level in over 100 years, putting a tremendous burden not on big business, not on big banks but putting it on the small business man and putting it, the burden, on the citizen who wanted to buy a home. It got to the situation where interest rates were 10 percent, actual rates and 10½.

Now what did we get from the Administration during this period? Did we get any concrete proposals to try to turn this situation around? Incidentally, the prices did not go down; they went up. This took a lot of doing, according to the experts but the Nixon Administration managed to do it. They managed to add to unemployment and bring prices up at the same time.

Now as I say, what did we get during this time? Did we get any concrete proposal for jobs to build up the purchasing power? No! We got rosy predictions of what was to happen. Things are just going to be all right. Even though inflation kept going up, don't pay any attention to figures, everything is going to be all right.

Well, we don't take that, we go by the record, and the record shows that the Administration's so-called economic "game plan" which was inaugurated in January, 1969, is an absolute and complete failure. This "game plan" was the brainchild of Dr. Burns, who was a great economist, and he was the one that was in charge.

Now do we get from him any apology for the failure? Oh, no! He doesn't talk about his "game plan" any more but he talks about the trade union movement and about the workers. In other words, he is looking for a whipping boy. He is looking for someone upon whom to place the blame and he cracks down on wages, high wages are responsible for the inflation which we are going through.

So he comes up with some proposals: Compulsory arbitration for people in the important and vital industries; repeal of protective laws that have been put on the statute books for many years to protect workers who are engaged in employment, financed by federal funds, laws that have for their purpose the idea that public money, the people's money should never be spent in a way to depress wages, to bring wages down.

He is against the minimum wage law. He is against increasing the minimum wage. But for business he feels that they should get another tax incentive of some kind. Now he points to the construction industry, trying to fix the blame there. And do you know that the one item in the cost of housing that has gone up the least in the last 20 years, according to official government figures and our figures, has been the cost of construction labor.

In 1959, when you bought a house in this country, 33 per cent of the money you paid for the house went for construction labor on the job. Now the cost of housing has gone up but if you buy a house today, 18 percent of the money you plant down for the house is for construction labor. That doesn't mean, as I say, that the house costs less; it costs more, but what happened? The cost of land upped 300 percent; the cost of hiring the money, of financing, upped 260 percent; the cost of closing fees have been doubled; the cost of material has been doubled, and the one item that has contributed the least to increase in prices is the cost of the construction labor itself on the job. And this is the thing that the President's economic advisors point to, not to the cost of interest, not to the high cost of land, but to labor, and that is an old story with us. Any time something goes wrong, they try to assess the blame and put it on labor.

Then we have the spectacle of the President's economic advisors headed up by Dr. McCracken, who came out with what they called inflation ethics. Just a couple of weeks ago they came out with a statement that if the steelworkers were to apply the same settlement they got a month or so ago from the canned industry, if they were to apply this to the steel settlement, the steel contracts, this would be very, very damaging to the economy.

So here we have the steelworkers and their employers who had not yet sat down at the bargaining table being told by government, be careful, don't give them too much of a wage increase, and this affects 450,000 basic steelworkers. So here we have the government in on the side of the employer at the bargaining table even before the negotiations start.

And there is every indication that the Administration is toying with the idea of compulsory arbitration.

This is not a good picture—the attempt to make labor the scapegoat and deliberately in an attempt to bring wages down, and, of course, if this plan were to be successful, and I don't think it is going to be, it will have a depressing effect on the entire economy and on everybody and every citizen of this great nation because this American economy that has produced so much over the years, produced more than any other economy of any other nation on earth, is based on the amount of mass purchasing power in the hands of the great mass of the people. The things that we can make and produce are sold to the American people. The American people, the American worker, is the best customer of American business, and this is a matter of record, and if you are going to destroy the purchasing power of your best customer, then you are going to bring the economy down and perhaps bring it to a halt.

Well, as far as the trade union movement is concerned, we are not going to buy that at all. We are not going to be intimidated. We are going to continue to move ahead and we are going to continue to demand a fair share for the worker of the wealth that the economy produces, and this is what the trade union movement is all about, and this is what it has always been all about.

Now there is a great deal to do in this country and we in the trade union movement take pride in the fact that every activity that is directed toward the general welfare of the people as a whole finds the trade union movement in the forefront.

Now we have the problem of the nation's health, and this, of course, is one of our No. 1 legislative objectives this year—a national health plan. We have no problem as far as medical know-how is concerned. We have the best doctors in the world. We have hospitals. We haven't enough of them. We need some more. We have the best specialists in medicine in the world, but the problem stems from the fact that this whole industry, this industry of caring for the sick, is fragmented, and it is fragmented in the way that adds to the cost to the patient, and we have got to the point now in this country where it is almost impossible to meet the economic demands that come from illness.

We have cases where an individual entering the hospital and before getting to the operating room or before getting any attention at all, piles up all sorts of bills, so much to this specialist, so much to that specialist. Hospital rooms now are approaching, in fact they are not approaching, they are right at the $100 a day level. The only people who can afford to be sick today in America are the very, very wealthy who have all the wherewithal they need, and the very, very poor who get care through the charity method. All those in between are in a real bind insofar as the cost of illness in this country is concerned. We feel that something should be done about it, and that government should do something about it, that Congress should do something about it, and we are going to be very, very active to see that they do.

Then we have got the minimum wage law. Now we put the minimum wage law on the statute books many years ago, in 1938—put a minimum of 25 cents an hour. Just think of it, 25 cents an hour. That was all we asked for, and at that time we were told that this would ruin business, this would put many small businesses out of business. Well, we went ahead. We brought millions under that law. We have raised it. We have got it now to $1.60 an hour and it covers tens of millions of employees in industries that were not receiving a living wage.

Now is our real interest in that? We have a humanitarian interest in anything that affects workers anywhere, even workers outside the country. So we have this interest in low paid workers but we have another interest, and it is the economy as a whole.

When you get people getting 75 cents, 90 cents an hour and perhaps supplementing their income by getting food from the welfare agencies, those people are not playing their part in adding to the purchasing power that we need to keep our economy going, and we like to see the people who are getting 80 and 90 cents an hour get twice that, because then they will be able to play their part in the market and buy the things that the rest of the workers in this country can produce and give the whole economy an upward shot.

Well, we are asking for $2 an hour immediately and then a raise within a year to $2.25 an hour. This is still far below the government's own figure as to a minimum wage or a subsistance wage to keep people out of poverty and despite the fact that it is quite obvious that this would help millions of people, it would also help the economy as a whole, we find the Secretary of Labor testifying just yesterday against the increase of the minimum wage.

What is the argument? Well, business couldn't stand it. It would hurt small business and it would be inflationary. The same old arguments we have been hearing for 30 years, nothing new.

It is a funny thing, you bring a worker in a low paid industry up from $1.60 an hour to $2.00 an hour, an advance of 40 cents—$16 a week, and we are told this is inflationary. The idea is that this puts too much money into the spending stream and will push prices up, and this to me is absolutely ridiculous because these people don't buy any luxury goods. Most of their money goes just for food, clothing and shelter.

At the same time we don't hear a single word from the Administration about the doubling of the interest rates, about the millions and millions of dollars of profits that the banks made in the last two years due to this high interest rate. Why is it that high interest rates and enormous profits to banks and large corporations are not inflationary but a "lousy" 40 cents an hour to a day laborer is inflationary? This is something we can never understand.

Well, we are going to be in these things, all of the things that apply to the consumer, minimum wage, consumer protection, truth-in-lending, truth-in-labeling, and so forth, because this is our business.

During these recent years of national turmoil and stress the American trade union movement has remained solidly dedicated to the general welfare of all the people of this great country. In carrying out our demand for a very fair share of wealth, we are going to adhere to the solid principles on which our movement is founded, and we have always believed that whatever is good for the American people as a whole, must of necessity, be good for the trade union movement for the workers that we represent.

So we intend to continue to be identified in Washington as a people's lobby and as we go away from a war-oriented economy to a period of reconversion we realize that the nation must face up to the vital domestic problems that affect the lives and welfare of all of our people.

We need more housing in this country. We need to rehabilitate our cities, many of which have become vast slums. We need better medical care. We have the know-how and we should see to it that this medical care is delivered to the great mass of the American people and not just to the very wealthy or the very poor.

We are in good shape I would say as national AFL–CIO to meet these challenges but 1972 is going to be a crucial year for all who believe that the prosperity of this nation is measured not by the health of its banks and large corporations but by the economic welfare and standing of the great mass of its people. This has always been our measuring rod and it is the measuring rod we are going to continue to use in the days ahead.

So when we look at 1972 we have got to see to it that we elect those in Washington who are responsive to the needs of this great nation, who are responsive to the needs of the little people of America.

We have a very efficient organization in many respects. We have a fine research department, organizing department, civil rights, but one of our best departments is COPE, the AFL–CIO political arm, and they are prepared and getting prepared for 1972. We are going to need, however, the full cooperation of every international union, every local union at every level of this great federation.

Now I am confident in the days to come, American labor will play its part as it always has played in improving the lot of the great mass of the American people. We don't buy the idea that labor is the scapegoat. We don't buy the idea that prosperity comes from keeping the banks and the large corporations prosperous. We still adhere to the theory that the prosperity of this great nation must be based on the purchasing power of the great mass of the American people, our members and all those who work for wages.

I am supremely confident come 1972 we are going to do our job again and I am confident we are going to have the cooperation of Bill Gillen and this great American organization representing the workers in the insurance industry.

Thank you very much.

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## KORCZAK ZIOLKOWSKI, MOUNTAIN CARVER

### HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 1971*

Mr. ABOUREZK. Mr. Speaker, South Dakota is justly famous as the home of "The Shrine of Democracy" at Mount Rushmore near Rapid City, S. Dak. This memorial to four great American Presidents is visited by hundreds of thousands of visitors every year who are left awed by this great tribute to these deserving Americans. Yet, not far away, another tribute to another American is under construction. This is the Crazy Horse Memorial being sculpted by Korczak Ziolkowski near Custer, S. Dak.

After 22 years of work nearly 2,700,000 tons of rock have been blasted away. This is seven times more stone than was removed at Mt. Rushmore all together. A rough outline of Crazy Horse's profile, the top of his arm, and the top of the horse's mane are silhouetted free against the sky. The opening under Crazy Horse's outstretched arm is clear through the mountain. When this tunnel is completed, a 10 story building would be able to be fitted in it.

Thus far, the project has been financed entirely without the aid of either Federal or State funds. The U.S. Treasury Department has, however, seen fit to make contributions to the Memorial tax exempt. Fundamentally, the project is financed through a $2 per car admission fee of the visitors who can see not only the magnificent project under construction, but also Mr. Ziolkowski's studio-home and gallery. The proceeds go solely to purchase the dynamite and equipment and to pay for any help the sculptor has with him. Mr. Ziolkowski himself donates his time to the project and has never had a salary or expense account.

This story is eloquently told in Korczak Ziolkowski, Mountain Carver by Rev. Joseph Swastek. I would recommend this book highly to you, and to whet your appetite I would like at this point to reproduce one of the chapters from the book called "Thunder in the Sky." It follows:

THUNDER IN THE SKY

In the Black Hills of South Dakota, the mountain vacation land of the United States, twenty-four miles from Rapid City, in the glare of the summer sun of 1939, two men were helping Gutzon Borglum dynamite out of Mount Rushmore the world's greatest monument to four great Americans. These four Americans were presidents who personified to the world the individual freedom and equality of opportunity for which America stands and on which American democracy rests—Washington, Jefferson, Lincoln and Theodore Roosevelt. The monument was the world-famed Mount Rushmore National Memorial aptly called *The Shrine of Democracy*.

As the two men watched the sixty-foot faces of the four president emerging more and more distinctly from the granite of the mountain-side, and while they listened to the thunderous booms of periodic dynamite blasts and to the staccato pounding of air drills, an idea fired their imagination. They decided to construct an even larger monument—not only to enshrine a great ideal but also to repair an even greater wrong. They determined also that this new memorial, like the Mount Rushmore shrine, should be raised in the Black Hills where once the thunder of white men's guns had shattered the red man's peace.

The Black Hills are a small group of mountains partly in northeastern Wyoming but principally in western South Dakota. They stretch over a total area of about 6,000 square miles—roughly 100 miles in length and fifty miles in width—about a third of which is covered with dense dark pine from which the region derives its name. Fed by several streams and creeks, the region forms an oasis in a semi-arid plain.

This was one reason why the Dakota Sioux Indians inhabited the Black Hills more than a century ago. The Dakotas were the largest native group among the Sioux Indians, who were second only to the Algonquins in numbers among all the Indian nations within the present area of the United States. They numbered over 30,000 men, women and children and, according to an authority, were universally conceded to be of the highest type, "physically, mentally and probably morally of any of the western tribes." Brave, vigorous, hardy and unrivalled as horsemen, they were described by one American general as the best light cavalry in the world.

The Dakotas loved their hills and regarded them with religious veneration as well as native affection and loyalty. Perhaps they knew of the incredibly rich mineral deposits of gold, silver, copper and tin hidden in the Black Hills, particularly gold. If they did, they made little noise about them and still less use of them, preferring the animal treasures found in the streams and woods. In this they differed from the white men who visited their hills from time to time.

In 1874, an expedition under General George Custer discovered gold in the Black Hills, starting the last important gold rush in the United States. The floating white population of the West—prospectors, miners, desperados—rushed into the hill oasis, peopling Deadwood and other mining towns almost overnight, Wild Bill Hickok, Calamity Jane and the Wells Fargo stagecoach drivers became familiar and fabulous figures in this "Richest One Hundred Miles Square in the World"—an area that fully justified its flamboyantly boastful designation by yielding over $100,000,000 in gold alone and becoming one of the richest gold-mining districts in the United States.

It also became one of the bloodiest for a brief span of years. As the miners poured into the Black Hills, disrupting the primitive life of the natives and despoiling both people and land, the Sioux Indians rose to defend their sacred mountains and their fields and streams. Under the leadership of Sitting Bull and Crazy Horse, they overwhelmed the regiment of General Custer at the Little Big Horn in 1876 and temporarily stemmed the white man's invasion of their domain. But when they heard and faced the thunder of booming cannons, they soon realized that they fought a losing battle. Their arrows and anger were no match for the white man's artillery and artifice.

In the spring of 1877 Crazy Horse surrendered with 2,000 warriors and was herded into a reservation, a virtual prisoner. Several months later, while trying to get his tuberculous young wife to a doctor, he was bayoneted to death by a soldier. One of the American officers who fought against him remarked upon his death: "Crazy Horse was one of the great soldiers of his day and generation. As the grave of Custer marked the high-water mark of Sioux supremacy in the trans-Mississippi region, so the grave of Crazy Horse marked the ebb."

The Dakota Sioux never recovered from the blow, losing the Black Hills, as they had lost so much of their land elsewhere in America, to the white invaders who were ruthlessly pushing westward, driven by insatiable land hunger and greed for wealth. Dispossessed, exploited, beaten but never broken, the proud Dakotas treasured the memory of Chief Crazy Horse as a tragic symbol of the red man's greatness—a warrior martyred for his devotion to his race and land.

The new memorial conceived in the summer of 1939 at Mount Rushmore's *Shrine to Democracy* was to enshrine that memory in a colossal granite monument carved out of a mountain as a lasting tribute to a man and a race that remained unbroken even in defeat and despair. The man who conceived this memorial was Henry Standing Bear, a leader among the Pine Ridge Sioux of South Dakota. While serving as an interpreter for Gutzon Borglum, Chief Standing Bear was impressed with America's tribute to its great sons. Proud of his Indian heritage and mindful of the red man's moments of greatness, he determined to immortalize in granite one of its heroes—a warrior chief who had lived, hunted, fought and died in the Black Hills.

The man whom Chief Standing Bear entrusted with the task of realizing his dream was an assistant of Gutzon Borglum, a Polish American sculptor named Korczak Ziolkowski. Orphaned by his parents at the age of three, Boston-born Ziolkowski was thirty-one years old at the time and perhaps the most promising self-taught sculptor in the United States. By dint of hard work, native talent, friendly encouragement of perceptive Bostonians and the inspiration of his wife Dorothy Brewster Comstock, he had carved several striking subjects in wood and marble—figureheads, fountains, equestrians, busts and figures. Perhaps the most famous of these was the heroic marble head of Paderewski called Study of an Immortal, which won the first sculptural award at the New York World's Fair in 1939.

Early that year at the invitation of Gutzon Borglum Korczak Ziolkowski went to South Dakota where he spent several months working with air drills and dynamite upon the presidential memorial at Mount Rushmore, one of the Black Hills. A firm believer in freedom and equally of opportunity, in fair play and justice for all men regardless of their color of social background, Ziolkowski listened with sympathetic understanding to Chief Standing Bear's saga of the Black Hills and to his dream of a memorial that would commemorate the bravery of a heroic race struggling undauntedly against insuperable odds to maintain its identity, its native land, its way of life.

So was born the Crazy Horse Memorial project now in progress. There is a certain historic and cultural justice in this spectacle of a Polish American sculptor undertaking a vast memorial to an Indian martyr who died for the freedom of his people. Fittingly, it was a Pole, a member of a nation steeped in the Christian tradition, who carved the gigantic statue of Christ on top of an Andean peak in South America, as a symbol of American belief in Christian justice. Fittingly, too, it is a descendant of the Polish people three times invaded and partitioned by greedy neighbors, who is carving the statue dedicated to the Indian race partitioned and decimated by greedy white invaders from beyond the Atlantic.

Once more the sound of thunder echoes in the sky of the Black Hills, the thunder of dynamite blasting the side of a mountain. But it is a welcome not a fearful echo, for it announces the construction of a monument that will stand through the ages as a symbol of the red man's courage and its belated recognition by the white man—an eloquent testimony to the American sense of justice and fair play for all men.

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## A HERO AT AGE OF 74

## HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. GUBSER. Mr. Speaker, in a time when very few people seem willing to "get involved" in helping their fellowman, a refreshing and commendable action has been brought to my attention.

Dr. J. Virgil Fishel of Arcola, Ill., a country doctor who is still practicing at the age of 74, recently rescued a woman trapped in her automobile by rising flood waters.

I believe that recognition should be given to such acts of heroism, and would like to call the following article to the attention of my colleagues. Dr. Fishel is the father of my constituent, Mrs. Robert Allington of Sunnyvale, Calif.

[From the Tuscola (Ill.) Journal, June 10, 1971]

### DR. J. VIRGIL FISHEL—A HERO AT AGE OF 74

Douglas County had a lot of unusual weather conditions on June 2.

Several emergencies arose as a result of severe weather conditions and Dr. J. Virgil Fishel of Arcola was an outstanding hero of one very difficult situation.

There were storm warnings out all day and it rained heavily during the day in the eastern part of the county.

The rain came to Tuscola at 5 p.m. and a couple of inches fell during the evening.

The area south of here was hit much harder. There were high winds, some hail and it was said that south of Galton, there was six inches of rain in five minutes.

However much there was, a lot of flooding resulted and it was necessary to close route 45 between Arcola and Tuscola to passenger cars for about an hour. Heavy trucks were permitted to go through.

Route 133 east of Interstate 57 was also flooded.

A mobile home being towed between Tuscola and Arcola on Interstate 57 was blown over. It was extensively damaged.

The most serious emergency occurred during the height of the storm.

Dr. Fishel was returning to his home in Arcola from Jarman hospital, where he had been on an emergency call. He had been called to the hospital to remove a needle from a boy's hand.

The doctor was proceeding south on route 45, south of Galton, when he noticed a car in the ditch. A closer look revealed that the car was occupied by a woman.

The car was occupied by Mrs. Gracie Burch, Arcola, who later told how she got into her predicament. She had met a bus on the flooded pavement and the wake left by the speeding bus just floated her car off the road and into the ditch.

The car came to rest near a culvert running under the Illinois Central railroad tracks and the force of the current prevented her from opening her car door.

Dr. Fishel stopped and called to her and told her she had better get out of the car quickly. When he saw she was helpless, he got out of his own car, affected her rescue and took her home to Arcola.

It was said Dr. Fishel waded water up to his chin and withstood the stiff current in bringing Mrs. Burch to safety. Of course, he was soaked to the skin by the time he completed the rescue.

After getting into some dry clothes at home, Dr. Fishel was back on the job of ministering to the sick that evening with hardly a moment of rest.

Dr. Fishel is a 1927 graduate of the UI school of medicine. He practiced in Chicago before coming to Arcola 35 years ago.

Dr. Fishel will be 75 on his next birthday in November. He is also somewhat handicapped because of surgery that removed part of his left foot several years ago.

However, his manner and carriage are still quite youthful and he certainly demonstrated that he was more than equal to the emergency that occurred during the storm.

Dr. Fishel is the founder of a nursing home in Arcola that bears his name. He is active in his medical society, he still makes house calls and he has served as deputy county coroner for many years.

## BALTIC ANNIVERSARIES REMEMBERED

### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. DANIELSON. Mr. Speaker, Baltic Americans are especially reminded this month of the colonialism under which the people of Lithuania, Latvia, and Estonia must live. It was 31 years ago—June 15, 1940—when the Baltic republics were forcibly annexed to the Soviet empire. A year later, in June of 1941, Lithuanians successfully overthrew the Soviet-imposed regime, regaining self-determination for their land. This brief respite from external domination lasted less than 7 weeks as the Nazis subsequently took over Lithuania.

One of the tragedies of the last three decades in Estonia, Latvia, and Lithuania has been the loss of over one-quarter of the population during this period of occupation. Hundreds of thousands were taken from their homes. Many died from inhumane treatment by the invaders. Those surviving were transported to the Arctic or Siberia. Severe disruption of these countries' cultural and ethnic character, which was traditionally distinct from both German and Soviet influence, has resulted. National identity as well as self-determination has been stripped from these defenseless countries.

To their credit, however, the Balts have persistently fought for freedom. More than 30,000 Lithuanians died in organized resistance against the invaders between the years of 1940 and 1952. Since that time, the Baltic resistance has taken more passive means in continued opposition to external oppression.

Baltic-Americans and other freedom-conscious Americans are concerned about the kind of exploitation and subjugation that results when human rights and the freedom of self-determination are denied. This is contrary to the Charter of the United Nations, as noted by the 89th Congress in House Concurrent Resolution 416, requesting the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia. I join in calling on the President to bring this concern to the United Nations and include at this point in the Record the text of House Concurrent Resolution 416 which was passed unanimously by the House and the Senate in 1966:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

In addition to the concurrent resolution cited above, there are other precedents of concern by the United States for the Baltic countries. Every President since 1940 has stated that the policy of our country is nonrecognition of the forced incorporation of the Baltic States into the U.S.S.R. A select committee of the House in the 83d Congress investigated this matter and made certain recommendations.

During this time of both sad and happy recollections of the events of 1940 and 1941 for the Baltic people, we should all make a renewed effort to restore basic human rights and self-determination where they have been denied and where people are oppressed.

## TRIBUTE TO DR. HAIM SHEBA

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BINGHAM. Mr. Speaker, Israel these days is mourning one of her leading citizens, Dr. Haim Sheba, former director of Tel Hashomer Hospital. My wife and I had the privilege of counting this wonderful man as a friend, and we extend our sympathy to his family, to his many devoted admirers, and indeed to all his countrymen. Inserted herewith is an article from the Jerusalem Post on the tributes paid to Dr. Sheba at his funeral:

Haim Sheba Laid to Rest

(By Macabee Dean)

Tel Aviv.—A cross-section of the entire nation—from Prime Minister Golda Meir to the most humble hospital patient—yesterday gathered at Tel Hashomer to pay final tribute to Dr. Haim Sheba, a man who became a legend during his lifetime.

"For the past two decades, Tel Hashomer Hospital and Dr. Sheba have been inseparable. Today, they became indivisible, for the Workers Committee has decided that henceforth the hospital will be called 'Sheba Hospital'," declared Professor Richard Stein, a member of the staff and an old friend who almost broke down while eulogizing him.

Present at the eulogies were not only members of the Government (Mrs. Meir, Yigal Allon, Pinhas Sapir, Moshe Dayan, Victor Shemtov, Shimon Peres and Israel Galili), and the outstanding figures of the medical profession, but also thousands of his patients, soldiers and civilians alike, some still in their hospital pajamas. Emek Hefer, where Dr. Sheba worked for many years, sent a special delegation to the funeral.

President Shazar, who has been hospitalized, was represented by his Aide-de-Camp, Sgan Aluf Yisrael Yarkoni.

The body of Dr. Sheba, who passed away at the age of 63 from a sudden heart attack on Thursday, lay in state from 11 a.m. until three o'clock in the square in front of the Nursing School at Tel Hashomer.

A continuous stream of mourners filed past the bier which was draped in the national colours, and surrounded by wreaths. The doctor's son, Shmuel Sheba, chanted *kaddish*.

Dr. Sheba was eulogized by Health Minister Shemtov who called Dr. Sheba, "a man who lived his entire life on a spiritual plane."

"He was a veteran fighter," Mr. Shemtov said, "and when he fell ill, neither his family nor his friends could persuade him to spare himself—for his life belonged to his patients."

George Wise, President of the Tel Aviv University, called him a "righteous person," a man who "enriched everyone who came in contact with him." Dr. Noah Kaplinsky, chairman of the Israel Medical Association, said that Dr. Sheba's death had created "a gap in our ranks, a gap which can never be filled."

Professor Stein, the last to speak at Tel Hashomer, termed him a "humble genius . . . a man who built Tel Hashomer into the hospital it is today."

The coffin was carried by military pallbearers to an open Army van; and the funeral procession, which consisted of hundreds of vehicles, wended its way to the Kiryat Shaul Cemetery. Here, at the graveside in the civilian section, the Chief Army Chaplain, Tat-Aluf Mordechai Piron, quoted from the Psalms and Shmuel Sheba again chanted *kaddish*.

Defense Minister Moshe Dayan recalled the years he had known Dr. Sheba, a man "who treated his patients as if they were holy, a man who spoke in a low and serene voice, a man who was eternally smiling, both externally and internally, a man who had spent his whole life fighting for the betterment of man."

Looking at the grave, Mr. Dayan said: "This is the final station for all of us in life, but so very few of us will ever reach it with such a human and perfect life behind them."

*Asher Wallfish adds:* The Cabinet stood in silence at its weekly session yesterday, to mark Dr. Sheba's memory. Premier Golda Meir delivered a eulogy, in which she expressed her own profound mourning and the grief of her colleagues, as well as of the entire nation. Describing Dr. Sheba's great modesty, she stressed that the loss was personal and private, as well as public. She listed some of the milestones in Dr. Sheba's career, from his days working with immigrants in the Cyprus detention camps, through the Hagana and the I.D.F., and finally to his achievements in the sphere of public medicine.

The Histadrut Central Committee yesterday also devoted part of its meeting to commemorate the late Dr. Haim Sheba. An eulogy was delivered by Histadrut Secretary-General Yitzhak Ben-Aharon.

## THE MILWAUKEE PROJECT: NEW RESULTS IN INFANT EDUCATION

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. BRADEMAS. Mr. Speaker, two important articles have just been published about a remarkable infant education project in Milwaukee, Wis., which has produced solid evidence that, first children start learning virtually from birth and second, that if the process is begun soon enough, education can be a vehicle for helping bring children of the illiterate poor out of the poverty cycle.

Carl T. Rowan has written about the Milwaukee Infant Education Center in his syndicated column appearing in the Washington Sunday Star, June 27. Stephen P. Strickland's report on the project and its implications is the lead story in the July issue of American Education. Both articles tell of the results of a project designed and implemented by a multidisciplinary team from the University of Wisconsin which, for four and a half years, has been teaching infant children of poor, functionally retarded parents in a severely distressed section of the city of Milwaukee. Those results are striking: the oldest children in the program are now four and a half years of age, and some of them are measuring as high as 135 on intelligence quotient tests.

One particularly fortunate aspect of the Milwaukee Infant Education project—which sets it apart from many "research and demonstration" efforts—is that the researcher-educators who have been involved in it are making a concerted effort to share their successful designs, techniques and instructional materials.

Mr. Rowan suggests that one of the lessons to be learned from the Milwaukee project is that Head Start programs may be getting to children too late. Both Mr. Rowan and Mr. Strickland quote the Milwaukee project's director, Dr. Rick Heber, as saying that his experience with the Infant Education Center shows "a capacity for learning on the part of extremely young children surpassing anything which previously I would have believed possible."

Mr. Speaker, I insert the article by Mr. Rowan in the Record:

[From the Sunday Star, Washington, D.C., June 27, 1971]

#### Milwaukee Study Explodes the Inferiority Idea

(By Carl T. Rowan)

The nation was buzzing a couple of years ago over Prof. Arthur R. Jensen's theory that heredity, not environment, renders blacks 15 IQ points dumber than whites.

The scientific community recently was embroiled in controversy over Dr. William Shockley's thesis that blacks lack a certain gene common to Causcasians and that this makes them mentally inferior. Shockley is unhappy because the National Academy of Sciences won't conduct studies to verify his thesis.

Some educators—and politicians around the White House—have raised the question of whether it is a waste of money to try to educate the slumdwelling poor in conventional ways. The suspicion is that most of these younsters are uneducable and might better be taught simple vocational skills.

Jensen, Shockley and the doubting "educators" ought to take a close look at a remarkable project in Milwaukee that has shown disadvantaged children to be capable of educational achievements far beyond anyone's expectation.

A University of Wisconsin team has taken infants from the worst slums of Milwaukee, all of whose mothers had IQs of less than 70, and subjected them to "every aspect of sensory and language stimulation."

This massive intervention into the lives of these children included occupational training for the mother as well as training in home-making and baby-care techniques.

After four years, the IQs of the youngsters have jumped more than 50 percent, with some scoring as high as 135.

Dr. Rick Heber, professor of education and child psychology at Wisconsin and director of the project, said recently:

"We have seen a capacity for learning on the part of extremely young children surpassing anything which, previously, I would have believed possible. The trend of our present data does engender the hope that it may prove to be possible to prevent the kind of mental retardation which occurs in children reared by parents who are both poor and of limited ability."

Heber noted at the start of the project that of the 6 million mentally retarded people in the United States, almost 5 million have "no identifiable gross pathology of the nervous system." These 5 million are almost exclusively residents of economically distressed urban and rural areas.

Moreover, Heber and his team saw that mental retardation in the slums is strikingly concentrated within individual families where the intelligence of the mother is low.

At first this was thought to support the "heredity is more powerful than environment" school. After all, if children of normal IQ mothers lived in the slums and still achieved, while children of low IQ mothers were retarded, could anything but heredity be the reason?

The Milwaukee project has shown, however, that a mother of low IQ creates an especially crippling environment for her children—above and beyond the ordinary handicaps of the slums.

Heber's Infant Education Center and project workers have in effect supplanted the retarded mothers of a group of youngsters (where cognitive development is concerned) and shown that "heredity" did not doom the infants to retardation.

It should be clear that such massive intervention into the environments of disadvantaged children is not now applicable to public education. The cost of the Milwaukee project averaged about $10,000 per child.

But some lessons from the project are applicable.

"Our data suggests that even Head Start is getting children when they are too old," says Dr. Pat Flanagan, a Heber associate.

The most important impact of the Milwaukee project could be in changing attitudes about the potential of America's disadvantaged children.

If teachers and school administrators simply start to believe these children are educable, and earnestly take whatever "compensatory" intervention is now feasible, it could make a world of difference for a lot of children—and for the nation.

## TRAGIC BUNGLING IN POLICE RAID

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. DINGELL. Mr. Speaker, the Washington Daily News of June 25, 1971, carried an editorial concerning the recent raid by U.S. Treasury agents on the home of Mr. Kenyon Ballew under the heading "Tragic Bungling in Police Raid." So that my colleagues may be aware of the view of the Daily News I include the text of the editorial at this point in the Record:

#### Tragic Bungling in Police Raid

In the three weeks that have gone by since the shooting of a 27-year-old gun collector during a raid on his Silver Spring apartment by U.S. Treasury agents and Montgomery County police, nothing has happened to erase our original suspicion that the whole tragic operation was ill-conceived at the start and bungled at the finish.

If Kenyon Ballew was guilty of anything other than trying to protect his family from what to an ordinary man must have seemed to be a terrifying assault by strangers upon his home, no one has shown it.

The fact that he is under intensive care at a hospital with a bullet in the brain does not explain why he hasn't been charged with keeping hand grenades (those that were seized in the raid were "dummies," empty casings, according to his wife) and police themselves admit that the guns in his collection were legally his.

Treasury agents had secured a search warrant from U.S. Magistrate Archie Meatyard on the basis of information which an unidentified source had passed on to a Prince Georges County policeman who in turn had tipped the Treasury. The frailty of this information is demonstrated not so much by the double or triple hearsay as by the simple fact that after the raid and the shooting nothing appears to have been found to justify the action in any way.

It's acknowledged that "no-knock" raids entail some possible perils other than those to the Constitution, but this was not exactly a "no-knock." The lawmen, some of whom, at least, appeared to be dressed in "hippy" clothes, smashed down the door at dusk with a battering ram (the warrant did not permit a nighttime raid). How much warning they gave of their identity and intention is hard to tell. The way things went, it would take an immoderately trustful householder to believe that he had nothing to fear from the intruders.

If there's any good excuse for what happened to the Ballews, we'd like to hear it, starting with Mr. Meatyard, who seems to have licensed a search without first determining what less traumatic measures might be taken first. Like how about sending a policeman around in uniform some morning to knock on the door and make polite inquiry as to the armaments kept therein? Who knows, he might have been shown around.

Finally, there is no excuse for the action of Montgomery's Acting Police Chief Kenneth Watkins who still insists upon keeping secret the facts in this case, public information which the people have every right to know.

It is necessary to remind Col. Watkins that police business is public business, and that police, even when they make mistakes, are responsible to the people and to no one else.

## TAXPAYER DELINQUENT ACCOUNTS

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## HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 29, 1971*

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the Record a letter addressed to me from Hon. Randolph Thrower before he retired as Commissioner of the Internal Revenue Service, together with the data about which the letter was written. I also offer a schedule of the 100 largest offers-in-compromise cases handled by the Service in 1970. I am continuing this service begun by former Senator John Williams, of Delaware, for the information of the Senate and, by means of its publication in the Record, of the country.

There being no objection, the material was ordered to be printed in the Record, as follows:

Internal Revenue Service,
*Washington, D.C., June 4, 1971.*

Hon. Wallace F. Bennett,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Bennett: In response to your request, we are undertaking to furnish you the type information dealing with our collection work which for many years was given to Senator Williams. We share your view that the active interest shown by Senator Williams in securing and publishing this information has served a constructive purpose, and we welcome the fact you plan to continue this interest.

This letter will provide information on accounts classified as uncollectible in the 58 district offices throughout the country. We also plan to furnish you a separate listing of the hundred largest compromise settlements; these data are now being compiled and will be sent you in the near future.

By way of background, you will appreciate that an account is considered by the Service to be delinquent only after a series of earlier efforts to collect the tax—typically including the mailing of three or four notices of tax due—have proved unsuccessful. At that stage, the Service has no choice but to consider an account as delinquent and at this point it becomes a responsibility of our Collection Division.

The following table summarizes as of December 31, 1969 and 1970, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those in which collection action has been deferred pending the outcome of audit examinations, court cases, or other contingent actions.

TDA INVENTORY

[Amount in thousands]

| | Active | Inactive | Total |
|---|---|---|---|
| Dec. 31, 1969 | $1,366,820 | $651,969 | $2,018,789 |
| Dec. 31, 1970 | 1,529,999 | 631,592 | 2,161,591 |
| Change from Dec. 31, 1969 to Dec. 31, 1971 | +163,179 | −20,377 | +142,802 |
| Percent of change | +12 | −3 | +7 |
| Number | Active | Inactive | Total |
| Dec. 31, 1969 | 964,510 | 100,672 | 1,065,182 |
| Dec. 31, 1970 | 952,660 | 69,508 | 1,022,168 |
| Change from Dec. 31, 1969 to Dec. 31, 1970 | −11,850 | −31,164 | −43,014 |
| Percent of change | −1 | −31 | −4 |

The above statistics show that although accounts in inventory have declined, their dollar value has increased significantly. During 1970, limited additional manpower resources were made available by our appropriations committees which permitted us to throw more manpower into the work. As a result, substantially more cases were closed, despite an increasing number of issuances; thus, the inventory reduction in number. At the same time, however, the average dollar value per delinquent account issued in 1970 was $1,336, some $144 more per account than issued in 1969. Equally important, the average dollar value per delinquent account closed in 1970 was $1,277 or $150 more per account than closed in 1969.

The following table shows the increase in delinquent accounts issued and closed in 1969 vis-a-vis 1970. The increase in inventory dollar value reflects the factors discussed above, coupled with the steady growth in taxable income.

[Dollars in millions]

| Delinquent accounts | Number calendar year | | Amount, calendar year | |
|---|---|---|---|---|
| | 1969 | 1970 | 1969 | 1970 |
| Issued | 2,689,203 | 2,742,999 | $3,208 | $3,666 |
| Closed | 2,470,741 | 2,763,817 | 2,786 | 3,531 |

Attachment 1 is the year-end inventory broken down by the various tax groups and showing the inactive accounts in the column to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups as well as in the total column. All offices were current in their issuances as of December 31, 1970.

Attachment 2 contains a district-by-district tabulation of accounts classified as uncollectible in 1970. As we have explained in previous reports, the classification of accounts as uncollectible does not necessarily mean that the potential revenue is irrevocably lost to the government. Rather, uncollectible accounts are those on which the likelihood of collection is so remote that it would be unwise to devote further manpower to them when it can be better used on more productive work. Typical of these are no asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer or his family. Under stringent controls and procedures, these accounts are classified as uncollectible. When subsequent information is developed that indicates the possibility of collecting such accounts, collection action is resumed. Even where there is no indication of the taxpayer's capability to resume periodic payments, which would justify reactivating the accounts, the Service does frequently recover all or part of the amount due from refunds that later come due.

In total, accounts classified as uncollectible increased sharply in both number (+83,000) and amount (+$148 million) in 1970 when compared to 1969. This was a nationwide trend; in fact, only 7 of 58 districts showed a decline in the number of accounts classified as uncollectible, and only 9 of 58 districts showed a decline in their dollar value. Moreover, not a single district had a decline in both number and amount. General economic conditions caused some of the gain. Marihuana assessments, which are traditionally uncollectible, were also a factor. In fact, our Western Region has reported that 58% of their large dollar amounts classified as uncollectible is due to marihuana assessments.

While the Service has no control over the taxpayer's ability to pay, our Data Processing system does give us an efficient and expeditious means of recovering such monies due when the economic status of the taxpayer brightens. Our Data Processing system analyzes subsequent returns filed by taxpayers who have accounts classified as uncollectible. If a refund is due, it is offset against the uncollectible amount; if uncollectible because taxpayer could not be located and a new address is shown, or if uncollectible because of inability to pay and income is in excess of a predetermined level (based upon the taxpayer's financial circumstances) the accounts are reissued for further collection effort.

Attachment 3 is a listing of the names of taxpayers who had obligations to the government in excess of $25,000 which in 1970 were designated as uncollectible, together with the type of tax involved and the district office in which this action took place.

In other words, the enclosure is a listing of accounts of such size—taking into account the volume of collection activity in the various districts—as would require special identification. You will appreciate therefore that the enclosure represents a partial listing.

Because of practical limits on the Service's ability to report and make use of all the information available, the data reported includes no addresses, nor does it include every account over $25,000. The reason for the latter is that levels of reporting vary from district to district and are set in light of our purpose to identify accounts included in the district total that are large enough to distort that district's total. For example, a large account could warp entirely one's appreciation of the total value of the accounts written off as uncollectible in a small district, whereas, the same account would not have this effect in a large district. Thus, in a small district we might provide that all accounts over $25,000 be reported, but in a large district we might set this amount at $75,000.

Attachment 4 contains a district-by-district tabulation of abatements which are of course entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and legally owing at the time. These cannot be reinstated except through a subsequent assessment. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.
2. Assessments in excess of the amount accepted on an offer in compromise.
3. Jeopardy assessments later determined by court ruling to be excessive.
4. Jeopardy assessments when it is administratively determined that jeopardy does not exist.
5. Transferee assessments in excess of the basic transferor assessments.
6. 100 percent penalty assessments in excess of the basic corporate assessment.

I trust the information furnished will be helpful to you. It has been my purpose to communicate the standing of the various facets of our collection work in a way that will bring out its scope and range. In that light, therefore, I will welcome any thoughts you may have as to how we might further improve this report. Once again, I appreciate your interest in this vital phase of the Service's activities.

With kind regards,
Sincerely,

Randolph W. Thrower,
*Commissioner.*

### ABSTRACT AND STATEMENT ACCEPTED AUG. 26, 1969

In re offer in compromise: Liability of Ace Bonding Co., Inc., was 182 Decatur Street SE., now 175 Butler Street SE., Atlanta, Ga.

Case No. 58–0685828A; district, Atlanta.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 8, 1969 | Total |
|---|---|---|---|---|---|---|
| June 30, 1959 | Feb. 5, 1965 | 2,466.92 | 173.34 | 1,121.37 | 848.31 | 4,609.94 |
| June 30, 1960 | do | 8,831.27 | 441.56 | 2,326.62 | 2,600.10 | 14,199.55 |
| June 30, 1961 | July 19, 1966 | 3,475.03 | ----------- | 988.43 | 677.63 | 5,141.09 |
| June 30, 1962 | June 28, 1966 | 2,181.04 | ----------- | 489.51 | 428.79 | 3,099.34 |
| June 30, 1963 | July 29, 1966 | 2,628.30 | 214.69 | 443.34 | 541.88 | 3,828.21 |
| June 30, 1964 | July 19, 1965 | 2,780.65 | 694.77 | 705.45 | 313.22 | 4,494.09 |
| June 30, 1965 | Jan. 7, 1966 | 1,430.56 | 222.08 | 27.70 | 383.53 | 2,113.87 |
| June 30, 1966 | Dec. 9, 1966 | 1,794.08 | ----------- | 25.31 | 304.39 | 2,123.78 |
| Total |  | 25,637.85 | 1,746.44 | 6,127.73 | 6,097.85 | 39,609.87 |

Amount of offer: $19,000 plus collateral agreement. See terms below.

Kind of tax: Corporation income.

Date and place notice of lien filed: Apr. 5, 1965, Mar. 20, 1967, Sept. 10, 1965, Apr. 27, 1967. Mar. 11, 1966, Fulton County.

Is case pending before appellate office? Yes.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $19,000; $9,000 payable upon notice of acceptance, then quarterly payments ($250) beginning June 30, 1969, and continuing for each quarter thereafter through the quarter ending Mar. 31, 1975, with a $4,000 payment due within 30 days after the Mar. 31, 1975 payment, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $3,000 for the fiscal year ending June 30, 1970, through June 30, 1979, inclusive.

Recommended by W. S. Pooley, revenue officer, Aug. 8, 1969; R. H. Milkarh, reviewer, Aug. 11, 1969.

I accept for the reasons embodied in the attached statement:[1] A. C. Ross.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Henry C. Stockell, Jr.

### ABSTRACT AND STATEMENT, ACCEPTED OCT. 12, 1970

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Richard S. Atkinson, Marion, S.C.

Case No. [redacted]; district, Columbia.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 16, 1970 | Total |
|---|---|---|---|---|---|---|
| 1947 | Sept. 16, 1966 | $599.07 | $53.90 | $665.06 | $156.71 | $1,474.74 |
| 1947 Def | do | 0 | 299.53 | 0 | 71.89 | 371.42 |
| 1948 | do | 457.49 | 41.18 | 480.44 | 119.68 | 1,098.79 |
| 1948 Def | do | 0 | 228.75 | 0 | 54.90 | 283.65 |
| 1949 | do | 457.49 | 41.18 | 452.99 | 119.68 | 1,071.34 |
| 1949 Def | do | 0 | 228.75 | 0 | 54.90 | 283.65 |
| 1950 | do | 409.77 | 36.87 | 381.15 | 107.19 | 934.98 |
| 1950 Def | do | 68.00 | 238.88 | 62.91 | 73.65 | 443.44 |
| 1951 | do | 779.00 | 62.82 | 677.86 | 202.04 | 1,721.72 |
| 1951 Def | do | 0 | 389.50 | 0 | 93.00 | 482.50 |
| 1952 | do | 843.00 | 68.58 | 682.97 | 218.78 | 1,813.33 |
| 1952 Def | do | 0 | 421.50 | 0 | 101.16 | 522.66 |
| 1953 | do | 843.00 | 68.58 | 632.39 | 218.78 | 1,762.75 |
| 1953 Def | do | 0 | 421.50 | 0 | 101.16 | 522.66 |
| 1954 | do | 792.00 | 61.56 | 542.65 | 204.85 | 1,601.06 |
| 1954 Def | do | 0 | 396.00 | 0 | 95.04 | 491.04 |
| 1955 | do | 810.10 | 19.10 | 506.44 | 199.01 | 1,534.65 |
| 1955 Def | do | 0 | 405.00 | 0 | 97.20 | 502.20 |
| 1956 | do | 810.00 | 19.10 | 457.78 | 199.01 | 1,485.89 |
| 1956 Def | do | 0 | 405.00 | 0 | 97.20 | 502.20 |
| 1957 | do | 825.75 | 19.10 | 417.14 | 202.76 | 1,464.75 |
| 1957 Def | do | 0 | 412.88 | 0 | 99.09 | 511.97 |
| 1958 | do | 1,521.45 | 38.54 | 677.29 | 374.40 | 2,611.68 |
| 1958 Def | do | 0 | 760.73 | 0 | 182.58 | 943.31 |
| 1959 | do | 2,372.82 | 61.24 | 913.92 | 584.17 | 3,932.15 |
| 1959 Def | do | 0 | 1,186.41 | 0 | 284.74 | 1,471.15 |
| 1960 | do | 3,307.57 | 86.34 | 1,075.49 | 814.54 | 5,283.94 |
| 1960 Def | do | 0 | 1,653.79 | 0 | 396.91 | 2,050.70 |
| 1961 | do | 12,086.96 | 331.61 | 3,204.98 | 2,980.46 | 18,604.01 |
| 1961 Def | do | 0 | 6,043.48 | 0 | 1,450.44 | 7,493.92 |
| 1962 | Dec. 2, 1966 | 6,937.91 | 4,183.52 | 2,310.39 | 2,307.81 | 15,739.63 |
| 1963 | do | 6,522.50 | 3,261.25 | 1,409.71 | 1,838.01 | 13,031.47 |
| Total |  | 40,443.88 | 21,946.17 | 15,551.56 | 14,101.74 | 92,043.35 |

Amount of offer: $55,000.

Kind of tax: Income.

Date and place notice of lien filed: Mar. 14, 1967, and Apr. 8, 1967, Marion County, Marion, S.C.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Term of offer: $55,000 payable as follows: $6,500 paid on previous offer in compromise, $48,500 to be paid within 30 days after notification of acceptance of this offer, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the payment is made in full, with waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 to the Internal Revenue Service for the years 1970 through 1979, inclusive.

Recommended by H. L. Cunningham, revenue officer, Aug. 24, 1970; W. H. South, Jr., reviewer, Sept. 17, 1970.

I accept for the reasons embodied in the attached statement: [1] H. M. McLeod.

For the reasons embodied in the attached statement, I am of the opionion that the offer(s) should be accepted: Henry C. Stockell, Jr.

Footnote at end of table.

### ABSTRACT AND STATEMENT, ACCEPTED APR. 22, 1970

E.I. or S.S. No. [redacted].

In re offer in compromise:

Liability of Louis Axelrod, 229 Beach 14th St., Far Rockaway, N.Y. (Unit ledger cards read: Louis Axelrod and/or Joseph Senzon).

Case No. [redacted]; District, Brooklyn, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 26, 1970 | Total |
|---|---|---|---|---|---|---|
| Sept. 30, 1950 | June 26, 1951 | 6,716.81 | 0 | 0 | 11,546.97 | 18,263.78 |
| Dec. 31, 1950 | do | 12,107.70 | 0 | 0 | 13,810.68 | 25,918.38 |
| Total |  | 18,824.51 | 0 | 0 | 25,357.65 | 44,182.16 |

Amount of offer: $2,000.00.

Kind of tax: 100 percent Penalty Withholding and Federal Insurance Contributions Act taxes.

Date and place notice of lien filed: August 29, 1951—Register, Kings County; August 29, 1951—Register—New York County; August 30, 1951—County Clerk—Nassau County; August 30, 1951—Register—Queens County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $2,000, payable $200 cash with this offer and the balance within 75 days of acceptance of offer, together with interest at the rate of 6 percent per annum from the date this offer is accepted until payment in full is made, and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1974, inclusive, and has submitted a collateral agreement (covering a taxpayer involved in a joint assessment), whereby taxpayer agreed that acceptance of the offer shall not be construed as operating to release or discharge his coobligor from the liability.

Recommended by: Rupert W. Gill, revenue officer, Jan. 15, 1970; Fred Lipman, reviewer, Apr. 2, 1970.

I accept, for the reasons embodied in the attached statement:[1] John J. Hyde.

For the reasons embodied in the attached statement, I am of the opinion that the offers should be accepted. Marvin E. Hagan, Apr. 16, 1970.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 4, 1970

In re offer in compromise:

Liability of Louis S. Ballard, Jr., 6335 West Northwest Highway, Apt. 1613, Dallas, Tex.

Case No. [redacted]-A; District Dallas.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 25, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1964 | Aug. 23, 1968 | 228,281.65 | 0 | 46,514.93 | 22,100.55 | 296,897.13 |

Amount of offer: $15,000.

Kind of tax: Income.

Date and place notice of lien filed: Oct. 17, 1968, Los Angeles County, Calif., Feb. 6, 1969, Dallas County, Tex., Feb. 17, 1969, Harris County, Tex.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $15,000, payable at $250 on the 1st of each month beginning 30 days after acceptance, with interest at the rate of 6 percent per annum on deferred payments from the date of acceptance until paid in full, together with waiver of refunds, default agreement, and other provisions of Form 656 (revised July 1957). Taxpayer has executed a collateral agreement (form 2261, revised May 1969) for payment of a graduated percentage of future income in excess of $7,500 for the years 1970 to 1979 inclusive. He has executed a collateral agreement (form 2261–C, Sept. 1963) waiving net operating carryback or carry over losses for the years 1966 to 1968 inclusive. In addition the taxpayer has executed a coobligor collateral agreement. The taxpayer has agreed to waive claiming any capital loss carry over for any taxable year beginning after Dec. 31, 1969.

Recommended by R. K. Roberts, revenue officer, Feb. 27, 1970; B. E. McDuff, reviewer, Apr. 24, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1] Ellis Campbell, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, May 15, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAR. 21, 1970

In re offer in compromise:

Liability of Orion P. Barron, 625 Borgess, Monroe, Mich.

Case No. [redacted]; District Detroit

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jun. 18, 1970 | Total |
|---|---|---|---|---|---|---|
| 1949 | Oct. 18, 1968 | 551.74 | 465.87<br>232.94<br>33.10 | 591.81 | 128.37 | 2,003.83 |
| 1950 | do | 1,013.57 | 506.78<br>253.39<br>91.22 | 1,040.23 | 186.50 | 3,091.69 |
| 1951 | do | 546.62 | 273.31<br>136.66<br>49.21 | 520.73 | 100.58 | 1,627.11 |
| 1952 | do | 1,192.04 | 596.02<br>298.01<br>107.28<br>750.51<br>375.26 | 1,064.05 | 219.34 | 3,476.74 |

### ABSTRACT AND STATEMENT ACCEPTED MAR. 21, 1970—Continued

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 8, 1969 | Total |
|---|---|---|---|---|---|---|
| 1953 | Oct. 18. 1963 | 1,501.02 | 135.11 | 1,249.79 | 401.17 | 4,412.86 |
| 1954 | do | 2,218.15 | 1,109.08<br>205.17 | 1,713.82 | 353.24 | 5,599.46 |
| 1955 | do | 1,221.19 | 610.60<br>34.83 | 870.26 | 186.67 | 2,923.55 |
| 1956 | do | 775.80 | 387.90<br>18.20 | 506.31 | 118.19 | 1,806.40 |
| 1957 | do | 1,590.65 | 795.33<br>40.56 | 942.67 | 242.65 | 3,611.86 |
| 1958 | do | 987.81 | 493.91<br>23.68 | 526.14 | 150.54 | 2,182.08 |
| 1959 | do | 657.08 | 328.54<br>14.11 | 310.56 | 99.97 | 1,410.26 |
| 1960 | do | 1,501.20 | 1,038.09<br>34.84 | 619.44 | 257.41 | 3,450.98 |
| 1961 | do | 196.02 | 387.51 | 69.12 | 58.35 | 711.00 |
| 1962 | Apr. 16, 1968 | 442.93 | 514.27 | 129.69 | 124.75 | 1,211.64 |
| 1963 | do | 898.93 | 813.37 | 209.27 | 22.31 | 1,943.88 |
| Total |  | 15,294.75 | 11,154.66 | 10,363.89 | 2,650.04 | 39,463.34 |

Amount of offer: $15,294,75 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Dec. 16, 1968, Monroe County, Mich., Sept. 9, 1968, Monroe County, Mich.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $15,294.75 paid with the filing of the offer with waiver of refunds and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500, for the years 1971 to 1975, inclusive.

Recommended by John J. Healy, revenue officer, Feb. 26, 1970; B. P. Rutkowski, O/C coordinator, Mar. 6, 1970.

I accept for the reasons embodied in the attached statement [1] Thomas A. Cardoza, Mar. 27, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Clarence E. Price, Mar. 18, 1970.

### ABSTRACT AND STATEMENT

In reoffer in compromise: Liability of John F. Bauerschmidt, 120 Woodbine Ave., Rochester, N.Y.

Case No. 16–69–75 WT; District Buffalo, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 20, 1970 | Total |
|---|---|---|---|---|---|---|
| January 1959–April 1959 | Nov. 20, 1964 | 1.58 | 1,411.35 | 1,639.03 | 458.91 | 3,510.87 |
| January 1960–April 1960 | do | 0 | 1,682.02 | 1,590.70 | 546.65 | 3,819.37 |
| January 1961–April 1961 | do | 3,368.26 | 1,691.96 | 1,214.65 | 1,664.57 | 7,919.44 |
| January 1962–April 1962 | do | 5,477.38 | 1,461.62 | 725.62 | 2,255.17 | 9,919.79 |
| January 1963–April 1963 | do | 5,436.80 | 1,449.82 | 407.80 | 2,238.15 | 9,532.57 |
| Total |  | 14,284.02 | 7,696.77 | 5,577.80 | 7,143.45 | 34,702.04 |

Amount of offer: $19,800.

Kind of tax: Withholding and FICA.

Date and place notice of lien filed: Jan. 7, 1965—Monroe County, refiled: Dec. 24, 1969.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $19,800 payable as follows: $4,200 within 30 days of acceptance and, beginning with July 20, 1970, $300 on the 20th of each month for 8 months, $500 on the 20th of each month for 12 months, and $200 on the 20th of each month for 36 months, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

Recommended by A. G. Bruneth, revenue officer, Mar. 23, 1970; Robert Van Volkenburgh, reviewer, June 8, 1970.

I accept for the reasons embodied in the attached statement: [1] John E. Foley, July 27, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen-FJL, June 19, 1970.

### ABSTRACT AND STATEMENT ACCEPTED OCTOBER 29, 1969

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Kenneth Chaplain and Evamae W. Branamen, 4411 Loch Raven Blvd., Baltimore, Md.

District, Baltimore.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 11, 1969 | Total |
|---|---|---|---|---|---|---|
| Accounts of Kenneth C. Branamen. |  |  |  |  |  |  |
| 1962 | Aug. 28, 1964 | 10,724.24 | 5,705.76 | 1,181.151 | 1,150.10 | 18,761.25 |
| 1963 | do | 2,571.01 | 2,724.50 | 126.81 | 370.69 | 5,793.01 |
| Accounts of Kenneth C. and Evamae W. Branamen. |  |  |  |  |  |  |

Footnote at end of table.

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 8, 1969 | Total |
|---|---|---|---|---|---|---|
| 1957 | Mar. 29, 1968 |  | 633.99 |  | 64.75 | 698.74 |
| 1958 | do |  | 457.39 | 2.29 | 46.71 | 506.39 |
| 1959 | do |  | 1,381.11 | 59.45 | 141.06 | 1,581.62 |
| 1960 | do | 565.26 | 3,719.55 | 229.30 | 437.63 | 4,951.74 |
| 1960 additional | Aug. 28, 1964 | 3,423.83 | 1,902 94 | 1,389.41 | 543.99 | 7,260.17 |
| 1961 | Mar. 29. 1968 | 804.10 | 4,435.67 | 277.94 | 535.17 | 6,052.88 |
| 1961 additional | Aug. 28, 1964 | 6,348.78 | 218.40 | 1,146.60 | 208.05 | 7,921.83 |
| 1964 | May 3, 1968 | 933.16 | 108.51 |  | 77.37 | 1,119.04 |
| 1965 | June 24, 1966 | 3,625.80 |  | 383.09 | 324.88 | 4,333.77 |
| Total |  | 28,996.18 | 21,287.82 | 4,796.04 | 3,900.40 | 58,980.44 |

Amount of offer: $21,000 deferred.

Kind of tax: Income.

Date and place notice of lien filed: Jan. 15, 1965, July 1, 1968, Aug. 21, 1968, Sept. 6, 1968, Baltimore City, Md.; Jan. 15, 1965, July 1, 1968, Aug. 21, 1968, Baltimore County, Md.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The sum of $21,000 to be paid as follows: $3,000 paid with the offer; $3,000 to be paid 30 days after acceptance; $250 to be paid on Aug. 29, 1969, and on the last day of each month thereafter for 59 months.

Recommended by: Isaac Litt, revenue officer, Oct. 6, 1969; Constantine Avgerinos, reviewer, Oct. 6, 1969.

I accept for the reasons embodied in the attached statement: [1] Francis G. Duehay, acting district director, Oct. 28, 1969.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas, Oct. 21, 1969.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Mark Brankovich, 1250 Hilldale, Los Angeles, Calif.

Liabilities as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Feb. 12, 1970 | Total |
|---|---|---|---|---|---|---|
| Feb. 1965–Jan. 1966. | Aug. 25, 1967 | 0 | 31,001.75 | 3,331.13 | 4,557.65 | 38,899.53 |

Amount of offer: $10,000.

Kind of tax: 100 percent penalty re withholding and Federal Insurance Contributions Act taxes.

Date and place notice of lien filed: Los Angeles County.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $10,000 paid with the offer, together with waiver of refunds, default agreement, and other provisions on Form 656 (revised February 1969). In addition, the taxpayer has agreed to pay a graduated percentage of his future .ncome in excess of $7,500 for the years 1970 to 1976, inclusive.

Recommended by M. Nimovitz, Revenue Officer, Feb. 3, 1970; Parrington, Mar. 3, 1970.

I accept for the reasons embodied in the attached statement: [1] E. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, Mar. 10, 1970.

### ABSTRACT AND STATEMENT

[Date of Acceptance, Nov. 10, 1969]

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Frank I. and Evelyn E. Bringham, Geary, Okla.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 23, 1969 | Total |
|---|---|---|---|---|---|---|
| 1946 | Feb. 29, 1968 | 710.02 | 177.51 | 888.46 | 173.15 | 1,949.14 |
| 1946 | Apr. 19, 1968 | None | 35.50 | None | 3.73 | 39.23 |
| 1947 | Feb. 23, 1968 | 749.94 | 187.49 | 893.41 | 178.84 | 2,009.68 |
| 1947 | Apr. 19, 1968 | None | 37.49 | None | 3.56 | 41.05 |
| 1948 | Feb. 23, 1968 | 46.73 | 11.68 | 52.87 | 10.98 | 122.26 |
| 1949 | do | 522.05 | 130.51 | 559.28 | 118.86 | 1,330.70 |
| 1949 | Apr. 19, 1968 | None | 26.10 | None | 2.48 | 28.58 |
| 1950 | Feb. 23, 1968 | 459.85 | 114.96 | 465.05 | 102.21 | 1,142.07 |
| 1950 | Apr. 19, 1968 | None | 22.99 | None | 2.19 | 25.18 |
| 1951 | Feb. 23, 1968 | 179.04 | 44.76 | 170.32 | 38.83 | 432.95 |
| 1952 | do | 712.52 | 178.13 | 635.08 | 150.68 | 1,676.41 |
| 1952 | Apr. 19, 1968 | None | 35.63 | None | 3.38 | 39.01 |
| 1953 | Feb. 23, 1968 | 763.50 | 190.88 | 634.70 | 157.34 | 1,746.42 |
| 1953 | Apr. 19, 1968 | None | 38.18 | None | 3.62 | 41.80 |
| 1954 | Feb. 23, 1968 | 745.08 | 186.27 | 574.69 | 97.79 | 1,603.83 |
| 1954 | Apr. 19, 1968 | None | 37.25 | None | 3.54 | 40.79 |
| 1955 | Feb. 23, 1968 | 809.62 | 202.41 | 575.89 | 106.26 | 1,694.18 |
| 1955 | Apr. 19, 1968 | None | 40.48 | None | 3.85 | 44.33 |
| 1956 | Feb. 23, 1968 | 844.00 | 211.00 | 549.71 | 110.78 | 1,715.49 |
| 1956 | Apr. 19, 1968 | None | 42.20 | None | 4.01 | 46.21 |
| 1957 | Feb. 23, 1968 | 117.45 | 29.36 | 69.44 | 134.32 | 350.57 |
| 1958 | do | 658.50 | 164.63 | 349.87 | 86.43 | 1,259.43 |
| 1958 | Apr. 19, 1968 | None | 32.92 | None | 3.12 | 36.04 |
| 1959 | Feb. 23, 1968 | 1,003.25 | 250.81 | 472.84 | 131.68 | 1,858.58 |
| 1959 | Apr. 19, 1968 | None | 50.16 | None | 4.80 | 54.96 |
| 1960 | Feb. 23, 1968 | 1,077.06 | 269.27 | 443.00 | 141.36 | 1,930.69 |
| 1960 | Apr. 19, 1968 | None | 53.85 | None | 5.12 | 58.97 |
| 1961 | Feb. 23, 1968 | 1,114.87 | 278.72 | 391.66 | 146.32 | 1,931.57 |

### ABSTRACT AND STATEMENT—Continued

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 8, 1969 | Total |
|---|---|---|---|---|---|---|
| 1961 | Apr. 19, 1968 | None | 55.75 | None | 5.30 | 61.05 |
| 1962 | May 17, 1968 | 3,598.75 | 1,108.16 | 1,042.79 | 448.31 | 6,198.01 |
| 1963 | Apr. 8, 1968 | 1,039.62 | 311.89 | 231.11 | 128.73 | 1,711.35 |
| 1964 | do | 167.69 | 50.30 | None | 20.76 | 238.75 |
| 1966 | May 10, 1968 | 6,349.98 | 1,905.00 | 536.03 | 799.22 | 9,590.23 |
| Total |  | 21,669.52 | 6,512.24 | 9,536.20 | 3,331.55 | 41,049.51 |

Amount of offer: $15,000 plus collateral agreement.

Kind of tax: Income tax.

Date and place notice of lien filed: Blaine County, Okla.: Apr. 25, 1968, July 5, 1968, July 19, 1968, Sept 3, 1968, Gregory County, S. Dak.: July 3, 1969.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $15,000 to be paid within 30 days from date of notice of acceptance together with waiver of refunds, interest, default agreement, and other provisions of form 656. In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1974, inclusive, and to a reduction in the "tax basis" of certain assets for Federal income tax purposes

Recommended by: ——— ———, revenue officer, Oct. 21, 1969; ——— ———, advisor/reviewer, Oct 21, 1969.

I accept for the reasons embodied in the attached statement:[1] William H. Tompkins, Nov. 12, 1969.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted.

(Signed) W. B. Riley, Oct. 30, 1969.

### ABSTRACT AND STATEMENT ACCEPTED JULY 6, 1970

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of John C. and Muriel L. Cawman, 439 South Park Drive, Collingswood, N.J.

District, Newark.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| 1945 | Aug. 1, 1952 | 1,338.56 | ---------- | ---------- | 4,324.74 | 5,663.30 |
| 1946 | do | 4,079.53 | ---------- | ---------- | 4,246.79 | 8,326.32 |
| 1947 | do | 7,169.47 | ---------- | ---------- | 7,463.42 | 14,632.89 |
| 1948 | do | 4,660.70 | ---------- | ---------- | 4,851.79 | 9,512.49 |
| 1951 | May 13, 1952 | 3,189.40 | ---------- | 31.58 | 3,444.55 | 6,665.53 |
| 1952 | May 11, 1953 | 3,152.08 | ---------- | ---------- | 3,215.12 | 6,367.20 |
| 1955 | Jun. 8, 1956 | 1,577.75 | ---------- | 15.78 | 1,241.12 | 2,834.65 |
| 1968 | May 16, 1969 | 189.00 | ---------- | .98 | 11.34 | 201.32 |
| Total |  | 25,356.49 | ---------- | 48.34 | 28,798.87 | 54,203.70 |

Amount of offer: $1,000 (no deposit).

Kind of tax: Income.

Date and place notice of lien filed: Oct. 9, 1952, Oct. 6, 1953, Sept. 12, 1952, Mar. 1, 1968 ,Oct. 9, 1969, Camden County.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $1,000 to be paid within 30 days after notification of acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until payment is made in full, and waiver of refunds, default agreement other provisions on Form 656. In addition, the taxpayers have executed a collateral agreement to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1974, inclusive.

Recommended by: Joseph J. O'Hara, Offer Examiner, May 8, 1970; Como T. DiGiacomo, Reviewer, May 12, 1970.

I accept for the reasons embodied in the attached statement:[1] R. H. Nash, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 19, 1970

E.I. OR S. S. No. [redacted].

In re offer in compromise: Liability of Miriam Chamberlain, 3922 Emerald St., Torrance, Calif.

Case No. [redacted].

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 12, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1963 | Apr. 12, 1968 | 8,634,84 | 431.74 | 2,068.92 | 1,088.00 | 12,223.50 |
| Dec. 31, 1964 | do | 18,960.95 | 948.05 | 3,405.44 | 2,389.00 | 25,703.44 |
| Total |  | 27,595.79 | 1,379.79 | 5,474.36 | 3,477.00 | 37,926.94 |

Footnote at end of table.

Amount of offer: $9,000.

Kind of tax: Income.

Date and place notice of lien filed: Dec. 27, 1968, Los Angeles; July 25, 1968, Maricopa.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $9,000 to be paid as follows: $6,806 already submitted and $2,194 to be paid at the rate of $50 payable on the 10th day of the month following notice of acceptance of the offer and $50 payable on the 10th day of each month thereafter, together with waiver of refunds, default agreement and other provisions on form 656 (revised February 1969).

Recommended by: Harold Bates, revenue officer, June 5, 1970; Harrington, reviewer, June 9, 1970.

I accept for the reasons embodied in the attached statement:[1] Ralph B. Starr, acting August 12, 1970

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz/dw, August 12, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAY 1, 1970

In re offer in compromise: Liability of Vern Chatterton, 7031 Von Dette Circle, Dayton, Ohio.

Case No. [redacted].

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 27, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1953 | Oct. 27, 1967 | 2,034.40 | 683.60 | 2,233.93 | 407.70 | 5,359.63 |
| Dec. 31, 1954 | do | 3,118.64 | 1,020.52 | 2,345.12 | 620.87 | 7,105.15 |
| Dec. 31, 1955 | do | 4,728.86 | 1,311.10 | 3,272.24 | 905.99 | 10,218.19 |
| Dec. 31, 1956 | do | 821.06 | 224.73 | 518.89 | 156.87 | 1,721.55 |
| Dec. 31, 1957 | do | 1,942.68 | 536.08 | 1,111.16 | 371.81 | 3,961.73 |
| Dec. 31, 1958 | do | 188.09 | 48.32 | 96.30 | 35.46 | 368.17 |
| Dec. 31, 1959 | do | 5,712.60 | 1,586.47 | 2,581.94 | 1,094.86 | 10,975.87 |
| Dec. 31, 1960 | do | 26.66 | 6.67 | 10.45 | 5.00 | 48.78 |
| Dec. 31, 1964 | May 31, 1968 | 156.69 | 43.56 | 23.81 | 22.91 | 246.97 |
| Dec. 31, 1966 | Oct. 7, 1968 | 536.43 | 159.12 | 59.79 | 64.88 | 820.22 |
| Dec. 31, 1967 | do | 26.83 | 6.71 | .88 | 3.13 | 37.55 |
| Total |  | 19,292.94 | 5,626.88 | 12,254.51 | 3,689.48 | 40,863.81 |

Amount of offer: $6,500.

Is case pending before appellate office? No.

Kind of tax: Income.

Is case pending before the Tax Court? No.

Date and place notice of lien filed: Feb. 28, 1968, Montgomery County, Ohio.

Was bond filed? No.

Terms of offer: $6,500 payable within 30 days after notice of acceptance of the offer, with interest at the rate of 6 percent per annum from the date the offer is accepted until payment is made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 to the district director for the years 1971 to 1975, inclusive.

Recommended by: Howard S. Rinehart, Revenue Officer, Apr. 16, 1970; A. L. Kenkel, Reviewer, Apr. 24, 1970.

I accept for the reasons embodied in the attached statement:[1] Paul Niederecker.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Clarence E. Price, Jr.

### ABSTRACT AND STATEMENT ACCEPTED DEC. 23, 1969

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Ivan L. and Maurine R. Cluff, Rt. 1, Box 15, Queen Creek, Ariz.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 15, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1965 | Jan. 6, 1967<br>Apr. 15, 1968 | 25,589.72 | 7,077.26 | 2,731.63 | 3,339.92 | 38,738.53 |

Amount of offer: $8,700.

Kind of tax: Income.

Date and place notice of lien filed: May 3, 1967, Maricopa County, Ariz., Apr. 28, 1969, Maricopa County, Ariz.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $8,700 to be paid on the 30th of the month following acceptance of the offer together with waiver of refunds, interest, default agreement and other provisions of form 656 (revised 1957). In addition the taxpayers have also executed a future income collateral agreement for the period 1969 through 1973 as follows: 20 percent of annual income in excess of $7,500 and not in excess of $10,000; 30 percent of annual income in excess of $10,000 and not in excess of $15,000: and 50 percent of annual income in excess of $15,000. Further, taxpayers have agreed that the $19,000 capital loss due from 1966 shall not be claimed as a deduction from Federal income tax in any year.

Recommended by: Robert E. Tate, Nov. 4, 1969; Richard A. Sica, reviewer Dec. 15, 1969.

I accept for the reasons embodied in the attached statement:[1] George D. Patterson.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. 54–0829005.

In re offer in compromise: Liability of Randall L. Coakley, Route 1, Princess Anne Station, Virginia Beach, Va.

District, Richmond.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 1, 1969 | Total |
|---|---|---|---|---|---|---|
| Federal unemployment taxes as follows. | | | | | | |
| Dec. 31, 1960 | Dec. 1, 1967 | 80.62 | 20.16 | 33.01 | 11.59 | 145.38 |
| Dec. 31, 1961 | Oct. 13, 1967 | 140.00 | 35.00 | 47.90 | 21.34 | 244.24 |
| Dec. 31, 1962 | Jan. 10, 1969 | 211.52 | 52.88 | 75.44 | 12.81 | 352.65 |
| Dec. 31, 1963 | do | 253.49 | 63.37 | 75.20 | 15.35 | 407.41 |
| Dec. 31, 1964 | Nov. 29, 1968 | 196.09 | 49.02 | 45.05 | 13.56 | 303.72 |
| Dec. 31, 1965 | Nov. 15, 1968 | 242.13 | 60.53 | 40.55 | 17.44 | 360.65 |
| Dec. 31, 1966 | Nov. 22, 1968 | 317.93 | 79.48 | 34.53 | 22.44 | 454.38 |
| Withholding and Federal Insurance Contributions taxes as follows. | | | | | | |
| Mar. 31, 1960 | Aug. 4, 1967 | 0 | 88.20 | 140.75 | 11.86 | 240.81 |
| June 30, 1960 | do | 0 | 163.69 | 251.87 | 22.00 | 437.56 |
| Sept. 30, 1960 | do | 0 | 309.97 | 459.52 | 41.67 | 811.16 |
| Dec. 31, 1960 | do | 0 | 173.23 | 247.05 | 23.29 | 443.57 |
| Mar. 31, 1961 | do | 0 | 57.77 | 84.42 | 7.77 | 149.96 |
| June 30, 1961 | do | 0 | 445.70 | 585.25 | 59.92 | 1,090.87 |
| Sept. 30, 1961 | do | 0 | 336.53 | 423.18 | 45.24 | 804.95 |
| Dec. 31, 1961 | do | 0 | 274.07 | 329.27 | 36.84 | 640.18 |
| Mar. 31, 1962 | do | 0 | 240.68 | 275.55 | 41.83 | 558.06 |
| June 30, 1962 | do | 0 | 496.33 | 540.34 | 85.97 | 1,122.64 |
| Sept. 30, 1962 | do | 880.40 | 311.42 | 333.20 | 160.61 | 1,685.63 |
| Dec. 31, 1962 | Sept. 29, 1967 | 613.76 | 163.67 | 171.71 | 97.37 | 1,046.51 |
| Mar. 31, 1963 | do | 1,338.03 | 356.81 | 354.49 | 212.28 | 2,261.61 |
| June 30, 1963 | do | 2,543.87 | 678.37 | 635.38 | 403.59 | 4,261.21 |
| Sept. 30, 1963 | do | 1,090.37 | 290.76 | 255.99 | 172.98 | 1,810.10 |
| Dec. 31, 1963 | do | 578.59 | 154.29 | 127.16 | 91.80 | 951.84 |
| June 30, 1964 | July 28, 1967 | 1,922.82 | 512.74 | 345.34 | 329.50 | 3,110.40 |
| June 30, 1965 | do | 2,538.83 | 677.03 | 303.66 | 485.05 | 4,004.57 |
| Sept. 30, 1965 | do | 2,413.24 | 643.53 | 252.43 | 413.54 | 3,722.74 |
| Dec. 31, 1965 | do | 1,672.54 | 464.04 | 155.92 | 289.45 | 2,581.95 |
| Mar. 31, 1966 | do | 2,677.39 | 713.97 | 200.18 | 458.81 | 4,050.35 |
| June 30, 1966 | do | 4,192.23 | 1,117.93 | 249.87 | 718.39 | 6,278.42 |
| Sept. 30, 1966 | Aug. 4, 1967 | 2,774.74 | 739.93 | 126.69 | 472.48 | 4,113.84 |
| Total | | 26,678.59 | 9,771.10 | 7,200.90 | 4,796.77 | 48,447.36 |

Amount of offer: $36,000 plus collateral agreement (see terms below).

Kind of tax: Federal unemployment withholding and Federal insurance contributions taxes.

Date and place notice of lien filed: Aug. 4, 1967, Aug. 17, 1967, Sept. 22, 1967, Oct. 3, 1967, Oct. 9, 1967, Oct. 18, 1967, Dec. 8, 1967, Jan. 3, 1968, Jan. 31, 1968, Circuit Court, Virginia Beach, Va.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $36,000, consisting of $8,880 cash deposited on the offer, $720 to be paid on Nov. 1, 1969, and the balance of $26,400 payable in monthly installments of $600 cash commencing Dec. 1, 1969, and continuing each month thereafter, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1969 to 1975, inclusive.

Recommended by: Henry C. Gregory, revenue officer, Oct. 27, 1969; M. V. Orr, Nov. 10, 1969.

I accept for the reasons embodied in the attached statement: [1] James P. Boyle.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: ——— ———, Jan. 16, 1970.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 28, 1970

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Leon A. Cohen, 4344 Conway Valley Court NW., Atlanta, Ga.

Case No. [redacted]; District, Atlanta.

Liability as follows:

| Taxable Period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 12, 1970 | Total |
|---|---|---|---|---|---|---|
| 1958 | Apr. 12, 1967 | 150,735.45 | 0 | 72,501.69 | 29,159,68 | 252,396.82 |

Amount of offer: $80,000. See terms below.

Kind of tax: Income.

Date and place notice of lien filed July 12, 1967, Fulton County.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $80,000, payable $1,500 submitted with previous offer, the balance of $78,500 payable upon notice of acceptance, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (revised Feb. 1969). In addition, the taxpayer has agreed to a reduction in the "tax basis" of certain assets for Federal income tax purposes.

Recommended by: W. S. Pooley, Revenue Officer, May 12, 1970.

I recommended acceptance for the reasons embodied in the attached statement.[1] A. C. Ross.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. K. Martin Worthy, Aug. 20, 1970.

Footnote at end of table.

### ABSTRACT AND STATEMENT (ACCEPTED OCT. 23, 1970)

In re offer in compromise: Liability of Jones A. Costello, R.D. No. 1 Sunburn Acres, Greensburg, Pa.

District, Pittsburgh, Pa.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1962 | Sept. 6, 1968 | 6,605.31 | 369.74 | 2,393.06 | 798.58 | 10,166.69 |
| 1963 | do | 7,927.86 | 396.39 | 2,089.91 | 958.47 | 11,372.63 |
| 1964 | do | 3,033.25 | 187.01 | 761.57 | 366.71 | 4,348.54 |
| 1965 | Sept. 27, 1968 | 4,389.32 | 219.47 | 644.21 | 529.35 | 5,782.35 |
| Total | | 21,955.74 | 1,172.61 | 5,888.75 | 2,653.11 | 31,670.21 |

Amount of offer: $2,000.

Kind of tax: Income.

Date and place notice of lien filed: July 7, 1969, June 4, 1969, Jan. 8, 1969, Feb. 13, 1969, Prothonotary, Allegheny, Mercer, and Westmoreland Counties, Pa.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $2,000 payable upon notice of acceptance of the offer with interest at the rate of 6 percent per annum on the deferred payment from the date of the notice of acceptance of the offer until the deferred payment is made in full, together with waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

Recommended by: Frank S. Grant, revenue officer, Sept. 3, 1970; chief, collection division, Oct. 8, 1970.

I accept for the reasons embodied in the attached statement: [1] H. Alan Long.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas,

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Henry L. Dees, 313 Collega St., London, Ky.

Case No. 61–0563086; District, Louisville.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov 22, 1969 | Total |
|---|---|---|---|---|---|---|
| See attached schedule | | | | | | |
| Total | | 39,762.16 | 10,352.68 | 10,948.13 | 4,640.39 | 65,703.36 |

Amount of offer: $11,500 (See terms below).

Kind of tax: excise, diesel fuel.

Date and place notice of lien filed: Oct. 15, 1968; June 28, 1968, Rockcastle County, Ky.; Laurel County, Ky.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $11,500 payable within 30 days after date of notice of acceptance of the offer, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payment is made in full and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7–57).

Recommendad by: Vetter G. Fink, Revenue Officer, Oct. 10, 1969; John V. Vaccaro, Reviewer, Oct. 10, 1969.

I accept for the reasons embodied in the attached statement: [1] W. B. Weitzel, Acting.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted.

### ABSTRACT AND STATEMENT ACCEPTED APR. 7, 1970

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Francis T. and Geraldine C. Dillon, Route 2, Box 25, Murietta, Calif.

Case No. [redacted](1); District, Los Angeles.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jan. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1963 | Proposed assessment. | 46,853.73 | 0 | 0 | 16,164.63 | 63,018.36 |

Amount of offer: $8,500 plus collateral agreement (terms below).

Kind of tax: Income.

Date and place notice of lien filed: None.

Is case pending before appellate office? Yes.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $8,500, of which $3,500 was submitted with the offer and the balance is payable Feb. 1, 1970, together with waiver of refunds, default agreement and other provisions of form 656 (revised February 1969). As an additional consideration, the taxpayers have agreed to pay a graduated percentage of their annual income in excess of $7,500 for the calendar years 1970 to 1974, inclusive.

Recommended by: R. J. McNutt, revenue officer, Oct 28, 1969; Parrington, reviewer, Nov. 17, 1969.

I accept for the reasons embodied in the attached statement [1] J. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz (Regional Counsel),[1] Dec. 15, 1969.

### ABSTRACT AND STATEMENT ACCEPTED APR. 1, 1970

In re offer in compromise: Liability of David Lee Sportswear Inc., Wayne St. and Clay Ave., West Hazleton, Pa., and Nathan Glassberg, president, David Lee Sportswear Inc. now: c/o Jay Linn Sportswear, Lilly, Pa.

Case No. WT–15:1967, 24–0795089, [redacted]; District, Philadelphia.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jan. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Account of David Lee Sportswear, Incorporated. | | | | | | |
| June 30, 1964 | Aug. 11, 1964 | 21,988.30 | 366.47 | 39.58 | 7,283.67 | 29,678.02 |
| Account of Nathan Glassberg 100 Percent Penalty Assessment, a/c David Lee Sportswear Inc. | | | | | | |
| June 30, 1964 | Apr. 12, 1968 | 18,094.74 | | | 1,908.87 | 20,003.61 |
| Total | | 40,083.04 | 366.47 | 39.58 | 9,192.54 | 49,681.63 |

Amount of offer: $18,094.75.

Kind of tax: Withholding and Federal Insurance Contributions Act tax and 100 percent penalty assessment.

Date and place notice of lien filed: November 4, 1964, and March 14, 1969, Prothonotary, Luzerne County, Wilkes-Barre, Pa.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $18,094.75 cash, together with waiver of refunds and other provisions on form 656 (revised July 1957).

Recommended by: H.R. Walsh, offer examiner, Dec. 12, 1969; R. L. Wallace, offer reviewer, Feb. 17, 1970.

I accept for the reasons embodied in the attached statement:[1] Seymour I. Friedman.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT ACCEPTED MAY 27, 1970

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Louise Dixon, 1177 E. 98th St., Cleveland, Ohio.

Case No. IT 25–67L; District, Cleveland.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to June 16, 1970 | Total |
|---|---|---|---|---|---|---|
| Account of Roy and Louise Dixon. | | | | | | |
| 1950 | Dec. 5, 1951 | 34,839.15 | 36,902.91 | 2,398.33 | 47,536.90 | 121,677.29 |

Amount of offer: $5,053.25 plus collateral agreement (see terms below).

Kind of tax: income.

Date and place notice of lien filed: Dec. 6, 1951, July 1, 1952, July 11, 1952, March 25, 1954 (Cuyahoga County), July 1, 1952, July 19, 1952, Lorain County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? Yes.

Terms of offer: $1,000 deposited with offer. Balance of $4,053.25, payable 60 days following notice of acceptance; together with interest at the rate of 6 percent per annum on the deferred payment from the date offer is accepted until respective payment is made in full, waiver of refunds, default agreement, and other provisions on form 656 (revised July, 1957).

In addition, taxpayer has agreed to pay a graduated percentage of her future income in excess of $7,500 for the years 1970 to 1979 inclusive. Also, Louise Dixon has submitted a collateral agreement covering the valuation of specific assets.

Recommended by: Fred L. Nicholson, revenue officer, Mar. 17, 1970; John G. Price—SPS Reviewer, Apr. 15, 1970.

I accept for the reasons embodied in the attached statement:[1] F. S. Turbett, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, ABC, May 15, 1970.

### ABSTRACT AND STATEMENT, ACCEPTED OCTOBER 23, 1970

In re offer in compromise: Liability of Margaret Costello Foukes, 604 Park St., McKeesport, Pa.

District, Pittsburgh, Pa.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1962 | Sept. 6, 1968 | 6,605.31 | 369.74 | 2,393.06 | 798.58 | 10,166.69 |
| 1963 | do | 7,927.66 | 396.39 | 2,089.91 | 958.47 | 11,372.63 |
| 1964 | do | 3,033.25 | 187.01 | 761.57 | 366.71 | 4,348.54 |
| 1965 | Sept. 27, 1968 | 4,389.32 | 219.47 | 644.21 | 529.35 | 5,782.35 |
| Total | | 21,955.74 | 1,172.61 | 5,888.75 | 2,653.11 | 31,670.21 |

Amount of offer: $500.

Kind of tax: Income.

Date and place notice of lien filed: July 7, 1969, June 4, 1969, Jan. 8, 1969, Feb. 13, 1969, Prothonotary, Allegheny, Mercer, and Westmoreland Counties.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $500 cash, together with waiver of refunds and other provisions on form 656 (rev. July 1957).

Recommended by: Frank S. Grant, Revenue officer, Sept. 4, 1970. Chief, collection division, Oct. 9, 1970.

I accept for the reasons embodied in the attached statement:[1] H. Alan Long.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

**Footnote at end of table.**

### ABSTRACT AND STATEMENT ACCEPTED NOV. 20, 1970

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of William V. Gadek, 215 High Street, Perth Amboy, N.J.

Case No. [redacted]A; District, Newark, N.J.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 1, 1970 | Total |
|---|---|---|---|---|---|---|
| 1949 | May 31, 1968 | 2,827.44 | 989.60 | 3,071.93 | 534.38 | 7,423.35 |
| 1950 | do | 4,086.73 | 1,430.36 | 4,194.91 | 772.39 | 10,484.39 |
| 1951 | do | 4,523.55 | 1,583.25 | 4,371.88 | 854.95 | 11,333.63 |
| 1951 | July 12, 1968 | 226.18 | | | 30.10 | 256.28 |
| 1952 | May 31, 1968 | 4,215.39 | 1,475.39 | 3,821.12 | 796.70 | 10,308.60 |
| 1952 | July 12, 1968 | 210.77 | | | 28.05 | 238.82 |
| 1953 | May 31, 1968 | 1,407.17 | 492.51 | 1,191.13 | 265.95 | 3,356.76 |
| 1954 | do | 850.85 | 279.79 | 669.17 | 160.80 | 1,978.61 |
| 1955 | do | 3,656.16 | 1,016.41 | 2,656.09 | 654.15 | 7,982.81 |
| 1955 | July 12, 1968 | 182.81 | | | 24.33 | 207.14 |
| 1956 | May 31, 1968 | 3,135.04 | 871.55 | 2,089.41 | 560.92 | 6,656.92 |
| 1956 | July 12, 1968 | 90.94 | | | 12.10 | 103.04 |
| 1957 | May 31, 1968 | 2,739.08 | 761.47 | 1,661.17 | 490.07 | 5,651.79 |
| 1958 | do | 2,999.38 | 833.81 | 1,639.07 | 536.64 | 6,008.90 |
| 1959 | do | 3,741.30 | 1,039.97 | 1,820.03 | 669.37 | 7,270.67 |
| 1959 | July 12, 1968 | 187.07 | | | 24.90 | 211.97 |
| 1960 | May 31, 1968 | 3,351.26 | 931.66 | 1,429.21 | 599.60 | 6,311.73 |
| 1960 | July 12, 1968 | 167.56 | | | 22.30 | 189.86 |
| 1962 | July 21, 1967 | 5,101.76 | 2,700.93 | 1,285.30 | 1,534.32 | 10,622.31 |
| 1963 | do | 1,285.96 | 1,476.84 | 533.47 | 543.27 | 3,839.54 |
| 1964 | Sept. 27, 1968 | 3,122.51 | 987.62 | 733.37 | 493.22 | 5,336.72 |
| Total | | 48,108.91 | 16,889.16 | 31,167.26 | 9,608.51 | 105,773.84 |

Amount of offer: $22,000 ($5,000 on deposit).

Kind of tax: Income.

Date and place notice of lien filed: Feb. 28, 1968, and Dec. 10, 1968, Middlesex County, N.J.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $22,000 consisting of $5,000 deposited with the offer, $7,000 payable within 60 days upon notice of acceptance and the balance payable at the rate of $250 per month on the 30th day of each month thereafter, until the offer is paid in full, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default aggreement and other provisions on form 656 (Rev. 2–69).

Recommended by: Benedict R. Montanelli, July 30, 1970; Como T. DiGiacomo, reviewer, Aug. 5, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1] R. H. Nash, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy (regional counsel),[1] Nov. 12, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. 54–0788329.

In re offer in compromise: Liability of Richard D. Garrett, 2000 Bradford Rd., Richmond, Va.

District, Richmond.

Liability as follows:

Account of Robert M. Taylor and Richard D. Garrett, trading as R. & R. Installation Service.

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| June 30, 1967 | Sept. 22, 1967 | 13,220.64 | | 141.15 | 1,965.76 | 15,327.55 |
| Sept. 30, 1967 | Nov. 17, 1967 | 17,963.94 | 538.91 | 26.58 | 2,606.67 | 21,136.10 |
| Dec. 31, 1966 (940). | Nov. 22, 1968 | 1,979.33 | | 213.79 | 156.21 | 2,349.33 |
| Dec. 31, 1967 (940). | May 17, 1968 | 4,395.12 | 659.27 | 77.49 | 513.40 | 5,645.28 |
| Total | | 37,559.03 | 1,198.18 | 459.01 | 5,242.04 | 44,458.26 |

Amount of offer: $7,000 plus collateral agreement (see terms below).

Kind of tax: Withholding and Federal insurance contributions taxes and Federal unemployment taxes.

Date and place notice of lien filed: Oct. 17, 1967, Feb. 8, 1968, June 4, 1968, Feb. 4, 1969, Hustings Court, pt. II, Richmond, Va. Circuit Court, Chesterfield County, Va.

Is case peding before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $7,000 payable $3,000 5 days after notice of acceptance, $1,000 payable 60 days after notice of acceptance, and the balance of $3,000 payable monthly in installments of $50 each commencing 30 days thereafter and continuing on the same day of each following month, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised February 1969). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979, inclusive, and waiver of refunds made for periods ending prior to or during the calendar years in which this agreement is in force.

Recommended by: Henry C. Gregory, revenue officer, Feb. 18, 1970; M. V. Orr, Feb. 14, 1970.

I accept for the reasons embodied in the attached statement:[1] W. P. Alexander.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: ——— ———, (Regional Counsel)[1] Mar. 24, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Lonnie George, George's Truck Stop, R.R. 5, Franklin, Ind.
Case No. 35-0962000; District, Indianapolis.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 15, 1970 | Total |
|---|---|---|---|---|---|---|
| 6006 | Aug. 1, 1969 | | 109.80 | | 6.29 | 116.09 |
| 6009 | do | | 429.72 | | 24.62 | 454.34 |
| 6012 | do | | 633.94 | | 36.32 | 670.26 |
| 6103 | Dec. 6, 1968 | 939.04 | | 427.20 | 90.59 | 1,456.83 |
| 6103 | Aug. 1, 1969 | | 469.52 | | 26.90 | 496.42 |
| 6106 | Dec. 6, 1968 | 556.80 | | 244.86 | 53.71 | 855.37 |
| 6106 | Aug. 1, 1969 | | 278.40 | | 15.95 | 294.35 |
| 6109 | Dec. 6, 1968 | 431.60 | | 183.33 | 41.64 | 656.57 |
| 6109 | Aug. 1, 1969 | | 215.80 | | 12.36 | 228.16 |
| 6112 | Dec. 6, 1968 | 299.20 | | 122.60 | 28.86 | 450.66 |
| 6112 | Aug. 1, 1969 | | 149.60 | | 8.57 | 158.17 |
| 6203 | Dec. 6, 1968<br>Jan. 3, 1969 | 194.26 | 224.28 | 179.72 | 38.49 | 636.75 |
| 6206 | Dec. 6, 1968<br>Jan. 3, 1969 | 465.60 | 232.80 | 179.49 | 64.23 | 942.12 |
| 6209 | Dec. 6, 1968<br>Jan. 3, 1969 | 236.80 | 118.40 | 87.73 | 32.67 | 475.60 |
| 6212 | Dec. 6, 1968<br>Jan. 3, 1969 | 570.80 | 285.40 | 202 92 | 78.74 | 1,137.86 |
| 6303 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 1,136.88 | 579.81 | 407.43 | 137.61 | 2,261.73 |
| 6306 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 1,272.32 | 648.88 | 436.67 | 154.00 | 2,511.87 |
| 6309 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 1,292.00 | 658.92 | 424.04 | 156.39 | 2,531.35 |
| 6312 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 1,809.00 | 922.59 | 566.59 | 218.96 | 3,517.14 |
| 6403 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14,1969 | 1,972.76 | 1,006.11 | 588.61 | 238.79 | 3,806.27 |
| 6406 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 2,020.20 | 1,030.30 | 572.13 | 244.51 | 3,867.14 |
| 6409 | Dec. 6, 1968<br>Jan. 3, 1969<br>Mar. 14, 1969 | 2,310.00 | 1,178.10 | 619.56 | 279.60 | 4,387.26 |
| Total | | | | 5,242.88 | 1,989.80 | 31,912.31 |

Amount of offer: $20,000 plus collateral agreement (see terms below).
Kind of tax: Excise (diesel fuel).
Date and place notice of lien filed: Apr. 9, 1969, Johnson County, Ind., Oct. 2, 1969, Johnson County, Ind.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $20,000 payable $5,000 with this amended offer and the balance to be paid at the rate of $2,500 every 6 months, starting Dec. 1, 197C, and $2,500 to be paid every 6 months thereafter (final payment to be made on or before June 1, 1973), together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979, inclusive.
Recommended by: Robert E. Maze, revenue officer, June 8, 1970; Earl J. Blough, review officer, July 15, 1970.
I accept for the reasons embodied in the attached statement:[1] James E. Daly, July 30, 1970.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price, reviewer.

### ABSTRACT AND STATEMENT ACCEPTED MAR. 3, 1970

In re offer in compromise: Liability of estate of August Gieseke, Beatrice Gieseke, administratrix; Beatrice Gieseke—surviving spouse, 5681 Pernod Ave., St. Louis, Mo.
Case No. [redacted]A1; district, St. Louis.
Liability as follows:

| Taxable Period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 25, 1970 | Total |
|---|---|---|---|---|---|---|
| 1952 | Aug. 25, 1967 | 3,263.26 | 294.55 | 2,771.40 | 1,012.67 | 7,341.88 |
| 1953 | do | 4,474.38 | 397.87 | 3,531.51 | 1,344.60 | 9,748.36 |
| 1954 | do | 2,488.80 | 238.65 | 1,802.57 | 436.39 | 4,966.41 |
| 1955 | do | 2,777.55 | 0 | 1,845.05 | 444.40 | 5,067.00 |
| 1956 | do | 3,058.35 | 0 | 1,848.08 | 489.34 | 5,395.77 |
| 1957 | May 31, 1968 | 4,359.79 | 0 | 2,649.14 | 501.37 | 7,510.30 |
| 1958 | do | 0 | 0 | 1,223.45 | 68.82 | 1,292.27 |
| Total | | 20,422.13 | 931.07 | 15,671.20 | 4,297.59 | 41,321.99 |

Amount of offer: $15,000.
Kind of tax: Income.
Date notice of lien filed: June 6, 1968, St. Louis and Clayton, Mo. July 16, 1968, St. Louis and Clayton, Mo. Sept. 16, 1968, Hillsboro, Mo.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.

Footnotes at end of table.

Was bond filed? No.
Recommendation of district director: Acceptance.
Terms of offer: Proponent (surviving wife and administratrix of the estate of August Gieseke, deceased) offers to pay $15,000 in full upon notification of the acceptance of offer, together with standard provisions of form 656 (Rev. 7–57).
Recommended by: Thomas J. Stevens, Attorney, Feb. 18, 1970.
I accept for the reasons embodied in the attached statement:[2] E. C. Coyle, Jr.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Frank C. Conley (Regional counsel).

### ABSTRACT AND STATEMENT ACCEPTED OCT. 24, 1969

In re offer in compromise: Liability of John (Jr.) and Angela Giumarro, 45 Southgate Ave., Hastings-on-Hudson, N.Y.
Case No. WT–33/66; District, Manhattan, N.Y.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 10. 1969 | Total |
|---|---|---|---|---|---|---|
| John Giumarro, Jr., as individual. | | | | | | |
| Jan. 1, 1960–Dec. 31, 1961. | June 10, 1966 | 2,495.21 | 0 | 0 | 524.03 | 3,019.24 |
| John Giumarro, Jr., as officer of Expresso Construction Corp. | | | | | | |
| July 1, 1960–Sept. 30, 1961. | Feb. 26, 1965 | 5,710.10 | 0 | 0 | 1,655.92 | 7,366.02 |
| John Giumarro, Jr., as officer of F.G.M. Properties, Inc. | | | | | | |
| Oct. 1, 1959,–June 30, 1960. | Feb. 26, 1965 | 4,596.80 | 0 | 0 | 1,332.82 | 5,929.62 |
| John Giumarro, Jr., as officer of Stedman Realty Corp. | | | | | | |
| Oct. 1, 1958–Dec. 31, 1958. | Apr. 21, 1961 | 2,152.39 | 0 | 0 | 1,119.22 | 3,271.61 |
| John and Angela Giumarro, as officers of Peerless Masonry, Inc. | | | | | | |
| Jan. 1, 1957–Mar. 31, 1957. | Jan. 6, 1961 | 818.77 | 0 | 438.01 | 0 | 1,256.78 |
| Apr. 1, 1957–June 30, 1957 | Jan. 6, 1961 | 1,894.00 | 0 | 0 | 1,003.29 | 2,897.29 |
| John and Angela Giumarro, as officers of Jonlee Homes, Inc. | | | | | | |
| Jan. 1, 1956–Mar. 31, 1957 | May 15, 1959 | 11,884.14 | 0 | 0 | 7,546.41 | 19,430.55 |
| Total | | 29,551.41 | 0 | 0 | 13,619.70 | 43,171.11 |

Amount of offer: $3,500.
Kind of tax: Withholding, Federal Insurance Contributions Act, Federal Unemployment Tax Act taxes.
Date and place notice of lien filed: Mar. 8, 1965, New York County; May 22, 1961, Mar. 12, 1965, Westchester County; June 19, 1961, Greenberg, Elmsford, N.Y.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $3,500 to be paid as follows: $500 will be paid upon receipt of notice of acceptance of this offer, the balance of $3,000 will be paid at the rate of $100 per month by the last day of each and every month thereafter until the full amount of the offer is paid, together with interest at the rate of 6 percent per annum on each installment from the date of acceptance of this offer until each installment is paid. In addition the taxpayers have agreed to waiver of refunds, default agreement and other provisions on form 656 (Rev. 7/57). The taxpayers have also agreed to pay a graduated percentage of their future income for the years 1969 through 1978, inclusive, to the District Director of Internal Revenue as additional consideration for acceptance of this offer
Recommended by: M. Reisman, Revenue officer, Aug. 27, 1969, Jerry Rosenfield, reviewer, Sept. 25, 1969.
I accept for the reasons embodied in the attached statement:[1] Edw. J. Fitzgerald, Jr.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: (sgd) Marvin E. Hagen HWF.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of William R. Hancock, 115 Elm St., South Dartmouth, Mass.
Case No. [redacted]; District, Boston.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 11, 1970 | Total |
|---|---|---|---|---|---|---|
| Sept. 30, 1966–Sept. 30, 1967. | Sept. 11, 1968 | None | 29,535.93 | None | 2,953.59 | 32,489.52 |

Amount of offer: $7,500.
Kind of tax: 100 percent penalty withholding and Federal insurance contributions act taxes.
Date and place notice of lien filed: Nov. 13, 1968. Registrar of Deeds, Bristol City. Nov. 20, 1968. Town Clerk, Dartmouth. Dec. 16, 1968, Clerk, D.S.D.C., Boston.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $7,500, payable 30 days after acceptance together with interest at the rate of 6 percent per annum from the date this offer is accepted until paid in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).
Recommended by: Roland J. Talbot, revenue officer, Apr. 30, 1970; John R. Cox, May 1, 1970.
I accept for the reasons embodied in the attached statement:[1] William E. Williams.
For the reasons embodied in the attached statement I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, May 19, 1970.

## ABSTRACT AND STATEMENT

E.I. or S.S.No. [redacted].
In re offer in compromise: Liability of Wendell M. Harger, 11416 Love N.E., Albuquerque, N. Mex
Case No. 85–0159293; District, Albuquerque.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to | Total |
|---|---|---|---|---|---|---|
| June 30, 1962 | Feb. 26, 1964 | 1,623.90 | *405.98<br>**27.07 | 153.34 | 752.47 | 2,962.76 |
| Sept. 30, 1962 | do | 975.25 | *243.81<br>**16.25 | 77.46 | 451.90 | 1,764.67 |
| Mar. 31, 1963 | Sept. 30, 1963 | 1,879.52 | *601.13<br>**40.08 | 59.94 | 983.49 | 3,564.16 |
| June 30, 1963 | do | 4,376.41 | *1,206.64<br>**80.45 | 47.93 | 2,209.67 | 7,921.10 |
| Sept. 30, 1963 | Oct. 23, 1963 | 10,946.25 | * ----------<br>**182.44 | 0 | 4,228.65 | 15,357.34 |
| Do | Mar. 19, 1965 | 664.67 | 0 | 55.25 | 200.71 | 920.63 |
| Dec. 31, 1963 | Apr. 23, 1965 | 2,250.78 | 562.70 | 165.54 | 838.28 | 3,817.30 |
| Total |  | 22,716.78 | 3,366.55 | 559.46 | 9,665.17 | 36,307.96 |

*Del. **DR.

Amount of offer $3,000.

Is case pending before appellate office? No.

Kind of tax: Withholding and Federal Insurance Contributions Act and Federal unemployment taxes.

Is case pending before the Tax Court? No.

Date and place notice of lien filed: Oct. 7, 1963; Oct. 31, 1963; Mar. 5, 1964; Apr. 29, 1965; June 17, 1965 in Bernalillo County, N. Mex.; all liens refiled on Mar 25, 1970

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $500 is to be paid on Apr. 15, 1970, and $500 is to be paid on each of the following dates: Oct. 15, 1970, Apr. 15, 1971, Oct. 15, 1971, Apr. 15, 1972, and Oct. 15, 1972, together with interest at the rate of 6 percent per annum from date of acceptance to date of payment, and waiver of refunds and other provisions on form 656 (revised February 1969). The taxpayer has executed form 2261, collateral agreement, to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1974 inclusive. The taxpayer has also executed a collateral agreement-Taxpayer Involved in Joint Assessment.

Recommended by: Robert F. Blant, Revenue Officer, March 26, 1970.

I accept for the reasons embodied in the attached statement:[1] May 18, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. W. B. Riley, May 12, 1970.

## ABSTRACT AND STATEMENT ACCEPTED SEPT. 29, 1970

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Mary A. Higdon, Wyoming State Hospital, Evanston, Wyo.
Case No. [redacted], district Cheyenne.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1953 | July 15, 1960 | 835.65 | 3,343.64 | 1,493.89 | 2,867.61 | 8,540.79 |
| Dec. 31, 1954 | do | 3,485.36 | 2,536.55 | 1,097.08 | 3,673.42 | 10,792.41 |
| Dec. 31, 1955 | do | 3,030.07 | 1,696.83 | 771.96 | 2,883.47 | 8,382.33 |
| Dec. 31, 1956 | do | 4,869.42 | 2,727.42 | 899.71 | 4,634.17 | 13,130.72 |
| Total |  | 12,220.50 | 10,304.44 | 4,262.64 | 14,058.67 | 40,846.25 |

Amount of offer: $4,000 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Sept. 1, 1960, Fremont County; Dec. 6, 1967, Unita County; Dec. 5, 1967 (refiled), Fremont County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $4,000—$1,000 with the offer, now on deposit with Internal Revenue Service, and $3,000 payable in 10 equal monthly installments of $300 per month, commencing on the 15th day of the month following notice of acceptance of the offer. In addition, the taxpayer has agreed to pay a graduated percentage of her future income in excess of $7,500 for the years 1971 through 1975, inclusive.

Recommended by: C. M. Robinson, revenue officer, Aug. 3, 1970; ——— ———, Aug. 13, 1970.

I accept for the reasons embodied in the attached statement:[1] R. L. Hutt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: W. B. Riley, ELL.

## ABSTRACT AND STATEMENT ACCEPTED MAR. 25, 1970

E.I. OR S. S. No. (H) [redacted].
In re offer in compromise: Liability of Herbert S. and Libby Lee Holtzman, 8116 Franklin Avenue. West, Minneapolis, Minn.
Case No. IT–27–68–A; District, St. Paul.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Feb. 24, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1955 | Nov. 24, 1967 | 5,163.80 | 2,592.59 | 3,596.48 | 1,047.11 | 12,399.98 |
| Dec. 31, 1956 | do | 24,700.11 | 13,051.76 | 15,721.11 | 5,096.50 | 58,569.48 |
| Dec. 31, 1957 | do | 9,072.95 | 4,536.47 | 5,230.37 | 1,837.27 | 20,677.06 |
| Dec. 31, 1958 | do | 1,426.09 | 713.04 | 736.55 | 288.78 | 3,164.46 |
| Dec. 31, 1959 | do | 4,634.93 | 2,674.55 | 2,115.75 | 986.78 | 10,412.01 |
| Dec. 31, 1960 | Nov. 24, 1967 | 288.14 | 14.41 | 114.24 | 40.84 | 457.63 |
| Dec. 31, 1961 | do | 3,172.03 | 158.60 | 1,067.32 | 449.64 | 4,847.59 |
| Total |  | 48,458.05 | 23,741.42 | 28,581.82 | 9,746.92 | 110,528.21 |

Footnotes at end of table.

Amount of offer: $31,000 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Mar. 4, 1968, Hennepin County, Minn.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $31,000, payable $20,000 on the 90th day following notice of acceptance and the balance, at the rate of $300 a month, due the 1st day of each month thereafter together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $8,500 for the years 1970 to 1979 inclusive, and to a reduction in the "tax basis" of certain assets for Federal tax purposes.

Recommended by: D. K. Rockenbach, revenue officer; John R. Schlaeppi, Jan. 20, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1] George O. Lethert.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted Mar. 9, 1970. K. Martin Worthy, ABC.

## ABSTRACT AND STATEMENT ACCEPTED FEB. 19, 1970

E.I. or S.S. No., [redacted]–A.
In re offer in compromise: Liability of Bernard & Gwen Blaize, 35 31st Street, Gulfport, Miss.
Case No. [redacted]–A; district, Jackson; not in suit, X.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1961 | Dec. 29, 1967 | 5,547.00 | 277.35 | 1,898.74 | 802.54 | 8,525.63 |
| Dec. 31, 1962 | do | 10,442.42 | 533.24 | 3,010.68 | 1,525.88 | 15,512.22 |
| Dec. 31, 1963 | do | 10,416.43 | 520.82 | 2,315.59 | 1,561.73 | 14,814.57 |
| Total |  | 26,405.85 | 1,331.41 | 7,225.01 | 3,890.15 | 38,852.42 |

Amount of offer: $15,000.

Kind of tax: Individual income tax.

Date and place notice of lien filed: Mar. 12, 1968, Harrison County, Gulfport, Miss.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: A total of $15,000 of which $10,000 is to be paid within 40 days of receipt of the notice of acceptance of the offer and the remaining $5,000 to be paid 1 year later, together with waiver of refund and other provisions of form 656 (revised July 1957).

Recommended by: Dick R. Wilhait, Jan. 20, 1970; ——— ———, reviewer, Feb. 9, 1970.

I accept for the reasons embodied in the attached statement:[1] J. S. Martin Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Henry C. Stockell, Jr.,[1] Feb. 12, 1970.

## ABSTRACT AND STATEMENT ACCEPTED DEC. 16, 1969

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Roy C. Jellison, 7049 Macapa Dr., Hollywood, Calif.
Case No. [redacted]; District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 19, 1969 | Total |
|---|---|---|---|---|---|---|
| 1957 | May 19, 1967 | 4,764.01 | 2,382.01 | 2,573.35 | 1,071.90 | 10,791.27 |
| 1958 | do | 957.34 | 3,438.45 | 3,302.04 | 957.70 | 8,655.53 |
| 1959 | do | 15,305.82 | 7,847.44 | 6,594.43 | 3,525.51 | 33,273.20 |
| Total |  | 21,027.17 | 13,667.90 | 12,469.82 | 5,555.11 | 52,720.00 |

Amount of offer: $21,100 plus collateral agreements (terms below).

Kind of tax: Income.

Date and place notice of lien filed: Aug. 23, 1967, Los Angeles County, Oct. 11, 1967, Los Angeles County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The total sum of $21,100 payable on a deferred payment basis as follows: $10,000 paid with the offer, plus $200 to be paid on Nov. 1, 1969, and $200 to be paid on the first day of each following month, together with interest at the rate of 6 percent a year on the deferred payments from the date the offer is accepted until paid in full, with waiver of refund, default agreement and other provisions on form 656 (revised February 1969). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1969 to 1978, inclusive. Mr. Jellison also executed a collateral agreement with respect to his ex-wife, Fern Jellison, his coobligor for the years 1957 and 1958 only.

Recommended by: Charles J. Foltz, revenue officer, Nov. 3, 1969.; P. Harrington, reviewer, Nov. 17, 1969.

I accept for the reasons embodied in the attached statement:[1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer (s) should be accepted: Richard C. Schwartz, Dec. 5, 1969.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 22, 1970

E.I. S.S. No., (H) [redacted], (W) [redacted]

In re offer in compromse: Liability of Lewis B. and Isabelle Jensen, 304 Nova Way, Chula Vista Calif.

Case No., [redacted](1); District, Los Angeles.

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 15, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1961 | Proposed deficiency. | 10, 594. 89 | 529. 74 | | 4, 767. 70 | 15, 892. 33 |
| Dec. 31, 1962 | do | 25, 073. 92 | 1, 253. 70 | | 9, 778. 83 | 36, 106. 45 |
| Dec. 31, 1963 | do | 21, 449. 73 | 1, 072. 49 | | 7, 078. 41 | 29, 600. 63 |
| Dec. 31, 1964 | do | 32, 165. 50 | 1, 608. 27 | | 8, 584. 69 | 42, 358. 46 |
| Total | | 89, 284. 04 | 4, 464. 20 | | 30, 209. 63 | 123, 957. 87 |

Amount of offer: $5,040 plus collateral agreement (terms below).

Kind of tax: Income.

Date and place notice of lien filed: Proposed deficiency.

Is case pending before appellate office? Yes.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $5,040 payable—$60 on the 15th day of August 1969 and $60 payable on the 15th day of each succeeding month for 23 months; $100 payable on the 15th day of August 1971 and $100 payable on the 15th day of each succeeding month for 35 months, together with waiver of refunds, default agreement and other provisions of Form 656 (revised February 1969). As an additional consideration the taxpayers have agreed to pay a graduated percentage of their annual income in excess of $7,500 for the years 1969 to 1978 inclusive, and have agreed to waive any deduction on their current and future income tax returns in respect to any and all moneys repaid to the person or persons from whom said moneys were allegedly embezzled.

Recommended by: Ronald J. McNutt, revenue officer, Aug. 21, 1969; Paul Harrington, Oct. 8, 1969.

I recommend acceptance for the reasons embodied in the attached statement:[1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. K. Martin Worthy, Jan. 23, 1970.

### ABSTRACT AND STATEMENT ACCEPTED APR. 23, 1970

In re offer in compromise: Liability of Roy H. Johnson, 1407 Lowell Ave., New Hyde Park, N.Y.

Case No., [redacted]; District, Brooklyn.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 30, 1970 | Total |
|---|---|---|---|---|---|---|
| ULC reads: William C. Stillwell and/or Roy H. Johnson, former officers of Johnwell Contracting Corp. | | | | | | |
| June 30, 1953 | Mar. 11, 1954 | 6, 373. 44 | | | 6, 463. 59 | 12, 837. 03 |
| Sept. 30, 1953 | do | 3, 258. 34 | | | 6, 152. 31 | 9, 410. 65 |
| Dec. 31, 1953 | do | 6, 142. 53 | | | 6, 336. 73 | 12, 479. 26 |
| ULC reads: William Stillwell and/or Roy Johnson, former officers of Worcester Builders, Inc. | | | | | | |
| June 30, 1954 | Feb. 15, 1957 | 755. 63 | | | 1, 309. 64 | 2, 065. 27 |
| Total | | 16, 529. 94 | | | 20, 262. 27 | 36, 792. 21 |

Amount of offer: $13,900.

Kind of tax: 100 percent penalty Withholding and Federal Insurance Contributions Act.

Date and place notice of lien filed: Apr. 23, 1954, Nassau County, Mineola, N.Y., Dec. 1, 1964, Nassau County, Mineola, N.Y.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $13,900, $400 paid with the offer, the balance of $13,500 payable within 60 days after notice of acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656. In addition, the taxpayer executed a collateral agreement stating that the offer is submitted to compromise his individual liability only and shall not be construed as operating to release his coobligor on the joint assessments.

Recommended by: Melvin Greenberg, Exam. Officer M–3, Jan. 28, 1970; Fred Lipwar, reviewer, Mar. 10, 1970.

I accept for the reasons embodied in the attached statement:[1] Eugene W. Sturtevant.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen Apr. 16, 1970.

### ABSTRACT AND STATEMENT ACCEPTED DEC. 19, 1970

In re offer in compromise: Liability of Spiros W. and Victoria M. Kallas, 1688 Twain, Las Vegas, Nev.

Case number: [redacted]; district, Reno.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 27, 1970 | Total |
|---|---|---|---|---|---|---|
| 1960 | Mar. 23, 1968 | 104, 113. 70 | 0 | 46, 101. 17 | 14, 735. 75 | 164, 950. 62 |

Footnote at end of table.

Amount of offer: $3,375 collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Dec. 20, 1968, Clark County, Nev.; Apr. 10, 1969, Clark County, Nev.; Apr. 16, 1970, Milwaukee County, Wis.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The amount of the taxpayers' amended offer is $3,375, paid as follows: $1,513.20 paid with the original offer, and $1,861.80 paid with the amended offer, together with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). As an additional consideration, the taxpayers have executed a collateral agreement, wherein they agree to pay a graduated percentage of their future income in excess of $7,500 for the years 1970–1979, inclusive, and furthermore they have agreed to a waiver of a capital loss sustained prior to 1970, under the terms as described on the Collateral Agreement.

Recommended by: Robert J. Agonia, revenue officer, August 28, 1970; D. W. Sherman, reviewer, October 16, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1], Actg. R. C. Randol.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, A.B.C., November 23, 1970.

### ABSTRACT AND STATEMENT ACCEPTED OCT. 22, 1970

In re offer in compromise: Liability of Harold E. Knittel, 704 Cactus Lane, Las Vegas, Nev.

Case No. [redacted]; District, Reno.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 24, 1970 | Total |
|---|---|---|---|---|---|---|
| 4512 | Sept. 24, 1951 | 6, 277. 37 | 0 | 0 | | 6, 277. 37 |
| 4612 | do | 2, 509. 04 | 0 | 0 | | 2, 509. 04 |
| 4712 | do | 21, 667. 86 | 0 | 0 | | 21, 667. 86 |
| 5512 | June 29, 1956 | 1, 496. 82 | 0 | 0 | 12, 450. 56 | 13, 947. 38 |
| Total | | 31, 951. 09 | 0 | 0 | 12, 450. 56 | 44, 401. 65 |

Amount of offer: $2,000.

Kind of tax: Federal income.

Date and place notice of lien filed: Nov. 20, 1963, Clark County, Nev. Refiled Nov. 20, 1967, Clark County, Nev.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $2,000 on deposit with the director, plus a future income collateral agreement for the years 1971 to 1980, inclusive, together with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957).

Recommended by: Hugh P. Rough, revenue officer, August 24, 1970; reviewer, D. W. Sherman, special procedures officer, Sept. 3, 1970.

I accept for the reasons embodied in the attached statement:[1] W. A. Bates, Oct. 22, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, Sept. 30, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. 95–1948839.

In re offer in compromise: Liability of Daniel H. Laidman and Ben Laidman, 8425 West Third Street, Los Angeles, Calif.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to June 17, 1970 | Total |
|---|---|---|---|---|---|---|
| Account of Daniel H. Laidman. | | | | | | |
| Mar. 1967 and Apr. 1967 | Jan. 27, 1969 | | 64, 909. 40 | | 3, 426. 37 | 68, 335. 77 |
| Account of Ben Laidman. | | | | | | |
| Mar. 1967 and Apr. 1967 | Jan. 27, 1969 | | 64, 909. 40 | | 3, 426. 37 | 68, 335. 77 |
| Total | | | 129, 818. 80 | | 6, 852. 74 | *136, 671. 54 |

*This is like assessment against each taxpayer.

Amount of offer: $51,218.40.

Kind of tax: 100 percent penalty re: withholding and Federal Insurance Contribution Act taxes.

Date and place notice of lien filed: Feb. 2, 1970, San Bernardino County (Daniel); June 26, 1969, Los Angeles County (Daniel); Oct. 10, 1969, Los Angeles County (Ben).

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $51,218.40 payable on the deferred basis as follows: $7,604.04 already paid; $23,111 to be paid Jan. 30, 1971; $7,500 to be paid June 30, 1971, and the balance to be paid at the rate of $400 per month, commencing on the 1st day of the 1st month following notice of acceptance and continuing on the 1st day of each succeeding month, with interest at the rate of 6 percent per annum from the date the offer is accepted until payment is made in full, together with waiver of refunds, default agreement and other provisions on form 656 (revised February 1969).

Recommended by: M. Himovitz, revenue officer, June 26, 1970; Harrington, reviewer, Aug. 24, 1970.

I accept for the reasons embodied in the attached statement:[1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, Sept. 15, 1970.

### ABSTRACT AND STATEMENT, ACCEPTED DEC. 8, 1969

In re offer in compromise: Liability of Alfred J. Land, 1106 Rosedale Rd., Valley Stream, N.Y.
Case No. WT-FICA 42A-1965A; District, Brooklyn.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 31, 1969 | Total |
|---|---|---|---|---|---|---|
| Samuel Messing and/or Alfred J. Land. | | | | | | |
| June 30, 1961, Sept. 30, 1961 and Dec. 31, 1961. | Jan. 25, 1963 | 31, 091. 34 | | | 17, 042. 06 | 48, 133. 40 |
| Dec. 31, 1961 and Mar. 31, 1962. | July 12, 1963 | 5, 217. 69 | | | 2, 108. 02 | 7, 325. 71 |
| Total | | 36, 309. 03 | | | 19, 150. 08 | 55, 459. 11 |

Amount of offer: $27,500 plus collateral agreements (see terms below).

Kind of tax: 100 percent penalty assessment withholding and Federal Insurance Contributions Act.

Date and place notice of lien filed: March 26, 1963, Nassau County Clerk and others.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $27,500, payable $5,000 on deposit, $5,000 within 10 days after notice of acceptance of the offer and the balance at the rate of $300 per month on the first day of each month thereafter, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and the waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $15,000 for the years 1969 to 1976, inclusive. The taxpayer has also executed NAR form 3-77 (3-65) which provides that the offer covers his individual liability only, and, if accepted, shall not be construed as operating to release or discharge his coobligor, Samuel Messing, from the liability.

Recommended by: Adolph M. Lenin, Internal Revenue Agent, Sept. 25, 1969; Leon Unger, Jr., Group Supervisor, Sept. 30, 1969.

I accept for the reasons embodied in the attached statement:[1] F. J. Thomas.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, October 23, 1969.

### ABSTRACT AND STATEMENT, ACCEPTED MAY 20, 1970

E. I. or S.S. No. [redacted].

In re offer in compromise: Liability of David W. and Frances H. Langenes, 901 6th Ave. North, Fargo, N. Dak.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 15, 1969 | Total |
|---|---|---|---|---|---|---|
| 1953 | Dec. 13, 1968 | 1, 004. 06 | | 883. 17 | 50. 52 | |
| | Feb. 14, 1969 | | 891. 49 | | 35. 80 | 2, 865. 04 |
| 1954 | Dec. 13, 1968 | 897. 84 | | 735. 87 | 45. 18 | |
| | Feb. 14, 1969 | | 471. 03 | | 18. 92 | 2, 168. 84 |
| 1955 | Dec. 13, 1968 | 1, 265. 32 | | 961. 14 | 63. 67 | |
| | Feb. 14, 1969 | | 664. 56 | | 26. 69 | 2, 981. 38 |
| 1956 | Dec. 13, 1968 | 729. 44 | | 510. 32 | 36. 71 | |
| | Feb. 14, 1969 | | 381. 62 | | 15. 33 | 1, 673. 42 |
| 1957 | Dec. 13, 1968 | 1, 724. 70 | 48. 29 | 1, 103. 12 | 91. 26 | |
| | Feb. 14, 1969 | | 906. 27 | | 36. 40 | 3, 910. 04 |
| 1958 | Dec. 13, 1968 | 1, 451. 41 | | 841. 24 | 73. 03 | |
| | Feb. 14, 1969 | | 761. 68 | | 30. 59 | 3, 157. 95 |
| 1959 | Dec. 13, 1968 | 574. 35 | | 298. 43 | 28. 90 | |
| | Feb. 14, 1969 | | 297. 13 | | 11. 93 | 1, 210. 74 |
| 1960 | Dec. 13, 1968 | 1, 636. 04 | 45. 81 | 751. 93 | 84. 63 | |
| | Feb. 14, 1969 | | 856. 82 | | 34. 41 | 3, 409. 64 |
| 1961 | Dec. 13, 1968 | 2, 137. 34 | 59. 84 | 854. 09 | 110. 56 | |
| | Feb. 14, 1969 | | 1, 121. 47 | | 45. 04 | 4, 328. 34 |
| 1962 | Jan. 3, 1969 | 1, 205. 48 | | 472. 46 | 56. 62 | |
| | Feb. 7, 1969 | | 719. 60 | | 29. 73 | 2, 483. 89 |
| 1963 | Jan. 3, 1969 | 1, 250. 71 | | 354. 11 | 58. 74 | |
| | Feb. 7, 1969 | | 651. 73 | | 26. 92 | 2, 342. 21 |
| 1964 | Jan. 3, 1969 | 1, 383. 71 | | 308. 74 | 64. 99 | |
| | Feb. 7, 1969 | | 721. 15 | | 29. 79 | 2, 508. 38 |
| 1965 | Dec. 27, 1968 | 462. 01 | | 74. 83 | 22. 15 | |
| | Feb. 7, 1969 | | 236. 07 | | 9. 75 | 804. 81 |
| 1966 | Feb. 21, 1969 | 639. 81 | 0 | 61. 20 | 24. 91 | 725. 92 |
| Total | | 16, 362. 22 | 8, 834. 56 | 8, 210. 65 | 1, 163. 17 | 34, 570. 60 |

Amount of offer: $17,330 plus collateral agreement; (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Aug. 22, 1969, Eddy County, N. Dak.; Aug. 22, 1969, Cass County, N. Dak.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $17,330, consisting of $2,000 cash, and $15,330 payable on or before Aug. 20, 1970, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the deferred balance is paid in full, and waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1979, inclusive.

Recommended by: C. C. Ferris, Revenue Officer, Sept. 2, 1969; J. C. Armstrong, Special Procedures Officer, Sept 8, 1969.

I accept for the reasons embodied in the attached statement:[1] L. G. Kiskern.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Walter L. Watson, May 7, 1970.

Footnote at end of table.

### ABSTRACT AND STATEMENT ACCEPTED MAY 21, 1970

In re offer in compromise: Liability of Sam Lapp, 80 Central Park West, New York, N. Y.
Case No. 13-[redacted]A; district Mannattan, N.Y.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jan. 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1943 | July 23, 1957 | 0 | 0 | 2, 701. 66 | 4, 355. 99 | 7, 057. 65 |
| 1944 | do | 3, 346. 46 | 644. 13 | 2, 480. 76 | 4, 860. 96 | 11, 332. 31 |
| 1945 | do | 4, 522. 90 | 1, 083. 02 | 3, 081. 50 | 6, 525. 56 | 15, 212. 98 |
| 1946 | do | 5, 860. 24 | 644. 50 | 3, 641. 03 | 7, 621. 17 | 17, 766. 94 |
| 1947 | do | 3, 194. 45 | 584. 89 | 1, 793. 08 | 4, 185. 72 | 9, 758. 14 |
| 1948 | May 8, 1957 | 950. 47 | 0 | 460. 28 | 1, 077. 27 | 2, 488. 02 |
| 1959 | Mar. 31, 1961 | 18, 784. 09 | 520. 88 | 1, 082. 53 | 10, 231. 63 | 30, 619. 13 |
| 1960 (ME) | Oct. 13, 1961 | 10, 000. 00 | 304. 52 | 296. 00 | 5, 129. 72 | 15, 730. 24 |
| 1960 (D) | Dec. 6, 1963 | 3, 567. 95 | 0 | 556. 55 | 1, 298. 54 | 5, 423. 04 |
| 1961 | Nov. 6, 1964 | 1, 641. 36 | 26. 80 | 289. 16 | 536. 92 | 2, 494. 24 |
| 1963 | June 25, 1965 | 3, 239. 44 | 0 | 211. 10 | 893. 50 | 4, 344. 04 |
| 1964 | July 16, 1965 | 4, 068. 53 | 64. 12 | 61. 68 | 1, 125. 32 | 5, 319. 65 |
| Total | | 59, 175. 89 | 3, 872. 86 | 16, 655. 33 | 47, 842. 30 | 127, 546. 38 |

Amount of offer: $25,000.

Kind of tax: Income tax.

Date and place notice of lien filed: Oct. 7, 1957, Oct. 21, 1959, New York County.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $25,000 consisting of $100 deposited with the offer and the balance to be paid at the rate of $100 per week starting with the week after the submission of this offer (offer was submitted on May 23, 1969) and every week thereafter until the $25,000 is paid together with interest at the rate of 6 percent per annum from the date of acceptance of this offer to the respective date of each installment, on each such installment, and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay to the District Director of Internal Revenue a graduated percentage of his income in excess of $15,000 per annum for the years 1969 through 1978, inclusive.

Recommended by: M. Reisman, Revenue Officer, Sept. 17, 1969; Jerry Rosenfeld, Reviewer, Dec. 19, 1969.

I recommend acceptance for the reasons embodied in the attached statement:[1] Edward J. Fitzgerald.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worth, POB, May 1, 1970.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 26, 1969

In re offer in compromise: Liability of Joseph E. and Joan Lenahan, 3828 Jupiter Road, Louisville, Ky.

Case No. [redacted] A; District Louisville.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to —— | Total |
|---|---|---|---|---|---|---|
| 1961 | Proposed | 20, 410. 08 | 0 | 0 | 0 | 20, 410. 08 |
| 1962 | do | 10, 119. 43 | 0 | 0 | 0 | 10, 119. 43 |
| 1963 | do | 886. 07 | 0 | 0 | 0 | 886. 07 |
| Total | | 31, 415. 58 | 0 | 0 | 0 | 31, 415. 58 |

Amount of offer: $1,650 (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: None.

Is case pending before appellate office? No.

Is case pending before the tax court? Yes.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $1,650 payable at the rate of $30 within 30 days after receipt of notice of acceptance of the offer and $30 every 30 days thereafter until paid in full, together with waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

Recommended by: John V. Vaccaro, revenue officer, July 3, 1969; Edward P. Montgomery, Chief, DAR Branch, July 3, 1969.

I accept for the reasons embodied in the attached statement:[1] Robert J. Deim.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price, SEH, Aug. 13, 1969.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Robert L. and Clare S. Leroux, 3580 Raymar Dr., Cincinnati, Ohio.

Case No. [redacted]; District, Cincinnati, Ohio.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1955 | Feb. 16, 1968 | 603. 33 | 315. 03 | 425. 84 | 135. 46 | 1, 479. 66 |
| 1956 | do | 468. 38 | 338. 58 | 302. 49 | 118. 94 | 1, 228. 39 |
| 1957 | do | 3, 917. 27 | 2, 064. 36 | 229. 48 | 883. 29 | 7, 093. 40 |
| 1959 | do | 3, 416. 20 | 3, 651. 69 | 2, 060. 72 | 1, 043. 99 | 10, 172. 60 |
| 1959 | Mar. 8, 1963 | 2, 540. 43 | 684. 10 | 474. 63 | 1, 431. 69 | 5, 130. 85 |
| 1960 | Feb. 16, 1968 | 0 | 3, 970. 38 | 608. 49 | 585. 63 | 5, 164. 50 |
| 1960 | Mar. 8, 1968 | 8, 482. 32 | 2, 120. 58 | 962. 34 | 4, 707. 69 | 16, 272. 93 |
| 1961 | Feb. 16, 1968 | 0 | 386. 38 | 0 | 55. 97 | 442. 35 |
| 1961 | Mar. 8, 1963 | 1, 411. 66 | 352. 92 | 75. 45 | 783. 47 | 2, 623. 50 |
| 1962 | July 28, 1967 | 1, 581. 40 | 550. 17 | 689. 70 | 234. 32 | 3, 055. 59 |
| 1963 | do | 2, 089. 06 | 571. 83 | 594. 44 | 293. 98 | 3, 549. 31 |
| 1964 | do | 2, 289. 66 | 632. 07 | 514. 15 | 322. 80 | 3, 758. 68 |
| 1965 | Aug. 11, 1967 | 2, 247. 43 | 617. 54 | 278. 70 | 408. 12 | 3, 551. 79 |
| 1966 | July 7, 1967 | 2, 394. 41 | 0 | 178. 24 | 294. 54 | 2, 867. 19 |
| Total | | 31, 441. 55 | 16, 255. 63 | 7, 394. 67 | 11, 298. 89 | 66, 390. 74 |

Amount of offer: $35,091.32.
Kind of tax: Income tax.
Date and place notice of lien filed: Aug. 1, 1967, Oct. 31, 1967, Nov. 24, 1967, Nov. 30, 1967, Dec. 4, 1967, Hamilton County, Ohio.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $1,000 paid with the offer, and $34,091.32 to be paid within 10 days after date of acceptance of the offer, together with interest at the rate of 6 percent per annum from the date this offer was accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1971 to 1980, inclusive.

Recommended by: John T. Buckingham, Aug. 17, 1970; A. L. Kenkel, reviewer, Aug. 17, 1970.

I accept for the reasons embodied in the attached statement:[1] E. H. Hudson, Aug. 18, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price, Aug. 18, 1970.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 3,1970

In re offer in compromise: Liability of Michael A. Levinson, 3478 Paradise Rd., Las Vegas, Nev.
Case No. [redacted]; District, Reno.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to June 16, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1959 | Feb. 16, 1968 | 17,698.47 | 0 | 8,511.83 | 2,507.16 | 28,717.46 |
| Dec. 31, 1960 | do | 19,184.73 | 0 | 7,848.66 | 2,685.86 | 29,719.25 |
| Total |  | 36,883.20 | 0 | 16,360.49 | 5,193.02 | 58,436.71 |

Amount of offer: $12,500.
Kind of tax: Federal income tax.
Date and place notice of lien filed: Dec. 26, 1968, Clark County, Nev.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: Taxpayer originally offered $5,000 to be paid on notification of acceptance of the offer. He agreed to amend the offer by increasing the amount to $12,500 of which $3,750 was deposited with the district director and the balance of $8,750 is to be paid to the director within 30 days following notification of acceptance of the offer, together with waiver of refunds, default agreement, and other provisions of form 656 (revised July 1957).

Recommended by: Hugh P. Hough, revenue officer, Mar. 30, 1970; Donald W. Sherman, Apr. 13, 1970.

I accept for the reasons embodied in the attached statement:[1] W. O. Bates.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, VRB.

### ABSTRACT AND STATEMENT ACCEPTED DEC. 15, 1969

In re offer in compromise: Liability of Mary Levy, 1804 So. 8th Pl., Las Vegas, Nev.
Case No., [redacted]A; District, Reno.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 15, 1969 | Total |
|---|---|---|---|---|---|---|
| 1959 | Jan. 27, 1967 | 1,900.56 | 0 | 706.78 | 323.10 | 2,930.44 |
| 1960 | do | 1,625.49 | 0 | 558.28 | 276.33 | 2,460.10 |
| 1962 | Dec. 11, 1960* | 28,459.67 | 14,229.84 | 0 | 0 | 42,689.51 |
| Total |  | 31,985.72 | 14,229.84 | 1,265.06 | 599.43 | 48,080.05 |

*Not assessed.

Amount of offer: $1,250.
Kind of tax: Income.
Date and place notice of lien filed: Apr. 26, 1967, and Oct. 18, 1966, Clark County, Nev.
Is case pending before appellate office? No.
Is case pending before the tax court? Yes.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $1,250, $250 submitted with prior offer in compromise dated June 10, 1968, and $1,000 cash to be paid upon approval of this offer, together with waiver of refunds, interest, and default agreement, and other provisions on form 656.

Recommended by: Ambrose M. Damon, revenue officer, Sept. 12, 1969: D. W. Sherman, Special Procedures Officer.

I accept for the reasons embodied in the attached statement.[1]

For the reasons embodied in the attached statement I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, Oct. 17, 1969.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 30, 1970

In re offer in compromise: Liability of Alvin T. Locke and Marian F. Locke, 10532 Catawba Way Rancho Cordova, Calif.
Case No. [redacted]; District of San Francisco.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 25, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1958 | Feb. 25, 1966 | 1,630.00 | 815.00 | 670.98 | 501.23 | 3,617.21 |
| Dec. 31, 1959 | do | 7,764.00 | 3,882.00 | 2,730.16 | 2,387.43 | 16,763.59 |
| Dec. 31, 1960 | do | 2,977.78 | 1,488.89 | 868.45 | 915.74 | 6,250.86 |
| Dec. 31, 1964 | Aug. 11, 1967 | 2,094.78 | 0 | 490.06 | 245.74 | 2,830.54 |
| Total |  | 14,466.56 | 6,185.89 | 4,759.65 | 4,050.14 | 29,462.24 |

Footnote at end of table.

Amount of offer: $2,000 payable on deferred basis at $75 per month.
Kind of tax: Individual income tax.
Date and place notice of lien filed: Dec. 14, 1966, San Mateo, 1958, 1959, 1960 IT; Dec. 14, 1966 Santa Clara, 1958, 1959, 1960 IT; Apr. 5, 1968, Alameda County, 1964 IT.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: The total sum of $2,000—$75 payable on acceptance of the offer, and $75 on the 20th of each month thereafter, until paid in full, together with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957).

In addition, the taxpayer has agreed in a collateral agreement to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 through 1979, inclusive, and also executed a collateral agreement to waive any unused capital loss due from 1965 to be claimed as capital loss, under the provisions of sec. 1212 of the Internal Revenue Code of 1954.

Recommended by: Jerry Fortgary, July 8, 1969; Jerome W. Stacke, July 9, 1969.

I accept for the reasons embodied in the attached statement:[1] Herbert M. Futrell.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, June 9, 1970.

### ABSTRACT AND STATEMENT

[Accepted Feb. 17, 1970]

In re offer in compromise: Liability of John D. and Jeanne T. McCann, Jr., 90 Oak Tree Lane, Manhasset, N.Y.
Case No. IT 48–1969 A; District, Brooklyn, N.Y.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Feb. 28, 1970 | Total |
|---|---|---|---|---|---|---|
| 1962 | July 29, 1966 | 656.44 | 0 | 128.11 | 141.76 | 926.31 |
| 1961 | do | 3,823.15 | 1,377.53 | 975.53 | 1,118.35 | 7,294.56 |
| 1960 | do | 24,979.53 | 7,030.13 | 8,061.75 | 6,880.19 | 46,951.60 |
| 1959 | do | 2,716.87 | 114.62 | 1,019.27 | 605.11 | 4,455.87 |
| 1958 | do | 551.40 | 0 | 239.94 | 118.25 | 909.59 |
| 1957 | do | 3,055.20 | 0 | 1,512.83 | 655.75 | 5,223.78 |
| Total |  | 35,782.59 | 8,522.28 | 11,937.43 | 9,519.41 | 65,761.71 |

Amount of offer: $22,000.
Kind of tax: Income.
Date and place notice of lien filed: Oct. 20, 1966, Nassau County Clerk, Mineola, N.Y.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $22,000 to be paid within 30 days after acceptance, together with interest at the rate of 6 percent per annum, waiver of refunds, default agreement, and other provisions on form 656, revised July 1955. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1974, inclusive.

Recommended by: George Mazzell, revenue officer, for operating supervisor, Jan. 15, 1970; Fred Lipman, reviewer, Jan. 16, 1970.

I accept for the reasons embodied in the attached statement:[1] John J. Flynn.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, EH, Feb. 10, 1970.

### ABSTRACT AND STATEMENT ACCEPTED APRIL 7, 1970

In re offer in compromise: Liability of Carlos J. and Ethel N. McKinney, 834 Sunnyside Ave., San Diego, Calif.
Case No. [redacted] A–2; District, Detroit.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to November 30, 1969 | Total |
|---|---|---|---|---|---|---|
| 1957 | Aug. 8, 1958 | 916.20 | 0 | 25.53 | 621.89 | 1,563.62 |
| 1958 | Aug. 21, 1959 | 6,131.25 | 70.80 | 135.72 | 3,817.32 | 10,155.09 |
| 1959 | Aug. 5, 1960 | 6,370.12 | 75.56 | 117.53 | 3,597.69 | 10,160.70 |
| 1960 | July 14, 1961 | 9,384.00 | 154.27 | 138.21 | 4,785.72 | 14,442.30 |
| Total |  | 22,781.57 | 300.63 | 416.99 | 12,822.42 | 36,321.61 |

Amount of offer: $4,700 plus collateral agreement (see terms below).
Kind of tax: Income.
Date and place, notice of lien filed: July 3, 1959, Jan. 11, 1960, October 25, 1960, October 10, 1961, Wayne County, Mich.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $4,700, $2,300 on deposit with original offer, the balance of $2,400 payable within 30 days of notice of acceptance together with interest at the rate of 6 percent per annum on all deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1973, inclusive.

Recommended by G. R. McQuinn, Jr., revenue officer, Oct. 22, 1969; A. P. Zelenak, special procedures, Oct. 22, 1969.

I accept for the reasons embodied in the attached statement:[1] Thomas A Cardoza, Apr. 7, 1970.

For the reasons embodied by the attached statement, I am of the opinion that the offer(s) should be accepted. Clarence E. Price.

## ABSTRACT AND STATEMENT ACCEPTED APR. 30, 1970

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of John A. McLamb, 219 Vineland Dr., Fayetteville, N.C. District, Greensboro.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to June 2, 1970 | Total |
|---|---|---|---|---|---|---|
| 1963 | Sept. 26, 1969 | 13,349.84 | 7,514.12 | 3,835.43 | 858.57 | 25,557.96 |
| 1964 | Feb. 14, 1969 | 12,765.62 | 6,384.60 | 2,902.46 | 1,496.11 | 23,548.79 |
| 1965 | May 16, 1969 | 1,535.31 | ---------- | 284.28 | 96.45 | 1,916.04 |
| Total |  | 27,650.77 | 13,898.72 | 7,022.17 | 2,451.13 | 51,022.79 |

Amount of offer: $3,650 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Aug. 25, 1969, Oct. 15, 1969, Dec. 1, 1969, Cumberland County, N.C., Mar. 26, 1970, Harnett County, C.N.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $3,600, $100 to be paid within 30 days from the date of acceptance of offer and $50 to be paid on the 1st day of each month thereafter for 71 months, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979, and to a waiver of a capital loss carryover for Federal income tax purposes. The taxpayer also executed a collateral agreement, protecting the Government's right to collect from the coobligor for the year 1965.

Recommended by J. R. Burke, Jr., Apr. 17, 1970; C. W. Cooper, Apr. 22, 1970.

I accept for the reasons embodied in the attached statement:[1] J. E. Wall.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Henry C. Stockell, Jr.

## ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Roy W. and Lucille E. Mann, 804 Collinwood Rd., Rome, Ga.

Case No., [redacted]; District, Atlanta.

Liability as follows:

| Taxable period | Date assessed | Tax | Date Penalty | Interest assessed | Interest accrued to Oct. 4, 1970 | Total |
|---|---|---|---|---|---|---|
| Roy W. Mann |  |  |  |  |  |  |
| 1957 | Oct. 4, 1969 | 43,913.21 | 21,956.61 | 28,644.64 | 5,928.28 | 100,442.74 |
| 1958 | do | 20,299.12 | 10,149.56 | 2,023.20 | 2,740.38 | 45,212.26 |
| Roy W. and Lucille E. Mann |  |  |  |  |  |  |
| 1959 | Apr. 4, 1969 | 30,570.91 | 34,126.66 | 36,331.33 | 7,454.98 | 108,483.48 |
| 1960 | do | 90,304.44 | 45,152.22 | 42,650.90 | 12,191.04 | 190,298.60 |
| 1961 | do | 21,385.36 | 10,692.68 | 8,817.21 | 2,887.02 | 43,782.27 |
| Total |  | 206,373.04 | 122,077.73 | 128,467.28 | 31,201.30 | 488,219.35 |

Amount of offer: $75,000 plus collateral agreement. See terms below.

Kind of tax: Income.

Date and place notice of lien filed: June 23, 1969, Floyd County, June 23, 1969, Chattooga County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond Filed? No.

Terms of offer: $75,000 payable $15,000 yearly in the years 1970–74 inclusive, in equal quarterly installments of $3,750 payable on or before Mar. 31, June 30, Sept. 30, and Dec. 31 of each year, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions on form 656 (revised February 2, 1969). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970–1979, inclusive, and to a reduction in the "tax basis" of certain assets for Federal income tax purposes.

Recommended by: W. S. Pooley, Revenue Officer, August 4, 1970; J. C. Sanders, Reviewer, September 3, 1970.

I accept for the reasons embodied in the attached statement:[1] A. C. Ross.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthup, ABC, October 5, 1970.

## ABSTRACT AND STATEMENT ACCEPTED DECEMBER 17, 1969

In re offer in compromise: Liability of Charles P. Martyn, Rural Route Number 1 Hutchinson Island, Stuart, Fla.

Case No. IT–27–A; district, Jacksonville.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jan. 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1959 | Aug. 26, 1966 | 30,000.00 | 0 | 11,454.25 | 6,174.60 | 47,628.85 |
| Total |  | 30,000.00 | 0 | 11,454.25 | 6,174.60 | 47,628.85 |

Amount of offer: $5,000.

Kind of tax: Income.

Date and place notice of lien filed; None in file.

Is case pending vefore appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Footnote at end of table.

Terms of offer: $5,000, payable 60 days after acceptance of the offer with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payment is made in full together with waiver of refunds, default agreement and other provisions on form 656 (revised July 1956). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the year 1969 to 1978, inclusive. Said offer and collateral agreement are amended to provide that all payments under said offer and under said collateral agreement shall be applied in payment of tax (and not interest) until the tax has been paid in full, and thereafter, payments made shall be applied in payments of interest.

Recommended by; Jerome J. Caplan, Appellate Conferee, Nov. 17, 1969; V. M. Lewis, reviewer, Jack Durant, Ch. Special Procedures Section, Dec. 10, 1969.

I accept for the reasons embodied in the attached statement:[1] A. J. O'Donnell, Jr., District Director, Dec. 17, 1969.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Henry C. Stockell, Jr.

## ABSTRACT AND STATEMENT ACCEPTED SEPT. 18, 1970

In re offer in compromise: Liability of Vincent and Ann Mastrogiacomo, 100–03 Liberty Ave., Ozone Park, N.Y.

Case No., [redacted]; District, Brooklyn, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 10, 1970 | Total |
|---|---|---|---|---|---|---|
| ULC reads: Vincent Giacomo A/K/A Vincent Mastrogiacomo. |  |  |  |  |  |  |
| Dec. 31, 1958 | Feb. 25, 1966 | 5,084.77 | 1,670.40 | 2,101.34 | 1,854.09 | 10,710.60 |
| Dec. 31, 1959 | do | 3,257.68 | 1,063.48 | 1,145.54 | 1,198.94 | 6,665.64 |
| Dec. 31, 1960 | do | 1,576.00 | 510.88 | 459.63 | 579.02 | 3,125.53 |
| Dec. 31, 1961 | do | 1,606.00 | 520.73 | 372.02 | 590.97 | 3,089.72 |
| Dec. 31, 1962 | do | 2,031.10 | 659.90 | 348.62 | 746.65 | 3,786.27 |
| Dec. 31, 1963 | do | 1,799.20 | 582.88 | 200.87 | 660.93 | 3,243.88 |
| ULC reads: Vincent and Ann Mastrogiacomo. |  |  |  |  |  |  |
| Dec. 31, 1965 | Nov. 24, 1967 | 573.11 | 143.86 | 55.52 | 198.93 | 971.42 |
| Dec. 31, 1966 | Feb. 16, 1968 | 473.97 | 118.49 | 23.78 | 164.38 | 780.62 |
| Total |  | 16,401.83 | 5,270.62 | 4,707.32 | 5,993.91 | 32,373.68 |

Amount of offer: $4,000 plus collateral agreement.

Kind of tax: Income.

Date and place notice of lien filed: June 9, 1966 register, Queens County, N.Y.; Apr. 26, 1968 register, Queens County, N.Y.; July 19, 1968 register, Queens County, N.Y.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $4,000 payable $1,000 cash with this offer, and the balance to be paid at the rate of $50 on the first day of each month following notice of acceptance, for a total of 60 months, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957).

In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 per annum, for the years 1970 to 1976, inclusive.

Recommended by Joe C. Gargano, July 24, 1970; Fred Lyman Nevuier, July 24, 1970.

I accept for the reasons embodied in the attached statement. John J. Flynn.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Marvin E. Hagen.

## ABSTRACT AND STATEMENT ACCEPTED JUNE 23, 1970

In re offer, in compromise: Liability of Jules and Kathryn Michael, 183 E. Roma St., Villa Caparra, San Juan, P.R.

Case No., M–69–5; District, Office of International Operations.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 15, 1970 | Total |
|---|---|---|---|---|---|---|
| 1951 | Apr. 8, 1954 | 2,398.76 | 0 | 394.65 | 3,140.54 | 5,933.95 |
| 1952 | Mar. 15, 1955 | 2,448.26 | 0 | 276.53 | 2,479.55 | 5,204.34 |
| 1953 | Nov. 8, 1954 | 18,331.34 | 0 | 716.76 | 17,736.63 | 36,784.73 |
|  | Aug. 21, 1959 | 1,700.20 | 1,201.89 | 554.24 | 2,243.50 | 5,699.83 |
| 1954 | do | 26,787.85 | 0 | 6,991.26 | 17,367.99 | 51,167.10 |
| 1955 | Aug. 14, 1959 | 3,380.00 | 0 | 675.76 | 2,180.64 | 6,236.40 |
| Total |  | 55,046.41 | 1,201.89 | 9,609.20 | 45,168.85 | 111,026.35 |

Amount of offer: $10,000 plus collateral agreement (See terms below.)

Kind of tax: Income.

Date and place notice of lien filed: June 19, 1959, November 25, 1959, October 13, 1960 (refiled) U.S. District Court—San Juan, P.R.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The sum of $10,000 payable as follows: $560 tendered with the offer, $160 on April 30, 1969, and $160 on the last day of each month thereafter, with interest at the rate of 6 percent per annum on deferred payments from date this offer is accepted until paid in full, together with waiver of refunds, default agreement, and other provisions on form 656. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1979, inclusive, and to pay the Internal Revenue Service any net proceeds to which Mr. Michael is entitled from a suit filed by him in the U.S. District Court, Southern District of New York.

Recommended by: Jose Lozques Calderon, Revenue Officer, December 31, 1969; Donald Schumaker Special Procedures Officer, April 28, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1] C. I. Fox, Director of International Operations.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, ABC, June 1, 1970.

## ABSTRACT AND STATEMENT ACCEPTED FEB. 25, 1970

E.I. or S.S. number, [redacted], Feb. 25, 1970.
In re offer in compromise: Liability of John L. Nichols and Estate of Gertrude T. Nichols, 747 Penn St., Reading, Pa.
Liability as follows:

| Period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 8,1970 | Total |
|---|---|---|---|---|---|---|
| *1947 | May 12, 1954 | 14,181.08 | 13,917.75 | 10,283.27 | 783.64 | 39,965.74 |
| **1948 | do | 5,454.27 | 2,804.45 | 1,735.54 | 199.69 | 10,194.17 |
| **1949 | do | 4,221.22 | 2,980.50 | 1,052.90 | 165.09 | 8,419.71 |
| **1950 | do | 5,444.82 | 2,722.41 | 1,031.41 | 163.97 | 9,382.61 |
| **1951 | do | 1,603.64 | 801.82 | 207.58 | 4.25 | 2,617.17 |
| Total |  | 31,705.03 | 23,226.93 | 14,310.70 | 1,336.74 | 70,579.40 |

Amount of offer: $7,656.50.
Kind of tax: Income.
Date and place notice of lien filed: Berks County. May 17, 1954,
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Recommendation of Director: Acceptance.
* John L. Nichols.
** John and Gertrude Nichols.

Terms of offer: $7,656.50 in cash upon acceptance of offer, with waiver of refunds and other provisions of form 656 submitted to compromise the above liability, plus statutory additions, and collateral agreements.

Recommended by Alan B. Cobb, Attorney, Feb. 18, 1970: William J. Hagan, assistant regional counsel, Feb. 18, 1970.

I accept for the reasons embodied in the attached statement: [2] Seymour I. Friedman.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

## ABSTRACT AND STATEMENT

E.I. or S. S. No., [redacted].
In re offer in compromise: Liability of Eli H. Millner, 26 Simeon Road, Bethel, Conn.
District, Hartford.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1947 | July 31, 1961 | 44.00 | 36.96 | 35.32 | 42.91 | 159.19 |
| 1948 | do | 626.00 | 525.84 | 464.89 | 610.47 | 2,227.20 |
| 1949 | do | 364.00 | 305.76 | 248.48 | 669.76 | 1,588.00 |
| 1950 | do | 445.00 | 373.82 | 277.07 | 433.97 | 1,529.86 |
| 1951 | do | 738.00 | 619.92 | 415.22 | 719.70 | 2,492.84 |
| 1952 | do | 851.00 | 714.86 | 427.74 | 829.91 | 2,823.51 |
| 1953 | do | 1,274.02 | 1,070.18 | 563.92 | 1,242.43 | 4,150.55 |
| 1954 | do | 4,004.74 | 2,372.81 | 1,512.31 | 3,380.10 | 11,269.96 |
| 1955 | do | 5,191.07 | 2,740.88 | 1,648.84 | 4,203.93 | 13,784.72 |
| 1956 | do | 8,597.69 | 4,536.06 | 2,215.02 | 6,960.89 | 22,309.66 |
| 1957 | do | 6,427.22 | 3,389.61 | 1,270.21 | 5,202.92 | 16,289.96 |
| 1958 | Mar. 29, 1963 | 790.99 | 236.40 | 186.79 | 442.11 | 1,656.29 |
| 1959 | do | 1,010.09 | 86.66 | 177.93 | 471.96 | 1,746.64 |
| 1960 | do | 4,512.20 | 225.61 | 524.09 | 2,038.81 | 7,300.71 |
| 1961 | do | 909.67 | 45.48 | 51.08 | 411.15 | 1,417.38 |
| 1963 | Jan. 13, 1967 | 1,297.37 | 324.34 | 213.75 | 329.14 | 2,164.60 |
| Total |  | 37,083.06 | 17,605.19 | 10,232.66 | 27,990.16 | 92,911.07 |

Amount of offer: $12,500.
Kind of tax: Income.

Date and place notice of lien filed: State of Connecticut, Aug. 9, 1961 and Feb. 26, 1969; town clerk, Danbury, Conn., June 19, 1961 and Feb. 26, 1969; John Hancock Life Insurance Co., Feb. 26, 1969.

Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $12,500 cash paid in full with amendment to the original offer, together with waiver of refunds and other provisions on form 656.

Recommended by James J. Gott, reviewer, Mar. 19, 1970.

I accept for the reasons embodied in the attached statement: [1] Joseph J. Conley, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen (TGS).

## ABSTRACT AND STATEMENT

E.I. or S. S. No., [redacted].
In re offer in compromise: Liability of Eli H. Millner, 26 Simeon Rd., Bethel, Conn.
District, Hartford.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 31, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1955 | July 31, 1961 | 115.59 | 63.25 | 41.75 | 94.98 | 315.57 |
| Mar. 31, 1956 | do | 115.90 | 57.95 | 36.51 | 92.14 | 302.50 |
| June 30, 1956 | do | 88.00 | 44.00 | 26.40 | 69.96 | 228.36 |
| Sept. 30, 1956 | do | 99.30 | 49.65 | 28.30 | 78.94 | 256.19 |
| Dec. 31, 1956 | do | 103.50 | 51.75 | 27.95 | 82.28 | 265.48 |
| Total |  | 522.29 | 266.60 | 160.91 | 418.30 | 1,368.10 |

Footnote at end of table.

Amount of offer: $200.
Kind of tax: Withholding and Federal Insurance Contribution Act taxes.
Date and place notice of lien filed: Secretary of State Conn. Aug. 9, 1961 and Feb. 26, 1969. Town Clerk, Danbury, Conn. Oct. 19, 1961 and Feb. 28, 1969.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $200 cash paid in full with amendment to the original offer, together with waiver of refunds and other provisions on form 656.

Recommended by: James J. Gott, Reviewer, Mar. 19, 1970.

I accept for the reasons embodied in the attached statement: [1]

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen (TGS), Apr. 14, 1970.

## ABSTRACT AND STATEMENT ACCEPTED MAY 21, 1970

In re offer in compromise: Liability of Moller Textile Corp., c/o Moller Textile, Ltd., P.O. Box 31, Nahariya, Israel.
Case No., 13–69–140 CIT; District, Manhattan, N.Y.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 15, 1969 | Total |
|---|---|---|---|---|---|---|
| 1960 | Proposed assessment | 56,019.16 |  |  | 29,129.96 | 85,149.12 |
| 1961 | Proposed assessment | 82,956.53 |  |  | 38,160.00 | 121,116.53 |
| Total |  | 138,975.69 |  |  | 67,289.96 | 206,265.65 |

Amount of offer: $15,000.
Kind of tax: Income tax.
Date and place notice of lien filed: None.
Is case pending before appellate office? No.
Is case pending before the Tax Court? Yes.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $15,000 to be paid in full upon acceptance of this offer together with waiver of refunds, default agreement and other provisions on form 656 (Rev. 7/57). In addition, the taxpayer has executed a future income collateral agreement in which the corporation has agreed to pay to the District Director of Internal Revenue a graduated percentage of its income in excess of $8,000 per annum for the years 1969 through 1978, inclusive.

Recommended by: M. Reisman, Revenue Officer, Aug. 1, 1969; Jerry Rosenfeld, Reviewer, Aug. 26, 1969.

I recommend acceptance for the reasons embodied in the attached statement: ——— ———.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, Feb. 24, 1970.
CC–GL P. L. Barker – Internal Revenue Service.

## ABSTRACT AND STATEMENT

E.I. or S. S. No. 86 0085126.
In re offer in compromise: Liability of Merle W. Moore, 4238 North 68th Pl., Scottsdale, Ariz.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 4, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1958 | Apr. 4, 1969 | 633.06 | 0 | 386.58 | 22.16 | 1,041.80 |
| Do | do | 42.18 | 0 | 23.23 | 1.48 | 66.89 |
| Sept. 30, 1957 | do | 221.63 | 0 | 151 96 | 7.76 | 381.35 |
| Mar. 31, 1957, Dec. 31, 1958, and Dec. 31, 1959 | Apr. 18, 1969 | 44.05 | 470.44 | 24 36 | 16.97 | 555.72 |
| Total |  | 940.92 | 470.44 | 586.16 | 48.27 | 2,045.76 |

Amount of offer: $250.
Kind of tax. Withholding and Federal Insurance Contribution Act Tax.
Date and place notice of lien filed: June 2, 1969, and June 5, 1969, Maricopa County, Ariz.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $250 cash to be paid of the 1st Monday following notification of acceptance of the offer in compromise by the Internal Revenue Service together with waiver of refunds and other provisions on form 656.

Recommended by:
R. J. Tate, revenue officer, September 23, 1969:
Richard A. Sera, reviewer, December 9, 1969.

## ABSTRACT AND STATEMENT

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Merla W. and Nadia H. Moore, 4238 North 68th Pl., Scottsdale, Ariz.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 14, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1957 | Mar. 14, 1969 | 7,238.40 | 3,619.20 | 4,720.42 | 380.02 | 15,958.04 |
| Dec. 31, 1958 | do | 4,048.69 | 1,926.29 | 2,397.38 | 209.12 | 8,581.48 |
| Do | do | 4,468.91 | 2,283.03 | 2,646.20 | 236.32 | 9,634.46 |
| Do | Oct. 30, 1959 | 1,247.58 | 0 | 60.92 | 894.89 | 2,203.39 |
| Do | do | 1,554.86 | 0 | 50.48 | 1,115.30 | 2,720.64 |
| Total |  | 18,558.44 | 7,828.52 | 9,875.40 | 2,835.65 | 39,098.01 |

Amount of offer: $2,500.

Kind of tax: Income tax.

Date and place notice of lien filed: Dec. 3, 1959, refiled Oct. 31, 1967, Sept. 18, 1969, Maricopa County, Ariz.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $2,500 cash to be paid on the 15th of the month following acceptance of the offer by the Internal Revenue Service together with waiver of refunds and other provision on form 656. The taxpayers have also executed a future income collateral agreement for the period 1970 through 1979 as follows—20 percent of annual income in excess of $7,500 and not in excess of $10,000. Thirty percent of annual income in excess of $10,000 and not in excess of $15,000 and 50 percent of annual income in excess of $15,000.

Recommended by:_____ _____, September 23, 1969; Richard A. Siacs, Reviewer, December 9, 1969.

I accept for the reasons enbodied in the attached statement:[1] _____ _____.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Richard F. Moran, 137 Seymour St., Hartford, Conn. District, Hartford.

Liability as follows:

| Quarter taxable period ended | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr.30,1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1956 | May 20, 1958 | 11, 146. 05 | 2, 227. 35 | 664. 20 | 9, 597. 60 | 23, 635. 20 |
| June 30, 1957 | Sept. 23, 1957 | 167. 87 | 100. 87 | 22. 60 | 904. 91 | 1, 196. 25 |
| Sept. 30, 1957 | May 20, 1958 | 1, 987. 79 | 536. 69 | 166. 17 | 1, 807. 54 | 4, 498. 19 |
| Total |  | 13, 301. 71 | 2, 864. 91 | 852. 97 | 12, 310. 05 | 29, 329. 64 |

Amount of offer: $2,350.

Kind of tax: Withholding and Federal Insurance Contribution Act tax.

Data and place notice of lien filed: Nov. 22, 1957, Town Clerk, Hartford, Conn.; June 25, 1958. Town Clerk, Hartford, Conn.; Nov. 15, 1967, Secretary of State, Hartford, Conn.; Nov. 20, 1967; Town Clerk, Hartford, Conn.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The total sum of $2,350 to be paid in full within 30 days of acceptance, and waiver of refunds and other provisions on form 656, revised July, 1957. Interest is payable on the deferred payment at the rate of 6 percent per annum from the date of acceptance to the date of payment.

Recommended by: George Zukauskas, Review Officer, Feb. 27, 1970; James J. Gott, Reviewer, Mar. 6, 1970.

I accept for the reasons embodied in the attached statement:[1] Joseph J. Carley, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, Mar. 25, 1970.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of W. J. O'Neal, 676 Orangewood Dr., Covina, Calif.

Case No., 95–2260319(1); District, Los Angeles. Not in suit, X.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accured to Dec. 3, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1966 | Mar. 13, 1967 | 8, 237. 24 | 411. 86 | 41. 19 | 1, 427. 10 | 10, 117. 39 |
| June 30, 1966 | Sept. 9, 1966 | 8, 273. 01 | 0 | 73. 04 | 1, 604. 47 | 9, 950. 52 |
| Mar. 31, 1966 | June 10, 1966 | 27, 926. 01 | 0 | 95. 15 | 6, 504. 81 | 34, 525. 97 |
| Total |  | 44, 436. 26 | 411. 86 | 209. 38 | 9, 536. 38 | 54, 593. 88 |

Amount of offer: $20,000 plus collateral agreement (terms below).

Kind of tax: Withheld income and Federal Insurance Contribution Act taxes. Federal Unemployment Tax Act taxes.

Date and place notice of lien filed: June 24, 1966, Oct. 26, 1966, Oct. 13, 1966, Mar. 13, 1967, Los Angeles.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $20,000, payable $6,000 already submitted, $3,500 payable Jan. 2, 1970, $2,625 payable Apr. 2, 1970, $2,625 payable July 2, 1970, $2,625 payable Oct. 2, 1970, and $2,625 plus accrued interest payable on Jan. 2, 1971, together with waiver of refunds, default agreement and other provisions of form 656 (revised February 1969). As an additional consideration, the taxpayer has agreed that he will not claim net operating losses that he may have sustained for the calendar years 1965 and 1966 as a deduction on his Federal income tax returns for any year subsequent to the year ending Dec. 31, 1969.

Recommended by Ronald J. McNutt, revenue officer, Nov. 4, 1969; Harrington, reviewer Nov. 12, 1969.

I accept for the reasons embodied in the attached statement:[1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz.

### ABSTRACT AND STATEMENT ACCEPTED MAR. 2, 1970

In re offer in compromise: Liability of Mary H. Pennington, Apartment 26, Butler Towers, Butler, Pa.

Case No. PIT–GL–719; district, Mid-Atlantic; not in suit, X.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Feb. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| 1963 | May 12, 1966 | 8, 322. 96 | 7, 555. 24 | 1, 863. 38 | 4, 143. 47 | 21, 885. 05 |
| 1964 | do | 38, 293. 81 | 19, 303. 54 | 2, 467. 59 | 12, 987. 81 | 73, 052. 75 |
| Total |  | 46, 616. 77 | 26, 858. 78 | 4, 330. 97 | 17, 131. 28 | 94, 937. 800 |

Footnote at end of table.

Amount of offer: $6,000 plus collateral agreements.

Kind of tax: Income.

Date notice of lien filed: May 16, 1966, Butler County, Pa.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Recommendation of District Director. Acceptance.

Terms of offer: (1) Payment of $6,000 within 30 days after date of notice of acceptance; (2) collateral agreement for future income in excess of $7,500 for the years 1967 to 1976, inclusive; (3) collateral agreement providing that the joint and several liability of the taxpayer and her deceased husband will be compromised only as to the taxpayer and not as to her deceased husband.

Recommended by: Gary L. Stansbery, Attorney, Feb. 18, 1970.

I accept for the reasons embodied in the attached statement:[3] H. Alan Long.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT ACCEPTED JULY 31, 1970

E.I. or S.S. No., [redacted].

In re offer in compromise: Liability of Jack Peskin, 3523 La Serena Dr., Covine Calif.

Case No., [redacted](1); District, Los Angeles.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 5, 1970 | Total |
|---|---|---|---|---|---|---|
| 1959 | Jan. 10, 1964 | 20, 271. 77 | 6, 111. 53 | 4, 568. 78 | 10, 019. 12 | 40, 971. 20 |
| 1960 | Jan. 3, 1954 | 1, 183. 70 | 109, 69 | 322. 77 | 850. 72 | 2, 466. 88 |
| Total |  | 21, 455. 47 | 6, 221. 22 | 4, 891. 55 | 10, 869. 84 | 43, 438. 08 |

Amount of offer: $6,500.00 plus collateral agreement (terms below).

Kind of tax: Income.

Date and place notice of lien filed: Mar. 26, 1964, Hamilton County, Ohio, May 19, 1969, Los Angeles County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The total sum of $6,500 payable on a deferred payment basis as follows: $600 paid with the offer, plus $100 to be paid on June 15, 1970, and $100 to be paid on the 15th day of each following month, together with interest at the rate of 6 percent a year on the deferred payments from the date the offer is accepted until paid in full, and waiver of refunds, default agreement, and other provisions on form 656 (revised February 1969).

In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000 for the years 1970 to 1977, inclusive.

Recommended by: Charles J. Foltz, revenue officer, June 5, 1970: Harrington, reviewer, June 9, 1970.

I accept for the reasons embodied in the attached statement.[1] L. C. Jobe.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz, July 6, 1970.

### ABSTRACT AND STATEMENT ACCEPTED NOVEMBER 23, 1970

In re offer in compromise: Liability of Charles R. and Madge Pitzer, 4012 Shady Valley, Arlington, Tex.

Case No., [redacted]; District, Dallas.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 30, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1960 | Apr. 19, 1968 | 13, 471. 53 | 0 | 3, 444. 10 | 1, 975. 73 | 18, 891. 36 |
| Dec. 31, 1961 | do | 10, 122. 14 | 0 | 2, 587. 80 | 1, 497. 16 | 14, 207. 10 |
| Dec. 31, 1963 | do | 9, 291. 83 | 0 | 2, 359. 22 | 1, 369. 81 | 13, 020. 86 |
| Dec. 31, 1964 | July 19, 1968 | 27, 219. 82 | 1, 370. 36 | 4, 890. 86 | 3, 771. 19 | 37, 252. 23 |
| Dec. 31, 1965 | Apr. 19, 1968 | 25, 047. 53 | 1, 252. 38 | 2, 969. 64 | 3, 725. 30 | 32, 994. 85 |
| Dec. 31, 1966 | Apr. 26, 1968 | 4, 270. 37 | 235. 58 | 248. 80 | 757. 72 | 5, 512. 47 |
| Dec. 31, 1967 | Apr. 7, 1969 | 4, 271. 84 | 1, 291. 20 | 269. 91 | 497. 69 | 6, 330. 64 |
| Total |  | 93, 695. 06 | 4, 149. 52 | 16, 770. 33 | 13, 594. 60 | 128, 209. 51 |

Amount of offer: $36,000 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: June 28, 1968, Aug. 13, 1968, Sept. 16, 1968, Apr. 11, 1969, Tarrant County, Tex.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $36,000, $5,000 paid with submission of offer, as amended Sept. 10, 1970; $3,000 to be paid upon acceptance of offer and the balance as follows: $1,000 per month, to be paid on the last day of each month, for the months of September 1970 through March 1971; $5,000 to be paid on Apr. 30, 1971; $1,000 to be paid on the last day of each month May 1971 through September 1971; $5,000 to be paid on Oct. 31, 1971; and $1,000 to be paid on the last day of each month, November 1971, through April 1972, together with interest at 6 percent per annum from the date offer is accepted until paid in full. Also included is waiver of refunds, default agreement, and other provisions on form 656 (revised February 1969). In addition, taxpayers have agreed to pay a graduated percentage of their future income in excess of $10,000 for the years 1971 to 1980, inclusive.

Recommended by: H. Thompson, Revenue Officer, Sept. 11, 1970; B. E. McDuff, Reviewer, Sept. 22, 1970.

I recommend acceptance for the reasons embodied in the attached statement.[1] Ellis Campbell, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the orter(s) shoulp be accepted: K. Martin Worthy, Nov. 9, 1970.

### ABSTRACT AND STATEMENT

E.I. or S. S. No. (H) [redacted] (W) [redacted].
In re offer in compromise: Liability of Joseph E. and Mary C. Player, 111 Roosevelt Dr., Cherry Hill, N.J.
District, Newark, N.J.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Sept 30, 1965, and Mar. 31, 1966–Mar. 31, 1967. | Apr. 12, 1968 | 38, 054. 46 | | | 4, 775. 45 | 42, 829. 91 |

Amount of offer: $9,000 (no deposit).
Kind of tax: 100 percent penalty, withholding Income and Federal Insurance Contributions Act taxes.
Date and place notice of lien filed: Sept. 5, 1968, Camden County.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of Offer: The total sum of $9,000 payable as follows: $3,100 to be paid, on or before 30 days following acceptance of the offer and the balance to be paid at the rate of $325 on or before the 15th day of every 3d month thereafter until paid in full, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the payments are made in full and waiver of refund, default agreements, and other provisions on form 656, revised July 1957. In addition, the taxpayers have agreed to pay a graduated percentage of their future "annual income" in excess of $9,000 for the years 1970 to 1979, inclusive.
Recommended by: Offer Examiner E. Donald Congo, May 8, 1970; Charles M. Kahn, Reviewer, May 11, 1970.
I accept for the reasons embodied in the attached statement.[1] R. H. Nash, Jr.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].
In reoffer in compromise:
Liability of David B. Pollins, 200 Central Park South, New York, N.Y.
District, Newark, N.J.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 30, 1969 | Total |
|---|---|---|---|---|---|---|
| Responsible Officer of Carpentry, Inc., 3d quarter 1966 through 2d quarter 1967 | July 12, 1968 | 42, 390. 33 | | | 3, 391. 23 | 45, 781. 56 |
| Responsible Officer of Carpentry Associates, 2d quarter 1967 | Oct. 18, 1966 | 6, 130. 36 | | | 398. 47 | 6, 528. 83 |
| | Total | 48, 520. 69 | | | 3, 789. 70 | 52, 310. 39 |

Amount of offer: $17,000 ($3,279.48 deposited).
Kind of tax: Withholding and Federal Insurance Contributions Act (100 percent penalties).
Date and place notice of lien filed: Feb. 20, 1969, New York, N.Y.
Is case pending before appelate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $17,000 consisting of $1,000 deposited with the original offer, $2,279.48 paid with the amended offer, balance of $13,720.52 payable at the rate of 686.03 quarterly, 1st payment due upon receipt of notice of acceptance and following payments due on/or before the 30th day of each third month thereafter, with interest at the rate of 6 percent per annum on the deferred payments, waiver of refunds, default agreement and other provisions on form 656 (Rev. 7/57). The taxpayer has also executed a collateral agreement with respect to capital loss carryovers incurred by his wife.
Recommended by: Seymour J. Kitay, Offer Examiner, October 21, 1969; Charles M. Kahn, reviewer, October 23, 1969.
I accept for the reasons embodied in the attached statement: [1] "J. Robert Murphy."
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. 362–16–15626.
In re offer in compromise: Liability of Albert S. Pratt, Jr., 1775 Athens Court, Claremont, Calif.
Case No., 14A 1967; District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | 100 percent penalty | Interest assessed | Interest accrued to Mar. 10, 1970 | Total |
|---|---|---|---|---|---|---|
| September 1963 | Feb. 10, 1967 | | 34, 574. 72 | | 6, 396. 33 | 40, 971. 05 |

Footnote at end of table.

Amount of offer: $2,500.
Kind of tax: Withholding and Federal insurance contributions tax (100 percent penalty ETS-Hokin & Galvan, Inc.).
Date and place notice of lien filed: Los Angeles County, April 12, 1967.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer $2,500 payable as follows: $50 paid July 13, 1967, the balance payable $50 per month until paid in full, payment beginning upon notice of acceptance of this offer and the first day of each month thereafter until paid in full, together with waiver of refunds, default agreement and other provisions of form 656. (Revised July 1957.)
Recommended by:
I accept for the reasons embodied in the attached statement.[1] F. S. Schmidt.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz, February 17, 1970.

### ABSTRACT AND STATEMENT

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Keila E. Pratt, 1775 Athens Ct., Claremont, Calif.
Case No., 15 A/1967; District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | 100 percent penalty | Interest assessed | Interest accrued to Mar. 10, 1970 | Total |
|---|---|---|---|---|---|---|
| September 1963 | Feb. 10, 1967 | | 34, 574. 72 | | 6, 396. 33 | 40, 971. 05 |

Amount of offer: $2,500.
Kind of tax: Withholding and Federal Insurance Contributions Tax (100 percent penalty ETS-Hokin and Galvan, Inc.)
Date and place notice of lien filed: Los Angeles County, Apr. 13, 1967.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $2,500 payable as follows: $50 paid July 13, 1967, the balance payable $50 per month until paid in full, payment beginning upon notice of acceptance of this offer and the first day of each month thereafter until paid in full, together with waiver of refunds, default agreement, and other provisions of form 656. (revision July 1957).
Recommended by Mazz R. Hierley, revenue officer, Feb. 5, 1970; F. P. Harrington, reviewer, Feb. 5, 1970.
I accept for the reasons embodied in the attached statement: [1] F. S. Schmidt.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, Feb. 17, 1970.

### ABSTRACT AND STATEMENT ACCEPTED FEB. 3, 1970

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Matthew L. Prescott, 163 North 87th St., Wauwatosa, Wis.
Case No. [redacted]A1; District, Milwaukee.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Nov. 11, 1970 | Total |
|---|---|---|---|---|---|---|
| 1949 | June 16, 1967 | 37. 00 | 27. 75 | 38. 30 | 19. 62 | 122. 67 |
| 1950 | do | 553. 00 | 464. 54 | 539. 26 | 311. 04 | 1, 867. 84 |
| 1951 | do | 1, 759. 29 | 1, 477. 80 | 1, 610. 04 | 968. 52 | 5, 815. 65 |
| 1952 | do | 1, 855. 48 | 1, 558. 61 | 1, 586. 74 | 1, 001. 36 | 6, 002. 19 |
| 1953 | Oct. 13, 1967 | 1, 642. 54 | 1, 379. 74 | 1, 338. 02 | 786. 57 | 5, 146. 87 |
| 1954 | do | 1, 552. 14 | 919. 63 | 1, 163. 49 | 457. 28 | 4, 092. 54 |
| 1955 | June 16, 1967 | 1, 832. 20 | 966. 95 | 1, 227. 87 | 573. 84 | 4, 600. 86 |
| 1956 | do | 2, 477. 35 | 1, 285. 40 | 1, 511. 59 | 771. 38 | 6, 045. 72 |
| 1957 | do | 2, 255. 45 | 1, 172. 91 | 1, 240. 87 | 702. 81 | 5, 372. 04 |
| 1958 | do | 3, 378. 32 | 1, 757. 49 | 1, 655. 93 | 1, 052. 84 | 7, 844. 58 |
| 1959 | do | 4, 566. 46 | 2, 334. 05 | 1, 964. 33 | 1, 414. 62 | 10, 279. 46 |
| 1960 | do | 5, 437. 18 | 2, 818. 24 | 2, 012. 65 | 1, 692. 36 | 11, 960. 43 |
| 1961 | do | 6, 592. 20 | 3, 421. 74 | 2, 044. 66 | 2, 052. 86 | 14, 111. 46 |
| 1962 | do | 5, 005. 19 | 3, 267. 81 | 1, 585. 09 | 1, 710. 61 | 11, 568. 70 |
| 1963 | Oct. 12, 1967 | 6, 261. 72 | 3, 210. 03 | 1, 312. 47 | 1, 752. 28 | 12, 536. 50 |
| Total | | 45, 205. 52 | 26, 062. 69 | 20, 831. 31 | 15, 267. 99 | 107, 367. 51 |

Amount of offer: $50,000 plus collateral agreement. (See terms below).
Kind of tax: Income.
Date and place notice of lien filed: Dec. 15, 1967 and July 3, 1968, Milwaukee County.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $50,000—Payable $500 with the offer, the balance at $500 per month beginning March 15, 1968, and each month thereafter, and increasing to $775 on January 15, 1971, and increasing to $1,000 per month on March 15, 1974, with interest at the rate of 6 percent per annum on deferred payments from the date this offer is accepted until paid in full, together with waiver of refunds, default agreement and other provisions on form 656 (Revised February 1969).
In addition, the taxpayer executed a collateral agreement for payment of a graduated percentage of future income in excess of $7,500 for the years 1971 to 1980 inclusive. Two changes have been made in the standard form of the collateral agreement. Item 2(a).
Recommended by: Thomas H. VanEngren, Revenue Officer, Oct. 8, 1970; Wallace E. Muiayeusky, Group Supervisor, Oct. 8, 1970; Francis J. Harrigan, Oct. 28, 1970.
I recommend acceptance for the reasons embodied in the attached statement:[1], W. S. Stumpf.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. K. Martin Worthey, ABP.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 18, 1969

In re offer in compromise: Liability of L. D. Prough, Post Office Box 20143, Dallas, Tex.

Case No., [redacted]; District, Dallas.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 30, 1969 | Total |
|---|---|---|---|---|---|---|
| 1960 | May 6, 1966 | 3,627.00 | ---------- | 1,106.69 | 703.42 | 5,437.11 |
| 1960 | Aug. 26, 1966 | 24,868.78 | 14,862.76 | 8,122.88 | 7,177.50 | 55,031.92 |
| 1961 | May 6, 1966 | 4,391.66 | ---------- | 1,069.15 | 851.72 | 6,312.53 |
| 1962 | do | 7,699.75 | ---------- | 1,412.52 | 1,493.29 | 10,605.56 |
| 1963 | Oct. 13, 1967 | 533.95 | 434.96 | 346.16 | 104.43 | 1,419.50 |
| Total |  | 41,121.14 | 15,297.72 | 12,057.40 | 10,330.36 | 78,886.62 |

Amount of offer: $14,039.64.

Kind of tax: Income.

Date and place notice of lien filed: Sept. 16, 1966, Marion County, Ind. Dec. 8, 1966, Dallas County, Tex. Dec. 14, 1966, Dallas County, Tex. Dec. 29, 1966, Dallas County, Tex.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $14,039.64 payable in full on the deferred payment basis within 30 days from the date of notice of acceptance of the offer, together with 6 percent accrued interest, waiver of refunds default agreement and other provisions on form 656 (revised July 1957) and a coobligor collateral agreement form RC–DAL and 748 (revised September 1961).

Recommended by: C. E. ———, June 30, 1969; Homan F. Davis, reviewer, July 3, 1969.

I accept for the reasons embodied in the attached statement: [1] Ellis Campbell, Jr., Aug. 18, 1969.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. W. B. Riley.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Renna Bros., Inc., South Norwalk, Conn., and Albert Renna, Sr., responsible officer. Greenwich, Conn.

Case No. WT 30, 1966 Series, District, Hartford, Conn.

Liability as follows:

| Period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 25, 1969 | Total |
|---|---|---|---|---|---|---|
| June 30, 1965 | Jan. 11, 1966 | 15,534.58 | 4,852.41 | 497.72 | 4,935.00 | 25,819.71 |
| Sept. 30, 1965 | Jan. 10, 1966 | 6,057.10 | 5,176.19 | 337.76 | 2,523.88 | 14,094.93 |
| Dec. 31, 1965 | Jan. 25, 1966 | 12,307.50 | 205.13 | 0 | 2,752.77 | 15,265.40 |
| 1964 FUTA | June 4, 1965 | 0 | 144.57 | 0 | 36.63 | 181.20 |
| 1965 FUTA | Feb. 25, 1966 | 6,846.26 | 0 | 6.98 | 1,471.95 | 8,325.19 |
| Total |  | 40,745.44 | 10,378.30 | 842.46 | 11,720.23 | 63,686.43 |

Amount of offer: $26,755,24.

Kind of tax: Withholding and Federal Insurance Contributions Act taxes and Federal Unemployment. Tax Act taxes.

Date notice of lien filed: Mar. 16, 1966, town clerk, Norwalk, Conn.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Recommendation of district director: Acceptance.

Terms of offer: $26,755.24 cash together with waiver of refunds, and other provisions on form 656 (revised July 1957).

Recommended by: John C. Galluzzo, Jr., attorney, Sept. 2, 1969.

I accept for the reasons embodied in the attached statement: [3] R. E. Sullivan.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen (TGS), Sept. 2, 1969.

### ABSTRACT AND STATEMENT ACCEPTED DEC. 31, 1969

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Jack Rifkin, 121–19 235th St., Laurelton, N.Y.

Case No. [redacted]; District, Brooklyn, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec. 31, 1969 | Total |
|---|---|---|---|---|---|---|
| June 30–Dec. 31, 1960 | May 18, 1962 | 54,402.25 | 0 | 0 | 26,370.40 | 80,772.65 |

Amount of offer: $19,000 plus collateral agreement (see terms below).

Kind of tax: 100 percent Penalty Withholding and Federal Insurance Contributions Act taxes.

Date and place notice of lien filed: June 25, 1962, Register, Queens County, N.Y.; June 26, 1962, County Clerk, Nassau County, N.Y.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $13,500 to be paid within 30 days of notice of acceptance and the balance to be paid at the rate of $100 on the 1st day of each succeeding month thereafter until paid in full, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement, and other provisions on form 656, revised July 1957.

In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $8,000 for the years 1969 to 1975 inclusive.

Recommended by: Oscar Mintzer, review officer; Rupert W. Gill, Nov. 13, 1969; Fred Lipman, reviewer, Dec. 5, 1969.

I accept for the reasons embodied in the attached statement: [1] G. B. Thomas, acting

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, SLL, Dec. 24, 1969.

Footnote at end of table.

### ABSTRACT AND STATEMENT ACCEPTED APRIL 17, 1970

E.I. or S.S. No. [redacted]

In re offer in compromise: Liability of Earl A. Rindfleisch, 13013 El Moro, La Mirada, Calif.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 23, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1956 | Apr. 26, 1965 | 6,072.23 | 319.86 | 2,689.99 | 1,891.00 | 10,973.08 |
| Dec. 31, 1957 | do | 14,058.07 | 702.90 | 5,067.84 | 4,428.29 | 24,257.10 |
| Dec. 31, 1958 | do | 2,702.67 | 135.13 | 812.13 | 851.34 | 4,501.27 |
| Dec. 31, 1959 | do | 7,265.22 | 2,324.93 | 1,747.23 | 2,877.04 | 14,214.42 |
| Dec. 31, 1960 | do | 9,034.14 | 451.71 | 1,630.60 | 2,845.75 | 13,962.20 |
| Total |  | 39,132.33 | 3,934.53 | 11,947.79 | 12,893.42 | 67,098.07 |

Amount of offer: $6,000 plus collateral agreements (terms below).

Kind of tax: Income.

Date and place notice of lien filed: Apr. 15, 1967, San Bernardino; Nov. 7, 1966, Los Angeles.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $6,000 paid upon submission of the offer, together with interest at the rate of 6 percent per annum on the deferred payment from the date the offer is accepted until the respective payment is made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (revised). In addition, Mr. Rindfleisch has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1974, inclusive. Mr. Rindfleisch has also executed a collateral agreement with respect to his coobligor, Emma Jean Rindfleisch, now known as Emma Jean Adams.

Recommended by: Joseph DeStefanis, Revenue Officer, Mar. 18, 1970; Harrington, Reviewer, Mar. 24, 1970.

I accept for the reasons embodied in the attached statement: [1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz. Apr. 7, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].

In re offer in compromise: Liability of Harold O. Risinger, R.R. No. 1, Starling Rd., Bethel, Ohio.

Case No. [redacted]-A; district, Cincinnati, Ohio.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 8, 1970 | Total |
|---|---|---|---|---|---|---|
| 1957 | Sept. 9, 1967 | 1,328.88 | 1,864.44 | 746.58 | 510.93 | 4,450.83 |
| 1958 | do | 1,473.15 | 736.57 | 739.24 | 353.56 | 3,302.52 |
| 1959 | do | 1,808.08 | 904.04 | 798.82 | 433.94 | 3,944.88 |
| 1960 | do | 5,276.41 | 2,638.20 | 2,014.58 | 1,266.34 | 11,195.53 |
| 1961 | do | 1,487.52 | 743.76 | 478.70 | 357.00 | 3,066.98 |
| 1962 | Oct. 13, 1967 | 1,281.35 | 640.68 | 335.47 | 296.31 | 2,553.81 |
| 1963 | do | 1,377.53 | 688.76 | 278.00 | 318.51 | 2,662.80 |
| 1964 | Sept. 16, 1966 | 6,070.00 | 0 | 510.54 | 1,327.31 | 7,907.85 |
| 1964 | Sept. 5, 1967 | 1,841.78 | 4,179.08 | 324.48 | 1,314.18 | 7,659.52 |
| Total |  | 21,944.70 | 12,395.53 | 6,226.41 | 6,178.08 | 46,744.72 |

Amount of offer: $2,000, plus collateral agreements. (See terms below.)

Kind of tax: Income tax.

Date and place notice of lien filed: May 26, 1967—Butler and Warren Cos. Feb. 28, 1968, March 1, 1968, Apr. 16, 1968—Warren Co. May 28, 1969—Hamilton, Clermont & Butler Co.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $2,000, payable $50 with the offer and $1,950 payable within 30 days after acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1971 to 1980, inclusive, and has agreed not to claim as a deduction for Federal income tax purposes his unused long-term capital loss carried over to the taxable year ended Dec. 31, 1969, and to succeeding taxable years.

Recommended by: Ben Adairs, Apr. 21, 1970; A. L. Kenkel o/c reviewer, Apr. 30, 1970.

I accept for the reasons embodied in the attached statement: [1] Paul A. Schuster.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: J. Pitts Vick.

### ABSTRACT AND STATEMENT

E.I. or S. S. No. [redacted].

In re offer in compromise: Liability of Harold O. Risinger, R. R. No. 1, Starling Rd., Cincinnati, Ohio.

Case No. 31–0566532; district, Cincinnati, Ohio.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 8, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1964 | Mar. 18, 1965 | 0 | $2.36 | $0.01 | $0.62 | $2.99 |
| Mar. 31, 1965 | June 18, 1965 | 0 | 34.43 | 0 | 9.97 | 44.40 |
| June 30, 1965 | Oct. 1, 1965 | 0 | 35.15 | 0 | 9.67 | 44.82 |
| Sept. 30, 1965 | Nov. 18, 1965 | $1,930.88 | 32.18 | 5.70 | 526.74 | 2,495.50 |
| Dec. 31, 1965 | Feb. 24, 1966 | 1,131.17 | 18.85 | 4.46 | 290.18 | 1,444.66 |
| Do | do | 160.77 | 0 | .63 | 37.61 | 199.01 |
| Total |  | 3,222.82 | 122.97 | 10.80 | 874.79 | 4,231.38 |

Amount of offer: $400 plus collateral agreements (see terms below).

Kind of tax: Withholding and Federal Insurance Contribution Act, and Federal Unemployment Tax Act taxes.

Date and place of lien filed: Oct. 26, 1967, in Butler and Warren Counties.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: $400, payable $50 with the offer and $350 within 30 days after acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1971 to 1980, inclusive, and has agreed not to claim as a deduction for Federal income tax purposes his unused long-term capital loss carried over to the taxable year ended Dec. 31, 1969, and to succeeding taxable years.

Recommended by: Ben A. Davis, revenue officer, Apr. 21, 1970: A. L. Kenkel c/o reviewer, Apr. 30, 1970.

I accept for the reasons embodied in the attached statement:[1] Paul A. Schucler.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: J. Pitts Vick.

### ABSTRACT AND STATEMENT ACCEPTED DECEMBER 16, 1969

In re offer in compromise: Liability of Wallace S. Roberts, 3 Woodland Rd., New Hartford, N.Y. New Address: Wedgewood Apts., Apt. 38–E, New Hartford, N.Y.

Case No., I.T. 5–1967; District, Buffalo, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to September 30, 1969 | Total |
|---|---|---|---|---|---|---|
| 1951 | Mar. 12, 1965 | 0 | 225.01 | 0 | 61.41 | 286.42 |
| 1951 | May 22, 1964 | 1,659.24 | 414.81 | 1,204.86 | 666.60 | 3,345.51 |
| 1952 | do | 1,977.84 | 494.56 | 1,317.54 | 794.60 | 4,584.44 |
| 1952 | Mar. 12, 1965 | 0 | 269.60 | 0 | 73.58 | 343.18 |
| 1953 | do | 0 | 286.29 | 0 | 78.14 | 364.43 |
| 1953 | May 22, 1964 | 2,097.06 | 524.27 | 1,271.13 | 842.49 | 4,734.95 |
| 1954 | Mar. 12, 1965 | 0 | 234.47 | 0 | 63.99 | 298.46 |
| 1954 | May 22, 1964 | 1,715.41 | 428.85 | 936.87 | 689.16 | 3,770.29 |
| 1955 | do | 2,733.84 | 683.46 | 1,329.06 | 1,098.32 | 5,844.68 |
| 1955 | Mar. 12, 1965 | 0 | 209.71 | 0 | 57.24 | 266.95 |
| 1956 | do | 0 | 42.62 | 0 | 11.64 | 54.26 |
| 1956 | May 22, 1964 | 582.61 | 145.65 | 248.24 | 234.07 | 1,210.57 |
| 1957 | Mar. 12, 1965 | 0 | 141.16 | 0 | 38.53 | 179.69 |
| 1957 | May 22, 1964 | 1,860.50 | 465.13 | 681.22 | 747.45 | 3,754.30 |
| 1958 | do | 382.92 | 95.73 | 117.23 | 153.84 | 749.72 |
| 1958 | Mar. 12, 1965 | 31.00 | 35.20 | 10.81 | 21.27 | 98.28 |
| 1959 | May 22, 1964 | 464.24 | 116.06 | 114.27 | 186.51 | 881.08 |
| 1959 | Mar. 12, 1965 | 32.55 | 46.34 | 9.40 | 25.35 | 113.64 |
| Total |  | 13,537.21 | 4,858.82 | 7,240.63 | 5,844.19 | 31,480.85 |

Amount of offer: $6,000.00 plus collateral agreement. (See terms below.)

Kind of tax: Income.

Date and place notice of lien filed: Mar. 29, 1965, Sept. 1, 1967, Sept. 9, 1967, Oneida Co., Utica, N.Y. and Town of New Hartford, New Hartford, N.Y.

Is case pending before appellate officer? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: Amended offer secured. $6,000 payable $3,000 on Jan. 1, 1970 and the balance of $3,000 on January 1, 1971, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payment is made in full, together with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). In addition, the taxpayer agreed to pay a graduated percentage of his future income in excess of $6,000 for the years 1970 to 1974 inclusive.

Recommended by John P. Giglio, Aug. 21, 1969; Robert VanValkinbuo, Sept 12, 1969.

I accept for the reasons embodied in the attached statement:[1] John E. Foley, Dec. 26, 1969.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, Nov. 3, 1969.

### ABSTRACT AND STATEMENT ACCEPTED DEC. 16, 1969

In re offer in compromise: Liability of Wallace S. and Janet K. Roberts, 3 Woodland Rd., New Hartford, N.Y.; Wedgewood Apts., Apt. 38–E, New Hartford, N.Y.

Case No. I. T. 6–1967–A; District, Buffalo, N.Y.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 30, 1969 | Total |
|---|---|---|---|---|---|---|
| 1960 | Mar. 12, 1965 | 31.41 | 44.82 | 7.19 | 20.81 | 104.23 |
| 1960 | May 22, 1964 | 484.67 | 121.17 | 90.22 | 194.71 | 890.77 |
| 1961 | do | 1,249.71 | 312.43 | 157.65 | 511.93 | 2,231.72 |
| 1961 | Mar. 12, 1965 | 92.56 | 122.98 | 15.62 | 58.83 | 289.99 |
| Total |  | 1,858.35 | 601.40 | 270.68 | 786.28 | 3,516.71 |

Amount of offer: $2,000 plus collateral agreement (see terms below).

Kind of tax: Income.

Date and place notice of lien filed: Apr. 29, 1965, Sept. 9, 1965, Oneida Co., Utica, N.Y., and Town of New Hartford, New Hartford, N.Y.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: Amended offer secured; $2,000 payable $1,000 on Jan. 1, 1970, and the balance of $1,000 on Jan. 1, 1971, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payment is made in full, together with waiver of refunds, default agreement and other provisions on form 656, (revised July 1957). In addition, taxpayer Janet Roberts, agreed to pay a graduated percentage of her separate future income for the years 1970 to 1974, inclusive. In addition, Wallace S. Roberts has agreed to pay a graduated percentage of his separate future income in excess of $6,000 for the years 1970 to 1974, inclusive.

Recommended by: John P. Giglio, Review Officer, Aug 21, 1969; Robert VanValkenbergh, Reviewer, Sept 12, 1969.

I accept for the reasons embodied in the attached statement:[1] John E Foley, Dec. 16, 1960.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen, FJL; Nov. 1, 1969.

Footnote at end of table.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Neal (Neil) Rubin, 39 Park Dr., Lido Beach, N.Y.

Case No. WT–40–A; district, Manhattan.

Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 15, 1970 | Total |
|---|---|---|---|---|---|---|
| TRANSCRIPT READS: ABRAHAM LEFKOWITZ AND/OR NEAL RUBIN FORMER OFFICERS: COFFEE SHOPS OF NEW YORK, INC. |  |  |  |  |  |  |
| Dec. 31, 1962 | May 6, 1966 | 2,883.95 |  |  | 725.26 | 3,609.21 |
| Mar. 31, 1963 | do | 2,579.75 |  |  | 648.76 | 3,228.51 |
| TRANSCRIPT READS: ABRAHAM LEFKOWITZ AND/OR NEAL RUBIN FORMER OFFICERS: CUP & SAUCER, 57TH STREET CORPORATION |  |  |  |  |  |  |
| Dec. 31, 1962 | Aug. 26, 1966 | 3,351.71 |  |  | 781.35 | 4,133.06 |
| TRANSCRIPT READS: ABRAHAM LEFKOWITZ AND/OR NEAL RUBIN FORMER OFFICERS: WINSTON RESTAURANT, INC. |  |  |  |  |  |  |
| Dec. 31, 1962 | Dec. 2, 1966 | 2,987.79 |  |  | 1,951.61 | 10,939.40 |
| Jan. 30, 1963 | do | 8,019.57 |  |  | 1,741.37 | 9,760.94 |
| TRANSCRIPT READS: NEAL RUBIN AND/OR ABRAHAM LEFKOWITZ FORMER OFFICERS COFFEE SHOPS OF NEW YORK, INC. |  |  |  |  |  |  |
| June 30, 1963 | Dec. 18, 1964 | 519.90 |  |  | 238.27 | 758.17 |
| Mar. 31, 1963 | Aug. 26, 1966 | 3,526.78 |  |  | 822.16 | 4,348.94 |
| June 30, 1963 | do | 2,276.07 |  |  | 530.60 | 2,806.67 |
| TRANSCRIPT READS: NEIL RUBIN, FORMER OFFICER: REST CORPORATION OF NEW YORK |  |  |  |  |  |  |
| Mar. 31, 1963 | Apr. 8, 1966 | 5,478.90 |  |  | 1,403.42 | 6,882.32 |
| June 30, 1963 | do | 8,125.43 |  |  | 2,081.33 | 10,206.76 |
| Total |  | 45,749.85 |  |  | 10,924.13 | 56,673.98 |

Amount of offer: $3,000 plus collateral agreement (see terms below).

Kind of tax: 100 percent penalty for Withholding and Federal Insurance Contribution Act taxes.

Date and place notice of lien filed: New York County Jan. 22, 1965, June 16, 1966; Sept. 22, 1966; Dec. 9, 1966, Sept. 30, 1966; Dec. 12, 1966, Nassau County.

Is case pending before appellate office? No.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Terms of offer: The total sum of $3,000 paid in full with submission of the offer together with waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979, inclusive, and has stipulated that the offer is submitted to compromise his individual liability only and shall not be construed as operating to release his coobligor on the joint assessments.

Recommended by: Lorenzo Lombardo, revenue officer, Apr. 1, 1970; Jerry Rosenfeld, May 5, 1970.

I accept for the reasons embodied in the attached statement:[1] Edw. J. Fitzgerald Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Marvin E. Hagen, May 14, 1970.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 21, 1970

E.I. and S.S. No. [redacted] corrected to [redacted].

In re offer in compromise: Liability of George J., Jr. and Barbara Ruppert, 3636 Eastern Ave., Sacramento, Calif.

Case No. [redacted]; District, Los Angeles.

Liability as follows:

| Period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 15, 1970 | Total |
|---|---|---|---|---|---|---|
| 1960 | June 2, 1966 | 13,781.67 |  | 4,246.45 | 3,265 94 | 21,294.06 |
| 1961 | do | 6,700.81 |  | 1,662.63 | 1,587.94 | 9,951.38 |
| 1965 | Nov. 15, 1963 | 9,286.52 | 464.33 | 1,518.62 | 877.59 | 12,147.06 |
| 1966 | Dec. 13, 1968 | 7,140.77 |  | 711.24 | 585.36 | 8,437.37 |
| Total |  | 36,909.77 | 464.33 | 8,138.94 | 6,316.83 | 51,829.87 |

Amount of offer: (Plus collateral agreement) (terms below) $10,000.

Kind of tax: Income.

Date and place notice of lien filed: Nov. 9, 1967, Feb. 14, 1969, Aug. 13, 1969, Orange County.

Is case pending before the tax court? No.

Was collection of tax barred at time of offer? No.

Was bond filed? No.

Recommendation of Director: Acceptance.

Terms of offer: The total sum of $10,000 payable on the deferred payment basis as follows: $1,000 already paid, plus $9,000 to be paid within 30 days after notice of acceptance, together with interest at the rate of 6 percent per annum on the deferred payments from the date the offer is accepted until paid in full, with waiver of refunds, default agreement and other provisions on form 656 (Rev. 7–57).

In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1976, inclusive.

Recommended by: Melvern Stein, Attorney, August 12, 1970; /S/ Dorothy W. Westover, Actg. Staff Asst., August 17, 1970.

I accept for the reasons embodied in the attached statement: (Signed) Ralph B. Grant. Acting.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz (Dw).

### ABSTRACT AND STATEMENT MAR. 5, 1970

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Anthony Scarngella, 15 Cottage Avenue, Montvale, N.J.
District, Newark.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 31, 1969 | Total |
|---|---|---|---|---|---|---|
| Proposed deficiencies. | | | | | | |
| 1955 | | 7,061.49 | 3,530.75 | | 8,579.71 | 19,171.95 |
| 1956 | | 15,356.21 | 7,678.11 | | 17,275.74 | 40,310.06 |
| 1957 | | 18,417.22 | 9,208.61 | | 19,061.82 | 46,687.65 |
| 1958 | | 8,998.15 | 4,499.08 | | 8,503.26 | 22,000.49 |
| Total | | 49,833.07 | 24,916.55 | | 53,420.55 | 128,170.15 |

Amount of offer: $12,000. (No deposit).
Kind of tax: Proposed income tax.
Date and place notice of lien filed: None.
Is case pending before appellate office? No.
Is case pending before the Tax Court? Yes.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $12,000 to be paid upon acceptance, with waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). The taxpayer has also executed a collateral agreement with respect to additional payments from future income.

Recommended by Seymour J. Kitay, offer examiner, Sept. 24, 1969; Charles M. Kahn, reviewer, Sept. 25, 1969.

I recommend acceptance for the reasons embodied in the attached statement: [1] R. H. Nash, Jr.

For the reasons embodied in the attached statement, I a m of the opinion that the offer(s) should be accepted: K. Martin Worthy, Nov. 6, 1969.

### ABSTRACT AND STATEMENT ACCEPTED MAY 13, 1970

In re offer in compromise: Liability of Sidney J. Scoratow, 5668 Melvin St., Pittsburgh, Pa.
District, Pittsburgh, Pa.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1955 | Nov. 12, 1958 | 710.51 | 0 | 105.48 | 496.64 | 1,312.63 |
| 1958 | May 8, 1959 | 407.70 | 0 | 0 | 270.71 | 678.41 |
| 1961 | May 18, 1962 | 840.00 | 0 | 0 | 405.72 | 1,245.72 |
| 1962 | Oct. 22, 1965 | 3,673.50 | 0 | 554.04 | 1,017.55 | 5,245.72 |
| 1962 | July 26, 1963 | 2,304.60 | 0 | 38.72 | 947.19 | 3,290.51 |
| 1963 | July 31, 1964 | 2,831.20 | 213.56 | 49.91 | 990.92 | 4,085.59 |
| 1964 | June 9, 1965 | 24,562.11 | 1,155.39 | 3,761.49 | 7,344.07 | 36,823.06 |
| 1965 | June 3, 1966 | 6,519.27 | 70.95 | 769.70 | 1,558.10 | 8,918.02 |
| 1966 | Oct. 20, 1967 | 3,511.89 | 0 | 108.24 | 551.36 | 4,171.49 |
| 1967 | May 24, 1968 | 4,597.92 | 147.13 | 278.14 | 560.94 | 5,584.65 |
| Total | | 49,958.70 | 1,587.03 | 5,665.72 | 14,143.20 | 71,354.65 |

Amount of offer: $4,000.
Kind of tax: Income.
Date and place notice of lien filed: Feb. 7, 1957, Apr. 23, 1959, June 27, 1969, Sept. 12, 1962, Oct. 5, 1963, Nov. 10, 1964, Oct. 21, 1965, Jan. 21, 1966, July 20, 1966, Feb. 19, 1968, Sept. 23, 1968, Dec. 27, 1968, Allegheny Co., Pa.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $4,000, cash, together with waiver of refunds and other provisions on form 656 (revised July 1957). In addition, as additional consideration for the acceptance of the offer, the taxpayer has executed a collateral agreement whereunder he agrees to pay a graduated percentage of his future income in excess of $7,500 to the District Director for the years 1970 to 1974, inclusive.

Recommended by: Frank S. Grant, revenue officer, Mar. 18, 1970; Chief, Collection Division, Apr. 13, 1970.

I accept for the reasons embodied in the attached statement: [1] H. Alan Long.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H. Haas.

### ABSTRACT AND STATEMENT ACCEPTED FEB. 26, 1970

E.I. or S. S. No. (H) [redacted] (W) [redacted].
In re offer in compromise: Liability of David C. and Janet Scott, 1211 New Mexico Ave., Lorain, Ohio.
Case No. [redacted]; District, Cleveland.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar.7, 1970 | Total |
|---|---|---|---|---|---|---|
| 1956 income | July 8, 1966 | 8,207.29 | 4,373.27 | 4,843.65 | 2,767.71 | 20,191.92 |
| 1957 income | do | 8,599.81 | 5,016.47 | 4,246.41 | 2,995.58 | 20,858.27 |
| 1958 income | do | 4,336.88 | 2,187.69 | 1,897.95 | 1,435.41 | 9,857.93 |
| 1959 income | do | 6,452.70 | 3,226.35 | 2,411.89 | 2,129.39 | 14,220.33 |
| Total | | 27,596.68 | 14,803.78 | 13,399.90 | 9,328.09 | 65,128.45 |

Footnote at end of table.

Amount of offer: $2.000 plus collateral agreement on future income (see terms below).
Kind of tax: Individual income tax.
Date and place notice of lien filed: Nov. 8, 1966, Lorain County, Cuyahoga County, and Summit County.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collecting of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $2,000 payable at $25 per month, 1st payment to be made Nov. 1, 1968, and each month thereafter, with interest at the rate of 6 percent per annum on deferred payments from date this offer is accepted until paid in full together with waiver of refunds, default agreements, and other provisions on form 656. As additional consideration, the taxpayers have submitted a collateral agreement based on future income from 1970 through 1980. As of Nov. 2, 1969, $350 has been deposited to the special deposit account.

Recommended by: Raymond D. Klinges, revenue officer, Jan. 29, 1970; John G.———, SPS, reviewer, Feb. 4, 1970.

I accept for the reasons embodied in the attached statement: [1] F. S. Turbett, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price, JPC.

### ABSTRACT AND STATEMENT ACCEPTED SEPT. 30, 1970

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Ove C. and Pearl Selid, 333 Clay, Fairbanks, Alaska.
Case No. [redacted]; District, Anchorage.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Sept. 1, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1960 | July 28, 1967 | 26,909.97 | 8,935.95 | 12,641.28 | 7,078.90 | 55,566.10 |

Amount of offer: $10,000.
Kind of tax: Income—deficiency.
Date and place notice of lien filed: September 15, 1967, Fairbanks, Alaska.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $10,000 payable $3,000 with the offer, and the balance of $7,000 at $250 per month commencing 30 days after notice of acceptance and each month thereafter, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on form 656.

In addition, the taxpayer has agreed to pay a graduated percentage of future income in excess of $10,000 for the years 1971 to 1975, inclusive.

Recommended by: Max B. Pierce, revenue officer, August 4, 1970: F.W. Dennis, special procedures officer, August 18, 1970.

I accept for the reasons embodied in the attached statement: [1] Lewis J. Conrad Assistant Director.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz.

### ABSTRACT AND STATEMENT

In re offer in compromise: Liability of Robert L. Severance, 1124 Bexley Ave., Marion, Ohio.
Case No., [redacted]; District, Cincinnati, Ohio.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Aug. 1, 1969 | Total |
|---|---|---|---|---|---|---|
| Quarters ended Sept. 30, 1959 thru Sept. 30, 1961 and Mar. 31, 1961 and June 30, 1961. | Oct. 24, 1962 | 33,979.36 | | | 13,876.88 | 47,856.24 |

Amount of offer: $9,000.
Kind of tax: Withholding and Federal Insurance Contribution Act, taxes, 100 percent penalty.
Date and place notice of lien filed: Sept. 15, 1967, Marion County, Ohio; Nov. 19, 1968, refiled Marion County, Ohio; May 14, 1969, Refiled Madison County, N.Y.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $9,000, cash paid with offer, and waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $12,500 for the years 1970 to 1974, inclusive and in addition to waive the long term capital loss deduction of $1,000 per year during the period of the collateral.

Recommended by: Jerome J. Pasholk, revenue officer, June 10, 1969; A. L. Kenkel o/c reviewer, July 9. 1969.

I accept for the reasons embodied in the attached statement: [1] Paul A. Schaefer.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Clarence E. Price.

### ABSTRACT AND STATEMENT ACCEPTED SEPT. 23, 1970

E.I. or S. S. No. (H) [redacted]; (W) [redacted].
In re offer in compromise: Liability of Charles and Lillian Shane, 69 Northport Ave., Belfast, Maine.
Case No. [redacted]; District, Augusta (Maine).
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty * | Interest assessed | Interest accrued to July 31,1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1964 | Dec. 1, 1967 | 9,276.70 | 11,862.64 | 3,269.19 | 2,831.64 | 27,240.17 |
| Dec. 31, 1965 | do | 18,516.54 | 9,258.27 | 1,807.77 | 4,442.07 | 34,024.65 |
| Dec. 31, 1966 | Nov. 26, 1968 | 19,069.40 | 10,852.46 | 1,016.16 | 3,038.42 | 33,976.44 |
| Dec. 31, 1967 | May 17, 1968 | 887.00 | | 4.73 | 117.35 | 1,009.08 |
| Total | | 47,749.64 | 31,973.37 | 6,097.85 | 10,429.48 | 96,250.34 |

*Includes fraud and estimated tax penalties.
Amount of offer: $10,000.
Kind of tax: Individual income tax.
Date and place notice of lien filed: Jan. 18, 1968—Augusta, Maine; Jan. 25, 1968—Belfast, Maine.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $10,000 paid in full, plus waiver of refunds, default agreement, and other provisions on form 656 (revised July 1957). In addition, taxpayers have agreed to pay a graduated, percentage of their future income for the years 1970 to 1975, inclusive.

Recommended by: Michael ———, revenue officer, July 9, 1970; John T. Burke, collection reviewer, July 14, 1970.

I accept for the reasons embodied in the attached statement:[1] John C. Hanson.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Marvin E. Hagen.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 24, 1970

In re offer in compromise: Liability of John and Therasa Shedesky, 375 Brookview Drive Rochester, N.Y.
Case No. 16–[redacted]; District, Buffalo, N.Y.; Not in suit, N/A.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Jan. 29, 1970 | Total |
|---|---|---|---|---|---|---|
| 1959 | Nov. 29, 1968 | 3,243.40 | 1,621.70 | 1,677.81 | 340.55 | 6,883.46 |
| 1960 | do | 5,285.69 | 2,642.85 | 2,417.15 | 555.00 | 10,900.69 |
| 1961 | do | 3,542.77 | 1,771.39 | 1,407.55 | 372.00 | 7,093.71 |
| 1962 | do | 4,003.19 | 2,001.60 | 1,350.28 | 420.33 | 7,775.40 |
| 1968 | June 27, 1969 | 3,554.00 | 110.00 | 42.55 | 128.24 | 3,834.79 |
| Total |  | 19,629.05 | 8,147.54 | 6,895.34 | 1,816.12 | 36,488.05 |

Amount of offer: $10,400.
Kind of tax: Income.
Date and place notice of lien filed: May 14, 1969, Monroe County.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: The total amount payable upon acceptance together with waiver of refunds, default agreement, and other provisions on Form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1979, inclusive.

Recommended by: A. G. Bruntth, Nov. 19, 1969; Robert VanWalhenbock, Dec. 30, 1969.

I accept for the reasons embodied in the attached statement:[1] John E. Foley, June 24, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Marvin E. Hagen, Feb. 13, 1970.

### ABSTRACT AND STATEMENT ACCEPTED AUG. 3, 1970

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of John R. & Dorothy G. Smith, 1107 Greenhills Rd., Toledo, Ohio.
Case No. [redacted] A; District, Cleveland.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Aug. 10, 1970 | Total |
|---|---|---|---|---|---|---|
| 1958 | Mar. 15, 1968 | 700.65 | 350.33 | 373.07 | 151.10 | 1,575.15 |
| 1959 | do | 1,635.88 | 817.94 | 772.90 | 352.78 | 3,579.50 |
| 1960 | do | 1,668.41 | 834.21 | 688.16 | 359.81 | 3,550.59 |
| 1961 | do | 3,919.90 | 1,959.95 | 1,381.63 | 845.35 | 8,106.83 |
| 1962 | do | 3,548.53 | 1,774.27 | 1,037.82 | 765.26 | 7,125.88 |
| 1963 | Nov. 24, 1967 | 3,368.78 | 1,104.75 | 729.27 | 726.01 | 5,928.81 |
| 1964 | Nov. 3, 1967 | 1,941.72 | 636.89 | 297.32 | 428.41 | 3,304.34 |
| 1965 | do | 2,571.81 | 836.29 | 239.50 | 566.22 | 4,213.82 |
| Total |  | 19,355.68 | 8,314.63 | 5,519.67 | 4,194.94 | 37,384.92 |

Amount of offer: $12,000 plus collateral agreement (see terms below).
Kind of tax: Income.
Date and place notice of lien filed: April 10, 1968, Lucas County, Ohio; December 16, 1968, Lucas County, Ohio; April 23, 1969, Lucas County, Ohio.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $12,000 payable on a deferred payment basis as follows: $1,085.64 previously submitted and balance of $10,914.36 as follows: 24 payments of $100 per month followed consecutively by 12 payments of $125 per month, 12 payments of $150 per month, 12 payments of $200 per month and 12 payments of $234.53 per month. Payments are to begin within 30 days after date of notice of acceptance letter, and, in addition to the amounts set forth, will include stated interest of $30 on each payment towards compliance with interest provisions on form 656 (revised July 1957) requiring payment of 6 percent interest per annum on deferred payments from the date of acceptance to the date the respective payments are made in full. The remainder of interest due under terms of this agreement will be paid in full with the last payment.

Recommended by : William J. Gillispii, revenue officer, June 16, 1970; John G. ——— SPS reviewer, July 7, 1970.

I accept for the reasons embodied in the attached statement:[1] F. S. Turbeth, Jr.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price.

### ABSTRACT AND STATEMENT ACCEPTED APR. 23, 1970

In re offer in compromise: Liability of William C. Stillwell, 30 Plymouth St., New Hyde Park, N.Y.
Case No., [redacted]; District, Brooklyn.
Liability as follows:

Footnote at end of table.

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 30, 1970 | Total |
|---|---|---|---|---|---|---|
| U L C Reads: William C. Stillwell and/or Roy H. Johnson—Former officers of Johnwell Contracting Corp. |  |  |  |  |  |  |
| June 30, 1953 | Mar. 11, 1954 | 6,373.44 |  |  | 6,463.59 | 12,837.03 |
| Sept. 30, 1953 | do | 3,258.34 |  |  | 6,152.31 | 9,410.65 |
| Dec. 31, 1953 | do | 6,142.53 |  |  | 6,336.73 | 12,479.26 |
| U L C Reads: William Stillwell and/or Roy Johnson—Former officers of Dorcester Builders, Inc. |  |  |  |  |  |  |
| June 30, 1954 | Feb. 15, 1957 | 755.63 |  |  | 1,309.64 | 2,065.27 |
| Total |  | 16,529.94 |  |  | 20,262.27 | 36,792.21 |

Amount of offer: $5,000.
Kind of tax: 100 percent penalty withholding and Federal Insurance Contributions Act.
Date and place notice of lien filed: Apr. 23, 1954, Nassau County, Mineola, N.Y., Dec. 1, 1964, Nassau County, Mineola, N.Y.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $5,000, $50 paid with the offer, the balance of $4,950 payable upon notice of acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656. In addition, the taxpayer executed a collateral agreement stating that the offer is submitted to compromise his individual liability only and shall not be construed as operating to release his coobligor on the joint assessments.

Recommended by: George G. ———, Jan. 29, 1970; Edward S. Finn, reviewer, Mar. 26, 1970.

I accept for the reasons embodied in the attached statement.[1] Eugene W. Sturtevant.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Marvin E. Hagen, Apr. 16, 1970.

### ABSTRACT AND STATEMENT ACCEPTED APR. 8, 1970

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Richard E. Stratton III and Louise W. Stratton, Rt. 1, Box 156A, Brookhaven, Miss.
Case No [redacted]A; District, Jackson; not in suit X.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 1, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1962 | Aug. 25, 1967 | 1,917.41 | 0 | 501.68 |  |  |
| Do | Mar. 1, 1968 | 0 | 47.65 | 73.87 |  |  |
| Do | Aug. 16, 1968 | 0 | 0 | 39.20 |  |  |
| Do | Oct. 4, 1968 | 2,179.57 | 2,048.49 | 730.59 | 521.92 | 8,060.38 |
| Dec. 31, 1963 | Aug. 18, 1967 | 3,998.14 | .01 | 801.60 |  |  |
| Do | Mar. 1, 1968 | 0 | 104.69 | 159.79 |  |  |
| Do | Aug. 16, 1968 | 0 | 0 | 80.73 |  |  |
| Do | Oct. 4, 1968 | 3,205.25 | 3,601.70 | 891.81 | 1,087.10 | 13,930.82 |
| Dec. 31, 1964 | Dec. 20, 1968 | 15,980.44 | 8,430.41 | 3,528.83 | 1,752.95 | 29,692.63 |
| Dec. 31, 1966 | July 19, 1968 | 1,287.33 | 606.58 | 183.57 |  |  |
| Do | Feb. 6, 1970 | 2,130.33 | 760.41 | 584.35 | 18.34 | 5,570.91 |
| Dec. 31, 1967 | Do | 25,010.57 | 12,505.29 | 2,712.89 | 143.81 | 40,372.56 |
| Total |  | 55,709.04 | 28,105.23 | 10,288.91 | 3,524.12 | 97,627.30 |

Amount of offer: $7,590 plus collateral agreement.
Kind of tax: Individual income tax.
Date and place notice of lien filed: See attached sheets.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $7,590 to be paid in full within 30 days of notification of acceptance, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions of form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1978, inclusive. The taxpayers also agree that all moneys received by them during the term of this collateral agreement by virtue of ownership of 10 percent of the Alcorn Pipe Line Company, a partnership, less applicable Federal income taxes, will be paid to the Internal Revenue Service.

Recommended by: Harold E. Storm, revenue officer, Feb. 12, 1970: D. L. Ware, reviewer, Feb. 16, 1970.

I accept for the reasons embodied in the attached statement:[1] J. G. Martin, Jr.

For the reasons embodied in the attached statement, I am of the opinoni that the offer(s) should be accepted: Henry C. Stodkell Jr., Mar. 3, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAY 18. 1970

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Edward C. Strum, Jr. and Dorothy L. Strum, 219 East Ralston Ave., San Bernardino, Calif.
Case No. [redacted]; district, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Dec.31, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1959 | Dec. 30, 1966 | 2,004.35 | 122.64 | 978.19 | 392.73 | 3,506.91 |
| Dec. 31, 1960 | do | 4,143.28 | 207.16 | 1,418.88 | 797.26 | 6,566.58 |
| Dec. 31, 1961 | do | 3,442.58 | 172.13 | 972.41 | 660.37 | 5,247.49 |
| Dec. 31, 1962 | do | 2,750.08 | 137.50 | 611.80 | 525.88 | 4,025.26 |
| Dec. 31, 1963 | do | 9,139.25 | 456.96 | 1,484.81 | 1,742.17 | 12,823.19 |
| Dec. 31, 1964 | do | 11,480.69 | 574.03 | 1,176.38 | 2,181.61 | 15,412.71 |
| Total |  | 32,960.23 | 1,670.42 | 6,651.47 | 6,300.02 | 47,582.14 |

Amount of offer: $4,000 plus collateral agreement. (Terms below).
Kind of tax: Income.
Date and place notice of lien filed. San Bernardino County, March 30, 1967.
Is case pending before appellate office? No.
Is case pending before the Tax Court. No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $4,000, payable $1,000 within 30 days of acceptance of the offer; balance to be paid at the rate of $50 per month commencing on July 15, 1969, and each 15th day thereafter, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised February 1969). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1978, inclusive, and have agreed also to waive any deduction on their current and future income tax returns in respect to any and all moneys repaid to the person or persons from whom the said moneys were embezzled.

Recommended by: E. C. Schonsman, revenue officer, Dec. 8, 1969; Harrington, reviewer, Dec. 11, 1969.

I accept for the reasons embodied in the attached statement: [1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz.

### ABSTRACT AND STATEMENT ACCEPTED JULY 10, 1970

E.I. or S.S. No. [redacted]
In re offer in compromise: Liability of Franklin A. and Betty V. Sturdivant, Sparta, N.C.
District, Greensboro.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr 15, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec 31, 1961 | Proposed deficiency | 10,415.90 | 5,207.95 | | 4,999.63 | 20,623.48 |
| Dec 31, 1962 | do | 25,826.37 | 12,913.19 | | 10,847.08 | 49,586.64 |
| Dec 31, 1963 | do | 32,970.28 | 16,485.14 | | 11,869.30 | 61,324.72 |
| Total | | 69,212.55 | 34,606.28 | | 27,716.01 | 131,534.84 |

Amount of offer: $7,457 37 plus collateral agreement (see terms below)
Kind of tax: Income
Date and place notice of lien filed: None-
Is case pending before appellate office? Yes-
Is case pending before the Tax Court? No-
Was collection of tax barred at time of offer? No-
Was bond filed? No-

Terms of offer: $7,457.37 payable as follows: $4,757.37 payable 180 days after notice of acceptance of the offer, and $2,700 payable at $75 per month commencing on the 30th day after notice of acceptance and on the 30th day of each month thereafter, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refund, default agreement, and other provisions on form 656, revised July 1957. In addition, the taxpayers have agreeded to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1979, inclusive.

Recommended by: Robert B. Rabon, Revenue Officer, Jan. 5, 1970; C. W. Cooper, Feb. 2, 1970.

I recommend acceptance for the reasons embodied in the attached statement: [1] J. E. Wall.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, ABC, Mar. 24, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAY 15, 1970

In re offer in compromise: Liability of Tahoe-Truckee Development, Inc., c/o Thomas J. McIntosh, P.O. Box 6247, 1225 Solano Ave., Albany, Calif.
Case No., I.T. NMF-151; District, San Francisco.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to | Tota |
|---|---|---|---|---|---|---|
| 1961 | Proposed deficiency. | 31,390.00 | 7,844 | | | 39,234 |

Amount of offer: $100.
Kind of tax: Income.
Date and place notice of lien filed: None.
Is case pending before appellate office? No.
Is case pending before the Tax Court? Yes.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $100 to be paid upon receipt of notice of acceptance of offer together with waiver of refunds and other provisions on form 657 (rev. sec. 7–57).

Recommended by: James S. Harrison, Nov. 7, 1969; David———Reviewer, November 12, 1969.

I accept for the reasons embodied in the statement: [1] Joseph M. Cullen.

For the reasons embodied in the attached statement, I am of the opinion that the offer (s) should be accepted. RCS/FGT, Dec. 16, 1969.

### ABSTRACT AND STATEMENT

E.I., S. S. Nos. 54———; 54———.

In re offer in compromise: Liability of Robert M. Taylor, 10271 Rohious Road, Richmond, Va.
District, Richmond.
Account of Robert M. Taylor and Richard D. Garrett. Trading as R & R Installation Service 54-———.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 15, 1970 | Total |
|---|---|---|---|---|---|---|
| June 30, 1967 | Sept. 22, 1967 | $13,220.64 | | $141.15 | $1,963.76 | $15,327.55 |
| Sept. 30, 1967 | Nov. 17, 1967 | 17,963.94 | $538.91 | 26.98 | 2,686.67 | 21,136.10 |
| Dec. 31, 1966 (940) | Nov. 22, 1968 | 1,979.33 | | 213.79 | 156.21 | 2,340.33 |

Footnote at end of table.

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 8, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1967 (940) | June 17, 1968 | 4,395.12 | 659.27 | 77.49 | 513.40 | 5,645.28 |
| Account of Robert M. Taylor 54–0833234. | | | | | | |
| Sept. 30, 1967 | Nov. 17, 1967 | 9,585.17 | 143.78 | 14.18 | 1,370.79 | 11,113.92 |
| Dec. 31, 1967 | Apr. 5, 1968 | 5,456.40 | | 59.05 | 635.18 | 6,150.63 |
| Total | | 52,600.60 | 1,341.96 | 532.24 | 7,248.01 | 61,722.81 |

Amount of offer: $6,280 plus collateral agreement (see terms below).
Kind of Tax: Withholding Federal insurance contributions and Federal Unemployment taxes.
Date and place notice of lien filed: Oct. 10, 1967, Feb. 8, 1968, Feb. 9, 1968, June 3, 1968, June 4, 1969, Feb. 4, 1969; Circuit Court Chesterfield Court, Va. and Hustings Court Part II, Richmond, Va.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $6,280 payable $1,000 5 days after notice of acceptance and $5,280 payable in 18 monthly installments of $60 each and 42 monthly installments of $100 beginning 30 days after the payment of $1,000 and continuing on the same day of each succeeding month for 60 months, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on form 656 (revised 2–69). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979, inclusive, and waiver of refunds made for periods ending prior to or during the calendar years in which this agreement is in force.

Recommended by: Henry E ———, Revenue Officer, Feb 18, 1970; M. V. Orr, Feb. 19, 1970.

I accept for the reasons embodied in the attached statement: [1] W. P. Alexander, Acting

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Marion B. Morton, Mar 24, 1970.

### ABSTRACT AND STATEMENT ACCEPTED JULY 30, 1970

E.I. or S.S. No., [redacted].
In re offer in compromise: Liability of Margaret M. Townsfeldt, 1445 North Fairfax Ave., Los Angeles, Calif.
District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to May 29, 1970 | Total |
|---|---|---|---|---|---|---|
| 1963 | Aug. 29, 1969 | 18,093.75 | 904.69 | 5,647.73 | 854.91 | 25,501.08 |
| 1964 | do | 20,365.53 | 1,018.28 | 5,134.90 | 962.28 | 27,480.99 |
| 1965 | Oct. 31, 1969 | 6,422.90 | 1,926.88 | 1,234.08 | 288.92 | 9,872.78 |
| Total | | 44,882.18 | 3,849.85 | 12,016.71 | 2,016.11 | 62,854.85 |

Amount of offer: $6,500 plus collateral agreement (terms below).
Kind of tax: Income.
Date and place of notice of lien filed: Dec. 5, 1969 Feb. 4, 1970, Los Angeles County.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: The total sum of $6,500 payable on the deferred payment basis as follows: $2,000 paid with the original offer, plus $75 to be paid on Jan. 20, 1970, and $75 to be paid on the 20th day of each following month, together with interest at the rate of 6 percenti a yea on the deferred payments from the date the offer is accepted until paid in full, with waver of refunds, default agreement and other provisions on form 656 revised February 1969.

In addition the taxpayer has agreed to pay a graduated percentage of her future income in excess of $6,500 for the years 1970 to 1979, inclusive.

Recommended by: Charles J. Foltz, revenue officer, Apr. 17, 1970; Harrington, May 22, 1970.

I accept for the reasons embodied in the attached statement: L. C. Jobe.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, President July 6, 1970.

### ABSTRACT AND STATEMENT

E.I. or S. S. No. [redacted].
In re offer in compromise: Liability of Jacques Traubo, 100 Central Park South, New York, N.Y.
Case No. [redacted]; District, Brooklyn, N.Y.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to November 20, 1970 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1944 | Oct. 7, 1954 | 11,873.66 | 6,980.97 | 6,785.12 | 24,229.95 | 49,169.70 |
| Dec. 31, 1945 | do | 11,952,55 | 6,026.27 | 6,186.65 | 23,398.90 | 47,564.37 |
| Dec. 31, 1946 | do | 2,343.92 | 3,608.51 | 3,278.23 | 12,776.77 | 22,007.43 |
| Dec. 31, 1958 | Dec. 17, 1965 | 17,600.58 | 1,750.06 | 7,046.02 | 5,719.84 | 32,116.50 |
| Total | | 43,770.71 | 18,365.81 | 22,596.02 | 66,125.46 | 150,858.00 |

Amount of offer: $16,000, plus collateral agreement (see terms below).
Kind of tax: Federal income tax.
Date and place notice of lien filed: See schedule on page 2.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $10,000 tendered herewith and the balance of $6,000 to be paid at the rate of $100 per month for a period of 60 months, the first payment to be made July 20, 1969, and to continue thereafter on the 20th of each succeeding month until paid in full, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, and default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970, to 1979, inclusive.

Recommended by: George ———, revenue officer, Aug. 20, 1970; ——— ———, Chief, O/C Sect. Aug. 24, 1970, Fred ———, reviewer, Aug. 27, 1970.

I recommend acceptance for the reasons embodied in the attached statement:[1] Eugene W. Sturtevant, acting, Sept. 8, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: K. Martin Worthy, Chief Counsel, ABC, Nov. 19, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAR. 19, 1970

In re offer in compromise: Liability of William J Travers, 130 Pepper Ave , Larkspur, Calif.
Case No., [redacted]; District, San Francisco.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 31, 1970 | Total |
|---|---|---|---|---|---|---|
| 1963 | Sept 6, 1968 | 6,449.62 | 362.43 | 1,875.81 | 660.39 | 9,348.25 |
| 1965 | do | 7,672.87 | 383.64 | 1,064.85 | 748.85 | 9,870.21 |
| 1966 | June 30, 1967 | 16,880.87 | 844.03 | 1,329.87 | 1,667.86 | 20,722.63 |
| Total |  | 31,003.36 | 1,590.10 | 270.53 | 2,077.10 | 39,941.09 |

Amount of offer $11,515 plus collateral agreement (see terms below)
Kind of tax: Income.
Date and place notice of lien filed: Oct 3, 1968 San Francisco, County, San Francisco, Calif. Oct 3, 1968, Marin County, San Rafael, Calif. Jan. 20, 1969, Marin County, San Rafael. Calif.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $11,515 payable $5,000 upon notice of acceptance of the offer and the balance at $110 per month commencing 30 days after notice of acceptance and each month thereafter, together with interest at the rate of 6 percent per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7–57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1971 to 1977 inclusive.

Recommended by: B. Willis, revenue officer, Feb. 18, 1970, Samuel S. Peters, Group Supervisor, Feb. 18, 1970.

I accept for the reasons embodied in the attached statement:[1] Joseph M. Cullen.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted, Richard C. Schwartz, Apr. 30, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Robert H. and Violet Van Buskirk, 1461 North Shaffer St., Orange, Calif.
Case No. [redacted](2); District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accured to Apr. 2, 1970 | Total |
|---|---|---|---|---|---|---|
| Accounts of Robert H. Van Buskirk. |  |  |  |  |  |  |
| Dec. 31, 1962 | Dec. 19, 1967 | 25,411.67 |  | 6,792.08 | 3,963.95 | 36,167.70 |
| Dec. 31, 1964 | Dec. 19, 1967 | 13.50 | 5.68 | 50.06 | 4.08 | 73.32 |
| Accounts of Violet Van Buskirk. |  |  |  |  |  |  |
| Dec. 31, 1962 | Dec. 31, 1968 | 25,832.67 |  | 6,861.46 | 2,935.09 | 35,629.22 |
| Dec. 31, 1964 | do | 113.50 | 5.68 | 20.91 | 8.34 | 148.43 |
| Total |  | 51,371.34 | 11.36 | 13,734.51 | 6,911.46 | 72,018.67 |

Amount of offer: $7,900 plus collateral agreement (see terms below).
Kind of tax: Income.
Date and place notice of lien filed: Apr. 22, 1968, Orange County (Robert); Mar. 24, 1969, Orange County (Violet).
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $7,900 payable as follows: $135 to be paid on the 10th of Apr. 1970, and $135 on the 10th day of each succeeding month until paid in full, together with interest at the rate of 6 percent a year on the deferred payments from the date offer is accepted until paid in full, and waiver of refunds, default agreements, and other provisions on form 656 (revised February 1969) In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1970 to 1976, inclusive, and to waive certain net operating losses and/or capital losses for Federal income tax purposes.

Recommended by: M. Nimovitz, revenue officer, Apr. 10, 1970; Harrington, May 4, 1970.

I accept for the reasons embodied in the attached statement: [1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, May 7, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No., 95–2230409.
In re offer in compromise: Liability of Robert H. Van Buskirk, 1452 N. Shaffer St., Orange, Calif.
Case No. 95–2230409; District, Los Angeles.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 2, 1970 | Total |
|---|---|---|---|---|---|---|
| Withholding and Federal Insurance Contributions Act Tax. |  |  |  |  |  |  |
| March 31, 1966 | June 10, 1966 | 1,675.50 | 80.37 | 25.55 | 395.26 | 2,176.68 |
| June 30, 1966 | Sept 9, 1966 | 3,237.57 |  | 27.46 | 699.88 | 3,964.91 |
| Dec. 31, 1966 | Mar. 3, 1967 | 1,445.24 | 27.34 | 7.23 | 273.37 | 1,753.18 |
| Federal Unemployment Act Tax. |  |  |  |  |  |  |
| Dec. 31, 1966 | Mar. 24, 1967 | 925.01 |  | 9.79 | 168.80 | 1,101.78 |
| Total |  | 7,283.32 | 107.71 | 48.21 | 1,537.31 | 8,996.55 |

Footnote at end of table.

Amount of offer: $2,100 plus collateral agreement (see terms below).
Kind of tax: Withholding and Federal Insurance Contributions Act tax and Federal Unemployment Tax Act.
Date and place notice of lien filed: Dec. 2, 1966, Orange County, Oct. 3, 1966, Orange County, Mar. 17, 1966, Orange County, Apr. 6, 1967, Orange County.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $2,100, already paid in, together with waiver of refunds, default agreement and other provisions on form 656 (revised February 1969). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1976, inclusive, and to waive certain net operating losses and/or capital losses for Federal income tax purposes.

Recommended by: M. Nimovitz, revenue officer, Apr. 10, 1970. P. Harrington, May 4, 1970.

I accept for the reasons embodied in the attached statement: [1] F. S. Schmidt.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz, May 7, 1970.

### ABSTRACT AND STATEMENT ACCEPTED SEPT. 30 1970

In re offer in compromise: Liability of Glenn C. and Bessie H. Vaux, 701 McDermit, Las Vegas, Nev.
Case No. [redacted]; District, Reno, Nev.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 14, 1970 | Total |
|---|---|---|---|---|---|---|
| December 1951 | Aug. 14, 1964 | 0 | 0 | 60.53 | 0 | 60.53 |
| December 1952 | do | 0 | 0 | 332.97 | 0 | 332.97 |
| December 1953 | do | 404.57 | 173.54 | 321.57 | 189.62 | 1,089.30 |
| December 1954 | do | 595.94 | 343.11 | 333.68 | 347.45 | 1,620.18 |
| December 1955 | do | 909.63 | 476.77 | 454.75 | 512.97 | 2,354.12 |
| Separate returns of Bessie H. Vaux: |  |  |  |  |  |  |
| December 1956 | Nov. 8, 1963 | 2,731.15 | 759.27 | 1,070.08 | 1,242.52 | 5,803.02 |
| December 1957 | do | 839.77 | 993.09 | 1,185.22 | 1,345.17 | 4,363.25 |
| December 1958 | do | 2,424.21 | 735.09 | 718.71 | 1,348.37 | 5,226.38 |
| Separate returns of Glenn C. Vaux: |  |  |  |  |  |  |
| December 1956 |  | 2,643.55 | 1,392.27 | 1,162.98 | 1,493.33 | 6,692.13 |
| December 1957 |  | 3,465.75 | 1,825.96 | 1,316.75 | 1,957.93 | 8,566.39 |
| December 1958 |  | 2,581.52 | 1,358.77 | 825.90 | 1,457.91 | 6,224.10 |
| Total |  | 16,596.09 | 8,057.81 | 7,783.14 | 9,895.27 | 42,332.37 |

Amount of offer: $21,842.
Kind of tax: Federal income tax.
Date and place notice of lien filed: 01–08–64 and 11–02–69, Clark County, Nev.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: The total sum of $21,842 of which $7,705 is on deposit with the District Director, $4,137 to be paid on or by Oct. 1, 1970, and the balance of $10,000 to be paid in 3 annual payments as follows: $3,333.33 or more, on the 1st day of the 13th month $3,333.33 or more, on the 1st day of the 25th month, and the balance to be paid on the 1st day of the 37th month; following notification of acceptance of this offer, together with interest at the rate of 6 percent per annum on the deferred payments, if any, from the date the offer is accepted until the respective payments are made in full, waiver of refunds, and other provisions on form 656, (revised July 1947,. As an additional consideration, taxpayers have agreed to a future income collateral agreement for the years 1970 to 1974, inclusive, whereby a percentage of their annual income in excess of $7,500 will be paid to the Director.

Recommended by: Hugh P. Hough, Revenue Officer, July 10, 1970; D. W. Sherman, Special Procedures Officer, Sept. 29, 1970.

I accept for the reasons embodied in the attached statement:[1] W. A. Bates.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Richard C. Schwartz. Sept. 28, 1970.

### ABSTRACT AND STATEMENT ACCEPTED MAR. 13, 1970

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Dr. Stephen F. Verges, ℅ Vasil Polyzois, 7504 Alaska Ave. NW., Washington, D.C.
Case No. [redacted]A; District, Baltimore.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 1, 1970 | Total |
|---|---|---|---|---|---|---|
| 1957 | June 3, 1966 | 1,600.00 | 800.00 | 780.73 | 552.00 | 3,732.73 |
| 1958 | Dec. 23, 1966 | 8,845.29 | 4,596.72 | 4,080.42 | 2,654.79 | 20,177.22 |
| 1959 | do | 3,842.02 | 2,120.38 | 1,541.84 | 1,177.49 | 8,681.73 |
| 1960 | do | 2,550.04 | 1,403.57 | 870.35 | 780.74 | 5,604.70 |
| 1961 | do | 2,579.70 | 128.99 | 725.70 | 534.85 | 3,969.24 |
| Total |  | 19,417.05 | 9,049.66 | 7,999.04 | 5,699.87 | 42,165.62 |

Amount of offer: $5,500 cash plus collateral agreement.
Kind of tax: Income.
Date and place notice of lien filed: See statement below.
Is case pending before appellate office? No.
Is case pending before the tax court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Terms of offer: $5,500 consisting of $5,000 paid with the original offer and the balance of $500 paid with this amended offer, together with waiver of refunds and other provisions on form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1969 to 1978, inclusive and has waived the right to receive any tax refunds that may become due to him through overpayments during the period. of the agreement.

Date and place notice of lien filed: Montgomery Co., Md.: Feb. 6, 1967; Mar. 14, 1967; July 25, 1967. Washington, D.C.: Feb. 8, 1967; Mar. 14, 1967; July 26, 1967. Calvert Co., Md.: Apr. 5, 1967; July 26, 1967. Anne Arundel Co., Md.: June 21, 1967; July 25, 1967.

Recommended by: M. Bronstein, Feb. 25, 1970: Constantine Arguiros, receiver, Feb. 25, 1970

I accept for the reasons embodied in the attached statement:[1] Irving Machiz, Mar. 16, 1970.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Cecil H Haas, Mar. 2, 1970.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 25, 1970

E.I. or S.S. No. [redacted] A.
In re offer in compromise: Liability of Joseph and Constance Visceglia, 1142 Puddingstone Rd., Mountainside, N.J.
Case No., [redacted] A; District, Newark, N.J.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Apr. 11, 1970 | Total |
|---|---|---|---|---|---|---|
| Joseph Visceglia | | | | | | |
| 1945 | May 11, 1962 | 2,166.60 | 1,277.73 | 2,100.03 | 1,636.04 | 7,180.40 |
| 1945 | do | 6,087.57 | 3,591.67 | 5,535.26 | 4,597.62 | 19,812.12 |
| 1947 | do | 2,393.81 | 1,493.26 | 2,033.00 | 1,846.35 | 7,766.42 |
| Constance Visceglia | | | | | | |
| 1946 | do | 6,571.83 | 3,877.40 | 5,975.59 | 4,963.36 | 21,388.18 |
| 1947 | do | 20,443.11 | 10,221.56 | 17,361.80 | 14,565.71 | 62,592.18 |
| Total | | 37,662.92 | 20,461.62 | 33,005.68 | 27,609.08 | 118,739.30 |

Amount of offer: $78,000 (no deposit).
Kind of tax: Income.
Date and place notice of lien filed: Nov. 2, 1962, Bergen County, N.J.; Dec. 26, 1967, Ocean County, N.J.; Oct. 21, 1968, New York, N.Y.; Dec. 2, 1968, Union County, N.J.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $78,000 payable $63,000 within 30 days upon acceptance of the offer and the balance to be paid at the rate of $1,250 per quarter commencing 3 months after acceptance of this offer and every 3d calendar month thereafter, together with interest at the rate of 6 percent per annum from the date this offer is accepted until the payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayers have agreed to pay a graduated percentage of their future "annual income" in excess of $8,500 for the years 1970 to 1979, inclusive, and to a reduction in the "tax basis" of certain assets for Federal income tax purposes.
Recommended by: Benedict R. Montanelli, offer examiner, May 11, 1970; Charles M. Kahn, reviewer, May 11, 1970.
I recommend acceptance for the reasons embodied in the attached statement.[1] R. H. Nash, Jr.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. K. Martin Worthey, ABC, June 2, 1970.

### ABSTRACT AND STATEMENT

E.I. or S.S. No. [redacted].
In re offer in compromise: Liability of Dan R. Wax, 443 South Oakhurst, Beverly Hills, Calif.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to April 8, 1969 | Total |
|---|---|---|---|---|---|---|
| 5703, 5706, 5709, 5712 | Sept. 16, 1960 | 0 | 20,212.34 | 0 | 13,212.11 | 33,424.45 |

Amount of offer: $2,500 plus collateral agreement (terms below).
Kind of tax: 100 percent penalty re withholding and Federal Insurance Contribution Act Taxes.
Date and place notice of lien filed: December 4, 1968, Los Angeles.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $2,500 payable as follows: $500 already paid, plus $2,000 to be paid within 30 days after notification of acceptance of the offer together with interest at the rate of 6 percent per annum on the deferred payment from the date the offer is accepted until the respective payment is made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 2-69). In addition, Mr. Wax has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1975, inclusive.
Recommended by: Joseph DeStefanis, Revenue Officer, Feb. 17, 1970, Harrington, reviewer, Apr. 21, 1970.
I accept for the reasons embodied in the attached statement.[1] F. S. Schmidt.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Richard C. Schwartz, July 30, 1970.

### ABSTRACT AND STATEMENT ACCEPTED JUNE 20, 1969

In re offer in compromise: Liability of Bolen and Cornelia Webb, 3523 Edgewood, Dallas, Tex
Case No., [redacted]; District, Dallas.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to July 9, 1969 | Total |
|---|---|---|---|---|---|---|
| Dec. 31, 1958 | Aug. 19, 1966 | 2,517.74 | 4,731.87 | 4,148.23 | 1,885.46 | 13,283.30 |
| Dec. 31, 1959 | do | 10,101.14 | 5,050.57 | 3,845.07 | 2,575.79 | 21,572.57 |
| Dec. 31, 1960 | do | 10,446.46 | 5,280.73 | 3,386.61 | 2,680.52 | 21,794.32 |
| Dec. 31, 1961 | Sept. 13, 1968 | 12,091.89 | 6,231.19 | 4,604.28 | 916.63 | 23,843.99 |
| Dec. 31, 1962 | Oct. 11, 1968 | 6,185.84 | 3,828.35 | 1,947.10 | 400.57 | 12,361.86 |
| Total | | 41,343.07 | 25,122.71 | 17,931.29 | 8,458.97 | 92,856.04 |

Amount of offer: $21,650 plus collateral agreement.
Kind of tax: Income.
Date and place notice of lien filed: Dec. 30, 1966, Dec. 3, 1968, and Jan. 7, 1969, Dallas County, Tex.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.

Footnote at end of table.

Terms of offer: The total sum of $21,650 payable as follows: $1,250 to be paid within 30 days from the date notice of acceptance is received, and the balance of $20,400 to be paid in 60 payments of $340 each on the 15th day of each month beginning the month after notice of acceptance is received with accrued interest to be paid with last installment, together with waiver of refunds and other provisions of form 656 (revised July 1957). In addition, the taxpayers agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1976 inclusive.
Recommended by: Emmet J. Schayot, revenue officer, June 9, 1969; Homan F. Davis, reviewer, June 11, 1969.
I accept for the reasons embodied in the attached statement: Ellis Campbell, Jr. June 20, 1969.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: W. B. Riley.

### ABSTRACT AND STATEMENT ACCEPTED OCT. 15, 1969

E.I. or S.S. NO. [redacted].
In re offer in compromise: Liability of William H. & Leona Wheeler, 320 South 4th St., Terre Haute, Ind.
Case No., [redacted] District, Indianapolis.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 31, 1969 | Total |
|---|---|---|---|---|---|---|
| 1949 | Dec. 31, 1968 | 0 | 0 | 322.76 | 20.73 | 343.49 |
| 1950 | Dec. 13, 1968 | 997.00 | 388.85 | 1,057.64 | 129.38 | 2,572.87 |
| 1951 | do | 3,690.44 | 1,424.69 | 3,693.47 | 466.42 | 9,275.02 |
| 1952 | do | 1,413,78 | 536.79 | 1,330.11 | 173.71 | 3,454.39 |
| 1953 | do | 1,753.46 | 669.28 | 1,544.49 | 210.06 | 4,177.29 |
| 1954 | do | 870.92 | 280.26 | 710.51 | 60.95 | 1,922.64 |
| 1955 | do | 1,471.28 | 475.52 | 1,112.02 | 103.08 | 3,161.90 |
| 1956 | do | 1,792.34 | 580.83 | 1,247.15 | 125.66 | 3,745.98 |
| 1957 | do | 1,790.21 | 579.15 | 1,138.25 | 125.46 | 3.633.17 |
| 1958 | do | 208.98 | 89.79 | 163.52 | 16.85 | 479.14 |
| 1959 | do | 2,798.67 | 907.89 | 1,443.62 | 199.12 | 5,349.30 |
| 1960 | do | 4,188.74 | 1,361.82 | 1,909.32 | 293.90 | 7,753.78 |
| 1961 | do | 1,201.41 | 384.68 | 574.54 | 83.98 | 2,145.61 |
| 1962 | do<br>Nov. 20, 1968 | 2,800.83 | 906.04 | 940.58 | 210.55 | 4,858.00 |
| 1963 | Dec. 13, 19 8<br>Dec. 31, 1968 | 5,045.84 | 1,640.53 | 1,391.75 | 334.42 | 8,412.43 |
| 1964 | Dec. 13, 1968<br>Nov. 20, 1968 | 1,162.41 | 370.66 | 250.87 | 87.08 | 1,871.02 |
| 1965 | Dec. 13, 1968<br>Nov. 20, 1968 | 881.47 | 309.44 | 160.72 | 68.76 | 1,420.39 |
| Total | | 32,067.78 | 10,906.31 | 18,892.32 | 2,710.01 | 64,576.42 |

Amount of offer: $5,000 plus collateral agreement (see terms below).
Kind of tax: Income.
Date and place notice of lien filed: Feb. 20, 1969, Vigo County, Ind.; Apr. 28, 1969, Vigo County, Ind.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $5,000 payable as follows: $1,400 to be paid on June 6, 1969, and the balance at $100 per month starting July 6, 1969, and on the 6th of each following month, together with interest at the rata of 6 percent per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions on form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500 for the years 1969 to 1978, inclusive.
Recommended by: Robert E. Man, revenue officer, Sept. 19, 1969; Earl J. Blough, review officer, Oct. 9, 1969.
I accept for the reasons embodied in the attached statement:[1] Jaspar C. Hilgenbury, acting.
For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted: Clarence E. Price.

### ABSTRACT AND STATEMENT

In re offer compromise: Liability of David P. Williams, c/o Flake L. McHaney, P.O. Box 269, Kennett, Mo.
Case No. [redacted]; District, St. Louis.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Oct. 1, 1970 | Total |
|---|---|---|---|---|---|---|
| June 30-57-58 | June 1, 1962 | 1,122.84 | 61,668 | 272.02 | 31,531.43 | 94,594.29 |

Amount of offer: $14,000.
Kind of tax: Excise tax.
Date and place notice of lien filed: May 7, 1963 Pemiscot County, Mo., July 6, 1965, Sunflower County, Indianola, Miss.
Is case pending before appellate office? No.
Is case pending before the Tax Court? No.
Was collection of tax barred at time of offer? No.
Was bond filed? No.
Terms of offer: $2,500 paid with the offer. Balance payable within 30 days after notice of acceptance.
Recommended by S. Vago Reviewer, August 10, 1970.
I accept for the reasons embodied in the attached statement:[1] E. C. Coyle, Jr.
For the reasons embodied in the attached statement, I am of the opinion that the offer should be accepted: Frank C. Conley, Aug. 19, 1970

ABSTRACT AND STATEMENT ACCEPTED MAY 1, 1970

E.I. or S.S. No. 23–1672185.
In re offer in compromise: Liability of Bernard J. Zilinsky, 1122 Westbury Rd., Jenkintown, Pa.
Case No. 23–1672185; district, Philadelphia.
Liability as follows:

| Taxable period | Date assessed | Tax | Penalty | Interest assessed | Interest accrued to Mar. 23, 1970 | Total |
|---|---|---|---|---|---|---|
| Withholding and Federal Insurance Contributions Act taxes. | | | | | | |
| Mar. 31, 1963 | Dec. 23, 1966 | 1,550.32 | 413.42 | 339.18 | 382.93 | 2,685.85 |
| June 30, 1963 | do | 2,942.37 | 784.63 | 599.11 | 726.77 | 5,052.88 |
| Sept. 30, 1963 | do | 3,021.84 | 805.83 | 569.97 | 746.40 | 5,144.04 |
| Dec. 31, 1963 | do | 3,050.73 | 813.53 | 529.66 | 753.53 | 5,147.45 |
| Mar. 31, 1964 | do | 1,914.31 | 510.48 | 303.96 | 472.83 | 3,201.58 |
| June 30, 1964 | do | 1,955,94 | 521.59 | 280.90 | 483.12 | 3,241.55 |
| Sept. 30, 1964 | do | 1,478.30 | 394.22 | 190.13 | 365.14 | 2,427.79 |
| Dec. 31, 1964 | do | 964.19 | 257.12 | 109.55 | 238.16 | 1,569.02 |
| Mar. 31, 1965 | do | 1,184.08 | 315.75 | 116.96 | 292.47 | 1,909.26 |
| June 30, 1965 | do | 1,287.93 | 343.45 | 107.69 | 318.12 | 2,057.19 |
| Sept. 30, 1965 | do | 955.87 | 254.90 | 65.59 | 236.10 | 1,512.46 |
| Dec. 31, 1965 | do | 877.41 | 233.97 | 47.05 | 216.72 | 1,375.15 |
| Mar. 31, 1966 | June 23, 1967 | 219.48 | 54.87 | 15.14 | 45.27 | 334,76 |
| June 30, 1966 | do | 163.70 | 40.93 | 8.80 | 33.76 | 247.19 |
| Sept. 30, 1966 | do | 190.34 | 47.59 | 7.38 | 39.26 | 284.57 |
| Dec. 31, 1966 | do | 146.55 | 21.98 | 3.49 | 27.81 | 199.83 |
| Federal unemployment taxes. | | | | | | |
| 1963 | Dec. 23, 1966 | 1,383.35 | 345.84 | 240.08 | 337.19 | 2,306.46 |
| 1964 | do | 698.76 | 174.69 | 79.35 | 170.32 | 1,123.12 |
| 1965 | do | 479.78 | 119.95 | 70.43 | 72.06 | 742.22 |
| 1966 | June 9, 1967 | 64.96 | 16.85 | 2.41 | 14.29 | 98.51 |
| Total | | 24,530.21 | 6,471.59 | 3,686.83 | 5,972.25 | 40,660.28 |

Amount of offer: $10,800.

Kind of tax: Withholding and Federal Insurance Contributions Act taxes. Federal unemployment taxes.

Date and place notice of lien filed: Jan. 24, 1967, Montgomery County, Pa. Aug. 10, 1967, Montgomery County, Pa.

Is case pending before appellate office? No.

Is case pending before the Tax Court? No.

Was collection of tax barred at the time of offer? No.

Was bond filed? No.

Terms of offer: $150 to be paid on the 15th day of the month following notice of acceptance and $150 to be paid on the 15th day of each month thereafter until the balance is paid in full, with interest at the rate of 6 percent per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (revised July 1957). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1970 to 1979 inclusive and to return all refunds received during this period.

Recommended by: Thomas J. Scullion, offer examiner, March 3, 1970; R. L. Wallace, March 20, 1970.

I accept for the reasons embodied in the attached statement: [1] William Daniel, Acting District Director.

For the reasons embodied in the attached statement, I am of the opinion that the offer(s) should be accepted. Cecil H. Haas.

[1] Acceptance cases involving total liabilities (including any assessed or accrued interest, additional amounts, additions to the tax, or assessable penalties) of $500 or more, but less than $100,000 require legal opinion signed by regional counsel prior to acceptance. Acceptance cases involving total liabilities of $100,000 or more must be forwarded to national office for review and securing of the legal opinion from the chief counsel prior to acceptance by the Commissioner.

[2] Signature is required in acceptance cases involving liabilities (including any assessed or accrued interest, additional amounts, additions to the tax, or assessable penalties) of less than $100,000. Acceptance cases involving liabilities of $100,000 or more must be forwarded to the national office (attention CC:GL) for review prior to acceptance by the Commissioner.

[3] The district director's signature is required only in acceptance cases involving liabilities (including any assessed or accrued interest, additional amounts, additions to the tax, or assessable penalties) of less than $100,000. Acceptance cases involving liabilities of $100,000 or more must be forwarded to the national office (attention CC:CL:C) for review prior to acceptance by the Commissioner.

[4] Signature of delegated official is required in acceptance cases involving liabilities (including any assessed or accrued interest, additional amounts, additions to the tax, or assessable penalties) of less than $100,000. Acceptance cases involving liabilities of $100,000 or more must be forwarded to the national office (attention CC:GL) for review prior to acceptance by the Commissioner.

BERNARD J. ZILINSKY

COMPUTATION OF ACCRUED INTEREST

| Year or period | To— | | | From— | | | Time factor | | | Interest factor | Amount of liability | Accrued interest |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Yr. | Mo. | Day | Yr. | Mo. | Day | Yr. | Mo. | Day | | | |
| Mar. 31, 1963 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | $1,963.74 | $382.93 |
| June 30, 1963 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 3,727.00 | 726.77 |
| Sept. 30, 1963 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 3,827.67 | 746.40 |
| Dec. 31, 1963 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 3,864.26 | 753.53 |
| Mar. 31, 1964 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 2,424.79 | 472.83 |
| June 30, 1964 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 2,477.53 | 483.12 |
| Sept. 30, 1964 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,872.52 | 365.14 |
| Dec. 31, 1964 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,221.31 | 238.16 |
| Mar. 31, 1965 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,499.83 | 292.47 |
| June 30, 1965 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,631.38 | 318.12 |
| Sept. 30, 1965 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,210.77 | 236.10 |
| Dec. 31, 1965 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,111.38 | 216.72 |
| Mar. 31, 1966 | 70 | 3 | 23 | 67 | 6 | 23 | 2 | 9 | 0 | .165 | 274.35 | 45.27 |
| June 30, 1966 | 70 | 3 | 23 | 67 | 6 | 23 | 2 | 9 | 0 | .165 | 204.63 | 33.76 |
| Sept. 30, 1966 | 70 | 3 | 23 | 67 | 6 | 23 | 2 | 9 | 0 | .165 | 237.93 | 39.26 |
| Dec. 31, 1966 | 70 | 3 | 23 | 67 | 6 | 23 | 2 | 9 | 0 | .165 | 168.53 | 27.81 |
| 1963 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 1,729.19 | 337.19 |
| 1964 | 70 | 3 | 23 | 66 | 12 | 23 | 3 | 3 | 0 | .195 | 873.45 | 170.32 |
| 1965 | 70 | 3 | 23 | 68 | 3 | 22 | 2 | 0 | 1 | .12016 | 599.73 | 72.06 |
| 1966 | 67 | 8 | 30 | 67 | 6 | 09 | 0 | 2 | 21 | .01345 | 129.19 | 1.74 |
| 1966 | 70 | 3 | 23 | 67 | 8 | 30 | 2 | 6 | 21 | .15345 | 81.81 | 12.55 |
| Total | | | | | | | | | | | | 5,972.25 |

1970 SCHEDULE OF 100 LARGEST OFFER IN COMPROMISE CASES

| Name | Kind of tax | Liability | Offer |
|---|---|---|---|
| Ace Bonding Co., Inc | Income | $39,609.87 | $19,000.00 |
| Atkinson, Richard S | do | 92,043.35 | 55,000.00 |
| Axelrod, Louis | 100-percent penalty | 44,182.16 | 2,000.00 |
| Ballard, Louis S., Jr | Income | 296,897.13 | 15,000.00 |
| Barron, Orion P | do | 39,463.34 | 15,294.75 |
| Bauerschmidt, John F | Employment | 34,702.04 | 19,800.00 |
| Blaize, Bernard and Gwen | Income | 38,852.42 | 15,000.00 |
| Branamen, Kenneth Chaplain and Evamae | do | 58,980.44 | 21,000.00 |
| Brankovich, Mark | 100-percent penalty | 38,890.53 | 10,000.00 |
| Bringham, Frank I. and Evelyn E | Income | 41,049.51 | 15,000.00 |
| Cawman, John C. and Muriel L | do | 54,203.70 | 1,000.00 |
| Chamberlain, Miriam | do | 37,926.94 | 9,000.00 |
| Chatterton, Virn | do | 40,863.81 | 6,500.00 |
| Cluff, Ivan L. and Maurine R | do | 38,738.53 | 8,700.00 |
| Coakley, Randall L | Employment | 48,447.36 | 36,000.00 |
| Cohen, Leon A | Income | 253,396.82 | 80,000.00 |
| Costello, Jones A | do | 31,670.21 | 2,000.00 |
| David Lee Sportswear, Inc | 100-percent penalty | 49,681.63 | 18,094.75 |
| Dees, Henry L | Excise | 65,703.36 | 11,500.00 |
| Dillon, Francis T. and Geraldine C | Income | 63,018.36 | 8,500.00 |
| Dixon, Louise | do | 121,677.29 | 5,053.25 |
| Foukes, Margaret Costello | do | 31,670.21 | 500.00 |
| Gadek, William V., M.D | do | 105,773.84 | 22,000.00 |
| Garrett, Richard D | Employment | 44,458.26 | 7,000.00 |
| George, Lonnie | Excise | 31,912.31 | 20,000.00 |
| Gieseke, estate of August and Beatrice | Income | 41,321.99 | 15,000.00 |
| Giumarro, John, Jr., and Angela | Employment | 43,171.11 | 3,500.00 |
| Hancock, William R | 100-percent penalty | 32,489.52 | 7,500.00 |
| Harger, Wendell M | Employment | 36,307.96 | 3,000.00 |
| Higdon, Mary A | Income | 40,846.25 | 4,000.00 |
| Holtzman, Herbert S. and Libby Lee | do | 110,528.21 | 31,000.00 |
| Jellison, Roy C | do | 52,720.00 | 21,100.00 |
| Jensen, Lewis B. and Isabelle | do | 123,957.87 | 5,040.00 |
| Johnson, Roy H | 100-percent penalty | 36,792.21 | 13,900.00 |
| Kallas, Spiros W. and Victoria M | Income | 164,950.62 | 3,375.00 |
| Knittel, Harold E | do | 44,401.65 | 2,000.00 |
| Laidman, Daniel H. and Ben | 100-percent penalty | 136,671.54 | 51,218.40 |
| Land, Alfred J | do | 55,459.11 | 27,500.00 |
| Langenes, David W. and Frances H | Income | 34,570.60 | 17,330.00 |
| Lapp, Sam | do | 127,546.38 | 25,000.00 |
| Lenahan, Joseph E. and Joan | do | 31,415.58 | 1,650.00 |
| Leroux, Robert L. and Clare S | do | 66,390.74 | 35,091.32 |
| Levinson, Michael A | do | 58,436.71 | 12,500.00 |
| Levy, Mary | do | 48,080.05 | 1,250.00 |
| Locke, Alvin T. and Marian F | do | 29,462.24 | 2,000.00 |
| McCann, John D., Jr., and Jeanne T | do | 65,761.71 | 22,000.00 |
| McKinney, Carlos J. and Ethel N | do | 36,321.61 | 4,700.00 |
| McLamb, John A | do | 51,022.79 | 3,650.00 |
| Mann, Roy W. and Lucille E | do | 488,219.35 | 75,000.00 |
| Martyn, Charles P | do | 47,628.85 | 5,000.00 |
| Mastrogiacomo, Vincent and Ann | do | 32,373.68 | 4,000.00 |
| Michael, Jules and Kathryn | do | 111,026.35 | 10,000.00 |
| Michels, John L. and estate of Gertrude T. Michels. | do | 70,579.40 | 7,656.50 |
| Millner, Eli H | do | 92,911.07 | 12,500.00 |
| | Employment | 1,368.10 | 200.00 |
| Moller Textile Corp | Income | 206,265.65 | 15,000.00 |
| Moore, Merle W. and Nadia H | do | 39,098.01 | 2,500.00 |
| Moore, Merle W | Employment | 2,045.76 | 250.00 |
| Moran, Richard F | do | 29,329.64 | 2,350.00 |
| O'Neal, W. J | do | 54,593.88 | 20,000.00 |
| Pennington, Mary H | Income | 94,937.80 | 6,000.00 |
| Peskin, Jack | do | 43,438.08 | 6,500.00 |
| Pitzer, Charles R. and Madge | do | 128,209.51 | 36,000.00 |
| Player, Joseph E. and Mary C | 100-percent penalty | 42,829.91 | 9,000.00 |
| Pollins, David B | do | 52,310.39 | 17,000.00 |
| Pratt, Albert S., Jr | do | 40,971.05 | 2,500.00 |
| Pratt, Keila E | do | 40,971.05 | 2,500.00 |
| Prescott, Matthew L | Income | 107,367.51 | 50,000.00 |
| Prough, L. D | do | 78,806.62 | 14,039.64 |
| Renna Bros., Inc | Employment | 63,686.43 | 26,755.24 |
| Rifkin, Jack | 100-percent penalty | 80,772.65 | 19,000.00 |
| Rindfleisch, Earl A | Income | 67,908.07 | 6,000.00 |
| Risinger, Harold O | do | 46,744.72 | 2,000.00 |
| Do | Employment | 4,231.38 | 400.00 |
| Roberts, Wallace S | Income | 31,480.85 | 6,000.00 |
| Roberts, Wallace S. and Janet K | do | 3,516.71 | 2,000.00 |
| Rubin, Neal (Neil) | 100-percent penalty | 56,673.98 | 3,000.00 |
| Ruppert, George J., Jr., and Barbara | Income | 51,829.87 | 10,000.00 |
| Scarangella, Anthony | do | 128,170.15 | 12,000.00 |
| Scoratow, Sidney J | do | 71,354.65 | 4,000.00 |
| Scott, David C. and Janet | do | 65,128.45 | 2,000.00 |
| Selid, Ove C. and Pearl | do | 55,566.10 | 10,000.00 |
| Severance, Robert L | 100-percent penalty | 47,856.24 | 9,000.00 |
| Shane, Charles and Lillian | Income | 96,250.34 | 10,000.00 |
| Shedesky, John and Threasa | do | 36,488.05 | 10,400.00 |
| Smith, John R. and Dorothy G | do | 37,384.92 | 12,000.00 |
| Stillwell, William C | 100-percent penalty | 36,792.21 | 5,000.00 |
| Stratton, Richard E., III and Louise W | Income | 97,627.30 | 7,590.00 |
| Strum, Edward C., Jr., and Dorothy L | do | 47,582.14 | 4,000.00 |
| Sturdivant, Franklin A. and Betty V | do | 131,534.84 | 7,457.37 |
| Tahoe-Truckee Development, Inc | do | 39,234.00 | 100.00 |
| Taylor, Robert M | Employment | 61,722.81 | 6,280.00 |
| Townsfeldt, Margaret M | Income | 62,854.85 | 6,500.00 |
| Traube, Jacques | do | 150,858.00 | 16,000.00 |
| Travers, William J | do | 39,941.09 | 11,515.00 |
| Van Buskirk, Robert H. and Violet | do | 72,018.67 | 7,900.00 |
| Van Buskirk, Robert H | Employment | 8,996.55 | 2,100.00 |
| Vaux, Glenn C. and Bessie H | Income | 42,332.37 | 21,842.00 |
| Verges, Stephen F., Dr | do | 42,165.62 | 5,500.00 |
| Visceglia, Joseph and Constance | do | 118,739.30 | 78,000.00 |
| Wax, Dan R | 100-percent penalty | 33,424.45 | 2,500.00 |
| Webb, Bolen and Cornelia | Income | 92,856.04 | 21,650.00 |
| Wheeler, William H. and Leona | do | 64,576.12 | 5,000.00 |
| Williams, David P | Excise | 94,594.29 | 1[illegible] 000.00 |
| Zilinsky, Bernard J | Employment | 40,660.88 | 10,800.00 |

## WHO WILL PAY THE COSTS

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## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1971*

Mr. ROBISON of New York. Mr. Speaker, as Members of Congress we cannot help but be aware of the many sincere and impassioned pleas for ecological reform coming from all segments of American society. A spiraling gross national product and a high standard of living are no longer seen as unqualified answers to the country's problems. To the contrary, these forces, coupled with a general lack of concern, are at the base of the present environmental crisis. Unless a concerted effort is made to reverse present trends, this crisis will assume even greater proportions.

As in the case far too often, we see the bleak facts staring us in the face and know that something must be done, and then shirk our responsibility and fail to act. The problem must be dealt with—there is little disagreement on that point. The question is, How? To whom do we assign the responsibility for the future of our environment? How do we finance a program of such large dimensions?

David Rockefeller, chairman of the board of the Chase Manhattan Bank, has addressed himself to some of these problems in a commencement speech delivered at St. John's University. He has presented a side of the ecology question that should be brought to the attention of my colleagues:

### ENVIRONMENTAL IMPROVEMENT: THE ECONOMIC ASPECTS

(By David Rockefeller)

I am pleased to have the opportunity to address this commencement assembly today. I offer my heartiest congratulations not only to the graduates—who will get plenty of attention anyway—but also to their parents. As the father of six children who have participated altogether in a total of 15 commencement exercises, with another one coming up next week, I like to think that parents play at least some role in contributing to such occasions as this.

In search of bright new ideas that I might pass along to you, I questioned my offspring about the talks made at their various graduation exercises. I was immensely relieved to learn that they had difficulty recalling either the names of the speakers or the subjects of their talks. I concluded that, however painful the experience may have been at the time, at least it was short-lived.

When I asked at home what they thought I should talk about today, one of my children warned solemnly: "Anything at all—so long as it isn't a commencement address."

So I promised to avoid scaling the familiar mountains of hyperbole and peaks of platitude that commencement speakers customarily explore. Instead, I would like to share with you a few thoughts about a topic that your own generation has justifiably and effectively done most to impress on the national consciousness. I refer to the steady deterioration in the quality of our living environment.

Without any question man's adverse impact on his physical environment was insufficiently recognized until recently. This was due in part to the fact that for centuries the impact was relatively unimportant. But with population growth and living standards increasing in geometric progression, the problem of environmental pollution has suddenly assumed critical proportions. We can no longer afford the luxury of inattention or inaction.

But before we can hope to make any truly significant impact on this problem, I believe that we are going to have to adopt a more realistic attitude toward the harsh economic realities that underlie pollution control.

In my opinion, the greatest stumbling block on the road to a solution of our environmental dilemma is the reluctance of the general public to face up to certain unpalatable, but unavoidable, choices.

Most people have not yet accepted the fact that we live in a world of unlimited desires but limited resources. Something must come first. As a people, we have not yet applied this basic economic law concerning the allocation of limited resources to the problem of pollution control. I am afraid that too many people are still looking for the easy way out. But there isn't one. And, even as they search, the problem worsens.

I will leave the scientific aspects of pollution abatement to those who are far better qualified within their specialties to discuss them. But as a banker and a student of economics, I would like to address myself specifically to the widely misunderstood cost factors.

For some time now I have been trying to explain to my own satisfaction why it is, when virtually everyone agrees that present environmental conditions are intolerable and need immediate correction, that we still seem to work at cross-purposes with one another in marshaling the necessary resources to deal with pollution effectively. I have concluded that one reason for this is that we have not been asking ourselves the right questions.

The Japanese use a somewhat different approach to problem solving which has been called "decision by consensus." In Japan when a business executive or a government official faces a challenging problem, he gives no immediate thought to what the final decision may be. Instead, he concentrates on defining the problem fully. In consulting with his colleagues, he does not seek advice on the solution. Instead, he invites careful definition of the problem.

After meticulously searching out the widest possible agreement on a precise definition, he finds that the decision is much easier. It often follows logically from the agreed definition. No lobbying for support of the final decision is required, since it has been "pre-sold" before anyone became a prisoner of his own conclusions.

This takes more time than making a snap judgment, but it avoids the wasted time of coming up with the right solutions to the wrong problems. It would be well for us to keep in mind that the most imaginative, resourceful and persuasive answer is of little use if it answers the wrong question.

Suppose we apply this approach to the subject of pollution control. The question now being asked by the general public is: *"Who will pay the costs?"* But if improvement of the environment is actually the high national priority that recent polls suggest, then we should expect to find a general willingness to share the cost. Regrettably, this is not the case. Upwards of 85 per cent of the Americans interviewed in one recent poll expressed the opinion that pollution is our country's No. 1 problem. But of the same sampling, fewer than one in four were realistic enough to face the clean-up cost, if any part of it had to come out of their own pockets.

When asked whether the price of a product should include the cost of its eventual pollution-free disposal, fully 25 per cent of the New Yorkers who responded said that the producer should bear the cost of disposal and not pass it along to the actual consumer. They apparently ignored the fact that this would have the effect of penalizing the socially concerned manufacturer, who has built pollution control into his product, by allowing his polluting competitor to make a larger profit and possibly drive him out of business.

Conversely, a cash-register view of pollution control tends to see only those immediate dollars-and-cents costs that are reflected in the form of higher prices or lower dividends or mounting taxes. But this ignores the substantial longer range costs in terms of the country's overall commercial and social progress.

Looked at from still another point of view, if we go about the business of solving our nation's pollution problem without regard to our competitive position in world markets, we could conceivably price ourselves out of certain important areas of world trade.

By the same token, if we impose unrealistic pollution abatement costs on industry, many of the recently initiated minority enterprises that are still struggling with heavy start-up costs and low profit margins will be among the first to suffer. Costly job opportunity and training programs throughout industry, which are now developing new jobs for minority groups, will come under critical review as environmental costs mount.

None of us wants to see this happen, but the only way to prevent it is to ask ourselves some hard questions and come up with some good answers.

If we are to remain competitive in the world marketplace, create more jobs, and have more viable minority enterprises, while simultaneously eliminating environmental pollution, it seems clear that we will be forced to step up our productivity through ever improved technology. But this runs contrary to the expressed desires of some environmentalists who would prefer to see a world with less advanced technology. Once again we are face with a dilemma and a choice.

To choose the good over the bad is easy enough. It only requires a bit of character. But choosing among several "goods" when not all of them are possible at once, is a great deal harder. It requires a careful assessment of costs and benefits. And it requires a calculated "trade-off"—giving up what may be *desirable* for what is *imperative*.

If we are to make certain that the costs of pollution abatement are kept to a minimum and allocated fairly, it is going to require a much better understanding of the economics of pollution that we now have as well as a coordinated agreement among all those involved—designers, manufacturers and consumers.

Despite the fact that popular indignation has made pollution preeminent among the nation's crises, far too many individuals still cling to the simplistic notion that "*I*" don't cause pollution—"*they*" do. Conversely, too few are prepared to make the individual sacrifices in comfort and convenience that will have to be made.

Is Father ready to drive his high-compression automobile less and occasionally walk to work by getting up twenty minutes earlier? Is Mother prepared to give up her phosphate and enzyme detergents and rearrange her workday to use the washer and other heavy appliances only during evening hours to conserve electricity? Is Son going to trade his electric guitar for a regular model and resume his chore of toting empty soda bottles back to the grocery store? Is Daughter willing to skip the insecticide and put up with a few mesquito bites at her picnic? Or start fixing her hair a half-hour earlier so it will dry naturally? Questions like these point up the hard choices that must be confronted.

At a time when the demand for electricity is doubling every decade, air-conditioners in urban centers are accounting for up to 35 percent of the peak summer load. And yet, how many individuals on a scorching summer afternoon are going to cooperate with the power companies by setting their thermostats above 75° or turning them off altogether between 4 p.m. and 6 p.m.? The question we should all be asking is not *"Who will pay the costs?"* but rather, *"What is my fair share?"*

A second and to me even more disturbing question has been turning up with regretable frequency lately. It appears to be an outgrowth of the environmentalists' attack on modern technology. The question is: *Why not stop pollution by slowing down production?*

This proposal cannot be expected to raise many cheers in economically depressed areas where the first concern, quite understandably, is to generate additional productive capacity in order to provide more employment and a higher tax base for the financing of badly needed regional development.

For example, a well-known Asian economist has calculated that it adds 30 percent to the installed cost of a power plant to remove 98 percent of the air particles emitted. For an area with limited resources it is a hard choice whether to spend the money for pollution control or for 30 percent more power. In a very real sense, a nation must be able to *afford* pollution controls.

I doubt seriously whether those who advocate an arbitrary stifling of our country's economic growth have considered the full ramifications. We would suffer a marked fall-off in our standard of living going well beyond the personal inconveniences and voluntary restraints that I have mentioned. Our ever increasing population would be dividing, on a dimishing per capita basis, the same quantity of goods and services, with all of the economic and social ills which that implies.

Forcing a shutdown of every factory that cannot meet strictly regulated standards of environmental purity within a limited time period might stop the smoke that comes from those particular chimneys. But it would be a Pyrrhic victory for environmentalists and for the country as a whole if in the process it resulted in what has been termed "environmental unemployment."

We sometimes tend to forget that for every benefit there is a corresponding cost. When unemployed workers get extended benefits, taxes go up. When juries award larger settlements to plaintiffs in accident cases, insurance rates go up. When society demands and gets pollution-free power generators, the electric bill goes up. The underlying economic principle here is simple. There is no such thing as a cost-free benefit. And this applies to environmental benefits as well as all others.

The secondary effects of "environmental unemployment" and halted production are equally serious. They tend to erode the community's tax base. They also deprive industry and government of the economic resources needed to research and solve a wide range of environmental and other social problems.

Enforced stagnation, in addition to being a cure that is worse than the disease, is, in my view, entirely unnecessary. It is possible for us to pay for a cleaner environment out of the proceeds of continuing economic growth itself, provided we are willing to begin putting as much emphasis on productivity as on products. Or, to turn the matter around, we can afford the kind of environment we want once you and I and all of us have agreed to work harder at our jobs. We can use the proceeds that flow from increased productivity to restore our environment only if we are willing to give up the additional amenities that might otherwise have been purchased with the same funds.

Our Chase Manhattan economists have recently completed a study of pollution control efforts. We learned that something in the range of $10 billion annually is now being spent on this nationwide. We anticipate that this will rise to about $24 billion by 1975. During this same interval, our Gross National Product, the total value of goods and services produced in the nation, would normally grow at a rate of about 4½ percent a year. This would supply enough new resources to meet environmental needs. However, in view of the major leaps forward in costly social commitments now being assumed by this country, I believe that we will experience substantial difficulty in maintaining the projected growth rate without a sustained cooperative effort at greater productivity.

Certainly, a total clean-up of the environment cannot be completed in only five years. Nor can it be purchased at bargain basement rates. It will require hard choices and genuine commitments on the part of each individual.

If we really dedicate ourselves to making those efforts we can look forward to a healthy and productive economy and the better living environment that we all want. We have only to arrive at a national consensus favoring patience and persistence over panic. And we must ask the right question: How much am I willing to give up in other areas in order to give more to improving the environment?

Frankly, I am hopeful that emotional sloganeering and extravagant proposals will soon subside as more and more people come to the realization that a cleaner environment really is up to each one of us. The wish fulfillment approach, without a realistic recognition of the magnitude of the costs as well as a willingness to apportion them among all who will benefit, is no credit to anyone or to any cause—let alone a cause as vitally important as this one.

Our response to the environmental crisis in this country is being watched closely by those in less developed nations as an example of what is possible. For if we cannot solve this problem with all of our vast resources, what hope can they see for themselves? The decisions we make—whether good or bad—will set precedents reaching far beyond our own borders and our own times.

For these reasons, I feel it is doubly important that we not allow ourselves to be discouraged by the incredible complexity of the environmental problem, nor become so enthralled with our own little corner of the canvas that we fail to see the whole picture.

I am personally convinced that we are all willing to stand back and look at the situation for a moment, we will agree that intelligent progress toward a cleaner and healthier environment is possible but it can only be achieved by a careful balancing of costs against benefits.

We have heard the doomsayers describe our environment and, regrettably, much of what they say has an element of truth to it. But when they conclude that further deterioration is inevitable, and that human nature will see to it that man ultimately destroys his environment and himself, I strenuously disagree.

I find that the individuals I see around me are most invigorated, most highly motivated—in short, most alive—when they are striving for self-improvement. And I believe the same is true of human societies. History confirms that the societies of man have been most creative and most alert when they were aspiring to nobler visions.

Today, environmental pollution is one of the most critical human problems for which we are projecting a nobler vision. I am confident that we will achieve it because so many of us are now agreed that we have no greater obligation to ourselves, to one another and to future generations than to pass on to them a quality of environment that is worth living in.

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## DRUG ABUSE EDUCATION PROGRAM

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 1971*

Mr. FRASER. Mr. Speaker, on May 12, 1971, there appeared in the Minneapolis Tribune this article by Mr. Robert T. Smith on the need for a drug abuse education program in the university. I commend it to the attention of my colleagues:

### DRUG ABUSE EDUCATION PROGRAM

(By Robert T. Smith)

Before this year, University of Minnesota medical students received only 45 minutes of classroom instruction on drug abuse. There still is nothing on the subject in the regular curriculum of the pharmacology department.

By law, the College of Education must do something about it. But so far it mainly has been scattered workshops.

Dr. Gordon T. Heistad, director of the 15-month-old Drug Information and Education Program at the university, hopes to create the best drug-abuse education program in the Nation. The cost would be about $700,000 for the next two years.

The Minnesota Legislature is considering a bill to fund the program. The Senate has passed the full amount, but the House of Representatives cut it to $250,000. Now it goes to a House-Senate conference committee.

It was Dr. Heistad's program that started a drug-abuse course last fall for the medical school. "More than half the students signed up for it," he said. "It was second only to human sexuality."

Dr. Heistad feels there must be more drug-abuse education. "The public has given up on only law enforcement. It's a catastrophic failure. The question is what kind of education. The average student in public schools is fed up. They want information they can trust, not sermonizing."

At present, the university program includes a Drug Information Service Center for students, workshops and short courses, including two at out-state locations, and a research program. If the money comes through, eight full-time faculty members will be added to teach drug abuse and to do research at the medical school, the pharmacology department and the College of Education. It also would include full-time faculty members at the Duluth and Morris branches of the university.

"Aside from drug-abuse education, we also would step up research on drug education," said Dr. Helstad. One of the big handicaps in this field is the lack of legitimate statistics. The problem has grown at a much faster rate than the research.

Dr. Heistad wants to bring in faculty members from both public and private colleges throughout the state for one year of training in drug abuse. He also has his eyes on some federal grant money, and says: "We would be the best and could attract the best people and the best attracts grant money."

I asked whether his education program would get into any moral aspects of drug use. "I think the moral issue is the key one," he said, "but not preaching that drugs are immoral. We must give the kids alternatives to drugs."